



# North Bay Village

Administrative Offices

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

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## OFFICIAL AGENDA

### **NORTH BAY VILLAGE PLANNING & ZONING BOARD MEETING**

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

**MAY 3, 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 AUTHORIZES 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).

**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 1755 NBV LLC CONCERNING PROPERTY LOCATED AT 1755 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:**

1. A ONE-YEAR RENEWAL OF RESOLUTION NO. 2014-33 FOR SITE PLAN APPROVAL GRANTED PURSUANT TO SECTION 152.109(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 132 UNIT, 25 STORY CONDOMINIUM HOTEL STRUCTURE WITH A PARKING GARAGE. IF APPROVED BY THE COMMISSION, THE RENEWAL SHALL EXTEND THE ORIGINAL APPROVAL FOR ONE YEAR, EXPIRING ON APRIL 8, 2017.

2. AN ADDITIONAL ONE-YEAR RENEWAL OF RESOLUTION NO. 2014-34 FOR A VARIANCE GRANTED PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW LESS THAN THE SIDE-YARD SETBACK AS REQUIRED BY SECTION 152.032(C)(2)(C). IF APPROVED BY THE COMMISSION, THE RENEWAL SHALL EXTEND THE ORIGINAL APPROVAL FOR ONE ADDITIONAL YEAR, EXPIRING ON APRIL 8, 2017.

3. AN ADDITIONAL ONE-YEAR RENEWAL OF RESOLUTION NO. 2014-35 FOR A SPECIAL USE EXCEPTION GRANTED PURSUANT TO SECTION 152.042(E) 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 APRIL 8, 2017.

- 1) Board Recommendation

**5. APPROVAL OF MINUTES**

A. REGULAR PLANNING & ZONING BOARD MEETING – APRIL 5, 2016

**6. ADJOURNMENT**



## Memorandum

**To:** North Bay Village Commission  
**From:** James G. LaRue, AICP  
**Date:** April 19, 2016  
**Subject:** 1755 Kennedy Causeway  
Extension of Site Plan, Variance, and Special Use Exception

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On April 8<sup>th</sup>, 2014, the Village Commission approved a site plan for the property at 1755 Kennedy Causeway. The approved plan encompasses 132 residential dwelling units, 25 stories, and 6,245 square feet of commercial area. In order for the site plan to be approved, the applicant also received approval of a variance to the required side setbacks and a special exception to allow the use of compact parking spaces. All items were approved on April 8<sup>th</sup> 2014.

Section 152.105(C)(11) of the North Bay Village Code states the following:

*Site plans approved in accordance with these regulations shall expire two years following final approval by the Village Commission. Such Site Plans may be granted no more than two one-year renewals subject to approval by the Village Commission. Site Plans already approved shall expire four years following final adoption of this ordinance. To avoid expiration of the Site Plans the applicant must apply for a full Building Permit within the time frames set forth above.*

However, Section 152.103 reads as follows:

*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.*

Thus, the Site plan approval was valid for two years, whereas the variance and special exception were only valid for one year. Last year, the applicant received approval for one-year renewals of the special use exception and the variance, which expired concurrently with the site plan on April 8, 2016.

However, the applicant submitted an application prior to the expiration date and is now requesting a one-year renewal of the site plan and additional one year renewals of the special use exception and variance.

We have attached the staff reports that were provided to the Commission regarding the original variance and special exception requests. As you will see, our original recommendations included a denial of the variance request. Regarding the current applications, we are recommending approval of all three renewal requests.

At this time, no substantial construction has taken place and no building permits have been issued. If approved by the Village Commission, the special exception, variance, and the site plan will all be effective until April 8, 2017.





## **Staff Report #3 Variance**

*Prepared for: North Bay Village Commission*

*Applicant: 1755 NBV, LLC*

*Request Variance to allow less than the side-yard setback as required by the Bayview Overlay District*



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

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

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**General Information**

Owner/Applicant	1755 NBV, LLC Miguel A. Barbagallo, President B Developments, LLC as Manager
Applicant Address	1870 NW South River Drive Miami, FL 33125
Applicant Phone Number	305-631-6660
Site Address	1755 79 <sup>th</sup> Street Causeway
Contact Person	Neisen Kasdin
Contact Phone Number	305-374-5095
Contact E-mail Address	neisen.kasdin@akerman.com
Contact Address	One SE Third Ave, Suite 2500 Miami, FL 33131

	Existing	Proposed
Future Land Use	Commercial	Commercial
Zoning District	CG (General Commercial)	CL (Limited Commercial)
Use of Property	Parking Lot	Condominium Hotel
Acreage	1.34 acres	1.34 acres

**Legal Description of Subject Property**

THE EASTERLY 300.00 FEET OF THE WESTERLY 1,800.00 FEET OF THE FOLLOWING DESCRIBED TRACT OF LAND AS MEASURED ALONG A LINE RUNNING AT RIGHT ANGLES TO THE WESTERLY LINE OF SAID TRACT.  
COMMENCING AT THE ONE-HALF MILE POST ON THE WEST LINE OF SECTION 9, TOWNSHIP 53 SOUTH, RANGE 42 EAST, AS SHOWN ON THE MAP OF HIGHWAY RIGHT-OF-WAY OF PROPOSED NORTHEAST SEVENTY-NINTH STREET CAUSEWAY, WHICH SAME IS RECORDED IN PLAT BOOK 25 AT PAGE 70 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, RUN NORTH 88°41'24" EAST 1,960.00 FEET; THENCE NORTH 1°37'08" WEST 50.00 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED TRACT OF LAND:

THENCE CONTINUE NORTH 1°37'08" WEST 129.730 FEET TO THE POINT OF CURVE OF A CURVE TO THE RIGHT;  
THENCE TO THE RIGHT ALONG SAID CURVE HAVING AN INTERIOR ANGLE OF 90°18'32" AND A RADIUS OF 50.00 FEET FOR AN ARC DISTANCE OF 78.809 FEET TO A POINT OF TANGENCY; THENCE NORTH 88°41'24" EAST 2,169.970 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT; THENCE TO THE RIGHT ALONG SAID CURVE HAVING AN INTERIOR ANGLE OF 40°32'45" AND A RADIUS OF 600.00 FEET FOR AN ARC DISTANCE OF 466.483 FEET TO A POINT OF TANGENCY; THENCE SOUTH 46°45'51" EAST 102.180 FEET TO A POINT OF INTERSECTION WITH THE NORTHERLY LINE OF THE EXISTING RIGHT-OF-WAY OF SAID NORTHEAST SEVENTY-NINTH STREET CAUSEWAY; THENCE TO A SOUTHEASTERLY, NORTHWESTERLY AND WESTERLY DIRECTION ALONG THE NORTHERLY LINE OF SAID EXISTING RIGHT-OF-WAY TO THE POINT OR PLACE OF BEGINNING



## Request

The Applicant is requesting a variance pursuant to Section 152.097 of the North Bay Village Code of Ordinances in connection with the development of a condominium hotel structure to allow less than the side-yard setback as required by Section 152.032(C)(2)(C).

This section specifies lots less than 500 feet in depth in the Bayview Overlay (BVO) District must provide two side yards that total 60% of the lot width, with the smallest side not being less than 20% of the width of the lot. The width of the applicant's lot is 300 feet. One side setback is shown at 60 feet; therefore, the other side setback should be 120 feet. Instead, it is currently being shown as 20 feet. The applicant is 100 feet short of the required side setback.

It should be noted that the original plans depicted a 15 foot side setback on the east side instead of a 20 foot setback. The applicant did revise the plans prior to the Planning and Zoning Board meeting and the Planning and Zoning Board's recommendation (provided below) is based on the 20 foot setback currently depicted.

## Required Findings

The Sec. 152.097(B) and (C) requires that in order to authorize, recommend or grant any variance, the reviewing body(ies) must make an affirmative finding with respect to the criteria listed below. For ease of review, each of the criteria contained in subparagraphs (B)(1) through (B)(3) have been separated into their component parts, as follows:

- (1)a. That there are (or are not) special circumstances and conditions which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings in the same zoning district;

*Applicant Response:* The unique circumstances relating to the Property are that it is irregularly shaped and occupies a relatively small area (1.34 acres). The Property measures just 300 feet wide along its Biscayne Bay frontage (the Kennedy Causeway frontage is not a straight line) and 180 feet deep at the west (narrower) side. The requirement for 60% of the lot width to be free and open to the sky (pursuant to the definition of "yard") significantly restricts the building envelope and results in an unnecessary hardship.

**Staff Comments:** There are no special circumstances or conditions to this property which are not applicable to other properties in the BVO District. This property is not unusually shaped or narrow compared to nearby properties. Due to the curve of Kennedy Causeway in this area, there are several properties that are not equal sided rectangles and in fact have steeper curves (see attached zoning map). The subject parcel, because of the curve, only



has a minor change in depth on each side. This property also has greater width than other similarly curved properties in this District which offers a greater ability to provide adequate setbacks. Additionally, the acreage of 1.34 is not a small area if the density or intensity were more appropriate.

The purpose of the BVO District is to allow buildings to be taller in order to provide greater setbacks for the provisions of vistas to Biscayne Bay. The applicant cannot claim special and unusual circumstances of the land just because the maximum height in the BVO District can't be reached for this property. As requested the height of the proposed building is over 100 feet above the height allowed under the CL regulations.

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

*Applicant Response:* No specific comments.

**Staff Comments:** The BVO regulations were written to allow taller buildings in exchange for providing wider vistas to Biscayne Bay. The applicant's property has ample width of 300 feet, and a reasonable design for this property could have met the setback requirements. Without meeting the full intent of the BVO District the applicant's current design for this development has artificially or self-created this variance request.

- (1)c. and that the strict application of the provisions of this chapter would (or would not) deprive the applicant of the reasonable use of the land, structure, or building for which the variance is sought and would (or would not) involve an unnecessary hardship for the applicant.

*Applicant Response:* No specific comments.

**Staff Comments:** There could be ample development and reasonable use of this property without having to have a setback variance. The applicant's building could increase in height in order to allow greater setbacks and has already proposed a much greater height than allowed in the CL District. There is no hardship just because the applicant doesn't wish to meet the District requirements. Also, it should be noted that there would be reasonable use of this land even if the BVO District was not utilized.

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

*Applicant Response:* Granting the variance does not confer on the Applicant any special privilege. Should another property owner believe that a property



would be unnecessarily burdened as a result of the regulation, the property owner is able to submit a request for a variance, provided the variance criteria are met.

**Staff Comments:** The granting of the variance for this property negates the purpose of the Overlay District. If approved, the variance would confer a special privilege to this property holder. The benefit to the public is missing if the applicant is allowed to go over 240 feet in height without meeting the greater setback standards of this Overlay District.

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

*Applicant Response:* No specific comments.

**Staff Comments:** The variance requested is not the minimum that would make possible the reasonable use of this property. The Applicant can make reasonable use of the property without receiving a 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.

*Applicant Response:* Granting the variance will be in harmony with the general intent of this chapter as the purpose of the BVO regulations is to encourage larger scale projects than would otherwise be permitted by right in the underlying zoning district. The project will not be injurious to the neighborhood nor detrimental to the public welfare; the vision for the project is to revitalize the commercial corridor along Kennedy Causeway and to improve the quality of life for its residents. Granting of the variance will allow the project to proceed as designed and work towards enhancing the commercial corridor as a destination for tourists and residents of the neighborhood and region.

