

RESOLUTION NO. R2015-65

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING CONDITIONAL USE APPROVAL IN ACCORDANCE WITH SECTION 24-52(C) OF THE NORTH MIAMI BEACH CODE OF ORDINANCES FOR THE OPERATION OF A PROPOSED NON-RESIDENTIAL DRUG AND ALCOHOL REHABILITATION SERVICE IN AN EXISTING OFFICE BUILDING, ON PROPERTY LEGALLY DESCRIBED AS:

Lots 9 through 20, both included, in block 12 of Oleta Terrace, according to the plat thereof, as recorded in plat book 8, at page 117, of the public records of Miami-Dade County, Florida.

**A/K/A
152 NW 168 Street
North Miami Beach, Florida**

WHEREAS, the property described herein is zoned B-2, General Business District; and

WHEREAS, the applicant requests conditional use approval to construct and operate a non-residential drug and alcohol rehabilitation service in an existing office building located at 152 NW 168 Street Avenue; and

WHEREAS, Section 24-52 (C)(6) of the City's Land Development Regulations provide that in the B-2 General Business Zoning District for the aforementioned property the proposed non-residential drug and alcohol rehabilitation service use is conditionally permitted based upon standards of review set forth in section 24-175 *Conditional Uses*, of the City's Land Development Regulations; and

WHEREAS, on April 13, 2015 the Planning and Zoning Board recommended approval of the conditional use by a vote of 7 to 0, subject to the conditions set forth and included herein below in Section 1.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of North Miami Beach, Florida.

RESOLUTION R2015-65

Section 1. Conditional use approval, in order to operate a non-residential drug and alcohol

rehabilitation service in an existing office building, on property legally described as:

**lots 9 through 20, both included, in block 12 of Oleta Terrace,
according to the plat thereof, as recorded in plat book 8, at page
117, of the public records of Miami-Dade County, Florida.**

**A/K/A
152 NW 168 Street
North Miami Beach, Florida**

IS HEREBY **GRANTED** SUBJECT TO THE FOLLOWING CONDITIONS:

1. Application/supporting documentation. Construction of the proposed project shall be in conformance with the following:
 1. Sketch of Survey prepared by Narciso J. Ramirez, Professional Land Surveyor and Mapper
 2. Plans prepared by PME Engineering Corp. including the following:
 - i. Site Plan, Sheet SD-1
 - ii. Ground Floor Plan & Elevator Lobby Elevations, Sheet A1-1
 - iii. Second Floor Plan, Sheet A1-2
 - iv. Photometric Site Plan, Sheet PH-00
 - v. Site Power Plan, Sheet PH-0.
 - vi. Notes, Riser & Panel, Sheet PH-1
2. All representations and exhibits as prepared and provided to the Community Development Department as part of the Application Submittal Package, as amended.
3. All representations proffered by the Applicant's representatives as a part of the review of the application at public hearings.
4. All comments made by all Staff Reviewers and submitted to the applicant on January 8, 2015 shall be addressed prior to Building permit.
5. Miami-Dade County Fire Department approval is required for adequacy of fire protection for the site.
6. All missing and/or damaged landscaping, parking infrastructure, pavement, striping, and curbing must be replaced as part of this project.
7. If numerous incidents of crime are reported on the premises the Resolution approving the conditional use may be revoked.
8. Excluding any outdoor area designated on the proposed site plan, the proposed facility shall not direct or encourage any patron to stand, sit (including in a parked car), gather, or loiter outside of the building where the facility operates, including in any parking areas, sidewalks, rights-of-way, or neighboring properties for any period of time longer than reasonably required for patrons to conduct their business and depart.
9. The Applicant shall have a security risk assessment conducted on the property by the NMBPD Crime Prevention Unit prior to the issuance of a Certificate of Occupancy.
10. The Applicant must join the NMBPD Trespass After Warning Program.

11. The facility must comply with the Florida Building Code Chapter 36 Standards for Security and Forced Entry Prevention.
12. The Applicant shall provide the NMBPD with access to the facility in cases of emergency.
13. The facility will have 24-hour a day on-site security and 10 security cameras monitoring the facility during the hours of operation.
14. The hours of operation shall be Monday to Friday 9:00 A.M. to 5:00 P.M., Saturday 9:00 A.M. to 2:00 P.M., and closed on Sunday.
15. Clients shall be monitored at all times by mental health and certified behavioral technicians (CBHT's).
16. The Applicant shall provide two scholarships, per month for North Miami Beach residents in need of addiction treatment assistance. The owner/applicant/operator will work with the North Miami Beach Police Department for referrals and will provide a report, at the end of the each calendar year, list the amount of scholarships provided and the duration of each scholarship recipient's use of the service.
17. The main building entrance will be the only access into the building, the second floor door to the stairway with direct parking lot access (shown on the plans described in condition no. 1 herein) shall have an audible alarm when opened.
18. The Applicant will provide a North Miami Beach Police Department substation, if requested.
19. The City Council shall maintain jurisdiction of this Conditional Use Permit. If deemed necessary, at the request of the City Manager, the Applicant shall appear before the City Council for a progress report. The Council reserves the right to modify the Conditional Use approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address possible problems and to determine the timing and need for future progress reports.
20. This Conditional Use is also subject to modification or revocation. The City Council shall retain the right to call the owner, applicant, and/or operator back before them and modify the hours of operation or the occupant load proposed for the project should there be valid complaints about loud, excessive, unnecessary, or unusual noise, as determined by the Code Compliance Department, or if code violations have been issued to the property. Nothing in this provision shall be deemed to limit the right of the City Council to call back the owner, applicant and/or operator for other reasons and for other modifications of this Conditional Use Permit.
21. The conditions of approval for this Conditional Use Permit are binding on the applicant, the property owners, operators, and all successors in interest and assigns.
22. Any substantial modifications to the plans submitted and approved as part of the application, as determined by the City Manager or designee, may require the applicant to return to the City Council for approval.
23. The applicant, owner and/or operator, both now and in the future, shall abide by all the documents and statements submitted with this application, as well as all conditions of this Conditional Use Permit.
24. The applicant shall maintain the parking lot of the subject property, including the south 10 foot strip along the south property line currently labeled as alley, in a clean, safe, and aesthetically pleasing manner.

25. The medical courier boxes at the front of the building shall be relocated to a more discreet position to be less visible from the street, subject to review and approval of the City's Planning staff.

Section 2. The City Council makes the following FINDINGS OF FACT based upon the substantial competent evidence provided:

The requested conditional use approval is not contrary to the public interest or detrimental to the community and is compatible with the surrounding land uses while maintaining the basic intent and purpose of the zoning and land use regulations.

Section 3. Pursuant to Section 24-175(C) of the Code of Ordinances of the City of North Miami Beach, the applicant must obtain a Business Tax Receipt within one year of the issuance of a Certificate of Occupancy or within one year of conditional use approval, whichever is longer. This may be extended administratively for good cause for one six-month period by the City Manager or designee. This period may be extended by the Mayor and City Council for good cause.

APPROVED AND ADOPTED by the City Council of the City of North Miami Beach, Florida at regular meeting assembled this **21st day of July, 2015**.

ATTEST:

PAMELA L. LATIMORE
CITY CLERK

GEORGE VALLEJO
MAYOR

(CITY SEAL)

APPROVED AS TO FORM &
LANGUAGE & FOR EXECUTION

JOSE SMITH
CITY ATTORNEY

SPONSORED BY: Mayor and City Council