



## **North Bay Village**

Administrative Offices

1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: [www.nbvillage.com](http://www.nbvillage.com)

### **OFFICIAL AGENDA**

#### **REGULAR VILLAGE COMMISSION MEETING**

**VILLAGE HALL  
1666 KENNEDY CAUSEWAY, #101  
NORTH BAY VILLAGE, FL 33141**

**TUESDAY, JUNE 10, 2014**

**7:30 P.M.**

NOTICE IS HEREWITH GIVEN TO ALL INTERESTED PARTIES THAT IF ANY PERSON SHOULD DECIDE TO APPEAL ANY DECISION MADE AT THE FORTHCOMING MEETING OF THE VILLAGE COMMISSION, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, HE OR SHE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE VILLAGE FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

TO REQUEST THIS MATERIAL IN ACCESSIBLE FORMAT, SIGN LANGUAGE INTERPRETERS, INFORMATION ON ACCESS FOR PERSON WITH DISABILITIES, AND/OR ANY ACCOMMODATION TO REVIEW ANY DOCUMENT OR PARTICIPATE IN ANY VILLAGE-SPONSORED PROCEEDING, PLEASE CONTACT (305) 756-7171 FIVE DAYS IN ADVANCE TO INITIATE YOUR REQUEST. TTY USERS MAY ALSO CALL 711 (FLORIDA RELAY SERVICE).

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#### **1. CALL TO ORDER**

##### **PLEDGE OF ALLEGIANCE**

##### **ROLL CALL**

#### **2. A. PROCLAMATIONS AND AWARDS**

##### **1. AWARD OF NORTH BAY VILLAGE SCHOLARSHIPS**

#### **B. SPECIAL PRESENTATIONS**

##### **1. Barbara Alfonso, Chairperson Continuing Education and Professional Development, North Campus, Miami Dade College**

##### **2. Water Company of America/Audit Report**

**C. ADDITIONS AND DELETIONS**

**3. GOOD & WELFARE**

**4. BOARD REPORTS**

**A. CITIZENS BUDGET & OVERSIGHT BOARD**

**B. COMMUNITY ENHANCEMENT BOARD**

**C. PLANNING & ZONING BOARD**

**5. PUBLIC SAFETY DISCUSSION**

**6. COMMISSIONERS' REPORTS**

**7. VILLAGE ATTORNEY'S REPORT**

**8. VILLAGE MANAGER'S REPORT**

**Grant Writer's Report**

**9. FINANCE REPORT**

**10. CONSENT AGENDA: Matters on the Consent Agenda are self-explanatory and are not expected to require discussion or review. Items will be enacted by one motion. If discussion is desired by any member of the Commission, that item must be removed from the Consent Agenda and will be considered separately.**

**A. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, TERMINATING A LEASE AGREEMENT WITH NEXTEL SOUTH CORP. FOR REMOVAL OF NEXTEL/SPRINT EQUIPMENT AT 1851 GALLEON STREET; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE LEASE TERMINATION AGREEMENT AND GENERAL RELEASE; AND PROVIDING FOR AN EFFECTIVE DATE.**

Approval of the proposed Resolution will result in the removal of the wireless communication device on the roof of the Public Works Building.

- B. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, PROVIDING FOR RATIFICATION OF A MEMORANDUM OF UNDERSTANDING BETWEEN NORTH BAY VILLAGE AND THE FRATERNAL ORDER OF POLICE; AUTHORIZING THE VILLAGE MANAGER TO SIGN THE MEMORANDUM OF UNDERSTANDING ON BEHALF OF THE VILLAGE; AUTHORIZING THE VILLAGE MANAGER TO TAKE ALL STEPS NECESSARY TO IMPLEMENT THE MEMORANDUM OF UNDERSTANDING; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**

The proposed Resolution will approve the Memorandum of Understanding to clarify the anniversary date for police officers to be on their actual date of hire.

- C. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA URGING MIAMI-DADE COUNTY BOARD OF COMMISSIONERS TO RESTORE FULL FUNDING TO THE ENTIRE MIAMI-DADE LIBRARY SYSTEM; SETTING AN EFFECTIVE DATE. (INTRODUCED BY MAYOR CONNIE LEON-KREPS AND COMMISSIONER RICHARD CHERVONY)**

The proposed Resolution supports funding for Miami-Dade Library System to keep public libraries open.

**1.) Commission Action**

**11. PLANNING & ZONING CONSENT AGENDA**

**No Items.**

**12. ORDINANCES FOR FIRST READING AND RESOLUTIONS**

- A. AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 32, DEPARTMENTS AND BOARDS, BY CREATING SUBSECTIONS 32.78 THROUGH 32.85 OF THE VILLAGE CODE RELATING TO THE “BUSINESS DEVELOPMENT ADVISORY BOARD”; PROVIDING FOR RESOLUTIONS OR ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY VICE MAYOR EDDIE LIM)**

The proposed Ordinance will change the Business Development Advisory Committee to a Board, reduce the number of members from seven to five, remove the sunset provision, as well as outlines other requirements pertaining to Advisory Boards.

**1.) Commission Action**

- B. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 151 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES ENTITLED, “BUILDINGS” TO UPDATE BUILDING PERMIT FEES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**

The proposed Ordinance will amend the building permit fee structure.

**1.) Commission Action**

- C. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING THE EXPENDITURE OF POLICE IMPACT FEES; MAKING APPROPRIATIONS IN THE FY 2013 BUDGET; AND SETTING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**

The proposed Resolution will authorize the expenditure of \$6,000 of Police Impact Fees, collected from development in the Village, for renovation for a Prisoner Holding Facility.

**1.) Commission Action**

**13. PUBLIC HEARINGS INCLUDING ORDINANCES FOR SECOND READING:**

- A. A REQUEST BY YEPARA, INC., PROPERTY OWNER OF THE BUSINESS ESTABLISHMENT LOCATED AT 1884 KENNEDY CAUSEWAY, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA FOR THE FOLLOWING:**

**1. A VARIANCE PURSUANT TO SECTION 111.03 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FROM THE STRICT INTERPRETATION OF SECTION 111.12(A)(1) AND 111.12 (B)(1) FOR THE ISSUANCE OF A BUSINESS TAX RECEIPT TO PERMIT THE SALE AND ON PREMISES CONSUMPTION OF BEER AND WINE WITHIN 300 FEET OF AN EXISTING RESTAURANT HOLDING A 4COP LICENSE AND WITHIN 500 FEET OF A PUBLIC SCHOOL.**

**1.) Commission Action**

**B. AN APPLICATION BY SILVIA OBERSTEIN CONCERNING PROPERTY LOCATED AT 7501 ADVENTURE AVENUE, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:**

**1. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FROM THE STRICT APPLICATION OF SECTION 152.027(C)(2) TO PERMIT AN ADDITION TO A SINGLE-FAMILY RESIDENCE TO FURTHER ENCROACH INTO THE REQUIRED SIDE YARD SETBACK, ALLOWING A SIDE YARD SETBACK OF 7.5 FEET WHERE THE CODE REQUIRES 15 FEET.**

**1.) Commission Action**

**C. AN APPLICATION BY NORTH BAY CAUSEWAY, LLC CONCERNING PROPERTY LOCATED AT 1555 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING: (FIRST PUBLIC HEARING)**

**1. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.030(C)(3) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A MIXED-USE COMMERCIAL STRUCTURE IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT.**

**1.) Commission Action**

2. **SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 127-UNIT, 22-STORY CONDOMINIUM STRUCTURE WITH A PARKING GARAGE.**

1.) **Commission Action**

3. **BONUS HEIGHT APPROVAL, PURSUANT TO SECTION 152.029(C)(8)A-F OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.**

1.) **Commission Action**

4. **A VARIANCE PURSUANT TO SECTION 152.097 OF NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW 5 STORIES OF PARKING, WHERE SECTION 152.029(C) ALLOWS A MAXIMUM OF FOUR STORIES OF PARKING.**

1.) **Commission Action**

D. **A REQUEST BY BAYVIEW CONDOMINIUM ASSOCIATION, AT 1625 KENNEDY CAUSEWAY, TREASURE ISLAND, WITHIN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT, NORTH BAY VILLAGE, FLORIDA FOR A NON-USE VARIANCE PURSUANT TO SECTION 152.0971 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FROM THE STANDARDS OF SECTION 152.029(C)(2) TO ALLOW A NATURAL GAS GENERATOR TO BE SETBACK 8.5 FEET FROM THE SIDE PROPERTY LINE, WHERE A SETBACK OF 15 FEET IS REQUIRED.**

1.) **Commission Action**

14. **UNFINISHED BUSINESS**

15. **NEW BUSINESS**

**16. APPROVAL OF MINUTES**

**A. REGULAR COMMISSION MEETING – MAY 13, 2014**

**1.) Commission Action**

**17. ADJOURNMENT**

**NORTH BAY VILLAGE  
MEETING NOTICE**

<b>TUESDAY, JUNE 10, 2014</b>	<b>7:30 P.M.</b>	<b>REGULAR COMMISSION MEETING VILLAGE HALL 1666 KENNEDY CAUSEWAY, #101</b>
<b>TUESDAY, JUNE 17, 2014</b>	<b>7:30 P.M.</b>	<b>REGULAR PLANNING &amp; ZONING BOARD MEETING VILLAGE HALL 1666 KENNEDY CAUSEWAY, #101</b>
<b>TUESDAY, JUNE 19, 2014</b>	<b>6:30 P.M.</b>	<b>COMMUNITY ENHANCEMENT BOARD MEETING VILLAGE HALL 1666 KENNEDY CAUSEWAY, #101</b>

**Any meeting may be opened and continued and, under such circumstances, additional legal notice would not be provided. Any person may contact the Village Clerk at (305) 756-7171 for information. In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in this proceeding or to review any documents relative thereto should contact the Village for assistance at (305) 756-7171 no later than four (4) days prior to the proceedings. TTY users may also call 711 (Florida Relay Service).**

**FARMERS' MARKET  
SUNDAYS  
11:00 A.M. – 3:00 P.M.**

**1755 KENNEDY CAUSEWAY (WEST OF  
BEST WESTERN)  
NORTH BAY VILLAGE, FLORIDA**



**NORTH BAY VILLAGE**

**MEMORANDUM**

**DATE:** May 15, 2014

**TO:** Frank Rollason, Village Manager

**FROM:** Scholarship Committee Meeting

**CC:** Alex Funkhouser, Youth Services Board / Rosa Neely, Youth Services Board / Ana Deleon, HR Clerk / Jenice Rosado, HR Director

**SUBJECT:** Scholarship recommendations

A total of 4 graduating high school senior applicants submitted to participate in NBV's scholarship running. The 4 applicants are all residents of North Bay Village and students at Miami Beach Senior High School.

The Scholarship Committee has met on May 14, 2014 and reviewed all 4 of the submitted applications for sufficiency and have found that all 4 of the applicants meet all of the criteria as set forth in our scholarship application and are thus eligible to receive a scholarship award.

For FY year 2014 NBV has a total of 4 scholarship awards: 1<sup>st</sup> place- \$2,500, 2<sup>nd</sup> place - \$2,000, 3<sup>rd</sup> place- \$1,500 & 4<sup>th</sup> place - \$1,371.

The recommended rankings of awards as chosen by the Scholarship Committee are as follows:

1<sup>st</sup> place- \$2,500 Andrew Canfield ( 3.9660 state GPA, 2070 SAT score, National Honor Society, Urban Planning & Architecture )

2<sup>nd</sup> Place - \$2,000 Mercedes Leguizamon (3.9670 state GPA, 1,730 SAT score, National Honor Society, Psychology)

3<sup>rd</sup> Place - \$1,500 Sena Kashiwagi (3.4670 state GPA, 1,690 SAT score, National Honor Society, Psychology)

4<sup>th</sup> Place - \$1,371 Samir Izadi (2.4140 state GPA, 1,160 SAT score, North Bay Village Optimist)

The students will be notified that they must be present at the June 10, 2014 Commission Meeting where they will read their personal essays and will receive their awards.

# Personal Essay

Andrew Canfield

12<sup>th</sup> Grade

3/13/2014

### North Bay Village Scholarship Program Essay

I can still remember the first time someone called me gay. I was in kindergarten at the time, and two girlfriends of mine giggled amid a scatter of shrubs in my backyard, daring each other to kiss me because it wouldn't matter to a boy who liked other boys. It still baffles me to this day how I was able to understand something so deeply personal so young. At the time, the revelation was prepubescent and innocent, as if I had finally discovered the vocabulary to distinguish what made me different and always had. Other boys, after all, weren't trying on their sister's heels and leopard prints at the age of 4. To this day, the way that I define myself as a gay man has remained a nonfactor in the way that I carry myself as a human being. For a long time, I struggled to find the language to communicate my longing not to be a generalization. My refusal to be "the gay kid" drove me to identify myself by my passions and interests, which have evolved over time and have made me into the multifaceted person that I am today.

Anyone and everyone that was familiar with me as a child would be able to conjure up a variety of words to describe me, and I'd venture to say that "bored" would not be one of them. I wasn't the kid who stared at the television for hours on end, nor was I the child prodigy whose schedule kept me from doing so. I have never been able to do anything lackadaisically, and I've always managed to find interests to really dedicate myself to, whether they were unavoidable, like academics, or purely based on my own passions.

I was brought into this world with a love of creation, and it has been a part of me and my growth as a human being for my entire life. I used to draw airplanes straight from my imagination, one after another on any surface I could make my own. The silhouette of an aircraft seduced me; it was something beautiful that I sought to capture every angle of. When I was young, I flew planes myself in commercial simulators and on my computer, and I was adamant that when I grew up, I'd be flying those planes that I'd loved so much. I matured and grew out of my pilot infatuation because of the limitations it seemed to impose on my future, but my passion for the beauty of flight remains very much a part of me and everything I do.

As I grew to appreciate a more eclectic array of subject matter, I applied my creativity elsewhere. I took up photography, fine art and graphic design and refined my eye in each facet of my imagination. Whether or not I was the best at what I did was never a concern to me. I loved to create and still do, and I have achieved great things with my passion for the arts. I've become my school's in-house graphic designer, and I've applied my talents constructively in order to advocate gay rights, ecological awareness, and issues of global proportions - specifically, the establishment of sustainable agricultural practices in Haiti.

Creativity is my passion; it's a part of who I am as a person and how I aspire to lead my life. I will always do what I love, and I will always strive to do so for the betterment of the world. I will not be a generalization. I am the product of my ambitions, and being a boy who likes other boys has no place in separating me from any other pilot, artist or intellectual out there. I will do everything in my power to pioneer that sentiment for future generations of all human beings alike.

My decision to become part of the most prestigious program at my school left others who were not in the program appalled, claiming that joining the program would dispose of my social life and consume the time I had for extracurricular activities.

At the end of sophomore year, I considered applying for the International Baccalaureate (IB) program in my school. Many of the previous IB students kept reminding me that I should not apply because it is an excessive amount of work and barely anytime to have a social life. I decided that not only will it help me be more productive with my time, but that the IB program will look magnificent on college applications and also because participating in the program automatically puts a student at the top of their class rank. In addition to the warnings, everyone began to tell me that because I am a dedicated gymnast, I cannot do the IB program because there will be no time for me to attend practice as regularly as I did.

I took the cautioning advice and decided that I would prove every single one of those students wrong. I applied to the IB program and was accepted fairly quickly. Then I began to have doubts; what if what I was told is true? What if I will not be able to handle it? Yet, I took the risk regardless of how difficult it seemed. Gymnastics has always been a huge part of my life and I wanted to improve as much as possible before graduating high school. My mother signed me up for a more professional gym than the one I was currently attending. The new coaches were members of the National Cuban Gymnastics Team and they wanted all of their pupils to be as good as they once were. Practice was more difficult than what I was accustomed to but I did not let it affect me in any way. Everyday after gymnastics practice, I would come home to finish all the homework I was assigned that day and managed to finish at a reasonable time every night.

Apart from the gymnastics and academic dedication, I was also a part of my school's volleyball team. I would be dismissed from school, go directly to volleyball practice, and then right after volleyball I would go to gymnastics practice until 9 o'clock every night and once I got home, I would begin my homework. I maintained high grades in every class and was able to receive all "A"s as my final grade in every class. The risk I took junior year was life changing because I knew how much I would be giving up if I failed. I was able to prove all of those students wrong with my participation in two sports along with maintaining perfect grades. Although their words were intimidating and made me doubt myself, I did it. I took the risk and I did not fail.

This experience helped me realize that nothing is ever impossible. That no matter how difficult a task may seem, determination can get a person through anything and that no one's words, no matter how powerful, have the ability to stop a person from believing and achieving.

I always despised Saturdays. While everybody slept in and played, I sat in a classroom at Japanese school. Not only was this destroying every one of my weekends, I was expected to learn and retain a full week's worth of knowledge in a single Saturday. This extraneous hardship caused many of my fellow classmates to stop pursuing their Japanese education. I remember bursting into tears every now and then not being able to handle all the extra work but somehow always convinced myself to continue.

Even though there were many minuscule things I disliked about the school, there was only one thing that impacted my life tremendously. Time goes back to my last year attending there. Our school conducts a spirit day once a year and unfortunately, I did not enjoy the last spirit day of my Japanese school experience.

The following week, teachers passed out surveys to the students. The last question asked how you felt about the experience. Having always thought that honesty was a strong virtue, while maintaining a polite attitude, in the most diplomatic way possible I wrote my opinion on the survey. Apparently, what I considered diplomacy ended up being taken as an insult and being "too" honest. The concept of an opinion survey no longer made sense as I was being chastised for stating my opinion. Once the lecture was finished, the teacher called on me and ordered me to submit another more "appropriately answered" survey.

The foundation of the Japanese culture is built upon manners. Indeed, I concur that manners are necessary in order to facilitate respect, but there should be a limit. When I visited Japan this past summer, I was appalled at the level of respect people must show one another. There is a saying in Japan stating that "customers are god", where the employees must do everything in their power to satisfy them. All of these actions are repeated so heavily and so often that they eventually appear forced and nothing seems genuine. It is similar to saying "I love you" so often that no one believes you when you are actually being sincere. Being a person of sound mind and judgment, I refuse to partake in these false notions and stand by the belief that everyone should be respectfully honest rather than respectfully superficial. After the submission of an "approved" survey, my teacher amplified the story to my parents who of course agreed with the teacher and were extremely disappointed and angry with me.

The 6 months following this event were nauseating. I became ill twice due to stress and dreaded daily activities. Those few months really made me question humanity. It is known that once you grow up, there are times where you have to make smart decisions instead of right ones, but is it correct to start this from childhood? Childhood should be the most important time to learn about honesty. What I received instead was a lecture on how I was rude when I was plainly trying to contribute my honest opinion.

It has been a little over a year since that exchange between my teacher and I, and I can gladly say I have somewhat recovered, but a little part of that innocent youth feels missing. I have realized that I always stop and ponder whether or not I should state my opinion towards anything, but still, I strive to stay strong with my beliefs. Though I am not a leader, I am confident that throughout my life, I will continue to stick to my morals. Nowadays, honesty is rare and I believe it is one of the key characteristics of a leader. As I mature and become an adult, my goal is to major in psychology to help those children who have suffered from similar experiences as myself. I wish to make a superior impact on those who do not believe personal opinions should be honest and truthful.

SAMIR IZADI

My name is Samir Izadi and I am applying for this prominent scholarship you the city of North Bay Village has to offer to individuals as myself who aren't financially upscale. North Bay Village has been my home since I was the age of two. In about three months I will be eighteen and in less than two months I will be graduating then I'm off to Miami Dade College. I plan on completing the first two years there then transferring to Florida State University or University of Central Florida to acquire my Bachelors in Business Administration. Once that time has come I will figure out which lane in life I should take. I currently live with two younger siblings and we're executing what needs to be done to achieve what my mother and father couldn't do, respectively.

I've had a strong passion for music since I was a toddler. Over the years I've really connected with its beauty and exoticness. I can play various instruments such as the piano, drums, guitar and bass. I can also sing. Not only that, I produce all my songs unaided. I am well known locally and slowly becoming reputable. I am always juggling school with music but I don't only want to be a musician or obtain a degree in one category, which at the moment I am prioritizing business as it does have a marvelous chemistry with music, but I also plan on being knowledgeable and skilled in other fields such as Law, Psychology, Philosophy, Visual and Performing Arts along with Film and Television.

I can work very smoothly in front of a multitude of people as in public speaking and performing. Not many people can undertake a task in a position like that. I am very observant with today's society, I've compared myself to others I have and have not clashed with and honestly I view myself as an open-minded person. There is a miniscule amount of people in this world today that aren't closed-minded. At least my observations have led me to that conclusion. The point I am attempting to sharpen is that those who have open ears are bright minds and bright minds are the future but even bright minds need to start somewhere with some sort of funding. It's explicit for me to garner this scholarship. Not only will this grant be utilized to its maximum potential but also it will give me hope and reason to attend college, as I am currently unemployed. If I were to secure a job position I would have to drop what I love and keeps me moving in life, which is music, without that life would be dull and I would lose my only source of motivation and inspiration. This is an investment for many positive things to come.

Knowledge is the key to power and is the ONLY thing oneself cannot get enough of. Receiving this scholarship will be an immense step towards a long-term goal for a fruitful and rewarding life.

2B2

North Bay Village engaged the service of ISI Water Company to complete an audit of the water, sewer, stormwater and sanitation billings for the Village's utility customers.

We have reviewed the Village's utility billing system as well as made 114 site visits where complete physical inspections were done of those customer's services.

The attached report shows that due to the results of our audit, the Village will have an increase in the monthly billing of \$554.17.

This will result in the Village receiving an additional \$3,325.02 per year that they have not been receiving in the past.

Our report shows the following:

- 1) Three residential stormwater accounts were being billed incorrectly.
- 2) Four water and sewer accounts had the incorrect meter size listed.
- 3) One sewer account was not billed.
- 4) Two unlisted meters were located. They were not being used but were still connected to the utility system for irrigation purposes. The customers requested that they be left and bill them for a minimum monthly fee. If used, they would also be billed for water usage.
- 5) Three commercial stormwater accounts were being billed incorrectly.

The fact that we did not find many billing errors says that staff is proactive and doing a good job.

Please accept our thanks for the opportunity to be of service to the Village of North Bay.

## North Bay Village WCA Findings

FWO#	Type of Find	Status	Monthly Projected Revenue - 100%	Monthly Projected Revenue - WCA 50%	Projected Monthly Revenue - WCA 50% Annual Revenue
1	Residential Stormwater	Approved	\$28.98	\$14.49	\$173.88
2	Residential Stormwater	Approved	18.90	9.45	\$113.40
3	Residential Stormwater	Approved	75.60	37.80	\$453.60
4	Incorrect Meter Size	Approved	29.48	14.74	\$176.88
5	Incorrect Meter Size	Approved	17.67	8.84	\$106.02
6	Incorrect Meter Size	Approved	17.67	8.84	\$106.02
7	Incorrect Meter Size	Approved	9.80	4.90	\$58.80
8	Sewer	Approved	175.63	87.82	\$1,053.78
9	Unlisted meter	Approved	54.02	27.01	\$324.12
10	Unlisted meter	Cancelled	0.00	0.00	\$0.00
11	Commercial Stormwater	Approved	28.26	14.13	\$169.56
12	Commercial Stormwater	Approved	29.23	14.62	\$175.38
13	Commercial Stormwater	Approved	68.93	34.47	\$413.58
<b>Total</b>			<b>\$554.17</b>	<b>\$277.09</b>	<b>\$3,325.02</b>

## North Bay Village WCA Findings

FWO#	Type of Find	Status	Monthly Projected Revenue - 100%	Monthly Projected Revenue - WCA 50%	Projected Monthly Revenue - WCA 50% X 36 months
1	Residential Stormwater	Approved	\$28.98	\$14.49	\$521.64
2	Residential Stormwater	Approved	18.90	9.45	340.20
3	Residential Stormwater	Approved	75.60	37.80	1,360.80
4	Incorrect Meter Size	Approved	29.48	14.74	530.64
5	Incorrect Meter Size	Approved	17.67	8.84	318.06
6	Incorrect Meter Size	Approved	17.67	8.84	318.06
7	Incorrect Meter Size	Approved	9.80	4.90	176.40
8	Sewer	Approved	175.63	87.82	3,161.34
9	Unlisted meter	Approved	54.02	27.01	972.36
10	Unlisted meter	Cancelled	0.00	0.00	0.00
11	Commercial Stormwater	Approved	28.26	14.13	508.68
12	Commercial Stormwater	Approved	29.23	14.62	526.14
13	Commercial Stormwater	Approved	68.93	34.47	1,240.74
<b>Total</b>			<b>\$554.17</b>	<b>\$277.09</b>	<b>\$9,975.06</b>



## North Bay Village

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Tel: (305) 756-7171 Fax: (305) 756-7722 Website: [www.nbvillage.com](http://www.nbvillage.com)

### **VILLAGE MANAGER'S REPORT**

To

The Mayor and Members of the Village Commission

**JUNE 10, 2014**

- 1. Request for a Motion from Commission to set Budget Workshop for July 17, 2014.**
- 2. Request for a Motion from Commission to call a Special Commission Meeting for Thursday, July 29, 2014, to adopt the tentative FY 2014-15 North Bay Village Budget to set the proposed millage rates for the General Fund and the Debt Service for the County issued TRIM Notice.**
- 3. Monthly Grant's Update Report**



100 NE 15 Street, Suite 207 ~ Homestead, FL 33030

Phone: (786)232-0771 Toll Free Phone/Fax: (888)778-5930 [www.belltowergroup.org](http://www.belltowergroup.org)

**To:** North Bay Village Mayor & Village Commission  
**From:** LaKeesha Morris, MSW  
**Date Submitted:** 6/02/2014  
**Reporting Period:** May 1-31, 2014

**Grants Submitted this Reporting Period:**

**1. Florida Department of Economic Opportunity**

- a. Date Submitted: 05/21/2014 (Due 06/06/2014)
- b. Amount: \$25,000/
- c. Summary: The Village submitted a proposal to develop a Strategic Plan that will include revitalization of the Commercial Corridor along JFK. This grant was developed in collaboration with the Village's planner, Mr. Jim Larue.

**2. US DOJ Bulletproof Vest Grant Program**

- a. **Date Submitted:** May 20, 2014
- b. **Summary:** This grant was submitted for 50% of the cost to purchase up to 18 vests. A decision is pending.

**Grants "Under Construction"/"On the Radar"**

**1. Miami Dade Cultural Affairs Community Grants**

**Due Date:** 7/3/2014 (Grant will not be released until 6/13/14)

**Amount:** up to \$7,500

**Match:** \$3,750 (Cash) and \$3,750 (In-Kind)

**Summary:** Projects may include any activity or series of events that are centered on the arts or cultural activities. Must have STRONG cultural/artistic component, community involvement and outreach.

**Proposed Project:** Village will seek to use this funding for the 5K Run and Hispanic Heritage/Cultural Festival (Hispanic Heritage is Sept. 15 – Oct 15). Teams will be able to run and represent their country/culture by wearing their flag or the colors of their flag.



100 NE 15 Street, Suite 207 ~ Homestead, FL 33030

Phone: (786)232-0771 Toll Free Phone/Fax: (888)778-5930 [www.belltowergroup.org](http://www.belltowergroup.org)

---

The festival following the run will include artistic performances from various cultures (dance, artwork, music, etc.).

**Update:** This grant will be released this week. The Village has been asked to provide direction on the definite project in need of funding.

## 2. Florida EPA Section 319

**Due Date:** 5/24/2014

**Update:** Grant writer was instructed not to submit this proposal. Instead the Grant writer will submit a proposal to the Department of Environmental Protection for TDML Funding. This is due on July 1, 2014.

## 3. Florida Division of Emergency Management – Flood Mitigation Assistance

a. Due Date: 06/06/2014

b. Amount: \$25,000

c. Summary: Examples of eligible flood retrofit activities are: 1. Acquisition and Demolition; 2. Acquisition and Relocation; 3. Elevation, relocation or flood-proofing of utilities; 4. Elevation (Standard In Place Elevation); 5. Dry Flood-proofing of Non-Residential Structures; 6. Dry Flood-proofing of Historical Structures; 7. Minor Localized Flood Reduction Projects; 8. Mitigation Reconstruction; and 9. Mitigation plans.

d. **Update:** This was submitted to staff for consideration on May 12. At the time that this report was submitted, grant writer was not given direction as to which project for which to request funding.

### Grant Reporting/Implementation Activities

*This section contains information on current grants for which LaKeesha provided reporting or help with implementation this reporting period.*

- There were no grant reports due this reporting period. The next reporting cycle is in July 2014.
-



## North Bay Village

Administrative Offices

1700 Kennedy Causeway, Suite 132 North Bay Village, FL 33141

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

### **NORTH BAY VILLAGE RECOMMENDATION MEMORANDUM**

**DATE: May 30, 2014**

**TO: Mayor Connie Leon Kreps  
Vice-Mayor Eddie Lim  
Commissioner Dr. Richard Chervony  
Commissioner Jorge Gonzalez  
Commissioner Wendy Duvall**

**RECOMMENDED BY STAFF: Village Manager Frank K. Rollason**

**PRESENTED BY STAFF: Public Works Director Rodney Santana-Carrero**

**SUBJECT: Termination of Nextel Lease Agreement**

#### **RECOMMENDATION:**

It is recommended that the Village Commission adopt the attached Resolution terminating the lease agreement with Nextel South Corp for removal of the Nextel/Sprint Equipment on the roof of the Public Works Building at 1851 Galleon Street.

#### **BACKGROUND:**

On January 9, 2007, the Village entered into a lease agreement with Nextel South Corporation for placement of Nextel/Sprint equipment on the Village's property at 1851 Galleon Street to enhance and improve wireless communication to the Village. The Village has been receiving monthly rent based upon the term of the agreement.

Nextel informed the Village of its intent to exercise its right not to renew under the termination provision of the agreement. The Village has no objection to terminating the agreement so long as the area is returned to its original condition, which will take place on June 6, 2014. Nextel will continue to make the \$862.50 monthly payment until the lease termination date of January 8, 2015.

Mayor  
Connie Leon-Kreps

Vice Mayor  
Eddie Lim

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Jorge Gonzalez

**BUDGETARY IMPACT (FINANCE DEPT):**

Termination of lease agreement with Nextel will reduce the FY 2015 Budget by \$7,762.50 due to the monthly revenue received from the cell tower lease.

**PERSONNEL IMPACT:**

There is no personnel impact.

**CONTACT:**

Village Manager Frank K. Rollason  
Public Works Director Rodney Carrero-Santana



## North Bay Village

Administrative Offices

1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

### MEMORANDUM

North Bay Village

**DATE:** May 30, 2014

**TO:** Yvonne P. Hamilton  
Village Clerk

**FROM:** Frank K. Rollason   
Village Manager

**SUBJECT:** Introduction of Resolution

---

Pursuant to Section 3.08 of the Village Charter, I hereby introduce the following Resolution:

**A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, TERMINATING A LEASE AGREEMENT WITH NEXTEL SOUTH CORP. FOR REMOVAL OF NEXTEL/SPRINT EQUIPMENT AT 1851 GALLEON STREET; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE LEASE TERMINATION AGREEMENT AND GENERAL RELEASE; AND PROVIDING FOR AN EFFECTIVE DATE.**

Accordingly, please place the item on the next available agenda.

FKR:yph

Mayor  
Connie Leon-Kreps

Vice Mayor  
Eddie Lim

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Jorge Gonzalez

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, TERMINATING A LEASE AGREEMENT WITH NEXTEL SOUTH CORP. FOR REMOVAL OF NEXTEL/SPRINT EQUIPMENT AT 1851 GALLEON STREET; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE LEASE TERMINATION AGREEMENT AND GENERAL RELEASE; AND PROVIDING FOR AN EFFECTIVE DATE. *(INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)*

**WHEREAS**, on January 9, 2007, the Village entered into a lease agreement with Nextel South Corporation (“Nextel”) for placement of Nextel/Sprint equipment on the Village’s property at 1851 Galleon Street to enhance and improve wireless communication to the Village; and

**WHEREAS**, by mutual agreement, Nextel and the Village desire to terminate the lease agreement effective January 8, 2015 in accordance with the “Lease Termination Agreement and General Release”.

**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COMMISSION OF NORTH BAY VILLAGE, FLORIDA:**

**Section 1. Recitals.** The foregoing whereas clauses are hereby ratified and confirmed as being true; and the same are hereby made a specific part of this Resolution.

**Section 2. Termination of Agreement.** The 2007 lease agreement between North Bay Village and Nextel South Corp is hereby terminated effective 2007 in accordance with the “Lease Termination Agreement and General Release” attached hereto as Exhibit “A”.

**Section 3. Execution of the Agreement.** The Village Manager is authorized to execute the “Lease Termination Agreement and General Release” on behalf of the Village and do all things necessary to terminate the lease.

**Section 4. Effective Date.** This resolution shall be effective immediately upon adoption.

The motion to adopt the foregoing Resolution was offered by \_\_\_\_\_, seconded by \_\_\_\_\_.

FINAL VOTE AT ADOPTION

Mayor Connie Leon-Kreps \_\_\_\_\_  
Vice Mayor Eddie Lim \_\_\_\_\_  
Commissioner Richard Chervony \_\_\_\_\_  
Commissioner Wendy Duvall \_\_\_\_\_  
Commissioner Jorge Gonzalez \_\_\_\_\_

PASSED and ADOPTED this 10<sup>th</sup> day of June, 2014.

\_\_\_\_\_  
MAYOR CONNIE LEON-KREPS

**ATTEST:**

\_\_\_\_\_  
YVONNE P. HAMILTON, CMC  
Village Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Robert L. Switkes & Associates, P.A.  
Village Attorney

North Bay Village Resolution: Nextel Lease Termination and General Release-June 10, 2014.



Mailstop KSOPHT0101-Z2650  
6391 Sprint Parkway  
Overland Park, KS 66251-2650  
Toll Free: (800) 357-7641  
Facsimile: (913) 523-9735  
Email: LandlordSolutions@Sprint.com

March 4, 2014

**VIA FEDERAL EXPRESS**

Tracking #: 7981 3318 0562

City of North Bay Village  
1666 Kennedy Causeway, #700  
N. Bay Village, FL 33141

Re: Non-Renewal of Site Agreement dated January 09, 2007, as amended by that certain Amendment Number 1 to Site Agreement dated August 07, 2007, (collectively, the "Agreement")

Owner: City of North Bay Village  
Nextel: Nextel South Corp., a Georgia corporation  
Nextel Site ID: FL6829  
Site Address: 1851 Galleon Street  
North Bay Village, Florida

Dear Sir or Madam:

Pursuant to Section 2 of the above-referenced Agreement, this letter will serve as notice that Nextel is exercising its right to not renew the Agreement, effective January 8, 2015.

In the event that any filings of record made by Nextel are discovered that encumber your title to the above-referenced Site, Nextel will execute a Memorandum of Termination or otherwise reasonably cooperate in taking actions necessary to remove the encumbrance.

If you have any questions, please contact Mike Reardon at (858) 799-7874 or contact our toll-free Landlord Solutions team at 800-357-7641. When calling, please have the Nextel Site ID (above) available for reference.

Sincerely,

A handwritten signature in black ink that reads "Glen Klocke". The signature is written in a cursive, flowing style.

Glen Klocke  
Real Estate Manager



March 6, 2014

Attn: City Manager  
Attn: City of North Bay Village  
1666 Kennedy Causeway, #700  
N. Bay Village, FL 33141

**RE:** Nextel: Nextel South Corp., a Georgia corporation  
Nextel Site ID: FL6829  
Site Address: 1851 Galleon Street  
North Bay Village, Florida

Dear Sir or Madam:

The enclosed documents are being provided to you in connection with the Nextel Lease. Please call me at **(858) 799-7874** when you receive this package and I will guide you through the process of signing the following:

1. **Lease Termination Agreement and General Release** (two originals):
  - Complete the signature block with signature, name, title, and date
  - Complete the witness signature blocks with signatures, names and titles
2. **Certificate of Authority** (please provide):
  - Please include documentation that elects or allows the individual signing to be an acting representative in this transaction

A return-addressed, pre-paid **Federal Express** label is included for your convenience (to locate the nearest drop-off, call **800.463.3339** or visit [www.fedex.com/dropoff](http://www.fedex.com/dropoff)). Please make sure that all of these documents are signed and returned to Md7 within the next **three days**.

If you have any questions regarding the enclosed documents, please contact me, your Md7 Lease Consultant, at **(858) 799-7874** or by email at [mReardon@md7.com](mailto:mReardon@md7.com).

Sincerely,

Mike Reardon  
Lease Consultant

Enclosures

**LEASE TERMINATION AGREEMENT**  
**AND**  
**GENERAL RELEASE**

This LEASE TERMINATION AGREEMENT AND GENERAL RELEASE (the "Agreement") is made as of \_\_\_\_\_, \_\_\_\_\_, by and between Nextel South Corp., a Georgia corporation ("Nextel") and City of North Bay Village, a Florida municipal corporation ("Owner") with reference to the following facts, understandings and intentions:

**RECITALS**

A. Owner owns certain property located at 1851 Galleon Street, North Bay Village, Florida ("Owner's Property"). Nextel, as lessee or tenant (or successor in interest to the lessee or tenant), and Owner, as lessor or landlord (or successor in interest to the lessor or landlord), are parties to that Site Agreement dated January 09, 2007, as amended by that certain Amendment Number 1 to Site Agreement dated August 07, 2007, (collectively, the "Lease") whereby Owner leases to Nextel a portion of Owner's Property, as further described in the Lease (the "Site").

B. Nextel uses the Site for a communications facility that, pursuant to the Lease, may include among other things, an antenna tower or pole and foundation, utility lines, transmission lines, an air conditioned equipment room or shelter and pad, cable wiring, conduit runs, radios and other electronic equipment, transmitting and receiving antennas and microwave dishes, batteries and other power sources (possibly including a generator and pad), related fixtures and supporting equipment, and structures therefor (collectively, the "Communications Facility").

C. By mutual agreement, Nextel and Owner desire to terminate the Lease, effective as of the Termination Date (as defined below).

D. Nextel and Owner are willing to so terminate the Lease, pursuant to the provisions of this Agreement.

**AGREEMENT**

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties agree as follows:

1. Date of Termination; Final Payment.  
a. The Lease is hereby canceled and terminated effective at 11:59 p.m. on January 08, 2015 (the "Termination Date"). From and after the Termination Date, neither Owner nor Nextel will have any further rights or obligations under the Lease, and Nextel will have no further right or interest with respect to the Site.

b. In full and final payment of any and all sums due or owing by Nextel to Owner under the Lease or otherwise in connection with Owner's Property or the Site, Nextel will

make a final payment of Eight Hundred Sixty-Two and 50/100 Dollars (\$862.50), in the same time and manner as rent is currently paid by Nextel, constituting Rent and other charges (if applicable) for the final month of the Lease (the "Final Payment").

2. Vacation and Surrender of the Site; Site Acceptance.

a. Owner and Nextel have expressly agreed that, on or before the Termination Date, Nextel will vacate and surrender the Site to Owner in its current "AS-IS" condition, except that Nextel will remove from the Site the following (the "Removed Equipment"):

Nextel shall remove the Communications Facility from the Site and shall restore the Site to the condition in which it existed upon commencement of the Lease, reasonable wear and tear excepted.

Nextel will have no further obligation (notwithstanding anything to the contrary contained in the Lease or otherwise) to remove the Communications Facility (all of which will be deemed abandoned by Nextel and accepted by Owner) or otherwise repair or restore the Site or any other portion of Owner's Property.

b. Upon Nextel's vacation of the Site, Owner and Nextel will each execute duplicate originals of the "Site Acceptance and Release" in the form attached hereto as Exhibit A ("Site Acceptance"). Owner's execution of the Site Acceptance will constitute conclusive evidence and proof that Nextel has vacated and surrendered the Site to Owner in the condition required by the Lease and this Agreement, and that any portion of the Communications Facility (and any other equipment or property) remaining on Owner's Property will be deemed abandoned by Nextel and accepted by Owner, on the terms set forth therein.

3. Release of Obligations. Except for Owner's and Nextel's respective rights to enforce the provisions of this Agreement and the Site Acceptance, effective as of the Termination Date, Owner and Nextel, for themselves and their respective parent, subsidiary and related corporations, partners, affiliates, heirs, successors and assigns, do each hereby release and forever discharge each other and their present and former directors, officers, shareholders, managers, agents, trustees, beneficiaries, attorneys and employees (the "Released Parties") from all obligations, damages, losses, costs, expenses and liabilities whether known or unknown, contingent or direct, liquidated or unliquidated, and from any claims, demands, judgments, actions or suits of any kind (collectively, "Claims") which they may have against one another arising out of or relating to the Lease, and the use and occupancy of Site, the Communications Facility and/or Owner's Property, including without limitation, any attorneys' fees incurred in connection therewith. Each party acknowledges the possibility that the other party may have unknown Claims against the other arising out of or related to the Lease, and the use and occupancy of Site, the Communications Facility and/or Owner's Property, and that by signing this Agreement, each party expressly waives such Claims. The parties further acknowledge that the consideration for this mutual release takes into account the possibility of such further Claims.

4. Voluntary Agreement. The parties have read this Agreement and the releases contained herein and, on advice of counsel, have freely and voluntarily entered into this Agreement with full understanding of its terms.

5. Recitals. The above recitals are an integral and substantive part of this Agreement and are incorporated herein.

6. Attorneys' Fees. If either party commences an action against the other party arising out of or in connection with this Agreement, the prevailing party will be entitled to recover attorneys' fees and expenses from the other.

7. Successors. This Agreement will be binding upon and inure to the benefit of the parties hereto and their respective heirs, successors and assigns.

8. Counterparts. This Agreement may be executed in any number of duplicate originals or counterparts, each of which will be deemed to be an original, and all of which taken together will constitute one and the same agreement. The parties agree that their signatures may be delivered by fax or email.

9. Governing Law. The validity, interpretation, construction and performance of this Agreement will be controlled by and construed under the laws of the state in which the Site is located.

**\*\*\* SIGNATURES ON FOLLOWING PAGE \*\*\***

IN WITNESS WHEREOF, the parties have executed this Lease Termination Agreement and General Release as of the date and year first above written.

**“NEXTEL”**

Nextel South Corp.,  
a Georgia corporation

Signed, sealed and delivered in the presence of :

\_\_\_\_\_

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Printed Name: \_\_\_\_\_

\_\_\_\_\_

Title: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

**“OWNER”**

City of North Bay Village,  
a Florida municipal corporation

Signed, sealed and delivered in the presence of :

\_\_\_\_\_

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Printed Name: \_\_\_\_\_

\_\_\_\_\_

Title: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

**Exhibit A**

**SITE ACCEPTANCE and RELEASE**

This SITE ACCEPTANCE and RELEASE is made as of \_\_\_\_\_, \_\_\_\_\_ (“Effective Date”), by and between Nextel South Corp., a Georgia corporation (“Nextel”) and City of North Bay Village, a Florida municipal corporation (“Owner”) with reference to the following facts, understandings and intentions:

A. Owner and Nextel are parties to that LEASE TERMINATION AGREEMENT and GENERAL RELEASE dated \_\_\_\_\_, \_\_\_\_\_ (the “Agreement”), that terminated a Lease for a Site on Owner’s Property located at 1851 Galleon Street, North Bay Village, Florida (Nextel Site # FL6829), all terms of which are incorporated herein. Capitalized terms used but not defined herein have the meanings set forth in the Agreement.

B. Nextel used the Site for a communications facility that may have included, among other things, an antenna tower or pole and foundation, utility lines, transmission lines, an air conditioned equipment room or shelter and pad, cable wiring, conduit runs, radios and other electronic equipment, transmitting and receiving antennas and microwave dishes, batteries and other power sources (possibly including a generator and pad), related fixtures and supporting equipment, and structures therefor (collectively, the “Communications Facility”).

C. Nextel removed some or all of the Communications Facility and restored the Site and Owner’s Property to the condition required by the Lease and the Agreement, and Nextel vacated and surrendered the Site to Owner as of the Effective Date. The parties now desire to execute this Site Acceptance and Release, pursuant to the Agreement.

NOW, THEREFORE, in consideration of the foregoing, the provisions set forth below, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, Owner hereby acknowledges that, as of the Effective Date, Nextel has vacated, surrendered and restored the Site and Owner’s Property to the condition required by the Lease and the Agreement and that any portion of the Communications Facility (and any other equipment or property) remaining on Owner’s Property shall be deemed abandoned by Nextel (collectively, the “Abandoned Property”); Owner accepts any such Abandoned Property in its present condition “AS-IS”, “WHERE-IS” and “WITH ALL FAULTS”, and without any representations, warranties, promises, covenants or guaranties whatsoever, express, implied, oral, written, statutory or otherwise (including, without limitation, no warranties of merchantability, marketability, profitability, fitness for a particular purpose or conformity to models or materials); and Owner fully and forever releases Nextel and the Released Parties from all Claims and any and all liability whatsoever in connection with the foregoing and the Lease, and agrees to indemnify, defend and hold Nextel and the Released Parties harmless from and against all Claims and any and all losses, costs, liabilities, damages, claims, actions and causes of action (including attorneys’ fees and court costs) arising out of or relating in any way to any such Abandoned Property (including without limitation any Claims that permits or local zoning or other regulations require telecommunications equipment to be removed).

