



## 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

#### SPECIAL VILLAGE COMMISSION MEETING

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

TUESDAY, FEBRUARY 24, 2015

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. PUBLIC HEARINGS: (ALL INDIVIDUALS DESIRING TO PROVIDE TESTIMONY SHALL BE SWORN IN.)

A. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY CHATEAU ISLE, INC. FOR A SPECIAL USE EXCEPTION PURSUANT TO 152.044(E)(2) OF THE VILLAGE CODE OF ORDINANCES FOR A PARKING WAIVER; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

1.) Commission Action

- B. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA APPROVING A REQUEST BY 7940 WEST DRIVE LLC FOR SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 54 UNIT, 15 STORY MULTI-FAMILY CONDOMINIUM STRUCTURE AT 7938 AND 7940 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA; 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.**
- C. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY 7940 WEST DRIVE 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 REQUIRE 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.**
- 1.) Commission Action**
- D. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY BAY VILLAGE VENTURE, LLC FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTION 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A MIXED-USE COMMERCIAL STRUCTURE WITH A PARKING GARAGE IN THE CG (GENERAL COMMERCAL) ZONING DISTRICT AT 1725 KENNEDY CAUSEWAY; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**
- E. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY BAY VILLAGE VENTURE, LLC, 1725 KENNEDY CAUSEWAY, 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.**

- F. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY BAY VILLAGE VENTURE, LLC FOR A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES IN CONNECTION WITH THE SITE PLAN APPLICATION FOR DEVELOPMENT OF A MIXED USE COMMERCIAL STRUCTURE AT 1725 KENNEDY CAUSEWAY TO ALLOW FIVE STORIES OF PARKING WHERE SECTION 152.029(C) ALLOWS A MAXIMUM OF FOUR STORIES; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**
- G. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA APPROVING A REQUEST BY BAY VILLAGE VENTURE LLC FOR SITE PLAN APPROVAL PURSUANT TO SECTIONS 152.105(C)(9) AND 152.030(C)(3) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 43 UNIT, 19 STORY MIXED USE COMMERCIAL STRUCTURE WITH A PARKING GARAGE AT 1725 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, 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.**
- 1.) Commission Action**
- H. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA APPROVING A REQUEST BY BRICK VILLAGE, LLC FOR SITE PLAN APPROVAL PURSUANT TO SECTIONS 152.105(C)(9) AND 152.030(C)(3) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 75 UNIT, 22 STORY MIXED USE COMMERCIAL AT 1601 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, 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.**

I. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY BRICK VILLAGE 79, LLC FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTION 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 AT 1601 KENNEDY CAUSEWAY; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

J. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY BRICK VILLAGE 79, LLC, 1601 KENNEDY CAUSEWAY, 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.

1.) Commission Action

K. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING THE INSTALLATION OF TWO NEW BOATLIFTS ON EXISTING DOCKS AT 7601 EAST TREASURE DRIVE, PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

1.) Commission Action

3. AUTHORIZATION TO INITIATE COMPREHENSIVE PLAN AMENDMENTS

1.) Commission Action

4. ADJOURNMENT



## Staff Report Site Plan

*Prepared for:* North Bay Village  
Commission

*Applicant:* Chateau Isle, Inc.

*Site Address:* 7939-7941 West Drive

*Request:* Parking Waiver



**LaRue** Planning  
& Management Services, Inc.  
1375 Jackson Street, Suite 206  
Fort Myers, Florida  
239-334-3366

Serving Florida Local Governments Since 1988

**General Information**

Owner/Applicant:	Chateau Isle, Inc.
Applicant Address:	7939-7941 West Drive North Bay Village, FL 33141
Site Address:	7939-7941 West Drive
Contact Person:	Satoko Umeda
Contact Phone Number:	305-281-3759
E-mail Address	sufrost1@bellsouth.net
Future Land Use	Commercial
Zoning District	RM-70
Use of Property	Condominium
Acreage	0.51 acres

**Legal Description of Subject Property**

CHATEAU ISLE CO-OP, HARBOR ISLAND PB 44-72, LOTS 64 AND 66 FAU 23-3209-001-0460

**General Description**

The development of the Blu project at the end of West Drive has resulted in the need for a cul-de-sac in the public right-of-way to allow for emergency vehicle turn around. The construction of this cul-de-sac has eliminated several public parking spaces which were in front of the Chateau Isle Condominiums. The Harbor Island Subdivision plat was approved and filed by Miami-Dade County in 1946. Subsequently, the Chateau Isle Condominium Building was constructed in 1956 and does not have any on-site parking, so the residents of Chateau Isle had been using these public parking spaces. Due to the reduction in the number of public parking spaces in front of their property, it has become difficult for some of the Chateau residents to find parking.

The Chateau Condominium Association would like to construct new parking spaces between their building and the existing public parking spaces. This would provide a tandem parking situation such that one car would be parked behind another. These proposed parking spaces would be placed partly on Chateau Isle property and partly on the public right-of-way, occupying the space where the existing side walk and front lawn are. Additionally, the existing handicap parking space would be relocated to the opposite side of West Drive. Because this plan does not comply with the North Bay Village Land Development Code, the Chateau Isle Condominium Association has applied for a parking waiver, according to Section 152.044(E)(2).



## Requested Items

In order for this waiver to be approved, the following items must be addressed, because many aspects of the proposed parking layout do not comply with the North Bay Village Land Development Code:

1. Allowance of tandem parking spaces, where it is prohibited by section 152.003 and Section 152.042(A)
2. Allowance to construct a parking lot without providing handicap accessible parking spaces according to Section 152.042(D)
3. Allowance to construct parking spaces less than 9 ft by 18 ft, where it is required by Section 142.042(F)
4. Allowance to construct a parking lot without providing landscaping according to Miami-Dade Chapter 18-A, where it is prohibited by Section 152.042(J)
5. Allowance to construct parking spaces with no right-of-way setback, where it is prohibited by Section 152.042(K)
6. Allowance of back out parking, where it is prohibited by section 152.042(P)

Additionally, the following items are not specifically prohibited but do present issues for the Village residents and Village Administration:

1. Allowance to remove the sidewalk
2. Allowance to construct parking spaces which extend into the public right-of-way

## Assessment of Issues

The requested parking waiver proposal depicts individual parking spaces that would exist on both the Chateau Isle property and on the public right-of-way property. This presents issues regarding ownership, maintenance and liability for those parking spaces.

The proposal depicts tandem parking arrangements that allow one vehicle to park behind another such that the vehicle in the rear space would be required to move to provide egress for the vehicle parked in front. This presents practical issues of blocked vehicles unless both of the parking spaces in the tandem configuration are assigned to one dwelling unit. However, it is staff's concern that parking spaces in the public right-of-way (or partially in the public right-of-way) should not be allocated to any one person, dwelling unit, or building. Additionally, the proposed spaces which are blocked in do not



meet the definition of a parking space as defined in Section 152.003, which reads as follows:

*Parking space, off-street. An all-weather surfaced area, exclusive of streets, alleys, and driveways, permanently reserved for the temporary storage of one vehicle and connected with a street or alley by an all-weather surfaced driveway, which affords ingress and egress for a vehicle without requiring another vehicle to be moved.*

The parking spaces proposed closest to the roundabout are non-standard size, compact parking spaces. Additionally, they stick out further than any of the existing street parking spaces on West Drive. If these compact spaces are used for anything other than compact cars, there could be issues regarding ingress to the Blu development.

The proposal includes the removal of the sidewalk from the public right-of-way in front of the Chateau Isle building. Currently, that section of sidewalk is part of a larger continuous sidewalk that exists unbroken from the north end of West Drive, wrapping around the south end of Harbor Island, and continuing to the north end of East Drive. The sidewalk on the other side of the roadway is not continuous. If this parking plan is approved, it would allow the removal of a sidewalk that is currently the only provision for safe travel for pedestrians from one side of Harbor Island to another, especially when many residents still rely on that sidewalk to walk to their vehicles which may be parked much further down the roadway from their residence.

The street parking in the public right-of-way directly in front of the Chateau Isle building has already been reduced due to the roadwork for the roundabout installation for the Blu development. This roundabout was required by FDOT to address the issue of emergency vehicle circulation at the end of West Drive. As more redevelopment occurs on Harbor Island, it is likely that the existing street parking will be further reduced.

As we stated earlier, Chateau Isle was built in 1956 without any on-site parking and the residents there are completely reliant on the street parking in the public right-of-way on Harbor Island. There are many other buildings with similar non-conforming parking issues on Harbor Island, which means this problem could reoccur in the future. In an effort to provide an alternate solution to this specific hardship and related Harbor Island parking issues, we recommend that rather than create more nonconformities through the parking waiver, the parking decal program could be modified to provide parking relief for Chateau Isle residents and other Harbor Island residents in the same circumstances. Staff recommends the following rules as a starting point:



1. Anyone may use the street parking on Harbor Island from sunrise until sunset.
2. Only decal holders may use the street parking on Harbor Island from sunset until sunrise.
3. Decals shall be allowed as a first priority for residents of Harbor Island at addresses with non-conforming parking. (such as Chateau Isle)
4. Daily and weekly temporary guest parking decals may be purchased by any resident of Harbor Island, at a rate to be determined by the Village.

Additionally, staff is proposing revisions to the Land Development Code which would create incentives for developers to provide additional public parking along East Drive and West Drive.

### Planning & Zoning Board Hearing Results

When this parking waiver request was heard by the Village Planning & Zoning Board, there were several issues raised by the board members, as well as the public. Generally. Those concerns are as follows:

The western most parking spaces shown on the site plan are intended for the tandem parking of compact cars. Examination of real world parking practices shows that there can be a varied interpretation of what constitutes a compact car by the general public. It seems likely that there will be instances of individuals attempting to park non-compact vehicles in those spaces designated for compact cars. This is likely to cause a situation whereby vehicles are extending into the roadway, blocking ingress to the cul-de-sac and the Blu Development. It was suggested that these spaces not be designated for tandem use but remain as single car spaces. The Chateau representatives said they would prefer not to accept this and suggested moving the compact spaces closer to the building. Staff stated that the relocation could be detrimental to the garbage pick-up and recommended that the Public Works Director must be satisfied that the new compact car relocation works. This issue has yet to be resolved.

The proposed parking plan eliminates the sidewalk in front of the Chateau property. This creates a situation whereby pedestrians will have to depart from the sidewalk and walk into the roadway to access the Chateau building entryway. One member of the public spoke on behalf of his elderly mother stating that would create a very undesirable situation for her, considering that she does not own a vehicle and should not have to walk into a busy roadway when leaving or returning to her residence.



When the planning staff was initially approached regarding this plan, it was theorized that the handicap parking space relocation to the opposite side of West Drive might not be an issue, due to the fact that the existing handicap accessible parking space is on the public right-of-way and was never counted toward any required on-site parking of the Chateau Isle property. However, issues were raised by the board members and the Village Attorney that the complexity of ADA requirements could possibly dictate that it may be necessary to incorporate a handicap accessible parking space on the Chateau Isle side of the street. This is because the proposed plan will create parking spaces that will be partially on the Chateau Isle property and thus, could be considered an on-site parking lot that may be bound by the federal ADA requirements to provide handicap accessible parking spaces on-site. Due to the unprecedented uniqueness of the proposed situation to create parking spaces partially on the Chateau property and partially on the public right-of-way, it is the recommendation of staff that the Village err on the side of caution and insist that the proposed plan be revised to provide at least one handicap accessible parking space.

Due to this discussion, the Chateau Isle representatives agreed, on the record, that the Site Plan submitted for a building permit would be in compliance with all ADA regulations.

## Recommendations

While the Applicant has presented an innovative approach to a difficult lack-of-parking situation, Staff is concerned that the proposed plan will only make the overall parking situation on Harbor Island worse.

However, if this parking waiver is approved, Staff recommends that approval be based on the following conditions being met prior to the issuance of a building permit:

- 1) Pervious pavers will be used for front parking spaces.
- 2) Site Plan submitted for building permit must be in compliance with state and federal ADA regulations.
- 3) Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.
- 4) The tandem compact parking spaces should be eliminated from the plan, or their relocation must not interfere with the Village's garbage pick-up requirements.



- 5) Approval of this parking 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.
- 6) All applicable state and federal permits must be obtained before commencement of construction.
- 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 on the property), have been paid in full.

*Submitted by:*

*James G. LaRue*  
James G. LaRue, AICP  
Planning Consultant  
January 15, 2014

Hearing: North Bay Village Commission, January 27, 2014

Attachments: Applicant submitted letter  
Property Appraiser Aerial  
Aerial  
Plans



Chateau Isle, Inc.

Parking Waiver Application for Public Hearing

Project Description

Chateau Isle Co-Op ("Chateau") is located at 7939-7941 West Drive North Bay Village. The planned development at 8000 West Drive ("Blue") was approved by Miami-Dade County for construction of a cul-de-sac that will envelope and occupy one third of the public parking spaces in front of Chateau. In order for the residents of Chateau to be able to park their cars within a reasonable distance from their residence, Chateau requests that it be permitted to construct a tandem layout parking area that will utilize its private property in conjunction with the remaining public property owned by the city. The proposed new parking will be constructed at Chateau Isle, Inc.'s cost.

Chateau consists of 12, two bedroom apartments. After three meetings with Mr. Frank Rollason, Village Manager for the City of North Bay Village (Mr. Rodney Carrero-Santana, Public Works Director of North Bay Village also participated in two of these meetings) and Brett Gelsomino, Blue's development manager, in an effort to brainstorm ways for the new development to have as little impact on Chateau as possible, Blue agreed for Chateau to request the straight parking plan for the tandem parking proposed by Chateau (please see attached plan). Chateau needed more space, but in order to gain this space, it would require Blue to process a revision through Miami-Dade County and would further delay their project. During the discussion of the parties involved, and in light of research presented by all three parties, the Village Manager suggested that Chateau eliminate the sidewalk in front of their buildings from the plan, as the sidewalk from the bay walk to the cul-de-sac was only planned on the west side of West Drive, and there was no connection to the sidewalk existing in front of Chateau. The existing sidewalk in front of Chateau has been rendered effectively a sidewalk to nowhere. In order to avoid having to revise Blue's plan, the Village Manager checked with Mr. LaRue, consultant for Planning and Zoning of North Bay Village, to inquire if the City could move the handicap parking currently existing in front of Chateau across the street to the west side of the West Drive and Mr. La Rue confirmed that the City could move it across the street as long as it was within 100 feet of the building. Mr. LaRue also confirmed at that time that Chateau was not required to have a handicap parking in its private parking space area.

If the City moves the handicap parking across the street and Chateau narrows the entryway to their building, the proposed plan would be able to accommodate three (3) additional needed parking spaces on the left side of the entryway with the minimum width of eight (8) feet. With the existing nine (9) parking spaces as well as these three (3) additional spaces, Chateau would have the minimum twelve (12) parking spaces required by its residents in front of the building. The proposed Plan would have these spaces be designated tandem parking so as to accommodate 24 vehicles for Chateau residents and their guests.

Blue's current cul-de-sac plan eliminates the existing entrance to the north side of Chateau's garbage receptacles. In order for the city's waste management workers to access them, Chateau would need to plan a narrow sidewalk in front of the north side of the three proposed parking spaces. This may



push the edge of the three parking spaces further than the existing city's parking spaces would normally be toward the edge of the street. However, it is inevitable for this to occur in order for the waste management workers to access the area.

#### Items for Waiver Request and Reason for Request

1. Allowance to remove the sidewalk

At the beginning of its research and planning stage, Chateau made every effort to keep the existing sidewalk between, or at the end of the public parking spaces. However, the Village Manager found that it was not necessary as there would be no connection to the newly constructed sidewalk by Blue for access to the bay walk from the cul-de-sac. It is planned on the West side of the street. Accordingly, the existing sidewalk will end at the next property (7937) and it will transfer from the driveway of 7937 to the west side of the street. The elimination of the sidewalk in front of Chateau also would be in the best interests of the safety of the pedestrians attempting to cross this high-traffic roadway to access the sidewalk on the west side of the street.

2. Allowance to construct parking spaces that extend into the public right-of-way.

An exception to the existing plan to allow the additional parking spaces to extend slightly into the public right of way would be the only way for Chateau to construct the tandem parking it needs to resolve this hardship created by Blue by removing six (6) parking spaces as well as a portion of the green island (this is the landscaped area adjacent to the parking spaces.)

The original construction for Harbor Island never envisioned a cul-de-sac, and the end properties of West Drive and East Drive were intended to have their own spaces for the cars to come in and turn around inside of their property, as it was with Casa Marina and the currently existing property at the end of East Drive.

However, Blue proposed a construction plan that utilized almost every square inch of their property allocation in order to maximize the number of apartments they could fit into their space. For Blue to have the crucial space needed for the cars to come in and be able to turn around, including the important fire rescue trucks, it needed to construct the cul-de-sac using the public spaces in front of Chateau. The main purpose of the cul-de-sac is for their needs and the requirements of the Fire Trucks. And the city allowed them to use public property for it.

As Chateau's hardship was caused by Blue's construction, it seems only fair that, in order to resolve Chateau's reduction in parking, the City should allow Chateau to use a small parcel of its property which is a part of the existing sidewalk, just as the City allowed Blue to use the public property for their needs.



3. Allowance of tandem parking spaces, where it is prohibited by section 152.003 and section 152.042(a)

Please see the attached aerial photo of our property. One third (1/3) of the spaces in front of Chateau were taken by Blue's plan. There are not enough parking spaces left for Chateau in front of its property. Chateau's residents have the right to park their cars in front of their property without worrying about confrontations or harassment by surrounding residents. With the remaining space after the completion of Blue's project, the only remedy for the problems confronting the residents of Chateau is the proposed tandem parking plan. The property adjacent to Chateau, located on the East Drive, has already successfully implemented tandem parking spaces. Accordingly, under the circumstances, we request that the city allow Chateau to move forward with a similar plan.

4. Allowance to construct a parking lot without providing handicap accessible parking spaces according to section 152.042 (D)

As we stated in the description of the project section, and as was confirmed by Mr. LaRue, the city can move the required handicapped parking space across the street to comply with all local ordinances and regulations. The handicapped parking space will be directly across the street (transfer within 100 feet.) Mr. LaRue further confirmed that Chateau was not required to have a handicapped parking space on its premises.

5. Allowance to construct a parking spaces less than 9 feet by 18 feet, where it is required by section 142.042(F)

The 18-foot length of the newly constructed parking spaces will not be changed. The width of the spaces will be eight (8) feet for the three parking spaces on the north side of the entryway. This is the only space left for Chateau after Blue took one third of the space in front of Chateau. By doing so, Chateau will have only a 3 foot, 9 inch wide entryway which will be about half the width of the existing entryway. However, Chateau is willing to accept this reduction in their usable entryway in order to gain the space needed for the three additional parking spaces.

The other nine (9) parking spaces on the south side of the entryway were currently existing City parking spaces. They do not have the currently allowable nine (9) foot width, but this is how the city constructed them, and we are only extending the existing city's parking spaces for these nine spaces in order to make the tandem parking spaces.



6. Allowance to construct a parking lot without providing landscaping according to Miami Dade Chapter 18-A, where it is prohibited by section 152.042(J)

In the one third of space taken by Blue in front of Chateau's property, Blue is planning for, and landscaping the area, and leaving the minimum space in front of Chateau. Because of the close proximity, Blue's landscaping should be considered part of, or related to our spaces also. There is no other space left in the public property in front of Chateau. Chateau has three private square spaces in front of the planned tandem parking spaces (Please see the aerial photo of Chateau. They are shaded by diagonal lines.) Chateau will rearrange the plants and trees in these three areas as part of the required landscaping in front of the property with the tandem parking.

7. Allowance to construct parking spaces with no right-of-way setback, where it is prohibited by section 152.042(K)

This paragraph is concerning the three parking spaces on the north side of the entryway. As it is stated in the Project Description section, the entrance to the north side of the garbage receptacles was eliminated by Blue's project. In order to provide access to the area for garbage collection, Chateau needs to construct a narrow sidewalk between Chateau's building and the tandem parking spaces. This necessitated that the three parking spaces be moved just a bit further towards the street. However, they will not extend to the street, as is the case with the property "Studio" further down West Drive. Chateau will also try to assign only compact car owners for the three additional parking spaces.

8. Allowance of back-out parking, where it is prohibited by section 152.042(P)

The entirety of the public parking spaces on Harbor Island are back-out parking. Vehicles parked otherwise are cited with a ticket. As we construct the tandem parking, with the extension of the existing public parking spaces, the same arrangement will be followed. More importantly, as the city's parking spaces are narrow, the back out parking orientation will be the safest option as it will force drivers to clear the front part of their vehicles from between the two cars parked next to their cars before they may turn to change their direction.

We understand that the North Bay Village Code, Section 152.044(E)(2), provides for a waiver to reduce the parking requirements proposed under the ordinances cited above. We would like to apply for the above waivers and allowances, and to be heard before the Village Planning & Zoning Board and the Village Commission so that we may present our case with more specific facts and charts relating to our plight.

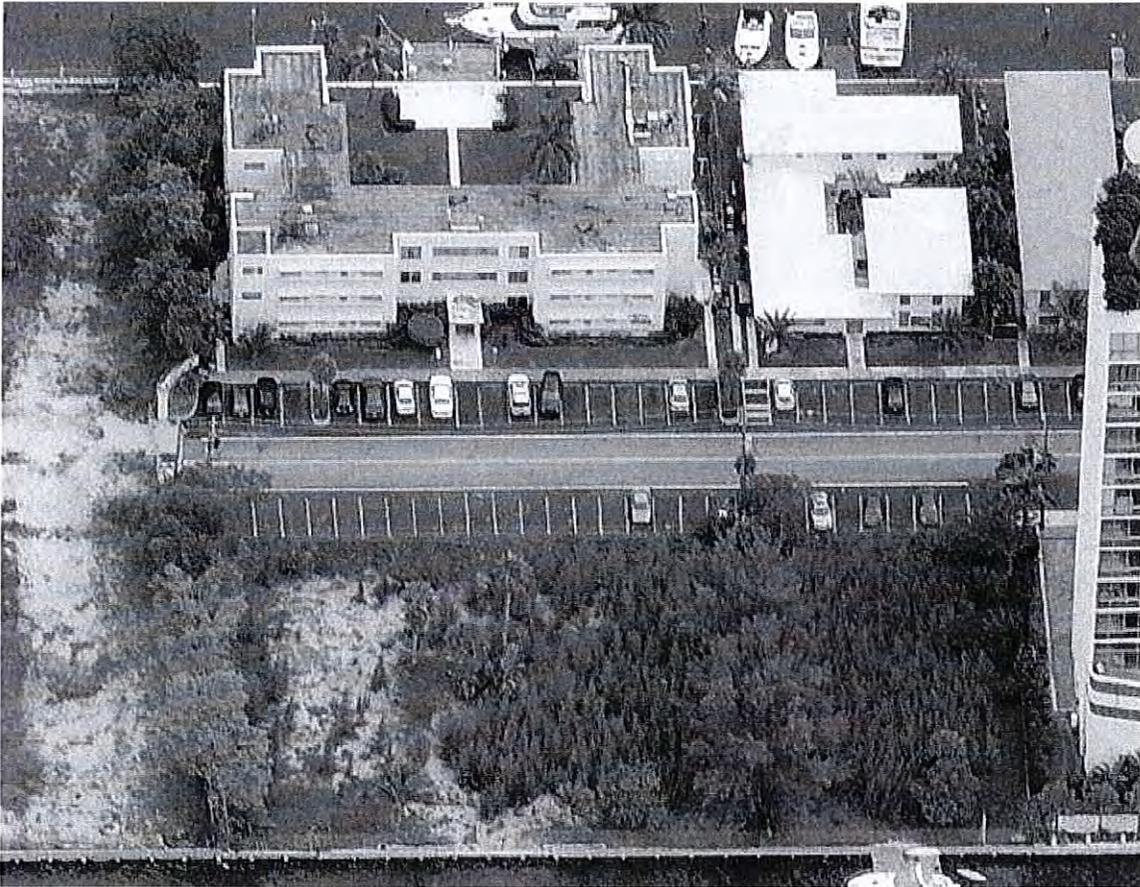
Thank you for your attention,



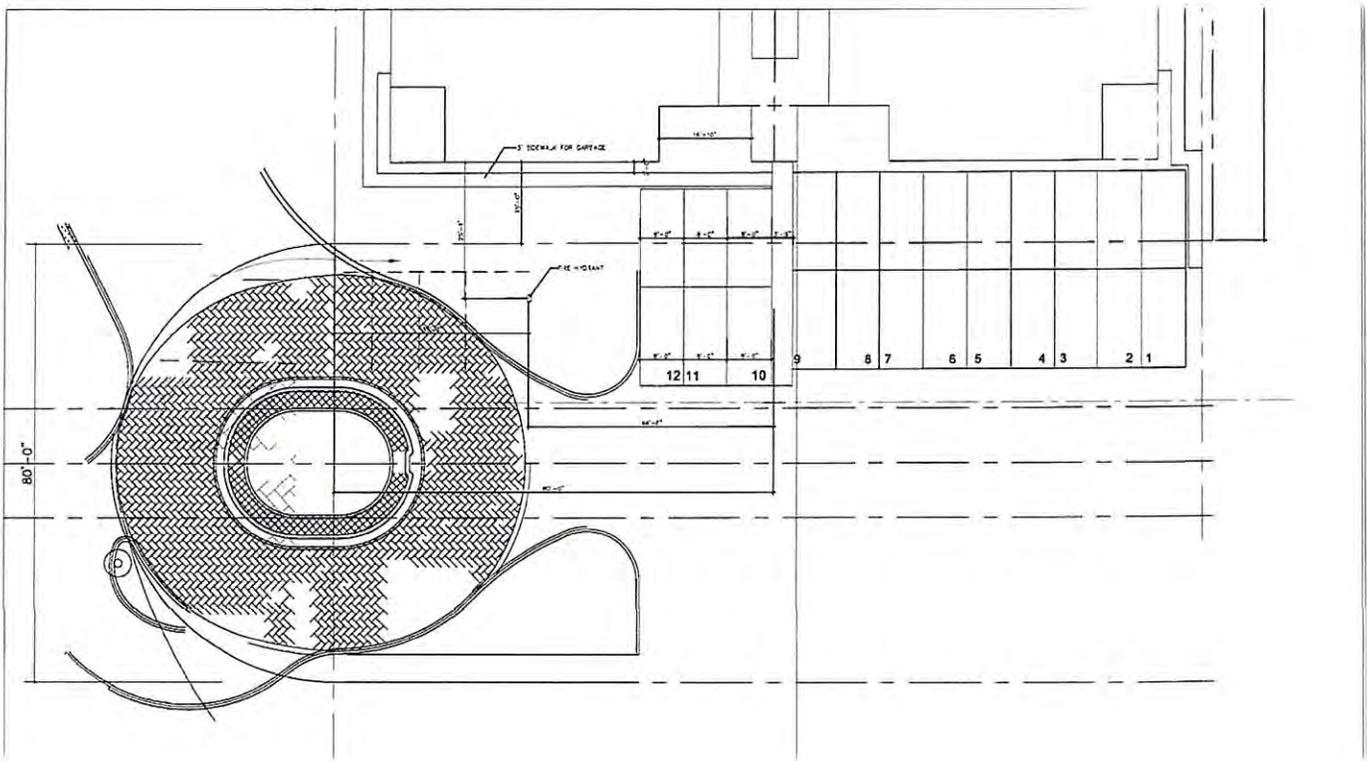
**PROPERTY APPRAISER AERIAL**  
**Showing Property Lines**



AERIAL



PROPOSED PLANS





Staff Report  
Parking Waiver

Applicant: Chateau Isle, Inc.  
7939-7941 West Drive

[Signature] Registered Civil Engineer No. 331  
Land Surveyor No. 23  
State of Florida.

Filed for record this 24 day of June A.D. 1966 at 2:48 P.M. in Book 44  
of plate at page 72 of the Public Records of Dade County, Florida. This plat complies  
with the provisions of Chapter 10275 (No. 293) Laws of the State of Florida.

E. B. Leatherman, Clerk of the Circuit Court.

by [Signature] Deputy Clerk

Address not found by O.C.  
County of Dade, Florida  
The Public Records are subject to search  
in the County Clerk's Office



Serving Florida Local Governments Since 1988



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

PARKING WAIVER APPLICATION FOR PUBLIC HEARING

Page 1 of 3

Site Address 7939-7941 West Drive, North Bay Village, FL 33141

Owner Name Chateau Isle, Inc. Owner Phone # (305) 281-3759 (Treasurer)

Owner Mailing Address 7939-7941 West Drive, North Bay Village, FL 33141

Applicant Name Chateau Isle, Inc. Applicant Phone # (305) 281-3759 (Treasurer)

Applicant Mailing Address 7939-7941 West Drive, North Bay Village, FL 33141

Contact Person Satoko Umeda Contact Phone # (305) 281-3759

Contact Email Address sufrost1@bellsouth.net

Legal Description of Property CHATEAU ISLE CO-OP

Existing Zoning 4700 Lot Size 22,400 sqft. Folio Number 23-3209-022-0001  
*Residential*  
*Multi Family-co-ops*

Legal Description Chateau Isle Co-op, Harbor Island PB 44-72, Lots 64 & 66  
FAU 23-3209-001-0460

Project Description, Items for Waiver Request, and Reason for Request \_\_\_\_\_

See attached

Chateau Isle, Inc.

## Parking Waiver Application for Public Hearing

### Project Description

Chateau Isle Co-Op ("Chateau") is located at 7939-7941 West Drive North Bay Village. The planned development at 8000 West Drive ("Blue") was approved by Miami-Dade County for construction of a cul-de-sac that will envelope and occupy one third of the public parking spaces in front of Chateau. In order for the residents of Chateau to be able to park their cars within a reasonable distance from their residence, Chateau requests that it be permitted to construct a tandem layout parking area that will utilize its private property in conjunction with the remaining public property owned by the city. The proposed new parking will be constructed at Chateau Isle, Inc.'s cost.

Chateau consists of 12, two bedroom apartments. After three meetings with Mr. Frank Rollason, Village Manager for the City of North Bay Village (Mr. Rodney Carrero-Santana, Public Works Director of North Bay Village also participated in two of these meetings) and Brett Gelsomino, Blue's development manager, in an effort to brainstorm ways for the new development to have as little impact on Chateau as possible, Blue agreed for Chateau to request the straight parking plan for the tandem parking proposed by Chateau (please see attached plan). Chateau needed more space, but in order to gain this space, it would require Blue to process a revision through Miami-Dade County and would further delay their project. During the discussion of the parties involved, and in light of research presented by all three parties, the Village Manager suggested that Chateau eliminate the sidewalk in front of their buildings from the plan, as the sidewalk from the bay walk to the cul-de-sac was only planned on the west side of West Drive, and there was no connection to the sidewalk existing in front of Chateau. The existing sidewalk in front of Chateau has been rendered effectively a sidewalk to nowhere. In order to avoid having to revise Blue's plan, the Village Manager checked with Mr. LaRue, consultant for Planning and Zoning of North Bay Village, to inquire if the City could move the handicap parking currently existing in front of Chateau across the street to the west side of the West Drive and Mr. La Rue confirmed that the City could move it across the street as long as it was within 100 feet of the building. Mr. LaRue also confirmed at that time that Chateau was not required to have a handicap parking in its private parking space area.

If the City moves the handicap parking across the street and Chateau narrows the entryway to their building, the proposed plan would be able to accommodate three (3) additional needed parking spaces on the left side of the entryway with the minimum width of eight (8) feet. With the existing nine (9) parking spaces as well as these three (3) additional spaces, Chateau would have the minimum twelve (12) parking spaces required by its residents in front of the building. The proposed Plan would have these spaces be designated tandem parking so as to accommodate 24 vehicles for Chateau residents and their guests.

Blue's current cul-de-sac plan eliminates the existing entrance to the north side of Chateau's garbage receptacles. In order for the city's waste management workers to access them, Chateau would need to plan a narrow sidewalk in front of the north side of the three proposed parking spaces. This may

Site plans which depict:

North point; Scale at 1/16 inch to the foot, or larger; Date of preparation; Existing and proposed easements; Existing and proposed utilities; Property lines; Location of streets, alleys and ROW; Structures; Mechanical equipment; Parking and loading spaces; Fences; Signs; Exterior Lighting; Parking and loading space dimensions; Width of drive aisles; Any other physical features

Property survey

Landscape plan

Application fees

PARKING WAIVER APPLICATION FOR PUBLIC HEARING

Page 2 of 3

Applications are incomplete until all mandatory submittals have been received by the Village Clerk.

All requests for site plan approval as required by the North Bay Village Code shall be considered at Public Hearings before the Planning & Zoning Board and/or the Village Commission. Notice of Hearing 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 application is complete before the hearing is legally advertised. All applications shall be submitted to the Village Clerk on or before the deadline implemented by the Village.

All persons, firms, or corporations requesting site plan approval from 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 a request, pursuant to Section 152.110 of the Village Code.

All new and substantial improvements must comply with the Florida Building Code, Department of Environmental Resource Management (DERM), and FEMA regulations.

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 and the Village Commission has voted favorable on the proposed request.

I (We) further acknowledge that I (We) have read and understand the conditions for appearance before the Planning and 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.

Authorized Signature Satoko Umeda Treasurer

Print Name Satoko Umeda

(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.)

COUNTY OF Miami-Dade

Sworn to and subscribed to before me this 4 day of NOVEMBER, 20 14,

by SATOKO UMEDA

who is personally known to me or who has produced \_\_\_\_\_ as identification.

Notary Public Signature Maritza Malacrino

Commission Number/Expiration 7/10/2016

PARKING WAIVER APPLICATION FOR PUBLIC HEARING

Page 3 of 3



Office Use Only:

Date Submitted: 11/6/14

Tentative Meeting Date: 12/2/14

Fee Paid: \$ 4,600

Cash  or Check  # \_\_\_\_\_

Date Paid: 11/6/14

Mayor  
Connie Leon-Kreps

Vice Mayor  
Eddie Lim

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Jorge Gonzalez



# OFFICE OF THE PROPERTY APPRAISER

Generated On : 10/26/2014

**Property Information**

Folio: 23-3209-022-0001

Property Address:

<b>Full Legal Description</b>
CHATEAU ISLE CO-OP
HARBOR ISLAND PB 44-72
LOTS 64 & 66
FAU 23-3209-001-0460

<b>Sales Information</b>			
Previous Sale	Price	OR Book-Page	Qualification Description

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

Version:

**Minutes of a Meeting**

**Date: 9/30/2014**

<b>Attendees:</b>	<b>Frank Rollason, Village Manager</b>	<b>City of North Bay Village</b>
	<b>Brett Gelsomino, Development Manager</b>	<b>Zom Florida</b>
	<b>Celia Reigle, Vice President</b>	<b>Chateau Isle</b>
	<b>Satoko Umeda, Treasurer</b>	<b>Chateau Isle</b>
	<b>Jovan Rodriguez</b>	<b>JRY Studio</b>

**Subject: Parking Space for Chateau Isle and Revision of the Design of Cul-De-Sac**

At 4:00 pm, Mr. Frank Rollason ("Frank") invited the attendees to his office.

Satoko Umeda ("Satoko") thanked all the attendees for arranging the busy time for this meeting.

Satoko introduced Mr. Jovan Rodriguez ("Jovan") to Frank and Mr. Brett Gelsomino ("Brett"). Chateau Isle newly signed an agreement with JRY Studio for the feasibility study and drawing of the parking plan. Satoko distributed two drawings that Jovan made for Chateau Isle's parking plan to the attendees. She explained that the first one was with the Miami-Dade county code which required 8.5 feet for the width of the parking space. However, with this plan, there will be only 11 regular parking and one handicap parking. So it was obvious that we would not be able to accept it.

The other plan was to leave the current city's parking space as it was for the first 9 parking spaces which are located on the right side of the Chateau Isle entrance way and just to extend it to the Chateau Isle's property to make the private parking spaces as the first row. We all agreed to leave it as it was. Then we discussed the parking spaces on the left side of the entrance way. The plan was to get back two parking spaces and make diagonal parking for one handicap one next to the entrance way and other three spaces next to it diagonally. In this way, the cars on this side will backup diagonally and they will not back up in to the cul-de-sac. We were told during the previous meeting that Miami-Dade county would not approve any plan which would make any cars to back up to the cul-de-sac.

Brett stated that he was here trying to cooperate with the Chateau Isle's need for parking but he wanted Chateau Isle to understand that under the cul-de-sac, there were water pipes and other important pipes. The inspector will not come unless the surface of the cul-de-sac is completed. So even the bathroom and everything is ready in the apartments but if the cul-de-sac's surface is not finished, they cannot even have the water for the apartments. The original plan was to start the construction of the cul-de-sac on last Monday but due to the rain, they could not start it. He explained that they would need to start the construction and if we could not get the approval of the revision immediately, we would have to cut the curve when and if the revision was approved.

Then we further discussed the plans. Brett asked if we could have the regular straight parking instead of the diagonal ones. However, Frank and Satoko explained that it would make the entrance of the very left parking right at the beginning of the cul-de-sac and it would not be approved. Brett stated that North Bay village would allow 20% of compact parking spaces with the width of 8 feet. Then, he brought

the idea to research if we could move the handicap parking to somewhere else so that we could have more spaces which may allow us to have straight parking there.

Frank then called a person who would be able to answer these questions. This person told that the handicap parking in the city's property could be moved as long as it was within 100 feet. Then, Brett asked the person that if Chateau Isle was required to have a handicap parking in the property when they are constructing their own parking spaces for 12. The person responded that it was not required. This was a great fact that would facilitate the planning.

Frank told that we would need to draw two plans: one with straight parking spaces without Handicap parking and one with the diagonal parking spaces (only for the left side of the entrance way) without handicap parking. Once they are ready, Satoko will email to Brett and Frank and if Brett agrees with the plans, Frank will immediately schedule a meeting with the Miami-Dade County and we will present two plans.

Satoko informed that as soon as Brett agrees with the plans, she would immediately email to the owners of Chateau Isle to have agreement to present to Miami-Dade and as soon as obtaining the blessing of the owners, she would email Frank to schedule a meeting with Miami-Dade County.

Satoko asked about the construction company that the development was using and if it could work on the parking plan also if approved. Brett told that Chateau Isle could call the company to find out but Frank told that it would be probably better to find a smaller company which would most likely charge less. Celia asked if turf blocks could be used since Frank this time told that Chateau Isle needed to work on the drain and Chateau Isle's water could not go to the city's drain system. This was a change from the first meeting as he told Chateau Isle that the city would allow to let the water go to the City's drain system. Brett and Frank were stating that we may be able to place sands in the turf blocks if Chateau Isle used them instead of the asphalt. (Satoko personally thinks that it may not be such a good idea since it will be very difficult for the ladies who wear high heels.)

Satoko thanked all attendees for the support with the plan and the meeting was adjourned at 5:15pm.



Satoko Umeda

## Minutes of a Meeting

Date: 9/17/2014

Attendees:	Frank Rollason, Village Manager	City of North Bay Village
	Rodney Carrero-Santana	City of North Bay Village
	Brett Gelsomino, Development Manager	Zom Florida
	Clifford Loutan	Suntech Engineer
	Cristina Fandino, Architect	
	Luzyanis Fraga, Architect	
	Robert Breiner, Owner	Chateau Isle
	Roberto Cutillas, Owner	Chateau Isle
	Celia Reigle, Vice President	Chateau Isle
	Amida Frey, Friend of Melissa Reigle	
	Satoko Umeda, Treasurer	Chateau Isle

Subject: Parking Space for Chateau Isle and Revision of the Design of Cul-De-Sac

At 11:00 am, Mr. Frank Rollason invited the attendees to a meeting room of City of North Bay Village.

Satoko Umeda started the meeting thanking the attendees for arranging the busy time for this meeting. Next, she explained that Chateau Isle was built in 1956 and it was the first building in the West Drive with 12 units of over 1400 sqf. in each. She further explained that Chateau Isle was planning to renovate the property but the most important matter before anything was to secure assigned parking for its residents and hired an Architect, Ms. Cristina Fandino for it. Chateau Isle had a meeting (8/20/14) with City of North Bay Village ("the City") and requested support with the plan. The City informed that it needed a handicap parking also and it would accept the plan to have 12 + 1 parking spaces in front of the building and second parking spaces behind assigned parking and sidewalk behind second cars right next to the street. However, we realized that the development changed the original plan of taking four parking spaces for the cul-de-sac and was planning to take six spaces in front of the Chateau Isle building. Satoko Umeda expressed that if it happened, Chateau Isle would no longer have the minimum parking spaces needed for its residents. Satoko further expressed that it was a survival matter for Chateau Isle as many of the residents had jobs and sometimes came home late and it was very difficult to find parking spaces and when the new development's construction was completed, its guests would also try to park in front of Chateau Isle and the City would not be able to distinguish who is whose guest etc., and the life would be finished for Chateau Isle.

Mr. Frank Rollason contacted Mr. Brett Gelsomino during the previous meeting and told Chateau Isle to find an agreement for a revision of the cul-de-sac with the development and once it reached an agreement he would go to Miami-Dade County with all for an approval of the revision.

She also stated that Chateau Isle would respect the new neighbor but wanted also that the new neighbor would respect the life of Chateau Isle to enjoy peaceful life together. Then, she stated that Ms.

Cristina Fandino, architect had a suggestion about the plan but the cul-de-sac is the plan of the development and it should be revised by them with its engineer and architect.

Mr. Brett Gelsomino stated that there should be enough parking spaces in the street as the high rise-apartments were supposed to have their own parking in their property. Further, Mr. Brett Gelsomino suggested that a more effective solution to the parking problem on West Drive would be better management of the existing spaces in the right of way, as it is clear that the supply/demand is imbalanced, largely believed by the hi-rise at the end of West Dr. Mr. Gelsomino believes a decal or metering system would be fur more beneficial and effective in the long term in ensuring that the spaces adjacent to Chateau Isle are usable by the Chateau Isle Residents, and not taken by others. Mr. Gelsomino also reiterated that the Blu development has more than ample onsite, dedicated parking, within its own structured garage, and that this development itself should not negatively affect the parking situation up and down West Drive, if in fact, not alleviating the issue, by ensuring that its residents are not relying on limited space in the public row for parking.

However, Satoko explained that some of the residents of the high rise apartments still parked in the public parking since it was more convenient for them. She emphasized that Chateau Isle needed to secure its own parking spaces and didn't want to rely on uncertainty.

Ms. Cristina Fandino presented her suggestion to change the curve of the cul-de-sac which will facilitate the fire fighter's truck to turn to the right from the cul-de-sac to the development's property further as she was informed by Mr. Rodney Carrero-Santana during the previous meeting about this issue. However, Mr. Clifford Loutan stated the reason why they needed to take two more parking spaces was only for the Fire Fighter's truck to be able to turn in the cul-de-sac and it was not to turn to the right from the cul-de-sac. The extension was made because of the "auto-turn" radius required by fire truck.

Mr. Robert Breiner asked Mr. Brett Gelsomino when it was decided to take two extra parking spaces. The engineers answered that it was due to the requirement of Miami-Dade County. Other attendees asked why the longer extension from the cul-de-sac to the beginning of the parking was necessary. Mr. Rodney Carrera-Santana responded that it was required to avoid the parked cars next to the cul-de-sac backing into the cul-de-sac.

All of the attendees were trying to find a solution with the requirement of Miami-Dade and the necessity of Chateau Isle's 12+1 parking spaces. Mr. Clifford Loutan and Ms. Cristina Fandino suggested to move the handicap parking to very left so that extra space needed for it could be placed in the property of the Chateau Isle and Mr. Frank Rollason presented an idea to place the sidewalk for the handicap parking in front of the building right next to the building only for the handicap parking side to connect to Chateau Isle's building entrance way. Mr. Clifford Loutan explained that the side walk for the cul-de-sac started only from the west side of the street and there was no sidewalk on the east side. Mr. Frank Rollason then stated that we could eliminate the sidewalk from the plan except the handicap parking area since no sidewalk would be connected to the sidewalk in front of Chateau Isle. This will facilitate the plan. Ms. Cristina Fandino then stated that she would redraw a plan making the Chateau

Isle's building entrance way narrower and adjusting the parking space width and Handicap parking area and see if it is possible to make 13 parking spaces.

Mr. Frank Rollason told all that once the drawing was done and discussing it with Mr. Brett Gelsomino and Mr. Clifford Loutan and if both parties agreed with it, we would contact him and he would schedule a meeting with Miami-Dade County.

Ms. Celia Reigle asked about the garbage container of 7941. The City explained that garbage truck could not be parked in the cul-de-sac and Chateau Isle may need to move them to 7939 depending on the design of revisions. She asked then about the property line between Chateau Isle and the development if the development was planning to plant trees at the end of its property next to Chateau Isle. Mr. Brett Gelsomino responded that there would most likely be trees tall enough for her concern of the direct view from her bedroom and that the improvements and new landscaping would occur within its property or the public row as required and approved by others. Mr. Amida Frey asked if native trees would be used and he responded that he would try to use them.

Satoko Umeda asked Mr. Brett Gelsomino about the location of the generator for the new building. He assured that the generator was located inside of their building and not close to Chateau Isle.

Satoko Umeda thanked all attendees for the support with the plan and the meeting was adjourned at 12:15pm.

Satoko Umeda 

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Minutes of the meeting with City of North Bay village

Date: 8/20/2014

Attendees: Frank Rollason Village Manager  
Rodney Carrero-Santana Public Works Director  
Cristina Fandino AIA Registered Architect  
Roberto Cutillas  
Samanta Vargas  
Robert Briner  
Melissa Reigle  
Satoko Umeda Treasurer of Chateau Isle

At 10:10am, Mr. Frank Rollason invited the attendees to his office. Mr. Rodney Carrero-Santana joined the meeting later.

Satoko started the meeting stating the need of securing parking spaces for the residents of Chateau Isle and addressed needs of City's accommodation for the space in order to construct assigned parking spaces in front of the Chateau Isle building.

Ms. Cristina Fandino, the architect that Chateau Isle signed the agreement with, presented the proposals of two plans. The cul-de-sac currently planned by the City has 80' radius. She presented two plans based on 60' of cul-de-sac stating that 60' was the normal size of cul-de-sac so that Chateau Isle would be able to have 25 parking spaces. One plan was to have the sidewalk moved to between the first row parking spaces and second row parking spaces. The second plan was to move the sidewalk to the end of two rows of parking, next to the street.

Mr. Frank Rollason explained that 80' radius of cul-de-sac was the requirement of Dade County so that the fire rescue cars could come in and turn in this cul-de-sac. Satoko addressed that Chateau Isle had 12 units and it needed at least 12 assigned parking and one handicap parking. In order to have this space, the current City's plan has to be revised.

Satoko asked questions about the rules for the handicap parking stating if one of the resident's space was made as a handicap parking and assigned to a specific apartment unit, if the space could be kept for this person. The answer was no. Even Chateau Isle made a handicap parking in its property, anybody who has handicap could come in to its property and park there. First comes first rule applies to the handicap parking. Another question she asked was if the second row parking space could be exclusively kept for Chateau Isle's use being treated as the entrance to the private parking. The answer was no. It still remains as City's property and legally anybody can park there. However, Mr. Rollason suggested that we should park first to the second row-city's parking space and when the second car needs to be parked, move the first car to the assigned private parking space and second car should be parked in the city's second row space. In this way we can avoid others to park in our space blocking the entrance to the private parking. He explained that only time City could block the parking was for the drive way.

Mr. Rollason stated that City would work to support the neighborhood and usually drainage system etc. had to be constructed when a private parking was made but City would not ask for it in order to help us with this plan. The City will also accept 5' wide sidewalk behind the planned parking space for Chateau Isle.

Cristina proposed a revised curve of the planned cul-de-sac so that Chateau Isle could have one or two more parking spaces in order to have at least 12 spaces plus one handicap space without changing 80' radius of the cul-de-sac.

Mr. Rodney Carrero joined the meeting at that time and he stated that it was possible to talk to the developer of the next property and discuss it with the Dade County if this revision was possible. However, if we change the curve, it will require Chateau Isle to give up a small portion of the property. We asked to try this possibility and Mr. Frank Rollason called the developer's Civil Engineer and asked if he could arrange a meeting with City, Cristina (Architect) and Chateau Isle. He said yes.

As a result, we planned to have a meeting with City, Cristina, Civil engineer of the developer first. If we can work out with the plan, then we will all go to the Dade County to request a revision of the cul-de-sac. Mr. Rollason confirmed that City of North Bay Village would participate in the meeting with the Dade County to request the revision. Chateau Isle will of course need to have the approval of the shareholders before the meeting with Dade County. Mr. Frank Rollason will contact Cristina as soon as the meeting date is proposed by the Civil engineer of the developer and Cristina will contact Samanta to inform Chateau Isle.

Mr. Carrero-Santana stated that if we took the plan with the sidewalk next to the street, we may have to move the garbage boxes of 7941 to 7939. He stated that we needed to check the sewage clear location if it would not be where the revised sidewalk around the cul-de-sac would be.

Satoko thanked Mr. Rollason and Mr. Carrero-Santana for supporting the plan for the resolution of the parking space.

The meeting was adjourned around 11:00am.

After, we returned to Chateau Isle property, we checked the 7941 section of sewage clear and the garbage boxes. We realized that we did not need to move the garbage boxes since there will be no parking space where the entrance to the area of the garbage boxes. The garbage truck can be parked right next to the sidewalk of the cul-de-sac and they can come right in to the garbage box area. No need to move them. The position of the sewage clear must be measured by the architect to be sure that it will not be in the planned sidewalk.

*Satoko Onmeda*

RECEIVED ON 9/2/14  
*[Signature]*  
VILLAGE MANAGER

**From:** Brett Gelsomino [mailto:bjg@zomusa.com]  
**Sent:** Tuesday, December 02, 2014 4:38 PM  
**To:** Yvonne Hamilton  
**Cc:** Jim LaRue; ben@larueplanning.com; Frank Rollason  
**Subject:** 7939 Parking Waiver Request - Conditional Letter of Support  
**Importance:** High

Good Afternoon, Yvonne,

I am writing to you to communicate our public opinion on the matter being heard at tonight's P&Z for Chateau Isles. I hope that you will accept this email as a 'proxy' of sorts, since I will be unable to attend in person. I am personally very familiar with the issue and the specific plan being presented. The plan is a product of many rounds of discussion involving myself, my design team, Chateau Isles, their design team, and the Village Manager to name a few. At these meetings we all agreed that the demand for on-street public parking is high, and we all tried to work together to come up with a creative solution that would be amenable to all. On its face, the creation of tandem parking spaces more or less in the same foot print as the existing spaces which front Chateau Isles seemed like the most effective option, working within the confines of the existing plan. At a more detailed level, however, I understand and appreciate the concerns that Larue Planning has raised, and am hopeful that Chateau and their design team can respond in kind to address same. One of the biggest concerns to us is the potential for parked cars to protrude into the NB lane of West Drive, which we agree would be unacceptable. These are all issues that should be technically reviewed in detail by design professionals and city planning and building officials to ensure that no hazards are created thru the development of this solution.

For the record, the roundabout being improved by us has been platted for many years as an inevitable eventuality when 8000 West Drive would finally be constructed. We just so happen to be the ones developing the parcel, and as such, are completing the drive as it was always platted, including the construction of this circle. The dimensions of the circle were driven by engineering and Miami Dade traffic circulation requirements, which were further governed by their circulation requirements of emergency vehicles (which should also benefit the school buses, trash trucks, and all other traffic that currently struggles to circulate at the dead-end West Drive). It is an unfortunate reality that some of the public spaces that are adjacent to Chateau, and used by Chateau residents, are being lost due to the construction of this circle. As such, an already imbalanced supply/demand parking situation becomes slightly worse. I personally feel that a more effective solution would be to preserve the limited spaces that do abut Chateau, by way of a numbering or decal system. The reality is that it is a game of first-come first-serve, where much higher demand users from further south on West Drive use spaces up and down the public right of way, including the spaces in question in front of Chateau. If these spaces were identified to be for the use of Chateau residents only, it could help ensure that Chateau residents have a chance at parking in the public right of way spaces that are conveniently located adjacent to their property. This would effectively be dedicating some of the public spaces in front of Chateau to the most obvious user (Chateau).

In conclusion, we support the proposal to allow for tandem spaces to create some additional *dedicated* parking spaces, and recover some spaces that were lost due to the improvement of the roundabout in the existing right of way. We also feel strongly that in order for this to be as effective as possible, policy would need to be established to first preserve the existing spaces, effectively dedicating some of the public spaces to the obvious user in front of Chateau. My fear is that you can add as many spaces as

12/2/14  
P&Z Board Mtg.  
Exhibit 1

Best Regards,

**Brett J. Gelsomino**  
*Development Manager*

**ZOM Florida**

200 E Broward Blvd, Suite 1200

Fort Lauderdale, FL 33301

P: 954-779-7950

C: 561-373-4300

E: [BJG@zomusa.com](mailto:BJG@zomusa.com)

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**Miami – Dade County, Florida**  
**CODE OF ORDINANCES**  
**PART III - Chapter 33 - ZONING**

**ARTICLE VII.**  
**OFF-STREET PARKING**

★ LAST page - Key Section  
33-132

12/2/14  
PSZ Board Mtg.  
Exhibit 2.

# Chapter 33

# ZONING <sup>[1]</sup>

ARTICLE I. - IN GENERAL

ARTICLE II. - BUILDING CONTENT, SETBACKS AND AREA OF SITES

ARTICLE III. - HEIGHT OF BUILDINGS

ARTICLE IV. - TOWERS, POLES AND MASTS

ARTICLE V. - AWNINGS, CANOPIES AND TENTS

ARTICLE VI. - SIGNS

## **ARTICLE VII. - OFF-STREET PARKING**

ARTICLE VIII. - RIGHT-OF-WAY PLAN AND MINIMUM WIDTH

ARTICLE IX. - STREET NAMES AND NUMBERS

ARTICLE X. - ALCOHOLIC BEVERAGES

ARTICLE XA. - EDUCATIONAL AND CHILD CARE FACILITIES, NONPUBLIC

ARTICLE XI. - PUBLIC CHARTER SCHOOL FACILITIES

ARTICLE XIA. - VILLA DEVELOPMENT DISTRICT

ARTICLE XII. - MOBILE HOMES AND MOBILE HOME PARKS

ARTICLE XIIA. - WORKFORCE HOUSING DEVELOPMENT PROGRAM

ARTICLE XIII. - GU, INTERIM DISTRICT

ARTICLE XIV. - RU-1, SINGLE-FAMILY RESIDENTIAL DISTRICT

ARTICLE XIVA. - RU-1Z, ZERO LOT LINE DEVELOPMENT SINGLE-FAMILY  
RESIDENTIAL DISTRICT

ARTICLE XIVB. - RU-1M(a), MODIFIED SINGLE-FAMILY RESIDENTIAL  
DISTRICT

ARTICLE XIVC. - RU-1M(b), MODIFIED SINGLE-FAMILY RESIDENTIAL  
DISTRICT

ARTICLE XV. - RU-2, TWO-FAMILY RESIDENTIAL DISTRICT

ARTICLE XVA. - RU-TH, TOWNHOUSE DISTRICT

ARTICLE XVB. - RU-RH, ROWHOUSE DISTRICT

ARTICLE XVI. - RU-3, FOUR UNIT APARTMENT HOUSE DISTRICT

ARTICLE XVI A. - RU-3M, MINIMUM APARTMENT HOUSE DISTRICT

ARTICLE XVII. - RU-3B, BUNGALOW COURT DISTRICT

ARTICLE XVII A. - RU-4L, LIMITED APARTMENT HOUSE DISTRICT

ARTICLE XVII B. - RU-4M, MODIFIED APARTMENT HOUSE DISTRICT

ARTICLE XVIII. - RU-4, HIGH DENSITY APARTMENT HOUSE DISTRICT

ARTICLE XIX. - RU-4A, HOTEL APARTMENT HOUSE DISTRICT

ARTICLE XIX A. - RU-5, RESIDENTIAL—SEMI-PROFESSIONAL OFFICE  
DISTRICT

ARTICLE XIX B. - RU-5A, SEMI-PROFESSIONAL OFFICE DISTRICT

ARTICLE XX. - EU-M, ESTATE MODIFIED DISTRICT

ARTICLE XXA. - EU-S, ESTATE USE SUBURBAN  
ARTICLE XXI. - EU-1 SINGLE-FAMILY ONE ACRE ESTATE DISTRICT  
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ARTICLE XXXIII(O). - OJUS URBAN AREA DISTRICT  
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OFF-STREET PARKING >>

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ARTICLE VII. OFF-STREET PARKING

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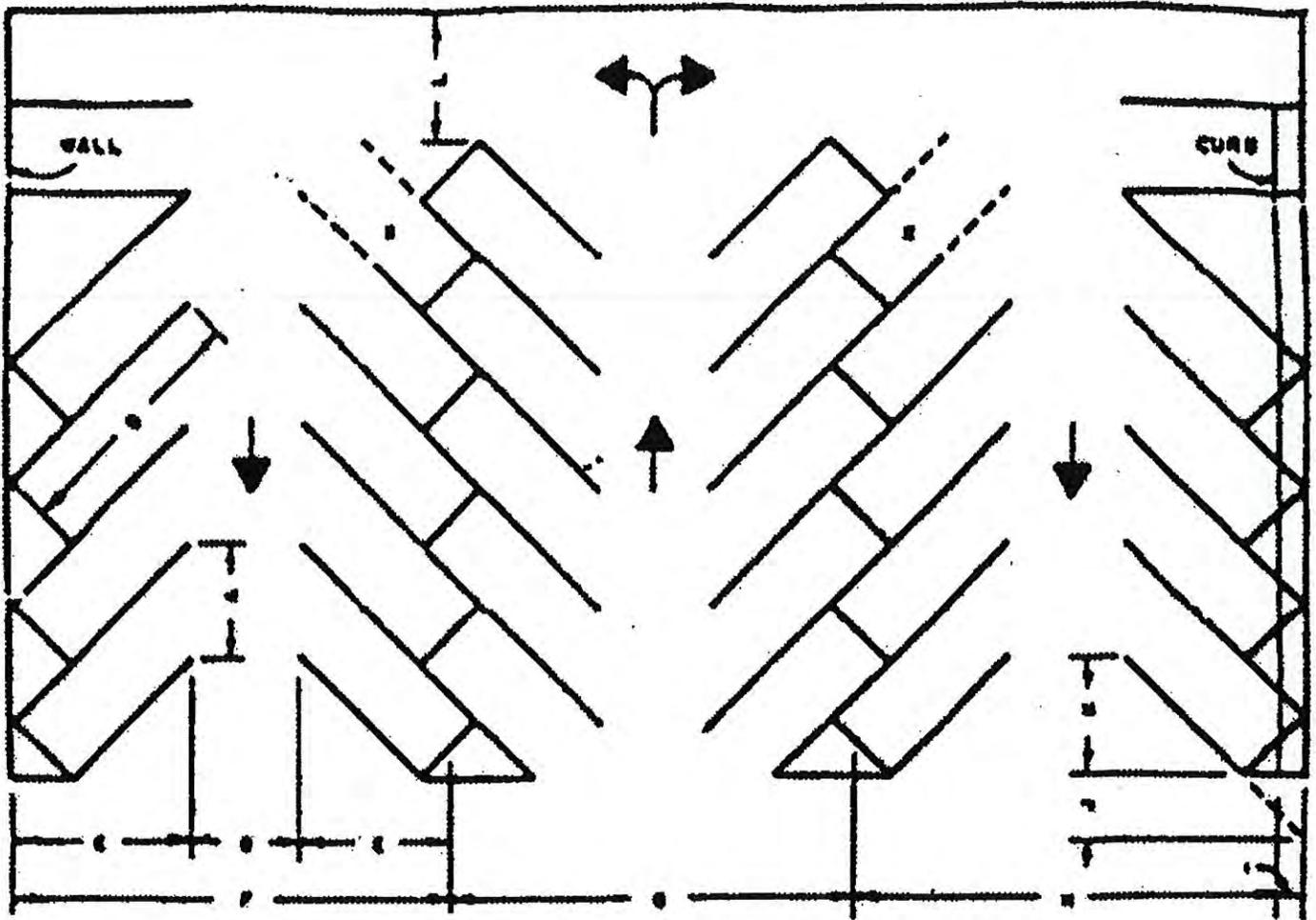
Sec. 33-132. Marking parking spaces; backing out into street; improvement of frontage.

**Sec. 33-122. Required; definitions of parking space.**

Permanently maintained off-street parking for vehicles shall be provided in connection with any building or premises used or designed to be used for the purposes set forth in this article. Parking spaces on private roadways shall not be credited towards required parking. For the purpose of this article, each parking space shall be a minimum of eight and one-half (8.5) by eighteen (18) feet with the following exceptions:

- (1) Where parking spaces for the handicapped are to be provided, they shall be a minimum of eighteen (18) feet long and the width and quality shall be in accordance with the South Florida Building Code.

Parking stall and aisle dimensions shall conform to the charts entitled "Minimum Parking Stall Dimension" and "Striping Detail" hereby incorporated as part of this section.



**K = STALL NOT ACCESSIBLE IN CERTAIN LAYOUTS**

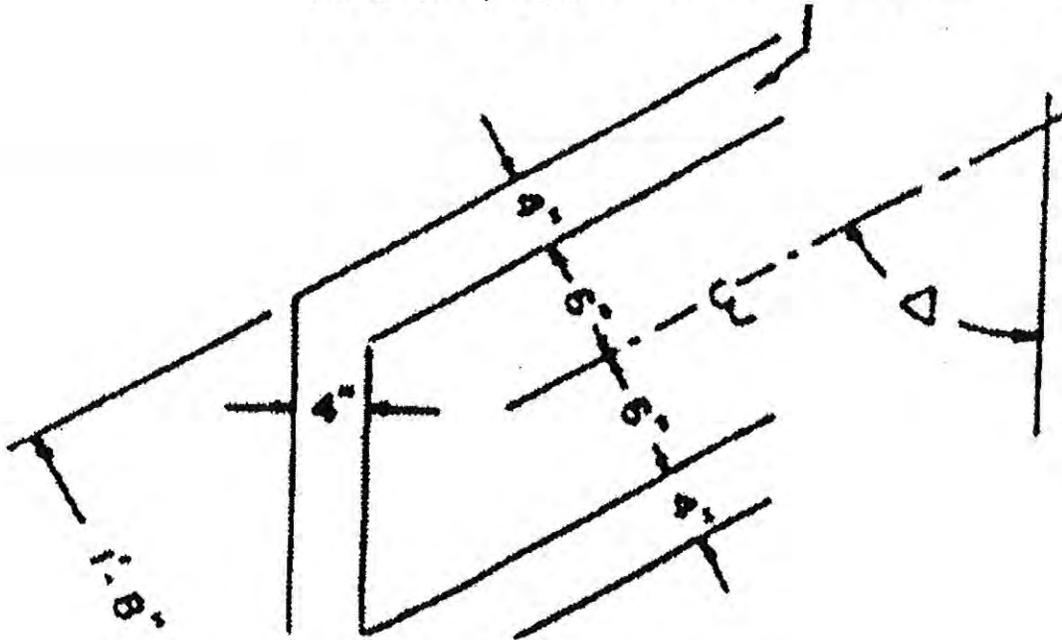
**MINIMUM PARKING STALL DIMENSIONS (IN FEET)  
AT VARIOUS ANGLES**

Dimension	Symbol	(8.5' x 18')			
		45°	60°	75°	90°
Stall width, parallel to aisle	A	12.0	9.8	8.8	8.5
Stall length of line	B	26.5	22.9	20.3	18.0
Stall depth to wall	C	18.7	19.8	19.6	18.0
Aisle width between stall lines	D	12.0	17.0	21.0	22.0
Stall depth, interlock	E	15.7	17.7	18.5	18.0
Module, wall to interlock	F	46.5	54.6	59.1	58.0
Module, interlocking	G	43.5	52.4	58.0	58.0
Module, interlock to curb face	H	44.7	52.4	56.7	55.5
Bumper overhang (typical)	I	1.8	2.2	2.4	2.5
Offset	J	6.0	2.5	0.6	0.0
Setback	K	12.7	9.0	4.7	0.0
Driveways	L	**	**	**	**

For parallel parking minimum widths and length are 8.0' x 23.0'.

