



North Bay Village

Administrative Offices

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

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

OFFICIAL AGENDA

NORTH BAY VILLAGE PLANNING & ZONING BOARD MEETING

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

APRIL 5, 2016 – 7:30 P.M.

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

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

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1. **CALL TO ORDER**
 2. **PLEDGE OF ALLEGIANCE**
 3. **ROLL CALL**
 4. **PUBLIC HEARING ITEMS (ALL INDIVIDUALS DESIRING TO PROVIDE TESTIMONY SHALL BE SWORN IN)**
 - A. AN APPLICATION BY BRICK VILLAGE 79, LLC CONCERNING PROPERTY LOCATED AT **1601 KENNEDY CAUSEWAY**, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:
 1. A ONE YEAR RENEWAL OF RESOLUTION NO. 2015-27 FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTION 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A MIXED-USE RESIDENTIAL AND COMMERCIAL STRUCTURE IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT. IF APPROVED BY THE COMMISSION, THE RENEWAL SHALL EXTEND THE ORIGINAL APPROVAL FOR ONE ADDITIONAL YEAR, EXPIRING ON FEBRUARY 24, 2017.

2. A ONE YEAR RENEWAL OF RESOLUTION NO. 2015-28 FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTION 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES. IF APPROVED BY THE COMMISSION, THE RENEWAL SHALL EXTEND THE ORIGINAL APPROVAL FOR ONE ADDITIONAL YEAR, EXPIRING ON FEBRUARY 24, 2017.

- 1.) **Board Recommendation**

5. **NEW BUSINESS**

- A. REVIEW OF SECTION 152.055(B) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES-FENCING IN FRONT-YARD SETBACKS

6. **APPROVAL OF MINUTES**

- A. REGULAR PLANNING & ZONING BOARD MEETING – MARCH 1, 2016

7. **ADJOURNMENT**



Memorandum

To: North Bay Village Planning & Zoning Board
From: James G. LaRue, AICP
Date: February 17, 2016
Subject: 1601 Kennedy Causeway
Renewal of Special Use Exceptions

The proposed project at 1601 Kennedy Causeway received site plan approval from the Village Commission on February 24, 2015, for a mixed-use development featuring a parking garage. At that time, the Commission also approved two special use exceptions; one for development of a mixed-use (residential and commercial) development in the General Commercial zoning district; and another special use exception approval to allow up to 20% of the required parking spaces to be compact spaces, according to Village Land Development Code Section 152.030(C)(3). That approved project contained 75 residential dwelling units, 6,135 square feet of commercial space, 22 stories, 240 feet high, and 234 parking spaces. Of the 234 total parking spaces, the site plan included 32 compact parking spaces. Compact parking spaces are a minimum of 8 feet wide and 16 feet long; whereas standard parking spaces are a minimum of 9 feet wide and 18 feet long.

The site plan approval is still valid until February 24, 2017. However, due to expiration provisions in the Village Code, special use exception approvals expire after one-year. Section 152.103 of the North Bay Village Code:

After the Village Commission has approved a special use exception or granted a variance, the special use exception or variance so approved or granted shall lapse after the expiration of one year, measured from the date of final Commission action, if no substantial construction or change of use has taken place in accordance with the plans for which the special use exception or variance was granted.

At this time, no substantial construction has taken place and no building permits have been issued. The Applicant is now requesting renewals of both special use exception approvals. Staff recommends approval of this request. If approved by the Village Commission, the special exceptions and the site plan will all be effective until February 24, 2017. We have attached the staff reports that were provided to the Commission regarding the original site plan and special exception requests.



Staff Report Special Use Exception

*Prepared for: North Bay Village
Commission*

Applicant: Brick Village 79, LLC

Site Address: 1601 Kennedy Causeway

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



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

Serving Florida Local Governments Since 1988

General Information

Owner/Applicant:	Brick Village, LLC
Applicant Address:	900 Biscayne Blvd, #1202 Miami, FL 33132
Site Address:	1601 Kennedy Causeway
Contact Person:	Gerardo Vazquez, Esq.
Contact Phone Number:	305-371-8064
E-mail Address	gv@vazquezcarballo.com

Future Land Use	Commercial
Zoning District	CG
Use of Property	Restaurant (vacant)
Acreage	1.07 acres

Legal Description of Subject Property

9 53 42 E200FT OF W725FT OF TREA IS LYING N OF 79 ST CSEWY PER DBS 3223-511 & 513

Adjacent Land Use Map Classifications and Zoning District

North	Future Land Use	Water
	Zoning District	Water
	Existing Land Use	Biscayne Bay
East	Future Land Use	Commercial
	Zoning District	CG
	Existing Land Use	Bay Terrace Condominiums
South	Future Land Use	Commercial
	Zoning District	CG
	Existing Land Use	Restaurant, Grocery, Offices, Dry Cleaner, Public Storage
West	Future Land Use	Commercial
	Zoning District	CG
	Existing Land Use	Approved for Mixed-Use Condominium



Request

The applicant is requesting a special use exception pursuant to Sections 152.030(C)(3) and 152.098 of the North Bay Village Code of Ordinances for development of a mixed-use commercial structure in the CG (General Commercial) zoning district.

General Description

The site plan request for this development is for a 75 dwelling unit, 22 story, mixed use condominium. This site is the current location of the Trio on the Bay restaurant. The applicant is requesting approval for bonus height to 240 feet and bonus density for 9 three bedroom dwelling units, for a total density of 70 dwelling units per acre.

The tabular project summary shows 2,000 square feet of office space; 2,135 square feet of retail space; and 2000 square feet of restaurant space, of which 1,334 square feet will be customer service area.

Consistency with Comprehensive Plan

While the Comprehensive Plan is silent as to mixed-use in the Commercial Future Land Use category, it does allow for restaurant and residential uses which are proposed. We believe that a mix of multi-family units and the proposed restaurant use is consistent with the intent of the Commercial Future Land Use category.

Consistency with Special Use Exception Standards

Section 152.098 provides for Village Commission approval of a special use exception if there are clear indications that such an exception will not substantially adversely affect the uses of adjacent property.

Other Requirements and Considerations

The property to the west is approved for a mixed use condominium. The property to the east is Bay Terrace Condominiums. To the south, across Kennedy Causeway, are various commercial uses. The Applicant's proposal to develop the subject property as a mixed use structure encompassing multi-family residential units and a restaurant on the subject property is compatible with, and will have no adverse effect upon, the existing or proposed uses of the adjacent properties.



Planning & Zoning Board Recommendation

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

Staff Recommendations

Staff finds that the request **is** consistent with Sections 152.030(C)(3) and 152.098 in that this modification of a special use exception will not adversely affect the uses permitted in the regulations of adjacent properties.

Based on the foregoing analysis, Staff recommends **approval** of the request for the special use exception for a mixed-use residential and commercial structure.

Submitted by:

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

January 14, 2015

Hearing: North Bay Village Commission, January 27, 2015





Staff Report Special Use Exception

*Prepared for: North Bay Village
Commission*

Applicant: Brick Village 79, LLC

Site Address: 1601 Kennedy Causeway

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



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General Information

Owner/Applicant:	Brick Village, LLC
Applicant Address:	900 Biscayne Blvd, #1202 Miami, FL 33132
Site Address:	1601 Kennedy Causeway
Contact Person:	Gerardo Vazquez, Esq.
Contact Phone Number:	305-371-8064
E-mail Address	gv@vazquezcarballo.com

Future Land Use	Commercial
Zoning District	CG
Use of Property	Restaurant (vacant)
Acreage	1.07 acres

Legal Description of Subject Property

9 53 42 E200FT OF W725FT OF TREA IS LYING N OF 79 ST CSEWY PER DBS 3223-511 & 513

Request

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

General Description

The site plan request for this development is for a 75 dwelling unit, 22 story, mixed-use condominium. This site is the current location of the Trio on the Bay restaurant. The applicant is requesting approval for bonus height to 240 feet and bonus density for 9 three bedroom dwelling units, for a total density of 70 dwelling units per acre.

