



North Bay Village

Administrative Offices

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

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

OFFICIAL AGENDA

NORTH BAY VILLAGE PLANNING & ZONING BOARD MEETING

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

APRIL 16, 2013 – 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.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, PERSONS NEEDING SPECIAL ACCOMMODATION OR A SIGN LANGUAGE INTERPRETER TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT (305) 756-7171 NO LATER THAN FOUR DAYS PRIOR TO THE PROCEEDING. IF HEARING IMPAIRED, TELEPHONE THE FLORIDA RELAY SERVICE NUMBERS AT (800) 955-8771 (TDD) OR (800) 955-8700 (VOICE) FOR ASSISTANCE.

1. **CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL**
2. **(PUBLIC HEARINGS) ALL INDIVIDUALS DESIRING TO PROVIDE TESTIMONY SHALL BE SWORN IN.**
 - A. **AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES ENTITLED "ZONING" BY AMENDING SECTION 152.031 ENTITLED "LIMITED COMMERCIAL DISTRICT" TO CLARIFY APPLICABILITY OF THE BAY VIEW OVERLAY DISTRICTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.**
 - 1.) **Board Recommendation**

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

Commissioner
Jorge Gonzalez

3. APPROVAL OF MINUTES

A. Regular Planning & Zoning Board Meeting – March 19, 2013

1.) Board Action

4. ADJOURNMENT



Memorandum

To: North Bay Village Planning & Zoning Board Members
From: James G. LaRue
Date: April 10, 2013
Subject: Revisions to Commercial Limited (CL) Zoning District Relating to the Bay View Overlay District

On December 18, 2012, the Bay View Overlay Ordinance No. 2012-08 (see attached) was adopted in an effort to encourage properties on the north side of the Causeway to develop and redevelop with taller thinner buildings. The defined area of the Overlay District includes both CG and CL zoned properties.

The enclosed revisions to the CL Zoning District clarify the applicability of the Bay View Overlay District and state that CL zoned properties may utilize all provisions and incentives provided by the Bay View Overlay Ordinance. Additionally, the bonus height provisions of the RM-70 Zoning District also apply to CL zoned properties if they develop or redevelop under the Bay View Overlay District regulations.

The proposed revisions to the CL Zoning District are consistent with the City's Comprehensive Plan as well as the City's vision plan expressed by the charrette study of 2007. Any specific questions concerning these recommended revisions will be answered at the April 16th meeting.

CC: Jenice Rosado, Interim Village Manager
Yvonne Hamilton, Village Clerk
Kathryn Mehaffey, Assistant Village Attorney

ZACI

ORDINANCE NO. 2013- _____

AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES ENTITLED "ZONING" BY AMENDING SECTION 152.031 ENTITLED "LIMITED COMMERCIAL DISTRICT" TO CLARIFY APPLICABILITY OF THE BAY VIEW OVERLAY DISTRICTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the North Bay Village 2007 Charrette Master Plan envisioned future development and redevelopment on the north side of the Kennedy Causeway featuring taller thinner buildings allowing unimpeded northward views of Biscayne Bay; and

WHEREAS, North Bay Village (the "Village") seeks to encourage the efficient use of land by providing additional flexibility for development on properties with unobstructed northward views of Biscayne Bay; and

WHEREAS, the Village has recognized that providing for additional building height will encourage innovative mixed-use infill development; and

WHEREAS, the Village recognizes that certain limits on height may decrease the ability to accommodate economic development; and

WHEREAS, the Village desires to ensure adequate economic redevelopment opportunities; and

WHEREAS, the Village created a Bay View Overlay District to encourage taller and thinner buildings for CL and CG zoned properties located on the north side of Kennedy Causeway; and

WHEREAS, the Planning and Zoning Board has reviewed this Ordinance at a duly advertised public hearing and recommended _____ of the Ordinance; and

WHEREAS, the Village Commission hereby finds and declares that adoption of this Ordinance is necessary, appropriate, and advances the public interest.

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

Section 1. Recitals Adopted. Each of the above stated recitals is true and correct and incorporated herein by this reference.

