

RESOLUTION NO. 2024-R-158

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 24-STORY, 76-UNIT APARTMENT UNITS, WITH 139 HOTEL ROOMS, 3,700 SQFT OF RETAIL SPACE, AND INTEGRATED PARKING GARAGE WITH TWO HUNDRED SEVENTY-THREE (273) PARKING SPACES ON PARCEL OF REAL PROPERTY, LOCATED AT 1401 NE 123RD STREET, IDENTIFIED WITH MIAMI-DADE COUNTY FOLIO NO. 06-2229-047-0020, AND TOTALING APPROXIMATELY .51 ACRES, IN ACCORDANCE WITH ARTICLE 3, DIVISION 4, SECTIONS 3-402 THROUGH 3-407, 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 one (1) parcel of land that is located at 1401 NE 123rd Street; 22,099 square feet (.51 acres) in size; and designated as High Density on the City's 2036 Future Land Use Map ("FLUM") and R-6, Residential and in the Nort Miami Transit Overlay District ("NMTSOD") on the Official Zoning Map, which allows mixed-use, multifamily development up to 150 dwelling units per acre ("du/ac) and a permitted height of two hundred (200) feet inclusive of parking; and

WHEREAS, Section 4-310 of the City of North Miami's Land Development Regulations ("LDRs") allows up to one hundred fifty (150) du/ac from the floating bonus unit pool, through a Conditional Use Permit ("CUP"); Article 3, Division 4, section 3-405 of the LDRs establishes criteria for the approval of a CUP; and

WHEREAS, SHANI Management, Inc. ("Applicant") is the owner of the Subject Property, and has filed a CUP application with the Community Planning and Development Department requesting sixty-three (63) floating bonus units to construct 20-story, 76-unit apartments with 139 hotel rooms, 3,700 sq. ft. of nonresidential floor area from the commercial pool to construct a mixed-use development with an integrated parking garage with two hundred seventy-three (273) 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 Comprehensive Plan, and satisfies the requirements of Section 3-405 of the LDRs; and

WHEREAS, the Planning Commission, after a duly noticed public hearing held on June 4, 2024, 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.

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 20-story, mixed-use development with 76-unit apartments, 139 hotel rooms, 3,700 first-floor retail space with an integrated parking garage containing two hundred seventy-three (273) parking spaces located at 1401 NE 123rd 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.

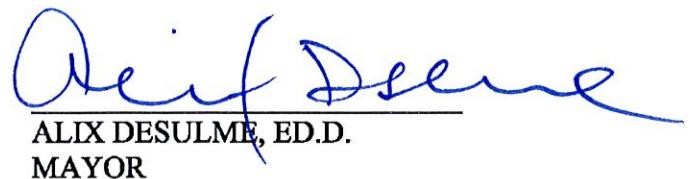
NOW, THEREFORE, the Mayor and City Council approve this CUP along with the following findings and conditions:

- 1. Density Bonus and Intensity Bonus:** That the City allocates sixty-three (63) residential units from the residential pool of four hundred sixty-two (462) available units and 3,700 s.f. of nonresidential floor area from the commercial pool;
- 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 the 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. City Council must grant Site Plan approval 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 approved by the DRC, and the final site plan approved by the City Council;
- 4. Sidewalk:** That the Applicant shall construct and maintain a ten-foot (10') sidewalk along the NE 123rd Street frontage of the Subject Property, and shall execute and record an Installation and Maintenance Agreement as approved by the City's Public Works Department prior to the issuance of a certificate of occupancy, or its functional equivalent;
- 5. 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;
- 6. 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.
- 7. 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 the Certificate of Occupancy, the approved public art must be installed or completed.

8. **Operation and Maintenance:** That the CUP binds the owners or successors or assigns in title 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;
9. **Building Permits:** That the Applicant applies 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 is 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; and
13. **Leadership in Energy and Environmental Design ("LEED") Certification:** Proof of LEED or equivalent National Green Building Certification is required prior to obtaining the final Certificate of Occupancy.
14. **Sustainable Building Program:** The Applicant shall integrate and maintain their proposed sustainable building commitments, e.g., ten percent (10%) increased stormwater retention over the minimum required.
15. **Variance:** That approval of the proposed building height of approximately 233' as shown on the plans submitted with the CUP application is subject to the approval of a variance by the Board of Adjustment ("BOA") from the maximum height of 200'. A complete application for such variance shall be submitted before the City Council review of the CUP.
16. **Plan Revisions:** If the BOA does not approve the Applicant's variance request, revised plans reflecting the maximum height of the building, including the parapet and the shade structure, to be at 200' or less shall be submitted to the Development Services Department's Office of Land Use Services for Development Review Committee ("DRC") review and approval.

PASSED AND ADOPTED by a 3 - 1 vote of the Mayor and City Council of the City of North Miami, Florida, this 22nd day of October, 2024.


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: Timothe

Seconded by: Galvin

Vote:

Mayor Alix Desulme, Ed.D.	<input type="checkbox"/>	(Yes)	<input type="checkbox"/>	(No)	Absent
Vice-Mayor Mary Estimé-Irvin	X	(Yes)	<input type="checkbox"/>	(No)	
Councilman Scott Galvin	X	(Yes)	<input type="checkbox"/>	(No)	
Councilwoman Kassandra Timothe, MPA	X	(Yes)	<input type="checkbox"/>	(No)	
Councilman Pierre Frantz Charles, M.Ed.	<input type="checkbox"/>	(Yes)	X	(No)	

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE CITY OF NORTH MIAMI
CITY COUNCIL ON THIS _____ DAY OF _____, 2024.