

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A SITE PLAN APPLICATION ASSOCIATED WITH THE REAL PROPERTY ADDRESSED AS 1555 DR. MARTIN LUTHER KING JR. BLVD., PARCEL CONTROL NUMBER 56-43-42-32-06-000-0090, COMMONLY KNOWN AS THE STONYBROOK APARTMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the applicant, Millennia Housing Management, LTD, has applied for approval of site plan (SP-17-05), associated with the property known as 1555 Dr. Martin Luther King Jr, parcel control number 56-43-42-32-06-000-0090; and

WHEREAS, Millennia Housing Management desires to construct a 4,482 square foot community center facility at the subject property; and

WHEREAS, Section 31-57, of the City of Riviera Beach Code of Ordinances establishes the requirements for Site Plan review by the City Council; and

WHEREAS, City staff has determined that the site plan application (SP-17-05) is consistent with the City's Comprehensive Plan and the City's Land Development Regulations; and

WHEREAS, the Planning and Zoning Board reviewed the site plan application (SP-17-05) on April 26, 2018, and unanimously recommend approval to the City Council; and

WHEREAS, the City Council desires to approve the site plan application submitted by Millennia Housing Management, LTD.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. The City Council finds that the site plan application (SP-17-05) associated with the property known by Parcel Control Number 56-43-42-32-06-000-0090, is consistent with the City's Comprehensive Plan and the City's Land Development Regulations.

SECTION 2. The City Council approves the site plan application (SP-17-06) with the following conditions of approval:

1. **Construction Performance Bond:** Prior to issuance of City Building Permit associated with approved construction, per this Resolution and attached plans, the property owner or designee agrees to provide an executed performance bond equal to the total project valuation for the cost of the complete rehabilitation and construction project, in an amount no less than thirteen million dollars, to ensure

completion of the entire project as proposed on the current site plan and building elevation plans, including but not limited to, rehabilitation and remediation of all residential units, exterior building façade improvements, guardhouse construction, installation of surveillance cameras, construction of a new community building, and parking lot renovations.

The performance bond shall be written in a manner to ensure that it will remain active and in effect until all required Certificates of Occupancy and Certificates of Completion are issued by the City, which will occur following successful completion of permitted rehabilitation and construction. Certificates of Occupancy and Certificates of Completion shall not be unreasonably withheld or delayed by the City. The performance bond cannot be lifted by the property owner or designee without the written consent of the City Manager or designee. Upon issuance of all required Certificates of Occupancy and Certificates of Completion, the City Manager, or designee, shall provide a formal notice to the property owner, or designee, that the requirements associated with the performance bond have been satisfied and the performance bond may be released.

2. Restrictive Covenant: Prior to issuance of a City Building Permit, the property owner or designee agrees to execute and record a restrictive covenant on the Stonybrook property which will restrict the use of the property to only allow low-income housing use for a period of no less than 30 years. Proof of said restrictive covenant shall be provided to the City by the property owner or designee following recordation. Supplemental, secondary uses associated with the permitted low-income housing use shall also be permitted; Community Building, Laundry Building, Maintenance Building, Pavilion, Playground, and similar, however, market-rate housing shall be prohibited so long as the restrictive covenant is active.
3. Construction Timing and Building Permit Submittal: Construction and landscaping improvements must be initiated within 18 months of the effective date of this Resolution in accordance with City Code Sec. 31-60(b). Demolition, site preparation, or land clearing shall not be considered construction. Building permit application for the scope of the entire project, along with associated plans, documents, and fees, shall be submitted in its entirety and shall not be accepted by City staff in a partial or incomplete manner.
4. Construction Phasing and Current Residents: Construction and redevelopment may occur in a phased approach in order to limit the impact of construction activities on existing residents. Current residents of Stonybrook shall receive priority for relocation into newly renovated units in order to maintain the community composition. The new community center building shall be constructed in a manner that will not detract from the speed of renovations to residential units. An independent, yet concurrent development approach would ensure expeditious renovations to residential units and would also limit the total number of construction days required to complete the project in its entirety.
5. Landscape Performance Bond: A two-year landscaping performance bond for 110% of the value of landscaping and irrigation shall be provided to the City before

a Certificate of Occupancy or Certificate of Completion is issued in accordance with City Code Sec. 31-603.