**Staff Comments:** The variance, if granted nullifies the purpose of the BVO District. It would set an example for other setback variance requests. The "taller and slimmer" approach needs to be followed if the vision of the District and the Charrette study is to be implemented. It is injurious to the very purpose of establishing this District if scenic viewing areas larger than normal are not furnished when property owners are developing or redeveloping in this District.

The City's LDC contains the same criteria in Sec. 2.7.6 as discussed above except they are numbered (1) through (6). The LDC also includes a seventh criterion which reads as follows:

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

**Staff Comments:** The applicant has not stated that this was a reason for this request but has indicated that the extra costs of building higher than the currently proposed height would be prohibitive.

### Planning and Zoning Board Recommendation

The Planning and Zoning Board recommended approval of a variance request for a 20 foot setback where 120 feet are required by a 3-2 vote on February 18, 2014.

### Staff Recommendations

Staff finds that the requested variance **does not** meet the requirements of Section 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. Consequently, staff recommends **denial** of the requested variance to allow less than the side-yard setback required by the Bayview Overlay District.

Submitted by:

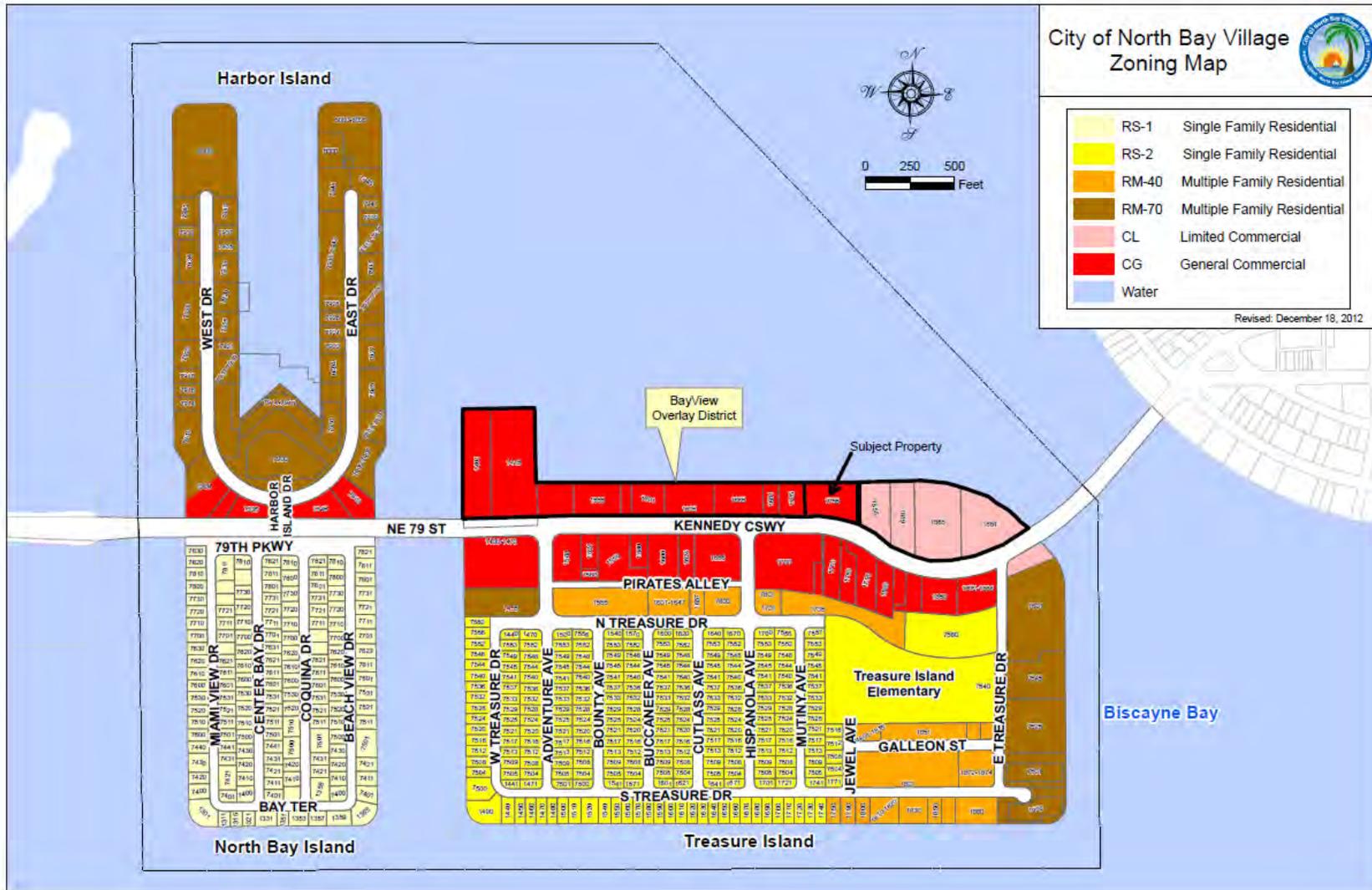
*James G. LaRue*  
James G. LaRue, AICP  
Planning Consultant

March 4, 2014

Hearing: North Bay Village Commission, March 11, 2014



### ZONING SUBJECT SITE AND ENVIRONS





## **Staff Report #5 Special Use Exception**

*Prepared for: North Bay Village Commission*

*Applicant: 1755 NBV, LLC*

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



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**General Information**

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	Existing	Proposed
Future Land Use	Commercial	Commercial
Zoning District	CG (general Commercial)	CL (Limited Commercial)
Use of Property	Parking Lot	Condominium Hotel
Acreage	1.34 acres	1.34 acres

**Legal Description of Subject Property**

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### Request

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

### General Description

The proposed site plan for the hotel-condominium development shows 28 of the 242 required parking spaces to be designed for compact vehicles.

### Consistency with Comprehensive Plan

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

### Consistency with Special Use Exception Standards

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

### Planning and Zoning Board Recommendations

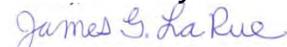
The Planning and Zoning Board recommended approval of this special exception request by a 5-0 vote on February 18, 2014.

### Staff Recommendations

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

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

Submitted by:

  
James L. LaRue, AICP  
Planning Consultant

March 4, 2014

Hearing: North Bay Village Commission, March 11, 2014





## **Staff Report #6**

### **Site Plan**

*Prepared for: North Bay Village,  
Planning and Zoning Board*

*Applicant: 1755 NBV, LLC*

*Request Site Plan Approval and  
Building Height Bonus Review for  
Construction of a Condominium Hotel*



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**General Information**

Owner/Applicant	1755 NBV, LLC Miguel A. Barbagallo, President B Developments, LLC as Manager
Applicant Address	1870 NW South River Drive Miami, FL 33125
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	Existing	Proposed
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Use of Property	Parking Lot	Condominium Hotel
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**Request**

The applicant is requesting:

1. Site plan approval pursuant to Section 152.105(C)(9) of the North Bay Village Code of Ordinances for development of a 132-unit 25-story condominium hotel structure with a parking garage.
2. Building height bonus review pursuant to Section 152.029(C)(8)(A-F) of the North Bay Village Code of Ordinances.

**General Description**

The proposed project consists of a 25-story condominium hotel with 132 units as well as a parking structure that will be incorporated into the podium of the building. Approximately 6,245 sq ft of accessory commercial uses will be located on the ground floor, with access from inside the building. Approximately 5,284 sq ft will be dedicated to the lobby/common areas. The Applicant envisions a restaurant to occupy the waterfront accessory commercial space and outdoor terrace on the ground level, while the remaining accessory commercial areas on the ground level will be used for retail use with specific tenancy to be determined at a later time.

**Consistency with Comprehensive Plan**

The mixed use project is consistent with the Comprehensive Plan, as Future Land Use Policies 2.1.1a and 2.1.12 of the North Bay Village Comprehensive Plan depict combined commercial and residential development if certain requirements are met.

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

<b>North</b>	Future Land Use	Water
	Zoning District	Water
	Existing Land Use	Biscayne Bay
<b>East</b>	Future Land Use	Mixed Use
	Zoning District	Commercial Limited
	Existing Land Use	Hotel/Restaurant
<b>South</b>	Future Land Use	Commercial
	Zoning District	Commercial General
	Existing Land Use	Multi-family/ Restaurant/Office
<b>West</b>	Future Land Use	Commercial
	Zoning District	Commercial General
	Existing Land Use	Vacant (currently proposed multi-family development)



## Adequacy of Public Facilities

### Analysis for 1755 Kennedy Causeway

Water and Sewer utilities will be provided by Miami-Dade County M-DC (DERM). This project will be required to meet Sewer Concurrency requirements as prescribed by the Public Works Director of North Bay Village.

Staff has reviewed the Traffic Impact Study (TIS): prepared by Richard Garcia & Associates, Inc., and offers the following comments:

1. The Study uses ITE code 310, the most conservative ITE peak hour trip generation factor (i.e., highest factor) that could be considered applicable to the proposed "condominium hotel".

Depending on how one categorizes the project any of the following peak hour trip generation factors might be applicable:

High-rise condo (ITE code 232, small sample size):	0.38 trips per dwelling unit.
All suites hotel (ITE code 311, small sample size):	0.55 trips per occupied room
Hotel (ITE code 310)	0.70 trips per occupied room

2. The Study uses appropriate ITE peak hour trip generation factors for the restaurant and specialty retail center.
3. The Study uses what would appear to be reasonable internal capture rates for a mixed-use development.
4. The findings of the TIS are summarized as follows:
  - a. The proposed project will generate a net increase of 92 during the AM peak hour and 106 vehicle trips during the PM peak hour.
  - b. The Level of Service Standard (LOSS) for Kennedy Causeway is D. The range of traffic for a Level of Service (LOS) of D is from 2,091 to 4,500 peak hour trips.
  - c. The current traffic levels are estimated at 2,843 and 2,629. Therefore the roadway is operating at LOS D.
  - d. When the project is completed in 2016, the resultant AM and PM Peak hour traffic on North Bay/Kennedy Causeway is projected to be 2,935 and 2,735 trips respectively. Based on FDOT Standards this means the roadway will continue to operate at LOS D once the project is completed.



### Conclusion

After reviewing the materials, it is apparent that a project of the size and mix of uses proposed will not generate traffic levels that would result in violation of the Village's adopted LOSS of D. This would be true even if one eliminated trips due to internal capture.

### Disclaimer

In no way should the above conclusion be taken as an indication of our agreement with the Applicant's contention or request that the proposed configuration of the individual units (i.e., large unit sizes and presence of a kitchen) qualify the "condominium hotel" to be considered a hotel for purposes of density or any other consideration.

## **Summary Analysis of Aggregate Traffic Impact on Kennedy Causeway**

### Background

The condo-hotel at 1755 Kennedy Causeway is proposed to comprise 132 hotel units of varying size, a 2,883 square foot quality restaurant and 2,354 square feet of specialty retail space. The Isle of Dreams mixed-use project is located at 1415 Kennedy Causeway and proposed to contain 237 unit high-rise residential structure with a 7,360 square foot restaurant and 2,540 square feet of retail. The Indigo project is a 53-unit high-rise condominium located at 7914 -- 7918 West Drive.

Kennedy Causeway in North Bay Village is a six-lane, divided, State Road on which the vehicular capacity at LOS D is 4,500 vehicle trips.

### Data and Analysis

According to traffic counts taken by Richard Garcia & Associates as provided in the Traffic Impact Statement for the Condo-hotel project the AM and PM Peak Hour traffic on Kennedy Causeway about 200 ft. east of E Treasure are 2,935 and 2,735 respectively. The following table shows the aggregate effect of the traffic generation of the three developments.