\*\* Driveways where there is no parking on either side shall be a minimum of twenty (20) feet in width for two-way traffic and fourteen (14) feet for one-way traffic. Access drives between the paved portion of the right-of-way and the property line shall comply with the Miami-Dade County public works manual.

## SOLID COLOR CONTRASTING WITH PAVEMENT



For all occupancies other than residential, the parking spaces shall be marked with double striping on each side of the space to identify and facilitate their use. All striping shall be of a color (typically white) contrasting with the pavement. Dimension requirements, as noted elsewhere, shall be measured to the center point of the double stripe, as shown on the "Striping Detail" hereby incorporated as part of this section. Notwithstanding the above provisions and striping details, where striping is required for residential users, not less than a single four-inch stripe shall be provided, with parking stall dimensions to be measured to the center line of the strip. In all instances, adequate interior driveways and ingress and egress driveways shall be provided to connect all parking spaces with a public right-of-way or alley. Where a parking space heads into and abuts a walkway, the paved eighteen-foot length shall be provided a wheel stop or curb at sixteen (16) feet in order to prevent extension of the vehicle over any portion of the provided walkway width. Required and surplus parking shall comply with these provisions and such parking shall not be placed in dedicated or official rights-of-way.

(Ord. No. 87-19 § 5(BB), 10-22-87; Ord. No. 89-71 § 1, 10-8-89; Ord. No. 90-116 § 1, 10-21-90; Ord. No. 93-40 § 1, 6-7-93; Ord. No. 95-19 § 1, 4-2-95; Ord. No. 97-36 § 1, 3-19-97)

### Sec. 33-122.1. Exceptions from parking lot configuration.

Notwithstanding provisions of this ordinance to the contrary, buildings which have received a certificate of use and occupancy prior to the effective date of this ordinance may utilize the following standards for expansion providing that: (1) the expansion does not exceed ten (10) percent of the on-site building square footage existing as of the effective date of this ordinance, and (2) a covenant suitable for recording is submitted establishing the calculations and conditions upon which the additional square footage has been permitted. However, the area of building expansion must comply to the ration of parking space to square footage requirements contained elsewhere in this article.

- (1) Standard size parking stalls shall measure nine (9) feet by nineteen (19) feet and have a clear back up of twenty-four (24) feet.
- (2) Compact stalls shall measure seven and one-half (7.5) feet by fifteen (15) feet with a clear back up of twenty (20) feet. The percentage of compact spaces in any individual parking facility shall not exceed thirty-five (35) percent for facilities of twenty-five (25) to fifty (50) spaces; forty (40) percent for facilities of fifty-one (51) to two hundred fifty (250) spaces; and forty-five (45) percent for facilities of two hundred fifty-one (251) or more spaces. Said

spaces shall be clearly designated "compact cars only."

(Ord No 97-36, § 1.3 (8-97))

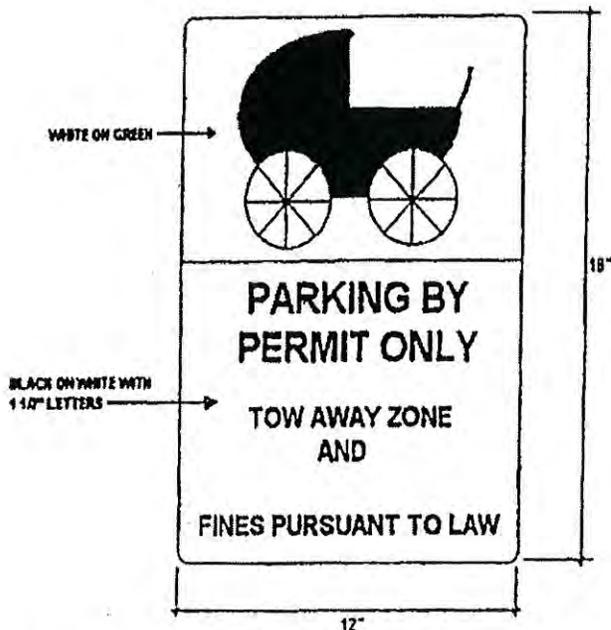
**Sec. 33-122.2. Parking spaces for persons transporting young children and strollers.**

Parking spaces specifically designed for persons transporting young children under the age of three (3) and strollers, shall be required for all uses other than single-family, duplex, townhouse or multifamily; provided, however, industrial zoned properties shall not be required to comply with this section. Such baby stroller parking spaces shall be provided as follows:

(a) *Quality of specially designated parking spaces:*

Total Parking Spaces in Lot	Required Number of Spaces
Up to 100	0
101 to 500	2
501 to 1,000	3
Over 1,000	One (1) additional space for each 500 parking spaces over 1,000

- (b) *Location of parking spaces.* Such spaces shall be located as closely as possible to parking spaces designated for the physically handicapped and/or disabled persons; provided however, parking spaces designated for the physically handicapped and/or disabled persons shall take precedence. Where no parking spaces designated for the physically handicapped and/or disabled persons have been provided, parking spaces for persons transporting young children and strollers shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance.
- (c) *Signage and markings.* All parking spaces for persons transporting young children and strollers shall be prominently outlined with green paint and posted with an approved permanent above-ground sign which shall conform to the figure entitled "Baby Stroller Parking Sign" hereby incorporated in this section. The bottom of the sign must be at least five (5) feet above grade when attached to a building, or seven (7) feet above grade for a detached sign.



All property owners who are required by this section to provide parking spaces for persons transporting young children and strollers shall provide such parking spaces within two (2) years from the effective date of the ordinance from which this section

derives (Ordinance No. 94-104). In no event shall the number of parking spaces for the physically handicapped and/or disabled be reduced below the quantity required by the South Florida Building Code.

(Ord. No. 94-104, § 1, 8-7-94; Ord. No. 96-101, § 2, 11-12-96; Ord. No. 98-108, § 3, 7-21-98)

**Sec. 33-122.3. Requirement of bicycle racks or other means of storage.**

Racks or other means of storage that can secure at least four (4) bicycles shall be required for all park, shopping center, office and restaurant uses with parking lots, as follows:

(a) Quantity of bicycle parking spaces required:

Total Parking Spaces in Lot	Required Number of Bicycle Parking Spaces:
25 to 50	4
51 to 100	8
101 to 500	12
501 to 1000	16
over 1000	four (4) additional spaces for each 500 parking spaces over 1000.

- (b) Other uses. All other uses, other than airport or seaport terminals, single-family, duplex or townhouse which are exempt, shall provide racks or other means of storage as provided herein only where their total parking lot has one hundred one (101) or more spaces.
- (c) Location and design of bicycle parking spaces; requirements.
  - (1) The bicycle parking spaces shall be located near the entrances to the building.
  - (2) At buildings and shopping centers that have multiple parking lots, the bicycle parking spaces should be installed near the entrances to the buildings served by the lots.
  - (3) The bicycle parking spaces should be in a highly visible, well lighted location that provides enough clear space to facilitate easy use and does not impede pedestrian traffic or handicap accessibility.
  - (4) The parking spaces may not be placed in the County maintained right-of-way.
  - (5) The design of the bicycle rack should permit the locking of the frame and at least one (1) wheel with a standard size "U" lock and accommodate the typical range of bicycle sizes.
  - (6) The bicycle rack must resist removal, resist rust, corrosion and vandalism, and must be properly maintained.
- (d) Other forms of storage. At the owner's option, bicycle parking may also be installed in the form of storage rooms, lockers or cages.
- (e) Signage and markings. All bicycle parking spaces shall be posted with a permanent and properly maintained above-ground sign which shall conform to the figure entitled "Secured Bicycle Parking" hereby incorporated in this section. The bottom of the sign must be at least five (5) feet above grade when attached to a building, which may not be installed in the County maintained right-of-way. No permit shall be required for such signs.



**Bicycle Parking Sign**

- (f) Application to existing uses. All property owners of existing establishments that are required by this section to provide bicycle parking spaces shall comply within one (1) year from the effective date of the ordinance from which this section derives and shall be responsible to maintain such facilities. Existing multifamily uses are exempt from this subsection.

(Ord. No. 09-01, § 1 7-13-99; Ord. No. 00-107, § 1 0-7-00)

#### **Sec. 33-122.4. Reserved.**

*Editor's note—*

Ord. No. 03-160, § 7, adopted July 8, 2003, repealed section 33-122.4 in its entirety. Former section 33-122.4 pertained to litter containers and derived from Ord. No. 00-47, § 1, adopted April 11, 2000.

#### **Sec. 33-123. Approval of plan before issuance of permits.**

Prior to the issuance of any building, paving, grading and leveling or other permits, a suitable sketch must be presented to the Department indicating the parking layout drainage on the premises and indicating all driveways extending beyond the property line into the public right-of-way. The drainage plan for the premises shall meet with the approval of the Department of Public Works. The driveway plan must meet with the approval of the Director and the Director of the Public Works Department on all roads and in approving or rejecting the plan, the Directors shall determine that their decision is in the interest of public safety and welfare, taking into consideration the volume of traffic to be generated, its pattern and conflict with the adjacent road traffic; the number of driveways proposed and their proximity to others in the area; location and proximity of median cuts; visual clearances or obstructions at the driveways; angle and location of driveway and its intersection with the road; elevation of the driveway in reference to the road, and any other factors that may affect the safety and welfare of the public. In addition all driveways extending into State roads shall meet with the approval of the State and Department.

(Ord. No. 57-10, § 5(BB), 10-22-67; Ord. No. 66-30, § 1 5-11-69; Ord. No. 95-215, § 1 12-5-95)

#### **Sec. 33-124. Standards.**

Off-street parking shall be provided in accordance with the following minimum standards:

(a) Dwellings:

- (1) Single-family dwellings not specifically referenced elsewhere in this section shall be provided two (2) parking spaces. Paving of said spaces shall not be required.
- (2) Two-, three- and four-unit dwellings shall be provided two (2) parking spaces per unit.
- (3) Townhouses shall be provided a minimum of two (2) off-street parking spaces per townhouse unit. Such parking spaces may be provided on the lot of the townhouses or in a commonly owned and maintained off-street parking bay or facility; provided, that no parking space shall be more than one hundred fifty (150) feet, by the most direct pedestrian route, from the door of the townhouse to the parking space it is intended to serve.

Each townhouse site shall have its own off-street parking area and driveway thereto where on-site off-street parking is to be provided. In addition to the above required residents off-street parking spaces, a minimum of twenty-five hundredths (0.25) visitors parking spaces per townhouse shall be provided in a convenient commonly owned and maintained off-street parking bay or facility. Individual garages shall not be credited towards the parking requirement.

- (4) Cluster communities shall have two and one-quarter (2.25) parking spaces provided for each dwelling unit either on the individually owned lot(s) or on common property. Tandem parking is permitted only on individual lots and in the driveways connecting such lots with the adjacent roads provided said driveways are for the exclusive use of each individual lot; however, tandem parking shall be limited to no more than one (1) such tandem parking space for each individual lot. Individual garages shall not be credited towards the parking requirement.
- (5) Zero lot line communities shall have a minimum of two (2) off-street parking spaces provided on each platted lot.

In addition, zero lot line communities shall provide one (1) guest parking space for every four (4) dwelling units for all projects, except for those developed on public streets.

Tandem parking is permitted only on individual lots and in the driveways connecting such lots with the adjacent roads; provided, said driveways are for the exclusive use of each individual lot; however, tandem parking shall be limited to no more than one (1) such tandem parking space for each individual lot. Individual garages shall not be credited towards the parking requirement.

(6) Five (5) or more unit apartment buildings or apartment hotels:

One and one-half (1.50) parking spaces for each guest room, efficiency, or one (1) bedroom unit.

One and three-quarters (1.75) parking spaces for each two-bedroom unit.

Two (2.0) parking spaces for each three- or more bedroom unit.

A minimum of two (2) off-street parking spaces shall be provided for each mobile home space, both such parking spaces may be on the mobile home space, and each of the same shall be hard surfaced, or one (1) or both parking spaces may be in a common parking court, such courts, where provided, to be installed throughout the park to conveniently serve the inhabitants in different areas of the park, and such courts shall be hard surfaced.

- (b) *Hotels, rooming houses.* At least one (1) parking space for each of the first forty (40) individual guest rooms or suites; one (1) additional parking space for every two (2) guest rooms or suites thereafter. Public meeting rooms in hotels shall be further controlled as to parking by Subsection (e) of this section and by Subsection (k) where the meeting room does not contain permanent seats; and restaurants by Subsections (i) and (j). In addition, one (1) parking space shall be provided for each four (4) employees.
- (c) *Motels, tourist courts, bed and breakfast establishments, and transient accommodations.* One (1) parking space for each individual sleeping room or bedroom.
- (d) *Churches.* At least one (1) parking space for each one hundred (100) square feet or fractional part thereof of the seating area in the main auditorium (sanctuary), including adjacent areas which may be used as part of the auditorium.
- (e) *Reserved.*
- (f) *Hospitals.* At least one (1) parking space for each of the first three hundred (300) beds and one (1) additional parking space for every two (2) additional beds thereafter for patients contained in such building, plus one (1) parking space for each three (3) employees and resident staff members.

5 or more unit buildings (7)

- (g) *Sanitariums, convalescent homes, homes for the aged and similar institutions.* At least one (1) parking space for each two (2) beds for patients contained in such buildings, plus one (1) parking space for each two (2) employees.
- (h) *Commercial:*
- (1) Retail—Food or grocery stores, drug and sundry stores, department stores, membership warehouses, retail stores, retail stores similar to the foregoing, banks, post offices, mortuaries, funeral homes, waiting rooms stations for common carriers and shopping centers shall be provided parking at a rate of one (1) parking space for each and every two hundred fifty (250) square feet of the gross floor area or fractional part thereof. All retail uses within enclosed malls in excess of three hundred thousand (300,000) square feet shall provide parking at the rate of one (1) parking space for each and every three hundred and fifty (350) square feet of the gross floor area or fractional part thereof, excluding theaters, restaurants and food courts which shall provide parking as delineated in this section.
  - (2) Auto dealership showrooms, garage and gas station bay areas, and similar uses shall be provided three (3) parking spaces for the first twenty-five hundred (2,500) square feet of floor area, or fractional part thereof, and one (1) parking space for each additional five hundred (500) square feet of gross floor area, or fractional part thereof, plus three (3) parking spaces for each five thousand (5,000) square feet, or fractional part thereof, of open lot area. Office and retail parts areas shall be provided parking spaces as otherwise contained in this article. Customer and employee parking shall be labeled as such.
  - (3) Furniture showrooms shall be provided three (3) parking spaces for the first twenty-five hundred (2,500) square feet of gross floor area, or fractional part thereof, and one (1) parking space for each additional five hundred (500) square feet of gross floor area or fractional part thereof. When such a use is located within any BU District, the site plan submitted to the Department shall illustrate future parking spaces based on a calculation of one (1) parking space for each two hundred fifty (250) square feet of gross floor area or fractional part thereof, which shall be provided in the event the furniture use is discontinued. The lot area reserved for future parking spaces shall remain unencumbered with any structures and shall be landscaped. However, this landscaped area shall not be credited toward the minimum required open space. Prior to the issuance of a Certificate of Use and Occupancy for any use other than a furniture store, the property owner must provide the required number of parking spaces for the intended use as provided elsewhere in the article.
  - (3.1) Home improvement centers, including all storage/sales areas, shall have parking provided at a rate of one parking space for each two hundred fifty (250) square feet of gross floor area or fractional part thereof.
  - (4) Plant nurseries shall have parking provided at a rate of eight (8) spaces for the first acre, or fractional part thereof, and one (1) parking space for each two (2) acres thereafter up to ten (10) acres. One (1) additional parking space shall be provided for each five (5) acres or portion thereof thereafter.
  - (5) Packing plants shall have parking provided at a rate of one (1) parking space for each one thousand (1,000) square feet of gross floor area, or fractional part thereof.
  - (6) Open lot commercial uses such as, but not limited to, used care lots, storage yards and recreational vehicle sales lots shall be provided five (5) off-street parking spaces for the first five thousand (5,000) square feet of net lot area, or fractional part thereof and one (1) parking space for each additional five hundred (500) square feet of net lot area so used. These spaces shall be reserved for customer and employee parking only, and shall be labeled as such.
  - (7) Automobile gas stations/mini marts shall be provided one (1) parking space for each two hundred fifty square feet (250) of gross floor area or fractional part thereof, with a minimum of three (3) spaces which shall be designed so as not to interfere with the dispensing operation.
  - (8) Wholesale showrooms in the industrial districts shall be provided one (1) parking space for each six hundred (600) square feet of showroom area, or fractional part thereof.
  - (9) All commercial uses not identified in Subsections (1) through (7) above shall be provided three (3) parking spaces for the first twenty-five hundred (2,500) square feet of gross floor area, or fractional part thereof, and one (1) parking space for each and every additional five hundred (500) square feet of gross floor area, or fractional part thereof.
- (i) *Restaurants, lounges, nightclubs, or similar places dispensing food, drink or refreshments.*
- (1) Table service establishments shall be provided one (1) parking space for each fifty (50) square feet of floor area, or fractional part thereof devoted to patron use.
  - (2) Take-out establishments shall be provided one (1) parking space for each two hundred fifty (250) square

feet of gross floor area, or fractional part thereof.

- (j) *Adult Day Care Center*, shall be provided with one (1) parking space for each five hundred (500) square feet of gross floor area, or equal to the combined total of personnel and transportation vehicles whichever is greater.
- (k) *Recreational and entertainment use:*
- (1) Art galleries, amusement centers, cultural centers, libraries and museums shall be provided one (1) parking space for each two hundred fifty (250) square feet of gross floor area, or fractional part thereof.
  - (2) Banquet halls, bingo halls, convention halls and private clubs shall be provided one (1) parking space for each one hundred (100) square feet of patron area, or fractional part thereof.
  - (3) Bowling alleys, skating rinks, and indoor gun ranges shall be provided one (1) parking space per two hundred fifty (250) square feet of gross floor area, or fractional part thereof. Office, retail, restaurant and other areas in conjunction therewith shall have parking spaces provided as otherwise contained in this article.
  - (4) Dance, karate, and aerobics schools, and health/exercise studios shall be provided one (1) parking space for each one hundred (100) square feet of classroom area, or fractional part thereof. Office, retail, and restaurant areas in conjunction therewith shall have parking spaces provided as otherwise contained in this article.
  - (5) Golf courses shall be provided three (3) parking spaces per hole plus three (3) additional spaces. Office, retail, restaurant and other areas in conjunction therewith shall have parking provided as otherwise contained in this article.
  - (6) Live-aboard marinas shall be provided one (1) parking space per boat slip.
  - (7) Non-live-aboard marinas shall be provided one (1) parking space for each two (2) boat slips.
  - (8) Boats stored in racks shall be provided one (1) parking space for each three (3) boat racks.
  - (9) Stadiums and basketball gymnasiums shall be provided at least one (1) parking space for each four (4) seats.
  - (10) Commercial tennis and racquetball clubs shall be provided four (4) parking spaces per court. Office, retail, and restaurant areas in conjunction therewith shall have parking provided as otherwise contained in this article.
  - (11) Theaters, including movie theaters, and general auditoriums shall be provided one (1) parking space for each one hundred (100) square feet of auditorium seating area or fractional part thereof.
  - (12) Open lot recreational use parking requirements shall be determined by the Director and such requirements shall be based on the number of people that can reasonably be expected to be on such premises at one (1) time. Said determination shall be calculated on a basis of one (1) parking space for each four (4) persons.
- (l) *Schools.*
- (1) Day nurseries, kindergarten and elementary schools: Total parking spaces shall equal the combined total of personnel and transportation vehicles.
  - (2) Junior high [schools]: Total parking spaces shall equal one and one-quarter (1¼) times the combined total of personnel and transportation vehicles.
  - (3) High schools, trade schools and colleges: One (1) parking space per two hundred (200) square feet of classroom area, including laboratories, libraries and administrative areas. Housing facilities on college campuses must provide off-street parking of two (2) spaces for each three (3) sleeping rooms. Other such uses, such as restaurants, auditoriums, theaters, etc., shall provide parking as required in this section for such uses. In addition, in connection with the foregoing schools, one (1) parking space shall be required for each four (4) employees, excluding teachers.
- In connection with the foregoing school use, parking required for church use may be credited toward parking requirements for school use, where the same are operated by the same ownership and on the same property.
- The applicant shall submit information substantiating the personnel and vehicle figures used for computing the above parking requirements.
- (m) *Office, professional building or similar uses.* One (1) parking space for each three hundred (300) square feet of gross floor area of such building or fractional part thereof.
- (n) *Industrial.*
- (1) For a warehouse building, one (1) parking space shall be provided for each one thousand (1,000) square

feet of gross floor area in the building up to ten thousand (10,000) square feet and then one (1) space for each two thousand (2,000) square feet of gross warehouse floor area thereafter. Office, retail and wholesale showroom areas provided in conjunction with the industrial use shall have parking spaces provided for such areas as otherwise contained in this article. Regardless of the intended mix of use, a minimum of two (2) parking spaces shall be provided for each bay in the building. In determining the number of bays, the Director shall take into account the possibility of partitioning the building into multiple units, the number and location of bathrooms, the number and location of overhead or other door openings, the layout of electrical circuits and air conditioning units, etc. In determining the number of spaces to be provided, the formula requiring the greatest number of parking spaces shall be applied.

- (2) Where open lot or walled-in uses only are involved, such as salvage yards, batching plants, precast or prestressed concrete products, or the like, two (2) parking spaces for each five thousand (5,000) square feet of lot area shall be provided, or one (1) space for each two (2) employees shall be provided, whichever requires the greater number of parking spaces. Such parking spaces shall be located no farther than one thousand five hundred (1,500) feet from the industrial use in question. Such noncontiguous property to be used for parking must be located in BU-1A, BU-2, BU-3 or an industrial district.
- (3) For a telecommunications hub, one (1) parking space for each two thousand (2,000) square feet of gross floor area shall be provided. Office areas provided in conjunction with the industrial use shall have parking spaces provided for such areas as otherwise contained in this article. In the event of a subsequent change in use from a telecommunications hub to a permitted, alternative use, the alternative use shall conform to the parking standards otherwise contained in this article. A variance to reduce the number of required parking spaces shall not be granted solely on the basis of a proposed change in use from an existing telecommunications hub to an alternative use.

The ownership of the parking area shall be the same as that of the individual site which it is to serve. Before any permit for industrial use may be obtained, which under this chapter requires additional and separate parking areas, the owner of the industrial site shall cause to be recorded an agreement to the effect that the ownership of the industrial site and of the separate parking area shall remain the same until the regulations are amended eliminating the need for such separate parking area.

Prior to the issuance of a building permit for the erection of a new structure or building, or for an addition thereto, either of which is to be used for industrial purposes, or prior to the issuance of a certificate of use and occupancy for a different use of an existing industrial structure or building, the applicant shall complete and execute a form prescribed by the Director which shall, among other things, provide the necessary information upon which the required off-street parking may be determined; and the applicant shall therein acknowledge that such information is submitted for such determination; and in the event of a change in use or additional use is contemplated, such additional off-street parking as may be required by this chapter, if any, must be furnished prior to such use change or additional use.

- (o) *Housing for low and/or moderate income for older persons and/or persons with disabilities.*
  - (1) For any publicly owned or non-profit apartment building exceeding four (4) units providing housing for elderly persons or persons with disabilities that is developed and financially assisted under the United States Housing Act of 1937, fifty hundredths (0.50) parking space shall be provided for each dwelling unit in the apartment building.
  - (2) For any other apartment building exceeding four (4) units providing low and/or moderate income housing for older persons as defined by the Fair Housing Act, 42 U.S.C. § 3607, one (1) parking space shall be provided for each dwelling unit in the apartment building.
  - (3) Provisions of Chapter 33 of the Code of Miami-Dade County concerned with the requirements for lot coverage and open space shall remain enforced under this section. The lot area not used as a result of the decrease in parking spaces as required under Section 33-124(a) shall remain as open space and shall be landscaped or used for recreational purposes. Said open space shall be in addition to the open space requirements of the Code. The site plan submitted to the Department shall illustrate future parking spaces if the present parking requirements are inadequate pursuant to subdivision (4) herein.
  - (4) If it is determined by the Department at the time of annual renewal of certificate of occupancy that the parking reduction permitted pursuant to subsections (1) or (2) above does not allow adequate parking for the apartment building, the owner must increase the number of parking spaces to fulfill the needs as determined by the Director.
- (p) *Self-service storage facilities.*

- (1) Self-service storage facilities shall be defined as fully enclosed spaces used for warehousing which contain individual storage units with floor area no greater than four hundred (400) square feet and an interior height not to exceed twelve (12) feet. No wholesale or retail sales are permitted.
- (2) In self-service storage facilities, off-street parking shall be provided on the following basis: One (1) parking space per five thousand (5,000) square feet of building area for the first twenty thousand (20,000) square feet of building; one (1) parking space per ten thousand (10,000) square feet (or fraction thereof) of building area thereafter; and one (1) parking space for the manager's apartment, where provided. One (1) parking space per four hundred (400) square feet of gross office area (or fraction thereof) shall also be provided. In the application of these regulations, a minimum number of five (5) off-street parking spaces shall be provided for any self-service storage facility regardless of size.

(Ord. No. 87-19, § 5(BB)(1)(3); 10-22-87, Ord. No. 81-27, § 1, 6-27-81, Ord. No. 82-23, § 1, 6-5-82; Ord. No. 84-13, § 1, 4-21-84; Ord. No. 84-31, § 1, 7-21-84; Ord. No. 86-71, § 2, 10-8-89; Ord. No. 77-10, § 1, 2-18-77; Ord. No. 77-61, § 1, 9-6-77; Ord. No. 83-14, § 1, 3-15-83; Ord. No. 83-57, § 1, 7-5-83; Ord. No. 83-116, § 1, 12-20-83; Ord. No. 91-36, § 1, 3-19-91; Ord. No. 94-166, § 1, 9-13-94; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 95-216, § 1, 12-5-95; Ord. No. 88-5, § 1, 1-13-98; Ord. No. 01-99, § 2, 6-5-01; Ord. No. 03-80, § 1, 4-8-03; Ord. No. 03-117, § 1, 5-8-03; Ord. No. 08-78, § 1, 7-1-08; Ord. No. 10-20, § 2, 3-2-10; Ord. No. 11-04, § 2, 2-1-11; Ord. No. 13-76, § 2, 9-4-13)

Cross reference— Off-street parking for buildings for public assemblage, § 33-17(7)

### Sec. 33-124.1. Parking of commercial vehicles in residential or agricultural zones.

- (a) The following are hereby defined as commercial vehicles for the purpose of this section:

*Category 1.* A vehicle that is a taxicab, a limousine under twenty (20) feet in length or any passenger vehicle truck or van with a maximum height of eight (8) feet from the ground marked with a sign, letters, identification numbers or emblem advertising or associating it in any way with a commercial enterprise other than those which identify the vehicle maker or dealer. A sport utility vehicle marked with a sign, letters, identification numbers or emblem advertising or associating it in any way with a commercial enterprise, other than those which identify the vehicle maker or dealer, shall be considered as a Category 1 vehicle. For purposes of this section, a passenger vehicle bearing an emblem or lettering of a government entity shall also be considered as a Category 1 vehicle.

*Category 2.* A vehicle eight (8) feet or less in height that displays externally stored or mounted equipment either in a fixed or temporary manner which is visible of a commercial activity are visible including, but not limited to, food vending equipment, ladders, paint cans, lawn care equipment or fixtures and brackets necessary to carry such items. Trailers or utility trailers less than 20 feet in length which are enclosed or of an unenclosed design shall also be included as Category 2 vehicles.

*Category 3.* A vehicle, other than a recreational vehicle as defined in section 33-20(f), exceeding twenty (20) feet in length or more than eight (8) feet in height from the ground including, but not limited to, tow trucks, dump trucks, construction or earth moving vehicles or equipment and semi-tractors and trailers.

- (b) Storage or parking of certain commercial vehicles is allowed on private property in residential zones as follows:
1. In agriculturally zoned areas (AU) where a bona fide agricultural use, as defined in Section 19-3(B) of this Code, exists on private property, parking or storage of commercial vehicles used for agricultural purposes or in the transport of agricultural products is allowed as otherwise provided in this chapter.
  2. In residentially zoned districts, only two Category 1 vehicles may be parked at a residence.
  3. In residentially zoned districts, only one Category 2 vehicle may be stored or parked provided that it is kept within an enclosed garage or behind the front building line within a completely enclosed, opaque fence, screening wall or landscaping 6 feet in height at least ten (10) feet from the rear property line. If a Category 2 vehicle is so stored or parked, then only one Category 1 vehicle may also be stored or parked at such residence.
  4. For residential properties of four (4) or more units, the parking allowances provided for herein shall be applied as to each unit.
  5. Storage or parking of Category 3 vehicles are prohibited in all residentially zoned districts.
  6. The temporary parking of a Category 2 or 3 vehicle in front of the building line or in front of the buffer screen shall only be permitted for the purpose of loading or unloading of materials or persons or engaged in providing a commercial service at the premises or for the purpose of the driver to make a temporary convenience stop at the residence. However, a temporary or convenience stop shall be limited to no more than one hour in any 24-hour period.

- (c) Parking of certain commercial vehicles on the right-of-way is prohibited in residential zones as follows:
1. In areas zoned residential districts, it shall be unlawful for Category 2 or 3, vehicles, as herein defined, to be otherwise parked on the public right-of-way, unless actively engaged in the loading or unloading of materials or persons or engaged in providing a commercial service. Examples of providing commercial services include, but are not limited to, removal of disabled vehicles from private or public property presence at a construction site, delivery of goods, repair of household appliances and cleaning of household furniture.
- (d) Violations of these provisions are punishable as follows:
1. Any violation of this section is punishable by a civil fine of five-hundred dollars (\$500.00). Upon a repeat violation of subsection 33-124.1(c), in addition to civil penalties, such vehicle may be towed or immobilized until all outstanding violations and enforcement costs have been paid. After 35 days of storage or immobilization, such vehicle may be disposed of pursuant to the provisions contained in Section 713.585, Florida Statutes. Any enforcement officer is hereby authorized to secure the assistance of the Miami-Dade Police Department to effect enforcement of these provisions.
  2. Whoever opposes, obstructs or resists an enforcement officer in the discharge of duties as provided in this section, upon conviction, shall be guilty of a misdemeanor of the second degree and shall be subject to punishment as provided by law.

(Ord. No. 89-18 § 2, 2-2-89 Ord. No. 05-75, § 1 4-19-05)

### Sec. 33-125. Parking area on application for building permit.

Applications for building or use permits shall indicate the area to be used for parking and permits shall be issued stating that such area shall be so reserved and developed. Recordable restrictions so reserving such area may be required at the discretion of the Director. Such area reserved for parking area will be marked on the zoning maps and no permits for additional use of such area shall be issued. Area reserved for parking in connection with any use shall be under the same ownership as that of the use itself.

(Ord. No. 57-19, § 5(BB)(2) 10-22-57)

### Sec. 33-126. Surface of parking areas.

- (1) In the AU, RU-1, RU-2 and RU-3 Districts the area reserved for off-street parking shall be either graveled, mulched or hard-surfaced. In all other zones it shall be hard-surfaced. Where the parking area is hard-surfaced, the same shall consist of a good rolled rock base, well tamped and topped with oil and sand or with asphalt or surfaced with concrete. Occupancy of a given structure or premises shall be prohibited until the required parking area has been improved, inspected and approved.
- (2) In all other districts, all off-street parking areas shall be surfaced with a minimum of a rolled six-inch rock base and a one-inch durable weatherproof asphaltic pavement. The occupancy or use of a given structure or premises shall be prohibited until the required off-street parking area has been improved, inspected and approved.
- (3) All required off-street parking areas shall be properly drained so that no nuisance will be caused to adjacent or nearby properties. All construction shall comply with design standards as established by all applicable laws, ordinances and regulations.
- (4) All required off-street parking areas shall be maintained in good repair and shall be kept in a reasonably clean and sanitary condition free from rodents, insects and vermin.

(Ord. No. 57-19 § 5(BB)(4) 10-22-57 Ord. No. 94-161, § 1 9-13-94 Ord. No. 97-11 § 2 2-25-97)

### Sec. 33-127. Districts where parking area permitted between setback line and right-of-way.

No parking areas including driveways except for minimum ingress and egress drives in the RU, EU, AU, GU and RU-5 (with the exception of RU-5A), Districts shall be located closer than twenty-five (25) feet to an official right-of-way except parking areas for single-family, two-family, three- and four-unit apartment uses.

In the RU-1 and RU-2 Districts and single-family, two-family, three-unit apartment and four-unit apartment users in the RU-3 District, front, side, and side street setback areas may be used for off-street parking if said area is of sufficient depth to permit the parking of vehicles. Parking in the BU Districts shall be permitted between the required setback line and the official right-of-way line, providing a continuous, extensively planted greenbelt of not less than five (5) feet shall be placed along all property lines abutting said official right-of-way line. Parking in the IU-1, IU-2, IU-3 Districts shall be permitted between the

**Sec. 33-127. Districts where parking area permitted between setback line and right-of-way.**

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**Sec. 33-128. Location on same lot as use; exceptions.**

(a)

Off-street parking areas shall be located on the same lot, parcel or premises as the use to be served; provided, if the use to be served is a business or commercial use, the parking area therefor may be on a lot or parcel of land that is in an IU or BU District and is within three hundred feet (300') from the site of such business or commercial use to be served; provided such business or commercial use shall immediately terminate in the event such parking area therefor is not available and all those having any right, title or interest in and to such business or commercial use property shall execute and place on the public records of this County a covenant approved by the Director that such business or commercial use shall cease and terminate upon the elimination of such parking area, and that no business or commercial use shall be made of such property until the required parking area is available and provided.

(b)

Off-street parking areas shall be located on the same lot, parcel or premises as the use to be served; provided, if the use to be served is an apartment building, the parking area therefor may be located on a lot or parcel of land that is in the same apartment district which permits the use, or more liberal apartment or business district and within three hundred feet (300') from the site of such apartment structure to be served, said distance to be measured by the normal and legal way a pedestrian would travel; provided such apartment use shall immediately terminate in the event such parking area therefor is not available and all parties having any right, title or interest in and to such apartment shall execute and place on the public records of this County a covenant approved by the Director that such apartment use shall cease and terminate upon the elimination of such parking area, and that no apartment or other use shall be made of such property until the required parking area is available and provided.

required setback line and the official right-of-way line providing that greenbelt requirements as provided elsewhere in this chapter are satisfied. In no event may parking areas located in the setback areas be sheltered or enclosed in any manner.

*(Ord. No. 57-19, § 5(BB)(5), 10-22-57; Ord. No. 64-19, § 3, 3-5-64; Ord. No. 68-29, § 1, 5-21-68; Ord. No. 91-36, § 1, 3-19-91)*

### **Sec. 33-128. Location on same lot as use; exceptions.**

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*(Ord. No. 57-19, § 5(BB)(6), 10-22-57; Ord. No. 62-23, § 2, 6-5-62; Ord. No. 70-18, § 1, 3-11-70)*

### **Sec. 33-129. Application of provisions to change of uses.**

This article shall apply to changes of uses as well as the establishment of new uses.

*(Ord. No. 57-19, § 5(BB)(7), 10-22-57)*

### **Sec. 33-130. Between business structure and public park.**

Where a business is adjacent to a park, neither the driveway nor the parking area shall be located between the business structure and the public park.

*(Ord. No. 57-19, § 5(BB)(8), 10-22-57)*

### **Sec. 33-131. Using parking areas for commercial parking lot.**

No area designated as a parking area in connection with any designated use or uses shall be operated as a commercial parking lot.

*(Ord. No. 57-19, § 5(BB)(9), 10-22-57)*

### **Sec. 33-132. Marking parking spaces; backing out into street; improvement of frontage.**

For all uses other than single-family, duplex or townhouse, the parking area shall be marked by painted lines, as otherwise provided in this chapter, indicating the individual parking spaces or stalls. In all districts, the parking area shall be so arranged that there is no backout into an adjacent private or public street, excepting only lots used for single-family or duplex use. The frontage along the entire parking area adjacent to the private or public street shall be curbed, walled or landscaped, except at entrances, exits, or drainage outlets approved by the Director and the Department of Public Works.

*(Ord. No. 57-19, § 5(BB)(10), 10-22-57; Ord. No. 91-36, § 1, 3-19-91)*

Miami – Dade County, Florida  
CODE OF ORDINANCES  
PART III - Chapter 33 - ZONING

ARTICLE VII.  
OFF-STREET PARKING

**Sec. 33-132.** Marking parking spaces;  
***backing out into street***; improvement  
of frontage.

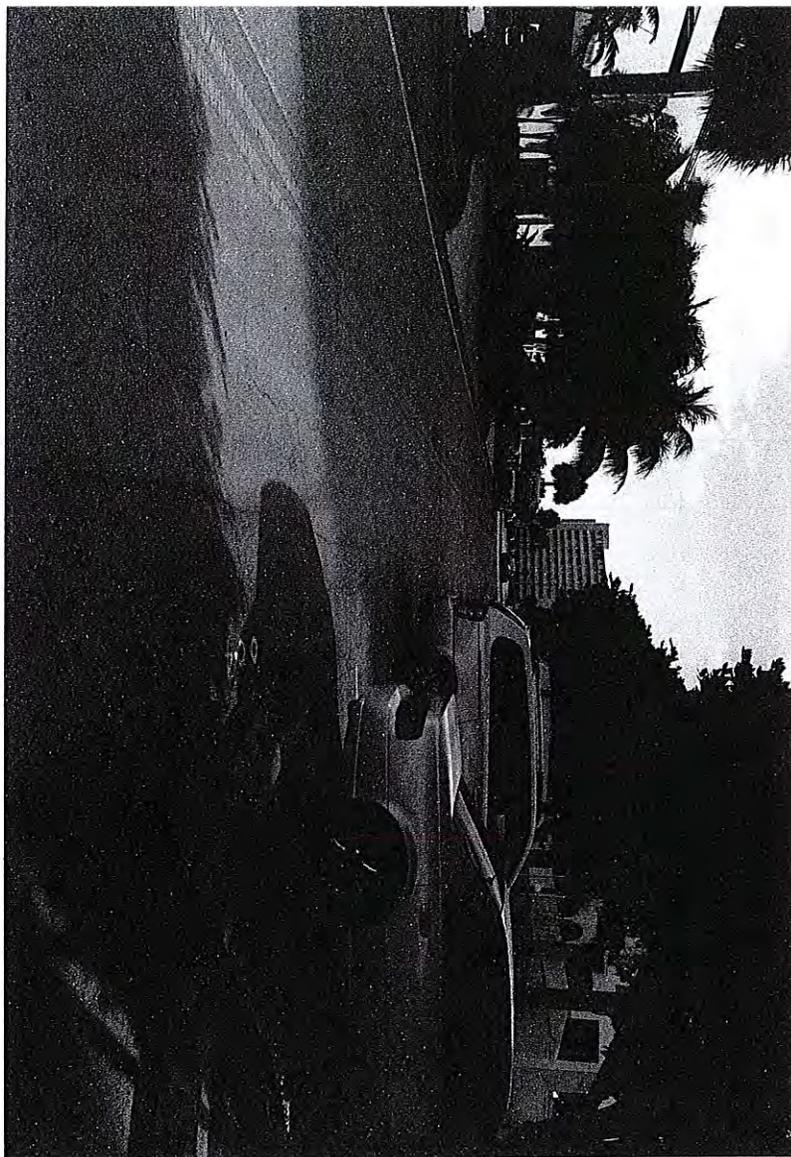
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Miami – Dade County, Florida  
CODE OF ORDINANCES  
PART III - Chapter 33 - ZONING

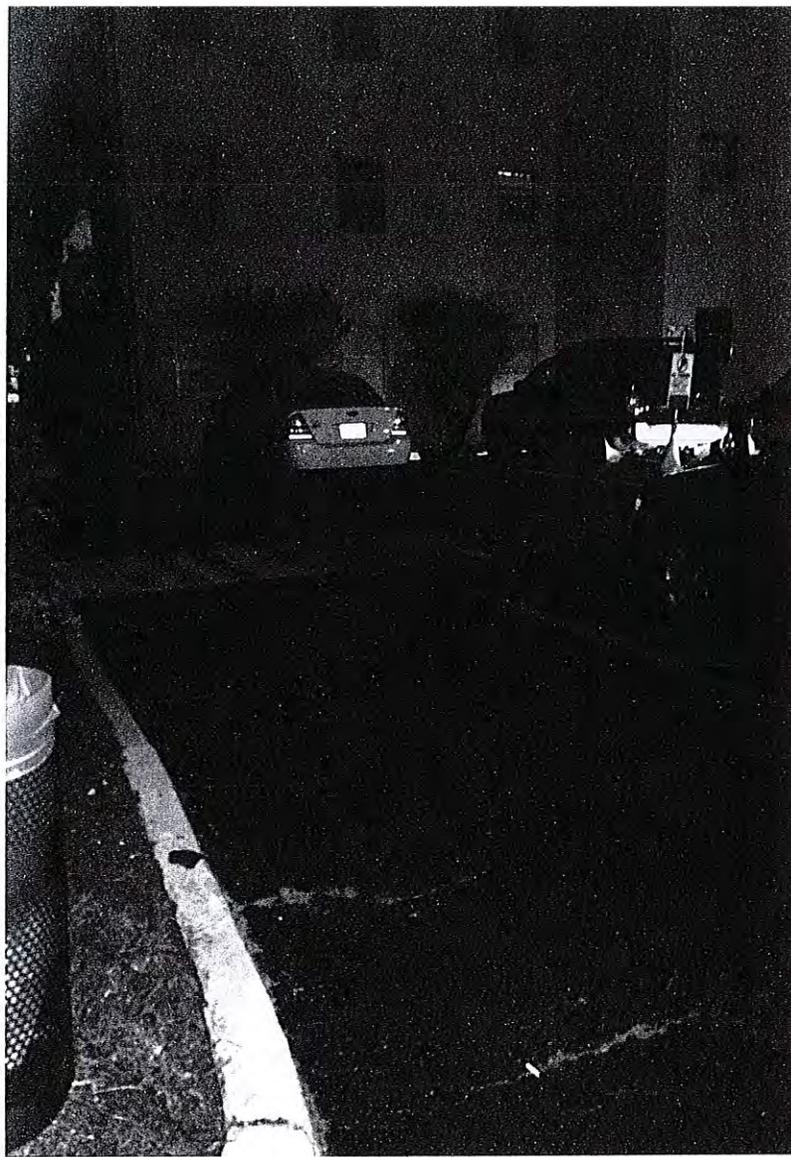
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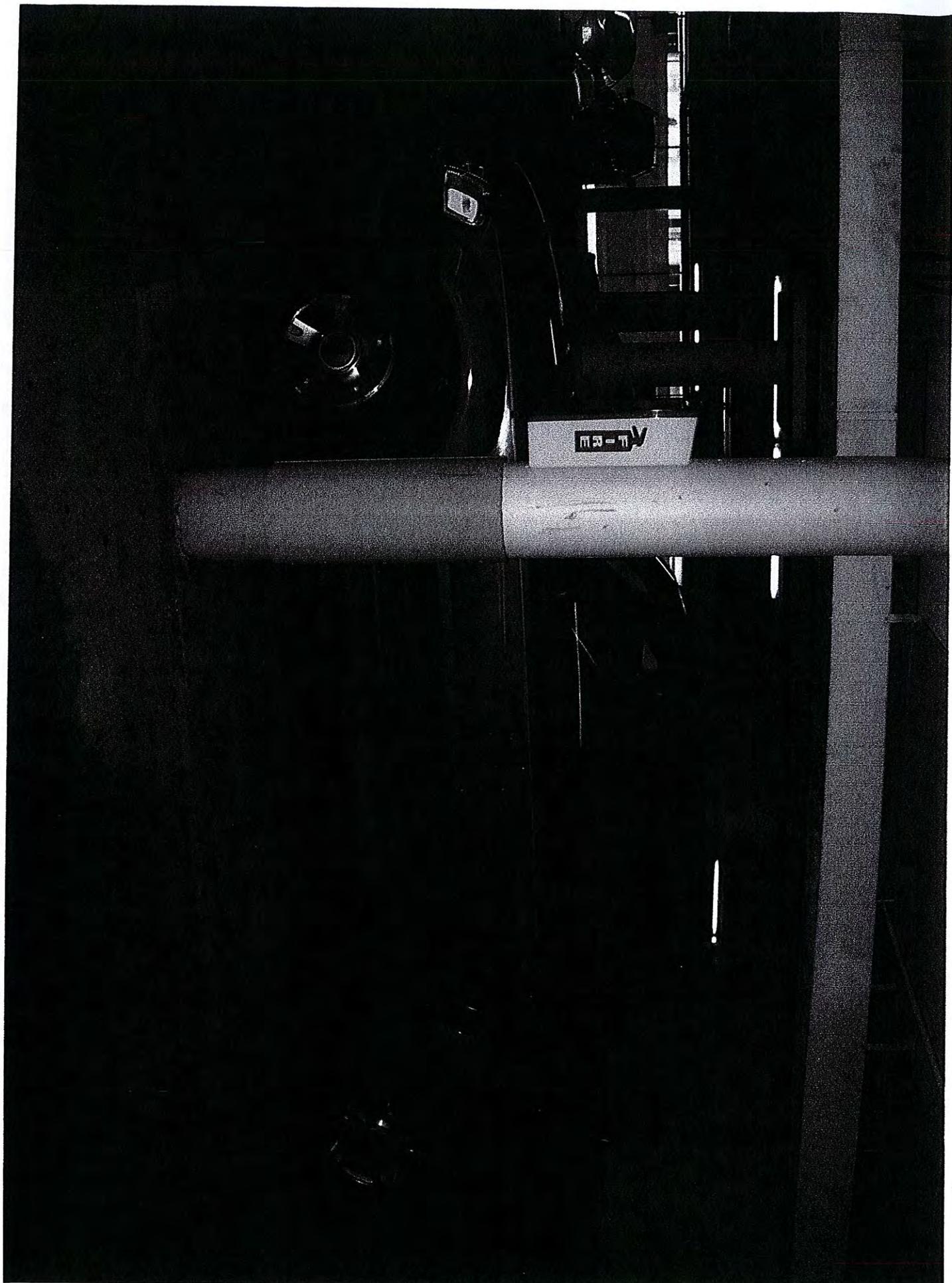


12/2/2014  
P+Z Board Mtg  
Exhibit 3

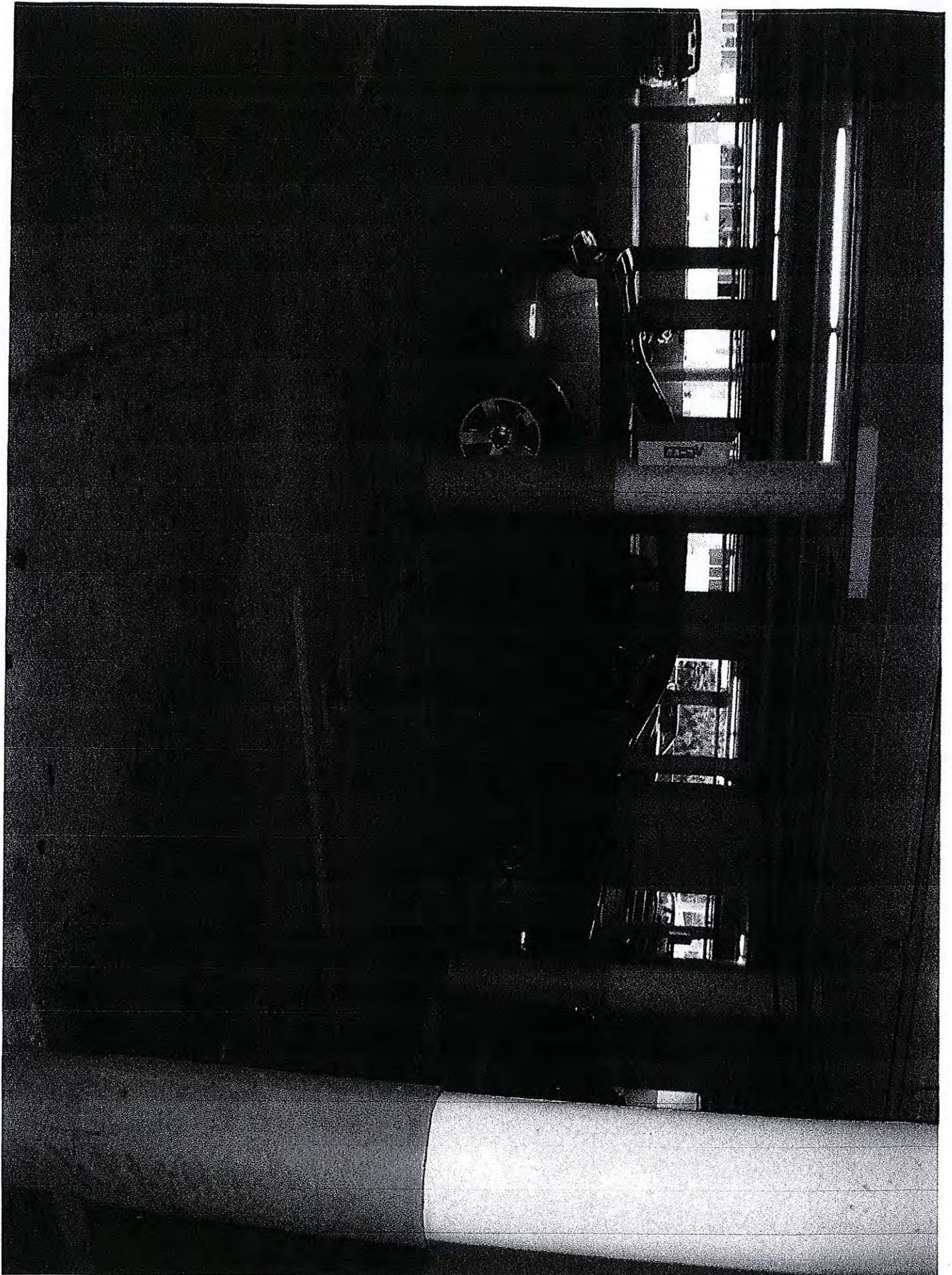


at the end of east drive,

12/2/14  
P+Z Board Mtg  
Exhibit 4.



12/2/14 P+Z Board Mta. Exhibit Page 54



12/2/14 PtZ Board Mtg Exhibit Page 55





## North Bay Village

Administrative Offices

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

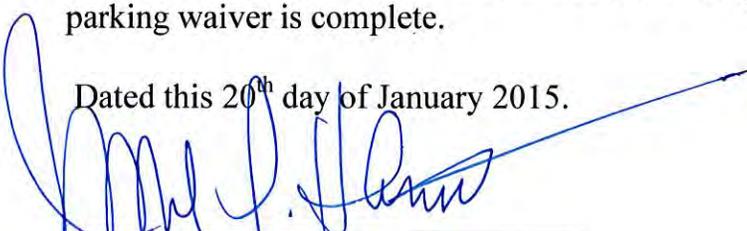
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: [www.nbvillage.com](http://www.nbvillage.com)

**RE. AN APPLICATION BY CHATEAU ISLE, INC. CONCERNING PROPERTY LOCATED AT 7939-7941 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:**

**A. A SPECIAL USE EXCEPTION PURSUANT TO SECTION 152.044(E)(2) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR A PARKING WAIVER.**

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 Chateau Isle, Inc. for a parking waiver is complete.

Dated this 20<sup>th</sup> day of January 2015.

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

(North Bay Village Commission Meeting – January 27, 2015)



## North Bay Village

Administrative Offices

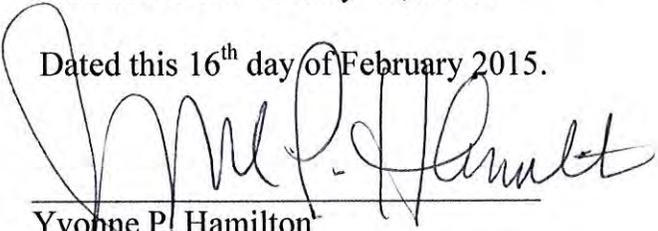
1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

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

**RE. AN APPLICATION BY CHATEAU ISLE, INC. CONCERNING PROPERTY LOCATED AT 7939-7941 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA, FOR A PARKING WAIVER PURSUANT TO SECTION 152.044(E)(2) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES. (DEFERRED FROM JANUARY 27, 2015)**

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 February 13, 2015.

Dated this 16<sup>th</sup> day of February 2015.

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

(Commission Meeting -2/24/2015)



## 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 CHATEAU ISLE, INC. CONCERNING PROPERTY LOCATED AT 7939-7941 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA, FOR A PARKING WAIVER PURSUANT TO SECTION 152.044(E)(2) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES. (DEFERRED FROM JANUARY 27, 2015)**

I, Yvonne P. Hamilton, hereby certify that the attached Notice of Public Hearing to be held on February 24, 2015 was posted at the above-referenced property on February 12, 2015.

Dated this 16th day of February 2015.

Yvonne P. Hamilton  
Village Clerk

(Commission Meeting-2/24/2015)



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

PUBLIC NOTICE IS HEREBY GIVEN THAT THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A SPECIAL MEETING ON **TUESDAY, FEBRUARY 24, 2015** 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 AT PUBLIC HEARING:

- 1. AN APPLICATION BY CHATEAU ISLE, INC. CONCERNING PROPERTY LOCATED AT 7939-7941 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA, FOR A PARKING WAIVER PURSUANT TO SECTION 152.044(E)(2) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES. (DEFERRED FROM JANUARY 27, 2015)**

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/(February 10, 2015)

VIEW LLC  
C/O JAMES EDWARDS  
7940 WEST DR  
NORTH BAY VILLAGE, FL 33141

SPACE 01 CONDOMINIUM  
7934 WEST DRIVE  
N BAY VILALGE, FL 33141

CHATEAU ISLE CO-OP  
7939 WEST DRIVE  
N. BAY VILLAGE, FL 33141

NAFDOF NBVMF LLC  
7937 WEST DRIVE  
NORTH BAY VILLAGE, FL 33141

WEST BAY CONDOMINIUM  
7935 WEST DRIVE  
N. BAY VILLAGE, FL 33141

CLPF-NBV, LP  
200 E. BROWARD BLVD.  
FT. LAUDERDALE, FL 33301

Owner/Occupant  
7933 West Drive, #1131  
N. Bay Village, FL 33141

Owner/Occupant  
7933 West Drive, #1132  
N. Bay Village, FL 33141

Owner/Occupant  
7933 West Drive, #401  
N. Bay Village, FL 33141

Owner/Occupant  
7933 West Drive, #402  
N. Bay Village, FL 33141

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7933 West Drive, #1129  
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7933 West Drive, #D5  
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7934 West Drive, #605  
North Bay Village, FL 33141

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7939 West Drive, #104  
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7939 West Drive, #203  
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7939 West Drive, #204  
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7939 West Drive, #301  
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7939 West Drive, #302  
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7939 West Drive, #303  
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7941 West Drive, #102  
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7941 West Drive, #201  
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N. Bay Village, FL 33141

KEEPING KIDS FIT

Vaccinate your children against the measles

BY JUDY SCHAECHTER  
jhschae@system.com

With last week's news that many infected with measles had recently traveled through Florida, the reality of the national measles epidemic was brought home. What started out with a few cases tied to Disneyland in California has become an outbreak that is impacting more than 100 people - the majority of whom were unvaccinated - in 14 reported states.

Measles, a contagious virus that enters the body through the nose, mouth and eyes, is known for its high fever, rash, conjunctivitis and runny nose. It infects 90 percent of those who have not been immunized, including babies too young to receive the vaccine. Though most people recover, some patients get pneumonia while others get measles encephalitis or even die. The very young and the unvaccinated, including pregnant women, are most at risk.

Health officials - and even President Barack Obama - have responded to this latest outbreak by encouraging people to get vaccinated and make sure their children are immunized. The most effective protection from the measles is through vaccination.

Children are typically vaccinated as part of their well-visit schedule. The measles injection is administered through the measles, mumps and rubella vaccine (MMR) that is given twice - first between the ages of 12 and 15 months and again between ages 4 and 6. It is important to note that vaccines, including MMR, are eligible to all children, whether citizens or undocumented immigrants.

So, if MMR has been proven effective, is part of the childhood vaccination schedule and available to all, why are people choosing to forgo it? Unfortunately, MMR is often incorrectly cited as a vaccine that triggers autism in young children. Though more than a decade of research has provided no scientific evidence to corroborate this misguided perception, fear lingers in parents who by trying to protect their kids could actually be harming them when denying them the measles vaccine.

Physicians thought measles was eliminated in the United States in 2000. But that designation was made with the understanding that the public would continue being vaccinated. Sadly, that has not been the case. When people, even small groups of people, stop vaccinating against disease, it creeps back.

Measles is spread through direct contact and passage of respiratory droplets by a cough or sneeze. But germs left in the air or on a surface remain viable even hours after an infected person shares the virus. So, the contagious person might be gone from the area, but the invisible measles lives on.

People are contagious four days before until four days after the rash. Most do not realize they have measles at least part the time they are contagious, which is partly why it can be spread to so many, so quickly.

Outbreaks of measles have become more common in the past decade, usually introduced by international visitors. But the disease is spread in our population by those choosing to forgo immunization. Last year we experienced an unprecedented 644 cases of measles in the United States, and we are on track to have another record number of cases this year.

Though South Florida has yet to report any cases this year, the possibility for the introduction of measles or other preventable viruses into our community is high due to our status as an international gateway. Deadly diseases may come from distant continents, or they may be common childhood diseases spread in our parks, schools, houses of worship or even at kids' birthday parties. In the case of measles and other vaccine-preventable diseases, we can stop these outbreaks by immunizing our children and ourselves, for our own health and those around us.

Without knowing it, unvaccinated children and adults they grow into can pass disease to someone else's child - perhaps a child who because of medical reasons is unable to be vaccinated. Instead of going vaccine-free and potentially infecting your child and others while sitting next to them on an amusement park ride, at school or on a plane, choose to protect your health and that of your loved ones and neighbors. Make an appointment with your doctor to get your vaccines up to date.

*Dr. Judy Schaechter is interim chairwoman of the Department of Pediatrics at the University of Miami Miller School of Medicine and chairs Miami-Dade County's Immunization Coalition.*



NORTH BAY VILLAGE  
NOTICE OF PUBLIC HEARING

PUBLIC NOTICE IS HEREBY GIVEN THAT THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A SPECIAL MEETING ON THURSDAY, FEBRUARY 26, 2015, AT 7:00 P.M., OR AS SOON AS POSSIBLE THEREAFTER, AT VILLAGE HALL, 1666 KENNEDY CASUREWAY, #101, NORTH BAY VILLAGE, FLORIDA, DURING THIS MEETING THE COMMISSION WILL CONSIDER THE FOLLOWING REQUESTS:

1. AN APPLICATION BY CHATEAU ISLE, INC. CONCERNING PROPERTY LOCATED AT 7939-7941 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA, FOR A PARKING WAIVER PURSUANT TO SECTION 152.044(2)(3) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES. *(DELETED FROM JANUARY 22, 2015)*
  2. AN APPLICATION BY 7940 WEST DRIVE, LLC CONCERNING PROPERTY LOCATED AT 7938 AND 7940 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING: *(FINAL PUBLIC HEARING) (DELETED FROM JANUARY 22, 2015)*
    - A. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(E) AND 152.096 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENTS REQUIRED PARKING SPACES TO BE DESIGNATED SPECIFICALLY FOR COMPACT VEHICLES.
    - B. BONUS DENSITY APPROVAL, PURSUANT TO SECTION 152.029(C)(8)(H) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.
    - C. SITE PLAN APPROVAL PURSUANT TO SECTION 152.056(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 54-UNIT, 15-STORY CONDOMINIUM STRUCTURE WITH A PARKING GARAGE.
    - F. AN APPLICATION BY BAY VILLAGE VENTURE, LLC CONCERNING PROPERTY LOCATED AT 1725 KENNEDY CASUREWAY, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING: *(FINAL PUBLIC HEARING)*
      - A. VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A MIXED-USE COMMERCIAL STRUCTURE IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT.
      - B. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENTS REQUIRED PARKING SPACES TO BE DESIGNATED SPECIFICALLY FOR COMPACT VEHICLES.
      - C. BONUS DENSITY APPROVAL, PURSUANT TO SECTION 152.029(C)(8)(H) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.
      - D. BONUS HEIGHT APPROVAL, PURSUANT TO SECTION 152.029(C)(8)(A) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.
      - E. A VARIANCE PURSUANT TO SECTION 152.097 OF THE 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.
      - F. SITE PLAN APPROVAL PURSUANT TO SECTION 152.056(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 43-UNIT, 16-STORY MIXED USE CONDOMINIUM STRUCTURE WITH A PARKING GARAGE.
      - G. AN APPLICATION BY BRICKELL VILLAGE 7% LLC CONCERNING PROPERTY LOCATED AT 1601 KENNEDY CASUREWAY, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING: *(FINAL PUBLIC HEARING)*
        - A. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.040(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. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENTS REQUIRED PARKING SPACES TO BE DESIGNATED SPECIFICALLY FOR COMPACT VEHICLES.
        - C. BUILDING HEIGHT BONUS REVIEW TO 240 FEET PURSUANT TO SECTION 152.029(C)(8) THROUGH 8E.
        - D. DENSITY BONUS REVIEW PURSUANT TO SECTION 152.029(C)(8)(H).
        - E. SITE PLAN APPROVAL PURSUANT TO SECTION 152.056(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 75-UNIT, 22-STORY CONDOMINIUM STRUCTURE WITH A PARKING GARAGE.
        - F. AN APPLICATION BY ORLANDO LAMA ON BEHALF OF GRANDVIEW PALACE WACHT CLUB, INC. FOR INSTALLATION OF TWO NEW BOWTIEPS AT THE COMMERCIAL MARINA AT 7601 E. TREASURE DRIVE, THE SEASIDE ISLAND, NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTION 150.110 OF THE VILLAGE CODE.
- 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 CO THE VILLAGE CLERK, 1666 KENNEDY CASUREWAY, 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 CASUREWAY, #101, INQUIRIES MAY BE DIRECTED TO THAT DEPARTMENT AT (904) 756-1711.
- PURSUANT TO SECTION 36.05(6), FLORIDA STATUTES IF ANY PERSON DESIRES TO APPEAL, ANY DECISION BY THE COMMISSION WITH RESPECT TO THIS OR ANY MATTER CONSIDERED AT ITS MEETING OR ITS HEARING, SUCH PERSON MUST INSURE 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 OTHERS UNWELCOMED OR UNDESIRABLE PERSONS, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW TO REQUEST THIS MATERIAL IN ACCESSIBLE FORMATS. SIGN LANGUAGE INTERPRETERS, INTERPRETERS ON ACCESS FOR PERSONS WITH DISABILITIES, AND/OR ANY ACCOMMODATION TO REVIEW ANY DOCUMENT OR PARTICIPATE IN ANY VILLAGE SPONSORED PROCEEDING, PLEASE CONTACT (904) 756-1711 HAVE IN ADVANCE YOUR REQUEST. TTY USERS MAY ALSO CALL (904) 756-1711 FOR MORE INFORMATION.
- WYONNE P. MARSHALLTON, CMG  
VILLAGE CLERK  
(904) 756-1711

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

**A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY CHATEAU ISLE, INC. FOR A SPECIAL USE EXCEPTION PURSUANT TO 152.044(E)(2) OF THE VILLAGE CODE OF ORDINANCES FOR A PARKING WAIVER; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Section 152.044(E)(2) of the North Bay Village Code of Ordinances, Chateau Isle, Inc. has applied to North Bay Village for a Special Use Exception for a parking waiver to be allowed to construct new parking spaces between 7939-7941 West Drive and the existing public parking spaces; and

**WHEREAS**, Section 152.098 and Section 152.102 of the Village Code set forth the authority of the Village Commission to consider and act upon an application for a Special Use Exception specified in Section 152.098; and

**WHEREAS**, in accordance with Section 152.096 of the Village Code, a public hearing by the Planning and Zoning Board was noticed for December 2, 2014 at 7:30 P.M. at Village Hall, 1666 Kennedy Causeway, #101, North Bay Village, Florida and the Planning and Zoning Board reviewed the application, conducted a public hearing and recommended approval of the request with conditions; and

**WHEREAS**, in accordance with Section 152.096 of the Village Code, a public hearing by the Village Commission was noticed for January 27, 2015 at 7:30 P.M. at Village Hall, 1666 Kennedy Causeway, #101, North Bay Village, Florida 33141 and all interested parties have had the opportunity to address their comments to the Village Commission; and

**WHEREAS**, the Village Commission has reviewed the application, and considered the recommendation of the Planning and Zoning Board and comments from the public, and determined that the proposed use does not substantially affect adversely the subject property or adjacent properties.