6. Irrigation: Prior to final approval of landscape inspection, the property owner or designee must provide a fully operable landscape irrigation system which shall be installed and maintained, as required by the City's Code of Ordinances, in order to provide irrigation coverage to sustain all landscaped areas in a healthy growing condition.
7. Certificate of Occupancy: This development must receive final Certificates of Occupancy and Certificates of Completion from the City, which shall not be unreasonably withheld or delayed, for all buildings, units, and structures approved herein, within five years of the approval of this resolution or this resolution shall be considered null and void, requiring the applicant to resubmit a new application for site plan approval and re-initiate the site plan approval process.
8. Easement and Bus Shelter: Within six months after the approval of this resolution or prior to issuance of a Certificate of Occupancy, whichever is later, the property owner or designee must provide and record a Palm Tran bus shelter easement, no less than 10 feet by 30 feet in area, located adjacent to Dr. Martin Luther King Jr. Boulevard, and the property owner is required to install and maintain a bus shelter within said easement in the same timeframe. Property owner will maintain said bus shelter so long as it functions as a public bus stop, which is fully accessible to the residents of Stonybrook.
9. Guardhouse: In accordance with the site plan, a guardhouse will be constructed at the main entrance of the property. The guardhouse shall be constructed and operational within nine months after the issuance of building permits. Once operational, the guardhouse will be physically occupied by a security staff member 24 hours a day, seven days a week. Additionally, a surveillance camera system will be installed at the main entrance in order to monitor vehicles entering and exiting the property which will help to provide a secure environment for residents, guests and visitors.
10. Security Camera Plan: A security camera plan shall be submitted simultaneously with the Building Permit application for this project identifying the location of all cameras on site and their range of view.
11. Inspections: The property owner or designee shall submit commercially reasonable biannual inspection reports to the City for each building and residential unit, due on or before January 1st and July 1st each year. These reports are supplemental to the City's current ability to inspect the property and units as provided by City Code of Ordinances and Florida Statutes.
12. Advertising: All future advertising must state that the development is located in the City of Riviera Beach. Fees and penalties in accordance with City Code Sec. 31-554

will be levied against the property owner and/or business for violation of this condition.

13. Current Site Plan: Once approved, this resolution shall supersede any previous site plan approval resolutions associated with this property, causing previous site plan approval resolutions to be null and void.
14. Required Ordinances: Approval of this resolution is dependent on the final adoption of the associated right-of-way abandonment ordinance and also dependent on the final adoption and of the associated off-street parking text amendment ordinance. The applicant has also requested execution of a Settlement Agreement to resolve existing code enforcement fines and liens, which is critical to their ability to finance the desired rehabilitation and construction of the Stonybrook site.

SECTION 3. The associated Site Plan, Landscape Plan, and Building Elevations, are attached hereto and made a part of this resolution as Exhibit 'A', 'B', and 'C'.

SECTION 4. Should any one or more of the provisions or elements of this resolution be held invalid, such provision or element shall be null and void, and shall be deemed separate from the remaining provisions or elements and shall in no way affect the validity of any of the remaining provisions or elements of this resolution.

SECTION 5. This Resolution shall take effect immediately upon approval.

PASSED and APPROVED this _____ day of _____, 2018.

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APPROVED:

THOMAS A. MASTERS
MAYOR

TONYA DAVIS JOHNSON
CHAIRPERSON

ATTEST:

CLAUDENE L. ANTHONY
CERTIFIED MUNICIPAL CLERK
CITY CLERK

LYNNE L. HUBBARD
CHAIR PRO TEM

KASHAMBA MILLER-ANDERSON
COUNCILPERSON

JULIA BOTEL
COUNCILPERSON

TERENCE D. DAVIS
COUNCILPERSON

MOTIONED BY: _____

SECONDED BY: _____

K. MILLER-ANDERSON _____

T. DAVIS JOHNSON _____

L. HUBBARD _____

J. BOTEL _____

T. DAVIS _____

REVIEWED AS TO LEGAL SUFFICIENCY

ANDREW DEGRAFFENREIDT
CITY ATTORNEY

DATE: _____