Project	Peak-Hour Trips	
	AM	PM
Condo-hotel, 1755 Kennedy Cswy.	92	106
Isle of Dreams, 1415 Kennedy Cswy.	160	220
Indigo, 927914 -- 7918 West Drive	44	33
Total	296	359
Current traffic	2,843	2,629
Total with new developments	3,139	2,988
Capacity at LOS D	4,500	4,500
Remaining Capacity	1,361	1,512

The Traffic Study prepared by KPB Consulting, Inc. for the Indigo project also provides insight from a more regional perspective. The KPB analysis cites Miami-Dade County MPO and FDOT, January 2014 as the source for the available peak hour capacity on NE 79th Street between North Bayshore Drive and U.S. 1 on the mainland. Based on existing traffic volumes and peak hour trips associated with approved by not built developments, there is a remaining capacity of 968 trips along that roadway segment. Adding in the 359 trips estimated for the three developments above, the remaining capacity for peak- hour trips between N. Bayshore Dr. and U.S. 1 will amount to 609.

### Conclusion

Analysis of the combined traffic generation impact of the above developments upon Kennedy Causeway indicates that the additional traffic generated by these developments will not be sufficient to raise peak hour traffic level beyond adopted level of service standards.



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

The submitted site plan is based on approval by the Village Commission of several items, which are necessary in order for the site plan to be considered for review. Those items are:

- 1) A rezoning of the property from CG to CL;
- 2) A text amendment of the North Bay Village Land Development Code regarding the definitions of “dwelling unit, hotel room” and “dwelling unit, hotel suite”;
- 3) A variance to the required side setbacks to allow a 20 foot setback from the East property line where a 120 foot setback is required;
- 4) An approval to utilize the provisions of the Bay View Overlay District; and
- 5) A special use approval to utilize compact parking spaces for up to 20% of the required parking.

The following site plan review has been conducted assuming the possibility that the Village Commission approves all above mentioned items.

Section	Regulation	Required	Provided
North Bay Village LDC			
152.031(B)	Uses permitted		Hotel, restaurant and retail uses, consistent with NBV Code
152.031(C)(1)	Minimum lot area	28,000 sq ft	58,443 sq ft
152.031(C)(1)	Minimum frontage	200 ft	300 ft
152.031(C)(3)	Maximum density	99 hotel units per acre	99 units per acre
152.031(C)(5)	Minimum pervious area	20% of total parcel <u>= 11,689 sq ft</u>	12,713.7 sq ft
152.031(C)(6)	Minimum hotel unit floor area	400 sq ft	Units shown at 400 to 1,391 sq ft
152.032(C)	Maximum building height	340 ft	241 ft - 2 in 253 ft - 2 in, top of mechanical



Section	Regulation	Required	Provided
152.032(C)(2)(b)	Minimum front setback	<p>The entire portion of the building that is more than 240 feet in height must be set back from the front property line by a distance that is at least 40 feet, plus two feet for each foot of the highest building height in excess of 240 feet.</p> <p><u>40 ft setback required for main structure under 240 ft.</u></p> <p><u>13' 2" x 2 = 26' 4"</u> <u>40 + 26' 4" = 66 foot 4 inch setback required for mechanical portion.</u></p>	<p>Main structure is set back 40 ft from front property line</p> <p>Top portion of building above 240 meets required 66 foot 4 inch setback</p>
152.032(C)(2)(c)	Minimum side setback	<p>If any portion of a building on the site exceeds 240 feet in height, the two side yards together must total 60% of the lot width, provided the smallest side yard may not be less than 20% of the lot width.</p> <p><u>60% of lot width is 180 ft</u></p> <p><u>20% of lot width is 60 ft</u></p> <p><u>Combination of both sides must equal 180 ft, with one side at least 60 ft</u></p>	<p>20 ft on east side</p> <p>60 ft on west side</p> <p>Side setback requirements not met. A variance has been requested.</p>
152.031(C)(2)	Minimum rear setback	25 ft	25 ft
5.2.2(a)(1)	Minimum standard parking space dimensions	9 ft by 18 ft	Provided
5.2.2(a)(2)	Minimum compact parking space dimensions	8 ft by 16 ft	Provided
5.2.2(a)(3)	Minimum handicapped parking space dimensions	Must comply with all applicable accessibility standards	Provided
152.042(D)	Minimum number of handicapped spaces	<p>2% of total required spaces.</p> <p><u>2% of 249 = 5 handicapped spaces required</u></p>	7 handicapped spaces



Section	Regulation	Required	Provided
ADA Requirement	Minimum number of handicapped spaces	7 handicapped spaces for facilities with 201 to 300 parking spaces	
152.042(E)	Maximum number of compact parking spaces	20% of total required (only with approval by Village Commission) <u>20% of 242 = 48 compact parking spaces allowed</u>	28 compact spaces
152.042(K)	Minimum setback of ROW from parking spaces	20 ft	Provided
152.042(M)	Minimum buffer 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 not be designed so that no vehicle shall be required to back into a public ROW to obtain egress	Provided
152.044(A)(3)	Minimum number of parking spaces per hotel unit	1 space per unit, plus 10% of total spaces <u>36 x 1 + 10% = 39.6</u> <u>48 x 1 + 10% = 52.8</u> <u>48 x 2 + 10% = 105.6</u> <u>39.6 + 52.8 + 105.6 = 198 spaces required</u>	249 parking spaces
152.044(B)(7)	Minimum number of parking spaces for restaurant	1 space per 75 sq ft of customer svc area <u>2,350/75 = 31.33 spaces required</u>	
152.044(B)(8)	Minimum number of parking spaces per for retail	1 space per 200 sq ft of gross floor area <u>2,354/200 = 11.77 spaces required</u>	
	Total spaces required	<u>198 + 31.33 + 11.77 = 242 total spaces required</u>	
152.045(B)	Minimum loading space dimensions	12 ft by 30 ft, and at least 14.5 ft of vertical clearance	Provided
152.045(C)	Loading space joint usage	Loading spaces for two or more uses may be collectively provided if so located as to be usable by all.	N/A



Section	Regulation	Required	Provided												
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 and restaurant	<table border="1"> <thead> <tr> <th>Gross floor area</th> <th>Spaces</th> </tr> </thead> <tbody> <tr> <td>&lt;10,000</td> <td>0</td> </tr> <tr> <td>10,000-20,000</td> <td>1</td> </tr> <tr> <td>20,000-40,000</td> <td>2</td> </tr> <tr> <td>40,000-60,000</td> <td>3</td> </tr> <tr> <td>&gt;60,000</td> <td>4</td> </tr> </tbody> </table> <p><u>2,883 + 2,354 = 5,237</u></p> <p>No loading spaces required.</p>	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														
152.045(F)(2)	Minimum number of loading spaces for hotel	<table border="1"> <thead> <tr> <th>Gross floor area</th> <th>Spaces</th> </tr> </thead> <tbody> <tr> <td>&lt;25,000</td> <td>0</td> </tr> <tr> <td>25,000-50,000</td> <td>1</td> </tr> <tr> <td>50,000-100,000</td> <td>2</td> </tr> <tr> <td>&gt;100,000</td> <td>3</td> </tr> </tbody> </table> <p><u>133,376 + 2,622 + 2,622 = 138,700</u></p> <p>3 loading spaces required</p>	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														
155.17	Minimum width of maneuvering aisle	23 ft wide maneuvering aisles	Provided												
155.17	Minimum width of 2-way access aisle	23 ft	Provided												
155.08(E)	Baywalk	A bay walkway shall be provided along the rear of the property which can be connected to other properties	Provided												
155.18(A)3	Dumpster screening	Dumpster enclosures shall be designed in a manner as to visually screen the dumpster from adjacent view and shall be located in visually obscure areas of the site.	Provided												



Section	Regulation	Required	Provided
155.18(A)4	Dumpster placement	Dumpster enclosures shall be placed in such a manner as to allow front end loader sanitation trucks to pick up garbage in a forward motion. Backing out the sanitation truck is prohibited	Provided
155.18(A)5	Mechanical equipment screening	Roof-mounted mechanical equipment and elevator shafts shall be screened by a parapet wall or grilles, and shall be painted in muted colors or match the building and shall not be visible from the street.	Provided
155.18(A)7	Mechanical equipment screening	Service bays, ground mounted air conditioning units, and other mechanical equipment shall be screened from public and on-site pedestrian view, and buffered.	Provided
Appendix D	Required benches	Benches shall be provided at a minimum of 2.5 ft sections of bench per 100 ft of linear shoreline	Provided
<b>Miami-Dade Landscaping</b>			
18A-4(C)	Vegetative survey	A vegetation survey shall be provided for all sites at the same scale as the landscape plan.	Not needed as the site is currently a parking lot.
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	20% of lot area, less the area covered by buildings	No lawn depicted
18A-6(C)(1)	Tree height	Except street trees, all trees shall be a minimum of 10 ft high with a minimum of 2 inch caliper, except that 30% of the tree requirement may be met by native species with a minimum height of 8 ft.	All trees shown meet or exceed this requirement.
18A-6(C)(2)	Street trees	Street trees shall be provided along all roadways at a maximum average spacing of 35 feet on center (25' for palms).	This requirement has been met.
18A-6(C)(3)	Trees under power lines	Where overhead power lines require low growing trees, street trees shall have a minimum height of 8 ft and a maximum average spacing of 25 feet on center.	Not Applicable.



Section	Regulation	Required	Provided
18A-6(C)(4)	Palms	Palms which are spaced no more than 25 feet on center and have a 14 foot minimum height or 4 inches minimum caliper diameter may count as a required tree.	All palms provided exceed the 14' height requirement.
18A-6(C)(5)	Number of required trees	22 trees per acre required in commercial zoning categories  <u>1.34 x 22 = 30 trees required</u>	This requirement has been met.
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	All provided trees are native.  Native trees are drought tolerant and low maintenance  The tree requirement has been met by non-palms.
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.	This requirement has been met.
18A-6(D)(1)	Shrubs	All shrubs must be a minimum of 18 inches at time of planting.  10 shrubs are required for each required tree.  30% shall be native species  50% shall be low maintenance and drought tolerant  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.	All shrubs meet this requirement.  290 shrubs are required, 292 shrubs have been provided.  All shrubs are native.  All native shrubs used are low maintenance and drought tolerant.  This requirement has been met.



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>	<p>The property to the east is a hotel, a use similar to the subject property, and therefore does not require a landscape buffer.</p> <p>The property to the west is vacant but is scheduled to be a multi-family residence which is dissimilar from the subject property, and therefore requires a landscape buffer.</p> <p>The landscape plan provides adequate buffering along both property boundaries between adjoining properties.</p>
18A-6(I)	Parking lot buffers	<p>All parking lots adjacent to a right of way shall be screened by a continuous planting with a 7 foot landscape strip incorporating said planting</p> <p>Shrubs shall be a minimum of 18 inches high and planted at a maximum of 30 inches on center; or if planted at a minimum height of 36 inches, shall have a maximum average spacing of 48 inches on center.</p>	Provided.



