

ELOQUENCE

RESOLUTION NO. 2004-04

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, RELATING TO ZONING; APPROVING THE APPLICATION OF THE RACQUET CLUB SITE PLAN APPROVAL AND BUILDING HEIGHT BONUSES FOR PROPERTY LOCATED AT 7928-7942 EAST DRIVE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the applicant made application for site plan approval and building height bonuses, as described in section 152.029(C) of the City of North Bay Village Code of Ordinances; and,

WHEREAS, the planning and zoning board held a public hearing on October 7, 2003, and recommended approval of the application for development approval subject to stated conditions; and,

WHEREAS, the city commission of the City of North Bay Village conducted quasi-judicial hearings on the application on November 25, 2003 and January 13, 2004 and,

WHEREAS, the mayor and city commission finds, based on substantial competent evidence in the record, that the applications for development approval are consistent with the city's comprehensive plan and comply with the applicable land development regulations upon satisfaction of the conditions contained in this resolution; and,

WHEREAS, based on the foregoing finding, the mayor and city commission determined to grant the application, as provided in this resolution.

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

Section 2. Findings of fact.

1. The applicant is Racquet Club. The development is a 63 multi-dwelling unit residential project. The property is designated multi-family high density residential dwelling on the Future Land Use Plan and RM-70 on the zoning map.
2. The applicant requests:
 - a. Site plan approval pursuant to section 152.105(c)(9) of the City of North Bay Village Code of Ordinances and approval of building height bonuses in accordance with section 152.029(c)(7) in connection with the development of a 120-unit (200 feet high, 20 stories) multi-family residential dwelling structure.
3. The city commission accepts the Building Official's reports and recommendations entitled staff report and memorandum dated October 3, 2003, and the recommendations of the planning and zoning board on the application.
4. The city commission adopts the portions of the Building Official's report and recommendation entitled Site Plan Review, entitled Applicant, Legal Description of Subject Property, Items before the Planning & Zoning Board, Background and Proposed Findings (Site Plan Review) as its findings of fact.

Section 3. Conclusions of law.

1. The city commission adopts the portions of the Building Official's report and recommendation entitled Consistency with Land Development Regulations, Proposed Findings, Compliance with Sections 2.7.2 and 2.7.3 of the Land Development Regulations (Site Plan Review), Consistency with Comprehensive Plan, and Assessment and Conclusions as its conclusions of law.

Section 4. Order.

1. **The applications for site plan approval and building height bonuses are granted subject to the conditions contained in the Building Official's staff report at page 3.**
 - a. Shoreline Review approval must be granted. If footprint changes are recommended by Shoreline Review, the plan must then be reviewed again by the Planning and Zoning Board and the City Commission.
 - b. Consistency with the proposed East and West Drive Streetscaping Master Plan is desired. A Development Agreement must be signed requiring the developer to landscape and maintain the landscaping for the public area contiguous to the subject property frontage.
 - c. **The necessary easement instruments to perpetually ensure public accessibility to baywalk, sidewalk links, and other pedestrian amenities must be provided for passive recreation.**
 - d. DERM approval must be given for sewer and water impacts.
 - e. All appropriate Impact Fees and other requirements, including appropriate agency approvals must be met prior to City Building Permit approval.
2. This action constitutes a development order and is final when it is executed and filed with the city clerk.

Section 5. Record.

The record shall consist of the notices of hearing, the applications, documents submitted by the applicant and the applicant's representatives to the city's Department of Planning and Zoning in connection with the applications, the city planner's reports and recommendations, additional memoranda, and documents, the testimony of sworn witnesses and documents presented at the quasi-judicial hearing, and the tape and minutes of the hearing. The record shall be maintained by the city clerk.

Section 6. This resolution shall take effect immediately upon approval.

First Public Hearing this 25th day of November, 2003.

Second Public Hearing this 13th of January, 2004.

The motion to approve the request by Racquet Club, 7928-7942 East Drive, was offered by ^{Commissioner} Armand Abecassis, seconded by George A. Kane.

FINAL VOTE AT ADOPTION:

Mayor Alan Dorne

Yes

Vice-Mayor George A. Kane

Yes

Commissioner Armand Abecassis

Yes

Commissioner Tzvi Bogomilsky

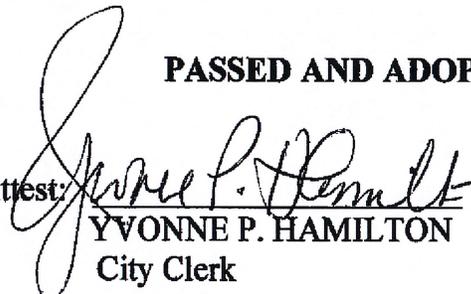
Yes

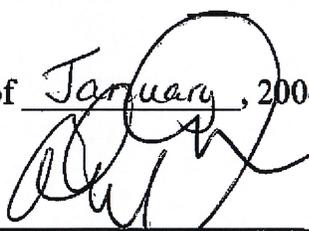
Commissioner Frank DiMaggio

Absent

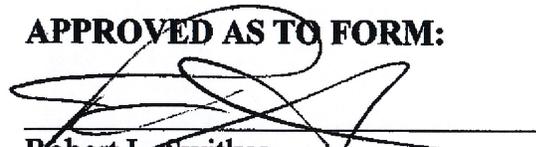
PASSED AND ADOPTED this 13th day of January, 2004.

Attest:


YVONNE P. HAMILTON
City Clerk


ALAN DORNE
Mayor

APPROVED AS TO FORM:


Robert L. Switkes
City Attorney

City of North Bay Village Resolution: 7928-7942 East Drive/Racquet Club Project