



**Summary of:
Planning & Zoning Board Meeting**

**Staff Report
Site Plan Review**

*Prepared for: The City of North Bay Village
City Commission*

Applicant: Sotreza, LLC

*Request: Site Plan Review
KLA Day Nursery at 7800 Hispanola Ave*

General Information

Owner/Applicant:	Sotreza, LLC
Applicant Address:	c/o Manuel Synalovski Associates 1800 Eller Drive, Suite 500 Fort Lauderdale, FL 33316
Site Address:	7800 Hispanola Avenue North Bay Village, FL 33141
Contact Person:	Manuel Synalovski
Applicant/Contact Phone Number:	954-961-6806(o) 954-804-3515(m)
E-mail Address	<i>msynalovski@synalovski.com</i>

General Description

Establishment of pre-school (a.k.a. day nursery) at 7800 Hispanola Avenue, which property is owned by the Harambam Congregation, Inc. and formerly used as a religious institution.

Sotreza, LLC intends to operate the KLA School, an early childhood education (day nursery) use, Monday through Friday from 7 am to 6pm. The floor area of the facility will not be increased beyond the current 9,893 square feet. The maximum number of children enrolled will be 172 with a maximum staff of 18.

Staff Analysis

There is little modification from the staff reports of June 15th and June 20th. The applicant adequately explained by the previous traffic analysis that there would not be negative traffic impacts from the egress from the property at N Treasure Drive and flowing to the intersection at Adventure Ave.

All standard parking spaces are at a width of 9' and the driveway aisles are at 23'. Parking was deemed to be adequate and landscaping shown was more than required for an existing building. The Planning and Zoning Board recommended that net screening be provided at the top of the dumpster.

12B(1)B



Recommendations

Staff recommends **approval** of the site plan pending the following:

1. Approval by the City Commission for six of the 32 parking spaces to be designated as compact spaces.
2. Net screening of some type is required at the top of the dumpster to prevent birds from scavenging the contents of the container.

These recommendations were approved by the Planning and Zoning Board.

Submitted by:

James L. LaRue
James L. LaRue, AICP
Planning Consultant

July 2, 2012

Hearing: City Commission July 10, 2012

12B(1)C





Staff Report Site Plan Review

*Prepared for: The City of North Bay Village
Planning & Zoning Board*

Applicant: Sotreza, LLC

*Request: Site Plan Review
KLA Day Nursery at 7800 Hispanola Ave*



Serving Florida Local Governments Since 1988

12B(1)

General Information

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Applicant Address:	c/o Manuel Synalovski Associates 1800 Eller Drive, Suite 500 Fort Lauderdale, FL 33316
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Contact Person:	Manuel Synalovski
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E-mail Address:	<i>msynalovski@synalovski.com</i>

	Existing	Proposed
Future Land Use Map Classification	Institutional	Institutional
Zoning District	RM-40	RM-40
Use of Property	Synagogue	Day Nursery
Acreage	32,809 sq ft.	32,809 sq ft

Legal Description of Subject Property

LOTS 1 & 2 & E1/2 LOT 3, BLOCK 1, COMMERCIAL ADD TO TREASURE ISLAND, PLAT BOOK 52, PAGE 84, OF PUBLIC RECORDS OF MIAMI DADE COUNTY

General Description

Establishment of pre-school (a.k.a. day nursery) at 7800 Hispanola Avenue, which property is owned by the Harambam Congregation, Inc. and formerly used as a religious institution.

SOTERZA, LLC intends to operate the KLA School, an early childhood education (day nursery) use, Monday through Friday from 7 am to 6pm. The floor area of the facility will not be increased beyond the current 9,893 square feet. The maximum number of children enrolled will be 172 with a maximum staff of 18.

12B(2)



Consistency with Comprehensive Plan

The use is consistent with the City's Comprehensive Plan.

At the May 8, 2012 City Commission public hearing on the Special Use Exception to allow a day nursery on the site, the City Commission determined that the "early learning/day nursery use" qualifies as a "quasi-public" use. This finding ensures that said use is consistent with the description of the Institutional Future Land Use category under Policy 2.1.1a of the Future Land Use Element.

Adjacent Land Use Map Classifications and Zoning District

North:	Future Land Use Map Classification:	Commercial
	Zoning District:	CG
	Existing Land Use:	Office

East:	Future Land Use Map Classification:	Residential Multi-Family (High Density)
	Zoning District:	RM-40
	Existing Land Use:	Multi-Family Residential

South:	Future Land Use Map Classification:	Residential Single-Family
	Zoning District:	RS-2
	Existing Land Use:	Single-Family Residential

West:	Future Land Use Map Classification:	Residential Multi-Family (Medium Density)
	Zoning District:	RM-40
	Existing Land Use:	Multi-Family Residential

12B(3)



Adequacy of Public Facilities

Water and Sewer utilities will continue to be provided by Miami-Dade County M-DC (DERM). As the square foot of the physical facility will remain the same as previous, no significant impacts on sewer and water services are expected.

As part of the application for the Special Use Exception, Kimley-Horn presented a traffic impact and parking analysis for the operation that concluded that there would be no reduction in the Level of Service (LOS) from the affected nearby streets

Comparison of Proposal With Land Development Code (LDC) Design Standards

Regulation	Required	Provided
Minimum Lot Size [(Sec. 152.028(C)(1)]	10,000 sf; 100 foot frontage	32,809 sf, 208 feet of frontage
MINIMUM YARD SETBACKS [(Sec. 152.028(C)(2)]		
Note: There are no structural changes to the building that affect existing setbacks.		
Minimum Front	25 feet	Portions of the existing building setbacks are nonconforming but no structural changes are proposed.
Minimum Side Corner	25 feet	Same as above
Minimum Side (Interior) Principal structure	20 feet	44.9 feet
Minimum Side (Interior) Accessory structure	20 feet	Playground equipment is set back 20 feet from the north property line. (See following note.)
<p>Note: Pirates Alley, was originally intended to be an alley affording only secondary access to uses abutting it. However, in this instance, the Planning and Zoning Board, during review of the Special Use Exception, recommended that it be the primary source of ingress to the day nursery/early learning center. As such, we believe that the north side of the property should be considered an interior side for purposes of determining the minimum required setback.</p> <p>It appears that the canvas covered shade element in the playground area should not be considered a structure. It is really a temporary shelter from the sun and weather, the canvas cover of which could be removed in the event of a tropical storm or hurricane, which is not normally the case for items considered to be structures. Therefore we do not believe a side setback is required.</p>		

12 B(4)



Regulation	Required	Provided
Minimum Rear [(Sec. 152.028(C)(2))]	15 feet	60.66 feet
Maximum building height [(Sec. 152.028(C)(4)]	45 feet/four stories	1 story/32 feet to top of tower
Minimum Pervious Area [(Sec. 152.028(C)(2))]	25% (8,202 sf)	28.59% (9,380 sf)
Site Plan and Model Sec. 152.105(C)	Architectural model built to scale.	No physical model provided. It was determined during initial discussions that because the building was not being structurally altered that a computer model would suffice.
OFF-STREET PARKING [(Sec. 152.041)]		
Size of spaces [LDC Sec. 5.2.2(a)(1)]	Standards, 9' by 18'	8.5' by 18'. The Applicant has filed for a variance for the reduced width.
	Compact, 8' by 16'	8.5' by 18'
Compact spaces [LDC Sec. 5.2.2(a)(2)]	Maximum 20% of spaces with prior approval by City Commission.	6 spaces (18.75%)
Number of spaces Sec. 152.044(D)	No specific parking standard is set for a day nursery or similar use. Therefore the requirement is set by the City Commission after recommendation by the Planning and Zoning Board. The Planning and Zoning Board accepted the Applicant's analysis at the Special Exception Use hearing showing the need for 32 off-street spaces.	32
Location of spaces LDC Sec. 5.2.1(12)	20 feet between a public street right-of-way, exclusive of alleys, and the entrance to the nearest parking space.	The first space upon entry from Pirates Alley is at least 25 feet from the property line. While this may not strictly be required under this section, a 20-foot minimum is preferred.
Minimum maneuvering space Sec. 155.17	23 feet for 90 degree parking, one-way and two-way drives	22 feet. The Applicant has filed for a variance for the reduced width.

12B(5)



Regulation	Required	Provided
Fences, walls, and hedges. [Sec. 152.055(B)(5)]	No wood, chain link, wire or cable fencing or fences similar in appearance to any of the foregoing, or any vinyl clad fencing will be permitted within front setbacks. (This includes all areas past the front edge of the house running towards the street.)	The fence along the frontage of Hispanola Avenue is shown as "aluminum decorative fencing" on the site plan.
Off-street loading LDC 5.2.4	No loading space required of uses of less than 10,000 square feet of gross floor area.	None provided
Landscaping Miami-Dade County Landscaping Code Chapter 18A	Per Sec 18A-1(B)(3), existing development as defined in Section 18A-3(O) shall only be required to comply with the street tree requirements of Section 18A-6(C)(2) and parking lot buffers of Section 18A-6(I).	While the Applicant has met the limited requirements for existing development, the project meets all requirements that apply to development that is newer as well.

Other Requirements and Considerations

Sec. 152.105(C)(9)

Site plans for a building or buildings which contain more than two dwelling units, or more than 299 square feet of commercial or office space shall be reviewed by the Planning and Zoning Board and the City Commission. In reviewing site plans for development, the Planning and Zoning Board and the City Commission must consider and abide by the provisions of chapter 155 of the North Bay Village Code of Ordinances currently in effect. The review by the Planning and Zoning Board and City Commission shall attempt to establish that the proposed development or redevelopment conforms to all applicable provisions of the building and zoning regulations of the city and the Florida Building Code; and that the proposed development or redevelopment has a design and arrangement which:

- (a) Protects against and minimizes any undesirable effects upon contiguous and nearby property.

Staff Comment: The development has located the play ground area in the area furthest away from existing residential uses to minimize noise generated during periods when the play ground area is in use.

12B(6)



- (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.

Staff Comment: The Applicant has provided a parking analysis which adequately supports the need for 32 off-street parking facilities and has modified the ingress and egress pattern, as suggested during the Special Exception Use public hearing to limit, if not eliminate, stacking of vehicles along primary public streets during periods of student drop-off and pick-up activity.

- (c) Provides sufficient setbacks, open space, and landscaping in order to protect and enhance the appearance and character of the neighborhood.

Staff Comment: The pervious area of the site exceeds the City's requirements for the RM-40 District; provides adequate open space for the students attending the facility and has dramatically increased the landscaping on the site over that which was associated with the prior use, thus improving the appearance of the property to those living and visiting the neighborhood.

- (d) Can be accommodated by existing community roads, services, and utilities, or the necessary additions are provided by the developer.

Staff Comment: As the square foot of the physical facility will remain the same as previous, no significant impacts on sewer and water services are expected.

The Applicant has provided a traffic analysis indicating that there is no change in the level of service during the AM and PM peak periods and little or no effect upon delays along the approaches to the facility and at the nearby affected intersections.

12B(7)



Recommendations

Staff recommends **approval** of the site plan pending the following:

1. Approval by the City Commission for six of the 32 parking spaces to be designated as compact spaces.
2. Approval of the needed variances to reduce the width (maneuvering area) of the parking aisles from 23 feet to 22 feet and reduce the width of the parking spaces from 9 feet to 8.5 feet.

Submitted by:

James L. LaRue
James L. LaRue, AICP
Planning Consultant

June 15, 2012

Hearing: Planning & Zoning Board, June 27, 2012

Attachments: Future Land Use Map
Zoning Map
Aerial photograph

Appendix: Applicant Submitted
Traffic Impact Evaluation
Landscape Plan
Elevations

12B(8)





ADDENDUM: June 20, 2012

Staff Report Site Plan Review

*Prepared for: The City of North Bay Village
Planning & Zoning Board*

Applicant: Sotreza, LLC

*Request: Site Plan Review
KLA Day Nursery at 7800 Hispanola Ave*



Serving Florida Local Governments Since 1988

12B(9)

General Information

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Applicant Address:	c/o Manuel Synalovski Associates 1800 Eller Drive, Suite 500 Fort Lauderdale, FL 33316
Site Address:	7800 Hispanola Avenue North Bay Village, FL 33141
Contact Person:	Manuel Synalovski
Applicant/Contact Phone Number:	954-961-6806(o) 954-804-3515(m)
E-mail Address	msynalovski@synalovski.com

Staff Analysis

The staff report for Sotreza LLC, Site Plan Review pointed out two areas that did not meet the City Code requirements. Parking spaces for the site plan showed a width of 8.5 feet instead of 9 feet as required by the code. Also, the driveway aisles for 90 degree parking showed as 22 feet instead of 23 feet as required.

Revised site plans have now been submitted by the applicant showing the proper widths for the parking spaces and driveways. There is no longer a need to request any variances. The site plan meets the City requirements and our recommendation no longer includes variance stipulation.

12B(10)



Comparison of Proposal With Land Development Code (LDC) Design Standards

Regulation	Required	Provided
OFF-STREET PARKING [(Sec. 152.041)]		
Size of spaces	Standards, 9' by 18'	9' by 18'
[LDC Sec. 5.2.2(a)(1)]	Compact, 8' by 16'	8' by 16'
Compact spaces [LDC Sec. 5.2.2(a)(2)]	Maximum 20% of spaces with prior approval by City Commission.	6 spaces (18.75%)
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Location of spaces LDC Sec. 5.2.1(12)	20 feet between a public street right-of-way, exclusive of alleys, and the entrance to the nearest parking space.	The first space upon entry from Pirates Alley is at least 25 feet from the property line. While this may not strictly be required under this section, at least a 20-foot minimum is preferred.
Minimum maneuvering space Sec. 155.17	23 feet for 90 degree parking, one-way and two-way drives	23 feet.

12B(11)



Recommendations

Staff recommends **approval** of the site plan pending the following:

Approval by the City Commission for six of the 32 parking spaces to be designated as compact spaces.

Submitted by:

James L. LaRue
James L. LaRue, AICP
Planning Consultant

June 20, 2012

Hearing: Planning & Zoning Board, June 27, 2012

Appendix: Applicant Submitted
Revised Parking Plan

12B(12)



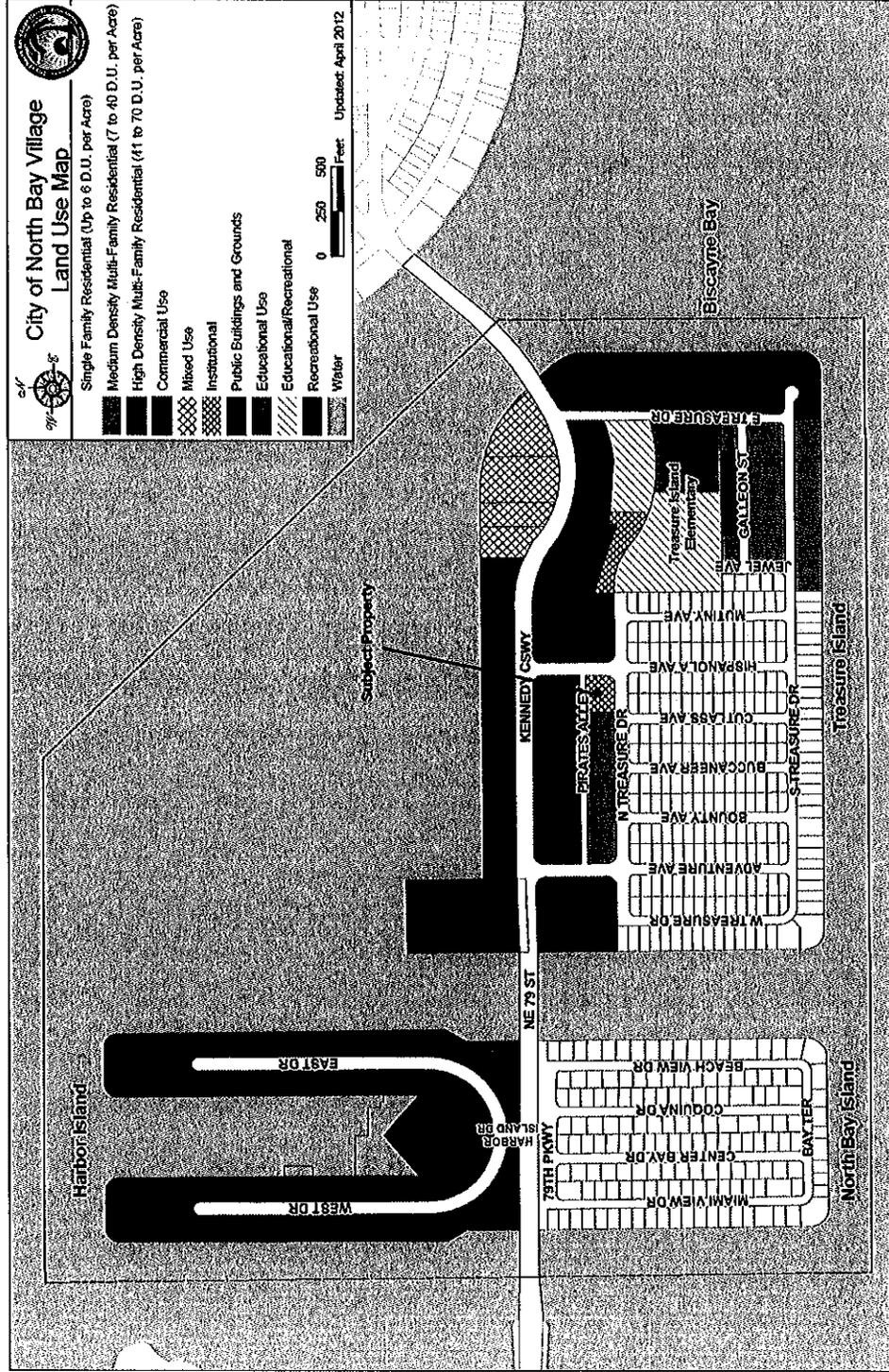
APPENDIX: APPLICANT SUBMITTED

Revised Parking Plan

12B(13)



**FUTURE LAND USE
SUBJECT SITE AND ENVIRONS**



12B(14)



**ARIAL PHOTOGRAPH
SUBJECT SITE AND ENVIRONS**



12B(16)

APPENDIX: APPLICANT SUBMITTED

**TRAFFIC IMPACT EVALUATION
LANDSCAPE PLAN
ELEVATIONS**





Kimley-Horn
and Associates, Inc.

April 17, 2012

Mr. Manny Synalovski
Manuel Synalovski Associates
1800 Eller Drive, Suite 500
Ft. Lauderdale, Florida 33316

■
Suite 200
1920 Wekiva Way
West Palm Beach, Florida
33411

Re: KLA School – North Bay Village
Off-Site Traffic Impact Evaluation
North Bay Village, Florida

Dear Manny:

Kimley-Horn and Associates, Inc. (KHA) has prepared the following evaluation as a supplement to the analysis prepared on April 10, 2012 that addressed on-site queuing and parking impacts of the proposed KLA School facility in North Bay Village. This evaluation has been prepared to address anticipated impacts of traffic generated by the proposed school facility at the intersections in the vicinity of the proposed school.

