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

TREASURE ISLAND ELEMENTARY SCHOOL
7540 EAST TREASURE DRIVE
NORTH BAY VILLAGE, FL 33141

TUESDAY
FEBRUARY 18, 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. **APPROVAL OF MINUTES**

   A. **REGULAR PLANNING & ZONING BOARD MEETING- JANUARY 30, 2014**

      1.) **Board Action**

   B. **REGULAR PLANNING & ZONING BOARD MEETING – SEPTEMBER 19, 2013**

      1.) **Board Action**

4. **<u>(PUBLIC HEARINGS) ALL INDIVIDUALS DESIRING TO PROVIDE TESTIMONY SHALL BE SWORN IN.</u>** ***(CONTINUED FROM JANUARY 30, 2014 MEETING)***

A. **AN APPLICATION BY 7914 BUILDING, LLC CONCERNING PROPERTY LOCATED AT 7914, 7916 AND 7918 WEST DRIVE, TRACT C OF HARBOR ISLAND, NORTH BAY VILLAGE, FLORIDA FOR THE FOLLOWING:**

1. **SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 53 UNIT, 15 STORY MULTI- FAMILY CONDOMINIUM STRUCTURE IN THE RM-70 (HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL) ZONING DISTRICT.**

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

3. **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.**

   1.) Board Recommendation

B. **AN APPLICATION BY 1755 NBV, LLC IN CONNECTION WITH THE DEVELOPMENT OF A 132-UNIT, 25-STORY CONDOMINIUM HOTEL AT 1755 KENNEDY CAUSEWAY FOR THE FOLLOWING:**

3. **A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES IN CONNECTION WITH THE DEVELOPMENT OF A CONDOMINIUM HOTEL STRUCTURE TO ALLOW LESS THAN THE SIDE-YARD SETBACK AS REQUIRED BY SECTION 152.032(C)(2)(C).**

4. **BAY VIEW OVERLAY STANDARDS REVIEW, INCLUDING HEIGHT APPROVAL, PURSUANT TO SECTION 152.032(A)(3) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.**

5. **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.**

6. **SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 132-UNIT 22-STORY CONDOMINIUM HOTEL STRUCTURE WITH A PARKING GARAGE.**

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

   1.) Board Recommendation

5. **ADJOURNMENT**

North Bay Village
Administrative Offices
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REVISED
OFFICIAL MINUTES

PLANNING & ZONING BOARD MEETING

TREASURE ISLAND ELEMENTARY SCHOOL
7540 EAST TREASURE DRIVE
NORTH BAY VILLAGE, FL. 33141

JANUARY 30, 2014 – 7:30 P.M.

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL

The meeting was called to order at 7:37 P.M. by Chair Reinaldo Trujillo and the Pledge of Allegiance was recited. Also present at Roll Call were Board Members Vice Chair James Carter, Bud Farrey, and Marvin Wilmoth. Barry Beschel was absent. Also present were Building & Zoning Clerk Elena Grek, Village Clerk Yvonne P. Hamilton, and the Village Planning Staff Jim LaRue and Ben Smith.

In attendance were Mayor Connie Leon-Kreps, Commissioner Richard Chervony, and Village Manager Frank K. Rollason.

As a quorum was determined to be present, the meeting commenced.

Interim Village Attorney Robert L. Switkes swore in those individuals who indicated that they would testify.

Mr. Switkes asked the members of the Board if they had any conflict of interest pertaining to the request, and they all answered No.

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

A. AN APPLICATION BY 7914 BUILDING, LLC CONCERNING PROPERTY LOCATED AT 7914, 7916 AND 7918 WEST DRIVE, TRACT C OF HARBOR ISLAND, NORTH BAY VILLAGE, FLORIDA FOR THE FOLLOWING:

3A(1)

1. **SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 53 UNIT, 15 STORY MULTI-FAMILY CONDOMINIUM STRUCTURE IN THE RM-70 (HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL) ZONING DISTRICT.**

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

Village Clerk Yvonne Hamilton informed the Board of the applicant's request to defer the matter to the February 18, 2014 Planning & Zoning Board Meeting at 7:30 p.m.

Reinaldo Trujillo made a motion to approve the request to defer the item to the February 18, 2014 Planning & Zoning Board Meeting. Marvin Wilmoth seconded the motion which was adopted by a 4-0 vote. The vote was as follows: Marvin Wilmoth, James Carter, Bud Farrey, and Reinaldo Trujillo all voting Yes.

Building & Zoning Clerk Elena Grek read the following items into the record:

B. **AN APPLICATION BY 1755 NBV, LLC IN CONNECTION WITH THE DEVELOPMENT OF A 132-UNIT, 22-STORY CONDOMINIUM HOTEL AT 1755 KENNEDY CAUSEWAY FOR THE FOLLOWING:**

1. **REZONING OF THE PROPERTY LOCATED AT 1755 KENNEDY CAUSEWAY AND CURRENTLY IDENTIFIED IN MIAMI-DADE COUNTY'S TAX ASSESSOR'S OFFICE AS 23-3209-000-0110, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTIONS 152.095 AND 152.100(A) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO CHANGE THE CURRENT ZONING DESIGNATION FROM CG (GENERAL COMMERCIAL) ZONING DISTRICT TO CL (LIMITED COMMERCIAL DISTRICT) AND AMENDING THE VILLAGE'S OFFICIAL ZONING DISTRICT MAP.**

3A(2)

The Village Planner Jim LaRue made a brief presentation on the item and recommended approval to rezone the property to CL (Limited Commercial).

Counsels for the applicant Neisen Kasdin and Maeve Desmond, of Ackerman LLP, Architect Kobi Karp, Developer Miguel Angel Barbagallo, Sebastian Barbagallo, and Gonzalo Negrete were present on behalf of the request. Mr. Kasdin and Kobi Karp presented and described the project.

Kobi Karp noted for the record that the application had received unanimous approval from the Shoreline Review Committee.

The Chair opened the floor to public comments.

Fane Lozman, of 7918 West Drive, addressed the Board in favor of the project.

Michael Sklarsky, Federico Fascetto and Rodriguez Leil, and Sam Zamacona, of 7901 Hispanola Avenue, addressed the Board in opposition to changing the zoning.

Al Coletta, of 7904 West Drive addressed the Board in favor of the request.

The Chair closed the Public Hearing.

Following discussion, Marvin Wilmoth made a motion to recommend approval of the request to rezone the property to CL (Limited Commercial). Bud Farrey seconded the motion which was adopted by a 4-0 roll call vote. The vote was as follows: James Carter, Bud Farrey, Reinaldo Trujillo, and James Carter all voting Yes.

2. A CODE TEXT AMENDMENT TO SECTIONS 152.003(5) AND 152.003(6) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO REDEFINE THE DEFINITION OF "DWELLING, HOTEL ROOM" AND "DWELLING, HOTEL SUITE".

Village Planner Jim LaRue made a brief presentation on the request to redefine the definition of "dwelling, hotel room" and "dwelling, hotel suite" to allow hotel rooms with kitchen facilities.

3A(3)

Neisen Kasdin and Kobi Karp explained the request.

The Chair opened the Public Hearing.

Fane Lozman, of 7918 West Drive, Al Coletta, of 7904 West Drive, and Barry Smith, of 1601 Kennedy Causeway, addressed the Commission in favor of the request.

Jorge Brito, of 1865 Kennedy Causeway, addressed the Commission and suggested that the developer make a presentation to those residents who are concerned about the impact of the development.

The Chair closed the Public Hearing.

Following discussion, Marvin Wilmoth made a motion to approve the request with the following conditions:

1. Adoption of the definition for "Dwelling hotel room/Dwelling hotel suite" as outlined in Section 509.013(4)(a) Florida Statute, "any unit, group of units, dwelling, building , or group of buildings within a single complex of buildings, which is rented to guests more than three times in a calendar year for periods of less than 30 days or one (1) calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests; for no more than 90 days, with kitchen facilities.
2. There shall be no kitchens facilities in units that are less than 750 square feet in size.
3. The density shall be calculated on hotel occupancy, 132 units at 90-units per acre.

Bud Farrey seconded the motion, which was adopted by a vote of 3-1. The vote was as follows: Reinaldo Trujillo, Marvin Wilmoth, and Bud Farrey all voting Yes. James Carter voted No.

3. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES IN CONNECTION WITH THE DEVELOPMENT OF A CONDOMINIUM HOTEL STRUCTURE TO ALLOW LESS THAN THE SIDE-YARD SETBACK AS REQUIRED BY SECTION 152.032(C)(2)(C).

3A(4)

Village Planner Jim LaRue reported that the request does not meet the hardship requirements under the criteria set forth in Section 152.097(C) of the Village Code.

The Chair opened the Public Hearing.

Brian Meeks, Federico Fascetto, and Sam Zamacona, of 7901 Hispanola Avenue, addressed the Board in opposition to the request.

The Chair closed the Public Hearing.

Neisen Kasdin, Kobi Karp, and Jim LaRue participated in discussion with the Board and the public.

Following discussion, Bud Farrey made a motion to recommend approval of the Variance request without prejudice. Marvin Wilmoth seconded the motion, which failed by a 2-2 vote. The vote was as follows: Reinaldo Trujillo and James Carter voted No. Marvin Wilmoth and Bud Farrey voted Yes.

Reinaldo Trujillo made a motion to reconsider the Variance request, and Marvin Wilmoth seconded the motion, which was adopted by a 3-1 roll call vote. The vote was as follows: Marvin Wilmoth, Bud Farrey, and Reinaldo Trujillo all voting Yes. James Carter voted No.

Chairman Reinaldo Trujillo made a motion to defer the following items to the Planning & Zoning Board Meeting of February 18, 2014 to allow for the full membership of the Board to be present and for the applicant to meet with the residents from the Lexi Condominium to discuss the project.

3. **A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES IN CONNECTION WITH THE DEVELOPMENT OF A CONDOMINIUM HOTEL STRUCTURE TO ALLOW LESS THAN THE SIDE-YARD SETBACK AS REQUIRED BY SECTION 152.032(C)(2)(C).**

4. **BAY VIEW OVERLAY STANDARDS REVIEW, INCLUDING HEIGHT APPROVAL, PURSUANT TO SECTION 152.032(A)(3) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.**

3A(5)

5. **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.**

6. **SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 132-UNIT 22-STORY CONDOMINIUM HOTEL STRUCTURE WITH A PARKING GARAGE.**

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

Bud Farrey seconded the motion which was adopted by a 3-1 roll call vote. The vote was as follows: Marvin Wilmoth, Bud Farrey, and Reinaldo Trujillo all voting Yes. James Carter voted No.

Building & Zoning Clerk Elena Grek read the following items into the record:

C. **AN APPLICATION BY ISLE OF DREAMS, LLC CONCERNING PROPERTY LOCATED AT 1415 KENNEDY CAUSEWAY, TRACT C OF HARBOR ISLAND, 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. **BAY VIEW OVERLAY STANDARDS REVIEW PURSUANT TO SECTION 152.032(A)(3) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.**

3A(6)

3. **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.**

4. **SITE PLAN APPROVAL PURSUANT TO SECTIONS 152.105(C)(9) AND 152.030(C)(3) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 237 UNIT, 32 STORY MULTI-FAMILY CONDOMINIUM STRUCTURE IN THE RM-70 (HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL) ZONING DISTRICT.**

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

Village Planner Jim LaRue reported that the application was qualified for approval of the mixed-use development and review under the Bay View Overlay standards. However, there were issues with the Site Plan. He requested that the Board require the applicant to provide clarification on those issues prior to the matter being addressed by the Commission.

Graham Penn, of Bercow Radell & Fernandez, P.A., 200 S. Biscayne Boulevard, Suite 850, Miami, FL 33131 and developer Scott Greenwald were present on behalf of the request.

The applicant withdrew the request for a Special Use Exception to allow Compact Parking Spaces under Item No. 2C(4).

Mr. Penn the presented the project and discussed the issues referenced by the Village Planner as outlined below:

1. Confirmed side setback is 48'10".
2. Confirmed unit sizes meet code-required minimums.
3. Confirmed that landscaped open space exceeds 20% of lot area.
4. Confirmed that all exterior drives will be pavers.
5. Confirmed that the entrance will include a water feature.

3A(7)

6. Confirmed that the street trees will have lighting.
7. Confirmed size of parking spaces and the parking requirements.
8. Provided details of the rooftop screening.
9. Provided details of benches and street furniture for baywalk.
10. Confirmed that lawn area is far below the maximum permitted.
11. Confirmed that we are asking the County to confirm that the shoreline revisions can be approved administratively.

The Chair opened the Public Hearing.

Sam Zamacona and Julie Sidorevskya, of 7901 Hispanola Avenue, addressed the Commission in support of the request.

The Chair closed the Public Hearing.

Following discussion, Marvin Wilmoth made a motion to approve the Special Use Exception for a mixed-use residential and commercial structure in the CG Zoning District and for the application to be reviewed under the Bay View Overlay standards. Bud Farrey seconded the motion, which was adopted by a 4-0 roll call vote. The vote was as follows: James Carter, Bud Farrey, Reinaldo Trujillo, and Marvin Wilmoth all voting Yes.

Marvin Wilmoth made a motion to approve the Site Plan subject to the condition that the items outlined by Mr. Penn are clarified to the satisfaction of the Village Planner. If clarification is not satisfactory, the requests will come back to the Board. James Carter seconded the motion, which was adopted by a 4-0 roll call vote. The vote was as follows: Bud Farrey, Reinaldo Trujillo, James Carter, and Marvin Wilmoth all voting Yes.

3. APPROVAL OF MINUTES

A. REGULAR PLANNING & ZONING BOARD MEETING – SEPTEMBER 19, 2013

Chair Reinaldo Trujillo made a motion to defer approval of the Minutes. Marvin Wilmoth seconded the motion, which was approved by a 4-0 roll call vote.

3A(8)

4. ADJOURNMENT

The meeting adjourned at 11:35 p.m.

Prepared and submitted by: Yvonne P. Hamilton
Village Clerk

Adopted by the Planning & Zoning Board on this _____ day of _____.

_____

Reinaldo Trujillo, Chair

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

3A(9)

MINUTES

NORTH BAY VILLAGE
PLANNING & ZONING BOARD MEETING

TREASURE ISLAND ELEMENTARY SCHOOL
7540 EAST TREASURE DRIVE
NORTH BAY VILLAGE, FL 33141

September 19, 2013 – 7:30 P.M.

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL

The meeting was called to order by the Chair, Reinaldo Trujillo, at 7:35 P.M. and the Pledge of Allegiance was recited. Present at Roll Call were Chair Reinaldo Trujillo, Vice Chair James Carter, Bud Farrey and Barry Beschel. As a quorum was determined to be present, the meeting commenced.

Marvin Wilmoth indicated that he might not be present since he was out of town. He arrived shortly after the meeting was adjourned.

Also present were Village Attorney Kathy Mehaffey, Jim LaRue, of LaRue Planning Management, Village Planner, Elena Grek, Building & Zoning Clerk, and Village Clerk Yvonne P. Hamilton.

2. (PUBLIC HEARING) ALL INDIVIDUALS DESIRING TO PROVIDE TESTIMONY SHALL BE SWORN IN.

A. A REQUEST FOR A SPECIAL USE EXCEPTION BY THE PROPERTY OWNERS OF 1860 SOUTH TREASURE DRIVE, LOT 17, BLOCK 8, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTIONS 152.028(D) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO DEVELOP A SINGLE-FAMILY RESIDENCE IN THE MEDIUM DENSITY MULTIPLE-FAMILY RESIDENTIAL ZONING DISTRICT (RM-40).

The Building & Zoning Clerk read the request into the record.

Assistant Village Attorney Kathy Mehaffey read the provisions for conduct of quasi-judicial public hearings, and the Building & Zoning Clerk swore in all those planning to testify. The Village Attorney asked the Board Members to disclose any ex-parte communication regarding the request.

3B(1)

The Board members indicated that there was no ex parte communication on the request.

Jim LaRue, of LaRue Planning Management, Village Planner, presented the item to the Commission recommending approval of the request with the following conditions:

1. Building permits and related approvals for the single family home must be obtained from the Building Official prior to commencement of construction.

2. Cost Recovery changes must be paid pursuant to Section 152.110. Specifically, no new development application shall be accepted and no building permit shall be issued for the property until all application fees, cost recovery deposits and outstanding fees and fines related to the property (including fees related to any previous development proposal applications on the property), have been paid in full.

3. Authorization or issue of a special exception use or a building permit by the Village does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for issuance of a special exception use or a building permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that result in a violation of federal or state law.

4. All applicable state and federal permits must be obtained before commencement of construction.

Graham Penn was present on behalf of the applicant. He made a brief presentation on the request and asked for a recommendation of approval. Also in attendance with Mr. Penn were Architect, Barry Klein, Gail Westgate, and Stuart Chase.

The Chair opened the public hearing and there were no speakers. The public hearing was closed.

Following discussion, The Chair Reinaldo Trujillo made a motion to approve the request with the conditions as recommended by the Village Planner as set forth herein. Barry Beschel seconded the motion which was adopted by a 4-0 vote. The vote was as follows: James Carter, Barry Beschel, Bud Farrey, and Reinaldo Trujillo all voting Yes.

3. APPROVAL OF MINUTES

A. Regular Planning & Zoning Board Meeting – JUNE 18, 2013

The Chair Reinaldo Trujillo made a motion to approve the Minutes as submitted. Bud Farrey seconded the motion which was adopted by a 4-0 vote. The vote was as follows: James Carter, Barry Beschel, Bud Farrey, and Reinaldo Trujillo all voting Yes.

4. ADJOURNMENT

The meeting adjourned at 8:04 p.m.

Prepared and submitted by: Yvonne P. Hamilton, CMC
Village Commission

Adopted by the Planning & Zoning Board on
this _____ day of _____.

_____
Reinaldo Trujillo, Chair

(Note: The Minutes are not a verbatim record of the meeting. A copy of the audio recording is available at the Village Clerk's Office until the time for disposition in accordance with the Records Disposition and other Public Records Law.)

3B(3)

Staff Report
Site Plan

Prepared for:	*North Bay Village, Planning and Zoning Board*
Applicant:	*7914 Building LLC*
Site Address:	*7914, 7916, and 7918 West Drive*
Request:	*Density Bonus Review and 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

4A(1)

General Information

Owner/Applicant:	7914 Building LLC Fred Knoll
Applicant Address:	11098 Biscayne Blvd, Suite 203 Miami, FL 33161
Site Address:	7914, 7916, and 7918 West Drive
Contact Person:	Fred Knoll
Applicant Phone Number:	646-523-4367
E-mail Address	fred_knoll@mfkgrp.com

	Existing
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

Lot 1 – 7914 West Drive
Harbor Island PB 44-72
Lot 14
Lot Size 80.000 x 140
OR 19456—1179 01 2001 2(3)
COC23266-2683 04 2005 2

Lot 2 – 7916 West Drive
Harbor Island PB 44-72
Lot 16
Lot Size 80.000 x 140
OR 19456—1179 01 2001 2(3)
COC23266-2683 04 2005 2

Lot 3 – 7918 West Drive
Harbor Island PB 44-72
Lot 18
Lot Size 80.000 x 140
OR 19456—1179 01 2001 2(3)
COC23266-2683 04 2005 2

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. Site plan approval pursuant to Section 152.105(C)(9) of the North Bay Village Code of Ordinances for development of a 52 unit, 15 story multi-family condominium structure in the RM-70 (high density multiple-family residential) zoning district.

4A(2)

General Description

The site plan request for this development is for a 52 unit, 15 story, multi-family residential building (condominium). Previously, on this property there was an original 2001 approved site plan which was modified in 2007. The 2007 site plan shows a total of 48 units with 13 one-bedroom units at 2,100 square feet, 11 two-bedroom units at 3,130 square feet, and 24 three-bedroom units at 3,175 square feet. Since the current 2014 site plan request is for a slight increase in the number of dwelling units and a different mixture of unit types it is being heard as a new site plan approval.

Density Bonus Analysis

The applicant is requesting a density bonus review under Section 152.029(C)(8)(H) of the North Bay Village Code of Ordinances to allow 46 two bedroom units and 6 three bedroom units for this property which, normally under the Zoning Density standards of Chapter 152, would be limited to 48 two bedroom dwelling units and 1 three bedroom dwelling units.

Under the section below there are a substantial number of dwelling units available to be used under this density bonus program and the Village records do not indicate any utilized in past development approvals. Assuming the density bonus program is still viable, the request for the density bonus for 4 (3 bedroom units) does qualify for approval. It should also be noted that the overall density of 70 dwelling units an acre is still being met as long as the total number of units does not exceed 53.

§ 152.029 RM-70 High Density Multiple-Family Residential District.

(C) *Site development standards.*

(8) Bonus. The following maximum building height bonuses are permitted in the RM-70 District when any of the design bonus alternatives listed in 8(A) through 8(H) are incorporated into proposed project and the incorporated alternatives are subsequently approved by the Village Commission upon recommendation of the Planning & Zoning Board. Bonus approval shall be done at the time of Site Plan Review as required by 152.105(C)(9). Each bonus alternative may be claimed once for a development and multiple awards for the same bonus feature shall not be permitted.

The Village Commission may grant bonuses subsequent to a public hearing when it is determined by the Commission that the proposed bonus amenities are substantive in nature, contribute to an overall project design which takes into account the public's critical interests in new development and where the proposed plan is otherwise in substantial conformity with the Village's Comprehensive Plan.

4A(3)

(H) *Density bonus.* Each parcel shall have the ability to purchase additional buildable units from North Bay Village for a pr ice of $40,000.00 per unit. These units shall be derived from land currently owned by the Village, which will not be developed into residential buildings in the future. The money from these units shall be utilized for future Village parks and for the purchase of land for additional open green space. These units are to come from the development rights of Village Hall as well as the public works property on Treasure Island. The total buildable units are: 129 Efficiencies; 129 1-Bedroom Units; 117 2-Bedroom Units; 106 3-Bedroom Units. Monies due from development under the bonus participation program shall be paid to North Bay Village within 90 days of site plan approval by the Village Commission. Thereafter, the appropriate number of units will be d eemed to the property. {This fee shall be set towards a Village Park Fund}.

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	Park
East	Future Land Use	High Density Multi-Family Residential
	Zoning District	RM-70
	Existing Land Use	Condominiums & Commercial Parking Lot
South	Future Land Use	High Density Multi-Family Residential
	Zoning District	RM-70
	Existing Land Use	Condominium
West	Future Land Use	Water
	Zoning District	Water
	Existing Land Use	Biscayne Bay

4A(4)

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Adequacy of Public Facilities

Applicant has submitted capacity analysis for traffic, sewer and water demonstrating sufficient capacity for the proposed development. See attached

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

Staff has reviewed the Traffic Study for Indigo: prepared by KBP Consulting Inc., and offers the following comments:

1. The Study uses ITE code 232, High Rise Residential Condominium for AM Peak Hour and PM Peak Hour trip generation.

2. KPB Consulting has employed the available peak hour capacity for two count station locations as provided by the Miami-Dade County MPO and the FDOT, January, 2014.

   The count location at NE 79th Street, East of N. Bayshore Drive to US1 has an available peak hour capacity of 968 trips.

   The count location at NE 79th Street Causeway, East of Treasure Drive between N. Bayshore Drive - Bay Drive has an available peak hour capacity of 2,832 trips.

3. The proposed project will generate a net increase of 44 trips during the AM peak hour and 33 vehicle trips during the PM peak hour

CONCLUSION

After reviewing the materials, it is apparent that the proposed project involving 52 dwelling units will not generate traffic levels that would result in traffic on NE 79th Street Causeway to exceed the available capacity during either the AM or PM Peak Hours. The applicant should also substantiate that the traffic LOS on West Drive will not exceed available capacity during the AM or PM peak traffic hours.

4A(5)

Comparison of Submitted Site Plan With Land Development Regulations

Section	Regulation	Required	Provided
North Bay Village LDC			
152.029(B)	Uses permitted	Multifamily residential dwellings	In compliance
152.029(C)(1)	Minimum lot area	27,000 sq ft	33,600 sq ft (0.77 acres)
152.029(C)(1)	Minimum frontage	75 ft	240 ft
152.029(C)(2)	Minimum front setback	25 ft	25 ft
152.029(C)(2)	Minimum side setback	15 ft on one side. 20% of lot width on the other side Combination of both side setbacks to be at least 60 ft 20% of 240 = 48	15 ft on north side 48 ft on south side Combination of both side setbacks equal to 63 ft
152.029(C)(2)	Minimum rear setback	25 ft	25 ft
152.029(C)(3)	Required lot area per dwelling unit	Unit type / Lot area/unit Efficiency / 620 1-br / 620 2-br / 685 3-br / 750 46 x 685 = 31,510 6 x 750 = 4,500 31,510 + 4,500 = 36, 010 sq ft of required lot area	36,010>33,600 Applicant is paying density bonus fees. See below for bonus density provision.
Comprehensive Plan Future Land Use Policy 2.1.1a	Maximum density	70 dwelling units per acre	67.4 dwelling units per acre
152.029(C)(4)	Maximum building height	150 ft or 15 stories, whichever is less	150 ft
152.029(C)(4)	Maximum parking levels	4 stories	Ground level parking and4 stories of parking garage.
152.029(C)(5)	Minimum pervious area	20% of total parcel 20% of 33,600 = 6,720 sq ft	11,017 sq ft

4A(6)

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Section	Regulation	Required	Provided
152.029(C)(6)	Minimum dwelling unit floor area	Unit type / Floor area Efficiency / 600 1-br / 900 2-br / 1,200 3-br / 1,350	2-BR units are 2,100; 2,380; 2,530; and 2,900 sq ft 3-BR units are 4,200 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
152.029(C)(8)	Building height bonus	Additional height may be purchased	N/A
152.029(C)(8)	Building density bonus	Additional density may be purchased, not to exceed 70 units per acre	Applicant is purchasing additional density
152.029(C)(9)2	Paving surfaces	Except for covered garages, all exterior paving surfaces shall be constructed of brick pavers	Provided
152.029(C)(9)3	Required water feature	A water feature shall be provided in the front	Provided
152.029(C)(9)6	Screening of parking garages	Parking garages shall be constructed with architectural features that obscure it from public view	Provided
152.029(C)(9)7	Street tree lighting	Lighting shall be provided in all areas in front where trees are planted	Lighting shall be provided as indicated in Jan 29, 2014 letter from architect
5.2.2(a)(1)	Minimum standard parking space dimensions	9 ft by 18 ft	Provided
5.2.2(a)(2)	Minimum compact parking space dimensions	8 ft by 16 ft	Provided

4A(7)

Section	Regulation	Required	Provided
5.2.2(a)(3)	Minimum handicapped parking space dimensions	Must comply with all applicable accessibility standards	Provided
152.042(D)	Minimum number of handicapped spaces	2% of total required spaces. 2% of 123 = 3 handicapped spaces required	9 handicapped parking spaces
ADA Requirement	Minimum number of handicapped spaces	5 handicapped spaces for facilities with 101 to 150 parking spaces	
152.042(E)	Maximum number of compact parking spaces	20% of total required 20% of 121 = 24	24
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
152.044(A)(2)	Minimum number of parking spaces per dwelling unit	2 spaces per two-bedroom unit 3 spaces per three-bedroom unit Plus 10% of total required spaces 46 x 2 = 92 6 x 3 = 18 10% of 110 = 11 110 + 11 = 121 spaces required	121 parking spaces
152.045(B)	Minimum loading space dimensions	12 ft by 30 ft, and at least 14.5 ft of vertical clearance	Provided

4A(8)

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 Not including other areas 'under air', dwelling units alone are 123,365 sq ft, 3 load spaces required	3 loading spaces
152.056	Maximum balcony encroachment in to side or rear yard	4 ft	4 ft
155.17	Minimum width of maneuvering aisle	90 degree parking shall be designed 23 ft wide maneuvering aisles	Provided
155.17	Minimum width of 2-way access aisle	23 ft	In compliance
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

4A(9)

Section	Regulation	Required	Provided
155.18(A)4	Dumpster placement	Dumpster enclosures shall be placed in such a manner as to allow front end loader sanitation trucks to pick up garbage in a forward motion. Backing out the sanitation truck is prohibited	Provided
155.18(A)5	Mechanical equipment screening	Roof-mounted mechanical equipment and elevator shafts shall be screened by a parapet wall or grilles, and shall be painted in muted colors or match the building and shall not be visible from the street.	Plans state that future 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.	A vegetative survey is not needed as all existing vegetation on-site are exotic invasive plants.

4A(10)

Section	Regulation	Required	Provided
18A-4(D)	Irrigation plan	An Irrigation Plan shall be submitted. Where a landscape plan is required, an irrigation plan shall be submitted concurrently.	Not yet provided
18A-6(A)(5)	Maximum lawn area	40% of lot area, less the area covered by buildings	According to 1-29-14 letter from landscape architect, no sod will be used on project
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). With 240 linear foot of frontage, either 7 trees or 10 palms are required.	This requirement is met
18A-6(C)(3)	Trees under power lines	Where overhead power lines require low growing trees, street trees shall have a minimum height of 8 ft and a maximum average spacing of 25 feet on center.	A power line is present along the ROW, but no trees are proposed directly underneath the line.

4A(11)

Section	Regulation	Required	Provided
18A-6(C)(4)	Palms	Palms which are spaced no more than 25 feet on center and have a 14 foot minimum height or 4 inches minimum caliper diameter may count as a required tree.	In compliance.
18A-6(C)(5)	Number of required trees	28 trees per acre required in multi-family residential zoning categories 28 x 0.77 = 22 required trees	38 trees
18A-6(C)(11)	Limitations on required trees	At least 30% shall be native species. At least 50% shall be low maintenance and drought tolerant. Of the required trees, no more than 30% shall be palms	In compliance. This requirement has been met by native trees. In compliance.
18A-6(C)(12)	Limitations on required trees	80% of required trees shall be listed in the Miami-Dade Landscape Manual, the Miami-Dade Street Tree Master Plan and/or the University of Florida's Low Maintenance Landscape Plants for South Florida list.	In compliance.

4A(12)

Section	Regulation	Required	Provided
18A-6(D)(1)	Shrubs	All shrubs must be a minimum of 18 inches a time of planting.	All required shrubs are at least 18 inches.
		10 shrubs are required for each required tree.	In compliance
		30% shall be native species	In compliance
		50% shall be low maintenance and drought tolerant	In compliance
		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.	This requirement has been met.

4A(13)

Section	Regulation	Required	Provided
18A-6(H)	Use buffers	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. 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.	There is a park on the north side of the subject property and a multi-family use on the south side of the property. Buffering will be required on the north side of the property to screen the dissimilar use. Buffering is not required on the south side as the use is similar to that of the subject property. The buffer shown on the north side of the property adequately meets this requirement.
18A-6(I)	Parking lot buffers	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 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.	There is one exterior loading space and one exterior standard parking space shown on the plan. Both are adequately buffered.

4A(14)

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. 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. Each tree shall have a minimum of 5 feet of planting area width, exclusive of curb dimension.	N/A. One exterior loading space and one exterior parking space do not constitute a 'parking lot'.
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. ~60 ft required	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. 48 ft required	48 ft on south side
33D-38(3)	Minimum side setback	Minimum of 25 ft	48 ft on south 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

4A(15)

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Recommendations

BUILDING DENSITY BONUS:

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

SITE PLAN:

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

1) Submittal of an irrigation plan which meets Miami-Dade Chapter 18A requirements

2) Dedication recording of the public boardwalk access easements as per section 152.029(C)(7).

3) Site plan approval from Miami-Dade Shoreline Review Committee.

4) Meeting School Board Concurrency requirements as determined by School Board Staff.

5) Payment of any applicable impact fees.

6) Payment of bonus density fees, as required under Section 152.029(C)8F.

7) Tie-in to Village's wastewater system at a Village designed proximate location (proposed connection point) and payment of pro-rata costs involved in tying into appropriate connection point.

8) 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.

9) Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.

10) 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.

4A(16)

11) All applicable state and federal permits must be obtained before commencement of construction.

Submitted by:
James G. LaRue
James G. LaRue, AICP
Planning Consultant

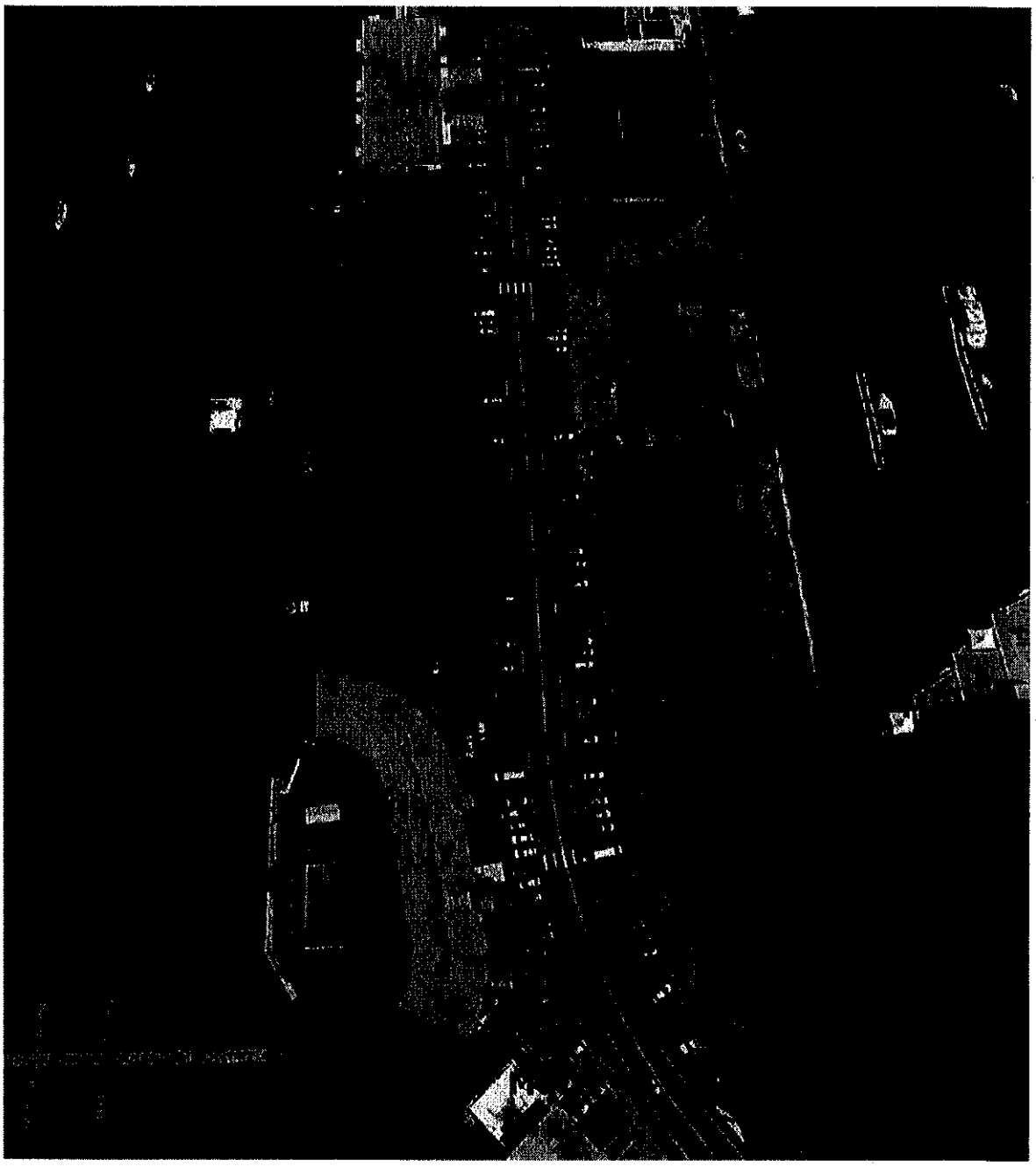
February 12, 2014

Hearing: Planning & Zoning Board, February 18, 2014

Attachments: Future Land Use Map
Zoning Map
Aerial photograph

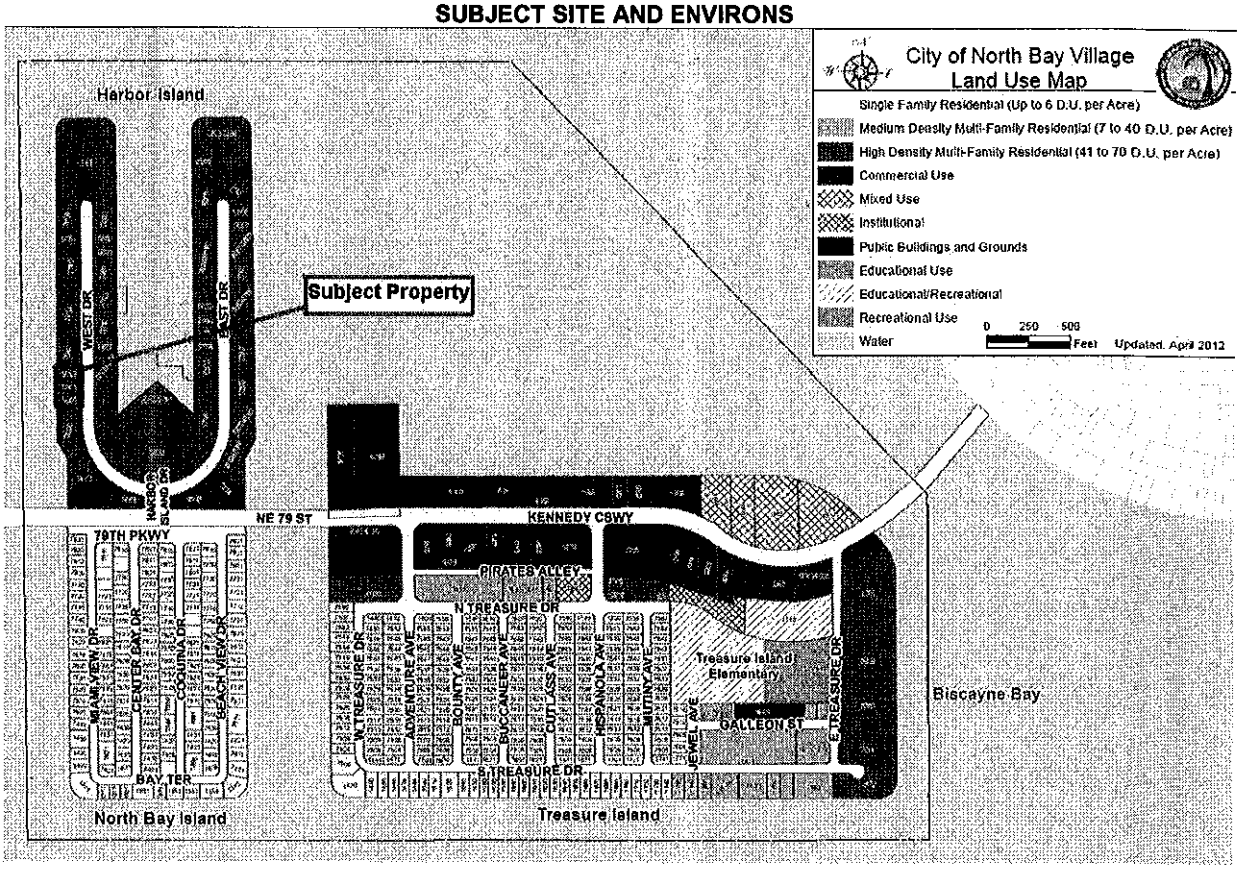
4A(17)

AERIAL
SUBJECT SITE AND ENVIRONS



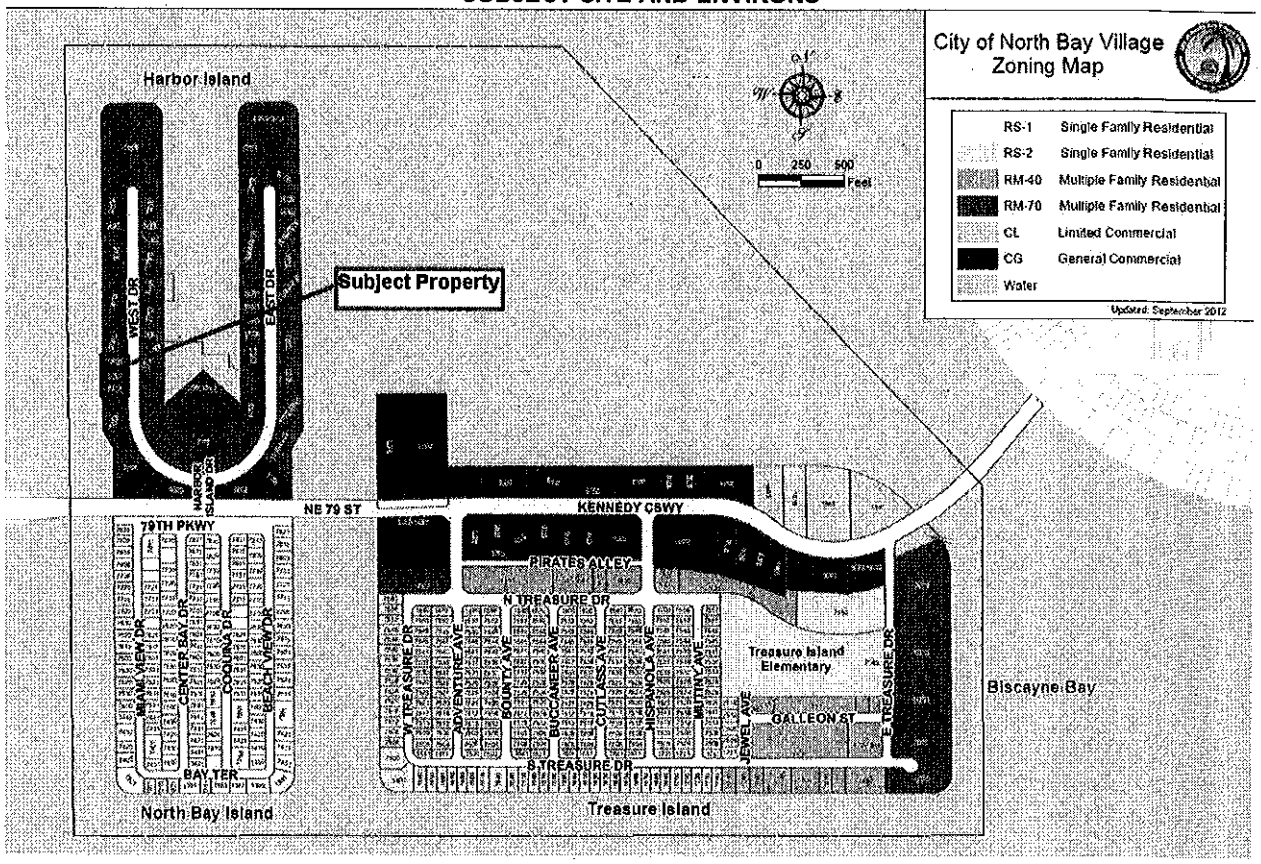
4A (18)

FUTURE LAND USE
SUBJECT SITE AND ENVIRONS



4A(19)

ZONING
SUBJECT SITE AND ENVIRONS



4A(20)

Staff Report
Special Use Exception

Prepared for:	*North Bay Village Planning & Zoning Board*
Applicant:	*7914 Building LLC*
Site Address:	*7914, 7916, and 7918 West Drive*
Request:	*Special exception for Twenty percent of parking spaces designated for compact vehicles*

LaRue Planning
& Management Services, Inc.
1375 Jackson Street, Suite 206
Fort Myers, Florida
239-334-5366
Serving Florida Local Governments Since 1988

4A(21)

General Information

Owner/Applicant:	7914 Building LLC Fred Knoll
Applicant Address:	11098 Biscayne Blvd, Suite 203 Miami, FL 33161
Site Address:	7914, 7916, and 7918 West Drive
Contact Person:	Fred Knoll
Applicant Phone Number:	646-523-4367
E-mail Address	fred_knoll@mfkgrp.com

	Existing
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

Lot 1 – 7914 West Drive
Harbor Island PB 44-72
Lot 14
Lot Size 80.000 x 140
OR 19456—1179 01 2001 2(3)
COC23266-2683 04 2005 2

Lot 2 – 7916 West Drive
Harbor Island PB 44-72
Lot 16
Lot Size 80.000 x 140
OR 19456—1179 01 2001 2(3)
COC23266-2683 04 2005 2

Lot 3 – 7918 West Drive
Harbor Island PB 44-72
Lot 18
Lot Size 80.000 x 140
OR 19456—1179 01 2001 2(3)
COC23266-2683 04 2005 2

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.

4A(22)

General Description

The proposed site plan for the multi-family residential development shows 24 designated 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

The granting of no more than 24 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 L. LaRue
James L. LaRue, AICP
Planning Consultant

February 12, 2014

Hearing: Planning & Zoning Board, February 18, 2014

4A(23)

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: 7914 West Drive, LLC
7914, 7916, & 7918 West Drive
Harbor Island
North Bay Village, FL 33141

Request for the following:

A. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 52 UNIT, 15 STORY MULTI-FAMILY CONDOMINIUM STRUCTURE IN THE RM-70 (HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL) ZONING DISTRICT.

B. BONUS DENSITY REVIEW PURSUANT TO SECTION 152.029(C)(8)(H) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.

C. 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.

I, Yvonne P. Hamilton, hereby certify that the attached Notice of Public Hearing to be held on February 18, 2014 was posted at the above-referenced property on February 7, 2014.

Dated this 14th day of February 2014.

Yvonne P. Hamilton
Village Clerk

(Planning & Zoning Board Meeting-2/18/2014)

4A(24)

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 ***FEBRUARY 18, 2014 AT 7:30 P.M. OR AS SOON AS POSSIBLE THEREAFTER, AT TREASURE ISLAND ELEMENTARY SCHOOL, 7540 EAST TREASURE DRIVE***, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING, THE BOARD WILL CONSIDER THE FOLLOWING REQUESTS AND SUBMIT A RECOMMENDATION TO THE VILLAGE COMMISSION:

1. **AN APPLICATION BY 7914 BUILDING, LLC CONCERNING PROPERTY LOCATED AT 7914, 7916 AND 7918 WEST DRIVE, TRACT C OF HARBOR ISLAND, NORTH BAY VILLAGE, FLORIDA FOR THE FOLLOWING:**

   A. **SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 52 UNIT, 15 STORY MULTI-FAMILY CONDOMINIUM STRUCTURE IN THE RM-70 (HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL) ZONING DISTRICT.**

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

   C. **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.**

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.

4A(25)

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

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

YVONNE P. HAMILTON, CMC
VILLAGE CLERK
(February 7, 2014)

4A(26)

01-27-14P03:57 RCVD

Juliana O. CALDERON
7900 Harbor Island Drive A-1116
North Bay Village, Fl. 33141
E-mail: OWLA@AOL.COM

January 24,2014

The Planning and Zoning Board
1666 kennedy Causeway, #300
North Bay Village, Fl.33141

I am in receipt of the notice concerning the development of the propery located at 7914, 7916, 7918 West Drive. I am concerned about the traffic in this area. At this time in addition to the existing traffic there is a construction at the end of West Drive of 285 apartment units. The only exit for the traffic generated both in East and West Drive is Harbor Island drive, which is a short street. If we continue to add developments in this two streets the traffic jams will be of great magnitud. I beleive that before any new construction permits are issued in these areas a Comprehensive Traffic Study should be conducted.

Thank you for listening to my concern,

Juliana O. Calderon

4A(27)

Staff Report
Site Plan

Prepared for:	*North Bay Village, Planning and Zoning Board*
Applicant:	*7914 Building LLC*
Site Address:	*7914, 7916, and 7918 West Drive*
Request:	*Density Bonus Review and Site Plan Approval for Multi-family residential building (condominium)*

La Rue Planning
& Management Services, Inc.
1375 Jackson Street, Suite 206
Fort Myers, Florida
239-334-3366
Serving Florida Local Governments Since 1988

2A(1)

General Information

Owner/Applicant:	7914 Building LLC Fred Knoll
Applicant Address:	11098 Biscayne Blvd, Suite 203 Miami, FL 33161
Site Address:	7914, 7916, and 7918 West Drive
Contact Person:	Fred Knoll
Applicant Phone Number:	646-522-4007
E-mail Address	fred_knoll@mfkgrp.com

	Existing
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

Lot 1 – 7914 West Drive
Harbor Island PB 44-72
Lot 14
Lot Size 80.000 x 140
OR 19456—1179 01 2001 2(3)
COC23266-2683 04 2005 2

Lot 2 – 7916 West Drive
Harbor Island PB 44-72
Lot 16
Lot Size 80.000 x 140
OR 19456—1179 01 2001 2(3)
COC23266-2683 04 2005 2

Lot 3 – 7918 West Drive
Harbor Island PB 44-72
Lot 18
Lot Size 80.000 x 140
OR 19456—1179 01 2001 2(3)
COC23266-2683 04 2005 2

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. Site plan approval pursuant to Section 152.105(C)(9) of the North Bay Village Code of Ordinances for development of a 53 unit, 15 story multi-family condominium structure in the RM-70 (high density multiple-family residential) zoning district.

General Description

The site plan request for this development is for a 53 unit, 15 story, multi-family residential building (condominium). Previously, on this property there was an original 2001 approved site plan which was modified in 2007. The 2007 site plan shows a total of 48 units with 13 one-bedroom units at 2,100 square feet, 11 two-bedroom units at 3,130 square feet, and 24 three-bedroom units at 3,175 square feet. Since the current 2014 site plan request is for a greater number of dwelling units and a different mixture of unit types it is being heard as a new site plan approval.

Density Bonus Analysis

The applicant is requesting a density bonus review under Section 152.029(C)(8)(H) of the North Bay Village Code of Ordinances to allow 48 two bedroom units and 5 three bedroom units for this property which normally under the Zoning Density standards of Chapter 152 would be limited to 48 two bedroom dwelling units and 1 three bedroom dwelling units.

Under the section below there are a good number of dwelling units available to be used under this density bonus program and the Village records do not indicate many if any utilized in past development approvals. Assuming the density bonus program is still viable, the request for the density bonus for 4 (3 bedroom units) does qualify for approval. It should also be noted that the overall density of 70 dwelling units an acre is still being met as long as the total number of units does not exceed 53.

§ 152.029 RM-70 High Density Multiple-Family Residential District.

(C) *Site development standards.*

(8) Bonus. The following maximum building height bonuses are permitted in the RM-70 District when any of the design bonus alternatives listed in 8(A) through 8(H) are incorporated into proposed project and the incorporated alternatives are subsequently approved by the Village Commission upon recommendation of the Planning & Zoning Board. Bonus approval shall be done at the time of Site Plan Review as required by 152.105(C)(9). Each bonus alternative may be claimed once for a development and multiple awards for the same bonus feature shall not be permitted.

The Village Commission may grant bonuses subsequent to a public hearing when it is determined by the Commission that the proposed bonus amenities are substantive in nature, contribute to an overall project design which takes into account the public's critical interests in new development and where the proposed plan is otherwise in substantial conformity with the Village's Comprehensive Plan.

(H) *Density bonus.* Each parcel shall have the ability to purchase additional buildable units from North Bay Village for a price of $40,000.00 per unit. These units shall be derived from land currently owned by the Village, which will not be developed into residential buildings in the future. The money from these units shall be utilized for future Village parks and for the purchase of land for additional open green space. These units are to come from the development rights of Village Hall as well as the public works property on Treasure Island. The total buildable units are: 129 Efficiencies; 129 1-Bedroom Units; 117 2-Bedroom Units; 106 3-Bedroom Units. Monies due from development under the bonus participation program shall be paid to North Bay Village within 90 days of site plan approval by the Village Commission. Thereafter, the appropriate number of units will be deemed to the property. {This fee shall be set towards a Village Park Fund}.

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	Park
East	Future Land Use	High Density Multi-Family Residential
	Zoning District	RM-70
	Existing Land Use	Condominiums & Commercial Parking Lot
South	Future Land Use	High Density Multi-Family Residential
	Zoning District	RM-70
	Existing Land Use	Condominium
West	Future Land Use	Water
	Zoning District	Water
	Existing Land Use	Biscayne Bay

Adequacy of Public Facilities

Applicant has submitted capacity analysis for traffic, sewer and water demonstrating sufficient capacity for the proposed development. See attached

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

Staff has reviewed the Traffic Study for Indigo: prepared by KBP Consulting Inc., and offers the following comments:

1. The Study uses ITE code 232, High Rise Residential Condominium for AM Peak Hour and PM Peak Hour trip generation.

2. KPB Consulting has employed the available peak hour capacity for two count station locations as provided by the Miami-Dade County MPO and the FDOT, January, 2014.

   The count location at NE 79th Street, East of N. Bayshore Drive to US1 has an available peak hour capacity of 968 trips.

   The count location at NE 79th Street Causeway, East of Treasure Drive between N. Bayshore Drive - Bay Drive has an available peak hour capacity of 2,832 trips.

3. The proposed project will generate a net increase of 44 trips during the AM peak hour and 33 vehicle trips during the PM peak hour

CONCLUSION

After reviewing the materials, it is apparent that the proposed project involving 53 dwelling units will not generate traffic levels that would result in traffic on NE 79th Street Causeway to exceed the available capacity during either the AM or PM Peak Hours.

Comparison of Submitted Site Plan With Land Development Regulations

Section	Regulation	Required	Provided
North Bay Village LDC			
152.029(B)	Uses permitted	Multifamily residential dwellings	Because the proposed development contains less than 100 dwelling units, the convenience store depicted on the site plan is not a permitted use.
152.029(C)(1)	Minimum lot area	27,000 sq ft	33,600 sq ft
152.029(C)(1)	Minimum frontage	75 ft	240 ft
152.029(C)(2)	Minimum front setback	25 ft	25 ft
152.029(C)(2)	Minimum side setback	15 ft on one side. 20% of lot width on the other side Combination of both side setbacks to be at least 60 ft 20% of 240 = 48	15 ft on north side 48 ft on south side Combination of both side setbacks equal to 63 ft
152.029(C)(2)	Minimum rear setback	25 ft	25 ft
152.029(C)(3)	Required lot area per dwelling unit	Unit type / Lot area/unit Efficiency / 620 1-br / 620 2-br / 685 3-br / 750 46 x 685 = 31,510 6 x 750 = 4,500 31,510 + 4,500 = 36, 010 sq ft of required lot area	36,010>33,600 Applicant is paying density bonus fees. See below for bonus density provision.
Comprehensive Plan Future Land Use Policy 2.1.1a	Maximum density	70 dwelling units per acre	67.4 dwelling units per acre
152.029(C)(4)	Maximum building height	150 ft or 15 stories, whichever is less	150 ft

Section	Regulation	Required	Provided
152.029(C)(4)	Maximum parking levels	4 stories	Surface level parking and 4 stories of parking garage.
152.029(C)(5)	Minimum pervious area	20% of total parcel 20% of 33,600 = 6,720 sq ft	11,017 sq ft
152.029(C)(6)	Minimum dwelling unit floor area	Unit type / Floor area Efficiency / 600 1-br / 900 2-br / 1,200 3-br / 1,350	2-BR units are 2,100; 2,380; 2,530; and 2,900 sq ft 3-BR units are 4,200 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
152.029(C)(8)	Building height bonus	Additional height may be purchased	N/A
152.029(C)(8)	Building density bonus	Additional density may be purchased, not to exceed 70 units per acre	Applicant is purchasing additional density for 4 three-BR units
152.029(C)(9)2	Paving surfaces	Except for covered garages, all exterior paving surfaces shall be constructed of brick pavers	Pervious pavement and brick pavers provided
152.029(C)(9)3	Required water feature	A water feature shall be provided in the front	Provided. However, because the water feature encroaches on the side yard setback, the water feature structure may be no more than 6 inches (curb height) above ground.

