



## North Bay Village

Administrative Offices

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### **OFFICIAL MINUTES** **SPECIAL VILLAGE COMMISSION MEETING**

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

**FEBRUARY 24, 2015 - 7:30 P.M.**

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1. **CALL TO ORDER**

The meeting was called to order by Mayor Connie Leon-Kreps at 7:38 p.m.

**PLEDGE OF ALLEGIANCE**

Resident Robert Breiner led the Pledge of Allegiance.

**ROLL CALL**

Present were the following:

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

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

- A. **A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY CHATEAU ISLE, INC. FOR A SPECIAL USE EXCEPTION PURSUANT TO 152.044(E)(2) OF THE VILLAGE CODE OF ORDINANCES FOR A PARKING WAIVER; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE. (CONTINUED FROM JANUARY 27, 2015)**

The Village Clerk read the request into the record.

Village Planner Ben Smith, of LaRue Planning Management Services, Inc., made a brief presentation on the request for the parking waiver from the Village Code.

Village Manager Frank K. Rollason addressed the Commission and suggested that the item be deferred until after the Harbor Island Parking Workshop where options to address the parking problems will be discussed and until discussion can be held with the property owners.

The Mayor opened the Public Hearing.

Satoko Umeda, Chateau Isle Co-op Treasurer, 7939 West Drive, Rich Holben, 7929 West Drive, Robert Breiner, 7941 West Drive, Samantha Vargas, 7939 West Drive, #201, and Ann Bakst, of 1865 Kennedy Causeway, addressed the Commission.

The Mayor closed the Public Hearing.

Commissioner Wendy Duvall made a motion to defer Item 2A until after the February 21, 2015 Village Commission Harbor Island Parking Workshop. Commissioner Eddie Lim seconded the motion, which was adopted by a 5-0 roll call vote. The vote was as follows: Vice Mayor Jorge Gonzalez, Mayor Connie Leon-Kreps, Commissioner Eddie Lim, Commissioner Richard Chervony, and Commissioner Wendy Duvall all voting Yes.

- B. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA APPROVING A REQUEST BY 7940 WEST DRIVE LLC FOR SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 54 UNIT, 15 STORY MULTI-FAMILY CONDOMINIUM STRUCTURE AT 7938 AND 7940 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA; PROVIDING FOR FINDINGS; PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE. (CONTINUED FROM JANUARY 27, 2015)**

**C. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY 7940 WEST DRIVE LLC FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTION 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY PERCENT OF THE DEVELOPMENT'S REQUIRE PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE. (CONTINUED FROM JANUARY 27, 2015)**

The Village Clerk read the requests into the record.

Village Planner Ben Smith, of LaRue Planning & Management Services, Inc., 1375 Jackson Street, #206, Fort Meyers, FL 33901, made a brief presentation on the item.

Village Attorney Robert Switkes advised on the procedures for the quasi judicial proceeding. No disclosures were made.

Developer Javier Lluch, Executive Director, Element Development LLC, The Infinity, 60 S.W. 13<sup>th</sup> Street, 3<sup>rd</sup> Floor, Miami, Florida, developer of 7938- 7940 West Drive, addressed the Commission on behalf of the request.

The Mayor opened the Public Hearing.

Al Coletta, of 7904 West Drive, addressed the Commission.

The Mayor closed the Public Hearing.

Vice Mayor Jorge Gonzalez made a motion to approve the requests with the following conditions:

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

- 1) Applicant shall revise plans to preserve as many right-of-way street parking spaces as possible.
- 2) Submittal of a vegetative survey, irrigation plan, and landscape plan which meets Miami-Dade Chapter 18A requirements.
- 3) Submittal of a Unity of Title, as per Section 152.0296(D)(3).