This document summarizes the data collected, the evaluations undertaken and the results of the analysis.

Study Area

For this evaluation, traffic impacts at the following locations were evaluated:

1. Hispanola Avenue & North Treasure Drive
2. Pirate's Alley & Adventure Avenue
3. JFK Causeway & Adventure Avenue

These intersections are anticipated to be the primary locations impacted by traffic entering and exiting the school facility. Figure 1 illustrates the location of the intersections that were evaluated.

Data Collection

Turning movement counts were conducted at all three intersections during the AM (7 AM – 9 AM) and PM (4 PM – 6 PM) peak periods on Friday, April 13, 2012, except for the PM peak period at JFK Causeway & Adventure Avenue because KHA had a turning movement count that had been collected on October 25, 2011 at that location. The volumes were adjusted to peak season conditions by applying the peak season conversion factor published by the Florida Department of Transportation (FDOT) for this area. Volume summaries are attached to this letter.

■
TEL 561 845 0665
FAX 561 863 8175

12.B(18)



Impact Evaluation

Traffic anticipated to be generated by the school facility was assigned to the intersections as summarized in the attached tables. For this analysis, the school trip generation calculations that were documented in the April 10, 2012 analysis were utilized. Operational analyses were then performed for existing conditions without school traffic and future conditions with school traffic using software based upon the analysis methodology contained in the *2010 Highway Capacity Manual*. As summarized in Tables 1 through 3, the intersections will continue to operate at the same level of service in the future as they do today including the addition of school traffic based upon volume projections from the proposed school.

**Table 1
Intersection Analysis
Hispanola Avenue & North Treasure Drive**

Time Period	Approach	Existing Volumes		Proposed Volumes	
		Delay (sec)	LOS	Delay (sec)	LOS
AM PEAK HOUR	Northbound	11	B	11.2	B
	Southbound	11	B	11	B
	Eastbound	7.4	A	7.4	A
	Westbound	7.3	A	7.3	A
PM PEAK HOUR	Northbound	10	B	10.2	A
	Southbound	9.6	A	9.6	A
	Eastbound	7.3	A	7.3	A
	Westbound	7.2	A	7.2	A

**Table 2
Intersection Analysis
Pirate's Alley & Adventure Avenue**

Time Period	Approach	Existing Volumes		Proposed Volumes	
		Delay (sec)	LOS	Delay (sec)	LOS
AM PEAK HOUR	Northbound	7.4	A	7.4	A
	Southbound	7.7	A	7.7	A
	Eastbound	9.5	A	9.8	A
	Westbound	9.5	A	9.8	A
PM PEAK HOUR	Northbound	7.4	A	7.4	A
	Southbound	7.5	A	7.5	A
	Eastbound	11.3	B	11.7	B
	Westbound	9.6	A	9.7	A

12 B(19)



Table 3
Intersection Analysis
JFK Causeway & Adventure Avenue

Time Period	Approach	Existing Volumes		Proposed Volumes	
		Delay (sec)	LOS	Delay (sec)	LOS
AM PEAK HOUR	Northbound	26.9	C	27.4	C
	Southbound	-	-	-	-
	Eastbound	21.4	C	21.8	C
	Westbound	13.9	B	14.1	B
	Intersection	18	B	18.5	B
PM PEAK HOUR	Northbound	26.6	C	27.5	C
	Southbound	-	-	-	-
	Eastbound	21.5	C	22.2	C
	Westbound	13.9	B	14.2	B
	Intersection	18.1	B	18.9	B

Intersection operational output worksheets are attached to this letter.

Summary

As demonstrated in this supplemental analysis, the intersections immediately impacted by traffic generated by the site are anticipated to operate acceptably during the AM and PM peak periods with the inclusion of school traffic volumes. Should you have questions or comments regarding the information contained herein, please call me via phone at 561-840-0248 or via e-mail at chris.heggen@kimley-horn.com.

Sincerely,

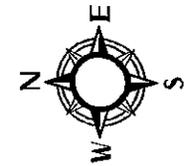
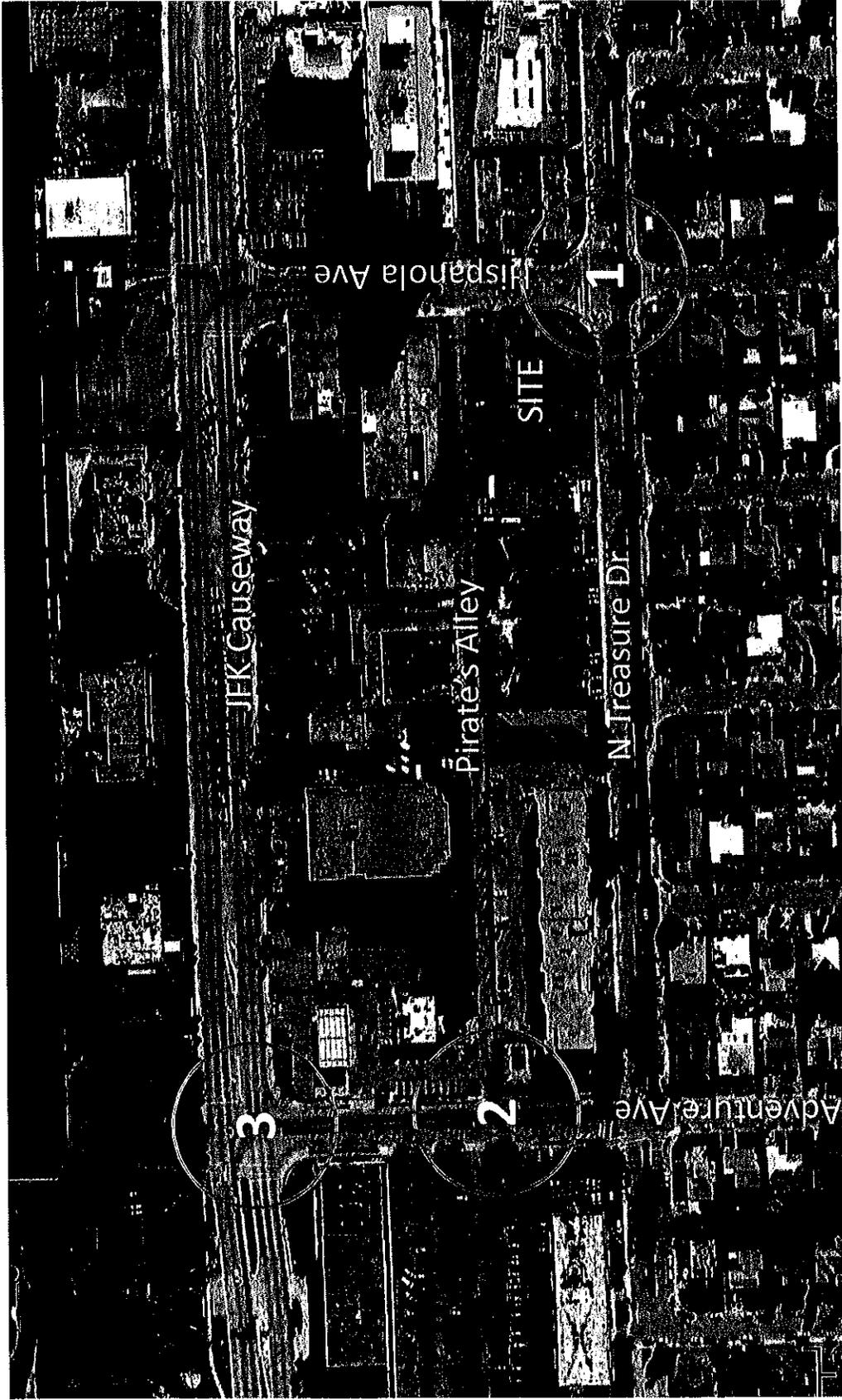
KIMLEY-HORN AND ASSOCIATES, INC.

Christopher W. Heggen, P.E.
Transportation Engineer

Attachments

K:\WPB_TPTO\85294\cwh\2012\KLA School - North Bay Village\041712ms-KLA-NBV.docx

12B(20)



Not to Scale

FIGURE 1

KLA School – North Bay Village
Intersection Analysis Locations

12B(21)



City of North Bay Village

1700 Kennedy Causeway, Suite 132 North Bay Village, FL 33141
(305) 756-7171 Fax (305) 756-7171 Website-www.nbvillage.com

2012
MAY 25 10:21 AM

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 City Commission. Notice of Public Hearings before the Planning & Zoning Board and the City 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 City Clerk shall certify that the petition is complete before the hearing is legally advertised.

Applicant's Name: SOTREZA, LLC Phone: 954.961.6806

Mailing Address: % Manuel Simaloxchi Associate, Attn: Manuel Simaloxchi, AIA, LEED A
1800 Eller Drive, Suite 500, Ft. Lauderdale, FL 33316

Legal Description of Property: LOTS 1 and 2 and east 1/2 of LOT 3, Block 1 of Commercial Addition to TREASURE ISLAND PB 52 R 84 DISE COUNTY

Existing Zoning: RM-40 Lot Size: 32,801 sq ft Folio: 23-3209-010-0010

Type of Request: SITE PLAN APPROVAL OF PROPOSED
KLA SCHOOL

Reason for Request: (Attach additional Pages if necessary) _____

PROPOSED KLA SCHOOL IS AN EARLY
CHILDHOOD EDUCATION CENTER (PRE-K) FOR CHILDREN OF
AGES FROM INFANTS TO 5 YEARS OLD

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

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

12B(22)

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

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 the City of North Bay Village, no rights shall vest on behalf of the applicant, which would be enforceable against the City until after a Public Meeting is held by the City Commission and the City Commission has voted favorable on the proposed petition.

I, (We) further acknowledge that I (We) have read and understand the conditions for appearance before the Planning & Zoning Board and the City Commission Pursuant to the City 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 City Commission revoked.

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

[Signature]
Authorized Signature

MANUEL SYNALOWSKI, AM, LEED AP
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 25 day of May 2012
by Manuel Synalowski
who is personally known to me or who has produced n/a
as identification.

[Signature]
Notary Public

(Notary Seal)



Office Use Only:

Date Submitted: 5/25/12
Tentative Meeting Date: 7/

Fee Paid: \$ 10,000. Deposit
Cash or Check # -
Date Paid: 3/19/12

12B(23)



City of North Bay Village

Administrative Offices

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

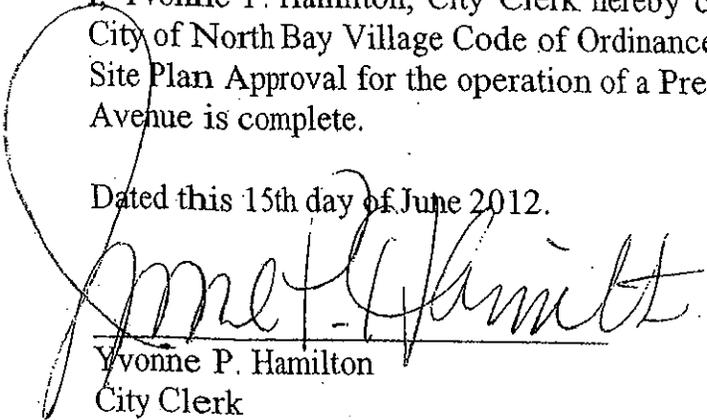
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

Re: 7800 Hispanola Avenue
Lots 1 & 2 & E1/2 Lot 3, Block 1
Commercial Addition to
Treasure Island, Plat Book 52, Page 84 of
Public Records of Miami-Dade County

Request for Site Plan Approval

I, Yvonne P. Hamilton, City Clerk hereby certify, as per Section 152.096(A)(2) of the City of North Bay Village Code of Ordinances that the petition filed by Sotrezza, LLC for Site Plan Approval for the operation of a Pre-School/Day Care Center at 7800 Hispanola Avenue is complete.

Dated this 15th day of June 2012.



Yvonne P. Hamilton
City Clerk

(June 27, 2012 Planning & Zoning Board Meeting)

Mayor
Connie Leon-Kreps

Vice-Mayor
Eddie Lim

Commissioner
Stuart Blumberg

Commissioner
Dr. Richard Chervony

Commissioner
Dr. Paul Vogel

12B(24)



City of North Bay Village

Administrative Offices

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

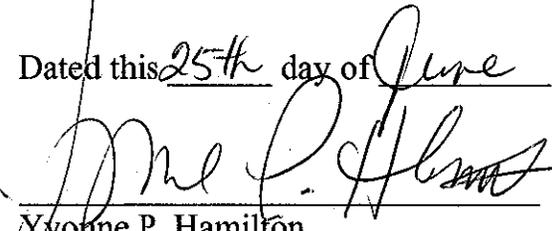
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

Re: 7800 Hispanola Avenue
Lots 1 & 2 & E1/2 Lot 3, Block 1
Commercial Addition to
Treasure Island, Plat Book 52, Page 84 of
Public Records of Miami-Dade County

Request for Special Use Exception for operation of a
Pre-school/Day Nursery

I, Yvonne P. Hamilton, hereby certify that the attached Notice of Public Hearing
to be held on July 10, 2012 was posted at the above-referenced property on

6/25/2012
Dated this 25th day of June 2012.


Yvonne P. Hamilton
City Clerk

(City of North Bay Village City Commission Meeting – 7-10-2012)

Mayor
Connie Leon-Kreps

Vice-Mayor
Eddie Lim

Commissioner
Stuart Blumberg

Commissioner
Dr. Richard Chervony

Commissioner
Dr. Paul Vogel

12B(25)



City of North Bay Village

Administrative Offices

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

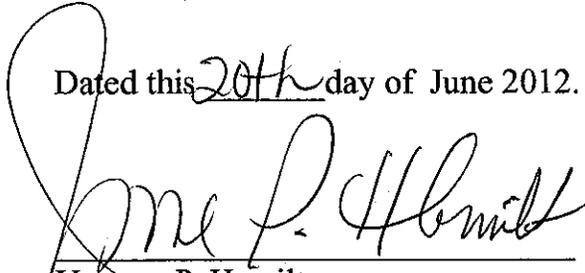
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Re: 7800 Hispanola Avenue
Lots 1 & 2 & E1/2 Lot 3, Block 1
Commercial Addition to
Treasure Island, Plat Book 52, Page 84 of
Public Records of Miami-Dade County

Request for Special Use Exception for operation of a
Pre-school/Day Nursery

I, Yvonne P. Hamilton, City 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 City of North Bay Village Code of Ordinances on 6/20/2012.

Dated this 20th day of June 2012.



Yvonne P. Hamilton
City Clerk

(City of North Bay Commission Meeting – July 10, 2012)

Mayor
Connie Leon-Kreps

Vice-Mayor
Eddie Lim

Commissioner
Stuart Blumberg

Commissioner
Dr. Richard Chervony

Commissioner
Dr. Paul Vogel

12B(26)



City of North Bay Village

Administrative Offices

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

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

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

PUBLIC NOTICE IS HEREBY GIVEN THAT THE CITY COMMISSION OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A REGULAR MEETING ON **TUESDAY, JULY 10, 2012** AT 7:30 P.M., OR AS SOON AS POSSIBLE THEREAFTER, IN THE CITY COMMISSION CHAMBERS AT 1700 KENNEDY CAUSEWAY, #132, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING THE CITY COMMISSION WILL CONSIDER THE FOLLOWING:

1. AN APPLICATION BY SOTREZA, LLC CONCERNING PROPERTY LOCATED AT 7800 HISPANOLA AVENUE (FORMERLY USED AS A TEMPLE), LOTS 1&2 & E1/2 LOT 3, BLOCK 1, COMMERCIAL ADDITION TO TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA AS FOLLOWS:
 - A. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES IN CONNECTION WITH THE OPERATION OF A PRE-SCHOOL/DAY CARE CENTER.

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 CITY COMMISSION C/O THE CITY CLERK, 1700 KENNEDY CAUSEWAY, #132, KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FL 33141.

THE DOCUMENTS PERTAINING TO THIS PUBLIC HEARING MAY BE INSPECTED AT THE OFFICE OF THE CITY CLERK DURING REGULAR BUSINESS HOURS. INQUIRIES MAY BE DIRECTED TO THAT DEPARTMENT AT (305) 756-7171.

Mayor
Connie Leon-Kreps

Vice-Mayor
Eddie Lim

Commissioner
Stuart Blumberg

Commissioner
Dr. Richard Chervony

Commissioner
Dr. Paul Vogel

12B(27)

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES IF ANY PERSON DECIDES TO APPEAL ANY DECISION BY THE CITY 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 CITY 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 CITY-SPONSORED PROCEEDING, PLEASE CONTACT (305) 604-2489 (VOICE), (305) 756-7171 FIVE DAYS IN ADVANCE TO INITIATE YOUR REQUEST. TTY USERS MAY ALSO CALL 711 (FLORIDA RELAY SERVICE).

YVONNE P. HAMILTON, CMC
CITY CLERK
June 18, 2012

12B(28)

The Lexi Development Co., Inc.
7301 S.W. 57th Court, #565
Miami, FL 33143

Baymar Hotels & Properties
Attention: Roy Martayan
1111 Kane Concourse, #211
Bay Harbor Island, FL 33154

LEV Investments I. LLC.
ATTN: Rhonda Walker
407 Lincoln Road, #2K
Miami Beach, FL 33139

Harambam Congregation, Inc.
7800 Hispanola Avenue
N. Bay Village, FL 33141

North Treasure Townhomes
4651 Sheridan Street, #270
Hollywood, FL 33021

Owner/Occupant
7552 Mutiny Avenue
N. Bay Village, FL 33141

Owner/Occupant
7549 Hispanola Avenue
N. Bay Village, FL 33141

Owner/Occupant
7544 Hispanola Avenue
N. Bay Village, FL 33141

Owner/Occupant
1670 N. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
7553 Cutlass Avenue
N. Bay Village, FL 33141

North Treasure Townhouses
Allied Mortgage
13680 N.W. 5th Street, #100
Sunrise, FL 33325

Causeway Tower, LLC
1666 Kennedy Causeway, #610
N. Bay Village, FL 33141

Treasure Island Cove Condo
Association, C/O SPM Group
2200 N.W. 102nd Avenue, #5
Doral, FL 33172

Bank of America NA
7105 Corporate Drive
Plano, TX 75024

Owner/Occupant
7544 Mutiny Avenue
N. Bay Village, FL 33141

Owner/Occupant
7556 Mutiny Avenue
N. Bay Village, FL 33141

Owner/Occupant
7553 Hispanola Avenue
N. Bay Village, FL 33141

Owner/Occupant
7548 Hispanola Avenue
N. Bay Village, FL 33141

Owner/Occupant
7545 Cutlass Avenue
N. Bay Village, FL 33141

Owner/Occupant
1640 South Treasure Drive
North Bay Village, FL 33141

Treasure Key Apartments
C/O S. Kasimon
21405 N.E. 19th Court
Miami, FL 33179

L&M Apartments
C/O Aldo Martin
1657 N. Treasure Drive, #4
N. Bay Village, FL 33141

North Treasure Townhouse, Inc.
7801 Hispanola Avenue
North Bay Village, FL 33141

Owner/Occupant
7548 Mutiny Avenue
N. Bay Village, FL 33141

Owner/Occupant
7545 Hispanola Avenue
N. Bay Village, FL 33141

Owner/Occupant
1700 N. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
7552 Hispanola Avenue
N. Bay Village, FL 33141

Owner/Occupant
7549 Cutlass Avenue
N. Bay Village, FL 33141

Owner/Occupant
7544 Cutlass Avenue
N. Bay Village, FL 33141



Owner/Occupant
1700 Kennedy Causeway, #1910
North Bay Village, FL 33141

Owner/Occupant
1700 Kennedy Causeway, #1903
North Bay Village, FL 33141

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1700 Kennedy Causeway, #1003
North Bay Village, FL 33141

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1700 Kennedy Causeway, #2006
North Bay Village, FL 33141

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1700 Kennedy Causeway, #2008
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1700 Kennedy Causeway, #904
North Bay Village, FL 33141

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1700 Kennedy Causeway, #601
North Bay Village, FL 33141

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Owner/Occupant
1700 Kennedy Causeway, #908
North Bay Village, FL 33141

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1700 Kennedy Causeway, #709
North Bay Village, FL 33141

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1700 Kennedy Causeway, #1001
North Bay Village, FL 33141

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1700 Kennedy Causeway, #1109
North Bay Village, FL 33141

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Owner/Occupant
1700 Kennedy Causeway, #1805
North Bay Village, FL 33141

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Owner/Occupant
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North Bay Village, FL 33141

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12B(35)

Owner/Occupant
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North Bay Village, FL 33141

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1700 Kennedy Causeway, #2005
North Bay Village, FL 33141

Owner/Occupant
1700 Kennedy Causeway, #1006
North Bay Village, FL 33141

Owner/Occupant
1700 Kennedy Causeway, #2012
North Bay Village, FL 33141

Owner/Occupant
1700 Kennedy Causeway, #1905
North Bay Village, FL 33141

12B(36)

Owner/Occupant
7548 Cutlass Avenue
N. Bay Village, FL 33141

Owner/Occupant
1620 N. Treasure Drive
N. Bay Village, FL 33141

12B(37)

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SWEETWATER Couple honored by city

• COUPLE, FROM 2NE

Cayajabos, while she grew up on a farm in the small town of Lima. He got down on one knee in 1942 and asked her to marry him at a neighborhood park.