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 shown
5.2.2(a)(1)	Minimum standard parking space dimensions	9 ft by 18 ft	Some spaces are shown at 8 ft by 16 ft
5.2.2(a)(2)	Minimum compact parking space dimensions	8 ft by 16 ft	N/A. Compact parking spaces have not been approved
5.2.2(a)(3)	Minimum handicapped parking space dimensions	Must comply with all applicable accessibility standards	Handicapped spaces are 9 ft by 18 ft with parking aisles adjacent
152.042(D)	Minimum number of handicapped spaces	2% of total required spaces. 2% of 123 = 3 handicapped spaces required	10 handicapped parking spaces
ADA Requirement	Minimum number of handicapped spaces	5 handicapped spaces for facilities with 101 to 150 parking spaces	
152.042(E)	Maximum number of compact parking spaces	20% of total required (only with approval by Village Commission)	N/A. Compact parking spaces have not been approved
152.042(K)	Minimum setback of ROW from parking spaces	20 ft	Not 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	Not 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

Section	Regulation	Required	Provided
152.044(A)(2)	Minimum number of parking spaces per dwelling unit	1.5 space per efficiency unit 2 spaces per one-bedroom unit 2 spaces per two-bedroom unit 3 spaces per three-bedroom unit Plus 10% of total required spaces 46 x 2 = 92 6 x 3 = 18 10% of 110 = 11 110 + 11 = 121 spaces required	Only 102 parking spaces meet the requirements for standard parking 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

Section	Regulation	Required	Provided
152.045(F)(2)	Minimum number of loading spaces for multi-family	<table><tr><th>Gross floor area</th><th>Spaces</th></tr><tr><td><25,000</td><td>0</td></tr><tr><td>25,000-50,000</td><td>1</td></tr><tr><td>50,000-100,000</td><td>2</td></tr><tr><td>>100,000</td><td>3</td></tr></table> Not including other areas 'under air', dwelling units alone are 123,365 sq ft, 3 load spaces required	3 loading spaces shown, though the loading spaces are poorly located. Two of the loading spaces require backing in from West Drive. The other loading space is located such that it will inhibit vehicle flow from other on-site areas, does not have direct access to main building and does not allow for adequate landscaping buffer.
152.056	Maximum balcony encroachment in to side or rear yard	4 ft	4 ft
155.17	Minimum width of maneuvering aisle	90 degree parking shall be designed 23 ft wide maneuvering aisles	Provided
155.17	Minimum width of 2-way access aisle	23 ft	Not in compliance
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.	Cannot be determined
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.	A vegetative survey is not needed as all existing vegetation on-site are exotic invasive plants.
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	Cannot determine. Landscape plans do not mention

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). With 240 linear foot of frontage, either 7 or 10 trees will be required, depending on spacing and tree choice.	There are 5 Live Oaks shown as street trees, planted outside the limits of the property and in the Right-of-Way. These trees cannot count toward the required number of trees. Therefore, the street tree requirement has not been met.
18A-6(C)(3)	Trees under power lines	Where overhead power lines require low growing trees, street trees shall have a minimum height of 8 ft and a maximum average spacing of 25 feet on center.	Per aerials of the site, it appears that overhead power lines are present. Be aware of them when specifying your street trees, and plan accordingly.
18A-6(C)(4)	Palms	Palms which are spaced no more than 25 feet on center and have a 14 foot minimum height or 4 inches minimum caliper diameter may count as a required tree.	All palms meet this requirement.
18A-6(C)(5)	Number of required trees	28 trees per acre required in multi-family residential zoning categories 28 x 0.77 = 22 required trees	23 trees are provided.

Section	Regulation	Required	Provided
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	20 trees (87%) are native trees. This requirement has been met by native trees. All required trees are non-palms.
18A-6(C)(12)	Limitations on required trees	80% of required trees shall be listed in the Miami-Dade Landscape Manual, the Miami-Dade Street Tree Master Plan and/or the University of Florida's Low Maintenance Landscape Plants for South Florida list.	20 trees (87%) are native trees and on this list.

Section	Regulation	Required	Provided
18A-6(D)(1)	Shrubs	All shrubs must be a minimum of 18 inches a time of planting.	This requirement has been met.
		10 shrubs are required for each required tree.	330 shrubs are required and have been provided.
		30% shall be native species	99 shrubs must be native, 125 native shrubs have been provided.
		50% shall be low maintenance and drought tolerant	165 shrubs must be low maintenance and drought tolerant; at least 260 have been provided.
		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.	264 shrubs must be listed on University of Florida's Low Maintenance Landscape Plants for South Florida list. This requirement has been met and exceeded.

Section	Regulation	Required	Provided
18A-6(H)	Use buffers	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. 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.	There is a park on the north side of the subject property and a multi-family use on the south side of the property. Buffering will be required on the north side of the property to screen the dissimilar use. Buffering is not required on the south side as the use is similar to that of the subject property. The buffer shown on the north side of the property adequately meets this requirement.
18A-6(I)	Parking lot buffers	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 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.	Not 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. 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. Each tree shall have a minimum of 5 feet of planting area width, exclusive of curb dimension.	N/A. One exterior loading space and one exterior parking space do not constitute a 'parking lot'.
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. ~60 ft required	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. 48 ft required	48 ft on south side
33D-38(3)	Minimum side setback	Minimum of 25 ft	48 ft on south 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 DENSITY BONUS:

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

SITE PLAN:

Staff recommends **non-approval** of the site plan due to the following deficiencies:

1) Depiction of non-permitted use (convenience store) on site plan
2) Lack of street tree lighting
3) Insufficient number of standard parking spaces
4) Ground floor parking space and loading space arrangement does not permit safe and efficient ingress, egress and vehicular circulation
5) Lack of protective separation buffer from loading space
6) Insufficient space allocated for necessary landscaping
7) Undersized access parking aisles.

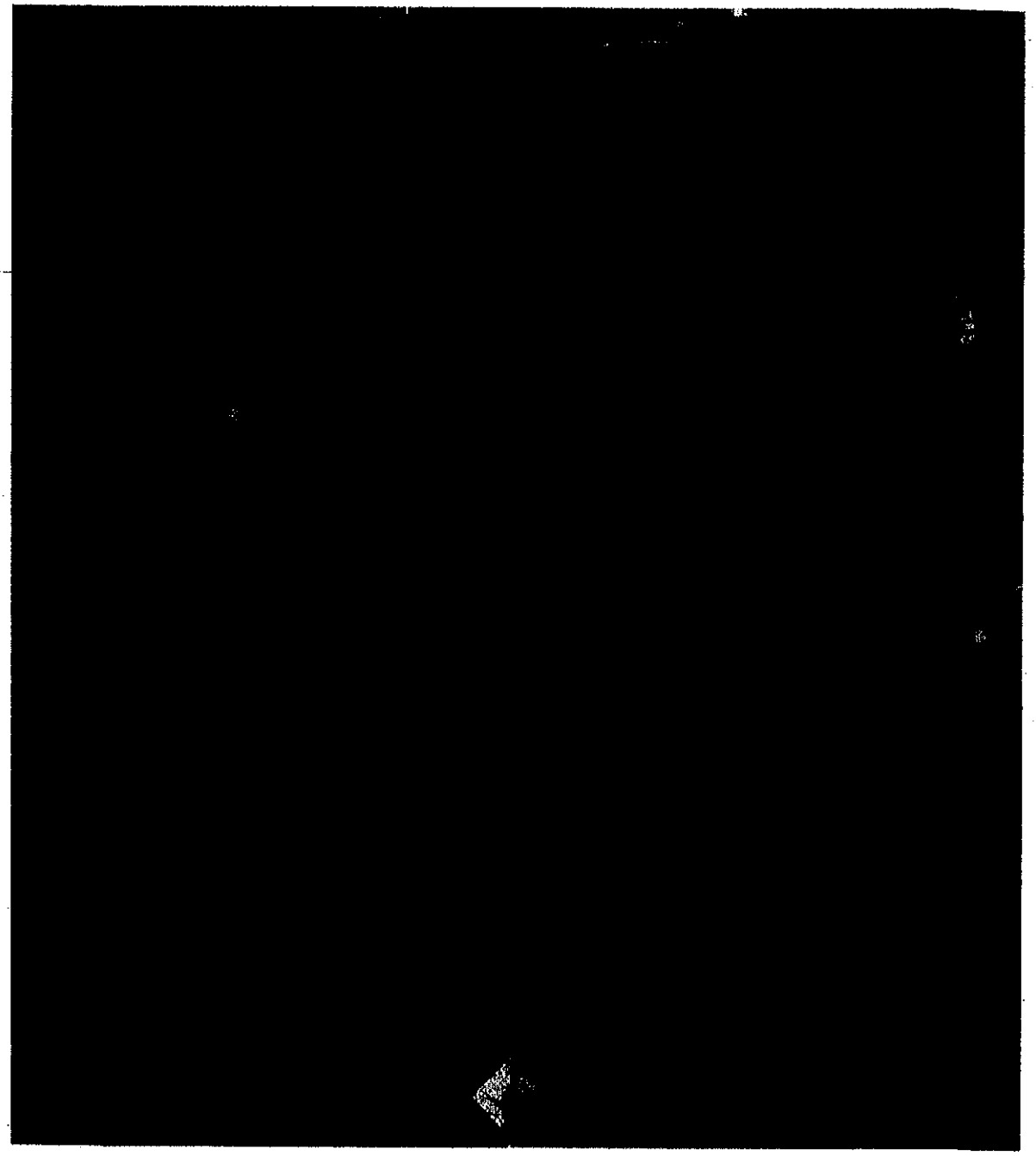
Submitted by:
James G. LaRue
James G. LaRue, AICP
Planning Consultant

January 23, 2014

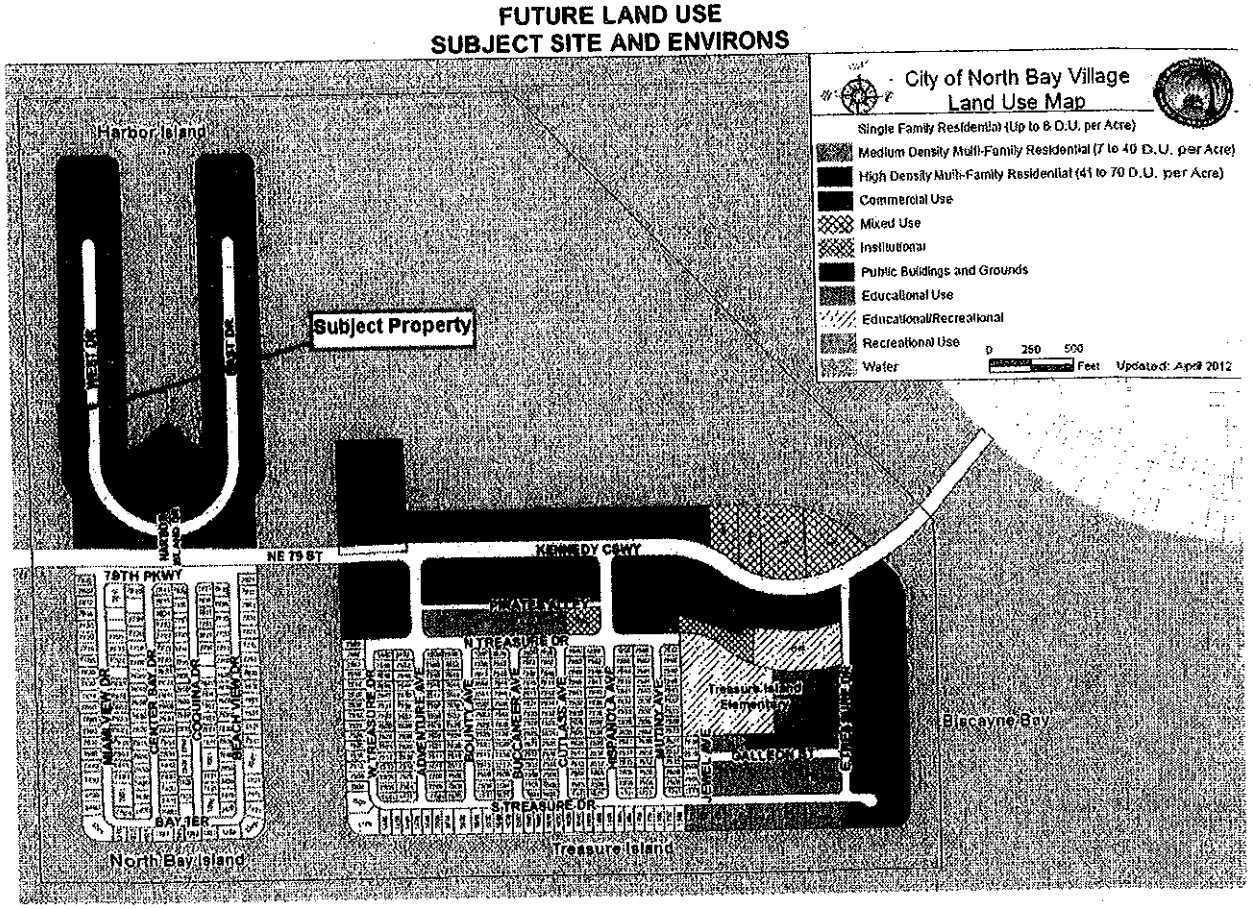
Hearing: Planning & Zoning Board, January 30, 2014

Attachments: Future Land Use Map
Zoning Map
Aerial photograph

AERIAL
SUBJECT SITE AND ENVIRONS



FUTURE LAND USE
SUBJECT SITE AND ENVIRONS



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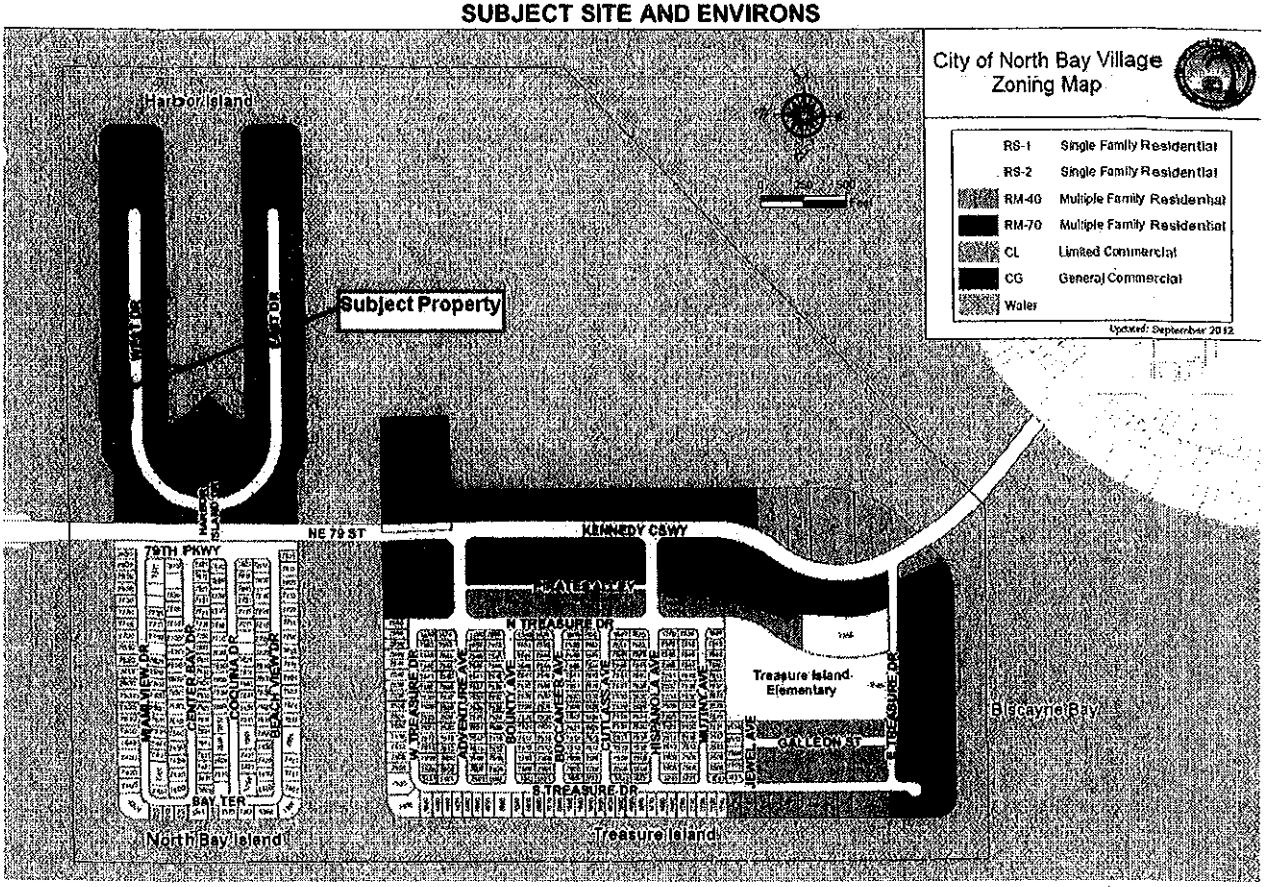
ZONING
SUBJECT SITE AND ENVIRONS



2A (20)

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 ***JANUARY 30, 2014 AT 7:30 P.M. OR AS SOON AS POSSIBLE THEREAFTER, AT TREASURE ISLAND ELEMENTARY SCHOOL, 7540 EAST TREASURE DRIVE***, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING, THE BOARD WILL CONSIDER THE FOLLOWING REQUESTS AND SUBMIT A RECOMMENDATION TO THE VILLAGE COMMISSION:

1. AN APPLICATION BY 7914 BUILDING, LLC CONCERNING PROPERTY LOCATED AT 7914, 7916 AND 7918 WEST DRIVE, TRACT C OF HARBOR ISLAND, NORTH BAY VILLAGE, FLORIDA FOR THE FOLLOWING:

    A. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 53 UNIT, 15 STORY MULTI-FAMILY CONDOMINIUM STRUCTURE IN THE RM-70 (HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL) ZONING DISTRICT.

    B. BONUS DENSITY REVIEW PURSUANT TO SECTION 152.029(C)(8)(H) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.

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.

2A(21)

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
(January 14, 2014)

2A(22)

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: 7914 Building, LLC
7914, 7916, and 7918 West Drive
Harbor Island
North Bay Village, FL 33141

Request for the following:

A. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 53 UNIT, 15 STORY MULTI-FAMILY CONDOMINIUM STRUCTURE IN THE RM-70 (HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL) ZONING DISTRICT.

B. BONUS DENSITY REVIEW PURSUANT TO SECTION 152.029(C)(8)(H) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.

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 7914 Building, LLC for the requests referenced herein is complete.

Dated this 16th day of January 2014.

Yvonne P. Hamilton
Village Clerk

(Planning & Zoning Board Meeting-1/30/2014)

2A (23)

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: 7914 Building, LLC
7914, 7916 & 7918 West Drive
Harbor Island
North Bay Village, FL 33141

Request for the following:

A. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 53 UNIT, 15 STORY MULTI-FAMILY CONDOMINIUM STRUCTURE IN THE RM-70 (HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL) ZONING DISTRICT.

B. BONUS DENSITY REVIEW PURSUANT TO SECTION 152.029(C)(8)(H) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.

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 January 16, 2014.

Dated this 21st day of January 2014.

Yvonne P. Hamilton
Village Clerk

(Planning & Zoning Board Meeting-1/30/2014)

2A(24)

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: 7914 West Drive, LLC
7914, 7916, & 7918 West Drive
Harbor Island
North Bay Village, FL 33141

Request for the following:

A. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 53 UNIT, 15 STORY MULTI-FAMILY CONDOMINIUM STRUCTURE IN THE RM-70 (HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL) ZONING DISTRICT.

B. BONUS DENSITY REVIEW PURSUANT TO SECTION 152.029(C)(8)(H) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.

I, Yvonne P. Hamilton, hereby certify that the attached Notice of Public Hearing to be held on January 30, 2014 was posted at the above-referenced property on January 17, 2014.

Dated this 21st day of January 2014.

Yvonne P. Hamilton
Village Clerk

(Planning & Zoning Board Meeting-1/30/2014)

2A(25)

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OWNER/OCCUPANT
7904 WEST DR., APT 110
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 112
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 114
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7904 WEST DR., APT 116
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7904 WEST DR., APT 204
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7904 WEST DR., APT 208
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7904 WEST DR., APT 215
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OWNER/OCCUPANT
7904 WEST DR., APT 216
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OWNER/OCCUPANT
7904 WEST DR., APT 217
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OWNER/OCCUPANT
7904 WEST DR., APT 304
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 303
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7904 WEST DR., APT 310
N. BAY VILLAGE, FL 33141

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7904 WEST DR., APT 317
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7904 WEST DR., APT 401
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OWNER/OCCUPANT
7904 WEST DR., APT 402
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OWNER/OCCUPANT
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7904 WEST DR., APT 404
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OWNER/OCCUPANT
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2A (2b)

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N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 408
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 409
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 410
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 411
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 412
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 414
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 415
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 416
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 417
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 501
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 315
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 503
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 504
N. BAY VILLAGE, FL 33141

WNER/OCCUPANT
7904 WEST DR., APT 505
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 507
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 508
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 509
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 510
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 511
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 601
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 514
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 515
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 516
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 606
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 607
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
)04 WEST DR., APT 602
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 603
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 604
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OWNER/OCCUPANT
7904 WEST DR., APT 609
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 610
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 611
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 612
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 614
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 615
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 616
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 617
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 701
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 702
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 703
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 704
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 705
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 706
N. BAY VILLAGE, FL 33141

WNER/OCCUPANT
7904 WEST DR., APT 707
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 708
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 709
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 710
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 711
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 712
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 714
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 715
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 716
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 717
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 801
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 802
N. BAY VILLAGE, FL 33141

WNER/OCCUPANT
04 WEST DR., APT 803
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 804
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 805
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OWNER/OCCUPANT
7904 WEST DR., APT 808
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 809
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 810
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 811
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 812
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 814
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 815
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 816
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 817
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 902
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 903
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 905
N. BAY VILLAGE, FL 33141

WNER/OCCUPANT
7904 WEST DR., APT 907
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 908
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 909
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 910
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 911
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 912
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 1008
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 915
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 916
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 1007
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 1002
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
04 WEST DR., APT 1003
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 1004
N. BAY VILLAGE, FL 33141

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OWNER/OCCUPANT
7904 WEST DR., APT 1011
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 1012
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 1014
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 1015
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 1016
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 1017
N. BAY VILLAGE, FL 33141

Shell Gas Service
C/O NV FAA LC
1345 Kennedy Causeway
N. Bay Village, FL 33141

BAYSHORE YACHT &
TENNIS CLUB CONDO
7904 WEST DR., OFFICE
N. BAY VILLAGE, FL 33141

Sakura Japanese Rest. Buffet
C/O Xiang Chen
19101 S. Dixie Highway
Miami, FL 33157

Indigo Lofts Development Co. LLC
C/O Scott Greenwald
7310 S.W. 57th Court, #565
Miami, FL 33143

Nancy Y. Ansted &
Douglas Wolfe
1696 N.E. Miami Gardens
N. Miami Beach, FL 33179

OWNER/OCCUPANT
7904 WEST DR., APT 106
N. BAY VILLAGE, FL
33141

OWNER/OCCUPANT
7904 WEST DR., APT 109
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OWNER/OCCUPANT
7910 WEST DR., APT 100
N. BAY VILLAGE, FL
33141

OWNER/OCCUPANT
7910 WEST DR., APT 101
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 102
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 103
N. BAY VILLAGE, FL
33141

OWNER/OCCUPANT
7910 WEST DR., APT 104
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 105
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 106
N. BAY VILLAGE, FL
33141

OWNER/OCCUPANT
7910 WEST DR., APT 107
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 108
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 109
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 110
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 111
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 112
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 114
N. BAY VILLAGE, FL 33141

/NER/OCCUPANT
7910 WEST DR., APT 115
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 201
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 202
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 203
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 204
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 205
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 206
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 207
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 208
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 209
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 210
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 211
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7 WEST DR., APT 212
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 214
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 215
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OWNER/OCCUPANT
7910 WEST DR., APT 301
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 302
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 303
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 304
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 305
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 306
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 307
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 308
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 309
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 310
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 311
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 312
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 314
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 315
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Owner/Occupant
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Owner/Occupant
360 Harbor Island Drive, #8
N. Bay Village, FL 33141

Owner/Occupant
360 Harbor Island Drive, #12
N. Bay Village, FL 33141

Owner/Occupant
360 Harbor Island Drive, #14
N. Bay Village, FL 33141

Owner/Occupant
360 Harbor Island Drive, #1
N. Bay Village, FL 33141

Owner/Occupant
360 Harbor Island Drive, #6
N. Bay Village, FL 33141

Owner/Occupant
360 Harbor Island Drive, #2
N. Bay Village, FL 33141

Owner/Occupant
360 Harbor Island Drive, #11
N. Bay Village, FL 33141

Owner/Occupant
360 Harbor Island Drive, #9
N. Bay Village, FL 33141

Owner/Occupant
360 Harbor Island Drive, #10
N. Bay Village, FL 33141

Owner/Occupant
360 Harbor Island Drive, #3
N. Bay Village, FL 33141

Owner/Occupant
360 Harbor Island Drive, #4
N. Bay Village, FL 33141

Owner/Occupant
360 Harbor Island Drive, #13
N. Bay Village, FL 33141

Owner/Occupant
360 Harbor Island Drive, #7
N. Bay Village, FL 33141

360 Condo Corp
360 Harbor Island Drive, #1418
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7914 Harbor Island Drive, 104
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7914 Harbor Island Drive, #302
North Bay Village, FL 33141

Owner/Occupant
7914 Harbor Island Drive, #304
North Bay Village, FL 33141

Owner/Occupant
7914 Harbor Island Drive, #105
North Bay Village, FL 33141

Owner/Occupant
7914 Harbor Island Drive, #106
North Bay Village, FL 33141

Owner/Occupant
7914 Harbor Island Drive, #204
North Bay Village, FL 33141

Owner/Occupant
7914 Harbor Island Drive, #206
North Bay Village, FL 33141

Owner/Occupant
7914 Harbor Island Drive, #103
North Bay Village, FL 33141

Owner/Occupant
7914 Harbor Island Drive, #201
North Bay Village, FL 33141

Owner/Occupant
7914 Harbor Island Drive, #306
North Bay Village, FL 33141

Owner/Occupant
7914 Harbor Island Drive, #303
North Bay Village, FL 33141

Owner/Occupant
7914 Harbor Island Drive, #301
North Bay Village, FL 33141

Owner/Occupant
7914 Harbor Island Drive, #101
North Bay Village, FL 33141

Owner/Occupant
7914 Harbor Island Drive, #202
North Bay Village, FL 33141

Ow /Occupant
7914 Harbor Island Drive, #305
North Bay Village, FL 33141

Owner/Occupant
7914 Harbor Island Drive, #203
North Bay Village, FL 33141

Owner/Occupant
7914 Harbor Island Drive, #205
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7900 Harbor Island Drive, #PH21
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1409
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #706
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #821
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #921
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #704
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1220
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1424
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1013
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #PH4
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1526
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #708
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1511
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1517
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #PH28
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1005
N. Bay Village, FL 33141

Owner/Occupant
7918 Harbor Island Drive, #915
N. Bay Village, FL 33141

Owner/Occupant
7918 Harbor Island Drive, #1003
N. Bay Village, FL 33141

Owner/Occupant
7918 Harbor Island Drive, #723
N. Bay Village, FL 33141

Owner/Occupant
7918 Harbor Island Drive, #1508
N. Bay Village, FL 33141

Owner/Occupant
7918 Harbor Island Drive, #807
N. Bay Village, FL 33141

Owner/Occupant
7918 Harbor Island Drive, #PH8
N. Bay Village, FL 33141

Owner/Occupant
7918 Harbor Island Drive, #PH10
N. Bay Village, FL 33141

Owner/Occupant
7918 Harbor Island Drive, #611
N. Bay Village, FL 33141

Owner/Occupant
7918 Harbor Island Drive, #705
N. Bay Village, FL 33141

Owner/Occupant
7918 Harbor Island Drive, #925
N. Bay Village, FL 33141

Owner/Occupant
7918 Harbor Island Drive, #1217
N. Bay Village, FL 33141

Owner/Occupant
7918 Harbor Island Drive, #904
N. Bay Village, FL 33141

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7918 Harbor Island Drive, #1423
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1413
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1502
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1402
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1004
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #605
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #814
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #820
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #825
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1028
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #513
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #717
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1212
N. Bay Village, FL 33141

C er/Occupant
7900 Harbor Island Drive, #1017
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #503
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #PH18
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1009
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #719
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #524
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #PH2
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1404
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #510
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1419
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #711
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1208
N. Bay Village, FL 33141

Owner/Occupant
) Harbor Island Drive, #816
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #707
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #PH1
N. Bay Village, FL 33141

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N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1512
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #521
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #917
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #817
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1112
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #520
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1204
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #716
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1425
N. Bay Village, FL 33141

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7900 Harbor Island Drive, #PH12
N. Bay Village, FL 33141

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7900 Harbor Island Drive, #1214
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Owner/Occupant
7900 Harbor Island Drive, #703
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Owner/Occupant
7900 Harbor Island Drive, #1513
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7900 Harbor Island Drive, #815
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7900 Harbor Island Drive, #PH23
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #922
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Owner/Occupant
7900 Harbor Island Drive, #924
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Owner/Occupant
7900 Harbor Island Drive, #612
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1226
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Owner/Occupant
7900 Harbor Island Drive, #1126
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #809
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #909
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1116
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #913
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1411
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1403
N. Bay Village, FL 33141

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Owner/Occupant
7900 Harbor Island Drive, #1107
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #506
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1119
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1518
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1008
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #519
N. Bay Village, FL 33141

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7900 Harbor Island Drive, #1121
N. Bay Village, FL 33141

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7900 Harbor Island Drive, #PH16
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7900 Harbor Island Drive, #818
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7900 Harbor Island Drive, #1002
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #622
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Owner/Occupant
7900 Harbor Island Drive, #923
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7900 Harbor Island Drive, #515
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1106
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1111
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1021
N. Bay Village, FL 33141

Owner/Occupant
79 Harbor Island Drive, #613
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1206
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #824
N. Bay Village, FL 33141

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7900 Harbor Island Drive, #610
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Owner/Occupant
7900 Harbor Island Drive, #1022
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1105
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #728
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1417
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1122
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #603
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1120
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #822
N. Bay Village, FL 33141

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7900 Harbor Island Drive, #702
N. Bay Village, FL 33141

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7900 Harbor Island Drive, #1101
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Owner/Occupant
7900 Harbor Island Drive, #1520
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7900 Harbor Island Drive, #712
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1001
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1221
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N. Bay Village, FL 33141

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7900 Harbor Island Drive, #PH9
N. Bay Village, FL 33141

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7900 Harbor Island Drive, #1421
N. Bay Village, FL 33141

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7900 Harbor Island Drive, #525
N. Bay Village, FL 33141

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7900 Harbor Island Drive, #619
N. Bay Village, FL 33141

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7900 Harbor Island Drive, #1509
N. Bay Village, FL 33141

Owner/Occupant
) Harbor Island Drive, #926
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #910
N. Bay Village, FL 33141

Owner/Occupant
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Owner/Occupant
7900 Harbor Island Drive, #1012
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1414
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1019
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #824
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #920
N. Bay Village, FL 33141

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7900 Harbor Island Drive, #611
N. Bay Village, FL 33141

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7900 Harbor Island Drive, #801
N. Bay Village, FL 33141

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7900 Harbor Island Drive, #1216
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N. Bay Village, FL 33141

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N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #518
N. Bay Village, FL 33141

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7900 Harbor Island Drive, #701
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N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1503
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1407
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1020
N. Bay Village, FL 33141

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Owner/Occupant
7900 Harbor Island Drive, #601
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1007
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #722
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Owner/Occupant
7900 Harbor Island Drive, #602
N. Bay Village, FL 33141

Owner/Occupant
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N. Bay Village, FL 33141

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N. Bay Village, FL 33141

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7900 Harbor Island Drive, #1213
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N. Bay Village, FL 33141

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7900 Harbor Island Drive, #1205
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7900 Harbor Island Drive, #1024
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7900 Harbor Island Drive, #1015
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Owner/Occupant
7900 Harbor Island Drive, #820
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7900 Harbor Island Drive, #720
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Owner/Occupant
7900 Harbor Island Drive, #709
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Owner/Occupant
7900 Harbor Island Drive, #504
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #604
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #907
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1505
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #718
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1422
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #806
N. Bay Village, FL 33141

Owner/Occupant
7 Harbor Island Drive, #912
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1523
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #606
N. Bay Village, FL 33141

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Owner/Occupant
7900 Harbor Island Drive, #505
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Owner/Occupant
7900 Harbor Island Drive, #919
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1215
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #618
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #903
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #901
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #803
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1406
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1018
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #823
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #609
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1525
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1014
N. Bay Village, FL 33141

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ner/Occupant
7900 Harbor Island Drive, #715
N. Bay Village, FL 33141

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N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1207
N. Bay Village, FL 33141

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7900 Harbor Island Drive, #807
N. Bay Village, FL 33141

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7900 Harbor Island Drive, #1222
N. Bay Village, FL 33141

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7900 Harbor Island Drive, #617
N. Bay Village, FL 33141

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7900 Harbor Island Drive, #522
N. Bay Village, FL 33141

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N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1410
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Owner/Occupant
7900 Harbor Island Drive, #528
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #PH18
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1203
N. Bay Village, FL 33141

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`0 Harbor Island Drive, #721
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1117
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1426
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Owner/Occupant
7900 Harbor Island Drive, #509
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1016
N. Bay Village, FL 33141

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7900 Harbor Island Drive, #908
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7900 Harbor Island Drive, #819
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1508
N. Bay Village, FL 33141

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7900 Harbor Island Drive, #802
N. Bay Village, FL 33141

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7900 Harbor Island Drive, #812
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7900 Harbor Island Drive, #804
N. Bay Village, FL 33141

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7900 Harbor Island Drive, #1510
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #512
N. Bay Village, FL 33141

C[illegible]er/Occupant
7900 Harbor Island Drive, #1408
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1011
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #PH11
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #516
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #714
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1420
N. Bay Village, FL 33141

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7900 Harbor Island Drive, #1202
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #626
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1124
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #PH15
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1108
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #608
N. Bay Village, FL 33141

Owner/Occupant
[illegible] Harbor Island Drive, #PH3
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #724
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1102
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Owner/Occupant
7900 Harbor Island Drive, #1224
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Owner/Occupant
7900 Harbor Island Drive, #713
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #916
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1125
N. Bay Village, FL 33141

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7918 Harbor Island Drive, #111
N. Bay Village, FL 33141

Owner/Occupant
7918 Harbor Island Drive, #309
N. Bay Village, FL 33141

Owner/Occupant
7918 Harbor Island Drive, #209
N. Bay Village, FL 33141

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7918 Harbor Island Drive, #210
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7918 Harbor Island Drive, #110
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7918 Harbor Island Drive, #108
N. Bay Village, FL 33141

Owner/Occupant
7918 Harbor Island Drive, #310
N. Bay Village, FL 33141

Owner/Occupant
7918 Harbor Island Drive, #212
N. Bay Village, FL 33141

Owner/Occupant
7918 Harbor Island Drive, #312
N. Bay Village, FL 33141

Owner/Occupant
7918 Harbor Island Drive, #308
N. Bay Village, FL 33141

Owner/Occupant
7918 Harbor Island Drive, #211
N. Bay Village, FL 33141

Owner/Occupant
8 Harbor Island Drive, #109
N. Bay Village, FL 33141

Owner/Occupant
7918 Harbor Island Drive, #112
N. Bay Village, FL 33141

Owner/Occupant
7918 Harbor Island Drive, #311
N. Bay Village, FL 33141

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Owner/Occupant
7918 Harbor Island Drive, #307
N. Bay Village, FL 33141

Owner/Occupant
7918 Harbor Island Drive, #107
N. Bay Village, FL 33141

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7920 WEST DR., APT 10
N. BAY VILLAGE, FL 33141

RESIDENT
7920 WEST DR., APT 11
N. BAY VILLAGE, FL 33141

RESIDENT
7920 WEST DR., APT 12
N. BAY VILLAGE, FL 33141

RESIDENT
7920 WEST DR., APT 14
N. BAY VILLAGE, FL 33141

RESIDENT
7920 WEST DR., APT 15
N. BAY VILLAGE, FL 33141

RESIDENT
7920 WEST DR., APT 16
N. BAY VILLAGE, FL 33141

RESIDENT
7920 WEST DR., APT 17
N. BAY VILLAGE, FL 33141

RESIDENT
7920 WEST DR., APT 1
N. BAY VILLAGE, FL 33141

RESIDENT
7920 WEST DR., APT 2
N. BAY VILLAGE, FL 33141

RESIDENT
7920 WEST DR., APT 3
N. BAY VILLAGE, FL 33141

RESIDENT
7920 WEST DR., APT 4
N. BAY VILLAGE, FL 33141

RESIDENT
7920 WEST DR., APT 5
N. BAY VILLAGE, FL 33141

RESIDENT
7920 WEST DR., APT 6
N. BAY VILLAGE, FL 33141

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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 ***JANUARY 30, 2014 AT 7:30 P.M. OR AS SOON AS POSSIBLE THEREAFTER, AT TREASURE ISLAND ELEMENTARY SCHOOL, 7540 EAST TREASURE DRIVE,*** NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING, THE BOARD WILL CONSIDER THE FOLLOWING ITEMS AND SUBMIT RECOMMENDATIONS TO THE VILLAGE COMMISSION:

1. AN APPLICATION BY 1755 NBV, LLC IN CONNECTION WITH THE DEVELOPMENT OF A 132-UNIT, 22-STORY CONDOMINIUM HOTEL AT 1755 KENNEDY CAUSEWAY FOR THE FOLLOWING:
   - A. REZONING OF THE PROPERTY LOCATED AT 1755 KENNEDY CAUSEWAY AND CURRENTLY IDENTIFIED IN MIAMI-DADE COUNTY'S TAX ASSESSOR'S OFFICE AS 23-3209-000-0110, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTIONS 152.095 AND 152.100(A) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO CHANGE THE CURRENT ZONING DESIGNATION FROM CG (GENERAL COMMERCIAL) ZONING DISTRICT TO CL (LIMITED COMMERCIAL DISTRICT) AND AMENDING THE VILLAGE'S OFFICIAL ZONING DISTRICT MAP.
   - B. A CODE TEXT AMENDMENT TO SECTIONS 152.003(5) AND 152.003(8) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO REDEFINE THE DEFINITION OF "DWELLING, HOTEL ROOM" AND "DWELLING, HOTEL SUITE".
   - C. 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.
   - D. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 132-UNIT 22-STORY CONDOMINIUM HOTEL STRUCTURE WITH A PARKING GARAGE.
   - E. BUILDING HEIGHT BONUS REVIEW PURSUANT TO SECTION 152.029(C)(8)(A-F) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.
   - F. BAY VIEW OVERLAY STANDARDS REVIEW, INCLUDING HEIGHT APPROVAL, PURSUANT TO SECTION 152.032(A)(3) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.
   - G. 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.
   - H. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES IN CONNECTION WITH THE DEVELOPMENT OF A CONDOMINIUM HOTEL STRUCTURE TO ALLOW LESS THAN THE SIDE-YARD SETBACK AS REQUIRED BY SECTION 152.032(C)(2)(C).
2. AN APPLICATION BY 7914 BUILDING, LLC CONCERNING PROPERTY LOCATED AT 7914, 7916 AND 7918 WEST DRIVE, TRACT C OF HARBOR ISLAND, NORTH BAY VILLAGE, FLORIDA FOR THE FOLLOWING:
   - A. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 53 UNIT, 16 STORY MULTI-FAMILY CONDOMINIUM STRUCTURE IN THE RM-70 (HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL) ZONING DISTRICT.
   - B. BONUS DENSITY REVIEW PURSUANT TO SECTION 152.029(C)(8)(H) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.
3. AN APPLICATION BY ISLES OF DREAMS, LLC CONCERNING PROPERTY LOCATED AT 1416 KENNEDY CAUSEWAY, TRACT C OF HARBOR ISLAND, 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. BUILDING HEIGHT BONUS REVIEW PURSUANT TO SECTION 152.029(C)(8)(A-F) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.
   - C. BAY VIEW OVERLAY STANDARDS REVIEW PURSUANT TO SECTION 152.032(A)(3) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.
   - D. SITE PLAN APPROVAL PURSUANT TO SECTIONS 152.105(C)(9) AND 152.030(C)(3) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 237 UNIT, 32 STORY MULTI-FAMILY CONDOMINIUM STRUCTURE IN THE RM-70 (HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL) ZONING DISTRICT.
   - E. 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.

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
(January 15, 2014)

NEIGHBORS CALENDAR

◦CALENDAR, FROM 33NE

Weisbord and Ediberto Román, FIU law professors..

2 p.m. Jan. 25. HistoryMiami, 101 W. Flagler St., Downtown Miami. Free. 305-375-1614. www.historymiami.org/.

Urban Environments: a Bird's-eye View: Balancing land-use change, climate change, and invasive species, South Florida is an ideal microcosm for urban ecologists to study the relationship between society and the env.

7 p.m. Jan. 22. Deering Estate, 16701 SW 72nd Ave., Palmetto Bay. 305-919-6000. https://calendar.fiu.edu/events/view/129510.

TANGO

Every Tuesday Tango Class in Miami Shores 9pm: Tango Class 9pm Teacher Diego Santana https://www.facebook.com/events/607298829310378/

9 p.m. Jan. 21. MPower Projet GYM, 9301 NE Sixth Ave., Miami Shores. 15. 786-355-0882. www.diegosantanatango.com.

THEATER

Antony & Cleopatra: GableStage is collaborating with two of the world's most prestigious theaters - The Public in NYC and the Royal Shakespeare Company in the UK - on what promises to be one of t.

2 p.m. Jan. 19. Colony Theater, 1040 Lincoln Rd., Miami Beach. 305-674-1040.

FIU Theatre presents Julius Caesar: Shakespeare's play directed by Phillip M. Church is performed and takes a contemporary approach with gender changes and multimedia effects. Tickets available at website..

8 p.m. Jan. 24. Herbert and Nicole Wertheim Performing Arts Center at FIU, 10910 SW 17th St., University Park. $10-15. 305-348-0496. wpac.fiu.edu/theatre.

FIU Theatre presents June Moon: A throwback to New York City in the 1920s when big bands, popular song writing radio shows and creating catchy tunes were all the rage. A lyricist sells a song that becomes a hit and finds out who his real friends are..

2 p.m. Jan. 26. Herbert and Nicole Wertheim Performing Arts Center at FIU, 10910 SW 17th St., University Park. $10-15. 305-348-0496. www.theatre.fiu.edu.

Florida International University Theatre presents: June Moon: A throwback to New York City in the 1920s when big bands, popular song writing radio shows and creating catchy tunes were all the rage. A lyricist sells a song that becomes a hit and finds out who his real friends are..

8 p.m. Jan. 24. Herbert and Nicole Wertheim Performing Arts Center at FIU, 10910 SW 17th St., University Park. $10 students & faculty/staff; $15 general admission. 305-348-2895.

Godspell: Prepare ye for GOD-SPELL,the beloved musical from Stephen Schwartz, the Grammy and Academy Award winning composer of Wicked. Enjoy all the good gifts of one of the most endur.

3 p.m. Jan. 19. South Miami-Dade Cultural Arts Center, 10950 SW 211th St., Cutler Bay. $37.50-$70. 786-573-5300. www.smdcac.org.

Mad Cat Theatre presents MIXTAPE 2- UMMAGUMMA FORZA ZUMA!: New works fashioned under the strain of metamorphasis and featuring multiple local artists and familiar faces..

◦TURN TO CALENDAR, 39NE

January 18th and 19th, 2014
on the beautiful grounds of the
University of Miami in Coral Gables

220 Juried Artists
Free Admission & Parking
Food, Entertainment & Family Fun

The 63rd Annual
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for more information, visit us at www.beauxartsmiami.org

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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

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: 7914 BUILDING LLC Phone: 646-523-4367

Mailing Address: 11098 BISCAYNE BLVD, SUITE 203

MIAMI, FL 33161

Legal Description of Property: SEE ATTACHMENT

Existing Zoning: RM-70 Lot Size: 33,600sf Folio: 7914 → 23-3209-001-0160, 7916 → 23-3209-001-0180, 7918 → 23-3209-001-0200

Type of Request: SITE PLAN APPROVAL FOR-MULTI FAMILY RESIDENCIAL BUILDING (CONDOMINUM)

Reason for Request: (Attach additional Pages if necessary) DEVELOPMENT OF A 55 UNIT, 15 STORY, MULTI-FAMILY RESIDENCIAL BUILDING (CONDOMINIUM) PERSUANT SEC 152.029 OF NBV CODE

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

2A(52)

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

Fred Knoll
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 5 **day of** DEC **20** 13
by MANFRED KNOLL
who is personally known to me or who has produced _____
as identification.

DTR JR
Notary Public

(Notary Seal)

D. T. RUNYON, JR.
MY COMMISSION EXPIRES
March 13, 2017
#EE 883346
Bonded thru Notary Public Underwriters
NOTARY PUBLIC, STATE OF FLORIDA

2A(53)

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

Office Use Only:

Date Submitted: 12/13/13

Fee Paid: $ 6,000.00

Tentative Meeting Date: 1/30/14

Cash ☐ or Check ☑ # 1134

Date Paid: 12/13/13

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Attachment A

Legal Description

Lot 1 – 7914 West Drive
Harbor Island PB 44-72
Lot 14
Lot Size 80.000 x 140
OR 19456—1179 01 2001 2(3)
COC23266-2683 04 2005 2

Lot 2 – 7916 West Drive
Harbor Island PB 44-72
Lot 16
Lot Size 80.000 x 140
OR 19456—1179 01 2001 2(3)
COC23266-2683 04 2005 2

Lot 3 – 7918 West Drive
Harbor Island PB 44-72
Lot 18
Lot Size 80.000 x 140
OR 19456—1179 01 2001 2(3)
COC23266-2683 04 2005 2

INDIGO LOFTS DEVELOPMENT COMPANY LLC
7301 SW 57th CT., Suite 565
Miami, FL 33143

December 12, 2013

North Bay Village LLC.

Re: 7914 – 7918 West Drive

Gentlemen,

Please be advised that 7914 Building, LLC and / or MFK Group, LLC is hereby authorized to file plans on behalf of Indigo Lofts Development Company, LLC with regard to the above premises.

Very truly yours,
Indigo Lofts Development Company, LLC

By_____
Scott A. Greenwald, Managing Member

STATE OF FLORIDA)
:ss
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 12th day of December, 2013, by Scott Greenwald, who is personally known to me.

NOTARY PUBLIC
State of Florida

CHARLOTTE E. WEST
Notary Public - State of Florida
My Comm. Expires Oct 16, 2017
Commission # FF 30322
Bonded Through National Notary Ass.

2A(56)

Indigo

at North Bay Village

7914 West Drive

North Bay Village, Florida

TRAFFIC STUDY

prepared for:
Tzadik Construction

KBP CONSULTING, INC.

January 2014

Indigo

at North Bay Village

7914 West Drive

North Bay Village, Florida

Traffic Study

January 2014

Prepared for:
Tzadik Construction

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

Karl B. Peterson, P.E.
Florida Registration Number 49897
Engineering Business Number 29939
1/13/14

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- Proposed Land Uses and Access 3
- Roadway System 3

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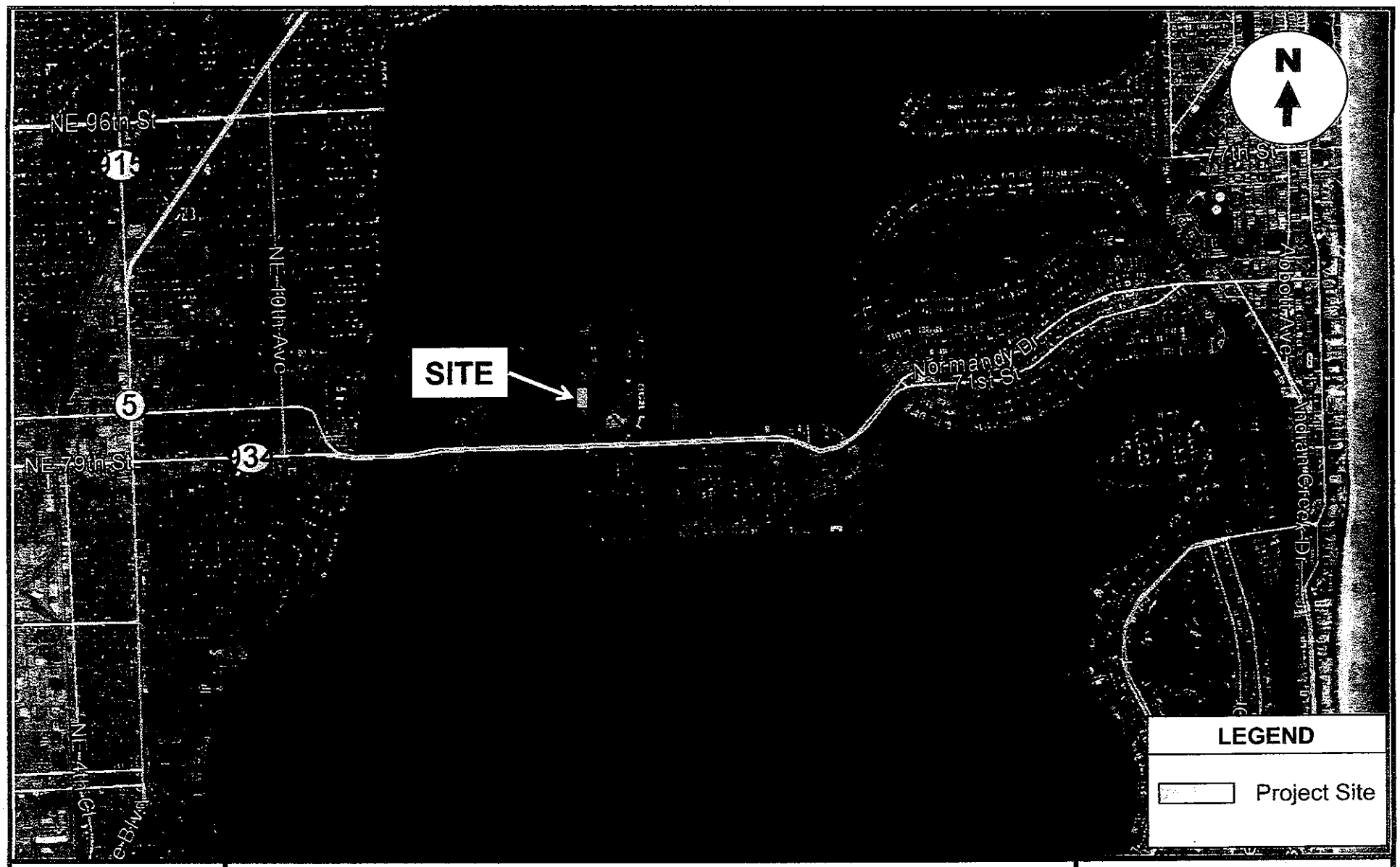
INTRODUCTION

Indigo 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 7914 / 7916 / 7918 West Drive. The location of this project site is illustrated in Figure 1 on the following page.

KBP Consulting, Inc. has been retained by Tzadik Construction 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



KBP
CONSULTING, INC.

Project Location Map

FIGURE 1
Indigo
North Bay Village, Florida

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 53 dwelling units. Vehicular access to the site will be provided via four (4) driveways located on West Drive. Two (2) of the driveways will serve the drop-off area, one (1) driveway will serve the visitor parking area, and another driveway will serve the resident parking area and 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
Indigo - North Bay Village, Florida

Land Use	Size	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
			In	Out	Total	In	Out	Total
Proposed								
High-Rise Residential Condominium	53 D.U.	423	8	36	44	20	13	33
- Pass-By (0%)		*0*	*0*	*0*	*0*	*0*	*0*	*0*
Total		**423**	**8**	**36**	**44**	**20**	**13**	**33**

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

As indicated in Table 1, the proposed project is anticipated to generate 423 daily vehicle trips, 44 AM peak hour vehicle trips (8 inbound and 36 outbound) and 33 vehicle trips (20 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 Indigo 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
Indigo - 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, January 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 Indigo at North Bay Village development.