The tabular project summary shows 2,000 square feet of office space; 2,135 square feet of retail space; and 2000 square feet of restaurant space, of which 1,334 square feet will be customer service area.



Consistency with Comprehensive Plan

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

Planning & Zoning Board Recommendation

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

Staff Recommendations

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

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

Submitted by:

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

January 14, 2015

Hearing: North Bay Village Commission, January 27, 2015





Staff Report Site Plan

*Prepared for: North Bay Village
Commission*

Applicant: Brick Village 79, LLC

Site Address: 1601 Kennedy Causeway

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



LaRue Planning
& Management Services, Inc.

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

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Future Land Use	Commercial
Zoning District	CG
Use of Property	Restaurant (vacant)
Acreage	1.07 acres

Legal Description of Subject Property

9 53 42 E200FT OF W725FT OF TREA IS LYING N OF 79 ST CSEWY PER DBS 3223-511 & 513

Request

The applicant is requesting:

1. A special use exception to construct a mixed use residential structure in the General Commercial Zoning District.
2. Height bonus review in conjunction with site plan approval pursuant to Section 152.029(C)(8)(A-F) of the North Bay Village Code of Ordinances.
3. Density bonus review in conjunction with site plan approval pursuant to Section 152.029(C)(8)(H) of the North Bay Village Code of Ordinances.
4. A special use exception pursuant to Section 152.042(E) to utilize compact parking spaces for up to 20% of the required parking spaces.
7. Site plan approval pursuant to Section 152.105(C)(9) of the North Bay Village Code of Ordinances for development of a 75 dwelling unit, 22 story mixed-use condominium structure in the CG zoning district.



General Description

The site plan request for this development is for a 75 dwelling unit, 22 story, mixed use condominium. This site is the current location of the Trio on the Bay restaurant. The applicant is requesting approval for bonus height to 240 feet and bonus density for 9 three bedroom dwelling units, for a total density of 70 dwelling units per acre.

The tabular project summary shows 2,000 square feet of office space; 2,135 square feet of retail space; and 2000 square feet of restaurant space, of which 1,334 square feet will be customer service area.

Consistency with Comprehensive Plan

The multifamily mixed-use is consistent with the description of the Commercial Future Land Use category under Policy 2.1.1a of the Future Land Use Element.

Adjacent Land Use Map Classifications and Zoning District

North	Future Land Use	Water
	Zoning District	Water
	Existing Land Use	Biscayne Bay
East	Future Land Use	Commercial
	Zoning District	CG
	Existing Land Use	Bay Terrace Condominiums
South	Future Land Use	Commercial
	Zoning District	CG
	Existing Land Use	Restaurant, Grocery, Offices, Dry Cleaner, Public Storage
West	Future Land Use	Commercial
	Zoning District	CG
	Existing Land Use	Approved for Mixed-Use Condominium



Adequacy of Public Facilities

Traffic Analysis

The applicant has provided evidence that the existing facilities have sufficient capacity to accommodate the proposed development.

Water and Sewer Analysis

The applicant has provided evidence that the existing facilities have sufficient capacity or that capacity will be expanded to accommodate the proposed development.

Comparison of Submitted Site Plan With Land Development Regulations

Section	Regulation	Required	Provided
North Bay Village LDC			
152.029(C)(1)	Minimum lot area	27,000 sq ft	46,800 sq ft (1.07 acres)
152.029(C)(1)	Minimum frontage	75 ft	260 ft
152.029(C)(2)	Minimum front setback	40 ft	40 ft
152.029(C)(2)	Minimum side setback	15 ft on one side. 20% of lot width on the other side <u>20% of 260 = 52</u> Combination of both side setbacks to be at least 60 ft	25 ft on west side 52 ft on east side Combination of both side setbacks equal to 77 ft
152.029(C)(2)	Minimum rear setback	25 ft	25 ft



Section	Regulation	Required		Provided
152.029(C)(3)	Required lot area per dwelling unit	Unit type	Lot area/unit	53,325 > 46,800 Applicant to purchase bonus density for 9 three-bedroom units under Section 152.029(C)(8)
		Efficiency	620	
		1-BR	620	
		2-BR	685	
		3-BR	750	
		$45 \times 685 = 30,825$ $30 \times 750 = 22,500$ $30,825 + 22,500 =$ <u>53,325 sq ft of required lot area</u>		
Comprehensive Plan Future Land Use Policy 2.1.1a	Maximum density	70 dwelling units per acre	70 dwelling units per acre	
152.029(C)(4)	Maximum building height	150 ft or 15 stories, whichever is less	240 ft Applicant requesting approval of bonus height under Section 152.029(C)(8)	
152.029(C)(4)	Maximum parking levels	4 stories	4 stories	
152.029(C)(5)	Minimum pervious area	20% of total parcel <u>20% of 46,800 = 9,360 sq ft</u>	9,360 sq ft	
152.029(C)(6)	Minimum dwelling unit floor area	Unit type	Floor area	2BR shown at 1,640 and 1,570 sq ft 3BR shown at 2,230 and 2,200 sq ft
		Efficiency	600	
		1-BR	900	
		2-BR	1,200	
		3-BR	1,350	
152.029(C)(7)	Baywalk/boardwalk requirement	A public access boardwalk must be provided along shoreline and access to that boardwalk must be provided with a walkway from the ROW. Dedicated easements shall be recorded for the boardwalk and access corridors.	Provided	



Section	Regulation	Required	Provided
152.029(C)(8)	Building height bonus	Additional height may be purchased	Applicant is purchasing 90 ft of additional height at \$6,750 per dwelling unit for total cost of \$506,250.
152.029(C)(8)	Building density bonus	Additional density may be purchased, not to exceed 70 units per acre	Applicant is purchasing 9 additional dwelling units at \$40,000 per dwelling unit for total cost of \$360,000.
152.029(C)(9)2	Paving surfaces	Except for covered garages, all exterior paving surfaces shall be constructed of brick pavers	Concrete and brick pavers provided throughout
152.029(C)(9)3	Required water feature	A water feature shall be provided in the front	Provided
152.029(C)(9)6	Screening of parking garages	Parking garages shall be constructed with architectural features that obscure it from public view	Provided
152.029(C)(9)7	Street tree lighting	Lighting shall be provided in all areas in front where trees are planted	Provided
5.2.2(a)(1)	Minimum standard parking space dimensions	9 ft by 18 ft	Provided
5.2.2(a)(2)	Minimum compact parking space dimensions	8 ft by 16 ft	In compliance
5.2.2(a)(3)	Minimum handicapped parking space dimensions	Must comply with all applicable accessibility standards	In compliance
152.042(D)	Minimum number of handicapped spaces	2% of total required spaces. <u>2% of 234 = 5 handicapped spaces required</u>	7 handicapped parking spaces
ADA Requirement	Minimum number of handicapped spaces	7 handicapped spaces	



Section	Regulation	Required	Provided										
152.042(E)	Maximum number of compact parking spaces	20% of required parking spaces <u>20% of 234 = 46</u>	32 compact parking spaces										
152.042(K)	Minimum setback of ROW from parking spaces	20 ft	Provided										
152.042(M)	Minimum separation of parking from walkways and streets	Parking spaces shall be separated from walkways, sidewalks, streets, or alleys by an approved wall, fence, curbing, or other protective device	Provided										
152.042(P)	Back-out parking prohibition	Parking spaces shall be designed so that no vehicle shall be required to back into a public ROW to obtain egress	Provided										
152.044(A)(2)	Minimum number of parking spaces per dwelling unit	<table border="1"> <thead> <tr> <th>Unit Type</th> <th>Spaces Req</th> </tr> </thead> <tbody> <tr> <td>Efficiency</td> <td>1.5</td> </tr> <tr> <td>1BR&2BR</td> <td>2</td> </tr> <tr> <td>3BR</td> <td>3</td> </tr> <tr> <td colspan="2">Plus 10% for Guests</td> </tr> </tbody> </table> <u>45 x 2 = 90</u> <u>30 x 3 = 90</u> <u>10% = 18</u> <u>198 spaces required</u>	Unit Type	Spaces Req	Efficiency	1.5	1BR&2BR	2	3BR	3	Plus 10% for Guests		234 parking spaces
Unit Type	Spaces Req												
Efficiency	1.5												
1BR&2BR	2												
3BR	3												
Plus 10% for Guests													
152.044(B)(4)	Minimum number of parking spaces for offices	1 space per 300 sq ft of gross floor area <u>2000 / 300 = 6.7</u>											
152.044(B)(7)	Minimum number of parking spaces for restaurant	1 space per 75 sq ft of customer svc area <u>1,334 / 75 = 17.8</u>											
152.044(B)(8)	Minimum number of parking spaces for retail	1 space per 200 sq ft of gross floor area <u>2,135 / 200 = 10.7</u>											
	Total spaces required	<u>198 + 6.7 + 17.8 + 10.7 = 234 spaces</u>											
152.045(B)	Minimum loading space dimensions	12 ft by 30 ft, and at least 14.5 ft of vertical clearance	In compliance										