Section	Regulation	Required	Provided
18A-6(J)	Parking lot landscaping	<p>10 square feet of landscaped area per parking space shall be provided within a parking lot.</p> <p>Trees shall be planted within the parking lot at a minimum density of one tree per 80 square feet of landscaped area, exclusive of parking lot buffers.</p> <p>Each tree shall have a minimum of 5 feet of planting area width, exclusive of curb dimension.</p>	Provided.
<b>Miami-Dade Biscayne Bay Management Plan</b>			
33D-38(1)b	Minimum rear setback	<p>50% of building height above 35 ft (measured from mean high water line), up to 75 ft maximum.</p> <p><u>75 ft required</u></p>	Only 25 ft provided
33D-38(2)a	Minimum visual corridor	<p>20% of lot width on one side, with a 20 ft minimum and a 100 ft maximum. Structures not permitted in view corridor.</p> <p><u>60 ft required on one side</u></p>	60 ft on one side
33D-38(3)	Minimum side setback	Minimum of 25 ft	Only 20 ft provided
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 provided yet

### Planning and Zoning Board Recommendations

The North Bay Village Planning and Zoning Board recommended approval of the site plan with the staff recommended conditions by a vote of 4-1 on February 18, 2014.



## Staff Recommendations

### **BUILDING HEIGHT BONUS:**

Staff recommends **approval** of the building height bonus based on meeting the setback requirements.

### **SITE PLAN:**

This site plan cannot be approved under the current North Bay Village Development Regulations because there are discrepancies in that units with kitchens cannot be counted as hotel units. Secondly, the BVO ordinance setback provisions are not met. Because the project doesn't qualify as a hotel development it would have to be considered a multi-family residential development which would have greater parking impacts and lower density limitations.

The Applicant has met with residents from the Lexi Condominium and has made some revisions to the plan in order to address their concerns. The revisions include a narrowing of the hotel tower structure, narrowing the pedestal and additional height.

This site plan could only be approved if:

1. The approval for rezoning from CG to CL is granted.
2. The LDC definitions are approved as requested by the applicant.
3. The side setback variance from the requirements of the Bay View Overlay District (Section 152.032(C)(2)(c)) is granted exactly as requested by the applicant.
4. The approval for utilization of the Bay View Overlay District regulations is granted.
5. The special use approval for the use of compact parking is granted.
6. The applicant provides a site plan which meets the requirements of Section 152.032(C)(2)(b); or requests and receives approval of a variance from the requirements of that Section.

In addition, the following list of conditions would also have to be met.

1. Prior to the issuance of a building permit, the public access easement and boardwalk must be dedicated and recorded. Applicant shall agree, in writing, that boardwalks shall be open to the public from sun-up until either 10:00 pm or at least until any businesses adjacent to the boardwalk remains open to the public, whichever is later; and boardwalk lighting shall remain on until boardwalk is closed to the public.



2. Proof of site plan approval from the Miami-Dade Shoreline Review Committee must be provided.
3. School Board Concurrency requirements must be met, as determined by School Board Staff.
4. An irrigation plan which meets Miami-Dade Chapter 18A requirements must be submitted.
5. Bonus height fees must be paid, as required under Section 152.029(C)8A-8F.
6. Any applicable impact fees must be paid.
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 results in a violation of federal or state law.
10. All applicable state and federal permits must be obtained before commencement of construction.

*Submitted by:*

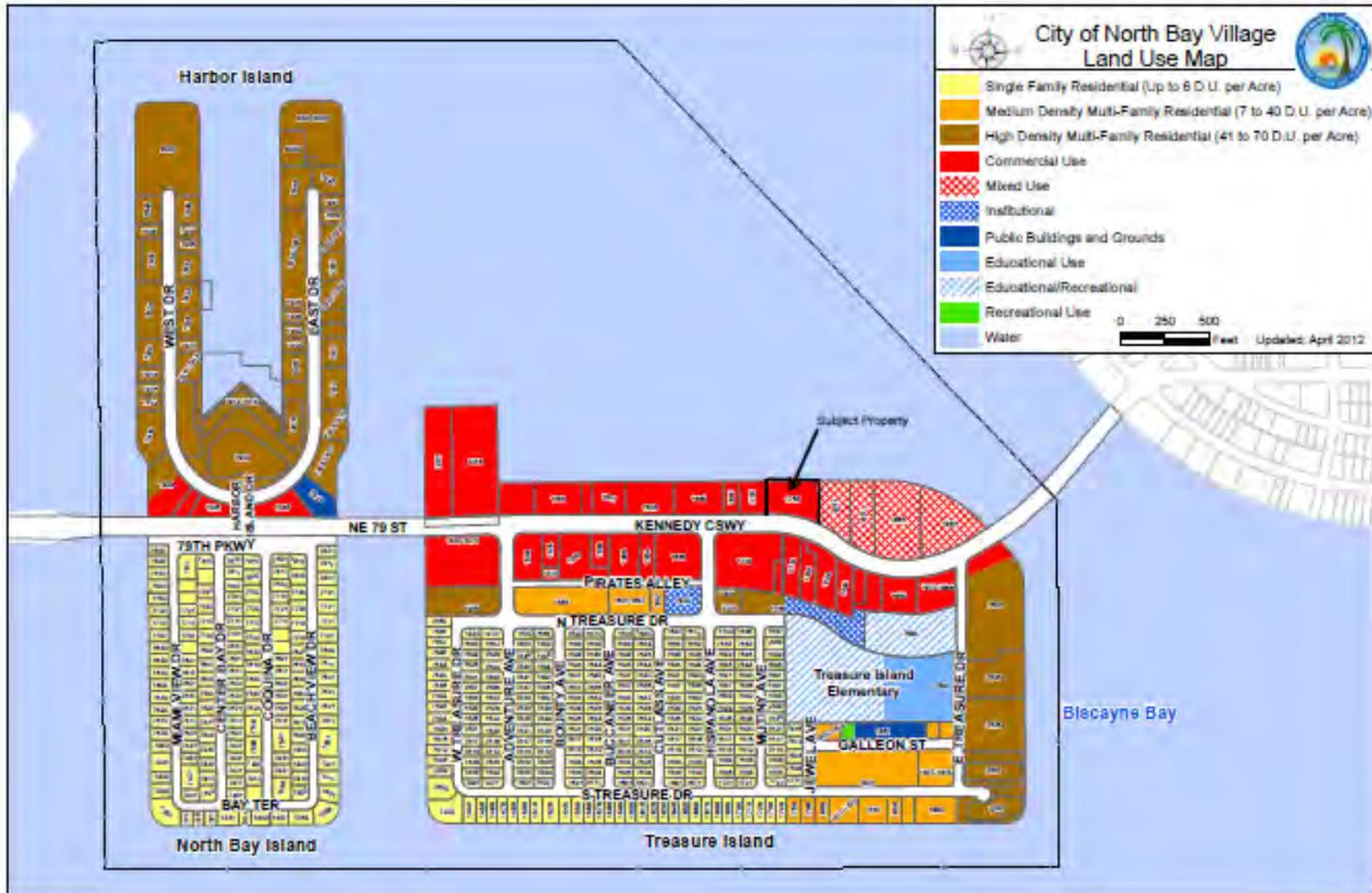
*James G. LaRue*  
James G. LaRue, AICP  
Planning Consultant

March 4, 2014

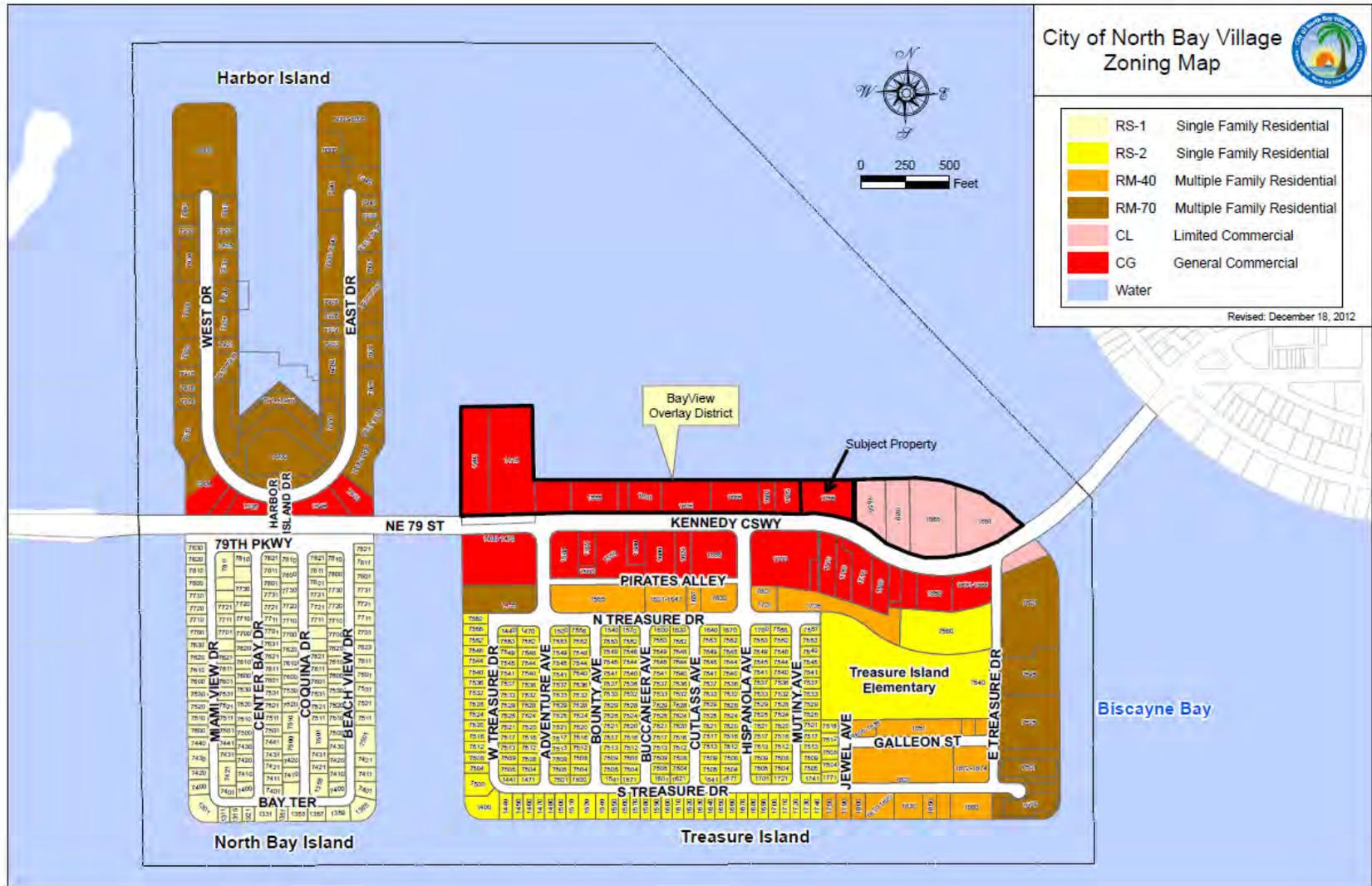
Hearing: North Bay Village Commission, March 11, 2014



