

RESOLUTION NO. 2024-R-171

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 17-STORY, 348-UNIT RESIDENTIAL BUILDING WITH APPROXIMATELY FORTY THOUSAND (40,000) SQUARE FEET OF GROUND LEVEL COMMERCIAL SPACE AND SIX HUNDRED THIRTY-SIX (636) PARKING SPACES ON FIVE (5) PARCELS OF REAL PROPERTY LOCATED AT 1175 NE 125 STREET, 1195 NE 125 STREET, 1174 NE 126 STREET, AND 1140 NE 126 STREET, AND THREE (3) ADJACENT VACANT LOTS, SAID PARCELS ARE SPECIFICALLY IDENTIFIED WITH MIAMI-DADE COUNTY FOLIO NUMBERS: 06-2229-034-0040, 06-2229-034-0680, 06-2229-034-0010, 06-2229-034-0020, 06-2229-034-0030, 06-2229-034-0570, 06-2229-034-0080 AND 06-2229-034-0580, AND TOTAL APPROXIMATELY 2.32 ACRES (101,300 S.F.), 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 five (5) parcels of land located at 1175 NE 125th Street, 1195 NE 125th Street, 1174 NE 126th Street, and 1140 NE 126th Street, and three (3) vacant lots further identified with Miami-Dade County folio numbers 06-2229-034-0040, 06-2229-034-0680, 06-2229-034-0010, 06-2229-034-0020, 06-2229-034-0030, 06-2229-034-0570, 06-2229-034-0080, and 06-2229-034-0580; totaling approximately 2.32 acres or 101,300 s.f., and 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 2045 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, 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, Tate NM 125, LLC and 1175 Office Building Corp. (“Applicants”) represented by Arthur Sorey, III, authorized agent, are the owners of the Subject Property, and have filed a CUP application with the Development Services Department requesting three hundred, forty-eight (348) bonus units to construct a mixed-use development consisting of a 17-story, 348-unit residential building, an integrated parking garage with six hundred, thirty-six (636) parking spaces, and approximately thirty-nine thousand, two hundred, fifty-five (39,255) 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 17, 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, the 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 17-story, 348-unit residential building, an integrated parking garage with six hundred, thirty-six (636) parking spaces, and thirty-nine thousand, two hundred, fifty-five (39,255) square feet of ground-level commercial retail space located at 1175 NE 125th Street, 1195 NE 125th Street, 1174 NE 126th Street, and 1140 NE 126th Street, and three (3) vacant lots further identified with Miami-Dade County folio numbers 06-2229-034-0040, 06-2229-034-0680, 06-2229-034-0010, 06-2229-034-0020, 06-2229-034-0030, 06-2229-034-0570, 06-2229-034-0080, and 06-2229-034-0580 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 allocate one hundred ninety-five (348) residential units from the city-wide residential pool of seven thousand, one hundred, sixty-seven (7,167) 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 10'-0" sidewalk along the NE 125th Street frontage, and a six (6) foot-wide sidewalk along the NE 12th Court and the NE 126th Street frontages of the Subject Property;
- 8. Unification of Parcels:** Prior to site plan approval issuance of building permit, the Applicant shall unify the individual lots under one folio number;
- 9. 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;
- 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 Development Services 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; and
- 15. 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 12th day of November, 2024.

Alix Desulme
ALIX DESULME, ED.D.
MAYOR

ATTEST:

V. Joseph
VANESSA JOSEPH, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

J. P. H. Cazeau
JEFF P. H. CAZEAU, ESQ.
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Estime-Irvin

Seconded by: Galvin

Vote:

Mayor Alix Desulme, Ed.D.
Vice Mayor Mary Estimé-Irvin
Councilman Scott Galvin
Councilwoman Kassandra Timothe, MPA
Councilman Pierre Frantz Charles, M.Ed.

(Yes) (No)
 (Yes) (No)
 (Yes) (No)
 (Yes) (No)
 (Yes) (No)

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE CITY OF NORTH
MIAMI CITY COUNCIL ON THIS 19th DAY OF November, 2024.