**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 into this Resolution by this reference.

**Section 2.     Finding.**

1. In accordance with Section 152.098 of the Village Code, the Village Commission finds that the proposed Special Use Exception for a parking waiver to construct new parking spaces between 7939-7941 West Drive and the existing public parking spaces will not substantially affect adversely the uses permitted in these regulations of adjacent property.

**Section 3.     Grant.**

The Special Use Exception for a parking waiver to construct new parking spaces between 7939-7941 West Drive and the existing public parking spaces is hereby granted.

**Section 4.     Conditions.**

The request is approved with the condition that the following items are met prior to issuance of a Building Permit:

- 1) Pervious pavers will be used for front parking spaces.
- 2) Site Plan submitted for building permit must be in compliance with state and federal ADA regulations.

- 3) Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.
- 4) The tandem compact parking spaces should be eliminated from the plan, or their relocation must not interfere with the Village's garbage pick-up requirements.
- 5) Approval of this parking 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.
- 6) All applicable state and federal permits must be obtained before commencement of construction.
- 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 on the property), have been paid in full.

**Section 5. Appeal.**

In accordance with Section 152.104 of the Village Code, the Applicant, or any aggrieved property owner, may appeal the decision of the Village Commission by filing a Writ of Certiorari to the Circuit Court of Miami-Dade County, Florida, in accordance with the Florida Rules of Appellate Procedure.

**Section 6. Violation of Conditions.**

Failure to adhere to the terms and conditions contained in this Resolution in Section 4, if any, shall be considered a violation of this Resolution and persons found violating the conditions shall be subject to the penalties prescribed by the Village Code, including but not limited to, the revocation of any of the approval(s) granted in this Resolution.

The Applicant understands and acknowledges that it must comply with all other applicable requirements of the Village Code before it may commence construction or operation, and that the foregoing approval in this Resolution may be revoked by the Village at any time upon a determination that the Applicant is in non-compliance with the Village Code.

**Section 6. Effective Date.**

This Resolution shall become effective upon its adoption.

The foregoing Resolution was offered by Commissioner \_\_\_\_\_, 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 Jorge Gonzalez	_____
Commissioner Richard Chervony	_____
Commissioner Wendy Duvall	_____
Commissioner Eddie Lim	_____

PASSED and ADOPTED this 24th day of February 2015.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

North Bay Village Resolution: 7939-7941 West Drive Parking Waiver.



## Memorandum

**To:** North Bay Village Commission  
**From:** James G. LaRue, AICP  
**Date:** January 14, 2015  
**Subject:** *7938 & 7940 West Drive, 2<sup>nd</sup> Commission Hearing (1-27-15)*

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The project proposed for 7938 & 7940 West Drive was heard by the Planning and Zoning Board on October 21, 2014 and heard by the Village Commission on December 9, 2014. Both bodies recommended approval of all applications presented for that project. The voting record and staff's recommendations for those items are as follows:

### Request for Use of Compact Parking Spaces

- The Planning and Zoning Board recommended approval by a 4-0 vote.
- The Village Commission recommended approval by a 4-0 vote.
- Staff recommends approval of this request.

### Site Plan & Building Density Bonus Review

- The Planning and Zoning Board recommended approval by a 4-0 vote, based on staff's recommended conditions.
- The Village Commission recommended approval by a 4-0 vote, based on staff's recommended conditions.
- Staff recommends approval of this request, conditional upon the following items being met prior to issuance of a building permit:
  - 1) Applicant shall revise plans to preserve as many right-of-way street parking spaces as possible.
  - 2) Submittal of a vegetative survey, irrigation plan, and landscape plan which meets Miami-Dade Chapter 18A requirements.
  - 3) Submittal of a Unity of Title, as per Section 152.0296(D)(3).
  - 4) The public access easement and boardwalk must be dedicated and recorded. Applicant shall agree, in writing, that the boardwalk shall be open to the public daily, during hours to be determined by the Village; and boardwalk lighting shall remain on while boardwalk is open to the public.
  - 5) Site plan approval from Miami-Dade Shoreline Review Committee.

- 6) Meeting Miami-Dade County School Concurrency requirements as determined by School Board Staff.
- 7) Payment of any applicable impact fees.
- 8) Payment of bonus density fees, as required under Section 152.029(C)8F.
- 9) Tie-in to Village's wastewater system at a connection point determined by the Village and payment of pro-rata costs involved in tying into appropriate connection point.
- 10) Applicant shall not lease or sell parking spaces.
- 11) Applicant shall not charge for guest parking.
- 12) Staging of construction materials shall occur off-site, and not on the public right-of-way.
- 13) 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.
- 14) Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.
- 15) 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.
- 16) All applicable state and federal permits must be obtained before commencement of construction.

For further discussion of these issues, please see staff reports presented at the Commission public hearing on December 9, 2014.

CC: Frank Rollason, Village Manager  
Yvonne Hamilton, Village Clerk





## **Staff Report Site Plan**

*Prepared for:* North Bay Village  
Commission

*Applicant:* 7940 West Dr, LLC

*Site Address:* 7938 & 7940 West Drive

*Request:* Site Plan Approval for  
Multi-family residential building  
(condominium)



Serving Florida Local Governments Since 1988

### General Information

<b>Applicant:</b>	<b>7940 West Dr LLC</b>
<b>Applicant Address:</b>	<b>1548 Brickell Ave, Miami Fl. 33131</b>
<b>Site Address:</b>	<b>7938 &amp; 7940 West Drive</b>
<b>Contact Person:</b>	<b>Javier Lluch</b>
<b>Applicant Phone Number:</b>	<b>786-280-4280</b>
<b>E-mail Address</b>	<b>javierlluch@gmail.com</b>

<b>Future Land Use</b>	<b>High Density Multi-family Residential</b>
<b>Zoning District</b>	<b>RM-70</b>
<b>Use of Property</b>	<b>Vacant</b>
<b>Acreage</b>	<b>33,600 sq ft</b>

### Legal Description of Subject Property

LOTS 38, 40, AND 42 "HARBOUR ISLAND: ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 44, AT PAGE 72, PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

### Request

The applicant is requesting:

1. Density 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. Special exception request for use of compact parking, as per Section 152.042(E).
3. Site plan approval pursuant to Section 152.105(C)(9) of the North Bay Village Code of Ordinances for development of a 54 unit, 15 story multi-family condominium structure in the RM-70 (high density multiple-family residential) zoning district. The applicant is submitting a site plan for review under Section 152.0296. This Section provides for flexibility in design, in regard to setbacks, parking and other development factors.



**Consistency with Comprehensive Plan**

The multifamily residential use is consistent with the description of the Residential 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	High Density Multi-Family Residential
	Zoning District	RM-70
	Existing Land Use	Condominiums
<b>East</b>	Future Land Use	High Density Multi-Family Residential
	Zoning District	RM-70
	Existing Land Use	Condominiums
<b>South</b>	Future Land Use	High Density Multi-Family Residential
	Zoning District	RM-70
	Existing Land Use	Condominiums
<b>West</b>	Future Land Use	Water
	Zoning District	Water
	Existing Land Use	Biscayne Bay

**Adequacy of Public Facilities**

Traffic Analysis

We have reviewed the Traffic Study prepared by KBP Consulting, Inc. for the proposed 54-unit high-rise residential condominium development. The Study used Institute of Traffic Engineers (ITE) factors in determining the peak hour traffic generation associated with the proposed use. Based on the ITE factors, the proposed project will generate 45 and 34 peak-hour trips in the AM and PM peak hours, respectively.

When added to the remaining available capacity of Kennedy Causeway and the traffic generation of projects approved but not as yet built, the vehicular traffic associated with the proposed project will not reduce the Level of Service on the roadway below the Village's adopted Level of Service Standard (LOSS) for traffic concurrency of "D".

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.



**Comparison of Submitted Site Plan With Land Development Regulations**

Section	Regulation	Required	Provided
Comprehensive Plan Future Land Use Policy 2.1.1a	Maximum density	70 dwelling units per acre	70 dwelling units per acre
<b>North Bay Village LDC</b>			
152.029(C)(3)	Required lot area per dwelling unit	Unit type	Lot area/unit
		Efficiency	620
		1-br	620
		2-br	685
		3-br	750
		$20 \times 685 = 13,700$ $34 \times 750 = 25,500$ $13,700 + 25,500 =$ <u>39,200</u>	39,200 > 33,600  Applicant purchasing bonus density
152.029(C)(5)	Minimum pervious area	20% of total parcel  $20\% \text{ of } 33,600 = 6,720$ <u>sq ft</u>	14,250 sq ft
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
152.0296(D)(2)	Minimum lot area	Property shall contain at least one legally platted lot for the construction of no less than 10 residential units and 20 parking spaces (off-street), or two, but not more than three, platted lots contiguous	Lot is 33,600 sq ft and is of adequate size to build at least 10 dwelling units.



Section	Regulation	Required	Provided
152.0296(D)(3)	Unity of title	If property consists of two or more lots, unity of title shall be submitted	Has not yet been submitted
152.0296(D)(4)a	FAR	Total gross area of a building or buildings, excluding parking garage structure, on any lot divided by the area of the lots. No structure shall contain a FAR of greater than 3.0 for one lot; 3.75 for two lots; and 4.00 for three lots.  <u>Allowed up to 134,400 SF of GFA.</u>	118,552 sq ft of GFA
152.0296(D)(4)c	Amenities sq ft restriction	No more than one-half of a floor area used for amenities can be allocated for dwelling units	In compliance



Section	Regulation	Required	Provided
152.0296(D)(4)d	Maximum building height	No structure shall exceed 170 feet in overall height above base flood elevation (BFE) including all structures for stairways, storage, mechanical, elevator, recreational uses, et cetera. The total area of these uses shall not exceed 30 percent of the footprint of the last residential floor. Moreover, an elevator shaft may exceed 160 feet in height based on evidence of necessity as a result of requirements for elevator construction. The roof of any residential dwelling unit shall not be higher than 150 feet from BFE.	Last residential roof is 150 ft above BFE. Overall height of all structures (including mechanical equipment) will be no more than 170 ft.
152.0296(E)	Uses permitted	Multifamily residential and recreational facilities ancillary thereof	In compliance
152.0296(F)(1)a	Minimum front pedestal setback	20 ft	25 ft
152.0296(F)(1)b	Minimum front tower setback	25 ft	25 ft
152.0296(F)(1)c	Minimum rear pedestal and tower setback	25 ft	25 ft
152.0296(F)(1)d	Minimum pedestal side setbacks	10 ft	South side is 10 ft North side is 15 ft
152.0296(F)(1)d	Minimum tower side setbacks	15 ft on one side. 20% of frontage on the other side	South side is 48 ft, stepping back to 71 ft North side is 15 ft



Section	Regulation	Required	Provided
152.0296(F)(2)	Flex setback	<p>The total floor area of encroachment (which shall exclude a maximum of 25 percent of the total square footage of all the balconies on the plan), into the setbacks must be adjusted by deducting it from the buildable "box" allowed under the standard setback regulations provided below and in no instance is the designer allowed to build more area per floor than what is permitted under this buildable box, and in no instance may any wall length which encroaches into any side yard setback be longer than one-third of the length of a wall (which shall not include balconies with railings or other physical containment which do not exceed 42 inches in height) which is permitted under the buildable box and the standard setback regulations provided below. The length of wall measurement shall be made at the point of maximum encroachment into the flex setback area.</p>	In compliance



Section	Regulation	Required	Provided
152.0296(F)(3)	Maximum building height	No structure shall exceed 150 feet from base flood elevation to the roof of the last residential floor and 160 feet for the overall height of the structure, as defined in section (4)d. further provided, no pedestal shall exceed 30 feet in height.	Last residential roof is 150 ft above BFE. Overall height of all structures (including mechanical equipment) will be no more than 170 ft. Pedestal is 27 ft high
152.0296(F)(4)a	Minimum number of parking spaces	Off-street parking shall be required on a basis of two spaces per residential unit, and such other requirements as defined in section 152.042 except as defined herein.  54 x 2 = 108	160 total parking spaces provided
152.044(A)(2)	Minimum number of guest parking spaces	10% of total required spaces  10% of 108 = 11	
152.0296(F)(4)b	Parking screening	All parking spaces must be screened from ground level view.	In compliance
152.0296(F)(5)	Minimum parking space dimensions	Standard spaces shall be at least 9 by 18 feet.  Parallel parking spaces shall be at least 9.5 by 21 feet.	Provided
152.0296(F)(5)	Minimum parking aisles width	90 degree parking aisles shall be at least 22 feet wide.	Provided
152.0296(F)(5)	Minimum number of handicap parking spaces	Not less than two percent of required parking spaces shall be allocated for handicapped usage.  2% of 119 = 3	8 handicap accessible spaces provided



Section	Regulation	Required	Provided
5.2.2(a)(3)	Minimum handicapped parking space dimensions	Must comply with all applicable accessibility standards	Provided
ADA Requirement	Minimum number of handicapped spaces	4	8
5.2.2(a)(2)	Minimum compact parking space dimensions	8 ft by 16 ft	Provided
152.042(E)	Maximum number of compact parking spaces	20% of total required <u>20% of 119 = 23</u>	Out of the 160 total parking spaces 29 are compact spaces.  Since there is a surplus of 41 parking spaces, it is permissible to have 6 additional compact spaces.
152.0296(F)(6)	Provision for entrance feature	A covered/sheltered entrance feature shall be permitted to the front property line. Fourteen feet of vertical clearance shall be provided. If loading spaces are provided at this location, 14½ feet of vertical clearance shall be provided. Columns may be provided to support porte cochere.	Provided



Section	Regulation	Required	Provided
152.0296(F)(7)	Balconies	<p>Exterior balconies/terraces and covered walkways excluding rooftops and other non-covered areas may extend into setbacks a maximum of 25 percent of the allowable setback measurement but may not extend beyond the pedestal setback. Balconies projecting into setbacks shall be deemed as encroachments herein, but shall not be calculated as part of the floor area ratio. Notwithstanding anything herein to the contrary, in no event shall the total square footage of balconies exceed more than 25 percent of the total square footage of the buildable box.</p>	In compliance



Section	Regulation	Required	Provided	
152.0296(F)(8)	Landscaping	A minimum of 30 percent of the exposed roof deck of the pedestal and any open areas with amenities shall be landscaped, and in addition "hardscape" (pavers, fountains, awnings, etc.) may be permitted if approved by the Village. An applicant shall be required to submit a detailed landscape plan to the Village. The landscape plan shall be sensitive to surrounding properties and shall be utilized to enhance the subject property.		
152.0296(F)(9)	Minimum unit size	Unit type	Floor Area sq ft	In compliance
		Efficiency	600	
		1-br	900	
		2-br	1,200	
3-br	1,350			
152.042(K)	Minimum setback of ROW from parking spaces	20 ft	In compliance	
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	In compliance	
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	
152.045(B)	Minimum loading space dimensions	12 ft by 30 ft, and at least 14.5 ft of vertical clearance	Provided	



Section	Regulation	Required	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.	N/A
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
152.045(F)(2)	Minimum number of loading spaces for multi-family	Gross floor area	Spaces
		<25,000	0
		25,000-50,000	1
		50,000-100,000	2
		>100,000	3
		GFA is over 100,000 sq ft. 3 load spaces required	3 loading spaces
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
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



Section	Regulation	Required	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.	Plans state that roof equipment will be screened.
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.	Not yet 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.	Not yet provided
18A-6(A)(5)	Maximum lawn area	40% of lot area, less the area covered by buildings	No sod will be used



Section	Regulation	Required	Provided
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.	All trees provided meet this requirement.
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 240 linear foot of frontage, either 7 trees or 10 palms are required.</u>	5 street trees 4 palms (which are only 6' to 7' tall, not meeting minimum height requirement)
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 ft and a maximum average spacing of 25 feet on center.	A power line is present along the ROW. Applicant must adjust landscape plan for this
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 inches minimum caliper diameter may count as a required tree.	24 palms meet this minimum size.
18A-6(C)(5)	Number of required trees	28 trees per acre required in multi-family residential zoning categories  <u>28 x 0.77 = 22 required trees</u>	22 trees



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.</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>All required shrubs are at least 18 inches.</p> <p>In compliance</p> <p>In compliance</p> <p>In compliance</p> <p>This requirement has been met.</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-foot 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>	<p>Buffering is not required as similar uses exist on both sides of the subject property.</p>
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>No exterior parking spaces on plans</p>



Section	Regulation	Required	Provided
18A-6(J)	Parking lot landscaping	<p>10 square feet of landscaped area per parking space shall be provided within a parking lot.</p> <p>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.</p> <p>Each tree shall have a minimum of 5 feet of planting area width, exclusive of curb dimension.</p>	No exterior parking lot on plans
<b>Miami-Dade Biscayne Bay Management Plan</b>			
33D-38(1)b	Minimum rear setback	<p>50% of building height above 35 ft (measured from mean high water line), up to 75 ft maximum.</p> <p><u>67.5 ft required</u></p>	Only 25 ft
33D-38(2)a	Minimum visual corridor	<p>20% of lot width on one side, with a 20 ft minimum and a 100 ft maximum. Structures not permitted in view corridor.</p> <p><u>48 ft required</u></p>	Only 15 ft
33D-38(3)	Minimum side setback	Minimum of 25 ft	Only 15 ft
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 with the staff recommended conditions by a vote of 4-0 on October 21, 2014.

## Staff Recommendations

### **BUILDING DENSITY BONUS:**

Staff recommends **approval** of the building density bonus.

### **SITE PLAN:**

Staff recommends **approval** of the site plan based on our analysis in this report. Approval should also be based on the following conditions being met prior to the issuance of a building permit:

- 1) Applicant shall revise plans to preserve as many right-of-way street parking spaces as possible.
- 2) Submittal of a vegetative survey, irrigation plan, and landscape plan which meets Miami-Dade Chapter 18A requirements.
- 3) Submittal of a Unity of Title, as per Section 152.0296(D)(3).
- 4) 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.
- 5) Site plan approval from Miami-Dade Shoreline Review Committee.
- 6) Meeting Miami-Dade County School Concurrency requirements as determined by School Board Staff.
- 7) Payment of any applicable impact fees.
- 8) Payment of bonus density fees, as required under Section 152.029(C)8F.
- 9) Tie-in to Village's wastewater system at a connection point determined by the Village and payment of pro-rata costs involved in tying into appropriate connection point.



- 10) Applicant shall agree that no on-site parking spaces may be sold or rented, but must be provided at no cost to the residents and guests of residents. Additionally, residents and guests of residents are prohibited from using existing street parking on West Drive.
- 11) 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.
- 12) Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.
- 13) 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.
- 14) All applicable state and federal permits must be obtained before commencement of construction.

*Submitted by:*

*James G. LaRue*  
James G. LaRue, AICP  
Planning Consultant

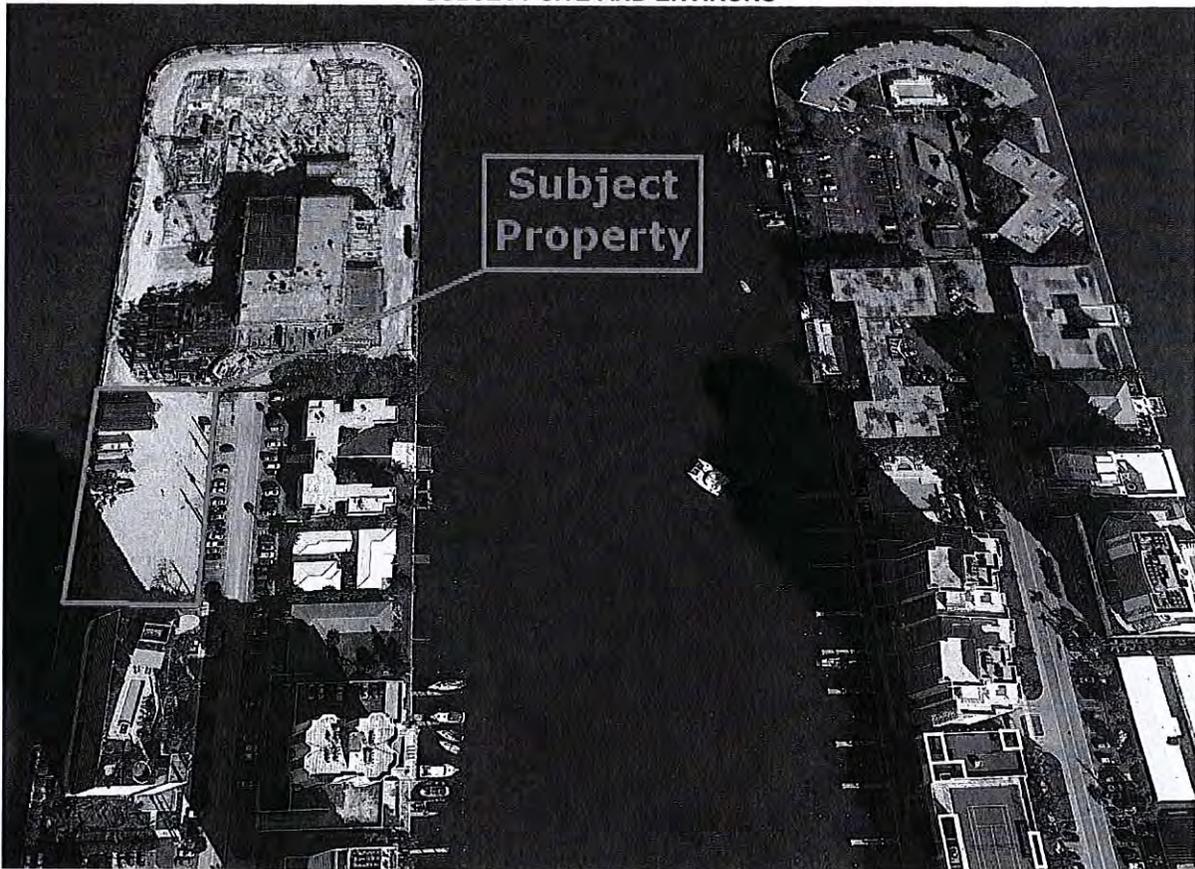
November 3, 2014

Hearing: North Bay Village Commission, November 11, 2014

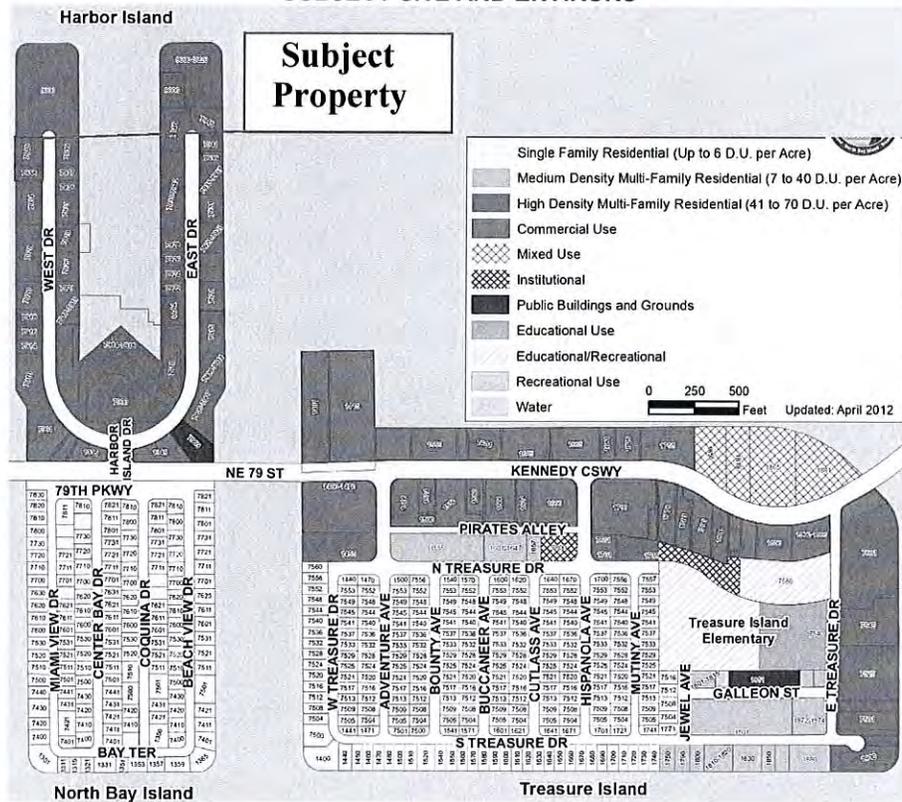
Attachments: Future Land Use Map  
Zoning Map  
Aerial photograph



**AERIAL  
SUBJECT SITE AND ENVIRONS**

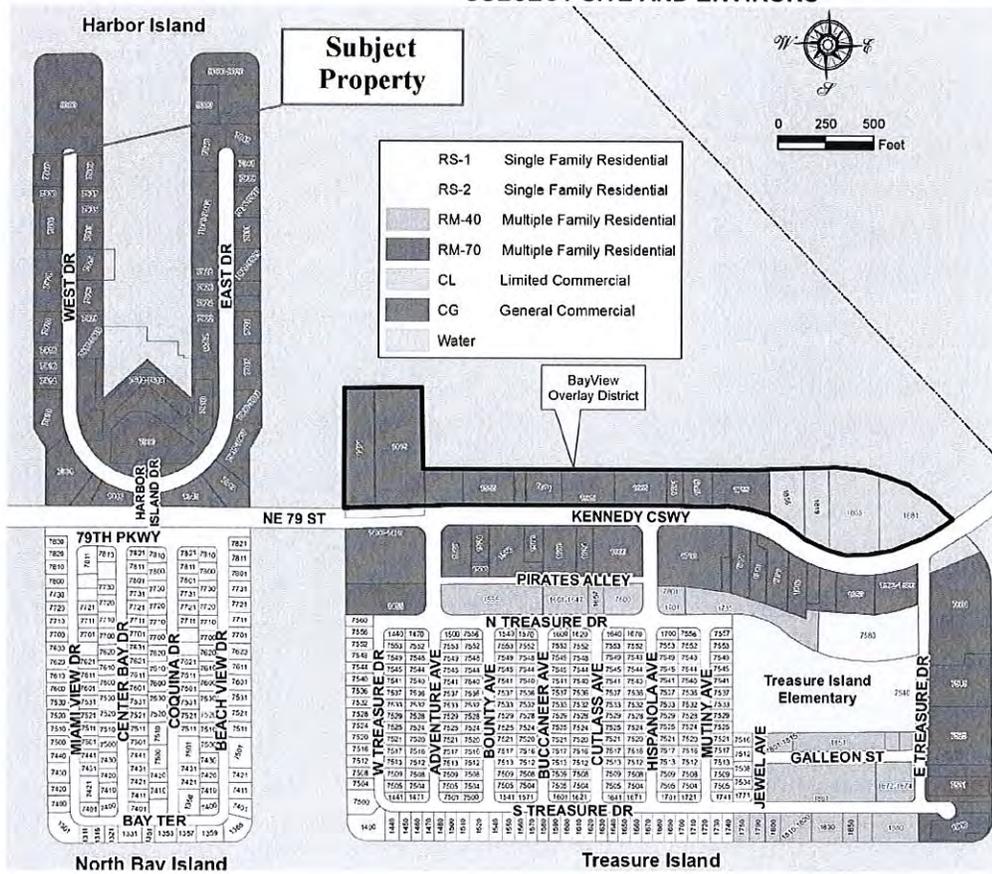


**FUTURE LAND USE  
SUBJECT SITE AND ENVIRONS**



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ZONING  
SUBJECT SITE AND ENVIRONS



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## **Staff Report Special Use Exception**

*Prepared for: North Bay Village  
Commission*

*Applicant: 7940 West Dr, LLC*

*Site Address: 7938 & 7940 West Drive*

*Request: Special exception for up to twenty percent  
of required parking spaces designated for  
compact vehicles*



Serving Florida Local Governments Since 1988

**General Information**

<b>Applicant:</b>	<b>7940 West Dr LLC</b>
<b>Applicant Address:</b>	<b>1548 Brickell Ave, Miami Fl. 33131</b>
<b>Site Address:</b>	<b>7938 &amp; 7940 West Drive</b>
<b>Contact Person:</b>	<b>Javier Lluch</b>
<b>Applicant Phone Number:</b>	<b>786-280-4280</b>
<b>E-mail Address</b>	<b>javierlluch@gmail.com</b>

<b>Future Land Use</b>	<b>High Density Multi-family Residential</b>
<b>Zoning District</b>	<b>RM-70</b>
<b>Use of Property</b>	<b>Vacant</b>
<b>Acreage</b>	<b>33,600 sq ft</b>

**Legal Description of Subject Property**

LOTS 38, 40, AND 42 "HARBOUR ISLAND: ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 44, AT PAGE 72, PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

**Request**

The applicant is requesting a special use exception pursuant to Sections 152.042(E) and 152.098 of the North Bay Village Code of Ordinances to allow up to twenty (20) percent of the development's required parking spaces to be designed specifically for compact vehicles.

**General Description**

The proposed site plan for the condominium development shows 29 of the 160 parking spaces to be designed for compact vehicles.

**Consistency with Comprehensive Plan**

The request for compact spaces, if approved for this site plan, is consistent with the Village's Comprehensive Plan, and the provision of safe on-site traffic flow as per Transportation Policy 3.2.7.



### Consistency with Special Use Exception Standards

Allowing up to twenty percent of the required parking spaces to be compact spaces would not "substantially affect adversely the uses permitted in these regulations of adjacent property".

### Planning & Zoning Board Recommendation

The North Bay Village Planning and Zoning Board recommended approval of the use of compact parking spaces for up to 20% of the required parking spaces by a vote of 4-0 on October 21, 2014.

### Staff Recommendations

Staff finds that the request is consistent with Sections 152.042(E) and 152.098 in that this special use exception will not adversely affect the uses permitted in the regulations of adjacent properties.

Staff recommends **approval** of this request for the parking spaces designated for compact vehicles contingent upon a positive approval of a site plan for this development.

*Submitted by:*

*James G. LaRue*  
James G. LaRue, AICP  
Planning Consultant

November 3, 2014

Hearing: North Bay Village Commission, November 11, 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

**SITE PLAN APPLICATION FOR PUBLIC HEARING**

Page 1 of 3

Site Address 7938 & 7940 West Dr, N. Bay Village, FL

Owner Name 7940 West Dr LLC Owner Phone # 786-280-4380

Owner Mailing Address 1548 Brickell ave, Miami, Fl 33131

Applicant Name Javier Lluch Applicant Phone # 786-280-4380

Applicant Mailing Address 1548 Brickell ave, Miami, Fl 33131

Contact Person Javier Lluch Contact Phone # 786-280-4380

Contact Email Address javierlluch@gmail.com

Legal Description of Property Harbor Island PB 44-72, Lot 38, Lot Size 80 000 x 140, COC 26244-1114 02 2008 6 AND Harbor Island PB 44-72, Lots 40 & 42, Lot Size 160 000 x 140, COC 26244-1114 02 2008 6

Existing Zoning RM-70 Proposed Zoning \_\_\_\_\_ Lot Size \_\_\_\_\_

Folio Number 23-3209-001-0400 AND 23-3209-001-0420

Legal Description \_\_\_\_\_

Project Description: Residential condominium building (54 units)

**Mandatory Submittals (Applicant must check that each item is included with this application)**

- € Property survey
- € Site plans which depict:
  - North point
  - Scale at 1/16 inch to the foot, or larger
  - Date of preparation
  - Existing and proposed easements
  - Existing and proposed utilities
  - Property lines
  - Location of streets, alleys and ROW
  - Structures
  - Mechanical equipment
  - Parking and loading spaces
  - Fences
  - Signs
  - Exterior Lighting
  - Any other physical features
- € Floor plans including
  - Layout of each level
  - Layouts for each dwelling unit type
  - Parking and loading space dimensions
- Width of drive aisles
- € Elevations
- € Tabular project summary indicating:
  - Total acreage
  - Dwelling units per acre
  - Number of bedrooms per dwelling unit
  - Number of each dwelling unit type
  - Pervious surface area
  - Open space
  - Structure setbacks
  - Off-street parking and loading spaces
  - Floor area of each dwelling unit type
  - Floor area of each commercial use
  - Gross floor area
  - Building height
  - Floor area ratio
- € Landscape plan
- € Analysis of Services
  - Potable water
  - Sanitary Sewer

Mayor  
**Connie Leon-Kreps**

Vice Mayor  
**Eddie Lim**

Commissioner  
**Dr. Richard Chervony**

Commissioner  
**Wendy Duvall**

Commissioner  
**Jorge Gonzalez**

Traffic  
€ Application fees

€ Cost recovery deposit

**SITE PLAN APPLICATION FOR PUBLIC HEARING**

Page 2 of 3

**Applications are incomplete until all mandatory submittals have been received by the Village Clerk.**

All requests for site plan approval from the North Bay Village Code shall be considered at Public Hearings before the Planning & Zoning Board and/or the Village Commission. Notice of Hearing 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 application is complete before the hearing is legally advertised. All applications shall be submitted to the Village Clerk on or before the deadline implemented by the Village.

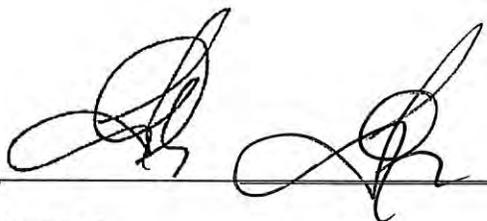
All persons, firms, or corporations requesting site plan approval from the Village Commission necessitating the publication of notices in the newspaper, and all relative thereto, the payment of such money in advance to the Village Clerk shall be deemed a condition precedent to the consideration of such a request, pursuant to Section 152.110 of the Village Code.

All new and substantial improvements must comply with the Florida Building Code, Department of Environmental Resource Management (DERM), and FEMA regulations.

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 and the Village Commission has voted favorable on the proposed request.

I (We) further acknowledge that I (We) have read and understand the conditions for appearance before the Planning and 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.

Authorized

Signature \_\_\_\_\_ 

Print Name \_\_\_\_\_ Javier Lluch \_\_\_\_\_

(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   21st   day of   August  , 20  14  ,  
by   Javier Lluch  

Mayor  
Connie Leon-Kreps

Vice Mayor  
Eddie Lim

Commissioner  
Dr. Richard Chervony

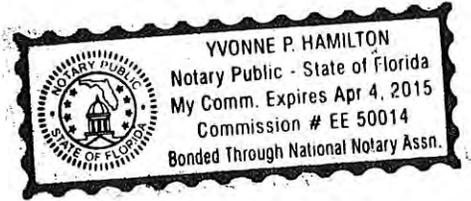
Commissioner  
Wendy Duvall

Commissioner  
Jorge Gonzalez

who is personally known to me or who has produced Fla. Driver License as identification.

Notary Public Signature *Yvonne P. Hamilton*

Commission Number/Expiration 4/4/2015



Mayor  
**Connie Leon-Kreps**

Vice Mayor  
**Eddie Lim**

Commissioner  
**Dr. Richard Chervony**

Commissioner  
**Wendy Duvall**

Commissioner  
**Jorge Gonzalez**

**SITE PLAN APPLICATION FOR PUBLIC HEARING**

Page 3 of 3

**Office Use Only:**

Date Submitted: 08/21/14

Tentative Meeting Date: \_\_\_\_\_

Fee Paid: \$ 8,500-

Cash  or Check  # \_\_\_\_\_

Date Paid: 08/21/14

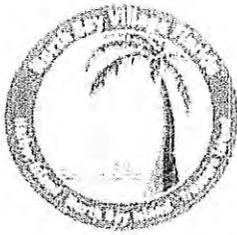
Mayor  
Connie Leon-Kreps

Vice Mayor  
Eddie Lim

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Jorge Gonzalez



VARIANCE REQUEST APPLICATION FOR PUBLIC HEARING

Page 1 of 3

Site Address 7940 West Drive
Owner Name 7940 West Dr LLC Owner Phone # 786-280-4380
Owner Mailing Address 1548 Brickell Ave, Miami, FL 33133

Applicant Name (if different from Owner) Applicant Phone #
Applicant Mailing Address

Contact Person TAVIER LUCH Contact Phone # 786-280-4380

Contact Email Address TAVIERLUCH@GMAIL.COM

Legal Description of Property HARBOR ISLAND PB-44-72 lots 38, 40, 42

Existing Zoning RM-70 Lot Size 33,600 Folio Number 23-3209-001-0400 & 0402

Project Description 54 luxury Residential Building

Section of North Bay Village Code from which the Applicant is Seeking Relief 152.042

Variance Requested REQUEST FOR 29 COMPACT CAR PARKING SPACES

Reason for Request CODE ALLOWS FOR 20% OF TOTAL PARKING. THE PROJECT HAS LESS THAN THE ALLOWED

Mandatory Submittals (Applicant must check that each item is included with this application.)

- Plans depicting work to be completed
Property survey
Application fees

Optional Submittals:

- Response to required findings
Signed consent letters from neighboring property owners
Optional plan versions for consideration by Village Commission

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

**VARIANCE REQUEST APPLICATION FOR PUBLIC HEARING**  
Page 3 of 3

**Office Use Only:**

Date Submitted: 9/19/14

Tentative Meeting Date: 10/7/14

Fee Paid: \$ \_\_\_\_\_

Cash  or Check  # \_\_\_\_\_

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

Mayor  
**Connie Leon-Kreps**

Vice Mayor  
**Eddie Lim**

Commissioner  
**Dr. Richard Chervony**

Commissioner  
**Wendy Duvall**

Commissioner  
**Jorge Gonzalez**

VARIANCE REQUEST APPLICATION FOR PUBLIC HEARING

Page 2 of 3

Applications are incomplete until all mandatory submittals have been received by the Village Clerk.

All requests for variances from the North Bay Village Code shall be considered at Public Hearings before the Planning & Zoning Board and/or the Village Commission. Notice of Hearing 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. All applications shall be submitted to the Village Clerk on or before the deadline implemented by the Village.

All persons, firms, or corporations requesting a variance from 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 a variance request, pursuant to Section 152.110 of the Village Code.

All new and substantial improvements must comply with the Florida Building Code, Department of Environmental Resource Management (DERM), and FEMA regulations.

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 Planning & Zoning Board and the Village Commission has voted favorable on the proposed request.

I (We) further acknowledge that I (We) have read and understand the conditions for appearance before the Planning and 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.

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

Print Name DAVIDA LUCH

(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 MiAlidAde



Sworn to and subscribed to before me this 19<sup>th</sup> day of September, 2014,

by Jawin Luch

who is personally known to me or who has produced \_\_\_\_\_ as identification.

Notary Public Signature Marla R Dimuro

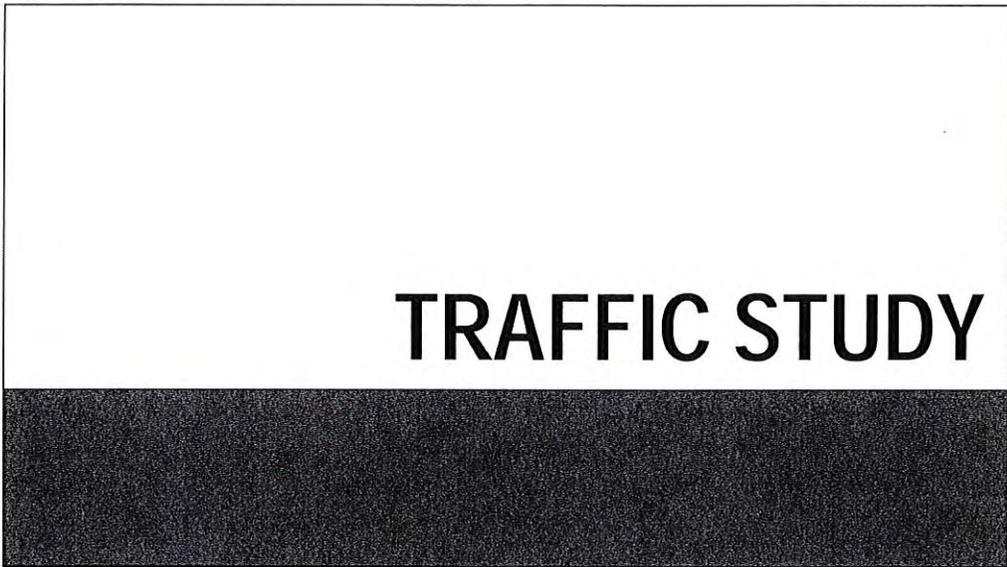
Commission Number/Expiration \_\_\_\_\_

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

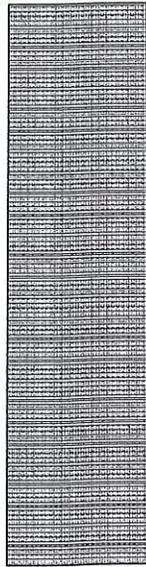
# 7940 West Avenue

at North Bay Village

7940 West Drive  
North Bay Village, Florida



## TRAFFIC STUDY



prepared for:  
7940 West Avenue, LLC

**KBP** CONSULTING, INC.

August 2014

**7940 West Avenue**  
**at North Bay Village**

**7940 West Drive**  
**North Bay Village, Florida**

**Traffic Study**

**August 2014**

*Prepared for:*  
7940 West Avenue, LLC

*Prepared by:*  
KBP Consulting, Inc.  
8400 N. University Drive, Suite 309  
Tamarac, Florida 33321  
Phone: (954) 560-7103  
Fax: (954) 582-0989

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## INTRODUCTION

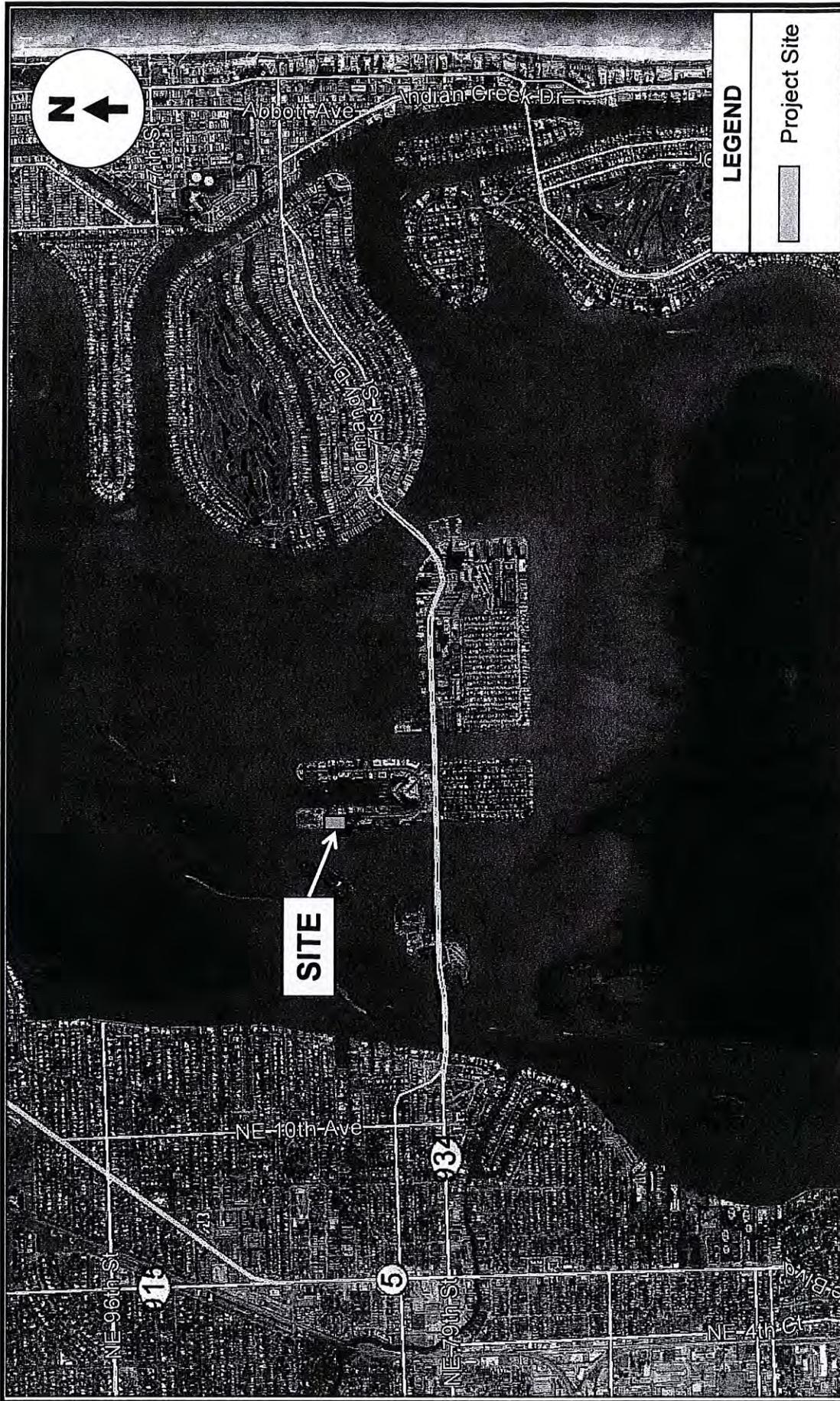
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7940 West Avenue at North Bay Village is a planned residential condominium development to be located on the west side of West Drive in North Bay Village, Miami-Dade County, Florida. More specifically, the site is located at 7940 West Drive. The location of this project site is illustrated in Figure 1 on the following page.

KBP Consulting, Inc. has been retained by 7940 West Avenue, LLC to prepare a traffic study in connection with this proposed development project. This study addresses the vehicular traffic volumes expected to be generated by the proposed use and the resulting traffic concurrency impacts on the nearby roadway network.

This traffic study is divided into four (4) sections, as listed below:

1. Inventory
2. Trip Generation
3. Traffic Concurrency Evaluation
4. Summary & Conclusions



**FIGURE 1**  
 7940 West Avenue  
 North Bay Village, Florida

**Project Location Map**

**KBP**  
 CONSULTING, INC.

## INVENTORY

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### **Current Land Use and Access**

The project site is currently vacant and there is no formal vehicular access to the site.

### **Proposed Land Uses and Access**

The site will be developed with a high-rise residential condominium building containing 54 dwelling units. Vehicular access to the site will be provided via three (3) driveways located on West Drive. Two (2) of the driveways will serve the garage and drop-off area and one (1) driveway will serve the loading area. Appendix A contains the preliminary site plan for the proposed project.

### **Roadway System**

West Drive is a two-lane local roadway generally oriented in the north-south direction. A parallel roadway, East Drive, forms a connection with West Drive at their southern termini which then connects to N. Bay Causeway (State Road 934 / NE 79<sup>th</sup> Street). Within the project study area, N. Bay Causeway is a six-lane divided state-maintained principal arterial roadway oriented in the east-west direction.

## TRIP GENERATION

A trip generation analysis has been conducted for the proposed residential use. The analysis was performed using the trip generation equations published in the Institute of Transportation Engineer's *ITE Trip Generation Manual (9<sup>th</sup> Edition)*. The trip generation analysis was undertaken for daily, AM peak hour, and PM peak hour conditions. According to the ITE report, the most appropriate land use category for the proposed development is as follows:

### HIGH-RISE RESIDENTIAL CONDOMINIUM / TOWNHOUSE (ITE LAND USE #232)

- Weekday Trip Generation:  $T = 3.77 (X) + 223.66$   
where  $T =$  number of trips and  $X =$  number of dwelling units
- AM Peak Hour Trip Generation:  $T = 0.29 (X) + 28.86$  (19% in / 81% out)
- PM Peak Hour Trip Generation:  $T = 0.34 (X) + 15.47$  (62% in / 38% out)

Utilizing the above-listed trip generation equations from the referenced ITE document, a trip generation analysis was undertaken for the proposed residential development. The results of this effort are documented in Table 1 below.

Table 1 Trip Generation Summary 7940 West Avenue - North Bay Village, Florida								
Land Use	Size	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
			In	Out	Total	In	Out	Total
<i>Proposed</i> High-Rise Residential Condominium - Pass-By (0% $\hat{q}$ )	54 D.U.	427 0	9 0	36 0	45 0	21 0	13 0	34 0
<b>Total</b>		<b>427</b>	<b>9</b>	<b>36</b>	<b>45</b>	<b>21</b>	<b>13</b>	<b>34</b>

*Compiled by: KBP Consulting, Inc. (August 2014).  
Source: Institute of Transportation Engineers (ITE) Trip Generation Manual (9th Edition).*

As indicated in Table 1, the proposed project is anticipated to generate 427 daily vehicle trips, 45 AM peak hour vehicle trips (9 inbound and 36 outbound) and 34 vehicle trips (21 inbound and 13 outbound) during the typical afternoon peak hour.

## TRAFFIC CONCURRENCY EVALUATION

---

A review of the traffic concurrency stations likely to be impacted by the net new vehicle trips associated with the 7940 West Avenue at North Bay Village development was performed. This was done for the purposes of determining if sufficient roadway capacity exists in order to absorb the additional vehicle trips. Table 2 below documents the results of this level of service / concurrency evaluation.

<b>Table 2</b> <b>Reserve Roadway Capacity</b> <b>7940 West Avenue - North Bay Village, Florida</b>				
Station Number	Location	Peak Hour Capacity <sup>1</sup>	Peak Hour Trips <sup>2</sup>	Available Peak Hour Capacity <sup>3</sup>
142	NE 79th Street - East of N. Bayshore Drive to US 1	3,648	2,680	968
533	NE 79th Street Causeway (SR 934) - East of Treasure Drive between N. Bayshore Drive - Bay Drive	5,508	2,676	2,832

*Source: Miami-Dade County MPO and Florida Department of Transportation, August 2014.*

<sup>1</sup> Maximum level of service capacity.

<sup>2</sup> Existing traffic volumes plus peak hour trips associated with approved, but not built, developments.

<sup>3</sup> Total capacity minus existing / committed peak hour trips (reserved trips).

As indicated in Table 2, these traffic concurrency stations all have remaining available peak hour capacity that is sufficient to absorb the net new project traffic associated with the proposed 7940 West Avenue at North Bay Village development.

## **SUMMARY & CONCLUSIONS**

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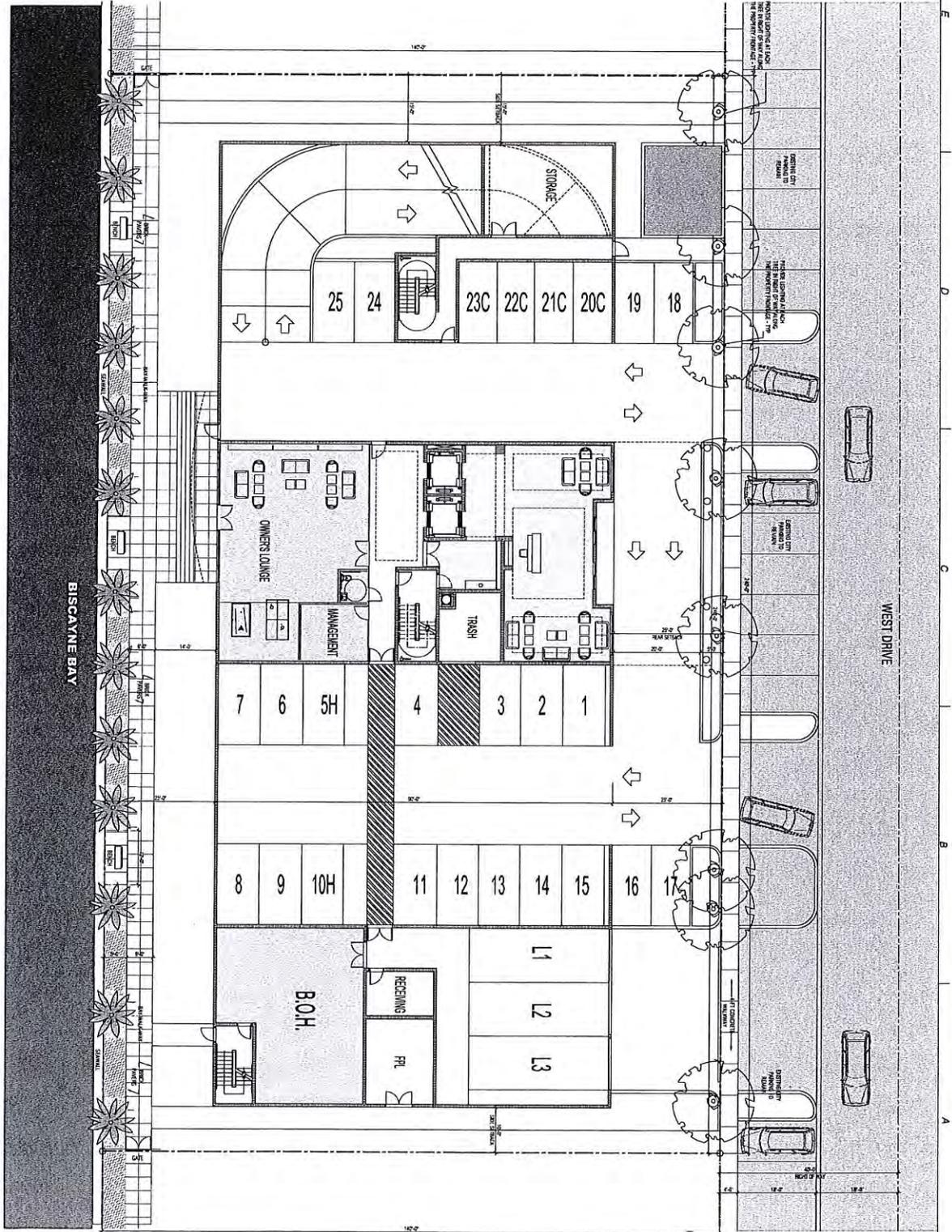
7940 West Avenue at North Bay Village is a planned residential condominium development to be located on the west side of West Drive in North Bay Village, Miami-Dade County, Florida. This project will consist of 54 high-rise residential condominium units. Vehicular access to the site will be provided by three (3) driveways located on West Drive.

The trip generation analysis indicates that the proposed project is anticipated to generate approximately 427 daily vehicle trips, 45 AM peak hour vehicle trips (9 inbound and 36 outbound) and 34 vehicle trips (21 inbound and 13 outbound) during the typical afternoon peak hour.

The traffic concurrency evaluation indicates that the roadways in the immediate area of the project have sufficient capacity to absorb the vehicle trips to be generated by the 7940 West Avenue at North Bay Village project.

**Appendix A**  
**7940 West Avenue**  
**Preliminary Site Plan**

**1**  
**PROPOSED FLOOR PLAN LEVEL 1**  
 SCALE: 1" = 10'-0"



**A1.101**

1	STILL	DATE	BY
2	REVISED	DATE	BY
3	REVISED	DATE	BY
4	REVISED	DATE	BY
5	REVISED	DATE	BY
6	REVISED	DATE	BY
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25	REVISED	DATE	BY

**14-097**  
 7940 WEST AVENUE LLC  
 NORTH BAY VILLAGE  
 ARCHITECTURAL FLOOR PLAN  
 LEVEL 1  
 DATE: 09/15/14  
 BY: [Signature]

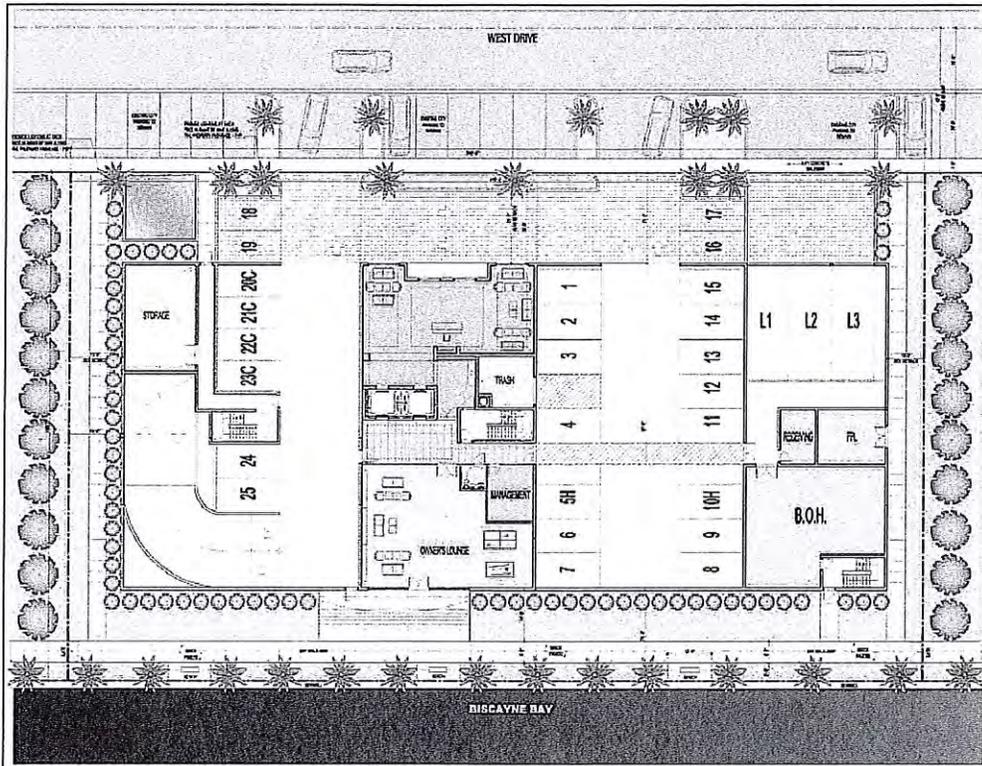
**7940 WEST AVENUE LLC  
 NORTH BAY VILLAGE**

**Aa**  
 ARCHITECTS  
 1000 WEST AVENUE, SUITE 100  
 NORTH BAY VILLAGE, FL 33150  
 TEL: 305.444.1111  
 WWW.AAARCHITECTS.COM  
 QR CODE  
 Address: 1000 West Avenue, North Bay Village, FL 33150  
 AA ARCHITECTS

# IMPACT ASSESSMENT STUDY

for:

## **7940 West Drive at North Bay Village**



**7940 - 38 West Drive, North Bay Village, Florida  
(Harbor Island)**



Engineers ♦ Planners ♦ Surveyors

**Sun-Tech Engineering, Inc.**

Engineers-Planners-Surveyors  
1600 West Oakland Park Blvd., Suite 200  
Fort Lauderdale, Florida 33311  
(954) 777-3123

**Project No. 14-3652  
August 2014**

# 7940 WEST DRIVE AT NORTH BAY VILLAGE

## PROJECT INTRODUCTION AND OVERVIEW

7940 West Drive at North Bay Village is a proposed 15 story multi-family residential development, consisting of 54 apartment units, amenities and internal parking facility located at 7938 - 40 West Drive on Harbor Island, in North Bay Village, Florida (See Location map / Aerial photo – Exhibit # 1).



The site is approximately 0.771 acres and is contained within Lot 38, 40 and 42 – Harbor Island plat ( P.B. 44, Pg. 72, M.D.C.R. – See Exhibit # 2). The site is bordered by Biscayne Bay on its westerly boundary where its frontage is approximately two hundred and forty linear feet (240 L.F.) along the Bay (See Location Map - Exhibit # 1). The property is currently zoned High density Multiple-Family Residential RM-70 (See Zoning Map - Exhibit # 3) which allows for our proposed use. A typical unit breakdown of our proposed development is shown on Table 1 below.

**Table 1 – Unit breakdown**

Description	Units
2 bedroom / 2.5 bathrooms	16
3 bedroom / 3.5 bathrooms	30
4 bedroom / 4.5 bathrooms	8
<b>Total units</b>	<b>54</b>

The site is vacant; however, it is currently being used as a temporary construction and staging area for the development of Blu at North Bay Village (See Boundary Survey – Exhibit # 4). . Based on aerial photography, the site was previously developed, housing two (2) individual condominium buildings. For this report, it is estimated that the buildings contained approximately 24 residential units prior to its demolition in 2006 – 2007. (See 2006 /2007 Aerial photography – Exhibit # 5). Verification of the exact number of units and a modification to the Site impact assessment report will be required prior to building permit approval to allow for accurate analysis of the impact to NBV’ system.

