NORTH BAY VILLAGE
PLANNING & ZONING BOARD
PUBLIC MEETING NOTICE

North Bay Village Commission will hold a public meeting on:
Thursday, September 14, 2023 at 6:00 PM
Village Chambers - 1666 Kennedy Causeway, #101
North Bay Village, FL 33141

The meeting agenda is available online at:
https://northbayvillage-fl.gov/agendas-minutes

Elected Officials and Village staff will participate from the physical meeting location. Members of the public may attend the meeting in person at the physical meeting location, or, alternatively, may watch or call in to the meeting by following these instructions:

ATTEND THE MEETING IN PERSON AT THE PHYSICAL MEETING LOCATION: The meeting will be held in person at the physical meeting location stated above. Admission to the physical meeting location is on a first-come, first-serve basis and space is limited. Doors will open 30 minutes prior to the meeting start time. The Village highly encourages those in attendance to wear facial coverings and abide by social distancing as recommended by the CDC.
Watch the Public Meeting: https://northbayvillage-fl.gov/videos TV Channel 661 Facebook Live
Participate in the meeting via Zoom: Meeting ID: 881 2072 9718 Passcode: 236512
Listen via telephone to the Virtual Public Meeting: 1-305-224-1968 or 1-929-205-6099
For technical support during the meeting, please contact: (786) 309-4991

PUBLIC COMMENTS

Public comments will be accepted by the following means:

IN-PERSON COMMENTS: Members of the public may attend the meeting at the physical meeting location stated above and deliver their public comments in person during the public comment portion of the agenda.

VIRTUAL COMMENTS: ***Public comments will also be accepted during the meeting using the virtual meeting platform.***

VIA E-MAIL TO: publiccomment@nbvillage.com

Interested parties or their authorized representatives may address the Commission and/or Board via written or electronic commentary ("e-comments") by emailing the Village Clerk at least two (2) hours prior to the commencement of the meeting. E-comments will not be read during the meeting but will be distributed to the Village Commission or Board prior to the commencement of the meeting. You may send your concerns with the subject line "PUBLIC COMMENT" and the following information in the body of the email: your name, address, if you are a hired Consultant or Village Employee, and/or if you are engaged in lobbying activities and/or representing an organization.

PUBLIC RECORDS

The meeting will be recorded for later viewing and is a public record. Minutes of the meeting will be taken and will be made available.

IN ACCORDANCE WITH THE PROVISIONS OF SECTION 286.0105, FLORIDA STATUTES, ANYONE WISHING TO APPEAL ANY DECISION MADE BY VILLAGE COMMISSION, WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE VILLAGE CLERK, NORTH BAY VILLAGE, 1666 KENNEDY CAUSEWAY. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE VILLAGE CLERK AT 305-756-7171 EXT 45. A COMPLETE AGENDA PACKET IS ALSO AVAILABLE ON THE VILLAGE WEBSITE AT www.northbayvillage-fl.gov.

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS THAT ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE VILLAGE CLERK AT 786-224-8070 NO LATER THAN FIVE DAYS PRIOR TO SUCH PROCEEDING. TO REQUEST THIS MATERIAL IN ACCESSIBLE FORMAT, SIGN LANGUAGE INTERPRETERS, INFORMATION ON ACCESS FOR PERSON WITH DISABILITIES, AND/OR ANY ACCOMMODATION TO REVIEW ANY DOCUMENT OR PARTICIPATE IN ANY VILLAGE-SPONSORED PROCEEDING, PLEASE CONTACT 786-224- 8070 FIVE DAYS IN ADVANCE TO INITIATE YOUR REQUEST. TTY USERS MAY ALSO CALL 711 (FLORIDA RELAY SERVICE).

LOBBYING ACTIVITIES

Any person who received compensation, remuneration or expenses for conducting lobbying activities is required to register as a lobbyist with the Village Clerk prior to engaging in lobbying activities per Village Code Sec. 38- 17. ""Lobbyist"" specifically includes the principal, as well as any agent, officer or employee of a principal, regardless of whether the lobbying activities fall within the normal scope of employment of the agent, officer or employee. The term ""lobbyist"" specifically excludes the following persons: lobbyists hired by the Village who are communication with Village personnel in the course of performing under their contracts; attorneys or other representatives retained to represent individuals and corporate entities in quasi-judicial proceedings where the law prohibits ex -parte communications; expert witnesses who only provide scientific, technical or other specialized information or testimony at public meetings; employees of the principal who do not engage in lobbying activities and representatives of non-profit organizations who only appear at publicly noticed meetings, without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support or opposition to any item.

Have questions or need additional information?

E-mail: villageclerk@nbvillage.com

Call: 305-756-7171

North Bay Village

OFFICIAL AGENDA
PLANNING AND ZONING BOARD MEETING
Village Chambers - 1666 Kennedy Causeway, #101 North Bay Village, FL 33141
Meeting ID: 881 2072 9718 Passcode: 236512
Thursday, September 14, 2023
6:00 PM

Decorum: Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the board shall be barred from further appearance before the board by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the commission members present. No clapping, applauding, heckling or verbal outbursts in support or opposition to a speaker or his or her remarks shall be permitted. Signs or placards may be disallowed in the commission chamber by the presiding officer. Persons exiting the commission chambers shall do so quietly.

Any person who received compensation, remuneration or expenses for conducting lobbying activities is required to register as a lobbyist with the Village Clerk prior to engaging in lobbying activities per Village Code Sec. 38-17. "Lobbyist" specifically includes the principal, as well as any agent, officer or employee of a principal, regardless of whether the lobbying activities fall within the normal scope of employment of the agent, officer or employee. The term "lobbyist" specifically excludes the following persons: lobbyists hired by the Village who are communication with Village personnel in the course of performing under their contracts; attorneys or other representatives retained to represent individuals and corporate entities in quasi-judicial proceedings where the law prohibits ex-parte communications; expert witnesses who only provide scientific, technical or other specialized information or testimony at public meetings; employees of the principal who do not engage in lobbying activities and representatives of non-profit organizations who only appear at publicly noticed meetings, without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support or opposition to any item.

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1. Call to Order/Roll Call

2. Approval of Meeting Minutes

2A. Approval of the Following Meeting Minutes - Village Clerk, Alba L. Chang, CMC

*** July 13, 2023 - Planning & Zoning Board Meeting**
*** July 27, 2023 - Planning & Zoning Board Meeting**

07.13.2023 DRAFT.docx
07.27.2023 DRAFT.docx

3. Public Hearings (Quasi-Judicial) *Please be advised that the following items are quasi-judicial in nature. If*

you wish to object or comment upon any of these items, please inform the Chair when he requests public comments. An opportunity for persons to speak on each item will be made available after the applicant and staff have made their presentations on each item. All testimony, including public testimony and evidence, will be made under oath or affirmation. Additionally, each person who gives testimony may be subject to cross-examination. If you refuse either to be cross-examined or to be sworn, your testimony will be given its due weight. The general public will not be permitted to cross-examine witnesses, but the public may request the Board to ask questions of staff or witnesses on their behalf. Persons representing organizations must present evidence of their authority to speak for the organization. Further, details of the quasi-judicial procedures may be obtained from the Village Clerk.

3A. A Resolution Considering a Request by 7940 NBV Partners, LLC for a Use Exception to Allow Compact Parking Spaces for a Project at 7938-7940 West Drive - Village Manager Ralph Rosado, Ph.D., AICP (Village Planner Silvia E. Vargas, FAICP)

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING/APPROVING WITH CONDITIONS/DENYING] A REQUEST BY 7940 NBV PARTNERS, LLC FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 8.11 AND 9.3.E. OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC"), TO ALLOW UP TO TWENTY PERCENT (20%) OF PARKING SPACES REQUIRED FOR A PROJECT AT 7938-7940 WEST DRIVE TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES; PROVIDING FINDINGS; PROVIDING FOR CONDITIONS; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Recommended Action: Recommend approval subject to conditions and contingent upon approval by the Village Commission of a companion variance request and Site Plan applications.

7940 W Drive_Use Exception_Staff Report_PZB 072723.pdf
Attachment A_Boundary Survey.pdf
Attachment B_Letter of Intent (071823).pdf
Attachment C_Arch Plan Sheets A-103 to A-105 (071723).pdf
Attachment_D_Reso_Use_Exception_7940_West_Drive_PZ_07.27.2023__Updated_.docx
DBR Notice 09.1.23 PZB.pdf

3B. A Resolution Considering a Request by 7940 NBV Partners, LLC for a Variance to Permit a Reduction of the Parking Requirement for a Project at 7938-7940 West Drive - Village Manager Ralph Rosado, Ph.D., AICP (Village Planner Silvia E. Vargas, FAICP)

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] AN APPLICATION BY 7940 NBV PARTNERS, LLC CONCERNING PROPERTY LOCATED AT 7938-7940 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA FOR A VARIANCE PURSUANT TO SECTION 7.3 OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC") OF PARKING REQUIREMENTS PROVIDED IN SECTION 9.3.C. OF THE ULDC, TO PERMIT THE PROVISION OF 135 SPACES WHERE 212 WOULD BE REQUIRED; ALTERNATIVELY [APPROVING / APPROVING WITH CONDITIONS / DENYING] A WAIVER PURSUANT TO SECTION 9.3.D. OF PARKING REQUIREMENTS PROVIDED IN

SECTION 9.3.C. OF THE ULDC; PROVIDING FINDINGS; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Recommended Action: The Planning and Zoning Board should review Planning staff's analysis of this request for a reduction of the required minimum parking requirement for multifamily residential uses according to Section 9.3.D. of the ULDC, and, after consulting the criteria in Section 7.3 related to hardship variances, should forward a recommendation to the Village Commission via the attached resolution form.

7940 W Drive -Variance Parking Req Reduction Staff Report ZB pdf
Attachment 1_Boundary Survey.pdf
Attachment 2_Letter of Intent and Application Form.pdf
Attachment 3_Parking Req Impact Analysis.pdf
Attachment_4_Reso Parking Req Reduction-7940 W. Dr. Final.docx
DBR Notice 09.1.2023 PZB.pdf

3C. A Resolution Considering a Request by 7940 NBV Partners, LLC, for a Variance to Reduce the Minimum Aisle Width for a Project at 7938-7940 West Drive - Village Manager Ralph Rosado, Ph.D., AICP (Village Planner Silvia E. Vargas, FAICP)

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] AN APPLICATION BY 7940 NBV PARTNERS, LLC CONCERNING PROPERTY LOCATED AT 7938-7940 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA FOR A VARIANCE PURSUANT TO SECTION 7.3 OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC") OF MINIMUM AISLE WIDTH REQUIREMENTS PROVIDED IN SECTION 9.3.E. OF THE ULDC, TO PERMIT A PARKING AISLE WIDTH OF 22 FEET WHERE 23 FEET WOULD BE REQUIRED; PROVIDING FINDINGS; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Recommended Action: The Planning and Zoning Board should review Planning staff's analysis of this request for a reduction of the required minimum aisle width according to Section 9.3.E. of the ULDC, and, after consulting the criteria in Section 7.3 related to hardship variances, should forward a recommendation to the Village Commission via the attached resolution form.

Attachment 1_Boundary Survey.pdf
Attachment 2_Letter of Intent and Application Form.pdf
Attachment 3_7940 NBV Maneuverability_memo.pdf
Attachment_4 Reso Aisle Width - 7940 W. Dr.Final_.docx
7940 W Drive - Variance Min Aisle Width Staff Report.pdf
DBR Notice 09.1.23. PZBpdf

3D. A Resolution Relating to a Use Exception Pursuant to Section 8.11 of the Unified Land Development Code (ULDC) to Allow Village-Owned Property Located at 1851 Galleon Street to be Developed for Community-Serving

Facilities and as a Training Center for AFA - Village Manager Ralph Rosado, Ph.D., AICP (Village Planner Silvia E. Vargas, FAICP)

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] A USE EXCEPTION PURSUANT TO SECTION 8.11 OF THE UNIFIED LAND DEVELOPMENT CODE (ULDC) TO ALLOW VILLAGE-OWNED PROPERTY LOCATED AT 1851 GALLEON STREET, NORTH BAY VILLAGE, AS LEGALLY DESCRIBED IN EXHIBIT "A", AND ZONED RM-40, TO BE DEVELOPED FOR A USE (TRAINING CENTER FOR THE ARGENTINE FOOTBALL ASSOCIATION (AFA) AND COMMUNITY-SERVING FACILITIES) WHICH PROVIDES A PUBLIC BENEFIT; AND PROVIDING FOR AN EFFECTIVE DATE.

Suggested Action: Forward to the Commission a recommendation of approval with conditions as presented by Staff.

Staff Report_AFA 1851 Galleon_Use Exception_PZB 091423.pdf
Attachment 1_BOUNDARY SURVEY (EMS)pdf
Attachment 2_AFA Proposal and Conceptual Plans.pdf
Attachment_3 Reso Use Exception Galleon St.docx
DBR Notice 09.1.2023.pdf

3E. A Resolution Regarding Variance Application Pursuant to Section 111.13 of the Village Code of Ordinances by Farina Contemporary Pizza Corp (DBA Petralunga) for 7601 East Treasure Drive #CU-21 - Village Manager Ralph Rosado, Ph.D., AICP, Village Planner Silvia E. Vargas, AICP

A RESOLUTION OF THE MAYOR AND VILLAGE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] A VARIANCE APPLICATION PURSUANT TO SECTION 111.13 OF THE VILLAGE'S CODE OF ORDINANCES BY FARINA CONTEMPORARY PIZZA CORP (DBA PETRALUNGA), TO ALLOW AN ESTABLISHMENT LOCATED AT 7601 EAST TREASURE DRIVE, #CU-21, ON THE GRAND VIEW PALACE PROPERTY, TO VARY FROM SECTION 111.12(A)(1) OF THE CODE BY AUTHORIZING THE ISSUANCE OF A LICENSE TO SELL ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION FROM A LOCATION LESS THAN 500 FEET FROM AN EXISTING SCHOOL AND TO VARY FROM SECTION 111.12(B)(3) OF THE CODE BY AUTHORIZING THE ISSUANCE OF A LICENSE TO SELL ALCOHOLIC BEVARAGES FOR OFF-PREMISES CONSUMTION FROM A LOCATION LESS THAN 1,000 FEET FROM AN EXISTING OFF-PREMISES LICENSEE; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Recommended Action: To forward to the Village Commission a recommendation of approval with conditions as presented by Staff.

Attachment 1_Petralunga Variance Request Application.pdf
Attachment 2_Certificate of Condominium Ownership.pdf
Attachment 3_Future Land Use and Zoning of Subject Property.pdf
Attachment 4_ Special Purpose Radius Survey.pdf
Attachment 5_R-2000-05 7601 EAST TREASURE DR Variance.pdf
Attachment_6 Reso Petralunga 7601 ETD.CU21 Variance.docx
DBR Notice 09.1.23. PZBpdf

4. Applications

4A. A Resolution to Consider a Site Plan Approval Application for a Multifamily Residential Project to Be Located at 7938-7940 West Drive - Village Manager Ralph Rosado, Ph.D., AICP (Village Planner Silvia E. Vargas, FAICP)

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] A SITE PLAN BY 7940 NBV PARTNERS, LLC, PURSUANT TO SECTIONS 5.2 OF THE VILLAGE'S UNIFIED LAND DEVELOPMENT CODE ("ULDC"), FOR DEVELOPMENT OF A MULTIFAMILY RESIDENTIAL PROJECT ON AN APPROXIMATELY 0.77-ACRE SITE LOCATED AT 7938-7940 WEST DRIVE, NORTH BAY VILLAGE, CONSISTING OF UP TO 70 DWELLING UNITS, INCLUDING REQUESTS FOR APPROVAL TO: (A) TRANSFER 16 DENSITY RIGHTS FROM VILLAGE-OWNED PROPERTY PURSUANT TO SEC. 8.13.; AND (B) INCREASE BUILDING HEIGHT ABOVE THE BASE BUILDING HEIGHT OF 150 FEET VIA BONUSES AVAILABLE PURSUANT TO SEC. 8.12, UP TO A MAXIMUM HEIGHT OF 312 FEET; PROVIDING FOR FINDINGS; PROVIDING FOR CONDITIONS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Recommended Action: Approval subject to conditions recommended by Staff. The approval of this item is contingent upon the granting of companion variances being requested by the Applicant per Sec. 7.3, as well as a compact parking exception per Sec. 9.3.E.5.
Staff Report_7940 West Dr Site Plan Approval_PZB 072723.pdf
Attachment 1_7940 W Dr Site Plan LOI and Application.pdf
Attachement 3_7940 W. Dr Landscape Plans (Updated).pdf
Attachment 4_7940 W Dr Civil Plans (Updated).pdf
Attachment 5_7940 W Dr_PHOTOMETRICS.pdf
Attachment 6_7940 W Dr_LEVEL OF SERVICE (LOS) ASSESSMENT.pdf
Attachment 7_7940 W Dr Traffic Impact Analysis_signed.pdf
Attachment 7a_7940 W Dr Response -Traffic Study Comments.Manuverability Analysis.pdf
Attachment 8_7940 W Dr_NBV_NGBS_and Green Building Program.pdf
Attachment_9 Reso Site Plan 7940 W. Dr.docx
DBR Notice 09.1.2023 PZB.pdf

Attachment_2_7940_W_Dr_Architectural_Plans.pdf

4B. Site Plan Approval for Development of Village Hall and County Fire Station at 1335 79th Street Cswy (aka Sakura property) - Village Manager Ralph Rosado, PhD, AICP (Village Planner Silvia E. Vargas, FAICP)

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] A SITE PLAN PURSUANT TO SECTION 5.2 OF THE VILLAGE'S UNIFIED LAND DEVELOPMENT CODE ("ULDC"), FOR DEVELOPMENT OF A GOVERNMENT FACILITY CONSISTING OF A VILLAGE HALL AND COUNTY FIRE STATION AT 1335 79TH STREET CAUSEWAY, NORTH BAY VILLAGE, AN APPROXIMATELY 0.76-ACRE SITE ZONED T6-24MU; PROVIDING FOR FINDINGS; PROVIDING FOR CONDITIONS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE

Suggested Action: Due to the need for addiitonal coordination between Staff and the design team to finalize the site plan and related documentation, a deferral is requested to the October meeting.

5. Ordinances

5A. An Ordinance Amending Section 15.3 of the Form-Based Code to Expand the Locations Where Temporary Structures are Allowed in the T6 Transect Zone - Village Manager Ralph Rosado, PhD, AICP (Village Planner Silvia E. Vargas, FAICP)

AN ORDINANCE OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING SECTION 15.3 OF CHAPTER 15 OF THE VILLAGE'S UNIFIED LAND DEVELOPMENT CODE ("ULDC") TO ALLOW TEMPORARY STRUCTURES WITHIN THE T6-30 ZONING DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff Report Temporary Structures Text Amendment (091423).pdf
Attachment 1_ Letter of Intent Requesting the Amendment.PDF
Attachment 2_ULDC Amendment Application (Exhibit A to LOI).PDF
Attachment 3_Proposed Ordinance and Exhibit (Exhibit B to LOI).DOCX
Attachment_4 Alternate Proposed Ordinance_Exhibit Staff Recommendation.docx
DBR Notice 09.1.2023.pdf

6. Discussion Items

7. Public Comments

8. Adjournment

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS THAT ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE VILLAGE CLERK AT 305-756-7171 EXT. 45 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING.

IN ACCORDANCE WITH THE PROVISIONS OF SECTION 286.0105, FLORIDA STATUTES, ANYONE WISHING TO APPEAL ANY DECISION MADE BY VILLAGE COMMISSION, WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE VILLAGE CLERK, NORTH BAY VILLAGE, 1666 KENNEDY CAUSEWAY. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE VILLAGE CLERK AT 305-756-7171 EXT 45. A COMPLETE AGENDA PACKET IS ALSO AVAILABLE ON THE VILLAGE WEBSITE AT www.nbvillage.com.

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

ITEM NO. 2A

North Bay Village
Recommendation Memorandum

DATE: September 14, 2023

TO: Planning and Zoning Board

FROM: Alba L. Chang, Village Clerk

SPONSORED BY:

SUBJECT: Approval of the Following Meeting Minutes - Village Clerk, Alba L. Chang, CMC

RECOMMENDATION

*** July 13, 2023 - Planning & Zoning Board Meeting**
*** July 27, 2023 - Planning & Zoning Board Meeting**

BACKGROUND AND ANALYSIS

Meetings were held and Minutes have been provided for the Planning & Zoning Board consideration and approval for the following:

* July 13, 2023
* July 27, 2023

It is recommended that the Board approve the meeting minutes, as presented.

BUDGETARY/FINANCIAL IMPACT (Finance Dept.)

None

PERSONNEL IMPACT

None

PLANNING AND ZONING BOARD MEETING MINUTES
July 13, 2023, 6:00 PM
Village Chambers - 1666 Kennedy Causeway, #101 North Bay Village, FL 33141
Meeting ID: 832 2519 9997 Passcode: 353008

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1. Call to Order/Roll Call

Chair Dennis called the meeting to order at 6:00 p.m.

In attendance:
Chair Timothy Dennis
Vice Chair Ryan Shaw attended via Zoom
Board Member Jon Andras attended via Zoom
Board Member Ruslanas Byckovas
Board Member Paul Murphy
Board Member Sherry Abramson attended via Zoom

Staff
Dr. Ralph Rosado, Village Manager
Tony Recio, Village Attorney
Alba L. Chang, Village Clerk
Silvia Vargas, Village Planner

2. Approval of Meeting Minutes

2A. Approval of the June 21, 2023, Meeting Minutes

ACTION: Board Member Murphy made a motion to approve the Meeting Minutes. Chair Dennis seconded the motion, and it passed by unanimous voice vote.

3. Public Hearings (Quasi-Judicial)

Please be advised that the following items are quasi-judicial in nature. If you wish to object or comment upon any of these items, please inform the Chair when he requests public comments. An opportunity for persons to speak on each item will be made available after the applicant and staff have made their presentations on each item. All testimony, including public testimony and evidence, will be made under oath or affirmation. Additionally, each person who gives testimony may be subject to cross-examination. If you refuse either to be cross-examined or to be sworn, your testimony will be given its due weight. The general public will not be permitted to cross-examine witnesses, but the public may request the Board to ask questions of staff or witnesses on their behalf. Persons representing organizations must present evidence of their authority to speak for the organization. Further, details of the quasi-judicial procedures may be obtained from the Village Clerk.

6. Public Comments

Chair Dennis opened the floor to public comment.

Paul Bensabat, 7940 West Drive
Mikael Hanali, 7940 West Drive
Richard Comishy, 7913 West Drive

Chair Dennis closed public comment.

At this time, Board Member Ruslanas Byckovas recused himself for items #4A and 5A.

Village Attorney Tony Recio stated that given that there were only three Board Members physically present in the Commission Chambers, there was no quorum to move forward with a vote for Items #4A and #5A. The reference items will be rescheduled for July 27, 2023, Planning & Zoning Board Meeting.

4. Applications

4A. **A Resolution To Consider a Site Plan Review Application for Mixed-Use Project at 1872 79th Street Causeway Submitted by Shoma North Bay Village.** ***Village Manager Ralph Rosado, Ph.D., AICP (Village Planner Silvia E. Vargas, FAICP, LEED AP)***

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTION 5.2 OF THE VILLAGE'S UNIFIED LAND DEVELOPMENT CODE ("ULDC") [APPROVING/APPROVING WITH CONDITIONS/DENYING] A SITE PLAN APPLICATION BY SHOMA NORTH BAY VILLAGE, LLC, PURSUANT TO SECTION 5.8 OF THE ULDC, TO MODIFY THE SITE PLAN PREVIOUSLY APPROVED PURSUANT TO RESOLUTION NO. 2021-046 IN A MANNER EXCEEDING THE SCOPE OF MODIFICATIONS ALLOWED UNDER SECTION 5.9 OF THE ULDC, TO PROVIDE FOR DEVELOPMENT OF A 24-STORY (253 FT., 10 INCHES TALL) MIXED-USE PROJECT THAT WILL ENCOMPASS UP TO 333 DWELLING UNITS WITH COMPLEMENTARY RESIDENT AMENITIES; 750 PARKING SPACES; 52,929 SQ. FT. OF COMMERCIAL SPACE; TO BE LOCATED ON AN APPROXIMATELY 2.8-ACRE PARCEL OF LAND IDENTIFIED BY FOLIO NUMBER 23-3209-000-0250 AND LOCATED AT 1872 79TH STREET CAUSEWAY, NORTH BAY VILLAGE; PROVIDING FOR FINDINGS; PROVIDING FOR CONDITIONS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE

5. Ordinances

5A. An Ordinance Amending the Zoning of Certain Parcels to "South Kennedy Special Area Plan" and Amending the ULDC to Create "Appendix B, South Kennedy Special Area Plan" - ***Village Manager Ralph Rosado, Ph.D., AICP (Village Planner Silvia E. Vargas, FAICP, LEED AP)***

AN ORDINANCE OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, WITH ATTACHMENT(S), PURSUANT TO SECTION 4.2 OF CHAPTER 4, "ADMINISTRATION AND ENFORCEMENT," AND SECTION 15.2.G. OF CHAPTER 15, "FORM-BASED CODE" OF THE NORTH BAY VILLAGE UNIFIED LAND DEVELOPMENT CODE ("ULDC"), AMENDING THE ZONING OF CERTAIN PARCELS IDENTIFIED BY FOLIO NUMBER 23-3209-000-0250 AND LOCATED AT 1872 79TH STREET CAUSEWAY, NORTH BAY VILLAGE, COMPRISING APPROXIMATELY 2.8 ACRES, FROM T6-24 TRANSECT TO "SOUTH KENNEDY SPECIAL AREA PLAN"; AMENDING THE CODE TO CREATE "APPENDIX B, SOUTH KENNEDY SPECIAL AREA PLAN" TO PROVIDE SPECIFIC TRANSECT ZONE REGULATIONS THAT ARE APPLICABLE TO THE SUBJECT PARCELS; PROVIDING FOR CONFLICTS; MAKING FINDINGS OF FACT AND STATING CONCLUSIONS OF LAW; PROVIDING FOR BINDING EFFECT; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Maria Garcia, the legal representative of Shoma North Bay Village, came forward and made a brief presentation of the proposed project. She understood the project would be rescheduled to the July 27th Board meeting, but wanted to highlight the project's key components which included:

*Shoma Bazaar	*Anchor Tenant (Publix Supermarkets)
*Density of 333 residential units	*24 stories
*Provides for a pedestrian experience	* Amenities included wellness spa service
*Botanical gardens	*Business center
*Movie theater	*Rooftop amenities

Board Member Sherry Abramson joined the meeting via Zoom at 6:29 p.m.

Board Member Murphy asked if the applicant could potentially have a two-floor unit. Village Planner Vargas responded no. Board Member Murphy expressed concern about

the traffic congestion and asked for the team to consider an additional turn lane at the traffic light on the east side.

Vice Chair Shaw joined the meeting via Zoom at 6:37 p.m.

There was a brief discussion on the following:

*Driveway entrance from the east.
* Entrance to Publix Supermarket
*Project approval of March of 2021
*Pedestrian crosswalks
*Foundation comments
*Density bonus.

Village Planner Vargas stated that the proposed Special Area Plan ordinance addresses workforce housing and a density bonus of up to 119 units per acre.

5B. **An Ordinance to Consider Amendments to the High-Density Multifamily Residential (RM-70) Zoning District and Related Regulations - *Village Manager Ralph Rosado, PhD, AICP (Village Planner Silvia E. Vargas, FAICP)***

AN ORDINANCE OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING THE VILLAGE'S UNIFIED LAND DEVELOPMENT CODE (ULDC) BY COMPREHENSIVELY UPDATING AND AMENDING CHAPTER 3, "DEFINITIONS," CHAPTER 8, "ZONING," AND CHAPTER 9, "GENERAL DESIGN STANDARDS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Village Clerk Chang read the ordinance title into the record.

Village Planner Silvia Vargas provided a detailed analysis of the proposed changes to the RM-70 Zoning District as follows:

- Floor area ratio (FAR): Deleted
- Transfer of Development Rights (TDR) / height bonus
- Building height was limited for bigger lots.
- Commercial Use: added a provision to cap to 10,000 square feet.

Building Height

The board suggested more pervious areas for additional height as the floor plate area has been tied to height.

Undersized parcels

The board suggested a height bonus to allow additional floors at 70 units per acre.

Floor Plate
It was suggested to create a standard size for all.

In Chapter 9, there were no comments.

Chapter 8

Side yard setbacks

*It was suggested to change to 7.5 interior setbacks for undersize lots.
*Reduced the lot area to 15,000 square feet.
*Podium maximum of 100 feet
*Define parking amenities
*Tower setback from the face of the podium an additional 10 feet.

Pervious Area
*Keep the 30% requirement.
*Remove the increased area maximum.

Green Space – No comments

Page 489 of the Ordinance
*Keep 70 units overall per acre across the board.

Maximum Building Height
*Undersized parcels are defined as lots under 15,000 square feet.
* Maximum of 50 feet.

Maximum Bonus height – No cap.

Transfer of Development Rights
*Suggested a 25% nonrefundable fee to be paid within 90 days of the approval. The rest of the 75% can be paid when the building permit is issued.

Board Member Murphy congratulated Village Planner Vargas on a great job on the development review process.

Commercial Use – no comments.

7. Discussion Items – None

8. Adjournment

There being no further business to discuss the meeting was adjourned at 9:04 p.m.

Accepted this 14th day of September 2023.

_____
Timothy Dennis
Chair

Respectfully submitted,

_____
Alba L. Chang, CMC
Village Clerk

PLANNING AND ZONING BOARD MEETING MINUTES
JULY 27, 2023, 6:00 PM
Village Chambers - 1666 Kennedy Causeway, #101 North Bay Village, FL 33141 Meeting ID: 869 7009 2320 Passcode: 842751

ROLL CALL

1. Call to Order/Roll Call

Chair Dennis called the meeting to order at 6:00 p.m.

In attendance:
Chair Timothy Dennis
Vice Chair Ryan Shaw
Board Member Jon Andras attended via Zoom.
Board Member Ruslanas Byckovas
Board Member Paul Murphy

Absent
Board Member Sherry Abramson

2. Approval of Meeting Minutes - None

3. Public Hearings (Quasi-Judicial)

Please be advised that the following items are quasi-judicial in nature. If you wish to object or comment upon any of these items, please inform the Chair when he requests public comments. An opportunity for persons to speak on each item will be made available after the applicant and staff have made their presentations on each item. All testimony, including public testimony and evidence, will be made under oath or affirmation. Additionally, each person who gives testimony may be subject to cross-examination. If you refuse either to be cross-examined or to be sworn, your testimony will be given its due weight. The general public will not be permitted to cross-examine witnesses, but the public may request the Board to ask questions of staff or witnesses on their behalf. Persons representing organizations must present evidence of their authority to speak for the organization. Further, details of the quasi-judicial procedures may be obtained from the Village Clerk.

Items 3A and 3C were deferred at the applicant's request.

The following order of business was proposed by Village Staff.
Items 5A and 5B were moved to the beginning of the agenda followed by items 4B and 5C will be discussed together but must be voted on separately.

Chair Dennis made a motion to set the order of business. Vice Chair Shaw seconded the motion, and it passed by unanimous voice vote.

3A. A Resolution Considering a Request by 7940 NBV Partners, LLC for a Use Exception to Allow Compact Parking Spaces for a Project at 7938-7940 West Drive - *Village Manager Ralph Rosado, Ph.D., AICP (Village Planner Silvia E. Vargas, FAICP)*

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING/APPROVING WITH CONDITIONS/DENYING] A REQUEST BY 7940 NBV PARTNERS, LLC FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 8.11 AND 9.3.E. OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC"), TO ALLOW UP TO TWENTY PERCENT (20%) OF PARKING SPACES REQUIRED FOR A PROJECT AT 7938-7940 WEST DRIVE TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES; PROVIDING FINDINGS; PROVIDING FOR CONDITIONS; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Recommended Action: Recommend approval subject to conditions and contingent upon approval by the Village Commission of a companion variance request and Site Plan applications.

3B. A Resolution Considering a Request by 7940 NBV Partners, LLC for a Variance to Permit a Reduction of the Parking Requirement for a Project at 7938-7940 West Drive - *Village Manager Ralph Rosado, Ph.D., AICP (Village Planner Silvia E. Vargas, FAICP)*

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] AN APPLICATION BY 7940 NBV PARTNERS, LLC CONCERNING PROPERTY LOCATED AT 7938-7940 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA FOR A VARIANCE PURSUANT TO SECTION 7.3 OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC") OF PARKING REQUIREMENTS PROVIDED IN SECTION 9.3.C. OF THE ULDC, TO PERMIT THE PROVISION OF 135 SPACES WHERE 212 WOULD BE REQUIRED; ALTERNATIVELY [APPROVING / APPROVING WITH CONDITIONS / DENYING] A WAIVER PURSUANT TO SECTION 9.3.D. OF PARKING REQUIREMENTS PROVIDED IN SECTION 9.3.C. OF THE ULDC; PROVIDING FINDINGS; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Recommended Action: The Planning and Zoning Board should review Planning staff's analysis of this request for a reduction of the required minimum parking requirement for multifamily residential uses according to Section 9.3.D. of the ULDC, and, after consulting the criteria in Section 7.3 related to hardship variances, should forward a recommendation to the Village Commission via the attached resolution form.

~~**3C A Resolution Considering a Request by 7940 NBV Partners, LLC, for a Variance to Reduce the Minimum Aisle Width for a Project at 7938-7940 West Drive** - ***Village Manager Ralph Rosado, Ph.D., AICP (Village Planner Silvia E. Vargas, FAICP)***~~

~~**A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] AN APPLICATION BY 7940 NBV PARTNERS, LLC CONCERNING PROPERTY LOCATED AT 7938-7940 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA FOR A VARIANCE PURSUANT TO SECTION 7.3 OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC") OF MINIMUM AISLE WIDTH REQUIREMENTS PROVIDED IN SECTION 9.3.E. OF THE ULDC, TO PERMIT A PARKING AISLE WIDTH OF 22 FEET WHERE 23 FEET WOULD BE REQUIRED; PROVIDING FINDINGS; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**~~

~~**Recommended Action:** The Planning and Zoning Board should review the Planning staff's analysis of this request for a reduction of the required minimum aisle width according to Section 9.3.E. of the ULDC, and, after consulting the criteria in Section 7.3 related to hardship variances, should forward a recommendation to the Village Commission via the attached resolution form.~~

The following agenda items were taken out of order.

5. Ordinances

5A. An Ordinance Amending the Unified Land Development Code (ULDC) Creating Section 8.10.2, "Payment in Satisfaction of Workforce Housing Requirements for Condominium Developments" (Privately-Initiated Amendment by 1755 JFK Owner LLC) - ***Village Manager Ralph Rosado, Ph.D., AICP (Village Planner Silvia E. Vargas, FAICP)***

AN ORDINANCE OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING THE VILLAGE'S UNIFIED LAND DEVELOPMENT CODE ("ULDC") TO CREATE SECTION 8.10.2, "PAYMENT IN SATISFACTION OF WORKFORCE HOUSING REQUIREMENTS FOR CONDOMINIUM DEVELOPMENTS," TO ESTABLISH A PAYMENT-IN-LIEU-OF MECHANISM FOR DEVELOPERS OF FOR-SALE RESIDENTIAL DEVELOPMENTS TO SATISFY WORKFORCE HOUSING REQUIREMENTS, AS WELL AS TO CREATE A TRUST FUND FOR THE USE OF SUCH PAYMENTS TO SUPPORT CERTAIN WORKFORCE HOUSING INITIATIVES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR ANEFFECTIVE DATE.

Village Clerk Chang read the proposed ordinance title into the record.

Village Planner Silvia Vargas provided a brief explanation of the applicant's proposed code amendment which would provide for payment in satisfaction of workforce housing requirements for condominium developments.

Attorney Christopher Penelas of Akerman, who was representing the applicant, came forward and described the proposed amendments to Section 8.10 of the Unified Land Development Code (ULDC). The ordinance would allow for new for-sale residential and mixed-use projects with a residential component to pay in lieu of providing their workforce housing requirements. He felt it would have a financial benefit for the Village.

Chair Dennis opened the floor to public comment. There being no requests for public input, public comment was closed.

Applicant, Ally Eicher, 1015 15 Street, came forward to address the Board. She explained the benefits of the proposed amendment:

- The amendment would allow developers to make payments in lieu of workforce housing.
- Provides data driving calculations for price.
- Funds would be available much sooner than and prior to the issuance of a building permit.
- Will result in a higher tax base.

She urged the Planning & Zoning Board to consider approval of the proposed code amendment.

Village Planner Vargas stated that staff was recommending approval of the proposed amendment of the alternate version as presented in attachment 5.

Chair Dennis asked how the funds would be managed. Attorney Penelas responded the Village Commission would have management authority over the account.

ACTION: Vice Chair Board Member Shaw made a motion to approve staff alternate version of the proposed ordinance. Board Member Murphy seconded the motion.

Upon roll call vote, the motion passed 5 - 0 with Vice Chair Shaw, Board Member Murphy Board Member Andras, Member Byckovas, and Chair Board Member Dennis, voting for.

5B. **An Ordinance Amending Section 15.3 of the ULDC to Make the Provision of a Green Wall in the T-6 Transect Optional (Privately-Initiated Amendment by 1755 JFK Owner LLC) -** ***Village Manager Ralph Rosado, Ph.D., AICP (Village Planner Silvia E. Vargas, FAICP)***

AN ORDINANCE OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING SECTION 15.3 OF CHAPTER 15 OF THE VILLAGE'S UNIFIED LAND DEVELOPMENT CODE ("ULDC") TO MAKE THE PROVISION OF A GREEN WALL WITHIN THE T6-24 AND T6-30 ZONING DISTRICTS OPTIONAL;

PROVIDING SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE

Village Clerk Chang read the proposed ordinance title into the record.

Village Planner Vargas explained the proposed amendment would delete the requirement that a minimum of 20 percent of a garage structure be in the form of a green wall. The applicant-initiated amendment would allow for the requirement to be optional, and it would create a definition of artwork.

Village Planner Vargas is recommending approval of the alternate version of the ordinance.

The attorney for the applicant, Christopher Penelas, requested that the artwork / green wall be approved at site plan approval.

ACTION: Board Member Murphy made a motion to approve the alternate version of the proposed ordinance. Vice Chair seconded the motion.

Upon roll call vote, the motion passed 5 - 0 with Board Member Murphy, Vice Chair Shaw, Member Andras, Member Byckovas, and Chair Dennis, voting for.

4. Applications

~~4A. A Resolution to Consider a Site Plan Approval Application for a Multifamily Residential Project to be Located at 7938-7940 West Drive - *Village Manager Ralph Rosado, Ph.D., AICP (Village Planner Silvia E. Vargas, FAICP)*~~

~~A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] A SITE PLAN BY 7940 NBV PARTNERS, LLC, PURSUANT TO SECTIONS 5.2 OF THE VILLAGE'S UNIFIED LAND DEVELOPMENT CODE ("ULDC"), FOR DEVELOPMENT OF A MULTIFAMILY RESIDENTIAL PROJECT ON AN APPROXIMATELY 0.77-ACRE SITE LOCATED AT 7938-7940 WEST DRIVE, NORTH BAY VILLAGE, CONSISTING OF UP TO 70 DWELLING UNITS, INCLUDING REQUESTS FOR APPROVAL TO: (A) TRANSFER 16 DENSITY RIGHTS FROM VILLAGE-OWNED PROPERTY PURSUANT TO SEC. 8.13.; AND (B) INCREASE BUILDING HEIGHT ABOVE THE BASE BUILDING HEIGHT OF 150 FEET VIA BONUSES AVAILABLE PURSUANT TO SEC. 8.12, UP TO A MAXIMUM HEIGHT OF 312 FEET; PROVIDING FOR FINDINGS; PROVIDING FOR CONDITIONS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.~~

~~**Recommended Action:** Staff is requesting that this item be deferred. The approval of this item is contigent upon the granting of companion variances being requested by the Applicant, as well as a Use Exception~~.

At this time Board Member Ruslanas Byckovas recused himself for items 4B and 5C. A Form 8B, Memorandum of Voting Conflict was filed with the Village Clerk.

Village Clerk Chang read the resolution and ordinance title for items 4B and 5C.

5C. **An Ordinance Amending the Zoning of Certain Parcels to "South Kennedy Special Area Plan" and Amending the ULDC to Create "Appendix B, South Kennedy Special Area Plan" - *Village Manager Ralph Rosado, Ph.D., AICP (Village Planner Silvia E. Vargas, FAICP, LEED AP)***

AN ORDINANCE OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, WITH ATTACHMENT(S), PURSUANT TO SECTION 4.2 OF CHAPTER 4, "ADMINISTRATION AND ENFORCEMENT," AND SECTION 15.2.G. OF CHAPTER 15, "FORM-BASED CODE" OF THE NORTH BAY VILLAGE UNIFIED LAND DEVELOPMENT CODE ("ULDC"), AMENDING THE ZONING OF CERTAIN PARCELS IDENTIFIED BY FOLIO NUMBER 23-3209-000-0250 AND LOCATED AT 1872 79TH STREET CAUSEWAY, NORTH BAY VILLAGE, COMPRISING APPROXIMATELY 2.8 ACRES, FROM T6-24 TRANSECT TO "SOUTH KENNEDY SPECIAL AREA PLAN"; AMENDING THE CODE TO CREATE "APPENDIX B, SOUTH KENNEDY SPECIAL AREA PLAN" TO PROVIDE SPECIFIC TRANSECT ZONE REGULATIONS THAT ARE APPLICABLE TO THE SUBJECT PARCELS; PROVIDING FOR CONFLICTS; MAKING FINDINGS OF FACT AND STATING CONCLUSIONS OF LAW; PROVIDING FOR BINDING EFFECT; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Village Clerk Chang read the proposed ordinance title into the record.

Village Planner Vargas introduced Shoma North Bay Village, LLC request for a site plan modification. The project obtained approval on March 23, 2021, and the applicant was seeking approval for site plan modifications. The new project scope includes:

- Residential use.
- Increase square footage by more than 10 %
- Increase 25% of commercial/retail space.
- Increase of more than 15% of residential units.
- Most units are larger.
- Townhouses were swapped for penthouses.

- Will offer micro units.
- Increase the floor-to-ceiling heights.
- Will not be a condominium development.
- The commercial component will offer a fine dining hall.
- Updated traffic study.
- Building height was increased to 254 feet.

Village Planner Vargas clarified that a new version of the proposed ordinance on the special area plan has been introduced to the Village Clerk. The revised version provides a civic space requirement and electric vehicle charging station updates.

Staff is recommending approval of the application request with conditions as outlined in the revised ordinance and staff report.

Attorney Mario Garcia, a representative for the applicant Masoud Shojaee of Shoma North Bay Village, came forward to introduce the proposed project. He provided a detailed description and key highlight of the project as follows:

- Anchor tenant – Publix Supermarkets.
- Provides a project entranceway experience to the property.
- 12th-floor pet store/spa.
- 14th-floor fine dining food hall known as Shoma Bazaar.
- Library.
- Movie theater.
- Wine club.
- Luxurious landscaping plan.

ACTION: Chair Dennis made a motion to approve the updated version of the proposed ordinance for the special area plan. Board Member Murphy seconded the motion.

Upon roll call vote, the motion passed 4 - 0 with Chair Dennis, Board Member Murphy, Member Andras, Member Byckovas, and Vice Chair Shaw voting for.

4B. **A Resolution to Consider a Site Plan Review Application for Mixed-Use Project at 1872 79th Street Causeway Submitted by Shoma North Bay Village - *Village Manager Ralph Rosado, Ph.D., AICP (Village Planner Silvia E. Vargas, FAICP, LEED AP)***

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTION 5.2 OF THE VILLAGE'S UNIFIED LAND DEVELOPMENT CODE ("ULDC") [APPROVING/APPROVING WITH CONDITIONS/DENYING] A SITE PLAN APPLICATION BY SHOMA NORTH BAY VILLAGE, LLC, PURSUANT TO SECTION 5.8 OF THE ULDC, TO MODIFY THE SITE PLAN PREVIOUSLY APPROVED PURSUANT TO RESOLUTION NO. 2021-046 IN A MANNER EXCEEDING THE SCOPE OF MODIFICATIONS ALLOWED UNDER SECTION 5.9 OF THE ULDC, TO PROVIDE FOR DEVELOPMENT OF A 24-STORY (253 FT., 10 INCHES TALL) MIXED-USE PROJECT THAT WILL ENCOMPASS UP TO 333 DWELLING UNITS WITH COMPLEMENTARY RESIDENT AMENITIES; 750 PARKING SPACES; 52,929 SQ. FT. OF COMMERCIAL SPACE; TO BE LOCATED ON AN APPROXIMATELY 2.8-ACRE PARCEL OF LAND IDENTIFIED BY FOLIO NUMBER 23-3209-000-0250 AND LOCATED AT 1872 79TH STREET CAUSEWAY, NORTH BAY VILLAGE; PROVIDING FOR FINDINGS; PROVIDING FOR CONDITIONS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: Chair Dennis made a motion to approve the updated version of the proposed ordinance for the special area plan. Board Member Murphy seconded the motion.

Upon roll call vote, the motion passed 4 - 0 with Chair Dennis, Board Member Murphy, Member Andras, Member Byckovas, and Vice Chair Shaw voting for.

6. **Discussion Items -** None

7. **Public Comments** - None

8. **Adjournment**

There being no further business to discuss the meeting was adjourned at 6:57 p.m.

Accepted this 14th day of September 2023.

_____
Timothy Dennis
Chair

Respectfully submitted,

_____
Alba L. Chang
Village Clerk

ITEM NO. 3A

North Bay Village
Recommendation Memorandum

DATE: September 14, 2023

TO: Honorable Mayor, Vice Mayor and Members of the Village Commission

FROM: Silvia Vargas, Village Planner

SPONSORED BY:

SUBJECT: **A Resolution Considering a Request by 7940 NBV Partners, LLC for a Use Exception to Allow Compact Parking Spaces for a Project at 7938-7940 West Drive - *Village Manager Ralph Rosado, Ph.D., AICP (Village Planner Silvia E. Vargas, FAICP)***

RECOMMENDATION

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING/APPROVING WITH CONDITIONS/DENYING] A REQUEST BY 7940 NBV PARTNERS, LLC FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 8.11 AND 9.3.E. OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC"), TO ALLOW UP TO TWENTY PERCENT (20%) OF PARKING SPACES REQUIRED FOR A PROJECT AT 7938-7940 WEST DRIVE TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES; PROVIDING FINDINGS; PROVIDING FOR CONDITIONS; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Recommended Action: Recommend approval subject to conditions and contingent upon approval by the Village Commission of a companion variance request and Site Plan applications.

BACKGROUND AND ANALYSIS

Refer to attached Staff report and included Attachments A through D.

BUDGETARY/FINANCIAL IMPACT (Finance Dept.)

n/a

PERSONNEL IMPACT

n/a

ATTACHMENTS

7940 W Drive_Use Exception_Staff Report_PZB 072723.pdf
Attachment A_Boundary Survey.pdf
Attachment B_Letter of Intent (071823).pdf
Attachment C_Arch Plan Sheets A-103 to A-105 (071723).pdf
Attachment_D_Reso_Use_Exception_7940_West_Drive_PZ_07.27.2023__Updated_.docx
DBR Notice 09.1.23 PZB.pdf

NORTH BAY VILLAGE
EST. 1945

MEMORANDUM
1666 Kennedy Causeway, Suite 300
North Bay Village, FL 33141
Tel: (305) 756-7171
Fax: (305) 756-7722
Website: www.northbayvillage-fl.gov

Date: **July 27, 2023**

To: **Planning and Zoning Board**

From: **Silvia E. Vargas, FAICP, Village Planner**

Subject: **STAFF REPORT – Review of Use Exception Request for Compact Parking to be provided at a development project to be located at 7940 West Drive**

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1. General Information

Owner/Applicant:	7940 NBV Partners, LLC
Applicant Address:	4531 Prairie Avenue, Miami Beach, FL
Site Address:	7940 West Drive
Site Acreage	0.77 acres
Folio Numbers	23-3209-001-0400 and 23-3209-001-0420
Contact Person:	Graham Penn Bercow Radell Fernandez Larkin + Tapanes
Phone Number:	305.377.6229
E-mail Address	gpenn@brzoninglaw.com

2. Legal Description of Subject Property

Lots 38, 40 and 42, “Harbor Island”, According to the Plat Thereof, as Recorded in Plat Book 44, Page 72, of the Public Records of Miami-Dade County, Florida. (Refer to Boundary Survey, included as Attachment A).

3. Property Future Land Use Map and Zoning Designations

Future Land Use	Residential (Multifamily High Density)
Zoning District	RM-70 High-Density Multiple Family Residential
Existing Land Use	Vacant

4. Adjacent Land Use Map Classifications and Zoning District

North	Future Land Use	Residential (Multifamily High Density)
	Zoning District	RM-70 High-Density Multiple Family Residential
	Existing Land Use	Multifamily Residential
East	Future Land Use	Residential (Multifamily High Density)
	Zoning District	RM-70 High-Density Multiple Family Residential
	Existing Land Use	Multifamily Residential
South	Future Land Use	Residential (Multifamily High Density)
	Zoning District	RM-70 High-Density Multiple Family Residential
	Existing Land Use	Multifamily Residential
West	Future Land Use	Water
	Zoning District	Water
	Existing Land Use	Water

5. Background

On June 12, 2023, applications were submitted by applicant 7940 NBV Partners LLC (the Applicant) to North Bay Village to initiate the review process of a proposed 70-unit multifamily residential condominium to be located at 7938-40 West Drive (7940 West Drive Project). In addition to this application for Use Exception, the Applicant is requesting Site Plan approval under Sec. 5.8 of the ULDC; a height bonus to increase the building height from 150 to 204 feet pursuant to Sec. 8.12.B.1; the transfer of density rights (TDRs) from Village-owned property, along with additional height up to 312 feet, pursuant to Sec. 8.13.B; a variance to decrease the minimum parking aisle width from 23 to 22 feet, as well as a variance to the parking requirement to allow the provision of 74 spaces less than the current minimum requirement, both under Sec. 7.3.

6. Description of Applicant's Request

The Applicant requests approval from the Village Commission for a Use Exception in accordance with the provisions of Sec. 8.11. of the ULDC, to design up to 20 percent of the proposed parking (135 spaces) specifically for compact vehicles, provided such spaces are clearly marked "for compact cars only" and collectively located in a defined area. See letter of intent included as Attachment B.

It must be noted that Subsection 9.3.E.5.a. of the ULDC allows this exception based on a project's *required* number of parking spaces, which for this project is 212 spaces. The proposed reduction in the number of parking spaces provided is subject to approval of a variance request that would permit the project to provide 135 spaces, as depicted on the Site Plan, where 212 spaces are

required. Therefore, approval of the proposed Use Exception to provide up to 20 percent of the total provided parking spaces (equivalent to 27 spaces) as compact spaces would be contingent first on approval of the variance and then on approval of the Site Plan, both by the Village Commission.

8. Consistency with Comprehensive Plan

This Application is generally consistent with the NBV100 Comprehensive Plan as it relates to the reduction in the need for parking to allow for a more pedestrian-oriented community, prioritizing people over cars and emphasizing aesthetic quality in new development and redevelopment.

9. Compliance with the ULDC and Compatibility with Adjacent Uses

The Use Exception request is consistent with the provisions of Sec. 8.11. The change in the size of certain parking spaces located within a parking garage and not be visible from the outside of the building, would not impact compatibility with adjacent uses.

The request, however, is based on a reduced overall number of parking spaces, which in turn is contingent upon the granting of a variance from the requirements of Sec. 9.3.C. Until the variance is secured, the Use Exception request may not be considered in compliance with Sec. 9.3.E.5.a., given the specific wording of this provision of the ULDC.

According to the Letter of Intent provided by the Applicant, valet service is proposed as part of the development and will be available at all times. This would make the development in compliance with Sec. 9.3.E.5.b., which requires that applicants seeking approval for the use of compact parking spaces provide valet parking services in perpetuity. A valet parking Business Tax Receipt must be obtained by such projects annually from the Village.

The Site Plan drawing set dated 7/17/23 and submitted on 7/18/23 indicates that there will be between 5 and 7 compact parking spaces per parking level and that these spaces will be grouped in defined areas of each level. Although this is not strictly in compliance with the provision of Sec. 9.3.E.5.a requiring that compact parking spaces must be “collectively located in a defined area,” Staff acknowledges that each level of the proposed parking garage, as presented, contains less than 30 parking spaces. Therefore, it is more reasonable to define separate areas on each level and split the compact spaces among all the levels rather than collect all 27 on a single level.

Recommendation

Without the variance approval, the request, as presented, does not comply with the provisions of Sec .9.3.E.5.a. A recommendation to approve the Use Exception would be subject to the Village Commission’s decision regarding the variance application to reduce the number of parking spaces. If approval of the Use Exception is recommended by the Planning and Zoning Board, Staff proposes that the following conditions, incorporated in the draft Resolution (included as Attachment B), be imposed on the approval. Noncompliance with the terms and conditions of this approval will be considered a violation, and penalties may include but are not limited to revocation of the approval granted by this resolution.

Conditions

1. All compact parking spaces shall be clearly marked "for compact cars only" and located in defined areas shown on Exhibit B, Architectural Plan Sheets A-103 to A-105 dated 7/17/23.

2. In accordance with the requirements of Sec. 9.3.E.5.b., valet parking service shall be provided for the project to be located at 7940 West Drive in perpetuity.

3. A Business Tax Receipt for valet parking services shall be required annually to ensure compliance with this requirement.

4. All due cost recovery charges must be paid pursuant to Section 5.12. 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.

5. The Use Exception is subject to plans on file for the accompanying site plan approval application for the Project.

6. The Use Exception shall expire two years from the date this Resolution is approved unless a building permit to implement the accompanying site plan is obtained and substantial construction has commenced.

List of Attachments to Staff Report

Attachment A – Boundary Survey (Use Exception for 7940 W Drive)
Attachment B – Letter of Intent dated 7/18/23
Attachment C – Architectural Plan Sheets A-103 to A-105 dated 7/17/23
Attachment D - Draft Resolution

These Design And Drawings Are The Copyrighted Property Of Revuelta Architecture International P.A. and May Not Be Reproduced Except with Specific Written Consent of the Architect.
The Contractor Must Check And Verify all Dimensions Of The Job And Be Responsible For Same, Reporting Any Discrepancies to The Architects Before Commencing work. Drawings Not to be Scaled.
File: BIMcloud: RAI-SERVER2-25 - BIMcloud Basic for Archicad 25/2114_NORTH BAY VILLAGE/2114_7940 WEST DRIVE - NORTH BAY VILLAGE- MARCH 2023 - By mguedez - Date: 6/12/2023

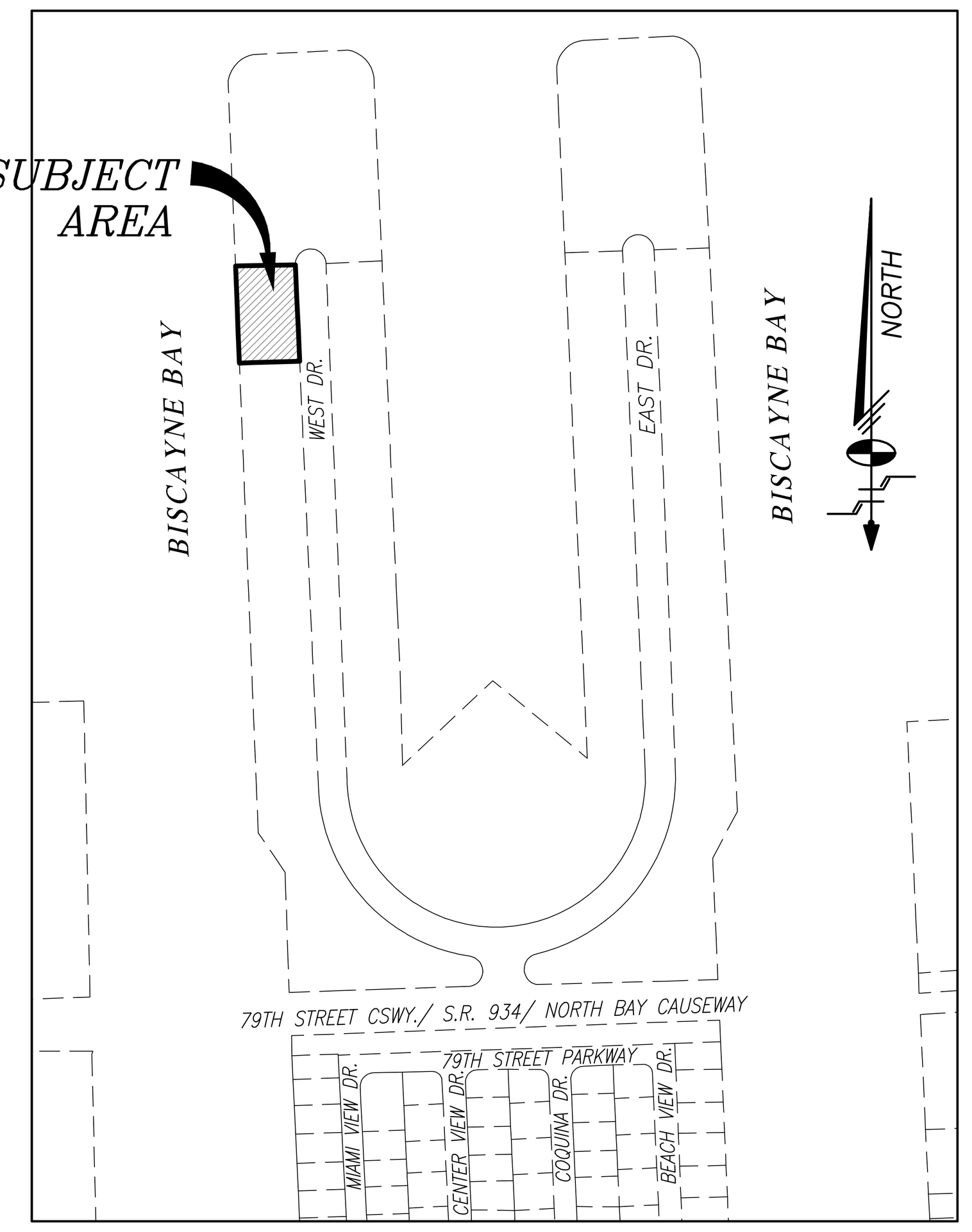
GENERAL LEGEND:

AERIAL TARGET
ALUMINUM LIGHT POST
ALUMINUM LIGHT POST (SINGLE)
ALUMINUM LIGHT POST (DOUBLE)
ALUMINUM LIGHT POST (TRIPLE)
ALUMINUM LIGHT POST (QUAD)
ANCHOR/GUY WIRE
BACKFLOW PREVENTER ASSEMBLY
CABLE TELEVISION BOX
CATCH BASIN
CATCH BASIN F-3
CENTERLINE
CHECK VALVE ASSEMBLY
COLUMN (CIRCULAR)
COLUMN (SQUARE)
CONCRETE LIGHT POLE
CONCRETE LIGHT POLE (DOUBLE)
CPP CONCRETE POWER POLE
CONTROL POINT
COMMUNICATION PULL BOX
CURB INLET
DOUBLE DETECTOR CHECK VALVE
DRAIN (CIRCULAR OR SQUARE)
ELECTRIC BOX (ABOVE GROUND)
ELECTRIC PULL BOX (BELOW GROUND)
ELECTRIC HAND HOLE
ELECTRIC OUTLET
ELEVATIONS (SEE NOTES FOR DATUM)
FIRE HYDRANT
FIRE LINE SIAMESE CONNECTION
FIRE LINE CONNECTION
FLAGPOLE
FLOW LINE
FORCE MAIN MANHOLE
FORCE MAIN VALVE
F.P.L ELECTRIC MANHOLE
F.P.L. FIBER NETWORK
F.P.L. TRANSMISSION POLE
GAS MANHOLE
GAS METER
GAS PUMP
GAS VALVE
GREASE TRAP MANHOLE
GROUND LIGHTING
BO GUARD POST, BOLLARD
IRRIGATION HAND HOLE
IRRIGATION VALVE
MAILBOX
MONITOR WELL
MONUMENT LINE
P-5 INLET
P-6 INLET
PARKING METER
PEDESTRIAN CROSSING SIGNAL
PRM PERMANENT REFERENCE MONUMENT
POST INDICATOR VALVE
VACUUM BREAKER ASSEMBLY
PROPERTY LINE
ROUND CATCH BASING
SANITARY SEWER CLEANOUT
SANITARY SEWER MANHOLE
SIGN POST
SPRINKLER PUMP
STANDPIPE
STORM SEWER MANHOLE
STREET LIGHT BOX
SWALE INLET
TELEPHONE BOX (SOUTHERN BELL)
TELEPHONE HAND HOLE
TELEPHONE MANHOLE (SO. BELL)
TELEPHONE PAYPHONE
TRAFFIC HAND HOLE
TRAFFIC UTILITY BOX
TRAFFIC CONTROL POST
TRAFFIC SIGNAL POST
TRAFFIC SIGNAL BOX
TREE & PALM
UNDERGROUND UTILITY MARKER
UNKNOWN UTILITY MANHOLE
UNKNOWN UTILITY HAND HOLE
WATER MANHOLE
WATER METER
WATER VALVE
WOOD LIGHT POLE
WOOD POWER POLE
WOOD TELEPHONE POLE
HANDICAP PARKING
STROLLER PARKING

ABBREVIATIONS:

R denotes RADIUS
Δ denotes DELTA ANGLE
L denotes ARC DISTANCE
CH.D. denotes CHORD LENGTH or CHORD DISTANCE
CH.B. denotes CHORD BEARING
T denotes TANGENT DISTANCE
P.C.P. denotes PERMANENT CONTROL POINT
P.R.M. denotes PERMANENT REFERENCE MONUMENT
P.B. denotes PLAT BOOK
PG. denotes PAGE
P.O.C. denotes POINT OF COMMENCEMENT
P.O.B. denotes POINT OF BEGINNING
OHW denotes OVERHEAD UTILITY WIRES
O.R.B. denotes OFFICIAL RECORDS BOOK
P.C. denotes POINT OF CURVATURE
C.B.S. denotes CONCRETE BLOCK STRUCTURE
CONC. denotes CONCRETE
C.L.F. denotes CHAINLINK FENCE
M.F. denotes METAL FENCE
W.F. denotes WOOD FENCE
F.F.E. denotes FINISH FLOOR ELEVATION
F.I.P. denotes FOUND IRON PIPE
S.I.P. denotes SET IRON PIPE & LB-87 CAP
F.N.D. denotes FOUND NAIL & BRASS DISC
S.N.D. denotes SET LB-87 NAIL & BRASS DISC
C.I.P. denotes CORRUGATED IRON PIPE
CLR. denotes CLEAR
E.T.P. denotes ELECTRIC TRANSFORMER PAD
ENCR. denotes ENCROACHMENT
D.C. denotes DEPRESSED CURB
PL. denotes PLANTER
(C) denotes CALCULATE DISTANCE
I.E. denotes INVERT ELEVATION
T.O.P. denotes TOP OF PIPE
(D) denotes DEED DISTANCE
(L) denotes DISTANCE BY LEGAL DESCRIPTION
(M) denotes MEASURED DISTANCE
(R) denotes RECORD OR PLATTED DISTANCE

BOTTOM — APPROXIMATE BOTTOM OF SLOPE
COMM — COMMUNICATION
DRAIN — DRAINAGE
FPL — ELECTRIC
FM — FORCE MAIN
IRRIG — IRRIGATION
GAS — NATURAL GAS
OHW — OVERHEAD WIRES
SM — SANITARY SEWER
TOP — APPROXIMATE TOP OF BANK
VEG — VEGETATION LINE
WM — WATER
/// — LIMITED ACCESS RIGHT OF WAY LINE



LOCATION SKETCH

Scale: 1"=400'

A PORTION OF SECTION **09-53S-42E**, MIAMI-DADE COUNTY, FLORIDA.

LEGAL DESCRIPTION

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

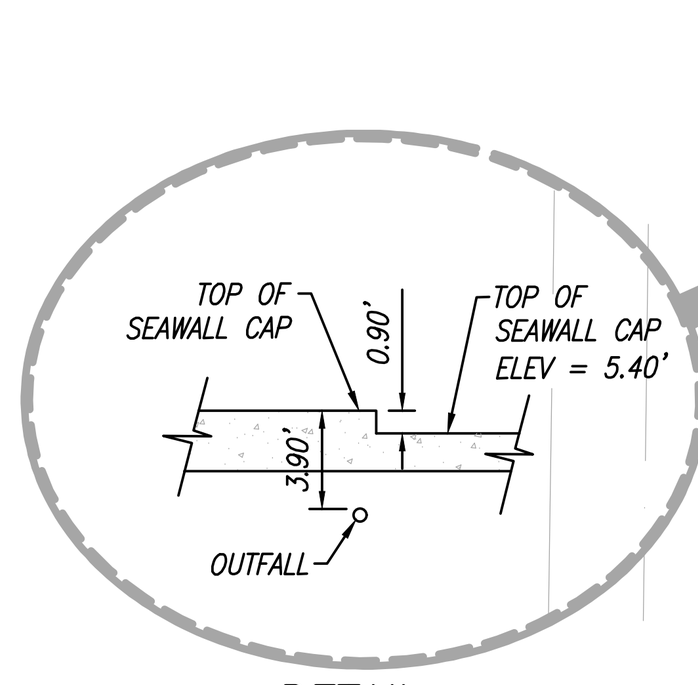
SURVEYOR'S NOTES:

1. THE BEARINGS SHOWN HEREON RELATE TO AN ASSUMED BEARING OF N00°01'22"E ALONG THE CENTERLINE OF WEST DRIVE.
2. LEGAL DESCRIPTION SHOWN HEREON WAS PROVIDED BY CLIENT.
3. AREA OF THE PROPERTY DESCRIBED HEREON IS: 33,602± SQ. FT. (0.771± ACRES).
4. THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF THE ENTITIES NAMED HEREON. THE ATTACHED CERTIFICATION DOES NOT EXTEND TO ANY UNNAMED PARTIES.
5. UNLESS OTHERWISE NOTED, THIS FIRM HAS NOT ATTEMPTED TO LOCATE FOOTINGS AND/OR FOUNDATIONS.
6. THE PROPERTY SHOWN HEREON FALLS WITHIN FEDERAL FLOOD HAZARD ZONE "AE" (ELEVATION 8), PER FLOOD INSURANCE RATE MAP NO. 12086C0306L, COMMUNITY NO. 120654, PANEL NO. 0306, SUFFIX L, OF FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A) MAP DATED SEPTEMBER 11, 2009.
7. VISIBLE INDICATORS OF UTILITIES ARE SHOWN HEREON, TOGETHER WITH UNDERGROUND STORM AND SANITARY GRAVITY MAINS, HOWEVER, NO ATTEMPT HAS BEEN MADE TO LOCATE UNDERGROUND PRESSURE MAIN, CABLES OR CONDUITS.
8. THE DISTANCES SHOWN ALONG THE BOUNDARY OF THE SUBJECT PROPERTY ARE RECORD AND/OR MEASURED UNLESS OTHERWISE STATED.
9. SHOWN HEREON ARE PLOTTABLE EASEMENTS AND RIGHTS OF WAY REFLECTED AS EXCEPTION IN **SCHEDULE B OF OWNER'S POLICY NO. OF6-8898628 ISSUED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, WITH A DATE OF POLICY JUNE 4, 2021 AT 12:58 P.M.**
10. THE ELEVATIONS SHOWN HEREON REFER TO NATIONAL GEODETIC VERTICAL DATUM OF 1929 (N.G.V.D. 29) AND ARE EXPRESSED IN FEET.
11. BENCHMARKS:
    a. MIAMI-DADE BENCHMARK P-313, LOCATED @ N TREASURE DRIVE --- 50' NORTH OF NORTH CURB --- HISPANOLA AVE --- 3' EAST OF EAST CURB OF SOUTHBOND LANE, US C & G BRASS DISC IN TOP OF NW CORNER OF SEWER PUMPING STATION, ELEVATION =5.27' N.G.V.D 29.
    b. MIAMI-DADE BENCHMARK A-26, LOCATED @ 79 ST CSWY --- 43' NORTH OF C/L--- PELICAN HARBOR DR --- 210' EAST OF C/L, PK NAIL AND ALUMINUM WASHER IN CONC CATCH BASIN, ELEVATION =6.19' N.G.V.D 29.
12. THE PROPERTY SHOWN HEREON IS CURRENTLY ZONED RM-70 (MULTI FAMILY RESIDENTIAL) (CITY OF NORTH BAY VILLAGE ZONING MAP-UPDATED NOVEMBER 29, 2017)
13. NO BUILDINGS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
14. SUBJECT PROPERTY IS MIAMI-DADE PROPERTY APPRAISER NUMBERS:
    FOLIO: 23-3209-001-0420 - 7940 WEST DR
    FOLIO: 23-3209-001-0400 - 7938 WEST DR

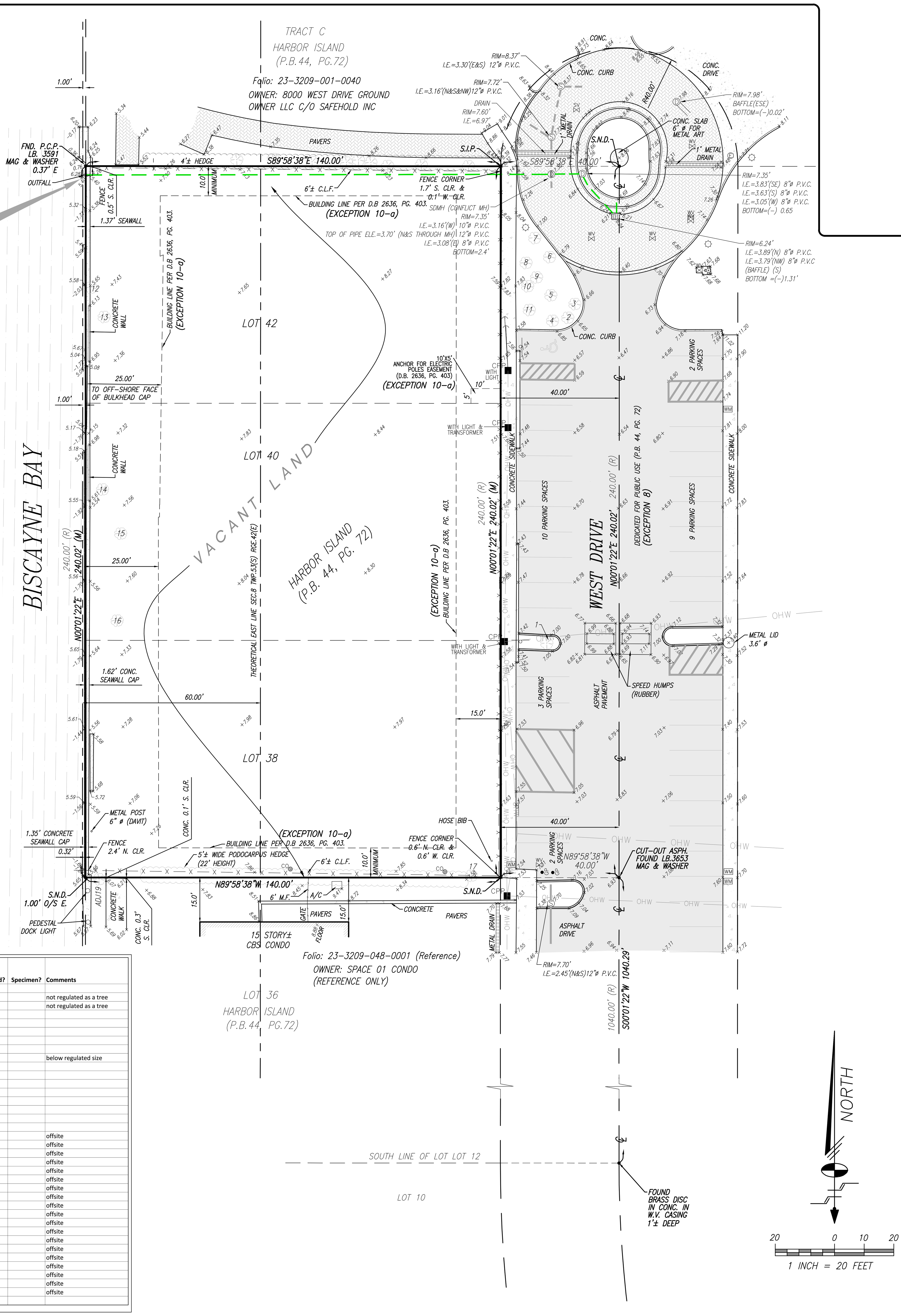
NOTES REGARDING SCHEDULE B OF OWNER'S POLICY NO. OF6-8898628 ISSUED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, WITH A DATE OF POLICY JUNE 4, 2021 AT 12:58 P.M.

8. RESTRICTIONS, CONDITIONS, RESERVATIONS, EASEMENTS AND OTHER MATTERS CONTAINED ON THE PLAT OF HARBOR ISLAND, AS RECORDED IN PLAT BOOK 44, PAGE 72, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. **(AFFECTS PARCEL-SHOWN HEREON)**
9. RESERVATIONS IN FAVOR OF THE STATE OF FLORIDA, AS SET FORTH IN THE DEED FROM THE TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA RECORDED JULY 27, 1926, UNDER DEED BOOK 983, PAGE 1, PUBLIC RECORDS OF MIAMI-DADE, FLORIDA; HOWEVER, THE RIGHT OF ENTRY AND EXPLORATION ASSOCIATED WITH THE OIL AND MINERAL RESERVATION HAS BEEN RELEASED PURSUANT TO SEC. 270.11, F.S. **(RESERVES MINERAL RIGHTS ACROSS THE PARCELS, AS A WHOLE (BLANKET), IS NOT SUFFICIENTLY LEGIBLE TO DETERMINE IF SUBJECT PROPERTY IS INCLUDED)**
10. COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED FEBRUARY 21, 1946, IN DEED BOOK 2636, PAGE 403 **(AFFECTS PARCEL-BLANKET IN NATURE- PLOTTABLE RESTRICTIONS SHOWN HEREON)** AND O.R. BOOK 3827, PAGE 134 **(AFFECTS PARCEL-NOT PLOTTABLE-BLANKET IN NATURE)**, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, WHICH CREATES EASEMENTS, CONDITIONS AND USE LIMITATIONS.
11. EASEMENT IN FAVOR BISCAYNE SEA CLUB AND BAY-FOUR, INC. FOR EXCLUSIVE PARKING PURPOSES RECORDED IN O.R. BOOK 2999, PAGE 490 **(DOES NOT AFFECT)** , AND IN O.R. BOOK 2999, PAGE 493 **(DOES NOT AFFECT)** PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.
12. UNITY OF TITLE RECORDED IN O.R. BOOK 30474, PAGE 4928, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. **(AFFECTS PARCEL-BLANKET IN NATURE-NOT PLOTTABLE)**
13. RIPARIAN AND LITTORAL RIGHTS ARE NOT INSURED.
14. RIGHTS OF THE UNITED STATE OF AMERICA AND/OR THE STATE OF FLORIDA TO ANY PORTION OF SAID LAND WHICH HAS BEEN CREATED BY ARTIFICIAL MEANS, AND LANDS ACCRETED THERETO.
15. THE RIGHT OF THE UNITED STATES GOVERNMENT, IN THE INTEREST OF NAVIGATION AND COMMERCE, TO REGULATE ANY PORTION OF THE LAND THAT WAS FORMERLY SUBMERGED BY NAVIGABLE WATERS.
16. ANY ADVERSE OWNERSHIP CLAIM BY THE STATE OF FLORIDA BY RIGHT OF SOVEREIGNTY TO ANY PORTION OF THE LAND INSURED HEREUNDER, INCLUDING SUBMERGED, FILLED, AND ARTIFICIALLY EXPOSED LANDS AND LANDS ACCRETED TO SUCH LANDS.
17. ENCROACHMENTS, ENCUMBRANCES, VIOLATIONS, VARIATIONS, OR ADVERSE CIRCUMSTANCES, IF ANY, ACTUALLY SHOWN ON THE SURVEY PREPARED BY ALVAREZ, AIGUESVIVES AND ASSOCIATES, INC., DATED APRIL 14, 2021, BEARING JOB #21-25426: (A) 6' WIRE FENCE ENCROACHMENT INTO ANCHOR EASEMENT RECORDED DEED BOOK 2636, PAGE 403, IN THE EAST SIDE OF THE SUBJECT PROPERTY. **(AFFECTS PARCEL-SHOWN HEREON)**
18. MORTGAGE TO BANK OZK, MORTGAGEE(S), RECORDED IN O.R. BOOK 32546, PAGE 807, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. **NOT A SURVEY MATTER**
19. ASSIGNMENT OF LEASES AND RENTS FILED JUNE 4, 2021, IN O.R. BOOK 32546, PAGE 1835, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. **(AFFECTS PARCEL-BLANKET IN NATURE-NOT PLOTTABLE)**
20. UCC FINANCING STATEMENT BETWEEN 7940 NBV PARTNERS, LLC AND BANK OZK AS RECORDED IN O.R. BOOK 32546, PAGE 1845, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. **(AFFECTS PARCEL-BLANKET IN NATURE-NOT PLOTTABLE)**

T:\kathy\notes\harbor island sec 09-53-42



DETAIL
Scale: 1"=10'



TREE TABLE

Tree #	Common Name	Scientific Name	DBH (inches)	Condition	Number of stems	Height (feet)	Canopy Spread (feet)	Canopy (square feet)	Prohibited?	Specimen?	Comments
1	sabal palm	*sabal palmetto*	11	Fair	1	22	16	201			
2	white bird of paradise	*Strelitzia nicolai*	4	Fair	1	15	16				not regulated as a tree
3	white bird of paradise	*Strelitzia nicolai*	4	Fair	1	18	10				not regulated as a tree
4	coconut palm	*Cocos nucifera*	7	Good	1	42	10	79			
5	Sylvester palm	*Phoenix sylvestris*	14	Good	1	42	18	254			
6	coconut palm	*Cocos nucifera*	7	Good	1	35	18	254			
7	coconut palm	*Cocos nucifera*	6	Good	1	30	18	254			
8	coconut palm	*Cocos nucifera*	9	Good	1	45	18	254			
9	Europeon fan palm	*Chamaerops humilis*	6	Fair	1	7	18	254			below regulated size
10	coconut palm	*Cocos nucifera*	7	Good	1	32	5	20			
11	coconut palm	*Cocos nucifera*	10	Good	1	45	18	254			
12	gumbo limbo	*Bursera simaruba*	6	Good	1	18	18	254			
13	coconut palm	*Cocos nucifera*	9	Good	1	36	12	113			
14	coconut palm	*Cocos nucifera*	7	Fair	1	20	18	254			
15	Mango	*Mangifera indica*	15	Good	1	25	18	254			
16	coconut palm	*Cocos nucifera*	6	Good	1	20	20	314			
17	dead tree	*unknown species*	8	Poor	1	10	0	0			
ADJ1	Chinese privet	*Ligustrum japonicum*	10	Good	4	18	18	254			offsite
ADJ2	coconut palm	*Cocos nucifera*	9	Good	1	35	18	254			offsite
ADJ3	Verawood	*Bulnesia arboria*	5	Good	1	18	16	201			offsite
ADJ4	coconut palm	*Cocos nucifera*	12	Good	1	55	18	254			offsite
ADJ5	Verawood	*Bulnesia arboria*	5	Good	1	18	16	201			offsite
ADJ6	Verawood	*Bulnesia arboria*	9	Good	1	20	18	254			offsite
ADJ7	coconut palm	*Cocos nucifera*	8	Good	1	40	18	254			offsite
ADJ8	Verawood	*Bulnesia arboria*	6	Good	1	16	16	201			offsite
ADJ9	coconut palm	*Cocos nucifera*	11	Good	1	55	18	254			offsite
ADJ10	Verawood	*Bulnesia arboria*	4	Good	1	12	10	79			offsite
ADJ11	coconut palm	*Cocos nucifera*	10	Good	1	42	18	254			offsite
ADJ12	Verawood	*Bulnesia arboria*	4	Fair	1	15	12	113			offsite
ADJ13	Verawood	*Bulnesia arboria*	5	Fair	1	16	12	113			offsite
ADJ14	Verawood	*Bulnesia arboria*	7	Good	1	18	16	201			offsite
ADJ15	Verawood	*Bulnesia arboria*	5	Fair	1	16	15	177			offsite
ADJ16	Verawood	*Bulnesia arboria*	3	Poor	1	12	9	64			offsite
ADJ17	royal poinciana	*Delonix regia*	9	Fair	4	18	18	254			offsite
ADJ18	royal poinciana	*Delonix regia*	10	Fair	1	20	18	254			offsite
ADJ19	Seagrape	*Coccoloba uvifera*	16	Good	1	28	26	531			offsite
Tree numbers preceeded by "ADJ" indicate offsite trees on neighboring/adjacent properties, measurements are approximated											

NOTE:
THE TREE INFORMATION SHOWN HEREON PER "TREE TABLE" AS SHOWN ON CERTIFIED ARBORIST ASSESSMENT PREPARED BY NEW LEAF ENVIRONMENTAL, LLC., BY Michael McCoy, CERTIFIED ARBORIST MA 4243A, TRAQ QUALIFIED, LIAF CERTIFIED LANDSCAPE INSPECTOR, DATED JANUARY 23, 2023.

ELEVATIONS SHOWN HEREON RELATE TO NATIONAL GEODETIC VERTICAL DATUM OF 1929 (N.G.V.D.29) AND ARE EXPRESSED IN FEET.

CERTIFIED TO:

-7940 NBV PARTNERS, LLC, A FLORIDA LIMITED LIABILITY COMPANY
-OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
-BANK OF OZK
-ESCOBAR & DECARLO, L.L.C.

SURVEYOR'S CERTIFICATION:

THIS IS TO CERTIFY THAT THIS MAP AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS. THIS **BOUNDARY** SURVEY COMPLIES WITH THE STANDARDS OF PRACTICE REQUIREMENTS ADOPTED BY THE FLORIDA STATE BOARD OF SURVEYORS AND MAPPERS PURSUANT TO CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.
THE FIELDWORK WAS COMPLETED ON FEBRUARY 21, 2023

Schwebke-Shiskin & Associates, Inc.

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY MARK STEVEN JOHNSON, P.S.M. 4775

BY: *Mark Steven Johnson* DATE OF PLAT OR MAP:
MARK STEVEN JOHNSON, PRINCIPAL
PROFESSIONAL LAND SURVEYOR No. 4775
STATE OF FLORIDA.

MARK STEVEN JOHNSON LICENSE No. 4775 STATE OF FLORIDA PROFESSIONAL SURVEYOR AND MAPPER

This Survey has been electronically signed and sealed by Mark Steven Johnson, PSM on the date noted hereon. All signatures must be verified on electronic copies. Printed copies are not considered signed and sealed, unless they include an additional raised embossed seal of the surveyor.

Mark S Johnson

Schwebke-Shiskin & Associates, Inc.
LAND PLANNERS • ENGINEERS • LAND SURVEYORS
3240 CORPORATE WAY, MIRAMAR, FLORIDA 33025 TEL: (954) 435-7010 FAX: (954) 438-3288

CERTIFICATE OF AUTHORIZATION No. LB-87

Drawn By: AH/GR	Survey Date: 02-21-23	Checked By: M.S.J. Date:
Order No. 216020	F.B. No.: 2248 Pg.28	Scale: AS SHOWN
File No. AJ-6243		Sheet 1 of 1 Sheet(s)

NOTE: This sketch is not valid unless it bears the signature and the original raised seal of a Florida licensed surveyor and mapper.

This is a "Boundary Survey."

ALTA/NSPS LAND TITLE SURVEY

Section 09, Township 53 South, Range 42 East, Miami-Dade County, Florida.

REVISIONS

Date:	Order No.	Field Book	Remarks:	By:

K:\095342\LOTS 38-42 HARBOR ISLAND\SURVEY\DWG\LOTS 38,40,42 HARBOR ISLAND.DWG

FILE NO. AJ-6243

SURVEY

revuelta
architecture international

Miami
Santiago, Chile

revuelta-architecture.com

2950 SW 27TH AVE.
SUITE 110
MIAMI, FL 33133
T. 305.590.5000
F. 305.590.5040

Project

7940 WEST DRIVE
NORHT BAY VILLAGE
7940 WEST DRIVE
NORTH BAY VILLAGE, FL 33141

Revisions

Owner Information

7940 NBV PARTNERS, LLC
4531PRAIRIE AVE
MIAMI BEACH, FL 33140

Consultant

Luis O. Revuelta
AR-0007972

SCHEMATIC DESIGN

Date	6/12/2023
Scale	AS SHOWN
Project No.	2114
Sheet Name	SURVEY
Sheet No.	A-002

BERCOW
RADELL
FERNANDEZ
LARKIN +
TAPANES
ZONING, LAND USE AND
ENVIRONMENTAL LAW

200 S. Biscayne Boulevard
Suite 300, Miami, FL 33131
www.brzoninglaw.com
305.377.6229 office
305.377.6222 fax

VIA ELECTRONIC SUBMITTAL

July 18, 2023

Silvia E. Vargas, FAICP, LEED AP
Village Planner
City of North Bay Village
1666 Kennedy Causeway, 3rd Floor
North Bay Village, Florida 33141

RE: Updated Letter of Intent for Site Plan, Transfer of Development Rights, and Related Variance Requests for the Property Located at 7938-40 West Drive, North Bay Village, Florida (Folio numbers 23-3209-001-0400 and 23-3209-001-0420).

Dear Ms. Vargas:

This law firm represents 7940 NBV Partners, LLC (the "Applicant"), the owner of the property located at 7938-40 West Drive in the City of North Bay Village (the "City") and identified by Miami-Dade County Folio Nos. 23-3209-001-0400 and 23-3209-001-0420 (the "Property"). Please consider this the Applicant's letter of intent in support of its application for a site plan approval, transfer of development rights ("TDR") approval, and related variance requests to allow for a low impact and high quality residential development on the Property.

The Property. The Property is located on the west side of West Drive, just south of the "MODA" apartment development and north of the "Space 01" condominium. The Property is approximately 33,600 square feet (0.77 acres) in size and is currently a vacant lot. The Property is located on Biscayne Bay.

Land Use. According to the City of North Bay Village Future Land Use Map, the Property is designated "High Density Multi-Family Residential." The "High Density Multi-Family Residential" land use designation permits up to 70 dwelling units per acre before permitted transfers of development rights (discussed below).

Zoning. The property is zoned "RM-70" according to the North Bay Village Zoning Map. The RM-70 zoning district permits multi-family residential dwellings; management offices within structures containing eight (8) or more dwelling units or guest rooms; and office retail and service commercial facilities of an ancillary nature

within structures containing at least 100 dwelling units or guest rooms, subject to certain conditions.

Proposed Development. The Applicant intends to develop the Property with the beautiful and resilient "7940 West Drive" multi-family residential development. The plan has been designed to be consistent with the Comprehensive Plan and the RM-70 zoning designation. The proposed development contemplates up to 70 residential units, with up to 53 three-bedroom units and 17 two-bedroom units. All units within the building are large, family-oriented, spaces, designed to attract long-term residents who desire to raise their families in the Village.

Residents will enjoy access to generous amenities on decks located on top of the parking pedestal and on the rooftop. The building has been oriented so that the vehicular drop off area is located on the western portion of the lot, leaving the front of the property as a beautiful green space that will buffer the public sidewalk.

Island Walk. The Applicant has proposed to develop the public "Island Walk" on the rear of the Property and link the pedestrian to both our neighbors to the north and south. Public access from West Avenue will be provided on both the north and south sides of the Property. Consistent with the Village's requirements, the Island Walk will be open to the public will be from both the north and south sides of the site. The walk and proposed street furniture have been designed to be compatible with the Village's standards.

Parking. The Applicant is proposing both valet and self-parking as part of the development. The valet service will be available at all times. The proposed parking on the site will be completely enclosed within the building pedestal, which has been designed to shield the view of parking from the public using an attractive screening system.

The Village has recognized during the recent workshop process regarding Harbor Island zoning changes that the current ULDC regulations devote far too much space to parking – especially in new buildings with larger units. This wasted space is cause by excessively high parking requirements. The Village will be reviewing ULDC changes that, if adopted as currently drafted, would reduce the required parking in the RM-70 zone. While the Applicant looks forward to the pending "right sizing" of the Village's parking requirements, the submitted plan has been designed with the future in mind.

Transfer of Density Rights. As you know, the Village Commission adopted amendments to the ULDC to modify the Village's Transfer of Development Rights ("TDR" program in late 2022. The application of TDR units in the RM-70 zone allow an overall density bonus

of up to 30% -- 91 units to the acre. Furthermore, the application of TDRs will allow the Commission to approve a height bonus of 30% above the maximum (up to 312 feet, assuming the full application of the height bonus available in the RM-70 district).

The Applicant is proposing to use sixteen (16) TDR units as part of the development and requests that the Village review of the application include a Commission approval of the assignment of the units.

Green Building. All development using TDRs must obtain twenty-four (24) "green building and design points" under the "Green building development options and points" in Section 8.21 of the ULDC as opposed to the Code's typical requirement of eighteen (18) points for multi-family development. As shown on the submitted scoring analysis prepared by Energy Costs Solutions Group, the proposed development will exceed the point requirement.

Variance Requests. The Applicant has requested the following variances: (1) a variance to provide 135 spaces where 212 would be required; and (2) a variance to allow the parking garage to include internal drives at 22 feet wide where 23 feet would be required.

Numerical Variance. It has been well recognized that the Village's current parking requirements in the RM-70 zone, which require at least two parking spaces for units that are larger than efficiencies and three parking spaces for units larger than two-bedroom units with dens, can result in excessively tall and bulky parking pedestals enclosing parking areas that often remain underutilized at all times of the year.

The Applicant believes that the building's parking, which retains an average of just under two spaces per unit, will more than accommodate the needs of the building's residents. Moreover, it has allowed the Applicant to reduce the height and slim down the bulk of the parking pedestal – as shown on the submitted plans. Providing excessive parking on the Property would be directly in opposition to the Village's green building standards, which encourage the efficient use of land.

Width of Internal Drive. The goal of slimming down the parking pedestal while retaining sufficient access to the parking spaces is also met through the proposed reduction of parking garage internal drives to 22 feet from the required 23 feet. The proposed plans provide sufficient radii to allow for safe travel in the garage.

Compact Spaces. The Applicant is proposing to provide twenty (20) percent of the building's parking as "compact." As required by the ULDC, the provided compact spaces

be clearly marked "for compact cars only" and collectively located in a defined area. Those seeking approval for the use of compact parking spaces must provide valet parking services in perpetuity. As noted above, the Applicant is proposing to offer valet service for the building, mixed with available self-parking.

Satisfaction of Required Criteria. The Applicant's requests satisfy all required criteria as follows:

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

There are special circumstances and conditions which are peculiar to the Property, including the need to accommodate a modern family-oriented development on the site.

(2) That the special circumstances and conditions were not self-created by any person having an interest in the property;

The issues with the Village's parking standards were not created by the Applicant.

(3) That the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of the land, structure, or building for which the variance is sought; and would involve an unnecessary hardship for the applicant;

The strict application of the regulations would deprive the Applicant of the reasonable use of the land and would result in an unnecessary hardship. Requiring the provision of excess parking and drive aisle width would require such significant plan revisions that the use of the building would be unreasonably limited in a manner not consistent with the goals of the Village's ULDC

(4) That granting the variance requested will not confer on the applicant any special privilege that is denied by the Unified Land Development Code to other land, structures, or buildings in the same zoning district;

Granting the requested variances will not confer any special privilege on the Applicant, which has been unduly impacted by the Village's parking standards in a manner that, given the size and orientation of the Property, would make development untenable.

(5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, structure, or building;

The requested variances are the minimum necessary to allow for the Property to be a viable site for future development while still satisfying the intent of the Comprehensive Plan and allowing for consistency and harmony in the character of the surrounding neighborhood. The Applicant is not asking for variances for any other regulations required under the UDLC.

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

The granting of the requested variances will allow future development on the Property to be in harmony with the intent and purpose of the Comprehensive Plan as it will fulfill the intent of the RM-70 zoning designation rather than remain as an underutilized lot.

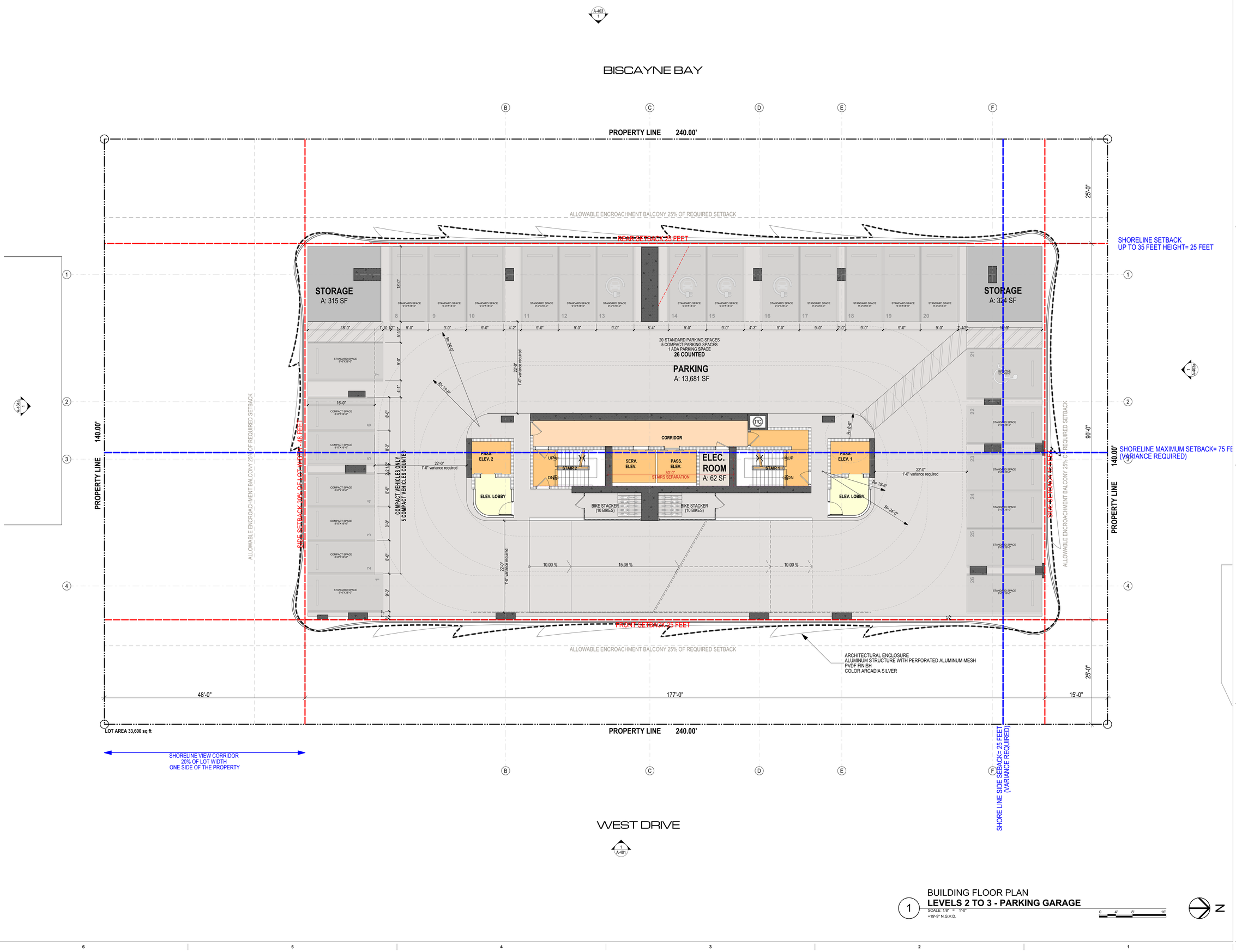
(7) The variance request is not based exclusively upon a desire to reduce the cost of development.

The granting of the requested variances are not based exclusively upon desire to reduce development costs, but rather is based on the desire to make the Property viable for a high quality development consistent with the intent of the Comprehensive Plan and the ULDC. Granting of the requested variances will support a development that will be the highest and best use of the Property.

Conclusion. We are excited to bring this beautiful low impact development to this part of the Village. The 7940 West Drive plan has been designed as a resilient project that benefits the public through enhanced green space along the public right of way and superior access to the Island Walk. We therefore respectfully request your favorable review and recommendation. If you have any questions with regard to this request, please call me at 305-377-6229.

Sincerely,

Graham Penn



BUILDING FLOOR PLAN
LEVELS 2 TO 3 - PARKING GARAGE
SCALE: 1/8" = 1'-0"
+19'-9" N.G.V.D.

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The Contractor Shall Verify And Be Responsible For All Dimensions And Conditions On The Job. Do Not Scale Drawing. Any Discrepancies Must Be Reported To The Architect Before Proceeding With The Work.
File: Blkbook_RA-SERV.BA2-25_-_Blkbook Basic for Archicad 25(21)_NORTH BAY VILLAGE (21)_7940 WEST DRIVE - NORTH BAY VILLAGE - MARCH 2023 - By Rukit saved by - Date: 7/17/2023

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2950 SW 27TH AVE.
SUITE 110
MIAMI, FL 33133
T: 305.593.5000
F: 305.593.5040

Project

7940 WEST DRIVE
NORTH BAY VILLAGE
7940 WEST DRIVE
NORTH BAY VILLAGE, FL 33141

Revisions

Owner Information

7940 NBV PARTNERS, LLC

4531PRAIRIE AVE
MIAMI BEACH, FL 33140
(912) 398-1775

Consultant

Luis O. Revuelta
AR-0007972

SCHEMATIC DESIGN

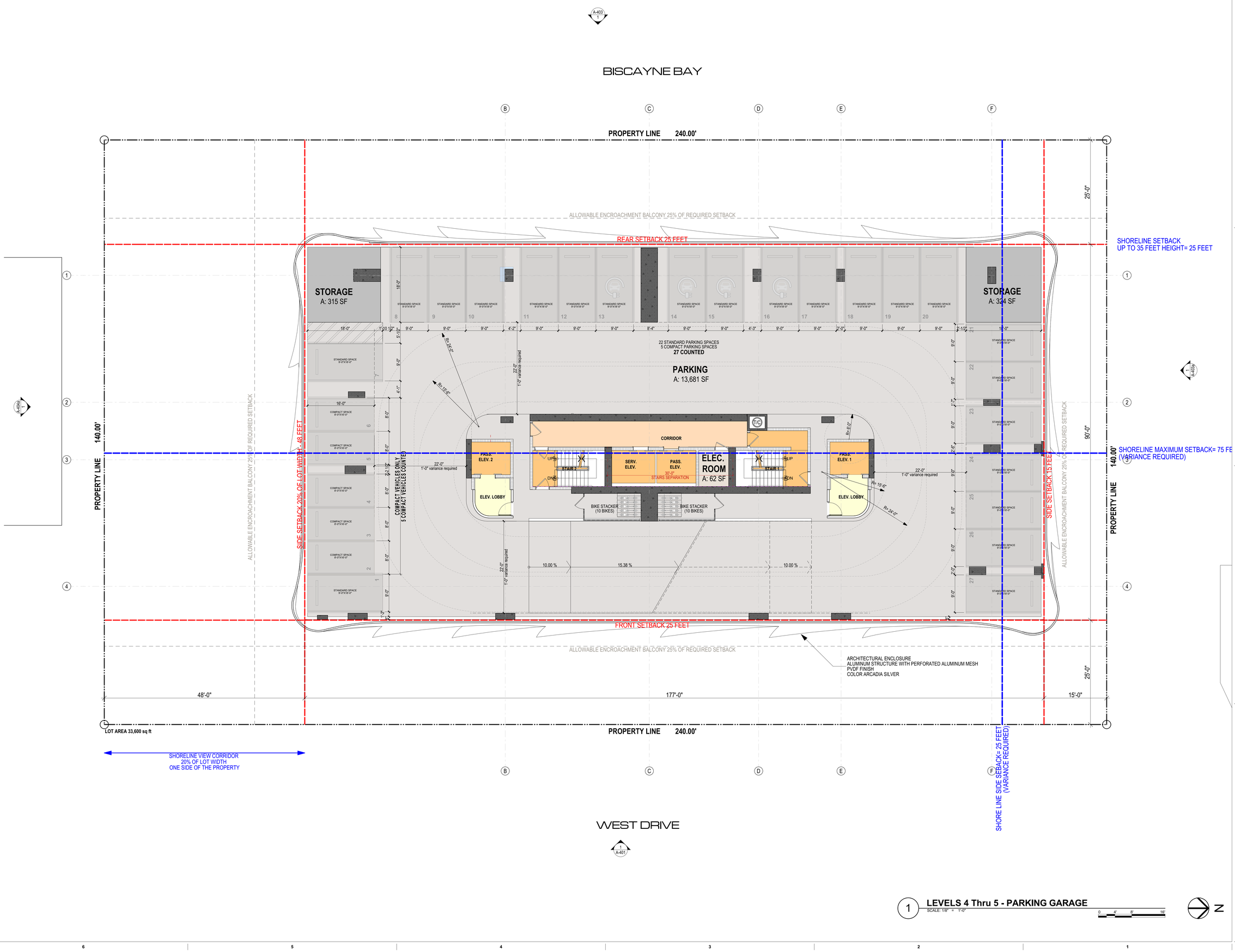
Date
7/17/2023

Scale
AS SHOWN

Project No.
2114

Sheet Name
LEVEL 2 TO 3 - PARKING GARAGE

Sheet No.
A-103



1 LEVELS 4 Thru 5 - PARKING GARAGE
SCALE: 1/8" = 1'-0"

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Project

7940 WEST DRIVE
NORHT BAY VILLAGE

7940 WEST DRIVE
NORTH BAY VILLAGE, FL 33141

Revisions

Owner Information

7940 NBV PARTNERS, LLC

4531PRAIRIE AVE
MIAMI BEACH, FL 33140
(912) 398-1775

Consultant

Luis O. Revuelta
AR-0007972

SCHEMATIC DESIGN

Date
7/17/2023

Scale
AS SHOWN

Project No.
2114

Sheet Name
LEVEL 4 TO 5 - PARKING GARAGE

Sheet No.
A-104

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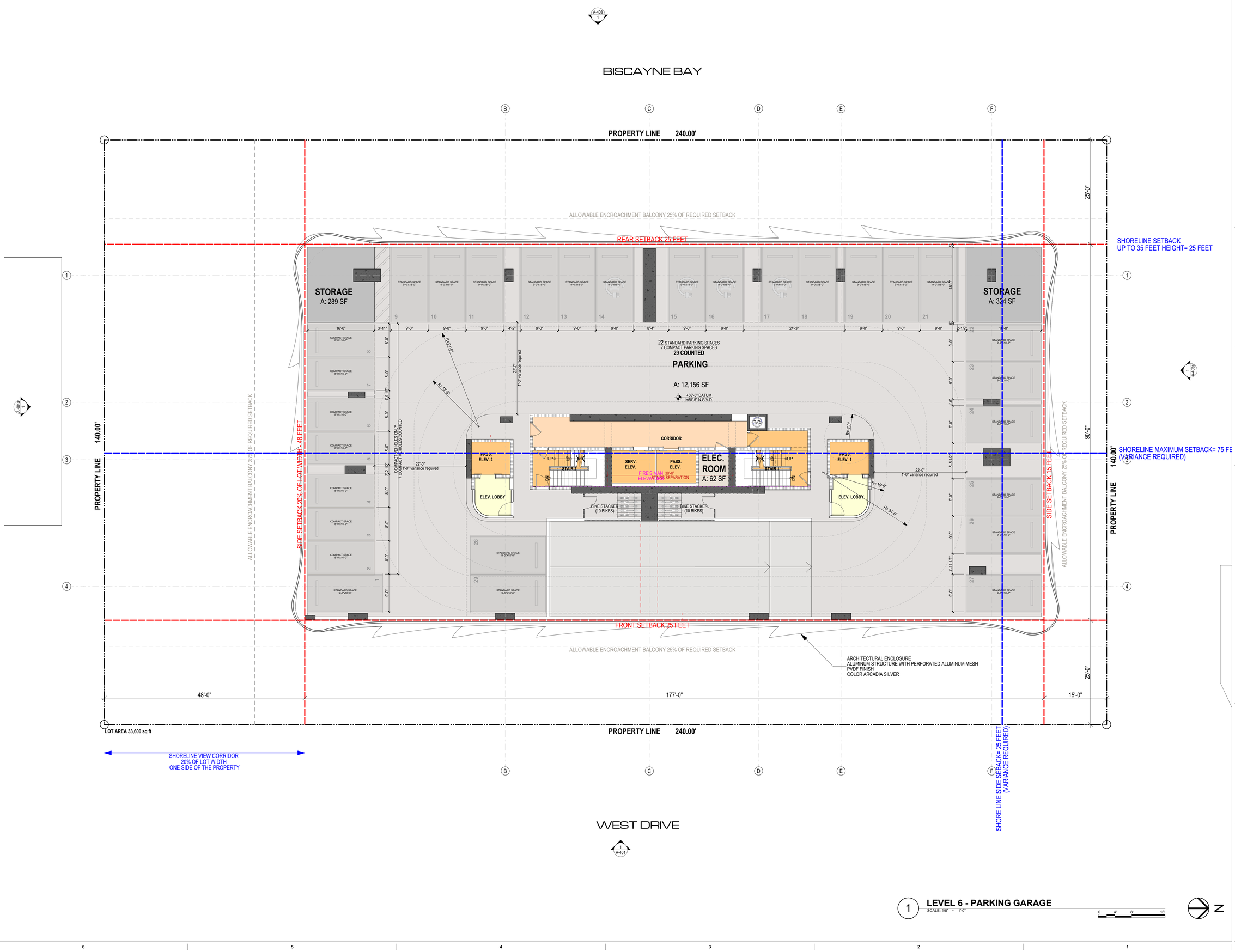
File: BIMcloud_RAI-SERVER2-25 - BIMcloud Basic for Archicad 2023.114_NORTH BAY VILLAGE/2114_7940 WEST DRIVE - NORTH BAY VILLAGE_MARCH 2023 - By: jfuset saved by - Date: 7/17/2023



1 **LEVEL 6 - PARKING GARAGE**
SCALE: 1/8" = 1'-0"

0 4' 8' 16'

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Santiago, Chile

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2950 SW 27TH AVE.
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MIAMI, FL 33133
T. 305.592.5000
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Project

7940 WEST DRIVE
NORHT BAY VILLAGE
7940 WEST DRIVE
NORTH BAY VILLAGE, FL 33141

Revisions

Owner Information

7940 NBV PARTNERS, LLC

4531PRAIRIE AVE
MIAMI BEACH, FL 33140
(912) 398-1775

Consultant

Luis O. Revuelta
AR-0007972

SCHEMATIC DESIGN

Date
7/17/2023

Scale
AS SHOWN

Project No.
2114

Sheet Name
LEVEL 6 - PARKING GARAGE

Sheet No.
A-105

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These Documents Are Not To Be Changed Without Written Consent of the Architect. All Drawings Are Instruments of Service and Are To Remain The Property of the Architect.
File: Blkbook_RA-SERV.BA2-25_-_Blkbook Basic for Archicad 25(21).pln, NORTH BAY VILLAGE, FL, 7940 WEST DRIVE - NORTH BAY VILLAGE - MARCH 2023 - By R.ett saved by - Date: 7/17/2023

RESOLUTION NO. 2023-____

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING/APPROVING WITH CONDITIONS/DENYING] A REQUEST BY 7940 NBV PARTNERS, LLC FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 8.11 AND 9.3.E. OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC"), TO ALLOW UP TO TWENTY PERCENT (20%) OF PARKING SPACES REQUIRED FOR A PROJECT AT 7938-7940 WEST DRIVE TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES; PROVIDING FINDINGS; PROVIDING FOR CONDITIONS; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, NBV Partners, LLC (the "Applicant") is proposing a site plan for the development of a 312 foot tall, 70-unit multifamily residential project with structured parking and ancillary amenities on an approximately 0.77-acre site zoned RM-70, identified by Folio Nos. 23-3209-001-0400 and 23-3209-001-0420, located at 7938-7940 West Drive on Harbor Island (the "Project"), with a legal description as shown in Exhibit A; and

WHEREAS, the site plan requires approval under the provisions of Sec. 5.8; and

WHEREAS, the Applicant is concurrently requesting a variance from the minimum parking requirements to permit a total of 135 spaces where 212 are required; and

WHEREAS, the Applicant, as part of this application, requests under the provisions of Sections 8.11 and 9.3.E.5.a of the ULDC to allow up to twenty percent (20%) of the required parking spaces to be designed specifically for compact vehicles; and

WHEREAS, the request is contingent upon the granting of the parking variance to reduce the number of required parking spaces, which would then permit a maximum of twenty-seven (27) of the project's parking spaces, if allowed by approval of a Use

Exception pursuant to the provisions of Sec. 8.11 of the ULDC, to be designed as compact parking spaces; and

WHEREAS, after a duly noticed public hearing held on July 27, 2023, the Planning and Zoning Board by a vote of _____ recommended [approval/approval with conditions/denial] of the variance to reduce the minimum parking requirement, the Site Plan and the Use Exception requests [subject to the conditions set forth and included below in Section 2]; and

WHEREAS, the Village Commission conducted a duly noticed public hearing on _____, 2023 in accordance with the law to hear the application; and

WHEREAS, on _____, 2023, by Resolution No. 2023-____, the Mayor and Commission of North Bay Village [approved/approved with conditions/denied] the variance and the Site Plan for the Project; and

WHEREAS, the Mayor and Village Commission find the proposed Use Exception [is/is not] consistent with the Village's Comprehensive Plan and ULDC; [furthers/does not further] the purpose, goals, objectives, and policies of same; and [is/is not] in the best interest of the Village.

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

Section 1. Recitals. The foregoing recitals are confirmed, adopted, and incorporated herein and made a part hereof.

Section 2. Findings. The Village Commission finds that (i) the proposed Use Exception [does/does not] substantially adversely affect the uses permitted on adjacent property by the ULDC, (ii) the compact parking spaces proposed by the Applicant, subject

to the conditions of this Resolutions, shall be clearly marked "for compact cars only" and collectively located in a defined area, and (iii) that this proposal otherwise [meets/does not meet] the requirements of the ULDC.

Section 3. Decision; Conditions. Pursuant to Section 8.11 of the ULDC, a Use Exception for up to twenty-seven (27) compact car spaces at 7938-7940 West Drive to serve the needs of the residents is hereby [approved/approved with conditions/denied], [subject to the following conditions]:

1. All compact parking spaces shall be clearly marked "for compact cars only" and located in defined areas shown on Exhibit B, Architectural Plan Sheets A-103 to A-105 dated 7/17/23.

2. In accordance with the requirements of Sec. 9.3.E.5.b., valet parking service shall be provided for the project to be located at 7940 West Drive in perpetuity.

3. A Business Tax Receipt for valet parking services shall be required annually to ensure compliance with this requirement.

4. All due cost recovery charges must be paid pursuant to Section 5.12. 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.

5. The Use Exception is subject to plans on file for the accompanying site plan approval application for the Project.

6. The Use Exception shall expire two years from the date this Resolution is approved unless a building permit to implement the accompanying site plan is obtained and substantial construction has commenced.

Section 4. Violation of Conditions; Limitation of Approval. Noncompliance with the terms and conditions of this approval shall be considered a violation, and penalties may include but are not limited to revocation of the approval granted by this resolution. The issuance of this development permit does not in any way create a vested

right(s) on the part of the Applicant to obtain a permit from a county, state, or federal agency, and does not create any liability on the part of the municipality for issuance of the permit if the Applicant fails to obtain requisite approvals or does not fulfill the obligations imposed by a county, state or federal agency or undertakes actions that result in a violation of county, state, or federal law.

Section 5. Effective Date. This Resolution shall be in force and take effect immediately upon its passage and adoption.

The foregoing Resolution was offered by _____, who moved its adoption. The motion was seconded by _____, and upon being put to a vote, the vote was as follows:

Mayor Brent Latham	___
Vice Mayor Richard Chervony	___
Commissioner Goran Cuk	___
Commissioner Andrew Rotondaro	___
Commissioner Rachel Streitfeld	___

PASSED AND ADOPTED on this ___ day of_____, 2023.

_____
Brent Latham, Mayor

ATTEST:

_____
Alba L. Chang, CMC
Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

_____

Weiss Serota Helfman Cole & Bierman, P.L.
Village Attorney

Exhibit "A"
LEGAL DESCRIPTION

Address: 7940 West Drive, NORTH BAY VILLAGE

Folio Number: 23-3209-001-0400 and 23-3209-001-0420

Legal Description: Lots 38, 40 and 42, "Harbor Island", According to the Plat Thereof, as Recorded in Plat Book 44, Page 72, of the Public Records of Miami-Dade County, Florida.

Exhibit “B”
Architectural Plan Sheets A-103 to A-105 dated 7/17/23

MIAMI-DADE

STATE OF FLORIDA
COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared ROSANA SALGADO, who on oath says that he or she is the LEGAL CLERK, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, of Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

NORTH BAY VILLAGE - PUBLIC HEARING - SEPT. 14, 2023

in the XXXX Court,
was published in a newspaper by print in the issues of Miami Daily Business Review f/k/a Miami Review on

09/01/2023

Affiant further says that the newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Sworn to and subscribed before me this
1 day of SEPTEMBER, A.D. 2023

Barbara Thomas

(SEAL)
ROSANA SALGADO personally known to me

BARBARA THOMAS
Commission # HH 187442
Expires November 2, 2025
Bonded Thru Troy Fain Insurance 800-385-7019

NORTH BAY VILLAGE
NOTICE OF PUBLIC HEARING

PUBLIC NOTICE IS HEREBY GIVEN THAT THE PLANNING & ZONING BOARD OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A REGULAR MEETING ON SEPTEMBER 14, 2023 AT 6:00 P.M. AT 1666 KENNEDY CAUSEWAY, #101, NORTH BAY VILLAGE, FL 33141 AND VIA ZOOM, OR AS SOON AS POSSIBLE THEREAFTER. DURING THIS MEETING THE BOARD WILL CONSIDER THE FOLLOWING AT A PUBLIC HEARING:

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING/APPROVING WITH CONDITIONS/DENYING] A REQUEST BY 7940 NBV PARTNERS, LLC FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 8.11 AND 9.3.E. OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC"), TO ALLOW UP TO TWENTY PERCENT (20%) OF PARKING SPACES REQUIRED FOR A PROJECT AT 7938-7940 WEST DRIVE TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES; PROVIDING FINDINGS; PROVIDING FOR CONDITIONS; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] AN APPLICATION BY 7940 NBV PARTNERS, LLC FOR A VARIANCE PURSUANT TO SECTION 7.3 OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC") OF PARKING REQUIREMENTS PROVIDED IN SECTION 9.3.C. OF THE ULDC, TO PERMIT THE PROVISION OF 135 SPACES WHERE 212 WOULD BE REQUIRED FOR A PROJECT LOCATED AT 7938-7940 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA; ALTERNATIVELY [APPROVING / APPROVING WITH CONDITIONS / DENYING] A WAIVER PURSUANT TO SECTION 9.3.D. OF REGULARLY APPLICABLE PARKING REQUIREMENTS; PROVIDING FINDINGS; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] AN APPLICATION BY 7940 NBV PARTNERS, LLC FOR A VARIANCE PURSUANT TO SECTION 7.3 OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC") OF MINIMUM AISLE WIDTH REQUIREMENTS PROVIDED IN SECTION 9.3.E. OF THE ULDC, TO PERMIT A PARKING AISLE WIDTH OF 22 FEET WHERE 23 FEET WOULD BE REQUIRED FOR A PROJECT LOCATED AT 7938-7940 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA; PROVIDING FINDINGS; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

9/14/2023

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] A SITE PLAN BY 7940 NBV PARTNERS, LLC, PURSUANT TO SECTIONS 5.2 OF THE VILLAGE'S UNIFIED LAND DEVELOPMENT CODE ("ULDC"), FOR DEVELOPMENT OF A MULTIFAMILY RESIDENTIAL PROJECT ON AN APPROXIMATELY 0.77-ACRE SITE LOCATED AT 7938-7940 WEST DRIVE, NORTH BAY VILLAGE, CONSISTING OF UP TO 70 DWELLING UNITS, INCLUDING REQUESTS FOR APPROVAL TO: (A) TRANSFER DENSITY RIGHTS FOR 16 DWELLING UNITS FROM VILLAGE-OWNED PROPERTY PURSUANT TO SEC. 8.13.; AND (B) INCREASE BUILDING HEIGHT ABOVE THE BASE BUILDING HEIGHT OF 150 FEET VIA BONUSES AVAILABLE PURSUANT TO SEC. 8.12, UP TO A MAXIMUM HEIGHT OF 312 FEET; PROVIDING FOR FINDINGS; PROVIDING FOR CONDITIONS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] A USE EXCEPTION PURSUANT TO SECTION 8.11 OF THE UNIFIED LAND DEVELOPMENT CODE (ULDC) TO ALLOW VILLAGE-OWNED PROPERTY LOCATED AT 1851 GALLEON STREET, NORTH BAY VILLAGE, AS LEGALLY DESCRIBED IN EXHIBIT "A", AND ZONED RM-40, TO BE DEVELOPED FOR A USE (TRAINING CENTER FOR THE ARGENTINE FOOTBALL ASSOCIATION (AFA) AND COMMUNITY-SERVING FACILITIES) WHICH PROVIDES A PUBLIC BENEFIT; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE MAYOR AND VILLAGE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] A VARIANCE APPLICATION PURSUANT TO SECTION 111.13 OF THE VILLAGE'S CODE OF ORDINANCES BY FARINA CONTEMPORARY PIZZA CORP (DBA PETRALUNGA), TO ALLOW AN ESTABLISHMENT LOCATED AT 7601 EAST TREASURE DRIVE, #CU-21, ON THE GRAND VIEW PALACE PROPERTY, TO VARY FROM SECTION 111.12(A)(1) OF THE CODE BY AUTHORIZING THE ISSUANCE OF A LICENSE TO SELL ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION FROM A LOCATION LESS THAN 500 FEET FROM AN EXISTING SCHOOL AND TO VARY FROM SECTION 111.12(B)(3) OF THE CODE BY AUTHORIZING THE ISSUANCE OF A LICENSE TO SELL ALCOHOLIC BEVARAGES FOR OFF-PREMISES CONSUMTION FROM A LOCATION LESS THAN 1,000 FEET FROM AN EXISTING OFF-PREMISES LICENSEE; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] A SITE PLAN PURSUANT TO SECTION 5.2 OF THE VILLAGE'S UNIFIED LAND DEVELOPMENT CODE ("ULDC"), FOR DEVELOPMENT OF A GOVERNMENT FACILITY CONSISTING OF A VILLAGE HALL AND COUNTY FIRE STATION AT 1335 79TH STREET CAUSEWAY, NORTH BAY VILLAGE, AN APPROXIMATELY 0.76-ACRE SITE ZONED T6-24MU; PROVIDING FOR FINDINGS; PROVIDING FOR CONDITIONS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

AN ORDINANCE OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING SECTION 15.3 OF CHAPTER 15 OF THE VILLAGE'S UNIFIED LAND DEVELOPMENT CODE ("ULDC") TO ALLOW TEMPORARY STRUCTURES WITHIN THE T6-30 ZONING DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

The meeting agenda is available online at:
https://northbayvillage-fl.gov/agendas-minutes/
You may attend the meeting in person at the physical meeting location:
1666 Kennedy Causeway, #101
North Bay Village, FL 33141 OR

Participate in the meeting via Zoom:
Meeting ID: 881 2072 9718
Passcode: 236512
Watch the Virtual Public Meeting:
https://northbayvillage-fl.gov/videos
TV Channel 661
Facebook Live
Listen via telephone to the Virtual Public Meeting:
1-929-205-6099
For technical support during the meeting, please contact:
(786) 309-4991

THE PROPOSED ORDINANCE(S) AND/OR RESOLUTION(S) MAY BE INSPECTED BY THE PUBLIC AT THE OFFICE OF THE VILLAGE CLERK. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE VILLAGE CLERK AT 305-756-7171. A COMPLETE AGENDA PACKET IS ALSO AVAILABLE ON THE VILLAGE WEBSITE AT WWW.NORTHBAYVILLAGE-FL.GOV FIVE DAYS PRIOR TO THE DATE OF THE MEETING. INTERESTED PARTIES MAY APPEAR AT THE PUBLIC HEARING AND BE HEARD WITH RESPECT TO THE PROPOSED ORDINANCE(S). ANY PERSON WISHING TO ADDRESS THE VILLAGE COMMISSION OR BOARD ON ANY ITEM AT THIS PUBLIC HEARING IS ASKED TO REGISTER WITH THE VILLAGE CLERK PRIOR TO THAT ITEM BEING HEARD. ALTERNATIVELY, MEMBERS OF THE PUBLIC MAY EXPRESS THEIR VIEWS IN WRITING TO THE COMMISSION OR BOARD C/O VILLAGE CLERK, 1666 KENNEDY CAUSEWAY, #300, NORTH BAY VILLAGE, FL 33141, OR VIA EMAIL AT PUBLICCOMMENT@NBVILLAGE.COM.

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

ALBA L. CHANG, CMC
VILLAGE CLERK
9/1

23-105/0000681746M

2/2

ITEM NO. 3B

North Bay Village
Recommendation Memorandum

NORTH BAY VILLAGE
EST. 1945

DATE: September 14, 2023

TO: Honorable Mayor, Vice Mayor and Members of the Village Commission

FROM: Silvia Vargas, Village Planner

SPONSORED BY:

SUBJECT: **A Resolution Considering a Request by 7940 NBV Partners, LLC for a Variance to Permit a Reduction of the Parking Requirement for a Project at 7938-7940 West Drive - *Village Manager Ralph Rosado, Ph.D., AICP (Village Planner Silvia E. Vargas, FAICP)***

RECOMMENDATION

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] AN APPLICATION BY 7940 NBV PARTNERS, LLC CONCERNING PROPERTY LOCATED AT 7938-7940 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA FOR A VARIANCE PURSUANT TO SECTION 7.3 OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC") OF PARKING REQUIREMENTS PROVIDED IN SECTION 9.3.C. OF THE ULDC, TO PERMIT THE PROVISION OF 135 SPACES WHERE 212 WOULD BE REQUIRED; ALTERNATIVELY [APPROVING / APPROVING WITH CONDITIONS / DENYING] A WAIVER PURSUANT TO SECTION 9.3.D. OF PARKING REQUIREMENTS PROVIDED IN SECTION 9.3.C. OF THE ULDC; PROVIDING FINDINGS; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Recommended Action: The Planning and Zoning Board should review Planning staff's analysis of this request for a reduction of the required minimum parking requirement for multifamily residential uses according to Section 9.3.D. of the ULDC, and, after consulting the criteria in Section 7.3 related to hardship variances, should forward a recommendation to the Village Commission via the attached resolution form.

BACKGROUND AND ANALYSIS

Refer to attached Staff report and attachments.

BUDGETARY/FINANCIAL IMPACT (Finance Dept.)

n/a

PERSONNEL IMPACT
n/a

ATTACHMENTS
7940 W Drive -Variance Parking Req Reduction Staff Report ZB pdf
Attachment 1_Boundary Survey.pdf
Attachment 2_Letter of Intent and Application Form.pdf
Attachment 3_Parking Req Impact Analysis.pdf
Attachment_4_Reso Parking Req Reduction-7940 W. Dr. Final.docx
DBR Notice 09.1.2023 PZB.pdf

MEMORANDUM
1666 Kennedy Causeway, Suite 300
North Bay Village, FL 33141
Tel: (305) 756-7171
Fax: (305) 756-7722
Website: www.northbayvillage-fl.gov

Date: **July 27, 2023**

To: **Planning and Zoning Board**

From: **Silvia E. Vargas, FAICP, Village Planner**

Subject: **STAFF REPORT – Review of Request for Variance from minimum required number of parking spaces for development project to be located at 7940 West Drive**

---

1. General Information

Owner/Applicant:	7940 NBV Partners, LLC
Applicant Address:	4531 Prairie Avenue, Miami Beach, FL
Site Address:	7940 West Drive
Site Acreage	0.77 acres
Folio Numbers	23-3209-001-0400 and 23-3209-001-0420
Contact Person:	Graham Penn Bercow Radell Fernandez Larkin + Tapanes
Phone Number:	305.377.6229
E-mail Address	gpenn@brzoninglaw.com

2. Legal Description of Subject Property

Lots 38, 40 and 42, “Harbor Island”, According to the Plat Thereof, as Recorded in Plat Book 44, Page 72, of the Public Records of Miami-Dade County, Florida. (Refer to Boundary Survey, included as Attachment 1).

3. Property Future Land Use Map and Zoning Designations

Future Land Use	Residential (Multifamily High Density)
Zoning District	RM-70 High-Density Multiple Family Residential
Existing Land Use	Vacant

4. Adjacent Land Use Map Classifications and Zoning District

North	Future Land Use	Residential (Multifamily High Density)
	Zoning District	RM-70 High-Density Multiple Family Residential
	Existing Land Use	Multifamily Residential
East	Future Land Use	Residential (Multifamily High Density)
	Zoning District	RM-70 High-Density Multiple Family Residential
	Existing Land Use	Multifamily Residential
South	Future Land Use	Residential (Multifamily High Density)
	Zoning District	RM-70 High-Density Multiple Family Residential
	Existing Land Use	Multifamily Residential
West	Future Land Use	Water
	Zoning District	Water
	Existing Land Use	Water

5. Background

On June 12, 2023, applications were submitted by applicant 7940 NBV Partners LLC (the Applicant) to North Bay Village to initiate the review process of a proposed 70-unit multifamily residential condominium to be located at 7938-40 West Drive (7940 West Drive Project). In addition to this application for a Variance under the provisions of Sec. 7.13 to allow the provision of 77 spaces less than the current minimum requirement, the Applicant is requesting Site Plan approval under Sec. 5.8 of the ULDC; a height bonus to increase the building height from 150 to 204 feet pursuant to Sec. 8.12.B.1; the transfer of density rights (TDRs) from Village-owned property, along with additional height up to 312 feet, pursuant to Sec. 8.13.B; and a second variance to the minimum aisle width, also under Sec. 7.3.

6. Description of Applicant's Request

The Applicant requests approval from the Village Commission for a variance in accordance with the provisions of Sec. 7.3 of the ULDC, reducing the minimum number of parking spaces required in Sec. 9.3.D. of the ULDC, to permit the provision of 135 spaces where 212 would be required. Refer to the letter of intent and application form included as Attachment 2.

Sec. 7.3 establishes the process for an applicant to seek approval for a hardship-based variance. Currently, there is no other procedure available to property owners of multifamily residential properties not located within the Transect Zone to be granted approval to deviate from the requirements of the ULDC. Even if the Village's administrative adjustment process was open to a

multifamily residential property, the extent of the requested variance (equivalent to a reduction of 36.3% from the required parking) would greatly exceed the maximum to qualify for an administrative adjustment (which allows a maximum deviation of 10% of the base requirement).

The Applicant states that the Village's current parking requirement for multifamily residential uses can result in bulky building pedestals with excessive parking. Refer to Attachment 3 for the Applicant's analysis of the impact of the parking requirement on the massing of the pedestal.

The Applicant is pursuing approval of multiple items, including a Site Plan, a bonus height, a transfer of density rights and related additional height, a use exception, and another variance. Because the viability of the parking garage, as proposed, is contingent on the approval of the variance, this request, along with the additional variance to reduce the driving aisle width, must be reviewed and approved by the Village Commission before the Site Plan can be approved.

8. Consistency with Comprehensive Plan

This Application is generally consistent with the following objective in the Future Land Use Element of the NBV100 Comprehensive Plan:

[. . .]

Objective 2.4: In accordance with the vision of the NBV100 Master Plan, the Village shall encourage innovative development and redevelopment in the Commercial Future Land Use District, while adjusting regulatory metrics in favor of good street frontages, an inviting public realm, better connections to the water (where applicable), a wider range of building types, a more varied skyline and better architecture, consistent with the goals of the NBV100 Master Plan and this comprehensive plan.

[. . .]

In its review of this request, Staff has complied with the following policy of the Transportation Element of the Comprehensive Plan:

[. . .]

Policy 3.2.7: Review site plan applications for the provision of safe and convenient on-site traffic flow, considering motorized and non-motorized vehicle parking.

[. . .]

9. Compliance with the ULDC and Compatibility with Adjacent Uses

The variance to reduce the number of parking spaces is being requested in accordance with the provisions of Sec. 7.3 of the ULDC. The proposed deviation is from the requirements of Sec. 9.3.D., which establishes the minimum required number of spaces for multifamily residential uses in all areas of North Bay Village except the T6 Transect Zone, based on the number of bedrooms in a dwelling unit: specifically, one and one-half (1.5) spaces for efficiency units, two (2) parking spaces for one- and two-bedroom units, and three (3) parking spaces for three-bedroom units or

larger and two-bedroom units which contain an enclosed den or other space convertible to a bedroom.

The Applicant states that the requested reduction, equivalent to an average of slightly below two (2) spaces per unit across the board (i.e., regardless of the number of bedrooms) will adequately accommodate the parking needs of the building residents. The reduced number of parking spaces will not be noticeable per se, but the reduction shapes the massing of the pedestal, which will be shorter than it would otherwise be required to accommodate the required parking spaces (212). The Applicant also asserts that providing parking at the current standard conflicts with the Village's sustainability objectives.

It must be noted that North Bay Village is getting close to considering an ordinance to amend the standards of the ULDC that guide the development of land zoned high-density multifamily residential within the Village. The proposed ordinance includes a recommendation to modify parking standards, capping the parking spaces provided per unit at a number lower than the minimum is today. Were the proposed Site Plan to be reviewed under the proposed standard, the maximum number of spaces to serve the development would be as shown in the following comparison table:

Unit size (in no. of bedrooms)	Number of units proposed by Applicant	Required spaces		Proposed by Applicant
		Based on current standard (min.)	Based on proposed standard (max.)	
2 bedroom	17	34	22	Average of 1.83 spaces per unit (after deducting visitor parking) *
3 bedroom	34	102	79	
4 bedroom	19	57	47	
Visitor	-	19	18	7 **
	70	212	166	135

* No breakdown of the parking allocated per unit size is provided by the applicant.
** This number is assumed based on a 10% share of the overall parking.

Therefore, the proposed number of spaces about 19% below the maximum number that would be allowed under the proposed amendment.

The Applicant is seeking approval of a companion Use Exception request to provide up to twenty percent (20%) of the proposed parking spaces for the project to be designed as compact spaces. The Use Exception, therefore, is subject to the approval of the request to reduce the parking requirement, as otherwise the number of compact spaces would be based on the requirement for 212 spaces, not on the reduced number of 135. Should the Use Exception be granted, valet parking service must be provided for the project in perpetuity. According to the Letter of Intent provided by the Applicant, valet service is proposed as part of the development and will be always available.

Compliance with Variance Criteria

Pursuant to Sec. 7.3.C., for the Planning and Zoning Board to recommend approval of a hardship variance, and for the Village Commission to grant approval, of a variance request, both must make an affirmative finding with respect to all seven (7) of the following criteria:

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

Applicant's Comment: There are special circumstances and conditions which are peculiar to the Property, including the need to accommodate a modern family-oriented development on the site**.**

Staff Analysis: The property is of a regular shape, encompasses 0.77 acres of land, and is of similar depth, and larger frontage, than many properties in the adjacent area. All the properties within this zoning district are required to meet the same setbacks and the same parking design standard, unless otherwise specified in the ULDC.

Staff Determination: Criterion not met. There are no special circumstances or conditions that apply to this property or to the structures involved which do not apply to the others in the RM-70 zoning district.

2. That the special circumstances and conditions were not self-created by any person having an interest in the property.

Applicant's Comment: The issues with the Village's parking standards were not created by the Applicant.

Staff Analysis: "Issues" with the Village's parking standards is not a special circumstance or condition peculiar to the land, structure or building involved. The property for which the variance is being requested is currently vacant. The variance request is to allow a deviation from the parking standards in a new project. The Applicant has stated that the motivation for the request is to avoid an "excessively tall and bulky parking pedestal." While a desirable condition, this is nevertheless a design choice and therefore a self-created condition.

Staff Determination: Criterion not met.

3. *That the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of the land, structure, or building for which the variance is sought; and would involve an unnecessary hardship for the applicant.*

Applicant's Comment: The strict application of the regulations would deprive the Applicant of the reasonable use of the land and would result in an unnecessary hardship. Requiring the provision of excess parking (and drive aisle width, which is the subject of the companion variance) would require such significant plan revisions that the use of the building would be unreasonably limited in a manner not consistent with the goals of the ULDC.

Staff Analysis: The Applicant has deliberately and voluntarily chosen to pursue a building layout that drastically deviates from the established parking requirements. The Applicant has been explicit in stating that the rationale underlying the request is to avoid an "excessively tall and bulky parking pedestal." While having to comply with the existing standard, should the variance not be granted, would necessitate potentially costly revisions to the plans, the strict application of the parking requirement would not deprive the applicant of the reasonable use of the land, structure or building for which the variance is sought. The subject parcel has a land area that is more than three-quarters of an acre. There are smaller parcels on Harbor Island which have been developed in compliance with the current standard. Multiple design variations

could accommodate the required parking without depriving the applicant of the reasonable use of the land.

Staff Determination: Criterion not met.

4. That granting the variance requested will not confer on the applicant any special privilege that is denied by the Unified Land Development Code to other land, structures, or buildings in the same zoning district.

Applicant's Comment: Granting the requested variances will not confer any special privilege on the Applicant, which has been unduly impacted by the Village's parking standards in a manner that, given the size and orientation of the Property, would make development untenable.

Staff Analysis: While the ability to request a variance is open to all, a reduction of more than 35 percent of the required parking without a functional justification (e.g., proximity of the development to public transit) might be without precedent. As described in the Staff analysis under previous criteria, the Applicant is in no way uniquely impacted by the parking requirements. In fact, the same requirements apply to every property within the same zoning district as well as all property within the RM-40 zoning district.

Staff Determination: Criterion not met.

5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, structure, or building.

Applicant's Comment: The requested variance is the minimum necessary to allow for the Property to be a viable site for future development while still satisfying the intent of the Comprehensive Plan and allowing for consistency and harmony in the character of the surrounding neighborhood. The Applicant is not asking for variances for any other regulations required under the UDLC.

Staff Analysis: The reduction requested is more than 35 percent of the current requirement, so far from minimal. A more modest reduction, or even no reduction, would still make it possible to develop the land in a reasonable manner.

Staff Determination: Criterion not met.

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

Applicant's Comment: The granting of the requested variances will allow future development on the Property to be in harmony with the intent and purpose of the Comprehensive Plan as it will fulfill the intent of the RM-70 zoning designation rather than remain as an underutilized lot.

Staff Analysis: The granting of the variance would allow the development of a building with 35% less than the current parking requirement. This is a significant difference from surrounding development, especially for a new building. Nevertheless, the deviation is not perceptible to the eye, as the parking will be within a structure garage, fully screened from external view.

Staff Determination: If granted, the variance would allow development that is not inharmonious or injurious to the neighborhood. Criterion met.

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

Applicant's Comment: The granting of the requested variance is not based exclusively upon desire to reduce development costs, but rather is based on the desire to make the Property viable for a high-quality development consistent with the intent of the Comprehensive Plan and the ULDC. Granting of the requested variances will support a development that will be the highest and best use of the Property.

Staff Analysis: To maximize the return on investment on the development of the property is a financial consideration. In addition, a smaller parking garage could carry a lower cost of construction. Nevertheless, the Applicant has stated that the motivation is to support a high-quality development.

Staff Determination: Criterion potentially met.

Recommendation

The variance request, as presented, does not comply with all the criteria of Sec. 7.3, as required. Staff acknowledges that the reduced number of spaces is consistent with the anticipated reduction that would result from a potential adoption of the proposed amendment to the regulations applicable to high density multifamily residential development, whereby a maximum number of spaces per unit would be established. Viewed in the context of the upcoming changes, if adopted, the variance request may be considered as simply anticipating those changes.

If approval of the variance is recommended by the Planning and Zoning Board, Staff proposes that the following conditions, incorporated in the draft Resolution (included as Attachment 4). Noncompliance with the terms and conditions of this approval will be considered a violation, and penalties may include but are not limited to revocation of the approval granted by this resolution.

Conditions

1. The granting of this variance shall not reduce the provision of parking for a project to be located at 7938-7940 West Drive by more than 77 parking spaces.

2. All parking spaces shall comply with the dimensional standards of Sec. 9.3.E. subsections 4 and 6-8 of the ULDC.

3. The property to which the variance applies shall be in strict conformance with plans on file for the accompanying site plan approval application for the Project.

4. All due cost recovery charges must be paid pursuant to Section 5.12. 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.

5. Pursuant to Section 7.5, after the Village Commission has granted a variance, the variance so approved or granted shall expire after two years, measured from the date of final Commission action, if no substantial construction or change of use has taken place in accordance with the plans for which the variance was granted.

List of Attachments to Staff Report

Attachment 1 – Boundary Survey
Attachment 2 – Letter of Intent and Application Form
Attachment 3 – Parking Req Impact Analysis
Attachment 4 – Draft Resolution Parking Req Reduction 7940 West Drive

These Design And Drawings Are The Copyrighted Property Of Revuelta Architecture International P.A. and May Not Be Reproduced Except with Specific Written Consent of the Architect.
The Contractor Must Check And Verify all Dimensions Of The Job And Be Responsible For Same, Reporting Any Discrepancies to The Architects Before Commencing work. Drawings Not to be Scaled.
File: BIMcloud: RAI-SERVER2-25 - BIMcloud Basic for Archicad 25/2114_7940 WEST DRIVE - NORTH BAY VILLAGE- MARCH 2023 - By mguedez - Date: 6/12/2023

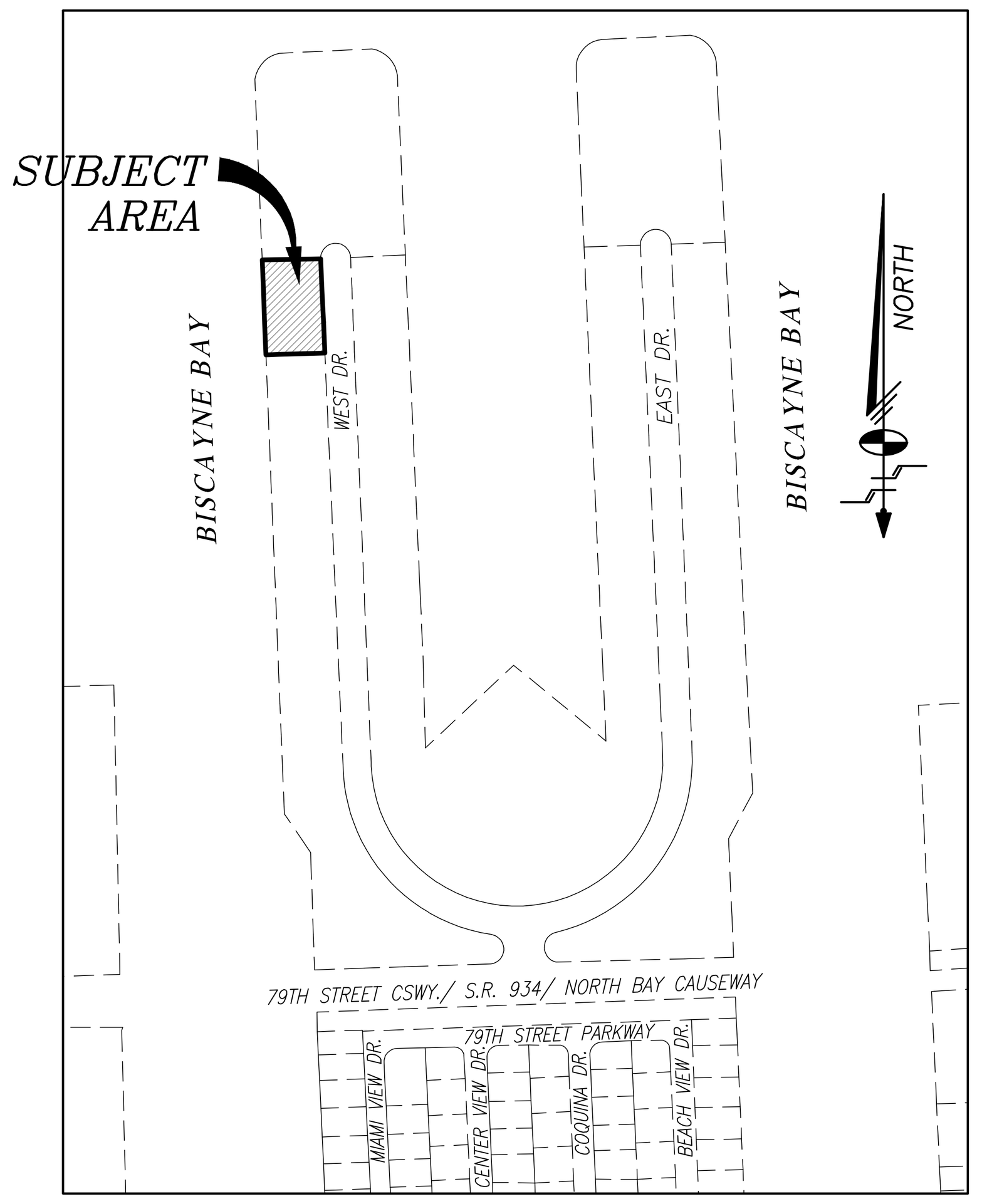
GENERAL LEGEND:

AERIAL TARGET
ALUMINUM LIGHT POST
ALUMINUM LIGHT POST (SINGLE)
ALUMINUM LIGHT POST (DOUBLE)
ALUMINUM LIGHT POST (TRIPLE)
ALUMINUM LIGHT POST (QUAD)
ANCHOR/GUY WIRE
BACKFLOW PREVENTER ASSEMBLY
CATV CABLE TELEVISION BOX
CATCH BASIN
CATCH BASIN F-3
CENTERLINE
CHECK VALVE ASSEMBLY
COLUMN (CIRCULAR)
COLUMN (SQUARE)
CONCRETE LIGHT POLE
CONCRETE LIGHT POLE (DOUBLE)
CPP CONCRETE POWER POLE
CONTROL POINT
CPB COMMUNICATION PULL BOX
or IN CURB INLET
DOUBLE DETECTOR CHECK VALVE
or DRAIN (CIRCULAR OR SQUARE)
EL ELECTRIC BOX (ABOVE GROUND)
EPB ELECTRIC PULL BOX (BELOW GROUND)
ELECTRIC HAND HOLE
EO ELECTRIC OUTLET
ELEVATIONS (SEE NOTES FOR DATUM)
FIRE HYDRANT
FIRE LINE SIAMESE CONNECTION
FIRE LINE CONNECTION
FLAGPOLE
FLOW LINE
FORCE MAIN MANHOLE
FORCE MAIN VALVE
F.P.L ELECTRIC MANHOLE
F.P.L. FIBER NETWORK
FPLP F.P.L. TRANSMISSION POLE
GAS MANHOLE
GAS METER
GAS PUMP
GV GAS VALVE
GREASE TRAP MANHOLE
GROUND LIGHTING
BO GUARD POST, BOLLARD
IRRIGATION HAND HOLE
IRRIGATION VALVE
MAILBOX
MONITOR WELL
MONUMENT LINE
P-5 INLET
P-6 INLET
PARKING METER
or PEDESTRIAN CROSSING SIGNAL
PRM PERMANENT REFERENCE MONUMENT
POST INDICATOR VALVE
VACUUM BREAKER ASSEMBLY
PROPERTY LINE
ROUND CATCH BASING
CO SANITARY SEWER CLEANOUT
SANITARY SEWER MANHOLE
SIGN POST
SPRINKLER PUMP
STANDPIPE
STORM SEWER MANHOLE
SLB STREET LIGHT BOX
SWALE INLET
TELEPHONE BOX (SOUTHERN BELL)
TELEPHONE HAND HOLE
or TELEPHONE MANHOLE (SO. BELL)
TELEPHONE PAYPHONE
TRAFFIC HAND HOLE
TRAFFIC UTILITY BOX
TCB TRAFFIC CONTROL POST
TRAFFIC SIGNAL POST
TSB TRAFFIC SIGNAL BOX
TREE & PALM
UNDERGROUND UTILITY MARKER
UNKNOWN UTILITY MANHOLE
UNKNOWN UTILITY HAND HOLE
WATER MANHOLE
WM WATER METER
WV WATER VALVE
WLP WOOD LIGHT POLE
WPP WOOD POWER POLE
WTP WOOD TELEPHONE POLE
HANDICAP PARKING
STROLLER PARKING

ABBREVIATIONS:

R denotes RADIUS
Δ denotes DELTA ANGLE
L denotes ARC DISTANCE
CH.D. denotes CHORD LENGTH or CHORD DISTANCE
CH.B. denotes CHORD BEARING
T denotes TANGENT DISTANCE
P.C.P. denotes PERMANENT CONTROL POINT
P.R.M. denotes PERMANENT REFERENCE MONUMENT
P.B. denotes PLAT BOOK
PG. denotes PAGE
P.O.C. denotes POINT OF COMMENCEMENT
P.O.B. denotes POINT OF BEGINNING
OHW denotes OVERHEAD UTILITY WIRES
O.R.B. denotes OFFICIAL RECORDS BOOK
P.C. denotes POINT OF CURVATURE
C.B.S. denotes CONCRETE BLOCK STRUCTURE
CONC. denotes CONCRETE
C.L.F. denotes CHAINLINK FENCE
M.F. denotes METAL FENCE
W.F. denotes WOOD FENCE
F.F.E. denotes FINISH FLOOR ELEVATION
F.I.P. denotes FOUND IRON PIPE
S.I.P. denotes SET IRON PIPE & LB-87 CAP
F.N.D. denotes FOUND NAIL & BRASS DISC
S.N.D. denotes SET LB-87 NAIL & BRASS DISC
C.I.P. denotes CORRUGATED IRON PIPE
CLR. denotes CLEAR
E.T.P. denotes ELECTRIC TRANSFORMER PAD
ENCR. denotes ENCROACHMENT
D.C. denotes DEPRESSED CURB
PL. denotes PLANTER
(C) denotes CALCULATE DISTANCE
I.E. denotes INVERT ELEVATION
T.O.P. denotes TOP OF PIPE
(D) denotes DEED DISTANCE
(L) denotes DISTANCE BY LEGAL DESCRIPTION
(M) denotes MEASURED DISTANCE
(R) denotes RECORD OR PLATTED DISTANCE

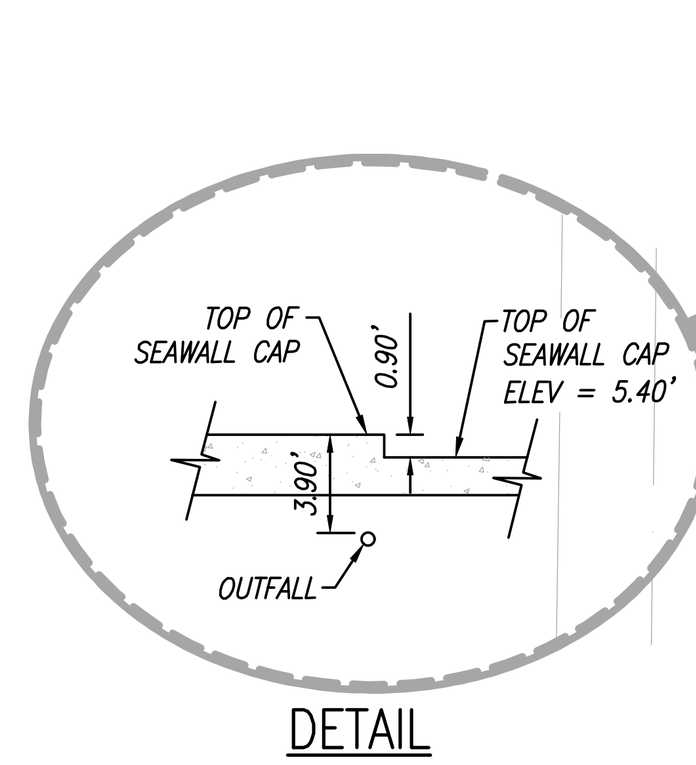
BOTTOM — APPROXIMATE BOTTOM OF SLOPE
COMM — COMMUNICATION
DRAIN — DRAINAGE
FPL — ELECTRIC
FM — FORCE MAIN
IRRIG — IRRIGATION
GAS — NATURAL GAS
OHW — OVERHEAD WIRES
SM — SANITARY SEWER
TOP — APPROXIMATE TOP OF BANK
VEG — VEGETATION LINE
WM — WATER
/// — LIMITED ACCESS RIGHT OF WAY LINE



LOCATION SKETCH

Scale: 1"=400'

A PORTION OF SECTION **09-53S-42E**, MIAMI-DADE COUNTY, FLORIDA.



DETAIL

Scale: 1"=10'

LEGAL DESCRIPTION

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

SURVEYOR'S NOTES:

1. THE BEARINGS SHOWN HEREON RELATE TO AN ASSUMED BEARING OF N00°01'22"E ALONG THE CENTERLINE OF WEST DRIVE.
2. LEGAL DESCRIPTION SHOWN HEREON WAS PROVIDED BY CLIENT.
3. AREA OF THE PROPERTY DESCRIBED HEREON IS: 33,602± SQ. FT. (0.771± ACRES).
4. THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF THE ENTITIES NAMED HEREON. THE ATTACHED CERTIFICATION DOES NOT EXTEND TO ANY UNNAMED PARTIES.
5. UNLESS OTHERWISE NOTED, THIS FIRM HAS NOT ATTEMPTED TO LOCATE FOOTINGS AND/OR FOUNDATIONS.
6. THE PROPERTY SHOWN HEREON FALLS WITHIN FEDERAL FLOOD HAZARD ZONE "AE" (ELEVATION 8), PER FLOOD INSURANCE RATE MAP NO. 12086C0306L, COMMUNITY NO. 120654, PANEL NO. 0306, SUFFIX L, OF FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A) MAP DATED SEPTEMBER 11, 2009.
7. VISIBLE INDICATORS OF UTILITIES ARE SHOWN HEREON, TOGETHER WITH UNDERGROUND STORM AND SANITARY GRAVITY MAINS, HOWEVER, NO ATTEMPT HAS BEEN MADE TO LOCATE UNDERGROUND PRESSURE MAIN, CABLES OR CONDUITS.
8. THE DISTANCES SHOWN ALONG THE BOUNDARY OF THE SUBJECT PROPERTY ARE RECORD AND/OR MEASURED UNLESS OTHERWISE STATED.
9. SHOWN HEREON ARE PLOTTABLE EASEMENTS AND RIGHTS OF WAY REFLECTED AS EXCEPTION IN **SCHEDULE B OF OWNER'S POLICY NO. OF6-8898628 ISSUED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, WITH A DATE OF POLICY JUNE 4, 2021 AT 12:58 P.M.**
10. THE ELEVATIONS SHOWN HEREON REFER TO NATIONAL GEODETIC VERTICAL DATUM OF 1929 (N.G.V.D. 29) AND ARE EXPRESSED IN FEET.
11. BENCHMARKS:
    a. MIAMI-DADE BENCHMARK P-313, LOCATED @ N TREASURE DRIVE --- 50' NORTH OF NORTH CURB --- HISPANOLA AVE --- 3' EAST OF EAST CURB OF SOUTHBOND LANE, US C & G BRASS DISC IN TOP OF NW CORNER OF SEWER PUMPING STATION, ELEVATION =5.27' N.G.V.D 29.
    b. MIAMI-DADE BENCHMARK A-26, LOCATED @ 79 ST CSWY --- 43' NORTH OF C/L--- PELICAN HARBOR DR --- 210' EAST OF C/L, PK NAIL AND ALUMINUM WASHER IN CONC CATCH BASIN, ELEVATION =6.19' N.G.V.D 29.
12. THE PROPERTY SHOWN HEREON IS CURRENTLY ZONED RM-70 (MULTI FAMILY RESIDENTIAL) (CITY OF NORTH BAY VILLAGE ZONING MAP-UPDATED NOVEMBER 29, 2017)
13. NO BUILDINGS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
14. SUBJECT PROPERTY IS MIAMI-DADE PROPERTY APPRAISER NUMBERS:
    FOLIO: 23-3209-001-0420 - 7940 WEST DR
    FOLIO: 23-3209-001-0400 - 7938 WEST DR

NOTES REGARDING SCHEDULE B OF OWNER'S POLICY NO. OF6-8898628 ISSUED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, WITH A DATE OF POLICY JUNE 4, 2021 AT 12:58 P.M.

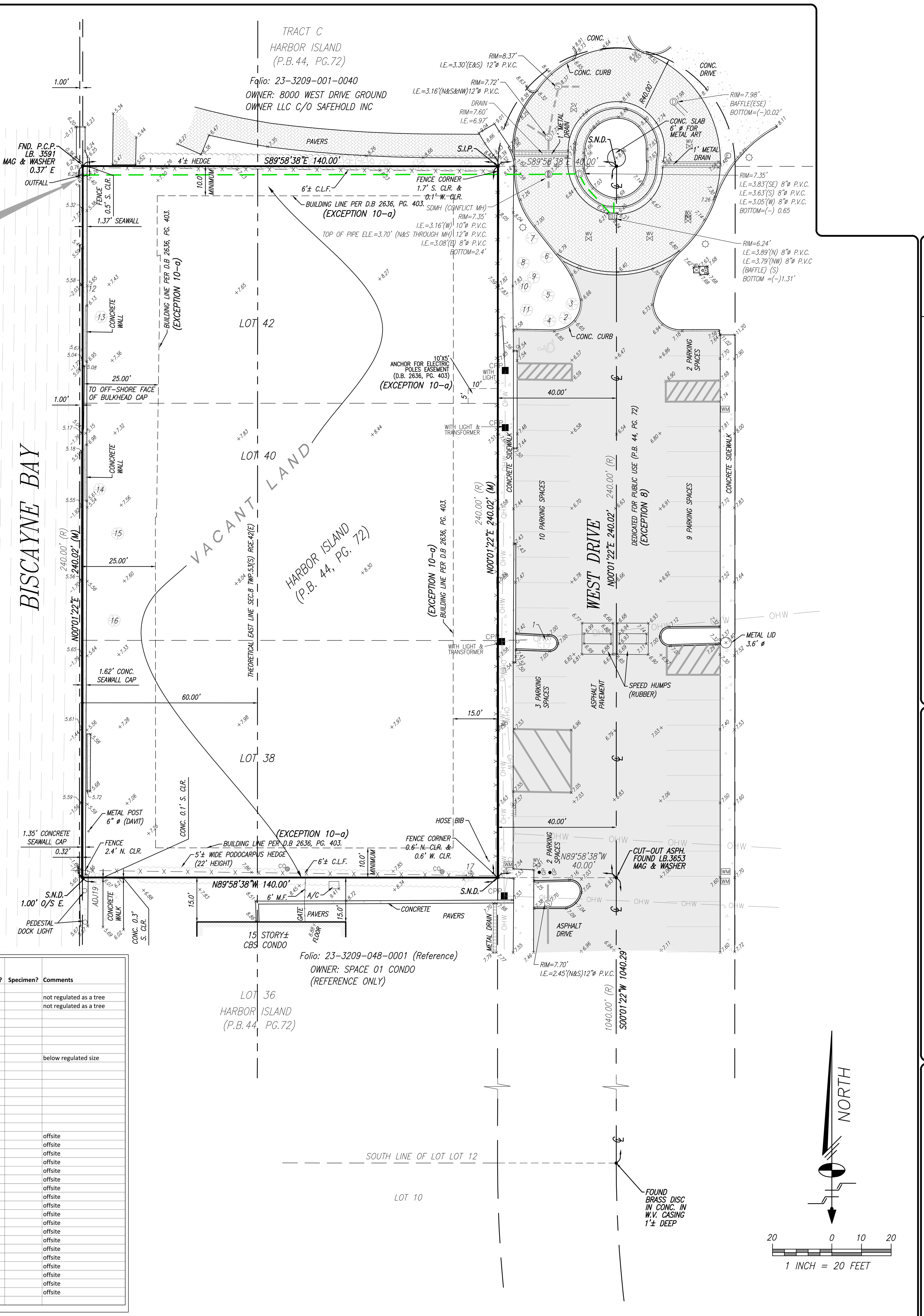
8. RESTRICTIONS, CONDITIONS, RESERVATIONS, EASEMENTS AND OTHER MATTERS CONTAINED ON THE PLAT OF HARBOR ISLAND, AS RECORDED IN PLAT BOOK 44, PAGE 72, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. **(AFFECTS PARCEL-SHOWN HEREON)**
9. RESERVATIONS IN FAVOR OF THE STATE OF FLORIDA, AS SET FORTH IN THE DEED FROM THE TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA RECORDED JULY 27, 1926, UNDER DEED BOOK 983, PAGE 1, PUBLIC RECORDS OF MIAMI-DADE, FLORIDA; HOWEVER, THE RIGHT OF ENTRY AND EXPLORATION ASSOCIATED WITH THE OIL AND MINERAL RESERVATION HAS BEEN RELEASED PURSUANT TO SEC. 270.11, F.S. **(RESERVES MINERAL RIGHTS ACROSS THE PARCELS, AS A WHOLE (BLANKET), IS NOT SUFFICIENTLY LEGIBLE TO DETERMINE IF SUBJECT PROPERTY IS INCLUDED)**
10. COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED FEBRUARY 21, 1946, IN DEED BOOK 2636, PAGE 403 **(AFFECTS PARCEL-BLANKET IN NATURE- PLOTTABLE RESTRICTIONS SHOWN HEREON)** AND O.R. BOOK 3827, PAGE 134 **(AFFECTS PARCEL-NOT PLOTTABLE-BLANKET IN NATURE)**, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, WHICH CREATES EASEMENTS, CONDITIONS AND USE LIMITATIONS.
11. EASEMENT IN FAVOR BISCAYNE SEA CLUB AND BAY-FOUR, INC. FOR EXCLUSIVE PARKING PURPOSES RECORDED IN O.R. BOOK 2999, PAGE 490 **(DOES NOT AFFECT)**, AND IN O.R. BOOK 2999, PAGE 493 **(DOES NOT AFFECT)** PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.
12. UNITY OF TITLE RECORDED IN O.R. BOOK 30474, PAGE 4928, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. **(AFFECTS PARCEL-BLANKET IN NATURE-NOT PLOTTABLE)**
13. RIPARIAN AND LITTORAL RIGHTS ARE NOT INSURED.
14. RIGHTS OF THE UNITED STATE OF AMERICA AND/OR THE STATE OF FLORIDA TO ANY PORTION OF SAID LAND WHICH HAS BEEN CREATED BY ARTIFICIAL MEANS, AND LANDS ACCRETED THERETO.
15. THE RIGHT OF THE UNITED STATES GOVERNMENT, IN THE INTEREST OF NAVIGATION AND COMMERCE, TO REGULATE ANY PORTION OF THE LAND THAT WAS FORMERLY SUBMERGED BY NAVIGABLE WATERS.
16. ANY ADVERSE OWNERSHIP CLAIM BY THE STATE OF FLORIDA BY RIGHT OF SOVEREIGNTY TO ANY PORTION OF THE LAND INSURED HEREUNDER, INCLUDING SUBMERGED, FILLED, AND ARTIFICIALLY EXPOSED LANDS AND LANDS ACCRETED TO SUCH LANDS.
17. ENCROACHMENTS, ENCUMBRANCES, VIOLATIONS, VARIATIONS, OR ADVERSE CIRCUMSTANCES, IF ANY, ACTUALLY SHOWN ON THE SURVEY PREPARED BY ALVAREZ, AIGUESVIVES AND ASSOCIATES, INC., DATED APRIL 14, 2021, BEARING JOB #21-25426: (A) 6' WIRE FENCE ENCROACHMENT INTO ANCHOR EASEMENT RECORDED DEED BOOK 2636, PAGE 403, IN THE EAST SIDE OF THE SUBJECT PROPERTY. **(AFFECTS PARCEL-SHOWN HEREON)**
18. MORTGAGE TO BANK OZK, MORTGAGEE(S), RECORDED IN O.R. BOOK 32546, PAGE 807, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. **NOT A SURVEY MATTER**
19. ASSIGNMENT OF LEASES AND RENTS FILED JUNE 4, 2021, IN O.R. BOOK 32546, PAGE 1835, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. **(AFFECTS PARCEL-BLANKET IN NATURE-NOT PLOTTABLE)**
20. UCC FINANCING STATEMENT BETWEEN 7940 NBV PARTNERS, LLC AND BANK OZK AS RECORDED IN O.R. BOOK 32546, PAGE 1845, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. **(AFFECTS PARCEL-BLANKET IN NATURE-NOT PLOTTABLE)**

T:\kathy\notes\harbor island sec 09-53-42

TREE TABLE

Tree #	Common Name	Scientific Name	DBH (inches)	Condition	Number of stems	Height (feet)	Canopy Spread (feet)	Canopy (square feet)	Prohibited?	Specimen?	Comments
1	sabal palm	*sabal palmetto*	11	Fair	1	22	16	201			
2	white bird of paradise	*Strelitzia nicolai*	4	Fair	1	15	16				not regulated as a tree
3	white bird of paradise	*Strelitzia nicolai*	4	Fair	1	18	10				not regulated as a tree
4	coconut palm	*Cocos nucifera*	7	Good	1	42	10	79			
5	Sylvester palm	*Phoenix sylvestris*	14	Good	1	42	18	254			
6	coconut palm	*Cocos nucifera*	7	Good	1	35	18	254			
7	coconut palm	*Cocos nucifera*	6	Good	1	30	18	254			
8	coconut palm	*Cocos nucifera*	9	Good	1	45	18	254			
9	Europeon fan palm	*Chamaerops humilis*	6	Fair	1	7	18	254			below regulated size
10	coconut palm	*Cocos nucifera*	7	Good	1	32	5	20			
11	coconut palm	*Cocos nucifera*	10	Good	1	45	18	254			
12	gumbo limbo	*Bursera simaruba*	6	Good	1	18	18	254			
13	coconut palm	*Cocos nucifera*	9	Good	1	36	12	113			
14	coconut palm	*Cocos nucifera*	7	Fair	1	20	18	254			
15	Mango	*Mangifera indica*	15	Good	1	25	18	254			
16	coconut palm	*Cocos nucifera*	6	Good	1	20	20	314			
17	dead tree	*unknown species*	8	Poor	1	10	0	0			
ADJ1	Chinese privet	*Ligustrum japonicum*	10	Good	4	18	18	254			offsite
ADJ2	coconut palm	*Cocos nucifera*	9	Good	1	35	18	254			offsite
ADJ3	Verawood	*Bulnesia arboria*	5	Good	1	18	16	201			offsite
ADJ4	coconut palm	*Cocos nucifera*	12	Good	1	55	18	254			offsite
ADJ5	Verawood	*Bulnesia arboria*	5	Good	1	18	16	201			offsite
ADJ6	Verawood	*Bulnesia arboria*	9	Good	1	20	18	254			offsite
ADJ7	coconut palm	*Cocos nucifera*	8	Good	1	40	18	254			offsite
ADJ8	Verawood	*Bulnesia arboria*	6	Good	1	16	16	201			offsite
ADJ9	coconut palm	*Cocos nucifera*	11	Good	1	55	18	254			offsite
ADJ10	Verawood	*Bulnesia arboria*	4	Good	1	12	10	79			offsite
ADJ11	coconut palm	*Cocos nucifera*	10	Good	1	42	18	254			offsite
ADJ12	Verawood	*Bulnesia arboria*	4	Fair	1	15	12	113			offsite
ADJ13	Verawood	*Bulnesia arboria*	5	Fair	1	16	12	113			offsite
ADJ14	Verawood	*Bulnesia arboria*	7	Good	1	18	16	201			offsite
ADJ15	Verawood	*Bulnesia arboria*	5	Fair	1	16	15	177			offsite
ADJ16	Verawood	*Bulnesia arboria*	3	Poor	1	12	9	64			offsite
ADJ17	royal poinciana	*Delonix regia*	9	Fair	4	18	18	254			offsite
ADJ18	royal poinciana	*Delonix regia*	10	Fair	1	20	18	254			offsite
ADJ19	Seagrape	*Coccoloba uvifera*	16	Good	1	28	26	531			offsite
Tree numbers preceeded by "ADJ" indicate offsite trees on neighboring/adjacent properties, measurements are approximated											

NOTE:
THE TREE INFORMATION SHOWN HEREON PER "TREE TABLE" AS SHOWN ON CERTIFIED ARBORIST ASSESSMENT PREPARED BY NEW LEAF ENVIRONMENTAL, LLC., BY Michael McCoy, CERTIFIED ARBORIST MA 4243A, TRAQ QUALIFIED, LIAF CERTIFIED LANDSCAPE INSPECTOR, DATED JANUARY 23, 2023.



ELEVATIONS SHOWN HEREON RELATE TO NATIONAL GEODETIC VERTICAL DATUM OF 1929 (N.G.V.D.29) AND ARE EXPRESSED IN FEET.

CERTIFIED TO:

-7940 NBV PARTNERS, LLC, A FLORIDA LIMITED LIABILITY COMPANY
-OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
-BANK OF OZK
-ESCOBAR & DECARLO, L.L.C.

SURVEYOR'S CERTIFICATION:

THIS IS TO CERTIFY THAT THIS MAP AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS. THIS **BOUNDARY** SURVEY COMPLIES WITH THE STANDARDS OF PRACTICE REQUIREMENTS ADOPTED BY THE FLORIDA STATE BOARD OF SURVEYORS AND MAPPERS PURSUANT TO CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.
THE FIELDWORK WAS COMPLETED ON FEBRUARY 21, 2023

Schwebke-Shiskin & Associates, Inc.

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY MARK STEVEN JOHNSON, P.S.M. 4775

BY: *Mark Steven Johnson* DATE OF PLAT OR MAP:
MARK STEVEN JOHNSON, PRINCIPAL
PROFESSIONAL LAND SURVEYOR No. 4775
STATE OF FLORIDA.

