

RESOLUTION NO. 2000-34

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, MAKING THE REQUIRED FINDINGS PURSUANT TO SECTION 152.097 OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES; APPROVING A VARIANCE FROM THE STRICT INTERPRETATION OF SECTION 152.029(C)(4) OF THE ZONING CODE TO UTILIZE THE FIRST FOUR (4) STORIES OF A PROPOSED 13 STORY STRUCTURE AS A PARKING STRUCTURE, AS WELL AS APPROVING SITE PLAN AS PER THE APPLICATION BY MICHAEL D. WOHL, ON BEHALF OF PINNACLE HOUSING GROUP, FOR THE PROPERTY LOCATED AT 7900 LARRY PASKOW WAY; SETTING AN EFFECTIVE DATE.

WHEREAS, Michael D. Wohl on behalf of Pinnacle Housing Group has made an application for the property located at 7900 Larry Paskow Way, Zoned RM-70 High Density Multiple-Family Residential District, Treasure Island, North Bay Village, Florida for the following:

- A. A Variance under Section 152.097 of the City of North Bay Village Code of Ordinances from the strict interpretation of the provisions of Section 152.029(C)(4) of the North Bay Village Code of Ordinances to permit the utilization of the first four (4) stories of a proposed 13 story structure as a parking structure where the Code would otherwise limit such use to two (2) stories.**
- B. Site plan approval pursuant to Section 152.105(C)(9) of the City of North Bay Village Code of Ordinances.**

WHEREAS, the Planning & Zoning Board of the City of North Bay Village held a Public Hearing on September 5, 2000 and considered said application and has recommended that the Variance and Site Plan be approved with the following conditions:

- 1. That the facade of the far-level parking structure incorporates the same proportions, scale, and rhythms of solids and voids, and colors of the three-story coach houses, as illustrated on Sheets B-4.5 and B-4.6 of the applicant's Site Plan; and**

2. That the glare from the interior lighting and vehicle headlights in the parking structure is screened and shielded from exterior view.
3. The entryway and street patterns for Pinnacle Bay should tie in with the City's entryway and median improvements for Harbor Island and shall not reduce the number of spaces now existing.
4. The applicant is required to provide a statement from the South Florida Regional Planning Council that the development does not fall under the State DRI requirements.
5. Approval by the City is also contingent upon DERM and Shoreline Development approvals.
6. **The Boardwalk should be six (6) feet in width and public access be secured and usable by the City.**
7. The parking facility should incorporate the same type facade of the coach houses to ensure compatibility with the rest of the area.
8. That the project would require at least a Level of Service C (Section 3.2.1 - Traffic Element Policy).

WHEREAS, the City Commission after a Public Hearing on September 26, 2000, finds and determines that there are special circumstances and conditions which are peculiar to the land, structure, or building involved and which are not generally applicable to other land, structures, or buildings in the same zoning district; that the special circumstances and conditions were not self-created by any person having an interest in the property; and that the strict application of the provisions of Section 152.029(C)(4) of the Zoning Code would deprive the applicant of the reasonable use of the land, structure, or building for which the variance and Site Plan Approval are sought and would involve an unnecessary hardship for the applicant; and

WHEREAS, the City Commission after a Public Hearing finds and determines that granting the variance requested as well as approving the Site Plan will not confer on the applicant any special privilege that is denied by this chapter to other land, structures, or buildings in the same zoning district; and the variance granted is the minimum variance that will make possible the reasonable use of the land, structure, or building.

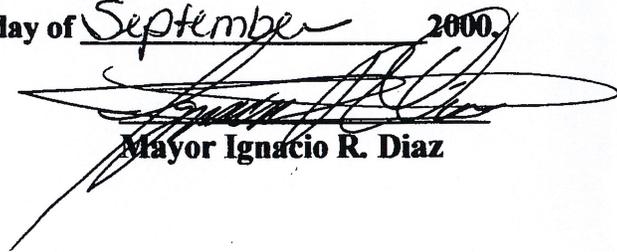
WHEREAS, the City Commission after a Public Hearing finds and determines that granting the variance and approving the Site Plan will be in harmony with the general intent and purpose of the City Zoning Ordinance, and that such variance and Site Plan Approval will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and

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

Section 1. That a vote was taken with respect to the three findings heretofore stated in the body of this Resolution, and the City Commission hereby accepts the recommendation of the Planning & Zoning Board to approve the Site Plan and grant the Variance requested by Michael D. Wohl, on behalf of Pinnacle Housing Group, to utilize the first four (4) stories of a proposed 13 story structure at 7900 Larry Paskow Way as a parking structure.

Section 2. This resolution shall become effective upon its adoption.

PASSED AND ADOPTED this 26th day of September 2000.

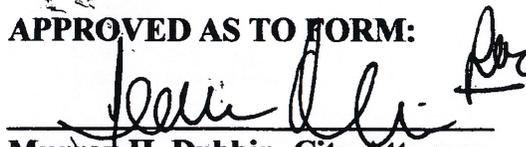


Mayor Ignacio R. Diaz

Attest:


Meighan J. Pier
City Clerk

APPROVED AS TO FORM:


Murray H. Dubbin, City Attorney

FINAL VOTE AT ADOPTION:

Mayor Ignacio R. Diaz	<u>Yes</u>
Vice Mayor Eric D. Isicoff	<u>Yes</u>
Commissioner Philip Schonberger	<u>Absent</u>
Commissioner Jay S. Manne	<u>Yes</u>
Commissioner William T. Stafford	<u>Yes</u>