



City of 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

REGULAR PLANNING & ZONING BOARD MEETING

**CITY COMMISSION CHAMBERS
1700 KENNEDY CAUSEWAY, #132
NORTH BAY VILLAGE, FL 33141**

NOVEMBER 15, 2011

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 CITY 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.

ITEM 1

CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL

ITEM 2

OATH OF OFFICE

A. JORGE GONZALEZ

ITEM 3

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

A. A REQUEST BY ISLE OF DREAMS, L.L.C. CONCERNING PROPERTY SITUATED AT 1415 KENNEDY CAUSEWAY (79TH-STREET CAUSEWAY), TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:

- 1. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 5-STORY COMMERCIAL BUILDING.**

1.) Board Recommendation

Mayor
Corina S. Esquijarosa

Vice Mayor
Connie Leon-Kreps

Commissioner
Frank Rodriguez

Commissioner
Eddie Lim

Commissioner
Dr. Paul Vogel

**PLANNING & ZONING BOARD MEETING AGENDA
NOVEMBER 15, 2011
PAGE 2 OF 2**

2. **APPROVAL OF A CONDITIONAL USE UNDER SECTION 152.111.03 OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES FOR THE OPERATION OF AN ADULT ENTERTAINMENT ESTABLISHMENT (ADULT NIGHTCLUB).**

- 1.) **Board Recommendation**

**ITEM 4
ADJOURNMENT**



City of 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

CITY OF NORTH BAY VILLAGE MEMORANDUM

PUBLIC HEARING NOVEMBER 15, 2011 PLANNING & ZONING BOARD

DATE: November 15, 2011

TO: Planning & Zoning Board
City of North Bay Village

FROM: Alex A. David, AICP
Planner

SUBJECT: Petition for Site Plan Approval and Conditional Use
Isle of Dreams – 1415 Kennedy Causeway
Folio No. 23-3209-000-0201

BACKGROUND

The applicant, Isle of Dreams, LLC, is requesting **site plan approval** for a 119,073 gross square foot, 5-story restaurant and nightclub building, inclusive of 3 stories of integrated parking and a **conditional use** for an adult nightclub. This development if approved is to be located on the 3.34 acre former WIOD Radio site. The property currently has a vacant two story building, a radio tower, helipad and existing surface parking.

The building will consist of a 6,400 square foot restaurant space on the first level, parking on the second and third levels and the adult nightclub use on the fourth and fifth levels (both 13,986 square feet).

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Isle of Dreams – Site Plan and Conditional Use
November 15, 2011 – P and Z

Mayor
Corina S. Esquijarosa

Vice Mayor
Connie Leon-Kreps

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Commissioner
Frank Rodriguez

Commissioner
Eddie Lim

Commissioner
Dr. Paul Vogel

The commercial interior spaces total 34,372 square feet. Additionally, a pool club is proposed on the northern portion of the ground level. The overall building height is proposed to be 78 feet. 307 parking spaces are proposed in both surface and structured parking.

The applicant is also proposing to develop a 15 foot wide public baywalk along the entire length of the property in order to connect to the WSVN property, if redeveloped, and to also merge with the City's planned boardwalk along the northerly side of Treasure Island.

The future land use designation of the parcel is Commercial Use and it is zoned Commercial General (CG). The proposed use is consistent with both the adopted land use and zoning.

Section 152.030 **CG General Commercial District** allows for general office, retail and service commercial uses including lounges or nightclubs (subject to the provisions of Chapter 111 of the City Code), restaurants and outdoor seating/dining.

The area surrounding the site includes: Biscayne Bay to the north and northeast, parking and restaurant to the southeast, office to the south and WSVN to the west.

AUTHORITY

Under the City Charter, Article III, *Legislative*, the City Commission shall be vested with all legislative powers of the City vested therein.

FISCAL IMPACT

Based on an analysis by Miami Economic Associates dated October 25, 2011 and provided by the applicant, the project will have a positive economic impact as follows:

- \$7.5 million in construction costs and tenant improvements.
- Building permit fees of approximately \$112,500.
- 55 construction jobs
- 135 full- and part-time jobs at full buildout.
- Between \$10 and 20 million in annual revenues.

3A(2)

- If, at buildout, the property is assessed at \$12.3 million the project would generate approximately \$58,760 annually for the City's General Fund and approximately \$15,197 for the City's Debt Service, and significant franchise fees and utility taxes.

STAFF COMMENTS:

Staff has made its comments and recommendations based on building and site plans and elevations submitted entitled "Isle of Dreams Retail" by Kobi Karp Architecture and Interior Design, Inc. consisting of 12 sheets dated November 3, 2011 and landscape plans by Urban Resource Group consisting of 3 sheets and dated October 28, 2011, a boundary and topographic survey and a specific purpose survey by Fortin, Leavy, Skiles consisting of 1 sheet each dated 11/1/11. Also submitted were color renderings and consisting of 4 sheets. Additionally, the Letter of Intent dated October 18, 2011 is attached and which addresses the majority of Code requirements pertaining to this application.

An analysis addressing consistency with the City's adopted Comprehensive Plan, 2006 Master Plan Charrette and the proposed Kennedy Bayway Project.

a.) Comprehensive Plan

While the project appears generally consistent with all of the goals, objectives and policies (GOPs) in the Comprehensive Plan, the GOPs below are most applicable.

Future Land Use Element

Goal: Secure the maximum physical, economic, and social welfare for the City and its residents through the thoughtful use and development of land, buildings and streets, and public facilities, while maintaining, its existing character as an attractive waterfront community.

Policy 2.2.4: The City shall further refine and implement the City's Vision to improve the character, and to promote the identity, of the City which establishes design criteria and a timetable for the improvement of street intersection elements and street furnishings. In addition, the City shall develop the implementing mechanisms by 2010 to address the nature and design of crosswalks, signage, benches, sidewalks including widening, meandering as well as enhanced sidewalk accessibility, pavement and pavement markings, and other key elements.

The commercial development plan is compatible with existing and future land uses and zoning in the area. Additionally, the commercial use will enhance economic activity in the area. The project also offers a public baywalk, creating a multi-modal walkway along the City's primary attraction, Biscayne Bay.

Transportation Element

Objective 3.2: Require street and walkway improvements in conjunction with all new development and/or redevelopment to ensure continued levels of service.

Policy 3.2.2: As identified in the Vision for the City, proper provisions for connectivity shall be ensured by requiring and improving pedestrian walkways, the installation of bike paths and the installation of traffic calming devices.

Policy 3.3.2: The City shall require all potential development on the Kennedy Causeway to demonstrate that the anticipated traffic impact will not cause the Causeway to fall below the required Level of Service, or to mitigate any impacts to maintain or improve the required Level of Service.

The public baywalk along the property's Biscayne Bay frontage is consistent with the objective and policies above. The approval and construction of this development plan will complete a significant portion of the City's proposed Baywalk project. A traffic impact analysis for the proposed development plan indicates that the level of service on the Kennedy Causeway will be maintained.

b.) Concurrency Review

This development will not have a negative impact on the provision of transportation services, water and sewer, solid waste, drainage or parks and recreation.

c.) North Bay Village Master Plan Charrette

In 2006, the City adopted the Master Plan Charrette which identified a cohesive vision for a more vibrant and exciting future for the City. This vision included among many elements: shared use sidewalks, safer crosswalks, landscaping, lighting, and a waterside boardwalk on Treasure Island. All of these elements are included in the Kennedy Bayway Project and this proposal supports the Charrette as well with its waterside boardwalk and public parking opportunities.

d.) Kennedy Bayway Project

The development plan is generally consistent with the City's Kennedy Bayway Project. The site plan was revised to incorporate a 15' wide public baywalk along the entire water frontage of the subject site. Pedestrian elements, such as benches, landscaping and lighting will also be incorporated along the baywalk; these pedestrian features are desired elements in the City's Baywalk Plan. The site is also a potential location for public parking for baywalk users. If feasible, it is recommended that the applicant provide public parking spaces on site for baywalk users.

TRAFFIC ANALYSIS

The Traffic Analysis has not been submitted to the City prior to the drafting of this report. Once submitted, this Analysis will be reviewed by City staff which may result in additional comments or conditions.

STAFF RECOMMENDATION:

Submit a recommendation to the City Commission to:

Approve the request by Isle of Dreams LLC for **site plan approval** for a 119,073 gross square foot, 5-story restaurant and nightclub building, inclusive of 3 stories of integrated parking and a **conditional use** for an adult nightclub. Subject to the conditions enumerated below.

CONDITIONS

1. That public parking spaces (number to be determined) be made available solely for users of the Baywalk.
2. DERM approval for water and sewer impacts
3. Miami-Dade Fire Rescue Department approvals.
4. That all applicable impact fees and agency approvals be provided to the City prior to final City Building Permit approval.
5. Compliance with City platting requirements.
6. Compliance with Miami-Dade County Biscayne Bay Shoreline Development Review requirements and submission of Shoreline Resolution and approved plans to the City prior to Commission action.
7. That the applicant address Sections 155.09-.13 concerning color palette.
8. That all applicable requirements of Chapter 111 (Alcoholic Beverages) be met.

Attachments

Isle of Dreams - Site Plan and Conditional Use
November 15, 2011 - P and Z

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- Exhibit "A" – Application for Hearings
- Exhibit "B" – Property Appraisers Folio Information
- Exhibit "C" – Letter of Intent
- Exhibit "D" – Economic Analysis

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PLANNING & ZONING BOARD
DATE SUBMITTED: 10/14/11
MEETING DATE: 11/15/11

OCT 14 PM 4:31

**APPLICATION FOR HEARINGS AND NOTICE BEFORE
THE PLANNING & ZONING BOARD**

Hearings and Notices: - All petitions for amendments, changes or supplements to these regulations for variances or special use exceptions thereto, for Height Bonus Approval, or for an amendment, change or supplement to the Comprehensive Plan or district boundaries of the district zoning map, or petitions appealing an administrative decision shall be considered at Public Hearings before the Planning & Zoning Board and the City Commission. Witnesses desiring to make a statement of fact at a Public Hearing shall be considered as a matter of opinion. Notice of Public Hearings before the Planning & Zoning Board and the City Commission shall be given by publishing the time, the place and the nature of the hearing at least 10 days before the hearing. The City Clerk shall certify that the petition is complete before the hearing is legally advertised.

APPLICANT'S NAME: Isle of Dreams, L.L.C. **PHONE:** 305-374-5300
ADDRESS: c/o Graham Penn, Esq., Bercow Radell & Fernandez, PA, 200 S. Biscayne
Boulevard, Suite 850, Miami, Florida 33131

PURPOSE OF REQUEST: (Zoning Amendment, Change, Supplement, Variance, Special Use Exception, Height Bonus Approval, Administrative Appeal, etc.)

Site plan approval for a 119,073 gross square foot, 5 story mixed-use restaurant and nightclub, building, inclusive of 3 stories of integrated parking, and conditional use for an adult nightclub.

LEGAL DESCRIPTION OF PROPERTY See Exhibit "A."

STREET ADDRESS: 1415 N.E. 79 Street

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**APPLICATION FOR HEARING AND NOTICES
BEFORE THE PLANNING & ZONING BOARD
PAGE 2 OF 3**

EXISTING ZONING CG **ACRES:** 3.34 **SECTION:** 9 **TOWNSHIP:** 53 **RANGE:** 32

EXISTING ZONING REGULATION, VARIANCES, OR USE: Current use of subject property is a vacant office building and radio broadcasting facilities.

PROPOSED CHANGES: See attached letter of intent

All applications shall be submitted to the Building & Zoning Department at least 21 days before the scheduled Public Hearing. Applications shall include all information and/or documents required by the Board.

