

RESOLUTION NO. 2023-R-195

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 DEVELOPMENT CONSISTING OF A TWO HUNDRED THIRTY-ONE (231) UNIT, 8-STORY APARTMENT BUILDING ON TWO (2) PARCELS OF REAL PROPERTY LOCATED 12615 ARCH CREEK ROAD AND 1486 NE 127TH STREET, IDENTIFIED WITH MIAMI-DADE COUNTY FOLIO NUMBERS 06-2229-044-0070 AND 06-2229-044-0060, AND TOTALING APPROXIMATELY 1.59 ACRES, IN ACCORDANCE WITH ARTICLE 3, DIVISION 4, SECTIONS 3-402 THROUGH 3-407, ARTICLE 4, DIVISION 2, SECTION 4-202, SECTION 4-203(A), SECTION 4-205, AND 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 1.60 acres (69,432 sq. ft), with physical location of 12615 Arch Creek Road and 1486 NE 127th Street, and specifically identified with Miami-Dade County (“County”) folio numbers 06-2229-044-0060, and 06-2229-044-0070 (referred to herein as “Subject Property”) that are designated as High Density Residential Density on the City’s 2036 Future Land Use Map (“FLUM”), and R-6, Residential on the Official Zoning Map; and

WHEREAS, the R-6 district allows up to twenty-five (25) dwelling units per acre (“du/ac”), and a maximum building height of one hundred ten (110) feet; therefore, based upon the size of the Subject Property, the Applicant may develop up to forty (40) units as of right;

WHEREAS, the Subject Property is also located in the North Miami Transit Station Overlay District (“NMTSOD”), which allows a maximum building height of two hundred (200) feet, and up to one hundred fifty (150) dwelling units per acre, through 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, Arch Creek Partners, LLC and Arch Creek Developers, LLC (collectively the “Applicant”) are the owners of the Subject Property and have, through their Representative, Edward Martos and Chanae Wood of Weiss, Serota filed a CUP application with the Community

Planning and Development Department requesting approval to construct an 8-story, 239-unit apartment building on the Subject Property; and

WHEREAS, the City has reviewed the proposed request and found that it is consistent with Objective 1.21 of the Comprehensive Plan, and satisfies the requirements of Sections 3-405, 4-203, and 4-310 of the LDRs; and

WHEREAS, the Planning Commission, after a duly noticed public hearing held on April 4, 2023, 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; however, limiting the approved development to two hundred thirty-one (231) units.

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 an 8-story, 239-unit apartment building 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, Mayor and City Council approves this CUP along with the following findings and conditions:

- 1. Density Bonus:** That the City allocates one hundred ninety-one (191) residential units from the floating bonus unit pool of one thousand one hundred ninety (1,190) available units, leaving a balance of nine hundred ninety-nine (999) 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 the 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 Mayor and 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, through an Installation and Maintenance Agreement, construct and maintain a 6' wide sidewalk along NE 127th Street frontage of the Subject Property. Such an agreement shall be approved by the City's Public Works Department and the City Attorney's Office and recorded in the records of Miami Dade Clerk of Court prior to building permit application.
8. **Unification of Parcels:** That prior to building permit application the Applicant shall unify the individual lots under one folio number.
9. **Transitional Setback:** That the Applicant shall install and maintain a 12.7' transitional setback, including open space, hardscape, bioswales, raingardens, and green wall landscaping, along the entire NE 127th Street frontage, as depicted in the final precise plan approved by City Council.

- 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 - 2 vote of the Mayor and City Council of the City of North Miami, Florida, this 10th day of October, 2023.


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: Charles

Seconded by: Timothe

Vote:

Mayor Alix Desulme, Ed.D.	_____ (Yes) <u>X</u> (No)
Vice-Mayor Mary Estimé-Irvin	<u>X</u> (Yes) _____ (No)
Councilman Scott Galvin	_____ (Yes) <u>X</u> (No)
Councilwoman Kassandra Timothe, MPA	<u>X</u> (Yes) _____ (No)
Councilman Pierre Frantz Charles, M.Ed.	<u>X</u> (Yes) _____ (No)

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE CITY OF NORTH
MIAMI CITY COUNCIL ON THIS 10th DAY OF October, 2023.