In accordance with Chapter 4 of the North Bay Village Consolidated Land Development Regulations, an impact assessment report is required to demonstrate that the proposed development does not degrade the adopted levels of service in North Bay Village (NBV). This report will analyze the impact of our proposed development on the existing NBV’s infrastructure while taking into consideration credits for the pre-existing condominiums razed during the 2006 / 2007 period. In addition, this report will provide assurance that the proposed level of service remains consistent with NBV’s requirements.

**PROJECT POPULATION:**

The existing property contained two (2) individual condominium buildings with an estimated total of 24 residential units (information based on aerial maps and similar development adjacent to the site). Our development proposes 54 residential condominium units. Based on a recommended rate of 2.25 people per unit by NBV, the net population increase due to this project is 68 people. See Table 2 below.

**Table 2 - Population**

Description	Units	No. of people / unit	Population
7940 West Drive at NBV	54	2.25	122
Existing Condos (demolished)	24 (estimated)	2.25	54
<b>Net Increase</b>	<b>30</b>		<b>68</b>

According to the United States Census Bureau (latest available data from the 2010 US Census), the population of North Bay Village is approximately 7,137 people. 7940 West Drive proposes an increase of 68 people, representing a net increase of approximately 0.95 % of the total population of North Bay Village.

**POTABLE WATER DISTRIBUTION SYSTEM:**

North Bay Village obtains its potable water from a wholesale service agreement with Miami-Dade Water and Sewer Department (MDWASD). Potable water is conveyed to North Bay Village via an existing 30 inch diameter water main, owned and serviced by the City of North Miami Beach Public Utilities.

7940 West Drive at North Bay Village will be served via an existing 8” / 12” DIP water main running north-south along the east right-of-way of West Drive and connected to an existing 12” water main running along Kennedy Causeway (NE 79<sup>th</sup> Street). The proposed system serving 7940 West Drive (See Figure # 1 – Schematic Water main Connection Exhibit) will be designed in accordance with local, county and state criteria and will serve the potable and fire demand of the proposed development.

Potable water consumption is calculated based on an estimation of 66.67 gpd / capita or 150 gpd / unit per the Miami-Dade County’s Schedule of Daily Gallonage for Various Occupancy Regulations (See Table 3 below).

**Table 3: Schedule of Daily Gallonage for Various Occupancy**

<b><u>TYPES OF LAND USES</u></b>	<b><u>GALLONS PER DAY (GPD)</u></b>
<b>RESIDENTIAL LAND USES</b>	
Single Family Residence	220 gpd/unit (under 3000 sq. ft)
	320 gpd/unit (3001-5000 sq. ft.)
	550 gpd/unit (over 5,000 sq. ft.)
Townhouse Residence	180 gpd/unit
Apartment	150 gpd/unit
Mobile Home Residence/Park	180 gpd/unit
Duplex or Twin Home Residence	180 gpd/unit

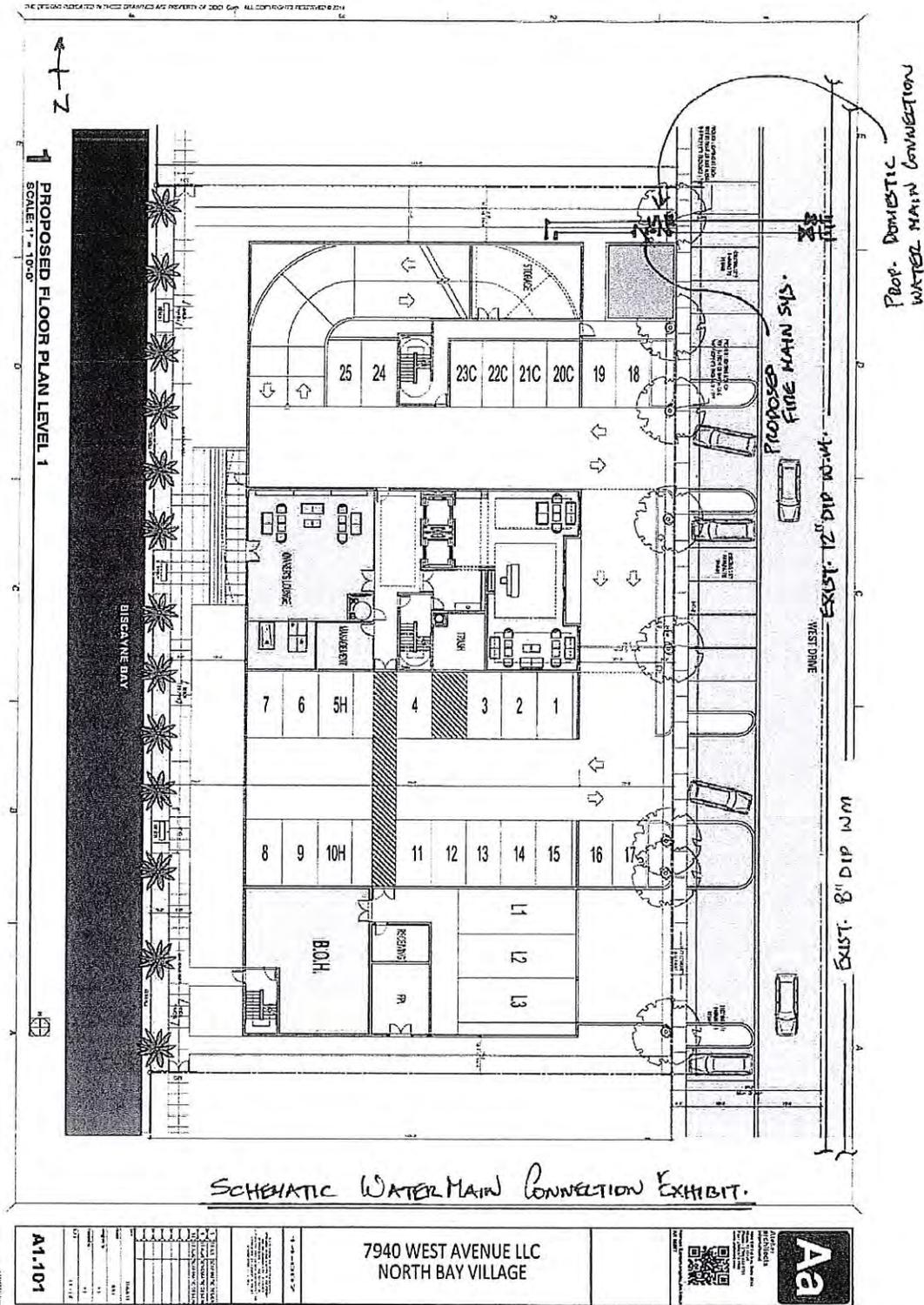
Based on preliminary analysis of the water demand for 7940 West Drive, the proposed project would require an estimated water consumption of 8,133 GPD (54 units x 2.25 x 66.67 gpd/capita); however, a credit of 3,600 GPD (24 units x 2.25 x 66.67 gpd/capita) should be provided for the demolished twenty four (24) residential units resulting in net increase of 4,533 GPD or an increase of 0.95 % of North Bay Village’s total potable water consumption. (See Table 4 below for Water Consumption calculation).

**Table 4 – Water Consumption**

<b>Description</b>	<b>Unit type</b>	<b>Residential units</b>	<b>Ave. capita per unit</b>	<b>Population</b>	<b>GPD/ Capita</b>	<b>Demand (GPD)</b>
Existing Population (2010 US Census)				7,137	66.67	475,824
Water Demand from 7940 West Drive	Apartments	54	2.25	122	66.67	8,133
Estimated credit for Demolished units	Apartments	24	2.25	54	66.67	3,600
<b>Net Increase</b>		<b>30</b>				<b>4,533</b>

In summary, the net increase in potable water demand due to our proposed development should have negligible impact on the City’s existing water supply and distribution network.

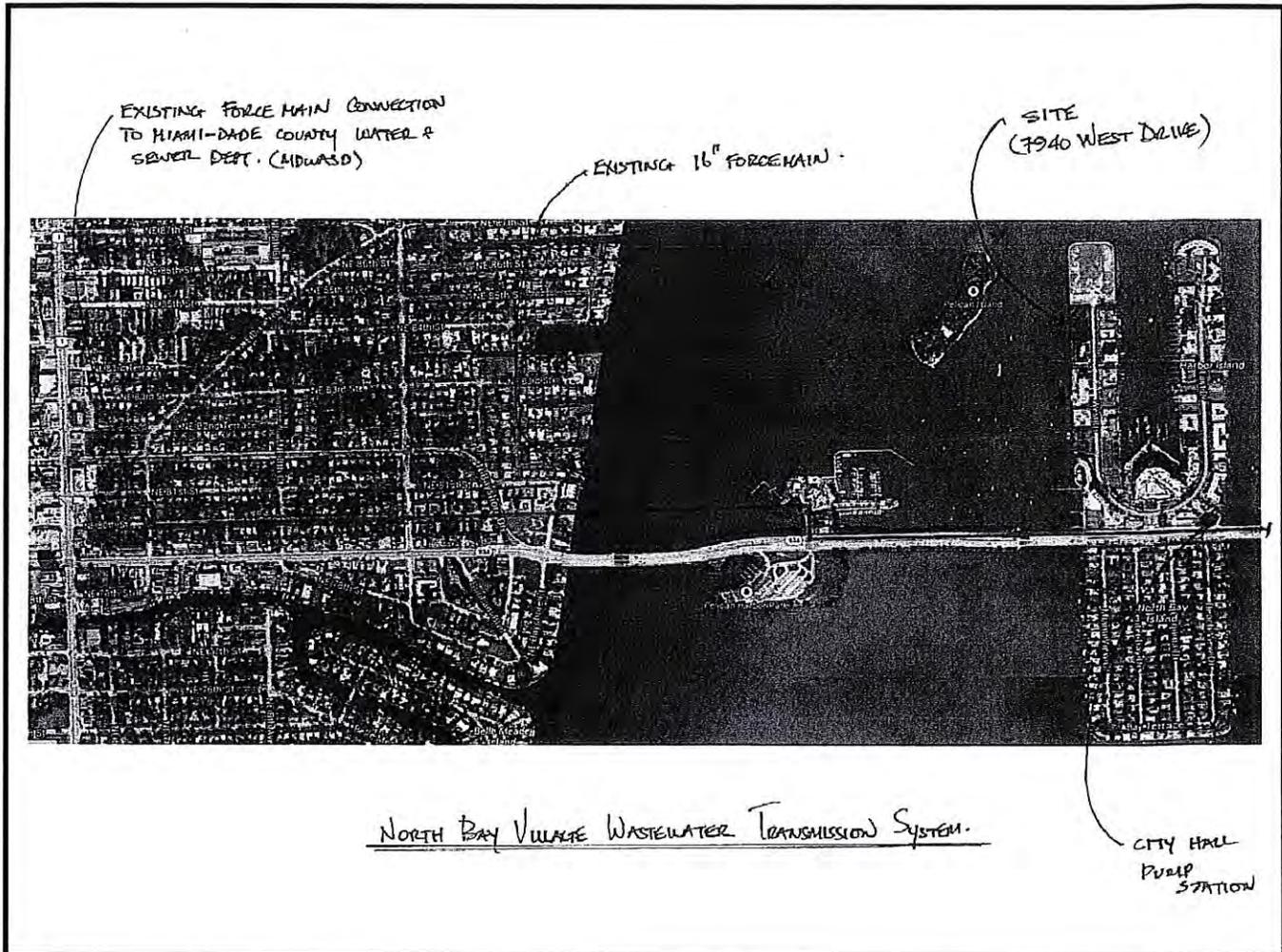
**Figure 1 – Schematic Water Distribution System**



**WASTEWATER COLLECTION AND TRANSMISSION SYSTEM:**

The proposed development will be served via an existing 8-inch gravity sewer system located on West Drive. Flow from the proposed development will connect to an existing system via proposed sewer lateral(s) with a direct connection to the existing 8-inch gravity main. This gravity main system, owned, operated and maintained by the City of North Bay Village, runs north-south along West Drive and conveys all flows to an existing Lift station called "City Hall Pump Station" located at 7903 East Drive. (See Figure 2- North Bay Village Wastewater System.) The City Hall Pump station is the main collector for Harbor Island. Flow from this station is then pumped west, via a 16-inch diameter forcemain to Pelican Island along NE 79<sup>th</sup> Street and then sub-aqueous, beneath Biscayne Bay, to a Miami-Dade Water and Sewer Department forcemain connection at the intersection of NE 80<sup>th</sup> Street and NE 7<sup>th</sup> Avenue. (See Figure 2 – North Bay Village Wastewater Transmission System.)

**Figure 2 – North Bay Village Wastewater Transmission System**



Based on a phone conversation with NBV's Public Works Director, several upgrades to the City's wastewater pumping station has been made over the last several years and there is currently no moratoriums or capacity restrictions on their system. Although there is no current restrictions, NBV is currently re-evaluating their system for infiltration / inflow and is now requiring corrective action to the existing 8" vitrified clay sewer gravity system. As part of our final site approval, NBV will require 7940 West Drive to perform Trenchless Pipe Relining from the upstream manhole to downstream manhole at our proposed lateral sewer connections to the existing gravity sewer system. (See Figure # 3 – Schematic Sanitary Sewer Connection Exhibit)

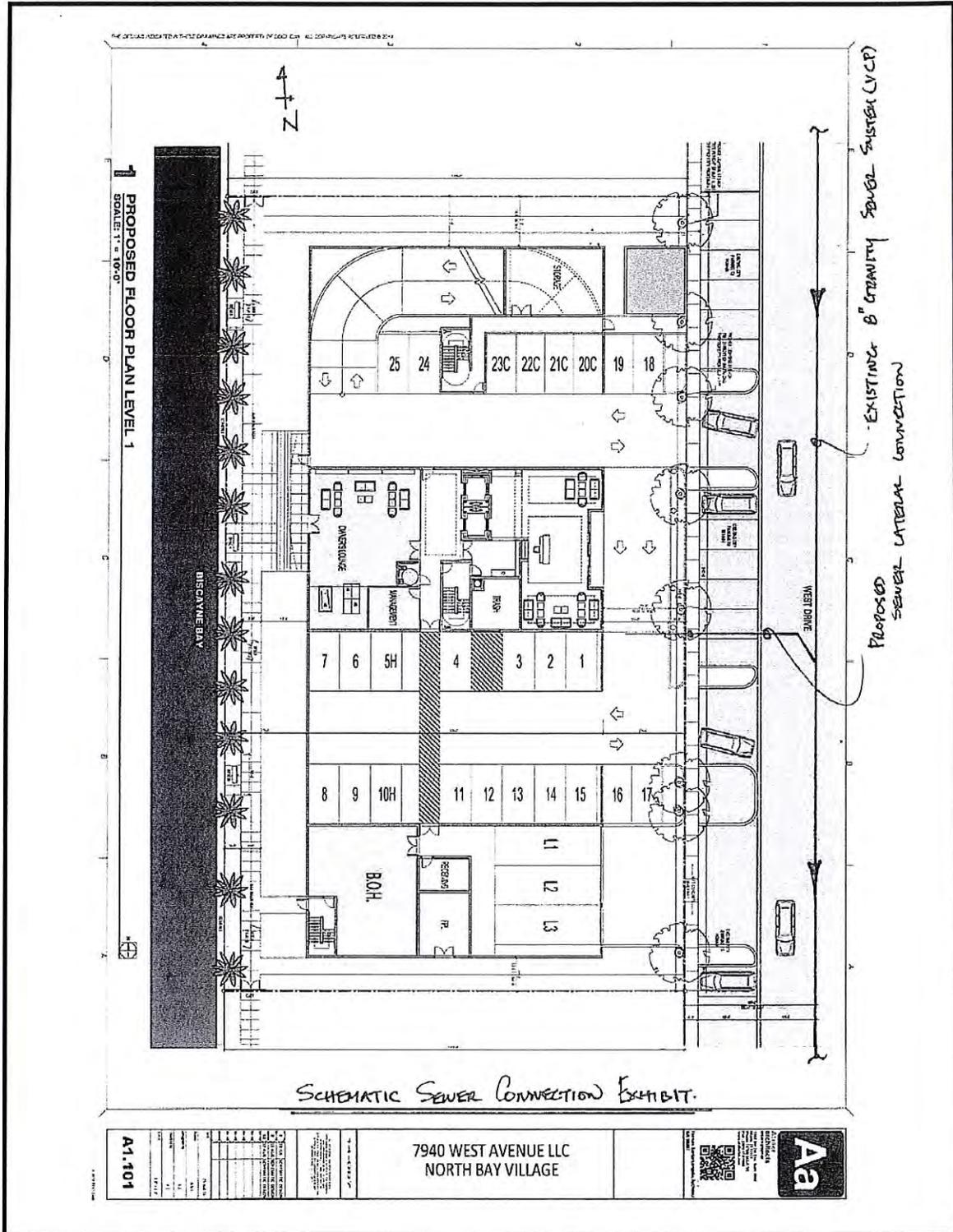
Using an average rate of 2.25 people per unit and 66.67 gpd per person for sewage flows, the total increase in flow from 7940 West Drive will be 4,533 GPD (See Table 5 – Wastewater Flow) or a flow increase of 0.95 %.

**Table 5 – Wastewater Flow**

Description	Unit type	Residential units	Ave. capita per unit	Population	GPD/ Capita	Demand (GPD)
Existing Population (2010 US Census)				7,137	66.67	475,824
7940 West Drive	Apartments	54	2.25	122	66.67	8,133
Estimated credit for Demolished units	Apartments	24	2.25	54	66.67	3,600
<b>Net Increase</b>		<b>30</b>				<b>4,533</b>

In summary, the proposed development should have minimal impact on the existing sanitary sewer system or receiving pump stations.

**Figure 3 – Schematic Sanitary Sewer Collection System**



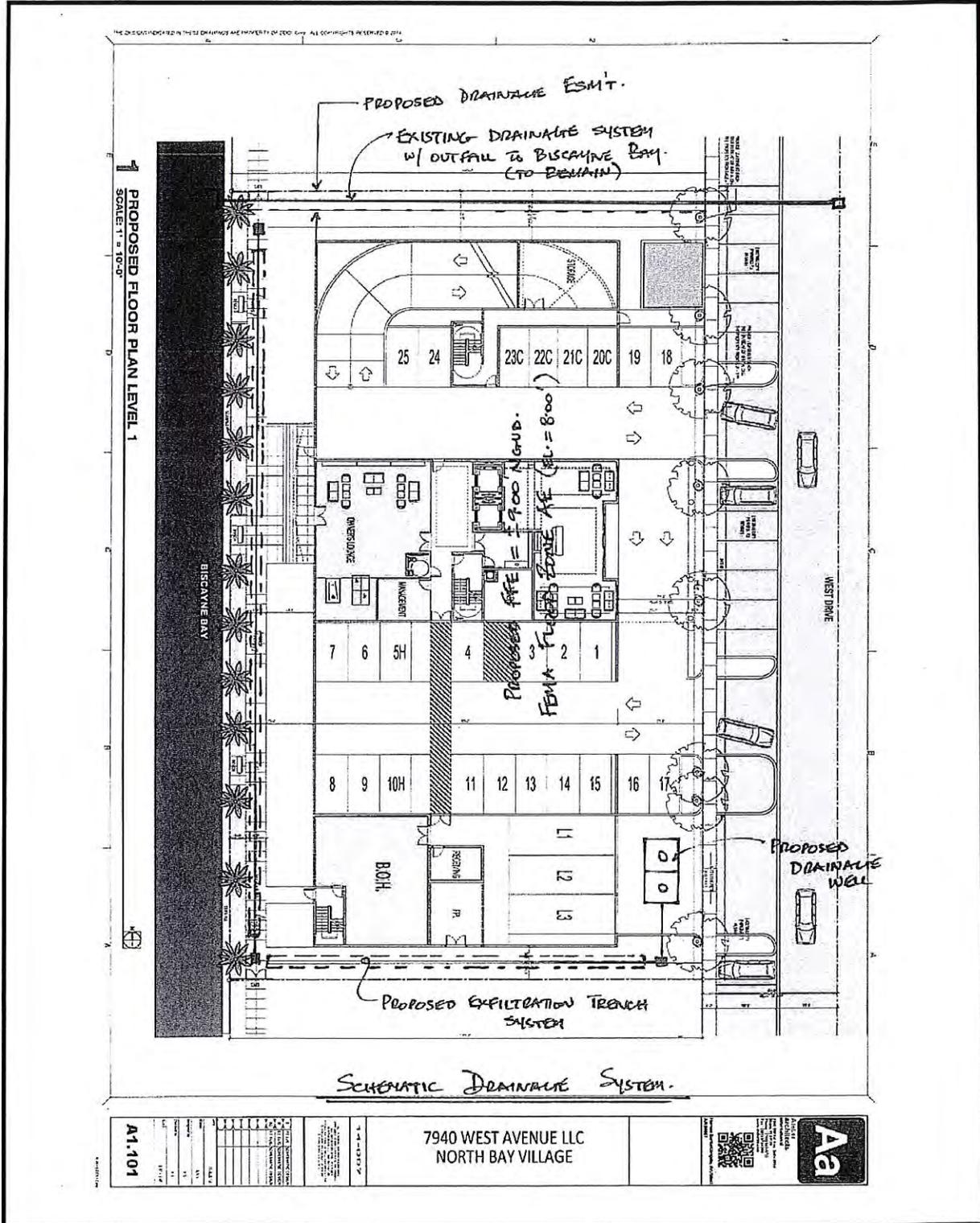
**SURFACE WATER MANAGEMENT SYSTEM:**

The proposed drainage system for 7940 West Drive at North Bay Village will be a private self-contained system and will consist of drainage well(s) in combination with exfiltration trench. Water quality and quantity will be provided within the exfiltration trench and drainage well systems and sized accordingly to the requirements of South Florida Water Management District (SFWMD), Miami-Dade County Permitting, Environment and Regulatory Affairs (PERA) and Florida Department of Environmental Protection (FDEP). Finish floor elevations has been set at elevation 9.00' NGVD which is 1' higher than the FEMA Flood Zone elevation of AE = El. 8.00' (See Exhibit # 6 – FEMA Flood Zone Map). The perimeter berm elevation will be set in accordance with elevations generated by the 25 year / 3 day storm event and site grading parameters will be in accordance with SFWMD / PERA requirements. (See Figure 5 – Schematic Drainage Plan).

Discharge from 7940 West Drive to Biscayne Bay is not proposed at this time; however, an existing 12" Corrugated Metal Pipe (CMP) serving West Drive currently traverses the site's north property line. As part of the site's final approval, NBV will require a grant of easement to maintain and service the existing system. This system currently serves as the drainage system and outfall for runoff within West Drive.

In summary, the proposed drainage system, once permitted and installed, will exceed the level of service mandated by the requirements of North Bay Village and other regulatory agencies.

**Figure 5 – Schematic Drainage Plan**



**SOLID WASTE:**

Solid waste generated from the 7940 West Drive has been calculated at 7 lbs per capita per day based on the City’s Consolidate Land Development Regulations. (See Table 6 – Solid Waste Demand).

**Table 6 – Solid Waste**

Description	Unit type	Residential units	Ave. capita per unit	Population	Lbs / capita	Demand (lbs)
Solid waste from 7940 West Drive	Apartments	54	2.25	122	7	854
Estimated credit for Demolished units	Apartments	24	2.25	54	7	378
<b>Net Increase</b>		<b>30</b>				<b>476</b>

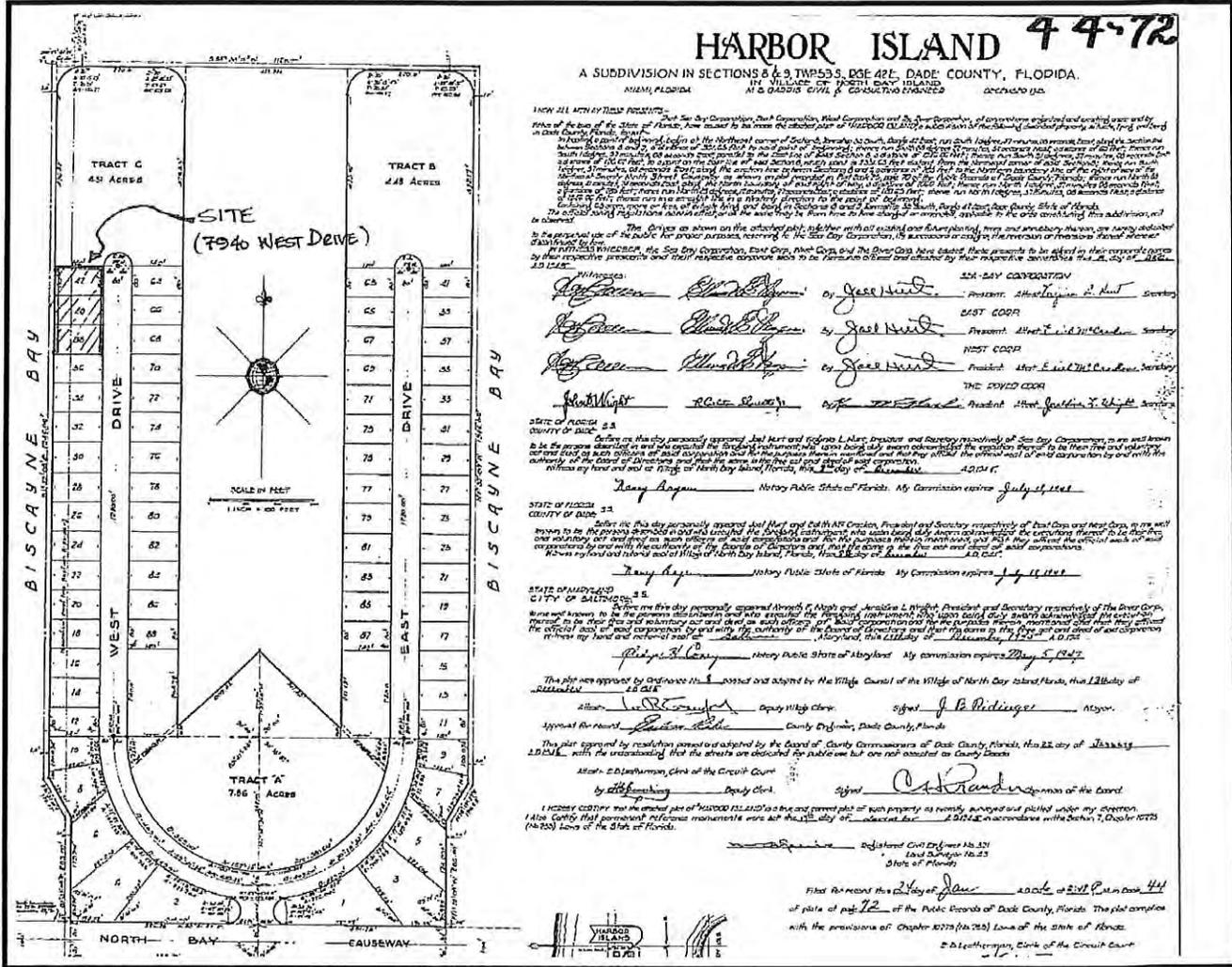
Based on the 2010 US census (7,137 people) and the above solid waste generation rate, an additional increase of 476 lbs or 0.95 % is projected. The minimal increase generated for this development should not have a detrimental impact on the existing capacity of the system.

**SUMMARY:**

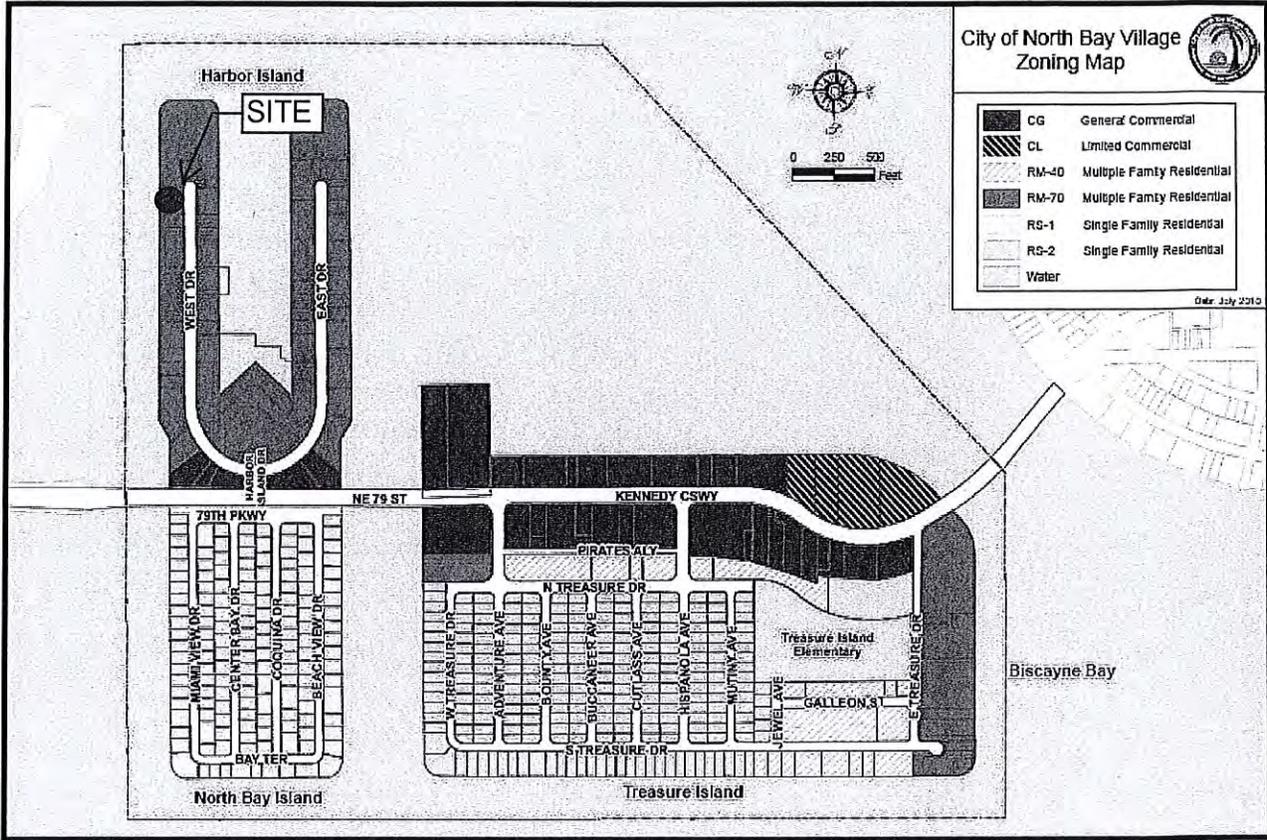
In conclusion, based upon our review of the potable water distribution system, wastewater collection transmission system, surface water management and solid waste systems, it is our opinion that the additional demand required of the proposed development (7940 West Drive at North Bay Village) is not expected to adversely impact the existing infrastructure of North Bay Village and therefore recommend approval of the development based on the minimal increase to the overall system.



**Exhibit 2 - Harbor Island Plat**

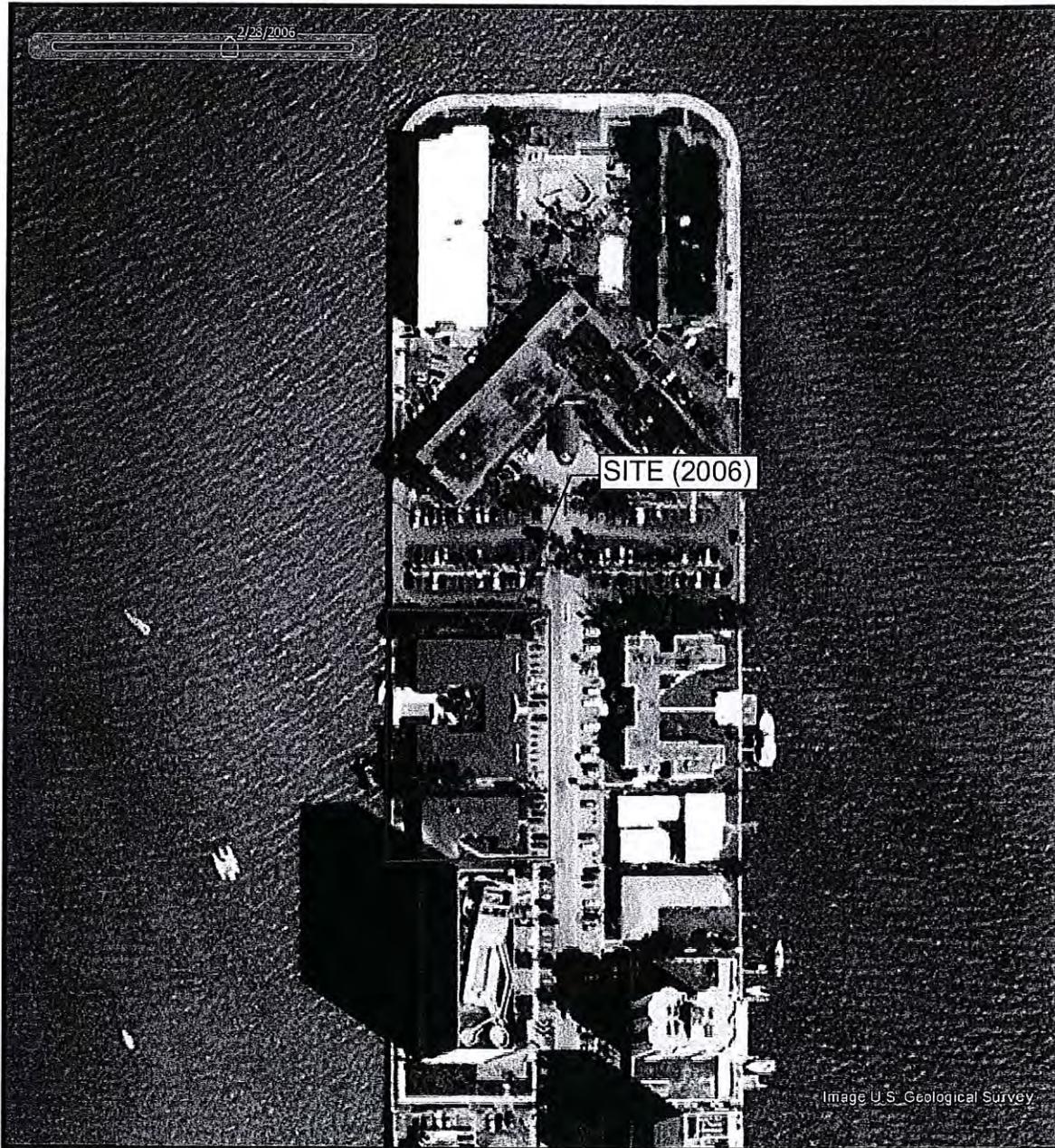


### Exhibit 3 - Zoning map

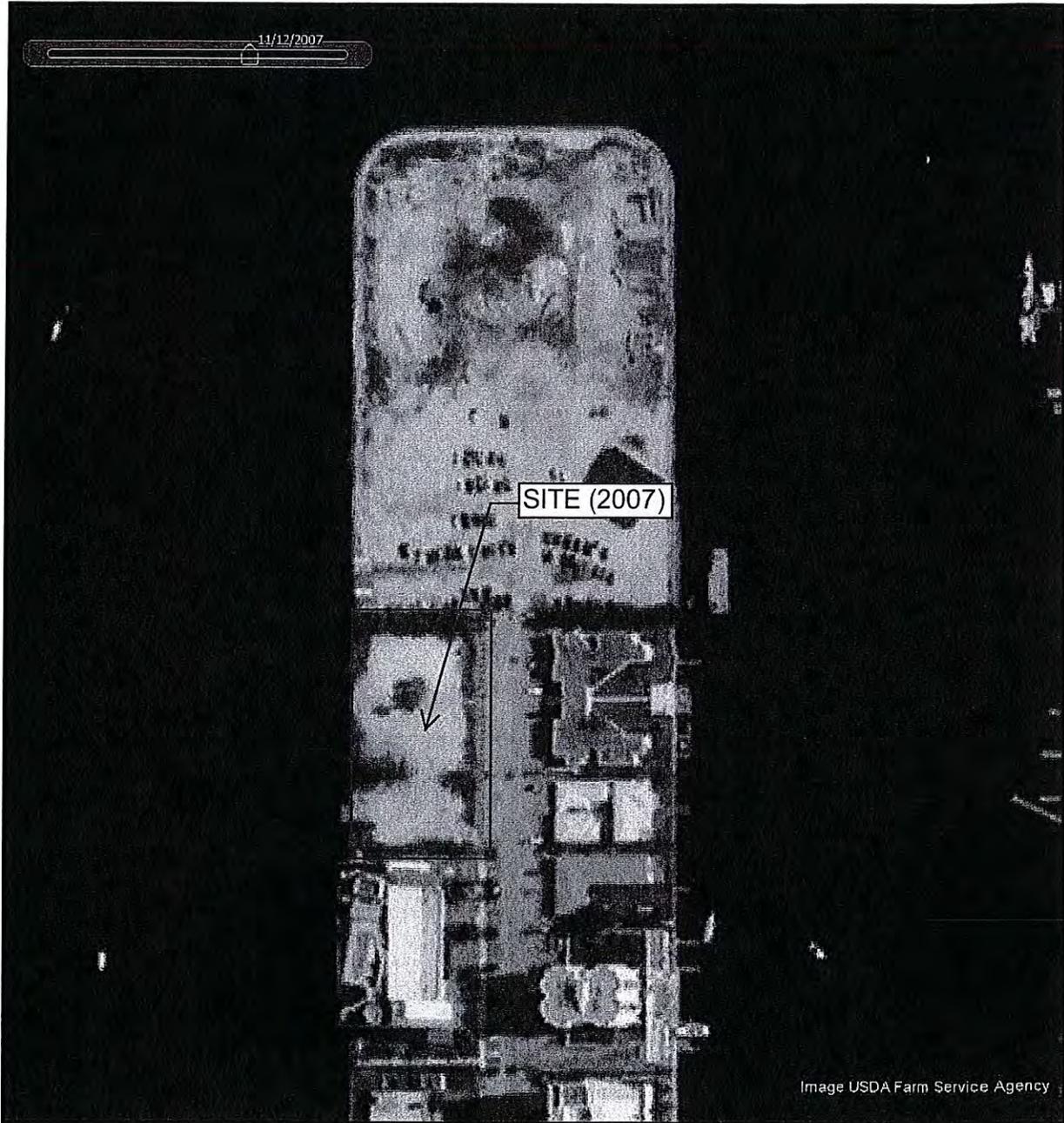




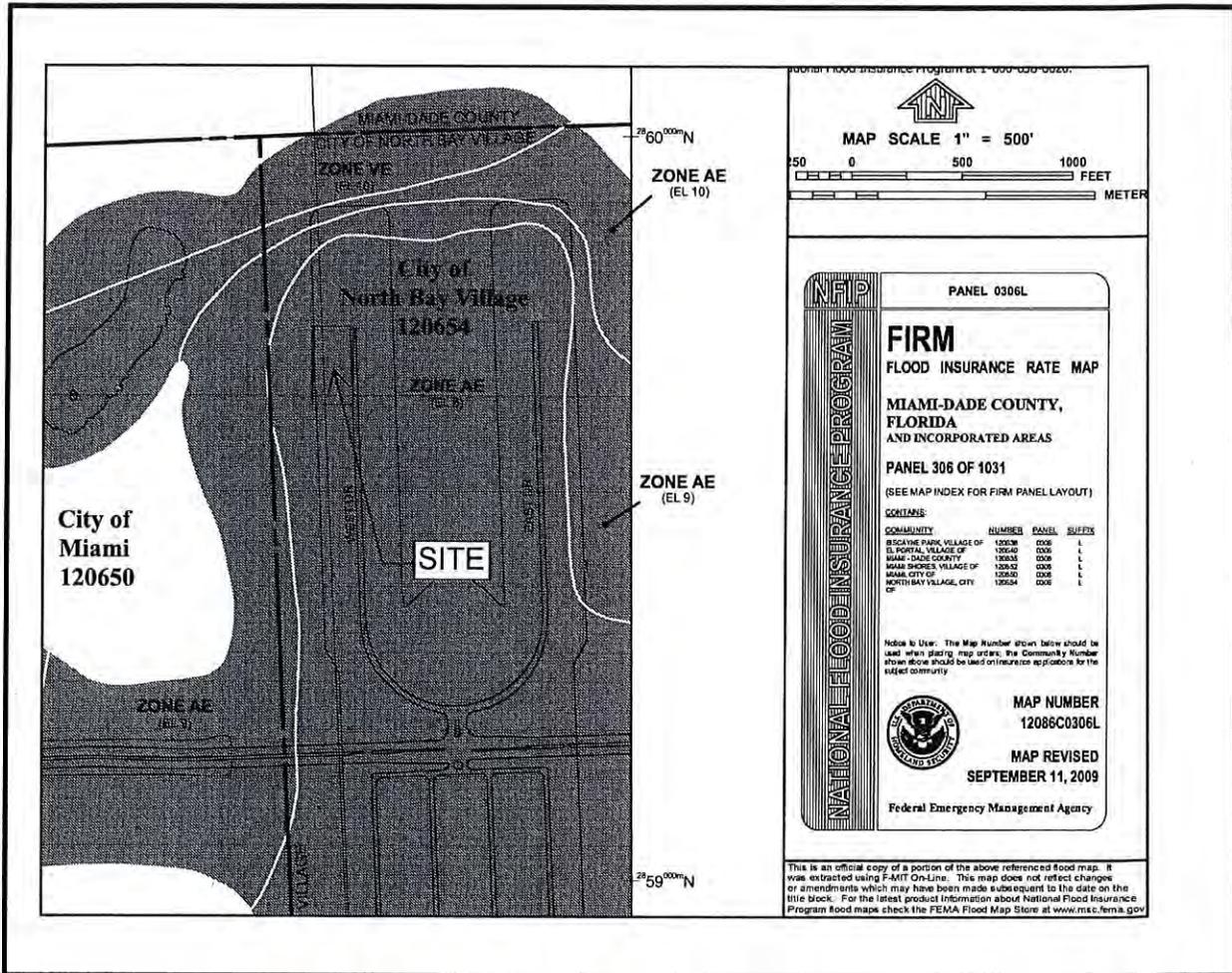
**2006 Aerial Photo**



**2007 Aerial Photo**



**Exhibit 6 - FEMA map**





## North Bay Village

Administrative Offices

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

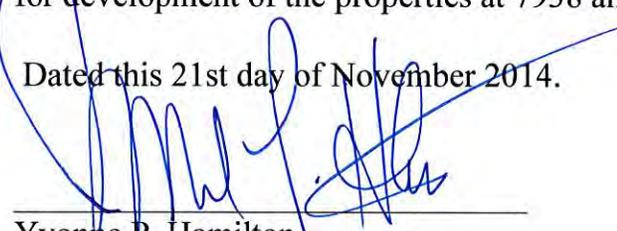
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

**RE: AN APPLICATION BY 7940 WEST DRIVE, LLC CONCERNING PROPERTY LOCATED AT 7938 AND 7940 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:**

- A. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.**
- B. BONUS DENSITY APPROVAL, PURSUANT TO SECTION 152.029(C)(8)H OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.**
- C. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 54-UNIT, 15-STORY CONDOMINIUM STRUCTURE WITH A PARKING GARAGE.**

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 7940 West Drive, LLC for development of the properties at 7938 and 7940 West Drive is complete.

Dated this 21st day of November 2014.

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

(Commission Meeting-12/9/2014)

Mayor  
Connie Leon-Kreps

Vice Mayor  
Jorge Gonzalez

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Eddie Lim



## North Bay Village

Administrative Offices

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

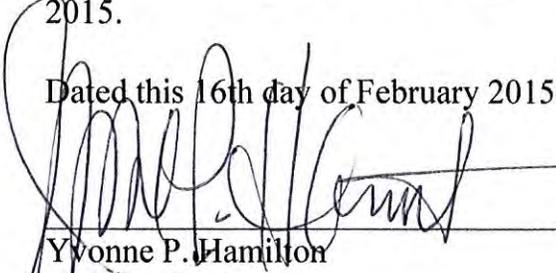
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: [www.nbvillage.com](http://www.nbvillage.com)

**RE: AN APPLICATION BY 7940 WEST DRIVE, LLC CONCERNING PROPERTY LOCATED AT 7938 AND 7940 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:**

- A. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.**
- B. BONUS DENSITY APPROVAL, PURSUANT TO SECTION 152.029(C)(8)H OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.**
- C. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 54-UNIT, 15-STORY CONDOMINIUM STRUCTURE WITH A PARKING GARAGE.**

I, Yvonne P. Hamilton, hereby certify that the attached Notice of Public Hearing to be held on February 24, 2015 was posted at the above-referenced property on February 12, 2015.

Dated this 16th day of February 2015.

  
Yvonne P. Hamilton  
Village Clerk

(Commission Meeting-2/24/2015)

Mayor  
Connie Leon-Kreps

Vice Mayor  
Jorge Gonzalez

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Eddie Lim



## North Bay Village

Administrative Offices

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

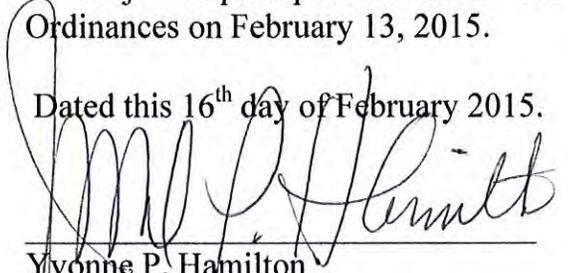
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: [www.nbvillage.com](http://www.nbvillage.com)

**RE: AN APPLICATION BY 7940 WEST DRIVE, LLC CONCERNING PROPERTY LOCATED AT 7938 AND 7940 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:**

- A. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.**
- B. BONUS DENSITY APPROVAL, PURSUANT TO SECTION 152.029(C)(8)H OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.**
- C. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 54-UNIT, 15-STORY CONDOMINIUM STRUCTURE WITH A PARKING GARAGE.**

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 February 13, 2015.

Dated this 16<sup>th</sup> day of February 2015.

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

(Commission Meeting -2/24/2015)

Mayor  
Connie Leon-Kreps

Vice Mayor  
Jorge Gonzalez

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Eddie Lim



**NORTH BAY VILLAGE  
NOTICE OF PUBLIC HEARING**

PUBLIC NOTICE IS HEREBY GIVEN THAT THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A SPECIAL MEETING ON **TUESDAY, FEBRUARY 24, 2015** 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 AT PUBLIC HEARING:

- 1. AN APPLICATION BY 7940 WEST DRIVE, LLC CONCERNING PROPERTY LOCATED AT 7938 AND 7940 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING: *(FINAL PUBLIC HEARING) (DEFERRED FROM JANUARY 27, 2015)***
  - A. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.**
  - B. BONUS DENSITY APPROVAL, PURSUANT TO SECTION 152.029(C)(8)H OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.**
  - C. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 54-UNIT, 15-STORY CONDOMINIUM STRUCTURE WITH A PARKING GARAGE.**

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  
(February 10, 2015)

7940 West Drive Building, LLC  
1548 Brickell Avenue  
Miami, FL 33131

Chateau Isle, Inc.  
7939 West Drive, Apt. 103  
North Bay Village, FL 33141

VIEW LLC  
C/O JAMES EDWARDS  
7940 WEST DR  
NORTH BAY VILLAGE, FL 33141

West Bay Condominium Assoc.  
C/O Lorenzo Brito  
7935 West Drive, #4  
North Bay Village, FL 33141

American Prime  
C/O Absolute Demolition  
2955 N.W. 73<sup>rd</sup> Street  
Miami, FL 33147

CHATEAU ISLE CO-OP  
7939 WEST DRIVE  
N. BAY VILLAGE, FL 33141

SPACE 1 CONDOMINIUM  
7934 WEST DRIVE  
N. BAY VILLAGE, FL 33141

NAFDOF NBVMF LLC  
7937 WEST DRIVE  
NORTH BAY VILLAGE, FL 33141

OWNER/OCCUPANT  
7928 WEST DR., APT 805  
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT  
7928 WEST DR., APT 806  
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT  
7928 WEST DR., APT 807  
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT  
7928 WEST DR., APT 808  
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT  
7928 WEST DR., APT 809  
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT  
7928 WEST DR., APT 810  
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT  
7928 WEST DR., APT 811  
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT  
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N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT  
7928 WEST DR., APT 902  
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT  
7928 WEST DR., APT 903  
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT  
7928 WEST DR., APT 904  
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OWNER/OCCUPANT  
7928 WEST DR., APT 905  
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OWNER/OCCUPANT  
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N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT  
7928 WEST DR., APT 911  
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OWNER/OCCUPANT  
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N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT  
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N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT  
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N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT  
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OWNER/OCCUPANT  
7928 WEST DR., APT 1005  
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OWNER/OCCUPANT  
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OWNER/OCCUPANT  
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OWNER/OCCUPANT  
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OWNER/OCCUPANT  
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OWNER/OCCUPANT  
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OWNER/OCCUPANT  
7928 WEST DR., APT 704  
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7928 WEST DR., APT 705  
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OWNER/OCCUPANT  
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OWNER/OCCUPANT  
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OWNER/OCCUPANT  
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OWNER/OCCUPANT  
7928 WEST DR., APT 504  
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT  
7928 WEST DR., APT 505  
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT  
7928 WEST DR., APT 506  
N. BAY VILLAGE, FL 33141

Owner/Occupant  
7933 West Drive, #1131  
N. Bay Village, FL 33141

Owner/Occupant  
7933 West Drive, #1132  
N. Bay Village, FL 33141

Owner/Occupant  
7933 West Drive, #401  
N. Bay Village, FL 33141

Owner/Occupant  
7933 West Drive, #402  
N. Bay Village, FL 33141

Owner/Occupant  
7933 West Drive, #403  
N. Bay Village, FL 33141

Owner/Occupant  
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N. Bay Village, FL 33141

Owner/Occupant  
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Owner/Occupant  
7933 West Drive, #506  
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Owner/Occupant  
7933 West Drive, #507  
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7933 West Drive, #508  
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7933 West Drive, #612  
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7933 West Drive, #1130  
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7933 West Drive, #D1  
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Owner/Occupant  
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Owner/Occupant  
7934 West Drive, #605  
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

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7934 West Drive, #1105  
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7934 West Drive, #804  
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Owner/Occupant  
7934 West Drive, #702  
North Bay Village, FL 33141

Owner/Occupant  
7934 West Drive, #1503  
North Bay Village, FL 33141

Owner/Occupant  
7934 West Drive, #1603  
North Bay Village, FL 33141

Owner/Occupant  
7934 West Drive, #701  
North Bay Village, FL 33141

Owner/Occupant  
7934 West Drive, #1101  
North Bay Village, FL 33141

Owner/Occupant  
7934 West Drive, #703  
North Bay Village, FL 33141

Owner/Occupant  
7934 West Drive, #801  
North Bay Village, FL 33141

Owner/Occupant  
7934 West Drive, #1203  
North Bay Village, FL 33141

Owner/Occupant  
7934 West Drive, #803  
North Bay Village, FL 33141

Owner/Occupant  
7934 West Drive, #805  
North Bay Village, FL 33141

Owner/Occupant  
7934 West Drive, #704  
North Bay Village, FL 33141

Owner/Occupant  
7934 West Drive, #602  
North Bay Village, FL 33141

Owner/Occupant  
7934 West Drive, #1104  
North Bay Village, FL 33141

Owner/Occupant  
7934 West Drive, #802  
North Bay Village, FL 33141

Owner/Occupant  
7934 West Drive, #1005  
North Bay Village, FL 33141

Owner/Occupant  
7934 West Drive, #605  
North Bay Village, FL 33141

Owner/Occupant  
7934 West Drive, #605  
North Bay Village, FL 33141

Owner/Occupant  
7935 West Drive, #1  
N. Bay Village, FL 33141

Owner/Occupant  
7935 West Drive, #2  
N. Bay Village, FL 33141

Owner/Occupant  
7935 West Drive, #3  
N. Bay Village, FL 33141

Owner/Occupant  
7935 West Drive, #4  
N. Bay Village, FL 33141

Owner/Occupant  
7935 West Drive, #5  
N. Bay Village, FL 33141

Owner/Occupant  
7935 West Drive, #6  
N. Bay Village, FL 33141

Owner/Occupant  
7935 West Drive, #7  
N. Bay Village, FL 33141

Owner/Occupant  
7935 West Drive, #8  
N. Bay Village, FL 33141

Owner/Occupant  
7937 West Drive, #1  
N. Bay Village, FL 33141

Owner/Occupant  
7937 West Drive, #2  
N. Bay Village, FL 33141

Owner/Occupant  
7937 West Drive, #3  
N. Bay Village, FL 33141

Owner/Occupant  
7937 West Drive, #4  
N. Bay Village, FL 33141

Owner/Occupant  
7937 West Drive, #5  
N. Bay Village, FL 33141

Owner/Occupant  
7937 West Drive, #6  
N. Bay Village, FL 33141

Owner/Occupant  
7937 West Drive, #7  
N. Bay Village, FL 33141

Owner/Occupant  
7937 West Drive, #8  
N. Bay Village, FL 33141

Owner/Occupant  
7939 West Drive, #101  
N. Bay Village, FL 33141

Owner/Occupant  
7939 West Drive, #102  
N. Bay Village, FL 33141

Owner/Occupant  
7939 West Drive, #103  
N. Bay Village, FL 33141

Owner/Occupant  
7939 West Drive, #104  
N. Bay Village, FL 33141

Owner/Occupant  
7939 West Drive, #201  
N. Bay Village, FL 33141

Owner/Occupant  
7939 West Drive, #202  
N. Bay Village, FL 33141

Owner/Occupant  
7939 West Drive, #203  
N. Bay Village, FL 33141

Owner/Occupant  
7939 West Drive, #204  
N. Bay Village, FL 33141

Owner/Occupant  
7939 West Drive, #301  
N. Bay Village, FL 33141

Owner/Occupant  
7939 West Drive, #302  
N. Bay Village, FL 33141

Owner/Occupant  
7939 West Drive, #303  
N. Bay Village, FL 33141

Owner/Occupant  
7939 West Drive, #304  
N. Bay Village, FL 33141

Owner/Occupant  
7941 West Drive, #101  
N. Bay Village, FL 33141

Owner/Occupant  
7941 West Drive, #102  
N. Bay Village, FL 33141

Owner/Occupant  
7941 West Drive, #201  
N. Bay Village, FL 33141

Owner/Occupant  
7941 West Drive, #102  
N. Bay Village, FL 33141

Owner/Occupant  
7941 West Drive, #301  
N. Bay Village, FL 33141

Owner/Occupant  
7941 West Drive, #302  
N. Bay Village, FL 33141

KEEPING KIDS FIT

Vaccinate your children against the measles

BY JUDY SCHAECHTER  
jhschae@system.com

With last week's news that many infected with measles had recently traveled through Florida, the reality of the national measles epidemic was brought home. What started out with a few cases tied to Disneyland in California has become an outbreak that is impacting more than 100 people — the majority of whom were unvaccinated — in 14 reported states.

Measles, a contagious virus that enters the body through the nose, mouth and eyes, is known for its high fever, rash, conjunctivitis and runny nose. It infects 90 percent of those who have not been immunized, including babies too young to receive the vaccine. Though most people recover, some patients get pneumonia while others get measles encephalitis or even die. The very young and the unvaccinated, including pregnant women, are most at risk.

Health officials — and even President Barack Obama — have responded to this latest outbreak by encouraging people to get vaccinated and make sure their children are immunized. The most effective protection from the measles is through vaccination.

Children are typically vaccinated as part of their well-visit schedule. The measles injection is administered through the measles, mumps and rubella vaccine (MMR) that is given twice — first between the ages of 12 and 15 months and again between ages 4 and 6. It is important to note that vaccines, including MMR, are eligible to all children, whether citizens or undocumented immigrants.

So, if MMR has been proven effective, is part of the childhood vaccination schedule and available to all, why are people choosing to forgo it?

Unfortunately, MMR is often incorrectly cited as a vaccine that triggers autism in young children. Though more than a decade of research has provided no scientific evidence to corroborate this misguided perception, fear lingers in parents who by trying to protect their kids could actually be harming them when denying them the measles vaccine.

Physicians thought measles was eliminated in the United States in 2000. But that designation was made with the understanding that the public would continue being vaccinated. Sadly, that has not been the case. When people, even small groups of people, stop vaccinating against disease, it creeps back.

Measles is spread through direct contact and passage of respiratory droplets by a cough or sneeze. But germs left in the air or on a surface remain viable even hours after an infected person shares the virus. So, the contagious person might be gone from the area, but the invisible measles lives on.

People are contagious four days before until four days after the rash. Most do not realize they have measles at least part the time they are contagious, which is partly why it can be spread to so many, so quickly.

Outbreaks of measles have become more common in the past decade, usually introduced by international visitors. But the disease is spread in our population by

those choosing to forgo immunization. Last year we experienced an unprecedented 644 cases of measles in the United States, and we are on track to have another record number of cases this year.

Though South Florida has yet to report any cases this year, the possibility for the introduction of measles or other preventable viruses into our community is high due to our status as an international gateway. Deadly diseases may come from distant continents, or they may be common childhood diseases spread in our parks, schools, houses of worship or even at kids' birthday parties. In the case of measles and other vaccine-preventable diseases, we can stop these outbreaks by immunizing our children and ourselves, for our own health and those around us.

Without knowing it, unvaccinated children and the adults they grow into can pass disease to someone else's child — perhaps a child who because of medical reasons is unable to be vaccinated. Instead of going vaccine-free and potentially infecting your child and others while sitting next to them on an amusement park ride, at school or on a plane, choose to protect your health and that of your loved ones and neighbors. Make an appointment with your doctor to get your vaccines up to date.

*Dr. Judy Schaechter is interim chairwoman of the Department of Pediatrics at the University of Miami Miller School of Medicine and chairs Miami-Dade County's Immunization Coalition.*



NORTH BAY VILLAGE  
NOTICE OF PUBLIC HEARING

PUBLIC NOTICE IS HEREBY GIVEN THAT THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A SPECIAL MEETING ON TUESDAY, FEBRUARY 24, 2015 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 RESOLUTIONS:

1. AN APPLICATION BY CHATEAU ISLE, INC. CONCERNING PROPERTY LOCATED AT 799-794 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA, FOR A PARKING WAIVER PURSUANT TO SECTION 152.04(4)(C) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES. *(DELETED FROM ANNEX 22, 2015)*
  2. AN APPLICATION BY 7940 WEST DRIVE, LLC CONCERNING PROPERTY LOCATED AT 798 AND 7940 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING: *(FINAL PUBLIC HEARING) (DELETED FROM ANNEX 22, 2015)*
    - A. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.04(2) AND 152.08 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENTS REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.
    - B. BONUS DENSITY APPROVAL, PURSUANT TO SECTION 152.029(C)(9)H OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.
    - C. SITE PLAN APPROVAL PURSUANT TO SECTION 152.08(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 54-UNIT, 15-STORY CONDOMINIUM STRUCTURE WITH A PARKING GARAGE.
  3. AN APPLICATION BY BAY VILLAGE VENTURE, LLC CONCERNING PROPERTY LOCATED AT 1725 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING: *(FINAL PUBLIC HEARING)*
    - A. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.04(C)(3) AND 152.08 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A MIXED-USE COMMERCIAL STRUCTURE IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT.
    - B. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.04(2) AND 152.08 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENTS REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.
    - C. BONUS DENSITY APPROVAL, PURSUANT TO SECTION 152.029(C)(9)H OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.
    - D. BONUS HEIGHT APPROVAL, PURSUANT TO SECTION 152.03(C)(8)A-F OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.
    - E. 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.
    - F. SITE PLAN APPROVAL PURSUANT TO SECTION 152.08(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 45-UNIT, 19-STORY MIXED USE CONDOMINIUM STRUCTURE WITH A PARKING GARAGE.
  4. AN APPLICATION BY BRICKELL VILLAGE 79, LLC CONCERNING PROPERTY LOCATED AT 1601 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING: *(FINAL PUBLIC HEARING)*
    - A. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.04(C)(3) AND 152.08 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A MIXED-USE COMMERCIAL STRUCTURE IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT.
    - B. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.04(2) AND 152.08 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENTS REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.
    - C. BUILDING HEIGHT BONUS REVIEW TO 240 FEET PURSUANT TO SECTION 152.029(C)(9)A THROUGH 9E.
    - D. DENSITY BONUS REVIEW PURSUANT TO SECTION 152.029(C)(9)H.
    - E. SITE PLAN APPROVAL PURSUANT TO SECTION 152.08(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 75-UNIT, 22-STORY CONDOMINIUM STRUCTURE WITH A PARKING GARAGE.
  5. AN APPLICATION BY ORLANDO LAMA ON BEHALF OF GRANDVIEW PALACE VACANT CLIR, INC. FOR INSTALLATION OF TWO NEW BOATLIFTS AT THE COMMERCIAL MARINA AT 760 E. TREASURE DRIVE, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTION 152.01(9) OF THE VILLAGE CODE. 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 AND THE VILLAGE CLERK, 1666 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FL 33141.
- THE DECLARATIONS PERTAINING TO THIS PUBLIC HEARING MAY BE INSPECTED AT THE OFFICE OF THE VILLAGE CLERK DURING REGULAR BUSINESS HOURS AT 1666 KENNEDY CAUSEWAY, #101, INQUIRIES MAY BE DIRECTED TO THAT DEPARTMENT AT (305) 756-6171.
- PURSUANT TO SECTION 26.06(5), FLORIDA STATUTES, IF ANY PERSON DESIRES 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 VERBAL 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 OTHERSISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW TO RESOLVE THIS MATTER. IN ACCESSIBLE FORM, SIGN LANGUAGE INTERPRETERS, INTERCOMMUNICATION DEVICES, PERSONS WITH DISABILITIES, AND/OR ANY ACCOMMODATION TO REVIEW ANY DOCUMENT OR PARTICIPATE IN ANY VILLAGE-SPONSORED PACKAGING, PLEASE CONTACT (305) 756-6171 FIVE DAYS IN ADVANCE TO INITIATE YOUR REQUEST. TV USERS MAY ALSO CALL 711 (FLORIDA RELAY SERVICE).
- YVONNE F. HAMILTON, CMC  
VILLAGE CLERK  
(February 9, 2015)

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

**A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY 7940 WEST DRIVE 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.**

**WHEREAS**, pursuant to Section 152.098 and 152.042(E) of the North Bay Village Code of Ordinances (the "Village Code"), 7940 West Drive LLC has applied to North Bay Village for approval of a special use exception to allow up to 20 percent of the parking spaces for development of a 54 unit, 15 story multiple-family condominium structure at 7938 and 7940 West Drive, North Bay Village, Florida to be designed specifically for compact vehicles; and

**WHEREAS**, Section 152.098 and Section 152.102 of the Village Code set forth the authority of the Village Commission to consider and act upon an application for a special use exception specified in Section 152.098; and

**WHEREAS**, in accordance with Section 152.096 of the Village Code, a public hearing by the Planning and Zoning Board was noticed for Tuesday, October 21, 2014, at 7:30 P.M. at Village Hall, 1666 Kennedy Causeway, #101, North Bay Village, Florida and the Planning and Zoning Board reviewed the application, conducted a public hearing and recommended approval of the request; and

**WHEREAS**, in accordance with Section 152.096 of the Village Code, a public hearing by the Village Commission was noticed for Tuesday, January 27, 2015 at 7:30 P.M. at Village Hall, 1666 Kennedy Causeway, #101, North Bay Village, Florida 33141 and all interested parties have had the opportunity to address their comments to the Village Commission; and

**WHEREAS**, the Village Commission has reviewed the application, and considered the recommendation of the Planning and Zoning Board and comments from the public, and determined that the proposed use does not substantially affect adversely the subject property or adjacent properties.