MARK STEVEN JOHNSON LICENSE No. 4775 STATE OF FLORIDA PROFESSIONAL SURVEYOR AND MAPPER

This Survey has been electronically signed and sealed by Mark Steven Johnson, PSM on the date noted hereon. All signatures must be verified on electronic copies. Printed copies are not considered signed and sealed, unless they include an additional raised embossed seal of the surveyor.

Mark S Johnson

Schwebke-Shiskin & Associates, Inc.
LAND PLANNERS • ENGINEERS • LAND SURVEYORS
3240 CORPORATE WAY, MIRAMAR, FLORIDA 33025 TEL: (954) 435-7010 FAX: (954) 438-3288

CERTIFICATE OF AUTHORIZATION No. LB-87

Drawn By: AH/GR	Survey Date: 02-21-23	Checked By: M.S.J. Date:
Order No. 216020	F.B. No.: 2248 Pg.28	Scale: AS SHOWN
File No. AJ-6243		Sheet 1 of 1 Sheet(s)

NOTE: This sketch is not valid unless it bears the signature and the original raised seal of a Florida licensed surveyor and mapper.

This is a "Boundary Survey."

ALTA/NSPS LAND TITLE SURVEY

Section 09, Township 53 South, Range 42 East, Miami-Dade County, Florida.

REVISIONS

Date:	Order No.	Field Book	Remarks:	By:

K:\095342\LOTS 38-42 HARBOR ISLAND\SURVEY\DWG\LOTS 38,40,42 HARBOR ISLAND.DWG

FILE NO. AJ-6243

revuelta architecture international

Miami
Santiago, Chile

revuelta-architecture.com

2950 SW 27TH AVE.
SUITE 110
MIAMI, FL 33133
T. 305.590.5000
F. 305.590.5040

Project

7940 WEST DRIVE
NORHT BAY VILLAGE
7940 WEST DRIVE
NORTH BAY VILLAGE, FL 33141

Revisions

Owner Information

7940 NBV PARTNERS, LLC
4531PRAIRIE AVE
MIAMI BEACH, FL 33140

Consultant

Luis O. Revuelta
AR-0007972

SCHEMATIC DESIGN

SURVEY

Date	6/12/2023
Scale	AS SHOWN
Project No.	2114
Sheet Name	SURVEY
Sheet No.	A-002

BERCOW
RADELL
FERNANDEZ
LARKIN +
TAPANES
ZONING, LAND USE AND
ENVIRONMENTAL LAW

200 S. Biscayne Boulevard
Suite 300, Miami, FL 33131
www.brzoninglaw.com
305.377.6229 office
305.377.6222 fax

VIA ELECTRONIC SUBMITTAL

July 18, 2023

Silvia E. Vargas, FAICP, LEED AP
Village Planner
City of North Bay Village
1666 Kennedy Causeway, 3rd Floor
North Bay Village, Florida 33141

RE: Updated Letter of Intent for Site Plan, Transfer of Development Rights, and Related Variance Requests for the Property Located at 7938-40 West Drive, North Bay Village, Florida (Folio numbers 23-3209-001-0400 and 23-3209-001-0420).

Dear Ms. Vargas:

This law firm represents 7940 NBV Partners, LLC (the "Applicant"), the owner of the property located at 7938-40 West Drive in the City of North Bay Village (the "City") and identified by Miami-Dade County Folio Nos. 23-3209-001-0400 and 23-3209-001-0420 (the "Property"). Please consider this the Applicant's letter of intent in support of its application for a site plan approval, transfer of development rights ("TDR") approval, and related variance requests to allow for a low impact and high quality residential development on the Property.

The Property. The Property is located on the west side of West Drive, just south of the "MODA" apartment development and north of the "Space 01" condominium. The Property is approximately 33,600 square feet (0.77 acres) in size and is currently a vacant lot. The Property is located on Biscayne Bay.

Land Use. According to the City of North Bay Village Future Land Use Map, the Property is designated "High Density Multi-Family Residential." The "High Density Multi-Family Residential" land use designation permits up to 70 dwelling units per acre before permitted transfers of development rights (discussed below).

Zoning. The property is zoned "RM-70" according to the North Bay Village Zoning Map. The RM-70 zoning district permits multi-family residential dwellings; management offices within structures containing eight (8) or more dwelling units or guest rooms; and office retail and service commercial facilities of an ancillary nature

within structures containing at least 100 dwelling units or guest rooms, subject to certain conditions.

Proposed Development. The Applicant intends to develop the Property with the beautiful and resilient "7940 West Drive" multi-family residential development. The plan has been designed to be consistent with the Comprehensive Plan and the RM-70 zoning designation. The proposed development contemplates up to 70 residential units, with up to 53 three-bedroom units and 17 two-bedroom units. All units within the building are large, family-oriented, spaces, designed to attract long-term residents who desire to raise their families in the Village.

Residents will enjoy access to generous amenities on decks located on top of the parking pedestal and on the rooftop. The building has been oriented so that the vehicular drop off area is located on the western portion of the lot, leaving the front of the property as a beautiful green space that will buffer the public sidewalk.

Island Walk. The Applicant has proposed to develop the public "Island Walk" on the rear of the Property and link the pedestrian to both our neighbors to the north and south. Public access from West Avenue will be provided on both the north and south sides of the Property. Consistent with the Village's requirements, the Island Walk will be open to the public will be from both the north and south sides of the site. The walk and proposed street furniture have been designed to be compatible with the Village's standards.

Parking. The Applicant is proposing both valet and self-parking as part of the development. The valet service will be available at all times. The proposed parking on the site will be completely enclosed within the building pedestal, which has been designed to shield the view of parking from the public using an attractive screening system.

The Village has recognized during the recent workshop process regarding Harbor Island zoning changes that the current ULDC regulations devote far too much space to parking – especially in new buildings with larger units. This wasted space is cause by excessively high parking requirements. The Village will be reviewing ULDC changes that, if adopted as currently drafted, would reduce the required parking in the RM-70 zone. While the Applicant looks forward to the pending "right sizing" of the Village's parking requirements, the submitted plan has been designed with the future in mind.

Transfer of Density Rights. As you know, the Village Commission adopted amendments to the ULDC to modify the Village's Transfer of Development Rights ("TDR" program in late 2022. The application of TDR units in the RM-70 zone allow an overall density bonus

of up to 30% -- 91 units to the acre. Furthermore, the application of TDRs will allow the Commission to approve a height bonus of 30% above the maximum (up to 312 feet, assuming the full application of the height bonus available in the RM-70 district).

The Applicant is proposing to use sixteen (16) TDR units as part of the development and requests that the Village review of the application include a Commission approval of the assignment of the units.

Green Building. All development using TDRs must obtain twenty-four (24) "green building and design points" under the "Green building development options and points" in Section 8.21 of the ULDC as opposed to the Code's typical requirement of eighteen (18) points for multi-family development. As shown on the submitted scoring analysis prepared by Energy Costs Solutions Group, the proposed development will exceed the point requirement.

Variance Requests. The Applicant has requested the following variances: (1) a variance to provide 135 spaces where 212 would be required; and (2) a variance to allow the parking garage to include internal drives at 22 feet wide where 23 feet would be required.

Numerical Variance. It has been well recognized that the Village's current parking requirements in the RM-70 zone, which require at least two parking spaces for units that are larger than efficiencies and three parking spaces for units larger than two-bedroom units with dens, can result in excessively tall and bulky parking pedestals enclosing parking areas that often remain underutilized at all times of the year.

The Applicant believes that the building's parking, which retains an average of just under two spaces per unit, will more than accommodate the needs of the building's residents. Moreover, it has allowed the Applicant to reduce the height and slim down the bulk of the parking pedestal – as shown on the submitted plans. Providing excessive parking on the Property would be directly in opposition to the Village's green building standards, which encourage the efficient use of land.

Width of Internal Drive. The goal of slimming down the parking pedestal while retaining sufficient access to the parking spaces is also met through the proposed reduction of parking garage internal drives to 22 feet from the required 23 feet. The proposed plans provide sufficient radii to allow for safe travel in the garage.

Compact Spaces. The Applicant is proposing to provide twenty (20) percent of the building's parking as "compact." As required by the ULDC, the provided compact spaces

be clearly marked "for compact cars only" and collectively located in a defined area. Those seeking approval for the use of compact parking spaces must provide valet parking services in perpetuity. As noted above, the Applicant is proposing to offer valet service for the building, mixed with available self-parking.

Satisfaction of Required Criteria. The Applicant's requests satisfy all required criteria as follows:

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

There are special circumstances and conditions which are peculiar to the Property, including the need to accommodate a modern family-oriented development on the site.

(2) That the special circumstances and conditions were not self-created by any person having an interest in the property;

The issues with the Village's parking standards were not created by the Applicant.

(3) That the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of the land, structure, or building for which the variance is sought; and would involve an unnecessary hardship for the applicant;

The strict application of the regulations would deprive the Applicant of the reasonable use of the land and would result in an unnecessary hardship. Requiring the provision of excess parking and drive aisle width would require such significant plan revisions that the use of the building would be unreasonably limited in a manner not consistent with the goals of the Village's ULDC

(4) That granting the variance requested will not confer on the applicant any special privilege that is denied by the Unified Land Development Code to other land, structures, or buildings in the same zoning district;

Granting the requested variances will not confer any special privilege on the Applicant, which has been unduly impacted by the Village's parking standards in a manner that, given the size and orientation of the Property, would make development untenable.

(5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, structure, or building;

The requested variances are the minimum necessary to allow for the Property to be a viable site for future development while still satisfying the intent of the Comprehensive Plan and allowing for consistency and harmony in the character of the surrounding neighborhood. The Applicant is not asking for variances for any other regulations required under the UDLC.

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

The granting of the requested variances will allow future development on the Property to be in harmony with the intent and purpose of the Comprehensive Plan as it will fulfill the intent of the RM-70 zoning designation rather than remain as an underutilized lot.

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

The granting of the requested variances are not based exclusively upon desire to reduce development costs, but rather is based on the desire to make the Property viable for a high quality development consistent with the intent of the Comprehensive Plan and the ULDC. Granting of the requested variances will support a development that will be the highest and best use of the Property.

Conclusion. We are excited to bring this beautiful low impact development to this part of the Village. The 7940 West Drive plan has been designed as a resilient project that benefits the public through enhanced green space along the public right of way and superior access to the Island Walk. We therefore respectfully request your favorable review and recommendation. If you have any questions with regard to this request, please call me at 305-377-6229.

Sincerely,

Graham Penn

North Bay Village

1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.northbayvillage-fl.gov

APPLICATION FORM FOR VARIANCE REQUEST, INCLUDING EXTENSION OF AN UNEXPIRED VARIANCE AND/OR SPECIAL EXCEPTION APPROVAL

This application form is to be used to petition for a variance from the regulations pursuant to Section 7.3. of the North Bay Village Unified Land Development Code. **This application may only be applied for by the owner of the property, which shall mean the person who owns and currently resides, or owns and intends to reside, at the subject premises, or their legal representative.**

Submit your application, with all the required information to the Village Planning and Zoning Official, via svargas@cgasolutions.com. Physical copies of materials may be requested prior to public hearing, to be delivered at the Village offices located at 1666 Kennedy Causeway, Suite 300. Variances require public hearings conducted by the Planning & Zoning Board and the Village Commission. Applications must be complete, and all required fees be paid in order to be accepted and placed on an agenda.

This application, including all supplemental forms and data, must be completed in accordance with the attached instructions and submitted with the required fees pursuant to the most up-to-date Fee Schedule. Accepted payment methods for the required fees are check or credit card when paying in person at the Village offices. You may also call (305) 756-7171 to make your credit card payment by phone.

This form is a fillable PDF. TYPE OR PRINT LEGIBLY ALL INFORMATION ON THE APPLICATION.

1. Property Owner Name: 7940 NBV PARTNERS LLC
2. Contact Phone: 912-398-1775 Email Address: peter@fortisdesign.build
3. Mailing Address: 4531 PRAIRIE AVENUE, MIAMI BEACH, FL 33140

4. Applicant Name: _____
(If different from Owner)
5. Contact Phone: _____ Email Address: _____
6. Mailing Address _____

7. Address of Property Covered by the Application: _____
7938-7940 WEST DRIVE, NORTH BAY VILLAGE, FL, 33141
8. Legal Description of Property Covered by the Application (add pages if needed):

LOTS 38, 40 AND 42, "HARBOR ISLAND", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 44, PAGE 72, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA

9. Folio Number(s): 23-3209-001-0420, 23-3209-001-0400

10. Lot Size (square feet): 33,602

11. Future Land Use and Zoning Designations: High Density Multi-Family Residential and RM-70

12. Section(s) of the North Bay Village ULDC form which the Applicant Seeks Relief: ____

9.3.E. of the ULDC, to permit a parking aisle width of 22 feet where 23 feet would be required.

13. Variance(s) Requested: A variance to reduce the drive aisle width by 1'

14. Reasons for the Request (add pages if necessary): See attached letter.

OWNER AFFIDAVIT/INTENT TO RESIDE

I, _____ being first duly sworn, depose and say that I am the legal owner of record of the property described and which is the subject of the proposed Variance application and that I currently reside on or intend to reside on the subject premises.

I have made every attempt to relocate/redesign the proposed improvement to avoid the variance(s) herein requested. I acknowledge that Village Commission has the authority to approve, modify, or deny my application and that in granting approval of my application the Village Commission may prescribe any appropriate conditions and safeguards necessary to protect and further the interest of the area and abutting properties.

This affidavit is subject to penalties of law (Perjury) and to possible voiding of any decision.

_____
Signature

Sworn to and subscribed to before me this _____ day of_____, 20____.

_____
Notary

Public Commission expires: _____

CONSENT TO PUBLIC HEARINGS

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

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

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

I (We) further acknowledge that I (We) have read and understand the conditions for appearance before the Planning and Zoning Board and the Village Commission pursuant to the Village Code Chapter 7. Any person submitting false information or misrepresenting in their presentation shall have all privileges granted to them by the Planning & Zoning Board and the Village Commission revoked.

Authorized Signature _____

Print Name MIKAEL HAMAOUI

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

STATE OF FLORIDA
COUNTY OF MIAMI - DADE

Sworn to and subscribed to before me this 17TH day of JULY, 2023,

by MIKAEL HAMAOUI, who is personally known to

me or who has produced _____ as identification.

Notary Public Signature _____

Commission
Number/Expiration _____

DEREK GRANQUIST
Commission # HH 376883
Expires March 21, 2027

COST RECOVERY AFFIDAVIT

I hereby acknowledge and consent commit to the payment of all applicable cost recovery fees involved as part of my application process. Cost recovery includes, but is not limited to, staff time, attorney fees, planning consultant fees and any other professional service costs incurred by North Bay Village in the review and processing of a development application, regardless of the outcome of the review and/or public hearing process. I further understand and acknowledge that failure to remit payment for incurred costs pursuant to Subsections 5.12.B. and C. (attached) of the North Bay Village Unified Land Development Code (ULDC) constitutes a violation of the Code and the Village may levy penalties to secure compliance, as outlined in Subsection 5.12.C of the ULDC.

Please type or print the following:

Date: _____

Relationship to the project: (e.g., property owner, architect, developer, attorney)

OWNER

Full Name: MIKAEL HAMAOUI

Current Address: 4531 PRAIRIE AVENUE

City: MIAMI BEACH State: FL Zip: 33140

Telephone: 305-776-5345 Email: mikael@riveirahorizons.com

I am fully authorized to commit to the expenditures contemplated by this Cost Recovery Affidavit.

Signature

SWORN AND SUBSCRIBED BEFORE ME THIS 17TH DAY OF JULY, 2023

Notary Public, State of Florida at Large

My Commission expires _____, 20____.

DEREK GRANQUIST
Commission # HH 376883
Expires March 21, 2027

Subsections 5.12.B. and C. Regarding Cost Recovery

B. Cost Recovery Established

1. The applicant shall reimburse the Village for the actual cost of consultant or employed professional review services pursuant to the cost recovery procedures and requirements of subsection C below.

2. Payment in full by the applicant to the Village for the Village's actual expenditures for review of the application shall be a written condition of any development order. These cost recovery deposits fees shall be in addition to any and all other fees required by law, rule, or regulation of the Village Code of Ordinances.

C. Cost Recovery procedure.

1. At the time of submission of any application for development approval, the applicant shall pay the minimum cost recovery deposit fee outlined in the development approval fee and cost recovery deposit schedule set forth in this section, which funds shall be deposited into a cost recovery escrow account established for this purpose. Withdrawals shall be made to reimburse the Village for the cost of consultant services.

2. The Village shall provide the applicant with a copy of the consultant's invoice for any services charged against the applicant's cost recovery escrow account.

3. When the balance in the Village's cost recovery escrow account is reduced to one-half of its initial amount, the applicant shall deposit additional funds into such account to bring its balance up to the amount of the initial deposit. If such amount is not replenished within 30 calendar days after the applicant is notified, in writing, of the requirement of such additional deposit, the Village shall suspend its review of the application and the application shall be deemed withdrawn.

4. If an application is suspended due to nonpayment of the additional escrow deposit specified in subsection 3., a resubmission fee shall be paid, and the cost recovery deposit shall be replenished to a minimum of one-half of the original deposit amount before the application will be reviewed.

5. Prior to the scheduling or noticing of any board or commission hearing, the Village Manager's review of the application shall be complete, and the cost recovery escrow account balance shall be replenished to equal at least one-half of the initial deposit amount.

CHECK LIST FOR THE APPLICANT

Mandatory Submittals:

- ☐ Complete Variance Application, including all required forms and affidavits, signed by property owner or owner's representative.
- ☐ Letter of Authorization from property owner, if different from Applicant.
- ☐ Letter of intent, signed by the Applicant (refer to page 5 of this document), explaining the nature of the request, justification for the proposed variance, evidence that the request complies with Subsection 7.3.D. of the North Bay Village Unified Land Development Code, and other pertinent information. Insufficient justification may result in denial of the application. The applicant must justify each individual variance in the letter of intent.
- ☐ Certified Land Survey dated within two (2) years of the filing date of the administrative adjustment application, reflecting all current conditions.
- ☐ Map or aerial photo showing adjacent properties, surrounding streets (labeled) and a north arrow.
- ☐ Photos of buildings and structures on the property concerned.
- ☐ Accurately dimensioned plans showing the location and spacing distance of the proposed construction in relation to property lines and existing structure(s), the general location and use of existing structures on property adjacent to the subject property; and the variance being requested clearly shown, (i.e., required versus proposed structure).
- ☐ Floor plans and elevations if required by the Planning and Zoning Official.
- ☐ Filing fees and cost recovery deposit (Refer to the most current North Bay Village Fee Schedule).

Optional Submittals:

- ☐ Signed consent letters from neighboring property owners.
- ☐ Different versions of the proposed variance based on alternative design options.

Applications are deemed incomplete until all mandatory submittals have been received by the Village Planning and Zoning Official.

EVIDENCE THAT THE REQUEST COMPLIES WITH SUBSECTION 7.3.D. OF THE NORTH BAY VILLAGE UNIFIED LAND DEVELOPMENT CODE

In your Letter of Intent, or separately, address how the Variance Application complies with the following criteria.

For the Planning and Zoning Board to recommend approval, and for the Village Commission to grant approval, of a variance request, both must make an affirmative finding with respect to all seven (7) of the following criteria:

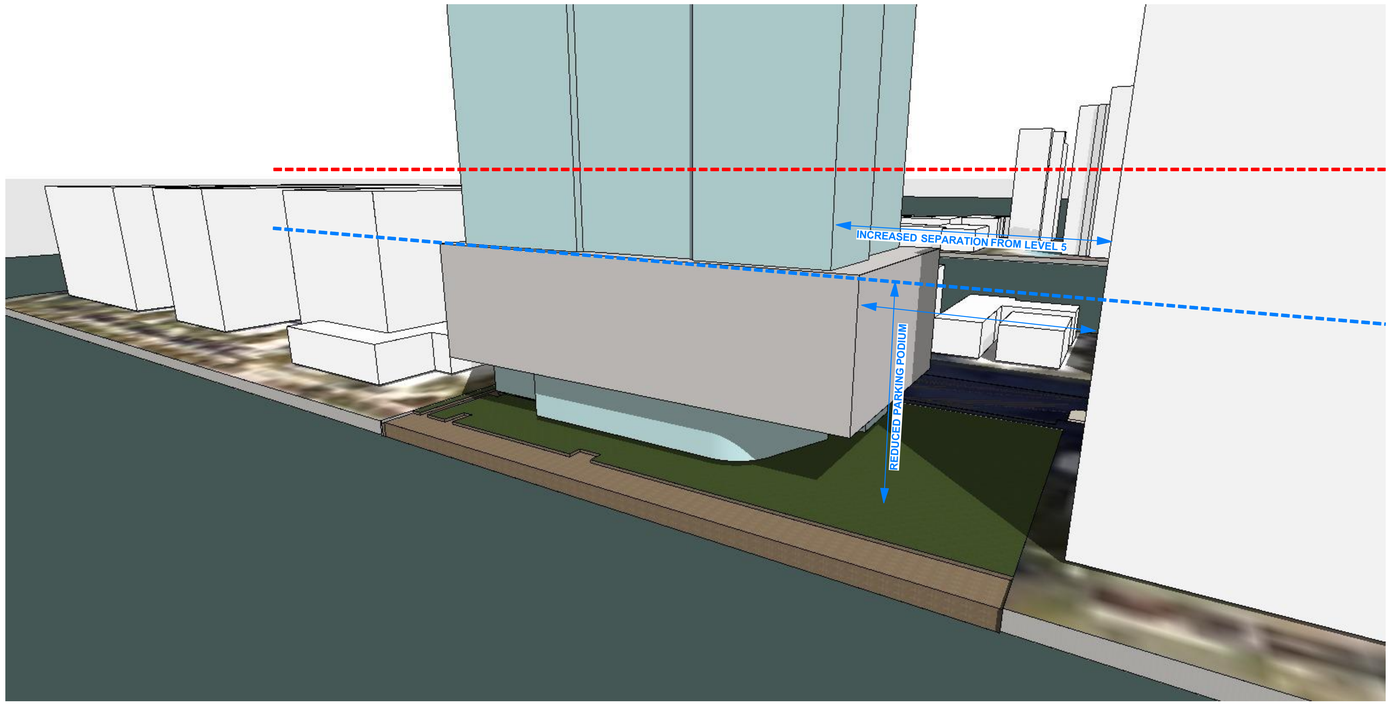
1. That there are special circumstances and conditions which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings in the same zoning district.
2. That the special circumstances and conditions were not self-created by any person having an interest in the property.
3. That the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of the land, structure, or building for which the variance is sought; and would involve an unnecessary hardship for the applicant.
4. That granting the variance requested will not confer on the applicant any special privilege that is denied by the Unified Land Development Code to other land, structures, or buildings in the same zoning district.
5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, structure, or building.
6. That granting the variance will be in harmony with the general intent and purpose of this chapter, and that such variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
7. The variance request is not based exclusively upon a desire to reduce the cost of development.

Office Use Only:

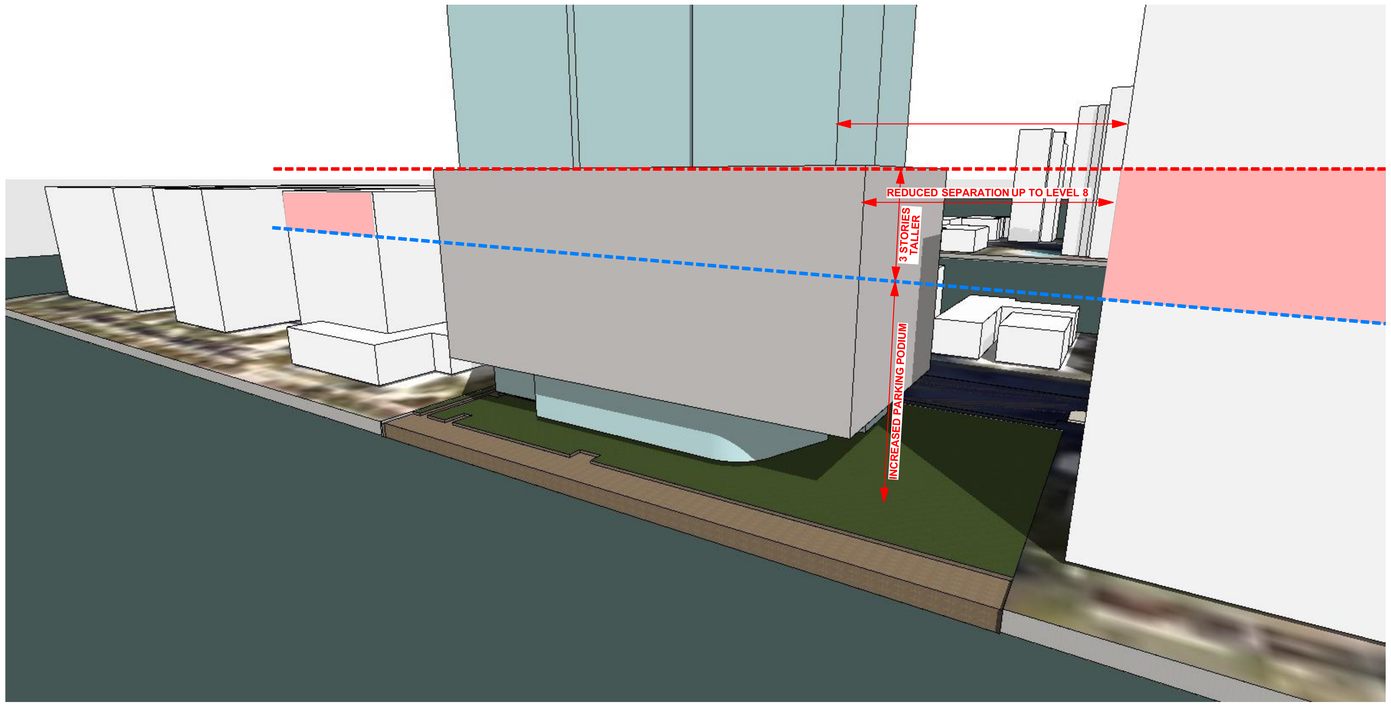
Date Submitted: _____ Total Paid: $_____

Date Paid: _____ Filing Fee: $_____

Cash or Check #_____ Cost Recovery Dep: $_____



PODIUM MASSING WITH
PROPOSED PARKING REDUCTION



PODIUM MASSING WITH
NO PARKING REDUCTION

ANALYSIS OF PARKING REDUCTION

revuelta
architecture international

Miami
Santiago, Chile

revuelta-architecture.com

2950 SW 27TH AVE.
SUITE 110
MIAMI, FL 33133

T: 305.590.5000
F: 305.590.5040

Project

7940 WEST DRIVE
NORHT BAY VILLAGE
7940 WEST DRIVE
NORTH BAY VILLAGE, FL 33141

Revisions

Owner Information

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Consultant

Luis O. Revuelta
AR-0007972

SCHEMATIC DESIGN

Date
6/12/2023

Scale
AS SHOWN

Project No.
2114

Sheet Name
PARKING ANALYSIS

Sheet No.
A-005

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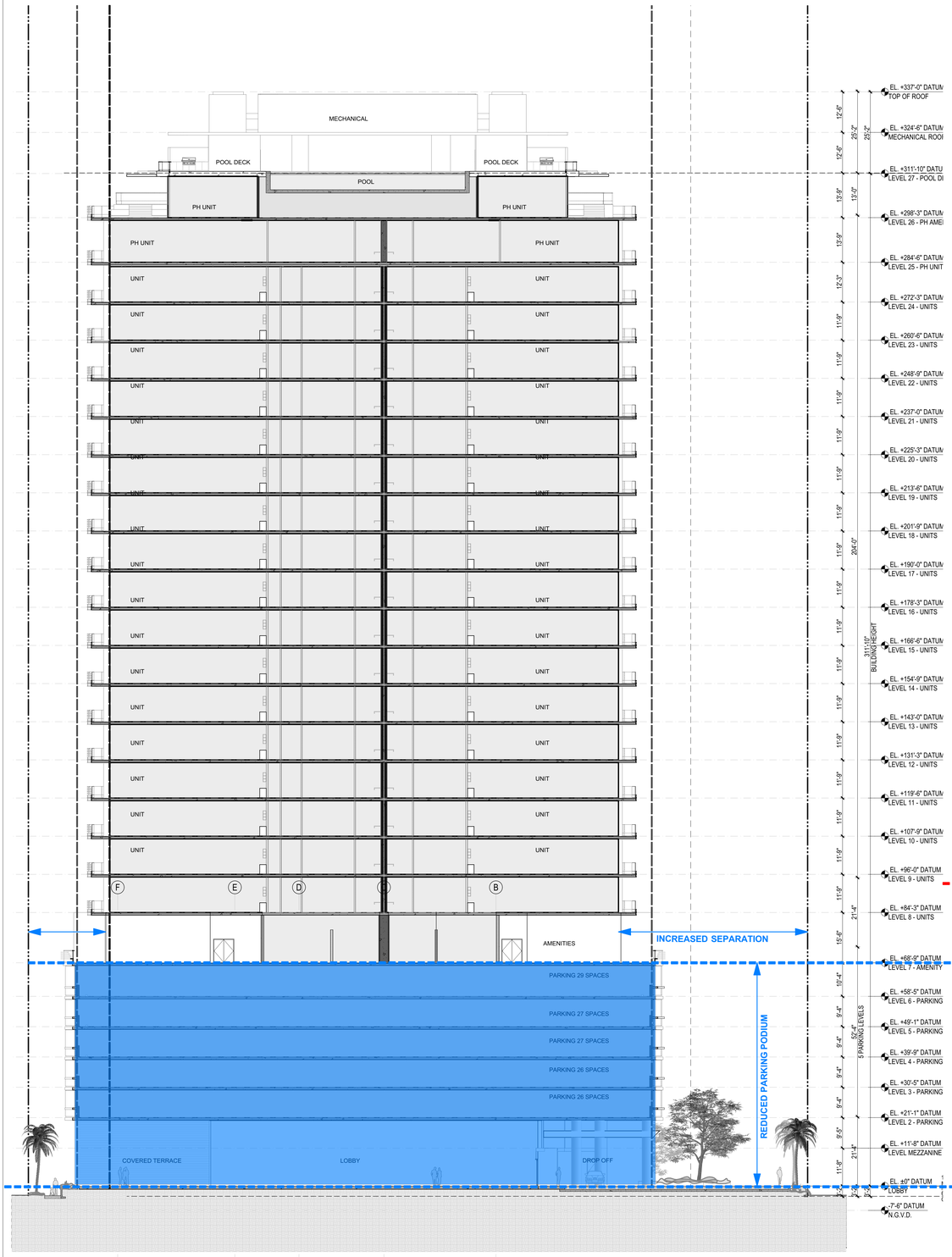
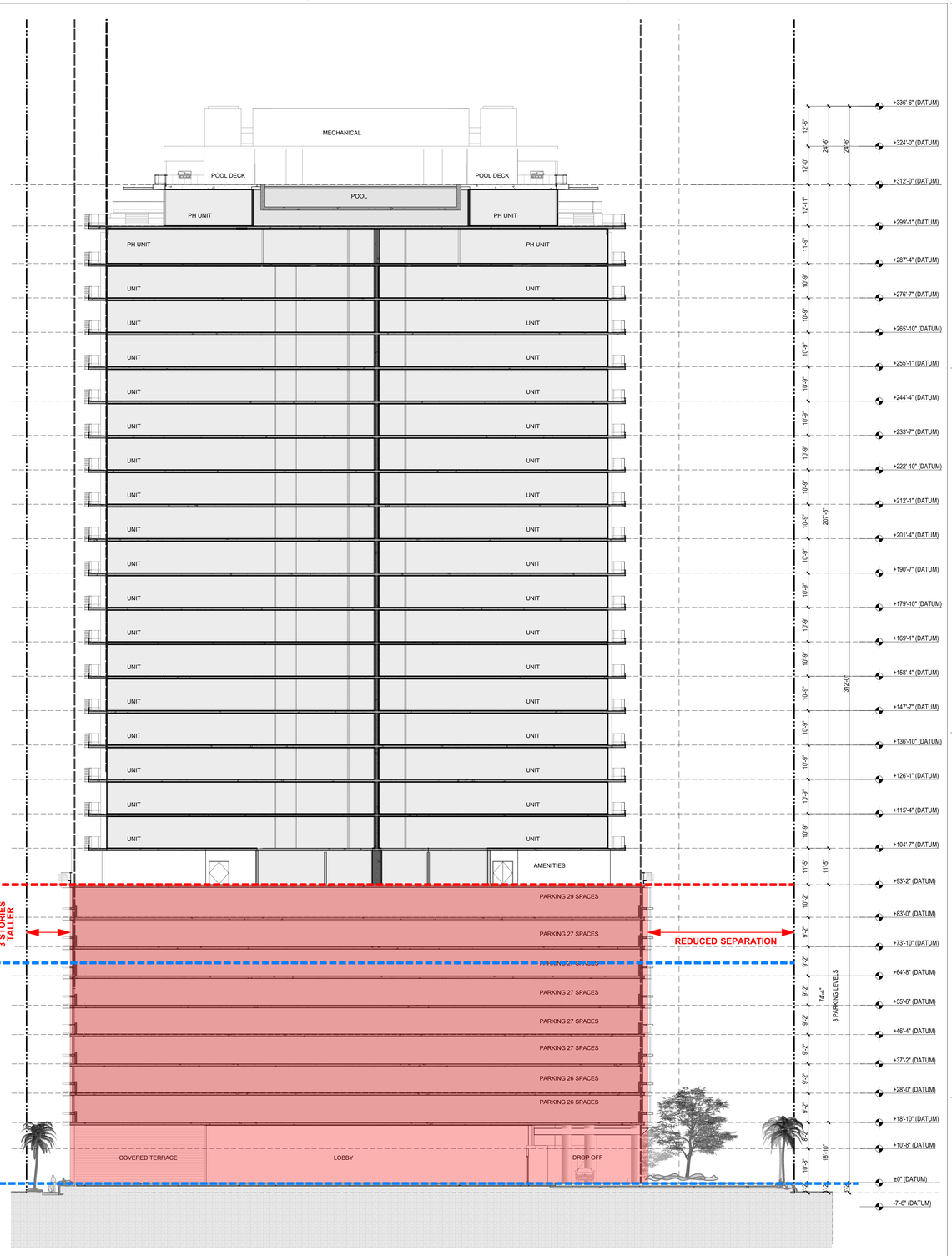
File: BIMcloud: RAI-SERVER2-25 - BIMcloud Basic for Archicad 25/2114_NORTH BAY VILLAGE/2114_7940 WEST DRIVE - NORTH BAY VILLAGE - MARCH 2023 - By mgueldez - Date: 6/12/2023





PODIUM MASSING WITH **PROPOSED PARKING REDUCTION**

PODIUM MASSING WITH **NO PARKING REDUCTION**

ANALYSIS OF PARKING REDUCTION

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File: Millwood_BAI-SERVER2-25 - Millwood Base for Architect 25\21\4_7940 WEST DRIVE - NORTH BAY VILLAGE\21\4_7940 WEST DRIVE - NORTH BAY VILLAGE_MARCH 25\23 - By dtuke.saved by - Date: 7/17/2023

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Miami
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2950 SW 27TH AVE.
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MIAMI, FL 33133

T. 305.590.5000
F. 305.590.5040

Project

7940 WEST DRIVE
NORHT BAY VILLAGE
7940 WEST DRIVE
NORTH BAY VILLAGE, FL 33141

Revisions

Owner Information

7940 NBV PARTNERS, LLC

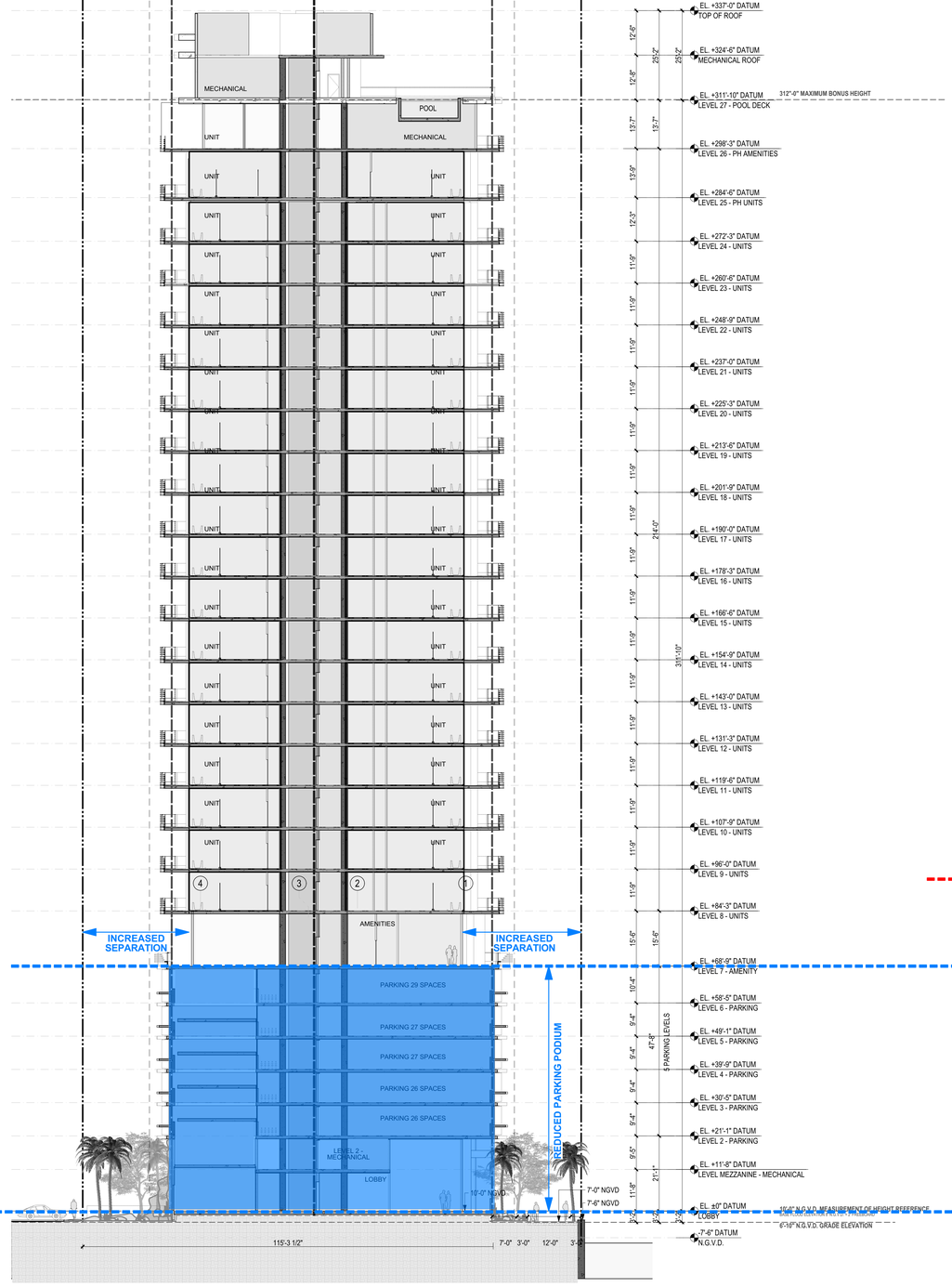
4531PRAIRIE AVE
MIAMI BEACH, FL 33140
(912) 398-1775

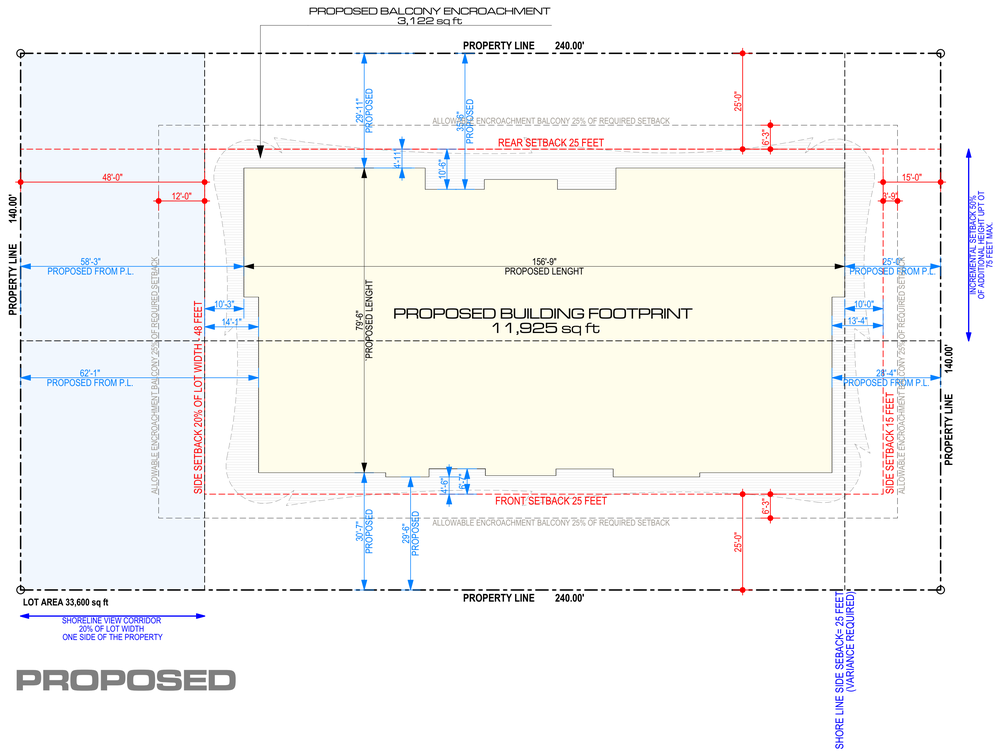
Consultant

Luis O. Revuelta
AR-0007972

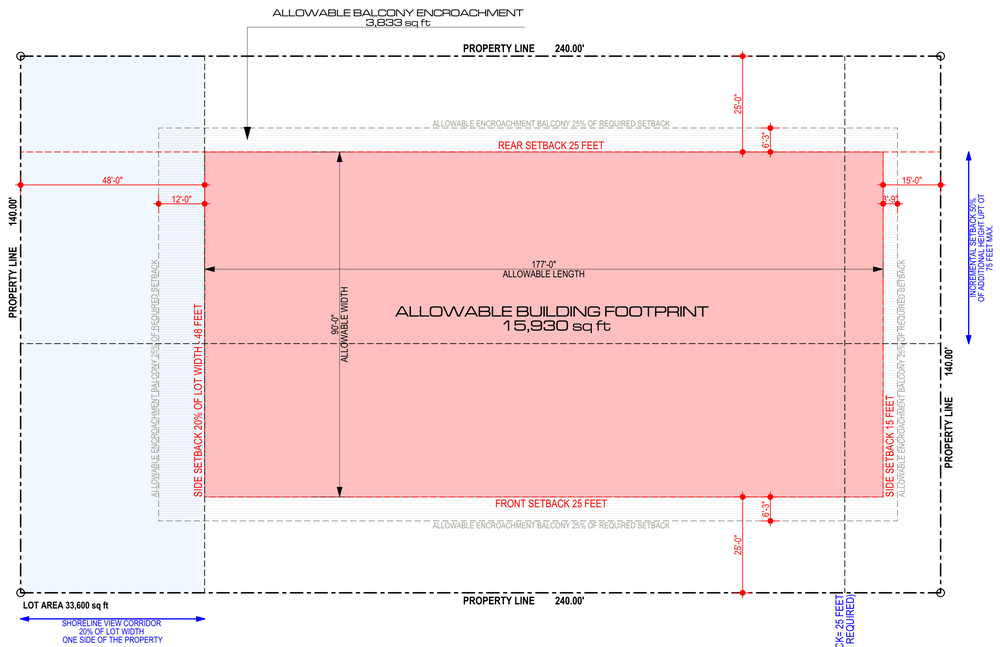
SCHEMATIC DESIGN

Date
7/17/2023
Scale
AS SHOWN
Project No.
2114
Sheet Name
SECTIONS
Sheet No.
A-005a


MECHANICAL
POOL
MECHANICAL
UNIT
AMENITIES
INCREASED SEPARATION
INCREASED SEPARATION
REDUCED PARKING PODIUM
PARKING 29 SPACES
PARKING 27 SPACES
PARKING 27 SPACES
PARKING 26 SPACES
PARKING 26 SPACES
LEVEL 2 - MECHANICAL
LOBBY
115'-3 1/2"
7'-0" 3'-0" 12'-0" 3'-0"
10'-0" N.G.V.D.
7'-0" NGVD
7'-6" NGVD
EL. +337'-0" DATUM
TOP OF ROOF
EL. +324'-6" DATUM
MECHANICAL ROOF
EL. +311'-10" DATUM
LEVEL 27 - POOL DECK
312'-0" MAXIMUM BONUS HEIGHT
EL. +298'-3" DATUM
LEVEL 26 - PH AMENITIES
EL. +284'-6" DATUM
LEVEL 25 - PH UNITS
EL. +272'-3" DATUM
LEVEL 24 - UNITS
EL. +260'-6" DATUM
LEVEL 23 - UNITS
EL. +248'-9" DATUM
LEVEL 22 - UNITS
EL. +237'-0" DATUM
LEVEL 21 - UNITS
EL. +225'-3" DATUM
LEVEL 20 - UNITS
EL. +213'-6" DATUM
LEVEL 19 - UNITS
EL. +201'-9" DATUM
LEVEL 18 - UNITS
EL. +190'-0" DATUM
LEVEL 17 - UNITS
EL. +178'-3" DATUM
LEVEL 16 - UNITS
EL. +166'-6" DATUM
LEVEL 15 - UNITS
EL. +154'-9" DATUM
LEVEL 14 - UNITS
EL. +143'-0" DATUM
LEVEL 13 - UNITS
EL. +131'-3" DATUM
LEVEL 12 - UNITS
EL. +119'-6" DATUM
LEVEL 11 - UNITS
EL. +107'-9" DATUM
LEVEL 10 - UNITS
EL. +96'-0" DATUM
LEVEL 9 - UNITS
EL. +84'-3" DATUM
LEVEL 8 - UNITS
EL. +68'-9" DATUM
LEVEL 7 - AMENITY
EL. +58'-5" DATUM
LEVEL 6 - PARKING
EL. +49'-1" DATUM
LEVEL 5 - PARKING
EL. +39'-9" DATUM
LEVEL 4 - PARKING
EL. +30'-5" DATUM
LEVEL 3 - PARKING
EL. +21'-1" DATUM
LEVEL 2 - PARKING
EL. +11'-8" DATUM
LEVEL MEZZANINE - MECHANICAL
EL. ±0" DATUM
LOBBY
-7'-6" DATUM
N.G.V.D.
10'-0" N.G.V.D. MEASUREMENT OF HEIGHT REFERENCE
6'-10" N.G.V.D. GRADE ELEVATION
12'-6"
25'-2"
12'-8"
15'-7"
15'-7"
15'-9"
12'-3"
11'-9"
11'-9"
11'-9



PROPOSED



ALLOWED

BUILDING FOOTPRINT

ALLOWABLE	15,930 sq.ft.
PROPOSED	11,925 sq.ft.
	74.85 % OF ALLOWABLE

OVERALL FOOTPRINT (BUILDING + BALCONY)

ALLOWABLE	19,763 sq.ft.
PROPOSED	15,047 sq.ft.
	73.16 % OF ALLOWABLE

COMPARATIVE ANALYSIS OF BUILDING FOOTPRINT

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File: Bfdcloud_RAI-SERVER2K25:_Bfdcloud Basic for Archicad 25\2114_7940 WEST DRIVE - NORTH BAY VILLAGE_MARCH 2023 - By mgarate - Date: 6/12/2023

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Project

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NORHT BAY VILLAGE
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NORTH BAY VILLAGE, FL 33141

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4531PRAIRIE AVE
MIAMI BEACH, FL 33140

Consultant

Luis O. Revuelta
AR-0007972

SCHEMATIC DESIGN

Date
6/12/2023
Scale
AS SHOWN
Project No.
2114
Sheet Name
BUILDING FOOTPRINT
Sheet No.
A-006

RESOLUTION NO. 2023-____

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] AN APPLICATION BY 7940 NBV PARTNERS, LLC CONCERNING PROPERTY LOCATED AT 7938-7940 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA FOR A VARIANCE PURSUANT TO SECTION 7.3 OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC") OF PARKING REQUIREMENTS PROVIDED IN SECTION 9.3.C. OF THE ULDC, TO PERMIT THE PROVISION OF 135 SPACES WHERE 212 WOULD BE REQUIRED; ALTERNATIVELY [APPROVING / APPROVING WITH CONDITIONS / DENYING] A WAIVER PURSUANT TO SECTION 9.3.D. OF PARKING REQUIREMENTS PROVIDED IN SECTION 9.3.C. OF THE ULDC; PROVIDING FINDINGS; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, NBV Partners, LLC (the "Applicant") is proposing a site plan for the development of a 312 foot tall, 70-unit multifamily residential project with structured parking and ancillary amenities on an approximately 0.77-acre site zoned RM-70, identified by Folio Nos. 23-3209-001-0400 and 23-3209-001-0420, located at 7938-7940 West Drive on Harbor Island (the "Project"), with a legal description as shown in Exhibit A; and

WHEREAS, the site plan requires approval under the provisions of Sec. 5.8; and

WHEREAS, the Applicant is concurrently requesting a Variance from the minimum parking requirement to permit the provision of 135 parking spaces where 212 are required; and

WHEREAS, after a duly noticed public hearing held on July 27, 2023, the Planning and Zoning Board by a vote of _____ recommended [approval/approval with

conditions/denial] of the Variance to reduce the minimum parking requirement [subject to the conditions set forth and included below in Section 2]; and

WHEREAS, the Village Commission conducted a duly noticed public hearing on _____, 2023 in accordance with the law to hear the application and [approved/approved with conditions/denied] the Variance for the Project; and

WHEREAS, the Mayor and Village Commission find the proposed Variance [is/is not] consistent with the Village's Comprehensive Plan and ULDC; furthers the purpose, goals, objectives, and policies of same; and is in the best interest of the Village.

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

Section 1. Recitals. The foregoing recitals are confirmed, adopted, and incorporated herein and made a part hereof.

Section 2. Findings. The Village Commission, after review of competent substantial evidence in the record and a duly noticed public hearing, hereby finds that the Application [meets/does not meet] the criteria set forth in Section 7.3 of the ULDC for approval of the variance pursuant to Section 7.3 of the ULDC to allow the provision of 135 parking spaces where the ULDC requires 212, for a project to be located at 7940 West Drive, subject to other applicable and building requirements.

Section 3. Decision; Conditions. Pursuant to Section 7.3 of the ULDC, a Variance from the minimum parking requirement to permit the provision of 135 parking spaces to serve the needs of the residents, where 212 are required, for a project to be located at 7938-7940 West Drive is hereby [approved/approved with conditions/denied], [subject to the following conditions]:

1. All parking spaces shall comply with the dimensional standards of Sec. 9.3.E. subsections 4 and 6-8 of the ULDC.

2. The property to which the variance applies shall be in strict conformance with plans on file for the accompanying site plan approval application for the Project.

3. All due cost recovery charges must be paid pursuant to Section 5.12. 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.

4. Pursuant to Section 7.5, after the Village Commission has granted a variance, the variance so approved or granted shall expire after two years, measured from the date of final Commission action, if no substantial construction or change of use has taken place in accordance with the plans for which the variance was granted.

Section 4. Violation of Conditions; Limitation of Approval. Noncompliance with the terms and conditions of this approval shall be considered a violation, and penalties may include but are not limited to revocation of the approval granted by this resolution. The issuance of this development permit does not in any way create a vested right(s) on the part of the Applicant to obtain a permit from a county, state, or federal agency, and does not create any liability on the part of the municipality for issuance of the permit if the Applicant fails to obtain requisite approvals or does not fulfill the obligations imposed by a county, state or federal agency or undertakes actions that result in a violation of county, state, or federal law.

Section 5. Effective Date. This Resolution shall be in force and take effect immediately upon its passage and adoption.

The foregoing Resolution was offered by _____, who moved its adoption. The motion was seconded by _____, and upon being put to a vote, the vote was as follows:

Mayor Brent Latham	___
Vice Mayor Richard Chervony	___
Commissioner Goran Cuk	___
Commissioner Andrew Rotondaro	___
Commissioner Rachel Streitfeld	___

PASSED AND ADOPTED on this ___ day of_____, 2023.

_____
Brent Latham, Mayor

ATTEST:

_____
Alba L. Chang, CMC
Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

_____
Weiss Serota Helfman Cole & Bierman, P.L.
Village Attorney

Exhibit "A"
LEGAL DESCRIPTION

Address: 7940 West Drive, NORTH BAY VILLAGE

Folio Number: 23-3209-001-0400 and 23-3209-001-0420

Legal Description: Lots 38, 40 and 42, "Harbor Island", According to the Plat Thereof, as Recorded in Plat Book 44, Page 72, of the Public Records of Miami-Dade County, Florida.

MIAMI-DADE

STATE OF FLORIDA
COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared ROSANA SALGADO, who on oath says that he or she is the LEGAL CLERK, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, of Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

NORTH BAY VILLAGE - PUBLIC HEARING - SEPT. 14, 2023

in the XXXX Court,
was published in a newspaper by print in the issues of Miami Daily Business Review f/k/a Miami Review on

09/01/2023

Affiant further says that the newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Sworn to and subscribed before me this
1 day of SEPTEMBER, A.D. 2023

Barbara Thomas

(SEAL)
ROSANA SALGADO personally known to me

BARBARA THOMAS
Commission # HH 187442
Expires November 2, 2025
Bonded Thru Troy Fain Insurance 800-385-7019

NORTH BAY VILLAGE
NOTICE OF PUBLIC HEARING

PUBLIC NOTICE IS HEREBY GIVEN THAT THE PLANNING & ZONING BOARD OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A REGULAR MEETING ON SEPTEMBER 14, 2023 AT 6:00 P.M. AT 1666 KENNEDY CAUSEWAY, #101, NORTH BAY VILLAGE, FL 33141 AND VIA ZOOM, OR AS SOON AS POSSIBLE THEREAFTER. DURING THIS MEETING THE BOARD WILL CONSIDER THE FOLLOWING AT A PUBLIC HEARING:

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING/APPROVING WITH CONDITIONS/DENYING] A REQUEST BY 7940 NBV PARTNERS, LLC FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 8.11 AND 9.3.E. OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC"), TO ALLOW UP TO TWENTY PERCENT (20%) OF PARKING SPACES REQUIRED FOR A PROJECT AT 7938-7940 WEST DRIVE TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES; PROVIDING FINDINGS; PROVIDING FOR CONDITIONS; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] AN APPLICATION BY 7940 NBV PARTNERS, LLC FOR A VARIANCE PURSUANT TO SECTION 7.3 OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC") OF PARKING REQUIREMENTS PROVIDED IN SECTION 9.3.C. OF THE ULDC, TO PERMIT THE PROVISION OF 135 SPACES WHERE 212 WOULD BE REQUIRED FOR A PROJECT LOCATED AT 7938-7940 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA; ALTERNATIVELY [APPROVING / APPROVING WITH CONDITIONS / DENYING] A WAIVER PURSUANT TO SECTION 9.3.D. OF REGULARLY APPLICABLE PARKING REQUIREMENTS; PROVIDING FINDINGS; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] AN APPLICATION BY 7940 NBV PARTNERS, LLC FOR A VARIANCE PURSUANT TO SECTION 7.3 OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC") OF MINIMUM AISLE WIDTH REQUIREMENTS PROVIDED IN SECTION 9.3.E. OF THE ULDC, TO PERMIT A PARKING AISLE WIDTH OF 22 FEET WHERE 23 FEET WOULD BE REQUIRED FOR A PROJECT LOCATED AT 7938-7940 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA; PROVIDING FINDINGS; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

9/14/2023

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] A SITE PLAN BY 7940 NBV PARTNERS, LLC, PURSUANT TO SECTIONS 5.2 OF THE VILLAGE'S UNIFIED LAND DEVELOPMENT CODE ("ULDC"), FOR DEVELOPMENT OF A MULTIFAMILY RESIDENTIAL PROJECT ON AN APPROXIMATELY 0.77-ACRE SITE LOCATED AT 7938-7940 WEST DRIVE, NORTH BAY VILLAGE, CONSISTING OF UP TO 70 DWELLING UNITS, INCLUDING REQUESTS FOR APPROVAL TO: (A) TRANSFER DENSITY RIGHTS FOR 16 DWELLING UNITS FROM VILLAGE-OWNED PROPERTY PURSUANT TO SEC. 8.13.; AND (B) INCREASE BUILDING HEIGHT ABOVE THE BASE BUILDING HEIGHT OF 150 FEET VIA BONUSES AVAILABLE PURSUANT TO SEC. 8.12, UP TO A MAXIMUM HEIGHT OF 312 FEET; PROVIDING FOR FINDINGS; PROVIDING FOR CONDITIONS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] A USE EXCEPTION PURSUANT TO SECTION 8.11 OF THE UNIFIED LAND DEVELOPMENT CODE (ULDC) TO ALLOW VILLAGE-OWNED PROPERTY LOCATED AT 1851 GALLEON STREET, NORTH BAY VILLAGE, AS LEGALLY DESCRIBED IN EXHIBIT "A", AND ZONED RM-40, TO BE DEVELOPED FOR A USE (TRAINING CENTER FOR THE ARGENTINE FOOTBALL ASSOCIATION (AFA) AND COMMUNITY-SERVING FACILITIES) WHICH PROVIDES A PUBLIC BENEFIT; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE MAYOR AND VILLAGE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] A VARIANCE APPLICATION PURSUANT TO SECTION 111.13 OF THE VILLAGE'S CODE OF ORDINANCES BY FARINA CONTEMPORARY PIZZA CORP (DBA PETRALUNGA), TO ALLOW AN ESTABLISHMENT LOCATED AT 7601 EAST TREASURE DRIVE, #CU-21, ON THE GRAND VIEW PALACE PROPERTY, TO VARY FROM SECTION 111.12(A)(1) OF THE CODE BY AUTHORIZING THE ISSUANCE OF A LICENSE TO SELL ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION FROM A LOCATION LESS THAN 500 FEET FROM AN EXISTING SCHOOL AND TO VARY FROM SECTION 111.12(B)(3) OF THE CODE BY AUTHORIZING THE ISSUANCE OF A LICENSE TO SELL ALCOHOLIC BEVARAGES FOR OFF-PREMISES CONSUMTION FROM A LOCATION LESS THAN 1,000 FEET FROM AN EXISTING OFF-PREMISES LICENSEE; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] A SITE PLAN PURSUANT TO SECTION 5.2 OF THE VILLAGE'S UNIFIED LAND DEVELOPMENT CODE ("ULDC"), FOR DEVELOPMENT OF A GOVERNMENT FACILITY CONSISTING OF A VILLAGE HALL AND COUNTY FIRE STATION AT 1335 79TH STREET CAUSEWAY, NORTH BAY VILLAGE, AN APPROXIMATELY 0.76-ACRE SITE ZONED T6-24MU; PROVIDING FOR FINDINGS; PROVIDING FOR CONDITIONS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

AN ORDINANCE OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING SECTION 15.3 OF CHAPTER 15 OF THE VILLAGE'S UNIFIED LAND DEVELOPMENT CODE ("ULDC") TO ALLOW TEMPORARY STRUCTURES WITHIN THE T6-30 ZONING DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

The meeting agenda is available online at:
https://northbayvillage-fl.gov/agendas-minutes/
You may attend the meeting in person at the physical meeting location:
1666 Kennedy Causeway, #101
North Bay Village, FL 33141 OR

Participate in the meeting via Zoom:
Meeting ID: 881 2072 9718
Passcode: 236512
Watch the Virtual Public Meeting:
https://northbayvillage-fl.gov/videos
TV Channel 661
Facebook Live
Listen via telephone to the Virtual Public Meeting:
1-929-205-6099
For technical support during the meeting, please contact:
(786) 309-4991

THE PROPOSED ORDINANCE(S) AND/OR RESOLUTION(S) MAY BE INSPECTED BY THE PUBLIC AT THE OFFICE OF THE VILLAGE CLERK. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE VILLAGE CLERK AT 305-756-7171. A COMPLETE AGENDA PACKET IS ALSO AVAILABLE ON THE VILLAGE WEBSITE AT WWW.NORTHBAYVILLAGE-FL.GOV FIVE DAYS PRIOR TO THE DATE OF THE MEETING. INTERESTED PARTIES MAY APPEAR AT THE PUBLIC HEARING AND BE HEARD WITH RESPECT TO THE PROPOSED ORDINANCE(S). ANY PERSON WISHING TO ADDRESS THE VILLAGE COMMISSION OR BOARD ON ANY ITEM AT THIS PUBLIC HEARING IS ASKED TO REGISTER WITH THE VILLAGE CLERK PRIOR TO THAT ITEM BEING HEARD. ALTERNATIVELY, MEMBERS OF THE PUBLIC MAY EXPRESS THEIR VIEWS IN WRITING TO THE COMMISSION OR BOARD C/O VILLAGE CLERK, 1666 KENNEDY CAUSEWAY, #300, NORTH BAY VILLAGE, FL 33141, OR VIA EMAIL AT PUBLICCOMMENT@NBVILLAGE.COM.

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

ALBA L. CHANG, CMC
VILLAGE CLERK
9/1

23-105/0000681746M

2/2

ITEM NO. 3C

North Bay Village
Recommendation Memorandum

NORTH BAY VILLAGE
EST. 1945

DATE: September 14, 2023

TO: Honorable Mayor, Vice Mayor and Members of the Village Commission

FROM: Silvia Vargas, Village Planner

SPONSORED BY:

SUBJECT: **A Resolution Considering a Request by 7940 NBV Partners, LLC, for a Variance to Reduce the Minimum Aisle Width for a Project at 7938-7940 West Drive - *Village Manager Ralph Rosado, Ph.D., AICP (Village Planner Silvia E. Vargas, FAICP)***

RECOMMENDATION

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] AN APPLICATION BY 7940 NBV PARTNERS, LLC CONCERNING PROPERTY LOCATED AT 7938-7940 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA FOR A VARIANCE PURSUANT TO SECTION 7.3 OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC") OF MINIMUM AISLE WIDTH REQUIREMENTS PROVIDED IN SECTION 9.3.E. OF THE ULDC, TO PERMIT A PARKING AISLE WIDTH OF 22 FEET WHERE 23 FEET WOULD BE REQUIRED; PROVIDING FINDINGS; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Recommended Action: The Planning and Zoning Board should review Planning staff's analysis of this request for a reduction of the required minimum aisle width according to Section 9.3.E. of the ULDC, and, after consulting the criteria in Section 7.3 related to hardship variances, should forward a recommendation to the Village Commission via the attached resolution form.

BACKGROUND AND ANALYSIS

Refer to attached Staff report and attachments.

BUDGETARY/FINANCIAL IMPACT (Finance Dept.)

n/a

PERSONNEL IMPACT

n/a

ATTACHMENTS

Attachment 1_Boundary Survey.pdf
Attachment 2_Letter of Intent and Application Form.pdf
Attachment 3_7940 NBV Maneuverability_memo.pdf
Attachment_4 Reso Aisle Width - 7940 W. Dr.Final_.docx
7940 W Drive - Variance Min Aisle Width Staff Report.pdf
DBR Notice 09.1.23. PZBpdf

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The Contractor Must Check And Verify all Dimensions Of The Job And Be Responsible For Same, Reporting Any Discrepancies to The Architects Before Commencing work. Drawings Not to be Scaled.
File: BIMcloud: RAI-SERVER2-25 - BIMcloud Basic for Archicad 25/2114_NORTH BAY VILLAGE/2114_7940 WEST DRIVE - NORTH BAY VILLAGE - MARCH 2023 - By mguedez - Date: 6/12/2023

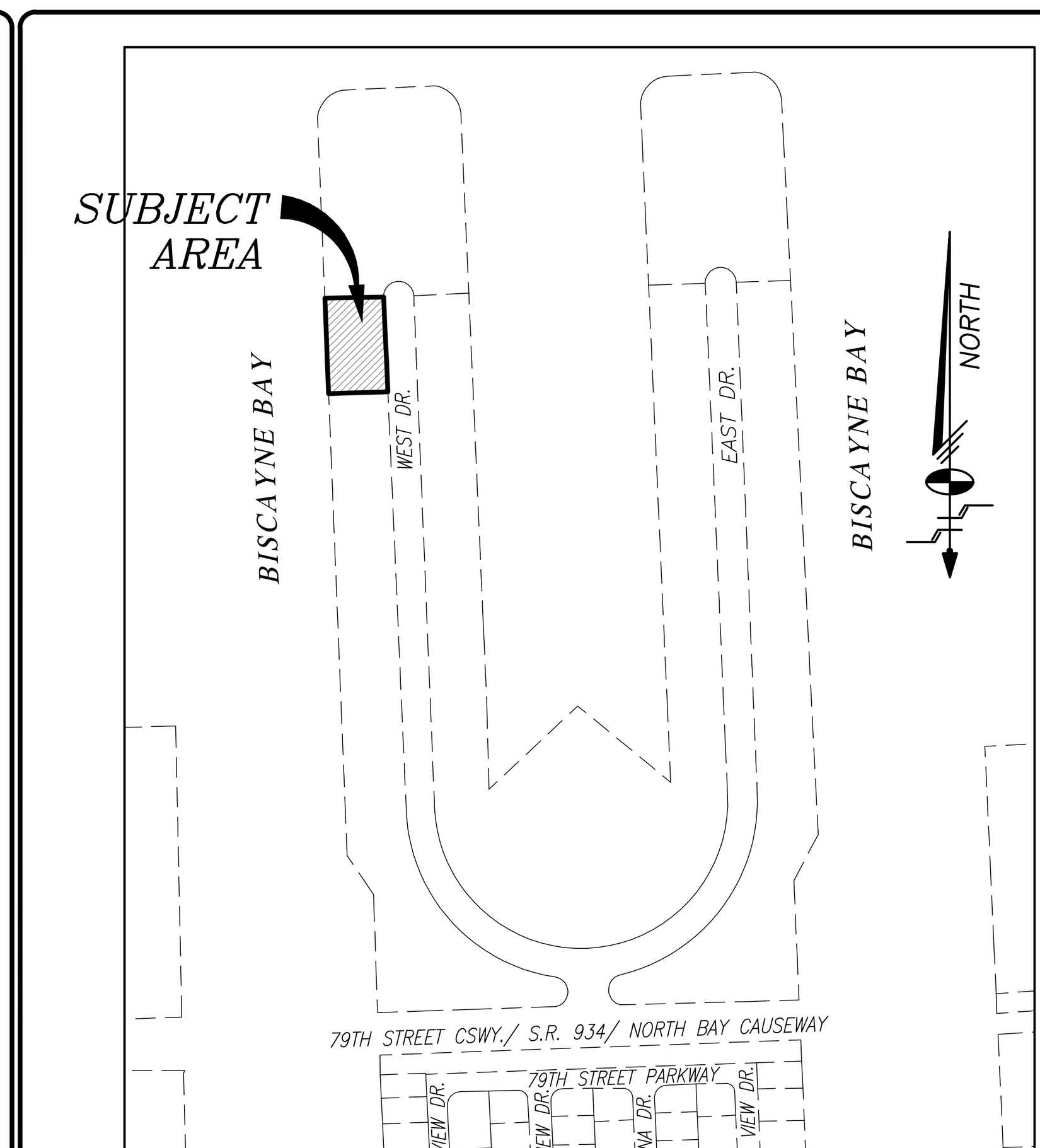
GENERAL LEGEND:

AERIAL TARGET
ALUMINUM LIGHT POST
ALUMINUM LIGHT POST (SINGLE)
ALUMINUM LIGHT POST (DOUBLE)
ALUMINUM LIGHT POST (TRIPLE)
ALUMINUM LIGHT POST (QUAD)
ANCHOR/GUY WIRE
BACKFLOW PREVENTER ASSEMBLY
CATV CABLE TELEVISION BOX
CATCH BASIN
CATCH BASIN F-3
CENTERLINE
CHECK VALVE ASSEMBLY
COLUMN (CIRCULAR)
COLUMN (SQUARE)
CONCRETE LIGHT POLE
CONCRETE LIGHT POLE (DOUBLE)
CPP CONCRETE POWER POLE
CONTROL POINT
CPB COMMUNICATION PULL BOX
or IN CURB INLET
DOUBLE DETECTOR CHECK VALVE
or DRAIN (CIRCULAR OR SQUARE)
EL ELECTRIC BOX (ABOVE GROUND)
EPB ELECTRIC PULL BOX (BELOW GROUND)
ELECTRIC HAND HOLE
EO ELECTRIC OUTLET
×9.0 or 9.00 ELEVATIONS (SEE NOTES FOR DATUM)
FIRE HYDRANT
FIRE LINE SIAMESE CONNECTION
FIRE LINE CONNECTION
FLAGPOLE
FLOW LINE
FORCE MAIN MANHOLE
FORCE MAIN VALVE
F.P.L ELECTRIC MANHOLE
F.P.L. FIBER NETWORK
FPLP F.P.L. TRANSMISSION POLE
GAS MANHOLE
GAS METER
GAS PUMP
GV GAS VALVE
GREASE TRAP MANHOLE
GROUND LIGHTING
BO GUARD POST, BOLLARD
IRRIGATION HAND HOLE
IRRIGATION VALVE
MAILBOX
MONITOR WELL
MONUMENT LINE
P-5 INLET
P-6 INLET
PARKING METER
or PEDESTRIAN CROSSING SIGNAL
PRM PERMANENT REFERENCE MONUMENT
POST INDICATOR VALVE
VACUUM BREAKER ASSEMBLY
PROPERTY LINE
ROUND CATCH BASING
CO SANITARY SEWER CLEANOUT
SANITARY SEWER MANHOLE
SIGN POST
SPRINKLER PUMP
STANDPIPE
STORM SEWER MANHOLE
SLB STREET LIGHT BOX
SWALE INLET
TELEPHONE BOX (SOUTHERN BELL)
TELEPHONE HAND HOLE
or TELEPHONE MANHOLE (SO. BELL)
TELEPHONE PAYPHONE
TRAFFIC HAND HOLE
TRAFFIC UTILITY BOX
TCB TRAFFIC CONTROL POST
TRAFFIC SIGNAL POST
TSB TRAFFIC SIGNAL BOX
TREE & PALM
UNDERGROUND UTILITY MARKER
UNKNOWN UTILITY MANHOLE
UNKNOWN UTILITY HAND HOLE
WATER MANHOLE
WM WATER METER
WV WATER VALVE
WLP WOOD LIGHT POLE
WPP WOOD POWER POLE
WTP WOOD TELEPHONE POLE
HANDICAP PARKING
STROLLER PARKING

ABBREVIATIONS:

R denotes RADIUS
Δ denotes DELTA ANGLE
L denotes ARC DISTANCE
CH.D. denotes CHORD LENGTH or CHORD DISTANCE
CH.B. denotes CHORD BEARING
T denotes TANGENT DISTANCE
P.C.P. denotes PERMANENT CONTROL POINT
P.R.M. denotes PERMANENT REFERENCE MONUMENT
P.B. denotes PLAT BOOK
PG. denotes PAGE
P.O.C. denotes POINT OF COMMENCEMENT
P.O.B. denotes POINT OF BEGINNING
OHW denotes OVERHEAD UTILITY WIRES
O.R.B. denotes OFFICIAL RECORDS BOOK
P.C. denotes POINT OF CURVATURE
C.B.S. denotes CONCRETE BLOCK STRUCTURE
CONC. denotes CONCRETE
C.L.F. denotes CHAINLINK FENCE
M.F. denotes METAL FENCE
W.F. denotes WOOD FENCE
F.F.E. denotes FINISH FLOOR ELEVATION
F.I.P. denotes FOUND IRON PIPE
S.I.P. denotes SET IRON PIPE & LB-87 CAP
F.N.D. denotes FOUND NAIL & BRASS DISC
S.N.D. denotes SET LB-87 NAIL & BRASS DISC
C.I.P. denotes CORRUGATED IRON PIPE
CLR. denotes CLEAR
E.T.P. denotes ELECTRIC TRANSFORMER PAD
ENCR. denotes ENCROACHMENT
D.C. denotes DEPRESSED CURB
PL. denotes PLANTER
(C) denotes CALCULATE DISTANCE
I.E. denotes INVERT ELEVATION
T.O.P. denotes TOP OF PIPE
(D) denotes DEED DISTANCE
(L) denotes DISTANCE BY LEGAL DESCRIPTION
(M) denotes MEASURED DISTANCE
(R) denotes RECORD OR PLATTED DISTANCE

BOTTOM — APPROXIMATE BOTTOM OF SLOPE
COMM — COMMUNICATION
DRAIN — DRAINAGE
FPL — ELECTRIC
FM — FORCE MAIN
IRRIG — IRRIGATION
GAS — NATURAL GAS
OHW — OVERHEAD WIRES
SM — SANITARY SEWER
TOP — APPROXIMATE TOP OF BANK
VEG — VEGETATION LINE
WM — WATER
/// — LIMITED ACCESS RIGHT OF WAY LINE



LOCATION SKETCH
Scale: 1"=400'
A PORTION OF SECTION **09-53S-42E**, MIAMI-DADE COUNTY, FLORIDA.

LEGAL DESCRIPTION

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

SURVEYOR'S NOTES:

1. THE BEARINGS SHOWN HEREON RELATE TO AN ASSUMED BEARING OF N00°01'22"E ALONG THE CENTERLINE OF WEST DRIVE.
2. LEGAL DESCRIPTION SHOWN HEREON WAS PROVIDED BY CLIENT.
3. AREA OF THE PROPERTY DESCRIBED HEREON IS: 33,602± SQ. FT. (0.771± ACRES).
4. THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF THE ENTITIES NAMED HEREON. THE ATTACHED CERTIFICATION DOES NOT EXTEND TO ANY UNNAMED PARTIES.
5. UNLESS OTHERWISE NOTED, THIS FIRM HAS NOT ATTEMPTED TO LOCATE FOOTINGS AND/OR FOUNDATIONS.
6. THE PROPERTY SHOWN HEREON FALLS WITHIN FEDERAL FLOOD HAZARD ZONE "AE" (ELEVATION 8), PER FLOOD INSURANCE RATE MAP NO. 12086C0306L, COMMUNITY NO. 120654, PANEL NO. 0306, SUFFIX L, OF FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A) MAP DATED SEPTEMBER 11, 2009.
7. VISIBLE INDICATORS OF UTILITIES ARE SHOWN HEREON, TOGETHER WITH UNDERGROUND STORM AND SANITARY GRAVITY MAINS, HOWEVER, NO ATTEMPT HAS BEEN MADE TO LOCATE UNDERGROUND PRESSURE MAIN, CABLES OR CONDUITS.
8. THE DISTANCES SHOWN ALONG THE BOUNDARY OF THE SUBJECT PROPERTY ARE RECORD AND/OR MEASURED UNLESS OTHERWISE STATED.
9. SHOWN HEREON ARE PLOTTABLE EASEMENTS AND RIGHTS OF WAY REFLECTED AS EXCEPTION IN **SCHEDULE B OF OWNER'S POLICY NO. OF6-8898628 ISSUED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, WITH A DATE OF POLICY JUNE 4, 2021 AT 12:58 P.M.**
10. THE ELEVATIONS SHOWN HEREON REFER TO NATIONAL GEODETIC VERTICAL DATUM OF 1929 (N.G.V.D. 29) AND ARE EXPRESSED IN FEET.
11. BENCHMARKS:
    a. MIAMI-DADE BENCHMARK P-313, LOCATED @ N TREASURE DRIVE --- 50' NORTH OF NORTH CURB --- HISPANOLA AVE --- 3' EAST OF EAST CURB OF SOUTHBOND LANE, US C & G BRASS DISC IN TOP OF NW CORNER OF SEWER PUMPING STATION, ELEVATION =5.27' N.G.V.D 29.
    b. MIAMI-DADE BENCHMARK A-26, LOCATED @ 79 ST CSWY --- 43' NORTH OF C/L--- PELICAN HARBOR DR --- 210' EAST OF C/L, PK NAIL AND ALUMINUM WASHER IN CONC CATCH BASIN, ELEVATION =6.19' N.G.V.D 29.
12. THE PROPERTY SHOWN HEREON IS CURRENTLY ZONED RM-70 (MULTI FAMILY RESIDENTIAL) (CITY OF NORTH BAY VILLAGE ZONING MAP-UPDATED NOVEMBER 29, 2017)
13. NO BUILDINGS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
14. SUBJECT PROPERTY IS MIAMI-DADE PROPERTY APPRAISER NUMBERS:
    FOLIO: 23-3209-001-0420 – 7940 WEST DR
    FOLIO: 23-3209-001-0400 – 7938 WEST DR

CERTIFIED TO:

-7940 NBV PARTNERS, LLC, A FLORIDA LIMITED LIABILITY COMPANY
-OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
-BANK OF OZK
-ESCOBAR & DECARLO, L.L.C.

SURVEYOR'S CERTIFICATION:

THIS IS TO CERTIFY THAT THIS MAP AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS. THIS **BOUNDARY** SURVEY COMPLIES WITH THE STANDARDS OF PRACTICE REQUIREMENTS ADOPTED BY THE FLORIDA STATE BOARD OF SURVEYORS AND MAPPERS PURSUANT TO CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.
THE FIELDWORK WAS COMPLETED ON FEBRUARY 21, 2023

Schwebke-Shiskin & Associates, Inc.

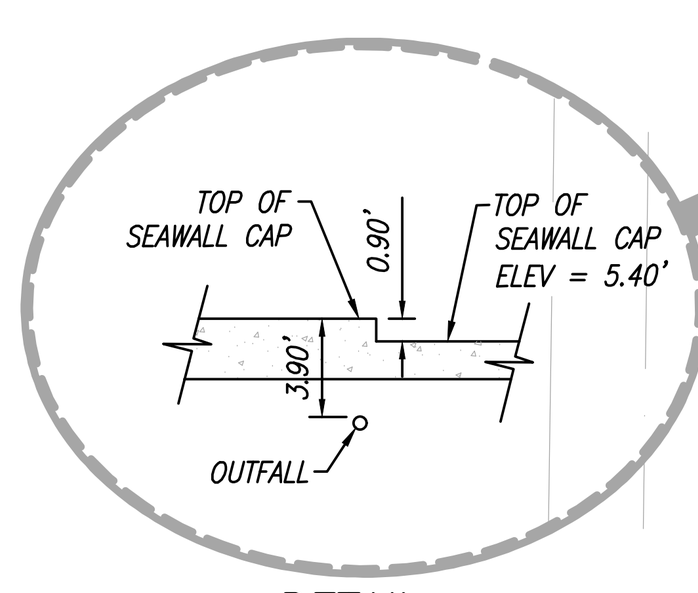
THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY MARK STEVEN JOHNSON, P.S.M. 4775

BY: *Mark Steven Johnson* DATE OF PLAT OR MAP:
MARK STEVEN JOHNSON, PRINCIPAL
PROFESSIONAL LAND SURVEYOR No. 4775
STATE OF FLORIDA.

MARK STEVEN JOHNSON LICENSE No. 4775 STATE OF FLORIDA PROFESSIONAL SURVEYOR AND MAPPER

This Survey has been electronically signed and sealed by Mark Steven Johnson, PSM on the date noted hereon. All signatures must be verified on electronic copies. Printed copies are not considered signed and sealed, unless they include an additional raised embossed seal of the surveyor.

Mark S Johnson



DETAIL
Scale: 1"=10'

NOTES REGARDING SCHEDULE B OF OWNER'S POLICY NO. OF6-8898628 ISSUED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, WITH A DATE OF POLICY JUNE 4, 2021 AT 12:58 P.M.

8. RESTRICTIONS, CONDITIONS, RESERVATIONS, EASEMENTS AND OTHER MATTERS CONTAINED ON THE PLAT OF HARBOR ISLAND, AS RECORDED IN PLAT BOOK 44, PAGE 72, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. **(AFFECTS PARCEL-SHOWN HEREON)**
9. RESERVATIONS IN FAVOR OF THE STATE OF FLORIDA, AS SET FORTH IN THE DEED FROM THE TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA RECORDED JULY 27, 1926, UNDER DEED BOOK 983, PAGE 1, PUBLIC RECORDS OF MIAMI-DADE, FLORIDA; HOWEVER, THE RIGHT OF ENTRY AND EXPLORATION ASSOCIATED WITH THE OIL AND MINERAL RESERVATION HAS BEEN RELEASED PURSUANT TO SEC. 270.11, F.S. **(RESERVES MINERAL RIGHTS ACROSS THE PARCELS, AS A WHOLE (BLANKET), IS NOT SUFFICIENTLY LEGIBLE TO DETERMINE IF SUBJECT PROPERTY IS INCLUDED)**
10. COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED FEBRUARY 21, 1946, IN DEED BOOK 2636, PAGE 403 **(AFFECTS PARCEL-BLANKET IN NATURE- PLOTTABLE RESTRICTIONS SHOWN HEREON)** AND O.R. BOOK 3827, PAGE 134 **(AFFECTS PARCEL-NOT PLOTTABLE-BLANKET IN NATURE)**, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, WHICH CREATES EASEMENTS, CONDITIONS AND USE LIMITATIONS.
11. EASEMENT IN FAVOR BISCAYNE SEA CLUB AND BAY-FOUR, INC. FOR EXCLUSIVE PARKING PURPOSES RECORDED IN O.R. BOOK 2999, PAGE 490 **(DOES NOT AFFECT)** , AND IN O.R. BOOK 2999, PAGE 493 **(DOES NOT AFFECT)** PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.
12. UNITY OF TITLE RECORDED IN O.R. BOOK 30474, PAGE 4928, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.
    (AFFECTS PARCEL-BLANKET IN NATURE-NOT PLOTTABLE)
13. RIPARIAN AND LITTORAL RIGHTS ARE NOT INSURED.
14. RIGHTS OF THE UNITED STATE OF AMERICA AND/OR THE STATE OF FLORIDA TO ANY PORTION OF SAID LAND WHICH HAS BEEN CREATED BY ARTIFICIAL MEANS, AND LANDS ACCRETED THERETO.
15. THE RIGHT OF THE UNITED STATES GOVERNMENT, IN THE INTEREST OF NAVIGATION AND COMMERCE, TO REGULATE ANY PORTION OF THE LAND THAT WAS FORMERLY SUBMERGED BY NAVIGABLE WATERS.
16. ANY ADVERSE OWNERSHIP CLAIM BY THE STATE OF FLORIDA BY RIGHT OF SOVEREIGNTY TO ANY PORTION OF THE LAND INSURED HEREUNDER, INCLUDING SUBMERGED, FILLED, AND ARTIFICIALLY EXPOSED LANDS AND LANDS ACCRETED TO SUCH LANDS.
17. ENCROACHMENTS, ENCUMBRANCES, VIOLATIONS, VARIATIONS, OR ADVERSE CIRCUMSTANCES, IF ANY, ACTUALLY SHOWN ON THE SURVEY PREPARED BY ALVAREZ, AIGUESVIVES AND ASSOCIATES, INC., DATED APRIL 14, 2021, BEARING JOB #21-25426: (A) 6' WIRE FENCE ENCROACHMENT INTO ANCHOR EASEMENT RECORDED DEED BOOK 2636, PAGE 403, IN THE EAST SIDE OF THE SUBJECT PROPERTY. **(AFFECTS PARCEL-SHOWN HEREON)**
18. MORTGAGE TO BANK OZK, MORTGAGEE(S), RECORDED IN O.R. BOOK 32546, PAGE 807, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. **NOT A SURVEY MATTER**
19. ASSIGNMENT OF LEASES AND RENTS FILED JUNE 4, 2021, IN O.R. BOOK 32546, PAGE 1835, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. **(AFFECTS PARCEL-BLANKET IN NATURE-NOT PLOTTABLE)**
20. UCC FINANCING STATEMENT BETWEEN 7940 NBV PARTNERS, LLC AND BANK OZK AS RECORDED IN O.R. BOOK 32546, PAGE 1845, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. **(AFFECTS PARCEL-BLANKET IN NATURE-NOT PLOTTABLE)**

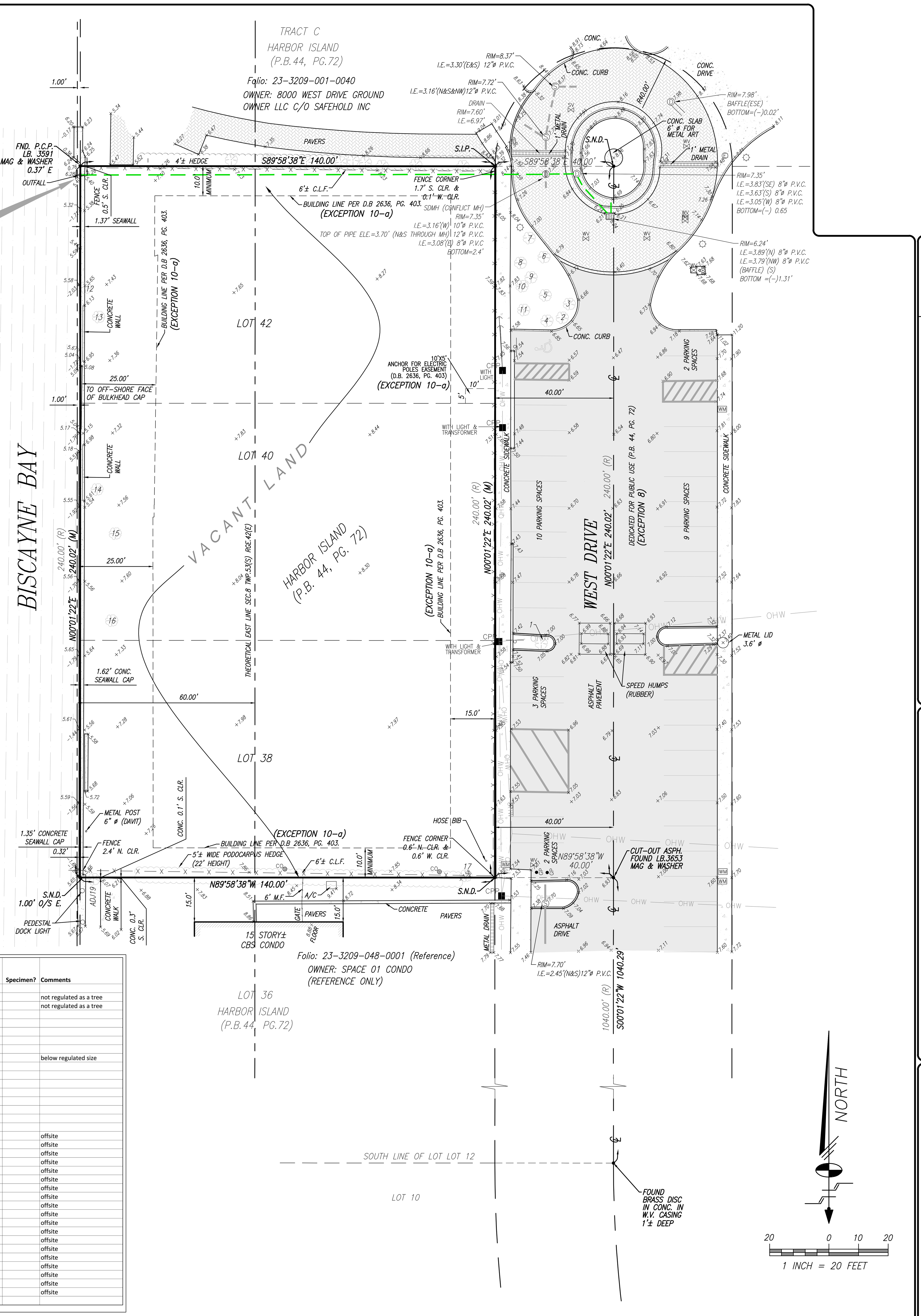
T:\kathy\notes\harbor island sec 09-53-42

TREE TABLE

Tree #	Common Name	Scientific Name	DBH (inches)	Condition	Number of stems	Height (feet)	Canopy Spread (feet)	Canopy (square feet)	Prohibited?	Specimen?	Comments
1	sabal palm	*sabal palmetto*	11	Fair	1	22	16	201			
2	white bird of paradise	*Strelitzia nicolai*	4	Fair	1	15	16				not regulated as a tree
3	white bird of paradise	*Strelitzia nicolai*	4	Fair	1	18	10				not regulated as a tree
4	coconut palm	*Cocos nucifera*	7	Good	1	42	10	79			
5	Sylvester palm	*Phoenix sylvestris*	14	Good	1	42	18	254			
6	coconut palm	*Cocos nucifera*	7	Good	1	35	18	254			
7	coconut palm	*Cocos nucifera*	6	Good	1	30	18	254			
8	coconut palm	*Cocos nucifera*	9	Good	1	45	18	254			
9	Europeon fan palm	*Chamaerops humilis*	6	Fair	1	7	18	254			below regulated size
10	coconut palm	*Cocos nucifera*	7	Good	1	32	5	20			
11	coconut palm	*Cocos nucifera*	10	Good	1	45	18	254			
12	gumbo limbo	*Bursera simaruba*	6	Good	1	18	18	254			
13	coconut palm	*Cocos nucifera*	9	Good	1	36	12	113			
14	coconut palm	*Cocos nucifera*	7	Fair	1	20	18	254			
15	Mango	*Mangifera indica*	15	Good	1	25	18	254			
16	coconut palm	*Cocos nucifera*	6	Good	1	20	20	314			
17	dead tree	*unknown species*	8	Poor	1	10	0	0			
ADJ1	Chinese privet	*Ligustrum japonicum*	10	Good	4	18	18	254			offsite
ADJ2	coconut palm	*Cocos nucifera*	9	Good	1	35	18	254			offsite
ADJ3	Verawood	*Bulnesia arboria*	5	Good	1	18	16	201			offsite
ADJ4	coconut palm	*Cocos nucifera*	12	Good	1	55	18	254			offsite
ADJ5	Verawood	*Bulnesia arboria*	5	Good	1	18	16	201			offsite
ADJ6	Verawood	*Bulnesia arboria*	9	Good	1	20	18	254			offsite
ADJ7	coconut palm	*Cocos nucifera*	8	Good	1	40	18	254			offsite
ADJ8	Verawood	*Bulnesia arboria*	6	Good	1	16	16	201			offsite
ADJ9	coconut palm	*Cocos nucifera*	11	Good	1	55	18	254			offsite
ADJ10	Verawood	*Bulnesia arboria*	4	Good	1	12	10	79			offsite
ADJ11	coconut palm	*Cocos nucifera*	10	Good	1	42	18	254			offsite
ADJ12	Verawood	*Bulnesia arboria*	4	Fair	1	15	12	113			offsite
ADJ13	Verawood	*Bulnesia arboria*	5	Fair	1	16	12	113			offsite
ADJ14	Verawood	*Bulnesia arboria*	7	Good	1	18	16	201			offsite
ADJ15	Verawood	*Bulnesia arboria*	5	Fair	1	16	15	177			offsite
ADJ16	Verawood	*Bulnesia arboria*	3	Poor	1	12	9	64			offsite
ADJ17	royal poinciana	*Delonix regia*	9	Fair	4	18	18	254			offsite
ADJ18	royal poinciana	*Delonix regia*	10	Fair	1	20	18	254			offsite
ADJ19	Seagrape	*Coccoloba uvifera*	16	Good	1	28	26	531			offsite

Tree numbers preceeded by "ADJ" indicate offsite trees on neighboring/adjacent properties, measurements are approximated

NOTE:
THE TREE INFORMATION SHOWN HEREON PER "TREE TABLE" AS SHOWN ON CERTIFIED ARBORIST ASSESSMENT PREPARED BY NEW LEAF ENVIRONMENTAL, LLC., BY Michael McCoy, CERTIFIED ARBORIST MA 4243A, TRAQ QUALIFIED, LIAF CERTIFIED LANDSCAPE INSPECTOR, DATED JANUARY 23, 2023.



ELEVATIONS SHOWN HEREON RELATE TO NATIONAL GEODETIC VERTICAL DATUM OF 1929 (N.G.V.D.29) AND ARE EXPRESSED IN FEET.

Schwebke-Shiskin & Associates, Inc.
LAND PLANNERS • ENGINEERS • LAND SURVEYORS
3240 CORPORATE WAY, MIRAMAR, FLORIDA 33025 TEL: (954) 435-7010 FAX: (954) 438-3288
CERTIFICATE OF AUTHORIZATION No. LB-87

Drawn By: AH/GR	Survey Date: 02-21-23	Checked By: M.S.J. Date:
Order No. 216020	F.B. No.: 2248 Pg.28	Scale: AS SHOWN
File No. AJ-6243		Sheet 1 of 1 Sheet(s)

NOTE: This sketch is not valid unless it bears the signature and the original raised seal of a Florida licensed surveyor and mapper.

This is a "Boundary Survey."

ALTA/NSPS LAND TITLE SURVEY
Section 09, Township 53 South, Range 42 East, Miami-Dade County, Florida.

REVISIONS

Date:	Order No.	Field Book	Remarks:	By:

K:\095342\LOTS 38-42 HARBOR ISLAND\SURVEY\DWG\LOTS 38,40,42 HARBOR ISLAND.DWG

FILE NO. AJ-6243

SURVEY

revuelta
architecture international

Miami
Santiago, Chile

revuelta-architecture.com

2950 SW 27TH AVE.
SUITE 110
MIAMI, FL 33133

T. 305.590.5000
F. 305.590.5040

Project

7940 WEST DRIVE
NORHT BAY VILLAGE
7940 WEST DRIVE
NORTH BAY VILLAGE, FL 33141

Revisions

Owner Information

7940 NBV PARTNERS, LLC
4531PRAIRIE AVE
MIAMI BEACH, FL 33140

Consultant

Luis O. Revuelta
AR-0007972

SCHEMATIC DESIGN

Date	**6/12/2023**
Scale	**AS SHOWN**
Project No.	**2114**
Sheet Name	**SURVEY**
Sheet No.	**A-002**

BERCOW
RADELL
FERNANDEZ
LARKIN +
TAPANES
ZONING, LAND USE AND
ENVIRONMENTAL LAW

200 S. Biscayne Boulevard
Suite 300, Miami, FL 33131
www.brzoninglaw.com
305.377.6229 office
305.377.6222 fax

VIA ELECTRONIC SUBMITTAL

July 18, 2023

Silvia E. Vargas, FAICP, LEED AP
Village Planner
City of North Bay Village
1666 Kennedy Causeway, 3rd Floor
North Bay Village, Florida 33141

RE: Updated Letter of Intent for Site Plan, Transfer of Development Rights, and Related Variance Requests for the Property Located at 7938-40 West Drive, North Bay Village, Florida (Folio numbers 23-3209-001-0400 and 23-3209-001-0420).

Dear Ms. Vargas:

This law firm represents 7940 NBV Partners, LLC (the "Applicant"), the owner of the property located at 7938-40 West Drive in the City of North Bay Village (the "City") and identified by Miami-Dade County Folio Nos. 23-3209-001-0400 and 23-3209-001-0420 (the "Property"). Please consider this the Applicant's letter of intent in support of its application for a site plan approval, transfer of development rights ("TDR") approval, and related variance requests to allow for a low impact and high quality residential development on the Property.

The Property. The Property is located on the west side of West Drive, just south of the "MODA" apartment development and north of the "Space 01" condominium. The Property is approximately 33,600 square feet (0.77 acres) in size and is currently a vacant lot. The Property is located on Biscayne Bay.

Land Use. According to the City of North Bay Village Future Land Use Map, the Property is designated "High Density Multi-Family Residential." The "High Density Multi-Family Residential" land use designation permits up to 70 dwelling units per acre before permitted transfers of development rights (discussed below).

Zoning. The property is zoned "RM-70" according to the North Bay Village Zoning Map. The RM-70 zoning district permits multi-family residential dwellings; management offices within structures containing eight (8) or more dwelling units or guest rooms; and office retail and service commercial facilities of an ancillary nature

within structures containing at least 100 dwelling units or guest rooms, subject to certain conditions.

Proposed Development. The Applicant intends to develop the Property with the beautiful and resilient "7940 West Drive" multi-family residential development. The plan has been designed to be consistent with the Comprehensive Plan and the RM-70 zoning designation. The proposed development contemplates up to 70 residential units, with up to 53 three-bedroom units and 17 two-bedroom units. All units within the building are large, family-oriented, spaces, designed to attract long-term residents who desire to raise their families in the Village.

Residents will enjoy access to generous amenities on decks located on top of the parking pedestal and on the rooftop. The building has been oriented so that the vehicular drop off area is located on the western portion of the lot, leaving the front of the property as a beautiful green space that will buffer the public sidewalk.

Island Walk. The Applicant has proposed to develop the public "Island Walk" on the rear of the Property and link the pedestrian to both our neighbors to the north and south. Public access from West Avenue will be provided on both the north and south sides of the Property. Consistent with the Village's requirements, the Island Walk will be open to the public will be from both the north and south sides of the site. The walk and proposed street furniture have been designed to be compatible with the Village's standards.

Parking. The Applicant is proposing both valet and self-parking as part of the development. The valet service will be available at all times. The proposed parking on the site will be completely enclosed within the building pedestal, which has been designed to shield the view of parking from the public using an attractive screening system.

The Village has recognized during the recent workshop process regarding Harbor Island zoning changes that the current ULDC regulations devote far too much space to parking – especially in new buildings with larger units. This wasted space is cause by excessively high parking requirements. The Village will be reviewing ULDC changes that, if adopted as currently drafted, would reduce the required parking in the RM-70 zone. While the Applicant looks forward to the pending "right sizing" of the Village's parking requirements, the submitted plan has been designed with the future in mind.

Transfer of Density Rights. As you know, the Village Commission adopted amendments to the ULDC to modify the Village's Transfer of Development Rights ("TDR" program in late 2022. The application of TDR units in the RM-70 zone allow an overall density bonus

of up to 30% -- 91 units to the acre. Furthermore, the application of TDRs will allow the Commission to approve a height bonus of 30% above the maximum (up to 312 feet, assuming the full application of the height bonus available in the RM-70 district).

The Applicant is proposing to use sixteen (16) TDR units as part of the development and requests that the Village review of the application include a Commission approval of the assignment of the units.

Green Building. All development using TDRs must obtain twenty-four (24) "green building and design points" under the "Green building development options and points" in Section 8.21 of the ULDC as opposed to the Code's typical requirement of eighteen (18) points for multi-family development. As shown on the submitted scoring analysis prepared by Energy Costs Solutions Group, the proposed development will exceed the point requirement.

Variance Requests. The Applicant has requested the following variances: (1) a variance to provide 135 spaces where 212 would be required; and (2) a variance to allow the parking garage to include internal drives at 22 feet wide where 23 feet would be required.

Numerical Variance. It has been well recognized that the Village's current parking requirements in the RM-70 zone, which require at least two parking spaces for units that are larger than efficiencies and three parking spaces for units larger than two-bedroom units with dens, can result in excessively tall and bulky parking pedestals enclosing parking areas that often remain underutilized at all times of the year.

The Applicant believes that the building's parking, which retains an average of just under two spaces per unit, will more than accommodate the needs of the building's residents. Moreover, it has allowed the Applicant to reduce the height and slim down the bulk of the parking pedestal – as shown on the submitted plans. Providing excessive parking on the Property would be directly in opposition to the Village's green building standards, which encourage the efficient use of land.

Width of Internal Drive. The goal of slimming down the parking pedestal while retaining sufficient access to the parking spaces is also met through the proposed reduction of parking garage internal drives to 22 feet from the required 23 feet. The proposed plans provide sufficient radii to allow for safe travel in the garage.

Compact Spaces. The Applicant is proposing to provide twenty (20) percent of the building's parking as "compact." As required by the ULDC, the provided compact spaces

be clearly marked "for compact cars only" and collectively located in a defined area. Those seeking approval for the use of compact parking spaces must provide valet parking services in perpetuity. As noted above, the Applicant is proposing to offer valet service for the building, mixed with available self-parking.

Satisfaction of Required Criteria. The Applicant's requests satisfy all required criteria as follows:

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

There are special circumstances and conditions which are peculiar to the Property, including the need to accommodate a modern family-oriented development on the site.

(2) That the special circumstances and conditions were not self-created by any person having an interest in the property;

The issues with the Village's parking standards were not created by the Applicant.

(3) That the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of the land, structure, or building for which the variance is sought; and would involve an unnecessary hardship for the applicant;

The strict application of the regulations would deprive the Applicant of the reasonable use of the land and would result in an unnecessary hardship. Requiring the provision of excess parking and drive aisle width would require such significant plan revisions that the use of the building would be unreasonably limited in a manner not consistent with the goals of the Village's ULDC

(4) That granting the variance requested will not confer on the applicant any special privilege that is denied by the Unified Land Development Code to other land, structures, or buildings in the same zoning district;

Granting the requested variances will not confer any special privilege on the Applicant, which has been unduly impacted by the Village's parking standards in a manner that, given the size and orientation of the Property, would make development untenable.

(5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, structure, or building;

The requested variances are the minimum necessary to allow for the Property to be a viable site for future development while still satisfying the intent of the Comprehensive Plan and allowing for consistency and harmony in the character of the surrounding neighborhood. The Applicant is not asking for variances for any other regulations required under the UDLC.

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

The granting of the requested variances will allow future development on the Property to be in harmony with the intent and purpose of the Comprehensive Plan as it will fulfill the intent of the RM-70 zoning designation rather than remain as an underutilized lot.

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

The granting of the requested variances are not based exclusively upon desire to reduce development costs, but rather is based on the desire to make the Property viable for a high quality development consistent with the intent of the Comprehensive Plan and the ULDC. Granting of the requested variances will support a development that will be the highest and best use of the Property.

Conclusion. We are excited to bring this beautiful low impact development to this part of the Village. The 7940 West Drive plan has been designed as a resilient project that benefits the public through enhanced green space along the public right of way and superior access to the Island Walk. We therefore respectfully request your favorable review and recommendation. If you have any questions with regard to this request, please call me at 305-377-6229.

Sincerely,

Graham Penn

North Bay Village

1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.northbayvillage-fl.gov

APPLICATION FORM FOR VARIANCE REQUEST, INCLUDING EXTENSION OF AN UNEXPIRED VARIANCE AND/OR SPECIAL EXCEPTION APPROVAL

This application form is to be used to petition for a variance from the regulations pursuant to Section 7.3. of the North Bay Village Unified Land Development Code. **This application may only be applied for by the owner of the property, which shall mean the person who owns and currently resides, or owns and intends to reside, at the subject premises, or their legal representative.**

Submit your application, with all the required information to the Village Planning and Zoning Official, via svargas@cgasolutions.com. Physical copies of materials may be requested prior to public hearing, to be delivered at the Village offices located at 1666 Kennedy Causeway, Suite 300. Variances require public hearings conducted by the Planning & Zoning Board and the Village Commission. Applications must be complete, and all required fees be paid in order to be accepted and placed on an agenda.

This application, including all supplemental forms and data, must be completed in accordance with the attached instructions and submitted with the required fees pursuant to the most up-to-date Fee Schedule. Accepted payment methods for the required fees are check or credit card when paying in person at the Village offices. You may also call (305) 756-7171 to make your credit card payment by phone.

This form is a fillable PDF. TYPE OR PRINT LEGIBLY ALL INFORMATION ON THE APPLICATION.

1. Property Owner Name: 7940 NBV PARTNERS LLC
2. Contact Phone: 912-398-1775 Email Address: peter@fortisdesign.build
3. Mailing Address: 4531 PRAIRIE AVENUE, MIAMI BEACH, FL 33140

4. Applicant Name: _____
(If different from Owner)
5. Contact Phone: _____ Email Address: _____
6. Mailing Address _____

7. Address of Property Covered by the Application: _____
7938-7940 WEST DRIVE, NORTH BAY VILLAGE, FL, 33141
8. Legal Description of Property Covered by the Application (add pages if needed):

LOTS 38, 40 AND 42, "HARBOR ISLAND", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 44, PAGE 72, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA

9. Folio Number(s): 23-3209-001-0420, 23-3209-001-0400

10. Lot Size (square feet): 33,602

11. Future Land Use and Zoning Designations: High Density Multi-Family Residential and RM-70

12. Section(s) of the North Bay Village ULDC form which the Applicant Seeks Relief: ____

9.3.E. of the ULDC, to permit a parking aisle width of 22 feet where 23 feet would be required.

13. Variance(s) Requested: A variance to reduce the drive aisle width by 1'

14. Reasons for the Request (add pages if necessary): See attached letter.

OWNER AFFIDAVIT/INTENT TO RESIDE

I, _____ being first duly sworn, depose and say that I am the legal owner of record of the property described and which is the subject of the proposed Variance application and that I currently reside on or intend to reside on the subject premises.

I have made every attempt to relocate/redesign the proposed improvement to avoid the variance(s) herein requested. I acknowledge that Village Commission has the authority to approve, modify, or deny my application and that in granting approval of my application the Village Commission may prescribe any appropriate conditions and safeguards necessary to protect and further the interest of the area and abutting properties.

This affidavit is subject to penalties of law (Perjury) and to possible voiding of any decision.

_____
Signature

Sworn to and subscribed to before me this _____ day of_____, 20____.

_____
Notary

Public Commission expires: _____

CONSENT TO PUBLIC HEARINGS

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

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

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

I (We) further acknowledge that I (We) have read and understand the conditions for appearance before the Planning and Zoning Board and the Village Commission pursuant to the Village Code Chapter 7. Any person submitting false information or misrepresenting in their presentation shall have all privileges granted to them by the Planning & Zoning Board and the Village Commission revoked.

Authorized Signature _____

Print Name MIKAEL HAMAOUI

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

STATE OF FLORIDA
COUNTY OF MIAMI - DADE

Sworn to and subscribed to before me this 17TH day of JULY, 2023,

by MIKAEL HAMAOUI, who is personally known to

me or who has produced _____ as identification.

Notary Public Signature _____

Commission
Number/Expiration _____

DEREK GRANQUIST
Commission # HH 376883
Expires March 21, 2027

COST RECOVERY AFFIDAVIT

I hereby acknowledge and consent commit to the payment of all applicable cost recovery fees involved as part of my application process. Cost recovery includes, but is not limited to, staff time, attorney fees, planning consultant fees and any other professional service costs incurred by North Bay Village in the review and processing of a development application, regardless of the outcome of the review and/or public hearing process. I further understand and acknowledge that failure to remit payment for incurred costs pursuant to Subsections 5.12.B. and C. (attached) of the North Bay Village Unified Land Development Code (ULDC) constitutes a violation of the Code and the Village may levy penalties to secure compliance, as outlined in Subsection 5.12.C of the ULDC.

Please type or print the following:

Date: _____

Relationship to the project: (e.g., property owner, architect, developer, attorney)

OWNER

Full Name: MIKAEL HAMAOUI

Current Address: 4531 PRAIRIE AVENUE

City: MIAMI BEACH State: FL Zip: 33140

Telephone: 305-776-5345 Email: mikael@riveirahorizons.com

I am fully authorized to commit to the expenditures contemplated by this Cost Recovery Affidavit.

Signature

SWORN AND SUBSCRIBED BEFORE ME THIS 17TH DAY OF JULY, 2023

Notary Public, State of Florida at Large

My Commission expires _____, 20____.

DEREK GRANQUIST
Commission # HH 376883
Expires March 21, 2027

Subsections 5.12.B. and C. Regarding Cost Recovery

B. Cost Recovery Established

1. The applicant shall reimburse the Village for the actual cost of consultant or employed professional review services pursuant to the cost recovery procedures and requirements of subsection C below.

2. Payment in full by the applicant to the Village for the Village's actual expenditures for review of the application shall be a written condition of any development order. These cost recovery deposits fees shall be in addition to any and all other fees required by law, rule, or regulation of the Village Code of Ordinances.

C. Cost Recovery procedure.

1. At the time of submission of any application for development approval, the applicant shall pay the minimum cost recovery deposit fee outlined in the development approval fee and cost recovery deposit schedule set forth in this section, which funds shall be deposited into a cost recovery escrow account established for this purpose. Withdrawals shall be made to reimburse the Village for the cost of consultant services.

2. The Village shall provide the applicant with a copy of the consultant's invoice for any services charged against the applicant's cost recovery escrow account.

3. When the balance in the Village's cost recovery escrow account is reduced to one-half of its initial amount, the applicant shall deposit additional funds into such account to bring its balance up to the amount of the initial deposit. If such amount is not replenished within 30 calendar days after the applicant is notified, in writing, of the requirement of such additional deposit, the Village shall suspend its review of the application and the application shall be deemed withdrawn.

4. If an application is suspended due to nonpayment of the additional escrow deposit specified in subsection 3., a resubmission fee shall be paid, and the cost recovery deposit shall be replenished to a minimum of one-half of the original deposit amount before the application will be reviewed.

5. Prior to the scheduling or noticing of any board or commission hearing, the Village Manager's review of the application shall be complete, and the cost recovery escrow account balance shall be replenished to equal at least one-half of the initial deposit amount.

CHECK LIST FOR THE APPLICANT

Mandatory Submittals:

- ☐ Complete Variance Application, including all required forms and affidavits, signed by property owner or owner's representative.
- ☐ Letter of Authorization from property owner, if different from Applicant.
- ☐ Letter of intent, signed by the Applicant (refer to page 5 of this document), explaining the nature of the request, justification for the proposed variance, evidence that the request complies with Subsection 7.3.D. of the North Bay Village Unified Land Development Code, and other pertinent information. Insufficient justification may result in denial of the application. The applicant must justify each individual variance in the letter of intent.
- ☐ Certified Land Survey dated within two (2) years of the filing date of the administrative adjustment application, reflecting all current conditions.
- ☐ Map or aerial photo showing adjacent properties, surrounding streets (labeled) and a north arrow.
- ☐ Photos of buildings and structures on the property concerned.
- ☐ Accurately dimensioned plans showing the location and spacing distance of the proposed construction in relation to property lines and existing structure(s), the general location and use of existing structures on property adjacent to the subject property; and the variance being requested clearly shown, (i.e., required versus proposed structure).
- ☐ Floor plans and elevations if required by the Planning and Zoning Official.
- ☐ Filing fees and cost recovery deposit (Refer to the most current North Bay Village Fee Schedule).

Optional Submittals:

- ☐ Signed consent letters from neighboring property owners.
- ☐ Different versions of the proposed variance based on alternative design options.

Applications are deemed incomplete until all mandatory submittals have been received by the Village Planning and Zoning Official.

EVIDENCE THAT THE REQUEST COMPLIES WITH SUBSECTION 7.3.D. OF THE NORTH BAY VILLAGE UNIFIED LAND DEVELOPMENT CODE

In your Letter of Intent, or separately, address how the Variance Application complies with the following criteria.

For the Planning and Zoning Board to recommend approval, and for the Village Commission to grant approval, of a variance request, both must make an affirmative finding with respect to all seven (7) of the following criteria:

1. That there are special circumstances and conditions which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings in the same zoning district.
2. That the special circumstances and conditions were not self-created by any person having an interest in the property.
3. That the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of the land, structure, or building for which the variance is sought; and would involve an unnecessary hardship for the applicant.
4. That granting the variance requested will not confer on the applicant any special privilege that is denied by the Unified Land Development Code to other land, structures, or buildings in the same zoning district.
5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, structure, or building.
6. That granting the variance will be in harmony with the general intent and purpose of this chapter, and that such variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
7. The variance request is not based exclusively upon a desire to reduce the cost of development.

Office Use Only:

Date Submitted: _____ Total Paid: $_____

Date Paid: _____ Filing Fee: $_____

Cash or Check #_____ Cost Recovery Dep: $_____

Kimley»Horn

MEMORANDUM

To: Silvia E. Vargas, FAICP
City of North Bay Village

From: Cory D. Dorman, P.E., PTOE

Date: June 9, 2023

Subject: 7940 North Bay Village
Maneuverability Analysis

Kimley-Horn and Associates, Inc. has prepared a maneuverability analysis for the proposed 7940 North Bay Village development located at 7938-7940 West Drive in North Bay Village, Florida. The analysis was prepared for the ground level access to the parking garage, parking garage, loading areas, and refuse collection areas. The analysis was performed using Transoft's *AutoTurn 11* software design vehicle turning templates and vehicle turning templates consistent with American Association of State Highway and Transportation Officials' (AASHTO), *A Policy on Geometric Design of Highways and Streets*, 2004/2011/2018. The analysis was prepared using passenger car (P) design vehicles for ground level access, single-unit 30-foot (SU-30) design loading vehicles, a front-loaded refuse vehicle for trash collection on-site. The following summarizes the results of this analysis.

Parking Garage Access and Parking Garage

Access to the on-site drop-off/pick-up area and parking garage is provided via one (1) full access driveway located along the west side of West Drive. A P design vehicle will be able to maneuver into and through the ground floor and proposed on-site parking garage without conflicting with oncoming traffic, refer to Attachment A.

Loading Area and On-Site Refuse Access

Access to the 30-foot loading bays is provided via one (1) loading-only driveway along the west side of West Drive. SU-30 design vehicles and front-loaded refuse vehicles will be able to maneuver into and out of the on-site loading area, refer to Attachment B. Note that SU-30 and front-loaded refuse vehicles perform all maneuvers internal to the site within private property.

Conclusion

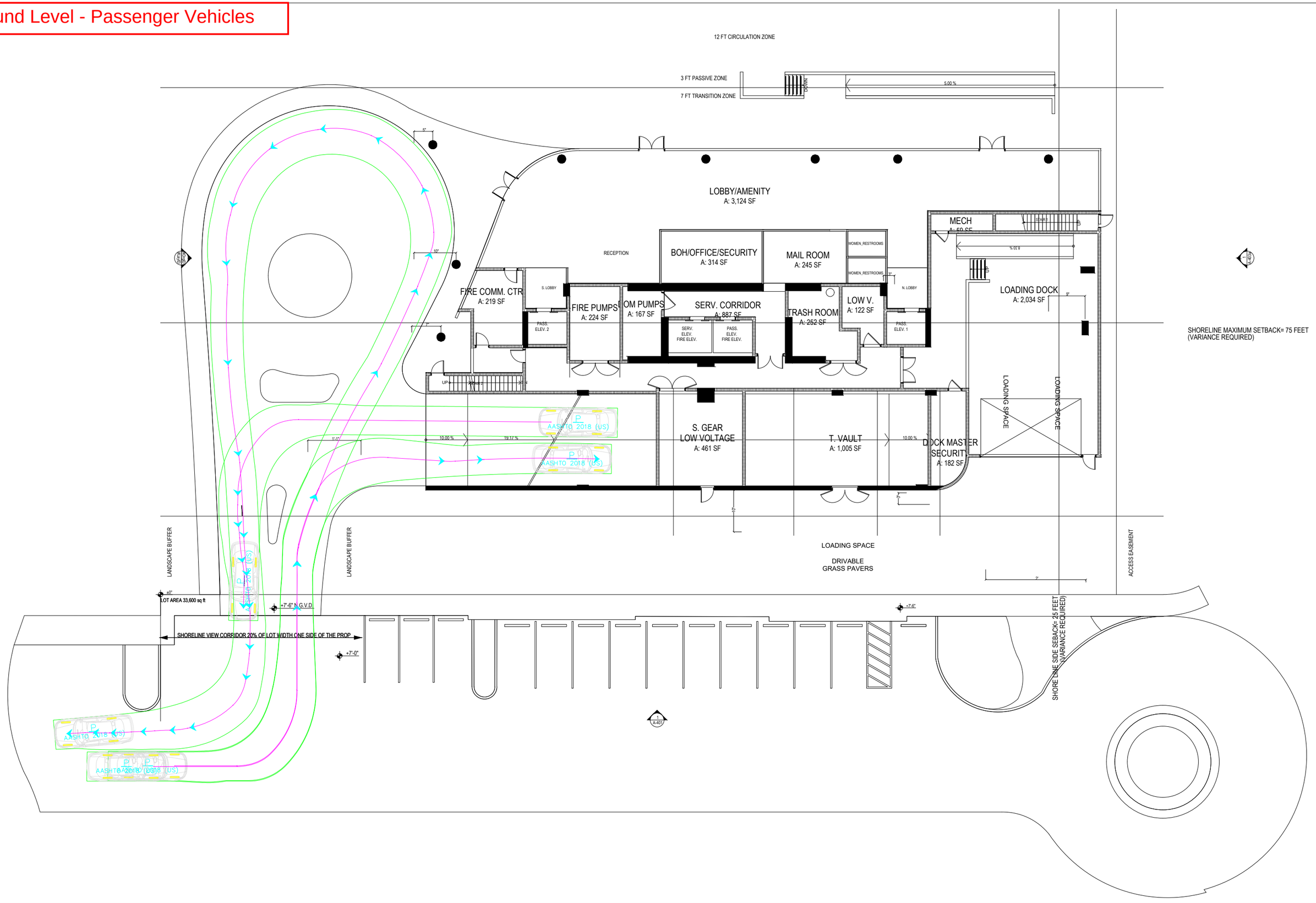
In conclusion, passenger vehicles, loading vehicles, and refuse vehicles will be able to ingress, egress, and travel through the site and loading areas.

K:\FTL_TPTO\143685000-7940 NBV\correspondence\memo\7940 NBV Maneuverability Analysis Memo.docx

Attachment A

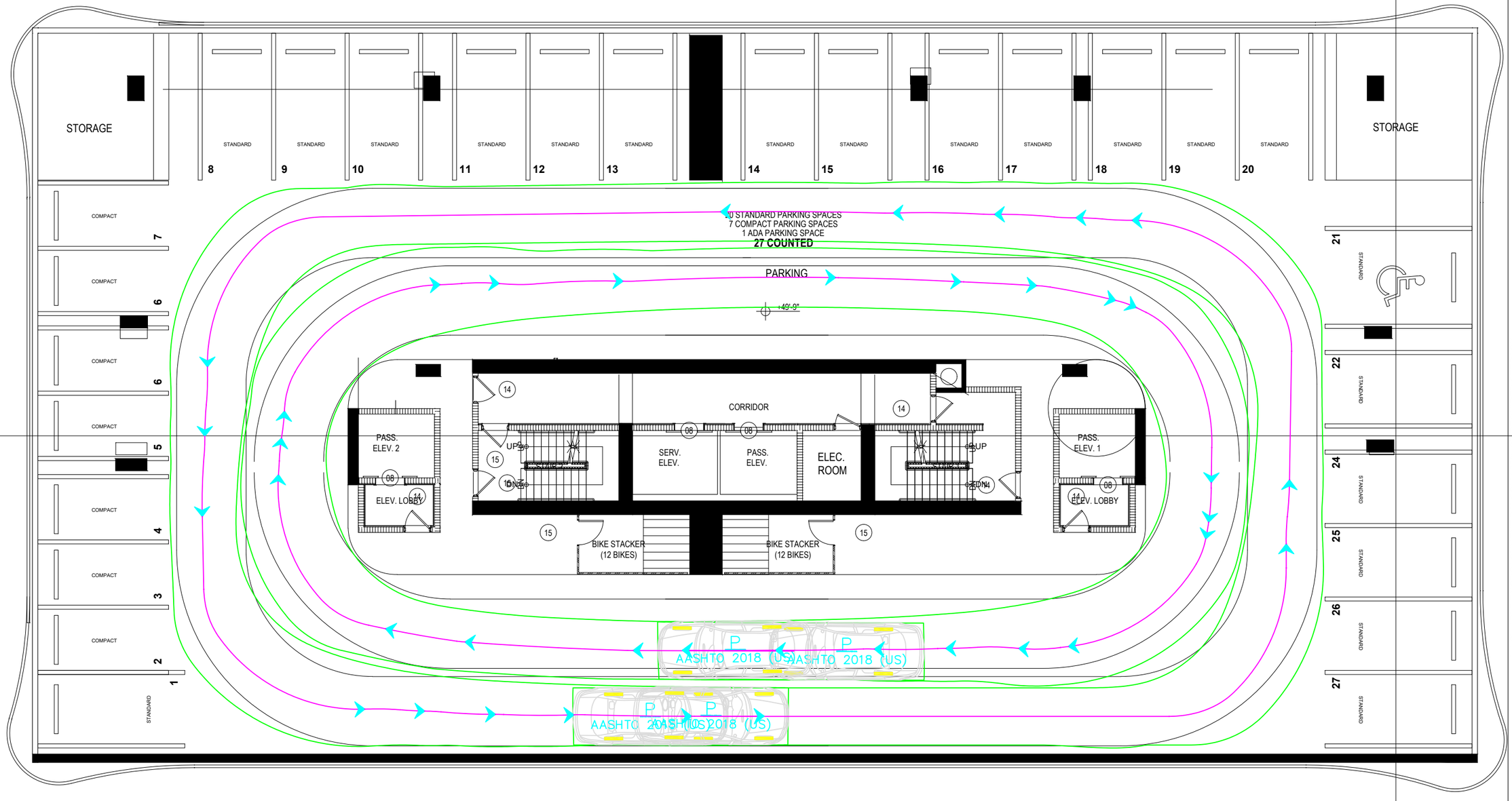
Passenger Vehicle Maneuverability Plots

Ground Level - Passenger Vehicles



Level 2 - Passenger Vehicles

ALLOWABLE ENCROACHMENT BALCONY 25% OF REQUIRED SETBACK



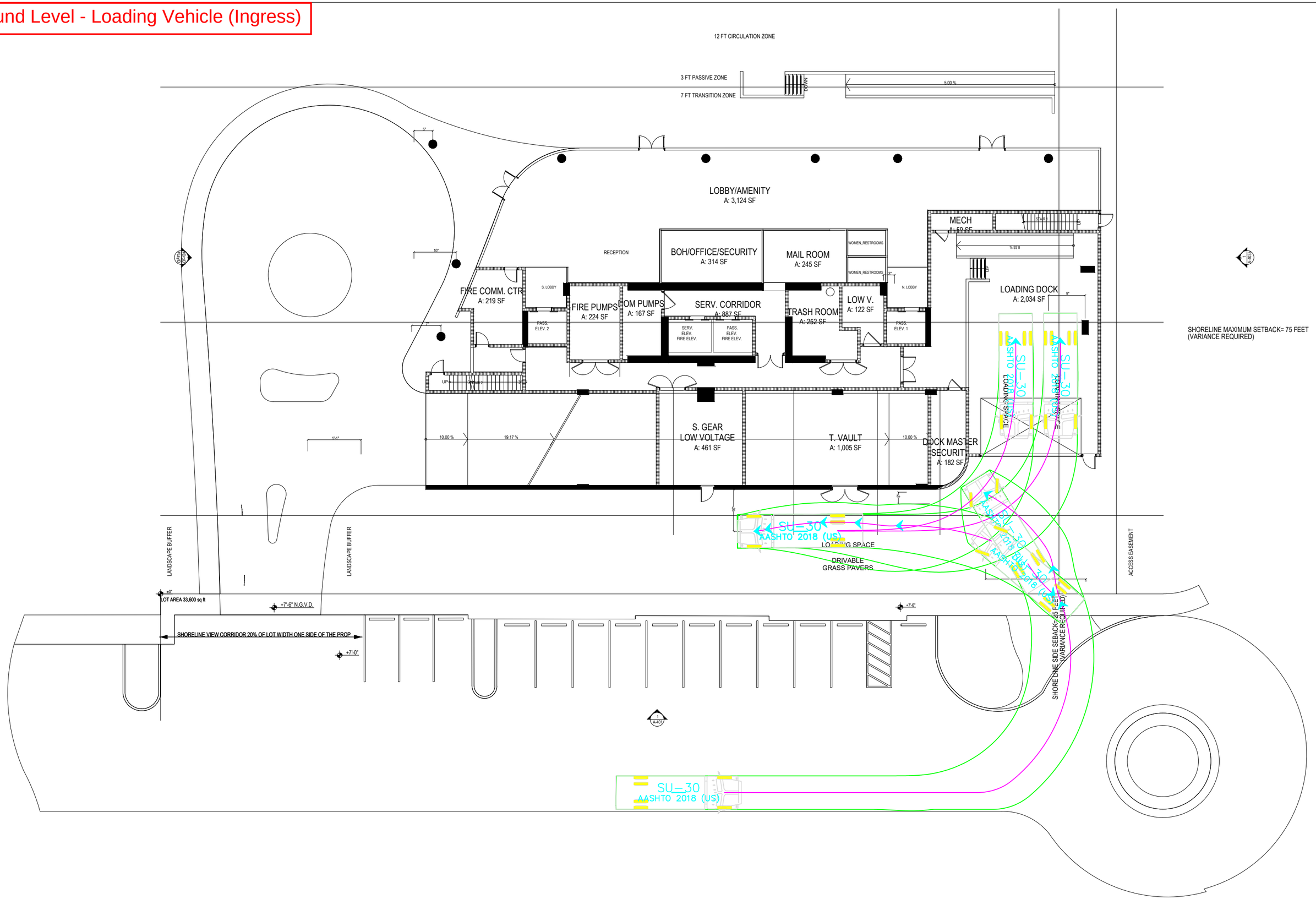
ALLOWABLE ENCROACHMENT BALCONY 25% OF REQUIRED SETBACK

ALLOWABLE ENCROACHMENT BALCONY 25% OF REQUIRED SETBACK

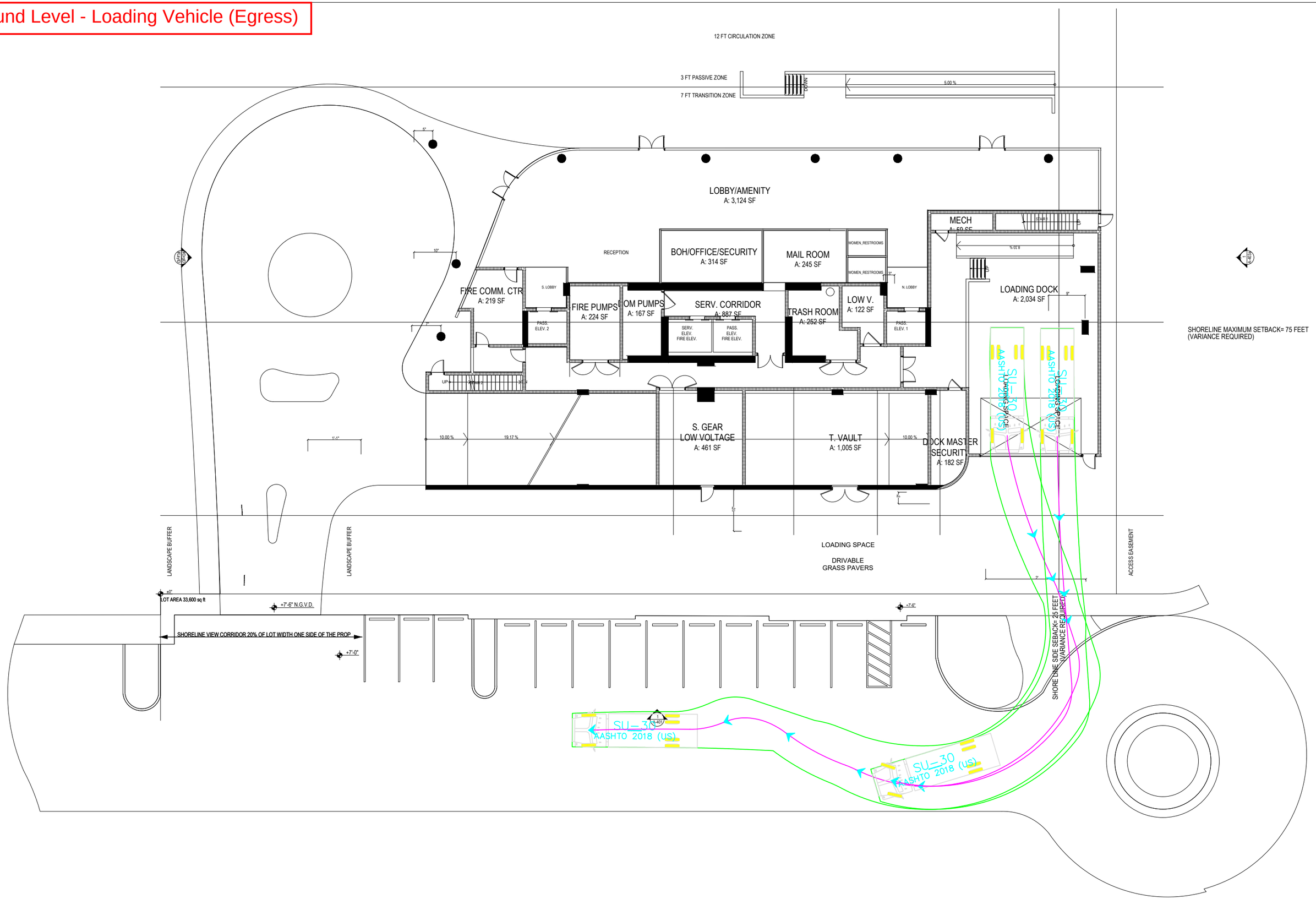
Attachment B

Loading/Refuse Maneuverability Plots

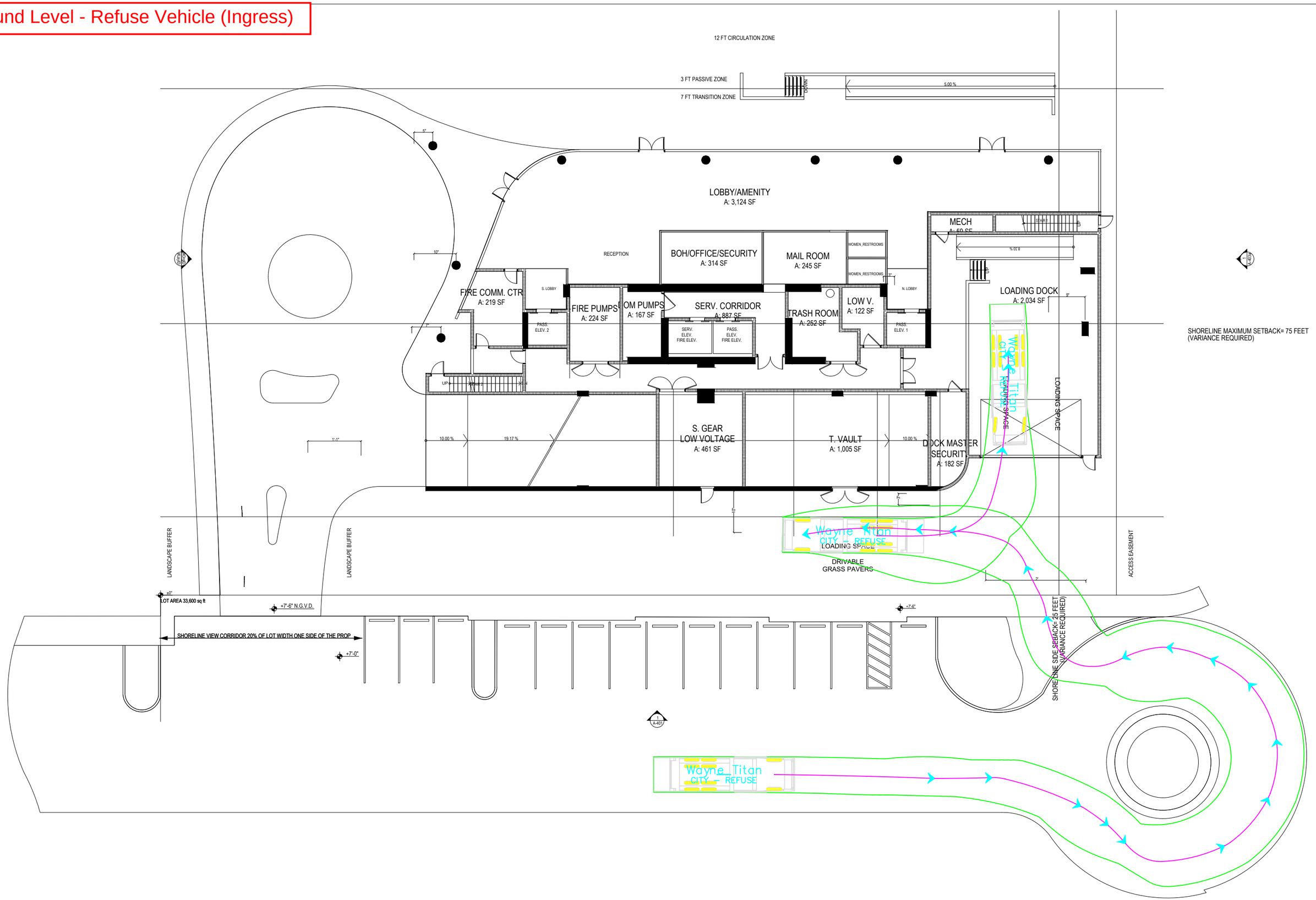
Ground Level - Loading Vehicle (Ingress)



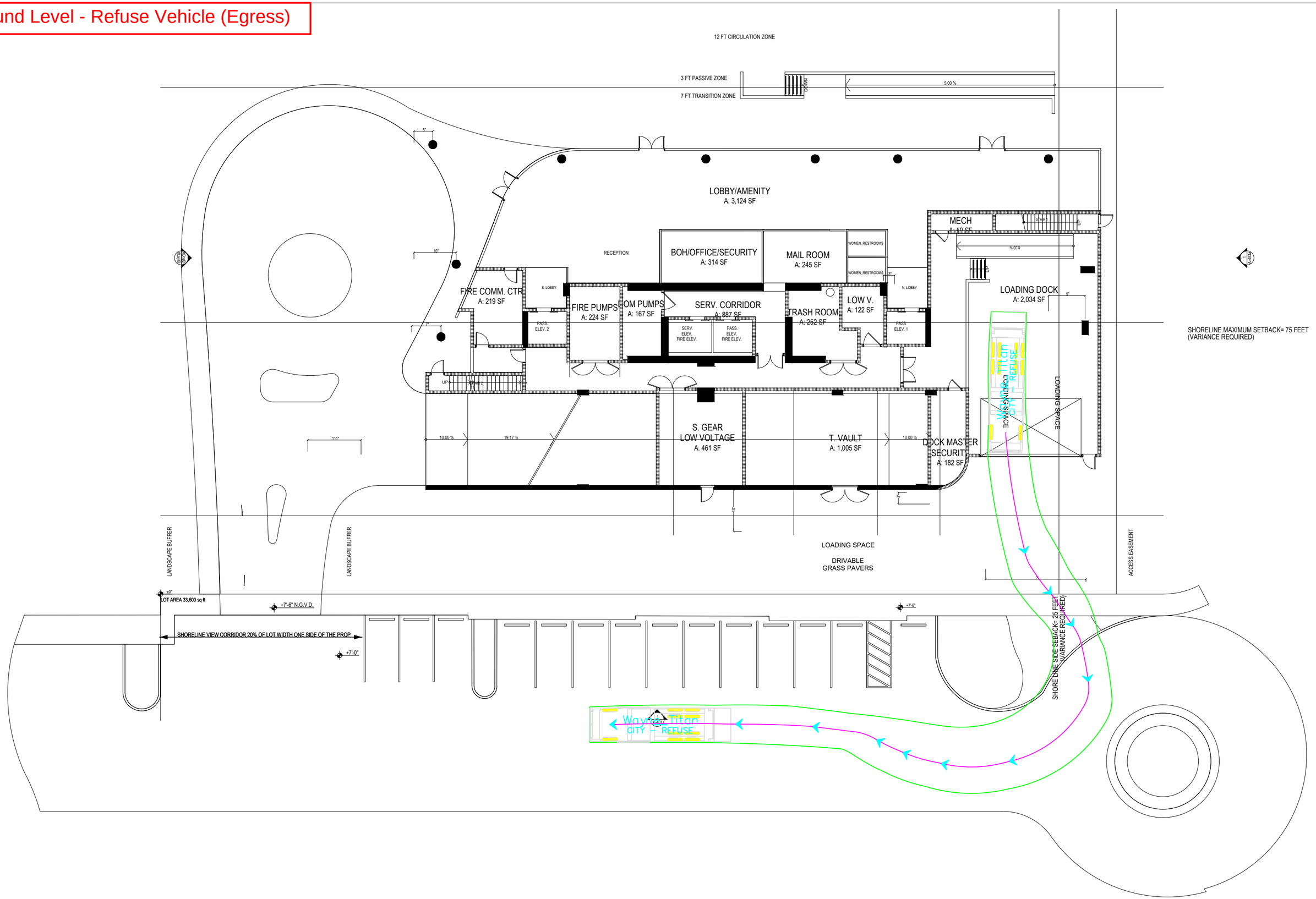
Ground Level - Loading Vehicle (Egress)



Ground Level - Refuse Vehicle (Ingress)



Ground Level - Refuse Vehicle (Egress)



RESOLUTION NO. 2023-____

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] AN APPLICATION BY 7940 NBV PARTNERS, LLC CONCERNING PROPERTY LOCATED AT 7938-7940 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA FOR A VARIANCE PURSUANT TO SECTION 7.3 OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC") OF MINIMUM AISLE WIDTH REQUIREMENTS PROVIDED IN SECTION 9.3.E. OF THE ULDC, TO PERMIT A PARKING AISLE WIDTH OF 22 FEET WHERE 23 FEET WOULD BE REQUIRED; PROVIDING FINDINGS; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, NBV Partners, LLC (the "Applicant") is proposing a site plan for the development of a 312 foot tall, 70-unit multifamily residential project with structured parking and ancillary amenities on an approximately 0.77-acre site zoned RM-70, identified by Folio Nos. 23-3209-001-0400 and 23-3209-001-0420, located at 7938-7940 West Drive on Harbor Island (the "Project"), with a legal description as shown in Exhibit A; and

WHEREAS, the site plan requires approval under the provisions of Sec. 5.8; and

WHEREAS, the Applicant is concurrently requesting a Variance from the minimum required parking aisle width to permit a width of 22 feet where 23 are required; and

WHEREAS, after a duly noticed public hearing held on July 27, 2023, the Planning and Zoning Board by a vote of _____ recommended [approval/approval with conditions/denial] of the Variance to reduce the minimum aisle width requirement [subject to the conditions set forth and included below in Section 2]; and

WHEREAS, the Village Commission conducted a duly noticed public hearing on _____, 2023 in accordance with the law to hear the application and [approved/approved with conditions/denied] the Variance for the Project; and

WHEREAS, the Mayor and Village Commission find the proposed Variance [is/is not] consistent with the Village's Comprehensive Plan and ULDC; [furthers/does not further] the purpose, goals, objectives, and policies of same; and [is/is not] in the best interest of the Village.

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

Section 1. Recitals. The foregoing recitals are confirmed, adopted, and incorporated herein and made a part hereof.

Section 2. Findings. The Village Commission, after review of competent substantial evidence in the record and a duly noticed public hearing, hereby finds that the Application [meets/does not meet] the criteria set forth in Section 7.3 of the Code and hereby [approves/denies] the variance pursuant to Section 7.3 of the ULDC to allow the minimum required drive aisle in a parking garage to be reduced to 22 feet in width where the ULDC requires 23 feet, for a project to be located at 7938-7940 West Drive, subject to other applicable and building requirements.

Section 3. Decision; Conditions. Pursuant to Section 7.3 of the ULDC, a Variance to reduce the minimum required aisle width in a parking garage at 7938-7940 West Drive from 23 feet to 22 feet to serve the needs of the residents is hereby [approved/approved with conditions/denied], [subject to the following conditions]:

1. The property to which the variance applies shall be in strict conformance with plans on file for the accompanying site plan approval application for the Project.

2. All due cost recovery charges must be paid pursuant to Section 5.12. Specifically, no new development application shall be accepted, and no building permit or certificate of occupancy shall be issued for the property until all application fees, cost recovery deposits and outstanding fees and fines related to the property (including fees related to any previous development proposal applications on the property), have been paid in full.

3. Pursuant to Section 7.5, after the Village Commission has granted a variance, the variance so approved or granted shall expire after two years, measured from the date of final Commission action, if no substantial construction or change of use has taken place in accordance with the plans for which the variance was granted.

Section 4. Violation of Conditions; Limitation of Approval. Noncompliance with the terms and conditions of this approval shall be considered a violation, and penalties may include but are not limited to revocation of the approval granted by this resolution. The issuance of this development permit does not in any way create a vested right(s) on the part of the Applicant to obtain a permit from a county, state, or federal agency, and does not create any liability on the part of the municipality for issuance of the permit if the Applicant fails to obtain requisite approvals or does not fulfill the obligations imposed by a county, state or federal agency or undertakes actions that result in a violation of county, state, or federal law.

Section 5. Effective Date. This Resolution shall be in force and take effect immediately upon its passage and adoption.

The foregoing Resolution was offered by _____, who moved its adoption. The motion was seconded by _____, and upon being put to a vote, the vote was as follows:

Mayor Brent Latham ___
Vice Mayor Richard Chervony ___

Commissioner Goran Cuk ___
Commissioner Andrew Rotondaro ___
Commissioner Rachel Streitfeld ___

PASSED AND ADOPTED on this ___ day of_____, 2023.

_____
Brent Latham, Mayor

ATTEST:

_____
Alba L. Chang, CMC
Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

_____
Weiss Serota Helfman Cole & Bierman, P.L.
Village Attorney

Exhibit "A"
LEGAL DESCRIPTION

Address: 7940 West Drive, NORTH BAY VILLAGE

Folio Number: 23-3209-001-0400 and 23-3209-001-0420

Legal Description: Lots 38, 40 and 42, "Harbor Island", According to the Plat Thereof, as Recorded in Plat Book 44, Page 72, of the Public Records of Miami-Dade County, Florida.

MEMORANDUM
1666 Kennedy Causeway, Suite 300
North Bay Village, FL 33141
Tel: (305) 756-7171
Fax: (305) 756-7722
Website: www.northbayvillage-fl.gov

Date: **July 27, 2023**

To: **Planning and Zoning Board**

From: **Silvia E. Vargas, FAICP, Village Planner**

Subject: **STAFF REPORT – Review of Request for Variance from minimum required parking aisle width for development project to be located at 7940 West Drive**

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1. General Information

Owner/Applicant:	7940 NBV Partners, LLC
Applicant Address:	4531 Prairie Avenue, Miami Beach, FL
Site Address:	7940 West Drive
Site Acreage	0.77 acres
Folio Numbers	23-3209-001-0400 and 23-3209-001-0420
Contact Person:	Graham Penn Bercow Radell Fernandez Larkin + Tapanes
Phone Number:	305.377.6229
E-mail Address	gpenn@brzoninglaw.com

2. Legal Description of Subject Property

Lots 38, 40 and 42, “Harbor Island”, According to the Plat Thereof, as Recorded in Plat Book 44, Page 72, of the Public Records of Miami-Dade County, Florida. (Refer to Boundary Survey, included as Attachment 1).

3. Property Future Land Use Map and Zoning Designations

Future Land Use	Residential (Multifamily High Density)
Zoning District	RM-70 High-Density Multiple Family Residential
Existing Land Use	Vacant

4. Adjacent Land Use Map Classifications and Zoning District

North	Future Land Use	Residential (Multifamily High Density)
	Zoning District	RM-70 High-Density Multiple Family Residential
	Existing Land Use	Multifamily Residential
East	Future Land Use	Residential (Multifamily High Density)
	Zoning District	RM-70 High-Density Multiple Family Residential
	Existing Land Use	Multifamily Residential
South	Future Land Use	Residential (Multifamily High Density)
	Zoning District	RM-70 High-Density Multiple Family Residential
	Existing Land Use	Multifamily Residential
West	Future Land Use	Water
	Zoning District	Water
	Existing Land Use	Water

5. Background

On June 12, 2023, applications were submitted by applicant 7940 NBV Partners LLC (the Applicant) to North Bay Village to initiate the review process of a proposed 70-unit multifamily residential condominium to be located at 7938-40 West Drive (7940 West Drive Project). In addition to this application for a Variance under the provisions of Sec. 7.13, the Applicant is requesting Site Plan approval under Sec. 5.8 of the ULDC; a height bonus to increase the building height from 150 to 204 feet pursuant to Sec. 8.12.B.1; the transfer of density rights (TDRs) from Village-owned property, along with additional height up to 312 feet, pursuant to Sec. 8.13.B; and second variance to the parking requirement to allow the provision of 74 spaces less than the current minimum requirement, also under Sec. 7.3.

6. Description of Applicant's Request

The Applicant requests approval from the Village Commission for a variance in accordance with the provisions of Sec. 7.3 of the ULDC, to reduce the minimum parking aisle width requirements provided in Sec. 9.3.E. of the ULDC, to permit a parking aisle width of 22 feet where 23 feet would be required. The Applicant states that the reduced aisle width facilitates the goal of narrowing the parking pedestal. See letter of intent and application form included as Attachment 2.

Sec. 7.3 establishes the process for an applicant to seek approval for a hardship-based variance. Currently, there is no other procedure available to property owners of multifamily residential properties not located within the Transect Zone to be granted approval to deviate from the requirements of the ULDC. While on December 8, 2021, the Village adopted Ordinance 2021-019

providing for an administrative adjustment process, this process applies only to single-family residential properties.

The applicant is pursuing approval of multiple items, including a Site Plan, a bonus height, a transfer of density rights and related additional height, a use exception, and another variance. Because the viability of the parking garage, as proposed, is contingent on the approval of the variance, this request, along with the additional variance to reduce the number of parking spaces, must be reviewed and approved by the Village Commission before the Site Plan can be approved.

8. Consistency with Comprehensive Plan

This Application is generally consistent with the following objective in the Future Land Use Element of the NBV100 Comprehensive Plan:

[. . .]

Objective 2.4: In accordance with the vision of the NBV100 Master Plan, the Village shall encourage innovative development and redevelopment in the Commercial Future Land Use District, while adjusting regulatory metrics in favor of good street frontages, an inviting public realm, better connections to the water (where applicable), a wider range of building types, a more varied skyline and better architecture, consistent with the goals of the NBV100 Master Plan and this comprehensive plan.

[. . .]

In its review of this request, Staff has complied with the following policy of the Transportation Element of the Comprehensive Plan:

[. . .]

Policy 3.2.7: Review site plan applications for the provision of safe and convenient on-site traffic flow, considering motorized and non-motorized vehicle parking.

[. . .]

9. Compliance with the ULDC and Compatibility with Adjacent Uses

The variance is being requested in accordance with the provisions of Sec. 7.3 of the ULDC. The proposed deviation is from the requirements of Sec. 9.3.E., which establishes minimum standards for the all aspects of the design of parking; in this specific instance, the minimum required width of a two-way parking access aisle serving 90-degree parking. A change of one (1) foot in the width of the aisle may not be apparent to the eye and will not be visible from outside of the parking garage nor will impact compatibility with adjacent uses. Subsection 9.3.E.17. requires a 23-foot-width for a two-way aisle that provides access to 90-degree parking. The Applicant states that the layout of the parking garage with the reduced aisle width provides adequate radii to allow for safe maneuvering within the garage. Maneuverability plots for the different levels of the parking garage have been provided (refer to Attachment 3).

Staff also acknowledges that minimum width requirement varies by jurisdiction, with some having 22-foot rather than a 23-foot requirement for the same parking condition.

It must be noted that, in addition to a second variance requesting a reduced number of parking spaces, the Applicant is seeking approval of a Use Exception request to provide up to twenty percent (20%) of the total parking spaces for the project to be designed as compact spaces. Should this Use Exception be granted, valet parking service must be provided for the project in perpetuity. According to the Letter of Intent provided by the Applicant, valet service is proposed as part of the development and will be available at all times. Valet service could help reduce the risk of multiple individual drivers maneuvering within the garage.

Compliance with Variance Criteria

Pursuant to Sec. 7.3.C., in order for the Planning and Zoning Board to recommend approval of a hardship variance, and for the Village Commission to grant approval, of a variance request, both must make an affirmative finding with respect to all seven (7) of the following criteria:

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

Staff Analysis: The property is of a regular shape, encompasses 0.77 acres of land, and is of similar depth, and larger frontage, than many properties in the adjacent area. All the properties within this zoning district are required to meet the same setbacks and the same parking design standard, unless otherwise specified in the ULDC.

Staff Determination: There are no special circumstances or conditions that apply to this property or to the structures involved which do not apply to the others in the RM-70 zoning district. Criterion not met.

2. That the special circumstances and conditions were not self-created by any person having an interest in the property.

Staff Analysis: The property for which the variance is being requested is currently vacant. The variance request is to allow a deviation from the standards of the ULDC in a new project. The Applicant has stated that motivation for the request is to slim down the parking pedestal. While a desirable condition, this is nevertheless a design choice and therefore a self-created condition.

Staff Determination: Staff's analysis, as described under criterion No. 1, concluded that no special circumstances or conditions exist peculiar to the land or structures involved. Criterion not met.

3. *That the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of the land, structure, or building for which the variance is sought; and would involve an unnecessary hardship for the applicant.*

Staff Analysis: The strict application of the minimum aisle width requirement would not deprive the applicant of the reasonable use of the land, structure or building for which the variance is sought. The subject parcel is more than three-quarters of an acre and has a depth of 140 feet. There are multiple design variations that could accommodate the standard aisle width without depriving the applicant of reasonable use.

Staff Determination: Criterion not met.

4. That granting the variance requested will not confer on the applicant any special privilege that is denied by the Unified Land Development Code to other land, structures, or buildings in the same zoning district.

Staff Analysis: The ability to request a variance is open to all. If proven to meet the criteria, the granting of the variance would not bestow a special privilege on the applicant that is denied to others (provided the criteria are all found to be met).

Staff Determination: Criterion met.

5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, structure, or building.

Staff Analysis: The reduction requested is one (1) foot and may be considered the minimum variance to make possible the reasonable use of the land, structure or building.

Staff Determination: Criterion met.

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

Staff Analysis: The deviation will not be easily perceptible to the eye within the garage, nor visible from the street. The parking garage must be fully screened with ornamental screening or artwork.

Staff Determination: If granted, the variance would allow development that is not inharmonious or injurious to the neighborhood. Criterion met.

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

Staff Analysis: While a smaller garage could carry a lower cost, the Applicant has stated that the main motivation is to reduce the footprint of the garage to lessen the visual impact of the pedestal's massing, while retaining sufficient access to the parking spaces

Staff Determination: Criterion met.

Recommendation

The variance request, as presented, does not comply with all the criteria of Sec. 7.3, as required. Staff acknowledges that, given the scope of the request (1 foot deviation), this might have been suited to an administrative adjustment review, and may have been approvable under that process. However, that option was not available to the Applicant. Staff suggests that the scope of the

administrative adjustment process be expanded, or the waiver process available in the Form-Based Code be made available to properties outside the T6 transect zone.

If approval of the variance is recommended by the Planning and Zoning Board, Staff proposes that the following conditions, incorporated in the draft Resolution (included as Attachment 4). Noncompliance with the terms and conditions of this approval will be considered a violation, and penalties may include but are not limited to revocation of the approval granted by this resolution.

Conditions

1. The reduction granted in the minimum width of the required aisle width for a parking garage shall be not exceed one (1) foot.

2. The property to which the variance applies shall be in strict conformance with plans on file for the accompanying site plan approval application for the Project.

3. All due cost recovery charges must be paid pursuant to Section 5.12. 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.

4. Pursuant to Section 7.5, after the Village Commission has granted a variance, the variance so approved or granted shall expire after two years, measured from the date of final Commission action, if no substantial construction or change of use has taken place in accordance with the plans for which the variance was granted.

List of Attachments to Staff Report

Attachment 1 – Boundary Survey
Attachment 2 – Letter of Intent and Application Form
Attachment 3 – 7940 Maneuverability Memo
Attachment 4 – Draft Resolution Aisle Width 7940 West Drive

MIAMI-DADE

STATE OF FLORIDA
COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared ROSANA SALGADO, who on oath says that he or she is the LEGAL CLERK, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, of Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

NORTH BAY VILLAGE - PUBLIC HEARING - SEPT. 14, 2023

in the XXXX Court,
was published in a newspaper by print in the issues of Miami Daily Business Review f/k/a Miami Review on

09/01/2023

Affiant further says that the newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Sworn to and subscribed before me this
1 day of SEPTEMBER, A.D. 2023

Barbara Thomas

(SEAL)
ROSANA SALGADO personally known to me

BARBARA THOMAS
Commission # HH 187442
Expires November 2, 2025
Bonded Thru Troy Fain Insurance 800-385-7019

NORTH BAY VILLAGE
NOTICE OF PUBLIC HEARING

PUBLIC NOTICE IS HEREBY GIVEN THAT THE PLANNING & ZONING BOARD OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A REGULAR MEETING ON SEPTEMBER 14, 2023 AT 6:00 P.M. AT 1666 KENNEDY CAUSEWAY, #101, NORTH BAY VILLAGE, FL 33141 AND VIA ZOOM, OR AS SOON AS POSSIBLE THEREAFTER. DURING THIS MEETING THE BOARD WILL CONSIDER THE FOLLOWING AT A PUBLIC HEARING:

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING/APPROVING WITH CONDITIONS/DENYING] A REQUEST BY 7940 NBV PARTNERS, LLC FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 8.11 AND 9.3.E. OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC"), TO ALLOW UP TO TWENTY PERCENT (20%) OF PARKING SPACES REQUIRED FOR A PROJECT AT 7938-7940 WEST DRIVE TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES; PROVIDING FINDINGS; PROVIDING FOR CONDITIONS; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] AN APPLICATION BY 7940 NBV PARTNERS, LLC FOR A VARIANCE PURSUANT TO SECTION 7.3 OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC") OF PARKING REQUIREMENTS PROVIDED IN SECTION 9.3.C. OF THE ULDC, TO PERMIT THE PROVISION OF 135 SPACES WHERE 212 WOULD BE REQUIRED FOR A PROJECT LOCATED AT 7938-7940 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA; ALTERNATIVELY [APPROVING / APPROVING WITH CONDITIONS / DENYING] A WAIVER PURSUANT TO SECTION 9.3.D. OF REGULARLY APPLICABLE PARKING REQUIREMENTS; PROVIDING FINDINGS; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] AN APPLICATION BY 7940 NBV PARTNERS, LLC FOR A VARIANCE PURSUANT TO SECTION 7.3 OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC") OF MINIMUM AISLE WIDTH REQUIREMENTS PROVIDED IN SECTION 9.3.E. OF THE ULDC, TO PERMIT A PARKING AISLE WIDTH OF 22 FEET WHERE 23 FEET WOULD BE REQUIRED FOR A PROJECT LOCATED AT 7938-7940 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA; PROVIDING FINDINGS; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

9/14/2023

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] A SITE PLAN BY 7940 NBV PARTNERS, LLC, PURSUANT TO SECTIONS 5.2 OF THE VILLAGE'S UNIFIED LAND DEVELOPMENT CODE ("ULDC"), FOR DEVELOPMENT OF A MULTIFAMILY RESIDENTIAL PROJECT ON AN APPROXIMATELY 0.77-ACRE SITE LOCATED AT 7938-7940 WEST DRIVE, NORTH BAY VILLAGE, CONSISTING OF UP TO 70 DWELLING UNITS, INCLUDING REQUESTS FOR APPROVAL TO: (A) TRANSFER DENSITY RIGHTS FOR 16 DWELLING UNITS FROM VILLAGE-OWNED PROPERTY PURSUANT TO SEC. 8.13.; AND (B) INCREASE BUILDING HEIGHT ABOVE THE BASE BUILDING HEIGHT OF 150 FEET VIA BONUSES AVAILABLE PURSUANT TO SEC. 8.12, UP TO A MAXIMUM HEIGHT OF 312 FEET; PROVIDING FOR FINDINGS; PROVIDING FOR CONDITIONS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] A USE EXCEPTION PURSUANT TO SECTION 8.11 OF THE UNIFIED LAND DEVELOPMENT CODE (ULDC) TO ALLOW VILLAGE-OWNED PROPERTY LOCATED AT 1851 GALLEON STREET, NORTH BAY VILLAGE, AS LEGALLY DESCRIBED IN EXHIBIT "A", AND ZONED RM-40, TO BE DEVELOPED FOR A USE (TRAINING CENTER FOR THE ARGENTINE FOOTBALL ASSOCIATION (AFA) AND COMMUNITY-SERVING FACILITIES) WHICH PROVIDES A PUBLIC BENEFIT; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE MAYOR AND VILLAGE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] A VARIANCE APPLICATION PURSUANT TO SECTION 111.13 OF THE VILLAGE'S CODE OF ORDINANCES BY FARINA CONTEMPORARY PIZZA CORP (DBA PETRALUNGA), TO ALLOW AN ESTABLISHMENT LOCATED AT 7601 EAST TREASURE DRIVE, #CU-21, ON THE GRAND VIEW PALACE PROPERTY, TO VARY FROM SECTION 111.12(A)(1) OF THE CODE BY AUTHORIZING THE ISSUANCE OF A LICENSE TO SELL ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION FROM A LOCATION LESS THAN 500 FEET FROM AN EXISTING SCHOOL AND TO VARY FROM SECTION 111.12(B)(3) OF THE CODE BY AUTHORIZING THE ISSUANCE OF A LICENSE TO SELL ALCOHOLIC BEVARAGES FOR OFF-PREMISES CONSUMTION FROM A LOCATION LESS THAN 1,000 FEET FROM AN EXISTING OFF-PREMISES LICENSEE; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] A SITE PLAN PURSUANT TO SECTION 5.2 OF THE VILLAGE'S UNIFIED LAND DEVELOPMENT CODE ("ULDC"), FOR DEVELOPMENT OF A GOVERNMENT FACILITY CONSISTING OF A VILLAGE HALL AND COUNTY FIRE STATION AT 1335 79TH STREET CAUSEWAY, NORTH BAY VILLAGE, AN APPROXIMATELY 0.76-ACRE SITE ZONED T6-24MU; PROVIDING FOR FINDINGS; PROVIDING FOR CONDITIONS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

AN ORDINANCE OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING SECTION 15.3 OF CHAPTER 15 OF THE VILLAGE'S UNIFIED LAND DEVELOPMENT CODE ("ULDC") TO ALLOW TEMPORARY STRUCTURES WITHIN THE T6-30 ZONING DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

The meeting agenda is available online at:
https://northbayvillage-fl.gov/agendas-minutes/
You may attend the meeting in person at the physical meeting location:
1666 Kennedy Causeway, #101
North Bay Village, FL 33141 OR

Participate in the meeting via Zoom:
Meeting ID: 881 2072 9718
Passcode: 236512
Watch the Virtual Public Meeting:
https://northbayvillage-fl.gov/videos
TV Channel 661
Facebook Live
Listen via telephone to the Virtual Public Meeting:
1-929-205-6099
For technical support during the meeting, please contact:
(786) 309-4991

THE PROPOSED ORDINANCE(S) AND/OR RESOLUTION(S) MAY BE INSPECTED BY THE PUBLIC AT THE OFFICE OF THE VILLAGE CLERK. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE VILLAGE CLERK AT 305-756-7171. A COMPLETE AGENDA PACKET IS ALSO AVAILABLE ON THE VILLAGE WEBSITE AT WWW.NORTHBAYVILLAGE-FL.GOV FIVE DAYS PRIOR TO THE DATE OF THE MEETING. INTERESTED PARTIES MAY APPEAR AT THE PUBLIC HEARING AND BE HEARD WITH RESPECT TO THE PROPOSED ORDINANCE(S). ANY PERSON WISHING TO ADDRESS THE VILLAGE COMMISSION OR BOARD ON ANY ITEM AT THIS PUBLIC HEARING IS ASKED TO REGISTER WITH THE VILLAGE CLERK PRIOR TO THAT ITEM BEING HEARD. ALTERNATIVELY, MEMBERS OF THE PUBLIC MAY EXPRESS THEIR VIEWS IN WRITING TO THE COMMISSION OR BOARD C/O VILLAGE CLERK, 1666 KENNEDY CAUSEWAY, #300, NORTH BAY VILLAGE, FL 33141, OR VIA EMAIL AT PUBLICCOMMENT@NBVILLAGE.COM.

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

ALBA L. CHANG, CMC
VILLAGE CLERK
9/1

23-105/0000681746M

2/2

ITEM NO. 3D

North Bay Village
Recommendation Memorandum

DATE: September 14, 2023

TO: Honorable Mayor, Vice Mayor and Members of the Village Commission

FROM: Silvia Vargas, Village Planner

SPONSORED BY:

SUBJECT: **A Resolution Relating to a Use Exception Pursuant to Section 8.11 of the Unified Land Development Code (ULDC) to Allow Village-Owned Property Located at 1851 Galleon Street to be Developed for Community-Serving Facilities and as a Training Center for AFA - *Village Manager Ralph Rosado, Ph.D., AICP (Village Planner Silvia E. Vargas, FAICP)***

RECOMMENDATION

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] A USE EXCEPTION PURSUANT TO SECTION 8.11 OF THE UNIFIED LAND DEVELOPMENT CODE (ULDC) TO ALLOW VILLAGE-OWNED PROPERTY LOCATED AT 1851 GALLEON STREET, NORTH BAY VILLAGE, AS LEGALLY DESCRIBED IN EXHIBIT "A", AND ZONED RM-40, TO BE DEVELOPED FOR A USE (TRAINING CENTER FOR THE ARGENTINE FOOTBALL ASSOCIATION (AFA) AND COMMUNITY-SERVING FACILITIES) WHICH PROVIDES A PUBLIC BENEFIT; AND PROVIDING FOR AN EFFECTIVE DATE.

Suggested Action: Forward to the Commission a recommendation of approval with conditions as presented by Staff.

BACKGROUND AND ANALYSIS

Refer to Staff report and attachments.

BUDGETARY/FINANCIAL IMPACT (Finance Dept.)

None

PERSONNEL IMPACT
None

ATTACHMENTS
Staff Report_AFA 1851 Galleon_Use Exception_PZB 091423.pdf
Attachment 1_BOUNDARY SURVEY (EMS)pdf
Attachment 2_AFA Proposal and Conceptual Plans.pdf
Attachment_3 Reso Use Exception Galleon St.docx
DBR Notice 09.1.2023.pdf

MEMORANDUM
1666 Kennedy Causeway, Suite 300
North Bay Village, FL 33141
Tel: (305) 756-7171
Fax: (305) 756-7722
Website: www.northbayvillage-fl.gov

Date: **September 12, 2023**

To: **Planning and Zoning Board**

From: **Alex A David, AICP via Silvia E. Vargas, FAICP, Village Planner**

Subject: **STAFF REPORT – Review of Use Exception Request for Argentine Football Association (AFA) – 1851 Galleon Street**

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1. General Information

Owner/Applicant:	North Bay Village/ Argentine Football Association (AFA)
Applicant Address:	
Site Address:	1851 Galleon Street
Site Acreage	48,000 sq. ft.
Folio Numbers	23-3209-014-0200
Contact Person:	Ralph Rosado, Village Manager
Phone Number:	305.588.4364
E-mail Address	rrosado@nbvillage.com

2. Legal Description of Subject Property

TREASURE ISLAND 1ST ADDN PORT OF TR B, PB 57-6 LOT 3 THRU 8 BLK 9 of the Public Records of Miami-Dade County, Florida. (Refer to Boundary Survey, included as Attachment 1)

3. Property Future Land Use Map and Zoning Designations

Future Land Use	Park and Recreation
Zoning District	RM-40 High-Density Multiple Family Residential
Existing Land Use	Public Works Use

4. Adjacent Land Use Map Classifications and Zoning District

North	Future Land Use	Education and Education/Recreation
	Zoning District	RS-2 Single Family Residential (Treasure Island Elementary School)
	Existing Land Use	School
East	Future Land Use	Medium Density Multi-Family Residential
	Zoning District	RM-40 Multiple Family Residential
	Existing Land Use	Parking
South	Future Land Use	Medium Density Multi-Family Residential
	Zoning District	RM-40 Multiple Family Residential
	Existing Land Use	Multifamily Residential
West	Future Land Use	Medium Density Multi-Family Residential
	Zoning District	RM-40 Multiple Family Residential
	Existing Land Use	Multifamily Residential

5. Background

The inception of this request goes back to an unsolicited 2021 proposal from AFA to North Bay Village, to enter into an agreement that would allow the construction of the AFA training facilities and U.S. headquarters on the Village's current public works yard property, which encompasses approximately 48,000 square feet. The property (also referred to as the Galleon Street property) is zoned RM-40 Medium Density Multifamily Residential.

The Village, with AFA, has been working with Miami-Dade County Public Schools (MDCPS) to enter into a separate agreement to construct improvements to the Treasure Island Elementary School (TIES) site located at 7540 E. Treasure Drive. The proposal would allow the following development:

On MDCPS property:

- Five (5) multipurpose fields including one professional size soccer field.
- A perimeter exercise path for residents of all ages and abilities

On Village property:

- A 42-foot high, 3-story, approximately 18,762 square-foot structure which would include community meeting space, a gym, offices, conference rooms, locker rooms, concession area, therapeutic and ancillary uses.
- Four (4) padel courts.
- Two pickleball courts

Refer to Attachment 2 for an overview of the AFA proposal and conceptual plans. These plans are not being approved in conjunction with the Use Exception but will be reviewed by the Planning and Zoning Board and Village Commission separately pursuant to Sec. 5.9 of the ULDC. Approval of the Use Exception is a condition of site plan approval for the project.

6. Description of Applicant's Request N

The need for the request for a Use Exception stems from the limitations of the RM-40 Medium Density Multiple Family Residential District. Permitted uses in this zoning district include multi-family residential dwellings, management offices within structures containing eight or more dwelling units and duly licensed home occupation. Government facilities and public or private recreation uses are not included in the list of permitted uses.

Consequently, at this time the Village is seeking approval for a Use Exception in accordance with the provisions of Sec. 8.11.B.6. of the ULDC, to allow Village-owned property located at 1851 Galleon Street to be developed for a training center for AFA and other community serving facilities, which provide a public benefit. The approval of the Use Exception would allow an associated site plan review to proceed expeditiously. The Village could subsequently consider amending its zoning map and/or Unified Land Development Code to align the zoning of the property to its proposed use.

§ 8.11 – Use exceptions

[…]

B. *Use exceptions permitted*

[…]

B. The Village Commission may permit the following buildings and uses as use exceptions, provided there are clear indications that such exceptions will not substantially affect adversely the uses permitted in these regulations of adjacent property.

[…]

6. Uses that provide a public benefit (parks, open space, and other public amenities) that will not adversely affect the existing adjacent uses, the uses permitted in the zoning district of the subject property, or the uses permitted in the zoning district of the adjacent properties.