Filing Fees – All persons, firms, or corporations petitioning the Planning & Zoning Board and the City Commission necessitating the publication of notices in the newspaper, and all relative thereto, the payment of such money in advance to the City 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 the City of North Bay Village, no rights shall vest on behalf of the applicant, which would be enforceable against the City until after a Public Meeting is held by the City Commission and the City Commission has voted favorably 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 City Commission. Any person submitting false information or misrepresenting in their presentation shall have all privileges granted to them by the Planning & Zoning Board and the City Commission revoked.

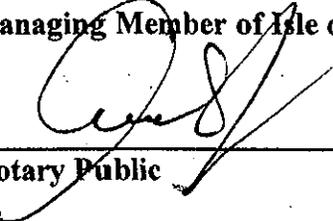
3A(9)

APPLICATION FOR HEARING AND NOTICES
BEFORE THE PLANNING & ZONING BOARD
PAGE 3 OF 3

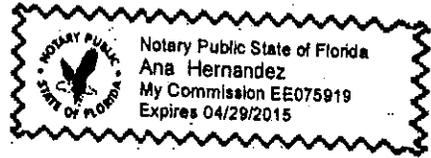
Authorized Signature: 
Scott Greenwald
Managing Member, Isle of Dreams, L.L.C.

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Sworn to and subscribed to before me this 14 day of October 2011 by Scott Greenwald,
Managing Member of Isle of Dreams, L.L.C. who is personally known to me.


Notary Public

(Notary Seal)



Fees: _____
Date Paid: _____

(NOTE: ALL NEW AND SUBSTANTIAL IMPROVEMENTS MUST COMPLY WITH
THE FLORIDA BUILDING CODE AND THE FEMA (FLOOD) REGULATIONS.)

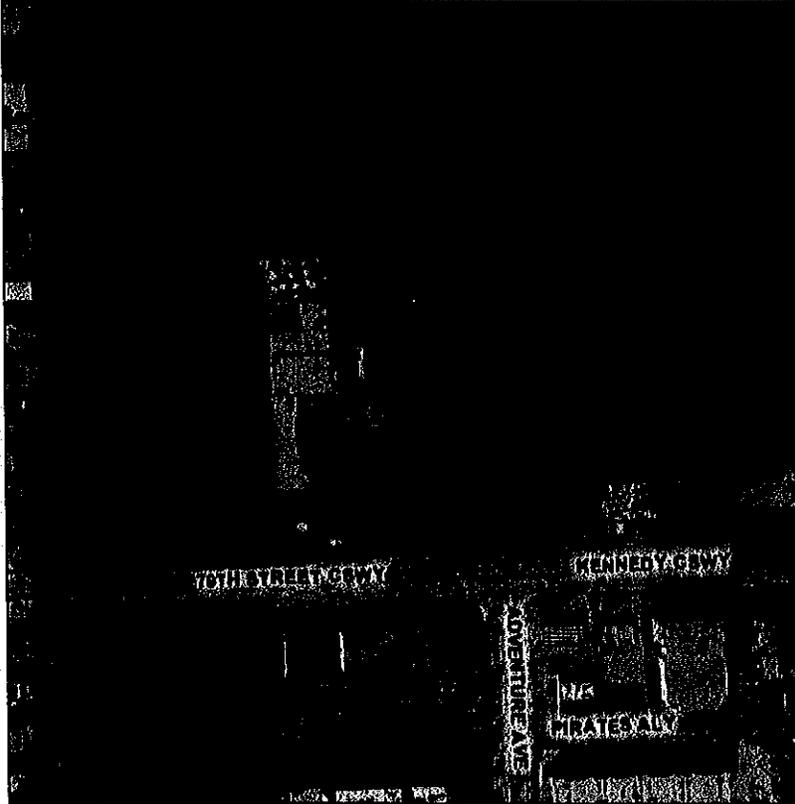
3A(10)

My Home
Miami-Dade County, Florida



miamidade.gov

Property Information Map



Aerial Photography - 2009

0 ————— 163 ft

This map was created on 11/4/2011 2:11:19 PM for reference purposes only.

Web Site © 2002 Miami-Dade County. All rights reserved.



Summary Details:

Folio No.:	23-3209-000-0201
Property:	1415 NE 79 ST
Mailing Address:	ISLE OF DREAMS LLC 7301 SW 57 CT STE 565 S MIAMI FL 33143-5334

Property Information:

Primary Zone:	6000 COMMERCIAL: DANCE HALLS
CLUC:	0063 UTILITY
Beds/Baths:	0/0
Floors:	2
Living Units:	0
Adj Sq Footage:	17,426
Lot Size:	3.33 ACRES
Year Built:	1956
Legal Description:	9 53 42 3.34 AC BEG 1716FTE & 50FTN OF 1/2 MP ON W/L OF SEC N805FT E244FT S505FT SWLY TO N R/WL OF NE 79TH ST W224FT TO POB LOT SIZE 145490 SQUARE FEET

Assessment Information:

Year:	2011	2010
Land Value:	\$7,274,500	\$11,639,200
Building Value:	\$100,000	\$100,000
Market Value:	\$7,374,500	\$11,739,200
Assessed Value:	\$7,374,500	\$11,739,200

Taxable Value Information:

Year:	2011	2010
Taxing Authority:	Applied Exemption/ Taxable Value:	Applied Exemption/ Taxable Value:
Regional:	\$0/ \$7,374,500	\$0/ \$11,739,200
County:	\$0/ \$7,374,500	\$0/ \$11,739,200
City:	\$0/ \$7,374,500	\$0/ \$11,739,200
School Board:	\$0/ \$7,374,500	\$0/ \$11,739,200

Sale Information:

Sale Date:	10/2004
Sale Amount:	\$1,300,000
Sale O/R:	22732-4088
Sales Qualification Description:	Other disqualified
View Additional Sales	

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BERCOW RADELL & FERNANDEZ
ZONING, LAND USE AND ENVIRONMENTAL LAW

OCT 20 PM 4:06

Direct: 305-377-6229
E-Mail: gpenn@brzoninglaw.com

VIA ELECTRONIC MAIL AND HAND DELIVERY

October 18, 2011

Robert Daniels
Interim City Manager
City of North Bay Village
1700 Kennedy Causeway
Suite 132
North Bay Village, Florida 33141

RE: Letter of Intent for "Isle of Dreams" Development at 1415 Kennedy Causeways.

Dear Chief Daniels:

Our law firm represents Isle of Dreams, L.L.C. (the "Applicant"), the owner of the parcel at the above-described address. Please consider this letter the Applicant's letter of intent in support of a public hearing application seeking the necessary approvals to develop the subject property with a new commercial building, inclusive of an adult entertainment establishment. We believe that the proposed development is consistent with the City's zoning regulations, the City's Comprehensive Plan, and the goals of the City's recent charrette regarding development along Kennedy Causeway.

Along with the proposed site plan, we are attaching hereto the required application forms, supplementary analyses required by the City's Consolidated Land Development Code, and the security, operational and noise control information required by Section 152.111.04(e) of the City's zoning regulations. The submitted analyses demonstrate that the proposed development will not have an adverse impact on the public facilities of North Bay Village and that the proposed adult entertainment use will be consistent with the requirements of Section 152.111.04 of the City's code.

The Property. The subject property ("the Property") comprises approximately 3.33 acres of commercial land on a peninsula that extends to

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the north from the Kennedy Causeway into Biscayne Bay. The Property is zoned and planned for Commercial Use. The balance of the peninsula is owned by a commercial user - WSVN - who owns approximately thirty-nine (39) percent of the peninsula.

Urban Context. In recent years, the Kennedy Causeway area has lost much of its previous luster and many of the existing commercial uses along the Causeway have struggled to stay in business. The City recently held a planning charrette that had its major focus the revitalization of the Causeway area. The consensus goal of the charrette was to animate the causeway by attracting new development to the north side Causeway and to increase public access to Biscayne Bay. We believe that the proposed development will be the first such high-quality project to be located on the Causeway, providing unprecedented access to the Bay.

Previously Approved Development. As you recall, the City approved a previous development plan for the Property in 2008. That plan, known as "Lexi on the Bay" proposed a twenty-one (21) story mixed-use residential and commercial development with 214 residential units and approximately 18,000 square feet of commercial space. The "Lexi on the Bay" plan also included a four (4) story parking garage that formed the pedestal upon which the two proposed residential towers were proposed to be located.

Proposed Isle of Dreams Entertainment Complex Development. The Applicant proposes to develop the Property with a well-designed multi-tenant entertainment complex. Although the tenancies within the project are not yet finalized, the Applicant anticipates the development will include a mix of restaurant, pool club, and adult nightclub uses. As with any multi-tenant commercial development, the uses may change over time. The project will be served by both surface parking and the three parking levels within the structure.

A proposed 6,400 square foot restaurant and parking are planned for the ground level of the building. A pool club has been proposed for the northern portion of the Property at the ground level. The middle two levels will consist of enclosed parking. The top two (2) stories of the building (13,986 square feet per floor) are proposed to house the adult nightclub use. Counting the parking, the building will be a total of five (5) stories and seventy-eight (78) feet in height.

The proposed development will meet or exceed all the City code requirements for setbacks, open space, landscaping, and parking. Access to the Property will remain the same. The existing radio tower on the north side of the Property is proposed to remain.

Baywalk. The Applicant is proposing to develop a fifteen (15) foot wide public baywalk that will merge with the City's planned floating boardwalk to provide access to Biscayne Bay along the entire eastern boundary of the Property. While open to the public, the portion of the baywalk on the Property will remain in the ownership of the Applicant and the City and the public will therefore incur no costs in the continued maintenance of the baywalk area. The Applicant has agreed to open the baywalk to the public from dawn to 8:00 P.M. daily. The construction of the baywalk will provide the best public access to Biscayne Bay in the City.

The Applicant has agreed to extend the floating boardwalk along the entire length of the Property in the event the neighboring WSVN land is redeveloped to include a baywalk. The Applicant will be filing an application with the Miami-Dade County Shoreline Development Review Committee seeking approval of the proposed baywalk.

The proposed development is consistent with the Property's comprehensive plan and zoning designations, as well as the designations of the parcels that lie on the east and west of the Property, both of which are zoned for commercial development.

Public Hearing Requests. As required by Section 2.7.3(2) of the City's Consolidated Land Development Regulations, the Applicant hereby makes the following public hearing zoning requests:

- A site plan approval of a major development (over 10,000 square feet of commercial floor area).
- Conditional use approval for an adult entertainment establishment. The Applicant will be requesting that any conditional use approval provide that it will be valid for six (6) months following the issuance of the certificate of occupancy for the new building.

The Applicant is unaware of any additional special permits, variances or exemptions that would be required by the proposed development. As noted above, the Applicant will be seeking additional approval of the Miami-Dade County Shoreline Development Review Board.

Compliance with Zoning and City Code Standards. The proposed Isle of Dreams Retail development will comply with all the requirements of the City's CG zoning district, the City's site plan review standards, the City's recently created design guidelines, and the conditional use requirements for adult entertainment establishments. As noted above, the proposed plan contains no variances of the City's CG zoning requirements.

City's Site Plan Review Criteria. The following are the City's site plan review criteria and the status of the compliance of the Isle of Dreams Retail development with each requirement:

Section 152.105(C)

(a) Protects against and minimizes any undesirable effects upon contiguous and nearby property.

The submitted plan complies with this requirement. The Project enjoys a tremendous setback from Kennedy Causeway (321 feet) and is sited and oriented to benefit from the water views to the North and East. Both the Property and its neighbor are zoned and planned for commercial development and the commercial potential uses of this property are all permitted by the commercial district regulations. Broadcast uses, like our neighbor's, frequently occur within urban settings with commercial and residential uses existing in close proximity. Care has been taken in the design of the project to limit any potential negative impacts on surrounding parcels. For example, the neighbor to the west will be provided with vehicular and pedestrian access from the Property. Those of its employees who ultimately use the proposed shared parking area on the Property will be provided with a clearly marked accessway. Moreover, truck access over the Property to the rear of our neighbor's parcel will be maintained and enhanced under the proposed design. The proposed building's height, seventy-eight (78) feet and five (5) stories, is consistent with the pattern of development of similar buildings in the City. The creation of the Biscayne Bay boardwalk area will enhance the surrounding area.