**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 into this Resolution by this reference.

**Section 2.      Finding.**

In accordance with Section 152.098 of the Village Code, the Village Commission finds that the proposed special use exception to allow up to 20 percent of the parking spaces in the development of the 54 unit, 15 story multiple-family condominium structure at 7938 and 7940 West Drive, North Bay Village, Florida to be designed specifically for compact vehicles; will not substantially affect adversely the uses permitted in these regulations of adjacent property.

**Section 3. Grant.**

The special use request to allow up to 20 percent of the parking spaces to be designed specifically for compact vehicles in the 7938-7940 development at 7938-7940 West Drive, North Bay Village, Florida is hereby granted.

**Section 4. Appeal.**

In accordance with Section 152.104 of the Village Code, the Applicant, or any aggrieved property owner, may appeal the decision of the Village Commission by filing a Writ of Certiorari to the Circuit Court of Miami-Dade County, Florida, in accordance with the Florida Rules of Appellate Procedure.

**Section 5. Effective Date.**

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

**FINAL VOTE AT ADOPTION:**

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

**PASSED AND ADOPTED** this 24th day of February 2015.

\_\_\_\_\_  
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: Special Use Exception-7938-7940 West Drive-Compact Parking Spaces.

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

**A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA APPROVING A REQUEST BY 7940 WEST DRIVE LLC FOR SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 54 UNIT, 15 STORY MULTI-FAMILY CONDOMINIUM STRUCTURE AT 7938 AND 7940 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA; 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.**

**WHEREAS**, pursuant to Section 152.105(C)(9) of the North Bay Village Code of Ordinances (the “Village Code”), 7940 West Drive, LLC has applied to North Bay Village for approval of a Site Plan to construct a 54-unit, 15 story multi-family condominium structure in the RM-70 (High Density Multiple-Family) Zoning District utilizing the bonus height provision pursuant to Section 152.029(C)(8)(H); and

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

**WHEREAS**, in accordance with Section 152.096 of the Village Code, a public hearing by the Planning and Zoning Board was noticed for October 21, 2014 at 7:30 P.M. at Village Hall, 1666 Kennedy Causeway, #101, North Bay Village, Florida 33141 and the Planning and Zoning Board reviewed the application, conducted a public hearing and recommended approval of the request with conditions; and

**WHEREAS**, in accordance with Section 152.096 of the Village Code, public hearings by the Village Commission were noticed for December 9, 2014 at 7:30 p.m. and January 27, 2015 at 7:30 P.M. at Village Hall, 1666 Kennedy Causeway, #101, North Bay Village, Florida 33141 and all interested parties have had the opportunity to address their comments to the Village Commission; and

**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 into this Resolution by this reference.

**Section 2. Finding.**

In accordance with Section 152.105(9) of the Village Code, the Village Commission finds that the proposed Site Plan for construction of a 54-unit, 15 story condominium structure:

- A. Protects against and minimizes any undesirable effects upon contiguous and nearby property.
- B. Provides sufficient off-street parking and loading facilities so that it will not be necessary to use the streets in the vicinity for this purpose.
- C. Provides sufficient setbacks, open space, and landscaping in order to protect and enhance the appearance and character of the neighborhood.
- D. Can be accommodated by existing community roads, services, and utilities, or the necessary additions are provided by the developer.

**Section 3. Grant.**

The Site Plan to construct a 54 unit, 15 story multiple-family condominium structure at 7938 and 7940 West Drive, North Bay Village, Florida, as attached and incorporated herein as Exhibit "A" entitled "7940 West Drive LLC" as submitted for hearing on October 30, 2014 and consisting of sheets A1.100 through A1.114 is hereby approved.

**Section 4. Conditions.**

The Site Plan is approved with the condition that the following items are met prior to issuance of a Building Permit:

- 1) Applicant shall revise plans to preserve as many right-of-way street parking spaces as possible.
- 2) Submittal of a vegetative survey, irrigation plan, and landscape plan which meets Miami-Dade Chapter 18A requirements.
- 3) Submittal of a Unity of Title, as per Section 152.0296(D)(3).
- 4) The public access easement and boardwalk must be dedicated and recorded. Applicant shall agree, in writing, that the boardwalk shall be open to the public daily, during hours to be determined by the Village; and boardwalk lighting shall remain on while boardwalk is open to the public.
- 5) Site plan approval from Miami-Dade Shoreline Review Committee.
- 6) Meeting Miami-Dade County School Concurrency requirements as determined by School Board Staff.
- 7) Payment of any applicable impact fees.
- 8) Payment of bonus density fees, as required under Section 152.029(C)8F.
- 9) Tie-in to Village's wastewater system at a connection point determined by the Village and payment of pro-rata costs involved in tying into appropriate connection point.
- 10) Applicant shall not lease or sell parking spaces.

- 11) Applicant shall not charge for guest parking.
- 12) Staging of construction materials shall occur off-site, and not on the public right-of-way.
- 13) 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.
- 14) Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.
- 15) 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.
- 16) All applicable state and federal permits must be obtained before commencement of construction.

**Section 5. Appeal.**

In accordance with Section 152.104 of the Village Code, the Applicant, or any aggrieved property owner, may appeal the decision of the Village Commission by filing a Writ of Certiorari to the Circuit Court of Miami-Dade County, Florida, in accordance with the Florida Rules of Appellate Procedure.

**Section 6. Violation of Conditions.**

Failure to adhere to the terms and conditions contained in this Resolution in Section 4, if any, shall be considered a violation of this Resolution and persons found violating the conditions shall be subject to the penalties prescribed by the Village Code, including but not limited to, the revocation of any of the approval(s) granted in this Resolution. The Applicant understands and acknowledges that it must comply with all other applicable requirements of the Village Code before it may commence construction or operation, and that the foregoing approval in this Resolution may be revoked by the Village at any time upon a determination that the Applicant is in non-compliance with the Village Code.

**Section 7. Effective Date.**

This Resolution shall become effective upon its 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 24th day of February 2015.**

\_\_\_\_\_  
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: 7938-7940 West Drive Site Plan Approval.



## Memorandum

**To:** North Bay Village Commission  
**From:** James G. LaRue, AICP  
**Date:** February 10, 2015  
**Subject:** *1725 Kennedy Causeway, 2<sup>nd</sup> Commission Hearing (2-24-15)*

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The project proposed for 1725 Kennedy Causeway was heard by the Planning and Zoning Board on December 2, 2014 and heard by the Village Commission on January 27, 2015. Both bodies recommended approval of all applications presented for that project. The voting record and Staff's recommendations for those items are as follows:

### Special Use Exception Request for Mixed Use Development in the CG Zoning District

- The Planning and Zoning Board recommended approval by a 5-0 vote.
- The Village Commission recommended approval by a 4-0 vote.
- Staff recommends approval of this request.

### Request for a Variance to Allow Five Parking Levels

- The Planning and Zoning Board recommended approval by a 5-0 vote.
- The Village Commission recommended approval by a 4-0 vote.
- Staff recommends approval of this request.

### Request for Use of Compact Parking Spaces

- The Planning and Zoning Board recommended approval by a 5-0 vote.
- The Village Commission recommended approval by a 4-0 vote.
- Staff recommends approval of this request.

### Site Plan, Building Density Bonus Review, and Building Height Bonus Review

- The Planning and Zoning Board recommended approval by a 5-0 vote, based on staff's recommended conditions.
- The Village Commission recommended approval by a 4-0 vote, based on staff's recommended conditions.
- Staff recommends approval of this request, conditional upon the following items being met prior to issuance of a building permit:
  - 1) Applicant shall submit an irrigation plan which meets Miami-Dade Chapter 18-A requirements.
  - 2) Street tree lighting shall be provided, as per Section 152.029(C)(9)7.
  - 3) The public access easement and boardwalk shall be dedicated and recorded. Applicant shall agree, in writing, that the boardwalk shall be open to the

public daily, during hours to be determined by the Village; and boardwalk lighting shall remain on while boardwalk is open to the public.

- 4) Applicant shall comply with all conditions made by the Miami-Dade Shoreline Review Committee in Resolution 14 SDRC 06.
- 5) Applicant shall not lease or sell parking spaces.
- 6) Applicant shall not charge for guest parking.
- 7) All residents and guests shall park on-site.
- 8) School Board Concurrency requirements shall be met, as determined by School Board Staff.
- 9) Applicant shall pay of any applicable impact fees.
- 10) Applicant shall pay bonus height fees, as required under Section 152.029(C)8.
- 11) Applicant shall pay bonus density fees, as required under Section 152.029(C)8.
- 12) The project shall tie-in to Village's wastewater system at a Village designated proximate location (proposed connection point) and payment of pro-rata costs involved in tying into appropriate connection point.
- 13) 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.
- 14) Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.
- 15) 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.
- 16) All applicable state and federal permits must be obtained before commencement of construction.

For further discussion of these issues, please see staff reports presented at the Commission public hearing on January 27, 2015.

CC: Frank Rollason, Village Manager  
Yvonne Hamilton, Village Clerk



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## **Staff Report Special Use Exception**

*Prepared for: North Bay Village  
Commission*

*Applicant: Bay Village Venture, LLC*

*Site Address: 1725 Kennedy Causeway*

*Request: Special Exception for Development of a  
Mixed Use Commercial Structure in the  
CG Zoning District*



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**General Information**

<b>Owner/Applicant:</b>	Bay Village Venture, LLC
<b>Applicant Address:</b>	3137 NE 163 <sup>rd</sup> St. N. Miami, FL 33160
<b>Site Address:</b>	1725 Kennedy Causeway
<b>Contact Person:</b>	Jose Saal
<b>Contact Phone Number:</b>	305-944-5900
<b>E-mail Address</b>	saaltrust@aol.com

<b>Future Land Use</b>	Commercial
<b>Zoning District</b>	CG
<b>Use of Property</b>	Vacant
<b>Acreage</b>	0.62 acres

**Legal Description of Subject Property**

9 53 42 E150FT OF W 1500FT OF TREA IS LYING N OF 79 ST CSWY PER DB 3409-93

**Adjacent Land Use Map Classifications and Zoning District**

<b>North</b>	<b>Future Land Use</b>	Water
	<b>Zoning District</b>	Water
	<b>Existing Land Use</b>	Biscayne Bay
<b>East</b>	<b>Future Land Use</b>	Commercial
	<b>Zoning District</b>	CL
	<b>Existing Land Use</b>	Vacant (approved for mixed use condo/hotel)
<b>South</b>	<b>Future Land Use</b>	Commercial
	<b>Zoning District</b>	CG
	<b>Existing Land Use</b>	Lexi Mixed Use Condo
<b>West</b>	<b>Future Land Use</b>	Commercial
	<b>Zoning District</b>	CG
	<b>Existing Land Use</b>	Atlantic Broadband



### **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 19-story, mixed-use residential and commercial development with 43 multi-family units. Additionally, the tabular project summary shows 2,251 square feet of restaurant space, of which 1,650 square feet will be customer service area. The applicant is requesting approval for compact parking, and a variance to allow 5 stories of parking garage, bonus height to 207 feet, and bonus density for 4 two bedroom dwelling units, for a total density of 69.4 dwelling units per acre.

### **Consistency with Comprehensive Plan**

While the Comprehensive Plan is silent as to mixed-use in the Commercial Future Land Use category, it does allow for restaurant and residential uses which are proposed. We believe that a mix of multi-family units and the proposed restaurant use 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 commercial office. The property to the east is currently vacant but has been approved for a mixed use condo/hotel. To the south, across Kennedy Causeway, is the Lexi, a mixed use condo with commercial on the ground floor, including a restaurant. The Applicant's proposal to develop the subject property as a mixed use structure encompassing multi-family residential units and a restaurant 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 this special use exception request by a vote of 5-0 on December 2, 2014.

### Staff 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.

*Submitted by:*

*James G. LaRue*  
James G. LaRue, AICP  
Planning Consultant

January 14, 2015

Hearing: North Bay Village Commission, January 27, 2015





## **Staff Report Special Use Exception**

*Prepared for: North Bay Village  
Commission*

*Applicant: Bay Village Venture LLC*

*Site Address: 1725 Kennedy Causeway*

*Request: Special Exception for up to twenty percent  
of the required parking spaces to be  
designated for compact vehicles*



Serving Florida Local Governments Since 1988

### General Information

Owner/Applicant:	Bay Village Venture, LLC
Applicant Address:	3137 NE 163 <sup>rd</sup> St. N. Miami, FL 33160
Site Address:	1725 Kennedy Causeway
Contact Person:	Jose Saal
Contact Phone Number:	305-944-5900
E-mail Address	saaltrust@aol.com

Future Land Use	Commercial
Zoning District	CG
Use of Property	Vacant
Acreage	0.62 acres

### Legal Description of Subject Property

9 53 42 E150FT OF W 1500FT OF TREA IS LYING N OF 79 ST CSWY PER DB 3409-93

### Request

The applicant is requesting a special use exception pursuant to Sections 152.042(e) and 152.098 of the North Bay Village Code of Ordinances to allow up to twenty (20) percent of the development's required parking spaces to be designed specifically for compact vehicles.

### General Description

The site plan for this mixed use condominium shows 40 two bedroom dwelling units, 3 three bedroom units, and 1,650 square feet of restaurant customer service area. This will require at least 120 total parking spaces. The minimum standard parking space dimensions are 9 feet by 18 feet. The applicant is requesting permission to make up to 20% of those required spaces compact spaces, reducing the size to a minimum of 8 feet by 16 feet. The current site plan shows 24 compact parking spaces, which is exactly 20% of the total required.



### Consistency with Comprehensive Plan

The request for compact spaces, if approved for this site plan, is consistent with the Village's Comprehensive Plan, and the provision of safe on-site traffic flow as per Transportation Policy 3.2.7.

### Consistency with Special Use Exception Standards

The granting of no more than 20% of the required parking spaces to be compact parking spaces, for this site plan, would not "substantially affect adversely the uses permitted in these regulations of adjacent property".

### Planning & Zoning Board Recommendation

The North Bay Village Planning and Zoning Board recommended approval of this special use exception to use compact parking spaces by a vote of 5-0 on December 2, 2014.

### Staff Recommendations

Staff finds that this request is consistent with Sections 152.042(e) and 152.098 in that this special use exception will not adversely affect the uses permitted in the regulations of adjacent properties.

Staff recommends **approval** of this request for the parking spaces designated for compact vehicles contingent upon a positive approval of a site plan for this development.

*Submitted by:*

*James G. LaRue*  
James G. LaRue, AICP  
Planning Consultant

January 14, 2015

Hearing: North Bay Village Commission, January 27, 2015





## Staff Report Variance

*Prepared for:* North Bay Village  
Commission

*Applicant:* Bay Village Venture, LLC

*Site Address:* 1725 Kennedy Causeway

*Request* Variance to allow five levels of parking  
garage where the Code allows not more  
than four.



**LaRue** Planning  
& Management Services, Inc.  
1375 Jackson Street, Suite 206  
Fort Myers, Florida  
239-334-3366

**General Information**

Owner/Applicant:	Bay Village Venture, LLC
Applicant Address:	3137 NE 163 <sup>rd</sup> St. N. Miami, FL 33160
Site Address:	1725 Kennedy Causeway
Contact Person:	Jose Saal
Contact Phone Number:	305-944-5900
E-mail Address	saaltrust@aol.com

Future Land Use	Commercial
Zoning District	CG
Use of Property	Vacant
Acreage	0.62 acres

**Legal Description of Subject Property**

9 53 42 E150FT OF W 1500FT OF TREA IS LYING N OF 79 ST CSWY PER DB 3409-93

**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 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:** Given the limited size of the property, which is only 150 feet across and 180 feet deep, there is insufficient space to accommodate meaningful ground level parking outside of the structure itself. Additionally, a minimum requisite ramp slope and layout is required for both efficiency and safety within the parking garage. Finally, the location of structural columns further limits the run of the ramp and placement of the actual spaces.

**Staff Comments:** The lot is not very wide, which limits the potential for surface parking. Even so, 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. It also must be stated that other developments along the Causeway have requested and received relief from this parking level limitation after objecting to its restrictiveness, although that does not establish a hardship.

- (1)b. that the special circumstances and conditions were not (or were) self-created by any person having an interest in the property;

**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 Village Code limits the parking garage to a maximum of four stories of the structure and requires the structure above ground to set back a certain distance from the side property lines. However, based on the size of the lot and requisite garage functionality and efficiency, a minimum width of the parking garage is required. Further, in order to accommodate the required loading bays and turnaround, there is insufficient area to provide more than 2 outside surface parking spaces. Therefore, the building has been designed with a 5-story parking deck that measures 108'2" across, and is set back 26' 10" from the west property line and 15' feet from the east property line. However, at ground level, the east setback is 25' 6" and the west setback is at 36' 6".

**Staff Comments:** There seems to be ample development potential 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. However, staff feels this is an unnecessary requirement that is ripe for revision

- (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;

**Staff Comments:** If approved, the variance would not be so substantial as to confer a special privilege to this property holder. Additionally, since this requirement is slated for deletion in the coming Village initiated land development revisions, it seems that denying this request would be denying the applicant an ability to build what will be a matter of right for future developers.

- (2)b. and the variance granted is the minimum variance that will make possible the reasonable use of the land, structure, or building.

**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 only one extra level of parking has been requested.



- (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.

**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 this variance by a vote of 5-0 on December 2, 2014.

### Staff 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 also be 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*  
James G. LaRue, AICP  
Planning Consultant  
January 14, 2015

Hearing: North Bay Village Commission, January 27, 2015





## Staff Report Site Plan

*Prepared for:* North Bay Village  
Commission

*Applicant:* Bay Village Venture LLC

*Site Address:* 1725 Kennedy Causeway

*Request:* Site Plan Approval for a Mixed-Use  
Condominium Building



Serving Florida Local Governments Since 1988

**General Information**

Owner/Applicant:	Bay Village Venture, LLC
Applicant Address:	3137 NE 163 <sup>rd</sup> St. N. Miami, FL 33160
Site Address:	1725 Kennedy Causeway
Contact Person:	Jose Saal
Contact Phone Number:	305-944-5900
E-mail Address	saaltrust@aol.com
Future Land Use	Commercial
Zoning District	CG
Use of Property	Vacant
Acreage	0.62 acres

**Legal Description of Subject Property**

9 53 42 E150FT OF W 1500FT OF TREA IS LYING N OF 79 ST CSWY PER DB 3409-93

**Request**

The applicant is requesting:

1. A special use exception to construct a mixed use residential structure in the General Commercial Zoning District.
2. Height bonus review in conjunction with site plan approval pursuant to Section 152.029(C)(8)(A-F) of the North Bay Village Code of Ordinances.
3. Density bonus review in conjunction with site plan approval pursuant to Section 152.029(C)(8)(H) of the North Bay Village Code of Ordinances.
4. A special use exception pursuant to Section 152.042(E) to utilize compact parking spaces for up to 20% of the required parking spaces.
5. A variance to Section 152.029(C)(4) to allow 5 stories of parking garage where only 4 stories of parking levels are allowed.
7. Site plan approval pursuant to Section 152.105(C)(9) of the North Bay Village Code of Ordinances for development of a 43 dwelling unit, 19 story mixed-use condominium structure in the CG zoning district.



**General Description**

The site plan request for this development is for a 43 dwelling unit, 19 story, mixed use condominium. The applicant is requesting approval for compact parking, and a variance to allow 5 stories of parking garage, bonus height to 207 feet, and bonus density for 4 two bedroom dwelling units, for a total density of 69.4 dwelling units per acre.

The tabular project summary shows 2,251 square foot restaurant area with 1,650 square feet of customer service area; 40 two-bedroom dwelling units and 3 three-bedroom dwelling units.

**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	CL
	Existing Land Use	Vacant (approved for mixed use condo/hotel)
<b>South</b>	Future Land Use	Commercial
	Zoning District	CG
	Existing Land Use	Lexi Mixed Use Condo
<b>West</b>	Future Land Use	Commercial
	Zoning District	CG
	Existing Land Use	Atlantic Broadband



## Adequacy of Public Facilities

### Traffic Analysis

We have reviewed the Traffic Assessment Analysis prepared by the CALTRAN Engineering Group, Inc. which was for the proposed 39-unit high-rise residential development and 1,200 square feet of customer area in a sit-down café/restaurant. The project has now been expanded to 43 dwelling units but staff feels that this increase in units will have a negligible effect on the traffic volumes produced by the proposed development. The Assessment used Institute of Traffic Engineers (ITE) factors in determining the peak hour traffic generation associated with these uses. Based on the ITE factors, the proposed project will generate 25 and 26 peak-hour trips in the AM and PM peak hours, respectively.

While the number of parking spaces proposed for the project meets the Village's requirements, the Applicant is proposing to also provide valet parking. The Traffic Assessment Study also included an analysis of valet operations using accepted ITE methodology resulting in a finding that the chance of having two vehicles in a queue to be 5.2%

When added to the remaining available capacity of Kennedy Causeway and the traffic generation of projects approved but not as yet built, the vehicular traffic associated with the proposed project will not reduce the Level of Service on the roadway below the Village's adopted Level of Service Standard (LOSS) for traffic concurrency of "D".

We agree that a probability of 5.2% is low and that traffic operations on Kennedy Causeway are highly unlikely to be affected by the proposed valet operations.

### 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.

## Environmental Assessment

It should be noted that this site was previously used as an automobile service station with gasoline pumps. Staff has verified that Miami-Dade County issued a letter to Concord Development Group on March 28, 2012 stating that the soil and/or groundwater analysis does not exceed the cleanup target levels. Staff had a phone conversation with FDEP and verified that this letter indicates that the site is suitable for residential development. Additionally, this site is not displayed on the FDEP Contaminant Locator Map site. This indicates that FDEP is not currently monitoring the site for contamination/pollution.



**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	27,000 sq ft (0.62 acres)										
152.029(C)(1)	Minimum frontage	75 ft	150 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 150 = 30</u>  Combination of both side setbacks to be at least 60 ft at ground level	15 ft on east side  30 ft on west side  Combination of both side setbacks at ground level is 64 ft 2 in										
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> <u>40 x 685 = 27,400</u> <u>3 x 750 = 2,250</u>  <u>24,660 + 2,250 = 29,650sq ft of required lot area</u>	Unit type	Lot area/unit	Efficiency	620	1-BR	620	2-BR	685	3-BR	750	29,650 > 27,000  Applicant has requested approval to purchase 4 units of bonus density for \$160,000
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	69.4 dwelling units per acre										
152.029(C)(4)	Maximum building height	150 ft or 15 stories, whichever is less	206 ft 8 in  Applicant has requested approval to purchase 60 feet of bonus height for \$193,500										



Section	Regulation	Required	Provided										
152.029(C)(4)	Maximum parking levels	4 stories	5 stories of parking garage.  Applicant has requested a Variance to maximum parking level restriction										
152.029(C)(5)	Minimum pervious area	20% of total parcel  <u>20% of 27,000 = 5,400 sq ft</u>	5,496 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	The smallest unit size is 1,566 square feet
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 has requested approval to purchase 60 feet of bonus height for \$193,500										
152.029(C)(8)	Building density bonus	Additional density may be purchased, not to exceed 70 units per acre	Applicant has requested approval to purchase 4 units of bonus density for \$160,000										
152.029(C)(9)2	Paving surfaces	Except for covered garages, all exterior paving surfaces shall be constructed of brick pavers	Pavers provided throughout										
152.029(C)(9)3	Required water feature	A water feature shall be provided in the front	Provided										



Section	Regulation	Required	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	Not depicted
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	Provided
5.2.2(a)(3)	Minimum handicapped parking space dimensions	Must comply with all applicable accessibility standards	Provided
152.042(D)	Minimum number of handicapped spaces	2% of total required spaces.  <u>2% of 120 = 3 handicapped spaces required</u>	5 handicap accessible parking spaces
Florida ADA Req Section 208	Minimum number of handicapped spaces	4	
152.042(E)	Maximum number of compact parking spaces	20% of required parking spaces  <u>20% of 120 = 24</u>	24 compact parking spaces provided
152.042(K)	Minimum setback of ROW from parking spaces	20 ft	In compliance
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
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



Section	Regulation	Required		Provided
		Unit Type	Spaces Req	
152.044(A)(2)	Minimum number of parking spaces per dwelling unit	Efficiency	1.5	
		1BR&2BR	2	
		3BR	3	
		Plus 10% for Guests		
		$40 \times 2 = 80$ $3 \times 3 = 9$ $10\% = 8.9$ <b>98 spaces required</b>		
152.044(B)(7)	Minimum number of parking spaces for restaurant	1 space per 75 sq ft of customer svc area  $1,650 / 75 = 22$ spaces required		120 parking spaces provided
Total spaces required		$98 + 22 = 120$ spaces		
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.		N/A
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
152.045(F)(1)	Minimum number of loading spaces for retail, office and restaurant	Gross floor area	Spaces	N/A
		<10,000	0	
		10,000-20,000	1	
		20,000-40,000	2	
		40,000-60,000	3	
		>60,000	4	
		$2,700$ sq ft of restaurant requires <u>0</u> loading spaces		



Section	Regulation	Required		Provided
		Gross floor area	Spaces	
152.045(F)(2)	Minimum number of loading spaces for multi-family	<25,000	0	3 loading spaces provided
		25,000-50,000	1	
		50,000-100,000	2	
		>100,000	3	
		<u>Gross floor area is over 100,000 sq ft.</u> 3 load spaces required		
152.056	Maximum balcony encroachment into required yard	4 ft	In compliance	
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	
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	



Section	Regulation	Required	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.	Not yet submitted
18A-6(A)(5)	Maximum lawn area	40% of lot area, less the area covered by buildings	No sod to be used
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



Section	Regulation	Required	Provided
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 150 linear feet of frontage, either 5 trees or 6 palms are required.</u>	In compliance
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.	No power lines present
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.	Utilized for street trees
18A-6(C)(5)	Number of required trees	28 trees per acre required in multi-family residential zoning categories  <u>28 x 0.62 = 18 required trees</u>	In compliance
18A-6(C)(11)	Limitations on required trees	At least 30% shall be native species.  At least 50% shall be low maintenance and drought tolerant.  Of the required trees, no more than 30% shall be palms	In compliance  In compliance  In compliance



Section	Regulation	Required	Provided
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
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>180 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>In compliance</p> <p>In compliance</p> <p>In compliance</p> <p>In compliance</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>	No buffer required as neighboring uses do not meet the 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>	In compliance



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.	In compliance
		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.	In compliance
		Each tree shall have a minimum of 5 feet of planting area width, exclusive of curb dimension.	In compliance
<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>	Only 25 ft Applicant has obtained approval from Miami-Dade SDRC for this setback.
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>30 ft required</u>	30 ft
33D-38(3)	Minimum side setback	Minimum of 25 ft	30 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	Resolution of approval provided



## Planning & Zoning Board Recommendation

The North Bay Village Planning and Zoning Board recommended approval of the site plan with the staff recommended conditions by a vote of 5-0 on December 2, 2014.

## Staff Recommendations

### **BUILDING HEIGHT BONUS:**

Staff recommends **approval** of the building height bonus.

### **BUILDING DENSITY BONUS:**

Staff recommends **approval** of the building density bonus.

### **VARIANCE TO ALLOW AN EXTRA PARKING GARAGE LEVEL:**

Staff recommends **approval** of this variance.

### **SITE PLAN:**

If all of the above items are approved, staff recommends **approval** of the site plan based on our analysis in this report. Approval should also be based on the following conditions being met prior to the issuance of a building permit:

- 1) Submittal of an irrigation plan which meets Miami-Dade Chapter 18A requirements.
- 2) Providing street tree lighting, as per Section 152.029(C)(9)7.
- 3) The public access easement and boardwalk must be dedicated and recorded. Applicant shall agree, in writing, that the boardwalk shall be open to the public daily, during hours to be determined by the Village; and boardwalk lighting shall remain on while boardwalk is open to the public.
- 4) Applicant shall comply with all conditions made by the Miami-Dade Shoreline Review Committee in Resolution 14 SDRC 06.
- 5) Meeting School Board Concurrency requirements as determined by School Board Staff.
- 6) Payment of any applicable impact fees.
- 7) Payment of bonus density fees, as required under Section 152.029(C)(8)H.
- 8) Payment of bonus height fees, as required under Section 152.029(C)(8)A-F



- 9) Tie-in to Village's wastewater system at a connection point to be determined by the Village and payment of pro-rata costs involved in tying into appropriate connection point.
- 10) Applicant shall not sell or lease parking spaces.
- 11) Applicant shall not charge for guest parking
- 12) 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.
- 13) Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.
- 14) 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.
- 15) All applicable state and federal permits must be obtained before commencement of construction.

*Submitted by:*

*James G. LaRue*  
James G. LaRue, AICP  
Planning Consultant

January 14, 2015

Hearing: North Bay Village Commission, January 27, 2015

Attachments: Tank Closure Assessment Letter  
Aerial photograph  
Zoning Map





Carlos A. Gimenez, Mayor

Permitting, Environment and Regulatory Affairs

Environmental Services  
701 NW 1st Court, 4th Floor  
Miami, Florida 33136-3912  
T 305-372-6700 F 305-372-6982

miamidade.gov

March 28, 2012

Mr. Philippe Harari, Manager  
Concord Development Group, LLC  
411 Michigan Ave.  
Miami Beach, FL 33139

CERTIFIED MAIL #7007 2680 0000 0622 3331  
RETURN RECEIPT REQUESTED

Re: Tank Closure Assessment Report Addendum III (TCARA III) dated March 16, 2012 and prepared by Bluestone Environmental, LLC for the Concord Development Group, LLC (former Marathon Service Station) facility (UT-318/File-7083/DEP-13/8505052) located at, near, or in the vicinity of 1752 NE 79<sup>th</sup> St., Miami, Miami-Dade County, Florida.

Dear Mr. Harari:

The Environmental Evaluation Section (EES) of the Department of Permitting, Environment and Regulatory Affairs (PERA) has reviewed the above-referenced document received March 16, 2012 pertaining to the removal of three (3) 10,000 gallon underground storage tank (UST) systems on January 7, 2011 and has determined that this report meets the requirements of Rule 62-761.800, Florida Administrative Code (FAC). Therefore, this report has been placed on file with other pertinent material regarding the subject site.

Be advised that the soil and/or groundwater analyses reported in the April 2011 TCAR and subsequent TCAR Addenda dated September 19, 2011, January 23, 2012 and March 16, 2012 do not exceed the Cleanup Target Levels referenced in Chapter 62-777, FAC. Based on the above a "discovery" pursuant to Chapter 62-770, FAC, has not been documented at the site.

If subsequent evidence indicates that undiscovered contamination remains from a previous discharge or if a new discharge has occurred, then further action will be required to address such contamination.

If you have any questions concerning the above, please contact Stanley Edouard ([edouas@miamidade.gov](mailto:edouas@miamidade.gov)) of the EES at (305) 372-6700.

Sincerely,

A handwritten signature in black ink, appearing to read "Sandra P. de" with a flourish underneath.

Wilbur Mayorga, P.E., Chief  
Pollution Control Division

se

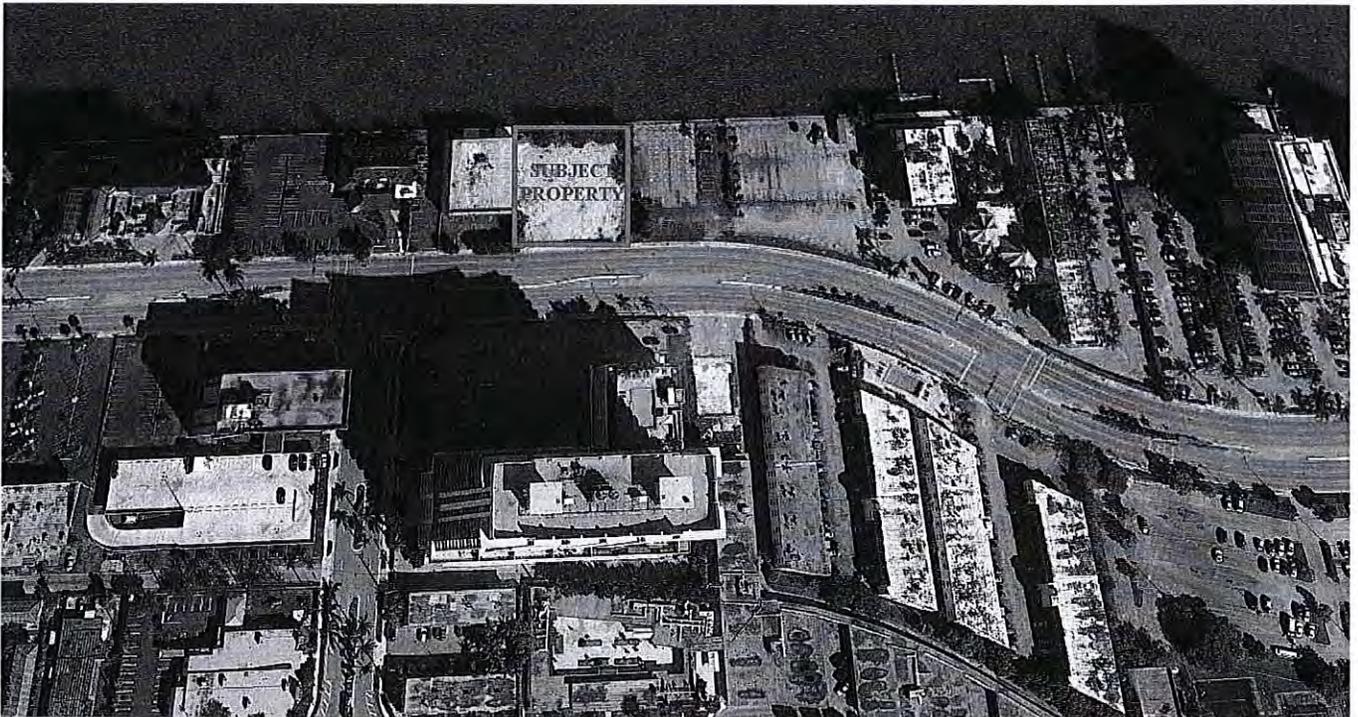
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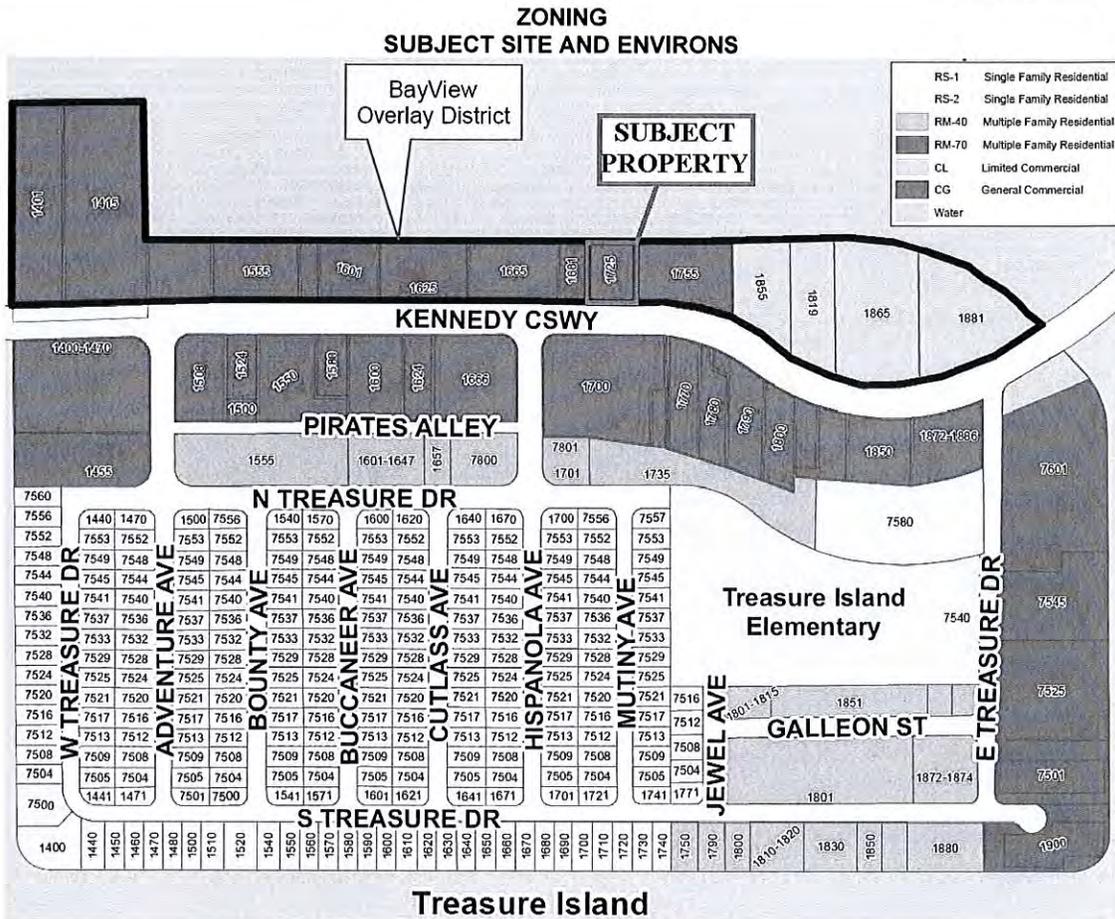
ec: Mr. Leo Adames, Bluestone Environmental, LLC., [ladames@bluestoneenviro.com](mailto:ladames@bluestoneenviro.com)

*Delivering Excellence Every Day*



**AERIAL  
SUBJECT SITE AND ENVIRONS**





Serving Florida Local Governments Since 1988

---

**From:** Frank Richman [<mailto:frankrichman@bellsouth.net>]

**Sent:** Monday, January 26, 2015 5:00 PM

**To:** Yvonne Hamilton

**Cc:** Bambi Sims

**Subject:** 1/27/14 Special Meeting - Application by Brickell Village 79 - Our objection to Building Height Variance

Hi Yvonne: We received the notice about the special hearing tomorrow 1/27/15 regarding the application by Brickell Village 79, LLC concerning the property located AT 1601 Kennedy Cswy. We were planning on attending, but both Bambi and myself now have to attend an emergency Association meeting at another one of our properties in Delray.

Causeway Tower's owner, Mr. Henri Konckier was adamant that our voice be heard to our objection to this new 22 story mixed use building being built at 1601 Kennedy Cswy. First and foremost we object to their request for Building Height Variance because this size building will drastically reduce the views our tenants now enjoy on the North side of the building, especially those at the West end of the building. If this were approved and our tenants loose their view, we will undoubtedly be forced into reducing rental rates and current asking prices when it comes time to renew or put new tenants in the building.

Additionally, we are concerned with how all these new tall buildings and their added weight affects the island itself - has anyone compiled any kind of engineering report which would reflect the limits of overall weight that can be built on this island before it starts sinking??? Furthermore, we feel there is already plenty of residential condo's/apartments on the island. We believe what is needed is more retail shoppes (like a better grocery store) - something that would draw visitors to this Island - so they might want to live in the oh so many vacant condo's/apartments that currently exists in a 5 to 10 mile radius of our building.

Since we are unable to attend this meeting, we would greatly appreciate your making our objection know to the powers that be.

Thank-you!

## Yvonne Hamilton

---

**From:** Frank Richman <frankrichman@bellsouth.net>  
**Sent:** Tuesday, February 17, 2015 3:35 PM  
**To:** Frank Rollason; cp222@bellsouth.net  
**Cc:** Yvonne Hamilton; Jenorgen Guillen  
**Subject:** Re: 1/27/14 Special Meeting - Application by Brickell Village 79 - Our objection to Building Height Variance

Hi: We received another notice for Public Hearing for same request of variances by Brickell Village 79, LLC. It is my understanding that two separate hearings are standard practice for such variance requests.

As such, we ask that our initial objections, concerns, and questions (see below 1/26/15 e-mail) again be raised at this 2/24/15 hearing.

We thank-you very much for all your assistance.  
Frank

On Wednesday, January 28, 2015 7:02 AM, Frank Rollason <[FRollason@nbvillage.com](mailto:FRollason@nbvillage.com)> wrote:

Bambi/Frank, please be advised that your correspondence, below, was made a part of the public record at last night's Special Commission Meeting on Item No. 2-E – development of the old Trio by the Bay property, Frank.

Frank Rollason, Village Manager  
North Bay Village  
1666 Kennedy Causeway, Ste 300  
Tel: 305-756-7171 Ext 21  
Fax: 305-756-7722  
Mobile: 305-299-7300  
[frollason@nbvillage.com](mailto:frollason@nbvillage.com)  
[www.nbvillage.com](http://www.nbvillage.com)

Do your part in keeping our planet "Green", minimize paper usage. Thank you! - City of North Bay Village.

The City of North Bay Village is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure.

---

**From:** Yvonne Hamilton  
**Sent:** Tuesday, January 27, 2015 4:29 PM  
**To:** Connie Leon-Kreps ([cleonkreps@nbvillage.com](mailto:cleonkreps@nbvillage.com)); Eddie Lim; Richard Chervony; Wendy Duvall; Jorge Gonzalez  
**Cc:** Frank Rollason  
**Subject:** FW: 1/27/14 Special Meeting - Application by Brickell Village 79 - Our objection to Building Height Variance



**North Bay Village**

07-03-14P04:49 RCVD

Administrative Offices

1686 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

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

**VARIANCE REQUEST APPLICATION FOR PUBLIC HEARING**

Page 1 of 3

Site Address 1725 79th Street Causeway

Owner Name Bay Village Venture, LLC Owner Phone # \_\_\_\_\_

Owner Mailing Address 3137 NE 163rd Street, North Miami Beach, FL 33160

Applicant Name Jose Noberto Saal Applicant Phone # 305-944-5900

(if different from Owner)

Applicant Mailing Address \_\_\_\_\_

Contact Person \_\_\_\_\_ Contact Phone # \_\_\_\_\_

Contact Email Address \_\_\_\_\_

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

Existing Zoning CG Lot Size 27,000 Folio Number 23-3209-000-0100

Project Description Condo Building with restaurant on the ground floor

Section of North Bay Village Code from which the Applicant is Seeking Relief 152.029(C)(2) & 152.029(C)(4)

Variance Requested 2nd Interior Side Setback provided 25 feet out of the 30ft that is required and the additional (5th level) parking floor within the garage pedestal.

Reason for Request Due to the limited size of the property, the variance is needed to accomodate the required parking and loading requirements for the project.

**Mandatory Submittals (Applicant must check that each item is included with this application.)**

- Plans depicting work to be completed
- Property survey
- Application fees

**Optional Submittals:**

- \_\_\_\_\_ Response to required findings
- \_\_\_\_\_ Signed consent letters from neighboring property owners
- \_\_\_\_\_ Optional plan versions for consideration by Village Commission

Mayor  
Connie Leon-Kreps

Vice Mayor  
Eddie Lim

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Jorge Gonzalez

VARIANCE REQUEST APPLICATION FOR PUBLIC HEARING

Page 2 of 3

Applications are incomplete until all mandatory submittals have been received by the Village Clerk.

All requests for variances from the North Bay Village Code shall be considered at Public Hearings before the Planning & Zoning Board and/or the Village Commission. Notice of Hearing 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. All applications shall be submitted to the Village Clerk on or before the deadline implemented by the Village.

All persons, firms, or corporations requesting a variance from 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 a variance request, pursuant to Section 152.110 of the Village Code.

All new and substantial improvements must comply with the Florida Building Code, Department of Environmental Resource Management (DERM), and FEMA regulations.

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 Planning & Zoning Board and the Village Commission has voted favorable on the proposed request.

I (We) further acknowledge that I (We) have read and understand the conditions for appearance before the Planning and 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.

Authorized Signature [Handwritten Signature]

Print Name Jose Noberto Saal

(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 Dade



Sworn to and subscribed to before me this 3<sup>rd</sup> day of July, 2014,

by Jose Noberto Saal,

who is personally known to me or who has produced \_\_\_\_\_ as identification.

Notary Public Signature [Handwritten Signature]

Commission Number/Expiration 5/27/17

Mayor  
Connie Leon-Kreps

Vice Mayor  
Eddie Lim

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Jorge Gonzalez

VARIANCE REQUEST APPLICATION FOR PUBLIC HEARING

Page 2 of 3

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Print Name Jose Noberto Saal

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STATE OF FLORIDA
COUNTY OF Dade



Sworn to and subscribed to before me this 3rd day of July, 2014.

by Jose Noberto Saal

who is personally known to me or who has produced \_\_\_\_\_ as identification.

Notary Public Signature [Signature]

Commission Number/Expiration 5/27/17

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



**North Bay Village**

07-03-14P04:49 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: Bay Village Venture, LLC Phone: 305-944-5900

Mailing Address: 3137 NE 163rd Street, North Miami Beach, FL 33160

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

Existing Zoning: CG Lot Size: 27,000 Folio: Folio: 23-3209-000-0100

Type of Request: Request for use of (10) compact parking spaces within garage of project.

Reason for Request: (Attach additional Pages if necessary) Due to limited size of property, several parking spaces must be reduced within the parking garage.

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

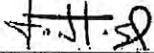
**APPLICATION FOR HEARING  
BEFORE THE PLANNING & ZONING BOARD AND  
VILLAGE COMMISSION  
PAGE 2 OF 2**

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.

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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).**

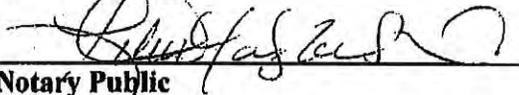
  
Authorized Signature

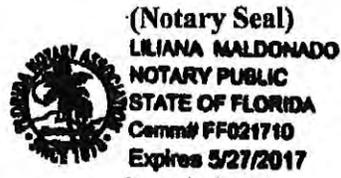
Jose Noberto Saal  
Print Name

(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 3<sup>rd</sup> day of July 20 14  
by Jose Noberto Saal  
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

**VARIANCE REQUEST APPLICATION FOR PUBLIC HEARING**

Page 3 of 3

**Office Use Only:**

Date Submitted: 7/3/14 (Final Submittal)

Tentative Meeting Date: \_\_\_\_\_

Fee Paid: \$ 6,000.

Cash  or Check  # \_\_\_\_\_

Date Paid: 7/20/14

Mayor  
**Connie Leon-Kreps**

Vice Mayor  
**Eddie Lim**

Commissioner  
**Dr. Richard Chervony**

Commissioner  
**Wendy Duvall**

Commissioner  
**Jorge Gonzalez**



**North Bay Village**

02-17-14P05:12 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: BAY VILLAGE VENTURE LLC Phone: (305) 944-5900

Mailing Address: 3137 N.E. 163RD STREET

N. MIAMI BEACH, FL 33160

Legal Description of Property: 953 42 E150 FT OF W1500 FT OF TREA IS LYING N OF 79 ST CSEWY PER DB 3409. SEE EXHIBIT "A" FOR COMPLETE LEGAL DESCRIPTION.

Existing Zoning: CG Lot Size: 27,000 Folio: 23-3209-000-0100

Type of Request: Site plan approval for residential condominium tower with ground floor restaurant use.

Reason for Request: (Attach additional Pages if necessary) See attached Letter of Intent.

1725 Kennedy Cswy.

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

MIAMI 4032691.1 73190/11125

Mayor  
Connie Leon-Kreps

Vice Mayor  
Eddie Lim

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Jorge Gonzalez

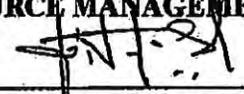
**APPLICATION FOR HEARING  
BEFORE THE PLANNING & ZONING BOARD AND  
VILLAGE COMMISSION  
PAGE 2 OF 2**

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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.

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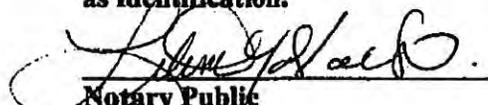
  
\_\_\_\_\_  
Authorized Signature

Jose N. SAAL  
\_\_\_\_\_  
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 6<sup>th</sup> day of February 2014 by Jose Norberto Saal who is personally known to me or who has produced personally known to me as identification.

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

 LILIANA MALDONADO  
NOTARY PUBLIC  
STATE OF FLORIDA (Notary Seal)  
Comm# FF021710  
Expires 5/27/2017

MIAMI 4032691.1 73190/11125  
Mayor Vice Mayor Commissioner Commissioner Commissioner  
Connie Leon-Kreps Eddie Lim Dr. Richard Chervony Wendy Duvall Jorge Gonzalez

**Office Use Only:**

Date Submitted: \_\_\_\_\_ Fee Paid: \$ \_\_\_\_\_  
Tentative Meeting Date: \_\_\_\_\_ Cash or Check # \_\_\_\_\_  
Date Paid: \_\_\_\_\_

MIAMI 4032691.1 73190/11125

Mayor  
Connie Leon-Kreps

Vice Mayor  
Eddie Lim

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Jorge Gonzalez

November 11, 2014

Yvonne Hamilton  
North Bay Village  
Administrative Offices  
1666 Kennedy Causeway, Suite 300  
North Bay Village, FL 33141

**Re: Property Located at 1725 79th Street Causeway  
Folio #23-3209-000-0100 (the "Property")**

Dear Ms. Hamilton:

**SECOND AMENDED LETTER OF INTENT**

This firm represents Bay Village Venture LLC as the owner of the Property. Please consider this our second amended letter of intent in connection with an application for site plan approval and related variances with the development of the Property.

**A. THE PROPERTY**

The Property is located on the north side of 79th Street/North Kennedy Causeway and consists of 27,000 square feet. The Property contains 150 feet of linear frontage along North Kennedy Causeway and the bay, and is 180 feet deep. The Property historically has been utilized as a gasoline service and automobile repair station.

**B. ZONING AND LAND USE**

The Property is designated Commercial under the North Bay Village Comprehensive Plan and is zoned CG, Commercial General, under North Bay Village's Land Development Regulations.

The proposed development on the Property consists of a multi-family residential development with ground floor restaurant use. Therefore, pursuant to the North Bay Village Code, development is governed by the RM-70 zoning district regulations.

**C. PROPOSED DEVELOPMENT**

Our client proposes to develop a 43 unit high-end residential development consisting of 40 two-bedroom and 3 three-bedroom luxury units in an 18 story, 206'8" structure. The ground floor will house a 2,251 gross square foot restaurant (with 1,650 square feet of patron area) activating both the interior and exterior of the building with attractive views of the bay. The first floor is characterized with at least 14 foot ceilings, a restaurant, a luxurious lobby and the entrance ramp to the five floors of parking decks that sit above the ground floor.

The parking levels are highlighted with architectural elements in the form of sleek diagonal lines that complement the architectural design of the structure both at that ground level porte-cochere and the penthouse and rooftop levels.

The residential units commence on the 7th floor of the structure and each floor contains 4 units per floor with the exception of the penthouse level which contains 3 units.

The penthouse level has been designed to not only provide a more expansive space within the unit, but to further highlight the roof line and tie in the overall design of this structure with the base elements and parking levels.

**D. DENSITY AND BONUS**

Pursuant to the Village Code and Comprehensive Plan, the maximum achievable density is 70 units per acre.

Based on the 27,000 square foot Property, a maximum of 43 residential dwelling units is permitted under the Village Comprehensive Plan.

Pursuant to Section 152.029(c)(3), the Property may be developed with a maximum of 39 units as of right based on a density of 63.6 units per acre for two bedroom units and 58.1 units per acre for three bedrooms. Section 152.029(C)(8)(h) authorizes a density bonus up to a maximum of 70 units per acre. Our client is seeking a total of 43 units. Therefore, our client is seeking a four-unit density bonus at \$40,000 per unit, pursuant to Section 152.029(c)(8)(h), totaling \$160,000.

**E. HEIGHT**

Pursuant to North Bay Village Code Section 152.030(C)(3), mixed-use commercial and multi-family structures are permitted under the CG District, subject to the RM-70 high-density multi-family district development standards, as set forth in Section 152.029(C). The RM-70 district regulations provide for a height of 15 stories or 150 feet as-of-right, with the ability to exceed 150 feet in exchange for certain additional impact fees based on the height. Our client is seeking a bonus of 56'8" in height, which translates to 60 feet in bonus height, which can be acquired for the payment of \$4,500 per unit in the building. Based on the number of units in the building, a bonus fee of \$193,500 is contemplated as impact payment to the Village. Therefore, please consider this our request for bonus height pursuant to Section 152.029(c)(8) of the

Village Code. We will discuss with the Village the most appropriate category of height bonus to be utilized.

## **F. VARIANCES AND EXCEPTIONS**

In connection with the proposed design of the building, our client is requesting certain variance from the North Bay Village code regarding the number of levels of parking garage and a special exception to provide up to 20% compact spaces.

### **1. Parking Garage Stories**

Given the limited size of the Property, which is only 150 feet across and 180 feet deep, there is insufficient space to accommodate meaningful ground level parking outside of the structure itself. Therefore, the structure must incorporate the required parking within the building itself. Additionally, a minimum requisite ramp slope and layout is required for both efficiency and safety within the parking garage. Finally, the location of structural columns further limits the run of the ramp and placement of the actual spaces.

The Village Code limits the parking garage to a maximum of four stories of the structure and requires the structure above ground to set back a certain distance from the side property lines. However, based on the size of the lot and requisite garage functionality and efficiency, a minimum width of the parking garage is required. Further, in order to accommodate the required loading bays and turnaround, there is insufficient area to provide more than 2 outside surface parking spaces. Therefore, the building has been designed with a 5-story parking deck that measures 105 feet across, and is set back 30 feet from the west property line and 15' feet from the east property line. However, at ground level, the east setback is 25' 6" and the west setback is at 38'8".

The Village Code requires a minimum of 15 feet setback on one side, and a setback of 20% on the other side (or 30 feet based on the Property's lot width), but with a combined minimum setback of 60 feet. This same 60 foot combined setback applies to a structure on a property that measures 75 feet across (the minimum frontage under the code, but which would thus allow only a 15 foot wide building), or 225 feet across, which would require the same 60 feet of combined setback. While the Code requires a minimum of 75 feet of frontage, the Code still requires a 60 foot ground setback thus only allowing for 15 feet of building.

Our development team has worked to comply with the spirit of the regulations by providing 64'2" of combined setback at ground level, free of structures.

Additionally, as noted above, the immediate prior use of a gasoline and automobile service station as evidenced by the aerial photograph contained no visual corridor to the water. Further as the Property is zoned CG, Commercial, if the Property were to be developed solely for commercial purposes, the required Village setback for up to a 3 story building would be 15 feet on each side, with a

total setback of 30 feet if the Property is development for commercial use, rather than the 60 feet that is required for residential development. Therefore, the proposed development far exceeds the setback that would otherwise be required in the commercial district and exceeds the ground setback.

The subject lot is only 150 feet across which is more narrow than other CG lots in the zoning district. For example, the adjacent Property recently received site plan approval, however, its lot is 320' 4" across, thus providing plenty of room to meet the minimum ground level setbacks. The subject property, at only 150 feet across, is challenged with creating a functional and safe parking garage meeting turning radii, and still providing required parking within the 4 levels provided by the Village code. The Village Code and area plan encourage taller, slender buildings. However, there appears to be a need to bring the number of garage parking stories in sync with the new Village vision. It is difficult to impossible to achieve the permitted densities and development on smaller lots with a taller and slender building, but limit parking within 4 stories of the slender building. Therefore, the variance is not self-created but a function of site size, safety and the need for a code revision to meet the new vision in the laws. Further, it is our understanding that the Village recently has approved similar variances on other properties in the Village in recognition of the disconnect between the number of permitted parking garage levels and the promotion of taller and slender buildings. Our client is seeking only one additional level of parking and thus the variance is the minimum needed to meet the site requirements and has been mitigated by additional ground floor setbacks.

Therefore, please consider this our request for a variance to have 5 levels of parking garage, where 4 levels is permitted. The extra level of parking will have no impact on neighboring properties or properties across the street as the garage is the same width as the tower. We therefore request the Village's favorable recommendation of this request.

## **2. Parking Stall Widths and Length**

As noted above, the size of the parcel dictates the location and efficiency of the parking garage. Pursuant to the North Bay Village Code, standard parking stalls are 9 feet by 18 feet in length, and compact stalls are 8 feet by 16 feet in length. The proposed development contains parking stalls that range between 9 feet by 18 feet in length for standard spaces and 8 feet by 16 feet in length for compact spaces. The Village Code contemplates up to 20% of the parking to be compact stalls at 8 feet by 16 feet, as part of the public hearing approval process. In order to design a functional garage and not encroach into the setback, the parking stall lengths have been reduced slightly in accordance with the Village Code. A review of the parking stalls and locations illustrate that garage is functionally designed and that the stalls have a larger back-out area based on the ramps and circulation, and the size of the compact parking stalls only affect certain spaces, and are entirely internal to the building.

Further, as evidenced by the language of Section 152.042 of the Village Code, the size of the parking stalls were created to relieve congestion in the streets, especially for commercially used spaces. Because the affected parking stalls are located entirely internal to the structure, the reduction in the parking dimensions will not negatively impact congestion in the streets, does not increase the permitted density or maximum number of units, and, in fact, allows for the structure to maintain property setbacks and visual corridors. Therefore, Section 152.042 supports the reduced parking stall request.

Please consider this our request for a special exception for compact and reduced parking spaces as authorized under Section 152.042 of the code.

#### **G. ADJACENT DEVELOPMENT**

The adjacent property at 1755 Kennedy Causeway recently received Village development review for a hotel. The proposed hotel property is more than double the size of the proposed development and, therefore, does not have the same setback and other constraints with regard to development parameters. Our client's proposed development contains the larger setback on the east side, which complements the large setback located along the west side of the proposed hotel development. The re-development of the 2 adjacent properties will provide a dramatic vista, upgrade the architectural features, and constitute an attractive addition to the area.

#### **H. ADDITIONAL SUPPORT FOR VARIANCE**

The Village Code's minimum required setbacks at ground level renders it exponentially more difficult for lots the size of the subject property or smaller. For example, the Code, allowing for 75 feet of frontage and 60 feet of setback, clearly could not envision a parking garage being built in a 15 foot wide structure, which is narrower than even the required stall length. Our client has increased the garage height to 5 stories to minimize the structure. The Village's Master Plan Charrette envisions development in this area, including the Property, with taller and more slender buildings. The proposed development is likely the narrowest building presented to the Village in a long time. However to support taller buildings, safety and functionality must be addressed, and there must be parking. The parking section of the proposed building is designed at only 105 feet, and thus the structure is very narrow compared to other structures approved in the Village. A parking garage is not designed in a vacuum but incorporates minimum back out spaces, height, ramp incline and turning radii. The Fire Code similarly dictates locations of stairwells, elevators and other forms of egress based on maximum distances, and building code and structural considerations dictate placement of columns, which in turn dictate the locations of the actual parking spaces. The garage has been designed to meet safety requirements and is the minimum size needed to have a safe and functional garage meeting Building and Fire Codes. The proposed variance is not injurious to the neighborhood as the structure is still considerably more narrow than most buildings in the districts. The variance is only sought for the five levels of parking, which are across the street from the Lexi parking rather than from residences. Therefore, the impact from the variance is minimal and not detrimental to the area.

Yvonne Hamilton  
North Bay Village  
November 11, 2014  
Page 6

Based on the foregoing, we respectfully request the Village's favorable review of the attached application, exception and related variance, and accept the proffer for the height and density bonuses totaling \$353,500.

Should you have any questions or require additional information, please do not hesitate to contact me at 305-350-2351.

Very truly yours,



Brian S. Adler

MIAMI 4409616.1 80471/42803



February 7, 2014

Yvonne Hamilton  
North Bay Village  
Administrative Offices  
1666 Kennedy Causeway, Suite 300  
North Bay Village, FL 33141

Re: **Property Located at 1725 79th Street Causeway  
Folio #23-3209-000-0100 (the "Property")**

Dear Ms. Hamilton:

### LETTER OF INTENT

This firm represents Bay Village Venture LLC as the owner of the Property. Please consider this our formal letter of intent in connection with an application for site plan approval and related variances with the development of the Property.

#### **A. THE PROPERTY**

The Property is located on the north side of 79th Street/North Kennedy Causeway and consists of 27,000 square feet. The Property contains 150 feet of linear frontage along North Kennedy Causeway and the bay, and is 180 feet deep. The Property historically has been utilized as a gasoline service and automobile repair station.

#### **B. ZONING AND LAND USE**

The Property is designated Commercial under the North Bay Village Comprehensive Plan and is zoned CG, Commercial General, under North Bay Village's Land Development Regulations.

The proposed development on the Property consists of a multi-family residential development with ground floor restaurant use. Therefore, pursuant to the North Bay Village Code, development is governed by the RM-70 zoning district regulations.

#### **C. PROPOSED DEVELOPMENT**

Our client proposes to develop a 39 unit high-end residential development consisting of 37 two-bedroom luxury units and two-three bedroom luxury units in a 16-story 166'-3" inch tower. The ground floor will house a 2,700 gross square foot restaurant addressing both the interior and exterior of the building with attractive views of the bay. The first floor is characterized with 14 foot ceilings, a restaurant, a luxurious lobby and the entrance ramp to the four floors of parking decks that sit above the ground floor.

The parking levels are highlighted with architectural elements in the form of sleek diagonal lines that complement the architectural design of the structure both at that ground level porte-cochere and the penthouse and rooftop levels.

The residential units commence on the 6th floor of the structure and each floor contains 4 units per floor with the exception of the penthouse level which contains 3 units.

The penthouse level has been designed to not only provide a more expansive space within the unit, but to further highlight the roof line and tie in the overall design of this structure with the base elements and parking levels.

