

# MODA

## **RESOLUTION NO. 2012-30A**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY ZF DEVELOPMENT, LLC, FOR SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES TO CONSTRUCT A 285-UNIT RENTAL APARTMENT DEVELOPMENT AT 8000 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA, PROVIDING 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 City of North Bay Village Code of Ordinances (the "City Code"), ZF Development, LLC has applied to the City of North Bay Village for approval of a Site Plan to construct a 285-unit rental apartment development at 8000 West Drive; and

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

WHEREAS, in accordance with Section 152.096 of the City Code, a public hearing by the Planning and Zoning Board was noticed for Wednesday, June 27, 2012, at 7:30 P.M. at the North Bay Village Commission Chambers, The Lexi, 1700 Kennedy Causeway, #132, North Bay Village, Florida 33141 and the Planning and Zoning Board reviewed the application, conducted a public hearing and recommended approval of the request; and

**WHEREAS**, in accordance with Section 152.096 of the City Code, public hearings by the City Commission were noticed for Tuesday, July 10, 2012 at 7:30 p.m. and July 25, 2012, at 7:00 P.M. at the North Bay Village Commission Chambers, The Lexi, 1700 Kennedy Causeway, #132, North Bay Village, Florida 33141 and all interested parties have had the opportunity to address their comments to the City Commission; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY 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 City Code, the City Commission finds that the proposed Site Plan for construction of a 285-unit rental apartment development:

- 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 285-unit rental apartment development at 8000 West Drive, North Bay Village, Florida, as attached and incorporated herein as Exhibit "A" entitled "Blu at North Bay Village" as submitted for hearing on July 16, 2012 and consisting of sheets CS-1, CS-2, SP-1, SP-2, SP-3, SP-4, SP-5, SP-D, A-3.1, A-3.2, A-4.1, A-4.2, A-4.3, A-4.4, H1.00, H1.10, H1.20, H1.30, H2.00, H2.20, H2.30, H2.31, H2.32, H2.51, L1.00, L1.10, L1.20, L1.30, L2.00, L3.00, C-3, C-4, and C-5, is hereby approved.

**Section 4. Conditions.**

The Site Plan is approved subject to the following conditions:

1. Variances granted on July 10, 2012.
2. 12" waterline extension from Blu's property to the point where it was previously extended by the City.
3. School concurrency requirements.
4. Compliance with shoreline approval granted on July 20th.
5. Payment of all impact fees pursuant to the City Code. Specifically no building permit or certificate of occupancy shall be issued for the property until all impact fees, which will include Police, Parks and Recreation, Sewer, and Water, and any others applicable, have been paid in full.
6. Cost recovery charges 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 on the property), have been paid in full.
7. Three loading spaces must be provided meeting size and back-out requirements.
8. Parking provided for 624 spaces, meeting state/federal handicap requirements.
9. No additional fees or payments allowed to be charged to residents or guests for use of any of the 624 required parking spaces. Also, the lease agreement with the residents shall prohibit residents or guests from parking in the street.

10. Confirmation that front setback will meet 25' requirement (measured perpendicular to property line).
11. Applicable agency approval and separate City Commission approval – if docks are longer than 25'.
12. An easement, in a form acceptable to the City Manager and City Attorney, shall be executed and recorded for a public boardwalk along the perimeter of the subject property as shown on the approved Site Plan, allowing public access from dawn to dusk.
13. All construction parking during development of the project shall be onsite or if offsite, the location and traffic patterns will be shown on a parking plan to be approved by the City Manager.
14. The Applicant shall obtain a building permit for all requests approved herein within two 2 years of the date of this approval. If a building permit is not obtained or an extension granted within the prescribed time limit then this approval shall become null and void.

**Section 5. Appeal.**

In accordance with Section 152.104 of the City Code, the Applicant, or any aggrieved property owner, may appeal the decision of the City 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 City 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 City Code before it may commence construction or operation, and that the foregoing approval in this Resolution may be revoked by the City at any time upon a determination that the Applicant is in non-compliance with the City Code.

**Section 7. Effective Date.**

This Resolution shall become effective upon its adoption.