"I was honored — she said 'Yes,'" Gregorio said. Maria was excited when he asked for her hand. "He was the man," she said. "I took home a prize."

They married in a house and later at a church. He worked at a supermarket and later drove buses, while she worked for the government for the transportation department. In 1989, they arrived in the United States and are now retired.

Holding hands, Maria said the key to a successful marriage is peace and always being together.

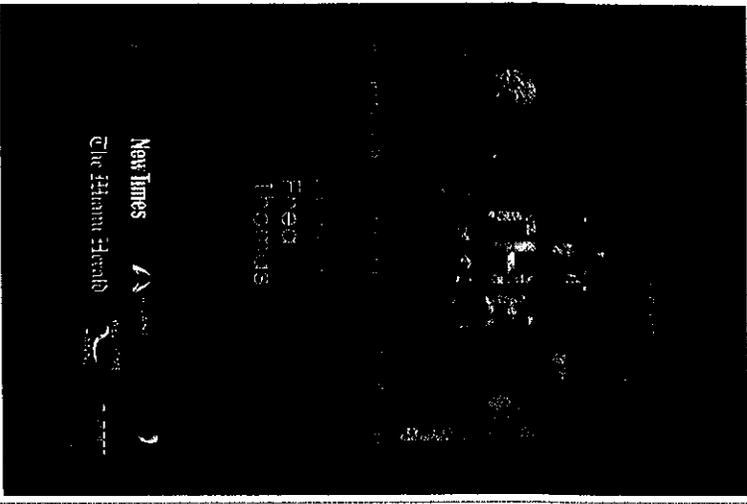
"The secret is to be patient," she said, while looking at her husband. "If at a young age you are arguing, at an old age you will argue a lot more. I don't like arguing and try to share."

In their spare time, they play lots of dominoes with other elderly residents in their apartment complex. At times, they play till the midnight hours.

Both are in good health. Gregorio still drives and Maria likes to sow and watch baseball.

Their eldest son Rene Rodriguez, 67, who lives in Sweetwater, is overjoyed to see his parents alive and well.

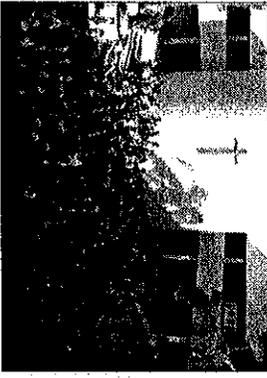
"I am satisfied to see them both together and full of health," said Rodriguez, who has also been married for 48-years.



New Times The Miami Herald

7 Weeks of Camp \$1,045

Includes Camp Fee, Lunch & Field Trips



Belén Jesuit School presents the 2012

Wolverine

Summer Camp in its 28th Year

Girls & Boys

June 18 to August 3

For more information call: (786) 621-4610
www.belensummerncamp.org
500 SW 127 Avenue, Miami, FL 33184
*** LIMITED REGISTRATION, SO HURRY ***

CITY OF NORTH BAY VILLAGE NOTICE OF PUBLIC HEARING

PUBLIC NOTICE IS HEREBY GIVEN THAT THE CITY COMMISSION OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A REGULAR MEETING ON **TUESDAY, JULY 10, 2012** AT 7:30 P.M. OR AS SOON AS POSSIBLE THEREAFTER, IN THE CITY COMMISSION CHAMBERS AT 1700 KENNEDY CAUSEWAY #132, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING THE CITY COMMISSION WILL CONSIDER THE FOLLOWING:

1. A REQUEST BY MAJEL FORNIELLA FOR A SPECIAL USE EXCEPTION UNDER SECTION 152.088 OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES FOR THE OPERATION OF A JET SKI RENTAL BUSINESS AT THE COMMERCIAL WARRIOR AT 7904 WEST DRIVE, HARBOR ISLAND, NORTH BAY VILLAGE, FLORIDA.
2. AN ORDINANCE OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152 OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES ENTITLED "ZONING" BY REVISING SECTION 152.111 PERTAINING TO ADULT ENTERTAINMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. (FIRST READING)
3. AN APPLICATION BY SOTHEBY, LLC CONCERNING PROPERTY LOCATED AT 7800 HISPANOLA AVENUE (FORMERLY USED AS A TEMPLE), LOTS 142 & E1/2 LOT 3, BLOCK 1, COMMERCIAL ADDITION TO TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA AS FOLLOWS:
 - A. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES IN CONNECTION WITH THE OPERATION OF A PRE-SCHOOL/DAY CARE CENTER.
4. AN APPLICATION BY ZF DEVELOPMENT, LLC, CONCERNING PROPERTY LOCATED AT 8000 WEST DRIVE, TRACT C OF HARBOR ISLAND NORTH BAY VILLAGE, FLORIDA IN CONNECTION WITH THE DEVELOPMENT OF A 285-UNIT RENTAL APARTMENT DEVELOPMENT FOR THE FOLLOWING:
 - A. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES IN CONNECTION WITH THE CONSTRUCTION OF A 285-UNIT RENTAL APARTMENT DEVELOPMENT ON A 4.47+ ACRES SITE.
 - B. AN EXCEPTION PURSUANT TO SECTION 152.044(D) OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES TO THE PARKING REQUIREMENTS OF SECTION 152.044(A)(2) TO ALLOW BETWEEN 519 AND 592 PARKING SPACES WHERE 692 SPACES ARE REQUIRED.
 - C. A VARIANCE PURSUANT TO SECTION 152.097 OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES FROM THE STANDARDS OF SECTION 154-8(C)(9) OF THE MIAMI DADE COUNTY CODE AS ADOPTED BY THE CITY OF NORTH BAY VILLAGE, TO PERMIT 52% OF THE NUMBER OF REQUIRED TREES TO BE PALM TREES WHERE A MAXIMUM OF 30% IS ALLOWED.
 - D. A VARIANCE PURSUANT TO SECTION 152.097 OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES FROM SECTION 5.4.1 AND ATTACHMENT A.S. OF APPENDIX D OF THE CITY'S CONSOLIDATED LAND DEVELOPMENT REGULATIONS TO PERMIT 20% SHADE COVERAGE OF THE SHORELINE AREA WITHIN FIVE YEARS OF PLANTING WHERE 30% SHADE COVERAGE IS REQUIRED.
 - E. A VARIANCE PURSUANT TO SECTION 152.097 OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES FROM THE STANDARDS OF SECTION 152.093(C)(2) TO ALLOW A FRONT-YARD SETBACK AS LITTLE AS 11 FEET TO INCHES IN SOME AREAS WHERE 25 FEET IS REQUIRED.
 - F. A VARIANCE PURSUANT TO SECTION 152.097 OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES FROM SECTION 152.029(C)(6), MINIMUM FLOOR AREA, TO ALLOW LESS THAN THE REQUIRED UNIT STANDARDS.
 - G. A VARIANCE PURSUANT TO SECTION 152.097 OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES FROM SECTION 152.056(A), SETBACK ENCROACHMENTS, TO ALLOW A ROOF OVERHANG TO EXTEND INTO THE REQUIRED YARD, COMPLETELY TO THE PROPERTY LINE AND AS MUCH AS 15 FEET, 9 INCHES BEYOND THE PROPERTY LINE INTO THE RIGHT-OF-WAY OF WEST DRIVE WHERE ROOF OVERHANGS ARE NOT PERMITTED TO EXTEND MORE THAN 36 INCHES INTO THE REQUIRED YARD.

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 CITY COMMISSION/C/O THE CITY CLERK, 1700 KENNEDY CAUSEWAY, #132, KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FL 33141. (909) 756-1711.

PURSUANT TO SECTION 286.016, FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION BY THE CITY 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 CITY FOR THE INTRODUCTION OF ADMISSION OF 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 CITY-SPONSORED PROCEEDING, PLEASE CONTACT (909) 804-2489 (VOICE), (909) 756-1711 (TDD) IN ADVANCE TO INITIATE YOUR REQUEST. TTY USERS MAY ALSO CALL 711 (FLORIDA RELAY SERVICE).

YVONNE P. HAMILTON, CMC
CITY CLERK
June 18, 2012

12B(38)



**Summary of:
Planning & Zoning Board Meeting**

**Staff Report
Site Plan Review**

*Prepared for: The City of North Bay Village
City Commission*

Applicant: ZF Development, LLC

*Request: Site Plan Review
Blu at North Bay Village*

12CEWA

General Information

Owner/Applicant:	ZF Development, LLC
Applicant Address:	200 East Broward Blvd, Suite 1200 Fort Lauderdale, FL 33301
Site Address:	8000 West Drive
Contact Person:	Neisen O. Kasdin
Applicant/Contact Phone Number:	305-374-5600
E-mail Address	neisen.kasdin@akerman.com

General Description

The proposed project is an eight-story residential building with all resident and guest parking provided within the central core of the building. The site is zoned RM-70; is located at the north end of West Drive; and is surrounded on three sides by Biscayne Bay. The height of the building is 85 feet to the top of roof and 112 feet to the top of tower. It will contain 285 rental apartments with a mix of one-, two- and three-bedroom apartments and associated amenities including two pools, an internet café, conference room, gallery, resident lounge, exercise room and mail room and leasing area.

Planning & Zoning Board Recommendation and Staff Analysis

The site plan was recommended for approval by the Planning and Zoning Board with certain stipulations:

1. School concurrency requirements would have to be met.
2. Shoreline review approval must be granted from the Miami-Dade Shoreline Review Committee
3. Three loading spaces must be provided meeting size and backout requirements.
4. Parking must be provided for 662 spaces

12G(1)B



The site plan was also recommended for approval with the following variances recommended by the Planning and Zoning Board:

1. A variance to allow palm trees to comprise 52% of the required trees used for landscaping.
2. A variance to allow 20% of shade tree canopy coverage within 5 years.
3. A variance to allow portions of the building to be as little as 11' 10" from the front property line as shown on the site plan instead of 25' as required.
4. A variance to allow the one and two bedroom unit sizes to be less than required, as shown on the site plan data sheet (SP-D).
5. A variance allowing a roof overhang to extend into the front setback up to the property line.

Recommendations

Staff recommends **approval** of the site plan provided each and every requested variance is approved, or approved with modifications, and that the site plan accurately reflect the variances as approved. If modifications to the site plan are necessary to reflect the approved variances, the site plan will be subject to administrative review to ensure that it meets the variances as approved and any subsequent stipulations that may be attached to the approval. Staff still has concern regarding some of the variances that are recommended for approval. Our remarks are included with each specific variance write-up.

Submitted by:

James L. LaRue
James L. LaRue, AICP
Planning Consultant

July 2, 2012

Hearing: City Commission July 10, 2012

12C(1)C



Planning and Zoning Board Recommendations June 27, 2012:

Applicant: ZF Development, LLC
Site Address: 8000 West Drive, Blu at North Bay Village

Request: Site Plan Review and Parking Exception

The Planning and Zoning Board recommended **approval** of the site plan request 3-1 subject to the variance actions.

The Planning and Zoning Board recommended **denial** of the parking exception request 4-0.

Request: #3 Variance to allow palm trees to comprise more than thirty percent of the required trees used for landscaping

The Planning and Zoning Board recommended **approval** of this variance request 3-1.

Request: #4 Variance to allow 20% of shade tree canopy coverage.

The Planning and Zoning Board recommended **approval** of this variance request 3-1.

Request: #5 Variance to Minimum Street Front Setback.

The Planning and Zoning Board recommended **approval** of this variance request 3-1.

Request: #6 Variance to Minimum Floor Area Requirements.

The Planning and Zoning Board recommended **approval** of this variance request 3-1.

Request: #7 Variance to roof overhang limitations.

The Planning and Zoning Board recommended **approval** by a vote of 3-1 to allow the overhang to extend to the property line and **denial** of the request to allow the overhang to extend into the public right-of-way.

120011D





Staff Report Site Plan Review

*Prepared for: The City of North Bay Village
Planning & Zoning Board*

Applicant: ZF Development, LLC

*Request: Site Plan Review
Blu at North Bay Village*



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12 C(1)

General Information

Owner/Applicant:	ZF Development, LLC
Applicant Address:	200 East Broward Blvd, Suite 1200 Fort Lauderdale, FL 33301
Site Address:	8000 West Drive
Contact Person:	Neisen O. Kasdin
Applicant/Contact Phone Number:	305-374-5600
E-mail Address	nelsen.kasdin@akerman.com

	Existing	Proposed
Future Land Use Map Classification	High Density Multi-Family Residential	High Density Multi-Family Residential
Zoning District	RM-70	RM-70
Use of Property	Vacant	Multi-family Residential
Acreage (per survey and site plan)	4.41 ac.	4.41 ac.

Legal Description of Subject Property

ALL OF TRACT 'C', ACCORDING TO THE PLAT OF HARBOR ISLAND, AS RECORDED IN PLAT BOOK 44, PAGE 72, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA

SAID LANDS LYING AND BEING IN THE CITY OF NORTH BAY VILLAGE, MIAMI-DADE COUNTY, FLORIDA CONTAINING 192,064 SQUARE FEET (4.409 ACRES), MORE OR LESS.

General Description

The proposed project is an eight-story residential building with all resident and guest parking provided within the central core of the building. The site is zoned RM-70; is located at the north end of West Drive; and is surrounded on three sides by Biscayne Bay. The height of the building is 85 feet to the top of roof and 112 feet to the top of tower. It will contain 285 rental apartments with a mix of one-, two- and three-bedroom apartments and associated amenities including two pools, an internet café, conference room, gallery, resident lounge, exercise room and mail room and leasing area.



12C(2)

Consistency with Comprehensive Plan

The proposed project is consistent with the City's Comprehensive Plan.

The property is located in the High Density Multi-Family Residential Future Land Use Category. This category allows residential development from 41 to 70 dwelling units per acre. The Impact Assessment Study provided by the Applicant provides supporting documentation that the proposed development will be consistent with the guidelines set forth in Policy.12.3.2 of the Capital Improvements Element. Specifically that:

1. The development will not contribute to a condition of public hazard as described in the Sanitary Sewer, Solid Waste, Drainage, Potable Water Element and the Coastal Management Element.
2. The development will not exacerbate any public facility capacity deficits.
3. The development will not generate public facility demands that cannot be accommodated by capacities expected to be available in the City's 5-Year Schedule of Improvements.
4. The proposed residential development will possibly generate school concurrency impacts but that assessment will be completed by the School Board staff following development approval.

Adjacent Land Use Map Classifications and Zoning District

North:	Future Land Use Map Classification:	Water
	Zoning District:	Water
	Existing Land Use:	Water
East:	Future Land Use Map Classification:	Water
	Zoning District:	Water
	Existing Land Use:	Water
South:	Future Land Use Map Classification:	High Density Multi-Family Residential
	Zoning District:	RM-70
	Existing Land Use:	Vacant and Multi-family
West:	Future Land Use Map Classification:	Water
	Zoning District:	Water
	Existing Land Use:	Water



12C(3)

Adequacy of Public Facilities

The Impact Assessment Study provided by the Applicant indicates that there will be minimal impact upon the Miami-Dade Water and Sewer facilities and solid waste generation, and that drainage will meet the North Bay Village level of service standards.

