

ADAGIO

RESOLUTION NO. 2005-13

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, MAKING THE REQUIRED FINDINGS PURSUANT TO SECTION 152.0296(H) OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES AND APPROVING AN APPLICATION FOR DEVELOPMENT UNDER THE PLANNED RESIDENTIAL DEVELOPMENT (PRD) REGULATIONS AS PER THE APPLICATION BY EDURDO CALIL FOR THE PROPERTY LOCATED AT 7939 EAST DRIVE, LOT 39, HARBOR ISLAND, NORTH BAY VILLAGE, FLORIDA; SETTING AN EFFECTIVE DATE.

WHEREAS, Eduardo Calil has made an application for the property located at 7939 East Drive, Lot 39 Harbor Island, North Bay Village, Florida, property situated within the RM-70 Zoning District, High Density Multiple-Family Residential District, North Bay Village, Florida as follows:

AN APPLICATION REQUESTING APPROVAL OF A 16-UNIT, 170 FOOT HIGH PLANNED RESIDENTIAL DEVELOPMENT (PRD) CONDOMINIUM APARTMENT BUILDING CONSISTING OF 15 STORIES WITH A TWO (2) LEVEL PARKING GARAGE PEDESTAL; ON CERTAIN DESCRIBED PROPERTY LOCATED AT 7939 EAST DRIVE, LOT 39, HARBOR ISLAND, NORTH BAY VILLAGE, FLORIDA; DETERMINING THAT THE PRD APPLICATION COMPLIES WITH THE PURPOSE AND INTENT OF THE PRD ORDINANCE; AND MAKING FINDINGS REGARDING THE APPROVAL OF THE PRD APPLICATION.

WHEREAS, the Planning & Zoning Board of the City of North Bay Village held a Public Hearing on January 4, 2005, and considered said application and has recommended that the application for Planned Residential Development (PRD) be approved with the conditions listed below based on the following findings:

1. The application is consistent with the City's Comprehensive Plan and the Land Development Regulations.
2. The proposed development will have a favorable effect on the economy of the City.

3. The proposed development will not generate or result in excessive noise or traffic.
4. The proposed development will not cause an undue or excessive burden on public facilities and services, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities, which have been constructed or which are planned or budgeted for construction.
5. The proposed development will not tend to create a fire hazard or other dangerous conditions.
6. The proposed development will not cause excessive overcrowding or concentration of people or population that would create evacuation concerns.
7. The proposed development will be compatible with the surrounding area and its development and does not demonstrate innovative design in order to minimize impact on surrounding properties.
8. The proposed development is a reasonable use of the property and results in a public benefit including but not limited to the enhancement of the subject real property and/or the redevelopment of structures in deteriorated or poor condition.

Conditions:

1. Shoreline Review Approval must be given for this project. (Any changes affecting setbacks must require a re-review by the Planning & Zoning Board and the City Commission.)
2. Public access must be given to the Boardwalk, preferably by a recorded easement.
3. DERM approval must be given for sewer and water impacts, and Marina and any other agency approval necessary.
4. All appropriate Impact Fees and other requirements, including appropriate agency approvals must be met prior to approval of any Building Permit by the City.
5. The developer shall provide and maintain landscaping for the public area in front of the development.

WHEREAS, the City Commission after Public Hearings held on February 8, 2005 and March 15, 2005 concurs with the findings enumerated in the body of this Resolution pursuant to Section 152.0296(H).

WHEREAS, the City Commission after Public Hearings held on February 8, 2005 and March 15, 2005 determines that that the application for Planned Residential Development complies with the purpose and intent of Section 152.0296.

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

Section 1. The above whereas clauses are incorporated herein.

Section 2. That a vote was taken with respect to the findings heretofore stated in the body of this Resolution, and the City Commission hereby accepts the recommendation of the Planning & Zoning Board and the Building Official to approve the application by Eduardo Calil for development of property located at 7939 East Drive under the Planned Residential Development regulations with the aforementioned conditions.

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

First Public Hearing this 8th day of February, 2005.

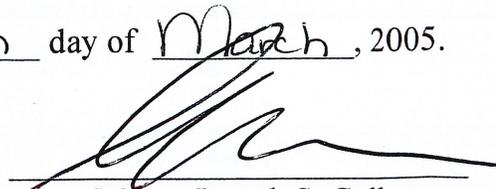
Second and Final Public Hearing this 15th day of March, 2005.

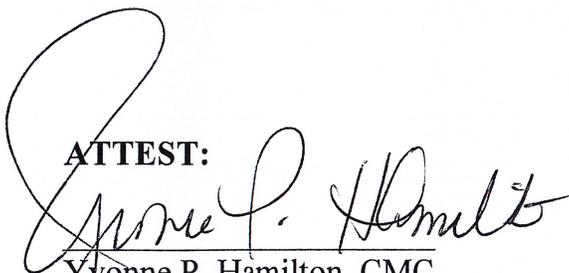
The motion to approve the request for development with the conditions enumerated herein was offered by Commissioner Tzvi Bogomilsky; seconded by Commissioner Paul Vogel. The votes were as follows:

FINAL VOTE AT ADOPTION:

Mayor Joseph S. Geller	<u>Absent</u>
Vice Mayor George A. Kane	<u>Yes</u>
Commissioner Oscar Alfonso	<u>NO</u>
Commissioner Tzvi Bogomilsky	<u>Yes</u>
Commissioner Paul Vogel	<u>Yes</u>

PASSED AND ADOPTED this 15th day of March, 2005.


~~Mayor Joseph S. Geller~~
Vice Mayor *Henry Kane*

ATTEST:

Yvonne P. Hamilton, CMC
City Clerk

APPROVED AS TO FORM:


Robert L. Switkes, City Attorney

City of North Bay Village Resolution: PRD Application:7939 East Drive