Section 2. Village Code Created. Section 152.031(C)(4) of the Code of Ordinances for North Bay Village is hereby amended to read as follows:

- (4) *Maximum building height.* 130 feet or 12 stories, whichever is less, two stories of which may be utilized for a parking structure. When a CL zoned property is located in the Bay View Overlay District, all provisions of Sec. 152.032 shall apply. When the provisions of the Bay View Overlay District are applied to a property in this zoning district, the bonus height provisions of Sec. 152.029(C)(8) shall also apply.

Section 3. Findings. The Village Commission, in considering the amendment of Section 152.031(C)(4), finds that:

- (1) This amendment will allow properties zoned Commercial Limited in the Bay View Overlay District to utilize the height bonuses already provided to properties in the Commercial General and RM-70 zoning districts.
- (2) This amendment is in the general public interest, and not merely in the interest of an individual or small group of people.
- (3) The character of the neighborhood will not be materially and adversely affected by this amendment.
- (4) The proposed change is in accord with the comprehensive master plan and sound comprehensive planning and zoning principles.

Section 4. Repeal. All ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith are repealed to the extent of such conflict.

Section 5. Severability. The provisions of this Ordinance are declared to be non-severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall render this Ordinance void in its entirety.

Section 6. Inclusion in the Code. It is the intention of the Village Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of North Bay Village; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 7. Effective Date. This Ordinance shall be effective immediately upon adoption on second reading.

A motion to approve the foregoing Ordinance on first reading _____ was offered by _____ seconded by _____.

The Votes were as follows:

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

A motion to approve the foregoing Ordinance on final reading was offered by _____ seconded by _____.

FINAL VOTES AT ADOPTION:

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

DULY PASSED AND ADOPTED this _____ day of _____ 2013.

Connie Leon-Kreps
Mayor

ATTEST:

Yvonne P. Hamilton, Village Clerk, CMC

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

Village Attorney
Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.

2A(4)

ORDINANCE NO. 2012-08

AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES ENTITLED "ZONING" BY CREATING SECTION 152.032 ENTITLED "BAY VIEW OVERLAY (BVO) DISTRICT" TO ESTABLISH AND PROVIDE REGULATIONS FOR THE BAY VIEW OVERLAY DISTRICT; ZONING PROPERTIES AS SHOWN ON MAP 1 AND LEGALLY DESCRIBED IN EXHIBIT A AS "BAY VIEW OVERLAY DISTRICT" IN ADDITION TO THE EXISTING ZONING DESIGNATIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER DENNIS KELLY)

WHEREAS, the North Bay Village 2007 Charrette Master Plan envisioned future development and redevelopment on the north side of the Kennedy Causeway featuring taller thinner buildings allowing unimpeded northward views of Biscayne Bay; and

WHEREAS, the North Bay Village (the "Village") seeks to encourage the efficient use of land by providing additional flexibility for development on properties with unobstructed northward views of Biscayne Bay; and

WHEREAS, the Village has recognized that providing for additional building height and larger setbacks will encourage innovative mixed-use infill development; and

WHEREAS, increasing building setbacks will create larger view corridors, resulting in smaller building footprints, greater open space and expanded bay vistas; and

WHEREAS, the Village recognizes that certain limits on height, including the height of parking structures, may decrease the ability to accommodate economic development or necessary parking in the smaller footprints resulting from the use of these incentives; and

WHEREAS, the Village desires to ensure adequate parking and economic redevelopment opportunities while improving the public and private access to and view and enjoyment of Biscayne Bay.

WHEREAS, the Planning and Zoning Board has reviewed this Ordinance at a duly advertised public hearing and recommended approval of the Ordinance; and

2A(5)

WHEREAS, the Village Commission hereby finds and declares that adoption of this Ordinance is necessary, appropriate, and advances the public's interest.

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

Section 1. Recitals Adopted. Each of the above stated recitals is true and correct and incorporated herein by this reference.

Section 2. Village Code Created. Section 152.032 of the Code of Ordinances for the North Bay Village is hereby created to read as follows:

§ 152.032 – Bay View Overlay (BVO) District

(A) General requirements.