**\*\*\* SIGNATURES ON FOLLOWNG PAGE \*\*\***

Executed on \_\_\_\_\_, \_\_\_\_\_

Signed, sealed and delivered in the presence of :

\_\_\_\_\_

Printed Name: \_\_\_\_\_

\_\_\_\_\_

Printed Name: \_\_\_\_\_

Signed, sealed and delivered in the presence of :

\_\_\_\_\_

Printed Name: \_\_\_\_\_

\_\_\_\_\_

Printed Name: \_\_\_\_\_

“NEXTEL”

Nextel South Corp.,  
a Georgia corporation

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

“OWNER”

City of North Bay Village,  
a Florida municipal corporation

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



March 6, 2014

Attn: City Manager  
Attn: City of North Bay Village  
1666 Kennedy Causeway, #700  
N. Bay Village, FL 33141

**RE:** Nextel: Nextel South Corp., a Georgia corporation  
Nextel Site ID: FL6829  
Site Address: 1851 Galleon Street  
North Bay Village, Florida

Dear Sir or Madam:

The enclosed documents are being provided to you in connection with the Nextel Lease. Please call me at **(858) 799-7874** when you receive this package and I will guide you through the process of signing the following:

1. **Lease Termination Agreement and General Release** (two originals):
  - Complete the signature block with signature, name, title, and date
  - Complete the witness signature blocks with signatures, names and titles
2. **Certificate of Authority** (please provide):
  - Please include documentation that elects or allows the individual signing to be an acting representative in this transaction

A return-addressed, pre-paid **Federal Express** label is included for your convenience (to locate the nearest drop-off, call **800.463.3339** or visit [www.fedex.com/dropoff](http://www.fedex.com/dropoff)). Please make sure that all of these documents are signed and returned to Md7 within the next **three days**.

If you have any questions regarding the enclosed documents, please contact me, your Md7 Lease Consultant, at **(858) 799-7874** or by email at [mReardon@md7.com](mailto:mReardon@md7.com).

Sincerely,

Mike Reardon  
Lease Consultant

Enclosures

**SITE AGREEMENT**

Site Name: NORTH BAY VILLAGE

Site ID #: FL6829

This Site Agreement ("Agreement") is entered into as of 1/9/2011 by Nextel South Corp., a Georgia corporation ("Sprint/Nextel" or "Tenant") and the City of North Bay Village, a Florida Municipal Corporation ("Owner"). Owner acknowledges receiving One Dollar (\$1.00) and other sufficient consideration for entering into this Agreement.

**I. Premises and Use.** Owner owns the property described on Exhibit A attached ("Owner's Property"). Subject to the provisions of Section 2 below regarding the Due Diligence Period, Owner leases to Sprint/Nextel the site (consisting of a portion of Owner's Property) described below [Check all appropriate boxes]:

- Land consisting of approximately 100 square feet for construction of:
  - shelters and/or base station equipment and
  - antenna support structure;
- Building interior space consisting of approximately \_\_\_\_\_ square feet for placement of shelters and/or base station equipment;
- Building exterior space consisting of approximately \_\_\_\_\_ square feet for placement of shelters and/or base station equipment;
- Building exterior space for attachment of antennas;
- Tower space between the \_\_\_\_\_ foot and \_\_\_\_\_ foot level on the tower for attachment of antennas;

generally in the location(s) shown on Exhibit B attached, as well as riser, conduit and other space required for cable runs to connect its equipment and antennas, and together with all necessary non-exclusive easements for vehicular and pedestrian access thereto, for placement of an underground grounding system, and for access to the appropriate source of electric, telephone and other utilities, in the discretion of Sprint/Nextel (the "Site"). The Site may be used by Sprint/Nextel (and/or any of its affiliated entities) for the purpose of installing, removing, replacing, modifying, maintaining and operating, at its expense, communications service facilities, including, without limitation, antennas, base station equipment, cable, wiring, power sources, related equipment and structures and, if applicable to the Site, an antenna support structure (the "Facilities"). All of the Facilities will remain Sprint/Nextel's personal property and are not fixtures. Any visual or textual representation of the Facilities on Exhibit B is illustrative only, and does not limit the rights of Sprint/Nextel as provided for in this Agreement. Sprint/Nextel will use the Site in a manner which will not unreasonably disturb the occupancy of Owner's other tenants, if any. Sprint/Nextel will have unrestricted access to the Site and the Facilities 24 hours per day, 7 days per week.

**2. Terms.** This Agreement becomes effective on the date that both Owner and Sprint/Nextel have executed this Agreement ("Effective Date"). Tenant's lease term shall commence on the Effective Date. The term of Tenant's lease and tenancy, if any, (the "Term") is 5 years, commencing on the Effective Date. If neither party provides written notice of its' intention not to renew the lease within 90 days of the end of the completion date of the five year term (i.e. December, 2011), then the lease will automatically renew for additional terms of 1 year each (each a "Renewal Term"), with either party having the right to terminate this Agreement 90 days prior to the end of the then current Renewal Term. The Due Diligence Period is defined as the time between the Effective Date and the Term Commencement Date. During the Due Diligence Period, Sprint/Nextel will be permitted to enter Owner's Property to perform surveys, inspections, investigations and tests, including, without limitation, signal, topographical, geotechnical, structural and environmental tests, in Sprint/Nextel's discretion to determine the physical condition, suitability and feasibility of the Site. If Sprint/Nextel determines, in its discretion, that the Site is not appropriate for Sprint/Nextel's intended use (or if Sprint/Nextel otherwise decides, for any reason or no reason, not to commence the lease Term), then Sprint/Nextel may terminate this Agreement upon notice to Owner at any time prior to the end of the Due Diligence Period. Owner acknowledges that, prior to the Term Commencement Date, Sprint/Nextel has limited access to, but no ownership or control of, any portion of Owner's Property and that Sprint/Nextel's access during the Due Diligence Period shall not cause Sprint/Nextel to be considered an owner or operator of Owner's Property or the Site for purposes of environmental laws or otherwise.

**3. Rent.** Starting on the date that is 30 days after the Term Commencement Date and on the first day of every month thereafter, Tenant will pay rent in advance in equal monthly installments of \$750.00. Rent shall increase on each five year anniversary of the Term Commencement Date by an amount equal to fifteen percent (15%) of the Rent in effect for the previous five year renewal Term. Rent for any partial months will be prorated based upon a 30-day month. Notwithstanding anything contained in this Section, Tenant's obligation to pay rent is contingent upon Tenant's receipt of an IRS approved

W-9 form setting forth the tax identification number of Owner or of the person or entity to whom rent checks are to be made payable as directed in writing by Owner. Rent will be sent to the address shown underneath Owner's signature.

**4. Title and Quiet Possession.** Owner represents and warrants to Tenant and further agrees that: (a) it is the owner of Owner's Property; (b) it has rights of pedestrian and vehicular access from the nearest public roadway to the Site, which Tenant is permitted to use; (c) it has the right to enter into this Agreement; (d) the person signing this Agreement has the authority to sign; (e) Tenant is entitled to access the Site at all times and to quiet possession of the Site throughout the initial Term and each Renewal Term, so long as Tenant is not in default beyond the expiration of any notice or cure period; and (f) Owner will not have unsupervised access to the Site or to the Facilities.

**5. Assignment/Subletting.** Tenant has the right to sublease (or otherwise transfer or allow the use of) all or any portion of the Site or assign its rights under this Agreement with the prior approval of the owner.

**6. Notices.** All notices must be in writing and are effective only when deposited in the U.S. mail, certified mail, return receipt requested and postage prepaid or when sent via overnight delivery service. Notices to Tenant are to be sent to: Sprint/Nextel Property Services, Nextel South Corp., a Georgia Corporation 851 Trafalgar Court, Suite 300 East Maitland, FL 32751 Attn: Property Manager, with a mandatory copy to: Sprint/Nextel Law Department, Mailstop KSOPHT0101-Z2020, 6391 Sprint Parkway, Overland Park, Kansas 66251-2020, Attn.: Real Estate Attorney. Notices to Owner must be sent to the address shown underneath Owner's signature.

**7. Improvements.** Tenant may, at its expense, make improvements on and to the Site as it deems necessary or desirable from time to time for the operation of the Facilities. Owner agrees to cooperate with Tenant with respect to obtaining any required zoning or other governmental approvals for the Site, the Facilities and contemplated use thereof. Upon termination or expiration of this Agreement, Tenant will remove the above-ground Facilities, and will remove any foundation down to one foot below grade level.

**8. Compliance with Laws.** Owner represents and warrants to Tenant that Owner's Property (including the Site) and all improvements located thereon, are in substantial compliance with building, life/safety, disability and other laws, codes and regulations of applicable governmental authorities. Tenant will substantially comply with all applicable laws relating to its possession and use of the Site.

**9. Interference.** Tenant will resolve technical interference problems that the Facilities might cause with (i) other equipment located at the Site on the Effective Date, or (ii) when Tenant desires to add additional Facilities to the Site, any equipment that became attached to the Site between the Effective Date and such future date. Likewise, Owner will not permit or suffer the installation of any equipment on Owner's Property after the Effective Date that: (a) results in technical interference problems with the Facilities, or (b) encroaches onto the Site.

**10. Utilities.** Owner represents and warrants to Tenant that all utilities adequate for Tenant's intended use of the Site are available at or near the Site. Tenant will pay for all utilities used by it at the Site. Owner grants to Tenant and the local utility companies (as appropriate) any easement(s) reasonably required by Tenant or the utility companies in order to provide utility service required by Tenant for its intended use of the Site throughout the initial Term and each Renewal Term, and Owner will execute, at no cost to Tenant or the utility companies, any instrument(s) reasonably necessary to evidence such rights. If there is a loss of electrical service at the Site, Tenant may, at its expense, install and maintain a temporary generator and fuel storage tank at the Site or on Owner's Property adjacent to the Site.

**11. Termination.** Notwithstanding any provision contained in this Agreement to the contrary, Tenant may, in Tenant's sole and absolute discretion and at any time and for any or no reason, terminate this Agreement and shall pay to owner the sum of six months rent.

**12. Relocation of Facilities.** Landlord may relocate Tenant Facilities, to another premises of Landlord's choice, provided that

Site Name: NORTH BAY VILLAGE

Site ID #: FL6829

such premises is suitable for the operation of Tenant Facilities and Landlord provides Tenant ninety (90) days prior written notification of its intent to relocate Tenant's Facilities. Tenant shall have the right to construct, erect, maintain, test, replace, remove, and operate on the Premises communications facilities, including without limitation an antenna facility, utility lines, transmission lines, equipment shelter(s), electronic equipment, transmitting and receiving antennas, microwave dishes, antennas and equipment, a power generator and generator pad, and supporting equipment and structures therefore ("Alternate Tenant Facilities"). In connection therewith, Tenant has the right to do all work necessary to prepare, maintain and alter the Premises for Tenant's business operations and to install transmission lines connecting the antennas to the transmitters and receivers. All of Tenant's construction and installation work shall be performed in a good and workmanlike manner, and in compliance with all applicable laws. If Tenant determines that the alternate location is not appropriate for Tenant's intended use, or if Tenant cannot obtain the necessary licenses, permits or approvals that may be required for Tenant's intended use, or Tenant decides not to continue its occupancy of the Premises, then Tenant shall have the right to terminate this Agreement without penalty upon written notice to Landlord. In the event Landlord constructs the Alternate Tenant Facilities, all references to the "Tenant Facilities" shall be replaced by the "Alternate Tenant Facilities". In the event of such relocation, Exhibit B of this Agreement shall be amended in writing to substitute the new premises for the Premises.

**13. Default.** If either party is in default under this Agreement for a period of 30 days following receipt of written notice from the non-defaulting party, the non-defaulting party may pursue any remedies available to it against the defaulting party at law and in equity, including, but not limited to, the right to terminate this Agreement. If a non-monetary default cannot reasonably be cured within a 30-day period, this Agreement may not be terminated if the defaulting party commences action to cure the default within the 30-day period and proceeds with due diligence to fully cure the default.

**14. Indemnity.** Except with respect to Hazardous Substances, which are defined and provided for in Section 14 below, Owner and Tenant each indemnifies and agrees to defend the other against and holds the other harmless from any and all costs (including reasonable attorneys' fees), damages, claims of liability and losses (collectively, "Claims") which arise out of the negligence or intentional misconduct of the indemnifying party, its agents or contractors.

**15. Hazardous Substances.** Owner represents and warrants to Tenant that it has no direct knowledge of any substance, chemical or waste on or affecting Owner's Property that is identified as hazardous, toxic or dangerous in any applicable federal, state or local law or regulation (collectively, "Hazardous Substance"). Notwithstanding any provision contained in this Agreement to the contrary, Owner will have sole responsibility for the identification, investigation, monitoring and remediation and cleanup of any Hazardous Substance discovered on Owner's Property. Owner agrees to indemnify, defend and hold harmless Tenant from any and all Claims relating to any Hazardous Substance present on or affecting Owner's Property prior to or on the Term Commencement Date, unless the presence or release of the Hazardous Substance is caused by the activities of Tenant. Tenant will not introduce or use any Hazardous Substance on the Site in violation of any applicable law, and Tenant will indemnify, defend and hold harmless Owner from and against all Claims arising out of Tenant's breach of this sentence. Owner will not introduce or use any Hazardous Substance on Owner's Property in violation of any applicable law, and Owner will indemnify, defend and hold harmless Tenant from and against all Claims arising out of Owner's breach of this sentence. The provisions of this Section will apply as of the Effective Date. The indemnity obligations under this Section will survive termination of this Agreement.

**16. Subordination and Non-Disturbance.** This Agreement is subordinate to any mortgage or deed of trust of record against the Site as of the Effective Date. Promptly after this Agreement is fully executed, however, Owner will obtain a non-disturbance agreement in a form reasonably acceptable to Tenant from the holder of any mortgage or deed of trust.

**17. Property Taxes.** Tenant will pay Owner any increase in Owner's real property taxes that is directly and solely attributable to improvements to the Site made by Tenant. Owner must pay prior to delinquency, all property taxes and assessments attributable to Owner's Property. Within 60 days after receipt of evidence of Owner's payment and a completed 'Tax Increase Worksheet in the form of Exhibit C attached, Tenant will pay to Owner any increase in Owner's real property taxes which Owner demonstrates, to Tenant's satisfaction, is directly and solely attributable to any improvements to the Site made by Tenant.

**18. Insurance.** During the initial Term and all Renewal Terms, each party will procure and maintain commercial general liability insurance, with limits of not less than \$1,000,000 combined single limit per occurrence, and \$2,000,000 aggregate, and will make the other party an additional insured on such policy. Within 30 days after receipt of a written request from the other party, each party will provide the requesting party with a Certificate of Insurance evidencing the required coverage. Alternatively, each party will have the option of providing the requesting party with evidence of such coverage electronically, by providing the requesting party with a Uniform Resource Locator ("URL") link to access such party's Memorandum of Insurance website. Each party will cause each insurance policy obtained by it to provide that the insurance company waives all rights of recovery by subrogation against the other party in connection with any damage covered by the policy. Each party waives its right of recovery against the other for any loss or damage covered by any property insurance policies maintained by the waiving party.

**19. Maintenance.** Tenant will be responsible for repairing and maintaining the Facilities and any other improvements installed by Tenant at the Site in a proper operating and reasonably safe condition; provided, however, if any repair or maintenance is required due to the acts or omissions of Owner, its agents, contractors or employees, Owner will promptly reimburse Tenant for the reasonable costs incurred by Tenant to restore the damaged areas to the condition which existed immediately prior thereto. Owner will maintain and repair all other portions of Owner's Property in a proper operating and reasonably safe condition.

**20. Miscellaneous.** (a) This Agreement applies to and binds the heirs, successors, executors, administrators and assigns of the parties to this Agreement; (b) this Agreement is governed by the laws of the state in which the Site is located; (c) Owner agrees to promptly execute and deliver to Tenant a recordable Memorandum of Agreement in the form of Exhibit D, attached; (d) each party will execute, within 20 days after written request, an estoppel certificate or statement certifying that this Agreement is unmodified and in full force and effect or, if modified, describing such modification(s), and that the other party is not in default (beyond applicable cure periods), except as specified in the statement. The estoppel certificate may also certify the current rent amount and whether any rent has been paid in advance; (e) this Agreement (including the Exhibits and Riders) constitutes the entire agreement between the parties and supersedes all prior written and verbal agreements, representations, promises or understandings between the parties. Any amendments to this Agreement must be in writing and executed by both parties; (f) if any provision of this Agreement is invalid or unenforceable with respect to any party, the remainder of this Agreement or the application of the provision to persons other than those as to whom it is held invalid or unenforceable, will not be affected and each provision of this Agreement will be valid and enforceable to the fullest extent permitted by law; and (g) the prevailing party in any action or proceeding in court or mutually agreed upon arbitration proceeding to enforce the terms of this Agreement is entitled to receive its reasonable attorneys' fees and other reasonable enforcement costs and expenses from the non-prevailing party.

**21. Non-Binding Until Fully Executed.** This Agreement is for discussion purposes only and does not constitute a formal offer by either party. This Agreement is not and will not be binding on either party until and unless it is fully executed by both parties.

The following Exhibits and Riders are attached to and made a part of this Agreement; Exhibits A and B.

Site Name: North Bay Village

Site ID #: FL 6829

Contact Phone Number: \_\_\_\_\_

**OWNER:**

**City of North Bay Village**  
A Florida Municipal Corporation

By: Jorge Forte

Name: Jorge Forte

Title: City Manager

Date: 1/3/2007

Taxpayer ID: 59-6000388

Address: 1666 Kennedy Cr.  
#700

N. Bay Village, FL 33141

Email address: \_\_\_\_\_

See Addendum to Site Agreement for continuation of Owner Signatures

**TENANT:**

**Nextel South Corp.**  
a Georgia Corporation

By: Sam Brown

Name: Sam Brown

Title: South Regional Strategic Sites Mgr.

Date: 1/9/2007

Attach Exhibit A - Legal Description of Owner's Property  
Attach Exhibit B - Site Plan

Attest: [Signature]  
City Clerk

Approved as to form and legal sufficiency:

[Signature]  
City Attorney

**EXHIBIT A  
TO SITE AGREEMENT**

**Legal Description of Owner's Property**

The Owner's Property is located at 1851 Galleon Street, situated in the City of North Bay Village, County of Miami-Dade, State of Florida commonly described as follows:

**Insert Legal Description:**

**LEGAL DESCRIPTIONS  
(AS PREPARED BY SURVEYOR)**

**EASEMENT  
(HOUSEBUSINESS EASEMENT)  
NORTH BAY VILLAGE FL-8884**

A PORTION OF LOTS 6 AND 7, BLOCK 9, TREASURE ISLAND FIRST ADDITION, A PORTION OF TRACT B, AS RECORDED IN PLAT BOOK 37, PAGE 6, PUBLIC RECORDS OF DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID BLOCK 9; THENCE NORTH 88°41'24" EAST, ALONG THE NORTH LINE OF SAID BLOCK 9, A DISTANCE OF 240.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 7; THENCE DEPARTING SAID NORTH LINE, SOUTH 01°37'08" WEST, ALONG SAID WEST LINE, A DISTANCE OF 100.00 FEET TO THE SOUTH LINE OF SAID BLOCK 9 AND THE NORTH RIGHT OF WAY LINE OF GALLEON STREET; THENCE DEPARTING SAID WEST LINE, NORTH 88°41'24" EAST, ALONG SAID LINE, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID SOUTH LINE AND NORTH RIGHT OF WAY LINE, NORTH 00°23'54" WEST, A DISTANCE OF 36.77 FEET; THENCE NORTH 43°48'31" EAST, A DISTANCE OF 81.38 FEET; THENCE SOUTH 46°13'29" EAST, A DISTANCE OF 10.00 FEET; THENCE SOUTH 46°13'29" EAST, A DISTANCE OF 10.00 FEET; THENCE SOUTH 43°48'31" WEST, A DISTANCE OF 10.00 FEET; THENCE SOUTH 43°48'31" WEST, A DISTANCE OF 58.34 FEET; THENCE SOUTH 00°23'54" EAST, A DISTANCE OF 27.33 FEET TO THE AFORESAID SOUTH LINE OF BLOCK 9 AND NORTH RIGHT OF WAY LINE; THENCE SOUTH 88°41'24" WEST, ALONG SAID LINE, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.0476 ACRES OR 2076 SQUARE FEET, MORE OR LESS.

**EASEMENT  
LEASE PAVEMENT  
NORTH BAY VILLAGE FL-8884**

A PORTION OF LOTS 6 AND 7, BLOCK 9, TREASURE ISLAND FIRST ADDITION, A PORTION OF TRACT B, AS RECORDED IN PLAT BOOK 37, PAGE 6, PUBLIC RECORDS OF DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID BLOCK 9; THENCE NORTH 88°41'24" EAST, ALONG THE NORTH LINE OF SAID BLOCK 9, A DISTANCE OF 240.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 7; THENCE DEPARTING SAID NORTH LINE, SOUTH 01°37'08" WEST, ALONG SAID WEST LINE, A DISTANCE OF 100.00 FEET TO THE SOUTH LINE OF SAID BLOCK 9 AND THE NORTH RIGHT OF WAY LINE OF GALLEON STREET; THENCE DEPARTING SAID WEST LINE, NORTH 88°41'24" EAST, ALONG SAID LINE, A DISTANCE OF 20.00 FEET; THENCE DEPARTING SAID SOUTH LINE AND NORTH RIGHT OF WAY LINE, NORTH 00°23'54" WEST, A DISTANCE OF 36.77 FEET; THENCE NORTH 43°48'31" EAST, A DISTANCE OF 81.38 FEET; THENCE SOUTH 46°13'29" EAST, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 46°13'29" EAST, A DISTANCE OF 10.00 FEET; THENCE SOUTH 43°48'31" WEST, A DISTANCE OF 10.00 FEET; THENCE NORTH 43°48'31" EAST, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.0023 ACRES OR 10 SQUARE FEET, MORE OR LESS.

**EASEMENT  
UTILITY EASEMENT  
NORTH BAY VILLAGE FL-8884**

A PORTION OF LOT 8, BLOCK 9, TREASURE ISLAND FIRST ADDITION, A PORTION OF TRACT B, AS RECORDED IN PLAT BOOK 37, PAGE 6, PUBLIC RECORDS OF DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID BLOCK 9; THENCE NORTH 88°41'24" EAST, ALONG THE NORTH LINE OF SAID BLOCK 9, A DISTANCE OF 240.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 7; THENCE DEPARTING SAID NORTH LINE, SOUTH 01°37'08" WEST, ALONG SAID WEST LINE, A DISTANCE OF 100.00 FEET TO THE SOUTH LINE OF SAID BLOCK 9 AND THE NORTH RIGHT OF WAY LINE OF GALLEON STREET; THENCE DEPARTING SAID WEST LINE, NORTH 88°41'24" EAST, ALONG SAID LINE, A DISTANCE OF 20.00 FEET; THENCE DEPARTING SAID SOUTH LINE AND NORTH RIGHT OF WAY LINE, NORTH 00°23'54" WEST, A DISTANCE OF 36.77 FEET; THENCE NORTH 43°48'31" EAST, A DISTANCE OF 81.38 FEET; THENCE SOUTH 46°13'29" EAST, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 43°48'31" EAST, A DISTANCE OF 18.42 FEET TO THE AFORESAID NORTH LINE OF BLOCK 9; THENCE NORTH 88°41'24" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 29.91 FEET; THENCE DEPARTING SAID NORTH LINE, SOUTH 81°19'36" EAST, A DISTANCE OF 6.00 FEET; THENCE SOUTH 88°41'24" WEST, A DISTANCE OF 27.44 FEET; THENCE SOUTH 43°48'01" WEST, A DISTANCE OF 17.36 FEET; THENCE NORTH 46°13'29" WEST, A DISTANCE OF 9.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.0053 ACRES OR 234 SQUARE FEET, MORE OR LESS.

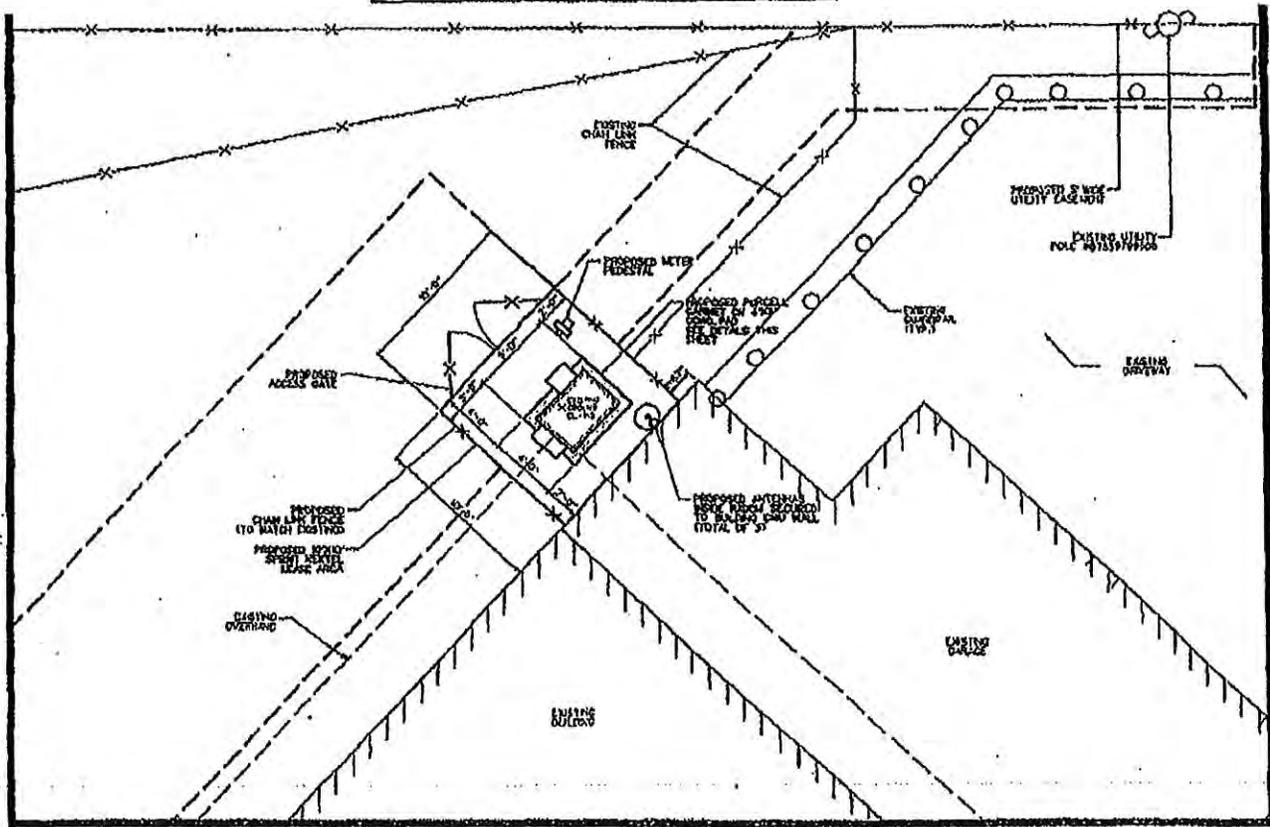
**EXHIBIT B  
TO SITE AGREEMENT**

**Site Plan**

The Site is described as follows:

**Insert Site Plan:**

The antenna structure will not exceed sixty feet (60') above ASML



**Note:** Owner and Tenant may, at Tenant's option, replace this Exhibit with an exhibit setting forth the legal description of the Site, or an as-built drawing depicting the Site. Any visual or textual representation of the Facilities is illustrative only, and does not limit the rights of Sprint/Nextel as provided for in the Agreement. Without limiting the generality of the foregoing:

1. The Site may be setback from the boundaries of Owner's Property as required by the applicable governmental authorities.
2. The access road's width may be modified as required by governmental authorities, including police and fire departments.
3. Without limiting Tenant's right to make future changes, Tenant intends to initially install up to twelve (12) antennas, fifteen (15) coaxial cables and three (3) GPS signal units and connections (the type, number, mounting positions and locations of which are illustrative only; actual types, numbers, mounting positions and locations may vary from what is shown or described above).
4. The locations of any access and utility easements are illustrative only. Actual locations may be determined by Tenant and/or the servicing utility company in compliance with local laws and regulations.

**AMENDMENT NUMBER 1  
TO  
SITE AGREEMENT**

This is Amendment Number 1 ("Amendment") to that certain Site Agreement dated January 9, 2007 (the "Agreement") by and between the CITY OF NORTH BAY VILLAGE, a Florida Municipal Corporation ("Owner"), and NEXTEL SOUTH CORP., a Georgia corporation ("Sprint/Nextel" or "Tenant"), for the purpose of modifying the Agreement, and is dated the 14 day of August, 2007.

A. If there is any inconsistency between the terms of the Agreement and the terms of this Amendment, the terms of this Amendment shall control.

B. The terms used herein shall have the same meaning as in the Agreement.

C. Section 3, "Rent" shall be replaced in its entirety with the following language:

"Starting on the date that is 30 days after the Term Commencement Date and on the first day of every month thereafter, Tenant will pay rent in advance in equal monthly installments of \$750.00. During the Initial Term and any Renewal Term, Rent shall increase on each one (1) year anniversary of the Term Commencement Date by an amount equal to three percent (3%) of the Rent in effect for the immediately preceding year. Rent for any partial months will be prorated based upon a 30 day month. Notwithstanding anything contained in this Section, Tenant's obligation to pay rent is contingent upon Tenant's receipt of an IRS approved W-9 form setting forth the tax identification number of Owner or of the person or entity to whom rent checks are to be made payable as directed in writing by Owner. Rent will be sent to the address shown underneath Owner's signature."

D. Except as amended hereby, the terms and conditions of the Agreement shall remain in full force and effect for so long as the Agreement remains in effect.

IN WITNESS WHEREOF, the parties have executed this Amendment to Agreement as of the 17th day of August, 2007

NEXTEL SOUTH CORP.,  
a Georgia corporation

CITY OF NORTH BAY VILLAGE  
a Florida Municipal Corporation

By: [Signature]

By: [Signature]

Name: Sam Rodriguez

Name: Jorge Forte

Title: [Signature]

Title: City Manager

Date: 8-7-07

Date: 8/7/07

WITNESSED:

ATTEST:

[Signature]

[Signature]

[Signature]

[Signature]

Printed Name:

Printed Name:

[Signature]

[Signature]

[Signature]

[Signature]

Printed Name:

Printed Name:

Approved as to form:

[Signature]

Robert L. Switkes  
City Attorney



## North Bay Village

Administrative Offices

1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

### NORTH BAY VILLAGE RECOMMENDATION MEMORANDUM

**DATE:** May 13, 2014

**TO:** Mayor Connie Leon Kreps  
Vice-Mayor Eddie Lim  
Commissioner Dr. Richard Chervony  
Commissioner Wendy Duvall  
Commissioner Jorge Gonzalez

**RECOMMENDED BY:**

Frank Rollason, Village Manager

**PRESENTED BY STAFF:**

Frank Rollason, Village Manager

**SUBJECT:** FOP Memorandum of Understanding for Evaluation Review Dates

**RECOMMENDATION:**

It is recommended that the Village Commission ratify the FOP Memorandum of Understanding authorizing annual police officer evaluation/review dates to be conducted on the officers' anniversary of their full time date of hire with the Village.

**BACKGROUND:**

Police officers have not received merit or step increases for the past few years. Since we now have reached a contract with the union (FOP) representing our officers, we are working on streamlining some issues that may remain unclear or up for individual interpretation. This MOU clarifies and sets all review/ evaluation dates for all officers as their date of original date of hire with the Village. From now on, all Police Officers will receive their evaluation on their anniversary date (original date of hire). It is on that annual date that the police officer will be evaluated, and if a successful evaluation is received and the officer is not maxed out in pay, they will receive a merit based pay increase per our contract.

Mayor  
Connie Leon-Kreps

Vice Mayor  
Eddie Lim

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Jorge Gonzalez

**FINANCIAL IMPACT:**

None or minimal

**PERSONNEL IMPACT:**

Clarifies evaluation review dates for police officers



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### MEMORANDUM

North Bay Village

**DATE:** May 13, 2014

**TO:** Yvonne P. Hamilton  
Village Clerk

**FROM:** Frank K. Rollason  
Village Manager 

**SUBJECT:** Introduction of Resolution

---

Pursuant to Section 3.08 of the Village Charter, I hereby introduce the following Resolution:

**A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, PROVIDING FOR RATIFICATION OF A MEMORANDUM OF UNDERSTANDING BETWEEN NORTH BAY VILLAGE AND THE FRATERNAL ORDER OF POLICE; AUTHORIZING THE VILLAGE MANAGER TO SIGN THE MEMORANDUM OF UNDERSTANDING ON BEHALF OF THE VILLAGE; AUTHORIZING THE VILLAGE MANAGER TO TAKE ALL STEPS NECESSARY TO IMPLEMENT THE MEMORANDUM OF UNDERSTANDING; AND PROVIDING FOR AN EFFECTIVE DATE.**

Accordingly, please place the item on the next available agenda.

FKR:yph

Mayor  
Connie Leon-Kreps

Vice Mayor  
Eddie Lim

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Jorge Gonzalez

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, PROVIDING FOR RATIFICATION OF A MEMORANDUM OF UNDERSTANDING BETWEEN NORTH BAY VILLAGE AND THE FRATERNAL ORDER OF POLICE; AUTHORIZING THE VILLAGE MANAGER TO SIGN THE MEMORANDUM OF UNDERSTANDING ON BEHALF OF THE VILLAGE; AUTHORIZING THE VILLAGE MANAGER TO TAKE ALL STEPS NECESSARY TO IMPLEMENT THE MEMORANDUM OF UNDERSTANDING; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**

**WHEREAS**, North Bay Village (the “Village”) desires to ratify the Memorandum of Understanding (“MOU”) between the Village and the Fraternal Order of Police (“FOP”) for police officers annual evaluation/review to be conducted on the anniversary of their hire date; and

**WHEREAS**, the Village Commission finds that ratification of the MOU is in the best interest of the Village.

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

**Section 1.** Recitals. The foregoing recitals are true and correct and are incorporated herein by reference.

**Section 2.** Ratification of Memorandum of Understanding. The Memorandum of Understanding (MOU) between the Fraternal Order of Police (“FOP”) and North Bay Village, a copy of which is attached as Exhibit “A”, together with such non-material changes as may be acceptable to the Village Manager and approved as to form and legality by the Village Attorney, is hereby authorized and approved.

**Section 3.** Authorization of Village Officials. The Village Manager and/or his designee and the Village Attorney are authorized to take all actions necessary to enter into the MOU and to take all necessary steps to implement the terms and conditions of the MOU.

**Section 4.** Execution of the Memorandum of Understanding. The Village Manager is authorized to execute the MOU on behalf of the Village and to execute any required agreements and/or documents to implement the terms and conditions of the MOU, subject to the approval as to form and legality by the Village Attorney.

**Section 5.** Effective Date. This Resolution shall take effect immediately upon adoption.

The motion to adopt the foregoing Resolution was offered by \_\_\_\_\_, seconded by \_\_\_\_\_.

**FINAL VOTE AT ADOPTION:**

Mayor Connie Leon-Kreps \_\_\_\_\_  
Vice Mayor Eddie Lim \_\_\_\_\_  
Commissioner Richard Chervony \_\_\_\_\_  
Commissioner Wendy Duvall \_\_\_\_\_  
Commissioner Jorge Gonzalez \_\_\_\_\_

**PASSED AND ADOPTED** this 10th day of June, 2014.

\_\_\_\_\_  
Connie Leon-Kreps, Mayor

**ATTEST:**

\_\_\_\_\_  
Yvonne P. Hamilton, CMC  
Village Clerk

**APPROVED AS TO FORM FOR THE USE OF  
NORTH BAY VILLAGE:**

\_\_\_\_\_  
Robert L. Switkes & Associates, P.A.  
Village Attorney

North Bay Village Resolution: FOP Memorandum of Understanding/Police Review/Evaluation on Anniversary Date.

## RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, URGING THE MIAMI-DADE COUNTY BOARD OF COMMISSIONERS TO RESTORE FULL FUNDING TO THE ENTIRE MIAMI-DADE LIBRARY SYSTEM; SETTING AN EFFECTIVE DATE. (INTRODUCED BY MAYOR CONNIE LEON-KREPS AND COMMISSIONER RICHARD CHERVONY)**

**WHEREAS**, the Miami-Dade Public Library Advisory Board is assigned to serve in an advisory capacity to the County Commission in respect to all matters pertaining to the Miami-Dade Public Library System, as well as to serve as a member of Mayor Carlos Gimenez's Blue Ribbon Task Force to study the future of the Miami-Dade Public Library System; and

**WHEREAS**, as part of their responsibilities and duties, the Task Force convened and determined that the best course of action on behalf of the Public Library System was for the Task Force and the County to formulate and adopt a short term funding plan for Fiscal Year 2014-2015 with the goal of funding the System's operating budget to levels prior to the downturn in the economy; and

**WHEREAS**, while the Board of Directors of the Miami-Dade County League of Cities, Inc. is aware of the current funding crisis faced by the Public Library System, they are encouraged and optimistic by an improved economy and the prospects for a return to a stabilized and strong economy thereby allowing for the restoration of full funding for the Public Library System; and

**WHEREAS**, the Miami-Dade Public Library System is comprised of forty-nine branches which services over 2.5 million residents, as well as approximately 8 million visitors throughout Miami-Dade County; and

**WHEREAS**, with the reduction of funding to the Public Library System and the closures, down-sizing or reconfigurations of the Public Library System many children, teens and adults within all the Miami-Dade County municipalities have been turned away from a place of learning and have thus suffered greatly; and

**WHEREAS**, a healthy public library system promotes literacy and cultural appreciation and fosters a more knowledgeable and educated society; and

**WHEREAS**, since a recent survey by the Task Force has shown that a significant number of Miami-Dade County residents support the library system and are willing to pay to maintain a better level of service in the Public Library System, North Bay Village Commission believes that a sustainable financial plan with the restoration of full funding for the Public Library System is in the best interest of all of the residents located in the thirty-four municipalities throughout Miami-Dade County.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA:**

**Section 1.** The Commission of North Bay Village hereby urges the Miami-Dade County Board of Commissioners to restore full funding to the entire Miami-Dade Library System.

**Section 2.** The Village Clerk is directed to forward a copy of this Resolution to the Mayor and Commissioners of Miami-Dade County.

**Section 3.** The Commission of North Bay Village, Florida encourages all municipalities to support and enact similar resolutions in each of their jurisdiction.

**Section 3.** This resolution shall be effective immediately upon adoption.

The motion to adopt the foregoing Resolution was offered by \_\_\_\_\_, seconded by \_\_\_\_\_.

**FINAL VOTE AT ADOPTION**

Mayor Connie Leon-Kreps	_____
Vice Mayor Eddie Lim	_____
Commissioner Richard Chervony	_____
Commissioner Wendy Duvall	_____
Commissioner Jorge Gonzalez	_____

PASSED and ADOPTED this 10<sup>th</sup> day of June, 2014.

\_\_\_\_\_  
MAYOR CONNIE LEON-KREPS

**ATTEST:**

\_\_\_\_\_  
YVONNE P. HAMILTON, CMC

Village Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Robert L. Switkes & Associates, P.A.  
Village Attorney



## North Bay Village

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Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

### MEMORANDUM

North Bay Village

**DATE:** May 30, 2014

**TO:** Yvonne P. Hamilton  
Village Clerk

**FROM:** Richard Chervony   
Commissioner

**SUBJECT:** Introduction of Resolution

---

Pursuant to Section 3.08 of the Village Charter, I hereby introduce the following Resolution:

**A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, URGING THE MIAMI-DADE COUNTY BOARD OF COMMISSIONERS TO RESTORE FULL FUNDING TO THE ENTIRE MIAMI-DADE LIBRARY SYSTEM; SETTING AN EFFECTIVE DATE.**

Accordingly, please place the item on the next available agenda.

RC:yph

Mayor  
Connie Leon-Kreps

Vice Mayor  
Eddie Lim

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Jorge Gonzalez



## North Bay Village

Administrative Offices

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Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

### MEMORANDUM

#### North Bay Village

**DATE:** May 30, 2014

**TO:** Yvonne P. Hamilton  
Village Clerk

**FROM:** Connie Leon-Kreps  
Mayor

**SUBJECT:** Introduction of Resolution

---

Pursuant to Section 3.08 of the Village Charter, I hereby introduce the following Resolution:

**A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, URGING THE MIAMI-DADE COUNTY BOARD OF COMMISSIONERS TO RESTORE FULL FUNDING TO THE ENTIRE MIAMI-DADE LIBRARY SYSTEM; SETTING AN EFFECTIVE DATE.**

Accordingly, please place the item on the next available agenda.

CLK:yph

Mayor  
Connie Leon-Kreps

Vice Mayor  
Eddie Lim

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Jorge Gonzalez



## North Bay Village

Administrative Offices

1700 Kennedy Causeway, Suite 132 North Bay Village, FL 33141

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: [www.nbvillage.com](http://www.nbvillage.com)

### **NORTH BAY VILLAGE RECOMMENDATION MEMORANDUM**

**DATE:** May 30, 2014

**TO:** Mayor Connie Leon Kreps  
Vice-Mayor Eddie Lim  
Commissioner Dr. Richard Chervony  
Commissioner Jorge Gonzalez  
Commissioner Wendy Duvall

**RECOMMENDED BY STAFF:** Vice Mayor Eddie Lim

**PRESENTED BY STAFF:** Village Manager Frank K. Rollason 

**SUBJECT:** Business Development Advisory Board Ordinance

#### **RECOMMENDATION:**

It is recommended that the Village Commission consider the proposed ordinance changing the Business Development Advisory Committee to an Advisory Board, reducing the number of members to five, clarifying the term of office, and implementing other regulations pertinent to an Advisory Board to the Commission.

#### **BACKGROUND:**

The Village Commission adopted Resolutions 2012-17 creating a Business Development Advisory Committee to assist in improving commerce to the Village.

At the April 8, 2014 Commission Meeting, the Commission directed staff to prepare an ordinance to change the committee to a board; to reduce the seven-member requirement to five; to change the term of office; and to address all other regulations pertaining to the creation of an Advisory Board.

Mayor  
Connie Leon-Kreps

Vice Mayor  
Eddie Lim

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Jorge Gonzalez

**FINANCIAL IMPACT /BUDGETARY IMPACT:**

None

**PERSONNEL IMPACT:**

None



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### MEMORANDUM

North Bay Village

**DATE:** May 30, 2014

**TO:** Yvonne P. Hamilton  
Village Clerk

**FROM:** Eddie Lim  
Vice Mayor

**SUBJECT:** Introduction of Ordinance

---

Pursuant to Section 3.08 of the Village Charter, I hereby introduce the following Ordinance:

**AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 32, DEPARTMENTS AND BOARDS, BY CREATING SUBSECTIONS 32.78 THROUGH 32.85 OF THE VILLAGE CODE RELATING TO THE "BUSINESS DEVELOPMENT ADVISORY BOARD"; REPEALING RESOLUTIONS IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Accordingly, please place the item on the next available agenda.

EL:yph

Mayor  
Connie Leon-Kreps

Vice Mayor  
Eddie Lim

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Jorge Gonzalez

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 32, DEPARTMENTS AND BOARDS, BY CREATING SUBSECTIONS 32.78 THROUGH 32.85 OF THE VILLAGE CODE RELATING TO THE “BUSINESS DEVELOPMENT ADVISORY BOARD”; REPEALING RESOLUTIONS IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY VICE MAYOR EDDIE LIM)**

WHEREAS, the Village Commission finds that it is in the best interest of the community to establish a permanent group to recommend improvements to the business community; and

WHEREAS, the Village Commission desires to change the Business Development Advisory Committee to the Business Development Advisory Board.

**BE IT ENACTED BY THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals Adopted.** The above stated recitals are true and correct and incorporated herein by this reference.

**Section 2. Village Code Amended.** Chapter 32, Departments and Boards, of the North Bay Village Code of Ordinances is amended to read as follows<sup>1</sup>:

**BUSINESS DEVELOPMENT ADVISORY BOARD**

**§ 32.78 Establishment**

A Business Development Advisory Board is hereby created to establish a dialog with existing members of the North Bay Village business community and to provide recommendations for the recruitment of new commerce to become part of the Village.

**§ 32.79 Composition**

There is hereby created the North Bay Village Business Development Advisory Board which shall consist of five (5) members who may reside at any location within the Village, or owners of businesses located within the confines, or designees of such business owners; all of whom shall serve for a period of two years concurrent with the regular scheduled election of the Commission as provided in §6.01 of the Charter.

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<sup>1</sup> Additions to the text are shown in underline. Deletions to the text are shown in ~~strikethrough~~.

### **§ 32.80 Qualifications**

The members of the Business Development Advisory Board shall be appointed and shall be qualified electors of the Village or own or operate a business within the Village for a minimum of one year. Resident members of the Board shall also be and remain during their respective terms of office, residents of the Village and shall have been a resident of North Bay Village for a minimum of two (2) years.

### **§ 32.81 Terms; removal from office.**

Members of the Board shall be appointed by the Village Commission pursuant to Section 32.02 of the Village Code, by a majority vote of the members present, concurrent with the regular scheduled election of the Commission; however, in order to maintain continuity, members shall serve until the new board is appointed after the election. Any member may be removed from the office by the Commission upon majority vote of the Commission members present.

### **§ 32.82 Vacancy.**

In the event that a vacancy shall occur on the Board by resignation, removal, death, or for any other reason, a successor shall be appointed to fill the unexpired term for such member by a majority vote of the Commission.