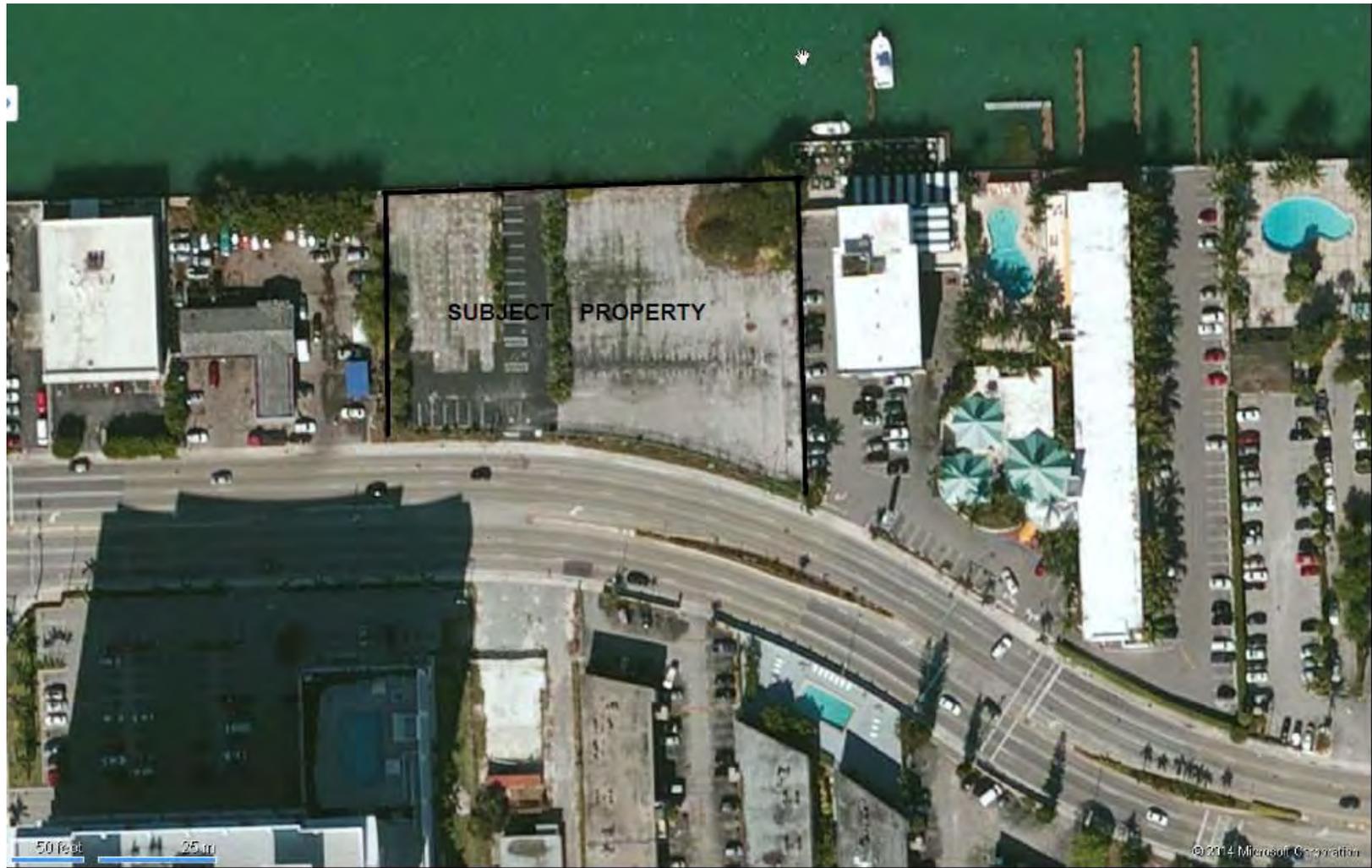
### FUTURE LAND USE SUBJECT SITE AND ENVIRONS



### ZONING SUBJECT SITE AND ENVIRONS



**AERIAL PHOTOGRAPH  
SUBJECT SITE AND ENVIRONS**





Neisen O. Kasdin

Akerman LLP  
Three Brickell City Centre  
98 Southeast Seventh Street  
Suite 1100  
Miami, FL 33131  
Tel: 305.374.5600  
Fax: 305.374.5095

April 1, 2016

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

Re: 1755 Kennedy Causeway – Request for Development Order Extensions

Dear Ms. Hamilton:

On behalf of 1755 NBV, LLC ("Applicant"), Akerman LLP (the "Firm") hereby requests a one (1) year extension of the site plan, variance, and special exception approved for the project known as 1755 Kennedy Causeway ("Project") pursuant to Resolutions 2014-33, 2014-34 and 2014-35, respectively (the "Development Orders").

### Project History

The Development Orders were approved by the Village Commission on April 8, 2014. Pursuant to North Bay Village Code of Ordinances ("Code") Section 152.105(C)(11), *Site plans approved in accordance with these regulations shall expire two years following final approval by the Village Commission.* Therefore, without extension, the site plan would expire on April 8, 2016.

As the special exception and variance approvals were valid for just one (1) year (site plan approvals are valid for two (2) years as set forth in the Code), Applicant requested one (1) year extensions of these approvals in 2015. The extensions were granted via Resolutions 2015-44 and 2015-45, respectively, and as such, the expiration date of the variance and special exception is now consistent with the site plan approval. Therefore, Applicant requests a one (1) year extension of the site plan, variance and special exception approvals such that the Development Orders will be valid until April 8, 2017.

[akerman.com](http://akerman.com)

Reason for Extension Request

The Applicant is continuing to work on developing the financing package for the Project and for this reason is requesting extension of the Development Orders. Granting of the requested extensions will allow the Applicant sufficient time in which to finalize financing and commence permitting and construction of the Project. Applicant is committed to developing the Project and optimistic that North Bay Village's efforts to revitalize the community through its proposed strategic plan, in addition to proposed amendments to the Comprehensive Plan, will assist in attracting positive attention to the community and the Project.

Based on the foregoing analysis, we respectfully request extension of the Development Orders by the Village Commission.

Sincerely,



Neisen O. Kasdin



# 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

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 1755 Kennedy Causeway

Owner Name 1755 NBV LLC Owner Phone # 305.631.6660

Owner Mailing Address 1870 NW South River Drive, Miami FL 33125

Applicant Name \_\_\_\_\_ Applicant Phone # \_\_\_\_\_

(if different from Owner)

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

Contact Person Neisen Kasdin Contact Phone # 305.982.5629

Contact Email Address neisen.kasdin@akerman.com

Legal Description of Property See survey

Existing Zoning CL Lot Size 1.92 acres Folio Number 23-3209-000-0110

Project Description Applicant requests one (1) year extension of site plan, variance and special exception.

Section of North Bay Village Code from which the Applicant is Seeking Relief 152.032(C)(2)(C)

Variance Requested To allow less than the required side yard setback as approved via

Resolution 2014-34.

Reason for Request To allow construction of a condominium hotel structure in accordance

with Resolution 2014-33.

Mayor  
Connie Leon-Kreps

Vice Mayor  
George 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 Neisen O. Kraglin

(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

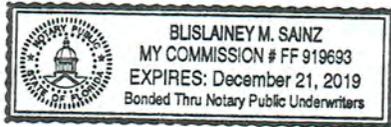
Sworn to and subscribed to before me this 1 day of April, 2016,

by Neisen Kasdin,

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

Notary Public Signature [Signature]

Commission Number/Expiration #FF919693/12-21-19



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: 4/7/16

Fee Paid: \$ 13,100.00

Tentative Meeting Date: 5/3/16

Cash or Check  # ✓

Date Paid: 4/13/16

Mayor  
Connie Leon-Kreps

Vice Mayor  
Jorge Gonzalez

Commissioner  
Dr. Richard Chervony

Commissioner  
Andreana Jackson

Commissioner  
Eddie Lim

**RESOLUTION NO. 2014-33**

**A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA APPROVING A REQUEST BY 1755 NBV LLC FOR SITE PLAN APPROVAL PURSUANT TO SECTIONS 152.105(C)(9), 152.031(B)(1), 152.031(C)(4) AND 152.032 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 132 UNIT, 25 STORY CONDOMINIUM HOTEL STRUCTURE WITH A PARKING GARAGE AT 1755 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, PROVIDING FOR FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Section 152.105(C)(9) of the North Bay Village Code of Ordinances (the "Village Code"), 1755 NBV LLC has applied to North Bay Village for approval of a Site Plan to construct a 132-unit, 25 story condominium hotel structure with a parking garage in the CL (Limited Commercial) Zoning District; and in the Bayview Overlay District, utilizing the bonus height provisions pursuant to Section 152.029(C)(8)(A-F); and

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

I, Yvonne P. Heath, CITY CLERK OF THE  
CITY OF NORTH BAY VILLAGE HEREBY CERTIFY  
THIS TO BE A TRUE AND EXACT COPY  
OF THE ORIGINAL THEREOF MAINTAINED IN THE  
FILES OF THIS OFFICE

DATED THIS 21st DAY OF December, 2015

CITY CLERK

**WHEREAS**, in accordance with Section 152.096 of the Village Code, a public hearing by the Planning and Zoning Board was noticed for February 18, 2014 at 7:30 P.M. at the Treasure Island Elementary School, 7540 East Treasure Drive, North Bay Village, Florida 33141 and the Planning and Zoning Board reviewed the application, conducted a public hearing and recommended approval of the request; and

**WHEREAS**, in accordance with Section 152.096 of the Village Code, public hearings by the Village Commission were noticed for March 11, 2014 at 7:30 p.m. and April 8, 2014, at 7:00 P.M. at the Treasure Island Elementary School, 7540 East Treasure Drive, North Bay Village, Florida 33141 and all interested parties have had the opportunity to address their comments to the Village Commission; and

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

**Section 1. Recitals.**

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

**Section 2. Finding.**

In accordance with Section 152.105(9) of the Village Code, the Village Commission finds that the proposed Site Plan for construction of a 132-unit, 25 story condominium hotel structure:

- A. Protects against and minimizes any undesirable effects upon contiguous and nearby property.

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

**Section 3. Grant.**

The Site Plan to construct a 132-unit, 25 story condominium hotel structure with a parking garage at 1755 Kennedy Causeway, North Bay Village, Florida, as attached and incorporated herein as Exhibit "A" entitled "1755 NBV LLC" as submitted for hearing on March 3, 2014 and consisting of sheets LL-101, LL-102, LL-201, LL-202, LS-301, LS-302, A1.00, A1.01, A2.00, A2.01, A3.00, A3.01, A3.02, A3.03, A3.04, A3.05, A3.06, A4.00, A4.01, A4.02, A.4.03, A5.00, A5.01, C-0, C-1, C-2, C-3, C-4, C-5, and C-6 is hereby approved.

**Section 4. Conditions.**

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

1. Prior to the issuance of a building permit, the public access easement and the waterfront boardwalk easement must be dedicated and recorded. Applicant shall agree, in writing, that boardwalks shall be open to the public from sun-up until either 10:00 pm or at least until any businesses adjacent to the boardwalk remains open to the public, whichever is later; and boardwalk lighting shall remain on until boardwalk is closed to the public.
2. Proof of site plan approval from the Miami-Dade Shoreline Review Committee must be provided.
3. School Board Concurrency requirements must be met, as determined by School Board Staff.
4. An irrigation plan which meets Miami-Dade Chapter 18A requirements must be submitted.

5. Bonus height fees must be paid, as required under Section 152.029(C)8A-8F.
6. Any applicable impact fees must be paid.
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 results in a violation of federal or state law.
10. All applicable state and federal permits must be obtained before commencement of construction.

**Section 5. Appeal.**

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

**Section 6. Violation of Conditions.**

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

**Section 7. Effective Date.**

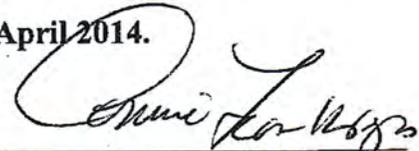
This Resolution shall become effective upon its adoption.