(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 submitted plan complies with this requirement. The proposed surface and garage parking will remain sufficient to serve the uses within the building. The garage parking will be a mix of self-parking and valet parking.

(c) Provides a sufficient setbacks, open space, and landscaping in order to protect and enhance the appearance and character of the neighborhood.

The submitted plan complies with this requirement.

(d) Can be accommodated by existing community roads, services, and utilities, or the necessary additions are provided by the developer.

As indicated by the submitted updated memos prepared by Kimley-Horn and Associates, the impact of the proposed development will be accommodated by the existing roadway network and water and sewer system.

City's Design Standards. As you know, the City recently adopted a set of urban design standards codified in Section 155 of the City Code. The following are the relevant design standards and the status of the compliance of the Isle of Dreams Retail development with each requirement:

Section 155.03

Building and site design relationships shall conform to the following standards

1. Buildings or structures located along strips of land or on single sites and not part of a unified multi-building complex shall strive to achieve visual harmony with the surroundings.

The submitted plan complies with this requirement. The midrise nature of the proposed development, its open baywalk, the extreme setback from the Kennedy Causeway and its siting in the northeast corner of the Property all combine to create a sense of visual harmony on the site. Unlike the neighbor to the west who has built in close proximity to the Causeway, the proposed development will sit back over 321 feet,

thereby creating a tremendous sense of open space on the property. From a design perspective we believe that the Isle of Dreams structure will be a clean, modern design that will greatly enhance the character of the neighborhood.

2. Retail or office establishments, which are located on corners, are recommended to place windows on each wall that faces a street, parking area or driveways.

This requirement is inapplicable to the Property.

3. In the case of buildings with multiple storefronts and shopping centers with out-parcel development, facade treatment shall be coordinated. Such facade treatments include: building colors, windows, storefronts, signage and awnings.

This requirement is inapplicable to the Property. While the Property may have multiple tenants, it will not be designed like a typical strip retail center, with storefronts arranged in a linear fashion.

4. All vending machines, any facility dispensing merchandise, or a service on private property shall be confined to a space built into the building or buildings, or enclosed in a separate structure compatible with the main building.

This requirement is inapplicable to the Property.

5. When garage structures are provided, such shall be designed to incorporate a decorative grid treatment into the structure's facade at ground level.

The parking structure complies with this requirement.

6. Storefronts shall have easily identifiable entrances.

The submitted plan complies with this requirement.

7. Window displays shall be done in such a manner as to capture the pedestrians' customers attention, establishing a positive and

professional image for the business, and informing the potential customers of the merchandise.

The development will comply with this requirement.

8. "Take out" or "pick up" windows for retail or other establishments shall not be located on a building facade that faces a public right-of-way, unless they are designed in such a manner as to be an aesthetic asset to the building and neighborhood.

This requirement is inapplicable to the Property.

9. Roof-mounted mechanical equipment and elevator shafts shall be screened by a parapet wall or grills and shall be painted in muted colors or match the building and shall not be visible from the street.

The submitted plan complies with this requirement.

10. All service bays, mechanical (HVAC) equipment and delivery areas shall be located away from and not visible from the streets, waterways, sidewalks and adjacent properties.

The submitted plan complies with this requirement; all service bays, HVAC equipment, and similar areas will be hidden from public view. The trash pick up area will be located on the west side of the building, adjacent to the existing service area of the neighbor to the west.

11. Service bays, ground-mounted air conditioning units and other mechanical equipment shall be buffered and completely screened from public and on-site pedestrian view.

The submitted plan complies with this requirement; all service bays and similar areas will be hidden from public view.

12. Exterior service bays and delivery areas shall not be used for the storage of vehicles or materials.

The development will comply with this requirement.

13. The sale, dismantling or servicing of any vehicles, equipment, materials, or supplies shall not take place within the service area or delivery area.

The development will comply with this requirement.

14. Driveways and loading spaces associated with exterior service bays shall be so that vehicles using the space do not hinder the use of traffic lanes, streets, or adjacent properties.

The submitted plan complies with this requirement. The loading and service area will be located in a manner that does not impede traffic on the Property or on the neighboring parcel to the west.

15. Pre-fabricated homes are prohibited in new construction.

This requirement is inapplicable to the Property.

16. Fences shall be made of wrought iron or aluminum bars with intermittent posts. Masonry walls are also permitted, with forty (40) percent of the wall opaque. Chain link fences and privacy wood fences are prohibited along the Corridors. Sharp projections, barbed wire or other hazardous materials are not permitted as any part of a fence or wall. Wrought iron and aluminum bar fences shall be either black, white or match the color of the building. Masonry walls shall match the building color or reflect Florida coastal themes. Color shall be muted tones.

The submitted plan complies with this requirement.

17. Temporary construction shall be enclosed by black vinyl coated chain-link fences. Construction walls/fences are encouraged to contain art work and graphics. Commercial advertisements are prohibited.

The development will comply with this requirement at the time of construction.

18. Reflective/mirrored glass shall be discouraged.

The submitted plan complies with this requirement.

19. Buildings shall not have unfinished surfaces visible to the public.

The submitted plan complies with this requirement.

Section 155.04 New Construction.

- A. Buildings should have a recognizable entrance facing the public street.
1. Design and location of balconies should reinforce the building form.
 2. All projects should consider the overall form, and detail of the building. Box buildings are discouraged.

The submitted plan complies with these requirements. While the design is simple, it features changes in material and in plane that will create the most attractive commercial building in the City.

Section 155.05 Site Design Relationships

- A. The coordination of facade components help establish an identity for an office building, industrial building or shopping plaza. Therefore, for all unified developments and shopping centers including principal buildings and out parcel development, all buildings and signage shall demonstrate compatibility in materials and consistency in style throughout all exterior elevations. The following standards shall apply to all new and substantial development. Buildings and signage shall demonstrate the following:
1. Compatibility with adjacent land uses in terms of scale and lot coverage.

The submitted plan complies with this requirement. As noted, the proposed use of the Property is perfectly compatible with the commercial uses to the east (a restaurant) and to the west (a broadcasting use and related office). The midrise nature of the design promotes an elegant visual transition from the older, squatter, neighbor to the west and the taller, slender, more modern structures approved to the

east. The project's robust setback and baywalk will effectively create a sense of open space and its adjacency to the Bay works to confirm the sense of scale. The project readily complies with all lot coverage requirements.

2. Utilize color schemes that blend with those of neighboring developments, as well as consistency in color schemes for the site. Accent colors and materials shall be chosen to enhance architectural detail.

The development will comply with this requirement.

3. In the case of buildings with multiple storefronts and shopping centers with out-parcel development, façade treatment shall be coordinated and have like details. Such façade treatments include: building colors, building, floors, storefront, signage, awnings, roof materials, and roof pitch.

The submitted plan complies with this requirement; the façades of the building will be coordinated and consistent with one another.

4. Building signs shall be designed as integral architectural elements with proportions related to the surfaces to which they are attached.

The development will comply with this requirement at the time of sign approval. The submittal plans include a general sign design.

Section 155.08 Bayview

- A. Buildings should provide view/light/breeze corridors to the bay.

The submitted plan complies with this requirement. Care has been taken to minimize the project's visual impact when viewed from the Kennedy Causeway in order to provide generous view corridors to Biscayne Bay. The fourth and fifth floors are smaller than the lower levels to provide additional view corridors on the east and west sides of the Property.

B. Building pedestal should not form continuous sheer wall along the bay. Decorative surfaces, multi-level decks, berming and sufficient setbacks shall reduce the impact of the pedestal.

The submitted plan complies with this requirement.

C. Buildings should be designed with distinctive form. Stepped form and distinctive roof lines create a more interesting skyline and increase building recognition.

The submitted plan complies with this requirement.

D. Pool decks should include landscaping to provide shade and tropical image.

The submitted plan complies with this requirement. The rear pool deck will include generous landscaped areas.

E. All projects shall provide bay walkways along the rear of the property, which can be connected to other properties.

The submitted plan complies with this requirement.

Section 155.14 Landscaping

(A) Landscaping should compliment the old Florida/Maritime theme, using native plant materials and street furnishings that carry the theme, and provide continuity throughout the district. In addition, public safety will be a priority using the principles of CPTED to create high visibility areas and natural access control. With regards to landscape design for both new construction and existing buildings, the following should apply:

The submitted plan complies with this requirement.

(B) Ornamental trees or palms should be placed in front of buildings in such a manner as to provide visual transparency. Shade trees and palms shall be used adjacent to open spaces, parking lots, and

residential streets. Planting areas shall be designed with multi-layers of plant material including shrubs and ground covers.

The submitted plan complies with this requirement.

1. Landscaping should compliment and enhance the overall architectural and design theme of the property, but not overpower it.

The submitted plan complies with this requirement.

2. Rhythm should be maintained along public streets through the uniform placement of trees.

The submitted plan complies with this requirement.

3. Blank walls greater than 25' in length and other unattractive areas of a site or building should be heavily screened with landscaping. Rooflines or storefronts of twenty-five (25) feet or greater shall be broken by vertical landscaping materials. Shade and accent trees planted at twenty (20) foot intervals shall be required to achieve this screening.

The submitted plan complies with this requirement. There are no "blank" walls in the proposed design.

4. Large parking areas and driveways shall be heavily landscaped along the perimeter and with interior and terminal islands.

The submitted plan complies with this requirement.

5. Landscape design should utilize the CPTED principles of natural surveillance, natural access control and territorial reinforcement.

The submitted plan complies with this requirement.

6. The use of native trees, shrubs and ground covers is encouraged to be incorporated into the landscaping around proposed

developments. Local flora will be maintained as part of the built environment and the demand on our local water resources will be minimized.

The submitted plan complies with this requirement.

7. The placement and design of landscaping shall maximize visibility to provide natural surveillance.

The submitted plan complies with this requirement.

8. Landscape design shall incorporate with design of other physical features, such as sidewalk, pavements, lighting and fences; to emphasize public entrances, define and reinforce ownership of property.

The submitted plan complies with this requirement.

9. Tree and palm heights and spread shall allow sufficient visibility, not completely block views of/from doors, windows, and streets.

The submitted plan complies with this requirement.

10. Shrubs and ground cover shall be planted along public right-of-ways or around parking, and public open areas.

The submitted plan complies with this requirement.

11. Landscape design will utilize principles of xeriscape landscaping, while retaining the tropical beach resort atmosphere.

The submitted plan complies with this requirement.

12. Landscape plans must be drawn, signed and sealed by a Florida Registered Architect or Landscape Architect.

The Applicant agrees to provide a full landscaping submittal as a condition of approval.

13. In addition to the design standards, all landscaping shall meet the standards of the City of North Bay Village Landscape Code.

The submitted plan complies with this requirement.

14. Landscaping in 15' line of site triangle at intersections of right-of-ways and at driveways shall conform to height clearances of bushes and trees, and maximum tree calipers in accordance with the City Code.

The submitted plan complies with this requirement.

Section 155.17 Off-Street Parking and Loading

- A. Minimum off-street parking and loading requirements shall conform to the City Code relating to Parking and Loading Requirements. The following criteria shall also be considered:

1. Parking lots and other vehicular use areas are to be designed to be functional and aesthetically enhance neighborhood building, group of buildings, or facility they serve.

The submitted plan complies with this requirement.