### **§ 32.83 Power and duties**

The Business Development Advisory Board shall be charged with the following duties:

1. Appoint its own chair and vice-chair;
2. Appoint a secretary, who shall keep an accurate record of the Board's Meetings;
3. Provide monthly written reports containing its activities and recommendations concerning the economic development of the Village, including but not limited to, the existing business environment in the Village and what measures the Commission and Village staff may take to attract businesses to the Village.

### **§ 32.84 Officers**

The Business Development Advisory Board shall annually, each by majority vote, elect one of its members as Chair and one of its members as Vice-Chair. The Chair shall chair the meetings of the Board, and shall be the representative of the Board to the Village Commission. In the case of the absence of the Chair at any meetings, the Vice-Chair shall act in his stead.

The Village Manager is directed and authorized to furnish, supply, and make available to the Board suitable and proper accommodations for the transactions of the business of the Board. The Board shall designate its own secretary and the Secretary shall make and furnish minutes of the Board's meetings and shall report to the Village Commission as to the attendance of the meeting and submit the minutes of its meetings to the Village Commission monthly.

**§ 32.85 Meetings; quorum; voting period.**

- (A) The Business Development Advisory Board shall hold regular monthly meetings at such time and place as the Board may determine and may hold special meetings at any other time. All meetings shall be publicly noticed to residents, homeowners, and property owners by publication on the Village's bulletin board or website. In the event that the Chairperson shall fail to call a special meeting, upon request of any member of the Board, a special meeting shall be held upon written call of two other members of the Board mailed three days prior to the called meeting.
- (B) All meetings of the Board shall be open to the public and three members shall constitute a quorum.
- (C) A majority vote of the Board shall be required on all recommendations made to the Village Commission.

**Section 3. Conflicts.** All ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this ordinance are repealed.

**Section 4. Codification.** This ordinance shall be codified and included in the Code of Ordinances.

**Section 5. Severability.** If any section, clause, sentence, or phrase of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this ordinance.

**Section 6. Effective Date.** This Ordinance shall take effect immediately upon enactment.

A motion to approve the foregoing Ordinance on first reading on was offered by \_\_\_\_\_, seconded by \_\_\_\_\_.

**The Votes** were as follows:

Mayor Connie Leon-Kreps	_____
Vice Mayor Eddie Lim	_____
Commissioner Richard Chervony	_____
Commissioner Wendy Duvall	_____
Commissioner Jorge Gonzalez	_____

A motion to approve the foregoing Ordinance on final reading was offered by \_\_\_\_\_, seconded by \_\_\_\_\_.

**FINAL VOTES AT ADOPTION:**

Mayor Connie Leon-Kreps	_____
Vice Mayor Eddie Lim	_____
Commissioner Richard Chervony	_____
Commissioner Wendy Duvall	_____
Commissioner Jorge Gonzalez	_____

**DULY PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2014.

\_\_\_\_\_  
Connie Leon-Kreps  
Mayor

**ATTEST:**

\_\_\_\_\_  
Yvonne P. Hamilton, CMC  
Village Clerk

APPROVED AS TO FORM FOR THE USE OF  
NORTH BAY VILLAGE ONLY:

\_\_\_\_\_  
Village Attorney  
Robert L. Switkes & Associates, P.A.

**RESOLUTION NO. 2012-12**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, ESTABLISHING A BUSINESS DEVELOPMENT ADVISORY COMMITTEE; PROVIDING COMMITTEE MEMBERSHIP; PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VICE MAYOR EDDIE LIM)**

**WHEREAS**, the City Commission (the "Commission") of the City of North Bay Village (the "City") desires to aggressively attract new commerce to become part of the City business community; and

**WHEREAS**, the Commission would like to afford City residents with increased opportunities to be employed within the City; and

**WHEREAS**, well-rounded shopping facilities will be beneficial to the City residents and help build up the City's tax base; and

**WHEREAS**, recognizing the value of public input, the City desires to include its residents and business owners in the process of improving the economic development of the City; and

**WHEREAS**, the Commission therefore desires to create a Business Development Advisory Committee to establish a dialog with existing members of the North Bay Village business community and to provide recommendations for the recruitment of new commerce to become part of the City.

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

**Section 1.** **Recitals.** The foregoing whereas clauses are hereby ratified and confirmed as being true; and the same are hereby made a specific part of this Resolution.

**Section 2.** **Establishment of Advisory Committee.** A Business Development Advisory Committee is hereby created to establish a dialog with existing members of the North Bay Village business community and to provide recommendations to the City Commission for mechanisms and programs to attract new commerce to become part of the City.

**Section 3.** **Qualifications.** Committee members shall meet the following qualifications:

1. Have been a resident of the City of North Bay Village for a minimum of two (2) years; or
2. Own or operate a business within the City for a minimum of one (1) years.

**Section 4.** **Appointment and Composition of Committee.** The Committee shall consist of seven (7) voting members and one (1) non-voting member. The Mayor and Commissioners shall each nominate one voting member. The remaining members shall be appointed by a majority vote of the Commission. The City Manager shall be an ex-officio, non-voting member of the Committee. All nominations shall be subject to a majority vote by the Commission. Nominees shall be a minimum of 18 years of age. Should a vacancy occur on the Committee, the original nominating Commissioner, or if applicable the City Manager, shall nominate a replacement, subject to majority vote of the Commission.

**Section 5.** **Duties.** The Business Development Advisory Committee shall:

1. Appoint its own chair and vice-chair;
2. Appoint a secretary, who shall keep an accurate record of the Committee's meetings;
3. Provide monthly written reports containing its activities and recommendations concerning the economic development of the City, including but not limited to, the existing business environment in the City and what measures the Commission and City staff may take to attract businesses to the City.

**Section 6. Meetings.** The Committee shall meet monthly, on the third Wednesday of the month, beginning in May, 2012, and at the call of the Chairperson and all meetings shall be open to the public. A majority of the Committee shall constitute a quorum, and the affirmative vote of the majority of those members present shall be required to take action or make a recommendation. The Secretary shall keep minutes of the Committee meetings. The approved minutes shall be filed with the City Clerk.

**Section 7. Attendance.** In the event a Committee member fails to attend three (3) regularly scheduled meetings, the Committee member shall automatically be removed from the Committee. The vacancy shall be filled pursuant to Section 4 of this Resolution.

**Section 8. Staffing.** The City Manager and the City Clerk shall serve as staff to the Committee.

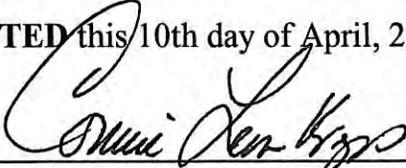
**Section 9. Sunset Review.** The Committee shall have a Sunset Review by the Commission after 24 months from the effective date of this Resolution. The Committee shall prepare a report containing its activities and recommendations through that period.

**Section 10. Effective Date.** That this Resolution shall take effect immediately upon adoption.

The motion to adopt the foregoing Resolution was offered by Commissioner Stuart Blumberg, seconded by Mayor Connie Leon-Kreps. The votes were as follows:

Mayor Connie Leon-Kreps	<u>Yes</u>
Vice Mayor Eddie Lim	<u>Yes</u>
Commissioner Stuart Blumberg	<u>Yes</u>
Commissioner Richard Chervony	<u>Yes</u>
Commissioner Paul Vogel	<u>Absent</u>

**PASSED AND ADOPTED** this 10th day of April, 2012.

  
\_\_\_\_\_  
Connie Leon-Kreps, Mayor



## North Bay Village

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### **NORTH BAY VILLAGE RECOMMENDATION MEMORANDUM**

**DATE:** May 30, 2014

**TO:** Mayor Connie Leon Kreps  
Vice-Mayor Eddie Lim  
Commissioner Dr. Richard Chervony  
Commissioner Jorge Gonzalez  
Commissioner Wendy Duvall

**RECOMMENDED BY STAFF:** Village Manager Frank K. Rollason

**PRESENTED BY STAFF:** Finance Director Bert Wrains

**SUBJECT:** Ordinance Revising Building Permit Fees

#### **RECOMMENDATION:**

It is recommended that the Village Commission approve the attached Ordinance on first reading to amend the rate structure for building permits.

#### **BACKGROUND:**

Municipal permit fees may be subject to change at any time. While we strive to keep our permit fees competitive with neighboring jurisdictions, it becomes necessary from time to time to increase or adjust our fees in order to effectively meet the demand for municipal services.

Staff conducted a comprehensive review of the current Building Permit Fees. After taking into consideration the fact that the fees have not been addressed in the last five years and our intent to maintain the same level of service, the Village Manager is recommending the proposed changes. The Building Department operates separately from the General Fund, and the fees are utilized to fund the overall cost of the department.

Mayor  
Connie Leon-Kreps

Vice Mayor  
Eddie Lim

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Jorge Gonzalez

The proposal for a new fee structure would include a \$125 minimum permit fee. Most of the previous minimum fees ranged between \$70 and \$150. This amendment will standardize all fees at \$125. It also provides a reduction for permits fees that are covered with a master permit from 5 percent to 3 percent, and a provision to recoup the exact zoning review fees.

**FINANCIAL IMPACT /BUDGETARY IMPACT:**

There will be some increase to the building department revenues. All building permit fees are to be used to cover the cost of the building department operations including staff and inspections.

**PERSONNEL IMPACT:**

None



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### MEMORANDUM

North Bay Village

**DATE:** May 30, 2014

**TO:** Yvonne P. Hamilton  
Village Clerk

**FROM:** Frank K. Rollason  
Vice Manager

**SUBJECT:** Introduction of Ordinance

---

Pursuant to Section 3.08 of the Village Charter, I hereby introduce the following Ordinance:

**AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 151 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES ENTITLED, "BUILDINGS" TO UPDATE BUILDING PERMIT FEES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; AND PROVIDING AN EFFECTIVE DATE.**

Accordingly, please place the item on the next available agenda.

FKR:yph

Mayor  
Connie Leon-Kreps

Vice Mayor  
Eddie Lim

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Jorge Gonzalez

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 151 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES ENTITLED, “BUILDINGS” TO UPDATE BUILDING PERMIT FEES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**

**WHEREAS**, the Commission of North Bay Village (the “Village”) recognizes that changes to the adopted Code of Ordinances are periodically necessary in order to ensure that the Village’s regulations are current and consistent with the needs of the Village and the demands and costs of development; and

**WHEREAS**, the Village Commission desires to amend Chapter 151, Permit Fees of the North Bay Village Code of Ordinances (the “Code”) to update building permit regulations and fees to more closely reflect actual costs and Miami-Dade County regulations; and

**WHEREAS**, the Village Commission finds that this Ordinance is in the best interest and welfare of the residents of the Village.

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

**Section 1.** **Recitals Adopted.** Each of the above stated recitals is true and correct and incorporated herein by this reference.

**Section 2.** **Village Code Amended.** Chapter 151 – Building, of the North Bay Village Code of Ordinances is hereby amended to read as follows:<sup>1</sup>

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<sup>1</sup> Additions to existing Village code text are shown in underline; deletions from existing Village code text are shown in ~~strikethrough~~.

- (A) No person shall erect or construct, or proceed with the erection or construction of any building or structure, nor add to, enlarge, move, improve, alter, convert, extend or demolish any building or structure, where the cost of the work is more than \$500.00 without first obtaining a building permit.

Exception: Any construction activities, regardless of the value, that includes structural, electrical, plumbing, or mechanical work shall require a permit.

An applicant for a building permit shall tender a permit fee with the application. The minimum permit fee shall be ~~\$120~~125.00. For purposes of determining the permit fee, the value of the work to be performed under the permit shall be determined as follows:

- (1) For new construction of and additions to the Florida Building Code occupancies the construction value of the work shall be the current values established by the Miami-Dade Board of County Commission ~~\$65.00 per square foot of construction except as noted below.~~
- (2) ~~For Florida Building Code Occupancy Group F (factory/industrial) and Special Storage Occupancy the value of the work shall be \$45.00 per square foot of construction.~~
- (32) For miscellaneous permit activity not otherwise provided for in this section, including but not limited to repair, or alterations, or changes to electrical service, the value of the work shall be the actual value of such work as determined by the applicant and approved by the Building Official. The applicant shall be responsible for accurate reporting of the value of the work, and the reported value shall be subject to review and verification by the Building Official.

There shall be a nonrefundable plan review fee equal to one-third of the total Building Permit fees including electrical, plumbing, and mechanical to be paid at the time of submittal of the Building Permit application. This fee shall be deducted from the total fees at the time of issuance of the Building Permit. If the applicant has not picked up the resulting building permit within 90 days of receipt of notice from the Village that the application is approved and ready for pick up, then the Village may close the application out and maintain the proper records as required by Florida Statutes. If the applicant wished to receive a permit after the 90 day period they must reapply with a new application. There is no refund of any prior payments or fees if the application has expired.

An additional plan review fee in the amount of ~~\$125.100.00~~ per hour or the shall be the actual cost of engineering services to the ~~City~~ Village and shall to be passed through and imposed upon the contractor or owner by the ~~Village City~~ Building Department to fully offset all fees and costs incurred by the ~~Village City~~ in providing the structural engineering review mandated by Miami-Dade County.

An additional plan review fee in the amount of \$125.00 per hour or the actual cost of zoning services to the Village shall be passed through and imposed upon the contractor or owner by the Village Building Department to fully offset all fees and costs incurred by the Village in providing the zoning review mandated by the Village Code.

These is fees shall be paid by the contractor or owner to the ~~Village City~~ prior to the issuance of a permit and shall, if not paid, constitute a lien upon the property for which a building permit is sought. ~~Thisese fees -fee~~ shall be due and payable without regard to whether or not a permit is issued by the Building Department. ~~for the City.~~

~~(1) Fee for making copies of required surveys, small plans, etc. on the city's photocopy machine, per sheet .....\$2.00~~

(12) New buildings and/or additions:  
Permit Fee .....Square footage or fractional part of the floor area × ~~\$1.001.~~ plus additional fees for electrical, plumbing, and mechanical, sign permits as listed herein.  
Minimum fee .....~~\$~~125.00

~~(22)~~  
(a) ~~New~~ Commercial Construction  
Permit fee Square footage times a factor of ~~\$~~.75;  
Minimum fee .....~~\$~~125.00

~~(32)~~  
(b) Industrial Construction  
Storage and industrial Use of Group I & S (Florida Building Code) occupancies  
Permit fee Square footage times a factor of ~~\$~~.75  
Minimum fee .....~~\$~~125.00

~~(42)~~  
(c) Parking garage or warehouses  
Permit fee Square footage times ~~\$~~.75;  
Minimum fee .....~~\$~~125.00

- (53) New construction other than as specified herein (water towers, pylons, bulk storage tank foundations, sea walls, bulkheads, docks and similar construction:

Permit Fee .....\$100.00 for the first 100 square feet plus \$12.00 for each additional 100 square feet.

Minimum fee .....~~\$125.00~~~~100.00~~

- (64) Metal-Wood and/or Prefab Storage Sheds

Permit Fee .....\$75.00 for the first 100 square feet plus \$10.00 for each additional 100 square feet.

Minimum fee .....~~\$125~~75.00

Note: The following fees shall apply to building permits only and shall not include fees for plumbing, electrical, or mechanical installation.

- (75) Alterations, remodeling and repairs to building and other structures: Single-family homes, duplexes, and areas within a residential condominium unit:

~~Permit fee~~ ~~\_\_\_\_\_~~ ~~Square footage~~ ~~e~~Estimated value times 1.5 percent.

Minimum fee .....~~\$~~125.00

Multifamily residential ....

~~Permit fee~~ ~~\_\_\_\_\_~~ ~~e~~Estimated value times 1.5 percent

Minimum fee .....~~\$~~125.00

Commercial Occupancy .....

~~Permit fee~~ ~~\_\_\_\_\_~~ ~~e~~Estimated value times 3.0 percent

Minimum fee .....~~\$~~125.00

Storage and industrial Use of Group E & F, Florida Building Code, S & I, Florida Building Code occupancies:

~~Permit fee~~ ~~\_\_\_\_\_~~ ~~E~~Estimated value times 3.0 percent.

Minimum fee .....~~\$~~125.00

Repairs to fire damaged structures (all occupancy) .....

~~Permit fee~~ ~~\_\_\_\_\_~~ ~~E~~Estimated value times 3.0 percent.

Minimum fee .....~~\$~~125.00

Painting of Single-Family Homes, Duplexes:

Permit fee .....Estimated value  $\times$  2.5 $\frac{1}{2}$  percent

Minimum fee .....~~\$125.00~~~~120.00~~

- (86) Installation of exterior operable windows and exterior sliding glass door in new buildings or additions exceeding two stories in height, and the installation, alteration and repair of such windows and doors in existing buildings of any height, as follows:  
 New installation or replacement  
Permit fee Estimated value x 35.0 percent, of the estimated value.  
Permit fee if the building is included in a Master Building Permit issued by the Village.  
Estimated Value X 1.0 percent  
 Minimum fee .....\$125.00
- (97) Painting of Multi-family, Commercial and Industrial Buildings:  
 Permit fee .....Estimated value x 5.0 percent of the estimated cost of the job.  
Permit fee if the building is included in a Master Building Permit issued by the Village.  
Estimated Value X 1.0 percent  
 Minimum fee .....\$125.00+50.00
- (108) Painting of Single-family dwellings, duplexes:  
 Permit fee .....Estimated value x 2.5 ½ percent of the estimated value of the job.  
 Minimum fee .....\$125.00+20.00
- (119) Curtain Walls including Windows and Doors therein:  
 Permit Fee .....Estimated value x 5.0 percent of the estimated value of the job.  
Permit fee if the building is included in a Master Building Permit issued by the Village.  
Estimated Value X 1.0 percent  
 Minimum fee .....\$125+50.00
- (120) Roofs (including Re-roofing):  
 Permit Fee .....Estimated value x 5.0 percent of the estimated value of the job.  
Permit fee if the building is included in a Master Building Permit issued by the Village.  
Estimated Value X 1.0 percent  
 Minimum fee .....\$125.00+50.00
- (13+) Reserved.
- (142) Utility buildings: Pre-fab or built on site:  
 Minimum fee .....\$125.00+50.00

- (153) Storm shutters: .....
- Permit fee \_\_\_\_\_ Estimated value x 5.0 percent  
~~times 5 percent.~~
- Minimum fee .....\$125.00
- (164) Awnings, Canopies, Residential Patios or Carports (with Fire Bureau approval):
- Permit Fee
- First seven (7) awnings .....\$75.00
- Each additional awning .....\$7.00
- Canopy .....\$75.00
- Minimum fee .....~~\$125.00~~75.00
- (175) Building moving or other structures
- For each 100 square feet or fractional part thereof .....\$20.00
- Minimum fee .....\$250.00
- (186) Construction Trailer and Sales Models
- Each trailer .....\$250.00
- (197) Fences and/or Walls (multi-family dwellings, commercial, and industrial buildings):
- Permit Fee .....~~Estimated value x 5.0 percent of the estimated value of the job.~~
- Minimum fee .....\$125.00
- Fences and/or Walls (single-family dwellings and duplexes):
- Permit Fee .....~~Estimated value x 3.0 percent of the estimated value of the job.~~
- Minimum fee .....\$125.00
- Fence located on public property ....
- ~~Permit fee~~ \$100.00 for first 50 feet, plus \$20.00 for each additional 50 feet or a fraction thereof.
- Minimum fee .... \$125.00
- (1820) Demolitions:
- Permit Fee .....~~Estimated value x 5.0 percent of the estimated value of the job.~~
- Minimum fee .....~~\$125.00~~120.00

- (a) Construction dumpsters (containers for the placement of construction debris shall not be placed within the public right-of-way without prior authorization by the Building & Zoning Department). Violation of this ordinance shall be governed by Chapter 153 of the City Village Code.  
 Construction dumpsters .....  
Permit fee \$100.0045.00
- (~~2119~~) Sandblasting:  
Permit fee Each single-family residence .....\$125.0025.00  
 \_\_\_\_\_ All other structures ..... \$125.0035.00
- (~~220~~) All paving in connection with residential or commercial work including concrete drives:  
 Permit Fee .....Estimated value x 5.0 percent of the estimated value of the job.  
Permit fee if the building is included in a Master Building Permit issued by the Village.  
Estimated Value X 1.0 percent  
 Minimum fee .....\$125.00 120.00
- (~~231~~) Asphalt resurfacing (restriping);  
 Permit Fee .....Estimated value x 3.0 percent of the estimated value of the job.  
 Minimum fee .....\$125.00120.00
- (~~242~~) Concrete Slabs:  
 Permit Fee .....Estimated value x 5.0 percent of the estimated value of the job.  
Permit fee if the building is included in a Master Building Permit issued by the Village.  
Estimated Value X 1.0 percent  
 Minimum fee .....\$125.00120.00
- (~~253~~) Job site Lost permit card replacement .....\$50.0030.00
- (~~264~~) Certificate of Occupancy temporary or final (required or requested),  
Permit fee per unit .....\$180.00
- (~~275~~) Certificate of Completion (temporary or final) .....\$180.00
- (~~286~~) Elevators: Escalators and other transporting devices:  
 Each unit for each story or ten feet measured vertically at \$10.00 each, minimum fee .....\$125.00120.00
- (~~297~~) Decibel meter reading to determine sound level of mechanical equipment .....60.00

- Prepaid fee .....~~\$125.00~~~~60.00~~ per site visit or event
- (3028) Air conditioning and refrigeration, including relocation of equipment:
- Mechanical Permit Fee .....Estimated value x 1.0 percent~~of the estimated value of the job.~~
- Minimum fee .....\$125.00
- (3129) Land clearing:
- Each 5,000 square feet of area or fraction thereof \$125.00;  
Permit fee minimum .....~~\$125.00~~~~75.00~~
- (320) Soil solidification in any form:
- First \$1,000.00 value of work .....\$75.00
- For each additional \$1,000.00 value of work .....\$10.00
- Minimum fee ... \$125.00
- (334) Solar energy systems:
- See electrical and plumbing fee schedules.
- (342) Swimming pools (with maximum three-foot deck perimeter):
- Up to 16,000 gallons .....\$125.00~~+20.00~~
- Each 1,000 gallons in excess .....\$5.00
- Portable above ground, minimum fee .....\$60.00
- Pool piping (see plumbing fee schedule, Division (32)(r) below).
- Pool heaters (see plumbing fee schedule, Division (32)(s) below).
- Note: Larger decks than those above, see Item (2) Fee Schedule.
- (353) Signs (including all interior signs visible from exterior of premises occupied such as shopping centers and malls):
- (a) Ground signs (including internal, directional signs, such as parking area, etc., on private property) .....~~\$125.00~~~~60.00~~
- (b) Projecting signs .....\$125.00~~60.00~~
- (c) Flat signs .....\$125.00~~60.00~~
- (d) Painted on wall signs .....\$125.00~~60.00~~
- (e) Temporary signs .....\$125.00~~60.00~~
- (f) Any change or alteration of approved existing sign, such as metal box, copy lettering, new message, repair, etc., (not including removable letters) to be 60 percent of fee for new sign of same type or category .....Permit fee  
\$125.00~~60.00~~
- (g) Repaint of existing message, minimum fee .....\$40.00
- (354) Real Estate Signs (residential and commercial):
- Residential Permit Fee .....\$50.00~~25.00~~ annual fee.
- Commerical Permit Fee .....\$125.00 annual fee

(365) Banner Signs:

Permit Fee ..... \$125.00~~60.00~~ for the initial permit plus \$60.00 for each renewal.

(376) Store Front Signs:

Permit Fee ..... \$125.00~~75.00~~

(387) Fee for re-inspection (structural):

Fee for visual re-inspection of existing buildings, \$60.00 per half hour, per inspection.

(a) Improvements to property and installations not specified above shall be based on Item (2), Fee Schedule.

(b) Failure of licensed contractor to request final inspection when work completed shall subject said contractor to payment of fee of \$75.00 prior to issuance of further permits.

(c) For any other building or structural work not mentioned above the fees required by this chapter or any other ordinance of the Village city shall be paid, and all requirements of this chapter and any other ordinance shall be enforced by the inspectors specifically charged with such enforcement, or by the Village city employee designated by the Building Official, if not otherwise specifically provided for. The fees shall include payment for the permit and for inspection of the work, after the same shall have been completed. If the Building Inspector shall, upon his inspection, after completion of the work or apparatus, find that the same does not conform to and comply with the provisions of this chapter, he shall notify the contractor or owner indicating the corrections required; and when he shall be notified that the corrections have been made, he shall inspect the work or apparatus at a charge of \$125.00~~75.00~~ for each re-inspection due to any one of the following reasons:

1. Wrong address.
2. Condemned work resulting from faulty construction.
3. Repairs or corrections not made when inspection is called.
4. Work not ready for inspection when called.

(d) The payment for re-inspection fees, correction of workmanship or violations, shall be made before any further permits will be issued to the person responsible for or owing same.

- (e) No permit will be required for general maintenance or repairs which do not change the occupancy, and value of which is less than \$500.00 in labor and materials. No permit is required for the construction or repair of any roof covering if less than 200 square feet in area.

(3938) Filming.

Purpose and objectives.

(a) *Definitions.*

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

*Village City Manager* means the VillageCity Manager or authorized designee.

*Film or filming* means any and all still, live or motion picture productions whether made on or by film, electronic tape or any other electronic device used to produce theatrical motion pictures, television entertainment motion pictures, industrial motion pictures, television commercials or print media. Filming shall include the erection and dismantling of the equipment associated therewith.

*Permit* means a permit issued by the Villageeity in accordance with the terms of this article.

(b) *Applicability of article.*

This article shall apply to all the lands within the Village's eity's jurisdiction, whether public or private.

(c) *Permits.*

1. Permit required; display. No person shall film within the Village eity without first applying for and obtaining a permit from the Village City Manager. All permits shall be conspicuously displayed at the filming location.
2. Permit application. Applications for a permit:
  - i. Shall be on the form provided by the Village eity.
  - ii. Shall identify the applicant.

- iii. Shall identify the locations where filming is going to be conducted. If the applicant is the owner of the property where filming is going to be conducted, the city shall require proof of ownership, such as the deed, or if applicant is not the owner, then the Village city shall require the owner's sworn consent to the filming and proof of ownership.
  - iv. Shall require that the applicant provide evidence of public liability insurance in the minimum amount of \$1,000,000 or as otherwise established by the Village city. All insurance policies shall name the Village city as additional insured.
  - v. Shall include a parking plan for automobiles, trucks and other vehicles connected with the filming.
  - vi. Shall include a site plan for the locations where filming will be conducted.
  - vii. May, at the discretion of the Village City Manager, require that the applicant post a cash bond to be determined by the Village City Manager and be held by the Village city to be used, if necessary, to repair damage to public property caused by the filming.
3. Limitations on permits. Permits issued by the Village city shall be subject to the following:
- i. No filming shall be permitted from 11:00 p.m. to 7:00 a.m.
  - ii. Other limitations as specified by the Village City Manager depending on the location and type of filming such as, requiring off-duty police officers to be present during filming.
4. Permit fees. A permit fee in the amount of ~~\$200.00~~~~100.00~~ per day shall be due and payable at the time of permit application. Permit fees shall be doubled for all filming, which is done without first obtaining a permit. The additional fee shall be imposed as a penalty.
5. Permit criteria. A filming permit shall be granted unless the VillageCity Manager finds that the proposed filming:

- i. Unduly impedes governmental business or public access;
- ii. Conflicts with previously scheduled activities; or
- iii. Imperils public safety.

(d) *Notice to property owners prior to filming.*

Forty-eight hours prior to commencing any permitted filming, the permit holder shall notify in writing all property owners within 300 feet of the filming location. The notice to owners shall include but not be limited to the location, date, hours and subject matter of the filming.

(e) *Penalty for violation of article.*

Any person who violates the provisions of this article shall be subject to a \$500.00 fine and revocation of the permit.

(f) *Exemptions from article.*

The following shall be exempt from the provisions of this article:

1. Individuals filming or videotaping only for their own personal or family use.
2. Employees of print or electronic news media when filming ongoing news events. This exception shall not apply to simulations or reenactments orchestrated by print or electronic news media.
3. Indoor motion picture studios.
4. Governmental agencies or instrumentalities including, but not limited to, a news service created or established by the United States Information Agency, if Village City Manager receives notification prior to filming.

(g) *Variations from provisions of article.*

Upon application to the Village City Commission, variations may be granted from the terms of this article, provided that:

1. Signatures indicating consent have been obtained from all of the owners of property located within 300 feet of the filming location;

2. A finding is made by the Village City Commission that the variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and
3. The filming proposed to be done as a result of the variance will be conducted in accordance with all standards in this article other than those for which a variance is being granted.

(h) *Appeals.*

Any person aggrieved by the terms of a permit issued by the Village City Manager, by the decision not to issue a permit, by the revocation of a permit or by the denial of a variance may, within ten days of the decision, appeal to the Village City Commission, whose decision shall be final.

1. Wrong address.
2. Condemned work resulting from faulty construction.
3. Repairs or corrections not made when inspection is called.
4. Work not ready for inspection when called.

~~(4039)~~ Reserved.

~~(410)~~ Plumbing permits and fees; sewer permits and fees.

Plumbing Permit Fee .....~~Estimated value x 31.0 percent of the estimated value of the job.~~

Permit fee if the building is included in a Master Building Permit issued by the Village.

Estimated Value X 1.0 percent

Minimum fee ..... \$125.00

4. Failure of licensed contractor to request final inspection will subject said contractor to payment of .....  
~~\$125.00~~75.00

~~(421)~~ Solar heating systems and designs:

Fee computed as per building fee schedule, Item (4).

Note: Due to many variable designs and applications a separate electrical permit may be required.

~~(432)~~ Inspections of structural plumbing, electrical components are required during work for final approval of installation.

When an incomplete or incorrect plat as regards ownership or location of a building is handed to the Inspector of Plumbing, he shall charge a fee for making the correction or completion of the information .....~~\$125.00~~75.00

- (432.1) Inspections conducted after normal working hours:
- A. Monday through Friday from 8:00 a.m. through 5:00 p.m.  
(per hour .....~~\$100.00~~~~60.00~~  
with a two-hour minimum fee  
of ~~\$120.00~~ \$200.00
  - B. Weekends (Saturdays and Sundays) and holidays (per hour)  
.....~~\$100.00~~~~60.00~~  
with a minimum three hour fee  
of ~~\$300.00~~~~180.00~~
  - C. Same day re-inspection fee(per hour) .....\$60.00  
during normal working hours, with a two-hour minimum fee  
of \$120.00.
  - D. Re-inspection fee for next inspection cycle(per hour)  
.....\$75.00  
with a one hour minimum fee of \$75.00.
- (443) Gas permits and fees. (See fee schedule above for plumbing permit fees)
- (a) Gas permits (new work or remodeling) each outlet .....\$10.00
  - (b) Gas piping per appliance .....\$5.00
  - (c) Where appliances are removed and reset on the same outlet  
.....\$25.00
  - (d) The payment of re-inspection fees, corrections not being ready, or violations is the same as the building fee schedule requirements .....\$75.00
  - (e) Fee for visual re-inspection of existing gas systems .....\$75.00
  - (f) Failure of licensed contractor to request final inspection will subject said contractor to payment of a \$75.00 fee prior to the issuance of further permits .....~~75.00~~
- (454) Electrical permits and fees. Any person desiring an electrical permit to be issued as required shall, in addition to filing an application therefore, and before such permit is issued, pay a permit fee in accordance with the following schedule.
- Electrical Permit Fee .....Estimated value x 1.0 percent ~~of the estimated value of the job.~~
- Permit fee if the building is included in a Master Building Permit issued by the Village.
- Estimated Value X 1.0 percent
- Minimum fee .....\$125.00

(a) Miscellaneous permits:

1. Giving permission to do temporary work or to do general repairs to radio or television transmitting or receiving stations, picture shows, movie sets, carnivals, circuses, road shows, or similar organizations. (Permits shall be procured by licensed and qualified electrician who shall supervise installation of all electrical systems) ....Permit fee \$125.00

2. Permit fees shall include payment for the permit and for inspection of work, after the same shall have been completed. If the Electrical Inspector shall, upon his inspection, after completion of the work or apparatus, find that the same does not conform to and comply with the provisions of this chapter, he shall notify the master electrician, indicating the corrections required; and when he shall be notified that the corrections have been made, he shall again inspect the work or apparatus without further charge; but when a third inspection trip or more, is necessary due to any one of the following reasons, a charge of ~~\$75.00~~60.00 per trip shall be made for each trip over two:

Wrong address;

Condemned work, resulting from faulty construction;

Repairs or corrections not made when inspection is called;

Work not ready for inspection when called.

(465) The following fees shall be charged in addition to the permit fees set forth above:

A. Updating of the information technology system: A surcharge fee equal to 5 percent of the Total Building Permit Fees shall be charged for the development, maintenance and updating of an information technology system. This fee will be deposited into an enterprise account to support the information technology system for the Building and Zoning Department.

Minimum fee .....\$5.00

Maximum fee .....\$500.00

B. Document preservation fee to microfilm and maintain record of all building plans for future use

Pages up to 8.5" x 14" \$ .25 per page

Pages larger than 8.5" x 14" .....\$1.00 per page.

Maximum fee .....\$~~500.00~~100.00

C. Weekend or after hours work fee

Conducting construction work after 5:30 p.m. on Saturdays  
.....\$250.00 per day. No work allowed on Sundays.

D. Public right-of-way use fee

Temporary crane, trailer, or truck on the right-of-way

For the first five days .....\$150.00 plus an additional \$150.00 for every five days or a fraction thereof.

E. Temporary use of public property

Temporary public right-of-way usage for 30 days.

\$100.00 for the first 50 square feet of Right Of Way (R-O-W) used, plus \$10.00 for each additional square feet for each 30-day usage or any portion of the 30 day period. The right-of-way usage permit shall be issued for a maximum of 30 days. A new permit will be issued with the appropriate fees charged after the expiration date.

- (B) A permit shall expire and become null and void if the work authorized by the permit is not commenced within one hundred eighty (180) days from the date of issuance of the permit or if the work when commenced is suspended or abandoned at any time for a period of 180 days. Work shall be considered to have commenced and be in active progress when, in the opinion of the Building Official a full complement of workmen and equipment is present at the site to diligently incorporate materials and equipment into the structure throughout the day on each full working day, weather permitting, until the structure is completed.

Such work on only one day or testing, shall not be considered commencement of work. If the work covered by the permit has not commenced, or has been commenced and been suspended or abandoned, the Building Official may extend such permit for a single period of 180 days from the date of expiration of the initial permit, if request for extension is made and received by the city prior to the expiration date of the initial permit. If the work covered by the permit has commenced, is in progress, has not been completed and is being carried on progressively in a substantial manner in accordance with the definition set forth herein, the permit shall be in effect until completion of the job.

If work has commenced and the permit becomes null and void or expires because of a lack of progress or abandonment, a new permit covering the proposed construction shall be obtained before proceeding with the work.

If a new building permit is not obtained within 180 days from the date the initial permit became null and void, the Building Official shall require that any work which has been commenced or completed be removed from the building site; or he may issue a new permit, on application, providing the working place and requirements to complete the structure meets all applicable regulations in effect at the time the initial permit became null and void and regulations which may have become effective between the date of expiration and the date of issuance of the new permit. The fee for renewal, re-issuance and extension of permit shall be:

- 1) within six (6) months of the expiration date the fee will be 50% of the original permit fees plus, \$125.00 processing fee ; or
- 2) after six (6) months of the expiration date the fee will be 100% of original permit fees plus, \$125.00 processing fee.

~~as set forth in division (A) above.~~

~~The fee for a 160-day extension shall be \$40.00 only if such extension is permitted.~~

**Section 3. Repeal.** All ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith are repealed to the extent of such conflict.

**Section 4. Severability.** The provisions of this Ordinance are declared to be non-severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall render this Ordinance void in its entirety.

**Section 5. Codification.** It is the intention of the Village Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of North Bay Village; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

**Section 6. Effective Date.** This Ordinance shall be effective immediately upon adoption on second reading.

A motion to approve the foregoing Ordinance on first reading was offered by \_\_\_\_\_, seconded by \_\_\_\_\_.

**The Votes were as follows:**

Mayor Connie Leon-Kreps \_\_\_\_\_  
Vice Mayor Eddie Lim \_\_\_\_\_  
Commissioner Richard Chervony \_\_\_\_\_  
Commissioner Wendy Duvall \_\_\_\_\_  
Commissioner Jorge Gonzalez \_\_\_\_\_

A motion to approve the foregoing Ordinance on first reading was offered by \_\_\_\_\_, seconded by \_\_\_\_\_.

**FINAL VOTES AT ADOPTION:**

Mayor Connie Leon-Kreps \_\_\_\_\_  
Vice Mayor Eddie Lim \_\_\_\_\_  
Commissioner Richard Chervony \_\_\_\_\_  
Commissioner Wendy Duvall \_\_\_\_\_  
Commissioner Jorge Gonzalez \_\_\_\_\_

**DULY PASSED AND ADOPTED \_\_ day of \_\_\_\_\_, 2014.**

\_\_\_\_\_  
**Connie Leon-Kreps**  
**Mayor**

**ATTEST:**

\_\_\_\_\_

**Yvonne P. Hamilton**  
**Village Clerk**

**APPROVED AS TO FORM FOR THE USE OF  
NORTH BAY VILLAGE ONLY:**

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**Village Attorney**



## NORTH BAY VILLAGE POLICE DEPARTMENT

### RECOMMENDATION MEMORANDUM

**DATE:** April 16, 2014

**TO:** Mayor Connie Leon Kreps  
 Vice-Mayor Eddie Lim  
 Commissioner Dr. Richard Chervony  
 Commissioner Jorge Gonzalez  
 Commissioner Wendy Duvall

**RECOMMENDED BY STAFF/COMMISSIONER:**  
 Frank Rollason, Village Manager

A handwritten signature in blue ink, appearing to read "FRANK ROLLASON".

**PRESENTED BY STAFF:**  
 Robert Daniels, Police Chief

A handwritten signature in blue ink, appearing to read "ROBERT DANIELS".

**SUBJECT:** June 2014 Commission Agenda  
 Police Impact Fees- Additional Budget Expenditures

#### RECOMMENDATION:

It is recommended that the Village Commission approve the attached resolution for expenditure of Police Impact Fees.

#### BACKGROUND:

The Village has received \$148,754.00 in Police Impact Fees from development in North Bay Village and has been authorized to spend \$142,000.

Since the April 2014 Commission Meeting, the following is the recommendation for expenditure of these fees:

Renovation for Prisoner Holding Facility	\$ 6,000
--	----------

The facility will be constructed in the newly leased Village Hall at 1666 Kennedy Causeway #101 (the former Drive-in teller area.)

**FINANCIAL IMPACT:**

The requested funding for the reference items will be taken from the Police Impact Fee Fund.

**BUDGETARY IMPACT:**

The additional amount of \$ 6,000 will be appropriated in the FY 2014 Police Impact Fee Fund for eligible expenditures.

**PERSONNEL IMPACT:**

There will be no personnel impact.

**CONTACT:**

Frank K. Rollason, Village Manager  
Robert Daniels, Police Chief



## North Bay Village

Administrative Offices

1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: [www.nbvillage.com](http://www.nbvillage.com)

### MEMORANDUM

North Bay Village

**DATE:** May 13, 2014  
**TO:** Yvonne P. Hamilton  
Village Clerk

**FROM:** Frank K. Rollason  
Village Manager

**SUBJECT:** Introduction of Resolution

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Pursuant to Section 3.08 of the Village Charter, I hereby introduce the following Resolution:

**A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING THE EXPENDITURE OF POLICE IMPACT FEES; MAKING APPROPRIATIONS IN THE FY 2013 BUDGET; AND SETTING AN EFFECTIVE DATE.**

Accordingly, please place the item on the next available agenda.

FKR:yph

Mayor  
Connie Leon-Kreps

Vice Mayor  
Eddie Lim

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Jorge Gonzalez

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING THE EXPENDITURE OF POLICE IMPACT FEES; MAKING APPROPRIATIONS IN THE FY 2013 BUDGET; AND SETTING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**

**WHEREAS**, Section 32.44 of the North Bay Village Code of Ordinances authorizes the Village to collect Police Impact Fees on all new developments in the Village to ensure that they bear their proportionate share of the infrastructure costs they impose on the community; and

**WHEREAS**, the Village Commission adopted Resolution No. 2014-26 on April 8, 2014 authorizing the expenditure of Police Impact Fees for a GPS System, two police vehicles, a Digital Recording System for Police Dispatch and for purchasing and developing a Smart Water program for the residents to mark valuables to assist in future recovery during the 2013 budget year; and

**WHEREAS**, the Commission desires to expend an additional \$6,000 of Police Impact Fees for renovation for the Prisoner Holding Facility.

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

**Section 1. Recitals.** The above Recitals are true and correct and incorporated herein by this reference.

**Section 2. Appropriation of Funds.** Six Thousand Dollars (\$6,000) is hereby appropriated in the FY 2013 Budget for the cost of renovations for a Prisoner Holding Facility.

**Section 3. Approval of Expenditure.** Approval is granted for expenditure of \$6,000 of Police Impact Fees for the cost of renovations for a Prisoner Holding Facility.

**Section 3. Effective Date.** This Resolution shall take effect immediately upon adoption.

The foregoing Resolution was offered by \_\_\_\_\_, who moved for its adoption. This motion was seconded by \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

**FINAL VOTE AT ADOPTION:**

Mayor Connie Leon-Kreps \_\_\_\_\_  
Vice Mayor Eddie Lim \_\_\_\_\_  
Commissioner Richard Chervony \_\_\_\_\_  
Commissioner Wendy Duvall \_\_\_\_\_  
Commissioner Jorge Gonzalez \_\_\_\_\_

**PASSED AND ADOPTED this 10th day of June 2014.**

\_\_\_\_\_  
Mayor Connie Leon-Kreps

Attest:

\_\_\_\_\_  
Yvonne P. Hamilton, CMC  
Village Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Robert L. Switkes & Associates, P.A.  
Village Attorney

North Bay Village Resolution: Expenditure of Police Impact Fees-Renovation for Prisoner Holding Facility.





## **Staff Report Variance Request**

*Prepared for:* North Bay Village  
Commission

*Applicant:* Yepara, Inc.

*Request:* Variance from the Distance Limitations for  
Alcohol Sales

## General Information

Applicant	Yepara, Inc.
Applicant Address	
Site Address	1884 Kennedy Causeway
Contact Person	Rocio Salto
Contact Phone Number	305-866-7400
E-mail Address	<a href="mailto:rocicontractor@gmail.com">rocicontractor@gmail.com</a>

Future Land Use Map Classification	Commercial
Zoning District	General Commercial
Use of Property	Restaurant
Acreage	0.18 acres

## Legal Description of Subject Property

9 53 42 BEG 229.54FTSWLY OF X OF S/L 79 ST CSEWY & W/L E TR DR S205FT NELY ALG CURVE 225FT M/L TO E TR DR N220.50FT SWLY ALG CURVE 229.54FT TO POB LESS EXT AREA

## Requested Variance

A variance pursuant to section 111.03 of the North Bay Village Code from the strict interpretation of Section 111.12(A)(1) and Section 111.12(B)(1) for the issuance of a business tax receipt to permit the sale and on premises consumption of beer and wine within 300 feet of an existing restaurant holding a 4cop license and within 500 feet of a public school.



## Description

The applicant would like to sell alcohol for consumption on premises and for consumption off premises. The business is located approximately 260 feet from Treasure Island Elementary School property and located as close as next door to businesses with existing licenses.

In order to receive approval for an alcohol sales license, the applicant must receive approval for a variance from Section 111.12(A)(1) and Section 111.12(B)(1) of the North Bay Village Code. Those sections are as follows:

### Section 111.12

- (A) Distance limitations from schools and churches for alcoholic beverage licenses shall be as follows:
  - (1) No license for the sale of liquor, beer, and wine, or alcoholic beverages shall be granted or issued to any person where the place of business designated in the application therefor is within 500 feet of a public school. This distance shall be the airline distance from the main entrance of the place of business to the nearest point of the school grounds in use as part of the school facilities.
  
- (B) Distance limitations between licenses for the sale of alcoholic beverages shall be as follows:
  - (1) No license for a restaurant, lounge, or retail vendor of alcoholic beverages for consumption on the premises shall be granted to any person, firm, or corporation to sell or serve intoxicating liquor where the proposed or existing establishment of the person, firm, or corporation shall be situated less than 300 feet from an existing restaurant, lounge, or nightclub licensee holding a 4COP or an SRX 4COP License.

## Required Findings:

In making a determination regarding a variance request for alcohol sales, Section 111.03 sets forth the following items for consideration by the Planning Board and Village Commission. For ease of review, each of the criteria contained in subparagraphs B through C have been separated into their component parts. Staff's comments are also included.

- (B)1 That the granting of the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

**Applicant Comments:** Absolutely! We are 'blending in' with our neighbors; the liquor store, grocery store, and restaurants next door, already sell and consume beer and wine on the premises.



**Staff Comments:** The entrance to this business is approximately 400 feet from Treasure Island Elementary School Property. The fact that it is closer than 500 feet is the first reason the applicant must request a variance. However, the building in which the applicant's business is located has a history of alcohol sales. In fact, there are existing businesses that currently hold alcohol sales licenses in the same building as the applicant. The close proximity to these other businesses is the other reason that the applicant must request a variance. Staff is not aware of any problems with alcohol sales at those businesses and it does not appear that approval of an additional alcohol sales license at this location will be injurious to the neighborhood or otherwise detrimental to the public welfare. Staff made contact with the Village Code Enforcement Officer to confirm the lack of issues at this location.