Comparison of Proposal With Land Development Code (LDC) Design Standards

Regulation	Required	Provided
MINIMUM LOT SIZE [(Sec. 152.029(C)(1))]	27,000 square feet	4.41 acres
MINIMUM FRONTAGE [(Sec. 152.029(C)(1))]	75 feet	At least 80 feet
MINIMUM YARD SETBACKS [Sec. 152.08(c)(2)]		
Minimum Front	25 feet	Applicant is requesting variance to allow portions of the front of the building to extend such that the front yard will be just under the required 25 feet to as little as 11'—10"
Minimum Side Corner	NA	NA
Minimum Side (Interior)	15 feet	27'—5"
Minimum Second Side (Interior)	20% of lot width (20')	72 feet
Total Side Setback Area	Area free of structures at ground level, minimum 60'	Total equals about 99' — 5"
Minimum Rear [(Sec. 152.029(C)(2))]	25 feet	NA
MIAMI-DADE COUNTY SHORELINE REGULATIONS		
Appendix D Shoreline setback	Minimum 25 feet plus 50% of height above 35 feet (maximum 75 feet) Requirements range according to height of building, from 27'—6" to 52 feet	Actual setbacks vary from 35'—2" to 57'—8", always meeting or exceeding requirements



12C(4)

Regulation	Required	Provided
MAXIMUM DENSITY [(Sec. 152.029(C)(3)]	70 dwelling units per acre	64.63 dwelling units per acre
MAXIMUM BUILDING HEIGHT [(Sec. 152.029(C)(4)]	150 feet/fifteen stories	85' to top of roof and 112' to top of tower
MINIMUM FLOOR AREA [(Sec. 152.029(C)(6)]		
Efficiency	600 sf	NA
One-bedroom	900 sf	132 between 652 & 820 sf
Two-bedroom	1,200 sf	121 between 1,157 & 1,261 sf
Three-bedroom	1,350 sf	32 between 1,402 & 1,442 sf Only the largest two bedroom units (6) and the 32 three-bedroom units meet the minimum floor area requirements Applicant is requesting variance to minimum floor area requirements to allow units of the above listed sizes
SITE PLAN AND MODEL [Sec. 152.105(C)]	Architectural model built to scale.	Architectural model is located in City Hall
OTHER RM-70 REQUIREMENTS [Sec. 152.029(C)9, 1—7]	1. Public access boardwalk	Provided
	2. Paving surfaces done in brick pavers (except covered parking garages)	Provided
	3. Water feature in front	Provided
	4. Landscaping	See Miami-Dade requirements, on following page
	5. Streetscape benches along boardwalk	Provided
	6. Architectural features on parking garages	NA, Parking garage is internal to building.
	7. Lighting in areas where trees are planted in front of the development	Provided



12C(5)

Regulation	Required	Provided
OFF-STREET PARKING [Sec. 152.041 and LDC Sec. 5.2.2]		
Size of spaces [Sec.152.041]	Standard, 9' by 18'	9' by 18'
	Compact, 8' by 16'	NA
LDC Sec. 5.2.2(a)(1)]	Handicap 12' by 18' w/5' aisle	12' by 18' w/5' aisle
Compact spaces [LDC Sec. 5.2.2(a)(2)]	Maximum 20% of spaces with prior approval by City Commission	NA
Number of spaces [Sec. 152.044(a)(2)]	Two (2) parking spaces for one and two-bedroom units, and three (3) parking spaces for three-bedroom unit, plus an additional ten (10) percent for guest parking Required spaces = 132 one-bedroom = 264 121 two-bedroom = 242 32 three-bedroom = 96 Subtotal = 602 +10% for guests indicates 662 required Handicap @2% of required spaces = 13 If 592 spaces are required, 12 handicapped spaces are needed; at 519 required spaces, 10 handicapped spaces needed	592; applicant requesting an exception to reduced the number of required spaces to 519 but the site plan shows 592 spaces 12
MINIMUM MANEUVERING SPACE [Sec. 155.17]	90 degree parking: 23 feet	24-feet



126(6)

Regulation	Required	Provided
SETBACK ENCROACHMENTS [Sec. 152.056]	Every part of every required front, side, and rear yard setback shall be open and unobstructed from the ground to the sky Roof overhangs are only allowed to extend into a required side or rear yard, and then only by up to 36 inches	Applicant is requesting a variance to allow a roof overhang to extend in the front yard up to the property line and then to extend up to 15'— 9" over the right-of-way of the cul-de-sac at the north end of West Drive
OFF-STREET LOADING [LDC 5.2.4]	Multi-family residential use: 0 for under 25,000 GFA (sf) 1 for 25,000–50,000 GFA (sf) 2 for 50,000–100,000 GFA (sf) 3 for over 100,000 GFA (sf) Floor area of residences alone is 283,000 sf. Therefore three (3) loading spaces required	Only one loading space shown
LANDSCAPING		
Required open space Miami-Dade County Landscaping Code, [Sec. 18A-6(C)(5), Table A]	40% of 4.41 ac. = 76,826 sf	78,582 sf= 40.35% of 4.41 ac.
Limitation on maximum of required trees to be palm trees [Sec. 18A-6(C)(5)]	Maximum of 30% of required trees may be palm trees	Applicant is requesting a variance to allow up to 52% of the required trees to be palm trees



126(?)

Regulation	Required	Provided
SHORELINE DEVELOPMENT AND VIEW CORRIDORS		
LDC, Appendix D, Attachment A, Shoreline Development Review Manual [Sec. A.5]	Tree canopy shall provide a minimum of 50% shade over all pedestrian and use areas within five years	Applicant is requesting a variance to allow approximately 20% of the pedestrian use area to be shaded within five years of planting
LDC, Appendix D, Shoreline Review Checklist, Visual Corridor	20% of lot width; lot width is 360 feet, therefore view corridor must be at least 72 feet	View Corridor from cul-de-sac to bay is 72 feet wide at water's edge
Chapter 155 [Sec. 155.08]	Buildings should provide view/light/breeze corridors to the bay	Provided
DOCKS [Sec. 152.059]	Docks and piers may extend no more than 25 feet from the bulkhead line	Docks extend outward about 30 feet from the seawall Any site plan approval does not constitute approval of the docks. Docks will require separate permitting and, if extending beyond 25 feet, a waiver must be approved by the City Commission

Other Requirements and Considerations

Sec. 152.105(C)(9) establishes four criteria (a) through (d) by which site plans are judged. These criteria are repeated on the next page with the Applicant's response provided in Times Roman typeface and Staff Comments follow in this typeface.

Site plans for a building or buildings which contain more than two dwelling units, or more than 299 square feet of commercial or office space shall be reviewed by the Planning and Zoning Board and the City Commission. In reviewing site plans for development, the Planning and Zoning Board and the City Commission must consider and abide by the provisions of chapter 155 of the North Bay Village Code of Ordinances currently in effect. The review by the Planning and Zoning Board and City Commission shall attempt to establish that the proposed development or redevelopment conforms to all applicable provisions of the building and zoning regulations of the city and the Florida Building Code; and that the proposed development or redevelopment has a design and arrangement which:



12C(8)

- (a) Protects against and minimizes any undesirable effects upon contiguous and nearby property.

Applicant Response: "The Proposed Project will have a positive effect upon contiguous and nearby properties by providing quality housing in an attractive, mid-rise development pattern."

Staff Comment: There are only two contiguous and nearby properties, those to the immediate south of the subject property. Based on the location of the proposed project, we see no significant undesirable effects upon the adjoining properties as a result of the proposed development. Of course, traffic along West Drive will increase, but this will be of the same magnitude as would be have been associated with the prior site plan approval for 285 units in 2004.

- (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.

Applicant Response: The Proposed Project will provide parking at a rate of one (1) space per bedroom. For example, a one-bedroom apartment will be provided one parking space, a two-bedroom apartment will be provided two parking spaces and a three-bedroom apartment will be provided three parking spaces. Although this is less than the amount of required parking based on the City Code requirements, there is sufficient data and real world examples to justify that the one space per bedroom parking rate is satisfactory. Please see the enclosed parking analysis and description in the enclosed letter for further explanation.

Staff Comment: The City's parking standards are intended to ensure that the lack of adequate parking resulting from previous development patterns does not continue in the future.

The Applicant has submitted a parking study prepared by Walker Parking Consultants that provides the Applicant's rationale for its request for an exception to reduce the number of required parking spaces from 622 to 519. The parking exception must be based on documentation that *"the character of the use or the building is such as to make unnecessary the full provision of parking or loading facilities."*

While the information, comparisons, and findings contained in the parking study may provide a basis for changing the City's off-street parking requirements, they contain no specific information that convinces us that the character of the building or use is such that fewer parking spaces will be needed than required under the code. Locating parking within a garage as opposed to the fact that some older multi-family residential projects were



approved with back-out off-street parking does not convince us that fewer spaces are needed in the Blu project. Similarly, ITE standards and studies, ULI and other national associations' recommendations, comparison with other local communities' standards, and comparison with another sample development in North Bay Village do not provide evidence that the character of the building or use does not require the full complement of parking required by the Code.

The only aspect of the Blu project that could be considered unique relative to the need for parking might be the "parking allotment" technique proposed. We are unconvinced that charging for parking beyond the allotted one space per bedroom is likely to reduce, more than a minimal degree, the number of cars required by residents of the project. Rather, it will merely increase the cost to the renters of these "luxury apartments." The fact that the site plan shows provision of 592 spaces [just a 12% reduction from the 662 required under Sec. 152.044(a)(2)] clearly indicates to us that even the Applicant expects only a slight reduction in the number of spaces needed as a result of a "parking allotment" approach and that the 519 spaces will not be adequate to accommodate parking demand. Rather, it appears the Applicant merely intends to charge the residents for use of the additional spaces beyond the requested 519.

The request for the parking exception to reduce the off-street parking requirement for the project to 519 spaces does not meet the purpose of Sec. 152.044(E)(2), and therefore does not justify approval of an exception to 519 parking spaces; but might, however, warrant consideration to reduce the required number to 592.

Another deficiency in the application is that the site plan shows only one loading space as opposed to the three required. Without the three spaces one would have to assume that it would 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.

Applicant Response: The Proposed Project meets all of the Code requirements for open space. While the Property's unique characteristics require a relaxation from the strict application of the City Code's requirements regarding setbacks and landscaping, the requested variances are nonetheless sufficient to enhance the appearance and character of the neighborhood. Please refer to the enclosed letter for further analysis.

Staff Comment: We agree that should the variances for the front setback and landscaping be granted, they would not violate the requirement to protect



and enhance the appearance and character of the neighborhood. However, with respect to the requested variance to the front setback and extension of the overhang into the right-of-way of the cul-de-sac on West Drive, it is our opinion that these requests do not meet the standards for granting a variance. In the case of the overhang it is questionable whether a variance can be granted beyond the property line. Refer to the discussion specifically related to this variance.

- (d) Can be accommodated by existing community roads, services, and utilities, or the necessary additions are provided by the developer.

Applicant Response: The enclosed impact analysis shows that the existing roads and utilities can accommodate the modest increase in required services for the Proposed Project.

Staff Comment: We agree that the site plan and associated uses can be accommodated by existing roads, services and utilities.

Recommendations

Staff recommends **approval** of the site plan provided each and every requested variance is approved, or approved with modifications, and that the site plan accurately reflect the variances as approved. If modifications to the site plan are necessary to reflect the approved variances, the site plan will be subject to administrative review to ensure that it meets the variances as approved and any subsequent stipulations that may be attached to the approval. Finally, the site plan must receive approval from the Miami Dade Shoreline Review Committee. The Committee is tentatively scheduled to view the site plan in August.

Submitted by:

James L. LaRue
James L. LaRue, AICP
Planning Consultant

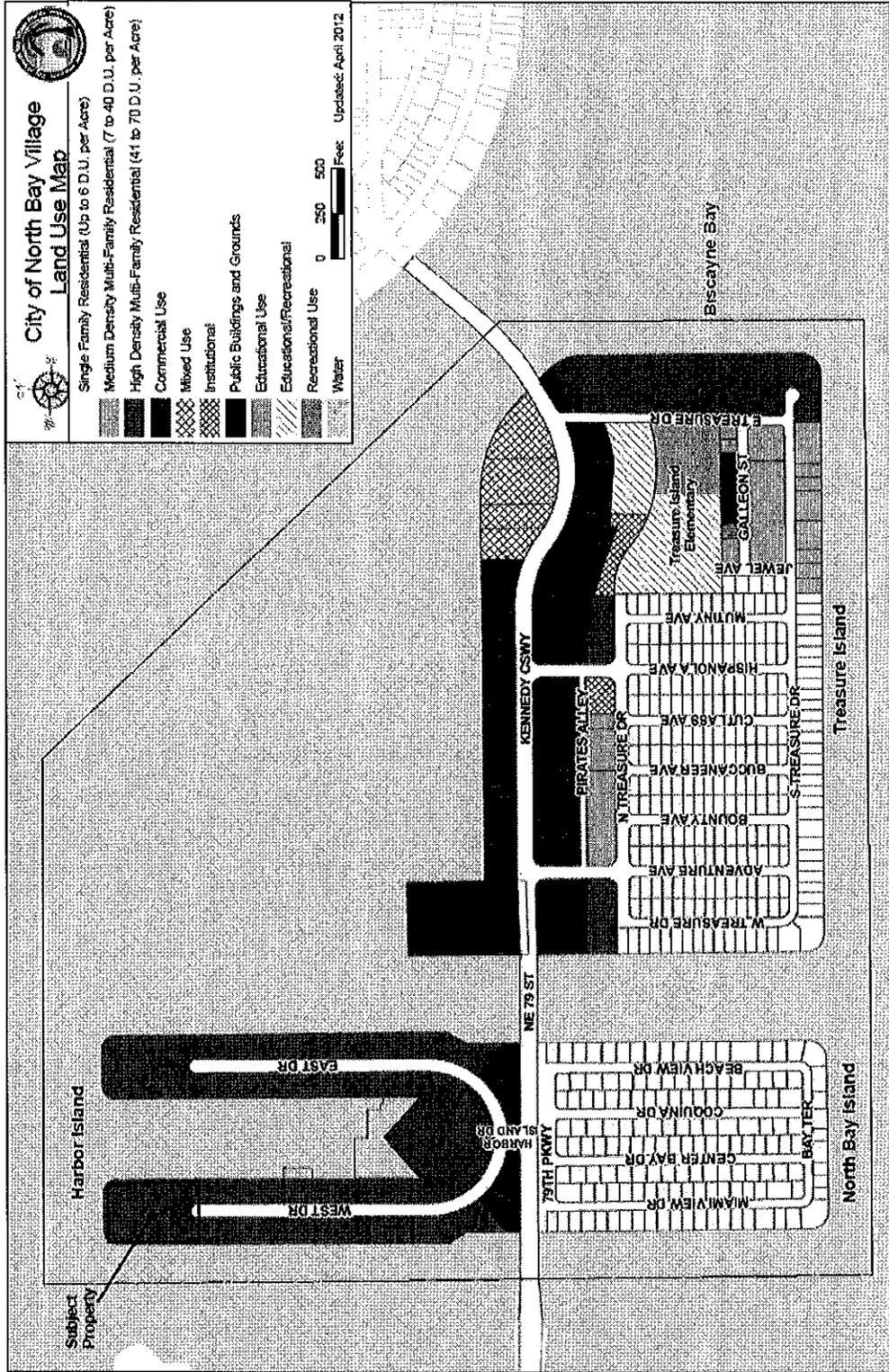
June 20, 2012

Hearing: Planning & Zoning Board, June 27, 2012

Attachments: Future Land Use Map
Zoning Map
Aerial photograph



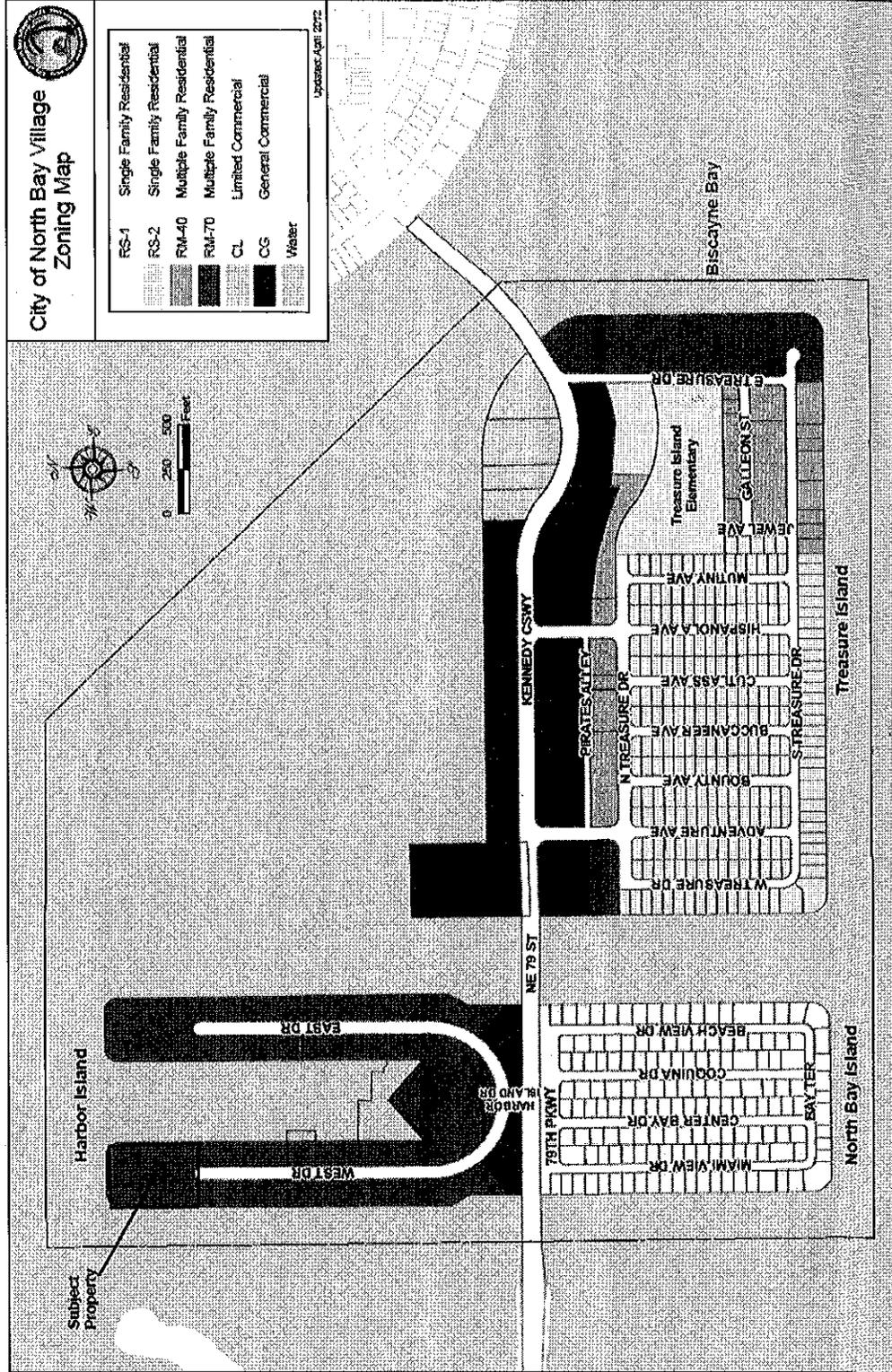
**FUTURE LAND USE
SUBJECT SITE AND ENVIRONS**



12C.(11)



ZONING
SUBJECT SITE AND ENVIRONS



12C(12)

**ARIAL PHOTOGRAPH
SUBJECT SITE AND ENVIRONS**



12.C(13)





Staff Report Variance Request #3

Prepared for: The City of North Bay Village
Planning & Zoning Board

Applicant: ZF Development, LLC

Request: Variance #3

Variance to allow palm trees to comprise more than thirty percent of the required trees used for landscaping.



**LapRite Planning
& Management Services, Inc.**

1375 Jackson Street, Suite 206
Port Myers, Florida
239-334-3366

Serving Florida Local Governments Since 1988

12C(14)

General Information

Owner/Applicant:	ZF Development, LLC
Applicant Address:	200 East Broward Blvd, Suite 1200 Fort Lauderdale, FL 33301
Site Address:	8000 West Drive
Contact Person:	Neisen O. Kasdin
Applicant/Contact Phone Number:	305-374-5600
E-mail Address	nelsen.kasdin@akerman.com

	Existing	Proposed
Future Land Use Map Classification	High Density Multi-Family Residential	High Density Multi-Family Residential
Zoning District	RM-70	RM-70
Use of Property	Vacant	Multi-family residential
Acreage (per survey and site plan)	4.41 ac.	4.41 ac.

