

RESOLUTION NO. 2020-R-94

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 (1) RESIDENTIAL UNIT FROM THE PRIMARY POOL OF TWO THOUSAND TWO HUNDRED FIFTY-EIGHT (2,258) REMAINING FLOATING RESIDENTIAL UNITS, RESERVED FOR USE WITHIN THE NEIGHBORHOOD REDEVELOPMENT OVERLAY (NRO) DISTRICT, FOR A PROPOSED MIXED-INCOME SENIOR APARTMENT DEVELOPMENT ON THE .13-ACRE REAL PROPERTY, LOCATED AT 1046 NE 128TH STREET AND SPECIFICALLY IDENTIFIED WITH MIAMI-DADE COUNTY FOLIO NUMBER: 06-2229-036-0220, IN ACCORDANCE WITH ARTICLE 4, DIVISION 2 SECTION 4-205(B), ARTICLE 4, DIVISION 3, 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, Policy 1.15.1 of the Comprehensive Plan establishes 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 seven hundred fifty (750,000) square feet of non-residential use reserved for use within the Neighborhood Redevelopment Overlay (“NRO”); and

WHEREAS, Article 3, Division 4, section 3-405 of the LDRs establishes criteria for the approval of a Conditional Use Permit (“CUP”); and

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, REVA Development Corporation (“Applicant”), is the owner of a .13-acre site located at 1046 NE 128th Street, as specifically identified by Miami-Dade County folio

number: 06-2229-036-0220 (“Subject Property”); and

WHEREAS, the Subject Property is located within the NRO District and has a R-6 zoning designation, with a maximum permitted height of ninety (90) feet 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 (1) bonus residential unit from the NRO primary residential pool of two thousand two hundred fifty-eight (2,258) available units, in order to construct a 2-story, 5-unit mixed income senior apartment building with 5 parking spaces on the Subject Property; and

WHEREAS, the approval and transfer of one (1) unit from the NRO primary residential pool of two thousand two hundred fifty-eight (2,258) available units will reduce the pool to two thousand two hundred fifty-seven (2,257) available residential units; 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 August 4, 2020, reviewed the proposed request and found it 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 unit from the NRO primary residential pool.

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 (1) residential unit from the primary pool of two thousand two hundred fifty-eight (2,258) of floating residential units for a proposed 2-story, 5-unit mixed income senior apartment building with five (5) parking spaces, located 1046 NE 128th Street, situated

within the NRO District in accordance with Article 4, Section 4-205 and 4-305 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.

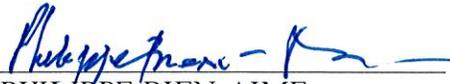
NOW, THEREFORE, the Mayor and City Council approves this CUP along with the following findings and conditions:

1. **Density Bonuses:** That the City allocate one (1) bonus residential unit from the NRO primary residential pool of two thousand two hundred fifty-eight (2,258) available units for the proposed development subject to the following:
 - a. All hardscape within five (5) feet of the property lines shall be constructed with pervious materials.
 - b. The driveway, walkway adjacent to the parking area, and the hardscape for the trash container area shall be no closer than 1.9 feet from the side property lines.
 - c. The patios on the west side of the building shall be no closer than 2.5 feet from the property line.
 - d. The walkway adjacent to the elevator and stairwell area shall be no closer than 3 feet from the property line.
 - e. The parking area shall be no closer than 10.6 feet from the edge of pavement.
 - f. A 10' setback from the building to the rear property line shall be maintained.
2. **DRC 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.
3. **Covenant:** The Restrictive Covenant shall be recorded by the applicant with proof of recordation submitted to the city prior to pulling final building permits.
4. **Building Permits:** That the Applicant apply for a building permit within eighteen (18) months of approval of the precise plan by the City Council. Failure to do so will result in the expiration of the precise plan;
5. **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;
6. **Certificate of Occupancy:** That a Certificate of Occupancy (CO) from the Building and Minimum Housing 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; and
7. **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.

- 8. **Green Building Certification:** Proof of LEED Certification, FGBC or equivalent green building standards is required prior to obtaining final Certificate of Occupancy.

PASSED AND ADOPTED by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, this 25th day of August, 2020.


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
- Vice Mayor Alix Desulme, Ed.D.
- Councilman Scott Galvin
- Councilwoman Carol Keys, Esq.
- Councilwoman Mary Estimé-Irvin

X (Yes) (No)
 X (Yes) (No)
 X (Yes) (No)
 X (Yes) (No)
 X (Yes) (No)

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE CITY OF NORTH MIAMI CITY COUNCIL ON THIS _____ DAY OF _____, 2020.