- (B)2 In addition to considering the character and use of adjoining buildings and those in the vicinity, the City Commission in determining its findings may take into account the effect of the granting of the variance upon the number of persons residing or working in the building or on the land, and traffic conditions in the vicinity of the location of the requested variance.

**Applicant Comments:** The effect of the granting of the variance upon the number of persons residing or working in the building or on the land will benefit such persons by potentially increasing the number of patrons and thus, increasing their earnings. Traffic conditions in the vicinity of the location of the requested variance will remain as previously approved by the City of NBV.

**Staff Comments:** This restaurant will generate traffic regardless of the issuance of an alcohol sales license. It is conceivable that some additional traffic will be generated due to alcohol sales. However, the building in which the business is located is on the corner of Kennedy Causeway and East Treasure Drive, and it is unlikely that these roadways will be overburdened with the potential increase vehicle trips.

- (C) The City Commission shall also consider whether a requested variance is consistent with the purposes and goals contained in and projected in the Master Plan adopted by the city pursuant to Resolution No. 2239 adopted November 9, 1970.

**Staff Comments:** This request is consistent with the North Bay Village Comprehensive Plan.

Staff finds that the requested variance does meet the requirements of Section 152.0971 in that the materials submitted adequately allow for an affirmative finding on all of the criteria contained as specifically identified by the foregoing staff comments.



## Planning & Zoning Board Recommendation:

The Planning and Zoning Board recommended approval of this variance request for the issuance of a business tax receipt to permit the sale and on premises consumption of beer and wine within 300 feet of an existing restaurant holding a 4cop license and within 500 feet of a public school, along with staff's recommended stipulations (as shown below), by a 3-0 vote on April 29, 2014.

## Staff Recommendation:

Staff recommends **approval** of a variance pursuant to section 111.03 of the North Bay Village Code from the strict interpretation of Section 111.12(A)(1) and Section 111.12(B)(1) for the issuance of a business tax receipt to permit the sale and on premises consumption of beer and wine within 300 feet of an existing restaurant holding a 4cop license and within 500 feet of a public school, under the following conditions:

1. There are no objections from owners or occupants of neighboring residential properties.
2. Cost Recovery changes must be paid pursuant to Section 152.110. Specifically, no license or permit 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.
3. Authorization or issue of a variance by the Village does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for issuance of a variance or a building permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that result in a violation of federal or state law.

*Submitted by:*

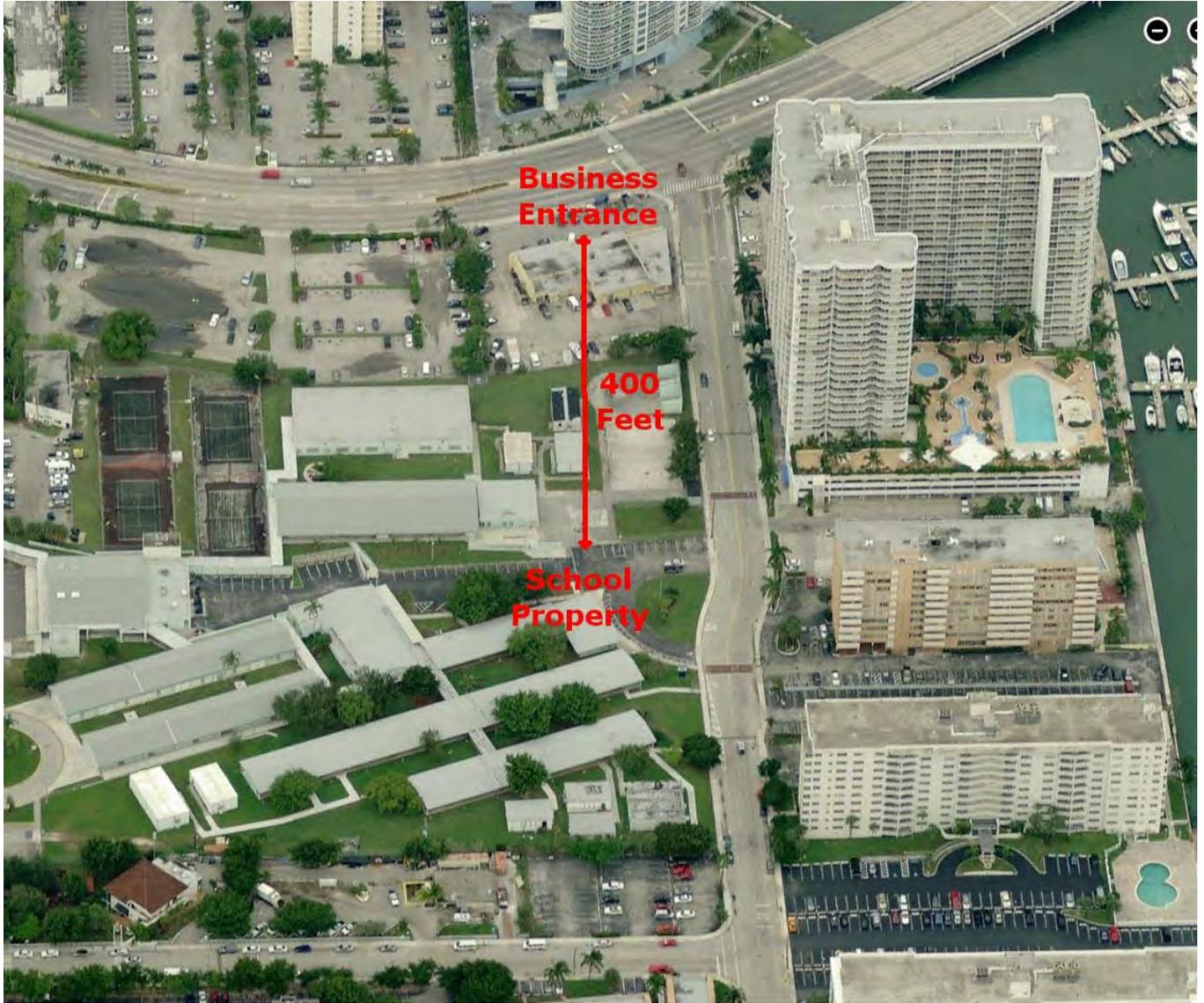
James G. LaRue, AICP  
Planning Consultant

May 27, 2014

Hearing: North Bay Commission, June 10, 2014



# Aerial Depicting Distance to School



HAMILTON

ES 1



North Bay Village

Administrative Offices

1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

APPLICATION FOR PUBLIC HEARINGS:

**Hearings and Notices:** - All petitions for amendments, changes or supplements to these regulations for variances, special use exceptions, Site Plan Approval, Extension of Approved Site Plans, for Building Height Bonus Approval, or for an amendment, change or supplement to the Comprehensive Plan; district zoning map, or petitions appealing an administrative decision shall be considered at Public Hearings before the Planning & Zoning Board and, thereafter, the Village Commission. Notice of Public Hearings before the Planning & Zoning Board and the Village Commission shall be given by publishing and posting on the property (which is the subject of the request), the time, the place and the nature of the hearing at least 10 days before the hearing. The Village Clerk shall certify that the petition is complete before the hearing is legally advertised.

Applicant's Name: YEPACA, INC. Phone: 305-866-7400

Mailing Address: 1884 79 St. Cswy, NBU, FL 33141

Legal Description of Property: \_\_\_\_\_

Existing Zoning: CG Lot Size: \_\_\_\_\_ Folio: \_\_\_\_\_

Type of Request: ~~SIX (ALCOHOL LICENSE & TOBACCO LICENSE)~~

2 COP (BEER & WINE) PACKAGE & CONSUMPTION ILL  
(Consumption on premises)

Reason for Request: (Attach additional Pages if necessary) VARIANCE FOR

LICENSE REQUEST

All applications shall be submitted to the Village Clerk on or before the deadline implemented by the Village.

Mayor  
Connie Leon-Kreps

Vice Mayor  
Eddie Lim

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Jorge Gonzalez

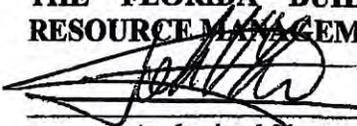
**APPLICATION FOR HEARING  
BEFORE THE PLANNING & ZONING BOARD AND  
VILLAGE COMMISSION  
PAGE 2 OF 2**

Filing Fees - All persons, firms, or corporations petitioning the Planning & Zoning Board and the Village Commission necessitating the publication of notices in the newspaper, and all relative thereto, the payment of such money in advance to the Village Clerk shall be deemed a condition precedent to the consideration of such petition, conditional use permit or amendment.

I, (We), the undersigned, am (are) the (owner, tenant, agent, attorney) (designate one) of the subject property herein described. I (We) acknowledge and agree that during the consideration of the application before the Planning & Zoning Board and staff of North Bay Village, no rights shall vest on behalf of the applicant, which would be enforceable against the Village until after a Public Meeting is held by the Village Commission and the Village Commission has voted favorable on the proposed petition.

I, (We) further acknowledge that I (We) have read and understand the conditions for appearance before the Planning & Zoning Board and the Village Commission Pursuant to the Village Code Section 152.096. Any person submitting false information or misrepresenting in their presentation shall have all privileges granted to them by the Planning & Zoning Board and the Village Commission revoked.

**(NOTE: ALL NEW AND SUBSTANTIAL IMPROVEMENTS MUST COMPLY WITH THE FLORIDA BUILDING CODE, DEPARTMENT OF ENVIRONMENTAL RESOURCE MANAGEMENT (DERM), AND FEMA (FLOOD) REGULATIONS).**

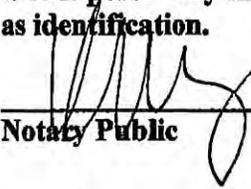
  
\_\_\_\_\_  
Authorized Signature

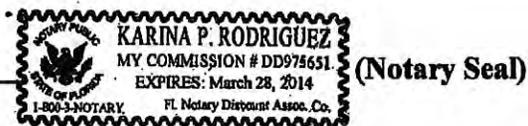
Johann Lara  
\_\_\_\_\_  
Print Name

(In case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's position in the corporation and embossed with the corporate seal.)

STATE OF FLORIDA            )  
COUNTY OF MIAMI-DADE    )

Sworn to and subscribed to before me this 17<sup>th</sup> day of February 2014  
by Johann Lara  
who is personally known to me or who has produced Driver's license  
as identification.

  
\_\_\_\_\_  
Notary Public



- |                            |                         |                                      |                              |                                |
|----------------------------|-------------------------|--------------------------------------|------------------------------|--------------------------------|
| Mayor<br>Connie Leon-Kreps | Vice Mayor<br>Eddie Lim | Commissioner<br>Dr. Richard Chervony | Commissioner<br>Wendy Duvall | Commissioner<br>Jorge Gonzalez |
|----------------------------|-------------------------|--------------------------------------|------------------------------|--------------------------------|

**Office Use Only:**

Date Submitted: 3/13/14

Fee Paid: \$ 6.00.

Tentative Meeting Date: 4/15/14

Cash  or Check  # 334

Date Paid: 3/13/14

Mayor  
Connie Leon-Kreps

Vice Mayor  
Eddie Lim

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Jorge Gonzalez



# YEPARÁ

**Pasta & Grill**



March 26, 2014

Yvonne O. Hamilton  
Village Clerk  
City of North Bay Village  
1700 Kennedy Causeway, Suite 132  
North Bavy Village, FL 33141

Re: Application for Beer & Wine License  
Yepara, Inc. 1884 79 St. Cswy.

Dear Ms. Hamilton:

Please accept this Letter of Intent and application for a Beer & Wine License at the above referenced restaurant. I, Johann V. Lara, president of Yepara, Inc. hereby request approval to sell and serve beer and wine to our customers. I have struggled for three years and continue to struggle to upstart my business, while sales remain terribly low. I strongly believe that serving beer and wine to be consumed on the premises, and selling specialty beer and wine, will greatly help with the success of my business and will better cater to our residents.

At this point, I would like to point out that four of my neighbors sell beer and wine. All licenses were granted by your Board and Commission.

If you need anything further, please contact me at 786-319-0061.

Sincerely,

Johann V. Lara  
President

305-866-7400

1884 Kennedy Causeway  
North Bay Village, FL 33141

www.yepara.com



## North Bay Village

Administrative Offices

1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

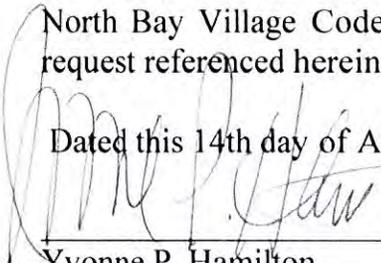
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

**Re: A REQUEST BY YEPARA, INC., PROPERTY OWNER OF THE BUSINESS ESTABLISHMENT LOCATED AT 1884 KENNEDY CAUSEWAY, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA FOR THE FOLLOWING:**

- A. A VARIANCE PURSUANT TO SECTION 111.03 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FROM THE STRICT INTERPRETATION OF SECTION 111.12(A)(1) AND 111.12 (B)(1) FOR THE ISSUANCE OF A BUSINESS TAX RECEIPT TO PERMIT THE SALE AND ON PREMISES CONSUMPTION OF BEER AND WINE WITHIN 300 FEET OF AN EXISTING RESTAURANT HOLDING A 4COP LICENSE AND WITHIN 500 FEET OF A PUBLIC SCHOOL.**

I, Yvonne P. Hamilton, Village Clerk hereby certify, as per Section 152.096(A)(2) of the North Bay Village Code of Ordinances, that the petition filed by Yepara, Inc. for the request referenced herein is complete.

Dated this 14th day of April 2014.

  
\_\_\_\_\_  
Yvonne P. Hamilton  
Village Clerk

(Planning & Zoning Board Meeting-April 29, 2014)

Mayor  
Connie Leon-Kreps

Vice Mayor  
Eddie Lim

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Jorge Gonzalez



## North Bay Village

Administrative Offices

1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

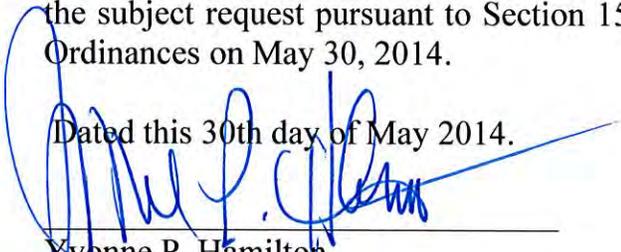
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: [www.nbvillage.com](http://www.nbvillage.com)

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I, Yvonne P. Hamilton, Village Clerk, hereby certify that the attached Notice of Public Hearing was mailed to property owners and residents within 300 feet of the property of the subject request pursuant to Section 152.096(A)(2) of the North Bay Village Code of Ordinances on May 30, 2014.

Dated this 30th day of May 2014.

  
\_\_\_\_\_  
Yvonne P. Hamilton  
Village Clerk

(Commission Meeting-6/10/2014)

Mayor  
Connie Leon-Kreps

Vice Mayor  
Eddie Lim

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Jorge Gonzalez



## North Bay Village

Administrative Offices

1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

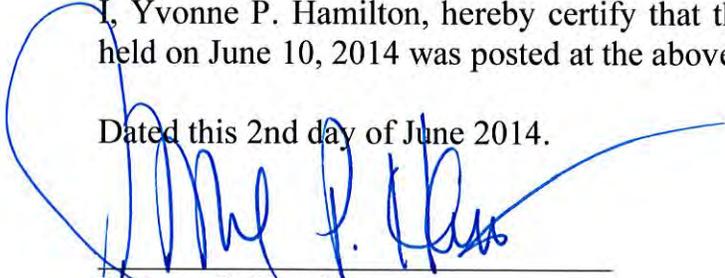
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: [www.nbvillage.com](http://www.nbvillage.com)

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I, Yvonne P. Hamilton, hereby certify that the attached Notice of Public Hearing to be held on June 10, 2014 was posted at the above-referenced property on May 31, 2014.

Dated this 2nd day of June 2014.

  
Yvonne P. Hamilton  
Village Clerk

(Commission Meeting-6/10/2014)

Mayor  
Connie Leon-Kreps

Vice Mayor  
Eddie Lim

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Jorge Gonzalez



**NORTH BAY VILLAGE**  
**NOTICE OF PUBLIC HEARING**

PUBLIC NOTICE IS HEREBY GIVEN THAT THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A REGULAR MEETING ON **TUESDAY, JUNE 10, 2014** AT 7:30 P.M., OR AS SOON AS POSSIBLE THEREAFTER, AT VILLAGE HALL, 1666 KENNEDY CAUSEWAY, #101, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING THE COMMISSION WILL CONSIDER THE FOLLOWING REQUEST:

- 1. A REQUEST BY YEPARA, INC., PROPERTY OWNER OF THE BUSINESS ESTABLISHMENT LOCATED AT 1884 KENNEDY CAUSEWAY, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA FOR THE FOLLOWING:**
  - A. A VARIANCE PURSUANT TO SECTION 111.03 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FROM THE STRICT INTERPRETATION OF SECTION 111.12(A)(1) AND 111.12 (B)(1) FOR THE ISSUANCE OF A BUSINESS TAX RECEIPT TO PERMIT THE SALE AND ON PREMISES CONSUMPTION OF BEER AND WINE WITHIN 300 FEET OF AN EXISTING RESTAURANT HOLDING A 4COP LICENSE AND WITHIN 500 FEET OF A PUBLIC SCHOOL.**

INTERESTED PERSONS ARE INVITED TO APPEAR AT THIS MEETING OR BE REPRESENTED BY AN AGENT, OR TO EXPRESS THEIR VIEWS IN WRITING ADDRESSED TO THE COMMISSION C/O THE VILLAGE CLERK, 1666 KENNEDY CAUSEWAY, #300, KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FL 33141.

THE DOCUMENTS PERTAINING TO THIS PUBLIC HEARING MAY BE INSPECTED AT THE OFFICE OF THE VILLAGE CLERK DURING REGULAR BUSINESS HOURS AT 1666 KENNEDY CAUSEWAY, #300. INQUIRIES MAY BE DIRECTED TO THAT DEPARTMENT AT (305) 756-7171.

INTERESTED PERSONS ARE INVITED TO APPEAR AT THIS MEETING OR BE REPRESENTED BY AN AGENT, OR TO EXPRESS THEIR VIEWS IN WRITING ADDRESSED TO THE COMMISSION C/O THE VILLAGE CLERK, 1666 KENNEDY CAUSEWAY, #300, KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FL 33141.

THE DOCUMENTS PERTAINING TO THIS PUBLIC HEARING MAY BE INSPECTED AT THE OFFICE OF THE VILLAGE CLERK DURING REGULAR BUSINESS HOURS AT 1666 KENNEDY CAUSEWAY, #300. INQUIRIES MAY BE DIRECTED TO THAT DEPARTMENT AT (305) 756-7171.

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES IF ANY PERSON DECIDES TO APPEAL ANY DECISION BY THE COMMISSION WITH RESPECT TO THIS OR ANY MATTER CONSIDERED AT ITS MEETING OR ITS HEARING, SUCH PERSON MUST ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE VILLAGE FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

TO REQUEST THIS MATERIAL IN ACCESSIBLE FORMAT, SIGN LANGUAGE INTERPRETERS, INFORMATION ON ACCESS FOR PERSON WITH DISABILITIES, AND/OR ANY ACCOMMODATION TO REVIEW ANY DOCUMENT OR PARTICIPATE IN ANY VILLAGE-SPONSORED PROCEEDING, PLEASE CONTACT (305) 756-7171 FIVE DAYS IN ADVANCE TO INITIATE YOUR REQUEST. TTY USERS MAY ALSO CALL 711 (FLORIDA RELAY SERVICE).

YVONNE P. HAMILTON, CMC  
VILLAGE CLERK

The Inn on the Bay  
1819 Kennedy Causeway  
N. Bay Village, FL 33141

The Atkinson Trust LLC  
4405 Greenway  
Baltimore, MD 21218  
Re: 1850 79<sup>th</sup> Street Causeway

NBV Corp  
1655 Washington Avenue, #4 FL  
Miami Beach, FL 33172-3172

School Board of Miami Dade  
County  
1450 N.E. 2<sup>nd</sup> Avenue  
Miami, FL 33141

Treasure Isles Convalescent  
Center  
200 International CL, Suite #3500  
Hunt Valley, MD 21030

The White House Condominium  
Association  
1770 Kennedy Causeway  
N. Bay Village, FL 33141

Owner/Occupant  
1865 Kennedy Causeway  
Unit #1-G  
N. Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Causeway  
Unit #1-H  
N. Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy., #1-I  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy., #1-L  
North Bay Village, Fl

Owner/Occupant  
1865 Kennedy Cswy., #1N  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy., Unit 2B  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy., Apt. 2E  
Miami Beach, Fl 33147

Owner/Occupant  
1865 Kennedy Cswy., #2F  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy., Apt. 2-G  
Miami Beach, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy., #2H  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy., Unit 2I  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy., 2-J  
North Bay Village, F33141

Owner/Occupant  
1865 Kennedy Cswy., Apt. 2K  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy., 2-0  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy., Apt. 2-M  
North Bay Village, 33141

Owner/Occupant  
1865 Kennedy Cswy. #2N  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy., Unit 3C  
North Bay Village, Fl.

Owner/Occupant  
1865 Kennedy Cswy., Unit 3-A  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy., Unit 3-B  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy, sway #3F  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. #3D  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy., #3E  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy., Unit 3-I  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy., # 3-G  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy., #3H  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy., #3N  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy., #3M  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy., Unit 3-0  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy., #4A  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy., #4B  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy., #4C  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. #4D  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy., Apt. 4E  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy., 4-F  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. #4G  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy., #4-H  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy., #4I  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy., #4J  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy., #4K  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy., #4L  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy., Unit 4-H  
North Bay Village, 33141

Owner/Occupant  
1865 Kennedy Cswy., #4I  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy., Unit 4J  
North Bay Village, 33141

Owner/Occupant  
1865 Kennedy Cswy., #5A  
North Bay Village, Fl 3314

Owner/Occupant  
1865 Kennedy Cswy., #5B  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. #5D  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy., #5D  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy., #5-E  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy., #5-F  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy., #5-G  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy., Unit 5H  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy., #5I  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy., Apt 8G  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy., #5K  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. #5-M  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. #5-M  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. #5N  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. #5O  
North Bay Village, Fl 3314

Owner/Occupant  
1865 Kennedy Cswy. #6A  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. #6B  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. Apt. 6-C  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. #6D  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. Apt. 6E  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. Unit 6F  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. #6G  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. #6H  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. Apt. 6I  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. Unit 6J  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. Apt. 6-K  
North Bay Village, Fl. 33141

Owner/Occupant  
1865 Kennedy Cswy. Unit 6L  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. Apt. 6-M  
North Bay Village, Fl. 33141

Owner/Occupant  
1865 Kennedy Cswy. #6-N  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. #6-O  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. #7A  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. #7B  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. #7C  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy Unit 7D  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. #7E  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. Apt. 7F  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. Apt. 7G  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. Unit 7H  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. #7-1  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. Apt. 7J  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. #7K  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. #7L  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. #7M  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. Unit 7N  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy House #7-O  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. #7P  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. #8B  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. Apt. 8-C  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy., #8D  
N. Bay Village, FL 33141

Owner/Occupant  
1865 Kennedy Cswy., #8E  
N. Bay Village, FL 33141

Owner/Occupant  
1865 Kennedy Cswy. #8F  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy., #8G  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. Unit 8H  
North Bay Village, Fl 33141

Owner/Occupant  
8510 NW 10<sup>th</sup> St  
Pembroke Pine, Fl 33024

Owner/Occupant  
1865 Kennedy Cswy. #8J  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy., #8K  
N. Bay Village, FL 3141

Owner/Occupant  
1865 Kennedy Cswy. 8-L  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. #8M  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. Unit 8N  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. Unit 8O  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. #9B  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. #9B  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. Apt. C  
North Bay Village, Fl. 33141

Owner/Occupant  
1865 Kennedy Cswy. Apt 9D  
North Bay Village, Fl. 33141

Owner/Occupant  
1865 Kennedy Cswy. #9E  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. #9-F  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. #9G  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. #9H  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy., #9I  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. Unit 9J  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. Unit 9K  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. Unit 9L  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. Unit 9M  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. Unit 9O  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. #10A  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. #10B  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. Unit 10C  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. Apt. 100  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. 10-E  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. #10F  
Miami, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. #10G  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. #10H  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. #10I  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. Unit 10J  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. Apt. 10K  
North Bay Village, Fl 3141

Owner/Occupant  
1865 Kennedy Cswy #10-L  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. #10M  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. #10-N  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. U 10-O  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. #11-A  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. #11-B  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. #11C  
North Bay Village, Fl. 33141

Owner/Occupant  
1865 Kennedy Cswy. Apt.11D  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. #11E  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. #11F  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. #11G  
North Bay Village, Fl 33141

Owner/Occupant  
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North Bay Village, Fl 33141

Owner/Occupant  
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North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. #11K  
North Bay Village, Fl. 331141

Owner/Occupant  
1865 Kennedy Cswy. #11-L  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. Unit 11-M  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. Unit 11-M  
North Bay Village, Fl. 33141

Owner/Occupant  
1865 Kennedy Cswy. Unit 11-O  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. #12A  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. #12B  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. #12B  
North Bay Village, Fl 33141

Owner/Occupant  
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North Bay Village, Fl 33141

Owner/Occupant  
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North Bay Village, Fl 33141

Owner/Occupant  
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Owner/Occupant  
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Owner/Occupant  
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North Bay Village, Fl 33141

Owner/Occupant  
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North Bay Village, Fl 33141

Owner/Occupant  
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North Bay Village, Fl 33141

Owner/Occupant  
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North Bay Village, Fl 33141

Owner/Occupant  
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North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. #12-O  
North Bay Village, Fl 33141

Owner/Occupant  
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North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. Unit 14C  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. #14-D  
North Bay Village, Fl 33141

Owner/Occupant  
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North Bay Village, Fl 33141

Owner/Occupant  
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North Bay Village, Fl 33141

Owner/Occupant  
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North Bay Village, Fl 33141

Owner/Occupant  
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North Bay Village, Fl 33141

Owner/Occupant  
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North Bay Village, Fl 33141

Owner/Occupant  
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North Bay Village, Fl 33141

Owner/Occupant  
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North Bay Village, Fl 33141

Owner/Occupant  
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North Bay Village, Fl 33141

Owner/Occupant  
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North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. #14-O  
North Bay Village, Fl 33141

Owner/Occupant  
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North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. Apt. 15-B  
North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. Unit 15-C  
North Bay Village, Fl 33141

Owner/Occupant  
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North Bay Village, Fl 33141

Owner/Occupant  
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North Bay Village, Fl 33141

Owner/Occupant  
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North Bay Village, Fl 33141

Owner/Occupant  
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North Bay Village, Fl 33141

Owner/Occupant  
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North Bay Village, Fl 33141

Owner/Occupant  
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North Bay Village, Fl 33141

Owner/Occupant  
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Owner/Occupant  
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Owner/Occupant  
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Owner/Occupant  
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North Bay Village, Fl 33141

Owner/Occupant  
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Owner/Occupant  
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Owner/Occupant  
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Owner/Occupant  
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North Bay Village, Fl 33141

Owner/Occupant  
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North Bay Village, Fl 33141

Owner/Occupant  
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North Bay Village, Fl 33141

Owner/Occupant  
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Owner/Occupant  
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North Bay Village, Fl 33141

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North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. Unit 16-0  
North Bay Village, Fl 33141

Owner/Occupant  
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North Bay Village, Fl 33141

Owner/Occupant  
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North Bay Village, Fl 33141

Owner/Occupant  
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North Bay Village, Fl 33141

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North Bay Village, Fl 33141

Owner/Occupant  
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North Bay Village, Fl 33141

Owner/Occupant  
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North Bay Village, Fl 33141

Owner/Occupant  
1865 Kennedy Cswy. Unit #PH-N  
North Bay Village, Fl 33141

Owner/Occupant  
7601 East Treasure Drive, #CU1  
N. Bay Village, FL 33141

Owner/Occupant  
7601 East Treasure Drive, #CU2  
N. Bay Village, FL 33141

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Owner/Occupant  
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Owner/Occupant  
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7601 East Treasure Drive, #2118  
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7601 East Treasure Drive, #2119  
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7601 East Treasure Drive, #2120  
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7601 East Treasure Drive, #CU21  
N. Bay Village, FL 33141



1800 Kennedy Causeway, #A-101  
North Bay Village, FL 33141

Owner / Occupant  
1800 Kennedy Causeway, #A-102  
Miami Beach, FL 33141

Owner / Occupant  
1800 Kennedy Causeway, #A103  
North Bay Village, FL 33141

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1800 Kennedy Causeway, #A-104  
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1770 Kennedy Causeway, #D312  
North Bay Village, FL 33141

Owner/Occupant  
1770 Kennedy Causeway, D314  
N. Bay Village, FL 33141

Owner / Occupant  
1770 Kennedy Causeway, #D311  
North Bay Village, FL 33141

Owner / Occupant  
1770 Kennedy Causeway, #D312  
North Bay Village, FL 33141



## NORTH BAY VILLAGE NOTICE OF PUBLIC HEARING

PUBLIC NOTICE IS HEREBY GIVEN THAT THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A REGULAR MEETING ON **TUESDAY, JUNE 10, 2014** AT 7:30 P.M., OR AS SOON AS POSSIBLE THEREAFTER, AT VILLAGE HALL, 1666 KENNEDY CAUSEWAY, #101, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING THE COMMISSION WILL CONSIDER THE FOLLOWING REQUESTS:

1. A REQUEST BY YEPARA, INC., PROPERTY OWNER OF THE BUSINESS ESTABLISHMENT LOCATED AT 1884 KENNEDY CAUSEWAY, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA FOR THE FOLLOWING:
    - A. A VARIANCE PURSUANT TO SECTION 111.03 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FROM THE STRICT INTERPRETATION OF SECTION 111.12(A)(1) AND 111.12 (B)(1) FOR THE ISSUANCE OF A BUSINESS TAX RECEIPT TO PERMIT THE SALE AND ON PREMISES CONSUMPTION OF BEER AND WINE WITHIN 300 FEET OF AN EXISTING RESTAURANT HOLDING A 4COP LICENSE AND WITHIN 500 FEET OF A PUBLIC SCHOOL.
  2. AN APPLICATION BY SILVIA OBERSTEIN CONCERNING PROPERTY LOCATED AT 7501 ADVENTURE AVENUE, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:
    - A. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FROM THE STRICT APPLICATION OF SECTION 152.027(C)(2) TO PERMIT AN ADDITION TO A SINGLE-FAMILY RESIDENCE TO FURTHER ENCROACH INTO THE REQUIRED SIDE YARD SETBACK, ALLOWING A SIDE YARD SETBACK OF 7.5 FEET WHERE THE CODE REQUIRES 15 FEET.
  3. AN APPLICATION BY NORTH BAY CAUSEWAY, LLC CONCERNING PROPERTY LOCATED AT 1555 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING: (FIRST PUBLIC HEARING)
    - A. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.030(C)(3) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A MIXED-USE COMMERCIAL STRUCTURE IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT.
    - B. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 127-UNIT, 22-STORY CONDOMINIUM STRUCTURE WITH A PARKING GARAGE.
    - C. BONUS HEIGHT APPROVAL, PURSUANT TO SECTION 152.029(C)(8)-F OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.
    - D. A VARIANCE PURSUANT TO SECTION 152.097 OF NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW 5 STORIES OF PARKING, WHERE SECTION 152.029(C) ALLOWS A MAXIMUM OF FOUR STORIES OF PARKING.
  4. A REQUEST BY BAYVIEW CONDOMINIUM ASSOCIATION, AT 1625 KENNEDY CAUSEWAY, TREASURE ISLAND, WITHIN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT, NORTH BAY VILLAGE, FLORIDA FOR A NON-USE VARIANCE PURSUANT TO SECTION 152.0971 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FROM THE STANDARDS OF SECTION 152.029(C)(2) TO ALLOW A NATURAL GAS GENERATOR TO BE SETBACK 8.5 FEET FROM THE SIDE PROPERTY LINE, WHERE A SETBACK OF 15 FEET IS REQUIRED.
- INTERESTED PERSONS ARE INVITED TO APPEAR AT THIS MEETING OR BE REPRESENTED BY AN AGENT, OR TO EXPRESS THEIR VIEWS IN WRITING ADDRESSED TO THE COMMISSION C/O THE VILLAGE CLERK, 1666 KENNEDY CAUSEWAY, #300, KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FL 33141.
- THE DOCUMENTS PERTAINING TO THIS PUBLIC HEARING MAY BE INSPECTED AT THE OFFICE OF THE VILLAGE CLERK DURING REGULAR BUSINESS HOURS AT 1666 KENNEDY CAUSEWAY, #300. INQUIRIES MAY BE DIRECTED TO THAT DEPARTMENT AT (305) 756-7171.
- PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION BY THE COMMISSION WITH RESPECT TO THIS OR ANY MATTER CONSIDERED AT ITS MEETING OR ITS HEARING, SUCH PERSON MUST ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.
- THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE VILLAGE FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.
- TO REQUEST THIS MATERIAL IN ACCESSIBLE FORMAT, SIGN LANGUAGE INTERPRETERS, INFORMATION ON ACCESS FOR PERSON WITH DISABILITIES, AND/OR ANY ACCOMMODATION TO REVIEW ANY DOCUMENT OR PARTICIPATE IN ANY VILLAGE-SPONSORED PROCEEDING, PLEASE CONTACT (305) 756-7171 FIVE DAYS IN ADVANCE TO INITIATE YOUR REQUEST. TTY USERS MAY ALSO CALL 711 (FLORIDA RELAY SERVICE).

YVONNE P. HAMILTON, CMC  
VILLAGE CLERK  
(May 20, 2014)



## **Staff Report Variance Request**

*Prepared for: North Bay Village  
Commission*

*Applicant: Silvia Paasch-Oberstein*

*Request: Variance to Side Setback Requirements*



Serving Florida Local Governments Since 1988

## General Information

Applicant:	Silvia Paasch-Oberstein
Applicant Address:	7501 Adventure Avenue North Bay Village, FL 33141
Site Address:	7501 Adventure Avenue
Contact Person:	Silvia Oberstein
Contact Phone Number:	305-858-0220
E-mail Address	<a href="mailto:s.paasch-oberstein@jmx.de">s.paasch-oberstein@jmx.de</a>

Future Land Use Map Classification	Single Family Residential
Zoning District	RS-2
Use of Property	Single Family Home
Acreage (per survey)	0.16 acres

## Legal Description of Subject Property

TREASURE PLAZA PB 51-87 LOT 15 BLK A

## Requested Variance

A variance pursuant to section 152.097 of the North Bay Village Code from the strict interpretation of Section 152.027(C)(2) to build a structure 7.72 feet from the side (corner) property line, where the code requires at least 15 feet.

## Project Description

The plans submitted by the applicant for this variance request depict an addition to an existing single family residence on a corner lot in the RS-2 Zoning District. For corner lots, the RS-2 regulations require a setback of 15 feet from the property line which is adjacent to the side street. The existing structure is nonconforming in that it encroaches on the side setback. It is built 7.72 feet from the property line. The plans depict an addition which would be placed on the rear of the existing structure. The addition would also be 7.72 feet from the property line. In order to build the addition according to the plans submitted and increase the nonconformity, a variance must be approved by the Village Commission which allows a 7.72 foot setback, where a 15 foot setback is required.

## Required Findings

Sec. 152.097(B) sets forth the findings that are required for the reviewing body(ies) to authorize any variance request. Sec. 152.097(C) requires that the reviewing body(ies) must make an affirmative finding with respect to the criteria listed below. For ease of review, each of the criteria contained in subparagraphs (B)(1) through (B)(3) have been separated into their component parts.

- (1)a. That there are (or are not) special circumstances and conditions which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings in the same zoning district;

**Applicant Comments:** There are not special circumstances and conditions which are peculiar to the land, structure or building involved and which are not generally applicable to other lands, structures or buildings in the same zoning district.

**Staff Comments:** The Applicant has provided no evidence of special circumstances and/or conditions that are unique to the land or proposed structure. The property is 7,140 square feet, in excess of the 6,000 square foot minimum lot size required in the RS-2 Zoning District; and with 60 foot width, which meets the 60 foot minimum frontage required in the RS-2 District. Architectural considerations are not valid reasons for granting a variance.

- (1)b. that the special circumstances and conditions were not (or were) self-created by any person having an interest in the property;

**Applicant Comments:** The special circumstances and conditions were not self created by any person having an interest in the property.

**Staff Comments:** There are no special circumstances and/or conditions. The need for a larger master bathroom is a matter of choice necessitated only by the preference of the Applicant for more square footage, resulting in the need for the variance.

- (1)c. and that the strict application of the provisions of this chapter would (or would not) deprive the Applicant of the reasonable use of the land, structure, or building for which the variance is sought;

**Applicant Comments:** The application of the provisions of this chapter would not deprive the applicant of the reasonable use of the land structure, or building for which the variance is sought.

**Staff Comments:** Since there is an existing residence on the property, the applicant already has reasonable use of the property. The strict application of the provisions of Chapter 152 does not allow the proposed addition to be built. If the variance is not granted, the applicant can continue using the residence as it currently exists or build an addition which does not further the nonconforming encroachment on the setbacks.

- (1)d. and would (or would not) involve an unnecessary hardship for the Applicant.

**Applicant Comments:** and would not involve an unnecessary hardship for the applicant.

**Staff Comments:** The definition of an unnecessary hardship in Chapter 152 is as follows:

- (2) *Hardship, unnecessary.* Arduous restrictions upon the uses of a particular property, which are unique and distinct from that of adjoining property owners. Granting of relief from an unnecessary hardship should not violate sound zoning principles, including considerations that: adjacent properties will not be substantially reduced in value, it is not granting a special privilege not to be enjoyed by others in similar circumstances, and the public interest is maintained, including following the spirit of this chapter and the comprehensive master plan. Invalid and unjustifiable bases for pleading unnecessary hardship include but are not limited to:
- (a) Loss of the "best" use of the land, and business competition.
  - (b) Self-created hardships by the applicant's own acts.
  - (c) Neighboring violations and nonconformities.
  - (d) Claims of inability to sell the property.
  - (e) General restrictions of this chapter.

**There is no unique characteristic about the lot that requires a variance to the minimum side yard setback. Adding to the size of the structure is a choice made by the Applicant. Any perceived hardship is one that is self-created. The applicant could potential make an addition to the house without furthering the existing nonconformance. Requiring the Applicant to modify the proposed site plan to meet the code does not deprive the Applicant of reasonable use of the land.**

- (2)a. That granting the variance requested will not (or will) confer on the Applicant any special privilege that is denied by this chapter to other land, structures, or buildings in the same zoning district;

**Applicant Comments:** Granting the variance request will not confer on the applicant any special privilege that is denied by this chapter to other land. Structure or buildings in the same zoning district

**Staff Comments:** The width and depth of the lot is the same as many of the other lots in the RS-2 district. It is our opinion that granting the requested side yard setback variance would confer on the Applicant a special privilege that is denied to other lands in the RS-2 zoning district.

- (2)b. and the variance granted is the minimum variance that will make possible the reasonable use of the land, structure, or building.

**Applicant Comments:** Yes the minimum variance granted will make possible the reasonable use of land, structure or building.

**Staff Comments:** Strict application of the minimum side yard setback of 15 feet will not deny the Applicant the reasonable use of her property. Consequently, we are of the opinion that no variance to the side yard setback is necessary.

- (3) That granting the variance will (or will not) be in harmony with the general intent and purpose of this chapter, and that such variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

**Applicant Comments:** Granting the variance will be in harmony and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

**Staff Comments:** We do not feel that the granting of the variance would be particularly injurious to the neighborhood or otherwise detrimental to the public welfare. Nevertheless, the granting of the variance will not be in harmony with the general intent of Chapter 152. Most importantly, the request does not meet the very specific requirements for granting a variance.

The City's LDC contains the same criteria in Sec. 2.7.6 as discussed above except they are numbered (1) through (6). The LDC also includes a seventh criterion which reads as follows:

7. The variance request is not based exclusively upon a desire to reduce the cost of development.

**Applicant Comments:** No, the variance requested will upgrade the cost of development.

**Staff Comments:** We do not believe that the Applicant has based this variance request exclusively to reduce the cost of development.

### Planning & Zoning Board Recommendation

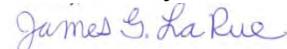
The Planning and Zoning Board recommended approval of this variance request to allow a 7.72 foot setback from the property line, where a 15 foot setback is required, by a 3-0 vote on April 29, 2014.

### Staff Recommendation

Staff recommends **denial** of the requested variance to allow a 7.72 foot setback from the side (corner) property line where 15 foot is required.

Staff finds that the requested variance does not meet the requirements of Sec. 152.097 (C) in that the materials submitted do not adequately allow for an affirmative finding on most of the criteria contained in 152.097(B) as specifically identified by the foregoing Staff Comments.

*Submitted by:*

  
James G. LaRue, AICP  
Planning Consultant

May 27, 2014

Hearing: North Bay Village Commission, June 10, 2014

The reason for this letter is because I, Silvia Paasch-Oberstein would like to extend my master bedroom. Recently we are remodeling the master bathroom and I feel that my master bedroom needs to be extended because is to small. I would like to have more space to walk around my furniture and I cannot because the area is to small. We would like to extend the room 10' feet towards to the east side of the house not toward the encroachment following the wall on the south side which already exists.

Thank you.





**North Bay Village**

Administrative Offices

1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

**APPLICATION FOR PUBLIC HEARINGS:**

**Hearings and Notices:** - All petitions for amendments, changes or supplements to these regulations for variances, special use exceptions, Site Plan Approval, Extension of Approved Site Plans, for Building Height Bonus Approval, or for an amendment, change or supplement to the Comprehensive Plan; district zoning map, or petitions appealing an administrative decision shall be considered at Public Hearings before the Planning & Zoning Board and, thereafter, the Village Commission. Notice of Public Hearings before the Planning & Zoning Board and the Village Commission shall be given by publishing and posting on the property (which is the subject of the request), the time, the place and the nature of the hearing at least 10 days before the hearing. The Village Clerk shall certify that the petition is complete before the hearing is legally advertised.

Applicant's Name: Silvia Oberstein Phone: 1-646-359-1963

Mailing Address: 7501 ~~the~~ adventure Ave  
Northbay Village fl 33141

Legal Description of Property: Treasure Plaza lot 15 BIK A

Existing Zoning: RS-2 Lot Size: 6000x119 Folio: 23-3209-012-0150

Type of Request: New addition - Variance

Reason for Request: (Attach additional Pages if necessary) zoning not allowing us to build new addition - Addition will encroach - the side yard setback

All applications shall be submitted to the Village Clerk on or before the deadline implemented by the Village.

Mayor  
Connie Leon-Kreps

Vice Mayor  
Eddie Lim

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Jorge Gonzalez

**APPLICATION FOR HEARING  
BEFORE THE PLANNING & ZONING BOARD AND  
VILLAGE COMMISSION  
PAGE 2 OF 2**

Filing Fees - All persons, firms, or corporations petitioning the Planning & Zoning Board and the Village Commission necessitating the publication of notices in the newspaper, and all relative thereto, the payment of such money in advance to the Village Clerk shall be deemed a condition precedent to the consideration of such petition, conditional use permit or amendment.

I, (We), the undersigned, am (are) the (owner, tenant, agent, attorney) (designate one) of the subject property herein described. I (We) acknowledge and agree that during the consideration of the application before the Planning & Zoning Board and staff of North Bay Village, no rights shall vest on behalf of the applicant, which would be enforceable against the Village until after a Public Meeting is held by the Village Commission and the Village Commission has voted favorable on the proposed petition.

I, (We) further acknowledge that I (We) have read and understand the conditions for appearance before the Planning & Zoning Board and the Village Commission Pursuant to the Village Code Section 152.096. Any person submitting false information or misrepresenting in their presentation shall have all privileges granted to them by the Planning & Zoning Board and the Village Commission revoked.

**(NOTE: ALL NEW AND SUBSTANTIAL IMPROVEMENTS MUST COMPLY WITH THE FLORIDA BUILDING CODE, DEPARTMENT OF ENVIRONMENTAL RESOURCE MANAGEMENT (DERM), AND FEMA (FLOOD) REGULATIONS).**

x S. Pasca-Osestein  
Authorized Signature

S. Pasca - Osestein  
Print Name

(In case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's position in the corporation and embossed with the corporate seal.)

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE )

Sworn to and subscribed to before me this 21 day of March 2014  
by \_\_\_\_\_

who is personally known to me or who has produced Pasca-Osestein  
as identification.

Diane Ovadia  
Notary Public



Mayor  
Connie Leon-Kreps

Vice Mayor  
Eddie Lim

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Jorge Gonzalez

**Office Use Only:**

Date Submitted: 4/4/14

Fee Paid: \$ 1200.

