



North Bay Village

Administrative Offices

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

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

OFFICIAL AGENDA

NORTH BAY VILLAGE PLANNING & ZONING BOARD MEETING

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

**TUESDAY
OCTOBER 21, 2014 – 7:30 P.M.**

NOTICE IS HEREWITH GIVEN TO ALL INTERESTED PARTIES THAT IF ANY PERSON SHOULD DECIDE TO APPEAL ANY DECISION MADE AT THE FORTHCOMING MEETING OF THE 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).

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1. **CALL TO ORDER**
 2. **PLEDGE OF ALLEGIANCE, ROLL CALL**
 3. **(PUBLIC HEARINGS) ALL INDIVIDUALS DESIRING TO PROVIDE TESTIMONY SHALL BE SWORN IN.**
 - A. **AN APPLICATION BY BAY VILLAGE VENTURE, LLC CONCERNING PROPERTY LOCATED AT 1725 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:**
 1. **A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.030(C)(3) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A MIXED-USE COMMERCIAL STRUCTURE IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT.**

2. 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.
3. BONUS DENSITY APPROVAL, PURSUANT TO SECTION 152.029(C)(8)H OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.
4. BONUS HEIGHT APPROVAL, PURSUANT TO SECTION 152.029(C)(8)A-F OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.
5. A VARIANCE PURSUANT TO SECTION 152.097 OF NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW 5 STORIES OF PARKING, WHERE SECTION 152.029(C) ALLOWS A MAXIMUM OF FOUR STORIES OF PARKING.
6. A VARIANCE PURSUANT TO SECTION 152.097 OF NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW A STRUCTURE TO BE 26.5 FEET FROM THE WEST SIDE PROPERTY LINE WHERE SECTION 152.029(C)(2) REQUIRES A 30 FOOT SIDE SETBACK.
7. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 43-UNIT, 19-STORY MIXED USE CONDOMINIUM STRUCTURE WITH A PARKING GARAGE.

1.) Board Recommendation

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

1. 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.

2. **BONUS DENSITY APPROVAL, PURSUANT TO SECTION 152.029(C)(8)H OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.**

3. **SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 54-UNIT, 15-STORY CONDOMINIUM STRUCTURE WITH A PARKING GARAGE.**

1.) **Board Recommendation**

4. **WORKSHOP**

A. **DRAFT LAND DEVELOPMENT CODE REVISIONS**

5. **ADJOURNMENT**



Staff Report Special Use Exception

*Prepared for: North Bay Village
Planning & Zoning Board*

Applicant: Bay Village Venture, LLC

Site Address: 1725 Kennedy Causeway

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



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General Information

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

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

Legal Description of Subject Property

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

Adjacent Land Use Map Classifications and Zoning District

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



Request

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

General Description

The submitted plans depict the proposed development as a 19-story, mixed-use residential and commercial development with 43 multi-family units. Additionally, the tabular project summary shows 2,303 square feet of restaurant space, of which 1,575 square feet will be customer service area.

Consistency with Comprehensive Plan

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

Consistency with Special Use Exception Standards

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

Other Requirements and Considerations

The property to the west is a commercial office. The property to the east is currently vacant but has been approved for a mixed use condo/hotel. To the south, across Kennedy Causeway, is the Lexi, a mixed use condo with commercial on the ground floor, including a restaurant. The Applicant's proposal to develop the subject property as a mixed use structure encompassing multi-family residential units and a restaurant on the subject property is compatible with, and will have no adverse effect upon, the existing or proposed uses of the adjacent properties.



Findings and Recommendations

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

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

Submitted by:

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

September 24, 2014

Hearing: Planning & Zoning Board, October 7, 2014





Staff Report Special Use Exception

*Prepared for: North Bay Village
Planning & Zoning Board*

Applicant: Bay Village Venture LLC

Site Address: 1725 Kennedy Causeway

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



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General Information

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

Future Land Use:	Commercial
Comprehensive:	CC
Use of Property:	Vacant
Acreage:	0.62 acres

Legal Description of Subject Property

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

Request

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



General Description

The site plan for this mixed use condominium shows 40 two bedroom dwelling units, 3 three bedroom units, and 1,575 square feet of restaurant customer service area. This will require at least 119 total parking spaces. The minimum standard parking space dimensions are 9 feet by 18 feet. The applicant is requesting permission to make up to 20% of those required spaces compact spaces, reducing the size to a minimum of 8 feet by 16 feet. The current site plan shows only 8 compact parking spaces

Consistency with Comprehensive Plan

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

Consistency with Special Use Exception Standards

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

Findings and Recommendations

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

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

Submitted by:

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

September 24, 2014

Hearing: Planning & Zoning Board, October 7, 2014





Staff Report Variance

*Prepared for: North Bay Village
Planning & Zoning Board*

Applicant: Bay Village Venture, LLC

Site Address: 1725 Kennedy Causeway

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

General Information

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

Future Land Use:	Commercial
Current Land Use:	Commercial
Use of Property:	Vacant
Address:	1725 Kennedy Causeway

Legal Description of Subject Property

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

Request

The Applicant is requesting a variance pursuant to Section 152.097 of the North Bay Village Code of Ordinances in connection with the development of a mixed use condominium to allow 5 stories of parking garage where Section 152.029(C)(4) allows not more than 4.



Required Findings

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

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

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

Staff Comments: The lot is not very wide but it is difficult to see the special circumstances or conditions to this property which are not applicable to other properties along Kennedy Causeway or in the CG District. It must be stated that other developments along the Causeway have requested and received relief from this parking level limitation after objecting to its restrictiveness, although that does not establish a hardship.

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

Staff Comments: The applicant's current design for this development seems to have artificially created the need for this variance request. It is up to the applicant to explain the necessity to exceed the parking level limitation.



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

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

Staff Comments: There seems to be ample development potential and reasonable use of this property without granting a variance. There is no hardship just because the applicant doesn't wish to meet the District requirements. However, staff feels this is an unnecessary requirement that is ripe for revision

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

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

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

Staff Comments: The variance requested is probably the minimum that would make possible the reasonable use of this property. The request is also minor in that only one extra level of parking has been requested.



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

Staff Comments: The variance, if granted, is not injurious to the neighborhood or otherwise detrimental to the public welfare.

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

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

Staff Comments: The applicant has not stated and staff does not believe that reducing the cost of development was a reason for this request.

Recommendations

Staff finds that the requested variance generally meets the requirements of Sections 152.097(B) and 152.097(C). Consequently, staff recommends **approval** of the requested variance to allow up to 5 stories of parking garage.

It should also be noted that staff is currently working on a list of suggested revisions to North Bay Village's Land Development Regulations, and that removal of this requirement (the limitation of 4 stories of parking garage levels in the RM-70 District Regulations) is one of the suggested revisions, because the limitation may be unduly restrictive.

Submitted by:

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

September 24, 2014

Hearing: Planning & Zoning Board, October 7, 2014





Staff Report Variance

Prepared for: North Bay Village
Planning & Zoning Board

Applicant: Bay Village Venture, LLC

Site Address: 1725 Kennedy Causeway

Request Variance to allow encroachment into the
required side-yard setback



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General Information

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

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

Legal Description of Subject Property

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



Request

The Applicant is requesting a variance pursuant to Section 152.097 of the North Bay Village Code of Ordinances in connection with the development of a mixed use condominium structure to allow a lesser side-yard setback than what is required by Section 152.029(C)(2).

This section specifies several requirements for side yard setbacks on properties developing under the RM-70 District Regulations:

- One side must be at least 15 feet.
- The other side must be at least 20% of the lot width.
- At the ground level the combination of both sides must equal at least 60 feet.

The subject property is 150 feet wide. The plans depict an east side setback of 15 feet and a west side setback of 26 feet 10 inches. The east side setback fulfills the 15 foot minimum requirement but the west side setback is 3 feet 2 inches short of the 30 feet that is required to be 20% of the lot width.

Additionally, the building is cantilevered such that the pedestal provides additional setback at ground level in order to meet the 60 foot combination setback. The Applicant is actually providing 62 feet of combined ground level side setback area with a 25 foot 6 inch east side ground-level setback and a 36 foot 6 inch west side ground-level setback.

Thus, the encroachment that the applicant is seeking approval of is above the ground level, starting with the first parking level. If the plans are to be built as submitted, the Village Commission must grant approval of a 3.5 foot variance to the side setback requirements to allow a 26 foot 10 inch setback where 30 feet is required.



Required Findings

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

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

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

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

The Village Code requires a minimum of 15 feet setback on one side, and a setback of 20% on the other side (or 30 feet based on the Property's width), but with a combined minimum setback of 60 feet. This same setback applies to a structure on a property that measures 75 feet across (the minimum frontage under the code, but which would thus allow only a 15 foot wide building), or 225 feet across, which would require the same 60 feet combined setback. While the Code requires a minimum of 75 feet of frontage, the Code still requires a 60 foot ground setback thus only allowing for 15 feet of building. Clearly the code could not contemplate a 15 foot wide structure to include parking decks, which essentially is structurally impossible.

Our development team has worked to comply with the spirit of the regulations by providing 62 feet of combined setback at ground level, free of structures.



Additionally, as noted above, the immediate prior use of a gasoline and automobile service station as evidenced by the aerial photograph contained no visual corridor to the water. Further as the Property is zoned CG, Commercial, if the Property were to be developed solely for commercial purposes, the required Village setback for up to a 3 story building would be 15 feet on each side, with a total setback of 30 feet if the Property development for commercial use rather than the 60 feet that is required for residential development. Therefore, the proposed development far exceeds the setback that would otherwise be required in the commercial district and exceeds the ground setback.

Staff Comments: This property is not unusually shaped and has twice the minimum required frontage for developing under the RM-70 district regulations. Additionally, the 0.62 acres is not a small area and it meets the minimum lot size requirements. The parcel is one of the smaller lots in the Kennedy Causeway General Commercial Corridor but certainly not the smallest.

- (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 applicant's current design for this development has artificially or self-created the need for 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: Our client is seeking a variance of the west setback, only as applicable to the parking garage levels, to provide a 26 foot 10 inch west setback, where 30 feet is required. The required combined side-yard setback for the property is 45' where our client is providing 41'10". Again, this is in order to accommodate the ramp length for the garage and the setback variance only affects these five levels.

The subject lot is only 150 feet across which is more narrow than other CG lots in the zoning district. For example, the adjacent Property recently received site plan approval, however, its lot is 320' 4" across, thus providing plenty of room to meet the minimum ground level setbacks. The subject property, at only 150 feet across, is challenged with creating a functional and safe parking garage meeting turning radii, and still meeting the setbacks and ramp incline. Therefore, the variance is not self created but a function of site size and safety. The variance is the minimum needed to meet the site requirements and has been mitigated by additional ground floor setbacks.



Staff Comments: The statement that the variance is necessary in order to provide for the parking ramp length does not seem justified. This is because the parking garage ramps are oriented north to south, though the requested variance is for approval to encroach on the west side setback. From examining page 07/20 of the submitted plans, it appears that the variance is only necessary in order to accommodate the additional parking spaces on the west side of the garage. And those spaces are only necessary to provide the required parking spaces for the additional dwelling units that the Applicant is seeking. Reasonable use of the land could be had without allowing the additional units and additional parking spaces that the applicant would like to have.

Additionally, while this is one of the smaller lots in the CG district, it is not the smallest. For example, the lot directly adjacent to the west is only 87.5 feet wide. It must be stated that it is only an option to develop under the RM-70 regulations. The Applicant still has the choice to develop under the CG regulations.

There is no hardship just because the applicant doesn't wish to meet the District requirements.

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

Applicant Response: No specific comments.

Staff Comments: Staff is of the opinion that the granting of this variance could confer a special privilege upon the Applicant.

- (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: The Village Code's minimum required setbacks at ground level makes it unrealistic for lots the size of the subject property or smaller. For example, the Code, allowing for 75 feet of frontage and 60 feet of setback, clearly could not envision a parking garage being built if a 15 foot wide structure, which is more narrow than even the required stall length. Our client has increased the garage height to 5 stories to minimize the structure. The Village's Master Plan Charrette envisions development of this area, including the Property, with taller buildings. However to support taller buildings, safety and functionality must be addressed, and there must be parking. The parking section for the proposed building is designed at only 108' 2", and thus the structure is very narrow compared to other structures approved in the Village. A parking garage is not designed in a vacuum but incorporates minimum back out spaces, height, ramp incline and turning radii. The Fire Code similarly dictates locations of stairwells, elevators and other forms of egress based on maximum distances, and building code and structural considerations dictate placement of columns, which in turn dictate the locations of the actual parking spaces. The garage has been designed to meet safety requirements and is the minimum size needed to have a safe and functional garage meeting Building and Fire Codes. The proposed variance is not injurious to the neighborhood as the structure is still considerably more narrow than most buildings in the districts. The variance is only sought for the five levels of parking, which are across the street from the Lexi parking rather than from residences. Therefore, the impact from the variance is minimal and not detrimental to the area. Further, the additional ground floor setback mitigates against the minimal setback encroachment at the parking levels.

Staff Comments: The Village's master plan does not just envision taller buildings but rather, taller and thinner buildings. This is to provide a maximum view corridor to Biscayne Bay. The variance, if granted, would set an example for other setback variance requests. It is injurious to the community to allow the Applicant to provide less scenic viewing area to Biscayne Bay than what is required by the RM-70 regulations. Additionally, it would be helpful for the Applicant to explain which building and fire codes necessitate this variance request. From the view of staff, this variance is requested in order to place additional parking spaces and residential square footage in the building.



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

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

Staff Comments: The applicant has not stated and Staff does not feel that cost reduction was the sole reason for this request.

Recommendations

Staff finds that the requested variance **does not** meet all of the requirements of Section 152.097(C) in that the materials submitted do not adequately allow for an affirmative finding on all of the criteria contained in Section 152.097(B) as specifically identified by the foregoing Staff Comments. Consequently, Staff does not recommend approval of the requested variance to allow a 26 foot 10 inch west side setback where 30 feet is required.

Submitted by:

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

September 24, 2014

Hearing: Planning & Zoning Board, October 7, 2014





Staff Report Site Plan

Prepared for: North Bay Village
Planning and Zoning Board

Applicant: Bay Village Venture LLC

Site Address: 1725 Kennedy Causeway

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



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General Information

Owner/Applicant:	Bay Village Venture, LLC
Applicant Address:	3137 NE 165 th St N. Miami, FL 33160
Property Address:	1725 Kennedy Causeway
Contact Person:	Jose Saal
Contact Phone Number:	305-944-5900
E-mail Address:	saaltrust@aol.com

Future Land Use:	Commercial
General District:	CG
Use of Property:	Residential

Legal Description of Subject Property

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

Request

The applicant is requesting:

1. A special use exception to construct a mixed use residential structure in the General Commercial Zoning District.
2. Height bonus review in conjunction with site plan approval pursuant to Section 152.029(C)(8)(A-F) of the North Bay Village Code of Ordinances.
3. Density bonus review in conjunction with site plan approval pursuant to Section 152.029(C)(8)(H) of the North Bay Village Code of Ordinances.
4. A special use exception pursuant to Section 152.042(E) to utilize compact parking spaces for up to 20% of the required parking spaces.
5. A variance to Section 152.029(C)(4) to allow 5 stories of parking garage where only 4 stories of parking levels are allowed.
6. A variance to Section 152.029(C)(2) to allow a 26 foot 10 inch west side setback were 30 feet is required.
7. Site plan approval pursuant to Section 152.105(C)(9) of the North Bay Village Code of Ordinances for development of a 43 dwelling unit, 19 story mixed-use condominium structure in the CG zoning district.



General Description

The site plan request for this development is for a 43 dwelling unit, 19 story, mixed use condominium. The applicant is requesting approval for bonus density, bonus height, compact parking, a variance to allow 5 stories of parking garage, and a variance to the required side setbacks.

The tabular project summary shows 2,700 square foot restaurant area with 1,575 square feet of customer service area; 40 two-bedroom dwelling units and 3 three-bedroom dwelling units.

Consistency with Comprehensive Plan

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

Adjacent Land Use Map Classifications and Zoning District

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



Adequacy of Public Facilities

Traffic Analysis

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

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

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

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

Water and Sewer Analysis

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

Environmental Assessment

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



Comparison of Submitted Site Plan With Land Development Regulations

Section	Regulation	Required	Provided										
North Bay Village LDC													
152.029(C)(1)	Minimum lot area	27,000 sq ft	27,000 sq ft (0.62 acres)										
152.029(C)(1)	Minimum frontage	75 ft	150 ft										
152.029(C)(2)	Minimum front setback	40 ft	40 ft										
152.029(C)(2)	Minimum side setback	15 ft on one side. 20% of lot width on the other side <u>20% of 150 = 30</u> Combination of both side setbacks to be at least 60 ft at ground level	15 ft on east side Only 26 ft 10 in on west side – Applicant has requested a 3 ft 2 in variance Combination of both side setbacks at ground level is 62 ft										
152.029(C)(2)	Minimum rear setback	25 ft	25 ft										
152.029(C)(3)	Required lot area per dwelling unit	<table border="1"> <thead> <tr> <th>Unit type</th> <th>Lot area/unit</th> </tr> </thead> <tbody> <tr> <td>Efficiency</td> <td>620</td> </tr> <tr> <td>1-BR</td> <td>620</td> </tr> <tr> <td>2-BR</td> <td>685</td> </tr> <tr> <td>3-BR</td> <td>750</td> </tr> </tbody> </table> $40 \times 685 = 27,400$ $3 \times 750 = 2,250$ $27,400 + 2,250 = 29,650$ <u>29,650sq ft of required lot area</u>	Unit type	Lot area/unit	Efficiency	620	1-BR	620	2-BR	685	3-BR	750	29,650 > 27,000 Applicant has requested approval to purchase 4 units of bonus density for \$160,000
Unit type	Lot area/unit												
Efficiency	620												
1-BR	620												
2-BR	685												
3-BR	750												
Comprehensive Plan Future Land Use Policy 2.1.1a	Maximum density	70 dwelling units per acre	69.4 dwelling units per acre										
152.029(C)(4)	Maximum building height	150 ft or 15 stories, whichever is less	210 ft Applicant has requested approval to purchase 60 feet of bonus height for \$193,500										



Section	Regulation	Required	Provided										
152.029(C)(4)	Maximum parking levels	4 stories	5 stories of parking garage. Applicant has requested a Variance to maximum parking level restriction										
152.029(C)(5)	Minimum pervious area	20% of total parcel <u>20% of 27,000 = 5,400 sq ft</u>	5,496 sq ft										
152.029(C)(6)	Minimum dwelling unit floor area	<table border="1"> <thead> <tr> <th>Unit type</th> <th>Floor area</th> </tr> </thead> <tbody> <tr> <td>Efficiency</td> <td>600</td> </tr> <tr> <td>1-BR</td> <td>900</td> </tr> <tr> <td>2-BR</td> <td>1,200</td> </tr> <tr> <td>3-BR</td> <td>1,350</td> </tr> </tbody> </table>	Unit type	Floor area	Efficiency	600	1-BR	900	2-BR	1,200	3-BR	1,350	The smallest unit size is 1,567 square feet
Unit type	Floor area												
Efficiency	600												
1-BR	900												
2-BR	1,200												
3-BR	1,350												
152.029(C)(7)	Baywalk/boardwalk requirement	A public access boardwalk must be provided along shoreline and access to that boardwalk must be provided with a walkway from the ROW. Dedicated easements shall be recorded for the boardwalk and access corridors.	Provided										
152.029(C)(8)	Building height bonus	Additional height may be purchased	Applicant has requested approval to purchase 60 feet of bonus height for \$193,500										
152.029(C)(8)	Building density bonus	Additional density may be purchased, not to exceed 70 units per acre	Applicant has requested approval to purchase 4 units of bonus density for \$160,000										
152.029(C)(9)2	Paving surfaces	Except for covered garages, all exterior paving surfaces shall be constructed of brick pavers	Pavers provided throughout										
152.029(C)(9)3	Required water feature	A water feature shall be provided in the front	Provided										