8. Consistency with Comprehensive Plan

This request is generally consistent with the NBV100 Comprehensive Plan as it relates to the provision of public buildings and grounds, government-provided uses and facilities, and parks and recreation spaces. The proposal that this request supports is also consistent with certain aspects of the Intergovernmental Coordination Element pertaining to coordination related to public schools and with the Public School Facilities Element's policies that encourage joint use facilities and the creation of logical focus points for community activity.

9. Compliance with the ULDC and Compatibility with Adjacent Uses

The Use Exception request is consistent with the provisions of Sec. 8.11.B.6. The use proposed would provide a public benefit to the entire community by creating a new approximately 3,200 square-foot multi-use community room and other community-serving uses within the structure along with new paddle and pickleball courts on the Village-owned property, and soccer fields on the MDCPS property. The proposed uses are compatible with the function of the school property and complement the neighborhood around the Village-owned property. The proposal will provide a community benefit not only by expanding the scope of recreation infrastructure within the Village and offering needed gathering space for residents, but also because the project is a significant improvement on the Village facilities that exist on the site today, consisting of a dilapidated building and public works yard. Approval of the use exception would also support the implementation of the remainder of the proposed project, which would improve the underutilized and poorly maintained space behind the elementary school.

Recommendation

Staff recommends approval of the Use Exception with the following conditions.

Conditions

1. The Use Exception is contingent upon the successful completion of a joint use agreement with Miami-Dade County Public Schools.

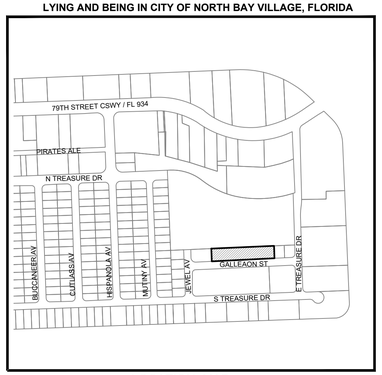
2. The Use Exception expires two years from the date this Resolution is approved unless a building permit to implement the proposed site plan is obtained and substantial construction has commenced.

List of Attachments to Staff Report

Attachment 1 – Boundary Survey
Attachment 2 – AFA Proposal and Conceptual Plans
Attachment 3 – Draft Resolution

MAP OF BOUNDARY SURVEY

SECTION 9 - TOWNSHIP 53 SOUTH - RANGE 42 EAST
LYING AND BEING IN CITY OF NORTH BAY VILLAGE, FLORIDA

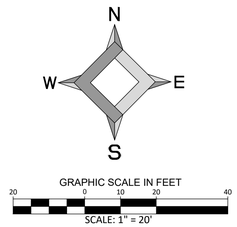


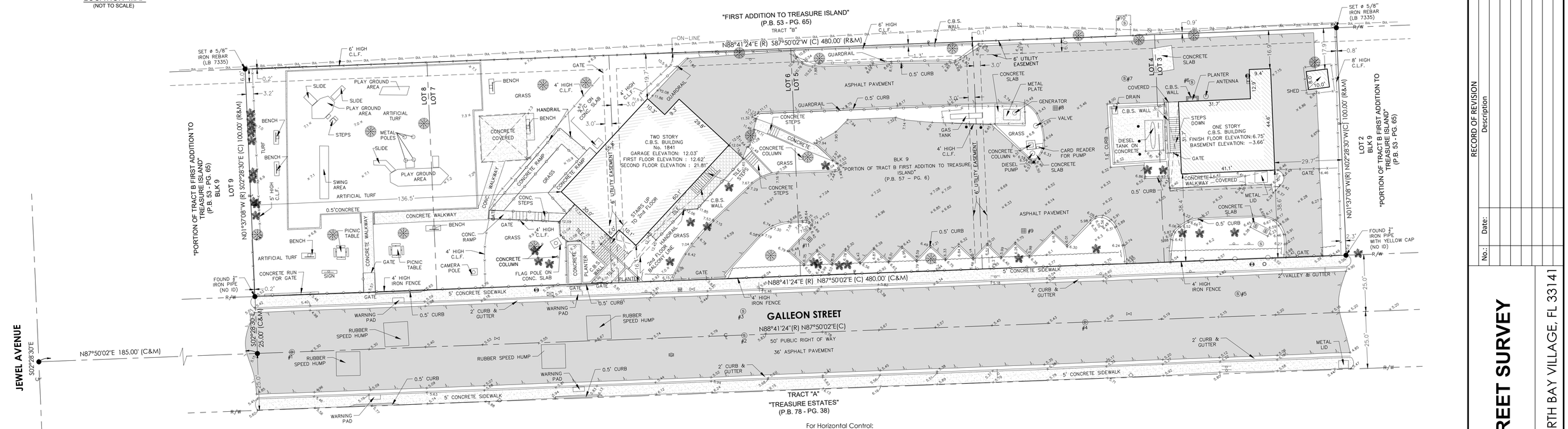
LOCATION MAP
(NOT TO SCALE)

N

STRUCTURES TABLE

NUMBER	STRUCTURE	RIM ELEVATION	DIRECTION	TYPE	SIZE	INVERT	BOTTOM ELEVATION	SEDIMENT ELEVATION	NOTE
1	DRAINAGE MANHOLE	5.33'	W	RUBBER	18''	-4.12'	-4.17'		
			E	RUBBER	18''	-4.17'			
			N	PVC	4''	2.43'			
2	SANITARY MANHOLE	5.89'	E	PVC	8''	-3.34'	-5.26'		
			S	CLAY	10''	-0.05'			
			W	RUBBER	18''	-4.69'			
3	SANITARY MANHOLE	5.74'	E		18''	-5.10'	-5.12'		UNABLE TO SEE MATERIAL
									FLOODED COULDN'T SEE WEST BOUND
4	DRAINAGE MANHOLE	5.45'	N	UNKNOWN	7''	0.6'	-2.57'		
			E	PVC	8''	-2.51'			
			W	PVC	8''	-2.57'			
5	SANITARY MANHOLE	5.27'					-5.54'		FLOODED, WATER LEVEL 8.63'
6	SANITARY MANHOLE	5.78'	S	PVC	12''	-6.45'	-6.45'		
			W1	PVC	8''	-6.37'			
			W2	UNKNOWN	8''	-5.06'			
7	SANITARY MANHOLE	6.25'	N	PVC	8''	-3.91'	-4.40'		
			E	PVC	8''	-4.39'			
8	CATCH BASIN	5.29'	S	RUBBER	8''	1.36'	-1.41'		
9	CATCH BASIN	5.53'	NE	RUBBER	8''	1.08'	-0.52'		
			S	RUBBER	8''	0.58'			
			W	RUBBER	8''	1.20'			
10	SANITARY MANHOLE	5.96'	E	PVC	8''	-3.56'	-3.69'		
			S	PVC	8''	-3.64'			
11	CATCH BASIN	6.17'	E	RUBBER	8''	1.32'	-0.28'		





LEGAL DESCRIPTION:

Lots 3, 4, 5, 6, 7 and 8 of the Plat "PORTION OF TRACT B FIRST ADDITION TO TREASURE ISLAND" according to the Plat thereof as recorded in Plat Book 57 at Page 6 of the Public Records of Miami-Dade County, Florida.

SURVEYOR'S NOTES:

DATE OF FIELD SURVEY:

The date of completion of the original field Survey was on April 29, 2023.

PROPERTY INFORMATION:

Folio No.: 23-3209-014-0200
Property Address: 1841 Galleon Street, North Bay Village, FL 33141.

Containing 47,999.302 sq. ft. or 1.102 acres, more or less, by calculations.

ACCURACY:

The accuracy obtained by field measurement methods and office calculations of closed geometric figures meets and exceeds (Linear: 1 foot in 7,500 feet) Administrative Code.

The elevations as shown are based on a closed level between the two benchmarks noted on this survey.

The Vertical Accuracy obtained on this "Boundary Survey" exceeds the calculated value of closure in feet of plus or minus 0.05 feet times the square root of the distance in miles a commonly value accepted in the construction and surveying industry.

Elevations of well identified features as depicted on the Survey Map were measured to an estimated vertical position accuracy of 1/100 of a foot on hard surfaces and 1/10 of a foot on ground surfaces.

Well identified features as depicted on the Survey Map were measured to an estimated horizontal position accuracy of 1/10 of a foot.

This Map of Survey is intended to be displayed at a scale of One inch equals Twenty feet or smaller.

LEGEND AND ABBREVIATIONS

- = CATCH BASIN
- S = SEWER CAP
- = PALM TREE
- = TREE
- = ELECTRIC METER
- O = CLEANOUT
- = SIGN
- W = WATER METER
- = GAS VALVE
- = MAILBOX
- = WATER VALVE
- = FIRE HYDRANT
- S = SANITARY MANHOLE
- D = STORM MANHOLE
- W = WATER BOX
- = BOLLARD
- = WOODEN UTILITY POLE
- = METAL UTILITY POLE
- PG. = PAGE
- ELEV. = ELEVATION
- x.00 = SPOT ELEVATION
- CONC. = CONCRETE
- C.B.S. = CONCRETE BLOCK STUCCO
- C.L.F. = CHAIN LINK FENCE
- (R) = RECORD
- (C) = CALCULATED
- (M) = MEASURE
- LB = LICENSE BUSINESS
- ID = IDENTIFICATION
- R/W = RIGHT-OF-WAY
- P.B. = PLAT BOOK
- ℄ = CENTERLINE
- ℘ = PROPERTY LINE
- TILE
- ASPHALT
- CONCRETE

DATA SOURCES USED FOR SURVEY:

For Vertical Control:

All elevations shown hereon are based on the National Geodetic Vertical Datum of 1929 (N.G.V.D. '29), and Benchmarks supplied by the Public Works and Waste Management Department of Miami-Dade County, Florida.

Benchmark: DOT BM — Elevation: + 15.56' (N.G.V.D. '29)
Loc1 ---------- 79 ST CSWY.
Loc2 ---------- TREASURE ISLAND & NORMANDY ISLE --- BRIDGE BETWEEN.
Description ---------- DOT BRASS DISC IN SIDEWALK IN SW CORNER OF BRIDGE.

Benchmark: P-313 — Elevation: + 5.27' (N.G.V.D. '29)
Loc1 ---------- N TREASURE DRIVE --- 50' NORTH OF NORTH CURB.
Loc2 ---------- HISPANOLA AVE --- 3' EAST OF EAST CURB OF SOUTHBOND LANE.
Description ---------- US C & G BRASS DISC IN TOP OF NW CORNER OF SEWER PUMPING STATION.

Public Records:

Plat of "PORTION OF TRACT B FIRST ADDITION TO TREASURE ISLAND" according to the Plat thereof as recorded in Plat Book 57 at Page 6 of the Public Records of Miami-Dade County, Florida.

Plat of "TREASURE ESTATES" according to the Plat thereof as recorded in Plat Book 78 at Page 38 of the Public Records of Miami-Dade County, Florida.

Plat of "FIRST ADDICTION TO TREASURE ISLAND" according to the Plat thereof as recorded in Plat Book 53 at Page 65 of the Public Records of Miami-Dade County, Florida.

This project area appears to be located in Flood Zone "AE", with a Base Flood Elevation being "8 & 9 Feet ", as per Federal Emergency Management Agency (FEMA) Community-Panel Number 120654 (City of North Bay Village), Map No. 12086C0307, Suffix L. Map Revised Date: September 11, 2009.

For Horizontal Control:

Bearing and coordinates (Northing and Easting) are relative to the Florida State Plane Coordinate System, Florida East Zone 0901, North American Datum (NAD) 1983 adjustment of 2011 (NAD83/2011)-Epoch 2010.0000; with a bearing of N87°50'02"E being established for the Centerline of Galleon Street, said line to be considered a well established and monumented line.

Global Positioning System (G.P.S.), measurements were conducted in the field to acquire said coordinate values which are based on the connection with the following Horizontal Control Stations:

Name: Miami Beach
Code: FLMB
Geographic Coordinates:
Latitude: 25° 46' 57.83786" N
Longitude: 80° 8' 14.16764" W
State Plane Coordinates:
Northing: 527,654.43713 US Feet
Easting: 940,056.84106 US Feet
Creation Date: 17-07-2014
Receiver Type: Leica GR 10
Satellite System: GPS and GLONASS

Name: North Dade
Code: FLND
Geographic Coordinates:
Latitude: 25° 57' 56.76791" N
Longitude: 80° 10' 02.22323" W
State Plane Coordinates:
Northing: 594119.590 US Feet
Easting: 929757.538 US Feet
Receiver Type: Leica GR30
Satellite System: GPS and GLONASS

The referenced Station is part of National Geodetic Survey (NGS) Control Network.

LIMITATIONS:

Since no other information were furnished other than that is cited under data sources, the Client is hereby advised that there may be legal restrictions on the Subject Property that are not shown on the Survey Map that may be found in the Public Records of Miami-Dade County.

The Surveyor makes no representation as to ownership or possession of the Subject Property by any entity or individual that may appear on the Public Records of this County.

No excavation or determination was made as to how the Subject Property is served by utilities.

No improvements were located, other than those shown. No underground foundations, improvements and/or utilities were located or shown hereon.

PURPOSE OF SURVEY:

The purpose of this survey is for design.

CLIENT INFORMATION:

This Boundary Survey was prepared at the insistence of and certified to:

STANTEC

SURVEYOR'S CERTIFICATE:

I hereby certify: That this "Boundary Survey" and the Survey Map was performed under my direction and is true and correct to the best of my knowledge and belief and further, that said "Boundary Survey" meets the intent of the applicable provisions of the Standards of Practice for Land Surveying in the State of Florida, pursuant to Rule 5J-17 of the Florida Administrative Code and its implementing law, Chapter 472.027 of the Florida Statutes.

LONGITUDE SURVEYORS LLC., a Florida Limited Liability Company
Florida Certificate of Authorization Number LB7335

Eduardo M Suarez
Digitally signed by Eduardo M Suarez
Date: 2023.05.18 17:45:08 -04'00'

Eduardo M. Suarez, PSM
Professional Surveyor and Mapper LS6313
State of Florida

Eduardo M. Suarez
No.6313
STATE OF FLORIDA
Professional Surveyor & Mapper

NOTICE: Not valid without the digital signature and seal and/or the signature and original raised seal of a Florida Licensed Surveyor and Mapper. Additions and deletions to this map to Survey by other than the signing party are prohibited without the written consent of the signing party.

LONGITUDE SURVEYORS
7700 N. Kendall Drive, Suite 705
Miami, FL 33156
PH: (305) 463-0912
FAX: (305) 513-5680
FLORIDA CERTIFICATE OF AUTHORIZATION LB 7335
WWW.LONGITUDESURVEYORS.COM

RECORD OF REVISION

No.:	Date:	Description	By:

Project Name: **1841 GALLEON STREET SURVEY**

Project Address: 1841 GALLEON STREET, CITY OF NORTH BAY VILLAGE, FL 33141

Scale:	AS SHOWN
Drawn By:	DS
Checked By:	EMS
Managed By:	GP
Drawing Date:	May 1, 2023
Project No.:	23086.0.01

Sheet 1 of 1

THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 5J-17.062, F.A.C.

TIES Proposed Project

DEVELOPMENT AND OPERATION OF RECREATIONAL FACILITIES AND PROGRAMS

NORTH BAY VILLAGE
EST. 1945

Project Overview

- **North Bay Village (NBV)** has been considering a partnership that would bring new recreational amenities and services for **Treasure Island Elementary School (TIES)** students, NBV residents, and the public, while minimizing taxpayer expense.

- The **Argentine Football Association (AFA)** won an open bidding process to partner with NBV on the redevelopment of the **NBV Public Works Lot** on Galleon Street, which currently holds a condemned building, parking for sanitation trucks, and a sewer pump station set to be moved underground.

- The site would then house the 1st-ever NBV **community center** and **padel courts** for the community to enjoy.

Project Overview (cont.)

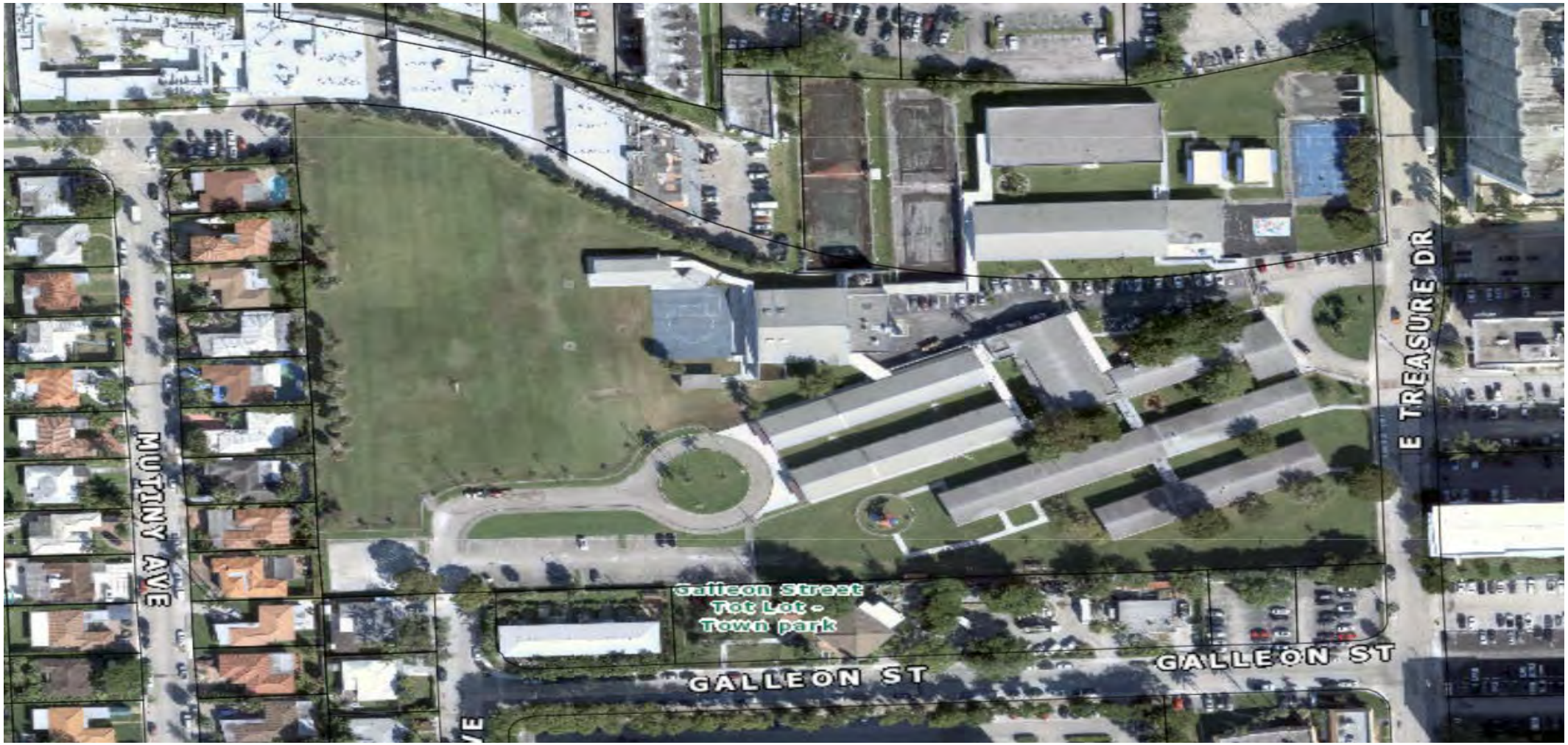
- If approved by the **Miami-Dade County Public School Board (MDCPS)**, the project will include new amenities and offerings at **TIES**, such as:
  - 5 state-of-the-art, illuminated, multipurpose fields
  - A perimeter exercise path for residents of all ages and abilities
  - A plug-and-play after-school program for TIES students and recreational programming run by AFA's sports professionals
- The new facilities and offerings will make the school and the area one of the most attractive for families anywhere in South Florida.

Project Timeline

- **2016**: MDCPS & NBV enter into Joint-Use Agreement (JUA) so that the public can use basketball court (Monday-Friday 6pm-9pm, Saturday-Sunday 8am-9pm)
- **2020**: JUA expanded to include public use of other recreational areas
- **Early 2021**: NBV hires architect and begins designing improvements
- **Late 2021**: NBV receives unsolicited proposal from Argentine Football Association (AFA) to partner on improvements at TIES and at Galleon Street site
- **Early 2022**: NBV Village Commission authorizes Village Manager to enter into discussions with MDCPS and AFA about arrangement to make improvements and add afterschool/evening/weekend programming
- **Late 2022**: MDCPS Board authorizes MDCPS staff to enter into these discussions
- **December 18, 2022**: Argentina wins FIFA World Cup
- **2023**: MDCPS & NBV discuss potential project; MDCPS Board votes to allow staff to finish discussions/negotiations; today's town hall meeting; final vote by MDCPS Board – Date TBA

SITE TOUR

Location


MUTINY AVE
Galleon Street
Tot Lot -
Town park
GALLEON ST
GALLEON ST
E TREASURE DR

Existing Conditions of TIES Site



Handball Courts



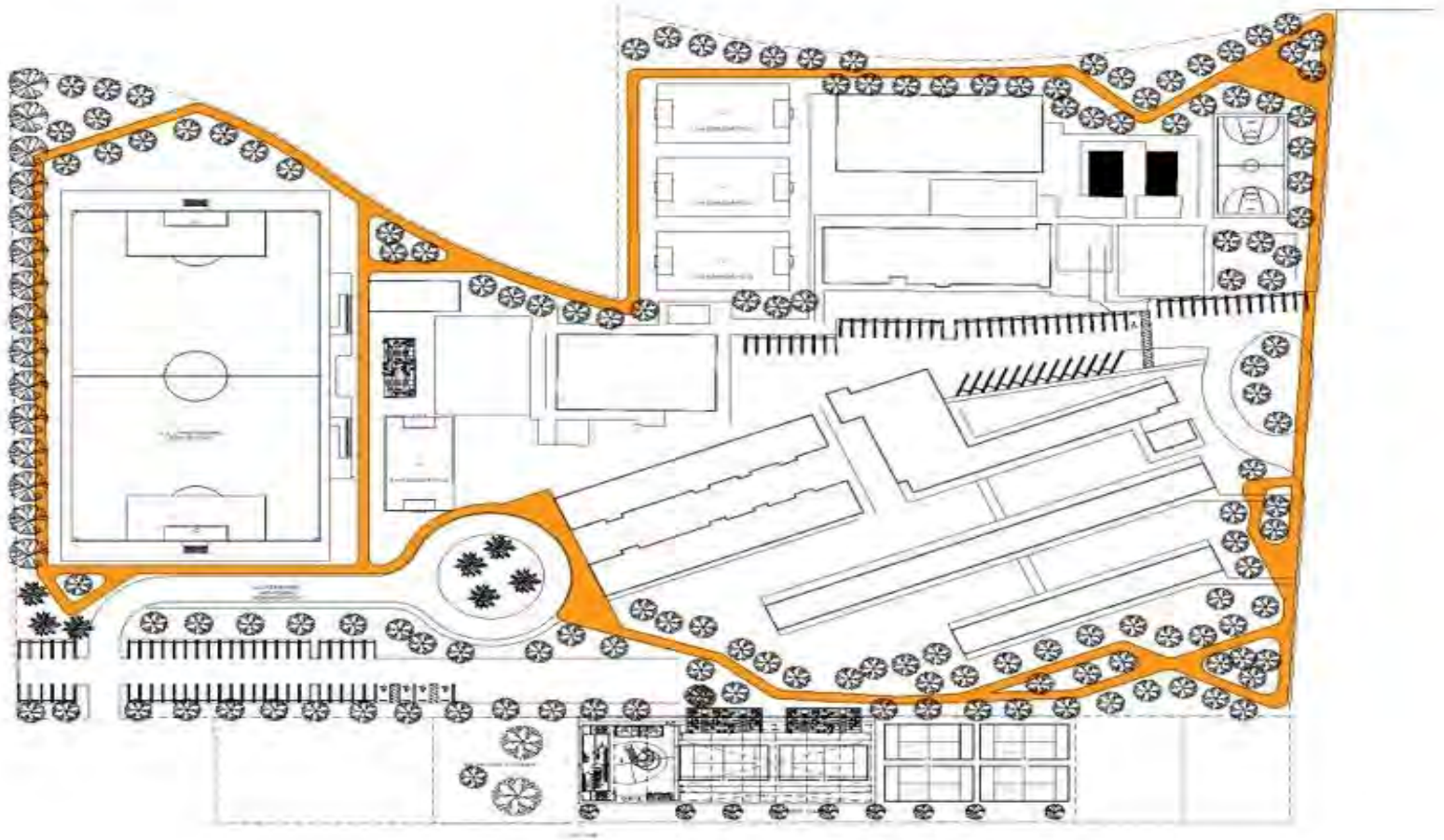
Tennis Courts

Existing Conditions of Field



Flooded Fields

Proposed Site Layout











CONSTRUKOMUSA – PLANA INTERNATIONAL



CONSTRUKOMUSA – PLANA INTERNATIONAL



CONSTRUKOMUSA – PLANA INTERNATIONAL

Project Financials

	AFA	NBV
Investment	@ $7M	@ $4M
Scope	On School site: Multipurpose Fields, 50% of walking paths, partial lighting, partial landscaping On Village site: Community Center, Padel Courts	On School site: 50% of walking paths, play areas, partial lighting, partial landscaping On Village site: Demolition of existing facilities

Benefits to TIES Students, NBV Residents & Public

1. Expand recreational opportunities for people of a wide range of ages & abilities
2. Beautify TIES property and minimize flooding on TIES fields
3. Provide a community center, 5 turf multipurpose fields and 6 padel courts
4. At least one field available to the public for free at all times
5. Secure a Parks & Recreation programming partner
6. Twenty-five (25) Soccer Academy scholarships for NBV youth
7. Enjoy increased enrollment at TIES
8. Experience increased property values due to community asset

FAQs

- School Access – TIES students can use all TIES facilities during school hours
- Afterschool programming for TIES students
- Interior Fencing – NBV will add an interior fence surrounding all buildings, wherever MDCPS would like
- Field maintenance – NBV will be responsible each night
- Security – NBV will provide a security officer at all times when TIES is open to the public; NBV Police will be on site for large events
- Operating hours – start times, end times, including different potential end times for different parts of the property
- Summer programming – year-by-year
- Parking – 195 spots total: 78 spaces at/near TIES, 10 at municipal lot, 107 at Galleon St./N Treasure Drive/Hispanola Ave.; likely introducing parking app program by Spring 2024

Next Steps

- MDCPS/NBV to continue discussions
- MDCPS Board to vote on final arrangement – Date TBA
- Design/Permitting/Construction at TIES @ 12 months
- Design/Permitting/Construction at Galleon Site @ 2.5 years

ASOCIACION DE FUTBOL ARGENTINO
NORTH BAY VILLAGE – FLORIDA- UNITED STATES





NORTH BAY VILLAGE
EST. 1945

CKM
CONSTRUKOM ARCHITECTURE



CKM
CONSTRUKOM ARCHITECTURE






AFA NBV


AFA NBV
TRAINING CENTER



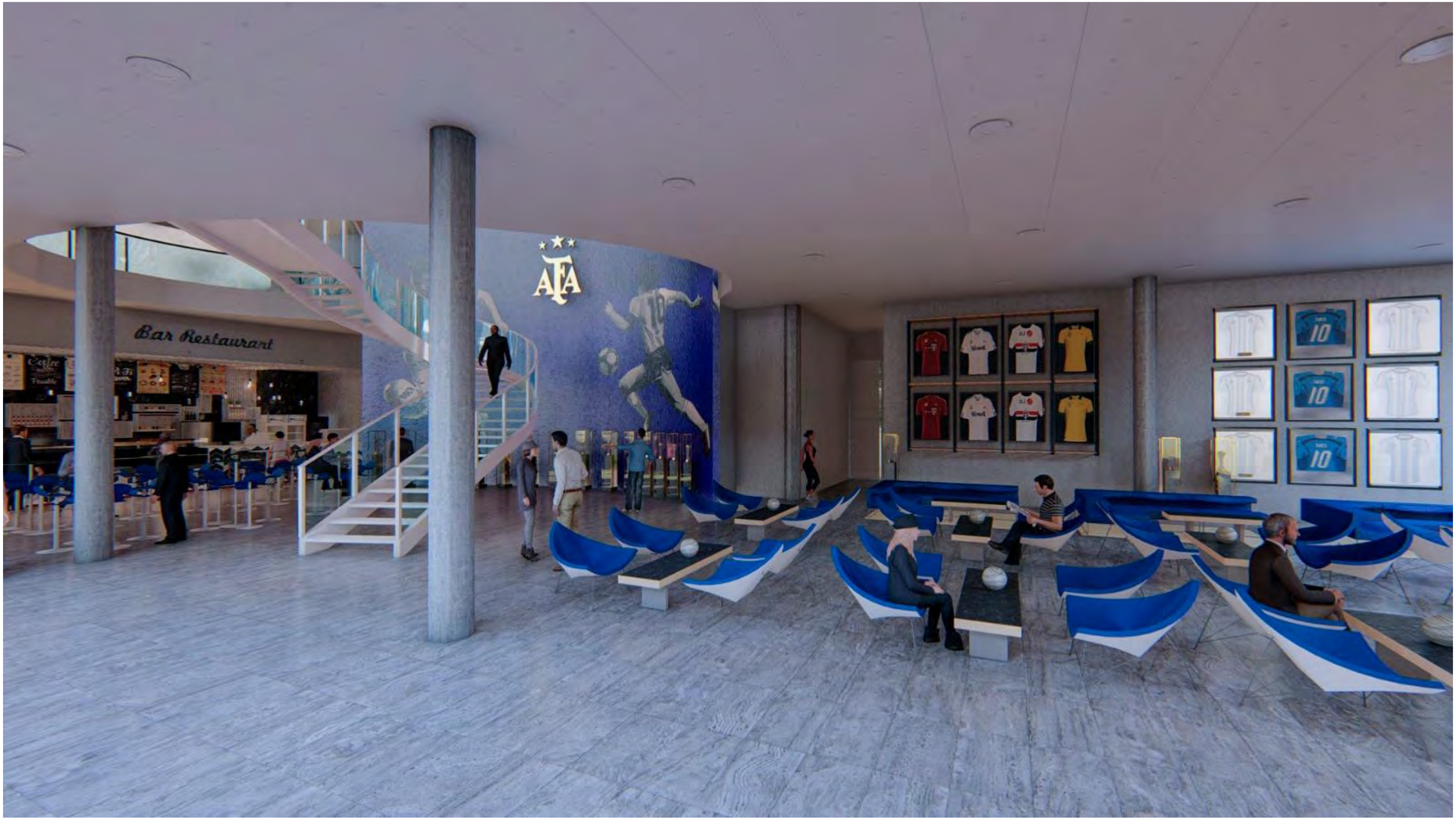
CKM
CONSTRUKOM ARCHITECTURE


Bar Restaurant
Wi-Fi
FREE

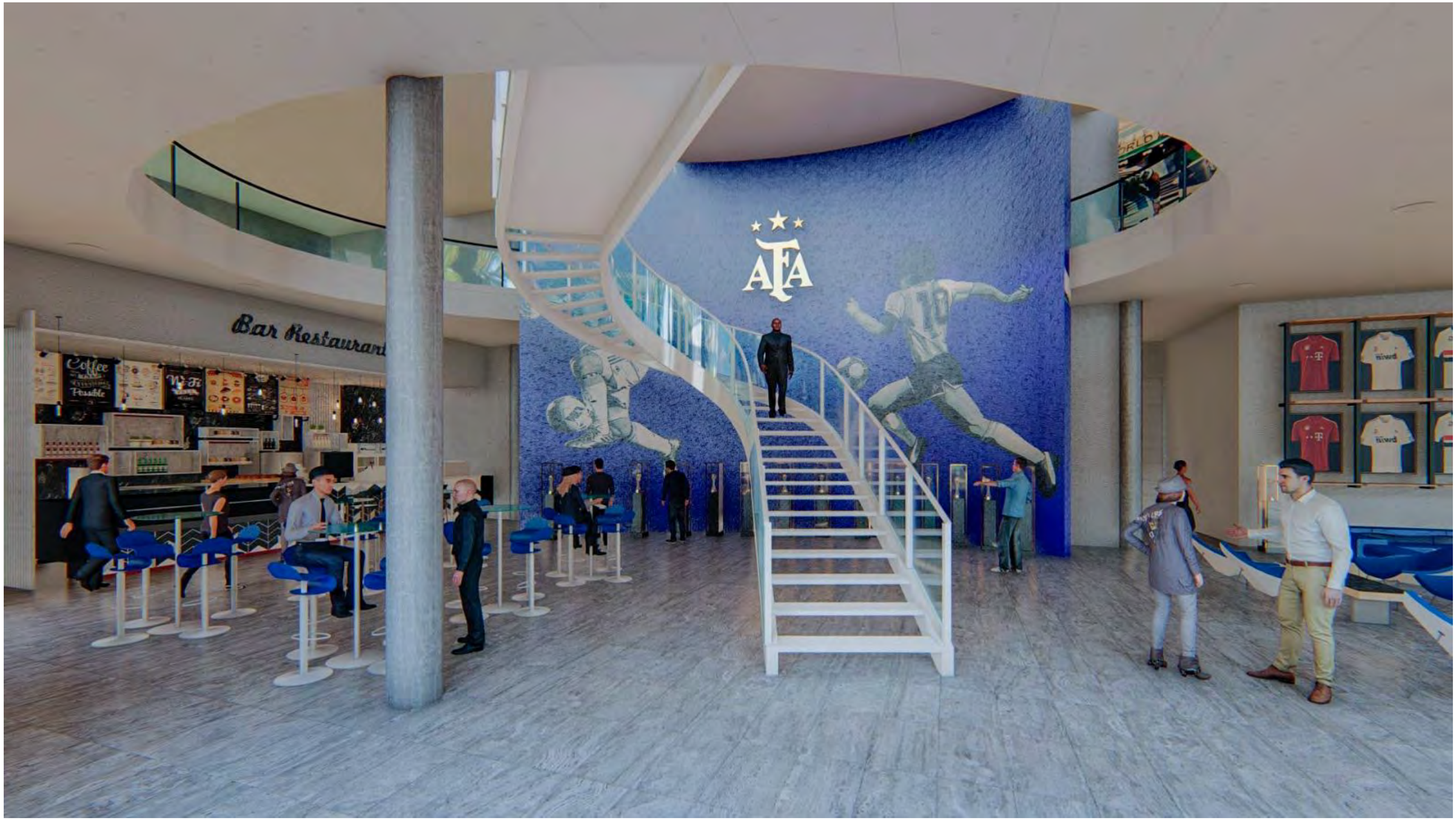


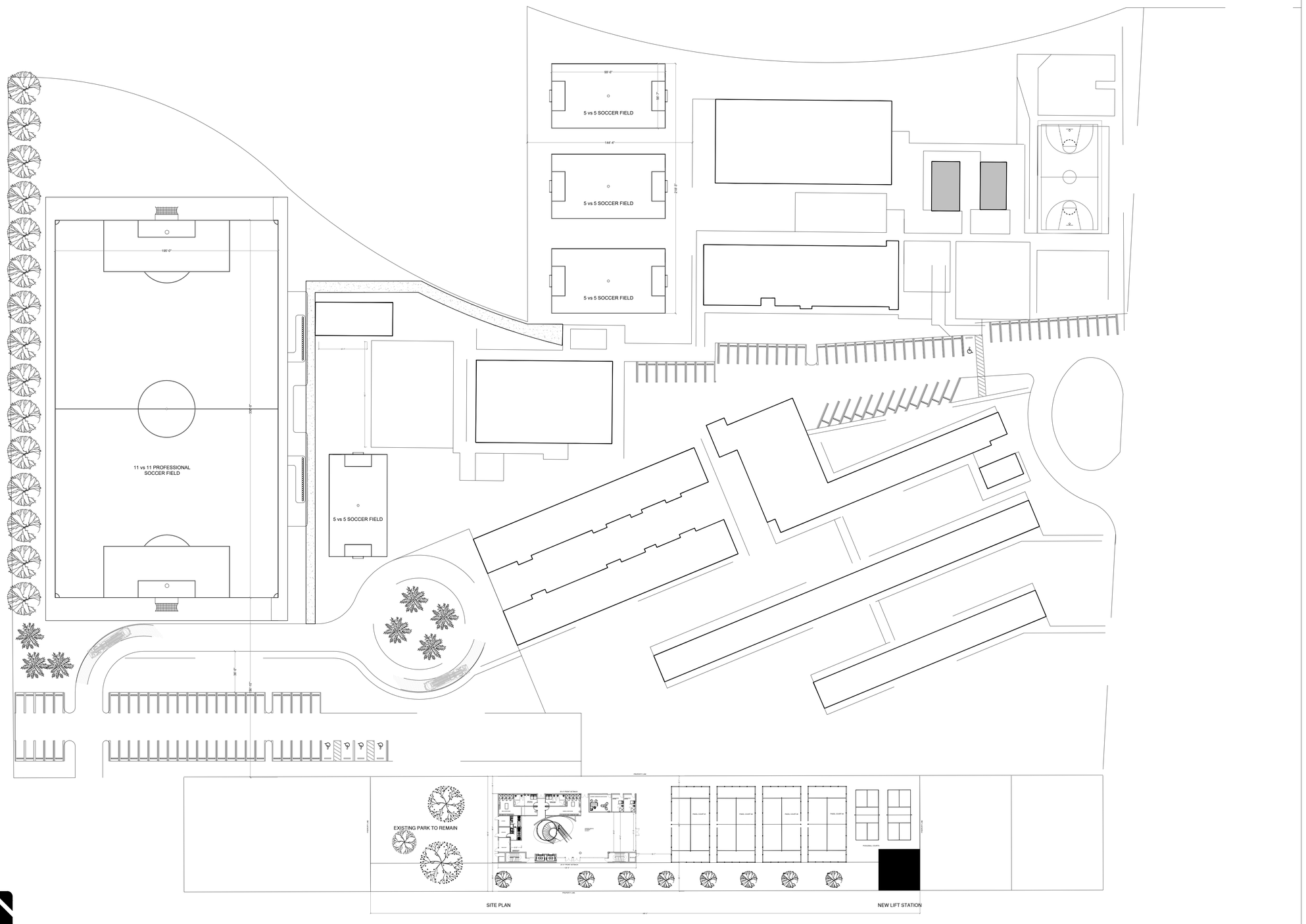
CKM
CONSTRUKOM ARCHITECTURE


AFA
10



CKM
CONSTRUKOM ARCHITECTURE


Bar Restaurant
AFA



SITE PLAN

DRAWN:	G.B.
CHECKED:	J.P.
DATE:	6/20/2021
SCALE:	
JOB. NO.:	S300

PROJECT TITLE:
AFA SOCCER & SPORT COMPLEX
@ NORTH BAY VILLAGE FLORIDA

PLANA INTERNATIONAL
1053 SW 12th STREET
BOCA RATON, FLORIDA 33486
PHONE: (561) 447-9344 e.FAX (561) 447-4162
E MAIL: archiplan@aol.com

CONSTRUKOMUSA
346 CONSERVATION DRIVE
WESTON, FLORIDA 33327
PHONE: (954) 999-6085
E MAIL: construkomusa@hotmail.com

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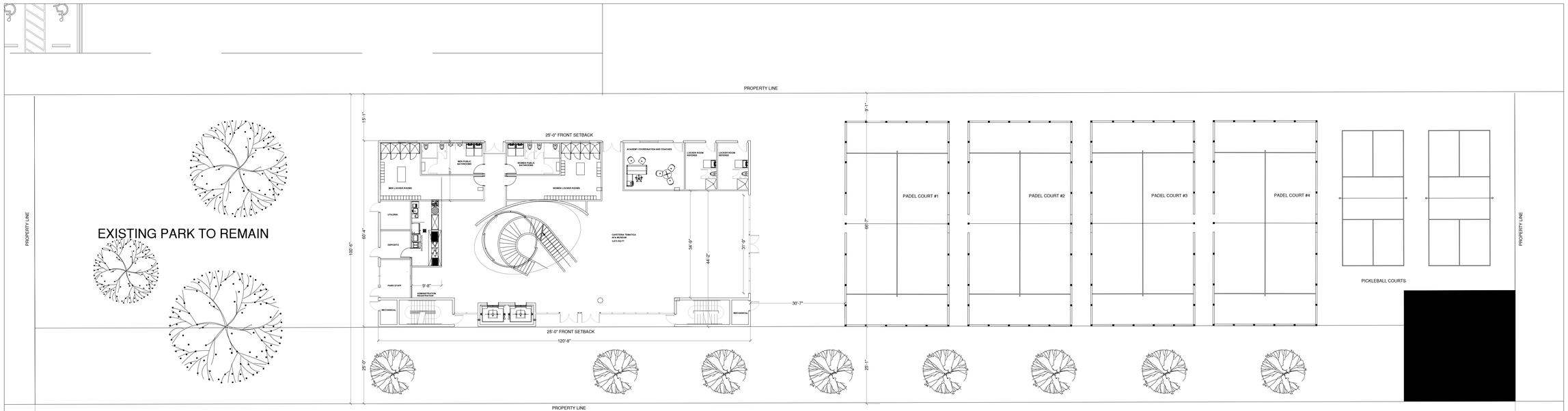

SITE PLAN

NEW LIFT STATION

ENLARGED SITE PLAN

ENLARGED SITE PLAN

DRAWN:	G.B.
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A-2.0

PROPERTY LINE

15'-1"

25'-0" FRONT SETBACK

MEN PUBLIC BATHROOMS

19'-7"

WOMEN PUBLIC BATHROOMS

ACADEMY COORDINATION AND COACHES

LOCKER ROOM REFEREE

LOCKER ROOM REFEREE

MEN LOCKER ROOMS

WOMEN LOCKER ROOMS

UTILERIA

DEPOSITO

SHOWKITCHEN

CAFETERIA TEMATICA
AFA MUSEUM
3,675 SQ FT

60'-4"

100'-6"

34'-9"

44'-2"

31'-9"

PARK STAFF

9'-8"

ADMINISTRATION
REGISTRATION

MECHANICAL

MECHANICAL

25'-0" FRONT SETBACK

120'-8"

25'-0"

GROUND FLOOR PLAN

ARCHITECTURE FLOOR PLANS

DRAWN:	G.B.
CHECKED:	J.P.
DATE:	6/20/2021
SCALE:	
JOB. NO.:	S300

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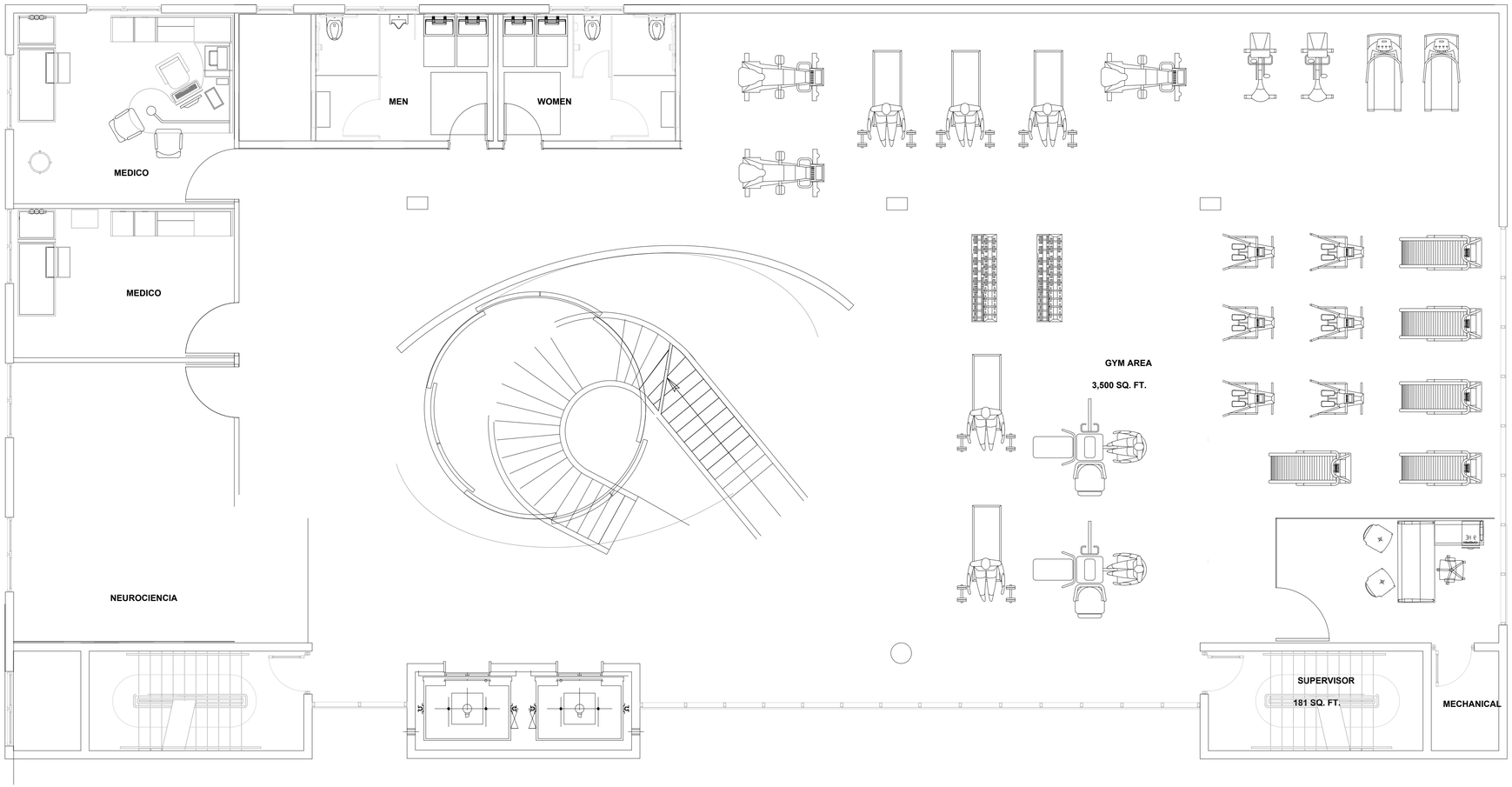

SECOND FLOOR PLAN

DRAWN:	G.B.
CHECKED:	J.P.
DATE:	6/20/2021
SCALE:	
JOB. NO.:	S300

ARCHITECTURE FLOOR PLANS

PROJECT TITLE:
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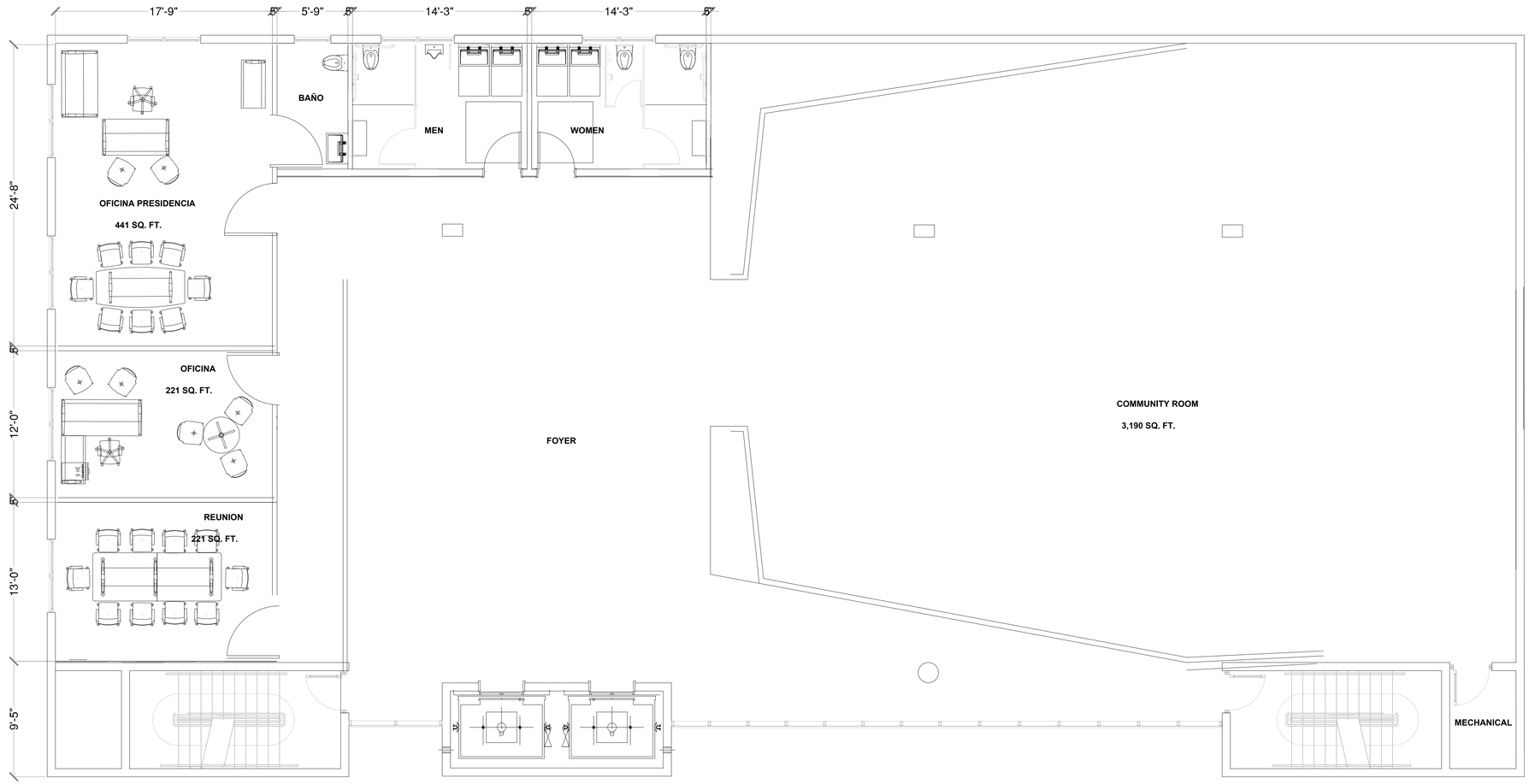
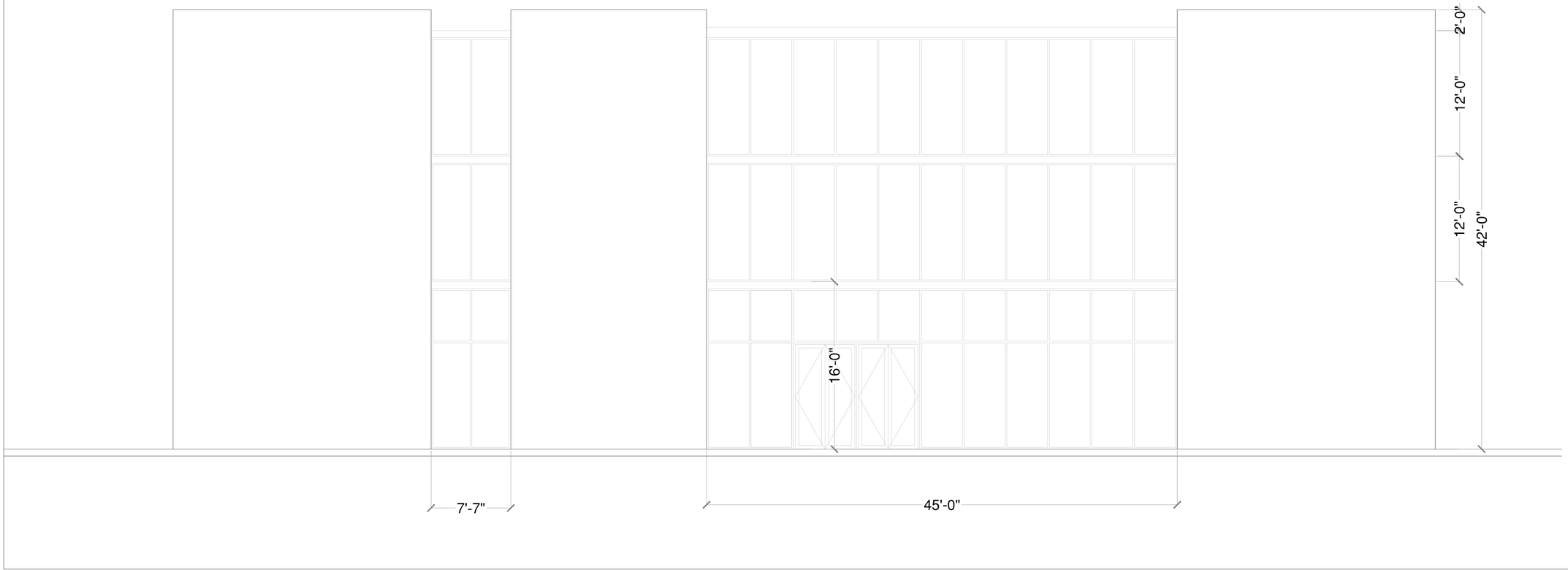
A-4.0



THIRD FLOOR PLAN

ARCHITECTURE FLOOR PLANS	DRAWN: G.B. CHECKED: J.P. DATE: 6/20/2021 SCALE: JOB. NO.: S300	PROJECT TITLE: SOCCER & SPORT COMPLEX @ NORTH BAY VILLAGE FLORIDA				PLANA INTERNATIONAL 1053 SW 12th STREET BOCA RATON, FLORIDA 33486 PHONE: (561) 447-5344 e.FAX (561) 447-4162 E.MAIL: archiplan@aol.com	CONSTRUKOMUSA 346 CONSERVATION DRIVE WESTON, FLORIDA 33327 PHONE: (954) 999-6085 E.MAIL: construkomusa@hotmail.com	A-5.0



FRONT ELEVATION

ELEVATIONS	DRAWN: G.B. CHECKED: J.P. DATE: 6/20/2021 SCALE: JOB. NO.: S300	PROJECT TITLE: SOCCER & SPORT COMPLEX @ NORTH BAY VILLAGE FLORIDA				PLANA INTERNATIONAL 1053 SW 12th STREET BOCA RATON, FLORIDA 33486 PHONE: (561) 447-9344 o.FAX (561) 447-4162 E MAIL: archplan@aol.com	CONSTRUKOMUSA 346 CONSERVATION DRIVE WESTON, FLORIDA 33327 PHONE: (954) 999-6065 E MAIL: construkomusa@hotmail.com	A-6.0



NORTH ELEVATION

ELEVATIONS

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DATE:	6/20/2021
SCALE:	
JOB. NO.:	S300

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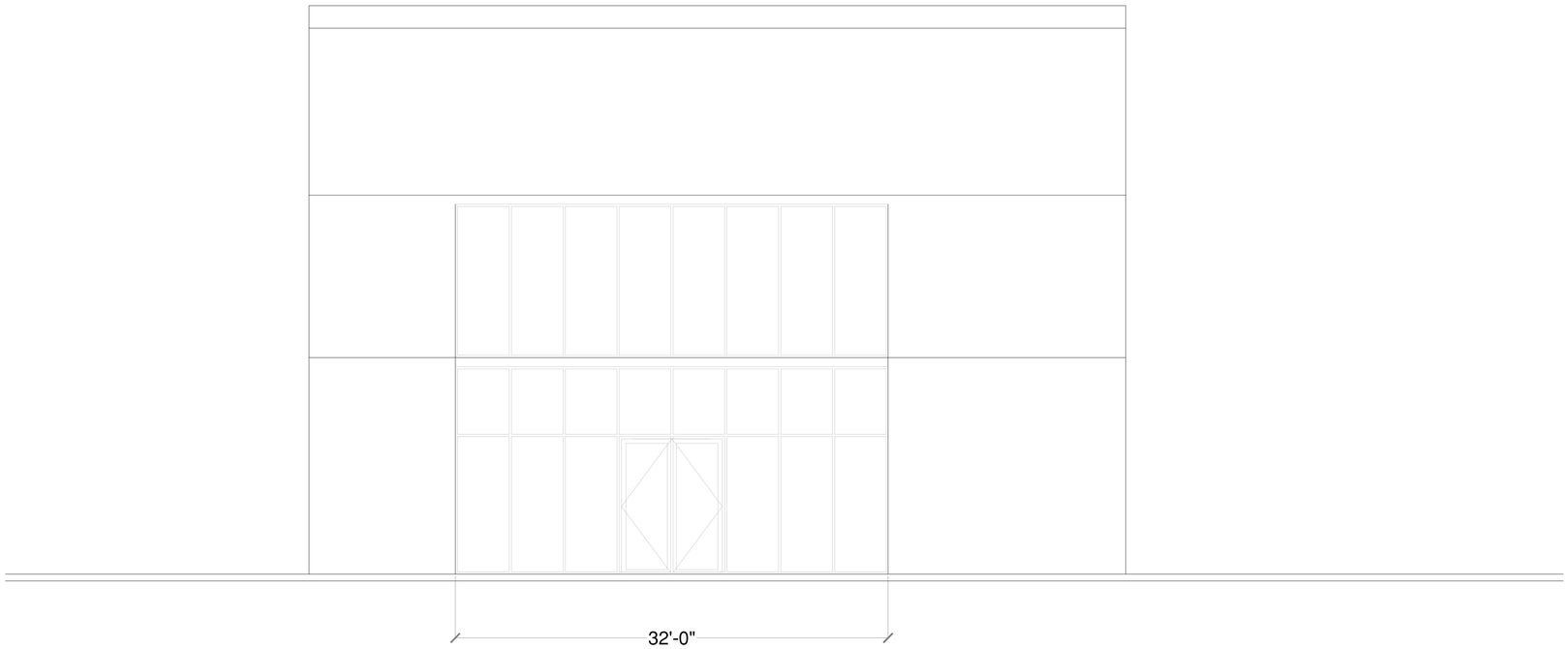

EAST ELEVATION

ELEVATIONS

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CHECKED:	J.P.
DATE:	6/20/2021
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A-8.0

RESOLUTION NO. 2023-____

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] A USE EXCEPTION PURSUANT TO SECTION 8.11 OF THE UNIFIED LAND DEVELOPMENT CODE (ULDC) TO ALLOW VILLAGE-OWNED PROPERTY LOCATED AT 1851 GALLEON STREET, NORTH BAY VILLAGE, AS LEGALLY DESCRIBED IN EXHIBIT "A", AND ZONED RM-40, TO BE DEVELOPED FOR A USE (TRAINING CENTER FOR THE ARGENTINE FOOTBALL ASSOCIATION (AFA) AND COMMUNITY-SERVING FACILITIES) WHICH PROVIDES A PUBLIC BENEFIT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Argentine Football Association (AFA) (the "Applicant") is proposing to develop community-serving facilities along with an AFA U.S. headquarters and training facility on North Bay Village's current public works yard property which encompasses approximately 48,000 square feet., located at 1851 Galleon Street (the "Property"), with a legal description as shown in Exhibit A; and

WHEREAS, the Property is zoned RM-40 Medium Density Multiple Family Residential District, where the proposed use is not permitted as of right; and

WHEREAS, Section 8.11.B.6. grants the Village Commission authority to permit by exception uses that provide a public benefit (including, but not limited to, parks, open space and other public amenities) that will not adversely affect the existing adjacent uses, the uses permitted in the zoning district of the subject property, or the uses permitted in the zoning district of the adjacent properties; and

WHEREAS, the Applicant, as part of this application, requests approval of a use exception under the provisions of this section, to permit the referenced uses to be located on the Property; and

WHEREAS, after a duly noticed public hearing held on _____, 2023, the Planning and Zoning Board voted to recommend [approval/approval with conditions/denial] of the Use Exception [subject to the conditions set forth and included below in Section 2]; and

WHEREAS, the Village Commission conducted a duly noticed public hearing on _____, 2023 in accordance with the law to hear the application; and

WHEREAS, the Mayor and Village Commission find the proposed Use Exception [is/is not] consistent with the Village's Comprehensive Plan and ULDC; [furthers/does not further] the purpose, goals, objectives, and policies of same; and [is/is not] in the best interest of the Village.

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

Section 1. Recitals. The foregoing recitals are confirmed, adopted, and incorporated herein and made a part hereof.

Section 2. Findings. The Village Commission finds that the proposed Use Exception (i) [would/would not] provide a public benefit that will not adversely affect the existing adjacent uses, the uses permitted in the zoning district of the subject property, or the uses permitted in the zoning district of the adjacent properties; and (ii) that this proposal otherwise [meets/does not meet] the requirements of the ULDC.

Section 3. Decision; Conditions. Pursuant to Section 8.11 of the ULDC, a Use Exception for the AFA training facilities and U.S. headquarters at 1851 Galleon Drive to serve the needs of the community is hereby [approved/approved with conditions/denied], [subject to the following conditions]:

1. The Use Exception is contingent upon the successful completion of a joint use agreement with Miami-Dade County Public Schools.

2. The Use Exception expires two years from the date this Resolution is approved unless a building permit to implement the proposed site plan is obtained and substantial construction has commenced.

Section 4. Violation of Conditions; Limitation of Approval. Noncompliance with the terms and conditions of this approval shall be considered a violation, and penalties may include but are not limited to revocation of the approval granted by this resolution. The issuance of this development permit does not in any way create a vested right(s) on the part of the Applicant to obtain a permit from a county, state, or federal agency, and does not create any liability on the part of the municipality for issuance of the permit if the Applicant fails to obtain requisite approvals or does not fulfill the obligations imposed by a county, state or federal agency or undertakes actions that result in a violation of county, state, or federal law.

Section 5. Effective Date. This Resolution shall be in force and take effect immediately upon its passage and adoption.

The foregoing Resolution was offered by _____, who moved its adoption. The motion was seconded by _____, and upon being put to a vote, the vote was as follows:

Mayor Brent Latham	___
Vice Mayor Richard Chervony	___
Commissioner Goran Cuk	___
Commissioner Andrew Rotondaro	___
Commissioner Rachel Streitfeld	___

PASSED AND ADOPTED on this ___ day of_____, 2023.

Brent Latham, Mayor

ATTEST:

Alba L. Chang, CMC
Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Weiss Serota Helfman Cole & Bierman, P.L.
Village Attorney

Exhibit "A"
LEGAL DESCRIPTION

Address: 1851 Galleon Street, NORTH BAY VILLAGE

Folio Number: 23-3209-014-0200

Legal Description: TREASURE ISLAND 1ST ADDN PORT OF TR B, PB 57-6 LOT 3 THRU 8 BLK 9 of the Public Records of Miami-Dade County, Florida.

Exhibit “B”
Schematic Architectural Plan Sheets A-1.0 to A-8.0 dated 6/20/21

MIAMI-DADE

STATE OF FLORIDA
COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared ROSANA SALGADO, who on oath says that he or she is the LEGAL CLERK, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, of Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

NORTH BAY VILLAGE - PUBLIC HEARING - SEPT. 14, 2023

in the XXXX Court,
was published in a newspaper by print in the issues of Miami Daily Business Review f/k/a Miami Review on

09/01/2023

Affiant further says that the newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Sworn to and subscribed before me this
1 day of SEPTEMBER, A.D. 2023

Barbara Thomas

(SEAL)
ROSANA SALGADO personally known to me

BARBARA THOMAS
Commission # HH 187442
Expires November 2, 2025
Bonded Thru Troy Fain Insurance 800-385-7019

NORTH BAY VILLAGE
NOTICE OF PUBLIC HEARING

PUBLIC NOTICE IS HEREBY GIVEN THAT THE PLANNING & ZONING BOARD OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A REGULAR MEETING ON SEPTEMBER 14, 2023 AT 6:00 P.M. AT 1666 KENNEDY CAUSEWAY, #101, NORTH BAY VILLAGE, FL 33141 AND VIA ZOOM, OR AS SOON AS POSSIBLE THEREAFTER. DURING THIS MEETING THE BOARD WILL CONSIDER THE FOLLOWING AT A PUBLIC HEARING:

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING/APPROVING WITH CONDITIONS/DENYING] A REQUEST BY 7940 NBV PARTNERS, LLC FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 8.11 AND 9.3.E. OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC"), TO ALLOW UP TO TWENTY PERCENT (20%) OF PARKING SPACES REQUIRED FOR A PROJECT AT 7938-7940 WEST DRIVE TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES; PROVIDING FINDINGS; PROVIDING FOR CONDITIONS; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] AN APPLICATION BY 7940 NBV PARTNERS, LLC FOR A VARIANCE PURSUANT TO SECTION 7.3 OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC") OF PARKING REQUIREMENTS PROVIDED IN SECTION 9.3.C. OF THE ULDC, TO PERMIT THE PROVISION OF 135 SPACES WHERE 212 WOULD BE REQUIRED FOR A PROJECT LOCATED AT 7938-7940 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA; ALTERNATIVELY [APPROVING / APPROVING WITH CONDITIONS / DENYING] A WAIVER PURSUANT TO SECTION 9.3.D. OF REGULARLY APPLICABLE PARKING REQUIREMENTS; PROVIDING FINDINGS; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] AN APPLICATION BY 7940 NBV PARTNERS, LLC FOR A VARIANCE PURSUANT TO SECTION 7.3 OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC") OF MINIMUM AISLE WIDTH REQUIREMENTS PROVIDED IN SECTION 9.3.E. OF THE ULDC, TO PERMIT A PARKING AISLE WIDTH OF 22 FEET WHERE 23 FEET WOULD BE REQUIRED FOR A PROJECT LOCATED AT 7938-7940 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA; PROVIDING FINDINGS; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

9/14/2023

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] A SITE PLAN BY 7940 NBV PARTNERS, LLC, PURSUANT TO SECTIONS 5.2 OF THE VILLAGE'S UNIFIED LAND DEVELOPMENT CODE ("ULDC"), FOR DEVELOPMENT OF A MULTIFAMILY RESIDENTIAL PROJECT ON AN APPROXIMATELY 0.77-ACRE SITE LOCATED AT 7938-7940 WEST DRIVE, NORTH BAY VILLAGE, CONSISTING OF UP TO 70 DWELLING UNITS, INCLUDING REQUESTS FOR APPROVAL TO: (A) TRANSFER DENSITY RIGHTS FOR 16 DWELLING UNITS FROM VILLAGE-OWNED PROPERTY PURSUANT TO SEC. 8.13.; AND (B) INCREASE BUILDING HEIGHT ABOVE THE BASE BUILDING HEIGHT OF 150 FEET VIA BONUSES AVAILABLE PURSUANT TO SEC. 8.12, UP TO A MAXIMUM HEIGHT OF 312 FEET; PROVIDING FOR FINDINGS; PROVIDING FOR CONDITIONS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] A USE EXCEPTION PURSUANT TO SECTION 8.11 OF THE UNIFIED LAND DEVELOPMENT CODE (ULDC) TO ALLOW VILLAGE-OWNED PROPERTY LOCATED AT 1851 GALLEON STREET, NORTH BAY VILLAGE, AS LEGALLY DESCRIBED IN EXHIBIT "A", AND ZONED RM-40, TO BE DEVELOPED FOR A USE (TRAINING CENTER FOR THE ARGENTINE FOOTBALL ASSOCIATION (AFA) AND COMMUNITY-SERVING FACILITIES) WHICH PROVIDES A PUBLIC BENEFIT; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE MAYOR AND VILLAGE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] A VARIANCE APPLICATION PURSUANT TO SECTION 111.13 OF THE VILLAGE'S CODE OF ORDINANCES BY FARINA CONTEMPORARY PIZZA CORP (DBA PETRALUNGA), TO ALLOW AN ESTABLISHMENT LOCATED AT 7601 EAST TREASURE DRIVE, #CU-21, ON THE GRAND VIEW PALACE PROPERTY, TO VARY FROM SECTION 111.12(A)(1) OF THE CODE BY AUTHORIZING THE ISSUANCE OF A LICENSE TO SELL ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION FROM A LOCATION LESS THAN 500 FEET FROM AN EXISTING SCHOOL AND TO VARY FROM SECTION 111.12(B)(3) OF THE CODE BY AUTHORIZING THE ISSUANCE OF A LICENSE TO SELL ALCOHOLIC BEVARAGES FOR OFF-PREMISES CONSUMTION FROM A LOCATION LESS THAN 1,000 FEET FROM AN EXISTING OFF-PREMISES LICENSEE; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] A SITE PLAN PURSUANT TO SECTION 5.2 OF THE VILLAGE'S UNIFIED LAND DEVELOPMENT CODE ("ULDC"), FOR DEVELOPMENT OF A GOVERNMENT FACILITY CONSISTING OF A VILLAGE HALL AND COUNTY FIRE STATION AT 1335 79TH STREET CAUSEWAY, NORTH BAY VILLAGE, AN APPROXIMATELY 0.76-ACRE SITE ZONED T6-24MU; PROVIDING FOR FINDINGS; PROVIDING FOR CONDITIONS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

AN ORDINANCE OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING SECTION 15.3 OF CHAPTER 15 OF THE VILLAGE'S UNIFIED LAND DEVELOPMENT CODE ("ULDC") TO ALLOW TEMPORARY STRUCTURES WITHIN THE T6-30 ZONING DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

The meeting agenda is available online at:
https://northbayvillage-fl.gov/agendas-minutes/
You may attend the meeting in person at the physical meeting location:
1666 Kennedy Causeway, #101
North Bay Village, FL 33141 OR

Participate in the meeting via Zoom:
Meeting ID: 881 2072 9718
Passcode: 236512
Watch the Virtual Public Meeting:
https://northbayvillage-fl.gov/videos
TV Channel 661
Facebook Live
Listen via telephone to the Virtual Public Meeting:
1-929-205-6099
For technical support during the meeting, please contact:
(786) 309-4991

THE PROPOSED ORDINANCE(S) AND/OR RESOLUTION(S) MAY BE INSPECTED BY THE PUBLIC AT THE OFFICE OF THE VILLAGE CLERK. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE VILLAGE CLERK AT 305-756-7171. A COMPLETE AGENDA PACKET IS ALSO AVAILABLE ON THE VILLAGE WEBSITE AT WWW.NORTHBAYVILLAGE-FL.GOV FIVE DAYS PRIOR TO THE DATE OF THE MEETING. INTERESTED PARTIES MAY APPEAR AT THE PUBLIC HEARING AND BE HEARD WITH RESPECT TO THE PROPOSED ORDINANCE(S). ANY PERSON WISHING TO ADDRESS THE VILLAGE COMMISSION OR BOARD ON ANY ITEM AT THIS PUBLIC HEARING IS ASKED TO REGISTER WITH THE VILLAGE CLERK PRIOR TO THAT ITEM BEING HEARD. ALTERNATIVELY, MEMBERS OF THE PUBLIC MAY EXPRESS THEIR VIEWS IN WRITING TO THE COMMISSION OR BOARD C/O VILLAGE CLERK, 1666 KENNEDY CAUSEWAY, #300, NORTH BAY VILLAGE, FL 33141, OR VIA EMAIL AT PUBLICCOMMENT@NBVILLAGE.COM.

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

ALBA L. CHANG, CMC
VILLAGE CLERK
9/1

23-105/0000681746M

2/2

ITEM NO. 3E

North Bay Village
Recommendation Memorandum

DATE: September 14, 2023

TO: Honorable Mayor, Vice Mayor and Members of the Village Commission

FROM: Silvia Vargas, Village Planner

SPONSORED BY:

SUBJECT: **A Resolution Regarding Variance Application Pursuant to Section 111.13 of the Village Code of Ordinances by Farina Contemporary Pizza Corp (DBA Petralunga) for 7601 East Treasure Drive #CU-21 - *Village Manager Ralph Rosado, Ph.D., AICP, Village Planner Silvia E. Vargas, AICP***

RECOMMENDATION

A RESOLUTION OF THE MAYOR AND VILLAGE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] A VARIANCE APPLICATION PURSUANT TO SECTION 111.13 OF THE VILLAGE'S CODE OF ORDINANCES BY FARINA CONTEMPORARY PIZZA CORP (DBA PETRALUNGA), TO ALLOW AN ESTABLISHMENT LOCATED AT 7601 EAST TREASURE DRIVE, #CU-21, ON THE GRAND VIEW PALACE PROPERTY, TO VARY FROM SECTION 111.12(A)(1) OF THE CODE BY AUTHORIZING THE ISSUANCE OF A LICENSE TO SELL ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION FROM A LOCATION LESS THAN 500 FEET FROM AN EXISTING SCHOOL AND TO VARY FROM SECTION 111.12(B)(3) OF THE CODE BY AUTHORIZING THE ISSUANCE OF A LICENSE TO SELL ALCOHOLIC BEVARAGES FOR OFF-PREMISES CONSUMTION FROM A LOCATION LESS THAN 1,000 FEET FROM AN EXISTING OFF-PREMISES LICENSEE; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Recommended Action: To forward to the Village Commission a recommendation of approval with conditions as presented by Staff.

BACKGROUND AND ANALYSIS
SUMMARY

Applicant: Farina Contemporary Pizza Corp (DBA Petralunga)

Application Type: Variance (See Attachment 1)

Property Location: 7601 East Treasure Drive, #CU-21, North Bay Village FL 33141

Legal Description: The Grandview Palace Condo Unit CU-21 Undivided 0.3044% Int in Common Elements Off Rec21423-3980 (See attached Certificate of Condominium Ownership included as Attachment 2)

Present Owner: First Equitable Realty III Limited

Present Use: Commercial

Future Land Use: Commercial and Residential/Multi-family high density up to 70 dwelling units per acre with ancillary commercial up to 0.5 FAR (See Attachment 3)

Zoning District: Kennedy Boulevard District T6-24 Transect and High-Density Multifamily Residential RM-70 (See Attachment 3)

Intent of Zoning District: The purpose of the RM-70 district is to provide for high-density multi-family residential structures together with other principal uses as may be approved as use exceptions and such accessory uses as may be necessary and compatible. The purpose of the Kennedy Boulevard District is to:
1) Support the goals of the NBV 100 Master Plan.
2) Transform Kennedy Causeway into a walkable, mixed-use boulevard that supports vibrant retail and a wide range of transportation modes.
3) Facilitate the short-term activation of Pirates Alley into a Village Center.
4) Lay the groundwork for the long-term incremental development of a great urban center and Main Street that supports diverse locally oriented businesses and cultural institutions.
5) Provide improved standards for a wider, more active, and more accessible Island Walk.
6) Attract development of underused and vacant lots in a manner that improves the public realm, increases access to the water and contributes to a robust economic base.
7) Facilitate economic development of Village-owned property to provide, emphasize, and maximize civic amenities that improve the overall livability of the community.

Planning staff has reviewed the applicant's request and finds the variance for the proposed use generally consistent with the purpose and intent of the future land use designations and zoning districts. The Applicant's property is an existing 1,927 square-foot unit within the stand-alone commercial/parking garage building (identified as North Parking Garage) located on the Grandview Palace property.

1. APPLICANT'S REQUEST

The applicant is seeking a variance from the distance requirements of Sections 111.12(A) an 111.12(B)(3) of the Village Code of Ordinances to authorize the issuance of a license for a retail vendor of alcoholic beverages for consumption off the premises to be located less than 5 less than 1,000 feet from an existing off-premises licensee. Property owner First Equitable Realty III Limited has authorized the Applicant to seek this variance.

Staff finds that a variance from Section 111.12(A)(1) to allow the issuance of this license for a

location less than 500 feet from an existing school is also required to allow the retail sales for off-premises consumption due to the restrictions of approval of a previous variance (see below).

These variances will allow the issuance of a license to sell alcoholic beverages for off-premises consumption from an existing restaurant currently licensed to sell alcoholic beverages only for consumption on the premises, located at 7601 East Treasure Dr., #CU-21.

The location for the vendor is at an airline distance less than the required 500 feet from the Treasure Island Elementary School and less than 1,000 feet from two existing off-premises licensees. (See Attachment 4).

2. BACKGROUND AND CONTEXT

Two variances were approved for 7601 East Treasure Drive CU-21 by Resolution No. 2000-05 of the Village Commission on February 22, 2000, from the distance requirements of Sections 111.12(A) and 111.12(B)(4), allowing alcoholic beverages to be served specifically within a restaurant, with conditions including that the variances be in service of a restaurant as a principal use, with alcoholic beverages restricted to consumption on premises (see Attachment 5). While these variances remain in effect, the conditions of approval limit the sales of alcoholic beverages at this location to on-premises consumption.

The specific location for which the variances were granted has functioned as a restaurant since the early 2000s. The current iteration of the restaurant (Petralunga) has maintained an active Village license for on-premises alcoholic beverage service since 2020, is not delinquent and does not have any complaints or violations related to its state-sis.

Section 111.13 of the Code provides for consideration and granting of variances from the regulations and restrictions contained in Chapter 111. The Applicant, an existing licensee for sale of alcoholic beverages for on-premises consumption, is requesting a variance from this distance requirement to allow the issuance of an additional license to sell alcoholic beverages for consumption off the premises.

3. FINDINGS

Section 111.13(B) of the Code provides that variances from distance requirements may be granted to proposed establishments if they are located nearer to another licensed establishment or to a school than the minimum required distance pursuant to section 111.12. A determination shall be by a majority vote of the Village Commission, following consideration by the Planning and Zoning Board.

In making the determination, the Village Commission shall consider the following:

(1) That the variance maintains the basic intent and purpose of the applicable zoning, subdivision, and other land use regulations of the Village's Unified Land Development Code.

Staff analysis: Granting of the variances will maintain the basic intent of the applicable zoning regulations. The retail vendor seeks to supplement and expand the restaurant use, by adding alcoholic beverage orders to an existing takeout and delivery service. The restaurant use is consistent with the permitted uses in the zoning district and complies with the district zoning

regulations. No changes to the building or space will be made to accommodate the additional service.

(2) That the granting of the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public health, safety, and general welfare of the community. In addition to considering the character and use of adjoining buildings and those in the vicinity, the Village Commission in determining its findings may consider the effect of the granting of the variance upon traffic conditions in the vicinity of the location of the requested variance.

Staff analysis: Granting the requested variances will be in harmony with the general intent and purpose of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, especially taking into consideration that the location has served as a restaurant with a license for on-premises consumption for many years, and that other retail vendor licensees have existed in the same complex without injury to the neighborhood or detriment to the public welfare. Granting this variance will not change the use to one that is not or has not previously been permitted in the zoning district or different from other land in the same district. Other nearby locations licensed to sell alcoholic beverages for consumption off the premises include a mini-market (Sunshine Grocery, located less than 200 feet away, and granted a variance in 2022 via Resolution No. 2022-037) and a marina (Grandview Fuel, LLC, from a location less than 500 feet on Pier B).

(3) The Village Commission shall also consider whether a requested variance is consistent with the purposes and goals contained in and projected in the North Bay Village Comprehensive Plan and the NBV100 Master Plan.

Staff Analysis: The proposed use is consistent with the envisioned character of the district today and in the future as a complete neighborhood with a wide variety of uses and services to cater to the needs of its residents.

In particular, the requested variance maintains consistency with the following purposes and goals contained in the Village's adopted Comprehensive Plan:

<u>Future Land Use Element</u>
GOAL: Secure the maximum physical, economic, and social welfare for the Village and its residents through the thoughtful use and development of land, buildings, streets, and public facilities…

[…]

Objective 2.1: Manage future growth and development by implementing and enforcing all existing plans and regulations and by preparing and adopting new regulations as needed.

[…]

Policy 2.2.8: The Village shall promote a mixed-use and vibrant commercial street life through the promotion of quality restaurants, grocery stores, coffee and bagel shops, pharmacies, retail stores and entertainment centers.

[…]

Policy 2.2.10: The Village shall develop a strategic plan for the expansion of existing Village businesses and incentivizing new businesses to locate in the Village.

[…]

4. RECOMMENDATION

Based on an analysis of the request and the criteria listed above, Staff recommends approval of the request, subject to the following conditions:

1) This approval is subject to applicable zoning restrictions and is limited to the authorization of a license for the sale of alcoholic beverages for consumption off the premises at the 1,927 square-foot space identified as 7601 East Treasure Drive, #CU-21.
2) The retail sales of alcoholic beverages for off-premises consumption shall be subordinate to the primary use of the unit as a restaurant.
3) The premises shall display legible signage near each public entrance to the premises, prohibiting loitering and open containers.
4) All business signage shall comply with the restrictions on Section 8.10.D in Chapter 8, and Section 11.4 in Chapter 11.
5) The sale of alcoholic beverages for off-premises consumption shall be the same as the hours of operation of the restaurant unless the terms of the State license are more restrictive.
6) The business shall obtain a Business Tax Receipt (BTR) from the Village to engage prior to commencing the activity. All other applicable local, state, and federal permits must be obtained prior to the BTR being granted by the Village.
7) Pursuant to Section 7.5, after the Village Commission has granted a variance, the variance so approved or granted shall expire after two years, measured from the date of final Commission action, if no substantial construction or change of use has taken place in accordance with the plans for which the variance was granted.

The proposed resolution is included as Attachment 6.

ATTACHMENTS

1. Variance Application Request (including application form and related affidavits, letter of intent, location of proposed vendor, and photos of business location requesting the variance)
2. Certificate of Condominium Ownership
3. Future Land Use and Zoning of Subject Property
4. Special Purpose Radius Survey (Exhibit A to Variance Application)
5. Resolution No. 2000-005 East Treasure Drive (Variances granted for a restaurant to sell alcoholic beverages for consumption on the premises)
6. Resolution No. 2023-XXX Variance for Petralunga ABL_7601_ETD_(CU-21)

BUDGETARY/FINANCIAL IMPACT (Finance Dept.)
N/A

PERSONNEL IMPACT
N/A

ATTACHMENTS
Attachment 1_Petralunga Variance Request Application.pdf
Attachment 2_Certificate of Condominium Ownership.pdf
Attachment 3_Future Land Use and Zoning of Subject Property.pdf

Attachment 4_ Special Purpose Radius Survey.pdf
Attachment 5_R-2000-05 7601 EAST TREASURE DR Variance.pdf
Attachment_6 Reso Petralunga 7601 ETD.CU21 Variance.docx
DBR Notice 09.1.23. PZBpdf

North Bay Village

1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.northbayvillage-fl.gov

APPLICATION FORM FOR VARIANCE REQUEST, INCLUDING EXTENSION OF AN UNEXPIRED VARIANCE AND/OR SPECIAL EXCEPTION APPROVAL

This application form is to be used to petition for a variance from the regulations pursuant to Section 7.3. of the North Bay Village Unified Land Development Code. **This application may only be applied for by the owner of the property, which shall mean the person who owns and currently resides, or owns and intends to reside, at the subject premises, or their legal representative.**

Submit your application, with all the required information to the Village Planning and Zoning Official, via svargas@cgasolutions.com. Physical copies of materials may be requested prior to public hearing, to be delivered at the Village offices located at 1666 Kennedy Causeway, Suite 300. Variances require public hearings conducted by the Planning & Zoning Board and the Village Commission. Applications must be complete, and all required fees be paid in order to be accepted and placed on an agenda.

This application, including all supplemental forms and data, must be completed in accordance with the attached instructions and submitted with the required fees pursuant to the most up-to-date Fee Schedule. Accepted payment methods for the required fees are check or credit card when paying in person at the Village offices. You may also call (305) 756-7171 to make your credit card payment by phone.

This form is a fillable PDF. TYPE OR PRINT LEGIBLY ALL INFORMATION ON THE APPLICATION.

1. Property Owner Name: FIRST EQUITABLE REALTY III LTD
2. Contact Phone: 786-301-8006 Email Address: JAMES.R.EDW@GMAIL.COM
3. Mailing Address: 7601 E TREASURE DRIVE, STE 1709 NORTH BAY VILLAGE, FL 33141
4. Applicant Name: FARINA CONTEMPORARY PIZZA CORP PETRALUNGA
(If different from Owner)
5. Contact Phone: 786-508-4205 Email Address: INFO@PETRALUNGA.COM
6. Mailing Address 7601 E TREASURE DRIVE CU-21, NORTH BAY VILLAGE, FL 33141
7. Address of Property Covered by the Application: 7601 E TREASURE DRIVE CU-21 NORTH BAY VILLAGE, FL 33141
8. Legal Description of Property Covered by the Application (add pages if needed):
THE GRANDVIEW PALACE CONDO. UNIT CU-21 UNDIV 0.3044% INT IN COMMON ELEMENTS OFF REC21423-3980

9. Folio Number(s): 23-3209-041-6150

10. Lot Size (square feet): 1,927 SQ FT

11. Future Land Use and Zoning Designations: _____

12. Section(s) of the North Bay Village ULDC form which the Applicant Seeks Relief: ____

Sections 111.12 Distance limitations between licensees

13. Variance(s) Requested: Distance variance from the minimum 1000 ft required distance to other retail vendors licensed for sales for off-premises consumption

14. Reasons for the Request (add pages if necessary): _____

We are a small business of North Bay Village proudly serving our community. We aim to expand our service offerings to provide wine, beer, and liquor to-go to our local customers that order through our online food delivery platforms. The sale of liquor in conjunction with fine dining take-out/delivery is a reasonable request. This opportunity could help us to continue serving the community, meet our customer demand and continue to expand our existing business. Our location is a tucked away hidden gem in North Bay Village and it would not be financially feasible for us to move our restaurant to comply with the distance limitations.

OWNER AFFIDAVIT/INTENT TO RESIDE

an authorized representative of JE

I, First Equitable Realty III, Ltd, by JAMES EDWARDS being first duly sworn, depose and say that I am the legal owner of record of the property described and which is the subject of the proposed Variance application ~~and that I currently reside on or intend to reside on the subject premises~~. JE

I have made every attempt to relocate/redesign the proposed improvement to avoid the variance(s) herein requested. I acknowledge that Village Commission has the authority to approve, modify, or deny my application and that in granting approval of my application the Village Commission may prescribe any appropriate conditions and safeguards necessary to protect and further the interest of the area and abutting properties.

This affidavit is subject to penalties of law (Perjury) and to possible voiding of any decision.

James Edwards
Signature

Sworn to and subscribed to before me this 21st day of June, 2023

Thomas Woodrow Ward Jr.
Notary

Public Commission expires: _____

Thomas Woodrow Ward, Jr
NOTARY PUBLIC
Howard County
MARYLAND
My Commission Expires July 01, 2023

CONSENT TO PUBLIC HEARINGS

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

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

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

I (We) further acknowledge that I (We) have read and understand the conditions for appearance before the Planning and Zoning Board and the Village Commission pursuant to the Village Code Chapter 7. Any person submitting false information or misrepresenting in their presentation shall have all privileges granted to them by the Planning & Zoning Board and the Village Commission revoked.

Authorized Signature _____

Print Name GIOVANNI BRUSCAGLIA

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

STATE OF FLORIDA
COUNTY OF MIAMI DADE

Sworn to and subscribed to before me this 14 day of AUGUST, 2023,

by Giovanni Bruscaglia, who is personally known to

me or who has produced _____ as identification.

Notary Public State of Florida
Oscar Garcia-Rivera
My Commission HH 025439
Expires 08/14/2024

Notary Public Signature _____

Commission
Number/Expiration _____

COST RECOVERY AFFIDAVIT

I hereby acknowledge and consent commit to the payment of all applicable cost recovery fees involved as part of my application process. Cost recovery includes, but is not limited to, staff time, attorney fees, planning consultant fees and any other professional service costs incurred by North Bay Village in the review and processing of a development application, regardless of the outcome of the review and/or public hearing process. I further understand and acknowledge that failure to remit payment for incurred costs pursuant to Subsections 5.12.B. and C. (attached) of the North Bay Village Unified Land Development Code (ULDC) constitutes a violation of the Code and the Village may levy penalties to secure compliance, as outlined in Subsection 5.12.C of the ULDC.

Please type or print the following:

Date: 08-14-2023

Relationship to the project: (e.g., property owner, architect, developer, attorney)

APPLICANT

Full Name: GIOVANNI BRUSCAGLIA

Current Address: 1770 MERIDIAN AVE APT. 210

City: MIAMI BEACH State: FL Zip: 33139

Telephone: 7865086205 Email: info@petralunga.com

I am fully authorized to commit to the expenditures contemplated by this Cost Recovery Affidavit.

Signature

SWORN AND SUBSCRIBED BEFORE ME THIS 14 DAY OF AUGUST, 2023

Notary Public, State of Florida at Large

Notary Public State of Florida
Oscar Garcia-Rivera
My Commission HH 025439
Expires 08/14/2024

My Commission expires _____, 20___.

Subsections 5.12.B. and C. Regarding Cost Recovery

B. Cost Recovery Established

1. The applicant shall reimburse the Village for the actual cost of consultant or employed professional review services pursuant to the cost recovery procedures and requirements of subsection C below.

2. Payment in full by the applicant to the Village for the Village's actual expenditures for review of the application shall be a written condition of any development order. These cost recovery deposits fees shall be in addition to any and all other fees required by law, rule, or regulation of the Village Code of Ordinances.

C. Cost Recovery procedure.

1. At the time of submission of any application for development approval, the applicant shall pay the minimum cost recovery deposit fee outlined in the development approval fee and cost recovery deposit schedule set forth in this section, which funds shall be deposited into a cost recovery escrow account established for this purpose. Withdrawals shall be made to reimburse the Village for the cost of consultant services.

2. The Village shall provide the applicant with a copy of the consultant's invoice for any services charged against the applicant's cost recovery escrow account.

3. When the balance in the Village's cost recovery escrow account is reduced to one-half of its initial amount, the applicant shall deposit additional funds into such account to bring its balance up to the amount of the initial deposit. If such amount is not replenished within 30 calendar days after the applicant is notified, in writing, of the requirement of such additional deposit, the Village shall suspend its review of the application and the application shall be deemed withdrawn.

4. If an application is suspended due to nonpayment of the additional escrow deposit specified in subsection 3., a resubmission fee shall be paid, and the cost recovery deposit shall be replenished to a minimum of one-half of the original deposit amount before the application will be reviewed.

5. Prior to the scheduling or noticing of any board or commission hearing, the Village Manager's review of the application shall be complete, and the cost recovery escrow account balance shall be replenished to equal at least one-half of the initial deposit amount.

CHECK LIST FOR THE APPLICANT

Mandatory Submittals:

- [x] Complete Variance Application, including all required forms and affidavits, signed by property owner or owner's representative.
- [x] Letter of Authorization from property owner, if different from Applicant.
- [x] Letter of intent, signed by the Applicant (refer to page 5 of this document), explaining the nature of the request, justification for the proposed variance, evidence that the request complies with Subsection 7.3.D. of the North Bay Village Unified Land Development Code, and other pertinent information. Insufficient justification may result in denial of the application. The applicant must justify each individual variance in the letter of intent.
- [x] Certified Land Survey dated within two (2) years of the filing date of the application, reflecting all current conditions.
- [x] Map or aerial photo showing adjacent properties, surrounding streets (labeled) and a north arrow.
- [x] Photos of buildings and structures on the property concerned.
- [x] Accurately dimensioned plans showing the location and spacing distance of the proposed construction in relation to property lines and existing structure(s), the general location and use of existing structures on property adjacent to the subject property; and the variance being requested clearly shown, (i.e., required versus proposed structure).
- [ ] Floor plans and elevations if required by the Planning and Zoning Official.
- [ ] Filing fees and cost recovery deposit (Refer to the most current North Bay Village Fee Schedule).

Optional Submittals:

- [ ] Signed consent letters from neighboring property owners.
- [ ] Different versions of the proposed variance based on alternative design options.

Applications are deemed incomplete until all mandatory submittals have been received by the Village Planning and Zoning Official.

EVIDENCE THAT THE REQUEST COMPLIES WITH SUBSECTION 7.3.D. OF THE NORTH BAY VILLAGE UNIFIED LAND DEVELOPMENT CODE

In your Letter of Intent, or separately, address how the Variance Application complies with the following criteria.

For the Planning and Zoning Board to recommend approval, and for the Village Commission to grant approval, of a variance request, both must make an affirmative finding with respect to all seven (7) of the following criteria:

1. That there are special circumstances and conditions which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings in the same zoning district.
2. That the special circumstances and conditions were not self-created by any person having an interest in the property.
3. That the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of the land, structure, or building for which the variance is sought; and would involve an unnecessary hardship for the applicant.
4. That granting the variance requested will not confer on the applicant any special privilege that is denied by the Unified Land Development Code to other land, structures, or buildings in the same zoning district.
5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, structure, or building.
6. That granting the variance will be in harmony with the general intent and purpose of this chapter, and that such variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
7. The variance request is not based exclusively upon a desire to reduce the cost of development.

Office Use Only:

Date Submitted: _____ Total Paid: $_____

Date Paid: _____ Filing Fee: $_____

Cash or Check #_____ Cost Recovery Dep: $_____

August 21, 2023

Dr. Ralph Rosado
Village Manager
North Bay Village
1666 Kennedy Causeway
3rd floor
North Bay Village, Florida 33141

Dear Dr. Rosado,

We respectfully submit this letter of intent in support for an application for a variance for Petralunga restaurant from Section 111.12(B)(3) of the Village's Code of Ordinances so as to permit the sale of beer, wine and liquor for consumption off the premises where the proposed establishment is situated less than 1,000 feet from an existing off-premises licensee. Petralunga, which is legally described in the survey as Farina Contemporary Pizza Corp in attached Exhibit A is a restaurant currently designated as a 4COP licensee permitted to "beer, wine and liquor; consumption on premises or package sales". Please see below for our responses to each of the applicable variance codes and variance criteria.

Variance from Code Section 111.12 (A)(1) and (B)(3):

111.12(A)(1) No license for the sale of liquor, beer, and wine, or alcoholic beverages shall be granted or issued to any person or establishment where the place of business designated in the application therefore is within 500 feet of a school. This distance shall be the airline distance from the main entrance of the place of business to the nearest property line of the real property occupied by a school.

Applicant Response: Per 111.12(A)(2), stated below, we are exempt from 111.12(A)(1), because we are an existing restaurant already located within 500 feet from a school so we are exempt from this distance requirement.

111.12(A)(2): **Restaurants and grocery stores selling beer and wine are exempt from the distance requirement described above.**

111.12(B)(3) No license for a retail vendor of alcoholic beverages, for consumption off the premises shall be granted to any person, or establishment where the proposed establishment shall be situated less than 1,000 feet from an existing off-premises licensee. These distance separations shall not apply to grocery stores.

Applicant Response: Per attached Land Survey in Exhibit A, there are two establishments less than 1,000 feet from Petralunga restaurant that are retail vendors of alcoholic beverages which we are seeking variance request from. The first establishment is "6. Market – Bay Mini Market" (alias is Sunshine Grocery). The Bay Mini Market/Sunshine Grocery is located 199 feet from Petralunga restaurant but has different clientele and it operates more as a convenience store that sells limited wine and beer products and no liquor. The other establishment with an alcohol license is "7. Dock – Grandview Fuel LLC" and

located 452 feet from Petralunga. Technically this establishment has an alcohol license but we are not aware of this location actually selling alcohol. Per Google, the company description states it is a gas station.

Since the radius survey was conducted in July 2023, there are two establishments listed on the survey that have 1)since moved away and 2) is no longer applicable. The establishment which moved away is "5. Liquor Store- Happy's Stork Lounge and Liquor Store" and "8. Market- Sunshine Grocery" location on survey is not applicable because it is now operating in the location of "6. Market – Bay Mini Market" (alias is Sunshine Grocery, as stated above). Please see Exhibit B for an up-to-date map view of establishments surrounding Petralunga.

In addition, we believe we may be exempt from a variance request from the Publix Liquor store that was recently approved for a variance request, as Section 111.12(B)(3) state that "these distance separations shall not apply to grocery stores".

Variance Criteria:

We respectfully submit that the variance application complies with the variance criteria as set forth in Section 7.3 of the Code as follows:

In making a determination regarding a variance request from the provisions of this chapter, the Village Commission shall consider the following:

> (1) That the variance maintains the basic intent and purpose of the applicable zoning, subdivision and other land use regulations of the Village's Unified Land Development Code.

Applicant response: Our variance request maintains the basic intent and purpose of the applicable zoning, subdivision and other land use regulations of the Village's Unified Land Development Code. We wish to remain operating as a restaurant with majority sales comprised of food sales. The variance request would just provide additional beverages to be consumed off premises in the case of customers ordering meals for takeout or delivery.

> (2) That the granting of the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public health, safety and general welfare of the community. In addition to considering the character and use of adjoining buildings and those in the vicinity, the Village Commission in determining its findings may take into account the effect of the granting of the variance upon traffic conditions in the vicinity of the location of the requested variance.

Applicant response: Petralunga has been in good standing with the community, adjoining buildings and those in vicinity to us since we opened in March 2020. We support our local neighboring businesses and feel our request of selling beverages comprised of wine, beer and liquor, to our customers is a reasonable request when customers order take-out or delivery. We take great pride in being a big part of the community and our community's public health, safety, and general welfare of the community is of great importance to us. The granting of this variance would not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(3) The Village Commission shall also consider whether a requested variance is consistent with the purposes and goals contained in and projected in the North Bay Village Comprehensive Plan and the NBV100 Master Plan.

Applicant response: One of the Village's Master Plan's Goals is to "secure maximum…economic…welfare for the Village and its residents through the thoughtful use and development of land"… The policies implementing this goal encourage a broad range of commercial uses, and promotion of mixed-use and vibrant commercial street life through the promotion of quality restaurants, grocery stores, coffee and bagel shoes, pharmacies, retail stores and entertainment centers". (See Policy 2.2.9, Policy 2.1.13) The granting of this requested variance would allow an existing high quality restaurant to continue flourishing and meet the demands of the customers within the community by offering additional high quality items to be consumed when making take-out or delivery purchases.

Background:

Petralunga is a small business of North Bay Village proudly serving our local community. We take pride in being one of few dining options in the area. In efforts to expand our restaurant's service offerings to the community, we wish to provide wine, beer, and liquor to-go to our local customers that order food through our online food delivery platforms including UberEats, Grubhub, DoorDash and our website. The sale of liquor in conjunction with fine dining take-out/delivery is a reasonable request. Our menu is crafted with liquor and beverage options in mind. We would be grateful to allow our customers who order online or take out to enjoy high quality wines, liquors and beers with their meals.

The opportunity could help us to continue serving the community, meet our customer demands and continue to expand our existing business. We are a hidden gem in North Bay Village and it would not be financially feasible for us to move our restaurant to comply with the distance limitations as required.

The locations with an alcohol license located within 1000 feet of Petralunga restaurant have totally different service offerings and meet different needs for the community. First and foremost, Petralunga is a restaurant and majority of sales will come from sales of food and will continue to. Since March 2020, we've been operating Petralunga responsibly and without any issues related to our liquor license. Per the state, Petralunga is allowed to sell packaged wine, beer and alcohol to be consumed off-premises per our 4COP license. We would be very grateful to have that same opportunity in our home of North Bay Village.

Contact:

For the foregoing reasons, we respectfully request your favorable consideration of our requests. If you have any questions or wish to discuss the requested variance further, please do not hesitate to contact me at 786-508-4205 or info@petralunga.com . Thank you for your attention to this matter. We look forward to working with you and your colleagues on this very exciting opportunity for our local business.

Sincerely,

Giovanni Bruscaglia

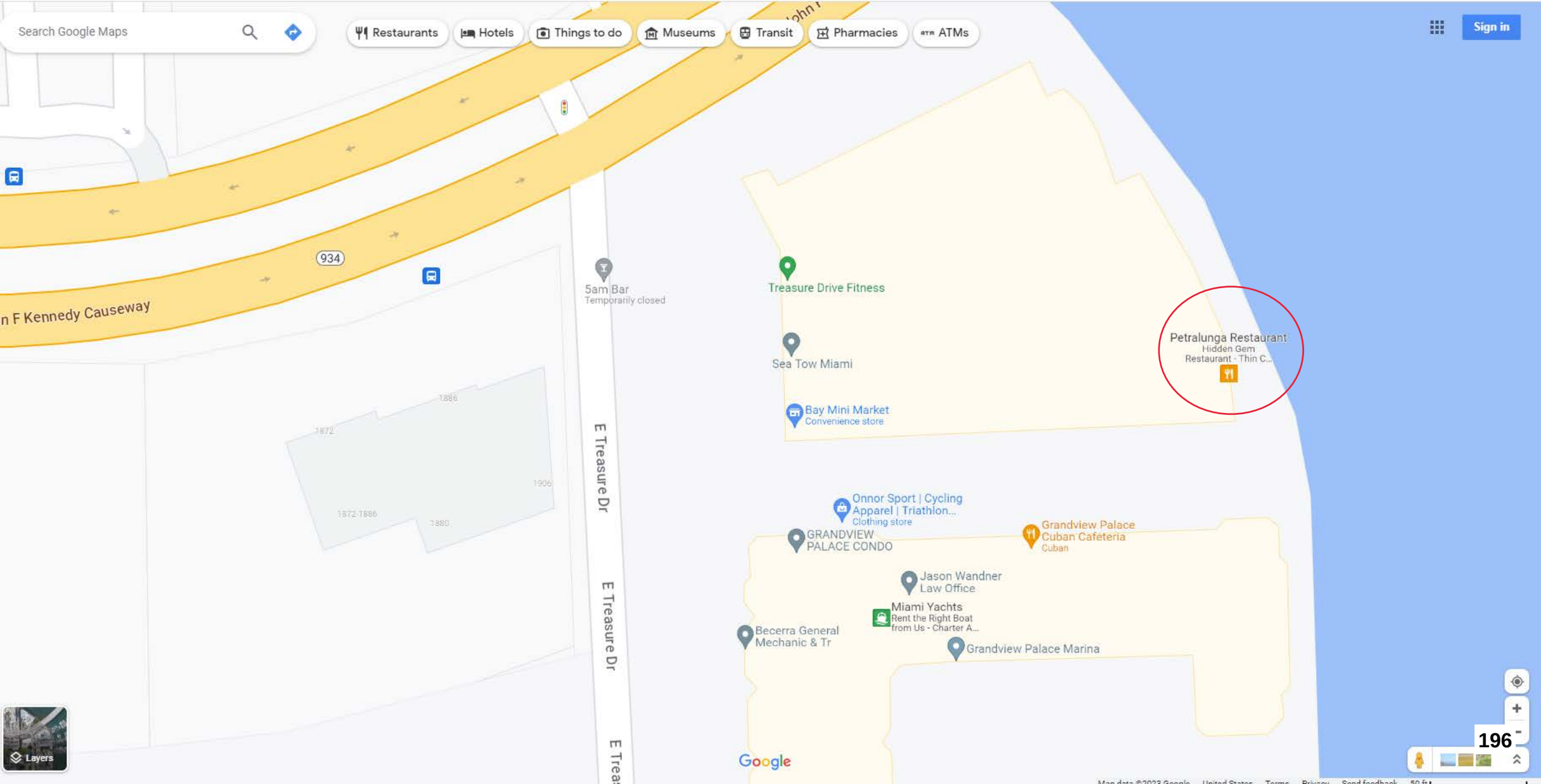
Giovanni Bruscaglia

Petralunga Restaurant

Exhibit A

Please see separate attachment "Petralunga Land Survey"

Exhibit B


Search Google Maps
Restaurants
Hotels
Things to do
Museums
Transit
Pharmacies
ATMs
Sign in
934
n F Kennedy Causeway
5am Bar
Temporarily closed
Treasure Drive Fitness
Sea Tow Miami
Bay Mini Market
Convenience store
Petralunga Restaurant
Hidden Gem
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1886
1872
1906
1872-1886
1880
Onnor Sport | Cycling Apparel | Triathlon...
Clothing store
GRANDVIEW PALACE CONDO
Grandview Palace Cuban Cafeteria
Cuban
Jason Wandner Law Office
Miami Yachts
Rent the Right Boat from Us - Charter A...
Becerra General Mechanic & Tr
Grandview Palace Marina
Google
Layers
196

Photos of Petralunga


PETRALUNGA
since 2020
New concept of Pizza
PETRALUNGA
since 2020
New concept of Pizza
PETRALUNGA
since 2020
isprohibited
New concept of Pizza
PETRALUNGA
since 2020
New concept of Pizza


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New concept of Pizza


CU21
EXIT
Te quiero
Te quiero
PETRALUNGA
since 2020
New concept of Pizza
PETRALUNGA
New concept of Pizza
PETRALUNGA
New concept of Pizza
PETRALUNGA

FOLIO 23 3209 041 6150 PROP ADDR 7601 E TREASURE DR CU-21

PROPERTY RECORD CARD — Generated Date: 08/25/2023

2022 Current — OFFICE OF THE PROPERTY APPRAISER — Roll Year: 2022

DOR CODE: 1118 STORE : CONDOMINIUM - COMMERCIAL — STATUS: ACTIVE EFLG:

** Note: values are subject to change due to tax roll corrections **

CURRENT OWNER AND MAILING:

FIRST EQUITABLE REALTY III LTD

7601 E TREASURE DR SUITE 1701

N BAY VILLAGE FL 33141-4366

LEGAL DESCRIPTION:

THE GRANDVIEW PALACE CONDO
UNIT CU-21
UNDIV 0.30441%
INT IN COMMON ELEMENTS
OFF REC 21423-3980

ACCOUNT FLAGS:

#	CAT	TYPE	DESCRIPTION	VALUE
5	LEGC	ST	Strip Number	7009CR

MCD:	2300 North Bay Village					ZONING 1:	6300 COMMERCIAL - RESTRICTED
CTCASE:	N	% CAP:	0.00	DISTRICT:	6	ZONING 2:	0000
HEX BASE YR:	0	PORT YR:	0	GPAR:	0	NON-HEX BASE YR:	2008
AG:	N	NFC:	N	EEL/CONS EASMNT:	N	EEL/CONS COVENANT:	N NH CD: 150.00 NO BAY VILLAGE

ADDITIONAL PROPERTY INFORMATION

LOT SIZE:	0 S	BUILDING AREA:	2,022	L/B RATIO:	0.00	POOL:	N	AVG UNIT SIZE:	2,022.00
BUILDINGS:	1	YEAR BLT:	1987	EFF AGE:	1987	UNITS:	1		
BDRM:	0	BATH:	0	1/2 BTH:	0	EFF:	0		
1BD:	0	2BD:	0	3BD:	0	4BD:	0		

VALUE HISTORY:	2020	2021	2022	$ UNIT OF MEASURE	$ PER UNIT
LAND VALUE	0	0	0	0.00	
BUILDING VALUE	0	0	0	0.00	
MARKET VALUE	272,970	303,300	303,300	150.00	303,300.00
ASSESSED VALUE	272,970	300,267	303,300		
TOTAL EXEMPTION VALUE	0	0	0		

SALE HISTORY

#	AMOUNT	DATE	I/V	SALE TYPE	SALECD	ORBOOK	ORPG	GRANTOR	GRANTEE

PREVIOUS OWNER INFORMATION

EXEMPTIONS:	2020	2021	2022

The Grand View Palace Condominium
DECLARATION OF CONDOMINIUM

~~Establishing~~
~~SUBMISSION STATEMENT~~

FIRST EQUITABLE REALTY III, LTD., a Florida limited partnership, hereinafter called the "Developer" for itself, its successors, grantees and assigns, being the holder of fee simple title to the real property described in Exhibit "A", Sheet 1, attached hereto and made a part hereof, hereby states and declares that said property is submitted to condominium ownership, less and except the Electronic Communications System as said system is defined in this Declaration, and all public utility installations, and other personal property or equipment, if any, not owned by the Developer, and excepting the rights reserved in Section XIII (4) Roof Top Area and XIII (5) North Building Roof Top, pursuant to the requirements of the statutes of the State of Florida, hereinafter sometimes referred to as the "Condominium Act," the provisions of which are hereby incorporated by reference as is fully set forth herein, and does hereby file for record this Declaration of Condominium.

All restrictions, reservations, covenants, conditions and easements contained herein shall constitute covenants running with the land or equitable servitudes upon the land as the case may be, and shall be non-exclusive and perpetual unless sooner terminated as upon all Unit Owners, as hereinafter defined, and their grantees, devisees or mortgagees, their heirs, personal representatives, successors and assigns and all parties claiming by, through or under such persons agree to be bound by the provisions hereof and the By-Laws of the Association. Both the burdens imposed and the benefits granted shall run with each Unit and the interests in the Common Elements.

I. Name

1.01 The name of the Condominium is: THE GRANDVIEW PALACE CONDOMINIUM.

1.02 The name of the Unit Owners Association is THE GRANDVIEW PALACE CONDOMINIUM ASSOCIATION, INC., a Florida corporation not for profit, hereinafter referred to as the "Association."

II. Land

The land comprising this condominium is described on Exhibit "A," Sheet 1, attached hereto and made a part hereof as if fully set forth herein.

III. Definitions

The terms used in this Declaration and in its Exhibits, including the By-Laws of the Association, shall be defined in accordance with the provisions of the Condominium Act, State of Florida and as follows unless the context otherwise requires:

3.01 "Unit" or "Apartment" - means a part of the Condominium Property which is subject to exclusive ownership. A Unit may be in improvements, land, or land and improvements together, as specified in this Declaration. The term "Unit" includes both Commercial Units and Residential Units as described in the Declaration unless herein provided to the contrary, or unless the context otherwise requires. (See Sections 15.01 (b) and XXV regarding Commercial Units sold without consent of the Association.)

3.02 "Unit Owner" or "Owner of a Unit" - means the individual, partner, or shareholder of a legal entity which has title to a Condominium Parcel.

3.03 "Assessment" - means a share of the funds required for the payment of Common Expenses which from time to time is assessed against the Unit Owner.

3.04 "Association" - means the corporate entity responsible for the operation of the Condominium.

3.05 "Bylaws" - means the Bylaws of the Association as they are amended from time to time.

3.06 "Common Elements" - means the portions of the Condominium Property not included in the Units.

3.07 "Common Expenses"- means all expenses and Assessments properly incurred by the Association for the Condominium.

3.08 "Common Surplus" - means the excess of all receipts of the Association, including, but not limited to, Assessments, rents, profits and revenues on account of the Common Elements over the Common Expenses.

3.09 "Condominium" - means that form of ownership of real property which is created pursuant to the provisions of the Florida Condominium Act and which is comprised of Units that may be owned by one or more persons, and there is appurtenant to each Unit an undivided share in the Common Elements.

3.10 "Condominium Parcel" - means a Unit together with the undivided share in the Common Elements which is appurtenant to the Unit.

3.11 "Declaration" or "Declaration of Condominium" - means the instrument or instruments by which a Condominium is created as they are from time to time amended.

3.12 "Limited Common Elements" - means those Common elements which are reserved for the use of a certain Condominium Unit or Units to the exclusion of other Units as specified in the Declaration of Condominium.

3.13 "Operation" or "Operation of the Condominium" - includes the administration and management of the Condominium Property.

3.14 "Developer" - means a person who creates a Condominium or offers Condominium Parcels for sale or lease in the ordinary course of business, but does not include an Owner or lessee of a unit who has acquired his Unit for his own occupancy. As used herein, the term "Developer" shall include assigns and successors in interest to the original Developer.

3.15 "Board of Administration" - means the Board of Directors of the Association or other representative body, responsible for administration of the Association.

3.16 "Condominium Property" - means the lands, leaseholds, and personal property that are subject to Condominium ownership, whether or not contiguous, all improvements thereon, and all easements and rights appurtenant hereto intended for use in connection with the Condominium.

3.17 “Mortgagee" or "Institutional First Mortgagee" - means a bank, Federal or State saving and loan association. insurance company, mortgage company, real estate investment or business trust, pension fund and agency of the United States government, any other lender generally recognized as an institutional type lender, or the Developer (including any nominee of Developer) owning and holding a mortgage encumbering a Condominium Unit.

3.18 "Institutional First Mortgage" - means a mortgage owned or held by an Institutional First Mortgagee.

3.19 "New Construction" - means such construction planned by the Developer including additional penthouse stories on the roof of Main Building, additional indoor garage space as an extension on the South Side of the main Building’s garage, additional garage space and a

narrow North Residential tower and landscaping above the North Garage Building (a.k.a. Garage Annex or North Garage; see Section XVI (5), and possible alterations of parking and expansions of commercial, storage, and recreational spaces in the main Building and North Garage). The intended improvements contemplated above the roof of the main Building and above the top floor of the North Garage Building will be constructed in air rights space above the Condominium and will not be a part of the Condominium. The Important Note to the Survey in Exhibit "A" refers to the New Construction.

Whenever the context so permits, the use of the singular shall include the plural, and the plural shall include the singular, and the use of any gender shall be deemed to include all genders.

IV. Description. The Condominium is described as follows:

4.01 A survey or the land submitted to condominium ownership is set forth on Exhibit "A" attached hereto. The Affidavit of Surveyor as to the Substantial Completion of the improvements is attached hereto and made a part hereof as Exhibit "A". A graphic description of the improvement or improvements in which units (including Commercial Units) are located and the identification of each Unit by letter, name or number, so that no Unit bears the same designation as any other Unit, and the plot plan thereof, all in sufficient detail to identify the Common Elements and each Unit and their respective locations and approximate dimensions is attached hereto as and made a part hereof as Exhibit "A."

4.02 The developer reserves the right to proceed with any part of the New Construction and/or change the interior or exterior design or arrangement of all Units as long as the Developer owns the Unit when so changed and altered. If such change reflects a material change to the exterior design or arrangement of one or more Units, it shall be reflected by an amendment of this Declaration; any amendment for such purpose need be signed and acknowledged only by the Developer and Mortgagee, if any, and need not be approved by any other person, including, but not limited to, the Association, and Unit Owners, anything herein to the contrary notwithstanding. Without limiting the generality of the foregoing, the rights reserved in this paragraph 4.02 shall permit the Developer, at its option prior to creating this Condominium and thereafter, to change the number or Units within the Condominium and/or the interests of the Unit Owners in the Common or Limited Common Elements. However, the aggregate of the undivided interest of the Unit Owners in the Common or Limited undivided interest of the Unit Owners in the Common Elements or Limited Common Elements of such Units so redesigned or changed may be different than as originally provided herein. To the extent that an amendment hereunder changes the configuration or size of any Unit in any material fashion, materially alters or modifies the appurtenances to the Unit or changes the proportion or percentage by which the Owner of the parcel shares the Common Expenses or owns the Common Surplus, such an amendment shall require a majority of total voting interests.

Without limiting the generality of the foregoing, within the Residential Units described on Exhibit "A" attached hereto, there are eighty-eight (88) portions of Units identified with the suffix "A", each such portion being hereinafter referred to as "the 'A' Portion", The affected Units are located on the fourth through the twenty-fourth floors, as well as Penthouse first floor and Penthouse second floor, and are identified with Unit Numbers ending in "01", "03", "04" and "19". The "A" Portion shall be designated by the Developer, in the manner hereinafter provided, to be appurtenant to one of the Units to which it is immediately adjacent, as follows: The «A" Portion labeled "01 A" will be designated as forming a part of the adjacent Unit ending in "01" or "II"; the "A" Portion labeled "03A" will be designated as forming a part of the adjacent Unit ending in "02" or "03"; the “A” Portion labeled "04A" will be designated as forming a part of the adjacent Unit ending in "04" or "05"; and the "A" Portion labeled "19A" will be designated as forming a part of the adjacent Unit ending in "18" or "19". Under no circumstances may an "A” Portion legally exist as a separate Unit. The “A" Portion of a Unit must be appurtenant to one

of the adjacent Units identified above. A single exceptional "A" Portion is the South Portion of Unit PH201 which shall be labeled "A¹" on the Survey, and which may be designated as forming a part of PH202. Each "A" portion must be sold, occupied, rented, mortgaged or transferred only as part of a Combined Unit and cannot be separated in any manner. The first Deed of conveyance from the Developer to a purchaser of any of the affected Units as described herein shall contain a provision declaring the "A" Portion to be either (i) appurtenant to the appropriate adjacent Unit designated in the Deed of conveyance, or (ii) excluded from the adjacent Unit designated in the Deed of conveyance. The Unit, to which the "A" Portion is designated to be appurtenant together with the appurtenant "A" Portion, shall be hereinafter referred to as a "Combined Unit". A Combined Unit shall be treated as a single Unit under this Declaration for all purposes, including, but not limited to, voting rights and lien rights in favor of the Association or other creditors. Other than the original Deed of conveyance from the Developer to a Unit Owner, no subsequent conveyance, mortgage or other transfer of a Combined Unit or the Unit from which the "A" Portion has been excluded shall require any designation or reference to the "A" Portion. The undivided interests as listed on Exhibit "B" attached hereto are separately listed for each "A" Portion and each adjacent Unit. When the "A" Portion is combined with an adjacent Unit to form a Combined Unit, the undivided interest for the Combined Unit shall be the sum of the undivided interests listed on Exhibit "B" attached hereto for each component of the Combined Unit. When the "A" Portion is excluded from the adjacent Unit, the undivided interest of that adjacent Unit shall be equal to the undivided interest for that Unit as referenced on Exhibit "B" attached hereto.

4.03 The following non-exclusive easements shall be covenants running with the land and are expressly granted and/or reserved in favor of the Unit Owners, occupants of any Unit, their guests and invitees, to wit:

(1) Utilities: Blanket non-exclusive easements are reserved throughout the Condominium Property as may be required for utility services in order to adequately serve the Condominium. In the event any Unit, recreation area, Common or Limited Common Element encroaches upon any utility easement either granted or reserved hereby, by plat or otherwise, such encroachment shall entitle the Owner or Owners of such encroaching property and their mortgagees, if any, to an automatic non-exclusive easement on said utility easement for as long as such encroachment shall continue.

(2) Encroachments: In the event that any Unit shall encroach upon any of the Common Elements or any other Unit for any reason other than the intentional act of the Unit Owner or in the event that any Common Element shall encroach upon any Unit, then an easement shall exist to the extent of such encroachments so long as the same shall continue.

(3) Traffic: An easement shall exist for pedestrian traffic over, through and across sidewalks, paths, walks, halls, lobbies, elevators, if any, and other portions of the Common Elements as may be from time to time intended and designated for such purpose and use; and for vehicular and pedestrian traffic over, through and across such portions of the Common Elements as may from time to time be paved and intended for such purposes, and such easements shall be for the use and benefit of the Unit Owners and those claiming by, through or under the aforesaid; provided, however, nothing herein shall be construed to give or create in any person the right to park upon any portion of the Condominium Property, except to the extent that the space may be specifically designated and assigned for parking purposes.

(4) Access: Each Unit Owner and any officer, agent, employee or designee of the Association or member of the Board of Administration of the Association shall have access across any Limited Common Elements for the purpose of ingress

and egress.

(5) Easement A non-exclusive easement for ingress and egress over streets, walks and other rights-of-way serving the Units of this Condominium as part of the Common Elements necessary to provide reasonable access to the public ways.

4.04 The following easements shall be covenants running with the land. In addition to the foregoing easements and not by way of limitation, the following easements are hereby created (in addition to any easements created under the Act and any easements affecting the Condominium Property and recorded in the Public Records of Miami-Dade County):

(1) Support: Each Unit, the Main Building and Garage Annex shall have an easement of support and of necessity and shall be subject to an easement of support and necessity in favor of all other Units, the Common Elements, and any other structure or improvement which abuts any Unit, the Main Building or Garage Annex, including, without limitation, any New Construction.

(2) Utility and Other Services; Drainage. Easements are reserved under, through and over the Condominium Property as may be required from time to time for utility, cable television, communications and monitoring systems, life safety systems, digital or other satellite systems, broadband communications and other services and drainage in order to serve the Condominium and/or members of the Association and/or the improvements described as New Construction. A Unit Owner shall do nothing within or outside his Unit that interferes with or impairs, or may interfere with or impair, the provision of such utility, cable television, communications, monitoring systems, life safety systems, digital or other satellite systems, broadband communications or other service or drainage facilities or the use of these easements. The Association shall have an irrevocable right of access to each Unit to maintain, repair or replace the pipes, wires, ducts, vents, cables, conduits and other utility, cable television, communications, monitoring systems, life safety systems, digital or other satellite systems, broadband communications, and drainage facilities, and Common Elements contained in the Unit or elsewhere in the Condominium Property, and to remove any improvements interfering with or impairing such facilities or easements herein reserved, provided such right of access, except in the event of an emergency, shall not unreasonably interfere with the Unit Owner's permitted use of the Unit, and except in the event of an emergency, entry shall be made on not less than one day's notice, which notice shall not, however, be required if the Unit Owner is absent when the giving of notice is attempted.

(3) Encroachments. If any improvements encroach upon the property intended for improvements described as New Construction or (ii) the property intended for improvements described as New Construction encroach upon the Condominium Property; or (iii) any encroachment shall hereafter occur as a result of (A) construction of the improvements described as New Construction; (B) settling or shifting of the improvements described as New Construction; (C) any alteration or repair to the Common Elements and/or Association Property made by or with the consent of the Association or Developer, as appropriate, or (0) any repair or restoration of the Main Building and/or Garage Annex (or any portion thereof) or any Unit after damage by fire or other casualty or any taking by condemnation or eminent domain proceedings of all or any portion of any Unit or the Common Elements and/or the Association Property, then, in any such event, a valid easement shall exist for such encroachment and for the maintenance of same so long as the Main Building and/or Garage Annex and

the affected or the relevant improvements described as New Construction shall stand.

(4) Ingress and Egress. A non-exclusive easement in favor of each unit owner and resident, their guests and invitees, of the improvements described as New Construction shall exist for pedestrian traffic over, through and across sidewalks, streets, paths, walks, elevators, and other portions of the Common Elements and Association Property as from time to time may be intended and designated for such purpose and use, and to afford pedestrian access to and from any portion of the Condominium Property located within or surrounded by the Main Building and Garage Annex; and for vehicular and pedestrian traffic over, through and across, and parking on, such portions of the Common Elements and Association Property as from time to time may be paved and intended for such purposes. None of the easements specified in this subparagraph 4.03 (8) shall be encumbered by any leasehold or lien other than those on the Condominium Parcels. Any such lien encumbering such easement (other than those on Condominium Parcels) automatically shall be subordinate to the rights of unit owners and the Association with respect to such easements.

(5) Recreational Facilities Easement. It is intended that the recreational facilities located within the Common Elements, shall be made available to persons who are not Unit Owners or members of the Association (the "Recreational Facilities"). The exact number of outside users, and the fees, dues or other sums to be paid by them, if any, shall be determined by the Developer (for so long as it controls the Board of the Association), and thereafter by the Board. Any such fees, dues or other sums shall be deemed revenue of the Association. In order to accommodate the intended use and operation of the Recreational Facilities by such outside users/members, a non-exclusive easement is hereby reserved over and upon the Common Elements in favor of such permitted outside users and their guests, for pedestrian and vehicular traffic over, through and across sidewalks, streets, paths, walks, and other portions of the Common Elements in order to use and enjoy the designated Recreational Facilities.

(6) Construction; Maintenance. The Developer (including its affiliates and its *or* their designees, contractors, successors and assigns) shall have the right, in its (and their) sole discretion from time to time, to enter the Condominium Property and take all other action necessary or convenient for the purpose of undertaking and completing the construction of the improvements described as New Construction or any part thereof, or any improvements, structures, facilities or units located or to be located on the property for the New Construction, and/or any improvements to be located adjacent thereto and for repair, replacement and maintenance or warranty purposes or where the Developer, in its sole discretion, determines that it is required or desires to do so. The Association (and its designees, contractors, subcontractors, employees) shall have the right to have access to each Unit from time to time during reasonable hours as may be necessary for pest control purposes and for the maintenance, repair or replacement of any Common Elements or any portion of a Unit, if any, to be maintained by the Association, or at any time and by force, if necessary, to prevent damage to the Common Elements, the Association Property of to a Unit or Units.

(7) Exterior Building Maintenance. An easement is hereby reserved on, through and across each Unit and all limited Common Elements appurtenant thereto in order to afford access to the Association (and its contractors) to perform roof repairs and/or replacements, repairs, replace, maintain and/or alter rooftop mechanical equipment, to stage window washing equipment and to perform

window washing and/or any other exterior maintenance and/or painting of the Main Building and Garage Annex.

(8) Sales and Leasing Activity. For as long as the Developer retains any ownership interest in any portion of the property or for the New Construction, the Developer, its designees, successors and assigns, shall have the right to use any such Units and parts of the Common Elements or Association Property for guest accommodations, model apartments and sales, leasing and construction offices, to show model Units and the Common Elements to prospective purchasers and tenants of Units and/or "units" or improvements described as New Construction (and/or the Kelly Lot Property), and/or to erect on the Condominium Property and Association Property signs and other promotional material to advertise Units or other portions of the New Construction for sale or lease.

(9) New Associations Easements. The New Association and their agents, employees, contractors and assigns shall have an easement to enter onto the Condominium Property for the purpose of performing such functions as are permitted or required to be performed by the New Associations by the declarations of condominium which govern the property for the New Construction, including, but not limited to, safety and maintenance activities and enforcement of architectural restrictions. An easement for such purposes is hereby granted and reserved to the New Associations and their members (and their guests tenants and invitees), and each Owner, by acceptance of a deed or other conveyance of a Unit, shall be deemed to have agreed to the grant a reservation of easement herein described and the rights herein vested in the New Associations. Notwithstanding anything herein contained to the contrary, in order to provide for the orderly distribution and regulation of parking facilities within the Condominium Property, to the extent that any portion of the Condominium Property is necessary or desirable (in the sole determination of the New Associations) for maximizing and easing traffic flow through the parking areas of and adjacent to the Condominium Property, then all such portions shall be maintained and operated by the New Associations as common elements of and under the declaration, or declarations of condominiums and the maintenance, operation and regulation of same shall be vested in the New Associations and their members (and theirs guests tenants and invitees), and each Owner, by acceptance of a deed or other conveyance of a Unit, shall be deemed to have agreed to the grant and reservation of easement herein described and the rights herein vested in the New Associations. All easements and rights provided for in the declarations of condominium in favor of the New Associations, their respective members and/or the Declarant thereunder, are hereby granted to said New Associations and their members and Declarant, and its assignees, designees and nominees.

(10) Support of Adjacent Structures. In the event that any structure(s) is constructed so as to be connected in any manner to the Main Building and/or the Garage Annex, then there shall be (and there is hereby declared) an easement of support for such structure(s) as well as for the installation, maintenance, repair and replacement of all utility lines and equipment serving the adjacent structure which are necessarily or conveniently located within the Condominium Property or Association Property (provided that the use of this easement shall not unreasonably interfere with the structure, operation or use of the Condominium Property, the Association Property or the Main Building or Garage Annex). All easements and rights provided for in the declarations of condominiums in favor of the New Association, its respective members and/or the Declarant thereunder are hereby granted to Associations and their

respective members and respective Declarant, and its and their assignees, designees and nominees.

(11) Warranty. For as long as Developer remains liable under any warranty, whether statutory, express or implied, for act or omission of Developer in the development, construction, sale and marketing of the Condominium, then Developer and its contractors, agents and designees shall have the right, in Developer's sole discretion and from time to time and without requiring prior approval of the Association and/or any Unit Owner (provided, however, that absent an emergency situation, Developer shall provide reasonable advance notice), to enter the Condominium Property, including the Units, Common Elements and Limited Common elements, for the purpose of inspecting, testing and surveying same to determine the need for repairs, improvements and/or replacements, and effecting same, so that Developer can fulfill any of its warranty obligations. Nothing herein shall be deemed or construed as the Developer making or offering any warranty, all of which are disclaimed (except to the extent same may not be) as set forth in Article XXVII below.

(12) Additional Easements. The Association, through its Board, on the Association's behalf and on behalf of all Unit Owners (each of whom hereby appoints the Association as its attorney-in-fact for this purpose), shall have the right to grant such additional general ("blanket") and specific electric, gas or other utility, cable television, security systems, communications or service easements (and appropriate bills of sale for equipment, conduits, pipes, lines and similar installations pertaining thereto), or modify or relocate any such existing easements or drainage facilities, in any portion of the Condominium and/or Association Property, and to grant access easements or relocate any existing access easements in any portion of the Condominium and/or Association Property, as the Board shall deem necessary or desirable for the proper operation and maintenance of the Main Building and Garage Annex, or any portion hereof, or any improvements located on the property for New Construction, or for the general health or welfare of the Unit Owners and/or members of the Association, or for the purpose of carrying out any provisions of this Declaration or the declarations of condominium, provided that such easements or the relocation of existing easements will not prevent or unreasonably interfere with the reasonable use of the Units for dwelling purposes. All easements and rights provided for in the declarations of condominium in favor of the New Associations and their respective members or the Declarant are hereby granted to the New Associations and their respective members and the Declarant, its assignees, designees and nominees.

(13) Neighboring Marina - The Marina adjacent to Grandview Palace is owned by a not-for-profit corporation named The Grandview Palace Yacht Club. The Yacht Club is independent of the Condominium Association. The Yacht Club has its own corporate charter and Board of Directors. The Yacht Club owns commercial condominium number 12 at Grandview Palace, which serves as the lounge for the Yacht Club. While all condominiums have ownership interest in the lands of the Condominium in proportion to their condominium
ownership, the Condominium cedes to the Yacht Club control of (for the expressed purpose of maintaining the submergible land lease with the State of Florida), but not ownership or the obligation to maintain, the riparian uplands adjacent to the marina and the riparian rights to operate the Marina. Furthermore, the Yacht Club shall have the exclusive right to establish rules and regulations for its members, and to collect money from its members to pay for the maintenance and operation of Marina Property. The Grandview Palace Condominium Association shall have no financial Obligation to maintain the

Marina and shall not have liability for damage or injury that may occur on Marina property.

The Association grants to the Yacht Club and or independent fuel pier business easements for all utilities, machinery, underground fuel storage tanks and pipes, and other upland equipment on Condominium Association property used for the operation of the Marina and the fuel pier. For as long as the Yacht Club owns a commercial condominium at Grandview Palace, the Condominium Association grant the members of the Yacht Club, their guests, and invitees easement access for pedestrian and vehicular traffic to and from the Marina. By virtue of being partial owners of the commercial condominium known as the marina lounge, the Yacht Club owners shall be afforded access to Condominium Association amenities however, as stipulated in the Yacht Club membership agreement, tenants of Yacht Club members shall not be permitted to use Condominium amenities. When on Condominium Property, the Yacht Club Members, guests, tenants, and invitees shall be subject to rules and regulations of the Condominium Association.

V. Identification of Units, Limited Common Elements and Common Elements, Survey, Shares in Common Elements, Prorations of Common Expenses, Voting Rights

5.01 The Condominium Units and all other improvements constructed on the Condominium Property are set forth in detail in Exhibit "A" attached hereto. Each Condominium Unit is described in such a manner that there can be determined therefrom the identification, location and dimensions of such unit and the Common Elements appurtenant thereto.

Each Condominium Unit (including Commercial Units) is identified by a number, letter or name or combination thereof, so that no Unit bears the same designation as any other Unit. Areas designated as "LCE" or Limited Common Elements on Exhibit "AU attached hereto are Limited Common Elements in accordance with Article XIII hereof. All remaining areas are Common Elements.

5.02 Subject to any provisions of the By-Laws of the Association applicable thereto, a Unit Owner is entitled to one (1) vote for each Unit owned, provided, however, in the case of a subdivision or combination of one or more Commercial Units as provided herein, the voting rights appertaining to the subdivided or combined Commercial Unit will be proportionately adjusted (this is not a prohibited division of a vote as set forth below). If a Unit is owned by more than one person, the Owners of said Unit shall designate one (1) of them as the voting member, or, in the case of ownership by a corporation, an officer or an employee thereof shall be designated the voting member. The vote of a Unit shall not be divisible.

VI. Condominium Parcels. Appurtenances, Possession and Enjoyment

6.01 The Condominium Parcel is a separate parcel of real property owned in fee simple, or any other estate of real property recognizable by law.

6.02 There shall pass with a Unit as appurtenances thereto:

(1) An undivided share in the Common Elements and Common Surplus.

(2) The exclusive right to use the portion of the Common Elements as may be provided by the Declaration.

(3) An exclusive easement for the use of the air spaces occupied by the Unit as it exists at any particular time and as the Unit may lawfully be altered or reconstructed from time to time. An easement in air space which is vacated shall be terminated automatically.

(4) A Unit Owner is entitled to the exclusive possession of his Unit, subject to the irrevocable right of the Association to access to each Unit during reasonable hours when necessary for the maintenance, repair or replacement of any Common elements, or for making emergency repairs necessary to prevent damage to Common Elements or to another Unit or Units. A Unit Owner shall be entitled to use the Common Elements in accordance with the Rules and Regulations and the purpose for which they are intended, but no use may hinder or encroach upon the lawful rights of other Unit Owners.

VII. Restraint upon Separation and Partition of Common Elements

7.01 The undivided share in the Common Elements which is appurtenant to a Unit shall not be separated from it and shall pass with the title to the Unit whether or not separately described.

7.02 The share in the Common Elements appurtenant to a Unit cannot be conveyed or encumbered, except with the Unit.

7.03 The share in the Common Elements appurtenant to Units is undivided, and no action for partition of the Common Elements shall lie.

VIII. Common Elements

8.01 Common Elements include within their meaning the following items:

(1) The Condominium Property which is not included within the Units.

(2) Easements through Units for conduits, ducts, plumbing, wiring and other facilities for the furnishing of utility services to Unit and the Common Elements.

(3) An easement of support in every portion of a Unit which contributes to the support of a building.

(4) The property and installations required for the furnishing of utilities and other services to more than one Unit to the Common Elements.

8.02 Any person having any interest under mortgagee of record that encumber any portion of the Common Elements that are not satisfied prior to the recordation of this Declaration shall consent to the recordation of this Declaration; provided, however, in lieu of joining in the execution of this Declaration, any mortgagee may execute an appropriate consent or subordination agreement with the formalities required for deeds.

8.03 Recreational, storage, and parking facilities may be expanded, revised, or added by the Developer without the consent of the Unit Owners or the Association.

8.04 It is contemplated that the recreational facilities may be made available for use by persons who are not Unit Owners. Additional units built on this Property and neighboring lands by the Developer shall have the perpetual right to use certain Common Elements. The exact number of outside users, and the fees, dues, or other sums to be paid by them, if any, shall be determined by the Developer (for so long as the Developer controls the Board of the Association, and thereafter by the applicable Board. Such fees shall not be disproportionate to those paid by members of the Association. There is no obligation, however, for the Developer, or thereafter the applicable Board) to charge fees to such outside users. Any such fees, dues or other sums shall be deemed revenue of the Association.

8.05 The Developer reserves such easements as may be necessary to complete and maintain New Construction. Such easements will be granted without the consent of the

Association. Upon completion of any new construction, lines, pipes, or equipment that requires permanent easements through Association property shall be reflected in an amendment to this Declaration.

8.06 The Banquet Hall and Lounge: These facilities may be leased out by the Association to both Association members ~~and non-members~~ for special events. The rate and terms for leasing the Banquet Hall and Lounge shall be established by the Board of Directors. The rate for all members of the Association (including commercial units) shall be the same. A special event" will be defined for the purposes of this paragraph as an event that excludes others from making use of the space at the same time. Alternatively, the Board may enter into a management agreement for the use and maintenance of this common area space.

IX. Amendment of Declaration

9.01 Unless otherwise provided herein, the Declaration may be amended by two thirds (2/3) of the Unit Owners executing a modification or amendment to this Declaration with the formalities of a deed and recording same in the Public Records of the County in which the Condominium is located; or in the alternative, this Declaration may be amended at any regular or special meeting of the Unit Owners called or convened in accordance with the By-Laws the affirmative vote of voting members casting not less than two thirds *(2/3)* of the total vote of the members of the Association and the execution by the Association of a certificate of the amendment with the formalities of a deed and recording same in the Public Records of the County in which the Condominium is located.

(1) Such an amendment may Change the configuration or size of any Unit in any material fashion, materially alter or modify the appurtenances to the Unit, or change the proportion or percentage by which the Owner of the Unit shares the Common Expenses and owns the Common Surplus provided the record Owner of the Unit and all record owners of liens on it join in the execution of the amendment, provided, however, this section shall not apply to the acquisition of a Unit by the Association.

(2) If it appears that through scrivener's error a Unit has not been designated as owning an appropriate undivided share of the Common Elements or does not bear an appropriate share of the Common Expenses or that all the Common Expenses or interest in the Common Surplus or all of the Common elements in that Condominium have not been distributed in this Declaration, so that the sum total of the shares of Common Elements which have been distributed or the sum total of the shares of the Common Expenses or ownership of Common Surplus tails to equal one hundred (100%) percent, or if it appears that more than one hundred (100%) percent of Common Elements or Common Expenses or ownership of Common Surplus have been distributed, the error may be corrected by filing an amendment to this Declaration approved by the Board of Administration or a majority of the Unit Owners. To be effective the amendment must be executed by the Association and the Owners of the Units and the owners of mortgages thereon affected by the modifications being made in the shares of Common Elements, Common Expenses or Common Surplus. No other Unit Owner is required to join in or execute the amendment.

(3) The Common Elements designated by this Declaration may be enlarged by an amendment in the Declaration. The amendment must describe the interest in the property and must submit the property to the terms of this Declaration. The amendment must be approved and executed as provided herein. The amendment shall vest title in the Unit Owners as part of the Common Elements, without naming them and without further conveyance, in the same proportion as the undivided shares in the Common Elements, which are appurtenant to the

Unit owned by them.

(4) No amendment shall be passed which shall impair or prejudice the rights and priorities of Mortgagees. Notwithstanding the foregoing, the consent or joinder of owners of liens on a Unit shall only be required for amendments materially affecting the rights or interests of the lienholder or as otherwise required by the Federal National Mortgage Corporation or the Federal Home Loan Mortgage Corporation, provided that such a requirement provides that such consent may not be unreasonably withheld. This provision is subject to the provisions of Section 18.14 hereof.

9.02 Notwithstanding anything contained herein to the contrary, while the Developer is entitled to appoint a majority of the Board of Directors, the Declaration may be amended by a majority of the Board of Directors provided that such Amendment shall not increase the proportion of Common Expenses nor decrease the ownership of Common Elements borne by a Unit Owner or change a Unit Owner's voting rights without the consent of the affected Unit Owners. Without limiting the generality hereof, such an amendment may include the changing of a Common Element to a Limited Common Element. No amendment pursuant to this subsection may change the configuration or size of any Residential Unit in any material fashion, materially alter or modify the appurtenances to the Unit or change the proportion or percentage by which the Owner of the parcel shares the Common Expenses or owns the Common Surplus. Said amendment need only be executed and acknowledged by the Board of Directors, and the consent of the Unit Owners, the owner and holder of any lien encumbering a Unit in this Condominium, or any others, shall not be required.

X. Termination

10.01 The Condominium Property may be removed from the provisions of Florida Statutes Condominium Act only by consent of all of the Unit Owners evidenced by a recorded instrument to that effect, and upon the written consent by all of the holders of recorded liens affecting any of the Condominium parcels.

10.02 Upon removal of the Condominium Property from the provisions of the Condominium Act, the Condominium Property is owned in common by the Unit Owners in the same undivided shares as each Owner previously owned in the Common Elements. All liens shall be transferred to the undivided share in the Condominium Property attributable to the Unit originally encumbered by the lien in its same priority.

10.03 The termination of a Condominium does not bar the creation of another Condominium affecting all or any portion of the same property.

XI. Equitable Relief

In the event of substantial damage to or destruction of all or a substantial part of the Condominium Property, and if the property is not repaired, reconstructed, or rebuilt within a reasonable period of time, any Unit Owner may petition a court for equitable relief, which may include a termination of the Condominium and a partition.

XII. Enforcement of Maintenance

In the event the Owner of a Unit violates the provisions hereof, the Association or any other Unit Owner shall have the right to proceed in a court of equity to seek compliance with the provisions hereof; or the Association shall have the right to charge the Unit Owner for the necessary sums to correct the violation and to collect such charge. The Association has the irrevocable right of access to each unit during reasonable hours, when necessary for the maintenance, repair or replacement of any common elements or for making emergency repairs which are necessary to prevent damage to the common elements or to another unit or units.

XIII. Limited Common Elements

In this Condominium there are Limited Common Elements appurtenant to some of the Units. There shall pass with a Unit, as appurtenant thereto, the exclusive right to use the Limited Common Elements so appurtenant as shown on Exhibit "A". Expense of maintenance and repair relating to these Limited Common Elements shall be considered Common Expenses for the purpose of cost of repair and maintenance, except that the Association shall not be responsible for the repair or replacement of any improvements to any of these Limited Common Elements whether in the course of maintenance of the Limited Common Elements or otherwise. Limited Common Elements may be reassigned and transferred to a different Unit or to the Association, which assignment the Association shall be obligated to accept. Limited Common Elements can be used in connection with the commercial use of the Commercial units to which the Limited Common Element is appurtenant.

(1) Automobile Parking Spaces - The parking areas of the Condominium are limited Common Elements of the Condominium and are set out in Exhibit "A" hereto. One or more parking spaces may be assigned to a Residential or Commercial Condominium Unit as a limited Common Element. Such parking spaces shall initially be assigned by the Developer, and the Developer may receive compensation from a purchaser in connection with the assignment of a particular parking space to a Unit. The Association may promulgate rules and regulations regarding the transfer of parking spaces among Unit Owners.

Unassigned parking spaces shall be used by the Developer for prospective Unit purchasers and such other parties as the Developer may reasonably determine, so long as the Developer has Units for sale. After the Developer has sold all Units, parking in all unassigned parking spaces shall be for the benefit of Owners who do not have assigned spaces and for guests. The ~~Developer or~~ Association shall have the right to establish a system of valet parking and to hire an outside company or individual for that purpose as a Common Expense as a Common Expense for any costs beyond valet revenue. In connection therewith, the Association shall have the right to designate any, or all unassigned spaces as valet spaces, except that the Developer shall continue to have the rights set forth above and each Owner shall have the right to self-park one ~~automobile~~ vehicle in an assigned ~~or unassigned~~ space. No parking space shall bare the same identifying number as any other.

(2) Balconies Initially. Balcony Limited Common Elements must be covered with a flooring material (including but not limited to paint or tile) approved by the Association ~~Developer~~. The Association may, when replacement of such material is necessary, choose a different color or style of material, provided that such choice must be consistent for all Units.

(3) Storage Area - The Storage Areas are Limited Common Elements of the Condominium, and are set out in Exhibit "A" hereto. One or more storage lockers or areas may be assigned to a Residential or Commercial Condominium Unit as a limited Common Element. Such lockers or areas shall initially be assigned by the Developer, and the Developer may receive compensation from a purchaser in connection with the assignment of a particular storage locker space to a Unit. There is no assurance that each Unit (whether Residential or Commercial) will be assigned a storage locker. The Association may promulgate rules and regulations regarding the transfer of lockers among Unit Owners.

(4) Main Building Roof Top Area - The Roof Top Area as shown on Exhibit "A" is a Limited Common Element, assigned to Unit 1709. The expense of maintenance and repair relating to this Limited Common Element shall be considered a

Common Expense, except that the Association shall not be responsible for the repair or replacement of any improvements made by a Unit Owner to this Limited Common Element whether in the course of maintenance of the Limited Common Element or otherwise. The Owner (or the Association) to which this Limited Common Element has been assigned shall have the right to construct and maintain a communications antenna thereon without the consent of the Association. It there is a lease or other agreement with regard to the antenna at the time of assignment of this Limited Common Element to the Association, then the Association shall be obligated to assume the Assignor's Obligation under the Lease.

The Roof Top may be reassigned and transferred to a Unit (or to the Association, which assignment the Association shall be obligated to accept) by the Developer and the Developer may receive compensation in connection with such an assignment. The Limited Common Elements designated on Sheet 39 of Exhibit A attached hereto may also be used by the Unit Owner for any permissible use, including, but not limited to, television and/or radio transmission, telecommunications, passive and/or active transmission, a master antenna system, a closed circuit television system, a satellite/master antenna television system for the delivery of direct broadcast satellite multi-channel video, audio and data programming services, unlimited voice data and video, and related ancillary services to each and every of the foregoing uses; and in connection with the ancillary services and uses described in this Section XIII to give the providers of such services and/or uses a license and easement to such Limited Common Elements. Such ancillary services may include, by way of illustration and not limitation, security, medical, smoke and fire alert, and information retrieval. All of the foregoing uses and systems shall be in furtherance and not in limitation of the reserved rights of the Developer described in Section 4.03 of this Declaration. Moreover, the Developer, as the Owner of Condominium Unit No. 1709, with the right to the exclusive use of the aforedescribed Limited Common Elements, (including its designees, contractors, and Developer's successors and assigns), shall have, in addition to the rights of a Unit Owner for ingress and egress set forth in Section 4.03, the right, from time to time, to enter the Condominium Property and take all action and do all things necessary for the maintenance, repair, replacement or enlargement of any and all of the equipment, apparatus, conduits, wires, cables, amplifiers, antennas and towers located in the aforedescribed Limited Common Elements. No action may be, taken which adversely affects the rights and interests of the Unit Owner to the use of the aforedescribed Limited Common Elements without such Unit Owner's written consent. Unless otherwise expressly permitted herein or in any exhibits hereto. ~~all Unit Owners shall be prohibited from using the limited Common Elements designated on Sheets of Exhibit A attached hereto.~~

In addition, the Developer reserves the right to construct up to a three story penthouse addition on the Roof Top Area with up to 28 additional units, together with a new elevator and stairwells between the PH2 floor and the upper penthouse level(s) as part of New Construction. Should the Developer exercise this right, the Roof Top Area shall be assigned in the manner described above. The Roof Top Area shall include the right to connect to existing utilities, together with an easement for access and maintenance and repair thereof, and all necessary or convenient actions in connection with the construction of the improvements. The Developer's obligation for the maintenance and repair of the Limited Common Element Roof Top Area shall commence ~~60 days after~~ upon receipt of building permits for the Developer's intended improvements described in this paragraph 13 (4). Until such ~~a~~ time the Association will be responsible for maintenance and repair of the roof top area. These rights to construct and

maintain additional Units on the roof do not require the consent of the members of the Association. Upon completion, the new units will be submitted to condominium and be subject to a separate condominium association. The Developer, future association, and its members are hereby granted all necessary easements and will lease from the Association usage rights to the Common Elements. The cost of the use right shall be proportional to the number of units in the future association. As a result, the Unit Owner's share in assessment for common expenses will be reduced.

(5) North Building Roof Top: The Developer reserves the right to construct an additional floor on the garage and a new residential tower with landscaping as part of the New Construction, with Association approval. The new narrow tower will be located near the center the center of the garage roof will not exceed 16 stories above the garage and will contain 92 residential units. The Developer shall also have the right to make structural reinforcement and additional floor plan modifications to other floors of the North Building garage levels in order to accommodate the new structure, with Association approval. These modifications may include reconfiguring commercial Units and relocating certain parking spaces. Any parking spaces eliminated and all necessary parking for new units will be accommodated within the New Construction. Should the Developer exercise this right, the North Building Roof Top Area shall be assigned in the manner described in Paragraph 13 (4). The Roof Top Area shall include the right to connect to existing utilities, together with an easement for access and maintenance and repair thereof, and all necessary or convenient actions in connection with the construction of the improvements. The Developer's obligation for the maintenance and repair of the Limited Common Element North Building Roof Top Area shall commence ~~60 days after~~ upon receipt of building permits for the Developer's intended improvements described in this paragraph 13 (5). Until such time the Association will be responsible for maintenance and repair of the North Building roof top area.

These rights to construct and maintain additional units and landscaping on the North Garage do not require the consent of the members of the Association. Upon completion, the new units will be submitted to condominium and be subject to a separate condominium association. That future association will receive necessary easements from the Association and will lease from the Association usage rights to the Common Elements. The cost of the use right shall be proportional to the number of Units in the future association. As a result, the Unit Owner's share in assessments for common expenses will be reduced.

(6) Commercial and Storage Space: Certain sections in Main Building and North Building Garage located (See Schedule A pages 5-11), to be specified in a future amendment to these documents, are Limited Common Elements, which may be assigned and transferred in the same manner as the Roof Top set forth above. The expense of maintenance and repair relating to these Limited Common Elements shall be considered a Common Expense, except that the Association shall not be responsible for the repair or replacement of any improvements made by the Developer or a new unit owner to this Limited Common Element area or areas whether in the course of maintenance of the Limited Common Elements or otherwise~~. The Developer or Owner to which this Limited Common Element may be assigned shall have the right to construct and maintain additional commercial spaces as a part of the New Construction. Any parking spaces eliminated and all necessary parking for new Commercial Units will be restored within existing or new garage construction on the Land. These rights to construct and maintain additional commercial Units in the Main Building and~~

~~North Garages do not require the consent of the members of the Association. The survey will be modified to show where the storage and commercial space will be located on the garage levels located herein.~~

(7) The offices off the lobby on the first floor and mezzanine levels presently occupied by leasing and property management (See Exhibit A pages 10 and 11) are also Limited Common Elements assigned to Unit 1709. The offices may be reassigned and transferred to a Unit (or to the Association, which assignment the Association shall be obligated to accept) by the Developer and the Developer may receive compensation in connection with such an assignment. The expense of maintenance and repair relating to these Limited Common Elements shall be considered a Common Expense, except that the Association shall not be responsible for the repair or replacement of any improvements made by the Developer or a new unit owner to this Limited Common Element area or areas whether in the course of maintenance of the Limited Common Elements or otherwise. The Unit Owner shall be authorized to lease these offices to Palace Properties, Inc. Palace Properties will provide leasing and resale services under private agreements with Units Owners. ~~Lease of this common element space to Palace Properties, Inc. shall not require Association consent.~~

(8) The Gym Facility: The Gym Facility located on the upper tier of the waterfront reception complex is a Limited Common Element (See Exhibit A, Page 7) also assigned to Unit 1709. The Gym Facility may be reassigned and transferred to a different Unit (or to the Association, which assignment the Association shall be obligated to accept) by the Developer and the Developer may receive compensation in connection with such an assignment. The expense of maintenance and repair relating to these Limited Common Elements shall be considered a Common Expense, except that the Association shall not be responsible for the repair or replacement of any improvements made by the Developer or a new Unit Owner to this Limited Common Element area or areas whether in the course of maintenance of the Limited Common Elements or otherwise. The Unit Owner shall be authorized to lease the Gym Facility to a management company and receive compensation therefrom. Terms required in the lease shall include that members of the Association will be eligible for a discounted membership fee. Additionally, from their revenues, the management company will be required to keep the gym and fitness equipment maintained and keep attendants and/or trainers on staff. Lease of Gym Facility shall not require consent of the members of the Association.

(9) Laundry Rooms: The Laundry Rooms located on the 4th through PH2 level as shown on Exhibit A are Limited Common Elements assigned to Unit 1709. The Laundry Rooms may be reassigned and transferred to a different Unit (or to the Association, which assignment the Association shall tie obligated to accept) by the Developer and the Developer may receive compensation in connection with such an assignment. The expense of maintenance and repair relating to these Limited Common Elements shall be considered a Common Expense, except that the Association shall not be responsible for utility charges (gas, electricity), the repair or replacement of any improvements made by the Developer, or his vendors, or a new Unit Owner to this Limited Common Element area or areas whether in the course of maintenance of the Limited Common Elements or otherwise.

(10) The Party Room and Fountain Bar: The Party room located above the Cafe and the Fountain Bar Located on the Pool Deck as shown on Exhibit A are Limited Common Elements assigned to the restaurant (Commercial Space 21). ~~The Party Room and Fountain Bar may be reassigned and transferred to a~~

~~different Unit (or to the Association, which assignment the Association shall be obligated to accept) by the Developer and the Developer may receive compensation in connection with such an assignment.~~ The expense of maintenance and repair relating to these Limited Common Elements shall not be considered a Common Expense ~~except that and~~ the Association shall not be responsible for the repair or replacement of any improvements made by the Developer or a new Unit Owner to this Limited Common Element area or areas whether in the course of maintenance of the Limited Common Elements or otherwise. The Unit Owner shall be authorized to lease the use of these facilities. Leases of these facilities shall ~~not~~ require consent of the members of the ~~Board of Directors.~~ Association. The Fountain Bar is for the exclusive use of the Grandview Palace residents and their guests.

(11) Additional Indoor Parking: The Developer reserves the right to build additional indoor parking as an extension to the existing levels of the Main Building garage. The extension would be to the South of the existing garage, and would be on Association Property. Such additional parking would be used to directly offset parking spaces in the North Building that are reassigned to future residents of the North Tower or to accommodate additional parking requirements for contemplated Penthouse Units. These rights to construct and maintain additional parking improvements do not require the consent of the members of the Association~~. To the extent that the new parking facility adds spaces that may be allocated to the Association's Limited Common Elements, the Developer reserves the right to be compensated for exclusive assignment rights to those spaces.~~

XIV. Insurance and Condemnation Provision

The Association shall use its best efforts to obtain and maintain adequate insurance to protect the Association, the Association property and the Condominium Property required to be insured by the Association pursuant to paragraph 14.02 below. This may take the form of commercial insurance at the lowest rate available, an insurance pool of related companies or self-insurance if and when the Association qualifies under Florida Statute 624.460-.488. A copy of each policy of insurance in effect shall be made available for inspection by Unit Owners at reasonable times.

The insurance, other than title insurance, which shall be carried upon the Condominium Property and property of the Unit Owners, shall be governed by the following provisions:

14.01 Liability Insurance: The Board of Administration of the Association shall obtain public liability and property damage insurance covering all of the Common Elements of the condominium, and insuring the Association and the Unit Owners, as its and their interests appear, in such amount as the Board of Administration of the Association may determine from time to time, provided that the minimum amount of coverage shall be $100,000/$300,000/$10,000. Said insurance shall include, but not be limited to, water damage, legal liability, hired automobile, non-owned automobile, and off-premises employee coverages. All liability insurance shall contain a cross-liability endorsement to cover liabilities of the Unit Owners as a group to a Unit Owner. Premiums for payment of such insurance shall be paid by the Association and charged as a Common Expense.

14.02 Casualty Insurance: Purchase of Insurance: The Association shall obtain fire and extended coverage insurance and vandalism and malicious mischief insurance, insuring all of the insurable improvements within the Condominium, including personal property owned by the Association, in and for the interest of the Association and all Unit Owners and their mortgagees, as their interests may appear, from a company acceptable to the Board of

Administration of the Association, in an amount equal to 80% of the replacement value, as determined annually by the Board of Directors Administration ~~with a deductible of no more than $5,000 per occurrence~~. All hazard policies issued to protect the Condominium buildings shall provide that the word "building" wherever used in the policy shall include, but shall not necessarily be limited to, fixtures, installations or additions comprising that part of the building within the unfinished interior surfaces of the perimeter walls, floors and ceilings of the individual Units initially installed, or replacements thereof like kind or quality, in accordance with the original plans and specifications, or as existed at the time the Unit was initially conveyed if the original specifications are not available. However, the word "building" shall not include floor coverings, wall coverings or ceiling coverings or any personal property of individual owners. The premiums for such coverage and other expenses in connection with said insurance shall be paid by the Association and shall be charged as a Common Expense. The company or companies, with which the Association shall place its insurance coverage, as herein provided must be good and responsible companies. Owners are advised to obtain casualty insurance for loss or damage to interior surfaces of their Units or personal property resulting from fire, water, theft, vandalism, or other casualties.

14.03 Loss Payable Provision - All policies purchased by the Association shall be for the benefit of the Association only. Such policies shall be deposited with the condominium management selected by the Association's Board of Directors.

14.04 Distribution of Proceeds: Proceeds of insurance policies received by the Condominium shall be distributed in the following manner:

(1) Reconstruction or Repair: If the damage, for which the proceeds were paid, is to be repaired and restored, the proceeds shall be paid to defray the cost thereof. Any proceeds remaining after defraying such costs shall be retained by the Association and placed in the appropriate Reserves Account, <u>or pooled reserves.</u> Once all Reserve Accounts are fully funded to date, the Board may allocate any remaining funds to pay any association loans or current shortfalls in the operating account or to fund physical plant repairs or improvements. Any funds not so allocated shall be credited against unit owner maintenance dues.

(2) Failure to Reconstruct or Repair. If it is determined, in the manner herein provided that the damage for which the proceeds are paid shall not be repaired and restored, the proceeds shall be disbursed to the Beneficial Owners; remittance to Unit Owners and their mortgagees being payable jointly to them. This is a covenant for the benefit of any mortgagee of a Unit and may be enforced by the same. Said remittance shall be made solely to an Institutional First Mortgagee when requested by such Institutional First Mortgage whose mortgage provides that it has the right to require application of the insurance proceeds to the payment of its mortgage debt. In the event of loss or damage to personal property belonging to the Association, and should the Board of Administration determine not to replace such personal property as may be lost or damaged, the proceeds shall be retained by the Association and placed in the Reserves Account.

14.05 Loss within a Single Unit. If loss shall occur within a single Unit without damage of the Common Elements, the insurance proceeds shall be distributed to the Beneficial Unit Owner with remittances to said Unit Owner and his mortgagee being payable jointly. This is a covenant for the benefit of any mortgagee of a Unit and may be enforced by the same; provided, however, such remittance shall be made solely to an Institutional First Mortgagee in the event its mortgage provides that it has the right to require application of the insurance proceeds to the payment or reduction of its mortgage debt. Upon the payment of such remittance, the Unit Owner shall be fully responsible for the restoration of his Unit.

14.06 Loss Less Than "Very Substantial'; Where a loss or damage occurs to more than one Unit, to the Common Elements, or to any Unit or Units and the Common Elements, but said loss is less than "very substantial" (as hereinafter defined), it shall be obligatory upon the Association and the Unit Owners to repair or restore the damage caused by said loss.

(1) The Board of Administration shall promptly obtain reliable and detailed estimates of the cost of repairing and restoration.

(2) The insurance proceeds shall be endorsed by management over to the Association, and the Association shall promptly contract for the repair and restoration of the damage.

(3) If the net proceeds of the insurance are insufficient to pay for the estimated cost of restoration and repair (or for the actual cost thereof, if the work has actually been done), the Association shall promptly, upon determination of the deficiency, ~~first utilize available funds from the Hurricane Damage Reserve Account. If a deficiency still exists the Association~~ ~~shall~~ levy a special Assessment against all Unit Owners in proportion to the Unit Owners' share in the Common Elements, for that portion of the deficiency as is attributable to the cost of restoration of the Common Elements, and a Special Charge against the individual Unit Owners for that portion of the deficiency as is attributable to his individual Unit; provided, however, that if the Board of Administration finds that it cannot determine with reasonable certainty the portion of the deficiency attributable to a specific individual Unit which has been damaged, then the Board of Administration shall levy the Assessment for the total deficiency against all of the Unit Owners in proportion to the Unit Owners' share in the Common Elements, just as though all of said damage had occurred in the Common Elements. The Special Charge is fully enforceable in the manner of foreclosing a mortgage upon real property. The special Assessment funds and Special Charge funds shall be delivered by the Association to the Insurance Trustee and added, by said Trustee, to the proceeds available for the repair and restoration of the property.

(4) In the event the insurance proceeds are sufficient to pay for the cost of restoration and repair, or in the event the insurance proceeds are insufficient but additional funds are raised by special Assessment within ninety (90) days after the casualty, so that sufficient funds are on hand to fully pay for such restoration and repair, then no mortgagee shall have the right to require the application of insurance proceeds as to the payment of its loan; provided, however, this provision may be waived by the Board of Administration in favor of any Institutional First Mortgagee upon request therefore at any time. To the extent that any insurance proceeds are required to be paid over to such Mortgagee, the Unit Owner shall be obliged to replenish the funds so paid over.

14.07 "Very Substantial" Damage: As used in this Declaration, or any other context dealing with this Condominium, the term "very substantial" damage shall mean loss or damage whereby three-quarters (3/4) or more of the total unit space in any building comprising the Condominium Property is rendered untenantable, or loss or damage whereby seventy-five (75%) percent or more of the total amount of insurance coverage on any of said buildings becomes payable. The Board of Administration shall promptly obtain reliable and detailed estimates of the cost of repair and restoration thereof. Should such "very substantial" damage occur, then:

(1) If such very substantial damage has occurred to the building, and in the absence of any determination to abandon the Condominium as herein provided, then all of the insurance proceeds payable on account of such very substantial

damage to the building shall be held by the Management Company solely for the benefit of Unit Owners (and their mortgagees).

(2) Thereupon, a membership meeting shall be called by the Board of Administration, to be held not later than thirty (30) days after the casualty, to determine the wishes of the membership with reference to the abandonment of the Condominium subject to the following:

(a) If the net insurance proceeds available for restoration and repair, together with funds to be advanced by Unit Owners to replace insurance proceeds paid over to the Institutional First Mortgagees, are sufficient to cover the cost thereof so that no special Assessment is required, then the Condominium Property shall be restored and repaired unless three fourths (3/4) of the total votes of the members of the Condominium shall vote to abandon the Condominium in which case the Condominium Property shall be removed from the provisions of the law, in accordance with the statutes of the State of Florida.

(b) If the net insurance proceeds available for restoration and repair, together with funds to be advanced by Unit Owners to replace insurance proceeds paid over to the Institutional First Mortgagees, are not sufficient to cover the cost thereof so that a special Assessment will be required, as set forth above, then a vote will be taken of the membership of this Condominium to determine whether the Condominium should be abandoned. Said Assessment shall be made and the Condominium Property restored and repaired, unless two thirds (2/3) of the total votes of the members of this Condominium shall vote to abandon, the Association shall immediately levy such special Assessment.

(c) Unless it is determined to abandon them Condominium, the Association shall proceed to negotiate and contract for such repairs and restoration, subject to the provisions set forth above. The special Assessment funds shall be delivered by the Association to the management and added by management to the proceeds available for the repair and restoration of the Property. The proceeds shall be disbursed by management *for* the repair and restoration of the Property, as hereinabove provided. To the extent that any insurance proceeds are paid over to Institutional First Mortgagees, and in the event it is determined not to abandon the Condominium and to vote a special Assessment, the Unit owner shall be obliged to replenish the funds so paid over to his mortgagee, and said Unit Owner shall be liable to the Association for such sum.

(3) In the event any dispute shall arise as to whether or not “very substantial" damage has occurred, it is agreed that such a finding made by the Board of Administration shall be binding upon all Unit Owners (but not upon Institutional First mortgagees).

14.08 Surplus: It shall be presumed that the first monies disbursed in payment of costs of repair and restoration shall be from the insurance proceeds; and if there is a balance in the funds held by management after the payment of all costs of the repair and restoration, such balance may be retained as a reserve, or wholly by the Board of Administration, unless the Institutional First Mortgagee holding and owning the highest dollar indebtedness on Units in

the Condominium Property requires management shall distribute such balance to the Beneficial Owners of the fund in accordance with each Unit's undivided interest in the Common Surplus of the Association. Once all Reserve Accounts are fully funded to date, the Board may allocate any remaining funds to pay any association loans or current shortfalls in the operating account or to fund physical plant repairs or improvements.

14.9 Plans and Specifications: Any repair and restoration must be substantially in accordance with the plans and specifications for the original building, or as the building was last constructed, or according to the plans approved by the Board of Administration, which approval shall not be unreasonably withheld. If any material or substantial change is contemplated, the approval of all Institutional First Mortgagees shall also be required.

14.10 Association's Power to Compromise Claim: The Association is hereby irrevocably appointed agent for each Unit Owner, for the purpose of compromising the settling claims arising under insurance policies purchased by the Association, and to execute and deliver releases therefore, upon the payment of claims.

14.11 Worker's Compensation policy to meet the requirements of law.

14.12 Such other insurance as the Board of Administration shall determine from time to time be desirable.

14.13 Each individual Unit Owner shall be responsible for purchasing at his own expense, liability insurance to cover accident occurring within his own Unit and/or to the interior surface of his Unit, and for purchasing insurance upon his own personal property, and living expense insurance.

14.14 Anything in this Article XIV to the contrary notwithstanding, an Institutional First Mortgagee shall always be entitled to receive, in reduction of its mortgage debt, that portion of insurance proceeds apportioned to its mortgaged Unit in the same share as the share in the Common Elements appurtenant to such Unit, in the event: (a) its mortgage is not in good standing and is in default; or, either (b) the insurance proceeds are not sufficient to complete restoration, reconstruction or repair and the Association has not made additional funds available for such purpose; or (c) it is determined to restore, repair or reconstruct the improvements in a manner or condition substantially different from that existing prior to the casualty and such Mortgagee has not consented in writing to such change or alteration.

14.15 Notwithstanding anything contained herein to the contrary, in the event a loss occurs which is determined to have been attributable to a particular Unit and such loss causes damage to the Common Elements and/or other Units within the Condominium, then the Unit Owner of the Unit to which the loss is attributable shall be liable for the entire expense of the insured's policy deductible, if any. In the event a loss occurs to the Common Elements and/or more than one (1) Unit within the Condominium and such loss cannot be determined to have emanated from any particular Unit, then all Unit Owners within the Condominium - in the event the damage is solely to the Common Elements or the owners of the Units so damaged in the event the loss involves more than one (1) Condominium Unit - shall bear the expense of the insured's policy deductible, if any, on a pro rata basis.

14.16 Condemnation:

(1) The taking of Condominium Property by condemnation shall be deemed to be a casualty and the awards for the taking shall be deemed to be proceeds from insurance on account of the casualty. Even though awards may be payable to Unit Owners, the Unit Owners shall deposit the awards with the Management Company.

(2) Determination Whether to Continue Condominium: Whether the

Condominium will be continued after condemnation will be determined in the manner provided for determining whether damaged property will be reconstructed and repaired after casualty. For this purpose, the taking by condemnation shall be deemed to be a casualty.

(3) Disbursement of Funds: If the Condominium is terminated after condemnation, the proceeds of the awards and special Assessments will be deemed to be Condominium Property and shall be owned and distributed in the manner provided for insurance proceeds if the Condominium is terminated after casualty. If the Condominium is not terminated after condemnation, the size of the Condominium will be reduced, the Owners of condemned Units will be made whole and the property damaged by the taking will be made usable in the manner provided below. The proceeds of the awards and special Assessments shall be used for these purposes and shall be disbursed in the manner provided for disbursement of funds by the Management Company after a casualty.

(4) Unit Reduced but Tenantable: If the taking reduces the size of a Unit and the remaining portion of the Unit can be made tenantable, the award for taking of a portion of the Unit shall be used for the following purposes in the order stated and the following changes shall be affected in the Condominium:

(a) Restoration of Unit: The Unit shall be made tenantable. If the cost of the restoration exceeds the amount of the award, the Owner of the Unit shall be obliged to pay such excess amount.

(b) Distribution of Surplus: The balance of the award, if any, shall be distributed to the Owner of the Unit and to each mortgagee of the Unit, the remittance being made payable jointly to the Owner and mortgagees in accordance with each Unit's undivided interest in the Common Surplus of the Association.