#### **D. HEIGHT**

Pursuant to North Bay Village Code 152.030(C)(3), mixed-use commercial and multi-family structures are permitted under the CG District, provided they conform with all site development standards, as set forth in Section 152.029(C), the RM-70 high-density, multi-family district regulations. The RM-70 district regulations provide for a height of 15 stories or 150 feet as-of-right, with the ability exceed 150 feet in exchange for certain additional impact fees based on the height. Our client is seeking a bonus of 20 feet in height, which can be acquired for the payment of \$1,500 per unit in the building. Based on the number of units in the building, a bonus fee of \$58,500 is contemplated for the Village. We will discuss with the Village the most appropriate category of height bonus to be utilized.

#### **E. VARIANCES AND EXCEPTIONS**

In connection with the proposed design of the building, our client is requesting certain variances from the North Bay Village code.

##### **1) Setbacks**

Given the limited size of the Property, which is only 150 feet across and 180 feet deep, there is insufficient space to accommodate meaningful ground level parking outside of the structure itself. Therefore, the structure must incorporate the required parking into the building. Additionally, a minimum requisite ramp slope and layout is required for both efficiency and safety within the parking garage. Our client has limited the parking garage to 4 stories of the structure. However, based on the minimum width of the parking garage, in order to accommodate the required parking, the structure where the parking deck measures 108.5 feet across, and is set back 26.5 feet setback from the west property line and 15 feet from the east property line. However, at ground level, with the exception of the support columns for the structure, the east setback is 33.5 feet and the west setback remains 26.5 feet.

The Village Code requires a minimum of 15 feet setback on one side, and a setback of 20% on the other side (or 30 feet based on the Property's lot width), but with a combined minimum setback of 60 feet. This same setback applies to a structure on a property that measures 75 feet across (the minimum frontage under the code, but which would thus allow only a 15 foot wide building), or 225 feet across, which would require the same 60 feet of combined setback.

Our development team has worked to comply with spirit of the regulations by meeting the 60 feet of combined setback free of structures with the exception of the support columns underneath the parking decks. As depicted on the site plan, because the columns that support the parking garage are structurally required, they are located within the setback area and thus technically, require a variance. The columns have been tastefully incorporated into the ground level to create a vista that naturally draws the eyes toward the water on both sides of the columns and give the appearance of not one but two visual corridors, allowing for the expression of an attractive covered and uncovered outdoor space.

Additionally, the immediately prior use of a gasoline and automobile service station as evidenced by the aerial photograph contained no visual corridor to the water. Further as the Property is zoned CG, Commercial, if the Property was developed solely for commercial purposes, the required Village setback for up to a 3 story building would be 15 feet on each side, with a total setback of 30 feet, rather than the 60 feet (except for the columns) would be required if the Property is development for commercial use. Therefore, the proposed development far exceeds the setback what would otherwise be required in the commercial district.

## 2) Parking Stall Widths and Length

As noted above, the size of the parcel dictates the location and efficiency of the parking garage. Pursuant to the North Bay Village Code, standard parking stalls are 10 feet by 20 feet in length, and compact stalls are 8 feet by 16 feet in length. The proposed development contains parking stalls range between 9 feet by 18 feet in length (which exceeds general standard stall spaces), and 9 feet by 19 feet in length. The Village Code contemplates up to 20% of the parking to be compact stalls at 8 feet by 16 feet. Both the compact and regular parking spaces are 9 feet in width, which is still wider than the standard typical parking space required by Miami-Dade County. In order to design a functional garage and not encroach into the setback, the parking stall lengths have been reduced slightly. However, a review of the parking stalls and locations illustrate that approximately 1/2 of the stalls have a larger back-out area based on the ramps and circulation, and the size of the parking stalls only affect the middle spaces on each parking level.

Further, as evidenced by the language of Section 152.042, the size of the parking stalls were created to relieve congestion in the streets, especially for commercially used spaces. Because the affected parking stalls are located entirely internal to the structure, the reduction in the parking dimensions will not negatively impact congestion in the streets, does not increase the permitted density or maximum number of units, and, in fact, allows for the structure to maintain property setbacks and visual corridors. Therefore, section 152.042 supports the reduced parking stall request.

## 3) Loading Docks

Pursuant to Section 152.045(F), buildings between 25,000 square feet and 50,000 square feet require 1 loading space, and buildings with 50,000 square feet to 100,000 square feet require 2 loading spaces. The proposed building has 66,000 square feet of residential area therefore would require 2 loading spaces. However,



as noted above, there are only 39 proposed units within the entire building, and 1 loading space should be sufficient. Section 152.044(E)(2) specifically authorizes the Village Commission to grant an exception to the minimum loading spaces where the character of the building is such that the full provision of the parking or loading facilities is unnecessary. Therefore, please consider this our request for an exception to allow for 1 loading space, where 2 would otherwise be required.

**F. ADJACENT DEVELOPMENT**

The adjacent property at 1755 Kennedy Causeway is currently proceeding through Village development review for a hotel. The proposed hotel property is more than double the size of the proposed development and, therefore, does not have the same setback and other constraints with regard to development parameters. Our client's proposed development contains the larger setback (except for the columns located within the setback) on the east side, which complements the large setback located along the west side of the proposed hotel development. The re-development of the 2 adjacent properties will provide a dramatic vista, upgrade the architectural features, and constitute an attractive addition to the area.

Based on the foregoing, we respectfully request the City's favorable review of the attached application. Should you have any questions or require additional information, please do not hesitate to contact me at 305-350-2351.

Very truly yours,



Brian S. Adler

MIAMI 4033486.2 73190/10719





## North Bay Village

Administrative Offices

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

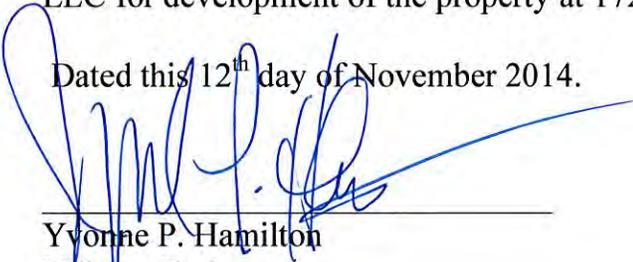
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: [www.nbvillage.com](http://www.nbvillage.com)

**RE. AN APPLICATION BY BAY VILLAGE VENTURE, LLC CONCERNING PROPERTY LOCATED AT 1725 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. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.**
- C. BONUS DENSITY APPROVAL, PURSUANT TO SECTION 152.029(C)(8)H OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.**
- D. BONUS HEIGHT APPROVAL, PURSUANT TO SECTION 152.029(C)(8)A-F OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.**
- E. 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.**
- F. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 43-UNIT, 19-STORY MIXED USE CONDOMINIUM STRUCTURE WITH A PARKING GARAGE.**

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 Bay Village Venture LLC for development of the property at 1725 Kennedy Causeway is complete.

Dated this 12<sup>th</sup> day of November 2014.



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

(North Bay Village Planning & Zoning Board Meeting – December 2, 2014)



## North Bay Village

Administrative Offices

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

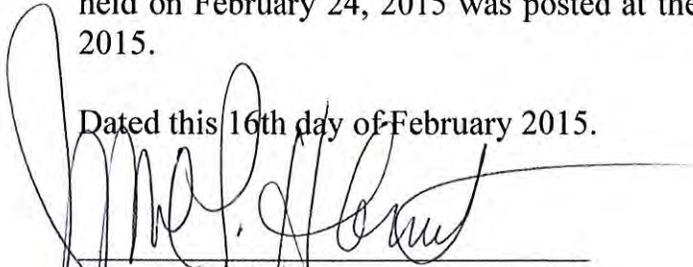
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: [www.nbvillage.com](http://www.nbvillage.com)

**RE. AN APPLICATION BY BAY VILLAGE VENTURE, LLC CONCERNING PROPERTY LOCATED AT 1725 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING: (FINAL 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. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.**
- C. BONUS DENSITY APPROVAL, PURSUANT TO SECTION 152.029(C)(8)H OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.**
- D. BONUS HEIGHT APPROVAL, PURSUANT TO SECTION 152.029(C)(8)A-F OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.**
- E. 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.**
- F. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 43-UNIT, 19-STORY MIXED USE CONDOMINIUM STRUCTURE WITH A PARKING GARAGE.**

I, Yvonne P. Hamilton, hereby certify that the attached Notice of Public Hearing to be held on February 24, 2015 was posted at the above-referenced property on February 12, 2015.

Dated this 16th day of February 2015.



Yvonne P. Hamilton  
Village Clerk

(Commission Meeting-2/24/2015)



## 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)

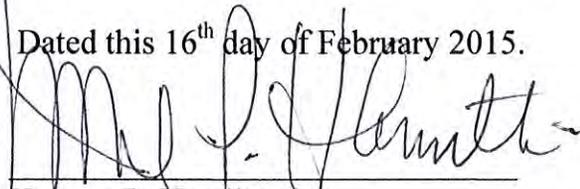
**RE. AN APPLICATION BY BAY VILLAGE VENTURE, LLC CONCERNING PROPERTY LOCATED AT 1725 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING: (*FINAL PUBLIC HEARING*)**

- 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. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.**
- C. BONUS DENSITY APPROVAL, PURSUANT TO SECTION 152.029(C)(8)H OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.**
- D. BONUS HEIGHT APPROVAL, PURSUANT TO SECTION 152.029(C)(8)A-F OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.**
- E. 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.**

**F. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9)  
OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR  
DEVELOPMENT OF A 43-UNIT, 19-STORY MIXED USE  
CONDOMINIUM STRUCTURE WITH A PARKING GARAGE.**

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 February 13, 2015.

Dated this 16<sup>th</sup> day of February 2015.



Yvonne P. Hamilton  
Village Clerk

(Commission Meeting -2/24/2015)



**NORTH BAY VILLAGE  
NOTICE OF PUBLIC HEARING**

PUBLIC NOTICE IS HEREBY GIVEN THAT THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A SPECIAL MEETING ON **TUESDAY, FEBRUARY 24, 2015** 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 AT PUBLIC HEARING:

1. **AN APPLICATION BY BAY VILLAGE VENTURE, LLC CONCERNING PROPERTY LOCATED AT 1725 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING: *(FINAL 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. **A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.**
  - C. **BONUS DENSITY APPROVAL, PURSUANT TO SECTION 152.029(C)(8)H OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.**
  - D. **BONUS HEIGHT APPROVAL, PURSUANT TO SECTION 152.029(C)(8)A-F OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.**
  - E. **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.**

**F. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 43-UNIT, 19-STORY MIXED USE CONDOMINIUM STRUCTURE WITH A PARKING GARAGE.**

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  
(February 10, 2015)

Concord Development  
719 Meridian Street, #2  
Miami Beach, FL 33239

Cole BN North Bay Village FL  
1665 Kennedy Causeway  
N. Bay Village, FL 33141

Atlantic Broadband  
1681 Kennedy Causeway  
N. Bay Village, FL 33141

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

Bayview Condominium  
1625 Kennedy Causeway  
N. Bay Village, FL 33141

The Shoppes of North Bay  
Village  
1320 S. Dixie Highway, #781  
Miami, FL 33146

The Lexi Condominium  
7901 Hispanola Avenue  
N. Bay Village, FL 33141

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

Causeway Tower  
1666 Kennedy Causeway, #610  
N. Bay Village, FL 33141

Baymar Hotels & Properties, Inc.  
1111 Kane Concourse, #211  
Bay Harbor Islands, FL 33154

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  
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#603F  
N. Bay Village, FL 33141

Owner/Occupant  
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#604D  
N. Bay Village, FL 33141

Owner/Occupant  
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#605B  
N. Bay Village, FL 33141

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#606B  
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Owner/Occupant  
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N. Bay Village, FL 33141

Owner/Occupant  
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N. Bay Village, FL 33141

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#702F  
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1625 Kennedy Causeway,  
#802H  
N. Bay Village, FL 33141

Owner/Occupant  
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#803H  
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#804D  
N. Bay Village, FL 33141

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#805D  
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#809C  
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N. Bay Village, FL 33141

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N. Bay Village, FL 33141

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#904D  
N. Bay Village, FL 33141

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#508A  
N. Bay Village, FL 33141

Owner/Occupant  
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#509C  
N. Bay Village, FL 33141

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#908A  
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#909C  
N. Bay Village, FL 33141

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#1001E  
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#1008A  
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N. Bay Village, FL 33141

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#1201E  
N. Bay Village, FL 33141

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#1202D  
N. Bay Village, FL 33141

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#1203B  
N. Bay Village, FL 33141

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N. Bay Village, FL 33141

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N. Bay Village, FL 33141

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N. Bay Village, FL 33141

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N. Bay Village, FL 33141

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N. Bay Village, FL 33141

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#PH104B  
N. Bay Village, FL 33141

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#PH105G  
N. Bay Village, FL 33141

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#PH106G  
N. Bay Village, FL 33141

Owner/Occupant  
1625 Kennedy Causeway  
#PH107C  
N. Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #601  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #602  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #603  
North Bay Village, FL 33141

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North Bay Village, FL 33141

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7901 Hispanola Avenue, #2005  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #2006  
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Owner/Occupant  
7901 Hispanola Avenue, #2007  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #2008  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #2009  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #2010  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #2011  
North Bay Village, FL 33141

Owner/Occupant  
7901 Hispanola Avenue, #2012  
North 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  
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Owner / Occupant  
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Owner / Occupant  
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North Bay Village, FL 33141

Owner / Occupant  
1800 Kennedy Causeway, #A108  
North Bay Village, FL 33141

Owner / Occupant  
1800 Kennedy Causeway, #A109  
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1800 Kennedy Causeway, #201  
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1790 Kennedy Causeway #B102  
North Bay Village, FL 33141

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1790 Kennedy Causeway, #B103  
North Bay Village, FL 33141

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North Bay Village, FL 33141

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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

## KEEPING KIDS FIT

# Vaccinate your children against the measles

BY JUDY SCHAECHTER  
HealthSystem.com

With last week's news that many infected with measles had recently traveled through Florida, the reality of the national measles epidemic was brought home. What started out with a few cases tied to Disneyland in California has become an outbreak that is impacting more than 100 people — the majority of whom were unvaccinated — in 14 reported states.

Measles, a contagious virus that enters the body through the nose, mouth and eyes, is known for its high fever, rash, conjunctivitis and runny nose. It infects 90 percent of those who have not been immunized, including babies too young to receive the vaccine. Though most people recover, some patients get pneumonia while others get measles encephalitis or even die. The very young and the unvaccinated, including pregnant women, are most at risk.

Health officials — and even President Barack Obama — have responded to this latest outbreak by encouraging people to get vaccinated and make sure their children are immunized. The most effective protection from the measles is through vaccination.

Children are typically vaccinated as part of their well-visit schedule. The measles injection is administered through the measles, mumps and rubella vaccine (MMMR) that is given twice — first between the ages of 12 and 15 months and again between ages 4 and 6. It is important to note that vaccines, including MMR, are eligible to all children, whether citizens or undocumented immigrants.

So, if MMR has been proven effective, is part of the childhood vaccination schedule and available to all, why are people choosing to forgo it?

Unfortunately, MMR is often incorrectly cited as a vaccine that triggers autism in young children. Though more than a decade of research has provided no scientific evidence to corroborate this misguided perception, fear lingers in parents who by trying to protect their kids could actually be harming them when denying them the measles vaccine.

Physicians thought measles was eliminated in the United States in 2000. But that designation was made with the understanding that the public would continue being vaccinated. Sadly, that has not been the case. When people even small groups of people, stop vaccinating against disease, it creeps back.

Measles is spread through direct contact and passage of respiratory droplets by a cough or sneeze. But germs left in the air or on a surface remain viable even hours after an infected person shares the virus. So, the contagious person might be gone from the area, but the invisible measles lives on.

People are contagious four days before until four days after the rash. Most do not realize they have measles at least part the time they are contagious, which is partly why it can be spread to so many, so quickly.

Outbreaks of measles have become more common in the past decade, usually introduced by international visitors. But the disease is spread in our population by

those choosing to forgo immunization. Last year we experienced an unprecedented 644 cases of measles in the United States, and we are on track to have another record number of cases this year.

Though South Florida has yet to report any cases this year, the possibility for the introduction of measles or other preventable viruses into our community is high due to our status as an international gateway. Deadly diseases may come from distant continents, or they may be common childhood diseases spread in our parks, schools, houses of worship or even at kids' birthday parties. In the case of measles and other vaccine-preventable diseases, we can stop these outbreaks by immunizing our children and ourselves, for our own health and those around us.

Without knowing it, unvaccinated children and the adults they grow into can pass disease to someone else's child — perhaps a child who because of medical reasons is unable to be vaccinated. Instead of going vaccine-free and potentially infecting your child and others while sitting next to them on an amusement park ride, at school or on a plane, choose to protect your health and that of your loved ones and neighbors. Make an appointment with your doctor to get your vaccines up to date.

**Dr. Judy Schaechter is interim chairwoman of the Department of Pediatrics at the University of Miami Miller School of Medicine and chairs Miami-Dade County's Immunization Coalition.**



### NORTH BAY VILLAGE NOTICE OF PUBLIC HEARING

PUBLIC NOTICE IS HEREBY GIVEN THAT THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A SPECIAL MEETING (ITEMS) FEBRUARY 26, 2015 AT 7:30 PM, 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 CHATEAU ISLE, INC. CONCERNING PROPERTY LOCATED AT 7938-7941 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA, FOR A PARKING WAIVER PURSUANT TO SECTION 152.044(C)(2) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES. (DEFERRED FROM JANUARY 27, 2015)
  2. AN APPLICATION BY 7940 WEST DRIVE, LLC CONCERNING PROPERTY LOCATED AT 7938 AND 7940 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING: (FINAL PUBLIC HEARING) (DEFERRED FROM JANUARY 27, 2015)
    - A. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.
    - B. BONUS DENSITY APPROVAL PURSUANT TO SECTION 152.029(C)(8) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.
    - C. SITE PLAN APPROVAL PURSUANT TO SECTION 152.085(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 54-UNIT, 15-STORY CONDOMINIUM STRUCTURE WITH A PARKING GARAGE.
  3. AN APPLICATION BY BAY VILLAGE VENTURE, LLC CONCERNING PROPERTY LOCATED AT 1725 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING: (FINAL 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. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.
    - C. BONUS DENSITY APPROVAL PURSUANT TO SECTION 152.029(C)(8) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.
    - D. BONUS HEIGHT APPROVAL PURSUANT TO SECTION 152.029(C)(8)(A)-(F) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.
    - E. A VARIANCE PURSUANT TO SECTION 152.097 OF NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW 5 STORES OF PARKING, WHERE SECTION 152.029(C) ALLOWS A MAXIMUM OF FOUR STORES OF PARKING.
    - F. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 45-UNIT, 19-STORY MIXED USE CONDOMINIUM STRUCTURE WITH A PARKING GARAGE.
  4. AN APPLICATION BY BRICKELL VILLAGE 79, LLC CONCERNING PROPERTY LOCATED AT 1601 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING: (FINAL 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. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.
    - C. BUILDING HEIGHT BONUS REVIEW TO 240 FEET PURSUANT TO SECTION 152.029(C)(8)(A) THROUGH (8)(E).
    - D. DENSITY BONUS REVIEW PURSUANT TO SECTION 152.029(C)(8)(H).
    - E. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 75-UNIT, 22-STORY CONDOMINIUM STRUCTURE WITH A PARKING GARAGE.
  5. AN APPLICATION BY ORLANDO LAMA ON BEHALF OF GRANDVIEW PALACE YACHT CLUB, INC. FOR INSTALLATION OF TWO NEW BOUOYERS AT THE COMMERCIAL MARINA AT 7601 E. TRENDS BE DRIVE, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTION 150.117(D) OF THE VILLAGE CODE. 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 CO THE VILLAGE CLERK, 1666 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 (954) 756-4711.
- PURSUANT TO SECTIONS 26.0106, FLORIDA STATUTES IF ANY PERSON DESIRES 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 OTHER EVIDENCE OR RELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW TO REQUALIFY THIS MATERIAL IN ACCESSIBLE FORM, SIGN LANGUAGE INTERPRETERS, INFORMATION ON ACCESS FOR PERSONS WITH DISABILITIES, AND/OR ANY ACCOMMODATION TO REVIEW ANY DOCUMENT OR PARTICIPATE IN ANY VILLAGE-SPONSORED PROCEEDING. PLEASE CONTACT (954) 756-4711 FIVE DAYS IN ADVANCE TO INITIATE YOUR REQUEST. TV USERS MAY ALSO CALL YVONNE P. HAMILTON, CMC VILLAGE CLERK (954) 756-4711.

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

**A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY BAY VILLAGE VENTURE, LLC FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTION 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A MIXED-USE COMMERCIAL STRUCTURE WITH A PARKING GARAGE IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT AT 1725 KENNEDY CAUSEWAY; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Section 152.098 and 152.030(C) of the North Bay Village Code of Ordinances (the “Village Code”), Bay Village Venture, LLC has applied to North Bay Village for approval of a Special Use Exception for development of a mixed-use commercial structure in the CG (General Commercial) Zoning District at 1725 Kennedy Causeway; and

**WHEREAS**, Section 152.098 and Section 152.102 of the Village Code set forth the authority of the Village Commission to consider and act upon an application for a Special Use Exception specified in Section 152.098; and

**WHEREAS**, in accordance with Section 152.096 of the Village Code, a public hearing by the Planning and Zoning Board was noticed for December 2, 2014, at 7:30 P.M. at 1666 Kennedy Causeway, #101, North Bay Village, Florida and the Planning and Zoning Board reviewed the application, conducted a public hearing and recommended approval of the request; and

**WHEREAS**, in accordance with Section 152.096 of the Village Code, public hearings by the Village Commission were noticed for January 27, 2015 and February 24, 2015 at 7:30 P.M. at the Village Hall, 1666 Kennedy Causeway, #101, North Bay Village, Florida 33141 and all interested parties have had the opportunity to address their comments to the Village Commission; and

**WHEREAS**, the Village Commission has reviewed the application, and considered the recommendation of the Planning and Zoning Board and comments from the public, and determined that the proposed use does not substantially affect adversely the subject property or adjacent properties.

**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 into this Resolution by this reference.

**Section 2.    Finding.**

1. In accordance with Section 152.098 of the Village Code, the Village Commission finds that the proposed Special Use Exception to for development of a mixed-use commercial structure in the CG (General Commercial) Zoning District will not substantially affect adversely the uses permitted in these regulations of adjacent property.

**Section 3. Grant.**

The Special Use Exception request for development of a mixed-use commercial structure in the CG (General Commercial) Zoning District at 1725 Kennedy Causeway, North Bay Village, Florida is hereby granted.

**Section 4. Appeal.**

In accordance with Section 152.104 of the Village Code, the Applicant, or any aggrieved property owner, may appeal the decision of the Village Commission by filing a Writ of Certiorari to the Circuit Court of Miami-Dade County, Florida, in accordance with the Florida Rules of Appellate Procedure.

**Section 5. Effective Date.**

This Resolution shall become effective upon its adoption.  
The motion to adopt the foregoing Resolution was offered by \_\_\_\_\_, seconded by \_\_\_\_\_.

**FINAL VOTE AT ADOPTION:**

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

PASSED and ADOPTED this 24th day of February 2015.

\_\_\_\_\_  
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: 1725 Kennedy Causeway Development-Special Use Exception

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

**A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY BAY VILLAGE VENTURE, LLC, 1725 KENNEDY CAUSEWAY, 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.**

**WHEREAS**, pursuant to Section 152.098 and 152.042(E) of the North Bay Village Code of Ordinances (the "Village Code"), Bay Village Venture, LLC has applied to North Bay Village for approval of a special use exception to allow up to 20 percent of the parking spaces for development of a 43 unit, 19 story mixed-use structure at 1725 Kennedy Causeway, North Bay Village, Florida to be designed specifically for compact vehicles; and

**WHEREAS**, Section 152.098 and Section 152.102 of the Village Code set forth the authority of the Village Commission to consider and act upon an application for a special use exception specified in Section 152.098; and

**WHEREAS**, in accordance with Section 152.096 of the Village Code, a public hearing by the Planning and Zoning Board was noticed for Tuesday, December 2, 2014, at 7:30 P.M. at Village Hall, 1666 Kennedy Causeway, #101, North Bay Village, Florida and the Planning and Zoning Board reviewed the application, conducted a public hearing and recommended approval of the request; and

**WHEREAS**, in accordance with Section 152.096 of the Village Code, a public hearing by the Village Commission was noticed for Tuesday, February 24, 2015 at 7:30 P.M. at Village Hall, 1666 Kennedy Causeway, #101, North Bay Village, Florida 33141 and all interested parties have had the opportunity to address their comments to the Village Commission; and

**WHEREAS**, the Village Commission has reviewed the application, and considered the recommendation of the Planning and Zoning Board and comments from the public, and determined that the proposed use does not substantially affect adversely the subject property or adjacent properties.

**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 into this Resolution by this reference.

**Section 2.      Finding.**

In accordance with Section 152.098 of the Village Code, the Village Commission finds that the proposed special use exception to allow up to 20 percent of the parking spaces in the development of the 43 unit, 19 story mixed-use structure at 1725 Kennedy Causeway, North Bay Village, Florida to be designed specifically for compact vehicles; will not substantially affect adversely the uses permitted in these regulations of adjacent property.

**Section 3. Grant.**

The special use request to allow up to 20 percent of the parking spaces to be designed specifically for compact vehicles in the development at 1725 Kennedy Causeway, North Bay Village, Florida is hereby granted.

**Section 4. Appeal.**

In accordance with Section 152.104 of the Village Code, the Applicant, or any aggrieved property owner, may appeal the decision of the Village Commission by filing a Writ of Certiorari to the Circuit Court of Miami-Dade County, Florida, in accordance with the Florida Rules of Appellate Procedure.

**Section 5. Effective Date.**

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

**FINAL VOTE AT ADOPTION:**

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

**PASSED AND ADOPTED** this 24th day of February 2015.

\_\_\_\_\_  
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: Special Use Exception-1725 Kennedy Causeway-Compact Parking Spaces.

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

**A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY BAY VILLAGE VENTURE, LLC FOR A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES IN CONNECTION WITH THE SITE PLAN APPLICATION FOR DEVELOPMENT OF A MIXED USE COMMERCIAL STRUCTURE AT 1725 KENNEDY CAUSEWAY TO ALLOW FIVE STORIES OF PARKING WHERE SECTION 152.029(C) ALLOWS A MAXIMUM OF FOUR STORIES; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Bay Village Venture, LLC has applied to North Bay Village for a Variance pursuant to Section 152.097 of the North Bay Village Code of Ordinances in connection with the site plan application for development of a mixed-use commercial structure at 1725 Kennedy Causeway to allow five (5) stories of parking, where Section 152.029(C) allows a maximum of four (4) stories of parking;

**WHEREAS**, Section 152.097 and Section 152.102 of the Village Code set forth the authority of the Village Commission to consider and act upon an application for a variance.

**WHEREAS**, in accordance with Section 152.096 of the Village Code, a public hearing by the Planning and Zoning Board was noticed for December 2, 2014 at 7:30 P.M. at 1666 Kennedy Causeway, North Bay Village, Florida 33141 and the Planning and Zoning Board reviewed the application, conducted a public hearing and recommended approval of the request; and

**WHEREAS**, in accordance with Section 152.096 of the Village Code, public hearings by the Village Commission were noticed for February 24, 2015 at 7:30 p.m. at 1666 Kennedy Causeway, #101, North Bay Village, Florida 33141 and all interested parties have had the opportunity to address their comments to the Village Commission; and

**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 into this Resolution by this reference.

**Section 2. Findings.**

In accordance with Section 152.097(B) of the Village Code, the Village Commission finds that:

- A. That there are 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 self-created by any person having an interest in the property; and that the strict application of the provisions of the Code of Ordinances would deprive the applicant of the reasonable use of the land, structure, or building for which the variance is sought and would involve an unnecessary hardship for the applicant.
- B. That granting the variance requested will not 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.
- C. That granting the variance will be in harmony with the general intent and purpose of Chapter 152, Zoning, and that such variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

**Section 3. Grant.**

The Variance requested to allow five stories of parking is hereby granted, in conformance with the Site Plan submitted for hearing on Exhibit “A” entitled "Residential Tower at North Bay Village” as submitted for hearing on November 11, 2014 and consisting of Sheets 02/20, 03/20, 05/20, 06/20, 07/20, 07a/20, 08/20, 09/20, 10/20, 11/20, 12/20, 13/20, 14/20, 15/20, L0/20, 05/20, C1.0, C2.0, C3.0 prepared by International Design Engineer Architecture is hereby approved.

**Section 4. Conditions.**

The Variance is approved subject to the following condition:

1. Pursuant to the Site Plan approval, the Applicant shall obtain a building permit for all requests approved herein within two 2 years of the date of the Site Plan approval. If a building permit is not obtained or an extension granted within the prescribed time limit, then this approval shall become null and void.
2. Pursuant to Section 152.103 of the Village Code, the Variance shall lapse after one year of Commission approval if no substantial construction takes place.

**Section 5. Appeal.**

In accordance with Section 152.104 of the Village Code, the Applicant, or any aggrieved property owner, may appeal the decision of the Village Commission by filing a Writ of Certiorari to the Circuit Court of Miami-Dade County, Florida, in accordance with the Florida Rules of Appellate Procedure.

**Section 6. Effective Date.**

This Resolution shall become effective upon its 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 Jorge Gonzalez \_\_\_\_\_  
Commissioner Richard Chervony \_\_\_\_\_  
Commissioner Wendy Duvall \_\_\_\_\_  
Commissioner Eddie Lim \_\_\_\_\_

**PASSED AND ADOPTED** this 24th day of February 2015.

\_\_\_\_\_  
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: 1725 Kennedy Causeway Development-Variance to allow five stories of parking.

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

**A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA APPROVING A REQUEST BY BAY VILLAGE VENTURE LLC FOR SITE PLAN APPROVAL PURSUANT TO SECTIONS 152.105(C)(9) AND 152.030(C)(3) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 43 UNIT, 19 STORY MIXED USE COMMERCIAL STRUCTURE WITH A PARKING GARAGE AT 1725 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, 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.**

**WHEREAS**, pursuant to Section 152.105(C)(9) of the North Bay Village Code of Ordinances (the “Village Code”), Bay Village Venture, LLC, has applied to North Bay Village for approval of a Site Plan to construct a 43-unit, 19 story mixed use commercial structure with a parking garage at 1725 Kennedy Causeway in the CG (General Commercial) Zoning District utilizing the bonus height provisions pursuant to Section 152.029(C)(8)(A-F) and (H); and

**WHEREAS**, Section 152.105(C)(9) and Section 152.102 of the Village Code set forth the authority of the Village Commission to consider and act upon an application for Site Plan approval.

**WHEREAS**, in accordance with Section 152.096 of the Village Code, a public hearing by the Planning and Zoning Board was noticed for December 2, 2014 at 7:30 P.M. at Village Hall, 1666 Kennedy Causeway, Suite #101, North Bay Village, Florida 33141 and the Planning and Zoning Board reviewed the application, conducted a public hearing and recommended approval of the request with conditions; and

**WHEREAS**, in accordance with Section 152.096 of the Village Code, public hearings by the Village Commission were noticed for January 27, 2015 at 7:30 p.m. and February 24, 2015 at 7:30 P.M. at Village Hall, 1666 Kennedy Causeway, #101, North Bay Village, Florida 33141 and all interested parties have had the opportunity to address their comments to the Village Commission; and

**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 into this Resolution by this reference.

**Section 2. Finding.**

In accordance with Section 152.105(9) of the Village Code, the Village Commission finds that the proposed Site Plan for construction of a 43-unit, 19-story mixed use commercial structure:

- A. Protects against and minimizes any undesirable effects upon contiguous and nearby property.

- B. Provides sufficient off-street parking and loading facilities so that it will not be necessary to use the streets in the vicinity for this purpose.
- C. Provides sufficient setbacks, open space, and landscaping in order to protect and enhance the appearance and character of the neighborhood.
- D. Can be accommodated by existing community roads, services, and utilities, or the necessary additions are provided by the developer.

**Section 3. Grant.**

The Site Plan to construct a 43 unit, 19 story mixed use commercial structure with a parking garage at 1725 Kennedy Causeway, North Bay Village, Florida, as attached and incorporated herein as Exhibit "A" entitled "Residential Tower at North Bay Village" as submitted for hearing on November 11, 2014 and consisting of Sheets 02/20, 03/20, 05/20, 06/20, 07/20, 07a/20, 08/20, 09/20, 10/20, 11/20, 12/20, 13/20, 14/20, 15/20, L0/20, 05/20, C1.0, C2.0, C3.0 prepared by International Design Engineer Architecture is hereby approved.

**Section 4. Conditions.**

The Site Plan is approved with the condition that the following items are met prior to issuance of a Building Permit:

1. Applicant shall submit an irrigation plan which meets Miami-Dade Chapter 18-A requirements.
2. Street tree lighting shall be provided, as per Section 152.029(C)(9)7.
3. The public access easement and boardwalk shall be dedicated and recorded.  
Applicant shall agree, in writing, that the boardwalk shall be open to the public daily, during hours to be determined by the Village; and boardwalk lighting shall remain on while boardwalk is open to the public.
4. Applicant shall comply with all conditions made by the Miami-Dade Shoreline Review Committee in Resolution 14 SDRC 06.
5. Applicant shall not lease or sell parking spaces.
6. Applicant shall not charge for guest parking.
7. All residents and guests shall park on-site.
8. School Board Concurrency requirements shall be met, as determined by School Board Staff.
9. Applicant shall pay of any applicable impact fees.
10. Applicant shall pay bonus height fees, as required under Section 152.029(C)8.
11. Applicant shall pay bonus density fees, as required under Section 152.029(C)8.

12. The project shall tie-in to Village's wastewater system at a Village designated proximate location (proposed connection point) and payment of pro-rata costs involved in tying into appropriate connection point.
13. 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.
14. Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.
15. 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.
16. All applicable state and federal permits must be obtained before commencement of construction. For further discussion of these issues, please see staff

**Section 5. Appeal.**

In accordance with Section 152.104 of the Village Code, the Applicant, or any aggrieved property owner, may appeal the decision of the Village Commission by filing a Writ of Certiorari to the Circuit Court of Miami-Dade County, Florida, in accordance with the Florida Rules of Appellate Procedure.

**Section 6. Violation of Conditions.**

Failure to adhere to the terms and conditions contained in this Resolution in Section 4, if any, shall be considered a violation of this Resolution and persons found violating the conditions shall be subject to the penalties prescribed by the Village Code, including but not limited to, the revocation of any of the approval(s) granted in this Resolution. The Applicant understands and acknowledges that it must comply with all other applicable requirements of the Village Code before it may commence construction or operation, and that the foregoing approval in this Resolution may be revoked by the Village at any time upon a determination that the Applicant is in non-compliance with the Village Code.

**Section 7. Effective Date.**

This Resolution shall become effective upon its adoption.

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

**FINAL VOTE AT ADOPTION:**

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

PASSED and ADOPTED this 24th day of February 2015.

\_\_\_\_\_  
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: 1725 Kennedy Causeway Development-Site Plan



## Memorandum

**To:** North Bay Village Commission  
**From:** James G. LaRue, AICP  
**Date:** February 10, 2015  
**Subject:** *1601 Kennedy Causeway, 2<sup>nd</sup> Commission Hearing (2-24-15)*

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The project proposed for 1601 Kennedy Causeway was heard by the Planning and Zoning Board on December 2, 2014 and heard by the Village Commission on January 27, 2015. Both bodies recommended approval of all applications presented for that project. The voting record and Staff's recommendations for those items are as follows:

### Special Use Exception Request for Mixed Use Development in the CG Zoning District

- The Planning and Zoning Board recommended approval by a 5-0 vote.
- The Village Commission recommended approval by a 4-0 vote.
- Staff recommends approval of this request.

### Request for Use of Compact Parking Spaces

- The Planning and Zoning Board recommended approval by a 5-0 vote.
- The Village Commission recommended approval by a 4-0 vote.
- Staff recommends approval of this request.

### Site Plan, Building Density Bonus Review, and Building Height Bonus Review

- The Planning and Zoning Board recommended approval by a 5-0 vote, based on staff's recommended conditions.
- The Village Commission recommended approval by a 4-0 vote, based on staff's recommended conditions.
- Staff recommends approval of this request, conditional upon the following items being met prior to issuance of a building permit:
  - 1) All required landscape plants must meet the minimum required planting size at time of planting.
  - 2) The public access easement and boardwalk shall be dedicated and recorded. Applicant shall agree, in writing, that the boardwalk shall be open to the public daily, during hours to be determined by the Village; and boardwalk lighting shall remain on while boardwalk is open to the public.
  - 3) Applicant shall not lease or sell parking spaces.

- 4) Applicant shall not charge for guest parking.
- 5) All residents and guests shall park on-site.
- 6) Applicant shall provide site plan approval from Miami-Dade Shoreline Review Committee.
- 7) School Board Concurrency requirements shall be met, as determined by School Board Staff.
- 8) Applicant shall pay of any applicable impact fees.
- 9) Applicant shall pay bonus height fees, as required under Section 152.029(C)8.
- 10) Applicant shall pay bonus density fees, as required under Section 152.029(C)8.
- 11) The project shall tie-in to Village's wastewater system at a Village designated proximate location (proposed connection point) and payment of pro-rata costs involved in tying into appropriate connection point.
- 12) 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.
- 13) Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.
- 14) 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.
- 15) All applicable state and federal permits must be obtained before commencement of construction.

For further discussion of these issues, please see staff reports presented at the Commission public hearing on January 27, 2015.

CC: Frank Rollason, Village Manager  
Yvonne Hamilton, Village Clerk





## Staff Report Site Plan

*Prepared for: North Bay Village  
Commission*

*Applicant: Brick Village 79, LLC*

*Site Address: 1601 Kennedy Causeway*

*Request: Site Plan Approval for a Mixed-Use  
Condominium Building*



**LaRue** Planning  
& Management Services, Inc.  
1375 Jackson Street, Suite 206  
Fort Myers, Florida  
239-334-3366

Serving Florida Local Governments Since 1988

### General Information

<b>Owner/Applicant:</b>	Brick Village, LLC
<b>Applicant Address:</b>	900 Biscayne Blvd, #1202 Miami, FL 33132
<b>Site Address:</b>	1601 Kennedy Causeway
<b>Contact Person:</b>	Gerardo Vazquez, Esq.
<b>Contact Phone Number:</b>	305-371-8064
<b>E-mail Address</b>	gv@vazquezcarballo.com

<b>Future Land Use</b>	Commercial
<b>Zoning District</b>	CG
<b>Use of Property</b>	Restaurant (vacant)
<b>Acreage</b>	1.07 acres

### Legal Description of Subject Property

9 53 42 E200FT OF W725FT OF TREA IS LYING N OF 79 ST CSEWY PER DBS 3223-511 & 513

### Request

The applicant is requesting:

1. A special use exception to construct a mixed use residential structure in the General Commercial Zoning District.
2. Height bonus review in conjunction with site plan approval pursuant to Section 152.029(C)(8)(A-F) of the North Bay Village Code of Ordinances.
3. Density bonus review in conjunction with site plan approval pursuant to Section 152.029(C)(8)(H) of the North Bay Village Code of Ordinances.
4. A special use exception pursuant to Section 152.042(E) to utilize compact parking spaces for up to 20% of the required parking spaces.
7. Site plan approval pursuant to Section 152.105(C)(9) of the North Bay Village Code of Ordinances for development of a 75 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 75 dwelling unit, 22 story, mixed use condominium. This site is the current location of the Trio on the Bay restaurant. The applicant is requesting approval for bonus height to 240 feet and bonus density for 9 three bedroom dwelling units, for a total density of 70 dwelling units per acre.

The tabular project summary shows 2,000 square feet of office space; 2,135 square feet of retail space; and 2000 square feet of restaurant space, of which 1,334 square feet will be customer service area.

**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	Bay Terrace Condominiums
<b>South</b>	Future Land Use	Commercial
	Zoning District	CG
	Existing Land Use	Restaurant, Grocery, Offices, Dry Cleaner, Public Storage
<b>West</b>	Future Land Use	Commercial
	Zoning District	CG
	Existing Land Use	Approved for Mixed-Use Condominium



**Adequacy of Public Facilities**

Traffic Analysis

The applicant has provided evidence that the existing facilities have sufficient capacity to accommodate the proposed development.

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.

**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	46,800 sq ft (1.07 acres)
152.029(C)(1)	Minimum frontage	75 ft	260 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 260 = 52</u>  Combination of both side setbacks to be at least 60 ft	25 ft on west side  52 ft on east side  Combination of both side setbacks equal to 77 ft
152.029(C)(2)	Minimum rear setback	25 ft	25 ft



Section	Regulation	Required		Provided
152.029(C)(3)	Required lot area per dwelling unit	Unit type	Lot area/unit	53,325 > 46,800  Applicant to purchase bonus density for 9 three-bedroom units under Section 152.029(C)(8)
		Efficiency	620	
		1-BR	620	
		2-BR	685	
		3-BR	750	
		$45 \times 685 = 30,825$ $30 \times 750 = 22,500$  $30,825 + 22,500 = 53,325 \text{ sq ft of required lot area}$		
Comprehensive Plan Future Land Use Policy 2.1.1a	Maximum density	70 dwelling units per acre		70 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)
152.029(C)(4)	Maximum parking levels	4 stories		4 stories
152.029(C)(5)	Minimum pervious area	20% of total parcel  $20\% \text{ of } 46,800 = 9,360 \text{ sq ft}$		9,360 sq ft
152.029(C)(6)	Minimum dwelling unit floor area	Unit type	Floor area	2BR shown at 1,640 and 1,570 sq ft  3BR shown at 2,230 and 2,200 sq ft
		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



Section	Regulation	Required	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 \$506,250.
152.029(C)(8)	Building density bonus	Additional density may be purchased, not to exceed 70 units per acre	Applicant is purchasing 9 additional dwelling units at \$40,000 per dwelling unit for total cost of \$360,000.
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	In compliance
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 234 = 5 handicapped spaces required</u>	7 handicapped parking spaces
ADA Requirement	Minimum number of handicapped spaces	7 handicapped spaces	



Section	Regulation	Required	Provided										
152.042(E)	Maximum number of compact parking spaces	20% of required parking spaces <u>20% of 234 = 46</u>	32 compact parking spaces										
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										
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>45 x 2 = 90</u> <u>30 x 3 = 90</u> <u>10% = 18</u> <u>198 spaces required</u>	Unit Type	Spaces Req	Efficiency	1.5	1BR&2BR	2	3BR	3	Plus 10% for Guests		
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>2000 / 300 = 6.7</u>											
152.044(B)(7)	Minimum number of parking spaces for restaurant	1 space per 75 sq ft of customer svc area <u>1,334 / 75 = 17.8</u>											
152.044(B)(8)	Minimum number of parking spaces for retail	1 space per 200 sq ft of gross floor area <u>2,135 / 200 = 10.7</u>											
	Total spaces required	<u>198 + 6.7 + 17.8 + 10.7 = 234 spaces</u>	234 parking spaces										
152.045(B)	Minimum loading space dimensions	12 ft by 30 ft, and at least 14.5 ft of vertical clearance	In compliance										



Section	Regulation	Required	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.	N/A												
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												
152.045(F)(1)	Minimum number of loading spaces for retail, office and restaurant	<table border="1"> <thead> <tr> <th>Gross floor area</th> <th>Spaces</th> </tr> </thead> <tbody> <tr> <td>&lt;10,000</td> <td>0</td> </tr> <tr> <td>10,000-20,000</td> <td>1</td> </tr> <tr> <td>20,000-40,000</td> <td>2</td> </tr> <tr> <td>40,000-60,000</td> <td>3</td> </tr> <tr> <td>&gt;60,000</td> <td>4</td> </tr> </tbody> </table>	Gross floor area	Spaces	<10,000	0	10,000-20,000	1	20,000-40,000	2	40,000-60,000	3	>60,000	4	N/A
		Gross floor area	Spaces												
		<10,000	0												
		10,000-20,000	1												
		20,000-40,000	2												
		40,000-60,000	3												
>60,000	4														
<u>0 loading spaces required</u>															
152.045(F)(2)	Minimum number of loading spaces for multi-family	<table border="1"> <thead> <tr> <th>Gross floor area</th> <th>Spaces</th> </tr> </thead> <tbody> <tr> <td>&lt;25,000</td> <td>0</td> </tr> <tr> <td>25,000-50,000</td> <td>1</td> </tr> <tr> <td>50,000-100,000</td> <td>2</td> </tr> <tr> <td>&gt;100,000</td> <td>3</td> </tr> </tbody> </table>	Gross floor area	Spaces	<25,000	0	25,000-50,000	1	50,000-100,000	2	>100,000	3	3 loading spaces		
		Gross floor area	Spaces												
		<25,000	0												
		25,000-50,000	1												
		50,000-100,000	2												
>100,000	3														
<u>3 loading spaces required</u>															
152.056	Maximum balcony encroachment into side or rear yard	4 ft	In compliance												
155.17	Minimum width of maneuvering aisle	23 ft	In compliance												
155.17	Minimum width of 2-way access aisle	23 ft	In compliance												



Section	Regulation	Required	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
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



Section	Regulation	Required	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.	Not yet 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 260 linear feet of frontage, either 8 trees or 11 palms are required.</u>	11 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.	No overhead power lines
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.	



Section	Regulation	Required	Provided
18A-6(C)(5)	Number of required trees	28 trees per acre required in multi-family residential zoning categories  <u>28 x 1.07 = 30 required trees</u>	In compliance
18A-6(C)(11)	Limitations on required trees	At least 30% shall be native species.  At least 50% shall be low maintenance and drought tolerant.  Of the required trees, no more than 30% shall be palms	In compliance.  This requirement has been met by native trees.  In compliance
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>300 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>	Only 161 shrubs provided



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>In compliance</p> <p>More shrubs required</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.	
<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>52 ft required</u>	52 ft on east side
33D-38(3)	Minimum side setback	Minimum of 25 ft	In compliance
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 with the staff recommended conditions by a vote of 5-0 on December 2, 2014.

## Staff Recommendations

### **BUILDING HEIGHT BONUS:**

Staff recommends **approval** of the building height bonus.

### **BUILDING DENSITY BONUS:**

Staff recommends **approval** of the building density bonus.

### **SITE PLAN:**

Staff recommends **approval** of the site plan based on the following conditions being met prior to the issuance of a building permit:

- 1) Submittal of a landscape plan and irrigation plan which is in compliance with the Miami-Dade Landscape Code.
- 2) The public access easement and boardwalk must be dedicated and recorded. Applicant shall agree, in writing, that the boardwalk shall be open to the public daily, during hours to be determined by the Village; and boardwalk lighting shall remain on while boardwalk is open to the public.
- 3) Applicant shall not lease or sell parking spaces.
- 4) Applicant shall not charge for guest parking.
- 5) Site plan approval from Miami-Dade Shoreline Review Committee.
- 6) Meeting School Board Concurrency requirements as determined by School Board Staff.
- 7) Payment of any applicable impact fees.
- 8) Payment of bonus height fees, as required under Section 152.029(C)8.
- 9) Tie-in to Village's wastewater system at a Village designated proximate location (proposed connection point) and payment of pro-rata costs involved in tying into appropriate connection point.



- 10) 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.
- 11) Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.
- 12) 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.
- 13) All applicable state and federal permits must be obtained before commencement of construction.

*Submitted by:*

*James G. LaRue*  
James G. LaRue, AICP  
Planning Consultant

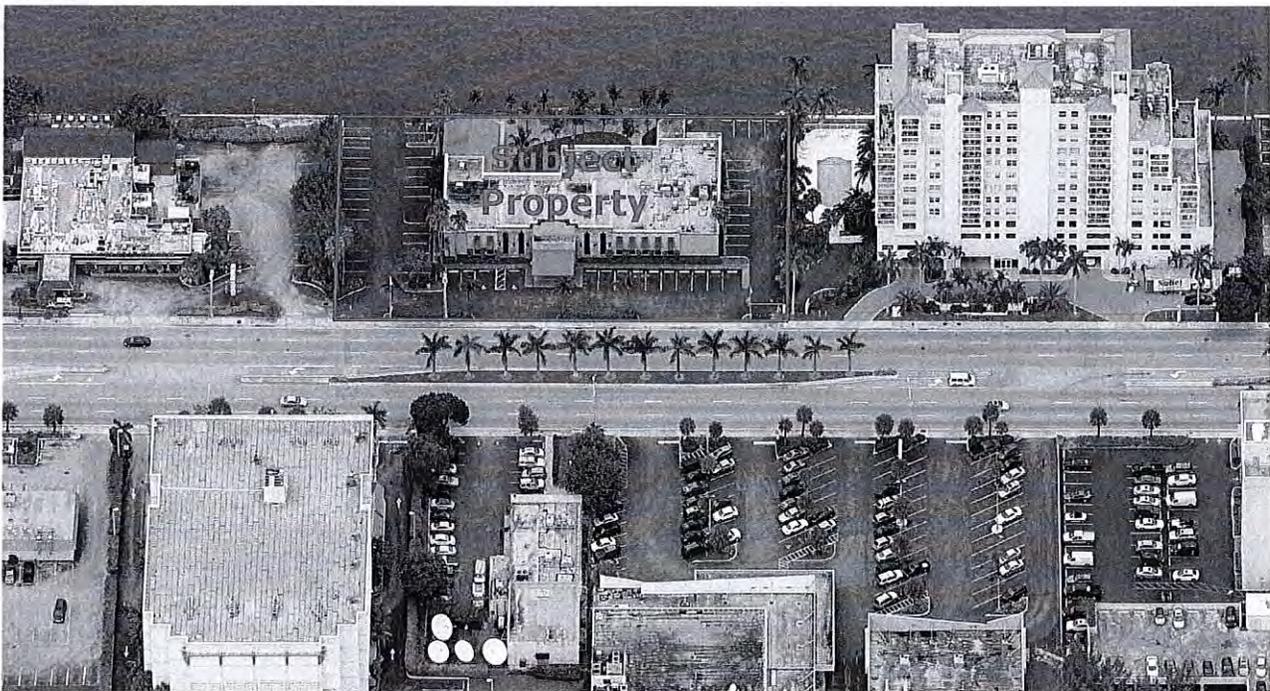
January 14, 2015

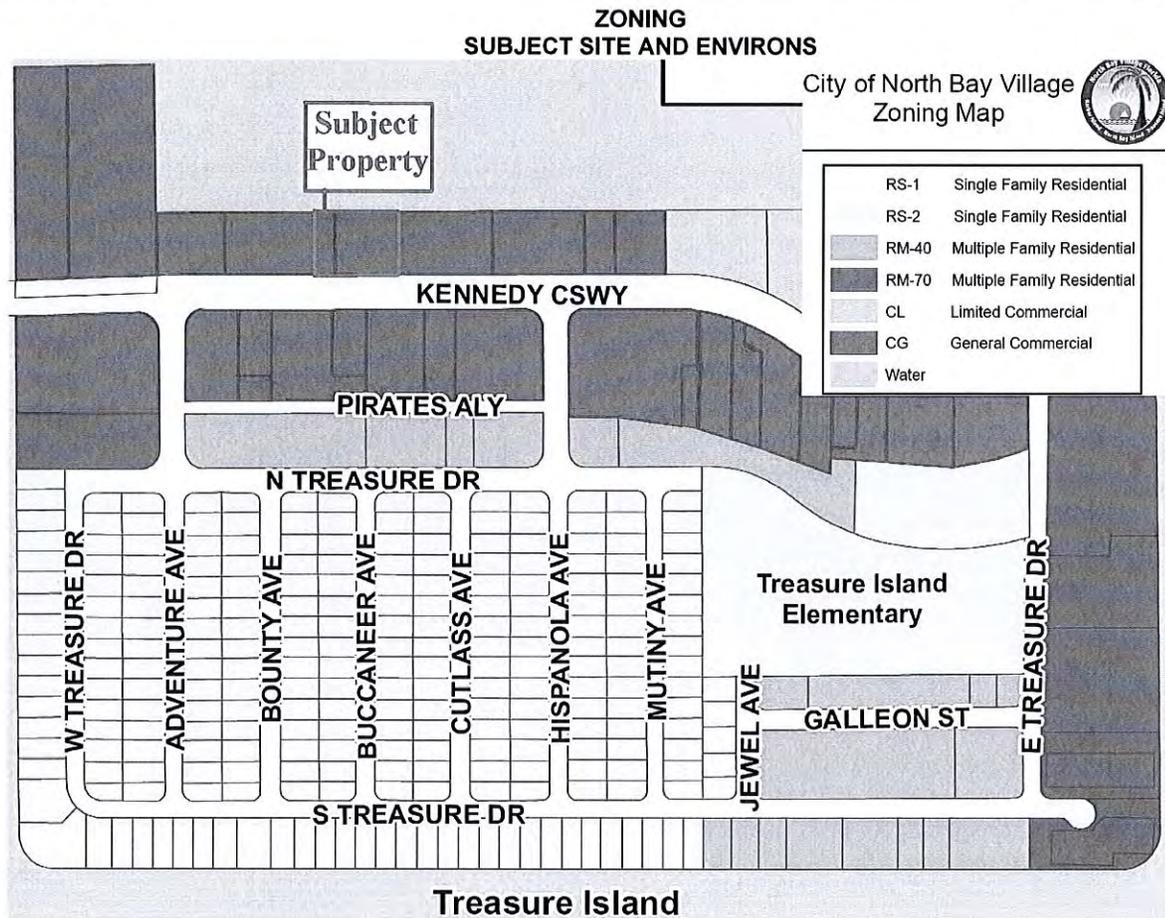
Hearing: North Bay Village Commission, January 27, 2015

Attachments: Aerial photograph  
Zoning Map



**AERIAL  
SUBJECT SITE AND ENVIRONS**





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## **Staff Report Special Use Exception**

*Prepared for: North Bay Village  
Commission*

*Applicant: Brick Village 79, LLC*

*Site Address: 1601 Kennedy Causeway*

*Request: Special Exception for Development of a  
Mixed Use Commercial Structure in the  
CG Zoning District*



**LaRue** Planning  
& Management Services, Inc.

1375 Jackson Street, Suite 206  
Fort Myers, Florida  
239-334-3366

Serving Florida Local Governments Since 1988

**General Information**

<b>Owner/Applicant:</b>	Brick Village, LLC
<b>Applicant Address:</b>	900 Biscayne Blvd, #1202 Miami, FL 33132
<b>Site Address:</b>	1601 Kennedy Causeway
<b>Contact Person:</b>	Gerardo Vazquez, Esq.
<b>Contact Phone Number:</b>	305-371-8064
<b>E-mail Address</b>	gv@vazquezcarballo.com

<b>Future Land Use</b>	Commercial
<b>Zoning District</b>	CG
<b>Use of Property</b>	Restaurant (vacant)
<b>Acreage</b>	1.07 acres

**Legal Description of Subject Property**

9 53 42 E200FT OF W725FT OF TREA IS LYING N OF 79 ST CSEWY PER DBS 3223-511 & 513

**Adjacent Land Use Map Classifications and Zoning District**

<b>North</b>	<b>Future Land Use</b>	Water
	<b>Zoning District</b>	Water
	<b>Existing Land Use</b>	Biscayne Bay
<b>East</b>	<b>Future Land Use</b>	Commercial
	<b>Zoning District</b>	CG
	<b>Existing Land Use</b>	Bay Terrace Condominiums
<b>South</b>	<b>Future Land Use</b>	Commercial
	<b>Zoning District</b>	CG
	<b>Existing Land Use</b>	Restaurant, Grocery, Offices, Dry Cleaner, Public Storage
<b>West</b>	<b>Future Land Use</b>	Commercial
	<b>Zoning District</b>	CG
	<b>Existing Land Use</b>	Approved for Mixed-Use Condominium



### **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 site plan request for this development is for a 75 dwelling unit, 22 story, mixed use condominium. This site is the current location of the Trio on the Bay restaurant. The applicant is requesting approval for bonus height to 240 feet and bonus density for 9 three bedroom dwelling units, for a total density of 70 dwelling units per acre.

The tabular project summary shows 2,000 square feet of office space; 2,135 square feet of retail space; and 2000 square feet of restaurant space, of which 1,334 square feet will be customer service area.

### **Consistency with Comprehensive Plan**

While the Comprehensive Plan is silent as to mixed-use in the Commercial Future Land Use category, it does allow for restaurant and residential uses which are proposed. We believe that a mix of multi-family units and the proposed restaurant use 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 approved for a mixed use condominium. The property to the east is Bay Terrace Condominiums. To the south, across Kennedy Causeway, are various commercial uses. The Applicant's proposal to develop the subject property as a mixed use structure encompassing multi-family residential units and a restaurant 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 this special exception request by a vote of 5-0 on December 2, 2014.

### Staff 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.

Submitted by:

*James G. LaRue*  
James G. LaRue, AICP  
Planning Consultant

January 14, 2015

Hearing: North Bay Village Commission, January 27, 2015





## **Staff Report Special Use Exception**

*Prepared for: North Bay Village  
Commission*

*Applicant: Brick Village 79, LLC*

*Site Address: 1601 Kennedy Causeway*

*Request: Special Exception for up to twenty percent  
of the required parking spaces to be  
designated for compact vehicles*



**LaRue** Planning  
& Management Services, Inc.  
1375 Jackson Street, Suite 206  
Fort Myers, Florida  
239-334-3366

Serving Florida Local Governments Since 1988

### General Information

Owner/Applicant:	Brick Village, LLC
Applicant Address:	900 Biscayne Blvd, #1202 Miami, FL 33132
Site Address:	1601 Kennedy Causeway
Contact Person:	Gerardo Vazquez, Esq.
Contact Phone Number:	305-371-8064
E-mail Address	gv@vazquezcarballo.com

Future Land Use	Commercial
Zoning District	CG
Use of Property	Restaurant (vacant)
Acreage	1.07 acres

### Legal Description of Subject Property

9 53 42 E200FT OF W725FT OF TREA IS LYING N OF 79 ST CSEWY PER DBS 3223-511 & 513

### Request

The applicant is requesting a special use exception pursuant to Sections 152.042(e) and 152.098 of the North Bay Village Code of Ordinances to allow up to twenty (20) percent of the development's required parking spaces to be designed and designated specifically for compact vehicles.

### General Description

The site plan request for this development is for a 75 dwelling unit, 22 story, mixed-use condominium. This site is the current location of the Trio on the Bay restaurant. The applicant is requesting approval for bonus height to 240 feet and bonus density for 9 three bedroom dwelling units, for a total density of 70 dwelling units per acre.

The tabular project summary shows 2,000 square feet of office space; 2,135 square feet of retail space; and 2000 square feet of restaurant space, of which 1,334 square feet will be customer service area.



### Consistency with Comprehensive Plan

The request for compact spaces, if approved for this site plan, is consistent with the Village's Comprehensive Plan, and the provision of safe on-site traffic flow as per Transportation Policy 3.2.7.

### Planning & Zoning Board Recommendation

The North Bay Village Planning and Zoning Board recommended approval of this compact parking request by a vote of 5-0 on December 2, 2014.

### Staff Recommendations

Staff finds that this request is consistent with Sections 152.042(e) and 152.098 in that this special use exception will not adversely affect the uses permitted in the regulations of adjacent properties.

Staff recommends **approval** of this request for the parking spaces designated for compact vehicles contingent upon a positive approval of a site plan for this development.

*Submitted by:*

*James G. LaRue*  
James G. LaRue, AICP  
Planning Consultant

January 14, 2015

Hearing: North Bay Village Commission, January 27, 2015



## Yvonne Hamilton

---

**From:** Frank Richman <frankrichman@bellsouth.net>  
**Sent:** Tuesday, February 17, 2015 3:26 PM  
**To:** Yvonne Hamilton  
**Cc:** Bambi Sims  
**Subject:** 2/24/2015 Special Meeting - Application by Bay Village Venture, LLC - Our objection to Building Height Variance

Hi Yvonne: We received the notice about the special hearing tomorrow 2/24/15 regarding the application by Bay Village Venture, LLC concerning the property located AT 1725 Kennedy Cswy.

Causeway Tower's owner, Mr. Henri Konckier was adamant that our voice be heard to our objection to this new mixed use building being built at 1725 Kennedy Cswy. First and foremost we object to their request for Building Height Variance because this size building will drastically reduce the views our tenants now enjoy on the North side of the building, especially those at the East end of the building. If this were approved and our tenants loose their view, we will undoubtedly be forced into reducing rental rates and current asking prices when it comes time to renew or put new tenants in the building.

Additionally, we are concerned with how all these new tall buildings and their added weight affects the island itself - has anyone compiled any kind of engineering report which would reflect the limits of overall weight that can be built on this island before it starts sinking??? Furthermore, we feel there is already plenty of residential condo's/apartments on the island. We believe what is needed is more retail shoppes (like a better grocery store) - something that would draw visitors to this Island - so they might want to live in the oh so many vacant condo's/apartments that currently exists in a 5 to 10 mile radius of our building.

Since we are unable to attend this meeting, we would greatly appreciate your making our objection know to the powers that be.

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

**SITE PLAN APPLICATION FOR PUBLIC HEARING**

Page 1 of 3

Site Address 1601 Kennedy (79th Street) Causeway North Bay Village, FL 33141  
Owner Name Brick Village 79, LLC Owner Phone # (305) 896-3733  
Owner Mailing Address 900 Biscayne Blvd. O#1202 Miami, FL 33132  
Applicant Name Brickway Investments Corp Applicant Phone # (305) 896-3733  
Applicant Mailing Address 900 Biscayne Blvd. O#1202 Miami, FL 33132  
Contact Person Gerardo Vazquez, Esq. Contact Phone # (305) 371-8064  
Contact Email Address gv@vazquezcarballo.com; daniel@vazquezcarballo.com  
Legal Description of Property see attached "Legal Description"  
Existing Zoning CG Proposed Zoning RM-70 Lot Size 46,800 sq. ft.  
Folio Number 23-3209-000-0040 and 23-3209-000-0031  
Legal Description see attached "Legal Description"  
Project Description 22 stories residential tower.

**Mandatory Submittals (Applicant must check that each item is included with this application)**

- € Property survey
- € Site plans which depict:
  - North point
  - Scale at 1/16 inch to the foot, or larger
  - Date of preparation
  - Existing and proposed easements
  - Existing and proposed utilities
  - Property lines
  - Location of streets, alleys and ROW
  - Structures
  - Mechanical equipment
  - Parking and loading spaces
  - Fences
  - Signs
  - Exterior Lighting
  - Any other physical features
- € Floor plans including
  - Layout of each level
  - Layouts for each dwelling unit type
  - Parking and loading space dimensions
  - Width of drive aisles
- € Elevations
- € Tabular project summary indicating:
  - Total acreage
  - Dwelling units per acre
  - Number of bedrooms per dwelling unit
  - Number of each dwelling unit type
  - Pervious surface area
  - Open space
  - Structure setbacks
  - Off-street parking and loading spaces
  - Floor area of each dwelling unit type
  - Floor area of each commercial use
  - Gross floor area
  - Building height
  - Floor area ratio
- € Landscape plan
- € Analysis of Services
  - Potable water
  - Sanitary Sewer
  - Traffic
- € Application fees
- € Cost recovery deposit

Mayor  
Connie Leon-Kreps

Vice Mayor  
Eddie Lim

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Jorge Gonzalez

SITE PLAN APPLICATION FOR PUBLIC HEARING

Page 2 of 3

Applications are incomplete until all mandatory submittals have been received by the Village Clerk.

