

RESOLUTION NO. 2023-R-236

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 MIXED-USE DEVELOPMENT CONSISTING OF A 12-STORY, 195-UNIT RESIDENTIAL BUILDING WITH NINE THOUSAND FIVE HUNDRED TWO (9,502) SQUARE FEET OF GROUND-LEVEL COMMERCIAL SPACE AND TWO HUNDRED SEVENTY-FOUR (274) PARKING SPACES ON A 1.30 ACRE PARCEL OF REAL PROPERTY LOCATED AT 1150 NE 125TH STREET, AND IDENTIFIED WITH MIAMI-DADE COUNTY FOLIO NUMBER: 06-2229-031-0110, IN ACCORDANCE WITH ARTICLE 3, DIVISION 4, SECTIONS 3-402 THROUGH 3-407, ARTICLE 4, DIVISION 2, SECTIONS 4-202, SECTION 4-203(B), AND SECTION 4-205, AND ARTICLE 4, DIVISION 3, SECTION 4-303, SECTION 4-305, SECTION 4-306, 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 one (1) parcel of land totaling approximately 1.30 acres or 56,543 s.f. located at 1150 NE 125th Street, further identified with Miami-Dade County folio number 06-2229-031-0110; is designated C-3, Commercial on the Official Zoning Map, which allows a building height of fifty-five (55) feet, and a wide variety of non-residential uses, including retail, and Central Business Commercial on the City's 2036 Future Land Use Map ("FLUM"), which allows a building height of one hundred fifty (150) feet; and

WHEREAS, the Subject Property is in the Arts, Culture and Design Overlay District ("AOD"), which allows uses that further arts, culture and design, and art education within the district, including live/work studios, and requires that all new development (exclusive of single family residential) incorporate a public art component; and

WHEREAS, it is also located within the Neighborhood Redevelopment Overlay ("NRO") District, which allows a variety of uses, including multifamily residential development, at a maximum height of ninety (90) feet, up to ninety (90) dwelling units per acre, through a Conditional Use Permit ("CUP"), and requires that buildings over thirty-five (35) feet located adjacent to single-family structures be setback a minimum of twenty-five (25) feet; and

WHEREAS, the property is within the NE 123rd/NE 125th Street Planned Corridor Development ("PCD") Overlay District, both of which allows, through the conditional use permit ("CUP") process, up to 100 dwelling units per acre (du/acre); a maximum height of one hundred

ten (110) feet; and allows multi-family residential and a wide variety of commercial uses, including retail, and

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”), based upon the property size, the site could accommodate up to one hundred ninety-five (195) dwelling units; and

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

WHEREAS, 1150 NOMI, LLC (“Applicant”) is the owner of the Subject Property, and has filed a CUP application with the Community Planning and Development Department requesting one hundred ninety-five (195) bonus units to construct a mixed use development consisting of a 12-story, 195-unit residential building, an integrated 2-level parking garage with two hundred fifty-four (254) parking spaces, twenty (20) surface parking spaces, and nine thousand five hundred two (9,502) square feet of ground-level commercial retail space 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 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 October 3, 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 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 a mixed-use development consisting of a 12-story, 195-unit residential building, an integrated 2-level parking garage with two hundred fifty-four (254) parking spaces, 20 surface parking spaces, and nine thousand five hundred two (9,502) square feet of ground level commercial retail space located at 1150 NE 125th Street, 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-five (195) residential units from the city-wide residential pool of seven hundred nineteen (719) 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;
- 3. Site Plan and Architectural Compliance:** That the Applicant must develop the property in accordance with the architectural design as approved by the DRC, including color palette, and 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 construct and maintain a 12'11" sidewalk along the NE

125th Street frontage, and a six (6) foot wide sidewalk along the NE 11th Court and the NE 11th Place frontages of the Subject Property;

8. **Public Art:** That the Applicant shall, prior to building permit, 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 CU from the Community Planning and 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; and
12. **Sustainable Building Program:** The Applicant shall integrate and maintain their proposed sustainable building commitments.

PASSED AND ADOPTED by a 5 - 0 vote of the Mayor and City Council of the City of North Miami, Florida, this 12th day of December, 2023.



Alix Desulme
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: Estime-Irvin

Vote:

Mayor Alix Desulme, Ed.D.

(Yes) _____ (No)

Vice-Mayor Mary Estimé-Irvin

(Yes) _____ (No)

Councilman Scott Galvin

(Yes) _____ (No)

Councilwoman Kassandra Timothe, MPA

(Yes) _____ (No)

Councilman Pierre Frantz Charles, M.Ed.

(Yes) _____ (No)

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