Section	Regulation	Required	Provided
152.029(C)(9)6	Screening of parking garages	Parking garages shall be constructed with architectural features that obscure it from public view	Provided
152.029(C)(9)7	Street tree lighting	Lighting shall be provided in all areas in front where trees are planted	Not depicted
5.2.2(a)(1)	Minimum standard parking space dimensions	9 ft by 18 ft	Provided
5.2.2(a)(2)	Minimum compact parking space dimensions	8 ft by 16 ft	Not depicted
5.2.2(a)(3)	Minimum handicapped parking space dimensions	Must comply with all applicable accessibility standards	Provided
152.042(D)	Minimum number of handicapped spaces	2% of total required spaces. <u>2% of 106 = 3 handicapped spaces required</u>	5 handicap accessible parking spaces
Florida ADA Req Section 208	Minimum number of handicapped spaces	4	
152.042(E)	Maximum number of compact parking spaces	20% of required parking spaces	8 compact parking spaces provided
152.042(K)	Minimum setback of ROW from parking spaces	20 ft	In compliance
152.042(M)	Minimum separation of parking from walkways and streets	Parking spaces shall be separated from walkways, sidewalks, streets, or alleys by an approved wall, fence, curbing, or other protective device	Provided
152.042(P)	Back-out parking prohibition	Parking spaces shall be designed so that no vehicle shall be required to back into a public ROW to obtain egress	Provided



Section	Regulation	Required		Provided
		Unit Type	Spaces Req	
152.044(A)(2)	Minimum number of parking spaces per dwelling unit	Efficiency	1.5	
		1BR&2BR	2	
		3BR	3	
		Plus 10% for Guests		
		$40 \times 2 = 80$ $3 \times 3 = 9$ $10\% = 8.9$ <u>98 spaces required</u>		
152.044(B)(7)	Minimum number of parking spaces for restaurant	1 space per 75 sq ft of customer svc area $1,575 / 75 = 21$ spaces required		119 parking spaces provided
Total spaces required		$98 + 21 = 119$ spaces		
152.045(B)	Minimum loading space dimensions	12 ft by 30 ft, and at least 14.5 ft of vertical clearance		Provided
152.045(C)	Loading space joint usage	Loading spaces for two or more uses may be collectively provided if so located as to be usable by all.		N/A
152.045(E)	Loading and standard parking space restriction	No areas supplied to meet required off-street parking facilities may be utilized to meet the requirements for loading spaces.		In compliance
152.045(F)(1)	Minimum number of loading spaces for retail, office and restaurant	Gross floor area	Spaces	N/A
		<10,000	0	
		10,000-20,000	1	
		20,000-40,000	2	
		40,000-60,000	3	
		>60,000	4	
		$2,700$ sq ft of restaurant requires <u>0</u> loading spaces		



Section	Regulation	Required		Provided
		Gross floor area	Spaces	
152.045(F)(2)	Minimum number of loading spaces for multi-family	<25,000	0	3 loading spaces provided
		25,000-50,000	1	
		50,000-100,000	2	
		>100,000	3	
		<u>Gross floor area is over 100,000 sq ft.</u> 3 load spaces required		
152.056	Maximum balcony encroachment into required yard	4 ft		In compliance
155.17	Minimum width of maneuvering aisle	23 ft		Provided
155.17	Minimum width of 2-way access aisle	23 ft		Provided
155.18(A)3	Dumpster screening	Dumpster enclosures shall be designed in a manner as to visually screen the dumpster from adjacent view and shall be located in visually obscure areas of the site.		Provided
155.18(A)4	Dumpster placement	Dumpster enclosures shall be placed in such a manner as to allow front end loader sanitation trucks to pick up garbage in a forward motion. Backing out the sanitation truck is prohibited		Provided
155.18(A)5	Mechanical equipment screening	Roof-mounted mechanical equipment and elevator shafts shall be screened by a parapet wall or grilles, and shall be painted in muted colors or match the building and shall not be visible from the street.		Provided



Section	Regulation	Required	Provided
155.18(A)7	Mechanical equipment screening	Service bays, ground mounted air conditioning units, and other mechanical equipment shall be screened from public and on-site pedestrian view, and buffered.	In compliance
Appendix D	Required benches along bay walk	Benches shall be provided at a minimum of 2.5 ft sections of bench per 100 ft of linear shoreline	Provided
Miami-Dade Landscaping Chapter 18A			
18A-4(C)	Vegetative survey	A vegetation survey shall be provided for all sites at the same scale as the landscape plan.	Provided
18A-4(D)	Irrigation plan	An Irrigation Plan shall be submitted. Where a landscape plan is required, an irrigation plan shall be submitted concurrently.	Not yet submitted
18A-6(A)(5)	Maximum lawn area	40% of lot area, less the area covered by buildings	No sod to be used
18A-6(C)(1)	Tree height	Except street trees, all trees shall be a minimum of 10 ft high with a minimum of 2 inch caliper, except that 30% of the tree requirement may be met by native species with a minimum height of 8 ft.	24 trees these dimensions



Section	Regulation	Required	Provided
18A-6(C)(2)	Street trees	Street trees shall be provided along all roadways at a maximum average spacing of 35 feet on center (25' for palms). <u>With 150 linear feet of frontage, either 5 trees or 6 palms are required.</u>	In compliance
18A-6(C)(3)	Trees under power lines	Where overhead power lines require low growing trees, street trees shall have a minimum height of 8 feet and a maximum average spacing of 25 feet on center.	No power lines present
18A-6(C)(4)	Palms	Palms which are spaced no more than 25 feet on center and have a 14 foot minimum height or 4 inch minimum caliper diameter may count as a required tree.	Utilized for street trees
18A-6(C)(5)	Number of required trees	28 trees per acre required in multi-family residential zoning categories <u>28 x 0.62 = 18 required trees</u>	In compliance
18A-6(C)(11)	Limitations on required trees	At least 30% shall be native species. At least 50% shall be low maintenance and drought tolerant. Of the required trees, no more than 30% shall be palms	In compliance In compliance In compliance



Section	Regulation	Required	Provided
18A-6(C)(12)	Limitations on required trees	80% of required trees shall be listed in the Miami-Dade Landscape Manual, the Miami-Dade Street Tree Master Plan and/or the University of Florida's Low Maintenance Landscape Plants for South Florida list.	In compliance
18A-6(D)(1)	Shrubs	<p>All shrubs must be a minimum of 18 inches at time of planting.</p> <p>10 shrubs are required for each required tree. <u>180 shrubs required</u></p> <p>30% shall be native species</p> <p>50% shall be low maintenance and drought tolerant</p> <p>80% of required shrubs shall be listed in the Miami-Dade Landscape Manual, the Miami-Dade Street Tree Master Plan and/or the University of Florida's Low Maintenance Landscape Plants for South Florida list.</p>	<p>Not in compliance</p> <p>Not in compliance</p> <p>Will be assessed when minimum shrub count is met</p> <p>Will be assessed when minimum shrub count is met</p> <p>Will be assessed when minimum shrub count is met</p>



Section	Regulation	Required	Provided
18A-6(H)	Use buffers	<p>Where dissimilar land uses exist on adjacent properties, that area shall be provided with a buffer consisting of trees spaced to a maximum average of 35-feet on center with shrubs which normally grow to a height of 6 feet, or a 6 foot wall with trees, within a 5 foot wide landscape strip.</p> <p>Shrubs shall be a minimum of 30 inches high and planted at a maximum of 36 inches on center; or if planted at a minimum height of 36 inches, shall have a maximum average spacing of 48 inches on center.</p>	No buffer required as neighboring uses do not meet the definition of 'dissimilar use'
18A-6(I)	Parking lot buffers	<p>All parking lots adjacent to a right of way shall be screened by a continuous planting with a 7 foot landscape strip incorporating said planting</p> <p>Shrubs shall be a minimum of 18 inches high and planted at a maximum of 30 inches on center; or if planted at a minimum height of 36 inches, shall have a maximum average spacing of 48 inches on center.</p>	In compliance



Section	Regulation	Required	Provided
18A-6(J)	Parking lot landscaping	10 square feet of landscaped area per parking space shall be provided within a parking lot.	In compliance
		Trees shall be planted within the parking lot at a minimum density of one tree per 80 square feet of landscaped area, exclusive of parking lot buffers.	In compliance
		Each tree shall have a minimum of 5 feet of planting area width, exclusive of curb dimension.	In compliance
Miami-Dade Biscayne Bay Management Plan			
33D-38(1)b	Minimum rear setback	50% of building height above 35 ft (measured from mean high water line), up to 75 ft maximum. <u>75 ft required</u>	Only 25 ft
33D-38(2)a	Minimum visual corridor	20% of lot width on one side, with a 20 ft minimum and a 100 ft maximum. Structures not permitted in view corridor. <u>30 ft required</u>	Only 26 ft 10 in on west side
33D-38(3)	Minimum side setback	Minimum of 25 ft	26 ft 10 in on west side
33D-33(4)	Waiver from County	A waiver may be obtained from the Miami-Dade Shoreline Review Committee for exemption from the above requirements	Not yet provided



Recommendations

BUILDING HEIGHT BONUS:

Staff recommends **approval** of the building height bonus based on submittal of a site plan which meets the North Bay Village Code.

BUILDING DENSITY BONUS:

Staff recommends **approval** of the building density bonus based on submittal of a site plan which meets the North Bay Village Code.

VARIANCE TO ALLOW AN EXTRA PARKING GARAGE LEVEL:

Staff recommends **approval** of this variance.

VARIANCE TO ALLOW A 26.5 FT SETBACK WHERE 30 FT IS REQUIRED:

Staff recommends **denial** of this variance.

SITE PLAN:

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

- 1) Submittal of an irrigation plan and landscape plan which meets Miami-Dade Chapter 18A requirements.
- 2) Providing street tree lighting, as per Section 152.029(C)(9)7.
- 3) Providing depictions of compact parking space dimensions, as per Section 5.2.2(a)(2).
- 4) The public access easement and boardwalk must be dedicated and recorded. Applicant shall agree, in writing, that boardwalks shall be open to the public from sun-up until either 10:00 pm or at least until any businesses adjacent to the boardwalk remains open to the public, whichever is later; and boardwalk lighting shall remain on until boardwalk is closed to the public.
- 5) Site plan approval from Miami-Dade Shoreline Review Committee.
- 6) Meeting School Board Concurrency requirements as determined by School Board Staff.
- 7) Payment of any applicable impact fees.
- 8) Payment of bonus density fees, as required under Section 152.029(C)(8)H.



- 9) Payment of bonus height fees, as required under Section 152.029(C)(8)A-F
- 10) Tie-in to Village's wastewater system at a connection point determined by the Village and payment of pro-rata costs involved in tying into appropriate connection point.
- 11) Applicant shall agree that no on-site parking spaces may be sold or rented, but must be provided at no cost to the residents and guests of residents.
- 12) Cost recovery charges must be paid pursuant to Section 152.110. Specifically, no new development application shall be accepted and no building permit or certificate of occupancy shall be issued for the property until all application fees, cost recovery deposits and outstanding fees and fines related to the property (including fees related to any previous development proposal applications on the property), have been paid in full.
- 13) Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.
- 14) Approval of this site plan does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for approval if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that result in a violation of federal or state law.
- 15) All applicable state and federal permits must be obtained before commencement of construction.

Submitted by:

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

September 24, 2014

Hearing: Planning & Zoning Board, October 7, 2014

Attachments: Tank Closure Assessment Letter
Aerial photograph
Zoning Map





Carlos A. Gimenez, Mayor

Permitting, Environment and Regulatory Affairs

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

miamidade.gov

March 28, 2012

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

CERTIFIED MAIL #7007 2680 0000 0622 3331
RETURN RECEIPT REQUESTED

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

Dear Mr. Harari:

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

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

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

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

Sincerely,

A handwritten signature in black ink that reads "Wilbur Mayorga". The signature is written in a cursive style with a large, stylized 'W' and 'M'.

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

se

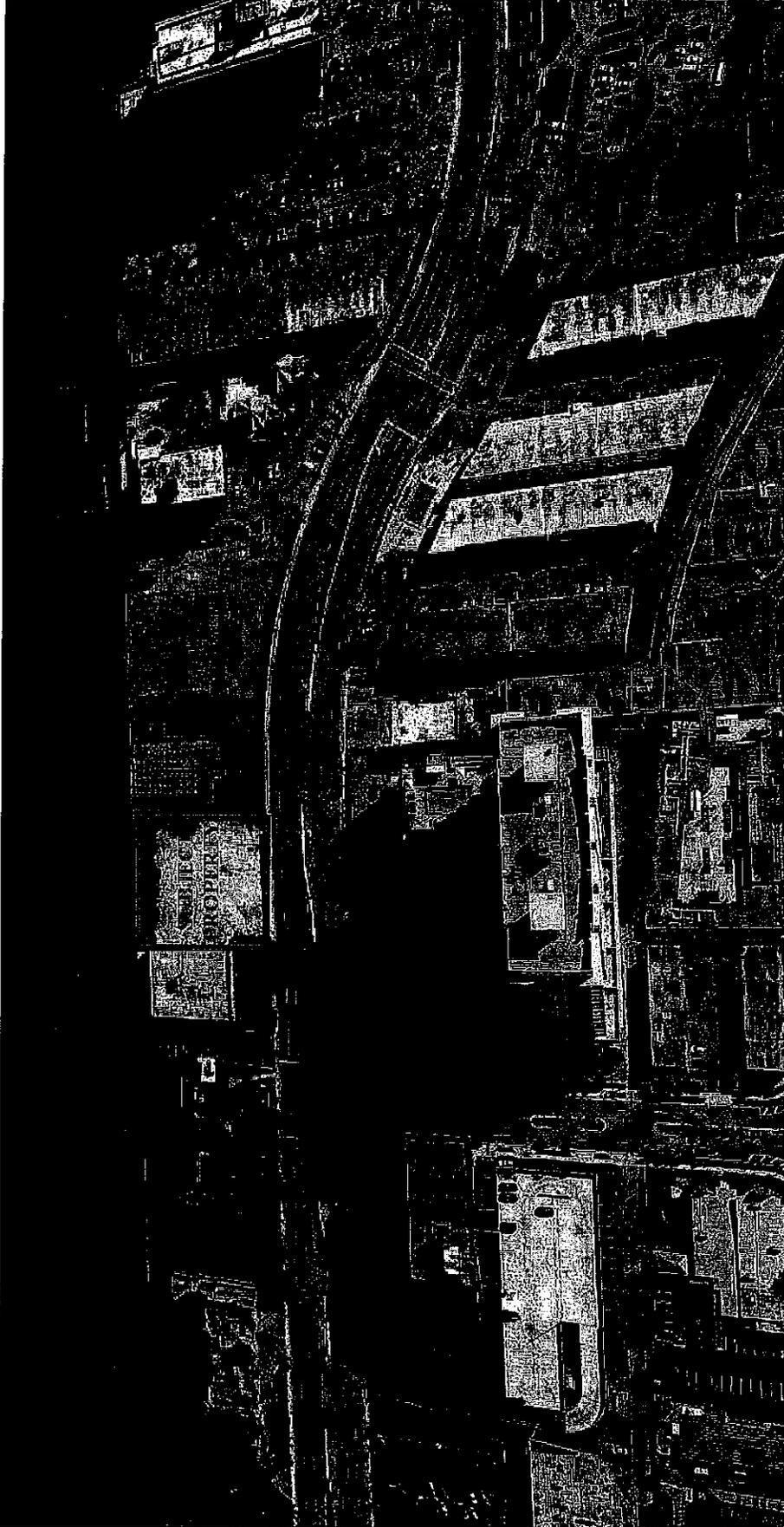
pc: FDEP file copy - 13/8505052

ec: Mr. Leo Adames, Bluestone Environmental, LLC., ladames@bluestoneenviro.com

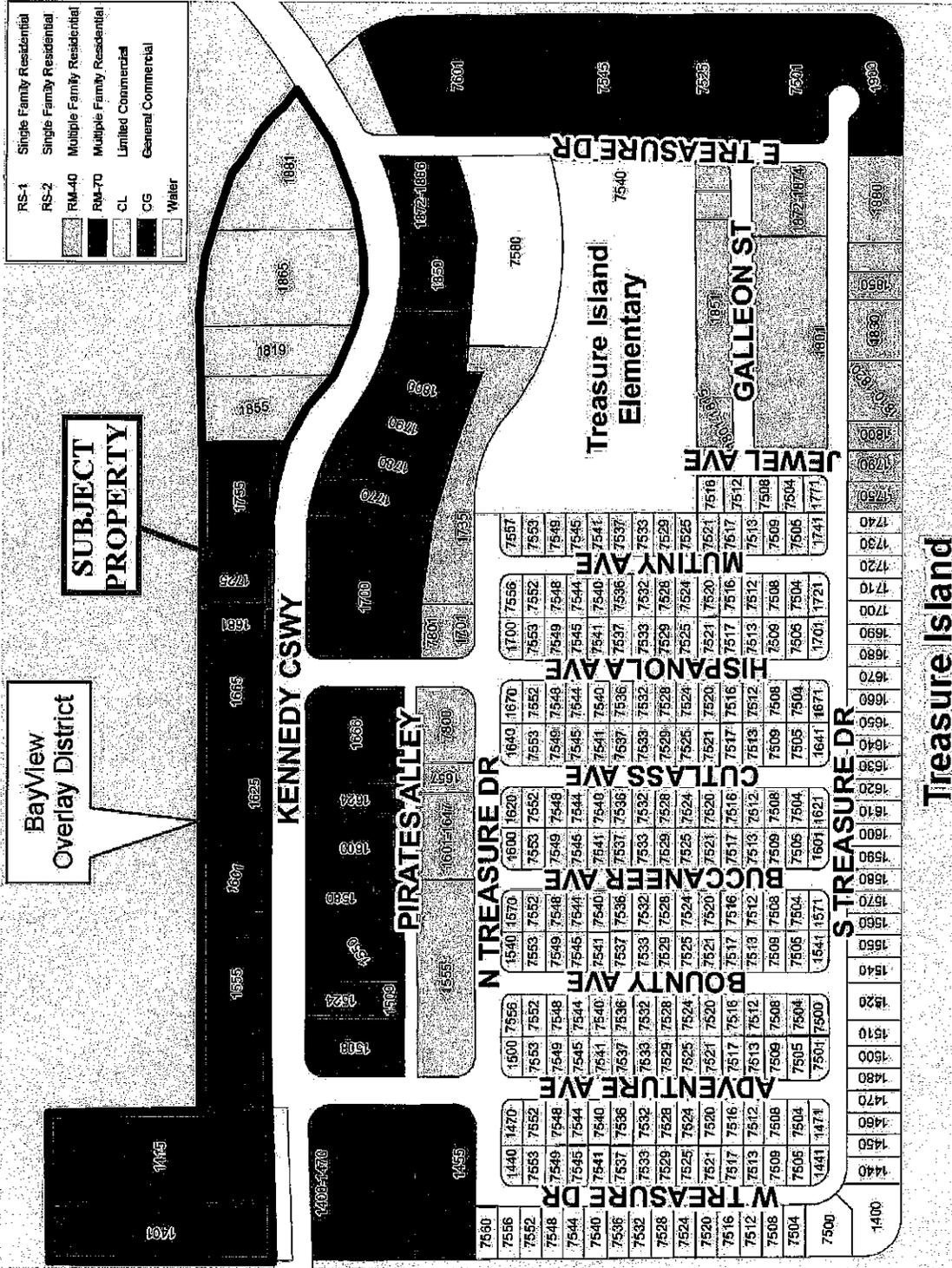
Delivering Excellence Every Day



**AERIAL
SUBJECT SITE AND ENVIRONS**



ZONING
SUBJECT SITE AND ENVIRONS





North Bay Village

07-03-14P04:49 RCVD

Administrative Offices

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

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

VARIANCE REQUEST APPLICATION FOR PUBLIC HEARING

Page 1 of 3

Site Address 1725 79th Street Causeway

Owner Name Bay Village Venture, LLC Owner Phone # _____

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

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

(if different from Owner)

Applicant Mailing Address _____

Contact Person _____ Contact Phone # _____

Contact Email Address _____

Legal Description of Property _____

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

Project Description Condo Building with restaurant on the ground floor

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

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

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

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

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

Optional Submittals:

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

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

Commissioner
Jorge Gonzalez

VARIANCE REQUEST APPLICATION FOR PUBLIC HEARING

Page 2 of 3

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

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

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

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

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

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

Authorized Signature [Handwritten Signature]

Print Name Jose Noberto Saal

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

STATE OF FLORIDA
COUNTY OF [Handwritten: Dade]



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

by Jose Noberto Saal

who is personally known to me or who has produced [Handwritten Signature] as identification.