The foregoing Resolution was offered by Commissioner Jorge Gonzalez, who moved for its adoption. This motion was seconded by Commissioner Wendy Duvall, and upon being put to a vote, the vote was as follows:

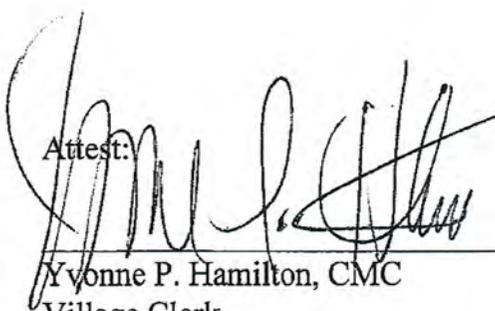
**FINAL VOTE AT ADOPTION:**

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

**PASSED AND ADOPTED this 8th day of April 2014.**

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

Attest:

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

**APPROVED AS TO FORM:**

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

North Bay Village Resolution: 1755 Kennedy Causeway Development-Site Plan

**RESOLUTION NO. 2014-34**

**A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY 1755 NBV LLC FOR A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES IN CONNECTION WITH THE DEVELOPMENT OF A 137-UNIT, 25 STORY CONDOMINIUM HOTEL STRUCTURE AT 1755 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, TO ALLOW LESS THAN THE SIDE-YARD SETBACK AS REQUIRED BY SECTION 152.032(C)(2)(C); PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, 1755 NBV LLC has applied to North Bay Village for a Variance pursuant to Section 152.097 of the North Bay Village Code of Ordinances in connection with the development of a condominium hotel structure to allow less than the side-yard setback as required by Section 152.032(C)(2)(C) in conjunction with the Site Plan application; and

WHEREAS, Section 152.097 and Section 152.102 of the Village Code set forth the authority of the Village Commission to consider and act upon an application for a variance.

WHEREAS, in accordance with Section 152.096 of the Village Code, a public hearing by the Planning and Zoning Board was noticed for February 18, 2014 at 7:30 P.M. at the Treasure Island Elementary School, 7540 East Treasure Drive, North Bay Village, Florida 33141 and the Planning and Zoning Board reviewed the application, conducted a public hearing and recommended approval of the request; and

I, Yvonne P. Homb, CITY CLERK OF THE CITY OF NORTH BAY VILLAGE HEREBY CERTIFY THIS TO BE A TRUE AND EXACT COPY OF THE ORIGINAL THEREOF MAINTAINED IN THE FILES OF THIS OFFICE  
DATED THIS 21st DAY OF December, 2015  
SIGNED [Signature]

**WHEREAS**, in accordance with Section 152.096 of the Village Code, public hearings by the Village Commission was noticed for March 11, 2014 and April 8, 2014 at 7:30 p.m. at Treasure Island Elementary School, 7540 East Treasure Drive, North Bay Village, Florida 33141 and all interested parties have had the opportunity to address their comments to the Village Commission; and

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

**Section 1. Recitals.**

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

**Section 2. Findings.**

In accordance with Section 152.097(B) of the Village Code, the Village Commission finds that:

- A. That there are special circumstances and conditions which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings in the same zoning district; that the special circumstances and conditions were not self-created by any person having an interest in the property; and that the strict application of the provisions of the Code of Ordinances would deprive the applicant of the reasonable use of the land, structure, or building for which the variance is sought and would involve an unnecessary hardship for the applicant.
- B. That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other land, structures, or buildings in the same zoning district; and the variance granted is the minimum variance that will make possible the reasonable use of the land, structure, or building.
- C. That granting the variance will be in harmony with the general intent and purpose of Chapter 152, Zoning, and that such variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

**Section 3. Grant.**

The Variance requested to allow less than the required unit standards is hereby granted, in conformance with the number of units and minimum sizes as shown on the Site Plan submitted for hearing on Exhibit "A" entitled "1755 NBV LLC" as submitted for hearing on February 27, 2014 and consisting of sheets LL-101, LL-102, LL-201, LL-202, LS-301, LS-302, A1.00, A1.01, A2.00, A2.01, A3.00, A3.01, A3.02, A3.03, A3.04, A3.05, A3.06, A4.00, A4.01, A4.02, A.4.03, A5.00, A5.01, C-0, C-1, C-2, C-3, C-4, C-5, and C-6.

**Section 4. Conditions.**

The Variance is approved subject to the following condition:

1. Pursuant to the Site Plan approval, the Applicant shall obtain a building permit for all requests approved herein within two 2 years of the date of the Site Plan approval. If a building permit is not obtained or an extension granted within the prescribed time limit then this approval shall become null and void.
2. Pursuant to Section 152.103 of the Village Code, the Variance shall lapse after one year of Commission approval if no substantial construction takes place.

**Section 5. Appeal.**

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

**Section 6. Effective Date.**

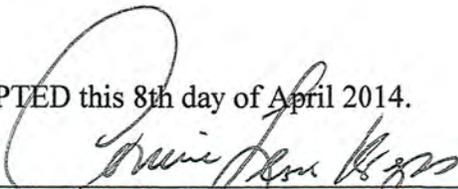
This Resolution shall become effective upon its adoption.

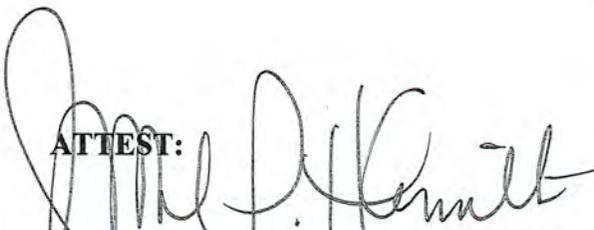
The foregoing Resolution was offered by Commissioner Jorge Gonzalez, who moved for its adoption. This motion was seconded by Vice Mayor Eddie Lim, and upon being put to a vote, the vote was as follows:

**FINAL VOTE AT ADOPTION:**

Mayor Connie Leon-Kreps	<u>Yes</u>
Vice Mayor Eddie Lim	<u>Yes</u>
Commissioner Richard Chervony	<u>No</u>
Commissioner Wendy Duvall	<u>Yes</u>
Commissioner Jorge Gonzalez	<u>Yes</u>

PASSED and ADOPTED this 8th day of April 2014.

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

**ATTEST:**  
  
\_\_\_\_\_  
YVONNE P. HAMILTON, CMC  
Village Clerk

**APPROVED AS TO FORM:**  
  
\_\_\_\_\_  
Robert E. Switkes & Associates, P.A.

North Bay Village Resolution: 20-Foot Side-Yard Setback Variance Request for 1755 Kennedy Causeway Development.

**RESOLUTION NO. 2014-35**

**A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY 1755 NBV LLC FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTION 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Section 152.098 and 152.042(E) of the North Bay Village Code of Ordinances (the "Village Code"), 1755 NBV 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 the 1755 NBV project at 1755 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 February 18, 2014, at 7:30 P.M. at Treasure Island Elementary School, 7540 East Treasure Drive, North Bay Village, Florida and the Planning and Zoning Board reviewed the application, conducted a public hearing and recommended approval of the request with conditions; and

*Yvonne R. Hank*, CITY CLERK OF THE  
CITY OF NORTH BAY VILLAGE HEREBY CERTIFY  
THIS TO BE A TRUE AND EXACT COPY  
OF THE ORIGINAL THEREOF MAINTAINED IN THE  
FILES OF THIS OFFICE  
DATED THIS 21st DAY OF December, 2015  
SIGNED *Yvonne R. Hank*

**WHEREAS**, in accordance with Section 152.096 of the Village Code, a public hearing by the Village Commission was noticed for Tuesday, April 8, 2013, at 7:30 P.M. at the Treasure Island Elementary School, 7540 East Treasure Drive, North Bay Village, Florida 33141 and all interested parties have had the opportunity to address their comments to the Village Commission; and

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

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

**Section 1. Recitals.**

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

**Section 2. Finding.**

1. In accordance with Section 152.098 of the Village Code, the Village Commission finds that the proposed special use exception to allow up to 20 percent of the parking spaces for development of the 1755 NBV LLC project, 1755 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 for the 1755 NBV LLC development at 1755 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. Violation of Conditions.**

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

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

**Section 6. Effective Date.**

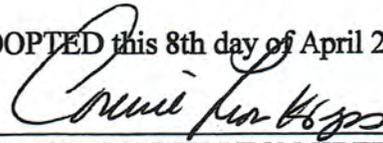
This Resolution shall become effective upon its adoption.

The motion to adopt the foregoing Resolution was offered by Commissioner Jorge Gonzalez, seconded by Vice Mayor Eddie Lim.

**FINAL VOTE AT ADOPTION:**

Mayor Connie Leon-Kreps	<u>Yes</u>
Vice Mayor Eddie Lim	<u>Yes</u>
Commissioner Richard Chervony	<u>No</u>
Commissioner Wendy Duvall	<u>Yes</u>
Commissioner Jorge Gonzalez	<u>Yes</u>

PASSED and ADOPTED this 8th day of April 2014.

  
MAYOR CONNIE LEON-KREPS

**ATTEST:**

  
YVONNE P. HAMILTON, CMC  
Village Clerk

**APPROVED AS TO FORM:**

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

North Bay Village Resolution: 1755 NBV LLC Development-Compact Parking Spaces Special Use Exception.

**RESOLUTION NO. 2015-44**

**A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A ONE-YEAR EXTENSION OF A SPECIAL USE EXCEPTION GRANTED TO 1755 NBV, LLC UNDER RESOLUTION 2014-35 IN CONNECTION WITH THE DEVELOPMENT OF A 132 UNIT, 25 STORY CONDOMINIUM HOTEL STRUCTURE, AT 1755 KENNEDY CAUSEWAY, TO ALLOW UP TO TWENTY PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNATED SPECIFICALLY FOR COMPACT PARKING VEHICLES PURSUANT TO SECTIONS 152.098 AND 152.042(E) OF THE VILLAGE CODE; SETTING AN EFFECTIVE DATE.**

**WHEREAS**, the Village granted a Special Use Exception to 1755 NBV LLC pursuant to Sections 152.098 and 152.042(E) of the North Bay Village Code of Ordinances in connection with the development of a condominium hotel structure to allow up to twenty percent of the development's required parking spaces to be designed specifically for compact parking vehicles in conjunction with the Site Plan application approved on April 8, 2014, under Resolution No. 2014-35; and

**WHEREAS**, pursuant to Section 152.103 of the Village Code, a Special Use Exception Variance granted by the Village Commission shall lapse after the expiration of one year, if no substantial construction has taken place in accordance with the plans for which the Special Use Exception was granted; and

**WHEREAS**, the Special Use Exception granted to 1755 NBV LLC will expire on April 8, 2015, whereas the Site Plan will expire on April 8, 2016; and

WHEREAS, 1755 NBV LLC has made a request to the Village to extend the Special Use Exception for one year to coincide with the Site Plan expiration.

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. Grant.**

The Special Use Exception granted to 1755 NBV LLC under Resolution No. 2014-35 to allow up to twenty percent of the development's required parking spaces to be designed specifically for compact parking vehicles is hereby extended for one year, until April 8, 2016.

**Section 3. Effective Date.**

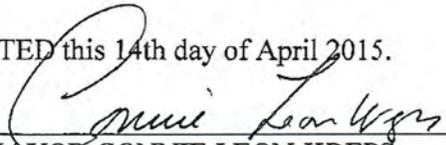
This Resolution shall become effective upon its adoption.