SUMMARY & CONCLUSIONS

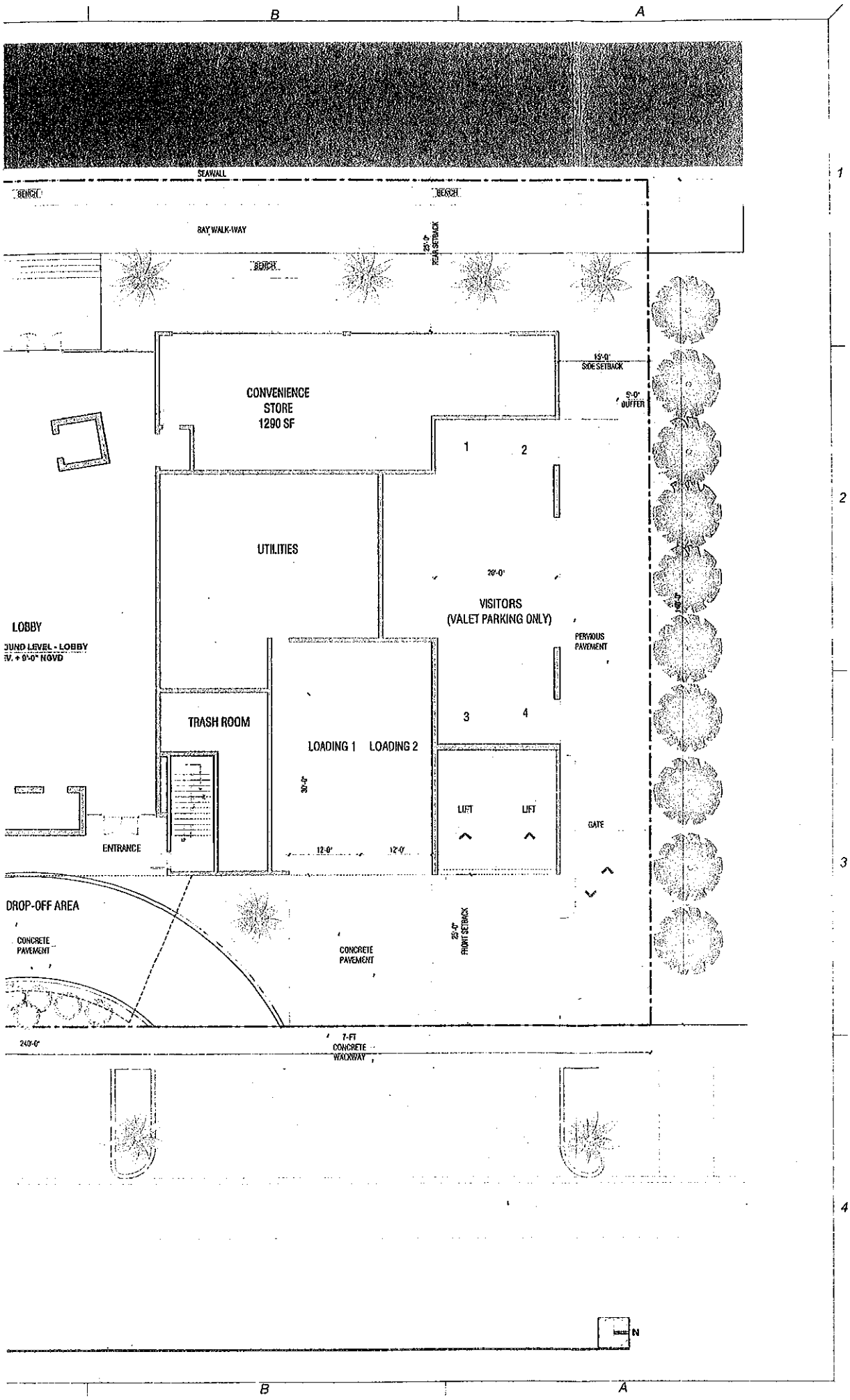
Indigo at North Bay Village is a planned residential condominium development to be located on the west side of West Drive in North Bay Village, Miami-Dade County, Florida. This project will consist of 53 high-rise residential condominium units. Vehicular access to the site will be provided by four (4) driveways located on West Drive.

The trip generation analysis indicates that the proposed project is anticipated to generate approximately 423 daily vehicle trips, 44 AM peak hour vehicle trips (8 inbound and 36 outbound) and 33 vehicle trips (20 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 Indigo at North Bay Village project.

Appendix A

Indigo Site Plan



PROJECT:

NORTH BAY VILLAGE

7914 West Drive, Harbor Island, Florida 33141

PROJECT OWNER:

MFK Group, LLC
11098 Biscayne Blvd. Suite 203
Miami, FL 33161
Phone: 646 . 523 . 4367

ARCHITECT OF RECORD:

VHR ARCHITECTURE

VHR Architecture
1900 SW 1st Avenue, Suite 607
Miami , FL 33129
Phone: 786 . 762 . 2679
Fax : 305 831 8079
AA26002510

KEY PLAN

SIGNATURE / DATE / SEAL

Victor H. Rodriguez,
Registered Architect
State of Florida # AR0094965

SITE PLAN SUBMITTAL

Issue	Issue Date / For
1	01.02.2014 / Site Plan Submittal

DDCI Project #: 1314.00
Drawn by: JT, YP, VR
Approved by: VHR

SHEET INDEX

- Proposed Site Plan

SCALE: 1" = 10'-0"

SHEET NO.

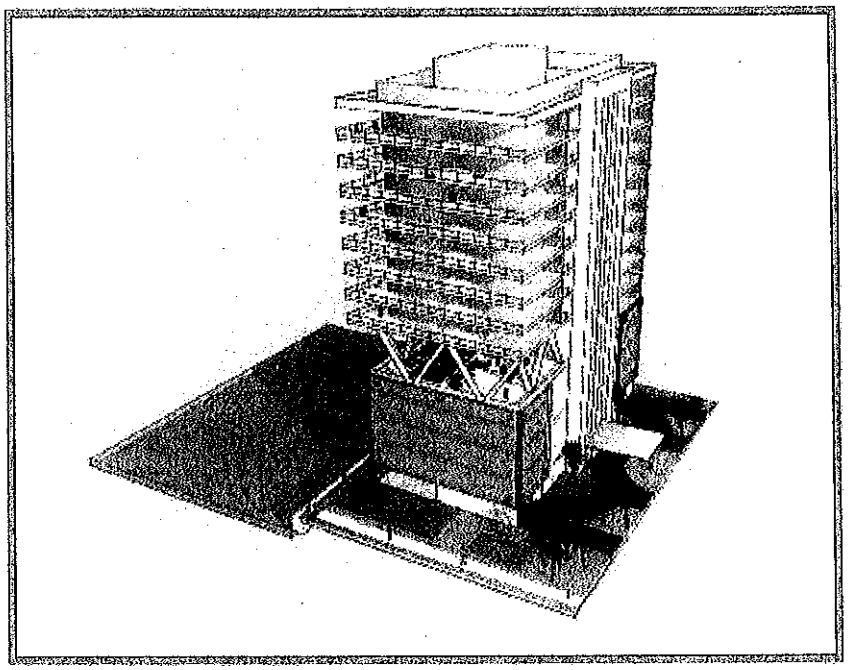
A1.101

© 2013 DDCI Corp.

IMPACT ASSESSMENT STUDY

for:

INDIGO at North Bay Village



7914-16 West Drive, North Bay Village, Florida
(Harbor Island)

SUN TECH

Engineers • Planners • Surveyors

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

CLIFFORD R. LOUTAN
LICENSE
No 56890
STATE OF
FLORIDA
PROFESSIONAL ENGINEER

Project No. 14-3601
January 2014

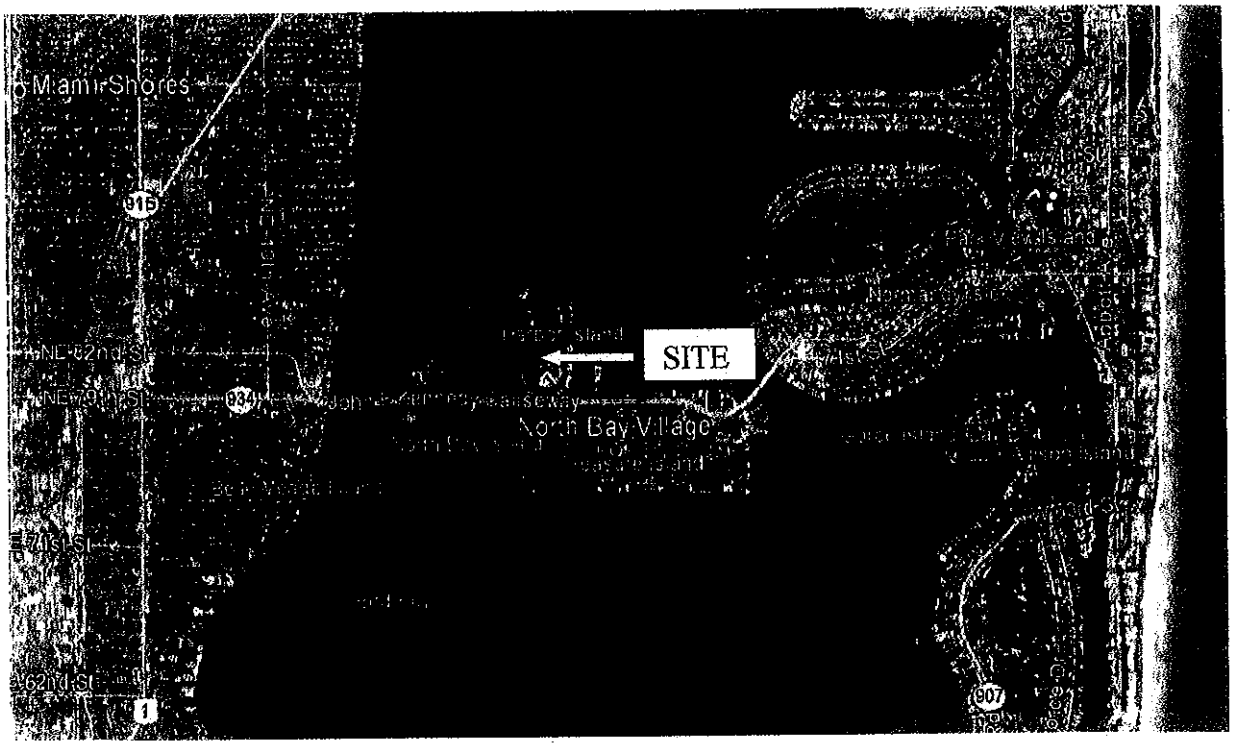
01/13/14

CLIFFORD R. LOUTAN, P.E.
FL. REG. NO. 56890

INDIGO AT NORTH BAY VILLAGE

PROJECT INTRODUCTION AND OVERVIEW

INDIGO at North Bay Village is a proposed multi-family residential development, consisting of 53 apartment units, amenities and internal parking facility located at 7914-16 West Drive on Harbor Island, in North Bay Village, Florida.



The site is approximately 0.77 acres (Lot 14, 16 and 18 – Harbor Island, P.B. 44, Pg. 72, M.D.C.R.) (See Location Map / Aerial Photo – Exhibit # 1A and B) excluding approximately 0.337 acres of submerged land within Biscayne Bay. The site borders Biscayne Bay on its westerly boundary and has approximately two hundred and forty linear feet (240 L.F.) of frontage along the Bay. The site is currently vacant; however, it was previously developed and contained two (2) condominium buildings with approximately 24 residential units. Based on prior aerial photography of the site, it is estimated that the buildings were razed during the period 2003 – 2004 in preparation for re-development. (See Boundary Survey – Exhibit # 2). The property is currently zoned High density Multiple-Family Residential RM-70 (See Zoning Map - Exhibit # 3) which allows for our proposed use.

In accordance with Chapter 4 of the North Bay Village Consolidated Land Development Regulations, an impact assessment report is required to demonstrate that the proposed development does not degrade the adopted levels of service in North Bay Village (NBV). This report will analyze the impact of our proposed development on the existing NBV's infrastructure

while taking into consideration credits for the pre-existing condominiums recently razed. In addition, this report will provide assurance that the level of service remains consistent with NBV's requirements.

PROJECT POPULATION:

The existing property, currently vacant, contained two (2) condominium building with a total of approximately 24 residential units (information based on aerial maps and similar development adjacent to the site). Our development proposes 53 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 66 people. See Table 1 below.

Table 1 - Population

Description	Units	No. of people / unit	Population
Indigo at NBV	53	2.25	120
Existing Condo. (demolished)	24	2.25	54
Net Increase	**29**		**66**

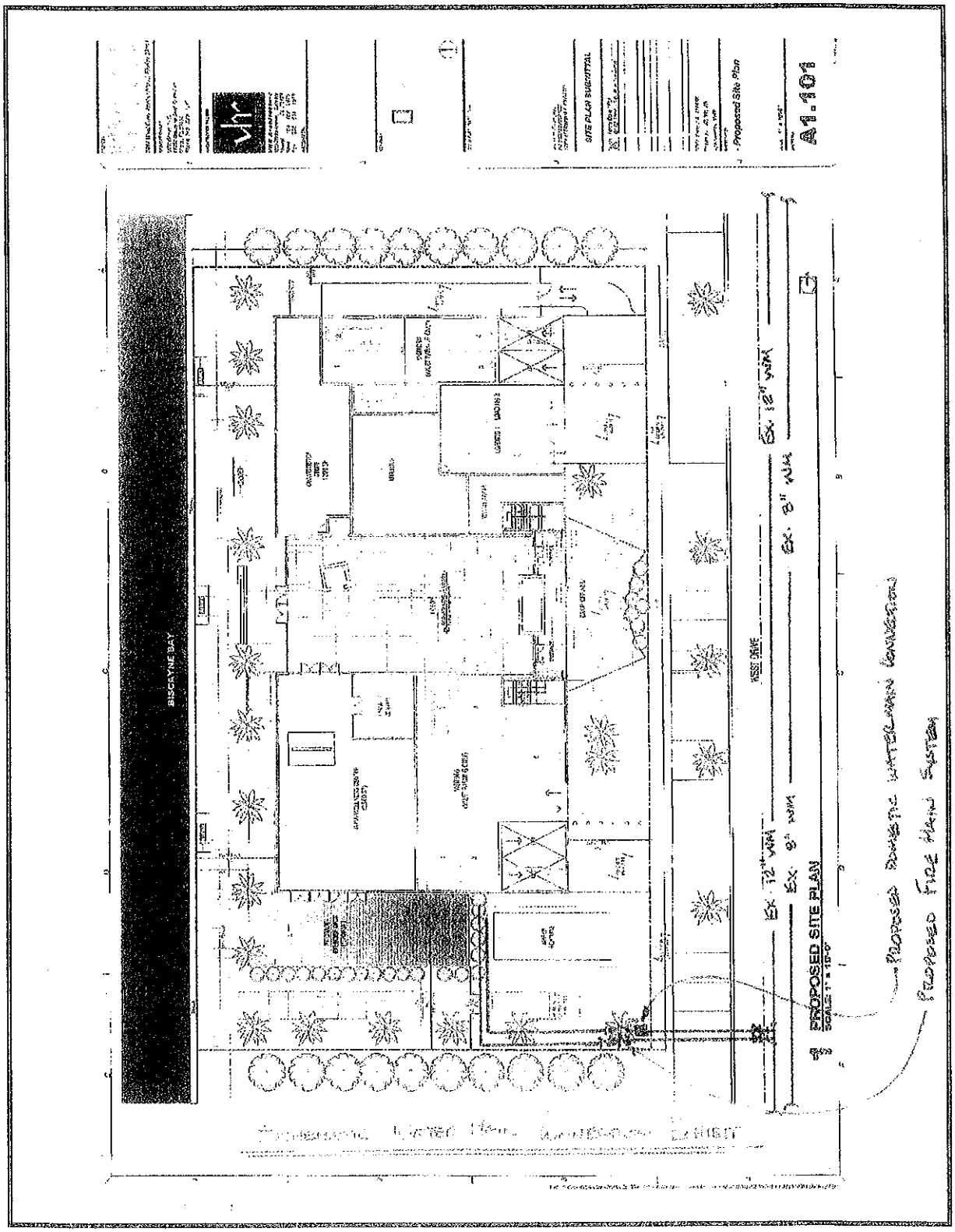
According to the United States Census Bureau (latest available data from the 2010 US Census), the population of North Bay Village is approximately 7,137 people. Indigo proposes an increase of 66 people, representing a net increase of approximately 0.92 % of the total population of North Bay Village.

POTABLE WATER DISTRIBUTION SYSTEM:

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

Indigo 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 (See Figure # 1 – Schematic Water Distribution Plan) will be designed in accordance with local, county and state criteria and will serve the potable and fire demand of the proposed development.

Figure 1 – Schematic Water Distribution System



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 2 below).

Table 2: Schedule of Daily Gallonage for Various Occupancy

TYPES OF LAND USES	GALLONS PER DAY (GPD)
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 Indigo, the proposed project would require an estimated water consumption of 7,950 GPD (53 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 4,350 GPD or an increase of 0.91 % of North Bay Village's total potable water consumption. (See Table 3 below for Water Consumption calculation).

Table 3 – Water Consumption

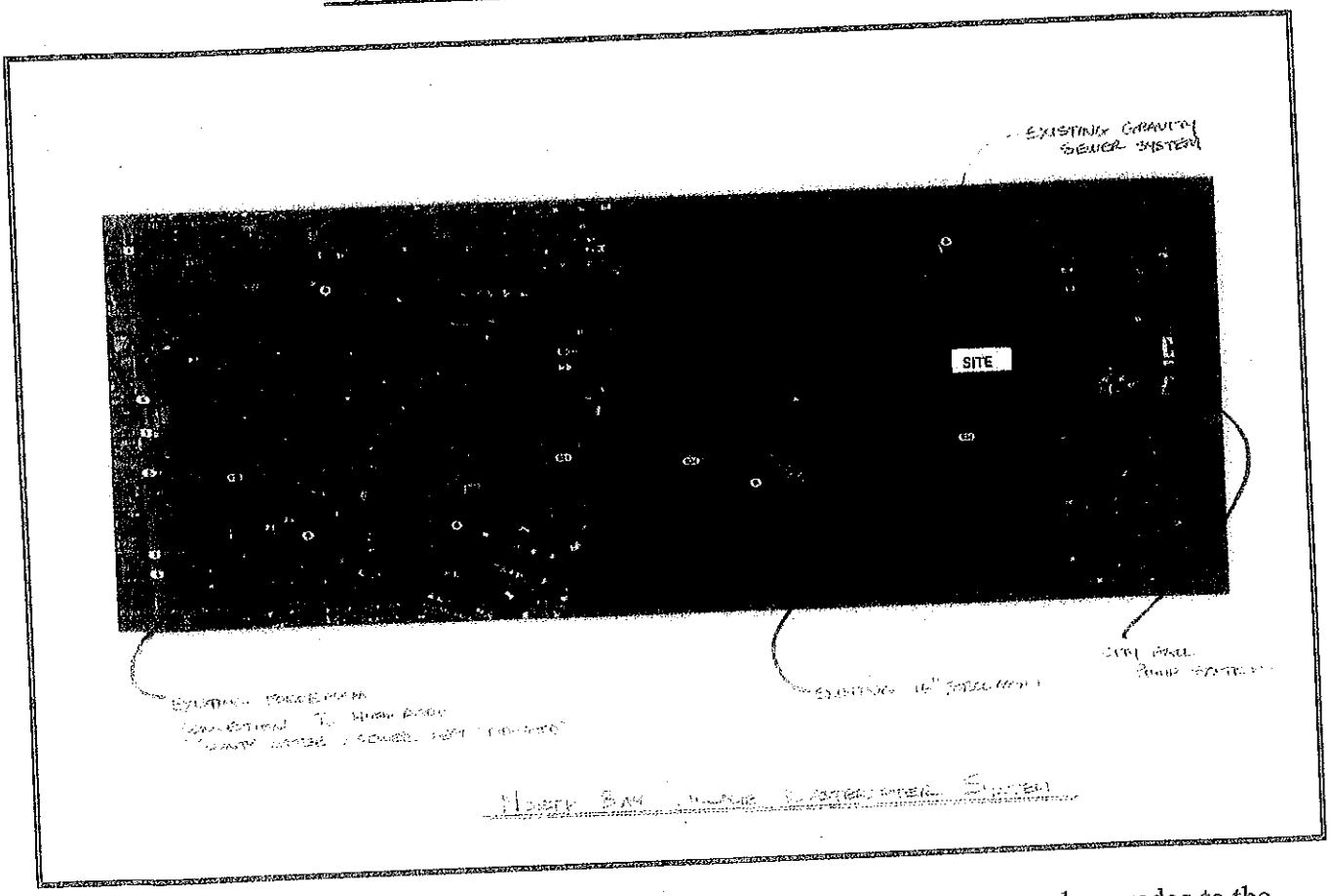
Description	Unit type	Residential units	Ave. capita per unit	Population	GPD/ Capita	Demand (GPD)
Existing Population				7,137	66.67	475,824
(2010 US Census)						
Water Demand from Indigo	Apartments	53	2.25	120	66.67	7,950
Credit for Demolished units	Apartments	24	2.25	54	66.67	3,600
Net Increase		**29**				**4,350**

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.

WASTEWATER COLLECTION AND TRANSMISSION SYSTEM:

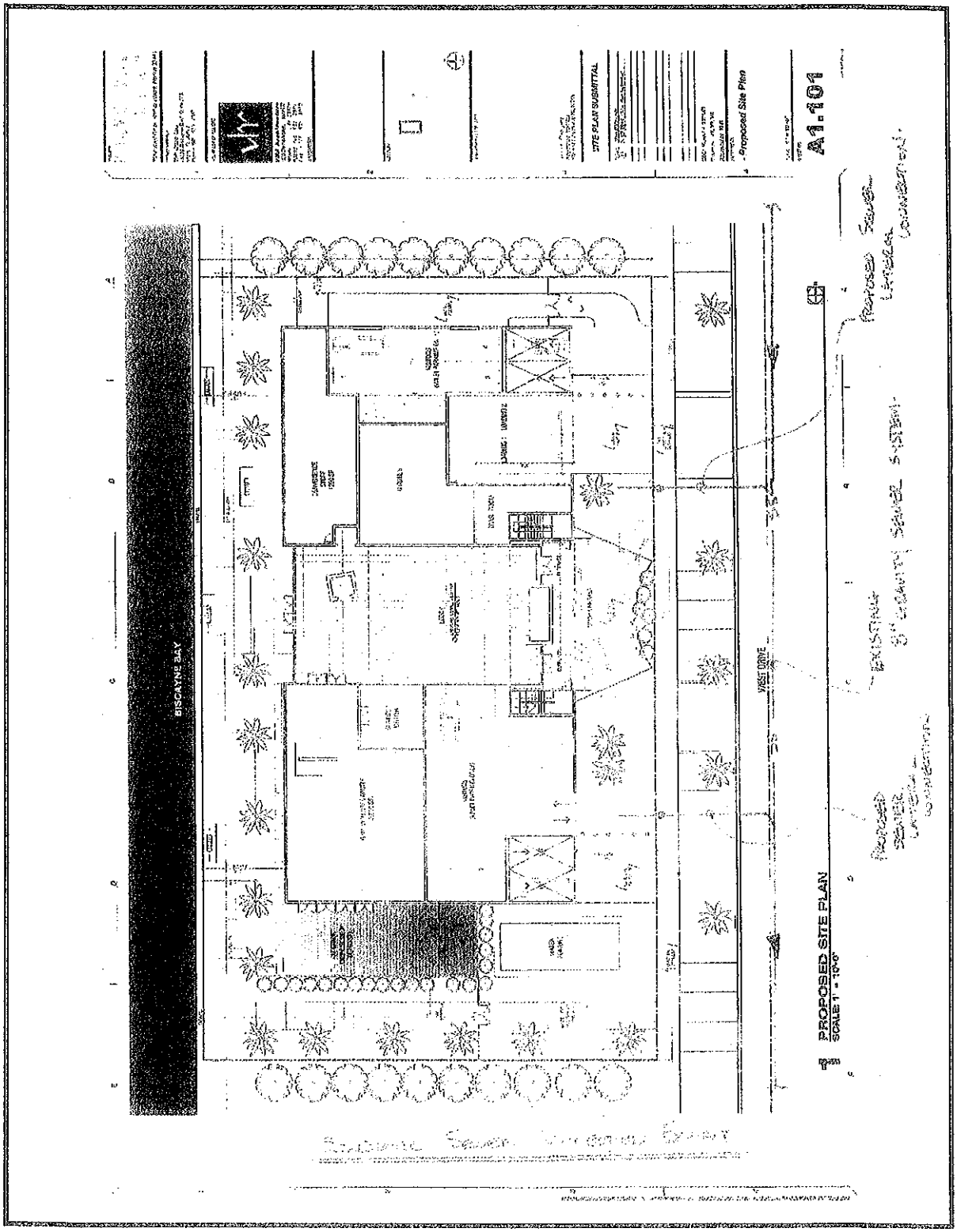
The proposed development will be served via an existing 8-inch gravity sewer system located on West Drive. Flow from the proposed development will connect to an existing system via proposed sewer lateral(s) with a direct connection to the existing 8-inch gravity main. This gravity main system, owned, 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 System.)

Figure 2 – North Bay Village Wastewater System



Based on a phone conversation with the City's Public Works Director, several upgrades to the City's wastewater pumping station has been made over the last several years and there is currently no moratoriums or capacity restrictions on their system. INDIGO proposes lateral sewer connections to the existing gravity sewer system on West Drive (See Figure # 3 – Schematic Sanitary Sewer Connection Exhibit)

Figure 3 – Schematic Sanitary Sewer Collection System



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 Indigo at North Bay Village will be 4,350 GPD (See Table 4 – Wastewater Flow) or a flow increase of 0.91 %.

Table 4 – Wastewater Flow

Description	Unit type	Residential units	Ave. capita per unit	Population	GPD/ Capita	Demand (GPD)
Existing Population				7,137	66.67	475,824
(2010 US Census)						
Waste water from Indigo	Apartments	53	2.25	120	66.67	7,950
Credit for Demolished units	Apartments	24	2.25	54	66.67	3,600
Net Increase		**29**				**4,350**

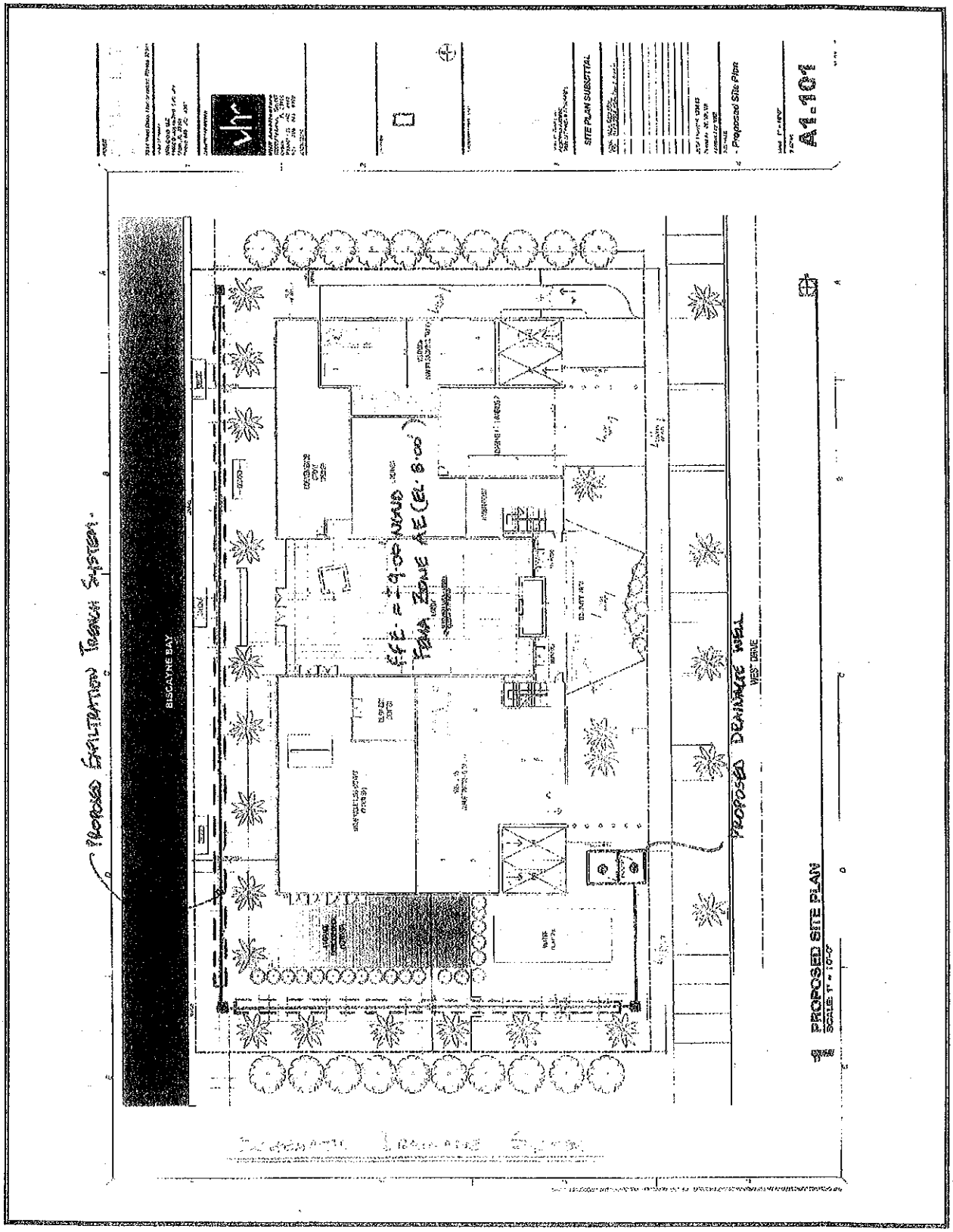
In summary, the proposed development should have minimal impact on the existing sanitary sewer system or receiving pump stations.

SURFACE WATER MANAGEMENT SYSTEM:

The proposed drainage system for INDIGO at North Bay Village will be private system and will consist of drainage wells in combination with exfiltration trench. Water quality and quantity will be provided within the exfiltration trench and drainage well systems and sized accordingly to the requirements of South Florida Water Management District (SFWMD), Miami-Dade County Permitting, Environment and Regulatory Affairs (PERA) and Florida Department of Environmental Protection (FDEP). Finish floor elevations has been set at elevation 9.00' NGVD which is higher than the FEMA Flood Zone elevation of AE = El. 8.00' (See Exhibit # 4 – FEMA Flood Zone Map). The perimeter berm elevation will be set in accordance with elevations generated by the 25 year / 3 day storm event and site grading parameters is in accordance with the previously permitted SFWMD / PERA permit issued for this site. (See Figure 4 – Schematic Drainage Plan). No discharge to Biscayne Bay is proposed at this time.

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 4 – Schematic Drainage Plan



SOLID WASTE:

Solid waste generated from the proposed development has been calculated at 7 lbs per capita per day based on the City's Consolidate Land Development Regulations. (See Table 5 – Solid Waste Demand).

Table 5 – Solid Waste

Description	Unit type	Residential units	Ave. capita per unit	Population	Lbs / capita	Demand (lbs)
Solid waste from Indigo	Apartments	53	2.25	120	7	840
Credit for Demolished units	Apartments	24	2.25	54	7	378
Net Increase		**29**				**462**

Based on the 2010 US census (7,137 people) and the above solid waste generation rate, an additional increase of 462 lbs or 0.92 % 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 (INDIGO 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 1A - Location Map

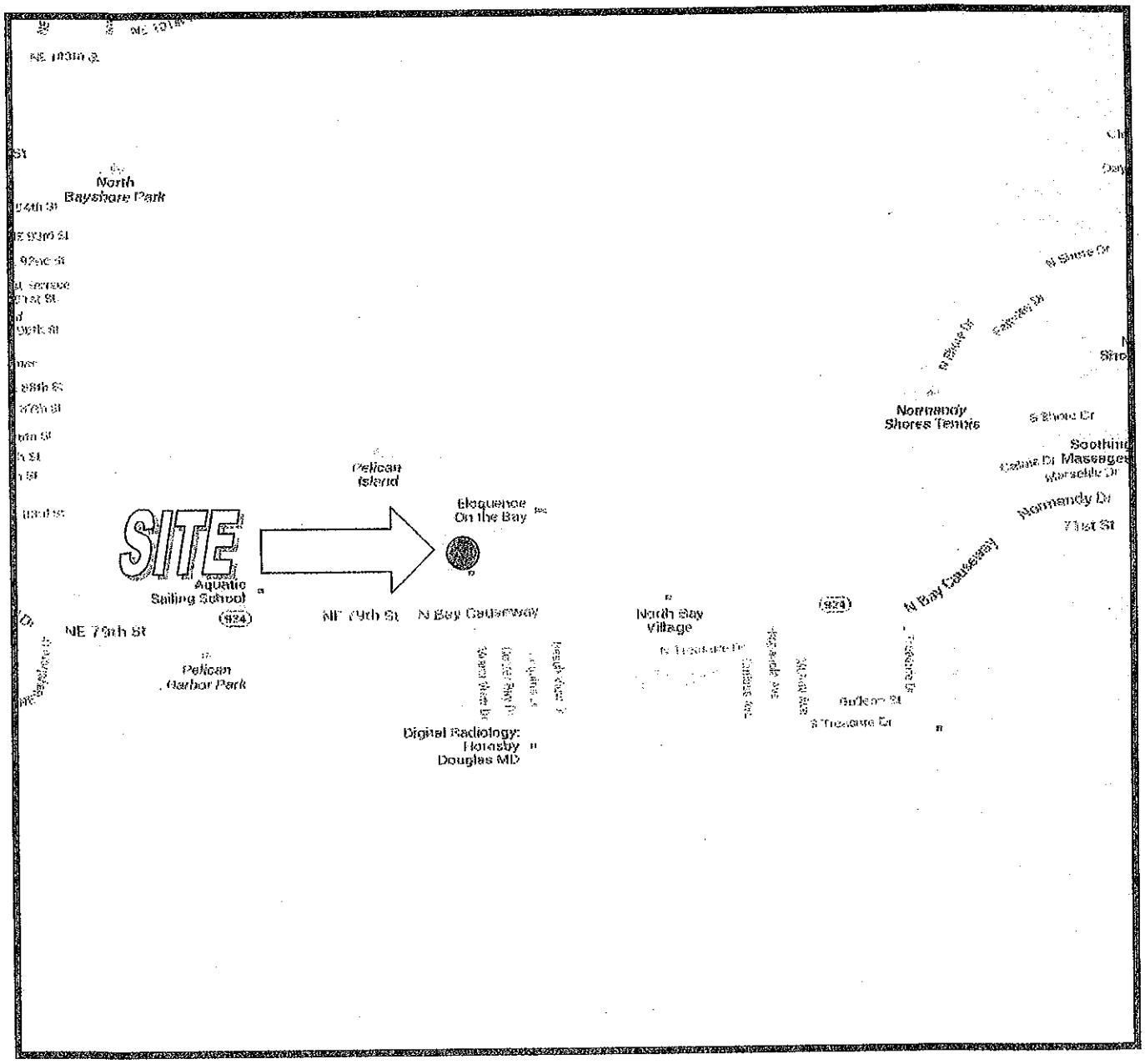


Exhibit 1B - Aerial Photo

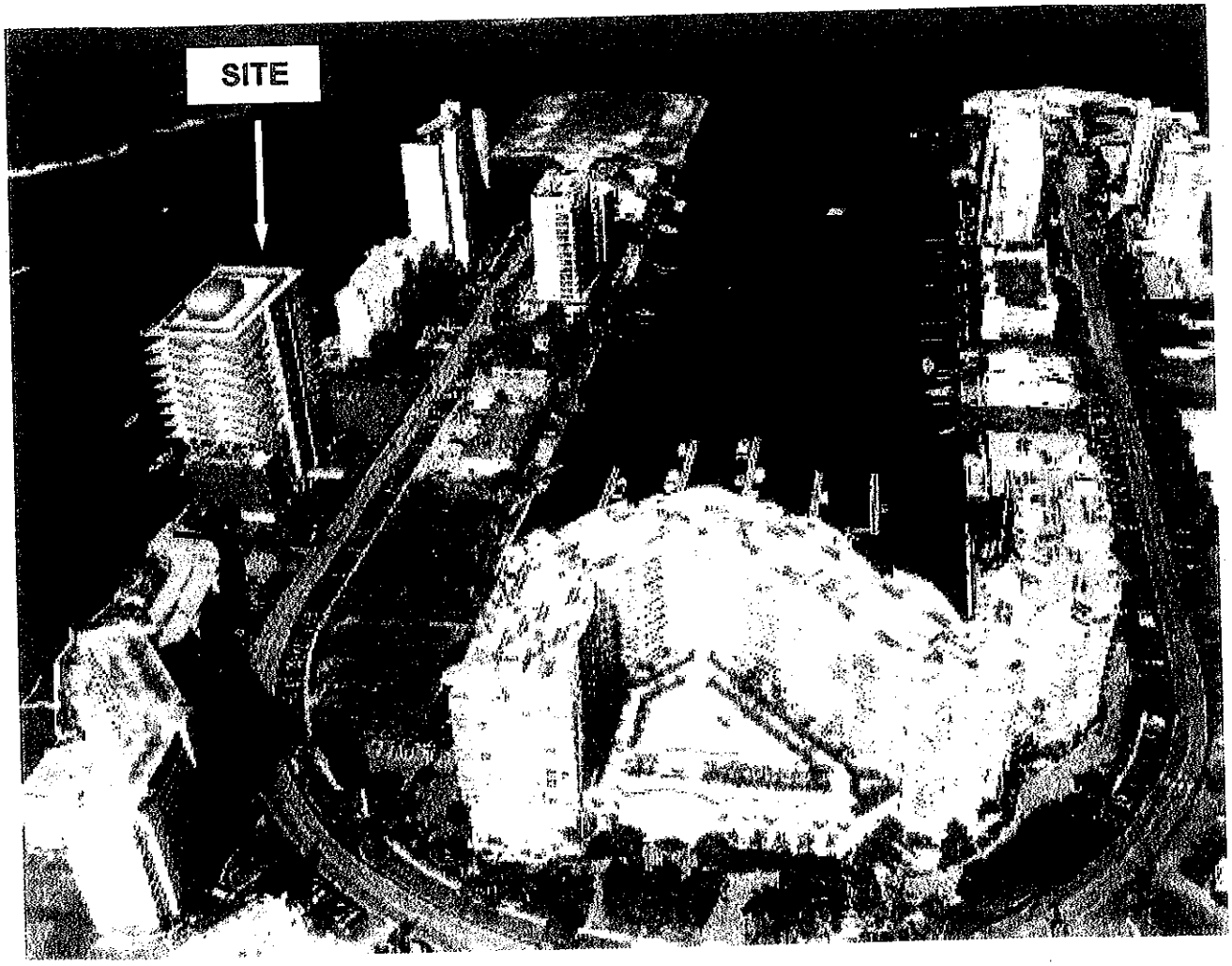


Exhibit 2 - Boundary Survey

LEGAL DESCRIPTION:

A portion of Biscayne Bay, lying in Section 8, Township 53 South, Range 42 East, Village of North Bay Island, Miami-Dade County, Florida, being more particularly described as follows:

Commence at the Northwest corner of Lot 18, HARBOR ISLAND, according to the plat thereof, as recorded in Plat Book 44 at Page 72 of the Public Records of Miami-Dade County, Florida; thence S01°37'08"E along the West line of said Lot 18 for 14.60 feet to the Point of Beginning; thence continue S01°37'08"E along the West lines of Lots 18, 16 and 14, respectively, of said HARBOR ISLAND, for 204.00 feet; thence S88°22'52"W for 72.00 feet; thence N01°37'08"W along a 72.00 feet line West of and parallel to the West line of said Lots 14, 16 and 18, for 204.00 feet; thence N88°22'52"E for 72.00 feet to the Point of Beginning.

SURVEYOR'S NOTES:

- This site lies in Section 8, Township 53 South, Range 42 East, Village of North Bay Village, Miami-Dade County, Florida.
- All documents are recorded in the Public Records of Miami-Dade County, Florida unless otherwise noted.
- Lands shown hereon were NOT abstracted for easements and/or rights-of-way of records.
- Bearings hereon are referred to an assumed value of N 01°37'08" W for the centerline of West Drive.
- Submerged Lands shown hereon containing 14,888 square feet, or 0.337 acres, more or less.
- This is not a "Boundary Survey" but only a graphic depiction of the description shown hereon.
- Dimensions shown hereon are based on Fortin, Leavy, Skiles, sketch #2005-057.

SURVEYOR'S CERTIFICATION:

I hereby certify that this "Sketch of Description" was made under my responsible charge on October 12, 2011, and meets the applicable codes as set forth in the Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

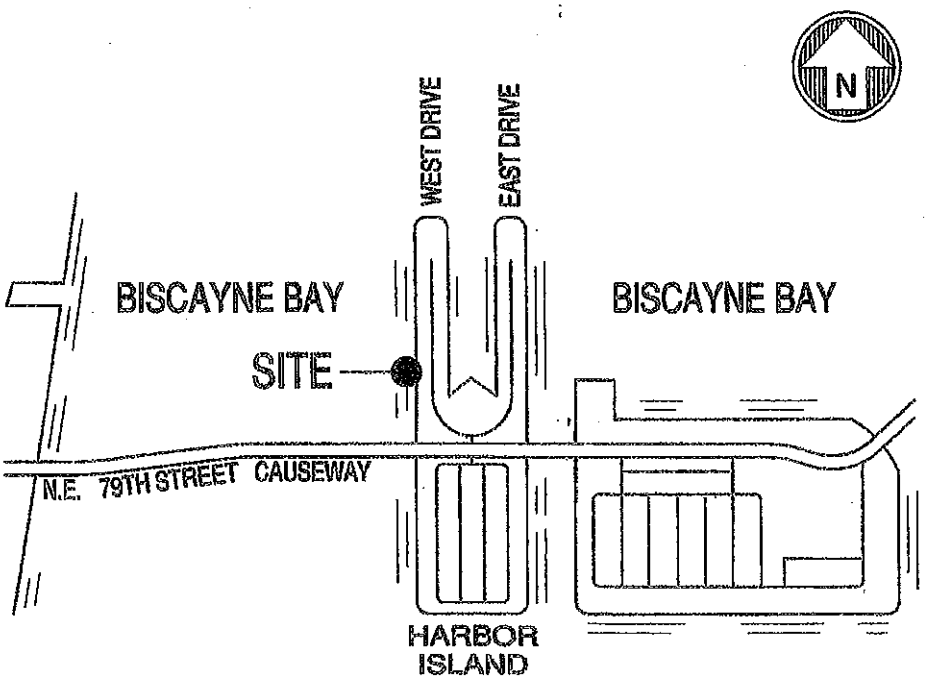
"Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper"

FORTIN, LEAVY, SKILES, INC., LB3653

By: Daniel C. Fortin, For The Firm
Surveyor and Mapper, LS2853
State of Florida.

SUBMERGED LAND LEASE PARCEL

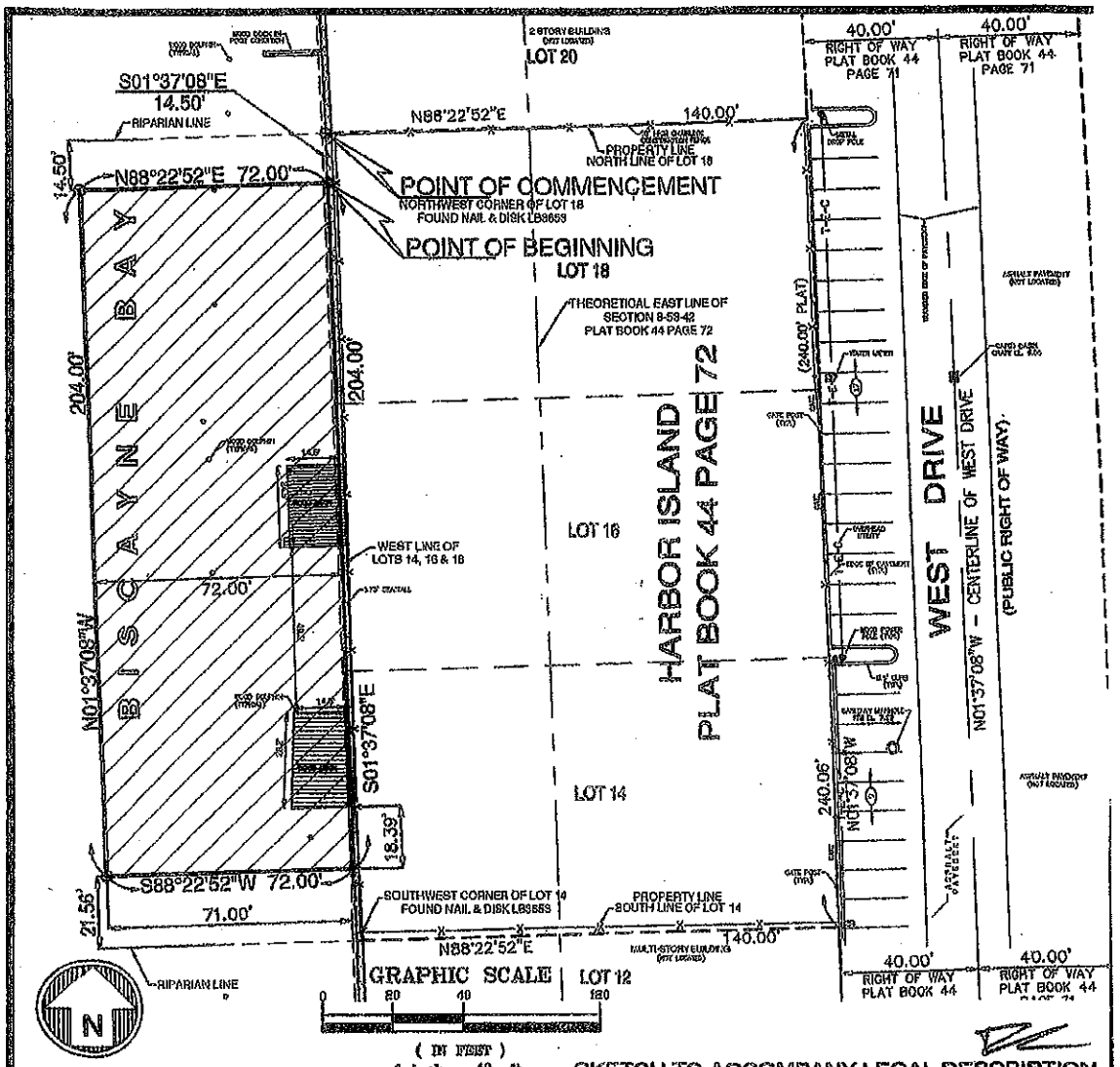
Drawn By	REP	DESCRIPTION, NOTES & CERTIFICATION	Date 10/12/11
Cad. No.	100737	FORTIN, LEAVY, SKILES, INC.	Scale NONE
Ref. Dwg.	1006-089/060588	CONSULTING ENGINEERS, SURVEYORS & MAPPERS	Job. No. 20100737
REV:10/14/11	111029 MAP	FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653	Dwg. No. 1010-055-1
Plotted:	10/14/11 4:44p	180 Northeast 168th Street / North Miami Beach, Florida 33162	Sheet 1 of 3
		Phone 305-653-4493 / Fax 305-651-7152 / Email fls@flsSurvey.com	



LYING IN SECTION 8, TOWNSHIP 53 SOUTH, RANGE 42 EAST,
VILLAGE OF NORTH BAY VILLAGE, MIAMI-DADE COUNTY, FLORIDA

Drawn By REP	LOCATION SKETCH		Date 10/12/11
Cad. No. 100737	FORTIN, LEAVY, SKILES, INC.		Scale NOT TO SCALE
Ref. Dwg. 1006-069/060586	CONSULTING ENGINEERS, SURVEYORS & MAPPERS		Job. No. 20100737
REV:10/14/11 111029 MAP	FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653		Dwg. No. 1010-055-1
Plotted: 10/14/11 4:44p	180 Northeast 168th Street / North Miami Beach, Florida 33162		Sheet 2 of 3
	Phone 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com		

Exhibit 2C - Boundary Survey



SKETCH TO ACCOMPANY LEGAL DESCRIPTION

Drawn By	REP	SKETCH OF DESCRIPTION	Date 10/12/11
Cad. No.	100737	FORTIN, LEAVY, SKILES, INC.	Scale 1" = 40'
Ref. Dwg.	1006-069/060588	CONSULTING ENGINEERS, SURVEYORS & MAPPERS	Job. No. 20100737
REV:10/14/11	111029 MAP	FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653	Dwg. No. 1010-055-1
Plotted:	10/14/11 4:44p	180 Northeast 168th Street / North Miami Beach, Florida 33162	Sheet 3 of 3
		Phone 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com	