- 4) The public access easement and boardwalk must be dedicated and recorded. Applicant shall agree, in writing, that the boardwalk shall be open to the public daily, during hours to be determined by the Village; and boardwalk lighting shall remain on while boardwalk is open to the public.
- 5) Site plan approval from Miami-Dade Shoreline Review Committee.
- 6) Meeting Miami-Dade County School Concurrency requirements as determined by School Board Staff.
- 7) Payment of any applicable impact fees.
- 8) Payment of bonus density fees, as required under Section 152.029(C)8F.
- 9) Tie-in to Village's wastewater system at a connection point determined by the Village and payment of pro-rata costs involved in tying into appropriate connection point.
- 10) Applicant shall not lease or sell parking spaces.
- 11) Applicant shall not charge for guest parking.
- 12) Staging of construction materials shall occur off-site, and not on the public right-of-way.
- 13) Cost recovery charges must be paid pursuant to Section 152.110. Specifically, no new development application shall be accepted and no building permit or certificate of occupancy shall be issued for the property until all application fees, cost recovery deposits and outstanding fees and fines related to the property (including fees related to any previous development proposal applications on the property), have been paid in full.
- 14) Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.
- 15) Approval of this site plan does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for approval if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that result in a violation of federal or state law.
- 16) All applicable state and federal permits must be obtained before commencement of construction.

16) The applicant shall dedicate an easement, which allows the Village access to the stormwater outfall pipe on the property, whether it is relocated to or remain in the same location. The applicant shall further be responsible for all cost of repairs to the stormwater outfall pipe should any damage occur during construction.

17) Should the developer provide adequate parking as required by the Village Code and does not need to utilize compact parking spaces, then valet parking will not be required. However, if the property were developed with compact parking spaces, there shall be a permanent condition of approval in the Condominium Bylaws that valet parking shall continue in perpetuity.

Commissioner Wendy Duvall seconded the motion.

The developer Javier Lluch accepted the conditions as stated herein.

The motion was adopted by a 5-0 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Commissioner Eddie Lim, Commissioner Richard Chervony, Commissioner Wendy Duvall, and Vice Mayor Jorge Gonzalez all voting Yes.

**D. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY BAY VILLAGE VENTURE, LLC FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTION 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A MIXED-USE COMMERCIAL STRUCTURE WITH A PARKING GARAGE IN THE CG (GENERAL COMMERCAL) ZONING DISTRICT AT 1725 KENNEDY CAUSEWAY; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**E. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY BAY VILLAGE VENTURE, LLC, 1725 KENNEDY CAUSEWAY, FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTION 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

- F. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY BAY VILLAGE VENTURE, LLC FOR A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES IN CONNECTION WITH THE SITE PLAN APPLICATION FOR DEVELOPMENT OF A MIXED USE COMMERCIAL STRUCTURE AT 1725 KENNEDY CAUSEWAY TO ALLOW FIVE STORIES OF PARKING WHERE SECTION 152.029(C) ALLOWS A MAXIMUM OF FOUR STORIES; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**
- G. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA APPROVING A REQUEST BY BAY VILLAGE VENTURE LLC FOR SITE PLAN APPROVAL PURSUANT TO SECTIONS 152.105(C)(9) AND 152.030(C)(3) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 43 UNIT, 19 STORY MIXED USE COMMERCIAL STRUCTURE WITH A PARKING GARAGE AT 1725 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, PROVIDING FOR FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

The Village Clerk read the requests into the record.

Village Planner Ben Smith, of LaRue Planning & Managements Services, Inc., provided a brief presentation on the requests recommending approval with an amendment to Condition Number 5.

Brian S. Adler, Bilzin Sumberg Baena Price & Axelrod LLP, 1450 Brickell Avenue, 23<sup>rd</sup> Floor, Miami, Florida 33131, and Developer, Jose Saal, TIR Prime Properties, 3137 N.E. 163<sup>rd</sup> Street, N. Miami Beach, FL 33160 addressed the Commission.

The Mayor closed the Public Hearing.

The applicant accepted the conditions as outlined herein.

Commissioner Richard Chervony made a motion to approve the requests with the following conditions:

1. Applicant shall submit an irrigation plan which meets Miami-Dade Chapter 18-A requirements.
2. Street tree lighting shall be provided, as per Section 152.029(C)(9)7.