Tentative Meeting Date: \_\_\_\_\_

Cash  or Check  # 487

Date Paid: 4/4/14

Mayor  
**Connie Leon-Kreps**

Vice Mayor  
**Eddie Lim**

Commissioner  
**Dr. Richard Chervony**

Commissioner  
**Wendy Duvall**

Commissioner  
**Jorge Gonzalez**



## North Bay Village

Administrative Offices

1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

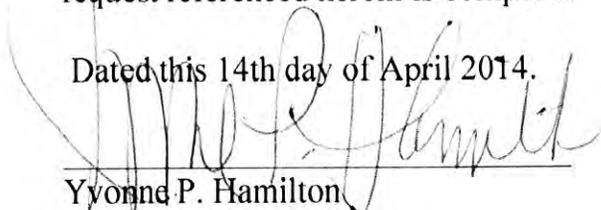
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: [www.nbvillage.com](http://www.nbvillage.com)

Re: **AN APPLICATION BY SILVIA OBERSTEIN CONCERNING PROPERTY LOCATED AT 7501 ADVENTURE AVENUE, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:**

- A. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FROM THE STRICT APPLICATION OF SECTION 152.027(C)(2) TO PERMIT AN ADDITION TO A SINGLE-FAMILY RESIDENCE TO FURTHER ENCROACH INTO THE REQUIRED SIDE YARD SETBACK, ALLOWING A SIDE YARD SETBACK OF 7.5 FEET WHERE THE CODE REQUIRES 15 FEET.**

I, Yvonne P. Hamilton, Village Clerk hereby certify, as per Section 152.096(A)(2) of the North Bay Village Code of Ordinances, that the petition filed by Silvia Oberstein for the request referenced herein is complete.

Dated this 14th day of April 2014.

  
Yvonne P. Hamilton  
Village Clerk

(Planning & Zoning Board Meeting-April 29, 2014)

Mayor  
Connie Leon-Kreps

Vice Mayor  
Eddie Lim

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Jorge Gonzalez



## North Bay Village

Administrative Offices

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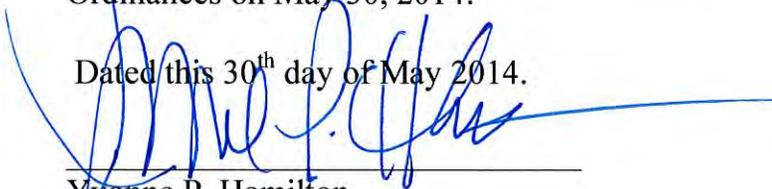
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I, Yvonne P. Hamilton, Village Clerk, hereby certify that the attached Notice of Public Hearing was mailed to property owners and residents within 300 feet of the property of the subject request pursuant to Section 152.096(A)(2) of the North Bay Village Code of Ordinances on May 30, 2014.

Dated this 30<sup>th</sup> day of May 2014.

  
\_\_\_\_\_  
Yvonne P. Hamilton  
Village Clerk

(Commission Meeting-6/10/2014)

Mayor  
Connie Leon-Kreps

Vice Mayor  
Eddie Lim

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Jorge Gonzalez



## North Bay Village

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1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

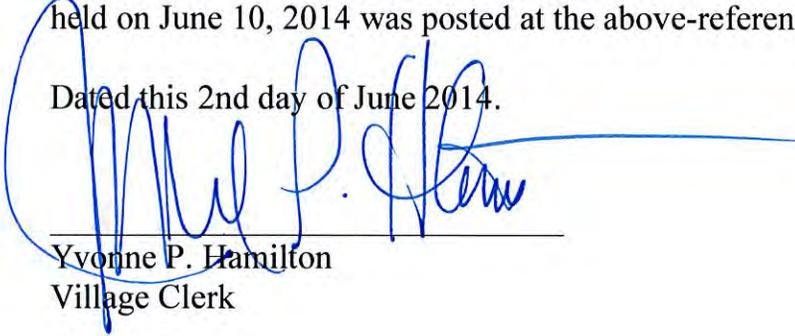
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: [www.nbvillage.com](http://www.nbvillage.com)

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- A. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FROM THE STRICT APPLICATION OF SECTION 152.027(C)(2) TO PERMIT AN ADDITION TO A SINGLE-FAMILY RESIDENCE TO FURTHER ENCROACH INTO THE REQUIRED SIDE YARD SETBACK, ALLOWING A SIDE YARD SETBACK OF 7.5 FEET WHERE THE CODE REQUIRES 15 FEET.**

I, Yvonne P. Hamilton, hereby certify that the attached Notice of Public Hearing to be held on June 10, 2014 was posted at the above-referenced property on May 31, 2014.

Dated this 2nd day of June 2014.

  
\_\_\_\_\_  
Yvonne P. Hamilton  
Village Clerk

(Commission Meeting-6/10/2014)

Mayor  
Connie Leon-Kreps

Vice Mayor  
Eddie Lim

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Jorge Gonzalez



**NORTH BAY VILLAGE  
NOTICE OF PUBLIC HEARING**

PUBLIC NOTICE IS HEREBY GIVEN THAT THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A REGULAR MEETING ON **TUESDAY, JUNE 10, 2014** AT 7:30 P.M., OR AS SOON AS POSSIBLE THEREAFTER, AT VILLAGE HALL, 1666 KENNEDY CAUSEWAY, #101, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING THE COMMISSION WILL CONSIDER THE FOLLOWING REQUEST:

1. **AN APPLICATION BY SILVIA OBERSTEIN CONCERNING PROPERTY LOCATED AT 7501 ADVENTURE AVENUE, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:**
  - A. **A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FROM THE STRICT APPLICATION OF SECTION 152.027(C)(2) TO PERMIT AN ADDITION TO A SINGLE-FAMILY RESIDENCE TO FURTHER ENCROACH INTO THE REQUIRED SIDE YARD SETBACK, ALLOWING A SIDE YARD SETBACK OF 7.5 FEET WHERE THE CODE REQUIRES 15 FEET.**

INTERESTED PERSONS ARE INVITED TO APPEAR AT THIS MEETING OR BE REPRESENTED BY AN AGENT, OR TO EXPRESS THEIR VIEWS IN WRITING ADDRESSED TO THE COMMISSION C/O THE VILLAGE CLERK, 1666 KENNEDY CAUSEWAY, #300, KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FL 33141.

THE DOCUMENTS PERTAINING TO THIS PUBLIC HEARING MAY BE INSPECTED AT THE OFFICE OF THE VILLAGE CLERK DURING REGULAR BUSINESS HOURS AT 1666 KENNEDY CAUSEWAY, #300. INQUIRIES MAY BE DIRECTED TO THAT DEPARTMENT AT (305) 756-7171.

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES IF ANY PERSON DECIDES TO APPEAL ANY DECISION BY THE COMMISSION WITH RESPECT TO THIS OR ANY MATTER CONSIDERED AT ITS MEETING OR ITS HEARING, SUCH PERSON MUST ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE VILLAGE FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

TO REQUEST THIS MATERIAL IN ACCESSIBLE FORMAT, SIGN LANGUAGE INTERPRETERS, INFORMATION ON ACCESS FOR PERSON WITH DISABILITIES, AND/OR ANY ACCOMMODATION TO REVIEW ANY DOCUMENT OR PARTICIPATE IN ANY VILLAGE-SPONSORED PROCEEDING, PLEASE CONTACT (305) 756-7171 FIVE DAYS IN ADVANCE TO INITIATE YOUR REQUEST. TTY USERS MAY ALSO CALL 711 (FLORIDA RELAY SERVICE).

YVONNE P. HAMILTON, CMC  
VILLAGE CLERK  
(May 29, 2014)



Owner/Occupant  
1441 South Treasure Drive  
N. Bay Village, FL 33141

Owner/Occupant  
1471 South Treasure Drive  
N. Bay Village, FL 33141

Owner/Occupant  
1501 South Treasure Drive  
N. Bay Village, FL 33141

Owner/Occupant  
1521 South Treasure Drive  
N. Bay Village, FL 33141

Owner/Occupant  
1541 South Treasure Drive  
N. Bay Village, FL 33141

Owner/Occupant  
1450 South Treasure Drive  
N. Bay Village, FL 33141

Owner/Occupant  
1460 South Treasure Drive  
N. Bay Village, FL 33141

Owner/Occupant  
1470 South Treasure Drive  
N. Bay Village, FL 33141

Owner/Occupant  
1480 South Treasure Drive  
N. Bay Village, FL 33141

Owner/Occupant  
1500 South Treasure Drive  
N. Bay Village, FL 33141

Owner/Occupant  
1510 South Treasure Drive  
N. Bay Village, FL 33141

Owner/Occupant  
1520 South Treasure Drive  
N. Bay Village, FL 33141

Owner/Occupant  
1540 South Treasure Drive  
N. Bay Village, FL 33141





## NORTH BAY VILLAGE NOTICE OF PUBLIC HEARING

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1. A REQUEST BY YEPARA, INC., PROPERTY OWNER OF THE BUSINESS ESTABLISHMENT LOCATED AT 1894 KENNEDY CAUSEWAY, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA FOR THE FOLLOWING:
    - A. A VARIANCE PURSUANT TO SECTION 111.03 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FROM THE STRICT INTERPRETATION OF SECTION 111.12(A)(1) AND 111.12 (B)(1) FOR THE ISSUANCE OF A BUSINESS TAX RECEIPT TO PERMIT THE SALE AND ON PREMISES CONSUMPTION OF BEER AND WINE WITHIN 300 FEET OF AN EXISTING RESTAURANT HOLDING A 4COP LICENSE AND WITHIN 500 FEET OF A PUBLIC SCHOOL.
  2. AN APPLICATION BY SILVIA OBERSTEIN CONCERNING PROPERTY LOCATED AT 7501 ADVENTURE AVENUE, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:
    - A. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FROM THE STRICT APPLICATION OF SECTION 152.027(C)(2) TO PERMIT AN ADDITION TO A SINGLE-FAMILY RESIDENCE TO FURTHER ENCROACH INTO THE REQUIRED SIDE YARD SETBACK, ALLOWING A SIDE YARD SETBACK OF 7.5 FEET WHERE THE CODE REQUIRES 15 FEET.
  3. AN APPLICATION BY NORTH BAY CAUSEWAY, LLC CONCERNING PROPERTY LOCATED AT 1555 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING: (FIRST PUBLIC HEARING)
    - A. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.030(C)(3) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A MIXED-USE COMMERCIAL STRUCTURE IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT.
    - B. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 127-UNIT, 22-STORY CONDOMINIUM STRUCTURE WITH A PARKING GARAGE.
    - C. BONUS HEIGHT APPROVAL, PURSUANT TO SECTION 152.029(C)(8)-A-F OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.
    - D. A VARIANCE PURSUANT TO SECTION 152.097 OF NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW 5 STORIES OF PARKING, WHERE SECTION 152.029(C) ALLOWS A MAXIMUM OF FOUR STORIES OF PARKING.
  4. A REQUEST BY BAYVIEW CONDOMINIUM ASSOCIATION, AT 1625 KENNEDY CAUSEWAY, TREASURE ISLAND, WITHIN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT, NORTH BAY VILLAGE, FLORIDA FOR A NON-USE VARIANCE PURSUANT TO SECTION 152.0971 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FROM THE STANDARDS OF SECTION 152.029(C)(2) TO ALLOW A NATURAL GAS GENERATOR TO BE SETBACK 8.5 FEET FROM THE SIDE PROPERTY LINE, WHERE A SETBACK OF 15 FEET IS REQUIRED.
- INTERESTED PERSONS ARE INVITED TO APPEAR AT THIS MEETING OR BE REPRESENTED BY AN AGENT, OR TO EXPRESS THEIR VIEWS IN WRITING ADDRESSED TO THE COMMISSION C/O THE VILLAGE CLERK, 1666 KENNEDY CAUSEWAY #300, KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FL 33141.
- THE DOCUMENTS PERTAINING TO THIS PUBLIC HEARING MAY BE INSPECTED AT THE OFFICE OF THE VILLAGE CLERK DURING REGULAR BUSINESS HOURS AT 1666 KENNEDY CAUSEWAY, #300. INQUIRIES MAY BE DIRECTED TO THAT DEPARTMENT AT (305) 756-7171.
- PURSUANT TO SECTION 286.0105, FLORIDA STATUTES IF ANY PERSON DECIDES TO APPEAL ANY DECISION BY THE COMMISSION WITH RESPECT TO THIS OR ANY MATTER CONSIDERED AT ITS MEETING OR ITS HEARING, SUCH PERSON MUST ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.
- THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE VILLAGE FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.
- TO REQUEST THIS MATERIAL IN ACCESSIBLE FORMAT, SIGN LANGUAGE INTERPRETERS, INFORMATION ON ACCESS FOR PERSON WITH DISABILITIES, AND/OR ANY ACCOMMODATION TO REVIEW ANY DOCUMENT OR PARTICIPATE IN ANY VILLAGE-SPONSORED PROCEEDING, PLEASE CONTACT (305) 756-7171 FIVE DAYS IN ADVANCE TO INITIATE YOUR REQUEST. TTY USERS MAY ALSO CALL 711 (FLORIDA RELAY SERVICE).

YVONNE P. HAMILTON, CMC  
VILLAGE CLERK

(May 20, 2014)



## **Staff Report Special Use Exception**

*Prepared for: North Bay Village  
Commission*

*Applicant: North Bay Causeway, LLC*

*Site Address: 1555 Kennedy Causeway*

*Request: Special Exception for Development of a  
Mixed Use Commercial Structure in the  
CG Zoning District*

**General Information**

<b>Owner/Applicant:</b>	North Bay Causeway, LLC
<b>Applicant Address:</b>	9130 S. Dadeland Blvd, Suite 1509 Miami, FL 33156
<b>Site Address:</b>	1555 Kennedy Causeway
<b>Contact Person:</b>	Neisen O. Kasdin
<b>Contact Phone Number:</b>	305-374-5600
<b>E-mail Address</b>	neisen.kasdin@akerman.com

<b>Future Land Use</b>	Commercial
<b>Zoning District</b>	CG
<b>Use of Property</b>	Restaurant (vacant)
<b>Acreage</b>	1.92 acres

**Legal Description of Subject Property**

PARCEL A  
 COMMENCING AT THE ONE-HALF MILE POST ON THE WEST LINE OF SECTION 9, TOWNSHIP 53 SOUTH, RANGE 42 EAST, AS SHOWN ON THE MAP OF HIGHWAY RIGHT-OF-WAY OF PROPOSED NORTHEAST SEVENTY-NINTH STREET CAUSEWAY, WHICH SAME IS RECORDED IN PLAT BOOK 25, AT PAGE 70 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; RUN NORTH 88°41'24" EAST FOR 1960 FEET; THENCE NORTH 01°37'08" WEST FOR 50.00 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL; THENCE FROM THE ABOVE ESTABLISHED POINT OF BEGINNING CONTINUE NORTH 01°37'08" WEST FOR A DISTANCE OF 180 FEET TO A POINT; THENCE RUN NORTH 88°41'24" EAST FOR A DISTANCE OF 200 FEET TO A POINT; THENCE RUN SOUTH 01°37'08" EAST FOR A DISTANCE OF 180 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF N.E. 79TH STREET CAUSEWAY; THENCE RUN SOUTH 88°41'24" WEST ALONG SAID LINE FOR A DISTANCE OF 200 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

PARCEL B  
 COMMENCING AT THE ONE-HALF MILE POST ON THE WEST LINE OF SECTION 9, TOWNSHIP 53 SOUTH, RANGE 42 EAST, AS SHOWN ON THE MAP OF HIGHWAY RIGHT-OF-WAY OF PROPOSED NORTHEAST SEVENTY-NINTH STREET CAUSEWAY, WHICH SAME IS RECORDED IN PLAT BOOK 25, AT PAGE 70 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; RUN NORTH 88°41'24" EAST, FOR 2160 FEET THENCE NORTH 01°37'08" WEST FOR 50.00 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL; THENCE FROM THE ABOVE ESTABLISHED POINT OF BEGINNING CONTINUE NORTH 01°37'08" WEST FOR A DISTANCE OF 180 FEET TO A POINT; THENCE RUN NORTH 88°41'24" EAST FOR A DISTANCE OF 265 FEET TO A POINT; THENCE RUN SOUTH 01°37'08" EAST FOR A DISTANCE OF 180 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF N.E. 79TH STREET CAUSEWAY; THENCE RUN SOUTH 88°41'24" WEST ALONG SAID LINE FOR A DISTANCE OF 265 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.



**Adjacent Land Use Map Classifications and Zoning District**

<b>North</b>	Future Land Use	Water
	Zoning District	Water
	Existing Land Use	Biscayne Bay
<b>East</b>	Future Land Use	Commercial
	Zoning District	CG
	Existing Land Use	Trio on the Bay
<b>South</b>	Future Land Use	Commercial
	Zoning District	CG
	Existing Land Use	Restaurants, Dry Cleaner and Public Storage
<b>West</b>	Future Land Use	Commercial
	Zoning District	CG
	Existing Land Use	Approved Isle of Dreams Mixed-Use Condo

**Request**

The applicant is requesting a special use exception pursuant to Sections 152.030(C)(3) and 152.098 of the North Bay Village Code of Ordinances for development of a mixed-use commercial structure in the CG (General Commercial) zoning district.

**General Description**

The submitted plans depict the proposed development as a 22-story, mixed-use residential and commercial development with 127 multi-family units. Additionally, the tabular project summary shows 9,625 square feet of office space and 18,790 square feet of retail space.

**Consistency with Comprehensive Plan**

While the Comprehensive Plan is silent as to mixed-use in the Commercial Future Land Use category, it does allow all of the proposed uses. We believe that a mix of multi-family units and the proposed commercial uses is consistent with the intent of the Commercial Future Land Use category.



### **Consistency with Special Use Exception Standards**

Section 152.098 provides for Village Commission approval of a special use exception if there are clear indications that such an exception will not substantially adversely affect the uses of adjacent property.

### **Other Requirements and Considerations**

The property to the west is a TV station and a property proposed for another mixed-use condo tower; to the immediate east is the Trio on the Bay. To the south, across Kennedy Causeway are restaurants, a dry cleaners and a self storage facility. A mixed use structure encompassing multi-family residential units, a restaurant and retail and office uses on the subject property is compatible with, and will have no adverse effect upon, the existing or proposed uses of the adjacent properties.

### **Planning & Zoning Board Recommendation**

The North Bay Village Planning and Zoning Board recommended approval of the special use exception request for a mixed use-residential and commercial structure in the CG Zoning District by a vote of 3-0 on April 29, 2014.

### **Findings and Recommendations**

Staff finds that the request **is** consistent with Sections 152.030(C)(3) and 152.098 in that this modification of a special use exception will not adversely affect the uses permitted in the regulations of adjacent properties.

Based on the foregoing analysis, Staff recommends **approval** of the request for the special use exception for a mixed-use residential and commercial structure in the CG Zoning District.

*Submitted by:*

James G. LaRue, AICP  
Planning Consultant

May 27, 2014

Hearing: North Bay Village Commission, June 10, 2014





## **Staff Report Site Plan**

*Prepared for: North Bay Village  
Commission*

*Applicant: North Bay Causeway LLC*

*Site Address: 1555 Kennedy Causeway*

*Request: Site Plan Approval for a Mixed-Use  
Condominium Building*

**General Information**

<b>Owner/Applicant:</b>	North Bay Causeway, LLC
<b>Applicant Address:</b>	9130 S. Dadeland Blvd, Suite 1509 Miami, FL 33156
<b>Site Address:</b>	1555 Kennedy Causeway
<b>Contact Person:</b>	Neisen O. Kasdin
<b>Contact Phone Number:</b>	305-374-5600
<b>E-mail Address</b>	neisen.kasdin@akerman.com

<b>Future Land Use</b>	Commercial
<b>Zoning District</b>	CG
<b>Use of Property</b>	Restaurant (vacant)
<b>Acreage</b>	1.92 acres

**Legal Description of Subject Property**

PARCEL A  
 COMMENCING AT THE ONE-HALF MILE POST ON THE WEST LINE OF SECTION 9, TOWNSHIP 53 SOUTH, RANGE 42 EAST, AS SHOWN ON THE MAP OF HIGHWAY RIGHT-OF-WAY OF PROPOSED NORTHEAST SEVENTY-NINTH STREET CAUSEWAY, WHICH SAME IS RECORDED IN PLAT BOOK 25, AT PAGE 70 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; RUN NORTH 88°41'24" EAST FOR 1960 FEET; THENCE NORTH 01°37'08" WEST FOR 50.00 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL; THENCE FROM THE ABOVE ESTABLISHED POINT OF BEGINNING CONTINUE NORTH 01°37'08" WEST FOR A DISTANCE OF 180 FEET TO A POINT; THENCE RUN NORTH 88°41'24" EAST FOR A DISTANCE OF 200 FEET TO A POINT; THENCE RUN SOUTH 01°37'08" EAST FOR A DISTANCE OF 180 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF N.E. 79TH STREET CAUSEWAY; THENCE RUN SOUTH 88°41'24" WEST ALONG SAID LINE FOR A DISTANCE OF 200 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

PARCEL B  
 COMMENCING AT THE ONE-HALF MILE POST ON THE WEST LINE OF SECTION 9, TOWNSHIP 53 SOUTH, RANGE 42 EAST, AS SHOWN ON THE MAP OF HIGHWAY RIGHT-OF-WAY OF PROPOSED NORTHEAST SEVENTY-NINTH STREET CAUSEWAY, WHICH SAME IS RECORDED IN PLAT BOOK 25, AT PAGE 70 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; RUN NORTH 88°41'24" EAST, FOR 2160 FEET THENCE NORTH 01°37'08" WEST FOR 50.00 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL; THENCE FROM THE ABOVE ESTABLISHED POINT OF BEGINNING CONTINUE NORTH 01°37'08" WEST FOR A DISTANCE OF 180 FEET TO A POINT; THENCE RUN NORTH 88°41'24" EAST FOR A DISTANCE OF 265 FEET TO A POINT; THENCE RUN SOUTH 01°37'08" EAST FOR A DISTANCE OF 180 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF N.E. 79TH STREET CAUSEWAY; THENCE RUN SOUTH 88°41'24" WEST ALONG SAID LINE FOR A DISTANCE OF 265 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.



## Request

The applicant is requesting:

1. Height bonus review in conjunction with site plan approval pursuant to Section 152.029(C)(8)(H) of the North Bay Village Code of Ordinances.
2. Site plan approval pursuant to Section 152.105(C)(9) of the North Bay Village Code of Ordinances for development of a 127 dwelling unit, 22 story mixed-use condominium structure in the CG zoning district.

## General Description

The site plan request for this development is for a 127 dwelling unit, 22 story, mixed use condominium. This site is the current location of the Crabhouse restaurant. The applicant is requesting approval for bonus height to 240 ft and a variance to the 4 story limitation on parking garage levels to allow 5 garage levels.

The tabular project summary shows 9,625 square feet of office space and 18,790 square feet of retail space.

## Consistency with Comprehensive Plan

The multifamily mixed-use is consistent with the description of the Commercial Future Land Use category under Policy 2.1.1a of the Future Land Use Element.

## Adjacent Land Use Map Classifications and Zoning District

<b>North</b>	Future Land Use	Water
	Zoning District	Water
	Existing Land Use	Biscayne Bay
<b>East</b>	Future Land Use	Commercial
	Zoning District	CG
	Existing Land Use	Trio on the Bay
<b>South</b>	Future Land Use	Commercial
	Zoning District	CG
	Existing Land Use	Restaurants, Dry Cleaner and Public Storage
<b>West</b>	Future Land Use	Commercial
	Zoning District	CG
	Existing Land Use	Approved Isle of Dreams Mixed-Use Condo



## Adequacy of Public Facilities

### Traffic Analysis

We have reviewed the Traffic Impact Study (TIS) for 1555 Kennedy Causeway Prepared by Richard Garcia & Associates, Inc. and offer the following comments:

1. The Study uses appropriate ITE peak hour trip generation factors for high-rise residential condominium and general office use, walk-in bank, quality restaurant and bagel/coffee shop.
2. The Study uses what would appear to be reasonable internal capture and pass-by trip rates for a mixed-use development.
3. The findings of the TIS with regard to the roadway analysis for Kennedy Causeway are summarized as follows:
  - a. The proposed project will generate a net increase of 155 new vehicle trips during the AM peak hour and 161 vehicle trips during the PM peak hour.
  - b. The Level of Service Standard (LOSS) for Kennedy Causeway is D. The range of traffic for a Level of Service (LOS) of D is from 2,091 to 4,500 peak hour trips.
  - c. The roadway is currently operating at LOS D in both the AM and PM peak hours. The proposed 2017 AM and PM peak hour traffic levels without development of the subject project are estimated at 2,919 and 2,750, respectively. Therefore the roadway will be operating at LOS D.
  - d. When the project is completed in 2017, and the additional 155 AM peak hour trips and the 161 PM peak hour trips are added to the projected traffic in 2017, the resultant AM and PM Peak hour trips on North Bay/ Kennedy Causeway will be less than the FDOT standard of 4,500. This means the roadway will continue to operate at LOS D once the project is completed.
4. The Applicant should be prepared to discuss the effects on the community of the reduced level of service at the intersection of Kennedy Causeway and Adventure Avenue resulting from the traffic generated at this intersection by the proposed project.
5. We have also looked at the aggregate traffic impact on North Bay Causeway of the projects at 1555 Kennedy Causeway, 1755 Kennedy Causeway, 1415 Kennedy Causeway, and 7914-7918 West Drive. The following table shows that even with the aggregate impact of all four developments, Kennedy Causeway will still operate at LOS D.



Project	Peak-Hour Trips	
	AM	PM
1. Mixed-use, 1555 Kennedy Causeway	155	161
2. Condo-hotel, 1755 Kennedy Cswy.	92	106
3. Isle of Dreams, 1415 Kennedy Cswy.	160	220
4. Indigo, 927914 -- 7918 West Drive	44	33
<b>Total</b>	<b>451</b>	<b>520</b>
Projected trips in 2017 w/o #1	2,919	2,750
Total with new developments	3,370	3,270
<b>Capacity at LOS D</b>	<b>4,500</b>	<b>4,500</b>
<b>Remaining Capacity</b>	<b>1,130</b>	<b>1,230</b>

The Traffic Study prepared by KPB Consulting, Inc. for the Indigo project also provides insight from a more regional perspective. The KPB analysis cites Miami-Dade County MPO and FDOT, January 2014 as the source for the available peak hour capacity on NE 79th Street between North Bayshore Drive and U.S. 1 on the mainland. Based on existing traffic volumes and peak hour trips associated with “approved but not built” developments, there is a remaining capacity of 968 trips along that roadway segment. Adding in the 520 trips estimated for the four developments above, the remaining capacity for peak- hour trips between N. Bayshore Dr. and U.S. 1 will amount to 448.

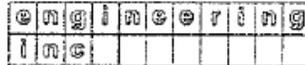
#### Traffic Analysis Conclusion

After reviewing the materials, it is apparent that a project of the size and mix of uses proposed will not generate traffic levels that would result in violation of the Village's adopted LOSS of D for Kennedy Causeway. This would be true even if one eliminated trips due to internal capture.



## Water and Sewer Analysis

The applicant has provided evidence that the existing facilities have sufficient capacity or that capacity will be expanded to accommodate the proposed development.



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## **WATER AND SEWER CAPACITY ANALYSIS NARRATIVE**

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PROJECT NAME: MIXED USE DEVELOPMENT 1555 79<sup>th</sup> STREET CAUSEWAY  
CITY OF NORTH BAY VILLAGE  
DATE: April 21, 2014

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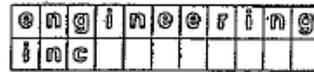
Based on the Miami-Dade County Chapter 24 requirements the proposed project will generate a **12,777 GPD** (gallons per day) net increase of Sanitary Sewer Flows. Refer to attached Water Use Calculations.

Miami Dade County RER (MDC-RER) has issued a Sewer Capacity Reservation for this project for a total of **12,878 GPD** which is sufficient for the needs of the project. Refer to attached documentation from MDC-RER.

This sewer capacity reservation is for a period of 90 days expiring on 05/13/2014 but can be periodically extended every 90 days by the developer upon payment of the required fees until a building permit application is submitted and a formal Sewer Allocation Letter is obtained from MDC-RER

The City of North Bay Village will be providing domestic water for the needs of the project. The expected net increase in Domestic Water consumption will be for **12,878 GPD**. It is expected that the City has sufficient capacity to meet this demand.





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TRAFFIC AND TRANSPORTATION

**PROPOSED WATER USE CALCULATIONS**

PROJECT: 1555 KENNEDY CAUSEWAY  
DATE: 18-Apr-14

TYPE OF BUILDING USE	AREA [sf]	RATE [gpd/sf]	ADF [gpd]
<b><u>PROPOSED FLOWS:</u></b>			
RESIDENTIAL CONODMINIUMS	127	150	19,050
OFFICE	9,810	0.05	491
RETAIL	18,790	0.10	1,879
SUB-TOTAL			<u>21,420</u>
<b><u>PREVIOUS FLOWS:</u></b>			
RESTAURANT	8,643	1.00	8,643
SUB-TOTAL			<u>8,643</u>
<b>NET INCREASE:</b>			<b>12,777</b>



Rudy Vargas

From: Gonzalo Negrete [gon@bdevelopments.com]  
Sent: Monday, April 21, 2014 10:23 AM  
To: Rudy Vargas; Leo Serrate  
Subject: FW: 1555 NBV

Rudy,  
As you can see below, 12,878 is the reserve flow allocated to this project at this time.  
Thanks

Gonzalo

From: Lezcano, Frank (RER) [mailto:LezcaF@miamidade.gov]  
Sent: Wednesday, April 09, 2014 10:01 AM  
To: Gonzalo Negrete  
Cc: Fernandez, Cristina (RER)  
Subject: RE: 1555 NBV

Hello Gonzalo,

Below is the information regarding your allocation letter. The next expiration date is 05/13/2014.

Please let me know if you have any further questions.

Regards,

### Proposed Project Flows

☰ ☒ ☑ ☒

S. Affected: 23 -0003 Change Save P.S. CITY OF NORTH BAY VILLAGE

Applicant Information for 2012-ALLOCATION-01667

Additional Information

Multi Lots and Blocks

Folio:	Lot - Block:	Address (39 max):	Building Process #:	Proposed Flows:	Proposed Description:	Certification Date:	Status:
	/		NA	0		4/8/2014	

New Rows to Add: 1 Fill Grid Clear Grid Change Grid Value(s)

Expand Grid Collapse Grid

Folio:	Lot/Block:	Address (39 max):	Bldg Process #:	Prop. Flow:	Prop. Desc. (100 max):	Cert. Date:	NORC:	EQCB:	Status:	Deal Date:
233205000003	/	1555 79TH ST CSVY	03 N/A	21521 Prev. Flow: 8543 Cole. Flow: 12878	127 Residential Units, 9,625 SF Offces and Prev. Desc. (100 max): 8543 SF Full Service Restaurant	05/21/2012 ReCert. Date: 02/12/2014 90d Expiration Date: 05/13/2014	<input type="checkbox"/>	<input type="checkbox"/>	APPROVED CU/CL De-Alloc Date: Notes	

Save Grid

Number of Projects Saved: 1

flows last saved on:	3/21/2014 12:47:28 PM	Total (Proposed - Previous) Flows:	12,878
last modified by:	FERNAC	Total Deallocated Flows:	0
		Total Expired Flows:	0
		Total Other Flows:	0
		Total Reserve Flow to Allocate:	12,878

Letters Display and Allocate for NAPOTS

Frank Lezcano, Engineer III Environmental Plan Review  
Miami-Dade Department of Regulatory and Economic Resources  
Overtown Transit Village  
701 NW 1st Court, 2nd Floor  
Miami, Florida 33136  
Phone (305)372-6502  
Fax (305)372-6550  
"Delivering Excellence Every Day"  
Please consider the environment before printing this email.

From: Fernandez, Cristina (RER)  
Sent: Wednesday, April 09, 2014 9:38 AM  
To: Lezcano, Frank (RER)  
Subject: FW: 1555 NBV

Allocation 2012-1667

From: Gonzalo Negrete [mailto:gon@bdevelopments.com]



**Comparison of Submitted Site Plan With Land Development Regulations**

Section	Regulation	Required	Provided										
<b>North Bay Village LDC</b>													
152.029(C)(1)	Minimum lot area	27,000 sq ft	83,699 sq ft (1.92 acres)										
152.029(C)(1)	Minimum frontage	75 ft	465 ft										
152.029(C)(2)	Minimum front setback	40 ft	40 ft										
152.029(C)(2)	Minimum side setback	15 ft on one side.  20% of lot width on the other side <u>20% of 465 = 93</u>  Combination of both side setbacks to be at least 60 ft	15 ft on east side  93 ft on west side  Combination of both side setbacks equal to 108 ft										
152.029(C)(2)	Minimum rear setback	25 ft	25 ft										
152.029(C)(3)	Required lot area per dwelling unit	<table border="1"> <thead> <tr> <th>Unit type</th> <th>Lot area/unit</th> </tr> </thead> <tbody> <tr> <td>Efficiency</td> <td>620</td> </tr> <tr> <td>1-BR</td> <td>620</td> </tr> <tr> <td>2-BR</td> <td>685</td> </tr> <tr> <td>3-BR</td> <td>750</td> </tr> </tbody> </table> $78 \times 620 = 48,360$ $2 \times 620 = 1,240$ $45 \times 685 = 30,825$ $2 \times 750 = 1,500$  $48,360 + 1,240 + 30,825 + 1,500 = 81,925$ sq ft of required lot area	Unit type	Lot area/unit	Efficiency	620	1-BR	620	2-BR	685	3-BR	750	81,925 < 83,699
Unit type	Lot area/unit												
Efficiency	620												
1-BR	620												
2-BR	685												
3-BR	750												
Comprehensive Plan Future Land Use Policy 2.1.1a	Maximum density	70 dwelling units per acre	66.15 dwelling units per acre										
152.029(C)(4)	Maximum building height	150 ft or 15 stories, whichever is less	240 ft  Applicant requesting approval of bonus height under Section 152.029(C)(8)										



Section	Regulation	Required	Provided										
152.029(C)(4)	Maximum parking levels	4 stories	5 stories of parking garage.  Applicant requesting a variance to this requirement under Section 152.097										
152.029(C)(5)	Minimum pervious area	20% of total parcel  <u>20% of 83,699 =</u> <u>16,740 sq ft</u>	26,138 sq ft										
152.029(C)(6)	Minimum dwelling unit floor area	<table border="1"> <thead> <tr> <th>Unit type</th> <th>Floor area</th> </tr> </thead> <tbody> <tr> <td>Efficiency</td> <td>600</td> </tr> <tr> <td>1-BR</td> <td>900</td> </tr> <tr> <td>2-BR</td> <td>1,200</td> </tr> <tr> <td>3-BR</td> <td>1,350</td> </tr> </tbody> </table>	Unit type	Floor area	Efficiency	600	1-BR	900	2-BR	1,200	3-BR	1,350	Efficiencies shown at 753 and 776 sq ft  1BRs shown at 1,111 sq ft  2BR shown at 1,340; 1,435; 1,544; and 1,635 sq ft  3BR shown at 2,289 sq ft
Unit type	Floor area												
Efficiency	600												
1-BR	900												
2-BR	1,200												
3-BR	1,350												
152.029(C)(7)	Baywalk/boardwalk requirement	A public access boardwalk must be provided along shoreline and access to that boardwalk must be provided with a walkway from the ROW. Dedicated easements shall be recorded for the boardwalk and access corridors.	Provided										
152.029(C)(8)	Building height bonus	Additional height may be purchased	Applicant is purchasing 90 ft of additional height at \$6,750 per dwelling unit for total cost of \$857,250.										
152.029(C)(8)	Building density bonus	Additional density may be purchased, not to exceed 70 units per acre	N/A										



Section	Regulation	Required	Provided
152.029(C)(9)2	Paving surfaces	Except for covered garages, all exterior paving surfaces shall be constructed of brick pavers	Concrete and brick pavers provided throughout
152.029(C)(9)3	Required water feature	A water feature shall be provided in the front	Provided
152.029(C)(9)6	Screening of parking garages	Parking garages shall be constructed with architectural features that obscure it from public view	Provided
152.029(C)(9)7	Street tree lighting	Lighting shall be provided in all areas in front where trees are planted	Provided
5.2.2(a)(1)	Minimum standard parking space dimensions	9 ft by 18 ft	Provided
5.2.2(a)(2)	Minimum compact parking space dimensions	8 ft by 16 ft	N/A
5.2.2(a)(3)	Minimum handicapped parking space dimensions	Must comply with all applicable accessibility standards	In compliance
152.042(D)	Minimum number of handicapped spaces	2% of total required spaces.  <u>2% of 448 = 9 handicapped spaces required</u>	9 handicapped parking spaces
ADA Requirement	Minimum number of handicapped spaces	9 handicapped spaces for facilities with 401 to 500 parking spaces	
152.042(E)	Maximum number of compact parking spaces	20% of required parking spaces	N/A
152.042(K)	Minimum setback of ROW from parking spaces	20 ft	Provided
152.042(M)	Minimum separation of parking from walkways and streets	Parking spaces shall be separated from walkways, sidewalks, streets, or alleys by an approved wall, fence, curbing, or other protective device	Provided



Section	Regulation	Required	Provided										
152.042(P)	Back-out parking prohibition	Parking spaces shall be designed so that no vehicle shall be required to back into a public ROW to obtain egress	Provided										
152.044(A)(2)	Minimum number of parking spaces per dwelling unit	<table border="1"> <thead> <tr> <th>Unit Type</th> <th>Spaces Req</th> </tr> </thead> <tbody> <tr> <td>Efficiency</td> <td>1.5</td> </tr> <tr> <td>1BR&amp;2BR</td> <td>2</td> </tr> <tr> <td>3BR</td> <td>3</td> </tr> <tr> <td colspan="2">Plus 10% for Guests</td> </tr> </tbody> </table> <u>78 x 1.5 = 117</u> <u>2 x 2 = 4</u> <u>45 x 2 = 90</u> <u>2 x 3 = 6</u> <u>10% = 21.7</u> <u>238.7 spaces required</u>	Unit Type	Spaces Req	Efficiency	1.5	1BR&2BR	2	3BR	3	Plus 10% for Guests		412 parking spaces
Unit Type	Spaces Req												
Efficiency	1.5												
1BR&2BR	2												
3BR	3												
Plus 10% for Guests													
152.044(B)(4)	Minimum number of parking spaces for offices	1 space per 300 sq ft of gross floor area  <u>9,625 / 300 = 32.1</u>											
152.044(B)(7)	Minimum number of parking spaces for restaurant	1 space per 75 sq ft of customer svc area											
152.044(B)(8)	Minimum number of parking spaces for retail	1 space per 200 sq ft of gross floor area  <u>18,790 / 200 = 94</u>											
	Total spaces required	<u>238.7 + 32.1 + 94 = 365 spaces</u>											
152.045(B)	Minimum loading space dimensions	12 ft by 30 ft, and at least 14.5 ft of vertical clearance	Provided										
152.045(C)	Loading space joint usage	Loading spaces for two or more uses may be collectively provided if so located as to be usable by all.	Utilized										
152.045(E)	Loading and standard parking space restriction	No areas supplied to meet required off-street parking facilities may be utilized to meet the requirements for loading spaces.	In compliance										



Section	Regulation	Required		Provided	
152.045(F)(1)	Minimum number of loading spaces for retail, office and restaurant	Gross floor area	Spaces	2 loading spaces	
		<10,000	0		
		10,000-20,000	1		
		20,000-40,000	2		
		40,000-60,000	3		
		>60,000	4		
		<u>9,625 sq ft of Office</u> <u>18,790 sq ft of Retail</u> <u>28,415 Total sq ft</u> <u>2 load spaces required</u>			
152.045(F)(2)	Minimum number of loading spaces for multi-family	Gross floor area	Spaces	3 loading spaces	
		<25,000	0		
		25,000-50,000	1		
		50,000-100,000	2		
		>100,000	3		
		<u>3 load spaces required</u>			
152.056	Maximum balcony encroachment into side or rear yard	4 ft		N/A	
155.17	Minimum width of maneuvering aisle	23 ft		Provided	
155.17	Minimum width of 2-way access aisle	23 ft		Provided	
155.18(A)3	Dumpster screening	Dumpster enclosures shall be designed in a manner as to visually screen the dumpster from adjacent view and shall be located in visually obscure areas of the site.		Provided	



Section	Regulation	Required	Provided
155.18(A)4	Dumpster placement	Dumpster enclosures shall be placed in such a manner as to allow front end loader sanitation trucks to pick up garbage in a forward motion. Backing out the sanitation truck is prohibited	Provided
155.18(A)5	Mechanical equipment screening	Roof-mounted mechanical equipment and elevator shafts shall be screened by a parapet wall or grilles, and shall be painted in muted colors or match the building and shall not be visible from the street.	Provided
155.18(A)7	Mechanical equipment screening	Service bays, ground mounted air conditioning units, and other mechanical equipment shall be screened from public and on-site pedestrian view, and buffered.	In compliance
Appendix D	Required benches along bay walk	Benches shall be provided at a minimum of 2.5 ft sections of bench per 100 ft of linear shoreline	Provided
<b>Miami-Dade Landscaping Chapter 18A</b>			
18A-4(C)	Vegetative survey	A vegetation survey shall be provided for all sites at the same scale as the landscape plan.	Provided
18A-4(D)	Irrigation plan	An Irrigation Plan shall be submitted. Where a landscape plan is required, an irrigation plan shall be submitted concurrently.	Provided



Section	Regulation	Required	Provided
18A-6(A)(5)	Maximum lawn area	40% of lot area, less the area covered by buildings	Sod not depicted on plans
18A-6(C)(1)	Tree height	Except street trees, all trees shall be a minimum of 10 ft high with a minimum of 2 inch caliper, except that 30% of the tree requirement may be met by native species with a minimum height of 8 ft.	In compliance
18A-6(C)(2)	Street trees	Street trees shall be provided along all roadways at a maximum average spacing of 35 feet on center (25' for palms).  <u>With 465 linear feet of frontage, either 14 trees or 19 palms are required.</u>	23 street trees
18A-6(C)(3)	Trees under power lines	Where overhead power lines require low growing trees, street trees shall have a minimum height of 8 feet and a maximum average spacing of 25 feet on center.	In compliance
18A-6(C)(4)	Palms	Palms which are spaced no more than 25 feet on center and have a 14 foot minimum height or 4 inch minimum caliper diameter may count as a required tree.	
18A-6(C)(5)	Number of required trees	28 trees per acre required in multi-family residential zoning categories  <u>28 x 1.92 = 54 required trees</u>	89 trees and palms provided



Section	Regulation	Required	Provided
18A-6(C)(11)	Limitations on required trees	<p>At least 30% shall be native species.</p> <p>At least 50% shall be low maintenance and drought tolerant.</p> <p>Of the required trees, no more than 30% shall be palms</p>	<p>In compliance.</p> <p>This requirement has been met by native trees.</p> <p>In compliance</p>
18A-6(C)(12)	Limitations on required trees	80% of required trees shall be listed in the Miami-Dade Landscape Manual, the Miami-Dade Street Tree Master Plan and/or the University of Florida's Low Maintenance Landscape Plants for South Florida list.	In compliance



Section	Regulation	Required	Provided
18A-6(D)(1)	Shrubs	<p>All shrubs must be a minimum of 18 inches at time of planting.</p> <p>10 shrubs are required for each required tree. <u>540 shrubs required</u></p> <p>30% shall be native species</p> <p>50% shall be low maintenance and drought tolerant</p> <p>80% of required shrubs shall be listed in the Miami-Dade Landscape Manual, the Miami-Dade Street Tree Master Plan and/or the University of Florida's Low Maintenance Landscape Plants for South Florida list.</p>	<p>562 shrubs provided</p> <p>In compliance</p> <p>This requirement has been met by native shrubs.</p> <p>In compliance</p>



Section	Regulation	Required	Provided
18A-6(H)	Use buffers	<p>Where dissimilar land uses exist on adjacent properties, that area shall be provided with a buffer consisting of trees spaced to a maximum average of 35-feet on center with shrubs which normally grow to a height of 6 feet, or a 6 foot wall with trees, within a 5 foot wide landscape strip.</p> <p>Shrubs shall be a minimum of 30 inches high and planted at a maximum of 36 inches on center; or if planted at a minimum height of 36 inches, shall have a maximum average spacing of 48 inches on center.</p>	Use buffers are not required. Adjacent land uses do not meet definition of dissimilar use.
18A-6(I)	Parking lot buffers	<p>All parking lots adjacent to a right of way shall be screened by a continuous planting with a 7 foot landscape strip incorporating said planting</p> <p>Shrubs shall be a minimum of 18 inches high and planted at a maximum of 30 inches on center; or if planted at a minimum height of 36 inches, shall have a maximum average spacing of 48 inches on center.</p>	<p>Provided</p> <p>Provided</p>



Section	Regulation	Required	Provided
18A-6(J)	Parking lot landscaping	10 square feet of landscaped area per parking space shall be provided within a parking lot.	Provided
		Trees shall be planted within the parking lot at a minimum density of one tree per 80 square feet of landscaped area, exclusive of parking lot buffers.	Provided
		Each tree shall have a minimum of 5 feet of planting area width, exclusive of curb dimension.	Provided
<b>Miami-Dade Biscayne Bay Management Plan</b>			
33D-38(1)b	Minimum rear setback	50% of building height above 35 ft (measured from mean high water line), up to 75 ft maximum.  <u>75 ft required</u>	25 ft
33D-38(2)a	Minimum visual corridor	20% of lot width on one side, with a 20 ft minimum and a 100 ft maximum. Structures not permitted in view corridor.  <u>93 ft required</u>	93 ft on west side
33D-38(3)	Minimum side setback	Minimum of 25 ft	93 ft on west side
33D-33(4)	Waiver from County	A waiver may be obtained from the Miami-Dade Shoreline Review Committee for exemption from the above requirements	Not yet provided



## Planning & Zoning Board Recommendation

The North Bay Village Planning and Zoning Board recommended approval of the site plan and the request for bonus density, with the staff recommended conditions, by a vote of 3-0 on April 29, 2014.