2. Off-street loading areas shall be located where they will not disturb adjacent uses and should not be the visual focal point of a driveway, parking area, adjacent properties, or the right of way. This may be accomplished by providing any or a combination of the following: masonry wall extensions of the building line, opaque landscape screening, berming, and through selective placement or orientation of the loading area.

The submitted plan complies with this requirement. The Property's loading areas will be located in the rear of the parcel.

3. Developments which include out-parcels shall be designed to provide safe and efficient vehicular and pedestrian circulation within the out-parcel, between the out-parcel and the principle development and off-site. All pedestrian connections should be well marked and lighted.

The submitted plan complies with this requirement.

4. Sites requiring large areas of surface parking should attempt to distribute parking into smaller areas broken up by intervening areas of landscaping, open space and buildings wherever possible rather than aggregating parking into continuous street facing strips.

The surface parking area on the Isle of Dreams plan is broken up by landscaped areas.

5. Parking areas must provide adequate drainage.

The submitted plan complies with this requirement.

6. With the exception of temporary parking lots, the landscaped areas of an at-grade parking lot should be defined with a six inch curb.

The submitted plan complies with this requirement.

7. Parking garages and structures shall contain commercial use on the ground floor and architectural detailing so not to appear as a garage on elevations facing the street.

The submitted plan complies with this requirement. The parking areas within the garage will be invisible to the street.

8. Multiple levels of parking structures should be parallel to grade on waterfront elevations.

The submitted plan complies with this requirement.

9. Stairways and elevators should be glass enclosed or open clearly visible to the street or other populated areas to prevent vandalism.

The submitted plan complies with this requirement.

10. Ramps, stairwells and any other portion of the garage should be buffered with the use of decorative grilles and screens.

The submitted plan complies with this requirement. The proposed garage will be completely screened.

Section 155.18 Dumpster Enclosures, Garbage / Mechanical Equipment Rooms

A. Mechanical equipment is necessary to the function of the buildings, which comprise a successful development. Unfortunately, space must be found for components that are sometimes large, noisy and unsightly. Mechanical equipment, particularly when added after the building is in use, can interrupt the streetscape and public views, decreasing the comfort and livability throughout the area. Enclosures and Mechanical Rooms shall conform to the following criteria:

1. When associated with a restaurant and/or drinking use, trash and garbage facilities are recommended to be within an enclosed, air-conditioned garbage room for new construction or when buildings are being substantially rehabilitated, if feasible.

The development will comply with this requirement. The proposed trash room serving the project will be located on western portion of the building.

2. When located outside of the building, the facilities are preferred to be enclosed within a CBS opaque structure. The structure (including opaque gates) shall be painted to match the building, unless otherwise required by a special use district.

This requirement is inapplicable to the Property.

3. 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.

The submitted plan complies with this requirement as the dumpster enclosure will be located within the building.

4. 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.

The submitted plan complies with this requirement.

5. 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.

The submitted plan complies with this requirement.

6. All service bays, mechanical (HVAC) equipment and delivery areas should be located away from and not visible from the streets, waterways, sidewalks, and adjacent properties.

The submitted plan complies with this requirement.

7. Service bays, ground-mounted air conditioning units, and other mechanical equipment shall be screened from public and on-site pedestrian view, and buffered.

The submitted plan complies with this requirement.

8. Exterior service bays and delivery areas should not be used for the storage of vehicles or materials.

The development will comply with this requirement.

Section 155.19 Awnings and Canopies

A. Pedestrian related concerns are a priority in the creation of a successful development. Overhead protection from rain and sun should be provided for pedestrians. Awnings have an impact on the appearance of the storefront and building and tend to bring pedestrians closer to shop windows and entrances. Consideration shall be given to the following where applicable:

1. Buildings/storefronts should have awnings or other means to provide pedestrians with sun/rain protection unless physically unsuited.

The submitted plan complies with this requirement. The storefronts will be protected by the building.

2. Continuous awnings over several stores are prohibited. Individual awnings should be distinct from its adjacent neighbor. When multiple awnings are attached to one building, awnings shall be of identical height and depth.

The submitted plan complies with this requirement.

3. Backlit awnings are prohibited. These awnings, because of their high visibility, become attention getting devices - such as a sign, rather than means to provide comfort and protection for the pedestrian. Such awnings overwhelm the appearance of the buildings they are attached to, detracting from architectural qualities. Awnings that incorporate subtle down-lighting in a manner which creates a discreet peripheral washing of the awning, may be appropriate in some instances. High gloss vinyl (plastic) awning, backlit and metal awnings are not permitted.

The submitted plan complies with this requirement. There are no backlit awnings proposed in the development.

4. Metal awnings should be contemporary in design and shall be subject to the same restrictions and guidelines as other awning materials.

There are no metal awnings proposed for the development.

5. Awnings shall be maintained in good repair, free from tears, fading or peeling. Awnings may be supported by poles and connected to the building underneath. Awnings needing vertical support columns are prohibited in the setback area.

The submitted plan complies with this requirement.

6. The awnings on corner buildings shall continue around the corner for compatibility with building form and pedestrian patterns, wherever possible.

The submitted plan complies with this requirement.

7. Signs on awnings/canopies are prohibited.

The submitted plan complies with this requirement.

8. Awnings shall not to be used where there is an existing projecting concrete sunscreen, except that a vertical awning valance may be suspended below the sunscreen with a clear height of 8 feet above the sidewalk.

The submitted plan complies with this requirement.

9. Awnings should utilize color schemes that blend with those of neighboring developments as well as consistency in color schemes for the site. Accent colors should be chosen to enhance architectural details. Solid color and broad striped fabric patterns are preferred.

The submitted plan complies with this requirement.

Consistency with Charrette Goals. We believe the proposed commercial development will meet the stated goals of the recent charrette by providing first class development on Kennedy Causeway, providing public access to the waters of Biscayne Bay, providing additional restaurant, pool club and nightclub uses for the City, and preserving the visual corridors to Biscayne Bay from Kennedy Causeway.

Conditional Use Requirements. Finally, the proposed project will be consistent with Section 152.111 of the City Code. The following are the standards in Section 152.111.04 of the City Code, followed by the application of the relevant standard to the project. We are excluding sections (2) and (3), which relate to the preparation of a survey. As you know, the Applicant has submitted the required survey.

152.111.04(a)

- (1) No adult entertainment establishment shall be permitted on a parcel of land located in any district other than the CG zoning district, and if to be located within a CG zoning district it cannot be:
 - (i) Within five hundred (500) feet of any residentially zoned district as designated on the City's official zoning district map, or within five hundred (500) feet of any property on which over twenty-five (25) percent of the floor area is devoted to residential use;
 - (ii) Within five hundred (500) feet of any parcel of land upon which a religious facility, public school, private school, public park, public playground, library, daycare center or nursery for children is located; or
 - (iii) Within five hundred (500) feet of any hotel or motel, or
 - (iv) Within one thousand (1,000) feet of any parcel of land upon which another adult entertainment establishment is located.

The proposed use is consistent with the above requirements. As you know, there are very few sites within the City that are consistent with the Code's distance requirements. In fact, the Property and the adjacent WSVN land are the only two tracts that can comply with the code's requirements and therefore are the only parcels in the City that can legally be developed with an adult use. Note also that the City Code essentially limits the City to a single adult entertainment establishment because of the Code's requirement to create a 1,000 foot buffer between such uses. Because the

Property is the only site that is primed for redevelopment that is consistent with the City Code's distance requirements, it is basically the single viable site for an adult use in the City and, upon approval, will house the City's only adult use.

- (4) Will not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use.

There are multiple safeguards included in the development and business operations plan for the adult entertainment use that will ensure that neighbors will not be negatively impacted. As discussed above, the proposed building will be located over three hundred (300) feet from Kennedy Causeway, limiting any interaction with the employees and patrons of the adult entertainment use with the general public. The Applicant has committed to providing a security team on the premises at all times, which shall be supplemented by off-duty North Bay Village police officers. Security personnel will be located on the exterior of the building, including the parking area, at the elevator bank to screen customers, and within the adult nightclub use at all times the use is open. Security personnel will be aided by a camera system covering all of the entrances and exits to the building. The design of the building will allow the Applicant to restrict all public use of the elevators in the building to patrons of the adult entertainment use (located on the fourth and fifth floors). The general public will therefore not have any access to the adult use. We believe that the sum of the operational limits and site design will result in no adverse impact of the adult entertainment establishment on our neighbors.

- (5) The applicant must show a present possessory interest in the property (ownership or leasehold interest) by sufficient documentation.

The County's Property Appraiser establishes the Applicant as the owner of the Property.

- (6) Will not be detrimental to the public welfare, properties or improvements in the neighborhood.

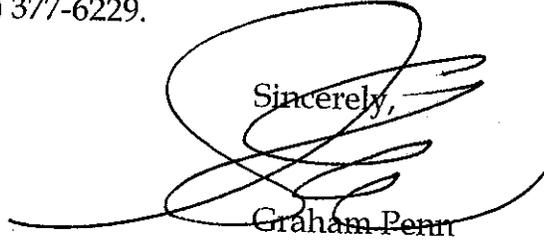
The proposed adult entertainment use is located on the only suitable site within the City, far away from residential uses, separated by Kennedy Causeway and five hundred feet from the closest daycare center. The replacement of the moldering office building on the Property with the proposed redevelopment will be a positive

Robert Daniels
Interim City Manager
October 18, 2011
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impact to local property values. The operational controls proposed by the Applicant will ensure that the use will not have a negative impact on the surrounding land.

Conclusion. We look forward to the City's review and recommendation on the application. If you have questions or concerns, please call me at (305) 377-6229.

Sincerely,



Graham Penn

cc: Scott Greenwald
Henry Iler, AICP
Jeffrey Bass, Esq.
Jeffrey Bercow, Esq.
Michael Larkin, Esq.

**The ISLE OF DREAMS
ENTERTAINMENT
COMPLEX**

**BUSINESS OPERATIONS PLAN /
LETTER OF INTENT**

**1415 N.E. 79TH Street
North Bay Village, Florida**

3A(34)

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CONCEPT

The Isle of Dreams Entertainment Complex will be an upscale destination entertainment center consisting of a gourmet restaurant, a waterfront pool and a Gentleman's Club. The Gentleman's Club will be a high end establishment, occupying the fourth and fifth floors of the proposed new building. The Gentleman's Club will only be accessed from a secured ground floor lobby entrance. The ground floor of the Property will also contain a separate Restaurant and Pool Club. Both of these uses are not part of the conditional use application, but a part of the site plan application.

HOURS OF OPERATION

Nightclub

7 days a week
11:00 am – 5:00 am

MUSIC

Entry Lobby

Background

Gentleman's Club

Entertainment levels

Roof Deck

Background

PARKING

The Isle of Dreams will have a combination of self-parking in the front parking lots as well as valet parking in the parking garage. The valet service would operate 7 days a week from 11:00 am to closing time. The valet will have a covered two lane drop off /pick up area in the front of the property.

The parking lots will be both well landscaped as indicated on the detailed landscaping plan as well illuminated. In addition, there will be a separate pedestrian access point on the Eastern edge of the property.

ACCESS & SECURITY

The Isle of Dreams property has one vehicular entrance and exit off of the 79th Street Causeway. In addition, the Isle of Dreams will have a safe pedestrian access point on the east end of the property through a boardwalk that also will provide public access to the waterfront and the proposed public floating boardwalk.

There will be self parking available in the front parking lots as well as an ample drop off / valet station as part of the main building entrance. The Club will have only one main secured entrance / exit on the ground floor of the building.

The Isle of Dreams will have a professional security team that will monitor the property, the building entrance, and interior of the property. There will be a roving security guard monitoring the property including the parking lots. There will be a security person who will screen all patrons for the club at the front door. Finally, there will be a security person inside monitoring the club at all times.

Cameras will be placed at all entrances and exits to ensure the safety of all.