(1) Purpose and intent. The BVO District is intended to encourage taller, narrower, mixed use buildings on commercial lots on the north side of Kennedy Causeway where such lots front directly on, and provide unimpeded views north to Biscayne Bay. As such, this District provides the opportunity for development and redevelopment of mixed use residential buildings at greater heights than are otherwise permitted in the CG or CL Zoning Districts if certain requirements are met. In order to provide incentives for re-development and streamline the development approval process, the BVO District has been pre-designated on the Official Zoning Map. Application of the development incentives available in the BVO District to individual properties will be reviewed and approved by the Planning and Zoning Board and Village Commission concurrently with the site plan approval process.

(2) Applicability.

- (a) The BVO District provides for an optional set of development regulations that may be voluntarily employed in the mixed use development of lands located within geographic limits of the BVO District shown on the Official Zoning Map.
- (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.
- (c) If a property owner should elect not to develop under these optional regulations, only the regulations of the underlying zoning district shall apply.

(3) Procedure.

(a) BVO Standards Review. Applications to use the development standards provided in the BVO District shall be processed concurrently with all other required development applications. At a minimum, the following applications are necessary and shall be considered in the following order:

1. Special Use Exception review required by 152.030(C)(3), if the property is located in the CG zoning district;
2. Building Height Bonus review to 240 feet pursuant to Section 152.029(C)(8)8(A) through 8(F);
3. Bay View Overlay District standards review; and
4. Site Plan review required by 152.105(C)(9).

(b) Approval. Applications require approval by the Village Commission following a single public hearing and a recommendation from the Planning & Zoning Board. In order to approve an application, the Village Commission shall find that the development proposed:

1. Is compatible with surrounding intensities and densities of development;
2. Provides access to adequate light and air for surrounding properties; and
3. Preserves views of, and view corridors to, Biscayne Bay consistent with the Village's 2007 Master Charrette Plan.

(B) Allowable uses. All uses listed as permitted or special exception uses in the underlying zoning district shall be permitted equally in the BVO District, and such use shall be subject to all conditions, requirements or limitations applicable to the use in the underlying zoning district, except as may otherwise be set forth in this section.

(C) Building heights. A building height of up to a maximum of 340 feet may be proposed under the following conditions:

- (1) Lots over 500 feet in depth. For parcels where the lot depth is more than 500 feet, the following conditions shall apply:

- (a) The property is approved for a building height of 240 feet under the building height bonus provisions of Sec. 152.029(C)(8)8(A) through 8(F).
 - (b) The portion of any building that is more than 240 feet in height must be set back from the front property line by a distance that is not less than the height of said portion of the building.
 - (c) If any portion of a building on the site exceeds 240 feet in height, no part of any building on the site may be closer to either side property line than a distance equal to 20% of the width of the lot.
- (2) Lots under 500 feet in depth. For parcels where the lot depth is less than 500 feet, the following conditions shall apply:
- (a) The property is approved for a building height of 240 feet under the building height bonus provisions of Sec. 152.029(C)(8)8(A) through 8(F);
 - (b) 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.
 - (c) 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.
- (D) Parking. If the building height provisions of Section (C) above are utilized, the limitations for parking structure stories of Section 152.029(C)(4) shall not apply if the structure is architecturally designed or screened so that no part of the parking structure, other than the entrance, is visible or discernable from the public right of way.

Section 3. Findings. The Village Commission, in considering the designation of the "Bay View Overlay District," finds that:

- (1) All property similarly situated will be placed in the Bay View Overlay District.
- (2) All uses permitted under the Bay View Overlay District classification will be in the general public interest, and not merely in the interest of an individual or small group of people.
- (3) All uses permitted in the Bay View Overlay District classification are appropriate in the area included in the proposed change.
- (4) The character of the neighborhood will not be materially and adversely affected by any use permitted in the Bay View Overlay District.

(5) The proposed change is in accord with the comprehensive master plan and sound comprehensive planning and zoning principles.

Section 4. Zoning Map Amendment. Pursuant to Section 152.100 "Amendments and changes to zoning, comprehensive plan regulations," the zoning designation of Bay View Overlay District for the Properties shown on Map 1 and described in Exhibit A, attached hereto and incorporated herein, is hereby approved.

Section 5. Repeal. All ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith are repealed to the extent of such conflict.

Section 6. Severability. The provisions of this Ordinance are declared to be non-severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall render this Ordinance void in its entirety.