Legal Description of Subject Property

ALL OF TRACT 'C', ACCORDING TO THE PLAT OF HARBOR ISLAND, AS RECORDED IN PLAT BOOK 44, PAGE 72, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA

SAID LANDS LYING AND BEING IN THE CITY OF NORTH BAY VILLAGE, MIAMI-DADE COUNTY, FLORIDA CONTAINING 192,064 SQUARE FEET (4.409 ACRES), MORE OR LESS.

Requested Variance

Requested Variance: "A variance request from the standards of Section 18A-6(c)(8) of Miami-Dade County Code, as adopted by the City of North Bay Village to permit 52% of the required trees for landscaping to be palm trees where a maximum 30% is allowed.



17C (15)

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;

Staff Comments: The location of this site with three frontages along Biscayne Bay creates an environment where there is abundant salt spray thus requiring landscaping that is salt tolerant, Therefore, this special condition is peculiar to this property and directly impacts the need for salt tolerant plants.

- (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 conditions requiring salt tolerant plants were not caused by the applicant.

- (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.

Staff Comments: The strict application of this requirement on palm trees could create limitations of landscape materials thus causing an unnecessary hardship for the applicant.

- (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: It is our opinion that the granting of the variance request will not confer a special privilege to the applicant.



12C(16)

- (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: It is reasonable to assume that this is the minimum variance to make reasonable use of the property.

- (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 granting of this variance will be in harmony with the general intent and purpose of this chapter.

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: Although cost may be a factor, we cannot state that the Applicant has based this variance request exclusively to reduce the cost of development.

Recommendations

Staff finds that the requested variance does meet the requirements of Sec. 152.097 (C) in that the materials submitted do adequately allow for an affirmative finding on each of the criteria contained in 152.097(B) as specifically identified by the foregoing Staff Comments. Consequently, Staff recommends **approval** of the requested variance to allow 52% of the required trees for landscaping to be palms.

Submitted by:

James L. LaRue
James L. LaRue, AICP
Planning Consultant

June 21, 2012

Hearing: Planning & Zoning Board, June 27, 2012





Staff Report Variance Request #4

Prepared for: The City of North Bay Village

Applicant: ZF Development, LLC

Request: Variance #4

Variance to allow 20% of shade tree canopy coverage.



**Table Planning
& Management Services, Inc.**

1375 Jackson Street, Suite 206
Port Myers, Florida
239-334-3366

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12C(18)

General Information

Owner/Applicant:	ZF Development, LLC
Applicant Address:	200 East Broward Blvd, Suite 1200 Fort Lauderdale, FL 33301
Site Address:	8000 West Drive
Contact Person:	Neisen O. Kasdin
Applicant/Contact Phone Number:	305-374-5600
E-mail Address	neisen.kasdin@akerman.com

	Existing	Proposed
Future Land Use Map Classification	High Density Multi-Family Residential	High Density Multi-Family Residential
Zoning District	RM-70	RM-70
Use of Property	Vacant	Multi-family residential
Acreage (per survey and site plan)	4.41 ac.	4.41 ac.

Legal Description of Subject Property

ALL OF TRACT 'C', ACCORDING TO THE PLAT OF HARBOR ISLAND, AS RECORDED IN PLAT BOOK 44, PAGE 72, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA

SAID LANDS LYING AND BEING IN THE CITY OF NORTH BAY VILLAGE, MIAMI-DADE COUNTY, FLORIDA CONTAINING 192,064 SQUARE FEET (4.409 ACRES), MORE OR LESS.

Applicant's Description of, and Basis for, Requested Variance

Requested Variance: A variance from Section 5.4.1 Appendix D of the City's shoreline development review regulations in order to allow 20% shade tree canopy coverage within five years instead of 50% as required by the code.



12C(19) 1

Required Findings

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;

Staff Comments: The narrow shape of the property and the need to design vertical and horizontal clearance for fire trucks and emergency vehicles are significant enough special circumstances peculiar to the land and/or proposed development to justify not providing the full 50% shade coverage. Adequate shade tree coverage will be provided at the key view and vista areas within the development.

- (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 did not create these conditions or circumstances

- (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.

Staff Comments: The 50% shade tree canopy requirement in five years can be seen as unduly restrictive in light of canopy clearance needed for fire trucks and emergency vehicles. Meeting the requirement would involve an unnecessary hardship for the applicant.

- (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 the variance is granted it will not confer on the applicant any special privilege denied by this chapter to other land, structures or buildings in the same zoning district.



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

Staff Comments: The variance, as presented, seems to be the minimum variance making possible the reasonable use of this property.

- (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: It is our opinion that granting this variance would be in harmony with the general intent of this chapter and would not be injurious to the neighborhood or 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: Cost does not seem to be a factor in this variance request.

Recommendations

Staff finds that the requested variance does meet the requirements of Sec. 152.097 (C) in that the materials submitted do adequately allow for an affirmative finding on each of the criteria contained in 152.097(B) as specifically identified by the foregoing Staff Comments. Consequently, Staff recommends **approval** of the requested variance to allow 20% shade tree canopy coverage within five years rather than the 50% required by the code.

Submitted by:

James L. LaRue
James L. LaRue, AICP
Planning Consultant

June 21, 2012

Hearing: Planning & Zoning Board, June 27, 2012





Staff Report

Variance Request #5

Prepared for: The City of North Bay Village
Planning & Zoning Board

Applicant: ZF Development, LLC

Request: Variance #5
Variance to Minimum Street Front Setback



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126 (22)

General Information

Owner/Applicant:	ZF Development, LLC
Applicant Address:	200 East Broward Blvd, Suite 1200 Fort Lauderdale, FL 33301
Site Address:	8000 West Drive
Contact Person:	Neisen O. Kasdin
Applicant/Contact Phone Number:	305-374-5600
E-mail Address	neisen.kasdin@akerman.com

	Existing	Proposed
Future Land Use Map Classification	High Density Multi-Family Residential	High Density Multi-Family Residential
Zoning District	RM-70	RM-70
Use of Property	Vacant	Multi-family residential
Acreage (per survey and site plan)	4.41 ac.	4.41 ac.

Legal Description of Subject Property

ALL OF TRACT 'C', ACCORDING TO THE PLAT OF HARBOR ISLAND, AS RECORDED IN PLAT BOOK 44, PAGE 72, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA

SAID LANDS LYING AND BEING IN THE CITY OF NORTH BAY VILLAGE, MIAMI-DADE COUNTY, FLORIDA CONTAINING 192,064 SQUARE FEET (4.409 ACRES), MORE OR LESS.



12C(231)

Requested Variance

Requested Variance: "A variance waiving the 25 foot minimum required front setback along West Drive, to place a portion of the building's pedestal 11 feet and 10 inches from the property line."

Note: Actually, the site plan as submitted will require a variance to allow portions of the front of the building to extend such that the front yard will be just under the required 25 feet along part of the frontage to as little as 11'—10" at the building's closest point to the property line.

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;

Staff Comments: It is true that there is only one other property in the City that is located on a cul-de-sac and this property (1900 South Treasure Dr.) also lies in the RM-70 Zoning District. Therefore, this condition is peculiar to the subject property and is not generally applicable to other lands in the RM-70 zoning district.

- (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: It is our understanding that cul-de-sac providing access to the property was not created by any person having an interest in the property.

- (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.

Staff Comments: The portion of the building that is presently infringing upon the required 25-foot setback involves about 50 feet of the width of a building. The



building is about 270 feet wide. The major violation of the setback involves a depth of about 13 feet on the first two floors. This is the front of the internet café/lounge. Eliminating the infringement would involve about 450 square feet of the ground and second floor areas on a building that includes about 300,000 square feet of residential space and associated amenities. Above the second floor it appears that front of the eastern portion of unit "B-3 HYB.-A" on floors three through eight may extend up to two feet into the setback. Requiring the Applicant to undertake these or other changes necessary to meet the code do not deprive the applicant of reasonable use of the land.

Moving the building back perhaps two feet and reducing the amenities areas by 450 square feet or otherwise modifying the site plan to meet the 25-foot setback requirement would not deprive the applicant of reasonable use of the land. In addition, it is hard to see how these minor losses in square footage or design or modification of the locations of certain elements of the design constitute a hardship. They may be unpalatable, more costly or reduce the economic return of the project, but these factors do not constitute an unnecessary hardship.

- (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: While there are no other properties along West Drive that have similarly shaped frontage, there is another property in the RM-70 District – 1900 South Treasure Drive that fronts on a cul-de-sac. It is our opinion that granting the requested setback variance would confer on the applicant a special privilege that is denied to other lands in the RM-70 zoning district.

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

Staff Comments: We do not believe any variance to the front street setback is necessary to make possible the reasonable use of the land. Refer to our response to item (1)C. The Applicant's reference that the code "requires buildings to maintain distinctive form and design" is actually more general and not limited to the front of the building. Specifically Sec. 155.08C which reads as follows: "Buildings should be designed with distinctive form. Stepped form and distinctive roof lines create a more interesting skyline and increase building recognition." We believe distinctive form can be achieved without the requested variance.



- (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: We do not believe that the granting of the variance will not be in harmony with the general intent of Chapter 152, but rather that the request does not meet certain aspects of the very specific requirements for granting a variance. Furthermore, the granting of the variance may not be 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: Although cost may be a factor, we cannot state that the Applicant has based this variance request exclusively to reduce the cost of development.

Recommendations

Staff finds that the requested variance does not meet the requirements of Sec. 152.097 (C) in that the materials submitted do not adequately allow for an affirmative finding on each of the criteria contained in 152.097(B) as specifically identified by the foregoing Staff Comments labeled (1)c, (2)a, and (2)b. Consequently, Staff recommends **denial** of the requested variance to allow less than the required 25-foot setback from property line abutting the cul-de-sac along West Drive.

Submitted by:

James L. LaRue
James L. LaRue, AICP
Planning Consultant

June 21, 2012

Hearing: Planning & Zoning Board, June 27, 2012





Staff Report Variance Request #6

Prepared for: The City of North Bay Village
Planning & Zoning Board

Applicant: ZF Development, LLC

Request: Variance #6
Variance to Minimum Floor Area Requirements



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126 (27)

General Information

Owner/Applicant:	ZF Development, LLC
Applicant Address:	200 East Broward Blvd, Suite 1200 Fort Lauderdale, FL 33301
Site Address:	8000 West Drive
Contact Person:	Neisen O. Kasdin
Applicant/Contact Phone Number:	305-374-5600
E-mail Address	neisen.kasdin@akerman.com

	Existing	Proposed
Future Land Use Map Classification	High Density Multi-Family Residential	High Density Multi-Family Residential
Zoning District	RM-70	RM-70
Use of Property	Vacant	Multi-family residential
Acreage (per survey and site plan)	4.41 ac.	4.41 ac.

Legal Description of Subject Property

ALL OF TRACT 'C', ACCORDING TO THE PLAT OF HARBOR ISLAND, AS RECORDED IN PLAT BOOK 44, PAGE 72, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA

SAID LANDS LYING AND BEING IN THE CITY OF NORTH BAY VILLAGE, MIAMI-DADE COUNTY, FLORIDA CONTAINING 192,064 SQUARE FEET (4.409 ACRES), MORE OR LESS.



120(28) 1

Requested Variance

Requested Variance: "A variance to waive the minimum unit sizes in the RM-70 zoning district that require at least 900 square feet for one-bedroom units and 1,200 square feet for two-bedroom units. The Applicant proposes one-bedroom units ranging from 652 square feet to 820 square feet, and two-bedroom units from 1,157 square feet to 1,261 square feet."

"The Applicant requests a variance to utilize these reduced unit sizes, which deviate from the City Code up to 43 square feet for the smallest two-bedroom units and up to 250 square feet for the smallest one-bedroom units."

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 labeled (1)a, (1)b, (1)c, (2)a, (2)b and (3).

Where the Applicant has provided justification or other commentary, we have included that text in Times Roman typeface, followed by Staff Comments in this type face.

- (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;

Staff Comments: We agree that the property's location and waterfront configuration is unique. There is only one other parcel in the City that is zoned RM-70 with three frontages adjacent to Biscayne Bay (8000-8020 East Drive).

The special circumstances criterion for a variance is intended to refer to physical characteristics of the property, not to the fact that the property is developed or undeveloped. The fact that it is the last parcel that conforms to the size requirements of the district does not qualify it as being physically unique such that it should not be developed consistent with regulations that have applied to other parcels that conform to the City's regulations. The current minimum floor areas apply not only to new development, but also to redevelopment. The fact that it is a large parcel and therefore does not qualify for regulations that have been put into place for undersized parcels does not constitute a special circumstance.



- (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: We agree that the configuration and orientation of the property were not created by the applicant. We disagree with the premise that the size of the parcel and requirement to meet the applicable minimum floor areas qualify as a special circumstance.

- (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.

Staff Comments: The fact that the minimum floor area requirements will not permit the Applicant to develop according to his desired site plan or financial goals does not constitute a hardship. Certainly there are other development scenarios that can be accommodated on the property; they simply do not match the Applicant's wishes.

The definition of "unnecessary hardship" reads as follows and specifically excludes loss of the best use of the land.

"(2) *Hardship, unnecessary.* Arduous restrictions upon the uses of a particular property, which are unique and distinct from that of adjoining property owners. Granting of relief from an unnecessary hardship should not violate sound zoning principles, including considerations that: adjacent properties will not be substantially reduced in value, it is not granting a special privilege not to be enjoyed by others in similar circumstances, and the public interest is maintained, including following the spirit of this chapter and the comprehensive master plan. Invalid and nonjustifiable bases for pleading unnecessary hardship include but are not limited to:

- (a) Loss of the "best" use of the land, and business competition.
- (b) Self-created hardships by the applicant's own acts.
- (c) Neighboring violations and nonconformities.
- (d) Claims of inability to sell the property.
- (e) General restrictions of this chapter."

We disagree that the reduction in height "will afford northern views of Biscayne Bay to many of the existing buildings on West Drive." In fact, an eight-story building on the site affords northern views only to units on the top few stories of three taller buildings to the south (7929, 7933 and 7938 West Drive.) All other buildings on West Drive are either lower than the proposed eight story structure and therefore are not afforded a northern view of the bay or are south of the taller buildings and have no northern view to begin with. The City has not restricted the Applicant from designing a taller building. Again, the reduction in habitable area as a result of the minimum floor area requirement does not qualify as an unnecessary hardship.



There are no height limitations imposed by the character of the neighborhood. Furthermore, the imposition of the setbacks required by the Miami-Dade County Shoreline Review guidelines does not qualify as a hardship because the setbacks result in a reduction of the footprint available for habitable space.

- (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: Granting the variances will confer upon the applicant a special privilege not available to all other properties in the district that meet the minimum lot area requirement. It does not matter that these properties have already been developed, they are still subject to the minimum floor area requirements in the event of redevelopment.

- (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 Applicant has submitted no evidence of what size would be necessary to make possible the reasonable use of the land. The submission states only that the sizes proposed are those that fit the proposed design and projected unit mix.

- (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: We do not believe that the granting of the variance will not be in harmony with the general intent of Chapter 152, but rather the request does not meet certain aspects of the very specific requirements for granting a variance. Furthermore, the granting of the variance may not be 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: Although cost may be a factor, we cannot state that the Applicant has based this variance request exclusively to reduce the cost of development.

Recommendations

Staff finds that the requested variance does not meet the requirements of Sec. 152.097 (C) in that the materials submitted do not adequately allow for an affirmative finding on each of the criteria contained in 152.097(B) as specifically identified by the foregoing Staff Comments labeled (1)c, (2)a, and (2)b. Consequently, the Staff recommends **denial** of the requested variance to allow minimum floor areas of less than those required by Sec. 152.029(c)(6).

Submitted by:

James L. LaRue
James L. LaRue, AICP
Planning Consultant

June 21, 2012

Hearing: Planning & Zoning Board, June 27, 2012





Staff Report

Variance Request #7

Prepared for: The City of North Bay Village
Planning & Zoning Board

Applicant: ZF Development, LLC

Request: Variance #7
Variance to Roof Overhang Limitations



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12C(33)

General Information

Owner/Applicant:	ZF Development, LLC
Applicant Address:	200 East Broward Blvd, Suite 1200 Fort Lauderdale, FL 33301
Site Address:	8000 West Drive
Contact Person:	Neisen O. Kasdin
Applicant/Contact Phone Number:	305-374-5600
E-mail Address	neisen.kasdin@akerman.com

	Existing	Proposed
Future Land Use Map Classification	High Density Multi-Family Residential	High Density Multi-Family Residential
Zoning District	RM-70	RM-70
Use of Property	Vacant	Multi-family residential
Acreage (per survey and site plan)	4.41 ac.	4.41 ac.

Legal Description of Subject Property

ALL OF TRACT 'C', ACCORDING TO THE PLAT OF HARBOR ISLAND, AS RECORDED IN PLAT BOOK 44, PAGE 72, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA

SAID LANDS LYING AND BEING IN THE CITY OF NORTH BAY VILLAGE, MIAMI-DADE COUNTY, FLORIDA CONTAINING 192,064 SQUARE FEET (4.409 ACRES), MORE OR LESS.



Requested Variance

Requested Variance: "A variance from Section 152.056 of the City Code, which prohibits a roof overhang from extending beyond 36 inches into the yard, to allow a porte-cochere on the third floor level across the front right of way line reaching 15 feet 9 inches at its longest point."

Staff Comments:

The site plan as submitted, will actually require a variance to three aspects of Sec. 152.056(A). The first will be to allow a roof overhang in the front yard. This section now allows a roof overhang only in the side and rear yard. The second will be to allow the roof overhang to go beyond 36 inches into the required yard up to the property line. The third aspect would be to allow the roof overhang to extend 15 feet 9 inches into the right-of-way of the cul-de-sac on West Drive.

We are unsure whether or not this can actually be accommodated as a variance to this section of the code, because there is no provision allowing anything to extend beyond property lines into a road right-of-way.

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;

Staff Comments: It is true that there is only one other property in the City that is located on a cul-de-sac and this property (1900 South Treasure Dr.) also lies in the RM-70 Zoning District. Therefore, this condition is peculiar to the subject property and is not generally applicable to other lands in the RM-70 zoning district.



- (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: It is our understanding that cul-de-sac providing access to the property was not created by any person having an interest in the property.

- (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.

Staff Comments: Sec. 152.056(A) does not allow roof overhangs to extend into the front yard in any instance. As such, the fact that the Property's front yard is determined by the curve of the cul-de-sac is immaterial. Even if the property line were entirely parallel, to the right-of-way, no roof overhang would be allowed. While a porte-cochere may be an essential design element of the project as envisioned by the Applicant, the lack of such a feature does not constitute a hardship and would not deprive the applicant of the reasonable use of the land.

Given the foregoing, it becomes even more difficult to justify extending the roof overhang into the right-of-way of the cul-de-sac, which certainly would not represent a hardship or deprive the applicant the reasonable use of the land.

- 2)a. That granting the variance requested will not (or will) confer on the applicant any special privilege that is denied by this chapter to other land, structures, or buildings in the same zoning district;

Staff Comments: It is our opinion that granting the requested setback variance would certainly confer on the applicant a special privilege that is denied to other lands in the RM-70 zoning district. All properties in the district are denied the ability of roof overhangs in the front yard.