It is anticipated that at least 7 professional security personnel will be on the premises during all operating hours of the nightclub. There will also be the use of off duty North Bay Village police to supplement the on-site private security.

Miami Economic Associates, Inc.

October 25, 2011

Graham Penn, Esq.
Bercow Radell & Fernandez
Miami, Florida

**Re: Isle of Dreams Entertainment Complex
North Bay Village, Florida**

Dear Sirs:

Miami Economic Associates, Inc. (MEAI) has performed economic analysis designed to address the following issues with respect to the proposed Isle of Dreams Entertainment Complex, which will be located at 1415 Kennedy Causeway in North Bay Village, Florida:

- The proposed project's impact on the local commercial real estate market;
- The proposed project's impact on the economy of North Bay Village; and
- The fiscal benefits that the proposed project will provide to North Bay Village.

The purpose of this letter, which is organized as shown immediately below, is to provide you with the results of our analysis.

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Project Description	2
Impact of the Local Commercial Real Estate Market	2
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3A(40)

Project Description

The proposed Isle of Dreams Entertainment Complex will be located at 1415 Kennedy Causeway in North Bay Village, Florida. The project will consist of a 5-story building containing a total of 119,973 gross square feet of space, inclusive of two levels of structured parking that will accommodate a portion of the project's total of 307 parking spaces, 60 more than is required by code. The remainder of the parking will be comprised of surface parking spaces at the ground level.

Within the structure, there will be a 6,400 square feet space on the ground floor level that will be occupied by a restaurant. The fourth and fifth levels will provide a total of 27,970 square feet for a night club offering adult entertainment, with the space provided on the two levels connected via an internal staircase. A outdoor, fee-based swim club will also be developed as part of the project on the ground level between the rear of the building and Biscayne Bay seawall. It is anticipated that the occupants of the leaseable space will pay approximately \$40 to \$50 net in rent. Their revenues are expected to range between \$10.0 and \$20.0 million annually and it is estimated that they will employ approximately 135 people on either a full or part-time basis.

Construction of the shell of the proposed build is expected to cost \$5.0 million in "hard" construction costs with an additional \$2.5 million being spent on tenant improvements, "Soft costs" inclusive of architectural and engineering fees, impact fees, construction loan interest, etc. are expected to total approximately \$1.0 million. For the purpose of this analysis, it is anticipated that the project will be placed on the tax rolls for approximately \$12.3 million, which is an amount equal to the current assessed value of the site plus the hard cost of constructing the proposed building's shell.

Impact on the Local Commercial Real Estate Market

In assessing the impact that development of the Isle of Dreams Entertainment Complex would have on the commercial real estate market in North Bay Village, the following points were noted:

- Vacant commercial space does currently exist within North Bay Village, most notably at the ground floor level of the building located at 1700 Kennedy Causeway. However, none of the space that is available is of a size or configuration that could house the uses proposed at the Isle of Dreams Entertainment Complex. Further, the proposed nightclub use would not be legally permitted to operate in any of the vacant space within North Bay Village under the provisions of Section 152.111 of the City's regulations.
- Decisions of the Supreme Court and other federal courts support a conclusion that, while local governments may regulate the location of adult entertainment uses, cities and towns must provide for some appropriate locations for such uses within their jurisdictions. See Lady J. Lingerie, Inc. v. City of Jacksonville, 176 F.3d 1358 (11th Cir. 1999). Section 152.111 of North Bay Village's regulations provides for a very limited class of properties that may be developed with adult entertainment use, with

the Isle of Dreams site and the adjacent WSVN property being the only parcels that qualify.

Based on the preceding, MEAI does not believe that approval of the proposed Isle of Dreams Entertainment Complex would have any measurable impact on the market for commercial real estate in North Bay Village.

Impact of North Bay Village's Economy

MEAI believes that the proposed Isle of Dreams Entertainment Complex may have a beneficial impact on the economy of North Bay Village, as follows:

- As discussed above, development of the proposed project will involve the expenditure of \$7.5 million for both the shell and tenant improvements. Of that amount, approximately \$3.4 million will be spent on construction labor wages and salaries. That amount would be sufficient to pay 55 workers, some of whom may be residents of the Village, an amount equivalent to the \$60,000 that the average construction worker in Miami-Dade County earns annually.
- As also discussed above, the uses that will occupy the proposed project will employ approximately 135 people on either a full or part time basis. Based on data compiled by the Florida Agency for Workforce innovation, it is expected that these workers, who may include village residents, are expected to earn approximately \$3.0 in wages and salaries annually. Their incomes in many instances will be enhanced through tip income.
- The Isle of Dreams Entertainment Complex will be a "destination" use, attracting people to North Bay Village that would otherwise not visit. It is likely that a portion of these visitors will spend money in other Village shops and restaurants.

Impact of North Bay Village's Finances

- Prior to commencing construction of the Isle of Dreams Entertainment Complex, building permit fees will need to be paid in an amount equal to 1.5 percent of the projected \$7.5 million in hard construction costs, or \$112,500. Additional fees will need to be paid for electrical, plumbing, mechanical and sign permits. However, the project's plans have not yet been formulated to the point that such fees can be calculated at this time.
- The primary recurring fiscal impact of the proposed Isle of Dreams Entertainment Complex will be in the form of ad valorem taxes. The project will also provide other recurring fiscal impacts, most notably in the form of franchise fees and utility taxes; however, the amount of such revenues, which are dependent on usage, can not be estimated at this time.

- As discussed above, it is assumed for the purpose of this analysis that the proposed Isle of Dreams Entertainment Complex will be placed on the tax rolls at an assessed and taxable value of \$12.3 million. At the millage rates recently adopted by North Bay Village, the project would generate \$58,760 annually for the City's General Fund and \$15,197 annually for its Debt Service funds. These amounts exceed what the Village currently receives on the property by 165 percent.

Closing

Based on the preceding, MEAI believes that development of the Isle of Dreams Entertainment Complex should be approved. We further believe that its development will definitely be fiscally beneficial to North Bay Village and potentially economically beneficial as well.

Sincerely,
Miami Economic Associates, Inc.



Andrew Dolkart
President



City of North Bay Village

Administrative Offices

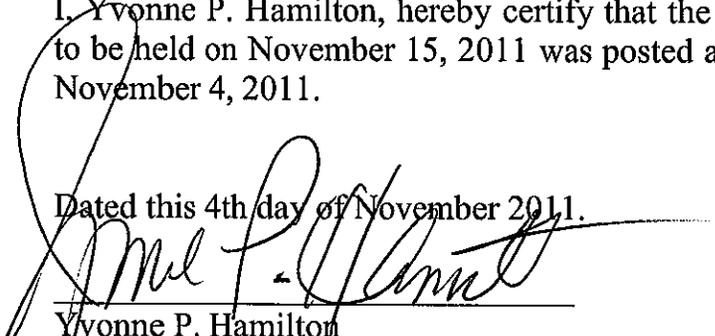
1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

Re: Site Plan Approval and Conditional Use
Isle of Dreams
1415 Kennedy Causeway
North Bay Village, FL 33141

Request for Site Plan Approval for Commercial Building and
Conditional Use for an Adult Nightclub

I, Yvonne P. Hamilton, hereby certify that the attached Notice of Public Hearing to be held on November 15, 2011 was posted at the above-referenced property on November 4, 2011.

Dated this 4th day of November 2011.



Yvonne P. Hamilton
City Clerk

(11/15/2011 Planning & Zoning Board Meeting)

Mayor
Corina S. Esquijarosa

Vice Mayor
Connie Leon-Kreps

Commissioner
Frank Rodriguez

Commissioner
Eddie Lim

Commissioner
Dr. Paul Vogel

3A(44)



CITY OF 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 **TUESDAY, NOVEMBER 15, 2011 AT 7:30 P.M., IN THE CITY COMMISSION CHAMBERS AT 1700 KENNEDY CAUSEWAY, #132,** NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING, THE BOARD WILL CONSIDER THE FOLLOWING REQUEST AND SUBMIT A RECOMMENDATION TO THE CITY COMMISSION:

A REQUEST BY ISLE OF DREAMS, L.L.C. CONCERNING PROPERTY SITUATED AT 1415 KENNEDY CAUSEWAY (79TH-STREET CAUSEWAY), TREASURE ISLAND (CAMEO ISLAND), NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:

1. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 5-STORY COMMERCIAL BUILDING.
2. APPROVAL OF A CONDITIONAL USE UNDER SECTION 152.111.03 OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES FOR THE OPERATION OF AN ADULT ENTERTAINMENT ESTABLISHMENT (ADULT NIGHTCLUB).

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, NORTH BAY VILLAGE, FL 33141. THE DOCUMENTS PERTAINING TO THIS PUBLIC HEARING MAY BE INSPECTED AT THE OFFICE OF THE CITY 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 CITY 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 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 PERSON WITH DISABILITIES, AND/OR ANY ACCOMMODATION TO REVIEW ANY DOCUMENT OR PARTICIPATE IN ANY CITY-SPONSORED PROCEEDING, PLEASE CONTACT (305) 604-2489 (VOICE), (305) 756-7171 FIVE DAYS IN ADVANCE TO INITIATE YOUR REQUEST. TTY USERS MAY ALSO CALL 711 (FLORIDA RELAY SERVICE).

YVONNE P. HAMILTON, CMC
CITY CLERK

(November 4, 2011)

3A(46)



City of 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

Re: Site Plan Approval and Conditional Use
Isle of Dreams
1415 Kennedy Causeway
North Bay Village, FL 33141

Request for Site Plan Approval for Commercial Building and
Conditional Use for an Adult Nightclub

I, Yvonne P. Hamilton, 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 City of North Bay Village Code of Ordinances, on November 4, 2011.

Dated this 4th day of November, 2011

Yvonne P. Hamilton
City Clerk

(November 15, 2011 Planning & Zoning Board Meeting)

Mayor
Corina S. Esquijarosa

Vice Mayor
Connie Leon-Kreps

Commissioner
Frank Rodriguez

Commissioner
Eddie Lim

Commissioner
Dr. Paul Vogel

3A(47)

CLEAR CHANNEL METROPLEX INX
200 CONCORD PLZ
SAN ANTONIO, TX 78216-6943

PENNSYLVANIA INVESTMENT PROP LP
581 E 3RD ST
WILLIAMSPORT, PA 17701-5316

PENNSYLVANIA INVEST PROP LP
581 E 3RD ST
WILLIAMSPORT, PA 17701-5316

GROVE BY THE BAY LTD LIABILITY CO
1440 KENNEDY CSWY STE 400
MIAMI BEACH, FL 33141-4146

SUNBEAM TELEVISION CORP
PO BOX 1118
MIAMI, FL 33138-0000

SPECON IX LLC
OME CONNELL DR #4000
BERKELEY HEIGHTS, NJ 07922

MURRAY WEIL JR & E CHEKIN CO TRS
333 E 49TH ST APT 7G
NEW YORK, NY 10017-1692

CHANNEL 7
1401 KENNEDY CAUSEWAY
N. BAY VILLAGE, FL 33141

3A(48)



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**CITY OF 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 **TUESDAY, NOVEMBER 15, 2011 AT 7:30 P.M. IN THE CITY COMMISSION CHAMBERS AT 1700 KENNEDY CAUSEWAY, #132, NORTH BAY VILLAGE, FLORIDA.** DURING THIS MEETING, THE BOARD WILL CONSIDER THE FOLLOWING REQUEST AND SUBMIT A RECOMMENDATION TO THE CITY COMMISSION:

A REQUEST BY ISLE OF DREAMS, L.L.C. CONCERNING PROPERTY SITUATED AT 1415 KENNEDY CAUSEWAY (79TH-STREET CAUSEWAY), TREASURE ISLAND (CAMEQ ISLAND), NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:

1. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C) (9) OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 5-STORY COMMERCIAL BUILDING.
2. APPROVAL OF A CONDITIONAL USE UNDER SECTION 152.111.03 OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES FOR THE OPERATION OF AN ADULT ENTERTAINMENT ESTABLISHMENT (ADULT NIGHTCLUB).