Notary Public Signature [Handwritten Signature]

Commission Number/Expiration 5/27/17

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

VARIANCE REQUEST APPLICATION FOR PUBLIC HEARING

Page 2 of 3

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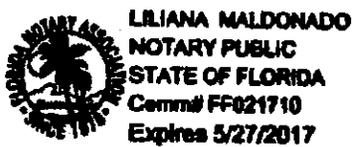
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Authorized Signature [Signature] _____

Print Name Jose Noberto Saal _____

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

STATE OF FLORIDA
COUNTY OF Dade



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

by Jose Noberto Saal

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

Notary Public Signature [Signature]

Commission Number/Expiration 5/27/17

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



North Bay Village

07-03-14P04:49 RCVD

Administrative Offices

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

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

APPLICATION FOR PUBLIC HEARINGS:

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

Applicant's Name: Bay Village Venture, LLC Phone: 305-944-5900

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

Legal Description of Property: _____

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

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

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

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

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

Commissioner
Jorge Gonzalez

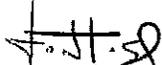
**APPLICATION FOR HEARING
BEFORE THE PLANNING & ZONING BOARD AND
VILLAGE COMMISSION
PAGE 2 OF 2**

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

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

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

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



 Authorized Signature

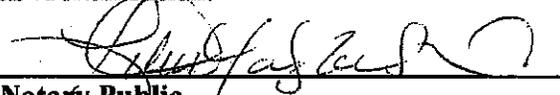
Jose Noberto Saal

 Print Name

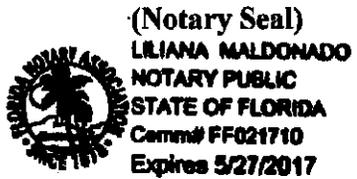
(In case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's position in the corporation and embossed with the corporate seal.)

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Sworn to and subscribed to before me this 3rd day of July 20 14
by Jose Noberto Saal
who is personally known to me or who has produced _____
as identification.



 Notary Public



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

Office Use Only:

Date Submitted: _____

Fee Paid: \$ _____

Tentative Meeting Date: _____

Cash or Check # _____

Date Paid: _____

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

Commissioner
Jorge Gonzalez

VARIANCE REQUEST APPLICATION FOR PUBLIC HEARING

Page 3 of 3

Office Use Only:

Date Submitted: _____

7/3/14 (Final Submitted)

Tentative Meeting Date: _____

Fee Paid: \$ _____

6,000.

Cash or Check # _____

Date Paid: _____

7/2014

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

Commissioner
Jorge Gonzalez



North Bay Village

02-07-14 P05:12 RCVD

Administrative Offices

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

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

APPLICATION FOR PUBLIC HEARINGS:

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

Applicant's Name: BAY VILLAGE VENTURE LLC Phone: (305) 944-5900

Mailing Address: 3137 N.E. 163RD STREET
N. MIAMI BEACH, FL 33160

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

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

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

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

1725 Kennedy Cswy.

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

MIAMI 4032691.1 73190/11125

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

Commissioner
Jorge Gonzalez

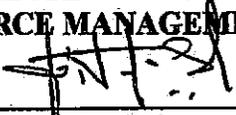
**APPLICATION FOR HEARING
BEFORE THE PLANNING & ZONING BOARD AND
VILLAGE COMMISSION
PAGE 2 OF 2**

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



Authorized Signature

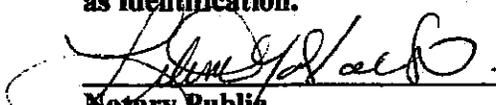
Jose N. Saal

Print Name

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

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Sworn to and subscribed to before me this 6th day of February 2014 by Jose Norberto Saal who is personally known to me or who has produced personally known to me. as identification.



Notary Public

 LILIANA MALDONADO
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF021710
Expires 5/27/2017

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

Office Use Only:

Date Submitted: _____

Fee Paid: \$ _____

Tentative Meeting Date: _____

Cash or Check # _____

Date Paid: _____

MIAMI 4032691.1 73190/11125
Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

Commissioner
Jorge Gonzalez



North Bay Village

Administrative Offices

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

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

RE. AN APPLICATION BY BAY VILLAGE VENTURE, LLC CONCERNING PROPERTY LOCATED AT 1725 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:

- A. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.030(C)(3) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A MIXED-USE COMMERCIAL STRUCTURE IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT.**
- B. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.**
- C. BONUS DENSITY APPROVAL, PURSUANT TO SECTION 152.029(C)(8)H OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.**
- D. BONUS HEIGHT APPROVAL, PURSUANT TO SECTION 152.029(C)(8)A-F OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.**
- E. A VARIANCE PURSUANT TO SECTION 152.097 OF NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW 5 STORIES OF PARKING, WHERE SECTION 152.029(C) ALLOWS A MAXIMUM OF FOUR STORIES OF PARKING.**
- F. A VARIANCE PURSUANT TO SECTION 152.097 OF NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW A STRUCTURE TO BE 26.5 FEET FROM THE WEST SIDE PROPERTY LINE WHERE SECTION 152.029(C)(2) REQUIRES A 43.5 FOOT SIDE SETBACK.**

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Dr. Richard Chervony

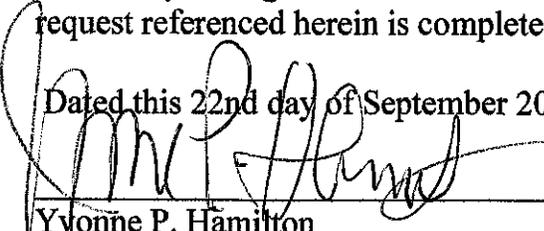
Commissioner
Wendy Duvall

Commissioner
Jorge Gonzalez

**G. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9)
OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR
DEVELOPMENT OF A 43-UNIT, 18-STORY MIXED USE
CONDOMINIUM STRUCTURE WITH A PARKING GARAGE.**

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

Dated this 22nd day of September 2014.



Yvonne P. Hamilton
Village Clerk

(Planning & Zoning Board Meeting-10/7/2014)



North Bay Village

Administrative Offices

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

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

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Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Dr. Richard Chervony

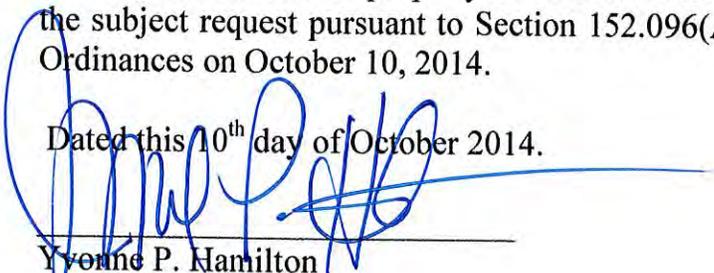
Commissioner
Wendy Duvall

Commissioner
Jorge Gonzalez

**G. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9)
OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR
DEVELOPMENT OF A 43-UNIT, 18-STORY MIXED USE
CONDOMINIUM STRUCTURE WITH A PARKING GARAGE.**

I, Yvonne P. Hamilton, Village Clerk, hereby certify that the attached Notice of Public Hearing was mailed to property owners and residents within 300 feet of the property of the subject request pursuant to Section 152.096(A)(2) of the North Bay Village Code of Ordinances on October 10, 2014.

Dated this 10th day of October 2014.



Yvonne P. Hamilton
Village Clerk

(Planning & Zoning Board Meeting-10-21-2014)

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

Commissioner
Jorge Gonzalez



North Bay Village

Administrative Offices

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Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Dr. Richard Chervony

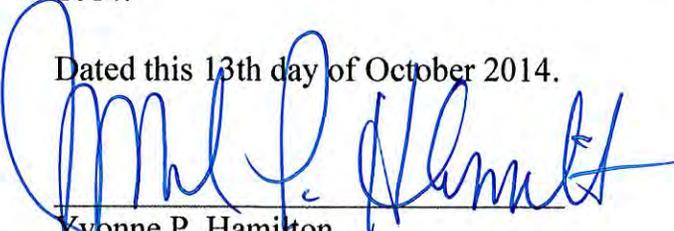
Commissioner
Wendy Duvall

Commissioner
Jorge Gonzalez

**G. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9)
OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR
DEVELOPMENT OF A 43-UNIT, 18-STORY MIXED USE
CONDOMINIUM STRUCTURE WITH A PARKING GARAGE.**

I, Yvonne P. Hamilton, hereby certify that the attached Notice of Public Hearing to be held on October 21, 2014 was posted at the above-referenced property on October 11, 2014.

Dated this 13th day of October 2014.



Yvonne P. Hamilton
Village Clerk

(Planning & Zoning Board Meeting-October 21, 2014)



**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 **OCTOBER 21, 2014 AT 7:30 P.M. OR AS SOON AS POSSIBLE THEREAFTER, AT VILLAGE HALL, 1666 KENNEDY CAUSEWAY #101,** NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING, THE BOARD WILL CONSIDER THE FOLLOWING REQUESTS AND SUBMIT RECOMMENDATIONS TO THE VILLAGE COMMISSION:

- 1. AN APPLICATION BY BAY VILLAGE VENTURE, LLC CONCERNING PROPERTY LOCATED AT 1725 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:**
 - A. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.030(C)(3) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A MIXED-USE COMMERCIAL STRUCTURE IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT.**
 - B. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.**
 - C. BONUS DENSITY APPROVAL, PURSUANT TO SECTION 152.029(C)(8)H OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.**
 - D. BONUS HEIGHT APPROVAL, PURSUANT TO SECTION 152.029(C)(8)A-F OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.**
 - E. A VARIANCE PURSUANT TO SECTION 152.097 OF NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW 5 STORIES OF PARKING, WHERE SECTION 152.029(C) ALLOWS A MAXIMUM OF FOUR STORIES OF PARKING.**

- F. A VARIANCE PURSUANT TO SECTION 152.097 OF NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW A STRUCTURE TO BE 26.5 FEET FROM THE WEST SIDE PROPERTY LINE WHERE SECTION 152.029(C)(2) REQUIRES A 30 FOOT SIDE SETBACK.
- G. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 43-UNIT, 19-STORY MIXED USE CONDOMINIUM STRUCTURE WITH A PARKING GARAGE.

INTERESTED PERSONS ARE INVITED TO APPEAR AT THIS MEETING OR BE REPRESENTED BY AN AGENT, OR TO EXPRESS THEIR VIEWS IN WRITING ADDRESSED TO THE PLANNING & ZONING BOARD C/O THE BUILDING & ZONING 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 AT 1666 KENNEDY CAUSEWAY, #300. INQUIRIES MAY BE DIRECTED TO THAT DEPARTMENT AT (305) 756-7171.

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

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

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

YVONNE P. HAMILTON, CMC
VILLAGE CLERK
(October 10, 2014)

Atlantic Broadband
1681 Kennedy Cswy
North Bay Village, FL 33141

Concord Development
719 Meridian Avenue, #2
Miami Beach, FL 33239

Cole BN North Bay Village
1665 Kennedy Causeway
N. Bay Village, FL 33141

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

The Shoppes of North Bay
Village, LLC
1320 S. Dixie Highway, #781
N. Bay Village, FL 33141

The Lexi Condominium
7901 Hispanola Avenue
N. Bay Village, FL 33141

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

Causeway Tower
1666 Kennedy Cswy, #600
N. Bay Village, FL 33141

Benihana Restaurant
1665 Kennedy Causeway
N. Bay Village, FL 33141

Benihana National of Fl. Corp
8685 N.W. 53rd Terrace
Miami, FL 33166



Owner / Occupant
1770 Kennedy Causeway, #D108
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D109
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D110
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D111
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D112
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D101
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D102
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D103
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D104
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D105
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D106
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D107
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D108
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D109
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D110
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D111
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D112
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D201
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D202
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D203
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D204
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D205
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D206
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D207
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D208
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D209
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D210
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D211
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D212
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D301
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D302
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D303
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D304
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D305
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D306
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D307
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D308
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D309
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D310
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D311
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D312
North Bay Village, FL 33141

Owner/Occupant
1770 Kennedy Causeway, D314
N. Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D311
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D312
North Bay Village, FL 33141

Owner / Occupant
1780 Kennedy Causeway, #C202
North Bay Village, FL 33141

Owner / Occupant
1780 Kennedy Causeway, #C203
North Bay Village, FL 33141

Owner / Occupant
1780 Kennedy Causeway, #C204
North Bay Village, FL 33141

Owner / Occupant
1780 Kennedy Causeway, #C205
North Bay Village, FL 33141

Owner / Occupant
1780 Kennedy Causeway, #C206
North Bay Village, FL 33141

Owner / Occupant
1780 Kennedy Causeway, #C207
North Bay Village, FL 33141

Owner / Occupant
1780 Kennedy Causeway, #C208
North Bay Village, FL 33141

Owner / Occupant
1780 Kennedy Causeway, #C209
North Bay Village, FL 33141

Owner / Occupant
1780 Kennedy Causeway, #C210
North Bay Village, FL 33141

Owner / Occupant
1780 Kennedy Causeway, #C211
North Bay Village, FL 33141

Owner / Occupant
1780 Kennedy Causeway, #C212
North Bay Village, FL 33141

Owner / Occupant
1780 Kennedy Causeway, #C301
North Bay Village, FL 33141

Owner / Occupant
1780 Kennedy Causeway, #C302
North Bay Village, FL 33141

Owner / Occupant
1780 Kennedy Causeway, #C303
North Bay Village, FL 33141

Owner / Occupant
1780 Kennedy Causeway, #C304
North Bay Village, FL 33141

Owner / Occupant
1780 Kennedy Causeway, #C305
North Bay Village, FL 33141

Owner / Occupant
1780 Kennedy Causeway, #C306
North Bay Village, FL 33141

Owner / Occupant
1780 Kennedy Causeway, #C307
North Bay Village, FL 33141

Owner / Occupant
1780 Kennedy Causeway, #C308
North Bay Village, FL 33141

Owner / Occupant
1780 Kennedy Causeway, #C309
North Bay Village, FL 33141

Owner / Occupant
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North Bay Village, FL 33141

Owner / Occupant
1780 Kennedy Causeway, #C311
North Bay Village, FL 33141

Owner / Occupant
1780 Kennedy Causeway, #C312
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D101
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D102
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Owner / Occupant
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1790 Kennedy Causeway, #B211
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1790 Kennedy Causeway, #B212
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1790 Kennedy Causeway, #B301
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1790 Kennedy Causeway, #B302
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Owner / Occupant
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Miami Beach, FL 33141

Owner / Occupant
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Owner/Occupant
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Owner/Occupant
7901 Hispanola Avenue, #2011
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #2012
North Bay Village, FL 33141



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 **OCTOBER 21, 2014 AT 7:30 P.M. OR AS SOON AS POSSIBLE THEREAFTER, AT VILLAGE HALL, 1666 KENNEDY CAUSEWAY #101, NORTH BAY VILLAGE, FLORIDA.** DURING THIS MEETING, THE BOARD WILL CONSIDER THE FOLLOWING REQUESTS AND SUBMIT RECOMMENDATIONS TO THE VILLAGE COMMISSION:

1. AN APPLICATION BY BAY VILLAGE VENTURE, LLC CONCERNING PROPERTY LOCATED AT 1725 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:

A. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.034(C)(3) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A MIXED-USE COMMERCIAL STRUCTURE IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT.

B. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.

C. BONUS DENSITY APPROVAL, PURSUANT TO SECTION 152.029(C)(6)H OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.

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

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

F. A VARIANCE PURSUANT TO SECTION 152.097 OF NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW A STRUCTURE TO BE 26.5 FEET FROM THE WEST SIDE PROPERTY LINE WHERE SECTION 152.029(C)(2) REQUIRES A 30 FOOT SIDE SETBACK.

G. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 43-UNIT, 19-STORY MIXED USE CONDOMINIUM STRUCTURE WITH A PARKING GARAGE.

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

A. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.

B. BONUS DENSITY APPROVAL, PURSUANT TO SECTION 152.029(C)(6)H OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.

C. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 54-UNIT, 15-STORY CONDOMINIUM STRUCTURE WITH A PARKING GARAGE.

INTERESTED PERSONS ARE INVITED TO APPEAR AT THIS MEETING OR BE REPRESENTED BY AN AGENT, OR TO EXPRESS THEIR VIEWS IN WRITING ADDRESSED TO THE PLANNING & ZONING BOARD C/O THE BUILDING & ZONING 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 AT 1666 KENNEDY CAUSEWAY, #300. INQUIRIES MAY BE DIRECTED TO THAT DEPARTMENT AT (305) 756-7171.

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

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

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

YVONNE R HAMILTON, CMC
VILLAGE CLERK
(October 3, 2014)



Staff Report Special Use Exception

*Prepared for: North Bay Village
Planning & Zoning Board*

Applicant: 7940 West Dr, LLC

Site Address: 7938 & 7940 West Drive

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



Serving Florida Local Governments Since 1988

General Information

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

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

Legal Description of Subject Property

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

Request

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

General Description

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

Consistency with Comprehensive Plan

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



Consistency with Special Use Exception Standards

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

Staff Recommendations

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

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

Submitted by:

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

September 23, 2014

Hearing: North Bay Village Planning & Zoning, October 7, 2014





Staff Report Site Plan

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

Applicant: 7940 West Dr LLC

Site Address: 7938 & 7940 West Drive

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



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

Serving Florida Local Governments Since 1988

General Information

Applicant:	7940 West Dr LLC
Applicant Address:	1548 Brickell Ave, Miami Fl. 33131
Site Address:	7938 & 7940 West Drive
Contact Person:	Javier Lluch
Applicant Phone Number:	735 282 4280
E-mail Address:	javierlluch@gmail.com

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

Legal Description of Subject Property

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

Request

The applicant is requesting:

1. Density bonus review in conjunction with site plan approval pursuant to Section 152.029(C)(8)(H) of the North Bay Village Code of Ordinances.
2. Special exception request for use of compact parking, as per Section 152.042(E).
3. Site plan approval pursuant to Section 152.105(C)(9) of the North Bay Village Code of Ordinances for development of a 54 unit, 15 story multi-family condominium structure in the RM-70 (high density multiple-family residential) zoning district. The applicant is submitting a site plan for review under Section 152.0296. This Section provides for flexibility in design, in regard to setbacks, parking and other development factors.



Consistency with Comprehensive Plan

The multifamily residential use is consistent with the description of the Residential Future Land Use category under Policy 2.1.1a of the Future Land Use Element.