- (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: We do not believe any variance to the front street setback for a roof overhang is necessary to make possible the reasonable use of the land.



- (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: We believe that the granting of the variance **will not** be in harmony with the general intent of Chapter 152 in that it is obvious that roof overhangs are not anticipated to violate the front setback as opposed to how they are allowed, at least to a limited extent, in the side and rear yards. However, the granting of the variance up to the property line may not be injurious to the neighborhood or otherwise detrimental to the public welfare, but extending the roof above the right-of-way may have legal implications that could be detrimental to the City.

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: Although cost may be a factor, we cannot state that the Applicant has based this variance request exclusively to reduce the cost of development.

Recommendations

Staff finds that the requested variance does not meet the requirements of Sec. 152.097 (C) in that the materials submitted do not adequately allow for an affirmative finding on each of the criteria contained in 152.097(B) as specifically identified by the foregoing Staff Comments labeled (1)c, (2)a, (2)b and (3). Consequently, Staff recommends **denial** of the requested variance to allow a roof overhang to extend into the front setback much less into the area above the right-of-way of the cul-de-sac along West Drive.

Submitted by:

James L. LaRue
James L. LaRue, AICP
Planning Consultant

June 21, 2012

Hearing: Planning & Zoning Board, June 27, 2012





Neisen O. Kasdin

Akerman Senterfitt
One Southeast Third Avenue
Suite 2500
Miami, FL 33131-1714
Tel: 305.374.5600
Fax: 305.374.5095

June 15, 2012

VIA HAND DELIVERY

Honorable Mayor Connie Leon-Kreps & Members of the City Commission
City of North Bay Village
1700 Kennedy Causeway
Suite 132
North Bay Village, FL 33141

RE: Blu -- Revised Letter of Intent

Dear Mayor Kreps and Members of the City Commission:

Our firm represents ZF Development, LLC (the "Applicant"), the developer of the parcel located at 8000 West Drive (the "Property").¹ The Property is a 4.47± acre site located on the northwest portion of Harbor Island. The Applicant proposes to construct a 285-unit luxury rental apartment development on the Property (the "Proposed Project").

On July 27, 2004, the City Commission approved a site plan application for the Property (the "Prior Project"). The approval is still a valid development order by way of extensions granted through the City Code and state law. The Prior Project proposed two 21-story residential buildings (approximately 213 feet tall), with 285 residential dwelling units and approximately 842,113 gross square feet. The requested site plan for the Proposed Project will supersede and replace the Prior Project.

The Proposed Project is consistent with the City of North Bay Village Code of Ordinances (the "City Code"), Consolidated Land Development Regulations (the "Land Development Regulations") and Comprehensive Plan. The Property lies within an RM-70 zoning district and has a future land use designation of Residential Multi-Family High Density. The RM-70 zoning district allows structures up to a height of 150 feet, or fifteen (15) stories. While several buildings along West Drive and throughout North Bay Village reach heights between ten (10) and fifteen (15)

¹ Under Section 152.095 of the City of North Bay Village Code of Ordinances, an application may be filed by a party with written permission of the present owner. A copy of the authorization by the current property owner, Casa Marina Development LLC, is attached to the public hearing application filed herein.

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NEW YORK ORLANDO PALM BEACH SALT LAKE CITY TALLAHASSEE TAMPA TYSONS CORNER WASHINGTON, D.C.
WEST PALM BEACH

{24272445;4}

12C(38)

stories, the Proposed Project contemplates an 8-story residential building (approximately 112 feet tall) and a 4-story parking garage. The reduced height and careful layout of the Proposed Project will improve the character of Harbor Island while preserving northern views of Biscayne Bay to many of the existing buildings on West Drive. Further, by implementing stepped forms along all frontages and incorporating distinctive roof lines, the Proposed Project will greatly enhance the City's visual impact along Biscayne Bay.

Site Plan Review Criteria

Section 152.105(C)(9) of the City Code establishes four (4) criteria by which site plans shall be judged against. The four criteria are listed below in bold type, with our response below.

(a) Protects against and minimizes any undesirable effects upon contiguous and nearby property.

The Proposed Project will have a positive effect upon contiguous and nearby properties by providing quality housing in an attractive, mid-rise development pattern.

(b) Provides sufficient off-street parking and loading facilities so that it will not be necessary to use the streets in the vicinity for this purpose.

The Proposed Project will provide parking at a rate of one (1) space per bedroom. For example, a one-bedroom apartment will be provided one parking space, a two-bedroom apartment will be provided two parking spaces and a three-bedroom apartment will be provided three parking spaces. Although this is less than the amount of required parking based on the City Code requirements, there is sufficient data and real world examples to justify that the one space per bedroom parking rate is satisfactory. Please see the enclosed parking analysis and description in the enclosed letter for further explanation.

(c) Provides a sufficient setbacks, open space, and landscaping in order to protect and enhance the appearance and character of the neighborhood.

The Proposed Project meets all of the Code requirements for open space. While the Property's unique characteristics require a relaxation from the strict application of the City Code's requirements regarding setbacks and landscaping, the requested variances are nonetheless sufficient to enhance the appearance and character of the neighborhood. Please refer to the enclosed letter for further analysis.

(d) Can be accommodated by existing community roads, services, and utilities, or the necessary additions are provided by the developer.

The enclosed impact analysis shows that the existing roads and utilities can accommodate the modest increase in required services for the Proposed Project.

The Proposed Project will bolster the City's property tax rolls, provide construction jobs, remove an eyesore and provide quality housing for the City of North Bay Village. Further, it is a substantial improvement from the Prior Project. For these and all of the foregoing reasons we respectfully request the City's favorable review of the Proposed Project.

Sincerely,



Neisen O. Kasdin



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June 15, 2012

VIA HAND DELIVERY

Honorable Mayor Connie Leon-Kreps & Members of the City Commission
City of North Bay Village
1700 Kennedy Causeway
Suite 132
North Bay Village, FL 33141

RE: Blu – Revised Request for Variances and Parking Exception

Dear Mayor Kreps and Members of the City Commission:

Our firm represents ZF Development, LLC (the "Applicant"), the developer of the parcel located at 8000 West Drive (the "Property").¹ The Property is a 4.47± acre site located on the northwest portion of Harbor Island. The Applicant proposes to construct a 285-unit luxury rental apartment development on the Property (the "Proposed Project").

The Proposed Project is consistent with the City of North Bay Village Code of Ordinances (the "City Code"), Consolidated Land Development Regulations (the "Land Development Regulations") and Comprehensive Plan. The Property lies within an RM-70 zoning district and has a future land use designation of Residential Multi-Family High Density. The RM-70 zoning district allows structures up to a height of 150 feet, or fifteen (15) stories. While several buildings along West Drive and throughout North Bay Village reach heights between ten (10) and fifteen (15) stories, the Proposed Project contemplates an 8-story residential building (approximately 112 feet tall) and a 4-story parking garage. The reduced height and careful layout of the Proposed Project will improve the character of Harbor Island while preserving northern views of Biscayne Bay to many of the existing buildings on West Drive. Further, by implementing stepped forms along all frontages and incorporating distinctive roof lines, the Proposed Project will greatly enhance the City's visual impact along Biscayne Bay.

¹ Under Section 152.095 of the City of North Bay Village Code of Ordinances, an application may be filed by a party with written permission of the present owner. A copy of the authorization by the current property owner, Casa Marina Development LLC, is attached to the public hearing application filed herein.

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BOCA RATON DALLAS DENVER FORT LAUDERDALE JACKSONVILLE LAS VEGAS LOS ANGELES MADISON MIAMI NAPLES
NEW YORK ORLANDO PALM BEACH SALT LAKE CITY TALLAHASSEE TAMPA TYSONS CORNER WASHINGTON, D.C.
WEST PALM BEACH

{24367747;1}

12C(41)

To implement the concept envisaged by the Proposed Project, the Applicant respectfully requests the City Commission to approve an exception (the "Exception") to the parking requirements of the City Code and five (5) variances (the "Variances"), which, due to the unique characteristics of the Property, are necessary to proceed with development.

Exception to parking requirements

Section 152.044(E)(2) of the City Code allows a proposed use to reduce the parking requirements "*whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities.*" We submit that the Proposed Project will be adequately served by a parking ratio that equals one space per bedroom plus 10% for visitor parking.

The Proposed Project will have 131 one-bedroom units, 122 two-bedroom units and 32 3-bedroom units. The City Code requires 2 spaces for a 1-bedroom or 2-bedroom unit and 3 spaces for a 3-bedroom unit plus 10% for visitor parking. This results in a Code required total parking of 662 spaces, which equals 2.32 spaces per unit for the Proposed Project. Using the one space per bedroom rate, the Proposed Project would require 519 parking spaces (1.8 spaces per unit), which is 143 spaces (21.6%) less than the Code-required parking.

As explained in detail by the enclosed Parking Study by Walker Parking Consultants, the character and use of the building renders the full provision of parking facilities under the City Code unnecessary. By planning for efficient management and control—including a state-of-the-art access control system and flexible options for parking allotment—the Proposed Project will provide more than ample parking for residents and visitors.

Further, the Parking Study explains that leading research shows the full provision of the parking requirements under the City Code (at 2.32 spaces per unit) is unnecessary for the proposed luxury rental project. The Fourth Edition of "Parking Generation", published by the Institute of Transportation Engineers ("ITE")—which is the leading national organization and publication regarding parking standards—explains the 85th percentile of parking demand for the mid-rise apartments is 1.61 spaces per dwelling unit. "Shared Parking", Second Edition, a publication by the Urban Land Institute, provides that the parking demand ratio for apartment rental developments is 1.65 spaces per dwelling unit. Additionally, the National Parking Association's Parking Consultants Council recommends an average of 1.5 spaces per one-bedroom unit, with an additional 0.25 spaces per additional bedroom.

There are numerous jurisdictions in Miami-Dade County that have off-street parking requirements that are generally in-line with the national standards set forth by the leading research on parking demand. For example, Sunny Isles Beach and North Miami require a flat 1.5 spaces per multifamily unit plus 5% for visitor parking. Bal Harbor and Miami require a flat 1.5 spaces per multifamily unit plus 10% for visitor parking. North Miami Beach requires 1.5 spaces for a 1 or 2-bedroom unit and 2.0 spaces for a 3-bedroom unit.

In addition to the analysis provided in the Parking Study, the Exception is further warranted because the Applicant has developed several similar urban infill apartment projects and has successfully used a one space per bedroom model in those projects. In Tampa, the Applicant developed the Madison at SoHo, a 368-unit, 563-bedroom apartment complex with 552 spaces. That equates to just less than one space per bedroom and about 1.5 spaces per unit. In St. Petersburg, the Applicant developed the Madison at St. Pete, a 277-unit, 444- bedroom apartment complex with 444 parking spaces, which equates to one space per bedroom and approximately 1.6 spaces per unit. Both of these projects are successful infill residential projects and do not have parking problems.

Based on the foregoing, we respectfully request an exception to the Code required parking requirement of 662 parking spaces to allow the provision of 519 parking spaces, which is equivalent to a rate of one space per bedroom plus 10% for visitor parking.

Variances

The Proposed Project requires five (5) separate Variances"), which, due to the unique characteristics of the Property, are necessary to proceed with development:

- (1) A variance waiving the 25 foot minimum required front setback along West Drive, to place a portion of the building's pedestal 11 feet and 10 inches from the property line.
- (2) A variance to waive the minimum unit sizes in the RM-70 zoning district that require at least 900 square feet for one-bedroom units and 1,200 square feet for two-bedroom units. The Applicant proposes one-bedroom units ranging from 652 square feet to 820 square feet, and two-bedroom units from 1,157 square feet to 1,261 square feet.
- (3) A variance from Section 152.056 of the City Code, which prohibits a roof overhang from extending beyond 36 inches into the yard, to allow a porte-cochere on the third floor level across the front right of way line reaching 15 feet 9 inches at its longest point.
- (4) A variance from Section 18A-6(C)(8) of the Miami-Dade County Code, adopted by reference in the City Code, to allow palm trees to comprise more than 30 percent of the required trees.
- (5) A variance from Appendix D of the City's Land Development Regulations, Shoreline Regulations, to waive the provision requiring pedestrian use areas within the shoreline area to be 50% covered by shade trees within five (5) years of planting.

Section 152.097(B) of the City Code outlines three (3) criteria for the evaluation of variance requests. The criteria are listed below in bold, with our responses below each criteria.

(1) That there are (or are not) special circumstances and conditions which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings in the same zoning district; that the special circumstances and conditions were not (or were) self-created by any person having an interest in the property; and that the strict application of the provisions of this chapter would (or would not) deprive the applicant of the reasonable use of the land, structure, or building for which the variance is sought and would (or would not) involve an unnecessary hardship for the applicant.

(1) Front Setbacks

Section 152.029(C)(2) of the City Code requires a 25 foot setback from all street frontages that do not abut Kennedy Causeway. Because the Property borders the cul-de-sac located at the end of West Drive, its primary frontage has an odd, concave shape that imposes a significant hardship on the Applicant. Accordingly, a portion of the building is set back approximately 11 feet and 10 inches from the front property line abutting the cul-de-sac along West Drive.

The Property's unique contours were created by a circular cul-de-sac at the end of West Drive, and were not caused by the Applicant. The physical configuration of the lot is also peculiar to the Property and is generally not applicable to other lands in the same zoning district.

(2) Minimum Unit Size

Under Section 152.029(C)(6), the minimum dwelling unit floor areas in the RM-70 zoning district are 900 square feet for one-bedroom units and 1,200 square feet for two-bedroom units. As shown in the enclosed data table, the Project proposes one-bedroom units ranging from 652 square feet to 820 square feet and two-bedroom units from 1,157 square feet to 1,261 square feet. The Applicant requests a variance to utilize these reduced unit sizes, which deviate from the City Code up to 43 square feet for the smallest two-bedroom units and up to 250 square feet for the smallest one-bedroom units.

By imposing a standard requiring a minimum floor area of 900 square feet for one-bedroom units and 1,200 square feet for two-bedroom units, a strict application of Section 152.029(C)(6) of the City Code imposes a significant, unreasonable and unnecessary hardship on the Applicant.

Special circumstances exist warranting a waiver of minimum unit sizes. The Property is unique because it has three (3) frontages adjacent to Biscayne Bay, which equals approximately eighty (80) percent of the Property's total frontage. This unique orientation presents special opportunities and challenges for development, but ultimately reduces the land area available for habitable space. Since the footprint for habitable space is greatly reduced, the strict application of minimum unit sizes in Section 152.029(C)(6) would destroy the feasibility of development on the Property.

To promote the intent and spirit behind the City's Land Development Regulations, design guidelines, and the County Shoreline Development Regulations, and to enhance the character of the neighborhood, the Proposed Project incorporates numerous design elements to foster an

126(44)

inviting and attractive shoreline development and create an interesting vista at the end of West Drive. Although the presently-entitled site plan on the Property contemplates a 21-story building (which includes height bonuses and a parking structure on the first four stories), the Applicant proposes a reduction in overall height, which will further complement the character of North Bay Village and Harbor Island. Accordingly, the Proposed Project only envisages an eight-story structure, which will afford northern views of Biscayne Bay to many of the existing buildings on West Drive. Reducing building height to accommodate the aesthetic demands of the uniquely-situated Property decreases the building envelope and thus reduces the amount of floor area that could have been distributed throughout individual units.

In addition to the height limitations practically imposed by the character of the neighborhood, the Applicant is further burdened by the additional public space and setback requirements resulting from the Property's unique location. For example, the Proposed Project must satisfy the setback requirements imposed by the Miami-Dade County Shoreline Review guidelines and must provide a publicly-accessible promenade along all shoreline frontages. In certain instances, the Shoreline Review guidelines nearly double the minimum required setback along the shoreline. Thus, the Property's unique orientation along the shoreline on nearly all sides reduces the footprint available for habitable space and development of larger unit sizes.

In lieu of providing increased interior unit space, the Project incorporates generous public and private amenities that will enhance the character of North Bay Village and Harbor Island, and increase the quality of life for residents and visitors alike. A public promenade, measuring nearly 1,400 feet in length, will encircle the property along the shoreline. The Proposed Project also contains over 8,000 square feet of interior amenity space within a 2-story club building. This luxury space will provide residents with access to an internet café and e-lounge, a resident lounge and entertainment area, and a membership-quality fitness center. Further, the Proposed Project incorporates two (2) active courtyards with waterfront pool decks, and a passive courtyard to allow relaxation by the shoreline. Additional outdoor amenities include picnic and barbecue areas, designed to promote social interaction and enhance the neighborhood's sense of community.

Additionally, the Property is unique because it is the only undeveloped parcel in the City's RM-70 zoning district subject to the increased minimum unit sizes in Section 152.029(C)(6). Specifically, under Section 3.6 of the Land Development Regulations, parcels in an RM-70 zoning district with an area less than 27,000 square feet are authorized to utilize the minimum unit sizes provided in Section 152.028(C)(6) of the City Code.² The minimum square footage requirements under Section 152.028(C)(6) are 750 square feet for one-bedroom units and 1,000 square feet for two-bedroom units.

Of the ten (10) vacant parcels in the RM-70 zoning district, the Property is the only lot with a land area above 27,000 square feet. Thus, it is the sole undeveloped RM-70 parcel in the City that is not authorized, as of right, to have smaller unit sizes as reasonably interpreted by the City Code. In other words, the Property is unique because it is the only vacant RM-70 parcel that is subject to the excessive minimum floor area standards contained in Section 152.029(C)(6).

² As expressed by Jim LaRue, City Planner, the reference in Section 3.6 of the Land Development Regulations is mistyped. The section references Section 152.028(C)(5), but is intended to read Section 152.028(C)(6).

The conditions driving the need to design units with reduced floor areas, including the configuration, size, and orientation of the Property, were not created by the Applicant.

(3) Overhang

Section 152.056(A) prohibits all roof overhangs exceeding 36 inches into the required yard. The Applicant proposes a drop-off area with a porte-cochere at the front entrance of the Property, containing a support column against the property line and a third-floor overhang extending 15 feet 9 inches past the edge of the West Drive right of way.

The Property's unique shape and location creates a special hardship for the Applicant. Because the Proposed Project is set against the cul-de-sac at the end of West Drive, its primary frontage has an odd, concave shape. The required yard, which is also the subject of variance (1), is 25 feet along the border of the cul-de-sac. To provide sufficient space in loading and unloading zones for residents and visitors, the drop-off area extends from the property line at the cul-de-sac to the entrance of the building. A porte-cochere, with the roof overhang, is an essential design element along this entrance because it will provide residents with protection against the rain and other elements when entering and exiting the Property.

The variance request is driven by the unique shape of Property's street frontage. The contour of the Property, caused by the circular right-of-way line at the end of West Drive, was not created by the Applicant.