Section 7. Inclusion in the Code. It is the intention of the Village Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of North Bay Village; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 8. Effective Date. This Ordinance shall be effective immediately upon adoption on second reading.

A motion to approve the foregoing Ordinance on first reading on December 3, 2012 was offered by Commissioner Richard Chervony, seconded by Commissioner Jorge Gonzalez.

The Votes were as follows:

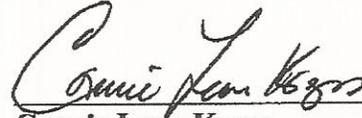
Mayor Connie Leon-Kreps	<u>Yes</u>
Vice Mayor Eddie Lim	<u>Yes</u>
Commissioner Richard Chervony	<u>Yes</u>
Commissioner Wendy Duvall	<u>Yes</u>
Commissioner Jorge Gonzalez	<u>Yes</u>

A motion to approve the foregoing Ordinance on final reading was offered by Commissioner Richard Chervony, seconded by Vice Mayor Eddie Lim.

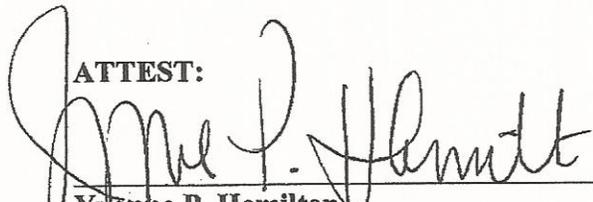
FINAL VOTES AT ADOPTION:

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

DULY PASSED AND ADOPTED 18th day of December 2012.

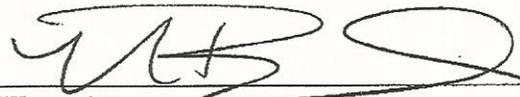


Connie Leon-Kreps
Mayor

ATTEST:


Yvonne P. Hamilton
Village Clerk

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



Village Attorney
Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.

North Bay Village Ordinance: Bay View Overlay

2A(10)

NORTH MIAMI BEACH Residents oppose building near park

•PARK, FROM 3NE

park and block the sun from getting to the plants and animals," said Kim Lumpkin, chairwoman of the Save Greyhounds Park committee. "We are concerned about the environment and quality of life in the area."

Lumpkin said she's also concerned about the possibility of air and noise pollution caused by increased traffic in the area.

In addition to the protest, an appeal has been filed against the city claiming that the council's decision violated the city's code.

It also says the city failed to properly disclose private conversations between city officials and interested parties as required under state law.

"It should have never been rezoned," said Charles Baron, an attorney representing himself and three other people who are also opposed to the decision in the lawsuit.

City Attorney Darcee Siegel disagrees.

"The City Council made its decision based on substantial competent evidence after a duly noticed and advertised public hearing," she said.

A fundraising event is also scheduled to take place from 7 to 11 p.m. Saturday at Luna Star Café, 775 NE 125th St.

A \$10 entry fee will apply for this event.

Money raised is expected to cover legal costs and other fees associated with the cause, according to Lumpkin.

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

CITY OF MIAMI BEACH

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY given that public hearings will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the City Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, April 17, 2013, at 10:00 a.m.**, during both the City Commission Meeting and the Miami Beach Redevelopment Agency Meeting, to consider, in accordance with Section 142-362 of the City Code, a proposed Change of Use Involving that certain Retail Lease Agreement by and between the City of Miami Beach, the Miami Beach Redevelopment Agency (collectively, Lessor) and Penn 17, LLC, (Lessee), dated September 16, 2011, involving the lease of approximately 7,655 square feet of ground floor retail space at the Pennsylvania Avenue Garage, 1661 Pennsylvania Avenue, Miami Beach, Florida; said Change of Use to include an entertainment component, which is not listed as a main permitted use in the Civic and Convention Center (CCC) zoning district.

Inquiries may be directed to the City's Asset Management Division at (305) 673-7193.

INTERESTED PARTIES are invited to appear at this meeting or be represented by an agent or to express their views in writing addressed to the City Commission c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be opened and continued, and under such circumstances additional legal notice would not be provided.

