

RESOLUTION NO. 2024-R-191

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 TO ALLOW FOR A HEIGHT TO EXCEED THE MAXIMUM ALLOWED HEIGHT OF ONE HUNDRED, FIFTEEN FEET (115') TO TWO HUNDRED, SEVENTEEN FEET (217') FOR A DEVELOPMENT CONSISTING OF A 22-STORY (217'-0) RESIDENTIAL BUILDING WITH TWO HUNDRED SIXTY-SEVEN (267) UNITS AND FOUR HUNDRED TWENTY-TWO (422) PARKING SPACES ON ONE (1) PARCEL OF REAL PROPERTY LOCATED AT 12000 N. BAYSHORE DRIVE, SPECIFICALLY IDENTIFIED WITH MIAMI-DADE COUNTY FOLIO NUMBER: 06-2228-049-0001, AND TOTAL APPROXIMATELY 4.23 ACRES (184,358 S.F.) WITH 2.67 ACRES (116, 305 S.F.) OF UNSUBMERGED LAND, IN ACCORDANCE WITH ARTICLE 3, DIVISION 4, SECTIONS 3-402 THROUGH 3-407, ARTICLE 4, DIVISION 2, SECTIONS 4-202, and SECTION 4-203(A) 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 located at 12000 N. Bayshore Drive further identified with Miami-Dade County folio number 06-2228-049-0001; totaling approximately 4.23 acres or 184,358 s.f., of which 2.67 acres or 116,305 s.f. is unsubmerged land and designated BZ, Multifamily on the Official Zoning Map and Bayshore Zone on the City's 2045 Future Land Use Map ("FLUM"), which allows a building height of one hundred, fifteen (115) feet, principally multifamily use, one hundred (100) dwelling units per acre, and up to two hundred, thirty-eight feet, ten inches (238'-10") through the Conditional Use Permit (CUP) process; and

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

WHEREAS, 12000 Property Owner LLC ("Applicant") represented by Pedro Gassant, Esq. of Holland and Knight, authorized agent, is the owner of the Subject Property, and have filed a CUP application with the Development Services Department requesting bonus height up to two hundred, seventeen feet (217'-0") to construct a residential development consisting of a 22-story, 267-unit building, with an integrated parking garage containing four hundred, twenty-two (422) 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 Sections 3-405 and 4-306 of the LDRs; and

WHEREAS, the Planning Commission, after a duly noticed public hearing held on November 14, 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 residential development consisting of a 22-story, 267-unit building, an integrated parking garage with four hundred, twenty-two (422) parking spaces located at 12000 N. Bayshore Drive, further identified with Miami-Dade County folio numbers 06-2228-049-0001 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. Height Bonus:** That the City allow a height of two hundred, seventeen (217) feet in the BZ zone whereas one hundred, fifteen (115) feet is the maximum height allowed by right;
- 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 approve the Site Plan before the 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 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.
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 minimum 6'-0" sidewalk along the North Bayshore Drive frontage of the Subject Property;
8. **Shoreline Development Committee:** That the Applicant must comply with all conditions of the Committee prior to building permit approval;
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 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.

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

14. Sustainable Building Program: The Applicant shall integrate and maintain their proposed sustainable building commitments.

PASSED AND ADOPTED by a 4 - 0 vote of the Mayor and City Council of the City of North Miami, Florida, this 26th day of November, 2024.



ALIX DESULME, ED.D.
MAYOR

ATTEST:



VANESSA A. 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: Galvin

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) Recused

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 10th DAY OF December, 2024.