

RESOLUTION NO. 2023-R-213

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 AN 8-STORY, 31-UNIT RENTAL APARTMENT BUILDING, WITH ONE THOUSAND SEVEN HUNDRED TWENTY-THREE (1,723) SQUARE FEET OF GROUND-LEVEL RETAIL SPACE, AND FIFTY-FOUR (54) PARKING SPACES, ON A PARCEL OF REAL PROPERTY LOCATED AT 14440 NE 6TH AVENUE - MIAMI-DADE FOLIO NO. 06-2219-000-1540 AND TOTALING APPROXIMATELY 0.325 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), SECTION 4-205, AND ARTICLE 4, DIVISION 3, SECTION 4-306, 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 0.325 acres located at 14440 NE 6th Avenue that is designated High-Density Residential on the City of North Miami's 2036 Future Land Use Map ("FLUM"), R-6 – Residential on the Official Zoning Map, located in the NE 6th Avenue Planned Corridor Development ("PCD") Overlay District, and is within the boundary of the North Miami Community Redevelopment Agency ("NMCRA"); and

WHEREAS, the R-6 district allows multifamily residential development at up to twenty-five (25) dwelling units per acre "du/ac") and a building height of up to one hundred ten (110) feet; therefore, based upon the parcel size the site could accommodate eight (8) dwelling units as of right; and

WHEREAS, the PCD allows a wide variety of uses, including retail, and multifamily residential up to one hundred (100) du/ac through the conditional use permit ("CUP") process, and a maximum building height of one hundred ten (110) feet; therefore, through the CUP, the site could accommodate up to thirty-three (33) dwelling units; and

WHEREAS, Article 3, Division 4, section 3-405 of the LDRs establishes criteria for the approval of a CUP; and

WHEREAS, YVD, 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 an 8-story, 31-unit apartment building, with an amenity deck, one thousand seven hundred twenty-three (1,723) square feet of ground-level retail space, six (6) ground level parking spaces and an integrated carousel parking system with forty-eight (48) spaces on the Subject Property; and

WHEREAS, the City has reviewed the proposed request and found that it is consistent with Objective 1.18 of the Comprehensive Plan, and satisfies the requirements of Sections 3-405 and 4-306 of the LDRs; and

WHEREAS, the Planning Commission, after a duly noticed public hearing held on July 13, 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, approves 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 an 8-story, 31-unit apartment building, with an amenity deck, one thousand seven hundred twenty-three (1,723) square feet of ground-level retail space, six (6) ground level parking spaces and an integrated carousel parking system with forty-eight (48) 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, Mayor and City Council approves this CUP along with the following findings and conditions:


1. **Density Bonus:** That the City allocates twenty-three (23) residential units from the floating bonus unit pool of one thousand fourteen (1,014) available units, leaving a balance of nine hundred ninety-one (991) 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. The City Council must grant Site Plan approval before the applicant may 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. **Sidewalks:** That the Applicant shall, through an Installation and Maintenance Agreement in coordination with the City of North Miami Public Works Department, construct a 10' wide sidewalk along the NE 6th Avenue frontage and a 6' wide sidewalk along the NE 145th Street frontage of the Subject Property.
8. **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.

- 9. 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.
- 10. 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.
- 11. 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.
- 12. 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.
- 13. 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 4 - 1 vote of the Mayor and City Council of the City of North Miami, Florida, this 14th day of November, 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: Estime-Irvin

Seconded by: Charles

Vote:

Mayor Alix Desulme, Ed.D.

 (Yes) X (No)

Vice-Mayor Mary Estimé-Irvin

 X (Yes) (No)

Councilman Scott Galvin

 X (Yes) (No)

Councilwoman Kassandra Timothe, MPA

 X (Yes) (No)

Councilman Pierre Frantz Charles

 X (Yes) (No)

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE CITY OF NORTH
MIAMI CITY COUNCIL ON THIS 28th DAY OF November, 2023.