

RESOLUTION NO. 2019-R-26

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, ALLOCATING ONE HUNDRED AND SEVENTY-FIVE (175) RESIDENTIAL UNITS FROM THE PRIMARY POOL OF TWO THOUSAND FOUR HUNDRED AND THIRTY-EIGHT (2,438) REMAINING FLOATING RESIDENTIAL UNITS, AND THIRTY-ONE THOUSAND, FIFTY-THREE (31,053) SQUARE FEET (S.F.) FROM THE POOL OF 750,000 SQUARE FEET (S.F.) FOR NON-RESIDENTIAL USE, RESERVED FOR USE WITHIN THE NEIGHBORHOOD REDEVELOPMENT OVERLAY (NRO) DISTRICT, FOR A PROPOSED MIXED-USE DEVELOPMENT FEATURING 175 SENIOR APARTMENTS, RETAIL, OFFICE AND EVENT SPACE ON THE 1.95-ACRE REAL PROPERTY, GENERALLY LOCATED AT 950 NE 124 STREET AND SPECIFICALLY IDENTIFIED WITH MIAMI-DADE COUNTY FOLIO NUMBER: 06-2230-040-0020, IN ACCORDANCE WITH ARTICLE 4, DIVISION 4, SECTION 4-205(B) & SECTION 4-305, AND ARTICLE 3, DIVISION 4, SECTIONS 3-402 THROUGH 3-407 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, CHAPTER 29, ENTITLED “LAND DEVELOPMENT REGULATIONS”; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

WHEREAS, on April 26, 2016, the Mayor and City Council of the City of North Miami (“City”), adopted the EAR-based Amendments to the City’s Comprehensive Plan (“Comprehensive Plan”), consistent with the requirements of Chapter 163, Florida Statutes; and

WHEREAS, Policy 1.15.1 of the Comprehensive Plan established a pool of five thousand (5,000) floating residential units for development, as follows: two thousand five hundred (2,500) floating residential units for use within the Neighborhood Redevelopment Overlay (“NRO”) District (“Primary Pool”), and a secondary pool of two thousand five hundred (2,500) floating residential units for development outside the NRO District; and a pool of 750,000 square feet of non-residential use reserved for use within the Neighborhood Redevelopment Overlay (NRO); and

WHEREAS, on July 11, 2017, the Mayor and City Council of the City of North Miami adopted the Land Development Regulations (“LDRs”) under Chapter 29 of the City’s Code of Ordinances, in order to implement the adopted EAR-Based Amendments to the Comprehensive Plan, consistent with the requirements of section 163.3184 of the Florida Statutes; and

WHEREAS, Article 3, Division 4, section 3-405 of the LDRs establishes criteria for the

approval of a Conditional Use Permit (“CUP”);

WHEREAS, Article 4, Division 3, section 4-305 of the LDRs provides that developments within the NRO may be granted additional density up to a to ninety (90) dwelling units per acre (du/ac) from the NRO primary pool of two thousand five hundred (2,500) floating residential units, subject to a CUP application approval by the Mayor and City Council, as well as the Development Review Committee (DRC), in accordance with the applicable sections of the LDRs; and

WHEREAS, Article 4, Division 3, section 4-305 of the LDRs also provides that developments within the NRO may be granted up to seven hundred and fifty thousand (750,000) square feet of non-residential use reserved for use within the Neighborhood Redevelopment Overlay (NRO) subject to a CUP application approval by the Mayor and City Council, as well as the Development Review Committee (DRC), in accordance with the applicable sections of the LDRs; and

WHEREAS, Trise Development, LLC. C/O Blue Road Development (“Applicant”) on, is the owner of a 1.947-acre site generally located at 950 NE 124th Street, as specifically identified by Miami-Dade County folio number: 06-2230-040-0020 (“Subject Property”); and

WHEREAS, the Subject Property is located within the NRO District and has an PU zoning designation, with a maximum permitted height of fifty-five feet (55), for development on the Subject Property; and

WHEREAS, the Applicant filed a CUP application with the Community Planning and Development Department, requesting that the City allocate one-hundred and seventy-five (175) bonus residential units from the NRO primary residential pool of two thousand four hundred and thirty-eight (2,438) remaining available units, and thirty-one thousand, fifty-three hundred (31,053) square feet from the pool of 750,000 square feet for non-residential use in order to construct a mixed-use development featuring 175 senior apartments, retail, office and event space on the Subject Property; and

WHEREAS, the approval and transfer of one hundred and seventy-five (175) units from the NRO primary residential pool of two thousand four hundred and thirty-eight (2,438) available units will reduce the pool to two thousand two hundred and sixty-three (2,263) remaining available residential units; and

WHEREAS, the approval and transfer of thirty-one thousand, fifty-three (31,053) square feet from the pool of 750,000 square feet for non-residential use within the NRO will reduce the

pool to seven hundred eighteen thousand, nine hundred and forty-seven (718,947) available square feet for non-residential use within the NRO; and

WHEREAS, the City has reviewed the proposed request and found that it is consistent with Policy 1.15.1 of the Comprehensive Plan and satisfies the requirements of Sections 3-405 and 4-305 of the LDRs; and

WHEREAS, the Planning Commission, after a duly noticed public hearing held on March 14, 2018, reviewed the proposed request and found to be consistent with the Comprehensive Plan and in keeping the intent of the LDRs, and, thereby, recommended approval of the CUP to the 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, approve the CUP allocating the requested number of units from the NRO primary residential pool and square footage reserved for non-residential use within the NRO.

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 Conditional Use Permit, in substantially the attached form, transferring one hundred and seventy-five (175) residential units from the primary pool of two thousand four hundred and thirty-eight (2, 438) remaining floating residential units, and thirty-one thousand, fifty-three (31,053) square feet from the pool of 750,000 square feet for non-residential use for a proposed mixed-use development featuring 175 senior apartments, retail, office and event space, located on the southwest corner of the intersection of Northeast 10th Street and Northeast 124th Street, situated within the NRO District in accordance with Article 4, Section 4-205 and 4-305 of the City of North Miami Code of Ordinances, Land Development Regulations.

Section 2. Effective Date. This Resolution shall be effective upon adoption.

PASSED AND ADOPTED by a 3-2 vote of the Mayor and City Council of the City of North Miami, Florida, this 12th day of March, 2019.

DR. SMITH JOSEPH
MAYOR



ATTEST: 

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



JEFF P. H. CAZEAU, ESQ.
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Keys

Seconded by: Desulme

Vote:

Mayor Smith Joseph, D.O., Pharm. D.
Vice Mayor Philippe Bien-Aimé
Councilman Scott Galvin
Councilwoman Carol Keys, Esq.
Councilman Alix Desulme

<u> X </u>	(Yes)	<u> </u>	(No)
<u> </u>	(Yes)	<u> X </u>	(No)
<u> </u>	(Yes)	<u> X </u>	(No)
<u> X </u>	(Yes)	<u> </u>	(No)
<u> X </u>	(Yes)	<u> </u>	(No)