(c) Adjustment of Shares in Common Elements: If the floor area of the Unit is reduced by the taking, the number representing the share in the Common Elements appurtenant to the Unit shall be reduced by the proportion by which the floor area of the Unit is reduced by the taking, and then the share of all Unit Owners in the Common Elements shall be restated as percentages of the total of the numbers representing their original shares as reduced by the taking.

(5) Unit Made Untenantable: If the taking is of the entire Unit or so reduces the size of a Unit that it cannot be made tenantable, the award for the taking of the Unit shall be used for the following purpose in the order stated and the following changes shall be effected in the Condominium:

(a) Payment of Award: The award shall be paid first to all Institutional First Mortgagees in an amount sufficient to pay off their mortgages due from those Units which are not tenantable; and then jointly to the Unit Owners of Units not tenantable and their mortgagees in an amount equal to the market value of the Unit immediately prior to the taking and with credit being given for payments previously reserved for Institutional First Mortgagees; and the balance, if any, to repairing and replacing the Common Elements.

(b) Addition to Common Elements: The remaining portion of the Unit, if any, shall become part of the Common elements and shall

be placed in condition for use by all of the Unit Owners in the manner approved by the Board of Administration; provided that if the cost of the 'Work shall exceed the balance of the fund from the award for the taking, the work shall be approved in the manner elsewhere required for
further improvement of the Common Elements.

(c) Adjustment of Shares in Common Elements: The shares in the Common Elements appurtenant to the Units that continue as part of the Condominium shall be adjusted to distribute the ownership of the Common Elements among the reduced number of Unit Owners. This shall be done by restating the shares of continuing Unit Owners in the Common Elements as percentages of the total of the numbers representing the shares of these Owners as they exist prior to the adjustment.

(d) Assessments: If the amount of the award for the taking is not sufficient to pay the market value of the condemned Unit to the Owner and to condition the remaining portion of the Unit for use as part of the Common Elements, the additional funds required for those purposes shall be raised by Assessments against all of the Unit Owners who will continue as Owners of Units after the Changes in the Condominium affected by the taking. The Assessments shall be made in proportion to the shares of those Owners in the Common Elements after the Changes effected by the taking.

(e) Arbitration: If the market value of a Unit prior to the taking cannot be determined by agreement between the Unit Owner and mortgagees of the Unit and the Association within thirty (30) days after notice by either party, the value shall be determined by arbitration in accordance with the existing rules of the American Arbitration Association, except that the arbitrators shall be two (2) appraisers appointed by the American Arbitration Association who shall base their determination upon an average of their appraisals of the Unit; and a judgment of special performance upon the decision rendered by the arbitrators may be entered in any court of competent jurisdiction. The cost of arbitration proceedings shall be assessed against all Unit Owners in proportion to the shares of the Owners in the Common Elements as they exist prior to the changes effected by the taking.

(6) Taking of Common Elements: Awards for the taking of Common Elements shall be used to make the remaining portion of the Common Elements useable in the manner approved by the Board of Administration; provided that if the cost of the work shall exceed the balance of the funds from the awards for the taking, the work shall be approved in the manner elsewhere required for further improvement of the Common Elements. The balance of the awards for the taking of the Common Elements, if any, shall be distributed to the Unit Owners in the shares in which they own the Common Elements after adjustment of these shares on account of the condemnation. If there is a mortgage of a Unit, the distribution shall be paid jointly to the Owner and the mortgagees of the Unit.

(7) Amendment of Declaration: The changes in Units, in the Common Elements and in the ownership of the Common Elements that are affected by condemnation shall be evidenced by an amendment of this Declaration that

need be approved by two thirds (2/3) of all Unit Owners whose ownership of the Common Elements are affected by such condemnation.

XV. Sale, Lease or Transfer

15.01 (a) In the event any Unit Owner wishes to sell or transfer his or her Unit, the Developer, or designee, shall have the first option to purchase said Unit for a period which shall be designated in the Contract for Purchase and Sale. A Unit Owner may enter into a Contract for Purchase and Sale with a third party subject to the Developer's first option. The Unit Owner shall deliver to the Developer a written notice of intent to sell along with the price and terms of an offer made by a third party. The Developer shall have the right to verify that the offer is legitimate and is at arm's length. Upon receipt of notice and information concerning the offer, the Developer shall have 15 days to notify the Unit Owner and Association that it intends to exercise its option to re-purchase the Unit. During the buyback period specified in the contract (up to five years) the Developer shall have the option to repurchase the Unit at the same price and terms offered by a third party or the Total Purchase Price specified in the Contract plus an increase of not less than three percent per year (as specified in the contract) prorated on a monthly basis, whichever price is less. Should the Developer choose to exercise its option to purchase the Unit, closing will be scheduled to occur within 60 days from the date that the Developer exercises its right.

15.01 (b) In the event any Unit Owner wishes to sell or transfer his Unit, after the Developer's buy- back rights have expired, the Association shall have the option to purchase said Unit, upon the same conditions as are offered by the Unit Owner to a third person. In the event any Unit Owner desires to lease his Unit, the Association shall have the right to approve the Lease. Any attempt to sell or lease said Unit without prior approval of the Association shall be deemed a breach of this Declaration, shall be wholly null and void, and shall confer no title or interest whatsoever upon any purchaser, tenant or lessee; provided however, any deed or lease may be validated by subsequent approval of the Association in the event of a sale or lease without prior approval as herein provided.

15.02 Should a Unit Owner wish to sell, lease or transfer his Unit, he shall deliver to the Board of Directors a written notice containing a copy of the executed purchase agreement between buyer and seller or lease agreement between landlord and tenant, which agreements shall be executed subject to the Board's waiver of its right of first refusal or consent to the sale, lease or transfer, as applicable. The Unit Owner shall also submit to the Board, within five (5) days from receipt of any request by the Board, any supplemental information as may be required by the Board.

15.03 The Board of Directors, within ten (10) days in the event of sale and 3 days in the event of lease after receiving such notice and such supplemental information as is required by the Board of Directors, shall either consent to the transaction specified in said notice, or by written notice to be delivered to the Unit Owner's Unit (or mailed to the place designated by the Unit Owner in his notice), refuse to consent to the Lease, or designate the Association, or one or more persons, other than Unit Owners, who are willing to purchase or lease upon the same terms as those specified in the Unit Owner's notice. The Board shall exercise its rights hereunder only for a valid reason that serves the best interest of the Association and its members. Approval or denial of tenants or owners is to include a criminal background and credit check, number of persons to occupy the unit, lease/sale form, and term of lease (if applicable). ~~The fee for background and credit check is $35 per applicant.~~ The Association reserves the right to charge a fee for background and credit checks. A Unit Owner may obtain a written waiver from the Association in advance of offering a Unit for lease not to exceed 1 year.

15.04 In the case of a purchase, the stated designee of the Board of Directors shall have fourteen (14) days from the date of the notice sent by the Board of Directors within which to make a binding offer to purchase upon the same terms and conditions specified in the Unit

Owner's notice. Thereupon, the Unit Owner shall accept such Offer or withdraw and/or reject the offer specified in his notice to the Board of Directors. Failure of the Board of Directors to designate such person(s) or failure of such person(s) to make such binding offer within the said fourteen (14) day period, shall be deemed consent by the Board of Directors to the transaction specified in the Unit Owner's notice, and the Unit Owner shall be free to make or accept the offer specified in his notice, and sell said interest pursuant thereto to the prospective purchaser named therein in accordance with the agreement submitted to the Association.

15.05 in the event the sale, lease or transfer to a third party is approved by the Board of Directors but is not ultimately consummated or the Unit Owner withdraws his offer to the Association or rejects the offer of the stated designee of the Association, the Unit Owner may not sell, lease or transfer his Unit without further complying with the terms and conditions of this Section 15.

15.06 The consent of the Board of Directors shall be in proper recordable form, signed by an officer of the Association and shall be delivered to the purchaser or lessee. Should the Board of Directors fail to act, as herein set forth, and within the time provided herein, the Board of Directors shall, nevertheless, thereafter prepare and deliver its written approval in proper recordable form, as aforesaid, and no conveyance of title or interest whatsoever shall be deemed valid without the consent of the Board of Directors as herein set forth.

15.07 The Association shall have the right to require that a substantially uniform form of purchase agreement or lease be used. All leases must be for a term of six (4) months or longer.

15.08 If a corporate entity is the owner of a Unit, it may designate the occupants of the Units as it desires and for such period of time as it desires without compliance with the provisions of this Section 15. The foregoing shall not be deemed an assignment or subleasing of a Unit.

15.09 No fee shall be charged in connection with the proposed transfer or approval in excess of the reasonable expenditures allowed by law~~. reasonably required for background check credit report~~ expenses ~~which shall not exceed One Hundred ($100.00) Dollars~~ per applicant, other than a husband/wife or parent/dependent child which are considered one applicant. The Association may require that a prospective lessee pay a security deposit, in an amount not to exceed the equivalent of one month's rent, into an escrow account maintained by the Association. The security deposit shall protect against damages to the Common Elements or Association property. Payment of interest, claims against the deposit, refunds and disputes under this paragraph shall be handled in the same fashion as provided in Part II of Chapter 83, Florida Statutes.

15.10 Anything in this Section t 5 to the contrary notwithstanding, should any Condominium Unit or Parcel at any time become subject to an Institutional First Mortgage, the holder thereof, upon becoming the owner of said Condominium Parcel through foreclosure, deed in lieu of foreclosure, or other means, shall have the unqualified right to take title without prior offer to the Board of Directors, however, an Institutional First Mortgagee must provide advance notice to the Association of any such taking.

15.11 The provisions of this Section with regard to sale shall not be applicable to the Developer which is irrevocably empowered to sell or lease Units to any purchasers or tenants. The said Developer shall have the right to transact any business necessary to consummate sales and leases of said Units, including, but not limited to, the right to maintain model Units, have signs, employees in the offices, use the Common Elements and show Units. Sales offices, signs and all items pertaining to sales and leasing shall not be considered Common Elements and shall remain the property of the Developer.

15.12 The foregoing provisions of this Section shall not apply to transfer by a Unit

Owner to any member of his immediate family (i.e., spouse, children or parents); or if a parcel is owned by a form of co-tenancy, to transfers from one tenant to the other co-tenant.

15.13 No judicial sale of a parcel or any interest therein shall be valid unless: (1) The sale is to a purchaser approved by the Association, which approval shall be in recordable form, executed by two (2) officers of the Association, and delivered to the purchaser; or (2) The sale is a result of a public sale with open bidding after the Unit is offered to, but not accepted by the Developer or Association under the terms offered.

15.14 The Board of Directors of the Association shall have the right to withhold consent and approval of prospective Unit Owners *or* lessees to any sale, lease, transfer or otherwise in the event those prospective Unit Owners or lessees by being such a Unit Owner or lessee would automatically violate or breach a term, condition, restriction, rule or regulation or covenant under this Declaration or Exhibits hereto, or in the event the seller, the lessor or transferor is in violation or breach of any term, condition, restriction, rule or regulation or covenant under this Declaration or Exhibits hereto.

15.15 Each tenant shall be governed by and shall comply with the provisions of the Condominium Act, the Declaration, the documents creating the Association and the Association By-Laws, and the provisions thereof shall be deemed expressly incorporated into any lease of a Unit.

15.16 All leases shall be deemed to include a clause requiring the tenant to comply with all terms and conditions of the Condominium Documents and shall include a copy of the current Rules and Regulations. Association management shall inform the Board of Directors when tenant damage or disturbances continue despite notice to the unit owner such that tenant removal should be considered. Association management shall have the authority, upon unanimous Board approval, to employ an attorney to evict tenants of owners, if the tenant has a history of repeated violations which remain uncorrected and which result in property damage or degradation, significant disturbance to others, or material negative impact on the common good. Any such removals would occur after at least two warnings to the unit owner and would be done at the owner's expense.

15.17 If an Owner leases his Unit, the Owner gives up his right to use the recreational facilities while his Unit is leased.

15.18 All Purchasers of Condominium Units re-sold at Grandview Palace shall be required to make a one-time contribution payable to the Association. The contribution shall be a sum equal to 2 months of condo fees and shall fund capital reserves. The developer or association after turnover shall continue to dedicate the 2-month sum collected at the initial sale of condominiums towards capital reserves.

15.19 All purchasers of condominiums after January 15th, 2005 to have not less than 4% equity in the purchase price of any residential condominium at Grandview Palace.

XVI. Liens

16.01 Subsequent to recording the Declaration and while the property remains subject to the Declaration, no liens of any nature are valid against the Condominium Property as a whole, except with the unanimous consent of the Unit Owners. During this period, liens may arise or be created only against individual Condominium Parcels.

16.02 Labor performed or materials furnished to a Unit shall not be the basis for the filing of a lien pursuant to the Mechanics' Lien Law against the Unit or Condominium Parcel of any Unit Owner not expressly consenting to or requesting the labor or materials. Labor performed or materials furnished to the Common Elements are not the basis for a lien on the Common Elements, but if authorized by the Association, the labor or materials are deemed to

be performed or furnished with the express consent of each Unit Owner and may be the basis for the filing of a lien against all Condominium Parcels in the proportions for which the Owners are liable for Common Expenses.

16.03 If a lien against two (2) or more Condominium Parcels becomes effective, each Owner may relieve his Condominium Parcel of the lien exercising any of the rights of a property owner under F.S., Chapter 718, or by payment of the proportionate amount attributable to his Condominium Parcel. Upon the payment, the lienor shall release the lien of record for that Condominium Parcel.

XVII. Remedies of the Association

17.01 All rights, remedies or relief of whatsoever nature or kind provided in favor of the Association in this Declaration, Exhibits hereto, Rules and Regulations promulgated by the Board of Administration, and the Condominium Act shall be cumulative and non-exclusive and none shall exclude, jointly or severally, any other right, remedy or relief permitted by law or otherwise available to the Association.

17.02 Failure by the Association to enforce or declare a violation of the terms and conditions of this Declaration, Exhibits hereto. Rules and Regulations promulgated by the Board of Administration, or the Condominium Act upon occurrence thereof or any delay in taking any action in connection therewith shall not be considered a waiver of such violation and any express waiver of such violation (which must be in writing to be effective) shall not be considered a continuing waiver and upon any subsequent violation, the Association shall not be deemed to have waived its rights to declare such violation and exercise concurrently or severally any rights, remedies or relief the Association may have.

XVIII. The Association

18.01 The document creating the Association is attached hereto and made a part hereof as Exhibit "C." The operation of the Condominium Property shall be governed by the By-Laws of the Association, a copy of which are attached hereto and made a part hereof as Exhibit "D." The By-Laws may be modified or amended as provided therein. No amendment to said By-Laws shall be adopted which would affect or impair the validity or priority of any mortgage covering any Condominium Parcel. Defects or omissions in the By-Laws shall not affect the validity of the Condominium or the title to Condominium Units.

18.02 The operation of the Condominium shall be by the Association, which must be a corporation not for profit. The Owners of Units shall be members of the Association in accordance with the Articles of Incorporation and By-Laws. The officers and directors of the Association have a fiduciary relationship to the Unit Owners in accordance with the Articles of Incorporation and By-Laws.

18.03 The Association may contract, sue or be sued with respect to the exercise or non-exercise of its powers. For these purposes, the powers of the Association include, but are not limited to, the maintenance, management and operation of the Condominium Property. After control of the Association is obtained by Unit Owners, other than the Developer, the Association may institute, maintain, settle or appeal actions or hearings in its name on behalf of all Unit Owners concerning matters of common interest, including, but not limited to, the Common Elements, the roof and structural components of a building or other improvements, mechanical, electrical and plumbing elements serving an improvement or a building, representations of the Developer pertaining to any existing or proposed commonly used facilities, and protesting ad valorem taxes on commonly used facilities. The Association has the authority to maintain a class action; the Association may be joined in an action as representative of that class with reference to litigation and disputes involving the matters for which the Association could bring a class action. Nothing herein limits any statutory or common law right of any individual Unit Owner or class of Unit Owners to bring any action

which may otherwise be available.

18.04 A Unit Owner does not have any authority to act for the Association by reason of being a Unit Owner.

18.05 The powers and duties of the Association include those set forth in this section and those set forth in the Declaration and By-Laws if not inconsistent with this Declaration and the law.

18.06 The Association has the irrevocable right to have access to each Unit during reasonable hours when necessary for the maintenance, repair or replacement of any Common Elements, or of making emergency repairs necessary to prevent damage to the Common Elements or to another Unit or Units.

18.07 The Association has the power to make and collect Assessments, and to lease, maintain, repair and replace the Common Elements.

18.08 The Association shall maintain accounting records for the Condominium according to good accounting practices. The records shall be open to inspection by Unit Owners or their authorized representatives at reasonable times.

18.09 The Association has the power to purchase Units in the Condominium and to acquire and hold, lease mortgage and convey them.

18.10 The Association shall use its best efforts to obtain and maintain adequate insurance to protect the Association.

18.11 The Association has the authority, without the joinder of any Unit Owner, to modify or move any easement for ingress or egress or for the purposes of utilities or New Construction if the easement constitutes part of or crosses the Condominium Property. This subsection does not authorize the Association to modify or move any easement created in whole or in part for the use or benefit of anyone, other than the Unit Owners, without their consent or approval as required by law or the approval as required by law or the instrument creating the easement.

18.12 Maintenance and repair of the Common Elements, except as otherwise provided herein, is the responsibility of the Association.

18.13 The Association may acquire, convey, lease or mortgage Association real property upon the approval of fifty (50%) percent of the total voting interests in the Association.

XIX. Membership in Association

19.01 The Association was created to perform the acts and duties of the management of the Units and Common Elements defined and described in this Declaration, and to levy and enforce collection of Assessments necessary to perform said acts and duties.

19.02 All Unit Owners shall automatically be members of the Association, and said membership shall terminate when they no longer own said Units.

XX. Common Expenses and Common surplus

20.01 Common Expenses include the expenses of the operation, maintenance, repair or replacement of the Common Elements, utilities for the entire Condominium, costs of carrying out the powers and duties of the Association and any other expense designated as Common Expenses by this Declaration, the documents creating the Condominium, or the By-Laws.

20.02 Funds for the payment of Common Expenses shall be assessed against Unit Owners in the proportions or percentages provided in the Declaration. A Unit Owner's share of

Common Expenses shall be in the same proportion as his ownership interest in the Common Elements.

20.03 Common Surplus is owned by Unit Owners in the same shares as their ownership interest in the Common Elements.

20.04 The cost of a master antenna television system or duly franchised cable television service supplied pursuant to a bulk contract shall be deemed a Common Expense in accordance with Section 718.115 of the Florida Statutes.

XXI. Assessments; Liabilities; Lien and Priority; Interest Collection

21.01 A Unit Owner, regardless of how title is acquired, including a purchaser at a judicial sale, shall be liable for all Assessments coming due while he is the Unit Owner. In a voluntary conveyance, the grantee shall be jointly and severally liable with the grantor for all unpaid Assessments against the grantor for his share of the Common Expenses up to the time of the conveyance, without prejudice to any right the grantee may have to recover from the grantor the amounts paid by the grantee.

21.02 The liability for Assessments may not be avoided by waiver of the use or enjoyment of any Common Elements or by abandonment of the Unit for which the Assessments are made.

21.03 Assessments and installments on them not paid when due bear interest from the date when due until paid at the maximum interest rate permitted by law, and at the sole discretion of the Board of Administration, a late charge not to exceed the greater of Twenty Five dollars ($25.00) or five (5%) percent of each installment of the Assessment for each delinquent installment that the payment is late shall be due and payable.

21.04 Liens

(1) The Association shall have a lien on each Condominium Parcel for unpaid Assessments, with interest and for reasonable attorneys' fees incurred by the Association incident to the collection of the Assessment or enforcement of the lien. The lien is effective from and after recording a claim of lien in the Public Records in the County in which the Condominium Parcel is located. No such lien shall continue for a longer period than one (1) year after the claim of lien has been recorded unless within that time an action to enforce the lien is commenced in a court of competent jurisdiction.

(2) In the event a Unit Owner is thirty (30) days or more late in the payment of any Assessment due to the Association from the Unit Owner of whatsoever nature or kind, the Board of Administration in its sole discretion may accelerate the subsequent installments and other known Assessments for the subsequent quarter, and such installments. Assessments may be included in the liens set forth herein. No acceleration beyond a quarterly installment shall be made without simultaneously filing a claim of lien. Notice of any claim of lien filed by the Association or its authorized agent, if any, shall contain the full amount due the Association (whether upon an accelerated basis or not) at the time of filing such claim of lien. In the event a Unit Owner enters a new fiscal year being thirty (30) days or more in default of payment of any installment. Assessment due during any previous fiscal year, the Board of Administration may accelerate all then known remaining monthly installments for Assessment, Special Assessments which are due for the subsequent quarter of the fiscal year in which the Association is entering.

(3) Subject to the provisions of Article 21.06 hereof, the lien for Assessment shall

be subordinate and inferior to the lien of any First Mortgagee recorded prior to the recording of the claim of lien of the Association regardless of when said Assessment was due, but shall not be subordinate and inferior to the lien of any other mortgage or lien of whatsoever nature or kind.

21.05 Foreclosures

(1) The Association may bring an action in its name to foreclose a lien for Assessments in the manner a mortgage of real property is foreclosed and may also bring an action to recover a money judgment for the unpaid Assessments without waiving any claim of lien. The remedies provided herein shall be non-exclusive and cumulative and shall not exclude any other remedy available to the Association by this Declaration, law or otherwise.

(2) If the Unit Owner remains in possession of the Unit and the claim of lien is foreclosed, and if ordered by the Court, the Unit Owner shall pay a reasonable rental for the Unit and the Association is entitled to the appointment of a receiver to collect the rent.

(3) The Association has the power to purchase the Condominium Parcel at the foreclosure sale and to hold, lease, mortgage and convey it.

21.06 The liability of a first mortgagee or its successors or assignees who acquire title to a Unit by foreclosure or by deed in lieu of foreclosure for the unpaid assessments that became due prior to the mortgagee's acquisition of title is limited as set forth in Section 718.116, Florida Statutes 1994. Notwithstanding anything contained in this Declaration to the contrary, future amendments to the Condominium Act regarding the liability provided for herein shall not be incorporated by reference in this Declaration.

21.07 No person may acquire an interest in a Unit, except through foreclosure of a mortgage of record or by acceptance of a deed in lieu of foreclosure, as specifically provided herein, including, without limitation, persons acquiring title by operation of law and purchasers at judicial sales until such time as all unpaid Assessments due and owing by the former Unit Owner have been paid.

21.08 Any Unit Owner has the right to require from the Association a certificate showing the amount of unpaid Assessments against him with respect to his Condominium Parcel. The holder of a mortgage or other Hen of record has the same right as to any Condominium Parcel upon which he has a lien.

21.09 No Unit Owner may be excused from the payment of his share of the Common Expenses of a Condominium unless all Unit Owners are likewise proportionately excused from payment, except as provided in Article 21.06 and except that the Developer may be excused from the payment of its share of the Common Expenses while its guarantee is in effect.

21.10 Assessments shall include, but not be limited to, monthly condominium assessments, fines and damages and those charges against Unit Owners provided in Article IX of the Bylaws, as well as this Declaration, Exhibits hereto and the Condominium Act.

21.11 The person acquiring title shall pay the amount owed to the Association within thirty days after transfer of title. Failure to pay the full amount when due shall entitle the Association to record a claim of lean against the Parcel and proceed in the same manner as provided in this Section 21.01 for the collection of unpaid Assessments.

XXII. Obligations and Restrictions of Members and Owners

In addition to the other obligations and duties heretofore set forth in this Declaration, every Unit Owner shall:

General

(1) Conform to and abide by the Bylaws and uniform rules and regulations in regard to the use of the Unit and Common Elements which may be adopted in writing from time to time by the Association, and to see that all persons using the Owner's property, by, through or under him do likewise. Complaints regarding the service of the Condominium shall be made in writing to the Association.

(2) Promptly pay all Assessments levied by the Association. Make payments of monthly assessments at the office of the Association or as designated by the Association. Regular assessments are due on the first (1st) day of each month. If such payments are ten (10) days or more late, they must be accompanied by $20 late fee. Assessments not paid 60 days after due shall accrue interest at 1 % per month. Additional $20 late fees shall be assessed each month for outstanding balances in excess of $21.

(3) Employees of the Association shall not be sent out of the building by any Unit Owner at any time for any purpose. No Unit Owner or resident shall direct, supervise or in any manner attempt to assert any control over the employees of the Association. Owners may not hire or accept the services of employees of the association for work in their residences on non-common area repairs during hours when the employee is being paid by the association. In no event shall the Association be liable for damages caused by an employee, unsatisfactory work performed by the employee, or personal injury to an employee or owner as a consequence of that employee doing work on a resident's private property.

(4) Unit Owners are responsible for any damages to the Association Property, the Common Elements or Limited Common Elements caused by themselves, their family, guests, invitees, servants, lessees and persons who are on the Property because of such Unit Owner.

(5) The Unit Owner shall pay for any utilities that are separately metered to his Unit.

(6) No sign, advertisement, notice or other lettering shall be exhibited, displayed, inscribed painted or affixed in, on or upon any exterior part of a Condominium Unit or any part of Association, Residential or Commercial Condominium property by any Unit Owner or occupant without written permission of the Association or as otherwise provided in the Declaration.

(7) In the event any owner or tenant causes a disturbance, destruction to the building, or creates a nuisance, the owner of the unit causing the disturbance or nuisance will be fined $100 per occurrence until cured up to the maximum allowed by Chapter 718. A fine of $100 per occurrence will also be charged to any owner or tenant who attempts or abuses an employee, or attempts to prevent the employee from performing their job responsibility.

Use of Unit

(7) The Unit may not be used for any purpose that violates any laws, ordinances and regulations of any governmental body having jurisdiction thereof. The Condominium Unit shall be used solely for purposes consistent with applicable zoning laws. No trade, business, profession or other type of commercial activity may be conducted in or from any Residential Condominium Unit.

(8) Maintain in a clean and sanitary manner and repair his Unit and all interior

surfaces within or surrounding his Unit (such as the surfaces of the walls, ceilings, floors, etc.) whether or not a part of the Unit or Common Elements which are a part of the Unit, and maintain and repair the fixtures therein and pay for any utilities which are separately metered to his Unit. Only non-vented dryers are permitted for use in Condominium units. The Association will be responsible for repairs to sliding and fixed glass door frames and glass excepting damage to glass or frames caused by unit owners or their guests. The Association will also be responsible for exterior painting of door frames. When exterior painting of balcony doors is performed by the Association, the Association will remove existing weather stripping and install rubber adhesive backed weather stripping upon completion of the paint job. Unit owners will be responsible for maintenance and repairs to door locks, handles, track surfaces, door rollers, and weather stripping.

(9) The Association may retain a pass-key to all Units. In lieu of a pass-key, the Association shall have a duplicate key. Except in the case of emergency, entry will only be made after pre-arrangement with the respective Unit Owner or the occupant of the Condominium Unit. The agents of the Association and any contractor or workman authorized by the Association may enter any Unit at any reasonable hour of the day for any purpose permitted under the terms of the Declaration of Condominium or Bylaws of the Association. In the event the Unit Owner fails to supply either a pass-key or duplicate key, and it is necessary for the Association to enter in accordance with the Declaration, or Bylaws, the Association shall not be responsible for any costs or expenses incidental to a forced entry into the Unit. Nothing herein shall relieve the Association or its duty of ordinary care in carrying out its responsibilities, nor from its negligence or willful activities that caused damage to a Unit Owner's property.

(10) Not permit or suffer anything to be done or kept in his Unit which would increase the insurance rates on his Unit of the Common Elements, or which will obstruct or interfere with the rights of other members or annoy them with unreasonable noises or otherwise; nor shall a member commit or permit any nuisance, immoral or illegal act in his Unit or on the Common Elements. No construction work is permitted on balconies or patios at anytime, unless said work is being performed for the balcony. All other work shall be performed inside the unit.

(11) The Association must receive written notification from the Unit Owner at least three business days (excluding Saturdays, Sundays, and legal holidays) prior to placing a Unit on the market for sale or Lease. A penalty of $100 per month, or part thereof, shall be assessed to unit owners who lease to a tenant without first receiving written authorization from the Board. An additional $100 penalty shall be imposed for every month an unauthorized tenant resides in the unit. The Board shall be under no obligation to authorize a tenant who was not presented to the Board prior to occupying the unit. ~~The developer shall be exempt from this penalty, since the developer is entitled to lease unsold units without Board consent.~~

Additionally, lock boxes shall not be permitted on Unit doors or in common areas of the Association. Lock boxes will be removed and disposed of when found. Owners may give management written authorization for their realtor to show their condominium, in which case management will obtain a release of liability form from the owner ~~and allow the Security desk to hold a copy of the key to be issued to the designated realtor only.~~

A penalty of $100 per week following written notice shall be assessed for failure

to provide the Association with a duplicate key to enter the unit in case of emergencies.

(12) Water closets, faucets, and other water apparatus and plumbing facilities on the Association Property, shall not be used for any purpose other than those for which they were constructed. Any damages resulting from misuse of any of such items in the Condominium Unit or elsewhere shall be paid for by the Unit Owner in whose Unit it shall have been caused or by the Unit Owner whose family, guest, invitee, servant, lessee or other person who is on the Condominium Property pursuant to the request of the Unit Owner shall have caused such damage.

(13) The type, color and design of chairs and other items of furniture and furnishings that may be placed on balconies shall be determined by the Board or Directors.

(14) Allow the Board of Director or the agents and employees of the Association to enter any Unit for the purposed of maintenance, repair, or replacement of any Common Elements or building system or for making emergency repairs which are necessary to mitigate or prevent damage to the Common Elements or to another Unit or Units. Each Unit owner shall pay the Association for said maintenance or repairs.

(15) Nothing, including, but not limited to, decorations, radio or television aerials or antennas, signs, notices or advertisements, awnings, curtains, shades, window guards, light reflective materials, hurricane or storm shutters, ventilators, fans or air conditioning devices, or other items shall be attached or affixed to the exterior of any Unit or balcony or exposed on or projected out or any window, door or balcony of any Unit without the prior written consent of the Association. The consent of the Association to all of any of the above may be withheld or purely aesthetic grounds within the sole discretion of the Board of Directors. Charcoal and gas grills ~~and other outdoor cooking equipment is~~ are prohibited on all balconies, ~~but not fourth floor patios.~~ Electric grills only are allowed on ~~all~~ balconies and patios (4th floor). Satellite dishes are required to be anchored to a planter or any removable material, which can be removed during a storm (hurricane). Satellite dishes in case of storms may not be secured to balcony railings and may not be attached to concrete with bolts or any manner that compromises the surface of the concrete. In no event may a satellite dish project beyond the exterior plane of the building or extend above the height of the balcony railing or patio wall. Failure to comply with these satellite dish installation requirements will result in an initial fine of $100, and an additional $100 fine per month of non-compliance beginning one week after delivery of written notice.

(16) No inflammable, combustible or explosive fluid, chemical or substance shall be kept in any Unit or Limited Common Element assigned thereto or storage area, except such as are required for normal household use. The use of fireworks is prohibited on the premises and a fine of $100 will be incurred by discharging a firework of any kind.

(17) Abide by any regulations regarding children as may be established by the Association, except that no regulations shall prohibit children from residing in or occupying a Unit.

(18) Rugs, mats, decorations, etc. may not be placed outside Condominium Unit entrance doors.

(19) Before a unit is to be occupied by a guest in the absence of the resident, a written identification notice, listing names and length of stay, must be furnished to the building manager.

Alterations & Repairs

(20) Make no alteration, decoration, repair, replacement or change of the Common Elements or to any outside or exterior portion of the building without the prior written consent of the Association. The accepted specifications for hurricane protection shall be: 1. Impact glass meeting current Miami-Dade County requirements with glass and frames that visually match existing glass and frames as viewed from the exterior. 2. Window laminate (film) installed by a licensed contractor, designed to withstand over 130 MPH wind, and to prevent shattering when struck by small and large projectiles. Film may be tinted for UV protection and heat reduction, however may not be reflective. 3. Rolladen extruded aluminum Rollshutter with white low profile hood, or 4. Armor screen material or acceptable Board approved equivalent, installed by a licensed contractor who scans balconies for rebar and cables so as to avoid structural damage when installing tie-down bolts. All other forms of hurricane protection including wood, metal, or fiberglass panel, or accordion, shall not be acceptable on residential units. Commercial units may use ~~wood,~~ metal, or fiberglass panel shutters, however shutters must be removed within 72 hours of the end of a tropical storm or hurricane advisory for North Bay Village. This provision does not require unit owners to install hurricane protection.

(21) Make no repairs to any plumbing, air conditioning systems or electrical wiring within a Unit, except by plumbers, repairmen or electricians authorized to do such work by the management of the Association. Plumbing, air conditioning and electrical repairs within a Unit shall be paid for and be the financial obligation of the Owner of the Unit. The Association shall pay for and be responsible for plumbing, air conditioning repairs and electrical wiring within the Common Elements. The Association shall have the, right to exclude any unauthorized repairmen from the Condominium, except those of the Developer; however developer shall be responsible for any damage done to other units or the Association property resulting from said alterations or improvements.

(22) Not replace and/or remove screens, jalousies or other enclosures on balconies, patios or terraces or on other parts of the building, even though such areas may be Limited Common Elements, except with prior written approval of the Board of Administration.

(23) Make no major alterations of a unit including but not limited to, ceiling or wall alterations other than painting, flooring installation of any kind other than carpeting, alterations to electrical, sprinkler system, TCI panel, or plumbing, kitchen cabinet replacement (excluding doors only), and alterations to patio, balcony, windows, doors (including hurricane protection installation), without first receiving written authorization from the Board of Directors. All applications for interior alternations shall be submitted to the Board using the "Application for Association Approval of Condominium Construction Form" attached to the Declaration Schedule 14. Initiation of construction or interior alterations without prior written approval from the Board of Directors shall result in a $ 200 fine per occurrence. An occurrence shall be defined as a single trade for a single project, by a single contractor. Contractors for Unit Owners will be required to register with Security each day and shall coordinate parking with Security be required to park on the South parking lot. Materials in excess of 100 Lbs. shall be moved using the freight elevator on the South lot~~. The developer shall not be~~

~~required to apply for Association approval to make alterations or improvements to units owned by the developer.~~

(24) Except as otherwise provided herein, shall not divide or subdivide a Unit for purpose of sale or lease, except that a Unit may be combined with a contiguous Unit and occupied as one dwelling Unit.

(25) Do not hang any laundry, garments or other Objects that are visible from outside of the Unit, except for draperies, blinds, shades or other suitable window coverings. Decorative window coverings shall not include any type of reflective film on any glass windows or doors. The exterior appearance of all window coverings shall be white in color. Window treatments shall be white on the surface facing the exterior.

26) No ceramic tile, stone tile, or wood flooring may be installed in the interior of a Condominium Unit except in the ~~Kitchen,~~ bathroom(s), and foyer, without sound-proofing material meeting standards set by the Board of Directors.

(27) The type color and design of tile or other surface material that may be used on Balconies must be approved in advance by the Board of Directors of the Association.

28) The hours of work by independent contractors, ~~excluding those of the Developer,~~ shall be limited Monday to Friday 9 ~~8~~ AM to 4:45 ~~6~~ PM, ~~Saturday 8AM to 8PM, and Sunday 10AM to 6PM~~. Hallways may not be used by tradesmen or workers of any craft, to store, size or cut any material or object of any kind. All such work and any related clean-up work must be accomplished within the unit.

(29) Moving furniture and machinery through the lobby level is prohibited. The freight elevator on the South side of the garage shall be used to move furniture and machinery to the second floor of the garage. Furniture and machinery may then be loaded on to the freight elevator on the G2 level. Moving construction or demolition materials that surpass one elevator load must also be moved in and out of the building using only the freight elevator. All use of the freight elevator must be scheduled in advance with the Association. Elevator schedules are on a reserved basis only, Monday-Friday beginning at 9 am and ending at 4:45 ~~5~~ pm ~~and Saturday and Sunday (excepting holidays) between the hours of 9:30 AM and 6:30 PM~~. You must make arrangements moving furniture or household goods in and out of the building at least 24 hours prior to delivery date subject to availability of elevator. Elevator usage will be denied after 5 pm whether or not moving is complete.

(30) The exterior of the Condominium Units and all other exterior areas appurtenant to a Condominium Unit, including, but not limited to, balcony walls, railings, ceilings or doors, shall not be painted other that white, decorated or modified by a Unit Owner in any manner without the prior consent of the Association.

Pets

(31) Pets may be kept in a Unit but only so long as they remain quiet and do not regularly disturb other occupants or damage the property in any way; feces left on the grounds of the Property shall be considered damage. No pet shall be allowed to commit a nuisance in any public portion of the Condominium building or grounds. The term "pets" shall be limited to, cats, dogs under 20 ~~10~~ Lbs. and also less than 12" high and 18" long (excluding tail), birds and tropical

fish. All other animals are expressly forbidden. No more than two (2) pets are allowed per Unit, tropical fish excluded. Only one dog is permitted per condominium. A single dog less than 20 ~~10~~ Lbs. is permitted for unit owners. Beginning February 5, 2004, owners, including the developer, shall not be permitted to lease their unit to a new tenant with a dog of any size. Dogs of all owners must be registered in the management office of the association by March 15, 2004. A registration fee of $100 and a current photograph of the dog is required. Dogs not registered by March 15th may not remain on the premises. Dogs under 20 Lbs. who are properly registered with the association before March 15, 2004 will be considered grand fathered, and will be entitled to remain in the property so long as they do not create a nuisance as described above. A grand fathered dog may only be replaced only by a dog that meets the new limitations of size and weight. The fine for keeping an unregistered dog on the premises shall be $50 per day until cured, up to $1000.

Pets are not allowed on the balcony of a Unit unless the Unit owner is present. No pets are permitted in the lobby or the pool area and must be carried in the Pets are not allowed on the balcony of a Unit unless the Unit owner is present. No pets are permitted in the lobby or the pool area, and must be carried in the elevators. Pets which violate the above conditions must be removed from the property within 10 days of Notice or their owner will be fined until said removal.

Standards of Behavior

(32) The sidewalk, entrances, passages, elevators, vestibules, stairways, corridors, halls and all of the Common Elements of the Association Property must not be obstructed or encumbered or used for any purpose other than ingress and egress, to and from the premises; nor shall any carriages, bicycles, shopping carts, chairs, benches, tables or any other object of a similar type and nature be stored therein. No garbage cans, supplies, milk bottles or other articles shall be placed in the halls, on the balconies, or on the staircase landings, nor shall any linens, cloths, clothing, curtains, rugs, mops or laundry of any kind, or other articles, be shaken or hung from any of the windows, doors or balconies, or exposed on any part of the Common Elements or the Association Property. Fire exits shall not be obstructed in any manner, and the Common Elements and the Association Property shall be kept free and clear of rubbish.

(33) No cigarettes or other objects may be dropped off a balcony. A fine will be assessed to the owner of the Unit each instance an item is dropped off the balcony of that Unit. A fine of $50.00 (fifty dollars) for first offences, and $100.00 (one hundred dollars) for subsequent offenses will be enforced. No Owner shall sweep or throw from the premises any dirt, cigarettes, or other substance into any of the corridors, halls or balconies, elevators, ventilators, or elsewhere in the building or upon the grounds. Washing of balconies and watering plants is not permitted where water or cleaning solutions run over the edge of the balcony.

(34) Food and beverages may not be consumed outside of a Unit, except in such areas as are designated by the Board of Directors of the Association. Alcoholic beverages may not be taken to or consumed on the Common Elements or Limited Common Elements. ~~without proper licensing and permits~~.

(35) Children shall not play or loiter in halls, stairways, elevators or other public areas.

(36) Smoking in hallways and elevators and all other interior common Elements or Limited Common Elements is prohibited.

(37) No Unit Owner shall make or permit any disturbing noises in the building by himself, his family, servants, employees, agents, visitors and licensees, nor do or permit anything by such persons that will interfere with the rights, comfort or convenience of the Unit Owners. No Unit Owner shall play upon or suffer to be played upon any musical instrument, or operate or suffer to be operated a phonograph, television, radio or sound amplifier in his Unit in such a manner as to disturb or annoy other occupants of the condominium. All residential parties shall lower the volume as to the foregoing after 11:00 p.m. of each day. No Unit Owner shall conduct or permit to be conducted vocal or instrumental instruction at any time.

(38) The gym and lounge facility are restricted to Condominium Association members paying members of the Palace Gym, and patrons of the Cafe. No smoking is permitted in the gym or lounge facility. The gym and lounge facility shall be locked when an attendant in not on duty. Unit owners will be responsible for any damage done to this facility by unit occupants or guests.

Access & Security

(39) All doors leading from the building to the outside or from the garages into the elevator lobbies or stairways or the Condominium building shall be closed at all times and shall not be blocked open. Each resident is responsible for locking doors that should be locked, and for observing security regulations. In addition, all residents are required to use their access key when entering building.

(40) No solicitors are to be permitted on the Association Property at any time except by individual appointment with residents. Visitors, tradesmen, and the like are to report to the Front Desk to be announced to the resident by the front desk before being allowed on the property unless the front desk has received advanced notice from the resident. Residents shall not give building entry key to tradesmen, day servants, or other persons seeking entry. Any resident responsible for violating this rule will be fined by the Association.

(41) The front desk should be notified immediately of any emergency or any security violations. Any suspicious person or incident should be immediately reported to the front desk or the manager.

(42) Residents are required to notify the front desk of their current home phone numbers.

Trash

(43) Refuge (including bottles and cans) shall be wrapped in garbage bags before it is deposited into the disposal chutes. Trash chutes may only be used between the hours of 8 am and 10 pm. No lighted cigarettes, cigars, hazardous flammable materials shall be thrown down the chutes. Items such as cartons and boxes are not to be left in the trash rooms if the articles *are* too large to fit in the trash chute. They must be brought down to the trash room at the South side of the Garage.

(44) Not allow any rubbish, refuse, garbage or trash to accumulate in places other than the receptacles provided therefore, so that each Unit, the Common Elements and Limited Common Elements shall at all times remain in a clean and sanitary condition. Commercial condominiums are required to place their trash in City dumpsters in a location designated by condominium management.

Recycling – deposit all recycling items at the designated areas – lobby, G1, G2

garage locations, or at the Trash compactor on the G2 level, near parking space G2-402. Items for recycling are plastic, cardboard, newspaper, office paper, aluminum, glass (bottles and jars), steel cans.

Pool Deck

(45) Any person using the swimming pool does so at his/her own risk. It is suggested that no one use the pool unless another person is present.

(46) The swimming pool may be used in accordance with the Rules and Regulations between the hours of 8 a.m. and 10 p.m. Excessive noise, loud talking, shouting and loud music are prohibited in the pool area at all times. Children under 18 years of age are not permitted to use the pool area/deck unless parent or legal guardian is present. Running, riding any apparatus or bouncing balls are strictly prohibited on the pool deck. Any balls bounced on the deck will be confiscated. Unit owners whose children violate these provisions or cause disruption, noise or loud music on the pool deck will be fined.

(47) Glass bottles, glass containers, ceramic or china dish-ware and other breakable items shall not be brought into the pool area. Surfboards, inflatable tubes, floats, and similar items are not permitted in or near the pool area. Toys, bicycles, skateboards, playpens, and similar items are not allowed on the pool deck. The pool area should not be used for games which involve running, playing ball, or other boisterous activities. Disorderly conduct of any kind in the pool area is prohibited and shall be grounds for ejection from these places. The use of audio equipment ~~radios~~ in the pool area will not be permitted if and when their operation distracts or annoys others.

(48) No pool equipment, chairs, or other furnishings may be removed from the pool area.

(49) Jacuzzi - no one under 18 is allowed in the Jacuzzi, even if accompanied with an adult. Proper attire required. No oils, no soaps.

Parking

(50) Parking: Automobiles and motorcycles belonging to residents must bear at all times, the identifying garage sticker provided by the Manager. Each resident shall park in the space assigned to that resident only. No automobile may be parked in any unauthorized area or in a manner which blocks the ingress or egress of other vehicles, or in any area designated for commercial use, or in guest parking. Long term guests or temporary cars may obtain a temporary parking permit in the Management Office. No parking is allowed at any time in front of the building entrances. These are reserved for discharging and picking up passengers.

(51) Parking violations should be reported to security or the Management Office. Parking violators are subject to either fines set by the Board of Directors or towing, off-site storage or the Charges associated therewith.

(52) No repairs (including oil changes) may be made anywhere on the property, including the garage.

(53) No campers, boat trailers, large trucks, flatbeds, or commercial vans or similar vehicles shall be kept on the property. Only passenger vehicles may be parked in garages and ancillary lots. No car is allowed to be left in an

abandoned/inoperable condition or without proper and current registration and license plates. All vehicles must be in compliance with local and state ordinances.

(54) All residents are required to register and park in a dedicated space, either purchased or rented. All owners will be notified to contact the Management Office within ten (10) days of a change to comply with the parking rule or be fined and/or towed. No commercial vehicles are allowed to park on the property. A commercial vehicle is defined as a vehicle which has a gross vehicle weights of 26,001 pounds or more or has three (3) or more axles.

In the event any Rule or Regulation heretofore set forth or hereinafter promulgated, or any sentence, clause, paragraph, phrase or word thereof is determined to be invalid or unenforceable, all remaining provisions or portions thereof shall be and shall remain in full force and effect. The Board of Directors of the Association reserves the right to make additional Rules and Regulations as may be required from time to time. These additional Rules and Regulations shall be as binding as all other Rules and Regulations previously adopted.

The Developer shall be exempt from all provisions herein requiring the consent of the Association. Notwithstanding anything contained herein to the contrary, the Developer shall not be exempt from the following: (1) requirements that leases or lessees be approved by the Association; (2) restrictions on the presence of pets; (3) restrictions on occupancy of Units based on age; (4) restrictions on the type of vehicles allowed to park on the Condominium Property or Association property. ~~however, the Developer and its designees shall have the right to be exempt from any such parking restriction if the vehicle is engaged in any activity relating to construction, maintenance or marketing of Units, if such exemption is provided in the Condominium documents.~~

XXIII. Transfer of Association Control

23.01 When Unit Owners, other than the Developer, own fifteen (15%) percent or more of the Units in this Condominium that will be operated ultimately by the Association, the Unit Owners, other than the Developer, shall be entitled to elect not less than one-third (1/3) of the members of the Board of Administration of the Association. The first Unit Owner elected to the Board shall be a Residential Member. Unit Owners, other than the Developer, are entitled to elect not less than a majority of the members of the Board of Administration of the Association:

(1) Three (3) years after fifty (50%) percent of the Units that will be operated ultimately by the Association have been conveyed to purchasers;

(2) Three (3) months after ninety (90%) percent of the Units that will be operated ultimately by the Association have been conveyed to purchasers;

(3) When all the Units that will be operated ultimately by the Association have been completed, some of these have been conveyed to purchasers; and none of the others are being offered for sale by the Developer in the ordinary course of business;

(4) When some of the Units have been conveyed to purchasers and none of the others are being constructed or offered for sale by the Developer in the ordinary course of business, whichever occurs first. The Developer is entitled to elect at least one (1) member of the Board of Administration of the Association as long as the Developer holds for sale in the ordinary course of business at least five (5%) percent in Condominiums with less than five hundred (500) Units and two (2%) percent in Condominiums with more than five hundred (500) Units of the

Condominium Units operated by the Association; or,

(5) Seven (7) years after the recordation of the Declaration of Condominium.

23.02 If the Developer holds Units for sale in the ordinary course of business, none of the following actions may be taken without approval in writing by the Developer:

(1) Assessment of the Developer as a Unit Owner for capital improvements.

(2) Any action by the Association that would be detrimental to the sale or lease of Units by the Developer, in its sole opinion; provided, however, that an increase in Assessments for Common Expenses without discrimination against the Developer shall not be deemed to be detrimental to the sale of Units. ~~Actions that require Developer approval under this section shall include, but are not limited to, modifications to the rules and regulations of the association, adoption of a special assessment, obtaining an Association loan, and the use of capital reserves for purposes other than those intended.~~

(3) Concurrence of not less than 75% of the non-developer voting interests is required for cancellation of an agreement entered into by the Association prior to turnover of control to unit owners.

XXIV. Rights Reserved Unto Institutional First Mortgagees

So long as any Institutional First Mortgagee or Institutional First Mortgagees shall hold any mortgage upon any Condominium Unit or Condominium Units or shall be the Owner of any Condominium Unit or Condominium Units and complies with the provisions of Section 24.05 hereof, such Institutional First Mortgagee or Institutional First Mortgagees shall have the following rights, to-wit:

24.01 To be entitled to be furnished with at least one copy of the annual financial statement and report of the Association prepared by an accountant or professional Real Estate Management Company designated by the Association, including a detailed statement of annual carrying charges or income collected and operating expenses, such financial statements and report to be furnished, upon written demand, within ninety (90) days following the end of each calendar year.

24.02 To be given notice by the Association of the call of any meeting of the membership to be held for the purpose of considering any proposed amendment to this Declaration or the Articles of Incorporation and By-Laws of the Association, which notice shall state the nature of the amendment being proposed.

24.03 (Intentionally Blank).

24.04 For reasonable cause, to cause the Association to create and maintain an escrow account for the purpose of assuring the availability of funds with which to pay premium or premiums due from time to time on insurance policy or policies which the Association is required in keep in existence, it being understood that the Association shall deposit in a financial institution of good reputation a monthly sum equal to one twelfth (I/12th) of the annual amount of such insurance expense.

24.05 Whenever any Institutional First Mortgagee or Institutional First Mortgagees desire(s) the provisions of this Article to be applicable unto them, they shall serve written notice of such fact upon the Association by registered mail or certified mail addressed to the Association and sent to its address stated herein with a copy by registered or certified mail addressed to the Institutional First Mortgagee having the highest dollar indebtedness on Units

in the Condominium Property, which written notices shall identify the Condominium Parcel or Condominium Parcels upon which any such Institutional First Mortgagees hold any mortgage or mortgages or identifying any Condominium Parcel owned by it or them, and which notice shall designate the place to which notices are to be given by the Association to such Institutional First Mortgagee or Institutional First Mortgagees.

24.06 FHLMC Guidelines: Notwithstanding anything contained in this Declaration to the contrary, it is the intent of Developer to comply with the requirements of the Federal Home Loans Mortgage Corporation (FHLMC) established as of the date hereof. Specifically, the following provisions are hereby made a part of this Declaration:

> "Except as provided by statute, in the case of condemnation or substantial loss to the Units and/or Common Elements of the Condominium project, unless at least two thirds (2/3) of the first mortgagees (based upon one (1) vote for each first mortgage owned) or Owners (other than the Developer) of the individual Condominium Units have given their prior approval, the Condominium Home Owners Association shall not be entitled to:
>
> (a) by act or omission, seek to abandon or terminate the Condominium project;
>
> (b) change the pro rata interest or obligations of any individual condominium Unit for the purpose of: (i) levying assessments or charges or allocating distributions of hazard insurance proceeds or condemnation awards, or (ii) determining the pro rate share of ownership of each Condominium Unit in the Common Elements;
>
> (c) partition or subdivide any Condominium Unit;
>
> (d) by act or mission, seeking to abandon, partition, subdivide, encumber, sell or transfer the Common Elements. (The granting of easements for public utilities or for other public purposes consistent with the intended use of the Common Elements by the Condominium project shall not be deemed a transfer within the meaning of this clause);
>
> (e) use hazard insurance proceeds (other than surpluses) for losses to any Condominium Property (whether to Units or to Common Elements) for other than repair, replacement or reconstruction of such Condominium property."

XXV. Commercial Units

There are twenty five (25) Commercial Units in the Condominium. The Commercial Units may be transferred, conveyed, leased or disposed of without the consent of the Association. The Developer reserves the right, at any time, to convey any or all of the Commercial Units to the Association, and the Association shall be obliged to accept same~~. In the event the Developer chooses to preserve on-site parking spaces by converting one or more un-built commercial spaces back into limited common element parking area, the parking spaces located within the boundaries of the commercial spaces will be assigned to the Developer. Upon the conveyance of a Commercial Unit to the Association, the percentage of Common Expense and ownership to Common Elements attributable to any Commercial Unit conveyed to the Association shall be deemed transferred to the Association, and any dues previously paid for un-built commercial units or portions thereof which do not exist at the time of conveyance will be returned to the developer.~~

Commercial Units may be used for any lawful purpose in accordance with applicable laws, including, but not limited to Chapter 718 of the Florida Statutes and all applicable zoning regulations. Subject to the foregoing, the Owner of a Commercial Unit has the right to permit

the public to use it and to charge a fee for the use of the Commercial Unit to both Owners and to the public. No action may be taken which adversely affects the rights and interests of the Commercial Unit Owners without their prior written consent. These rights include the right to remain open until 1 a.m.

The Developer reserves the right prior recordation of the Declaration, to alter or increase the size and number of commercial units (not to exceed 35% in total area). in which case an amendment to these documents shall be filed. Other Unit Owners of Commercial Unit(s) shall have the right to divide or combine Commercial Unit(s) so long as the common interest appurtenant to such Commercial Unit(s) after the division or combination shall equal in total the common interest applicable to the Commercial Unit(s) divided or combined prior to the division or combination. In addition to the consent of the affected Commercial Unit Owners, any such division or combination shall require an Amendment to the Declaration approved by a majority of the total voting interests in the Condominium unless required by any governmental entity and shall be in compliance with all governmental laws, codes, ordinances and regulations. The cost of any division or combination shall be the responsibility of the Owner(s) of the Commercial Unit(s) being divided or combined. Any such division or combination shall become effective upon the recording in the Public Records of Dade County, Florida, of an Amendment to the Declaration of Condominium, together with the filing of floor plans of the Commercial Unit(s) as divided or combined. Upon such a division or combination, the voting rights for such Commercial Units shall be proportionately' adjusted based upon the square footage involved in the division or combination. The Amendment shall state the common interest applicable to me divided or combined Commercial Unit(s) and the adjusted voting rights.

XXVI. Developer's Tenants

It is understood and agreed by all parties hereto and all Unit Owners that certain Units and Limited Common Elements may be occupied by tenants of the Developer under lease agreements, ~~or month to month tenancies, or other types of tenancies~~ heretofore or hereinafter consummated and agreed upon. Such tenants of Developer shall have the full right and authority to continue to occupy said premises in accordance with their lease agreements or other types of tenancies and to use and enjoy on a nonexclusive basis all Common Elements of the Condominium and the recreational facilities without any cost or expense. The same privileges will apply to tenants of all Unit Owners.

XXVII. Warranties

Pursuant to Section 718.618(6), F.S., the Developer is deemed to have granted to the purchaser of each Unit an implied warranty of fitness and merchantability for the purposes or uses intended, as to the roof and structural components of the improvements; as to fireproofing and fire protection systems; and as to the mechanical, electrical and plumbing elements serving the improvements, except mechanical elements serving only one unit. To the extent permitted by law, the Developer hereby specifically disclaims any other warranties whether expressed or implied. Developer further disclaims any intent to have made any warranty or representation in connection with the Condominium documents and disclosure materials except as specifically set forth therein, and no person shall rely upon any warranty or representation not so specifically made herein. Any estimates of Common Expenses, taxes or other charges are believed to be accurate, but no warranty or guaranty is made or intended, nor may one be relied upon except where same is specifically warranted or guaranteed.

XXVIII. Sales Activity and Developer's Rights

Until the Developer has completed and sold all the Units of the Condominium and completed New Construction neither the Unit Owners nor the Association nor their use of the Condominium shall interfere with the completion of the contemplated improvements and the sale of Units. The Developer (or its duly authorized agents or assigns) may make such use of

the unsold Units and the Common Elements as may facilitate such completion and sale, including, but not limited to, the maintenance of sales offices for the showing of the property and display of signs, billboards, placards and visual promotional materials. It is specifically understood that the Developer has the right and authority to use ~~the manager's office and accounting office and the Common Elements and~~ certain limited Common Elements of the Condominium for the purpose of sales and administrative office for so long as Developer has not sold all Units in the Condominium. The Developer may use unsold Units as model units or as sales offices for display purposes to prospective Condominium purchasers. The Developer shall have the right to use parking spaces for prospective purchasers and such other parties as Developer determines. The sales office personal property, model furnishings, signs and all items pertaining to sales shall not be considered Common Elements and shall remain the property of the Developer. It should be understood that prior to the conversion of the improvements to a Condominium that the operation of the Condominium was an apartment operation and, accordingly, the Developer may continue such apartment rentals at its discretion for any unsold Units and Developer, until all Units are sold, shall have the full right and authority to use the Common Elements and the areas aforedescribed in furtherance of such apartment rentals as the Developer may so desire.

XXIX. Reservation of Name

The Developer reserves the right to use the name "THE GRANDVIEW PALACE" in any fashion, including, but not limited to, other hotel, condominium or residential development. This paragraph cannot be amended without the consent of the Developer.

XXX. (Intentionally Blank)

XXXI. Miscellaneous

31.01 If any provisions of this Declaration, or of the By-Laws attached hereto, or of the Condominium Act, or any section, sentence, clause, phrase or word, or the application thereof in any circumstance is held invalid, the validity of the remainder of this Declaration, the By-Laws attached or the Condominium Act, and of the application of any such provision, section, sentence, clause, phrase or word in other circumstances shall not be affected thereby.

31.02 Whenever notices are required to be sent hereunder, the same shall be either sent to the Unit Owners by regular mail, by electronic mail, or hand delivered to their Units, in the Condominium building, unless the Unit Owner has, by written notice, duly receipted for, specified a different address. Notices to the Association shall be delivered by regular mail to the resident agent. All notices shall be deemed and considered sent when mailed. Any party may change his or its mailing address by written notice.

31.03 Each Unit Owner and the Association shall be governed by and shall comply with the Condominium Act and this Declaration and By-Laws as they may exist from time to time. Failure to do so shall entitle the Association or any other Unit Owner to recover sums due for damages or injunctive relief or both. Such actions may be maintained by or against a Unit Owner or the Association or in a proper case by or against one or more Unit Owners and the prevailing party shall be entitled to recover reasonable attorneys' fees. Such relief shall not be exclusive of other remedies provided by law.

31.04 Whenever the context so requires, the use of any gender shall be deemed to include aII genders and the use of the plural shall include the singular and the singular shall include the plural. The provisions of this Declaration shall be liberally construed to effectuate its purposes of creating a uniform plan for the operation of the Condominium in accordance with the laws made and provided for the same. As used herein, the term "member" means and refers to any person, natural or corporate, who is a Unit Owner.

31.05 No Unit shall be occupied by more than the lesser of the legal occupancy limit for

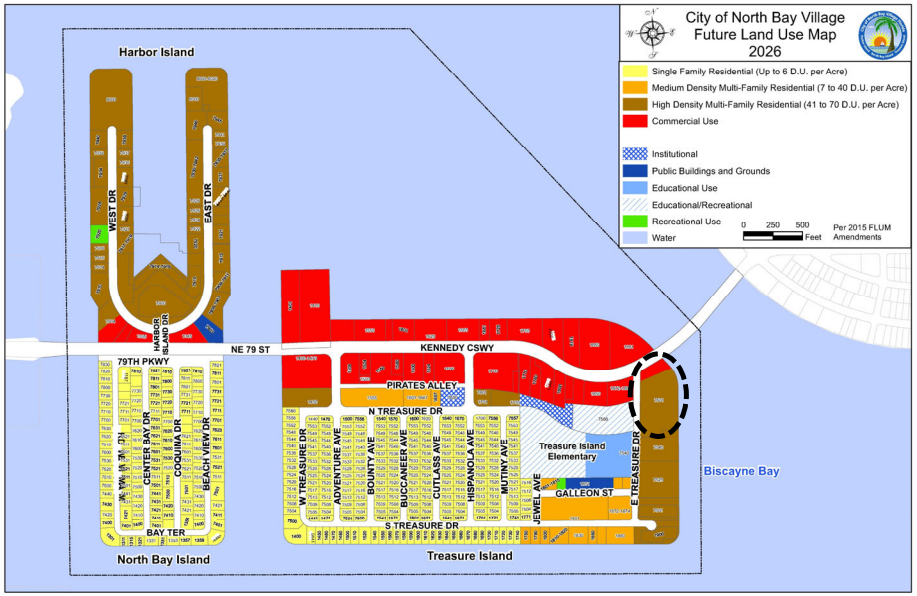
that Unit or three persons (including children) for a one bedroom Unit, four persons for a two bedroom Unit, or five persons for a three bedroom Unit.

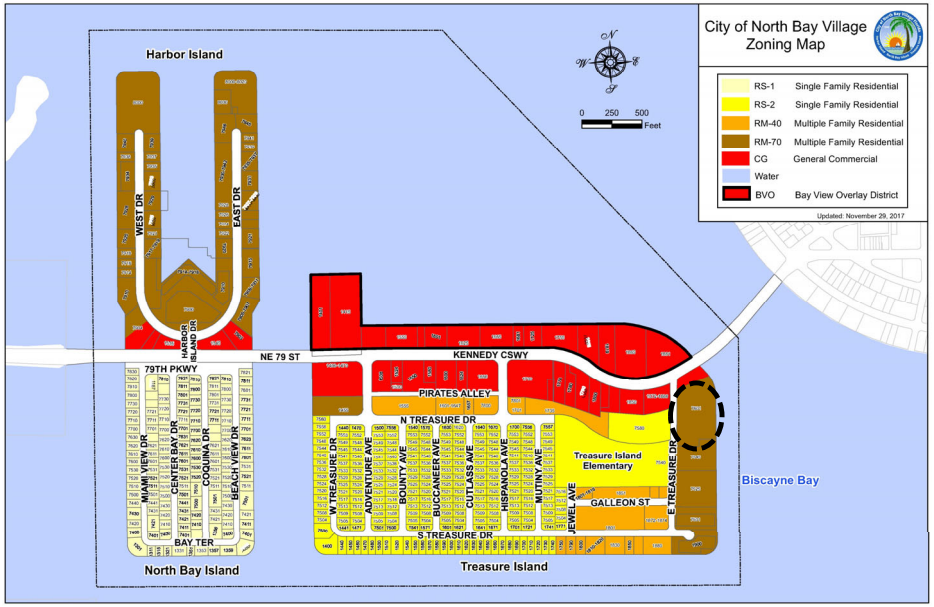
31.06 A tenant of any Unit Owner or of the Developer shall have the same right to use the recreational facilities as the Owner of said Unit has. In no event shall any individual or family, other than the individual or family residing in the Unit and their guests be entitled to use said recreational facilities.

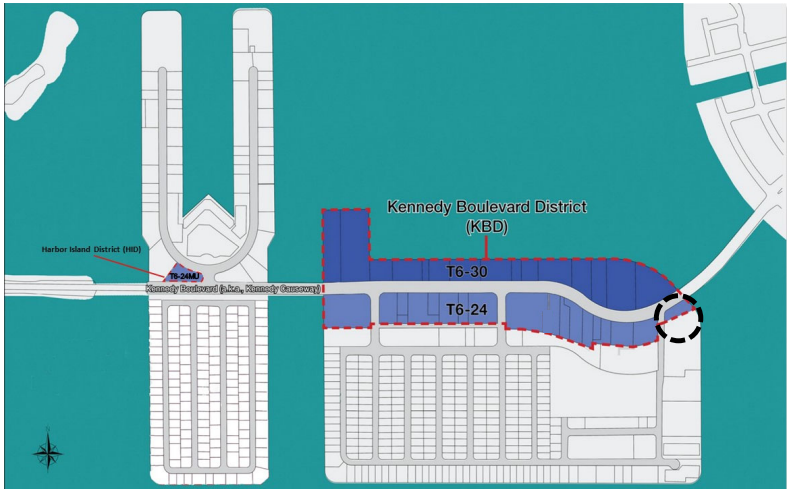
31.07 This Declaration and all Exhibits hereto shall be binding upon and inure to the benefit of each Unit Owner, their heirs, personal representatives, successors, assigns and grantees any and all persons claiming by, through or under any Unit Owners.

31.08 The heading and captions used herein are for reference purposes only, are inserted solely as a matter of convenience, and shall not be relied upon and/or used in construing the effect or meaning of any of the text of this Declaration or Exhibits hereto.

31.09 The Association shall grant access to the building to properly identified employees of the US Census Bureau while on official business who sign-in at the front desk.







Form-Based Code Regulating Plan

Attachment 3
Future Land Use and Zoning of Subject Property

NOTE: The subject property has split zoning. The southern portion is Multiple Family Residential or RM-70 (see Zoning Map). The northern portion (where the proposed license would be located), is zoned a combination of RM-70 and T6-24 Transect (see Form-Based Code Regulating Plan).

*T6-24 supersedes General Commercial (CG) per Sec. 15.5 of Chapter 15 of the ULDC

PAGE 1 OF 1

SPECIAL PURPOSE - RADIUS SURVEY

"FARINA CONTEMPORARY PIZZA CORP: PETRALUNGA"

4 COP DUAL LISCENSE

SURVEY PREPARED FOR:
ALL CITY PERMITS

SUBJECT SITE ADDRESS:
7601 EAST TREASURE DRIVE SUITE CU-21 - NORTH BAY VILLAGE

N
NE
E
SE
S
SW
W
NW
(NOT TO SCALE)

TYPE OF SURVEY:

- ☐ BOUNDARY
- ☐ ALTA/NSPS
- ☐ CONSTRUCTION
- ☐ TOPOGRAPHIC
- ☐ CONDOMINIUM
- ☒ SPECIAL PURPOSE

PRINTING INSTRUCTIONS

WHEN PRINTING THIS PDF IN ADOBE. SELECT "ACTUAL SIZE" TO ENSURE CORRECT SCALING. **DO NOT USE "FIT".**



PARCEL INDEX:

1. SUBJECT PARCEL - FARINA CONTEMPORARY PIZZA CORP
2. PUBLIC SCHOOL - TREASURE ISLAND ELEMENTARY SCHOOL
3. SHOOL RECREATION AREA - TREASURE ISLAND ELEMENTARY SCHOOL "BASKETBALL COURTS"
4. TACO RESTAURANT - TACOS VS. BURRITOS CANTINA
5. LIQUOR STORE - HAPPY'S STORK LOUNGE AND LIQUOR STORE
6. MARKET - BAY MINI MARKET
7. DOCK - GRANDVIEW FUEL LLC. (ALCOHOL LICENSE)
8. MARKET - SUNSHINE GROCERY

PER NORTH BAY VILLAGE, FLORIDA MUNICODE:

CHAPTER 111 - ALCOHOLIC BEVERAGES : GENERAL PROVISIONS

SECTION 12 - DISTANCE LIMITATIONS FROM SCHOOLS; BETWEEN LICENSEES.

ITEM (A)(1) : NO LICENSE FOR THE SALE OF LIQUOR, BEER, AND WINE, OR ALCOHOLIC BEVERAGES SHALL BE GRANTED OR ISSUED TO ANY PERSON OR ESTABLISHMENT WHERE THE PLACE OF BUSINESS DESIGNATED IN THE APPLICATION THEREFORE IS WITHIN 500 FEET OF A SCHOOL. THIS DISTANCE SHALL BE THE AIRLINE DISTANCE FROM THE MAIN ENTRANCE OF THE PLACE OF BUSINESS TO THE NEAREST PROPERTY LINE OF THE REAL PROPERTY OCCUPIED BY A SCHOOL.
(SUBJECT PARCEL IS WITHIN 500' (AIRLINE DISTANCE) TO A PUBLIC SCHOOL (TREASURE ISLAND ELEMENTARY SCHOOL) AS SHOWN HEREON.

ITEM (B)(3): NO LICENSE FOR A RETAIL VENDOR OF ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF THE PREMISES SHALL BE GRANTED TO ANY PERSONS, OR ESTABLISHMENT WHERE THE PROPOSED ESTABLISHMENT SHALL BE SITUATED LESS THAN 1,000 FEET FROM ANY EXISTING OFF-PREMISES LICENSEES.
(SUBJECT PARCEL IS WITHIN 500' (AIRLINE DISTANCE) TO A RESTAURANT (TACOS VS. BURRITOS CANTINA), A MARKET (BAY MINI MARKET), ANOTHER MARKET (SUNSHINE GROCERY), A DOCK WITH AN ALCOHOL LICENSE (GRANDVIEW FUEL LLC.) & A LIQUOR STORE (HAPPY'S STORK LOUNGE AND LIQUOR STORE) AS SHOWN HEREON.

GENERAL NOTES:
1. THIS SURVEY IS BASED UPON RECORD INFORMATION PROVIDED BY CLIENT. NO SPECIFIC SEARCH OF THE PUBLIC RECORD HAS BEEN MADE BY THIS OFFICE UNLESS OTHERWISE NOTED.
2. AS INDICATED ABOVE, UNDER "PURPOSE OF SURVEY", IF THIS SURVEY HAS BEEN PREPARED FOR A PURCHASE OR REFINANCE, ITS SCOPE IS LIMITED TO THE DETERMINATION OF TITLE DEFICIENCIES, AND IS NOT INTENDED FOR USE IN DESIGN OR CONSTRUCTION PURPOSES. LANDTEC SURVEYING ASSUMES NO RESPONSIBILITIES FOR ERRORS RESULTING FROM FAILURE TO ADHERE TO THIS CLAUSE.
3. ANY FENCES SHOWN HEREON ARE ILLUSTRATIVE OF THEIR GENERAL POSITION ONLY. FENCE TIES SHOWN ARE TO GENERAL CENTERLINE OF FENCE. THIS OFFICE WILL NOT BE RESPONSIBLE FOR DAMAGES RESULTING FROM THE REMOVAL OF, OR CHANGES MADE TO, ANY FENCES UNLESS WE HAVE PROVIDED A SURVEY SPECIFICALLY LOCATING SAID FENCES FOR SUCH PURPOSES. DETERMINATION OF FENCE POSITIONS SHOULD BE BASED SOLELY ON THEIR PHYSICAL RELATIONSHIP TO THE MONUMENTED BOUNDARY LINES.
4. GRAPHIC REPRESENTATIONS MAY HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE MEASURED RELATIONSHIPS - DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED POSITIONS.
5. UNDERGROUND IMPROVEMENTS HAVE NOT BEEN LOCATED EXCEPT AS SPECIFICALLY SHOWN.
6. ELEVATIONS ARE BASED UPON NATIONAL GEODETIC VERTICAL DATUM (N.G.V.D. 1929) OR NORTH AMERICAN VERTICAL DATUM (N.A.V.D. 1988) AS SHOWN ABOVE.
7. ALL BOUNDARY AND CONTROL DIMENSIONS SHOWN ARE FIELD MEASURED AND CORRESPOND TO RECORD INFORMATION UNLESS SPECIFICALLY NOTED OTHERWISE.
8. ANY CORNERS SHOWN AS "SET" HAVE EITHER BEEN SET ON THE DATE OF FIELD WORK, OR WILL BE SET WITHIN 5 BUSINESS DAYS OF SAID DATE AND ARE IDENTIFIED WITH A CAP MARKED LS (LICENSED SURVEYOR) #7274.

ABBREVIATION LEGEND
(SOME ITEMS IN LEGEND MAY NOT APPEAR ON DRAWING):

A or AL = ARC LENGTH
CA = CENTRAL ANGLE
CATV = CABLE TV RISER
CF = CALCULATED FROM FIELD
CR = CALCULATED FROM RECORD
CH = CHORD DISTANCE
C/O = CLEANOUT
CONC. = CONCRETE
DE = DRAINAGE EASEMENT
PI = POINT OF INTERSECTION
PT = POINT OF TANGENCY
PC = POINT OF CURVE
PRC = POINT OF REVERSE CURVE
PCC = POINT OF COMPOUND CURVE
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
PH = POOL HEATER
PP = POOL PUMP
EL or ELEV = ELEVATION
EM = ELECTRIC METER
FIR = FOUND IRON ROD
FN = FOUND NAIL
FND = FOUND
L= LEGAL DESCRIPTION
M = MEASURED
OHC = OVERHEAD CABLE
P = PLAT
R = RADIUS
SEC = SECTION
TWP = TOWNSHIP
RNG = RANGE
QTR = QUARTER
TR = TELEPHONE RISER
UE = UTILITY EASEMENT
UP = UTILITY POLE
WM = WATER METER
WV = WATER VALVE

SYMBOLS - NOT-TO-SCALE
(SOME ITEMS IN LEGEND MAY NOT APPEAR ON DRAWING):

= UTILITY POLE
= LIGHT POLE
= CATCH BASIN
= FIRE HYDRANT
= MANHOLE
= WATER VALVE
WM = WATER METER
= HANDICAP PARKING SPACE
= SEC. QTR. CORNER
= SECTION CORNER
Ⓦ = WELL
℄ = CENTER LINE
℘ = PARTY WALL
A/C = AIR CONDITIONER
Ⓢ = SEPTIC LID
x = ELEV. SHOT

CERTIFICATION

I HEREBY CERTIFY THAT THIS SPECIAL PURPOSE SURVEY MEETS THE STANDARDS OF PRACTICE AS OUTLINED IN CHAPTER 5J-17.051 & 5J-17.052 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND THAT THE ELECTRONIC SIGNATURE AND SEAL HEREON MEETS PROCEDURES AS SET FORTH IN CHAPTER 5J-17.062. PURSUANT TO SECTION 472.025, FLORIDA STATUTES.

Digitally signed by Hernando J Navas
Date: 2023.06.06 17:06:17 -04'00'

SIGNATURE _____ DATE: 7-24-2023

PABLO ALVAREZ - PROFESSIONAL SURVEYOR AND MAPPER FLORIDA REGISTRATION NO. 7274 (NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OR THE ELECTRONIC SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER SHOWN ABOVE)

Job Number : 172132-SE	
Drawn By : K.T.	Date of Field Work : N/A

PURPOSE OF SURVEY: **RADIUS SURVEY**

REVISIONS	
05/15/2023 - UPDATE - K.T.	
07/24/2023 - UPDATE - K.T.	

LINETYPES:

BOUNDARY
EASEMENT
WOOD FENCE
OVERHEAD CABLE
BUILDING
CHAIN LINK FENCE
PLASTIC FENCE

Platted Easements & Notable Conditions (unplatted easements also listed if provided): IF APPLICABLE, RECIPIENTS OF THIS SURVEY SHOULD REVIEW THE POSITION OF ANY FENCE LINES SHOWN AND THEIR RELATIONSHIP TO THE BOUNDARY LINE.
- NONE FOUND
-

"CP" = CONTROLLING POINT (POINT OF ROTATION) "HFA" = HELD FOR ALIGNMENT - ALL OTHER MONUMENTATION AND IMPROVEMENTS RELATIVE THERETO

This survey has been issued by the following Landtec Surveying office:
700 W. Hillsboro Blvd. Suite 4-100
Deerfield Beach, FL 33441
Office: (561) 367-3587 Fax: (561) 465-3145
www.LandtecSurvey.com

LANDTEC SURVEYING and Lien
LICENSED BUSINESS No. 8507

RESOLUTION NO. 2000-05

OFFICIAL DOCUMENT

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, MAKING THE REQUIRED FINDINGS PURSUANT TO SECTION 111.03 OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES; **APPROVING** VARIANCES FROM THE STRICT INTERPRETATION OF SECTION 111.12(A) AND 111.12(B)(4) TO PERMIT THE SALE OF ALCOHOLIC BEVERAGES IN THE RESTAURANT AT 7601 EAST TREASURE DRIVE AS PER THE APPLICATION BY FIRST EQUITABLE REALTY III, LTD., PROPERTY OWNER; SETTING AN EFFECTIVE DATE.

WHEREAS, First Equitable Realty III, Ltd., property owner, has made an application for variances from the provisions of Section 111.12 of the City of North Bay Village Code of Ordinances for the property located at 7601 East Treasure Drive, Treasure Island for the following:

1. A Variance under Section 111.03 from the strict interpretation of Section 111.12(A) of the City of North Bay Village Code of Ordinances for the issuance of an Occupational License to permit the sale and on premises consumption of alcoholic beverages at an establishment (restaurant) located within 500 feet of a public school.

2. A Variance under Section 111.03 from the strict interpretation of Section 111.12(B)(4) of the City of North Bay Village Code of Ordinances for the issuance of an Occupational License to permit the sale and on premises consumption of alcoholic beverages at an establishment (restaurant) located within 300 feet of an existing establishment holding a 4 COP license.

WHEREAS, Section 111.03 of the City of North Bay Village Code of Ordinances provides for consideration and granting of variances under the circumstances and pursuant to the standards set forth therein; and

WHEREAS, the Planning & Zoning Board of the City of North Bay Village has held a Public Hearing on February 1, 2000 and has considered said application and has recommended that the variances be approved to serve alcoholic beverages specifically within the restaurant to be constructed in the commercial area of 7601 East Treasure Drive in accordance with the plans presented and made a part of this record.

WHEREAS, the City Commission after Public Hearing held on February 22, 2000 finds and determines that the granting of the variances will be in harmony with the general purpose and intent of Chapter 111 and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, subject to the following conditions:

1. The establishment shall operate principally as a restaurant, with alcohol being served as adjunct thereto;

2. All alcoholic beverages shall be consumed on premises, with signage indicating same;

3. Sale of package goods is prohibited;

4. The establishment shall be allowed to sell, serve, and dispense alcoholic beverages for consumption on the premises between the hours of 10:00 a.m. to 2:00 a.m., seven days a week, unless the State license is more restrictive; and

5. The establishment shall be reviewed by the City Commission in 180 days following adoption..

WHEREAS, the City Commission after Public Hearing find and determines that the variances requested are consistent with the purposes and goals contained in and projected in the Master Plan

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF NOTH BAY VILLAGE:

Section 1: That a vote was taken with respect to the findings heretofore stated in the body of this resolution, and the City Commission hereby accepts the recommendation of the Planning & Zoning Board, and approves ~~the application of the property owner to serve alcoholic beverages~~ a Variance under Section 111.03 from the strict interpretation of Section 111.12(A) of the City of North Bay Village Code of Ordinances for the issuance of an Occupational License to permit the sale and on premises consumption of alcoholic beverages at an establishment (restaurant) located within 500 feet of a public school; and approves a Variance under Section 111.03 from the strict interpretation of Section 111.12(B)(4) of the City of North Bay Village Code of Ordinances for the issuance of an Occupational License to permit the sale and on premises consumption of alcoholic beverages at an establishment (restaurant) located within 300 feet of an existing establishment holding a 4 COP license, specifically with regard to the restaurant to be constructed in the commercial area of 7601 East Treasure Drive in accordance with the plans presented and made a part of this record, and subject to the conditions mandated above.

Section 2: This resolution shall become effective upon its adoption.

PASSED AND ADOPTED this 22nd day of February, 2000.

Attest: MEIGHAN J. PIER
City Clerk

IGNACIO R. DIAZ, Mayor

APPROVED AS TO FORM:

MURRAY H. DUBBIN
City Attorney

FINAL VOTE AT ADOPTION:

Mayor Ignacio R. Diaz	NO
Vice Mayor Eric D. Isicoff	YES
Commissioner Jay S. Manne	NO
Commissioner Philip Schonberger	YES
Commissioner William T. Stafford	YES

RESOLUTION NO. 2023-_____

A RESOLUTION OF THE MAYOR AND VILLAGE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] A VARIANCE APPLICATION PURSUANT TO SECTION 111.13 OF THE VILLAGE'S CODE OF ORDINANCES BY FARINA CONTEMPORARY PIZZA CORP (DBA PETRALUNGA), TO ALLOW AN ESTABLISHMENT LOCATED AT 7601 EAST TREASURE DRIVE, #CU-21, ON THE GRAND VIEW PALACE PROPERTY, TO VARY FROM SECTION 111.12(A)(1) OF THE CODE BY AUTHORIZING THE ISSUANCE OF A LICENSE TO SELL ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION FROM A LOCATION LESS THAN 500 FEET FROM AN EXISTING SCHOOL AND TO VARY FROM SECTION 111.12(B)(3) OF THE CODE BY AUTHORIZING THE ISSUANCE OF A LICENSE TO SELL ALCOHOLIC BEVARAGES FOR OFF-PREMISES CONSUMPTION FROM A LOCATION LESS THAN 1,000 FEET FROM AN EXISTING OFF-PREMISES LICENSEE; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 111.13 of the North Bay Village (the "Village") Code of Ordinances (the "Code"), Farina Contemporary Pizza Corp. (the "Applicant"), has submitted an application for a variance (the "Application") from the provisions of Section 111.12(A)(1) of the Code to permit the issuance of a license for the retail sale of alcoholic beverages for consumption off the premises from a place of business located no closer than 359 feet from a school (measured as the airline distance from the main entrance of the place of business to the nearest property line of the real property occupied by a school) where Section 111.12(A)(1) of the Code requires a 500-foot distance; and no closer than 199 feet from another off-premises licensee, where Subsection 111.12(B(3) requires a distance of 1,000 feet and

WHEREAS, the address of the property that is the subject of the Application is located at 7601 East Treasure Drive, Unit #CU-21, as legally described in Exhibit "A" attached hereto (the "Property"); and

WHEREAS, Section 111.13 of the Code provides for consideration and granting of variances under the circumstances and pursuant to the standards set forth therein; and

WHEREAS, Staff has reviewed the Application and the Code criteria, determined that the request satisfies the conditions of Section 111.13 of the Village Code, and recommends approval of the Application with conditions; and

WHEREAS, the Village's Planning and Zoning Board, on _____, 2023, conducted a public hearing on the Application, and recommended that the Application be [approved/approved with conditions/denied]; and

WHEREAS, the Village Commission, after a duly noticed public hearing held on _____, 2023, based upon competent substantial evidence in the record, finds that the Application meets the requirements of the Village Code; that the Application is consistent with the Village's Unified Land Development Code, Comprehensive Plan, and NBV100 Master Plan; that the variance will be in harmony with the general purpose and intent of Chapter 111; and that the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and

WHEREAS, the Village Commission also finds that, in this particular instance, the enforcement of Sections 111.12(A)(1) and 111.12(B)(3) of the Code does not serve its intended purpose, and the Applicant's proposed retail sales of alcoholic beverages for consumption off the premises is in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and

WHEREAS, the Village Commission finds that this Resolution is in the best interest and welfare of the residents of the Village.

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

Section 1. Recitals. That each of the above-stated recitals are hereby adopted, confirmed, and incorporated herein.

Section 2. Approval. That the Village Commission, after review of competent substantial evidence in the record and a duly noticed public hearing, hereby finds that the Application meets the criteria set forth in Section 111.13 of the Code and hereby approves the Application, subject to the conditions set forth in Section 3, below, to permit the issuance of a license for the retail sales of alcoholic beverages for consumption off the premises from a place of business operating as a restaurant, located on the Property at a distance no less than 359 feet from a school where Section 111.12(A)(1) of the Code requires a 500-foot distance, and at a distance of no less than 199 feet from another licensee for retail sales for off-premises consumption where Section 111.12(B)(3) requires a 1,000-foot distance, subject to other applicable regulations and building requirements. Accordingly, a license may be issued for the retail sale of alcoholic beverages for a place of business located on the Property no closer than 359 feet from a school, measured as the airline distance from the main entrance of the place of business to the nearest point of the school grounds in use as part of the school facilities, and no closer than 199 feet from another licensee.

Section 3. Conditions. That the approval granted in Section 2 is subject to the following conditions:

a) This approval is subject to applicable zoning restrictions and is limited to the authorization of a license for the sale of alcoholic beverages for consumption off the premises at the 1,927 square-foot space identified as 7601 East Treasure Drive, #CU-21.

b) The retail sales of alcoholic beverages for off-premises consumption shall be subordinate to the primary use of the unit as a restaurant.

c) The premises shall display legible signage near each public entrance to the premises, prohibiting loitering and open containers.

d) All business signage shall comply with the restrictions on Section 8.10.D in Chapter 8, and Section 11.4 in Chapter 11.

e) The sale of alcoholic beverages for off-premises consumption shall be the same as the hours of operation of the restaurant, unless the terms of the State license are more restrictive.

f) The business shall obtain a Business Tax Receipt (BTR) from the Village to engage prior to commencing the activity. All other applicable local, state, and federal permits must be obtained prior to the BTR being granted by the Village.

g) Pursuant to Section 7.5, after the Village Commission has granted a variance, the variance so approved or granted shall expire after two years, measured from the date of final Commission action, if no substantial construction or change of use has taken place in accordance with the plans for which the variance was granted.

Section 4. Effective Date. That this Resolution shall be effective immediately upon adoption.

The foregoing Resolution was offered by _____ who moved its adoption. The motion was seconded by _____ and upon being put to a vote, the vote was as follows:

Mayor Brent Latham _____

Vice Mayor Richard Chervony _____
Commissioner Goran Cuk _____
Commissioner Andy Daro _____
Commissioner Rachel Streitfeld _____

PASSED AND ADOPTED on this _____ day of _____, 2023.

ATTEST: _____
Brent Latham, Mayor

_____
Alba L. Chang, CMC
Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

_____
Weiss Serota Helfman Cole & Bierman, PL
Village Attorney

Exhibit “A”

[Insert Certificate of Condominium Ownership and Declaration of Condominium]

MIAMI-DADE

STATE OF FLORIDA
COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared ROSANA SALGADO, who on oath says that he or she is the LEGAL CLERK, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, of Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

NORTH BAY VILLAGE - PUBLIC HEARING - SEPT. 14, 2023

in the XXXX Court,
was published in a newspaper by print in the issues of Miami Daily Business Review f/k/a Miami Review on

09/01/2023

Affiant further says that the newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Sworn to and subscribed before me this
1 day of SEPTEMBER, A.D. 2023

Barbara Thomas

(SEAL)
ROSANA SALGADO personally known to me

BARBARA THOMAS
Commission # HH 187442
Expires November 2, 2025
Bonded Thru Troy Fain Insurance 800-385-7019

NORTH BAY VILLAGE
NOTICE OF PUBLIC HEARING

PUBLIC NOTICE IS HEREBY GIVEN THAT THE PLANNING & ZONING BOARD OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A REGULAR MEETING ON SEPTEMBER 14, 2023 AT 6:00 P.M. AT 1666 KENNEDY CAUSEWAY, #101, NORTH BAY VILLAGE, FL 33141 AND VIA ZOOM, OR AS SOON AS POSSIBLE THEREAFTER. DURING THIS MEETING THE BOARD WILL CONSIDER THE FOLLOWING AT A PUBLIC HEARING:

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING/APPROVING WITH CONDITIONS/DENYING] A REQUEST BY 7940 NBV PARTNERS, LLC FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 8.11 AND 9.3.E. OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC"), TO ALLOW UP TO TWENTY PERCENT (20%) OF PARKING SPACES REQUIRED FOR A PROJECT AT 7938-7940 WEST DRIVE TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES; PROVIDING FINDINGS; PROVIDING FOR CONDITIONS; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] AN APPLICATION BY 7940 NBV PARTNERS, LLC FOR A VARIANCE PURSUANT TO SECTION 7.3 OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC") OF PARKING REQUIREMENTS PROVIDED IN SECTION 9.3.C. OF THE ULDC, TO PERMIT THE PROVISION OF 135 SPACES WHERE 212 WOULD BE REQUIRED FOR A PROJECT LOCATED AT 7938-7940 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA; ALTERNATIVELY [APPROVING / APPROVING WITH CONDITIONS / DENYING] A WAIVER PURSUANT TO SECTION 9.3.D. OF REGULARLY APPLICABLE PARKING REQUIREMENTS; PROVIDING FINDINGS; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] AN APPLICATION BY 7940 NBV PARTNERS, LLC FOR A VARIANCE PURSUANT TO SECTION 7.3 OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC") OF MINIMUM AISLE WIDTH REQUIREMENTS PROVIDED IN SECTION 9.3.E. OF THE ULDC, TO PERMIT A PARKING AISLE WIDTH OF 22 FEET WHERE 23 FEET WOULD BE REQUIRED FOR A PROJECT LOCATED AT 7938-7940 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA; PROVIDING FINDINGS; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

9/14/2023

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] A SITE PLAN BY 7940 NBV PARTNERS, LLC, PURSUANT TO SECTIONS 5.2 OF THE VILLAGE'S UNIFIED LAND DEVELOPMENT CODE ("ULDC"), FOR DEVELOPMENT OF A MULTIFAMILY RESIDENTIAL PROJECT ON AN APPROXIMATELY 0.77-ACRE SITE LOCATED AT 7938-7940 WEST DRIVE, NORTH BAY VILLAGE, CONSISTING OF UP TO 70 DWELLING UNITS, INCLUDING REQUESTS FOR APPROVAL TO: (A) TRANSFER DENSITY RIGHTS FOR 16 DWELLING UNITS FROM VILLAGE-OWNED PROPERTY PURSUANT TO SEC. 8.13.; AND (B) INCREASE BUILDING HEIGHT ABOVE THE BASE BUILDING HEIGHT OF 150 FEET VIA BONUSES AVAILABLE PURSUANT TO SEC. 8.12, UP TO A MAXIMUM HEIGHT OF 312 FEET; PROVIDING FOR FINDINGS; PROVIDING FOR CONDITIONS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] A USE EXCEPTION PURSUANT TO SECTION 8.11 OF THE UNIFIED LAND DEVELOPMENT CODE (ULDC) TO ALLOW VILLAGE-OWNED PROPERTY LOCATED AT 1851 GALLEON STREET, NORTH BAY VILLAGE, AS LEGALLY DESCRIBED IN EXHIBIT "A", AND ZONED RM-40, TO BE DEVELOPED FOR A USE (TRAINING CENTER FOR THE ARGENTINE FOOTBALL ASSOCIATION (AFA) AND COMMUNITY-SERVING FACILITIES) WHICH PROVIDES A PUBLIC BENEFIT; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE MAYOR AND VILLAGE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] A VARIANCE APPLICATION PURSUANT TO SECTION 111.13 OF THE VILLAGE'S CODE OF ORDINANCES BY FARINA CONTEMPORARY PIZZA CORP (DBA PETRALUNGA), TO ALLOW AN ESTABLISHMENT LOCATED AT 7601 EAST TREASURE DRIVE, #CU-21, ON THE GRAND VIEW PALACE PROPERTY, TO VARY FROM SECTION 111.12(A)(1) OF THE CODE BY AUTHORIZING THE ISSUANCE OF A LICENSE TO SELL ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION FROM A LOCATION LESS THAN 500 FEET FROM AN EXISTING SCHOOL AND TO VARY FROM SECTION 111.12(B)(3) OF THE CODE BY AUTHORIZING THE ISSUANCE OF A LICENSE TO SELL ALCOHOLIC BEVARAGES FOR OFF-PREMISES CONSUMTION FROM A LOCATION LESS THAN 1,000 FEET FROM AN EXISTING OFF-PREMISES LICENSEE; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] A SITE PLAN PURSUANT TO SECTION 5.2 OF THE VILLAGE'S UNIFIED LAND DEVELOPMENT CODE ("ULDC"), FOR DEVELOPMENT OF A GOVERNMENT FACILITY CONSISTING OF A VILLAGE HALL AND COUNTY FIRE STATION AT 1335 79TH STREET CAUSEWAY, NORTH BAY VILLAGE, AN APPROXIMATELY 0.76-ACRE SITE ZONED T6-24MU; PROVIDING FOR FINDINGS; PROVIDING FOR CONDITIONS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

AN ORDINANCE OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING SECTION 15.3 OF CHAPTER 15 OF THE VILLAGE'S UNIFIED LAND DEVELOPMENT CODE ("ULDC") TO ALLOW TEMPORARY STRUCTURES WITHIN THE T6-30 ZONING DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

The meeting agenda is available online at:
https://northbayvillage-fl.gov/agendas-minutes/
You may attend the meeting in person at the physical meeting location:
1666 Kennedy Causeway, #101
North Bay Village, FL 33141 OR

Participate in the meeting via Zoom:
Meeting ID: 881 2072 9718
Passcode: 236512
Watch the Virtual Public Meeting:
https://northbayvillage-fl.gov/videos
TV Channel 661
Facebook Live
Listen via telephone to the Virtual Public Meeting:
1-929-205-6099
For technical support during the meeting, please contact:
(786) 309-4991

THE PROPOSED ORDINANCE(S) AND/OR RESOLUTION(S) MAY BE INSPECTED BY THE PUBLIC AT THE OFFICE OF THE VILLAGE CLERK. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE VILLAGE CLERK AT 305-756-7171. A COMPLETE AGENDA PACKET IS ALSO AVAILABLE ON THE VILLAGE WEBSITE AT WWW.NORTHBAYVILLAGE-FL.GOV FIVE DAYS PRIOR TO THE DATE OF THE MEETING. INTERESTED PARTIES MAY APPEAR AT THE PUBLIC HEARING AND BE HEARD WITH RESPECT TO THE PROPOSED ORDINANCE(S). ANY PERSON WISHING TO ADDRESS THE VILLAGE COMMISSION OR BOARD ON ANY ITEM AT THIS PUBLIC HEARING IS ASKED TO REGISTER WITH THE VILLAGE CLERK PRIOR TO THAT ITEM BEING HEARD. ALTERNATIVELY, MEMBERS OF THE PUBLIC MAY EXPRESS THEIR VIEWS IN WRITING TO THE COMMISSION OR BOARD C/O VILLAGE CLERK, 1666 KENNEDY CAUSEWAY, #300, NORTH BAY VILLAGE, FL 33141, OR VIA EMAIL AT PUBLICCOMMENT@NBVILLAGE.COM.

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

ALBA L. CHANG, CMC
VILLAGE CLERK
9/1

23-105/0000681746M

2/2

ITEM NO. 4A

North Bay Village
Recommendation Memorandum

DATE: September 14, 2023

TO: Honorable Mayor, Vice Mayor and Members of the Village Commission

FROM: Silvia Vargas, Village Planner

SPONSORED BY:

SUBJECT: **A Resolution to Consider a Site Plan Approval Application for a Multifamily Residential Project to Be Located at 7938-7940 West Drive - *Village Manager Ralph Rosado, Ph.D., AICP (Village Planner Silvia E. Vargas, FAICP)***

RECOMMENDATION

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] A SITE PLAN BY 7940 NBV PARTNERS, LLC, PURSUANT TO SECTIONS 5.2 OF THE VILLAGE'S UNIFIED LAND DEVELOPMENT CODE ("ULDC"), FOR DEVELOPMENT OF A MULTIFAMILY RESIDENTIAL PROJECT ON AN APPROXIMATELY 0.77-ACRE SITE LOCATED AT 7938-7940 WEST DRIVE, NORTH BAY VILLAGE, CONSISTING OF UP TO 70 DWELLING UNITS, INCLUDING REQUESTS FOR APPROVAL TO: (A) TRANSFER 16 DENSITY RIGHTS FROM VILLAGE-OWNED PROPERTY PURSUANT TO SEC. 8.13.; AND (B) INCREASE BUILDING HEIGHT ABOVE THE BASE BUILDING HEIGHT OF 150 FEET VIA BONUSES AVAILABLE PURSUANT TO SEC. 8.12, UP TO A MAXIMUM HEIGHT OF 312 FEET; PROVIDING FOR FINDINGS; PROVIDING FOR CONDITIONS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Recommended Action: Approval subject to conditions recommended by Staff. The approval of this item is contingent upon the granting of companion variances being requested by the Applicant per Sec. 7.3, as well as a compact parking exception per Sec. 9.3.E.5.

BACKGROUND AND ANALYSIS

Refer to attached Staff report and attachments.

BUDGETARY/FINANCIAL IMPACT (Finance Dept.)

n/a

PERSONNEL IMPACT
n/a

ATTACHMENTS
Staff Report_7940 West Dr Site Plan Approval_PZB 072723.pdf
Attachment 1_7940 W Dr Site Plan LOI and Application.pdf
Attachement 3_7940 W. Dr Landscape Plans (Updated).pdf
Attachment 4_7940 W Dr Civil Plans (Updated).pdf
Attachment 5_7940 W Dr_PHOTOMETRICS.pdf
Attachment 6_7940 W Dr_LEVEL OF SERVICE (LOS) ASSESSMENT.pdf
Attachment 7_7940 W Dr Traffic Impact Analysis_signed.pdf
Attachment 7a_7940 W Dr Response -Traffic Study Comments.Manuverability Analysis.pdf
Attachment 8_7940 W Dr_NBV_NGBS_and Green Building Program.pdf
Attachment_9 Reso Site Plan 7940 W. Dr.docx
DBR Notice 09.1.2023 PZB.pdf
Attachment_2_7940_W_Dr_Architectural_Plans.pdf

MEMORANDUM
1666 Kennedy Causeway, Suite 300
North Bay Village, FL 33141
Tel: (305) 756-7171
Fax: (305) 756-7722
Website: www.northbayvillage-fl.gov

Date: **September 14, 2023**

To: **Planning and Zoning Board**

From: **Silvia E. Vargas, FAICP, Village Planner**

Subject: **Site Plan for 7940 West Drive**

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1. General Information

Owner/Applicant:	7940 NBV Partners LLC
Applicant Address:	201 Sevilla Ave., Suite 300, Coral Gables FL
Site Address:	7938-7940 West Drive
Site Acreage	0.77ac (33,602 sf)
Folio Number(s)	23-3209-001-0420 and 23-3209-001-0400
Contact Person/Owner Representative:	Peter Kaisarys/Graham Penn
Phone Number:	912-398-1775 / 305-377-6229
E-mail Address	peter@fortisdesign.build/gpenn@brzoninglaw.com

2. Legal Description of Subject Property

LOTS 38, 40, 42, "HARBOR ISLAND," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 44, PAGE 72, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Refer to Sheet A-002 of Architectural Plans binder, included as Attachment 2.

3. Property Future Land Use Map and Zoning Designations

Future Land Use	High Density Multifamily Residential
Zoning District	RM-70
Existing Land Use	Vacant

4. Adjacent Land Use Map Classifications and Zoning District

North	Future Land Use	High Density Multifamily Residential
	Zoning District	RM-70
	Existing Land Use	Mid-rise Multifamily Residential (rental)
East	Future Land Use	High Density Multifamily Residential
	Zoning District	RM-70
	Existing Land Use	Low-rise Multifamily Residential
South	Future Land Use	High Density Multifamily Residential
	Zoning District	Multifamily
	Existing Land Use	High-rise Multifamily Residential (condominium)
West	Future Land Use	Water
	Zoning District	Water
	Existing Land Use	Water (Biscayne Bay)

5. Description of Applicant's Request

NOTE: Submitted July 18, 2023, this Application is being considered under the current provisions of the RM-70 zoning district and related standards.

The Applicant requests approval of a Site Plan for development of a multifamily residential project, located immediately south of MODA, at the end of West Drive in Harbor Island. The project includes 16 units attained through a transfer of density rights (which is part of the request) from the Village-owned TDR pool pursuant to Sections 8.10.D.4.d. and 8.13. Accordingly, the requested transfer of density rights, if approved, will result in a density of 91 units per acre (30% above the maximum base density of 70 units per acre), which is the maximum density achievable via a density rights transfer.

The Applicant is also requesting the maximum bonus height available via Section 8.12. The Applicant is also using the additional height associated with the transfer of density rights, resulting in a maximum building height of 311 feet and 10 inches (not including mechanical structures located on the rooftop, which are exempt from the height limit per Section 8.17.G.

The Site Plan Application (included as Attachment 1) is accompanied by the following requests, which are being reviewed as separate items on the PZB agenda:

- Variance per Section 7.3 to reduce the width of the internal parking garage drive/ramp to 22 feet, where 23 feet are required.

- Variance per Section 7.3 to reduce the required number of parking spaces to 135 where the current requirement is 212. This variance request anticipates the amendment of the parking requirements for multifamily residential uses to a maximum, as per the proposal that was reviewed by the PZB in July 2023 and which is going to first reading by the Commission on September 12, 2023.

  These two reductions decrease the height of the pedestal, creating a better proportion of the building elements; while also shrinking the overall footprint and floorplate of the building.

- Approval of exception pursuant to Section 9.3.E.5. to provide up to twenty percent (20%) of the approved parking as compact spaces.

The complete application packet is included as Attachment X.

7. Consistency with NBV100 Comprehensive Plan and NBV100 Master Plan

The proposed use is consistent with the High Density Multifamily Residential Future Land Use category of the Comprehensive Plan (Policy 2.1.2) and does not exceed the maximum density with TDRs, as established in the Comprehensive Plan.

The proposed project supports the Goals, Objectives and Policies of the Comprehensive Plan's NBV100 Vision; Policy 2.1.13 in the Future Land Use Element in reference to transfer of density rights; Objective 2.2 pertaining to the promotion of the Village as a sustainable, resilient and attractive waterfront community; Policy 2.2.2 whereby the Village encourages private developments to improve landscapes in their front elevations; Policy 2.2.5. emphasizing attributes of good quality development, and related policy statements in other elements of the Plan. In addition, through the Site Plan review, Staff has ensured that the proposed development is consistent with the Plan's policies relating to levels of service, infrastructure capacity; stormwater management and similar issues.

NBV100 Master Plan – Pillars and Goals

The goal of NBV100 is to equip North Bay Village with the tools necessary to become a more complete, sustainable, and economically successful community that can adapt to the challenges of a changing climate. The NBV100 vision is framed through three pillars and several related goals. The following assessment addresses each goal that relates to the Project.

Livability
The Livability principle focuses on the desire by the three-island community to have a stronger sense of place to more accurately reflect the existing civic pride, create a more people-centered public realm, and leverage the value of NBV's privileged but underutilized bay frontage. Key goals in making NBV a more livable home to its residents involve greater walkability; more public access to the waterfront; additional gathering spaces and services; and projecting a renewed and art-infused village image to the world.

(1) Prioritize people over cars.
(2) Embrace the waterfront.
(3) Improve the quality of life.

(4) Synergize public space to refresh NBV identity.

Staff Evaluation: The proposed is consistent with and supportive of the livability principle. The site is connected by walkways to the Harbor Island pedestrian network.

The unit mix includes seventeen (17) two-bedroom and fifty-three (53) three-plus-bedroom units, large in interior area to attract long-term residents, per the Applicant's description. The building will offer amenities on floor seven, including flex workspace for residents (making it easier for residents to work on site/remotely and to forgo vehicular commutes), a library, a kids play space, golf/sport simulator, lounge, and zen garden. On the 26th floor, additional amenities include a gym, and a swimming pool is located on the 27th floor.

The Applicant is also seeking de-emphasize the automobile by reducing the number of parking spaces in the parking garage through a variance process. The reduction would be consistent with an amended Section 9.3, which would embrace a maximum parking standard lower than the current minimum.

The Project complies with provisions requiring the creation of a new segment of the Island Walk, to be connected to existing segments on adjacent properties and accessed via a View Corridor on the south side of the property and an additional walkway on the north side, connecting the public sidewalk to the waterfront and significantly contributing to expand the scope of the Island Walk in Harbor Island.

Resiliency
In order to ensure its Resilience, NBV must address how to secure the perimeter of the islands to keep the bay water out while efficiently managing the water that does come ashore. Adjusting sea walls, raising grades, good infrastructure planning and maintenance, as well as responsible stewardship of the bayfront edge's natural ecosystem, will be primary objectives.

(1) Created in water.
(2) Protected from water.
(3) Thriving with water.

Staff Evaluation: The Project will improve the seawall as part of the overall development of the site to comply with the applicable requirement of the ULDC. In addition, the Project is required to provide a minimum pervious area of twenty percent (20%) with pervious areas at the ground level required to be landscaped.

The Project must also incorporate green building features to meet the requirements of the Village's Green Building Program (Division 5 of the ULDC). According to documentation provided, the Project has been registered for, and the Applicant has retained a professional to assist in pursuing, NGBS Gold Certification for the building. Combined with the incorporation of additional green building features including EV charging stations, a cool roof, cool pavement, and EnergyStar-rated appliances, could achieve up to 30 points from the Village's Green Building Program.

Prosperity

The desire for Prosperity speaks to the shared goal to see the Village Center attract more retail, businesses and services that have found homes elsewhere in the region and bypassed NBV during prior boom years. The key to changing this pattern is linked to reinventing Kennedy Causeway as a welcoming pedestrian-oriented and business-friendly mixed-use main street and getting away from the existing car-oriented highway with disconnected shopping centers and isolated towers.

(*1) Capitalize on existing resources.*
(2) Increase private property value.
(3) Optimize and manage parking.
(4) Incentivize flexibility and predictability; and

Staff Evaluation: The Project seeks to develop on a long-time vacant site in Harbor Island. By focusing on ownership units of a size to accommodate families, the Project will provide for the needs of current and future residents and is anticipated to raise the value of the property and the properties around it, and to increase revenue to the Village through the payment of fees for TDRs and bonus height, as well as recurring property taxes after completion. The Project is designed to try to reduce dependence on the automobile by providing work and play spaces on site, by discouraging residents of the Project from having multiple vehicles through a reduction of parking, while encouraging alternative modes of transportation by providing ample bicycle parking and storage and by improving pedestrian facilities on and adjacent to the site. The project meets the flood protection requirements of Sections 10.5.B.2. of the ULDC and provides the minimum 20% required pervious area. There are green/landscaped areas at the ground level as well as on the amenities deck.

8. Site Plan Approval Criteria

Section 5.8.(B)(9)(c) requires the Planning and Zoning Board and Village Commission of North Bay Village to review a site plan approval request against the following criteria. (Note: Applicant has not provided remarks in response to these criteria).

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

Staff Evaluation: The Project involves the development of a vacant site surrounded by a variety of developed properties with wide range of densities and building heights. While allowed by the ULDC, the Project's proposed building height of 312 feet (27 stories) plus mechanical equipment represents a significant contrast to existing development on the adjacent properties, particularly across the street to the west, where original one- to three-story buildings exist. The Applicant seeks to reduce shade and wind impacts by decreasing the relative footprint of the building. To do so, the Applicant is requesting approval of a variance to reduce the parking requirement and a variance to reduce the width of the internal parking garage aisle or drive. These reductions have the result of a slenderer building. It is undetermined, however, if other choices might better mitigate the impact of building height on the surrounding area (e.g., visual/shadows, wind, obstructed views) without the need to reduce parking or aisle width.

(2) 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.

Staff Evaluation: The Applicant seeks a variance to provide 135 parking spaces where 212 are required. The reduction is based on a position that the current parking requirement is excessive for this use, supported by the Village's current proposal to shift to a maximum parking standard for multifamily residential uses, which would be lower than the current minimum requirement. Consistency with this criterion will be contingent upon approval of the variance. The Applicant is also seeking special approval of an exception to provide up to 20% of the total spaces (subject to approval of the variance reducing the number of spaces). If the exception is approved, the Applicant will be obligated to provide valet parking in perpetuity. The Letter of Intent indicates that valet parking will be provided to serve the Project, although in combination with self-parking.

Loading facilities are provided in the required number and sizes. This will help ensure that parking and loading functions to serve the needs of the project are confined to the site. Staff will require garbage pick-up trucks and other large vehicles entering the loading zones from the north driveway to follow the normal flow of traffic around the roundabout per the Updated Maneuverability Analysis submitted by the Applicant and dated 09/06/23. It is understood at this time that the garbage pick-up trucks enter MODA first before going around the roundabout to head back south on West Drive.

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

Staff Evaluation: Section 8.10.D.4. establishes the maximum development envelope including according to the minimum setback requirements. The proposed Site Plan complies with the minimum setbacks and provides the required pervious areas, open space and landscaping requirements.

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

Staff Evaluation: The Applicant has submitted a Traffic Impact Study (by Kimley-Horn) and has satisfied multiple rounds of review comments from Staff. Optimization of the signal timings at the intersection of 79th Street Causeway/John F Kennedy Causeway/SR 934 and Harbor Island Drive is proposed to improve approach delay, leading to all approaches continuing to operate with equal or less delay under future total conditions as compared to future background conditions. Kimley-Horn notes, however, that signal timing optimization would not be coordinated at this time given that it is a future condition, but signal timings are optimized on an on-going basis by Miami-Dade County Department of Transportation and Public Works - Traffic Signals & Signs Division. Staff recommends a condition that the Applicant shall coordinate with Miami Dade County Traffic Engineering Department and the Village to develop modified and acceptable signal timing plans for the junction of 79th Street Causeway and Harbor Island Drive to ensure the effectiveness of the proposed signal timing optimization.

The Applicant also submitted a Level of Service (LOS) Assessment by Schwebke Shiskin & Associates (SSA) indicating that the Project will not negatively impact adopted levels of service. With respect to the moratorium on connections to the sewer system, the study acknowledges that until the Village's PS improvement project is completed, connection of the Project to the gravity sewer system is not feasible and that the Project may therefore need a private pump station and

public force main (FM) extension and connection to an existing 20" force main located in the intersection between John F. Kennedy Cswy (NE 79th St. / SR 934) and Larry Paskow Way to provide service to the proposed development. However, should North Bay Village complete the sewer improvement project before this project is ready for construction, the owner may modify the permit and connect to the existing gravity sewer main in front of the property in West Drive.

Documentation of compliance with the applicable Level of Service (LOS) requirements, including those pertaining to schools, drainage, fire flows, and all other required approvals from external infrastructure agencies for the project, including Miami-Dade County DERM, Water and Sewer Department (WASD), and Fire Rescue must be submitted prior to issuance of a building permit.

9. Compliance with Unified Land Development Code

Save for the issues pending approval of the requested variances and the related compact parking exception, the project complies with other applicable requirements of the Unified Land Development Code. Any items requiring additional clarification (shown in red below) are set as conditions for the building permit.

RM-70 Zoning District (Sec. 8.10.D.)		
Regulation	**Standard/Requirement**	**Provided**
Maximum Base Density	70 units per acre (upa) = 54	54 units
TDRs (Sec. 8.13)	Max of 30% above base density = 16	16 units
Total Units	n/a	70 units
Maximum Density	n/a	90.75 upa
Community Contribution Fee (CCF) for TDRs	$1,200,000 at $75,000 per TDR (waterfront) 100% of CCF payable within 90 days of Site Plan Approval	

Lot Area	27,000 sf min	33,600 sf
Frontage	75 ft	240 ft
Pervious Area	20% min of lot area	20%
Open Space Requirement	0 but pervious lot area at ground level must remain open and landscaped	20%

Building Setbacks		
Primary Front–Kennedy Cswy.	20 ft. min.	n/a
NE 79th Street (north side)	40 ft. min.	n/a
Kennedy Causeway (south side)	60 ft. min.	n/a
Other street frontages	25 ft. min.	25 ft.
Rear	25 ft. min.	25 ft
Adjacent single-family district	100 ft. min.	n/a
One side (interior)	15 ft. min.	15 ft.
Second side (interior)	20% of lot width = 48 ft	48 ft.

Total side setback area free of structures at ground level	60 ft. min.	63 ft.

Maximum Base Building Height	150 ft.	150 ft.
Maximum Height Bonus	90 ft.	90 ft.
Additional Height Bonus for TDRs	30% of max height = 72 ft.	72 ft.
Overall Maximum Building Height	312 ft	253 ft.-10 in.
Rooftop Mechanical	Exempt from restriction	24 ft.

Parking Requirements (Sec. 9.3)		
	Required	**Provided**
MFR • Min 1.5 space per efficiency • Min 2 spaces per 1- and 2-bedroom • Min 3 spaces per 3+ bedroom • Min Visitor – 10% of total required	 n/a 34 159 19	 n/a 26 95 14
TOTAL	212	135 (compliance subject to approval of variance)
NOTE: Estimated *maximum* number of spaces allowed if proposed amendments to ULDC are adopted = 166 spaces		
Compact parking spaces	Max 20% of total required = 42 of 212	27 (20% of 135 – compliance subject to approval of exception per Sec. 9.3.E.5.)
• Bicycle -1 sp/5 dwellings • EV – 5% of required spaces • Handicapped	14 11 2	100 10 (7 if variance is granted) 2
Structured Parking Design	Per Sec. 9.3.I.	Documentation of compliance shall be submitted prior to building permit
Parking Space Design	Per Sec. 9.3.E. Standard – 9' X 18' Compact – 8' X 16' Accessible – 13' x 18'	 106 27 2
Loading Berths Multifamily Residential (100,000+ sf)	3 @ 12 ft X 30 ft	3 @ 12 ft X 30 ft

DIVISION 5 – GREEN BUILDING PROGRAM AND SEC. 8.10.D.5.h.		
Regulation	**Standard/Requirement**	**Intended**
Project with TDRs	24 points min	30 pts
Electrical Vehicle Charging Station	2 pts/station up to 4 pts	4 pts
White/Cool Roof	4 pts	4 pts
White/Cool Pavement	4 pts	4 pts
Energy STar rating for all appliances	4 pts	4 pts
NGBS Gold certification	14 pts	14 pts

Recommendation

Staff finds that the project is consistent with the policies of the NBV100 Comprehensive Plan and the pillars and strategies of the NBV100 Master Plan. In addition, the project largely meets the Site Plan approval criteria and the current provisions of the ULDC, except for those items that are the subject of the Applicant's requests for deviations or exceptions. Approval of the Site Plan, therefore, would be contingent to all three requests being approved first by the Commission, and subject to the conditions listed below. Any decision may take into consideration but should not be based on the impending amendments to the ULDC.

Approval of this Site Plan shall not indicate or imply approval of working drawings (plans) and specifications required for building permits. All conditions shall be met as stated.

Conditions

General conditions

1. The Project Approval shall be valid for two (2) years, commencing on the effective date of the Approval Resolution, within which time the Applicant must obtain the Master Building Permit, except as provided in the Development Agreement or applicable law. No more than two (2) additional one-year extensions may be granted upon approval by the Village Commission based upon a finding that Applicant has made good faith efforts to seek a Master Building Permit (together, the initial two-year term and any subsequent extension that has been granted by the Village Commission, is the "Project Validity Period"). A request for extension must be filed with the Village at least thirty (30) days prior to the end of the then-current Project Validity Period.
2. Applicant's failure to obtain a Master Building Permit within the Project Validity Period shall result in the automatic revocation of the Project Approval and the automatic termination of this approval and the Development Agreement pursuant to Section 4.d of the Development Agreement.
3. Cost recovery charges must be paid pursuant to Section 5.12. 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 payments, 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.
4. The Applicant shall provide a unity of title or covenant in lieu of unity of title, in a form acceptable to the Village Attorney, for all parcels prior to the issuance of the Master Building Permit. The unity of title or covenant in lieu of unity of title shall be recorded in the Public Records of Miami-Dade County, Florida, at the expense of the Applicant.
5. The Site Plan shall incorporate and be developed in substantial conformance with the following documents:
   A. Architectural plans prepared by Revuelta Architecture International, revisions dated 08/18/23 and original plans digitally signed by Jose O. Revuelta dated 6/12/23 (Attachment 2):
      1) Cover Sheet, Drawing Index and Rendering
      2) A-001 Location Plan
      3) A-002: Boundary Survey prepared by Schwekke, Shiskin & Associates, Inc., dated 2/21/23 and digitally signed by Mark Steven Johnson, PSM on 03/09/23.
      4) A-003: Project Data
      5) A-004: Site Plan
      6) A-005: Parking Analysis

7) A-005a and 005b: Sections
8) A-008 Building Footprint (diagram)
9) A-101 through A110: Individual Floor Plans (Ground to Top of Roof)
10) A-401 through A404: Elevations
11) A-501: Sections
12) A-502: Enlarged Sections
13) A-601 through A-603: 3D Views (Context, Overall and Vignettes)

B. Landscape Plans prepared by LAND Design, dated 6/12/23 and digitally signed by Marsch C. Kriplen, LA (revised 7/18/23, 8/29/23 and 9/6/23) (Attachment 3):
1) LVCR: Cover Page and Index
2) L002: General Site Notes
3) L003: Aerial Image and Existing Trees
4) TD100 and TD110: Tree Disposition Schedule and Notes/Tree Disposition Plan
5) L200 and L210: Materials Schedule & Notes and Ground Floor Plan
6) L400: Planting Schedule & Notes
7) L401: Landscape Notes
8) L410: Trees & Plants Planting Plan Ground Floor
9) L420: Understory Planting Plan Ground Floor
10) L450: Planting Details
11) L600: Sections

C. Civil Engineering Plans prepared by Schwebke, Shisking & Associates, dated 05/23/2023 and digitally signed by Hernando J. Navas, PE, 08/29/23 (revised 09/06/23) (Attachment 4):
1) C-0: Cover Sheet
2) WS-1 through WS-11: Water and Sewer Facilities
3) PD-1 through PD-5: Paving, Grading and Drainage Facilities
4) PMS-1: Pavement Signage and Marking

D. Photometrics Sheets LD901 through LD905 prepared by EXP, dated 6/12/23 and revised 7/18/23 (Attachment 5).

E. Level of Service Assessment prepared by Schwebke, Shiskin & Associates, digitally signed by Hernando J. Navas on 6/6/23 (Attachment 6).

F. Traffic Impact Analysis prepared by Kimley Horn, dated June 2023; digitally signed by Cory Dorman, P.E. 06/09/23 (Attachment 7); and subsequent responses to comments dated 7/18/23, 8/28/23, and 9/6/23, and substituting Attachment A-1, Updated Maneuverability Analysis, also dated 9/6/23 (Attachment 7a).

G. Letter of eligibility, National Green Building Standard (NGBS) registration - Gold level, and Scorecard, prepared by ESBG and dated 07/17/23 (Attachment 8).

Prior to issuance of a building permit

Development Agreement:

1. Pursuant to Section 8.15 and Chapter 15 of the ULDC, the Applicant shall record a Development Agreement memorializing the Project's Site Plan Approval conditions including, but not limited to the Applicant's responsibility for constructing all the required associated public improvements, as well as the transfer of density rights, height bonus and related requirements as approved herein.

Height Bonus (Sec. 8.12):

1. The maximum base density in the RM-70 zoning district is 150 feet. The Applicant has requested to purchase additional height from North Bay Village concurrent with the Site Plan review, pursuant to Sec. 8.12 of the ULDC. The request is for the maximum height bonus, which will result in a maximum building height (with bonus) of no more than 240 feet.

2. The Applicant shall pay a nonrefundable deposit equivalent to ten percent (10%) of the total amount due in community contribution fees related to the approved bonus height within 90 days of site plan approval by the Village Commission. The balance shall be paid concurrently with the issuance of a building permit.
3. No building permit shall be issued by the Village until the applicant has paid all the fees due (equal to $472,500).

Density Rights Transfer and Associated Bonus Height:

1. The allocated base density of the Property is 54 dwellings. The Applicant has requested purchase of 16 additional dwellings pursuant to Sec. 8.13 of the ULDC through a transfer of density rights from Village-owned property located in Harbor Island. The density rights shall be transferred from Vogel Park (the "Sending Site"), leaving only 11.8 density rights available for future transfer from this Sending Site.
2. Pursuant to Sec. 8.12.B.2. the Applicant is entitled and has requested, to receive approval for additional building height of up to thirty percent (30%) above the maximum permitted height (not to exceed 312 feet with the application of all bonuses) to accommodate the transferred density.
3. The Applicant shall pay a community contribution fee of $75,000 per transferred dwelling unit to North Bay Village within 90 days of site plan approval by the Village Commission (for a total of $1,200,000).

Landscape and Public Realm:

1. Visibility triangles shall be shown on the plans on the inside of both driveways to show the clear zone, particularly the south side of the north driveway. If necessary, shift/relocate proposed plant material to meet the requirements.
2. All structured parking shall be screened from view from the adjacent rights-of-way by an art treatment, to be approved by the Village Manager.
3. All loading spaces, services areas, outdoor storage, electrical, plumbing, mechanical, and communications equipment and appurtenant enclosures shall be concealed from view from any frontage or sidewalk by streetscreens, walls, hedges, fences or opaque gates.
4. Walls, hedges, fences and gates shall not exceed a height of 3.5 feet within the primary and secondary frontages of the site. Elsewhere, walls, hedges fences and gates shall not exceed a height of 8 feet.
5. Any blank walls over 25' in length and other unattractive areas of the site or building shall be heavily screened with landscaping. Additionally, landscape screening shall be utilized around the proposed dumpsters, FPL transformers, propane tanks, A/C units, generators, above ground utilities, and irrigation pump.
6. The Applicant shall seek to attain no less than 24 points from the North Bay Village Green Building Program, which effort shall include pursuing NGBS Gold certification for the project, as per the Applicant's sustainable design consultant.

Infrastructure/Drainage:

1. The Applicant shall provide up to date documentation of compliance with the applicable Level of Service (LOS) requirements at the time of application for any building permit.
2. All existing and proposed access and/or utility easements, services and appurtenances shall be shown in grayscale on the Landscaping Plan. Water meters and backflow devices shall be located within landscaped areas and no permanent structures, including landscaping, shall be located above the water or sanitary system.
3. Prior to issuance of the Master Building Permit, the Applicant shall obtain, and submit to the Village, all pertinent plan approvals from Miami-Dade County Environmental Resources Management (DERM), Miami- Dade Water and Sewer Department (WASD), and Miami-Dade County Fire Rescue, as well as a Tree Removal Permit.

4. Applicant shall provide fixture unit count to support water meter sizing.
5. Specifications of the permeability coefficient of proposed pervious paving materials shall be submitted for approval by the Village Public Works Department prior to Master Building Permit approval.
6. Prior to Master Building Permit approval, the Applicant shall provide a signed and sealed drainage report prepared by the Engineer of Record indicating the method of control of stormwater and groundwater, including the method of drainage, existing water elevations, recurring high-water elevations, proposed design water elevations, drainage structures, canals, ditches and other pertinent information associated with the system.
7. To the extent the Property's area allows under generally accepted engineering standards, Applicant shall install additional injection wells to meet stormwater retention calculations based on the updated NOAA Atlas 14 data set.

Traffic/Circulation/Parking:

1. The Applicant shall submit verification that the proposed development has been reviewed and found in compliance for access management consideration by all agencies having jurisdiction.
2. The Applicant shall coordinate with Miami Dade County Traffic Engineering Department and the Village to develop modified and acceptable signal timing plans for the junction of 79th Street Causeway and Harbor Island Drive to ensure the effectiveness of the proposed signal timing optimization.
3. All sidewalks providing circulation to the public shall meet the minimum design criteria of the ADA. Ramp curbs shall be provided on the sidewalk at the driveway entrance (FDOT index 304).
4. The Applicant shall include sidewalk/grass strip restoration according to North Bay Village core requirements.
5. The proposed driving aisle width and parking plan are subject to approval of the Applicant's requests for deviations from the ULDC requirements pursuant to Sec. 7.6. In the event that one or both variances are not approved, the Applicant shall be required to redesign the proposed parking structure to comply with the minimum parking and aisle width standards per Sec. 9.3.
6. The proposed provision of compact parking is subject to approval of the Applicant's request for an exception pursuant to Sec. 8.11. In the event that the exception is not granted, the Applicant shall be required to redesign the proposed parking structure to comply with the minimum parking standards per Sec. 9.3.
7. If the compact parking exception is granted, the Applicant shall provide valet parking services in perpetuity, and shall obtain from the Village a Business Tax Receipt for valet parking services on an annual basis to demonstrate compliance with this requirement.
8. The Applicant shall commit to providing a dockmaster to during all loading and delivery hours to facilitate loading and delivery operations and avoid any potential conflicts within the public right-of-way.
9. As part of loading and delivery operations, garbage pickup and any other loading and delivery vehicles shall be required to follow the normal flow of traffic around the existing roundabout and shall not be allowed to go against the flow of traffic to turn left into the loading area before the roundabout.
10. The Applicant shall coordinate with Village staff to ensure that garbage collection occurs during off-peak hours.

Other:

1. All signage shall comply with the restrictions of Chapter 11.

Prior to issuance of a Certificate of Occupancy

1. Applicant shall pay all amounts of any kind then due to the Village, either under the Project Approval, the Development Agreement, or as imposed pursuant to any Land Development Regulation.

List of Attachments to Staff Report

Attachment 1 – Site Plan LOI and Application
Attachment 2 – Architectural Plans
Attachment 3 – Landscape Plans (Updated)
Attachment 4 – Civil Plans (Updated)
Attachment 5 – Photometrics
Attachment 6 – Level of Service (LOS) Assessment
Attachment 7 – Traffic Impact Analysis (signed)
Attachment 7a – Response to Additional Village Traffic Study Comments (cumulative)
Attachment 8 – NGBS and Green Building Program
Attachment 9 – Resolution Site Plan for 7940 West Drive

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VIA ELECTRONIC SUBMITTAL

July 18, 2023

Silvia E. Vargas, FAICP, LEED AP
Village Planner
City of North Bay Village
1666 Kennedy Causeway, 3rd Floor
North Bay Village, Florida 33141

RE: Updated Letter of Intent for Site Plan, Transfer of Development Rights, and Related Variance Requests for the Property Located at 7938-40 West Drive, North Bay Village, Florida (Folio numbers 23-3209-001-0400 and 23-3209-001-0420).

Dear Ms. Vargas:

This law firm represents 7940 NBV Partners, LLC (the "Applicant"), the owner of the property located at 7938-40 West Drive in the City of North Bay Village (the "City") and identified by Miami-Dade County Folio Nos. 23-3209-001-0400 and 23-3209-001-0420 (the "Property"). Please consider this the Applicant's letter of intent in support of its application for a site plan approval, transfer of development rights ("TDR") approval, and related variance requests to allow for a low impact and high quality residential development on the Property.

The Property. The Property is located on the west side of West Drive, just south of the "MODA" apartment development and north of the "Space 01" condominium. The Property is approximately 33,600 square feet (0.77 acres) in size and is currently a vacant lot. The Property is located on Biscayne Bay.

Land Use. According to the City of North Bay Village Future Land Use Map, the Property is designated "High Density Multi-Family Residential." The "High Density Multi-Family Residential" land use designation permits up to 70 dwelling units per acre before permitted transfers of development rights (discussed below).

Zoning. The property is zoned "RM-70" according to the North Bay Village Zoning Map. The RM-70 zoning district permits multi-family residential dwellings; management offices within structures containing eight (8) or more dwelling units or guest rooms; and office retail and service commercial facilities of an ancillary nature

within structures containing at least 100 dwelling units or guest rooms, subject to certain conditions.

Proposed Development. The Applicant intends to develop the Property with the beautiful and resilient "7940 West Drive" multi-family residential development. The plan has been designed to be consistent with the Comprehensive Plan and the RM-70 zoning designation. The proposed development contemplates up to 70 residential units, with up to 53 three-bedroom units and 17 two-bedroom units. All units within the building are large, family-oriented, spaces, designed to attract long-term residents who desire to raise their families in the Village.

Residents will enjoy access to generous amenities on decks located on top of the parking pedestal and on the rooftop. The building has been oriented so that the vehicular drop off area is located on the western portion of the lot, leaving the front of the property as a beautiful green space that will buffer the public sidewalk.

Island Walk. The Applicant has proposed to develop the public "Island Walk" on the rear of the Property and link the pedestrian to both our neighbors to the north and south. Public access from West Avenue will be provided on both the north and south sides of the Property. Consistent with the Village's requirements, the Island Walk will be open to the public will be from both the north and south sides of the site. The walk and proposed street furniture have been designed to be compatible with the Village's standards.

Parking. The Applicant is proposing both valet and self-parking as part of the development. The valet service will be available at all times. The proposed parking on the site will be completely enclosed within the building pedestal, which has been designed to shield the view of parking from the public using an attractive screening system.

The Village has recognized during the recent workshop process regarding Harbor Island zoning changes that the current ULDC regulations devote far too much space to parking – especially in new buildings with larger units. This wasted space is cause by excessively high parking requirements. The Village will be reviewing ULDC changes that, if adopted as currently drafted, would reduce the required parking in the RM-70 zone. While the Applicant looks forward to the pending "right sizing" of the Village's parking requirements, the submitted plan has been designed with the future in mind.

Transfer of Density Rights. As you know, the Village Commission adopted amendments to the ULDC to modify the Village's Transfer of Development Rights ("TDR" program in late 2022. The application of TDR units in the RM-70 zone allow an overall density bonus

of up to 30% -- 91 units to the acre. Furthermore, the application of TDRs will allow the Commission to approve a height bonus of 30% above the maximum (up to 312 feet, assuming the full application of the height bonus available in the RM-70 district).

The Applicant is proposing to use sixteen (16) TDR units as part of the development and requests that the Village review of the application include a Commission approval of the assignment of the units.

Green Building. All development using TDRs must obtain twenty-four (24) "green building and design points" under the "Green building development options and points" in Section 8.21 of the ULDC as opposed to the Code's typical requirement of eighteen (18) points for multi-family development. As shown on the submitted scoring analysis prepared by Energy Costs Solutions Group, the proposed development will exceed the point requirement.

Variance Requests. The Applicant has requested the following variances: (1) a variance to provide 135 spaces where 212 would be required; and (2) a variance to allow the parking garage to include internal drives at 22 feet wide where 23 feet would be required.

Numerical Variance. It has been well recognized that the Village's current parking requirements in the RM-70 zone, which require at least two parking spaces for units that are larger than efficiencies and three parking spaces for units larger than two-bedroom units with dens, can result in excessively tall and bulky parking pedestals enclosing parking areas that often remain underutilized at all times of the year.

The Applicant believes that the building's parking, which retains an average of just under two spaces per unit, will more than accommodate the needs of the building's residents. Moreover, it has allowed the Applicant to reduce the height and slim down the bulk of the parking pedestal – as shown on the submitted plans. Providing excessive parking on the Property would be directly in opposition to the Village's green building standards, which encourage the efficient use of land.

Width of Internal Drive. The goal of slimming down the parking pedestal while retaining sufficient access to the parking spaces is also met through the proposed reduction of parking garage internal drives to 22 feet from the required 23 feet. The proposed plans provide sufficient radii to allow for safe travel in the garage.

Compact Spaces. The Applicant is proposing to provide twenty (20) percent of the building's parking as "compact." As required by the ULDC, the provided compact spaces

be clearly marked "for compact cars only" and collectively located in a defined area. Those seeking approval for the use of compact parking spaces must provide valet parking services in perpetuity. As noted above, the Applicant is proposing to offer valet service for the building, mixed with available self-parking.

Satisfaction of Required Criteria. The Applicant's requests satisfy all required criteria as follows:

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

There are special circumstances and conditions which are peculiar to the Property, including the need to accommodate a modern family-oriented development on the site.

(2) That the special circumstances and conditions were not self-created by any person having an interest in the property;

The issues with the Village's parking standards were not created by the Applicant.

(3) That the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of the land, structure, or building for which the variance is sought; and would involve an unnecessary hardship for the applicant;

The strict application of the regulations would deprive the Applicant of the reasonable use of the land and would result in an unnecessary hardship. Requiring the provision of excess parking and drive aisle width would require such significant plan revisions that the use of the building would be unreasonably limited in a manner not consistent with the goals of the Village's ULDC

(4) That granting the variance requested will not confer on the applicant any special privilege that is denied by the Unified Land Development Code to other land, structures, or buildings in the same zoning district;

Granting the requested variances will not confer any special privilege on the Applicant, which has been unduly impacted by the Village's parking standards in a manner that, given the size and orientation of the Property, would make development untenable.

(5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, structure, or building;

The requested variances are the minimum necessary to allow for the Property to be a viable site for future development while still satisfying the intent of the Comprehensive Plan and allowing for consistency and harmony in the character of the surrounding neighborhood. The Applicant is not asking for variances for any other regulations required under the UDLC.

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

The granting of the requested variances will allow future development on the Property to be in harmony with the intent and purpose of the Comprehensive Plan as it will fulfill the intent of the RM-70 zoning designation rather than remain as an underutilized lot.

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

The granting of the requested variances are not based exclusively upon desire to reduce development costs, but rather is based on the desire to make the Property viable for a high quality development consistent with the intent of the Comprehensive Plan and the ULDC. Granting of the requested variances will support a development that will be the highest and best use of the Property.

Conclusion. We are excited to bring this beautiful low impact development to this part of the Village. The 7940 West Drive plan has been designed as a resilient project that benefits the public through enhanced green space along the public right of way and superior access to the Island Walk. We therefore respectfully request your favorable review and recommendation. If you have any questions with regard to this request, please call me at 305-377-6229.

Sincerely,

Graham Penn

North Bay Village

1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.northbayvillage-fl.gov

APPLICATION FORM FOR SITE PLAN APPROVAL

This application form is to be used to petition for Site Plan Approval pursuant to Sections 5.5 through 5.8, and 5.17 through 5.20, as well as Special Area Plan approval pursuant to Subsection 15.2.G. of the North Bay Village Unified Land Development Code.

Submit one (1) electronic file of your application, with all the required information to the Village Planning and Zoning Official via svargas@cgasolutions.com and deliver five (5) physical copies of materials to the Village offices located at 1666 Kennedy Causeway, Suite 300.

This application, including all supplemental forms and data, must be completed in accordance with the attached instructions and submitted with the required fees pursuant to the most up-to-date Fee Schedule. Site Plan Approvals require public hearings conducted by the Planning & Zoning Board and the Village Commission. Applications must be complete, and all required fees be paid in order to be accepted and placed on an agenda.

All fees shall be paid prior to the Planning and Zoning Official's review of the application. Accepted payment methods for the required fees are check or credit card when paying in person at the Village offices. You may also call (305) 756-7171 to make your credit card payment by phone.

This form is a fillable PDF. TYPE OR PRINT LEGIBLY ALL INFORMATION ON THE APPLICATION.

1. Property Owner Name: 7940 NBV PARTNERS LLC
2. Contact Phone: 912-398-1775 Email Address: peter@fortisdesign.build
3. Mailing Address: 4531 PRAIRIE AVENUE, MIAMI BEACH, FL 33140

4. Applicant Name: _____
(If different from Owner)
5. Contact Phone: _____ Email Address: _____
6. Mailing Address _____

7. Address or location of Property Covered by the Application: _____
7938-7940 WEST DRIVE, NORTH BAY VILLAGE, FL, 33141

8. Legal Description of Property Covered by the Application (add pages if needed):
LOTS 38, 40 AND 42, "HARBOR ISLAND", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 44, PAGE 72, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA

9. Folio Number(s): 23-3209-001-0420, 23-3209-001-0400

10. Total Site Area (square feet): 33,602

11. Current Land Use of Property: VACANT

12. Future Land Use and Zoning Designations: RM-70

13. Are the Future Land Use or Zoning being amended? Yes: _____ No: X. If Yes, what are the proposed designations? _____

14. Project Type Development ___ Single-Family Residential X Multifamily/Planned Residential ___Non-Residential/Mixed-Use ___Development Agreement Required?

15. Project Description (additional pages may be attached): The applicant is proposing to develop the subject property in to a 70 residential unit building, with residential amenities and parking podium. The unit mix comprises large two-bedroom and three-bedroom units, designed to attract long term residents.

CONSENT TO PUBLIC HEARINGS

All requests for site plan approval from the North Bay Village Code shall be considered at Public Hearings before the Planning & Zoning Board and the Village Commission. The Village Planning and Zoning Official shall certify that the application is complete before the hearing is legally advertised. All applications shall be submitted to the Village Planning and Zoning Official on or before the deadline implemented by the Village. All persons, firms, or corporations requesting site plan approval from the Village Commission necessitating the publication of notices in the newspaper, and all relative thereto, the payment of such money in advance to the Village shall be deemed a condition precedent to the consideration of such a request.

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

I (We) the undersigned, am (are) the (owner, tenant, agent, attorney) (designate one) of the subject property herein described. I (We) acknowledge and agree that during the consideration of the application before the Planning & Zoning Board and staff of North Bay Village, no rights shall vest on behalf of the applicant, which would be enforceable against the Village until after a Public Meeting is held and the Village Commission has voted favorable on the proposed request. I (We) further acknowledge that I (We) have read and understand the conditions for appearance before the Planning and Zoning Board and the Village Commission pursuant to the Village Code Section 4.4. Any person submitting false information or misrepresenting in their presentation shall have all privileges granted to them by the Planning & Zoning Board and the Village Commission revoked.

Authorized Signature _____

Print Name Mikael Hamaoui

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

_____
Signature

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Sworn to and subscribed to before me this 9TH day of JUNE, 2023

by MIKAEL HAMAOUI,

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

DEREK GRANQUIST
Commission # HH 376883
Expires March 21, 2027

Notary Public Signature _____

Commission Number/Expiration _____

COST RECOVERY AFFIDAVIT

I hereby acknowledge and consent commit to the payment of all applicable cost recovery fees involved as part of my application process. Cost recovery includes, but is not limited to, staff time, attorney fees, planning consultant fees and any other professional service costs incurred by North Bay Village in the review and processing of a development application, regardless of the outcome of the review and/or public hearing process. I further understand and acknowledge that failure to remit payment for incurred costs pursuant to Subsections 5.12.B. and C. (attached) of the North Bay Village Unified Land Development Code (ULDC) constitutes a violation of the Code and the Village may levy penalties to secure compliance, as outlined in Subsection 5.12.C of the ULDC.

Please type or print the following:

Date: 06/09/23

Relationship to the project: (e.g., property owner, architect, developer, attorney)

Owner

Full Name: Mikael Hamuani

Current Address: 453 Prairie Ave

City: Miami Beach State: FL Zip: 33140

Telephone: 305-776-5345 Email: mikael@rivierahorizons.com

I am fully authorized to commit to the expenditures contemplated by this Cost Recovery Affidavit.

Signature

SWORN AND SUBSCRIBED BEFORE ME THIS 9TH DAY OF JUNE, 2023

DEREK GRANQUIST
Commission # HH 376883
Expires March 21, 2027

Notary Public, State of Florida at Large

My Commission expires _____, 20____.

Subsections 5.12.B. and C. Regarding Cost Recovery

B. Cost Recovery Established

1. The applicant shall reimburse the Village for the actual cost of consultant or employed professional review services pursuant to the cost recovery procedures and requirements of subsection C below.

2. Payment in full by the applicant to the Village for the Village's actual expenditures for review of the application shall be a written condition of any development order. These cost recovery deposits fees shall be in addition to any and all other fees required by law, rule, or regulation of the Village Code of Ordinances.

C. Cost Recovery procedure.

1. At the time of submission of any application for development approval, the applicant shall pay the minimum cost recovery deposit fee outlined in the development approval fee and cost recovery deposit schedule set forth in this section, which funds shall be deposited into a cost recovery escrow account established for this purpose. Withdrawals shall be made to reimburse the Village for the cost of consultant services.

2. The Village shall provide the applicant with a copy of the consultant's invoice for any services charged against the applicant's cost recovery escrow account.

3. When the balance in the Village's cost recovery escrow account is reduced to one-half of its initial amount, the applicant shall deposit additional funds into such account to bring its balance up to the amount of the initial deposit. If such amount is not replenished within 30 calendar days after the applicant is notified, in writing, of the requirement of such additional deposit, the Village shall suspend its review of the application and the application shall be deemed withdrawn.

4. If an application is suspended due to nonpayment of the additional escrow deposit specified in subsection 3., a resubmission fee shall be paid, and the cost recovery deposit shall be replenished to a minimum of one-half of the original deposit amount before the application will be reviewed.

5. Prior to the scheduling or noticing of any board or commission hearing, the Village Manager's review of the application shall be complete, and the cost recovery escrow account balance shall be replenished to equal at least one-half of the initial deposit amount.

CHECK LIST FOR THE APPLICANT

Mandatory Submittals:

☒ Complete Variance Application, including all required forms and affidavits, signed by property owner or owner's representative.

☐ Letter of Authorization from property owner, if different from Applicant.

☒ Letter of intent signed by owner or owner's representative, which may include a narrative describing the project, whether the impact of the proposed development is favorable, adverse, or neutral on the economy, public services, environment, and housing supply of the Village, and the relationship of the proposed project to surrounding, existing, and proposed future land uses, and to existing zoning, and the Village's Comprehensive Plan. This narrative may be provided as a document separate from the letter. If variances/waivers or warrants/use exceptions are being requested, the extent of these from the requirements shall be noted in the narrative. NOTE: Applications for project variances/waivers, warrants/use exceptions may be submitted prior to or concurrently with a Site Plan Approval application. Each variance/waiver or warrant/use exception request must be submitted in its own application form with the corresponding fees. Refer to the applicable sections of the ULDC for requirements and criteria. Forms may be downloaded from the Village website or requested by emailing the Planning and Zoning Official

☒ Property survey at a scale of not less than one inch (1") equals 40 feet (40'), prepared by a registered land surveyor, not more than one (1) year old and including the legal description of the property, elevation, all easements, and rights-of-way.

☒ Drawings index page

☒ All drawings shall be drawn at a readable scale (per the requirements listed below) and shall include the following: scale; name; address and telephone number of the owner of the property for which the drawing is required; name, address and telephone number of the professional preparing the drawing; professional stamp seal (dry/wet or digital); location of the property including the legal description, section, township, range and street address, if known.

☒ Site plan(s) which depict:

- ◉ North point
- ○ Existing and proposed easements
- ○ Existing and proposed utilities
- ○ Property lines
- ○ Location of streets, alleys and ROW
- ○ Location and footprint of all structures
- ○ Mechanical equipment
- ○ Proposed site circulation, driveways, sidewalks
- ○ Parking, including handicapped, motorcycle, electric vehicle, and bicycle parking
- ○ Loading spaces, valet areas, pick-up/drop-off points
- ○ Signage
- ○ Fences and Exterior lighting
- ○ Other features (e.g., Green Building Program practices and techniques)

☒ Floor plans prepared at a scale no less than 1/16 inch to the foot and including

- ○ Layout of each level
- ○ Layouts for each dwelling unit type and/or nonresidential spaces
- ○ Parking and loading space dimensions
- ○ Parking garage adaptability features
- ○ Width of drive aisles

☒ Elevations at no less than 1/16 inch to the foot scale legibly showing the finished appearance of each main facade of the building and furnishing vertical height dimensions including compliance with Sec. 10.5 of the ULDC

☒ Tabular project summary indicating the following figures, calculations, and features:

- ○ Total acreage
- ○ Number of dwelling units per acre
- ○ Number of bedrooms per dwelling unit
- ○ Number of each dwelling unit type
- ○ Lot Coverage/Pervious surface area
- ○ Open/green space
- ○ Structure setbacks
- ○ Number and sizes of all off-street parking (including handicapped), loading, pick-up/drop off, and bicycle parking spaces
- ○ Floor area of each dwelling unit type
- ○ Floor area of each land use
- ○ Gross floor area
- ○ Building height
- ○ Floor area ratio or floor lot ratio as required/applicable by the zoning of the property
- ○ Compliance with the Village's Green Building Program (features selected from the point system should also be shown on the plans, when appropriate)

☒ Landscape plan

- ○ Location of all existing and proposed structures, landscape improvements (i.e., berms, fences, fountains, furnishings, lights, etc.) parking and circulation areas, and other site improvements
- ○ Notes and specifications, for the installation, fertilization, and maintenance of all plant materials and irrigation
- ○ Tree survey depicting all existing trees, including those to be removed and to be protected and methodology for protection
- ○ Demonstration of sustainable principles, techniques and practices (e.g., Green Building Program features)
- ○ Plant list with scientific and common names, sizes (i.e.: caliper), quantity, special requirements and location of all plant materials existing and proposed and proposed turf grass type
- ○ Planting and installation details, as needed, to ensure conformance with all required standards, including tree protection and erosion control.
- ○ A landscape maintenance plan and schedule will be submitted as a part of the landscape plans

☒ Level of Service (LOS) Assessment (see Sections 5.17-5.20 of the ULDC for requirements)

- ○ Potable water
- ○ Sanitary Sewer
- ○ Traffic
- ○ Stormwater
- ○ Solid Waste

☒ Traffic Impact Evaluation

☒ Digital visualization or virtual reality model. Photorealistic 3D digital visualizations, 3D renderings or a virtual reality model, showing a reasonable amount of project context (i.e., surrounding physical conditions and environments including existing structures on either side).

☐ Application fees and cost recovery deposit per the most up-to-date Village Fee Schedule.

Optional Submittal:

☐ Physical architectural scale model – A physical architectural model of the site and building(s), built to an appropriate scale, and photographs of the model may be submitted instead of a 3D computer visualization or virtual reality model. Physical architectural models shall be made available at least ten (10) days prior to the Planning and Zoning Board public hearing date. If an architectural model is provided, said model shall be retrieved by the developer within thirty (30) days following the final public hearing before the Village Commission. The photographs depicting the model shall become part of the public records. The model shall demonstrate the proposed structure as well as existing structures on either side.

Applications are deemed incomplete until all mandatory submittals have been received by the Village Planning and Zoning Official.

Office Use Only:

Date Submitted: _____ Total Paid: $_____

Date Paid: _____ Filing Fee: $_____

Cash or Check #_____ Cost Recovery Dep: $_____

DRAWING REVISION REGISTER

REV#	SHEET #	REVISION DESCRIPTION

SCOPE OF WORK

THE FOLLOWING DRAWINGS ILLUSTRATE THE PROPOSED SCOPE OF WORK FOR **7940 WEST DRIVE, NORTH BAY VILLAGE, FL, 33141**

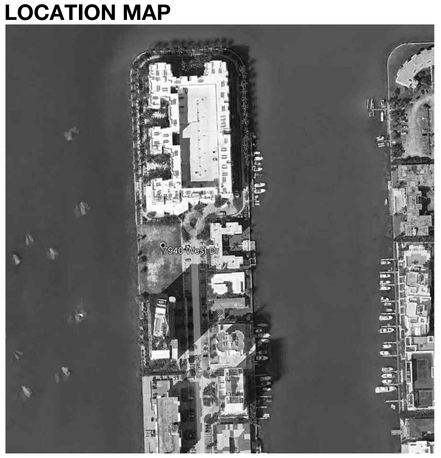
- NEW HARDSCAPE AND LANDSCAPE DESIGN

08/29/2023 **RESPONSES TO PLANNING COMMENTS**
07/18/2023 **RESPONSES TO PLANNING COMMENTS**
06/12/2023 **SITE PLAN SUBMISSION**

SHEET INDEX

		LANDSCAPE DRAWINGS	DRAWING NOTES
★	LCVR	COVER PAGE	* Sheet with Changes
	L002	GENERAL SITE NOTES	
★	L003	AERIAL IMAGE & EXISTING TREES	* Sheet with Changes
★	TD100	TREE DISPOSITION SCHEDULE & NOTES	* Sheet with Changes
★	TD110	TREE DISPOSITION PLAN	* Sheet with Changes
	L200	MATERIALS SCHEDULE & NOTES	
★	L210	MATERIALS PLAN GROUND FLOOR	* Sheet with Changes
★	L400	PLANTING SCHEDULE & NOTES	* Sheet with Changes
	L401	LANDSCAPE NOTES	
★	L410	TREES & PALMS PLANTING PLAN GROUND FLOOR	* Sheet with Changes
★	L420	UNDERSTORY PLANTING PLAN GROUND FLOOR	* Sheet with Changes
	L450	PLANTING DETAILS	
★	L600	SECTIONS	* New Sheet

LOCATION MAP



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MIAMI, FL 33133

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ALVARRAN | BOSCOSO | RODRIGUEZ

Project

7940 WEST DRIVE
NORHT BAY VILLAGE
7940 WEST DRIVE
NORTH BAY VILLAGE, FL 33141

Revisions

2	RESPONSES TO PLANNING COMMENTS	07/18/2023
1	RESPONSES TO PLANNING COMMENTS	08/29/2023

Owner Information

7940 NBV PARTNERS LCC

4531 PRAIRIE AVE
MIAMI BEACH, FL 33140

(912) 398.1775

Consultant

LAND

7294 NW 1st COURT
MIAMI, FL 33150
614.439.4895
www.land.design

SEAL (MARSH C. KRIPLEN-LA6667007)

SITE PLAN SUMISSION

Date
06/12/2023

Scale
AS SHOWN

Project No.

Sheet Name
COVER SHEET

Sheet No.
LCVR

These Design And Drawings Are The Copyrighted Property Of The Architects In Terms Of U.S. And Any Other Applicable Laws And May Not Be Reproduced Except with Specific Written Consent of the Architect.
These Design And Drawings Are Instruments Of Service And Shall Be Returned To The Architects Upon Request At The Completion Of The Project. Visual Contact With These Drawings Shall Constitute Prima Facie Evidence Of Acceptance Of These Restrictions. Figured Dimensions Are To Be Taken In Preference To Scaled.
File: 8bitcloud: RAULSERVER2-2k - 8bitcloud Stats for Architect 25/21/14 - NORTH BAY VILLAGE/2114 7940 WEST DRIVE - NORTH BAY VILLAGE - MARCH 2023 - By rmartinez - Date: 4/17/2023

SITEWORK GENERAL NOTES

1. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING ALL WORK BY THE SUBCONTRACTORS.
2. CONTRACTOR SHALL VERIFY ALL CONDITIONS AT JOB SITE AND NOTIFY LANDSCAPE ARCHITECT AND GENERAL CONTRACTOR OF DIMENSIONAL ERRORS, OMISSIONS OR DISCREPANCIES BEFORE BEGINNING ANY WORK.
3. CONTRACTOR TO OBTAIN ALL NECESSARY PERMITS PRIOR TO CONSTRUCTION. ALL CONTRACTORS MUST COMPLY WITH PERMIT REQUIREMENTS, LOCAL, STATE AND FEDERAL JURISDICTIONS AND GOVERNING BODIES/AGENCIES RULES AND REGULATIONS AND LAND USE APPROVAL CONDITIONS AT ALL TIMES.
4. WORK PERFORMED WITHOUT APPROVAL OF LOCAL, STATE AND FEDERAL JURISDICTIONS AND GOVERNING BODIES/AGENCIES AND/OR NOT IN COMPLIANCE WITH SPECIFICATIONS AND/OR DRAWINGS IS SUBJECT TO REMOVAL AT CONTRACTOR'S EXPENSE.
5. ALL WORK SHALL CONFORM TO THE APPROPRIATE AGENCIES. CONTRACTOR SHALL VERIFY LOCATION OF ALL EXISTING UTILITIES, LINES AND STRUCTURES PRIOR TO EXCAVATION OR TRENCHING. DAMAGE SHALL BE REPAIRED BY THE CONTRACTOR AT NO COST TO THE OWNER. THE LANDSCAPE ARCHITECT ASSUMES NO RESPONSIBILITY FOR UTILITIES OR STRUCTURES NOT SHOWN ON THE DRAWINGS. CONTRACTOR IS TO VERIFY THE EXACT LOCATION OF UTILITIES PRIOR TO CONSTRUCTION AND NOTIFY THE LANDSCAPE ARCHITECT OF ANY DISCREPANCIES. CONTRACTOR SHALL USE EXTREME CAUTION WHEN WORKING OVER OR NEAR EXISTING GAS AND ELECTRICAL LINES.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR RESETTING ALL LAND MONUMENTS DISRUPTED BY CONSTRUCTION ACTIVITIES OR NEGLIGENCE ON THE PART OF THE CONTRACTOR. RESETS SHALL BE PERFORMED UNDER THE SUPERVISION OF A REGISTERED LAND SURVEYOR AND MONUMENT RECORDS MUST BE FILED AS REQUIRED BY STATUTE FOR ALL MONUMENTS.
7. THE CONTRACTOR SHALL TAKE ALL PRECAUTIONARY MEASURES NECESSARY TO PROTECT EXISTING IMPROVEMENTS FROM DAMAGE AND ALL SUCH IMPROVEMENTS AND STRUCTURES DAMAGED BY THE CONTRACTOR'S OPERATIONS SHALL BE REPAIRED OR RECONSTRUCTED SATISFACTORY TO THE LANDSCAPE ARCHITECT AT THE CONTRACTOR'S EXPENSE.
8. ALL BARRICADING AND TEMPORARY TRAFFIC CONTROL DEVICES OR METHODS USED DURING CONSTRUCTION SHALL BE IN ACCORDANCE WITH LOCAL, STATE AND FEDERAL JURISDICTIONS AND GOVERNING BODIES/AGENCIES STANDARDS. PROVIDE ADEQUATE TIME FOR REVIEW AND APPROVAL BY THE ABOVE JURISDICTIONS PRIOR TO COMMENCEMENT.
9. THE LANDSCAPE ARCHITECT IS NOT RESPONSIBLE FOR THE CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES UTILIZED OR FOR SAFETY PRECAUTIONS OR PROBLEMS IN CONNECTION WITH THE WORK. THE LANDSCAPE ARCHITECT WILL NOT BE RESPONSIBLE FOR THE CONTRACTOR'S FAILURE TO CARRY OUT THE WORK IN ACCORDANCE WITH THE CONTRACT DOCUMENTS. CONTRACT DOCUMENTS INCLUDE THE CONSTRUCTION DOCUMENT DRAWING SET/TECHNICAL SPECIFICATIONS MANUAL/LASIS.
10. CONTRACTOR TO VERIFY ALL QUANTITIES. IN CASE OF ANY DISCREPANCIES, GRAPHICALLY SHOWN MATERIAL QUANTITIES SHALL TAKE PRECEDENCE.
11. A SYSTEM OF DIAGRAMMATIC SYMBOLS, HATCHES AND NOTATIONS IS USED IN THESE DRAWINGS. REVIEW NOTATIONS CAREFULLY, NOTIFY LANDSCAPE ARCHITECT AND REQUEST CLARIFICATION OF ANY UNCLEAR NOTATION OR DISCREPANCY PRIOR TO COMMENCING WORK.

SITEWORK GENERAL NOTES CONTINUED

1. PROVIDE SLEEVES AS REQUIRED FOR DRAINAGE, IRRIGATION AND ELECTRICAL LINES. IRRIGATION AND ELECTRICAL SLEEVES AND SUBSURFACE DRAINAGE SYSTEMS SHALL BE CONSTRUCTED PRIOR TO PAVING AND LANDSCAPE WORK. UTILITY SLEEVES ARE REQUIRED IN ALL PLANT BEDS ISOLATED BY PAVEMENT OR ANY OTHER STRUCTURES.
2. SPECIAL CONSIDERATION IS GIVEN TO THE DESIGN AND INTENDED RELATIONSHIP BETWEEN ARCHITECTURE, PLANTING AREAS AND PAVING SYSTEMS. PAVEMENT JOINTING, PAVERS, STONE, FINISHES AND GRADES HAVE BEEN STRICTLY COORDINATED IN THE CONTRACT DOCUMENTS. CONSTRUCTION OF THESE SYSTEMS SHALL BE STRICTLY COORDINATED.
3. VEHICLES, EQUIPMENT, AND/OR MATERIALS SHALL NOT BE PARKED OR STORED IN AREAS OF EXISTING VEGETATION, INCLUDING WITHIN THE DRIPLINE OF EXISTING TREES TO REMAIN.
4. CONSTRUCTION WASTE-INCLUDING BUT NOT LIMITED TO: PLANT MATERIAL, BUILDING MATERIALS, DEMOLISHED MATERIALS, PACKAGING, LEFTOVER PAINT AND CONCRETE SLURRY-SHOULD BE PROPERLY REUSED, RECYCLED, DISPOSED OF LEGALLY OFF-SITE OR IN DESIGNATED WASH-OUT AREAS DETERMINED BY THE GENERAL CONTRACTOR.
5. RECYCLING AND TRASH BINS TO BE PROVIDED ON SITE. SEPARATE BINS FOR CARDBOARD, CO-MINGLED, AND OTHER RECYCLABLE/REUSABLE MATERIALS IDENTIFIED BY THE LOCAL JURISDICTION SHALL BE MAINTAINED. ALL BINS TO BE WILDLIFE-PROOF.
6. ON-SITE FUEL STORAGE FOR CONSTRUCTION EQUIPMENT IS DISCOURAGED. CONSTRUCTION EQUIPMENT USED ON SITE TO BE CHECKED REGULARLY TO ASSURE CONTAMINATION CONCERNS FROM OILS AND GREASES ARE ELIMINATED. NO TOXIC MATERIALS SHALL BE STORED ON-SITE.
7. GENERAL CONTRACTOR TO KEEP ALL ITEMS IMPLEMENTED BY LANDSCAPE ARCHITECT IN PROPER WORKING ORDER THROUGHOUT THE DURATION OF THE PROJECT.
8. THE CONSTRUCTION SITE TO BE INSPECTED ON A MONTHLY BASIS BY LANDSCAPE ARCHITECT AND/OR CIVIL ENGINEER TO ASSURE THAT THE SILT FENCE AND MUD TRACKING PAD ARE PROPERLY IN PLACE AND FUNCTIONING AS DESIGNED.
9. GREEN BUILDING PRACTICES SHALL BE EMPLOYED TO THE EXTENT FEASIBLE. SUCH PRACTICES INCLUDE: CARPOOLING/VANPOOLING TO JOB SITE, MINIMIZING MATERIALS PACKING BEFORE ARRIVAL TO JOB SITE, REDUCING MATERIAL/RESOURCE INEFFICIENCIES BY COORDINATING WORK.
10. THE PROJECT LIMIT OF CONSTRUCTION AND ALL EXISTING VEGETATION TO REMAIN IS TO BE CLEARLY DEFINED BY STURDY, WEATHERPROOF FENCING AT A MINIMUM OF FOUR (4) FEET HIGH.
11. WATERPROOFING OF SUBGRADE AND OTHER ARCHITECTURAL SPACES BELOW AND/OR ADJACENT TO IMPROVEMENTS DESIGNED BY THE LANDSCAPE ARCHITECT IS TO BE ADEQUATELY DESIGNED AND DETAILED BY OTHERS TO PERMANENTLY REPEL ALL WATER SOURCES INCLUDING, BUT NOT LIMITED TO: PRECIPITATION, STORM WATER RUNOFF, GROUND WATER, IRRIGATION, ROOF RUNOFF, GROUND WATER, AND PLUMBING LEAKS.
12. STRUCTURAL DESIGN TO SUPPORT IMPROVEMENTS DESIGNED BY THE LANDSCAPE ARCHITECT AND LOCATED ABOVE, BELOW, AND/OR ADJACENT TO SUBGRADE AND OTHER ARCHITECTURAL SPACES IS THE RESPONSIBILITY OF THE STRUCTURAL ENGINEER. THE STRUCTURAL DESIGN SHOULD BE ADEQUATELY DESIGNED TO SUPPORT ALL POSSIBLE LOADS INCLUDING, BUT NOT LIMITED TO: BACKFILL, COMPACTION, PLANTINGS, HARDSCAPES, RETAINING AND FREESTANDING SITE WALLS, AND CONSTRUCTION MATERIALS/EQUIPMENT/ACTIVITY.

SOIL EROSION CONTROL NOTES

1. PRIOR TO BEGINNING ANY EARTH CHANGE, THE CONTRACTOR SHALL INSTALL AND MAINTAIN ALL SESC MEASURES AS SHOWN ON THE CONTRACT DOCUMENTS AND AS REQUIRED BY ANY GOVERNING AGENCIES.
2. ALL SESC MEASURES TO BE MAINTAINED DAILY.
3. THE CONTRACTOR TO CONDUCT ALL EXCAVATION, FILLING, GRADING, AND CLEANUP OPERATIONS IN A MANNER SUCH THAT SEDIMENT, GENERATED BY WIND OR WATER IS NOT DISCHARGED INTO ANY STORM SEWER, DRAINAGE DITCH, RIVER, LAKE, AIR, OR UNDERGROUND UTILITY SYSTEM. STAGE WORK TO MINIMIZE THE AREA OF EXPOSED SOIL, THEREBY REDUCING THE OPPORTUNITY FOR SOIL EROSION.
4. WATER FROM TRENCHES AND OTHER EXCAVATION TO BE PUMPED INTO A FILTRATION BAG TO REMOVE SEDIMENTS FROM THE WATER.
5. NORTH AMERICAN GREEN SC-150 OR EQUIVALENT EROSION CONTROL FABRIC IS REQUIRED ON ALL DISTURBED SLOPES GREATER THAN 3:1 UNTIL PROJECT AREA IS REVEGETATED PER THE PLANTING PLAN.
6. PROVIDE POSITIVE DRAINAGE AWAY FROM ALL STRUCTURES.
7. CONTRACTOR TO PROVIDE ONSITE WATERING TO REDUCE FUGITIVE DUST LEAVING THE SITE DURING CONSTRUCTION.
8. SOIL EROSION CONTROL MEASURES TO BE PROVIDED FOR ALL EXISTING AND PROPOSED DRAINAGE STRUCTURES WITHIN THE PROJECT LIMITS.
9. CONSTRUCTION STAGING AND PHASING SHALL OCCUR, WHERE APPLICABLE, TO MINIMIZE SOIL DISTURBANCE TIME.
10. BEST MANAGEMENT PRACTICES (BMPs) SHALL BE ADJUSTED AS NEEDED TO MEET ANY OTHER UNFORESEEN CONDITIONS.
11. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR INSTALLING A MUD TRACKING PAD/WASHING PAD AT THE CONSTRUCTION ENTRANCES TO MINIMIZE MUD DETACHMENT FROM TRUCK TIRES. 1-1/2 INCH SCREENED ROCK TO BE PLACED ON MIRAFI 140-N FILTER FABRIC. ADDITIONAL CLEAN GRAVEL TO BE ADDED THROUGHOUT THE DURATION OF CONSTRUCTION AS NEEDED.
12. CONTRACTOR SHALL ABIDE BY THE LOCAL, STATE AND FEDERAL JURISDICTIONS AND GOVERNING BODIES/AGENCIES CONSTRUCTION MANAGEMENT PLAN REQUIREMENTS.
13. RESEED AS INDICATED IN SEEDING NOTES.

811 Know what's below. Call before you dig.

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Project

7940 WEST DRIVE
NORHT BAY VILLAGE
7940 WEST DRIVE
NORTH BAY VILLAGE, FL 33141

Revisions

1	RESPONSES TO PLANNING COMMENTS	07/18/2023
2	RESPONSES TO PLANNING COMMENTS	08/29/2023

Owner Information

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SEAL (MARSH C. KRIPLEEN-LA6667007)

SITE PLAN SUMISSION

Date 06/12/2023
Scale AS SHOWN
Project No.
Sheet Name GENERAL SITE NOTES
Sheet No. **L002**

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File: Bitkidout_REVUESERVER2-25 - Bitkidout Basic for Acrobat 2021\7-14_7940 WEST DRIVE - NORTH BAY VILLAGE - MARCH 2023 - By mquisbe - Date: 4/19/2023



LEGEND

- TREE OR PALM TO BE REMOVED
- TREE OR PALM TO BE PRESERVED
- OFF-SITE TREE OR PALM
- TREE PROTECTION REFER TO DETAIL ON SHEET TD100
- PROPOSED STRUCTURES

NORTH

0 4' 8'
SCALE 3/32"=1'-0"

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Project

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SEAL (MARSH C. KRIPLEN-LA6667007)

SITE PLAN SUMISSION

Date
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Scale
AS SHOWN

Project No.

Sheet Name
AERIAL IMAGE & EXISTING TREES

Sheet No.
L003

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TREES & PLANTING TO BE REMOVED NOTES

1. THE CONTRACTOR IS TO COMPLETELY REMOVE ALL PLANTER MATERIAL DESIGNATED FOR REMOVAL (I.E. ROOT BALL, DEBRIS, SAW DUST, ETC.).
2. THE CONTRACTOR IS TO BACKFILL ALL EXCAVATED ROOT BALLS FLUSH TO THE ADJACENT ELEVATION LEVEL.
3. CONTRACTOR TO NOTIFY LANDSCAPE ARCHITECT TWO WEEKS IN ADVANCE OF ALL SCHEDULED WORK PERTAINING TO THE RELOCATION OF SITE TREES.