Section	Regulation	Required	Provided												
152.045(C)	Loading space joint usage	Loading spaces for two or more uses may be collectively provided if so located as to be usable by all.	N/A												
152.045(E)	Loading and standard parking space restriction	No areas supplied to meet required off-street parking facilities may be utilized to meet the requirements for loading spaces.	In compliance												
152.045(F)(1)	Minimum number of loading spaces for retail, office and restaurant	<table border="1"> <thead> <tr> <th>Gross floor area</th> <th>Spaces</th> </tr> </thead> <tbody> <tr> <td><10,000</td> <td>0</td> </tr> <tr> <td>10,000-20,000</td> <td>1</td> </tr> <tr> <td>20,000-40,000</td> <td>2</td> </tr> <tr> <td>40,000-60,000</td> <td>3</td> </tr> <tr> <td>>60,000</td> <td>4</td> </tr> </tbody> </table>	Gross floor area	Spaces	<10,000	0	10,000-20,000	1	20,000-40,000	2	40,000-60,000	3	>60,000	4	N/A
		Gross floor area	Spaces												
		<10,000	0												
		10,000-20,000	1												
		20,000-40,000	2												
		40,000-60,000	3												
>60,000	4														
<u>0 loading spaces required</u>															
152.045(F)(2)	Minimum number of loading spaces for multi-family	<table border="1"> <thead> <tr> <th>Gross floor area</th> <th>Spaces</th> </tr> </thead> <tbody> <tr> <td><25,000</td> <td>0</td> </tr> <tr> <td>25,000-50,000</td> <td>1</td> </tr> <tr> <td>50,000-100,000</td> <td>2</td> </tr> <tr> <td>>100,000</td> <td>3</td> </tr> </tbody> </table>	Gross floor area	Spaces	<25,000	0	25,000-50,000	1	50,000-100,000	2	>100,000	3	3 loading spaces		
		Gross floor area	Spaces												
		<25,000	0												
		25,000-50,000	1												
		50,000-100,000	2												
		>100,000	3												
<u>3 loading spaces required</u>															
152.056	Maximum balcony encroachment into side or rear yard	4 ft	In compliance												
155.17	Minimum width of maneuvering aisle	23 ft	In compliance												
155.17	Minimum width of 2-way access aisle	23 ft	In compliance												



Section	Regulation	Required	Provided
155.18(A)3	Dumpster screening	Dumpster enclosures shall be designed in a manner as to visually screen the dumpster from adjacent view and shall be located in visually obscure areas of the site.	Provided
155.18(A)4	Dumpster placement	Dumpster enclosures shall be placed in such a manner as to allow front end loader sanitation trucks to pick up garbage in a forward motion. Backing out the sanitation truck is prohibited	Provided
155.18(A)5	Mechanical equipment screening	Roof-mounted mechanical equipment and elevator shafts shall be screened by a parapet wall or grilles, and shall be painted in muted colors or match the building and shall not be visible from the street.	Provided
155.18(A)7	Mechanical equipment screening	Service bays, ground mounted air conditioning units, and other mechanical equipment shall be screened from public and on-site pedestrian view, and buffered.	In compliance
Appendix D	Required benches along bay walk	Benches shall be provided at a minimum of 2.5 ft sections of bench per 100 ft of linear shoreline	Provided
Miami-Dade Landscaping Chapter 18A			
18A-4(C)	Vegetative survey	A vegetation survey shall be provided for all sites at the same scale as the landscape plan.	Provided



Section	Regulation	Required	Provided
18A-4(D)	Irrigation plan	An Irrigation Plan shall be submitted. Where a landscape plan is required, an irrigation plan shall be submitted concurrently.	Not yet provided
18A-6(A)(5)	Maximum lawn area	40% of lot area, less the area covered by buildings	Sod not depicted on plans
18A-6(C)(1)	Tree height	Except street trees, all trees shall be a minimum of 10 ft high with a minimum of 2 inch caliper, except that 30% of the tree requirement may be met by native species with a minimum height of 8 ft.	In compliance
18A-6(C)(2)	Street trees	Street trees shall be provided along all roadways at a maximum average spacing of 35 feet on center (25' for palms). <u>With 260 linear feet of frontage, either 8 trees or 11 palms are required.</u>	11 street trees
18A-6(C)(3)	Trees under power lines	Where overhead power lines require low growing trees, street trees shall have a minimum height of 8 feet and a maximum average spacing of 25 feet on center.	No overhead power lines
18A-6(C)(4)	Palms	Palms which are spaced no more than 25 feet on center and have a 14 foot minimum height or 4 inch minimum caliper diameter may count as a required tree.	



Section	Regulation	Required	Provided
18A-6(C)(5)	Number of required trees	28 trees per acre required in multi-family residential zoning categories <u>28 x 1.07 = 30</u> <u>required trees</u>	In compliance
18A-6(C)(11)	Limitations on required trees	At least 30% shall be native species. At least 50% shall be low maintenance and drought tolerant. Of the required trees, no more than 30% shall be palms	In compliance. This requirement has been met by native trees. In compliance
18A-6(C)(12)	Limitations on required trees	80% of required trees shall be listed in the Miami-Dade Landscape Manual, the Miami-Dade Street Tree Master Plan and/or the University of Florida's Low Maintenance Landscape Plants for South Florida list.	In compliance



Section	Regulation	Required	Provided
18A-6(D)(1)	Shrubs	<p>All shrubs must be a minimum of 18 inches at time of planting.</p> <p>10 shrubs are required for each required tree. <u>300 shrubs required</u></p> <p>30% shall be native species</p> <p>50% shall be low maintenance and drought tolerant</p> <p>80% of required shrubs shall be listed in the Miami-Dade Landscape Manual, the Miami-Dade Street Tree Master Plan and/or the University of Florida's Low Maintenance Landscape Plants for South Florida list.</p>	<p>Only 161 shrubs provided</p>

Section	Regulation	Required	Provided
18A-6(H)	Use buffers	<p>Where dissimilar land uses exist on adjacent properties, that area shall be provided with a buffer consisting of trees spaced to a maximum average of 35-feet on center with shrubs which normally grow to a height of 6 feet, or a 6 foot wall with trees, within a 5 foot wide landscape strip.</p> <p>Shrubs shall be a minimum of 30 inches high and planted at a maximum of 36 inches on center; or if planted at a minimum height of 36 inches, shall have a maximum average spacing of 48 inches on center.</p>	Use buffers are not required. Adjacent land uses do not meet definition of dissimilar use.
18A-6(I)	Parking lot buffers	<p>All parking lots adjacent to a right of way shall be screened by a continuous planting with a 7 foot landscape strip incorporating said planting</p> <p>Shrubs shall be a minimum of 18 inches high and planted at a maximum of 30 inches on center; or if planted at a minimum height of 36 inches, shall have a maximum average spacing of 48 inches on center.</p>	<p>In compliance</p> <p>More shrubs required</p>