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, NORTH BAY VILLAGE, FL 33141. THE DOCUMENTS PERTAINING TO THIS PUBLIC HEARING MAY BE INSPECTED AT THE OFFICE OF THE CITY CLERK DURING REGULAR WORKING HOURS. INQUIRIES MAY BE DIRECTED TO THAT DEPARTMENT AT (305) 756-7171.

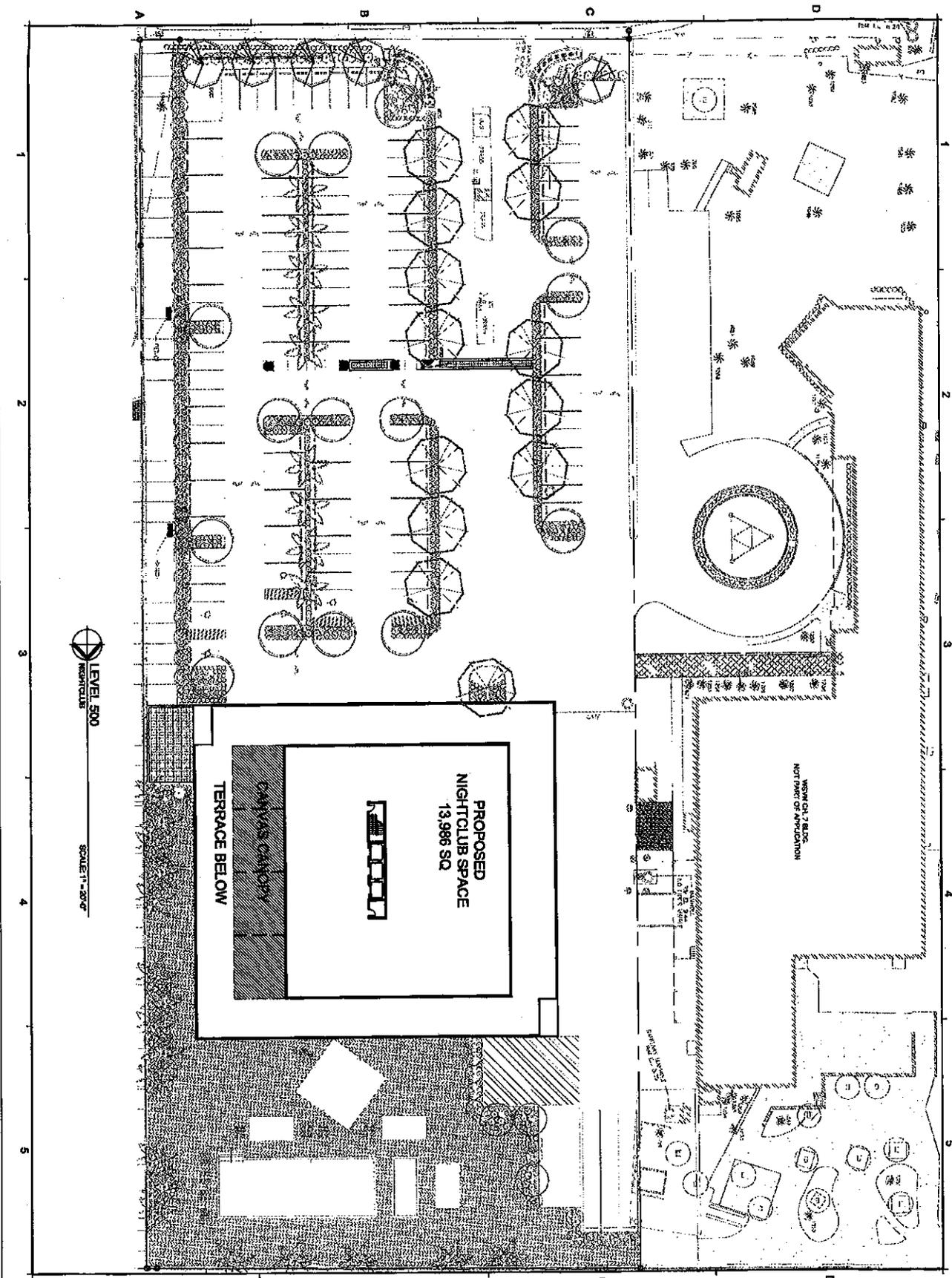
PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION BY THE CITY COMMISSION WITH RESPECT TO THIS OR ANY MATTER CONSIDERED AT ITS MEETING OR ITS HEARING, SUCH PERSON MUST ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY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

THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE 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 PERSON WITH DISABILITIES, AND/OR ANY ACCOMMODATION TO REVIEW ANY DOCUMENT OR PARTICIPATE IN ANY CITY-SPONSORED PROCEEDING, PLEASE CONTACT (305) 604-2489 (VOICE), (305) 756-7171 FIVE DAYS IN ADVANCE TO INITIATE YOUR REQUEST. TTY USERS MAY ALSO CALL 711 (FLORIDA RELAY SERVICE).

YVONNE P. HAMILTON, CMC
CITY CLERK
(October 28, 2011)

3A(49)



LEVEL 500
NORTH ARROW

SCALE 1/8" = 1'-0"

A-304



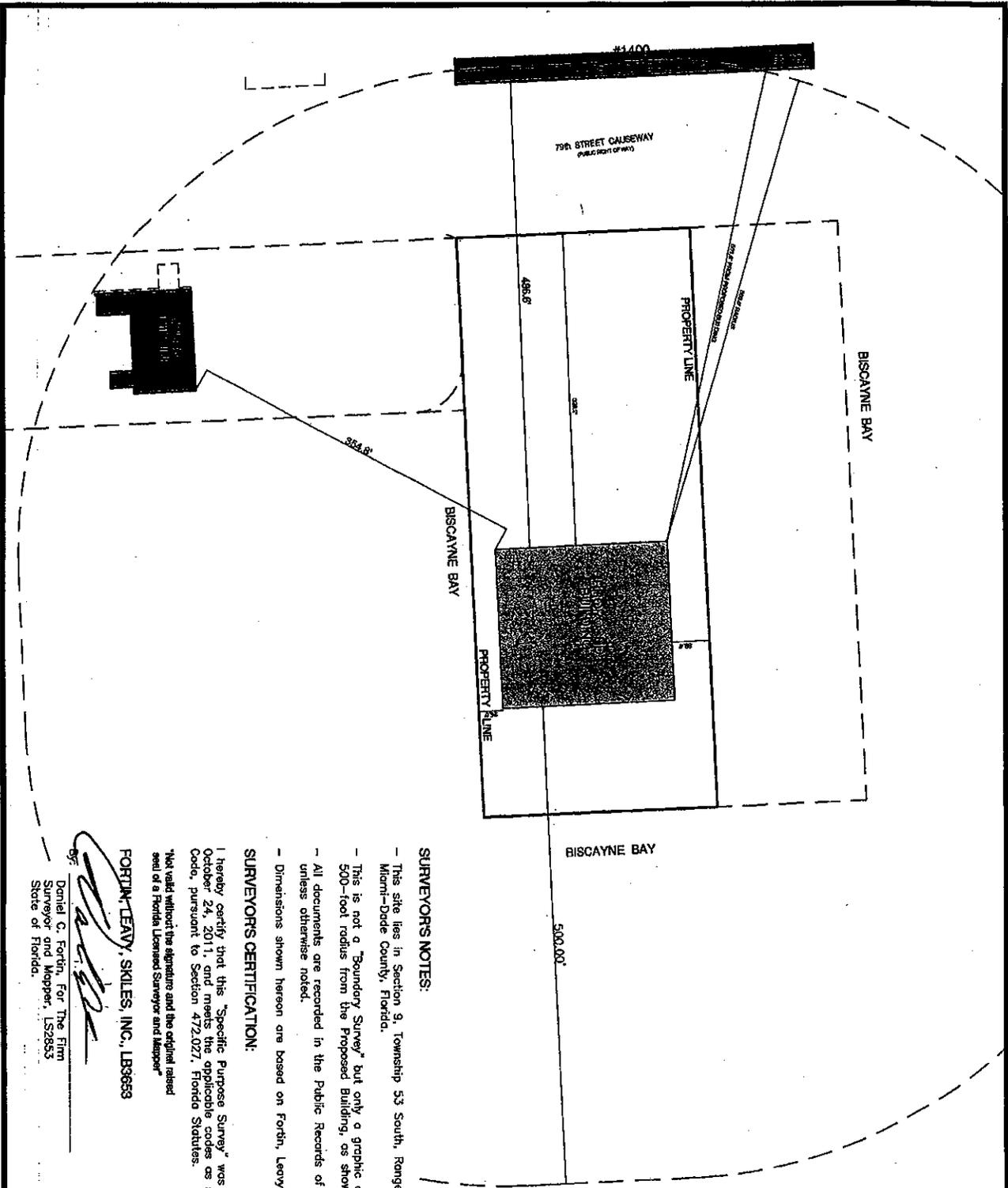
ARCHITECTURE
INTERIOR DESIGN
PLANNING
AIA ASID NCARB
2010 Member
www.aidp.com

NOV 03 2011
Lic. # A401278

ISLE OF DREAMS RETAIL
1415 NE 70TH STREET CAUSEWAY
NORTHBAY VILLAGE, FLORIDA
LEVEL 500

0606

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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79th STREET CAUSEWAY
(PUBLIC RIGHT OF WAY)

BISCAYNE BAY

PROPERTY LINE

BISCAYNE BAY

PROPERTY LINE

BISCAYNE BAY

SURVEYOR'S NOTES:

- This site lies in Section 9, Township 53 South, Range 42 East, City of North Bay Village, Miami-Dade County, Florida.
- This is not a "Boundary Survey" but only a graphic depiction Existing Buildings within a 500-foot radius from the Proposed Building, as shown hereon.
- All documents are recorded in the Public Records of Miami-Dade County, Florida unless otherwise noted.
- Dimensions shown hereon are based on Fortin, Leavy, Skiles, Sketch No. 2008-123.

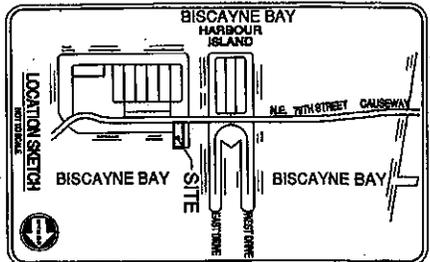
SURVEYOR'S CERTIFICATION:

I hereby certify that this "Specific Purpose Survey" was made under my responsible charge on October 24, 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., LB36633

[Signature]
 Daniel C. Fortin, For The Firm
 Surveyor and Mapper, LS2853
 State of Florida.



DATE	10/24/11
PROJECT	1415 N.E. 79th STREET
CLIENT	CITY OF NORTH BAY VILLAGE
PROJECT NO.	2008-123
DATE OF SURVEY	10/24/11
DATE OF PLOTTING	10/24/11
DATE OF RECORDING	
DATE OF CLOSURE	
DATE OF FINAL REVIEW	
DATE OF FINAL APPROVAL	
DATE OF FINAL SIGNATURE	
DATE OF FINAL SEAL	
DATE OF FINAL ARCHIVE	

SPECIFIC PURPOSE SURVEY
 1415 N.E. 79th STREET
 CITY OF NORTH BAY VILLAGE, MIAMI-DADE COUNTY, FLORIDA

FORTIN, LEAVY, SKILES, INC.
 CONSULTING ENGINEERS, SURVEYORS & MAPPERS
 FLORIDA CERTIFICATION OF AUTHORIZATION NUMBER: 0046455
 180 Northeast 166th Street / North Miami Beach, Florida, 33162
 Phone: 305-659-4493 / Fax: 305-641-7182 / Email: info@survey.com

NO.	DATE	REVISION

Scale: As Shown
 Date: 10/24/11

ISLES OF DREAMS SUPPLEMENTAL REPORT

NOVEMBER 15, 2011

This supplemental report is intended to address the Site Plan and Conditional Use criteria as outlined in Chapter 152 Zoning and other site plan criteria in Chapter 155 Design Guideline Standards in the City's Code of Ordinances. Staff responses are in **bold** below the applicable code citation requiring a response.

