

RESOLUTION NO. R-2004-67

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA APPROVING A CONDITIONAL USE PERMIT AND PRECISE PLAN FOR RUCK'S PARK

WHEREAS, City is the owner of the real property more particularly described in Exhibit "A" (the "Property"); and

WHEREAS, in accordance with the Agreement between the City and Swerdlow Boca Developers, Inc. (Developer). Developer requested that the City grant Conditional Use Approval and Conceptual Site Plan Approval for the project proposed to be constructed on the Property ("Ruck's Park"); and

WHEREAS, on August 3, 2004, the City Planning Commission voted to recommend that the City Council grant Conditional Use Approval and Conceptual Site Plan Approval for Ruck's Park, subject to the provisions of Section 29-12.1 of the City's Zoning Code.

NOW, THEREFORE, the City Council approves this conditional Use Permit and Precise Plan, as follows:

Section 1. The Developer shall submit to Community Planning and Development staff, prior to issuance of a building permit for the first residential unit, a cost-benefit study which shall analyze the proposed financial benefits and costs associated with the proposed project at build-out.

Section 2. That the plans submitted to the building department for building permits shall be consistent with the spirit and intent of the Precise Plan.

Section 3. That Developer shall provide three (3) parking spaces per unit plus eight (8) additional guest parking spaces. This equates to a total of two hundred and twenty-one (221) parking spaces for seventy-one (71) residential units.

Section 4. That the Precise Plan is approved for the following:

Site Area	± 274,030 square feet
Impervious Area	± 177,216 square feet
Pervious Area	± 96,814 square feet
Percent pervious	± 26.5 % (percent)
Residential Area	± 100,110 square feet
Residential Units	71 units
Parking	221 spaces

Section 5. The Conditional Use Permit and Precise Plan for Ruck's Park shall be developed substantially in accordance with the following development standards.

- A. Setbacks"
 1. 0.0' minimum front-yard setback from property line;
 2. 0.0' side street yard setback from property line;
 3. 0.0' side-yard setback from property line;
 4. 14.0' rear setback from property line.
- B. Building Height:
 1. Maximum of two (2) residential stories.
- C. Building Separation:
 1. Minimum of 10'.
- D. Town House Row Length:
 1. Maximum of eight (8) units.
- E. Fences:
 1. A combination of hedges, walls and fences not to exceed 6.0' in height will be used in combination with landscape material to create a gated, secure environment. Specific perimeter treatments will be provided prior to obtaining building permits.
- F. Hedges and Walls:
 1. A combination of hedges, walls and fences will be utilized. All final colors and finishes will be provided for the City of North Miami review and approval prior to obtaining building permits.
- G. Signs:
 1. A series of signage elements will be included for project identity, wayfinding and neighborhood identity. Specific signage treatments will be provided prior to obtaining building permits.
- H. Lighting:
 1. Exterior lighting to be included that is consistent with the City of North Miami code.
- I. Access:
 1. From N.E. 5th Avenue and N.E. 137th Street.
- J. Off-Street parking:

Off-street parking will be provided as provided in paragraph 3, above.

K. Vehicular & Pedestrian Circulation

Main road from N.E. 5th Avenue to N.E. 137th Street.

L. Open Space

Open Space within the site will take on a series of roles, including passive and active recreation areas, and landscaping.

M. Grading and Drainage

All Grading and Drainage for the site shall adhere to the Standards and Regulations of the Miami-Dade County Department of Environmental Resources Management (DERM), South Florida Water Management District (SFWMD), and the City of North Miami.

N. Sanitation

Solid Waste amounts will be calculated based on the City of North Miami's generation rates.

O. Public Utilities:

Design and installation of water lines, force mains and lift stations shall be in compliance with the code of ordinances of the City of North Miami. Design and installation shall meet the criteria set forth by the Florida Department of Environmental Protection (FDEP), DERM and the Miami-Dade County Health Department.

P. Common Area:

Common areas within the private development will match the character set forth by the individual development. These areas will provide aesthetic and functional qualities to the development.

Q. Landscaping:

The intent of the landscaping is to provide the site with a "natural" look throughout the majority of the site. It is the intention to create only pockets of formal planting at the main entrance and focal points throughout the project. Subsequently, plant spacing, heights, and massing will be irregular to achieve this affect.

R. Construction Phasing:

At this point, subject to change, the project has been delineated into one (1) overall phase.

S. Overall Site Data: "See the table above in Section 4."

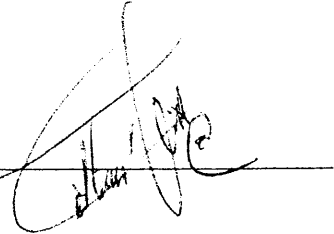
T. All other provisions of Section 29-12.1 shall be complied with prior to the issuance of any building permit.

Section 7. Working Hours. The Developer and its employees, agents, contractors and subcontractors shall only engage in construction and development activities at

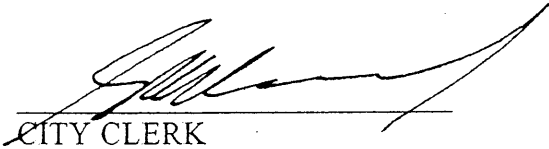
Ruck's Park between the hours of 8:00 a.m. and 5: p.m. five days a week. In the event it is determined that construction activities beyond typical working hours are resulting in a nuisance, then the City and Developer shall reconsider the appropriate working hours for the development of Ruck's Park.

PASSED AND ADOPTED by a 5-0 vote of the Mayor and City Council on the 12 day of October, 2004.

MAYOR



ATTEST:


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY

SPONSORED BY: PLANNING COMMISSION

LEGAL DESCRIPTION:

W 133 FT OF S $\frac{1}{2}$ OF N.W. $\frac{1}{4}$ OF S.E. $\frac{1}{4}$ OF S.W. $\frac{1}{4}$, OF SECTION 19-52-42,

AND

E 133 FT. OF W 266 FT. OF S $\frac{1}{2}$ OF N.W. $\frac{1}{4}$ OF S.E. $\frac{1}{4}$ OF S.W. $\frac{1}{4}$ OF SECTION 19-52-42,

AND

E 133 FT OF W 399 FT. OF $\frac{1}{2}$ OF N.W. $\frac{1}{4}$ OF S.E. $\frac{1}{4}$ OF S.W. $\frac{1}{4}$, OF SECTION 19-52-42,

AND

S $\frac{1}{2}$ OF N.W. $\frac{1}{4}$ OF S.E. $\frac{1}{4}$ OF S.W. $\frac{1}{4}$ OF S.W. $\frac{1}{4}$ LESS W 532 FT., OF SECTION 19-52-42,

AND

E 133 FT. OF W 532 FT. OF S $\frac{1}{2}$ OF N.W. $\frac{1}{4}$ OF S.E. $\frac{1}{4}$ OF S.W. $\frac{1}{4}$, OF SECTION 19-52-42,

AND

E 133 FT. OF W 266 FT. OF N $\frac{1}{2}$ OF N.W. $\frac{1}{4}$ OF S.E. $\frac{1}{4}$ OF S.W. $\frac{1}{4}$ LESS S 25 FT., OF SECTION 19-52-42,

AND

E 133 FT. OF W 532 FT. OF N $\frac{1}{2}$ OF N.W. $\frac{1}{4}$ OF S.E. $\frac{1}{4}$ OF S.W. $\frac{1}{4}$ LESS S 25 FT., OF SECTION 19-52-42,

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