Section	Regulation	Required	Provided
18A-6(J)	Parking lot landscaping	10 square feet of landscaped area per parking space shall be provided within a parking lot.	Provided
		Trees shall be planted within the parking lot at a minimum density of one tree per 80 square feet of landscaped area, exclusive of parking lot buffers.	Provided
		Each tree shall have a minimum of 5 feet of planting area width, exclusive of curb dimension.	
Miami-Dade Biscayne Bay Management Plan			
33D-38(1)b	Minimum rear setback	50% of building height above 35 ft (measured from mean high water line), up to 75 ft maximum. <u>75 ft required</u>	25 ft
33D-38(2)a	Minimum visual corridor	20% of lot width on one side, with a 20 ft minimum and a 100 ft maximum. Structures not permitted in view corridor. <u>52 ft required</u>	52 ft on east side
33D-38(3)	Minimum side setback	Minimum of 25 ft	In compliance
33D-33(4)	Waiver from County	A waiver may be obtained from the Miami-Dade Shoreline Review Committee for exemption from the above requirements	Not yet provided



Planning & Zoning Board Recommendation

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

Staff Recommendations

BUILDING HEIGHT BONUS:

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

BUILDING DENSITY BONUS:

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

SITE PLAN:

Staff recommends **approval** of the site plan based on the following conditions being met prior to the issuance of a building permit:

- 1) Submittal of a landscape plan and irrigation plan which is in compliance with the Miami-Dade Landscape Code.
- 2) The public access easement and boardwalk must be dedicated and recorded. Applicant shall agree, in writing, that the boardwalk shall be open to the public daily, during hours to be determined by the Village; and boardwalk lighting shall remain on while boardwalk is open to the public.
- 3) Applicant shall not lease or sell parking spaces.
- 4) Applicant shall not charge for guest parking.
- 5) Site plan approval from Miami-Dade Shoreline Review Committee.
- 6) Meeting School Board Concurrency requirements as determined by School Board Staff.
- 7) Payment of any applicable impact fees.
- 8) Payment of bonus height fees, as required under Section 152.029(C)8.
- 9) Tie-in to Village's wastewater system at a Village designated proximate location (proposed connection point) and payment of pro-rata costs involved in tying into appropriate connection point.



- 10) Cost recovery charges must be paid pursuant to Section 152.110. Specifically, no new development application shall be accepted and no building permit or certificate of occupancy shall be issued for the property until all application fees, cost recovery deposits and outstanding fees and fines related to the property (including fees related to any previous development proposal applications), have been paid in full.
- 11) Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.
- 12) Approval of this site plan does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for approval if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that result in a violation of federal or state law.
- 13) All applicable state and federal permits must be obtained before commencement of construction.

Submitted by:

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

January 14, 2015

Hearing: North Bay Village Commission, January 27, 2015

Attachments: Aerial photograph
Zoning Map



**AERIAL
SUBJECT SITE AND ENVIRONS**



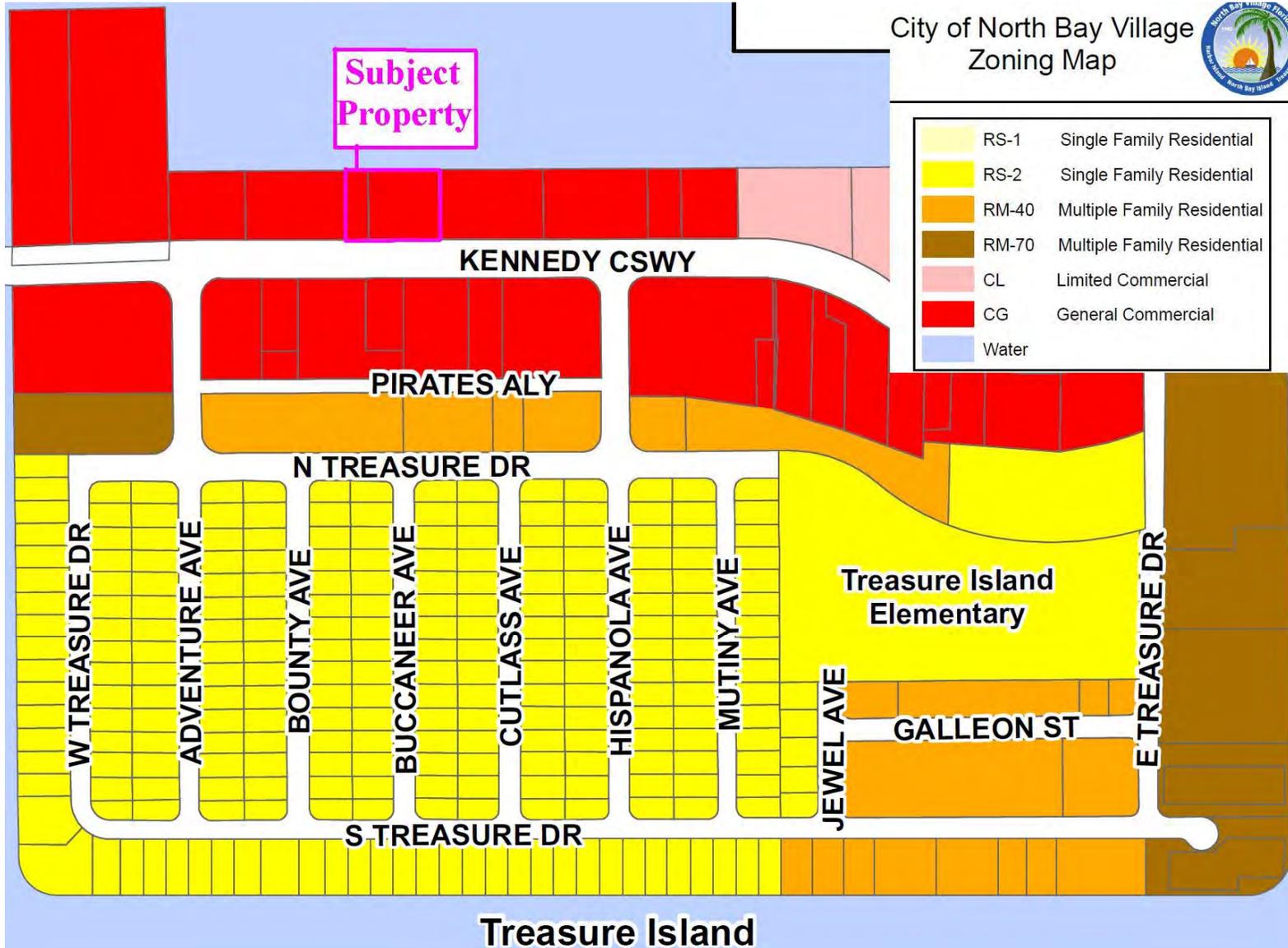
**ZONING
SUBJECT SITE AND ENVIRONS**

City of North Bay Village
Zoning Map



**Subject
Property**

	RS-1	Single Family Residential
	RS-2	Single Family Residential
	RM-40	Multiple Family Residential
	RM-70	Multiple Family Residential
	CL	Limited Commercial
	CG	General Commercial
		Water



Brickview 3114, LLC

900 Biscayne Blvd. Office 1202
Miami, FL 33132

VIA HAND DELIVERY

February 9, 2016

Frank Rollason,
Village Manager
North Bay Village
1666 Kennedy Causeway, 3rd Floor
North Bay Village, Florida 33141

Re: **Letter of Intent for Renewals of Development Orders for 1601 Kennedy Causeway,
North Bay Village, FL 33141**

Dear Mr. Rollason,

Brickview 3114, LLC (the "Applicant"), the owner of the parcel at the above-described address. Please consider this letter the Applicant's letter of intent in support of a public hearing application seeking the renewal of the Village's development order approvals for a mixed-use residential and commercial building on the site.

The Property. The subject property (the "Property"), comprises approximately 1.074 acres of commercial land north of Kennedy Causeway into Biscayne Bay. The Property is zoned CG (General Commercial) and planned for commercial use.