(4) Palms

Section 18A-6(C)(8) of the Miami-Dade County Code, adopted by reference in the City Code, allows a maximum of 30 percent of the required trees to be provided as palm trees. Due to tree canopy clearance for fire access purposes, provision of public access and viewing of the shoreline, sea spray tolerance and overall design considerations the Proposed Project plans to use 52% of the overall number of required trees as palm trees. It should be noted however, that while we are requesting relief for the percentage of palm trees, the plan provides for lush landscaping, with a total of 195 trees overall, where 124 trees are required. Additionally, the plan also exceeds the minimum understory requirements and maximum sod requirements, providing 7,958 shrubs and groundcovers and only 20% sod, where 1,280 shrubs are required.

The Property is located at the far northern end of West Drive and as such the Property has three (3) frontages along the waters of Biscayne Bay. The water frontage equals approximately 80 percent of the Property's total frontage, with only the southern property line not having water frontage. Further, the Property is relatively narrow, measuring approximately 360' across and 530' long. The narrowness of the site combined with the large percentage of water frontage presents a planting environment that is subject to higher than normal sea spray and salt intrusion. As such, palms that are sea spray resistant will be substituted for normal shade trees in the waterfront areas in order to provide a landscape plan that will be sustainable on the Property. The physical configuration of the Property is peculiar to the Property and is generally not applicable to other lands in the same zoning district.

12C(46)

(5) Shade Trees

Appendix D of the City's Land Development Regulations, Shoreline Regulations, requires the pedestrian use areas within the shoreline area to be 50% covered by shade trees within five (5) years of planting. As the provided emergency access route is a shared use with the pedestrian access route, shade trees adjacent to the pedestrian promenade are precluded due to the canopy clearance required for emergency and fire truck access. However, in lieu of this, the design provides for ample areas for pedestrian and public access including canopied seating nodes and viewing terminuses, along with a shoreline promenade lined with Coconut Palms (14' grey wood) which are more in keeping with the context of the overall design and the site's location having 80% shoreline frontage. Approximately 20% of the pedestrian use areas in the shoreline areas will be shaded within five (5) years of planting as proposed, however, the areas of repose and viewing will provide ample shaded relief for the promenade users.

The fire department requires access to the proposed buildings on the back (water) side of the buildings. Fire trucks require a certain vertical and horizontal clearance that cannot be met if normal shade trees are planted in the shoreline area. Therefore, palm trees are proposed to be substituted for shade trees along the shoreline areas, resulting in a lower percentage of shaded pedestrian use areas than what is required by the Shoreline standards.

The configuration of the Property (narrow with 80% water frontage) and vertical clearance requirements for the Fire Department are conditions that were not created by the Applicant.

(2) That granting the variance requested will not (or will) confer on the applicant any special privilege that is denied by this chapter to other land, structures, or buildings in the same zoning district; and the variance granted is the minimum variance that will make possible the reasonable use of the land, structure, or building.

(1) Front Setbacks

The Applicant proposes a small setback variance along a peculiar-shaped property line. Granting the variance will not provide a special privilege to the Applicant that is denied to other structures in the same zoning district because no other property in the RM-70 zoning district along West Drive has a similarly-shaped street frontage. The variance is the minimum variance that will make possible the reasonable use of the building and land under the City's Code, which also requires buildings to maintain a distinctive form and design.

(2) Minimum Unit Size

The Proposed Project contemplates one-bedroom units ranging from 652 square feet to 820 square feet and two-bedroom units from 1,157 square feet. Because the Property is uniquely situated along the shoreline and is the only vacant RM-70 parcel in the City subject to the increased floor area requirements, the variance will not confer any special privilege to the Applicant that is denied to other properties. Given the development limitations imposed by the limited

12C(47)

footprint and height resulting from the Property's unique conditions, the proposed reduction in floor area requirements for the projected unit mix is the minimum variance needed.

(3) Overhang

Granting the variance will not confer a special privilege. Because the Property has a uniquely-shaped street frontage, the variance represents the minimum variance needed to provide the necessary entrance feature.

(4) – (5) Palms and Shade Trees

The Applicant proposes as many shade trees as is physically possible given the constraints of the site and the requirements for fire truck access, therefore the variance requested is the minimum variance needed. Because of the unique characteristics of the Property with regard to water frontage, the variance will not confer any special privilege to the Applicant that is denied to other lands.

(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.

(1) Front Setbacks

The requested variance is the minimum variance needed given the limitations of the Property. The Proposed Project will otherwise meet and exceed the setbacks required by the City Code and County Shoreline Development Regulations. Therefore, granting the requested variance will be in harmony with the general intent of the City Code and will not be injurious to the neighborhood or public welfare.

(2) Minimum Unit Size

The requested variance will be in harmony with the general intent and purpose of the City Code and Land Development Regulations. According to the City Code, the intent of the zoning code is, among other things, to "provide for . . . the appropriate and best use of land, for preservation, protection, development and conservation of the natural resources of land" and to promote "the civic amenities of beauty and visual interest."³ The Proposed Project will provide the required open space, public amenities, and design features necessary and appropriate for the Property's unique location and character at the sacrifice of additional building height and unit floor area. The variance supports the general intent and purpose of the zoning code because the Land Development Regulations have codified a policy to allow reduced unit sizes in much of the RM-70 zoning district. Additionally, the Project contemplates generous public and private amenities for residents and visitors. Therefore, granting the requested variance will be in harmony with the general intent of the City Code and will not be injurious to the neighborhood or public welfare.

³ City Code, Section 152.002.

12c.(48)

(3) Overhang

The variance will contribute to the intent of the zoning code by promoting the appropriate and best use of land while incorporating visually interesting spaces. The overhang, on the third story of the building and measuring 15 feet 9 inches at its longest point, will not injure the neighborhood or the public welfare. As the radius of West Drive at this point measures approximately forty (40) feet, the overhang only covers a small portion of the cul-de-sac beyond the property line.

(4) – (5) Palms and Shade Trees

The requested variances are the minimum variances needed to provide a functional landscaping plan given the limitations of the Property. The Proposed Project will still have a well-designed and lush landscaping plan that otherwise meets and exceeds the standards of the landscaping code. Therefore, the granting the requested variances will be in harmony with the general intent of the City Code and will not be injurious to the neighborhood or public welfare.

Also, Section 2.7.6 of the City's Land Development Regulations outlines seven (7) criteria for the evaluation of variance requests. The criteria are listed below in bold, with our responses below each criteria.

(1) The condition giving rise to the requested variance has not been created by any person having an interest in the property.

See responses to Section 152.097(B)(1) above.

(2) Special circumstances and conditions exist 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 land use district.

See responses to Section 152.097(B)(1) above.

(3) The strict application of the code would deprive the applicant of the reasonable use of the land, structure or building, and would involve an unnecessary hardship for the applicant.

See responses to Section 152.097(B)(1) above.

(4) The effect of the proposed variance is in harmony with the general intent of this code.

See responses to Section 152.097(B)(3) above.

12c.(49)

(5) Approval of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

See responses to Section 152.097(B)(3) above.

(6) The proposed variance is the minimum modification of the regulation at issue that will afford relief.

See responses to Section 152.097(B)(2) above.

(7) The variance request is not based exclusively upon a desire to reduce the cost of development.

(1) Front Setbacks

The variance is not born out of a desire to reduce the cost of development, but rather is necessary due to the Property's unique concave shape and orientation at the end of West Drive.

(2) Minimum Unit Size

The variance request is not based exclusively upon a desire to reduce the cost of development. Given the Property's unique location along the shoreline, the development must incorporate ample public spaces and design features that effectively reduce the habitable space available for increased unit sizes.

(3) Overhang

The variance request is not based exclusively upon a desire to reduce development costs. Instead, because the Property's oddly-shaped street frontage creates a considerable hardship for development along the southern property line, it is the minimum variance necessary to provide an essential entrance feature that protects residents and visitors upon arrival.

(4) Palms

The variance request is not based exclusively upon a desire to reduce the cost of development, but rather is a result of the Property's unique, narrow shape and orientation with Biscayne Bay representing nearly eighty (80) percent of its total frontage.

(5) Shade Trees

The variance is not requested solely to reduce the cost of development. It is necessary due to the unique shape and location of the Property and the requirement for fire truck access on the backside of the proposed buildings.

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The Proposed Project will bolster the City's property tax rolls, provide construction jobs, remove an eyesore and provide quality housing for the City of North Bay Village. For the reasons mentioned above, we respectfully request the City's favorable review of the Exception and Variances.

Sincerely,



Neisen O. Kasdin



MAY 22 PM 3:06

Neisen O. Kaslin

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One Southeast Third Avenue
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May 22, 2012

VIA HAND DELIVERY

Honorable Mayor Connie Leon-Kreps & Members of the City Commission
City of North Bay Village
1700 Kennedy Causeway
Suite 132
North Bay Village, FL 33141

RE: Blu – Letter of Intent

Dear Mayor Kreps and Members of the City Commission:

Our firm represents ZF Development, LLC (the "Applicant"), the developer of the parcel located at 8000 West Drive (the "Property").¹ The Property is a 4.47± acre site located on the northwest portion of Harbor Island. The Applicant proposes to construct a 285-unit luxury rental apartment development on the Property (the "Proposed Project").

On July 27, 2004, the City Commission approved a site plan application for the Property (the "Prior Project"). The approval is still a valid development order by way of extensions granted through the City Code and state law. The Prior Project proposed two 21-story residential buildings (approximately 213 feet tall), with 285 residential dwelling units and approximately 842,113 gross square feet. The requested site plan for the Proposed Project will supersede and replace the Prior Project.

The Proposed Project is consistent with the City's zoning ordinances and Comprehensive Plan. The Property lies in an RM-70 zoning district and has a future land use designation of Residential Multi-Family High Density. The RM-70 zoning allows buildings up to a height of 150 feet (15 stories) and numerous buildings along West Drive and throughout North Bay Village are built to heights above ten (10) stories and upwards to the maximum height. The Proposed Project will consist of an 8-story residential building (approximately 112 feet tall) and a 4-story parking garage. The proposed height of the buildings is beneath the maximum allowed height and lower than many of the existing buildings on West Drive. The lower height of the proposed buildings, combined with the layout of the buildings on the site, will afford northern views of Biscayne Bay to many of the existing buildings on West Drive.

¹ Under Section 152.095 of the City of North Bay Village Code of Ordinances, an application may be filed by a party with written permission of the present owner. A copy of the authorization by the current property owner, Casa Marina LLC, is attached to the public hearing application filed herein.

BOCA RATON DALLAS DENVER FORT LAUDERDALE JACKSONVILLE LAS VEGAS LOS ANGELES MADISON MIAMI NAPLES
NEW YORK ORLANDO PALM BEACH SALT LAKE CITY TALLAHASSEE TAMPA TYSONS CORNER WASHINGTON, D.C.
WEST PALM BEACH

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Site Plan Review Criteria

Section 152.105(C)(9) of the City Code establishes four (4) criteria by which site plans shall be judged against. The four criteria are listed below in bold type, with our response below.

(a) Protects against and minimizes any undesirable effects upon contiguous and nearby property.

The Proposed Project will have a positive effect upon contiguous and nearby properties by providing quality housing in an attractive, mid-rise development pattern.

(b) Provides sufficient off-street parking and loading facilities so that it will not be necessary to use the streets in the vicinity for this purpose.

The Proposed Project will provide parking at a rate of one (1) space per bedroom. For example, a one-bedroom apartment will be provided one parking space, a two-bedroom apartment will be provided two parking spaces and a three-bedroom apartment will be provided three parking spaces. Although this is less than the amount of required parking based on the City Code requirements, there is sufficient data and real world examples to justify that the one space per bedroom parking rate is satisfactory. Please see below for further details.

(c) Provides a sufficient setbacks, open space, and landscaping in order to protect and enhance the appearance and character of the neighborhood.

The Proposed Project meets all of the Code requirements for setbacks, open space and landscaping.

(d) Can be accommodated by existing community roads, services, and utilities, or the necessary additions are provided by the developer.

The enclosed impact analysis shows that the existing roads and utilities can accommodate the modest increase in required services for the Proposed Project.

Exception to parking requirements

Section 152.044(E)(2) of the City Code allows a proposed use to reduce the parking requirements "*whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities.*" We submit that the Proposed Project will be adequately served by a parking ratio that equals one space per bedroom plus 10% for visitor parking.

The Proposed Project would have 131 one-bedroom units, 122 two-bedroom units and 32 3-bedroom units. The City Code requires 2 spaces for a 1-bedroom or 2-bedroom unit and 3

spaces for a 3-bedroom unit plus 10% for visitor parking. This results in a Code required total parking of 602 spaces, which equals 2.1 spaces per unit for the Proposed Project.

Using the one space per bedroom rate, the Proposed Project would require 519 parking spaces (1.8 spaces per unit), which is 83 spaces (13%) less than the Code required parking.

The third edition of "Parking Generation", published by the Institute of Transportation Engineers (ITE) – which is the leading national organization and publication regarding parking standards – lists the average peak period parking demand as 1.37 vehicles per unit for "high-rise apartments" (defined as a multi-family residential building greater than five stories in height). The highest average peak period parking demand for high-rise apartments is 1.52 vehicles per unit. Both of these rates are well below both the Code required parking for the Proposed Project (2.1 spaces per unit) and the proposed parking (1.8 spaces per unit), indicating that based on national standards, the Proposed Project will have adequate parking using the one space per bedroom parking rate. Further, the Parking Generation publication establishes an average parking demand equation for high-rise apartments ($P = 1.04(x) + 130$, where P = number of parking spaces and x = number of dwelling units) that suggests for the Proposed Project, the number of required parking spaces is 427, which is 92 spaces less than the proposed number of spaces.

There are numerous jurisdictions in Miami-Dade County that have off-street parking requirements that are generally in-line with the national standards set forth by the ITE Parking Generation publication. Sunny Isles Beach and North Miami require a flat 1.5 spaces per multifamily unit plus 5% for visitor parking. Bal Harbor and Miami require a flat 1.5 spaces per multifamily unit plus 10% for visitor parking. North Miami Beach requires 1.5 spaces for a 1 or 2-bedroom unit and 2.0 spaces for a 3-bedroom unit.

Finally, the Applicant has developed several similar urban infill apartment projects and has successfully used a one space per bedroom model in those projects. In Tampa, the Applicant developed the Madison at SoHo, a 368-unit, 563-bedroom apartment complex with 552 spaces. That equates to just less than one space per bedroom and about 1.5 spaces per unit. In St. Petersburg, the Applicant developed the Madison at St. Pete, a 277-unit, 444-bedroom apartment complex with 444 parking spaces, which equates to one space per bedroom and approximately 1.6 spaces per unit. Both of these projects are successful infill residential projects and do not have parking problems.

Based on the foregoing, we respectfully request an exception to the Code required parking requirement of 592 parking spaces to allow the provision of 519 parking spaces, which is equivalent to a rate of one space per bedroom plus 10% for visitor parking.

Variiances

The Proposed Project requires two variances from landscaping standards. Section 18A-6(C)(8) of the Miami-Dade County Code, adopted by reference in the City Code, allows a maximum of 30 percent of the required trees to be provided as palm trees. Due to tree canopy clearance for fire access purposes, provision of public access and viewing of the shoreline, sea spray tolerance

and overall design considerations the Proposed Project plans to use 52% of the overall number of required trees as palm trees. It should be noted however, that while we are requesting relief for the percentage of palm trees, the plan provides for lush landscaping, with a total of 195 trees overall, where 124 trees are required. Additionally, the plan also exceeds the minimum understory requirements and maximum sod requirements, providing 7,958 shrubs and groundcovers and only 20% sod, where 1,280 shrubs are required.

Also, Appendix D of the City's Land Development Regulations, Shoreline Regulations, requires the pedestrian use areas within the shoreline area to be 50% covered by shade trees within five (5) years of planting. As the provided emergency access route is a shared use with the pedestrian access route, shade trees adjacent to the pedestrian promenade are precluded due to the canopy clearance required for emergency and fire truck access. However, in lieu of this, the design provides for ample areas for pedestrian and public access including canopied seating nodes and viewing terminuses, along with a shoreline promenade lined with Coconut Palms (14' grey wood) which are more in keeping with the context of the overall design and the site's location having 80% shoreline frontage. Approximately 20% of the pedestrian use areas in the shoreline areas will be shaded within five (5) years of planting as proposed, however, the areas of repose and viewing will provide ample shaded relief for the promenade users.

Section 152.097(B) of the City Code outlines three (3) criteria for the evaluation of variance requests. The criteria are listed below in bold, with our responses below each criteria.

(1) That there are (or are not) special circumstances and conditions which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings in the same zoning district; that the special circumstances and conditions were not (or were) self-created by any person having an interest in the property; and that the strict application of the provisions of this chapter would (or would not) deprive the applicant of the reasonable use of the land, structure, or building for which the variance is sought and would (or would not) involve an unnecessary hardship for the applicant.

The Property is located at the far northern end of West Drive and as such the Property has three (3) frontages along the waters of Biscayne Bay. The water frontage equals approximately 80 percent of the Property's total frontage, with only the southern property line not having water frontage. Further, the Property is relatively narrow, measuring approximately 360' across and 530' long. The narrowness of the site combined with the large percentage of water frontage presents a planting environment that is subject to higher than normal sea spray and salt intrusion. As such, palms that are sea spray resistant will be substituted for normal shade trees in the waterfront areas in order to provide a landscape plan that will be sustainable on the Property.

Further, the fire department requires access to the proposed buildings on the back (water) side of the buildings. Fire trucks require a certain vertical and horizontal clearance that cannot be met if normal shade trees are planted in the shoreline area. Therefore, palm trees are proposed to be substituted for shade trees along the shoreline areas, resulting in a lower percentage of shaded pedestrian use areas than what is required by the Shoreline standards.

The configuration of the Property (narrow with 80% water frontage) and vertical clearance requirements for the Fire Department are conditions that were not created by the Applicant. The physical configuration of the Property is also peculiar to the Property and is generally not applicable to other lands in the same zoning district.

(2) That granting the variance requested will not (or will) confer on the applicant any special privilege that is denied by this chapter to other land, structures, or buildings in the same zoning district; and the variance granted is the minimum variance that will make possible the reasonable use of the land, structure, or building.

The Applicant is proposing as many shade trees as is physically possible given the constraints of the site and the requirements for fire truck access, therefore the variance requested is the minimum variance needed. Because of the unique characteristics of the Property with regard to water frontage, the variance will not confer any special privilege to the Applicant that is denied to other lands.

(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.

The requested variances are the minimum variances needed to provide a functional landscaping plan given the limitations of the Property. The Proposed Project will still have a well-planned and lush landscaping plan that otherwise meets and exceeds the standards of the landscaping code. Therefore, the granting the requested variances will be in harmony with the general intent of the City Code and will not be injurious to the neighborhood or public welfare.

Also, Section 2.7.6 of the City's Land Development Regulations outlines seven (7) criteria for the evaluation of variance requests. The criteria are listed below in bold, with our responses below each criteria.

(1) The condition giving rise to the requested variance has not been created by any person having an interest in the property.

The unique shape and location of the Property was not created by any person having an interest in the Property.

(2) Special circumstances and conditions exist 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 land use district.

See response to Section 152.097(B)(1) above.

(3) The strict application of the code would deprive the applicant of the reasonable use of the land, structure or building, and would involve an unnecessary hardship for the applicant.