CITY'S TREE REPLACEMENT CHART

Total diameter of tree(s) to be removed (sum of inches at DBH)	Total number of replacement trees required (where each Replacement Tree is a minimum of 2" DBH x 6' spread in Canopy x 12' in height)	OR	Total number of replacement trees required (where each Replacement Tree is a minimum of 4" DBH x 8' spread in Canopy x 16' in height)	Contribution to Tree Trust Fund
2"—3"	1	or	0	$1,000.00
4"—6"	2	or	1	$2,000.00
7"—12"	4	or	2	$4,000.00
13"—18"	6	or	3	$6,000.00
19"—24"	8	or	4	$8,000.00
25"—30"	10	or	5	$10,000.00
31"—36"	12	or	6	$12,000.00
37"—42"	14	or	7	$14,000.00
43"—48"	16	or	8	$16,000.00
49"—60"	20	or	10	$20,000.00

TREE DISPOSITION SCHEDULE

TREE No.	*LATIN NAME*	COMMON NAME	DIAMETER at BREAST HEIGHT (in incheS)	APPROX HEIGHT (in feet)	CANOPY DIAMETER (in feet)	CRITICAL ROOTZONE RADIUS (in feet)	CONDITION	DISPOSITION	REMOVAL- MUNICIPAL CRITERIA		
									PALM	CANOPY	
1	*SABAL PALMETTO*	SABAL PALM	11	22	16		FAIR	REMOVE	1		
2	*STRELITZIA NICOLAI*	WHITE BIRD OF PARADISE	4	15	16		FAIR	REMOVE	1		
3	*STRELITZIA NICOLAI*	WHITE BIRD OF PARADISE	4	18	10		FAIR	REMOVE	1		
4	*COCOS NUCIFERA*	COCONUT PALM	7	42	10		GOOD	REMOVE	1		
5	*PHOENIX SYLVESTRIS*	SYLVESTER PALM	14	42	18		GOOD	REMOVE	1		
6	*COCOS NUCIFERA*	COCONUT PALM	7	35	18		GOOD	REMOVE	1		
7	*COCOS NUCIFERA*	COCONUT PALM	6	30	18		GOOD	REMOVE	1		
8	*COCOS NUCIFERA*	COCONUT PALM	9	45	18		GOOD	REMOVE	1	0	
9	*CHAMAEROPS HUMILIS*	EUROPEAN FAN PALM	6	7	18		FAIR	REMOVE	1	0	
10	*COCOS NUCIFERA*	COCONUT PALM	7	32	5		GOOD	REMOVE			
11	*COCOS NUCIFERA*	COCONUT PALM	10	45	18		GOOD	REMOVE			
12	*BURSERA SIMAROUBA*	GUMBO LIMBO	6	18	18		GOOD	REMOVE		18	
13	*COCOS NUCIFERA*	COCONUT PALM	9	36	12		GOOD	REMOVE	1		
14	*COCOS NUCIFERA*	COCONUT PALM	7	20	18		FAIR	REMOVE	1		
15	*MANGIFERA INDICA*	MANGO TREE	15	25	18		GOOD	REMOVE		18	
16	*COCOS NUCIFERA*	COCONUT PALM	6	20	20		GOOD	REMOVE	1		
17	*UNKNOWN*	DEAD TREE	8	10	0		POOR	REMOVE		0	
ADJ1	*LIGUSTRUM JAPONICUM*	CHINESE PRIVET	10	18	18		GOOD	OFF-SITE			
ADJ2	*COCOS NUCIFERA*	COCONUT PALM	9	35	18		GOOD	OFF-SITE			
ADJ3	*BULNESIA ARBORIA*	VERAWOOD	5	18	16		GOOD	OFF-SITE			
ADJ4	*COCOS NUCIFERA*	COCONUT PALM	12	55	18		GOOD	OFF-SITE			
ADJ5	*BULNESIA ARBORIA*	VERAWOOD	5	18	16		GOOD	OFF-SITE			
ADJ6	*BULNESIA ARBORIA*	VERAWOOD	9	20	18		GOOD	OFF-SITE			
ADJ7	*COCOS NUCIFERA*	COCONUT PALM	8	40	18		GOOD	OFF-SITE			
ADJ8	*BULNESIA ARBORIA*	VERAWOOD	6	16	16		GOOD	OFF-SITE			
ADJ9	*COCOS NUCIFERA*	COCONUT PALM	11	55	18		GOOD	OFF-SITE			
ADJ10	*BULNESIA ARBORIA*	VERAWOOD	4	12	10		GOOD	OFF-SITE			
ADJ11	*COCOS NUCIFERA*	COCONUT PALM	10	42	18		GOOD	OFF-SITE			
ADJ12	*BULNESIA ARBORIA*	VERAWOOD	4	15	12		FAIR	OFF-SITE			
ADJ13	*BULNESIA ARBORIA*	VERAWOOD	5	16	12		FAIR	OFF-SITE			
ADJ14	*BULNESIA ARBORIA*	VERAWOOD	7	18	16		GOOD	OFF-SITE			
ADJ15	*BULNESIA ARBORIA*	VERAWOOD	5	16	15		FAIR	OFF-SITE			
ADJ16	*BULNESIA ARBORIA*	VERAWOOD	3	12	9		POOR	OFF-SITE			
ADJ17	*DELONIX REGIA*	ROYAL PONCIANA	9	18	18		FAIR	OFF-SITE			
ADJ18	*DELONIX REGIA*	ROYAL PONCIANA	10	20	18		FAIR	OFF-SITE			
ADJ19	*COCCOLOBA UVIFERA*	SEAGRAPE	16	28	26		GOOD	OFF-SITE			

FROM PROPOSED PLANTING

TOTAL UNITS TO BE REMOVED:	12	36	inches
TOTAL ESTIMATED REQUIRED ON SITE MITIGATION PER CODE (2"DBH/12HT):		14	trees

PROPOSED ON SITE MITIGATION BREAKDOWN			TREE CREDIT
CANOPY TREE I- 2"DBH/12'HT MIN.			0
CANOPY TREE II- 4"DBH/16'HT MIN.	4	one CT II is equal to two CT I	8
NATIVE - 1.5"DBH/10'HT MIN.	10	up to 30% of required CT I	10
PALMS- 3"DBH/14'HT MIN.		up to 30% of required CT I at 2 palm/tree	0
TOTAL PROPOSED REPLACEMENT TREES (REFER TO PLANTING PLANS):	14	OMBINATION FULFILLS SITE MITIGATION O	18

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Revisions

1	RESPONSES TO PLANNING COMMENTS	07/18/2023
2	RESPONSES TO PLANNING COMMENTS	08/29/2023

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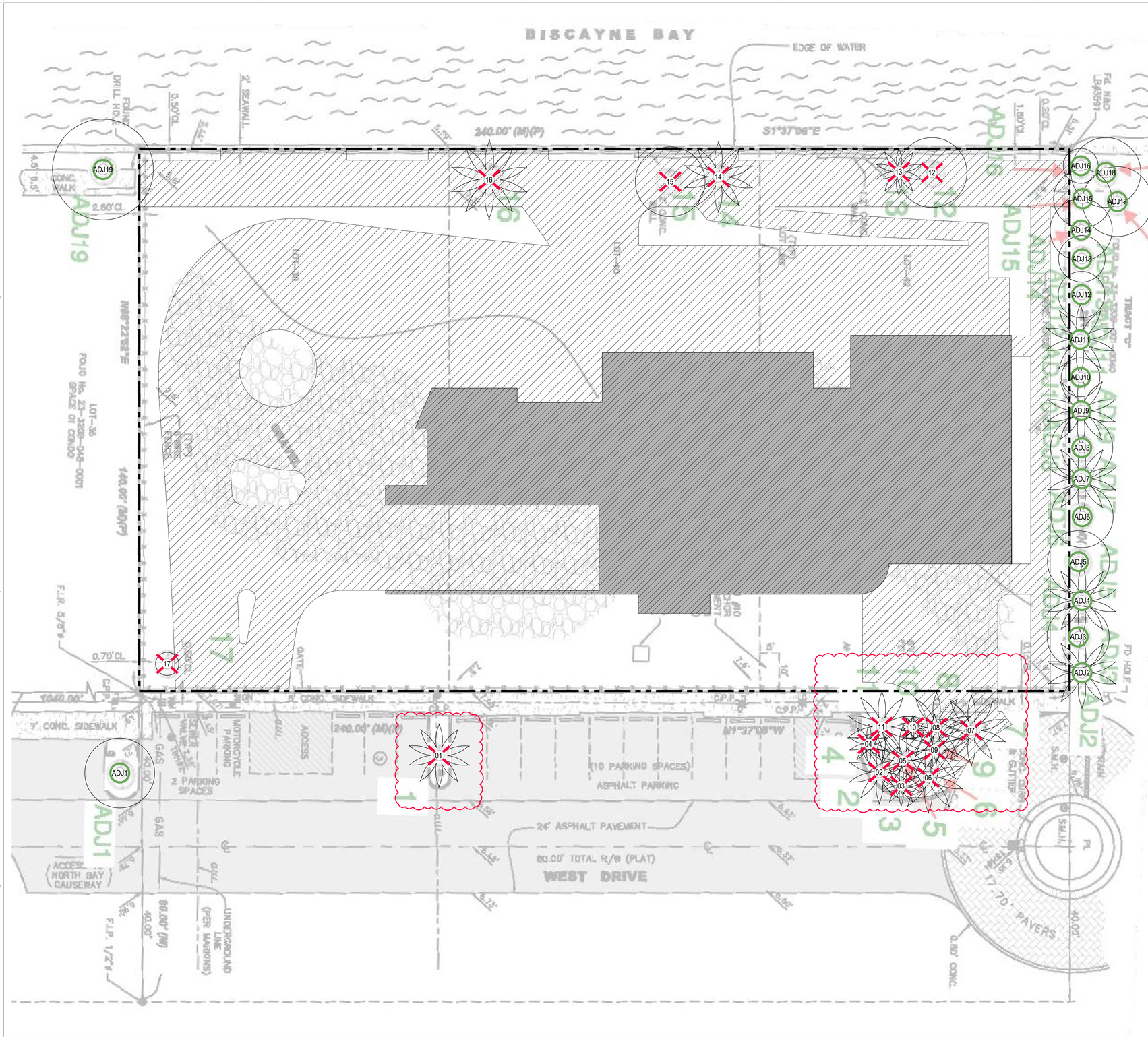
SITE PLAN SUMISSION

Date 06/12/2023
Scale AS SHOWN
Project No.
Sheet Name TREE DISPOSITION SCHEDULE
Sheet No. **TD100**



LEGEND

- TREE OR PALM TO BE REMOVED
- OFF-SITE TREE OR PALM
- PROPOSED STRUCTURES

NORTH SCALE 3/32"=1'-0"

0 4' 8'

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SITE PLAN SUMISSION

Date
06/12/2023

Scale
AS SHOWN

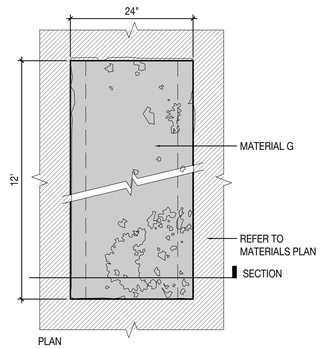
Project No.

Sheet Name
TREE DISPOSITION PLAN

Sheet No.
TD110

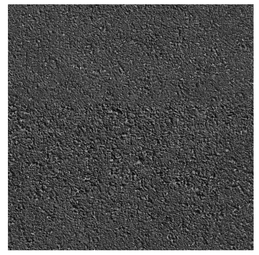
MATERIALS NOTES

1. CONTRACTOR TO VERIFY ALL QUANTITIES. IN CASE OF ANY DISCREPANCIES, GRAPHICALLY SHOWN MATERIAL QUANTITIES SHALL TAKE PRECEDENCE.
2. ALL CONSTRUCTION AND MATERIALS NOT SPECIFICALLY ADDRESSED IN THE CONTRACT DOCUMENTS OR SPECIFICATIONS SHALL BE IN ACCORDANCE WITH LOCAL, STATE AND FEDERAL JURISDICTIONS AND GOVERNING BODIES/AGENCIES STANDARDS.
3. THE CONTRACTOR SHALL PROVIDE A FULL-SCALE MOCKUP AND RECEIVE APPROVAL FROM THE LANDSCAPE ARCHITECT FOR ALL SYSTEMS BEFORE BEGINNING CONSTRUCTION OF PAVEMENT.
4. EXPANSION JOINTS SHALL BE PROVIDED WHERE FLATWORK MEETS VERTICAL STRUCTURES, SUCH AS WALLS, CURBS, STEPS, AND OTHER HARDSCAPE ELEMENTS. EXPANSION JOINTS SHALL ALSO BE PROVIDED AT MATERIAL CHANGES. EXPANSION JOINT MATERIALS/METHODS SHALL BE SUBMITTED TO THE LANDSCAPE ARCHITECT FOR REVIEW AND APPROVAL PRIOR TO INSTALLATION.
5. CONTROL JOINTS SHOULD BE SPACED NO GREATER THAN TEN (10) LINEAR FEET MAXIMUM, UNLESS OTHERWISE SPECIFIED. EXPANSION JOINTS SHOULD BE SPACED NO GREATER THAN FORTY (40) LINEAR FEET MAXIMUM, UNLESS OTHERWISE SPECIFIED. CONTRACTOR SHALL ADVISE ON OTHER JOINTS AS NEEDED TO MINIMIZE CRACKING. THIS INFORMATION SHALL BE SUBMITTED TO THE LANDSCAPE ARCHITECT FOR REVIEW AND APPROVAL PRIOR TO INSTALLATION.
6. CONTROL JOINTS SHALL BE PROVIDED AS SPECIFIED IN THE CONTRACT DOCUMENTS. CONTROL JOINT MATERIALS, METHODS AND RECOMMENDATIONS ON ADDITIONAL CONTROL JOINTS TO MINIMIZE CRACKING SHALL BE SUBMITTED TO THE LANDSCAPE ARCHITECT FOR REVIEW AND APPROVAL.
7. ALL STEPS SHALL HAVE TWELVE (12) INCH TREADS AND SIX (6) INCH RISERS, UNLESS OTHERWISE SPECIFIED.
8. HOLD TOP OF WALLS AND FENCES LEVEL, UNLESS OTHERWISE SPECIFIED.
9. CONTRACTOR SHALL NOT INSTALL WORK LOCATED ON TOP OF ARCHITECTURAL STRUCTURES WITHOUT FIRST REVIEWING ARCHITECTURAL DRAWINGS.
10. SAMPLES OF SPECIFIED MATERIALS SHALL BE SUBMITTED TO THE LANDSCAPE ARCHITECT FOR REVIEW AND APPROVAL PRIOR TO ORDERING FOR JOB.



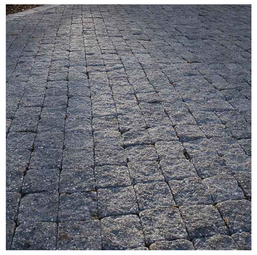
1 STONE BENCH (TYP)

Scale: 1" = 1'- 0"



A

MATERIAL: ASPHALT
LOCATION: LOADING AREA
SPECIFICATION: -
SOURCE: TBD



B

MATERIAL: GRANITE BLOCKS
LOCATION: VEHICULAR ACCESS
SPECIFICATION: DARK GREY
4" x 4" UNITS
SOURCE: TBD



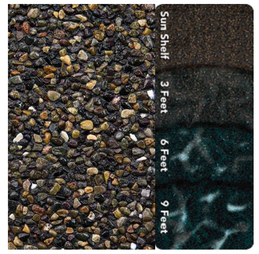
C

MATERIAL: HANOVER PLANKSTONE PAVERS
LOCATION: PEDESTRIAN AREAS
SPECIFICATION: 6" x 18" x x 2 ½"
TUDOR FINISH
MORTAR SET
SOURCE: HANOVER
ARCHITECTURAL PRODUCTS
www.hanoverpavers.com



D

MATERIAL: GREY RIVER ROCK
LOCATION: SEAWALL
SPECIFICATION: COLOR GREY
NATURAL FINISH
1" - 3" Ø AVERAGE
MORTAR SET
SOURCE: TBD



E

MATERIAL: PEEBLETEC - BLACK PEARL
LOCATION: WATER FEATURE
SPECIFICATION: PER MANUFACTURER
SOURCE: POOLTECH INC / PEEBLETEC®
PHONE : (631) 694.4752
www.pooltech.net



F

MATERIAL: TRASH CAN
LOCATION: REFER TO L210
SPECIFICATION: MODEL: MultipliCITY SINGLE
INDEPENDIENT-MULTI USE OPENNING
METAL FINISH
14" x 15" x 47"
SOURCE: LANDSCAPE FORMS
PHONE : 800.430.6209
www.landscapeforms.com



G

MATERIAL: OOLITE STONE BECH
LOCATION: REFER TO L210
SPECIFICATION: SAW CUT BLOCKS
2' X 12' X 18"
PER MANUFACTURER
SOURCE: TBD



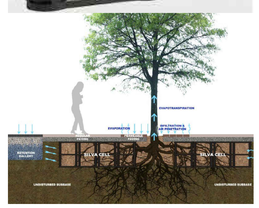
H

MATERIAL: DRINKING FOUNTAIN
LOCATION: REFER TO L210
SPECIFICATION: PEDESTAL
ADA COMPLIANT
11GA - GALVANIZED STEEL
SOURCE: ZORO
www.zoro.com



I

MATERIAL: SIVA CELL SYSTEM
LOCATION: RIVERWALK
SPECIFICATION: PER MANUFACTURER
SOURCE: DEEP ROOT
GREEN INFRASTRUCTURE LCC
www.deeproot.com



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SEAL (MARSH C. KRIPLEN-LA667007)

SITE PLAN SUMISSION

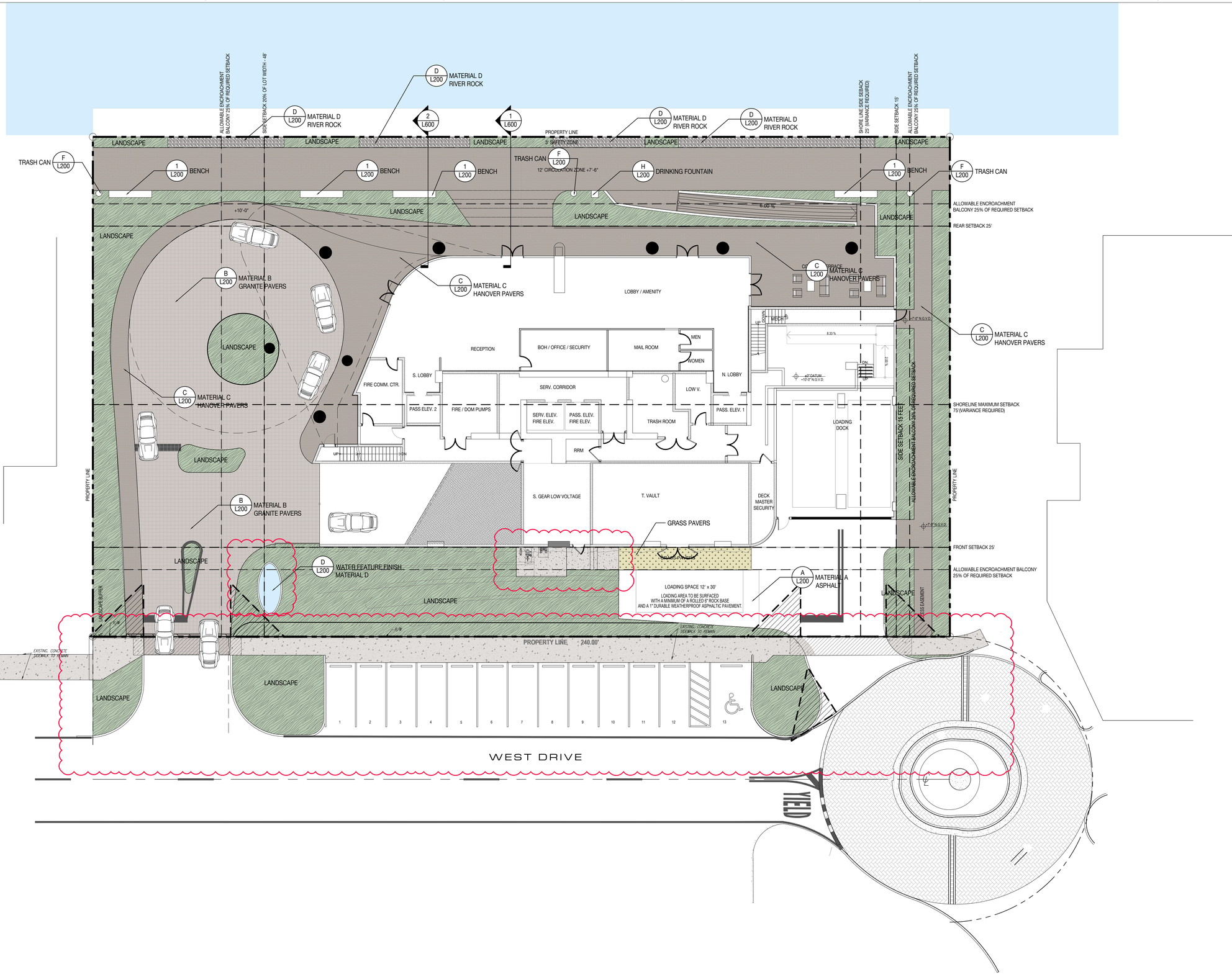
Date
06/12/2023

Scale
AS SHOWN

Project No.

Sheet Name
MATERIALS SCHEDULE

Sheet No.
L200



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NORHT BAY VILLAGE
7940 WEST DRIVE
NORTH BAY VILLAGE, FL 33141

Revisions

1	RESPONSES TO PLANNING COMMENTS	07/18/2023
2	RESPONSES TO PLANNING COMMENTS	08/29/2023

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SEAL (MARSH C. KRIPLEN-LA6667007)

SITE PLAN SUMISSION

Date
06/12/2023

Scale
AS SHOWN

Project No.

Sheet Name
MATERIALS PLAN
PLAN GROUND FLOOR

Sheet No.
L210

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File: Bitkood_R24.5\SERVER2-25 - Bitkood Files for Archicad 25\21\14_PUBLISHED\21-14_7940 WEST DRIVE - NORTH BAY VILLAGE - MARCH 2023 - By mgalvez - Date: 4/17/2023

PLANTING NOTES

1. PLANT MATERIAL IS TO BE HEALTHY SPECIMENS FREE FROM DISEASE OR DAMAGE, AND IS TO BE MAINTAINED IN EXCELLENT CONDITION WHILE ON THE JOBSITE. LANDSCAPE ARCHITECT SHALL INSPECT PLANT MATERIAL UPON ARRIVAL TO JOBSITE AND WILL REJECT PLANT MATERIAL THAT DOES NOT MEET THE STANDARDS DESCRIBED WITHIN THE CONTRACT DOCUMENTS.
2. THE LANDSCAPE ARCHITECT WILL PERIODICALLY INSPECT PLANT MATERIAL STOCKPILED AND/OR PLANTED ON SITE DURING THE COURSE OF CONSTRUCTION. PLANT MATERIAL NOT MEETING THE STANDARDS CONTAINED WITHIN CONTRACT DOCUMENTS SHALL BE REPLACED AT NO COST TO THE OWNER.
3. PROVIDE MATCHING SIZES AND FORMS FOR EACH PLANT OF THE SAME SPECIES UNLESS OTHERWISE INDICATED.
4. CONTRACTOR TO VERIFY ALL QUANTITIES. IN CASE OF DISCREPANCIES, GRAPHICALLY SHOWN QUANTITIES SHALL TAKE PRECEDENCE.
5. ALL MATERIALS USED SHALL CONFORM TO THE GUIDELINES ESTABLISHED BY THE CURRENT AMERICAN STANDARDS FOR NURSERY STOCK, PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN.
6. ALL PLANT MATERIAL SHALL BE INSTALLED PLUMB AND PER THE SPECIFICATIONS CONTAINED WITHIN THE CONTRACT DOCUMENTS. ANY NECESSARY STAKING AND/OR OTHER SUPPORTS MATERIALS/METHODS SHALL BE SUBMITTED TO THE LANDSCAPE ARCHITECT FOR REVIEW AND APPROVAL PRIOR TO INSTALLATION.
7. THE CONTRACTOR SHALL PRUNE EXISTING AND/OR NEW TREES ONLY PER LANDSCAPE ARCHITECT DIRECTION.
8. THE CONTRACTOR SHALL STAKE THE LOCATIONS OF ALL TREES AND B&B SHRUBS FOR LANDSCAPE ARCHITECT REVIEW AND APPROVAL, PRIOR TO INSTALLATION.
9. ALL ROOT-WRAPPING MATERIALS THAT ARE NOT BIO-DEGRADABLE SHALL BE REMOVED FROM THE ROOT BALL. ROOT BALLS SHALL BE FREE OF WEEDS.
10. SPECIFIED PLANT MATERIAL SIZES SHALL BE CONSIDERED MINIMUM SIZES.
11. FINISH GRADE OF PLANTING BEDS SHALL BE ONE (1) INCH BELOW ADJACENT FLATWORK, UNLESS SPECIFIED OTHERWISE.
12. MULCH OR PLANTING BED DRESSING SHALL BE PLACED IN ALL PLANTING AREAS AS SPECIFIED. MULCH OR PLANTING BED DRESSING SHALL NOT BE PLACED WITHIN SIX (6) INCHES OF TREE TRUNKS. MULCHING SHOULD BE REPEATED ANNUALLY DURING THE AUTUMN TO A THREE (3) INCH DEPTH.
13. ALL PLANT MATERIAL SHOULD RECEIVE AN ORGANIC FERTILIZER IN LIMITED APPLICATION FOLLOWING INSTALLATION. TYPE AND APPLICATION RATE AND METHOD OF APPLICATION TO BE SPECIFIED BY THE CONTRACTOR AND APPROVED BY THE LANDSCAPE ARCHITECT.
14. EXCESS FERTILIZER SHALL BE DISPOSED OF PROPERLY OFF-SITE. IT SHALL NOT BE DISPOSED OF IN STORM DRAINS AND/OR DRYWELLS.
15. STOCKPILED PLANT MATERIAL TO BE PLACED IN THE SHADE AND PROPERLY HAND-WATERED UNTIL PLANTED.
16. MINI-NUGGET TYPE DECORATIVE BARK MULCH WILL BE USED TO RETURN NUTRIENTS TO THE SOIL, REDUCE MAINTENANCE AND MINIMIZE EVAPORATION FOR AREAS APPROXIMATE TO THE RESIDENCE. LARGER SHREDDED BARK MULCH WILL BE USED FOR STEEP AREAS SO SLOUGHING IS LESS LIKELY TO OCCUR.
17. PRESERVE & PROTECT ALL EXISTING VEGETATION INDICATED TO REMAIN AT ALL TIMES.
18. ALL VEGETATION PROPOSED FOR OUTSIDE THE BUILDING ENVELOPE TO BE NATIVE UNLESS OTHERWISE NOTED. PLANTING THAT OCCURS OUTSIDE THE BUILDING ENVELOPE IS FOR RESTORATION PURPOSES ONLY OR IS SPECIFIC TO UTILITIES RESTORATION.
19. SIX (6) INCH PLANT MIX SHALL BE PROVIDED FOR ALL LAWN, TURF, AND NATIVE PLANTING ZONES. 18 INCH PLANT MIX SHALL BE PROVIDED FOR ALL PERENNIAL PLANTING BEDS UNLESS OTHERWISE NOTED.
20. DEVELOPMENTS SHALL COMPLY WITH EXISTING LANDSCAPING REQUIREMENTS, AS WELL AS CHANGES IMPLEMENTED IN THE FUTURE TO CONFORM TO CONTIGUOUS DEVELOPMENTS AND LANDSCAPING PLANS IMPLEMENTED FOR THE CAUSEWAY AND INTERIOR ISLAND AREAS.
21. IRRIGATION PLANS, SCHEDULES AND DETAILS WILL BE PROVIDED ACCORDING TO CH. 18A, MIAMI-DADE LANDSCAPING CODE SEC. 18A(B)(K)(E)(F)

PLANTING PLAN SCHEDULE GROUND FLOOR

ABR	QTTY	BOTANICAL NAME	COMMON NAME	SPECIFICATIONS
TREES				
BSI	3	BURSERA SIMARUBA	GUMBO LIMBO	18' HT / 6" DBH
FBE	1	FICUS BENGHALENSIS	BANYAN TREE	30' x 30'
QVI	1	QUERCUS VIRGINIANA	LIVE OAK	20' x 20'
STREET TREES				
BSI2	3	BURSERA SIMARUBA	GUMBO LIMBO	20' OH / 8" DBH
NATIVE UNDERSTORY TREES				
NUT	69	TBD	TBD	12' OH
PALMS				
AAL	1	ARCHONTOPHOENIX ALEXANDRAE	ALEXANDER PALM	FG 30' OA
AAL	1	ARCHONTOPHOENIX ALEXANDRAE	ALEXANDER PALM	FG 35' OA
AAL	1	ARCHONTOPHOENIX ALEXANDRAE	ALEXANDER PALM	FG 40' OA
CNU1	2	COCOS NUCIFERA	COCONUT PALM	FG 12' CT
CNU2	3	COCOS NUCIFERA	COCONUT PALM	FG 18' CT
CNU3	2	COCOS NUCIFERA	COCONUT PALM	FG 24' CT
SPA1	5	SABAL PALMETTO	SABAL PALM	FG 20' CT
SPA2	5	SABAL PALMETTO	SABAL PALM	FG 25' CT
SPA3	6	SABAL PALMETTO	SABAL PALM	FG 30' CT
SHRUBS & GROUNDCOVERS				
CI	162	CHRYSOBALANUS ICACO	COCOPLUM	7 GAL / 24" O.C.
CN	126	CLUSIA NANA	DUARF CLUSIA	7 GAL / 18" O.C.
FM	533	FICUS MACROCARPA	GREEN ISLAND FICUS	7 GAL / 18" O.C.
HD	876	HELILANTHUS DEBILIS	DUNE SUNFLOWER	1 GAL / 12" O.C.
IP	123	IPOMEA PES-CAPRAE	RAILWOOD VINE	3 GAL / 18" O.C.
PS	442	PHYMATOSORUS SCOLOPENDRIA	WART FERN	3 GAL / 18" O.C.
SR	46	SERENOA REPENS	SILVER SAW PALMETTO	15 GAL / 36" O.C.
GRASSES				
TD	858	TRIPSACUM DACTYLOIDES	FAKAHATCHEE GRASS	7 GAL / 24" O.C.

US GREEN BUILDING COUNCIL - LANDSCAPE

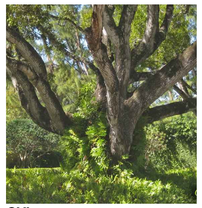
1. **NO INVASIVE PLANTS**
2. **LIMITED CONVENTIONAL TURF - 10% OR LESS**
3. **DROUGHT TOLERANT PLANTS - 85% NATIVE PLANTS WILL REDUCE IRRIGATION DEMAND**
4. **REDUCTION IN WATER DEMAND WITH DRIP IRRIGATION AND RAIN SENSOR**

NOTE:
CONTRACTOR TO PROVIDE LANDSCAPE ARCHITECT WITH $ 15,000 WHOLESALE PLANT ALLOWANCE FOR INFILL PLANTS, ORCHIDS, AND ACCENTS

PLANTING PALETTE


BSI


FBE


QVI

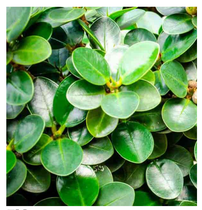

AAL


CNU

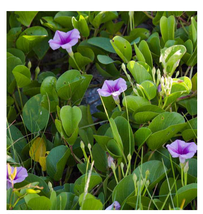

SPA


CI


CN


FM


HD


IP


PS


SR


TD

LANDSCAPE LEGEND

MUNICIPALITY: North Bay Villas
ZONING CLASS: **RM-70** LOT AREA: 33,600 ACRES: 0.7713
ORDINANCE/CODE SECTION: North Bay Village RM-70

		REQUIRED/ ALLOWED	PROVIDED
OPEN SPACE			
A.	Sq. Ft. of required Open Space (Lot area: 33,600; Multiplier: 25%)	8,400	8,400
B.	Sq. Ft. of parking lot open space (Parking Spaces: 2; Multiplier: 10 sf/space)	20	20
C.	Total Sq. Ft. of landscaped Open Space required	8,420	8,420
LAWN AREA			
A.	Total Sq. Ft. of landscaped Open Space	8,420	8,420
B.	Maximum Lawn Area (sod) permitted- (Open space required: 8,420; Multiplier: 20%)	1,684	0
TREES			
A.	Number of trees required per lot, less existing trees (Required Trees/Lot: 28; Net lot acres: 0.7713; Required Trees: 22; Existing trees: 0)	22	22
B.	% Palms allowed (Trees provided: 22; Multiplier: 30%)	7	7
C.	% Native required (Trees provided: 22; Multiplier: 30%)	7	7
D.	% Drought tolerant and low maintenance species required (Trees provided: 22; Multiplier: 50%)	11	11
STREET TREES			
	NO WORK IN THE ROW INCLUDED IN THIS SCOPE		
A.	Street trees (maximum average spacing of 20' o.c.) (Linear ft of street frontage: 240; Multiplier: 35; Existing trees: 0)	7	2
B.	Street trees directly below power lines (Linear ft of street frontage: 20; Multiplier: 20)	0	0
SHRUBS			
A.	Number of shrubs required (Lot and street trees required: 28; Multiplier: 12)	264	264
B.	% Native species required (Shrubs provided: 264; Multiplier: 50%)	132	132
LARGE SHRUBS OR SMALL TREES			
A.	Number of shrubs or small tree required (Shrubs required: 264; Multiplier: 10%)	27	27
B.	% Native species required (Shrubs provided: 27; Multiplier: 50%)	14	14

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Project No.
Sheet Name PLANTING SCHEDULE & NOTES: GROUND FLOOR
Sheet No. L400

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File: Bridlewood - R24-SERVER24-26 - Bridlewood Basic for Architect 23\2114_NORTH BAY VILLAGE\2114_7940 WEST DRIVE - NORTH BAY VILLAGE - MARCH 2023 - by mjuarez - Date: 4/10/2023

LANDSCAPE NOTES

MAINTENANCE REQUIREMENTS

TURF CARE

1. MOWING AND EDGING

- ALL GRASS MUST BE MAINTAINED AT THE RECOMMENDED HEIGHT (SEE APPENDIX I), USING MULCHING, ROTARY TYPE, MOWERS.
- MOWING SHALL BE DONE ONCE EACH WEEK DURING SEASONS OF ACTIVE GROWTH (APRIL THROUGH OCTOBER). FROM NOVEMBER THROUGH MARCH, MOWING WILL BE DONE ONLY AS NECESSARY TO KEEP TURF AREAS NEAT AND TO KEEP WEEDS FROM FLOWERING AND SETTING SEED. NOT MORE THAN ONE-THIRD (1/3) OF THE LEAF BLADES SHALL BE
- REMOVED PER MOWING. MOWER HEIGHTS ARE MEASURED WITH MOWERS ON A FLAT, PAVED SURFACE. MOWER BLADES MUST BE SHARP AT ALL TIMES TO PROVIDE A HIGH QUALITY CUT. ALL EDGING WILL BE DONE AT THE TIME OF MOWING.
- CLIPPINGS WILL BE SWEPT, BLOWN, OR VACUUMED FROM SIDEWALKS, PATIOS, CURBS, AND ROADWAYS IMMEDIATELY AFTER MOWING OR EDGING. THEY WILL NOT BE BLOWN INTO STORM DRAINS. BLOWERS SHALL NOT BE USED IN PARKING LOTS. ANY DAMAGE TO VEHICLES, INCLUDING DAMAGE FROM VEGETATIVE DEBRIS AND GRASS CLIPPINGS, IS THE RESPONSIBILITY OF THE CONTRACTOR.
- MOWING MUST BE DIRECTED AWAY FROM WATER BODIES AND IMPERVIOUS SURFACES. TURFGRASS CLIPPINGS ARE A SOURCE OF SLOW-RELEASE NITROGEN. LEAVING THE CLIPPINGS, RATHER THAN REMOVING AND BAGGING THEM, REDUCES BOTH FERTILIZATION NEEDS AND THE AMOUNT OF PLANT MATERIAL THAT MUST BE DISPOSED. NOTE: NO PLANT MATERIAL IS ALLOWED IN FLORIDA LANDFILLS. NO READILY VISIBLE CLUMPS SHALL REMAIN ON THE GRASS SURFACE AFTER MOWING. LARGE CLUMPS OF CLIPPINGS WILL BE RAKED INTO THE TURF OR IMMEDIATELY COLLECTED AND REMOVED BY THE CONTRACTOR.

2. FERTILIZATION

UF/IFAS GUIDELINES FOR TURFGRASS FERTILIZATION SHALL BE FOLLOWED. THESE CAN BE FOUND IN UF/IFAS PUBLICATION ENH962, "FIGURING OUT FERTILIZER FOR THE HOME LAWN" BY L.E. TRENHOLM AND J.B. UNRUH (HTTP://EDIS.IFAS.UFL.EDU/EP221).

- TURF SHALL NOT BE FERTILIZED WHEN HEAVY RAIN IS EXPECTED. A "RING OF RESPONSIBILITY" WILL BE LEFT AROUND OR ALONG WATER BODIES. THE RING OF RESPONSIBILITY SHALL EXTEND AT LEAST 10 FEET FROM THE EDGE OF THE WATER.
- FERTILIZERS MUST CONTAIN SLOW-RELEASE NITROGEN AND WILL BE APPLIED AT THE RATE OF NO MORE THAN ONE POUND OF NITROGEN PER 1,000 SQUARE FEET. THIS IS CALCULATED BY DIVIDING THE PERCENTAGE OF NITROGEN INTO 100. (EXAMPLE: IF THE RATIO 15-0-15 IS USED, THEN 6.6 POUNDS OF THE FERTILIZER WILL BE SPREAD OVER 1,000 SQUARE FEET OF LAWN AREA).

FLORIDA SOILS ARE NATURALLY HIGH IN PHOSPHORUS; THEREFORE A SOIL TEST SHOULD BE USED TO DETERMINE IF THIS NUTRIENT SHOULD BE APPLIED. IF THE SOIL TEST INDICATES THAT PHOSPHORUS APPLICATION IS NEEDED, APPLY 0.25 POUND OF PHOSPHORUS PER 1,000 SQUARE FEET, NOT TO EXCEED 0.50 POUND ANNUALLY.

- THE FERTILIZER ANALYSIS, RATE OF APPLICATION, AND WATERING IN THE PRODUCT, MUST BE SPECIFIED IN THE CONTRACT.
- FERTILIZATION SCHEDULING SHALL NOT EXCEED THE RECOMMENDATIONS FROM THE UF/IFAS EXTENSION SERVICE AND SHOULD COMPLY WITH THE GREEN INDUSTRIES BEST MANAGEMENT PRACTICES, AND STATE AND LOCAL ORDINANCES. LOCAL FERTILIZER REGULATIONS MAY PROHIBIT THE USE OF NITROGEN FERTILIZERS DURING THE SUMMER MONTHS.

3. INSECT AND DISEASE CONTROL

- SELECT A CONTRACTOR THAT USES INTEGRATED PEST MANAGEMENT (IPM) FOR INSECT, DISEASE, AND WEED CONTROL (SEE APPENDIX II).
- THE DECISION TO APPLY A PESTICIDE MUST BE SUPPORTED BY MONITORING RECORDS (IPM FIELD REPORTS). APPLICATIONS OF INSECTICIDES AND FUNGICIDES WILL BE COORDINATED WITH THE IRRIGATION SCHEDULE.
- PESTICIDES MAY ONLY BE APPLIED BY A LICENSED PESTICIDE APPLICATOR OR TRAINED TECHNICIAN UNDER LICENSEE'S SUPERVISION, AND MUST FOLLOW LAWS AND RULES UNDER FLORIDA STRUCTURAL PEST CONTROL ACT, CHAPTER 482 UNDER FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.
- THE TREATMENT OF FIRE ANT MOUNDS, FLEAS AND TICKS SOMETIMES FALLS OUTSIDE THE ANNUAL CONTRACT AND MAY REQUIRE AN ADDITIONAL BID.

4. WEED CONTROL

WEEDS ARE OFTEN THE RESULT OF THIN, UNTHRIFTY TURFGRASS. CULTURAL PRACTICES THAT ENCOURAGE DEEP, HEALTHY ROOTS COMBINED WITH PROPER FERTILIZATION AND IRRIGATION MAY ALLEVIATE THIS PROBLEM. HOWEVER, TREATMENTS WITH A PRE- OR POST-EMERGENCE HERBICIDE MAY BE NECESSARY.

PRE-EMERGENT HERBICIDES CONTROL WEEDS BEFORE GERMINATION. THE PRODUCTS SELECTED FOR CONTROL MUST BE USED AT THE RECOMMENDED LABEL RATES.

POST-EMERGENT HERBICIDES CONTROL WEEDS AFTER GERMINATION. THEY MUST BE APPLIED ACCORDING TO THE LABEL INSTRUCTIONS, ESPECIALLY THOSE REGARDING FLORIDA TEMPERATURES.

5. THE CONTROL OF SEDGES SOMETIMES FALLS OUTSIDE THE ANNUAL CONTRACT AND MAY REQUIRE AN ADDITIONAL BID.

5. IRRIGATION

IRRIGATION SYSTEMS MUST BE OPERATED IN AN EFFICIENT MANNER THAT MINIMIZES RUN-OFF AND PERCOLATION BEYOND THE ROOT ZONE. IN GENERAL, IRRIGATION SHOULD BE USED ONLY WHEN NECESSARY. THE USE OF AUTOMATIC RAIN SHUT-OFF DEVICES IS REQUIRED BY STATE LAW (EFFECTIVE MAY 1, 1991). SEE APPENDIX IV FOR MORE DETAILED INFORMATION.

6. RENOVATION

TURF RENOVATION FALLS OUTSIDE THE ANNUAL CONTRACT AND WILL REQUIRE AN ADDITIONAL BID. IT IS IMPORTANT TO DETERMINE THE CAUSE OF GRASS DECLINE TO DETERMINE WHETHER TURFGRASS OR A LOW-MAINTENANCE GROUNDCOVER IS THE BETTER OPTION FOR THE AREA. RENOVATION SHOULD COINCIDE WITH THE RAINY SEASON TO REDUCE THE IRRIGATION DEMAND FOR PLANT ESTABLISHMENT.

SHRUB, PALM AND TREE MAINTENANCE

1. PRUNING

PRUNING IS THE SELECTIVE REMOVAL OF PLANT PARTS AND BRANCHES TO IMPROVE HEALTH, CONTROL GROWTH, OR ENHANCE FRUITING, FLOWERING, OR APPEARANCE. CORRECTIVE PRUNING SHALL BE DONE TO MAINTAIN THE NATURAL SHAPE AND CHARACTERISTICS OF THE SPECIES.

- SHRUBS SHALL BE LIGHTLY PRUNED BASED ON THE NEED OF EACH SPECIES. CERTAIN FLOWERING SHRUBS HAVE SPECIFIC TIMES WHEN THEY SHOULD OR SHOULD NOT BE PRUNED.
- PALMS NEED THEIR FOLIAGE FOR PHOTOSYNTHESIS AND ENERGY PRODUCTION. IT IS PREFERABLE NOT TO REMOVE LIVE, HEALTHY FRONDS. DISCOLORATION OF THE LOWER PALM FRONDS CAN BE A SYMPTOM OF NATURAL SENESCENCE (NORMAL AGING), BUT CAN ALSO BE

CAUSED BY NUTRITIONAL DEFICIENCIES. PROPER FERTILIZATION (E.G., POTASSIUM AND MAGNESIUM) PREVENTS PREMATURE LEAF YELLOWING. THERE ARE SEVERAL REASONS FOR PRUNING PALMS:

1. REMOVING DEAD AND DYING LOWER FRONDS IMPROVES THE APPEARANCE OF A PALM.
2. DEAD AND DYING FRONDS AND LOOSE PETIOLES ARE OFTEN WEAKLY ATTACHED AND CAN PLACE PEOPLE AND PROPERTY AT RISK SHOULD THEY FALL. REMOVING DEAD AND DYING PALM FRONDS WILL REDUCE THIS RISK.
3. FLOWER AND FRUIT CLUSTERS, ESPECIALLY IN PUBLIC LANDSCAPES, CAN BE MESSY AS WELL AS HAZARDOUS. IN ADDITION, SOME PALMS GENERATE LARGE NUMBERS OF SEEDLINGS NEAR THE PLANT. REMOVING FLOWERS OR FRUIT REDUCES THE NUMBER OF POTENTIAL SEEDLINGS.

AVOID REMOVING FRONDS THAT ARE GROWING HORIZONTALLY OR GROWING UPWARD (I.E., RETAIN ALL FRONDS WITHIN A "9AM - 3PM" FRAME). FRONDS SHOULD BE CUT CLOSE TO THE PETIOLE BASE WITHOUT DAMAGING LIVING TRUNK TISSUE. DEAD FRONDS MAY BE REMOVED WITH A SMALL CHAIN SAW, AND DEVELOPING FLOWER AND FRUIT STALKS THAT EMERGE BETWEEN LIVE FRONDS SHALL BE CUT WITH A HAND SAW TO AVOID INJURY TO THE SURROUNDING PALM FRONDS. THE COST OF PRUNING PALMS OVER 15 FEET TALL AND THE REMOVAL OF SUCKERS FROM CLUMPING PALMS USUALLY FALLS OUTSIDE THE ANNUAL CONTRACT AND MAY REQUIRE AN ADDITIONAL BID.

THE CENTRAL LEADERS (TRUNKS) OF ALL TREES SHALL BE MAINTAINED (NO TOPPING, HAT-RACKING, OR "LOLLIPOP" SHAPES). INTERFERING OR CROSSED LIMBS SHALL BE REMOVED. ALL BRANCHES SHALL BE REMOVED USING "COLLAR CUTS." SUCKER GROWTH AT THE BASE OF TREES SHALL BE REMOVED BY HAND. HERBICIDES SHALL NOT BE USED FOR THIS PURPOSE. AESTHETIC PRUNING SHALL CONSIST OF THE REMOVAL OF DEAD OR BROKEN BRANCHES AS OFTEN AS NECESSARY TO HAVE TREES APPEAR NEAT AT ALL TIMES. BRANCHES AND LIMBS SHALL BE KEPT A MINIMUM OF TWO FEET AWAY FROM ALL BUILDINGS, ESPECIALLY ROOFS. TREES BY SIDEWALKS AND PARKING LOTS SHALL BE MAINTAINED TO PROVIDE CLEARANCE FOR PEDESTRIANS AND VEHICLES. PRUNING OF LARGE TREES OVER 15 FEET TALL FALLS OUTSIDE THE ANNUAL CONTRACT AND MAY REQUIRE THE CONTRACTOR TO USE THE SERVICES OF AN ISA-CERTIFIED ARBORIST AT ADDITIONAL COST. THE REMOVAL OF LIVING OR DEAD TREES WILL ALSO REQUIRE AN ADDITIONAL BID AND MAY

- FLORIDA SOILS ARE NATURALLY HIGH IN PHOSPHORUS; THEREFORE A SOIL TEST SHOULD BE USED TO DETERMINE IF THIS NUTRIENT SHOULD BE APPLIED. IF THE SOIL TEST INDICATES THAT PHOSPHORUS APPLICATION IS NEEDED, APPLY 0.25 POUND OF PHOSPHORUS PER 1,000 SQUARE FEET, NOT TO EXCEED 0.50 POUND ANNUALLY.
- THE FERTILIZER ANALYSIS, RATE OF APPLICATION, AND WATERING IN THE PRODUCT, MUST BE SPECIFIED IN THE CONTRACT.
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WEEDS ARE OFTEN THE RESULT OF THIN, UNTHRIFTY TURFGRASS. CULTURAL PRACTICES THAT ENCOURAGE DEEP, HEALTHY ROOTS COMBINED WITH PROPER FERTILIZATION AND IRRIGATION MAY ALLEVIATE THIS PROBLEM. HOWEVER, TREATMENTS WITH A PRE- OR POST-EMERGENCE HERBICIDE MAY BE NECESSARY.

PRE-EMERGENT HERBICIDES CONTROL WEEDS BEFORE GERMINATION. THE PRODUCTS SELECTED FOR CONTROL MUST BE USED AT THE RECOMMENDED LABEL RATES.

POST-EMERGENT HERBICIDES CONTROL WEEDS AFTER GERMINATION. THEY MUST BE APPLIED ACCORDING TO THE LABEL INSTRUCTIONS, ESPECIALLY THOSE REGARDING FLORIDA TEMPERATURES.

THE CONTROL OF SEDGES SOMETIMES FALLS OUTSIDE THE ANNUAL CONTRACT AND MAY REQUIRE AN ADDITIONAL BID.

5. IRRIGATION

IRRIGATION SYSTEMS MUST BE OPERATED IN AN EFFICIENT MANNER THAT MINIMIZES RUN-OFF AND PERCOLATION BEYOND THE ROOT ZONE. IN GENERAL, IRRIGATION SHOULD BE USED ONLY WHEN NECESSARY. THE USE OF AUTOMATIC RAIN SHUT-OFF DEVICES IS REQUIRED BY STATE LAW (EFFECTIVE MAY 1, 1991). SEE APPENDIX IV FOR MORE DETAILED INFORMATION.

6. RENOVATION

TURF RENOVATION FALLS OUTSIDE THE ANNUAL CONTRACT AND WILL REQUIRE AN ADDITIONAL BID. IT IS IMPORTANT TO DETERMINE THE CAUSE OF GRASS DECLINE TO DETERMINE WHETHER TURFGRASS OR A LOW-MAINTENANCE GROUNDCOVER IS THE BETTER OPTION FOR THE AREA. RENOVATION SHOULD COINCIDE WITH THE RAINY SEASON TO REDUCE THE IRRIGATION DEMAND FOR PLANT ESTABLISHMENT.

SHRUB, PALM AND TREE MAINTENANCE

1. PRUNING

PRUNING IS THE SELECTIVE REMOVAL OF PLANT PARTS AND BRANCHES TO IMPROVE HEALTH, CONTROL GROWTH, OR ENHANCE FRUITING, FLOWERING, OR APPEARANCE. CORRECTIVE PRUNING SHALL BE DONE TO MAINTAIN THE NATURAL SHAPE AND CHARACTERISTICS OF THE SPECIES.

- SHRUBS SHALL BE LIGHTLY PRUNED BASED ON THE NEED OF EACH SPECIES. CERTAIN FLOWERING SHRUBS HAVE SPECIFIC TIMES WHEN THEY SHOULD OR SHOULD NOT BE PRUNED.
- PALMS NEED THEIR FOLIAGE FOR PHOTOSYNTHESIS AND ENERGY PRODUCTION. IT IS PREFERABLE NOT TO REMOVE LIVE, HEALTHY FRONDS. DISCOLORATION OF THE LOWER PALM FRONDS CAN BE A SYMPTOM OF NATURAL SENESCENCE (NORMAL AGING), BUT CAN ALSO BE

REQUIRE A TREE REMOVAL PERMIT FROM THE LOCAL MUNICIPALITY.

2. FERTILIZATION

ESTABLISHED TREES AND SHRUBS (THOSE OVER THREE YEARS OLD) GENERALLY DO NOT NEED SUPPLEMENTAL FERTILIZER UNLESS THEY ARE DEFICIENT IN A SPECIFIC NUTRIENT. OVER-FERTILIZATION ENCOURAGES EXCESSIVE GROWTH THAT RESULTS IN INCREASED DEMAND FOR PRUNING.

DURING THE ESTABLISHMENT PHASE, SHRUBS, TREES, AND GROUND COVERS SHALL BE FERTILIZED WITH A SLOW-RELEASE FERTILIZER AT THE RATE OF NO MORE THAN ONE POUND OF NITROGEN PER 1,000 SQUARE FEET OF PLANTING AREA. THE FERTILIZER SHALL CONTAIN BOTH NITROGEN AND POTASSIUM, IN SLOW-RELEASE FORM. A SOIL TEST SHOULD BE USED TO DETERMINE IF MAGNESIUM (MG), AND MINOR ELEMENTS SUCH AS IRON AND MANGANESE ARE NEEDED. IF THE SOIL TEST INDICATES THAT THESE ELEMENTS ARE NEEDED, FERTILIZER SHOULD CONTAIN 3% - 5% MAGNESIUM (MG) AND 1% - 2% OF IRON AND MANGANESE.

FERTILIZER TYPE DEPENDS ON SOIL CONDITIONS. NUTRITIONAL DEFICIENCIES MAY DEVELOP DUE TO SOIL CONDITIONS, SUCH AS ALKALINE PH OR COMPACTED SOILS, OR DAMAGED AND DISEASED ROOT SYSTEMS. DEFICIENCIES OF SPECIFIC NUTRIENTS SHALL BE TREATED WITH APPLICATIONS OF THE NEEDED NUTRIENT IN ACCORDANCE WITH UF/IFAS RECOMMENDATIONS UNTIL DEFICIENCIES ARE CORRECTED.

FERTILIZER SHALL BE BROADCAST AROUND PLANTS UNIFORMLY, BUT WILL NEVER DIRECTLY CONTACT STEMS AND TRUNKS. FERTILIZERS SHALL BE SPREAD EVENLY UNDER TREE CANOPIES (FROM THE OUTER EDGE DRIP LINE INWARD).

PALMS SHALL BE FERTILIZED WITH A GRANULAR, SLOW-RELEASE FERTILIZER THREE TO FOUR TIMES PER YEAR. AN ACCEPTABLE FORMULATION IS 8-2-12-4 (N, P, K, MG PLUS MICRO-ELEMENTS). MATURE PALMS REQUIRE FIVE POUNDS OF FERTILIZER PER APPLICATION. FOR PALMS UNDER TEN FEET TALL, TWO POUNDS PER APPLICATION WILL BE ADEQUATE.

PALMS' NUTRITIONAL REQUIREMENTS DIFFER FROM THOSE OF OTHER LANDSCAPE PLANTS. THEY SUFFER QUICKLY AND CONSPICUOUSLY FROM INADEQUATEMINERAL NUTRITION, WHETHER DUE TO INSUFFICIENT OR INCORRECT FERTILIZATION. DEFICIENCIES IN POTASSIUM, MAGNESIUM, MANGANESE, AND BORON ARE MUCH MORE PREVALENT AND SERIOUS THAN NITROGEN DEFICIENCY. POTASSIUM DEFICIENCY IS THE MOST WIDESPREAD AND SERIOUS OF ALL DISORDERS IN FLORIDA PALMS. MAGNESIUM DEFICIENCY IS ALSO QUITE COMMON IN FLORIDA PALMS, BUT ESPECIALLY IN PHOENIX SPECIES. MANGANESE DEFICIENCY OR "FRIZZLETOP" IS A COMMON PROBLEM IN PALMS GROWING IN THE ALKALINE SOILS THAT COVER MUCH OF SOUTH FLORIDA. THE COST OF MONITORING AND CORRECTING THESE PROBLEMS MAY BE BUILT INTO THE CONTRACT OR IT MAY BE CONSIDERED AN ADDITIONAL, EXTERNAL COST.

3. FERTILIZATION SCHEDULING SHALL NOT EXCEED THE RECOMMENDATIONS FROM THE UF/IFAS EXTENSION SERVICE AND SHOULD COMPLY WITH THE GREEN INDUSTRIES BEST MANAGEMENT PRACTICES, AND STATE AND LOCAL ORDINANCES. LOCAL FERTILIZER REGULATIONS MAY PROHIBIT THE USE OF NITROGEN FERTILIZERS DURING THE SUMMER MONTHS.

3. INSECT AND DISEASE CONTROL

AS MENTIONED ABOVE, CONTRACTOR WILL USE INTEGRATED PEST MANAGEMENT (IPM) PRACTICES AS MENTIONED IN APPENDIX II. THE CONTRACTOR MUST ADHERE TO STATE OF FLORIDA REGULATIONS GOVERNING THE USE OF PESTICIDES.

4. WEED CONTROL

ALL AREAS AROUND TREES, PALMS, AND SHRUBS MUST BE MULCHED AND MAINTAINED WEED FREE. DURING MONTHS OF ACTIVE GROWTH, WEED CONTROL MUST BE ACCOMPLISHED EVERY WEEK.

- ORNAMENTAL BEDS, HEDGE AREAS, AND TREE BASINS WILL BE KEPT WEED FREE BY SUCH MECHANICAL MEANS AS HOEING OR HAND PULLING, AND/OR BY HERBICIDE APPLICATIONS. THROUGH PROPER CULTURAL PRACTICES OF WEEKLY HAND PULLING AND SELECTIVE SPOT TREATMENTS WITH HERBICIDES, USE OF LABOR AND HERBICIDES WILL EVENTUALLY BE GREATLY REDUCED.
- WHERE CHEMICAL WEED CONTROL IS THOUGHT TO BE NECESSARY, CONTRACTORS ARE ENCOURAGED TO USE THE LEAST TOXIC, TARGET-SPECIFIC MATERIALS AND METHODS.

THE MULCHED AREAS AROUND TREES AND PALMS SHALL BE KEPT CLEAN OF GRASS AND WEEDS TO A MINIMUM OF TWENTY-FOUR INCHES FROM THE TRUNK. LARGE TREES AND PLANT GROUPINGS WILL REQUIRE LARGER MULCHED AREAS. IDEALLY, THE MULCHED AREA IS EQUAL TO THE DRIP LINE ON A LARGE CANOPY TREE. EDGING AROUND TREES AND SHRUB BEDS SHALL BE PERFORMED AFTER EACH MOWING USING HAND LABOR OR EDGERS.

STRING TRIMMERS WILL BE USED FOR YEAR-ROUND WEED CONTROL IN SIDEWALKS, PATIO AREAS, PARKING LOTS, CURBS, AND OTHER HARD-SCAPED AREAS. THIS WILL BE DONE WEEKLY IN ORDER TO CONTROL WEEDS WITHOUT HERBICIDE APPLICATION.

MOWERS AND STRING TRIMMERS CAN DAMAGE TREES. TRUNKS BUMPED AND INJURED BY MOWERS CAN BECOME STRESSED, AND AREAS OF DAMAGE SERVE AS ENTRY POINTS FOR DISEASE AND DECAY. THE WHIPPING ACTION OF THE NYLON STRING ON A TRIMMER CAN DE-BARK A YOUNG TREE AND KILL IT. CAREFUL USE OF STRING TRIMMERS AND MOWERS IN THE LANDSCAPE IS IMPERATIVE.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPLACEMENT OF ORNAMENTAL PLANTS KILLED OR DAMAGED BY HERBICIDE APPLICATION OR MECHANICAL EQUIPMENT.

5. IRRIGATION

IRRIGATION SHOULD BE USED ONLY WHEN NECESSARY. THE USE OF AUTOMATIC RAIN SHUT-OFF DEVICES IS REQUIRED BY STATE LAW (EFFECTIVE MAY 1, 1991). FOR MORE DETAILED INFORMATION, SEE APPENDIX III.

6. MULCH

MULCHES ARE AN INCREASINGLY IMPORTANT PART OF THE FLORIDA URBAN LANDSCAPE. A MULCHED LANDSCAPE REDUCES SOIL AND WATER RUN-OFF, HOLDS MOISTURE IN THE ROOT ZONE AND INHIBITS WEEDS.

- MULCH SHALL BE MAINTAINED AT A DEPTH OF AT LEAST TWO INCHES. WHEN ADDITIONAL MULCH IS NECESSARY, THE CONTRACTOR SHOULD PRESENT A SEPARATE BID FOR APPROVAL.
- THE USE OF MULCHES MADE FROM SUSTAINABLE MATERIALS SUCH AS RECYCLED HARDWOOD MULCH, MELALEUCA (PUNK) TREES, EUCALYPTUS, PINE NEEDLES, AND PINE BARK IS RECOMMENDED. GRADE B

CYPRESS MULCHES MADE FROM WHOLE TREE WOOD ARE NOT PERMITTED BECAUSE HARVESTING FROM THE WILD DEPLETES CYPRESS WETLANDS.

- A 2-INCH SPACE SHOULD BE LEFT BETWEEN THE TRUNKS OF PLANTS AND THE MULCH.
- IF MULCH IS INSTALLED IMPROPERLY, THE CONTRACTOR IS RESPONSIBLE FOR CORRECTION, AT NO ADDITIONAL CHARGE. ANY EQUIPMENT (E.G., BOBCAT), NECESSARY TO FACILITATE MULCHING SHALL BE INCLUDED IN THE PRICE SUBMITTED.

LITTER AND DEBRIS REMOVAL

CONTRACTOR SHALL PICK UP ALL DEBRIS GENERATED (WITH THE EXCEPTION OF GRASS CLIPPINGS AND FALLEN LEAVES) WHILE MAINTAINING THE PROPERTY. OTHER DEBRIS FROM HURRICANES, FREEZES AND OTHER NATURAL EVENTS FALL OUTSIDE THE ANNUAL CONTRACT AND MAY REQUIRE A SEPARATE BID.

WARRANTIES

CONTRACTOR SHALL REPLACE, AT HIS/HER EXPENSE, ANY PLANTS OR TURF THAT DETERIORATE OR DIE DUE TO HIS, OR HIS EMPLOYEES', ACTIONS. THIS DOES NOT INCLUDE LOSSES DUE TO DAMAGE FROM ACTS OF GOD, VANDALISM OR HUMAN ABUSE OTHER THAN THAT CAUSED BY THE CONTRACTOR. PALMS AND CITRUS ARE SPECIAL CASES BECAUSE THESE SPECIES ARE SUSCEPTIBLE TO CERTAIN LETHAL DISEASES NOT NORMALLY RELATED TO CULTURAL PRACTICES.

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Project

7940 WEST DRIVE
NORHT BAY VILLAGE
7940 WEST DRIVE
NORTH BAY VILLAGE, FL 33141

Revisions

1	RESPONSES TO PLANNING COMMENTS	07/18/2023
2	RESPONSES TO PLANNING COMMENTS	08/29/2023

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SEAL (MARSH C. KRIPLEN-LA6667007)

SITE PLAN SUMISSION

Date 06/12/2023
Scale AS SHOWN
Project No.
Sheet Name LANDSCAPE NOTES
Sheet No. L401

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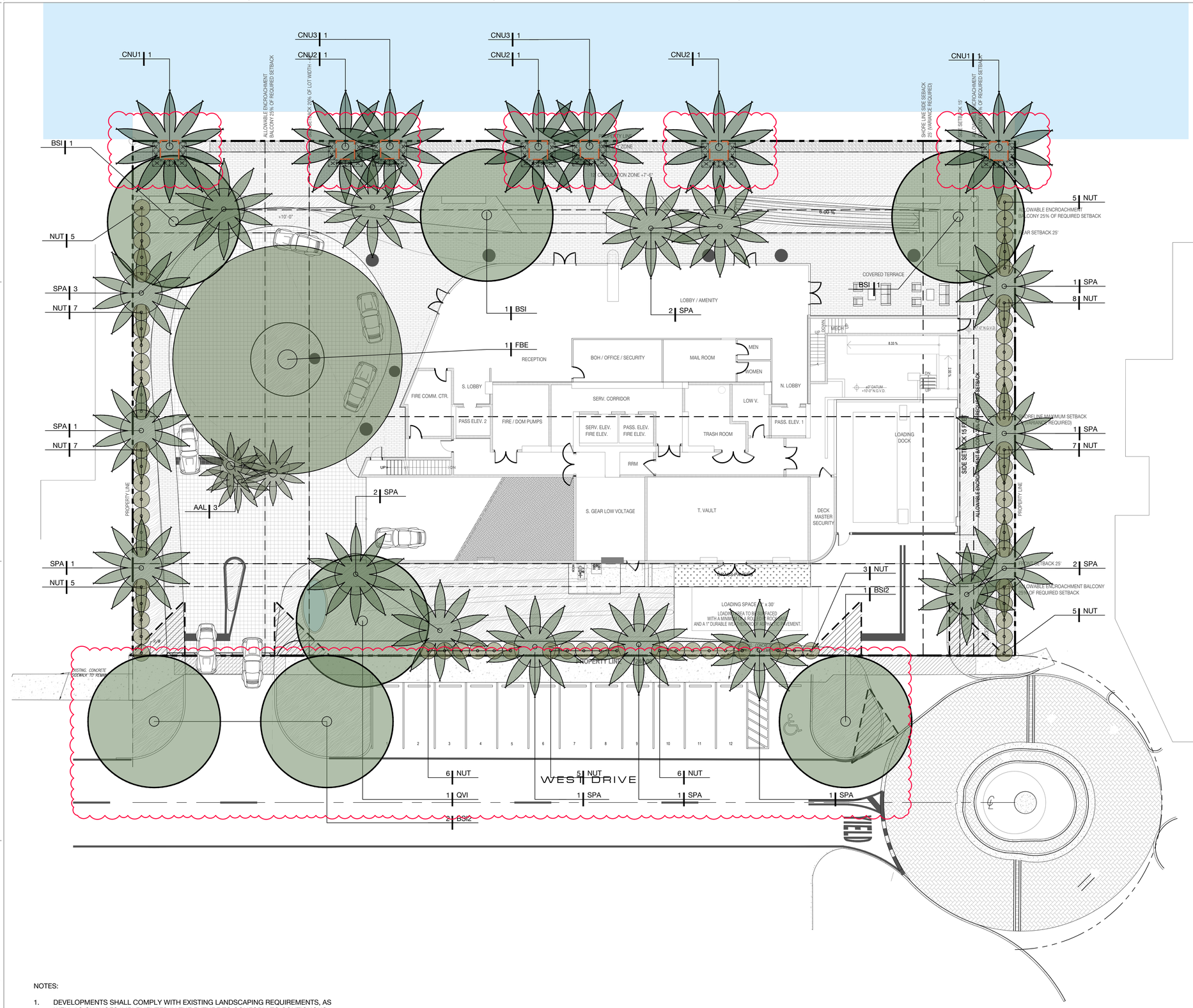
File: BIMcloud: RAI-SERVER2-25 - BIMcloud Basic for Archicad 25/2114 NORTH BAY VILLAGE/2114 7940 WEST DRIVE - NORTH BAY VILLAGE- MARCH 2023 - By mguedez - Date: 4/10/2023



LEGEND

- PROPOSED PALM
- PROPOSED TREE
- OUTER EDGE OF PALM OPENING / TREE ROOT PACKAGE ON SIVA CELL SYSTEM

NORTH SCALE 3/32"=1'-0"

0 4' 8'

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SEAL (MARSH C. KRIPLEN-LA6667007)

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Date
06/12/2023

Scale
AS SHOWN

Project No.

Sheet Name
TREES & PALMS PLANTING PLAN GROUND FLOOR

Sheet No.
L410

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LEGEND

TYP # — PROPOSED SHRUB OR GROUNDCOVER

ALLOWABLE ENCROACHMENT BALCONY 25% OF REQUIRED SETBACK
SIDE SETBACK 20% OF LOT WIDTH - 48'
PROPERTY LINE
SHORE LINE SIDE SEBACK 25' (VARIANCE REQUIRED)
SIDE SETBACK 15'
ALLOWABLE ENCROACHMENT BALCONY 25% OF REQUIRED SETBACK
CN 28 | CN 28 | CN 30 | CN 12 | CN 28
TD 136 | HD 243 | TD 49 | TD 35 | HD 185 | TD 95 | TD 40
+10'-0"
FLOOD ZONE +7'-6"
6.00 %
REAR SETBACK 25'
ALLOWABLE ENCROACHMENT BALCONY 25% OF REQUIRED SETBACK
COVERED TERRACE
LOBBY / AMENITY
MECH.
UP
DN
8.33 %
1.20 %
+2'-0" N.G.V.D.
TD 34 | CI 45
RECEPTION
BOH / OFFICE / SECURITY
MAIL ROOM
MEN
WOMEN
S. LOBBY
N. LOBBY
FIRE COMM. CTR.
SERV. CORRIDOR
LOW V.
+0'-0" DATUM +10'-0" N.G.V.D.
CI 54 | CI 63
SHORELINE MAXIMUM SETBACK 75' (VARIANCE REQUIRED)
PASS ELEV. 2
FIRE / DOM PUMPS
SERV. ELEV. FIRE ELEV.
PASS. ELEV. FIRE ELEV.
TRASH ROOM
PASS. ELEV. 1
LOADING DOCK
RS 195 | TD 48
RRM
S. GEAR LOW VOLTAGE
T. VAULT
DECK MASTER SECURITY
SIDE SETBACK 15'-0"
ALLOWABLE ENCROACHMENT BALCONY 25% OF REQUIRED SETBACK
TD 11
TD 53
FRONT SETBACK 25'
ALLOWABLE ENCROACHMENT BALCONY 25% OF REQUIRED SETBACK
FM 20 | PS 118 | TD 120 | SR 46 | TD 60 | TD 53
GRASS PAVERS
LOADING SPACE 12' x 30'
LOADING AREA TO BE SURFACED WITH A MINIMUM OF A ROLLED IT ROCK BASE AND A 1" DURABLE WEATHERPROOF ASPHALTIC PAVEMENT.
TD 48 | TD 79 | HD 279 | IP 123 | FM 8
PS 120 | HD 169
PROPERTY LINE 248.00'
EXISTING CONCRETE SIDEWALK TO REMAIN
FM 98 | FM 231 | FM 166
1 2 3 4 5 6 7 8 9 10 11 12
WEST DRIVE
YIELD

NOTES:

1. DEVELOPMENTS SHALL COMPLY WITH EXISTING LANDSCAPING REQUIREMENTS, AS WELL AS CHANGES IMPLEMENTED IN THE FUTURE TO CONFORM TO CONTIGUOUS DEVELOPMENTS AND LANDSCAPING PLANS IMPLEMENTED FOR THE CAUSEWAY AND INTERIOR ISLAND AREAS.
2. IRRIGATION PLANS, SCHEDULES AND DETAILS WILL BE PROVIDED ACCORDING TO CH. 18A, MIAMI-DADE LANDSCAPING CODE SEC. 18A(B)(K)(E)(F)

NORTH SCALE 3/32"=1'-0" (0, 4', 8')

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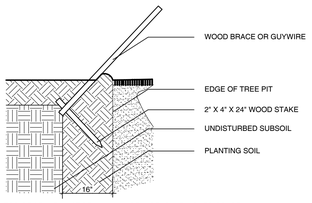
Project No.

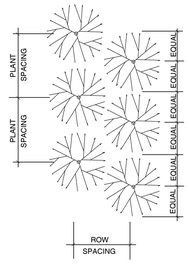
Sheet Name
UNDERSTORY PLANTING PLAN GROUND FLOOR

Sheet No.
L420



TOP OF STAKE MUST BE MINIMUM OF 3" BELOW FINISHED GRADE

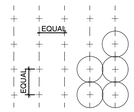
1 STAKING DETAIL
SCALE: NOT TO SCALE



PLANT SPACING	ROW SPACING
12"	10.4"
18"	15.6"
24"	20.8"
30"	26.0"
36"	31.2"
48"	41.6"
60"	52.0"

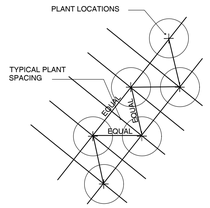
2 PLANT SPACING
SCALE: NOT TO SCALE

NOTE:
IN MOST CASES TRIANGULAR SPACING IS PREFERRED. USE SQUARE SPACING ONLY IN SMALL RECTILINEAR AREAS.

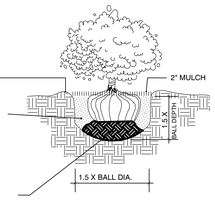


TYPICAL PLANT SPACING

SQUARE SPACING PLAN



TRIANGULAR SPACING PLAN



3 SHRUB PLANTING
SCALE: NOT TO SCALE

PREPARATION:
STORE ALL MATERIAL IN DRY, CLEAN AREA, COVER TO PROTECT FROM RAIN AND MINIMIZE DUST. COORDINATE RUN-OFF CONTROL WITH GENERAL CONTRACTOR.
TEST EXISTING SOIL TO ENSURE IT IS FREE OF EXCESSIVE CLAY OR SALT AND ANY CHEMICALS/PETROCHEMICALS WHICH MAY HARM PLANT HEALTH.

EXISTING MATERIAL:
IF INCORPORATING EXISTING SITE SOIL REMOVE ALL ROOTS, AND ROCK LARGER THAN 2" IN SIZE. REMOVE ALL PLASTIC, METAL AND MANMADE DETRITUS.

MIX:
50% EXISTING SOIL
10% COCO PEAT
10% COMPOST
20% CLEAN SAND
10% PERLITE

BLEND QUANTITIES NEEDED BY HAND OR MACHINE.

INSTALLATION:
REFER TO APPROPRIATE DETAILS FOR AMENDMENTS, COMPACTION DEPTHS ETC.

GENERAL: REFER TO LANDSCAPE NOTES FOR ADDITIONAL INFORMATION

4 PLANTING SOIL- TYPICAL

MULCH A:
PINE STRAW, FOR USE IN GENERAL PLANTING AREAS AND ON SLOPES GREATER THAN 10%

MULCH B:
MINI PINE BARK NUGGETS, FOR USE IN SPECIALTY AREAS

MULCH C:
MELALEUCA MULCH, FOR USE IN GENERAL PLANTING AREAS AND ON SLOPES GREATER THAN 10%

BLEND QUANTITIES NEEDED BY HAND OR MACHINE.

INSTALLATION:
REFER TO APPROPRIATE DETAILS FOR EXTENTS AND DEPTHS.

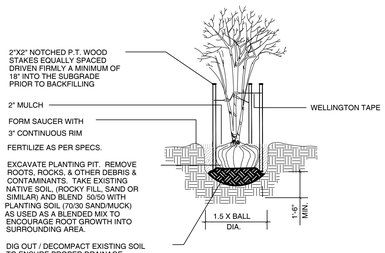
GENERAL: REFER TO LANDSCAPE NOTES FOR ADDITIONAL INFORMATION. CONFIRM TYPE TO BE USED WITH LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.

5 MULCH- TYPICAL

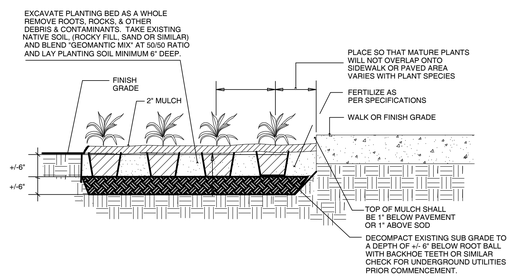
MIX:
5050- MUCK AND FINE SAND

SUPPLIER: ATLAS PEAT AND SOIL 561.734.7300

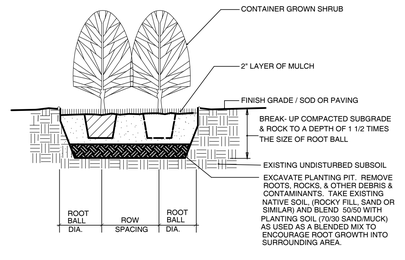
6 PLANTING SOIL- LAWN TOP DRESSING



7 MULTI TRUNK TREE- PLANTNG & STAKING
SCALE: NOT TO SCALE

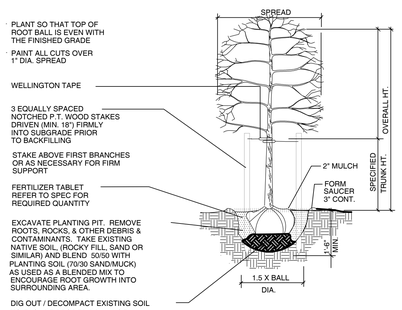


8 SHRUB- HEDGE AND MASS PLANTING
SCALE: NOT TO SCALE



9 SHRUB- HEDGE AND MASS PLANTING
SCALE: NOT TO SCALE

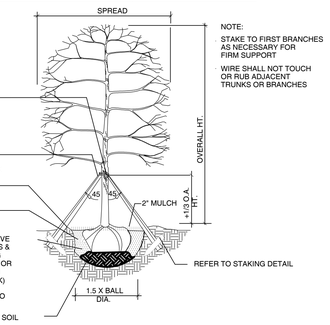
CALIPER	TIES	STRANDS	STAKES
1" - 1 1/2"	2	1 # 12	2 - 2 X 2
1 1/2" - 2"	3	1 # 12	3 - 2 X 2
2" - 3"	3	2 # 12	2 - 2 X 2



NOTE:
USE FOR 3" OR LESS SINGLE STEM TREES & PALMS

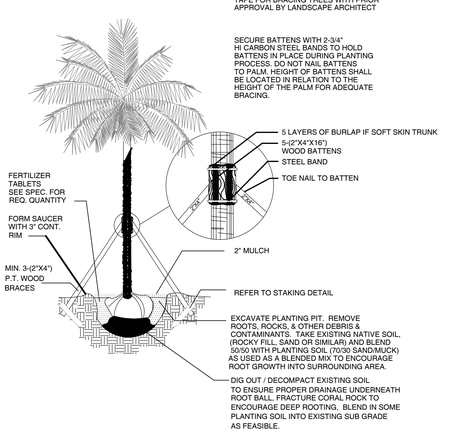
10 CANOPY AND PALM TREE- PLANTING & VERTICAL STAKING
SCALE: NOT TO SCALE

CALIPER	CLEATS	STRAPS	BRACES	NAILS
3" - 8"	2 x 4 x 8"	1 # 12	3 - 2 X 4	2 - 16d
8" - 10"	2 x 4 x 12"	1 # 12	3 - 2 X 4	3 - 16d
10" - 16"	2 x 4 x 12"	2 # 12	4 - 2 X 4	3 - 16d



NOTE:
USE FOR 3" TO 12' SINGLE TRUNK TREES

11 CANOPY TREE- PLANTING & TRIPLE BRACE STAKING
SCALE: NOT TO SCALE



12 PALM- PLANTING & STAKING
SCALE: NOT TO SCALE

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Project

7940 WEST DRIVE
NORHT BAY VILLAGE
7940 WEST DRIVE
NORTH BAY VILLAGE, FL 33141

Revisions

1	RESPONSES TO PLANNING COMMENTS	07/18/2023
2	RESPONSES TO PLANNING COMMENTS	08/29/2023

Owner Information

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Consultant

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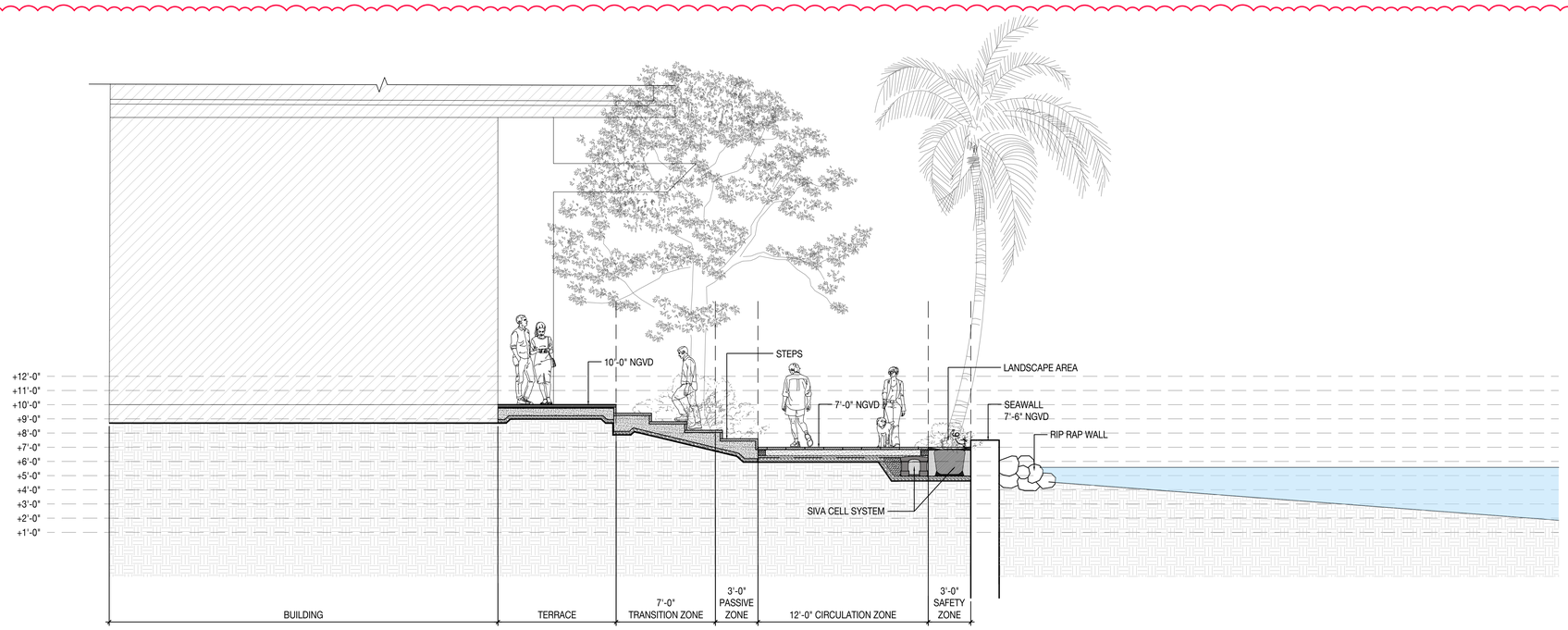
SEAL (MARSH C. KRIPLEN-LA6667007)

SITE PLAN SUMISSION

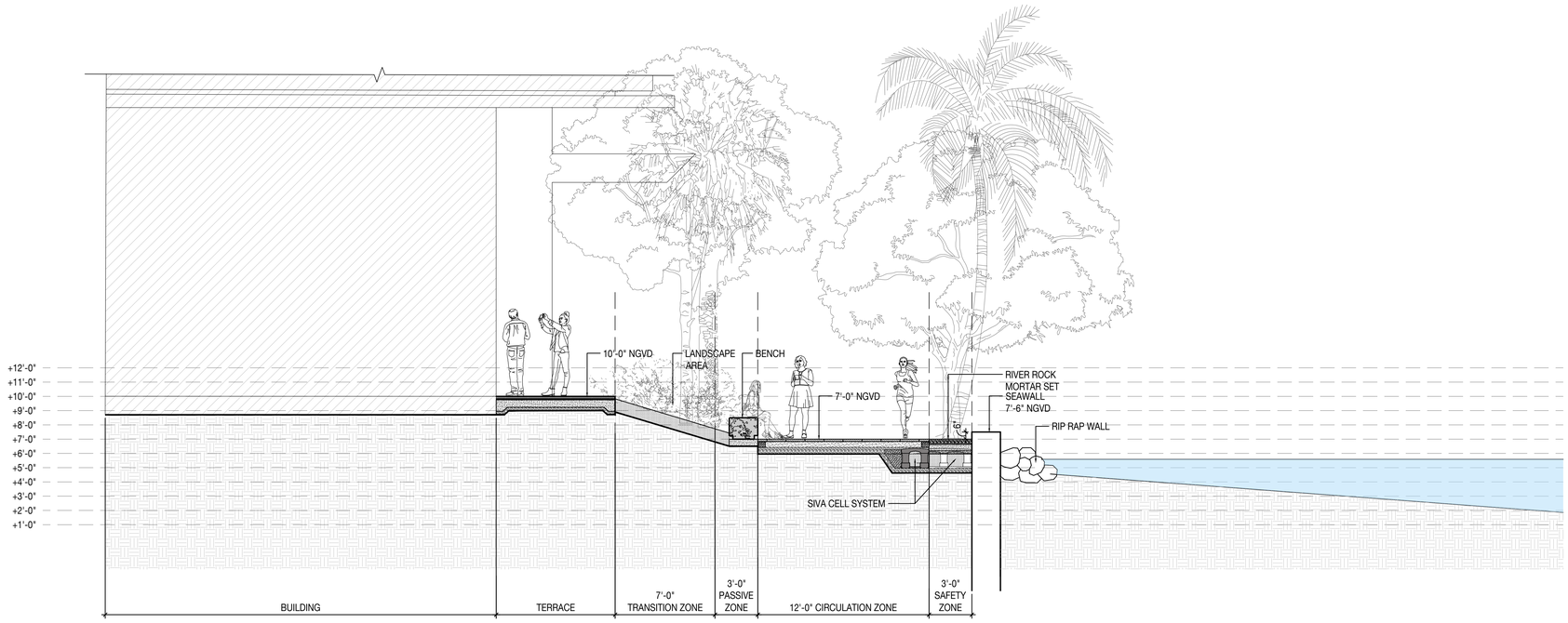
Date
06/12/2023
Scale
AS SHOWN
Project No.

Sheet Name
PLANTING DETAILS
Sheet No.
L450



1 SECTION 1

Scale: 1/4" = 1'- 0"



2 SECTION 2

Scale: 1/4" = 1'- 0"

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Sheet Name
SECTIONS

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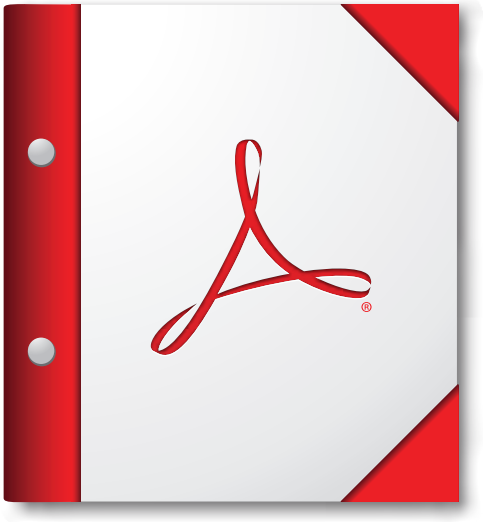

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DOWNLIGHT

NORMAL	EMERGENCY	CRITICAL	
			RECESSED
			RECESSED [SQUARE]
			SURFACE
			SURFACE [SQUARE]
			ADJUSTABLE

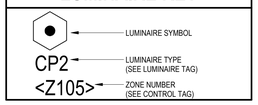
CHARACTER

NORMAL	EMERGENCY	CRITICAL	
			SURFACE
			PENDANT
			WALL
			BASE
			BASE W/ HEAD

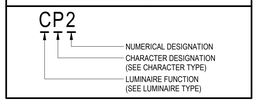
SPECIALTY

NORMAL	EMERGENCY	CRITICAL	
			SURFACE
			WALL
			TRACK
			PLUG-IN
			MOVING

LUMINAIRE KEY



LUMINAIRE TAG



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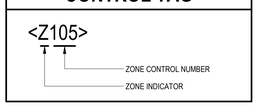


ABBREVIATION

ABV	ABOVE
AFF	ABOVE FINISH FLOOR
AFG	ABOVE FINISH GRADE
ADJ	ADJUSTABLE
ARCH	ARCHITECTURAL
BLDG	BUILDING
BO	BY OTHERS
BOT	BOTTOM
BEL	BELOW
CBX	CONTROL BOX
CLG	CEILING
CONSTR	CONSTRUCTION
CONTR	CONTRACTOR
CONT	CONTINUOUS
E	EAST
EL	ELEVATION
ELEC	ELECTRICAL
EQ	EQUAL
EXT	EXTERIOR
FL	FLOOR
FLUOR	FLUORESCENT
FT	FOOT OR FEET
GC	GENERAL CONTRACTOR
GND	GROUND
GR	GRADE
HGT	HEIGHT
HORIZ	HORIZONTAL
ID	INSIDE DIAMETER
IN	INCH
INFO	INFORMATION
INT	INTERIOR
L	LENGTH
LT	LIGHT
MFG	MANUFACTURER
N	NORTH
NO	NUMBER
NOM	NOMINAL
NTS	NOT TO SCALE
OC	ON CENTER
OD	OUTSIDE DIAMETER
OFOI	OWNER FURNISHED OWNER INSTALLED
OPP	OPPOSITE
OVHD	OVERHEAD
PSU	POWER SUPPLY UNIT
REV	REVISION
RCP	REFLECTED CEILING PLAN
S	SOUTH
SCHED	SCHEDULE
SECT	SECTION
SHT	SHEET
SIM	SIMILAR
SPEC	SPECIFICATION
STD	NORMAL
STR	STRUCTURE
TBD	TO BE DETERMINED
TYP	TYPICAL
UON	UNLESS OTHERWISE NOTED
W	WEST, WIDTH, OR WOOD
W/	WITH
W/O	WITHOUT
WP	WATERPROOF
XFMR	TRANSFORMER

GENERAL NOTES

1. ALL INFORMATION PROVIDED ON THIS SHEET MAY NOT BE IMPLEMENTED INTO THE PROJECT.
2. "LD" DRAWINGS ARE FOR INFORMATION ONLY. REFER TO THE ELECTRICAL DRAWING FOR CIRCUIT INFORMATION.
3. REFER TO FIXTURE SPECIFICATIONS FOR COMPLETE FIXTURE INFORMATION.
4. REFER TO FIXTURE MOUNTING DETAIL SHEETS FOR SPECIFIC MOUNTING CONDITIONS.
5. CONTRACTOR TO PROVIDE TRANSFORMERS AND BALLASTS FOR ALL FIXTURES SPECIFIED AS REMOTE TRANSFORMERS OR BALLAST. ALL TRANSFORMERS AND BALLAST SPECIFIED AS REMOTE SHALL BE MOUNTED OUT OF VIEW OF GUESTS.
6. CONTRACTOR TO CONFIRM ALL REMOTE TRANSFORMER AND BALLAST LOCATIONS WITH LANDSCAPE OR FACILITY ARCHITECT.
7. CONTRACTOR TO VERIFY EXACT MOUNTING LOCATION OF ALL ACCENT LIGHTS IN FIELD WITH LIGHTING DESIGNER.
8. UNLESS OTHERWISE INDICATED, ALL MOUNTING BOXES FOR LIGHTING FIXTURES MOUNTED TO FACADES TO BE RECESSED INTO STRUCTURE. COORDINATE JBOX LOCATION WITH OTHER TRADES.
9. INFORM CONSTRUCTION MANAGER IN WRITING IN A TIMELY WAY OF ANY DISCREPANCIES DISCOVERED.
10. CONTRACTOR TO VERIFY CONDITIONS ON WHICH THIS WORK DEPENDS IN OTHER ISSUED CONSTRUCTION DRAWINGS AND ON SITE SUCH AS BUT NOT LIMITED TO:
    - DIMENSIONS
    - LEVELS
    - MATERIALS
    - DETAILS

ACCENT

NORMAL	EMERGENCY	CRITICAL	
			SURFACE
			WALL
			TRACK
			PLUG-IN

PATH

NORMAL	EMERGENCY	CRITICAL	
			BOLLARD
			RECESSED WALL
			SURFACE WALL
			POLE

STRIP

NORMAL	EMERGENCY	CRITICAL	
			SURFACE
			RECESSED
			PENDANT
			WALL

IN-GRADE

NORMAL	EMERGENCY	CRITICAL	
			IN-GRADE
			DIRECTIONAL

UNDERWATER

NORMAL	EMERGENCY	CRITICAL	
			UNDERWATER
			UNDERWATER SURFACE

FIBER OPTIC

NORMAL	EMERGENCY	CRITICAL	
			SOURCE
			ENPOINT

LUMINAIRE TYPE

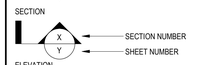
A	ACCENT / AIMABLE
B	BOLLARD / PATH / STEP
C	CHARACTER
D	DOWNLIGHT
E	SPECIALTY / THEATRICAL
F	FLOODLIGHT / SPOTLIGHT
G	INGRADE
H	HIGH BAY / HAZARDOUS
I	INDIRECT
J	JUNCTION BOX
K	C/KLEAN / GASKETED
L	LINEAR
M	MULTILAMP / STRING LIGHTS
N	NICHE OR COVE
O	[NOT USED]
P	POLE/PARKING
Q	POWER SUPPLIES
R	TROFFER
S	SURFACE / STRIPLIGHT
T	TRACK
U	UNDERWATER
V	VANDAL
W	WORKLIGHT / WALLPACK
X	EXIT / EMERGENCY
Y	GRAPHIC
Z	[USED IN ZONING]

REFERENCES

KEY NOTE



SECTION



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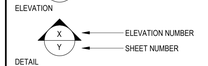
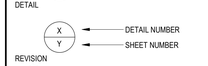


DETAIL



REVISION



TROFFER

NORMAL	EMERGENCY	CRITICAL	
			LENSED
			PARABOLIC
			BASKET

FAN

NORMAL	EMERGENCY	CRITICAL	
			SURFACE
			PENDANT
			WALL

POWER

NORMAL	EMERGENCY	CRITICAL	
	PS		POWER SUPPLY
			POWER SOURCE
			JUNCTION BOX

LINEAR

	ADJUSTABLE
	SET
	SLOT
	MULTILAMP

THEATRICAL

LEKO	MOVING MIRROR
FOLLOW SPOT	MOVING SPOT
PAR	MOVING WASH
FRESNEL	

GENERAL

NORMAL	EMERGENCY	CRITICAL	
			PENDANT
			WALL

CHARACTER TYPE

B	BOLLARD / SHORT BASE
C	CLOSE CEILING
F	FAN
G	GAS FLAME FOR LUMINAIRE
L	LAMPPOST
M	MULTILAMP / FESTOON
P	PENDANT
R	RECEPTACLE FOR LUMINAIRE
S	SURFACE
T	TABLE LAMP
W	WALL MOUNTED

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Project

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NORTH BAY VILLAGE

7940 WEST DRIVE
NORTH BAY VILLAGE, FL 33141

Revisions

RESPONSE TO PLANNING COMMENTS	07/18/2023

Owner Information

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Consultant

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Luis O. Revuelta
AR-0007972

SCHEMATIC DESIGN

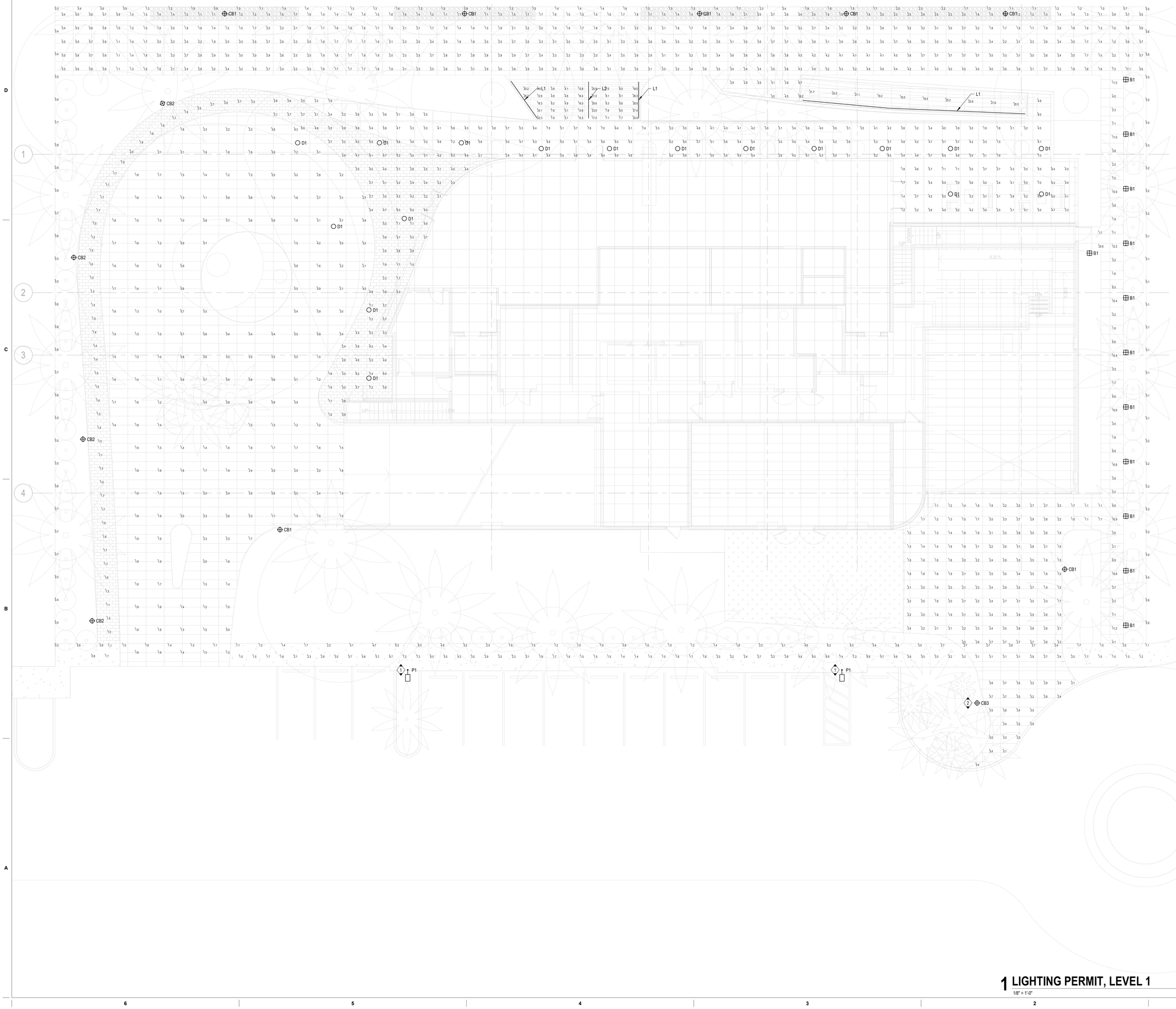
Date
06/12/2023

Scale
12" = 1'-0"

Project No.
2114

Sheet Name
LIGHTING LEGEND

Sheet No.
LD901



GENERAL NOTES:

1

KEY NOTES

1 FPL COBRA HEAD LED LUMINAIRE FIXTURE OUTPUT AND DISTRIBUTION IS ASSUMED.
2 EXISTING DECORATIVE PEDESTRIAN POLE TO BE RELOCATED TO LANDSCAPE. EXACT SPECIFICATION AND DISTRIBUTIONS ASSUMED.
3 EXISTING DECORATIVE PEDESTRIAN POLE TO REMAIN. EXACT SPECIFICATION AND DISTRIBUTIONS ASSUMED.

CALCULATION SUMMARY

AREA	AVG	MAX	MIN	AVG/MIN
ENTRY DRIVE	1.71	7.20	0.40	4.27
PATHWAY	3.19	23.6	0.40	7.96
STAIRS	13.87	31.00	3.80	3.65
RAMP	20.68	23.20	19.00	1.09
PROPERTY LINE	1.37	6.5	0.10	13.68

1 LIGHTING PERMIT, LEVEL 1

1/8" = 1'-0"

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Revisions

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06/12/2023

Scale
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Sheet Name
LIGHTING PERMIT, LEVEL 1

Sheet No.
LD902

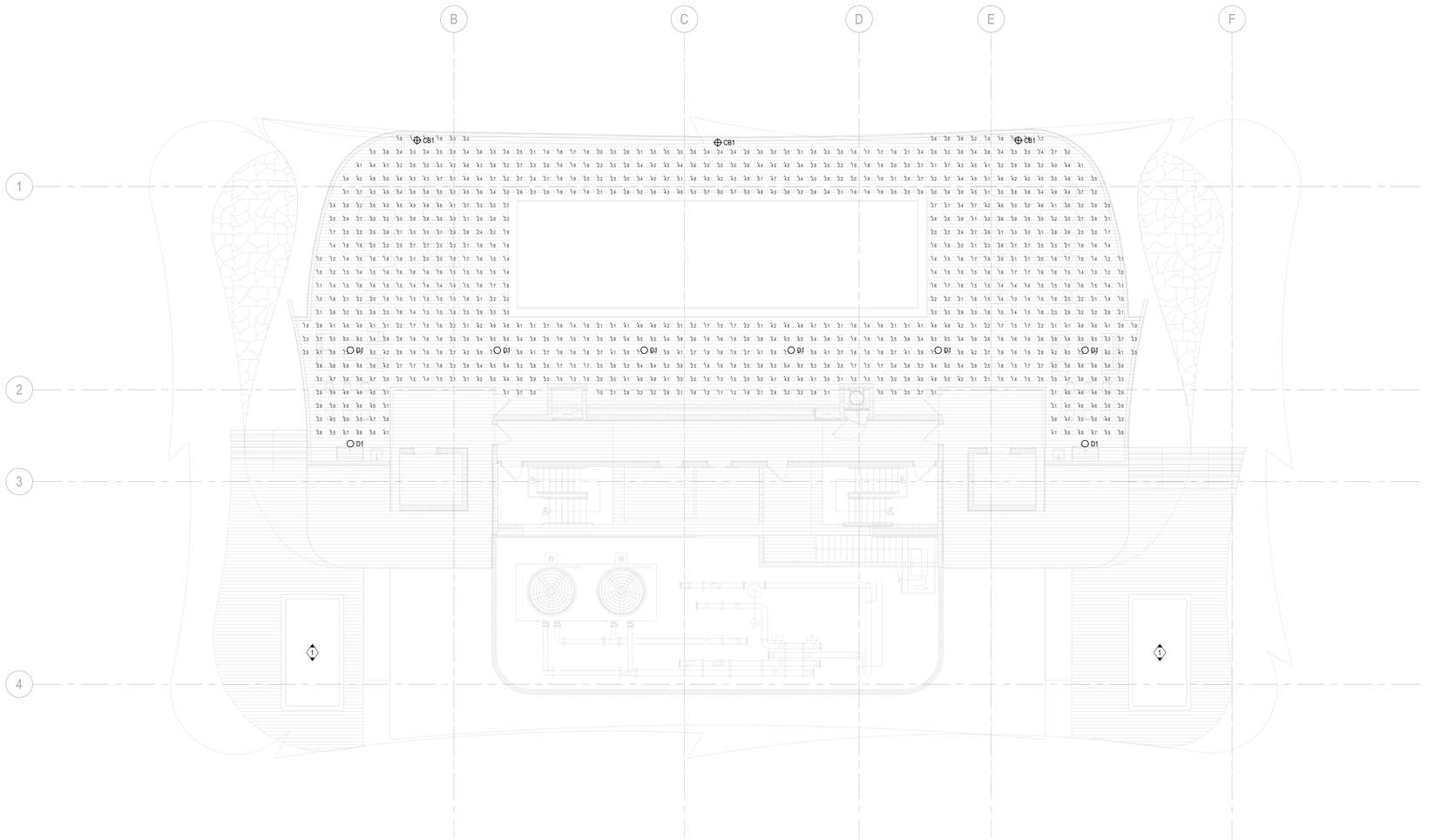
GENERAL NOTES:

1 POOL SHALL BE CLOSED AT DUSK. NIGHTTIME SWIMMING SHALL NOT BE ALLOWED PER OWNER DIRECTION.

KEY NOTES:

1 PRIVATE TERRACE.

CALCULATION SUMMARY				
AREA	AVG	MAX	MIN	AVG/MIN
POOL DECK	3.13	7.30	1.00	3.13



1 LIGHTING PERMIT, LEVEL 27

1/8" = 1'-0"

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SCHEMATIC DESIGN

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Sheet Name
LIGHTING PERMIT, LEVEL 27

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LD903

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LUMINAIRE SCHEDULE

REV Δ	FIXTURE										LAMP							VOLTAGE	LISTED WATTAGE	CONTROL GEAR	ACCESSORIES	NOTES
	TYPE	MANUFACTURER	REPRESENTATIVE	MODEL	DESCRIPTION	DIMENSIONS	UL/IP	FINISH	MATERIAL	MOUNTING	MANUFACTURER	MODEL	QTY	OPTIC	CCT	CRI	LUMENS	WATT				
B: BOLLARD / PATH / STEP																						
	B1	BEGA	LANDRETH // CASSIE WILDEY 407.810.5175	84 219 K3 BLK	SITE BOLLARD	6-1/4"D x 19-1/2"H	NRTL WET IP65	BLACK	MARINE ALUMINUM	ANCHOR BOLT	INTEGRAL	LED	1	WIDE	3000K	80	1475	15 W	UNV	15 VA	0-10V		
C: CHARACTER																						
	CB1	COOPER INVUE	LTG PARTNERS // EMILY HOLT 407.616.4417	ARB-B2-LED-D1-T4-**-8030	POST TOP LUMINAIRE	[HEAD] 25-3/4" x 25-3/16"DIA [POLE] 10'-0"H x 3"DIA	UL WET IP66	TBD	ALUMINUM	SURFACE	INTEGRAL	LED	1	TYPE IV	3000K	80	4500	48 W	UNV	48 VA	INTEGRAL DIMMING DRIVER		
	CB2	COOPER INVUE	LTG PARTNERS // EMILY HOLT 407.616.4417	ARB-B1-LED-D1-T4-**-8030	POST TOP LUMINAIRE	[HEAD] 25-3/4" x 25-3/16"DIA [POLE] 10'-0"H x 3"DIA	UL WET IP66	TBD	ALUMINUM	SURFACE	INTEGRAL	LED	1	TYPE IV	3000K	80	2300	24 W	UNV	24 VA	INTEGRAL DIMMING DRIVER		
	CB3	U.S. ARCHITECTURAL LIGHTING	LTG PARTNERS // EMILY HOLT 407.616.4417	CLXA-LED-GRV-III-36LED-NW-120-PT-RAL-9005-T-CSP	POST TOP LUMINAIRE	[HEAD] 25"H x 28"DIA [POLE] 10'-0"H x 3"DIA	UL WET	WHITE	ALUMINUM	POLE	INTEGRAL	LED	1	TYPE III	4000K	80	3637	41 W	120V	41 VA	INTEGRAL DIMMING DRIVER		
D: DOWNLIGHT																						
	D1	ALPHABET	LTG AESTHETICS // DEBBIE COSAIRT 407.701.7118	NU3-RD-SW-15LM-30K-80-60D-**-**-NC-UNV-DIM10	EXTERIOR DOWNLIGHT	3" APERTURE 8-1/2"W x 11-7/8"L x 1-1/2"H	UL WET IP65	TBD	LEXAN	RECESSED	INTEGRAL	LED	1	60°	3000K	80	1290	13 W	UNV	13 VA	INTEGRAL 0-10V DIMMING TO 1%		
L: LINEAR																						
	L1	WAGNER	SESCO // JESSY NORTON 407.252.6780	LULS30K4070MA-**	LINEAR HANDRAIL ASYMMETRIC OUTPUT	0.75"W x 0.89"H	ETL WET IP67	-	ALUMINUM	HANDRAIL	INTEGRAL	LED	1	70°	3000K	88	275 lm/ft	3.57 W	24V	<varies>	INTEGRATED 100W 0-10V LUMENPOST		
	L2	WAGNER	SESCO // JESSY NORTON 407.252.6780	LULS30K40120MS-**	LINEAR HANDRAIL SYMMETRIC OUTPUT	0.75"W x 0.89"H	ETL WET IP67	-	ALUMINUM	HANDRAIL	INTEGRAL	LED	1	120°	3000K	88	275 lm/ft	3.57 W	24V	29 VA	INTEGRATED 100W 0-10V LUMENPOST		
P: POLE / PARKING																						
	P1	AMERICAN ELECTRIC LIGHTING	LANDRETH // CASSIE WILDEY 407.810.5175	ATB2 P601 MVOLT R4	PARKING LOT LUMINAIRE	5"H x 14"W x 31"D	CSA IP66	GREY	ALUMINUM	POLE	INTEGRAL	LED	1	TYPE IV	4000K	70	26,192	175 W	UNV	175 VA	INTEGRATED 0-10V DRIVER		

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File: $Website$ RNA-SERVER2\Projects\2114_NORTH BAY VILLAGE\2114_7940 WEST DRIVE - NORTH BAY VILLAGE_MARCH 2023 - Permit Issued\Dwg Plotted by: Date: 6/30/2023

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ALVARINAS | BOSCOLO | RODRIGUEZ

Project

7940 WEST DRIVE
NORTH BAY VILLAGE

7940 WEST DRIVE
NORTH BAY VILLAGE, FL 33141

Revisions

RESPONSE TO PLANNING COMMENTS	07/18/2023

Owner Information

7940 NBV PARTNERS, LLC

4531 PRAIRIE AVE
MIAMI BEACH, FL 33140

Consultant

exp.

2601 WESTHALL LN
MAITLAND, FL 32751

Luis O. Revuelta
AR-0007972

SCHEMATIC DESIGN

Date
06/12/2023

Scale

Project No.
2114

Sheet Name
PERMIT LUMINAIRE SCHEDULE

Sheet No.
LD904

Shielded bollard - asymmetric wide beam

BEGA

Application
The fully shielded design of this bollard provides visual comfort while illuminating ground surfaces. Provided with mounting system that allows the luminaire to be adjusted independent of anchor bolt orientation.

Materials
Luminaire housing constructed of die-cast marine grade, copper free (≤0.3% copper content) A360.0 aluminum alloy
Clear safety glass
Reflector made of pure anodized aluminum
Silicone applied robotically to casting, plasma treated for increased adhesion
NRTL listed to North American Standards, suitable for wet locations
Protection class IP65
Weight: 9.3 lbs

Electrical

Operating voltage	120-277VAC
Minimum start temperature	-30°C
LED module wattage	11.5W
System wattage	15.0W
Controllability	0-10V, TRIAC, and ELV dimmable
Color rendering index	Ra > 80
Luminaire lumens	1475 lumens (4000K)
LED service life (L70)	50,000 hours

LED color temperature
4000K - Product number + **K4**
3500K - Product number + **K35**
3000K - Product number + **K3**
2700K - Product number + **K27**

BEGA can supply you with suitable LED replacement modules for up to 20 years after the purchase of LED luminaires - see website for details

Finish
All BEGA standard finishes are matte, textured powder coat with minimum 3 mil thickness. BEGA Unidure® finish, a fluoropolymer technology, provides superior fade protection in Black, Bronze, and Silver. BEGA standard White, as well as optionally available RAL and custom colors, are a polyester powder.

Available colors			
Black (BLK)	White (WHT)	RAL:	
Bronze (BRZ)	Silver (SLV)	CUS:	

Type:
BEGA Product:
Project:
Modified:



Shielded bollard - asymmetric wide beam

	LED	A	B	Anchorage
84219	11.5 W	6¼	19½	79817

Available Options
70895 Direct burial anchorage



BEGA 1000 BEGA Way, Carpinteria, CA 93013 (805) 684-0533 info@bega-us.com

Due to the dynamic nature of lighting products and the associated technologies, luminaire data on this sheet is subject to change at the discretion of BEGA North America. For the most current technical data, please refer to bega-us.com
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North Bay Village, FL
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407.660.0088
1 of 1
TYPE **B1**
Release: 18 JULY 23
Revision:
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Invue

Catalog #		Type
Project		
Comments		Date
Prepared by		

DESCRIPTION
The Invue Arbor post top brings architectural style to area/site and pedestrian scale applications. Its dayform appearance brings a desired organic look into the urban environment. WaveStream LED Optics provide a uniform pixelation free image, managing glare while providing high levels of visibility.



ARB ARBOR POST TOP
DECORATIVE LUMINAIRE

SPECIFICATION FEATURES

Construction
Two-piece IP66 rated housing is cast from low copper content corrosion resistant aluminum, maintaining strength and precision to sustain long term dayform appearance. ANSI C136.31 testing compliance prevents damage from installation generated vibration. External hardware and casting seams are minimized to enhance appearance.

Optics
Specifically designed for pedestrian applications, WaveStream LED optical waveguide technology produces both symmetric NEMA type V and asymmetric NEMA II, III, IV distributions. The waveguide is manufactured from precision injection molded acrylic resulting in a pixelation free optical image for improved glare control and visual comfort. Luminaire efficacy's measure up to 100 lm/w for 4000K (+/- 275K) CCT at 70 CRI (min), optional 3000K CCT at 80 CRI is also available.

Electrical
LED driver(s) are directly mounted to upper housing thermal pad for optimal thermal performance. Standard 0-10V dimming drivers and Cooper Lighting Solutions' proprietary surge protection module are designed to withstand 10kV of transient line surge. Drivers operate at 120-277V 50/60Hz with 347V/60Hz or 480V/60Hz operation optional. Suitable for ambient temperature applications as low as -40°C (40°F) to 40°C (104°F). Limited high ambient options allow for 50°C operation.

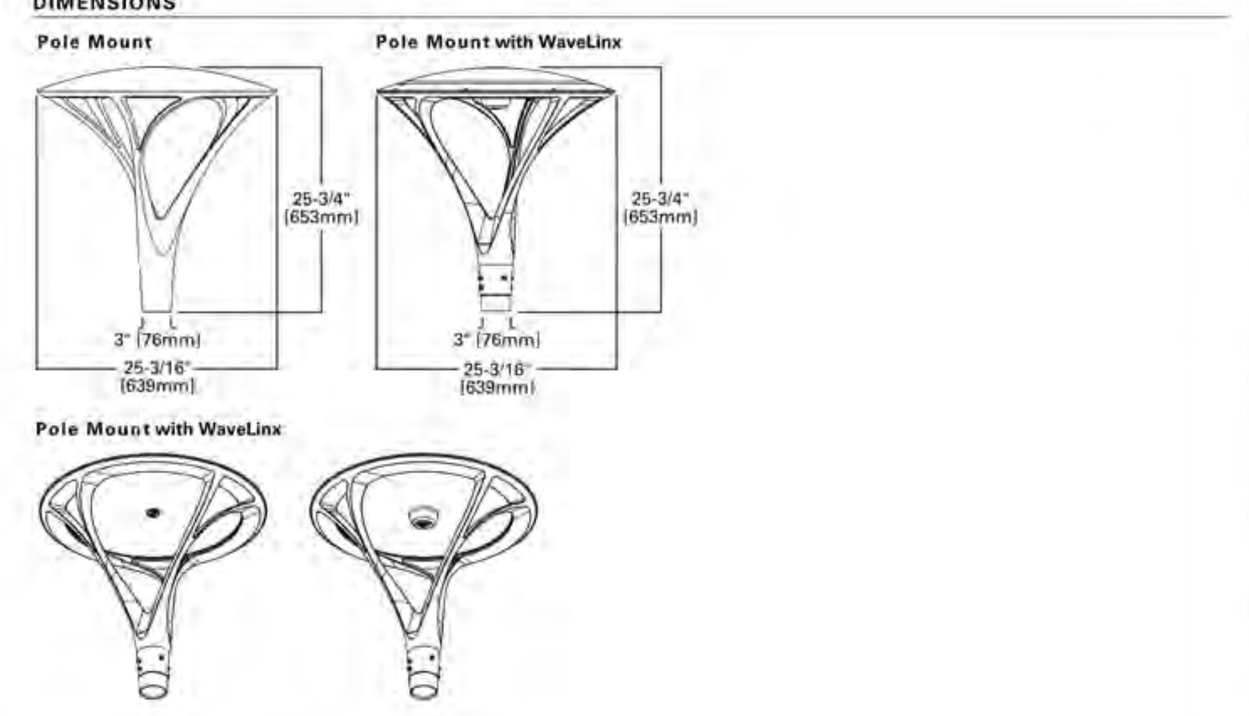
Controls
The Arbor LED luminaire control options are designed to be simple and cost-effective ASHRAE and California Title 24 compliant solutions. The ANSI C136.41 compliant NEMA 7-PIN receptacle enables wireless dimming when used with compatible photocontrol. See control options page for more details.

Mounting
Fitter assembly mounts over 2-3/8" O.D. tenon and is secured via six concealed stainless steel set screws. Design of fitter provides seamless transition to 3" O.D. round pole top. Additional mounting accessories include a single fixture arm mount, twin fixture arm mount and wall mount arm. Additional pole mount accessories mount to a 3" x 4" long tenon for 4" - 5" O.D. poles tops. For existing 2-3/8" tenons an adapter is shipped standard.

Finish
Cooper Lighting Solutions ("CLS") utilizes premium ultra-weatherable TGIC based polyester powder coatings that are specifically formulated to withstand extended outdoor exposure. The powders are formulated exclusively for CLS to serve functionally as well as decorative. Good film appearance combined with excellent mechanical an exterior exposure qualities display greater than twice as much gloss retention. RAL and custom color matches available. Finish is compliant with ASTM B117 3000hr salt spray standard. Options to meet Buy American Act requirements.

Warranty
Five-year warranty.

DIMENSIONS



CERTIFICATION DATA
UL/cUL Listed
IEC 60529 IP66 Housing
ASTM B117 Salt Spray Tested
ASTM A3560 Low Cooper Alloy
ISO 9001
Dark Sky Approved (3000K CCT and warmer only)
ANSI C136.31 3G Vibration Tested (Post Top)
ANSI C136.31 1.5G Vibration Tested (Twin Mount / Accessory Arm Mount)

ENERGY DATA
Electronic LED Driver
>0.9 Power Factor
<20% Total Harmonic Distortion
120-277V 50/60Hz, 347V/60Hz, 480V/60Hz
40°C Ambient Temperature Rating
As low as -40°C (-40°F) minimum temperature
*See MINIMUM TEMPERATURE table

EPA
Effective Projected Area: (Sq. Ft.) 0.9

Approximate Net Weight:
37 lbs. [16.8 kgs.]

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TYPE **CB1, CB2**
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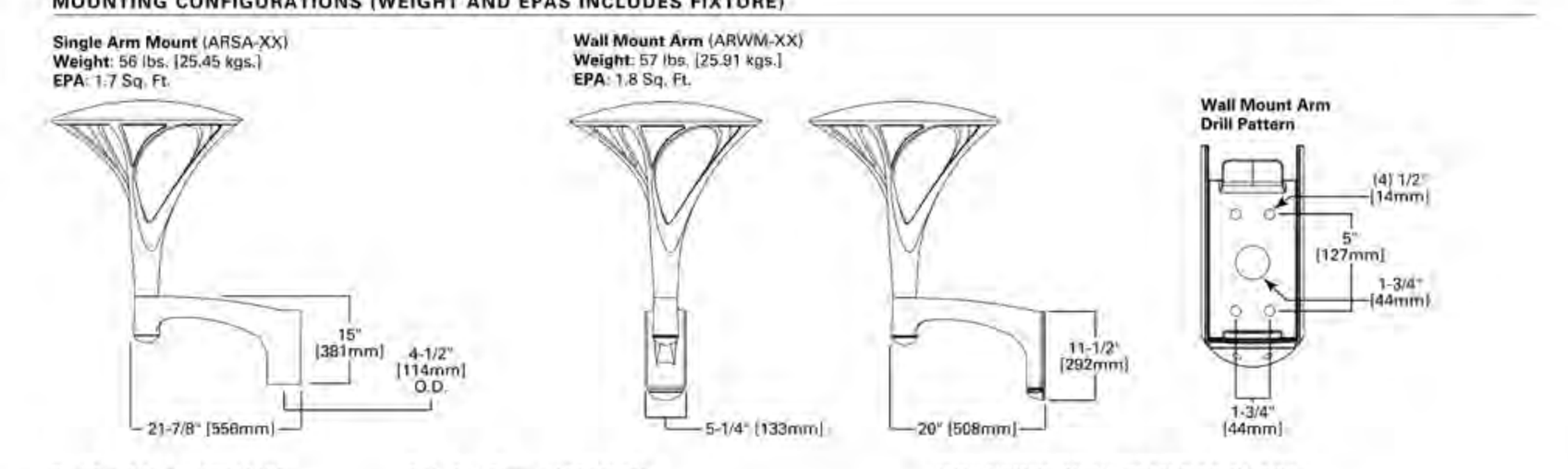
MOUNTING CONFIGURATIONS (WEIGHT AND EPAS INCLUDES FIXTURE)

Single Arm Mount (ARSA-XX)
Weight: 56 lbs. [25.45 kgs.]
EPA: 1.7 Sq. Ft.

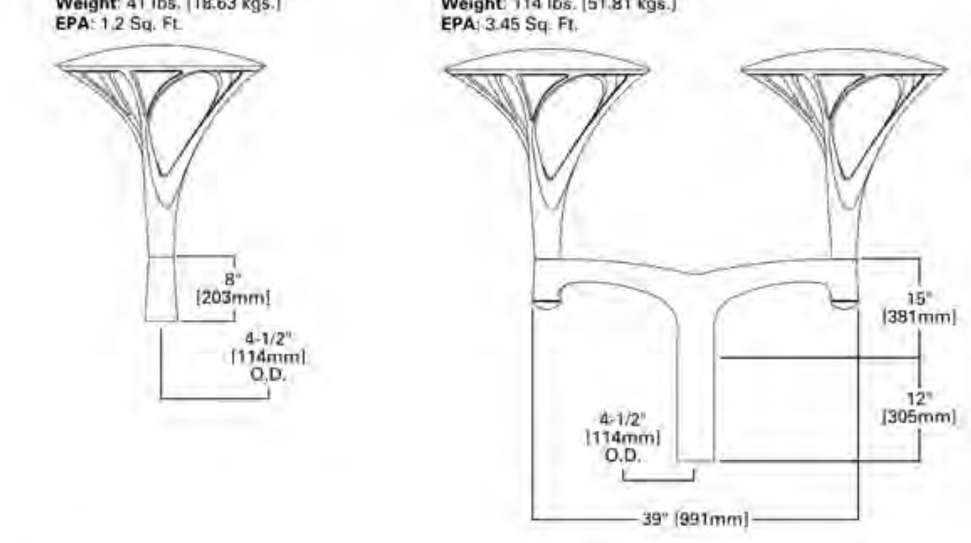
Wall Mount Arm (ARWM-XX)
Weight: 57 lbs. [25.91 kgs.]
EPA: 1.8 Sq. Ft.

Wall Mount Arm Drill Pattern



Post Top Adapter (ARPA4-XX)
Weight: 41 lbs. [18.63 kgs.]
EPA: 1.2 Sq. Ft.

Twin Arm Mount (ARTA15-XX)
Weight: 114 lbs. [51.81 kgs.]
EPA: 3.45 Sq. Ft.

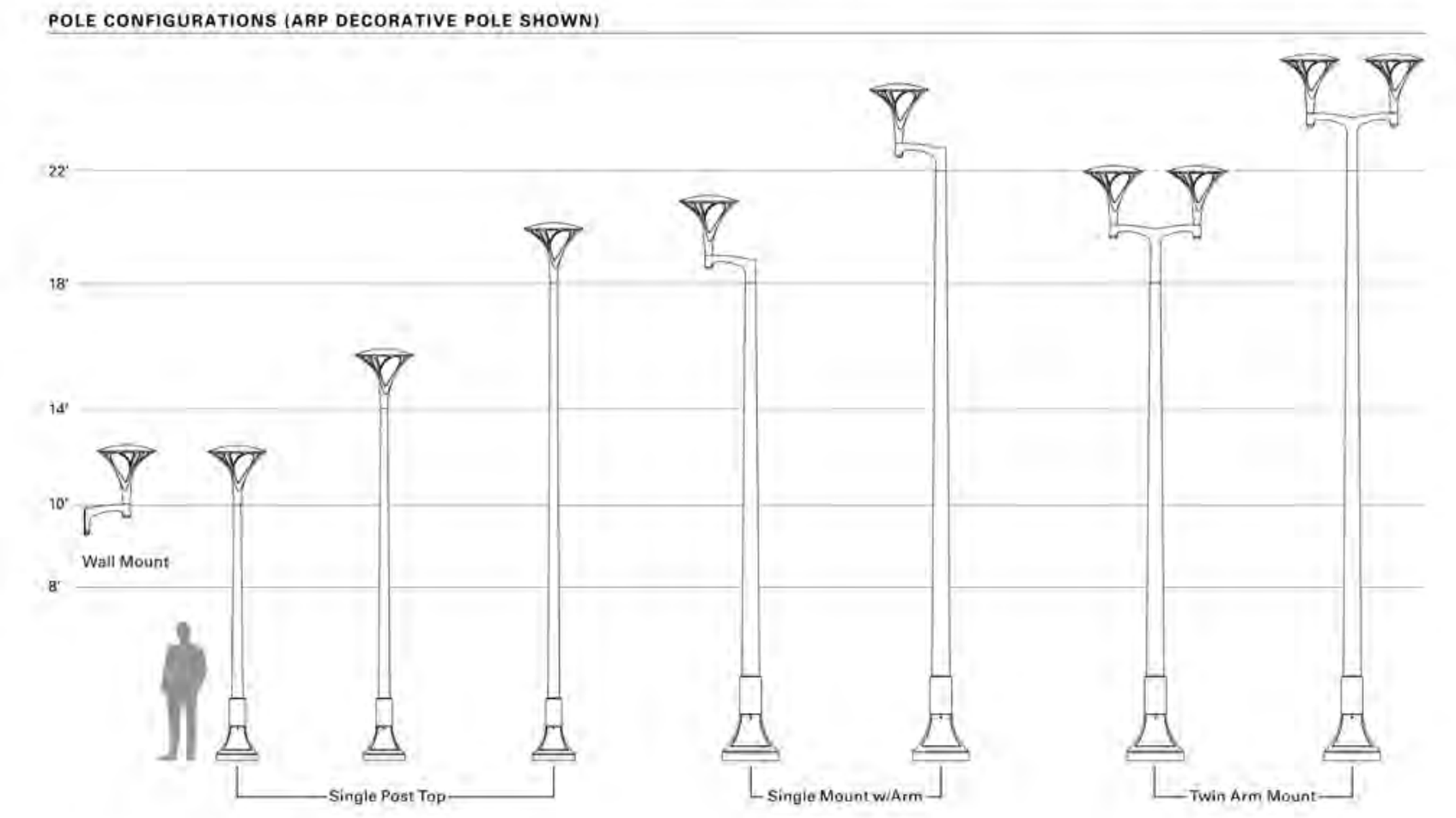


MOUNTING REQUIREMENTS CHART

Tenon O.D. (Inches)	2-3/8" Tenon		
Pole Top O.D. (Inches)	3"	4"	5"
Post Top	Standard	Spacer (Provided) & ARPA4-XX (Order Separately)	Spacer (Provided) & ARPA4-XX (Order Separately)
Single Arm Mount	Spacer (Provided)	Spacer (Provided)	Spacer (Provided)

Tenon O.D. (Inches)	3" Tenon		
Pole Top O.D. (Inches)		4"	5"
Post Top		ARPA4-XX (Order Separately)	ARPA4-XX (Order Separately)
Single Arm Mount		Standard	Standard
Twin Mount		Standard	Standard

POLE CONFIGURATIONS (ARP DECORATIVE POLE SHOWN)



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TYPE **CB1, CB2**
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ORDERING INFORMATION

Sample Number: ARB-B2-LED-D1-T2-GM

Product Family [1,2]	Lumens [3]	Lamp Type	Voltage	Distribution	Color [7]
ARB=Arbor Post Top **BAA-ARB**=Arbor Post Top Buy American Act Compliant [25]	**B1**=Nominal 2,300 Lumens **B2**=Nominal 4,500 Lumens **B3**=Nominal 8,500 Lumens **B4**=Nominal 9,500 Lumens [4]	**LED**=Solid State Light Emitting Diodes	**D1**=Dimming Driver (120-277V) **347**=347V [5] **480**=480V [5,6]	**T2**=Type II **T3**=Type III **T4**=Type IV **T5**=Type V	**AP**=Grey **BZ**=Bronze **BK**=Black **DP**=Dark Platinum **GM**=Graphite Metallic **WH**=White

Options (Add as Suffix)
7030=70 CRI / 3000K CCT [8]
7035=70 CRI / 3500K CCT [8]
8030=80 CRI / 3000K CCT [8]
8035=80 CRI / 3500K CCT [8]
AMB=Amber 590nm [11,27]
20MSP=20kV MOV Surge Protective Device
20K=20kV UL 1449 Fused Surge Protective Device
PC=Button Type Photocontrol
PER=NEMA 3-PIN Twistlock Photocontrol Receptacle
PER7=NEMA 7-PIN Twistlock Photocontrol Receptacle
HA=50°C High Ambient Temperature [9]
SPB1=Dimming Occupancy Sensor with Bluetooth Interface, <8' Mounting [23]
SPB2=Dimming Occupancy Sensor with Bluetooth Interface, 8'-20' Mounting [23]
SPB4=Dimming Occupancy Sensor with Bluetooth Interface, 21'-40' Mounting [23]
MS-L08=Motion Sensor for ON/OFF Operation, Maximum 8' Mounting Height [10,11]
MS-L20=Motion Sensor for ON/OFF Operation, 9' - 20' Mounting Height [10,11]
MS-L40W=Motion Sensor for ON/OFF Operation, 21' - 40' Mounting Height [10,11]
MS/DIM-L08=Motion Sensor for Dimming Operation, Maximum 8' Mounting Height [10,11]
MS/DIM-L20=Motion Sensor for Dimming Operation, 9' - 20' Mounting Height [10,11]
MS/DIM-L40W=Motion Sensor for Dimming Operation, 21' - 40' Mounting Height [10,11]
ZW=WaveLinx-enabled 4-PIN Twistlock Receptacle [10,12,13,29,30]
ZD=SR Driver-enabled 4-PIN Twistlock Receptacle [10,12,13,29,30]
ZW-WOBWH=WaveLinx Lite, Dimming Motion and Daylight, Bluetooth Programmable, 7' - 15' Mounting
ZW-WOFWH=WaveLinx Lite, Dimming Motion and Daylight, Bluetooth Programmable, 15' - 40' Mounting
ZD-WOBWH=WaveLinx Lite, SR Driver, Dimming Motion and Daylight, Bluetooth Programmable, 7' - 15' Mounting
ZD-WOFWH=WaveLinx Lite, SR Driver, Dimming Motion and Daylight, Bluetooth Programmable, 15' - 40' Mounting
ZW-SWPD4WH=WaveLinx Pro, Dimming Motion and Daylight, WAC Programmable, 7' - 15' Mounting [10,12,13,16,19,29,30]
ZW-SWPD5WH=WaveLinx Pro, Dimming Motion and Daylight, WAC Programmable, 15' - 40' Mounting [10,12,14,15,19,29,30]
ZD-SWPD4WH=WaveLinx Pro, SR Driver, Dimming Motion and Daylight, WAC Programmable, 7' - 15' Mounting [10,12,13,15,19,29,30]
ZD-SWPD5WH=WaveLinx Pro, SR Driver, Dimming Motion and Daylight, WAC Programmable, 15' - 40' Mounting [10,12,13,15,19,29,30]
LWR-LW=Enlighted Wireless Sensor, Wide Lens for 8' - 16' Mounting Height [10,16]
LWR-LN=Enlighted Wireless Sensor, Narrow Lens for 16' - 40' Mounting Height [10,16]
5LTD=Fifth Light Dali Driver [10,17]
DIM=0-10V External Dimming Leads [10,18]
VS=Tempered Glass Vandal Shield
CC=Coastal Construction [24]
SPBL2=FDP-301-L2 (Wattstopper DALI sensor)
SPBL4=FDP-301-L7 (Wattstopper DALI sensor)
TH=Toolless hardware
F=Single Fuse [28]

Accessories (Order Separately) [19,26]
ARSA-XX=Single Pole Mount Arm [20]
ARWM-XX=Wall Mount Arm
ARTA15-XX=Twin Mount Bracket [21]
ARPA4-XX=Pole Adapter 4" O.D. Pole
FSIR-100=Wireless Configuration Tool for Occupancy Sensor [21]
WOLC-7P-10A=Wavelinx Outdoor Control Module (7-PIN) [10,22]
WOB-WH= WaveLinx Lite Sensor, Dimming Motion and Daylight, Bluetooth Programmable, 7' - 15' Mounting
WOF-WH= WaveLinx Lite Sensor, Dimming Motion and Daylight, Bluetooth Programmable, 15' - 40' Mounting
SWPD4-WH= WaveLinx Sensor, Dimming Motion and Daylight, WAC Programmable, 7' - 15' Mounting [13,15,19,29]
SWPD5-WH= WaveLinx Sensor, Dimming Motion and Daylight, WAC Programmable, 15' - 40' Mounting [13,15,19,29]

NOTES:
1. Customer is responsible for engineering analysis to confirm pole and fixture compatibility for all applications. Refer to our white paper WP513001EN for additional information.
2. Fixture slipfits over standard 2-3/8" tenon. 3" O.D. tenon when used with a ARPA4-XX 4" O.D. pole adapter.
3. Standard 4000K CCT, nominal 70CRI.
4. B4 only available with Type V distribution.
5. Requires the use of a step down transformer.
6. Only for use with 480V Wye systems. Per NEC, not for use with ungrounded systems, impedance grounded systems or corner grounded systems (commonly known as Three Phase Three Wire Delta, Three Phase High Leg Delta and Three Phase Corner Grounded Delta systems).
7. Custom and RAL color matching available upon request. Consult your lighting representative for more information.
8. Extended lead times apply. Use dedicated IES files when performing layouts.
9. Not available with B3 lumen package in Type II, III, or IV distributions.
10. Controls system is not available with photocontrol (PC), photocontrol receptacle (PER or PER7), or controls systems MS, LWR, DIM or SPBx.
11. Not available with HA option.
12. Sensor passive infrared (PIR) may be overly sensitive below -20°C (-4°F).
13. For device to be field-configurable, requires WAC Gateway components WAC-POE and WPOE-120 in appropriate quantities. Only compatible with WaveLinx system and software and requires system components to be installed for operation. See website for more WaveLinx application information.
14. Not available on B1 or B4 lumen packages.
15. Requires 4-PIN twistlock receptacle (ZD or ZW) option.
16. Enlighted wireless sensors are factory installed and require network components LWP-EM-1, LWP-GW-1, and LWP-PoE8 in appropriate quantities. See website for application information.
17. Not available in B4 lumen package.
18. Low voltage control leads brought 18" outside fixture.
19. Replace XX with paint color.
20. Fits on 3" O.D. x 4" long tenon for nominal 4-1/2" O.D. pole top.
21. This tool enables adjustment to Motion Sensor (MS) parameters including high and low modes, sensitivity, time delay, cutoff and more. Consult your lighting representative for more information.
22. Requires 7-PIN NEMA twistlock photocontrol receptacle (PER7) option. The WOLC-7 cannot be used in conjunction with other controls systems (MS, ZW, ZD or LWR). Operates on 120-347V input voltages.
23. Smart device with mobile application required to change system defaults. See controls section for details.
24. Coastal construction finish salt spray tested to over 5,000-hours per ASTM B117, with a scribe rating of 9 per ASTM D1654.
25. Only product configurations with this designated prefix are built to be compliant with the Buy American Act of 1933 (BAA). Please refer to DOMESTIC PREFERENCES website for more information. Components shipped separately may be separately analyzed under domestic preference requirements.
26. Accessories sold separately will be separately analyzed under domestic preference requirements. Consult factory for further information.
27. Narrow-band 590nm +/- 5nm for wildlife and observatory use. Choose Lumen Package B1. See IES files for photometric performance.
28. Must specify voltage (120V, 277V, or 347V) to fuse the single hot leg.
29. Not available with 5LTD option.
30. If ZD or ZW only, shorting cap will be installed on 4-pin receptacle.

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TYPE **CB1, CB2**
Release: 18 JULY 23
Revision:
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POWER AND LUMENS

Lumen Package		B1	B2	B3	B4
Drive Current					
Power Wattage (Watts)		24W	48W	96W	99W
Input Current (mA) @ 120V		200	400	800	830
Input Current (mA) @ 208V		120	240	470	480
Input Current (mA) @ 240V		100	200	400	420
Input Current (mA) @ 277V		90	180	350	360
Power Wattage (Watts)		26W	53W	107W	108W
Input Current (mA) @ 347V		79	161	325	328
Input Current (mA) @ 480V		58	117	235	237
Optics					
Type II	Lumens	2,045	3,994	7,362	—
	BUG Rating	B1-U0-G1	B1-U0-G2	B3-U0-G3	—
Type III	Lumens	2,324	4,534	8,451	—
	BUG Rating	B1-U0-G1	B1-U0-G2	B2-U0-G3	—
Type IV	Lumens	2,408	4,691	8,740	—
	BUG Rating	B1-U0-G1	B1-U0-G2	B2-U0-G3	—
Type V	Lumens	2,311	4,529	8,511	9,464
	BUG Rating	B2-U0-G1	B3-U0-G2	B3-U0-G3	B3-U0-G3

LUMEN MULTIPLIER

Ambient Temperature	Lumen Multiplier
0 C	1.02
10 C	1.01
25 C	1.00
40 C	0.99
50 C	0.97

LUMEN MAINTENANCE

Ambient Temperature	TM-21 Lumen Maintenance (60,000 Hours)	Calculated L70 (Hours)
25 C	>91%	>230,000
40 C	>88%	>172,000
50 C	>86%	>142,000

NOTE: Maintenance data applies to the highest drive current and represents the worst case at the highest wattage.

COLOR TEMPERATURE

Color Temperature (CCT)	CRI (Nominal)	Multiplier
4000	70	1.00
3000	80	0.91

MINIMUM AMBIENT TEMPERATURE

Lumen Package	Temperature
B1	-40°C
B2	-35°C
B3	-35°C
B4	-40°C
All DALI powered lumen packages	-20°C

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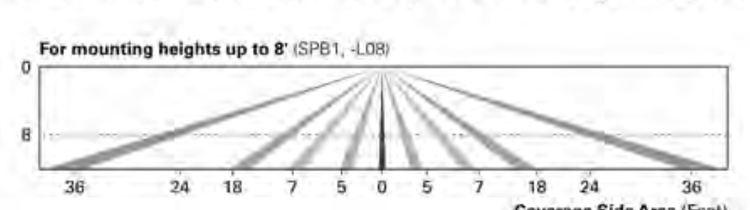
CONTROL OPTIONS

0-10V (D) The dimming option provides 0-10V dimming wire leads for use with a lighting control panel or other control method.

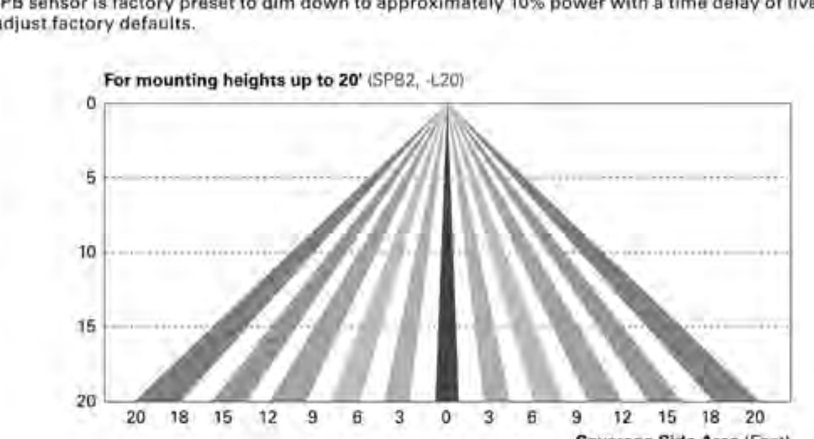
Photocontrol (PER and PER7) Photocontrol receptacles provide a flexible solution to enable "dusk-to-dawn" lighting by sensing light levels. Advanced control systems compatible with NEMA 7-pin standards can be utilized with the PER7 receptacle.

Dimming Occupancy Sensor (SPB, MS/DIM-LXX and MS-LXX) These sensors are factory installed in the luminaire housing. When the SPB or MS/DIM sensor options are selected, the occupancy sensor is connected to a dimming driver and the entire luminaire dims when there is no activity detected. When activity is detected, the luminaire returns to full light output. The MS/DIM sensor is factory preset to dim down to approximately 50 percent power with a time delay of five minutes. The MS-LXX sensor is factory preset to turn the luminaire off after five minutes of no activity. SPB motion sensors require the Sensor Configuration mobile application by Wattstopper to change factory default dimming level, time delay, sensitivity and other parameters. Available for iOS and Android devices. The SPB sensor is factory preset to dim down to approximately 10% power with a time delay of five minutes. The MS/DIM occupancy sensors require the FSIR-100 programming tool to adjust factory defaults.

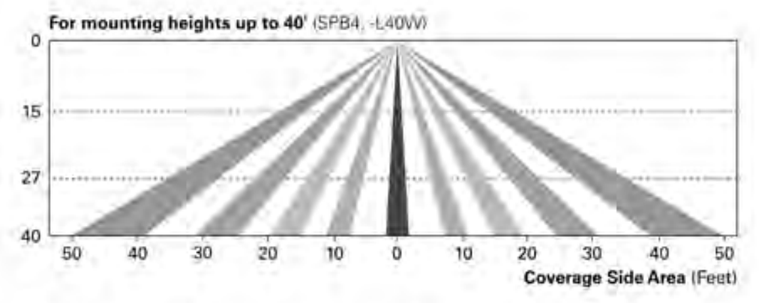
For mounting heights up to 8' (SPB1, -L08)



For mounting heights up to 20' (SPB2, -L20)



For mounting heights up to 40' (SPB4, -L40W)

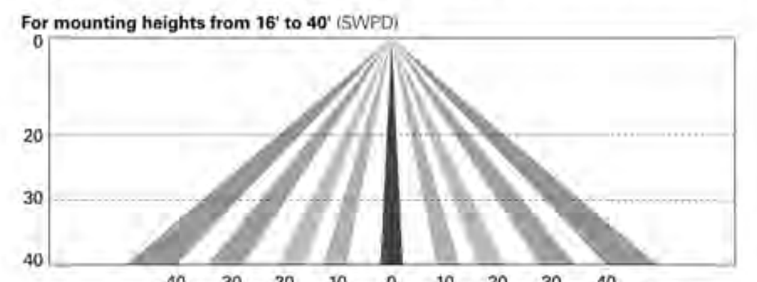


WaveLinx Wireless Control and Monitoring System Available in 7-PIN or 4-PIN configurations, the WaveLinx Outdoor control platform operates on a wireless mesh network based on IEEE 802.15.4 standards enabling wireless control of outdoor lighting. Use the WaveLinx Mobile application for set-up and configuration. At least one Wireless Area Controller (WAC) is required for full functionality and remote communication (including adjustment of any factory pre-sets).

WaveLinx Outdoor Control Module (WOLC-7P-10A) A photocontrol that enables astronomic or time-based schedules to provide ON, OFF and dimming control of fixtures utilizing a 7-PIN receptacle. The out-of-box functionality is ON at dusk and OFF at dawn.

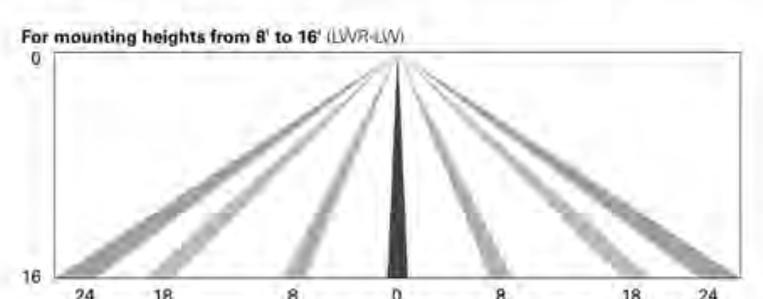
WaveLinx Wireless Sensor (SWPD4 and SWPD5) These outdoor sensors offer passive infrared (PIR) occupancy and a photocell for closed loop daylight sensing. These sensors can be factory installed or field-installed via simple, tool-less integration into luminaires equipped with the Zhaga Book 18 compliant 4-PIN receptacle (ZD or ZW). These sensors are factory preset to dim down to approximately 50 percent power after 15 minutes of no activity detected. These occupancy sensors include an integral photocell for "dusk-to-dawn" control or daylight harvesting that is factory-enabled. A variety of sensor lenses are available to optimize the coverage pattern for mounting heights from 7'-40'.

For mounting heights from 16' to 40' (SWPD)

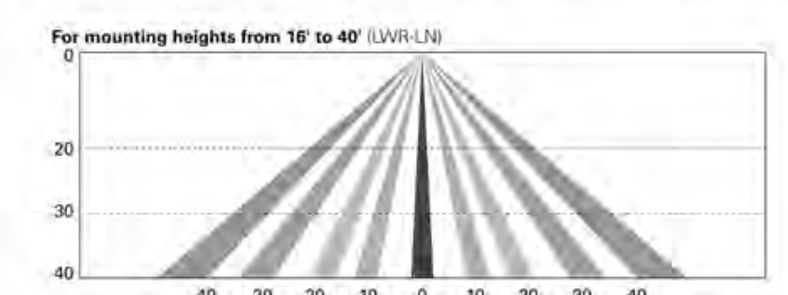


Enlighted Wireless Control and Monitoring System (LWR-LW and LWR-LN) The Enlighted System is a connected lighting solution that combines LED luminaires with an integrated wireless sensor system. The sensor controls the lighting system in compliance with the latest energy codes and collects valuable data about building performance and use. Software applications turn the granular data into information through energy dashboards and specialized apps that make it simple and help optimize the use of other resources beyond lighting.

For mounting heights from 8' to 16' (LWR-LW)



For mounting heights from 16' to 40' (LWR-LN)



Cooper Lighting Solutions
1121 Highway 74 South
Peachtree City, GA 30269
P: 770-486-4800
www.cooperlighting.com

Specifications and dimensions subject to change without notice.

TD516018EN
August 17, 2022 6:25 PM

North Bay Village
North Bay Village, FL
2601 Westhall Lane,
Maitland FL 32751
407.660.0088
5 of 5
TYPE **CB1, CB2**
Release: 18 JULY 23
Revision:
CUT SHEET FOR REFERENCE ONLY. REFER TO FIXTURE SCHEDULE FOR PART NUMBER AND ADDITIONAL INFORMATION.

SOLID STATE AREA LIGHTING

CIRCULUX SERIES-LED

S P E C I F I C A T I O N S

PROJECT NAME:
PROJECT TYPE:

LUMINAIRE
One piece high impact polycarbonate lens provided with durable corrosion resistant cast aluminum fitter base. Heavy gauge formed aluminum reflector. Top is hinged for access. Base has 3" I.D. opening for tenon mounting. All hardware is Stainless Steel.

LED POWER ARRAY™
Three-dimensional array of individual LED Tubes fastened to a retaining plate. Each LED Tube consists of circuit board populated with a multiple of LED's and is mechanically fastened to a radial aluminum heat sink. An acrylic Lens and end cap protects the LED Tube's internal components.

VERTICAL POWER ARRAY™ WITH GLASS REFRACTOR: LED Tubes are aligned vertically and arranged radially to produce an even raw light distribution that simulates standard light sources. Array is secured within a 6" Prismatic Glass Refractor which provides the optical control. Used in conjunction with a clear smooth globe.

VERTICAL POWER ARRAY™: LED Tubes are aligned vertically and arranged radially to produce an even raw light distribution that simulates standard light sources. Produces a minimal glare, symmetric diffuse light distribution. Used in conjunction with an opal smooth diffusing globe.

LED EMITTERS
High Output LED's are driven at 350mA for nominal 1 Watt output each. LED's are available in standard Neutral White (4000K), or optional Cool White (5000K) or Warm White (3000K). Consult Factory for other LED options.

LED DRIVER
UL and CUL recognized High Power Factor, Constant Current LED drivers operate on input voltages from 120-277VAC, 50/60hz. Consult Factory for 347-480VAC. Driver is mechanically fastened to a retaining bracket. Main power quick disconnect provided. Driver has a minimum 4KV of internal surge protection, 10KV & 20KV Surge Protector optional. Dimming and High-Low Driver options available.

FINISH
Polyester powder coat incorporates four step iron phosphate process to pretreat metal surface for maximum adhesion. Top coat is baked at 400°F for maximum hardness and exterior durability.



PATENT PENDING



PATENT PENDING

UL Listed for wet location
MADE IN THE USA
2014149

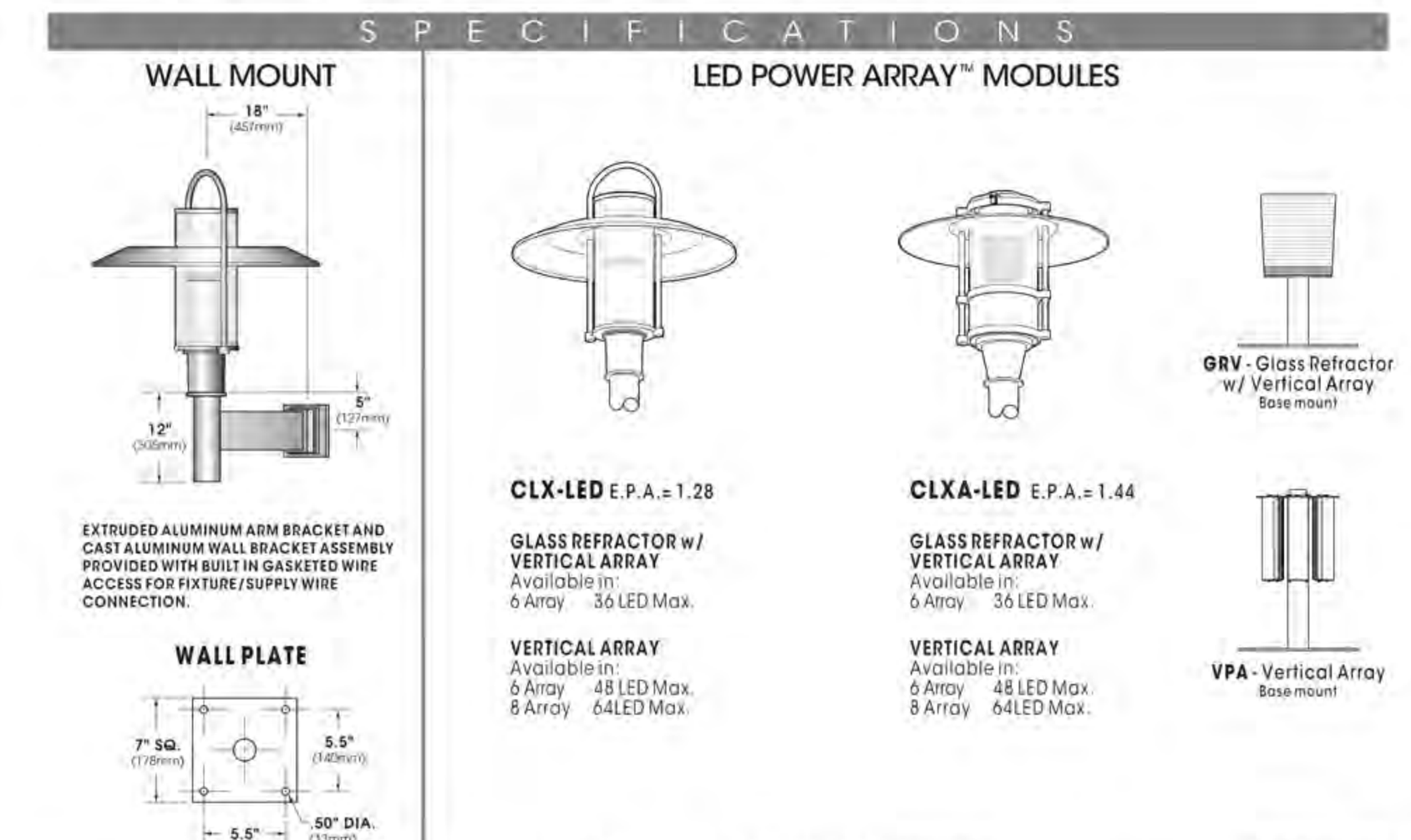
U.S. Architectural Lighting
660 West Avenue O Palmdale CA 93551
Phone (661) 233-2000 Fax (661) 233-2001
www.usaltg.com

U.S. ARCHITECTURAL LIGHTING

North Bay Village
North Bay Village, FL
2601 Westhall Lane,
Maitland FL 32751
407.660.0088
1 of 2
TYPE **CB3**
Release: 18 JULY 23
Revision:
CUT SHEET FOR REFERENCE ONLY. REFER TO FIXTURE SCHEDULE FOR PART NUMBER AND ADDITIONAL INFORMATION.

CIRCULUX SERIES - LED

S P E C I F I C A T I O N S



(Specifications subject to change without prior notice.)

PATENT PENDING

S P E C / O R D E R I N G I N F O R M A T I O N

LUMINAIRE	OPTICS	# of LED's	COLOR	VOLTAGE	MOUNTING	FINISH	OPTIONS

LUMINAIRE
LUMINAIRE
☐ CLX-LED
☐ CLXA-LED

OPTICS
GLASS REFRACTOR (CLEAR SMOOTH LENS)
☐ GRV - III
☐ GRV - V
VERTICAL POWER ARRAY (OPAL SMOOTH LENS)
☐ VPA - SYM

LED
No. LEDs
☐ 36LED (41 Watts)
Wattage/ea. Max. Input Watts
☐ 64LED (72 Watts)
☐ 48LED (53 Watts)
☐ 36LED (41 Watts)
Wattage/ea. Max. Input Watts

COLOR
☐ NW (4000K)* *STANDARD
☐ CW (5000K)
☐ WW (3000K)
OTHER LED COLORS AVAILABLE CONSULT FACTORY

VOLTAGE
☐ 120
☐ 208
☐ 240
☐ 277
☐ 347
☐ 480

MOUNTING
ARM MOUNT
☐ 1
☐ 2-180
☐ 2-90
☐ 3-90
☐ 3-120
☐ 4-90
WALL MOUNT
☐ WM
POST TOP
☐ PT

FINISH
STANDARD TEXTURED FINISH
☐ BLACK RAL-9005-T
☐ WHITE RAL-9003-T
☐ GREY RAL-7004-T
☐ DARK BRONZE RAL-8019-T
☐ GREEN RAL-6005-T
FOR SMOOTH FINISH REPLACE SUFFIX "T" WITH REPLACE "S" (EXAMPLE: RAL-9500-S)
SEE USALTG.COM FOR ADDITIONAL COLORS

OPTIONS
LENS OPTIONS:
☐ CLEAR SANDBLASTED POLYCARBONATE ... CSP (STANDARD LENS)
☐ CLEAR SANDBLASTED ACRYLIC ... CSA
☐ CLEAR SMOOTH POLYCARBONATE ... CP
☐ CLEAR SMOOTH ACRYLIC ... CA
☐ OPAL SMOOTH POLYCARBONATE ... WP
☐ OPAL SMOOTH ACRYLIC ... WA
☐ HOUSE SIDE SHIELD ... HS
☐ DIMMABLE DRIVER(S) (0-10V) ... DIM
☐ HIGH-LOW DIMMING FOR HARDWIRED SWITCHING OR NON-INTEGRATED MOTION SENSOR ... HLSW
☐ PHOTO CELL + VOLTAGE (EXAMPLE: PC120V) ... PC+V
☐ 10KV SURGE PROTECTOR ... 10SP
☐ 20KV SURGE PROTECTOR (240V & 480V Only) ... 20SP

U.S. Architectural Lighting
660 West Avenue O Palmdale CA 93551
Phone (661) 233-2000 Fax (661) 233-2001
www.usaltg.com

U.S. ARCHITECTURAL LIGHTING

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2 of 2
TYPE **CB3**
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architecture international

Miami
Santiago, Chile

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2950 SW 27TH AVE.
SUITE 110
MIAMI, FL 33133

T. 305.590.5000
T. 305.590.5040
ALVARINAS | BOSCOLO | RODRIGUEZ

Project

7940 WEST DRIVE NORTH BAY VILLAGE
7940 WEST DRIVE
NORTH BAY VILLAGE, FL 33141

Revisions
RESPONSE TO PLANNING COMMENTS 07/18/2023

Owner Information
7940 NBV PARTNERS, LLC
4531 PRAIRIE AVE
MIAMI BEACH, FL 33140

Consultant
2601 WESTHALL LN
MAITLAND, FL 32751

Luis O. Revuelta
AR-0007972

SCHEMATIC DESIGN

Date	**06/12/2023**
Scale	
Project No.	**2114**
Sheet Name	**LUMINAIRE CUT SHEETS**
Sheet No.	**LD905**

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The Contractor Must Check And Verify all Dimensions Of The Job And Be Responsible For Same, Reporting Any Discrepancies to The Architects Before Commencing work. Drawings Not to be Scaled.
File: BIMcloud: RAI-SERVER2-25 - BIMcloud Basic for Archicad 25/2114_NORTH BAY VILLAGE/2114_7940 WEST DRIVE - NORTH BAY VILLAGE- MARCH 2023 - By #Last saved by - Date: 6/30/2023

SCHWEBKE SHISKIN + ASSOCIATES

CIVIL ENGINEERS
LAND SURVEYORS

Principals
Hernando J. Navas, P.E.
Mark S. Johnson, P.S.M.

Shareholders
Luis Leon, P.E.
Chad Jackson

3240 Corporate Way • Miramar, Florida 33025
Phone: (954) 435-7010 • Fax: (954) 438-3288

Professional Associates
Michael J. Alley, P.S.M.
Andrea Etcheverry, P.E.
Ronald A. Fritz, P.S.M.

Of Counsel
Alfonso C. Tello, P.E., P.S.M.

7940 NORTH BAY VILLAGE

Level Of Service (LOS) Assessment

City of North Bay Village, Florida
Section 09 – Township 53 – Range 42

This item has been digitally signed and sealed by Hernando J. Navas on the date adjacent to the seal.

Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

HERNANDO J. NAVAS
LICENSE
No. 50635
STATE OF FLORIDA
PROFESSIONAL ENGINEER

Digitally signed by Hernando J Navas
Date: 2023.06.06 17:06:17 -04'00'

06/06/2023

Hernando J. Navas, P.E. #50635
Principal (CA#87)

Prepared by:
Schwebke Shiskin & Associates, Inc.

Project Description

The 7940 North Bay Village project consists of a 26-story apartment building with a total of 70 apartment units on 0.77 acres of land, located at 7938-7940 West Drive in the City of North Bay Village.

The purpose of this analysis is to demonstrate that the level of service adopted by the City of North Bay Village will be maintained by the proposed development, and that there is sufficient capacity in the system to provide service to this project.

The information below intends to verify compliance with the criteria established in Sections 5.18 through 5.20 for the Unified Land Development Code of the City of North Bay Village.

Potable Water (Section 5.20.A)

"New development shall not be approved unless there is sufficient available capacity to sustain the following levels of service for potable water as established in the potable water sub-element of the North Bay Village Comprehensive Plan."

1. Minimum design flow: 120 GPD per capita

The proposed flow for this project has been calculated based on Section 43 of Chapter 24 of the Miami Dade County Code of Ordinances. Please see Table 1 below.

Table 1. Proposed Average Daily Flow (AADF)

Use	Gallonage Rate	GPD/SF-Unit	SF-Units	AADF (GPD)
Apartments	135 GPD/Unit	135	70	9,450

Based on Section 11.243 of "Recommended Standards for Wastewater Facilities" (Ten State Standards), the total population of this project is based on a demand of 100 gallons per capita per day. Therefore:

Population (P): $P = {}^{9450\ GPD}/_{100\ GPDPC} = 94.5\ Ppl$

Projected design flow (F): $F = 94.5\ Ppl * 120\ GPDPC = 11{,}340 GPD = 0.011 MGD$

According to the most updated capacity information received from Miami Dade Hialeah-Preston Water Treatment Plant, shown on Appendix A, the current annual average flow from March 2022 through February 2023 is 137.18 MGD with a permitted maximum capacity of 225 MGD. The projected consumption including this project is 137.19 MGD, which is less than the maximum permitted capacity of the plant. Please see Table 2 below.

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Table 2. Permitted Capacity for Miami-Dade Hialeah-Preston Water Treatment Plant

Plant	FDEP Permit No.	Expiration Date	Current Annual Average MGD	Annual Average including project (MGD)	Permitted Capacity (MGD)	Remaining Capacity (MGD)	Remaining Capacity (%)
Hialeah-Preston	PWO-00001	11/30/2022	137.18	137.19	225.00	87.81	39.03

2. Pressure: To meet Miami-Dade County fire flow ordinance

The subject project is located within RM-70 (Multiple Family residential) Zoning as per City of North Bay Village Zoning Map, which corresponds to Zoning District RU-4 (High Density Apartment) within Miami Dade County. Furthermore, Miami-Dade County Code of Ordinances, Section 2-103.21, establishes the required fire flow for Zoning RU-4 to be 2000 GPM at 20 PSI residual pressure, and each fire hydrant to deliver no less than 750 GPM. According to the Fire Flow Tests performed by Miami Dade Fire Department on the fire hydrants in front of the property, adequate flow and pressure is available at both hydrants. Please see Appendix B.

Wastewater (Section 5.20.B)

"New development shall not be approved unless there is sufficient available capacity to sustain the following levels of service for wastewater treatment as established in the Capital Improvements Element of the North Bay Village Comprehensive Plan."

1. Minimum design flow: 110 GPD per capita

Based on the population (P) of 94.5 Ppl calculated on the Potable Water Section:

Projected design flow (F): $F = 94.5\ Ppl * 110\ GPDPC = 10{,}395 GPD = 0.01 MGD$

According to the most updated capacity information received from Miami Dade Central District Wastewater Treatment Plant, shown on Appendix A, the current annual average flow from March 2022 through February 2023 is 123.79 MGD with a permitted maximum capacity of 143 MGD. The projected consumption including this project is 123.80 MGD, which is less than the maximum permitted capacity of the plant. Please see Table 3 below.

Table 3. Permitted Capacity for Miami-Dade Central District Wastewater Treatment Plant

Plant	FDEP Permit No.	Expiration Date	Current Annual Average MGD	Projected Design flow for project (MGD)	Annual Average including project	Permitted Capacity (MGD)	Remaining Capacity (MGD)	Remaining Capacity (%)
Central District	FL0024805	12/31/2025	123.79	0.04	123.80	143.00	19.2	13.43

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The proposed project is fronting an 8" gravity sewer which discharges into City of North Bay Village lift station No. 23-0002. Based on DERM's Pump Capacity Estimator (Appendix C), this lift station is currently under Temporary Moratorium (TM) status, therefore, no allocation is allowed at this time and the developer cannot connect to this system until the lift station is placed back into compliance.

As per conversation with the City of North Bay Village Public Works Director, Marlon Lobban, City Engineer, Delroy Peters, and the City Planner, Silvia Vargas, the City of North Bay Village is undergoing a sewer improvement project at this time, however, until the project is completed, connection to the gravity sewer system is not feasible, therefore, this project will need a private pump station and public force main (FM) extension to an existing 20" force main located in the intersection between John F. Kennedy Cswy (NE 79th St. / SR 934) and Larry Paskow Way. The developer must connect to this 20" force main and extend a 4" DIP force main northerly in Larry Paksow Way to West Dr., and then northerly in West Dr., as required to provide service to the proposed development.

Should the City of North Bay Village complete the sewer improvement project before this project is ready for construction, the owner may modify the permit and connect to the existing gravity sewer main in front of the property in West Drive.

Transportation System (Section 5.20.C)

"New development shall not be approved unless there is sufficient available capacity to sustain the following level of service for transportation systems as established in the Transportation Element of the North Bay Village Comprehensive Plan:"

Type of Facility	*Peak Hour Level of Service*
Arterial roadways	*D*
Collector roadways	*D*
Limited access roadways	*D*

Please refer to the Traffic Engineering assessment by Kimley-Horn.

Drainage System (Section 5.20.D)

"No new development shall be approved unless there is sufficient available capacity to sustain a five-year frequency storm event including retention or detention with filtration of the first inch of runoff, as established in the drainage sub-element of the North Bay Village Comprehensive Plan."

The site resides within the limits of the saltwater intrusion boundary, which typically suggests that it is feasible to use Drainage Injection Wells as a stormwater disposal method. The use of drainage wells will provide adequate flood protection, while minimizing the footprint of the underground drainage infrastructure required.

Based on the Drainage calculations shown on Appendix D, the project site has the capacity to retain the total runoff from the 5-year storm event. Due to the difference in elevation

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between the Building Finished Floor Elevation of 10.00' NVGD and the boardwalk elevation of approximately 7.00' NGVD, the storm drainage system will consist of two (2) basins: One basin will discharge to two (2) interconnected injection wells in order to drain the higher ground corresponding to the building and driveways areas, and the other basin will discharge to an exfiltration trench under the boardwalk to drain the remaining lower areas. Considering Miami Dade County DERM established criteria of 90 seconds detention time for injection wells, the drainage wells will be designed with a capacity of 500 GPM per feet of head discharge rate.

ICPR Modeling was performed to analyze the proposed basins discharging to the drainage wells and the exfiltration trench, in order to verify no flooding will occur within the site during the 5 year, 10 year, 25 year and 100 year storm events. See Appendix D for input and results.

Solid Waste (Section 5.20.E)

No new development shall be approved unless there is sufficient available capacity to sustain a level of service for solid waste of seven pounds per capita per day as established in the solid waste sub-element of the North Bay Village Comprehensive Plan."

Assuming a Population of 94.5 Ppl, as calculated in the Potable Water Section above:

Projected Solid Waste (W): $W = 94.5\ Ppl * 7\ {}^{lb}/_{ppl}\ {}/_{day} = 661.5\ {}^{lb}/_{day} = 0.3\ {}^{tons}/_{day}$

Annual Projected Solid Waste = 109.52 tons

The Miami-Dade County Department of Solid Waste Management (MD-DSWM), which provides service to the City of North Bay Village, evaluates disposal capacity based on historical contracted and anticipated non-contracted waste flows at a system-wide level, therefore, it is not possible to evaluate a case-by-case capacity for a specific project. However, according to the concurrency determination issued September 2022, there is sufficient system-wide waste disposal capacity to comply with the County's adopted 5-year-level-of-service standard. Please see Appendix E for supporting documentation provided by MD-DSWM.

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Appendix A: Miami Dade Water and Sewer Treatment Plant Capacity

Water and Wastewater Treatment Plant Operating Permits

Wastewater Treatment Plant FDEP Operating Permits

Plant	Facility GMS ID	FDEP Permit No.	Expiration Date	Current Permitted Capacity, AADF, MGD	Current Influent Flows, AADF, MGD (1)	Maximum Monthly ADF MGD (2)	Maximum 3 - Month ADF MGD (2)
North District	5013M02271	FL0032182	Feb. 19, 2022	120	102.09	125.90 Jun-22	120.48 Sep 22 - Nov 22
Central District	5013M00797	FL0024805	Dec. 31, 2025	143.0	123.79	167.96 Jun-22	156.07 Sep 22 - Nov 22
South District	5013M04555	FLA042137	Dec. 9, 2022	112.5	107.21	152.89 Jun-22	123.39 Sep 22 - Nov 22

South Florida Water Management District (SFWMD) Water Use Permit

	Permit No.	Expiration Date	Source Aquifer	Current Permitted Annual Withdraw MG	Annual Withdraw MG (4)	Equivalent MGD
All Plants	13-00017-W	Feb. 9, 2035	Biscayne	127,568	105,070.72	287.86
			Floridan	13,348	3,370.41	9.23

Water Treatment Plant - Regulatory Economic Resources (RER) Operating Permits

Plant	Permit No(s).	Expiration Date	Current Permitted Capacity MGD	Max Day MGD (2)	Annual Average MGD (3)
Hialeah-Preston	PWO-00001	Nov. 30, 2022	225	150.0	137.18
Alexander Orr	PWO-00002	Nov. 30, 2022	214.74	193.3	178.46
South Dade	00005-00008, 00011	Nov. 30, 2022	14.19	8.7	7.1
Hialeah RO	PWO-00461	Nov. 30, 2022	10	8.8	6.79

(1) Annual average daily flow as of February 2023
(2) Maximum daily,monthly, and maximum 3-Month Average Daily Flow occuring within the last 12 months (March 2022 - February 2023); with months noted below.
(3) Reported Annual Average of Plant Daily Finish Water Flows as of February 2023
(4) Based on sum of reported individual water supply well flow metered withdraws to SFWMD as of February 2023 (actual WTP Finish and Raw water flows may be higher).