Adjacent Land Use Map Classifications and Zoning District

North	Future Land Use	High Density Multi-Family Residential
	Zoning District	RM-70
	Existing Land Use	Condominiums
East	Future Land Use	High Density Multi-Family Residential
	Zoning District	RM-70
	Existing Land Use	Condominiums
South	Future Land Use	High Density Multi-Family Residential
	Zoning District	RM-70
	Existing Land Use	Condominiums
West	Future Land Use	Water
	Zoning District	Water
	Existing Land Use	Biscayne Bay

Adequacy of Public Facilities

Traffic Analysis

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

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

Water and Sewer Analysis

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



Comparison of Submitted Site Plan With Land Development Regulations

Section	Regulation	Required	Provided										
Comprehensive Plan Future Land Use Policy 2.1.1a	Maximum density	70 dwelling units per acre	70 dwelling units per acre										
North Bay Village LDC													
152.029(C)(3)	Required lot area per dwelling unit	<table border="1"> <tr> <th>Unit type</th> <th>Lot area/unit</th> </tr> <tr> <td>Efficiency</td> <td>620</td> </tr> <tr> <td>1-br</td> <td>620</td> </tr> <tr> <td>2-br</td> <td>685</td> </tr> <tr> <td>3-br</td> <td>750</td> </tr> </table>	Unit type	Lot area/unit	Efficiency	620	1-br	620	2-br	685	3-br	750	<p>39,200 > 33,600</p> <p>Applicant purchasing bonus density</p>
		Unit type	Lot area/unit										
		Efficiency	620										
		1-br	620										
		2-br	685										
3-br	750												
$20 \times 685 = 13,700$ $34 \times 750 = 25,500$ $13,700 + 25,500 =$ <u>39,200</u>													
152.029(C)(5)	Minimum pervious area	<p>20% of total parcel</p> <p><u>20% of 33,600 = 6,720</u> sq ft</p>	14,250 sq ft										
152.029(C)(7)	Baywalk/boardwalk requirement	A public access boardwalk must be provided along shoreline and access to that boardwalk must be provided with a walkway from the ROW. Dedicated easements shall be recorded for the boardwalk and access corridors.	Provided										
152.0296(D)(2)	Minimum lot area	Property shall contain at least one legally platted lot for the construction of no less than 10 residential units and 20 parking spaces (off-street), or two, but not more than three, platted lots contiguous	Lot is 33,600 sq ft and is of adequate size to build at least 10 dwelling units.										



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



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



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



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



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



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



Section	Regulation	Required	Provided	
152.0296(F)(8)	Landscaping	A minimum of 30 percent of the exposed roof deck of the pedestal and any open areas with amenities shall be landscaped, and in addition "hardscape" (pavers, fountains, awnings, etc.) may be permitted if approved by the Village. An applicant shall be required to submit a detailed landscape plan to the Village. The landscape plan shall be sensitive to surrounding properties and shall be utilized to enhance the subject property.		
152.0296(F)(9)	Minimum unit size	Unit type	Floor Area sq ft	In compliance
		Efficiency	600	
		1-br	900	
		2-br	1,200	
3-br	1,350			
152.042(K)	Minimum setback of ROW from parking spaces	20 ft	In compliance	
152.042(M)	Minimum separation of parking from walkways and streets	Parking spaces shall be separated from walkways, sidewalks, streets, or alleys by an approved wall, fence, curbing, or other protective device	In compliance	
152.042(P)	Back-out parking prohibition	Parking spaces shall not be designed so that no vehicle shall be required to back into a public ROW to obtain egress	Provided	
152.045(B)	Minimum loading space dimensions	12 ft by 30 ft, and at least 14.5 ft of vertical clearance	Provided	



Section	Regulation	Required	Provided
152.045(C)	Loading space joint usage	Loading spaces for two or more uses may be collectively provided if so located as to be usable by all.	N/A
152.045(E)	Loading and standard parking space restriction	No areas supplied to meet required off-street parking facilities may be utilized to meet the requirements for loading spaces.	In compliance
152.045(F)(2)	Minimum number of loading spaces for multi-family	Gross floor area	Spaces
		<25,000	0
		25,000-50,000	1
		50,000-100,000	2
		>100,000	3
		GFA is over 100,000 sq ft. 3 load spaces required	3 loading spaces
155.18(A)3	Dumpster screening	Dumpster enclosures shall be designed in a manner as to visually screen the dumpster from adjacent view and shall be located in visually obscure areas of the site.	Provided
155.18(A)4	Dumpster placement	Dumpster enclosures shall be placed in such a manner as to allow front end loader sanitation trucks to pick up garbage in a forward motion. Backing out the sanitation truck is prohibited	Provided



Section	Regulation	Required	Provided
155.18(A)5	Mechanical equipment screening	Roof-mounted mechanical equipment and elevator shafts shall be screened by a parapet wall or grilles, and shall be painted in muted colors or match the building and shall not be visible from the street.	Plans state that roof equipment will be screened.
155.18(A)7	Mechanical equipment screening	Service bays, ground mounted air conditioning units, and other mechanical equipment shall be screened from public and on-site pedestrian view, and buffered.	In compliance
Appendix D	Required benches along bay walk	Benches shall be provided at a minimum of 2.5 ft sections of bench per 100 ft of linear shoreline	Provided
Miami-Dade Landscaping Chapter 18A			
18A-4(C)	Vegetative survey	A vegetation survey shall be provided for all sites at the same scale as the landscape plan.	Not yet provided
18A-4(D)	Irrigation plan	An Irrigation Plan shall be submitted. Where a landscape plan is required, an irrigation plan shall be submitted concurrently.	Not yet provided
18A-6(A)(5)	Maximum lawn area	40% of lot area, less the area covered by buildings	No sod will be used



Section	Regulation	Required	Provided
18A-6(C)(1)	Tree height	Except street trees, all trees shall be a minimum of 10 ft high with a minimum of 2 inch caliper, except that 30% of the tree requirement may be met by native species with a minimum height of 8 ft.	All trees provided meet this requirement.
18A-6(C)(2)	Street trees	Street trees shall be provided along all roadways at a maximum average spacing of 35 feet on center (25' for palms). <u>With 240 linear foot of frontage, either 7 trees or 10 palms are required.</u>	5 street trees 4 palms (which are only 6' to 7' tall, not meeting minimum height requirement)
18A-6(C)(3)	Trees under power lines	Where overhead power lines require low growing trees, street trees shall have a minimum height of 8 ft and a maximum average spacing of 25 feet on center.	A power line is present along the ROW. Applicant must adjust landscape plan for this
18A-6(C)(4)	Palms	Palms which are spaced no more than 25 feet on center and have a 14 foot minimum height or 4 inches minimum caliper diameter may count as a required tree.	24 palms meet this minimum size.
18A-6(C)(5)	Number of required trees	28 trees per acre required in multi-family residential zoning categories <u>28 x 0.77 = 22 required trees</u>	22 trees



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



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



Section	Regulation	Required	Provided
18A-6(H)	Use buffers	<p>Where dissimilar land uses exist on adjacent properties, that area shall be provided with a buffer consisting of trees spaced to a maximum average of 35-foot on center with shrubs which normally grow to a height of 6 feet, or a 6 foot wall with trees, within a 5 foot wide landscape strip.</p> <p>Shrubs shall be a minimum of 30 inches high and planted at a maximum of 36 inches on center; or if planted at a minimum height of 36 inches, shall have a maximum average spacing of 48 inches on center.</p>	<p>Buffering is not required as similar uses exist on both sides of the subject property.</p>
18A-6(I)	Parking lot buffers	<p>All parking lots adjacent to a right of way shall be screened by a continuous planting with a 7 foot landscape strip incorporating said planting</p> <p>Shrubs shall be a minimum of 18 inches high and planted at a maximum of 30 inches on center; or if planted at a minimum height of 36 inches, shall have a maximum average spacing of 48 inches on center.</p>	<p>No exterior parking spaces on plans</p>



Section	Regulation	Required	Provided
18A-6(J)	Parking lot landscaping	<p>10 square feet of landscaped area per parking space shall be provided within a parking lot.</p> <p>Trees shall be planted within the parking lot at a minimum density of one tree per 80 square feet of landscaped area, exclusive of parking lot buffers.</p> <p>Each tree shall have a minimum of 5 feet of planting area width, exclusive of curb dimension.</p>	No exterior parking lot on plans
Miami-Dade Biscayne Bay Management Plan			
33D-38(1)b	Minimum rear setback	<p>50% of building height above 35 ft (measured from mean high water line), up to 75 ft maximum.</p> <p><u>67.5 ft required</u></p>	<u>Only 25 ft</u>
33D-38(2)a	Minimum visual corridor	<p>20% of lot width on one side, with a 20 ft minimum and a 100 ft maximum. Structures not permitted in view corridor.</p> <p><u>48 ft required</u></p>	<u>Only 15 ft</u>
33D-38(3)	Minimum side setback	Minimum of 25 ft	<u>Only 15 ft</u>
33D-33(4)	Waiver from County	A waiver may be obtained from the Miami-Dade Shoreline Review Committee for exemption from the above requirements	<u>Not yet provided</u>



Recommendations

BUILDING DENSITY BONUS:

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

SITE PLAN:

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

- 1) Submittal of a vegetative survey, irrigation plan, and landscape plan which meets Miami-Dade Chapter 18A requirements.
- 2) Submittal of a Unity of Title, as per Section 152.0296(D)(3).
- 3) 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.
- 4) Site plan approval from Miami-Dade Shoreline Review Committee.
- 5) Meeting School Board Concurrency requirements as determined by School Board Staff.
- 6) Payment of any applicable impact fees.
- 7) Payment of bonus density fees, as required under Section 152.029(C)8F.
- 8) Tie-in to Village's wastewater system at a connection point determined by the Village and payment of pro-rata costs involved in tying into appropriate connection point.
- 9) Applicant shall agree that no on-site parking spaces may be sold or rented, but must be provided at no cost to the residents and guests of residents. Additionally, residents and guests of residents are prohibited from using existing street parking on West Drive.
- 10) Cost recovery charges must be paid pursuant to Section 152.110. Specifically, no new development application shall be accepted and no building permit or certificate of occupancy shall be issued for the property until all application fees, cost recovery deposits and outstanding fees and fines related to the property (including fees related to any previous development proposal applications on the property),



have been paid in full.

- 11) Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.
- 12) Approval of this site plan does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for approval if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that result in a violation of federal or state law.
- 13) All applicable state and federal permits must be obtained before commencement of construction.

Submitted by:

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

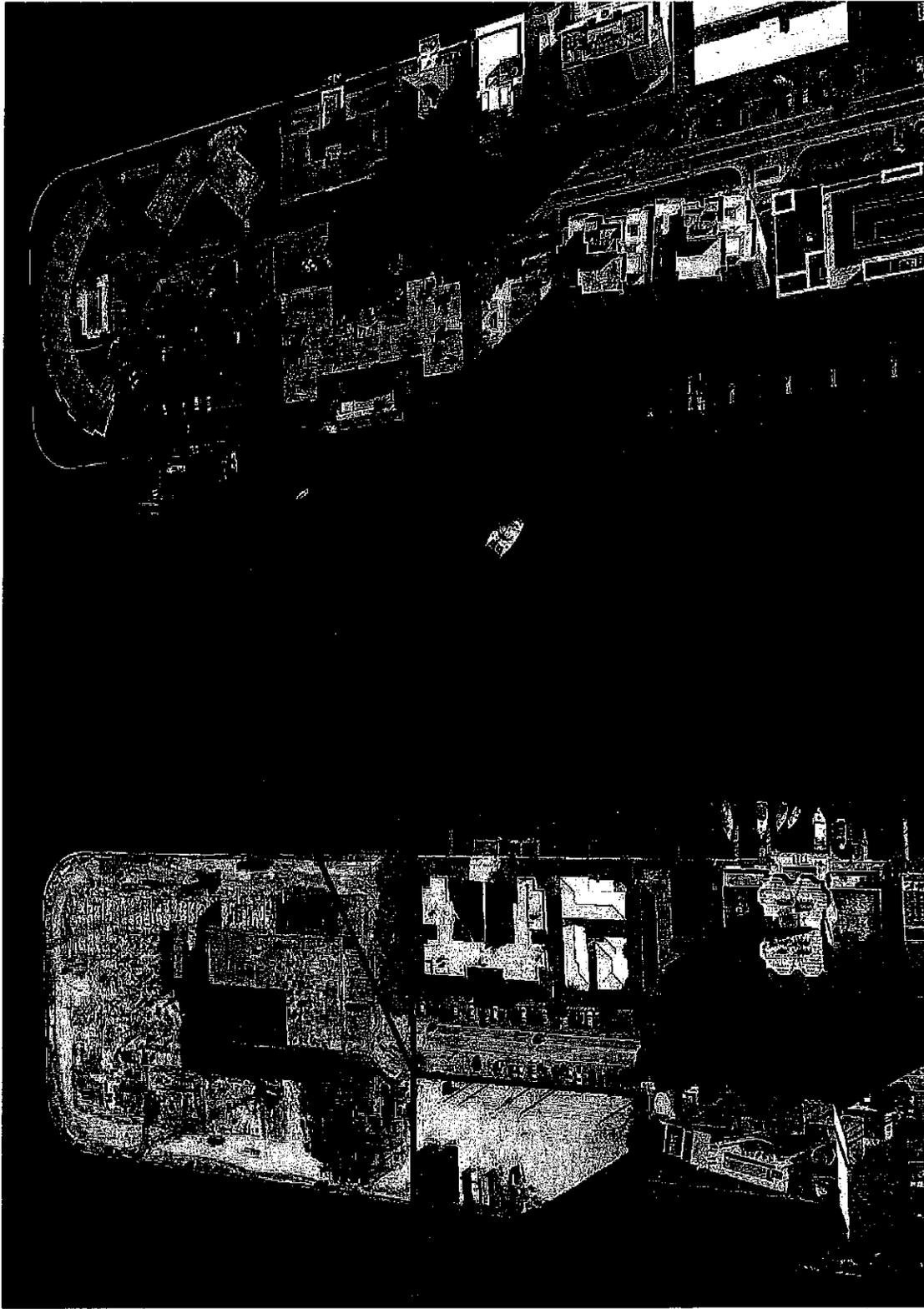
September 23, 2014

Hearing: Planning & Zoning Board, October 7, 2014

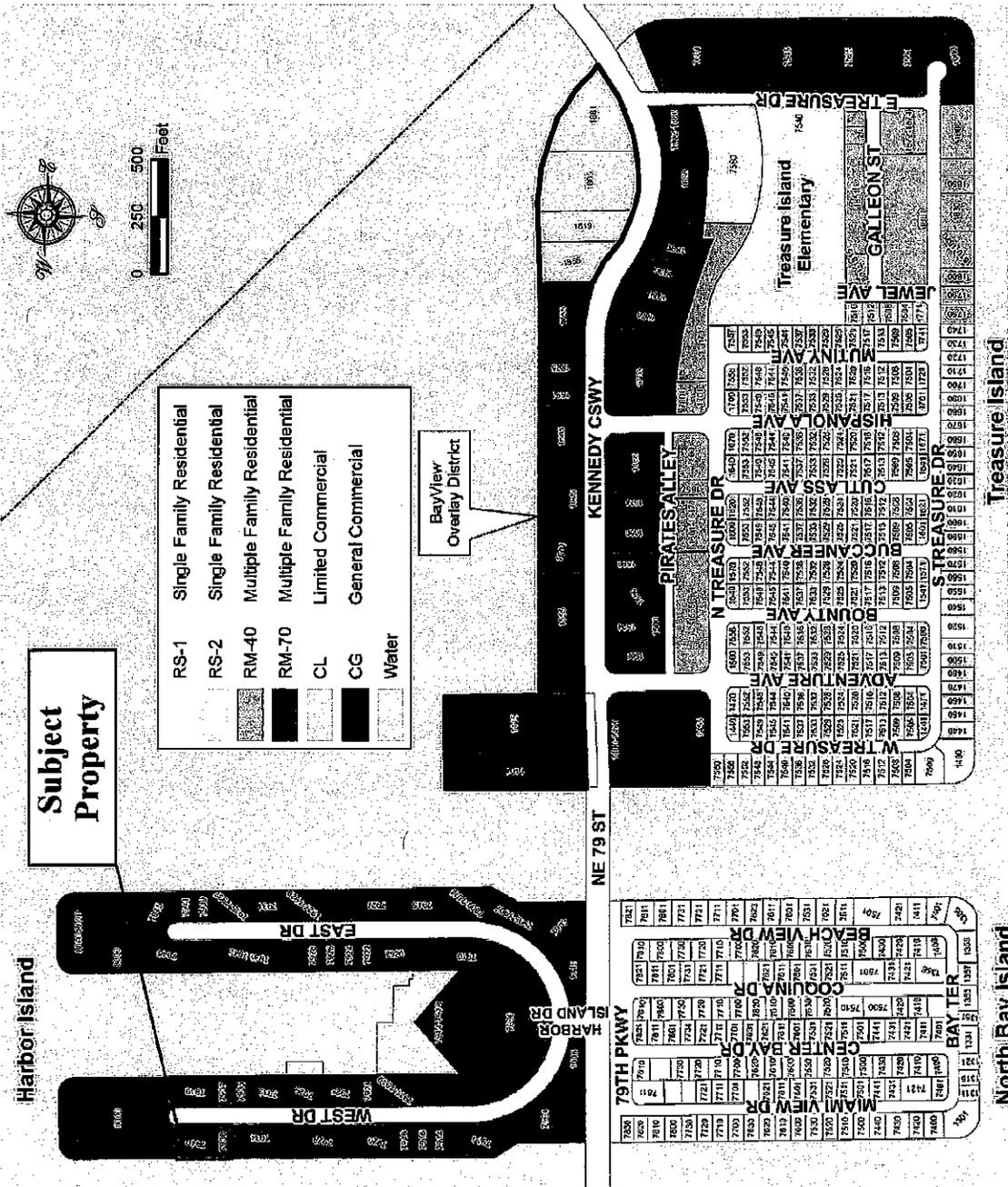
Attachments: Future Land Use Map
Zoning Map
Aerial photograph



**AERIAL
SUBJECT SITE AND ENVIRONS**



**ZONING
SUBJECT SITE AND ENVIRONS**



North Bay Village

Administrative Offices

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

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

SITE PLAN APPLICATION FOR PUBLIC HEARING

Page 1 of 3

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

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

Owner Mailing Address 1548 Brickell ave, Miami, Fl 33131

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

Applicant Mailing Address 1548 Brickell ave, Miami, Fl 33131

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

Contact Email Address javierlluch@gmail.com

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

Existing Zoning RM-70 Proposed Zoning _____ Lot Size _____

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

Legal Description _____

Project Description: Residential condominium building (54 units)

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

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

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

Commissioner
Jorge Gonzalez

Traffic
€ Application fees

€ Cost recovery deposit

SITE PLAN APPLICATION FOR PUBLIC HEARING

Page 2 of 3

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

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

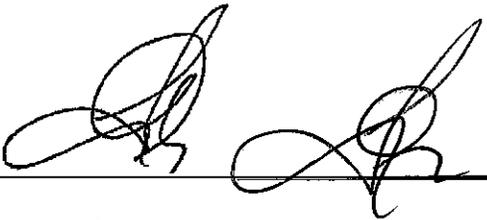
All persons, firms, or corporations requesting site plan approval from the Village Commission necessitating the publication of notices in the newspaper, and all relative thereto, the payment of such money in advance to the Village Clerk shall be deemed a condition precedent to the consideration of such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

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

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

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

Authorized

Signature _____ 

Print Name _____ Javier Lluch _____

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

STATE OF FLORIDA
COUNTY OF Miami-Dade

Sworn to and subscribed to before me this 21st day of August , 20 14 ,
by Javier Lluch

Mayor Connie Leon-Kreps	Vice Mayor Eddie Lim	Commissioner Dr. Richard Chervony	Commissioner Wendy Duvall	Commissioner Jorge Gonzalez
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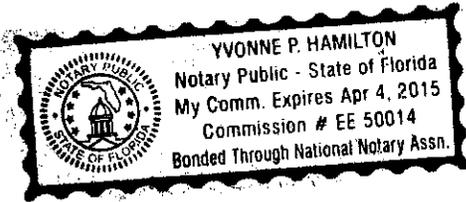
who is personally known to me or who has produced Fla. Driver License as identification.