Development Agreement. In February 2015, the Mayor and Village Commission approved a Development Agreement with the Applicant in accordance with the Florida Local Government Development Agreement Act, section 163.3220-163.3243, Fla. Stat. (2015). The Development Agreement was recorded in Official Record Book 28955, at Pages 3712 through 3750 of Public Records of Miami-Dade County, Florida.

The Development Agreement, among other things, approved a redevelopment plan for the Property with a mixed use commercial and multi-family residential project, consisting of up to 75 units, 22 story mixed-use commercial structure, 6,135 square feet of retail and parking structure. The Development Agreement will remain valid until 2016 and may be extended for up to four (4) additional years following that date.



North Bay Village

Administrative Offices

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

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

FEB12 2:05PM

Page 1 of 4

APPLICATION FOR VARIANCE, INCLUDING EXTENSION OF AN UNEXPIRED VARIANCE AND/OR SPECIAL EXCEPTION APPROVAL

Instructions: Submit this application, along with 15 sets of sealed plans (1 set 36"x24" and 14 11"x17" sets) and the required information and fee, to the Village Clerk's Office at 1666 Kennedy Causeway, Suite 300. Applications are due by 12:00 noon on the deadline date and must be complete to be accepted and place on the agenda. A sign will be posted on the property, and public hearings will be conducted by the Planning & Zoning Board and the Village Commission.

Site Address 1601 Kennedy Causeway, North Bay Village, FL 33141

Owner Name Brick Village 79, LLC Owner Phone # (786) 398-4384

Owner Mailing Address 900 Biscayne Blvd. Office 1202, Miami, FL 33132

Applicant Name Brick Village 79, LLC Applicant Phone # (786)398-4384
(if different from Owner)

Applicant Mailing Address Same

Contact Person Ignacio Permuy Contact Phone # (305)975-2123

Contact Email Address ipermuy@permuyarchitecture.com

Legal Description of Property Parcel 1 & Parcel 2 See Survey

Existing Zoning CG Lot Size 46,800 SF. Folio Number 23-3209-000-0040

Project Description 75 Unit, 22 Story Mixed-Use Commercial Structure

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

Variance Requested Renewal of Special Use Exception, Resolution No. 2015-26, Resolution No. 2015-27
and Resolution No. 2015-28

Reason for Request See Attached

Mayor
Connie Leon-Kreps

Vice Mayor
Jorge Gonzalez

Commissioner
Dr. Richard Chervony

Commissioner
Andreana Jackson

Commissioner
Eddie Lim

APPLICATION FOR VARIANCE, INCLUDING EXTENSION OF AN UNEXPIRED VARIANCE AND/OR SPECIAL EXCEPTION APPROVAL

Mandatory Submittals (check that each item is included with this application):

- Plans depicting work to be completed (including property survey)
- Application fees

Optional Submittals:

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

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

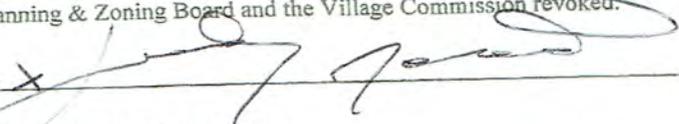
All requests for variances from the North Bay Village Code shall be considered at Public Hearings before the Village Commission. Notice of Hearing shall be given by publishing and posting on the property (which is the subject of the request), the time, the place and the nature of the hearing at least 10 days before the hearing. The Village Clerk shall certify that the petition is complete before the hearing is legally advertised. All applications shall be submitted to the Village Clerk on or before the deadline implemented by the Village.

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

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

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

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

Authorized Signature 

Print Name Leonidas Macedo - Managing Partner

(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.)

Mayor
Connie Leon-Kreps

Vice Mayor
Jorge Gonzalez

Commissioner
Dr. Richard Chervony

Commissioner
Andreana Jackson

Commissioner
Eddie Lim

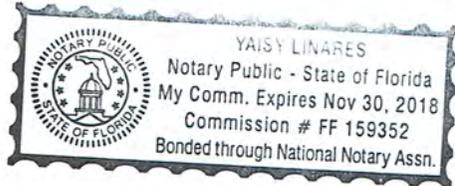
APPLICATION FOR VARIANCE, INCLUDING EXTENSION OF AN UNEXPIRED VARIANCE AND/OR SPECIAL EXCEPTION APPROVAL

STATE OF FLORIDA
COUNTY OF Miami-Dade

Sworn to and subscribed to before me this 12 day of Feb., 2016
by Leonidas Macedo

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

Notary Public Signature [Signature]
Commission Number/Expiration _____



Mayor
Connie Leon-Kreps

Vice Mayor
Jorge Gonzalez

Commissioner
Dr. Richard Chervony

Commissioner
Andreana Jackson

Commissioner
Eddie Lim

**APPLICATION FOR VARIANCE, INCLUDING EXTENSION OF AN UNEXPIRED
VARIANCE AND/OR SPECIAL EXCEPTION APPROVAL**

Office Use Only:

Date Submitted: 2/12/16

Fee Paid: \$ 9,600.00

Tentative Meeting Date: _____

Cash or Check # 0229

Date Paid: 2/12/16

Mayor
Connie Leon-Kreps

Vice Mayor
Jorge Gonzalez

Commissioner
Dr. Richard Chervony

Commissioner
Andreana Jackson

Commissioner
Eddie Lim

RESOLUTION NO. 2015-27

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY BRICK VILLAGE 79, LLC FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTION 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A MIXED-USE RESIDENTIAL AND COMMERCIAL STRUCTURE IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT AT 1601 KENNEDY CAUSEWAY; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 152.098 and 152.030(C) of the North Bay Village Code of Ordinances (the "Village Code"), Brick Village 79, LLC has applied to North Bay Village for approval of a Special Use Exception for development of a mixed-use commercial structure in the CG (General Commercial) Zoning District at 1601 Kennedy Causeway; and

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

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

WHEREAS, in accordance with Section 152.096 of the Village Code, public hearings by the Village Commission were noticed February 24, 2015 at 7:30 P.M. at the Village Hall, 1666 Kennedy Causeway, #101, North Bay Village, Florida 33141 and all interested parties have had the opportunity to address their comments to the Village Commission; and

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

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

Section 1. Recitals.

The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Finding.

1. In accordance with Section 152.098 of the Village Code, the Village Commission finds that the proposed Special Use Exception for development of a mixed-use commercial structure in the CG (General Commercial) Zoning District will not substantially affect adversely the uses permitted in these regulations of adjacent property.

Section 3. Grant.

The Special Use Exception request for development of a mixed-use commercial structure in the CG (General Commercial) Zoning District at 1601 Kennedy Causeway, North Bay Village, Florida is hereby granted.

Section 4. Appeal.

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

Section 5. Effective Date.

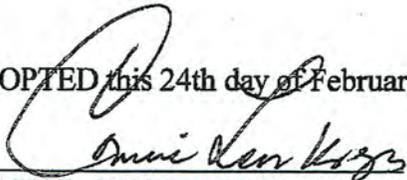
This Resolution shall become effective upon its adoption.

The motion to adopt the foregoing Resolution was offered by Commissioner Richard Chervony, seconded by Commissioner Wendy Duvall.

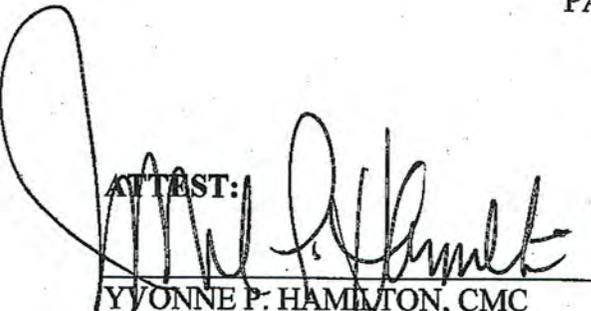
FINAL VOTE AT ADOPTION:

Mayor Connie Leon-Kreps	<u>Yes</u>
Vice Mayor Jorge Gonzalez	<u>Yes</u>
Commissioner Richard Chervony	<u>Yes</u>
Commissioner Wendy Duvall	<u>Yes</u>
Commissioner Eddie Lim	<u>Yes</u>

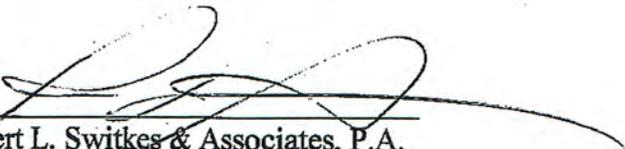
PASSED and ADOPTED this 24th day of February 2015.