AADF = Annual Average Daily Flow; ADF = Average Daily Flow; MG = Million Gallons; MGD = Million Gallons per Day

Last Updated: 3/29/2023

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Appendix B: Miami Dade Fire Rescue Flow and Pressure Tests

Hydrant Flow Test Report

Hydrant Information			
Hydrant ID:	MDFR5919	Agency Hydrant ID:	
Repair Owner:	NBV	Station:	27
Location:	7939 WEST DR		
Flow Test Information			
Flow Test Date:	05/11/2023 07:18:00	Flow Status:	COMPLETE
Test By:	E326996	Pitot 1:	17
Static Pressure:	48	Pitot 2:	17
Residual Pressure:	43	Pitot 3:	
Hydrant Flow:	1230.33		
Available Flow @ 20 PSIG:	3119.21		
Sprinkler Static Pressure:	43		
Sprinkler Residual Pressure:	38		
Sprinkler Flow:	1155.33		
Comments:	X2023095150		

Map	Requestor Information	
	Date Requested:	05/11/2023 07:18:57
	Requested By:	FIRE DEPT
	Project Name:	
	Application #:	

Hydrant Flow Test Report

Hydrant Information			
Hydrant ID:	MDFR291	Agency Hydrant ID:	
Repair Owner:	NBV	Station:	27
Location:	7933 WEST DR		
Flow Test Information			
Flow Test Date:	05/11/2023 07:19:00	Flow Status:	COMPLETE
Test By:	E326996	Pitot 1:	17
Static Pressure:	48	Pitot 2:	17
Residual Pressure:	43	Pitot 3:	
Hydrant Flow:	1230.33		
Available Flow @ 20 PSIG:	3119.21		
Sprinkler Static Pressure:	43		
Sprinkler Residual Pressure:	38		
Sprinkler Flow:	1155.33		
Comments:	X2023095153		

Map



Requestor Information	
Date Requested:	05/11/2023 07:20:06
Requested By:	FIRE DEPT
Project Name:	
Application #:	

Appendix C: Miami Dade County DERM Pump Station Capacity Estimator

This Is Not An Official Document
5/22/2023 9:36 AM - Version i2.20

Calculations are based on the criteria stipulated in Section 24-42.3, Miami-Dade Code, and Federal Consent Decree (Case: No. 1:12-cv-24400-FAM)

Please be aware that the information obtained with this Application is for general information only, and it is only correct as of the time and date in which the search was executed. Consequently, the information obtained with this application DOES NOT CONSTITUTE AN OFFICIAL DEPARTMENTAL DETERMINATION or APPROVAL for your project. For any additional information about the **Pump Station Capacity Estimator** application, please refer to the Application Guidelines or contact the **RER–DERM Wastewater Permitting Section** at 305-372-6600 or via email at PSO@miamidade.gov

* Required fields

Search Criteria	
Sanitary Sewer Utility *	23 - CITY OF NORTH BAY VILLAGE
Pump Station Number *	0002
Proposed Projected Flow (GPD) *	9450 GPD *(Only numbers are allowed)*
Project will require, or is part of, a Sewer Extension *	Yes
Submit / Clear	

Pump Station Capacity Estimator Result
→ ALLOCATION IS NOT ALLOWED ←

Search Criteria Detailed Result	
Sanitary Sewer Utility	23 - CITY OF NORTH BAY VILLAGE
Pump Station Number	0002
Proposed Projected Flow (GPD)	9,450 GPD
Project will require, or is part of, a Sewer Extension	Yes

Pump Station Downstream	Pump Station Owner	Pump Station Number	Moratorium Code	Projected NAPOT	Proposed Hrs (Δt)	Proposed Projected Hrs
Receiving PS	23	0002	TM	4.69	0.11	4.80
↓	30	0002	OK	7.80	0.00	7.80
↓↓	30	CD	--	--	--	--

Treatment Plant Codes

CD	Central District Treatment Plant
ND	North District Treatment Plant
SD	South District Treatment Plant
TP	Homestead Treatment Plant
AV	Americana Village

Pump Station Acronyms

GDP	Gallons Per Day
HAMA	High Annual Monthly Average
NAPOT	Nominal Avg. Pump Operating Time

Moratorium Codes

AC	Approved And Corrected
AH	Approved And Corrected - HAMA Limited
AM	Absolute Moratorium - NAPOT Above 10. Plan Submitted
CH	Conditional Moratorium - HAMA Limited
CM	Conditional Moratorium
CN	Conditional Moratorium - New Collection System
DE	Decommissioned - Removed
FH	No Allocations - MH GT 10 HAMA Ltd
FN	No Allocations - MH GT 10
IM	Initial Moratorium
IN	Incomplete - Information Missing
OH	OK - HAMA Limited
OK	OK
RM	Restricted Moratorium
TH	No Allocations - Due To High Hours With HAMA
TM	Temporary Moratorium

Appendix D: Drainage Calculations

Stormwater Management Calculations

7940 NORTH BAY VILLAGE

Pre Development Site

STORWATER MANAGEMENT CALCULATIONS

A. SITE DATA			
A1	Total Site Area=	0.770 Ac.	
A1.1	Right Of Way dedication=	0.00 Ac.	
A1.2	**Total Site Area for Stormwater Calculations**	**0.770 Ac.**	
A2	Total Building Area=	0.277 Ac.	36.0%
A3	Total Landscaping=	0.173 Ac.	22.5%
A4	Total Pavement+Concrete	0.320 Ac.	41.6%
			100%

B. SOIL STORAGE CALCULATIONS		
B1	Average Pervious Elevation =	8.00 '+-
B2	Average October water table =	2.00 '
B3	Depth to water table (B1-B2)=	6.00 '
B4	From SFWMD Manual for (B3) to W.T., =	8.18 "
B5	Compute overall soilstorage for site.=	1.84 "
	S=B4x(A3/A1.2);	
B6	**Curve Number (1000/(S+10))**	**84.47**

C. COMPUTE 100-Year, 3-Day Runoff Volume for Proposed Site		
C0	Rainfall (inches),	14.00 "
C1	Rainfall (inches) - (X.XX" F-Drain Credit)	14.00 "
C2	Q(runoff)= (C1-0.2(B5))^2/(C1+0.8(B5)) =	12.01 "
C3	Compute volume generated by storm	0.77 Ac-ft
	V= (C2/12)xA1.2	

D. COMPUTE 25-Year, 3-Day Runoff Volume for Proposed Site		
D0	Rainfall (inches),	11.50 "
D1	Q(runoff)= (D1-0.2(B5))^2/(D1+0.8(B5)) =	9.56 "
D2	Compute volume generated by storm	0.61 Ac-ft
	V= (D3.6/12)xA1.2	
D3	Storm Routed using (ICPR). No F-Drain credit used. F-Drain modeled as Stage vs. Discharge	

E. COMPUTE 10-Year, 1-Day Runoff Volume for Proposed Site		
E0	Rainfall (inches),	7.30 "
E1	Q(runoff)= (E1-0.2(B5))^2/(E1+0.8(B5)) =	5.48 "
E2	Compute volume generated by storm	0.35 Ac-ft
	V= (E3.6/12)XA1.2	
E3	Storm Routed using (ICPR). No F-Drain credit used. F-Drain modeled as Stage vs. Discharge	

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H. COMPUTE 5-Year, 1-Day Runoff Volume for Proposed Site		
H0	Rainfall (inches),	6.00 "
H1	Q(runoff)= (H1-0.2(B5))^2/(H1+0.8(B5)) =	4.25 "
H2	Compute volume generated by storm	0.27 Ac-ft
	V= (H3.3/12)XA1.2=	
H3	Storm Routed using (ICPR). No F-Drain credit used. F-Drain modeled as Stage vs. Discharge	

G. COMPUTE 100-Year, 1-Day Runoff Volume for Proposed Site		
G1	Rainfall (inches)	10.30 "
G2	Q(runoff)= (C1-0.2(B5))^2/(C1+0.8(B5)) =	8.38 "
G3	Compute volume generated by storm	0.54 Ac-ft
	V= (C2/12)xA1.2	

F. DESIGN PARAMETERS		
F1	Miami - Dade County Flood Criteria	8.55 ' N.G.V.D.
F2	Firm Zone X (Panel #12086 C 0306 L Dated9/11/09)	8.0 ' N.G.V.D.
F3	Existing average crown of road adjacentes streets=	6.62 ' N.G.V.D.
F4	Highest permissible 10-year, 1 day stage on site(Lowest Parking Crown of Road)	' N.G.V.D.
F5	Highest crown of road of adjacent streets=	6.93 ' N.G.V.D.
F6	Highest permissible 100-year, 3 day stage on site	9.22 ' N.G.V.D.
	(The highest of a.) Fema or b.) 8"+avg. Crown c.) 8" + Dade Co. Flood C.	

G. DESIGN CRITERIA

1 Parking Lot= 5-year storm per Miami-Dade County RER (DERM)

2 Perimeter Elevation: No lower than 25 year, 3-day maximun stage

3 Finish Floor: The highest of
- 8" Above highest crown of adjacent road
- Fema Elevation + 1'
- No lower than 100- year, 3-day maximum stage

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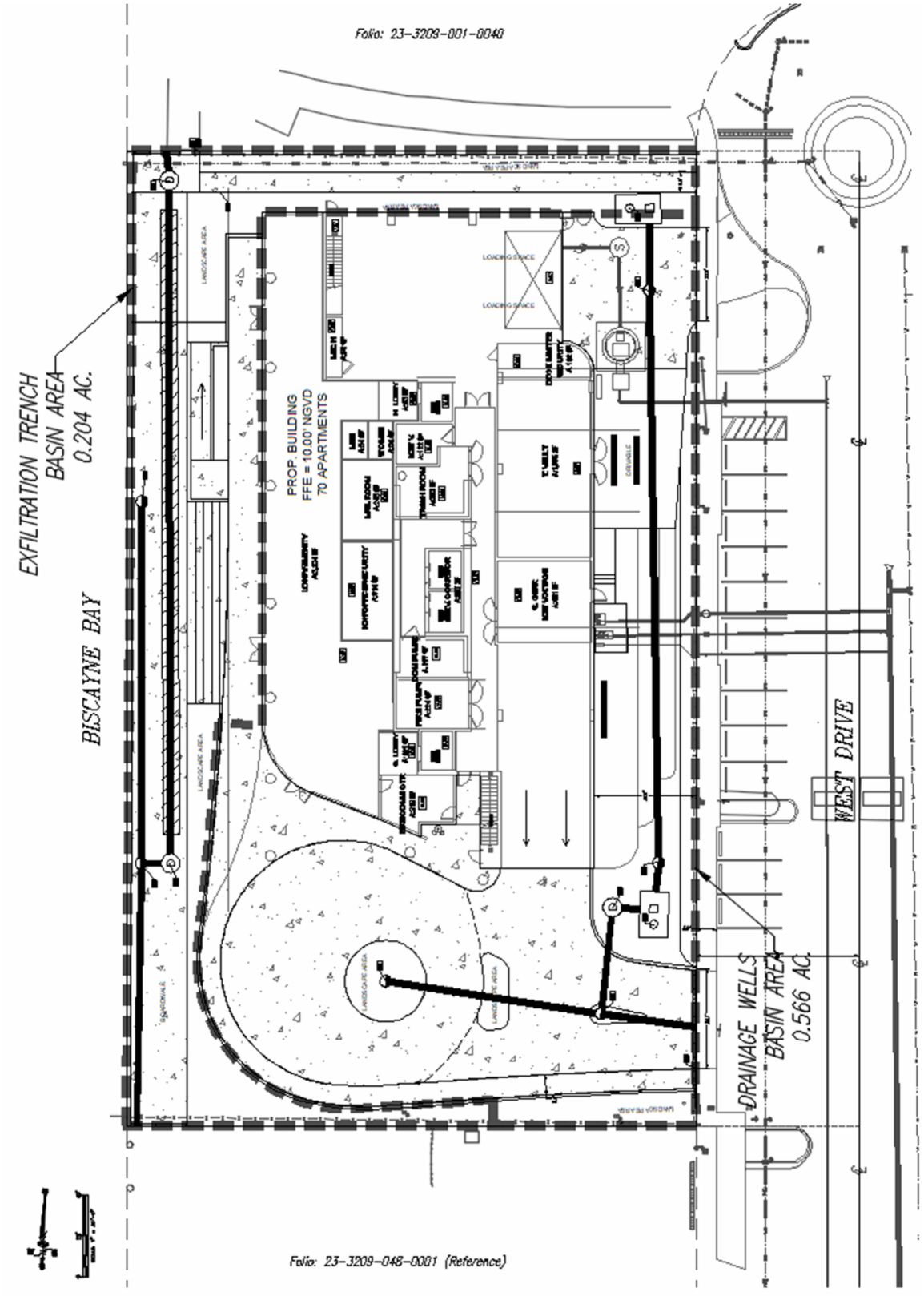
Basin Distribution Map



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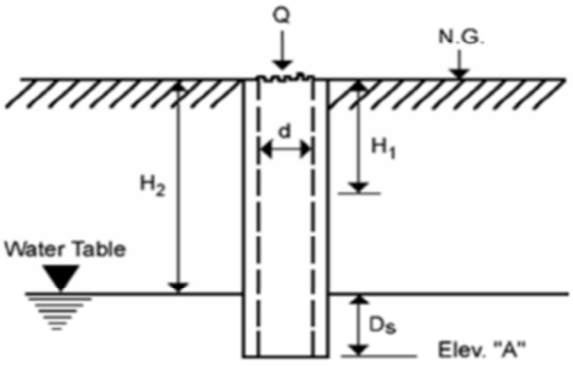
Percolation Tests

SUMMARY OF PERCOLATION TEST RESULTS
SOUTH FLORIDA WATER MANAGEMENT DISTRICT - "USUAL OPEN HOLE TEST"

TEST NUMBER	TEST DATE	SLOTTED PVC DIAMETER (d) (inches)	HOLE DEPTH (feet)	APPROX. ELEVATION (NGVD)	DEPTH TO WATER TABLE BEFORE TEST (feet)	DEPTH TO WATER TABLE DURING TEST (feet)	HYDRAULIC HEAD (H_2) (feet)	SATURATED HOLE DEPTH (D_s) (feet)	STABILIZED FLOW RATE (Q) (cfs)	HYDRAULIC CONDUCTIVITY (K) (cfs/ft^2 - ft head)
P-1	3/20/2023	5	5	7.60	5.00	0.00	5.00	0.00	0.0227257	1.33E-03
P-2	3/20/2023	5	10	7.60	6.80	4.40	2.40	3.20	0.0935764	6.61E-03
P-3	3/20/2023	5	5	7.60	5.00	0.00	5.00	0.00	0.0503530	2.95E-03
P-4	3/20/2023	5	10	7.60	6.10	4.00	2.10	3.90	0.0935764	6.74E-03



$$K = \frac{4Q}{\pi d (2H_2^2 + 4H_2D_s + H_2d)}$$

K = Hydraulic Conductivity ($cfs/ft.^2$ – ft. head)
Q = "Stabilized" Flow Rate (cfs)
d = Diameter of Test Hole (feet)
H_2 = Depth to Water Table (feet)
D_s = Saturated Hole Depth (feet)
Elev. "A" = Proposed Trench Bottom Elev. (ft. – NGVD)
H_1 = Average Head on Unsaturated Hole Surface (ft. head)

PROJECT NAME:	7940 North Bay Village				
PROJECT LOCATION:	7940 West Drive, North Bay Village, FL				
PROJECT No.:	23100	**TESTED BY:**	J&R	**REVIEWED BY:**	RF

SKYRISE ENGINEERING & TESTING

7940 NORTH BAY VILLAGE

NUTTING ENGINEERING

Soil Percolation Test results at 10 ft.

Test Number	Hydraulic Conductivity (K) $cfs/ft^2ft.head$
1	6.61E-03
2	6.74E-03
AVERAGE	*6.68E-03*

Exfiltration Trench Calculations

7940 NORTH BAY VILLAGE
On-Site French Drain System
(RIM EL.=5.50')

1. TRENCH DISCHARGE CALCULATIONS

Q = K x [(2xLxDu)x(H-0.5Du)+(2xLxDs)x(H)+(LxWxH)]

STAGE NGVD (1)	"K" C.F.S./FT^2-FT. (2)	MIN. RIM ELEV. NGVD (3)	TOP OF TRENCH NGVD (4)	WATER TABLE NGVD (5)	BOTTOM OF TRENCH NGVD (6)	W (FT) (7)	L (FT) (8)	Du Ft. (9)	Ds Ft. (10)=(5)-(6)	H Ft. (11)=(1)-(5)	DISCHARGE C.F.S. "Q"
2.00	6.68E-03	5.50	3.50	2.00	-4.50	4.00	150.00	0.00	6.50	0.00	0.00
3.50	6.68E-03	5.50	3.50	2.00	-4.50	4.00	150.00	1.50	6.50	1.50	27.78
5.50	6.68E-03	5.50	3.50	2.00	-4.50	4.00	150.00	1.50	6.50	3.50	67.83

NOTE:

F-DRAIN PROVIDED=	150 L.F
* F-DRAIN REQUIRED=	20 L.F

* French Drain Required to Comply with RER's 5-year storm including a factor of safety of 2.0

7940 NORTH BAY VILLAGE
On-Site French Drain System
DERM'S 5 YEAR STORM TABULATION

SITE DATA:			COMPUTE AVG. "C":	
CONTRIBUTING AREA (Ac.) =	0.204		USE C= 0.2 FOR PERVIOUS	
IMPERVIOUS AREA (Ac.) =	0.204	100%	USE C= 0.9 FOR IMPERVIOUS	
PERVIOUS AREA (Ac.)=	0.000	0%	AVG. "C" = (100%)x(0.9)+(0%)x(0.3)=	0.90

ANALYSIS OF A 5-YEAR STORM

TIME (MIN.) (1)	INTENSITY (In./Hr.) (2)	RUN-OFF (C.F.S.) (3)	F-DRAIN DISCHARGE/2.0 (C.F.S.) (4)	ACCUM. RUN-OFF (C.F. X 1000) (5)	ACCUM. EXFILTRATED (C.F. X 1000) (6)	VOL. STORAGE IN TRENCH (C.F. X 1000) (7)	EXCESS SYSTEM CAPACITY (C.F. X 1000) (8)
0	0.00	0.00	33.92	0.00	0.00	0.45	0.45
5	6.70	1.23	33.92	0.37	10.18	0.45	10.26
10	6.20	1.14	33.92	0.68	20.35	0.45	20.12
15	5.55	1.02	33.92	0.92	30.53	0.45	30.06
20	5.20	0.95	33.92	1.15	40.70	0.45	40.01
25	4.70	0.86	33.92	1.29	50.88	0.45	50.03
30	4.40	0.81	33.92	1.45	61.05	0.45	60.05
40	3.80	0.70	33.92	1.67	81.40	0.45	80.18
50	3.50	0.64	33.92	1.93	101.75	0.45	100.28
60	3.25	0.60	33.92	2.15	122.10	0.45	120.41
90	2.40	0.44	33.92	2.38	183.15	0.45	181.23
120	2.20	0.40	33.92	2.91	244.20	0.45	241.75
150	1.80	0.33	33.92	2.97	305.26	0.45	302.73
180	1.60	0.29	33.92	3.17	366.31	0.45	363.59

COLUMN #
- (3) (2) x CONTIBUTING AREA x AVG."C"
- (4) FRENCH DRAIN DISCHARGE CAPACITY TO MIN. RIM/ 2.0 FACTOR OF SAFETY
- (5) (3) x (1) x (60 SEC./MIN)]/1000
- (6) (4) x (1) x (60 SEC./MIN.)]/1000
- (8) [(6) + (7)] - (5)

Drainage Wells Calculations

7940 NORTH BAY VILLAGE
Proposed Drainage Well Capacity

1. DRAINAGE WELL DISCHARGE CALCULATIONS per Well

STAGE NGVD29 (1)	STAGE NAVD88 Datum	DISCHARGE RATE GPM/FT (2)	MIN. RIM ELEVATION NGVD29 (3)	DENSITY DIFFERENTIAL DEPTH FT (4)	MEAN HIGH WATER NGVD (5)	DISCHARGE G.P.M. (6) = "Q" ={ [(1) - (4) - (5)] * (2)}	DISCHARGE C.F.S. (7) "Q" = [(6) / 448.8]
1.70	0.15	500.00	8.00	2.00	1.70	0.00	0.00
3.70	2.15	500.00	8.00	2.00	1.70	0.00	0.00
4.70	3.15	500.00	8.00	2.00	1.70	500.00	1.12
5.70	4.15	500.00	8.00	2.00	1.70	1000.00	2.23
6.70	5.15	500.00	8.00	2.00	1.70	1500.00	3.35
8.00	6.45	500.00	8.00	2.00	1.70	2150.00	4.79

COLUMN #
- (2) REQUIRED MINIMUM AVERAGE CAPACITY OF 500 GPM PER FOOT OF HEAD.
- (3) AIR RELEASE PIPE (GOOSE NECK) OR LOWEST RIM ELEVATION.
- (4) DENSITY DIFFERENTIAL BETWEEN SALTWATER AND WATER. BASED ON 80' CASED WELL DEPTH AND 1' DEPTH PER 40' OF CASING DEPTH.
- (5) MIAMI MEAN HIGH WATER

7940 NORTH BAY VILLAGE
Proposed Drainage Well Capacity
DERM'S 5 YEAR STORM TABULATION

SITE DATA:			COMPUTE AVG. "C":	
SITE TOTAL AREA AREA (Ac.) =	0.566			
GROUND PERVIOUS AREA (Ac.)=	0.000	0%	USE C= 0.2 FOR PERVIOUS	
TOTAL HORIZONTAL IMPERVIOUS AREA (Ac.) =	0.566	100%	USE C= 0.9 FOR IMPERVIOUS	
TOTAL CONTRIBUTIING AREA INTO WELLS (Ac.) =	0.566	100%	AVG. "C" = (100%)x(0.9)+(0%)x(0.2)=	0.90

ANALYSIS OF A 5-YEAR STORM

TIME (MIN.) (1)	INTENSITY (In./Hr.) (2)	RUN-OFF (C.F.S.) (3)	2-WELLS DISCHARGE/1.5 FS (C.F.S.) (4)	ACCUM. RUN-OFF (C.F. X 1000) (5)	ACCUM. VOLUME DISCHARGED (C.F. X 1000) (6)	VOL. STORAGE (C.F. X 1000) (7)	EXCESS SYSTEM CAPACITY (C.F. X 1000) (8)
0	0.00	0.00	6.39	0.00	0.00	0.00	0.00
5	6.70	3.41	6.39	1.02	1.92	0.00	0.89
10	6.20	3.16	6.39	1.90	3.84	0.00	1.94
15	5.55	2.83	6.39	2.54	5.75	0.00	3.21
20	5.20	2.65	6.39	3.18	7.67	0.00	4.49
25	4.70	2.39	6.39	3.59	9.59	0.00	6.00
30	4.40	2.24	6.39	4.04	11.51	0.00	7.47
40	3.80	1.94	6.39	4.65	15.34	0.00	10.70
50	3.50	1.78	6.39	5.35	19.18	0.00	13.83
60	3.25	1.66	6.39	5.96	23.02	0.00	17.05
90	2.40	1.22	6.39	6.60	34.52	0.00	27.92
120	2.20	1.12	6.39	8.07	46.03	0.00	37.96
150	1.80	0.92	6.39	8.25	57.54	0.00	49.28
180	1.60	0.82	6.39	8.80	69.05	0.00	60.24

COLUMN #
- (3) (2) x CONTIBUTING AREA x AVG."C"
- (4) WELL DISCHARGE CAPACITY OF WELL of 4.79 CFS x 2 Wells / 1.5 FS = 6.39 CFS
- (5) (3) x (1) x (60 SEC./MIN)]/1000
- (6) (4) x (1) x (60 SEC./MIN.)]/1000
- (8) [(6) + (7)] - (5)

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SCHWEBKE SHISKIN + ASSOCIATES

7940 NORTH BAY VILLAGE
Proposed Drainage Well Capacity
WELL LOCATION TABULATION

WELL #	LATITUDE	LONGITUDE
1	25° 51' 12.75" N	80° 09' 36.80" W
2	25° 51' 11.01" N	80° 09' 36.67" W

7940 NORTH BAY VILLAGE
Well Detention Calculations

Contributing Area	**= 0.57 Acres**	
Peak Run Off	**= 3.41 CFS**	BASED ON RER 5-YEAR PEAK RUN-OFF

Well Box Width (Ft.)	Well Box Length (Ft.)	Top of Casing to Bottom of Structure Distance	No. of Wells	Volume Per Well	Cumulative Well Volume
6.00	10.00	3.50	1	210 CF	210 CF
6.00	10.00	3.50	1	210 CF	420 CF
				Total Well Volume	420 CF
				Well Detention Time	123 Seconds

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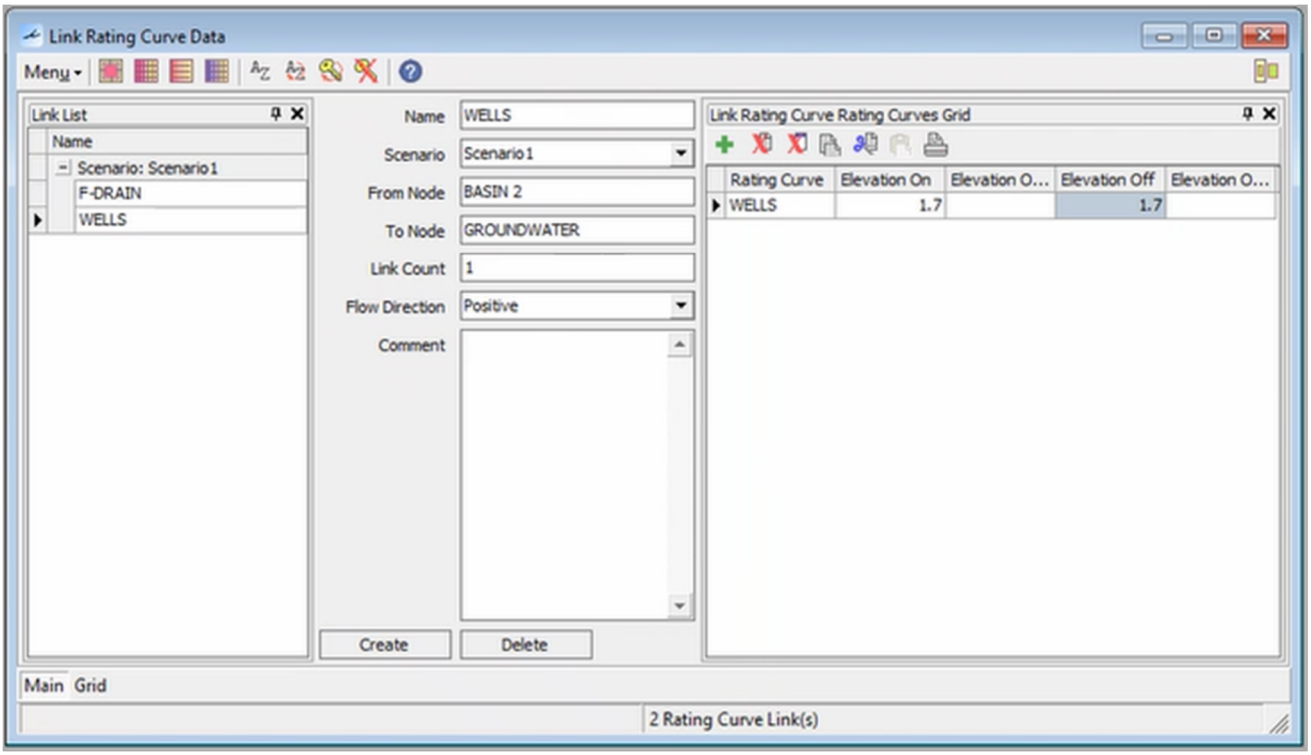
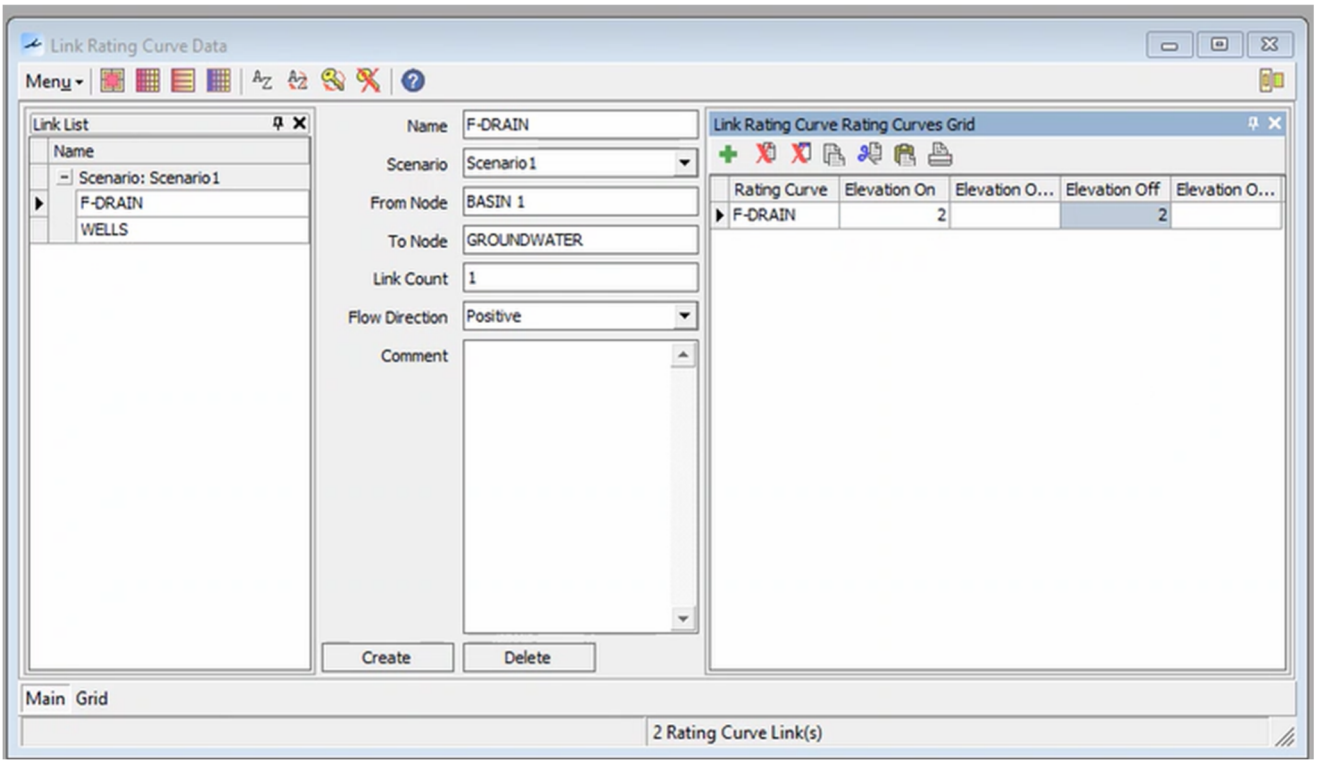
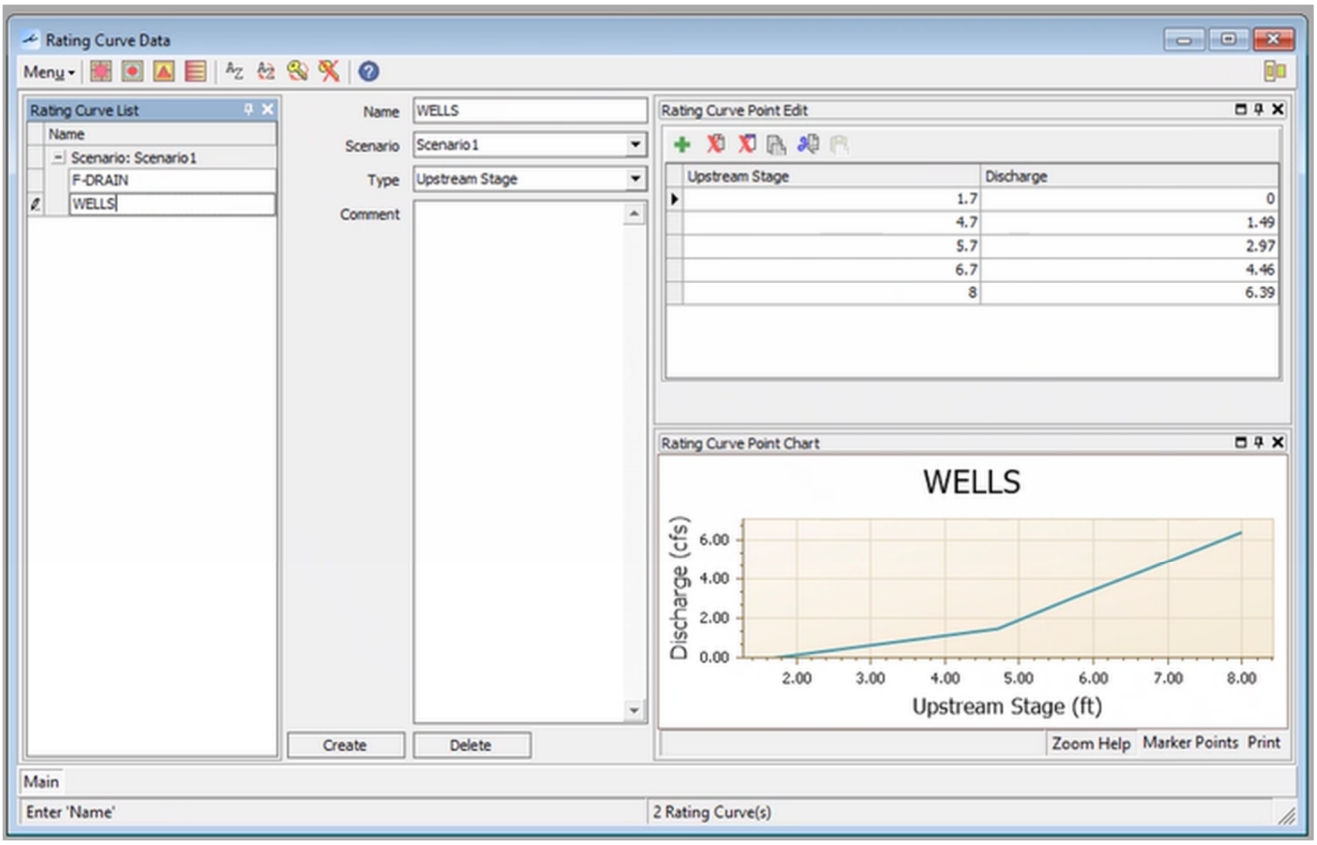
ICPR Modeling



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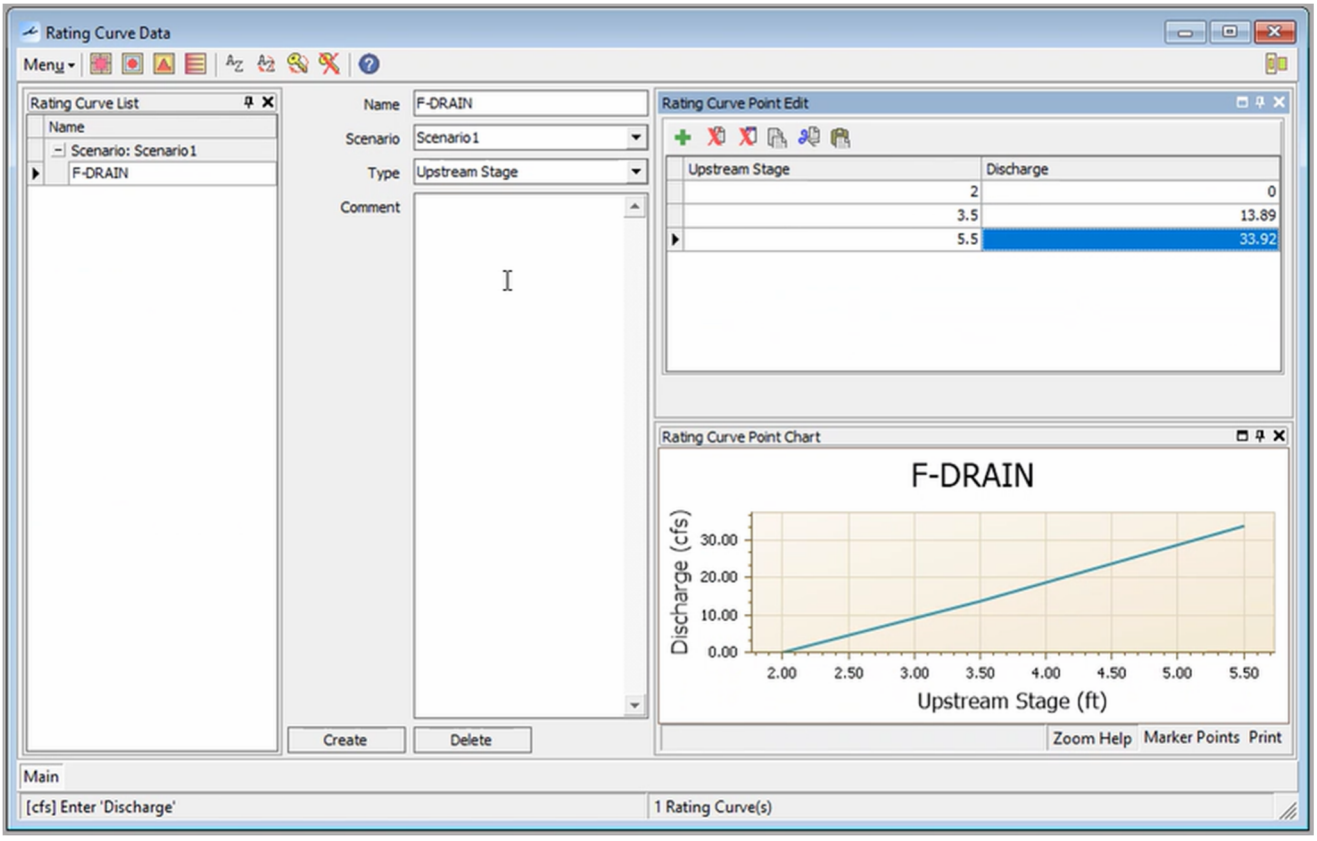
Rating Curve List
Name
Scenario: Scenario1
F-DRAIN
WELLS
Name WELLS
Scenario Scenario1
Type Upstream Stage
Comment
Create
Delete
Rating Curve Point Edit
Upstream Stage
Discharge
1.7 0
4.7 1.49
5.7 2.97
6.7 4.46
8 6.39
Rating Curve Point Chart
WELLS
Discharge (cfs)
6.00
4.00
2.00
0.00
2.00 3.00 4.00 5.00 6.00 7.00 8.00
Upstream Stage (ft)
Zoom Help Marker Points Print
Main
Enter 'Name'
2 Rating Curve(s)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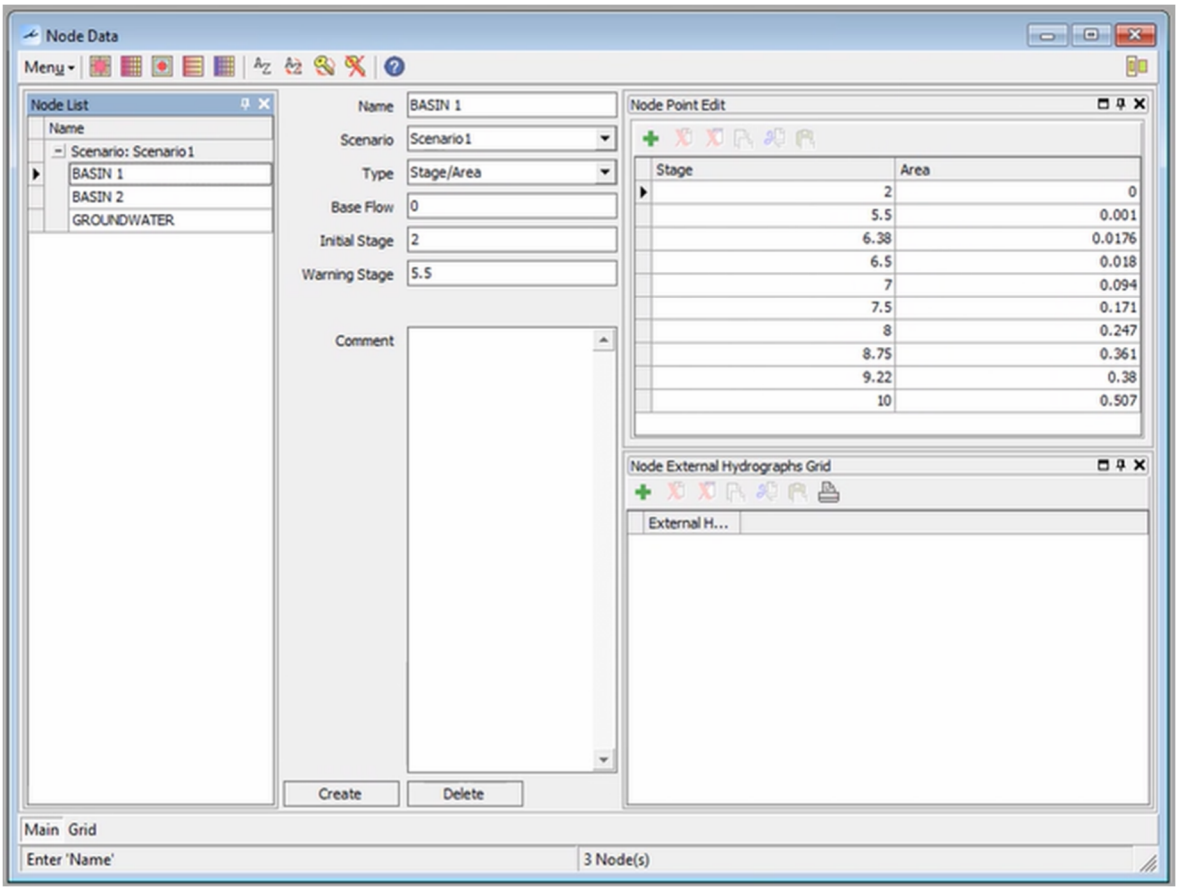
Menu
Rating Curve List
Name
Scenario: Scenario1
F-DRAIN
Name F-DRAIN
Scenario Scenario1
Type Upstream Stage
Comment
Create
Delete
Rating Curve Point Edit
Upstream Stage
Discharge
2 0
3.5 13.89
5.5 33.92
Rating Curve Point Chart
F-DRAIN
Discharge (cfs)
30.00
20.00
10.00
0.00
2.00 2.50 3.00 3.50 4.00 4.50 5.00 5.50
Upstream Stage (ft)
Zoom Help Marker Points Print
Main
[cfs] Enter 'Discharge'
1 Rating Curve(s)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BASIN 1
BASIN 2
GROUNDWATER
Name BASIN 1
Scenario Scenario 1
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Initial Stage 2
Warning Stage 5.5
Comment
Create
Delete
Node Point Edit
Stage Area
2 0
5.5 0.001
6.38 0.0176
6.5 0.018
7 0.094
7.5 0.171
8 0.247
8.75 0.361
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10 0.507
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External H...
Main Grid
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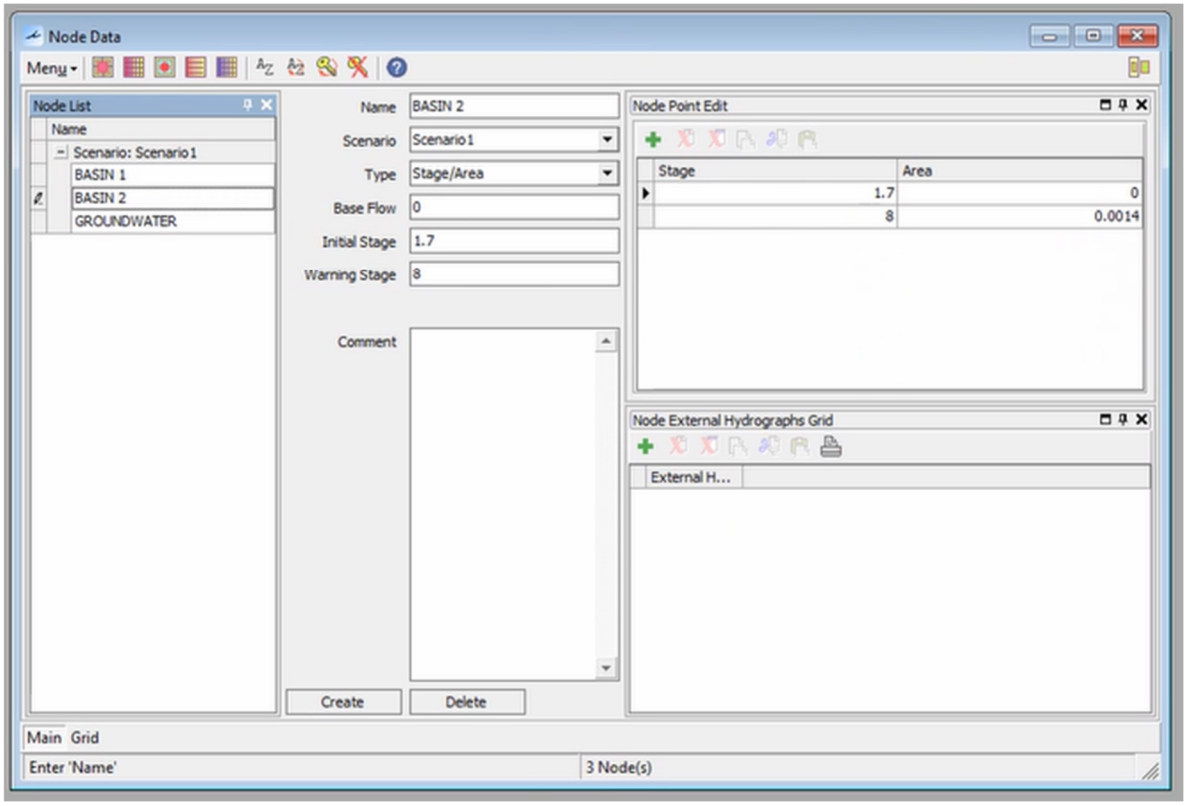
3 Node(s)


Node Data
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Node List
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BASIN 2
GROUNDWATER
Name BASIN 2
Scenario Scenario 1
Type Stage/Area
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Initial Stage 1.7
Warning Stage 8
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Node Point Edit
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8 0.0014
Node External Hydrographs Grid
External H...
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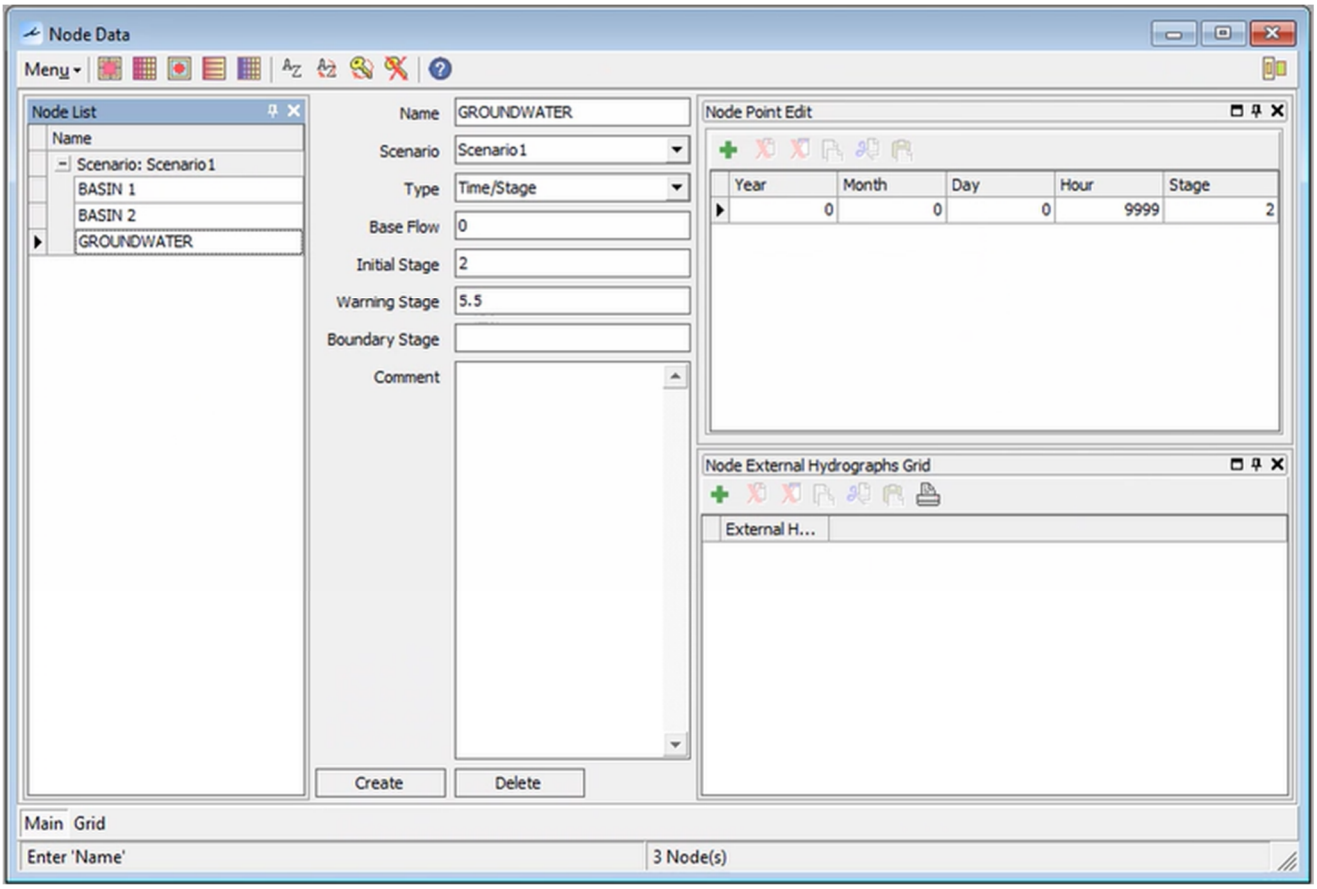
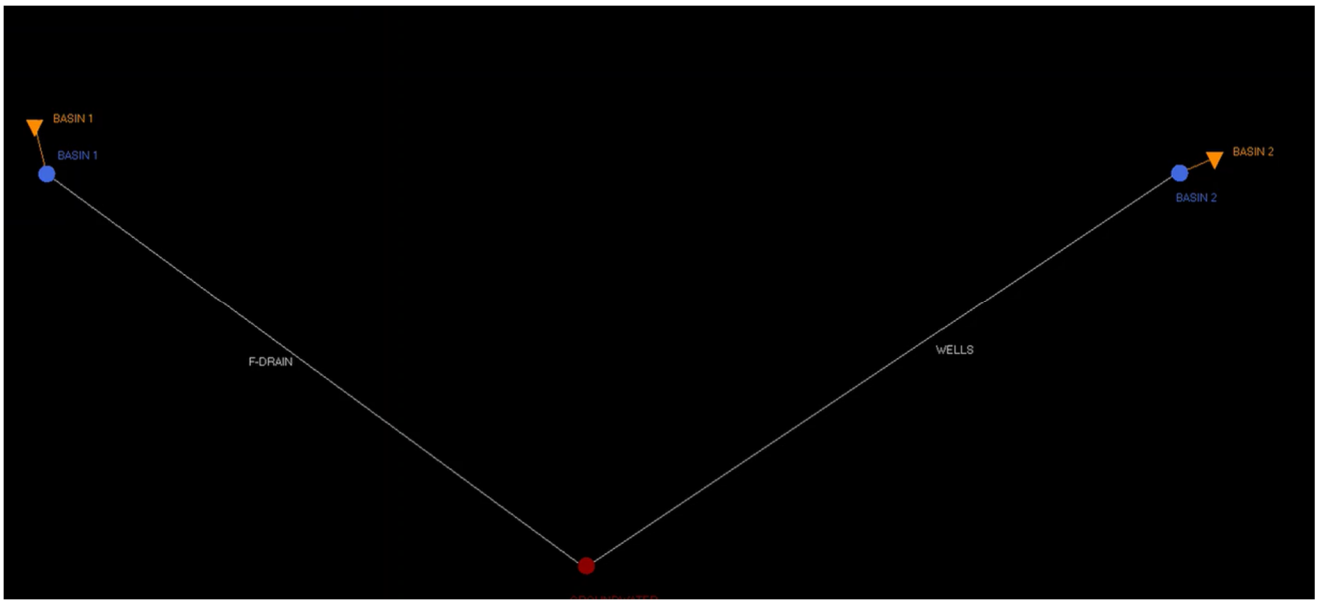
Enter 'Name'
3 Node(s)





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NODE MAX REPORT 1

Node Max Conditions [Scenario1]

Node Name	Sim Name	Warning Stage [ft]	Max Stage [ft]	Min/Max Delta Stage [ft]	Max Total Inflow [cfs]	Max Total Outflow [cfs]	Max Surface Area [ft2]
BASIN 1	100YR 24HR	5.50	2.12	-0.0001	1.15	1.15	100
BASIN 2	100YR 24HR	8.00	5.83	0.0010	3.18	3.17	100
BASIN 1	100YR 72HR	5.50	2.13	-0.0001	1.22	1.22	100
BASIN 2	100YR 72HR	8.00	5.97	-0.0010	3.39	3.38	100
BASIN 1	10YR 24HR	5.50	2.08	-0.0001	0.77	0.77	100
BASIN 2	10YR 24HR	8.00	5.12	-0.0010	2.13	2.12	100
BASIN 1	25YR 72HR	5.50	2.11	-0.0001	0.99	0.99	100
BASIN 2	25YR 72HR	8.00	5.54	0.0010	2.75	2.74	100
BASIN 1	5YR 24HR	5.50	2.06	-0.0001	0.60	0.60	100
BASIN 2	5YR 24HR	8.00	4.81	-0.0010	1.67	1.66	100

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Appendix E: Miami Dade County Department of Solid Waste Management

MIAMI-DADE COUNTY

Department of Solid Waste Management
Dr. Martin Luther King Plaza
2525 NW 62nd Street
Miami, FL 33147
T 305-514-6609 F 305-514-6866
www.miamidade.gov

06/01/2023

Andrea I. Etcheverry Q., P.E. ENV SP
Schwebke, Shiskin & Associates
3240 Corporate Way
Miramar, Florida 33025
aetcheverry@shiskin.com

Re: 7938-7940 West Drive, North Bay Village

Dear Ms. Etcheverry:

In response to your email dated May 24, 2023 regarding the application to develop a 70-unit apartment building on vacant land located at 7938-7940 West Drive, North Bay Village, FL 33141, the Miami-Dade County Department of Solid Waste Management (DSWM) can provide you with the following information regarding solid waste concurrency.

The DSWM does not measure waste disposal capacity utilization on a case-by-case basis. Instead, the adequacy of County disposal capacity is evaluated system-wide, based on historical contracted and anticipated non-contracted waste flows. Accordingly, we are not able to make specific capacity commitments to facilities, developments, or areas.

Enclosed, please find the DSWM's FY 2022-23 concurrency determination, issued on September 28, 2022, which is filed with the Regulatory and Economic Resources Department on an annual basis. The determination shows sufficient system-wide waste disposal capacity to meet the County's adopted 5-year level-of-service standard.

Should you require additional information, please do not hesitate to contact Stacey McDuffie-Brewster, Manager, Intergovernmental and External Affairs Division, at 305-514-6040.

Sincerely,

Michael Fernandez, Director
Department of Solid Waste Management

Enclosures

Memorandum

MIAMI-DADE COUNTY

Date: September 28, 2022

To: Jerry Bell, AICP, Assistant Director for Planning
Department of Regulatory and Economic Resources

From: Michael J. Fernandez, Director
Department of Solid Waste Management

Subject: Solid Waste Disposal Concurrency Determination

The Department of Solid Waste Management (DSWM) determines compliance with the County's adopted level-of-service (LOS) standard for solid waste disposal based on the ability of the County Solid Waste Management System (System) to accommodate projected waste flows for concurrency. Only those System facilities that are constructed or subject to a binding executed contract for construction are included in this determination, in accordance with Chapter 33G of the Miami-Dade County Code, Service Concurrency Management Program.

The attached spreadsheet presents the projected utilization of the System's remaining disposal capacity over a period of thirteen (13) years. The projection is based on the demand generated by those parties (municipalities and private haulers) who have committed their waste to the System through interlocal agreements or long-term contracts and anticipated non-committed waste flows, in accordance with the LOS standard. The analysis shows adequate System capacity to meet the LOS through Fiscal Year 2035 or eight (8) years beyond the minimum five (5) year standard. This determination is contingent upon the continued ability of the County and its disposal service contract providers to obtain and renew disposal facility operating permits from the applicable federal, state and local regulatory agencies. Therefore, please be advised that the current LOS is adequate to issue development orders. This determination shall remain in effect for a period of one (1) fiscal year (ending September 30, 2023), at which time a new determination will be issued. If, however, a significant event occurs that substantially alters the projection, the Department will issue an updated determination.

Attachment

c: Danny Diaz, Acting Assistant Director, Administration
Aimee Cabrera, Deputy Director, Administration
Achaya Kelapanda, Deputy Director, Operation
Olga Espinosa-Anderson, Assistant Director, Disposal Operations

3240 CORPORATE WAY – MIRAMAR, FLORIDA 33025 // PHONE (954) 435-7010

Department of Solid Waste Management (DSWM)
Disposal Facility Available Capacity
From Fiscal Year 2022-23 Through Fiscal Year 2034-35

FISCAL YEAR PERIOD	WASTE PROJECTION NET TONS DISPOSED (1)	RESOURCES RECOVERY ASHFILL (2)			SOUTH DADE LANDFILL (3)			NORTH DADE LANDFILL (4)			WMI (5) & WC (7)	TOTAL TO BE LANDFILLED	TO BE INCINERATED AND RECYCLED	WMI (5)	WC (7)	TOTAL	WMI (5)	WC (7)	TOTAL
		Beginning Capacity (6)	Landfilled	Ending Capacity	Beginning Capacity (6)	Landfilled	Ending Capacity	Beginning Capacity (6)	Landfilled	Ending Capacity	CONTRACT DISPOSAL			CONTRACT CAPACITY	CONTRACT CAPACITY	CONTRACT CAPACITY	UNUSED CAPACITY	UNUSED CAPACITY	UNUSED CAPACITY
OCT. 1, 2022 TO SEPT. 30, 2023	1,893,000	1,162,897	126,600	1,036,297	3,897,789	540,900	3,356,889	927,605	250,900	676,705	186,400	1,104,800	788,200	1,250,000	500,000	1,750,000	1,063,600	500,000	1,563,600
OCT. 1, 2023 TO SEPT. 30, 2024	1,911,900	1,036,297	126,600	909,697	3,356,889	540,900	2,815,989	676,705	250,900	425,805	205,300	1,123,700	788,200	1,250,000	500,000	1,750,000	1,044,700	500,000	1,544,700
OCT. 1, 2024 TO SEPT. 30, 2025	1,931,000	909,697	126,600	783,097	2,815,989	540,900	2,275,089	425,805	250,900	174,905	224,400	1,142,800	788,200	1,250,000	500,000	1,750,000	1,025,600	500,000	1,525,600
OCT. 1, 2025 TO SEPT. 30, 2026	1,950,300	783,097	126,600	656,497	2,275,089	540,900	1,734,189	174,905	174,905	0	319,695	1,162,100	788,200	1,250,000	500,000	1,750,000	930,305	500,000	1,430,305
OCT. 1, 2026 TO SEPT. 30, 2027	1,969,800	656,497	126,600	529,897	1,734,189	540,900	1,193,289	0	0	0	514,100	1,181,600	788,200	1,250,000	500,000	1,750,000	735,900	500,000	1,235,900
OCT. 1, 2027 TO SEPT. 30, 2028	1,989,500	529,897	126,600	403,297	1,193,289	540,900	652,389	0	0	0	533,800	1,201,300	788,200	1,250,000	500,000	1,750,000	716,200	500,000	1,216,200
OCT. 1, 2028 TO SEPT. 30, 2029	2,009,400	403,297	126,600	276,697	652,389	540,900	111,489	0	0	0	553,700	1,221,200	788,200	1,250,000	500,000	1,750,000	696,300	500,000	1,196,300
OCT. 1, 2029 TO SEPT. 30, 2030	2,029,500	276,697	126,600	150,097	111,489	111,489	0	0	0	0	1,003,211	1,241,300	788,200	1,250,000	500,000	1,750,000	246,789	500,000	746,789
OCT. 1, 2030 TO SEPT. 30, 2031	2,049,800	150,097	126,600	23,497	0	0	0	0	0	0	1,135,000	1,261,600	788,200	1,250,000	500,000	1,750,000	115,000	500,000	615,000
OCT. 1, 2031 TO SEPT. 30, 2032	2,070,300	23,497	23,497	0	0	0	0	0	0	0	1,258,603	1,282,100	788,200	1,250,000	500,000	1,750,000	0	491,397	491,397
OCT. 1, 2032 TO SEPT. 30, 2033	2,091,000	0	0	0	0	0	0	0	0	0	1,302,800	1,302,800	788,200	1,250,000	500,000	1,750,000	0	447,200	447,200
OCT. 1, 2033 TO SEPT. 30, 2034	2,111,900	0	0	0	0	0	0	0	0	0	1,323,700	1,323,700	788,200	1,250,000	500,000	1,750,000	0	426,300	426,300
OCT. 1, 2034 TO SEPT. 30, 2035	2,133,000	0	0	0	0	0	0	0	0	0	1,344,800	1,344,800	788,200	1,250,000	500,000	1,750,000	0	405,200	405,200
REMAINING YEARS				9			7			3			13						

ANNUAL DISPOSAL (in tons)
RESOURCES RECOVERY ASHFILL 126,600
SOUTH DADE LANDFILL 540,900
NORTH DADE LANDFILL 250,900
WMI CONTRACT 250,000
TOTAL TO BE LANDFILLED 1,168,400

(1) Net Tons Disposed (Budget Division Base Budget for FY2022-23 with an annual 1% growth rate).
(2) Ashfill capacity is for Cell 20. When Cells 20 is depleted, Resources Recovery Plant Ash will go to WMI.
(3) South Dade includes Cells 4 and 5.
(4) North Dade capacity represents buildout of the facility. When North Dade Landfill capacity is depleted, trash goes to WMI.
(5) Maximum Contractual Tonnage per year for WMI is 1.25 million tons. 500,000 tons to the Medley Landfill, 500,000 to Okeechobee County Landfill and 250,000 tons to the Monarch Hill Landfill in Broward County. The initial term of the WMI disposal contract ends September 30, 2035 and the contract contains two additional 5-year renewal terms.
(6) All beginning capacity figures are derived from the capacity of Miami-Dade County Landfills (Landfill Capacity Report) with actual tons for July 2022 through August 2022, and projected
(7) Maximum contractual tonnage to Waste Connections (WC) is 500,000 at the JED Landfill in St. Cloud, FL. The initial term of the WC contract ends October 1, 2025 and the contract contains two additional 5-year renewal terms.

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Traffic Impact Analysis
for Submittal to
the City of North Bay Village

7940 NORTH BAY VILLAGE
NORTH BAY VILLAGE, FLORIDA



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June 2023
143685000

Traffic Impact Analysis
for Submittal to the
City of North Bay Village

7940 NORTH BAY VILLAGE

NORTH BAY VILLAGE, FLORIDA

Prepared for:

7940 NBV Partners, LLC

Prepared by:

Kimley-Horn and Associates, Inc.

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June 2023
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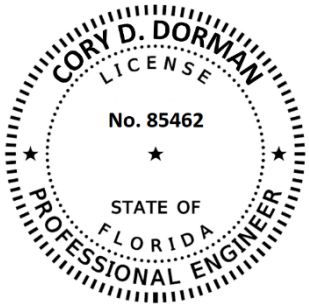

This document has been digitally signed and sealed by Cory D. Dorman, P.E., PTOE on **June 9th, 2023**, using a SHA authentication code.

Cory D Dorman

Digitally signed by Cory D Dorman
DN: cn=Cory D Dorman, c=US, o=KIMLEY-HORN AND ASSOCIATES INC., email=cory.dorman@kimley-horn.com
Date: 2023.06.09 16:09:20 -04'00'

Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

Cory D. Dorman, P.E., PTOE
Florida Registration Number 85462
Kimley-Horn and Associates, Inc.
2 Alhambra Plaza, Suite 500
Coral Gables, Florida 33134

EXECUTIVE SUMMARY

7940 NBV Partners, LLC is proposing to develop the property located at 7938-7940 West Drive in North Bay Village, Florida. Currently, the property proposed for development is vacant. The proposed development consists of 70 high-rise multifamily residential units. The project is expected to be completed by year 2027.

Access to the proposed development is provided via one (1) full access driveway along the west side of West Drive. Additionally, one (1) loading-only driveway is provided along the west side of West Drive.

Trip generation for the proposed development was calculated using rates and/or equations contained in ITE's *Trip Generation Manual*, 11th Edition. The project is expected to generate 33 net new weekday A.M. peak hour trips and 40 net new weekday P.M. peak hour trips.

The results of the intersection capacity analysis of the proposed development indicate that all study intersections are expected to operate at adopted level of service (LOS) D or better during the A.M. and P.M. peak hours under all analysis scenarios.

Additionally, the results of the 95th percentile queue analysis indicate that the anticipated future queues are not expected to exceed the provided storage with the exception of the eastbound left-turn movement at the intersection of 79th Street Causeway/John F Kennedy Causeway/SR 934 and Harbor Island Drive during the P.M. peak hour under existing, future background, and future total conditions. Note that the project assigns traffic equivalent to approximately 0.2 percent (0.2%) of the overall intersection capacity at 79th Street Causeway/John F Kennedy Causeway/SR 934 and Harbor Island Drive during the P.M. peak hour. As the project contributes less than 5.0 percent (5.0%) of traffic to the overall intersection capacity, the project does not significantly nor adversely impact this intersection. In addition, the project is expected to increase the anticipated future queue by less than one (1) vehicle as compared to future background conditions.

The results of the roadway segment analysis indicate that the study roadway segments are expected to operate at adopted LOS D under all analysis conditions.

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INTRODUCTION

7940 NBV Partners, LLC is proposing to develop the property located at 7938-7940 West Drive in North Bay Village, Florida. Currently, the property proposed for development is vacant. The proposed development consists of 70 high-rise multifamily residential units. The project is expected to be completed by year 2027. A project location map is provided as Figure 1. A conceptual site plan is included in Appendix A.

Kimley-Horn and Associates, Inc. has completed this traffic impact analysis consistent with the City of North Bay Village requirements. Methodology correspondences detailing the traffic study requirements are included in Appendix B. The purpose of the study is to assess the proposed development's impact on the surrounding transportation network. This report summarizes the data collection, project trip generation, trip distribution and assignment, intersection capacity analysis, roadway segment analysis, 95th percentile queuing analysis, and parking evaluation.



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Figure 1
Location Map
7940 NBV
North Bay Village, Flor[illegible]

EXISTING TRAFFIC

A.M. peak period (7:00 A.M. to 9:00 A.M.) and P.M. peak period (4:00 P.M. to 6:00 P.M.) turning movement counts were collected on April 27, 2023 (Thursday) at the following intersections:

79th Street Causeway/John F Kennedy Causeway/SR 934 and Harbor Island Drive

Harbor Island Drive and West Drive/East Drive

All traffic volumes were collected in 15-minute intervals and the peak hour was determined for each intersection. Turning movement counts also included pedestrian and bicycle data. The appropriate FDOT PSCF of 1.00 was applied to the turning movement counts.

Additionally, a 24-hour continuous count was collected in 15-minute intervals on April 27, 2023 (Thursday) along West Drive, west of Harbor Island Drive.

The turning movement counts, 24-hour continuous count, FDOT peak season factor category reports, and signal timing data are included in Appendix C. Figure 2 presents the existing turning movement volumes at the study intersections during the A.M. and P.M. peak hours.

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Legend

Study Roadway

Study Intersection

XX A.M. Peak Hour Traffic

(XX) P.M. Peak Hour Traffic

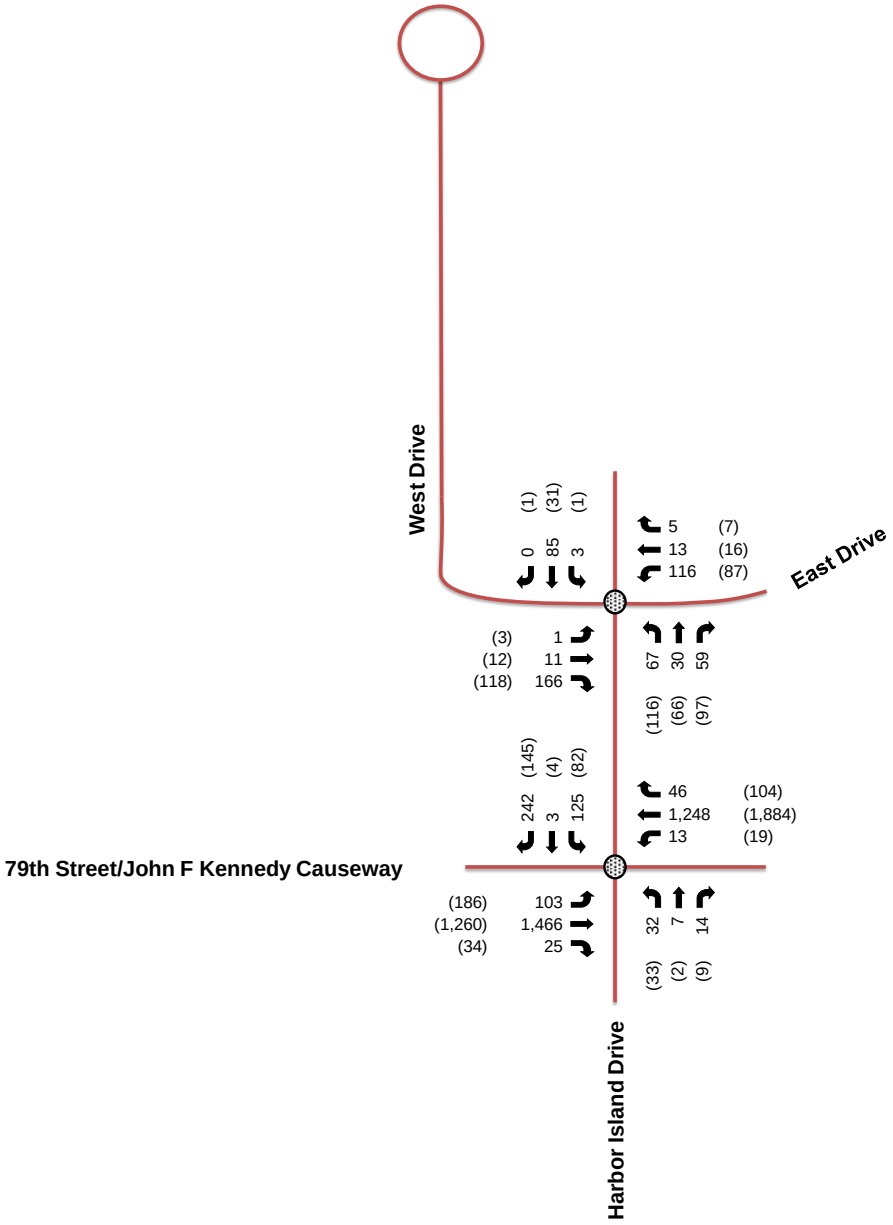

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Figure 2
Existing Peak Hour Traffic
7940 NBV
North Bay Village, Florida

FUTURE BACKGROUND TRAFFIC

Future background traffic conditions are defined as expected traffic conditions on the roadway network in the year 2027 without the construction of the proposed development. Future background traffic volumes used in the analysis are the sum of the existing traffic and additional traffic generated by growth in the study area. Refer to Figure 3 for the future background peak hour traffic volumes.

BACKGROUND AREA GROWTH

Traffic growth on the transportation network was determined based upon (a) historic growth trends at nearby FDOT traffic count stations, (b) traffic volume comparisons from the year 2015 and 2045 Florida Standard Urban Transportation Model Structure (FSUTMS) - Southeast Florida Regional Planning Model (SERPM).

FDOT count stations referenced in this analysis include:

Count station no. 0115 located on SR 934/Normandy Drive, 100 feet west of Rue Versailles

Count station no. 0142 located on SR 934/79th Street, 350 feet west of Pelican Harbour Drive

Count station no. 0533 located on SR 934/North Bay Causeway, 450 feet east of Adventure Avenue

Count station no. 5191 located on SR 934/North Bay Causeway, 100 feet west of Rue Versailles

The historic growth rate analysis, based on FDOT count stations, examined linear, exponential, and decaying exponential growth rates for the most recent five (5) and ten (10) year periods. Note that as a result of atypical traffic conditions due to the Covid-19 pandemic, historic FDOT count station data for 2020 and 2021 were interpolated between 2019 and 2022. The linear growth trend yielded a growth rate of 3.66 percent (3.66%) over the most recent five (5) year period and 1.57 percent (1.57%) over the most recent 10-year period. The exponential growth trend yielded a growth rate of 3.29 percent (3.29%) over the most recent five (5) year period and 1.34 percent (1.34%) over the most recent 10-year period. The decaying exponential growth trend yielded a growth rate of 3.43 percent (3.43%) over the most recent five (5) year period and 1.33 percent (1.33%) over the most recent 10-year period. The calculated growth rate with the highest R^2 value was determined based on the five (5) year decaying exponential growth trend which yielded a growth rate of 3.66 percent (3.66%).

Based on the volume information obtained from the years 2015 and 2045 FSUTMS SERPM, an annual growth rate of 0.76 percent (0.76%) in the vicinity of the development was calculated.

At the request of the City of North Bay Village staff, the highest calculated growth rate of 3.66 percent (3.66%) was compared to previously approved traffic impact analyses provided by the City of North Bay Village. To provide a conservative analysis, the highest growth rate of 3.91 percent (3.91%) from the *Shoma North Bay Village Traffic Study*, 2020, was applied annually to the existing traffic volumes to develop future 2027 background conditions. Detailed growth calculations are contained in Appendix D.

COMMITTED DEVELOPMENTS

The following projects were identified as committed developments to be included as part of future traffic conditions:

1755 Kennedy Causeway

1819 & 1855 79th Street Kennedy Causeway Mixed-Use Development

Shoma North Bay Village

Committed Development Information is included in Appendix E.

N

NOT TO SCALE

Legend

Study Roadway

Study Intersection

XX A.M. Peak Hour Traffic

(XX) P.M. Peak Hour Traffic

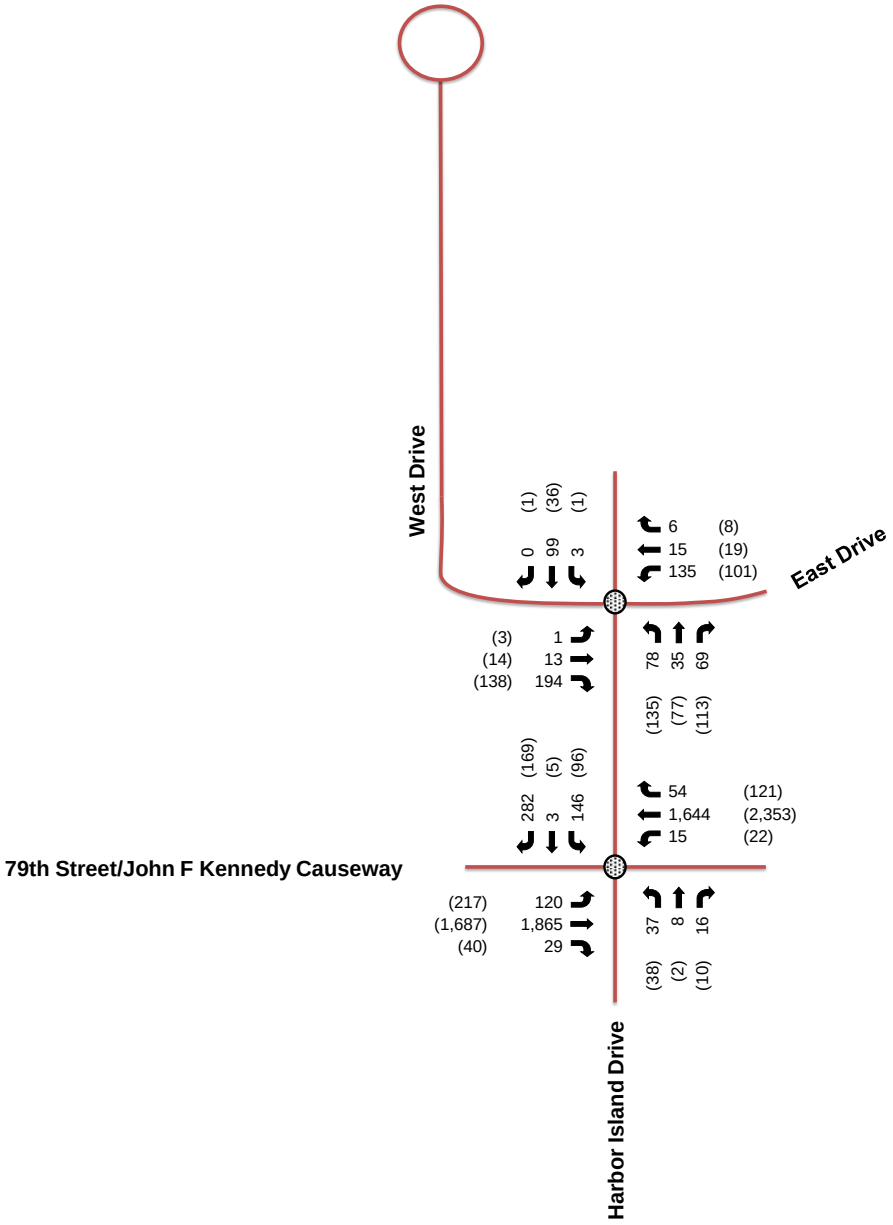

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Figure 3
Future Background Hour Traffic
7940 NBV
North Bay Village, Florida

PROJECT TRAFFIC

Project traffic used in this analysis is defined as the vehicle trips expected to be generated by the project and the distribution and assignment of that traffic over the study roadway network.

EXISTING AND PROPOSED LAND USE

The property proposed for development is currently vacant. The proposed development consists of 70 high-rise multifamily residential units.

PROJECT ACCESS

Access to the proposed development is provided via one (1) full access driveway along the west side of West Drive. Additionally, one (1) loading-only driveway is provided along the west side of West Drive.

TRIP GENERATION

Trip generation calculations for the proposed development were performed using rates and/or equations contained in the Institute of Transportation Engineers' (ITE) *Trip Generation Manual*, 11th Edition. The trip generation for the proposed development was determined using ITE Land Use Code (LUC) 222 (Multifamily Housing [High-Rise]).

MULTIMODAL REDUCTION

A multimodal (public transit, bicycle, and pedestrian) factor based on US Census *Means of Transportation to Work* data was reviewed for the census tract in the vicinity of the redevelopment. The US Census data indicated that there is a 1.7 percent (1.7%) multimodal factor within the vicinity of the development. It is expected that a portion of residents, guests, employees, and patrons will choose to walk, bike, or use public transit to and from the proposed development. Detailed census information is provided in Appendix G.

One (1) Miami-Dade Transit (MDT) route and the North Bay Village Shuttle operate in close proximity (within ½ mile) to the site during the A.M. and P.M. peak hours.

Route 79 operates along 79th Street Causeway/John F Kennedy Causeway/SR 934 in the vicinity of the study area with 30-minute headways in the eastbound and westbound directions during the A.M. and P.M. peak hours.

Route 112/L operates along 79th Street Causeway/John F Kennedy Causeway/SR 934 in the vicinity of the study area with 10-minute headways in the eastbound and westbound directions during the A.M. and P.M. peak hours.

The North Bay Village Shuttle operates along 79th Street Causeway/John F Kennedy Causeway/SR 934 within the vicinity of the study area with 60-minute headways in the eastbound and westbound directions during the A.M. and P.M. peak hours.

Detailed route information and headway data is provided in Appendix F.

NET NEW PROJECT TRIPS

As shown in Table 1, the proposed development is expected to generate 33 net new vehicle trips during the A.M. peak hour and 40 net new vehicle trips during the P.M. peak hour. Detailed trip generation information is included in Appendix G.

Table 1: Trip Generation

A.M. Peak Hour (P.M. Peak Hour)

Future Land Use (ITE Code)	Scale	Net New External Trips	Entering Trips	Exiting Trips
Proposed Development				
Multifamily Housing (High-Rise) (222)	70 dwelling units	33 (40)	12 (23)	21 (17)

TRIP DISTRIBUTION AND ASSIGNMENT

The likely distribution of project traffic was forecast for the trips expected to be generated by the proposed development. The trip distribution was based on an interpolated cardinal trip distribution for the project site's traffic analysis zone (TAZ) obtained from the Miami-Dade Transportation Planning Organization's (TPO's) *2045 Long Range Transportation Plan Directional Trip Distribution Report* as well as the project trip distributions included as part of the traffic impact analyses developed by other projects in the vicinity of the project site, as requested by the City. The trip distribution for the anticipated build-out year of 2027 was interpolated from the 2015 and 2045 data. The project is located within TAZ 624.The cardinal trip distribution for TAZ 624 provided in Table 2.

Table 2: Cardinal Trip Distribution	
Cardinal Direction	**Percentage of Trips**
North-Northeast	11.0%
East-Northeast	5.0%
East-Southeast	1.0%
South-Southeast	6.0%
South-Southwest	17.0%
West-Southwest	26.0%
West-Northwest	17.0%
North-Northwest	17.0%
Total	**100.0%**

Figure 4 presents the A.M. and P.M. peak hour net new trip distribution and Figure 5 presents the A.M. and P.M. peak hour net new trip assignment for the proposed development. Detailed cardinal distribution calculations are contained in Appendix H.

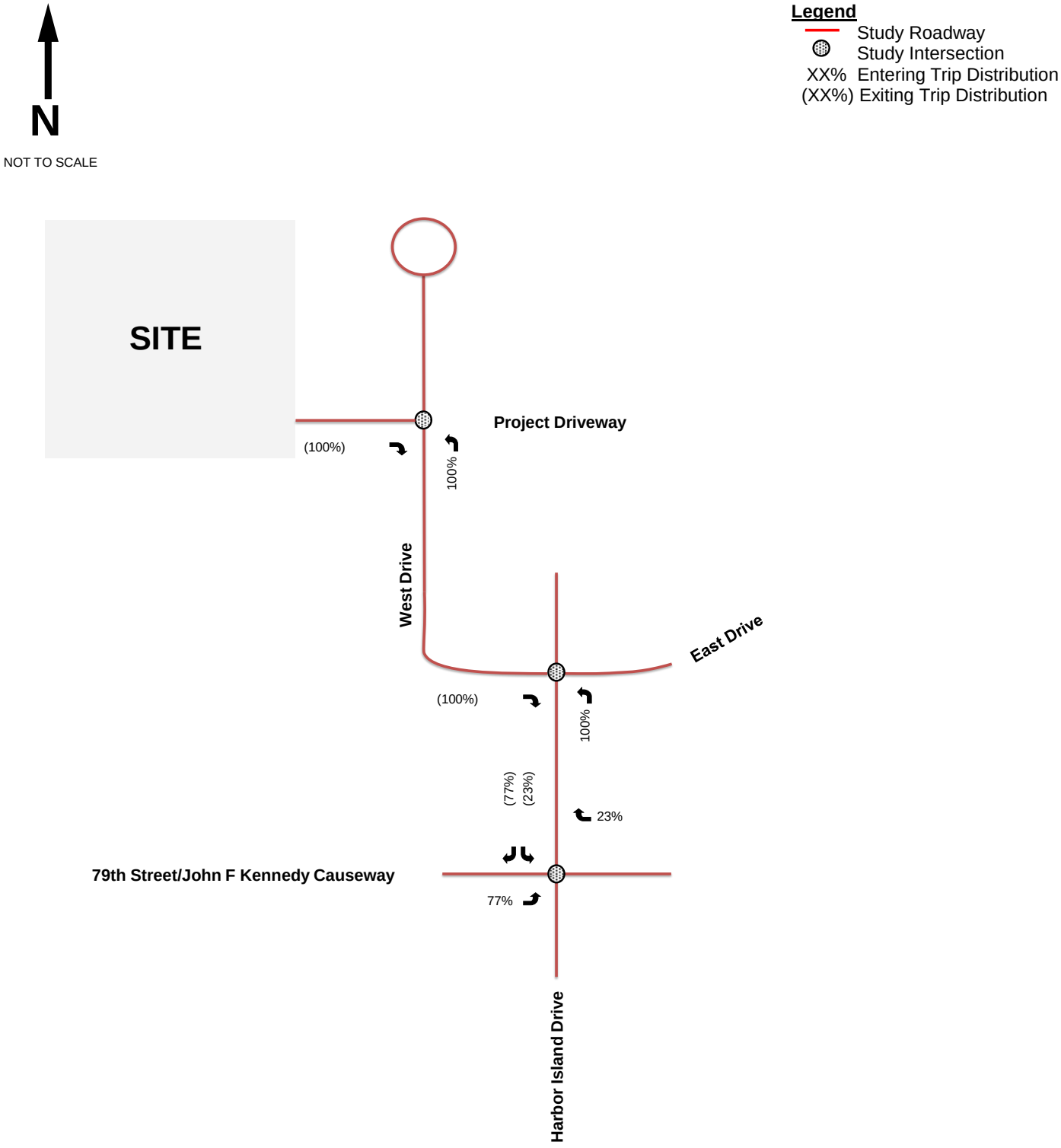

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Figure 4
Peak Hour Project Trip Distribution
7940 NBV
North Bay Village, Florida

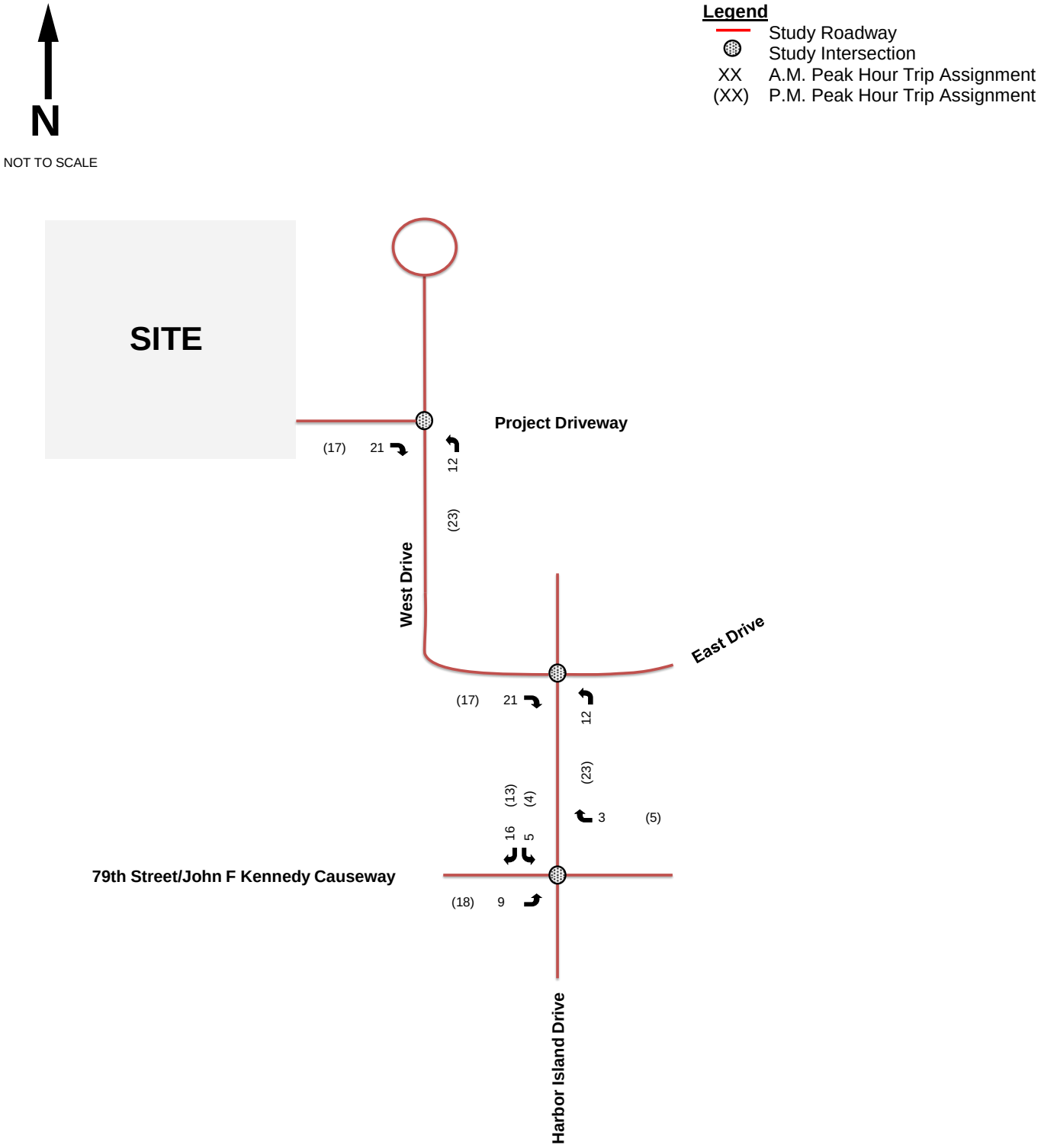

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Figure 5
Peak Hour Project Trip Assignment
7940 NBV
North Bay Village, Florida

FUTURE TOTAL TRAFFIC

Future total traffic conditions are defined as the expected traffic conditions after the opening of the project. Total traffic volumes considered in the analysis for this project are the sum of the background traffic volumes and the expected project traffic volumes. Figure 6 presents the future total turning movement volumes at the study intersections during the weekday A.M. and P.M. peak hours. Volume development worksheets for the study intersections are included in Appendix I.

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- Study Roadway
- Study Intersection
- XX A.M. Peak Hour Traffic
- (XX) P.M. Peak Hour Traffic

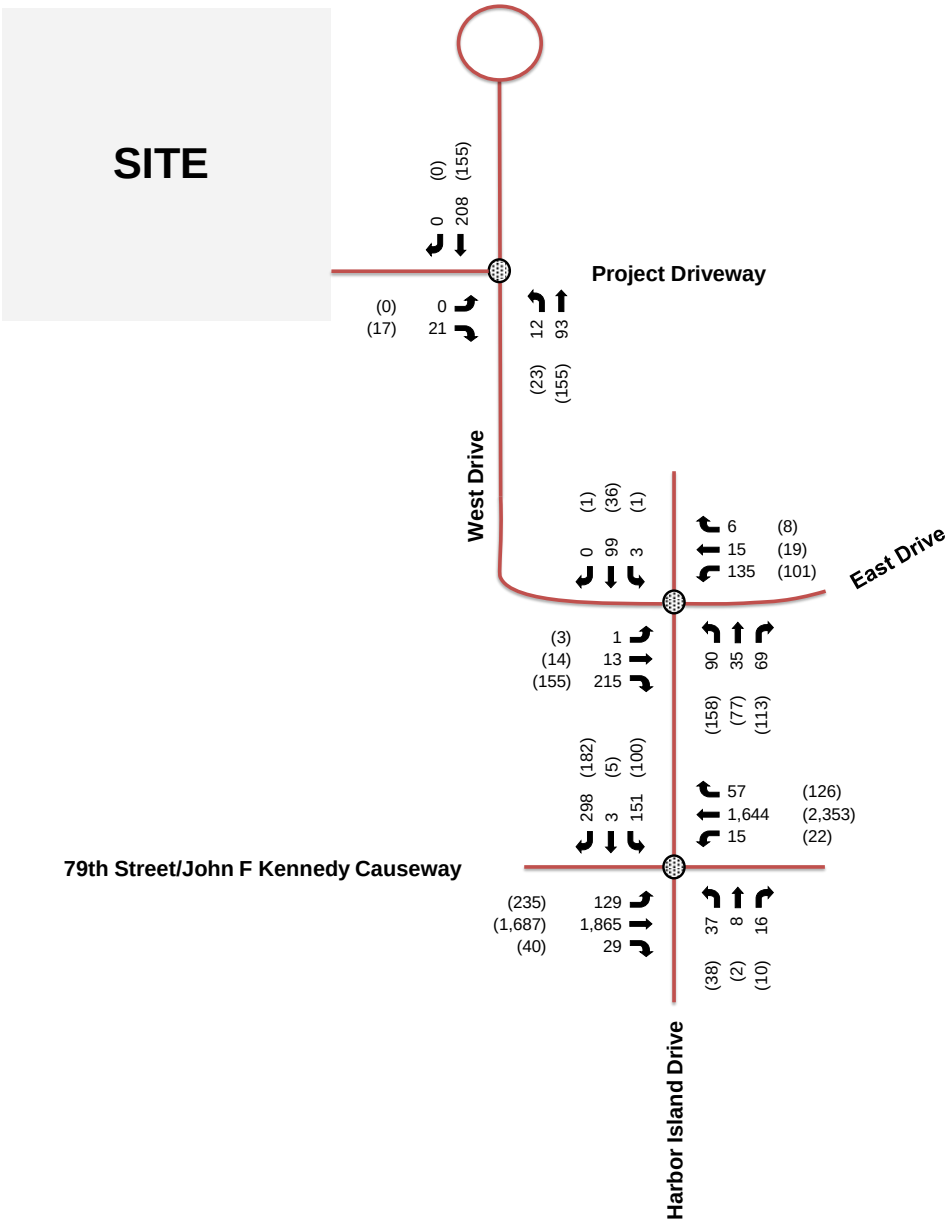

Figure 6
Future Total Peak Hour Traffic
7940 NBV
North Bay Village, Florida

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INTERSECTION CAPACITY ANALYSIS

The study area intersection operating conditions were analyzed for three (3) scenarios (existing conditions, future background conditions, and future total conditions) using Trafficware's *SYNCHRO 11* software, which applies methodologies outlined in the Transportation Research Board's (TRB's) *Highway Capacity Manual* (HCM) 6th Edition. Synchro worksheets for the study intersections are included in Appendix J.

A summary of the intersection analyses for the proposed development during the A.M. and P.M. hours is presented in Table 3. As Table 3 indicates, all study intersections are expected to operate at adopted level of service (LOS) D or better during the A.M. and P.M. peak hours under all analysis scenarios.

Table 3: Peak Hour Intersection Capacity Analysis

Intersection	Traffic Control	Overall LOS/Delay	Approach LOS/Delay			
			EB	WB	NB	SB
Existing Conditions (Future Background Conditions) [Future Total Conditions]						
A.M. Peak Hour						
79th Street Causeway/John F Kennedy Causeway/SR 934 and Harbor Island Drive	Signalized	C/20.9 sec (C/25.6 sec) [C/27.0 sec]	B/14.8 sec (C/20.6 sec) [C/22.0 sec]	B/16.2 sec (C/22.3 sec) [C/24.0 sec]	E/64.2 sec (E/64.3 sec) [E/64.3 sec]	E/57.4 sec (E/56.6 sec) [E/55.9 sec]
West Drive/East Drive and Harbor Island Drive	All-Way Stop Control	A/9.6 sec (B/10.3 sec) [B/10.6 sec]	A/9.7 sec (B/10.6 sec) [B/11.1 sec]	A/10.0 sec (B/10.7 sec) [B/10.8 sec]	A/9.2 sec (A/9.7 sec) [A/10.0 sec]	A/9.7 sec (B/10.4 sec) [B/10.5 sec]
West Drive and Project Driveway	Two-Way Stop Control	(1)	(3) ((3)) [A/9.2 sec]	(3) ((3)) [(3)]	(3) ((3)) [(2)]	(3) ((3)) [(2)]
P.M. Peak Hour						
79th Street Causeway/John F Kennedy Causeway/SR 934 and Harbor Island Drive	Signalized	C/22.8 sec (D/44.8 sec) [D/50.9 sec]	C/22.6 sec (D/49.1 sec) [E/59.0 sec]	B/18.1 sec (D/39.8 sec) [D/43.7 sec]	E/65.0 sec (E/65.0 sec) [E/65.0 sec]	E/57.4 sec (E/56.5 sec) [E/56.3 sec]
West Drive/East Drive and Harbor Island Drive	All-Way Stop Control	A/9.8 sec (B/10.4 sec) [B/11.0 sec]	A/9.5 sec (B/10.1 sec) [B/10.5 sec]	A/9.7 sec (B/10.2 sec) [B/10.5 sec]	A/10.0 sec (B/10.8 sec) [B/11.5 sec]	A/9.1 sec (A/9.4 sec) [A/9.6 sec]
West Drive and Project Driveway	Two-Way Stop Control	(1)	(3) ((3)) [A/9.6 sec]	(3) ((3)) [(3)]	(3) ((3)) [(2)]	(3) ((3)) [(2)]

Notes: (1) Overall intersection LOS is not defined, as intersection operates under stop-control conditions.
(2) Approach operates under free-flow conditions. LOS is not defined.
(3) Approach does not exist.

TURN LANE 95TH PERCENTILE QUEUE ANALYSIS

A queue analysis was performed to determine if the existing turning movements storage lengths at the study intersection can accommodate expected 95th percentile vehicle queue lengths under existing, future background, and future total conditions. The 95th percentile queue lengths were calculated using Trafficware's *SYNCHRO 11* software, which applies methodologies outlined in the TRB's *HCM*, 2000/6th Edition. Synchro worksheets for the study intersections are included in Appendix J. A summary of the 95th percentile queues for eastbound left turn lane, eastbound right turn lane, westbound left turn lane, and westbound right turn lane at the intersection of 79th Street Causeway/John F Kennedy Causeway/SR 934 and Harbor Island Drive and westbound left turn lane at the intersection of West Drive/East Drive and Harbor Island Drive presented in Table 4. The results of the 95th percentile queue analysis indicate that the anticipated future queues are not expected to exceed the provided storage with the exception of the eastbound left-turn movement during the P.M. peak hour under existing, future background, and future total conditions. Note that the project assigns traffic equivalent to approximately 0.2 percent (0.2%) of the overall intersection capacity at 79th Street Causeway/John F Kennedy Causeway/SR 934 and Harbor Island Drive during the P.M. peak hour. As the project contributes less than 5.0 percent (5.0%) of traffic to the overall intersection capacity, the project does not significantly nor adversely impact this intersection. In addition, the project is expected to increase the anticipated future queue by less than one (1) vehicle as compared to future background conditions.

Table 4: 95th Percentile Queue Length Analysis

Intersection	Lane	Storage Provided (ft)	95th Percentile Queue Length (ft) [1]		
			Existing	Future Background	Future Total
A.M. Peak Hour (*P.M. Peak Hour*)					
79th Street Causeway/John F Kennedy Causeway/SR 934 and Harbor Island Drive	EBL	200	71 (239)	98 (276)	113 (300)
	EBR	175	<25 (<25)	<25 (<25)	<25 (<25)
	WBL	200	<25 (<25)	<25 (<25)	<25 (<25)
	WBR	175	<25 (37)	<25 (48)	<25 (52)
West Drive/East Drive and Harbor Island Drive	WBL	70	<25 (<25)	25 (<25)	25 (<25)

Notes: [1] Minimum queue of 25 feet assumed per vehicle.

ROADWAY SEGMENT ANALYSIS

In addition to the intersection capacity analyses, roadway segment analyses were prepared for the A.M. and P.M. peak hours along West Drive consistent with methodologies outlined in FDOT's *2023 Multimodal Quality/Level of Service Handbook*. Roadway segment analyses were conducted for three (3) scenarios: existing, future background conditions, and future total conditions.

DATA COLLECTION

24-hour counts were collected on April 27, 2023 (Thursday) along West Drive, west of Harbor Island Drive.

The maximum peak hour volumes observed during the 24-hour data collection peak periods were used in the analysis. The appropriate FDOT PSCF of 1.00 was applied to the 24-hour traffic counts to adjust the traffic volumes to peak season conditions.

The annual growth rate of 3.91 percent (3.91%) was applied annually to existing traffic data to develop future 2027 background traffic conditions. Roadway segment traffic volume counts can be found in Appendix C.

Tables 5, 6, and 7 provide a summary of the A.M. and P.M. peak hour roadway segment analysis for existing, future background, and future total conditions. The results indicate that the study roadway segments are expected to operate at adopted level of service (LOS) D under all analysis conditions.

Table 5: Existing Conditions Peak Hour Roadway Segment Analysis

Roadway	Segment		Facility Type[1]	Adopted LOS Standard	Existing Raw Volumes		Peak Season Factor	Existing Peak Season Volumes		LOS D Standard Volume[3]	LOS E Standard Volume[3]	Existing LOS	
	From	To			A.M. Peak Hour	P.M. Peak Hour		A.M. Peak Hour	P.M. Peak Hour			A.M. Peak Hour	P.M. Peak Hour
West Drive	West of Harbor Island Drive		2LU[2]	D	253	262	1.00	253	262	900	1,411	D	D

Notes: (1) 2LU - Two-lane undivided.
(2) Based on C5 Context Classification non-state signalzied roadway (10% reduction), two-lane undivided with no exclusive turn lanes (20% reduction).
(3) Based on FDOT's 2023 Multimodal Quality/Level of Service Handbook.

Table 6: Future Background Conditions Peak Hour Roadway Segment Analysis

Roadway	Segment		Facility Type[1]	Adopted LOS Standard	Existing Peak Season Volumes		Growth Rate	Future Background Volumes		LOS D Standard Volume[3]	LOS E Standard Volume[3]	Future Background LOS	
	From	To			A.M. Peak Hour	P.M. Peak Hour		A.M. Peak Hour	P.M. Peak Hour			A.M. Peak Hour	P.M. Peak Hour
West Drive	West of Harbor Island Drive		2LU[2]	D	253	262	3.91%	295	305	900	1,411	D	D

Notes: (1) 2LU - Two-lane undivided.
(2) Based on C5 Context Classification non-state signalzied roadway (10% reduction), two-lane undivided with no exclusive turn lanes (20% reduction).
(3) Based on FDOT's 2023 Multimodal Quality/Level of Service Handbook.

Table 7: Future Total Conditions Peak Hour Roadway Segment Analysis

Roadway	Segment		Facility Type[1]	Adopted LOS Standard	Future Background Volumes		Net New Project Distribution %		Net New Project Assignment		Future Total Volumes		LOS D Standard Volume[3]	LOS E Standard Volume[3]	Future Total LOS	
	From	To			A.M. Peak Hour	P.M. Peak Hour	In	Out	A.M. Peak Hour	P.M. Peak Hour	A.M. Peak Hour	P.M. Peak Hour			A.M. Peak Hour	P.M. Peak Hour
West Drive	West of Harbor Island Drive		2LU[2]	D	295	305	100%	100%	33	40	328	345	900	1,411	D	D

Notes: (1) 2LU - Two-lane undivided.
(2) Based on C5 Context Classification non-state signalzied roadway (10% reduction), two-lane undivided with no exclusive turn lanes (20% reduction).
(3) Based on FDOT's 2023 Multimodal Quality/Level of Service Handbook.

PARKING EVALUATION

As part of the proposed redevelopment, the project will provide 140 parking spaces within the proposed parking garage. Refer to the detailed parking calculations prepared by others contained in Appendix A.

CONCLUSION

7940 NBV Partners, LLC is proposing to develop the property located at 7938-7940 West Drive in North Bay Village, Florida. Currently, the property proposed for development is vacant. The proposed development consists of 70 high-rise multifamily residential units. The project is expected to be completed by year 2027.

Access to the proposed development is provided via one (1) full access driveway along the west side of West Drive. Additionally, one (1) loading-only driveway is provided along the west side of West Drive.

Trip generation for the proposed development was calculated using rates and/or equations contained in ITE's *Trip Generation Manual*, 11th Edition. The project is expected to generate 33 net new weekday A.M. peak hour trips and 40 net new weekday P.M. peak hour trips.

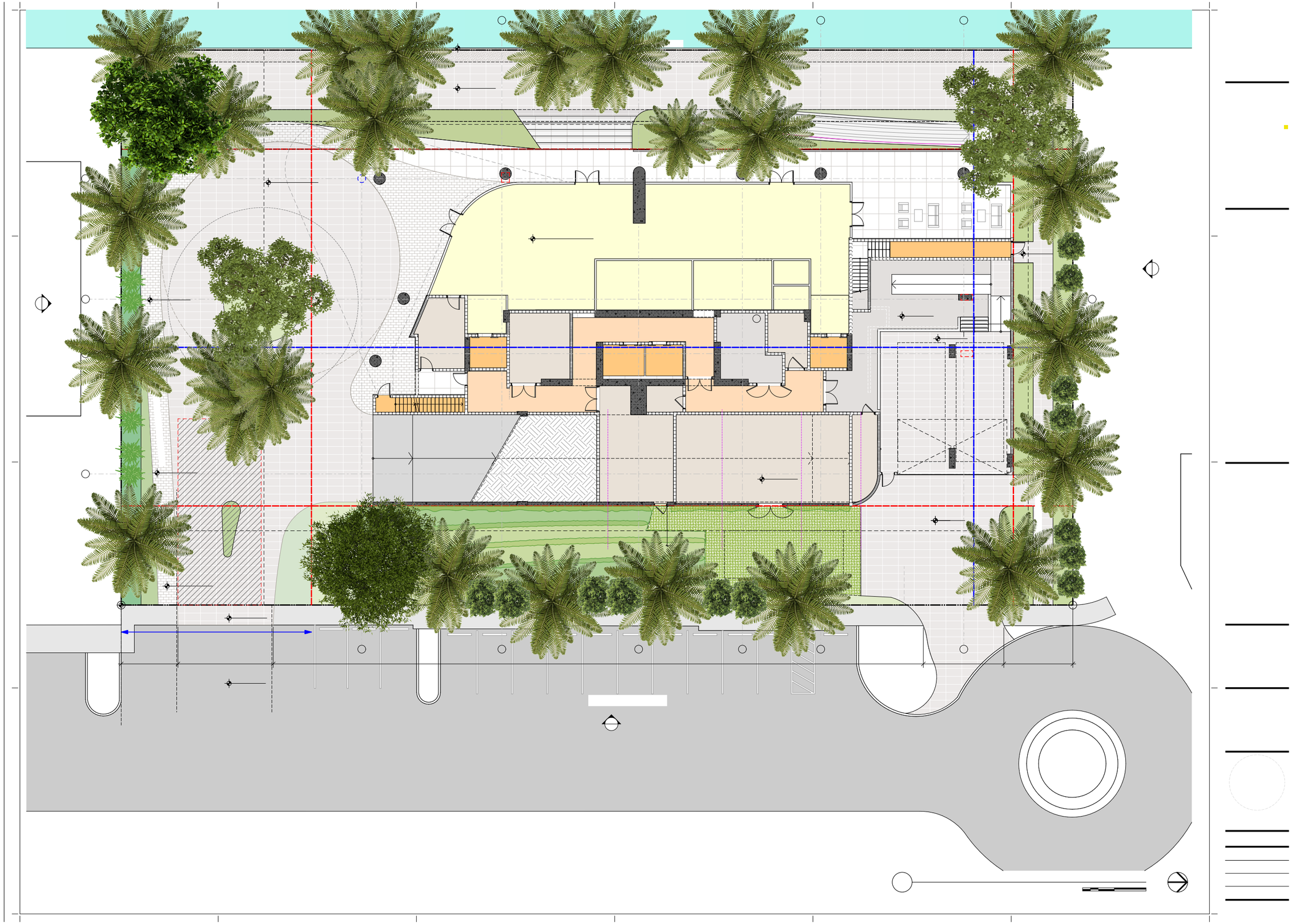
The results of the intersection capacity analysis of the proposed development indicate that all study intersections are expected to operate at adopted level of service (LOS) D or better during the A.M. and P.M. peak hours under all analysis scenarios.

Additionally, the results of the 95th percentile queue analysis indicate that the anticipated future queues are not expected to exceed the provided storage with the exception of the eastbound left-turn movement at the intersection of 79th Street Causeway/John F Kennedy Causeway/SR 934 and Harbor Island Drive during the P.M. peak hour under existing, future background, and future total conditions. Note that the project assigns traffic equivalent to approximately 0.2 percent (0.2%) of the overall intersection capacity at 79th Street Causeway/John F Kennedy Causeway/SR 934 and Harbor Island Drive during the P.M. peak hour. As the project contributes less than 5.0 percent (5.0%) of traffic to the overall intersection capacity, the project does not significantly nor adversely impact this intersection. In addition, the project is expected to increase the anticipated future queue by less than one (1) vehicle as compared to future background conditions.

The results of the roadway segment analysis indicate that the study roadway segments are expected to operate at adopted LOS D under all analysis conditions.

Appendix A

Conceptual Site Plan



Appendix B

Methodology Correspondence

Hussaini, Danish

From:	Silvia Vargas <SVargas@cgasolutions.com>
Sent:	Wednesday, May 10, 2023 11:38 AM
To:	Peter Kaisary
Cc:	Pierina Sanchez Kong; Dorman, Cory; Hussaini, Danish; Marielena Guedez; Barbara Pederzoli
Subject:	RE: 7940 West Drive, North Bay Village- Traffic Study

Some people who received this message don't often get email from svargas@cgasolutions.com. Learn why this is important

Yes, you may proceed. I'll try to send you links to the other project studies later today.

Thanks,

Silvia E. Vargas, FAICP
Principal Planner

AICP FELLOW

To help protect your privacy, Microsoft Office prevented automatic download of this picture from the Internet.
Calvin, Giordano & Associates, Inc.

Calvin, Giordano & Associates, Inc. - a SAFEbuilt Company
2103 Coral Way, Suite 810 | Miami, FL 33145 |Office: 786.485.5200 | Direct: 786.485.5197 | Fax: 786.485.1520

Fort Lauderdale | Miami-Dade | West Palm Beach | Clearwater/Tampa | Estero | Port St. Lucie

---

From: Peter Kaisary <peter@fortisdesign.build>
Sent: Wednesday, May 10, 2023 11:36 AM
To: Silvia Vargas <SVargas@cgasolutions.com>
Cc: Pierina Sanchez Kong <pierina@fortisdesign.build>; Dorman, Cory <cory.dorman@kimley-horn.com>; Hussaini, Danish <Danish.Hussaini@kimley-horn.com>; Marielena Guedez <mguedez@revuelta.com>; Barbara Pederzoli <bpederzoli@revuelta.com>
Subject: RE: 7940 West Drive, North Bay Village- Traffic Study

Hi Silvia,

Just following up on my email from Monday. Can you confirm we are good to proceed with the traffic study?

Thank you,

Peter

PETER KAISARY, MRICS
SENIOR DEVELOPMENT MANAGER

peter@fortisdesign.build
PH: 912.398.1775
2601 NE 2nd Ave
MIAMI, FL 33137
fortisdesign.build

From: Peter Kaisary
Sent: Monday, May 8, 2023 10:28 AM
To: Silvia Vargas <SVargas@cgasolutions.com>
Cc: Pierina Sanchez Kong <pierina@fortisdesign.build>; Dorman, Cory <cory.dorman@kimley-horn.com>; Hussaini, Danish <Danish.Hussaini@kimley-horn.com>; Marielena Guedez <mguedez@revuelta.com>; Barbara Pederzoli <bpederzoli@revuelta.com>
Subject: RE: 7940 West Drive, North Bay Village- Traffic Study

Hi Silvia,

Thank you for the prompt response.

As there appear to be no additional comments on the methodology can you please issue a formal approval or notice to proceed with the study?

Thank you,

Peter

PETER KAISARY, MRICS
SENIOR DEVELOPMENT MANAGER

peter@fortisdesign.build
PH: 912.398.1775
2601 NE 2nd Ave
MIAMI, FL 33137
fortisdesign.build

From: Silvia Vargas <SVargas@cgasolutions.com>
Sent: Sunday, May 7, 2023 9:02 PM
To: Peter Kaisary <peter@fortisdesign.build>
Cc: Pierina Sanchez Kong <pierina@fortisdesign.build>; Dorman, Cory <cory.dorman@kimley-horn.com>; Hussaini, Danish <Danish.Hussaini@kimley-horn.com>; Marielena Guedez <mguedez@revuelta.com>; Barbara Pederzoli <bpederzoli@revuelta.com>
Subject: RE: 7940 West Drive, North Bay Village- Traffic Study

Good morning,
Please find attached a memo summarizing the review and response from our Traffic Engineer.
Feel free to let us know if you have any questions or concerns about this.

Please note: In the next couple of days, I will be forwarding to you several traffic studies that have been reviewed and accepted by the Village in the last two years. Regrettably, none of these have been conducted in relation to projects located on Harbor Island of the same scope.

Best,

Silvia E. Vargas, FAICP
Principal Planner

Calvin, Giordano & Associates, Inc. - a SAFEbuilt Company
2103 Coral Way, Suite 810 | Miami, FL 33145 |Office: 786.485.5200 | Direct: 786.485.5197 | Fax: 786.485.1520

Fort Lauderdale | Miami-Dade | West Palm Beach | Clearwater/Tampa | Estero | Port St. Lucie

From: Peter Kaisary <peter@fortisdesign.build>
Sent: Saturday, April 29, 2023 2:30 PM
To: Silvia Vargas <SVargas@cgasolutions.com>
Cc: Pierina Sanchez Kong <pierina@fortisdesign.build>; Dorman, Cory <cory.dorman@kimley-horn.com>; Hussaini, Danish <Danish.Hussaini@kimley-horn.com>; Marielena Guedez <mguedez@revuelta.com>; Barbara Pederzoli <bpederzoli@revuelta.com>
Subject: RE: 7940 West Drive, North Bay Village- Traffic Study

Hi Silvia,

Please find attached the response from our traffic engineer to methodology comments received on 4/11.

Please confirm receipt and let me know if you have any questions.

Thank you,

Peter

PETER KAISARY, MRICS
SENIOR DEVELOPMENT MANAGER

peter@fortisdesign.build
PH: 912.398.1775
2601 NE 2nd Ave
MIAMI, FL 33137
fortisdesign.build

From: Silvia Vargas <SVargas@cgasolutions.com>
Sent: Tuesday, April 11, 2023 3:25 PM
To: Peter Kaisary <peter@fortisdesign.build>
Cc: Pierina Sanchez Kong <pierina@fortisdesign.build>; Dorman, Cory <cory.dorman@kimley-horn.com>; Hussaini, Danish <Danish.Hussaini@kimley-horn.com>
Subject: RE: 7940 West Drive, North Bay Village- Traffic Study

Good afternoon, Peter,

Our reviewer's comments on the proposed traffic study methodology are attached.
Please feel free to let me know if you have any questions or concerns.

Best,

Silvia E. Vargas, FAICP
Principal Planner

Calvin, Giordano & Associates, Inc. - a SAFEbuilt Company
2103 Coral Way, Suite 810 | Miami, FL 33145 |Office: 786.485.5200 | Direct: 786.485.5197 | Fax: 786.485.1520

Fort Lauderdale | Miami-Dade | West Palm Beach | Clearwater/Tampa | Estero | Port St. Lucie

From: Peter Kaisary <peter@fortisdesign.build>
Sent: Tuesday, March 28, 2023 10:45 AM
To: Silvia Vargas <SVargas@cgasolutions.com>
Cc: Pierina Sanchez Kong <pierina@fortisdesign.build>; Dorman, Cory <cory.dorman@kimley-horn.com>; Hussaini, Danish <Danish.Hussaini@kimley-horn.com>
Subject: RE: 7940 West Drive, North Bay Village- Traffic Study

Hi Silvia,

Please find attached the proposed traffic study methodology for the project. I have copied in Cory from Kimley Horn who prepared the study.

Please let us know if you have any comments and confirm when the methodology is approved.

Thank you,

Peter

PETER KAISARY, MRICS
SENIOR DEVELOPMENT MANAGER

peter@fortisdesign.build
PH: 912.398.1775
2601 NE 2nd Ave
MIAMI, FL 33137
fortisdesign.build

From: Silvia Vargas <SVargas@cgasolutions.com>
Sent: Monday, March 6, 2023 9:47 PM
To: Peter Kaisary <peter@fortisdesign.build>
Cc: Pierina Sanchez Kong <pierina@fortisdesign.build>
Subject: Re: 7940 West Drive, North Bay Village- Traffic Study

You can send the methodology to me. CGA's Traffic and Transportation Engineering staff will review it and get back to you.

Silvia E. Vargas, FAICP
Principal Planner
Calvin, Giordano & Associates

Get Outlook for iOS

From: Peter Kaisary <peter@fortisdesign.build>
Sent: Monday, March 6, 2023 5:50:33 PM
To: Silvia Vargas <SVargas@cgasolutions.com>
Cc: Pierina Sanchez Kong <pierina@fortisdesign.build>
Subject: 7940 West Drive, North Bay Village- Traffic Study

Hi Silvia,

I hope you are doing well.

We have hired Kimley Horn as our traffic consultants for the project and I wanted to reach out to you to confirm who we need to propose and confirm the traffic study methodology with, in relation to the Site Plan Application process.

We look forward to hearing from you.

Thank you,

Peter

PETER KAISARY, MRICS
SENIOR DEVELOPMENT MANAGER

peter@fortisdesign.build
PH: 912.398.1775
2601 NE 2nd Ave
MIAMI, FL 33137
fortisdesign.build

Calvin, Giordano & Associates, Inc.
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☐ **West Palm Beach Office** · 560 Village Boulevard · Suite 340 · West Palm Beach, FL 33409 · 561.684.6161(p) · 561.684.6360(f)

Memorandum

Date:	May 4, 2023
To:	**Silvia E. Vargas, FAICP** Principal Planner / Calvin Giordano & Associates
From:	Salman A Rathore, PE
Subject:	NBV - 7940 NBV Residential TIS Methodology Consultant Responses to Comments Review
Project:	CGA 226068
CC:	

The following are comments based on the Traffic Study Methodology responses prepared by Kimley Horn dated April 29, 2023:

1. **Site Description** – The development size used in the Trip Generation table should match the proposed Site Plan when it is submitted.

   KHA Response (Dated April 29, 2023) - Comment noted.

   CGA Response (Dated May 4, 2023) – No further comments.

2. **Multimodal / Internal Capture Adjustment –** The proposed development is a residential project and as such a 1.7% reduction in trips attributable to non-motorized travel is not a reduction used in TISs as a standard practice. *Please do not apply this reduction*.

   KHA Response (Dated April 29, 2023) - Please note that it is standard practice as part of traffic impact analyses for a multimodal factor to be applied to residential land uses. This standard practice is consistent with traffic impact analyses submitted to the City of Miami, Miami-Dade County, City of North Bay Village, and other municipalities. The reduction was applied to remain consistent with the standard practice. Please note that the proposed multimodal reduction of 1.7 percent (1.7%) results in a reduction of one (1) vehicle trip during the A.M. and P.M. peak hours.

   CGA Response (Dated May 4, 2023) – Multimodal factor is based on Census Tract which covers a large area of the Village whereas traffic study development represents a small area with its own travel characteristics. Residential development does not have an internal capture.

   Although we do not agree with your point of view, the Village will accept your application of a 1.7% trip reduction for this multifamily residential project. In the case of a mixed-use development, the Village will only accept internal capture and pass-by trip reductions (if allowed by ITE).

3. **TMCs** – Traffic counts will be collected between Tuesday through Thursday for typical AM & PM Peak hours for the study area when schools are in session.

   KHA Response (Dated April 29, 2023) - The traffic study methodology was updated to indicate that traffic counts will be collected when schools are in session. The updated traffic study methodology is included in Attachment A-1.

   CGA Response (Dated May 4, 2023) – No further comments.

4. **Roadway Segment Analysis** – Analyze roadway segment of West Drive, west of Harbor Island Drive in each direction.

   KHA Response (Dated April 29, 2023) - Comment noted. The traffic study methodology was updated to indicate that the roadway segment data will be collected bi-directionally. The updated traffic study methodology is included in Attachment A-1.

   CGA Response (Dated May 4, 2023) – No further comments.

5. **Trip Distribution & Assignment** – This should be similar to the trip distribution / assignment pattern used in nearby TISs completed in the last 6-12 months specially for the traffic entering and leaving to / from 79th Street / John F Kennedy Causeway (SR 934).

   KHA Response (Dated April 29, 2023) - City of North Bay Village staff will need to identify and provide the referenced studies to review. The traffic study methodology was updated to indicate that the trip distribution and assignment of the referenced studies will be reviewed and compared along with the cardinal distribution provided in Attachment C of the traffic study methodology in order to determine the appropriate trip distribution for the proposed development. The updated traffic study methodology is included in Attachment A-1.

   CGA Response (Dated May 4, 2023) – Noted. The Village staff will provide recently approved TISs under separate cover.

6. **Committed Development** All committed developments trips within the study area shall be included.

   KHA Response (Dated April 29, 2023) - As stated in the traffic study methodology, the City will identify committed developments to include in background conditions. Please provide the corresponding approved traffic studies for any identified committed developments.

   CGA Response (Dated May 4, 2023) – Noted. The Village staff will provide recently approved TISs under separate cover.

7. **Background Growth** – Compare the proposed growth rate with other TISs completed in the last 6-12 months and use the higher number for calculating future total traffic.

   KHA Response (Dated April 29, 2023) - City of North Bay Village staff will need to identify and provide the referenced studies to review. The traffic study methodology was updated to indicate that the growth rate of the referenced studies will be reviewed and compared along with the historical growth trends at nearby Florida Department of Transportation (FDOT) traffic count stations and the Florida Standard Urban Transportation Model Structure (FSUTMS) Southeast Regional Planning Model (SERPM) projected 2015 and 2045 model network volumes in order to determine the appropriate background growth rate for the proposed development. The updated traffic study methodology is included in Attachment A-1.

   CGA Response (Dated May 4, 2023) – Noted. The Village staff will provide recently approved TISs under separate cover.

8. Traffic circulation will be evaluated in the traffic study, including its impact on the surrounding street system and adjacent driveways.

   KHA Response (Dated April 29, 2023) - Comment noted.

   CGA Response (Dated May 4, 2023) – No further comments.

9. **Synchro Analysis** – Include 95th percentile queue lengths for each intersection and compare it with available storage length. Provide mitigation if required.

KHA Response (Dated April 29, 2023) - Comment noted. The traffic study methodology was updated to include a 95th percentile queuing analysis. The updated traffic study methodology is included in Attachment A-1.

CGA Response (Dated May 4, 2023) – No further comments.

10. Provide auto turn analysis showing a clear drive path for the proposed garbage and delivery trucks. On the site plan show locations in bold color where the delivery and garbage trucks will be parked.

    KHA Response (Dated April 29, 2023) - Comment noted. The traffic study methodology was updated to include a maneuverability analysis for the proposed loading area. The updated traffic study methodology is included in Attachment A-1.

    CGA Response (Dated May 4, 2023) – No further comments.

11. Provide auto turn analysis for vehicles entering and exiting parking levels as well as for vehicles entering and exiting parking spaces for each floor.

    KHA Response (Dated April 29, 2023) - Comment noted. The traffic study methodology was updated to include a maneuverability analysis for each parking level. However, please note that a maneuverability analysis will not be provided for vehicles entering and exiting parking spaces. Maneuverability analyses utilize American Association of State Highway Transportation Officials (AASHTO) design vehicles for the purposes of evaluating vehicle circulation through the proposed parking garage and drive aisles. The maneuverability analysis is not intended to evaluate the accessibility or size of parking spaces. Parking space dimensions are determined based on the North Bay Village Unified Land Development Code which requires that the length for standard parking stalls be 18 feet. Note that the AASHTO passenger (P) vehicles are 19 feet in length. Therefore, it would be inappropriate to evaluate the accessibility and size of standard parking stalls as part of the maneuverability analysis. The updated traffic study methodology is included in Attachment A-1.

    CGA Response (Dated May 4, 2023) – No further comments.

12. What time do the delivery and garbage trucks provide service? Ensure that delivery and garbage truck operating timings do not overlap with the project peak hour traffic.

    KHA Response (Dated April 29, 2023) - Comment noted. Coordination with the City and project team is on-going. The delivery and trash collection hours of operation will be provided as part of the submitted traffic impact analysis.

    CGA Response (Dated May 4, 2023) – No further comments.

13. How many parking spaces are provided? Include calculation of required parking spaces in a table and number / highlight the required spaces clearly on the site plan.

    KHA Response (Dated April 29, 2023) - Approximately 140 parking spaces will be provided by the proposed development. Please note that parking calculations prepared by others will be included as part of the submitted traffic impact analysis. The traffic study methodology was updated to include a parking evaluation and is contained in Attachment A-1.

    CGA Response (Dated May 4, 2023) – No further comments.

14. Once the TIS is submitted it will be reviewed and further comments will be provided as needed.

    CGA Response (Dated May 4, 2023) – No further comments.

Kimley»Horn

MEMORANDUM

To: Silvia E. Vargas, FAICP
North Bay Village/Calvin, Giordano & Associates, Inc.

CC: Salman A. Rathore, P.E.
Calvin, Giordano & Associates, Inc.

From: Cory D. Dorman, P.E., PTOE
Danish Hussaini, E.I.

Date: April 29, 2023

Subject: CGA 226068 7940 North Bay Village
Response to Traffic Study Methodology Comments

We have received comments provided by Calvin Giordano & Associates, Inc. on behalf of North Bay Village received on April 11, 2023. We offer the following responses to the traffic study methodology comments:

TRAFFIC STUDY METHODOLOGY REVIEW COMMENTS

1. **Site Description** – The development size used in the Trip Generation table should match the proposed Site Plan when it is submitted.

   Response: Comment noted.

2. **Multimodal / Internal Capture Adjustment** – The proposed development is a residential project and as such a 1.7% reduction in trips attributable to non-motorized travel is not a reduction used in TISs as a standard practice. Please do not apply this reduction.

   Response: Please note that it is standard practice as part of traffic impact analyses for a multimodal factor to be applied to residential land uses. This standard practice is consistent with traffic impact analyses submitted to the City of Miami, Miami-Dade County, City of North Bay Village, and other municipalities. The reduction was applied to remain consistent with the standard practice. Please note that the proposed multimodal reduction of 1.7 percent (1.7%) results in a reduction of one (1) vehicle trip during the A.M. and P.M. peak hours.

3. **TMCs** – Traffic counts will be collected between Tuesday through Thursday for typical AM & PM Peak hours for the study area when schools are in session.

   Response: Comment noted. The traffic study methodology was updated to indicate that traffic counts will be collected when schools are in session. The updated traffic study methodology is included in Attachment A-1.

4. **Roadway Segment Analysis** – Analyze roadway segment of West Drive, west of Harbor Island Drive in each direction.

   Response: Comment noted. The traffic study methodology was updated to indicate that the roadway segment data will be collected bi-directionally. The updated traffic study methodology is included in Attachment A-1.

5. **Trip Distribution & Assignment** – This should be similar to the trip distribution / assignment pattern used in nearby TISs completed in the last 6-12 months specially for the traffic entering and leaving to / from 79th Street / John F Kennedy Causeway (SR 934).

   Response: City of North Bay Village staff will need to identify and provide the referenced studies to review. The traffic study methodology was updated to indicate that the trip distribution and assignment of the referenced studies will be reviewed and compared along with the cardinal distribution provided in Attachment C of the traffic study methodology in order to determine the appropriate trip distribution for the proposed development. The updated traffic study methodology is included in Attachment A-1.

6. **Committed Development** – All committed developments trips within the study area shall be included.

   Response: As stated in the traffic study methodology, the City will identify committed developments to include in background conditions. Please provide the corresponding approved traffic studies for any identified committed developments.

7. **Background Growth** – Compare the proposed growth rate with other TISs completed in the last 6-12 months and use the higher number for calculating future total traffic.

   Response: City of North Bay Village staff will need to identify and provide the referenced studies to review. The traffic study methodology was updated to indicate that the growth rate of the referenced studies will be reviewed and compared along with the historical growth trends at nearby Florida Department of Transportation (FDOT) traffic count stations and the Florida Standard Urban Transportation Model Structure (FSUTMS) Southeast Regional Planning Model (SERPM) projected 2015 and 2045 model network volumes in order to determine the appropriate background growth rate for the proposed development. The updated traffic study methodology is included in Attachment A-1.

8. Traffic circulation will be evaluated in the traffic study, including its impact on the surrounding street system and adjacent driveways.

   Response: Comment noted.

9. **Synchro Analysis** – Include 95th percentile queue lengths for each intersection and compare it with available storage length. Provide mitigation if required.

   Response: Comment noted. The traffic study methodology was updated to include a 95th percentile queuing analysis. The updated traffic study methodology is included in Attachment A-1.

10. Provide auto turn analysis showing a clear drive path for the proposed garbage and delivery trucks. On the site plan show locations in bold color where the delivery and garbage trucks will be parked.

    Response: Comment noted. The traffic study methodology was updated to include a maneuverability analysis for the proposed loading area. The updated traffic study methodology is included in Attachment A-1.

11. Provide auto turn analysis for vehicles entering and exiting parking levels as well as for vehicles entering and exiting parking spaces for each floor.

    Response: Comment noted. The traffic study methodology was updated to include a maneuverability analysis for each parking level. However, please note that a maneuverability analysis will not be provided for vehicles entering and exiting parking spaces. Maneuverability analyses utilize American Association of State Highway Transportation Officials (AASHTO) design vehicles for the purposes of evaluating vehicle circulation through the proposed parking garage and drive aisles. The maneuverability analysis is not intended to evaluate the accessibility or size of parking spaces. Parking space dimensions are determined based on the North Bay Village Unified Land Development Code which requires that the length for standard parking stalls be 18 feet. Note that the AASHTO passenger (P) vehicles are 19 feet in length. Therefore, it would be inappropriate to evaluate the accessibility and size of standard parking stalls as part of the maneuverability analysis. The updated traffic study methodology is included in Attachment A-1.

12. What time do the delivery and garbage trucks provide service? Ensure that delivery and garbage truck operating timings do not overlap with the project peak hour traffic.

    Response: Comment noted. Coordination with the City and project team is on-going. The delivery and trash collection hours of operation will be provided as part of the submitted traffic impact analysis.

13. How many parking spaces are provided? Include calculation of required parking spaces in a table and number / highlight the required spaces clearly on the site.

    Response: Approximately 140 parking spaces will be provided by the proposed development. Please note that parking calculations prepared by others will be included as part of the submitted traffic impact analysis. The traffic study methodology was updated to include a parking evaluation and is contained in Attachment A-1.

14. Once the TIS is submitted it will be reviewed and further comments will be provided as needed.

    Response: Comment noted.

We trust that these responses adequately address the comments provided. Please contact us if you have any questions.

K:\FTL_TPTO\143685000-7940 NBV\correspondence\comments\04 2023 - Response to Village Traffic Study Comments.docx

Attachment A-1
Updated Traffic Study Methodology

Kimley»Horn

MEMORANDUM

To: Silvia E. Vargas, FAICP
City of North Bay Village

From: Cory D. Dorman, P.E., PTOE

Date: April 29, 2023

Subject: 7940 North Bay Village
Traffic Study Methodology

The purpose of this memorandum is to summarize the traffic study methodology for the 7940 North Bay Village development. The property proposed for development is located at 7938-7940 West Drive in North Bay Village, Florida. Currently, the site proposed for development is vacant. The proposed development consists of 70 high-rise residential units. A project location map and conceptual site plan are provided in Attachment A. The following sections summarize our proposed methodology.

TRIP GENERATION

Trip generation calculations for the proposed development were performed using the Institute of Transportation Engineers' (ITE) *Trip Generation Manual*, 11th Edition. The trip generation for the proposed land uses was determined using ITE Land Use Codes (LUC) 222 (Multifamily Housing [High- Rise]).

A multimodal (public transit, bicycle, and pedestrian) factor based on US Census *Means of Transportation* to Work data was reviewed for the census tract in which the development is located. A multimodal factor of 1.7 percent (1.7%) was determined for the proposed development. It is expected that a portion of residents, guests, and/or employees will choose to walk, bike, or use public transit to and from the proposed development. Transit route information will be documented in the traffic impact analysis report.

The project is expected to generate 33 weekday A.M. peak hour trips and 40 weekday P.M. peak hour trips. Trip generation calculations may be revised based on revisions to the development program or site plan modifications. Detailed trip generation calculations and US Census data are included in Attachment B.

STUDY AREA

Based on the proposed development plan, the following intersections in addition to the project driveways are proposed to be analyzed:

- 79th Street Causeway/John F Kennedy Causeway and Harbor Island Drive
- Harbor Island Drive and West Drive/East Drive

Additionally, the roadway segment of West Drive, west of Harbor Island Drive is proposed to be analyzed in each direction.

DATA COLLECTION

Turning movement counts will be collected at all identified study intersections on a typical weekday (Tuesday, Wednesday, or Thursday) during the A.M. (7:00 A.M. to 9:00 A.M.) and P.M. (4:00 P.M. to 6:00 P.M.) peak period while school is in session. Furthermore, a 72-hour, bi-directional roadway segment count will be collected on a typical Tuesday through Thursday along West Drive, west of Harbor Island Drive while school is in session. All traffic counts will be adjusted to peak season conditions using the appropriate FDOT peak season category factors. All traffic data will be collected in 15-minute intervals during the two (2) peak periods. Turning movement counts will also include pedestrians and bicyclists.

Signal timing information will be obtained from Miami-Dade County Department of Transportation and Public Works – Traffic Signals and Signs Division. All traffic data collected will be provided in the Appendix of the traffic impact analysis report.

TRIP DISTRIBUTION

Trip distribution will be determined based on turning movements counts collected at the study area intersections, previously approved traffic impact analyses provided by the City of North Bay Village, and on an interpolated cardinal trip distribution for the project site's traffic analysis zones (TAZs) obtained from the Miami-Dade Transportation Planning Organization's (TPO) *2045 Cost Feasible Plan* travel demand model 2015 and 2045 data. The trip distribution for the anticipated build-out year of 2027 was interpolated from the 2015 and 2045 data. The project is located within TAZ 624. The detailed cardinal distribution is provided in Attachment C.

BACKGROUND GROWTH RATE/MAJOR COMMITTED DEVELOPMENT

A background growth rate will be calculated based on historic growth trends at nearby Florida Department of Transportation (FDOT) traffic count stations. Additionally, growth rates based on the Florida Standard Urban Transportation Model Structure (FSUTMS) Southeast Regional Planning Model (SERPM) projected 2015 and 2045 model network volumes will be examined. The higher of the two (2) growth rates will be compared to the background growth rates contained in previously approved traffic impact analyses provided by the City of North Bay Village. Documentation will be provided in the Appendix of the traffic impact study.

The Village's review of this document will determine any committed projects to include in background conditions. The Village will provide the corresponding approved traffic study for any committed projects identified.

CAPACITY ANALYSIS

Capacity analyses will be conducted for the A.M. and P.M. peak hours at the study intersections and study roadway segment. Intersection capacity analyses will be performed using *Synchro* traffic engineering analysis software which applies the Transportation Research Board's (TRB's), *Highway Capacity Manual* (HCM) 2000 and 6th Edition methodologies. The roadway segment capacity analysis will be performed using FDOT's *2023 Multimodal Quality/Level of Service Handbook*. Capacity analyses will be conducted for three (3) scenarios: existing, future build-out without project (future background conditions), and future build-out with project (future total conditions). If intersection capacity deficiencies created by the development are identified, strategies may be developed to attain adopted levels of service. A build-out year of 2027 will be used in the analysis.

The following figures will be included for the study intersections:

- Existing conditions
- Future background traffic conditions (with growth rate and committed development traffic)
- Trip distribution
- Trip assignment
- Future total traffic conditions (with project)

95TH PERCENTILE QUEUE ANALYSIS

A queue analysis will be performed to determine if the existing storage lengths for exclusive turn lanes at study area intersections can accommodate expected 95th percentile vehicle queue lengths under existing, future background, and future total conditions. The 95th percentile queue lengths will be calculated using Trafficware's *SYNCHRO 11* software, which applies methodologies outlined in the TRB's HCM, 2000/6th Edition.

PARKING EVALUATION

A summary of the proposed parking supply will be prepared and included as part of the traffic impact analysis based on parking calculations prepared by others.

DOCUMENTATION

The results of the traffic analysis will be summarized in a report. The report will include supporting documents including signal timings, lane geometry, and software output sheets. The report will also include text and graphics necessary to summarize the assumptions and analysis.

MANEUVERABILITY ANALYSIS

A maneuverability analysis for the vehicle circulation areas within the site, the proposed parking garage, and proposed loading areas will be performed utilizing Transoft Solutions' *AutoTURN* software. The analysis summarizing site maneuverability and traffic flow will be documented in a technical memorandum.

K:\FTL_TPTO\143685000-7940 NBV\correspondence\memo\7940 NBV Traffic Study Methodology.docx

Attachment A

Project Location Map and Conceptual Site Plan



Kimley»Horn

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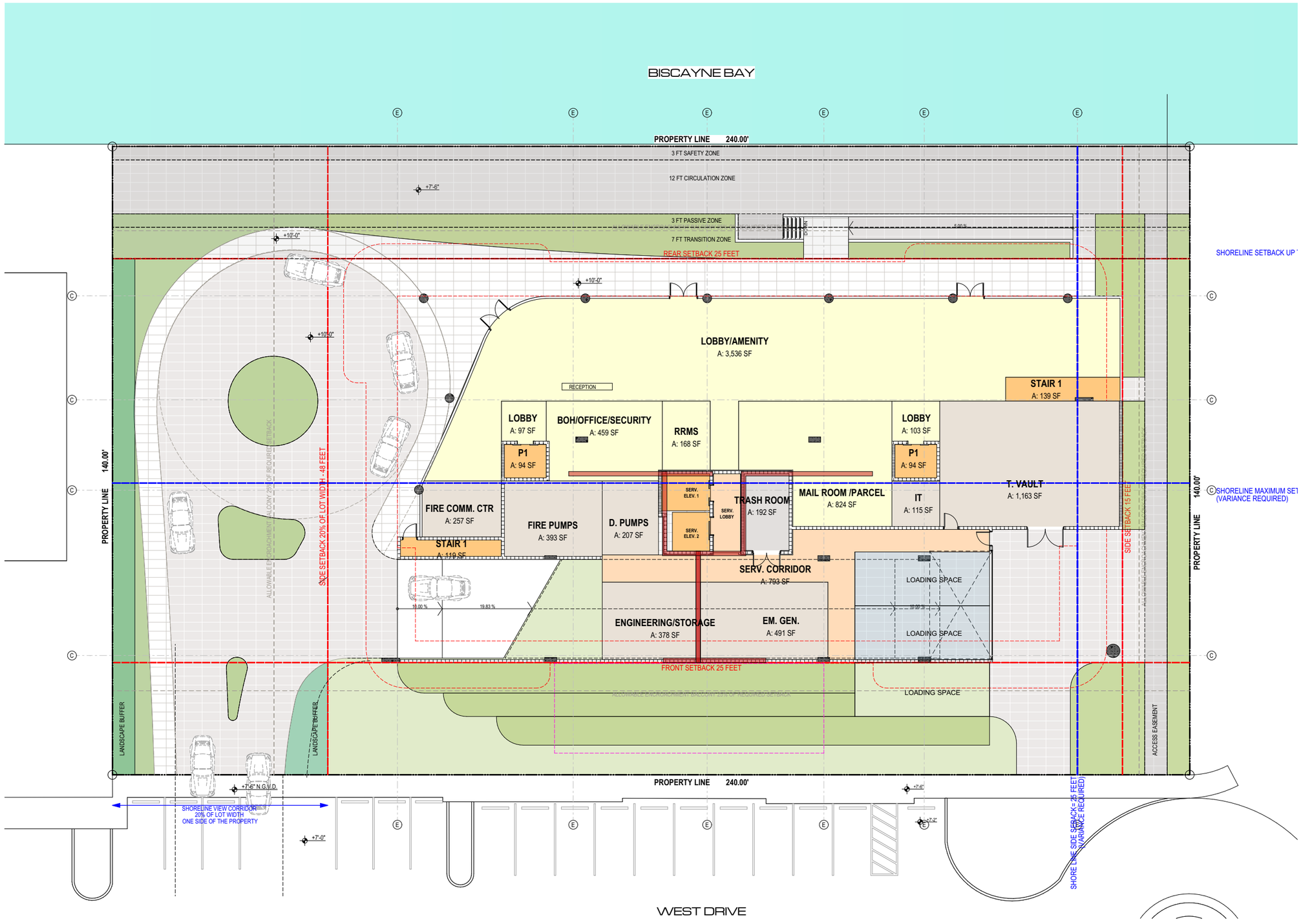
Figure 1
Location Map
7940 NBV
North Bay Village, Flor[illegible]



1 BUILDING FLOOR PLAN
LOBBY
SCALE: 1/8" = 1'-0"
+9'-6" N.G.V.D.

N

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Project

7940 NORTH BAY VILLAGE
NORHT BAY VILLAGE
7940 WEST DRIVE
NORTH BAY VILLAGE, FL 33141

Revisions

Owner Information

#Client Company
#Client Address1
#Client Address2
#Client City, #Client State #Client Postcode
#Client Phone Number

Consultant

Luis O. Revuelta
AR-0007972

SCHEMATIC DESIGN

Date
11/14/2022
Scale
AS SHOWN
Project No.
2114
Sheet Name
GROUND FLOOR
Sheet No.
A-101

Attachment B

Trip Generation Calculations

PROPOSED WEEKDAY AM PEAK HOUR TRIP GENERATION

		ITE TRIP GENERATION CHARACTERISTICS					DIRECTIONAL DISTRIBUTION		BASELINE TRIPS			MULTIMODAL REDUCTION		GROSS TRIPS			INTERNAL CAPTURE		EXTERNAL VEHICLE TRIPS			PASS-BY CAPTURE		NET NEW EXTERNAL TRIPS		
							Percent																			
		Land Use	ITE Edition	ITE Code	Scale	ITE Units	In	Out	In	Out	Total	Percent	MR Trips	In	Out	Total	Percent	IC Trips	In	Out	Total	Percent	PB Trips	In	Out	Total
GROUP 1	1	Multifamily Housing (High-Rise)	11	222	70	du	34%	66%	12	22	34	1.7%	1	12	21	33	0.0%	0	12	21	33	0.0%	0	12	21	33
	2																									
	3																									
	4																									
	5																									
	6																									
	7																									
	8																									
	9																									
	10																									
	11																									
	12																									
	13																									
	14																									
	15																									
		ITE Land Use Code		Rate or Equation				**Total:**	12	22	34	1.7%	1	12	21	33	0.0%	0	12	21	33	0.0%	0	12	21	33
		222		Y=0.22*(X)+18.85																						

PROPOSED WEEKDAY PM PEAK HOUR TRIP GENERATION

		ITE TRIP GENERATION CHARACTERISTICS					DIRECTIONAL DISTRIBUTION		BASELINE TRIPS			MULTIMODAL REDUCTION		GROSS TRIPS			INTERNAL CAPTURE		EXTERNAL VEHICLE TRIPS			PASS-BY CAPTURE		NET NEW EXTERNAL TRIPS		
							Percent																			
		Land Use	ITE Edition	ITE Code	Scale	ITE Units	In	Out	In	Out	Total	Percent	MR Trips	In	Out	Total	Percent	IC Trips	In	Out	Total	Percent	PB Trips	In	Out	Total
GROUP 2	1	Multifamily Housing (High-Rise)	11	222	70	du	56%	44%	23	18	41	1.7%	1	23	17	40	0.0%	0	23	17	40	0.0%	0	23	17	40
	2																									
	3																									
	4																									
	5																									
	6																									
	7																									
	8																									
	9																									
	10																									
	11																									
	12																									
	13																									
	14																									
	15																									
		ITE Land Use Code		Rate or Equation				**Total:**	23	18	41	1.7%	1	23	17	40	0.0%	0	23	17	40	0.0%	0	23	17	40
		222		Y=0.26*(X)+23.12																						

MEANS OF TRANSPORTATION TO WORK

(20+9)/(1,883-132)=1.7%

United States® Census Bureau

Note: This is a modified view of the original table produced by the U.S. Census Bureau. This download or printed version may have missing information from the original table.

Census Tract 39.18, Miami-Dade County, Florida		
Label	**Estimate**	**Margin of Error**
Total:	1,883	±236
Car, truck, or van:	1,624	±255
Drove alone	1,529	±242
Carpooled:	95	±62
In 2-person carpool	61	±50
In 3-person carpool	14	±21
In 4-person carpool	13	±21
In 5- or 6-person carpool	7	±11
In 7-or-more-person carpool	0	±14
Public transportation (excluding taxicab):	20	±30
Bus	20	±30
Subway or elevated rail	0	±14
Long-distance train or commuter rail	0	±14
Light rail, streetcar or trolley (carro público in Puerto Rico)	0	±14
Ferryboat	0	±14
Taxicab	37	±35
Motorcycle	11	±16
Bicycle	9	±14
Walked	0	±14
Other means	50	±43
Worked from home	132	±98

Table Notes

Survey/Program: American Community Survey

MEANS OF TRANSPORTATION TO WORK

Universe: Workers 16 years and over

Year: 2019

Estimates: 5-Year

Table ID: B08301

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities, and towns and estimates of housing units for states and counties.

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Technical Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section.

Source: U.S. Census Bureau, 2015-2019 American Community Survey 5-Year Estimates

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see ACS Technical Documentation). The effect of nonsampling error is not represented in these tables.

Workers include members of the Armed Forces and civilians who were at work last week.

2019 ACS data products include updates to several categories of the existing means of transportation question. For more information, see: Change to Means of Transportation.

The 2015-2019 American Community Survey (ACS) data generally reflect the September 2018 Office of Management and Budget (OMB) delineations of metropolitan and micropolitan statistical areas. In certain instances, the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB delineation lists due to differences in the effective dates of the geographic entities.

Estimates of urban and rural populations, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2010 data. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

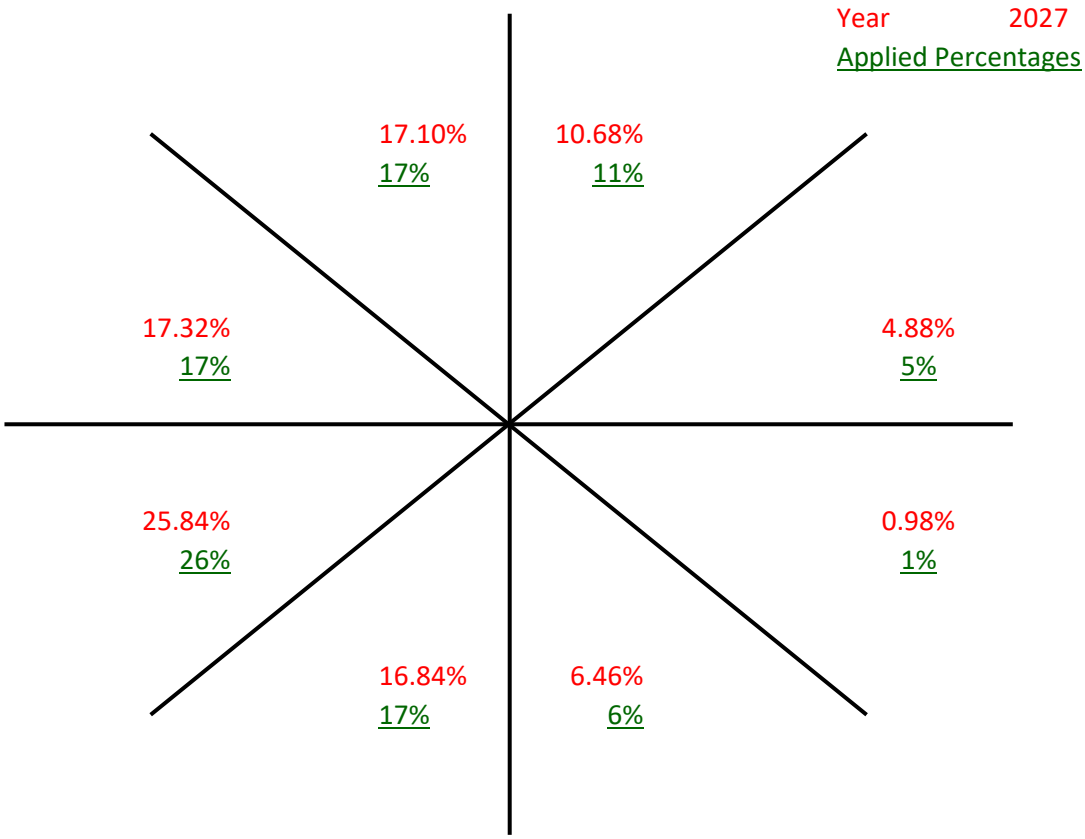
Explanation of Symbols:

An "**" entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.
An "-" entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution, or the margin of error associated with a median was larger than the median itself.
An "-" following a median estimate means the median falls in the lowest interval of an open-ended distribution.
An "+" following a median estimate means the median falls in the upper interval of an open-ended distribution.
An "***" entry in the margin of error column indicates that the median falls in the lowest interval or upper interval of an open-ended distribution. A statistical test is not appropriate.
An "*****" entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.
An "N" entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.
An "(X)" means that the estimate is not applicable or not available.