Rafael Granado, City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission and/or the Miami Beach Redevelopment Agency with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities and/or any accommodation to review any document or participate in any City-sponsored proceeding, please contact us five days in advance at (305) 673-7411 (voice) or TTY users may also call the Florida Relay Service at 711. Ad #770

NORTH BAY VILLAGE NOTICE OF PUBLIC HEARING

PUBLIC NOTICE IS HEREBY GIVEN THAT THE PLANNING & ZONING BOARD OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD ITS REGULAR MEETING ON **APRIL 16, 2013 AT 7:30 P.M., AT TREASURE ISLAND ELEMENTARY SCHOOL, 7340 EAST TREASURE DRIVE**, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING, THE BOARD WILL CONSIDER THE FOLLOWING ORDINANCE ON FIRST READING AND SUBMIT A RECOMMENDATION TO THE VILLAGE COMMISSION:

AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES ENTITLED "ZONING" BY AMENDING SECTION 152.031 ENTITLED "LIMITED COMMERCIAL DISTRICT" TO CLARIFY APPLICABILITY OF THE BAY VIEW OVERLAY DISTRICTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

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, 1700 KENNEDY CAUSEWAY, #132, TEMPORARILY LOCATED AT 1666 KENNEDY CAUSEWAY, #210), NORTH BAY VILLAGE, FL 33141. THE DOCUMENTS PERTAINING TO THIS PUBLIC HEARING MAY BE INSPECTED AT THE OFFICE OF THE VILLAGE CLERK DURING REGULAR WORKING HOURS. INQUIRIES MAY BE DIRECTED TO THAT DEPARTMENT AT (305) 756-7171.

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

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

TO REQUEST THIS MATERIAL IN ACCESSIBLE FORMAT, SIGN LANGUAGE INTERPRETERS, INFORMATION ON ACCESS FOR PERSON WITH DISABILITIES, AND/OR ANY ACCOMMODATION TO REVIEW ANY DOCUMENT OR PARTICIPATE IN ANY VILLAGE-SPONSORED PROCEEDING, PLEASE CONTACT (305) 604-2489 (VOICE) OR (305) 756-7171 FIVE DAYS IN ADVANCE TO INITIATE YOUR REQUEST. TTY USERS MAY ALSO CALL 711 (FLORIDA RELAY SERVICE).

YVONNE P. HAMILTON, CMC
VILLAGE CLERK
(March 29, 2013)



OFFICIAL MINUTES

PLANNING & ZONING BOARD MEETING

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

MARCH 19, 2013 – 7:30 P.M.

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

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

Vice Chair James Carter was absent.

Also present were Commissioner Jorge Gonzalez, Village Planner Ben Smith, Assistant Village Attorney Kathy Mehaffey, Village Clerk Yvonne P. Hamilton, and Building & Zoning Clerk Elena Grek.

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

A. AN APPLICATION BY WILLIAM C. WEBB CONCERNING REDEVELOPMENT OF A SINGLE-FAMILY RESIDENTIAL DWELLING AT 1357 BAY TERRACE, LOT 5 & LOT 4 LESS W37FT & STRIP 1.65 FT WIDE ADJACENT SAME ON SOUTH BLOCK 1, NORTH BAY VILLAGE, FL 33141 AS FOLLOWS:

- 1. A REQUEST FOR A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FROM SECTION 152.026 (C)(2) TO PERMIT A 15-FOOT FRONT-YARD SETBACK WHERE A 20-FOOT SETBACK IS REQUIRED BY THE CODE.**

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

Board Member Farrey disclosed communication with Mr. Webb's son regarding the request.

Village Planner Ben Smith provided the Staff Report recommending denial of the request since the applicant did not prove an unnecessary hardship as required by Code.

Applicant William Webb, Jr. and Al Picker, the Permit Runner, and Architect Avelino R. Leoncio, Jr., AIA were present on behalf of the request and gave the reason for the variance as the narrow depth of the lot, to make the building architecturally pleasing, and to accommodate an elevator.

The Chair opened the meeting to the public and no one came forward to be heard.

