

RESOLUTION NO. 2025-R-34

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 PROVIDE FOR A HEIGHT BONUS EXCEEDING THE MAXIMUM ALLOWED HEIGHT OF ONE HUNDRED, FIFTEEN FEET (115') TO TWO HUNDRED, THIRTY-EIGHT FEET (238') FOR A DEVELOPMENT CONSISTING OF A 24-STORY (238'-0) RESIDENTIAL BUILDING WITH A DENSITY BONUS TO ALLOW FOR NINETY-SIX (96) UNITS WHERE SEVENTY-NINE (79) ARE ALLOWED, WITH ONE HUNDRED SEVENTY-TWO (172) PARKING SPACES, ON ONE (1) PARCEL OF REAL PROPERTY LOCATED AT 11950 N. BAYSHORE DRIVE, SPECIFICALLY IDENTIFIED WITH MIAMI-DADE COUNTY FOLIO NUMBER: 06-2228-011-4490, AND TOTALING APPROXIMATELY 0.79 ACRES (34,306 S.F.), IN ACCORDANCE WITH ARTICLE 3, DIVISION 4, SECTIONS 3-402 THROUGH 3-407, ARTICLE 4, DIVISION 2, SECTIONS 4-202, 4-203(A), AND 4-205 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 11950 N. Bayshore Drive, specifically identified with Miami-Dade County folio number 06-2228-011-4490; totaling approximately 0.79 acres 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 maximum building height of one hundred, fifteen (115) feet, principally multifamily use, and density of up to one hundred (100) dwelling units per acre; and

WHEREAS, since the Subject Property is located within the BZ zone, a height bonus to allow a maximum building height of up to two hundred, thirty-eight feet, ten inches (238'-10") and a density bonus of an additional twenty-five (25) units per acre are available 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, Alta Bayshore, LLC ("Applicant"), represented by Pedro Gassant, Esq. of Holland and Knight, is the owner of the Subject Property, and has filed CUP applications with the Development Services Department requesting bonus height up to two hundred, thirty-eight feet (238'-0") and seventeen (17) bonus floating units to construct a residential development consisting of a 24-story, 96-unit building, with an integrated parking garage containing one hundred, seventy-

two (172) 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 special meeting and public hearing held on December 12, 2024, reviewed the proposed requests, and found them 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 requests are in the best interest of the City, do 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, approves the CUP, in substantially the attached form, for a residential development consisting of a 24-story, 96-unit building, an integrated parking garage with one hundred, seventy-two (172) parking spaces located at 11950 N. Bayshore Drive, further identified with Miami-Dade County folio numbers 06-2228-011-4490 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 allocates one hundred, twenty-three (123) feet of bonus height to allow the construction of a residential building with a height of two hundred, thirty-eight (238) feet in the BZ zone whereas one hundred, fifteen (115) feet is the maximum height allowed by right;

2. **Bonus Units:** That the City allocates seventeen (17) floating bonus units from the citywide bonus pool to allow the construction of a residential building with ninety-six (96) units whereas seventy-six (76) units are allowed by right;
3. **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;
4. **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;
5. **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.
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. **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.
8. **Sidewalks:** That the Applicant shall construct and maintain a minimum 6'-0" sidewalk along the North Bayshore Drive frontage of the Subject Property;
9. **Shoreline Development Committee:** That the Applicant must comply with all conditions of the Committee prior to building permit approval;
10. **Public Art:** That the Applicant shall, prior to a building permit, 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;
11. **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;

- 12. 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;
- 13. 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.
- 14. 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.
- 15. 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; and
- 16. 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 28th day of January, 2025.


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.

X (Yes) (No)

Vice Mayor Mary Estimé-Irvin

X (Yes) (No)

Councilman Kevin A. Burns

X (Yes) (No)

Councilwoman Kassandra Timothe, MPA

 (Yes) (No) Absent

Councilman Pierre Frantz Charles, M.Ed.

X (Yes) (No)

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE CITY OF NORTH
MIAMI CITY COUNCIL ON THIS 16th DAY OF February, 2025.