Notary Public Signature

Yvonne P. Hamilton

Commission Number/Expiration

4/4/2015



Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

Commissioner
Jorge Gonzalez

SITE PLAN APPLICATION FOR PUBLIC HEARING

Page 3 of 3

Office Use Only:

Date Submitted: 08/21/14

Tentative Meeting Date: _____

Fee Paid: \$ 9,500-

Cash or Check # _____

Date Paid: 08/21/14

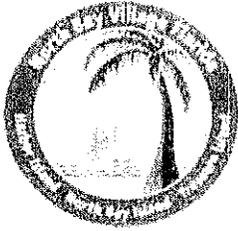
Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

Commissioner
Jorge Gonzalez



VARIANCE REQUEST APPLICATION FOR PUBLIC HEARING

Page 1 of 3

Site Address 7940 WEST DRIVE

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

Owner Mailing Address 1548 BREVELL AVE, MIAMI, FL 33133

Applicant Name _____ Applicant Phone # _____

(if different from Owner)

Applicant Mailing Address _____

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

Contact Email Address JAVIERLUCH@GMAIL.COM

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

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

Project Description 54 LUXURY RESIDENTIAL BUILDING

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

Variance Requested REQUEST FOR 29 COMPACT CAR PARKING SPACES

Reason for Request CODES ALLOWES FOR 20% OF TOTAL PARKING. THE PROJECT HAS LESS THAN THIS ALLOWED

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

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

Optional Submittals:

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

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

VARIANCE REQUEST APPLICATION FOR PUBLIC HEARING

Page 3 of 3

Office Use Only:

Date Submitted: 9/19/14

Tentative Meeting Date: 10/7/14

Fee Paid: \$ _____

Cash or Check # _____

Date Paid: _____

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

Commissioner
Jorge Gonzalez

VARIANCE REQUEST APPLICATION FOR PUBLIC HEARING

Page 2 of 3

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

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

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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 DAVID LUCH

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

STATE OF FLORIDA
COUNTY OF MITCHELL



Sworn to and subscribed to before me this 19th day of September, 2014,

by Jawin Luch

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

Notary Public Signature _____

Commission Number/Expiration _____

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

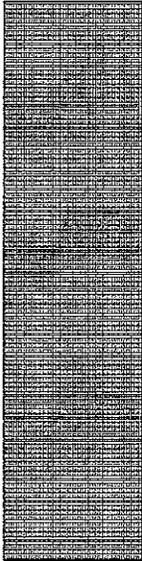
7940 West Avenue

at North Bay Village

7940 West Drive
North Bay Village, Florida



TRAFFIC STUDY



prepared for:
7940 West Avenue, LLC

KBP CONSULTING, INC.

August 2014

7940 West Avenue
at North Bay Village

7940 West Drive
North Bay Village, Florida

Traffic Study

August 2014

Prepared for:
7940 West Avenue, LLC

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

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INTRODUCTION

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

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

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

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

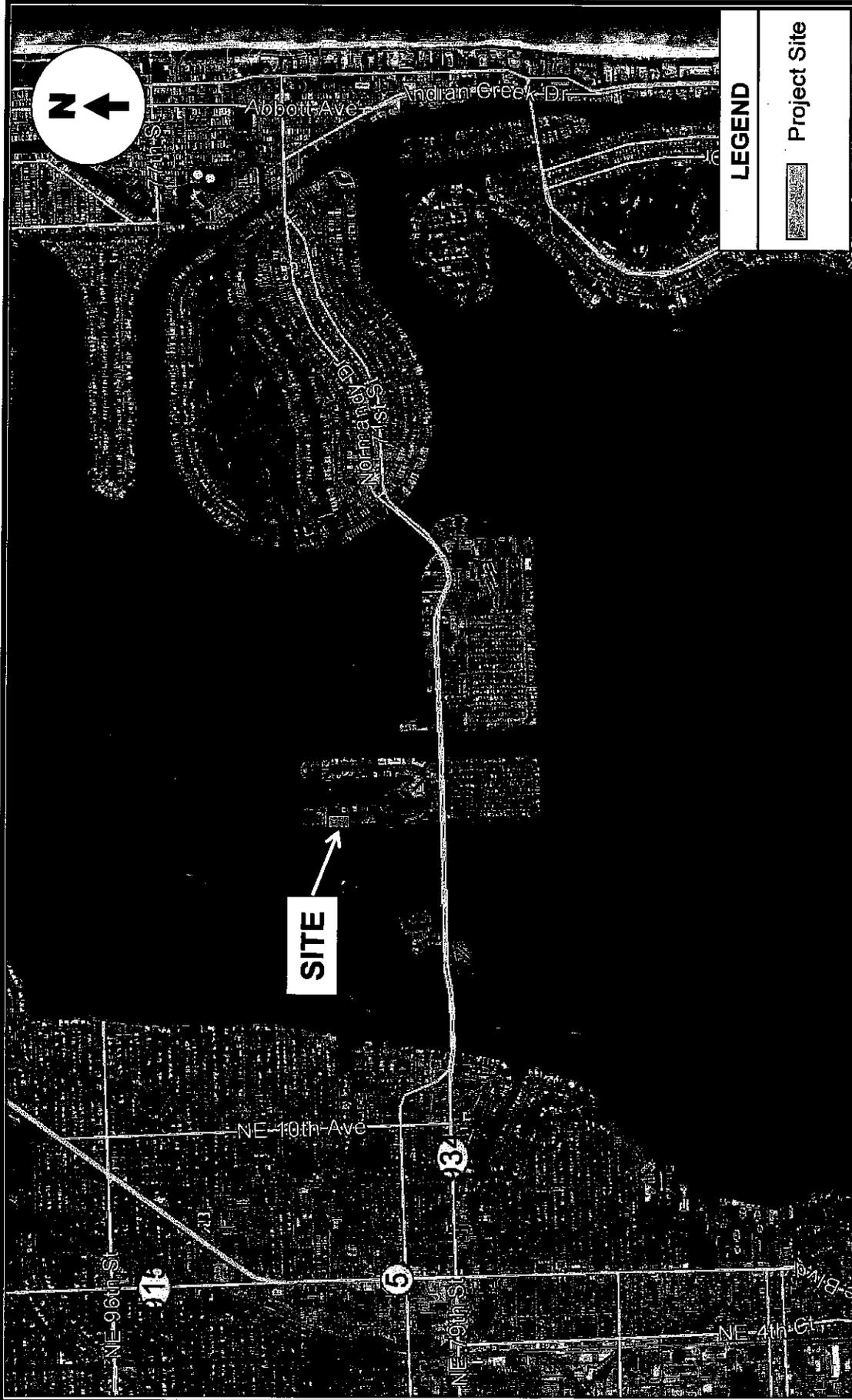


FIGURE 1
 7940 West Avenue
 North Bay Village, Florida

Project Location Map

KBP
 CONSULTING, INC.

INVENTORY

Current Land Use and Access

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

Proposed Land Uses and Access

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

Roadway System

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

TRIP GENERATION

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

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

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

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

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

Compiled by: KBP Consulting, Inc. (August 2014).

Source: Institute of Transportation Engineers (ITE) Trip Generation Manual (9th Edition).

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

TRAFFIC CONCURRENCY EVALUATION

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

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

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

¹ Maximum level of service capacity.

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

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

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

SUMMARY & CONCLUSIONS

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

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

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

Appendix A
7940 West Avenue
Preliminary Site Plan

Aa
 ARCHITECTS
 1100 N. W. 10th St., Suite 100
 Ft. Lauderdale, FL 33304
 Phone: 954.562.1234
 Fax: 954.562.1235
 www.aarchitects.com



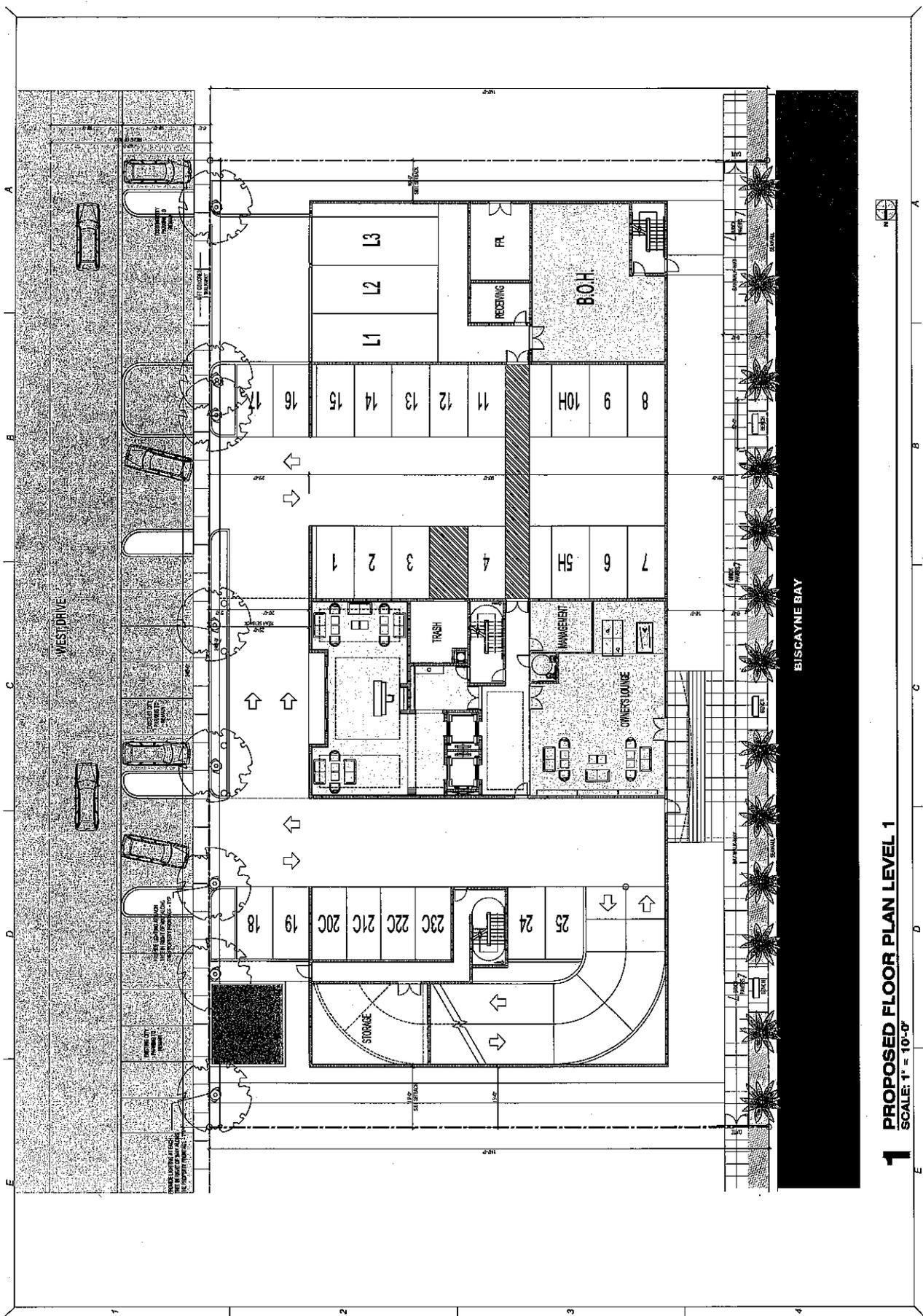
Member: International Architecture
 AIA 199277

7940 WEST AVENUE LLC
 NORTH BAY VILLAGE

14-067

DESIGNER	ARCHITECTS
DATE	11/14/14
PROJECT	7940 WEST AVENUE LLC
LOCATION	NORTH BAY VILLAGE
SCALE	1/4" = 1'-0"

A1.101

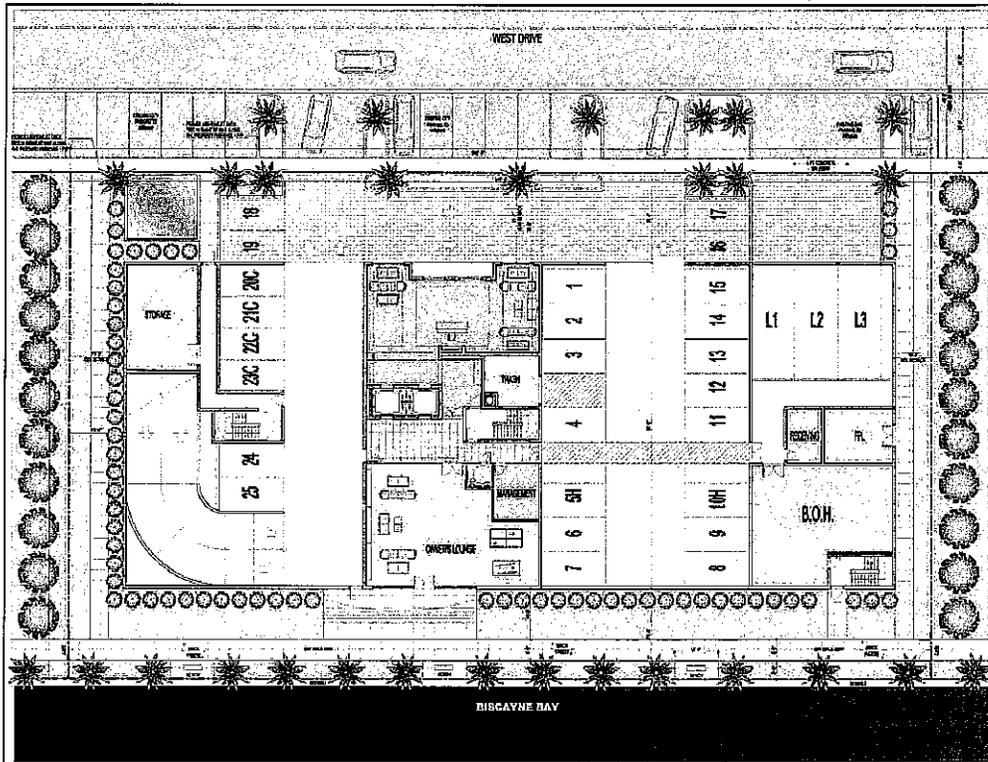


1 PROPOSED FLOOR PLAN LEVEL 1
 SCALE: 1" = 10'-0"

IMPACT ASSESSMENT STUDY

for:

7940 West Drive at North Bay Village



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



Sun-Tech Engineering, Inc.

Engineers-Planners-Surveyors

1600 West Oakland Park Blvd., Suite 200

Fort Lauderdale, Florida 33311

(954) 777-3123

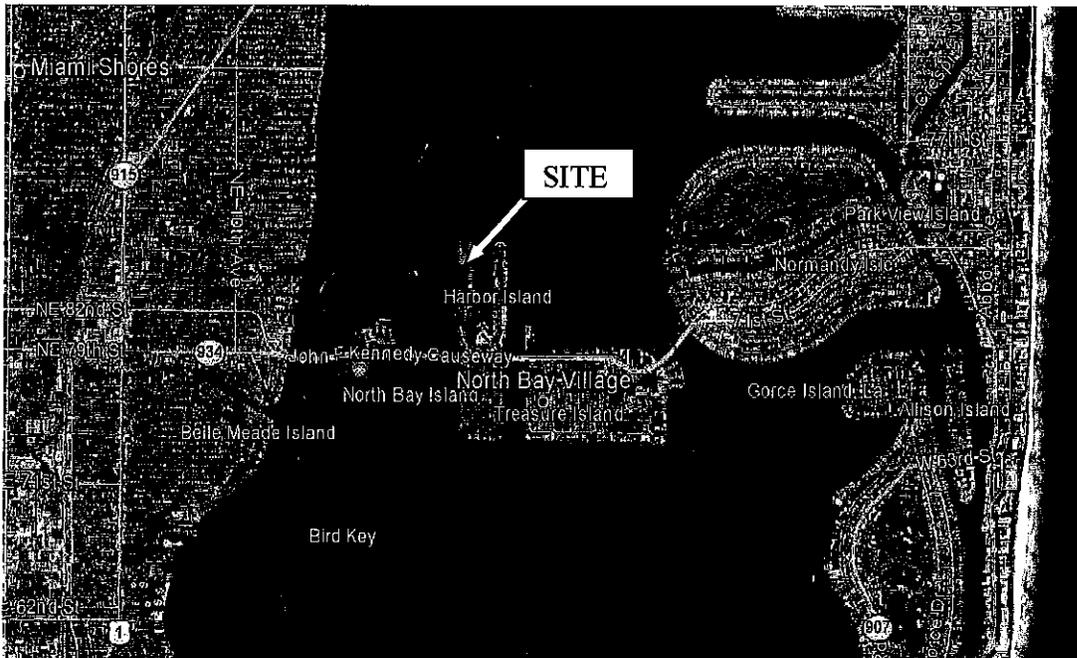
Project No. 14-3652

August 2014

7940 WEST DRIVE AT NORTH BAY VILLAGE

PROJECT INTRODUCTION AND OVERVIEW

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



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

Table 1 – Unit breakdown

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

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

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

PROJECT POPULATION:

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

Table 2 - Population

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

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

POTABLE WATER DISTRIBUTION SYSTEM:

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

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

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

Table 3: Schedule of Daily Gallonage for Various Occupancy

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

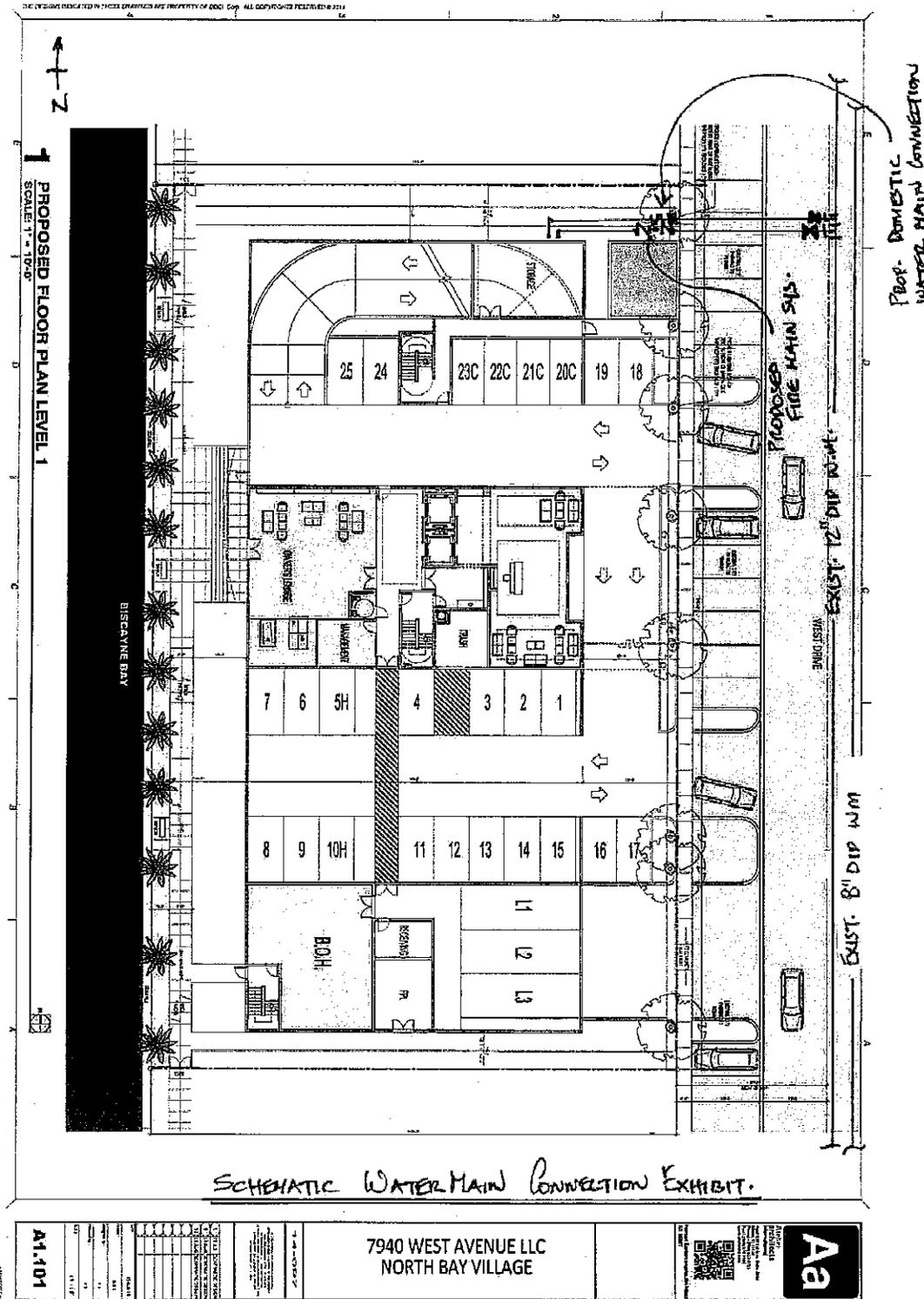
Based on preliminary analysis of the water demand for 7940 West Drive, the proposed project would require an estimated water consumption of 8,133 GPD (54 units x 2.25 x 66.67 gpd/capita); however, a credit of 3,600 GPD (24 units x 2.25 x 66.67 gpd/capita) should be provided for the demolished twenty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