Exhibit 3 - Zoning Map

Exhibit 3 - NBV's Zoning Map

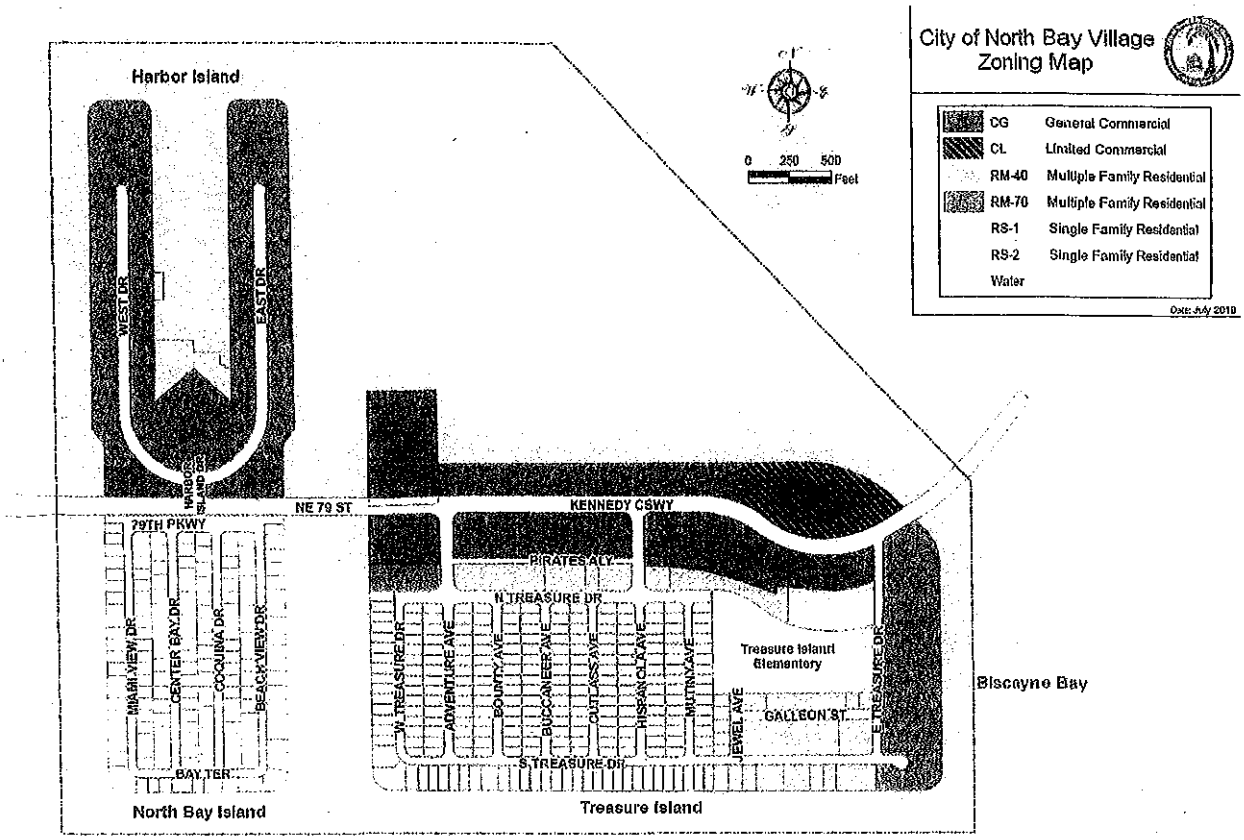


Exhibit 4 - FEMA Flood Zone Map

Exhibit 4 - FEMA Flood Zone Map

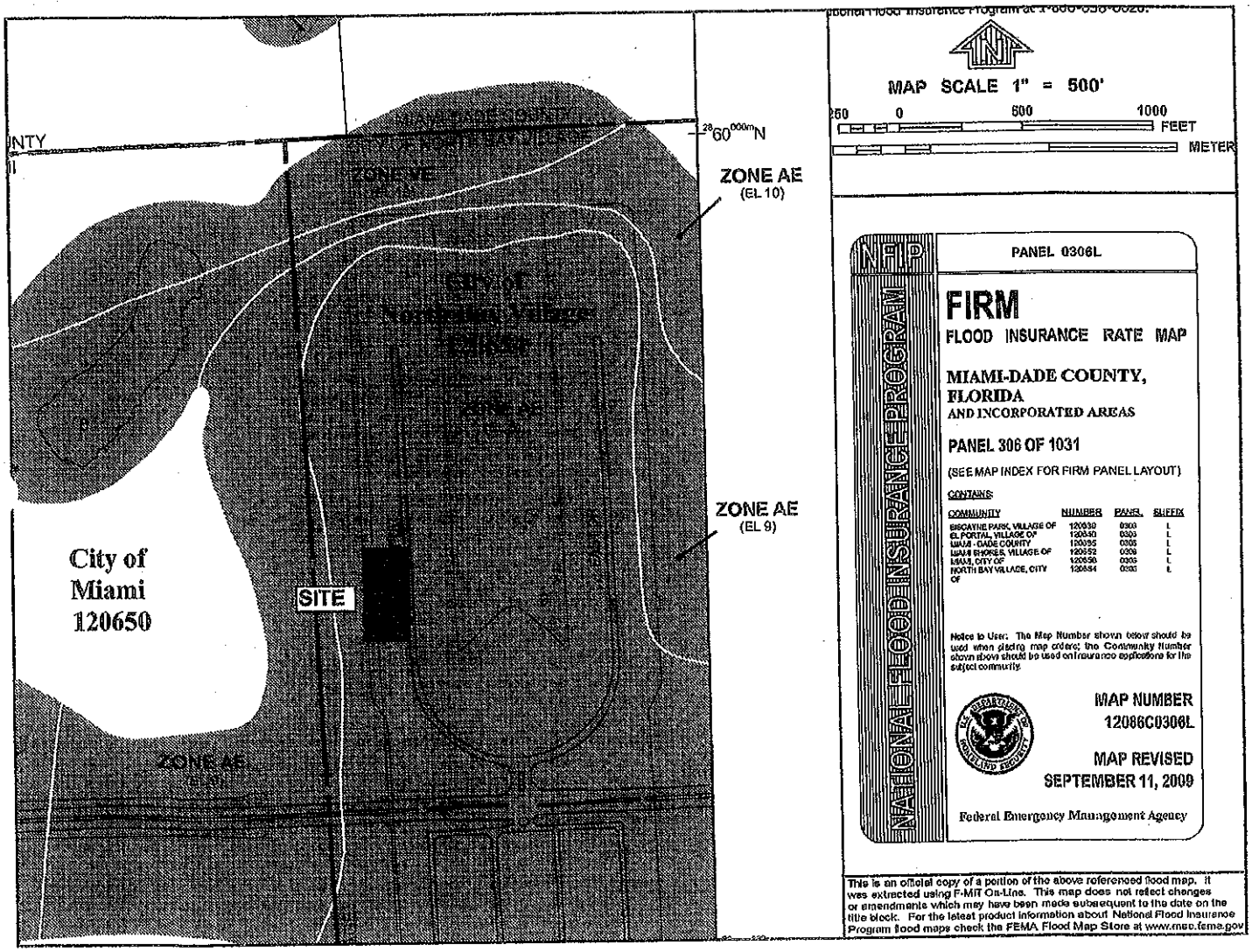


Exhibit 5 - Schematic Engineering Plans

Exhibit 5 - Schematic Engineering Plans

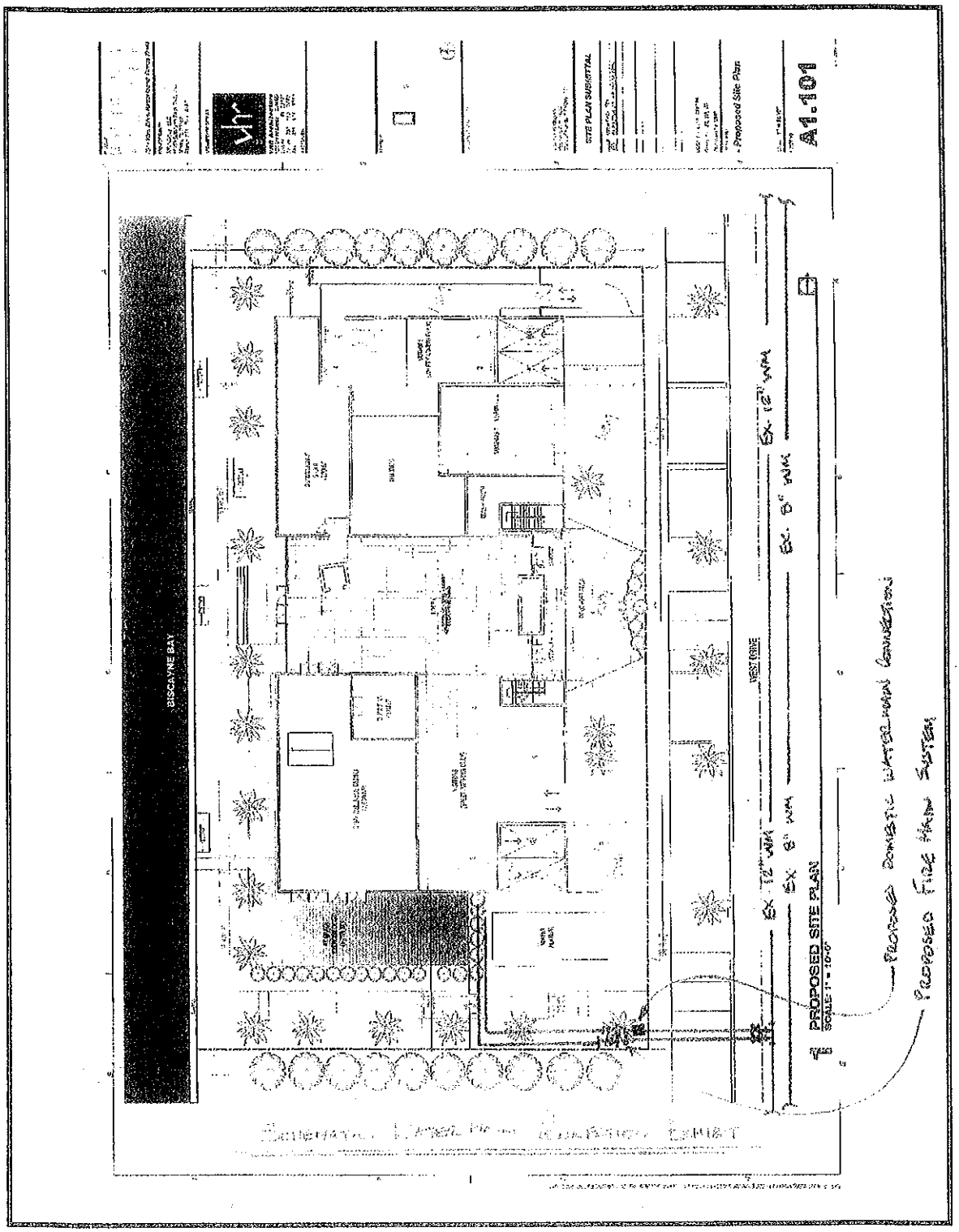


Exhibit 5 - Schematic Engineering Plans

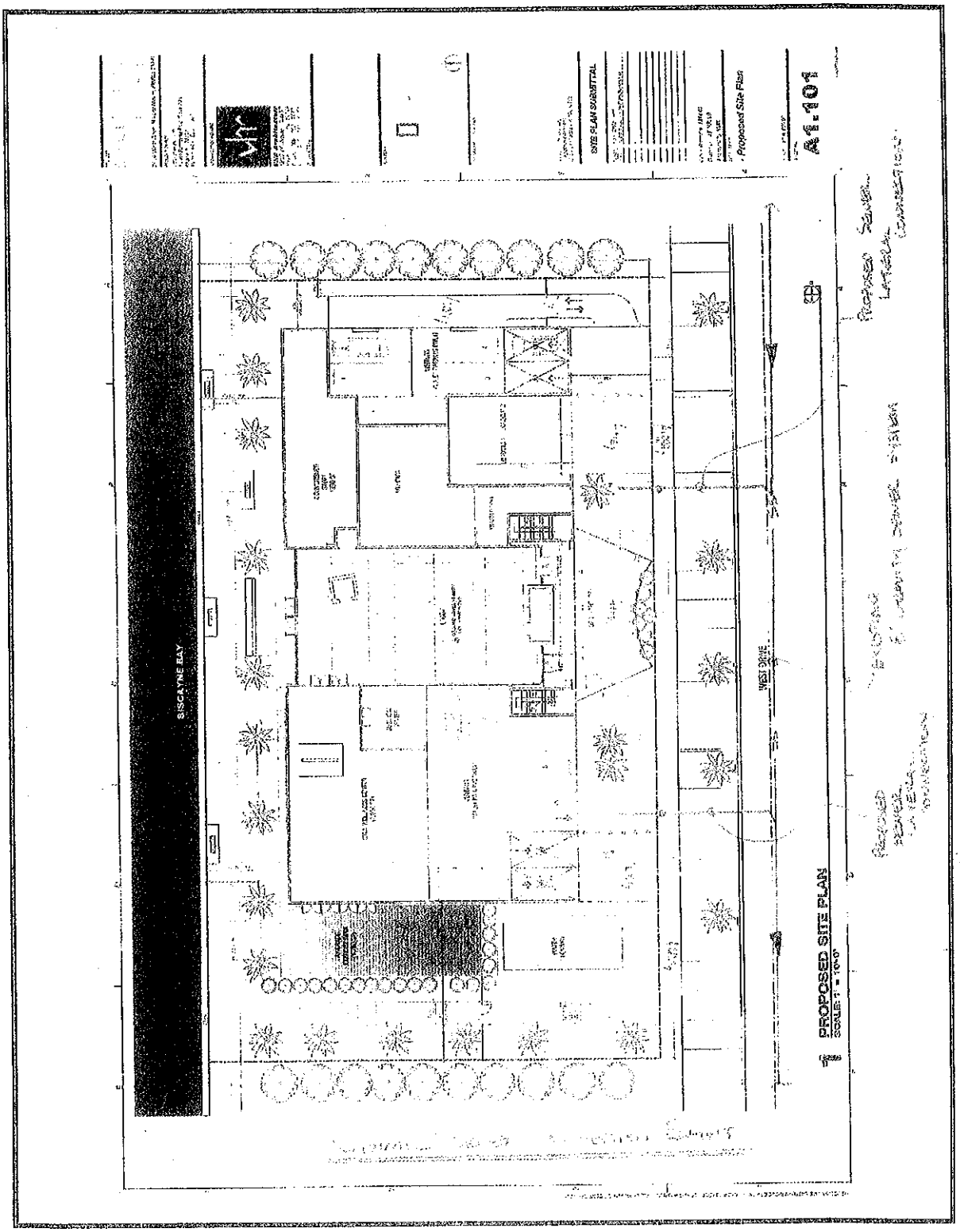
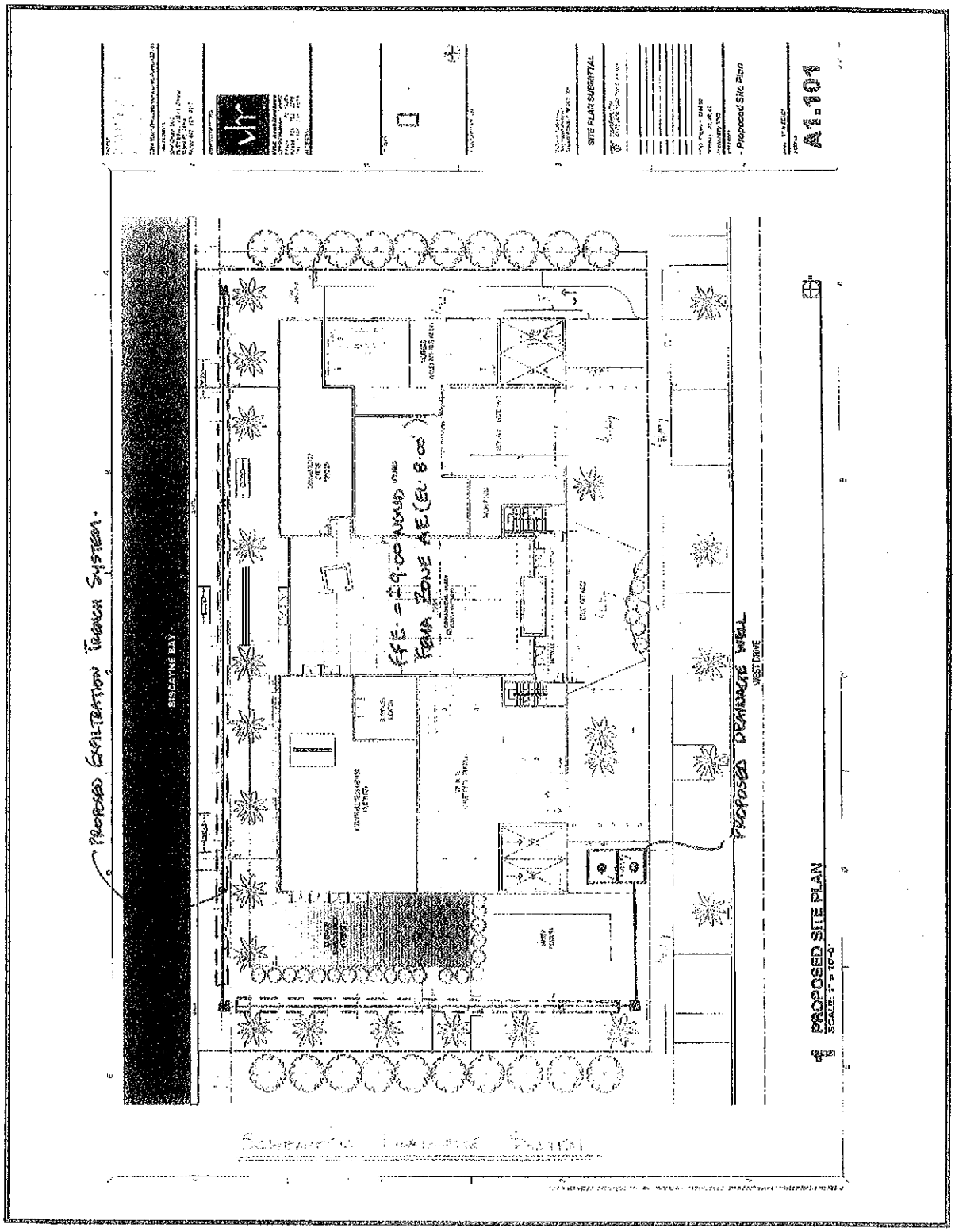


Exhibit 5 - Schematic Engineering Plans



Staff Report #3
Variance

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

Applicant: *1755 NBV, LLC*

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

La Rue Planning
& Management Services, Inc.
1375 Jackson Street, Suite 206
Fort Myers, Florida
239-334-3366
Serving Florida Local Governments Since 1988

4B(1)

General Information

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

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

Legal Description of Subject Property

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

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

4B(2)

Request

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

This section specifies lots less than 500 feet in depth in the Bayview Overlay (BVO) District must provide two side yards that total 60% of the lot width, with the smallest side not being less than 20% of the width of the lot. The width of the applicant's lot is 300 feet. In this application, one side setback is shown at 60 feet; therefore, the other side setback should be 120 feet. Instead, it is being shown as 15 feet. The applicant is short 105 feet in what should be provided in side setback areas to be consistent with the provisions of the BVO District.

Required Findings

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

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

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

Staff Comments: There are no special circumstances or conditions to this property which are not applicable to other properties in the BVO District. This property is not unusually shaped or narrow compared to nearby properties. Due to the curve of Kennedy Causeway in this area, there are several properties that are not equal sided rectangles and in fact have steeper curves (see attached zoning map). The subject parcel, because of the curve, only has a minor change in depth on each side. This property also has greater width than other similarly curved properties in this District which offers a greater ability to provide adequate setbacks. Additionally, the acreage of 1.34 is not a small area if the density or intensity were more appropriate.

4B(3)

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

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

Applicant Response: No specific comments.

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

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

Applicant Response: No specific comments.

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

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

Applicant Response: Granting the variance does not confer on the Applicant any special privilege. Should another property owner believe that a property would be unnecessarily burdened as a result of the regulation, the property owner is able to submit a request for a variance, provided the variance criteria are met.

4B(4)

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

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

Applicant Response: No specific comments.

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

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

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

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

4B(5)

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

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

Staff Comments: The applicant has not stated that this was a reason for this request.

Recommendations

Staff finds that the requested variance **does not** meet the requirements of Section 152.097(C) in that the materials submitted do not adequately allow for an affirmative finding on each of the criteria contained in 152.097(B) as specifically identified by the foregoing Staff Comments. Consequently, Staff recommends **denial** of the requested variance to allow less than the side-yard setback required by the Bayview Overlay District.

Submitted by:
James G. LaRue
James G. LaRue, AICP
Planning Consultant

February 13, 2014

Hearing: Planning & Zoning Board, February 18, 2014

Attachments: Zoning Map

4B(6)

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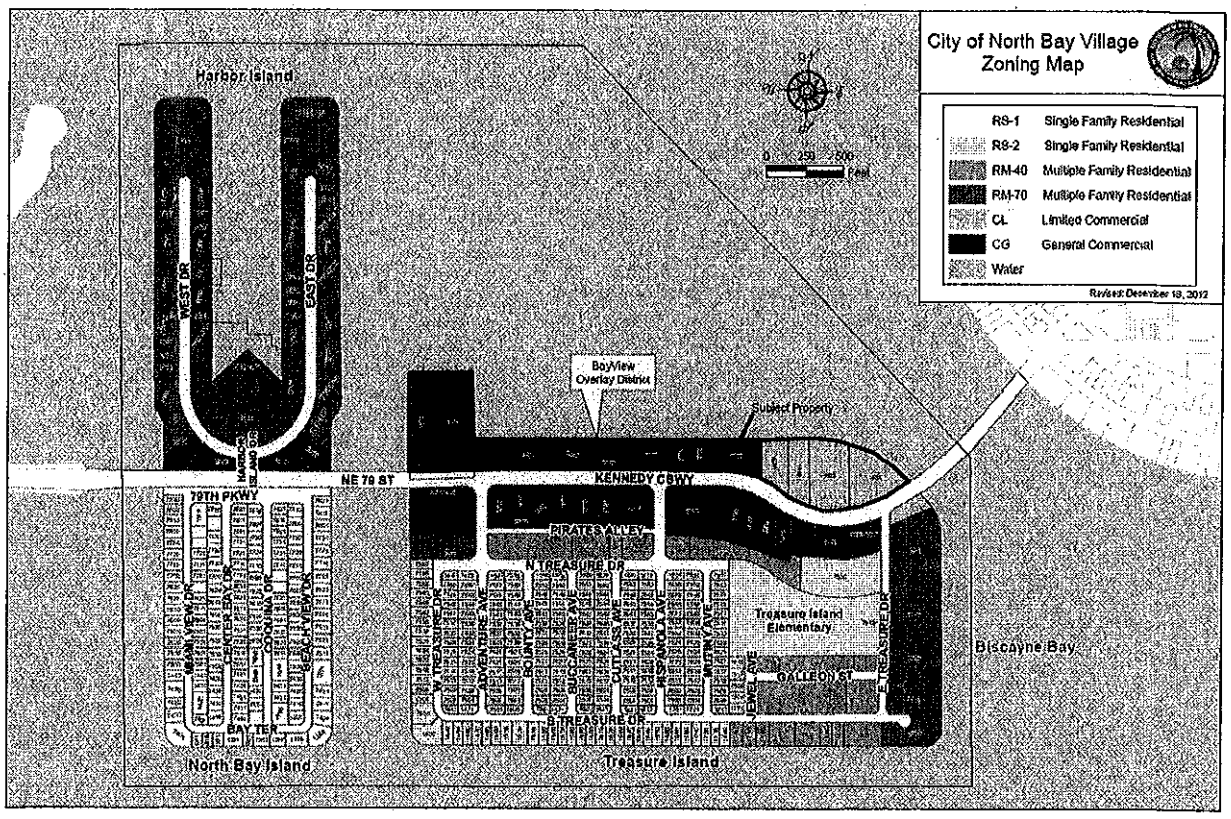
ZONING
SUBJECT SITE AND ENVIRONS



4B(7)

Staff Report #4
Bay View Overlay (BVO) Standards

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

Applicant: *1755 NBV, LLC*

Request: *BVO review including height approval*

La Rue Planning
& Management Services, Inc.
1375 Jackson Street, Suite 206
Fort Myers, Florida
239-334-3366
Serving Florida Local Governments Since 1988

4B(8)

General Information

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

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

Legal Description of Subject Property

THE EASTERLY 300.00 FEET OF THE WESTERLY 1,800.00 FEET OF THE FOLLOWING DESCRIBED TRACT OF LAND AS MEASURED ALONG A LINE RUNNING AT RIGHT ANGLES TO THE WESTERLY LINE OF SAID TRACT.
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NORTHERLY LINE OF SAID EXISTING RIGHT-OF-WAY TO THE POINT OR PLACE OF BEGINNING

4B(9)

Request

Bay View Overlay standards review, including height approval, pursuant to Section 152.032(a)(3) of the North Bay Village Code of Ordinances.

Required Findings

The subject property is within the Bayview Overlay (BVO) District as created by North Bay Village in 2012. When a CL property is located in the BVO District, all provisions of Section 152.032 shall apply. When the provisions of the BVO are applied to a property in the zoning district, the bonus height provisions of Section 152.029(C) shall also apply.

Recommendations

Staff recommends this property is eligible to be reviewed under the provisions of the Bayview Overlay District. The bonus height provisions can also be applied allowing the condominium hotel to be over the 130 foot maximum height allowed under the CL Zoning District and eligible to be built up to the maximum height allowed in the BVO District if the proper setbacks are met.

Submitted by:
James G. LaRue
James G. LaRue, AICP
Planning Consultant

February 13, 2014

Hearing: Planning & Zoning Board, February 18, 2014

4B(10)

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Staff Report #5
Special Use Exception

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

Applicant: *1755 NBV, LLC*

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

LaRue Planning
& Management Services, Inc.
1375 Jackson Street, Suite 206
Fort Myers, Florida
239-334-3366
Serving Florida Local Governments Since 1988

4B(11)

General Information

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

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

Legal Description of Subject Property

THE EASTERLY 300.00 FEET OF THE WESTERLY 1,800.00 FEET OF THE FOLLOWING DESCRIBED TRACT OF LAND AS MEASURED ALONG A LINE RUNNING AT RIGHT ANGLES TO THE WESTERLY LINE OF SAID TRACT.
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NORTHERLY LINE OF SAID EXISTING RIGHT-OF-WAY TO THE POINT OR PLACE OF BEGINNING

4B(12)

Request

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

General Description

The proposed site plan for the hotel-condominium development shows 48 of the 242 required parking spaces to be designed for compact vehicles.

Consistency with Comprehensive Plan

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

Consistency with Special Use Exception Standards

The granting of no more than fifty 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 the request **is** consistent with Sections 152.042(e) and 152.098 in that this special use exception will not adversely affect the uses permitted in the regulations of adjacent properties.

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

Submitted by:
James L. LaRue
James L. LaRue, AICP
Planning Consultant

February 13, 2014

Hearing: Planning & Zoning Board, February 18, 2014

4B(13)

Staff Report #6
Site Plan

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

Applicant: *1755 NBV, LLC*

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

LaRue Planning
& Management Services, Inc.
1375 Jackson Street, Suite 206
Fort Myers, Florida
239-334-3366
Serving Florida Local Governments Since 1988

4B(14)

General Information

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

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

Legal Description of Subject Property

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NORTHERLY LINE OF SAID EXISTING RIGHT-OF-WAY TO THE POINT OR PLACE OF BEGINNING

4B(15)

Request

The applicant is requesting:

1. Site plan approval pursuant to Section 152.105(C)(9) of the North Bay Village Code of Ordinances for development of a 132-unit 25-story condominium hotel structure with a parking garage.

2. Building height bonus review pursuant to Section 152.029(C)(8)(A-F) of the North Bay Village Code of Ordinances.

General Description

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

Consistency with Comprehensive Plan

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

Adjacent Land Use Map Classifications and Zoning District

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

Adequacy of Public Facilities

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

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

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

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

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

2. The Study uses appropriate ITE peak hour trip generation factors for the restaurant and specialty retail center.

3. The Study uses what would appear to be reasonable internal capture rates for a mixed-use development.

4. The findings of the TIS are summarized as follows:
   a. The proposed project will generate a net increase of 92 during the AM peak hour and 106 vehicle trips during the PM peak hour.
   b. The Level of Service Standard (LOSS) for Kennedy Causeway is D. The range of traffic for a Level of Service (LOS) of D is from 2,091 to 4,500 peak hour trips.
   c. The current traffic levels are estimated at 2,843 and 2,629. Therefore the roadway is operating at LOS D.
   d. When the project is completed in 2016, the resultant AM and PM Peak hour traffic on North Bay/Kennedy Causeway is projected to be 2,935 and 2,735 trips respectively. Based on FDOT Standards this means the roadway will continue to operate at LOS D once the project is completed.

CONCLUSION

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

DISCLAIMER

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

Comparison of Submitted Site Plan with Land Development Regulations

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

1) A rezoning of the property from CG to CL;
2) A text amendment of the North Bay Village Land Development Code regarding the definitions of "dwelling unit, hotel room" and "dwelling unit, hotel suite";
3) A variance to the required side setbacks to allow a 15 foot setback from the East property line where a 120 foot setback is required;
4) An approval to utilize the provisions of the Bay View Overlay District; and
5) A special use approval to utilize compact parking spaces for up to 20% of the required parking.

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

Section	Regulation	Required	Provided
North Bay Village LDC			
152.031(B)	Uses permitted		Hotel, restaurant and retail uses, consistent with NBV Code
152.031(C)(1)	Minimum lot area	28,000 sq ft	58,443 sq ft

Section	Regulation	Required	Provided
152.031(C)(1)	Minimum frontage	200 ft	300 ft
152.031(C)(3)	Maximum density	99 hotel units per acre	99 units per acre
152.031(C)(5)	Minimum pervious area	20% of total parcel = 11,689 sq ft	11,834.7 sq ft
152.031(C)(6)	Minimum hotel unit floor area	400 sq ft	Units shown at 400 to 1,391 sq ft
152.032(C)	Maximum building height	340 ft	241 ft - 2 in 253 ft - 2 in, top of mechanical
152.032(C)(2)(b)	Minimum front setback	The entire portion of the building that is more than 240 feet in height must be set back from the front property line by a distance that is at least 40 feet, plus two feet for each foot of the highest building height in excess of 240 feet. 40 ft setback required for main structure under 240 ft. 14 x 2 = 28 40 + 28 = 68 ft setback required for mechanical portion.	Main structure is set back 40 ft from front property line Cannot verify that portion of building above 240 meets required 68 foot setback
152.032(C)(2)(c)	Minimum side setback	If any portion of a building on the site exceeds 240 feet in height, the two side yards together must total 60% of the lot width, provided the smallest side yard may not be less than 20% of the lot width. 60% of lot width is 180 ft 20% of lot width is 60 ft Combination of both sides must equal 180 ft, with one side at least 60 ft	15 ft on east side 60 ft on west side Side setback requirements not met. A variance has been requested.
152.031(C)(2)	Minimum rear setback	25 ft	25 ft
5.2.2(a)(1)	Minimum standard parking space dimensions	9 ft by 18 ft	Provided

Section	Regulation	Required	Provided
5.2.2(a)(2)	Minimum compact parking space dimensions	8 ft by 16 ft	Provided
5.2.2(a)(3)	Minimum handicapped parking space dimensions	Must comply with all applicable accessibility standards	Provided
152.042(D)	Minimum number of handicapped spaces	2% of total required spaces. 2% of 249 = 5 handicapped spaces required	7 handicapped spaces
ADA Requirement	Minimum number of handicapped spaces	7 handicapped spaces for facilities with 201 to 300 parking spaces	
152.042(E)	Maximum number of compact parking spaces	20% of total required (only with approval by Village Commission) 20% of 242 = 48 compact parking spaces allowed	48 of the required spaces are compact spaces. 2 of the 7 surplus parking spaces are compact.
152.042(K)	Minimum setback of ROW from parking spaces	20 ft	Provided
152.042(M)	Minimum buffer of parking from walkways and streets	Parking spaces shall be separated from walkways, sidewalks, streets, or alleys by an approved wall, fence, curbing, or other protective device	Provided
152.042(P)	Back-out parking prohibition	Parking spaces shall not be designed so that no vehicle shall be required to back into a public ROW to obtain egress	Provided
152.044(A)(3)	Minimum number of parking spaces per hotel unit	1 space per unit, plus 10% of total spaces 36 x 1 + 10% = 39.6 48 x 1 + 10% = 52.8 48 x 2 + 10% = 105.6 39.6 + 52.8 + 105.6 = 198 spaces required	249 parking spaces
152.044(B)(7)	Minimum number of parking spaces for restaurant	1 space per 75 sq ft of customer svc area 2,350/75 = 31.33 spaces required	

<table>
<tr><th>Section</th><th>Regulation</th><th>Required</th><th>Provided</th></tr>
<tr><td>152.044(B)(8)</td><td>Minimum number of parking spaces per for retail</td><td>1 space per 200 sq ft of gross floor area

2,354/200 = 11.77 spaces required</td><td rowspan="2"></td></tr>
<tr><td></td><td>Total spaces required</td><td>198 + 31.33 + 11.77 = 242 total spaces required</td></tr>
<tr><td>152.045(B)</td><td>Minimum loading space dimensions</td><td>12 ft by 30 ft, and at least 14.5 ft of vertical clearance</td><td>Provided</td></tr>
<tr><td>152.045(C)</td><td>Loading space joint usage</td><td>Loading spaces for two or more uses may be collectively provided if so located as to be usable by all.</td><td>N/A</td></tr>
<tr><td>152.045(E)</td><td>Loading and standard parking space restriction</td><td>No areas supplied to meet required off-street parking facilities may be utilized to meet the requirements for loading spaces.</td><td>In compliance</td></tr>
<tr><td>152.045(F)(1)</td><td>Minimum number of loading spaces for retail and restaurant</td><td><table><tr><th>Gross floor area</th><th>Spaces</th></tr><tr><td><10,000</td><td>0</td></tr><tr><td>10,000-20,000</td><td>1</td></tr><tr><td>20,000-40,000</td><td>2</td></tr><tr><td>40,000-60,000</td><td>3</td></tr><tr><td>>60,000</td><td>4</td></tr></table>
2,883 + 2,354 = 5,237

No loading spaces required.</td><td>N/A</td></tr>
<tr><td>152.045(F)(2)</td><td>Minimum number of loading spaces for hotel</td><td><table><tr><th>Gross floor area</th><th>Spaces</th></tr><tr><td><25,000</td><td>0</td></tr><tr><td>25,000-50,000</td><td>1</td></tr><tr><td>50,000-100,000</td><td>2</td></tr><tr><td>>100,000</td><td>3</td></tr></table>
133,376 + 2,622 + 2,622 = 138,700

3 loading spaces required</td><td>3 loading spaces</td></tr>
<tr><td>155.17</td><td>Minimum width of maneuvering aisle</td><td>23 ft wide maneuvering aisles</td><td>Provided</td></tr>
</table>

Section	Regulation	Required	Provided
155.17	Minimum width of 2-way access aisle	23 ft	Provided
155.08(E)	Baywalk	A bay walkway shall be provided along the rear of the property which can be connected to other properties	Provided
155.18(A)3	Dumpster screening	Dumpster enclosures shall be designed in a manner as to visually screen the dumpster from adjacent view and shall be located in visually obscure areas of the site.	Provided
155.18(A)4	Dumpster placement	Dumpster enclosures shall be placed in such a manner as to allow front end loader sanitation trucks to pick up garbage in a forward motion. Backing out the sanitation truck is prohibited	Provided
155.18(A)5	Mechanical equipment screening	Roof-mounted mechanical equipment and elevator shafts shall be screened by a parapet wall or grilles, and shall be painted in muted colors or match the building and shall not be visible from the street.	Provided
155.18(A)7	Mechanical equipment screening	Service bays, ground mounted air conditioning units, and other mechanical equipment shall be screened from public and on-site pedestrian view, and buffered.	Provided
Appendix D	Required benches	Benches shall be provided at a minimum of 2.5 ft sections of bench per 100 ft of linear shoreline	Provided
Miami-Dade Landscaping			
18A-4(C)	Vegetative survey	A vegetation survey shall be provided for all sites at the same scale as the landscape plan.	Not needed as the site is currently a parking lot.
18A-4(D)	Irrigation plan	An Irrigation Plan shall be submitted. Where a landscape plan is required, an irrigation plan shall be submitted concurrently.	Not yet provided
18A-6(A)(5)	Maximum lawn area	20% of lot area, less the area covered by buildings	No lawn depicted

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 shown meet or exceed this requirement.
18A-6(C)(2)	Street trees	Street trees shall be provided along all roadways at a maximum average spacing of 35 feet on center (25' for palms).	This requirement has been met.
18A-6(C)(3)	Trees under power lines	Where overhead power lines require low growing trees, street trees shall have a minimum height of 8 ft and a maximum average spacing of 25 feet on center.	Not Applicable.
18A-6(C)(4)	Palms	Palms which are spaced no more than 25 feet on center and have a 14 foot minimum height or 4 inches minimum caliper diameter may count as a required tree.	All palms provided exceed the 14' height requirement.
18A-6(C)(5)	Number of required trees	22 trees per acre required in commercial zoning categories' 1.34 x 22 = 30 trees required	This requirement has been met.
18A-6(C)(11)	Limitations on required trees	At least 30% shall be native species. At least 50% shall be low maintenance and drought tolerant. Of the required trees, no more than 30% shall be palms	All provided trees are native. Native trees are drought tolerant and low maintenance The tree requirement has been met by non-palms.
18A-6(C)(12)	Limitations on required trees	80% of required trees shall be listed in the Miami-Dade Landscape Manual, the Miami-Dade Street Tree Master Plan and/or the University of Florida's Low Maintenance Landscape Plants for South Florida list.	This requirement has been met.

Section	Regulation	Required	Provided
18A-6(D)(1)	Shrubs	All shrubs must be a minimum of 18 inches at time of planting. 10 shrubs are required for each required tree. 30% shall be native species 50% shall be low maintenance and drought tolerant 80% of required shrubs shall be listed in the Miami-Dade Landscape Manual, the Miami-Dade Street Tree Master Plan and/or the University of Florida's Low Maintenance Landscape Plants for South Florida list.	All shrubs meet this requirement. 290 shrubs are required, 292 shrubs have been provided. All shrubs are native. All native shrubs used are low maintenance and drought tolerant. This requirement has been met.
18A-6(H)	Use buffers	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. 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.	The property to the east is a hotel, a use similar to the subject property, and therefore does not require a landscape buffer. The property to the west is vacant but is scheduled to be a multi-family residence which is dissimilar from the subject property, and therefore requires a landscape buffer. The landscape plan provides adequate buffering along both property boundaries between adjoining properties.

Section	Regulation	Required	Provided
18A-6(I)	Parking lot buffers	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 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.	Provided.
18A-6(J)	Parking lot landscaping	10 square feet of landscaped area per parking space shall be provided within a parking lot. 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. Each tree shall have a minimum of 5 feet of planting area width, exclusive of curb dimension.	Provided.
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. 75 ft required	Only 25 ft provided
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. 60 ft required on one side	60 ft on one side
33D-38(3)	Minimum side setback	Minimum of 25 ft	Only 15 ft provided
33D-33(4)	Waiver from County	A waiver may be obtained from the Miami-Dade Shoreline Review Committee for exemption from the above requirements	Not provided yet

Recommendations

BUILDING HEIGHT BONUS:

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

SITE PLAN:

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

Additionally, since the last Planning and Zoning Board meeting, the Applicant has met with residents from the Lexi Condominium and has made some revisions to the plan in order to address their concerns. The revisions include a narrowing of the hotel tower structure (pedestal remains the same) and additional height. Due to the additional height, staff can no longer verify that the proposed structure meets Section 152.032(C)(2)(b) of the North Bay Village Code, which reads as follows:

> *The entire portion of a building that is more than 240 feet in height must be set back from the front property line by a distance that is at least 40 feet, plus two feet for each foot of the highest building height in excess of 240 feet.*

This site plan could only be approved if:

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

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

1. Dedication and recording of the public access easement and boardwalk prior to the issuance of a building permit.

2. Site plan approval from the Miami-Dade Shoreline Review Committee.

3. Meeting School Board Concurrency requirements as determined by School Board Staff.

4. Submittal of an irrigation plan which meets Miami-Dade Chapter 18A requirements.

5. Payment of bonus height fees, as required under Section 152.029(C)8A-8F.

6. Payment of any applicable impact fees.

7. Cost recovery charges must be paid pursuant to Section 152.110. Specifically, no new development application shall be accepted and no building permit or certificate of occupancy shall be issued for the property until all application fees, cost recovery deposits and outstanding fees and fines related to the property (including fees related to any previous development proposal applications on the property), have been paid in full.

8. Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.

9. Approval of this site plan does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for approval if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that results in a violation of federal or state law.

10. All applicable state and federal permits must be obtained before commencement of construction.

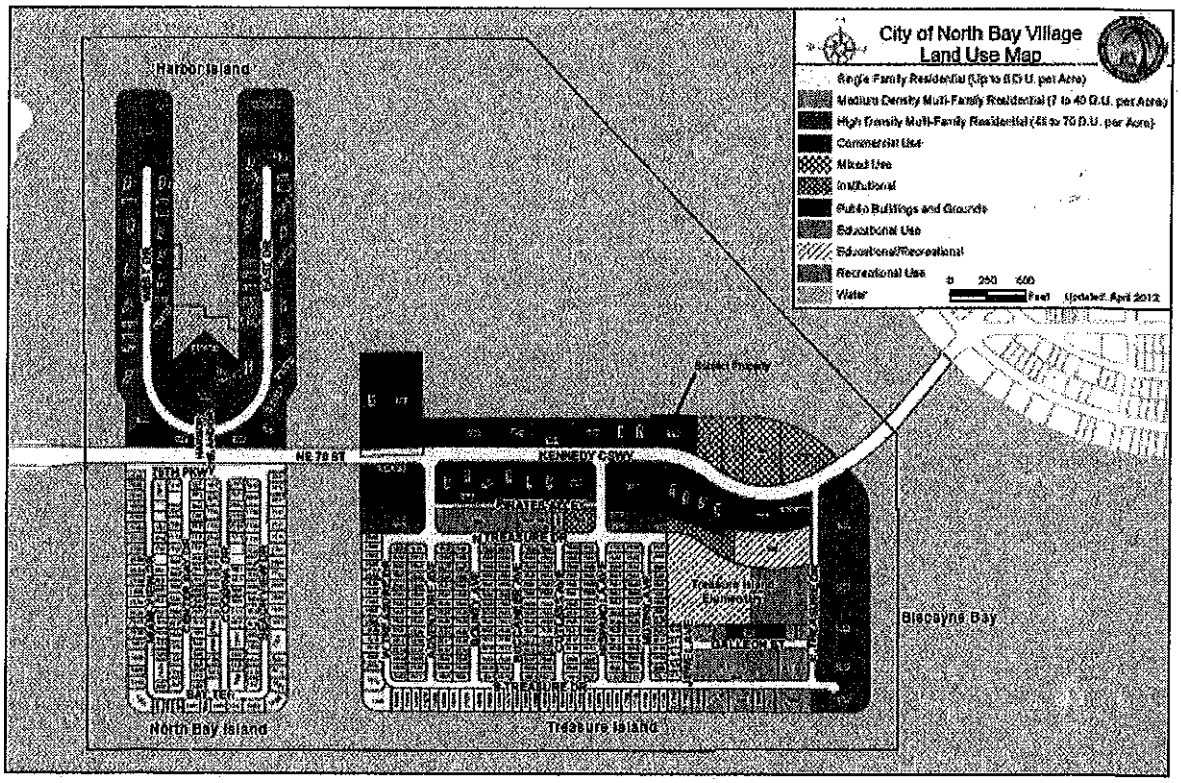
Submitted by:
James G. LaRue
James G. LaRue, AICP
Planning Consultant

February 13, 2014

Hearing: Planning & Zoning Board, February 18, 2014

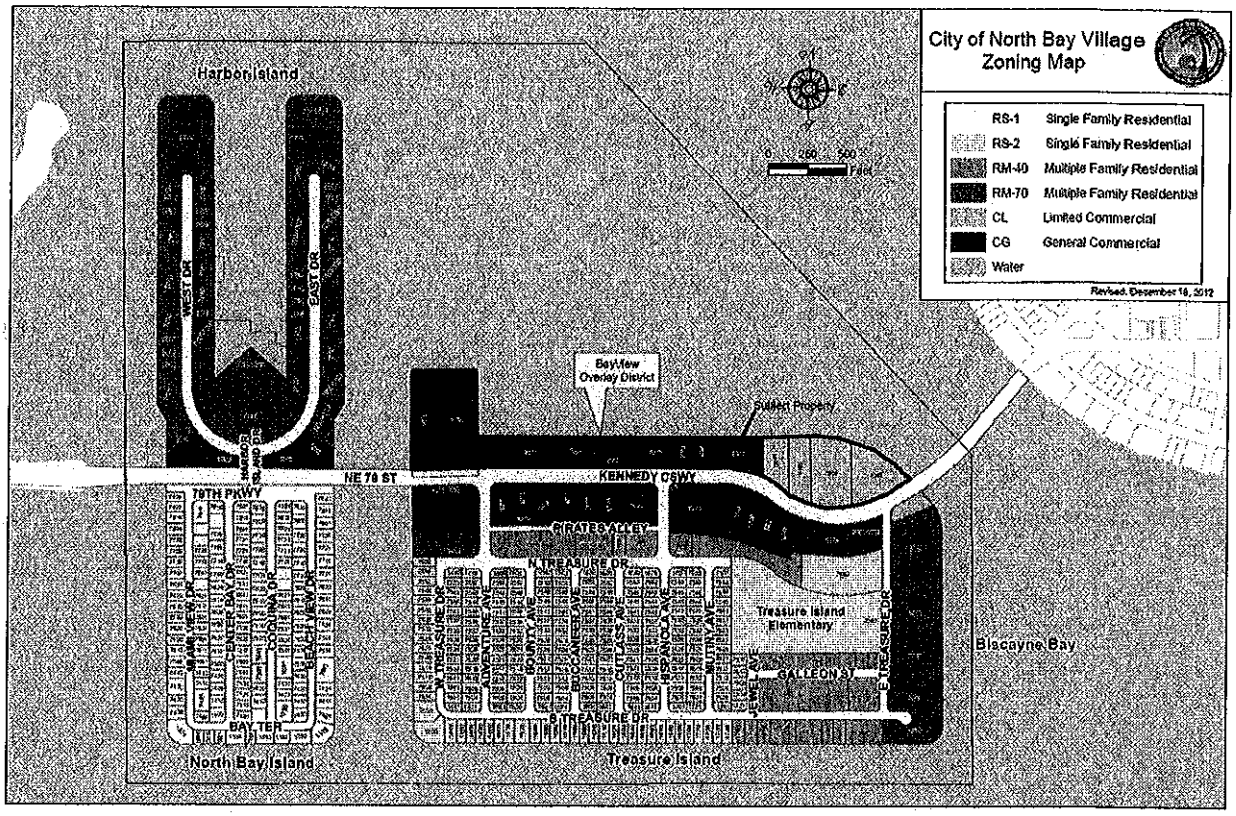
Attachments: Future Land Use Map
Zoning Map
Aerial photograph

FUTURE LAND USE
SUBJECT SITE AND ENVIRONS



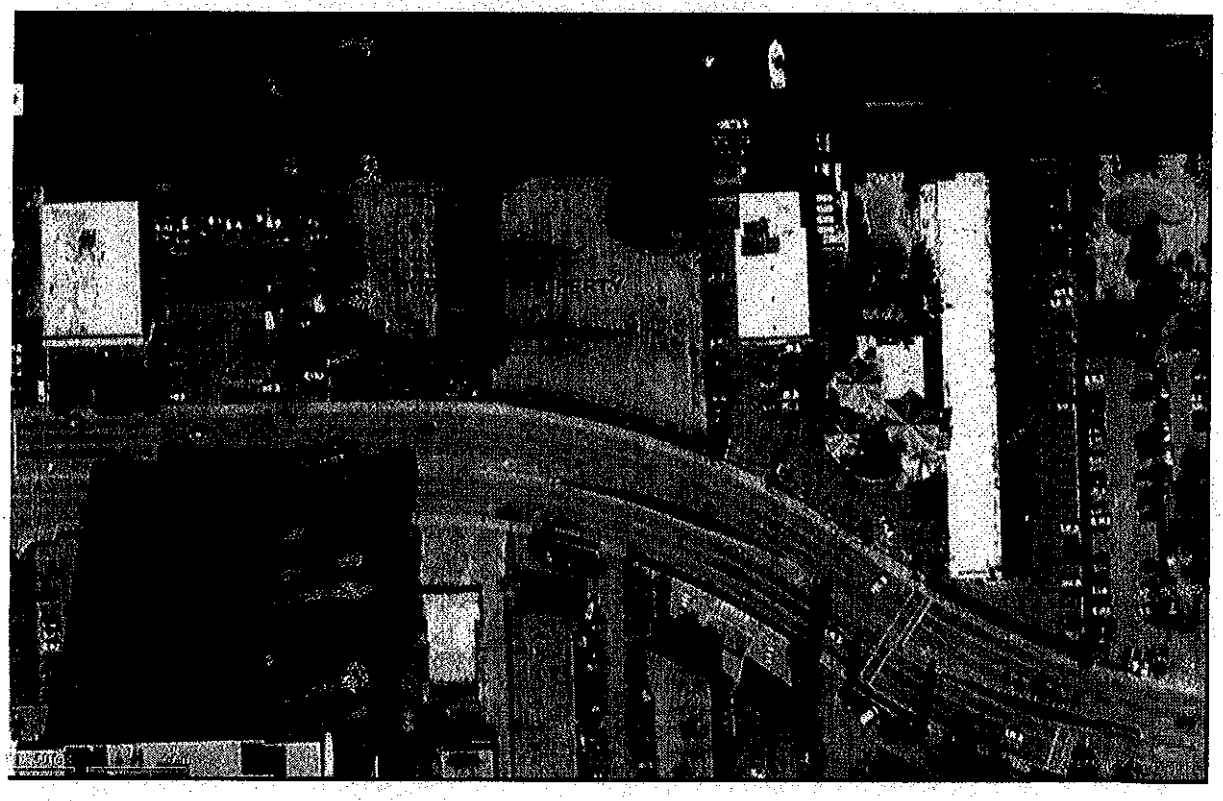
4B(29)

ZONING
SUBJECT SITE AND ENVIRONS



4B(30)

AERIAL PHOTOGRAPH
SUBJECT SITE AND ENVIRONS



4B(31)

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: 1755 NBV, LLC
1755 Kennedy Causeway
Treasure Island
North Bay Village, FL 33141

Request for the following:

1. **AN APPLICATION BY 1755 NBV, LLC IN CONNECTION WITH THE DEVELOPMENT OF A 132-UNIT, 22-STORY CONDOMINIUM HOTEL AT 1755 KENNEDY CAUSEWAY FOR THE FOLLOWING:**

   A. **A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES IN CONNECTION WITH THE DEVELOPMENT OF A CONDOMINIUM HOTEL STRUCTURE TO ALLOW LESS THAN THE SIDE-YARD SETBACK AS REQUIRED BY SECTION 152.032(C)(2)(C).**

   B. **BAY VIEW OVERLAY STANDARDS REVIEW, INCLUDING HEIGHT APPROVAL, PURSUANT TO SECTION 152.032(A)(3) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.**

   C. **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.**

   D. **SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 132-UNIT 22-STORY CONDOMINIUM HOTEL STRUCTURE WITH A PARKING GARAGE.**

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

4B(32)

I, Yvonne P. Hamilton, hereby certify that the attached Notice of Public Hearing to be held on February 18, 2014 was posted at the above-referenced property on February 7, 2014.

Dated this 14th day of February 2014.

Yvonne P. Hamilton
Village Clerk

(Planning & Zoning Board Meeting-2/18/2014)

4B(33)

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 ***FEBRUARY 18, 2014 AT 7:30 P.M. OR AS SOON AS POSSIBLE THEREAFTER, AT TREASURE ISLAND ELEMENTARY SCHOOL, 7540 EAST TREASURE DRIVE***, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING, THE BOARD WILL CONSIDER THE FOLLOWING REQUESTS AND SUBMIT A RECOMMENDATION TO THE VILLAGE COMMISSION:

1. AN APPLICATION BY 1755 NBV, LLC IN CONNECTION WITH THE DEVELOPMENT OF A 132-UNIT, 22-STORY CONDOMINIUM HOTEL AT 1755 KENNEDY CAUSEWAY FOR THE FOLLOWING:

A. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES IN CONNECTION WITH THE DEVELOPMENT OF A CONDOMINIUM HOTEL STRUCTURE TO ALLOW LESS THAN THE SIDE-YARD SETBACK AS REQUIRED BY SECTION 152.032(C)(2)(C).

B. BAY VIEW OVERLAY STANDARDS REVIEW, INCLUDING HEIGHT APPROVAL, PURSUANT TO SECTION 152.032(A)(3) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.

C. 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.

D. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 132-UNIT 22-STORY CONDOMINIUM HOTEL STRUCTURE WITH A PARKING GARAGE.

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

4B(34)

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
(February 7, 2014)

4B(35)

LaRue Planning
& Management Services, Inc.

Memorandum

To: North Bay Village Planning & Zoning Board

From: James G. LaRue

Date: January 30, 2014

Subject: **1415 Kennedy Causeway, Conditions for Planning and Zoning Board Approval**

Prior to the public hearing before the Village Commission, the applicant must submit a site plan which depicts:

1) Interior walls and layout of all dwelling units; and

2) Locations and dimensions of handicap parking spaces and required aisles; and

3) Parking calculations allocating adequate parking for all intended uses, demonstrating compliance with the North Bay Village off-street parking requirements.

Prior to issuance of a building permit we request that approval be based on the following conditions:

1) Submittal of a landscape plan and an irrigation plan which meet Miami-Dade Chapter 18A

2) Dedication recording of the public boardwalk access easements as per section 152.029(C)(7).

3) Site plan approval from Miami-Dade Shoreline Review Committee.

4) Meeting School Board Concurrency requirements as determined by School Board Staff.

5) Payment of bonus height fees, as required under Section 152.029(C)8A-8F, as defined by the IOD Development Agreement.

6) 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.

7) Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.

8) 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.

9) All applicable state and federal permits must be obtained before commencement of construction.

10) Tie-in to Village's wastewater system at a Village designed, proximate location (proposed connection point).

   a. If and only if at the time of IOD's construction the Existing Force Main is operational, then IOD shall contribute to the established proportionate share program in place at the time of the connection.

   b. Alternatively, if at the time of construction by IOD, there is not an Existing Force Main, then IOD shall design and construct a Westbound Force Main to the Village Hall Pump Station ("Force Main Improvements") required to service the IOD development to the standards required by the Village. Upon completion and acceptance of the Force Main Improvements by the Village, those improvements shall be conveyed to the Village at no cost through an unencumbered bill of sale.

CC: Frank Rollason, Village Manager

Yvonne Hamilton, Village Clerk

4B(38)

1755 KENNEDY CAUSEWAY (HOTEL)

UNITS ALLOWABLE IN HOTEL IF DENSITY FOR UNITS W/KITCHENS IS BASED ON RES. DENSITY IN CL

	Proposal				@ residential density (except efficiency)			all @ residential density		
	at hotel density		land area 58,370 SF	alloc			#units with			#units with
	units	%mix	(sf)	land	land/ unit	density	kitchens	land/ unit	density	kitchens
eff	36	27.3%	58370	15935.01	440	99/ac	36	500	87.1/ac	32
1-bdr	42	31.8%	58370	18561.66	620	70.3/ac	30	620	70.3/ac	30
2-bdr	54	40.3%	58370	23523.11	685	63.6/ac	34	685	63.6/ac	34
total	132						100			96

Kobi Karp
1/30/14
Exhibit 2

Code Comparison - Multifamily vs. Apartment Hotel requirements

	North Bay Village (Current)	North Bay Village (Proposed for hotel units with kitchens)	Sunny Isles Beach	Miami-Dade County	City of Miami
Max. Density hotels & apartment hotels	99 du/acre	same as for current multifamily	100 units per acre*	75 units/acre	T5: 130/acre T6: 300/acre
Max. Density multifamily	Efficiency: 87.1/acre 1BR: 70.3/acre 2BR: 63.6/acre 3BR+: 58.1/acre	No change	50 du/acre	50 units/acre	T5: 65/acre T6: 150/acre
Parking Requirement hotels & apartment hotels	1 space /sleeping unit + 10% visitor parking	same as for current multifamily	Efficiency & lockout: 1/unit 1BR: 1/unit 2BR: 1.75/unit 3BR+: 2/unit	Efficiency & Hotel: 1.5/unit 1BR : 1.5/unit 2BR: 1.75/unit 3BR+: 2/unit	T5 & T6: 0.5 spaces/unit +10 % for guest
Multifamily parking	Efficiency: 1.5/unit +10% 1BR: 2/unit +10% 2BR: 2/unit +10% 3BR+: 3/unit + 10%	No change	Efficiency: 1.5/unit 1BR: 2/unit +10% 2BR: 2/unit +10% 3BR+: 3/unit + 10%	2 spaces/unit	T5 & T6: 1.5 spaces/unit + 10%
Length of occupancy	none identified	none identified	Only 5% of units may be occupied for longer than 6 months	Only 5% of units may be occupied for longer than 6 months	None identified other than "limited periods of time"
Kitchens permitted in hotels?	no	yes, if density reduced and parking increased to multifamily standards	Yes	Yes	Yes

Jurisdiction	Zoning district cited
Sunny Isles	MU Resort
NBV	Limited Commercial (CL)
MDC	RU-4A Hotel Apartment House
Miami	T5 & T6

*lockouts not counted as separate unit

Kobi Karp
Exhibit 1
1/30/14

4B(39)

Is a Condominium Hotel Really a Hotel?

Zoning Regulations Are Evolving to Be Sure

By Paul D'Arelli

The recent condominium hotel craze has required developers and their real estate counsel to struggle with the issue of whether a condominium hotel unit is an interest in real property or a security that must be registered under applicable securities regulations. The general understanding is that a condominium hotel unit in a properly structured and implemented development and marketing program will likely be recognized as a real property interest and not as a security. Dolphin of Virginia Beach, SEC No-Action Letter, 1983 WL 29824, at *4 (Dec. 9, 1983); One Central Park West, SEC No-Action letter, 1995 WL 648105, at *10 (Nov. 2, 1995). Land use lawyers are now struggling, however, with local governments over whether a condominium hotel is really a "hotel" unit or a residential unit. The issue confronting practitioners is how should condominium hotels be regulated from a zoning perspective to maintain the hotel-versus-residential distinction in a manner that complies with applicable state law against regulation based on form of ownership, while also minimizing potential securities registration implications.

Condominium hotel units are proving to be popular purchases for a seasonal resident or vacationer. They provide a predictable place to stay, with all the conveniences and amenities customary to a hotel (maid service, and so on), together with the opportunity to derive income from the unit when it is not occupied by the owner, without the typical management headaches of being a landlord. For developers, the condominium hotel has become a vehicle for financing developments in a market in which traditional hotel financing has become scarcer. Many local governments in Florida and other tourist destinations have slowly become educated about the necessity of the condominium hotel as a financing mechanism and are generally embracing the concept. Nonetheless, many municipalities have been, are, or will be contemplating reworking their zoning and land development regulations to ensure that condominium hotels are truly the "hotels" they are represented to be by their developers and not a subterfuge for permanent residences.

Although the possibility that a guest could take up long-term residence in a hotel that is under single ownership has always been present, local governments are concerned that such long-term residency would be more frequent in a condominium hotel and are therefore seeking to prevent such proliferation for a variety of reasons. In some communities, local officials wish to ensure as a benefit to the local economy that condominium hotel use remains transient so that the condominium hotel adds to the supply of hotel rooms to support the needs of visiting consumers. Some local governments also may be motivated by the fact that transient use generates bed taxes or occupancy taxes for the local government that residential use does not. Perhaps most significantly, the distinction between transient and residential use may be important to a local government for zoning compliance reasons. For example, although a hotel may be a permitted use in a commercial zoning or land use district, multifamily residential use may not be permitted. Or, where hotel and residential uses are both permitted, hotel use may be permitted at a higher density per acre than multifamily residential. In addition, from a public impact perspective (traffic, schools, and so on), the analysis of a proposed hotel project will be different from the analysis of a proposed residential project, and the mitigation of impacts will be determined accordingly. For all these reasons, local zoning regulations geared toward ensuring that a condominium hotel is indeed a "hotel" are evolving rapidly, and developers and their counsel need to consider their implications.