The foregoing Resolution was offered by Vice Mayor Jorge Gonzalez who moved for its adoption. This motion was seconded by Commissioner Eddie Lim, and upon being put to a vote, the vote was as follows:

**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>

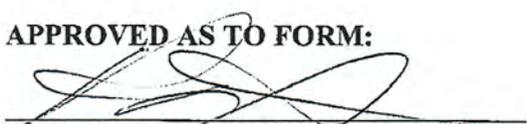
PASSED and ADOPTED this 14th day of April 2015.

  
MAYOR CONNIE LEON-KREPS

ATTEST:

  
YVONNE P. HAMILTON, CMC  
Village Clerk

APPROVED AS TO FORM:

  
Robert L. Switkes & Associates, P.A.

North Bay Village Resolution: Special Use Exception One-Year Extension-1755 Kennedy Causeway Development.

**RESOLUTION NO. 2015-45**

**A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A ONE-YEAR EXTENSION OF A VARIANCE GRANTED TO 1755 NBV, LLC UNDER RESOLUTION 2014-34 IN CONNECTION WITH THE DEVELOPMENT OF A 132 UNIT, 25 STORY CONDOMINIUM HOTEL STRUCTURE, AT 1755 KENNEDY CAUSEWAY, TO ALLOW LESS THAN THE SIDE-YARD SETBACK AS REQUIRED BY SECTION 152.032(C)(2)(C) OF THE VILLAGE CODE; SETTING AN EFFECTIVE DATE.**

**WHEREAS**, the Village granted a Variance to 1755 NBV LLC pursuant to Section 152.097 of the North Bay Village Code of Ordinances in connection with the development of a condominium hotel structure to allow less than the side-yard setback as required by Section 152.032(C)(2)(C) in conjunction with the Site Plan application on April 8, 2014, under Resolution No. 2014-34; and

**WHEREAS**, pursuant to Section 152.103 of the Village Code, a Variance granted by the Village Commission shall lapse after the expiration of one year, if no substantial construction has taken place in accordance with the plans for which the Variance was granted; and

**WHEREAS**, the Variance granted to 1755 NBV LLC will expire on April 8, 2015, whereas the Site Plan will expire on April 8, 2016; and

**WHEREAS**, 1755 NBV LLC has made a request to the Village to extend the Variance for one year to coincide with the Site Plan expiration.

**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. Grant.**

The Variance granted to 1755 NBV LLC under Resolution No. 2014-34 to allow less than the side setback for development at 1755 Kennedy Causeway is hereby extended for one year, until April 8, 2016.

**Section 3. Effective Date.**

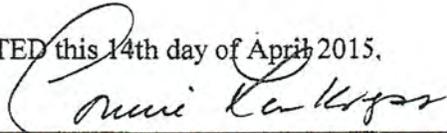
This Resolution shall become effective upon its adoption.

The foregoing Resolution was offered by Vice Mayor Jorge Gonzalez, who moved for its adoption. This motion was seconded by Commissioner Eddie Lim, and upon being put to a vote, the vote was as follows:

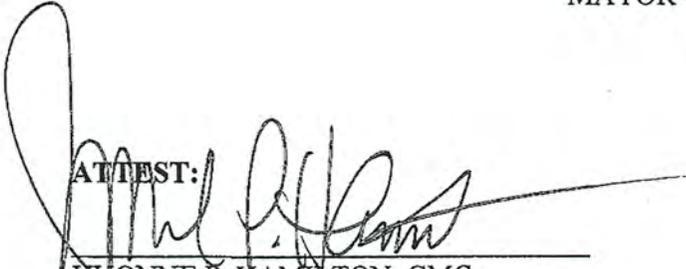
**FINAL VOTE AT ADOPTION:**

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>

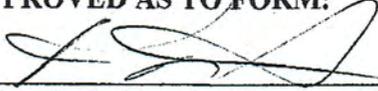
PASSED and ADOPTED this 14th day of April 2015.

  
MAYOR CONNIE LEON-KREPS

ATTEST:

  
YVONNE P. HAMILTON, CMC  
Village Clerk

**APPROVED AS TO FORM:**



Robert L. Switkes & Associates, P.A.

North Bay Village Resolution: Side-Setback Variance Extension-1755 Kennedy Causeway Development.



## North Bay Village

Administrative Offices

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

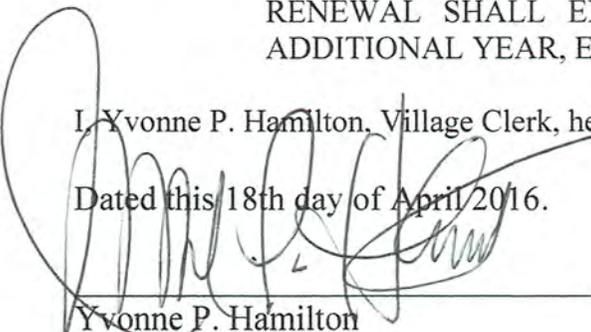
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: [www.nbvillage.com](http://www.nbvillage.com)

RE: AN APPLICATION BY 1755 NBV LLC CONCERNING PROPERTY LOCATED AT **1755 KENNEDY CAUSEWAY**, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:

1. A ONE-YEAR RENEWAL OF RESOLUTION NO. 2014-33 FOR SITE PLAN APPROVAL GRANTED PURSUANT TO SECTION 152.109(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 132 UNIT, 25 STORY CONDOMINIUM HOTEL STRUCTURE WITH A PARKING GARAGE. IF APPROVED BY THE COMMISSION, THE RENEWAL SHALL EXTEND THE ORIGINAL APPROVAL FOR ONE YEAR, EXPIRING ON APRIL 8, 2017.
2. AN ADDITIONAL ONE-YEAR RENEWAL OF RESOLUTION NO. 2014-34 FOR A VARIANCE GRANTED PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW LESS THAN THE SIDE-YARD SETBACK AS REQUIRED BY SECTION 152.032(C)(2)(C). IF APPROVED BY THE COMMISSION, THE RENEWAL SHALL EXTEND THE ORIGINAL APPROVAL FOR ONE ADDITIONAL YEAR, EXPIRING ON APRIL 8, 2017.
3. AN ADDITIONAL ONE-YEAR RENEWAL OF RESOLUTION NO. 2014-35 FOR A SPECIAL USE EXCEPTION GRANTED PURSUANT TO SECTION 152.042(E) 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 APRIL 8, 2017.

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

Dated this 18th day of April 2016.

  
Yvonne P. Hamilton  
Village Clerk

(North Bay Village Planning & Zoning Board Meeting-May 3, 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

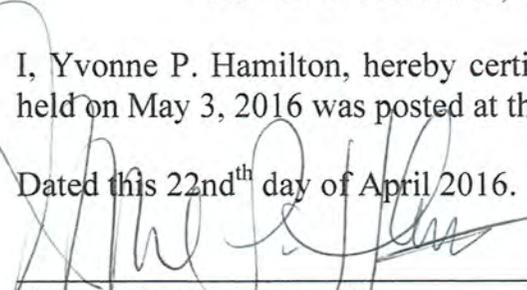
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: [www.nbvillage.com](http://www.nbvillage.com)

RE: AN APPLICATION BY 1755 NBV LLC CONCERNING PROPERTY LOCATED AT **1755 KENNEDY CAUSEWAY**, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:

1. A ONE-YEAR RENEWAL OF RESOLUTION NO. 2014-33 FOR SITE PLAN APPROVAL GRANTED PURSUANT TO SECTION 152.109(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 132 UNIT, 25 STORY CONDOMINIUM HOTEL STRUCTURE WITH A PARKING GARAGE. IF APPROVED BY THE COMMISSION, THE RENEWAL SHALL EXTEND THE ORIGINAL APPROVAL FOR ONE YEAR, EXPIRING ON APRIL 8, 2017.
2. AN ADDITIONAL ONE-YEAR RENEWAL OF RESOLUTION NO. 2014-34 FOR A VARIANCE GRANTED PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW LESS THAN THE SIDE-YARD SETBACK AS REQUIRED BY SECTION 152.032(C)(2)(C). IF APPROVED BY THE COMMISSION, THE RENEWAL SHALL EXTEND THE ORIGINAL APPROVAL FOR ONE ADDITIONAL YEAR, EXPIRING ON APRIL 8, 2017.
3. AN ADDITIONAL ONE-YEAR RENEWAL OF RESOLUTION NO. 2014-35 FOR A SPECIAL USE EXCEPTION GRANTED PURSUANT TO SECTION 152.042(E) 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 APRIL 8, 2017.

I, Yvonne P. Hamilton, hereby certify that the attached Notice of Public Hearing to be held on May 3, 2016 was posted at the above-referenced property on April 21, 2016.

Dated this 22<sup>nd</sup> day of April 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 **MAY 3, 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 REQUESTS AND SUBMIT A RECOMMENDATION TO THE VILLAGE COMMISSION:

AN APPLICATION BY 1755 NBV LLC CONCERNING PROPERTY LOCATED AT **1755 KENNEDY CAUSEWAY**, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:

1. A ONE-YEAR RENEWAL OF RESOLUTION NO. 2014-33 FOR SITE PLAN APPROVAL GRANTED PURSUANT TO SECTION 152.109(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 132 UNIT, 25 STORY CONDOMINIUM HOTEL STRUCTURE WITH A PARKING GARAGE. IF APPROVED BY THE COMMISSION, THE RENEWAL SHALL EXTEND THE ORIGINAL APPROVAL FOR ONE YEAR, EXPIRING ON APRIL 8, 2017.
2. AN ADDITIONAL ONE-YEAR RENEWAL OF RESOLUTION NO. 2014-34 FOR A VARIANCE GRANTED PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW LESS THAN THE SIDE-YARD SETBACK AS REQUIRED BY SECTION 152.032(C)(2)(C). IF APPROVED BY THE COMMISSION, THE RENEWAL SHALL EXTEND THE ORIGINAL APPROVAL FOR ONE ADDITIONAL YEAR, EXPIRING ON APRIL 8, 2017.
3. AN ADDITIONAL ONE-YEAR RENEWAL OF RESOLUTION NO. 2014-35 FOR A SPECIAL USE EXCEPTION GRANTED PURSUANT TO SECTION 152.042(E) 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 APRIL 8, 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.

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**YVONNE P. HAMILTON, CMC**  
**VILLAGE CLERK**  
(April 19, 2016)

# Volkswagen owners will get a choice: buyback or repairs

Tentative deal on polluting cars leave unanswered questions

Covers 482,000 Volkswagens with 2-liter, 4-cylinder engines

Fines, possible criminal charges and deal on larger engines not yet addressed.

BY SUDEHN THANAWALA AND TOM KRISHNER  
Associated Press

The owners of nearly half a million polluting Volkswagens in the U.S. will have the option of selling them back to the company or getting them repaired at VW's expense, under a deal announced Thursday by a federal judge.

The tentative agreement outlined by Senior U.S. District Judge Charles Breyer, however, left many questions unanswered, among them: How much can car owners expect in a buyback? Will they be compensated for any reduced gas mileage and performance resulting from a repair? And how soon could the program start?

Breyer, who is presiding over a range of litigation created by the VW emissions cheating scandal, said the deal will include "substantial compensation" for owners. But he did not elaborate and warned attorneys in the case not to talk about the continuing negotiations, saying that could cause confusion among customers.

