

RESOLUTION NO. 2020-R-95

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 TWO (2) RESIDENTIAL UNITS FROM THE SECONDARY POOL OF TWO THOUSAND ONE HUNDRED SIXTY-SEVEN (2,167) REMAINING FLOATING RESIDENTIAL UNITS, RESERVED FOR USE OUTSIDE OF THE NEIGHBORHOOD REDEVELOPMENT OVERLAY (NRO) DISTRICT, FOR A PROPOSED 3-STORY, 6-UNIT APARTMENT BUILDING ON THE .24-ACRE REAL PROPERTY, APPROXIMATELY LOCATED IN THE SOUTHWEST QUADRANT OF NE 19TH DRIVE AND NE 123RD STREET, AND SPECIFICALLY IDENTIFIED WITH MIAMI-DADE COUNTY FOLIO NUMBER: 06-2228-011-0280, IN ACCORDANCE WITH ARTICLE 3, DIVISION 4, SECTIONS 3-402 THROUGH 3-407 AND ARTICLE 4, DIVISION 2, SECTION 4-205(B) 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 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, RACAM Investments, LLC (“Applicant”), is the owner of a .24-acre site approximately located in the southwest quadrant of NE 19th Drive and NE 123rd Street, and specifically identified by Miami-Dade County folio number: 06-2228-011-0280 (“Subject Property”); and

WHEREAS, the Subject Property has an R-5 zoning designation, with a maximum permitted density of 16.3 du/acre and height of seventy-five (75) 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 two (2) bonus residential units from the secondary residential pool of two thousand one hundred sixty-seven (2,167) available units, in order to construct a 3-story, 6-unit apartment building with seventeen (17) parking spaces on the Subject Property; and

WHEREAS, the approval and transfer of two (2) units from the secondary residential pool of two thousand one hundred sixty-seven (2,167) available units will reduce the pool to two thousand one hundred sixty-five (2,165) 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 secondary 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 two (2) residential units from the secondary pool of two thousand one hundred sixty-seven (2,167) floating residential units for a proposed 3-story, 6-unit apartment building with 17 parking spaces, approximately located in the southwest quadrant of NE 19th Drive and NE 123rd Street in accordance with Article 4, Section 4-205 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 two (2) bonus residential units from the secondary residential pool of two thousand one hundred sixty-seven (2,167) available units for the proposed development, subject to the following:
 - a. Any hardscape, e.g., walkways, the mini park, and the recycling area, located within 5' of any property line shall be composed of permeable materials.
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. **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;
4. **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;
5. **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;
6. **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; and
7. **Green Building Certification:** Proof of LEED Certification or equivalent green building standards is required prior to obtaining final Certificate of Occupancy.

PASSED AND ADOPTED by a 4-1 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: Keys

Seconded by: Galvin

Vote:

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

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