All requests for site plan approval from the North Bay Village Code shall be considered at Public Hearings before the Planning & Zoning Board and/or the Village Commission. Notice of Hearing 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 application is complete before the hearing is legally advertised. All applications shall be submitted to the Village Clerk on or before the deadline implemented by the Village.

All persons, firms, or corporations requesting site plan approval from 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 a request, pursuant to Section 152.110 of the Village Code.

All new and substantial improvements must comply with the Florida Building Code, Department of Environmental Resource Management (DERM), and FEMA regulations.

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 and the Village Commission has voted favorable on the proposed request.

I (We) further acknowledge that I (We) have read and understand the conditions for appearance before the Planning and 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.

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

Print Name GERARDO A. VAZQUEZ

(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

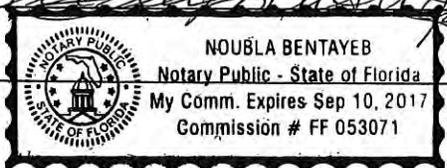
Sworn to and subscribed to before me this 22 day of OCTOBER, 2014,

by GERARDO A. VAZQUEZ,

who is personally known to me or who has produced \_\_\_\_\_ as identification.

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

Commission Number/Expiration \_\_\_\_\_



Mayor  
Connie Leon-Kreps

Vice Mayor  
Eddie Lim

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Jorge Gonzalez

**SITE PLAN APPLICATION FOR PUBLIC HEARING**  
Page 3 of 3

**Office Use Only:**

Date Submitted: 10/25/14

Tentative Meeting Date: 12/2/14

Fee Paid: \$ 6,000 (lost revenue)

Cash  or Check  # \_\_\_\_\_

Date Paid: 10/25/14

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

## VARIANCE REQUEST APPLICATION FOR PUBLIC HEARING

Page 1 of 3

Site Address 1601 Kennedy (79<sup>th</sup> Street) Causeway  
NORTH BAY VILLAGE, FL 33141

Owner Name Beick Village 79 LLC Owner Phone # (305) 896-3733

Owner Mailing Address 900 BISCAYNE Blvd. Suite 1202  
MIAMI FL. 33132

Applicant Name Beickway Investments Corp Applicant Phone # (305) 896-3733  
(if different from Owner)

Applicant Mailing Address 900 BISCAYNE BLVD. Suite 1202

Contact Person GERARDO VAZQUEZ Contact Phone # (305) 371-8064  
SSQ

Contact Email Address gve@VAZQUEZCARBALLO.COM

Legal Description of Property see Attached "Exhibit 'A'"

Existing Zoning CG Lot Size 46,800 Folio Number 23-3209-000-0040  
23-3209-000-0031

Project Description 22 Floor Residential / mixed use tower

Section of North Bay Village Code from which the Applicant is Seeking Relief 152.042

Variance Requested 32 of the total 234 to be  
Compact spaces.  
= 13.7% of parking to be Compact 8x16

Reason for Request To meet parking requirements.

### Mandatory Submittals (check that each item is included with this application):

- Plans depicting work to be completed (including property survey)
- Property Survey
- Application fees

### Optional Submittals:

- Response to required findings
- Signed consent letters from neighboring property owners
- Optional plan versions for consideration by Village Commission

Mayor  
Connie Leon-Kreps

Vice Mayor  
Eddie Lim

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Jorge Gonzalez

VARIANCE REQUEST APPLICATION FOR PUBLIC HEARING

Page 2 of 3

Applications are incomplete until all mandatory submittals have been received by the Village Clerk.

All requests for variances from the North Bay Village Code shall be considered at Public Hearings before the Planning & Zoning Board and/or the Village Commission. Notice of Hearing 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. All applications shall be submitted to the Village Clerk on or before the deadline implemented by the Village.

All persons, firms, or corporations requesting a variance from 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 a variance request, pursuant to Section 152.110 of the Village Code.

All new and substantial improvements must comply with the Florida Building Code, Department of Environmental Resource Management (DERM), and FEMA regulations.

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 request.

I (We) further acknowledge that I (We) have read and understand the conditions for appearance before the Planning and 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.

Authorized Signature

Print Name

GERARDO A. VAZQUEZ, ESQ.

NOV 21

(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 Nov., 2014

by Gerardo A. Vazquez

who is personally known to me or who has produced as identification.

Notary Public Signature

Commission Number/Expiration



Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Dr. Richard Chervony

Commissioner
Jorge Gonzalez

**VARIANCE REQUEST APPLICATION FOR PUBLIC HEARING**  
Page 3 of 3

**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**

**LEGAL DESCRIPTION**

Parcel 1: 23-3209-000-0040 EXHIBIT "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 degrees, 41' 24" East 2485 feet; thence North 1° 37' 00" West 50.00 feet to the point of beginning of the hereinafter described parcel, thence, from the above established Point of Beginning, continue North 1 degree 37' 08" West for a distance of 180.00 feet to a point; thence run North 88 degrees 41' 24" East for a distance of 200 feet to a point; thence run South 1 degree 37' 08" East for a distance of 180.00 feet to a point on the North right of way line of Northeast 79<sup>th</sup> Street Causeway; thence run South 88 degrees 41' 24" West along said line for a distance 200 feet to the Point of Beginning.

AND

Parcel 2: 23-3209-000-0031

Commencing at the 1/2 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 2425 feet; thence North 1° 37'00" West 50.00 Feet to the Point of Beginning of the hereinafter described parcel; thence from the above established Point of Beginning continue North 1° 37'08" West for a distance of 180.00 feet to a point; thence run North 88" 41'24" East for a distance of 60 feet to a point; thence run South 1° 37' 08" East for a distance of 180.00 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 60 feet to the Point of Beginning.

**1601 Kennedy Causeway  
NORTH BAY VILLAGE, FLORIDA**

**SOUTH BASIN INFORMATION (5 YEAR STORM EVENT)**

Total Drainage Area (A) =	<b>0.590</b>		acres.
Impervious Area (A <sub>imp</sub> ) =	0.480		acres.
Pervious Area (A <sub>perv</sub> ) =	0.110		acres.
Lowest Grnd. Elev. for Prop. System =	6.05		feet NGVD
Proposed Lowest Grate or Weir Elevation =	6.05		feet NGVD
Water Table Elev. (GWT) =	2.07		feet NGVD
<b>Weighted Runoff Coefficient (C):</b>			
Runoff Coefficient Impervious (C1) =	0.95		
Runoff Coefficient Pervious (C2) =	0.35		
C = [(A1 x C1) + (A2 x C2)] / A =	0.84		
C x A = Total Contributing Area;	0.49 (Acres)	<b>21,540.42</b>	(sft)
Design storm frequency (years), T =	5		
Minimum time of Concentration (min.), t <sub>tc</sub> =	10		
Weighted Hyd. Conductivity (cfs/sf - ft), K =	4.14E-03		

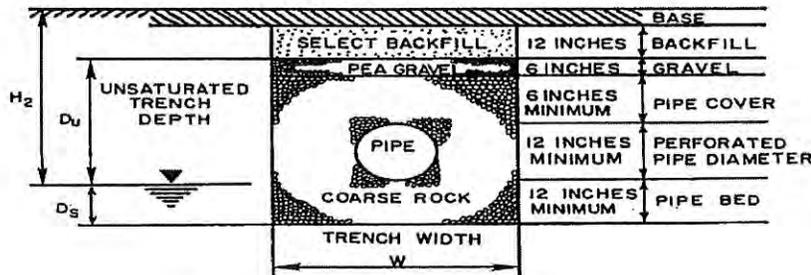
**QUALITY VOLUME TO BE TREATED BY EXFILTRATION TRENCH**

Required volume to be pre-treated through exfiltration is the highest of:

- A) 1" over Site Area = 1.0 inch x Site Area (acre-in.) = 0.590 acre-in.
- B) 2.5 inches x % impervious x Site Area (acre-in.) = 1.20 acre-in.

**Total required volume to be pre-treated through exfiltration, V<sub>treat</sub> = 1.20 acre-in.**

**EXFILTRATION TRENCH**



- W = Trench width (ft)
- $D_u$  = Non-Saturated Trench Depth (ft)
- $D_s$  = Saturated Trench Depth (ft)
- L = Provided Length of Exfiltration Trench

*VA 10/21/14*  
**WALTER M. LUGO, P.E.**  
FL REG. No. 61747

**EXFILTRATION TRENCH LENGTH CALCULATIONS**

K =	4.14E-03	cfs/sf-ft
H <sub>2</sub> =	3.98	ft.
W =	4.00	ft.
D <sub>u</sub> =	1.98	ft.
D <sub>s</sub> =	6.02	ft.
GWT	2.07	ft.
V <sub>treat</sub>	1.20	ac-inch

Top Elevation =	6.05	ft. NGVD.
GWT =	2.07	ft. NGVD.
Pipe Diameter =	15.00	inches
Inv. Elevation =	2.07	ft. NGVD.
Bottom Elevation =	-8.95	ft. NGVD.

$\beta$ (sec)	$\gamma$ (ft <sup>2</sup> )	$\delta$ (ft <sup>2</sup> /sec)	$\alpha$ (ft <sup>3</sup> )	t <sub>cs</sub> (Sec.)	t <sub>cs</sub> (Min.)
2628	4.0	0.313	9917	182	3

Required exfiltration trench length for quality volume (ft.)	Required length of exfiltration trench for quantity volume (ft.)	Provided Length (ft)
5	11	60

**PROVIDED LENGTH = 60.0 feet**

**1601 Kennedy Causeway (5 year-1 day storm event)  
NORTH BAY VILLAGE, FL**

**BASIN INFORMATION FOR PROP. DRAINAGE SYSTEM FOR THE GARAGE BLDG.**

Design storm frequency, T= 5 Years  
 Minimum time of Concentration,  $t_c$ = 10 Min.  
 The IDF relation used by DERM,  $I = 308.5 / (48.6T^{0.11} + (0.5895 + T^{0.67}))$   
 Intensity, I = 6.17 (Inch/Hour)

**RATIONAL METHOD PEAK RUNOFF CALCULATIONS**

DRAINAGE BASIN ID	TOTAL DRAINAGE BASIN AREA (AC)	IMPERVIOUS AREA (AC)	PERVIOUS AREA (AC)	WEIGHTED "C" VALUE	CONTRIBUTING DRAINAGE AREA (CXA)	INTENSITY "I" (INCH/HR)	PEAK RUNOFF (Q=CIA) (CFS)
Building	0.48	0.48	0.00	0.95	0.46	6.17	2.81

**DRAINAGE WELL DESIGN**

Well Discharge Capacity: 500 gpm/ft of head.  
 Well Discharge Capacity: 1.11 cfs/ft  
 Well Diameter: 24 inches  
 Drainage Well Casing Depth: 80 feet  
 Well Mounding: 1.76 ft.  
 Ground Water Table: 2.07 ft.  
 Provided Well Structures Min. Top Elevation: 8.00 ft. N.G.V.D.

DRAINAGE BASIN ID	AVAILABLE EFFECTIVE HEAD (FT. NGVD)	WELL CAPACITY (CFS/WELL)	DRAINAGE BASIN AREA (AC.)	PEAK RUNOFF (CFS)	NUMBER OF WELLS PROPOSED	TOTAL WELLS CAPACITY (CFS)	SAFETY FACTOR
Total Site	4.17	4.65	0.480	2.81	1.00	4.65	1.65



Miami Office

GEOTECHNICAL ENGINEERING | FOUNDATION ENGINEERING | GEOTECHNICAL TESTING | SOIL BORINGS/MONITORING WELLS | CONSTRUCTION MATERIAL TESTING

October 20, 2014

Ms. Raisa Sathler  
c/o Kobi Karp Architecture  
2915 Biscayne Boulevard  
Suite 200  
Miami, Florida 33137

Reference: Percolation Tests  
Trio Restaurant  
1601 Kennedy Causeway  
North Bay Village, Florida  
Project No. 146679

Dear Ms. Sathler,

Enclosed herewith please find the results of Percolation Test Report No. DRN-1 and DRN-2 performed by NV5 at the above referenced project, in general accordance with the South Florida Water Management District - Usual Open Hole Test Procedure.

The test was performed at 15 feet deep each at the indicated locations. The results of the test and remarks regarding the test procedure are shown in the enclosed report. The hydraulic conductivity for the "Usual Open Hole" tests at the requested location is as follows:

TEST NUMBER	TEST DEPTH	HYDRAULIC CONDUCTIVITY (CFS/FT <sup>2</sup> - FT HEAD)
P-1	15-feet	$K = 7.1 \times 10^{-4}$
P-2	15-feet	$K = 7.57 \times 10^{-3}$

We appreciate the opportunity to provide our engineering services on this project. If you have any questions regarding these tests or if we may be of further assistance, please contact our office.

Respectfully submitted,  
NV5, Inc.

Alfredo Budik, P.E.  
Senior Engineer  
Florida License No. 43884



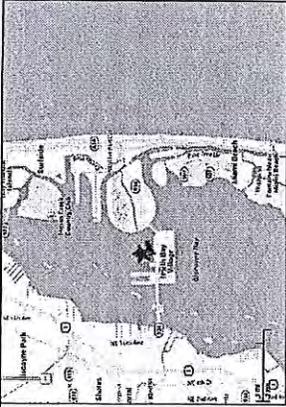
Distribution: 2 – Client

Enclosures: Site Vicinity Map and Test Location Plan – Drawing No. 1  
Percolation Test DRN-1 and DRN-2

146679 – Raisa Sathler c.o. Kobi Karp - Trio Restaurant - 1601 Kennedy Causeway, N. Bay Village PWERC TESTS 10-20-14  
OFFICES NATIONWIDE

14486 COMMERCE WAY | MIAMI LAKES, FL 33016 | WWW.NV5.COM | OFFICE: 305.666.3563 | FBPE CA #29065

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Site Vicinity Map

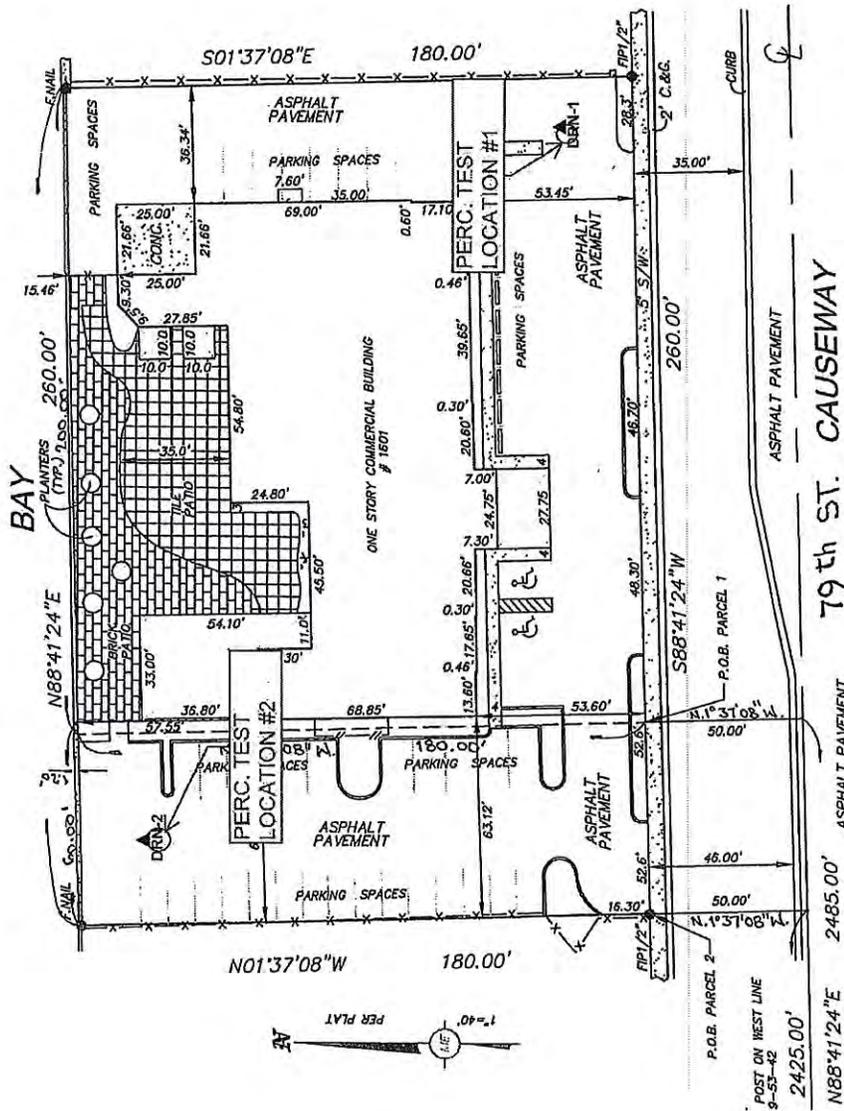


LEGEND:

▲ - Drainage Test Location  
DRN-1

NOTES:

1. Test locations shown are approximate.
2. Test location symbols are not to scale.
3. Base drawing provided by Kobi Karp Architecture



79th ST. CAUSEWAY

DRAWING TITLE: Site Vicinity Map & Test Location Plan	DWN BY: W/D
PROJECT NAME: Trio Restaurant Perc Test	CKD BY: JBB
PROJECT LOCATION: 1601 Kennedy Causeway, North Bay Village, Florida	APD BY: _____
PROJECT NO: 146679	DWG NO: 1
DATE: 10/20/14	



**RESULTS OF CONSTANT HEAD FIELD BOREHOLE DRAINAGE TEST  
NV5 PROJECT NO. 146679**

PROJECT NAME: Trio Restaurant Perc test  
 LOCATION: 1601 NE 79th Street  
 TEST NO.: DRN-1 (Refer to Test Location Plan) TEST DATE: 10/15/2014  
 TEST PERFORMED BY: D. Correa  
 APPROXIMATE GROUND SURFACE ELEVATION, FEET, NGVD: N/A  
 DEPTH TO STABILIZED GROUNDWATER, FEET: 4.7  
 DEPTH TO WATER SURFACE DURING TEST, FEET: Surface  
 HEAD, TEST HEAD, TEST HYDRAULIC HEAD, (H), FEET: 4.7  
 DEPTH OF OPEN HOLE AFTER DRILLING, FEET: 15.0  
 PERFORATED CASING LENGTH, FEET: 15.0  
 PERFORATED CASING DIAMETER, OR HOLE DIAMETER, (D), FEET: 0.5  
 LENGTH OF BOREHOLE BELOW STABILIZED GROUNDWATER, (S), FEET: 10.3  
 TIME TO STABILIZE TEST HEAD, MINUTES: 1.0  
 AVERAGE FLOW RATE AT CONSTANT HEAD, (Q), CFS: 0.06690  
 HYDRAULIC CONDUCTIVITY, (K) CFS/SQ. FT. - FOOT HEAD: 0.00071  
 FORMULA USED: SFWMD

SFWMD USUAL OPEN  
HOLE FORMULA

$$K = \frac{4Q}{3.14(D)[2(H)(H)+4(H)(S)+(H)(D)]}$$

<u>TIME, MINUTES</u>	<u>WATER METER READING,</u>	<u>WATER METER READING, END</u>	<u>FLOW RATE (Q) GALLONS/MINUTE</u>
1	85	115	30
2	115	145	30
3	145	175	30
4	175	205	30
5	205	235	30
6	235	265	30
7	265	295	30
8	295	325	30
9	325	355	30
10	355	385	30

Average (Q) = 30 GPM x 0.00223 = 0.0669 CFS

DEPTH BELOW GROUND

<u>SURFACE, (ft)</u>	<u>SOIL/ROCK DESCRIPTION</u>
0.0 to 1.0	Brown <u>LIMESTONE FRAGMENTS &amp; SAND</u> (FILL)
1.0 to 11.0	Brown <u>LIMESTONE</u>
11.0 to 15.0	Gray <u>SAND</u>

**RESULTS OF CONSTANT HEAD FIELD BOREHOLE DRAINAGE TEST  
NV5 PROJECT NO. 146679**

PROJECT NAME: Trio Restaurant Perc test  
 LOCATION: 1601 NE 79th Street  
 TEST NO.: DRN-2 (Refer to Test Location Plan) TEST DATE: 10/15/2014  
 TEST PERFORMED BY: D. Correa  
 APPROXIMATE GROUND SURFACE ELEVATION, FEET, NGVD: N/A  
 DEPTH TO STABILIZED GROUNDWATER, FEET: 3.8  
 DEPTH TO WATER SURFACE DURING TEST, FEET: 3.0  
 HEAD, TEST HEAD, TEST HYDRAULIC HEAD, (H), FEET: 0.8  
 DEPTH OF OPEN HOLE AFTER DRILLING, FEET: 15.0  
 PERFORATED CASING LENGTH, FEET: 15.0  
 PERFORATED CASING DIAMETER, OR HOLE DIAMETER, (D), FEET: 0.5  
 LENGTH OF BOREHOLE BELOW STABILIZED GROUNDWATER, (S), FEET: 11.2  
 TIME TO STABILIZE TEST HEAD, MINUTES: 1.0  
 AVERAGE FLOW RATE AT CONSTANT HEAD, (Q), CFS: 0.11150  
 HYDRAULIC CONDUCTIVITY, (K) CFS/SQ. FT. - FOOT HEAD: 0.00757  
 FORMULA USED: SFWMD

SFWMD USUAL OPEN  
HOLE FORMULA

$$K = \frac{4Q}{3.14(D)[2(H)(H)+4(H)(S)+(H)(D)]}$$

<u>TIME, MINUTES</u>	<u>WATER METER READING,</u>	<u>WATER METER READING, END</u>	<u>FLOW RATE (Q) GALLONS/MINUTE</u>
1	85	135	50
2	135	185	50
3	185	235	50
4	235	285	50
5	285	335	50
6	335	385	50
7	385	435	50
8	435	485	50
9	485	535	50
10	535	585	50

Average (Q) = 50 GPM x 0.00223 = 0.1115 CFS

DEPTH BELOW GROUND  
SURFACE, (ft)

0.0 to 1.0  
1.0 to 9.0  
9.0 to 15.0

SOIL/ROCK DESCRIPTION

Brown LIMESTONE FRAGMENTS & SAND (FILL)  
Brown LIMESTONE  
Gray SAND

**1601 Kennedy Causeway  
NORTH BAY VILLAGE, FLORIDA**

**SOUTH BASIN INFORMATION (5 YEAR STORM EVENT)**

Total Drainage Area (A) =	<b>0.590</b>	acres.
Impervious Area (A <sub>imp</sub> ) =	<b>0.480</b>	acres.
Pervious Area (A <sub>perv</sub> ) =	<b>0.110</b>	acres.
Lowest Grnd. Elev. for Prop. System =	<b>6.05</b>	feet NGVD
Proposed Lowest Grate or Weir Elevation =	<b>6.05</b>	feet NGVD
Water Table Elev. (GWT) =	<b>2.07</b>	feet NGVD
Weighted Runoff Coefficient (C):		
Runoff Coefficient Impervious (C1) =	<b>0.95</b>	
Runoff Coefficient Pervious (C2) =	<b>0.35</b>	
C = [(A1 x C1) + (A2 x C2)] / A =	<b>0.84</b>	
C x A = Total Contributing Area;	<b>0.49 (Acres)</b>	<b>21,540.42 (sft)</b>
Design storm frequency (years), T =	<b>5</b>	
Minimum time of Concentration (min.), t <sub>tc</sub> =	<b>10</b>	
Weighted Hyd. Conductivity (cfs/sf - ft), K =	<b>4.14E-03</b>	

**QUALITY VOLUME TO BE TREATED BY EXFILTRATION TRENCH**

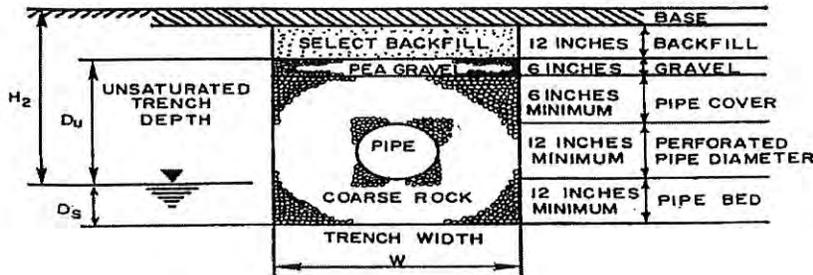
Required volume to be pre-treated through exfiltration is the highest of:

A) 1" over Site Area = 1.0 inch x Site Area (acre-in.) = 0.590 acre-in.

B) 2.5 inches x % impervious x Site Area (acre-in.) = 1.20 acre-in.

**Total required volume to be pre-treated through exfiltration, V<sub>treat</sub> = 1.20 acre-in.**

**EXFILTRATION TRENCH**

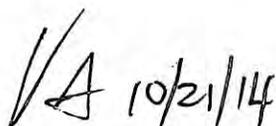


W = Trench width (ft)

$D_u$  = Non-Saturated Trench Depth (ft)

$D_s$  = Saturated Trench Depth (ft)

L = Provided Length of Exfiltration Trench

  
**WALTER M. LUGO, P.E.**  
 FL REG. No. 61747

**EXFILTRATION TRENCH LENGTH CALCULATIONS**

K =	4.14E-03	cfs/sf-ft
H <sub>2</sub> =	3.98	ft.
W =	4.00	ft.
D <sub>u</sub> =	1.98	ft.
D <sub>s</sub> =	6.02	ft.
GWT	2.07	ft.
V <sub>treat</sub>	1.20	ac-inch

Top Elevation =	6.05	ft. NGVD.
GWT =	2.07	ft. NGVD.
Pipe Diameter =	15.00	inches
Inv. Elevation =	2.07	ft. NGVD.
Bottom Elevation =	-8.95	ft. NGVD.

$\beta$ (sec)	$\gamma$ (ft <sup>2</sup> )	$\delta$ (ft <sup>2</sup> /sec)	$\alpha$ (ft <sup>3</sup> )	t <sub>cs</sub> (Sec.)	t <sub>cs</sub> (Min.)
2628	4.0	0.313	9917	182	3

Required exfiltration trench length for quality volume (ft.)	Required length of exfiltration trench for quantity volume (ft.)	Provided Length (ft)
5	11	60

**PROVIDED LENGTH = 60.0 feet**

**1601 Kennedy Causeway (5 year-1 day storm event)**

**NORTH BAY VILLAGE, FL**

**BASIN INFORMATION FOR PROP. DRAINAGE SYSTEM FOR THE GARAGE BLDG.**

Design storm frequency, T= 5 Years  
 Minimum time of Concentration,  $t_c$ = 10 Min.  
 The IDF relation used by DERM, I = 308.5/(48.6T<sup>-0.11</sup> + t(0.5895 + T<sup>-0.67</sup>))  
 Intensity, I = 6.17 (Inch/Hour)

**RATIONAL METHOD PEAK RUNOFF CALCULATIONS**

DRAINAGE BASIN ID	TOTAL DRAINAGE BASIN AREA (AC)	IMPERVIOUS AREA (AC)	PERVIOUS AREA (AC)	WEIGHTED "C" VALUE	CONTRIBUTING DRAINAGE AREA (CXA)	INTENSITY "I" (INCH/HR)	PEAK RUNOFF (Q=CIA) (CFS)
Building	0.48	0.48	0.00	0.95	0.46	6.17	2.81

**DRAINAGE WELL DESIGN**

Well Discharge Capacity: 500 gpm/ft of head.  
 Well Discharge Capacity: 1.11 cfs/ft  
 Well Diameter: 24 inches  
 Drainage Well Casing Depth: 80 feet  
 Well Mounding: 1.76 ft.  
 Ground Water Table: 2.07 ft.  
 Provided Well Structures Min. Top Elevation: 8.00 ft. N.G.V.D.

DRAINAGE BASIN ID	AVAILABLE EFFECTIVE HEAD (FT. NGVD)	WELL CAPACITY (CFS/WELL)	DRAINAGE BASIN AREA (AC.)	PEAK RUNOFF (CFS)	NUMBER OF WELLS PROPOSED	TOTAL WELLS CAPACITY (CFS)	SAFETY FACTOR
Total Site	4.17	4.65	0.480	2.81	1.00	4.65	1.65



Miami Office

GEOTECHNICAL ENGINEERING | FOUNDATION ENGINEERING | GEOTECHNICAL TESTING | SOIL BORINGS/MONITORING WELLS | CONSTRUCTION MATERIALS TESTING

October 20, 2014

Ms. Raisa Sathler  
c/o Kobi Karp Architecture  
2915 Biscayne Boulevard  
Suite 200  
Miami, Florida 33137

Reference: Percolation Tests  
**Trio Restaurant**  
1601 Kennedy Causeway  
North Bay Village, Florida  
Project No. 146679

Dear Ms. Sathler,

Enclosed herewith please find the results of Percolation Test Report No. DRN-1 and DRN-2 performed by NV5 at the above referenced project, in general accordance with the South Florida Water Management District - Usual Open Hole Test Procedure.

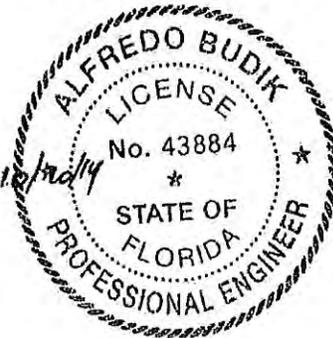
The test was performed at 15 feet deep each at the indicated locations. The results of the test and remarks regarding the test procedure are shown in the enclosed report. The hydraulic conductivity for the "Usual Open Hole" tests at the requested location is as follows:

TEST NUMBER	TEST DEPTH	HYDRAULIC CONDUCTIVITY (CFS/FT <sup>2</sup> - FT HEAD)
P-1	15-feet	$K = 7.1 \times 10^{-4}$
P-2	15-feet	$K = 7.57 \times 10^{-3}$

We appreciate the opportunity to provide our engineering services on this project. If you have any questions regarding these tests or if we may be of further assistance, please contact our office.

Respectfully submitted,  
NV5, Inc.

Alfredo Budik, P.E.  
Senior Engineer  
Florida License No. 43884



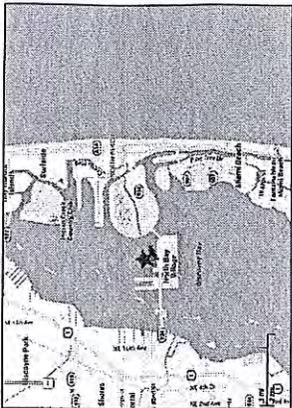
Distribution: 2 – Client

Enclosures: Site Vicinity Map and Test Location Plan – Drawing No. 1  
Percolation Test DRN-1 and DRN-2

146679 – Raisa Sathler c.o. Kobi Karp – Trio Restaurant - 1601 Kennedy Causeway, N. Bay Village PWERC TESTS 10-20-14  
OFFICES NATIONWIDE

14486 COMMERCE WAY | MIAMI LAKES, FL 33016 | WWW.NV5.COM | OFFICE: 305.666.3563 | FBPE CA #29065

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Site Vicinity Map



LEGEND:

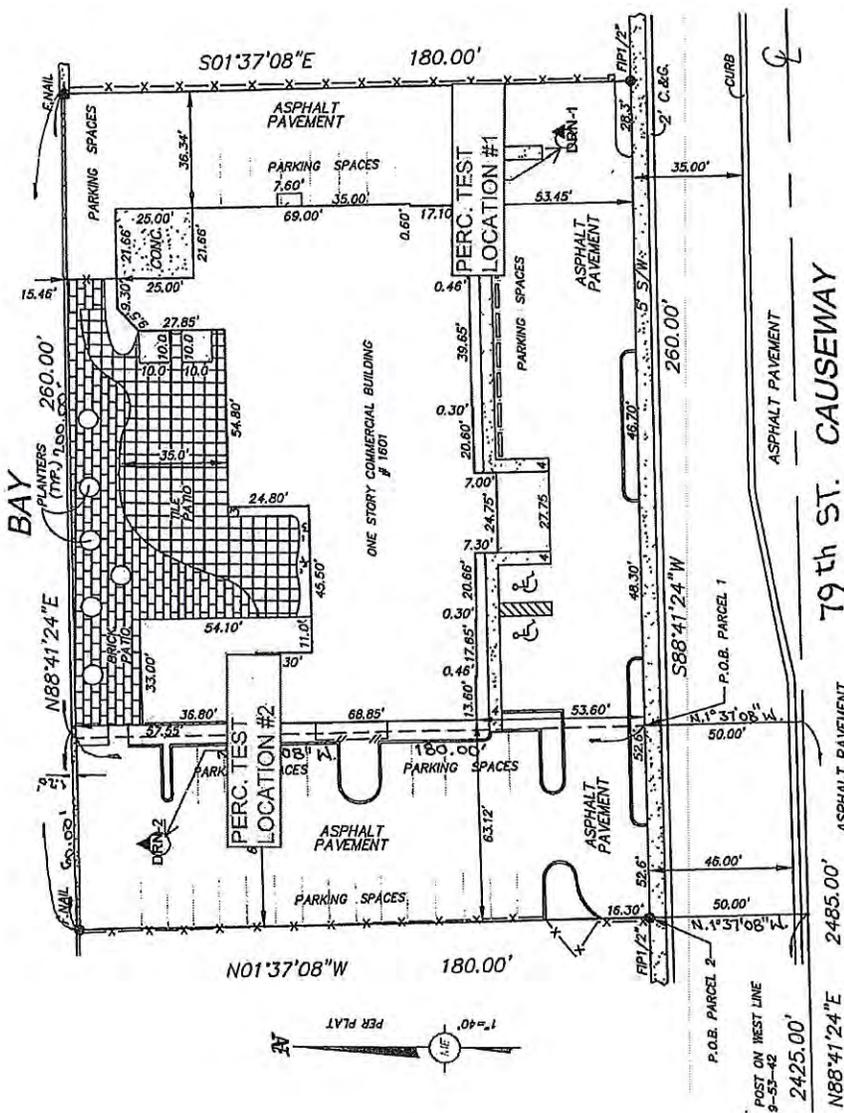
▲ Drainage Test Location  
DRN-1

NOTES:

1. Test locations shown are approximate.
2. Test location symbols are not to scale.
3. Base drawing provided by Kobi Karp Architecture

DWN BY: *W/O*  
CKD BY: *JJB*  
APD BY: *---*

PROJECT NO: 146679  
DATE: 10/20/14  
DWG NO: 1



DRAWING TITLE: Site Vicinity Map & Test Location Plan  
PROJECT NAME: Trio Restaurant Perc Test  
PROJECT LOCATION: 1601 Kennedy Causeway, North BayVillage, Florida



**RESULTS OF CONSTANT HEAD FIELD BOREHOLE DRAINAGE TEST  
NV5 PROJECT NO. 146679**

PROJECT NAME: Trio Restaurant Perc test  
 LOCATION: 1601 NE 79th Street  
 TEST NO.: DRN-1 (Refer to Test Location Plan) TEST DATE: 10/15/2014  
 TEST PERFORMED BY: D. Correa  
 APPROXIMATE GROUND SURFACE ELEVATION, FEET, NGVD: N/A  
 DEPTH TO STABILIZED GROUNDWATER, FEET: 4.7  
 DEPTH TO WATER SURFACE DURING TEST, FEET: Surface  
 HEAD, TEST HEAD, TEST HYDRAULIC HEAD, (H), FEET: 4.7  
 DEPTH OF OPEN HOLE AFTER DRILLING, FEET: 15.0  
 PERFORATED CASING LENGTH, FEET: 15.0  
 PERFORATED CASING DIAMETER, OR HOLE DIAMETER, (D), FEET: 0.5  
 LENGTH OF BOREHOLE BELOW STABILIZED GROUNDWATER, (S), FEET: 10.3  
 TIME TO STABILIZE TEST HEAD, MINUTES: 1.0  
 AVERAGE FLOW RATE AT CONSTANT HEAD, (Q), CFS: 0.06690  
 HYDRAULIC CONDUCTIVITY, (K) CFS/SQ. FT. - FOOT HEAD: 0.00071  
 FORMULA USED: SFWMD

SFWMD USUAL OPEN  
HOLE FORMULA

$$K = \frac{4Q}{3.14(D)[2(H)(H)+4(H)(S)+(H)(D)]}$$

TIME, MINUTES	WATER METER READING,	WATER METER READING, END	FLOW RATE (Q) GALLONS/MINUTE
1	85	115	30
2	115	145	30
3	145	175	30
4	175	205	30
5	205	235	30
6	235	265	30
7	265	295	30
8	295	325	30
9	325	355	30
10	355	385	30

Average (Q) = 30 GPM x 0.00223 = 0.0669 CFS

DEPTH BELOW GROUND  
SURFACE, (ft)

0.0 to 1.0  
1.0 to 11.0  
11.0 to 15.0

SOIL/ROCK DESCRIPTION

Brown LIMESTONE FRAGMENTS & SAND (FILL)  
Brown LIMESTONE  
Gray SAND

**RESULTS OF CONSTANT HEAD FIELD BOREHOLE DRAINAGE TEST  
NV5 PROJECT NO. 146679**

PROJECT NAME: Trio Restaurant Perc test  
 LOCATION: 1601 NE 79th Street  
 TEST NO.: DRN-2 (Refer to Test Location Plan) TEST DATE: 10/15/2014  
 TEST PERFORMED BY: D. Correa  
 APPROXIMATE GROUND SURFACE ELEVATION, FEET, NGVD: N/A  
 DEPTH TO STABILIZED GROUNDWATER, FEET: 3.8  
 DEPTH TO WATER SURFACE DURING TEST, FEET: 3.0  
 HEAD, TEST HEAD, TEST HYDRAULIC HEAD, (H), FEET: 0.8  
 DEPTH OF OPEN HOLE AFTER DRILLING, FEET: 15.0  
 PERFORATED CASING LENGTH, FEET: 15.0  
 PERFORATED CASING DIAMETER, OR HOLE DIAMETER, (D), FEET: 0.5  
 LENGTH OF BOREHOLE BELOW STABILIZED GROUNDWATER, (S), FEET: 11.2  
 TIME TO STABILIZE TEST HEAD, MINUTES: 1.0  
 AVERAGE FLOW RATE AT CONSTANT HEAD, (Q), CFS: 0.11150  
 HYDRAULIC CONDUCTIVITY, (K) CFS/SQ. FT. - FOOT HEAD: 0.00757  
 FORMULA USED: SFWMD

SFWMD USUAL OPEN  
HOLE FORMULA

$$K = \frac{4Q}{3.14(D)[2(H)(H)+4(H)(S)+(H)(D)]}$$

TIME, MINUTES	WATER METER READING,	WATER METER READING, END	FLOW RATE (Q) GALLONS/MINUTE
1	85	135	50
2	135	185	50
3	185	235	50
4	235	285	50
5	285	335	50
6	335	385	50
7	385	435	50
8	435	485	50
9	485	535	50
10	535	585	50

Average (Q) = 50 GPM x 0.00223 = 0.1115 CFS

DEPTH BELOW GROUND  
SURFACE, (ft)

0.0 to 1.0  
1.0 to 9.0  
9.0 to 15.0

SOIL/ROCK DESCRIPTION

Brown LIMESTONE FRAGMENTS & SAND (FILL)  
 Brown LIMESTONE  
 Gray SAND

**VAZQUEZ | CARBALLO**  
Attorneys at Law

Gerardo A. Vazquez  
gv@vazquezcarballo.com

November 19, 2014

***Via Electronic Mail***

Ms. Yvonne Hamilton  
Clerk of North Bay Village  
Administrative Offices  
1666 Kennedy Causeway, Suite 300  
North Bay Village, FL 33141

**LETTER OF INTENT**

**Re: Property located at 1601 Kennedy (79<sup>th</sup> Street) Causeway  
Folio No. 23-3209-000-0040 and 23-3209-000-0031**

Dear Ms. Hamilton:

Please allow this letter to serve as our Notice of Intent on behalf of our client, Brickway Investments, Corp. (the "Applicant"), for its application for site plan approval and related variances with the development of the Property discussed below.

**A. THE PROPERTY**

The Property subject to the site application and related variances is located at 1601 Kennedy Causeway (79<sup>th</sup> Street), North Bay Village, FL 33141. The Property consists of 46,800 square feet/1.074 acres. The Property contains 150 feet of linear frontage along North Kennedy Causeway and the bay, and runs 180 feet deep. The Property previously provided restaurant service to the public.

**B. ZONING AND LAND USE**

The City designated the location where the Property resides as "Commercial" pursuant to the North Bay Village Comprehensive Master Plan and zoned the area as "Commercial General" pursuant to North Bay Village's Land Development Regulations.

The proposed development on the Property consists of a multi-use, multi-family residential development with ground floor restaurant use. Therefore, pursuant to the North Bay Village Code, § 152.029 - RM-70 High Density Multiple-Family Residential District – governs this development.

### **C. PROPOSED DEVELOPMENT**

Our client proposes to develop a 75-unit, high-end residential development consisting of 45 two-bedroom and 30 three-bedroom units in a 22-story, 240 foot height structure. The development will also contain 6,135 feet of commercial space consisting of a 2,135 square foot commercial retail space, a 2,000 square foot commercial office space and a 2,000 square foot commercial restaurant space featuring indoor and outdoor seating with attractive views of the bay. The ground floor contains a luxurious 2,551 square foot lobby.

The parking consists of 4 parking levels immediately above the ground floor containing a total of 234 parking spaces, which include 5 ADA parking spaces (12x18), 185 standard parking spaces (9x18) and 32 compact parking spaces (8x16). The ground level includes 12 parallel parking spaces (9x23).

The residential units commence on the 7<sup>th</sup> floor and end at the 21<sup>st</sup> floor. Each of these floors contains 5 residential units – 3 two-bedroom and 2 three-bedroom units.

The sixth floor buffers the residential units from the parking garage and features a swimming pool, spa pool, outdoor seating and two multi-purpose rooms.

The penthouse floor, the 22<sup>nd</sup> floor, contains five roof terraces with spectacular views of the bay and metropolitan area.

### **D. DENSITY AND BONUS**

Pursuant to the Village Code and Comprehensive Plan, the maximum achievable density is 70 units per acre.

Based on the 46,800 square foot Property, a maximum of 75 residential dwelling units is permitted under the Village Comprehensive Plan.

Pursuant to Section 152.029(c)(3), the Property may be developed with a maximum of 66 units as of right based on a density of 63.6 units per acre for two bedroom units and 58.1 units per acre for three bedrooms. Section 152.29(C)(8)(h) authorizes a density bonus up to a maximum of 70 units per acre. Our client is seeking a total of 75 units. Therefore, our client is seeking a 9 unit density bonus at \$40,000 per unit, pursuant to Section 152.029 (c)(8)(h), totaling \$360,000.

### **E. HEIGHT**

Mixed-use, commercial and multi-family structures are permitted under the "Commercial General" District, subject to the RM-70 high-density multi-family district development standards, as set forth in §152.029(c). Pursuant to §152.029(c), the RM-70 district regulations provide for a height of 15 stories or 150 feet as-of-right, with the ability to exceed 150 feet in exchange for certain additional impact fees based on the height as detailed pursuant to §152.029(c)(8).

Our client seeks a bonus of 90 feet in height, which can be acquired for the payment of \$6,750 per unit in the building. Based on the number of units in the building, a bonus of \$506,250 is contemplated as impact payment to North Bay Village. Therefore, please consider this as our request for bonus height pursuant to §152.029(c)(8) of the North Bay Village Code of Ordinances. We will discuss the Village the most appropriate category of height bonus to be utilized.

### **F. VARIANCES**

Our client is requesting a variance from the Miami-Dade County, Code of Ordinances §33D-38(1)(b) to waive the shoreline setback for buildings exceeding 35 feet in height for a maximum of 75 feet. The variance proposes a North /Rear setback of 25 feet.

### **G. SPECIAL EXCEPTION**

In connection with the proposed design of the building, our client is requesting a special exception to provide up to 13.7% compact spaces; which equals 32 compact spaces of the total of 234 parking spaces.

### **Parking Stall Widths and Length**

The Village Code limits the parking garage to a maximum of four stories of the structure and requires the structure above ground to set back a certain distance from the side property lines. However, based on the size of the lot and requisite garage functionality and efficiency, a minimum width of the parking garage is required.

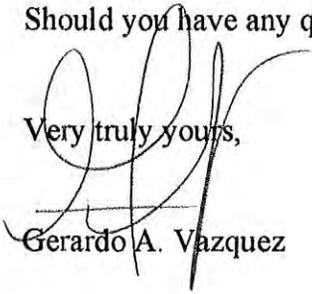
Pursuant to the North Bay Village Code, standard parking stalls are 9 feet by 18 feet in length, and compact stalls are 8 feet by 16 feet in length. The proposed development contains parking stalls that range between 9 feet by 18 feet in length for standard spaces and 8 feet by 16 feet in length for compact spaces. The Village Code contemplates up to 20% of the parking to be compact stalls at 8 feet by 16 feet, as part of

the public hearing approval process. In order to design a functional garage and not encroach into the setback, the parking stall lengths have been reduced slightly in accordance with the Village Code. A review of the parking stalls and locations illustrate that garage is functionally designed and that the stalls have a larger back-out area based on the ramps and circulation, and the size of the compact parking stalls only affect certain spaces, and are entirely internal to the building.

Further, as evidence by the language of Section 152.042 of the Village Code, the size of the parking stalls were to relieve congestion in the streets, especially for commercially used spaces. Because the affected parking stalls are located entirely internal to the structure, the reduction in the parking dimensions will not negatively impact congestion in the streets, does not increase the permitted density or maximum number of units, and, in fact, allows for the structure to maintain property setbacks and visual corridors. Therefore, Section 152.042 supports the reduced parking stall request. Please consider this our request for a special exception for compact and reduced parking spaces as authorized under Section 152.042 of the code.

Based on the foregoing, we respectfully request the Village's favorable review. Should you have any questions, please do not hesitate to contact our office.

Very truly yours,



Gerardo A. Vazquez



## North Bay Village

Administrative Offices

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

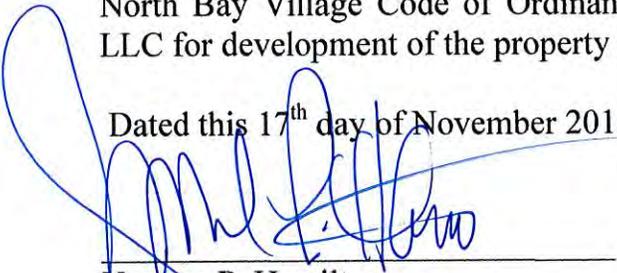
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: [www.nbvillage.com](http://www.nbvillage.com)

**RE. AN APPLICATION BY BRICKELL VILLAGE 79, LLC CONCERNING PROPERTY LOCATED AT 1601 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. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.**
- C. BUILDING HEIGHT BONUS REVIEW TO 240 FEET PURSUANT TO SECTION 152.029(C)(8)A THROUGH 8F.**
- D. DENSITY BONUS REVIEW PURSUANT TO SECTION 152.029(C)(8)H.**
- E. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 75-UNIT, 22-STORY CONDOMINIUM STRUCTURE WITH A PARKING GARAGE.**

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 Brickell Village 79, LLC for development of the property at 1601 Kennedy Causeway is complete.

Dated this 17<sup>th</sup> day of November 2014.

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

(North Bay Village Planning & Zoning Board Meeting – December 2, 2014)

Mayor  
Connie Leon-Kreps

Vice Mayor  
Jorge Gonzalez

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Eddie Lim



## North Bay Village

Administrative Offices

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

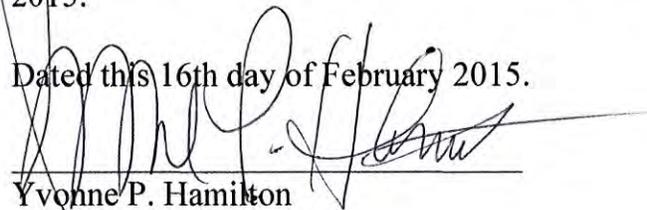
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: [www.nbvillage.com](http://www.nbvillage.com)

**RE. AN APPLICATION BY BRICKELL VILLAGE 79, LLC CONCERNING PROPERTY LOCATED AT 1601 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING: (FINAL 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.**
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I, Yvonne P. Hamilton, hereby certify that the attached Notice of Public Hearing to be held on February 24, 2015 was posted at the above-referenced property on February 12, 2015.

Dated this 16th day of February 2015.

  
Yvonne P. Hamilton  
Village Clerk

(Commission Meeting-2/24/2015)

Mayor  
Connie Leon-Kreps

Vice Mayor  
Jorge Gonzalez

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Eric Kim



## North Bay Village

Administrative Offices

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

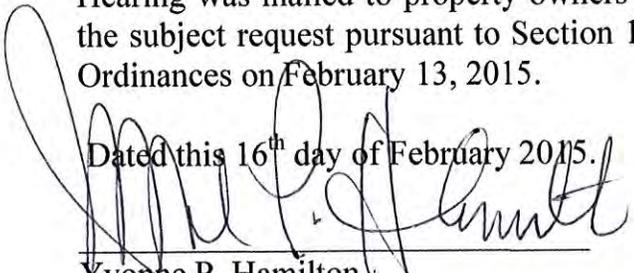
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: [www.nbvillage.com](http://www.nbvillage.com)

**RE. AN APPLICATION BY BRICKELL VILLAGE 79, LLC CONCERNING PROPERTY LOCATED AT 1601 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING: (FINAL 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.**
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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 February 13, 2015.

Dated this 16<sup>th</sup> day of February 2015.

  
Yvonne P. Hamilton  
Village Clerk

(Commission Meeting -2/24/2015)

Mayor  
Connie Leon-Kreps

Vice Mayor  
Jorge Gonzalez

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Eddie Lim



**NORTH BAY VILLAGE  
NOTICE OF PUBLIC HEARING**

PUBLIC NOTICE IS HEREBY GIVEN THAT THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A SPECIAL MEETING ON **TUESDAY, FEBRUARY 24, 2015** 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 AT PUBLIC HEARING:

- 1. AN APPLICATION BY BRICKELL VILLAGE 79, LLC CONCERNING PROPERTY LOCATED AT 1601 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING: *(FINAL 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. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.**
  - C. BUILDING HEIGHT BONUS REVIEW TO 240 FEET PURSUANT TO SECTION 152.029(C)(8)A THROUGH 8F.**
  - D. DENSITY BONUS REVIEW PURSUANT TO SECTION 152.029(C)(8)H.**
  - E. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 75-UNIT, 22-STORY CONDOMINIUM STRUCTURE WITH A PARKING GARAGE.**

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  
(February 10, 2015)

B&L Management Group  
1870 N.W. S. River Drive  
Miami, FL 33125

Brickway Investments Corp.  
900 Biscayne Boulevard, #1202  
Miami, FL 33132

Bayview Condominium  
1625 Kennedy Causeway  
N. Bay Village, FL 33141

Baymar Hotels & Properties, Inc.  
1600 N.E. 79<sup>th</sup> Street  
N. Bay Village, FL 33141

Entelequia Group LLC  
1580 Kennedy Cswy.  
N. Bay Village, FL 33141

Baymar Hotels & Properties, Inc.  
1624 N.E. 79<sup>th</sup> Street  
N. Bay Village, FL 33141

Causeway Tower LLC  
1666 Kennedy Causeway, #610  
N. Bay Village, FL 33141

BMS North Bay Village, LLC  
1550 Kennedy Causeway  
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

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,  
#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

## KEEPING KIDS FIT

# Vaccinate your children against the measles

BY JUDY SCHAECHTER  
JHealthSystem.com

With last week's news that many infected with measles had recently traveled through Florida, the reality of the national measles epidemic was brought home. What started out with a few cases tied to Disneyland in California has become an outbreak that is impacting more than 100 people — the majority of whom were unvaccinated — in 14 reported states.

Measles, a contagious virus that enters the body through the nose, mouth and eyes, is known for its high fever, rash, conjunctivitis and runny nose. It infects 90 percent of those who have not been immunized, including babies too young to receive the vaccine. Though most people recover, some patients get pneumonia while others get measles encephalitis or even die. The very young and the unvaccinated, including pregnant women, are most at risk.

Health officials — and even President Barack Obama — have responded to this latest outbreak by encouraging people to get vaccinated and make sure their children are immunized. The most effective protection from the measles is through vaccination.

Children are typically vaccinated as part of their well-visit schedule. The measles injection is administered through the measles, mumps and rubella vaccine (MMR) that is given twice — first between the ages of 12 and 15 months and again between ages 4 and 6. It is important to note that vaccines, including MMR, are eligible to all children, whether citizens or undocumented immigrants.

So, if MMR has been proven effective, is part of the childhood vaccination schedule and available to all, why are people choosing to forgo it? Unfortunately, MMR is often incorrectly cited as a vaccine that triggers autism in young children. Though more than a decade of research has provided no scientific evidence to corroborate this misguided perception, fear lingers in parents who by trying to protect their kids could actually be harming them when denying them the measles vaccine.

Physicians thought measles were eliminated in the United States in 2000. But that designation was made with the understanding that the public would continue being vaccinated. Sadly, that has not been the case. When people, even small groups of people, stop vaccinating against disease, it creeps back.

Measles is spread through direct contact and passage of respiratory droplets by a cough or sneeze. But germs left in the air or on a surface remain viable even hours after an infected person shares the virus. So, the contagious person might be gone from the area, but the invisible measles lives on.

People are contagious four days before until four days after the rash. Most do not realize they have measles at least a few hours after being exposed to the virus. So, the contagious person might be gone from the area, but the invisible measles lives on.

Outbreaks of measles have become more common in the past decade, usually introduced by international visitors. But the disease is spread in our population by those choosing to forgo immunization. Last year we experienced an unprecedented 644 cases of measles in the United States, and we are on track to have another record number of cases this year.

Though South Florida has yet to report any cases in this year, the possibility for the introduction of measles or other preventable viruses into our community is high due to our status as an international gateway. Deadly diseases may come from distant continents, or they may be common childhood diseases spread in our parks, schools, houses of worship or even at kids' birthday parties. In the case of measles and other vaccine-preventable diseases, we can stop these outbreaks by immunizing our children and ourselves, for our own health and those around us.

Without knowing it, unvaccinated children and the adults they grow into can pass disease to someone else's child — perhaps a child who because of medical reasons is unable to be vaccinated. Instead of going vaccine-free and potentially infecting your child and others while sitting next to them on an amusement park ride, at school or on a plane, choose to protect your health and that of your loved ones and neighbors. Make an appointment with your doctor to get your vaccines up to date.

*Dr. Judy Schaechter is interim chairwoman of the Department of Pediatrics at the University of Miami Miller School of Medicine and chairs Miami-Dade County's Immunization Coalition.*



### NORTH BAY VILLAGE NOTICE OF PUBLIC HEARING

PUBLIC NOTICE IS HEREBY GIVEN THAT THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A SPECIAL MEETING IN PUBLIC HEARING, FEBRUARY 24, 2015 AT 7:00 P.M. OR AS SOON AS POSSIBLE THEREAFTER, AT VILLAGE HALL, 1666 KENNEDY CAUSEWAY, 3RD FL, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING, THE COMMISSION WILL CONSIDER THE FOLLOWING: (FOR LIST)

1. AN APPLICATION BY CHATEAU ISLE, INC. CONCERNING PROPERTY LOCATED AT 7930-7941 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA, FOR A PARKING WAIVER PURSUANT TO SECTION 152.044(6)(2) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES. (DELETED FEBRUARY 23, 2015)
  2. AN APPLICATION BY 7940 WEST DRIVE, LLC CONCERNING PROPERTY LOCATED AT 7938 AND 7940 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING: (FINAL PUBLIC HEARING) (DELETED FEBRUARY 23, 2015)
    - A. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNATED SPECIFICALLY FOR COMPACT VEHICLES.
    - B. BONUS DENSITY APPROVAL, PURSUANT TO SECTION 152.029(C)(8)(H) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.
    - C. SITE PLAN APPROVAL, PURSUANT TO SECTION 152.106(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 54-UNIT, 15-STORY CONDOMINIUM STRUCTURE WITH A PARKING GARAGE.
    3. AN APPLICATION BY BAY VILLAGE VENTURE, LLC CONCERNING PROPERTY LOCATED AT 1725 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING: (FINAL PUBLIC HEARING)
      - A. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(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. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNATED SPECIFICALLY FOR COMPACT VEHICLES.
      - C. BONUS DENSITY APPROVAL, PURSUANT TO SECTION 152.029(C)(8)(H) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.
      - D. BONUS HEIGHT APPROVAL, PURSUANT TO SECTION 152.029(C)(8)(A)-F OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.
      - E. 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.
      - F. SITE PLAN APPROVAL, PURSUANT TO SECTION 152.106(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 44-UNIT, 19-STORY MIXED USE CONDOMINIUM STRUCTURE WITH A PARKING GARAGE.
      4. AN APPLICATION BY BRICKELL VILLAGE 79, LLC CONCERNING PROPERTY LOCATED AT 1601 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING: (FINAL PUBLIC HEARING)
        - A. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(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. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNATED SPECIFICALLY FOR COMPACT VEHICLES.
        - C. BUILDING HEIGHT BONUS REVIEW TO 240 FEET PURSUANT TO SECTION 152.029(C)(8)(A) THROUGH (C)(H).
        - D. DENSITY BONUS REVIEW PURSUANT TO SECTION 152.029(C)(8)(H).
        - E. SITE PLAN APPROVAL, PURSUANT TO SECTION 152.106(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 75-UNIT, 22-STORY CONDOMINIUM STRUCTURE WITH A PARKING GARAGE.
        5. AN APPLICATION BY ORLANDO LAMA ON BEHALF OF GRANVIEW PALACE YACHT CLUB, INC. FOR INSTALLATION OF TWO NEW BOWLIFTS AT THE COMMERCIAL MARINA, AT 7401 E. TRESAISE DRIVE, TRESAISE ISLAND, NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTION 150.119(9) OF THE VILLAGE CODE.
- 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, CO THE VILLAGE CLERK, 1666 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FL 33151.
- THE DECLARATIONS PERTAINING TO THIS PUBLIC HEARING MAY BE INSPECTED AT THE OFFICE OF THE VILLAGE CLERK DURING BUSINESS HOURS AT 1666 KENNEDY CAUSEWAY, #300. INQUIRIES MAY BE DIRECTED TO TIVA DEPARTMENT AT (954) 756-7171.
- PURSUANT TO SECTION 286.0106, ELODIA SANTIAGO, IF ANY PERSON DESIRES TO APPEAL ANY DECISION BY THE COMMISSION WITH DISAPPROVAL, AND/OR ANY ACTION TAKEN BY THE COMMISSION TO DENY OR APPROVE ANY APPLICATION FOR PERSONS WITH DISABILITIES, AND/OR ANY ACTION TAKEN BY THE COMMISSION TO DENY OR APPROVE ANY APPLICATION FOR PERSONS WITH DISABILITIES, PLEASE CONTACT (954) 756-7171 BY EMAIL OR IN ADVANCE TO NOTIFY YOUR REQUEST. TTY USERS MAY ALSO CALL (954) 756-7171.
- THIS NOTICE DOES NOT CONSTITUTE THE CONSENT BY THE VILLAGE FOR THE INSTALLATION OR AMENDMENT OF OTHER USES INDETERMINABLE FOR RELEVANT PURPOSES. NONE DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.
- YVONNE P. HAMILTON, CLERK  
FEBRUARY 6, 2015

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

**A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA APPROVING A REQUEST BY BRICK VILLAGE, LLC FOR SITE PLAN APPROVAL PURSUANT TO SECTIONS 152.105(C)(9) AND 152.030(C)(3) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 75 UNIT, 22 STORY MIXED USE COMMERCIAL AT 1601 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, 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.**

**WHEREAS**, pursuant to Section 152.105(C)(9) of the North Bay Village Code of Ordinances (the “Village Code”), Brick Village, LLC, has applied to North Bay Village for approval of a Site Plan to construct a 75-unit, 22 story mixed use commercial structure at 1601 Kennedy Causeway, in the CG (General Commercial) Zoning District utilizing the bonus height and bonus density provisions pursuant to Section 152.029(C)(8); and

**WHEREAS**, Section 152.105(C)(9) and Section 152.102 of the Village Code set forth the authority of the Village Commission to consider and act upon an application for Site Plan approval.

**WHEREAS**, in accordance with Section 152.096 of the Village Code, a public hearing by the Planning and Zoning Board was noticed for December 2, 2014 at 7:30 P.M. at Village Hall, 1666 Kennedy Causeway, Suite #101, North Bay Village, Florida 33141 and the Planning and Zoning Board reviewed the application, conducted a public hearing and recommended approval of the request with conditions; and

**WHEREAS**, in accordance with Section 152.096 of the Village Code, public hearings by the Village Commission were noticed for January 27, 2015 at 7:30 p.m. and February 24, 2015 at 7:30 P.M. at Village Hall, 1666 Kennedy Causeway, #101, North Bay Village, Florida 33141 and all interested parties have had the opportunity to address their comments to the Village Commission; and

**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 into this Resolution by this reference.

**Section 2. Finding.**

In accordance with Section 152.105(9) of the Village Code, the Village Commission finds that the proposed Site Plan for construction of a 75-unit, 22-story mixed use commercial structure:

- A. Protects against and minimizes any undesirable effects upon contiguous and nearby property.
- B. Provides sufficient off-street parking and loading facilities so that it will not be necessary to use the streets in the vicinity for this purpose.
- C. Provides sufficient setbacks, open space, and landscaping in order to protect and enhance the appearance and character of the neighborhood.
- D. Can be accommodated by existing community roads, services, and utilities, or the necessary additions are provided by the developer.

**Section 3. Grant.**

The Site Plan to construct a 43 unit, 19 story mixed use commercial structure with a parking garage at 1601 Kennedy Causeway, North Bay Village, Florida, as attached and incorporated herein as Exhibit "A" entitled "1601 Kennedy Causeway, North Bay Village, Florida" dated November 21, 2014 and consisting of Sheets A0.00, A0.00, A0.001, LCVR, L001, LAER, L&ND, L101, L300, L301, L302, L600, L700, L701, L702, L703, L704, L705, A0.01, A1.01, A2.00, A3.00, A3.01, A3.02, A3.03, A3.04, A3.05, A3.06, A4.00, A4.01, A4.02, A4.03, A5.00, A5.01, C100, C200, C300, C400, and Revised Sheet L703 and L800, L801, L802, L803 dated January 26, 2015 prepared by International Design Engineer Architecture is hereby approved.