## Staff Recommendations

### **BUILDING HEIGHT BONUS:**

Staff recommends **approval** of the building density bonus based on submittal of a site plan which meets the North Bay Village Code.

### **SITE PLAN:**

Staff recommends **approval** of the site plan based on our analysis as highlighted in this report. Approval should also be based on the following conditions being met prior to the issuance of a building permit:

- 1) Prior to the issuance of a building permit, the public access easement and boardwalk must be dedicated and recorded. Applicant shall agree, in writing, that boardwalks shall be open to the public from sun-up until either 10:00 pm or at least until any businesses adjacent to the boardwalk remains open to the public, whichever is later; and boardwalk lighting shall remain on until boardwalk is closed to the public.
- 2) Site plan approval from Miami-Dade Shoreline Review Committee.
- 3) Meeting School Board Concurrency requirements as determined by School Board Staff.
- 4) Payment of any applicable impact fees.
- 5) Payment of bonus height fees, as required under Section 152.029(C)8.
- 6) Tie-in to Village's wastewater system at a Village designed proximate location (proposed connection point) and payment of pro-rata costs involved in tying into appropriate connection point.
- 7) Cost recovery charges must be paid 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), have been paid in full.



- 8) Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.
- 9) Approval of this site plan does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for approval if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that result in a violation of federal or state law.
- 10) All applicable state and federal permits must be obtained before commencement of construction.

*Submitted by:*

James G. LaRue, AICP  
Planning Consultant

May 27, 2014

Hearing: North Bay Village Commission, June 10, 2014

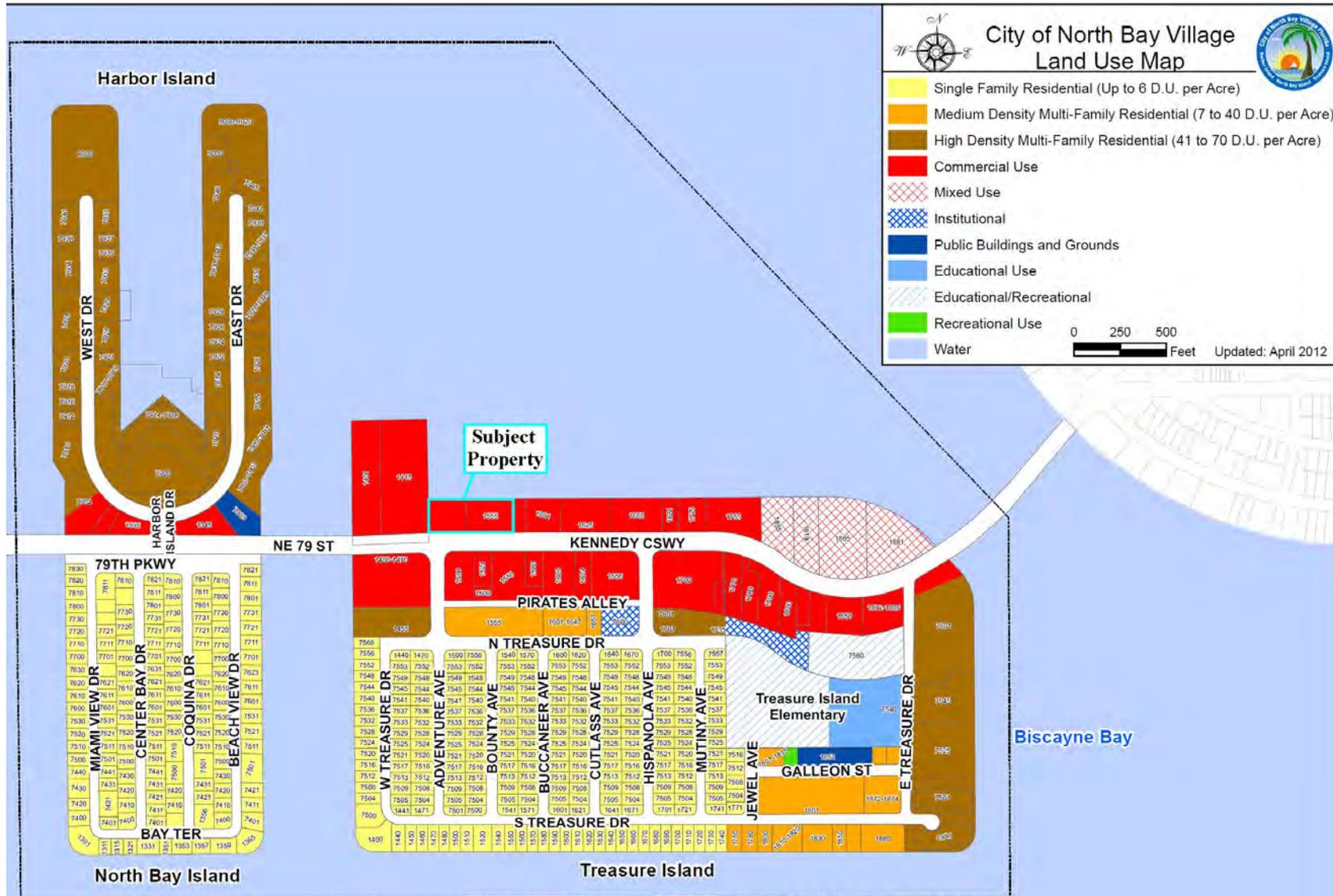
Attachments: Aerial photograph  
Future Land Use Map  
Zoning Map



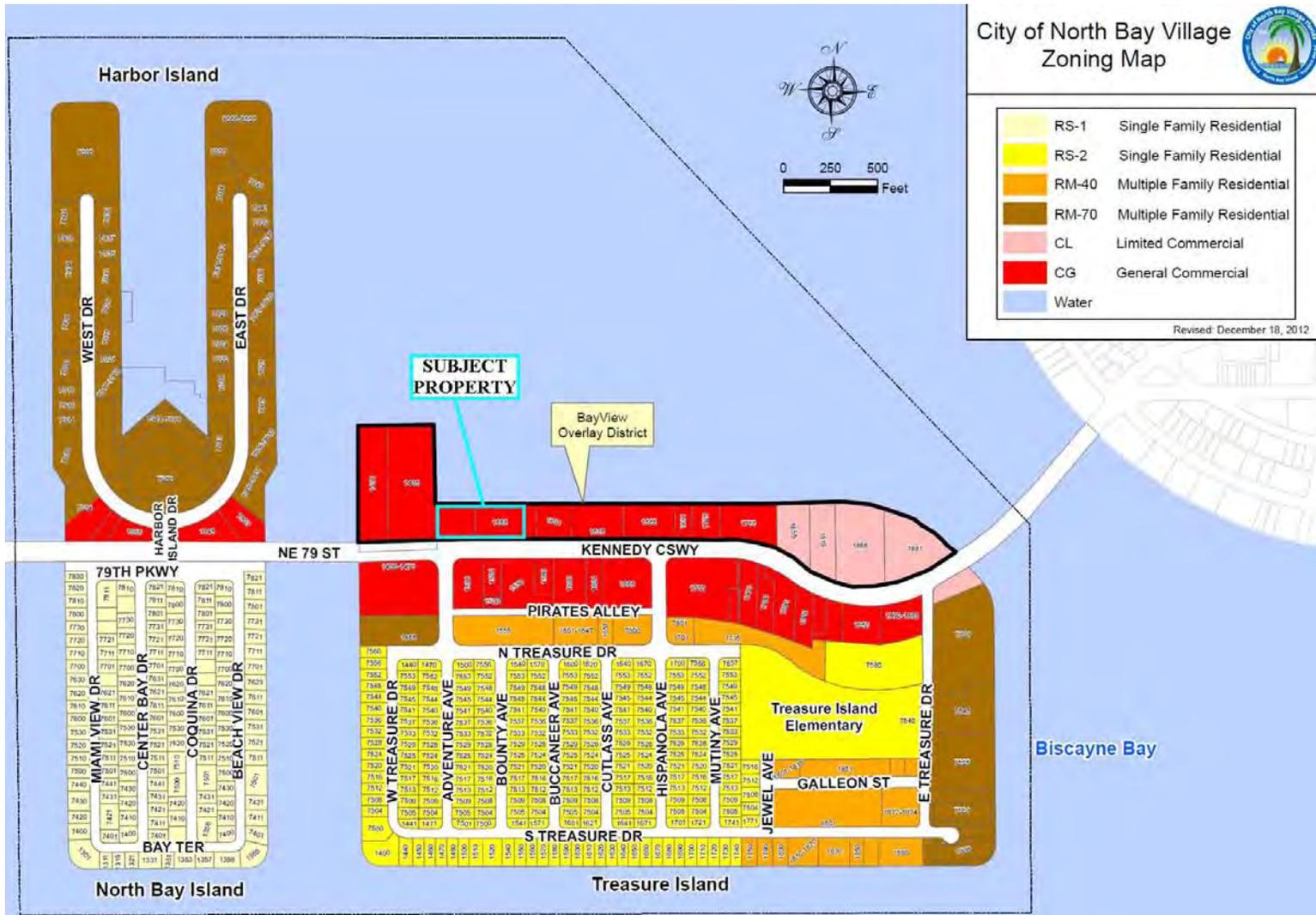
**AERIAL  
SUBJECT SITE AND ENVIRONS**



# FUTURE LAND USE SUBJECT SITE AND ENVIRONS



# ZONING SUBJECT SITE AND ENVIRONS





## Staff Report Variance

*Prepared for:* North Bay Village  
Commission

*Applicant:* North Bay Causeway, LLC

*Site Address:* 1555 Kennedy Causeway

*Request* Variance to allow five levels of parking  
garage where the Code allows not more  
than four.

**General Information**

<b>Owner/Applicant:</b>	North Bay Causeway, LLC
<b>Applicant Address:</b>	9130 S. Dadeland Blvd, Suite 1509 Miami, FL 33156
<b>Site Address:</b>	1555 Kennedy Causeway
<b>Contact Person:</b>	Neisen O. Kasdin
<b>Contact Phone Number:</b>	305-374-5600
<b>E-mail Address</b>	neisen.kasdin@akerman.com

<b>Future Land Use</b>	Commercial
<b>Zoning District</b>	CG
<b>Use of Property</b>	Restaurant (closed)
<b>Acreage</b>	1.92 acres

**Legal Description of Subject Property**

**PARCEL A**

COMMENCING AT THE ONE-HALF MILE POST ON THE WEST LINE OF SECTION 9, TOWNSHIP 53 SOUTH, RANGE 42 EAST, AS SHOWN ON THE MAP OF HIGHWAY RIGHT-OF-WAY OF PROPOSED NORTHEAST SEVENTY-NINTH STREET CAUSEWAY, WHICH SAME IS RECORDED IN PLAT BOOK 25, AT PAGE 70 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; RUN NORTH 88°41'24" EAST FOR 1960 FEET; THENCE NORTH 01°37'08" WEST FOR 50.00 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL; THENCE FROM THE ABOVE ESTABLISHED POINT OF BEGINNING CONTINUE NORTH 01°37'08" WEST FOR A DISTANCE OF 180 FEET TO A POINT; THENCE RUN NORTH 88°41'24" EAST FOR A DISTANCE OF 200 FEET TO A POINT; THENCE RUN SOUTH 01°37'08" EAST FOR A DISTANCE OF 180 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF N.E. 79TH STREET CAUSEWAY; THENCE RUN SOUTH 88°41'24" WEST ALONG SAID LINE FOR A DISTANCE OF 200 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

**PARCEL B**

COMMENCING AT THE ONE-HALF MILE POST ON THE WEST LINE OF SECTION 9, TOWNSHIP 53 SOUTH, RANGE 42 EAST, AS SHOWN ON THE MAP OF HIGHWAY RIGHT-OF-WAY OF PROPOSED NORTHEAST SEVENTY-NINTH STREET CAUSEWAY, WHICH SAME IS RECORDED IN PLAT BOOK 25, AT PAGE 70 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; RUN NORTH 88°41'24" EAST, FOR 2160 FEET THENCE NORTH 01°37'08" WEST FOR 50.00 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL; THENCE FROM THE ABOVE ESTABLISHED POINT OF BEGINNING CONTINUE NORTH 01°37'08" WEST FOR A DISTANCE OF 180 FEET TO A POINT; THENCE RUN NORTH 88°41'24" EAST FOR A DISTANCE OF 265 FEET TO A POINT; THENCE RUN SOUTH 01°37'08" EAST FOR A DISTANCE OF 180 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF N.E. 79TH STREET CAUSEWAY; THENCE RUN SOUTH 88°41'24" WEST ALONG SAID LINE FOR A DISTANCE OF 265 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.



### Request

The Applicant is requesting a variance pursuant to Section 152.097 of the North Bay Village Code of Ordinances in connection with the development of a mixed use condominium to allow 4.5 stories of parking garage where Section 152.029(C)(4) allows not more than 4.

Since there is no such thing as a half story, the Village Commission should consider this as a request for a variance to allow 5 stories of parking garage where Section 152.029(C)(4) allows not more than 4.

### Required Findings

The Sec. 152.097(B) and (C) requires that in order to authorize, recommend or grant any variance, the reviewing body(ies) must make an affirmative finding with respect to the criteria listed below. For ease of review, each of the criteria contained in subparagraphs (B)(1) through (B)(3) have been separated into their component parts, as follows:

- (1)a. That there are (or are not) special circumstances and conditions which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings in the same zoning district;

*Applicant Response:* The unique circumstances relating to the proposed structure are that it complies with all of the site development standards including height, density, intensity (FAR), setbacks and off street parking. However, in order to realize the intensity of development permitted by the Code and Comprehensive Plan and yet meet the required off street parking for uses that will occupy the building, the parking structure must extend to 4.5 stories.

**Staff Comments:** It is difficult to see the special circumstances or conditions to this property which are not applicable to other properties along Kennedy Causeway or in the CG District. However, it must be stated that other developments along the Causeway have requested and received relief from this parking level limitation after objecting to its restrictiveness.

- (1)b. that the special circumstances and conditions were not (or were) self-created by any person having an interest in the property;

*Applicant Response:* The limitation on four (4) stories for a parking structure was not created by the applicant, yet a strict interpretation of the Code on this point would deprive the Applicant of a reasonable use of the property as is otherwise permitted by the Code.



**Staff Comments:** The applicant's current design for this development seems to have artificially created the need for this variance request. It is up to the applicant to explain the necessity to exceed the parking level limitation.

- (1)c. and that the strict application of the provisions of this chapter would (or would not) deprive the applicant of the reasonable use of the land, structure, or building for which the variance is sought and would (or would not) involve an unnecessary hardship for the applicant.

*Applicant Response:* The Code provision limiting the parking structure to four (4) stories is unreasonable as the same limitation of the stories of parking is applied to a building of 150 feet in height as to a building of 240 feet in height, both of which are permitted under the RM-70 regulations.

**Staff Comments:** There seems to be ample development and reasonable use of this property without granting a variance. There is no hardship just because the applicant doesn't wish to meet the District requirements.

- (2)a. That granting the variance requested will not (or will) confer on the applicant any special privilege that is denied by this chapter to other land, structures, or buildings in the same zoning district;

*Applicant Response:* Granting the variance does not confer on the Applicant any special privilege. Should another property owner believe that a property would be unnecessarily burdened as a result of the regulation the property owner is able to submit a request for a variance, provided the variance criteria are met.

**Staff Comments:** If approved, the variance would not be so substantial as to confer a special privilege to this property holder.

- (2)b. and the variance granted is the minimum variance that will make possible the reasonable use of the land, structure, or building.

*Applicant Response:* The proposed variance is the minimum that will make possible the reasonable use of the land in accordance with the site development standards other than regarding limitations on parking structure stories.

**Staff Comments:** The variance requested is probably the minimum that would make possible the reasonable use of this property. The request is also minor in that the development barely exceeds the 4 level limitation of parking.



- (3) That granting the variance will (or will not) be in harmony with the general intent and purpose of this chapter, and that such variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

*Applicant Response:* Granting the variance will be in harmony with the general intent of this chapter as the North Bay Village Code of Ordinances and Comprehensive Plan clearly intend for development to be constructed intensely along the Kennedy Causeway. The Project complies with all other site development standards including setbacks, height, density and FAR; the proposed variance does not alter the building envelope, building height or intensity of development within the building beyond that which is permitted by Code. Granting the variance merely allows for an additional half-story within the building to be occupied by parking.

The project will not be injurious to the neighborhood nor detrimental to the public welfare; the vision for the project is to revitalize the commercial corridor along Kennedy Causeway and to improve the quality of life for its residents. Granting of the variance will allow the project to proceed as designed and work towards enhancing the commercial corridor as a destination for tourists and residents of the neighborhood and region.

**Staff Comments:** The variance, if granted, is not injurious to the neighborhood or otherwise detrimental to the public welfare.

The City's LDC contains the same criteria in Sec. 2.7.6 as discussed above except they are numbered (1) through (6). The LDC also includes a seventh criterion which reads as follows:

7. The variance request is not based exclusively upon a desire to reduce the cost of development.

**Staff Comments:** The applicant has not stated and staff does not believe that reducing the cost of development was a reason for this request.



### Planning & Zoning Board Recommendation

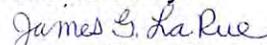
The North Bay Village Planning and Zoning Board recommended approval of the variance request by a vote of 3-0 on April 29, 2014.

### Recommendations

Staff finds that the requested variance generally meets the requirements of Sections 152.097(B) and 152.097(C). Consequently, staff recommends **approval** of the requested variance to allow up to 5 stories of parking garage.

It should be also noted that staff is currently working on a list of suggested revisions to North Bay Village's Land Development Regulations, and that removal of this requirement (the limitation of 4 stories of parking garage levels in the RM-70 District Regulations) is one of the suggested revisions, because the limitation may be unduly restrictive.

Submitted by:

  
James G. LaRue, AICP  
Planning Consultant

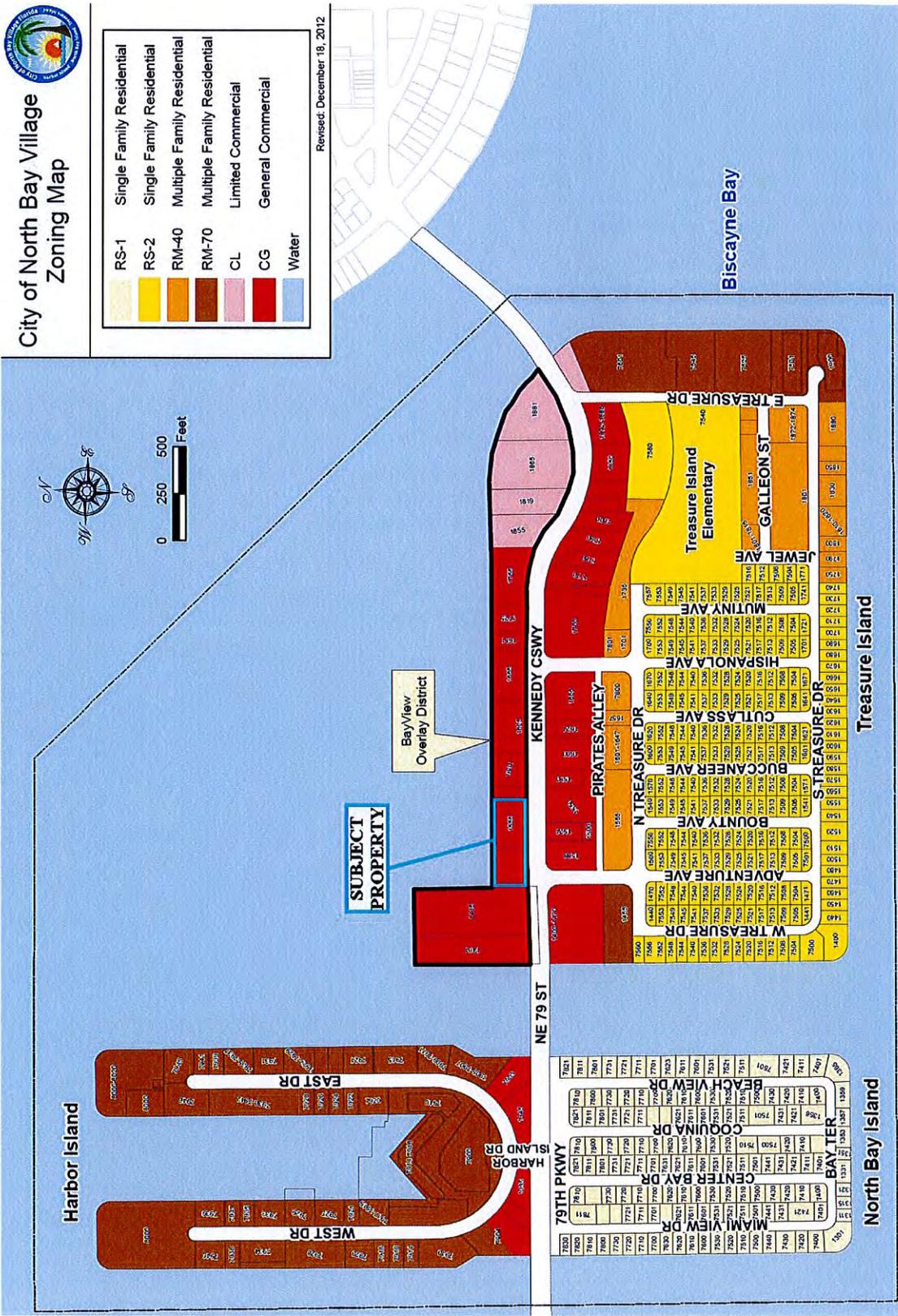
May 27, 2014

Hearing: Planning & Zoning Board, June 10, 2014

Attachments: Zoning Map



**ZONING**  
**SUBJECT SITE AND ENVIRONS**





Nelsen O. Kasdin

Akerman LLP  
One Southeast Third Avenue  
Suite 2500  
Miami, FL 33131-1714  
Tel: 305.374.5600  
Fax: 305.374.5095

February 7, 2014

02-07-14 PLS: [unclear]

Jim LaRue, Planning Director  
North Bay Village  
1666 Kennedy Causeway, Suite 300  
North Bay Village, FL 33141

**Re: 1555 Kennedy Causeway  
North Bay Village, FL**

Dear Mr. LaRue:

On behalf of the applicant, North Bay Causeway, LLC (the "Applicant"), enclosed herein please find an application for development of the subject property, located at 1555 Kennedy Causeway (the "Property") in North Bay Village (the "Village"), Florida. The Property is approximately 1.92 acres in size and presently occupied by a vacant restaurant building and surface parking lot, formerly known as The Crab House. The proposed development will consist of a mixed use building to be occupied by 127 multifamily residential units, office, retail space, and structured parking (the "Project"). The retail users on the ground floor are likely to include a coffee café, restaurant/bar and bank. Office space will occupy portions of the second and third levels of the building.

This application includes a request for site plan approval, special use exception and variance. Since the Property is located adjacent to Biscayne Bay, in addition to this submittal, the Applicant will submit a separate application for review by the Biscayne Bay Shoreline Committee.

The Property is located on the north side of Kennedy Causeway on Treasure Island and is located at the western end of the commercial district of the Village. Historically, this area of the Kennedy Causeway was a vibrant enclave of restaurants and retail destinations, although in recent years the area has experienced a decline. Through this Project, the Applicant seeks to contribute towards revitalizing the Causeway and creating a destination for residents and tourists, drawing activity and revenues to the Village. As part of the Project, a portion of bay walk will be

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{28020364;1}

constructed along the Property's Biscayne Bay frontage to create linear access for pedestrians along the waterfront.

The Property is located within the General Commercial (CG) zoning district as depicted on the North Bay Village Zoning Map. Similarly zoned properties are located to the east, west and south and Biscayne Bay lies to the north. The Property also lies within the Bay View Overlay (BVO) district, although the Project will not utilize any provisions of the BVO regulations. Per the North Bay Village Land Use Map, the Property is designated as Commercial land use.

### **1. Special Use Exception**

As set forth in Village Code of Ordinance Section 152.030(C)(3) and upon approval of the City Commission, mixed use commercial and multifamily structures are permitted within the CG zoning district, provided they conform with all site development standards as set forth under Section 152.029(C) (the "RM-70 regulations").

As further set forth in Village Code of Ordinances Section 152.098(B), the City Commission may permit certain uses or buildings as special use exceptions, *provided there are clear indications that such exceptions will not substantially affect adversely the uses permitted in these regulations of adjacent property.*

The proposed use of the Property for a mixed use structure is not anticipated to adversely impact the uses that may be permitted on adjacent properties, which are similarly zoned "CG" and could similarly utilize the special use exception for construction of a mixed use structure. If adjacent properties do not utilize the special use exception and instead develop or remain as strictly commercial uses, the Project would still not be anticipated to adversely impact those uses because residents of the Project will likely utilize any commercial services or establishments within the immediate proximity.

### **2. Application for Site Plan Approval**

The proposed project consists of a 22-story mixed use building to be occupied by residential and commercial uses as well as a parking structure that will be incorporated into the podium of the building. Approximately 19,748 square feet (sq.ft.) dedicated to retail uses and approximately 7,055 sq. ft. dedicated to lobby/common areas will be located on the ground floor. The Applicant envisions a restaurant will occupy the waterfront space on the ground level, while the remaining areas on the ground level will be used for retail use with specific tenancy to be determined at a later time. At this time, the anticipated users are a coffee café and bank.

Per the North Bay Village Land Use Map, the Property is designated as Commercial land use. Pursuant to Policy 2.1.1.a. of the North Bay Village Comprehensive Plan, "Commercial" means *A broad range of general and professional office, retail, banking, hotel, service*

*establishments, and high density residential.* Further, this policy identifies a maximum floor area ratio (FAR) of 2.5 for commercial uses. The Project's FAR will not exceed 2.5, which is consistent with the Comprehensive Plan.

As described in the previous section of this letter, the project will utilize the special use exception and therefore is being developed based on the site development standards of the RM-70 zoning district described at Village Code of Ordinances Section 152.029(C) and as follows.

**i. Minimum Lot Size**

As set forth in North Bay Village Code of Ordinances Section 152.029(C)(1), the minimum lot size is 27,000 square feet and the minimum frontage requirement is 75 feet. The Property is approximately 83,699 square feet in area and has frontage of 465 feet on Kennedy Causeway. The property is in compliance with this Section with respect to minimum lot size and frontage.

**ii. Setbacks**

The setbacks for the proposed structure are as follows:

Type	Required	Provided
Front	40'	40'
Rear	25'	25'
Side (west/interior)	20% of lot width	93' (20% of lot width)
Side (east/interior)	15'	15'

The proposed setbacks are in compliance with North Bay Village Code of Ordinances Section 152.029(C)(2).

**iii. Density**

The proposed density has been calculated in accordance with the table set forth in North Bay Village Code of Ordinances Section 152.029(C)(3), which allows residential units varying densities based on unit size.

The proposed dwelling units are broken down as follows:

Unit Type	# Units	Required lot area (Sq. ft./unit)	Required lot area
Efficiency/One Bedroom	80	620	49,600
Two-bedroom	45	685	30,825
Three-bedroom	2	750	1,500
Total	127		81,925

As the total provided land area of 83,699 square feet exceeds the required land area of 81,925 square feet to meet the density requirements, the Project complies with North Bay Village Code of Ordinances Section 152.029(C)(3).

**iv. Building Height**

Although the maximum building height permitted by right is 150 feet, an applicant may elect to claim building height bonuses totaling 90 feet pursuant to North Bay Village Code of Ordinances Section 152.029(C)(8)(A) through (8)(F). The Applicant has elected to utilize the available bonus heights and therefore the Project will consist of a 22-story building, no portion of which will extend higher than 240 feet.

**v. Pervious Area**

As set forth in North Bay Village Code of Ordinances Section 152.029(C)(5), the minimum pervious area required is 20% of the lot width, or 16,740 square feet. The proposed pervious area totals approximately 23,008 . The Project complies with this section.

**vi. Minimum Floor Area**

North Bay Village Code of Ordinances Section 152.029(C)(6) sets forth the minimum floor area required for each type of multifamily dwelling unit. All of the proposed dwelling units meet the requirements for minimum floor area

Unit type	Min. floor area required	Min. floor area provided
Efficiency (B and D)	600 sq. ft.	741 sq. ft.
One-bedroom (PH4)	900 sq. ft.	1,111 sq. ft.
Two-bedroom (A, C, PH1, PH2)	1200 sq. ft.	1,298 sq. ft.
Three-bedroom + (PH3)	1300 sq. ft.	2,289 sq. ft.

The project complies with the minimum floor area requirements.

**vii. Additional Requirements**

Pursuant to North Bay Village Code of Ordinances Section 152.029(C)(9), properties developed under the RM-70 zoning requirements shall provide additional elements, as follows:

1. *A public access boardwalk as required by the Miami-Dade County Shoreline Review Committee. (Developer shall dedicate an easement to the City conveying the boardwalk and a public access corridor.*

A public access boardwalk is provided along the Biscayne Bay shoreline at the north side of the Property. An application will be submitted to the Miami-Dade Shoreline Review Committee for review.

- 2. All exterior paving surfaces, except for covered parking garages, shall be constructed of brick pavers.***

As detailed on the Project plans, the proposed exterior parking surfaces will be constructed of brick pavers.

- 3. A water feature shall be provided in front of each development.***

A water feature will be provided and is detailed on the landscape plans.

- 4. Developments shall comply with existing landscaping requirements, as well as changes implemented in the future to conform to contiguous developments and landscaping plans implemented for the causeway and interior island areas.***

The proposed project complies with the landscaping requirements of the Miami-Dade County Code. The property owner will make all efforts to comply with any future landscaping plans implemented for the causeway and interior island areas.

- 5. Developments shall provide streetscape benches along the boardwalk area.***

As is required by the Miami-Dade County Biscayne Shoreline Ordinance, benches will be provide along the proposed boardwalk area.

- 6. All parking garages shall be constructed with architectural features that hide them from public view (glass, screening, greenery, etc).***

As shown on the renderings, the proposed parking structure shall be architecturally screened to minimize visual impact.

- 7. Lighting shall be provided in all areas in the front of development where trees are planted.***

As detailed on the landscape plans, lighting shall be provided in all areas in the front of development where trees are planted.

**viii. Off Street Parking**

In accordance with North Bay Village Code of Ordinances Section 152.044, the required off street parking for multifamily units is one and one-half (1.5) spaces per efficiency unit, two (2) parking spaces per one and two bedroom units and three (3) spaces for three bedroom and larger units. Additionally, the parking requirement for office use is one (1) parking space per 300 square feet of gross floor area; for retail is one (1) space per 200 square feet of gross floor area; and for restaurant is one (1) space per 75 square feet of customer service area.

The parking requirements are summarized as follows:

Use	Parking Calculation	Units/floor area	Required spaces
Efficiency	1.5 spaces/unit	78	117
One & Two-bedroom units	2 spaces/unit	47	94
Three bedroom units	3 spaces/unit	2	6
Office	1 space/300 sq. ft. GFA	9,740	32.5
Retail	1 space/200 sq. ft. GFA	3,132	15.6
Restaurant	1 space/75 sq. ft. customer service area	10,878	145.04
<b>Total</b>			<b>411</b>

A total of 411 parking spaces will be provided for the Project, as is required by Code.

**ix. Site Plan Requirements**

The project is in compliance with the requirements for site plans that contain more than 299 sq. ft. of commercial space as described at North Bay Village Code Section 152.105(C)(9)(a) through (d) as follows:

- (a) *Protects against and minimizes any undesirable effects upon contiguous and nearby property.*

The Project will not result in undesirable effects on contiguous and nearby property. The project is anticipated to positively impact an underutilized commercial corridor. The Project will consist of an attractive building and landscaping on what is presently a vacant restaurant parcel and surface parking lot and will provide public access along the waterfront.

- (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.*

The proposed project provides sufficient off street parking and loading facilities.

- (c) Provides a sufficient setbacks, open space, and landscaping in order to protect and enhance the appearance and character of the neighborhood.*

The Project will enhance the character of the commercial corridor along Kennedy Causeway. The streetscape will be improved by the provision of attractive landscaping along the Property's frontage, thereby enhancing the appearance and character of the neighborhood and substantially improving the pedestrian realm from its present condition.

- (d) Can be accommodated by existing community roads, services, and utilities, or the necessary additions are provided by the developer.*

The project will have direct access to Kennedy Causeway. The impacts to the roadway are discussed within the Traffic Impact Study prepared by Richard Garcia & Associates, which is enclosed with this application. Existing infrastructure is available to serve the site.

### **3. Application for Variance**

As set forth in North Bay Village Code of Ordinances Section 152.029(C)(4), *a maximum of four stories may be utilized for a parking structure.* The Applicant is submitting a building and site design that complies with all setbacks, lot coverage and other site development standards including off street parking and loading. However, in order to realize the density and intensity permitted on the subject property under the zoning regulations and meet the off street parking requirements, a minimum of 4.5 stories of parking must be included in the building. As such, the Applicant is requesting a variance to deviate from the requirement that the stories for a parking structure be limited to four.

The Project is in compliance with the variance criteria, as described at Code Section 152.097 as follows:

*(1) That there are (or are not) special circumstances and conditions which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings in the same zoning district; that the special circumstances and conditions were not (or were) self-created by any person having an interest in the property; and that the strict application of the provisions of this chapter would (or would not) deprive the applicant of the reasonable use of the land, structure, or building for which the variance is sought and would (or would not) involve an unnecessary hardship for the applicant.*

The unique circumstances relating to the proposed structure are that it complies with all of the site development standards including height, density, intensity (FAR), setbacks and off street parking. However, in order to realize the intensity of development permitted by the Code and Comprehensive Plan and yet meet the required off street parking for uses that will occupy the building, the parking structure must extend to 4.5 stories. The limitation on four (4) stories for a parking structure was not created by the applicant, yet a strict interpretation of the Code on this point would deprive the Applicant of a reasonable use of the property as is otherwise permitted by the Code. Further, the Code provision limiting the parking structure to four (4) stories is unreasonable as the same limitation on the stories of parking is applied to a building of 150 feet in height as to a building of 240 feet in height, both of which are permitted under the RM-70 regulations.

*(2) That granting the variance requested will not (or will) confer on the applicant any special privilege that is denied by this chapter to other land, structures, or buildings in the same zoning district; and the variance granted is the minimum variance that will make possible the reasonable use of the land, structure, or building.*

Granting the variance does not confer on the Applicant any special privilege. Should another property owner believe that a property would be unnecessarily burdened as a result of the regulation, the property owner is able to submit a request for a variance, provided the variance criteria are met. The proposed variance is the minimum that will make possible the reasonable use of the land in accordance with the site development standards other than regarding limitations on parking structure stories.

*(3) That granting the variance will (or will not) be in harmony with the general intent and purpose of this chapter, and that such variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.*

Granting the variance will be in harmony with the general intent of this chapter as the North Bay Village Code of Ordinances and Comprehensive Plan clearly intend for development to be constructed intensely along the Kennedy Causeway. The Project complies with all other site development standards including setbacks, height, density and FAR; the proposed variance does not alter the building envelope, building height or intensity of development within the building beyond that which is permitted by Code. Granting of the variance merely allows for an additional half-story within the building to be occupied by parking.

The project will not be injurious to the neighborhood nor detrimental to the public welfare; the vision for the project is to revitalize the commercial corridor along Kennedy Causeway and to improve the quality of life for its residents. Granting of the variance will allow the project to proceed as designed and work towards enhancing the commercial corridor as a destination for tourists and residents of the neighborhood and region.

Jim LaRue  
February 7, 2014  
Page 9

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Thank you for your consideration of this Project.

Sincerely,



Neisen O. Kasdin



**North Bay Village**

02-07-14P02:12 RCVD

Administrative Offices

1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

**APPLICATION FOR PUBLIC HEARINGS:**

**Hearings and Notices:** - All petitions for amendments, changes or supplements to these regulations for variances, special use exceptions, Site Plan Approval, Extension of Approved Site Plans, for Building Height Bonus Approval, or for an amendment, change or supplement to the Comprehensive Plan; district zoning map, or petitions appealing an administrative decision shall be considered at Public Hearings before the Planning & Zoning Board and, thereafter, the Village Commission. Notice of Public Hearings before the Planning & Zoning Board and the Village Commission shall be given by publishing and posting on the property (which is the subject of the request), the time, the place and the nature of the hearing at least 10 days before the hearing. The Village Clerk shall certify that the petition is complete before the hearing is legally advertised.

Applicant's Name: North Bay Causeway, LLC Phone: (305) 670-1991

Mailing Address: 9130 S. Dadeland Blvd, Suite 1509  
Miami, FL 33156

Legal Description of Property: Parcels A and B - See enclosed survey.

Existing Zoning: CG Lot Size: 1.92 acres Folio: 23-3209-000-0030; 0020

Type of Request: Applicant requests Special Exception Use approval  
for proposed mixed use multifamily and commercial building  
pursuant to North Bay Village Code of Ordinances Section 152.030(C)(3).

Reason for Request: (Attach additional Pages if necessary) See attached Letter of  
Intent.

1555 Kennedy Cury

All applications shall be submitted to the Village Clerk on or before the deadline implemented by the Village.

Mayor  
Connie Leon-Kreps

Vice Mayor  
Eddie Lim

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Jorge Gonzalez

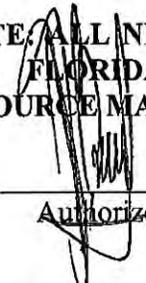
**APPLICATION FOR HEARING  
BEFORE THE PLANNING & ZONING BOARD AND  
VILLAGE COMMISSION  
PAGE 2 OF 2**

Filing Fees - All persons, firms, or corporations petitioning the Planning & Zoning Board and the Village Commission necessitating the publication of notices in the newspaper, and all relative thereto, the payment of such money in advance to the Village Clerk shall be deemed a condition precedent to the consideration of such petition, conditional use permit or amendment.

I, (We), the undersigned, am (are) the (owner, tenant, agent, attorney) (designate one) of the subject property herein described. I (We) acknowledge and agree that during the consideration of the application before the Planning & Zoning Board and staff of North Bay Village, no rights shall vest on behalf of the applicant, which would be enforceable against the Village until after a Public Meeting is held by the Village Commission and the Village Commission has voted favorable on the proposed petition.

I, (We) further acknowledge that I (We) have read and understand the conditions for appearance before the Planning & Zoning Board and the Village Commission Pursuant to the Village Code Section 152.096. Any person submitting false information or misrepresenting in their presentation shall have all privileges granted to them by the Planning & Zoning Board and the Village Commission revoked.

**(NOTE: ALL NEW AND SUBSTANTIAL IMPROVEMENTS MUST COMPLY WITH THE FLORIDA BUILDING CODE, DEPARTMENT OF ENVIRONMENTAL RESOURCE MANAGEMENT (DERM), AND FEMA (FLOOD) REGULATIONS).**

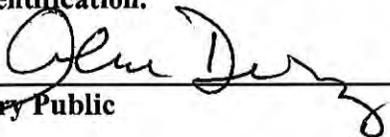
  
 \_\_\_\_\_  
 Authorized Signature

MIGUEL ANGEL BARBAGALLO AS MANAGING MEMBER  
 \_\_\_\_\_  
 Print Name  
 OF B DEVELOPMENTS LLC AS MANAGER OF NORTH BAY CAUSEWAY LLC

(In case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's position in the corporation and embossed with the corporate seal.)

STATE OF FLORIDA )  
 COUNTY OF MIAMI-DADE )

Sworn to and subscribed to before me this 4 day of February 2014  
 by Miguel Angel Barbagallo  
 who is personally known to me or who has produced \_\_\_\_\_  
 as identification.

  
 \_\_\_\_\_  
 Notary Public



- |                            |                         |                                      |                              |                                |
|----------------------------|-------------------------|--------------------------------------|------------------------------|--------------------------------|
| Mayor<br>Connie Leon-Kreps | Vice Mayor<br>Eddie Lim | Commissioner<br>Dr. Richard Chervony | Commissioner<br>Wendy Duvall | Commissioner<br>Jorge Gonzalez |
|----------------------------|-------------------------|--------------------------------------|------------------------------|--------------------------------|

**Office Use Only:**

Date Submitted: \_\_\_\_\_

Fee Paid: \$ \_\_\_\_\_

Tentative Meeting Date: \_\_\_\_\_

Cash  or Check  # \_\_\_\_\_

Date Paid: \_\_\_\_\_

Mayor  
Connie Leon-Kreps

Vice Mayor  
Eddie Lim

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Jorge Gonzalez



**North Bay Village**

02-07-14P02:12 RCVD

Administrative Offices

1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

**APPLICATION FOR PUBLIC HEARINGS:**

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Applicant's Name: North Bay Causeway, LLC Phone: (305) 670-1991

Mailing Address: 9130 S. Dadeland Blvd, Suite 1509  
Miami, FL 33156

Legal Description of Property: Parcels A and B - See enclosed survey.

Existing Zoning: CG Lot Size: 1.92 acres Folio: 23-3209-000-0030; 0020

Type of Request: Applicant requests site plan approval for  
proposed mixed use building containing retail, office and  
residential units. See enclosed Letter of Intent for further detail.

Reason for Request: (Attach additional Pages if necessary) See attached Letter of  
Intent.

1555 Kennedy Cswy.

All applications shall be submitted to the Village Clerk on or before the deadline implemented by the Village.

Mayor  
Connie Leon-Kreps

Vice Mayor  
Eddie Lim

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Jorge Gonzalez

**APPLICATION FOR HEARING  
BEFORE THE PLANNING & ZONING BOARD AND  
VILLAGE COMMISSION  
PAGE 2 OF 2**

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**(NOTE: ALL NEW AND SUBSTANTIAL IMPROVEMENTS MUST COMPLY WITH THE FLORIDA BUILDING CODE, DEPARTMENT OF ENVIRONMENTAL RESOURCE MANAGEMENT (DERM), AND FEMA (FLOOD) REGULATIONS).**

\_\_\_\_\_  
Authorized Signature

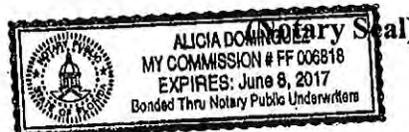
MIGUEL ANGEL BARBAGALLO AS  
MANAGING MEMBER OF B DEVELOPMENTS LLC  
MANAGER OF NORTH BAY CAUSEWAY LLC

(In case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's position in the corporation and embossed with the corporate seal.)

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE )

Sworn to and subscribed to before me this 4 day of February 2014  
by Miguel Angel Barbagallo  
who is personally known to me or who has produced \_\_\_\_\_  
as identification.

\_\_\_\_\_  
Notary Public



- |                            |                         |                                      |                              |                                |
|----------------------------|-------------------------|--------------------------------------|------------------------------|--------------------------------|
| Mayor<br>Connie Leon-Kreps | Vice Mayor<br>Eddie Lim | Commissioner<br>Dr. Richard Chervony | Commissioner<br>Wendy Duvall | Commissioner<br>Jorge Gonzalez |
|----------------------------|-------------------------|--------------------------------------|------------------------------|--------------------------------|

**Office Use Only:**

Date Submitted: \_\_\_\_\_

Fee Paid: \$ \_\_\_\_\_

Tentative Meeting Date: \_\_\_\_\_

Cash  or Check  # \_\_\_\_\_

Date Paid: \_\_\_\_\_

Mayor  
Connie Leon-Kreps

Vice Mayor  
Eddie Lim

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Jorge Gonzalez

**Office Use Only:**

Date Submitted: \_\_\_\_\_

Fee Paid: \$ \_\_\_\_\_

Tentative Meeting Date: \_\_\_\_\_

Cash  or Check  # \_\_\_\_\_

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Mayor  
Connie Leon-Kreps

Vice Mayor  
Eddie Lim

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Jorge Gonzalez



**North Bay Village**

08-07-14P02:12 RCVD

Administrative Offices

1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

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Mailing Address: 9130 S. Dadeland Blvd, Suite 1509  
Miami, FL 33156

Legal Description of Property: Parcels A and B - See enclosed survey.

Existing Zoning: CG Lot Size: 1.92 acres Folio: 23-3209-000-0030; 0020

Type of Request: Applicant requests variance from North Bay Village Code of Ordinances Section 152.029(C)(4) that limits the stories for a parking structure to four (4).

Reason for Request: (Attach additional Pages if necessary) See attached Letter of Intent.

1555 Kennedy Cwy.

All applications shall be submitted to the Village Clerk on or before the deadline implemented by the Village.

Mayor  
Connie Leon-Kreps

Vice Mayor  
Eddie Lim

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Jorge Gonzalez

**APPLICATION FOR HEARING  
BEFORE THE PLANNING & ZONING BOARD AND  
VILLAGE COMMISSION  
PAGE 2 OF 2**

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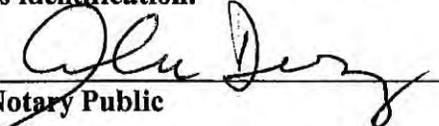
  
\_\_\_\_\_  
Authorized Signature

MIGUEL ANGEL BARBAGALLO AS MANAGING MEMBER  
Print Name  
OF BDEVELOPMENTS LLC, MANAGER OF NORTH BAY CAUSEWAY LLC

(In case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's position in the corporation and embossed with the corporate seal.)

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE )

Sworn to and subscribed to before me this 4 day of February 2014  
by Miguel Angel Barbagallo  
who is personally known to me or who has produced \_\_\_\_\_  
as identification.