MAYOR CONNIE LEON-KREPS

ATTEST:


YVONNE P. HAMILTON, CMC
Village Clerk

APPROVED AS TO FORM:



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

North Bay Village Resolution: 1601 Kennedy Causeway Development-Special Use Exception

RESOLUTION NO. 2015-28

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY BRICK VILLAGE 79, LLC, 1601 KENNEDY CAUSEWAY, FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTION 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 152.098 and 152.042(E) of the North Bay Village Code of Ordinances (the "Village Code"), Brick Village 79, LLC has applied to North Bay Village for approval of a special use exception to allow up to 20 percent of the parking spaces for development of a 75 dwelling unit, 22 story mixed-use structure at 1601 Kennedy Causeway, North Bay Village, Florida to be designed specifically for compact vehicles; and

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

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

WHEREAS, in accordance with Section 152.096 of the Village Code, a public hearing by the Village Commission was noticed for Tuesday, February 24, 2015 at 7:30 P.M. at Village Hall, 1666 Kennedy Causeway, #101, North Bay Village, Florida 33141 and all interested parties have had the opportunity to address their comments to the Village Commission; and

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

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

Section 1. Recitals.

The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Finding.

In accordance with Section 152.098 of the Village Code, the Village Commission finds that the proposed special use exception to allow up to 20 percent of the parking spaces in the development of the 75 dwelling unit, 22 story mixed-use structure at 1601 Kennedy Causeway, North Bay Village, Florida to be designed specifically for compact vehicles; will not substantially affect adversely the uses permitted in these regulations of adjacent property.

Section 3. Grant.

The special use request to allow up to 20 percent of the parking spaces to be designed specifically for compact vehicles in the development at 1601 Kennedy Causeway, North Bay Village, Florida is hereby granted.

Section 4. Appeal.

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

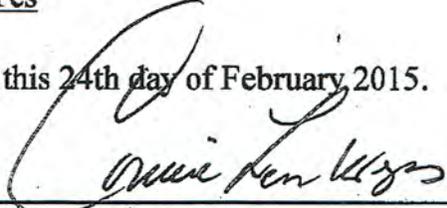
Section 5. Effective Date.

The motion to adopt the foregoing Resolution was offered by Commissioner Richard Chervony, seconded by Commissioner Wendy Duvall.

FINAL VOTE AT ADOPTION:

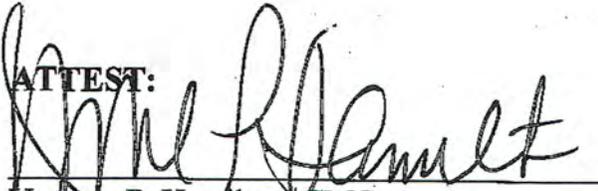
Mayor Connie Leon-Kreps	<u>Yes</u>
Vice Mayor Jorge Gonzalez	<u>Yes</u>
Commissioner Richard Chervony	<u>Yes</u>
Commissioner Wendy Duvall	<u>Yes</u>
Commissioner Eddie Lim	<u>Yes</u>

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



Connie Leon-Kreps, Mayor

ATTEST:



Yvonne P. Hamilton, CMC
Village Clerk

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



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

North Bay Village Resolution: Special Use Exception-1601 Kennedy Causeway-Compact Parking Spaces.



North Bay Village

Administrative Offices

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

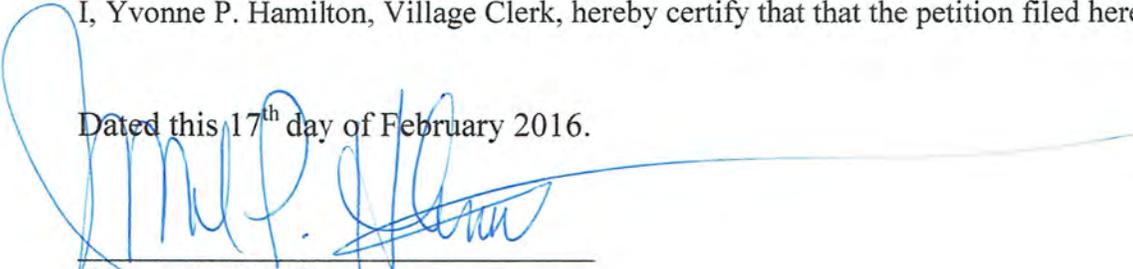
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

RE: AN APPLICATION BY BRICK VILLAGE 79, LLC CONCERNING PROPERTY LOCATED AT **1601 KENNEDY CAUSEWAY**, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:

1. A ONE YEAR RENEWAL OF RESOLUTION NO. 2015-27 FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTION 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A MIXED-USE RESIDENTIAL AND COMMERCIAL STRUCTURE IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT. IF APPROVED BY THE COMMISSION, THE RENEWAL SHALL EXTEND THE ORIGINAL APPROVAL FOR ONE ADDITIONAL YEAR, EXPIRING ON FEBRUARY 24, 2017.
2. A ONE YEAR RENEWAL OF RESOLUTION NO. 2015-28 FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTION 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES. IF APPROVED BY THE COMMISSION, THE RENEWAL SHALL EXTEND THE ORIGINAL APPROVAL FOR ONE ADDITIONAL YEAR, EXPIRING ON FEBRUARY 24, 2017.

I, Yvonne P. Hamilton, Village Clerk, hereby certify that that the petition filed hereto is correct.

Dated this 17th day of February 2016.


Yvonne P. Hamilton
Village Clerk

(North Bay Village Planning & Zoning Board Meeting-4/5/2016)

Mayor
Connie Leon-Kreps

Vice Mayor
Jorge Gonzalez

Commissioner
Dr. Richard Chervony

Commissioner
Andreana Jackson

Commissioner
Eddie Lim



North Bay Village

Administrative Offices

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

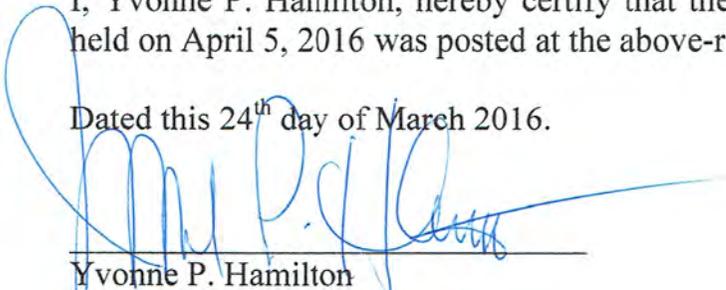
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

RE: AN APPLICATION BY BRICK VILLAGE 79, LLC CONCERNING PROPERTY LOCATED AT **1601 KENNEDY CAUSEWAY**, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:

1. A ONE YEAR RENEWAL OF RESOLUTION NO. 2015-27 FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTION 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A MIXED-USE RESIDENTIAL AND COMMERCIAL STRUCTURE IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT. IF APPROVED BY THE COMMISSION, THE RENEWAL SHALL EXTEND THE ORIGINAL APPROVAL FOR ONE ADDITIONAL YEAR, EXPIRING ON FEBRUARY 24, 2017.
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I, Yvonne P. Hamilton, hereby certify that the attached Notice of Public Hearing to be held on April 5, 2016 was posted at the above-referenced property on March 23, 2016.

Dated this 24th day of March 2016.


Yvonne P. Hamilton
Village Clerk

(North Bay Village Planning & Zoning Board Meeting – April 5, 2016).