Attachment C

Cardinal Trip Distribution

Cardinal Distribution for TAZ 624



Cardinal Trip Distribution

Cardinal Direction	Percentage of Trips		2027 Interpolated	2027 Rounded
	2015	2045		
North-Northeast	10.8%	10.50%	10.68%	11.00%
East-Northeast	6.0%	3.20%	4.88%	5.00%
East-Southeast	1.1%	0.80%	0.98%	1.00%
South-Southeast	6.1%	7.00%	6.46%	6.00%
South-Southwest	15.2%	19.30%	16.84%	17.00%
West-Southwest	26.2%	25.30%	25.84%	26.00%
West-Northwest	16.8%	18.10%	17.32%	17.00%
North-Northwest	17.9%	15.90%	17.10%	17.00%
Total	**100.1%**	**100.1%**	**100.10%**	**100.00%**



MIAMI-DADE TRANSPORTATION PLANNING ORGANIZATION

2045 LRTP SUPPORTING DOCUMENTS

DIRECTIONAL TRIP DISTRIBUTION REPORT

SEPTEMBER 2019

Miami-Dade 2015 Base Year Direction Trip Distribution Summary											
TAZ of Origin		Trips / Percent	Cardinal Directions								Total Trips
County TAZ	Regional TAZ		NNE	ENE	ESE	SSE	SSW	WSW	WNW	NNW	
599	3499	Trips	591	34	0	13	16	316	294	397	1,717
599	3499	Percent	35.6	2.0	0.0	0.8	1.0	19.0	17.7	23.9	
600	3500	Trips	1,964	258	20	47	84	1,205	1,079	998	5,795
600	3500	Percent	34.7	4.6	0.4	0.8	1.5	21.3	19.1	17.7	
601	3501	Trips	70	-	-	28	277	290	175	257	1,104
601	3501	Percent	6.4	-	-	2.5	25.3	26.4	15.9	23.5	
602	3502	Trips	67	17	-	103	540	455	472	464	2,181
602	3502	Percent	3.2	0.8	-	4.9	25.5	21.5	22.3	21.9	
603	3503	Trips	27	-	-	3	177	160	92	111	570
603	3503	Percent	4.8	-	-	0.5	31.0	28.1	16.2	19.5	
604	3504	Trips	45	-	-	6	506	334	458	381	1,779
604	3504	Percent	2.6	-	-	0.4	29.3	19.3	26.5	22.0	
605	3505	Trips	136	16	-	144	498	321	433	386	1,958
605	3505	Percent	7.0	0.8	-	7.4	25.7	16.6	22.4	20.0	
606	3506	Trips	830	-	-	845	1,407	1,998	1,040	2,384	9,052
606	3506	Percent	9.8	-	-	9.9	16.5	23.5	12.2	28.0	
607	3507	Trips	197	83	-	165	848	498	671	627	3,154
607	3507	Percent	6.4	2.7	-	5.4	27.5	16.1	21.7	20.3	
608	3508	Trips	109	-	-	17	655	545	562	535	2,497
608	3508	Percent	4.5	-	-	0.7	27.0	22.5	23.2	22.1	
609	3509	Trips	80	-	-	30	482	700	242	744	2,414
609	3509	Percent	3.5	-	-	1.3	21.2	30.7	10.6	32.7	
610	3510	Trips	576	187	-	313	1,639	1,859	1,152	2,527	9,381
610	3510	Percent	7.0	2.3	-	3.8	19.9	22.5	14.0	30.6	
611	3511	Trips	344	38	-	107	861	847	782	1,269	4,444
611	3511	Percent	8.1	0.9	-	2.5	20.3	20.0	18.4	29.9	
612	3512	Trips	102	-	-	38	497	479	354	809	2,324
612	3512	Percent	4.5	-	-	1.7	21.8	21.0	15.5	35.5	
613	3513	Trips	50	-	-	45	147	146	130	221	738
613	3513	Percent	6.8	-	-	6.1	19.9	19.8	17.6	30.0	
614	3514	Trips	107	-	-	231	720	908	522	868	3,436
614	3514	Percent	3.2	-	-	6.9	21.5	27.1	15.6	25.9	
615	3515	Trips	748	321	-	855	1,825	1,774	1,120	2,278	9,551
615	3515	Percent	8.4	3.6	-	9.6	20.5	19.9	12.6	25.5	
616	3516	Trips	631	418	-	1,214	1,619	1,428	921	1,966	9,585
616	3516	Percent	7.7	5.1	-	14.8	19.8	17.4	11.2	24.0	
617	3517	Trips	18	4	17	9	11	16	6	43	125
617	3517	Percent	14.3	3.3	13.7	7.4	9.0	13.1	4.7	34.7	
618	3518	Trips	243	105	-	241	640	556	295	599	2,736
618	3518	Percent	9.1	3.9	-	9.0	23.9	20.8	11.0	22.4	
619	3519	Trips	114	-	-	442	1,579	1,258	675	2,112	6,703
619	3519	Percent	1.8	-	-	7.2	25.6	20.4	10.9	34.2	
620	3520	Trips	85	-	-	385	1,902	1,775	809	2,132	7,584
620	3520	Percent	1.2	-	-	5.4	26.8	25.1	11.4	30.1	
621	3521	Trips	411	-	112	336	917	877	409	774	3,916
621	3521	Percent	10.7	-	2.9	8.8	23.9	22.9	10.7	20.2	
622	3522	Trips	725	-	-	733	1,372	1,695	887	1,623	7,653
622	3522	Percent	10.3	-	-	10.4	19.5	24.1	12.6	23.1	
623	3523	Trips	394	243	139	749	727	1,431	755	921	5,657
623	3523	Percent	7.4	4.5	2.6	14.0	13.6	26.7	14.1	17.2	
624	3524	Trips	1,100	613	112	625	1,542	2,663	1,706	1,821	11,072
624	3524	Percent	10.8	6.0	1.1	6.1	15.2	26.2	16.8	17.9	

Miami-Dade 2045 Cost Feasible Plan Direction Trip Distribution Summary											
TAZ of Origin		Trips / Percent	Cardinal Directions								Total Trips
County TAZ	Regional TAZ		NNE	ENE	ESE	SSE	SSW	WSW	WNW	NNW	
599	3499	Trips	392	108	7	13	41	341	344	485	1,765
599	3499	Percent	22.6	6.2	0.4	0.8	2.4	19.7	19.9	28.0	
600	3500	Trips	1,603	330	17	42	94	1,157	1,332	1,506	6,163
600	3500	Percent	26.4	5.4	0.3	0.7	1.6	19.0	21.9	24.8	
601	3501	Trips	73	-	-	36	470	342	267	332	1,552
601	3501	Percent	4.8	-	-	2.4	30.9	22.5	17.5	21.8	
602	3502	Trips	62	6	-	148	713	574	523	476	2,566
602	3502	Percent	2.5	0.3	-	5.9	28.5	22.9	20.9	19.0	
603	3503	Trips	14	-	-	1	337	258	161	172	980
603	3503	Percent	1.5	-	-	0.1	35.7	27.4	17.1	18.3	
604	3504	Trips	64	-	-	41	951	737	707	668	3,445
604	3504	Percent	2.0	-	-	1.3	30.0	23.3	22.3	21.1	
605	3505	Trips	99	36	-	135	670	549	585	509	2,652
605	3505	Percent	3.8	1.4	-	5.2	25.9	21.2	22.7	19.7	
606	3506	Trips	643	-	-	754	1,891	2,383	1,151	2,389	9,786
606	3506	Percent	7.0	-	-	8.2	20.5	25.9	12.5	25.9	
607	3507	Trips	188	140	-	182	1,171	780	868	741	4,188
607	3507	Percent	4.6	3.4	-	4.5	28.8	19.2	21.3	18.2	
608	3508	Trips	110	-	-	48	1,108	1,101	706	785	3,985
608	3508	Percent	2.9	-	-	1.2	28.7	28.5	18.3	20.4	
609	3509	Trips	86	-	-	37	718	953	371	839	3,169
609	3509	Percent	2.9	-	-	1.2	23.9	31.7	12.3	27.9	
610	3510	Trips	681	182	-	382	2,239	2,515	1,391	2,792	12,047
610	3510	Percent	6.7	1.8	-	3.8	22.0	24.7	13.7	27.4	
611	3511	Trips	449	13	-	118	1,000	1,197	848	1,206	5,036
611	3511	Percent	9.3	0.3	-	2.4	20.7	24.8	17.6	25.0	
612	3512	Trips	74	-	-	56	640	617	408	906	2,773
612	3512	Percent	2.8	-	-	2.1	23.7	22.9	15.1	33.6	
613	3513	Trips	42	-	-	27	203	188	128	185	774
613	3513	Percent	5.5	-	-	3.5	26.3	24.2	16.5	24.0	
614	3514	Trips	160	-	-	231	1,441	1,400	1,004	1,429	5,961
614	3514	Percent	2.8	-	-	4.1	25.4	24.7	17.7	25.2	
615	3515	Trips	657	228	-	698	1,586	1,570	1,040	1,804	7,950
615	3515	Percent	8.7	3.0	-	9.2	20.9	20.7	13.7	23.8	
616	3516	Trips	663	430	-	1,243	2,224	2,161	1,427	2,581	12,275
616	3516	Percent	6.2	4.0	-	11.6	20.7	20.1	13.3	24.1	
617	3517	Trips	13	10	12	23	29	51	31	41	219
617	3517	Percent	6.4	4.8	5.8	10.9	13.8	24.0	14.9	19.5	
618	3518	Trips	155	54	-	218	768	639	484	831	3,208
618	3518	Percent	4.9	1.7	-	6.9	24.4	20.3	15.4	26.4	
619	3519	Trips	148	-	-	378	1,965	1,591	822	2,087	7,426
619	3519	Percent	2.1	-	-	5.4	28.1	22.8	11.8	29.9	
620	3520	Trips	101	-	-	236	1,860	2,343	1,013	2,177	8,233
620	3520	Percent	1.3	-	-	3.1	24.1	30.3	13.1	28.2	
621	3521	Trips	349	-	81	272	1,070	1,011	417	959	4,287
621	3521	Percent	8.4	-	1.9	6.6	25.7	24.3	10.0	23.1	
622	3522	Trips	552	-	-	687	1,638	2,319	1,127	2,032	8,893
622	3522	Percent	6.6	-	-	8.2	19.6	27.8	13.5	24.3	
623	3523	Trips	475	123	70	728	1,143	1,694	801	1,023	6,274
623	3523	Percent	7.8	2.0	1.2	12.0	18.9	28.0	13.2	16.9	
624	3524	Trips	1,356	409	98	912	2,505	3,276	2,354	2,063	13,940
624	3524	Percent	10.5	3.2	0.8	7.0	19.3	25.3	18.1	15.9	

Appendix C

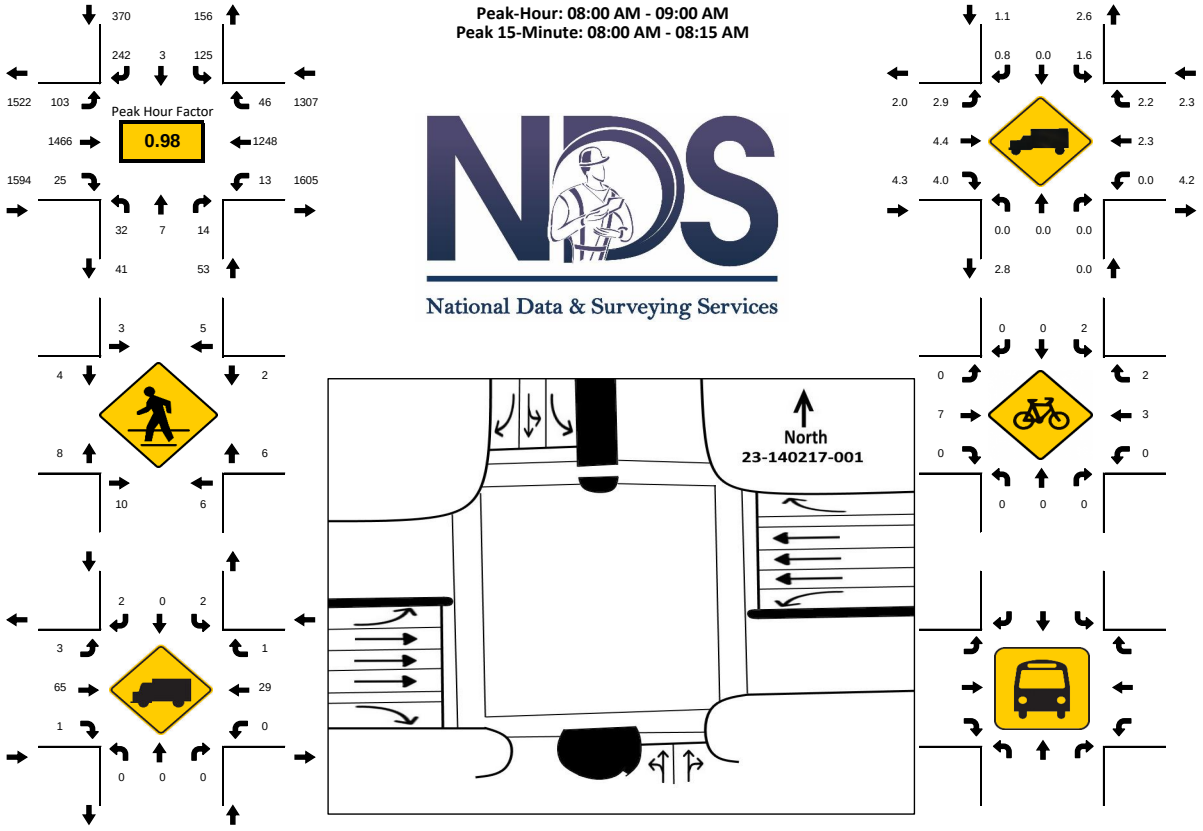
Traffic Data

Turning Movement Counts

LOCATION: Harbor Island Dr & 79th St/John F Kennedy Causeway
CITY/STATE: North Bay Village, FL

PROJECT ID: 23-140217-001
DATE: Thu, Apr 27, 2023

Peak-Hour: 08:00 AM - 09:00 AM
Peak 15-Minute: 08:00 AM - 08:15 AM

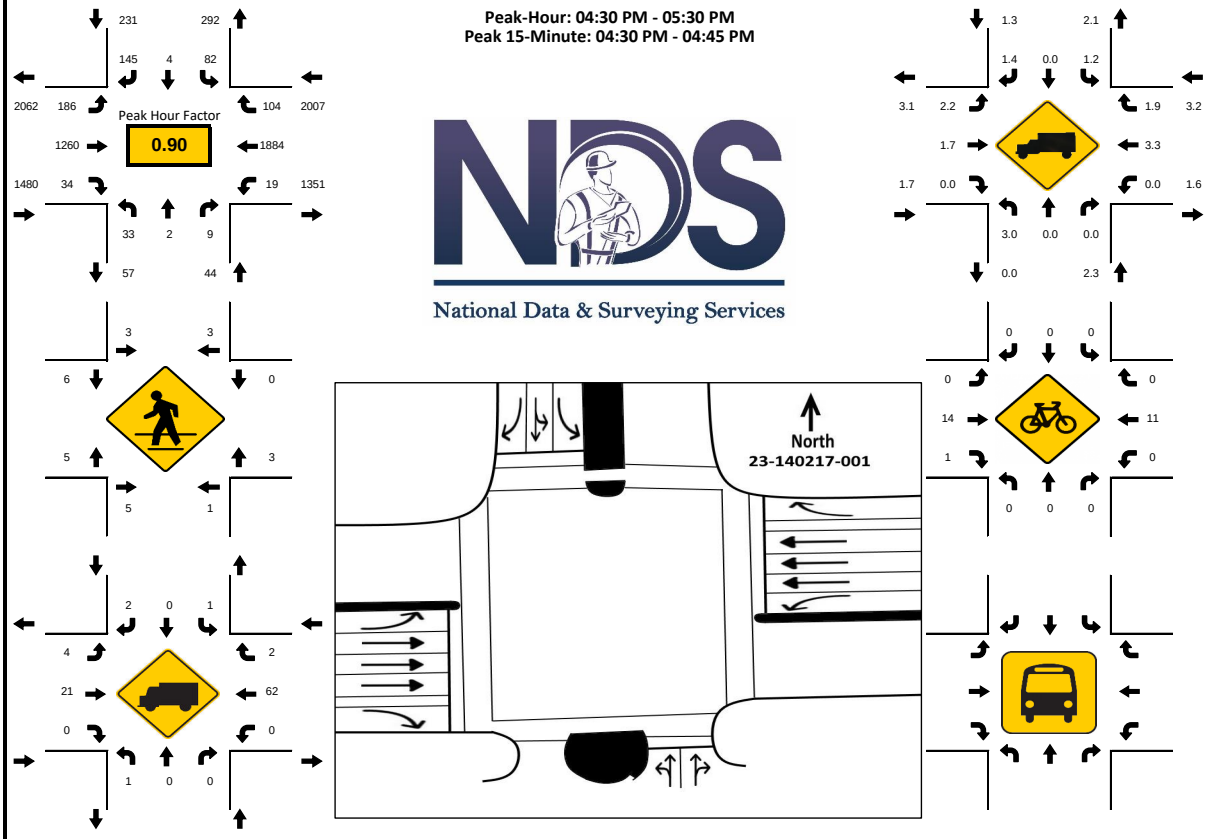


15-Min Count Period Beginning At	Harbor Island Dr Northbound					Harbor Island Dr Southbound					9th St/John F Kennedy Causeway Eastbound					9th St/John F Kennedy Causeway Westbound					Total	Hourly Total
	Left	Thru	Rgt	U	R*	Left	Thru	Rgt	U	R*	Left	Thru	Rgt	U	R*	Left	Thru	Rgt	U	R*		
07:00 AM	1	1	3	0		12	0	43	0		14	247	8	0		3	196	4	0		532	2753
07:15 AM	4	1	5	0		20	0	42	0		22	261	3	0		3	248	4	3		616	3072
07:30 AM	6	0	6	0		15	0	58	0		28	350	9	0		2	324	7	1		806	3281
07:45 AM	11	1	6	0		25	0	49	0		17	342	9	0		7	322	10	0		799	3312
08:00 AM	6	2	4	0		36	1	64	0		19	392	6	0		5	304	11	1		851	3324
08:15 AM	8	1	3	0		28	1	55	0		32	376	7	0		0	305	9	0		825	2473
08:30 AM	12	4	5	0		26	0	69	0		30	361	6	0		1	308	12	3		837	1648
08:45 AM	6	0	2	0		35	1	54	0		22	337	6	0		2	331	14	1		811	811
Peak 15-Min Flowrates	**Northbound**					**Southbound**					**Eastbound**					**Westbound**					**Total**	
	Left	Thru	Rgt	U	R*	Left	Thru	Rgt	U	R*	Left	Thru	Rgt	U	R*	Left	Thru	Rgt	U	R*		
All Vehicles	48	16	20	0		144	4	276	0		128	1568	28	0		20	1324	56	12		**3644**	
Heavy Trucks	0	0	0	0		4	0	8	0		4	88	4	0		0	40	4	0		**152**	
Pedestrians		28					12					20					16				**76**	
Bicycles	0	0	0	0		4	0	0	0		0	8	0	0		0	4	4	0		**20**	
Buses																						
Stopped Buses																						

LOCATION: Harbor Island Dr & 79th St/John F Kennedy Causeway
CITY/STATE: North Bay Village, FL

PROJECT ID: 23-140217-001
DATE: Thu, Apr 27, 2023

Peak-Hour: 04:30 PM - 05:30 PM
Peak 15-Minute: 04:30 PM - 04:45 PM



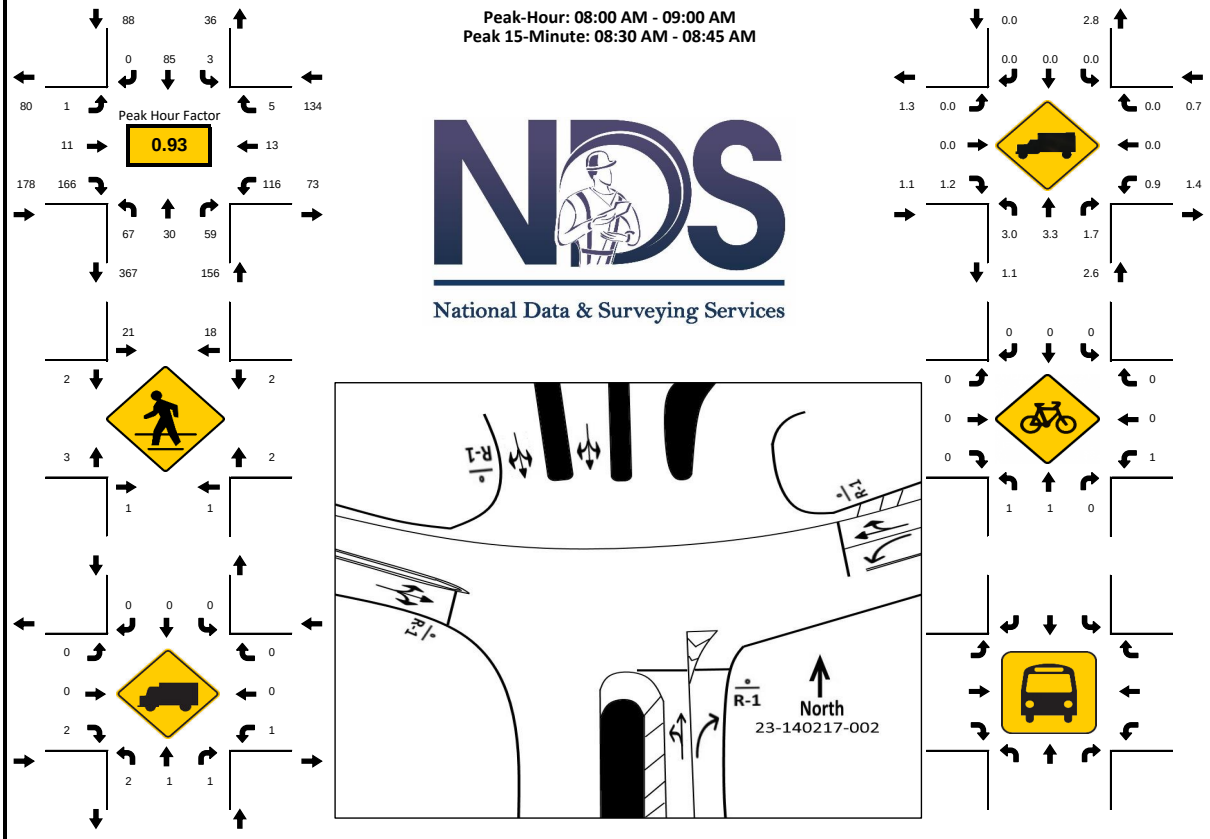
National Data & Surveying Services

15-Min Count Period Beginning At	Harbor Island Dr Northbound					Harbor Island Dr Southbound					9th St/John F Kennedy Causewa Eastbound					9th St/John F Kennedy Causewa Westbound					Total	Hourly Total
	Left	Thru	Rgt	U	R*	Left	Thru	Rgt	U	R*	Left	Thru	Rgt	U	R*	Left	Thru	Rgt	U	R*		
04:00 PM	3	1	6	0		23	0	31	0		46	308	6	0		2	387	13	0		826	3648
04:15 PM	7	2	3	0		16	0	40	0		48	335	7	1		7	423	25	2		916	3741
04:30 PM	8	1	2	0		21	0	43	0		47	322	8	0		3	548	36	1		1040	3762
04:45 PM	7	1	2	0		22	1	39	1		38	278	9	1		2	443	20	2		866	3648
05:00 PM	7	0	4	0		18	2	28	0		40	330	10	3		6	449	21	1		919	3654
05:15 PM	11	0	1	0		20	1	35	0		57	330	7	0		2	444	27	2		937	2735
05:30 PM	3	0	6	0		16	0	39	1		55	325	9	1		4	448	16	3		926	1798
05:45 PM	6	0	5	0		12	1	26	1		47	314	5	0		2	426	26	1		872	872
Peak 15-Min Flowrates	**Northbound**					**Southbound**					**Eastbound**					**Westbound**					**Total**	
	Left	Thru	Rgt	U	R*	Left	Thru	Rgt	U	R*	Left	Thru	Rgt	U	R*	Left	Thru	Rgt	U	R*		
All Vehicles	44	4	16	0		88	8	172	4		228	1320	40	12		24	2192	144	8		**4304**	
Heavy Trucks	4	0	0	0		4	0	8	0		12	36	0	0		0	88	4	0		**156**	
Pedestrians		16					12					20					8				**56**	
Bicycles	0	0	0	0		0	0	0	0		0	24	4	0		0	20	0	0		**48**	
Buses																						
Stopped Buses																						

LOCATION: Harbor Island Dr & West Dr/East Dr
CITY/STATE: North Bay Village, FL

PROJECT ID: 23-140217-002
DATE: Thu, Apr 27, 2023

Peak-Hour: 08:00 AM - 09:00 AM
Peak 15-Minute: 08:30 AM - 08:45 AM

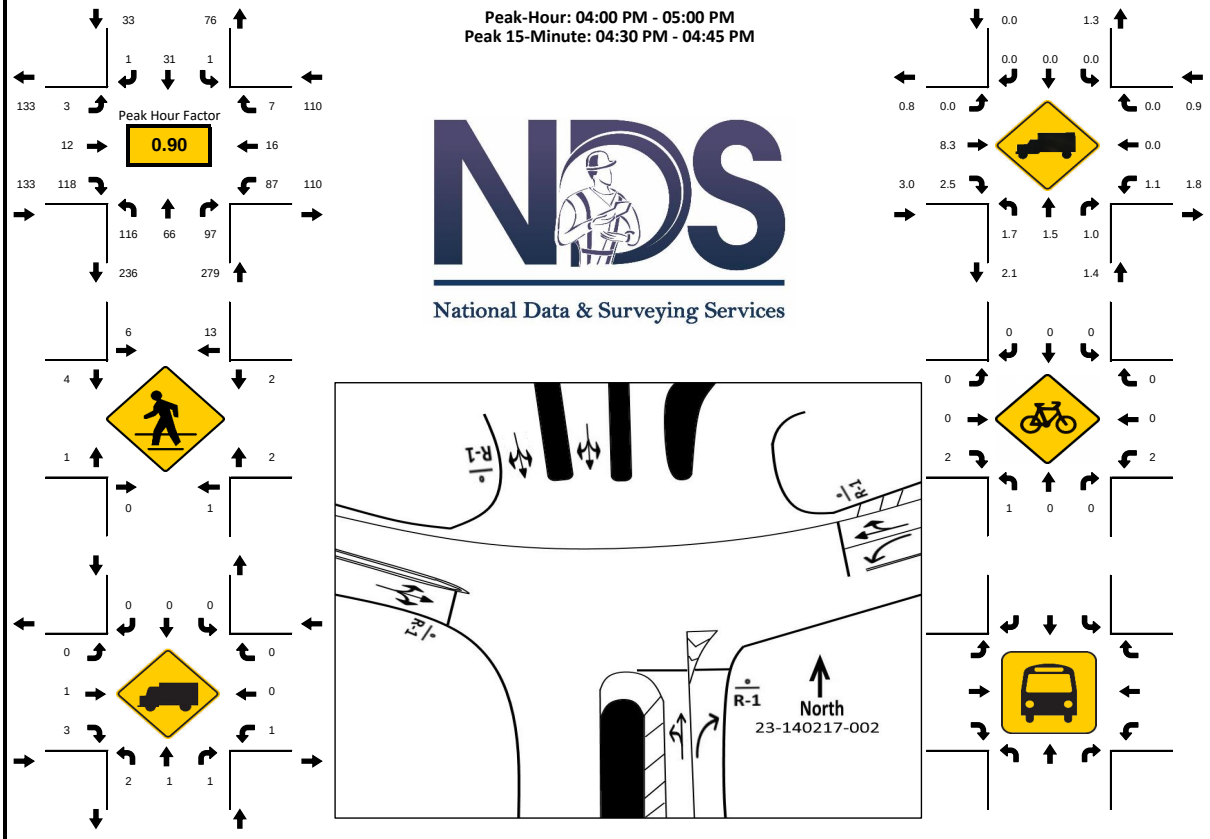


15-Min Count Period Beginning At	Harbor Island Dr Northbound					Harbor Island Dr Southbound					West Dr/East Dr Eastbound					West Dr/East Dr Westbound					Total	Hourly Total
	Left	Thru	Rgt	U	R*	Left	Thru	Rgt	U	R*	Left	Thru	Rgt	U	R*	Left	Thru	Rgt	U	R*		
07:00 AM	9	2	7	1		0	7	0	0		0	1	27	0		18	1	0	0		73	394
07:15 AM	17	1	8	0		0	10	0	0		1	1	29	0		24	2	0	0		93	454
07:30 AM	23	2	10	0		0	19	0	0		1	3	26	0		27	2	0	0		113	499
07:45 AM	15	3	11	0		1	14	0	0		2	3	38	0		25	1	1	1		115	536
08:00 AM	16	6	9	1		1	24	0	0		0	1	46	0		27	1	1	0		133	556
08:15 AM	20	5	16	0		2	24	0	0		0	4	39	0		23	2	3	0		138	423
08:30 AM	17	10	20	0		0	17	0	0		1	3	45	0		31	6	0	0		150	285
08:45 AM	13	9	14	0		0	20	0	0		0	3	36	0		35	4	1	0		135	135
Peak 15-Min Flowrates	**Northbound**					**Southbound**					**Eastbound**					**Westbound**					**Total**	
	Left	Thru	Rgt	U	R*	Left	Thru	Rgt	U	R*	Left	Thru	Rgt	U	R*	Left	Thru	Rgt	U	R*		
All Vehicles	80	40	80	4		8	96	0	0		4	16	184	0		140	24	12	0		**688**	
Heavy Trucks	4	4	4	4		0	0	0	0		0	0	8	0		4	0	0	0		**24**	
Pedestrians		8					60					8					4				**80**	
Bicycles	0	4	0	4		0	0	0	0		0	0	0	0		4	0	0	0		**8**	
Buses																						
Stopped Buses																						

LOCATION: Harbor Island Dr & West Dr/East Dr
CITY/STATE: North Bay Village, FL

PROJECT ID: 23-140217-002
DATE: Thu, Apr 27, 2023

Peak-Hour: 04:00 PM - 05:00 PM
Peak 15-Minute: 04:30 PM - 04:45 PM



15-Min Count Period Beginning At	Harbor Island Dr Northbound					Harbor Island Dr Southbound					West Dr/East Dr Eastbound					West Dr/East Dr Westbound					Total	Hourly Total
	Left	Thru	Rgt	U	R*	Left	Thru	Rgt	U	R*	Left	Thru	Rgt	U	R*	Left	Thru	Rgt	U	R*		
04:00 PM	24	12	23	0		0	4	0	0		1	2	30	0		20	2	3	0		121	555
04:15 PM	32	18	25	1		0	10	1	0		0	0	29	0		17	4	4	0		141	547
04:30 PM	37	16	28	0		1	7	0	0		1	4	31	0		25	5	0	0		155	552
04:45 PM	21	20	21	1		0	10	0	0		1	6	28	0		25	5	0	0		138	528
05:00 PM	21	11	29	0		1	6	0	0		0	2	22	0		19	2	0	0		113	521
05:15 PM	46	17	19	1		0	10	0	0		0	2	27	0		19	3	2	0		146	408
05:30 PM	38	13	20	0		0	6	0	0		0	4	27	0		22	1	0	0		131	262
05:45 PM	29	23	24	0		0	11	0	0		0	9	15	0		16	2	1	1		131	131
Peak 15-Min Flowrates	**Northbound**					**Southbound**					**Eastbound**					**Westbound**					**Total**	
	Left	Thru	Rgt	U	R*	Left	Thru	Rgt	U	R*	Left	Thru	Rgt	U	R*	Left	Thru	Rgt	U	R*		
All Vehicles	148	80	112	4		4	40	4	0		4	24	124	0		100	20	16	0		**680**	
Heavy Trucks	4	4	4	4		0	0	0	0		0	4	8	0		4	0	0	0		**28**	
Pedestrians		4					24					12					8				**48**	
Bicycles	4	0	0	0		0	0	0	0		0	0	4	0		4	0	0	4		**12**	
Buses																						
Stopped Buses																						

24-Hour Continuous Counts

Prepared by NDS/ATD

VOLUME

West Dr W/O Harbor Island Dr

Day: Thursday
Date: 4/27/2023

City: North Bay Village
Project #: FL23_140218_001

DAILY TOTALS	NB	SB	EB	WB	Total
	0	0	2,100	1,953	4,053

AM Period	NB	SB	EB		WB		TOTAL		PM Period	NB	SB	EB		WB		TOTAL	
0:00			9		16		25		12:00			26		28		54	
0:15			8		6		14		12:15			37		36		73	
0:30			7		14		21		12:30			26		25		51	
0:45			5	29	3	39	8	68	12:45			32	121	37	126	69	247
1:00			1		8		9		13:00			28		30		58	
1:15			4		6		10		13:15			44		25		69	
1:30			4		4		8		13:30			25		25		50	
1:45			5	14	4	22	9	36	13:45			25	122	23	103	48	225
2:00			0		0		0		14:00			26		30		56	
2:15			5		4		9		14:15			34		27		61	
2:30			0		0		0		14:30			38		25		63	
2:45			1	6	3	7	4	13	14:45			31	129	35	117	66	246
3:00			1		2		3		15:00			37		23		60	
3:15			4		5		9		15:15			27		34		61	
3:30			4		4		8		15:30			29		23		52	
3:45			3	12	3	14	6	26	15:45			18	111	27	107	45	218
4:00			10		0		10		16:00			31		29		60	
4:15			1		3		4		16:15			29		36		65	
4:30			5		2		7		16:30			36		40		76	
4:45			5	21	3	8	8	29	16:45			34	130	27	132	61	262
5:00			4		2		6		17:00			24		23		47	249
5:15			1		2		3		17:15			31		47		78	262
5:30			6		2		8		17:30			31		37		68	254
5:45			8	19	9	15	17	34	17:45			27	113	33	140	60	253
6:00			16		5		21		18:00			30		39		69	
6:15			13		4		17		18:15			25		34		59	
6:30			25		4		29		18:30			25		37		62	
6:45			19	73	10	23	29	96	18:45			24	104	50	160	74	264
7:00			28		9		37		19:00			38		45		83	
7:15			31		19		50		19:15			40		42		82	
7:30			35		25		60		19:30			42		37		79	
7:45			42	136	16	69	58	205	19:45			29	149	35	159	64	308
8:00			48		17		65	233	20:00			24		32		56	
8:15			38		21		59	242	20:15			26		38		64	
8:30			48		23		71	253	20:30			21		40		61	
8:45			38	172	17	78	55	250	20:45			16	87	28	138	44	225
9:00			26		26		52		21:00			17		25		42	
9:15			35		22		57		21:15			21		34		55	
9:30			37		23		60		21:30			19		26		45	
9:45			35	133	17	88	52	221	21:45			16	73	25	110	41	183
10:00			32		22		54		22:00			19		20		39	
10:15			43		20		63		22:15			9		22		31	
10:30			24		16		40		22:30			26		19		45	
10:45			34	133	23	81	57	214	22:45			20	74	21	82	41	156
11:00			13		16		29		23:00			11		14		25	
11:15			33		20		53		23:15			7		13		20	
11:30			28		16		44		23:30			9		16		25	
11:45			26	100	28	80	54	180	23:45			12	39	12	55	24	94
TOTALS				848		524		1372	TOTALS				1252		1429		2681
SPLIT %				61.8%		38.2%		33.9%	SPLIT %				46.7%		53.3%		66.1%

DAILY TOTALS	NB	SB	EB	WB	Total
	0	0	2,100	1,953	4,053

AM Peak Hour	0:00	0:00	0:00	0:00	0:00	PM Peak Hour	19:00	18:30	18:45
AM Pk Volume	1018	1018	1018	1018	1018	PM Pk Volume	149	174	318
Pk Hr Factor	0.250	0.250	0.263	0.253	0.266	Pk Hr Factor	0.887	0.870	0.958
7 - 9 Volume	0	0	308	147	455	4 - 6 Volume	0	0	243	272	515
7 - 9 Peak Hour			7:45	7:30	7:45	4 - 6 Peak Hour			16:00	17:00	16:00
7 - 9 Pk Volume	0	0	176	79	253	4 - 6 Pk Volume	0	0	130	140	262
Pk Hr Factor	0.000	0.000	0.917	0.790	0.891	Pk Hr Factor	0.000	0.000	0.903	0.745	0.862

Peak Season Category Report

2022 PEAK SEASON FACTOR CATEGORY REPORT - REPORT TYPE: ALL
CATEGORY: 8700 MIAMI-DADE NORTH

MOCF: 0.96

WEEK	DATES	SF	PSCF
1	01/01/2022 - 01/01/2022	1.06	1.10
2	01/02/2022 - 01/08/2022	1.04	1.08
3	01/09/2022 - 01/15/2022	1.02	1.06
4	01/16/2022 - 01/22/2022	1.01	1.05
5	01/23/2022 - 01/29/2022	1.00	1.04
6	01/30/2022 - 02/05/2022	0.98	1.02
7	02/06/2022 - 02/12/2022	0.97	1.01
* 8	02/13/2022 - 02/19/2022	0.96	1.00
* 9	02/20/2022 - 02/26/2022	0.96	1.00
*10	02/27/2022 - 03/05/2022	0.96	1.00
*11	03/06/2022 - 03/12/2022	0.96	1.00
*12	03/13/2022 - 03/19/2022	0.96	1.00
*13	03/20/2022 - 03/26/2022	0.96	1.00
*14	03/27/2022 - 04/02/2022	0.96	1.00
*15	04/03/2022 - 04/09/2022	0.96	1.00
*16	04/10/2022 - 04/16/2022	0.95	0.99
*17	04/17/2022 - 04/23/2022	0.96	1.00
*18	04/24/2022 - 04/30/2022	0.96	1.00
*19	05/01/2022 - 05/07/2022	0.97	1.01
*20	05/08/2022 - 05/14/2022	0.97	1.01
21	05/15/2022 - 05/21/2022	0.98	1.02
22	05/22/2022 - 05/28/2022	0.99	1.03
23	05/29/2022 - 06/04/2022	0.99	1.03
24	06/05/2022 - 06/11/2022	1.00	1.04
25	06/12/2022 - 06/18/2022	1.01	1.05
26	06/19/2022 - 06/25/2022	1.01	1.05
27	06/26/2022 - 07/02/2022	1.01	1.05
28	07/03/2022 - 07/09/2022	1.02	1.06
29	07/10/2022 - 07/16/2022	1.02	1.06
30	07/17/2022 - 07/23/2022	1.02	1.06
31	07/24/2022 - 07/30/2022	1.02	1.06
32	07/31/2022 - 08/06/2022	1.01	1.05
33	08/07/2022 - 08/13/2022	1.01	1.05
34	08/14/2022 - 08/20/2022	1.01	1.05
35	08/21/2022 - 08/27/2022	1.03	1.07
36	08/28/2022 - 09/03/2022	1.04	1.08
37	09/04/2022 - 09/10/2022	1.05	1.09
38	09/11/2022 - 09/17/2022	1.07	1.11
39	09/18/2022 - 09/24/2022	1.05	1.09
40	09/25/2022 - 10/01/2022	1.03	1.07
41	10/02/2022 - 10/08/2022	1.01	1.05
42	10/09/2022 - 10/15/2022	0.99	1.03
43	10/16/2022 - 10/22/2022	1.00	1.04
44	10/23/2022 - 10/29/2022	1.01	1.05
45	10/30/2022 - 11/05/2022	1.01	1.05
46	11/06/2022 - 11/12/2022	1.02	1.06
47	11/13/2022 - 11/19/2022	1.03	1.07
48	11/20/2022 - 11/26/2022	1.04	1.08
49	11/27/2022 - 12/03/2022	1.05	1.09
50	12/04/2022 - 12/10/2022	1.05	1.09
51	12/11/2022 - 12/17/2022	1.06	1.10
52	12/18/2022 - 12/24/2022	1.04	1.08
53	12/25/2022 - 12/31/2022	1.02	1.06

* PEAK SEASON

23-FEB-2023 09:11:23 830UPD 6_8700_PKSEASON.TXT

Signal Timings

TOD Schedule Report

for 3015: Harbor Dr&J. F. Kennedy Blvd

Print Date: 10/4/2021

Print Time: 3:59 PM

Asset	Intersection	TOD Schedule	Op Mode	Plan #	Cycle	Offset	TOD Setting	Active PhaseBank	Active Maximum
3015	Harbor Dr&J. F. Kennedy Blvd	DOW-2	TOD	N/A	0	0	N/A	0	Max 0

Splits

PH 1	PH 2	PH 3	PH 4	PH 5	PH 6	PH 7	PH 8
EBL	WBT	SBT	NBT	WBL	EBT	-	-
0	0	0	0	0	0	0	0



Active Phase Bank: Phase Bank 1

Phase	Walk Phase Bank 1	Walk Phase Bank 2	Walk Phase Bank 3	Don't Walk Phase Bank 1	Don't Walk Phase Bank 2	Don't Walk Phase Bank 3	Min Initial Phase Bank 1	Min Initial Phase Bank 2	Min Initial Phase Bank 3	Veh Ext Phase Bank 1	Veh Ext Phase Bank 2	Veh Ext Phase Bank 3	Max Limit Phase Bank 1	Max Limit Phase Bank 2	Max Limit Phase Bank 3	Max 2 Phase Bank 1	Max 2 Phase Bank 2	Max 2 Phase Bank 3	Yellow	Red
1 EBL	0	0	0	0	0	0	5	5	5	2	2	2	20	15	6	20	15	6	3.7	3.3
2 WBT	4	4	4	36	36	36	4	4	4	1	1	1	100	50	45	0	75	45	4	3.3
3 SBT	4	4	4	24	24	24	7	7	7	2.5	2.5	2.5	20	16	12	60	16	10	4	3.7
4 NBT	4	4	4	24	24	24	10	10	10	4	4	4	20	16	10	60	16	8	4	3.7
5 WBL	0	0	0	0	0	0	5	5	5	2	2	2	20	15	6	20	15	6	3.7	3.3
6 EBT	4	4	4	36	36	36	4	4	4	1	1	1	100	50	45	0	75	45	4	3.3
7 -	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8 -	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Last In Service Date: unknown

Permitted Phases

	12345678
Default	123456--
External Permit 0	--------
External Permit 1	-234-6--
External Permit 2	-234-6--

TOD Schedule Report

for 3015: Harbor Dr&J. F. Kennedy Blvd

Print Date: 10/4/2021

Print Time: 3:59 PM

Current TOD Schedule	Plan	Cycle	Green Time 1 EBL	2 WBT	3 SBT	4 NBT	5 WBL	6 EBT	7 -	8 -	Ring Offset	Offset
	1	120	10	48	16	16	10	48	0	0	0	14
	2	110	7	53	10	10	7	53	0	0	0	76
	3	110	12	47	11	10	8	51	0	0	0	62
	4	150	9	48	35	28	14	43	0	0	0	106
	5	100	5	45	10	10	5	45	0	0	0	14
	6	100	8	42	9	11	6	44	0	0	0	14
	8	150	9	55	28	28	11	53	0	0	0	102
	9	150	9	55	28	28	11	53	0	0	0	97
	11	140	6	47	29	28	10	43	0	0	0	5
	12	110	8	34	29	9	8	34	0	0	0	101
	15	130	8	54	29	9	8	54	0	0	0	58
	23	90	5	20	27	8	5	20	0	0	0	10

Local TOD Schedule

Time	Plan	DOW
0000	Free	Su M T W Th F S
0600	4	M T W Th F
0800	4	Su S
1330	8	M T W Th F
1530	9	M T W Th F
2000	11	Su S
2200	11	M T W Th F

Current Time of Day Function

Time	Function	Settings *	Day of Week
0000	TOD OUTPUTS	--------	SuM T W ThF S

Local Time of Day Function

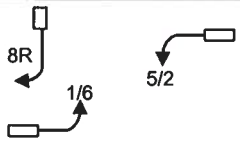
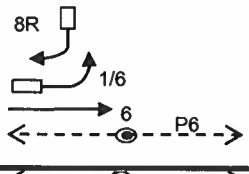
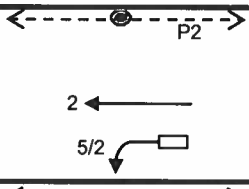
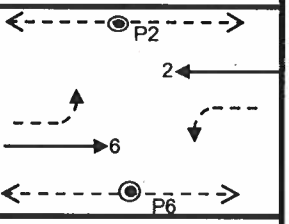
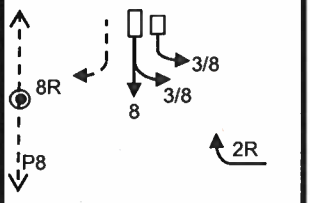
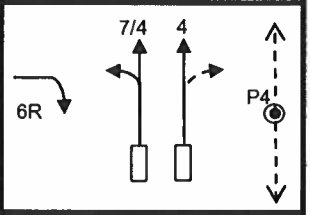
Time	Function	Settings *	Day of Week
0000	TOD OUTPUTS	--------	SuM T W ThF S

*** Settings**

Blank - FREE - Phase Bank 1, Max 1
Blank - Plan - Phase Bank 1, Max 2
1 - Phase Bank 2, Max 1
2 - Phase Bank 2, Max 2
3 - Phase Bank 3, Max 1
4 - Phase Bank 3, Max 2
5 - EXTERNAL PERMIT 1
6 - EXTERNAL PERMIT 2
7 - X-PED OMIT
8 - TBA

No Calendar Defined/Enabled

SIGNAL OPERATING PLAN

	Direction		EB			WB			SB			NB		Ped Heads				N
Timing Phases	Head No.		1/6	6	6R	5/2	2	2R	3/8	8	8R	7/4	4	P2	P4	P6	P8	Movements/Display/Actuation
(1+5)	Dwell		R/<G	R	R	R/<G	R	R	R	R	R/G>	R	R	DW	DW	DW	DW	
E/WLT	Clear To	(1+6)	R/<G	R	R	R/<Y	R	R	R	R	R/G>	R	R	DW	DW	DW	DW	
JFK BLVD		(2+5)	R/<Y	R	R	R/<G	R	R	R	R	R/Y>	R	R	DW	DW	DW	DW	
		(2+6)	R/<Y	R	R	R/<Y	R	R	R	R	R/Y>	R	R	DW	DW	DW	DW	
(Actuated)																		
(1+6)	Dwell		<G/R	G	G	R	R	R	R	R	R/G>	R	R	D/W	D/W	W/F	D/W	
EB	Clear To	(2+6)	<Y/R	G	G	R	R	R	R	R	R/Y>	R	R	D/W	D/W	D/W	D/W	
JFK BLVD																		
(Actuated)																		
(2+5)	Dwell		R	R	R	<G/G	G	G	R	R	R	R	R	W/F	D/W	D/W	D/W	
WB	Clear To	(2+6)	R	R	R	<Y/G	G	G	R	R	R	R	R	W/F	D/W	D/W	D/W	
JFK BLVD																		
(Actuated)																		
(2+6)	Dwell		G	G	G	G	G	R	R	R	R	R	R	W/F	D/W	W/F	D/W	
E/WB	Clear To	3	Y	Y	Y	Y	Y	Y	R	R	R	R	R	D/W	D/W	D/W	D/W	
JFK BLVD		4	Y	Y	Y	Y	Y	Y	R	R	R	R	R	D/W	D/W	D/W	D/W	
(Actuated)																		
3	Dwell		R	R	R/R	R	R	R/G>	R/<G	G	G	R/R	R	D/W	D/W	D/W	W/F	
SB	Clear To	4	R	R	R/R	R	R	R/Y>	R/<Y	Y	Y	R/R	R	D/W	D/W	D/W	D/W	
TREASURE DR		(1+5)	R	R	R/R	R	R	R/Y>	R/<Y	Y	Y	R/R	R	D/W	D/W	D/W	D/W	
		(1+6)	R	R	R/R	R	R	R/Y>	R/<Y	Y	Y	R/R	R	D/W	D/W	D/W	D/W	
(Actuated)		(2+5)	R	R	R/R	R	R	R/Y>	R/<Y	Y	Y	R/R	R	D/W	D/W	D/W	D/W	
		(2+6)	R	R	R/R	R	R	R/Y>	R/<Y	Y	Y	R/R	R	D/W	D/W	D/W	D/W	
4	Dwell		R	R	R/G>	R	R	R	R	R	R	<G/G	G	D/W	W/F	D/W	D/W	
NB	Clear To	(1+5)	R	R	R/Y>	R	R	R	R	R	R	<Y/Y	Y	D/W	D/W	D/W	D/W	
TREASURE DR		(1+6)	R	R	R/Y>	R	R	R	R	R	R	<Y/Y	Y	D/W	D/W	D/W	D/W	
		(2+5)	R	R	R/Y>	R	R	R	R	R	R	<Y/Y	Y	D/W	D/W	D/W	D/W	
(Actuated)		(2+6)	R	R	R/Y>	R	R	R	R	R	R	<Y/Y	Y	D/W	D/W	D/W	D/W	
Flashing Operation			FY	FY	FY	FY	FY	FY	FR	FR	FR	FR	FR					Page 1 of 1

Miami-Dade County Public Works Department

Drawn	Date	J.F. Kennedy BLVD & Harbor Island Dr		
Carlos Espinoza	8/14/2020			
Checked	Date	Placed in Service	Phasing No.	Asset Number
	9/4/2020	Date / By	9	3015

Appendix D

Growth Rate Calculations

FDOT Historic Growth Trends

FDOT Growth Rate Summary

Station Number	Location	Historic Growth - Linear				Historic Growth - Exponential				Historic Growth - Decaying Exponential			
		5-year	R-squared	10-year	R-squared	5-year	R-squared	10-year	R-squared	5-year	R-squared	10-year	R-squared
0115	SR 934/Normandy Drive -- 100 feet west of Rue Versailles	13.27%	87.23%	3.53%	42.23%	11.96%	82.42%	2.88%	35.62%	12.70%	97.38%	2.74%	27.46%
0142	SR 934/79th Street -- 350 feet west of Pelican Harbour Drive	2.32%	94.22%	0.78%	14.66%	2.18%	94.39%	0.83%	16.17%	2.02%	79.67%	1.06%	24.96%
0533	SR 934/North Bay Causeway -- 450 feet east of Adventure Avenue	-0.12%	0.65%	3.01%	43.10%	-0.12%	0.57%	2.71%	35.61%	-0.31%	8.76%	2.89%	40.60%
5191	SR 934/NE 79th Street/North Bay Causeway/71st Street -- 100 feet west of Rue Versailles	-0.84%	49.83%	-1.06%	27.09%	-0.85%	50.31%	-1.05%	25.55%	-0.71%	28.38%	-1.39%	36.72%
Total		**3.66%**	**57.98%**	**1.57%**	**31.77%**	**3.29%**	**56.92%**	**1.34%**	**28.24%**	**3.43%**	**53.55%**	**1.33%**	**32.44%**

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2022 HISTORICAL AADT REPORT

COUNTY: 87 - MIAMI-DADE

SITE: 0115 - SR 934/NORMANDY DR. WB. 100' W RUE VERSAILLES.

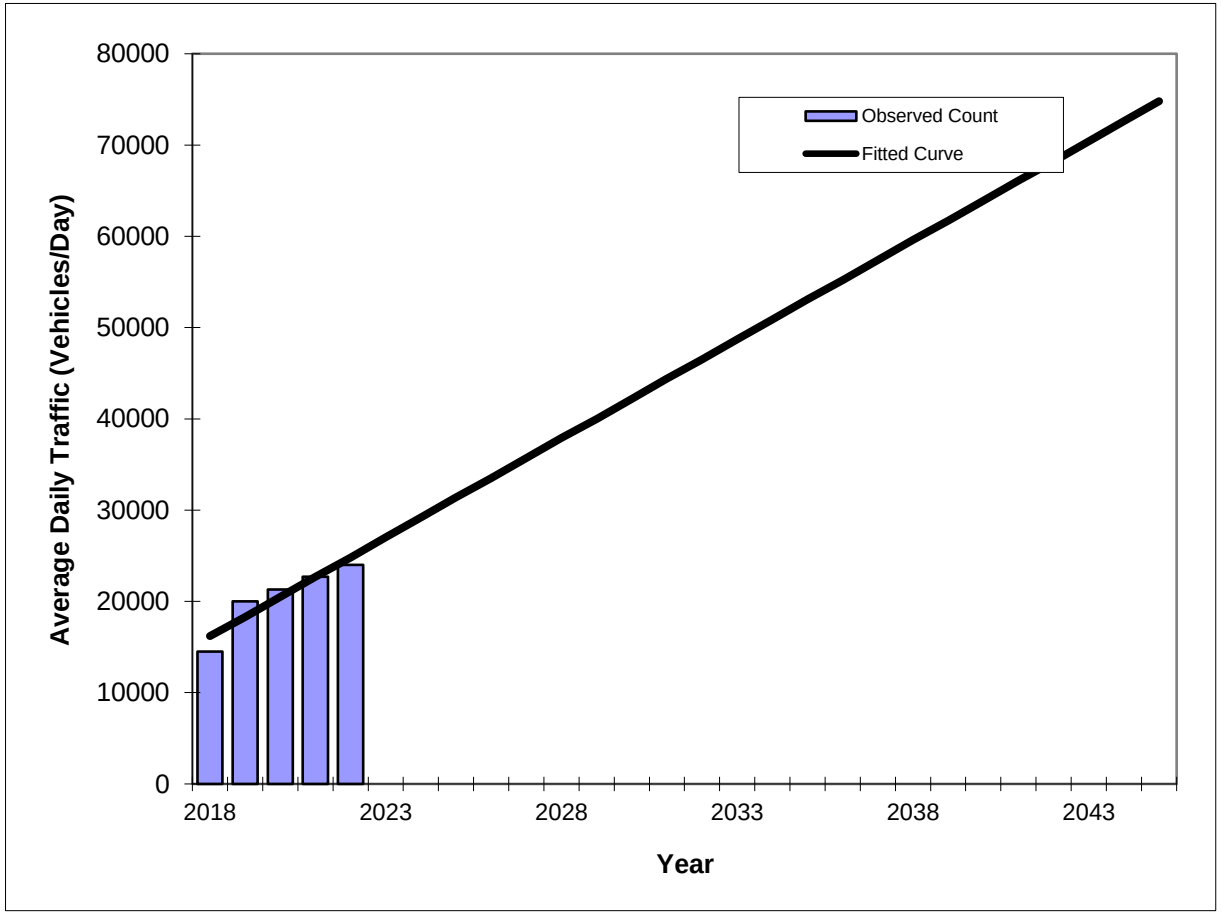
YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2022	24000 C	W 24000	0	9.00	99.90	6.80
2021	17500 C	W 17500	0	9.00	99.90	8.70
2020	18500 C	W 18500	0	9.00	99.90	7.60
2019	20000 C	W 20000	0	9.00	99.90	10.20
2018	14500 C	W 14500	0	9.00	99.90	8.50
2017	21000 C	W 21000	0	9.00	99.90	6.90
2016	19500 C	W 19500	0	9.00	99.90	7.20
2015	18000 C	W 18000	0	9.00	99.90	11.80
2014	17500 C	W 17500		9.00	99.90	10.40
2013	18500 C	W 18500	0	9.00	99.90	9.00
2012	21500 C	W 21500	0	9.00	99.90	10.50
2011	18000 C	W 18000	0	9.00	99.90	10.50
2010	18000 C	W 18000	0	8.98	99.99	9.50
2009	16000 C	W 16000	0	8.99	99.99	8.40
2008	16500 C	W 16500	0	9.09	99.99	9.60
2007	18000 C	W 18000	0	8.01	99.99	6.60

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE
S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE
V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN
*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

Traffic Trends

SR 934/Normandy Drive -- 100 feet west of Rue Versailles

County:	Miami-Dade (87)
Station #:	0115
Highway:	SR 934/Normandy Drive



Year	Traffic (ADT/AADT)	
	Count*	Trend**
2018	14500	16200
2019	20000	18300
2020	21300	20500
2021	22700	22700
2022	24000	24800

Trend R-squared:	87.23%
Trend Annual Historic Growth Rate:	13.27%
Printed:	26-May-23

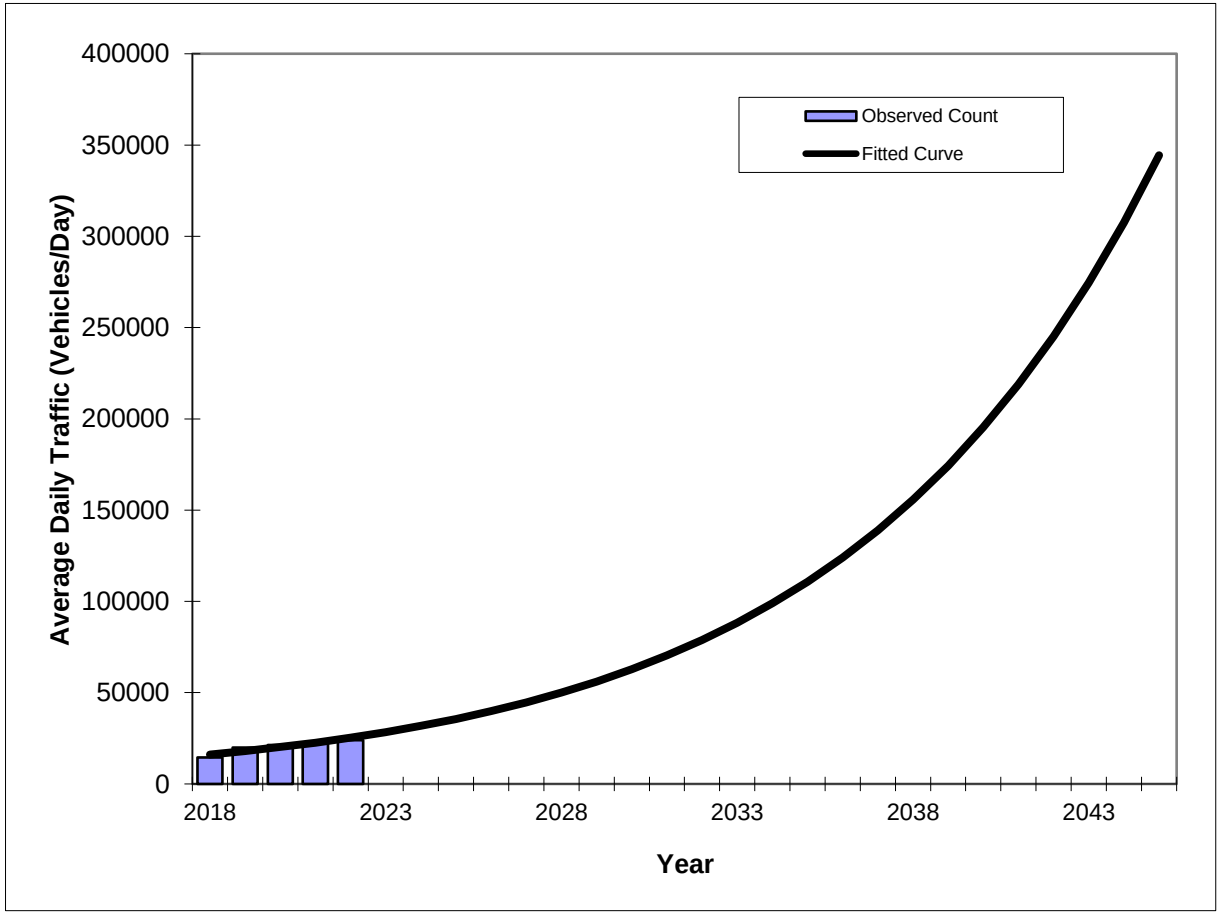
Straight Line Growth Option

***Axle-Adjusted**

Traffic Trends

SR 934/Normandy Drive -- 100 feet west of Rue Versailles

County:	Miami-Dade (87)
Station #:	0115
Highway:	SR 934/Normandy Drive



Year	Traffic (ADT/AADT)	
	Count*	Trend**
2018	14500	16100
2019	20000	18000
2020	21300	20200
2021	22700	22600
2022	24000	25300

Trend R-squared:	82.42%
Compounded Annual Historic Growth Rate:	11.96%
Printed:	26-May-23

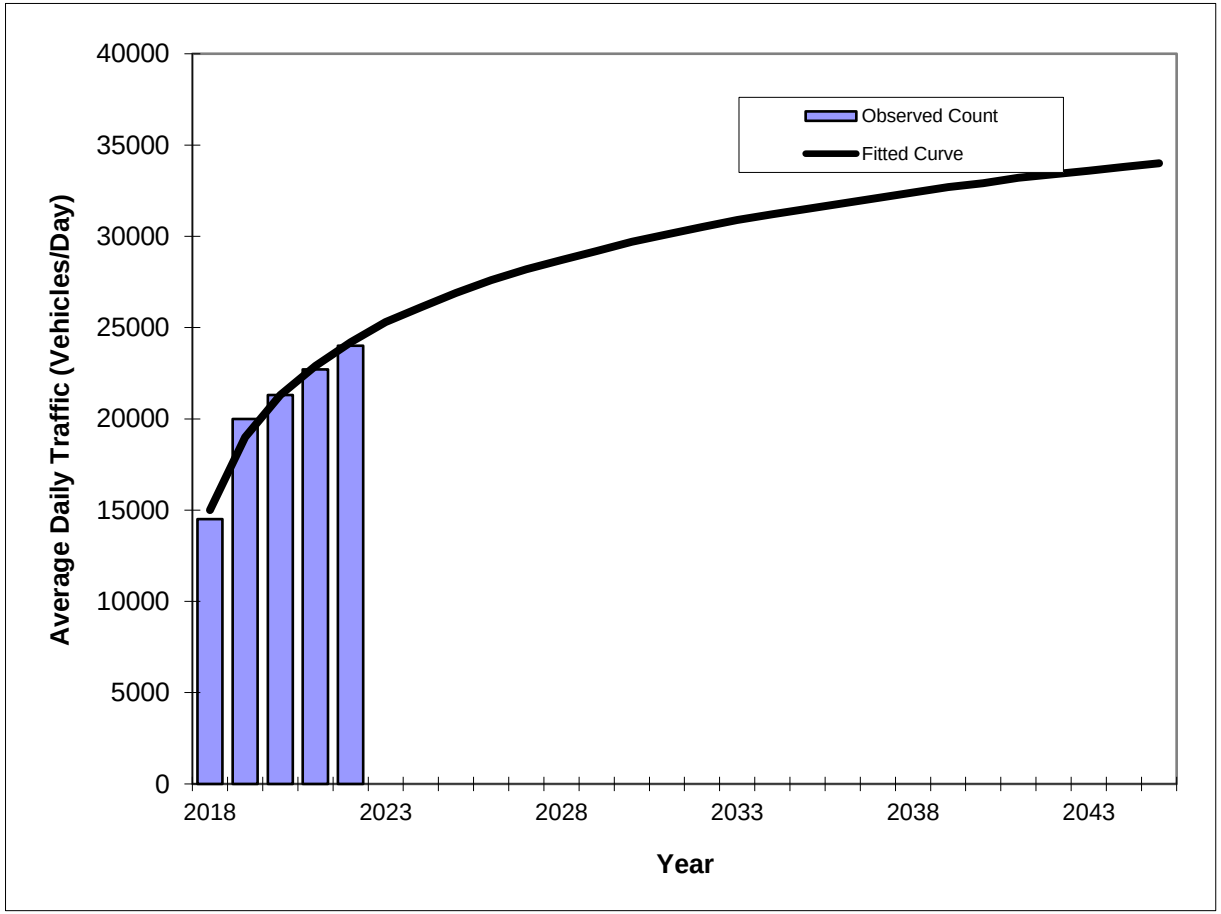
Exponential Growth Option

***Axle-Adjusted**

Traffic Trends

SR 934/Normandy Drive -- 100 feet west of Rue Versailles

County:	Miami-Dade (87)
Station #:	0115
Highway:	SR 934/Normandy Drive



Year	Traffic (ADT/AADT)	
	Count*	Trend**
2018	14500	15000
2019	20000	19000
2020	21300	21300
2021	22700	22900
2022	24000	24200

Trend R-squared:	97.38%
Compounded Annual Historic Growth Rate:	12.70%
Printed:	26-May-23

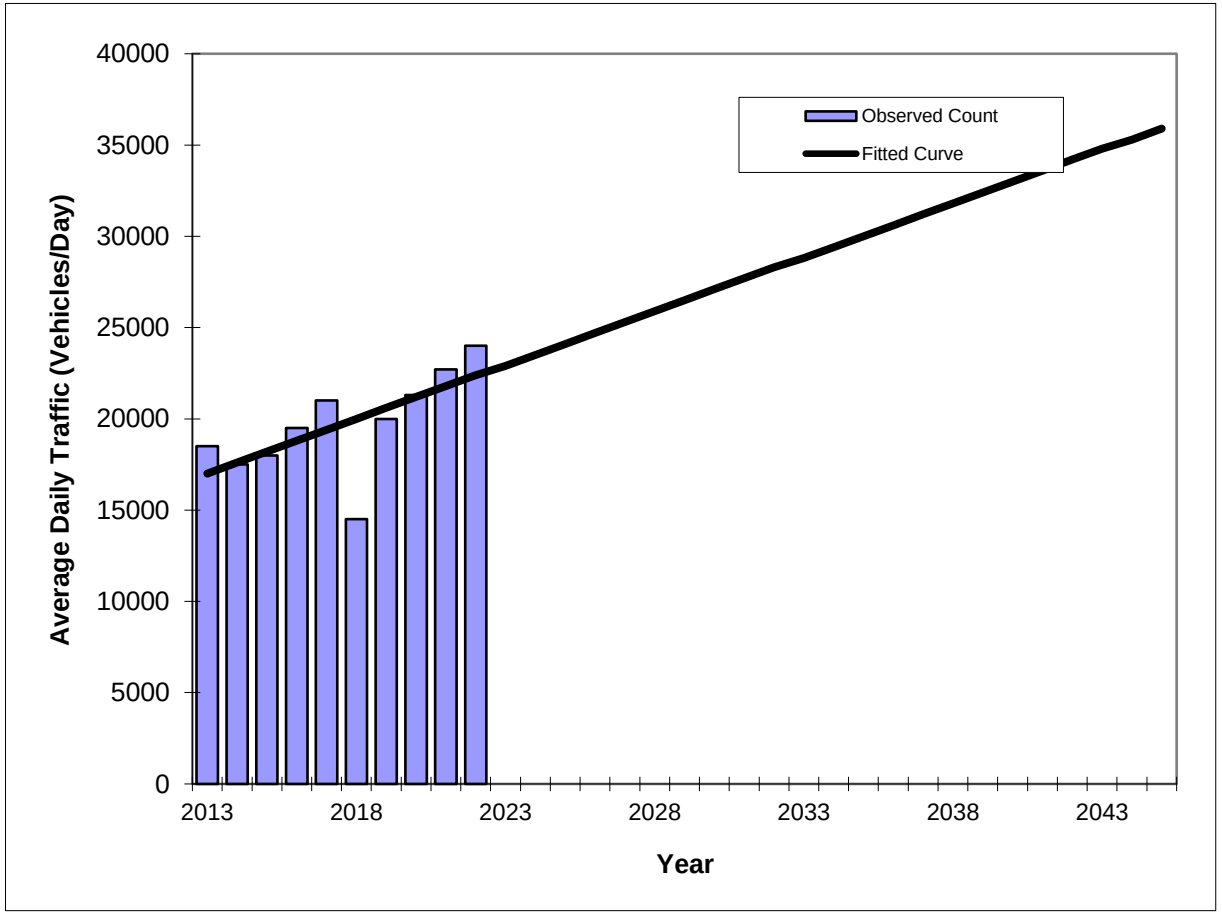
Decaying Exponential Growth Option

***Axle-Adjusted**

Traffic Trends

SR 934/Normandy Drive -- 100 feet west of Rue Versailles

County:	Miami-Dade (87)
Station #:	0115
Highway:	SR 934/Normandy Drive



Year	Traffic (ADT/AADT)	
	Count*	Trend**
2013	18500	17000
2014	17500	17600
2015	18000	18200
2016	19500	18800
2017	21000	19400
2018	14500	20000
2019	20000	20600
2020	21300	21200
2021	22700	21800
2022	24000	22400

Trend R-squared:	42.23%
Trend Annual Historic Growth Rate:	3.53%
Printed:	26-May-23

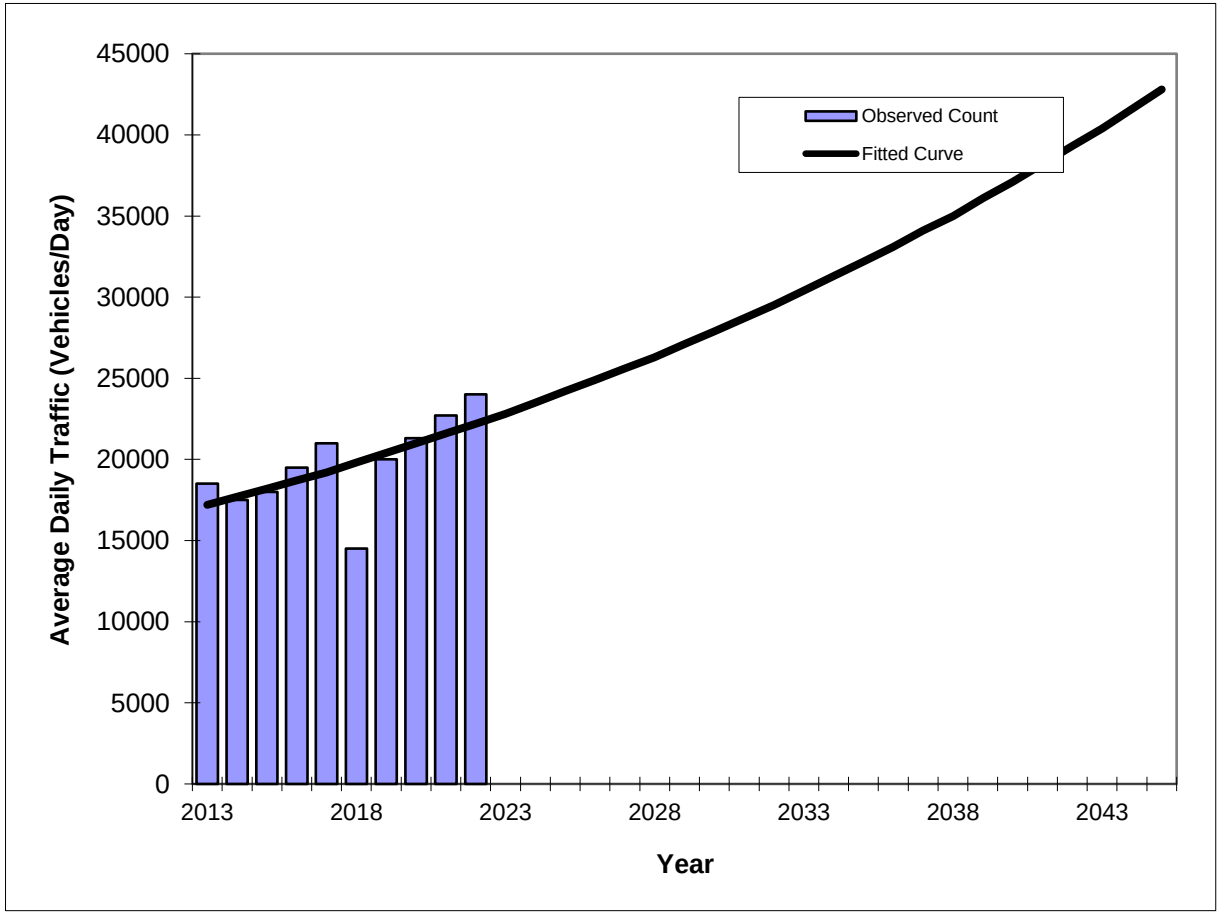
Straight Line Growth Option

***Axle-Adjusted**

Traffic Trends

SR 934/Normandy Drive -- 100 feet west of Rue Versailles

County:	Miami-Dade (87)
Station #:	0115
Highway:	SR 934/Normandy Drive



Year	Traffic (ADT/AADT) Count*	Trend**
2013	18500	17200
2014	17500	17700
2015	18000	18200
2016	19500	18700
2017	21000	19200
2018	14500	19800
2019	20000	20400
2020	21300	21000
2021	22700	21600
2022	24000	22200

Trend R-squared:	35.62%
Compounded Annual Historic Growth Rate:	2.88%
Printed:	26-May-23

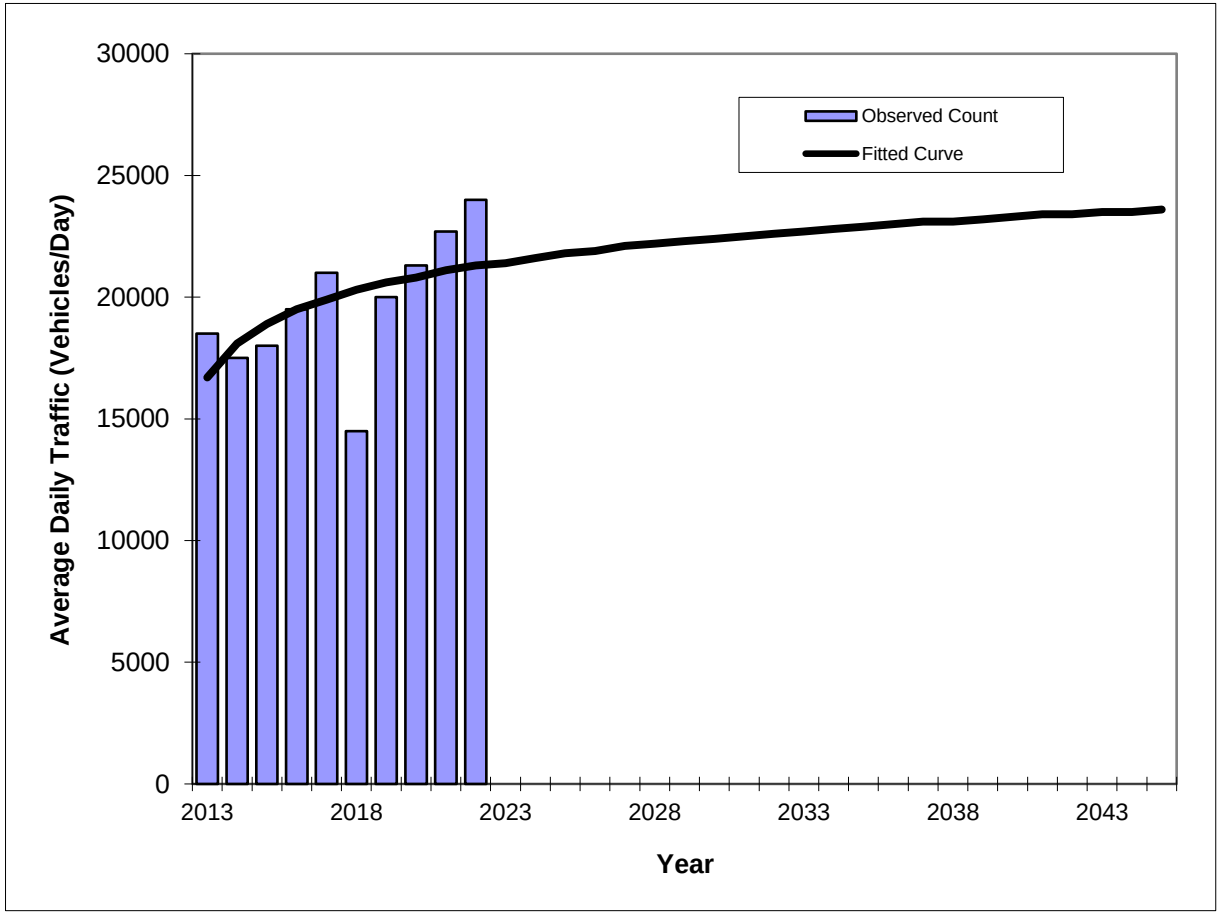
Exponential Growth Option

***Axle-Adjusted**

Traffic Trends

SR 934/Normandy Drive -- 100 feet west of Rue Versailles

County:	Miami-Dade (87)
Station #:	0115
Highway:	SR 934/Normandy Drive



Year	Traffic (ADT/AADT)	
	Count*	Trend**
2013	18500	16700
2014	17500	18100
2015	18000	18900
2016	19500	19500
2017	21000	19900
2018	14500	20300
2019	20000	20600
2020	21300	20800
2021	22700	21100
2022	24000	21300

Trend R-squared:	27.46%
Compounded Annual Historic Growth Rate:	2.74%
Printed:	26-May-23

Decaying Exponential Growth Option

***Axle-Adjusted**

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2022 HISTORICAL AADT REPORT

COUNTY: 87 - MIAMI-DADE

SITE: 0142 - SR 934/NW/NE 79 ST, 350' WEST OF PELICAN HARBOUR DR

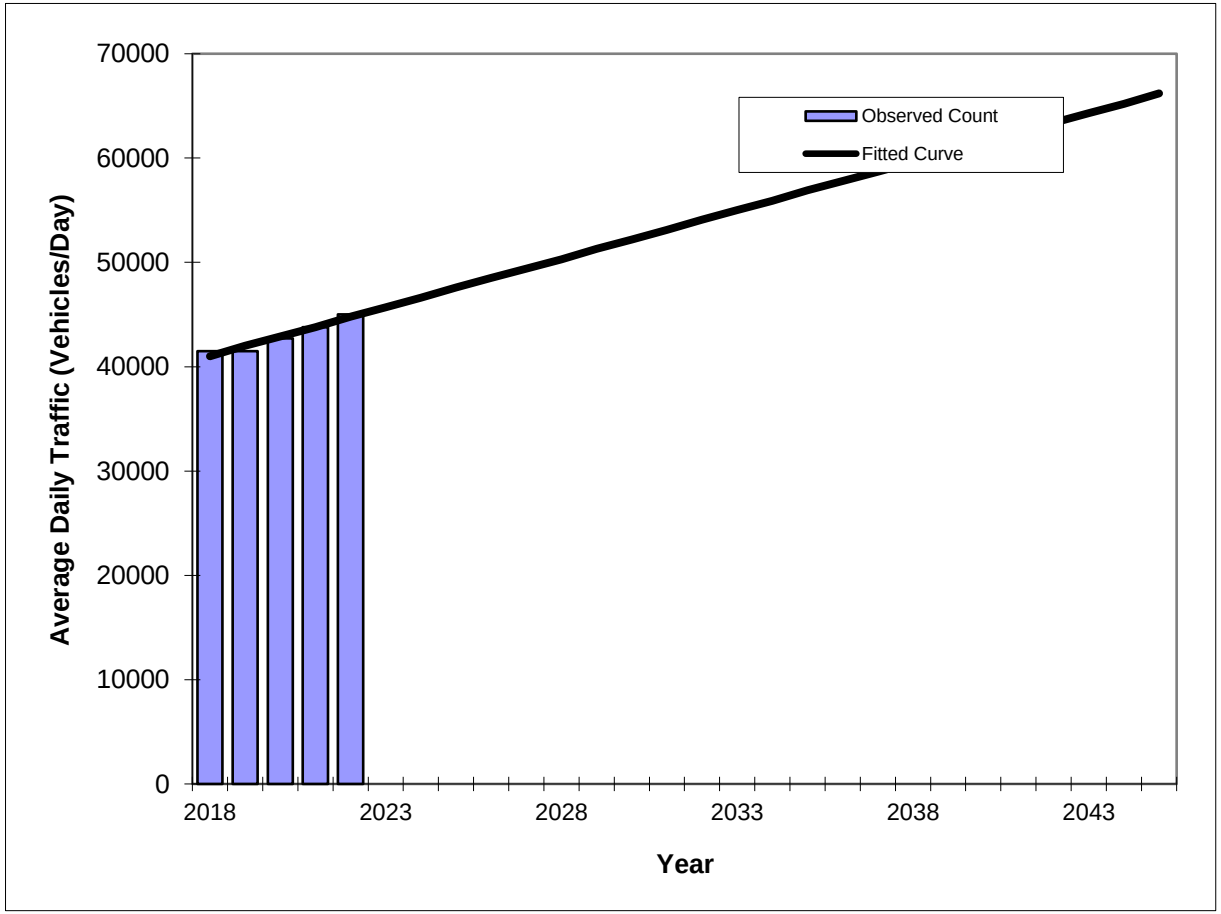
YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2022	45000 C	E 21500	W 23500	9.00	54.70	2.60
2021	43500 C	E 21000	W 22500	9.00	54.30	4.90
2020	40500 C	E 20000	W 20500	9.00	54.20	4.50
2019	41500 F	E 19500	W 22000	9.00	54.60	6.90
2018	41500 C	E 19500	W 22000	9.00	54.30	6.90
2017	44000 C	E 21500	W 22500	9.00	55.00	2.60
2016	45500 C	E 22500	W 23000	9.00	54.50	3.10
2015	46500 C	E 22500	W 24000	9.00	54.70	4.90
2014	39000 C	E 19500	W 19500	9.00	54.50	4.70
2013	39000 C	E 20500	W 18500	9.00	52.40	4.00
2012	43000 C	E 21500	W 21500	9.00	55.70	4.10
2011	39500 C	E 19500	W 20000	9.00	55.10	4.30
2010	39500 C	E 20500	W 19000	8.98	54.08	4.30
2009	35500 C	E 16500	W 19000	8.99	53.24	3.90
2008	37000 C	E 17500	W 19500	9.09	55.75	3.80
2007	38500 F	E 19000	W 19500	8.01	54.34	4.00

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE
S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE
V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN
*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

Traffic Trends

SR 934/79th Street -- 350 feet west of Pelican Harbour Drive

County:	Miami-Dade (87)
Station #:	0142
Highway:	SR 934/79th Street



Year	Traffic (ADT/AADT)	
	Count*	Trend**
2018	41500	41000
2019	41500	42000
2020	42700	42900
2021	43800	43800
2022	45000	44800

Trend R-squared:	94.22%
Trend Annual Historic Growth Rate:	2.32%
Printed:	26-May-23

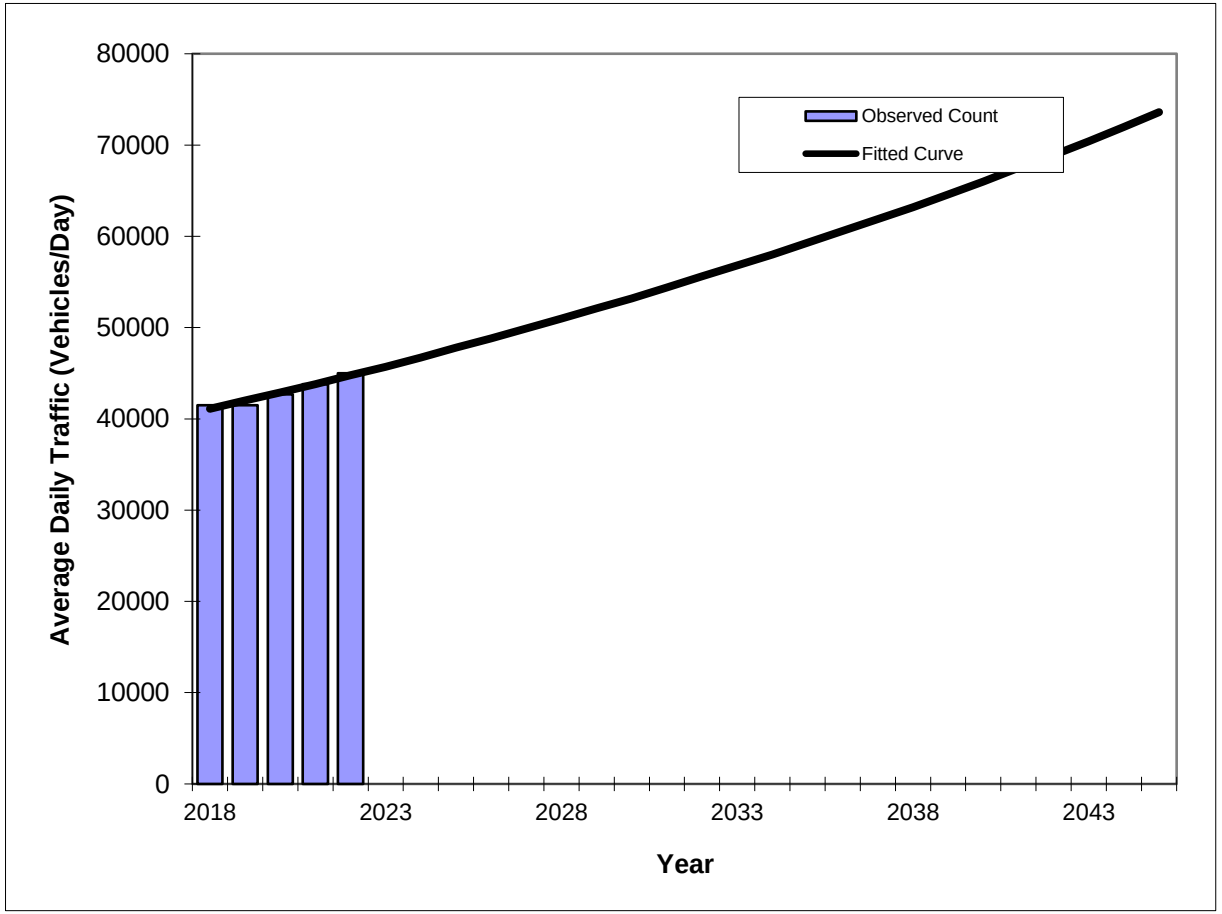
Straight Line Growth Option

***Axle-Adjusted**

Traffic Trends

SR 934/79th Street -- 350 feet west of Pelican Harbour Drive

County:	Miami-Dade (87)
Station #:	0142
Highway:	SR 934/79th Street



Year	Traffic (ADT/AADT) Count*	Trend**
2018	41500	41100
2019	41500	42000
2020	42700	42900
2021	43800	43800
2022	45000	44800

Trend R-squared:	94.39%
Compounded Annual Historic Growth Rate:	2.18%
Printed:	26-May-23

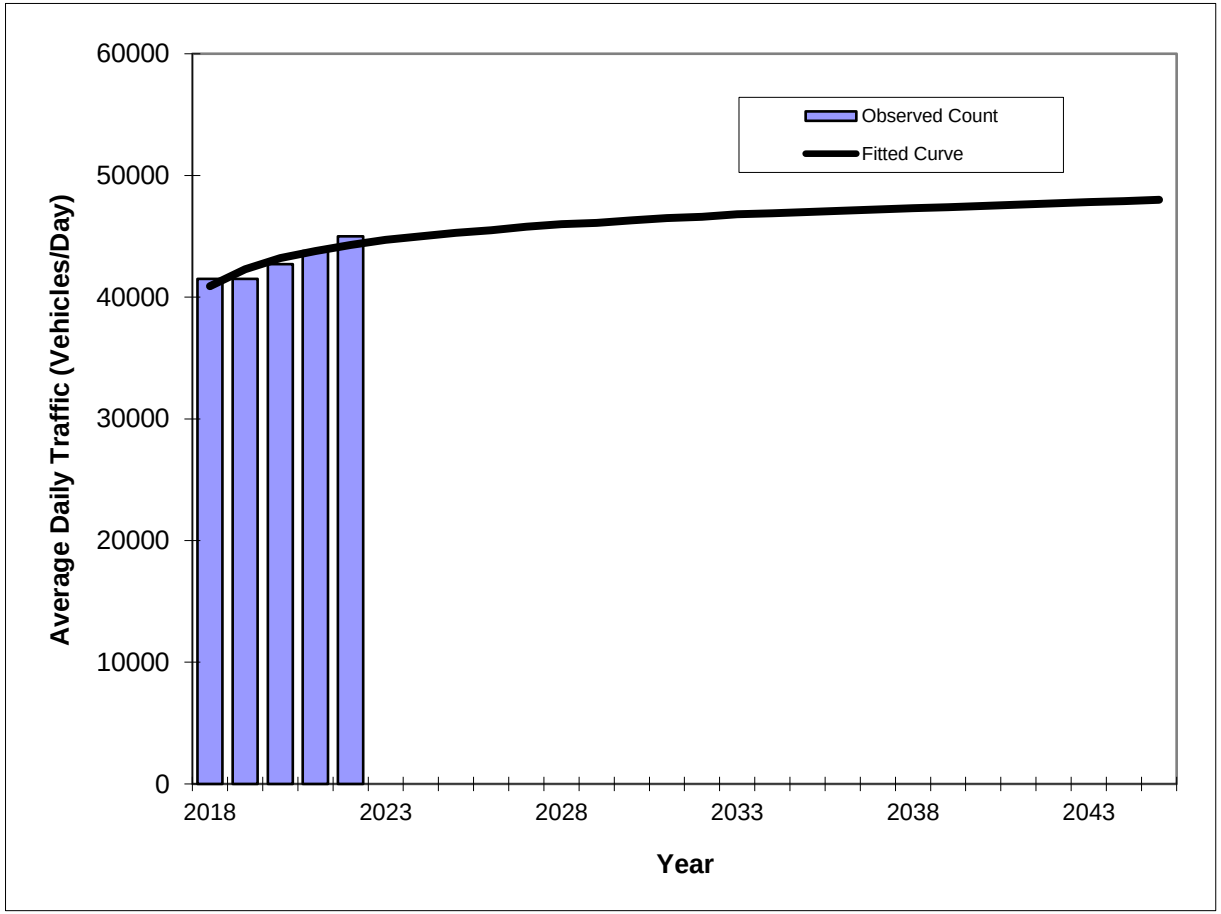
Exponential Growth Option

***Axle-Adjusted**

Traffic Trends

SR 934/79th Street -- 350 feet west of Pelican Harbour Drive

County:	Miami-Dade (87)
Station #:	0142
Highway:	SR 934/79th Street



Year	Traffic (ADT/AADT)	
	Count*	Trend**
2018	41500	40900
2019	41500	42300
2020	42700	43200
2021	43800	43800
2022	45000	44300

Trend R-squared:	79.67%
Compounded Annual Historic Growth Rate:	2.02%
Printed:	26-May-23

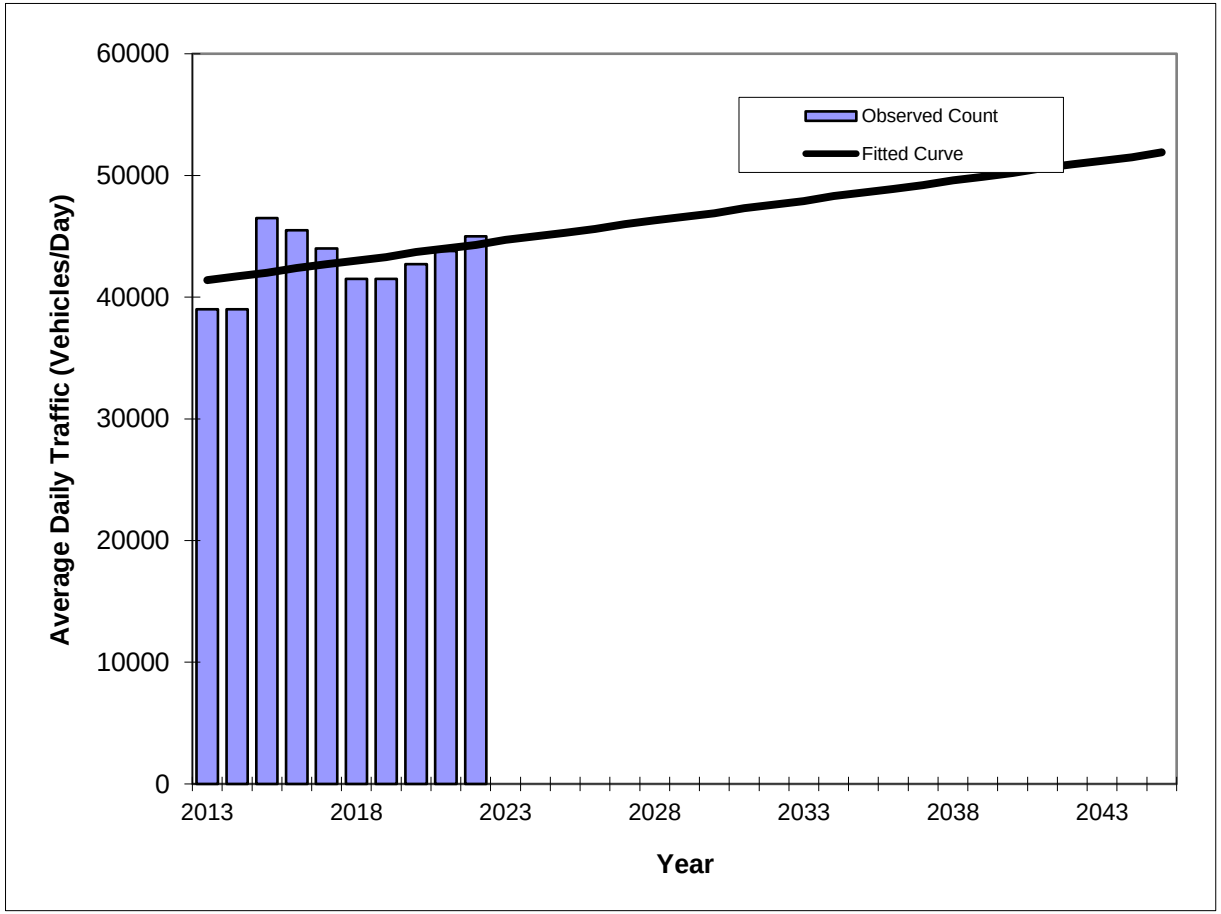
Decaying Exponential Growth Option

***Axle-Adjusted**

Traffic Trends

SR 934/79th Street -- 350 feet west of Pelican Harbour Drive

County:	Miami-Dade (87)
Station #:	0142
Highway:	SR 934/79th Street



Year	Traffic (ADT/AADT) Count*	Trend**
2013	39000	41400
2014	39000	41700
2015	46500	42000
2016	45500	42400
2017	44000	42700
2018	41500	43000
2019	41500	43300
2020	42700	43700
2021	43800	44000
2022	45000	44300

Trend R-squared:	14.66%
Trend Annual Historic Growth Rate:	0.78%
Printed:	26-May-23

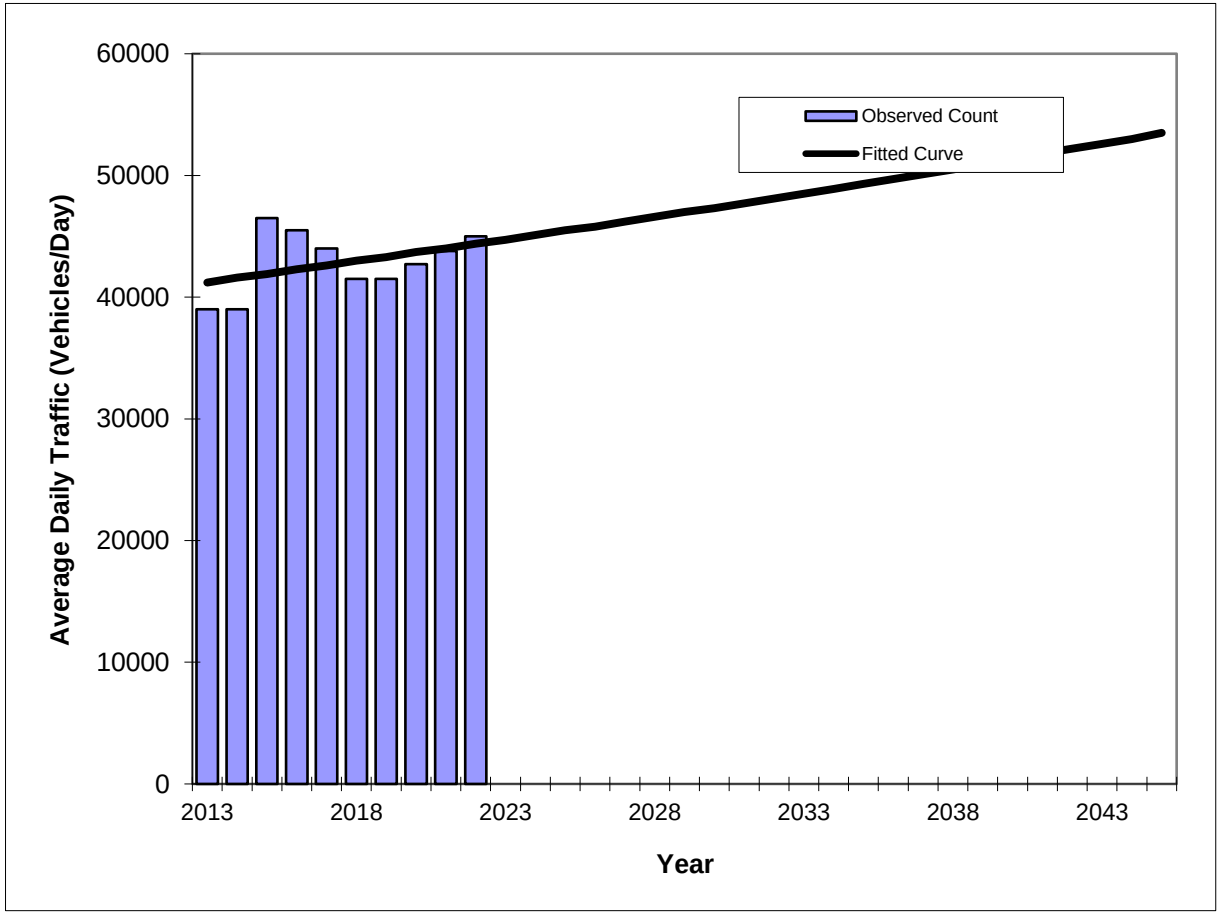
Straight Line Growth Option

***Axle-Adjusted**

Traffic Trends

SR 934/79th Street -- 350 feet west of Pelican Harbour Drive

County:	Miami-Dade (87)
Station #:	0142
Highway:	SR 934/79th Street



Year	Traffic (ADT/AADT) Count*	Trend**
2013	39000	41200
2014	39000	41600
2015	46500	41900
2016	45500	42300
2017	44000	42600
2018	41500	43000
2019	41500	43300
2020	42700	43700
2021	43800	44000
2022	45000	44400

Trend R-squared:	16.17%
Compounded Annual Historic Growth Rate:	0.83%
Printed:	26-May-23

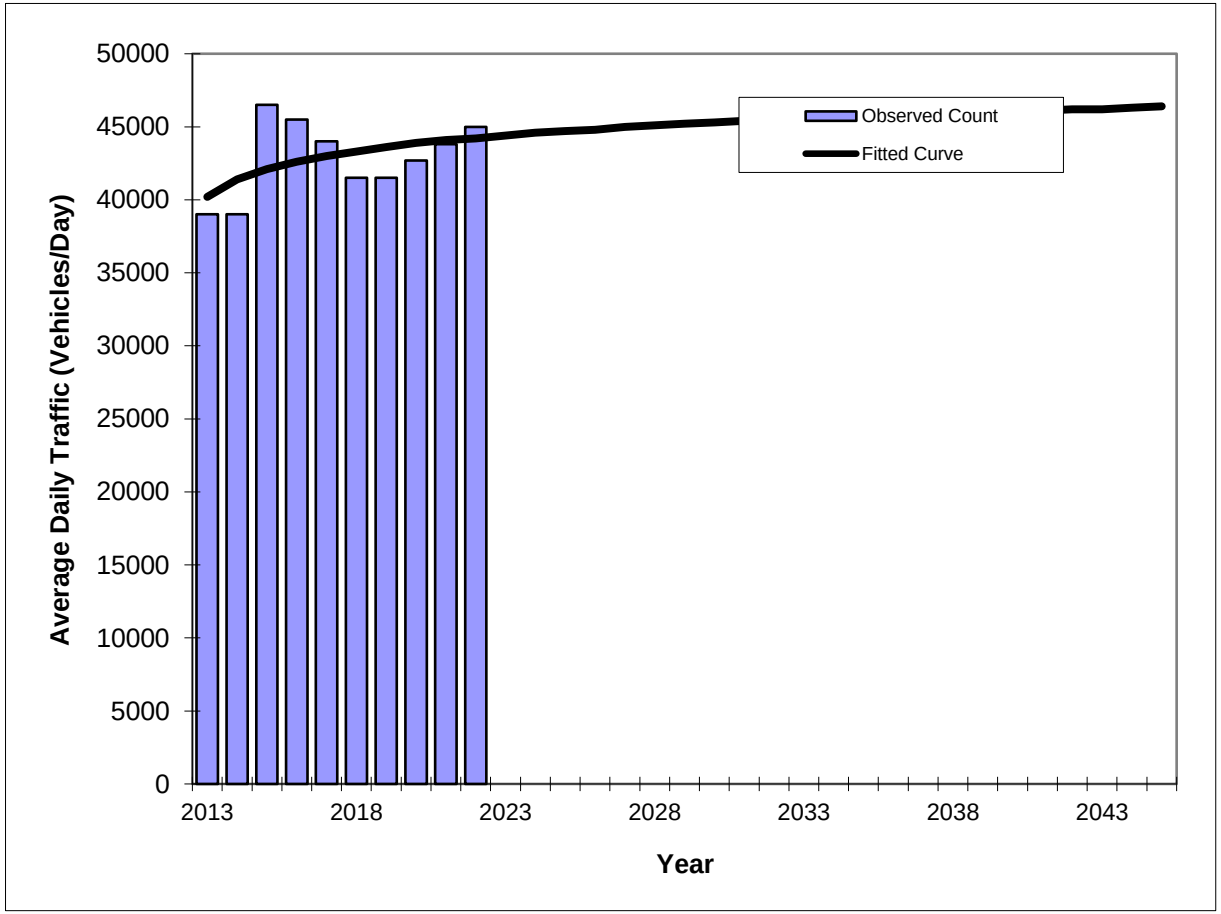
Exponential Growth Option

***Axle-Adjusted**

Traffic Trends

SR 934/79th Street -- 350 feet west of Pelican Harbour Drive

County:	Miami-Dade (87)
Station #:	0142
Highway:	SR 934/79th Street



Year	Traffic (ADT/AADT) Count*	Trend**
2013	39000	40200
2014	39000	41400
2015	46500	42100
2016	45500	42600
2017	44000	43000
2018	41500	43300
2019	41500	43600
2020	42700	43900
2021	43800	44100
2022	45000	44200

Trend R-squared:	24.96%
Compounded Annual Historic Growth Rate:	1.06%
Printed:	26-May-23

Decaying Exponential Growth Option

***Axle-Adjusted**

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2022 HISTORICAL AADT REPORT

COUNTY: 87 - MIAMI-DADE

SITE: 0533 - SR 934/N BAY CSWY, 450' EAST OF ADVENTURE AVE

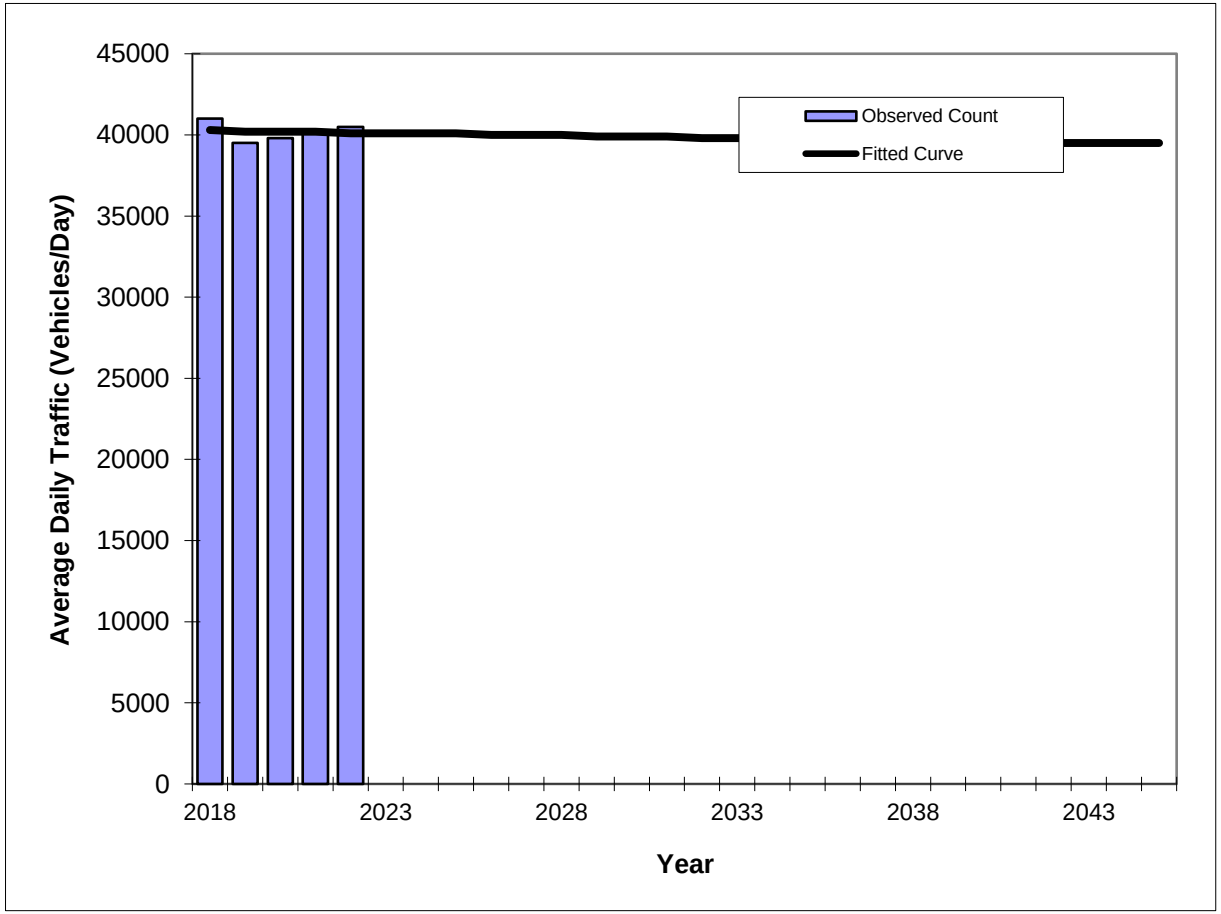
YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2022	40500 C	E 19500	W 21000	9.00	54.70	2.90
2021	39000 C	E 19500	W 19500	9.00	54.30	5.40
2020	37000 C	E 18500	W 18500	9.00	54.20	2.10
2019	39500 C	E 21500	W 18000	9.00	54.60	6.40
2018	41000 C	E 21000	W 20000	9.00	54.30	4.60
2017	39500 C	E 20000	W 19500	9.00	55.00	8.40
2016	30500 C	E 15500	W 15000	9.00	54.50	8.70
2015	37500 C	E 18500	W 19000	9.00	54.70	11.80
2014	27500 C	E 12500	W 15000	9.00	54.50	10.40
2013	36500 C	E 17500	W 19000	9.00	52.40	9.00
2012	36500 C	E 18000	W 18500	9.00	55.70	10.50
2011	38000 C	E 17500	W 20500	9.00	55.10	10.50
2010	35500 C	E 17500	W 18000	8.98	54.08	9.50
2009	29500 C	E 15000	W 14500	8.99	53.24	8.40
2008	30500 C	E 15500	W 15000	9.09	55.75	9.60
2007	31500 C	E 16000	W 15500	8.01	54.34	6.60

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE
S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE
V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN
*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

Traffic Trends

SR 934/North Bay Causeway -- 450 feet east of Adventure Avenue

County:	Miami-Dade (87)
Station #:	0533
Highway:	SR 934/North Bay Causeway



Year	Traffic (ADT/AADT)	
	Count*	Trend**
2018	41000	40300
2019	39500	40200
2020	39800	40200
2021	40200	40200
2022	40500	40100

Trend R-squared:	0.65%
Trend Annual Historic Growth Rate:	-0.12%
Printed:	26-May-23

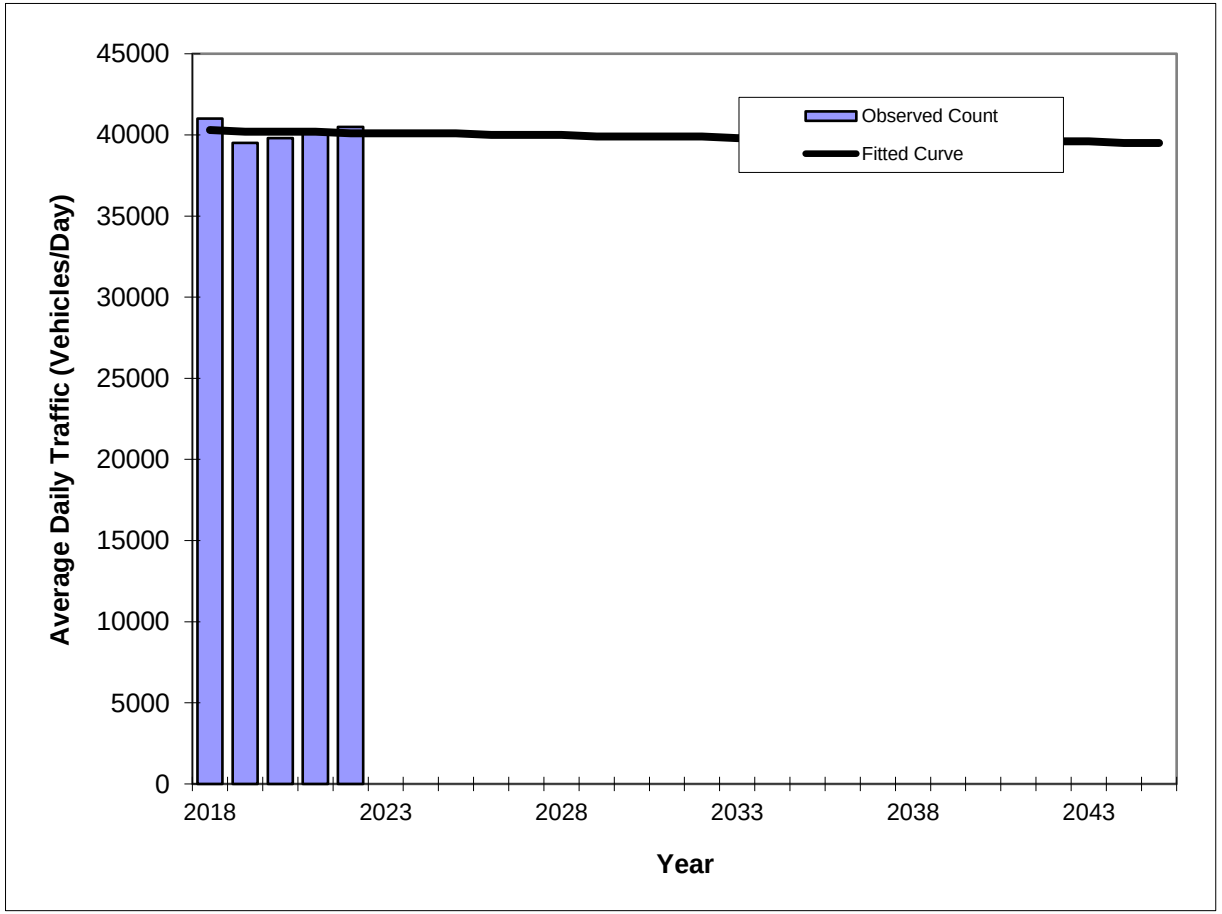
Straight Line Growth Option

***Axle-Adjusted**

Traffic Trends

SR 934/North Bay Causeway -- 450 feet east of Adventure Avenue

County:	Miami-Dade (87)
Station #:	0533
Highway:	SR 934/North Bay Causeway



Year	Traffic (ADT/AADT) Count*	Trend**
2018	41000	40300
2019	39500	40200
2020	39800	40200
2021	40200	40200
2022	40500	40100

Trend R-squared:	0.57%
Compounded Annual Historic Growth Rate:	-0.12%
Printed:	26-May-23

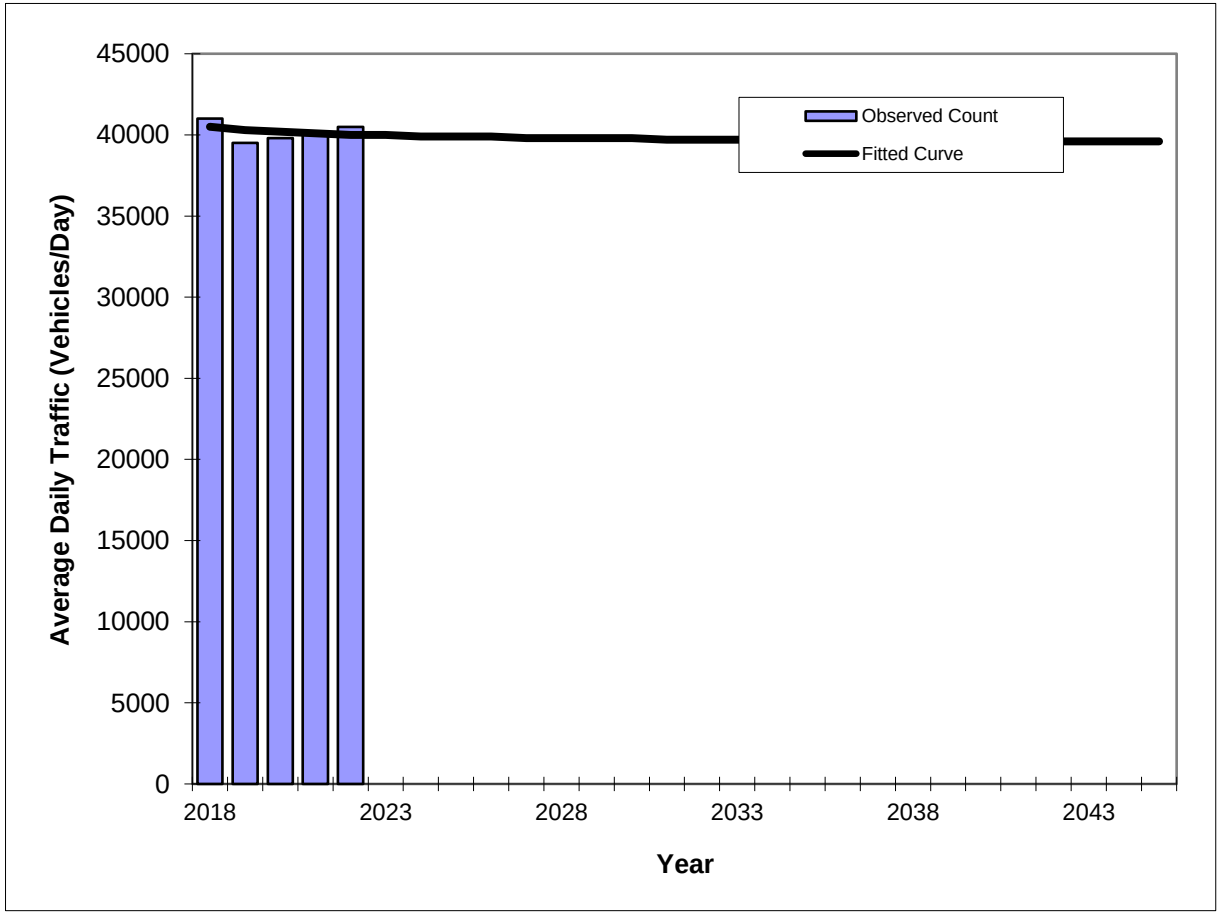
Exponential Growth Option

***Axle-Adjusted**

Traffic Trends

SR 934/North Bay Causeway -- 450 feet east of Adventure Avenue

County:	Miami-Dade (87)
Station #:	0533
Highway:	SR 934/North Bay Causeway



Year	Traffic (ADT/AADT) Count*	Trend**
2018	41000	40500
2019	39500	40300
2020	39800	40200
2021	40200	40100
2022	40500	40000

Trend R-squared:	8.76%
Compounded Annual Historic Growth Rate:	-0.31%
Printed:	26-May-23

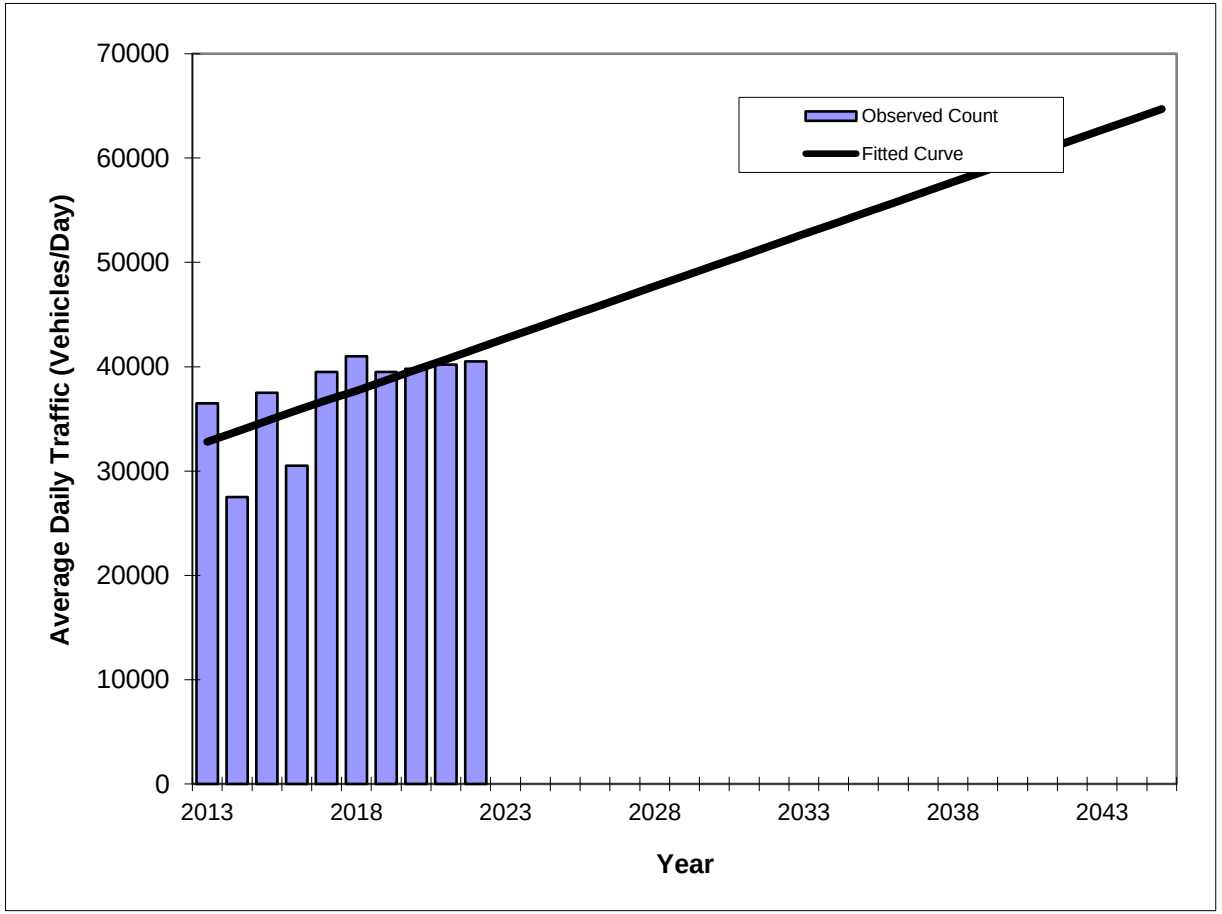
Decaying Exponential Growth Option

***Axle-Adjusted**

Traffic Trends

SR 934/North Bay Causeway -- 450 feet east of Adventure Avenue

County:	Miami-Dade (87)
Station #:	0533
Highway:	SR 934/North Bay Causeway



Year	Traffic (ADT/AADT)	
	Count*	Trend**
2013	36500	32800
2014	27500	33800
2015	37500	34800
2016	30500	35800
2017	39500	36800
2018	41000	37700
2019	39500	38700
2020	39800	39700
2021	40200	40700
2022	40500	41700

Trend R-squared:	43.10%
Trend Annual Historic Growth Rate:	3.01%
Printed:	26-May-23

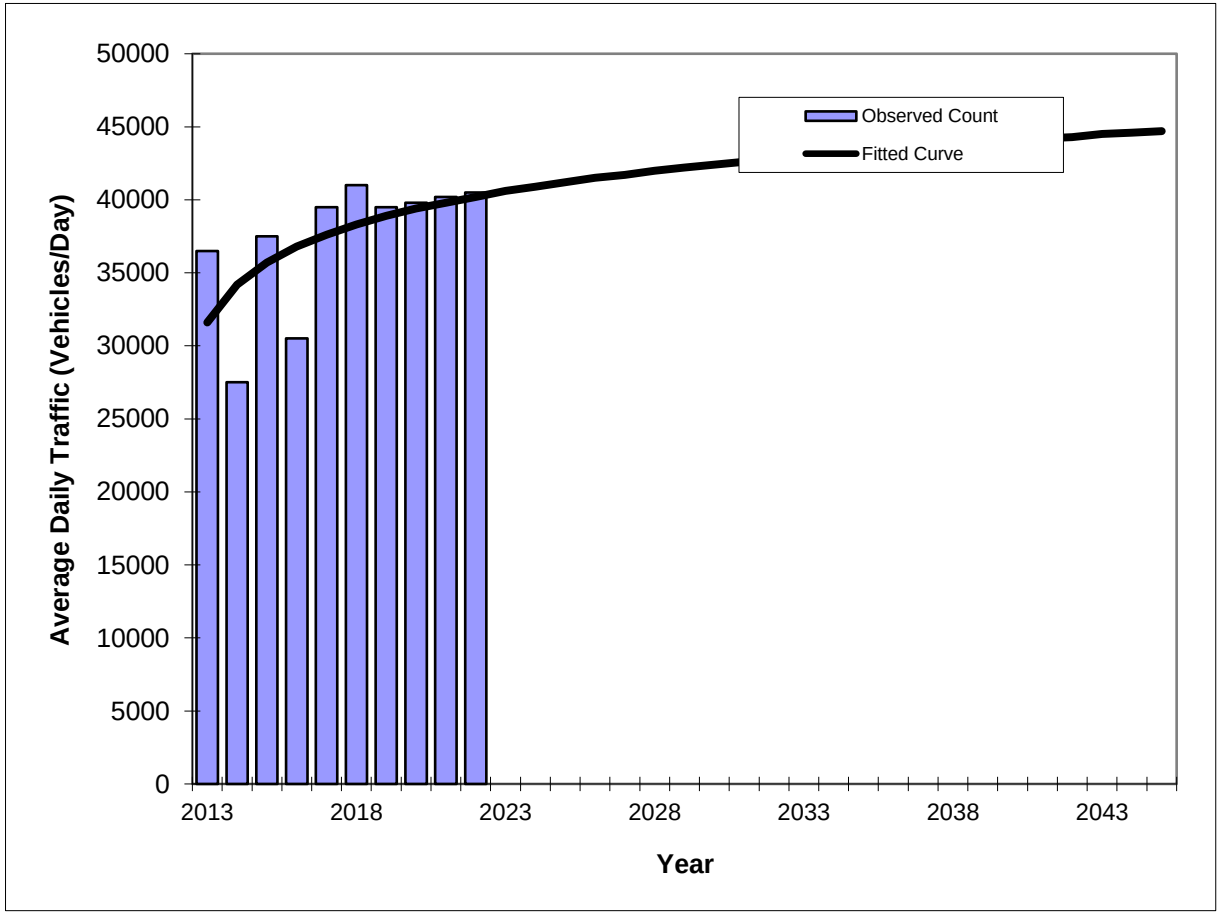
Straight Line Growth Option

***Axle-Adjusted**

Traffic Trends

SR 934/North Bay Causeway -- 450 feet east of Adventure Avenue

County:	Miami-Dade (87)
Station #:	0533
Highway:	SR 934/North Bay Causeway



Year	Traffic (ADT/AADT) Count*	Trend**
2013	36500	31600
2014	27500	34200
2015	37500	35700
2016	30500	36800
2017	39500	37600
2018	41000	38300
2019	39500	38900
2020	39800	39400
2021	40200	39800
2022	40500	40200

Trend R-squared:	35.61%
Compounded Annual Historic Growth Rate:	2.71%
Printed:	26-May-23

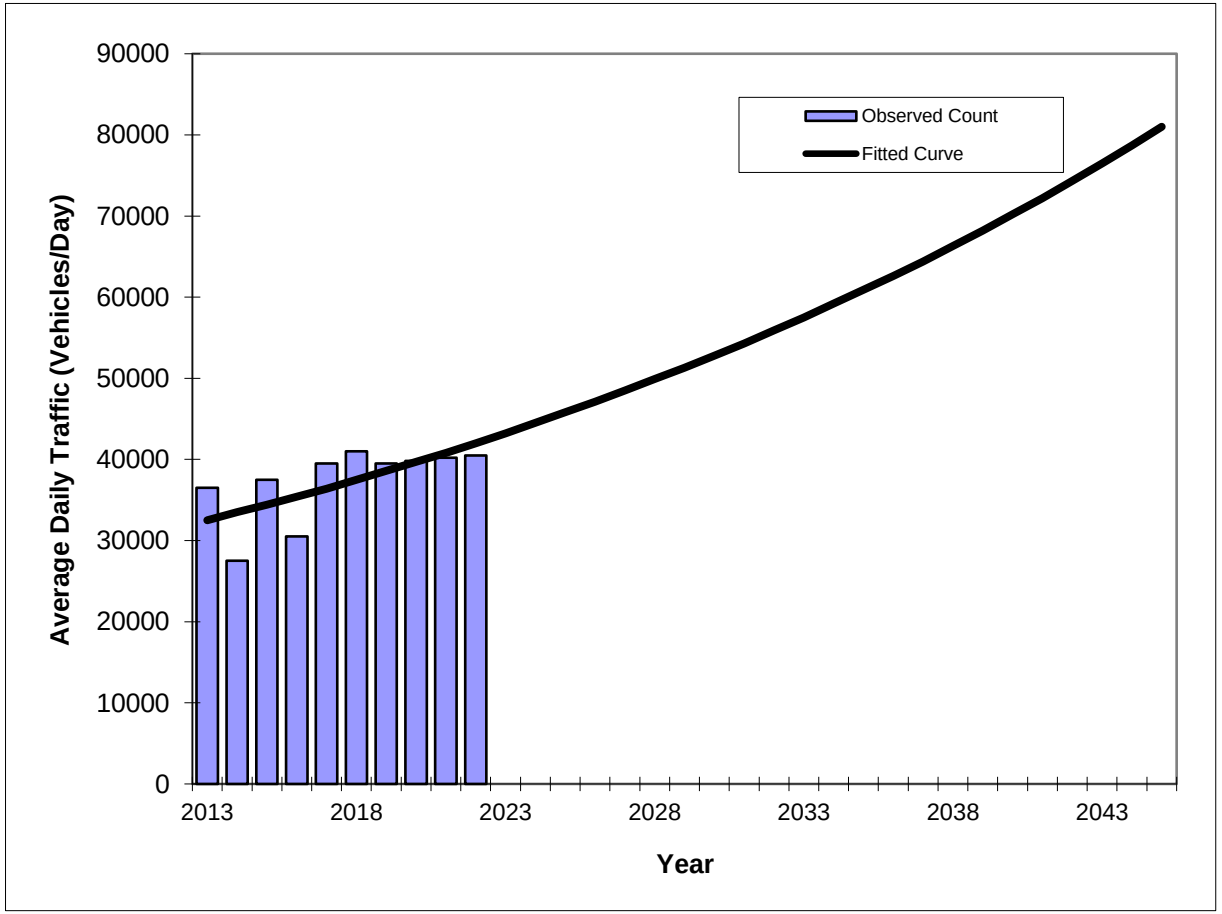
Decaying Exponential Growth Option

***Axle-Adjusted**

Traffic Trends

SR 934/North Bay Causeway -- 450 feet east of Adventure Avenue

County:	Miami-Dade (87)
Station #:	0533
Highway:	SR 934/North Bay Causeway



Year	Traffic (ADT/AADT) Count*	Trend**
2013	36500	32500
2014	27500	33500
2015	37500	34400
2016	30500	35400
2017	39500	36400
2018	41000	37500
2019	39500	38600
2020	39800	39700
2021	40200	40800
2022	40500	42000

Trend R-squared:	40.60%
Compounded Annual Historic Growth Rate:	2.89%
Printed:	26-May-23

Exponential Growth Option

***Axle-Adjusted**

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2022 HISTORICAL AADT REPORT

COUNTY: 87 - MIAMI-DADE

SITE: 5191 - SR934/NE 79TH ST/NORTH BAY CSWY/71ST ST, 100' W OF RUE VERSAILLES

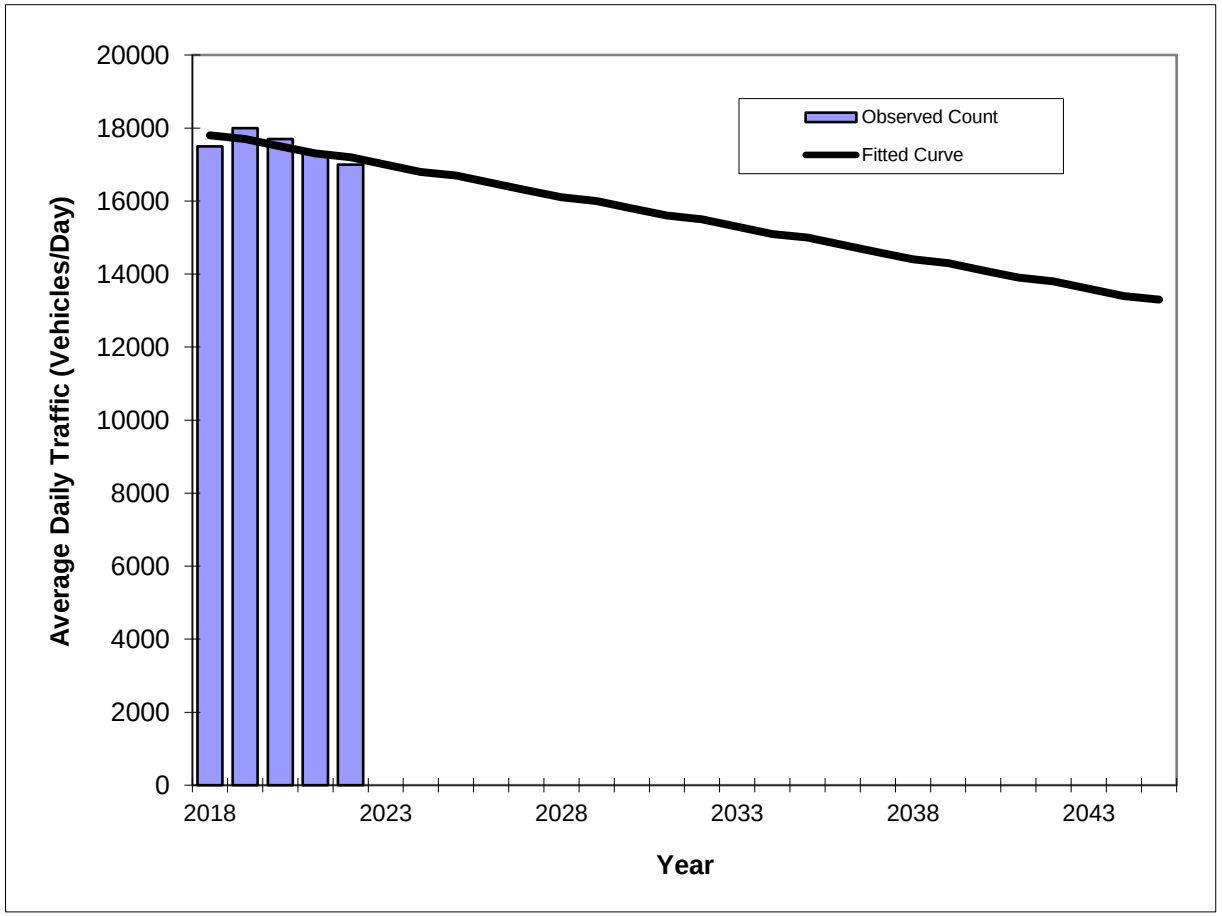
YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2022	17000 C	E 17000	0	9.00	99.90	6.80
2021	16000 C	E 16000	0	9.00	99.90	8.70
2020	13500 C	E 13500	0	9.00	99.90	7.60
2019	18000 C	E 18000	0	9.00	99.90	10.20
2018	17500 C	E 17500	0	9.00	99.90	8.50
2017	17000 C	E 17000	0	9.00	99.90	6.90
2016	18500 C	E 18500	0	9.00	99.90	7.20
2015	19000 C	E 19000	0	9.00	99.90	11.80
2014	16500 C	E 16500		9.00	99.90	10.40
2013	20500 C	E 20500	0	9.00	99.90	9.00
2012	19500 C	E 19500	0	9.00	99.90	10.50
2011	18500 C	E 18500	0	9.00	99.90	10.50
2010	16500 C	E 16500	0	8.98	99.99	9.50
2009	17500 C	E 17500	0	8.99	99.99	8.40

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE
S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE
V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN
*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

Traffic Trends

SR 934/NE 79th Street/North Bay Causeway/71st Street -- 100 feet west of Rue Versailles

County:	Miami-Dade (87)
Station #:	5191
Highway:	34/NE 79th Street/North Bay Causeway/71st



Year	Traffic (ADT/AADT) Count*	Trend**
2018	17500	17800
2019	18000	17700
2020	17700	17500
2021	17300	17300
2022	17000	17200

Trend R-squared:	49.83%
Trend Annual Historic Growth Rate:	-0.84%
Printed:	26-May-23

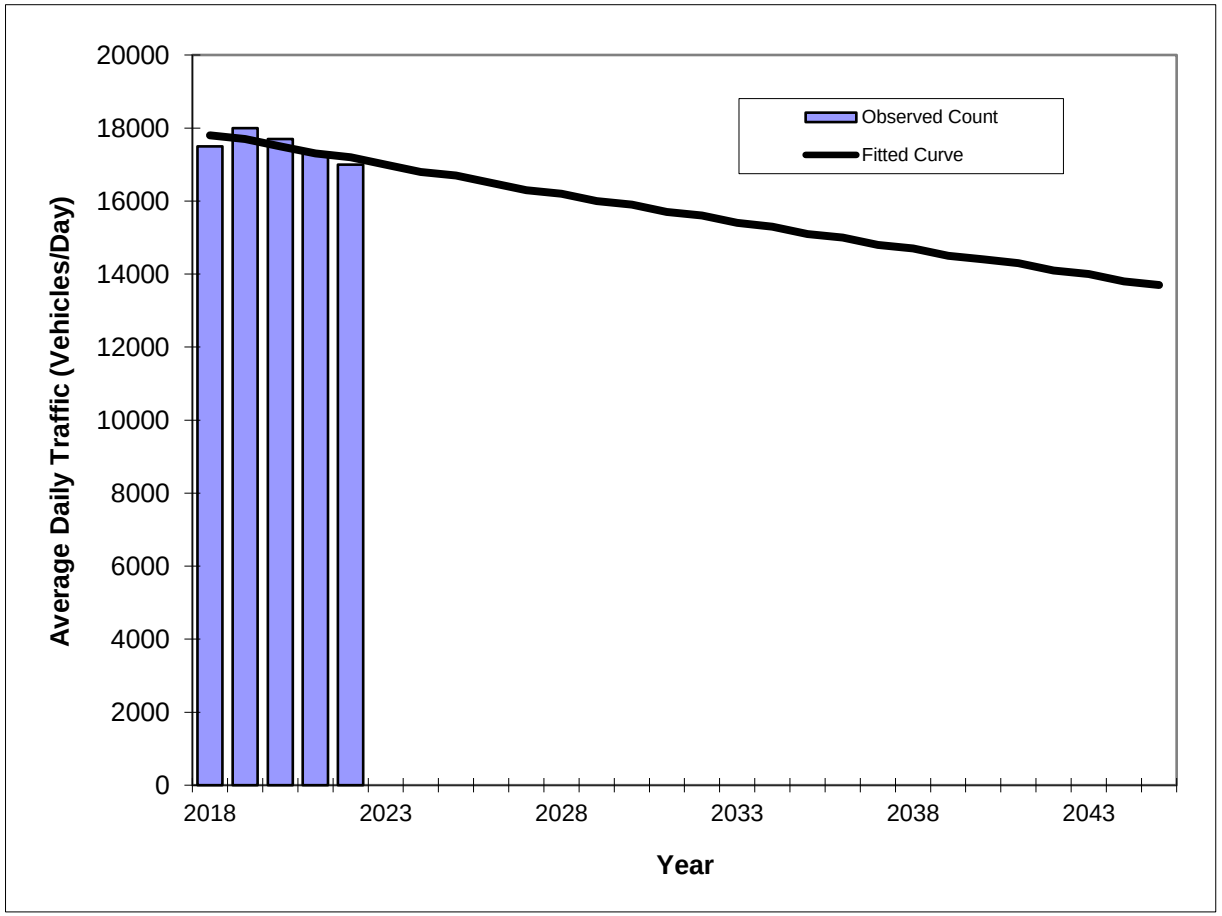
Straight Line Growth Option

***Axle-Adjusted**

Traffic Trends

SR 934/NE 79th Street/North Bay Causeway/71st Street -- 100 feet west of Rue Versailles

County:	Miami-Dade (87)
Station #:	5191
Highway:	34/NE 79th Street/North Bay Causeway/71st



Year	Traffic (ADT/AADT) Count*	Trend**
2018	17500	17800
2019	18000	17700
2020	17700	17500
2021	17300	17300
2022	17000	17200

Trend R-squared:	50.31%
Compounded Annual Historic Growth Rate:	-0.85%
Printed:	26-May-23

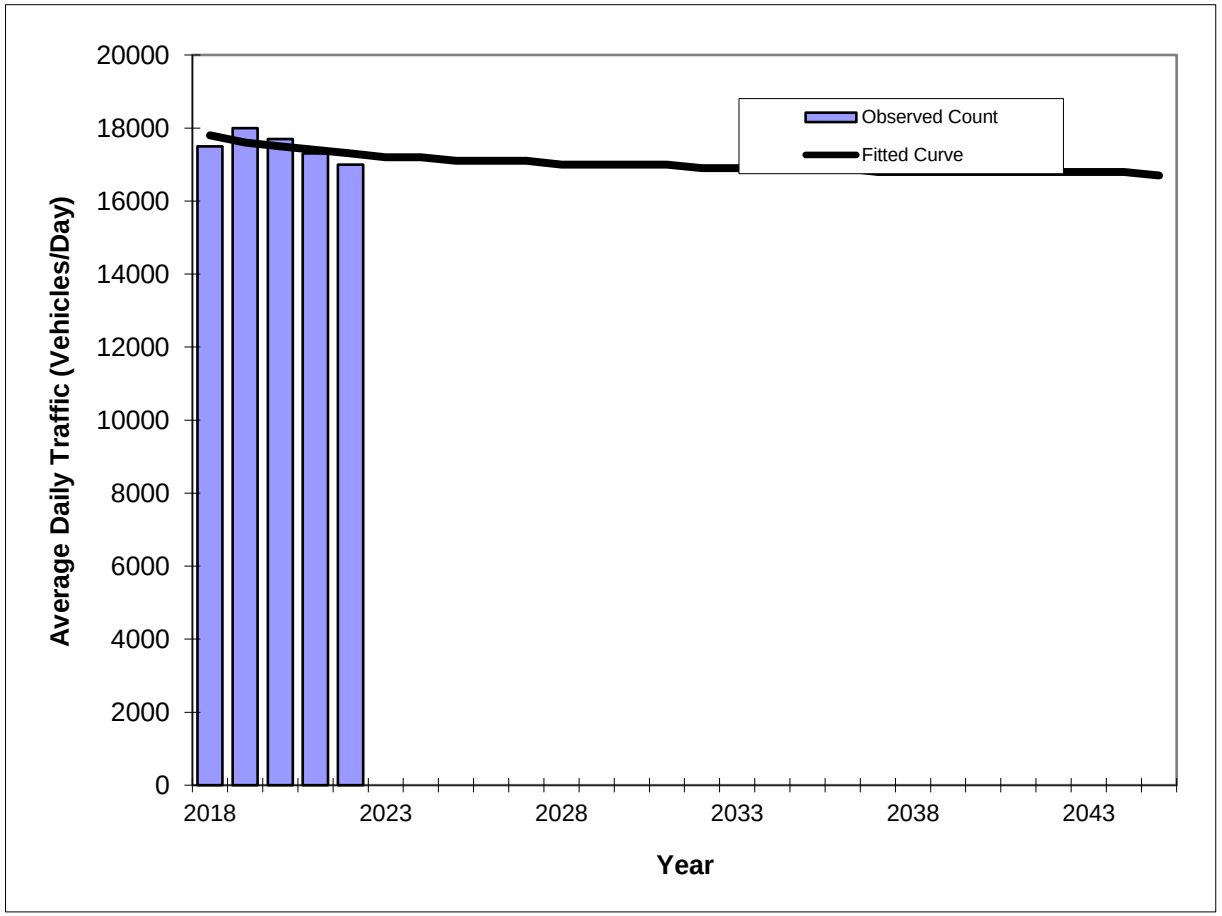
Exponential Growth Option

***Axle-Adjusted**

Traffic Trends

SR 934/NE 79th Street/North Bay Causeway/71st Street -- 100 feet west of Rue Versailles

County:	Miami-Dade (87)
Station #:	5191
Highway:	34/NE 79th Street/North Bay Causeway/71st



Year	Traffic (ADT/AADT) Count*	Trend**
2018	17500	17800
2019	18000	17600
2020	17700	17500
2021	17300	17400
2022	17000	17300

Trend R-squared:	28.38%
Compounded Annual Historic Growth Rate:	-0.71%
Printed:	26-May-23

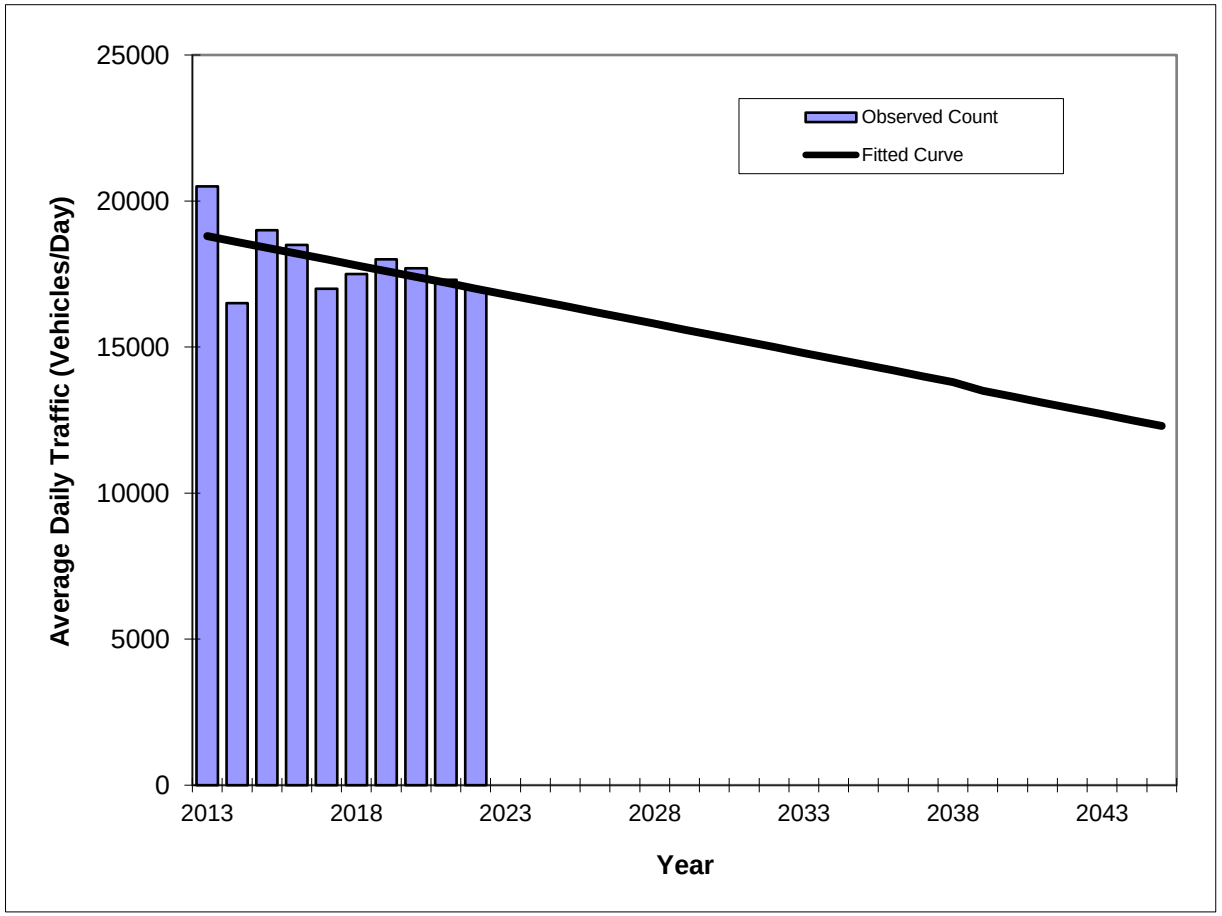
Decaying Exponential Growth Option

***Axle-Adjusted**

Traffic Trends

SR 934/NE 79th Street/North Bay Causeway/71st Street -- 100 feet west of Rue Versailles

County:	Miami-Dade (87)
Station #:	5191
Highway:	34/NE 79th Street/North Bay Causeway/71st



Year	Traffic (ADT/AADT) Count*	Trend**
2013	20500	18800
2014	16500	18600
2015	19000	18400
2016	18500	18200
2017	17000	18000
2018	17500	17800
2019	18000	17600
2020	17700	17400
2021	17300	17200
2022	17000	17000

Trend R-squared:	27.09%
Trend Annual Historic Growth Rate:	-1.06%
Printed:	26-May-23

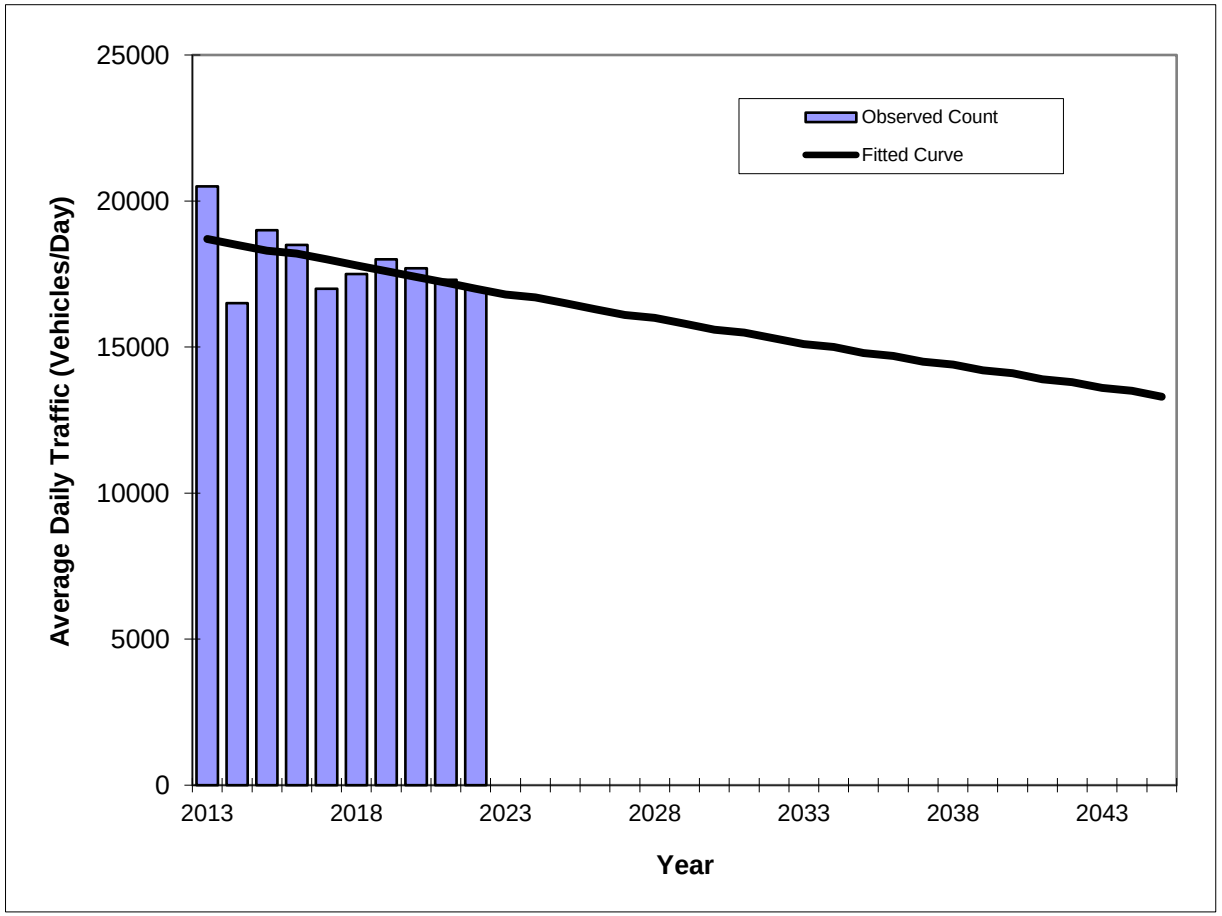
Straight Line Growth Option

***Axle-Adjusted**

Traffic Trends

SR 934/NE 79th Street/North Bay Causeway/71st Street -- 100 feet west of Rue Versailles

County:	Miami-Dade (87)
Station #:	5191
Highway:	34/NE 79th Street/North Bay Causeway/71st



Year	Traffic (ADT/AADT) Count*	Trend**
2013	20500	18700
2014	16500	18500
2015	19000	18300
2016	18500	18200
2017	17000	18000
2018	17500	17800
2019	18000	17600
2020	17700	17400
2021	17300	17200
2022	17000	17000

Trend R-squared:	25.55%
Compounded Annual Historic Growth Rate:	-1.05%
Printed:	26-May-23

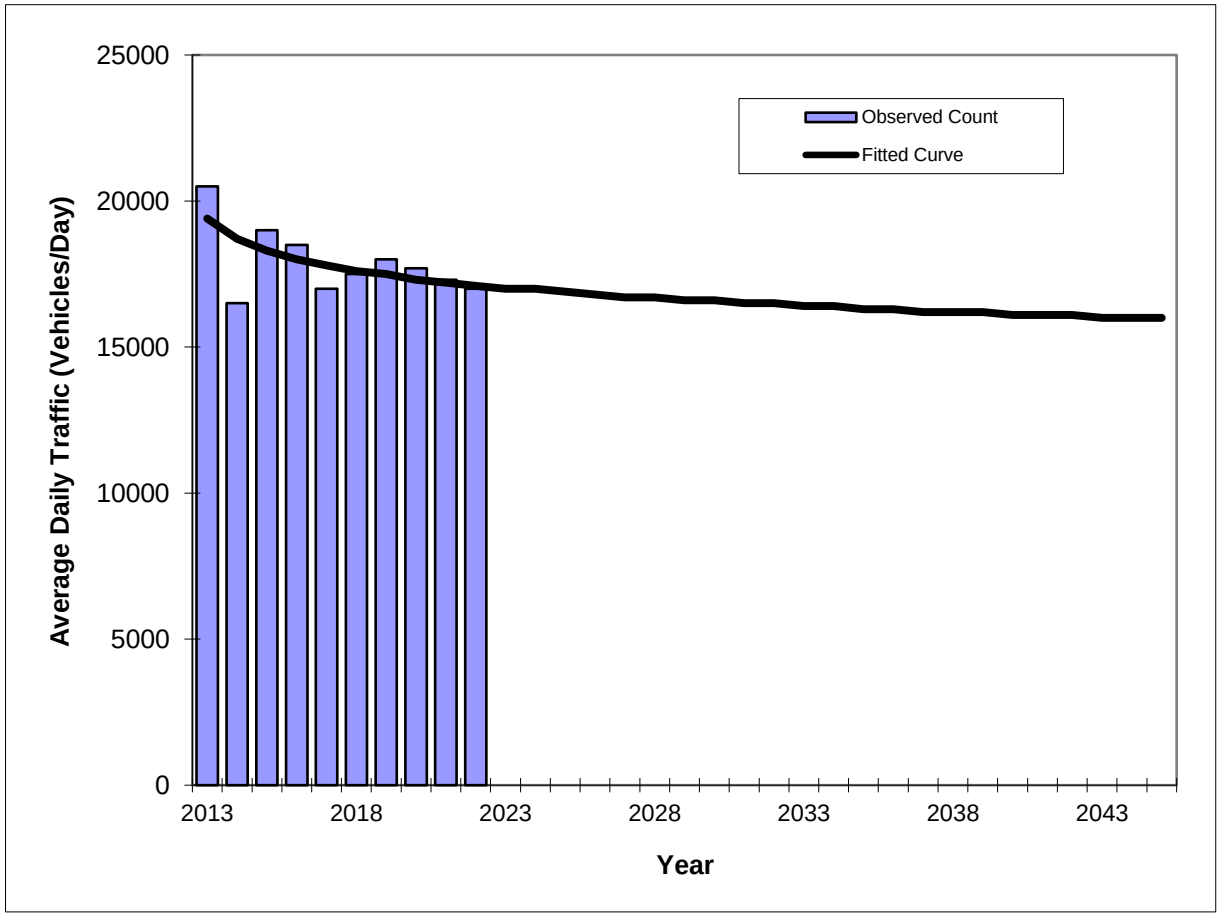
Exponential Growth Option

***Axle-Adjusted**

Traffic Trends

SR 934/NE 79th Street/North Bay Causeway/71st Street -- 100 feet west of Rue Versailles

County:	Miami-Dade (87)
Station #:	5191
Highway:	34/NE 79th Street/North Bay Causeway/71st



Year	Traffic (ADT/AADT) Count*	Trend**
2013	20500	19400
2014	16500	18700
2015	19000	18300
2016	18500	18000
2017	17000	17800
2018	17500	17600
2019	18000	17500
2020	17700	17300
2021	17300	17200
2022	17000	17100

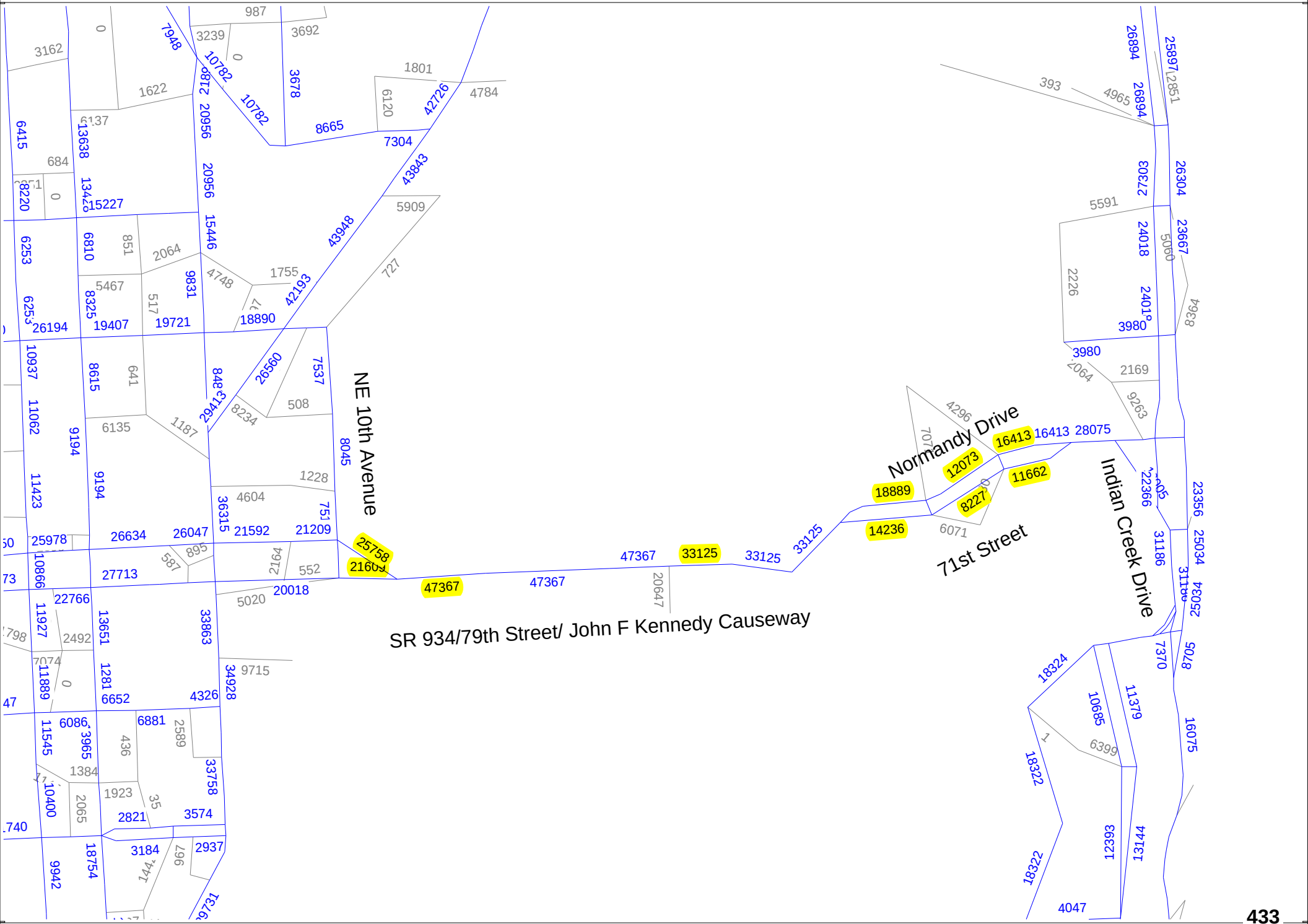
Trend R-squared:	36.72%
Compounded Annual Historic Growth Rate:	-1.39%
Printed:	26-May-23

Decaying Exponential Growth Option

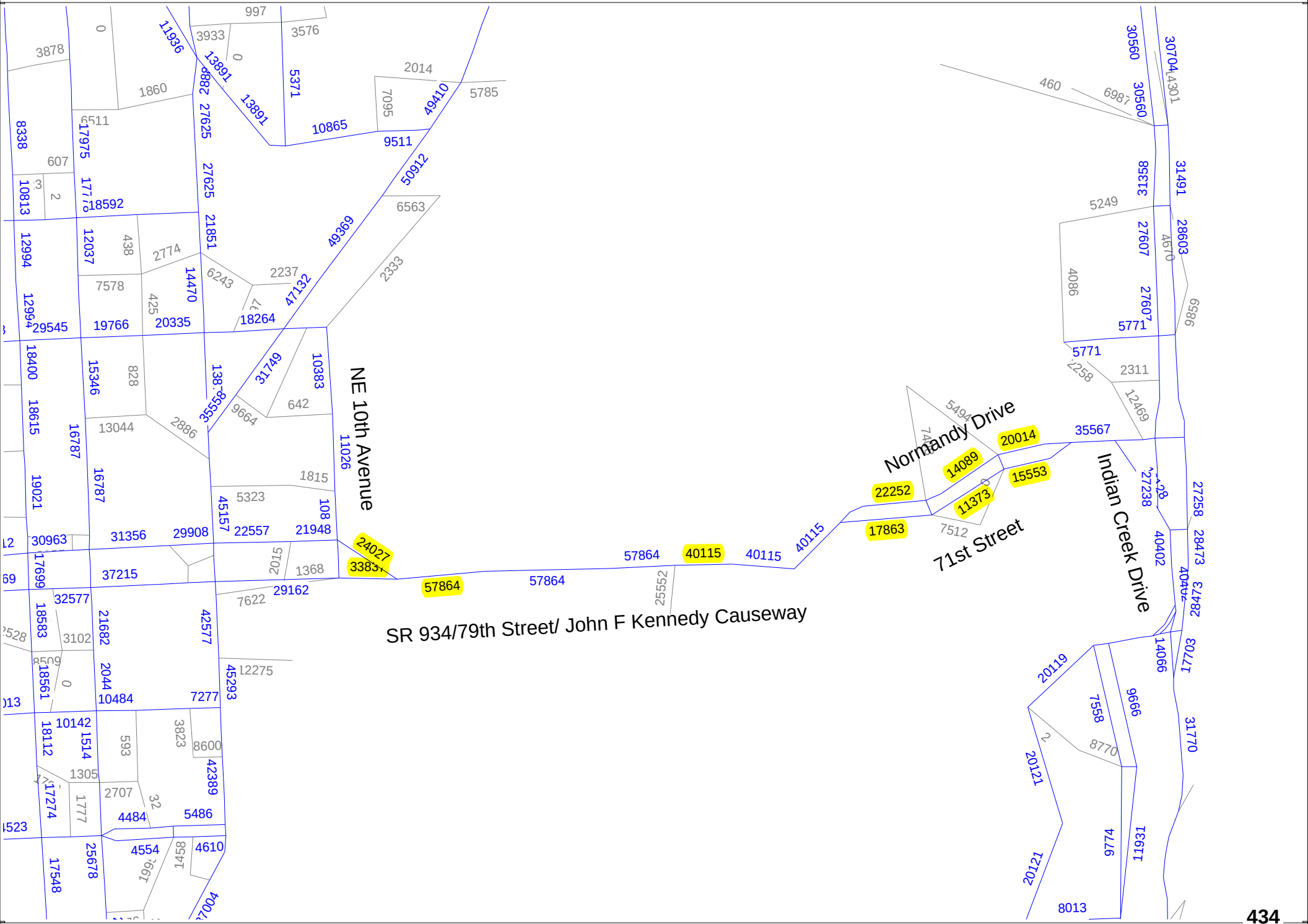
***Axle-Adjusted**

SERPM Analysis

SERPM Growth Rate Summary					
Street Name	**2015**	**2045**	**Difference**	**Growth Rate**	**Annual Growth Rate**
SR 934/79th St Causeway/John F Kennedy Causeway	25,758	24,027	-1,731	-6.72%	-0.22%
	21,609	33,837	12,228	56.59%	1.89%
	47,367	57,864	10,497	22.16%	0.74%
	33,125	40,115	6,990	21.10%	0.70%
Normandy Drive	18,889	22,252	3,363	17.80%	0.59%
	12,073	14,089	2,016	16.70%	0.56%
	16,413	20,014	3,601	21.94%	0.73%
71st Street	14,236	17,863	3,627	25.48%	0.85%
	8,227	11,373	3,146	38.24%	1.27%
	11,662	15,553	3,891	33.36%	1.11%
Total	**209,359**	**256,987**	**47,628**	**22.75%**	**0.76%**



cube
(Licensed to Kimley Horn and Associates Inc)



cube
(Licensed to Kimley Horn and Associates Inc)

Appendix E

Committed Developments

Traffic Impact Analysis
for Submittal to the
City of North Bay Village

1755 KENNEDY CAUSEWAY
NORTH BAY VILLAGE, FLORIDA



Kimley»Horn

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Updated August 2022
February 9, 2022
February 2022
January 2022
December 23, 2021
December 2021
143438001



Figure 5
Peak Hour Project Trip Assignment
1755 Kennedy Causeway
North Bay Village, Florida

Kimley»Horn

© 2022

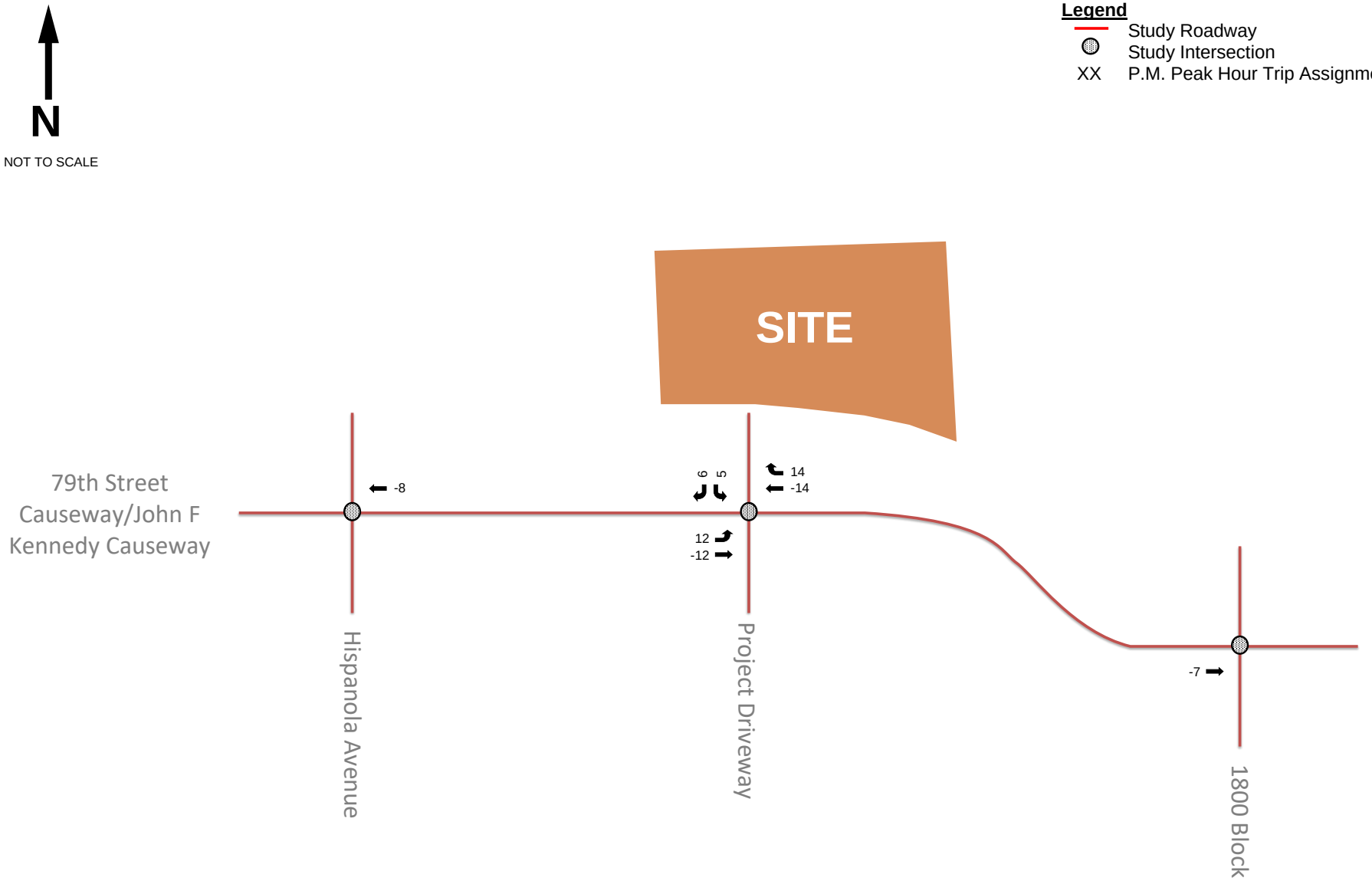


Figure 7
P.M. Peak Hour Pass-by Trip Assignment
1755 Kennedy Causeway
North Bay Village, Florida

Kimley»Horn

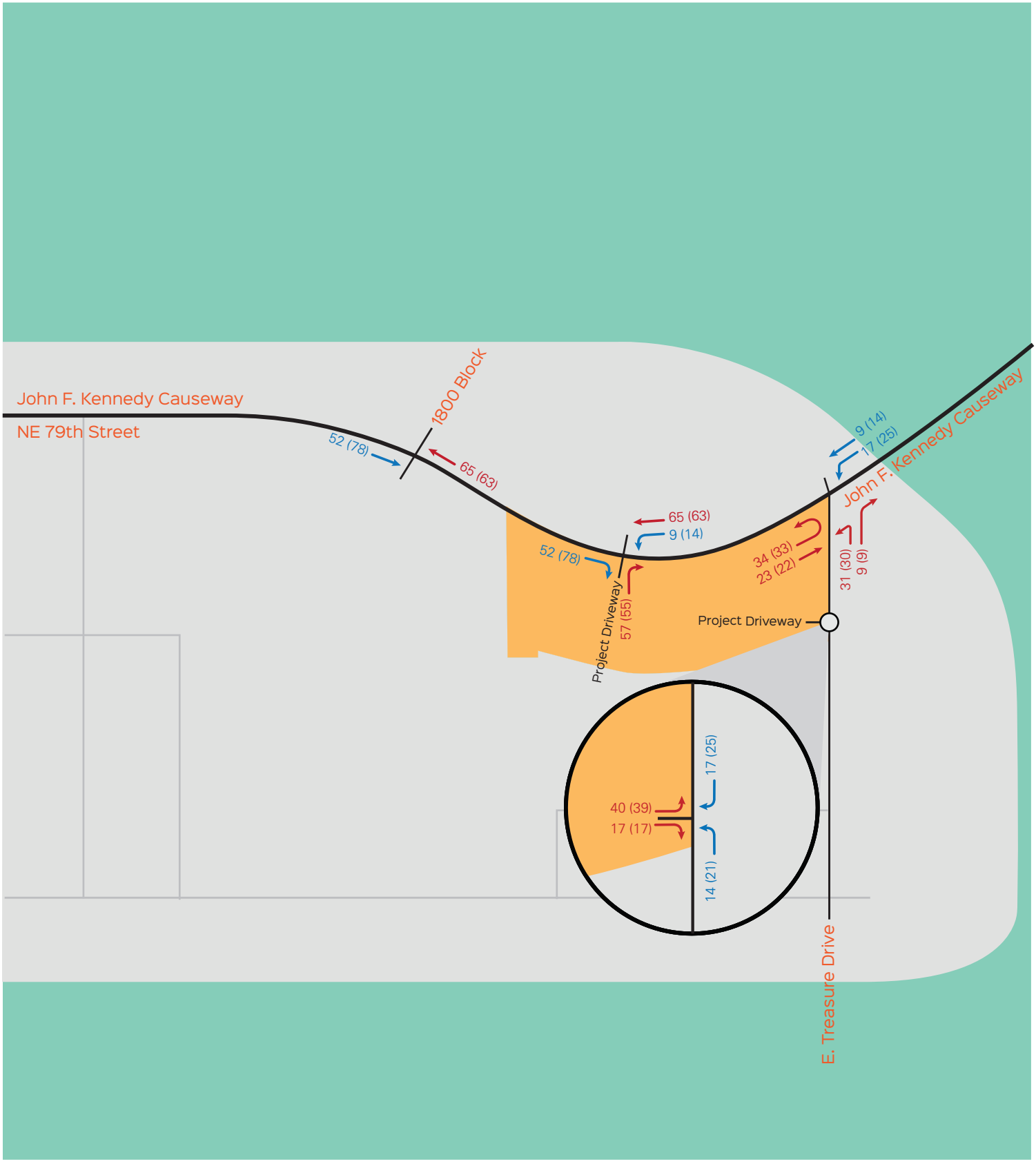
© 2022

Shoma North Bay Village

TRAFFIC STUDY

dpa

Since 1439



Project Location

00 AM
(00) PM

Inbound
Outbound

Exhibit 13

Project Trip Assignment

NORTH
MAP NOT TO SCALE

TRAFFIC IMPACT ANALYSIS FOR

1819 & 1855 79TH STREET KENNEDY CAUSEWAY MIXED-USE DEVELOPMENT

DATE:
December 1, 2022

LOCATION:
North Bay Village, Florida

PREPARED FOR:
North Bay Village Holdings, LLC

PREPARED BY:
NV5, Inc.
14486 Commerce Way
Miami Lakes, Florida 33016
P: 305.666.3563

NV5
nv5.com

Figure 5: Primary Trip Distribution

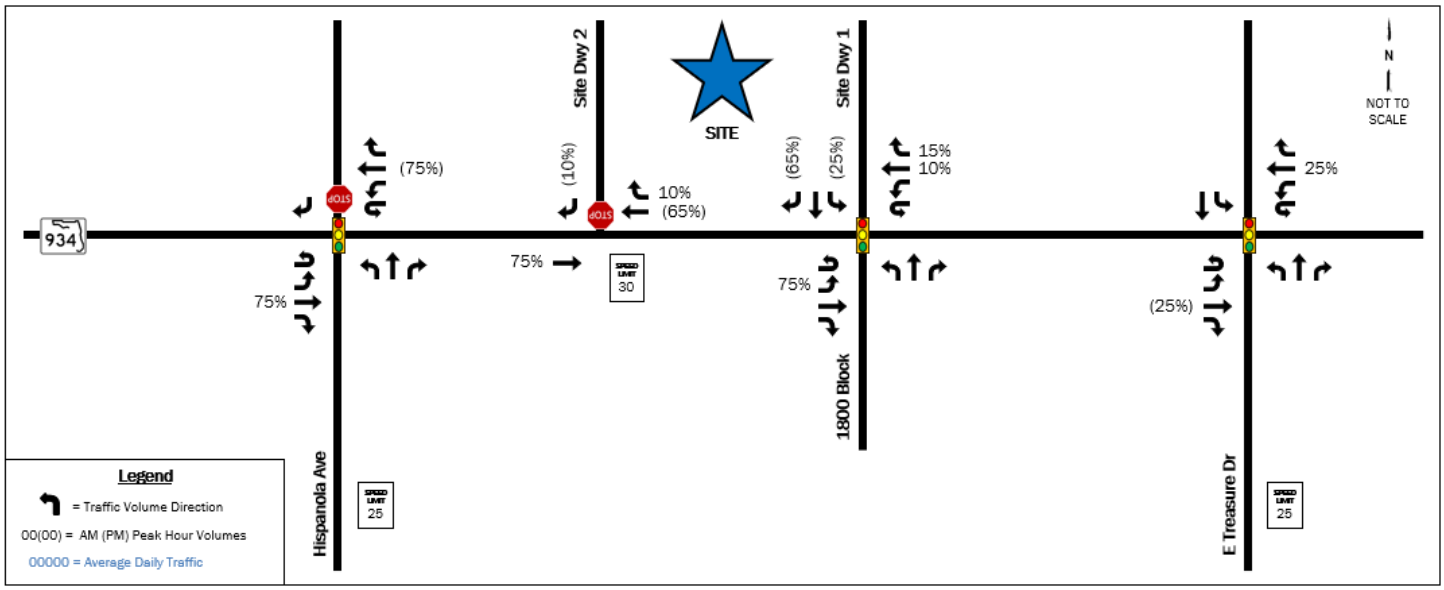


Figure 6: Primary Trip Assignment

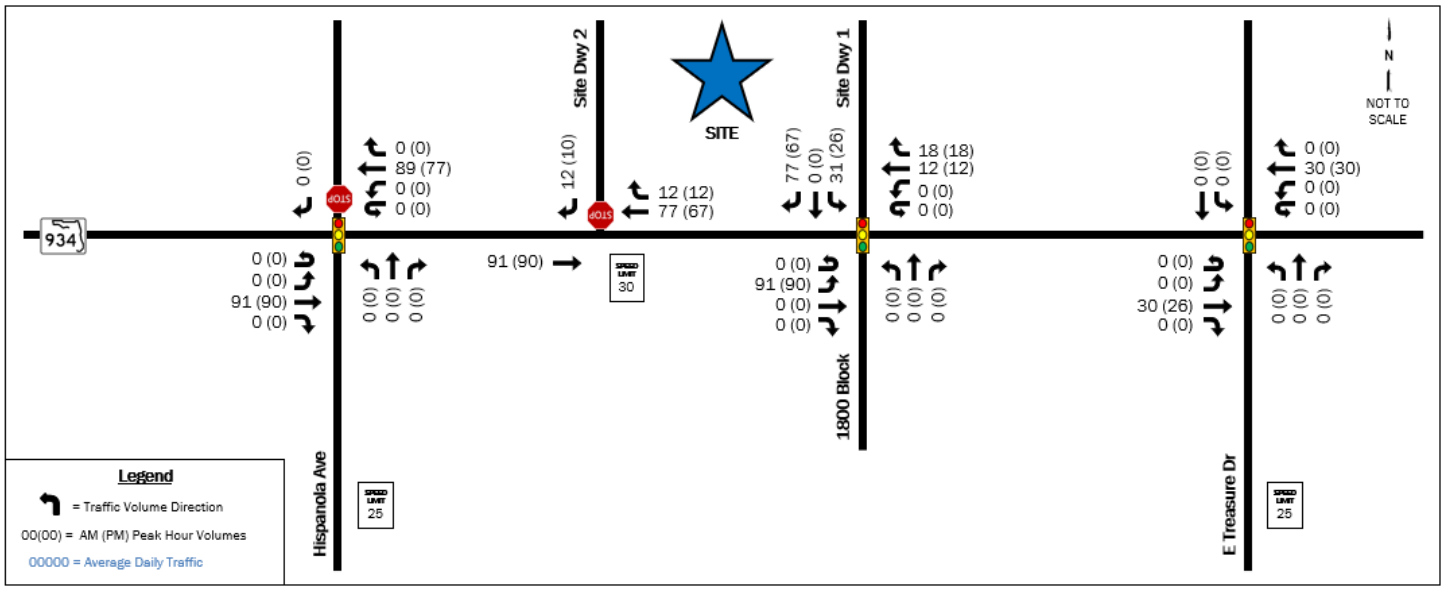


Figure 7: Pass-By Distribution

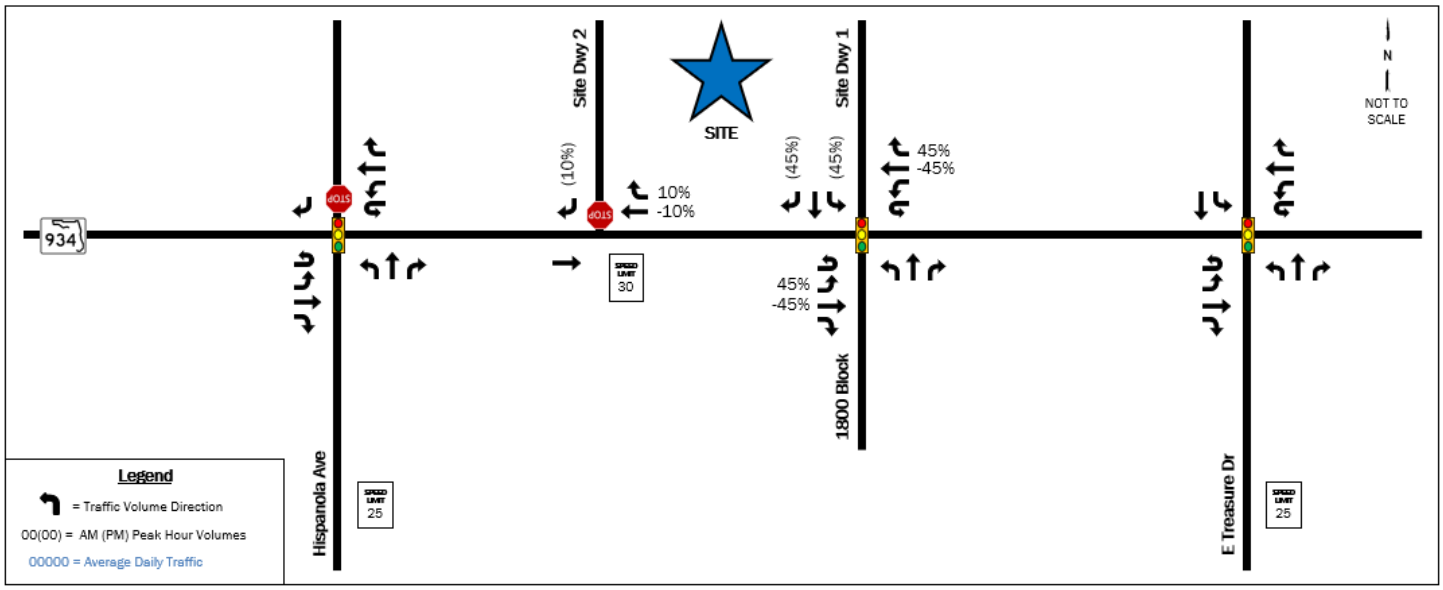
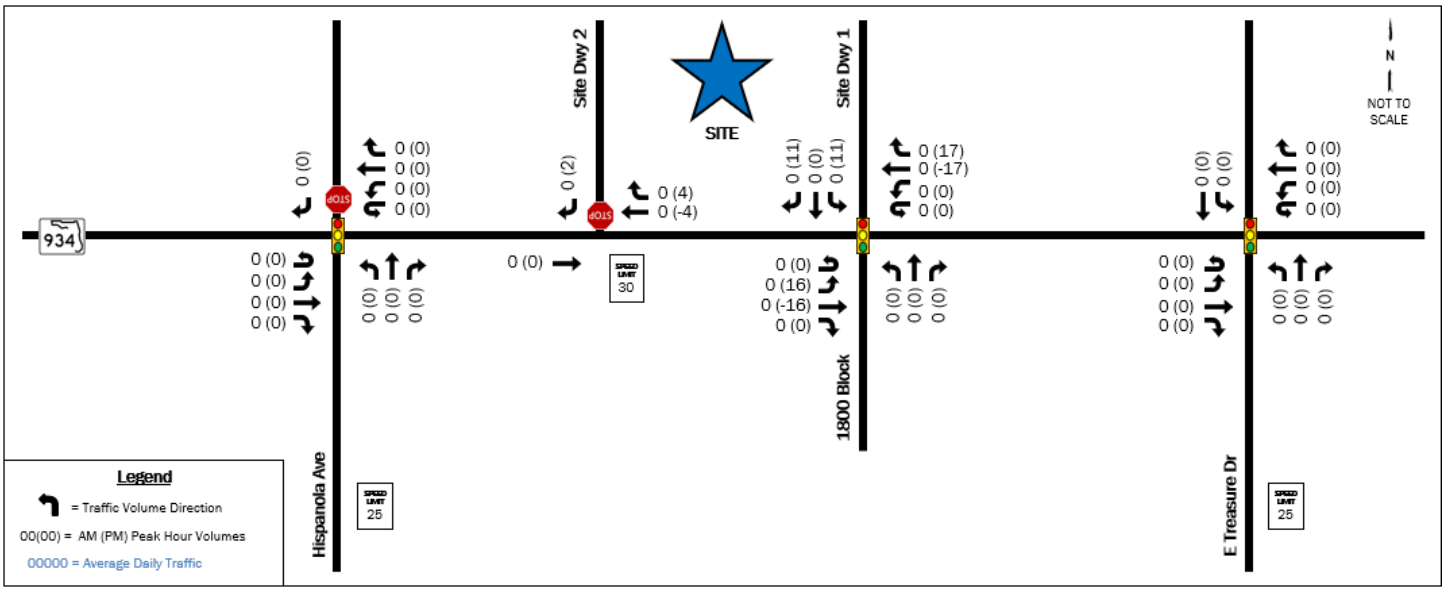
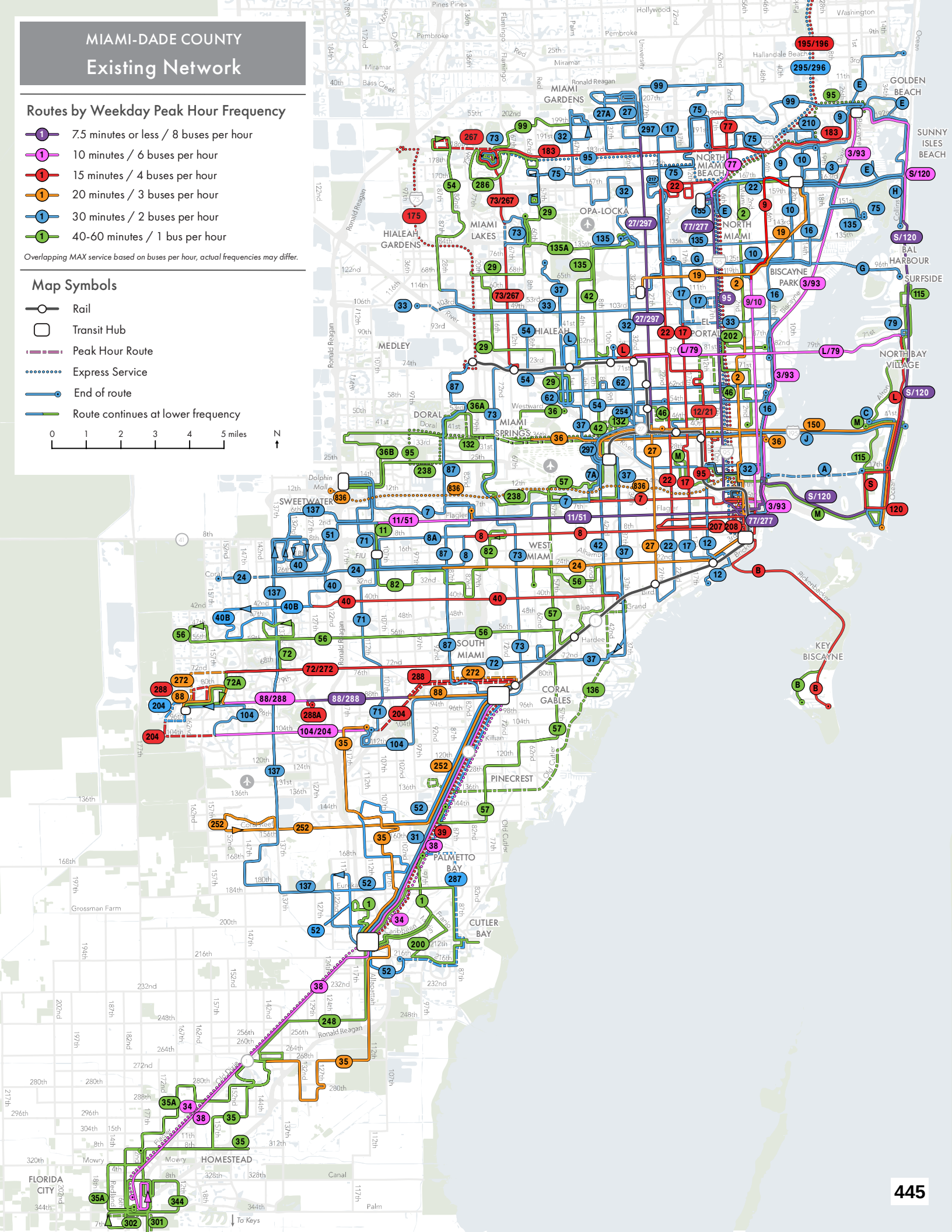


Figure 8: Pass-By Trip Assignment



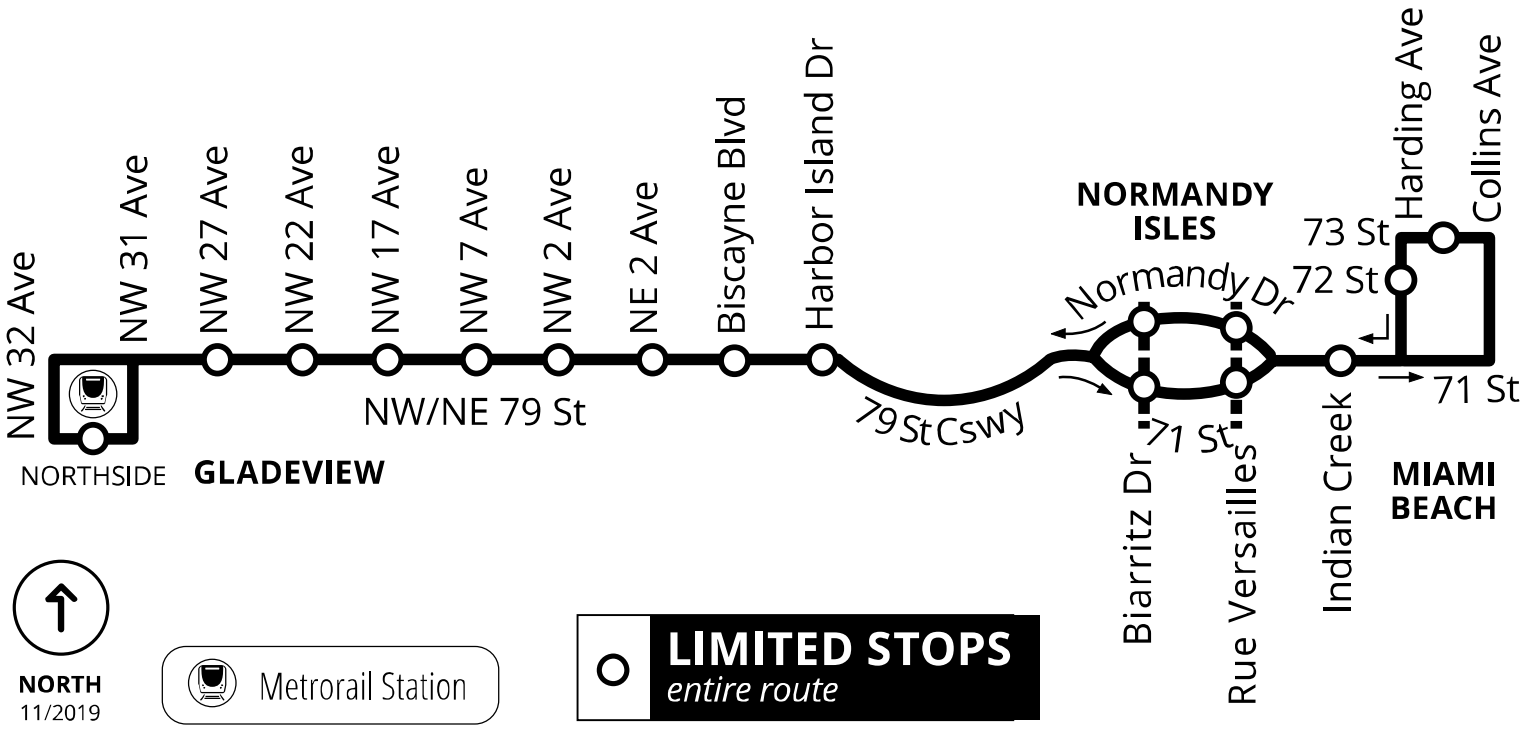
Appendix F

Transit Service Information


MIAMI-DADE COUNTY
Existing Network
Routes by Weekday Peak Hour Frequency
7.5 minutes or less / 8 buses per hour
10 minutes / 6 buses per hour
15 minutes / 4 buses per hour
20 minutes / 3 buses per hour
30 minutes / 2 buses per hour
40-60 minutes / 1 bus per hour
Overlapping MAX service based on buses per hour, actual frequencies may differ.
Map Symbols
Rail
Transit Hub
Peak Hour Route
Express Service
End of route
Route continues at lower frequency
0 1 2 3 4 5 miles
N
MIAMI GARDENS
HIALEAH GARDENS
MIAMI LAKES
OPA-LOCKA
NORTH MIAMI BEACH
NORTH MIAMI
GOLDEN BEACH
SUNNY ISLES BEACH
BAL HARBOUR
BISCAYNE PARK
SURFSIDE
EL PORTAL
HIALEAH
MEDLEY
NORTH BAY VILLAGE
DORAL
MIAMI SPRINGS
SWEETWATER
WEST MIAMI
SOUTH MIAMI
CORAL GABLES
KEY BISCAYNE
PINECREST
PALMETTO BAY
CUTLER BAY
HOMESTEAD
FLORIDA CITY
To Keys

79

79 ST MAX

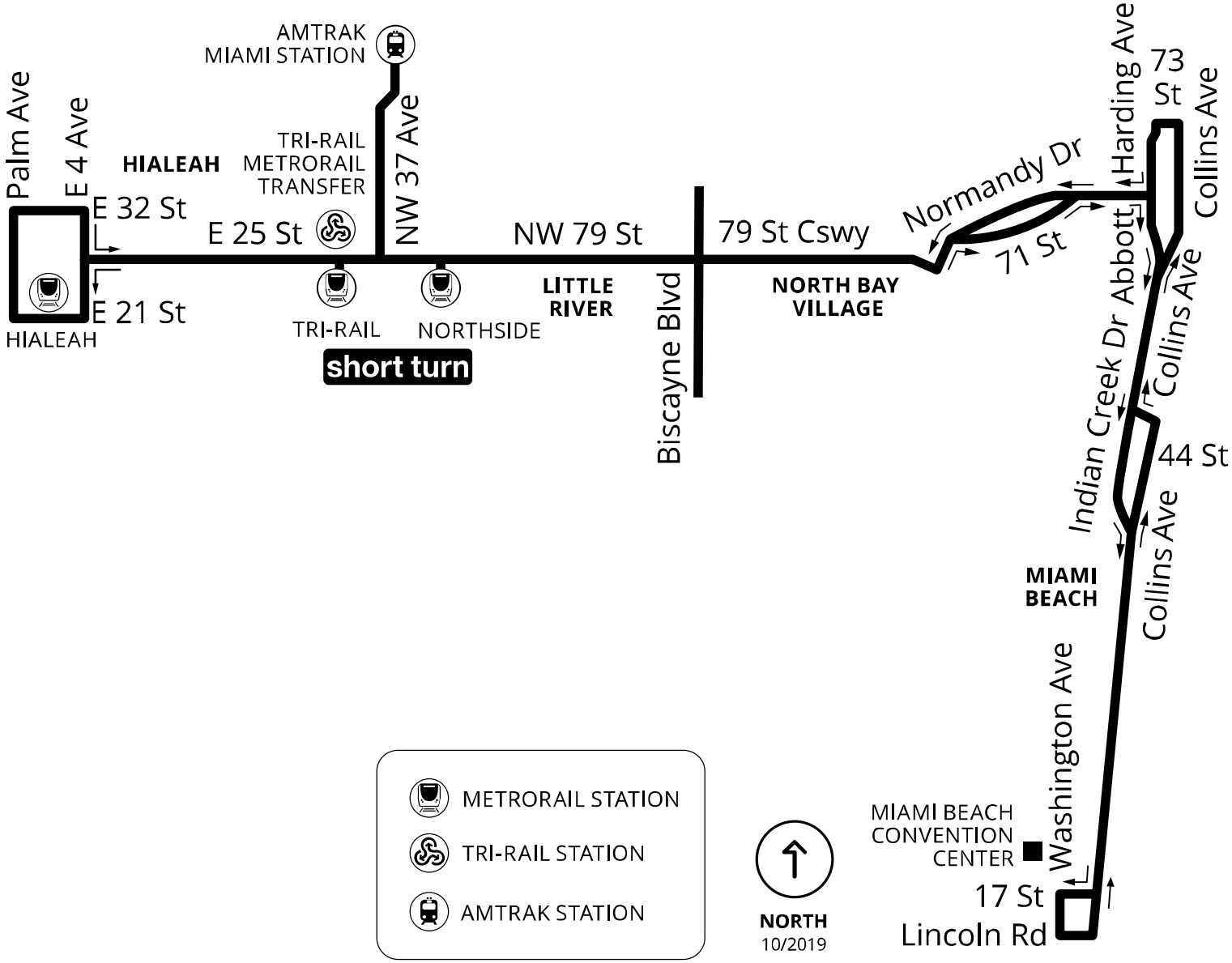


@GoMiamiDade GO Miami-Dade Transit

miamidade.gov/transit 311 or 305.468.5900 TTY/Fla Relay: 711

06.2020

L


AMTRAK
MIAMI STATION
Palm Ave
E 4 Ave
HIALEAH
TRI-RAIL
METRORAIL
TRANSFER
NW 37 Ave
E 32 St
E 25 St
NW 79 St
79 St Cswy
Normandy Dr
Harding Ave
73
St
Collins Ave
71 St
Abbott
E 21 St
HIALEAH
TRI-RAIL
NORTHSIDE
short turn
LITTLE
RIVER
Biscayne Blvd
NORTH BAY
VILLAGE
Indian Creek Dr
Collins Ave
44 St
MIAMI
BEACH
Collins Ave
Washington Ave
METRORAIL STATION
TRI-RAIL STATION
AMTRAK STATION
MIAMI BEACH
CONVENTION
CENTER
17 St
Lincoln Rd
NORTH
10/2019

NBAYVL North Bay Village Shuttle

View In Website Mode

The NBAYVL bus line North Bay Village Shuttle has one route. For regular weekdays, their operation hours are:
(1) North Bay Village Shuttle: 7:00 AM - 6:00 PM
Use the Moovit App to find the closest NBAYVL bus station near you and find out when is the next NBAYVL bus arriving.