**Section 4. Conditions.**

The Site Plan is approved with the condition that the following items are met prior to issuance of a Building Permit:

1. All required landscape plants must meet the minimum required planting size at time of planting.
2. The public access easement and boardwalk shall be dedicated and recorded. Applicant shall agree, in writing, that the boardwalk shall be open to the public daily, during hours to be determined by the Village; and boardwalk lighting shall remain on while boardwalk is open to the public.
3. Applicant shall not lease or sell parking spaces.
4. Applicant shall not charge for guest parking.
5. All residents and guests shall park on-site.
6. Applicant shall provide site plan approval from Miami-Dade Shoreline Review Committee.
7. School Board Concurrency requirements shall be met, as determined by School Board Staff.
8. Applicant shall pay of any applicable impact fees.
9. Applicant shall pay bonus height fees, as required under Section 152.029(C)8.
10. Applicant shall pay bonus density fees, as required under Section 152.029(C)8.
11. The project shall tie-in to Village's wastewater system at a Village designated proximate location (proposed connection point) and payment of pro-rata costs involved in tying into appropriate connection point.
12. 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.

13. Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.
14. 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.
15. All applicable state and federal permits must be obtained before commencement of construction.

**Section 5. Appeal.**

In accordance with Section 152.104 of the Village Code, the Applicant, or any aggrieved property owner, may appeal the decision of the Village Commission by filing a Writ of Certiorari to the Circuit Court of Miami-Dade County, Florida, in accordance with the Florida Rules of Appellate Procedure.

**Section 6. Violation of Conditions.**

Failure to adhere to the terms and conditions contained in this Resolution in Section 4, if any, shall be considered a violation of this Resolution and persons found violating the conditions shall be subject to the penalties prescribed by the Village Code, including but not limited to, the revocation of any of the approval(s) granted in this Resolution. The Applicant understands and acknowledges that it must comply with all other applicable requirements of the Village Code before it may commence construction or operation, and that the foregoing approval in this Resolution may be revoked by the Village at any time upon a determination that the Applicant is in non-compliance with the Village Code.

**Section 7. Effective Date.**

This Resolution shall become effective upon its adoption.

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

**FINAL VOTE AT ADOPTION:**

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

PASSED and ADOPTED this 24th day of February 2015.

\_\_\_\_\_  
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: 1601 Kennedy Causeway Development-Site Plan

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

**A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY BRICK VILLAGE 79, LLC FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTION 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 AT 1601 KENNEDY CAUSEWAY; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Section 152.098 and 152.030(C) of the North Bay Village Code of Ordinances (the “Village Code”), Brick Village 79, LLC has applied to North Bay Village for approval of a Special Use Exception for development of a mixed-use commercial structure in the CG (General Commercial) Zoning District at 1601 Kennedy Causeway; and

**WHEREAS**, Section 152.098 and Section 152.102 of the Village Code set forth the authority of the Village Commission to consider and act upon an application for a Special Use Exception specified in Section 152.098; and

**WHEREAS**, in accordance with Section 152.096 of the Village Code, a public hearing by the Planning and Zoning Board was noticed for December 2, 2014, at 7:30 P.M. at 1666 Kennedy Causeway, #101, North Bay Village, Florida and the Planning and Zoning Board reviewed the application, conducted a public hearing and recommended approval of the request; and

**WHEREAS**, in accordance with Section 152.096 of the Village Code, public hearings by the Village Commission were noticed February 24, 2015 at 7:30 P.M. at the Village Hall, 1666 Kennedy Causeway, #101, North Bay Village, Florida 33141 and all interested parties have had the opportunity to address their comments to the Village Commission; and

**WHEREAS**, the Village Commission has reviewed the application, and considered the recommendation of the Planning and Zoning Board and comments from the public, and determined that the proposed use does not substantially affect adversely the subject property or adjacent properties.

**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 into this Resolution by this reference.

**Section 2.     Finding.**

1. In accordance with Section 152.098 of the Village Code, the Village Commission finds that the proposed Special Use Exception for development of a mixed-use commercial structure in the CG (General Commercial) Zoning District will not substantially affect adversely the uses permitted in these regulations of adjacent property.

**Section 3. Grant.**

The Special Use Exception request for development of a mixed-use commercial structure in the CG (General Commercial) Zoning District at 1601 Kennedy Causeway, North Bay Village, Florida is hereby granted.

**Section 4. Appeal.**

In accordance with Section 152.104 of the Village Code, the Applicant, or any aggrieved property owner, may appeal the decision of the Village Commission by filing a Writ of Certiorari to the Circuit Court of Miami-Dade County, Florida, in accordance with the Florida Rules of Appellate Procedure.

**Section 5. Effective Date.**

This Resolution shall become effective upon its adoption.  
The motion to adopt the foregoing Resolution was offered by \_\_\_\_\_, seconded by \_\_\_\_\_.

**FINAL VOTE AT ADOPTION:**

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

PASSED and ADOPTED this 24th day of February 2015.

\_\_\_\_\_  
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: 1601 Kennedy Causeway Development-Special Use Exception

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

**A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY BRICK VILLAGE 79, LLC, 1601 KENNEDY CAUSEWAY, 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.**

**WHEREAS**, pursuant to Section 152.098 and 152.042(E) of the North Bay Village Code of Ordinances (the "Village Code"), Brick Village 79, LLC has applied to North Bay Village for approval of a special use exception to allow up to 20 percent of the parking spaces for development of a 75 dwelling unit, 22 story mixed-use structure at 1601 Kennedy Causeway, North Bay Village, Florida to be designed specifically for compact vehicles; and

**WHEREAS**, Section 152.098 and Section 152.102 of the Village Code set forth the authority of the Village Commission to consider and act upon an application for a special use exception specified in Section 152.098; and

**WHEREAS**, in accordance with Section 152.096 of the Village Code, a public hearing by the Planning and Zoning Board was noticed for Tuesday, December 2, 2014, at 7:30 P.M. at Village Hall, 1666 Kennedy Causeway, #101, North Bay Village, Florida and the Planning and Zoning Board reviewed the application, conducted a public hearing and recommended approval of the request; and

**WHEREAS**, in accordance with Section 152.096 of the Village Code, a public hearing by the Village Commission was noticed for Tuesday, February 24, 2015 at 7:30 P.M. at Village Hall, 1666 Kennedy Causeway, #101, North Bay Village, Florida 33141 and all interested parties have had the opportunity to address their comments to the Village Commission; and

**WHEREAS**, the Village Commission has reviewed the application, and considered the recommendation of the Planning and Zoning Board and comments from the public, and determined that the proposed use does not substantially affect adversely the subject property or adjacent properties.

**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 into this Resolution by this reference.

**Section 2.     Finding.**

In accordance with Section 152.098 of the Village Code, the Village Commission finds that the proposed special use exception to allow up to 20 percent of the parking spaces in the development of the 75 dwelling unit, 22 story mixed-use structure at 1601 Kennedy Causeway, North Bay Village, Florida to be designed specifically for compact vehicles; will not substantially affect adversely the uses permitted in these regulations of adjacent property.

**Section 3. Grant.**

The special use request to allow up to 20 percent of the parking spaces to be designed specifically for compact vehicles in the development at 1601 Kennedy Causeway, North Bay Village, Florida is hereby granted.

**Section 4. Appeal.**

In accordance with Section 152.104 of the Village Code, the Applicant, or any aggrieved property owner, may appeal the decision of the Village Commission by filing a Writ of Certiorari to the Circuit Court of Miami-Dade County, Florida, in accordance with the Florida Rules of Appellate Procedure.

**Section 5. Effective Date.**

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

**FINAL VOTE AT ADOPTION:**

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

**PASSED AND ADOPTED** this 24th day of February 2015.

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

**ATTEST:**

---

Yvonne P. Hamilton, CMC  
Village Clerk

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

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

North Bay Village Resolution: Special Use Exception-1601 Kennedy Causeway-Compact Parking Spaces.



## **Staff Report**

### **Permit Application for Boat Lifts**

*Prepared for: North Bay Village Commission*

*Applicant: Orlando Lama*

*Request: Permit for Installation of Boat Lifts.*



**LaRue Planning  
& Management Services, Inc.**

1375 Jackson Street, Suite 206  
Fort Myers, Florida  
239-331-3366

Serving Florida Local Governments Since 1988

### General Information

Property Owner	Grand View Palace Yacht Club, Inc.
Applicant	Orlando Lama
Applicant Address	340 Minorca Ave., Suite 7, Coral Gables, Fl
Site Address	7601 East Treasure Drive
Contact Person	Kirk Lofgren
Contact Phone Number	305-921-9344
E-mail Address	xiomara@oceanconsultingfl.com

### General Description

The applicant is requesting a permit to install 2 new boat lifts on existing docks at the Grandview Palace property. The boat lifts will not extend any further into the bay than the existing dock and neither will it cause the dock structure to extend any further into the bay than it currently exists.

### Applicable Code Provisions

The construction or alteration of docks, piers, etc is governed by Section 150.11 and specifically subsections (A) and (F).

Section 150.11 reads as follows:

- “(A) No person, firm, or corporation shall construct, reconstruct, or repair any docks, piers, dolphins, wharfs, pilings, similar structures of any kind more than twenty-five (25) feet perpendicular from the seawall or shoreline into any waterway within the corporate limits of the city. Provided however, if construction of a docking facility is prevented by the requirement of federal, state or preemptive local environmental laws, rules and regulations (laws) whereby in order to obtain a permit for construction of a docking facility, it is necessary to exceed the same more than twenty-five (25) feet perpendicular from the seawall or shoreline, the docking facility may be constructed such distance from the seawall or shoreline as may be required in order to comply with such laws by obtaining a waiver from the City Commission in accordance with subsection (G), provided further, however the furthestmost distance seaward from the seawall or shoreline shall not exceed seventy-five (75) feet including all dolphins or pilings installed beyond the seaward most line of the dock or pier but not including required rip-rap.*
- (B) Plans and specifications for construction, reconstruction, or repair of docks, piers, dolphins, wharfs, pilings, or similar structures shall comply with all provisions of the*



*City Code, shall be approved by the City Manager, and shall be kept permanently in the records of the city. Repair or reconstruction may be made in accordance with the original plans.*

- (C) *No dock, pier, wharf, dolphin, piling, or similar structure shall be erected in the city unless the structure is set back at least seven and one-half feet from the lot line on each side; and the structure shall not exceed five (5) feet above ground level, except a joint or "party" dock may be permitted on the property line if approved by the City Commission.*
- (D) *No person, firm, or corporation shall build, maintain, extend, or make any structural alteration on any building, dock, pier, dolphin, wharf, piling, bulkhead, seawall, or similar structure in, upon, or over the waters adjacent to Harbor Island, Treasurer Island, North Bay Island, and Cameo Island within the corporate limits of the city, or do any filling, excavating, or dredging in the waters without first obtaining a written permit to do so from the City Manager.*
- (E) *Application for any permit or the transfer of any permit required by this section shall be made to the City Manager in writing on forms provided therefore. The permit shall constitute an agreement by the applicant to comply with all conditions imposed upon granting of the permit. The application shall be accompanied by plans and specifications setting forth in detail the work to be done.*
- (F) *All applications for construction or structural alterations of any building, dock, pier, dolphin, wharf, piling, bulkhead, seawall, or similar structure in, upon, or over the waters within the corporate limits of the city shall require the approval of the City Commission after a public hearing. During the public hearing the City Commission shall consider safety and compatibility as criteria for approving the application.*
- (G) *Notwithstanding the provisions of paragraph (F), if an applicant seeks a dock or pier length greater than twenty-five (25) feet, the City Commission shall additionally consider the following criteria to determine if a waiver shall be granted:
  - (i) *If Miami Dade Department of Environmental Management has required specific depth or location criteria; and*
  - (ii) *If the Applicant has provided to the City notarized letter(s) of consent from adjoining riparian property owners, and*
  - (iii) *If the City has received any letter(s) of objection from adjoining riparian property owners; and*
  - (iv) *Any other factors relevant to the specific site.**
- (H) *The City Commission may deny, approve, or modify the request and/or impose conditions in the permit, pursuant to paragraph (F), or granting of a waiver, pursuant to paragraph (G), which it deems necessary to protect the waterways of the City in accordance with the public safety and the general welfare. The*



*requirement of approval by the City Commission shall not include applications for repair of existing structures.*

- (I) A public hearing held pursuant to this Section shall be quasi judicial and follow the hearing procedures provided in Section 29.02 of the Code.*
- (J) Nothing contained in this section shall be construed or apply to prohibiting repair or reconstruction or otherwise limiting those structures which exist at the time of adoption of this section, however, the provisions of subsections (D) and (E) above shall be complied with."*

The location of boats, docks and piers is also governed by Section 152.059, most specifically subsection (B) which reads as follows:

*"(B) No docks, piers, mooring posts, or combinations thereof, may project more than twenty-five (25) feet from any bulkhead line, nor extend nearer than seven and one-half feet to any adjacent property line. A waiver may be granted by the City Commission pursuant to Section 150.11(A), upon completion of a marine survey demonstrating the minimum distances from the seawall necessary to meet the minimum depth requirements, approved by DERM, and completed by a licensed professional surveyor and mapper registered to practice in the State of Florida."*

### **Staff Comments**

Two 14,000 pound capacity boat lifts will be installed; one in slip A7, the other in slip B60. To support the lifts, 4 new pilings will be installed within each slip. In total, the installed boat lifts will be 12 feet long by 12.5 feet wide. Because the lifts are being installed in existing boat slips, the capacity of the docks will not be increased and therefore, this installation should not affect parking or cause an increase in the number of vehicle traffic trips.

The boat lifts will not encroach on the 7.5 foot side setbacks from the property lines. Additionally, since the boat lifts will not extend any further into the bay than the existing structures, this project does not require a waiver according to Section 150.11(A).

Based on the materials presented by the applicant, the proposed structures are in compliance with the applicable provisions of Sections 152.059 and 150.11. The proposed boatlifts are safe and compatible.



### Recommendation

Staff recommends **approval** of the application to install the new boat lifts, pending the following:

1. Verification of the 5 foot height restriction at the time of building permit issuance.
2. Compliance with all state, federal, and environmental laws including, but not limited to, compliance with a State Programmatic General Permit as may be required by the U.S. Army Corps of Engineers. All applicable state and federal permits must be obtained before commencement of construction.
3. Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.
4. Cost Recovery changes must be paid pursuant to Section 152.110. Specifically, no new development application shall be accepted and 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.
5. Authorization or issue of 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 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 results in a violation of federal or state law.

*Submitted by:*

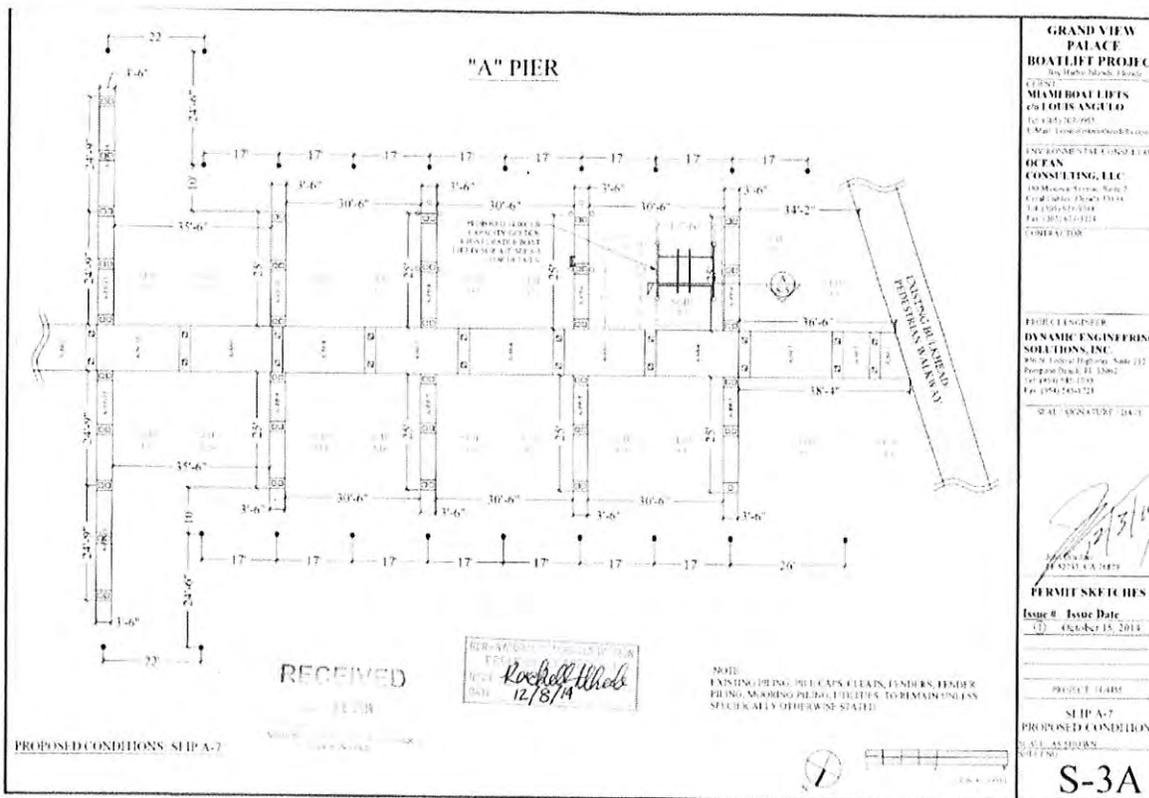
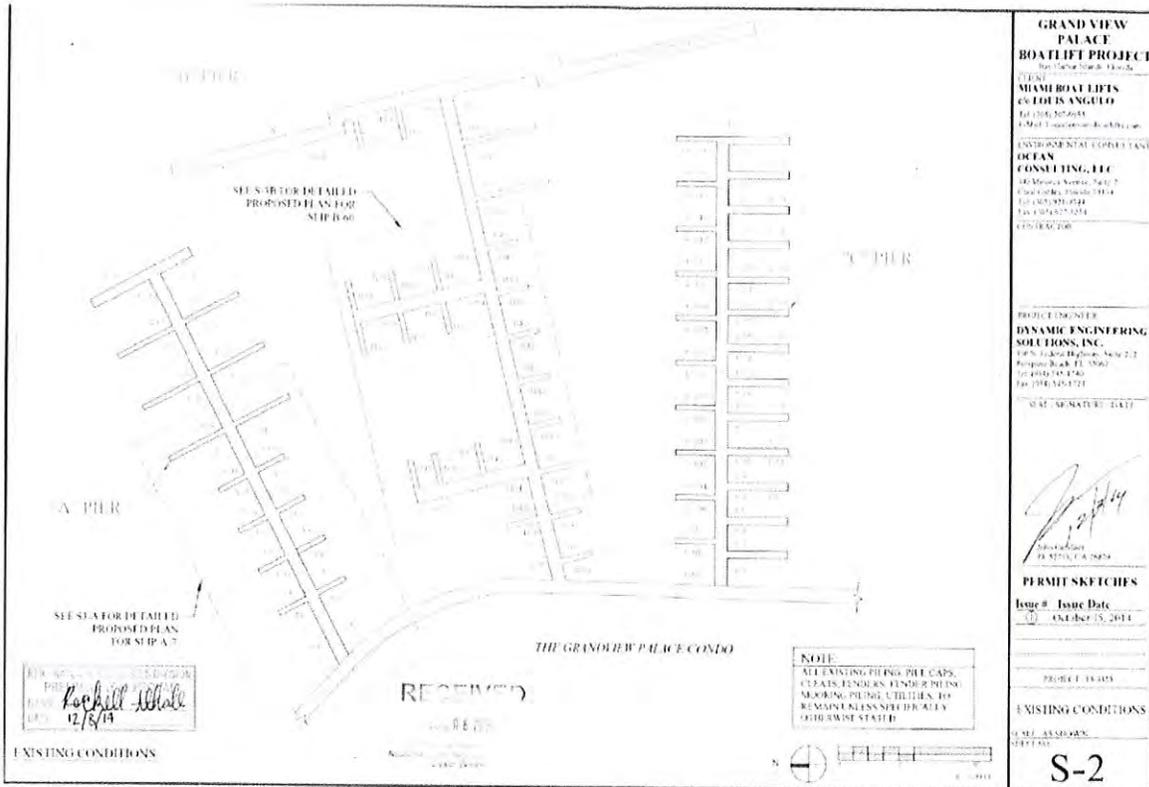
*James L. LaRue*  
James L. LaRue, AICP  
Planning Consultant

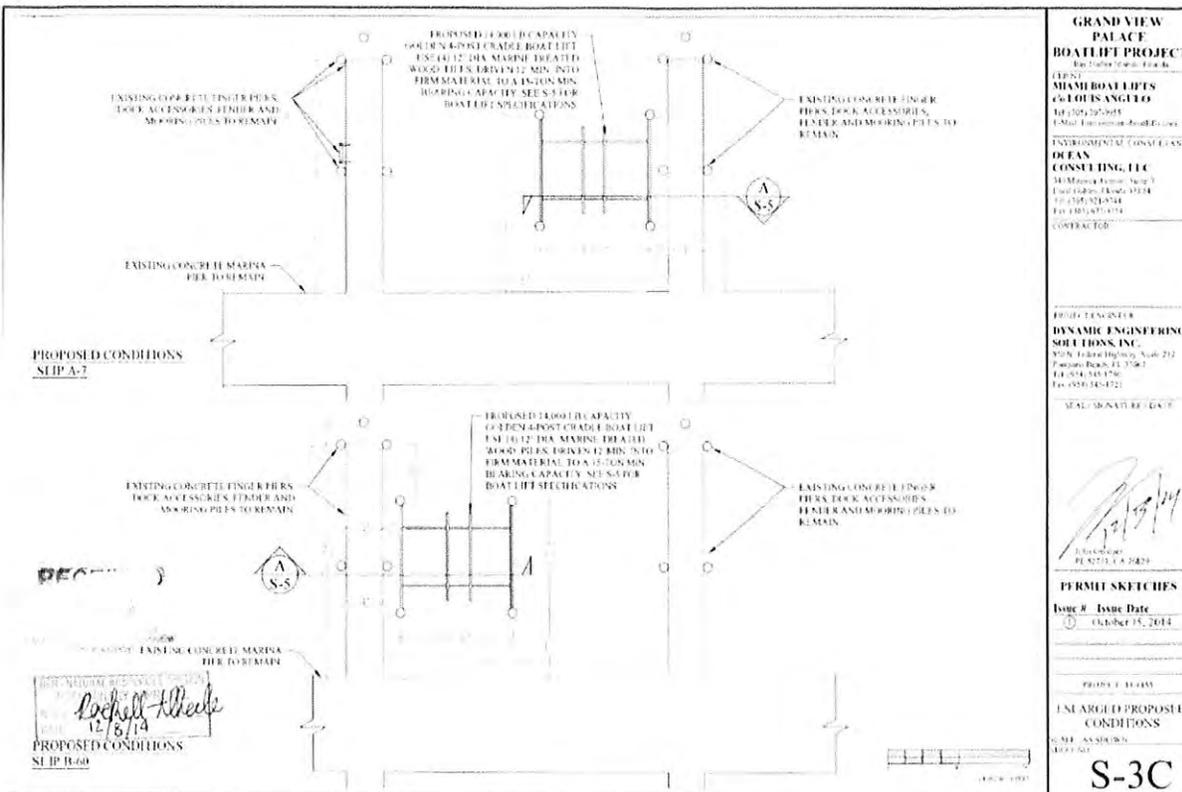
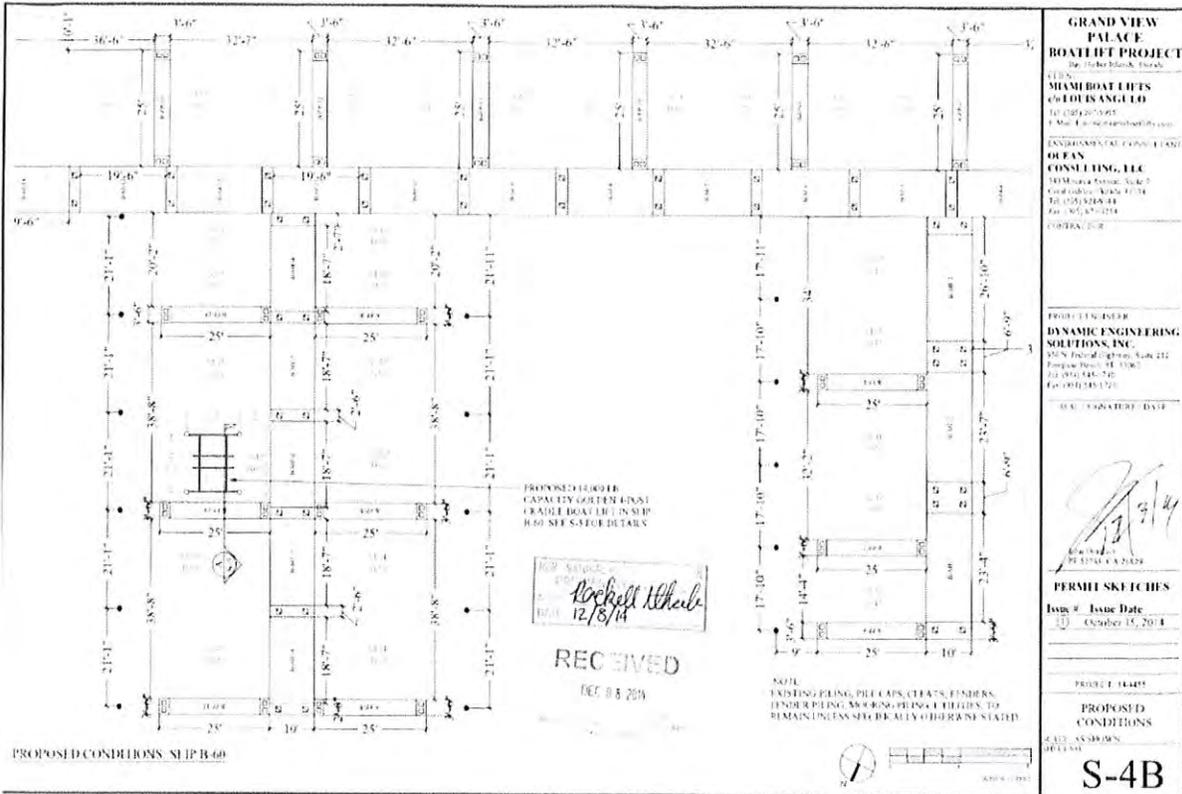
February 11, 2015

Hearing: Village Commission, February 24, 2015

Attachments: Plans Provided by Applicant











7601 E Treasure Dr. Suite CU-12  
North Bay Village, Florida 33141

September 15, 2014

RE: Authorization of Orlando Lama - VP of Grand View Palace Yacht Club, Inc. / Boat Lift Project

To whom it may concern,

This serves to confirm that Orlando Lama is authorized to sign all instruments including permit applications that pertain to the Boat Lift Project undertaken by the Grand View Palace Yacht Club, Inc.

Sincerely yours,

Enrique Kopelman – Board Member



STATE OF FLORIDA  
COUNTY OF Broward  
Sworn to (or affirmed) and subscribed before me  
this 15 day of Sept 2014  
By: Javier Villarreal  
Javier Villarreal  
(Signature of Notary)  
Personally known \_\_\_\_\_  
or Produced Identification   
Type of Identification Produced FL DL/E-135-200-61-267-0

Phone number: 305 300-6828

Email Address: gvpyc.manager@gmail.com



NORTH BAY VILLAGE

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

**DOCK APPLICATION FOR PUBLIC HEARING**

Page 1 of 3

Site Address 7601 E. TREASURE Drive, North Bay Village, FL 33141

Owner Name Grand View Palace Yacht Club, Inc Owner Phone # (305) 861-6000

Owner Mailing Address 7601 E. TREASURE Drive, Suite 1709

Applicant Name Orlando LAMA Applicant Phone # (305) 861-6000

Applicant Mailing Address 340 Minerva Ave, suite 7, Coral Gables, FL 33134

Contact Person Kirk Lofgren Contact Phone # (305) 921-9344

Contact Email Address xiomara@oceanconsultingfl.com

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

Existing Zoning \_\_\_\_\_ Lot Size 180294 sq ft Folio Number 23-3209-041-0001

Legal Description 1st ADDN to TREASURE ISL PB 53-65, Lots 1 & 2, Blk 8 & Tract A Blks

Project Description To install two new Golden 14K Cradle Boat Lifts

Dock Length Measured Perpendicular from Seawall \_\_\_\_\_

Mandatory Submittals (Applicant must check that each item is included with this application)

- |   |  |
|---|--|
| <input type="checkbox"/> Site plans which depict: | <input type="checkbox"/> Property survey       |
| North point                                       | <input type="checkbox"/> Elevations            |
| Scale at 1/16 inch to the foot, or larger         | <input type="checkbox"/> DERM approval         |
| Date of preparation                               | <input type="checkbox"/> Application fees      |
| Dock structures                                   | <input type="checkbox"/> Cost recovery deposit |
| Any mechanical equipment                          |  |
| Any exterior lighting                             |  |
| Any other physical features                       |  |

Mayor  
Connie Leon-Kreps

Vice Mayor  
Eddie Lim

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Jorge Gonzalez

**DOCK APPLICATION FOR PUBLIC HEARING**

Page 2 of 3

Applications are incomplete until all mandatory submittals have been received by the Village Clerk.

All requests for dock approval from the North Bay Village Code shall be considered at Public Hearings before the Village Commission. Notice of Hearing 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. All applications shall be submitted to the Village Clerk on or before the deadline implemented by the Village.

All persons, firms, or corporations requesting dock approval from 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 a variance request, pursuant to Section 152.110 of the Village Code.

All new and substantial improvements must comply with the Florida Building Code, Department of Environmental Resource Management (DERM), and FEMA regulations.

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 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 has voted favorable on the proposed request.

I (We) further acknowledge that I (We) have read and understand the conditions for appearance before the Planning and 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 Village Commission revoked.

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

Print Name KIRK LOFGREN

(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.)

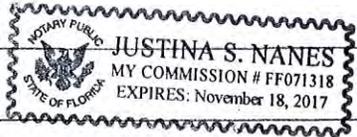
STATE OF FLORIDA  
COUNTY OF Miami-Dade

Sworn to and subscribed to before me this 28<sup>th</sup> day of January, 2015,

by KIRK LOFGREN

who is personally known to me or who has produced \_\_\_\_\_ as identification.

Notary Public Signature Justin



Commission Number/Expiration \_\_\_\_\_

**DOCK APPLICATION FOR PUBLIC HEARING**

Page 3 of 3

**Office Use Only:**

Date Submitted: 1/30/15

Tentative Meeting Date: 2/24/15

Fee Paid: \$ 300.00

Cash or Check # 5029

Date Paid: 1/30/15

Mayor  
Connie Leon-Kreps

Vice Mayor  
Eddie Lim

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Jorge Gonzalez



## North Bay Village

Administrative Offices

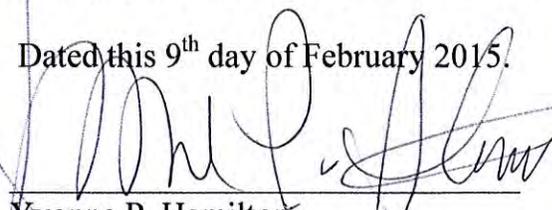
1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

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

**RE. AN APPLICATION BY ORLANDO LAMA ON BEHALF OF GRANDVIEW PALACE YACHT CLUB, INC. FOR INSTALLATION OF TWO NEW BOATLIFTS AT THE COMMERCIAL MARINA AT 7601 E. TREASURE DRIVE, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTION 150.11(F) OF THE VILLAGE CODE.**

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 Orlando Lama for installation of boatlifts at 7601 E. Treasure Drive is complete.

Dated this 9<sup>th</sup> day of February 2015.

  
Yvonne P. Hamilton  
Village Clerk

(Commission Meeting-February 17, 2015)

Mayor  
Connie Leon-Kreps

Vice Mayor  
Jorge Gonzalez

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Eddie Lim



## North Bay Village

Administrative Offices

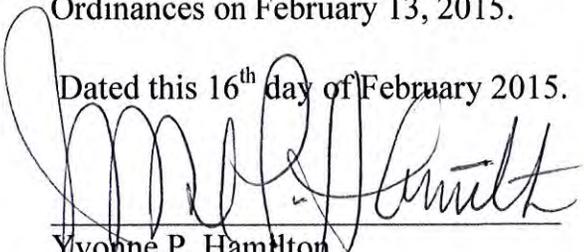
1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

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

**RE. AN APPLICATION BY ORLANDO LAMA ON BEHALF OF GRANDVIEW PALACE YACHT CLUB, INC. FOR INSTALLATION OF TWO NEW BOATLIFTS AT THE COMMERCIAL MARINA AT 7601 E. TREASURE DRIVE, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTION 150.11(F) OF THE VILLAGE CODE.**

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 February 13, 2015.

Dated this 16<sup>th</sup> day of February 2015.

  
Yvonne P. Hamilton  
Village Clerk

(Commission Meeting -2/24/2015)



## North Bay Village

Administrative Offices

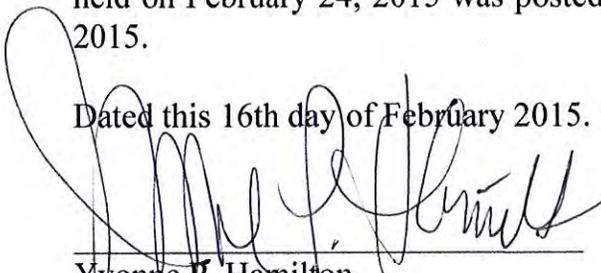
1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

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

**RE. AN APPLICATION BY ORLANDO LAMA ON BEHALF OF GRANDVIEW PALACE YACHT CLUB, INC. FOR INSTALLATION OF TWO NEW BOATLIFTS AT THE COMMERCIAL MARINA AT 7601 E. TREASURE DRIVE, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTION 150.11(F) OF THE VILLAGE CODE.**

I, Yvonne P. Hamilton, hereby certify that the attached Notice of Public Hearing to be held on February 24, 2015 was posted at the above-referenced property on February 12, 2015.

Dated this 16th day of February 2015.



Yvonne P. Hamilton  
Village Clerk

(Commission Meeting-2/24/2015)



**NORTH BAY VILLAGE  
NOTICE OF PUBLIC HEARING**

PUBLIC NOTICE IS HEREBY GIVEN THAT THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A SPECIAL MEETING ON **TUESDAY, FEBRUARY 24, 2015** 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 AT PUBLIC HEARING:

- 1. AN APPLICATION BY ORLANDO LAMA ON BEHALF OF GRANDVIEW PALACE YACHT CLUB, INC. FOR INSTALLATION OF TWO NEW BOATLIFTS AT THE COMMERCIAL MARINA AT 7601 E. TREASURE DRIVE, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTION 150.11(F) OF THE VILLAGE CODE.**

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 (February 10, 2015)

Grandview Palace Condominium  
7601 E. Treasure Drive  
N. Bay Village, FL 33141

Caribbean Towers Condominium  
7545 E. Treasure Drive  
N. Bay Village, FL 33141

Treasure Island Elementary  
C/O 1450 N.E. 2<sup>nd</sup> Avenue  
Room 602  
Miami, FL 33132

Bocados Ricos Corp  
1880 Kennedy Causeway  
N. Bay Village, FL 33141

Gonzalez Santiago  
1886 Kennedy Causeway  
N. Bay Village, FL 33141

DDB Investments Fortune  
ATTN: Valeria Dahan  
1300 Brickell Avenue  
Miami, FL 33131

Sunshine Grocery  
1900 Kennedy Causeway  
N. Bay Village, FL 33141

Pizza D'Light  
C/O Jairo Reyes  
1865 Kennedy Cswy., #11-C  
N. Bay Village, FL 33141

Mr. Greg Lambert  
823 N.W. 57<sup>th</sup> Avenue  
Ft. Lauderdale, FL 33309  
(Re: 1886B Kennedy Cswy.)

Bridgewater Tower Condo  
Attn: Rick Muller  
1881 Kennedy Causeway  
N. Bay Village, FL 33141

Happy's Store/Sports  
1872 Kennedy Causeway  
N. Bay Village, FL 33141

Owner/Occupant  
7601 East Treasure Drive, #1101  
N. Bay Village, FL 33141

Owner/Occupant  
7601 East Treasure Drive, #1508  
N. Bay Village, FL 33141

Owner/Occupant  
7601 East Treasure Drive, #PH212  
N. Bay Village, FL 33141

Owner/Occupant  
7601 East Treasure Drive, #1416  
N. Bay Village, FL 33141

Owner/Occupant  
7601 East Treasure Drive, #1102  
N. Bay Village, FL 33141

Owner/Occupant  
7601 East Treasure Drive, #809  
N. Bay Village, FL 33141

Owner/Occupant  
7601 East Treasure Drive, #1224  
N. Bay Village, FL 33141

Owner/Occupant  
7601 East Treasure Drive, #623  
N. Bay Village, FL 33141

Owner/Occupant  
7601 East Treasure Drive, #1504  
N. Bay Village, FL 33141

Owner/Occupant  
7601 East Treasure Drive, #915  
N. Bay Village, FL 33141

Owner/Occupant  
7601 East Treasure Drive, #412  
N. Bay Village, FL 33141

Owner/Occupant  
7601 East Treasure Drive, #910  
N. Bay Village, FL 33141

Owner/Occupant  
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N. Bay Village, FL 33141

Owner/Occupant  
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N. Bay Village, FL 33141

Owner/Occupant  
7601 East Treasure Drive, #417  
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Owner/Occupant  
7601 East Treasure Drive, #2123  
N. Bay Village, FL 33141

Owner/Occupant  
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Owner/Occupant  
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N. Bay Village, FL 33141

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N. Bay Village, FL 33141

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Owner/Occupant  
7601 East Treasure Drive, # PH108  
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Owner/Occupant  
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Owner/Occupant  
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Owner/Occupant  
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Owner/Occupant  
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Owner/Occupant  
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Owner/Occupant  
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Owner/Occupant  
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Owner/Occupant  
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Owner/Occupant  
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N. Bay Village, FL 33141

Owner/Occupant  
7601 East Treasure Drive, #708  
N. Bay Village, FL 33141

Owner/Occupant  
7601 East Treasure Drive, #1112  
N. Bay Village, FL 33141

Owner/Occupant  
7601 East Treasure Drive, #1801  
N. Bay Village, FL 33141

Owner/Occupant  
7601 East Treasure Drive, #1114  
N. Bay Village, FL 33141

Owner/Occupant  
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N. Bay Village, FL 33141

Owner/Occupant  
7601 East Treasure Drive, #1604  
N. Bay Village, FL 33141

Owner/Occupant  
7601 East Treasure Drive, #1405  
N. Bay Village, FL 33141

Owner/Occupant  
7601 East Treasure Drive, #2309  
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7601 East Treasure Drive, #1501  
N. Bay Village, FL 33141

Owner/Occupant  
7601 East Treasure Drive, #922  
N. Bay Village, FL 33141

Owner/Occupant  
7601 East Treasure Drive, #1401  
N. Bay Village, FL 33141

Owner/Occupant  
7601 East Treasure Drive, #2015  
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Owner/Occupant  
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N. Bay Village, FL 33141

Owner/Occupant  
7601 East Treasure Drive, #1219  
N. Bay Village, FL 33141

Owner/Occupant  
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N. Bay Village, FL 33141

Owner/Occupant  
7601 East Treasure Drive, #620  
N. Bay Village, FL 33141

Owner/Occupant  
7601 East Treasure Drive, #711  
N. Bay Village, FL 33141

Owner/Occupant  
7601 East Treasure Drive, #714  
N. Bay Village, FL 33141

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N. Bay Village, FL 33141

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Owner/Occupant  
7601 East Treasure Drive, #CU-22  
N. Bay Village, FL 33141

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7601 East Treasure Drive, #CU-26  
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7601 East Treasure Drive, #CU-7  
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7601 East Treasure Drive, #PH207  
N. Bay Village, FL 33141

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7601 East Treasure Drive, #1124  
N. Bay Village, FL 33141

Owner/Occupant  
7601 East Treasure Drive, #2022  
N. Bay Village, FL 33141

Owner/Occupant  
7601 East Treasure Drive, #1210  
N. Bay Village, FL 33141

Owner/Occupant  
7601 East Treasure Drive, #1723  
N. Bay Village, FL 33141

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7601 East Treasure Drive, #509  
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Owner/Occupant  
7601 East Treasure Drive, #918  
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Owner/Occupant  
7601 East Treasure Drive, #1518  
N. Bay Village, FL 33141

Owner/Occupant  
7601 East Treasure Drive, #PH224  
N. Bay Village, FL 33141

Owner/Occupant  
7601 East Treasure Drive, #2018  
N. Bay Village, FL 33141

Owner/Occupant  
7601 East Treasure Drive, #2408  
N. Bay Village, FL 33141

Owner/Occupant  
7601 East Treasure Drive, #518  
N. Bay Village, FL 33141

Owner/Occupant  
7601 East Treasure Drive, #2210  
N. Bay Village, FL 33141

Owner/Occupant  
7601 East Treasure Drive, #1215  
N. Bay Village, FL 33141

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7601 East Treasure Drive, #1417  
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7601 East Treasure Drive, #1611  
N. Bay Village, FL 33141

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7601 East Treasure Drive, #811  
N. Bay Village, FL 33141

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7601 East Treasure Drive, #2409  
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7601 East Treasure Drive, #1202  
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7601 East Treasure Drive, #506  
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7601 East Treasure Drive, #PH209  
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N. Bay Village, FL 33141

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N. Bay Village, FL 33141

Owner/Occupant  
7601 East Treasure Drive, #603  
N. Bay Village, FL 33141

Owner/Occupant  
7601 East Treasure Drive, #2203  
N. Bay Village, FL 33141

Owner/Occupant  
7545 E. Treasure Dr. Apt. 9K  
North Bay Village, Fl 33141

Owner/Occupant  
7545 E. Treasure Dr. Apt. 10A  
North Bay Village, Fl 33141

Owner/Occupant  
7545 E. Treasure Dr. Apt. 10B  
North Bay Village, Fl 33141

Owner/Occupant  
7545 E. Treasure Dr. Apt. 10C  
North Bay Village, Fl 33141

Owner/Occupant  
7545 E. Treasure Dr. Apt. 10D  
North Bay Village, Fl 33141

Owner/Occupant  
7545 E. Treasure Dr. Apt. 10E  
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Owner/Occupant  
7545 E. Treasure Dr. Apt. 10F  
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Owner/Occupant  
7545 E. Treasure Dr. Apt. 10G  
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Owner/Occupant  
7545 E. Treasure Dr. Apt. 10H  
North Bay Village, Fl 33141

Owner/Occupant  
7545 E. Treasure Dr. Apt. 10I  
North Bay Village, Fl 33141

Owner/Occupant  
7545 E. Treasure Dr. Apt. 10J  
North Bay Village, Fl 33141

Owner/Occupant  
7545 E. Treasure Dr. Apt. 10K  
North Bay Village, Fl 33141

Owner/Occupant  
7545 E. Treasure Dr. OFC.  
North Bay Village, Fl 33141

Owner/Occupant  
7545 E. Treasure Dr. Apt. 7C  
North Bay Village, Fl 33141

Owner/Occupant  
7545 E. Treasure Dr. Apt. 7D  
North Bay Village, Fl 33141

Owner/Occupant  
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Owner/Occupant  
7545 E. Treasure Dr. Apt. 7K  
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Owner/Occupant  
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Owner/Occupant  
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Owner/Occupant  
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Owner/Occupant  
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Owner/Occupant  
7545 E. Treasure Dr. Apt. 3F  
North Bay Village, Fl 33141

Owner/Occupant  
7545 E. Treasure Dr. Apt. 3G  
North Bay Village, Fl 33141

Owner/Occupant  
7545 E. Treasure Dr. Apt. 3H  
North Bay Village, Fl 33141

Owner/Occupant  
7545 E. Treasure Dr. Apt. 3I  
North Bay Village, Fl 33141

Owner/Occupant  
7545 E. Treasure Dr. Apt. 3J  
North Bay Village, Fl 33141

Owner/Occupant  
7545 E. Treasure Dr. Apt. 3K  
North Bay Village, Fl 33141

Owner/Occupant  
7545 E. Treasure Dr. Apt. 4A  
North Bay Village, Fl 33141

Owner/Occupant  
7545 E. Treasure Dr. Apt. 4B  
North Bay Village, Fl 33141

Owner/Occupant  
7545 E. Treasure Dr. Apt. 4C  
North Bay Village, Fl 33141

Owner/Occupant  
7545 E. Treasure Dr. Apt. 4D  
North Bay Village, Fl 33141

Owner/Occupant  
7545 E. Treasure Dr. Apt. 4E  
North Bay Village, Fl 33141

Owner / Occupant  
1881 Kennedy Causeway,  
#1507  
North Bay Village, FL 33141

Owner / Occupant  
1881 Kennedy Causeway, #804  
North Bay Village, FL 33141

Owner / Occupant  
1881 Kennedy Causeway,  
#1404  
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#1501  
North Bay Village, FL 33141

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#1503  
North Bay Village, FL 33141

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1881 Kennedy Causeway,  
#1505  
North Bay Village, FL 33141

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1881 Kennedy Causeway,  
#1506  
North Bay Village, FL 33141

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1881 Kennedy Causeway,  
#1601  
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#1907  
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1881 Kennedy Causeway,  
#2001  
North Bay Village, FL 33141

Owner/Occupant  
1881 Kennedy Causeway,  
#2006  
North Bay Village, FL 33141

Owner/Occupant  
1881 Kennedy Causeway,  
#2102  
North Bay Village, FL 33141

Owner/Occupant  
1881 Kennedy Causeway,  
#2107  
North Bay Village, FL 33141

Owner / Occupant  
1881 Kennedy Causeway,  
#1607  
North Bay Village, FL 33141

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#2106  
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#1705  
North Bay Village, FL 33141

Owner / Occupant  
1881 Kennedy Causeway, #603  
North Bay Village, FL 33141

Owner / Occupant  
1881 Kennedy Causeway,  
#2003  
North Bay Village, FL 33141

Owner / Occupant  
1881 Kennedy Causeway,  
#1005  
North Bay Village, FL 33141

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1881 Kennedy Causeway, #401  
North Bay Village, FL 33141

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1881 Kennedy Causeway, #807  
North Bay Village, FL 33141

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1881 Kennedy Causeway, #901  
North Bay Village, FL 33141

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North Bay Village, FL 33141

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1881 Kennedy Causeway,  
#1001  
North Bay Village, FL 33141

Owner / Occupant  
1881 Kennedy Causeway,  
#1101  
North Bay Village, FL 33141

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1881 Kennedy Causeway,  
#1103  
North Bay Village, FL 33141

Owner / Occupant  
1881 Kennedy Causeway,  
#1104  
North Bay Village, FL 33141

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1881 Kennedy Causeway,  
#1205  
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North Bay Village, FL 33141

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North Bay Village, FL 33141

Owner / Occupant  
1881 Kennedy Causeway, #605  
North Bay Village, FL 33141

Owner / Occupant  
1881 Kennedy Causeway,  
#1106  
North Bay Village, FL 33141

Owner / Occupant  
1881 Kennedy Causeway,  
#1207  
North Bay Village, FL 33141

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1881 Kennedy Causeway,  
#1801  
North Bay Village, FL 33141

Owner / Occupant  
1881 Kennedy Causeway, #405  
North Bay Village, FL 33141

Owner / Occupant  
1881 Kennedy Causeway,  
#1405  
North Bay Village, FL 33141

Owner / Occupant  
1881 Kennedy Causeway, #802  
North Bay Village, FL 33141

Owner / Occupant  
1881 Kennedy Causeway, #707  
North Bay Village, FL 33141

Owner / Occupant  
1881 Kennedy Causeway,  
#2002  
North Bay Village, FL 33141

Owner / Occupant  
1881 Kennedy Causeway,  
#2105  
North Bay Village, FL 33141

Owner / Occupant  
1881 Kennedy Causeway,  
#1802  
North Bay Village, FL 33141

Owner / Occupant  
1881 Kennedy Causeway, #903  
North Bay Village, FL 33141

Owner / Occupant  
1881 Kennedy Causeway,  
#1102  
North Bay Village, FL 33141

Owner / Occupant  
1881 Kennedy Causeway,  
#1905  
North Bay Village, FL 33141

Owner / Occupant  
1881 Kennedy Causeway, #806  
North Bay Village, FL 33141

Owner / Occupant  
1881 Kennedy Causeway,  
#1105  
North Bay Village, FL 33141

Owner / Occupant  
1881 Kennedy Causeway, #904  
North Bay Village, FL 33141

Owner / Occupant  
1881 Kennedy Causeway,  
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North Bay Village, FL 33141

Owner / Occupant  
1881 Kennedy Causeway, #407  
North Bay Village, FL 33141

Owner / Occupant  
1881 Kennedy Causeway,  
#1507  
North Bay Village, FL 33141

Owner / Occupant  
1881 Kennedy Causeway, #804  
North Bay Village, FL 33141

Owner / Occupant  
1881 Kennedy Causeway,  
#1404  
North Bay Village, FL 33141

Owner / Occupant  
1881 Kennedy Causeway, #507  
North Bay Village, FL 33141

Owner / Occupant  
1881 Kennedy Causeway,  
#1107  
North Bay Village, FL 33141

Owner / Occupant  
1881 Kennedy Causeway, #801  
North Bay Village, FL 33141

## KEEPING KIDS FIT

# Vaccinate your children against the measles

BY JUDY SCHAECHTER  
UHealthSystem.com

With last week's news that many infected with measles had recently traveled through Florida, the reality of the national measles epidemic was brought home. What started out with a few cases tied to Disneyland in California has become an outbreak that is impacting more than 100 people - the majority of whom were unvaccinated - in 14 reported states.

Measles, a contagious virus that enters the body through the nose, mouth and eyes, is known for its high fever, rash, conjunctivitis and runny nose. It infects 90 percent of those who have not been immunized, including babies too young to receive the vaccine. Though most people recover, some patients get pneumonia while others get measles encephalitis or even die. The very young and the unvaccinated, including pregnant women, are most at risk.

Health officials - and even President Barack Obama - have responded to this latest outbreak by encouraging people to get vaccinated and make sure their children are immunized. The most effective protection from the measles is through vaccination.

Children are typically vaccinated as part of their well-visit schedule. The measles injection is administered through the measles, mumps and rubella vaccine (MMR) that is given twice - first between the ages of 12 and 15 months and again between ages 4 and 6. It is important to note that vaccines, including MMR, are eligible to all children, whether citizens or undocumented immigrants.

So, if MMR has been proven effective, is part of the childhood vaccination schedule and available to all, why are people choosing to forgo it?

Unfortunately, MMR is often incorrectly cited as a vaccine that triggers autism in young children. Though more than a decade of research has provided no scientific evidence to corroborate this misguided perception, fear lingers in parents who by trying to protect their kids could actually be harming them when denying them the measles vaccine.

Physicians thought measles was eliminated in the United States in 2000. But that designation was made with the understanding that the public would continue being vaccinated. Sadly, that has not been the case. When people, even small groups of people, stop vaccinating against disease, it creeps back.

Measles is spread through direct contact and passage of respiratory droplets by a cough or sneeze. But germs left in the air or on a surface remain viable even hours after an infected person shares the virus. So, the contagious person might be gone from the area, but the invisible measles lives on.

People are contagious four days before until four days after the rash. Most do not realize they have measles at least part the time they are contagious, which is partly why it can be spread to so many, so quickly.

Outbreaks of measles have become more common in the past decade, usually introduced by international visitors. But the disease is spread in our population by

those choosing to forgo immunization. Last year we experienced an unprecedented 644 cases of measles in the United States, and we are on track to have another record number of cases this year.

Though South Florida has yet to report any cases this year, the possibility for the introduction of measles or other preventable viruses into our community is high due to our status as an international gateway. Deadly diseases may come from distant continents, or they may be common childhood diseases spread in our parks, schools, houses of worship or even at kids' birthday parties. In the case of measles and other vaccine-preventable diseases, we can stop these outbreaks by immunizing our children and ourselves, for our own health and those around us.

Without knowing it, unvaccinated children and adults they grow into can pass disease to someone else's child - perhaps a child who because of medical reasons is unable to be vaccinated. Instead of going vaccine-free and potentially infecting your child and others while sitting next to them on an amusement park ride, at school or on a plane, choose to protect your health and that of your loved ones and neighbors. Make an appointment with your doctor to get your vaccines up to date.

*Dr. Judy Schaechter is interim chairwoman of the Department of Pediatrics at the University of Miami Miller School of Medicine and chairs Miami-Dade County's Immunization Coalition.*



## NORTH BAY VILLAGE NOTICE OF PUBLIC HEARING

PUBLIC NOTICE IS HEREBY GIVEN THAT THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A SPECIAL MEETING ON TUESDAY, FEBRUARY 24, 2015 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 CHATEAU ISLE, INC. CONCERNING PROPERTY LOCATED AT 7939-7941 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA, FOR A PARKING WAIVER PURSUANT TO SECTION 152.04(4)(C) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES. *(DETERMINED FROM JANUARY 27, 2015)*
2. AN APPLICATION BY 7940 WEST DRIVE, LLC CONCERNING PROPERTY LOCATED AT 7938 AND 7940 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING: *(FINAL PUBLIC HEARING) (DETERMINED FROM JANUARY 27, 2015)*
  - A. SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.04(2)(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.
  - B. BONUS DENSITY APPROVAL, PURSUANT TO SECTION 152.029(C)(8)H OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.
  - C. SITE PLAN APPROVAL, PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 54-UNIT, 15-STORY CONDOMINIUM STRUCTURE WITH A PARKING GARAGE.
3. AN APPLICATION BY BAY VILLAGE VENTURE, LLC CONCERNING PROPERTY LOCATED AT 1725 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING: *(FINAL PUBLIC HEARING)*
  - 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. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.04(2)(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.
  - C. BONUS DENSITY APPROVAL, PURSUANT TO SECTION 152.029(C)(8)H OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.
  - D. BONUS HEIGHT APPROVAL, PURSUANT TO SECTION 152.029(C)(8)A-F OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.
  - E. 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. SITE PLAN APPROVAL, PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 43-UNIT, 19-STORY MIXED USE CONDOMINIUM STRUCTURE WITH A PARKING GARAGE.
  - AN APPLICATION BY BRICKELL VILLAGE 79, LLC CONCERNING PROPERTY LOCATED AT 1601 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING: *(FINAL PUBLIC HEARING)*
    - 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. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.04(2)(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.
    - C. BUILDING HEIGHT BONUS REVIEW TO 240 FEET PURSUANT TO SECTION 152.029(C)(9)A THROUGH 9E.
    - D. DENSITY BONUS REVIEW PURSUANT TO SECTION 152.029(C)(8)H.
    - E. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 75-UNIT, 22-STORY CONDOMINIUM STRUCTURE WITH A PARKING GARAGE.
  5. AN APPLICATION BY ORLANDO LAMA ON BEHALF OF GRANDVIEW PALACE YACHT CLUB, INC. FOR INSTALLATION OF TWO NEW BOATLIFTS AT THE COMMERCIAL MARINA AT 7601 E. TREASURY DRIVE, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTION 150.1(H) OF THE VILLAGE CODE. 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, 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, #306. INQUIRIES MAY BE DIRECTED TO THAT DEPARTMENT AT (905) 756-1711.

PURSUANT TO SECTION 386.008, 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 FORM. SIGN LANGUAGE INTERPRETERS, INFORMATION ON ACCESS FOR PERSONS WITH DISABILITIES, AND/OR ANY ACCOMMODATION TO REVIEW ANY DOCUMENT OR PARTICIPATE IN ANY VILLAGE-SPONSORED PROCEEDING, PLEASE CONTACT (905) 756-1711 FIVE DAYS IN ADVANCE TO INITIATE YOUR REQUEST. TTY USERS MAY ALSO CALL 711 (FLORIDA RELAY SERVICE).

YVONNE F. HAMILTON, CMC  
VILLAGE CLERK  
(February 6, 2015)

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

**A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING THE INSTALLATION OF TWO NEW BOATLIFTS ON EXISTING DOCKS AT 7601 EAST TREASURE DRIVE, PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Orlando Lama, of Ocean Consulting, Inc., on behalf of Grand View Palace Yacht Club, Inc., has applied to North Bay Village for permission to install two (2) new boatlifts on existing docks at the Grandview Palace Business Marina at 7601 East Treasure Drive, Treasure Island, North Bay Village, Florida, in the RM-70, High Density Multiple-Family Residential Zoning District; and

**WHEREAS**, Sections 150.11(C)(D) and (F) of the North Bay Village Code of Ordinances requires all applications for construction of boatlifts to be approved by the Village Commission; and.

**WHEREAS**, in accordance with Section 150.11(F) of the Village Code, a public hearing by the Village Commission was noticed for Tuesday, February 24, 2015 at 7:30 p.m. at Village Hall, 1666 Kennedy Causeway, Suite 101, North Bay Village, Florida 33141 and all interested parties have had the opportunity to address their comments to the Village Commission; and

**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 into this Resolution by this reference.

**Section 2. Findings.**

In accordance with Section 150.11(F) of the Village Code, the Village Commission, having considered the testimony and evidence in the record presented by all parties, finds that the boatlifts are safe and environmentally compatible

**Section 3. Grant.**

In accordance with Section 150.11(A) of the North Bay Village Code of Ordinances, approval is granted to install two (2) boatlifts at the marina at 7601 East Treasure Drive in accordance with the Site Plan submitted to the Village Clerk's Office on January 30, 2015.

**Section 4. Conditions.**

Approval is granted with the condition that the following items are met prior to issuance of a Building Permit:

1. Verification of the 5 foot height restriction at the time of building permit issuance.
2. Compliance with all state, federal, and environmental laws including, but not limited to, compliance with a State Programmatic General Permit as may be required by the U.S. Army Corps of Engineers. All applicable state and federal permits must be obtained before commencement of construction.
3. Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.
4. Cost Recovery changes must be paid pursuant to Section 152.110. Specifically, no new development application shall be accepted and 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.
5. Authorization or issue of 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 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 results in a violation of federal or state law.

**Section 5. Appeal.**

In accordance with Section 152.104 of the Village Code, the Applicant, or any aggrieved property owner, may appeal the decision of the Village Commission by filing a Writ of Certiorari to the Circuit Court of Miami-Dade County, Florida, in accordance with the Florida Rules of Appellate Procedure.

**Section 6. Violation of Terms and Conditions.**

Failure to adhere to the terms and conditions contained in this Resolution in Section 4 shall be considered a violation of this Resolution and persons found violating the conditions shall be subject to the penalties prescribed by the Village Code, including but not limited to the revocation of any of the approval(s) granted in this Resolution.

The Applicant understands and acknowledges that it must comply with all other applicable requirements of the Village Code before it may commence construction or operation, and that the foregoing approval in this Resolution may be revoked by the Village at any time upon a determination that the Applicant is in non-compliance with the Village Code.

**Section 7. Effective Date.**

This Resolution shall become effective upon its adoption.

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

**FINAL VOTE AT ADOPTION:**

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

PASSED and ADOPTED this 24th day of February 2015.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

North Bay Village Resolution: Two (2) Boatlifts at 7601 E. Treasure Drive.



## Memorandum

**To:** Frank Rollason, Village Manager  
**From:** James G. LaRue, AICP  
**Date:** February 10, 2015  
**Subject:** Authorization to Initiate Key Comprehensive Plan Amendments

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As a follow-up of our previous memo regarding needed changes to our Comprehensive Plan, there are additional reasons to revise our Comprehensive Plan. As an outgrowth of our current redrafting the Land Development Code it appears that adjustments will have to be made to our Future Land Use categories as well as possible changes to the Future Land Use map.

As stated previously there are other Comprehensive Plan policies that have become priorities to revise. Also, this project was included in the 2014-15 planning fiscal budget so once authorization from the Commission takes place we will prepare the Comprehensive Plan Amendments and have them reviewed by the Planning and Zoning Board acting as the Local Planning Agency. Then we will take them to the Commission to hold the Plan Amendment submittal public hearing. After the Department of Economic Opportunity (DEO) and the reviewing agencies offer comments we will hold the adoption public hearing before the Commission. The Comprehensive Plan Amendment project will take 4-6 months to complete.



## Memorandum

**To:** Frank Rollason, Village Manager  
**From:** James G. LaRue, AICP  
**Date:** October 2, 2014  
**Subject:** Authorization to Initiate Key Comprehensive Plan Amendments

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Staff has been reviewing various proposed property developments/redevelopments along the northern side of the Causeway over the last year. There have also been inquiries about future mixed use redevelopment along the south side of 79<sup>th</sup> Street, especially at the gateway or entrance points to the Village. Unfortunately, there are current Comprehensive Plan Future Land Use policies that limit or restrain future redevelopment along the south side of the 79<sup>th</sup> Street Causeway. Such policies limit where new mixed use development can be built. See Policy 2.1.12 of the Comprehensive Plan's Future Land Use Element below. As it is currently written it limits the number of residential dwelling units and where they can be located in the Commercial Future Land Use category within the Village (see highlighted sections).

**Policy 2.1.12:** In order to further limit future residential uses within the Commercial Future Land Use category, the following restrictions apply:

1. Redevelopment of existing commercial uses will not be allowed unless the new development contains a commercial building square footage equal to at least fifty percent (50 %) of the existing commercial use;
2. There will be no complete substitution of residential for commercial uses in the City's Commercial Future Land Use category. The minimum cumulative total floor area for commercial uses in all areas designated for the Commercial Future Land Use category is twenty-five percent (25%);
3. The Commercial Future Land Use Category will have a maximum FAR (floor area ratio) of 2.5 for commercial uses only;
4. Residential conversion or redevelopment of commercially designated FLUM (Future Land Use Map) parcels shall be limited to two locations:

On the south side of the 79th Street/Kennedy Causeway, only those commercial properties between Hispanola Avenue and East Treasure Drive may be developed or redeveloped with a residential use. Commercial properties on the north side of the Causeway will be allowed to develop or redevelop as residential use subject to the cap on dwelling units set forth below; and

5. The total number of new dwelling units that can be built within the Commercial Future Land Use category shall not exceed one thousand twenty (1,020) dwelling units.

Since 2011, there has been some relaxation of the growth management planning legislation. Under the new Community Planning Act the State Land Planning Agency is now placed under the Department of Economic Development and is called DEO rather than DCA. Since 2011, review of the local government comprehensive plans by the State has been a less difficult process than the past. The Village Comprehensive Plan has not been updated since the adoption of the Pubic School Facilities Element and the Water Supply Facilities Work Plan in 2008-2009. Now is an excellent time to submit needed revisions and updates to our Comprehensive Plan under the State Expedited Review process. In addition to relaxation of policy 2.1.12 we could delete and/or revise outdated polices and make other priority changes.

Based on the above information we request the Commission to allow us to initiate these needed changes to our Comprehensive Plan. This project was projected as part of our 2015 budget work plan and should not reflect an increase in our forecasted planning budget expenditures. The Comprehensive Plan revisions process will take 3-6 months for adoption, so it is important to begin the process soon.