State Law Prohibits Regulating Ownership

A starting point for discussing municipal regulation of condominium hotels is to understand the limitations on such regulation that might be imposed by state law. For example, Florida law prohibits local government from basing building and zoning regulations on the form of ownership. "All laws, ordinances, and regulations concerning buildings or zoning shall be construed and applied with reference to the nature and use of such property, without regard to the form of ownership." Fla. Stat. Ann. § 718.507; see also Ala. Code § 35-8-21; Ariz. Rev. Stat. § 33-1205; Nev. Rev. Stat. Ann. § 116.1106; N.C. Gen. Stat. § 47C-1-106. Under

Paul D'Arelli is a shareholder in the Fort Lauderdale, Florida, office of Greenberg Traurig and the vice-chair of the Real Property Land Use and Zoning Committee.

Neisen Kasdin
1/30/14
Exhibit 3 4B(40)
132.029

such statutes, local governments cannot prohibit a condominium form of ownership of a hotel in favor of traditional single ownership of hotel properties, but they can craft land development regulations to ensure that a project approved as a hotel actually operates and is *used* as a hotel.

The Florida statutes governing licensure of hotels can be instructive about what constitutes "the nature and use of a hotel." For example, Florida defines a variety of types of "public lodging establishments," including hotels, as

> any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings, which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, *or* which is advertised or held out to the public as a place regularly rented to guests.

Fla. Stat. Ann. § 509.013(4(a) (emphasis added). The statute further defines a "hotel" as "any public lodging establishment containing sleeping room accommodations for 25 or more guests *and providing the services generally provided by a hotel and recognized as a hotel in the community* in which it is situated or by the industry." Id. § 509.242(1)(a) (emphasis added). Therefore, from the state's perspective, if the building provides customary hotel services (maid service, and so on) and is advertised and recognized as a hotel, it is a hotel for licensing purposes, regardless of form of ownership. From an occupancy standpoint, the requirement that the units be rented to guests more than three times in a calendar year for periods of less than 30 days would not be applicable provided it is "advertised or held out to the public as a place regularly rented to guests." Id. § 509.013(4)(a). On this basis, lengthy stays by owners are permitted and the facility can still be consistent with the state requirements for licensing as a "transient lodging" if the facility is advertised as being regularly rented to guests and customary hotel services are provided.

Within these broad parameters, local governments have responded to the proliferation of condominium hotels by adopting regulations on an ad hoc basis to establish criteria that distinguish between those buildings that "provide services generally provided by a hotel" and that are "recognized as a hotel in the community" and are, in the local government's view, truly hotels, as opposed to potential residential buildings incognito. Similar local regulations are cropping up in other states to ensure that the transient nature of a proposed condominium hotel is maintained. As explained in this article, these new zoning regulations generally seek to (1) mandate required physical attributes of hotel and condominium hotel units,

From the state's perspective, if the building provides customary hotel services and is advertised and recognized as a hotel, it is a hotel for licensing purposes, regardless of form of ownership.

(2) establish operational requirements for hotels and condominium hotels, and (3) impose maximum length of stay by owners and occupants.

Physical Attributes of Hotels vs. Residences: Disappearing Distinctions

One of the difficulties that developers' counsel are facing is that many local governments have an outdated concept of the characteristic features of a hotel that may be out of sync with the demands of the current traveling consumer. For instance, hotels of the past typically comprised single small rooms in the range of 100–300 square feet with no or limited cooking facilities, no in-room laundry facilities, and small closets. In contrast, hotels today often comprise suites that have separate living and sleeping quarters, large closets, full kitchens, and even in-room washers and dryers. This evolution in the nature of hotel facilities, which are increasingly being designed as suitable for extended stays with all the conveniences of home, has proven inconsistent with the zoning regulations of many jurisdictions that have a narrow definition of "hotel." Furthermore, some elected officials are suspicious that a developer is really trying to develop and market residential dwelling units under the guise of a hotel when the units take on the physical attributes that are customary of a residential unit.

The following is a typical "hotel" definition that is characteristic of those that have historically abounded in zoning codes across the country to limit the amenities a hotel room can include:

> HOTEL. A building in which lodging or boarding and lodging are 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. As such, a hotel is open to the public, in contradiction to a boarding or lodging house, apartment, motel or multiple dwelling. HOTELS typically include accessory uses such as meeting or convention facilities and recreational facilities but *individual rooms do not include kitchen facilities.*

Town of Melbourne Beach, Fla., Land Dev. Code art. I., § 1A-3 (emphasis added). (Author's note: Many of the codes and ordinances cited in this article for which no Internet cite is provided may be accessed at www.amlegal.com/library or at www.municode.com/resources/online%20library.asp.) Some local governments allow "hotel suites" or "extended stay hotels" that may include kitchen facilities and other amenities:

> *Hotel suite:* An area within an establishment licensed as a hotel or motel by the State of Florida, which area

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provides a sleeping accommodation *and kitchen or cooking facilities* for the use of one (1) or more transient guests registered under one (1) entry with the establishment.

- A hotel suite shall: consist of a *minimum net floor area of . . . 450 square feet* (exclusive of bathroom, closet and balcony areas); have maid service provided by the establishment; be fully furnished (furniture, linens, dishware and cookware); and be served by a central switchboard telephone system. When hotel suites are listed as a permitted use, the licensed establishment must provide and *operate a minimum of . . . 85 such suites or any combination of hotel suites, hotel rooms, or motel rooms providing a net area* (exclusive of bathrooms, closets, balcony areas, or common areas) of not less than . . . 38,250 square feet.

Fort Lauderdale, Fla., Code or Ordinances ch. 47, art. XI, § 47-35.1 (emphasis added).

Hotel Suites means a facility offering temporary lodging accommodations to the general public in which rooms or suites *may include kitchen facilities and sitting rooms in addition to the sleeping room.* The phrase temporary lodging refers to a rental period with a normal duration of no more than 1 week.

Las Vegas, Nev., Mun. Code tit. 19, § 19.20.020 (2003) (emphasis added). As condominium hotel development projects have sought entitlement, zoning lawyers have attempted to pigeonhole these projects into hotel, hotel suite, and similar zoning code definitions. Although regulators are sometimes successful at making a proposed condominium hotel product fit within such an existing code definition (sometimes relying on a creative interpretation from a zoning official; for example, that a small refrigerator, sink, and cooktop are not "cooking or kitchen facilities" within the meaning of the applicable regulations), at other times a code amendment is necessary to permit the type of physical amenities that are required for a marketable condominium hotel. An example of a more progressive local government regulation that acknowledges that more extensive amenities do not in and of themselves convert a hotel to a residence is Hollywood, Florida's definition of "Condominium Hotel." City of Hollywood, Fla., Ordinance No. 0-2006-24.

As condominium hotel development projects have sought entitlement, zoning lawyers have attempted to pigeonhole these projects into hotel, hotel suite, and similar zoning code definitions.

Operational Requirements

In addition to the physical attributes that historically have characterized hotel rooms, hotels have customary operational features. As local governments amend their zoning regulations to provide definitions that account for the nontraditional hotel room amenities (for example, full kitchens, washers and dryers, among others), they often impose requirements to ensure that the facility operates in the customary manner of a hotel facility by requiring such things as a continuously staffed front desk, central mail delivery, central telephone switchboard, central reservation system, maid service, hotel signage, and key disbursement by an attendant, to name a few. See City of Aventura, Fla., Code of Ordinances ch. 31, art. II, § 31-21, available at www.municode.com/resources/gateway.asp?pid=13153&sid=9; City of Madeira Beach, Fla., Code of Ordinances pt. II, subpt. B, ch. 82, § 82.2, available at www.municode.com/resources/gateway.asp?pid=13126&sid=9.

Length of Stay Limitations

Perhaps the single greatest challenge for local governments has been imposing length of stay limits on condominium hotels that prevent unit owners from effectively using their units as places of residence for themselves or a tenant. Enforcement of length of stay requirements has been an ongoing concern because, as a practical matter, it is difficult to monitor how long a tenant or owner actually occupies the unit. In essence, "hotels" are by most definitions intended to provide something less than permanent residency, although length of stay limits historically have not been specifically enumerated in local zoning regulations. In light of the surge in popularity of the condominium hotel, however, many local governments are revisiting their definitions of "hotel" to explicitly account for and limit the longer stays of unit owners that may be characteristic of condominium hotels. In making those revisions, local governments are grappling with the decision of when in their opinion the use by the owner crosses the line from "transient" to "permanent." For example, is the use "transient" if an owner stays 30 days and the unit is made available by the management entity to third-party guests the balance of the year? What if the owner stays 60 days? 90 days? 180 days?

Just as local governments have various objectives in limiting length of stay as mentioned above (for example, maintaining a supply of hotel rooms for a local tourist-driven economy, generating bed or occupancy taxes, and zoning and land use compliance), they have various views on the appropriate length of stay. In Broward County, Florida, condominium hotels have been constructed or are in the works in Fort Lauderdale, Pompano Beach, Dania Beach, Hollywood, and Weston. See, e.g., City of Weston, Fla., Code of Ordinances tit. I, ch. 12, § 12.1, available at www.amlegal.com/nxt/gateway.dll/

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Florida/weston/cityofwestonflorida codeofordinances?f=templates$fn=default.htm$3.0$vid=amlegal:weston_fl. Both the county and municipal governments have land use regulatory authority in these locations. The Broward County Planning Council staff has opined that a condominium hotel "that functions in the same manner as a conventional hotel, with the exception that units may be purchased with the understanding access and ability to use the unit [are] limited to a maximum number of days" would be considered

To be considered a nonresidential use in Broward County, the condominium hotel unit must be occupied by the owner for less than "a significant majority of the year."

a nonresidential use "subject to confirmation from the local municipality that their regulations prohibit the conversion of condominium/hotel units to full-time owner or renter occupied dwelling units and that condominium/hotel units will be available for a significant majority of the year for hotel guests, and not for use by hotel/condominium unit purchasers." Letter from Henry Sniezek, Broward County Planning Council to Jaye Epstein, City of Hollywood (May 25, 2004) (on file with the author).

Thus, to be considered a nonresidential use in Broward County, the condominium hotel unit must be occupied by the owner for less than "a significant majority of the year." The county is leaving it up to each municipality to determine what constitutes a "significant majority of the year." In Fort Lauderdale and Pompano Beach, code amendments are under way that would limit stays by owners to 30 days, three times per year. In Dania Beach, planning staff has determined that an upward limit of a 90-day stay by an owner in a year is an appropriate limitation to maintain hotel use. Hollywood, Florida, recently adopted an ordinance that limits owner occupancy to 150 days in any 12-month period. Hollywood, Fla., supra.

Additional examples of zoning regulations that have been adopted either to expand the definition of hotel to address length of stay can include simple ones such as the one adopted by Aventura, Florida, referred to above or more detailed ones such as the Napa, California, municipal code. See City of Napa, Cal., Mun. Code §§ 17.06.030, 17.52.095, available at www.napa-ca.gov/NapaSire/N2/NapaSireMenu.htm.

Typical Condominium Hotel Zoning Regulation Criteria and Issues for Consideration

A review of zoning regulations emerging around the country to regulate condominium hotels reveals some consistent themes, as well as some unique concepts. The types of criteria one might encounter in current or proposed regulations geared toward the condominium hotel are:

- *Maximum length of stay.* Examples have been noted ranging from a 14-day to 180-day maximum stay by the same occupant or owner. See City of Boynton Beach, Fla., Code of Ordinances pt. 3, ch. 2, § 6-F-16. Some codes provide a limited exception to the length of stay restriction (5% of units or a manager's unit exempt, for example). See Aventura, Fla., supra.
- *Record-keeping requirement for government inspection to ensure compliance with occupancy limits.* Management and/or individual unit owners may be required to keep occupancy logs for a period of time, subject to inspection by the local government for compliance with occupancy limitations. See Napa, Cal., supra.
- *Enforcement mechanism for occupancy limitations.* One of the most significant concerns for local governments is how to enforce the length of stay restrictions that they adopt. One such enforcement mechanism is to require a certification of compliance by affidavit or otherwise by the hotel management entity at the time of renewal of the occupation license for the hotel. See Aventura, Fla., supra. Combined with the record-keeping requirement noted above, this certification requirement gives the local government the ability to review the books for compliance and withhold renewal of the occupation license for noncompliance.
- *Central management or reservation system.* Some codes require a single, central reservation system. See City of Gulf Shores, Ala., Zoning Ordinance art. 4, available at www.cityofgulfshores.org/pages_2006/CDD/Zoning/Contents.pdf. Others require that a reservation system be made available to unit owners without being mandatory. See City of Pompano Beach, Fla., Draft Ordinance No. 2006, City Commission Agenda No. 2006-23 (Sept. 12, 2006). The latter approach, in which use of the central reservation system is optional, provides greater comfort to developers' counsel that securities registration will not be an issue (see discussion below).
- *Signage as a hotel.* Some codes require the condominium hotel property to have visible signage so that visitors will know that rooms are available to the general public for transient occupancy. See Hollywood, Fla., supra.
- *Maximum unit size.* Some local governments impose a maximum unit size to make it less likely that units would be suitable or marketable for permanent residency. See Madeira Beach, Fla., supra (850 square-foot maximum unit size).
- *Collection of tourist or bed taxes.* In

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addition to explicitly stating that condominium hotels are subject to the collection and payment of bed or transient occupancy taxes as are any other hotels, some codes require a payment in lieu of the transient occupancy tax if a unit is not made available for rent to guests for the required minimum number of days per year. See City of Indian Wells, Cal., Mun. Code tit. 21, ch. 21.08, available at www.amlegal.com/nxt/gateway.dll/California/indian/cityofindianwellscaliforniacodeofordinan?f=templates$fn=default.htm$3.0$vid=amlegal:indianwells_ca.

- *Supervised front desk with key disbursement by attendant.* Some municipalities require that the hotel have a front desk with an attendant on duty at all times and that all room keys, even for owners, be disbursed by the attendant. See Aventura, Fla., supra.
- *Central telephone system/switchboard.* Some local governments require all hotels to have a central telephone system as opposed to direct dial-in phones in each unit. See Gulf Shores, Ala., supra.
- *Mail delivery by attendant.* Some municipalities have regulations that require mail to be delivered by an attendant rather than having individual mailboxes. See Aventura, Fla., supra.
- *Single utility meter.* Some codes prohibit individual electric and water meters for each unit, which are indicative of permanent residences, because hotel buildings traditionally are served by single meters. See Gulf Shores, Ala., supra.
- *Prohibition against use of hotel address for vehicle or voter registration or homesteading.* Some local governments explicitly provide in their codes that condominium hotel units cannot be used for voter registration or vehicle registration or homesteading to preclude owners from deriving benefits that would be available to permanent residents. See Madeira Beach, Fla., supra. Some codes provide an exception for voter or vehicle registration for an on-site manager who lives on the premises or for registration of a vehicle owned by the management entity (a courtesy shuttle, for example). See Weston, Fla., supra.
- *Prohibition on conversion to multifamily use without further government approval.* Because hotels have different zoning requirements from multifamily residential units, some codes explicitly say that a hotel cannot be converted to residential units without approval of the local government, although such approval may be inherently required by operation of the applicable zoning regulations. See Boynton Beach, Fla., supra.
- *Requirement for standardized room décor.* To ensure that individually owned hotel units maintain a uniform aesthetic, so that the condominium hotel looks like any other hotel to the visiting public, some local governments have mandated that rooms have uniform furniture, furnishings, and décor. See Gulf Shores, Ala., supra.
- *Minimum number of rooms.* Some local governments require that a condominium hotel have a minimum number of rooms. See Hollywood, Fla. (200-room minimum). This requirement would obviously prohibit a boutique condominium hotel.
- *Occupational license for each room.* In addition to requiring an occupational license for the hotel, some local governments also require an occupational license for each separately owned unit. See Madeira Beach, Fla., supra.
- *Qualificational standards for the management entity.* Some local governments establish minimum standards for the hotel management. For example, Hollywood, Florida, requires the operator to be affiliated with a national or international chain or franchise; Napa, California, requires that the management entity must have five consecutive years of experience managing "first class" hotels and have 10 other properties currently under management. See Hollywood, Fla., supra; Napa, Cal., supra.

As condominium hotel regulations with one or more of the above-mentioned or other criteria are increasingly being formulated and codified in local zoning codes, one must contemplate whether local governments are paying heed to applicable statutory mandates like the one in Florida that "all regulations concerning building or zoning be construed and applied . . . without regard to the form of ownership." Fla. Stat. Ann. § 718.507. More specifically, is the municipality complying with the statutory mandate of nondiscrimination if a condominium hotel has a maximum length of stay for occupants imposed by regulation whereas a single-owner hotel does not? Or, if a condominium hotel must comply with record-keeping requirements that a single-owner hotel does not? Or, if a condominium hotel must maintain a standardized room décor whereas a single-owner hotel can have an eclectic mix of decors? If such zoning regulations are suspect because they in fact provide for disparate treatment of condominium hotels and single owner hotels merely because of the ownership structure, when state law would seem to prohibit such disparity, then perhaps it would be prudent for local governments to make their hotel regulations more uniform in applicability to all hotels regardless of ownership. (For example,

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the Aventura, Florida, definition of "hotel" makes no mention of ownership.) See Aventura, Fla., supra.

In addition to striving to comply with such state law requirements, a local government that wants to be sensitive to potential securities registration issues with developers' condominium hotel offerings should tailor local zoning ordinances accordingly. For example, one operational requirement of some local governments that causes developers' counsel angst is that there be a single, central reservation system for renting hotel rooms. See Madeira Beach, Fla., supra. The discomfort over such a requirement stems from a 1973 Securities and Exchange Commission release that set forth three categories of condominium offerings that would be viewed as a security by the SEC. Offers and Sales of Condominiums or Units in a Real Estate Development, Securities Act Release No. 33-5347, 38 Fed. Reg. 1,735 (Jan. 4, 1973). One category included the offering of a condominium unit together with a rental or similar arrangement in which the buyer must hold the unit available for rental for any part of the year, *must use an exclusive rental agent*, or must otherwise be materially restricted in the occupancy or rental of the unit. Subsequent no-action letters from the SEC have stated that SEC staff will not recommend enforcement action, notwithstanding the above, if certain criteria are met, including the criteria that there be no limitations on owner occupancy of the condominium hotel unit other than those established in generally applicable zoning regulations. Nonetheless, to steer clear of offending the stated prohibition in the 1973 release against an arrangement whereby a buyer "must use an exclusive rental agent," developers' counsel would prefer to see the zoning regulation state, if anything at all, that a central reservation system or agency be made available, but not be mandatory.

On the other hand, the no-action letters provide an apparent safe harbor for limitations imposed on owner occupancy provided they are established in generally applicable zoning regulations. Thus, a condominium hotel developer actually may prefer that certain other standards be codified in the zoning regulations. For example, a developer may want to ensure that owner occupancy is limited to provide a guarantee of sufficient hotel room inventory for revenue generation to entice a management entity. That developer would actually prefer to have the local government mandate the length of stay in the zoning ordinance. Although one might at first blush believe that any length of stay limitation would necessarily be objectionable to the condominium hotel developer, such a reasonable limitation may eliminate the need for the developer to impose one unilaterally in the condominium documents or otherwise in a manner that might have securities registration implications.

One operational requirement of some local governments that causes developers' counsel angst is that there be a single, central reservation system for renting hotel rooms.

It should be noted, however, that in at least two no-action letters issued by the SEC, the limitations on length of stay were included in zoning regulations that were alleged to "predate" and be "independent of the offering of the condominium units." The Dolphin of Virginia Beach, Inc., supra; One Central Park West, supra. Therefore, whether there is a benefit in having length of stay limitations imposed by local regulation may depend on the timing of adoption of such regulations. Moreover, development lawyers may want to be cautious about their involvement in the process because regulations influenced by development counsel may not be "independent of the offering of the condominium units." Although there does not appear to be any direct written determination on this issue by the SEC, it may be prudent for developer's counsel not to initiate a zoning reform to impose a length of stay limitation and, in an abundance of caution, not to proffer any explicit suggestions to the local zoning staff or officials regarding the appropriate length of stay limitation that would suggest a less burdensome restriction on owner occupancy when evaluating and commenting on a local government's proposed zoning regulations.

Conclusion

Developers undoubtedly will continue to bring condominium hotel projects into more communities. Therefore, their development lawyers should expect to confront "hotel" regulations that may be inadequate for accommodating the hotel and condominium hotel product that the market is supporting today. When entering a community that is not experienced with condominium hotels, a key first step is to educate the planning and zoning staff and local elected officials so that they understand that the condominium hotel concept is a beneficial financing mechanism and not just a devious attempt to build multifamily units where they might not otherwise be permitted. Once the local government understands the condominium hotel concept, the land development lawyer should be prepared to help educate the planning staff and elected officials about the potential securities registration and project marketability implications of current regulatory schemes or proposed zoning regulatory reforms. The goal of local government should be to craft hotel regulations that are consistent with applicable state law, that minimize securities registration issues for developers, that allow marketable condominium hotel projects to be developed, and that also provide the local government with the comfort that condominium hotels are just that: hotels. ■

American Bar Association, Probate & Property, January/ February 2007, "Is a Condominium Hotel Stil a Hotel?: Zoning Reguations are Evolving to be Sure" by Paul D'Arelli. Reproduced with permission. All materials within these Web pages are copyrighted. The American Bar Association. All rights reserved. This information or any portion thereof may not be copied or disseminated in any form or by any means or downloaded or stored in an electronic database or retrieval system without the express written consent of the American Bar Association.

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Yvonne Hamilton

From:	Bunny Hart <bhart444@gmail.com>
Sent:	Thursday, January 30, 2014 11:14 AM
To:	Yvonne Hamilton
Cc:	'Tony Eng'; 'Charles Arrigo, II'; '901 Javier Kitaigorodsky'; '1702 William Edwards LEXI'; 'Mike Sklarsky'; 'Millie'
Subject:	Planning & Zoning Board Meeting tonight! - Re: 1755 Kennedy Causeway Project
Attachments:	LEXI Review and Comments_1755 Kennedy Causeway Project Site Plan.pdf

Good Morning Yvonne,

I hope this email finds you and your family well.

I wanted to make sure you were in receipt of the comments on the above project from Tony Eng, President of The Lexi Board of Directors.

Tony is an Engineer and has carefully studied the Project Site Plan. In so doing, he has detailed discrepancies in code requirements in his Commentary that need to be addressed by the Planning and Zoning Board at tonight's meeting and... prior to making their recommendations to the Commission regarding this project.

I had hand-delivered a hard color copy of the attached to your offices on Tuesday for Rey Trullijo, Chair of the Planning & Zoning Board, however, I did not leave a hard "color" copy for you representing The LEXI' OFFICIAL SUBMISSION for the public record and for discussion at tonight's Planning & Zoning Board Meeting.

Here is a digital copy to download:
https://www.dropbox.com/s/k9snqnyoi6ptagz/LEXI%20Review%20and%20Comments_1755%20Kennedy%20Causeway%20Project%20Site%20Plan.pdf

Also....and as important....on behalf of The Lexi residents, we all want to thank you for responding to our request by emailing the public plans in such a timely manner.

Thank you Yvonne! Have a wonderful Day!

Smiles...Bunny

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THE LEXI
Bayview Residences

The Lexi Condominium Association, Inc. Comments Regarding 1755 Kennedy Causeway Project Site Plan

January 29, 2014

Mr. Reinaldo Trujillo
Chair
North Bay Village Planning & Zoning Board

Mr. Trujillo,

The Lexi Condominium Association Inc. ("LEXI") respectfully submits the following comments for inclusion into the public record of the January 30, 2014 North Bay Village Planning & Zoning Board's ("Board") public meeting regarding the proposed condominium hotel at 1755 Kennedy Causeway, which is across from the LEXI Bayview Residences. This report documents the LEXI concerns so the Board can make fair and proper recommendations to the City Commissioners for the approval of the Project.

The Developer of the 1755 Kennedy Causeway project ("Project") is requesting the City to approve the design and construction of a 23 story hotel across from the LEXI. In order to build this hotel, the Developer is asking many variances to be granted since the Project cannot meet the City zoning code requirements.

The LEXI believes that if all the variances are approved by the City, the proposed hotel structure would be too large and too tall for the size of the 1755 parcel of land. Therefore, the LEXI is requesting the Board to address the LEXI's concerns, to review carefully the requested variances in accordance with the established City zoning codes, and to make sound recommendations to the City Commissioners.

The LEXI has reviewed the following information.

1. Developer's Project Site Plan
2. 2012 City Zoning Map (see below)
3. 2007 City Charrette Master Plan
4. City zoning codes, specifically:
   § 152.029 RM-70 High Density Multiple-Family Residential District
   § 152.030 CG General Commercial District
   § 152.031 Limited Commercial District
   § 152.032 Bay View Overlay (BVO) District

1700 Kennedy Causeway, North Bay Village, Florida 33141
Phone 305-864-0655, Fax: 305-864-0656

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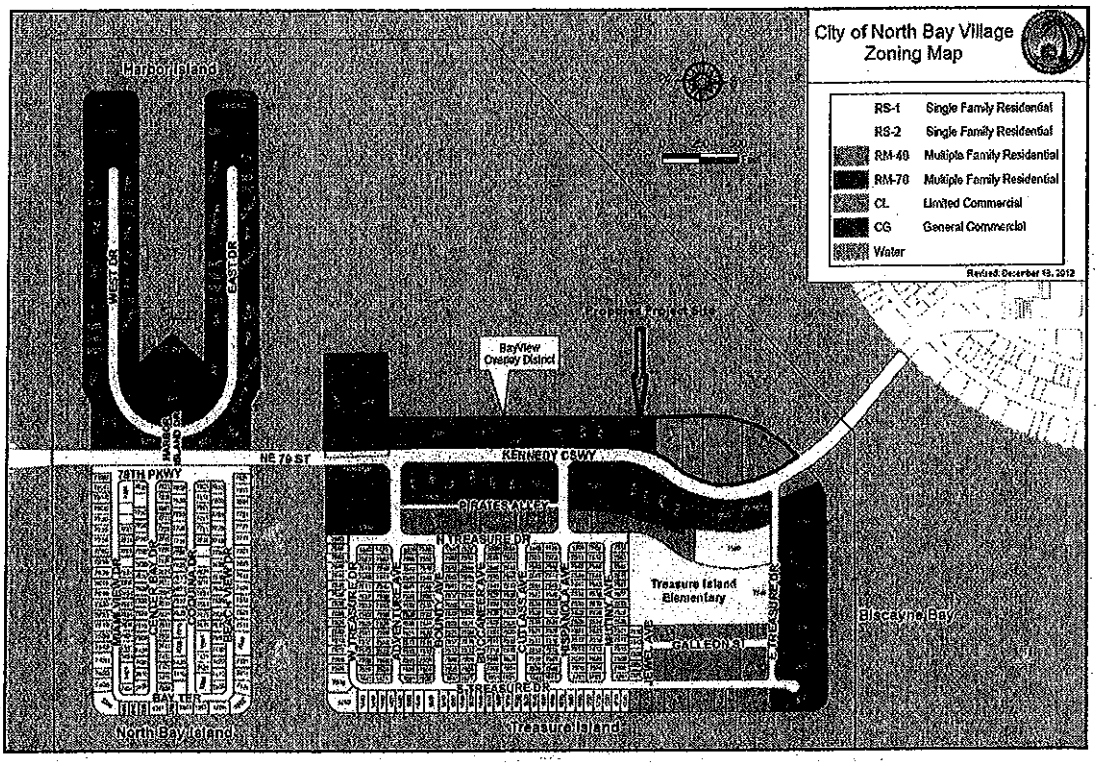


The following sections describe the concerns of the LEXI after the review of the Project Site Plan. These concerns include: 1) Deviations of the City code setback requirements; 2) Proposed building height is not consistent with the City code height requirements; 3) Errors in the Project Site Plan submittal regarding building height and front property setback requirements; 4) Errors in the Project Site Plan submittal regarding the project height and the west and east sides setback code requirements; 5) Extensive bonuses requested by the Project; and 6) Negative impact from zoning district change request.

1. **Deviations of City code setback requirements** – The Developer is asking the City for numerous variances to the code requirements in order to build a hotel structure which has not been properly sized for the 1755 parcel of land. The proposed setbacks are not consistent and varied too much from the City requirements. The following table shows the City's setback requirements which are the same for the General Commercial District (GCD) and Limited Commercial District (LCD). (The Developer is requesting a zoning change from GCD to LCD and will be discussed in Section 6 of this report).

   The following table shows the deviations of the proposed Project setbacks.

Setback Location	City Required Distance (feet)	Project Proposed Distance (feet)
Kennedy Causeway (north side along shoreline)	40	**25 (does not meet code)**
Kennedy Causeway (south side along the causeway)	60	**40 (does not meet code)**
Other Street Frontages	25	-
Rear	25	-

Setback Location	City Required Distance (feet)	Project Proposed Distance (feet)
West Side	15, plus 5 feet for each story over 3. For this project, the required distance is **115** feet as calculated -- 23 stories minus 3 stories times 5 feet plus 15 feet.	**60 (does not meet code of 115 feet)**
East Side	15, plus 5 feet for each story over 3. For this project, the required distance is **115** feet as calculated -- 23 stories minus 3 stories times 5 feet plus 15 feet.	**15 (does not meet code of 115 feet)**

2. **Proposed building height is not consistent with the City code height requirements** – The height of the 23 story hotel structure is 253.8 feet at the mechanical roof top, according to the Project Site Plan. The maximum height allows by the City codes is only 240 feet (or 230 feet?), which include all the bonuses allowed for this project, if approved. (Bonus concerns are discussed in the Section 5.)

   The Project Site Plan indicated that the maximum building height of 340 feet is allowed based on the Bayview Overlay District zoning criteria. This is incorrect. The maximum building height is depended on the depth of the lots – that is, it is 340 feet for lots over 500 feet in depth and 240 feet for lots under 500 feet in depth. The Project lot is only 180 feet deep on the west side and 233 feet deep along the east side. Therefore the maximum height for the Project should be only 240 feet or 230 feet, if approved. (See discrepancy between 230 feet and 240 feet in Section 5)

3. **Error in the Project Site Plan regarding building height and front property setback requirements** – The Bayview Overlay District criteria states that *"the entire portion of a building that is more than 240 feet in height must be set back from the from property line by a distance that is at least 40 feet, plus two feet for each foot of the highest height in excess of 240 feet."*

   Based on this criterion, the front property setback (from Kennedy Causeway) should be 68 feet, not the 40 feet as proposed in the Project Site Plan. The calculation of the 68 feet set back is as follows.

   253.8 feet (highest height) minus 240 feet, multiply by 2 feet, and add 40 feet = 68 feet.

4. **Error in the Project Site Plan regarding the project height and the west and east sides setback code requirements**-- The Bayview Overlay District criteria states that *"if any portion of a building on the site exceeds 240 feet in height, the two side yards together must total 60 percent of the width of the lot, provided the smallest side yard may not be less than 20 percent of the width of the lot."*

   Based on this criterion, the west side and east side setbacks should total to 180 feet, not 85 feet. The Project Site Plan proposes 60 feet for the west set back and 15 feet for the east set back. The calculations of the required side set backs are as follows.

300 feet (surveyed width of Project property) multiplies by 60% = 180 feet required for total setbacks needed for the west and east sides.

300 feet multiplies by 20% = 60 feet needed for the smallest side set back (not 15 feet next to the Best Western property line). The largest side is 120 feet (not 60 feet next to the old gas station lot).

Also, the Board must address how this Project fits into the Bay Walk future plan. The City has been proposing a Bay Walk along the north side of the Bayview Overlay District. The Bay Walk must be accessible to the City residents and general public. Four accessible corridors are planned and one of them is located between the 1755 property and the Best Western property. How will these rights-of-way be obtained?

5. **Extensive bonuses requested by the Project** -- The City zoning codes specify that bonuses can be approved at the time of the site plan review to allow Project to increase its height. Each bonus alternative may be claimed once by the Project and multiple awards for the same bonus features shall not be permitted. The bonus criteria, as defined in §152.029, are:

(A) *Twenty-foot height bonus.* An additional impact fee of $1,500.00 per unit in the building shall be paid to North Bay Village for beautification of the John F. Kennedy Causeway (State Road 934). {This fee shall be set towards a Causeway Beautification Fund} and/or

(B) *Twenty-foot height bonus.* A developer shall pay a fee of $1,500.00 per unit in the building, which shall be utilized for the construction of a Village-wide boardwalk. {This fee shall be set towards a Boardwalk Fund} and/or

(C) *Twenty-foot height bonus.* A developer shall pay a fee of $1,500.00 per unit in the building, which shall be utilized for the remodeling of the entrances to the islands. {This fee shall be set towards an island entrance Remodeling Fund} and/or

(D) *Ten-foot height bonus.* A developer shall pay a fee of $750.00 per unit in the building, which shall be utilized for providing art in public places. This bonus is applicable only in conjunction with one of the above three-mentioned bonuses. {This fee shall be set towards an Art in Public Places Fund} and/or

(E) *Ten-foot height bonus.* A developer shall pay a fee of $750.00 per unit in the building, which shall be utilized for the planting of trees for the interior island streets. {This fee shall be set towards a tree fund for the interior island streets} and/or

(F) *Ten-foot height bonus.* A developer shall be required to pay a fee of $750.00 per unit in the building, which shall be utilized for sidewalk enhancement, as well as the replacement of walkway areas from plain concrete to brick pavers. {This fee shall be set towards a sidewalk enhancement fund}

The LEXI is concerned that:

a. If all these bonuses were given to the Project, the proposed 23 story structure would be so large (in height and footprint) and will not be consistent for the size of the 1755 lot.

b. The bonuses listed above provide only an increase of 90 feet of additional height. The maximum height is only 130 feet or 12 stories allowable for both the GCD and LCD lots. The total maximum height for the Project would be 230 feet, if 90 feet of bonuses are approved. However, the Bayview Overlay District criterion allows 240 feet. Therefore, the Board must review this discrepancy. In any case, the Project proposes a 253.8 feet high structure, which already violates the height requirement of 230 or 240 feet.

c. The Board needs to review and provide clarification of the additional bonus requirement as stated § 152.029 H, and determine how it impacts the Project --" *Density bonus. Each parcel shall have the ability to purchase additional buildable units from North Bay Village for a price of $40,000.00 per unit. These units shall be derived from land currently owned by the Village, which will not be developed into residential buildings in the future. The money from these units shall be utilized for future Village parks and for the purchase of land for additional open green space. These units are to come from the development rights of Village Hall as well as the public works property on Treasure Island. The total buildable units are: 129 Efficiencies; 129 1-Bedroom Units; 117 2-Bedroom Units; 106 3-Bedroom Units. Monies due from development under the bonus participation program shall be paid to North Bay Village within 90 days of site plan approval by the Village Commission. Thereafter, the appropriate number of units will be deemed to the property. {This fee shall be set towards a Village Park Fund}.*

In summary regarding the bonus concerns, the LEXI requests the Board to review these bonuses carefully and to determine how many bonuses can the City provides to the Project in order to prevent the Project from being too large for the site.

6. **Negative Impact from Zoning District Change Request**– The Developer is requesting the City to change the lot designation from General Commercial District (GCD) to Limited Commercial District (LCD). This request is needed so a hotel structure can be built. As shown in the City Zoning Map, all the lots north of Kennedy Causeway, and west of this lot, are now classified as GCD.

If the City allows the rezoning of this lot so a hotel can be built, it would set a precedence for other developers to request the same change for the lots north of the causeway. The consequences to the City and its residents are potentially huge due to the higher density allowed by the LCD. This would make the Kennedy Causeway into a hotel strip, which is not compatible with the surrounding intensities and densities of development; reduce lights and air for surrounding properties, and does not preserve the views of Biscayne Bay, including the LEXI.

The LEXI is the primary private residence south and along the Kenney Causeway being affected by these tall and high density hotel projects. Therefore the 1755 lot should remain as a GCD lot to avoid all hotel development in the current GCD within the Bayview Overlay District.

Regards,

The Lexi Condominium Association, Inc.

1700 Kennedy Causeway, North Bay Village, Florida 33141
Phone 305-864-0655, Fax: 305-864-0656

HB(52)

KOBI KARP

ARCHITECTURE INTERIOR DESIGN PLANNING

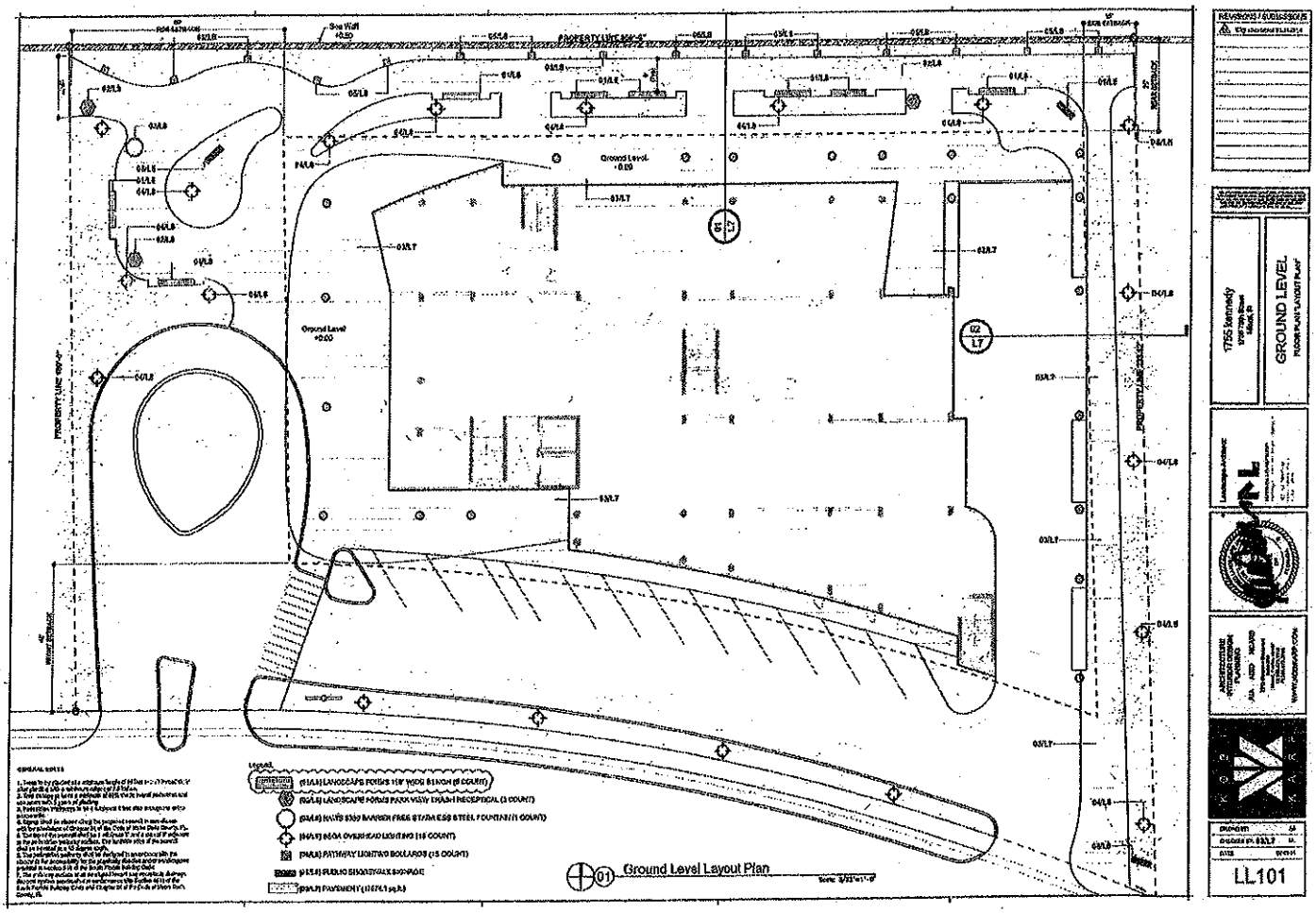
1755 Kennedy Causeway, North Bay Village

SUBMITTED 01.22.2014
Revision #1 - 01.21.2014

		COMMENTS	RESPONSES
#1 PLANNING & ZONING			
1	01.21.2014	1. For a parking space to be considered a standard size space, it must be at least 9 ft wide and 18 feet long. Additionally, the maneuvering aisles must be at least 23 feet wide. Please submit plans which show that all of the parking spaces and aisles meet the minimum requirements. For example, there is a row of parking on the 2nd level that has no depiction of length and does not appear to be 18 feet long.	Refer to sheets A3.00 thru A3.04 for parking and driveway dimensions where standard parking (9'x18'), Compact parking (8'x16'), ADA parking (17'x18'), driveways (23'-0" width minimum)
2	01.21.2014	1. Appendix D of the North Bay Village Consolidated Land Development Regulations requires a minimum of 2.5 feet sections of bench per 100 feet of linear shoreline. Please clearly show on the plans that this requirement is met.	**Refer to Legend - Bench item note on sheet LL101, where 7'-6" LF of bench are required and 78'-8" LF are provided.**
3	01.21.2014	1. Section 165.18(A)5 requires screening of roof mounted mechanical equipment. Please clearly show on the plans that this requirement is met.	Refer to sheets A2.00, A4.00 thru A4.03, where roof equipment screen note has been added. Also see Detail 1/A2.01 for screen detail and sample.
4	01.21.2014	1. Miami-Dade Landscape Code Section 18A-4(D) requires submittal of an irrigation plan. We have not yet received this item. According to the Miami-Dade Biscayne Bay Management Plan, the proposed structure requires a 75 foot rear setback. Please provide proof of approval for this project from the Miami-Dade Shoreline Review Committee.	**As per previous discussion, irrigation dwgs will be provided when submitting for Permit.**
5	01.21.2014	1. According to the Miami Dade Biscayne Bay Management Plan, the proposed structure requires a 75 foot rear setback. Please provide proof of approval for this project from the Miami-Dade Shoreline Review Committee.	Pending on Shoreline approval, after meeting scheduled for 01.30.2014
1	01.22.2014	1) All exterior paving surfaces must be constructed of brick pavers.	Refer to sheet A2.00 & A2.01 for brick pavers and stamped concrete samples
2	01.22.2014	1) A water feature shall be provided in the front of each development.	**Item is voided from requirements by City's decision**
3	01.22.2014	1) Lighting shall be provided in all areas in front of the development where trees are planted.	Refer to sheet A2.00

Phone 305.573.1818 • Fax 305.573.3766
2915 Biscayne Blvd. Suite 200 • Miami, Florida 33137 • E-mail kobikarp@kobikarp.com

4B(53)



HB(54)

BUILDING DATA

CURRENT ZONING DESIGNATION	GC/BVO (GENERAL COMMERCIAL / BAY VIEW OVERLAY)
PROPOSED ZONING DESIGNATION	CI/BVO (LIMITED COMMERCIAL / BAY VIEW OVERLAY)
OCCUPANCY	COMMERCIAL
LOT AREA	58,443 S.F. / 1.34 ACRES

LOT COVERAGE

MAX. 80% OF 58,443 SF	46,754.4 S.F.
PROVIDED	28,139 S.F.

LANDSCAPE OPEN SPACE

MIN. 20% OF 58,443	11,688.6 S.F.
PROVIDED	
PERVIOUS	11,834.7 S.F.
IMPERVIOUS	18,475.3 S.F.
TOTAL	30,310 S.F.

DENSITY CALCULATION

	ALLOWED	PROVIDED
HOTEL UNITS	99/ACRE= 132 MAX.	132 TOTAL

FLOOR AREA RATIO (FAR)

MAX FLOOR AREA RATIO	2.5
MAX GROSS FAR AREA ALLOWED	58,444 x 2.5 = 146,107 S.F.
PROPOSED FAR	144,792 S.F.

BUILDING SETBACKS	REQUIRED	PROPOSED
NORTH(REAR)	25'-0"	25'-0"
SOUTH (FRONT)	40'-0"	40'-0"
*EAST (SIDE)	90'-0"	15'-0"
*WEST(SIDE)	90'-0"	60'-0"

* PER 152.032 (c)(2).(c) IF ANY PORTION OF A BUILDING EXCEEDS 240 FEET IN HEIGHT, THE TWO SIDE YARDS TOGETHER MUST TOTAL 60% OF THE WIDTH OF THE LOT. PROVIDED THE SMALLEST SIDE YARD MAY NOT BE LESS THAN 20% OF THE WIDTH OF THE LOT.

SHORELINE SETBACKS	REQUIRED	PROPOSED
NORTH(REAR)	75'-0"	29'-0"
MIN VIEW CORRIDOR 20% OF LOT WIDTH	60'-0"	63'-0"
SIDE SETBACK	25'-0"	15'-0"
STREET SETBACK	25'-0"	40'-0"

BUILDING HEIGHT - 340'-0" PER BVO REGULATIONS

ALLOWED	340'-0" PER BVO REGULATIONS
PROPOSED	236'-8" (23 STORIES WHERE 7 PARTIAL LEVELS OF PARKING)
	252'-8" (TOP OF MECHANICAL ROOF)

AREA MATRIX

HOTEL UNITS	133,376 S.F.
AMENITIES / COMMON AREAS	2,622 S.F.
LOBBY	2,662 S.F.
ACCESSORY COMMERCIAL	6,245 S.F.
TOTAL	144,792 S.F.

HOTEL UNIT MATRIX	AREA	# OF UNITS
UNIT TYPE 1	400 - 459 S.F. (430 Average)	36
UNIT TYPE 2	804 - 834 S.F. (819 Average)	42
UNIT TYPE 3	1,244 - 1,391 S.F. (1,317 Average)	54
		132

PARKING CALCULATION

	REQUIRED	PROVIDED *
HOTEL UNIT TYPE 1 = 1 +10%	36x1+10%=39.6	
HOTEL UNIT TYPE 2 = 1 + 10%	42x1+10%=46.2	
HOTEL UNIT TYPE 3 = 2 + 10%	54x2+10%= 118.8	
ACCESSORY COMMERCIAL 1/75 S.F.	2,350 /75 = 31.33	
ACCESSORY COMMERCIAL 1/200 S.F.	2,354/200 = 11.77	
TOTAL	248	249

PARKING MATRIX

	ADA 12x18	STANDARD 9X18	COMPACT 8X18	TANDEM 9X18
LEVEL 1	3	10	0	
LEVEL 2	0	19	4	
LEVEL 3	1	32	9	5
LEVEL 4	1	32	9	5
LEVEL 5	1	32	9	5
LEVEL 6	1	32	9	5
LEVEL 7	0	35	10	5
SUB-TOTAL	7	192	50	25
PERCENTAGE	2.8%	77.1%	20%	
SUB-TOTAL		249		25
TOTAL WITH TANDEM		274		

* 20% COMPACT SPACES ALLOWED (20 % COMPACT PROVIDED)
* 2% MIN. ALLOCATED FOR HANDICAP SPACES 12+5 x 18' (2.8% PROVIDED)

LOADING CALCULATION

	REQUIRED	PROVIDED
LOADING	3 - 12x30'	3 - 12x30'

VARIANCE REQUEST

CODE SECTION	REQUEST
152.032(c)(2)(c)	TO REDUCE SIDE SETBACKS FROM 60% OF THE LOT WIDTH TO 25% OF LOT WIDTH

REVISIONS / SUBMISSIONS

1358

PROJECT / ZONING DATA

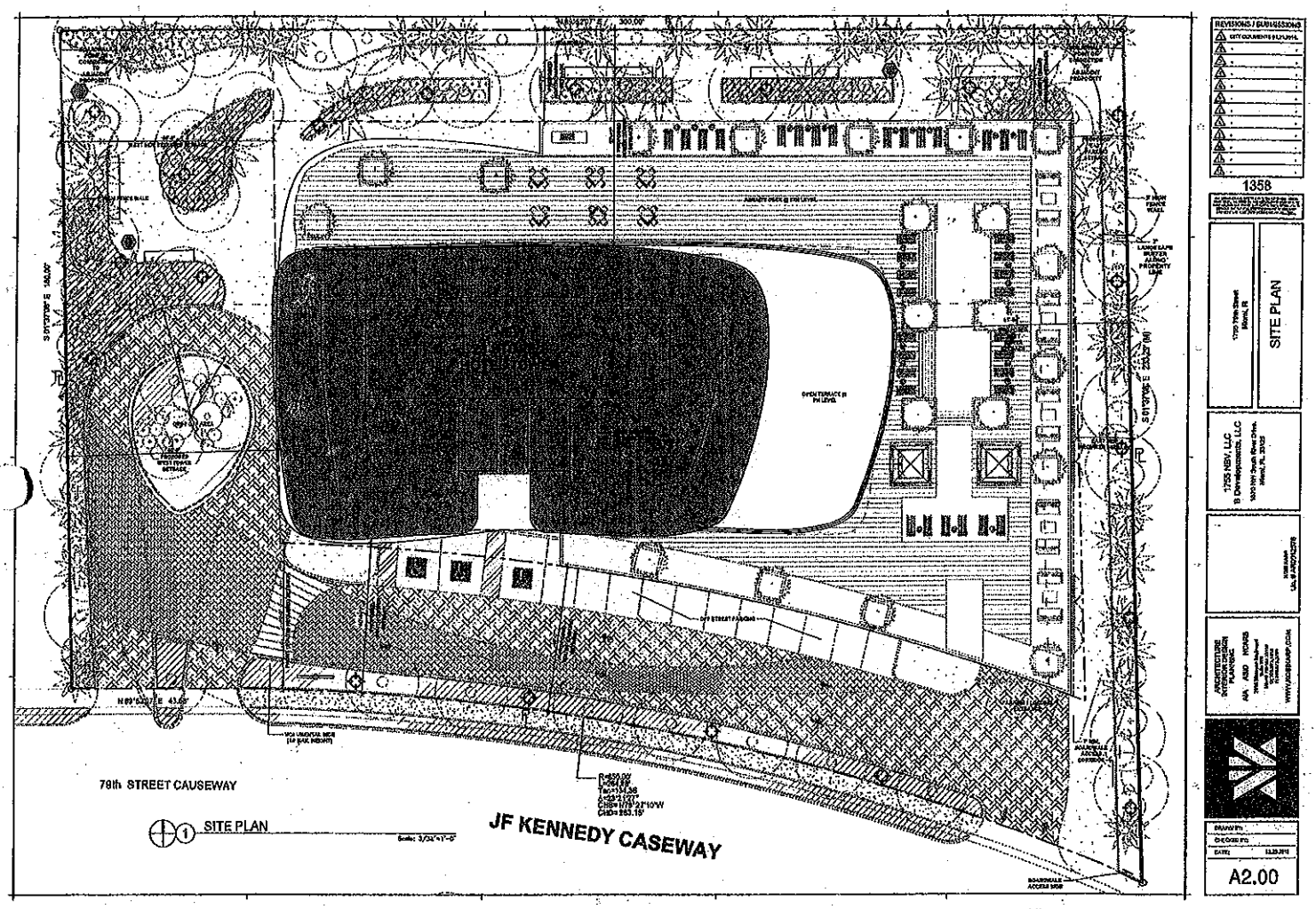
1755 NBV, LLC
B Developments, LLC

ARCHITECTURE
INTERIOR DESIGN
PLANNING

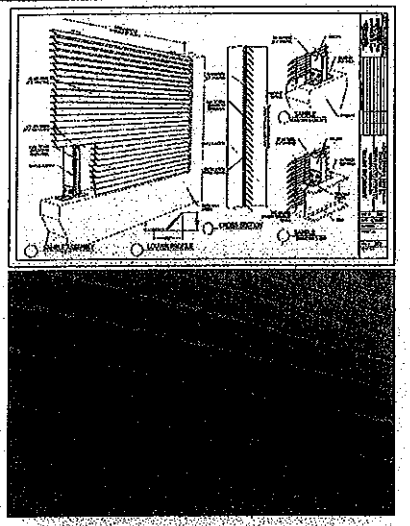
DRAWN BY:
CHECKED BY:
DATE:

A0.01

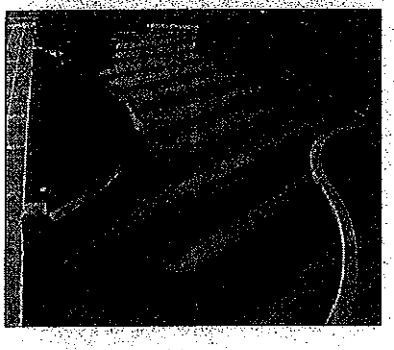
4B(55)


79th STREET CAUSEWAY
JF KENNEDY CASEWAY
SITE PLAN
1358
SITE PLAN
A2.00

4B(56)



