

RESOLUTION NO. 2015-25

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA APPROVING A REQUEST BY BAY VILLAGE VENTURE LLC FOR SITE PLAN APPROVAL PURSUANT TO SECTIONS 152.105(C)(9) AND 152.030(C)(3) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 43 UNIT, 19 STORY MIXED USE RESIDENTIAL AND COMMERCIAL STRUCTURE WITH A PARKING GARAGE AT 1725 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, PROVIDING FOR FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 152.105(C)(9) of the North Bay Village Code of Ordinances (the "Village Code"), Bay Village Venture, LLC, has applied to North Bay Village for approval of a Site Plan to construct a 43-unit, 19 story mixed use commercial structure with a parking garage at 1725 Kennedy Causeway in the CG (General Commercial) Zoning District utilizing the bonus height and bonus density provisions pursuant to Section 152.029(C)(8); and

WHEREAS, Section 152.105(C)(9) and Section 152.102 of the Village Code set forth the authority of the Village Commission to consider and act upon an application for Site Plan approval.

WHEREAS, in accordance with Section 152.096 of the Village Code, a public hearing by the Planning and Zoning Board was noticed for December 2, 2014 at 7:30 P.M. at Village Hall, 1666 Kennedy Causeway, Suite #101, North Bay Village, Florida 33141 and the Planning and Zoning Board reviewed the application, conducted a public hearing and recommended approval of the request with conditions; and

WHEREAS, in accordance with Section 152.096 of the Village Code, public hearings by the Village Commission were noticed for January 27, 2015 at 7:30 p.m. and February 24, 2015 at 7:30 P.M. at Village Hall, 1666 Kennedy Causeway, #101, North Bay Village, Florida 33141 and all interested parties have had the opportunity to address their comments to the Village Commission; and

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AS FOLLOWS:

Section 1. Recitals.

The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Finding.

In accordance with Section 152.105(9) of the Village Code, the Village Commission finds that the proposed Site Plan for construction of a 43-unit, 19-story mixed use commercial structure:

- A. Protects against and minimizes any undesirable effects upon contiguous and nearby property.

- B. Provides sufficient off-street parking and loading facilities so that it will not be necessary to use the streets in the vicinity for this purpose.
- C. Provides sufficient setbacks, open space, and landscaping in order to protect and enhance the appearance and character of the neighborhood.
- D. Can be accommodated by existing community roads, services, and utilities, or the necessary additions are provided by the developer.

Section 3. Grant.

The Site Plan to construct a 43 unit, 19 story mixed use commercial structure with a parking garage at 1725 Kennedy Causeway, North Bay Village, Florida, as attached and incorporated herein as Exhibit "A" entitled "Residential Tower at North Bay Village" as submitted for hearing on November 11, 2014 and consisting of Sheets 02/20, 03/20, 05/20, 06/20, 07/20, 07a/20, 08/20, 09/20, 10/20, 11/20, 12/20, 13/20, 14/20, 15/20, L0/20, 05/20, C1.0, C2.0, C3.0 prepared by International Design Engineer Architecture is hereby approved.

Section 4. Conditions.

The Site Plan is approved with the condition that the following items are met prior to issuance of a Building Permit:

1. Applicant shall submit an irrigation plan which meets Miami-Dade Chapter 18-A requirements.
2. Street tree lighting shall be provided, as per Section 152.029(C)(9)7.
3. The public access easement and boardwalk shall be dedicated and recorded.
Applicant shall agree, in writing, that the boardwalk shall be open to the public daily, during hours to be determined by the Village; and boardwalk lighting shall remain on while boardwalk is open to the public.
4. Applicant shall comply with all conditions made by the Miami-Dade Shoreline Review Committee in Resolution 14 SDRC 06.
5. Applicant shall not lease or sell parking spaces.
6. Applicant shall not charge for guest parking.
7. All residents and guests shall park on-site.
8. School Board Concurrency requirements shall be met, as determined by School Board Staff.
9. Applicant shall pay of any applicable impact fees.
10. Applicant shall pay bonus height fees, as required under Section 152.029(C)8.
11. Applicant shall pay bonus density fees, as required under Section 152.029(C)8.

12. The project shall tie-in to Village's wastewater system at a Village designated proximate location (proposed connection point) and payment of pro-rata costs involved in tying into appropriate connection point.
13. Cost recovery charges must be paid pursuant to Section 152.110. Specifically, no new development application shall be accepted and no building permit or certificate of occupancy shall be issued for the property until all application fees, cost recovery deposits and outstanding fees and fines related to the property (including fees related to any previous development proposal applications), have been paid in full.
14. Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.
15. Approval of this site plan does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for approval if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that result in a violation of federal or state law.
16. All applicable state and federal permits must be obtained before commencement of construction.
17. There shall be a condition of approval in the Condominium Bylaws that Valet Parking shall continue in perpetuity.

Section 5. Appeal.

In accordance with Section 152.104 of the Village Code, the Applicant, or any aggrieved property owner, may appeal the decision of the Village Commission by filing a Writ of Certiorari to the Circuit Court of Miami-Dade County, Florida, in accordance with the Florida Rules of Appellate Procedure.

Section 6. Violation of Conditions.

Failure to adhere to the terms and conditions contained in this Resolution in Section 4, if any, shall be considered a violation of this Resolution and persons found violating the conditions shall be subject to the penalties prescribed by the Village Code, including but not limited to, the revocation of any of the approval(s) granted in this Resolution. The Applicant understands and acknowledges that it must comply with all other applicable requirements of the Village Code before it may commence construction or operation, and that the foregoing approval in this Resolution may be revoked by the Village at any time upon a determination that the Applicant is in non-compliance with the Village Code.

Section 7. Effective Date.

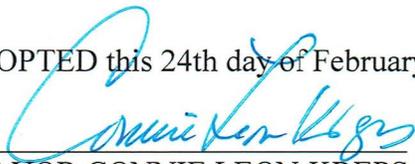
This Resolution shall become effective upon its adoption.

The motion to adopt the foregoing Resolution was offered by Commissioner Richard Chervony, seconded by Commissioner Wendy Duvall.

FINAL VOTE AT ADOPTION:

Mayor Connie Leon-Kreps	<u>Yes</u>
Vice Mayor Jorge Gonzalez	<u>Yes</u>
Commissioner Richard Chervony	<u>Yes</u>
Commissioner Wendy Duvall	<u>Yes</u>
Commissioner Eddie Lim	<u>Yes</u>

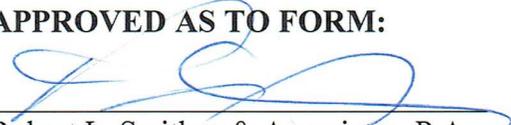
PASSED and ADOPTED this 24th day of February 2015.


MAYOR CONNIE LEON-KREPS

ATTEST:


YVONNE P. HAMILTON, CMC
Village Clerk

APPROVED AS TO FORM:


Robert L. Switkes & Associates, P.A.
Village Attorney

North Bay Village Resolution: 1725 Kennedy Causeway Development-Site Plan