  
\_\_\_\_\_  
Notary Public



- |                            |                         |                                      |                              |                                |
|----------------------------|-------------------------|--------------------------------------|------------------------------|--------------------------------|
| Mayor<br>Connie Leon-Kreps | Vice Mayor<br>Eddie Lim | Commissioner<br>Dr. Richard Chervony | Commissioner<br>Wendy Duvall | Commissioner<br>Jorge Gonzalez |
|----------------------------|-------------------------|--------------------------------------|------------------------------|--------------------------------|



## North Bay Village

Administrative Offices

1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

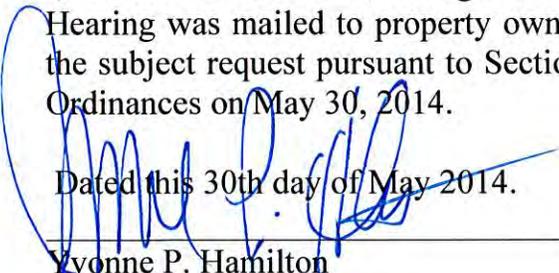
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: [www.nbvillage.com](http://www.nbvillage.com)

**RE: AN APPLICATION BY NORTH BAY CAUSEWAY, LLC CONCERNING PROPERTY LOCATED AT 1555 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING: (FIRST PUBLIC HEARING)**

- A. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.030(C)(3) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A MIXED-USE COMMERCIAL STRUCTURE IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT.**
- B. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 127-UNIT, 22-STORY CONDOMINIUM STRUCTURE WITH A PARKING GARAGE.**
- C. BONUS HEIGHT APPROVAL, PURSUANT TO SECTION 152.029(C)(8)A-F OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.**
- D. A VARIANCE PURSUANT TO SECTION 152.097 OF NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW 5 STORIES OF PARKING, WHERE SECTION 152.029(C) ALLOWS A MAXIMUM OF FOUR STORIES OF PARKING.**

I, Yvonne P. Hamilton, Village Clerk, hereby certify that the attached Notice of Public Hearing was mailed to property owners and residents within 300 feet of the property of the subject request pursuant to Section 152.096(A)(2) of the North Bay Village Code of Ordinances on May 30, 2014.

Dated this 30th day of May 2014.

  
Yvonne P. Hamilton  
Village Clerk

(Commission Meeting-6/10/2014)

Mayor  
Connie Leon-Kreps

Vice Mayor  
Eddie Lim

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Jorge Gonzalez



## North Bay Village

Administrative Offices

1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

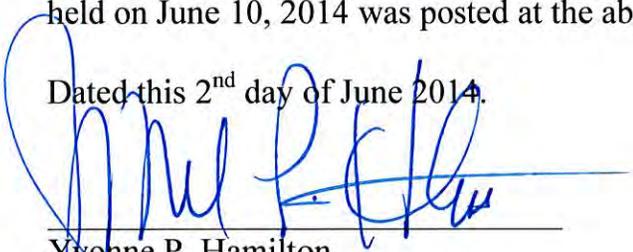
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: [www.nbvillage.com](http://www.nbvillage.com)

**RE: AN APPLICATION BY NORTH BAY CAUSEWAY, LLC CONCERNING PROPERTY LOCATED AT 1555 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING: (FIRST PUBLIC HEARING)**

- A. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.030(C)(3) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A MIXED-USE COMMERCIAL STRUCTURE IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT.**
- B. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 127-UNIT, 22-STORY CONDOMINIUM STRUCTURE WITH A PARKING GARAGE.**
- C. BONUS HEIGHT APPROVAL, PURSUANT TO SECTION 152.029(C)(8)A-F OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.**
- D. A VARIANCE PURSUANT TO SECTION 152.097 OF NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW 5 STORIES OF PARKING, WHERE SECTION 152.029(C) ALLOWS A MAXIMUM OF FOUR STORIES OF PARKING.**

I, Yvonne P. Hamilton, hereby certify that the attached Notice of Public Hearing to be held on June 10, 2014 was posted at the above-referenced property on May 31, 2014.

Dated this 2<sup>nd</sup> day of June 2014.

  
Yvonne P. Hamilton  
Village Clerk

(Commission Meeting-6/10/2014)

Mayor  
Connie Leon-Kreps

Vice Mayor  
Eddie Lim

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Jorge Gonzalez



## North Bay Village

Administrative Offices

1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

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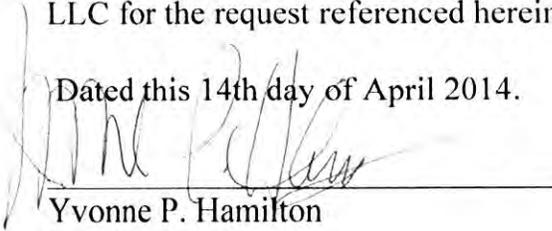
**2. AN APPLICATION BY NORTH BAY CAUSEWAY, LLC CONCERNING PROPERTY LOCATED AT 1555 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:**

- A. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.030(C)(3) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A MIXED-USE COMMERCIAL STRUCTURE IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT.**
- B. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 127-UNIT, 22-STORY CONDOMINIUM STRUCTURE WITH A PARKING GARAGE.**
- C. BAY VIEW OVERLAY STANDARDS REVIEW, INCLUDING HEIGHT APPROVAL, PURSUANT TO SECTION 152.032(A)(3) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.**

**A VARIANCE PURSUANT TO SECTION 152.097 OF NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW 5 STORIES OF PARKING, WHERE SECTION 152.029(C) ALLOWS A MAXIMUM OF FOUR STORIES OF PARKING.**

I, Yvonne P. Hamilton, Village Clerk hereby certify, as per Section 152.096(A)(2) of the North Bay Village Code of Ordinances, that the petition filed by North Bay Causeway, LLC for the request referenced herein is complete.

Dated this 14th day of April 2014.

  
Yvonne P. Hamilton  
Village Clerk

(Planning & Zoning Board Meeting-April 29, 2014)

Mayor  
Connie Leon-Kreps

Vice Mayor  
Eddie Lim

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Jorge Gonzalez



**NORTH BAY VILLAGE  
NOTICE OF PUBLIC HEARING**

PUBLIC NOTICE IS HEREBY GIVEN THAT THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A REGULAR MEETING ON **TUESDAY, JUNE 10, 2014** AT 7:30 P.M., OR AS SOON AS POSSIBLE THEREAFTER, AT VILLAGE HALL, 1666 KENNEDY CAUSEWAY, #101, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING THE COMMISSION WILL CONSIDER THE FOLLOWING REQUESTS:

1. **AN APPLICATION BY NORTH BAY CAUSEWAY, LLC CONCERNING PROPERTY LOCATED AT 1555 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING: (FIRST PUBLIC HEARING)**
  - A. **A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.030(C)(3) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A MIXED-USE COMMERCIAL STRUCTURE IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT.**
  - B. **SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 127-UNIT, 22-STORY CONDOMINIUM STRUCTURE WITH A PARKING GARAGE.**
  - C. **BONUS HEIGHT APPROVAL, PURSUANT TO SECTION 152.029(C)(8)A-F OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.**
  - D. **A VARIANCE PURSUANT TO SECTION 152.097 OF NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW 5 STORIES OF PARKING, WHERE SECTION 152.029(C) ALLOWS A MAXIMUM OF FOUR STORIES OF PARKING.**

INTERESTED PERSONS ARE INVITED TO APPEAR AT THIS MEETING OR BE REPRESENTED BY AN AGENT, OR TO EXPRESS THEIR VIEWS IN WRITING ADDRESSED TO THE COMMISSION C/O THE VILLAGE CLERK, 1666 KENNEDY CAUSEWAY, #300, KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FL 33141.

THE DOCUMENTS PERTAINING TO THIS PUBLIC HEARING MAY BE INSPECTED AT THE OFFICE OF THE VILLAGE CLERK DURING REGULAR BUSINESS HOURS AT 1666 KENNEDY CAUSEWAY, #300. INQUIRIES MAY BE DIRECTED TO THAT DEPARTMENT AT (305) 756-7171.

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES IF ANY PERSON DECIDES TO APPEAL ANY DECISION BY THE COMMISSION WITH RESPECT TO THIS OR ANY MATTER CONSIDERED AT ITS MEETING OR ITS HEARING, SUCH PERSON MUST ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE VILLAGE FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

TO REQUEST THIS MATERIAL IN ACCESSIBLE FORMAT, SIGN LANGUAGE INTERPRETERS, INFORMATION ON ACCESS FOR PERSON WITH DISABILITIES, AND/OR ANY ACCOMMODATION TO REVIEW ANY DOCUMENT OR PARTICIPATE IN ANY VILLAGE-SPONSORED PROCEEDING, PLEASE CONTACT (305) 756-7171 FIVE DAYS IN ADVANCE TO INITIATE YOUR REQUEST. TTY USERS MAY ALSO CALL 711 (FLORIDA RELAY SERVICE).

YVONNE P. HAMILTON, CMC  
VILLAGE CLERK  
(May 29, 2014)

BAYVIEW CONDOMINIUM  
1625 KENNEDY CAUSEWAY  
N. BAY VILLAGE, FL 33141

Florvest LLC  
968 N.E. 84<sup>th</sup> St reet  
Miami, FL 33138

Baymar Hotels & Properties, Inc.  
1111 Kane Concourse, #211  
Bay Harbor Islands, FL 33154-2040

ATLANTIC BROADBAND  
1681 KENNEDY CAUSEWAY  
NORTH BAY VILLAGE, FL  
33141

SHELL SERVICE STATION  
1508 KENNEDY CAUSEWAY  
N. BAY VILLAGE, FL 33141

Trio on the Bay  
1601 Kennedy Causeway  
N. Bay Village, FL 33141

PRESIDENT SUPERMARKET  
1600 KENNEDY CAUSEWAY  
N. BAY VILLAGE, FL 33141

BMS North Bay Village  
P.O. Box 25025  
Glendale, CA 91201

CAUSEWAY TOWER  
1666 KENNEDY CSWY., #600  
N. BAY VILLAGE, FL 33141

GOL TV  
1580 Kennedy Causeway  
N. Bay Village, FL 33141

SUNBEAM TELEVISION CORP  
P.O. BOX 118  
MIAMI, FL 33138-0000

ROBERT LEIDER  
GENERAL MANAGER, WSVN  
1401 79<sup>TH</sup> STREET CAUSEWAY  
N. BAY VILLAGE, FL 33141

SIAM BAYSHORE THAI  
THAI RESTAURANT  
1524 KENNEDY CAUSEWAY  
NORTH BAY VILLAGE, FL 33141

HESS O2565000  
ATTN: CAROL HEALY  
P.O. BOX 981747  
EL PASO, TX 79998-1747

COLE BN NORTH BAY VILLAGE FL  
1665 KENNEDY CAUSEWAY  
NORTH BAY VILLAGE, FL 33141

Benihana Restaurant  
1665 Kennedy Causeway  
N. Bay Village, FL 33141

ATLANTIC BROADBAND  
1681 KENNEDY CAUSEWAY  
NORTH BAY VILLAGE, FL  
33141

Florvest LLC  
968 N.E. 84<sup>th</sup> St reet  
Miami, FL 33138

THE SHOPPES OF NORTH BAY  
VILLAGE, LLC  
1320 S. Dixie Highway, Suite 781  
Miami, Florida 33146

THE LEXI CONDOMINIUM  
7901 HISPANOLA AVENUE  
N. BAY VILLAGE, FL 33141

THE WITE HOUSE  
CONDOMINIUM  
1770 KENNEDY CAUSEWAY  
N. BAY VILLAGE, FL 33141

BAYVIEW CONDOMINIUM  
1625 KENNEDY CAUSEWAY  
N. BAY VILLAGE, FL 33141

CAUSEWAY TOWER  
1666 KENNEDY CSWY., #600  
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Trio on the Bay  
1601 Kennedy Causeway  
N. Bay Village, FL 33141

GOL TV  
1580 Kennedy Causeway  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#1201E  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#1202D  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#1203B  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway  
#1204B  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway  
#1205G  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway  
#1207C  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway  
#PH101E  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway  
#PH102D  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway  
#PH103B  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway  
#PH104B  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway  
#PH105G  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway  
#PH106G  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway  
#PH107C  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#804D  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#805D  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#806B  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#807A  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#808A  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#809C  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway, #901E  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#902H  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#903H  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#904D  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#508A  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#509C  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#907A  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#908A  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#909C  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#1001E  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#1002H  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#1003H  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway  
#1004D  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway  
#1005B  
N. Bay Village, FL 33141

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N. Bay Village, FL 33141

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1625 Kennedy Causeway  
#1008A  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway  
#1009C  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway  
#1102D  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway  
#1103B  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway  
#1104B  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway  
#1105G  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway  
#1106G  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway  
#1109C  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway, #501E  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#502F  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#503F  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#504D  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#505B  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#506B  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#507A  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#508A  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#509C  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway, #601E  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#602F  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#603F  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#604D  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#605B  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#606B  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#607A  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#608A  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#609C  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway, #701E  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#702F  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#703F  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#704D  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#705D  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#706B  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#707A  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#708A  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#709C  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway, #801E  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#802H  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#803H  
N. Bay Village, FL 33141



## NORTH BAY VILLAGE NOTICE OF PUBLIC HEARING

PUBLIC NOTICE IS HEREBY GIVEN THAT THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A REGULAR MEETING ON **TUESDAY, JUNE 10, 2014** AT 7:30 P.M., OR AS SOON AS POSSIBLE THEREAFTER, AT VILLAGE HALL, 1666 KENNEDY CAUSEWAY, #101, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING THE COMMISSION WILL CONSIDER THE FOLLOWING REQUESTS:

1. **A REQUEST BY YEPARA, INC., PROPERTY OWNER OF THE BUSINESS ESTABLISHMENT LOCATED AT 1884 KENNEDY CAUSEWAY, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA FOR THE FOLLOWING:**
  - A. A VARIANCE PURSUANT TO SECTION 111.03 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FROM THE STRICT INTERPRETATION OF SECTION 111.12(A)(1) AND 111.12 (B)(1) FOR THE ISSUANCE OF A BUSINESS TAX RECEIPT TO PERMIT THE SALE AND ON PREMISES CONSUMPTION OF BEER AND WINE WITHIN 300 FEET OF AN EXISTING RESTAURANT HOLDING A 4COP LICENSE AND WITHIN 500 FEET OF A PUBLIC SCHOOL.
2. **AN APPLICATION BY SILVIA OBERSTEIN CONCERNING PROPERTY LOCATED AT 7501 ADVENTURE AVENUE, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:**
  - A. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FROM THE STRICT APPLICATION OF SECTION 152.027(C)(2) TO PERMIT AN ADDITION TO A SINGLE-FAMILY RESIDENCE TO FURTHER ENCRDACH INTO THE REQUIRED SIDE YARD SETBACK, ALLOWING A SIDE YARD SETBACK OF 7.5 FEET WHERE THE CODE REQUIRES 15 FEET.
3. **AN APPLICATION BY NORTH BAY CAUSEWAY, LLC CONCERNING PROPERTY LOCATED AT 1555 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING: (FIRST PUBLIC HEARING)**
  - A. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.030(C)(3) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A MIXED-USE COMMERCIAL STRUCTURE IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT.
  - B. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 127-UNIT, 22-STORY CONDOMINIUM STRUCTURE WITH A PARKING GARAGE.
  - C. BONUS HEIGHT APPROVAL, PURSUANT TO SECTION 152.029(C)(8)A-F OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.
  - D. A VARIANCE PURSUANT TO SECTION 152.097 OF NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW 5 STORIES OF PARKING, WHERE SECTION 152.029(C) ALLOWS A MAXIMUM OF FOUR STORIES OF PARKING.
4. **A REQUEST BY BAYVIEW CONDOMINIUM ASSOCIATION, AT 1625 KENNEDY CAUSEWAY, TREASURE ISLAND, WITHIN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT, NORTH BAY VILLAGE, FLORIDA FOR A NON-USE VARIANCE PURSUANT TO SECTION 152.0971 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FROM THE STANDARDS OF SECTION 152.029(C)(2) TO ALLOW A NATURAL GAS GENERATOR TO BE SETBACK 8.5 FEET FROM THE SIDE PROPERTY LINE, WHERE A SETBACK OF 15 FEET IS REQUIRED.**

INTERESTED PERSONS ARE INVITED TO APPEAR AT THIS MEETING OR BE REPRESENTED BY AN AGENT, OR TO EXPRESS THEIR VIEWS IN WRITING ADDRESSED TO THE COMMISSION C/O THE VILLAGE CLERK, 1666 KENNEDY CAUSEWAY, #300, KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FL 33141.

THE DOCUMENTS PERTAINING TO THIS PUBLIC HEARING MAY BE INSPECTED AT THE OFFICE OF THE VILLAGE CLERK DURING REGULAR BUSINESS HOURS AT 1666 KENNEDY CAUSEWAY, #300. INQUIRIES MAY BE DIRECTED TO THAT DEPARTMENT AT (305) 756-7171.

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION BY THE COMMISSION WITH RESPECT TO THIS OR ANY MATTER CONSIDERED AT ITS MEETING OR ITS HEARING, SUCH PERSON MUST ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE VILLAGE FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

TO REQUEST THIS MATERIAL IN ACCESSIBLE FORMAT, SIGN LANGUAGE INTERPRETERS, INFORMATION ON ACCESS FOR PERSON WITH DISABILITIES, AND/OR ANY ACCOMMODATION TO REVIEW ANY DOCUMENT OR PARTICIPATE IN ANY VILLAGE-SPONSORED PROCEEDING, PLEASE CONTACT (305) 756-7171 FIVE DAYS IN ADVANCE TO INITIATE YOUR REQUEST. TTY USERS MAY ALSO CALL 711 (FLORIDA RELAY SERVICE).

YVONNE P. HAMILTON, CMC  
VILLAGE CLERK

(May 20, 2014)



## **Staff Report Variance Request**

*Prepared for: North Bay Village Commission*

*Applicant: Bayview Condominium Association and  
Verizon Wireless*

*Request: Variance from Setback Standards for  
Placement of Generator*



Serving Florida Local Governments Since 1988

**General Information**

Applicant	Bayview Condominium Association and Verizon Wireless
Applicant Address	1625 Kennedy Causeway, North Bay Village
Site Address	1625 Kennedy Causeway
Contact Person	Robert Perry
Phone Number	248-773-2976
E-mail Address	robert@telesitewireless.com

Future Land Use Map Classification	Commercial
Zoning District	General Commercial (CG)
Use of Property	Multi-Family Condominium
Acreage	1.14 acres (49,500 sq ft)

**Legal Description of Subject Property**

A parcel of land lying within lands of BAYVIEW CONDOMINIUM AT NORTH BAY VILLAGE, recorded in Official Records Book 21589, Page 2565, of the Public Records of Miami-Dade County, Florida, said condominium property being all of Tract "A", CAREY PLAT, according to the plat thereof, as recorded in Plat Book 157, Page 90, of the Public Records of Miami-Dade County, Florida.

**Item Before the Village Commission**

Bayview Condominiums is a seventy-five unit, 13 story, multi-family development approved as Carey Properties in 2000/01 and built in 2003. Since the Bayview Condominiums were built according to the RM-70 setback and site plan standards, the applicants (Verizon with permission from Bayview Condo Association) are requesting a variance from the regulations of Section 152.029(C)(2) of the North Bay Village Code to allow a 6 foot 5 inch encroachment into the required 15 foot side setback area, for the purpose of installing a backup generator to supply power to the existing cellular communications equipment on the roof of the structure.



**Adjacent Future Land Use Map Classifications and Zoning Districts**

<b>North:</b>	Future Land Use Map Classification:	Water
	Zoning District:	Water
	Existing Land Use:	Biscayne Bay
<b>East:</b>	Future Land Use Map Classification:	Commercial
	Zoning District:	General Commercial (CG)
	Existing Land Use:	Restaurant
<b>South:</b>	Future Land Use Map Classification:	Commercial
	Zoning District:	General Commercial (CG)
	Existing Land Use:	Grocery Store Restaurant & Hookah Lounge Restaurant, Bank, Office Space
<b>West:</b>	Future Land Use Map Classification:	Commercial
	Zoning District:	General Commercial (CG)
	Existing Land Use:	Night Club

**Description of the Situation**

Verizon Wireless has an existing agreement with the Bayview Condominium Association whereby Verizon is permitted to maintain cellular communications equipment on the rooftop of the condominium structure. Verizon would like to lease an additional ground-level 10 foot by 16 foot area on the eastern side of the property within the side setback area. In that area, they would like to place a natural gas generator for the purpose of providing backup power to the cellular communications equipment in the event of a power outage.

The generator will be anchored to a 4 foot by 10 foot concrete pad that will protrude 4 inches above ground. The generator dimensions are 9'4" long, 3'5" wide, and 5'8" tall. The plans show that the newly leased area will be fenced in, with a fence of a height and type that will match the existing fencing on the property. Landscape hedging around the fence will match the existing hedge. Conduit will be installed to run from the generator to the roof top tower.

The generator will be housed in a sound enclosure and the manufacturer specifications indicate that it operates at a noise level of approximately 71 decibels, measured at a distance of 23 ft.

Section 152.0582 requires structural or landscape screening of mechanical equipment, specifically that screening be at least as high as the equipment. In the likely event that the proposed hedges are not tall enough to screen the entire height of the generator structure, we recommend a condition of approval requiring structural screening be utilized, in the form of lattice or some other decorative material.



This is a multifamily structure developed under the RM-70 district site development standards. Section 152.029(C) requires a 15 foot setback on one side and a setback of 20% of the lot width on the other side. Additionally, the combination of both side setbacks must be at least 60 feet. According to the site plan approved for the original building construction, the total lot width is 275 feet. The distance from the building to the west property line is 55 feet, and the distance from the building to the eastern property line is 25 feet. Since the western 55 foot setback is clearly the setback that meets the 20% of the lot width requirement, the eastern setback must only be at least 15 feet. The generator is proposed to be placed 8 feet 7 inches from the eastern property line. This is an encroachment of 6 feet 5 inches into the required 15 foot setback.

North Bay Village Resolution 2000-08 recommended approval of the original site plan for construction of the multi-family structure at 1625 Kennedy Causeway, with the condition that confirmation of approval from the Miami-Dade Shoreline Review Board be provided prior to the issuance of a building permit. In order to verify that this project would not be in conflict with that shoreline approval, we spoke with Miami-Dade County zoning staff regarding this variance request.

After their review of the proposed project plans and the original shoreline resolution for the structure at 1625 Kennedy Causeway (attached), the Miami-Dade Shoreline Coordinator responded with a letter (attached) indicating that the currently proposed project does not require shoreline review and is not in conflict with the original shoreline resolution.

However, the original shoreline resolution did include conditions that the developer furnish a baywalk waterfront easement extending to the property lines as well as a 5 foot wide access easement along the west property line in order to provide access to the rear baywalk. Records indicate that the access easement was recorded but was never actually provided on the property. At this time, the easement is overgrown with landscaping vegetation. Additionally, no records have been found which prove the existence of a dedicated and recorded baywalk waterfront easement. Staff is recommending the dedication and recording of a waterfront baywalk easement as a condition of approval of this variance.

The applicant has not provided letters of consent from neighboring properties at the time of the writing of this staff report, but this probably is less important than other situations because the neighboring properties are commercial not residential.



## Required Findings

Sec. 152.0971(B) sets forth findings that are required for the reviewing body(ies) to authorize any non-use variance request. In addition to staff comments on these items, the applicant's comments (included in his letter) have been listed as well. For ease of review, each of the criteria contained in subparagraphs (B)(1) through (B)(3) have been separated into their component parts.

- (1) The variance will be in harmony with the general appearance and character of the community.

**Applicant Comments:** The applicant has taken care to ensure that the appearance of the proposed generator location will blend with the existing surrounding conditions on the subject property. The generator unit will be surrounded by a decorative fence and trees and plant materials matching those in the immediate vicinity will be added project envelope to further buffer the unit from the view of adjacent properties. It is a sensible location from the standpoint that existing utility infrastructure currently exists near the project area in the southeast corner of the property. Additionally, the restaurant immediately to the east has constructed a short decorative screening-wall so as to provide a buffer between themselves and the Bayview Terrace property. In the opinion of the applicant, this wall, and the combination of the above mentioned improvements will effectively shield the generator unit from view from all angles.

**Staff Comments:** The plans show that existing and proposed hedges will surround the proposed generator, with the exception of the necessary access gate. From the plans provided, it is not clear if the existing and proposed hedges will be tall enough to completely obscure the generator from view. However, there are already two existing mechanical items in close proximity to the proposed site, which are not obscured from view. It does not appear that installation of the generator, fence and hedges will further diminish the existing view corridor to the bay.

- (2) The variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

**Applicant Comments:** Emergency power generators have become a common sight on both residential and commercial properties in many parts of Florida. In the case of the subject property, Verizon wishes to place a generator on the property to allow for continued operation of its existing cell site in the event of an extended outage of electricity. Verizon considers the threat of seasonal weather to be serious when it comes to the need for its subscribers to make calls on their phones during an emergency. With that in mind, Verizon has been placing backup generators at sites all across the south Florida region in order to ensure a working communications grid during times of extraordinary need. In essence, this is a public-welfare response by Verizon. A pro-active approach to providing necessary support during extended outages. This plan is implemented in the good interests of the public.

**Staff Comments:** Emergency backup for wireless network systems is a positive aspect for public welfare.

- (3) The improvement is designed and arranged on the site in a manner that minimizes aerial and visual impact on the adjacent residences.

**Applicant Comments:** As stated in item #1 above, the proposed generator will be situated in an area that currently contains trees and decorative plant material. Additional trees and plant material, as well as a decorative fence, will be used to shield the generator unit from view. These measures, along with the already existing decorative screening wall built by the restaurant to the east of the subject property will effectively shield the generator unit from view. It is important to note that the condominium association of the subject property took action in support of this application. Stakeholders were involved in the decision-making process that led to the siting of the unit in the easterly side-yard and its accompanying screening treatments. Additionally, it is also important to note that the property to the east of the Bayview Terrace Condominium community is a restaurant and the use of the land immediately adjacent to the proposed generator location is a parking lot. As such, there are no adjacent residences to be impacted by the placement of the generator. This is also true to the south of the project as commercial office space and vehicular parking account for the land uses on the south side of the JFK Causeway.

**Staff Comments:** This improvement should not have an aerial/visual impact on the adjacent residences.

Staff finds that the requested variance does meet the requirements of Section 152.0971 in that the materials submitted adequately allow for an affirmative finding on all of the criteria contained as specifically identified by the foregoing staff comments.



**Recommendation:**

Staff recommends **approval** of the requested variance to allow a 8 foot 7 inch setback from the property line where a 15 foot setback is required, with the following stipulations:

1. To comply with Section 151.25, screening must be provided which screens the entire height of the generator structure.
2. Generator testing times shall be restricted to between 10am and 2pm on weekdays and non-holidays.
3. Bayview Condominium Association must either verify that a baywalk public easement has been dedicated and recorded along the waterfront or must ensure that a baywalk public easement is dedicated and recorded along the waterfront according the Miami-Dade Biscayne Bay Management Plan.
4. Building permits and related approvals for generator installation must be obtained from the Building Official prior to commencement of construction.
5. All applicable state and federal permits must be obtained before commencement of construction.
6. Cost Recovery changes must be paid pursuant to Section 152.110. Specifically, no building permit 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. Authorization or issue of a variance or a building permit by the Village does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for issuance of a variance or a building permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that result in a violation of federal or state law.

*Submitted by:*

*James G. LaRue*  
James G. LaRue, AICP  
Planning Consultant

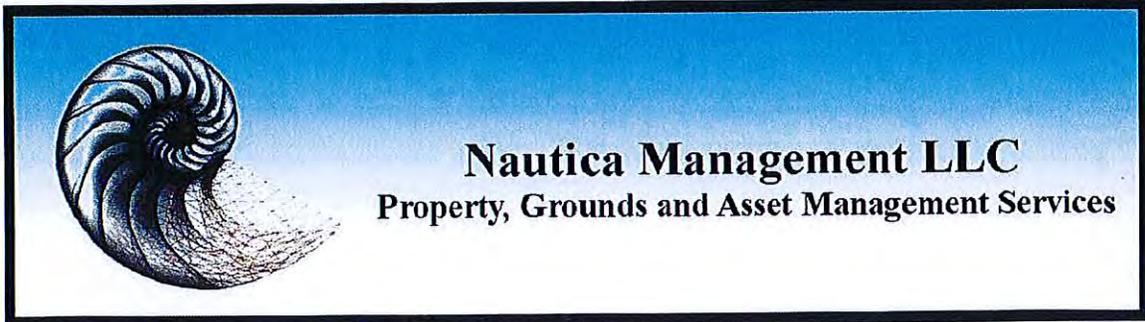
April 1, 2014

Hearing: Village Commission, April 8, 2014



**BAYVIEW CONDOMINIUM ASSOCIATION LETTER OF CONSENT**

10-10-13P12:15 RCVD



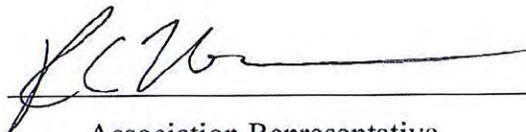
Date: October 10, 2013

To Whom It May Concern:

When signed by a member of the Condominium Association' Board of Directors, or the Property Manager, this letter indicates that **Verizon Wireless** has been approved to perform the work as described on the submitted plans at **Bayview Condominium at North Bay Village Association Inc.** These plans are for the installation of an emergency generator at the southeast corner of the property.

The Association assumes no responsibility for overseeing any work. It is the responsibility of the contractor to ensure that the work is done as specified, and that the correct method and materials are used.

- ❖ A City of North Bay Village work permit must be presented to the Association before work can begin.

  
\_\_\_\_\_  
Association Representative

Property Manager

Title

October 10, 2013

Date



**MIAMI-DADE COUNTY SHORELINE COORDINATOR LETTER**



Department of Regulatory and Economic Resources  
Development Services Division  
111 NW 1st Street • Suite 1110  
Miami, Florida 33128-1900  
T 305-375-2842  
www.miamidade.gov/economy

November 1<sup>st</sup>, 2013

Benjamin L. Smith, LEED GA  
LaRue Planning & Management Services, Inc.  
1375 Jackson Street #206  
Ft. Myers, FL 33901

Re: North Bay Village Apartments, 1625 Kennedy Causeway  
SDRC process # B199600005

Dear Mr. Smith:

Pursuant to your request sent by e-mail on October 25, 2013, indicating the intention to place a generator in the side setback of the above referenced apartment complex that was previously approved through the shoreline development review process, this letter will serve as notification that the proposed mechanical installation, is not in conflict with the provisions previously established by the Shoreline Development Review Committee in the Resolution 96-SDRC-03. Based on the information you submitted and a review of the previously approved shoreline plans, staff opines that neither the visual corridor nor the shoreline setback is compromised with the placement of such equipment.

Section 33D-34 states that the Shoreline Development Review Committee shall provide timely reviews for applications made for development actions within the shoreline development review boundary which fall within the threshold for the installation or construction of a fixed structure or existing docks or piles requiring a Class 1 coastal permit public hearing. The North Bay Village building mechanical improvement project, as proposed, does not entail any impact onto the Biscayne Bay Shoreline. The submitted plans indicate ancillary uses that are previously approved by the municipality building officer; consequently, building mechanical upgrades and their respective placement would be in accordance with the local zoning regulations. However, the submitted plans also indicate that the project will not be elevated, hence would not have a potential to block the public from unobstructed views of Biscayne Bay in the City of North Bay Village. As such, the thresholds for a new review under the Shoreline Ordinance do not apply and the proposed generator installation in the above-referenced project is not subject to shoreline development review.

If you have any questions or wish to further discuss the circumstances surrounding the subject application's shoreline review, please call me at 305-375- 2842.

Sincerely,

Maria Elena Fedeno, LEED A.P.  
Shoreline Coordinator  
Development Services Division  
Department of Regulatory and Economic Resources



**SHORELINE DEVELOPMENT REVIEW COMMITTEE RESOLUTION**

**SHORELINE DEVELOPMENT REVIEW COMMITTEE**

**RESOLUTION 96 - SDRC -03**

WHEREAS, Gold Key International has applied for approval of a site plan for the proposed North Bay Village Apartments located at 1625 Kennedy Causeway and as fully described in the attached recommendations and site plans, and

WHEREAS, the proposed project consists of a 75-unit 13-story apartment building, with an enclosed parking garage, a swimming pool, baywalk and a rooftop recreational area, and

WHEREAS, the subject application as filed with the Metro-Dade Department of Planning, Development and Regulation dated June 6, 1996 requests site plan approval, and

WHEREAS, the Shoreline Development Review Committee considered whether and the extent to which the project as presented conformed to the Dade County Comprehensive Development Master Plan, the North Bay Village Master Plan, and the Biscayne Bay Management Plan, and

WHEREAS, the Shoreline Development Review Committee of Dade County has as one of its primary responsibilities, the duty to determine the extent to which any plan or development action, as proposed, is in conformance with Dade County Ordinance 85-14 and the minimum standards set forth in Dade County Resolution 85-257, and

WHEREAS, the Committee considered the recommendations of Dade County staff, and



WHEREAS, a public meeting of the Shoreline Development Review Committee of Dade County, Florida, was advertised and held, as required by law, and all interested parties in the matter were heard, and upon due and proper consideration having been given to the matter;

NOW THEREFORE BE IT RESOLVED, that at its advertised meeting of September 5, 1996, the Biscayne Bay Shoreline Development Review Committee, as moved by Bill Rosenberg and seconded by Caridad Hidalgo-Gato recommended approval of the development action as presented and enumerated in the attached staff reports and site plans with the following provisions and conditions:

1. That the three surface parking spaces along the 79th Street Causeway be eliminated and that hedging and other landscape material be added in their place to provide buffering of the service area.
2. That the rear slope between the bulkhead and edge of building be substantially decreased to create a more manageable landscape area and level walkway.
3. That the 15' light fixtures around the pool deck be substituted with bollard lighting.
4. That the baywalk be extended to the property edges.
5. That a covenant be proffered to the City of North Bay Village requiring the dedication of the 5' public access easement along the westerly property line.

The vote on the motion was as follows:

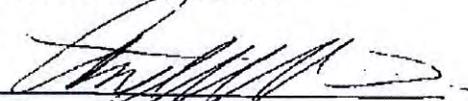
Les Beilinson	- Excused	Roberto Datorre	- No
Rosa Epstein	- Excused	Thorn Grafton	- Yes
Caridad Hidalgo-Gato	- Yes	Bill Rosenberg	- Yes
Nanciann Regalado	- Excused	Conchita Suarez	- No
Andrew Witkin	- Yes		

Motion to **approve** passed - 4-2.



This resolution constitutes the report of the Shoreline Development Review Committee together with all exhibits attached hereto submitted to the Board of County Commissioners, Dade County, Florida pursuant to Dade County Ordinance 85-14 which shall become a part of all hearings and/or permit records on the proposed development action.

Respectfully submitted,

  
Andrew Witkin, A.S.L.A.  
Chairperson, Biscayne Bay Shoreline  
Development Review Committee

9/12/96

Date

App. # 95-05

k:Alex\sd\reso9603



LaRue

**NORTH BAY VILLAGE CODE SECTION 151.25**

**§ 151.25 Emergency electric generator required.**

- (A) Any person, firm, or corporation owning or operating a residential apartment building within the City of more than five stories shall be required to provide the building with automatic secondary type 1 emergency power from an electric generator on the premises. All new construction receiving a certificate of occupancy after May 31, 2006 shall be required to have an emergency powered generator, which will function on or connect to natural gas, and to have a 3½- day propane back up and sound attenuating equipment. In addition, by May 31, 2006, all existing construction under 17 stories with an elevator which is opened to the public, will either be required to convert to natural gas with a 3½-day propane backup and sound attenuating equipment or to have and maintain at least a seven day supply of diesel fuel sufficient to operate. Existing construction under 17 stories shall comply by May 31, 2007. Any building that chooses the seven day diesel fuel option shall be required to convert at such time as the existing generator is changed or replaced, or when the generator is no longer satisfactorily functional.

The purpose of such a generator, which would function on natural gas, is to provide emergency electric power for the operation of at least one elevator giving all residents access to the elevator in the event of a disruption of the regular supply of electricity in the case of a natural emergency or other civil disturbance when the normal supply of electricity a furnished commercially is interrupted. All such emergency electric generators shall be connected on the line side of the main disconnect to at least one elevator on the premises, and in addition shall provide emergency lighting to the lobbies, hallways, and other portions of the building used by the public automatically in the event of any failure of normal lighting caused by disruption in the regular supply of electricity. In addition, any person, firm, or corporation operating such a building of more than five stories shall be required to provide an adequate fuel supply to operate such an emergency generator for at least 12 hours.

- (B) Compliance with the requirements of division (A) above shall be required on all new construction within the City. All existing multi-unit residential buildings and service stations shall be required to comply with the provisions of this section in accordance with the time frame set forth herein.
- (C) It is the intention of the City Commission that the provisions of this section shall implement the requirements of the Florida Building Code as applied to new construction and future service stations and additionally shall require that standard to be maintained by existing construction and service stations within the City.
- (D) Any person, firm, or corporation owning or operating a service station within the City shall be required to provide the facility with an adequate generator on the premises. The purpose of such a generator is to operate all gas pumps and any required office equipment needed to process the sale of gasoline to the general public in the event of disruption of the regular supply of electricity, in the case of an emergency or civil disturbance, when the normal supply of electricity furnished commercially is interrupted.

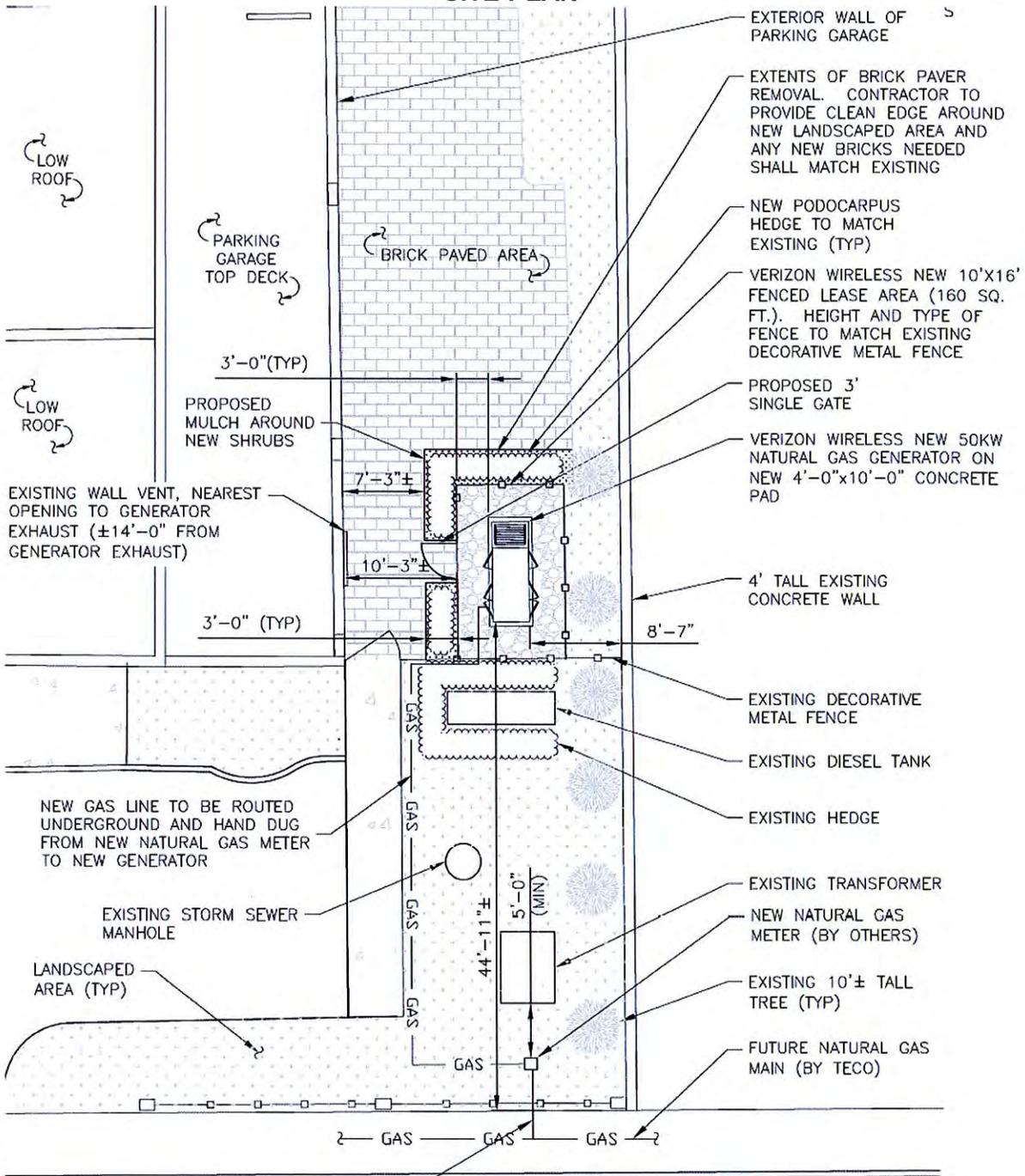
Compliance with the requirements of division (D) above shall be required for all existing and future service stations in the City which dispense gasoline to the public.

*(Ord. 81-04, passed 1-21-81; Am. Ord. 90-10, passed 5-22-90; Ord. No. 2005-13, § 1, 11-8-05; Ord. No. 05-16, § 1, 12-13-05)*

**Cross reference—** *Penalty, see § 151.99.*



**SITE PLAN**



NEW GAS LINE TO BE ROUTED UNDERGROUND FROM NATURAL GAS MAIN TO NEW NATURAL GAS METER

- NOTE:**
- CONTRACTOR TO FIELD VERIFY CLEARANCES AS SPECIFIED BY N.E.C.



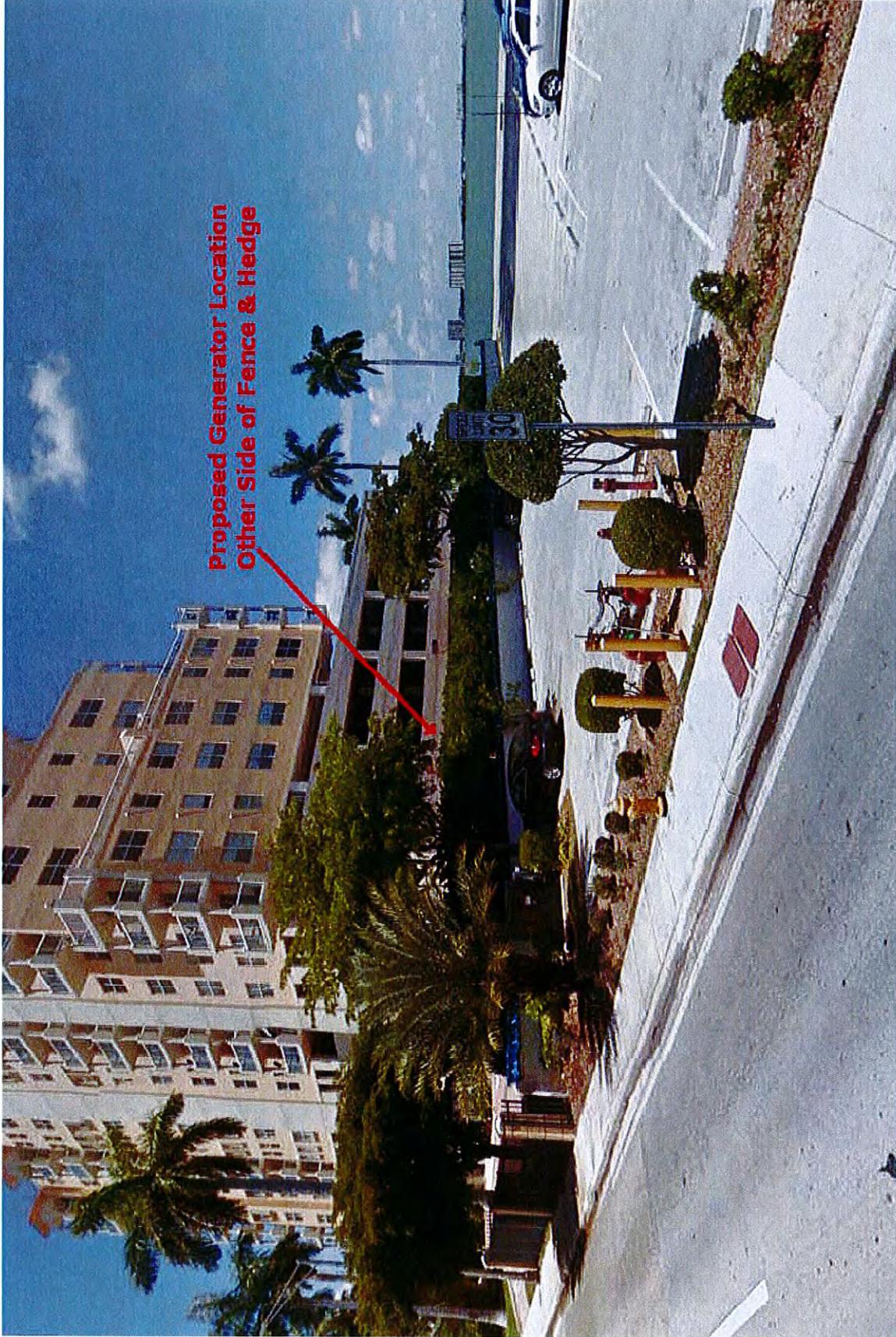
AERIAL PHOTOGRAPH OF SUBJECT SITE





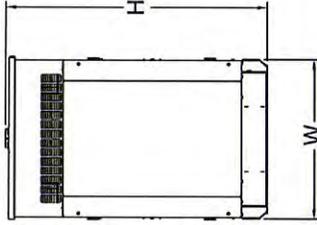
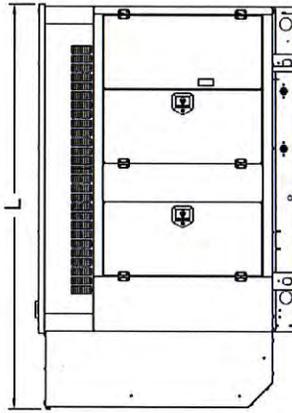
IEWS FROM KENNEDY CAUSEWAY







**GENERATOR SPECIFICATIONS**



**LEVEL 2 ACOUSTIC ENCLOSURE**

L	W	H	WT	dBa*
112	41	68	2812	71

\*All measurements are approximate and for estimation purposes only. Sound levels measured at 23ft (7m) and does not account for ambient site conditions.