1 ROOF EQUIPMENT SCREEN SYSTEM
Scale: N.T.S.



2 BRICK PAVERS SAMPLE
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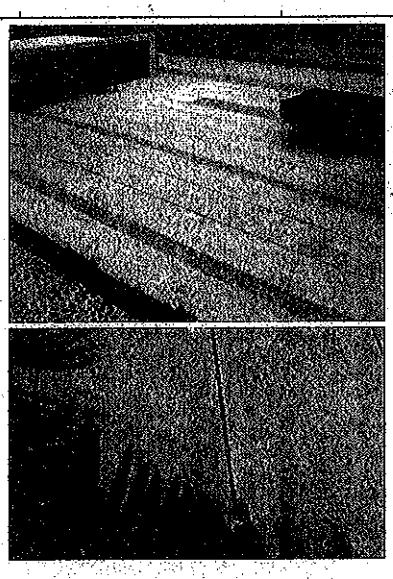


3 STAMPED CONCRETE SAMPLE
Scale: N.T.S.

REVISIONS / SUBMISSIONS

1358

SITE PLAN
DETAILS

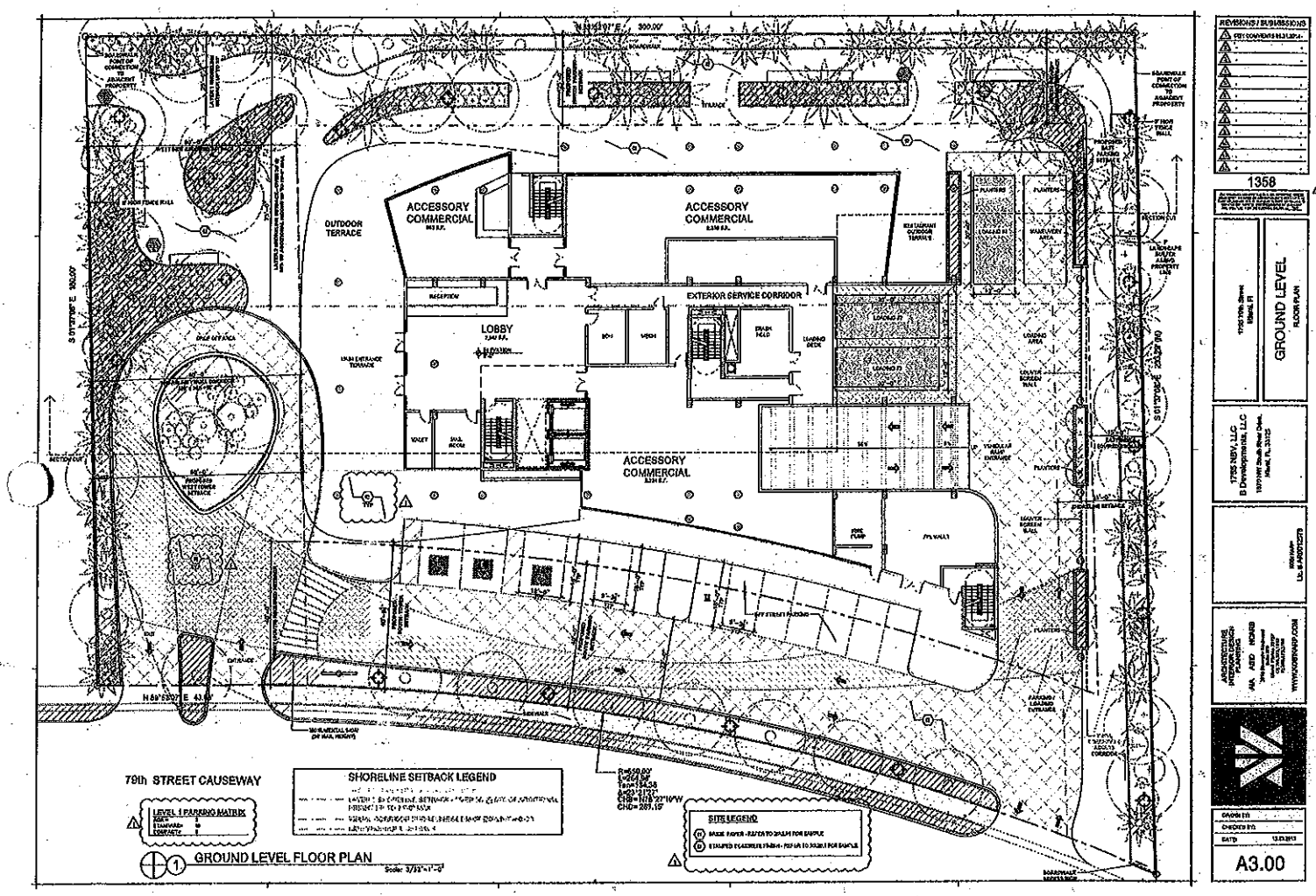
1755 NBV, LLC
8 Developments, LLC
1819 NW South River Drive,
Miami, FL 33125

ARCHITECTURE
INTERIOR DESIGN
PLANNING
AIA ASID NCARB

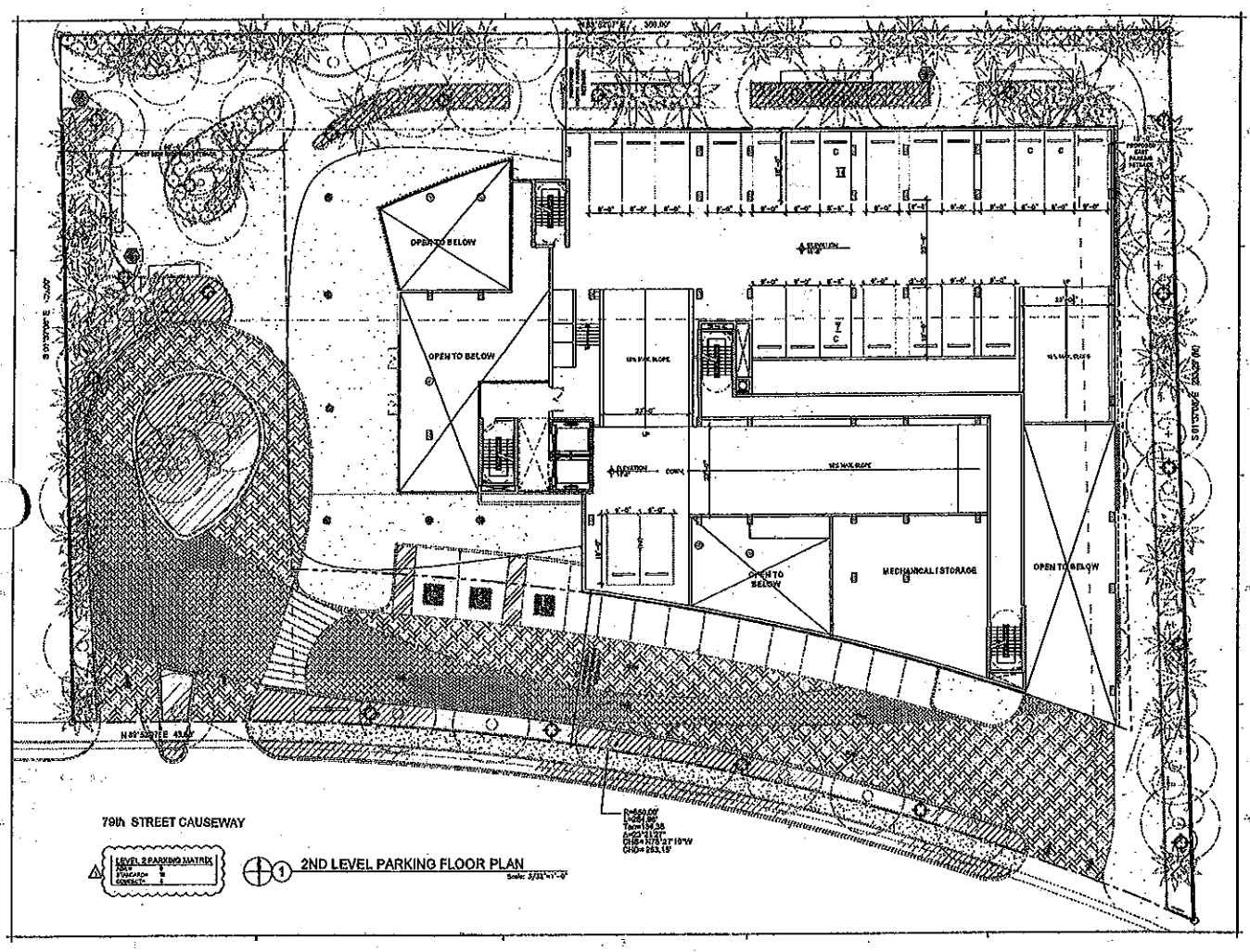
DRAWN BY:
CHECKED BY:
DATE: 12.23.2013

A2.01

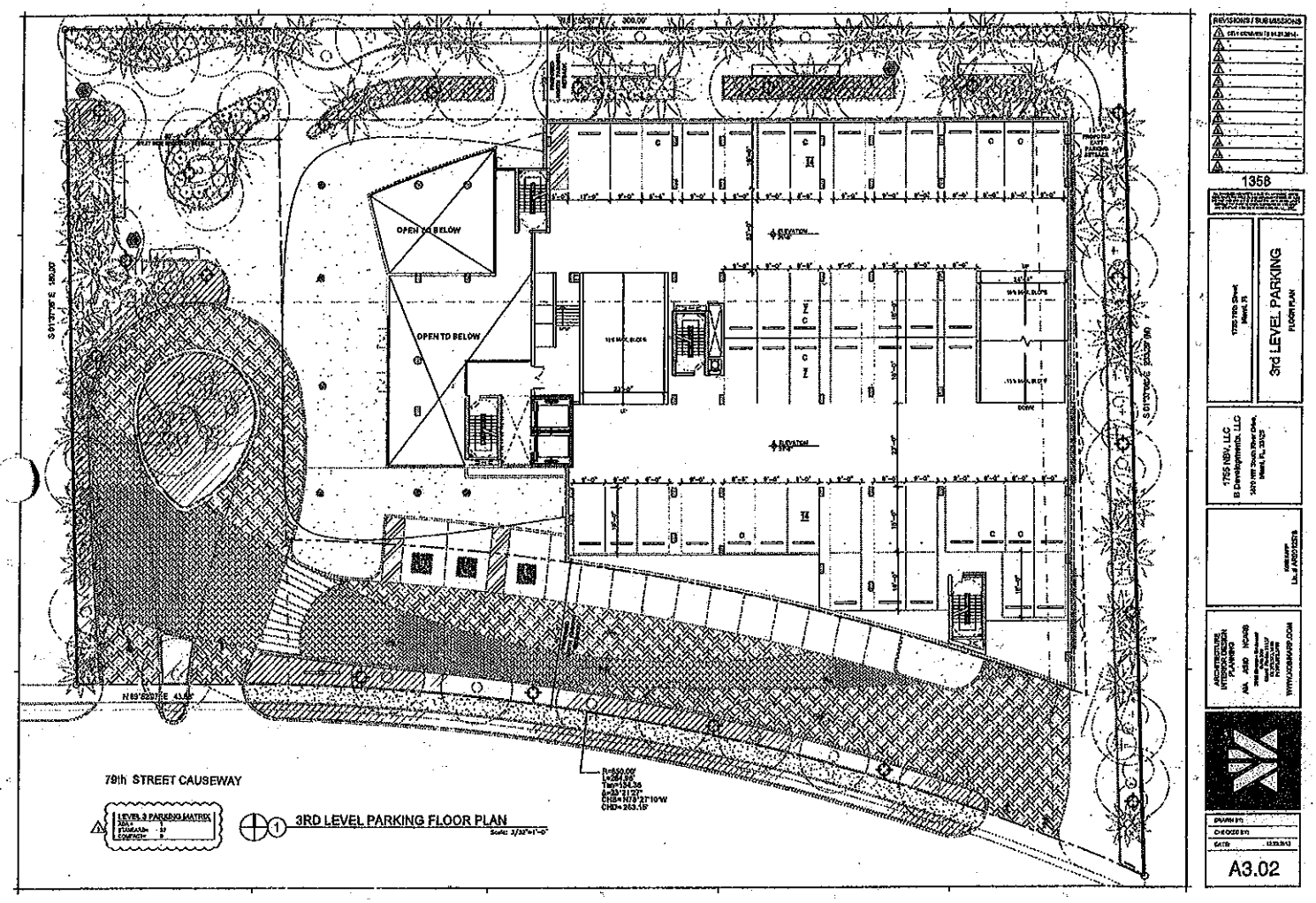
HB(57)


ACCESSORY COMMERCIAL
ACCESSORY COMMERCIAL
OUTDOOR TERRACE
EXTERIOR SERVICE CORRIDOR
LOBBY
RECEPTION
ACCESSORY COMMERCIAL
79th STREET CAUSEWAY
SHORELINE SETBACK LEGEND
LEVEL 1 PARKING MATRIX
SITE LEGEND
GROUND LEVEL FLOOR PLAN
REVISIONS / SUBMISSIONS
1358
GROUND LEVEL
FLOOR PLAN
A3.00

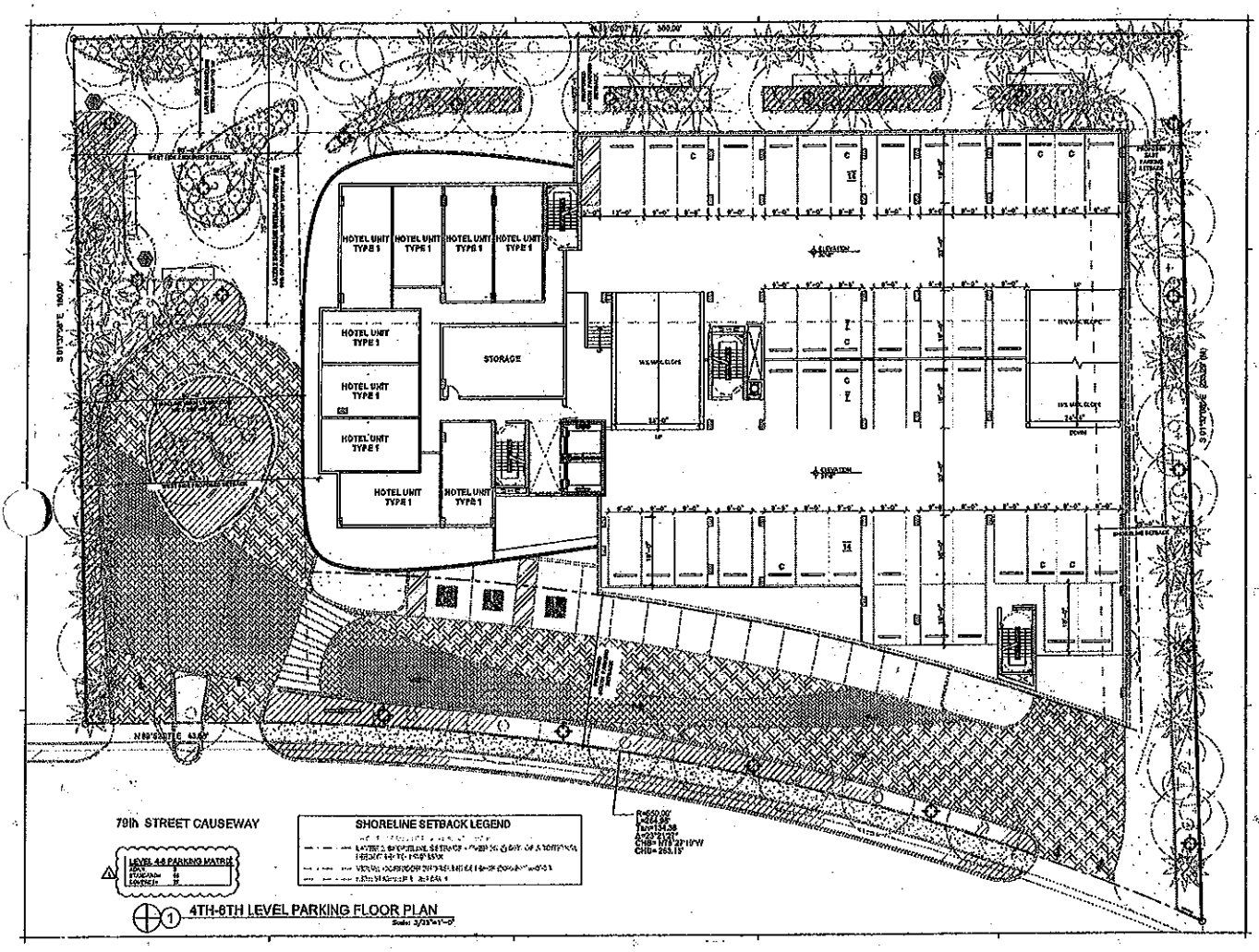
HB(58)


OPEN TO BELOW
OPEN TO BELOW
OPEN TO BELOW
MECHANICAL/STORAGE
OPEN TO BELOW
79th STREET CAUSEWAY
LEVEL 2 PARKING MATRIX
2ND LEVEL PARKING FLOOR PLAN
REVISIONS / SUBMISSIONS
1358
2nd LEVEL PARKING
FLOOR PLAN
A3.01

4B(59)


OPEN TO BELOW
OPEN TO BELOW
79th STREET CAUSEWAY
3RD LEVEL PARKING FLOOR PLAN
REVISIONS / SUBMISSIONS
1358
3rd LEVEL PARKING
FLOOR PLAN
A3.02

4B(60)



REVISIONS / SUBMISSIONS

1358

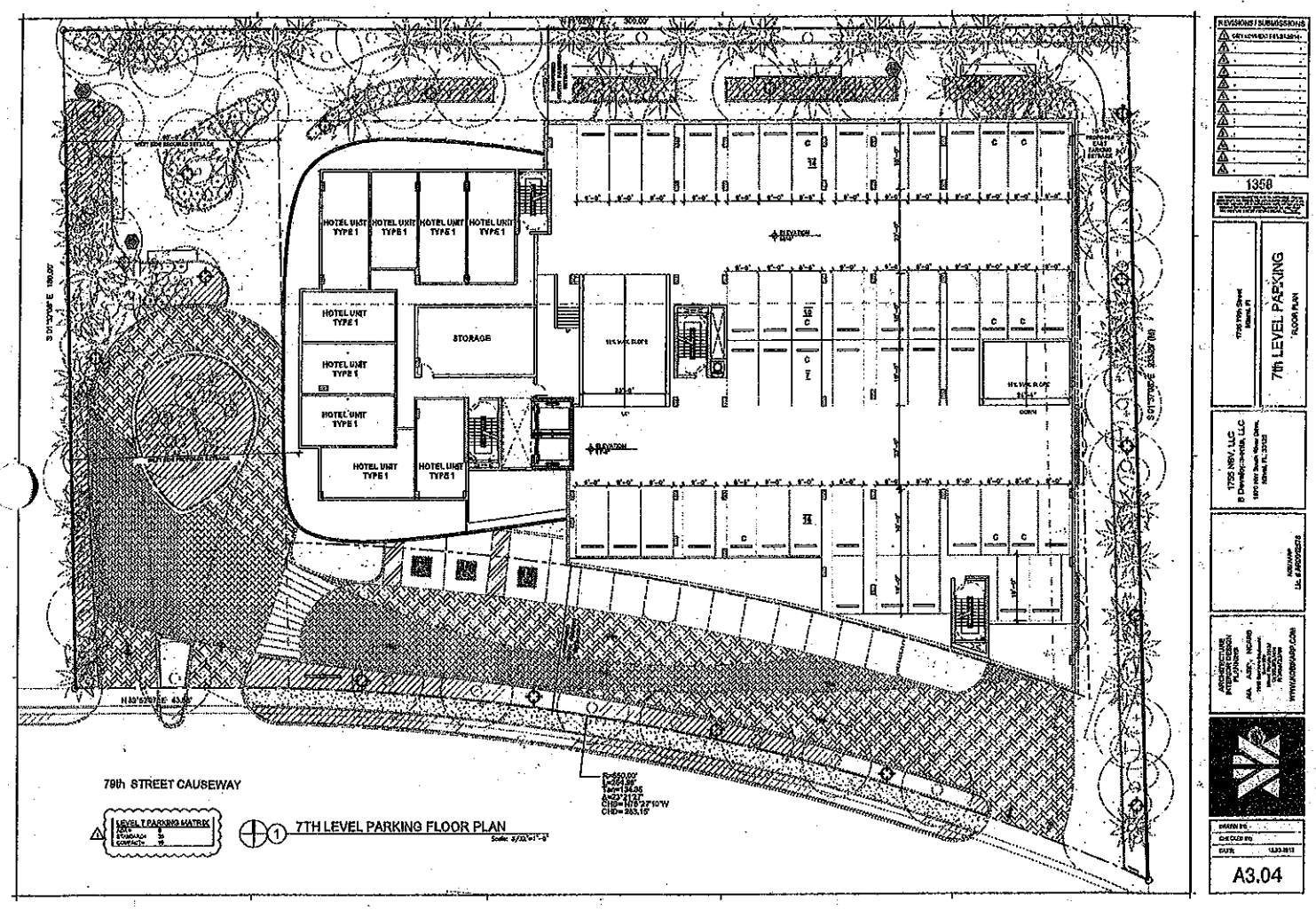
4th-6th LEVEL PARKING

FLOOR PLAN

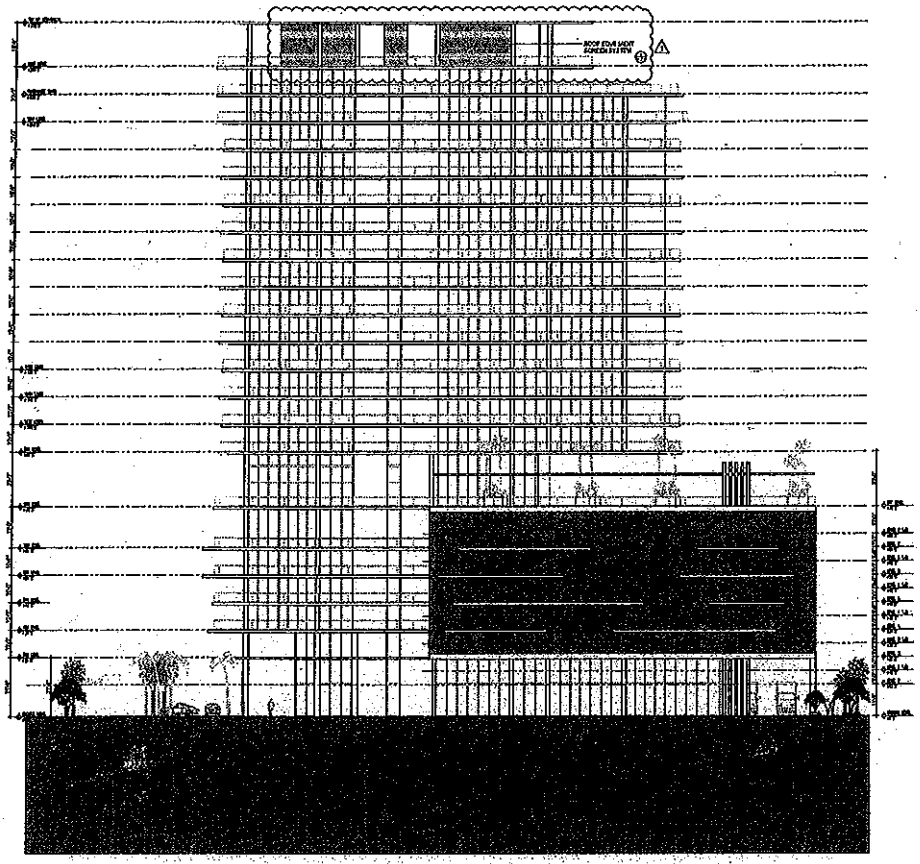
1755 NBV, LLC

A3.03

HB(61)


HOTEL UNIT TYPE 1
STORAGE
79th STREET CAUSEWAY
7TH LEVEL PARKING FLOOR PLAN
REVISIONS / SUBMISSIONS
1356
7th LEVEL PARKING
FLOOR PLAN
A3.04

HB(62)



1 FRONT (KENNEDY CAUSEWAY) ELEVATION

REVISIONS / SUBMISSIONS

1358

1735 79th Street
Miami, FL

FRONT ELEVATION
SOUTH

1735 NBV, LLC
B Developments, LLC

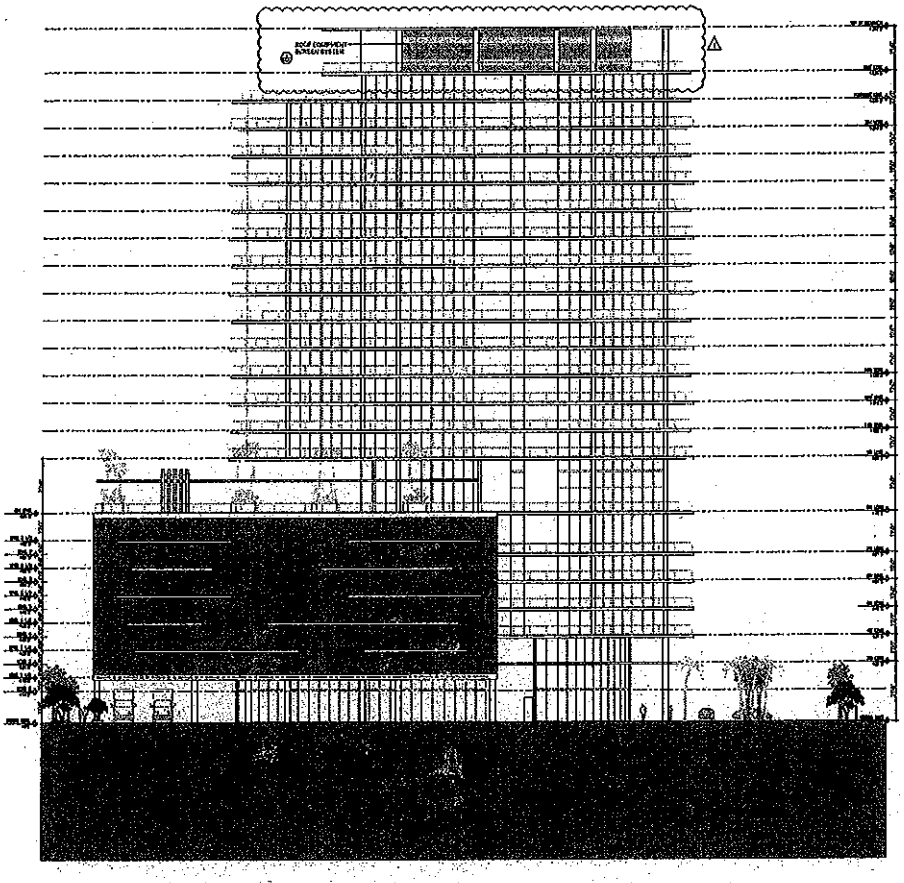
ARCHITECTURE
INTERIOR DESIGN
PLANNING
AIA ASID NCARB

WWW.ACARBARS.COM

DRAWN BY:
CHECKED BY:
DATE:

A4.00

HB (63)



1 REAR (BAY) ELEVATION

REVISIONS / SUBMISSIONS

1358

1755 7th Street
Miami, FL

REAR ELEVATION
NORTH

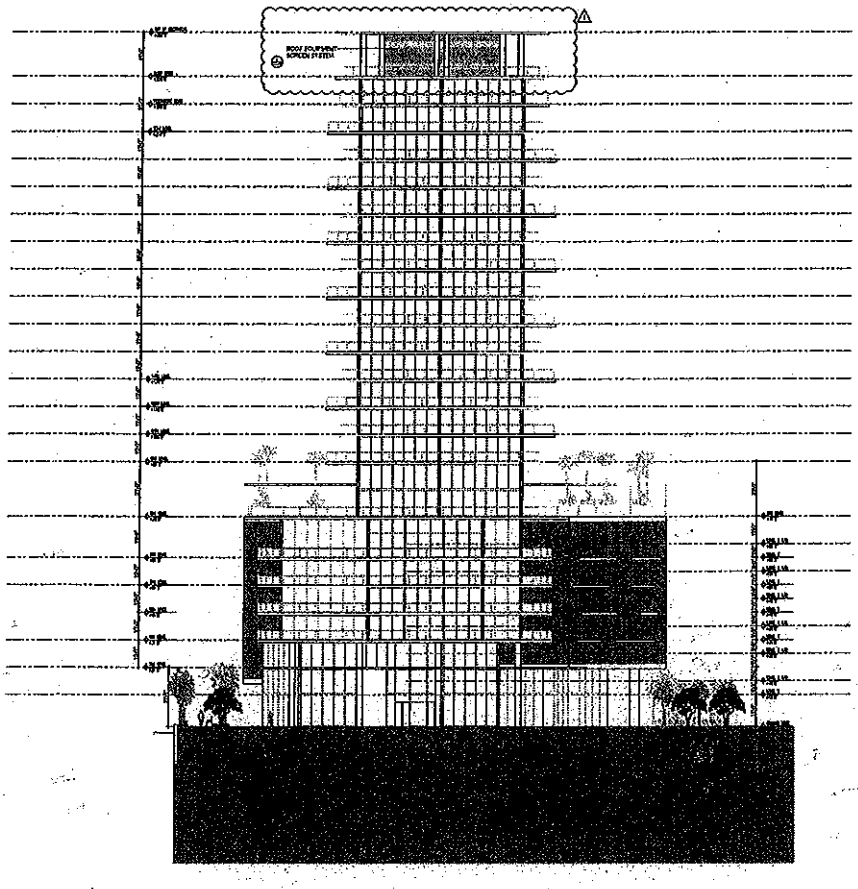
1755 NBV, LLC
B Developments, LLC
1875 NW South River Drive,
Miami, FL 33125

ARCHITECTURE
INTERIOR DESIGN
PLANNING
AIA AND NCARB

DRAWN BY:
CHECKED BY:
DATE:

A4.01

HB(64)



1 SIDE (LOBBY) ELEVATION

REVISIONS / SUBMISSIONS

1358

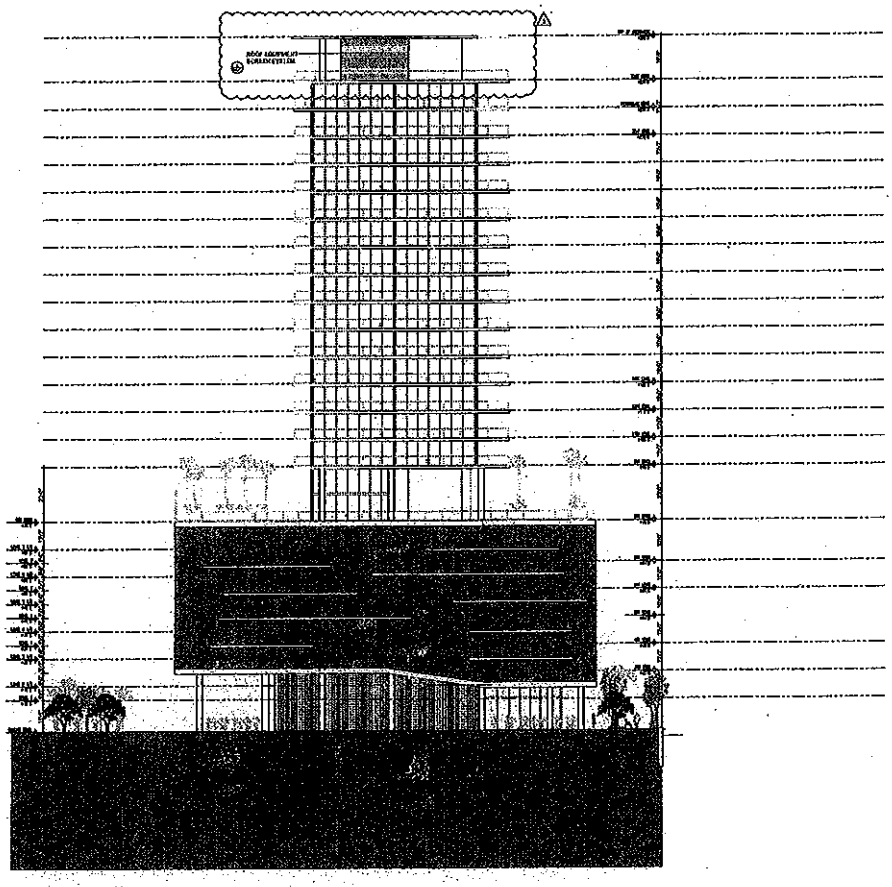
SIDE ELEVATION
WEST

1755 NBV, LLC
B Developments, LLC

ARCHITECTURE
INTERIOR DESIGN
PLANNING

A4.02

HB(65)



1 SIDE (BOARDWALK ACCESS) ELEVATION

REVISIONS / SUBMISSIONS

1358

SIDE ELEVATION

1755 NBV, LLC
B Developments, LLC

ARCHITECTURE
INTERIOR DESIGN
PLANNING

A4.03

HB(66)

Staff Report #1
Rezoning

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

Applicant: *1755 NBV, LLC*

Request: *Rezone property from CG (general commercial zoning district) to CL (limited commercial district)*

LaRue Planning
& Management Services, Inc.
1375 Jackson Street, Suite 206
Fort Myers, Florida
239-334-3366
Serving Florida Local Governments Since 1988

2B(1)

General Information

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

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

Legal Description of Subject Property

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

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

2B(2)

Request

The applicant is requesting pursuant to Sections 152.095 and 152.100(a) of the North Bay Village Code of Ordinances to change the current zoning designation from CG (general commercial zoning district) to CL (limited commercial district) and amending the Village's official zoning district map.

Consistency with Comprehensive Plan

The requested rezoning to CL is consistent with the Comprehensive Plan. The property is designated Commercial on the Future Land Use Map (FLUM). Policy 2.1.1a of the Future Land Use Element identifies a hotel as one of the uses contemplated within this future land use category. The Applicant is proposing a hotel use and Sec. 3.4.2 of the Land Development Regulations (LDRs) identifies hotels as an allowable use in the Commercial Future Land Use Category and specifically refers to Sec. 152.031(b)(1) pertaining to hotels in the CL district.

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	Mixed Use
	Zoning District	Commercial Limited
	Existing Land Use	Hotel/Restaurant
South	Future Land Use	Commercial
	Zoning District	Commercial General
	Existing Land Use	Multi-family/ Restaurant/Office
West	Future Land Use	Commercial
	Zoning District	Commercial General
	Existing Land Use	Vacant (currently proposed multi-family development)

2B(3)

Analysis

Section 152.100(B)(2) of the North Bay Village Code of Ordinances sets forth conditions required for approval of a proposed zoning amendment. Specifically, no zoning amendment will be approved unless

(a) The proposed amendment will place all property similarly situated in the area in the same category, or in appropriate complementary categories.

Applicant Response: A group of parcels with CL zoning are located directly east of the site, on the north side of Kennedy Causeway. To the west and on the north side of Kennedy Causeway are parcels zoned CG. We understand that the Village is investigating the possibility of rezoning all commercially zoned (CL and CG) parcels into one commercial zoning district, thereby eliminating the current distinctions between the two commercial districts. Such an amendment would place all similarly situated properties on the north and south sides of Kennedy Causeway in the same category. In the absence of such a change, however, the Applicant proposes to rezone the Property to CL in order to be consistent with parcels at the north side of the Kennedy Causeway and to the east of the Property.

Staff Comment: We agree that at the present time, rezoning of the subject property to CL would place all similarly situated properties in the same or an appropriate complementary category. Nearby properties not zoned CL are zoned CG and CG is a complimentary zoning category that is compatible when in proximity to CL zoned properties.

(b) There is a convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest, and not merely in the interest of an individual or small group of people.

Applicant Response: The main distinction between the CL and CG commercial districts is that CL is intended to allow for development of hotels and tourist amenities. If the property is rezoned to CL, the Applicant intends to develop the property with a hotel and restaurant, which will be in the general public interest and will help to invigorate a struggling commercial corridor.

Staff Comment: We agree that expanding the geographic area in which a hotel is permitted could be considered in the public interest.

(c) There is a convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the

2B(4)

district is allowable, so long as it meets district requirements, and not merely uses which an applicant states he intends to make of the property involved.)

Applicant Response: The Applicant does not propose to incorporate a new zoning district into the Code. Rather, the Applicant requests rezoning one property so as to be consistent with adjacent parcels with the same zoning designation.

Staff Comment: The Applicant has misunderstood the requirement. The intent of this section is that when the subject property is assigned a new district designation (i.e. rezoned) it should be recognized that any use permitted under the new zoning designation is allowed on that property. Therefore, a rezoning should be approved only if all uses allowed in the new zoning are appropriate for the subject property.

We do, however, find that all uses allowed in the CL district are appropriate for the subject property. The property is large enough to accommodate any of the permitted uses and a hotel is an appropriate use for the property, particularly given the fact the property is adjacent to a similarly zoned and developed parcel to the east.

(d) There is convincing evidence that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.

Applicant Response: The proposed change will make the uses permitted on the Property consistent with those permitted on the adjacent property to the east. New uses are not proposed for the CL zoning district in connection with this change that might alter the character or adversely affect the neighborhood.

Staff Comment: We agree.

(e) The proposed change is in accord with the comprehensive master plan and sound comprehensive planning and zoning principles.

Applicant Response: According to the Comprehensive Plan for North Bay Village, the Property, as well as all properties on Treasure Island that are on the north side of Kennedy Causeway, are designated with Commercial future land use. The CL zoning district is compatible with the Commercial future land use designation. Further, the Applicant proposes to construct a hotel on the Property, which is clearly defined in the Comprehensive Plan as a commercial use.

Staff Comment: We agree.

2B(5)

Recommendations

Based on the foregoing analysis, Staff recommends **approval** of the request to rezone the property to CL, Limited Commercial.

Submitted by:
James G. LaRue
James G. LaRue, AICP
Planning Consultant

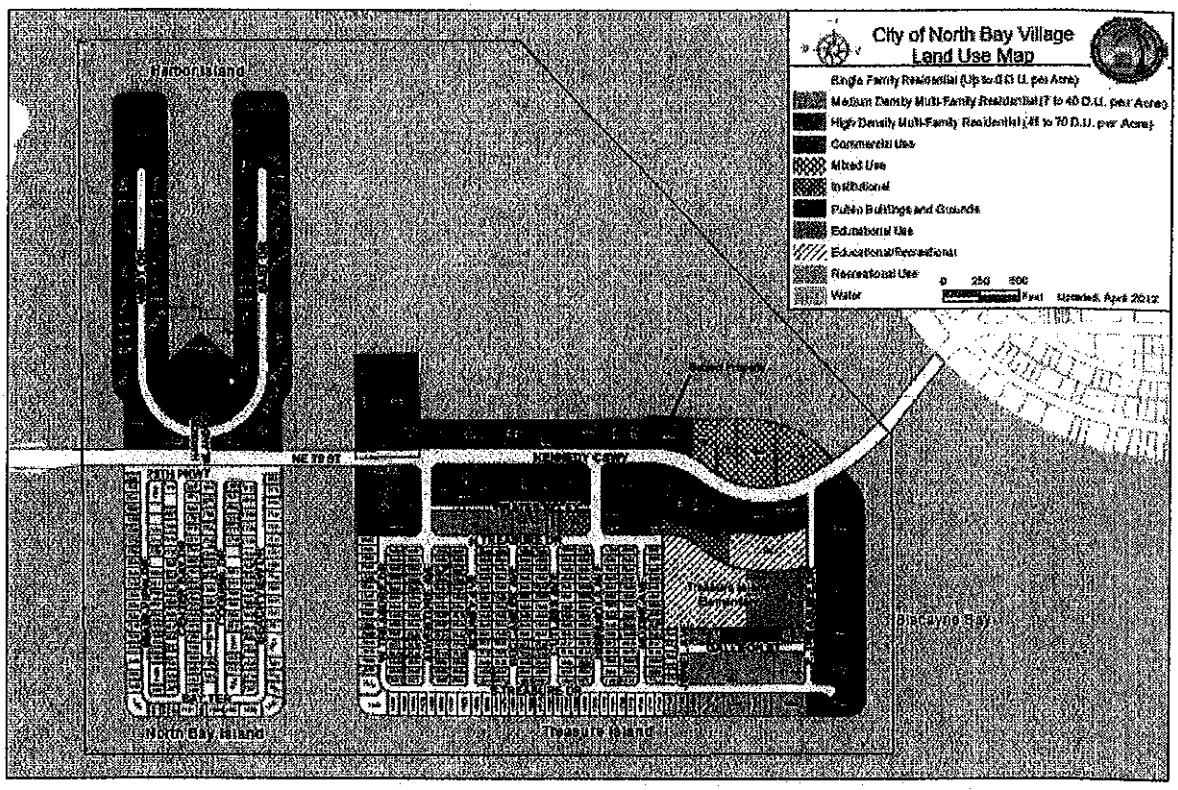
January 23, 2014

Hearing: Planning & Zoning Board, January 30, 2014

Attachments: Future Land Use Map
Zoning Map
Aerial photograph

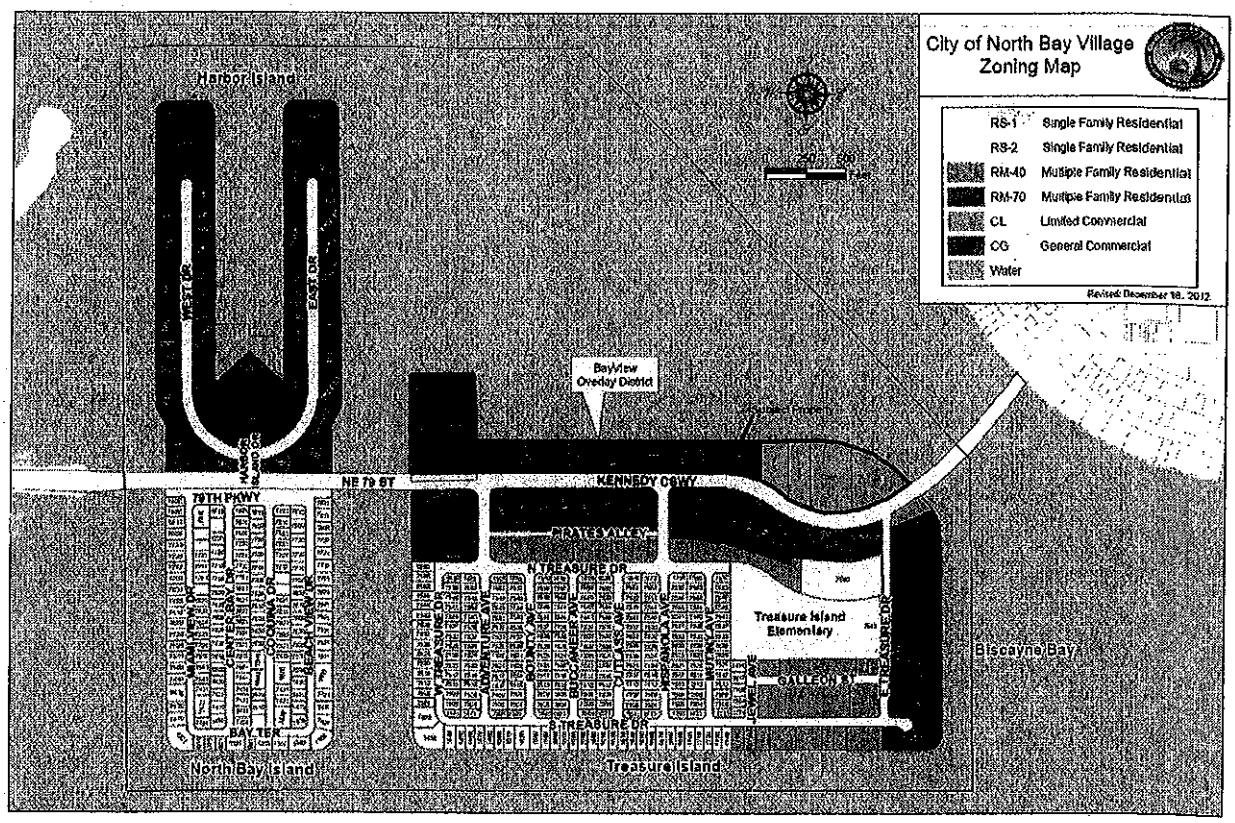
2B(6)

FUTURE LAND USE
SUBJECT SITE AND ENVIRONS



2B(7)

ZONING
SUBJECT SITE AND ENVIRONS



2B(8)

AERIAL PHOTOGRAPH
SUBJECT SITE AND ENVIRONS

28(9)

Staff Report #2
Text Amendments to Chapter 152, Zoning

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

Applicant: *1755 NBV, LLC*

Request: *Redefine the definition of "dwelling, hotel room" and "dwelling, hotel suite".*

La Rue Planning & Management Services, Inc.
1375 Jackson Street, Suite 206
Fort Myers, Florida
239-334-3366
Serving Florida Local Governments Since 1988

2B(10)

General Information

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

Request

Applicant is requesting a code text amendment to Sections 152.003(5) and 152.003(6) of the North Bay Village Code of Ordinances to redefine the definition of "dwelling, hotel room" and "dwelling, hotel suite".

> 152.003(5) Dwelling, hotel room. A residential unit, which is used on a temporary basis by transient guests ~~and does not contain kitchen facilities~~.
>
> 152.003(6) Dwelling, hotel suite. A group of hotel rooms connected together ~~containing no kitchen facilities~~.

Analysis

Sec. 152.100 (A) of the Village Code of Ordinances states that changes to the zoning regulations shall be in general accord with sound principles of planning and zoning and with the purpose of the zoning regulations. In reviewing applications to amend portions of Chapter 152 that do not involve district boundaries or permissible uses, our staff will be using the six following basic considerations to determine whether or not a proposal is in general accord with sound planning and zoning principles and the intent of the Village's zoning regulations.

2B(11)

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1. The proposed change and its likely effects are not contrary to Comprehensive Plan requirements.

Applicant Response: Policy 2.1.1a of the Comprehensive Plan allows for hotel use on properties within the Commercial Future Land Use category. The provision of kitchens within hotel rooms does not change the function of a hotel room as a transient use and therefore is not contrary to the Comprehensive Plan requirements.

Staff Comment: We agree

2. The proposed change and its likely effects are compatible with the intent of the LDRs and specifically the intent of the zoning district(s) affected.

Applicant Response: The only zoning district that presently allows hotel use is CL. As set forth in Village Code of Ordinances Section 152.031(A), the purpose of this [CL] district is to provide for an area in which tourist accommodation, including but not limited to hotels and motels and accessory uses thereto, will be permitted. The option to include kitchen facilities within hotel rooms is not inconsistent with the LDRs since the intent is to provide for tourist accommodations. The applicant contends that offering kitchen facilities is an attractive amenity for a hotel.

Staff Comment: While we agree that the stated intent is to provide an area where tourist accommodations are allowed and that, "offering kitchen facilities is an attractive amenity for a hotel" we also recognize that multi-family residential dwellings and other uses are also permitted. However, we do not agree with the Applicant's contention that the proposed changes to the definitions are compatible with the intent of the LDRs as a whole for the following reasons.

The difference between a residential dwelling unit and hotel room dwelling unit is now based on the combination of two factors:

1. That the hotel room is used on a temporary basis and,
2. That the hotel room does not contain kitchen facilities.

While there is no definition of "kitchen facilities" in either the LDRs or Chapter 152, the generally accepted definition for a kitchen is a room that contains cooking facilities. Therefore, at the minimum the current definition of a hotel room dwelling unit precludes the presence of cooking facilities. By virtue of precluding cooking facilities, the hotel room is not fit for other than temporary use. The prohibition of kitchen facilities is intended as a means to preclude residential use (i.e., permanent or semi-permanent residency). If a unit does not have cooking facilities is it not generally considered fit to be used as living quarters, and would generally be expected to be smaller than one that is to be used as living quarters. Consequently, North Bay Village generally requires a

larger minimum unit size, permits a lower allowable maximum density, and requires more parking for residential units than is the case for hotel units. Specifically, in the CL District the following apply:

Type of Unit	Max. Density (units/ac.)	Minimum Unit Size (sf)	Minimum Off-street Parking Requirements
Hotel or motel room	99.0	400	1 per sleeping room + 10% for guests
Multi-family :			
Efficiency	87.1	400	1.5 per unit + 10% for guests
One-bedroom	70.3	750	2 per unit + 10% for guests
Two-bedroom	63.6	1,000	2 per unit + 10% for guests
Three-bedroom or larger	58.1	1,150	3 per unit + 10% for guests

Under the present regulations, the City does not have to monitor occupancy periods of hotel units to ensure that they are not used for other than temporary purposes. This is because, without cooking facilities, very few persons will normally want to stay in a unit for more than a relatively short period of time.

If kitchens are allowed in hotel rooms, they can then be considered as being designed for, and physically capable of, residential occupancy, despite the fact that;

1. they do not meet the minimum size required by the Village Code for dwelling units and,

2. the project has not provided the minimum number of parking spaces required to provide adequate parking for residential dwelling units.

The School Board of Miami-Dade County has recognized how transient units can be converted to, or otherwise be used for, residential purposes and includes in its School Concurrency and impact fee calculations a provision that if a hotel unit contains a kitchen or kitchenette, it is considered a residential unit for purposes of calculating its impact upon the school system.

A hotel that is primarily oriented to larger rooms, or multi-room suites is typically referred as a suites hotel or a residence hotel. A "suites hotel" typically involves a sitting room and a bedroom area and provides a kitchenette which includes a mini-refrigerator, microwave oven, and coffee maker and is geared to somewhat longer stays than the traditional hotel room. We should note that nowadays it is not uncommon for the traditional single-room hotel room to include a mini-fridge, microwave and coffee-maker.

A "residence inn", while it may provide some conventional hotel rooms and efficiency type suites, typically offers mainly one-bedroom or two-bedroom suites and these units are usually equipped with what is essentially a full kitchen, including full-size refrigerator, oven, microwave oven and coffee-maker. The residence inn, caters to

extended stays and is probably most comparable to what one would expect if the definition of a hotel is changed to allow kitchen facilities. At least this is the type of hotel that the Applicant is proposing.

If we compare the trip generation rates for a high-rise residential condominium and those for "all suites hotel" as contained in the 8th Edition of "Trip Generation" prepared and published by the Institute of Traffic Engineers (ITE) we will find they are not appreciably different. Unfortunately, ITE does not provide trip generation figures for residence inns or apartment hotels. In fact, the trip generation factors provided below are based on small sample sizes and ITE notes that they should be used with caution.

Nevertheless, for our purposes, we believe the information indicates that hotel units, particularly multi-room units, with kitchen facilities, tend to have higher trip generation rates than do residential high-rise condominiums, although not dramatically so. Presumably, such uses would also have similar parking requirements.

Description/ITE Code	2008 ITE Vehicle Trip Generation Rates			
ITE Code/description	Units	Weekday	AM	PM
High Rise Residential Condo, 232	DU	4.18	0.34	0.38
All Suites Hotel, 311	Rooms	4.90	0.38	0.40

The Code is now clear and simple to enforce, no kitchens are allowed; and density, and parking requirements are set in relation to that characteristic. If the Village should wish to allow hotels to include kitchens, then such hotel units should be subject to the density limitations, minimum unit sizes and parking requirements for residential units in the CL District. This would serve to prevent the conversion to residential use of hotel units that are below the minimum residential dwelling unit size, or units having been built with inadequate parking for the needs of residential use from being converted from hotel use to residential use, either as an entire project on an individual unit basis.

We also believe that, for clarity, a definition of kitchen facilities should be included in the LDRs to distinguish transient use from a more residential use and suggest the following:

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

3. The proposed change and its likely effects will not have an adverse effect on the public interest.

Applicant Response: The proposed changes are not anticipated to adversely affect the public interest. The proposed changes will allow for greater flexibility and ability to offer a valuable amenity within tourist accommodations.

Staff Comment: We do not entirely agree. Changing the definitions as requested, without compensating changes in allowable density, parking requirements and specifying appropriate minimum unit sizes based on the number of bedrooms may well adversely affect the public interest. Hotel units with kitchens are likely to be occupied by more persons with more cars than is currently the case for conventional hotel units without kitchen facilities. Keeping the current parking requirement of just 1.1 spaces per hotel room will likely result in spillover demand for parking off-site, possibly resulting in parking in the public right-of-way. Furthermore, it is in the public interest to expect that uses of similar impact will be treated similarly. If hotels are allowed to have kitchen facilities without modifying the aforementioned development regulations, property owners would either be dismayed, or at best confused, as to why large hotel units with kitchens, which are likely to be occupied for extended periods of time, are subject to dramatically less stringent development standards than are residential condominium units.

4. The proposed change and its likely effects will not adversely affect living conditions, or be a deterrent to the improvement or development of other properties in the zoning district(s) affected or nearby thereto.

Applicant Response: The proposed change will only affect the CL zoning district, which is currently the only district that allows for hotel use. The proposed changes are not anticipated to adversely impact living conditions or deter development in any way. As stated previously, the proposed change will allow for improved amenities within hotels.

Staff Comment: We agree.

5. The proposed change will not create a density or intensity pattern that would overburden public facilities such as schools, streets, and utility services.

Applicant Response: Any future proposed development project will be required to meet level of service standards for public facilities. The proposed text amendments will not affect the requirement for future developments to comply with level of service standards

Staff Comment: We agree the proposed change would not necessarily result in over burdening public facilities. However, the point is not whether or not the text amendment affects the requirement for future developments to comply with level of service standards. The question is, could the proposed text change contribute to the possibility of creating a situation that may lead to future developments bumping up against the level of service ceiling earlier than might otherwise occur without the text amendment.

By allowing hotels to provide kitchen facilities, it creates the opportunity for more hotel units of a configuration and size that would be capable of accommodating families to reside for a period of time sufficient to qualify their children to attend public schools for part of the year. This would increase the future enrollment projections beyond what is now anticipated to be generated within North Bay Village.

6. The proposed change will not result in increased traffic congestion, flooding or drainage problems, or otherwise affect public safety.

Applicant Response: As stated above, any proposed project would be required to meet level of service standards and to comply with flood hazard and drainage regulations in the interest of public safety. The proposed text amendments will not affect the requirements for future projects to meet such requirements.

Staff Comment: We reiterate our statement that this item does not deal with whether or not the text amendment affects the requirement for future developments to comply with level of service standards. However, we agree that the text change itself will not result in increased traffic congestion, flooding or drainage problems , or otherwise affect public safety.

Recommendations

1. If the Village should wish to allow hotels to include kitchens, then such hotel units should be subject to the density limitations, minimum unit sizes and parking requirements for residential units in the CL District, as set forth in the following table

Type of Unit	Max. Density (units/ac.)	Minimum Unit Size (sf)	Minimum Off-street Parking Requirements
Hotel or motel room without kitchen facilities*	99.0	400	1 per sleeping room + 10% for guests
Hotel or motel unit with kitchen facilities			
Efficiency	87.1	400	1.5 per unit + 10% for guests
One-bedroom	70.3	750	2 per unit + 10% for guests
Two-bedroom	63.6	1,000	2 per unit + 10% for guests
Three-bedroom or larger	58.1	1,150	3 per unit + 10% for guests
*A portable mini-refrigerator, portable microwave oven, and coffee-maker are allowed.			

2. We also recommend including a definition of kitchen facilities in Chapter 152 to read as follows:

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

Submitted by:
James G. LaRue
James G LaRue, AICP
Planning Consultant

January 23, 2014

Hearing: Planning & Zoning Board, January 30, 2014

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2B(18)

Staff Report #3
Variance

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

Applicant: *1755 NBV, LLC*

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

LaRue Planning
& Management Services, Inc.
1375 Jackson Street, Suite 206
Fort Myers, Florida
239-334-3366
Serving Florida Local Governments Since 1988

28(19)

General Information

Owner/Applicant	1755 NBV, LLC Miguel A. Barbagallo, President B Developments, LLC as Manager
Applicant Address	1870 NW South River Drive Miami, FL 33125
Applicant Phone Number	305.631.6660
Site Address	1755 79th Street Causeway
Contact Person	Neisen Kasdin
Contact Phone Number	305.374.5095
Contact E-mail Address	neisen.kasdin@akerman.com
Contact Address	One SE Third Ave, Suite 2500 Miami, FL 33131

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

Legal Description of Subject Property

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

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

Request

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

This section specifies lots less than 500 feet in depth in the Bayview Overlay (BVO) District must provide two side yards that total 60% of the lot width, with the smallest side not being less than 20% of the width of the lot. The width of the applicant's lot is 300 feet. In this application one side setback is shown at 60 feet, therefore, the other side setback should be 120 feet. Instead it is being shown as 15 feet. The applicant is short 105 feet in what should be provided in side setback areas to be consistent with the provisions of the BVO District.

