

RESOLUTION NO. 2024-R-169

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 THE CONVERSION OF ONE HUNDRED AND THREE (103) DORMITORY UNITS TO RESIDENTIAL DWELLING UNITS FOR PROPOSED RE-DEVELOPMENT CONSISTING OF FOUR (4) APARTMENT BUILDINGS THAT ARE COMPRISED OF: ONE (1), SIXTY (60) UNIT 4-STORY BUILDING, TWO (2), 2-STORY BUILDINGS HOUSING A COMBINED THIRTY-TWO (32) UNITS, ONE (1) 2-STORY ELEVEN (11) UNIT BUILDING WITH ONE HUNDRED THIRTY-EIGHT (138) PARKING SPACES ON FIVE (5) PARCELS OF REAL PROPERTY LOCATED AT THE FOLLOWING ADDRESSES: 1704, 1725, AND 1740 NE 125TH STREET AND 1705 AND 1735 NE 124TH STREET, SPECIFICALLY IDENTIFIED WITH MIAMI-DADE FOLIO NUMBERS 06-2229-007-0390, 06-2229-011-0010, 06-2229-007-0350, 06-2229-007-0400, AND 06-2229-007-0410, TOTALING APPROXIMATELY 2.75 ACRES, IN ACCORDANCE WITH ARTICLE 3, DIVISION 4, SECTIONS 3-402 THROUGH 3-407, ARTICLE 4, DIVISION 2, SECTION 4-205, AND ARTICLE 4, DIVISION 3, SECTIONS 4-304, AND 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 totaling 2.75 acres (119,790 sq. ft), with the physical location of 1704, 1725, and 1740 NE 125th Street and 1705 and 1735 NE 124th Street, specifically identified with Miami-Dade numbers 06-2229-007-0390, 06-2229-011-0010, 06-2229-007-0350, 06-2229-007-0400, and 06-2229-007-0410 (referred to herein as "Subject Property") that are designated as Community Facility University on the City's 2036 Future Land Use Map ("FLUM"), and PU - Public Use on the Official Zoning Map and are located in the North Miami Transit Station Overlay District ("NMTSOD"); and

WHEREAS, the PU district does not allow commercial, retail, or residential uses; however, the NMTSOD district allows a wide variety of uses, including residential at up to one hundred fifty (150) dwelling units per acre through the conditional use permit ("CUP") process, and a maximum building height of two hundred (200) feet; and

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

WHEREAS, Biscayne 13, LLC ("Applicant"), the owner of the Subject Property, has filed a CUP application with the Development Services Department requesting approval to convert one

hundred and three (103) university dormitory units to residential rental apartments currently encompassed in six (6) separate buildings on the Subject Property; and

WHEREAS, the proposed re-development will consist of four (4) apartment buildings comprised of: one (1) 4- story building containing sixty (60) units, two (2) 2-story buildings housing a combined thirty-two (32) units, one (1) 2-story building containing eleven (11) units; 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 4-310 of the LDRs; and

WHEREAS, the Planning Commission, after a duly noticed public hearing held on July 2, 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, to convert one hundred and three (103) dormitory units to residential dwelling units for rental apartment use for four (4) buildings that comprise of: one (1), sixty (60) unit 4-story building, two (2), 2-story buildings housing a combined thirty-two (32) units, and one (1) 2-story eleven (11) unit building with one hundred thirty-eight (138) parking 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, the Mayor and City Council approve this CUP along with the following findings and conditions:


1. **Density Bonus:** That the City allocates one hundred three (103) residential units from the floating bonus unit pool of four hundred five (405) available units, leaving a balance of three hundred two (302) 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. 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, construct a six (6) feet wide sidewalk along the NE 17th Street and NE 124th Street frontages of the Subject Property.
8. **Unification of Parcels:** Prior to site plan approval by City Council, the Applicant shall unify the individual lots under one folio number.
9. **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.

- 10. 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.
- 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 the final Certificate of Occupancy.
- 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, 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.

X (Yes) (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, M.Ed.

 (Yes) X (No)

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