Table 4 – Water Consumption

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

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

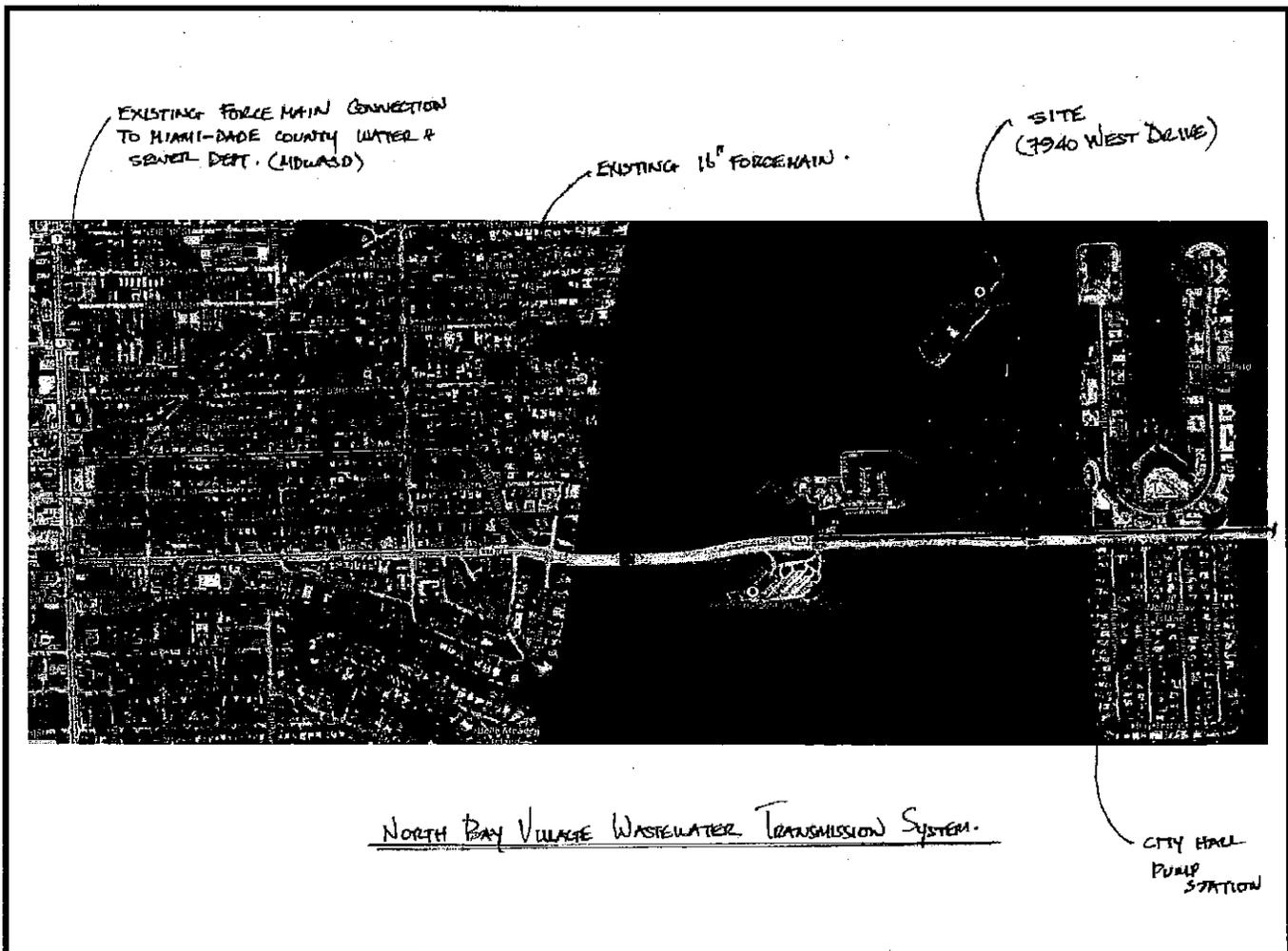
Figure 1 – Schematic Water Distribution System



WASTEWATER COLLECTION AND TRANSMISSION SYSTEM:

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

Figure 2 – North Bay Village Wastewater Transmission System



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

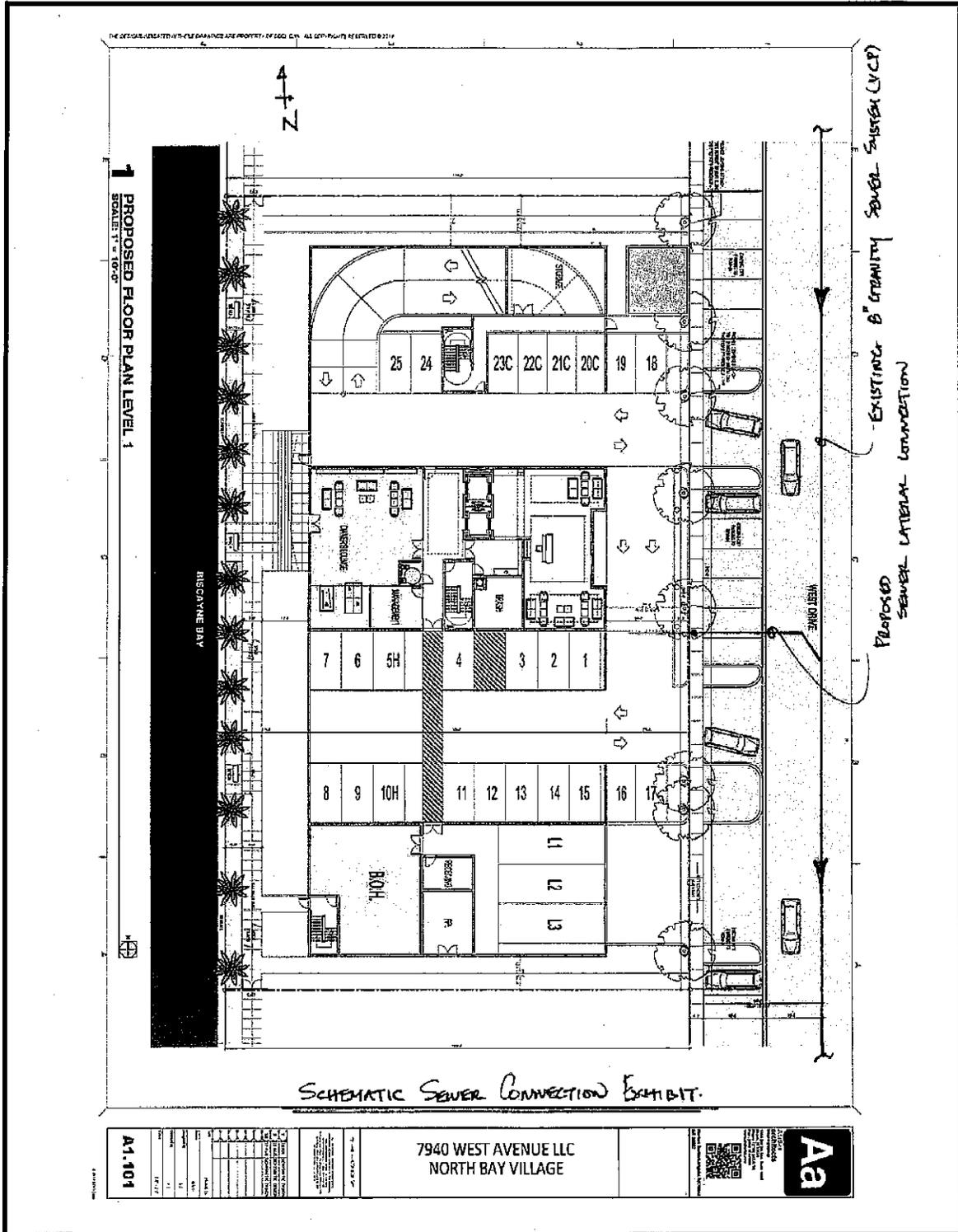
Using an average rate of 2.25 people per unit and 66.67 gpd per person for sewage flows, the total increase in flow from 7940 West Drive will be 4,533 GPD (See Table 5 – Wastewater Flow) or a flow increase of 0.95 %.

Table 5 – Wastewater Flow

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

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

Figure 3 – Schematic Sanitary Sewer Collection System



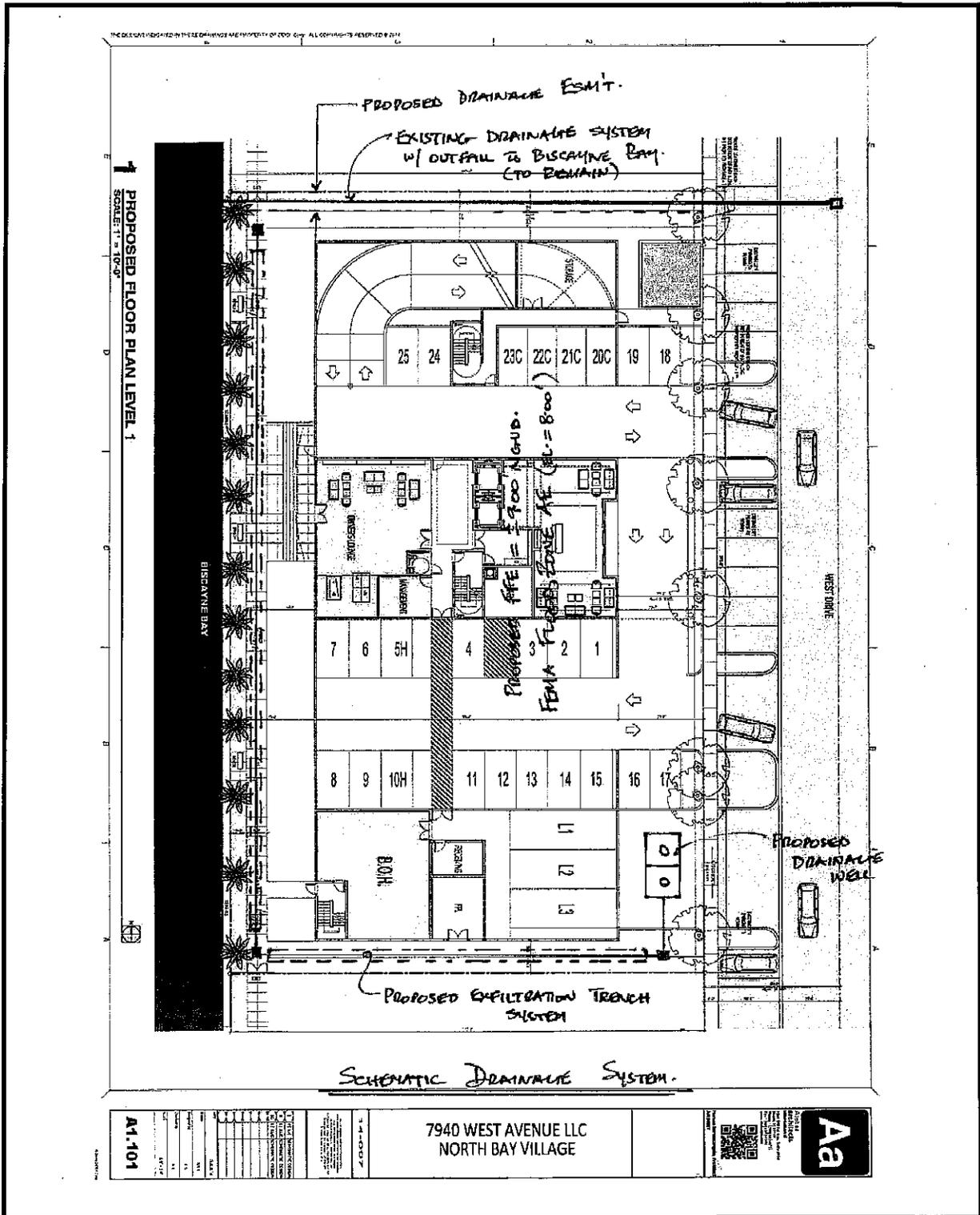
SURFACE WATER MANAGEMENT SYSTEM:

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

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

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

Figure 5 – Schematic Drainage Plan



SOLID WASTE:

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

Table 6 – Solid Waste

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

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

SUMMARY:

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

Exhibit 1 - Location Map / Aerial Photo

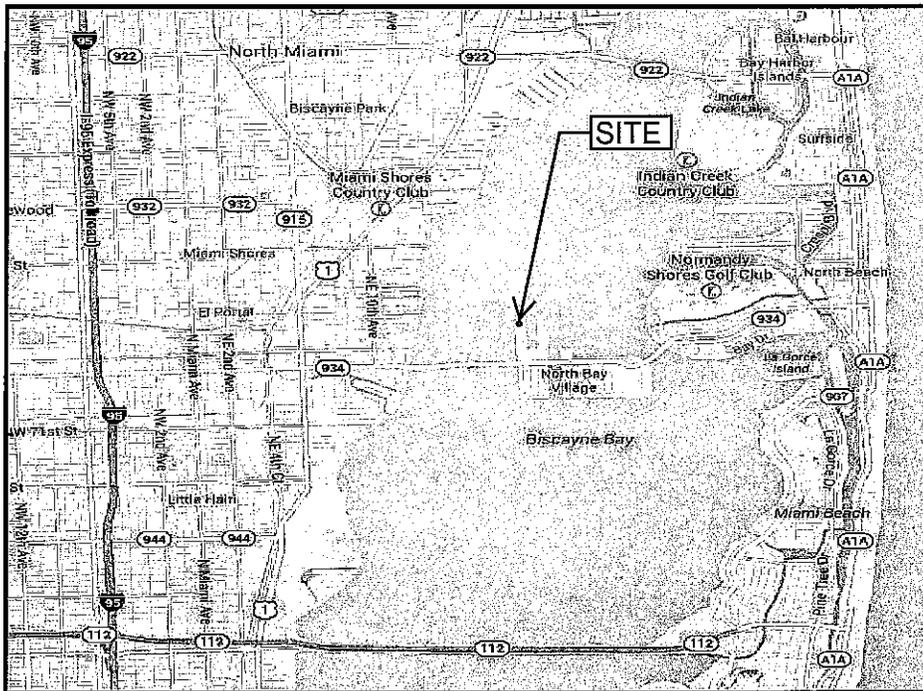
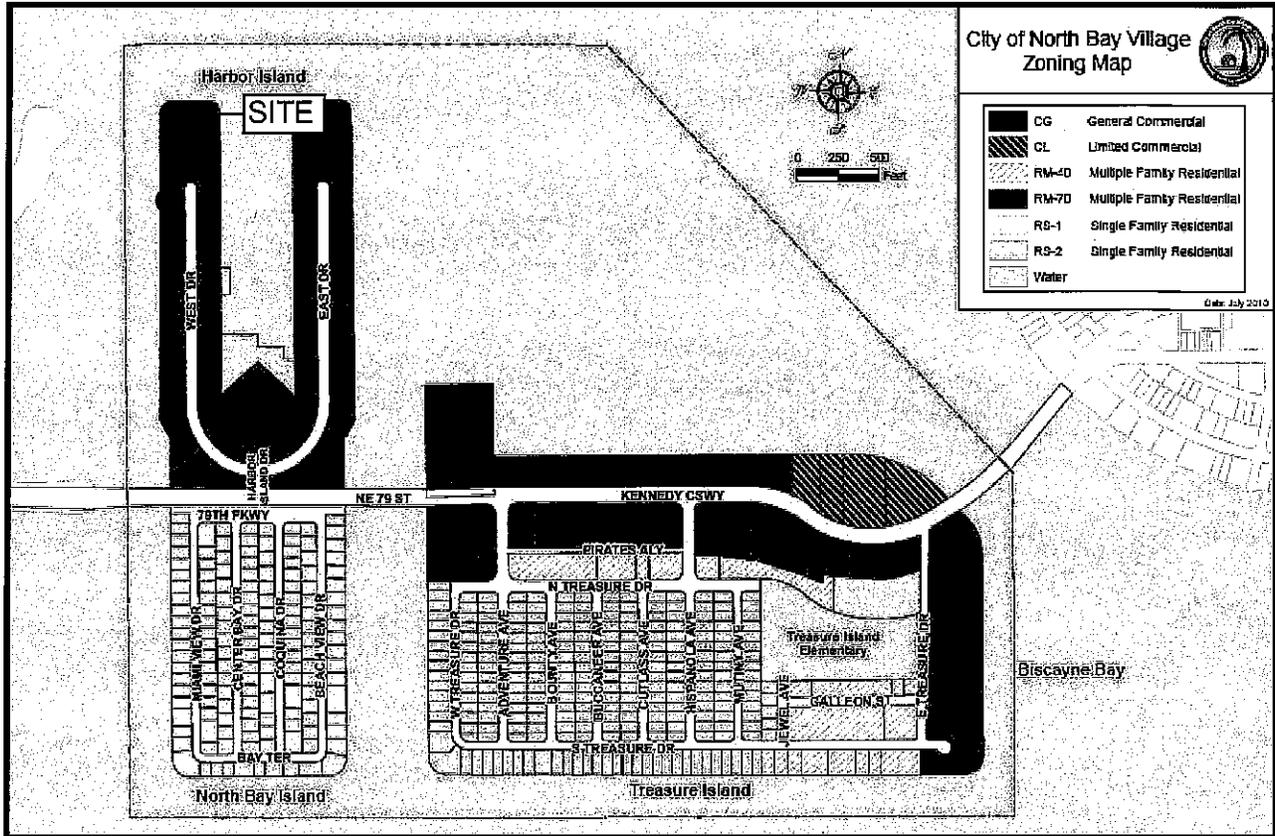
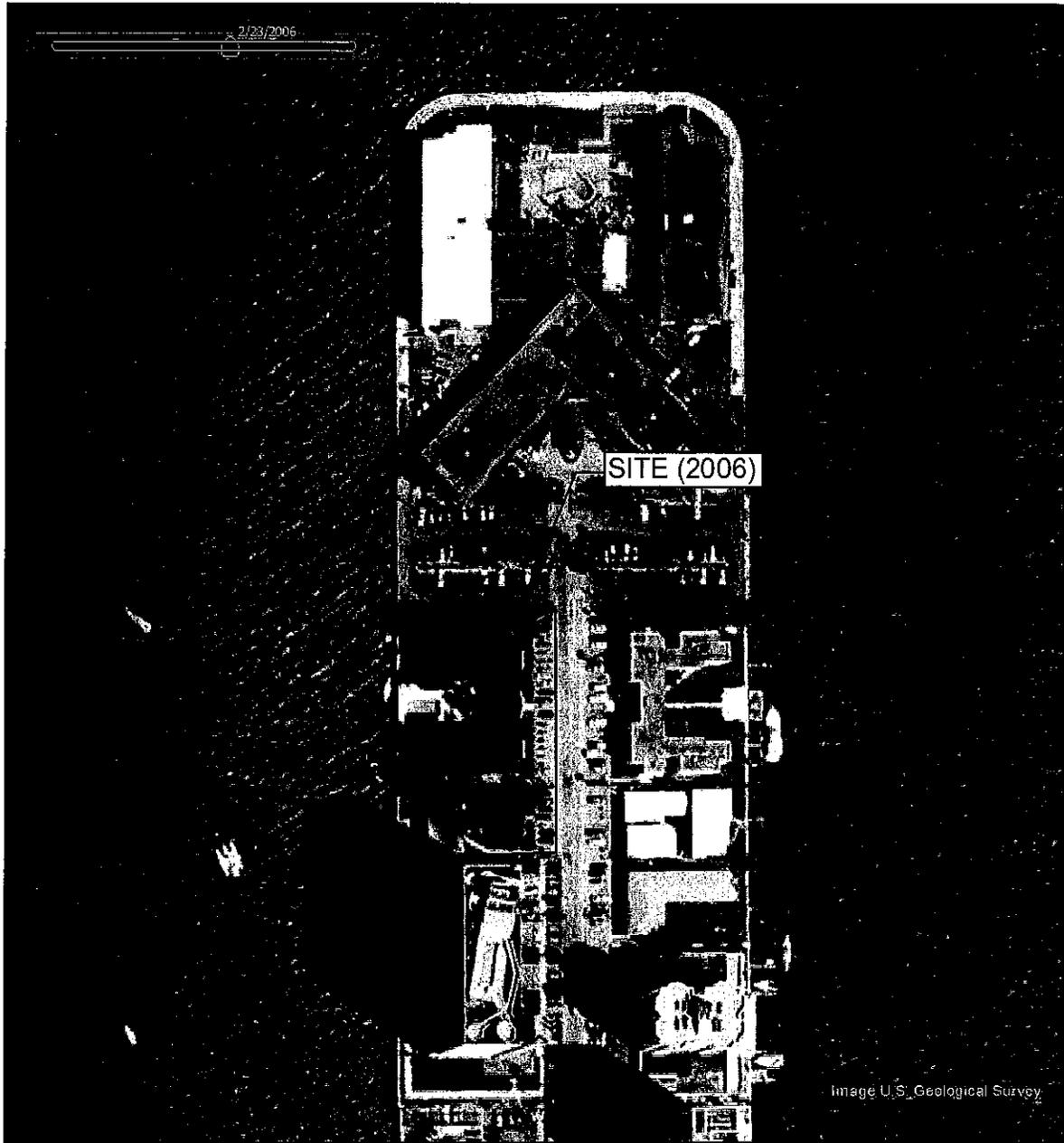