See response to Section 152.097(B)(1) above.

(4) The effect of the proposed variance is in harmony with the general intent of this code.

See response to Section 152.097(B)(3) above.

(5) Approval of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

See response to Section 152.097(B)(3) above.

(6) The proposed variance is the minimum modification of the regulation at issue that will afford relief.

See response to Section 152.097(B)(2) above.

(7) The variance request is not based exclusively upon a desire to reduce the cost of development.

The variances are not born out of a desire to reduce the cost of development. The variances are necessary due to the unique shape and location of the Property and the requirement for fire truck access on the backside of the proposed buildings.

The Proposed Project will bolster the City's property tax rolls, provide construction jobs, remove an eyesore and provide quality housing for the City of North Bay Village. Further, it is a substantial improvement from the Prior Project. For these and all of the foregoing reasons we respectfully request the City's favorable review of the Project.

Sincerely,



Neisen O. Kasdin

12C(58)

IMPACT ASSESSMENT STUDY

for:

BLU at North Bay Village

Located in:

North Bay Village, Florida

Prepared by:



Engineers ♦ Planners ♦ Surveyors

Sun-Tech Engineering, Inc.

Engineers-Planners-Surveyors
1600 West Oakland Park Blvd., Suite 101
Fort Lauderdale, Florida 33311
(954) 777-3123

Project No. 12-3437
May 2012

12C(58)

BLU AT NORTH BAY VILLAGE

PROJECT INTRODUCTION AND OVERVIEW

Blu at North Bay Village is a proposed multi-family residential development, consisting of 285 rental apartment units, amenities and associate parking garage located at the north end of West Drive on the NW corner of Harbor Island, in North Bay Village, Florida.



The site is approximately 4.41 acres (Tract C – Harbor Island, P.B. 44, Pg. 72, M.D.C.R.) (See Location Map – Exhibit # 1) and includes approximately thirteen hundred and ninety two linear feet (1392 L.F.) of frontage along Biscayne Bay. The site is currently vacant; however, it was previously developed and contained three (3) condominium buildings with a total of 188 residential units. Based on prior aerials of the site, it is estimated that the buildings was razed during the period 2006 – 2007 in preparation for re-development (See Boundary Survey – Exhibit # 2). The property is currently zoned RM-70 (High density Multiple-Family Residential District) – See Exhibit # 3.

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 recently razed and providing assurance that the level of service remain consistent with NBV's requirements.

PROJECT POPULATION:

The existing property, currently vacant, contained three (3) condominium building with a total of 188 residential units. Our development proposes 285 residential rental apartment units and based on a recommended rate of 2.25 people per rental apartment unit by NBV, the net population increase due to this project is 218 people. See table below.

Table 1 - Population

Description	Units	No. of people / unit	Population
Blu at NBV	285	2.25	641
Total	285		641
Existing Condo. (demolished)	188	2.25	423
Net Increase	97		218

Based on the latest 2010 US Census, the population of North Bay Village was approximately 7,137 people. The additional increase of 218 people generated from our development represents an increase of approximately 3.05% of the total population of NBV.

POTABLE WATER:

The City of North Bay Village obtains its potable water from a large user service agreement with the 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.

Blu at North Bay Village will be served via an existing 8" 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. (See GIS image below, provided by the City of North Bay Village serving this project).

12c (60)

Existing 8" DIP Watermain on West Drive.



Potable water consumption is calculated based on an estimation of 120 gpd / Capita per the City's Consolidate Land Development Regulations. The proposed project would require an estimated water consumption of 76,920 GPD (285 units x 2.25 x 120 gpd/capita); however, a credit of 50,760 GPD (188 units x 2.25 x 120 gpd/capita) should be provided for the demolished 188 residential units resulting in net increase of 26,160 GPD or an increase of 3.05% of North Bay Village's total potable water consumption. (See Table 2 below for Water Consumption calculation). In summary, the increase in potable water demand due to our proposed development should have negligible impact on the City's existing water supply and distribution network.

12c.(61)

Table 2 – Water Consumption

Description	Unit type	Residential units	Ave. capita per unit	Population	GPD/ Capita	Demand (GPD)
Existing Population (2010 US Census)				7,137	120	856,440
Water Demand from Blu	Apartments	285	2.25	641	120	76,920
Credit for Demolished units	Apartments	188	2.25	423	120	50,760
Net Increase		97				26,160

WASTEWATER:

The proposed development will be served via an existing 8-inch gravity sewer system located on the south side of the project. (See GIS image provide by the City of North Bay Village)

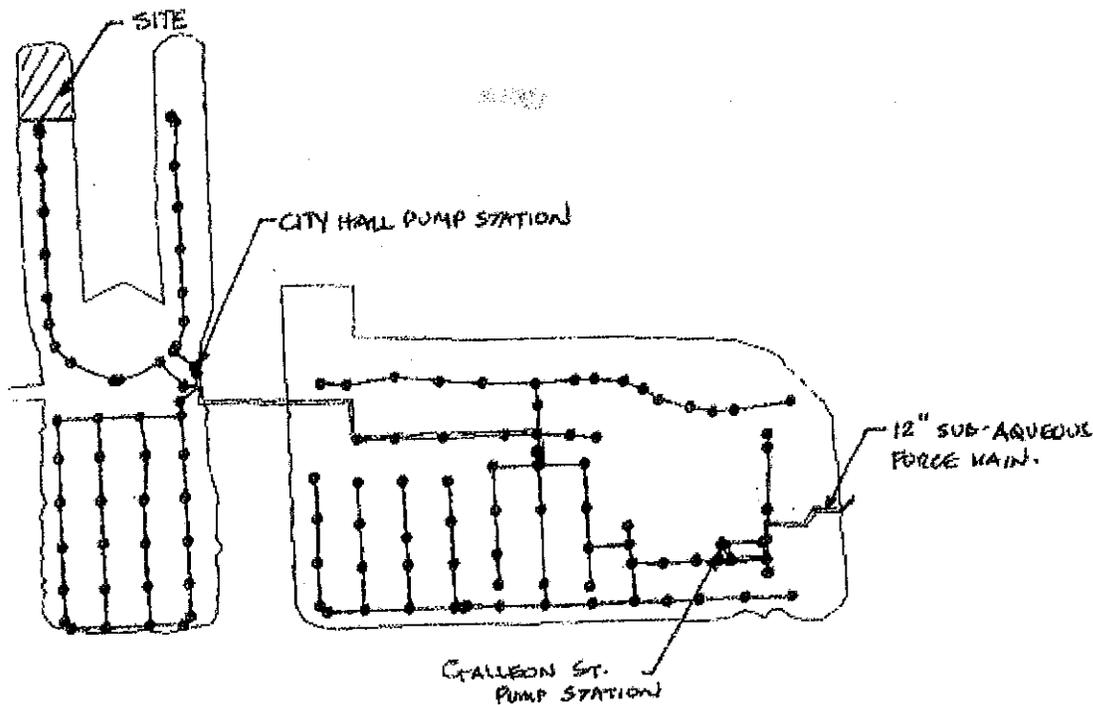
Existing 8" Gravity Sewer on West Drive.



12.C(62)

This gravity main runs 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 1- North Bay Village Wastewater System.) The City Hall Pump station is the main collector for Harbor Island and pumps the receiving flows through an 8-inch force main to a gravity system and eventually to the Main Pump Station called the "Galleon Street Pump Station" located at 1851 Galleon Street. Flow from this station is eventually pumped east, via a 12-inch diameter sub-aqueous force main beneath Biscayne Bay and connects to the City of Miami Beach wastewater system. (See Figure 1 - North Bay Village Wastewater System.)

Figure 1 - North Bay Village Wastewater System



Based on a meeting with the City'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. Using an average rate of 2.25 people per unit and 110 gpd per person for sewage flows, the total increase in flow from Blu at North Bay Village will be 23,980 GPD (See Table 3 - Wastewater Flow) or a flow increase of 3.05 %. In summary, the proposed development should have little or no impact on the existing sanitary sewer system or receiving pump stations.

12C(63)

Table 3 – Wastewater Flow

Description	Unit type	Residential units	Ave. capita per unit	Population	GPD/ Capita	Demand (GPD)
Existing Population (2010 US Census)				7,137	110	785,070
Waste water from Blu	Apartments	285	2.25	641	110	70,510
Credit for Demolished units	Apartments	188	2.25	423	110	46,530
Net Increase		97				23,980

DRAINAGE:

The proposed drainage system for Blu at North Bay Village will be private system and will consist of a series of drainage wells 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 higher than the FEMA Flood Zone elevation of AE = El. 8.00' (See Exhibit # 4 – FEMA Flood Zone Map). The perimeter berm elevation is set in accordance with elevations generated by the 25 year / 3 day storm event and site grading parameters is in accordance with the previously permitted SFWMD / PERA permit issued for this site. (See Figure 3 – Schematic Paving, Grading and Drainage Plan).

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.

12G (64)

SOLID WASTE:

Solid waste generated from the proposed development has been calculated at 7 lbs per capita per day based on the City's Consolidate Land Development Regulations. (See Table 4 – Solid Waste Demand).

Table 4 – Solid Waste

Description	Unit type	Residential units	Ave. capita per unit	Population	Lbs / capita	Demand (lbs)
Solid waste from Blu	Apartments	285	2.25	641	7	4,487
Credit for Demolished units	Apartments	188	2.25	423	7	2,961
Net Increase		97				1,526

Based on the 2010 US census (7,137 people) and the above solid waste generation rate, an additional increase of 1,526 lbs or 3.05% generated for this development is minimal and 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 system, drainage and solid waste systems, it is our belief that the additional demand required of the proposed development is not expected to adversely impact the existing infrastructure of North Bay Village and therefore recommend approval of the development based on the available excess capacity.

12C(66)

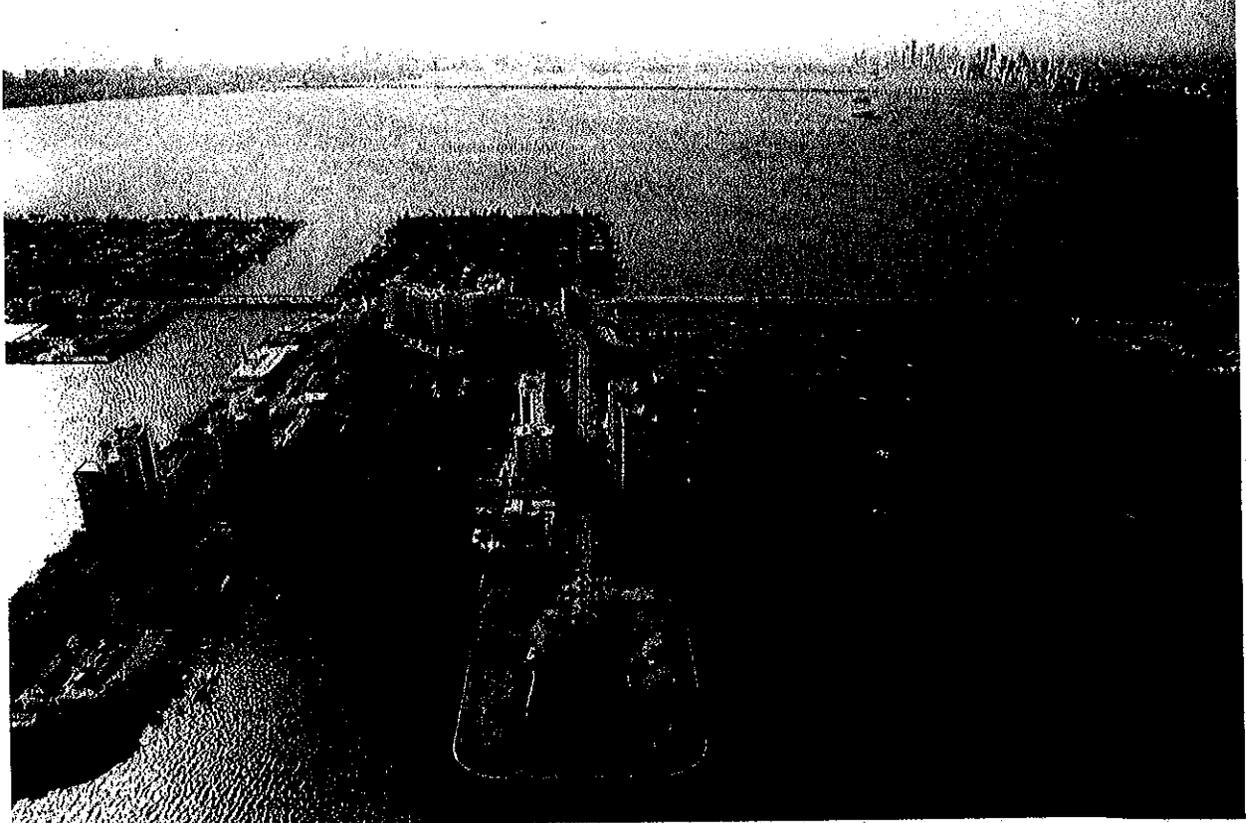
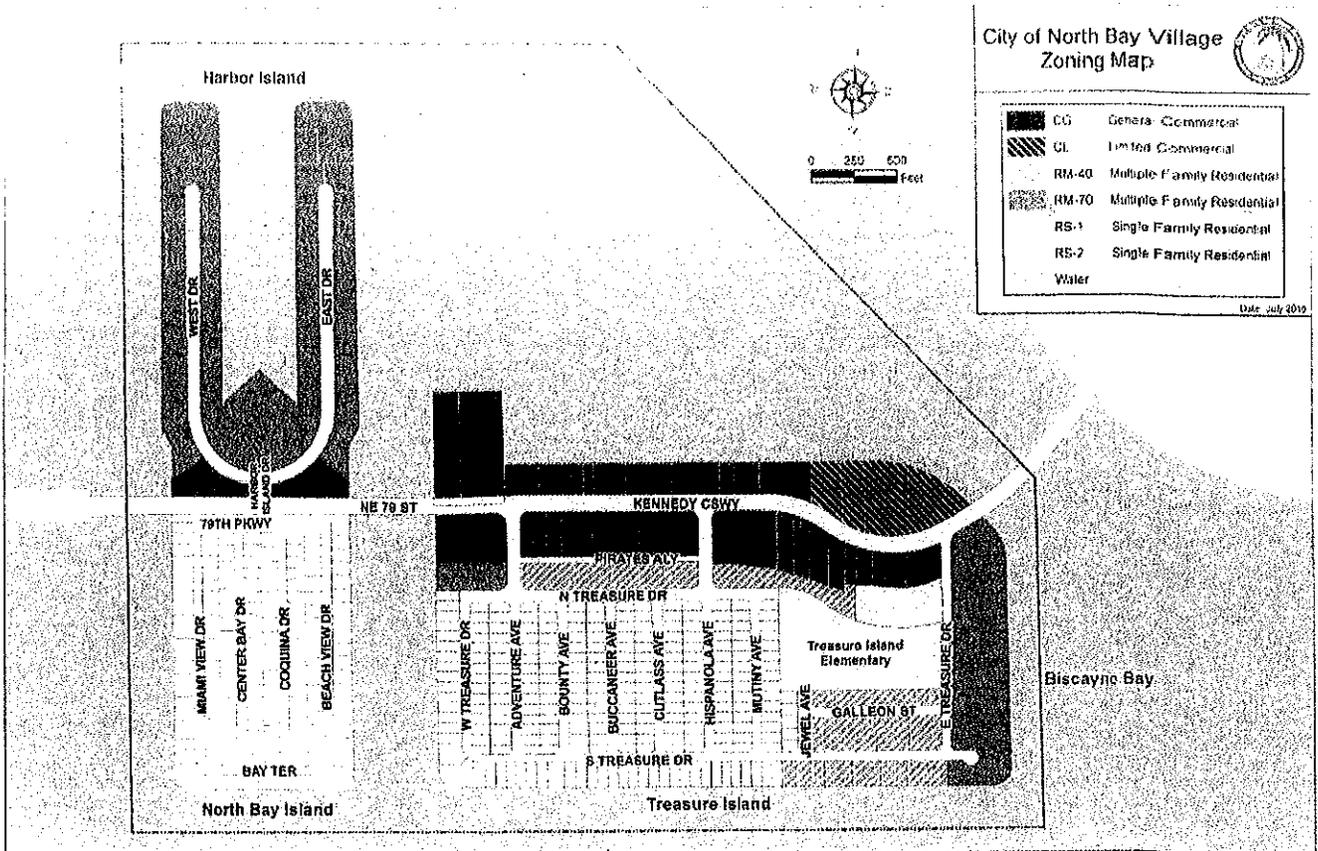


Exhibit 2 - Boundary Survey

Exhibit 2 - Boundary Survey

Exhibit 3 - Zoning Map



12C(70)

Exhibit 4 - FEMA Flood Zone Map

Exhibit 4 - FEMA Flood Zone Map



Flood Zones

Flood Zone for: X:932,372.03 - Y:553,639.66



ZONE	Elevation
AE	8
Total Flood Zones	1

Designations:

Flood Zones	What does it mean?
0.2 PCT ANNUAL CHANCE FLOOD HAZARD	An area inundated by 2% annual chance flooding. No Base Flood Elevations or depths are shown within this zone. Insurance purchase is not required in these zones.
A	Zone A is the flood insurance rate zone that corresponds to the 100-year floodplains that are determined in the Flood Insurance Study by approximate methods. Because detailed hydraulic analyses are not performed for such areas, no Base Flood Elevations (BFEs) or depths are shown within this zone. Mandatory flood insurance purchase requirements apply.
AE	Zone AE is the flood insurance rate zone that corresponds to the 100-year floodplains that are determined in the Flood Insurance Study by detailed methods. In most instances, Base Flood Elevations (BFEs) derived from the detailed hydraulic analyses are shown at selected intervals within this zone. Mandatory flood insurance purchase requirements apply.
AH	Zone AH is the flood insurance rate zone that corresponds to the areas of 100-year shallow flooding with a constant water-surface elevation (usually areas of ponding) where average depths are between 1 and 3 feet. The Base Flood Elevations (BFEs) derived from the detailed hydraulic analyses are shown at selected intervals within this zone. Mandatory flood insurance purchase requirements apply.

Disclaimer:

The Flood Zone Information presented is provided for use in the unincorporated areas of Miami-Dade County. Municipalities will have their own Flood Zone designations and Flood Zone map information, which may differ from the County's information. Miami-Dade County provides this information as a public service to its residents. Miami-Dade County is continuously updating and updating its data to improve positional accuracy and information. No warranties, expressed or implied, are made for the positional or thematic accuracy of the data herein, its use, or its interpretation. Although it is periodically updated, this information may not reflect the most current information available at Miami-Dade County and the County assumes no liability either for any errors, omissions, or inaccuracies in the information provided, regardless of the cause of such or for any decision made, action taken, or action not taken by the user. For more information on this information, please direct all inquiries, comments, and suggestions to gis@miamidade.gov.

printed: 4/17/2012

126(72)

Exhibit 5 - Schematic Plans

Exhibit 5 - Schematic Paving, Grading and Drainage Plans

Exhibit 6 - Schematic Water and Sewer Plans