Mayor
Connie Leon-Kreps

Vice Mayor
Jorge Gonzalez

Commissioner
Dr. Richard Chervony

Commissioner
Andreana Jackson

Commissioner
Eddie Lim



**NORTH BAY VILLAGE
NOTICE OF PUBLIC HEARING**

PUBLIC NOTICE IS HEREBY GIVEN THAT THE PLANNING & ZONING BOARD OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD ITS REGULAR MEETING ON APRIL 5, 2016 AT 7:30 P.M. OR AS SOON AS POSSIBLE THEREAFTER, AT VILLAGE HALL, 1666 KENNEDY CAUSEWAY #101, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING, THE BOARD WILL CONSIDER THE FOLLOWING REQUEST AND SUBMIT A RECOMMENDATION TO THE VILLAGE COMMISSION:

AN APPLICATION BY BRICK VILLAGE 79, LLC CONCERNING PROPERTY LOCATED AT 1601 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:

1. A ONE YEAR RENEWAL OF RESOLUTION NO. 2015-27 FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTION 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A MIXED-USE RESIDENTIAL AND COMMERCIAL STRUCTURE IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT. IF APPROVED BY THE COMMISSION, THE RENEWAL SHALL EXTEND THE ORIGINAL APPROVAL FOR ONE ADDITIONAL YEAR, EXPIRING ON FEBRUARY 24, 2017.
2. A ONE YEAR RENEWAL OF RESOLUTION NO. 2015-28 FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTION 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES. IF APPROVED BY THE COMMISSION, THE RENEWAL SHALL EXTEND THE ORIGINAL APPROVAL FOR ONE ADDITIONAL YEAR, EXPIRING ON FEBRUARY 24, 2017.

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 PLANNING & ZONING BOARD C/O THE VILLAGE CLERK, 1666 KENNEDY CAUSEWAY, #300, NORTH BAY VILLAGE, FL 33141.

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

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

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

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

YVONNE P. HAMILTON, CMC
VILLAGE CLERK
(March 18, 2016)

FROM PAGE 16NE

HINES

a.m. in the sanctuary, followed by an Easter egg hunt.

At First UMC of Homestead, there will be a 7 a.m. sunrise service, followed by an Easter egg hunt and brunch. The worship service will follow at 10 a.m. The church is at 622 N. Krome Ave. in Homestead.

At Redland UMC, Easter begins with an ice cream breakfast at 8:15 a.m. at the church, 18700 SW 248th St. in Redland. Easter worship service will follow at 9 a.m.

WALK IN MY SHOES WALK
You are asked to join the Lauren's Kids 2016 Walk in My Shoes walk, which

begins at 8:30 a.m. Saturday at Nova Southeastern University in Davie. There will be stops at city halls in Dania Beach, Hollywood and Hallandale Beach.

The walk will then head east and south into Miami-Dade County, ending at Dr. Michael M. Krop Senior High School at approximately 4:30 p.m. Following the 17.5 mile walk, a Buddy Bash will be held from 4:30 to 6:30 p.m. at the school, 1410 County Line Rd. in Miami.

This is the seventh, statewide Walk in My Shoes walk, which, when completed on Saturday, will have covered some 1,500 miles. The walk started in the

Panhandle this year and is held to raise awareness and provide education in the fight to prevent childhood sexual abuse.

If you can't walk, bring your family and friends and join the walkers at the Buddy Bash, which celebrates the end of the statewide walk.

For more information, call 305-935-1866.

HEALTHY ECO FAMILY FAIR
Palm Springs United Methodist Church and Girl Scouts of Tropical Florida have teamed to bring to the community a live "Healthy Eco Family Fair" from 11 a.m. to 3 p.m. Saturday at the church, 5700 W. 12th Ave. in Hialeah.

The fair will have free health screenings, yoga, community resource booths, eco games for the children, recycling, art, crafts and a

bounce house. The event will also have door prizes, including gift certificates and a new bicycle. Hot dogs, drinks, brownies and other food items will be on sale for lunch.

For more information, call Eva Prada at 305-821-3232.

STORIES OF JEWISH SURVIVAL
The film series "Triumph Over Tragedy: Remarkable Stories of Jewish Survival" will be presented at 7:30 p.m. Saturday, April 30 and May 21 at Temple Bet Breira Samuel Or Olom, 9400 SW 97th Ave.

The film series is a part of the synagogue's Saturday Night Learning program. The inspiring films show how some Jews survived World War II with the help of groups and individuals who put their own lives at risk to do the right thing.

The cost is \$10 per person and includes refreshments. For reservations and more information contact the synagogue office at 305-595-1500.

STOP THE VIOLENCE EVENT
The Inner City Youth Enrichment Camp invites the community to its third annual Stop the Violence and Bring the Peace event to be from 11 a.m. to 5 p.m. Saturday at Olinda Park, 2101 NW 51st St. in Miami.

Presented by Krush Velvet and Co., the event is held annually as an effort to bring awareness of the violence that affects everyone in the community.

Alfred Berry Jr., president and CEO of Krush Velvet, said: "Last year more than 1,000 people attended the rally. This year we have prepared for more. ... The free event is designed to

bring awareness of the overwhelming amount of violence that continuously plagues the streets of Miami-Dade County," Berry said.

Berry said families who have been victimized by crime and violence have been invited. "We want to assure them that they are not in this alone, and also to remind everyone that we are grieving as a community."

The event will include a basketball tournament, entertainment, speakers and free food. For more information, call Berry at 786-217-2963.

NORTH BAY VILLAGE NOTICE OF PUBLIC HEARING



PUBLIC NOTICE IS HEREBY GIVEN THAT THE PLANNING & ZONING BOARD OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD ITS REGULAR MEETING ON **APRIL 5, 2016 AT 7:30 PM OR AS SOON AS POSSIBLE THEREAFTER, AT VILLAGE HALL, 1666 KENNEDY CAUSEWAY #101, NORTH BAY VILLAGE, FLORIDA.** DURING THIS MEETING, THE BOARD WILL CONSIDER THE FOLLOWING REQUEST AND SUBMIT A RECOMMENDATION TO THE VILLAGE COMMISSION:

- AN APPLICATION BY BRICK VILLAGE 79, LLC CONCERNING PROPERTY LOCATED AT 1601 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:
 - A ONE YEAR RENEWAL OF RESOLUTION NO. 2015-27 FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTION 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A MIXED-USE RESIDENTIAL AND COMMERCIAL STRUCTURE IN THE CG (GENERAL COMMERCIAL), ZONING DISTRICT. IF APPROVED BY THE COMMISSION, THE RENEWAL SHALL EXTEND THE ORIGINAL APPROVAL FOR ONE ADDITIONAL YEAR, EXPIRING ON FEBRUARY 24, 2017.
 - A ONE YEAR RENEWAL OF RESOLUTION NO. 2015-28 FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTION 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES. IF APPROVED BY THE COMMISSION, THE RENEWAL SHALL EXTEND THE ORIGINAL APPROVAL FOR ONE ADDITIONAL YEAR, EXPIRING ON FEBRUARY 24, 2017.
- 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 PLANNING & ZONING BOARD C/O THE VILLAGE CLERK, 1666 KENNEDY CAUSEWAY, #300, NORTH BAY VILLAGE, FL 33141.
- THE DOCUMENTS PERTAINING TO THIS PUBLIC HEARING MAY BE INSPECTED AT THE OFFICE OF THE VILLAGE CLERK DURING REGULAR WORKING HOURS. INQUIRIES MAY BE DIRECTED TO THAT DEPARTMENT AT (305) 756-1171.

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

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

TO REQUEST THIS MATERIAL IN ACCESSIBLE FORMAT, SIGN LANGUAGE INTERPRETERS, INFORMATION ON ACCESS FOR PERSON WITH DISABILITIES, AND/OR ANY ACCOMMODATION TO REVIEW ANY DOCUMENT OR PARTICIPATE IN ANY VILLAGE-SPONSORED PROCEEDING, PLEASE CONTACT (305) 756-1171 FIVE DAYS IN ADVANCE TO INITIATE YOUR REQUEST. TTY USERS MAY ALSO CALL 711 (FLORIDA RELAY SERVICE).