Exhibit 3 - Zoning map



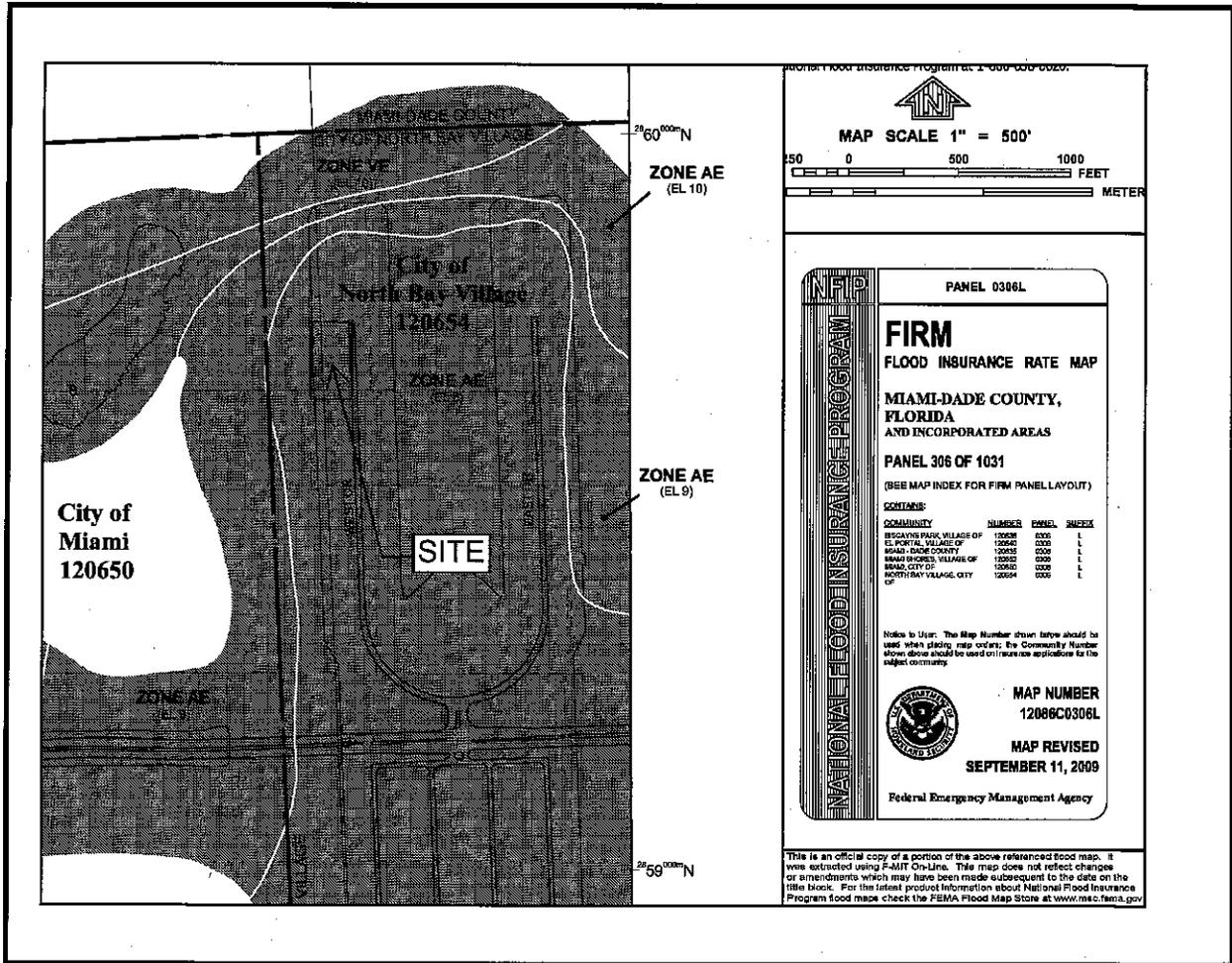
2006 Aerial Photo



2007 Aerial Photo



Exhibit 6 - FEMA map





North Bay Village

Administrative Offices

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

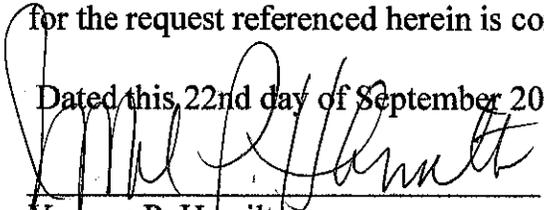
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

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

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

I, Yvonne P. Hamilton, Village Clerk hereby certify, as per Section 152.096(A)(2) of the North Bay Village Code of Ordinances, that the petition filed by 7940 West Drive, LLC for the request referenced herein is complete.

Dated this 22nd day of September 2014.


Yvonne P. Hamilton
Village Clerk

(Planning & Zoning Board Meeting-10/7/2014)

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

Commissioner
Jorge Gonzalez



North Bay Village

Administrative Offices

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

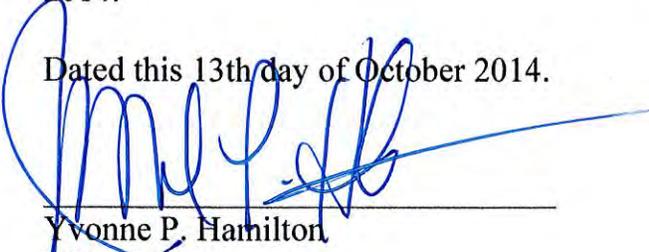
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

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

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

I, Yvonne P. Hamilton, hereby certify that the attached Notice of Public Hearing to be held on October 21, 2014 was posted at the above-referenced property on October 11, 2014.

Dated this 13th day of October 2014.



Yvonne P. Hamilton
Village Clerk

(Planning & Zoning Board Meeting-October 21, 2014)

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

Commissioner
Jorge Gonzalez



North Bay Village

Administrative Offices

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

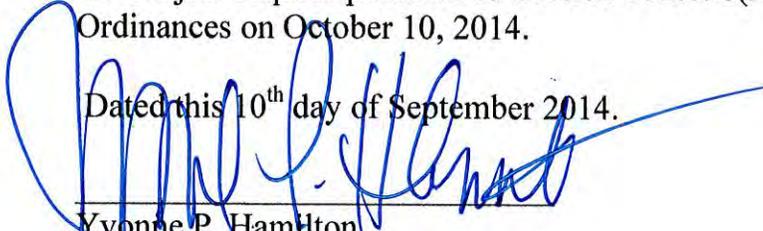
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

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

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

I, Yvonne P. Hamilton, Village Clerk, hereby certify that the attached Notice of Public Hearing was mailed to property owners and residents within 300 feet of the property of the subject request pursuant to Section 152.096(A)(2) of the North Bay Village Code of Ordinances on October 10, 2014.

Dated this 10th day of September 2014.


Yvonne P. Hamilton
Village Clerk

(Planning & Zoning Board Meeting-10-21-2014)

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

Commissioner
Jorge Gonzalez



**NORTH BAY VILLAGE
NOTICE OF PUBLIC HEARING**

PUBLIC NOTICE IS HEREBY GIVEN THAT THE PLANNING & ZONING BOARD OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD ITS REGULAR MEETING ON **OCTOBER 21, 2014 AT 7:30 P.M. OR AS SOON AS POSSIBLE THEREAFTER, AT VILLAGE HALL, 1666 KENNEDY CAUSEWAY #101**, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING, THE BOARD WILL CONSIDER THE FOLLOWING REQUESTS AND SUBMIT RECOMMENDATIONS TO THE VILLAGE COMMISSION:

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

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 BUILDING & ZONING 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 AT 1666 KENNEDY CAUSEWAY, #300. INQUIRIES MAY BE DIRECTED TO THAT DEPARTMENT AT (305) 756-7171.

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

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

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

YVONNE P. HAMILTON, CMC
VILLAGE CLERK
(October 10, 2014)

Owner/Occupant
7934 West Drive, #1401
North Bay Village, FL 33141

Owner/Occupant
7934 West Drive, #902
North Bay Village, FL 33141

Owner/Occupant
7934 West Drive, #1404
North Bay Village, FL 33141

Owner/Occupant
7934 West Drive, #1002
North Bay Village, FL 33141

Owner/Occupant
7934 West Drive, #1604
North Bay Village, FL 33141

Owner/Occupant
7934 West Drive, #903
North Bay Village, FL 33141

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

Owner/Occupant
7934 West Drive, #1103
North Bay Village, FL 33141

Owner/Occupant
7934 West Drive, #1004
North Bay Village, FL 33141

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

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

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

Owner/Occupant
7934 West Drive, #505
North Bay Village, FL 33141

Owner/Occupant
7934 West Drive, #905
North Bay Village, FL 33141

Owner/Occupant
7934 West Drive, #1202
North Bay Village, FL 33141

Owner/Occupant
7934 West Drive, #1102
North Bay Village, FL 33141

Owner/Occupant
7934 West Drive, #1502
North Bay Village, FL 33141

Owner/Occupant
7934 West Drive, #705
North Bay Village, FL 33141

Owner/Occupant
7934 West Drive, #1602
North Bay Village, FL 33141

Owner/Occupant
7934 West Drive, #603
North Bay Village, FL 33141

Owner/Occupant
7934 West Drive, #1003
North Bay Village, FL 33141

Owner/Occupant
7934 West Drive, #1001
North Bay Village, FL 33141

Owner/Occupant
7934 West Drive, #604
North Bay Village, FL 33141

Owner/Occupant
7934 West Drive, #1205
North Bay Village, FL 33141

Owner/Occupant
7934 West Drive, #1601
North Bay Village, FL 33141

Owner/Occupant
7934 West Drive, #601
North Bay Village, FL 33141

Owner/Occupant
7934 West Drive, #1501
North Bay Village, FL 33141

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

Owner/Occupant
7934 West Drive, #1403
North Bay Village, FL 33141

Owner/Occupant
7934 West Drive, #502
North Bay Village, FL 33141

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

Owner/Occupant
7934 West Drive, #1103
North Bay Village, FL 33141

Owner/Occupant
7934 West Drive, #1004
North Bay Village, FL 33141

Owner/Occupant
7934 West Drive, #505
North Bay Village, FL 33141

Owner/Occupant
7934 West Drive, #601
North Bay Village, FL 33141

Owner/Occupant
7934 West Drive, #1501
North Bay Village, FL 33141

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

Owner/Occupant
7934 West Drive, #1405
North Bay Village, FL 33141

Owner/Occupant
7934 West Drive, #1505
North Bay Village, FL 33141

Owner/Occupant
7934 West Drive, #1605
North Bay Village, FL 33141

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

Owner/Occupant
7934 West Drive, #1504
North Bay Village, FL 33141

Owner/Occupant
7934 West Drive, #1204
North Bay Village, FL 33141

Owner/Occupant
7934 West Drive, #504
North Bay Village, FL 33141

Owner/Occupant
7934 West Drive, #1402
North Bay Village, FL 33141

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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



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

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

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

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



Owner/Occupant
7935 West Drive, Unit #1
North Bay Village, FL 33141

Owner/Occupant
7935 West Drive, Unit #5
North Bay Village, FL 33141

Owner/Occupant
7935 West Drive, Unit #7
North Bay Village, FL 33141

Owner/Occupant
7935 West Drive, Unit, #3
North Bay Village, FL 33141

Owner/Occupant
7935 West Drive, Unit #6
North Bay Village, FL 33141

Owner/Occupant
7935 West Drive, Unit #4
North Bay Village, FL 33141

Owner/Occupant
7935 West Drive, Unit #8
North Bay Village, FL 33141

Owner/Occupant
7935 West Drive, Unit #2
North Bay Village, FL 33141



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 **OCTOBER 21, 2014 AT 7:30 P.M. OR AS SOON AS POSSIBLE THEREAFTER, AT VILLAGE HALL, 1666 KENNEDY CAUSEWAY #101, NORTH BAY VILLAGE, FLORIDA.** DURING THIS MEETING, THE BOARD WILL CONSIDER THE FOLLOWING REQUESTS AND SUBMIT RECOMMENDATIONS TO THE VILLAGE COMMISSION:

1. AN APPLICATION BY BAY VILLAGE VENTURE, LLC CONCERNING PROPERTY LOCATED AT 1725 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:

A. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.034(C)(3) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A MIXED-USE COMMERCIAL STRUCTURE IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT.

B. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.

C. BONUS DENSITY APPROVAL, PURSUANT TO SECTION 152.029(C)(6)H OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.

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

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

F. A VARIANCE PURSUANT TO SECTION 152.097 OF NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW A STRUCTURE TO BE 26.5 FEET FROM THE WEST SIDE PROPERTY LINE WHERE SECTION 152.029(C)(2) REQUIRES A 30 FOOT SIDE SETBACK.

G. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 43-UNIT, 19-STORY MIXED USE CONDOMINIUM STRUCTURE WITH A PARKING GARAGE.

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

A. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.

B. BONUS DENSITY APPROVAL, PURSUANT TO SECTION 152.029(C)(6)H OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.

C. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 54-UNIT, 15-STORY CONDOMINIUM STRUCTURE WITH A PARKING GARAGE.

INTERESTED PERSONS ARE INVITED TO APPEAR AT THIS MEETING OR BE REPRESENTED BY AN AGENT, OR TO EXPRESS THEIR VIEWS IN WRITING ADDRESSED TO THE PLANNING & ZONING BOARD C/O THE BUILDING & ZONING 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 AT 1666 KENNEDY CAUSEWAY, #300. INQUIRIES MAY BE DIRECTED TO THAT DEPARTMENT AT (305) 756-7171.

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION BY THE 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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TO REQUEST THIS MATERIAL IN ACCESSIBLE FORMAT, SIGN LANGUAGE INTERPRETERS, INFORMATION ON ACCESS FOR PERSON WITH DISABILITIES, AND/OR ANY ACCOMMODATION TO REVIEW ANY DOCUMENT OR PARTICIPATE IN ANY VILLAGE-SPONSORED PROCEEDING, PLEASE CONTACT (305) 756-7171 FIVE DAYS IN ADVANCE TO INITIATE YOUR REQUEST. TTY USERS MAY ALSO CALL 711 (FLORIDA RELAY SERVICE).

YVONNE R HAMILTON, CMC
VILLAGE CLERK
(October 3, 2014)

§ 152.003 Definitions.

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

Accessory building. A detached subordinate building or a portion thereof, the use of which is incidental to or customary in connection with the main building or use and which is located on the same lot with such main building.

Accessory use. A subordinate use, which is incidental to or customary in connection with the main building or use and is located on the same lot with such main building use.

Acre.

- (1) *Acre, gross.* 43,560 square feet.
- (2) *Acre, net.* That portion of a gross acre exclusive of dedication for official rights-of-way and other easements.

Advertising structure. Any rigid or semi-rigid material, with or without a sign displayed thereon, situated on or attached to real property or mobile objects and vehicles outdoors for the purpose of furnishing a background, base, or support on which a sign may be posted or displayed.

Aggregate area or aggregate width. The sum of two or more designated areas or widths to be measured, limited, or determined under these regulations.

Alcoholic beverage. As defined by F.S. § 561.01(4).

Alley. A public or private road which affords only a secondary means of access to abutting property and which is not otherwise designated as a street.

Amusement center. Any indoor place or enclosure which contains three or more amusement devices of any description, including but not limited to pinball games, computer games, or games of chance for the public amusement, patronage or recreation.

Apartment. A room or group of rooms within a multifamily dwelling arranged or designed to be used as a home or residence for one family, with kitchen or kitchenette and bathroom for the exclusive use of the one family.

- (1) *Apartment, efficiency.* A dwelling unit consisting of not more than one habitable room, with kitchen or kitchenette and bathroom.
- (2) *Apartment hotel.* A multi-family residential building designed for or containing both apartments and individual guest rooms or rental units under resident supervision, and which maintains an inner lobby through which all tenants must pass to gain access to apartments, rooms, or units.

Arterial street. A street designated as a major arterial street on the circulation plan for the Village.

Auction market. Any premises on which are held, either regularly or periodically, auction sales of merchandise or personal property.

Automobile rental agency. An establishment whose primary purpose is the renting or leasing of passenger vehicles to the public.

Awning. A detachable, roof like cloth or metal cover, supported from the walls of a building for protection from sun or weather.

Bar. An establishment devoted to selling or dispensing any alcoholic beverages, or any place where a sign is displayed indicating that alcoholic beverages are obtainable for consumption on the premises, and where, if entertainment is provided, it is by no more than one person at a time.

Barrier. A fence, dwelling wall or non-dwelling wall or any combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool, especially access from the residence or from the yard outside the barrier.