A person who was briefed on the matter but asked not to be identified because the deal had not been made public said Wednesday that Volkswagen would spend just over \$1 billion to compensate owners. Elizabeth Cabrera, the lead attorney for hundreds of Volkswagen



Joyce Ertel Hulbert, owner of a 2015 Volkswagen Golf TDI, demands a buyback outside of the Phillip Burton Federal Building in San Francisco on Thursday.

owners, disputed that figure Thursday but did not offer an estimate of her own.

Details of the agreement are expected to come out over the next couple of months. Breyer set a June 21 deadline for attorneys from the U.S. Justice Department and for Volkswagen owners to file additional paperwork about the agreement.

After that, owners will get the chance to comment before Breyer signs off on any deal.

The scandal erupted in September when it was learned that the German automaker had fitted many of its cars with software to fool emissions tests and had put dirty vehicles on the road. Car owners and the Justice Department sued.

"Although it is too soon to tell whether VW owners will be satisfied, and there are still other liabilities that must be addressed, this is

the beginning of the end of the story," said Michael Steel, an attorney in San Francisco who has advised car manufacturers.

Volkswagen owner Peggy Schaeffer, a North Carolina librarian with a diesel 2010 Jetta SportWagen, said she wanted VW to fix her car when she first heard about the scandal. But the more she hears about potential fixes, the more she prefers the idea of a buyback.

Experts say fixing older-model diesels will be complicated and costly and will probably cut their performance and fuel mileage — two main reasons customers bought them. Breyer did not say how the vehicles would be repaired — whether, for example, it would involve a software fix or new hardware.

Don Marron, a banker and self-described Volkswagen enthusiast from Allentown, Pennsylvania, who owns a diesel 2012 Jetta SportWagen, said he

wants VW to offer him about \$5,000 in compensation beyond the cost of any repair.

If he fixes turns it into a dog, or it gets 5 to 10 miles per gallon less than it did already, I'm not interested," he said.

Volkswagen said in a statement after the hearing that the agreement is "an important step on the road to making things right." The automaker said it "intends to compensate its customers fully and to remediate any impact on the environment from excess diesel emissions."

The deal affects the owners of about 482,000 Volkswagens with 2-liter, four-cylinder diesel engines, most of them VW Jetta, Golf and Passat models dating to the 2009 model year.

No agreement has been reached yet on Volkswagen, Audi and Porsche diesel vehicles with 3-liter, six-cylinder engines — an addi-

tional 90,000 or so vehicles.

Breyer said the agreement will include a fund to deal with the effects of the pollution, and Volkswagen will be required to commit other money to promote green automotive technology.

The deal does not address potential fines and penalties, Breyer said.

In the U.S., the company faces as much as \$20 billion in fines for Clean Air Act violations alone, though that will probably be negotiated down.

The Justice Department and the Environmental Protection Agency are also weighing potential criminal charges against the company and senior executives.

Now does the agreement settle lawsuits by state and local governments, which are seeking billions from VW.

In addition, some Volkswagen dealers have sued over financial losses from diesel cars sitting on their lots that can't legally be sold until the emissions problems are resolved.

## Perry Ellis leadership passes to son Oscar Feldenkreis

Perry Ellis International's success plan has now been executed, the publicly traded apparel company announced Thursday.

Chairman of the Board and CEO George Feldenkreis is now CEO and president of the Miami-based company. The succession plan was announced last May.

George Feldenkreis founded the company 49 years ago and has served as chairman and CEO since 1993. He will now focus on strategic planning, the development of mergers and acquisitions, licensing, and other growth areas, the company said.

—NANCY DAHLBERG

## Watsco boosts earnings and revenue but misses analyst expectations

Miami-based Watsco reported first quarter earnings of \$25.5 million Wednesday.

It marks an uptick for the distributor of air conditioning, heating and refrigeration equipment, from \$23 million during the same period last year. The first quarter ended March 31.

Watsco also reported net income of \$34 million or 71 cents per share. It missed expectations by Zacks Investment Research, which estimated earnings of 73 cents per share.

Quarterly revenue rose to \$851 million from \$809 million in the first quarter of 2015.

Watsco said it saw 7 percent growth in the sale of HVAC equipment and a 65 percent growth in sales of the equipment during the first quarter of the year.

—CHARLETT HERRERA

## DIVIDENDS

STOCK	Pay date	Dividend	Yield	Dividend	Yield
Natural Gas Pip LP	0	0.045	5.5	5-11	
* Per \$100 investment; † Approx. amount per share or ADS.					
<b>INCREASED</b>					
Marathon Petroleum Corp	0	1.17	5.4	5-10	
Marathon Corp	0	1.11	5.4	5-11	
Landmark Infrastructure	0	1.11	5.4	5-11	
LISSCO Ltd (C)	0	1.11	5.4	5-11	
IFM Industries Inc	0	0.48	5.1	5-18	
Prologis Units (F)	0	0.17	4.9	5-15	
Shutterstock Inc	0	0.20	5.2	5-18	
Team Logistics LP	0	0.21	5.5	5-11	
TaylorMade Companies	0	0.27	6.0	5-12	
<b>REGULAR</b>					
Alkermes Inc	0	0.32	5.8	6-1	
Alliant Energy Corp	0	0.875	5.4	5-11	
Apple (Special) (OT)	0	1.10	5.2	5-18	
Arkema Partners	0	0.48	5.1	5-20	
Beigene Bancorp	0	0.28	5.4	5-20	
CB Banc Inc	0	0.34	5.2	5-11	
Core Molding (F)	0	0.44	6.0	5-11	
COG Corp	0	0.43	5.1	5-11	
East West Bancorp	0	0.29	5.4	5-18	
Elkema (Minimum) LLC	0	0.22	5.2	5-11	
Greenstone Bancorp	0	0.19	5.2	5-20	
Horizon D.R. Inc	0	0.26	5.1	5-27	
Kinder Morgan Inc	0	0.25	5.2	5-11	
Landstar System Inc	0	0.28	5.4	5-11	
Lincoln Electric (F)	0	0.32	6.0	5-11	
Mattel Inc	0	0.38	5.8	5-18	
Menards (F) (W)	0	0.29	5.1	5-27	
Merck (Special) (F)	0	0.25	5.4	5-11	
Coastal Shipping Holdings	0	0.26	5.4	5-27	
QED Special Services	0	0.21	5.4	5-11	
Orbital (F) (P) (F)	0	0.31	5.2	5-11	
Pacific Continental	0	0.11	5.8	5-21	
Pennix Midsize Prod	0	0.25	5.2	5-11	
Reynolds (West) Cap	0	0.59	5.2	5-11	
Reynolds (East) (F)	0	0.38	5.1	5-11	
SAB Bancorp Inc	0	0.18	5.8	5-11	
Spark Energy (C)	0	0.23	5.1	5-14	
Suburban Propane (F)	0	0.87	5.3	5-10	
Truist Bancshares	0	0.12	5.2	5-11	
Truist Instruments	0	0.18	5.2	5-11	
Wag (F)	0	0.14	5.0	5-11	
Wolverine World Wide	0	0.26	5.1	6-1	



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3. AN ADDITIONAL ONE-YEAR RENEWAL OF RESOLUTION NO. 2014-35 FOR A SPECIAL USE EXCEPTION GRANTED PURSUANT TO SECTION 152.042(F) 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 APRIL 8, 2017.

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YVONNE P. HAMILTON, CMC  
VILLAGE CLERK  
(APRIL 14, 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

5A

### REGULAR PLANNING & ZONING BOARD MEETING

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

**APRIL 5, 2016  
7:30 P.M.**

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#### 1. CALL TO ORDER.

The meeting was called to order by the Chair Bud Farrey at 7:34 P.M.

#### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

#### ROLL CALL

Present were the following:

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

Marvin Wilmoth, Vice Chair, informed the Board that he was unable to be present, as his work required him to be out of town.

Village Manager Frank K. Rollason  
Village Planner Ben Smith  
LaRue Planning & Management Services, Inc.  
Village Attorney Robert L. Switkes  
Assistant Village Attorney David Acosta  
Village Clerk Yvonne P. Hamilton

**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.**

The Village Clerk read the requests into the record.

The Village Planner Ben Smith, of LaRue Planning & Management Services, presented the Staff Report recommending approval of the requests. He explained that two (2) Special Use Exceptions to allow a mixed-use residential and commercial structure and twenty percent of the development's required parking spaces to be designed specifically for compact vehicles were issued concurrently with the Site Plan. The Special Use Exceptions' approval was valid for one year and the Site Plan approval is valid for two years. The applicant is requesting renewal of the Special Use Exceptions concurrent with the Site Plan.

The Village Attorney swore in those individuals who indicated that they would testify.

The Chair opened the Public Hearing.

Steven Hertzberg, of 200 S. Biscayne Boulevard, Suite 4310, Miami, FL 33131, counsel for the applicant, requested that the Special Use Exceptions be renewed, so that they can have the same expiration with the Site Plan.

Architect for the Project Ignacio Permuy, of Permuy Architecture, 800 Brickell Avenue, 6<sup>th</sup> Floor, Miami, Florida, commented that more time is needed to address all of the issues relating to the development of the property. He stated

that he did not think it would be a major issue to install a fence with an attractive cover.

The Chair closed the Public Hearing.

Doris O'Hare made a motion recommending approval of the requests with the condition that a fence be constructed around the property with a proper curtain displaying the proposed project. Bud Farrey seconded the motion, which was adopted by a 4-0 roll call vote. The vote was as follows: Dr. Joshua Furman, Dr. Douglas Hornsby, Bud Farrey, and Doris O'Hare all voting Yes.

**B. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A SPECIAL USE EXCEPTION PURSUANT TO SECTION 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO OPERATE A LIMITED COMMERCIAL PARKING LOT AT 1335 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR TEMPORARY WAIVER; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON) – EMERGENCY ITEM**

The Village Clerk read the request into the record.

Village Attorney Robert L. Switkes explained that as of April 18, 2016, the parking lot that is leased to Bayshore Yacht & Tennis Club Condominium Association will not be available. There is discussion about leasing the space at 1335 Kennedy Causeway to Bayshore. However, an agreement cannot be secured for leasing the parking lot due to existing Code violations, which do not allow the issuance of a Business Tax Receipt with the fees due against the property. An emergency situation will be created with the loss of parking for Bayshore. The Resolution is requesting that the owners of Sakura Lot be allowed to enter into a commercial lease with Bayshore to provide some relief, for the benefit of the residents of Harbor Island.

The Board discussed the lack of parking on Harbor Island

The Chair opened the Public Hearing. There being no speakers, he closed the Public Hearing.

Dr. Douglas Hornsby made a motion to recommend approval of the Resolution. Dr. Joshua Furman seconded the motion, which was adopted by 4-0 roll call vote. The vote was follows: Doris O'Hare, Bud Farrey, Dr. Joshua Furman, and Dr. Douglas Hornsby all voting Yes.

**5. NEW BUSINESS**

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

Doris O'Hare expressed concern that there are chain link fences on certain properties on Treasure Island without hedges as required by the Village Code. She will provide the addresses, and follow up for compliance.

**6. APPROVAL OF MINUTES**

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

Bud Farrey made a motion to approve the Minutes. Dr. Douglas Hornsby seconded the motion, which was adopted by a 4-0 roll call vote. The vote was as follows: Doris O'Hare, Dr. Joshua Furman, Dr. Douglas Hornsby, and Bud Farrey all voting Yes.

**7. ADJOURNMENT**

The meeting adjourned at 8:10 P.M.

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

*Adopted by the Planning & Zoning Board on  
This \_\_\_ day of \_\_\_\_\_ 2016.*

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*Bud Farrey, Chair*

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