Discussion ensued regarding the applicant not proving a hardship, especially with a 16-foot balcony in the rear which can be reduced to obtain the 5-foot variance being requested; the property owner being adversely affected due to the narrow width of the lot; that the project would enhance the neighborhood and would not harm it; the applicant having the ability to create a property that is within Code since he would be building a new house; and properties on either side of the site having 3 1/2 foot balconies.

A motion was made by Bud Farrey to approve the request with the following conditions:

1. The variance approval is specifically limited to the site plan provided for the April 9, 2013 Village Commission Public Hearing as may be modified by the approval of any variance. Said final site plan and building permits will be subject to review by the Village Planner for consistency with any approval granted.

2. Cost recovery charges 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.
3. The Applicant shall obtain a building permit for all requests approved herein within one 1 year of the date of this approval. If a building permit is not obtained or an extension granted within the prescribed time limit then this approval shall become null and void.

The motion was seconded by Barry Beschel and failed by a 2-2 vote. The vote was as follows: Marvin Wilmoth-No, Reinaldo Trujillo-No, Barry Beschel-Yes, and Bud Farrey-Yes.

Assistant Village Attorney Kathy Mehaffey advised the Board of the requirement to provide a recommendation to the Village Commission.

Following discussion regarding existing overhangs in the area, the architect agreed to change the request to reduce the 5 foot setback to 3 feet by changing the space for the kitchen area, the family room, the closets, and the garage.

Reinaldo Trujillo made a motion to approve a 3-foot setback variance with the conditions referenced above. The motion was seconded by Bud Farrey and approved by a 3-1 roll call vote. The vote was as follows: Barry Beschel, Bud Farrey, and Reinaldo Trujillo all voted Yes. Marvin Wilmoth voted No.

B. AN APPLICATION BY CLPF-NBV, L.P., CONCERNING PROPERTY LOCATED AT 8000 WEST DRIVE, TRACT C, HARBOR ISLAND, NORTH BAY VILLAGE, FLORIDA IN CONNECTION WITH THE DEVELOPMENT OF A 285-UNIT RENTAL APARTMENT DEVELOPMENT FOR THE FOLLOWING:

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

The Village Clerk read the request into the record.

Assistant Village Attorney Kathy Mehaffey read the provisions for conduct of quasi-judicial public hearings, and the Village Clerk swore in all those planning to testify. The Village Attorney asked the Board Members to disclose any ex-parte communication and there was none.

Village Planner Ben Smith presented the Staff Report recommending approval of the Special Use Exception with the conditions outlined in the Staff Report.

Discussion took place regarding the size of the regular parking spaces of 9'x18' and the normal allowance of up to 20 feet for compact vehicles.

Steve Wernick and Tara Nelson, of Ackerman Senterfitt were present on behalf of the applicant. Mr. Wernick explained the Special Use Exception request for the smaller spaces which was driven by market demand for compact vehicles. It was noted that the parking spaces would be grouped and identified and the conditions recommended by staff was accepted by the applicant.

Discussion took place about how the vehicles are now being reduced in size and weight for better efficiencies; the request being reasonable since the Code allows the exception and a variance is not being requested; that the request was driven by fuel efficiency; widening the floors of the project to accommodate parking; and concern that if there was a condo conversion, the spaces would be assigned thereby creating problems for those that do not have compact vehicles.

Reinaldo Trujillo made a motion to approve the Special Use Exception with the condition that parking spaces shall not, now or in the future, be assigned to individual unit occupants or owners, as well as those recommended by staff below:

1. Submittal of a modified Site Plan by the Applicant, which will be reviewed by Village staff and determined to be in conformance with the Village Land Development Regulations. No required parking spaces will be removed.
2. Acceptance by the Village Manager of the administrative approval process for this modification.
3. Cost recovery charges 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.

Marvin Wilmoth seconded the motion. The motion was adopted by a 4-0 vote. The vote was as follows: Barry Beschel, Bud Farrey, Marvin Wilmoth, and Reinaldo Trujillo all voting Yes.

3. **APPROVAL OF MINUTES**

A. Regular Planning & Zoning Board Meeting – December 18, 2012

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

4. **ADJOURNMENT**

The meeting adjourned at 8:50 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 not a verbatim record of the meeting. A copy of the audio recording is available at the City Clerk's Office until the time for disposition in accordance with the Records Disposition and other Public Records Law.)