City of North Bay Village Code of Ordinances

Section 152.111 Adult Entertainment

Section 152.111.03 Permitted use schedule

Adult entertainment establishments shall be permitted in the General Commercial (CG) Zoning districts subject to distance requirements set forth below, as conditional uses upon approval by the City Commission, after public hearing.

Section 152.111.04

(a) *Required Conditions.* Prior to approving a conditional use, after public hearing, the City Commission shall find that such use meets the following conditional requirements:

(1) No adult entertainment establishment shall be permitted on a parcel of land located in any district other than the CG zoning district, and if located within a CG zoning district it cannot be:

- (i) Within five hundred (500) feet of any residentially zoned district as designated on the City's official zoning district map, or within five hundred (500) feet of any property on which over twenty-five (25) percent of the floor area is devoted to residential use;
- (ii) Within five hundred (500) feet of any parcel of land upon which a religious facility, public school, private school, public park, public playground, library, daycare center or nursery for children is located; or
- (iii) Within five hundred (500) feet of any hotel or motel, or
- (iv) Within one thousand (1,000) feet of any parcel of land upon which another adult entertainment establishment is located.

(2) The minimum distance separation shall be measured by following a straight line from any portion of the building used for such purpose, or any building located on the property, of the adult entertainment establishment to the nearest point of the property designated as residential on the City's official zoning district map or any property on which over twenty-five (25) percent of the floor area is devoted to residential use or used for a religious facility, school, or public park or playground, In cases where a minimum distance is required between an adult entertainment establishment and another adult entertainment establishment, the distance under this division shall be measured from the building line of the existing licensee and shall be from the airline distance between the two (2) buildings.

Staff response: The proposed use is approximately 501 feet from the newly opened day care at 1400 Kennedy Causeway, Suite 130 (Grove by the Bay) and therefore meets the requirements of subsections (1) and (2).

- (3) No application for a Business Tax Receipt for an adult entertainment establishment shall be approved for zoning compliance unless such application is accompanied by a certified survey from a registered land surveyor in the State of Florida showing that such use meets the distance requirements as set forth in this section. The applicant for such use shall furnish a certified survey from a registered surveyor. Such sketch shall indicate the distance between the place of business, and any existing use as defined by this division, any religious facility, public school, private school. Public park, public library, playgrounds, day care center or nursery for children, hotel or motel, or residential zoning district or any property on which over twenty-five (25) percent of the floor area is devoted to residential use. Each sketch shall indicate all such distances and routes. In case of a dispute, the measurement scaled by the City shall govern.

Staff response: The Specific Purpose Survey has been submitted.

- (4) Will not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use.

Staff response: The proposed application and use, if developed, will not adversely affect the health or safety of the community. The applicant has developed a safety and security plan for the adult entertainment use located on the fourth and fifth levels of the building. These levels will only be accessed by secured elevator.

- (5) The applicant must show a present possessory interest in the property (ownership or leasehold interest) by sufficient documentation.

Staff response: See Application for Hearings and Notice Before the Planning & Zoning Board.

- (6) Will not be detrimental to the public welfare, properties or improvements in the neighborhood.

Staff response: The application and proposed use will not be detrimental to the neighborhood. The proposed structure is setback 326 feet from the Kennedy Causeway.

- (7) Complies with all other applicable Code provisions.

Staff response: The application complies with provisions of the City Code.

- (8) Additional conditions. The City Commission may designate such additional conditions in connection with the conditional use, which in the City Commission's opinion will assure that such use will conform to the foregoing requirements. The City Commission shall consider any of the information included in the application and presentation for public hearing.

Staff response: The City Commission may consider additional conditions/requirements.

- (b) *Expiration of conditional use approval.* An approved conditional use shall lapse after six (6) months unless a Business Tax Receipt has been issued for such use, unless the City Commission has specified a longer approval period for good cause. Renewal of the Business Tax Receipt shall be subject to the City Commission's approval in the same manner specified herein for an original approval of the conditional use.
- (c) *Extension of conditional use approval.* Four (4) affirmative votes of the City Commission may grant an extension for a previously approved conditional use if a proper and timely request is made by the applicant prior to the expiration of the approval period.
- (d) *Conditional use reapplication.* No reapplication for a conditional use shall be accepted by the city within twelve (12) months of the date of final disapproval by the City Commission of a previous application for a conditional use involving the same or substantially the same property, unless evidence is submitted to and accepted by the City Commission which justifies such reconsideration.

Staff response: The applicant shall comply with this subsection.

- (e) *Application requirements.* An application for a conditional use shall include:
 - (1) A property survey by a registered surveyor; **Submitted**
 - (2) A letter of intent; **Submitted**
 - (3) Certified distance survey complying with subsection (a)(1) above; **Submitted**
 - (4) Where the use includes a vehicular use area or landscaped buffer, a proposed landscape plan and information regarding permanent maintenance arrangements; **Partially Submitted – applicant shall discuss maintenance arrangements**
 - (5) A neighborhood location map showing all surrounding zoning and usage within 500 feet of the proposed site; **Not Submitted – show surrounding zoning on Location Map**
 - (6) All information required for any other type of application which is being processed simultaneously or for any other type of application, including but not limited to proposed signage; **Submitted**
 - (7) Any other information necessary to demonstrate that the proposed conditional use will conform fully with the requirements of this Division; **Submitted**
 - (8) Detailed security plan; **Submitted**
 - (9) Hours of operation; and, **Submitted**
 - (10) Anticipated noise levels and methods to regulate same; and, **Not Submitted**
 - (11) Documents establishing ownership of the property or valid leasehold. **Submitted**

The application process shall be consistent with existing regulations pertaining to public hearings. Applications shall be reviewed and be considered by the City Commission within sixty (60) days of the applicant filing with the City.

- (f) *Revocation of conditional use.* Failure to comply with the conditional use requirements as established by the City Commission shall result in a revocation of the conditional use by the City Manager or his designee, after proper written notice sent by certified mail or

overnight courier, and failure to cure within ten (10) calendar days of the date of the notice. The ten-day cure period may be extended by the City Manager or his designee for good cause.

- (g) *Appeal.* The applicant may appeal the decision of the City Manager or his designee to revoke a conditional use to the city Commission. An administrative appeal must be filed within fifteen (15) days following receipt of the notice of the City Manager's decision. The City Commission shall hear appeals at a Public Hearing, and enter a decision on all appeals within ninety (90) days of the date of filing the appeal and shall provide due notice of the appeal to the parties and the public. While the appeal is pending, the conditional use may not continue. The City Commission may reverse, affirm or modify any order, requirement, decision, or determination appealed from and shall make any order, requirement, decision or determination that, in the City's opinion, ought to be made in the circumstances.

Section 152.105 Permits, plans, models and specifications fees

Pursuant to Subsection 152.105(C)(9)

- (9) Site plans for a building or buildings which contain more than two dwelling units, or more than 299 square feet of commercial or office space shall be reviewed by the Planning and Zoning Board and the City Commission. In reviewing site plans for development, the Planning and Zoning Board and the City Commission must consider and abide by the provisions of chapter 155 of the North Bay Village Code of Ordinances currently in effect. The review by the Planning and Zoning Board and City Commission shall attempt to establish that the proposed development or redevelopment conforms to all applicable provisions of the building and zoning regulations of the city and the Florida Building Code; and that the proposed development or redevelopment has a design and arrangement which:

- (a) Protects against and minimizes any undesirable effects upon contiguous and nearby property.

Staff response:The five level project is 81.5 feet in height, which is less than permitted by the CG zoning district (12 stories). The setbacks exceed minimum requirements as shown on Sheet A-200.

- (b) Provides sufficient off-street parking and loading facilities so that it will not be necessary to use the street in the vicinity for this purpose.

Staff response: The project plan shows a total of 34,372 square feet of leasable area within the commercial structure. 18,560 square feet will be dedicated to patron area. Section 152.044(B)(7) requires 1 space per 75 square feet of patron area, therefore a total of 247 spaces would be needed to satisfy code requirements. The applicant is providing 307 spaces. Additionally, 6 handicapped parking spaces (5 required) have been provided on the site plan,

which exceeds the 2 percent minimum of all required parking to be provided for handicapped parking spaces in accordance with Section 152.042(D) of the City's Code of Ordinances. The legend shall be corrected to reflect 6 spaces and not 7 as stated in the legend.

Pedestrian/vehicular connectivity between the two parcels from the surface parking lot area of the Isle of Dreams property to the WSVN parcel has been provided in the site plan to accommodate shared parking access per the agreement.

The plan also specifies a "service area" at the northwest corner of the building with 3 loading spaces. No public streets in the vicinity will need to be used for trucks using or waiting near the loading area.

- (c) Provides sufficient setbacks, open space and landscaping in order to protect and enhance the appearance and character of the neighborhood.

Staff responses:

Setbacks. The building exceeds City Code setback requirements on all sides.

Open Space. 20 percent of gross lot area is required to be pervious open space. The site plan provides 36,281 square feet of open space, which is 24.6 percent of the lot area. Therefore, sufficient open space is provided in the development plan.

Landscaping. The landscape plan has addressed all staff comments and concerns. The landscape plan is in compliance with the City's landscape design criteria and Miami-Dade County's Landscaping Ordinance, Chapter 18A.

- (d) Can be accommodated by existing community roads, services, and utilities, or necessary additions are provided by the developer.

Staff response: The impact of the proposed development plan will be accommodated by the existing roadway network, and electric, water and sewer utility systems.

Chapter 155 Design Guideline Standards

Section 155.03: Building and Site Design Relationship

1. Buildings or structures located along strips of land or on single sites and not part of a unified multi-building complex shall strive to achieve visual harmony with the surroundings.

Staff response: The proposed plan complies with this requirement.

2. Retail or office establishments, which are located on corners, are recommended to place windows on each wall that faces a street, parking area or driveways.

Staff response: This requirement is not applicable to the development plan.

3. In the case of buildings with multiple storefronts and shopping centers with out-parcel development, facade treatment shall be coordinated. Such facade treatments include: building colors, windows, storefronts, signage and awnings.

Staff response: This requirement is not applicable to the development plan.

4. All vending machines, any facility dispensing merchandise, or a service on private property shall be confined to a space built into the building or buildings, or enclosed in a separate structure compatible with the main building.

Staff response: This requirement is not applicable to the development plan.

5. When garage structures are provided, such shall be designed to incorporate a decorative grid treatment into the structure's facade at ground level.

Staff response: A 3-level parking garage within the proposed commercial structure will be provided. Plan elevations show the portion of the exterior façade enclosing the structured parking will incorporate decorative slender cylinders to provide a sense of visual appeal and harmony and break in the proposed building's solid concrete and glass exterior.

6. Storefronts shall have easily identifiable entrances.

Staff response: The development will have easily identifiable entrances at ground level.

7. Window displays shall be done in such a manner as to capture the pedestrians' customers attention, establishing a positive and professional image for the business, and informing the potential customers of the merchandise.

Staff response: This requirement is not applicable to the development plan.

8. "Take out" or "pick up" windows for retail or other establishments shall not be located on a building facade that faces a public right-of-way, unless they are designed in such a manner as to be an aesthetic asset to the building and neighborhood.

Staff response: This requirement is not applicable to the development plan.