YVONNE P. HAMPTON, CMC
VILLAGE CLERK
(March 18, 2016)



North Bay Village

Administrative Offices

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

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

REGULAR PLANNING & ZONING BOARD MEETING

**NORTH BAY VILLAGE
1666 KENNEDY CAUSEWAY, #300
NORTH BAY VILLAGE, FL 33141**

**MARCH 1, 2016
7:30 P.M.**

1. CALL TO ORDER.

The meeting was called to order by the Chair Bud Farrey at 7:41 P.M.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

2. OATH OF OFFICE

Village Clerk Yvonne P. Hamilton administered the "Oath of Office" to the new Board Member Doris O'Hare.

3. ROLL CALL

Present were the following:

Bud Farrey, Chair
Dr. Douglas Hornsby
Doris O'Hare

Dr. Joshua Furman and Marvin Wilmoth were absent.

Village Manager Frank K. Rollason
Village Clerk Yvonne P. Hamilton
Deputy Village Clerk Jenorgen Guillen
Village Planners Ben Smith
Village Attorney Robert L. Switkes
Assistant Village Attorney David Acosta

4. **PUBLIC HEARING ITEMS (ALL INDIVIDUALS DESIRING TO PROVIDE TESTIMONY SHALL BE SWORN IN)**

A. **AN APPLICATION BY PAULA GUZMAN, ON BEHALF OF BAYSHORE, YACHT & TENNIS CLUB CONDOMINIUM ASSOCIATION, FOR THE FOLLOWING IN CONNECTION WITH THE CONSTRUCTION OF A PARKING LOT AT 7904 WEST DRIVE, TRACT C, BLOCK 4/6, HARBOR ISLAND, NORTH BAY VILLAGE, FLORIDA:**

1. **SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A PARKING LOT AT AN EXISTING MIXED USE CONDOMINIUM STRUCTURE.**

Deputy Village Clerk Jenorgen Guillen read the request into the record.

Mr. Juan E. Berry, RA, NCARB Certified, at 2640 S. Bayshore Drive, Suite 30, Miami, Florida, 33133 was present on behalf of the applicant, Bayshore Yacht & Tennis Club

The Village Planner Ben Smith, of LaRue Planning & Management Services, Inc. presented the Staff Report and explained the project to convert the existing tennis court area to a surface parking lot with 58 spaces, which will include a new vehicular access to be provided through existing commercial bays fronting on West Drive. He added that the original submittals required a Variance, but the applicants worked to ensure that the plans complied with the Village Code. Subsequently, the Variance was no longer required. The Village Planner recommended approval of the request with the following conditions:

1) Conversion of at least one standard parking space to a handicap accessible parking space.

2) Light poles shall be no taller than 20 feet, as per North Bay Village Code Section 155.22(3).

- 3) Submittal of an irrigation plan which meets Miami-Dade Chapter 18A requirements.
- 4) Parking spaces shall be made available only to residents of the Bayshore Yacht and Tennis Club and their guests.
- 5) Verification by Village Attorney that there are no remaining outstanding legal considerations regarding the proposed vehicular access way through the existing commercial bays.
- 6) Payment of any applicable impact fees.
- 7) Cost recovery charges must be paid pursuant to Section 152.110. Specifically, no new development application shall be accepted and no building permit or certificate of occupancy shall be issued for the property until all application fees, cost recovery deposits and outstanding fees and fines related to the property (including fees related to any previous development proposal applications on the property), have been paid in full.
- 8) Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.
- 9) Approval of this site plan does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for approval if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that result in a violation of federal or state law.
- 10) All applicable state and federal permits must be obtained before commencement of construction.

Chair Bud Farrey opened the Public Hearing.

Those individuals who indicated that they would provide testimony were sworn in by the Village Attorney.

Counsel for Al Coletta, Ronald Israel, Esq., of 2121 S.W. 3rd Avenue, 7th Floor, Miami, Florida 33129, addressed the Board and argued that the construction of the parking lot is illegal based on Bayshore Yacht & Tennis Club Declaration of Condominium Documents.

The Village Attorney advised that the issues raised by Mr. Israel are outside of the purview of the Village.

At the advice of the Village Attorney, Condition #5 was removed.

Counsel for Bayshore Yacht & Tennis Club, Michael Hyman, accepted all nine conditions of approval outlined above, on behalf of the applicant.

Maria Garcia, of 7904 West Drive, addressed the Board.

The Chair closed the Public Hearing.

Questions were asked as to the completion time of the project; whether it has been funded; if the plans would be able to accommodate a second floor in the future; and about settling for a project that is less than perfect.

The Village Planner explained that the provision of the 58 parking spaces will not make them whole, as far as the parking requirements are concerned. However, it will lessen a nonconforming issue.

The architect for the project, Mr. Berry, discussed that a two-story parking lot will require several variances, making it difficult to address and to obtain approval, in addition to the high cost involved. He stated a second story can be addressed sometime in the future, but adding 58 spaces is better and something the Condominium Association can afford now. He did not have information on the financing. He stated that the project will take 6-8 months to complete.

Concern was expressed as to whether the lessening of the nonconforming use, rather than correcting the problem will expose the Village to legal liability. The Village Attorney opined that obliterating the problem to some extent should not expose the Village to liability.

Dr. Douglas Hornsby made a motion to recommend that the Village Commission approve the request with the conditions outlined by the Village Planner, with the exception of #5, as the plans meet the zoning requirements and is in compliance with the Comprehensive Plan. Doris O'Hare seconded the motion, which was adopted by a 3-0 roll call vote. The vote was as follows: Bud Farrey, Doris O'Hare, and Dr. Douglas Hornsby all voting Yes. Dr. Joshua Furman and Marvin Wilmoth were absent.

- B. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING SUPPLEMENTAL REGULATIONS OF CHAPTER 152 – ZONING, OF THE CODE OF ORDINANCES OF NORTH BAY VILLAGE, FLORIDA, CREATING SECTION 152.112 ENTITLED “VACATION RENTAL LICENSE PROGRAM” TO INCLUDE BUT NOT BE LIMITED TO PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR A VACATION RENTAL LICENSE; PROVIDING FOR A VACATION RENTAL REPRESENTATIVE; PROVIDING FOR LOCAL PHONE SERVICE REQUIREMENT; PROVIDING FOR PARKING STANDARDS; PROVIDING FOR SOLID WASTE HANDLING AND CONTAINMENT; PROVIDING FOR THE POSTING OF VACATION RENTAL INFORMATION; PROVIDING FOR PENALTIES AND ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND AN EFFECTIVE DATE.**

The Deputy Village Clerk read the Ordinance by title.

The Village Planner Robert L. Switkes made a presentation on the Ordinance.

The Chair opened the Public Hearing.

Al Blake, of 7801 Coquina Drive, Mary Kramer, of 7610 Coquina Drive, Alberto Perez, of 7512 West Treasure Drive, Brad Johnson, of 1321 Bay Terrace, Lydia Howard, of 7721 Miami View Drive, and Joe Razim, of 7810 Miami View Drive, all addressed the Board in favor of the Ordinance.

Some of the concerns posed by the public were: How the vesting period will be enforced; how will the Village know when a rental agreement has been signed; whether the penalties can be higher; and concern about the low occupancy.

The Chair closed the Public Hearing.

Dr. Douglas Hornsby made a motion to recommend that the Village Commission approve the Ordinance as presented. Doris O’Hare seconded the motion, which was adopted by a 3-0 roll call vote. The vote was as follows: Bud Farrey, Doris O’Hare, and Dr. Douglas Hornsby all voting Yes. Dr. Joshua Furman and Marvin Wilmoth were absent.

5. **ADJOURNMENT**

The meeting adjourned at 8:33 p.m.

*Prepared and submitted by: Yvonne P. Hamilton
Village Clerk*

*Adopted by the Planning & Zoning Board on
This ___ day of _____ 2016.*

(Note: The Minutes are summary of the proceeding.)