RESOLUTION NO. 2020-R-124

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, FOR A PROPOSED MIXED USE DEVELOPMENT, INCLUDING A 3-STORY PUBLIC CHARTER SCHOOL, COMMUNITY MEDICAL CLINIC AND 24-UNIT MULTI-FAMILY RESIDENTIAL APARTMENT BUILDING ON THE 7.6-ACRE REAL PROPERTY, LOCATED AT 13855 NW 17TH AVENUE, AND SPECIFICALLY IDENTIFIED WITH MIAMI-DADE COUNTY FOLIO NUMBER: 06-2123-000-0060, IN ACCORDANCE WITH ARTICLE 3, DIVISION 4, SECTIONS 3-402 THROUGH 3-407 AND ARTICLE 4, DIVISION 3, SECTION 4-302 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, the real property located at 13855 NW 17th Avenue ("Subject Property") is designated Mixed Use High on the City’s 2036 Future Land Use Map, and

WHEREAS, Policy 1.21.6 of the Comprehensive Plan establishes the allowable uses within the Mixed Use Land Use districts, e.g., residential, schools, and community facilities; and

WHEREAS, the Subject Property has a PD-3, Planned Development (PD) zoning designation, with a maximum permitted density of forty-five (45) dwelling units per acre and height of one hundred, ten feet (110') for development on the Subject Property; and

WHEREAS, Article 4, Division 3, section 4-302 of the Land Development Regulations (LDRs) provides development standards for properties within the PD districts, including requiring a Conditional Use Permit ("CUP") for all development activities; and

WHEREAS, Article 3, Division 4, section 3-405 of the LDRs establishes criteria for the approval of a CUP; and

WHEREAS, Lively Stone, LLC is the owner of the Subject Property and has granted limited power of attorney to KIPP New Jersey, a New Jersey Non-Profit Corporation, to serve as

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Applicant and file the application for the CUP; and

WHEREAS, the Applicant filed a CUP application with the Community Planning and Development Department to construct a three-story, 149,295 square foot public charter school and associated amenities, with approximately 1,432 students, a no less than 1,400 square foot, community-medical-clinic-of non-residential space, and a three-story, 33,300 square foot, 24-unit residential apartment building with amenities on the Subject Property; and

WHEREAS, the City has reviewed the proposed request and found that it is consistent with Policy 1.12.6 of the Comprehensive Plan and satisfies the requirements of Sections 3-405 and 4-302 of the LDRs; and

WHEREAS, the Planning Commission, after a duly noticed public hearing held on September 1, 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.

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 CUP, in substantially the attached form, for a proposed three-story, 149,295 square foot public charter school and associated amenities, with approximately 1,432 students, no less than 1,400 square foot, community-medical-clinic-of non-residential space, and a three-story, 33,300 square foot, 24-unit residential apartment building with amenities located at 13855 NW 17th Avenue in accordance with Article 3, Division 4, section 3-405 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. 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. Site Plan approval must be granted by City Council before applicant can apply for a building permit.

2. Site Plan Compliance: That the Applicant must develop the property in accordance with the final site plan approved by the City Council.

3. Operation and Maintenance: That the owners or successors or assigns in title is bound by the CUP 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.

4. 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.

5. 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.

6. Sidewalk: That the Applicant shall, in coordination with the Miami-Dade County Transportation and Public Works Department, construct a sidewalk on NW 17th Avenue within the street frontage of the Subject Property.

7. Building Permits: That the Applicant apply 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.

8. School of Hope: That the approval is subject to confirmation, by the time of site plan approval, that the application and applicant satisfy the requirements of Section 1002.333, Florida Statutes regarding Schools of Hope and Hope Operators, and is approved by the School Board of Miami-Dade County, Florida or designee.

9. Environmental Remediation: That the applicant agrees to address all environmental issues identified in the Environmental Site Assessment Report, and shall also comply with all Miami-
Dade County Department of Environmental Resource Management requirements prior to obtaining final certificate of occupancy.

10. **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;

11. **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 subject to cancellation upon violation of any of the conditions herein listed;

12. **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


**PASSED AND ADOPTED** by a 4-1 vote of the Mayor and City Council of the City of North Miami, Florida, this 10th day of November, 2020.

[Signature]

PHILIPPE BIEN-AIME
MAYOR

ATTEST:

[Signature]

VANESSA JOSEPH, Esq.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

[Signature]

JEFFREY H. CAZEAU, Esq.
CITY ATTORNEY

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SPONSORED BY: City Administration

Vote:
Mayor Philippe Bien-Aime
Vice Mayor Alix Desulme, Ed.D.
Councilwoman Carol Keys, Esq.
Councilman Scott Galvin
Councilwoman Mary Estimé-Irvin

Moved by: _______ Desulme
Seconded by: _______ Estimé-Irvin

____ X (Yes) _______ (No)
____ X (Yes) _______ (No)
____ X (Yes) _______ (No)
_____ (Yes) _______ X (No)
____ X (Yes) _______ (No)