

RESOLUTION NO. 2019-R-117

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING A TRANSFER OF OWNERSHIP IN ACCORDANCE WITH SECTION 11 OF THE CONDITIONAL USE PERMIT APPROVED UNDER RESOLUTION NO. 1637, ATTACHED HERETO AS EXHIBIT "A", FURTHER ADOPTING AN AMENDMENT TO THE CONDITIONAL USE PERMIT TO ALLOW THE CONSTRUCTION OF A PARKING GARAGE FOR PROPERTY LOCATED AT 1820 NE 142ND STREET AND SPECIFICALLY IDENTIFIED WITH MIAMI-DADE COUNTY FOLIO NUMBER: 06-2221-023-0010; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

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 3-404 through section 3-410 of the LDRs establishes criteria for the approval and modification of a Conditional Use Permit ("CUP"); and

WHEREAS, on March 27, 1973, the Mayor and City Council of the City of North Miami ("City"), adopted Resolution No. 1637 which approved a Conditional Use Permit to allow the construction of a multi-family facilities to be known as the Carmel Apartment and Tennis Club; and

WHEREAS, the approved Conditional Use Permit and Precise Plan included a total of 850 residential units (consisting of 90 studio units, 660 one-bedroom units and 100 two bedroom units) with buildings restricted to a height of ten (10) stories or one hundred (100) feet and limited to five (5) buildings; and

WHEREAS, section 11 of the Conditional Use Permit requires approval by the Mayor and City Council for transfers of interest and/or title; and

WHEREAS, BRE Portofino MF Property Owner, LLC is the current owner and developer of the Subject Property, known as "Aliro Apartments", which is 1,007,328 square feet

(23.125 acres) in size, generally located at 1820 NE 142nd Street, and specifically identified with Miami-Dade County folio number: 06-2221-023-0010; and

WHEREAS, BRE Portofino MF Property Owner, LLC (“Applicant”) filed an application with the Community Planning and Development Department, requesting a modification to the CUP to allow for the construction of a parking garage to be located on the current parking lot of the development; and

WHEREAS, City staff has reviewed the proposed request and found that the Applicant must obtain approval for the transfer of ownership in accordance with the requirements of the CUP; and

WHEREAS, City staff further finds that construction of a parking garage facility is necessary for the current and future development at the site and is in harmony with the goals, objectives and policies of the Comprehensive Plan and applicable LDRs; and

WHEREAS, the Mayor and City Council have determined that the proposed request is in the best interest of the City and will not adversely affect the health, safety, and welfare of residents and thereby, approve the transfer of ownership and the amendment to the Conditional Use Permit.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

Section 1. Approval of Transfer of Ownership. The Mayor and City Council of the City of North Miami, Florida, hereby, approve the transfer of ownership to BRE Portofino MF Property Owner, LLC for the Conditional Use Permit issued under Resolution No. 1637 for the property located at 1820 NE 142nd Street specifically identified with Miami-Dade County folio number: 06-2221-023-0010.

Section 2. Approval and Issuance of Amended Conditional Use Permit. The Mayor and City Council of the City of North Miami, Florida, hereby, approve and issue an amended Conditional Use Permit, in substantially the attached form.

Section 3. Effective Date. This Resolution shall be effective upon adoption.

PASSED AND ADOPTED by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, this 7th day of October, 2019.


PHILIPPE BIEN-AIME
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: Galvin

Seconded by: Estimé-Irvin

Vote:

Mayor Philippe Bien-Aime	<u>X</u>	(Yes)	_____	(No)
Vice Mayor Carol Keys, Esq.	<u>X</u>	(Yes)	_____	(No)
Councilman Scott Galvin	<u>X</u>	(Yes)	_____	(No)
Councilwoman Mary Estimé-Irvin	<u>X</u>	(Yes)	_____	(No)
Councilman Alix Desulme, Ed.D.	<u>X</u>	(Yes)	_____	(No)

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE CITY OF NORTH
MIAMI CITY COUNCIL ON THIS 30th DAY OF October, 2019