Required Findings

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

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

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

Staff Comments: There are no special circumstances or conditions to this property which are not applicable to other properties in the BVO District. This property is not unusually shaped or narrow compared to nearby properties. Due to the curve of Kennedy Causeway in this area, there are several properties that are not equal sided rectangles and in fact have steeper curves (see attached zoning map). The subject parcel, because of the curve, only has a minor change in depth on each side. This property also has greater width than other similarly curved properties in this District which offers a greater ability to provide adequate setbacks. Additionally, the acreage of 1.34 is not a small area if the density or intensity were more appropriate.

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

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

Applicant Response: No specific comments.

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

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

Applicant Response: No specific comments.

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

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

Applicant Response: Granting the variance does not confer on the Applicant any special privilege. Should another property owner believe that a property would be unnecessarily burdened as a result of the regulation, the property owner is able to submit a request for a variance, provided the variance criteria are met.

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

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

Applicant Response: No specific comments.

Staff Comments: The variance requested is not the minimum that would make possible the reasonable use of this property because no setback variance is needed.

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

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

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

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

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

Staff Comments: The applicant has not stated that this was a reason for this request.

Recommendations

Staff finds that the requested variance **does not** meet the requirements of Section 152.097(C) in that the materials submitted do not adequately allow for an affirmative finding on each of the criteria contained in 152.097(B) as specifically identified by the foregoing Staff Comments. Consequently, Staff recommends **denial** of the requested variance to allow less than the side-yard setback required by the Bayview Overlay District.

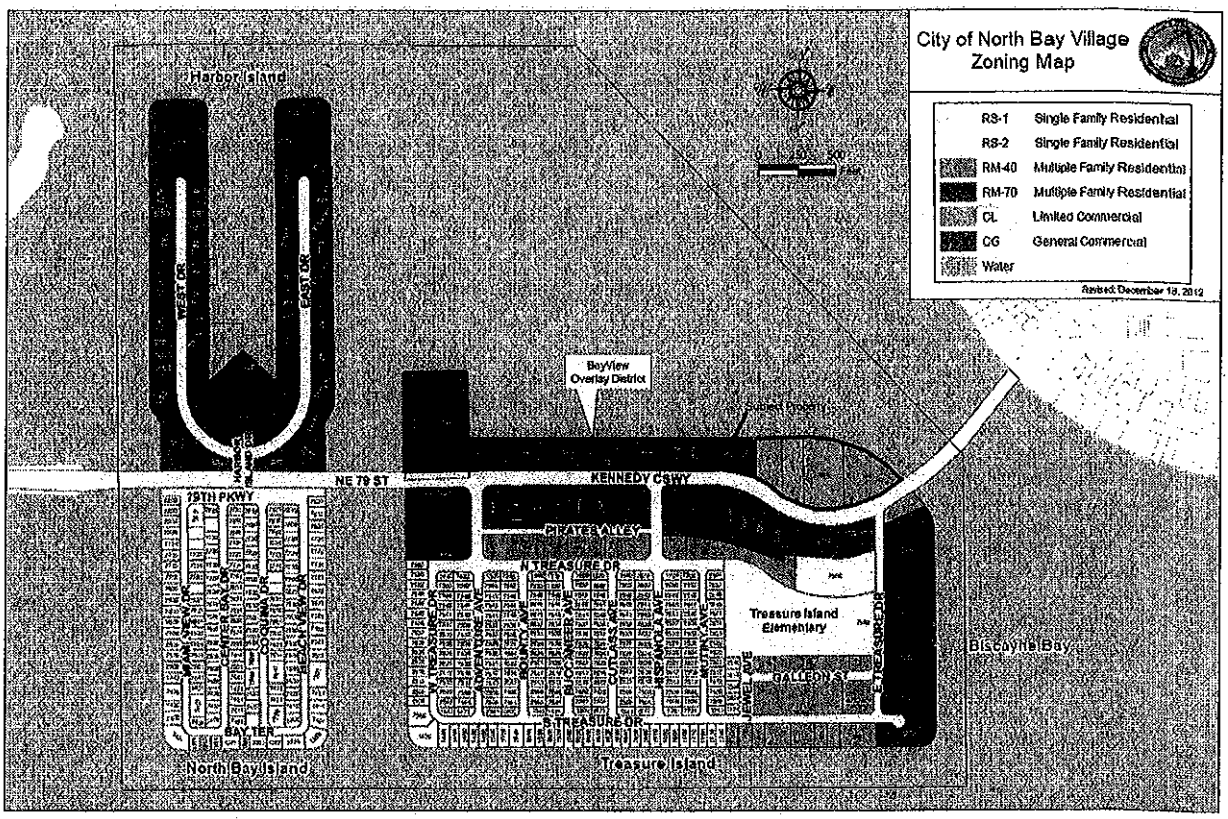
Submitted by:
James G. LaRue
James G. LaRue, AICP
Planning Consultant

January 22, 2014

Hearing: Planning & Zoning Board, January 30, 2014

Attachments: Zoning Map

ZONING
SUBJECT SITE AND ENVIRONS



2B(25)

Staff Report #4
Bay View Overlay (BVO) Standards

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

Applicant: *1755 NBV, LLC*

Request: *BVO review including height approval*

LaRue Planning
& Management Services, Inc.
1375 Jackson Street, Suite 206
Fort Myers, Florida
239-334-3366
Serving Florida Local Governments Since 1988

2B(26)

General Information

Owner/Applicant	1755 NBV, LLC Miguel A. Barbagallo, President "B Developments, LLC" as Manager
Applicant Address	1870 NW South River Drive Miami, FL 33125
Applicant Phone Number	305-631-0660
Site Address	1755 79th Street Causeway
Contact Person	Neisen Kasdin
Contact Phone Number	305-374-5095
Contact E-mail Address	neisen.kasdin@akerman.com
Contact Address	One SE Third Ave, Suite 2500 Miami, FL 33131

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

Legal Description of Subject Property

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

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

2B(27)

Request

Bay View Overlay standards review, including height approval, pursuant to Section 152.032(a)(3) of the North Bay Village Code of Ordinances.

Required Findings

The subject property is within the Bayview Overlay (BVO) District as created by North Bay Village in 2012. When a CL property is located in the BVO District, all provisions of Section 152.032 shall apply. When the provisions of the BVO are applied to a property in the zoning district, the bonus height provisions of Section 152.029(C) shall also apply.

Recommendations

Staff recommends this property is eligible to be reviewed under the provisions of the Bayview Overlay District. The bonus height provisions can also be applied allowing the condominium hotel to be over the 130 foot maximum height allowed under the CL Zoning District and eligible to be built up to the maximum height allowed in the BVO District if the proper setbacks are met.

Submitted by:
James G. LaRue
James G. LaRue, AICP
Planning Consultant

January 23, 2014

Hearing: Planning & Zoning Board, January 30, 2014

2B(28)

Staff Report #5
Special Use Exception

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

Applicant: *1755 NBV, LLC*

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

LaRue Planning
& Management Services, Inc.
1375 Jackson Street, Suite 206
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239-334-3366
Serving Florida Local Governments Since 1988

2B(29)

General Information

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

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

Legal Description of Subject Property

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

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

2B(30)

Request

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

General Description

The proposed site plan for the hotel-condominium development shows 50 designated 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

The granting of no more than fifty 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 the request **is** consistent with Sections 152.042(e) and 152.098 in that this special use exception will not adversely affect the uses permitted in the regulations of adjacent properties.

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

Submitted by:
James L. LaRue
James L. LaRue, AICP
Planning Consultant

January 23, 2014

Hearing: Planning & Zoning Board, January 30, 2014

2B(31)

Serving Florida Local Governments Since 1988

Staff Report #6
Site Plan

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

Applicant: *1755 NBV, LLC*

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

LaRue Planning
& Management Services, Inc.
1375 Jackson Street, Suite 206
Fort Myers, Florida
239-334-3366
Serving Florida Local Governments Since 1988

2B(32)

General Information

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

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

Legal Description of Subject Property

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NORTHERLY LINE OF SAID EXISTING RIGHT-OF-WAY TO THE POINT OR PLACE OF BEGINNING

2B(33)

Serving Florida Local Governments Since 1988

Request

The applicant is requesting:

1. Site plan approval pursuant to Section 152.105(C)(9) of the North Bay Village Code of Ordinances for development of a 132-unit 22-story condominium hotel structure with a parking garage.

2. Building height bonus review pursuant to Section 152.029(C)(8)(A-F) of the North Bay Village Code of Ordinances.

General Description

The proposed project consists of a 22-story condominium hotel with 132 units as well as a parking structure that will be incorporated into the podium of the building. Approximately 6,245 sq ft of accessory commercial uses will be located on the ground floor, with access from inside the building. Approximately 5,284 sq ft will be dedicated to the lobby/common areas. The Applicant envisions a restaurant to occupy the waterfront accessory commercial space and outdoor terrace on the ground level, while the remaining accessory commercial areas on the ground level will be used for retail use with specific tenancy to be determined at a later time.

Consistency with Comprehensive Plan

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

Adjacent Land Use Map Classifications and Zoning District

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

Adequacy of Public Facilities

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

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

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

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

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

2. The Study uses appropriate ITE peak hour trip generation factors for the restaurant and specialty retail center.

3. The Study uses what would appear to be reasonable internal capture rates for a mixed-use development.

4. The findings of the TIS are summarized as follows:
   a. The proposed project will generate a net increase of 92 during the AM peak hour and 106 vehicle trips during the PM peak hour.
   b. The Level of Service Standard (LOSS) for Kennedy Causeway is D. The range of traffic for a Level of Service (LOS) of D is from 2,091 to 4,500 peak hour trips.
   c. The current traffic levels are estimated at 2,843 and 2,629. Therefore the roadway is operating at LOS D.
   d. When the project is completed in 2016, the resultant AM and PM Peak hour traffic on North Bay/Kennedy Causeway is projected to be 2,935 and 2,735 trips respectively. Based on FDOT Standards this means the roadway will continue to operate at LOS D once the project is completed.

CONCLUSION

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

DISCLAIMER

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

Comparison of Submitted Site Plan with Land Development Regulations

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

1) A rezoning of the property from CG to CL;
2) A text amendment of the North Bay Village Land Development Code regarding the definitions of "dwelling unit, hotel room" and "dwelling unit, hotel suite";
3) A variance to the required side setbacks to allow a 15 foot setback from the East property line where a 120 foot setback is required;
4) An approval to utilize the provisions of the Bay View Overlay District; and
5) A special use approval to utilize compact parking spaces for up to 20% of the required parking.

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

Section	Regulation	Required	Provided
North Bay Village LDC			
152.031(B)	Uses permitted		Hotel, restaurant and retail uses, consistent with NBV Code
152.031(C)(1)	Minimum lot area	28,000 sq ft	58,443 sq ft

2B(36)

Section	Regulation	Required	Provided
152.031(C)(1)	Minimum frontage	200 ft	300 ft
152.031(C)(3)	Maximum density	99 hotel units per acre	99 units per acre
152.031(C)(5)	Minimum pervious area	20% of total parcel = 11,689 sq ft	11,834 sq ft
152.031(C)(6)	Minimum hotel unit floor area	400 sq ft	Units shown at 400 to 1,391 sq ft
152.032(C)	Maximum building height	340 ft	236 ft - 8 in 252 ft - 8 in, top of mechanical
152.032(C)(2)(b)	Minimum front setback	The entire portion of the building that is more than 240 feet in height must be set back from the front property line by a distance that is at least 40 feet, plus two feet for each foot of the highest building height in excess of 240 feet. 40 ft setback required for main structure under 240 ft. 13 x 2 = 26 40 + 26 = 66 ft setback required for mechanical portion.	Main structure is set back 40 ft from front property line The top mechanical portion is set back at least 66 ft from front property line
152.032(C)(2)(c)	Minimum side setback	If any portion of a building on the site exceeds 240 feet in height, the two side yards together must total 60% of the lot width, provided the smallest side yard may not be less than 20% of the lot width. 60% of lot width is 180 ft 20% of lot width is 60 ft Combination of both sides must equal 180 ft, with one side at least 60 ft	15 ft on east side 60 ft on west side Side setback requirements not met. Variance has been requested.
152.031(C)(2)	Minimum rear setback	25 ft	25 ft
5.2.2(a)(1)	Minimum standard parking space dimensions	9 ft by 18 ft	6 parking spaces counted as standard parking spaces are not shown as being the minimum 18 ft len

Section	Regulation	Required	Provided
5.2.2(a)(2)	Minimum compact parking space dimensions	8 ft by 16 ft	Provided
5.2.2(a)(3)	Minimum handicapped parking space dimensions	Must comply with all applicable accessibility standards	Provided
152.042(D)	Minimum number of handicapped spaces	2% of total required spaces. 2% of 256 = 6 handicapped spaces required	7 handicapped spaces
ADA Requirement	Minimum number of handicapped spaces	7 handicapped spaces for facilities with 201 to 300 parking spaces	
152.042(E)	Maximum number of compact parking spaces	20% of total required (only with approval by Village Commission) 20% of 256 = 51 compact parking spaces allowed	56 parking spaces do not meet the minimum standard parking space dimensions and must be counted as compact
152.042(K)	Minimum setback of ROW from parking spaces	20 ft	Provided
152.042(M)	Minimum buffer of parking from walkways and streets	Parking spaces shall be separated from walkways, sidewalks, streets, or alleys by an approved wall, fence, curbing, or other protective device	Provided
152.042(P)	Back-out parking prohibition	Parking spaces shall not be designed so that no vehicle shall be required to back into a public ROW to obtain egress	Provided
152.044(A)(3)	Minimum number of parking spaces per hotel unit	1 space per unit, plus 10% of total spaces 36 x 1 + 10% = 39.6 42 x 1 + 10% = 46.2 54 x 2 + 10% = 118.8 39.6 + 46.2 + 118.8 = 204.6 spaces required	249 parking spaces
152.044(B)(7)	Minimum number of parking spaces for restaurant	1 space per 75 sq ft of customer svc area 2,350/75 = 31.33 spaces required	

<table>
<tr><th>Section</th><th>Regulation</th><th>Required</th><th>Provided</th></tr>
<tr><td>152.044(B)(8)</td><td>Minimum number of parking spaces per for retail</td><td>1 space per 200 sq ft of gross floor area

2,354/200 = 11.77 spaces required</td><td rowspan="2"></td></tr>
<tr><td></td><td>Total spaces required</td><td>204.6 + 31.33 + 11.77 = 248 total spaces required</td></tr>
<tr><td>152.045(B)</td><td>Minimum loading space dimensions</td><td>12 ft by 30 ft, and at least 14.5 ft of vertical clearance</td><td></td></tr>
<tr><td>152.045(C)</td><td>Loading space joint usage</td><td>Loading spaces for two or more uses may be collectively provided if so located as to be usable by all.</td><td>N/A</td></tr>
<tr><td>152.045(E)</td><td>Loading and standard parking space restriction</td><td>No areas supplied to meet required off-street parking facilities may be utilized to meet the requirements for loading spaces.</td><td>In compliance</td></tr>
<tr><td>152.045(F)(1)</td><td>Minimum number of loading spaces for retail and restaurant</td><td><table><tr><th>Gross floor area</th><th>Spaces</th></tr><tr><td><10,000</td><td>0</td></tr><tr><td>10,000-20,000</td><td>1</td></tr><tr><td>20,000-40,000</td><td>2</td></tr><tr><td>40,000-60,000</td><td>3</td></tr><tr><td>>60,000</td><td>4</td></tr></table>
2,883 + 2,354 = 5,237

No loading spaces required.</td><td>N/A</td></tr>
<tr><td>152.045(F)(2)</td><td>Minimum number of loading spaces for hotel</td><td><table><tr><th>Gross floor area</th><th>Spaces</th></tr><tr><td><25,000</td><td>0</td></tr><tr><td>25,000-50,000</td><td>1</td></tr><tr><td>50,000-100,000</td><td>2</td></tr><tr><td>>100,000</td><td>3</td></tr></table>
133,376 + 2,622 + 2,622 = 138,700

3 loading spaces required</td><td>3 loading spaces</td></tr>
<tr><td>155.17</td><td>Minimum width of maneuvering aisle</td><td>23 ft wide maneuvering aisles</td><td>Maneuvering aisle widths not given. Cannot be determined</td></tr>
</table>

Section	Regulation	Required	Provided
155.08(E)	Baywalk	A bay walkway shall be provided along the rear of the property which can be connected to other properties	Provided
155.18(A)3	Dumpster screening	Dumpster enclosures shall be designed in a manner as to visually screen the dumpster from adjacent view and shall be located in visually obscure areas of the site.	Provided
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.	Cannot determine
155.18(A)7	Mechanical equipment screening	Service bays, ground mounted air conditioning units, and other mechanical equipment shall be screened from public and on-site pedestrian view, and buffered.	Provided
Appendix D	Required benches	Benches shall be provided at a minimum of 2.5 ft sections of bench per 100 ft of linear shoreline	Not labeled or depicted properly in order to determine that this requirement has been met
Miami-Dade Landscaping			
18A-4(C)	Vegetative survey	A vegetation survey shall be provided for all sites at the same scale as the landscape plan.	Not needed as the site is currently a parking lot.
18A-4(D)	Irrigation plan	An Irrigation Plan shall be submitted. Where a landscape plan is required, an irrigation plan shall be submitted concurrently.	Not provided
18A-6(A)(5)	Maximum lawn area	20% of lot area, less the area covered by buildings	None shown.

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 shown meet or exceed this requirement.
18A-6(C)(2)	Street trees	Street trees shall be provided along all roadways at a maximum average spacing of 35 feet on center (25' for palms).	This requirement has been met.
18A-6(C)(3)	Trees under power lines	Where overhead power lines require low growing trees, street trees shall have a minimum height of 8 ft and a maximum average spacing of 25 feet on center.	Not Applicable.
18A-6(C)(4)	Palms	Palms which are spaced no more than 25 feet on center and have a 14 foot minimum height or 4 inches minimum caliper diameter may count as a required tree.	All palms provided exceed the 14' height requirement.
18A-6(C)(5)	Number of required trees	22 trees per acre required in commercial zoning categories 1.34 x 22 = 30 trees required	43 trees have been provided.
18A-6(C)(11)	Limitations on required trees	At least 30% shall be native species. At least 50% shall be low maintenance and drought tolerant. Of the required trees, no more than 30% shall be palms	All provided trees are native. Native trees are drought tolerant and low maintenance The tree requirement has been met by non-palms.
18A-6(C)(12)	Limitations on required trees	80% of required trees shall be listed in the Miami-Dade Landscape Manual, the Miami-Dade Street Tree Master Plan and/or the University of Florida's Low Maintenance Landscape Plants for South Florida list.	This requirement has been met.

Section	Regulation	Required	Provided
18A-6(D)(1)	Shrubs	All shrubs must be a minimum of 18 inches a time of planting. 10 shrubs are required for each required tree. 30% shall be native species 50% shall be low maintenance and drought tolerant 80% of required shrubs shall be listed in the Miami-Dade Landscape Manual, the Miami-Dade Street Tree Master Plan and/or the University of Florida's Low Maintenance Landscape Plants for South Florida list.	All shrubs meet this requirement. 290 shrubs are required, 292 shrubs have been provided. All shrubs are native. All native shrub used are low maintenance and drought tolerant. This requirement has been met.
18A-6(H)	Use buffers	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. 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.	The property to the east is a hotel, a use similar to the subject property, and therefore does not require a landscape buffer. The property to the west is vacant but is scheduled to be a multi-family residence which is dissimilar from the subject property, and therefore requires a landscape buffer. The landscape plan provides adequate buffering along both property boundaries between adjoining properties.

Section	Regulation	Required	Provided
18A-6(I)	Parking lot buffers	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 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.	Not Applicable. A screen parking garage is being provided.
18A-6(J)	Parking lot landscaping	10 square feet of landscaped area per parking space shall be provided within a parking lot. 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. Each tree shall have a minimum of 5 feet of planting area width, exclusive of curb dimension.	Not Applicable. A screen parking garage is being provided.
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. 75 ft required	Only 25 ft provided
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. 60 ft required on one side	60 ft on one side
33D-38(3)	Minimum side setback	Minimum of 25 ft	
33D-33(4)	Waiver from County	A waiver may be obtained from the Miami-Dade Shoreline Review Committee for exemption from the above requirements	Not provided yet

Recommendations

BUILDING HEIGHT BONUS:

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

SITE PLAN:

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

This site plan could only be approved in its present form if:

1. The approval for utilization of the Bay View Overlay District regulations is granted.
2. The setback variance from the requirements of the Bay View Overlay District is granted exactly as requested by the applicant.
3. The LDC definitions are approved as requested by the applicant.
4. The special use approval for the use of compact parking is granted.

In addition, the following list of standard site plan considerations and conditions would also have to be met.

1. Submittal of a parking plan which meets North Bay Village Code requirements.
2. Depiction of complete mechanical equipment screening.
3. Provision of benches that meet the North Bay Village Code requirements.
4. Dedication and recording of the public access easement and boardwalk prior to the issuance of a building permit.
5. Site plan approval from the Miami-Dade Shoreline Review Committee.
6. Meeting School Board Concurrency requirements as determined by School Board Staff.

7. Submittal of landscape plan and irrigation plan which meets Miami-Dade Chapter 18A requirements.

8. Payment of bonus height fees, as required under Section 152.029(C)8A-8F.

9. 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.

10. Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.

11. Approval of this site plan does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for approval if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that results in a violation of federal or state law.

12. All applicable state and federal permits must be obtained before commencement of construction.

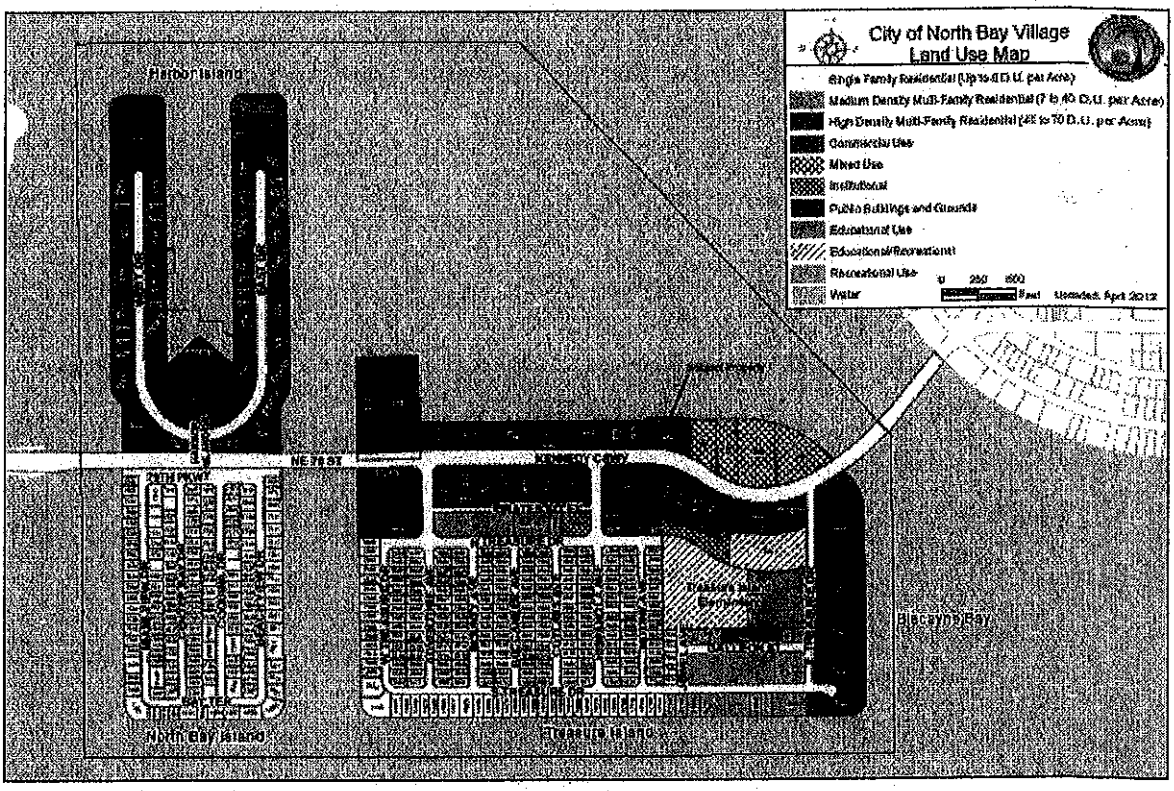
Submitted by:
James G. LaRue
James G. LaRue, AICP
Planning Consultant

January 23, 2014

Hearing: Planning & Zoning Board, January 30, 2014

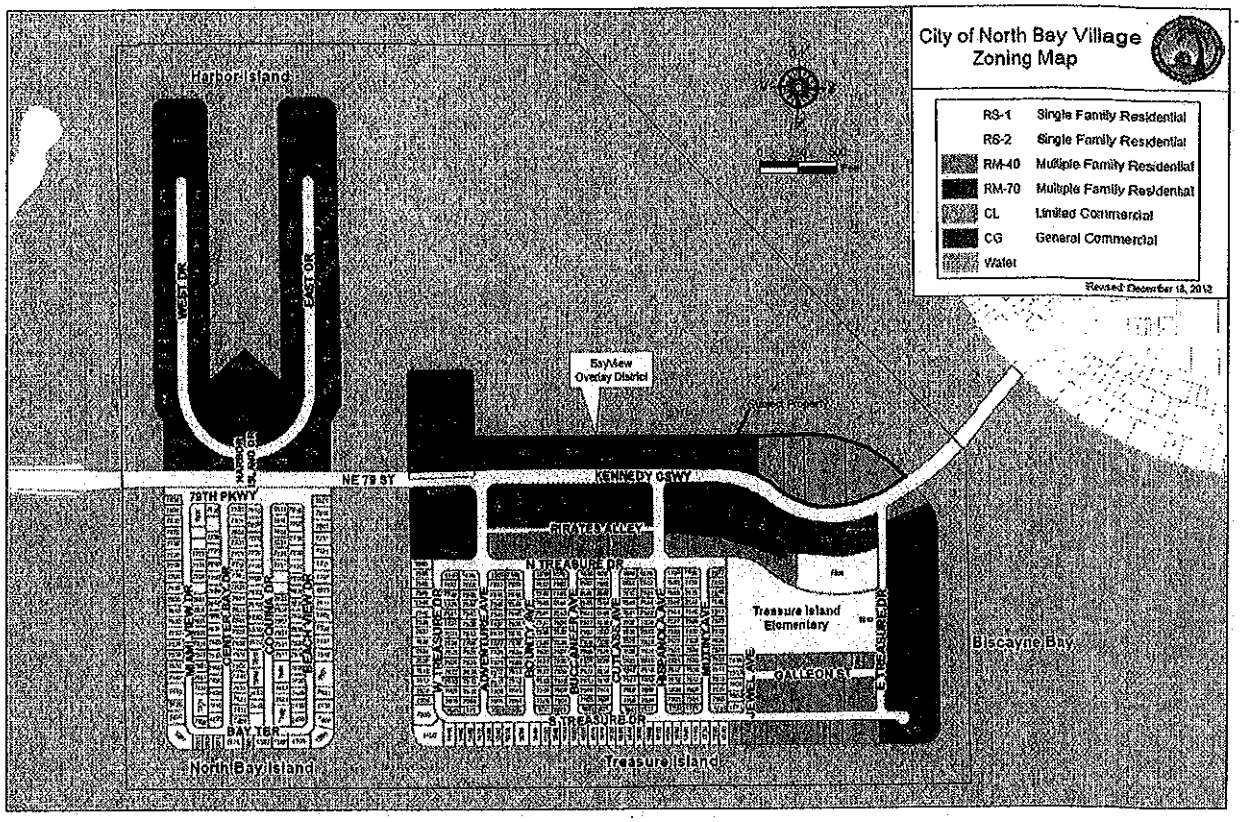
Attachments: Future Land Use Map
Zoning Map
Aerial photograph

FUTURE LAND USE
SUBJECT SITE AND ENVIRONS



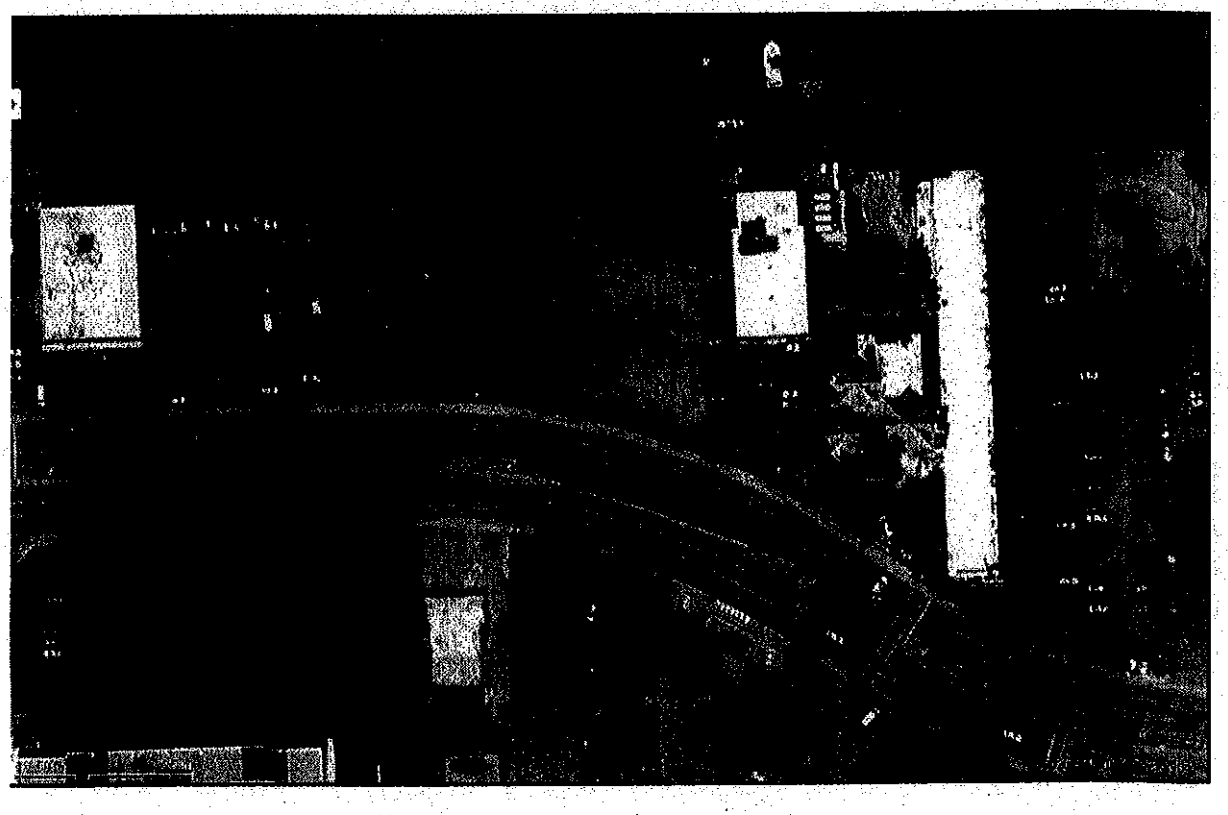
2B(46)

ZONING
SUBJECT SITE AND ENVIRONS



2B(47)

AERIAL PHOTOGRAPH
SUBJECT SITE AND ENVIRONS



2B(48)

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 ***JANUARY 30, 2014 AT 7:30 P.M. OR AS SOON AS POSSIBLE THEREAFTER, AT TREASURE ISLAND ELEMENTARY SCHOOL, 7540 EAST TREASURE DRIVE***, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING, THE BOARD WILL CONSIDER THE FOLLOWING REQUESTS AND SUBMIT A RECOMMENDATION TO THE VILLAGE COMMISSION:

1. AN APPLICATION BY 1755 NBV, LLC IN CONNECTION WITH THE DEVELOPMENT OF A 132-UNIT, 22-STORY CONDOMINIUM HOTEL AT 1755 KENNEDY CAUSEWAY FOR THE FOLLOWING:

   A. REZONING OF THE PROPERTY LOCATED AT 1755 KENNEDY CAUSEWAY AND CURRENTLY IDENTIFIED IN MIAMI-DADE COUNTY'S TAX ASSESSOR'S OFFICE AS 23-3209-000-0110, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTIONS 152.095 AND 152.100(A) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO CHANGE THE CURRENT ZONING DESIGNATION FROM CG (GENERAL COMMERCIAL) ZONING DISTRICT TO CL (LIMITED COMMERCIAL DISTRICT) AND AMENDING THE VILLAGE'S OFFICIAL ZONING DISTRICT MAP.

   B. A CODE TEXT AMENDMENT TO SECTIONS 152.003(5) AND 152.003(6) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO REDEFINE THE DEFINITION OF "DWELLING, HOTEL ROOM" AND "DWELLING, HOTEL SUITE".

   C. 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.

   D. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 132-UNIT 22-STORY CONDOMINIUM HOTEL STRUCTURE WITH A PARKING GARAGE.

   E. BUILDING HEIGHT BONUS REVIEW PURSUANT TO SECTION 152.029(C)(8)(A-F) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.

   F. BAY VIEW OVERLAY STANDARDS REVIEW, INCLUDING HEIGHT APPROVAL, PURSUANT TO SECTION 152.032(A)(3) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.

2B(49)

G. 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.

H. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES IN CONNECTION WITH THE DEVELOPMENT OF A CONDOMINIUM HOTEL STRUCTURE TO ALLOW LESS THAN THE SIDE-YARD SETBACK AS REQUIRED BY SECTION 152.032(C)(2)(C).

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
(January 14, 2014)

ZB(58)

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: 1755 NBV, LLC
1755 Kennedy Causeway
Treasure Island
North Bay Village, FL 33141

Request for the following:

A. REZONING OF THE PROPERTY LOCATED AT 1755 KENNEDY CAUSEWAY AND CURRENTLY IDENTIFIED IN MIAMI-DADE COUNTY'S TAX ASSESSOR'S OFFICE AS 23-3209-000-0110, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTIONS 152.095 AND 152.100(A) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO CHANGE THE CURRENT ZONING DESIGNATION FROM CG (GENERAL COMMERCIAL) ZONING DISTRICT TO CL (LIMITED COMMERCIAL DISTRICT) AND AMENDING THE VILLAGE'S OFFICIAL ZONING DISTRICT MAP.

B. A CODE TEXT AMENDMENT TO SECTIONS 152.003(5) AND 152.003(6) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO REDEFINE THE DEFINITION OF "DWELLING, HOTEL ROOM" AND "DWELLING, HOTEL SUITE".

C. 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.

D. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 132-UNIT 22-STORY CONDOMINIUM HOTEL STRUCTURE WITH A PARKING GARAGE.

E. BUILDING HEIGHT BONUS REVIEW PURSUANT TO SECTION 152.029(C)(8)(A-F) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.

F. BAY VIEW OVERLAY STANDARDS REVIEW, INCLUDING HEIGHT APPROVAL, PURSUANT TO SECTION 152.032(A)(3) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.

2B(51)

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

G. 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.

H. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES IN CONNECTION WITH THE DEVELOPMENT OF A CONDOMINIUM HOTEL STRUCTURE TO ALLOW LESS THAN THE SIDE-YARD SETBACK AS REQUIRED BY SECTION 152.032(C)(2)(C).

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 1755 NBV, LLC for the requests referenced herein is complete.

Dated this 17th day of January 2014.

Yvonne P. Hamilton
Village Clerk

(Planning & Zoning Board Meeting-1/30/2014)

2B(52)

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: 1755 NBV, LLC
1755 Kennedy Causeway
Treasure Island
North Bay Village, FL 33141

Request for the following:

A. REZONING OF THE PROPERTY LOCATED AT 1755 KENNEDY CAUSEWAY AND CURRENTLY IDENTIFIED IN MIAMI-DADE COUNTY'S TAX ASSESSOR'S OFFICE AS 23-3209-000-0110, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTIONS 152.095 AND 152.100(A) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO CHANGE THE CURRENT ZONING DESIGNATION FROM CG (GENERAL COMMERCIAL) ZONING DISTRICT TO CL (LIMITED COMMERCIAL DISTRICT) AND AMENDING THE VILLAGE'S OFFICIAL ZONING DISTRICT MAP.

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2B (53)

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

G. 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.

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I, Yvonne P. Hamilton, Village Clerk, hereby certify that the attached Notice of Public Hearing was mailed to property owners and residents within 300 feet of the property of the subject request pursuant to Section 152.096(A)(2) of the North Bay Village Code of Ordinances on January 16, 2014.

Dated this 21st day of January 2014.

Yvonne P. Hamilton
Village Clerk

(Planning & Zoning Board Meeting-1/30/2014)

2B(54)

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: 1755 NBV, LLC
1755 Kennedy Causeway
Treasure Island
North Bay Village, FL 33141

Request for the following:

A. REZONING OF THE PROPERTY LOCATED AT 1755 KENNEDY CAUSEWAY AND CURRENTLY IDENTIFIED IN MIAMI-DADE COUNTY'S TAX ASSESSOR'S OFFICE AS 23-3209-000-0110, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTIONS 152.095 AND 152.100(A) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO CHANGE THE CURRENT ZONING DESIGNATION FROM CG (GENERAL COMMERCIAL) ZONING DISTRICT TO CL (LIMITED COMMERCIAL DISTRICT) AND AMENDING THE VILLAGE'S OFFICIAL ZONING DISTRICT MAP.

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F. BAY VIEW OVERLAY STANDARDS REVIEW, INCLUDING HEIGHT APPROVAL, PURSUANT TO SECTION 152.032(A)(3) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.

2B(55)

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

G. 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.

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I, Yvonne P. Hamilton, hereby certify that the attached Notice of Public Hearing to be held on January 30, 2014 was posted at the above-referenced property on January 17, 2014.

Dated this 21st day of January 2014.

Yvonne P. Hamilton
Village Clerk

(Planning & Zoning Board Meeting-1/30/2014)

2B(56)

CONCORD DEVELOPMENT
719 MERIDIAN AVE STE 2
MIAMI BEACH FL
33239

COLE BN NORTH BAY VILLAGE FL
1665 KENNEDY CAUSEWAY
NORTH BAY VILLAGE, FL 33141

ATLANTIC BROADBAND
1681 KENNEDY CAUSEWAY
NORTH BAY VILLAGE, FL
33141

THE INN ON THE BAY LTD
1819 KENNEDY CAUSEWAY
N. BAY VILLAGE, FL 33141

THE SHOPPES OF NORTH BAY
VILLAGE, LLC
1320 S. Dixie Highway, Suite 781
Miami, Florida 33146

THE LEXI CONDOMINIUM
7901 HISPANOLA AVENUE
N. BAY VILLAGE, FL 33141

THE WITE HOUSE
CONDOMINIUM
1770 KENNEDY CAUSEWAY
N. BAY VILLAGE, FL 33141

BAYVIEW CONDOMINIUM
1625 KENNEDY CAUSEWAY
N. BAY VILLAGE, FL 33141

CAUSEWAY TOWER
1666 KENNEDY CSWY., #600
N. BAY VILLAGEL, FL 33141

2B(57)

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Owner/Occupant
1625 Kennedy Causeway, #501E
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #502F
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #503F
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #504D
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #505B
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #506B
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #507A
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #508A
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #509C
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #601E
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #602F
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #603F
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #604D
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #605B
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #606B
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #607A
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #608A
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #609C
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #701E
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #702F
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #703F
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #704D
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #705D
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #706B
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #707A
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #708A
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #709C
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #801E
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #802H
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #803H
N. Bay Village, FL 33141

ZB(58)

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Owner/Occupant
1625 Kennedy Causeway,
#804D
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#805D
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#806B
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#807A
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#808A
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#809C
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #901E
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#902H
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#903H
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#904D
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#508A
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#509C
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#907A
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#908A
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#909C
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#1001E
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#1002H
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#1003H
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
#1004D
N. Bay Village, FL 33141

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1625 Kennedy Causeway
#1005B
N. Bay Village, FL 33141

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1625 Kennedy Causeway
#1006B
N. Bay Village, FL 33141

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#1007A
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
#1008A
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
#1009C
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
#1102D
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
#1103B
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
#1104B
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
#1105G
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
#1106G
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
#1109C
N. Bay Village, FL 33141

2B(59)

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Owner/Occupant
1625 Kennedy Causeway,
#1201E
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#1202D
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#1203B
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
#1204B
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
#1205G
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
#1207C
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
#PH101E
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
#PH102D
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
#PH103B
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
#PH104B
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
#PH105G
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
#PH106G
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
#PH107C
N. Bay Village, FL 33141

2B(60)

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Owner / Occupant
1770 Kennedy Causeway, #A108
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #A109
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #A110
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #A111
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #A112
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #B101
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #B102
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #B103
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #B104
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #B105
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #B106
North Bay Village, FL 33141

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1770 Kennedy Causeway, #B107
North Bay Village, FL 33141

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1770 Kennedy Causeway, #B108
North Bay Village, FL 33141

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1770 Kennedy Causeway, #B109
North Bay Village, FL 33141

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1770 Kennedy Causeway, #B110
North Bay Village, FL 33141

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North Bay Village, FL 33141

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1770 Kennedy Causeway, #B112
North Bay Village, FL 33141

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North Bay Village, FL 33141

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North Bay Village, FL 33141

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1770 Kennedy Causeway, #B203
North Bay Village, FL 33141

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1770 Kennedy Causeway, #B204
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #B205
North Bay Village, FL 33141

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1770 Kennedy Causeway, #B206
North Bay Village, FL 33141

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1770 Kennedy Causeway, #B207
North Bay Village, FL 33141

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1770 Kennedy Causeway, #B208
North Bay Village, FL 33141

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1770 Kennedy Causeway, #B209
North Bay Village, FL 33141

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1770 Kennedy Causeway, #B210
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #B211
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #B212
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #C301
North Bay Village, FL 33141

2B(61)

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Owner / Occupant
1770 Kennedy Causeway, #C302
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #C303
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #C304
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #C305
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #C306
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #C307
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #C308
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #C309
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #C310
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #C311
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #C312
North Bay Village, FL 33141

2B(62)

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

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1780 Kennedy Causeway, #C305
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1780 Kennedy Causeway, #C306
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1780 Kennedy Causeway, #C307
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1780 Kennedy Causeway, #C308
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1780 Kennedy Causeway, #C309
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1780 Kennedy Causeway, #C310
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1780 Kennedy Causeway, #C311
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Owner / Occupant
1780 Kennedy Causeway, #C312
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #A101
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #A102
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #A103
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #A104
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #A105
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #A106
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #A107
North Bay Village, FL 33141

2B(63)

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Owner / Occupant
1790 Kennedy Causeway, #B208
North Bay Village, FL 33141

Owner / Occupant
1790 Kennedy Causeway, #B209
North Bay Village, FL 33141

Owner / Occupant
1790 Kennedy Causeway, #B210
North Bay Village, FL 33141

Owner / Occupant
1790 Kennedy Causeway, #B211
North Bay Village, FL 33141

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1790 Kennedy Causeway, #B302
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1790 Kennedy Causeway, #B305
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North Bay Village, FL 33141

Owner / Occupant
1780 Kennedy Causeway, #C101
North Bay Village, FL 33141

Owner / Occupant
1780 Kennedy Causeway, #C102
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1780 Kennedy Causeway, #C103
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Owner / Occupant
1780 Kennedy Causeway, #C112
North Bay Village, FL 33141

Owner / Occupant
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North Bay Village, FL 33141

28(64)

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North Bay Village, FL 33141

Owner / Occupant
1800 Kennedy Causeway, #A-102
Miami Beach, FL 33141

Owner / Occupant
1800 Kennedy Causeway, #A103
North Bay Village, FL 33141

Owner / Occupant
1800 Kennedy Causeway, #A-104
North Bay Village, FL 33141

Owner / Occupant
1800 Kennedy Causeway, #A105
North Bay Village, FL 33141

Owner / Occupant
1800 Kennedy Causeway, #A106
North Bay Village, FL 33141

Owner / Occupant
1800 Kennedy Causeway, #A107
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1800 Kennedy Causeway, #A202
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1800 Kennedy Causeway, #A203
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1800 Kennedy Causeway #A204
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Owner / Occupant
1800 Kennedy Causeway, #A306
North Bay Village, FL 33141

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North Bay Village, FL 33141

Owner / Occupant
1800 Kennedy Causeway, #A308
North Bay Village, FL 33141

Owner / Occupant
1800 Kennedy Causeway, #A309
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Owner / Occupant
1790 Kennedy Causeway #B102
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Owner / Occupant
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North Bay Village, FL 33141

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Owner/Occupant
7901 Hispanola Avenue, #601
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #602
North Bay Village, FL 33141

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7901 Hispanola Avenue, #603
North Bay Village, FL 33141

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7901 Hispanola Avenue, #605
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7901 Hispanola Avenue, #608
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7901 Hispanola Avenue, #702
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7901 Hispanola Avenue, #904
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7901 Hispanola Avenue, #906
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7901 Hispanola Avenue, #907
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Owner/Occupant
7901 Hispanola Avenue, #908
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7901 Hispanola Avenue, #911
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7901 Hispanola Avenue, #1001
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7901 Hispanola Avenue, #1005
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7901 Hispanola Avenue, #1209
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7901 Hispanola Avenue, #1006
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7901 Hispanola Avenue, #1007
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7901 Hispanola Avenue, #1009
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7901 Hispanola Avenue, #1011
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Owner/Occupant
7901 Hispanola Avenue, #1210
North Bay Village, FL 33141

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7901 Hispanola Avenue, #1211
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7901 Hispanola Avenue, #1501
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Owner/Occupant
7901 Hispanola Avenue, #1708
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Owner/Occupant
7901 Hispanola Avenue, #2001
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #2002
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #2003
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #2004
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #2006
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #2008
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #2010
North Bay Village, FL 33141

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

2B(70)

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 ***JANUARY 30, 2014 AT 7:30 P.M. OR AS SOON AS POSSIBLE THEREAFTER, AT TREASURE ISLAND ELEMENTARY SCHOOL, 7540 EAST TREASURE DRIVE***, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING, THE BOARD WILL CONSIDER THE FOLLOWING ITEMS AND SUBMIT RECOMMENDATIONS TO THE VILLAGE COMMISSION:

1. AN APPLICATION BY 1755 NBV, LLC IN CONNECTION WITH THE DEVELOPMENT OF A 132-UNIT, 22-STORY CONDOMINIUM HOTEL AT 1755 KENNEDY CAUSEWAY FOR THE FOLLOWING:
   A. REZONING OF THE PROPERTY LOCATED AT 1755 KENNEDY CAUSEWAY AND CURRENTLY IDENTIFIED IN MIAMI-DADE COUNTY'S TAX ASSESSOR'S OFFICE AS 23-3209-000-0110, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTIONS 152.095 AND 152.100(A) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO CHANGE THE CURRENT ZONING DESIGNATION FROM CG (GENERAL COMMERCIAL) ZONING DISTRICT TO CL (LIMITED COMMERCIAL DISTRICT) AND AMENDING THE VILLAGE'S OFFICIAL ZONING DISTRICT MAP.
   B. A CODE TEXT AMENDMENT TO SECTIONS 152.003(5) AND 152.003(6) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO REDEFINE THE DEFINITION OF "DWELLING, HOTEL ROOM" AND "DWELLING, HOTEL SUITE".
   C. 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.
   D. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 132-UNIT 22-STORY CONDOMINIUM HOTEL STRUCTURE WITH A PARKING GARAGE.
   E. BUILDING HEIGHT BONUS REVIEW PURSUANT TO SECTION 152.029(C)(6)(A-F) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.
   F. BAY VIEW OVERLAY STANDARDS REVIEW, INCLUDING HEIGHT APPROVAL, PURSUANT TO SECTION 152.032(A)(3) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.
   G. 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.
   H. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES IN CONNECTION WITH THE DEVELOPMENT OF A CONDOMINIUM HOTEL STRUCTURE TO ALLOW LESS THAN THE SIDE-YARD SETBACK AS REQUIRED BY SECTION 152.032(C)(2)(C).
2. AN APPLICATION BY 7914 BUILDING, LLC CONCERNING PROPERTY LOCATED AT 7914, 7916 AND 7918 WEST DRIVE, TRACT C OF HARBOR ISLAND, NORTH BAY VILLAGE, FLORIDA FOR THE FOLLOWING:
   A. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 53 UNIT, 16 STORY MULTI-FAMILY CONDOMINIUM STRUCTURE IN THE RM-70 (HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL) ZONING DISTRICT.
   B. BONUS DENSITY REVIEW PURSUANT TO SECTION 152.029(C)(5)(H) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.
3. AN APPLICATION BY ISLES OF DREAMS, LLC CONCERNING PROPERTY LOCATED AT 1415 KENNEDY CAUSEWAY, TRACT C OF HARBOR ISLAND, 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. BUILDING HEIGHT BONUS REVIEW PURSUANT TO SECTION 152.029(C)(6)(A-F) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.
   C. BAY VIEW OVERLAY STANDARDS REVIEW PURSUANT TO SECTION 152.032(A)(3) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.
   D. SITE PLAN APPROVAL PURSUANT TO SECTIONS 152.105(C)(9) AND 152.030(C)(3) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 237 UNIT, 32 STORY MULTI-FAMILY CONDOMINIUM STRUCTURE IN THE RM-70 (HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL) ZONING DISTRICT.
   E. 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.

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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YVONNE P. HAMILTON, CMC
VILLAGE CLERK
(January 16, 2014)

NEIGHBORS CALENDAR

• CALENDAR, FROM 33NE

Weisbord and Ediberto Román, FIU law professors..

2 p.m. Jan. 25. HistoryMiami, 101 W. Flagler St.; Downtown Miami. Free. 305-375-1614. www.historymiami.org/.

Urban Environments: a Bird's-eye View: Balancing land-use change, climate change, and invasive species, South Florida is an ideal microcosm for urban ecologists to study the relationship between society and the env.

7 p.m. Jan. 22. Deering Estate, 16701 SW 72nd Ave., Palmetto Bay. 305-919-6000. https://calendar.fiu.edu/events/view/129110.

TANGO

Every Tuesday Tango Class in Miami Shores 9pm: Tango Class 9pm Teacher Diego Santana https://www.facebook.com/events/607298829310378/

9 p.m. Jan. 21. MPower Projet GYM, 9301 NE Sixth Ave., Miami Shores. 15. 786-355-0882. www.diegosantanatango.com.

THEATER

Antony & Cleopatra: GableStage is collaborating with two of the world's most prestigious theaters - The Public in NYC and the Royal Shakespeare Company in the UK - on what promises to be one of t.

2 p.m. Jan. 19. Colony Theater, 1040 Lincoln Rd., Miami Beach. 305-674-1040.

FIU Theatre presents Julius Caesar: Shakespeare's play directed by Phillip M. Church is performed and takes a contemporary approach with gender changes and multimedia effects. Tickets available at website..

8 p.m. Jan. 24. Herbert and Nicole Wertheim Performing Arts Center at FIU, 10910 SW 17th St., University Park. $10-15. 305-348-0496. wpac.fiu.edu/theatre.

FIU Theatre presents June Moon: A throwback to New York City in the 1920s when big bands, popular song writing radio shows and creating catchy tunes were all the rage. A lyricist sells a song that becomes a hit and finds out who his real friends are..

2 p.m. Jan. 26. Herbert and Nicole Wertheim Performing Arts Center at FIU, 10910 SW 17th St., University Park. $10-15. 305-348-0496. www.theatre.fiu.edu.

Florida International University Theatre presents: June Moon: A throwback to New York City in the 1920s when big bands, popular song writing radio shows and creating catchy tunes were all the rage. A lyricist sells a song that becomes a hit and finds out who his real friends are..

8 p.m. Jan. 24. Herbert and Nicole Wertheim Performing Arts Center at FIU, 10910 SW 17th St., University Park. $10 students & faculty/staff; $15 general admission. 305-348-2895.

Godspell: Prepare ye for GODSPELL,the beloved musical from Stephen Schwartz, the Grammy and Academy Award winning composer of Wicked. Enjoy all the good gifts of one of the most endur.

3 p.m. Jan. 19. South Miami-Dade Cultural Arts Center, 10950 SW 211th St., Cutler Bay. $37.50-$70. 786-573-5300. www.smdcac.org.

Mad Cat Theatre presents MIXTAPE 2- UMMAGUMMA FORZA ZUMA!: New works fashioned under the strain of metamorphasis and featuring multiple local artists and familiar faces..

• TURN TO CALENDAR, 39NE

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January 14, 2014

Jim LaRue, Planning Director
North Bay Village
1666 Kennedy Causeway, Suite 300
North Bay Village, FL 33141

Re: 1755 Kennedy Causeway
North Bay Village, FL

Dear Mr. LaRue:

This letter serves as a supplement to the Letter of Intent ("LOI") submitted on December 23, 2013 on behalf of the applicant, 1755 NBV, LLC (the "Applicant"), for the project known as 1755 Kennedy Causeway (the "Project" and the "Property"). Specifically, this LOI addresses requests for additional information, as memorialized in two (2) memos from your office, dated January 8, 2014 and January 9, 2014, and in an email from your office dated January 10, 2014.

In response to the January 8, 2014 memo, an estimate of water and sewer demand for the project has been submitted to Rodney Carrero-Santana, Public Works Director. A special use exception application is hereby submitted in order to authorize the use of the Bay View Overlay (BVO) district regulations, as well as to authorize the use of up to 20% of required parking spaces as compact spaces. The requirements set forth in Section 152.098 of the Village Code of Ordinances are addressed, in order to justify the request for special use exceptions.

In response to your January 9, 2014 memo, Section 152.100(A) of the Village Code of Ordinances related to text amendments is addressed below.

A. <u>Special Use Exception</u>

As set forth in Village Code of Ordinances Section 152.098(B), the City Commission may permit certain uses or buildings as special use exceptions, *provided there are clear*

indications that such exceptions will not substantially affect adversely the uses permitted in these regulations of adjacent property.

The BVO district regulations allow for buildings up to 340 feet in height to be constructed on properties located within the BVO district. The Project will utilize bonus building height, available via the BVO district regulations, to allow for a building that extends above the height permitted as of right in the CG (current) zoning district and CL (proposed) zoning district. The proposed use of the BVO district regulations to construct a building taller than would be permitted in the underlying zoning district is not anticipated to adversely affect adjacent properties. Properties to the east and west also lie within the BVO district and therefore are eligible for the same bonus building height that is available for the Project.

Section 152.042(E) of the Village Code of Ordinances allows for up to 20 percent of required parking spaces to be designed for small vehicles, provided the spaces are marked "for compact cars only" and located in a defined area. The Project includes such provision for compact cars. The uses of adjacent properties will not be adversely impacted by the use of compact spaces, as the required parking for the Project will be exceeded onsite.