3. The public access easement and boardwalk shall be dedicated and recorded.  
Applicant shall agree, in writing, that the boardwalk shall be open to the public daily, during hours to be determined by the Village; and boardwalk lighting shall remain on while boardwalk is open to the public.
4. Applicant shall comply with all conditions made by the Miami-Dade Shoreline Review Committee in Resolution 14 SDRC 06.
5. Applicant shall not lease or sell parking spaces.
6. Applicant shall not charge for guest parking.
7. All residents and guests shall park on-site.
8. School Board Concurrency requirements shall be met, as determined by School Board Staff.
9. Applicant shall pay of any applicable impact fees.
10. Applicant shall pay bonus height fees, as required under Section 152.029(C)8.
11. Applicant shall pay bonus density fees, as required under Section 152.029(C)8.
12. The project shall tie-in to Village's wastewater system at a Village designated proximate location (proposed connection point) and payment of pro-rata costs involved in tying into appropriate connection point.
13. Cost recovery charges must be paid pursuant to Section 152.110. Specifically, no new development application shall be accepted and no building permit or certificate of occupancy shall be issued for the property until all application fees, cost recovery deposits and outstanding fees and fines related to the property (including fees related to any previous development proposal applications), have been paid in full.
14. Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.
15. Approval of this site plan does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for approval if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that result in a violation of federal or state law.
16. All applicable state and federal permits must be obtained before commencement of construction. For further discussion of these issues, please see staff

Commissioner Wendy Duvall seconded the motion, which was adopted by a 5-0 roll call vote. The vote was as follows: Commissioner Wendy Duvall, Vice Mayor Jorge Gonzalez, Mayor Connie Leon-Kreps, Commissioner Eddie Lim, and Commissioner Richard Chervony all voting Yes.

- H. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA APPROVING A REQUEST BY BRICK VILLAGE, LLC FOR SITE PLAN APPROVAL PURSUANT TO SECTIONS 152.105(C)(9) AND 152.030(C)(3) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 75 UNIT, 22 STORY MIXED USE COMMERCIAL AT 1601 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, PROVIDING FOR FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**
- I. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY BRICK VILLAGE 79, LLC FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTION 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A MIXED-USE COMMERCIAL STRUCTURE IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT AT 1601 KENNEDY CAUSEWAY; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**
- J. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY BRICK VILLAGE 79, LLC, 1601 KENNEDY CAUSEWAY, FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTION 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

The Village Clerk read the requests into the record.

The Mayor recessed the meeting from 9:43 p.m. to 9:50 p.m.

Village Planner Ben Smith, of LaRue Planning & Management Services, Inc., made a brief presentation on the item recommending approval with the following conditions being met, prior to the issuance of a Building Permit:

1. All required landscape plants must meet the minimum required planting size at time of planting.

2. The public access easement and boardwalk shall be dedicated and recorded. Applicant shall agree, in writing, that the boardwalk shall be open to the public daily, during hours to be determined by the Village; and boardwalk lighting shall remain on while boardwalk is open to the public.
3. Applicant shall not lease or sell parking spaces.
4. Applicant shall not charge for guest parking.
5. All residents and guests shall park on-site.
6. Applicant shall provide site plan approval from Miami-Dade Shoreline Review Committee.
7. School Board Concurrency requirements shall be met, as determined by School Board Staff.
8. Applicant shall pay of any applicable impact fees.
9. Applicant shall pay bonus height fees, as required under Section 152.029(C)8.
10. Applicant shall pay bonus density fees, as required under Section 152.029(C)8.
11. The project shall tie-in to Village's wastewater system at a Village designated proximate location (proposed connection point) and payment of pro-rata costs involved in tying into appropriate connection point.
12. Cost recovery charges must be paid pursuant to Section 152.110. Specifically, no new development application shall be accepted and no building permit or certificate of occupancy shall be issued for the property until all application fees, cost recovery deposits and outstanding fees and fines related to the property (including fees related to any previous development proposal applications), have been paid in full.
13. Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.
14. Approval of this site plan does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for approval if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that result in a violation of federal or state law.
15. All applicable state and federal permits must be obtained before commencement of construction.

Matthew Piccaud and Kobi Karp, of Kobi Karp Architecture & Interior Design, 2915 Biscayne Boulevard, Suite 200, Miami, FL 33137 addressed the Commission on behalf of the requests.