**North Bay Village**

Administrative Offices

1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

**APPLICATION FOR PUBLIC HEARINGS:**

**Hearings and Notices:** - All petitions for amendments, changes or supplements to these regulations for variances, special use exceptions, Site Plan Approval, Extension of Approved Site Plans, for Building Height Bonus Approval, or for an amendment, change or supplement to the Comprehensive Plan; district zoning map, or petitions appealing an administrative decision shall be considered at Public Hearings before the Planning & Zoning Board and, thereafter, the Village Commission. Notice of Public Hearings before the Planning & Zoning Board and the Village Commission shall be given by publishing and posting on the property (which is the subject of the request), the time, the place and the nature of the hearing at least 10 days before the hearing. The Village Clerk shall certify that the petition is complete before the hearing is legally advertised.

Verizon Wireless in cooperation with the  
Bayview Condominium at North Bay Village

Applicant's Name: Association, Inc. Phone: 248-773-2976

Mailing Address: 777 Yamato Road, Suite #600, Boca Raton, FL 33431

Legal Description of Property: 1625 Kennedy Causeway (legal description too large for placement here)

Existing Zoning: RM-70 Lot Size: \_\_\_\_\_ Folio: 23-3209-044-0310

Type of Request: Addition of (1) diesel-fueled generator for use by Verizon Wireless.

Request for Non-Use Variance to install generator in the setback.

Reason for Request: (Attach additional Pages if necessary) Verizon wishes to place the emergency

power generator on the grounds so that in the event of a lengthy power outage its existing wireless cell site on

the rooftop will continue to work for Verizon subscribers.

All applications shall be submitted to the Village Clerk on or before the deadline implemented by the Village.

Contact Person: Robert Perry for Verizon Wireless 248-773-2976  
robert@telesitewireless.com

Mayor  
Connie Leon-Kreps

Vice Mayor  
Eddie Lim

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Jose Gonzalez

**APPLICATION FOR HEARING  
BEFORE THE PLANNING & ZONING BOARD AND  
VILLAGE COMMISSION  
PAGE 2 OF 2**

Filing Fees - All persons, firms, or corporations petitioning the Planning & Zoning Board and the Village Commission necessitating the publication of notices in the newspaper, and all relative thereto, the payment of such money in advance to the Village Clerk shall be deemed a condition precedent to the consideration of such petition, conditional use permit or amendment.

I, (We), the undersigned, am (are) the (owner, tenant, agent, attorney) (designate one) of the subject property herein described. I (We) acknowledge and agree that during the consideration of the application before the Planning & Zoning Board and staff of North Bay Village, no rights shall vest on behalf of the applicant, which would be enforceable against the Village until after a Public Meeting is held by the Village Commission and the Village Commission has voted favorable on the proposed petition.

I, (We) further acknowledge that I (We) have read and understand the conditions for appearance before the Planning & Zoning Board and the Village Commission Pursuant to the Village Code Section 152.096. Any person submitting false information or misrepresenting in their presentation shall have all privileges granted to them by the Planning & Zoning Board and the Village Commission revoked.

**(NOTE: ALL NEW AND SUBSTANTIAL IMPROVEMENTS MUST COMPLY WITH THE FLORIDA BUILDING CODE, DEPARTMENT OF ENVIRONMENTAL RESOURCE MANAGEMENT (DERM), AND FEMA (FLOOD) REGULATIONS).**

*[Handwritten Signature]*  
Authorized Signature

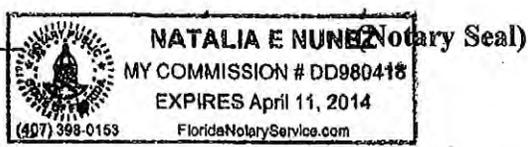
Lisa M Poklop  
Print Name

(In case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's position in the corporation and embossed with the corporate seal.)

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE )

Sworn to and subscribed to before me this 20 day of SEPTEMBER 2013  
by LISA M. POKLOP  
who is personally known to me or who has produced \_\_\_\_\_  
as identification.

*[Handwritten Signature]*  
Notary Public



- |                            |                         |                                      |                              |                                |
|----------------------------|-------------------------|--------------------------------------|------------------------------|--------------------------------|
| Mayor<br>Connie Leon-Kreps | Vice Mayor<br>Eddie Lim | Commissioner<br>Dr. Richard Chervony | Commissioner<br>Wendy Duvall | Commissioner<br>Jorge Gonzalez |
|----------------------------|-------------------------|--------------------------------------|------------------------------|--------------------------------|

**Office Use Only:**

Date Submitted: 10/9/13

Fee Paid: \$ 100.00

Tentative Meeting Date: 11/12/13

Cash  or Check  # 125289

Date Paid: 10/9/13

Mayor  
**Connie Leon-Kreps**

Vice Mayor  
**Eddie Lim**

Commissioner  
**Dr. Richard Chervony**

Commissioner  
**Wendy Duvall**

Commissioner  
**Jorge Gonzalez**



## North Bay Village

Administrative Offices

1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

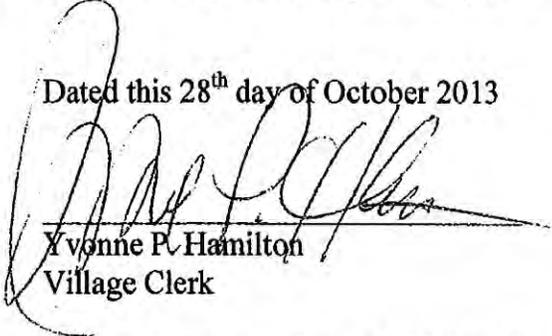
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

Re: Verizon Wireless in cooperation with the  
Bayview Condominium at North Bay Village Association, Inc.  
1625 Kennedy Causeway  
North Bay Village, FL 33141

Request for Non-Use Variance to install Diesel-Fueled Generator

I, Yvonne P. Hamilton, Village Clerk hereby certify, as per Section 152.096(A)(2) of the North Bay Village Code of Ordinances, that the petition filed by Verizon Wireless in cooperation with the Bayview Condominium at North Bay Village Association, Inc. at 1625 Kennedy Causeway is complete.

Dated this 28<sup>th</sup> day of October 2013

  
Yvonne P. Hamilton  
Village Clerk

(Commission Meeting – 11/12/2013)

Mayor  
Connie Leon-Kreps

Vice Mayor  
Eddie Lim

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Jorge Gonzalez



## North Bay Village

Administrative Offices

1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: [www.nbvillage.com](http://www.nbvillage.com)

**RE: A REQUEST BY BAYVIEW CONDOMINIUM ASSOCIATION, AT 1625 KENNEDY CAUSEWAY, TREASURE ISLAND, WITHIN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT, NORTH BAY VILLAGE, FLORIDA FOR A NON-USE VARIANCE PURSUANT TO SECTION 152.0971 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FROM THE STANDARDS OF SECTION 152.029(C)(2) TO ALLOW A NATURAL GAS GENERATOR TO BE SETBACK 8.5 FEET FROM THE SIDE PROPERTY LINE, WHERE A SETBACK OF 15 FEET IS REQUIRED.**

I, Yvonne P. Hamilton, Village Clerk, hereby certify that the attached Notice of Public Hearing was mailed to property owners and residents within 300 feet of the property of the subject request pursuant to Section 152.096(A)(2) of the North Bay Village Code of Ordinances on May 30, 2014.

Dated this 30th day of May 2014.

Yvonne P. Hamilton  
Village Clerk

(Commission Meeting-6/10/2014)

Mayor  
Connie Leon-Kreps

Vice Mayor  
Eddie Lim

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Jorge Gonzalez



## North Bay Village

Administrative Offices

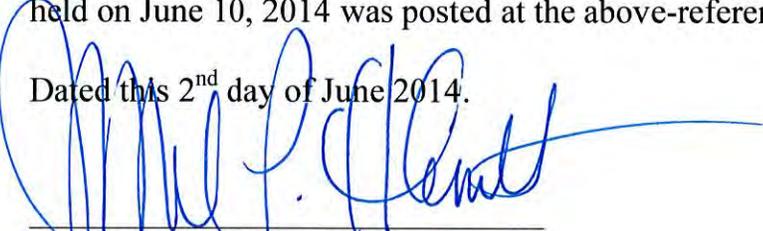
1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: [www.nbvillage.com](http://www.nbvillage.com)

**RE: A REQUEST BY BAYVIEW CONDOMINIUM ASSOCIATION, AT 1625 KENNEDY CAUSEWAY, TREASURE ISLAND, WITHIN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT, NORTH BAY VILLAGE, FLORIDA FOR A NON-USE VARIANCE PURSUANT TO SECTION 152.0971 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FROM THE STANDARDS OF SECTION 152.029(C)(2) TO ALLOW A NATURAL GAS GENERATOR TO BE SETBACK 8.5 FEET FROM THE SIDE PROPERTY LINE, WHERE A SETBACK OF 15 FEET IS REQUIRED.**

I, Yvonne P. Hamilton, hereby certify that the attached Notice of Public Hearing to be held on June 10, 2014 was posted at the above-referenced property on May 31, 2014.

Dated this 2<sup>nd</sup> day of June 2014.

  
\_\_\_\_\_  
Yvonne P. Hamilton  
Village Clerk

(Commission Meeting-6/10/2014)

Mayor  
Connie Leon-Kreps

Vice Mayor  
Eddie Lim

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Jorge Gonzalez



**NORTH BAY VILLAGE  
NOTICE OF PUBLIC HEARING**

PUBLIC NOTICE IS HEREBY GIVEN THAT THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A REGULAR MEETING ON **TUESDAY, JUNE 10, 2014** AT 7:30 P.M., OR AS SOON AS POSSIBLE THEREAFTER, AT VILLAGE HALL, 1666 KENNEDY CAUSEWAY, #101, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING THE COMMISSION WILL CONSIDER THE FOLLOWING REQUEST:

1. **A REQUEST BY BAYVIEW CONDOMINIUM ASSOCIATION, AT 1625 KENNEDY CAUSEWAY, TREASURE ISLAND, WITHIN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT, NORTH BAY VILLAGE, FLORIDA FOR A NON-USE VARIANCE PURSUANT TO SECTION 152.0971 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FROM THE STANDARDS OF SECTION 152.029(C)(2) TO ALLOW A NATURAL GAS GENERATOR TO BE SETBACK 8.5 FEET FROM THE SIDE PROPERTY LINE, WHERE A SETBACK OF 15 FEET IS REQUIRED.**

INTERESTED PERSONS ARE INVITED TO APPEAR AT THIS MEETING OR BE REPRESENTED BY AN AGENT, OR TO EXPRESS THEIR VIEWS IN WRITING ADDRESSED TO THE COMMISSION C/O THE VILLAGE CLERK, 1666 KENNEDY CAUSEWAY, #300, KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FL 33141.

THE DOCUMENTS PERTAINING TO THIS PUBLIC HEARING MAY BE INSPECTED AT THE OFFICE OF THE VILLAGE CLERK DURING REGULAR BUSINESS HOURS AT 1666 KENNEDY CAUSEWAY, #300. INQUIRIES MAY BE DIRECTED TO THAT DEPARTMENT AT (305) 756-7171.

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES IF ANY PERSON DECIDES TO APPEAL ANY DECISION BY THE COMMISSION WITH RESPECT TO THIS OR ANY MATTER CONSIDERED AT ITS MEETING OR ITS HEARING, SUCH PERSON MUST ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE VILLAGE FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

TO REQUEST THIS MATERIAL IN ACCESSIBLE FORMAT, SIGN LANGUAGE INTERPRETERS, INFORMATION ON ACCESS FOR PERSON WITH DISABILITIES, AND/OR ANY ACCOMMODATION TO REVIEW ANY DOCUMENT OR PARTICIPATE IN ANY VILLAGE-SPONSORED PROCEEDING, PLEASE CONTACT (305) 756-7171 FIVE DAYS IN ADVANCE TO INITIATE YOUR REQUEST. TTY USERS MAY ALSO CALL 711 (FLORIDA RELAY SERVICE).

YVONNE P. HAMILTON, CMC  
VILLAGE CLERK

(May 29, 2014)

COLE BN NORTH BAY VILLAGE FL  
1665 KENNEDY CAUSEWAY  
NORTH BAY VILLAGE, FL 33141

Benihana Restaurant  
1665 Kennedy Causeway  
N. Bay Village, FL 33141

ATLANTIC BROADBAND  
1681 KENNEDY CAUSEWAY  
NORTH BAY VILLAGE, FL  
33141

Florvest LLC  
968 N.E. 84<sup>th</sup> St reet  
Miami, FL 33138

THE SHOPPES OF NORTH BAY  
VILLAGE, LLC  
1320 S. Dixie Highway, Suite 781  
Miami, Florida 33146

THE LEXI CONDOMINIUM  
7901 HISPANOLA AVENUE  
N. BAY VILLAGE, FL 33141

THE WITE HOUSE  
CONDOMINIUM  
1770 KENNEDY CAUSEWAY  
N. BAY VILLAGE, FL 33141

BAYVIEW CONDOMINIUM  
1625 KENNEDY CAUSEWAY  
N. BAY VILLAGE, FL 33141

CAUSEWAY TOWER  
1666 KENNEDY CSWY., #600  
N. BAY VILLAGE, FL 33141

BMS North Bay Village  
P.O. Box 25025  
Glendale, CA 91201

Baymar Hotels & Properties, Inc.  
1111 Kane Concourse, #211  
Bay Harbor Islands, FL 33154-2040

Trio on the Bay  
1601 Kennedy Causeway  
N. Bay Village, FL 33141

GOL TV  
1580 Kennedy Causeway  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#1201E  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#1202D  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#1203B  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway  
#1204B  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway  
#1205G  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway  
#1207C  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway  
#PH101E  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway  
#PH102D  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway  
#PH103B  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway  
#PH104B  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway  
#PH105G  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway  
#PH106G  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway  
#PH107C  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#804D  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#805D  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#806B  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#807A  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#808A  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#809C  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway, #901E  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#902H  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#903H  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#904D  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#508A  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#509C  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#907A  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#908A  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#909C  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#1001E  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#1002H  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#1003H  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway  
#1004D  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway  
#1005B  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway  
#1006B  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway  
#1007A  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway  
#1008A  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway  
#1009C  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway  
#1102D  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway  
#1103B  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway  
#1104B  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway  
#1105G  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway  
#1106G  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway  
#1109C  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway, #501E  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#502F  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#503F  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#504D  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#505B  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#506B  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#507A  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#508A  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#509C  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway, #601E  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#602F  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#603F  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#604D  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#605B  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#606B  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#607A  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#608A  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#609C  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway, #701E  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#702F  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#703F  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#704D  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#705D  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#706B  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#707A  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#708A  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#709C  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway, #801E  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#802H  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway,  
#803H  
N. Bay Village, FL 33141

1800 Kennedy Causeway, #A-101  
North Bay Village, FL 33141

Owner / Occupant  
1800 Kennedy Causeway, #A-102  
Miami Beach, FL 33141

Owner / Occupant  
1800 Kennedy Causeway, #A103  
North Bay Village, FL 33141

Owner / Occupant  
1800 Kennedy Causeway, #A-104  
North Bay Village, FL 33141

Owner / Occupant  
1800 Kennedy Causeway, #A105  
North Bay Village, FL 33141

Owner / Occupant  
1800 Kennedy Causeway, #A106  
North Bay Village, FL 33141

Owner / Occupant  
1800 Kennedy Causeway, #A107  
North Bay Village, FL 33141

Owner / Occupant  
1800 Kennedy Causeway, #A108  
North Bay Village, FL 33141

Owner / Occupant  
1800 Kennedy Causeway, #A109  
North Bay Village, FL 33141

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1800 Kennedy Causeway, #A110  
North Bay Village, FL 33141

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1800 Kennedy Causeway, #A111  
North Bay Village, FL 33141

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1800 Kennedy Causeway #A112  
North Bay Village, FL 33141

Owner / Occupant  
1800 Kennedy Causeway, #201  
North Bay Village, FL 33141

Owner / Occupant  
1800 Kennedy Causeway, #A202  
North Bay Village, FL 33141

Owner / Occupant  
1800 Kennedy Causeway, #A203  
North Bay Village, FL 33141

Owner / Occupant  
1800 Kennedy Causeway #A204  
North Bay Village, FL 33141

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1800 Kennedy Causeway, #A205  
North Bay Village, FL 33141

Owner / Occupant  
1800 Kennedy Causeway, #A206  
North Bay Village, FL 33141

Owner / Occupant  
1800 Kennedy Causeway #A207  
North Bay Village, FL 33141

Owner / Occupant  
1800 Kennedy Causeway, #A208  
North Bay Village, FL 33141

Owner / Occupant  
1800 Kennedy Causeway, #A209  
North Bay Village, FL 33141

Owner / Occupant  
1800 Kennedy Causeway #A210  
North Bay Village, FL 33141

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1800 Kennedy Causeway, #A211  
North Bay Village, FL 33141

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1800 Kennedy Causeway, #A212  
North Bay Village, FL 33141

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1800 Kennedy Causeway #A301  
North Bay Village, FL 33141

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1800 Kennedy Causeway, #A302  
North Bay Village, FL 33141

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1800 Kennedy Causeway, #A303  
North Bay Village, FL 33141

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1800 Kennedy Causeway #A304  
North Bay Village, FL 33141

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1800 Kennedy Causeway, #A305  
North Bay Village, FL 33141

Owner / Occupant  
1800 Kennedy Causeway, #A306  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #601  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #706  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #808  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #602  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #707  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #809  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #603  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #708  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #810  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #604  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #709  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #811  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #605  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #710  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #901  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #608  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #802  
North Bay Village, FL 33141

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7901 Hispanola Avenue, #902  
North Bay Village, FL 33141

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7901 Hispanola Avenue, #702  
North Bay Village, FL 33141

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North Bay Village, FL 33141

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7901 Hispanola Avenue, #903  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #703  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #804  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #904  
North Bay Village, FL 33141

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7901 Hispanola Avenue, #704  
North Bay Village, FL 33141

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7901 Hispanola Avenue, #805  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #906  
North Bay Village, FL 33141

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7901 Hispanola Avenue, #705  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #807  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #907  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #908  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #1006  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #1108  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #910  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #1007  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #1109  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #911  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #1009  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #1110  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #912  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #1011  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #1201  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #1001  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #1012  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #1202  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #1002  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #1101  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #1203  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #1003  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #1102  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #1205  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #1004  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #1103  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #1206  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #1005  
North Bay Village, FL 33141

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7901 Hispanola Avenue, #1104  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #1207  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #1209  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #1106  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #1208  
North Bay Village, FL 33141

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North Bay Village, FL 33141

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7901 Hispanola Avenue, #1501  
North Bay Village, FL 33141

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North Bay Village, FL 33141

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North Bay Village, FL 33141

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North Bay Village, FL 33141

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7901 Hispanola Avenue, #1503  
North Bay Village, FL 33141

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7901 Hispanola Avenue, #1609  
North Bay Village, FL 33141

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North Bay Village, FL 33141

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North Bay Village, FL 33141

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North Bay Village, FL 33141

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North Bay Village, FL 33141

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North Bay Village, FL 33141

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North Bay Village, FL 33141

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North Bay Village, FL 33141

Owner/Occupant  
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North Bay Village, FL 33141

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North Bay Village, FL 33141

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North Bay Village, FL 33141

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North Bay Village, FL 33141

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North Bay Village, FL 33141

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North Bay Village, FL 33141

Owner/Occupant  
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North Bay Village, FL 33141

Owner/Occupant  
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North Bay Village, FL 33141

Owner/Occupant  
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Owner/Occupant  
7901 Hispanola Avenue, #2008  
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North Bay Village, FL 33141

Owner/Occupant  
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North Bay Village, FL 33141

Owner/Occupant  
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North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #2003  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #1809  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #2004  
North Bay Village, FL 33141



## NORTH BAY VILLAGE NOTICE OF PUBLIC HEARING

PUBLIC NOTICE IS HEREBY GIVEN THAT THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A REGULAR MEETING ON **TUESDAY, JUNE 10, 2014** AT 7:30 P.M., OR AS SOON AS POSSIBLE THEREAFTER, AT VILLAGE HALL, 1666 KENNEDY CAUSEWAY, #101, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING THE COMMISSION WILL CONSIDER THE FOLLOWING REQUESTS:

1. **A REQUEST BY YEPARA, INC., PROPERTY OWNER OF THE BUSINESS ESTABLISHMENT LOCATED AT 1884 KENNEDY CAUSEWAY, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA FOR THE FOLLOWING:**
  - A. A VARIANCE PURSUANT TO SECTION 111.03 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FROM THE STRICT INTERPRETATION OF SECTION 111.12(A)(1) AND 111.12 (B)(1) FOR THE ISSUANCE OF A BUSINESS TAX RECEIPT TO PERMIT THE SALE AND ON PREMISES CONSUMPTION OF BEER AND WINE WITHIN 300 FEET OF AN EXISTING RESTAURANT HOLDING A 4COP LICENSE AND WITHIN 500 FEET OF A PUBLIC SCHOOL.
2. **AN APPLICATION BY SILVIA OBERSTEIN CONCERNING PROPERTY LOCATED AT 7501 ADVENTURE AVENUE, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:**
  - A. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FROM THE STRICT APPLICATION OF SECTION 152.027(C)(2) TO PERMIT AN ADDITION TO A SINGLE-FAMILY RESIDENCE TO FURTHER ENCRoACH INTO THE REQUIRED SIDE YARD SETBACK, ALLOWING A SIDE YARD SETBACK OF 7.5 FEET WHERE THE CODE REQUIRES 15 FEET.
3. **AN APPLICATION BY NORTH BAY CAUSEWAY, LLC CONCERNING PROPERTY LOCATED AT 1555 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING: (FIRST PUBLIC HEARING)**
  - A. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.030(C)(3) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A MIXED-USE COMMERCIAL STRUCTURE IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT.
  - B. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 127-UNIT, 22-STORY CONDOMINIUM STRUCTURE WITH A PARKING GARAGE.
  - C. BONUS HEIGHT APPROVAL, PURSUANT TO SECTION 152.029(C)(9)-A-F OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.
  - D. A VARIANCE PURSUANT TO SECTION 152.097 OF NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW 5 STORIES OF PARKING, WHERE SECTION 152.029(C) ALLOWS A MAXIMUM OF FOUR STORIES OF PARKING.

4. **A REQUEST BY BAYVIEW CONDOMINIUM ASSOCIATION, AT 1625 KENNEDY CAUSEWAY, TREASURE ISLAND, WITHIN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT, NORTH BAY VILLAGE, FLORIDA FOR A NON-USE VARIANCE PURSUANT TO SECTION 152.0971 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FROM THE STANDARDS OF SECTION 152.029(C)(2) TO ALLOW A NATURAL GAS GENERATOR TO BE SETBACK 8.5 FEET FROM THE SIDE PROPERTY LINE, WHERE A SETBACK OF 15 FEET IS REQUIRED.**

INTERESTED PERSONS ARE INVITED TO APPEAR AT THIS MEETING OR BE REPRESENTED BY AN AGENT, OR TO EXPRESS THEIR VIEWS IN WRITING ADDRESSED TO THE COMMISSION C/O THE VILLAGE CLERK, 1666 KENNEDY CAUSEWAY, #300, KENNEDY CAUSEWAY NORTH BAY VILLAGE, FL 33141.

THE DOCUMENTS PERTAINING TO THIS PUBLIC HEARING MAY BE INSPECTED AT THE OFFICE OF THE VILLAGE CLERK DURING REGULAR BUSINESS HOURS AT 1666 KENNEDY CAUSEWAY, #300. INQUIRIES MAY BE DIRECTED TO THAT DEPARTMENT AT (305) 756-7171.

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION BY THE COMMISSION WITH RESPECT TO THIS OR ANY MATTER CONSIDERED AT ITS MEETING OR ITS HEARING, SUCH PERSON MUST ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE VILLAGE FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

TO REQUEST THIS MATERIAL IN ACCESSIBLE FORMAT, SIGN LANGUAGE INTERPRETERS, INFORMATION ON ACCESS FOR PERSON WITH DISABILITIES, AND/OR ANY ACCOMMODATION TO REVIEW ANY DOCUMENT OR PARTICIPATE IN ANY VILLAGE-SPONSORED PROCEEDING, PLEASE CONTACT (305) 756-7171 FIVE DAYS IN ADVANCE TO INITIATE YOUR REQUEST. TTY USERS MAY ALSO CALL 711 (FLORIDA RELAY SERVICE).

YVONNE P. HAMILTON, CMC  
VILLAGE CLERK

(May 20, 2014)



## North Bay Village

Administrative Offices

1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

### OFFICIAL MINUTES

#### REGULAR VILLAGE COMMISSION MEETING

**NORTH BAY VILLAGE  
1666 KENNEDY CAUSEWAY, #101  
NORTH BAY VILLAGE, FL 33141**

**MAY 13, 2014**

**7:30 P.M.**

#### **1. CALL TO ORDER.**

The meeting was called to order by Mayor Connie Leon-Kreps at 7:38 p.m., and she read the rules of conduct for the proceeding.

#### **PLEDGE OF ALLEGIANCE**

Resident Reinaldo Trujillo led the Pledge of Allegiance.

#### **ROLL CALL**

Present were the following:

Commissioner Richard Chervony  
Vice Mayor Eddie Lim  
Mayor Connie Leon-Kreps  
Commissioner Jorge Gonzalez

Commissioner Wendy Duvall was absent.

Village Manager Frank K. Rollason  
Village Attorney Robert L. Switkes  
Finance Director Bert Wrains  
Public Works Director Rodney Carrero-Santana

Police Chief Robert Daniels  
Village Planner Jim LaRue  
Deputy Village Clerk Jenorgen Guillen  
Village Clerk Yvonne P. Hamilton

**2. A. PROCLAMATIONS AND AWARDS**

**1. POLICE WEEK**

Mayor Connie Leon-Kreps read a proclamation into the record in observance of May 11 through May 20, 2014 as Police Week and May 15, 2014 as Peace Officers Memorial Day.

**2. TREASURE ISLAND ELEMENTARY SCHOOL  
EMPLOYEES: GAIL ENGELMAN AND  
VIOLET SAMBERG**

Ms. Engelman and Ms. Samberg were recognized for their support to the community through their many years of dedicated work and professionalism at Treasure Island Elementary School. The Mayor issued awards for their services. Ms. Samberg did not attend.

**3. EDDIE CRESPO, UPS**

UPS Worker Eddie Crespo was presented with an award in recognition for 30 years of service to the community.

**4. CIVILITY MONTH**

The Mayor read a proclamation into the record proclaiming the month of May as Civility Month.

**B. SPECIAL PRESENTATIONS**

**1. TREASURE ISLAND PRINCIPAL, DR. SHERRY  
KRUBITCH - IB PROGRAM**

Dr. Sherry Krubitch addressed the Commission and discussed the success of the IB program.

**C. ADDITIONS AND DELETIONS**

Commissioner Richard Chervony requested that Items 10A, 10B, and 10D be removed from the Consent Agenda to be addressed separately. Items 4B(1)(2)(3) were moved to New Business as Item 15E.

**3. GOOD & WELFARE**

Al Coletta, of 7904 West Drive, Doris Acosta, President of the Optimist Club, Mario Garcia, of 7540 Cutlass Avenue, Jorge Brito, 1865 Kennedy Causeway, Mike Schneider, 7509 Cutlass Avenue, and Jane Blake, 7601 Coquina Drive addressed the Commission.

**2. VILLAGE LOBBYIST – FAUSTO GOMEZ  
LEGISLATIVE REPORT**

Mr. Gomez reported on this session legislative issues including funding approved for the Village.

**4. BOARD REPORTS**

**A. CITIZENS BUDGET & OVERSIGHT BOARD**

A report was not provided.

**B. COMMUNITY ENHANCEMENT BOARD**

Chair Andreana Jackson presented the report for the May 1, 2014 Board Meeting.

## **C. PLANNING & ZONING BOARD**

Chair Reinaldo Trujillo reported on the April 29, 2014 Board Meeting.

Commissioner Richard Chervony made a motion to hear Items (14B1, 14B2, and 14B3), New Item 15E next on the agenda followed by Items 13A and 13B. Commissioner Jorge Gonzalez seconded the motion, which was adopted by a 5-0 roll call vote.

## **15E. COMMUNITY ENHANCEMENT BOARD**

### **1. Removal of Board Member**

Commissioner Jorge Gonzalez made a motion to remove Odalys Becerra from the Community Enhancement Board for failure to attend meetings. Commissioner Richard Chervony seconded the motion, which was adopted by a 4-0 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, Commissioner Richard Chervony, and Commissioner Jorge Gonzalez all voting Yes.

### **2. Vision Statement - Landscaping**

Commissioner Jorge Gonzalez made a motion to table Item 4B(2), (New 15E(2) – Vision Statement. Commissioner Richard Chervony seconded the motion, which was adopted by a 4-0 roll call vote.

### **3. Proposal for Native Landscaping at Island Entrance**

It was the consensus of the Commission for the Village Manager to start a pilot program with native plantings for landscaping the island entrances.

The Mayor opened the floor to public comments, and there were no speakers.

**13. PUBLIC HEARINGS INCLUDING ORDINANCES FOR SECOND READING:**

- A. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA APPROVING A REQUEST BY 7914 BUILDING LLC FOR SITE PLAN APPROVAL PURSUANT TO SECTIONS 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 52 UNIT, 15 STORY MULTI-FAMILY CONDOMINIUM STRUCTURE AT 7914, 7916 AND 7918 WEST DRIVE; PROVIDING FOR FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

The Village Clerk read the item into the record.

Village Planner, Jim LaRue, of LaRue Planning & Management Services, Inc., presented the Staff Report recommending approval of the request with the following conditions prior to issuance of a Building Permit:

1. Submittal of an irrigation plan which meets Miami-Dade Chapter 18A requirements
2. Dedication and recording of the waterfront public boardwalk easement along the western property line and the 5 foot wide access easement along the southern property line as per section 152.029(C)(7).
3. Site plan approval from Miami-Dade Shoreline Review Committee.
4. Meeting Miami-Dade School Board Concurrency requirements as determined by School Board Staff.
5. Payment of any applicable impact fees.
6. Payment of bonus density fees, as required under Section 152.029(C)8F.

7. Tie-in to Village's wastewater system at a Village designed proximate location (proposed connection point) and payment of pro-rata costs involved in tying into appropriate connection point.
8. Cost recovery charges must be paid 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.
9. Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.
10. Approval of this site plan does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for approval if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that result in a violation of federal or state law.
11. All applicable state and federal permits must be obtained before commencement of construction.
12. Valet parking will be continuously required and maintained as a part of this development. This provision shall be included in the condominium documents and bylaws.
13. Parking spaces which were required for plan approval cannot be leased or sold to residents of this development, nor can guests be charged for parking.
14. Residents and guests of this development shall not utilize street parking and may only use the required parking within the building.
15. A generator or generators must be provided as backup for the Parking Lifts in the event of power failure.

Mr. LaRue noted that the Planning & Zoning Board had recommended approval of the request by a 5-0 vote.

Village Attorney Robert Switkes advised on the requirements of Section 29 of the Village Code regarding the provisions for conduct of quasi-judicial Public Hearings, and swore in all those planning to testify. The Village Attorney asked the Commission Members to disclose any ex-parte communication or conflict of interest regarding the request.

There was no exparte communication or conflict of interest by any member of the Commission.

The Mayor opened the Public Hearing.

Al Coletta, of 7904 West Drive, addressed the Commission.

There being no further speakers, the Mayor closed the Public Hearing.

Commissioner Richard Chervony made a motion to approve the request for Site Plan Approval for development of a 52 unit, 15 story multi-family residential structure at 7914, 7916, and 7918 West Drive, with the conditions outlined above. Commissioner Jorge Gonzalez seconded the motion.

Wayne Pathman, of Pathman Lewis, LLP, One Biscayne Tower, Suite 2400, Two South Biscayne Boulevard, Miami, FL 33141, counsel for the applicant, accepted the conditions of approval.

The votes were as follows: Commissioner Jorge Gonzalez, Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, and Commissioner Richard Chervony all voting Yes.

- B. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY 7914 BUILDING LLC FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTION 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

The Village Clerk read the item into the record.

Commissioner Richard Chervony made a motion to approve the request to allow up to twenty percent of the development's required parking spaces to be designed specifically for compact vehicles. Vice Mayor Eddie Lim seconded the motion.

The Mayor opened the Public Hearing, and there were no speakers.

The motion was adopted by a 4-0 roll call vote. The vote was as follows: Commissioner Jorge Gonzalez, Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, and Commissioner Richard Chervony all voting Yes.

**5. PUBLIC SAFETY DISCUSSION**

Chief Robert Daniels led the public safety discussion.

**6. COMMISSIONERS' REPORTS**

Mayor Connie Leon-Kreps, Commissioner Jorge Gonzalez, Commissioner Richard Chervony, and Vice Mayor Eddie Lim all presented reports.

**7. VILLAGE ATTORNEY'S REPORT**

Village Attorney Robert Switkes presented a report.

**8. VILLAGE MANAGER'S REPORT**

**A. Grant Writer's Report**

The Village Manager discussed his report, which was included in the agenda package. He announced the Special Commission Meeting to hear the results of the Barry University Citizen Survey for May 15, 2015 and the Budget Workshop for May 22, 2014.

LaKeesha Morris, MSW, Senior Director of Development, BellTower Consulting Group, LLC discussed the Village's grant activities.

**9. FINANCE REPORT**

Finance Director Bert Wrains presented the financial report for the period ending March 31, 2014.

- 12B. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA ACCEPTING THE RECOMMENDATION OF THE VILLAGE MANAGER AND APPROVING KIMLEY-HORN & ASSOCIATES, INC. AS THE NUMBER ONE RANKED PROPOSER FOR RFQ NO. NBV 2014-001 FOR ARCHITECTURAL AND ENGINEERING SERVICES FOR THE DEVELOPMENT OF DESIGNS AND CONSTRUCTION DOCUMENTS FOR THE CONSTRUCTION OF THE BAYWALK PLAZA AREA PROJECT; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO A CONTRACT FOR THE SCOPE OF SERVICES; DIRECTING VILLAGE OFFICIALS TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND SETTING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**

The Village Clerk read the item into the record.

Village Manager Frank K. Rollason made a brief presentation on the item.

The Mayor opened the floor to public comments.

Kevin Vericker, of 7520 Cutlass Avenue, addressed the Commission in opposition to moving forward with the project at this time.

Reinaldo Trujillo, of 7601 E. Treasure Drive, reminded the Commission that new developments are required to provide easements for the proposed boardwalk.

Commissioner Richard Chervony noted for the record that the Baywalk Project should be second to the infrastructure and other major projects.

Vice Mayor Eddie Lim made a motion to approve the Resolution. Commissioner Jorge Gonzalez seconded the motion, which was adopted by a 3-1 roll call vote. The vote was as follows: Commissioner Jorge Gonzalez, Mayor Connie Leon-Kreps, and Vice Mayor Eddie Lim all voting Yes. Commissioner Richard Chervony voted No.

10. **CONSENT AGENDA: Matters on the Consent Agenda are self-explanatory and are not expected to require discussion or review. Items will be enacted by one motion. If discussion is desired by any member of the Commission, that item must be removed from the Consent Agenda and will be considered separately.**

Items 10A, 10B, and 10D were removed from the Consent Agenda to be discussed separately.

- C. **A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO EXECUTE A RELEASE AND SETTLEMENT AGREEMENT WITH DENNIS KELLY; AUTHORIZING THE VILLAGE OFFICIALS TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE RELEASE AND SETTLEMENT AGREEMENT; AUTHORIZING THE EXPENDITURE OF BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**

Vice Mayor Eddie Lim made a motion to approve the Consent Agenda Item 10C. Commissioner Jorge Gonzalez seconded the motion, which was adopted by a 4-0 roll call vote. The vote was as follows: Commissioner Richard Chervony, Commissioner Jorge Gonzalez, Mayor Connie Leon-Kreps, and Vice Mayor Eddie Lim all voting Yes.

- A. **A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA SUPPORTING FLORIDA HOUSE BILL 169, RELATING TO TOBACCO AND NICOTINE PRODUCT REGULATION, INCLUDING CREATING SECTION 569.24, FLORIDA STATUTES TO EXPRESSLY PREEMPT TO THE STATE THE REGULATION OF THE SALE OF TOBACCO PRODUCTS, NICOTINE PRODUCTS, AND NICOTINE DISPENSING DEVICES; DIRECTING THE VILLAGE CLERK TO FORWARD THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY MAYOR CONNIE LEON-KREPS AND COMMISSIONER JORGE GONZALEZ)**

Item 10A was withdrawn from the agenda as the House had already taken action on the matter.

- B. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA SUPPORTING FLORIDA HOUSE BILL 153 AND FLORIDA SENATE BILL 224, AMENDING FLORIDA STATUTES TO EXTEND THE CURRENT PROHIBITIONS RELATING TO TOBACCO PRODUCTS FOR PERSONS UNDER THE AGE OF 18, TO PROHIBIT THE SALE, GIFTING, POSSESSION OR USE OF NICOTINE DISPENSING DEVICES, INCLUDING, BUT NOT LIMITED TO, ELECTRONIC CIGARETTES, TO AND BY PERSONS UNDER THE AGE OF 18; DIRECTING THE VILLAGE CLERK TO FORWARD THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY MAYOR CONNIE LEON-KREPS AND COMMISSIONER JORGE GONZALEZ)**

Item 10B was withdrawn from the agenda as the House had already taken action on the matter.

- D. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, URGING GOVERNOR RICK SCOTT AND THE MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT THE FUNDING REQUEST OF \$250,000 FOR THE RENOVATION OF THE MIAMI MARINE STADIUM AND FUNDS IN THE AMOUNT OF UP TO \$8 MILLION, FOR THE ENVIRONMENTAL CLEANUP OF WAGNER CREEK/SEYBOLD CANAL; DIRECTING THE VILLAGE CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE OFFICIALS DESIGNATED HEREIN; SETTING AN EFFECTIVE DATE. (INTRODUCED BY MAYOR CONNIE LEON-KREPS)**

The Village Manager explained that the Resolution was being provided at the request of Mayor Tomas Regalado.

The Mayor opened the floor to public comments, and there were no speakers.

Vice Mayor Eddie Lim made a motion to approve the Resolution, and Commissioner Jorge Gonzalez seconded the motion.

Commissioner Richard Chervony stated for the record that the Mayor had admonished him for interfering with another city when he brought up support for a County park that he uses. However, the Commission is now interfering in another city's business with this Resolution for the Miami Marine Stadium.

Mayor Connie Leon-Kreps stated for the record that Mayor Tomas Regalado had requested her assistance with the Resolution.

The motion was adopted by a 3-1 roll call vote. The vote was as follows: Commissioner Jorge Gonzalez, Mayor Connie Leon-Kreps, and Vice Mayor Eddie Lim all voting Yes. Commissioner Richard Chervony voted No.

## **11. PLANNING & ZONING CONSENT AGENDA**

**No Items.**

## **12. ORDINANCES FOR FIRST READING AND RESOLUTIONS**

- A. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, 'FLORIDA (VILLAGE), CREATING A PROPERTY ASSESSED CLEAN ENERGY PROGRAM AND AUTHORIZING THE VILLAGE TO JOIN IN THE TOWN OF BAY HARBOR ISLANDS, THE TOWN OF SURFSIDE, AND THE VILLAGE OF BISCAYNE PARK IN CREATING THE CLEAN ENERGY COASTAL CORRIDOR PROGRAM IN ACCORDANCE WITH SECTION 163.08, FLORIDA STATUTES; ADOPTING AN INTERLOCAL AGREEMENT PURSUANT TO SECTION 163.01, FLORIDA STATUTES RELATING TO THE CORRIDOR; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY COMMISSIONER JORGE GONZALEZ)**

The Village Clerk read the Resolution by title.

Commissioner Jorge Gonzalez gave a brief presentation on the item.

The Mayor opened the floor to public comments.

Kevin Vericker, of 7520 Cutlass Avenue and Mario Garcia, of 7540 Cutlass Avenue addressed the Commission.

The Mayor closed the floor to public comments.

Commissioner Jorge Gonzalez made a motion to approve the Resolution, and Vice Mayor Eddie Lim seconded the motion, which was adopted by a 4-0 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, Commissioner Richard Chervony, and Commissioner Jorge Gonzalez all voting Yes.

**14. UNFINISHED BUSINESS**

There was no unfinished business.

**15. NEW BUSINESS**

**A. APPOINTMENT OF MEMBERS TO THE BUSINESS DEVELOPMENT ADVISORY COMMITTEE**

Commissioner Jorge Gonzalez made a motion to appoint Clinton Beard, of 1881 – 79<sup>th</sup> Street Causeway, #1006 and Michael Tannhauser, of 7512 Mutiny Avenue to the Business Development Advisory Committee. Vice Mayor Eddie Lim seconded the motion, which was adopted by a 3-1 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, and Commissioner Jorge Gonzalez all voting Yes. Commissioner Richard Chervony voted No.

**B. APPOINTMENT OF MEMBER TO THE COMMUNITY ENHANCEMENT BOARD**

The Commission voted by ballot to appoint Ana Watson to the Community Enhancement Board as follows, and the Village Clerk announced the results.

Commissioner Richard Chervony-Ana Watson  
Vice Mayor Eddie Lim-Ana Watson  
Commissioner Jorge Gonzalez-Ana Watson  
Mayor Connie Leon-Kreps-Ana Watson

Commissioner Richard Chervony made a motion to appoint Ana Watson to the Community Enhancement Board. Vice Mayor Eddie Lim seconded the motion, which was adopted by a 4-0 roll call vote. The vote was as follows: Commissioner Jorge Gonzalez, Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, and Commissioner Richard Chervony all voting Yes.

**C. APPOINTMENT OF MEMBERS TO THE PLANNING & ZONING BOARD**

The Commission voted by ballot to appoint the following candidates to the Planning & Zoning Board, and the Village Clerk announced the results.

Ido Alexander: Mayor Connie Leon-Kreps  
Commissioner Jorge Gonzalez

William C. Webb: Mayor Connie Leon-Kreps  
Commissioner Jorge Gonzalez  
Commissioner Richard Chervony  
Vice Mayor Eddie Lim

Mario Garcia: Commissioner Richard Chervony

Michael Tannhauser: Vice Mayor Eddie Lim

Mayor Connie Leon-Kreps made a motion to appoint Ido Alexander, of 1881 – 79<sup>th</sup> Street Causeway and William C. Webb, Jr., of 1357 Bay Terrace, to the Planning & Zoning Board. Vice Mayor Eddie Lim seconded the motion, which was adopted by a 3-1 roll call vote. The vote was as follows: Vice Mayor Eddie Lim, Commissioner Jorge Gonzalez, and Mayor Connie Leon-Kreps all voting Yes. Commissioner Richard Chervony voted No.

**D. APPOINTMENT OF MEMBERS TO THE YOUTH & EDUCATION SERVICES BOARD/SCHOLARSHIP COMMITTEE**

Mayor Connie Leon-Kreps made a motion to appoint Serafin Gomez, of 1666 Kennedy Causeway, #703 and Rosa Neely, of 7901 Hispanola Avenue to the Youth & Education Services Board and the North Bay Village Scholarship Committee. Vice Mayor Eddie Lim seconded the motion, which was adopted by a 3-1 roll call vote. The vote was as follows: Vice Mayor Eddie Lim, Commissioner Jorge Gonzalez, and Mayor Connie Leon-Kreps all voting Yes. Commissioner Richard Chervony voted No.

**16. APPROVAL OF MINUTES**

**A. REGULAR COMMISSION MEETING – APRIL 8, 2014**

Commissioner Richard Chervony made a motion to approve the Minutes as submitted. Vice Mayor Eddie Lim seconded the motion, which was adopted by a 4-0 roll call vote. The vote was as follows: Commissioner Jorge Gonzalez, Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, and Commissioner Richard Chervony all voting Yes.

**17. ADJOURNMENT**

The meeting adjourned at 11:20 p.m.

*Prepared: Yvonne P. Hamilton, CMC*

*Adopted by North Bay Village on*

*this 10th day of June, 2014.*

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*Connie Leon-Kreps, Mayor*

(Note: The Minutes are not a verbatim record of the meeting. A copy of the audio recording is available at the Village Clerk's Office until the time for disposition in accordance with the Records Disposition and other Public Records Law.)