B. <u>Text Amendment</u>

As detailed in the LOI dated December 23, 2013, the applicant requests amendment to the following definitions as set forth in the Village Code of Ordinances:

152.003(5) Dwelling, hotel room. A residential unit, which is used on a temporary basis by transient guests ~~and does not contain kitchen facilities~~.

152.003(6) Dwelling, hotel suite. A group of hotel rooms connected together ~~containing no kitchen facilities~~.

The proposed text amendments comply with the Village Code of Ordinances Section 152.100(A), as follows:

1. *The proposed change and its likely effects are not contrary to Comprehensive Plan requirements.*

Policy 2.1.1a of the Comprehensive Plan allows for hotel use on properties within the Commercial Future Land Use category. The provision of kitchens within hotel rooms does not change the function of a hotel room as a transient use and therefore is not contrary to the Comprehensive Plan requirements.

2. *The proposed change and its likely effects are compatible with the intent of the LDRs and specifically the intent of the zoning district(s) affected.*

The only zoning district that presently allows hotel use is CL. As set forth in Village Code of Ordinances Section 152.031(A), *the purpose of this* [CL] *district is to provide for an area in which tourist accommodation, including but not limited to hotels and motels and accessory uses thereto, will be permitted.* The option to include kitchen facilities within hotel rooms is not inconsistent with the LDRs since the intent is to provide for tourist accommodations. The applicant contends that offering kitchen facilities is an attractive amenity for a hotel.

3. *The proposed change and its likely effects will not have an adverse effect on the public interest.*

The proposed changes are not anticipated to adversely affect the public interest. The proposed changes will allow for greater flexibility and ability to offer a valuable amenity within tourist accommodations.

4. *The proposed change and its likely effects will not adversely affect living conditions, or be a deterrent to the improvement or development of other properties in the zoning district(s) affected or nearby thereto.*

The proposed change will only affect the CL zoning district, which is currently the only district that allows for hotel use. The proposed changes are not anticipated to adversely impact living conditions or deter development in any way. As stated previously, the proposed change will allow for improved amenities within hotels.

5. *The proposed change will not create a density or intensity pattern that would overburden public facilities such as schools, streets, and utility services.*

Any future proposed development project will be required to meet level of service standards for public facilities. The proposed text amendments will not affect the requirement for future developments to comply with level of service standards.

6. *The proposed change will not result in increased traffic congestion, flooding or drainage problems, or otherwise affect public safety.*

As stated above, any proposed project would be required to meet level of service standards and to comply with flood hazard and drainage regulations in the interest of public safety. The proposed text amendments will not affect the requirements for future projects to meet such requirements.

Based on the foregoing analysis, we respectfully request approval by the Village Commission for the Project.

Sincerely,

Neisen O. Kasdin

2B(75)

Neisen O. Kasdin

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December 23, 2013

Jim LaRue, Planning Director
North Bay Village
1666 Kennedy Causeway, Suite 300
North Bay Village, FL 33141

Re: 1755 Kennedy Causeway
North Bay Village, FL

Dear Mr. LaRue:

On behalf of the applicant, 1755 NBV, LLC (the "Applicant"), enclosed herein please find an application for development of the subject property, located at 1755 Kennedy Causeway (the "Property") in North Bay Village (the "Village"), Florida. The Property is approximately 1.34 acres in size and presently occupied by a surface parking lot. The proposed development will consist of a 132-unit, 22-story condominium hotel with attached parking structure and with accessory commercial uses on the ground floor (the "Project"). The accessory commercial uses are likely to include a restaurant with waterfront terrace, as well as retail uses. This application includes a request for site plan approval, rezoning, variance, Code text amendment and request to utilize up to 20% compact parking spaces. Since the Property is located adjacent to Biscayne Bay, in addition to this submittal, the Applicant will submit a separate application for review by the Biscayne Bay Shoreline Committee.

The Property is located on the north side of Kennedy Causeway on Treasure Island and is within the heart of the commercial district of the Village. Historically, this area of the Kennedy Causeway was a vibrant enclave of restaurants and retail destinations, although in recent years the area has experienced a decline. Through this Project, the Applicant seeks to revitalize the Causeway and create a destination for residents and tourists, drawing activity and revenues to the Village. As part of the Project, a portion of bay walk will be constructed along the Property's Biscayne Bay frontage to create linear access for pedestrians along the waterfront.

The Property is located within the General Commercial (CG) zoning district as depicted

on the North Bay Village Zoning Map. Similarly zoned properties are located to the west and south. Parcels to the east are within the Limited Commercial (CL) zoning district. The Property also lies within the Bay View Overlay (BVO) district, which was adopted pursuant to Ordinance 2012-08, and is codified as Code Section 152.032 (the "BVO regulations"). The BVO regulations allow for height and density bonuses for commercial properties on the north side of Kennedy Causeway.[1] Per the North Bay Village Land Use Map, the Property is designated as Commercial land use.

1. Application for Rezoning

The Applicant proposes to rezone the Property from its present zoning designation of CG to CL. An aggregation of parcels within the CL zoning district is located at the north side of Kennedy Causeway directly east of the Property. The Applicant proposes rezoning because the CG regulations do not allow for a hotel use, whereas the CL district allows hotels. The rezoning is consistent with current land development patterns, as the property to the east is zoned CL and is occupied by a hotel. The rezoning would not affect consistency with the Comprehensive Plan as Commercial future land use designation is compatible with both the CG and CL zoning districts.

The proposed rezoning is consistent with North Bay Village Code Section 152.100(B)(2), Amendments and changes to zoning, comprehensive plan regulations, as follows:

(a) The proposed amendment will place all property similarly situated in the area in the same category, or in appropriate complementary categories.

A group of parcels with CL zoning are located directly east of the site, on the north side of Kennedy Causeway. To the west and on the north side of Kennedy Causeway are parcels zoned CG. We understand that the Village is investigating the possibility of rezoning all commercially zoned (CL and CG) parcels into one commercial zoning district, thereby eliminating the current distinctions between the two commercial districts. Such an amendment would place all similarly situated properties on the north and south sides of Kennedy Causeway in the same category. In the absence of such a change, however, the Applicant proposes to rezone the Property to CL in order to be consistent with parcels at the north side of the Kennedy Causeway and to the east of the Property.

[1] An ordinance to amend the BVO regulations was heard by the Village Commission at first reading on May 14, 2013. This ordinance would amend the BVO regulations as follows: *When a CL zoned property is located in the Bay View Overlay District, all provisions of Section 152.032 shall apply. When the provisions of the Bay View Overlay District are applied to a property in this zoning district [CL], the bonus height provisions of Section 152.029(C)(8) shall also apply.* Although not presently codified, if adopted, this ordinance would allow a property in the CL Zoning District and Bay View Overlay District to utilize the bonus height and density provisions of the RM-70 regulations, regardless of whether the project is residential in nature.

(b) There is a convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest, and not merely in the interest of an individual or small group of people.

The main distinction between the CL and CG commercial districts is that CL is intended to allow for development of hotels and tourist amenities. If the property is rezoned to CL, the Applicant intends to develop the property with a hotel and restaurant, which will be in the general public interest and will help to invigorate a struggling commercial corridor.

(c) There is a convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which an applicant states he intends to make of the property involved).

The Applicant does not propose to incorporate a new zoning district into the Code. Rather, the Applicant requests rezoning one property so as to be consistent with adjacent parcels with the same zoning designation.

(d) There is convincing evidence that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.

The proposed change will make the uses permitted on the Property consistent with those permitted on the adjacent property to the east. New uses are not proposed for the CL zoning district in connection with this change that might alter the character or adversely affect the neighborhood.

(e) The proposed change is in accord with the comprehensive master plan and sound comprehensive planning and zoning principles.

According to the Comprehensive Plan for North Bay Village, the Property, as well as all properties on Treasure Island that are on the north side of Kennedy Causeway, are designated with Commercial future land use. The CL zoning district is compatible with the Commercial future land use designation. Further, the Applicant proposes to construct a hotel on the Property, which is clearly defined in the Comprehensive Plan as a commercial use.

2. **<u>Application for Site Plan Approval</u>**

The proposed project consists of a 22-story condominium hotel with 132 units as well as a parking structure that will be incorporated into the podium of the building. Approximately 6,245 sq. ft. of accessory commercial uses will be located on the ground floor, with access from

inside the building.[2] Approximately 5,284 sq. ft. will be dedicated to the lobby/common areas. The Applicant envisions a restaurant to occupy the waterfront accessory commercial space and outdoor terrace on the ground level, while the remaining accessory commercial areas on the ground level will be used for retail use with specific tenancy to be determined at a later time.

Pursuant to Policy 2.1.1.a. of the North Bay Village Comprehensive Plan, "Commercial" means *A broad range of general and professional office, retail, banking, hotel, service establishments, and high density residential.* Further, this policy identifies a maximum floor area ratio (FAR) of 2.5 for commercial uses. The Project's FAR will not exceed 2.5, which is consistent with the Comprehensive Plan.

The proposed density has been calculated in accordance with the table set forth in Code Section 152.031(C)(3), which allows hotel and motel units at a maximum density of 99 units per acre. Based on the site area of 1.34 acres, this allows for a maximum of 132 hotel units. Additionally, Code Section 152.031(C)(3) requires a minimum of 440 sq. ft. of lot area per unit. The total required square footage of lot area for 132 hotel units totals 58,080 sq. ft; a more than sufficient 58,370 sq. ft. is provided onsite.

The proposed hotel units are broken down as follows:

Hotel Units	**Description**	**Average Unit Size**	**Number Proposed**
Unit Type 1	efficiency	420 sq. ft.	36
Unit Type 2	one-bedroom	819 sq. ft.	42
Unit Type 3	two-bedroom	1,317 sq. ft.	54
Total			132

The project is in compliance with the requirements for site plans that contain more than 299 sq. ft. of commercial space as described at North Bay Village Code Section 152.105(C)(9)(a) through (d) as follows:

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

The Project will not result in undesirable effects on contiguous and nearby property. The project is anticipated to positively impact an underutilized commercial corridor. The Project will

[2] Per Code Section 152.031(B)(4), the CL district allows *Office, retail, and service commercial facilities of an ancillary nature within structures containing 100 or more dwelling units, time sharing units, or guestrooms. Access to such nonresidential facilities shall be only from inside the building and there shall be no external advertising signs, display windows, or entrances. Said uses shall be considered accessory uses to the building and not independent therefrom. Such commercial facilities shall be on a separate floor or otherwise segregated from dwelling units.* The proposed commercial uses are accessory to the hotel, not independent uses.

consist of an attractive building and landscaping on what is presently a surface parking lot and will provide public access along the waterfront.

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

The proposed project provides sufficient off street parking and loading facilities, as discussed later in this letter.

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

The Project is a striking building that will enhance the character of the commercial corridor along Kennedy Causeway. The streetscape will be enhanced by the provision of attractive landscaping along the Property's frontage, thereby enhancing the appearance and character of the neighborhood and substantially improving the pedestrian realm from its present condition.

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

The project will have direct access to Kennedy Causeway. The impacts to the roadway are discussed within the Traffic Impact Study prepared by Richard Garcia & Associates, which is enclosed with this application. Existing infrastructure is available to serve the site.

A. Bay View Overlay District

The Property is located within the Bay View Overlay (BVO) district and is thereby eligible for bonus height above the maximum building height permitted as of right within the CL zoning district. The bonus heights described at 152.029(C)(8)(A) through (F) are being utilized for the Project and added together total ninety feet.[3]

Pursuant to North Bay Village Code Section 152.032(A)(3)(b), the project:

[3] Per North Bay Village Code Section 152.029(C)(8)(A) through (F), a developer is able to purchase bonus building height in ten and twenty foot increments for impact fees assessed per unit; the available bonus height totals 90 feet. Code Section 152.032(C)(a) of the Bay View Overlay District regulations indicates that a building height of up to 340 feet may be approved after *a property is approved for a building height of 240 feet under the building height bonus provisions of subsections 152.029(C)(8)8(A) through 8(F).* However, in the CL district, it is not possible to achieve a building height of 240 feet solely through utilizing all of the bonus height provisions of 152.029(C)(8)(A) through (F).

1. Is compatible with surrounding intensities and densities of development.

The Project is not incompatible with surrounding intensities and densities, but will consist of higher intensity development than adjacent properties. The property to the west is presently vacant and the property to the east is occupied by a Best Western hotel and Shucker's restaurant, which are smaller in scale than the current proposal. However, the project is consistent with the increased building heights envisioned for the commercial properties on the north side of Kennedy Causeway by the Village Commission, as demonstrated by their adoption of Ordinance 2012-08, by which the BVO district regulations were subsequently codified.

2. Provides access to adequate light and air for surrounding properties.

The Project maintains setbacks at its east and west sides in order to provide adequate light and air for surrounding properties.

3. Preserves views of, and view corridors to, Biscayne Bay consistent with the Village's 2007 Master Charrette Plan.

In accordance with the requirements of the Biscayne Bay Shoreline Committee, a view corridor consisting of 20% of the lot width (60 feet) will be maintained on the west side of the property. An additional view corridor will be maintained at the east side of the property (15 feet) in order to preserve views of Biscayne Bay from Kennedy Causeway.

In addition to preserving views of Biscayne Bay, one of the stated goals identified by the 2007 Master Charrette Plan was to increase the "Wow" factor and improve building design at the north side of Kennedy Causeway. As shown on the Project renderings, the Project will be an attractive and impressive building, yet will not block the views of Biscayne Bay in accordance with the goals of the 2007 Master Charrette Plan.

B. Off Street Parking

In accordance with Code of Section 152.044, the required off street parking for hotels/motels is one (1) space per rental sleeping unit, plus 10% of total parking spaces. Based on a total of 186 sleeping units, this generates required parking in the amount of 205 spaces. The required spaces for the accessory commercial uses were calculated based on 2,883 sq. ft. of restaurant space and 2,354 sq. ft. of retail space. The parking requirement for restaurant use is calculated as one (1) space per 75 sq. ft. and the parking requirement for retail use is calculated as one (1) space per 200 sq. ft.

The parking requirements are summarized as follows:

Use	Parking Calculation	Required spaces
Hotel	1 space per rental sleeping unit plus 10%	204.6
Retail	1 space per 200 sq. ft. (2,354 sq ft. of retail)	11.77
Restaurant	1 space per 75 sq. ft. (2,883 sq. ft of restaurant)	38.44
Total		255

A total of 264 parking spaces will be provided for the Project, yielding a surplus of nine (9) parking spaces. Of the 264 spaces, 253 will be provided in the parking structure and 11 will be provided at the south side of the hotel building.

C. Request for compact spaces

Pursuant to North Bay Village Code of Ordinances Section 152.042(E), this application includes a request to provide up to 20% of the required parking as compact spaces. The Project includes 6.8% (18) of the required parking spaces as compact spaces.

3. <u>Application for Variance</u>

Per North Bay Village Code of Ordinances Section 152.032(A)(2)(b), *all regulations of the underlying zoning district that are not otherwise addressed in these regulations shall apply. Where the underlying zoning district and the BVO District both apply, the BVO District shall govern.* Although the CL district regulations include side yard setbacks, the BVO regulations regulate side yard setbacks when any portion of a building extends above 240 feet. Although the building height is 236'-8", the rooftop mechanical equipment extends to approximately 252'-8".[4] Since a portion of the building extends above 240 feet, the side yard setback provisions of the BVO regulations govern.

Code Section 152.032(C)(2)(c) sets forth the following requirement with regard to side yard setbacks in the BVO district: *If any portion of a building on the site exceeds 240 feet in height, the two side yards together must total 60 percent of the width of the lot, provided the smallest side yard may not be less than 20 percent of the width of the lot.* Further, Code Section 152.003 defines "yard" as: *an open area, other than a court, on a lot unoccupied and unobstructed from the ground upward, except as otherwise provided in these regulations.*

As applied to the Project, these regulations mean that the two side yards must total 180 feet (60% of the property width of 300 feet) and if the side yards differ in width, the smaller side yard must be at least 60 feet (20% of the property width of 300 feet). This would limit the

[4] Per North Bay Village Code of Ordinances Section 152.003, Height of building is defined as: *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.*

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building envelope width to 120 feet. The Project has a 60 foot side yard setback on the west side (20% of lot width) and 15 foot side yard setback on the east side. It is important to note that on the east side, the podium steps back at the eighth level such that the setback from the property line to the tower is 65'-8" at the eighth level.

The North Bay Village Comprehensive Plan and Code of Ordinances clearly indicate a directive for high intensity uses on the Property and similarly zoned properties at the north side of the Kennedy Causeway. For example, the Comprehensive Plan allows for maximum FAR of 2.5. If a 90-foot ground level side setback is applied to each side of the site, it would be contradictory to these provisions and effectively work against promoting the intensity that might otherwise be achieved.

The Project is in compliance with the variance criteria, as described at Code Section 152.097 as follows:

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

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

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

Granting the variance does not confer on the Applicant any special privilege. Should another property owner believe that a property would be unnecessarily burdened as a result of the regulation, the property owner is able to submit a request for a variance, provided the variance criteria are met.

(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.

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

4. **Code Text Amendment**

The Applicant proposes a text amendment to the North Bay Village Code of Ordinances as follows.

Definition of "Dwelling unit, hotel room" and "Dwelling unit, hotel suite"

North Bay Village Code Section 152.003 defines "hotel," as well as "dwelling unit, hotel" and "dwelling unit, hotel suite." We note that "hotel" is defined as *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*. This definition does not preclude hotel units from having kitchen facilities. Further, many hotels offer kitchen facilities (not necessarily full kitchens) within hotel units, particularly in extended stay hotels. However, the Code further defines "dwelling, hotel" as *a residential unit, which is used on a temporary basis by transient guests and does not contain kitchen facilities* (152.003(5)) and defines "dwelling, hotel suite" as *a group of hotel rooms connected together containing no kitchen facilities* (152.003(6)).

The current Village Code definitions of "dwelling, hotel" and "dwelling, hotel suite" which prohibit kitchen facilities within hotel units or suites, are unnecessarily restrictive. Therefore, we offer the following suggested change to the definitions of "dwelling unit, hotel" and "dwelling unit, hotel suite," in order to clarify that inclusion of kitchen facilities does not preclude a project from qualifying as a hotel.

152.003(5) Dwelling, hotel room. A residential unit, which is used on a temporary basis by transient guests ~~and does not contain kitchen facilities~~.

152.003(6) Dwelling, hotel suite. A group of hotel rooms connected together ~~containing no kitchen facilities~~.

We offer the following definitions from other zoning codes in the region that do not qualify the definition of hotel unit such that it must exclude kitchen facilities.

- **Miami 21** - ***Hotel***: A group of lodging units exceeding twenty-five (25) units that may provide services for dining, meeting and recreation.[5]

- **Miami-Dade County** - ***Hotel***: A building in which lodging, or boarding and lodging, are provided as the more or less temporary residence of individuals who are lodged therein and in which ingress and egress to and from all rooms are made through an inside lobby supervised by a person in charge at all times. As such, it is open to the public in contradistinction to a boarding, lodging house or an apartment building. Keys to the rooms and mail for the occupant of the hotel are received and generally kept by the attendant at the desk in the lobby. Daily linen service and other normal and customary hotel services shall be offered to the individuals lodged therein. No more than five (5) percent of the individual hotel units shall be occupied for more than six (6) months. Kitchen facilities in individual units may be offered.[6]

- **Broward County** – *Hotel*: A public lodging establishment where access to the rooms is primarily through an inside lobby.

Based on the foregoing analysis, we respectfully request approval by the Village Commission for the rezoning, site plan, compact parking spaces, variance, and code text amendment that will allow for construction of the Project.

Sincerely,

Neisen O. Kasdin

[5] See Miami 21, Article 1, Section 1.1b.
[6] See Miami-Dade County Code of Ordinances, Chapter 33, Article 1, Section 33-1(58).

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

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: 1755 NBV, LLC Phone: 305.631.6660

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

Legal Description of Property: See enclosed survey

Existing Zoning: CG Lot Size: 1.34 ac. Folio: 23-3209-000-0110

Type of Request: Applicant requests rezoning of subject property from CG to CL. See attached Letter of Intent.

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

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

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

MIGUEL A. BARBAGALLO PRESIDENT OF B DEVELOPMENTS, LLC
Print Name AS MANAGER

(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 18 **day of** December **20** 13
by Miguel Angel Barbagallo
who is personally known to me or who has produced _____
as identification.

Notary Public

ALICIA DOMINGUEZ
MY COMMISSION # FF 006876
EXPIRES: June 8, 2017
Bonded Thru Notary Public Underwriters

(Notary Seal)

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

2B(87)

Office Use Only:

Date Submitted:_____ Fee Paid: $_____

Tentative Meeting Date:_____ Cash ☐ or Check ☐ #_____

Date Paid: _____

2B(88)

2

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

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: 1755 NBV, LLC Phone: 305.631.6660

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

Legal Description of Property: See enclosed survey

Existing Zoning: CG Lot Size: 1.34 ac. Folio: 23-3209-000-0110

Type of Request: Applicant requests text amendment to zoning code. See attached Letter of Intent.

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

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**

2B(89)

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

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

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

Authorized Signature

MIGUEL A. BARBAGALLO, PRESIDENT OF B DEVELOPMENTS, LLC AS MANAGER
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 18 **day of** December **20** 13
by Miguel Angel Barbagallo
who is personally known to me or who has produced _____
as identification.

Notary Public

(Notary Seal)
ALICIA DOMINGUEZ
MY COMMISSION # FF 006818
EXPIRES: June 8, 2017
Bonded Thru Notary Public Underwriters

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

ZB(90)

Office Use Only:

Date Submitted:_____ Fee Paid: $_____

Tentative Meeting Date:_____ Cash ☐ or Check ☐ #_____

Date Paid: _____

2B(91)

3

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

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: 1755 NBV, LLC Phone: 305.631.6660

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

Legal Description of Property: See enclosed survey

Existing Zoning: CG Lot Size: 1.34 ac. Folio: 23-3209-000-0110

Type of Request: Applicant requests variance from zoning regulations. See attached Letter of Intent.

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

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**

2B(92)

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

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

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

Authorized Signature

MIGUEL A. BARBAGALLO, PRESIDENT OF B DEVELOPMENTS, LLC AS MANAGER
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 18 **day of** December **20**13
by Miguel Angel Barbagallo
who is personally known to me or who has produced _____
as identification.

Notary Public

(Notary Seal)
ALICIA DOMINGUEZ
MY COMMISSION # FF 006818
EXPIRES: June 8, 2017
Bonded Thru Notary Public Underwriters

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

2B(93)

Office Use Only:

Date Submitted:_____ Fee Paid: $_____

Tentative Meeting Date:_____ Cash ☐ or Check ☐ #_____

Date Paid: _____

2B(94)

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

12-23-13P04:49 RCVD

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: 1755 NBV, LLC Phone: 305.631.6660

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

Legal Description of Property: See enclosed survey

Existing Zoning: CG Lot Size: 1.34 ac. Folio: 23-3209-000-0110

Type of Request: Applicant requests site plan approval for construction of hotel. See attached Letter of Intent.

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

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**

2B(95)

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

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Authorized Signature

MIGUEL A. BARBAGALLO, PRESIDENT
B DEVELOPMENTS, LLC AS MANAGER
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 18 **day of** December **20**13
by Miguel Angel Barbagallo
who is personally known to me or who has produced _____
as identification.

Notary Public

(Notary Seal)

ALICIA DOMINGUEZ
MY COMMISSION # FF 006816
EXPIRES: June 8, 2017
Bonded Thru Notary Public Underwriters

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

2B(96)

Office Use Only:

Date Submitted:_____ Fee Paid: $_____

Tentative Meeting Date:_____ Cash ☐ or Check ☐ #_____

Date Paid: _____

BUILDING DATA	
CURRENT ZONING DESIGNATION	GC/BVO (GENERAL COMMERCIAL / BAY VIEW OVERLAY)
PROPOSED ZONING DESIGNATION	CI/BVO (LIMITED COMMERCIAL / BAY VIEW OVERLAY)
OCCUPANCY	COMMERCIAL
LOT AREA	58,443 S.F. / 1.34 ACRES

LOT COVERAGE	
MAX. 40% OF 58,443 SF	46,754.4 S.F.
PROVIDED	28,133 S.F.

LANDSCAPE OPEN SPACE	
MIN. 20% OF 58,443	11,688.6 S.F.
PROVIDED	
PERVIOUS	11,634.7 S.F.
IMPERVIOUS	18,475.3 S.F.
TOTAL	30,310 S.F.

DENSITY CALCULATION	ALLOWED	PROVIDED
HOTEL UNITS	99/ACRE= 132 MAX.	132 TOTAL

FLOOR AREA RATIO (FAR)	
MAX FLOOR AREA RATIO	2.5
MAX GROSS FAR AREA ALLOWED	58,444 x 2.5 = 146,107 S.F.
PROPOSED FAR	144,792 S.F.

BUILDING SETBACKS	REQUIRED	PROPOSED
NORTH(REAR)	25'-0"	25'-0"
SOUTH (FRONT)	40'-0"	40'-0"
*EAST (SIDE)	60'-0"	15'-0"
*WEST(SIDE)	60'-0"	60'-0"

* PER 152.032 (c)(2)-(c) IF ANY PORTION OF A BUILDING EXCEEDS 240 FEET IN HEIGHT, THE TWO SIDE YARDS TOGETHER MUST TOTAL 60% OF THE WIDTH OF THE LOT. PROVIDED THE SMALLEST SIDE YARD MAY NOT BE LESS THAN 20% OF THE WIDTH OF THE LOT.

SHORELINE SETBACKS	REQUIRED	PROPOSED
NORTH(REAR)	75'-0"	29'-0"
MIN VIEW CORRIDOR 20% OF LOT WIDTH	60'-0"	63'-0"
SIDE SETBACK	25'-0"	15'-0"
STREET SETBACK	25'-0"	10'-0"

BUILDING HEIGHT - 340'-0" PER BVO REGULATIONS	
ALLOWED	340'-0" PER BVO REGULATIONS
PROPOSED	235'-8" [23 STORIES WHERE 7 PARTIAL LEVELS OF PARKING]
	252'-8" (TOP OF MECHANICAL ROOF)

AREA MATRIX	
HOTEL UNITS	133,376 S.F.
AMENITIES / COMMON AREAS	2,822 S.F.
LOBBY	2,552 S.F.
ACCESSORY COMMERCIAL	6,245 S.F.
TOTAL	144,792 S.F.

HOTEL UNIT MATRIX	AREA	# OF UNITS
UNIT TYPE 1	400 - 469 S.F. (430 Average)	36
UNIT TYPE 2	804 - 834 S.F. (819 Average)	42
UNIT TYPE 3	1,244 - 1,391 S.F. (1,317 Average)	54
		132

PARKING CALCULATION	REQUIRED	PROVIDED *
HOTEL UNIT TYPE 1 = 1 x 10%	36x1+10%= 39.6	
HOTEL UNIT TYPE 2 = 1 x 10%	42x1+10%= 46.2	
HOTEL UNIT TYPE 3 = 2 x 10%	54x2+10%= 118.8	
ACCESSORY COMMERCIAL 1/75 S.F.	2,350.75 = 31.33	
ACCESSORY COMMERCIAL 1/200 S.F.	2,364/200 = 11.77	
TOTAL	248	249

PARKING MATRIX	ADA 12x18	STANDARD 8X18	COMPACT 8X16	TANDEM 9X18
LEVEL 1	3	10	0	
LEVEL 2	0	19	4	
LEVEL 3	1	32	9	5
LEVEL 4	1	32	9	5
LEVEL 5	1	32	9	5
LEVEL 6	1	32	9	5
LEVEL 7	0	35	10	5
SUB-TOTAL	7	192	50	25
PERCENTAGE	2.6%	77.1%	20%	
SUB-TOTAL		249		25
TOTAL WITH TANDEM		274		

* 20% COMPACT SPACES ALLOWED (20 % COMPACT PROVIDED)
* 2% MIN. ALLOCATED FOR HANDICAP SPACES 12'+5 x 18' (2.6% PROVIDED)

LOADING CALCULATION	REQUIRED	PROVIDED
LOADING	3 - 12'x30'	3 - 12'x30'

VARIANCE REQUEST	
CODE SECTION	REQUEST
152.032(c)(2)(c)	TO REDUCE SIDE SETBACKS FROM 60% OF THE LOT WIDTH TO 25% OF LOT WIDTH

REVISIONS / SUBMISSIONS
1 - CITY COMMENTS
1358

PROJECT / ZONING DATA

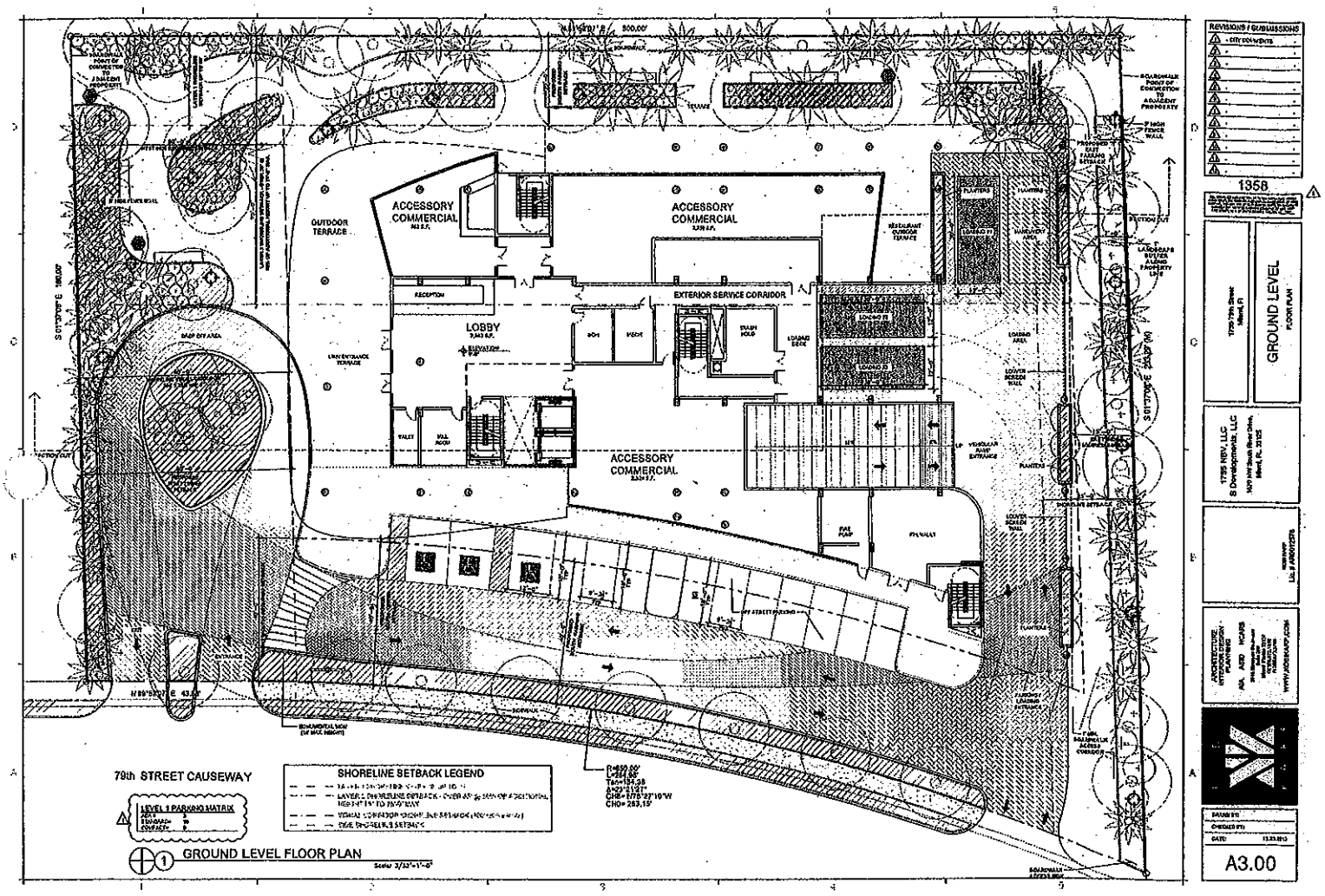
1755 NBV, LLC
& Developments, LLC

ARCHITECTURE INTERIOR DESIGN PLANNING
AIA AIBD HCAID
WWW.ARCHGROUP.COM

DATE 12.28.2012

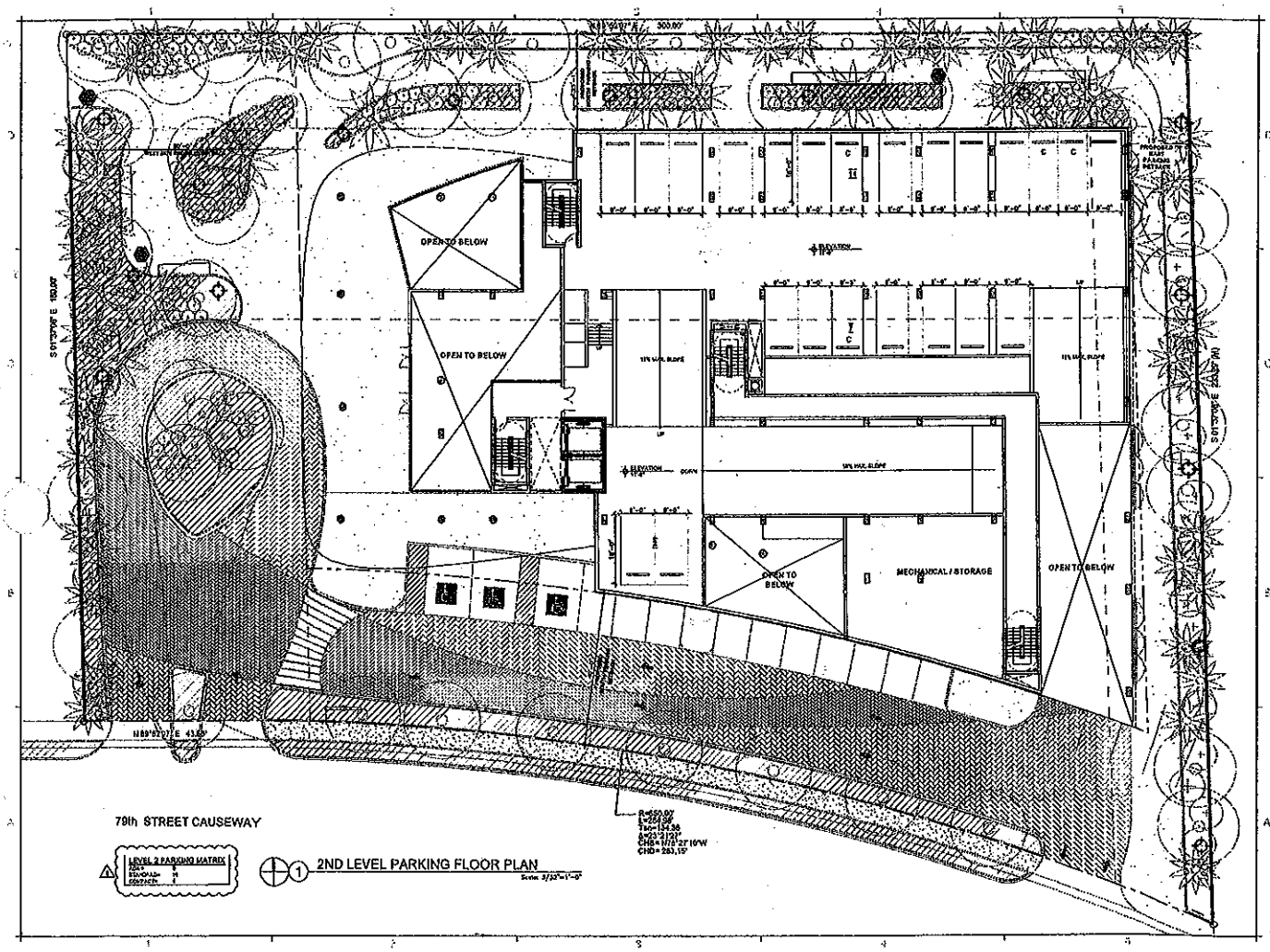
A0.01

2B(98)



ACCESSORY COMMERCIAL
ACCESSORY COMMERCIAL
ACCESSORY COMMERCIAL
OUTDOOR TERRACE
LOBBY
EXTERIOR SERVICE CORRIDOR
RECEPTION
VALET
MAIL ROOM
STAIRS HOLD
LOADING DECK
LOADING AREA
LOUVER SCREEN WALL
PLANTERS
FIRE PUMP
PHONEBOOT
79th STREET CAUSEWAY
LEVEL 1 PARKING MATRIX
SHORELINE SETBACK LEGEND
GROUND LEVEL FLOOR PLAN
REVISIONS / SUBMISSIONS
1358
GROUND LEVEL
FLOOR PLAN
A3.00

2B(99)



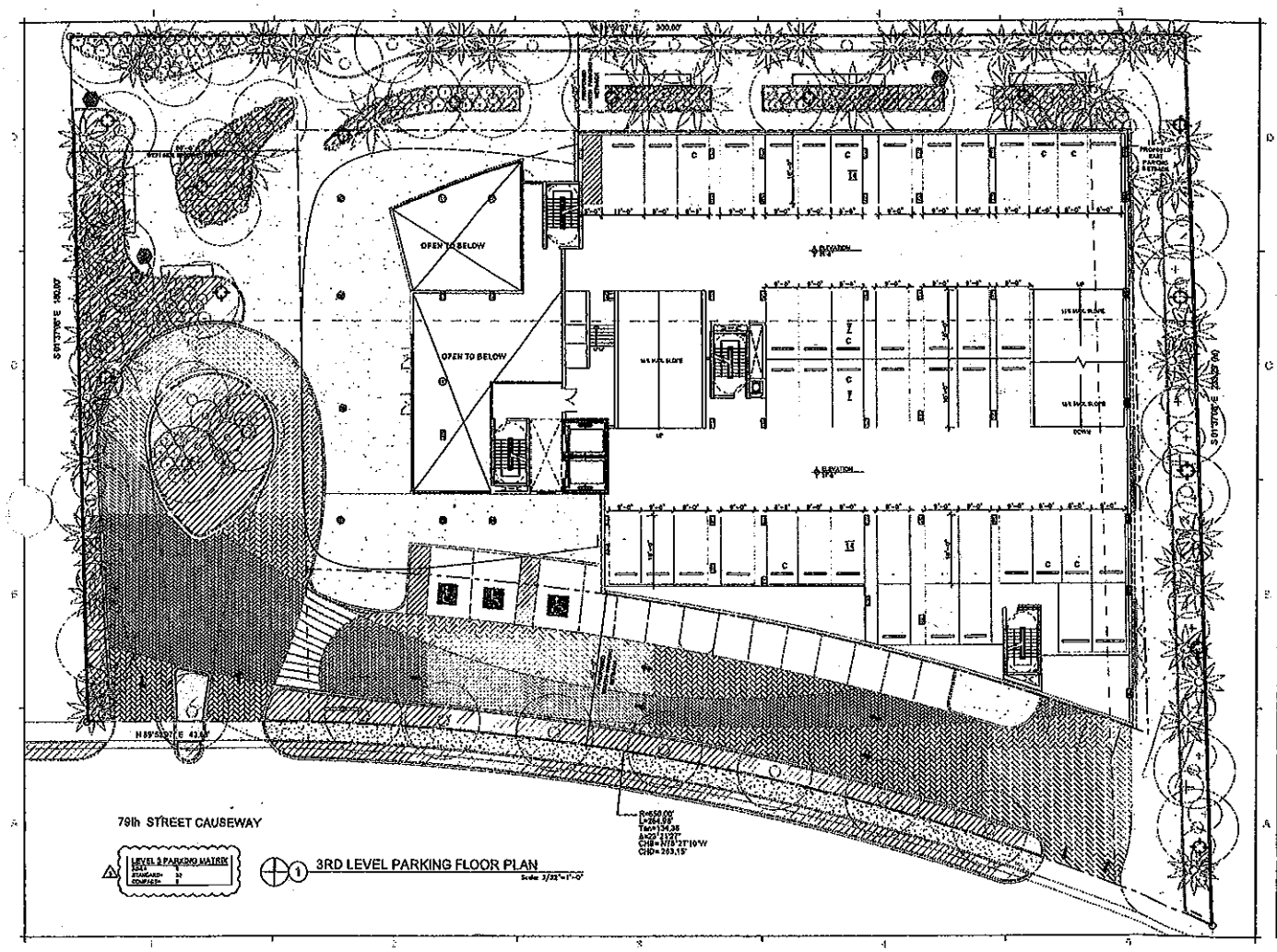
REVISIONS / SUBMISSIONS

1358

2nd LEVEL PARKING

A3.01

2B(100)



REVISIONS / SUBMISSIONS

1358

3rd LEVEL PARKING

FLOOR PLAN

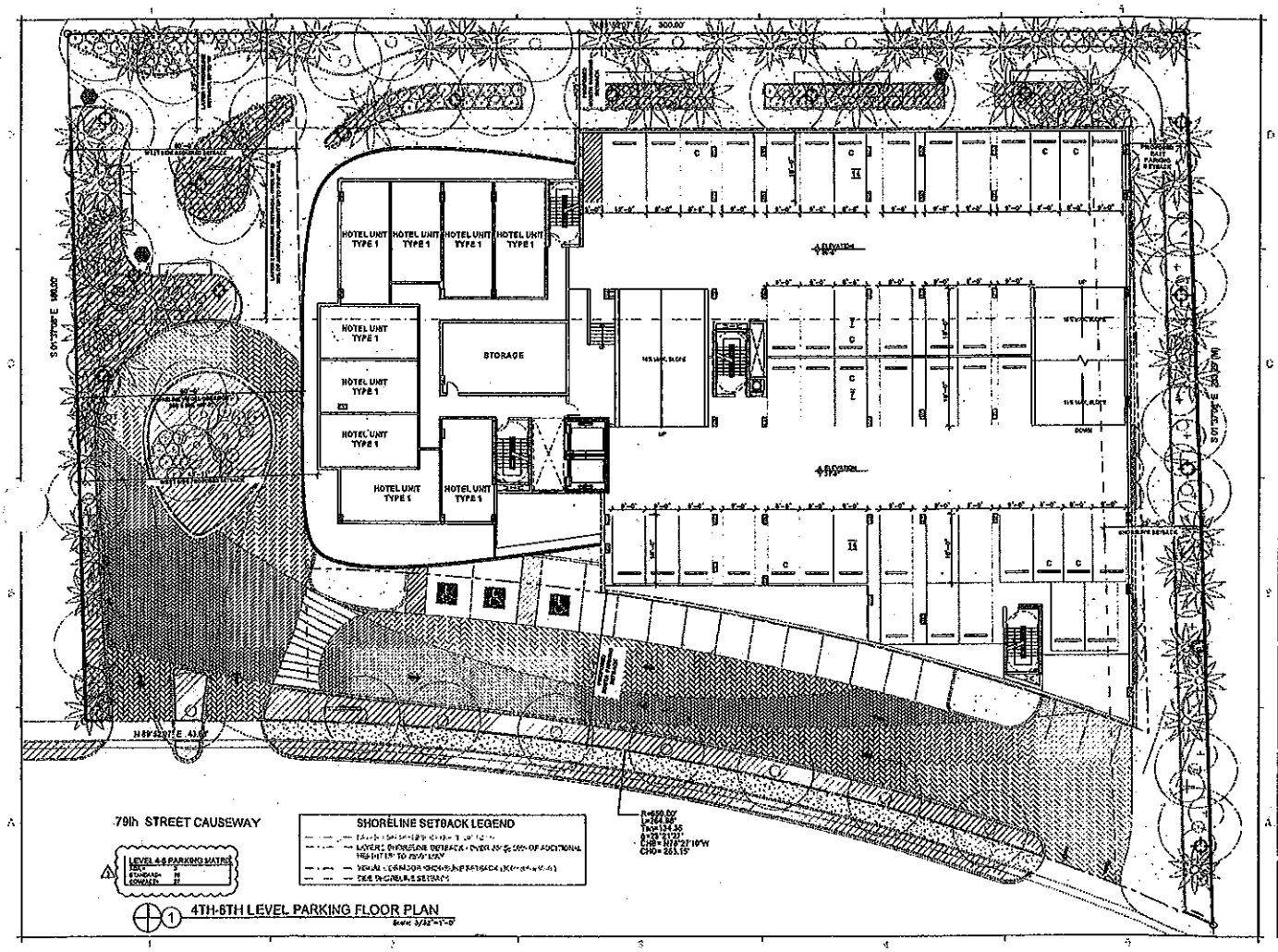
1755 NSV, LLC
S Developments, LLC

ARCHITECTURE
INTERIOR DESIGN
PLANNING

DRAWN BY
CHECKED BY
DATE

A3.02

2B(101)



REVISIONS / SUBMISSIONS

1358

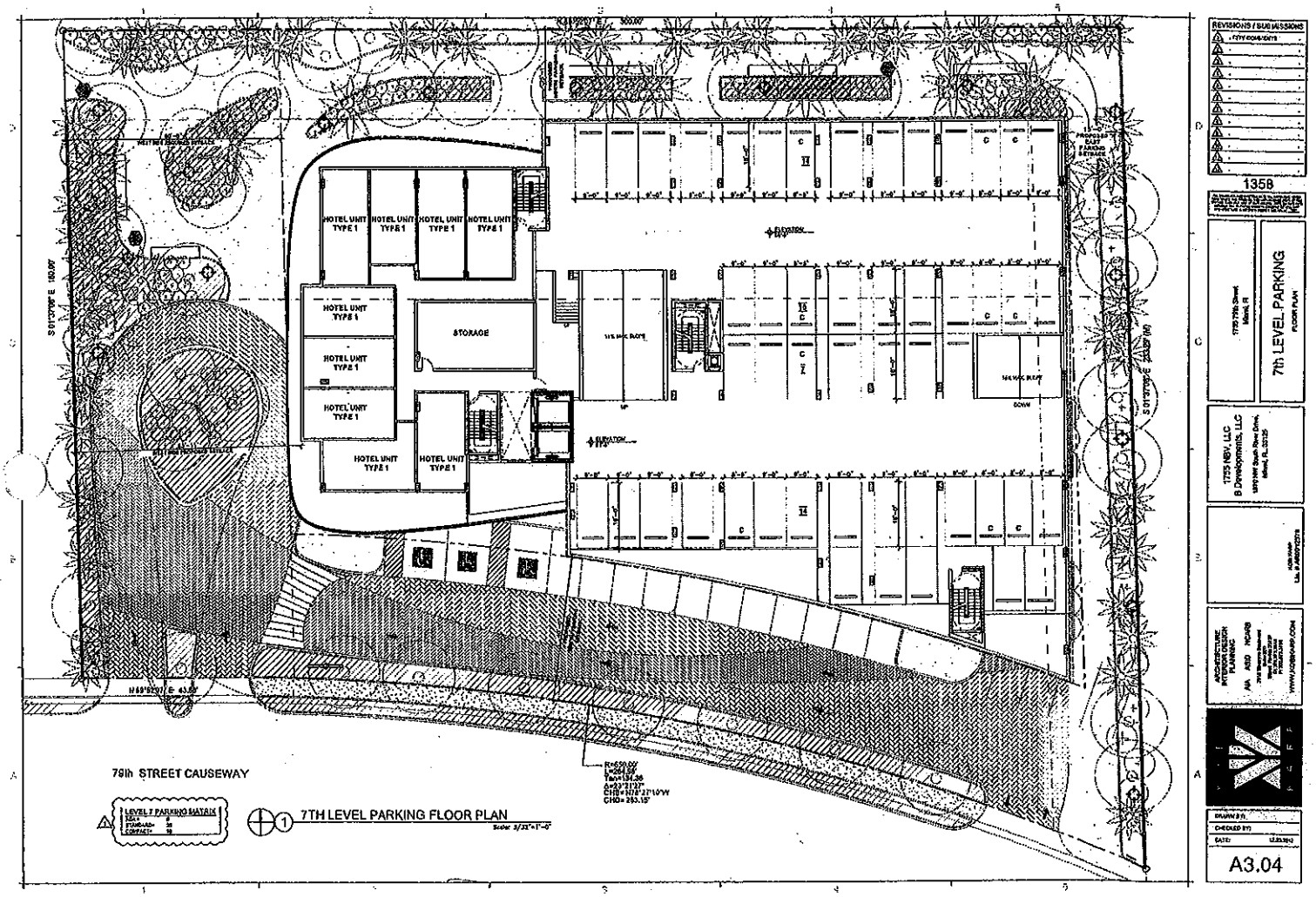
4th-6th LEVEL PARKING

FLOOR PLAN

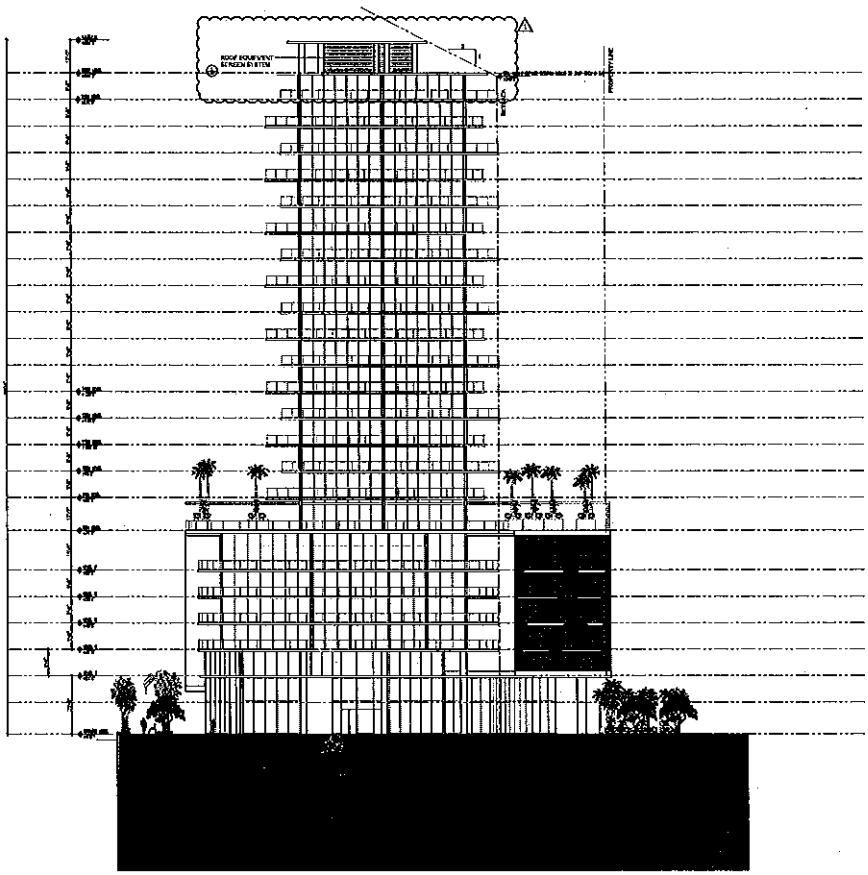
1755 NBV, LLC

A3.03

2B(102)


HOTEL UNIT TYPE 1
STORAGE
79th STREET CAUSEWAY
7TH LEVEL PARKING FLOOR PLAN
REVISIONS / SUBMISSIONS
1358
7th LEVEL PARKING
FLOOR PLAN
1725 NBV, LLC
B Developments, LLC
A3.04

2B (103)



1 SIDE (LOBBY) ELEVATION

Scale: 1/16"=1'-0"

REVISIONS / SUBMISSIONS

1358

1755 7th Street
Miami, Fl

SIDE ELEVATION
WEST

1755 NBV, LLC
S Developments, LLC
1870 NW South River Drive
Miami, FL 33125

KOBI KARP
Lic. # AR0012278

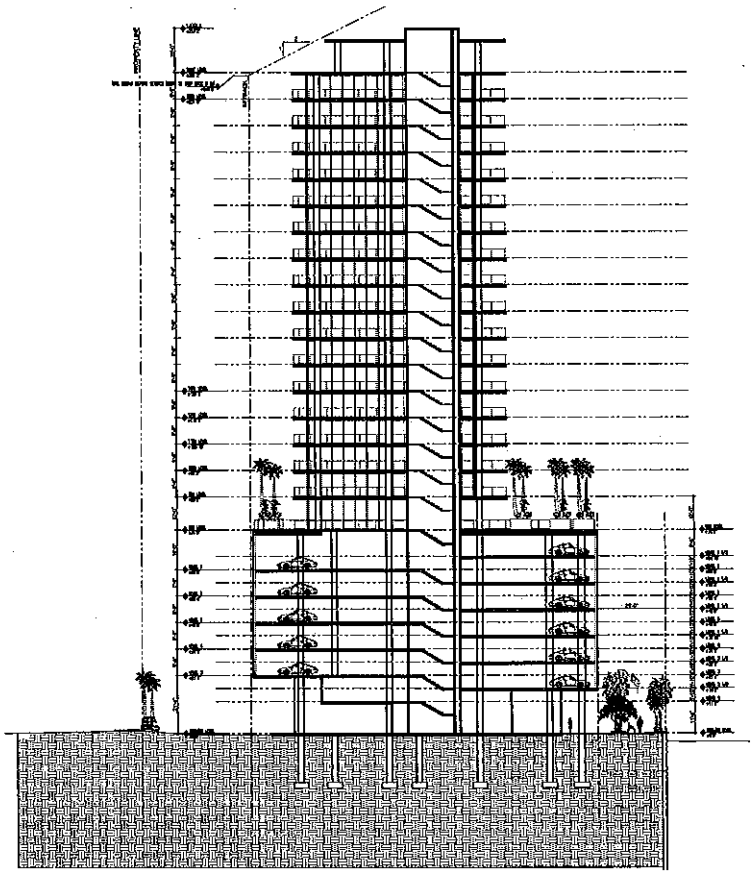
ARCHITECTURE
INTERIOR DESIGN
PLANNING
AIA ASID NCARB
WWW.KOBIKARP.COM

KOBI KARP

DRAWN BY:
CHECKED BY:
DATE: 12.23.2013

A4.02

2C(104)



A CROSS SECTION

Scale: 1/16"=1'-0"

REVISIONS / SUBMISSIONS

1358

1755 7th Street
Miami, FL

CROSS SECTION

1755 NBV, LLC
B Developments, LLC
1670 NW South River Drive,
Miami, FL 33125

KOBI KARP
Lic. # AR0012578

ARCHITECTURE
INTERIOR DESIGN
PLANNING
AIA ASID NCARB
WWW.KOBIKARP.COM

DRAWN BY:
CHECKED BY:
DATE: 12.23.2013

A5.01

2c E105)