Barrier requirements. Swimming pools shall comply with all the requirements set forth under the building and zoning requirements as set forth in the Village's ordinances and the Florida Building Code.

Basement. That portion of a building between the floor and ceiling which has at least one-half of its height below the grade of the adjoining ground, and the ceiling of which is not more than four feet six inches above grade.

Beer. As defined in F.S. § 563.01.

Biscayne Bay: Encompasses all of Biscayne Bay and all associated tributaries of the Bay within the Village limits of North Bay Village.

Block. The length of a street between two street intersections.

Board. The Planning and Zoning Board, which is that duly, designated advisory board charged with reviewing Village planning, zoning, and beautification matters.

Boundary of district. The centerline of a street or right-of-way; also the centerline of the alleyway between the side or rear property lines, or where no alleyway or passageway exists, the rear or side property lines of all lots bordering on any district limits.

Breezeway. A covered passageway or space between the main building and an accessory building open on two sides, and the roof of which is structurally integrated with the buildings it separates.

Building. Any structure having a roof supported by columns or walls for the shelter or enclosure of persons on property.

Building width. The width of the lot left to be built upon after the required side yards are provided.

Building. Any structure having a roof supported by columns or walls for the shelter or enclosure of persons or property.

(1) **Building completely enclosed.** A building having no outside openings other than ordinary doors, windows, and ventilators.

(2) **Building line.** That line between which and the distance on the lot parallel and back from the street line, in which no building or part thereof may be erected, except as provided in these regulations.

Building Official. The Village official responsible for building inspection and the issuance of permits in this respect, or a duly authorized person acting in the same capacity.

Bulk. A term used in these regulations to describe the size and shape of a building or structure and its relationship to other buildings, to the lot area for a building, and to open spaces and yards.

Bulkhead. A wall constructed along the bay to retain or resist lateral displacement of any material back of it. For the purpose of this chapter, the bayside face of the established bulkhead cap shall be regarded as the point of measurement for setback requirements of all structures fronting on the bay.

Cabana. An accessory structure, usually in connection with a swimming pool.

Cabaret. A bar, which provides entertainment and which may or may not serve food, and which, is accessory to a hotel, motel, or other building as provided in these regulations.

Cafeteria. See *Restaurant.*

Canopy. A detachable, roof like cloth or metal cover supported from the ground, deck, or floor of a building, and from the walls of a building, for protection from sun or weather.

Carwash. Any building or structure, which uses specialized mechanical devices for the washing of motor vehicles.

Centerline, street. A line parallel or nearly parallel to the right-of-way lines of a street and halfway between them as established by the Building and Zoning Official.

Certified survey. A survey, sketch, plan, map, or other exhibit is said to be certified when a written statement regarding its accuracy or conformity to specified standards is signed by the specific professional engineer, registered surveyor, architect, or other legally recognized person.

Child care. See *Day care nursery.*

Clinic. An establishment where patients are not lodged overnight, but are admitted for examination and treatment by a group of physicians or dentists practicing medicine together. The term does not include a place for the treatment of animals.

Club, private. Building and a facilities or premises used or operated by an organization or association for some common purpose, such as but not limited to a fraternal, social, educational, or recreational purpose, but not including clubs organized primarily for profit or to render a service, which is customarily carried on as a business. Such organizations and associations shall be incorporated under the laws as a non-profit corporation and the major purpose of such corporations shall not be for the purpose of serving alcoholic beverages to its members or others.

Coffee shop, Snack bar, or Sandwich shop. An establishment where sandwiches, coffee, soft drinks, tea, or similar foods are served, but having no kitchen facilities.

Commercial school. A training institution operated on a profit or non-profit basis offering instruction in stenographic, secretarial, bookkeeping, and related business skills; offering training in electronic data processing techniques, skills, or equipment repair; or offering training leading to proficiency in a vocational skill.

Convalescent home. A building where regular nursing care is provided for more than one person not a member of the family which resides on the premises.

Customer service area. Inside/outside seating areas for restaurants, bars, lounges exclusive of kitchen, office, hallways, storage, and similar building areas.

Day care nursery. An establishment providing care of children during the day, but not overnight, including four or more children not members of the resident family; nurseries for children of working mothers; kindergartens; nursery schools for children under the minimum age for admission to public schools, or for after-school care of school children; and other establishments of a similar nature.

District. Any section of the Village within which the zoning regulations are uniform.

Dwelling. A building or portion thereof, designed or used exclusively for residential occupancy, but not including mobile homes.

(1) *Dwelling, single-family.* A private residence building used or intended to be used as a home in

which all living areas are accessible to each other from within the building, and which shall have sleeping quarters, kitchen facilities, bathroom, ventilation, and lighting under control of and designed for the exclusive use of one family.

- (2) *Dwelling, single-family detached.* A single-family dwelling surrounded by yards or other open spaces on the same lot.
- (3) *Dwelling, multifamily.* A building designed for or occupied by three or more families.
- (4) *Dwelling, efficiency.* A residential unit, which is comprised of a single room for sleeping and cooking, exclusive of a bathroom.
- (5) *Dwelling, hotel room.* A residential unit, which is used on a temporary basis by transient guests.
- (6) *Dwelling, hotel suite.* A group of hotel rooms connected together.
- (7) *Dwelling unit.* A room, or group of rooms, occupied or intended to be occupied as separate living quarters by a single family or other group of persons living together as a household, or by a person living alone.

Essential services. The erection, construction, alteration, or maintenance by a public utility or municipal agency of underground or overhead transmission, distribution, or collection systems necessary for the furnishing of adequate service by that utility or agency to the use on the same lot or the surrounding neighborhood of, for the public health, safety, or general welfare.

Family. An individual or two or more persons related by blood or marriage, or a group of not more than five persons who need not be related by blood or marriage, living together as a single housekeeping unit in a dwelling.

Fast order food. Food which is primarily included for immediate consumption; available upon a short waiting line; packaged or preserved in such a manner that it can be readily eaten outside the premises where it is sold; served on paper plates or in paper or styrofoam containers; and of a self-service nature, that is, no waiters or waitresses are involved. Patrons phone in or place their order at a counter and take it to a table on the premises or leave the premises.

Fence. A structure forming a physical barrier which is so constructed that no less than 50% of the vertical surface is open to permit the transmission of light, air, and vision through the surface in a horizontal plane. (For board and other solid barriers, see *Wall*)

Floor area. The sum of the gross horizontal areas of the several floors of a building or buildings, measured from the exterior faces of exterior walls or from the centerline of walls separating two attached buildings. However, for the purposes of those regulations, the Gross floor area of a building shall not include:

- (1) Basement space; however, basement space used for retailing shall be included for the purpose of calculating requirements for accessory off-street parking spaces and accessory off-street loading berths.
- (2) Accessory water tanks or cooling towers.
- (3) Uncovered steps and exterior balconies.
- (4) Attic space, whether or not a floor actually has been laid, providing structural headroom of less than seven feet six inches.
- (5) Terraces, breezeways, screen enclosures, or open porches.
- (6) Floor space used for permitted or required accessory off-street parking spaces located not more than 20 feet above grade, in any building except single-family and two-family dwellings or buildings accessory thereto.

Frontage, lot. The distance for which the front lot line and the street line are coincident.

Garage.

- (1) *Garage, parking.* A building or portion thereof used for indoor parking of private passenger vehicles for use of residents in the vicinity.
- (2) *Garage, repair.* An establishment or portion thereof used for the equipping, servicing, repairing, hiring, selling, storing, or parking of motor-driven vehicles. The term Repairing shall not include an automotive body repair shop or the rebuilding, dismantling, or storage of wrecked or junked vehicles.
- (3) *Garage, storage.* A building or portion thereof, designed or used exclusively for term storage of motor-driven vehicles, as distinguished from daily storage, and at which motor fuels and oils are not sold, and motor-driven vehicles are not equipped, repaired, hired, or sold.

Grade. The highest elevation of a paved street in front of any property.

Guest house. Living quarters within a detached accessory building located on the same lot with the main building for use by temporary guests of the occupants of the premises, such quarters having no kitchen facilities or separate utility meters and not rented or otherwise used as a separate dwelling.

Hardship.

- (1) *Hardship, necessary.* Restrictions upon the uses of a particular property which promote the objectives of these regulations, provided such restrictions apply to all land within the same district (e.g. if commercial uses are prohibited in a district, this may result in a hardship to the property owners; but it is a hardship which is necessary to the purpose of this chapter in the first place).
- (2) *Hardship, unnecessary.* Arduous restrictions upon the uses of a particular property, which are unique and distinct from that of adjoining property owners. Granting of relief from an unnecessary hardship should not violate sound zoning principles, including considerations that: adjacent properties will not be substantially reduced in value, it is not granting a special privilege not to be enjoyed by others in similar circumstances, and the public interest is maintained, including following the spirit of this chapter and the comprehensive master plan. Invalid and nonjustifiable bases for pleading unnecessary hardship include but are not limited to:
 - (a) Loss of the "best" use of the land, and business competition.
 - (b) Self-created hardships by the applicant's own acts.
 - (c) Neighboring violations and nonconformities.
 - (d) Claims of inability to sell the property.
 - (e) General restrictions of this chapter.

Hedge. A row of bushes or small trees planted close together in such a manner as to form a boundary or barrier.

Height of building. The vertical distance from the grade to: the highest point of a flat roof; the deck line of a mansard roof; the average height between eaves and ridge or gable, hip, and gambrel roofs; or the average height between high and low points of a shed roof.

Home occupation. Any activity for which an occupational license of the Village is required by law, which is conducted within a dwelling unit in a residential district.

Hospital. A building or group of buildings having room facilities for one or more overnight patients, used for providing services for the in-patient medical or surgical care of sick or injured humans, and which may include related facilities such as laboratories, out-patient departments, and training facilities. A central service facility must be an integral part of the hospital operations.

Hotel. A building in which lodging is provided and offered to the public for compensation, and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a

person in charge at all times.

House of worship. A church, synagogue, or other structure used on a permanent basis primarily for the worship of God.

Kennel. The keeping of more than three dogs or other animals for breeding, training, sale, or boarding.

Kitchen facilities. Any form or mechanical refrigeration or cooking equipment except a portable mini-refrigerator, portable microwave oven and coffee-maker.

Junkyard or Salvage yard. Any area or structure used or intended to be used for the conducting and operating of the business of selling, buying, storing, or trading in used or discarded metal, glass, cordage, or any used or disabled fixtures, vehicles, or equipment of any kind.

Loading space. A space within the main building or in the same lot providing for the standing, loading, or unloading of trucks.

Lot. Land occupied or intended for occupancy by a use permitted in these regulations, including one main building together with its accessory buildings, and the yards, loading, and parking spaces required herein and having its principal frontage upon a street or upon an officially approved place.

- (1) *Lot area.* The total horizontal area within the lot lines of the lot.
- (2) *Lot, corner.* A lot abutting upon two or more streets at their intersection.
- (3) *Lot coverage or Ground coverage.* The area of the lot occupied by the ground floor of all buildings, main and accessory, measured from the exterior faces of exterior walls, or from the exterior faces of supporting exterior columns for any portion of the ground floor not enclosed by exterior walls or from the centerline of walls separating two buildings.
- (4) *Lot depth.* The mean horizontal distance between the front and rear lot lines.
- (5) *Lot, interior.* A lot, other than a corner lot.
- (6) *Lot line.* The boundary line of a lot.
- (7) *Lot of record.* A parcel of land shown on a recorded plat or any parcel of land described by a legally recorded deed.
- (8) *Lot, through (double frontage).* An interior lot having frontages on two parallel or approximately parallel streets.
- (9) *Lot width.* The horizontal distance between the side lot lines measured at the required front yard line and parallel to the front street line.

Lumen. A unit of luminous flux equal to the light emitted in a unit solid angle by a uniform point source of one candle.

Marina. Any area where one or more sites or locations are rented or offered for rent for the location or dockage of boats, vessels, or house boats in water, or to be used for living quarters either temporarily or on a permanent basis.

Mezzanine. An intermediate floor in any story or room with a floor area not exceeding one-third the total floor area in that room or story in which the mezzanine occurs and with a clear height above or below the mezzanine floor construction of not less than seven feet.

Mixed occupancy or use. Occupancy of a building or land for more than one use.

Mobile home. Any unit used for living or sleeping purposes which is equipped with wheels or some device for the purpose of transporting the unit from place to place, whether by motive power or other means, or any unit used for temporary living or sleeping purposes temporarily located in the locality,

whether it is on blocks, posts, or any other type of foundation.

Motel. A building in which lodging is provided and offered to the public for compensation. Accommodations are usually designed to serve tourists traveling by automobile. Ingress and egress to rooms need not be through a lobby or office, and parking usually is adjacent to the guest room.

Nightclub. An establishment defined by [section 111.01](#) of this Code.

Nonconforming use. The lawful use of land or a building or portion thereof, which use does not conform with the use regulations of the district in which it is located.

Occupancy. A condition of an activity or use being upon a lot and/or within a building.

Official rights-of-way. A right-of-way established by ordinance.

Open space. That portion of a lot which:

- (1) Is open and unobstructed from grade upward.
- (2) Is accessible without restrictions except as may be required for safety.
- (3) Is of a previous nature.

Outdoor dining. A use characterized by outdoor table service of food and beverages prepared for service in an adjacent or attached main restaurant for consumption on the premises. The term also include outdoor bars and outdoor ice cream parlors.

Parcel. A piece of land assembled for a single purpose.

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

Penthouse. Any structure above the main roof of a building used for residential, professional, or commercial purposes, or for housing elevator machinery and water storage tanks. Each story of a penthouse, except when used for machinery or a storage for water, is considered as an additional story to the height of the building.

Permit, building. A certificate issued by the Building Official authorizing the construction, reconstruction, remodeling, alteration, or repair of a building or other structure, upon approval of the submitted application and plans.

Previous area. The surface area of a parcel, which is capable of being penetrated by water.

Planning and zoning board. The Planning and Zoning Board of the Village, as established by this chapter.

Premises. A lot, together with all buildings and structures thereon.

Principal building. The building within which the principal, predominant, or main use or activity upon the lot is conducted. In the event more than one building is upon one lot, the one containing the greatest floor area is the "principal building."

Principal use. The predominant activity or use conducted within a particular building or upon a particular lot.

Public use. Any public building, structure, or land used primarily for public or quasi-public purposes where the building, structure, or land is not privately owned or operated.

Regulations. The whole body of regulations, charts, tables, diagrams, maps, notations, references, and symbols, contained in or referred to in this chapter.

Restaurant. An establishment in which food is prepared and served for compensation.

Right-of-way. See *Street line*.

Screen enclosure. A frame of metal, wood, or other approved structural material supporting no roof or walls, with only approved insect screening, which screening possesses at least 50 percent open area per square inch.

Service station. An establishment devoted to the sale at retail of motor vehicle fuels, oils, or accessories or for the servicing or repairing of minor parts and accessories, but not including major repair work such as motor replacement, body and fender repair, or spray painting.

Setback. The minimum horizontal distance between the street and the building; the lot bulkhead or water line and the building; or the side lot lines and the building.

Shopping center. One or more retail stores, commercial buildings, or an office complex with a unified plan or architectural scheme, on a single parcel of land or on separate parcels contiguously arranged.

Story.

- (1) *Story.* That portion of a building, other than a basement or mezzanine, included between the surface of any floor and the surface of the floor next above it; or, if there is no floor next above it, then the space between the floor and the ceiling next above it.
- (2) *Story, half.* A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three feet above the top floor level and in which space not more than two-thirds of the floor area is finished for use. A half-story containing independent apartments or living quarters shall be counted as a full story.

Street. A public thoroughfare which affords the principal means of access to abutting property.

- (1) *Street, collector.* A public thoroughfare which collects traffic from residential areas for distribution to a major arterial, as defined on the North Bay Village Circulation Plan.
- (2) *Street or right-of-way line.* A dividing line between a lot and a contiguous street.

Structural alterations. Any change, except those required by law or ordinance, which would prolong the life or change the shape or size of any portion of a building or structure or of the supporting members of a building or structure, such as bearing walls, columns, beams, arches, floor or roof joists, or girders, not including openings in bearing walls as permitted by other ordinances.

Structure. Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground; including, but without limiting the generality of the foregoing: signs, backstops for tennis courts, fences, screen enclosures, and pergolas.

Subdivision. Shall be interpreted as defined in the subdivision regulations of Dade County or, if not so defined, then a Subdivision shall be the division of land into two or more lots, or other division of land into parcels of five acres or less for the purpose, whether immediate or of transfer of ownership or building development.

Swimming pool. Any portable, pool or permanent structure containing a body of water 18 inches or more in depth and 250 square feet or more of water surface area located in a residential area that is intended for swimming or recreational bathing and containing 18 inches or more in depth, including but not limited to in-ground, aboveground, and on-ground swimming pools, hot tubs, and non-portable spas, but not

including an ornamental reflecting pool or fish pond, unless it is located and designed so as to create a hazard or be used for swimming or wading.

Tent. A canvas or other cloth shelter from sun or weather supported by a wood or metal frame or by poles, stakes, and ropes, or both, and not attached to any building.

Time-sharing condominiums. Any structure, service, improvement, or real property, which is made available to purchasers of a time sharing plan as defined by the Florida Real Estate Time Sharing Act, F.S. § 72.01 et seq.

Trailer, utility. A vehicle lacking a means of self-propulsion intended to be towed by another vehicle and designed to be used for the transport or hauling of chattel.

Trash. Cuttings from vegetation, refuse, paper, bottles, rags.

Utilities. Structures of public or municipal utility in excess of lines, piping, conduit, transformers, or other essential utilities. A substation, pumping station, storage yard, or similar installation. Normally a significant structure or combination of structures often enclosed within a building.

Use. Any purpose for which buildings or other structures or land may be arranged, designed, intended, maintained, or occupied; any a occupation, business, activity, or operation to be carried on or intended to be carried on in a building or other structure or on land; or a name of a building or other structure or tract of land which indicates the purpose for which it is arranged, designed, intended, maintained, or occupied.

- (1) *Use, commercial.* Any use which is operated as or is accessory to a business.
- (2) *Use, residential.* A use, which accommodates persons, not institutional in character, such as a single-family dwelling or multifamily dwelling, including apartments and hotel or motel rooms.

Variance. A dispensation permitted on individual parcels of property as a method of relieving an unnecessary hardship, by allowing a reasonable use of the building, structure, or property, which, because of unusual or unique circumstances, is denied by the provisions of this chapter.

Vehicle, commercial. Any vehicle designed, intended, or used for the transportation of people, goods, or things, other than private passenger vehicles and trailers for private non-profit transport of goods and/or boats.

Wall. A structure forming a physical barrier which is so constructed that less than 50 percent of the vertical surface is open to permit the transmission of light, air, and vision through such surface in a horizontal plane.

Waterfront. Any site shall be considered as waterfront premises provided any or all of its lot lines abut on or are contiguous to any body of water.

Wine. Shall be as defined in F.S. § 561.01(4).

Yard. An open area, other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in these regulations.

- (1) *Yard, front.* A yard across the full width of the lot extending from the nearest line of any main or accessory building to the front street right-of-way line of the lot.
- (2) *Yard, rear.* A yard across the full width of the lot extending from the nearest line of any main or accessory building to the rear line of the: lot.
- (3) *Yard, side.* A yard extending from the front yard to the rear yard, between the side lot line and the nearest line of any main or accessory building.

(Ord., passed 4-1-83; Ord. No. 94-01, § 1, 5-10-94; Ord. No. 02-23, § 1, 10-8-02; Ord. No. 03-18, § 1, 11-25-03; Ord. No.

2008-10, § 1, 9-3-08; Ord. No. 2008-23, § 1, 10-14-08; Ord. No. 2014-03, §§ 2, 3, 4-8-14)