The applicant agreed to the conditions as stated herein, including the condition for valet parking in perpetuity to be included in the Condominium Documents.

The Mayor opened the Public Hearing.

Linda Kanneda, of 1625 Kennedy Causeway, addressed the Commission in opposition to the development.

The Mayor closed the Public Hearing

Commissioner Richard Chervony made a motion to approve the requests with the conditions outlined above, including the provision for valet parking in perpetuity to be included as part of the Condominium Documents. Commissioner Eddy Lim seconded the motion.

Vice Mayor Jorge Gonzalez stated for the record that the developer, of the 1601 Kennedy Causeway project, contacted the residents at 1625 Kennedy Causeway regarding the development.

The motion was adopted by a 5-0 roll call vote. The vote was as follows: Commissioner Wendy Duvall, Vice Mayor Jorge Gonzalez, Mayor Connie Leon-Kreps, Commissioner Eddie Lim, and Commissioner Richard Chervony all voting Yes.

**K. AN APPLICATION BY ORLANDO LAMA ON BEHALF OF GRANDVIEW PALACE YACHT CLUB, INC. FOR INSTALLATION OF TWO NEW BOATLIFTS AT THE COMMERCIAL MARINA AT 7601 E. TREASURE DRIVE, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTION 150.11(F) OF THE VILLAGE CODE.**

The Village Clerk read the Resolution by title.

The Mayor opened the Public Hearing.

Ben Smith, of LaRue Planning & Management Services, Inc., Village Planner gave a brief presentation on the request recommending approval with the following conditions being met prior to the issuance of a Building Permit:

1. Verification of the 5 foot height restriction at the time of building permit issuance.
2. Compliance with all state, federal, and environmental laws including, but not limited to, compliance with a State Programmatic General Permit as may be required by the U.S. Army Corps of Engineers. All applicable state and federal permits must be obtained before commencement of construction.
3. Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.

4. Cost Recovery changes must be paid pursuant to Section 152.110. Specifically, no new development application shall be accepted and no building permit shall be issued for the property until all application fees, cost recovery deposits and outstanding fees and fines related to the property (including fees related to any previous development proposal applications on the property), have been paid in full.
5. Authorization or issue of a building permit by the Village does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for issuance of a building permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that results in a violation of federal or state law.

Kirk Lofgren, of Ocean Consulting, LLC., 340 Minora Avenue, Suite 7, Coral Gables, F 3313 was present on behalf of the applicant and stated for the record that he had no objections to the recommended conditions set forth herein.

The Mayor closed the Public Hearing.

Commissioner Richard Chervony made a motion to approve the requests with the conditions set forth herein. Vice Mayor Jorge Gonzalez seconded the motion, which was adopted by a 5-0 roll call vote. The vote was as follows: Commissioner Wendy Duvall, Vice Mayor Jorge Gonzalez, Mayor Connie Leon-Kreps, Commissioner Eddie Lim, and Commissioner Richard Chervony all voting Yes.

### **3. AUTHORIZATION TO INITIATE COMPREHENSIVE PLAN AMENDMENTS**

Ben Smith, of LaRue Planning & Management Services, Inc., Village Planner made a brief presentation on the request to revise Policy 2.1.12, as well as delete and/or revise outdated policies of the Comprehensive Plan.

Commissioner Richard Chervony made a motion to approve the request to authorize LaRue Planning & Management Services, Inc. to perform the Comprehensive Plan amendments. Vice Mayor Jorge Gonzalez seconded, which was adopted by a 5-0 roll call vote. The vote was as follows: Vice Mayor Jorge Gonzalez, Mayor Connie Leon-Kreps, Commissioner Eddie Lim, and Commissioner Richard Chervony all voting Yes.

### **4. ADJOURNMENT**

The meeting adjourned at 10:12 p.m.

*Prepared: Yvonne P. Hamilton, CMC  
Village Clerk*

*Adopted by North Bay Village on*

*This 12th day of May 2015.*

***Connie Leon-Kreps, Mayor***

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