9. Roof-mounted mechanical equipment and elevator shafts shall be screened by a parapet wall or grills and shall be painted in muted colors or match the building and shall not be visible from the street.

Staff response: The proposed plan shall comply with this requirement.

10. All service bays, mechanical (HVAC) equipment and delivery areas shall be located away from and not visible from the streets, waterways, sidewalks and adjacent properties.

Staff response: The proposed plan shall comply with this requirement. The development plan shows that all service bays, HVAC equipment, and similar areas will be hidden from public view. The proposed trash pick-up area will be located on the west side of the building, adjacent to the existing service area for the WSVN parcel.

11. Service bays, ground-mounted air conditioning units and other mechanical equipment shall be buffered and completely screened from public and on-site pedestrian view.

Staff response: The proposed plan complies with this requirement.

12. Exterior service bays and delivery areas shall not be used for the storage of vehicles or materials.

Staff response: The proposed plan shall comply with this requirement.

13. The sale, dismantling or servicing of any vehicles, equipment, materials, or supplies shall not take place within the service area or delivery area.

Staff response: The proposed plan shall comply with this requirement.

14. Driveways and loading spaces associated with exterior service bays shall be so that vehicles using the space do not hinder the use of traffic lanes, streets, or adjacent properties.

Staff response: The proposed plan complies with this requirement.

15. Pre-fabricated homes are prohibited in new construction.

Staff response: This requirement is not applicable to the development plan.

16. Fences shall be made of wrought iron or aluminum bars with intermittent posts. Masonry walls are also permitted, with 40 percent of the wall opaque. Chain link fences and privacy wood fences are prohibited along the Corridors. Sharp projections, barbed wire or other hazardous materials are not permitted as any part of a fence or wall. Wrought iron and aluminum bar fences shall be either black, white or match the color of the building. Masonry walls shall match the building color or reflect Florida coastal themes. Color shall be muted tones.

Staff response: The proposed plan shall comply with this requirement.

17. Temporary construction shall be enclosed by black vinyl coated chain-link fences. Construction walls/fences are encouraged to contain art work and graphics. Commercial advertisements are prohibited.

Staff response: The proposed plan shall comply with this requirement.

18. Reflective/mirrored glass shall be discouraged.

Staff response: The proposed plan complies with this requirement.

19. Buildings shall not have unfinished surfaces visible to the public.

Staff response: The proposed plan shall comply with this requirement.

Section 155.04: New Construction

A. Buildings should have a recognizable entrance facing the public street.

1. Design and location of balconies should reinforce the building form.

2. All projects should consider the overall form, and detail of the building. Box buildings are discouraged.

Staff response: The design of the proposed commercial structure is a modernist building utilizing glass and concrete material. The design will feature asymmetrically placed cylindrical forms that will shield the parking levels and in total will be an attractive addition to this waterfront location.

Section 155.05: Site Design Relationship

A. The coordination of façade component help establish an identity for an office building, industrial building or shopping plaza. Therefore, for all unified developments and shopping centers including principal building and out parcel development, all building and signage shall demonstrate compatibility in materials and consistency in style throughout all exterior elevations. The following standards shall apply to all new and substantial development. Buildings and signage shall demonstrate the following:

1. Compatibility with adjacent land uses in terms of scale and lot coverage.

Staff response: The proposed commercial development is compatible with existing uses adjacent to the subject property in terms of scale and lot coverage.

2. Utilize color schemes that blend with those of neighboring developments, as well as consistency in color schemes for the site. Accent colors and materials shall be chosen to enhance architectural detail.

Staff response: The project will be utilizing a muted color palette. The extensive use of glass material will enhance the architectural detail and design of the proposed structure.

3. In the case of buildings with multiple storefronts and shopping centers with out-parcel development, facade treatment shall be coordinated and have like details. Such facade treatments include: building colors, building, floors, storefront, signage, awnings, roof materials, and roof pitch.

Staff response: This requirement is not applicable to the development plan as it is one structure.

4. Building signs shall be designed as integral architectural elements with proportions related to the surfaces to which they are attached.

Staff response: The proposed plan shall comply with this requirement.

Sections 155.06 (Balcony Enclosures) and .07 (Shutters and security grilles)

Staff response: These requirements are not applicable to the development plan as presented.

Section 155.08: Bayview

A. Buildings should provide view/light/breeze corridors to the bay.

Staff response: The development plan complies with this requirement. The setbacks of the proposed commercial structure exceeds all minimum requirements in the CG zoning district to minimize visual impact to adjacent uses, and allow for maximum visibility of the Biscayne Bay from the Causeway. Additionally, the fourth and fifth floors of the proposed structure are

narrower than the lower levels to provide additional view space on the east and west sides of the property.

- B. Building pedestal should not form continuous sheer wall along the bay. Decorative surfaces, multi-level decks, berming and sufficient setbacks shall reduce the impact of the pedestal.

Staff response: The development plan complies with this requirement. The proposed commercial building is designed to maximize views of Biscayne Bay. A breezeway will create additional aesthetic variation to the design of the building, provide natural ventilation and break in the structure's building mass. Lush vertical landscaping will be incorporated in intervals along the Baywalk to enhance the physical boundary between uses. The building will have smaller floor plates on the 4th and 5th levels. This will also create the illusion of a thinner and taller building, which is recommended in the Charrette Master Plan for parcels adjacent to the Biscayne Bay.

- C. Buildings should be designed with distinctive form. Stepped form and distinctive roof lines create a more interesting skyline and increase building recognition.

Staff response: The development plan complies with the design criteria. The proposed commercial building is distinctive in design with varying rooflines and increases building recognition along the Bayfront.

- D. Pool decks should include landscaping to provide shade and tropical image.

Staff response: The site plan shows a swimming pool at the north end of the property. Lush landscaping, including the use of palm trees and other native vegetation will be incorporated around the pool area to create shade and a tropical image for the proposed commercial project. The development plan complies with this requirement.

- E. All projects shall provide bay walkways along the rear of the property, which can be connected to other properties.

Staff response: The development plan shows a 15' wide public baywalk that extends along the subject property's entire Biscayne Bay frontage. The baywalk will be accessible to the public by providing access and connection from sidewalks along the Kennedy Causeway.

Sections 155.09 (Color palette and architectural theme), 155.10 (Base building colors), 155.11 (Secondary building colors), 155.12 (Trim colors) and 155.13 (Commercial)

Staff response: The proposed plan complies with this requirement. The proposed plan (see rendering) provides a detailed color scheme. The applicant shall further address materials to be used.

Section 155.14: Landscaping

- (A) Landscaping should complement the old Florida/Maritime theme, using native plant materials and street furnishings that carry the theme, and provide continuity throughout the district. In addition, public safety will be a priority using the principles of CPTED to create high visibility areas and natural access control. With regards to

landscape design for both new construction and existing buildings, the following should apply:

1. Landscaping should complement and enhance the overall architectural and design theme of the property, but not overpower it.

Staff response: The proposed plan complies with this requirement.

2. Rhythm should be maintained along public streets through the uniform placement of trees.

Staff response: The proposed plan complies with this requirement.

3. Blank walls greater than 25' in length and other unattractive areas of a site or building should be heavily screened with landscaping. Rooflines or storefronts of 25 feet or greater shall be broken by vertical landscaping materials. Shade and accent trees planted at 20-foot intervals shall be required to achieve this screening.

Staff response: The proposed plan complies with this requirement.

4. Large parking areas and driveways shall be heavily landscaped along the perimeter and with interior and terminal islands.

Staff response: The proposed plan complies with this requirement. The perimeter of the parking area is heavily landscaped; a variety of landscape species will be utilized on the interior parking islands to provide shade and break in large expanses of parking asphalt.

5. Landscape design should utilize the CPTED principles of natural surveillance, natural access control and territorial reinforcement.

Staff response: The proposed plan complies with this requirement.

6. The use of native trees, shrubs and ground covers is encouraged to be incorporated into the landscaping around proposed developments. Local flora will be maintained as part of the built environment and the demand on our local water resources will be minimized.

Staff response: The proposed plan complies with this requirement. The landscape plan exceeds the 30 percent minimum native species requirement for both trees and shrubs. Most plant species to be utilized will have high drought-tolerance, which will reduce the demand on water resources for irrigation.

7. The placement and design of landscaping shall maximize visibility to provide natural surveillance.

Staff response: Landscaping will be provided along the proposed public baywalk in a manner that will allow maximum visibility of the Biscayne Bay and provide natural surveillance.

8. Landscape design shall incorporate with design of other physical features, such as sidewalk, pavements, lighting and fences; to emphasize public entrances, define and reinforce ownership of property.

Staff response: The site plan shows street furniture and other pedestrian elements, such as lighting, paved walkways and landscaping to be incorporated into the overall design of the site. Highly defined entrances and public walkways will also reinforce areas of public access on the site.

9. Tree and palm heights and spread shall allow sufficient visibility, not completely block views of/from doors, windows, and streets.

Staff response: The proposed plan complies with this requirement.

10. Shrubs and ground cover shall be planted along public rights-of-way or around parking, and public open areas.

Staff response: The proposed plan complies with this requirement.

11. Landscape design will utilize principles of xeriscape landscaping, while retaining the tropical beach resort atmosphere.

Staff response: The proposed plan complies with this requirement.

12. Landscape plans must be drawn, signed and sealed by a Florida registered architect or landscape architect.

Staff response: The proposed plan complies with this requirement.

13. In addition to the design standards, all landscaping shall meet the standards of the City of North Bay Village Landscape Code.

Staff response: The proposed plan complies with this requirement. The landscape plan meets the design criteria of the City's Landscape Code and the minimum landscaping requirements of Miami-Dade County's Landscaping Ordinance, Chapter 18A. Therefore, the development plan is in compliance with all applicable landscaping requirements.

14. Landscaping in 15' line of site triangle at intersections of rights-of-way and at driveways shall conform to height clearances of bushes and trees, and maximum tree calipers in accordance with the City Code.

Staff response: The proposed plan complies with this requirement.

Section 155.15: Plant Categories

Staff response: The proposed plan complies with this requirement.

Section 155.16: Tree Location

Staff response: The applicant shall comply with this requirement.

Section 155.17: Off-Street Parking and Loading

1. Parking lots and other vehicular use areas are to be designed to be functional and aesthetically enhance neighborhood building, group of buildings, or facility they serve.
2. Off-street loading areas shall be located where they will not disturb adjacent uses and should not be the visual focal point of a driveway, parking area, adjacent properties, or the right-of-way. This may be accomplished by providing any or a combination of the following: Masonry wall extensions of the building line, opaque landscape screening, berming, and through selective placement or orientation of the loading area.
3. Developments which include out-parcels shall be designed to provide safe and efficient vehicular and pedestrian circulation within the out-parcel, between the out-parcel and the principle development and off-site. All pedestrian connections should be well marked and lighted.
4. Sites requiring large areas of surface parking should attempt to distribute parking into smaller areas broken up by intervening areas of landscaping, open space and buildings where ever possible rather than aggregating parking into continuous street facing strips.
5. Parking areas must provide adequate drainage.
6. With the exception of temporary parking lots, the landscaped areas of an at-grade parking lot should be defined with a six-inch curb.
7. Parking garages and structures shall contain commercial use on the ground floor and architectural detailing so not to appear as a garage on elevations facing the street.
8. Multiple levels of parking structures should be parallel to grade on waterfront elevations.
9. Stairways and elevators should be glass enclosed or open clearly visible to the street or other populated areas to prevent vandalism.
10. Ramps, stairwells and any other portion of the garage should be buffered with the use of decorative grilles and screens.

Staff response: The proposed plan complies with sub-sections 1-10 concerning off-street parking and loading.

Section 155.18: Dumpster enclosures, garbage/mechanical equipment rooms

Staff response: The proposed plan complies with sub-sections (A)1-8.