Direction: North Bay Village Shuttle

29 stops

VIEW LINE SCHEDULE

City Of North Bay Village Public Works
1841 Galleon St, Miami Beach

Bay Villlage Condo West
1771 S Treasure Dr, Miami Beach

Buccaneer Av@S Treasure Dr
1571 S Treasure Dr, North Bay Village

N Treasure Dr@W Treasure Dr
1440 N Treasure Dr, North Bay Village

N Treasure Dr@Hispanola Av
1700 N Treasure Dr, Miami Beach

Bay Village Condo East
1790 S Treasure Dr, Miami Beach

Treasures on Bay

Treasure Island Elementary North
East Treasure Drive, Miami Beach

79 Stcy & E Treasure Dr

79 Stcy & Op # 1800

79 Stcy & Hispanola Av
1665 79th Street Cswy, Miami Beach

79 Stcy & Adventure Av

79 Stcy & Harbor Island Dr
Larry Paskow Way, North Bay Village

Old City Hall
7903 East Dr, North Bay Village

The Lido
7927 East Dr, North Bay Village

NBAYVL bus Time Schedule

North Bay Village Shuttle Route Timetable:

Sunday	Not Operational
Monday	7:00 AM - 6:00 PM
Tuesday	7:00 AM - 6:00 PM
Wednesday	7:00 AM - 6:00 PM
Thursday	7:00 AM - 6:00 PM
Friday	7:00 AM - 6:00 PM
Saturday	Not Operational

NBAYVL bus Info

Direction: North Bay Village Shuttle
Stops: 29
Trip Duration: 55 min
Line Summary: City Of North Bay Village Public Works, Bay Villlage Condo West, Buccaneer Av@S Treasure Dr, N Treasure Dr@W Treasure Dr, N Treasure Dr@Hispanola Av, Bay Village Condo East, Treasures on Bay, Treasure Island Elementary North, 79 Stcy & E Treasure Dr, 79 Stcy & Op # 1800, 79 Stcy & Hispanola Av, 79 Stcy & Adventure Av, 79 Stcy & Harbor Island Dr, Old City Hall, The Lido, Biscayne Sea Club, Blu Rentals, Vogel Park, Island Market, Beach View@79 St Pkwy, Beach View@Bay Terrace, Bay Terrace@Miami View Dr, Miami View Dr@ 79 St Pkwy, 79 Stcy & Adventure Av, Village Hall, 79 Stcy & # 1800, 79 Stcy & E Treasure Dr, Treasure Island Elementary South, City Of North Bay Village Public Works

Biscayne Sea Club
7939 East Drive, North Bay Village

Blu Rentals
7940 West Dr, North Bay Village

Vogel Park
West Drive, North Bay Village

Island Market
7904 West Dr, North Bay Village

Beach View@79 St Pkwy
7810 Beach View Dr, North Bay Village

Beach View@Bay Terrace
7400 Beach View Dr, North Bay Village

Bay Terrace@Miami View Dr
7401 Miami View Dr, North Bay Village

Miami View Dr@ 79 St Pkwy
7811 Miami View Dr, North Bay Village

79 Stcy & Adventure Av
1400 79th Street Cswy, North Bay Village

Village Hall
1666 79th Street Cswy, Miami Beach

79 Stcy & # 1800
1790 Kennedy Cswy, Miami Beach

79 Stcy & E Treasure Dr
1888 Kennedy Cswy, Miami Beach

Treasure Island Elementary South
East Treasure Drive, Miami Beach

City Of North Bay Village Public Works
1841 Galleon St, Miami Beach



Appendix G

Trip Generation Calculations

PROPOSED WEEKDAY AM PEAK HOUR TRIP GENERATION

		ITE TRIP GENERATION CHARACTERISTICS					DIRECTIONAL DISTRIBUTION		BASELINE TRIPS			MULTIMODAL REDUCTION		GROSS TRIPS			INTERNAL CAPTURE		EXTERNAL VEHICLE TRIPS			PASS-BY CAPTURE		NET NEW EXTERNAL TRIPS		
							Percent																			
		Land Use	ITE Edition	ITE Code	Scale	ITE Units	In	Out	In	Out	Total	Percent	MR Trips	In	Out	Total	Percent	IC Trips	In	Out	Total	Percent	PB Trips	In	Out	Total
GROUP 1	1	Multifamily Housing (High-Rise)	11	222	70	du	34%	66%	12	22	34	1.7%	1	12	21	33	0.0%	0	12	21	33	0.0%	0	12	21	33
	2																									
	3																									
	4																									
	5																									
	6																									
	7																									
	8																									
	9																									
	10																									
	11																									
	12																									
	13																									
	14																									
	15																									
		ITE Land Use Code		Rate or Equation				**Total:**	12	22	34	1.7%	1	12	21	33	0.0%	0	12	21	33	0.0%	0	12	21	33
		222		Y=0.22*(X)+18.85																						

PROPOSED WEEKDAY PM PEAK HOUR TRIP GENERATION

		ITE TRIP GENERATION CHARACTERISTICS					DIRECTIONAL DISTRIBUTION		BASELINE TRIPS			MULTIMODAL REDUCTION		GROSS TRIPS			INTERNAL CAPTURE		EXTERNAL VEHICLE TRIPS			PASS-BY CAPTURE		NET NEW EXTERNAL TRIPS		
							Percent																			
		Land Use	ITE Edition	ITE Code	Scale	ITE Units	In	Out	In	Out	Total	Percent	MR Trips	In	Out	Total	Percent	IC Trips	In	Out	Total	Percent	PB Trips	In	Out	Total
GROUP 2	1	Multifamily Housing (High-Rise)	11	222	70	du	56%	44%	23	18	41	1.7%	1	23	17	40	0.0%	0	23	17	40	0.0%	0	23	17	40
	2																									
	3																									
	4																									
	5																									
	6																									
	7																									
	8																									
	9																									
	10																									
	11																									
	12																									
	13																									
	14																									
	15																									
		ITE Land Use Code		Rate or Equation				**Total:**	23	18	41	1.7%	1	23	17	40	0.0%	0	23	17	40	0.0%	0	23	17	40
		222		Y=0.26*(X)+23.12																						

MEANS OF TRANSPORTATION TO WORK

(20+9)/(1,883-132)=1.7%

United States® Census Bureau

Note: This is a modified view of the original table produced by the U.S. Census Bureau. This download or printed version may have missing information from the original table.

Census Tract 39.18, Miami-Dade County, Florida		
Label	**Estimate**	**Margin of Error**
Total:	1,883	±236
Car, truck, or van:	1,624	±255
Drove alone	1,529	±242
Carpooled:	95	±62
In 2-person carpool	61	±50
In 3-person carpool	14	±21
In 4-person carpool	13	±21
In 5- or 6-person carpool	7	±11
In 7-or-more-person carpool	0	±14
Public transportation (excluding taxicab):	20	±30
Bus	20	±30
Subway or elevated rail	0	±14
Long-distance train or commuter rail	0	±14
Light rail, streetcar or trolley (carro público in Puerto Rico)	0	±14
Ferryboat	0	±14
Taxicab	37	±35
Motorcycle	11	±16
Bicycle	9	±14
Walked	0	±14
Other means	50	±43
Worked from home	132	±98

Table Notes

Survey/Program: American Community Survey

MEANS OF TRANSPORTATION TO WORK

Universe: Workers 16 years and over

Year: 2019

Estimates: 5-Year

Table ID: B08301

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities, and towns and estimates of housing units for states and counties.

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Technical Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section.

Source: U.S. Census Bureau, 2015-2019 American Community Survey 5-Year Estimates

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see ACS Technical Documentation). The effect of nonsampling error is not represented in these tables.

Workers include members of the Armed Forces and civilians who were at work last week.

2019 ACS data products include updates to several categories of the existing means of transportation question. For more information, see: Change to Means of Transportation.

The 2015-2019 American Community Survey (ACS) data generally reflect the September 2018 Office of Management and Budget (OMB) delineations of metropolitan and micropolitan statistical areas. In certain instances, the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB delineation lists due to differences in the effective dates of the geographic entities.

Estimates of urban and rural populations, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2010 data. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

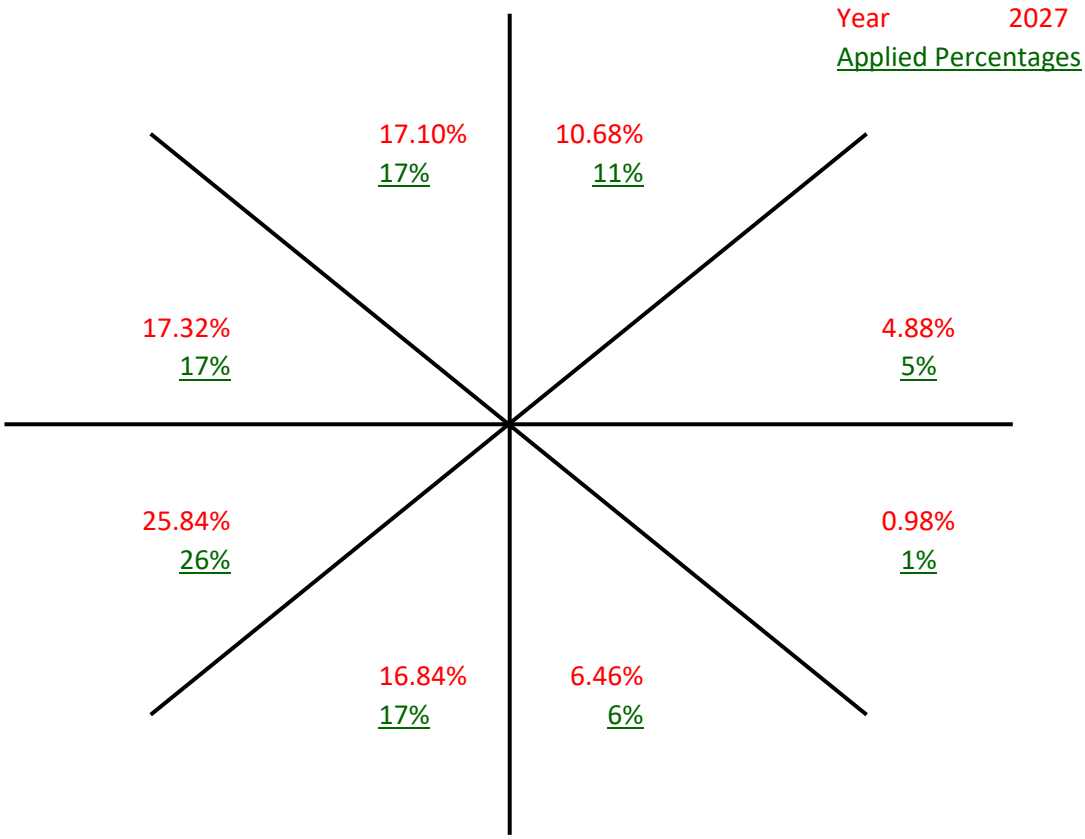
Explanation of Symbols:

An "**" entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.
An "-" entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution, or the margin of error associated with a median was larger than the median itself.
An "-" following a median estimate means the median falls in the lowest interval of an open-ended distribution.
An "+" following a median estimate means the median falls in the upper interval of an open-ended distribution.
An "***" entry in the margin of error column indicates that the median falls in the lowest interval or upper interval of an open-ended distribution. A statistical test is not appropriate.
An "*****" entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.
An "N" entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.
An "(X)" means that the estimate is not applicable or not available.

Appendix H

Cardinal Distribution

Cardinal Distribution for TAZ 624



Cardinal Trip Distribution

Cardinal Direction	Percentage of Trips		2027 Interpolated	2027 Rounded
	2015	2045		
North-Northeast	10.8%	10.50%	10.68%	11.00%
East-Northeast	6.0%	3.20%	4.88%	5.00%
East-Southeast	1.1%	0.80%	0.98%	1.00%
South-Southeast	6.1%	7.00%	6.46%	6.00%
South-Southwest	15.2%	19.30%	16.84%	17.00%
West-Southwest	26.2%	25.30%	25.84%	26.00%
West-Northwest	16.8%	18.10%	17.32%	17.00%
North-Northwest	17.9%	15.90%	17.10%	17.00%
Total	**100.1%**	**100.1%**	**100.10%**	**100.00%**



MIAMI-DADE TRANSPORTATION PLANNING ORGANIZATION

2045 LRTP SUPPORTING DOCUMENTS

DIRECTIONAL TRIP DISTRIBUTION REPORT

SEPTEMBER 2019

Miami-Dade 2015 Base Year Direction Trip Distribution Summary											
TAZ of Origin		Trips / Percent	Cardinal Directions								Total Trips
County TAZ	Regional TAZ		NNE	ENE	ESE	SSE	SSW	WSW	WNW	NNW	
599	3499	Trips	591	34	0	13	16	316	294	397	1,717
599	3499	Percent	35.6	2.0	0.0	0.8	1.0	19.0	17.7	23.9	
600	3500	Trips	1,964	258	20	47	84	1,205	1,079	998	5,795
600	3500	Percent	34.7	4.6	0.4	0.8	1.5	21.3	19.1	17.7	
601	3501	Trips	70	-	-	28	277	290	175	257	1,104
601	3501	Percent	6.4	-	-	2.5	25.3	26.4	15.9	23.5	
602	3502	Trips	67	17	-	103	540	455	472	464	2,181
602	3502	Percent	3.2	0.8	-	4.9	25.5	21.5	22.3	21.9	
603	3503	Trips	27	-	-	3	177	160	92	111	570
603	3503	Percent	4.8	-	-	0.5	31.0	28.1	16.2	19.5	
604	3504	Trips	45	-	-	6	506	334	458	381	1,779
604	3504	Percent	2.6	-	-	0.4	29.3	19.3	26.5	22.0	
605	3505	Trips	136	16	-	144	498	321	433	386	1,958
605	3505	Percent	7.0	0.8	-	7.4	25.7	16.6	22.4	20.0	
606	3506	Trips	830	-	-	845	1,407	1,998	1,040	2,384	9,052
606	3506	Percent	9.8	-	-	9.9	16.5	23.5	12.2	28.0	
607	3507	Trips	197	83	-	165	848	498	671	627	3,154
607	3507	Percent	6.4	2.7	-	5.4	27.5	16.1	21.7	20.3	
608	3508	Trips	109	-	-	17	655	545	562	535	2,497
608	3508	Percent	4.5	-	-	0.7	27.0	22.5	23.2	22.1	
609	3509	Trips	80	-	-	30	482	700	242	744	2,414
609	3509	Percent	3.5	-	-	1.3	21.2	30.7	10.6	32.7	
610	3510	Trips	576	187	-	313	1,639	1,859	1,152	2,527	9,381
610	3510	Percent	7.0	2.3	-	3.8	19.9	22.5	14.0	30.6	
611	3511	Trips	344	38	-	107	861	847	782	1,269	4,444
611	3511	Percent	8.1	0.9	-	2.5	20.3	20.0	18.4	29.9	
612	3512	Trips	102	-	-	38	497	479	354	809	2,324
612	3512	Percent	4.5	-	-	1.7	21.8	21.0	15.5	35.5	
613	3513	Trips	50	-	-	45	147	146	130	221	738
613	3513	Percent	6.8	-	-	6.1	19.9	19.8	17.6	30.0	
614	3514	Trips	107	-	-	231	720	908	522	868	3,436
614	3514	Percent	3.2	-	-	6.9	21.5	27.1	15.6	25.9	
615	3515	Trips	748	321	-	855	1,825	1,774	1,120	2,278	9,551
615	3515	Percent	8.4	3.6	-	9.6	20.5	19.9	12.6	25.5	
616	3516	Trips	631	418	-	1,214	1,619	1,428	921	1,966	9,585
616	3516	Percent	7.7	5.1	-	14.8	19.8	17.4	11.2	24.0	
617	3517	Trips	18	4	17	9	11	16	6	43	125
617	3517	Percent	14.3	3.3	13.7	7.4	9.0	13.1	4.7	34.7	
618	3518	Trips	243	105	-	241	640	556	295	599	2,736
618	3518	Percent	9.1	3.9	-	9.0	23.9	20.8	11.0	22.4	
619	3519	Trips	114	-	-	442	1,579	1,258	675	2,112	6,703
619	3519	Percent	1.8	-	-	7.2	25.6	20.4	10.9	34.2	
620	3520	Trips	85	-	-	385	1,902	1,775	809	2,132	7,584
620	3520	Percent	1.2	-	-	5.4	26.8	25.1	11.4	30.1	
621	3521	Trips	411	-	112	336	917	877	409	774	3,916
621	3521	Percent	10.7	-	2.9	8.8	23.9	22.9	10.7	20.2	
622	3522	Trips	725	-	-	733	1,372	1,695	887	1,623	7,653
622	3522	Percent	10.3	-	-	10.4	19.5	24.1	12.6	23.1	
623	3523	Trips	394	243	139	749	727	1,431	755	921	5,657
623	3523	Percent	7.4	4.5	2.6	14.0	13.6	26.7	14.1	17.2	
624	3524	Trips	1,100	613	112	625	1,542	2,663	1,706	1,821	11,072
624	3524	Percent	10.8	6.0	1.1	6.1	15.2	26.2	16.8	17.9	

Miami-Dade 2045 Cost Feasible Plan Direction Trip Distribution Summary											
TAZ of Origin		Trips / Percent	Cardinal Directions								Total Trips
County TAZ	Regional TAZ		NNE	ENE	ESE	SSE	SSW	WSW	WNW	NNW	
599	3499	Trips	392	108	7	13	41	341	344	485	1,765
599	3499	Percent	22.6	6.2	0.4	0.8	2.4	19.7	19.9	28.0	
600	3500	Trips	1,603	330	17	42	94	1,157	1,332	1,506	6,163
600	3500	Percent	26.4	5.4	0.3	0.7	1.6	19.0	21.9	24.8	
601	3501	Trips	73	-	-	36	470	342	267	332	1,552
601	3501	Percent	4.8	-	-	2.4	30.9	22.5	17.5	21.8	
602	3502	Trips	62	6	-	148	713	574	523	476	2,566
602	3502	Percent	2.5	0.3	-	5.9	28.5	22.9	20.9	19.0	
603	3503	Trips	14	-	-	1	337	258	161	172	980
603	3503	Percent	1.5	-	-	0.1	35.7	27.4	17.1	18.3	
604	3504	Trips	64	-	-	41	951	737	707	668	3,445
604	3504	Percent	2.0	-	-	1.3	30.0	23.3	22.3	21.1	
605	3505	Trips	99	36	-	135	670	549	585	509	2,652
605	3505	Percent	3.8	1.4	-	5.2	25.9	21.2	22.7	19.7	
606	3506	Trips	643	-	-	754	1,891	2,383	1,151	2,389	9,786
606	3506	Percent	7.0	-	-	8.2	20.5	25.9	12.5	25.9	
607	3507	Trips	188	140	-	182	1,171	780	868	741	4,188
607	3507	Percent	4.6	3.4	-	4.5	28.8	19.2	21.3	18.2	
608	3508	Trips	110	-	-	48	1,108	1,101	706	785	3,985
608	3508	Percent	2.9	-	-	1.2	28.7	28.5	18.3	20.4	
609	3509	Trips	86	-	-	37	718	953	371	839	3,169
609	3509	Percent	2.9	-	-	1.2	23.9	31.7	12.3	27.9	
610	3510	Trips	681	182	-	382	2,239	2,515	1,391	2,792	12,047
610	3510	Percent	6.7	1.8	-	3.8	22.0	24.7	13.7	27.4	
611	3511	Trips	449	13	-	118	1,000	1,197	848	1,206	5,036
611	3511	Percent	9.3	0.3	-	2.4	20.7	24.8	17.6	25.0	
612	3512	Trips	74	-	-	56	640	617	408	906	2,773
612	3512	Percent	2.8	-	-	2.1	23.7	22.9	15.1	33.6	
613	3513	Trips	42	-	-	27	203	188	128	185	774
613	3513	Percent	5.5	-	-	3.5	26.3	24.2	16.5	24.0	
614	3514	Trips	160	-	-	231	1,441	1,400	1,004	1,429	5,961
614	3514	Percent	2.8	-	-	4.1	25.4	24.7	17.7	25.2	
615	3515	Trips	657	228	-	698	1,586	1,570	1,040	1,804	7,950
615	3515	Percent	8.7	3.0	-	9.2	20.9	20.7	13.7	23.8	
616	3516	Trips	663	430	-	1,243	2,224	2,161	1,427	2,581	12,275
616	3516	Percent	6.2	4.0	-	11.6	20.7	20.1	13.3	24.1	
617	3517	Trips	13	10	12	23	29	51	31	41	219
617	3517	Percent	6.4	4.8	5.8	10.9	13.8	24.0	14.9	19.5	
618	3518	Trips	155	54	-	218	768	639	484	831	3,208
618	3518	Percent	4.9	1.7	-	6.9	24.4	20.3	15.4	26.4	
619	3519	Trips	148	-	-	378	1,965	1,591	822	2,087	7,426
619	3519	Percent	2.1	-	-	5.4	28.1	22.8	11.8	29.9	
620	3520	Trips	101	-	-	236	1,860	2,343	1,013	2,177	8,233
620	3520	Percent	1.3	-	-	3.1	24.1	30.3	13.1	28.2	
621	3521	Trips	349	-	81	272	1,070	1,011	417	959	4,287
621	3521	Percent	8.4	-	1.9	6.6	25.7	24.3	10.0	23.1	
622	3522	Trips	552	-	-	687	1,638	2,319	1,127	2,032	8,893
622	3522	Percent	6.6	-	-	8.2	19.6	27.8	13.5	24.3	
623	3523	Trips	475	123	70	728	1,143	1,694	801	1,023	6,274
623	3523	Percent	7.8	2.0	1.2	12.0	18.9	28.0	13.2	16.9	
624	3524	Trips	1,356	409	98	912	2,505	3,276	2,354	2,063	13,940
624	3524	Percent	10.5	3.2	0.8	7.0	19.3	25.3	18.1	15.9	

Appendix I

Volume Development Worksheets

TRAFFIC VOLUMES
AT STUDY INTERSECTIONS

INTERSECTION: Harbor Island Drive and 79th Street/John F Kennedy Causeway
COUNT DATE: April 27, 2023
AM PEAK HOUR FACTOR: 0.98
PM PEAK HOUR FACTOR: 0.93

"AM EXISTING TRAFFIC"	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBU	NBL	NBT	NBR	SBU	SBL	SBT	SBR
AM Raw Turning Movements		103	1,466	25		13	1,248	46		32	7	14		125	3	242
Peak Season Correction Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AM EXISTING CONDITIONS		**103**	**1,466**	**25**		**13**	**1,248**	**46**		**32**	**7**	**14**		**125**	**3**	**242**

"PM EXISTING TRAFFIC"	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBU	NBL	NBT	NBR	SBU	SBL	SBT	SBR
PM Raw Turning Movements		186	1,260	34		19	1,884	104		33	2	9		82	4	145
Peak Season Correction Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PM EXISTING CONDITIONS		**186**	**1,260**	**34**		**19**	**1,884**	**104**		**33**	**2**	**9**		**82**	**4**	**145**

"AM BACKGROUND TRAFFIC"	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBU	NBL	NBT	NBR	SBU	SBL	SBT	SBR
1755 Kennedy Causeway			13				35									
Shoma North Bay Village			52				65									
1819 & 1855 79th Street Kennedy Causeway			91				89									
TOTAL "VESTED" TRAFFIC		0	156	0		0	189	0		0	0	0		0	0	0
Years To Buildout	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
Yearly Growth Rate	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%
AM BACKGROUND TRAFFIC GROWTH		17	243	4		2	207	8		5	1	2		21	0	40
AM NON-PROJECT TRAFFIC		**120**	**1,865**	**29**		**15**	**1,644**	**54**		**37**	**8**	**16**		**146**	**3**	**282**

"PM BACKGROUND TRAFFIC"	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBU	NBL	NBT	NBR	SBU	SBL	SBT	SBR
1755 Kennedy Causeway			50				17									
Shoma North Bay Village			78				63									
1819 & 1855 79th Street Kennedy Causeway			90				77									
TOTAL "VESTED" TRAFFIC		0	218	0		0	157	0		0	0	0		0	0	0
Years To Buildout	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
Yearly Growth Rate	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%
PM BACKGROUND TRAFFIC GROWTH		31	209	6		3	312	17		5	0	1		14	1	24
PM NON-PROJECT TRAFFIC		**217**	**1,687**	**40**		**22**	**2,353**	**121**		**38**	**2**	**10**		**96**	**5**	**169**

"AM PROJECT DISTRIBUTION" LAND USE	TYPE	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBU	NBL	NBT	NBR	SBU	SBL	SBT	SBR
Pass-By	Entering																
Distribution	Exiting																
Valet	Entering																
Distribution	Exiting																
Net New	Entering		77.0%						23.0%								
Distribution	Exiting														23.0%		77.0%

"PM PROJECT DISTRIBUTION" LAND USE	TYPE	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBU	NBL	NBT	NBR	SBU	SBL	SBT	SBR
Pass-By	Entering																
Distribution	Exiting																
Valet	Entering																
Distribution	Exiting																
Net New	Entering		77.0%						23.0%								
Distribution	Exiting														23.0%		77.0%

"AM PROJECT TRAFFIC" LAND USE	TYPE	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBU	NBL	NBT	NBR	SBU	SBL	SBT	SBR
AM TRAFFIC DIVERSIONS																	
Project Trips	Pass - By																
	Valet																
	Net New		9						3						5		16
AM TOTAL PROJECT TRAFFIC			**9**	**0**	**0**		**0**	**0**	**3**		**0**	**0**	**0**		**5**	**0**	**16**
AM TOTAL TRAFFIC			**129**	**1,865**	**29**		**15**	**1,644**	**57**		**37**	**8**	**16**		**151**	**3**	**298**

"PM PROJECT TRAFFIC" LAND USE	TYPE	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBU	NBL	NBT	NBR	SBU	SBL	SBT	SBR
PM TRAFFIC DIVERSIONS																	
Project Trips	Pass - By																
	Valet																
	Net New		18						5						4		13
PM TOTAL PROJECT TRAFFIC			**18**	**0**	**0**		**0**	**0**	**5**		**0**	**0**	**0**		**4**	**0**	**13**
PM TOTAL TRAFFIC			**235**	**1,687**	**40**		**22**	**2,353**	**126**		**38**	**2**	**10**		**100**	**5**	**182**

TRAFFIC VOLUMES
AT STUDY INTERSECTIONS

INTERSECTION: Harbor Island Drive and West Drive/East Drive
COUNT DATE: April 27, 2023
AM PEAK HOUR FACTOR: 0.90
PM PEAK HOUR FACTOR: 0.90

"AM EXISTING TRAFFIC"	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBU	NBL	NBT	NBR	SBU	SBL	SBT	SBR
AM Raw Turning Movements		1	11	166		116	13	5		67	30	59		3	85	0
Peak Season Correction Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AM EXISTING CONDITIONS		**1**	**11**	**166**		**116**	**13**	**5**		**67**	**30**	**59**		**3**	**85**	**0**

"PM EXISTING TRAFFIC"	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBU	NBL	NBT	NBR	SBU	SBL	SBT	SBR
PM Raw Turning Movements		3	12	118		87	16	7		116	66	97		1	31	1
Peak Season Correction Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PM EXISTING CONDITIONS		**3**	**12**	**118**		**87**	**16**	**7**		**116**	**66**	**97**		**1**	**31**	**1**

"AM BACKGROUND TRAFFIC"	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBU	NBL	NBT	NBR	SBU	SBL	SBT	SBR
1755 Kennedy Causeway																
Shoma North Bay Village																
1819 & 1855 79th Street Kennedy Causeway																
TOTAL "VESTED" TRAFFIC		0	0	0		0	0	0		0	0	0		0	0	0
Years To Buildout	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
Yearly Growth Rate	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%
AM BACKGROUND TRAFFIC GROWTH		0	2	28		19	2	1		11	5	10		0	14	0
AM NON-PROJECT TRAFFIC		**1**	**13**	**194**		**135**	**15**	**6**		**78**	**35**	**69**		**3**	**99**	**0**

"PM BACKGROUND TRAFFIC"	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBU	NBL	NBT	NBR	SBU	SBL	SBT	SBR
1755 Kennedy Causeway																
Shoma North Bay Village																
1819 & 1855 79th Street Kennedy Causeway																
TOTAL "VESTED" TRAFFIC		0	0	0		0	0	0		0	0	0		0	0	0
Years To Buildout	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
Yearly Growth Rate	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%
PM BACKGROUND TRAFFIC GROWTH		0	2	20		14	3	1		19	11	16		0	5	0
PM NON-PROJECT TRAFFIC		**3**	**14**	**138**		**101**	**19**	**8**		**135**	**77**	**113**		**1**	**36**	**1**

"AM PROJECT DISTRIBUTION" LAND USE	TYPE	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBU	NBL	NBT	NBR	SBU	SBL	SBT	SBR
Pass-By	Entering																
Distribution	Exiting																
Valet	Entering																
Distribution	Exiting																
Net New	Entering										100.0%						
Distribution	Exiting				100.0%												

"PM PROJECT DISTRIBUTION" LAND USE	TYPE	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBU	NBL	NBT	NBR	SBU	SBL	SBT	SBR
Pass-By	Entering																
Distribution	Exiting																
Valet	Entering																
Distribution	Exiting																
Net New	Entering										100.0%						
Distribution	Exiting				100.0%												

"AM PROJECT TRAFFIC" LAND USE	TYPE	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBU	NBL	NBT	NBR	SBU	SBL	SBT	SBR
AM TRAFFIC DIVERSIONS																	
Project Trips	Pass - By																
	Valet																
	Net New				21						12						
AM TOTAL PROJECT TRAFFIC			**0**	**0**	**21**		**0**	**0**	**0**		**12**	**0**	**0**		**0**	**0**	**0**
AM TOTAL TRAFFIC			**1**	**13**	**215**		**135**	**15**	**6**		**90**	**35**	**69**		**3**	**99**	**0**

"PM PROJECT TRAFFIC" LAND USE	TYPE	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBU	NBL	NBT	NBR	SBU	SBL	SBT	SBR
PM TRAFFIC DIVERSIONS																	
Project Trips	Pass - By																
	Valet																
	Net New				17						23						
PM TOTAL PROJECT TRAFFIC			**0**	**0**	**17**		**0**	**0**	**0**		**23**	**0**	**0**		**0**	**0**	**0**
PM TOTAL TRAFFIC			**3**	**14**	**155**		**101**	**19**	**8**		**158**	**77**	**113**		**1**	**36**	**1**

TRAFFIC VOLUMES
AT STUDY INTERSECTIONS

INTERSECTION: Project Driveway and West Drive
COUNT DATE: April 27, 2023
AM PEAK HOUR FACTOR: 0.92
PM PEAK HOUR FACTOR: 0.92

"AM EXISTING TRAFFIC"	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBU	NBL	NBT(1)	NBR	SBU	SBL	SBT(1)	SBR
AM Raw Turning Movements		0	0	0		0	0	0		0	80	0		0	178	0
Peak Season Correction Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AM EXISTING CONDITIONS		**0**	**0**	**0**		**0**	**0**	**0**		**0**	**80**	**0**		**0**	**178**	**0**

"PM EXISTING TRAFFIC"	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBU	NBL	NBT(1)	NBR	SBU	SBL	SBT(1)	SBR
PM Raw Turning Movements		0	0	0		0	0	0		0	133	0		0	133	0
Peak Season Correction Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PM EXISTING CONDITIONS		**0**	**0**	**0**		**0**	**0**	**0**		**0**	**133**	**0**		**0**	**133**	**0**

"AM BACKGROUND TRAFFIC"	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBU	NBL	NBT(1)	NBR	SBU	SBL	SBT(1)	SBR
1755 Kennedy Causeway																
Shoma North Bay Village																
1819 & 1855 79th Street Kennedy Causeway																
TOTAL "VESTED" TRAFFIC		0	0	0		0	0	0		0	0	0		0	0	0
Years To Buildout	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
Yearly Growth Rate	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%
AM BACKGROUND TRAFFIC GROWTH		0	0	0		0	0	0		0	13	0		0	30	0
AM NON-PROJECT TRAFFIC		**0**	**0**	**0**		**0**	**0**	**0**		**0**	**93**	**0**		**0**	**208**	**0**

"PM BACKGROUND TRAFFIC"	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBU	NBL	NBT(1)	NBR	SBU	SBL	SBT(1)	SBR
1755 Kennedy Causeway																
Shoma North Bay Village																
1819 & 1855 79th Street Kennedy Causeway																
TOTAL "VESTED" TRAFFIC		0	0	0		0	0	0		0	0	0		0	0	0
Years To Buildout	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
Yearly Growth Rate	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%	3.91%
PM BACKGROUND TRAFFIC GROWTH		0	0	0		0	0	0		0	22	0		0	22	0
PM NON-PROJECT TRAFFIC		**0**	**0**	**0**		**0**	**0**	**0**		**0**	**155**	**0**		**0**	**155**	**0**

"AM PROJECT DISTRIBUTION"

LAND USE	TYPE	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBU	NBL	NBT(1)	NBR	SBU	SBL	SBT(1)	SBR
Pass-By Distribution	Entering																
	Exiting																
Valet Distribution	Entering																
	Exiting																
Net New Distribution	Entering										100.0%						
	Exiting				100.0%												

"PM PROJECT DISTRIBUTION"

LAND USE	TYPE	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBU	NBL	NBT(1)	NBR	SBU	SBL	SBT(1)	SBR
Pass-By Distribution	Entering																
	Exiting																
Valet Distribution	Entering																
	Exiting																
Net New Distribution	Entering										100.0%						
	Exiting				100.0%												

"AM PROJECT TRAFFIC"

LAND USE	TYPE	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBU	NBL	NBT(1)	NBR	SBU	SBL	SBT(1)	SBR
AM TRAFFIC DIVERSIONS																	
Project Trips	Pass - By																
	Valet																
	Net New				21						12						
AM TOTAL PROJECT TRAFFIC			**0**	**0**	**21**		**0**	**0**	**0**		**12**	**0**	**0**		**0**	**0**	**0**
AM TOTAL TRAFFIC			**0**	**0**	**21**		**0**	**0**	**0**		**12**	**93**	**0**		**0**	**208**	**0**

"PM PROJECT TRAFFIC"

LAND USE	TYPE	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBU	NBL	NBT(1)	NBR	SBU	SBL	SBT(1)	SBR
PM TRAFFIC DIVERSIONS																	
Project Trips	Pass - By																
	Valet																
	Net New				17						23						
PM TOTAL PROJECT TRAFFIC			**0**	**0**	**17**		**0**	**0**	**0**		**23**	**0**	**0**		**0**	**0**	**0**
PM TOTAL TRAFFIC			**0**	**0**	**17**		**0**	**0**	**0**		**23**	**155**	**0**		**0**	**155**	**0**

(1) Northbound through and southbound through volumes based on the traffic volumes from the intersection of Harbor Island Drive and West Drive/East Drive.

Appendix J

Intersection Capacity Analysis Worksheets

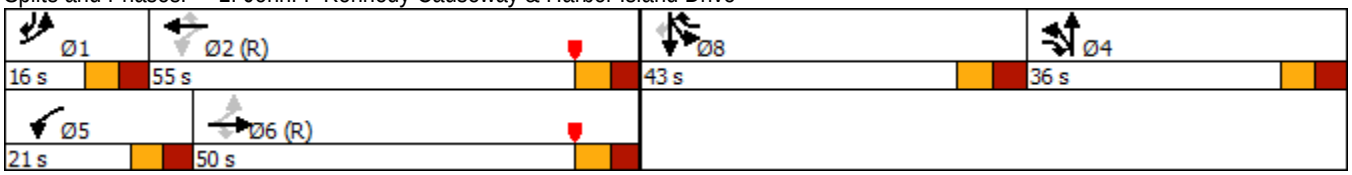
Existing A.M.

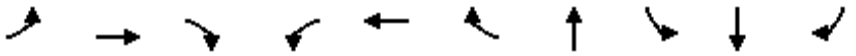
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBT	SBL	SBT	SBR
Lane Configurations										
Traffic Volume (vph)	103	1466	25	13	1248	46	7	125	3	242
Future Volume (vph)	103	1466	25	13	1248	46	7	125	3	242
Turn Type	pm+pt	NA	pm+ov	pm+pt	NA	pm+ov	NA	Split	NA	pm+ov
Protected Phases	1	6	4	5	2	8	4	8	8	1
Permitted Phases	6		6	2		2				8
Detector Phase	1	6	4	5	2	8	4	8	8	1
Switch Phase										
Minimum Initial (s)	5.0	4.0	10.0	5.0	4.0	7.0	10.0	7.0	7.0	5.0
Minimum Split (s)	12.0	47.7	35.7	12.0	47.3	35.7	35.7	35.7	35.7	12.0
Total Split (s)	16.0	50.0	36.0	21.0	55.0	43.0	36.0	43.0	43.0	16.0
Total Split (%)	10.7%	33.3%	24.0%	14.0%	36.7%	28.7%	24.0%	28.7%	28.7%	10.7%
Yellow Time (s)	3.7	4.0	4.0	3.7	4.0	4.0	4.0	4.0	4.0	3.7
All-Red Time (s)	3.3	3.3	3.7	3.3	3.3	3.7	3.7	3.7	3.7	3.3
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	7.0	7.3	7.7	7.0	7.3	7.7	7.7	7.7	7.7	7.0
Lead/Lag	Lead	Lag		Lead	Lag					Lead
Lead-Lag Optimize?										
Recall Mode	None	C-Max	None	None	C-Max	None	None	None	None	None

Intersection Summary

Cycle Length: 150
Actuated Cycle Length: 150
Offset: 106 (71%), Referenced to phase 2:WBTL and 6:EBTL, Start of Yellow
Natural Cycle: 135
Control Type: Actuated-Coordinated

Splits and Phases: 1: John. F Kennedy Causeway & Harbor Island Drive





Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBT	SBL	SBT	SBR
Lane Group Flow (vph)	105	1496	26	13	1273	47	54	65	66	247
v/c Ratio	0.34	0.44	0.02	0.06	0.42	0.04	0.23	0.44	0.44	0.55
Control Delay	11.6	13.9	0.0	10.7	18.5	0.2	53.1	71.2	71.3	8.0
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	11.6	13.9	0.0	10.7	18.5	0.2	53.1	71.2	71.3	8.0
Queue Length 50th (ft)	29	202	0	3	233	0	20	66	67	0
Queue Length 95th (ft)	71	413	0	15	378	2	44	106	107	50
Internal Link Dist (ft)		435			523		242		95	
Turn Bay Length (ft)	215		175	200		175				
Base Capacity (vph)	316	3436	1210	327	3045	1286	623	391	393	461
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.33	0.44	0.02	0.04	0.42	0.04	0.09	0.17	0.17	0.54

Intersection Summary

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	103	1466	25	13	1248	46	32	7	14	125	3	242
Future Volume (veh/h)	103	1466	25	13	1248	46	32	7	14	125	3	242
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		0.96	1.00		0.98	1.00		0.96	1.00		0.98
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach		No			No			No			No	
Adj Sat Flow, veh/h/ln	1856	1856	1856	1856	1856	1856	1856	1856	1856	1856	1856	1856
Adj Flow Rate, veh/h	105	1496	26	13	1273	47	33	7	14	130	0	247
Peak Hour Factor	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98
Percent Heavy Veh, %	3	3	3	3	3	3	3	3	3	3	3	3
Cap, veh/h	276	2671	935	202	2528	1038	156	47	95	610	0	332
Arrive On Green	0.06	0.70	0.70	0.02	0.66	0.66	0.09	0.09	0.09	0.17	0.00	0.17
Sat Flow, veh/h	1767	5066	1510	1767	5066	1537	1767	536	1072	3534	0	1540
Grp Volume(v), veh/h	105	1496	26	13	1273	47	33	0	21	130	0	247
Grp Sat Flow(s),veh/h/ln	1767	1689	1510	1767	1689	1537	1767	0	1609	1767	0	1540
Q Serve(g_s), s	4.4	21.8	0.6	0.5	19.0	1.1	2.6	0.0	1.8	4.7	0.0	22.5
Cycle Q Clear(g_c), s	4.4	21.8	0.6	0.5	19.0	1.1	2.6	0.0	1.8	4.7	0.0	22.5
Prop In Lane	1.00		1.00	1.00		1.00	1.00		0.67	1.00		1.00
Lane Grp Cap(c), veh/h	276	2671	935	202	2528	1038	156	0	142	610	0	332
V/C Ratio(X)	0.38	0.56	0.03	0.06	0.50	0.05	0.21	0.00	0.15	0.21	0.00	0.74
Avail Cap(c_a), veh/h	307	2671	935	343	2528	1038	333	0	304	832	0	429
HCM Platoon Ratio	1.33	1.33	1.33	1.33	1.33	1.33	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.00	1.00	1.00	0.00	1.00
Uniform Delay (d), s/veh	18.1	13.9	7.1	18.9	15.8	5.5	63.5	0.0	63.2	53.3	0.0	55.1
Incr Delay (d2), s/veh	0.3	0.9	0.1	0.0	0.7	0.1	1.0	0.0	0.7	0.1	0.0	4.4
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	1.8	7.3	0.3	0.2	6.7	0.6	1.2	0.0	0.8	2.1	0.0	9.2
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	18.5	14.7	7.1	19.0	16.6	5.6	64.5	0.0	63.9	53.4	0.0	59.5
LnGrp LOS	B	B	A	B	B	A	E	A	E	D	A	E
Approach Vol, veh/h		1627			1333			54			377	
Approach Delay, s/veh		14.8			16.2			64.2			57.4	
Approach LOS		B			B			E			E	

Timer - Assigned Phs	1	2		4	5	6		8				
Phs Duration (G+Y+Rc), s	13.3	82.1		20.9	9.1	86.4		33.6				
Change Period (Y+Rc), s	7.0	* 7.3		* 7.7	7.0	* 7.3		7.7				
Max Green Setting (Gmax), s	9.0	* 48		* 28	14.0	* 43		35.3				
Max Q Clear Time (g_c+I1), s	6.4	21.0		4.6	2.5	23.8		24.5				
Green Ext Time (p_c), s	0.0	4.2		0.3	0.0	4.9		0.8				

Intersection Summary		
HCM 6th Ctrl Delay		20.9
HCM 6th LOS		C

Notes

User approved volume balancing among the lanes for turning movement.
* HCM 6th computational engine requires equal clearance times for the phases crossing the barrier.

Intersection	
Intersection Delay, s/veh	9.6
Intersection LOS	A

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	1	11	166	116	13	5	67	30	59	3	85	0
Future Vol, veh/h	1	11	166	116	13	5	67	30	59	3	85	0
Peak Hour Factor	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93
Heavy Vehicles, %	3	3	3	3	3	3	3	3	3	3	3	3
Mvmt Flow	1	12	178	125	14	5	72	32	63	3	91	0
Number of Lanes	0	1	0	1	1	0	0	1	1	0	1	0

Approach	EB	WB	NB	SB
Opposing Approach	WB	EB	SB	NB
Opposing Lanes	2	1	1	2
Conflicting Approach Left	SB	NB	EB	WB
Conflicting Lanes Left	1	2	1	2
Conflicting Approach Right	NB	SB	WB	EB
Conflicting Lanes Right	2	1	2	1
HCM Control Delay	9.7	10	9.2	9.7
HCM LOS	A	A	A	A

Lane	NBLn1	NBLn2	EBLn1	WBLn1	WBLn2	SBLn1
Vol Left, %	69%	0%	1%	100%	0%	3%
Vol Thru, %	31%	0%	6%	0%	72%	97%
Vol Right, %	0%	100%	93%	0%	28%	0%
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop
Traffic Vol by Lane	97	59	178	116	18	88
LT Vol	67	0	1	116	0	3
Through Vol	30	0	11	0	13	85
RT Vol	0	59	166	0	5	0
Lane Flow Rate	104	63	191	125	19	95
Geometry Grp	7	7	6	7	7	6
Degree of Util (X)	0.17	0.085	0.261	0.206	0.028	0.149
Departure Headway (Hd)	5.88	4.826	4.901	5.949	5.249	5.665
Convergence, Y/N	Yes	Yes	Yes	Yes	Yes	Yes
Cap	606	736	727	600	677	628
Service Time	3.652	2.597	2.964	3.717	3.016	3.744
HCM Lane V/C Ratio	0.172	0.086	0.263	0.208	0.028	0.151
HCM Control Delay	9.9	8.1	9.7	10.3	8.2	9.7
HCM Lane LOS	A	A	A	B	A	A
HCM 95th-tile Q	0.6	0.3	1	0.8	0.1	0.5

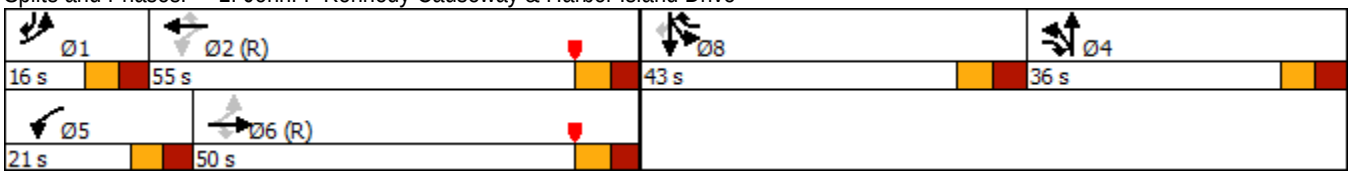
Future Background A.M.

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBT	SBL	SBT	SBR
Lane Configurations										
Traffic Volume (vph)	120	1865	29	15	1644	54	8	146	3	282
Future Volume (vph)	120	1865	29	15	1644	54	8	146	3	282
Turn Type	pm+pt	NA	pm+ov	pm+pt	NA	pm+ov	NA	Split	NA	pm+ov
Protected Phases	1	6	4	5	2	8	4	8	8	1
Permitted Phases	6		6	2		2				8
Detector Phase	1	6	4	5	2	8	4	8	8	1
Switch Phase										
Minimum Initial (s)	5.0	4.0	10.0	5.0	4.0	7.0	10.0	7.0	7.0	5.0
Minimum Split (s)	12.0	47.7	35.7	12.0	47.3	35.7	35.7	35.7	35.7	12.0
Total Split (s)	16.0	50.0	36.0	21.0	55.0	43.0	36.0	43.0	43.0	16.0
Total Split (%)	10.7%	33.3%	24.0%	14.0%	36.7%	28.7%	24.0%	28.7%	28.7%	10.7%
Yellow Time (s)	3.7	4.0	4.0	3.7	4.0	4.0	4.0	4.0	4.0	3.7
All-Red Time (s)	3.3	3.3	3.7	3.3	3.3	3.7	3.7	3.7	3.7	3.3
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	7.0	7.3	7.7	7.0	7.3	7.7	7.7	7.7	7.7	7.0
Lead/Lag	Lead	Lag		Lead	Lag					Lead
Lead-Lag Optimize?										
Recall Mode	None	C-Max	None	None	C-Max	None	None	None	None	None

Intersection Summary

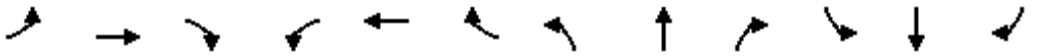
Cycle Length: 150
Actuated Cycle Length: 150
Offset: 106 (71%), Referenced to phase 2:WBTL and 6:EBTL, Start of Yellow
Natural Cycle: 145
Control Type: Actuated-Coordinated

Splits and Phases: 1: John. F Kennedy Causeway & Harbor Island Drive



Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBT	SBL	SBT	SBR
Lane Group Flow (vph)	122	1903	30	15	1678	55	62	76	76	288
v/c Ratio	0.52	0.56	0.03	0.10	0.57	0.05	0.26	0.49	0.49	0.57
Control Delay	19.2	16.4	0.0	11.9	22.7	0.6	52.7	72.9	72.7	7.6
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	19.2	16.4	0.0	11.9	22.7	0.6	52.7	72.9	72.7	7.6
Queue Length 50th (ft)	35	298	0	4	363	0	22	76	76	0
Queue Length 95th (ft)	98	590	0	16	564	6	48	121	121	52
Internal Link Dist (ft)		435			523		242		95	
Turn Bay Length (ft)	215		175	200		175				
Base Capacity (vph)	241	3413	1204	254	2966	1265	625	391	393	510
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.51	0.56	0.02	0.06	0.57	0.04	0.10	0.19	0.19	0.56

Intersection Summary



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	120	1865	29	15	1644	54	37	8	16	146	3	282
Future Volume (veh/h)	120	1865	29	15	1644	54	37	8	16	146	3	282
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		0.96	1.00		0.98	1.00		0.96	1.00		0.98
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach		No			No			No			No	
Adj Sat Flow, veh/h/ln	1856	1856	1856	1856	1856	1856	1856	1856	1856	1856	1856	1856
Adj Flow Rate, veh/h	122	1903	30	15	1678	55	38	8	16	151	0	288
Peak Hour Factor	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98
Percent Heavy Veh, %	3	3	3	3	3	3	3	3	3	3	3	3
Cap, veh/h	204	2554	902	134	2385	1026	159	48	96	680	0	374
Arrive On Green	0.07	0.67	0.67	0.02	0.63	0.63	0.09	0.09	0.09	0.19	0.00	0.19
Sat Flow, veh/h	1767	5066	1509	1767	5066	1536	1767	537	1073	3534	0	1543
Grp Volume(v), veh/h	122	1903	30	15	1678	55	38	0	24	151	0	288
Grp Sat Flow(s),veh/h/ln	1767	1689	1509	1767	1689	1536	1767	0	1610	1767	0	1543
Q Serve(g_s), s	5.4	37.1	0.8	0.7	33.2	1.3	3.0	0.0	2.1	5.4	0.0	26.1
Cycle Q Clear(g_c), s	5.4	37.1	0.8	0.7	33.2	1.3	3.0	0.0	2.1	5.4	0.0	26.1
Prop In Lane	1.00		1.00	1.00		1.00	1.00		0.67	1.00		1.00
Lane Grp Cap(c), veh/h	204	2554	902	134	2385	1026	159	0	144	680	0	374
V/C Ratio(X)	0.60	0.74	0.03	0.11	0.70	0.05	0.24	0.00	0.17	0.22	0.00	0.77
Avail Cap(c_a), veh/h	223	2554	902	272	2385	1026	333	0	304	832	0	440
HCM Platoon Ratio	1.33	1.33	1.33	1.33	1.33	1.33	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.00	1.00	1.00	0.00	1.00
Uniform Delay (d), s/veh	24.6	18.3	8.3	23.5	21.1	6.2	63.5	0.0	63.1	51.1	0.0	53.1
Incr Delay (d2), s/veh	2.2	2.0	0.1	0.1	1.8	0.1	1.1	0.0	0.8	0.1	0.0	6.4
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	2.3	13.0	0.4	0.3	12.1	0.8	1.4	0.0	0.9	2.4	0.0	10.8
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	26.8	20.4	8.4	23.6	22.8	6.3	64.6	0.0	63.8	51.2	0.0	59.4
LnGrp LOS	C	C	A	C	C	A	E	A	E	D	A	E
Approach Vol, veh/h		2055			1748			62			439	
Approach Delay, s/veh		20.6			22.3			64.3			56.6	
Approach LOS		C			C			E			E	
Timer - Assigned Phs	1	2		4	5	6		8				
Phs Duration (G+Y+Rc), s	14.4	77.9		21.2	9.3	82.9		36.6				
Change Period (Y+Rc), s	7.0	* 7.3		* 7.7	7.0	* 7.3		7.7				
Max Green Setting (Gmax), s	9.0	* 48		* 28	14.0	* 43		35.3				
Max Q Clear Time (g_c+I1), s	7.4	35.2		5.0	2.7	39.1		28.1				
Green Ext Time (p_c), s	0.0	4.8		0.4	0.0	2.3		0.8				

Intersection Summary	
HCM 6th Ctrl Delay	25.6
HCM 6th LOS	C

Notes

User approved volume balancing among the lanes for turning movement.
* HCM 6th computational engine requires equal clearance times for the phases crossing the barrier.

Intersection	
Intersection Delay, s/veh	10.3
Intersection LOS	B

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	1	13	194	135	15	6	78	35	69	3	99	0
Future Vol, veh/h	1	13	194	135	15	6	78	35	69	3	99	0
Peak Hour Factor	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93
Heavy Vehicles, %	3	3	3	3	3	3	3	3	3	3	3	3
Mvmt Flow	1	14	209	145	16	6	84	38	74	3	106	0
Number of Lanes	0	1	0	1	1	0	0	1	1	0	1	0

Approach	EB	WB	NB	SB
Opposing Approach	WB	EB	SB	NB
Opposing Lanes	2	1	1	2
Conflicting Approach Left	SB	NB	EB	WB
Conflicting Lanes Left	1	2	1	2
Conflicting Approach Right	NB	SB	WB	EB
Conflicting Lanes Right	2	1	2	1
HCM Control Delay	10.6	10.7	9.7	10.4
HCM LOS	B	B	A	B

Lane	NBLn1	NBLn2	EBLn1	WBLn1	WBLn2	SBLn1
Vol Left, %	69%	0%	0%	100%	0%	3%
Vol Thru, %	31%	0%	6%	0%	71%	97%
Vol Right, %	0%	100%	93%	0%	29%	0%
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop
Traffic Vol by Lane	113	69	208	135	21	102
LT Vol	78	0	1	135	0	3
Through Vol	35	0	13	0	15	99
RT Vol	0	69	194	0	6	0
Lane Flow Rate	122	74	224	145	23	110
Geometry Grp	7	7	6	7	7	6
Degree of Util (X)	0.208	0.105	0.322	0.252	0.035	0.182
Departure Headway (Hd)	6.169	5.113	5.177	6.239	5.531	5.99
Convergence, Y/N	Yes	Yes	Yes	Yes	Yes	Yes
Cap	583	702	698	579	651	600
Service Time	3.897	2.84	3.183	3.945	3.237	4.02
HCM Lane V/C Ratio	0.209	0.105	0.321	0.25	0.035	0.183
HCM Control Delay	10.5	8.4	10.6	11	8.4	10.4
HCM Lane LOS	B	A	B	B	A	B
HCM 95th-tile Q	0.8	0.4	1.4	1	0.1	0.7

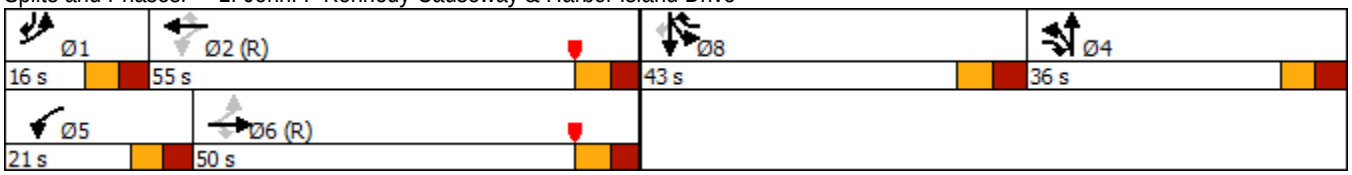
Future Total A.M.

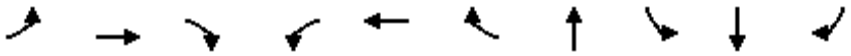
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBT	SBL	SBT	SBR
Lane Configurations										
Traffic Volume (vph)	129	1865	29	15	1644	57	8	151	3	298
Future Volume (vph)	129	1865	29	15	1644	57	8	151	3	298
Turn Type	pm+pt	NA	pm+ov	pm+pt	NA	pm+ov	NA	Split	NA	pm+ov
Protected Phases	1	6	4	5	2	8	4	8	8	1
Permitted Phases	6		6	2		2				8
Detector Phase	1	6	4	5	2	8	4	8	8	1
Switch Phase										
Minimum Initial (s)	5.0	4.0	10.0	5.0	4.0	7.0	10.0	7.0	7.0	5.0
Minimum Split (s)	12.0	47.7	35.7	12.0	47.3	35.7	35.7	35.7	35.7	12.0
Total Split (s)	16.0	50.0	36.0	21.0	55.0	43.0	36.0	43.0	43.0	16.0
Total Split (%)	10.7%	33.3%	24.0%	14.0%	36.7%	28.7%	24.0%	28.7%	28.7%	10.7%
Yellow Time (s)	3.7	4.0	4.0	3.7	4.0	4.0	4.0	4.0	4.0	3.7
All-Red Time (s)	3.3	3.3	3.7	3.3	3.3	3.7	3.7	3.7	3.7	3.3
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	7.0	7.3	7.7	7.0	7.3	7.7	7.7	7.7	7.7	7.0
Lead/Lag	Lead	Lag		Lead	Lag					Lead
Lead-Lag Optimize?										
Recall Mode	None	C-Max	None	None	C-Max	None	None	None	None	None

Intersection Summary

Cycle Length: 150
Actuated Cycle Length: 150
Offset: 106 (71%), Referenced to phase 2:WBTL and 6:EBTL, Start of Yellow
Natural Cycle: 145
Control Type: Actuated-Coordinated

Splits and Phases: 1: John. F Kennedy Causeway & Harbor Island Drive





Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBT	SBL	SBT	SBR
Lane Group Flow (vph)	132	1903	30	15	1678	58	62	79	78	304
v/c Ratio	0.54	0.56	0.03	0.10	0.57	0.05	0.26	0.50	0.49	0.57
Control Delay	20.8	16.5	0.0	12.1	23.7	0.7	52.7	73.4	72.9	7.3
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	20.8	16.5	0.0	12.1	23.7	0.7	52.7	73.4	72.9	7.3
Queue Length 50th (ft)	38	301	0	4	375	0	22	80	78	0
Queue Length 95th (ft)	113	590	0	16	572	7	48	125	123	52
Internal Link Dist (ft)		435			523		242		95	
Turn Bay Length (ft)	215		175	200		175				
Base Capacity (vph)	250	3407	1202	254	2919	1253	625	391	393	533
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.53	0.56	0.02	0.06	0.57	0.05	0.10	0.20	0.20	0.57

Intersection Summary

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	129	1865	29	15	1644	57	37	8	16	151	3	298
Future Volume (veh/h)	129	1865	29	15	1644	57	37	8	16	151	3	298
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		0.96	1.00		0.98	1.00		0.96	1.00		0.98
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach		No			No			No			No	
Adj Sat Flow, veh/h/ln	1856	1856	1856	1856	1856	1856	1856	1856	1856	1856	1856	1856
Adj Flow Rate, veh/h	132	1903	30	15	1678	58	38	8	16	156	0	304
Peak Hour Factor	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98
Percent Heavy Veh, %	3	3	3	3	3	3	3	3	3	3	3	3
Cap, veh/h	204	2511	889	130	2323	1020	159	48	96	710	0	393
Arrive On Green	0.07	0.66	0.66	0.02	0.61	0.61	0.09	0.09	0.09	0.20	0.00	0.20
Sat Flow, veh/h	1767	5066	1508	1767	5066	1535	1767	537	1073	3534	0	1544
Grp Volume(v), veh/h	132	1903	30	15	1678	58	38	0	24	156	0	304
Grp Sat Flow(s),veh/h/ln	1767	1689	1508	1767	1689	1535	1767	0	1610	1767	0	1544
Q Serve(g_s), s	5.9	38.4	0.9	0.7	34.7	1.5	3.0	0.0	2.1	5.5	0.0	27.4
Cycle Q Clear(g_c), s	5.9	38.4	0.9	0.7	34.7	1.5	3.0	0.0	2.1	5.5	0.0	27.4
Prop In Lane	1.00		1.00	1.00		1.00	1.00		0.67	1.00		1.00
Lane Grp Cap(c), veh/h	204	2511	889	130	2323	1020	159	0	144	710	0	393
V/C Ratio(X)	0.65	0.76	0.03	0.12	0.72	0.06	0.24	0.00	0.17	0.22	0.00	0.77
Avail Cap(c_a), veh/h	217	2511	889	268	2323	1020	333	0	304	832	0	446
HCM Platoon Ratio	1.33	1.33	1.33	1.33	1.33	1.33	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.00	1.00	1.00	0.00	1.00
Uniform Delay (d), s/veh	26.4	19.4	8.8	24.6	22.6	6.4	63.5	0.0	63.1	50.1	0.0	52.0
Incr Delay (d2), s/veh	4.4	2.2	0.1	0.1	2.0	0.1	1.1	0.0	0.8	0.1	0.0	6.8
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	2.7	13.6	0.4	0.3	12.8	0.9	1.4	0.0	0.9	2.5	0.0	11.4
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	30.8	21.6	8.9	24.8	24.6	6.6	64.6	0.0	63.8	50.2	0.0	58.8
LnGrp LOS	C	C	A	C	C	A	E	A	E	D	A	E
Approach Vol, veh/h		2065			1751			62			460	
Approach Delay, s/veh		22.0			24.0			64.3			55.9	
Approach LOS		C			C			E			E	
Timer - Assigned Phs	1	2		4	5	6		8				
Phs Duration (G+Y+Rc), s	14.9	76.1		21.2	9.3	81.7		37.8				
Change Period (Y+Rc), s	7.0	* 7.3		* 7.7	7.0	* 7.3		7.7				
Max Green Setting (Gmax), s	9.0	* 48		* 28	14.0	* 43		35.3				
Max Q Clear Time (g_c+I1), s	7.9	36.7		5.0	2.7	40.4		29.4				
Green Ext Time (p_c), s	0.0	4.6		0.4	0.0	1.6		0.7				

Intersection Summary	
HCM 6th Ctrl Delay	27.0
HCM 6th LOS	C

Notes

User approved volume balancing among the lanes for turning movement.
* HCM 6th computational engine requires equal clearance times for the phases crossing the barrier.

Intersection	
Intersection Delay, s/veh	10.6
Intersection LOS	B

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	1	13	215	135	15	6	90	35	69	3	99	0
Future Vol, veh/h	1	13	215	135	15	6	90	35	69	3	99	0
Peak Hour Factor	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93
Heavy Vehicles, %	3	3	3	3	3	3	3	3	3	3	3	3
Mvmt Flow	1	14	231	145	16	6	97	38	74	3	106	0
Number of Lanes	0	1	0	1	1	0	0	1	1	0	1	0

Approach	EB	WB	NB	SB
Opposing Approach	WB	EB	SB	NB
Opposing Lanes	2	1	1	2
Conflicting Approach Left	SB	NB	EB	WB
Conflicting Lanes Left	1	2	1	2
Conflicting Approach Right	NB	SB	WB	EB
Conflicting Lanes Right	2	1	2	1
HCM Control Delay	11.1	10.8	10	10.5
HCM LOS	B	B	A	B

Lane	NBLn1	NBLn2	EBLn1	WBLn1	WBLn2	SBLn1
Vol Left, %	72%	0%	0%	100%	0%	3%
Vol Thru, %	28%	0%	6%	0%	71%	97%
Vol Right, %	0%	100%	94%	0%	29%	0%
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop
Traffic Vol by Lane	125	69	229	135	21	102
LT Vol	90	0	1	135	0	3
Through Vol	35	0	13	0	15	99
RT Vol	0	69	215	0	6	0
Lane Flow Rate	134	74	246	145	23	110
Geometry Grp	7	7	6	7	7	6
Degree of Util (X)	0.234	0.107	0.358	0.254	0.035	0.186
Departure Headway (Hd)	6.26	5.188	5.239	6.311	5.603	6.093
Convergence, Y/N	Yes	Yes	Yes	Yes	Yes	Yes
Cap	574	691	692	570	639	589
Service Time	3.988	2.916	3.239	4.04	3.332	4.125
HCM Lane V/C Ratio	0.233	0.107	0.355	0.254	0.036	0.187
HCM Control Delay	10.9	8.5	11.1	11.2	8.5	10.5
HCM Lane LOS	B	A	B	B	A	B
HCM 95th-tile Q	0.9	0.4	1.6	1	0.1	0.7

Intersection	
Int Delay, s/veh	0.9

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	0	21	12	93	208	0
Future Vol, veh/h	0	21	12	93	208	0
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	3	3	3	3	3	3
Mvmt Flow	0	23	13	101	226	0

Major/Minor	Minor2		Major1		Major2	
Conflicting Flow All	353	226	226	0	-	0
Stage 1	226	-	-	-	-	-
Stage 2	127	-	-	-	-	-
Critical Hdwy	4.4	4.9	4.13	-	-	-
Critical Hdwy Stg 1	4.4	-	-	-	-	-
Critical Hdwy Stg 2	4.4	-	-	-	-	-
Follow-up Hdwy	3.8	3.327	2.227	-	-	-
Pot Cap-1 Maneuver	737	881	1337	-	-	-
Stage 1	808	-	-	-	-	-
Stage 2	867	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	730	881	1337	-	-	-
Mov Cap-2 Maneuver	730	-	-	-	-	-
Stage 1	800	-	-	-	-	-
Stage 2	867	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	9.2	0.9	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1337	-	881	-	-
HCM Lane V/C Ratio	0.01	-	0.026	-	-
HCM Control Delay (s)	7.7	0	9.2	-	-
HCM Lane LOS	A	A	A	-	-
HCM 95th %tile Q(veh)	0	-	0.1	-	-

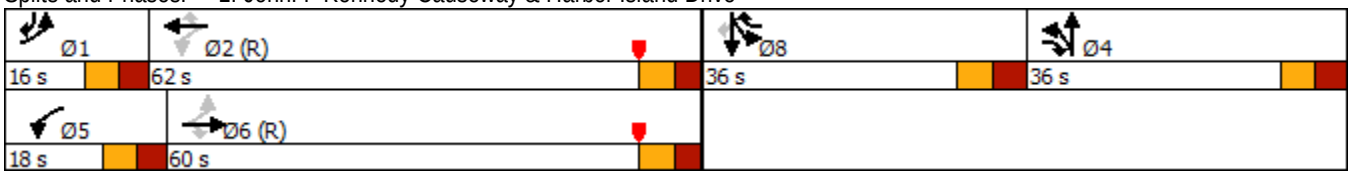
Existing P.M.

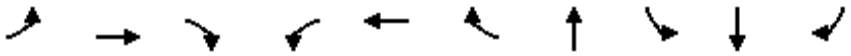
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBT	SBL	SBT	SBR
Lane Configurations										
Traffic Volume (vph)	186	1260	34	19	1884	104	2	82	4	145
Future Volume (vph)	186	1260	34	19	1884	104	2	82	4	145
Turn Type	pm+pt	NA	pm+ov	pm+pt	NA	pm+ov	NA	Split	NA	pm+ov
Protected Phases	1	6	4	5	2	8	4	8	8	1
Permitted Phases	6		6	2		2				8
Detector Phase	1	6	4	5	2	8	4	8	8	1
Switch Phase										
Minimum Initial (s)	5.0	4.0	10.0	5.0	4.0	7.0	10.0	7.0	7.0	5.0
Minimum Split (s)	12.0	47.7	35.7	12.0	47.3	35.7	35.7	35.7	35.7	12.0
Total Split (s)	16.0	60.0	36.0	18.0	62.0	36.0	36.0	36.0	36.0	16.0
Total Split (%)	10.7%	40.0%	24.0%	12.0%	41.3%	24.0%	24.0%	24.0%	24.0%	10.7%
Yellow Time (s)	3.7	4.0	4.0	3.7	4.0	4.0	4.0	4.0	4.0	3.7
All-Red Time (s)	3.3	3.3	3.7	3.3	3.3	3.7	3.7	3.7	3.7	3.3
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	7.0	7.3	7.7	7.0	7.3	7.7	7.7	7.7	7.7	7.0
Lead/Lag	Lead	Lag		Lead	Lag					Lead
Lead-Lag Optimize?										
Recall Mode	None	C-Max	None	None	C-Max	None	None	None	None	None

Intersection Summary

Cycle Length: 150
Actuated Cycle Length: 150
Offset: 97 (65%), Referenced to phase 2:WBTL and 6:EBTL, Start of Yellow
Natural Cycle: 145
Control Type: Actuated-Coordinated

Splits and Phases: 1: John. F Kennedy Causeway & Harbor Island Drive





Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBT	SBL	SBT	SBR
Lane Group Flow (vph)	207	1400	38	21	2093	116	49	47	48	161
v/c Ratio	0.57	0.41	0.03	0.09	0.84	0.13	0.22	0.34	0.35	0.30
Control Delay	42.4	14.2	0.1	12.2	37.1	4.1	56.4	68.5	68.6	4.7
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	42.4	14.2	0.1	12.2	37.1	4.1	56.4	68.5	68.6	4.7
Queue Length 50th (ft)	134	236	0	5	610	11	19	47	48	0
Queue Length 95th (ft)	239	381	0	20	#931	37	42	83	84	36
Internal Link Dist (ft)		435			523		242		95	
Turn Bay Length (ft)	215		175	200		175				
Base Capacity (vph)	364	3383	1236	293	2495	1076	623	314	316	533
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.57	0.41	0.03	0.07	0.84	0.11	0.08	0.15	0.15	0.30

Intersection Summary

95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	186	1260	34	19	1884	104	33	2	9	82	4	145
Future Volume (veh/h)	186	1260	34	19	1884	104	33	2	9	82	4	145
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		0.97	1.00		0.98	1.00		0.96	1.00		0.97
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach		No			No			No			No	
Adj Sat Flow, veh/h/ln	1856	1856	1856	1856	1856	1856	1856	1856	1856	1856	1856	1856
Adj Flow Rate, veh/h	207	1400	38	21	2093	116	37	2	10	94	0	161
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Percent Heavy Veh, %	3	3	3	3	3	3	3	3	3	3	3	3
Cap, veh/h	199	2888	999	253	2682	1017	150	22	110	451	0	290
Arrive On Green	0.08	0.76	0.76	0.03	0.70	0.70	0.08	0.08	0.08	0.13	0.00	0.13
Sat Flow, veh/h	1767	5066	1519	1767	5066	1541	1767	260	1300	3534	0	1532
Grp Volume(v), veh/h	207	1400	38	21	2093	116	37	0	12	94	0	161
Grp Sat Flow(s),veh/h/ln	1767	1689	1519	1767	1689	1541	1767	0	1560	1767	0	1532
Q Serve(g_s), s	9.0	15.8	0.8	0.8	40.7	2.7	2.9	0.0	1.1	3.6	0.0	14.3
Cycle Q Clear(g_c), s	9.0	15.8	0.8	0.8	40.7	2.7	2.9	0.0	1.1	3.6	0.0	14.3
Prop In Lane	1.00		1.00	1.00		1.00	1.00		0.83	1.00		1.00
Lane Grp Cap(c), veh/h	199	2888	999	253	2682	1017	150	0	132	451	0	290
V/C Ratio(X)	1.04	0.48	0.04	0.08	0.78	0.11	0.25	0.00	0.09	0.21	0.00	0.56
Avail Cap(c_a), veh/h	199	2888	999	349	2682	1017	333	0	294	667	0	383
HCM Platoon Ratio	1.33	1.33	1.33	1.33	1.33	1.33	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.00	1.00	1.00	0.00	1.00
Uniform Delay (d), s/veh	34.3	9.7	5.1	15.7	16.5	5.8	64.2	0.0	63.3	58.6	0.0	55.3
Incr Delay (d2), s/veh	74.8	0.6	0.1	0.1	2.3	0.2	1.2	0.0	0.4	0.2	0.0	1.2
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	7.9	4.8	0.3	0.3	13.7	1.3	1.4	0.0	0.4	1.6	0.0	5.7
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	109.1	10.3	5.2	15.7	18.8	6.1	65.4	0.0	63.7	58.8	0.0	56.5
LnGrp LOS	F	B	A	B	B	A	E	A	E	E	A	E
Approach Vol, veh/h		1645			2230			49			255	
Approach Delay, s/veh		22.6			18.1			65.0			57.4	
Approach LOS		C			B			E			E	
Timer - Assigned Phs	1	2		4	5	6		8				
Phs Duration (G+Y+Rc), s	16.0	86.7		20.4	9.9	92.8		26.8				
Change Period (Y+Rc), s	7.0	* 7.3		* 7.7	7.0	* 7.3		7.7				
Max Green Setting (Gmax), s	9.0	* 55		* 28	11.0	* 53		28.3				
Max Q Clear Time (g_c+I1), s	11.0	42.7		4.9	2.8	17.8		16.3				
Green Ext Time (p_c), s	0.0	6.2		0.3	0.0	4.8		0.5				

Intersection Summary	
HCM 6th Ctrl Delay	22.8
HCM 6th LOS	C

Notes

User approved volume balancing among the lanes for turning movement.
* HCM 6th computational engine requires equal clearance times for the phases crossing the barrier.

Intersection	
Intersection Delay, s/veh	9.8
Intersection LOS	A

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	3	12	118	87	16	7	116	66	97	1	31	1
Future Vol, veh/h	3	12	118	87	16	7	116	66	97	1	31	1
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Heavy Vehicles, %	3	3	3	3	3	3	3	3	3	3	3	3
Mvmt Flow	3	13	131	97	18	8	129	73	108	1	34	1
Number of Lanes	0	1	0	1	1	0	0	1	1	0	1	0

Approach	EB	WB	NB	SB
Opposing Approach	WB	EB	SB	NB
Opposing Lanes	2	1	1	2
Conflicting Approach Left	SB	NB	EB	WB
Conflicting Lanes Left	1	2	1	2
Conflicting Approach Right	NB	SB	WB	EB
Conflicting Lanes Right	2	1	2	1
HCM Control Delay	9.5	9.7	10	9.1
HCM LOS	A	A	A	A

Lane	NBLn1	NBLn2	EBLn1	WBLn1	WBLn2	SBLn1
Vol Left, %	64%	0%	2%	100%	0%	3%
Vol Thru, %	36%	0%	9%	0%	70%	94%
Vol Right, %	0%	100%	89%	0%	30%	3%
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop
Traffic Vol by Lane	182	97	133	87	23	33
LT Vol	116	0	3	87	0	1
Through Vol	66	0	12	0	16	31
RT Vol	0	97	118	0	7	1
Lane Flow Rate	202	108	148	97	26	37
Geometry Grp	7	7	6	7	7	6
Degree of Util (X)	0.316	0.138	0.208	0.164	0.038	0.058
Departure Headway (Hd)	5.629	4.605	5.068	6.1	5.381	5.659
Convergence, Y/N	Yes	Yes	Yes	Yes	Yes	Yes
Cap	637	775	705	586	661	628
Service Time	3.383	2.358	3.128	3.865	3.146	3.734
HCM Lane V/C Ratio	0.317	0.139	0.21	0.166	0.039	0.059
HCM Control Delay	11	8.1	9.5	10.1	8.4	9.1
HCM Lane LOS	B	A	A	B	A	A
HCM 95th-tile Q	1.4	0.5	0.8	0.6	0.1	0.2

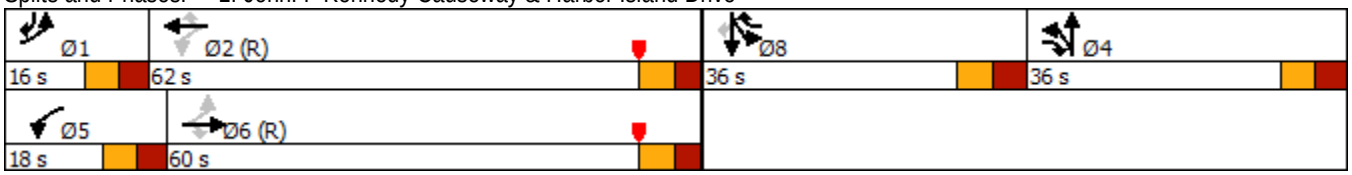
Future Background P.M.

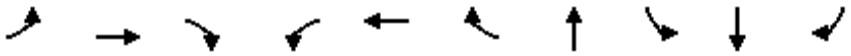
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBT	SBL	SBT	SBR
Lane Configurations										
Traffic Volume (vph)	217	1687	40	22	2353	121	2	96	5	169
Future Volume (vph)	217	1687	40	22	2353	121	2	96	5	169
Turn Type	pm+pt	NA	pm+ov	pm+pt	NA	pm+ov	NA	Split	NA	pm+ov
Protected Phases	1	6	4	5	2	8	4	8	8	1
Permitted Phases	6		6	2		2				8
Detector Phase	1	6	4	5	2	8	4	8	8	1
Switch Phase										
Minimum Initial (s)	5.0	4.0	10.0	5.0	4.0	7.0	10.0	7.0	7.0	5.0
Minimum Split (s)	12.0	47.7	35.7	12.0	47.3	35.7	35.7	35.7	35.7	12.0
Total Split (s)	16.0	60.0	36.0	18.0	62.0	36.0	36.0	36.0	36.0	16.0
Total Split (%)	10.7%	40.0%	24.0%	12.0%	41.3%	24.0%	24.0%	24.0%	24.0%	10.7%
Yellow Time (s)	3.7	4.0	4.0	3.7	4.0	4.0	4.0	4.0	4.0	3.7
All-Red Time (s)	3.3	3.3	3.7	3.3	3.3	3.7	3.7	3.7	3.7	3.3
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	7.0	7.3	7.7	7.0	7.3	7.7	7.7	7.7	7.7	7.0
Lead/Lag	Lead	Lag		Lead	Lag					Lead
Lead-Lag Optimize?										
Recall Mode	None	C-Max	None	None	C-Max	None	None	None	None	None

Intersection Summary

Cycle Length: 150
Actuated Cycle Length: 150
Offset: 97 (65%), Referenced to phase 2:WBTL and 6:EBTL, Start of Yellow
Natural Cycle: 145
Control Type: Actuated-Coordinated

Splits and Phases: 1: John. F Kennedy Causeway & Harbor Island Drive



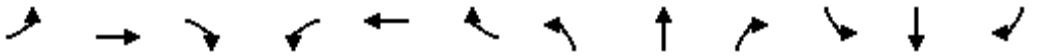


Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBT	SBL	SBT	SBR
Lane Group Flow (vph)	241	1874	44	24	2614	134	55	57	56	188
v/c Ratio	0.55	0.56	0.04	0.16	1.16	0.16	0.24	0.40	0.39	0.30
Control Delay	40.6	17.0	0.1	14.9	113.6	5.7	56.3	70.2	69.7	4.0
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	40.6	17.0	0.1	14.9	113.6	5.7	56.3	70.2	69.7	4.0
Queue Length 50th (ft)	159	370	0	6	~1051	19	22	57	56	0
Queue Length 95th (ft)	276	580	1	23	#1341	48	46	95	93	37
Internal Link Dist (ft)		435			523		242		95	
Turn Bay Length (ft)	215		175	200		175				
Base Capacity (vph)	440	3362	1230	219	2260	1008	624	314	316	617
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.55	0.56	0.04	0.11	1.16	0.13	0.09	0.18	0.18	0.30

Intersection Summary

~ Volume exceeds capacity, queue is theoretically infinite.
Queue shown is maximum after two cycles.

95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	217	1687	40	22	2353	121	38	2	10	96	5	169
Future Volume (veh/h)	217	1687	40	22	2353	121	38	2	10	96	5	169
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		0.97	1.00		0.98	1.00		0.96	1.00		0.98
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach		No			No			No			No	
Adj Sat Flow, veh/h/ln	1856	1856	1856	1856	1856	1856	1856	1856	1856	1856	1856	1856
Adj Flow Rate, veh/h	241	1874	44	24	2614	134	42	2	11	111	0	188
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Percent Heavy Veh, %	3	3	3	3	3	3	3	3	3	3	3	3
Cap, veh/h	154	2806	977	169	2609	1015	153	21	114	497	0	310
Arrive On Green	0.08	0.74	0.74	0.03	0.68	0.68	0.09	0.09	0.09	0.14	0.00	0.14
Sat Flow, veh/h	1767	5066	1518	1767	5066	1541	1767	239	1317	3534	0	1536
Grp Volume(v), veh/h	241	1874	44	24	2614	134	42	0	13	111	0	188
Grp Sat Flow(s),veh/h/ln	1767	1689	1518	1767	1689	1541	1767	0	1557	1767	0	1536
Q Serve(g_s), s	9.0	28.8	1.0	1.0	77.3	3.3	3.3	0.0	1.2	4.2	0.0	16.7
Cycle Q Clear(g_c), s	9.0	28.8	1.0	1.0	77.3	3.3	3.3	0.0	1.2	4.2	0.0	16.7
Prop In Lane	1.00		1.00	1.00		1.00	1.00		0.85	1.00		1.00
Lane Grp Cap(c), veh/h	154	2806	977	169	2609	1015	153	0	134	497	0	310
V/C Ratio(X)	1.56	0.67	0.05	0.14	1.00	0.13	0.28	0.00	0.10	0.22	0.00	0.61
Avail Cap(c_a), veh/h	154	2806	977	261	2609	1015	333	0	294	667	0	384
HCM Platoon Ratio	1.33	1.33	1.33	1.33	1.33	1.33	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.00	1.00	1.00	0.00	1.00
Uniform Delay (d), s/veh	48.0	12.6	5.8	18.2	23.6	6.1	64.1	0.0	63.1	57.2	0.0	54.6
Incr Delay (d2), s/veh	283.1	1.3	0.1	0.1	18.1	0.3	1.4	0.0	0.4	0.2	0.0	1.4
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	17.9	9.1	0.4	0.4	30.0	1.7	1.6	0.0	0.5	1.9	0.0	6.6
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	331.1	13.9	5.9	18.3	41.7	6.4	65.5	0.0	63.6	57.3	0.0	56.0
LnGrp LOS	F	B	A	B	F	A	E	A	E	E	A	E
Approach Vol, veh/h		2159			2772			55			299	
Approach Delay, s/veh		49.1			39.8			65.0			56.5	
Approach LOS		D			D			E			E	
Timer - Assigned Phs	1	2		4	5	6		8				
Phs Duration (G+Y+Rc), s	16.0	84.6		20.7	10.2	90.4		28.8				
Change Period (Y+Rc), s	7.0	* 7.3		* 7.7	7.0	* 7.3		7.7				
Max Green Setting (Gmax), s	9.0	* 55		* 28	11.0	* 53		28.3				
Max Q Clear Time (g_c+I1), s	11.0	79.3		5.3	3.0	30.8		18.7				
Green Ext Time (p_c), s	0.0	0.0		0.3	0.0	6.9		0.6				

Intersection Summary

HCM 6th Ctrl Delay	44.8
HCM 6th LOS	D

Notes

User approved volume balancing among the lanes for turning movement.
* HCM 6th computational engine requires equal clearance times for the phases crossing the barrier.

Intersection	
Intersection Delay, s/veh	10.4
Intersection LOS	B

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	3	14	138	101	19	8	135	77	113	1	36	1
Future Vol, veh/h	3	14	138	101	19	8	135	77	113	1	36	1
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Heavy Vehicles, %	3	3	3	3	3	3	3	3	3	3	3	3
Mvmt Flow	3	16	153	112	21	9	150	86	126	1	40	1
Number of Lanes	0	1	0	1	1	0	0	1	1	0	1	0

Approach	EB	WB	NB	SB
Opposing Approach	WB	EB	SB	NB
Opposing Lanes	2	1	1	2
Conflicting Approach Left	SB	NB	EB	WB
Conflicting Lanes Left	1	2	1	2
Conflicting Approach Right	NB	SB	WB	EB
Conflicting Lanes Right	2	1	2	1
HCM Control Delay	10.1	10.2	10.8	9.4
HCM LOS	B	B	B	A

Lane	NBLn1	NBLn2	EBLn1	WBLn1	WBLn2	SBLn1
Vol Left, %	64%	0%	2%	100%	0%	3%
Vol Thru, %	36%	0%	9%	0%	70%	95%
Vol Right, %	0%	100%	89%	0%	30%	3%
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop
Traffic Vol by Lane	212	113	155	101	27	38
LT Vol	135	0	3	101	0	1
Through Vol	77	0	14	0	19	36
RT Vol	0	113	138	0	8	1
Lane Flow Rate	236	126	172	112	30	42
Geometry Grp	7	7	6	7	7	6
Degree of Util (X)	0.377	0.165	0.251	0.196	0.046	0.07
Departure Headway (Hd)	5.767	4.742	5.247	6.292	5.577	5.981
Convergence, Y/N	Yes	Yes	Yes	Yes	Yes	Yes
Cap	620	750	679	566	636	603
Service Time	3.544	2.518	3.329	4.083	3.368	3.981
HCM Lane V/C Ratio	0.381	0.168	0.253	0.198	0.047	0.07
HCM Control Delay	12	8.5	10.1	10.6	8.6	9.4
HCM Lane LOS	B	A	B	B	A	A
HCM 95th-tile Q	1.8	0.6	1	0.7	0.1	0.2

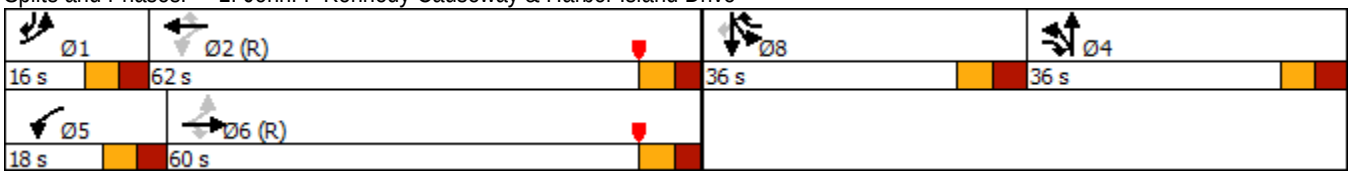
Future Total P.M.

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBT	SBL	SBT	SBR
Lane Configurations										
Traffic Volume (vph)	235	1687	40	22	2353	126	2	100	5	182
Future Volume (vph)	235	1687	40	22	2353	126	2	100	5	182
Turn Type	pm+pt	NA	pm+ov	pm+pt	NA	pm+ov	NA	Split	NA	pm+ov
Protected Phases	1	6	4	5	2	8	4	8	8	1
Permitted Phases	6		6	2		2				8
Detector Phase	1	6	4	5	2	8	4	8	8	1
Switch Phase										
Minimum Initial (s)	5.0	4.0	10.0	5.0	4.0	7.0	10.0	7.0	7.0	5.0
Minimum Split (s)	12.0	47.7	35.7	12.0	47.3	35.7	35.7	35.7	35.7	12.0
Total Split (s)	16.0	60.0	36.0	18.0	62.0	36.0	36.0	36.0	36.0	16.0
Total Split (%)	10.7%	40.0%	24.0%	12.0%	41.3%	24.0%	24.0%	24.0%	24.0%	10.7%
Yellow Time (s)	3.7	4.0	4.0	3.7	4.0	4.0	4.0	4.0	4.0	3.7
All-Red Time (s)	3.3	3.3	3.7	3.3	3.3	3.7	3.7	3.7	3.7	3.3
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	7.0	7.3	7.7	7.0	7.3	7.7	7.7	7.7	7.7	7.0
Lead/Lag	Lead	Lag		Lead	Lag					Lead
Lead-Lag Optimize?										
Recall Mode	None	C-Max	None	None	C-Max	None	None	None	None	None

Intersection Summary

Cycle Length: 150
Actuated Cycle Length: 150
Offset: 97 (65%), Referenced to phase 2:WBTL and 6:EBTL, Start of Yellow
Natural Cycle: 145
Control Type: Actuated-Coordinated

Splits and Phases: 1: John. F Kennedy Causeway & Harbor Island Drive

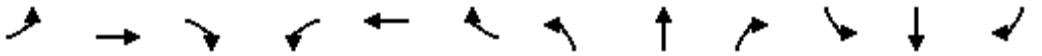


Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBT	SBL	SBT	SBR
Lane Group Flow (vph)	261	1874	44	24	2614	140	55	59	58	202
v/c Ratio	0.54	0.56	0.04	0.16	1.22	0.17	0.24	0.41	0.40	0.31
Control Delay	39.8	17.1	0.1	15.4	142.2	6.3	56.3	70.4	69.9	3.8
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	39.8	17.1	0.1	15.4	142.2	6.3	56.3	70.4	69.9	3.8
Queue Length 50th (ft)	173	371	0	6	~1089	23	22	60	58	0
Queue Length 95th (ft)	300	580	1	23	#1341	52	46	98	96	38
Internal Link Dist (ft)		435			523		242		95	
Turn Bay Length (ft)	215		175	200		175				
Base Capacity (vph)	481	3358	1229	214	2138	973	624	314	316	659
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.54	0.56	0.04	0.11	1.22	0.14	0.09	0.19	0.18	0.31

Intersection Summary

~ Volume exceeds capacity, queue is theoretically infinite.
Queue shown is maximum after two cycles.

95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	235	1687	40	22	2353	126	38	2	10	100	5	182
Future Volume (veh/h)	235	1687	40	22	2353	126	38	2	10	100	5	182
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		0.97	1.00		0.98	1.00		0.96	1.00		0.98
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach		No			No			No			No	
Adj Sat Flow, veh/h/ln	1856	1856	1856	1856	1856	1856	1856	1856	1856	1856	1856	1856
Adj Flow Rate, veh/h	261	1874	44	24	2614	140	42	2	11	115	0	202
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Percent Heavy Veh, %	3	3	3	3	3	3	3	3	3	3	3	3
Cap, veh/h	154	2772	966	166	2575	1015	153	21	114	521	0	321
Arrive On Green	0.08	0.73	0.73	0.03	0.68	0.68	0.09	0.09	0.09	0.15	0.00	0.15
Sat Flow, veh/h	1767	5066	1518	1767	5066	1541	1767	239	1317	3534	0	1537
Grp Volume(v), veh/h	261	1874	44	24	2614	140	42	0	13	115	0	202
Grp Sat Flow(s),veh/h/ln	1767	1689	1518	1767	1689	1541	1767	0	1557	1767	0	1537
Q Serve(g_s), s	9.0	29.7	1.0	1.0	76.3	3.5	3.3	0.0	1.2	4.3	0.0	18.0
Cycle Q Clear(g_c), s	9.0	29.7	1.0	1.0	76.3	3.5	3.3	0.0	1.2	4.3	0.0	18.0
Prop In Lane	1.00		1.00	1.00		1.00	1.00		0.85	1.00		1.00
Lane Grp Cap(c), veh/h	154	2772	966	166	2575	1015	153	0	134	521	0	321
V/C Ratio(X)	1.69	0.68	0.05	0.14	1.02	0.14	0.28	0.00	0.10	0.22	0.00	0.63
Avail Cap(c_a), veh/h	154	2772	966	258	2575	1015	333	0	294	667	0	384
HCM Platoon Ratio	1.33	1.33	1.33	1.33	1.33	1.33	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.00	1.00	1.00	0.00	1.00
Uniform Delay (d), s/veh	47.7	13.3	6.2	18.8	24.3	6.3	64.1	0.0	63.1	56.4	0.0	54.3
Incr Delay (d2), s/veh	338.8	1.3	0.1	0.1	21.6	0.3	1.4	0.0	0.4	0.2	0.0	1.9
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	20.3	9.6	0.5	0.4	30.8	1.8	1.6	0.0	0.5	2.0	0.0	7.2
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	386.5	14.6	6.2	19.0	45.9	6.5	65.5	0.0	63.6	56.5	0.0	56.2
LnGrp LOS	F	B	A	B	F	A	E	A	E	E	A	E
Approach Vol, veh/h		2179			2778			55			317	
Approach Delay, s/veh		59.0			43.7			65.0			56.3	
Approach LOS		E			D			E			E	

Timer - Assigned Phs	1	2		4	5	6		8				
Phs Duration (G+Y+Rc), s	16.0	83.6		20.7	10.2	89.4		29.8				
Change Period (Y+Rc), s	7.0	* 7.3		* 7.7	7.0	* 7.3		7.7				
Max Green Setting (Gmax), s	9.0	* 55		* 28	11.0	* 53		28.3				
Max Q Clear Time (g_c+I1), s	11.0	78.3		5.3	3.0	31.7		20.0				
Green Ext Time (p_c), s	0.0	0.0		0.3	0.0	6.8		0.5				

Intersection Summary

HCM 6th Ctrl Delay	50.9	
HCM 6th LOS	D	

Notes

User approved volume balancing among the lanes for turning movement.
* HCM 6th computational engine requires equal clearance times for the phases crossing the barrier.

Intersection	
Intersection Delay, s/veh	11
Intersection LOS	B

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	3	14	155	101	19	8	158	77	113	1	36	1
Future Vol, veh/h	3	14	155	101	19	8	158	77	113	1	36	1
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Heavy Vehicles, %	3	3	3	3	3	3	3	3	3	3	3	3
Mvmt Flow	3	16	172	112	21	9	176	86	126	1	40	1
Number of Lanes	0	1	0	1	1	0	0	1	1	0	1	0

Approach	EB	WB	NB	SB
Opposing Approach	WB	EB	SB	NB
Opposing Lanes	2	1	1	2
Conflicting Approach Left	SB	NB	EB	WB
Conflicting Lanes Left	1	2	1	2
Conflicting Approach Right	NB	SB	WB	EB
Conflicting Lanes Right	2	1	2	1
HCM Control Delay	10.5	10.5	11.5	9.6
HCM LOS	B	B	B	A

Lane	NBLn1	NBLn2	EBLn1	WBLn1	WBLn2	SBLn1
Vol Left, %	67%	0%	2%	100%	0%	3%
Vol Thru, %	33%	0%	8%	0%	70%	95%
Vol Right, %	0%	100%	90%	0%	30%	3%
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop
Traffic Vol by Lane	235	113	172	101	27	38
LT Vol	158	0	3	101	0	1
Through Vol	77	0	14	0	19	36
RT Vol	0	113	155	0	8	1
Lane Flow Rate	261	126	191	112	30	42
Geometry Grp	7	7	6	7	7	6
Degree of Util (X)	0.424	0.167	0.282	0.203	0.048	0.072
Departure Headway (Hd)	5.839	4.796	5.317	6.503	5.787	6.1
Convergence, Y/N	Yes	Yes	Yes	Yes	Yes	Yes
Cap	611	738	667	555	622	590
Service Time	3.637	2.592	3.417	4.206	3.49	4.11
HCM Lane V/C Ratio	0.427	0.171	0.286	0.202	0.048	0.071
HCM Control Delay	12.9	8.6	10.5	10.9	8.8	9.6
HCM Lane LOS	B	A	B	B	A	A
HCM 95th-tile Q	2.1	0.6	1.2	0.8	0.2	0.2

Intersection	
Int Delay, s/veh	1

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	0	17	23	155	155	0
Future Vol, veh/h	0	17	23	155	155	0
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	3	3	3	3	3	3
Mvmt Flow	0	18	25	168	168	0

Major/Minor	Minor2		Major1		Major2	
Conflicting Flow All	386	168	168	0	-	0
Stage 1	168	-	-	-	-	-
Stage 2	218	-	-	-	-	-
Critical Hdwy	4.4	4.9	4.13	-	-	-
Critical Hdwy Stg 1	4.4	-	-	-	-	-
Critical Hdwy Stg 2	4.4	-	-	-	-	-
Follow-up Hdwy	3.8	3.9	2.227	-	-	-
Pot Cap-1 Maneuver	720	803	1404	-	-	-
Stage 1	842	-	-	-	-	-
Stage 2	812	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	706	803	1404	-	-	-
Mov Cap-2 Maneuver	706	-	-	-	-	-
Stage 1	825	-	-	-	-	-
Stage 2	812	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	9.6	1	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1404	-	803	-	-
HCM Lane V/C Ratio	0.018	-	0.023	-	-
HCM Control Delay (s)	7.6	0	9.6	-	-
HCM Lane LOS	A	A	A	-	-
HCM 95th %tile Q(veh)	0.1	-	0.1	-	-

Calvin, Giordano & Associates, Inc.
EXCEPTIONAL SOLUTIONS™

Memorandum

☒ **Fort Lauderdale Office** · 1800 Eller Drive · Suite 600 · Fort Lauderdale, FL 33316 · 954.921.7781(p) · 954.921.8807(f)
☐ **West Palm Beach Office** · 560 Village Boulevard · Suite 340 · West Palm Beach, FL 33409 · 561.684.6161(p) · 561.684.6360(f)

Date:	September 6, 2023
To:	**Silvia E. Vargas, FAICP** Principal Planner / Calvin Giordano & Associates
From:	Salman A Rathore, PE / Pablo Chon Kan, E.I.
Subject:	7940 West Drive NBV Residential TIS Review Comments (2nd Submittal)
Project:	CGA 237816
CC:	

Traffic Study Comments

The following comments are based on the Traffic Study Report dated July 18th, 2023, and Response to Additional Traffic Study/Site Plan Comments dated August 28, 2023, prepared by Kimley-Horn and Associates, Inc.:

1. **Intersection Capacity Analysis (Table 3 / Pg. 15)** – Some approaches of the signalized intersection of 79th Street Causeway/John F Kennedy Causeway/SR 934 and Harbor Island Drive show failing LOS E. Provide mitigation and/or optimize the signal timings to achieve an overall level of service (D) or better for the individual approaches as well. Also coordinate with Miami Dade County Traffic Engineering Department and the Village to develop modified and acceptable signal timing plans.

   KH response 07/18/23: Based on City of North Bay Village's Unified Land Development Code, the adopted level of service is based on roadway segment level of service and not intersection approach. Therefore, to be consistent with the City of North Bay Village's Unified Land Development Code, mitigation is based on overall intersection LOS and not approach LOS. Nonetheless, signal timings were optimized at the intersection of 79th Street Causeway/John F Kennedy Causeway/SR 934 and Harbor Island Drive to improve approach delay. As a result of the proposed signal timing optimization, all approaches operating at LOS E are expected to operate with equal or less delay under future total conditions as compared to future background conditions. Further note that signal timing optimization would not be coordinated at this time given that it is a future condition. Further note that signal timings are optimized on an on-going basis by Miami-Dade County Department of Transportation and Public Works - Traffic Signals & Signs Division. Please refer to the updated traffic study contained in Attachment A-A

   CGA Response 07/21/23: Satisfied. The Applicant shall coordinate with Miami Dade County Traffic Engineering Department and the Village to develop modified and acceptable signal timing plans for the junction of 79th Street Causeway and Harbor Island Drive to ensure the effectiveness of the proposed signal timing optimization.

2. **Table 4 / Pg. 16** – The above optimization should help in achieving better 95th percentile queue lengths as shown in Table 4. Please revise the table as needed.
   KH response 07/18/23: Comment noted. Please refer to the updated traffic study contained in Attachment A-A.
   CGA Response 07/21/23: Satisfied

3. **Adopted LOS (Tables 5/6/7) / Pg. 18** – The adopted LOS for the local roads is "C". Update relevant tables and associated parts of the report.
   KH response 07/18/23: Consistent with the North Bay Village Comprehensive Plan - Transportation Element, West Drive is considered a collector roadway. Therefore, consistent with Chapter 5.20.C of the City of North Bay Village's Unified Land Development Code, the adopted level of service (LOS) standard for collector roadways is LOS D. The relevant excerpt from the Comprehensive Plan is included in Attachment B-B.

   CGA Response 07/21/23: Please note that as per North Bay Village Comprehensive Plan - Transportation Element (Adopted March 8, 2023), West Drive is considered a local road. This is consistent with the policy in the Capital Improvement Element, which includes adopted level of service "C" for local roads only.

III. TRANSPORTATION ELEMENT
Goals, Objectives, and Policies

Policy 3.2.1: Maintain a peak hour traffic level of service "C" on the Village's local roadways, combined with the adoption and implementation of a multimodal transportation strategy (in lieu of traditional concurrency).

XII. CAPITAL IMPROVEMENTS ELEMENT
Goals, Objectives, and Policies

Policy 12.1.6: The Village shall use level of service standards adopted in the various elements of this Comprehensive Plan in reviewing the impacts of new development and redevelopment upon public facility provision. The adopted levels of service shall be as follows:

Local Roads	C
Wastewater	110 gpd per capita
Potable Water	110 gpd per capita
Solid Waste	4 lbs per person per day
Parks	1.5 acres per 1,000 population
Schools	100% utilization of Florida Inventory of School Houses (FISH) Capacity (with relocatable classrooms).

KH response 08/28/23: As discussed with City of North Bay Village staff via conference call on Tuesday, July 31, 2023, and via email on August 22, 2023, the City of North Bay Village are currently in the process of

updating their Unified Land Development Code to be consistent with the policies of the Comprehensive Plan. In the interest of continuing to move the project forward, the City of North Bay Village staff has agreed to accept West Drive as a collector facility with an adopted level of service (LOS) of D for the purposes of this analysis.

CGA Response 09/06/23: Satisfied

4. **2023 Multimodal Quality / Level of Service Handbook (Tables 5/6/7)** - Include references from C5 Context Classification, 2023 Quality LOS Tables showing adopted LOS volumes and show calculations/logic for applying reduction factors.

(2) Based on C5 Context Classification non-state signalzied roadway (10% reduction), two-lane undivided with no exclusive turn lanes (20% reduction).
(3) Based on FDOT's *2023 Multimodal Quality/Level of Service Handbook.*

KH response 07/18/23: Comment noted. Please refer to Appendix K of the updated traffic study contained in Attachment A-A which includes the utilized excerpts from the 2023 Multimodal Quality/Level of Service Handbook.

CGA Response 07/21/23: Satisfied but Tables 5/6/7 must be revised as per comment provided in Point # 3 above.

KH response 08/28/23: Please refer to the comment #3 follow-up response. As the City of North Bay Village has agreed to accept West Drive as a collector facility with an adopted LOS D, tables 5, 6, and 7 were not updated.

CGA Response 09/06/23: Satisfied

5. **Parking Demand Calculations / Pg. 19** – Are parking calculations based on the latest ITE Parking Manual? Show calculations and include relevant references showing parking rates used.

KH response 07/18/23: Parking calculations were based on the City of North Bay Village's zoning code. The latest parking calculations prepared by others are included in Appendix A of the updated traffic study contained in Attachment A-A.

CGA Response 07/21/23: Satisfied.

Site Plan Comments

6. Please provide technical documentation supporting the reduction of 35% of the total parking spaces and loading spaces required per Sec. 9.3. C of the Code of Ordinances.

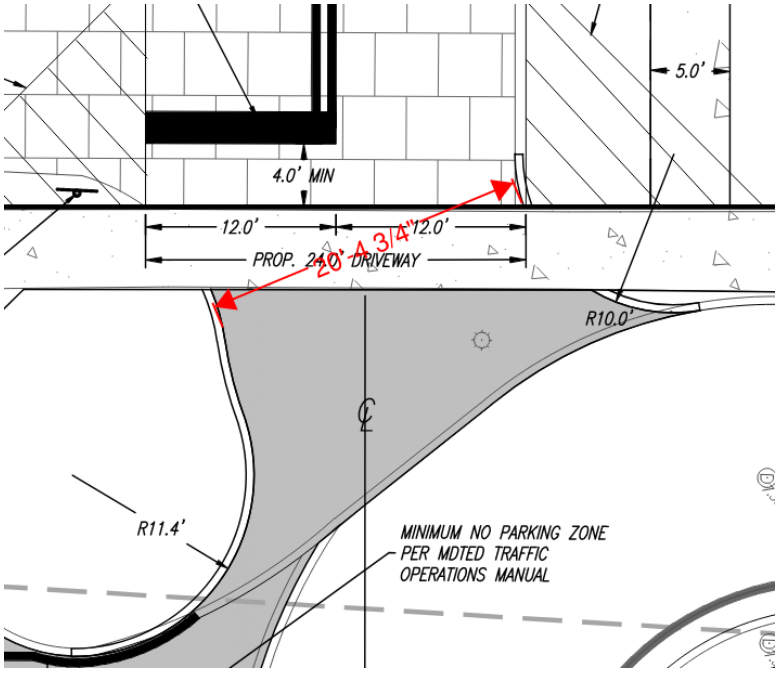
KH response 07/18/23: This item will be forthcoming.

CGA Response 07/21/23: This comment will remain open until appropriate documentation is provided.

CGA Response 09/06/23: This comment will remain open until appropriate documentation is provided.

7. Please note that handicapped accessible parking spaces shall be developed in accordance with all applicable provisions of the most recent version of the Florida Accessibility Code. Please review the total number of ADA parking spaces.
   KH response 07/18/23: Please refer to sheet A-003. Revised table including ADA parking for residents.
   CGA Response 07/21/23: Satisfied.

8. Please note that Sheet L410 shows palm trees to be preserved in the middle of the access driveway. Please address this issue. Also, please note that no obstruction shall be permitted within the sight distance triangle, Sheet L410 shows parking spaces within the ST. Please address this issue.
   KH response 07/18/23: This item will be forthcoming.
   CGA Response 07/21/23: This comment will remain open until appropriate documentation is provided. Please review the entire Landscape set and address this same comment, parking spaces, and landscaping should be removed from the sight triangles.
   KH response 08/28/23: Please refer to the updated plan sheet contained in the re-submittal package.
   CGA Response 09/06/23: Conditional approval note— As per our meeting on 09/06/2023, please shift the Gumbo Limbo tree to leave enough space so the vehicles coming out of the project have plenty of visibility when turning right. Also, please note that the width of the driveway shall be modified to comply with the Village Standards.



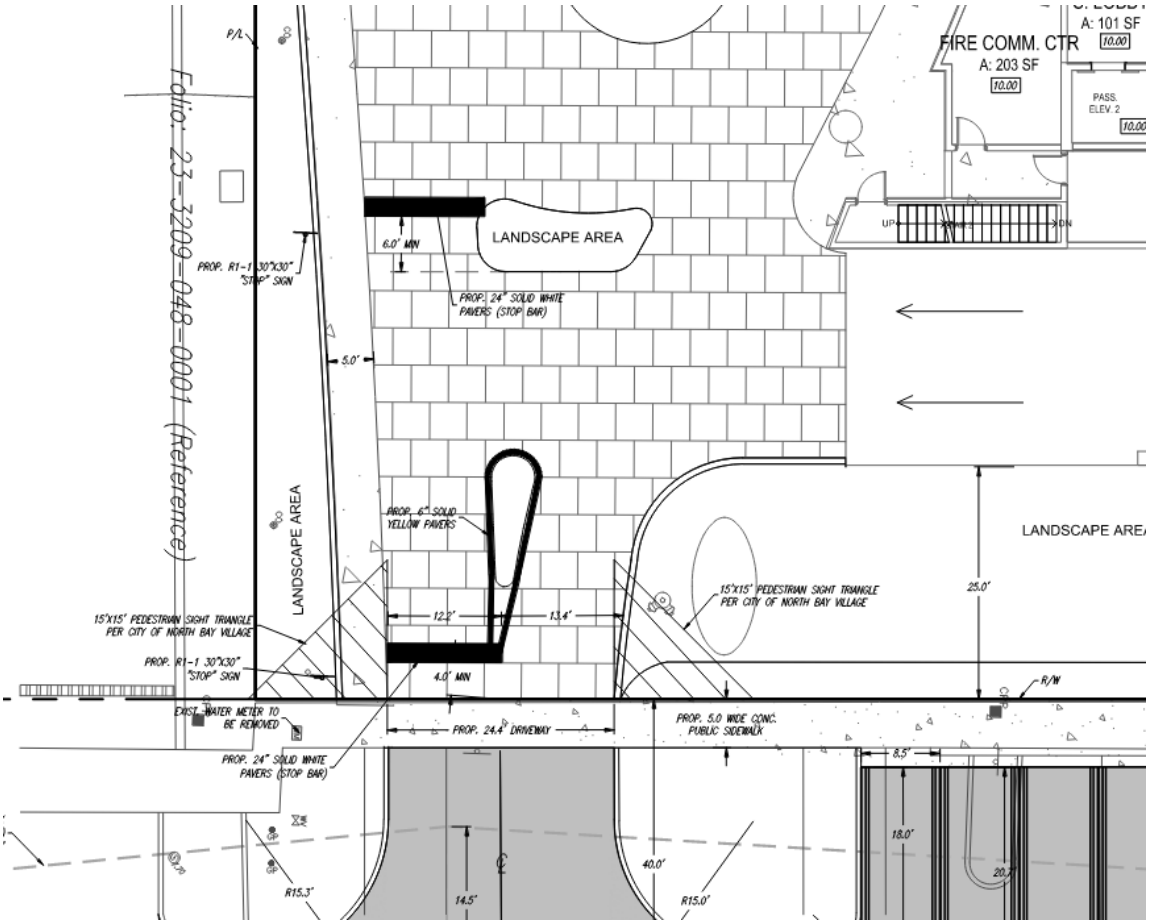
9. Please provide a Signage and Pavement Marking Sheet signed and sealed by a professional engineer registered in the State of Florida.

KH response 07/18/23: This item will be forthcoming.

CGA Response 07/21/23: This comment will remain open until appropriate documentation is provided.

KH response 08/28/23: Please refer to the signage and pavement marking plans provided in re-submittal package.

CGA Response 09/06/23: Conditional Approval note— As per our meeting on 09/06/2023, the applicant shall modify the dimensions of the parking spaces to comply with Chapter 9 Section 9.3-E.4. Also, the applicant shall change the arrows at the entrance to show one inbound and one outbound and shall add a stop bar and a stop sign to prevent conflicts between the two conflicting movements shown below, i.e., traffic entering the project (through-right) and traffic exiting the parking lot. Please provide a traffic control device for those movements. The applicant shall add a sign indicating one-way traffic. The applicant shall provide pavement markings and signalization for the parking lot.



10. As noted, a variance is required for the width of the aisles (22' provided—23' required). This comment will remain open until the variance is approved.

KH response 07/18/23: This item will be forthcoming.

CGA Response 07/21/23: This comment will remain open until appropriate documentation is provided.
KH response 08/28/23: Please refer to the updated plan sheet contained in the re-submittal package.
CGA Response 09/06/23: Not satisfied. This comment will remain open until appropriate documentation is provided.

11. Please provide the location of the dumpster. Please provide an auto-turn exhibit of the design vehicle accessing and exiting the dumpster location. Sheet A004 shows auto-turn movements, please note that the segment at the entrance of the driveway does not show the path of the design vehicle, please add that portion to the exhibit.
    KH response 07/18/23: Garbage truck will enter the Site for Pick up at the loading area.
    CGA Response 07/21/23: Not satisfied. Please note that the paths shown in sheet A004 are blocked by the hatch of the driveway. Please address this issue. Also, the Attachment B of the Maneuverability Memo shows the design vehicle entering the project making a left turn at the roundabout, going against the traffic flow. Please refer to this movement.
    KH response 08/28/23: Please note that consistent with the building management plan, a dockmaster is proposed during all loading/delivery hours to facilitate loading and delivery operations to minimize any potential conflicts within the public right-of-way. Furthermore, note that based on coordination with City staff, trash collection will occur during off-peak periods. Refer to the updated maneuverability analysis memo provided in Attachment A-1.
    CGA Response 09/06/23: Conditional Approval note— As per our meeting on 09/06/2023, the applicant shall remove the auto-turn exhibit showing the design vehicle driving against the flow of traffic.

12. Additional comments may follow.

Date: September 6, 2023

Salman Rathore, P.E.
Project Manager, Transportation & Mobility Department
Calvin Giordano & Associates

Kimley»Horn

MEMORANDUM

To: Silvia E. Vargas, FAICP
Principal Planner/Calvin Giordano & Associates/North Bay Village

CC: Salman A. Rathore, P.E.
Calvin, Giordano & Associates, Inc.

From: Cory D. Dorman, P.E., PTOE
Danish Hussaini, E.I.

Date: September 6, 2023

Subject: CGA 226068 7940 North Bay Village
Response to Additional Traffic Study/Site Plan Comments

We have received additional comments provided by Calvin Giordano & Associates on behalf of North Bay Village received on September 5, 2023. We offer the following responses to the remaining site plan comments:

SITE PLAN REVIEW COMMENTS

6. Please provide technical documentation supporting the reduction of 35% of the total parking spaces and loading spaces required per Sec. 9.3. C of the Code of Ordinances.

   Response (7/18/2023): This item will be forthcoming.

   Follow-Up Comment (7/21/2023): This comment will remain open pending approval of the variance.

   Follow-Up Response (8/28/2023): Comment noted.

   Follow-Up Comment (9/5/2023): This comment will remain open pending approval of the variance.

   Follow-Up Response (9/6/2023): Comment noted.

8. Please note that Sheet L410 shows palm trees to be preserved in the middle of the access driveway. Please address this issue. Also, please note that no obstruction shall be permitted within the sight distance triangle, Sheet L410 shows parking spaces within the ST. Please address this issue.

   Response (7/18/2023): This item will be forthcoming.

   Follow-Up Comment (7/21/2023): This comment will remain open until appropriate documentation is provided. Please review the entire Landscape set and address this same comment, parking spaces, and landscaping should be removed from the sight triangles.

Follow-Up Response (8/28/2023): Please refer to the updated plan sheet contained in the re-submittal package.

Follow-Up Comment (9/5/2023): There's a safety concern about the location of the proposed Gumbo Limbo. Please note that although the sight triangle may not contain any bushes, hedges, or trees (which helps pedestrian traffic), the auto-turn exhibit shows the vehicles temporarily invading the opposite lane to be able to maneuver out of the project and the location of the Gumbo Limbo obstructs the sight to the left. Please consider removing any tree from that portion of the driveway or using another type of landscaping. Also, please note that the width of the driveway seems to be less than 23 ft when measured as a cross-section (please see below). Please address this issue.

Follow-Up Response (9/6/2023): Please refer to the updated ground level plan included in the re-submittal package, as discussed with City staff via conference call on 9/6/2023.

9. Please provide a Signage and Pavement Marking Sheet signed and sealed by a professional engineer registered in the State of Florida.

   Response (7/18/2023): This item will be forthcoming.

   Follow-Up Comment (7/21/2023): This comment will remain open until appropriate documentation is provided.

   Follow-Up Response (8/28/2023): Please refer to the signage and pavement marking plans provided in re-submittal package.

   Follow-Up Comment (9/5/2023): Please note that regular parking spaces must be 18 ft by 9 ft and 18 ft by 13 ft for accessible parking spaces, as per Chapter 9 Section 9.3-E.4. Please address this issue. Please note that the plan shows two arrows outbound, please change it to show one inbound and one outbound. Furthermore, please note that sheet PMS-1 shows two conflicting movements (see below), traffic entering the project (through-right) and traffic exiting the parking lot. Please provide a traffic control device for those movements. Please note that the roundabout should have a sign indicating one-way traffic. Please provide pavement markings and signalization for the parking lot.

   Follow-Up Response (9/6/2023): Please refer to the updated ground level plan included in the re-submittal package, as discussed with City staff via conference call on 9/6/2023.

10. As noted, a variance is required for the width of the aisles (22' provided - 23' required). This comment will remain open until the variance is approved.

    Response (7/18/2023): This item will be forthcoming.

    Follow-Up Comment (7/21/2023): This comment will remain open pending approval of the variance. In addition, in the revised plans, the service entrance width (north entrance) is shown to be 20 feet-4 inches at the ingress point (Site Plan and Ground Floor Plan). This

ingress must be 23 feet wide; it should not be included in the variance. The Paving and Grading Plan (PD-2) shows the aisle width as exceeding 23 feet, but the dimension is shown including part of the internal sidewalk. These inconsistencies must be addressed, and the required ingress dimension provided.

Follow-Up Response (8/28/2023): Please refer to the updated plan sheet contained in the re-submittal package.

Follow-Up Comment (9/5/2023): Not satisfied. This comment will remain open until appropriate documentation is provided.

Follow-Up Response (9/6/2023): Please refer to the updated service entrance width at 23' on ground floor and site plan.

11. Please provide the location of the dumpster. Please provide an auto-turn exhibit of the design vehicle accessing and exiting the dumpster location. Sheet A004 shows auto-turn movements, please note that the segment at the entrance of the driveway does not show the path of the design vehicle, please add that portion to the exhibit.

    Response (7/18/2023): Garbage truck will enter the Site for Pick up at the loading area.

    Follow-Up Comment (7/21/2023): Not satisfied. Please note that the paths shown in sheet A004 are blocked by the hatch of the driveway. Please address this issue. Also, the Attachment B of the Maneuverability Memo shows the design vehicle entering the project making a left turn at the roundabout, going against the traffic flow. Please refer to this movement.

    Follow-Up Response (8/28/2023): Please note that consistent with the building management plan, a dockmaster is proposed during all loading/delivery hours to facilitate loading and delivery operations to minimize any potential conflicts within the public right-of-way. Furthermore, note that based on coordination with City staff, trash collection will occur during off-peak periods. Refer to the updated maneuverability analysis memo provided in Attachment A-1.

    Follow-Up Comment (9/5/2023): Please note that the refuse vehicle (ingress) seems to encroach into the roundabout, please clarify if that is a traversable curb. Also, please provide documentation about the trash collection programming.

    Follow-Up Response (9/6/2023): Please refer to the updated maneuverability analysis contained in Attachment A-1 as discussed with City staff via conference call on 9/6/2023.

We trust that these responses adequately address the comments provided. Please contact us if you have any questions.

K:\FTL_TPTO\143685000-7940 NBV\correspondence\comments\Traffic Study Comments\09 2023\09 2023 - Response to Additional City Traffic Study Comments.docx

Attachment A-1

Updated Maneuverability Analysis Memo

Kimley»Horn

MEMORANDUM

To: Silvia E. Vargas, FAICP
City of North Bay Village

From: Cory D. Dorman, P.E., PTOE

Date: September 6, 2023

Subject: 7940 North Bay Village
Maneuverability Analysis

Kimley-Horn and Associates, Inc. has prepared a maneuverability analysis for the proposed 7940 North Bay Village development located at 7938-7940 West Drive in North Bay Village, Florida. The analysis was prepared for the ground level access to the parking garage, parking garage, loading areas, and refuse collection areas. The analysis was performed using Transoft's *AutoTurn 11* software design vehicle turning templates and vehicle turning templates consistent with American Association of State Highway and Transportation Officials' (AASHTO), *A Policy on Geometric Design of Highways and Streets*, 2004/2011/2018. The analysis was prepared using passenger car (P) design vehicles for ground level access and a front-loaded refuse vehicle for trash collection on-site. Note that based on input from City staff, a 30-foot trash collection vehicle is expected to serve the site. Nonetheless, to provide a conservative analysis, a 33'10" trash collection vehicle was utilized as part of the analysis. The following summarizes the results of this analysis.

Parking Garage Access and Parking Garage

Access to the on-site drop-off/pick-up area and parking garage is provided via one (1) full access driveway located along the west side of West Drive. A P design vehicle will be able to maneuver into and through the ground floor and proposed on-site parking garage without conflicting with oncoming traffic, refer to Attachment A.

Loading Area

Access to the loading area is provided via one (1) loading-only driveway along the west side of West Drive. Front-loaded refuse vehicles will be able to maneuver into and out of the on-site loading area, refer to Attachment B. Note that front-loaded refuse vehicles perform all maneuvers internal to the site within private property.

Conclusion

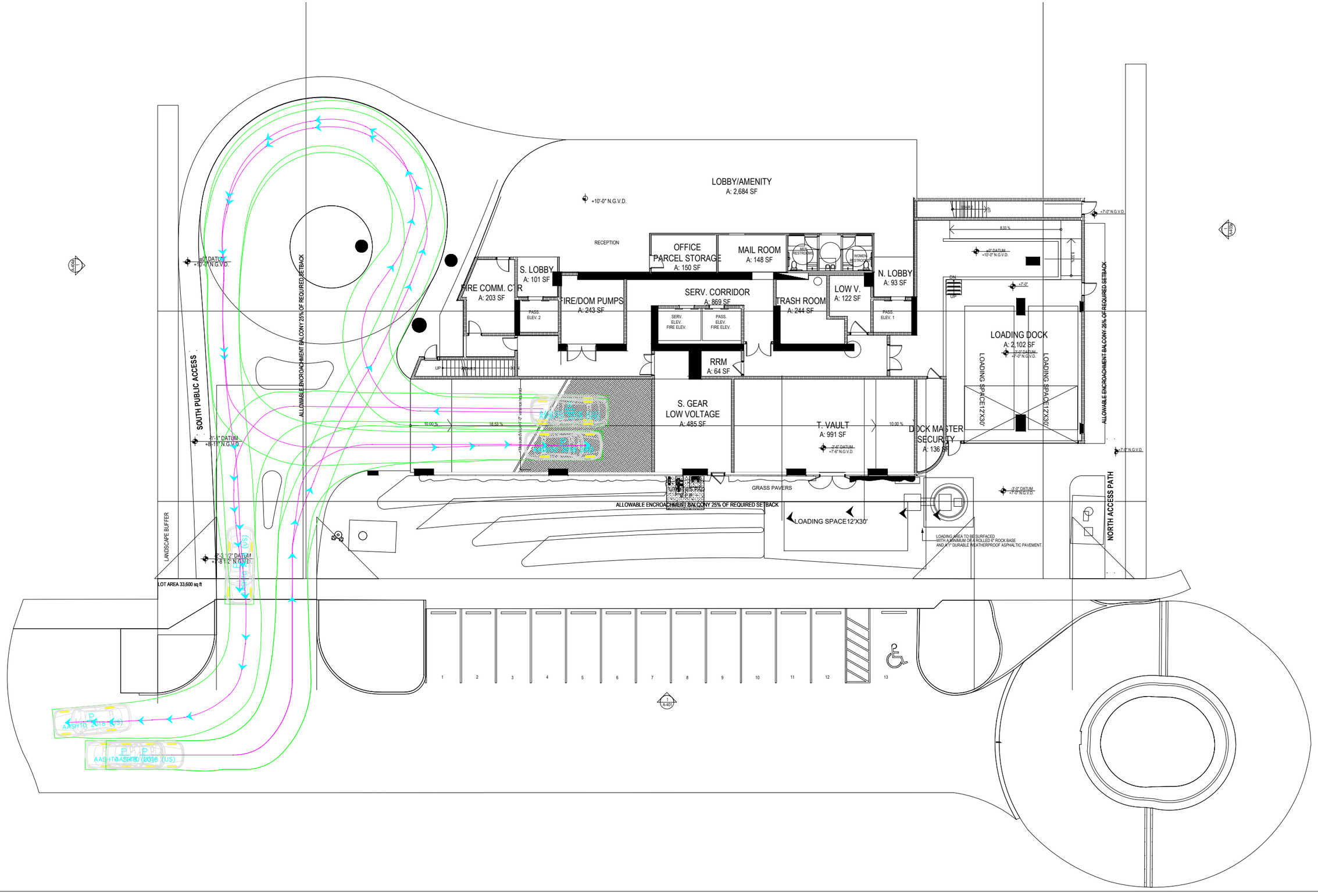
In conclusion, passenger vehicles and refuse vehicles will be able to ingress, egress, and travel through the site and loading areas.

K:\FTL_TPTO\143685000-7940 NBV\correspondence\memo\7940 NBV Maneuverability Analysis Memo.docx

Attachment A

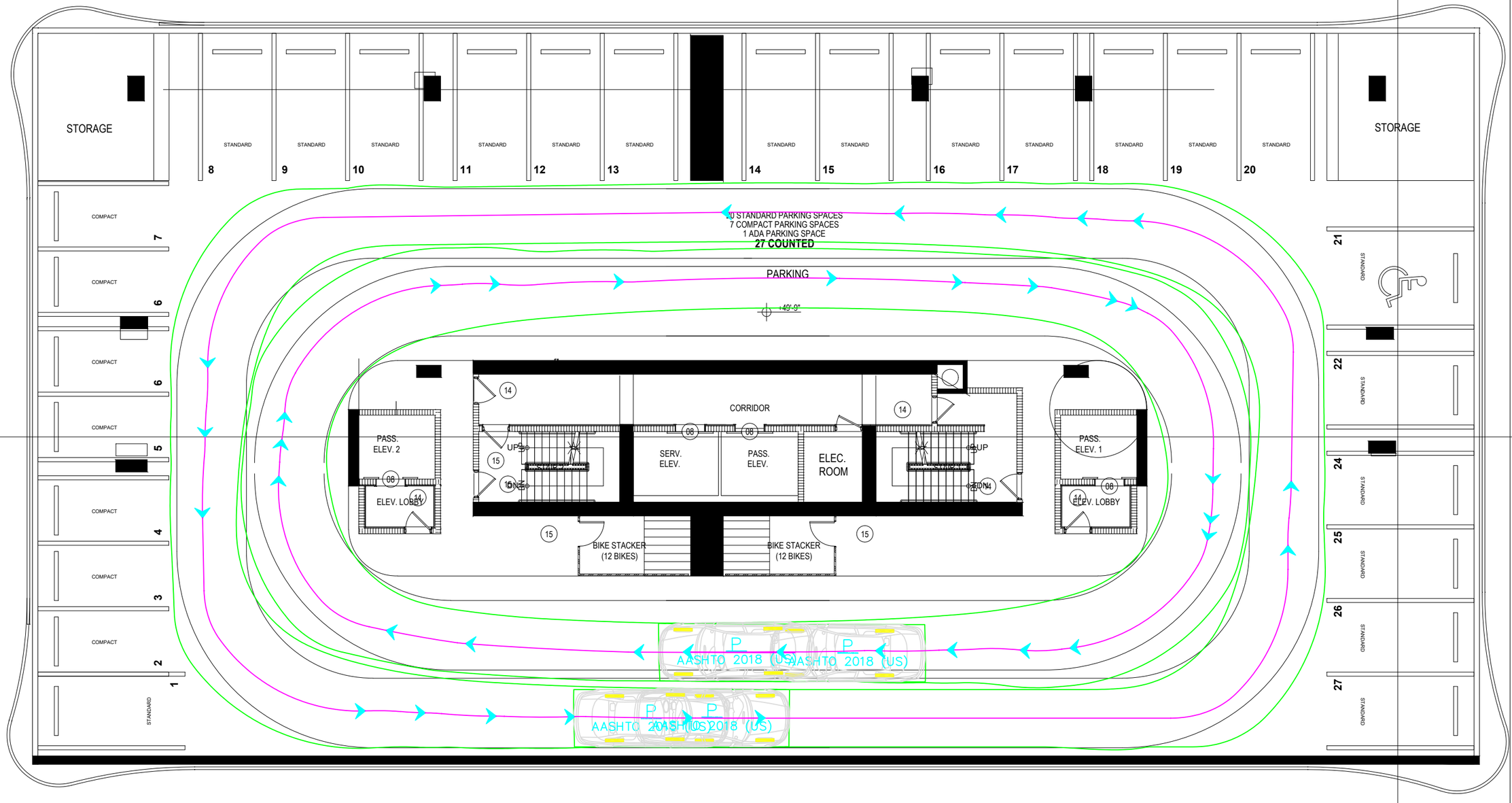
Passenger Vehicle Maneuverability Plots

Passenger Vehicles



ALLOWABLE ENCROACHMENT BALCONY 25% OF REQUIRED SETBACK

ALLOWABLE ENCROACHMENT BALCONY 25% OF REQUIRED SETBACK

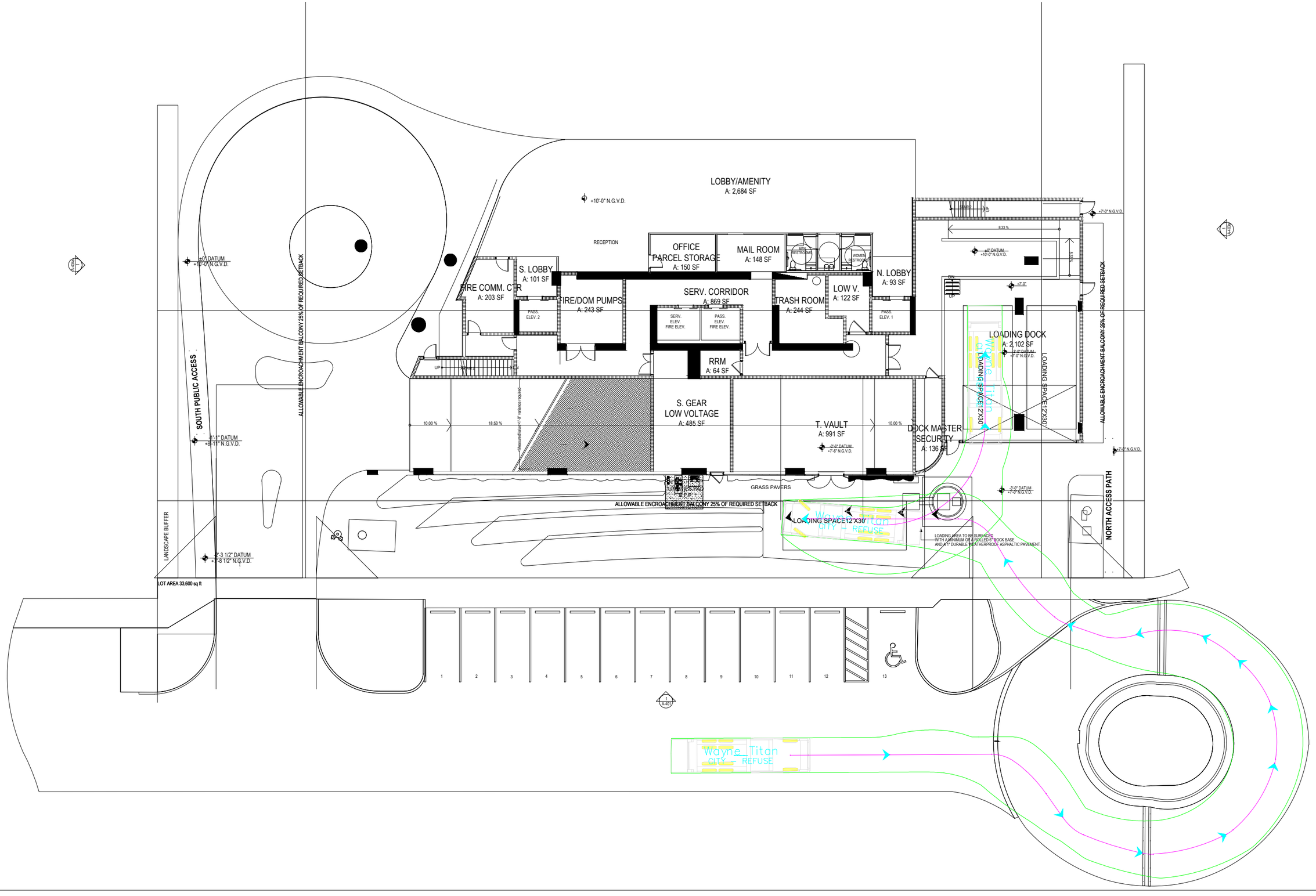


ALLOWABLE ENCROACHMENT BALCONY 25% OF REQUIRED SETBACK

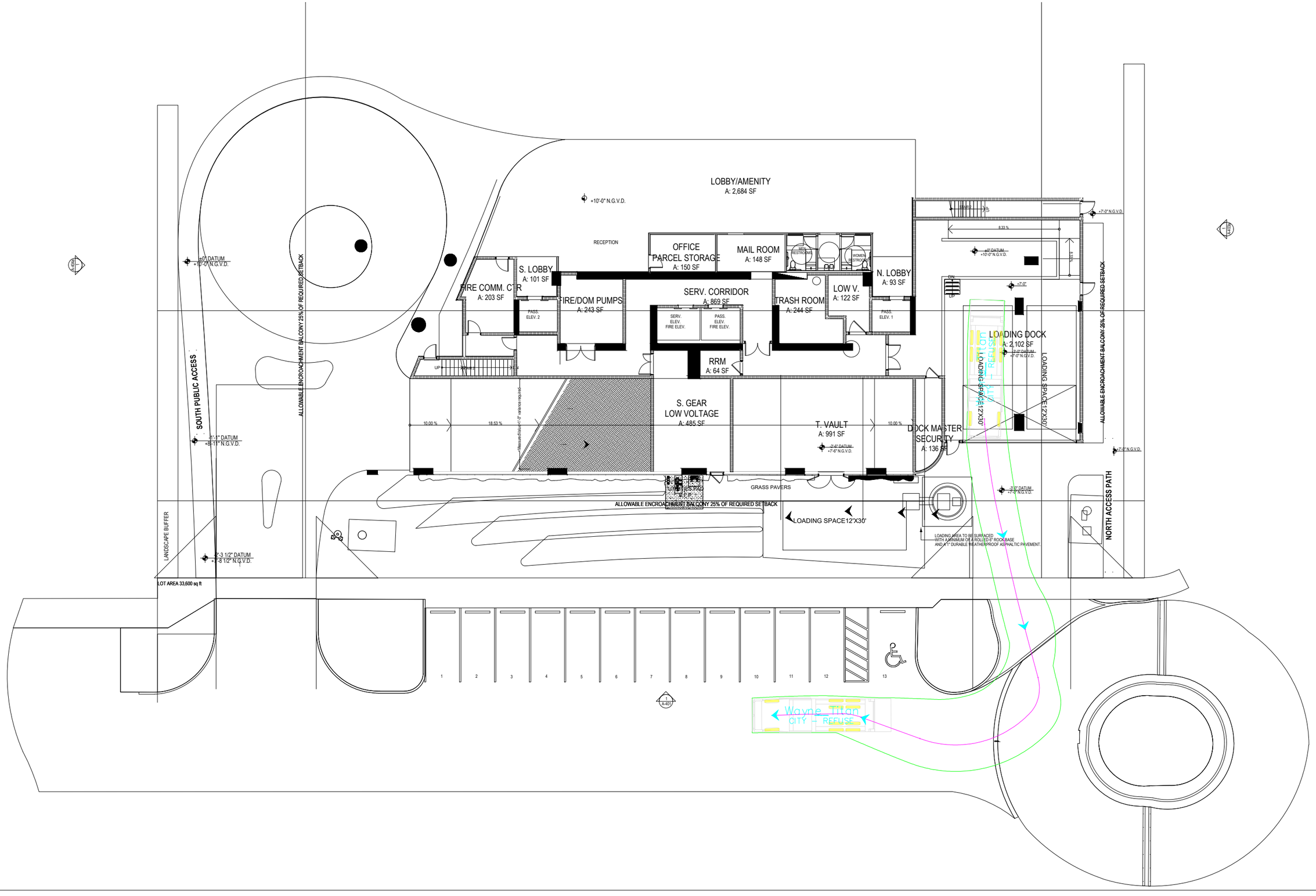
Attachment B

Refuse Maneuverability Plots

Refuse Vehicle (Ingress)



Refuse Vehicle (Egress)



ECSG
ENERGY COST
SOLUTIONS GROUP, LLC

To whom it may concern:
North Bay Village Building Department

Date: July 17, 2023

Re: North Bay Village
Location: 7940 West Drive, North Bay Village FL 33141

This letter, regarding the project mentioned above, is intended to demonstrate compliance with the City of North Bay Village and Miami-Dade County, sustainability requirements.

After reviewing the drawings and holding discussions with the owner and design team, it is my opinion that the project is eligible for the National Green Building Standard (NGBS) and is in good standing to achieve a gold level certification under the program.

The NGBS certification program is developed by Home Innovation, and this green building program is thorough, and it is intended to be used by designers, builders and developers to improve the efficiency of buildings while reducing environmental impacts associated with real estate development projects, while promoting healthier indoor and outdoor environments.

The "North Bay Village" project has been registered with the Home Innovation Research Laboratory to use the NGBS 2020 program and the team has a strategy in place to achieve the Gold level certification. In addition to the NGBS 2020 Gold level certification (14 points towards the City's' Sustainability Initiative) the project has included another 16 points through a combination of various energy /water efficiencies and other green building measures, for a total of 30 points. Please see the addendum below for the detailed list of efforts for compliance with the City's' Sustainability Initiative.

Please feel free to contact me directly with any questions, comments, or concerns. I will be working with the project team, to ensure NGBS certification.

Best regards,

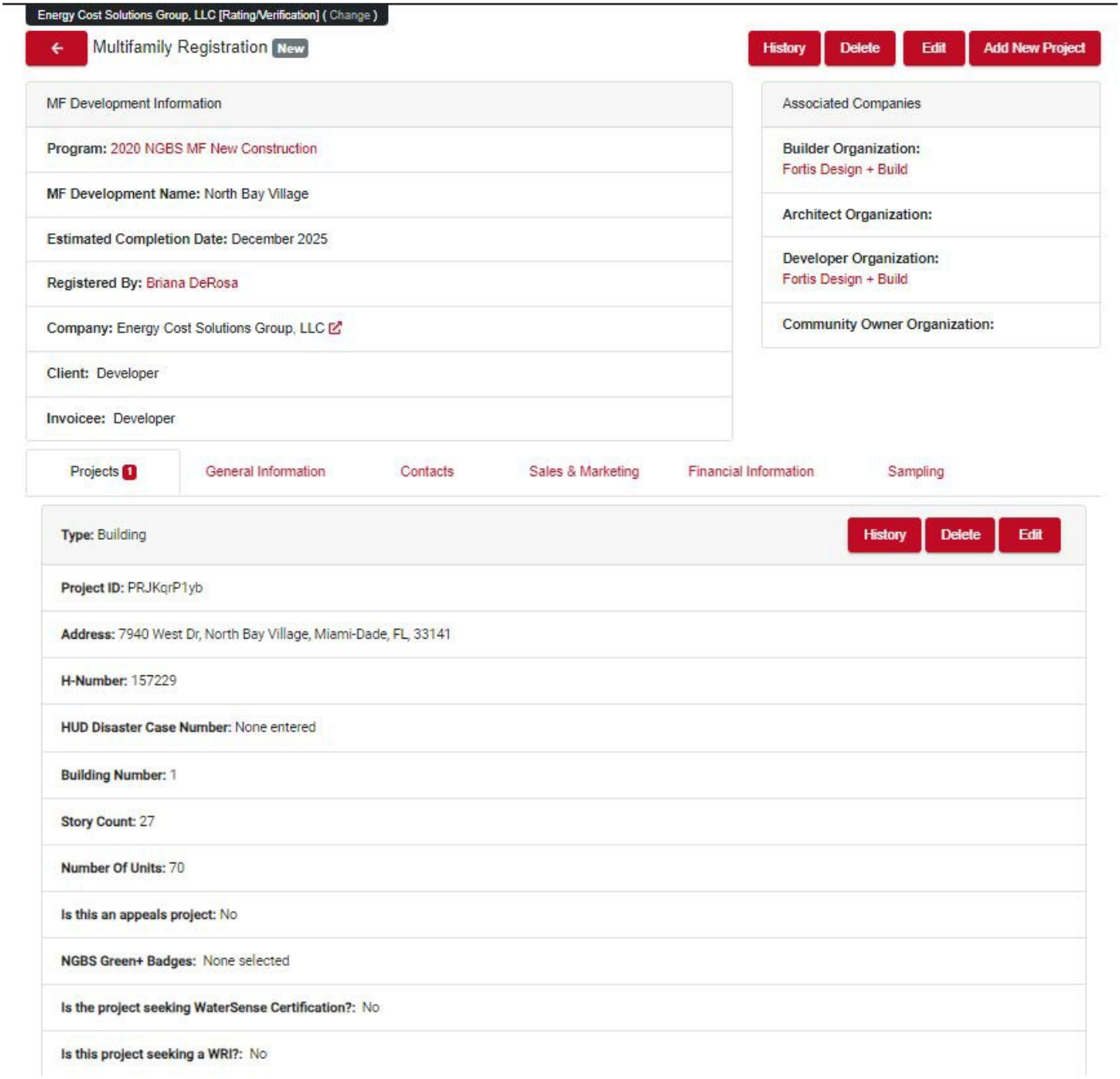
Jason Biondi
Owner / Managing Director
786.897.7783

Addendum "A" below includes project National Green Building Standard (NGBS) registration, Gold level certification information and details.

Addendum "B" below includes overall NGBS and N. Bay Village Scorecard Matrix & Summary

525 71St St - #4067 – Miami Beach – Fl. 33141 – www.energycostsolutionsgroup.com – P. 305 7

Home Innovation Research Laboratory - NGBS 2020 MF Registration



National Green Building Standard Scoring Analysis

NGBS GREEN
Home Innovation Research Labs

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Summary of Results of the Design Phase

Project Name: North Bay Village
Location: 7940 West Dr, North Bay Village, Florida 33141

✓	No Mandatory items missing on the "Overview (Design)" page

	Points Required				Points Claimed	Mandatory Practices	No Errors
	Bronze	Silver	Gold	Emerald			
Chapter 5: Lot Design, Preparation, and Development	50	64	93	121	164	✓	✓
Chapter 6: Resource Efficiency	43	59	89	119	89	✓	✓
Chapter 7: Energy Efficiency	30	45	60	70	90	✓	✓
Chapter 8: Water Efficiency	25	39	67	92	79	✓	✓
Chapter 9: Indoor Environmental Quality	25	42	69	97	72	✓	✓
Chapter 10: Operation, Maintenance, and Building Owner Education	8	10	11	12	19	✓	✓
Additional Points required	50	75	100	100			
Additional points required due to SF over 4000 (601.1)	0	0	0	0			
Total points required	231	334	489	611	513		

Additional Points Claimed	332	254	124	2

Overall Level Achieved for Design	**Gold**

The project demonstrates compliance with NGBS ICC-700 Gold certification and the N. Bay Village municipal requirements (18-point score minimum) through combination of various energy /water efficiencies and other green building measures as follow:

1. IECC 2020 Savings of 15% or better by specifying Mechanical Efficiency: 15 SEER or better and Envelope Efficiency - Glazing Specification: 0.50 SHGC or better for each dwelling unit.

2. Water Efficient Plumbing Fixtures Selection and ENERGY-STAR Appliances for ALL Dwelling Unit(s).

3. Innovating Irrigation Technology in combination of Micro Irrigation for specified native/ adaptive landscape and turf areas.

4. Low-VOC Paint, Coatings, Adhesives, Sealants, Insulation & Flooring Selection for ALL interior area(s) of each dwelling unit and common area.

5. Erosion & Sediment Control compliance measures and Indoor Air Quality Management as per NGBS ICC-700 Guidelines and requirements.

6. Building Material Selection with high Recycled & Regional Content & Eco-Friendly Flooring & Ceiling materials for ALL Dwelling Unit(s).

7. Electrical Vehicle Charging Stations for parking spaces (10 chargers 4 x N. Bay Village checklist points).

8. All roofing products need to be EnergyStar certified or SRI compliant. All pool/ amenity decks over conditioned space need light colored pavers with SR of 33 or higher. (4 x N. Bay Village checklist points)

9. All ground floor hardscape to use products at or above SR .30 or higher. (4 x N. Bay Village checklist points)

10. EnergyStar lights (LED okay) and appliances - refrigerator, dishwasher, clothes washer, exhaust fans and any ceiling fans throughout the project. (4 x N. Bay Village checklist points)

11. National Green Building Standard (NGBS) GOLD level certification – 14 x N. Bay Village checklist points.

Total N. Bay Village Green Building checklist points = 30

RESOLUTION NO. 2023-XX

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTION 5.2 OF THE VILLAGE'S UNIFIED LAND DEVELOPMENT CODE ("ULDC") [APPROVING / APPROVING WITH CONDITIONS / DENYING] A SITE PLAN BY 7940 NBV PARTNERS, LLC, PURSUANT TO SECTION 5.8 OF THE ULDC, FOR DEVELOPMENT OF A MULTIFAMILY RESIDENTIAL PROJECT, INCLUDING REQUESTS FOR APPROVAL TO: (A) TRANSFER 16 DENSITY RIGHTS FROM VILLAGE-OWNED PROPERTY PURSUANT TO SEC. 8.13. TO REACH A MAXIMUM OF 70 DWELLING UNITS; AND (B) INCREASE BUILDING HEIGHT ABOVE THE BASE BUILDING HEIGHT OF 150 FEET VIA BONUSES AVAILABLE PURSUANT TO SEC. 8.12, UP TO A MAXIMUM HEIGHT OF 312 FEET; TO BE CONSTRUCTED ON AN APPROXIMATELY 0.77-ACRE SITE LOCATED AT 7940 WEST DRIVE, NORTH BAY VILLAGE; PROVIDING FOR FINDINGS; PROVIDING FOR CONDITIONS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, 7940 NBV Partners, LLC ("the "Applicant") has submitted an application to North Bay Village (the "Village"), pursuant to Section 5.8, seeking approval of a site plan for a multifamily residential project on an approximately 0.77-acre site, identified by Folio Nos. 23-3209-001-0420 and 23-3209-001-0400, located at 7938-7940 West Drive, as legally described in Exhibit A, "Legal Description" attached hereto (the "Property"); and

WHEREAS, the subject development project consists of 70 for-sale residential units and ancillary indoor and outdoor resident amenities within a 312-foot, 27 story building; plus structured parking (collectively, the "Project"); and

WHEREAS, the site plan for the Project is attached hereto as Exhibit "C"; and

WHEREAS, to achieve the proposed number of units, the Applicant requests approval to transfer 16 dwellings through a transfer of density rights from Village-owned property, pursuant to Sections 8.10.D.4.d. and 8.13. (the "TDR"); and

WHEREAS, the requested TDR will yield a maximum density no greater than 30% above the base density of 70 units per acre, in compliance with the above-referenced sections; and

WHEREAS, as part of the TDR request, the Applicant proposes to utilize additional building height available with the TDR, up to a maximum of 72 additional feet, to accommodate the additional units; and

WHEREAS, concurrent with the Site Plan review, the Applicant has also requested to purchase up to 90 additional feet of building height from North Bay Village pursuant to Sec. 8.12 of the ULDC; and

WHEREAS, the maximum permitted building height with bonuses (not including mechanical structures located on the rooftop, which are exempt from the height limitation per Section 8.17.G) is 312 feet; and

WHEREAS, Village staff reviewed the Project and finds it largely consistent with the relevant goals, objectives and policies Comprehensive Plan and the pillars articulated in the NBV100 Master Plan, and recommends approval subject to prior approval of (i) separate variance requests to reduce the parking requirement and the width of the garage's driving aisle; (ii) an exception to provide 20% of the parking as compact spaces; and (iii) other conditions herein; and

WHEREAS, pursuant to Section 8.15 of the ULDC, Village Staff and the Applicant have agreed on the terms of a development agreement, approved pursuant to Resolution No. 2023-____, which memorializes the transfer of density rights, height bonuses, building area in the Project, and other requirements; and

WHEREAS, after a duly noticed public hearing held on _____, 2023, the Planning and Zoning Board by a vote of ____ recommended [approval/approval with conditions/denial] of the Site Plan request; and

WHEREAS, the Village Commission conducted a duly noticed public hearing on _____, 2023 in accordance with the law to hear the application; and

WHEREAS, the Mayor and Village Commission find the proposed Site Plan is [consistent/not consistent] with the Village's NBV100 Master Plan vision, the Comprehensive Plan and ULDC; furthers the purpose, goals, objectives, and policies of same; and is in the best interest of the Village.

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

Section 1. Recitals. The foregoing recitals are confirmed, adopted, and incorporated herein and made a part hereof.

Section 2. Findings of Fact. The Mayor and Village Commission make the following findings of fact based upon the substantial competent evidence provided:

The requested site plan [meets/does not meet] the applicable Site Plan Review Standards provided in Section 5.8. The requested site plan approval [is/is not] contrary to the public interest or detrimental to the community and [is/is not] compatible with the surrounding land uses while maintaining the basic intent and purpose of the zoning and land use regulations. The Project [supports/does not support] the goals, objectives, and policies of the North Bay Village Comprehensive Plan and those of the NBV100 Master Plan, which include Livability, Resiliency, and Prosperity. The Project [is/is not] compatible with

surrounding intensities and densities of development, [provides/does not provide] access to adequate light and air for surrounding properties, [provides/does not provide] commercial use(s) intended to serve the needs of the residents; and [creates/does not create] a pedestrian-friendly experience at the ground level.

Section 3. Decision; Conditions. Pursuant to Section 5.8 and Appendix B of the ULDC, the site plan to construct a for-sale, multifamily residential development Project consisting of 70 residential units along with complementary resident amenities, as well as a parking garage (as shown in Exhibit "C"), is hereby [approved/denied/approved subject to the following conditions]:

General conditions

1. The Project Approval shall be valid for two (2) years, commencing on the effective date of the Approval Resolution, within which time the Applicant must obtain the Master Building Permit, except as provided in the Development Agreement or applicable law. No more than two (2) additional one-year extensions may be granted upon approval by the Village Commission based upon a finding that Applicant has made good faith efforts to seek a Master Building Permit (together, the initial two-year term and any subsequent extension that has been granted by the Village Commission, is the "Project Validity Period"). A request for extension must be filed with the Village at least thirty (30) days prior to the end of the then-current Project Validity Period.
2. Applicant's failure to obtain a Master Building Permit within the Project Validity Period shall result in the automatic revocation of the Project Approval and the automatic termination of this approval and the Development.
3. Cost recovery charges must be paid pursuant to Section 5.12 of the ULDC. 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 payments, 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.
4. The Applicant shall provide a unity of title or covenant in lieu of unity of title, in a form acceptable to the Village Attorney, for all parcels prior to the issuance of the Master Building Permit. The unity of title or covenant in lieu of unity of title shall be recorded in the Public Records of Miami-Dade County, Florida, at the expense of the Applicant.

5. The Site Plan shall incorporate and be developed in substantial conformance with the following documents:
   A. Architectural plans prepared by Revuelta Architecture International, revisions dated 08/18/23 and original plans digitally signed by Jose O. Revuelta dated 6/12/23 (Attachment 2):
      1) Cover Sheet, Drawing Index and Rendering
      2) A-001 Location Plan
      3) A-002: Boundary Survey prepared by Schwekke, Shiskin & Associates, Inc., dated 2/21/23 and digitally signed by Mark Steven Johnson, PSM on 03/09/23.
      4) A-003: Project Data
      5) A-004: Site Plan
      6) A-005: Parking Analysis
      7) A-005a and 005b: Sections
      8) A-008 Building Footprint (diagram)
      9) A-101 through A110: Individual Floor Plans (Ground to Top of Roof)
      10) A-401 through A404: Elevations
      11) A-501: Sections
      12) A-502: Enlarged Sections
      13) A-601 through A-603: 3D Views (Context, Overall and Vignettes)
   B. Landscape Plans prepared by LAND Design, dated 6/12/23 and digitally signed by Marsch C. Kriplen, LA (revised 7/18/23, 8/29/23 and 9/6/23) (Attachment 3):
      1) LVCR: Cover Page and Index
      2) L002: General Site Notes
      3) L003: Aerial Image and Existing Trees
      4) TD100 and TD110: Tree Disposition Schedule and Notes/Tree Disposition Plan
      5) L200 and L210: Materials Schedule & Notes and Ground Floor Plan
      6) L400: Planting Schedule & Notes
      7) L401: Landscape Notes
      8) L410: Trees & Plants Planting Plan Ground Floor
      9) L420: Understory Planting Plan Ground Floor
      10) L450: Planting Details
      11) L600: Sections
   C. Civil Engineering Plans prepared by Schwebke, Shisking & Associates, dated 05/23/2023 and digitally signed by Hernando J. Navas, PE, 08/29/23 (revised 09/06/23) (Attachment 4):
      1) C-0: Cover Sheet
      2) WS-1 through WS-11: Water and Sewer Facilities
      3) PD-1 through PD-5: Paving, Grading and Drainage Facilities
      4) PMS-1: Pavement Signage and Marking
   D. Photometrics Sheets LD901 through LD905 prepared by EXP, dated 6/12/23 and revised 7/18/23 (Attachment 5).
   E. Level of Service Assessment prepared by Schwebke, Shiskin & Associates, digitally signed by Hernando J. Navas on 6/6/23 (Attachment 6).

F. Traffic Impact Analysis prepared by Kimley Horn, dated June 2023; digitally signed by Cory Dorman, P.E. 06/09/23 (Attachment 7); and subsequent responses to comments dated 7/18/23, 8/28/23, and 9/6/23, and substituting Attachment A-1, Updated Maneuverability Analysis, also dated 9/6/23 (Attachment 7a).
G. Letter of eligibility, National Green Building Standard (NGBS) registration - Gold level, and Scorecard, prepared by ESBG and dated 07/17/23 (Attachment 8).

Prior to issuance of a building permit

Development Agreement:

1. Pursuant to Section 8.15 of the ULDC, the Applicant shall record a Development Agreement memorializing the Project's Site Plan Approval conditions including, but not limited to the Applicant's responsibility for constructing all the required associated public improvements, as well as the transfer of density rights, height bonus and related requirements as approved herein.

Height Bonus (Sec. 8.12):

1. The maximum base density in the RM-70 zoning district is 150 feet. The Applicant has requested to purchase additional height from North Bay Village concurrent with the Site Plan review, pursuant to Sec. 8.12 of the ULDC. The maximum height bonus results in a building height of 240 feet (which may be exceeded only through the additional height available with the TDR).
2. The Applicant shall pay a nonrefundable deposit equivalent to ten percent (10%) of the total amount due in community contribution fees related to the approved bonus height within 90 days of site plan approval by the Village Commission. The balance shall be paid concurrently with the issuance of a building permit.
3. No building permit shall be issued by the Village until the applicant has paid all the fees due (equal to $472,500).

Density Rights Transfer and Associated Bonus Height:

1. The allocated base density of the Property is 54 dwellings. The Applicant has requested purchase of 16 additional dwellings pursuant to Sec. 8.13 of the ULDC through a TDR from Village-owned property located in Harbor Island. The density rights shall be transferred from Vogel Park (the "Sending Site"), leaving only 11.8 density rights available for future transfer from this Sending Site.
2. Approval of this Application includes additional building height to allow a maximum building height of 312 feet to accommodate the transferred density pursuant to Sec. 8.12.B.2 of the ULDC.
3. The Applicant shall pay a community contribution fee of $75,000 per transferred dwelling unit to North Bay Village within 90 days of site plan approval by the Village Commission (for a total of $1,200,000).

Landscape and Public Realm:

1. Visibility triangles shall be shown on the plans on the inside of both driveways to show the clear zone, particularly the south side of the north driveway. If necessary, shift/relocate proposed plant material to meet the requirements.
2. All structured parking shall be screened from view from the adjacent rights-of-way by an art treatment, to be approved by the Village Manager.
3. All loading spaces, services areas, outdoor storage, electrical, plumbing, mechanical, and communications equipment and appurtenant enclosures shall be concealed from view from any frontage or sidewalk by streetscreens, walls, hedges, fences or opaque gates.
4. Walls, hedges, fences and gates shall not exceed a height of 3.5 feet within the primary and secondary frontages of the site. Elsewhere, walls, hedges fences and gates shall not exceed a height of 8 feet.
5. Any blank walls over 25' in length and other unattractive areas of the site or building shall be heavily screened with landscaping. Additionally, landscape screening shall be utilized around the proposed dumpsters, FPL transformers, propane tanks, A/C units, generators, above ground utilities, and irrigation pump.
6. The Applicant shall seek to attain no less than 24 points from the North Bay Village Green Building Program, which effort shall include pursuing NGBS Gold certification for the project, as per the Applicant's sustainable design consultant.

Infrastructure/Drainage:

1. The Applicant shall provide up to date documentation of compliance with the applicable Level of Service (LOS) requirements at the time of application for any building permit.
2. All existing and proposed access and/or utility easements, services and appurtenances shall be shown in grayscale on the Landscaping Plan. Water meters and backflow devices shall be located within landscaped areas and no permanent structures, including landscaping, shall be located above the water or sanitary system.
3. Prior to issuance of the Master Building Permit, the Applicant shall obtain, and submit to the Village, all pertinent plan approvals from Miami-Dade County Environmental Resources Management (DERM), Miami- Dade Water and Sewer Department (WASD), and Miami-Dade County Fire Rescue, as well as a Tree Removal Permit.
4. Applicant shall provide fixture unit count to support water meter sizing.
5. Specifications of the permeability coefficient of proposed pervious paving materials shall be submitted for approval by the Village Public Works Department prior to Master Building Permit approval.
6. Prior to Master Building Permit approval, the Applicant shall provide a signed and sealed drainage report prepared by the Engineer of Record indicating the method of control of stormwater and groundwater, including the method of drainage, existing water elevations, recurring high-water elevations, proposed design water elevations, drainage structures, canals, ditches and other pertinent information associated with the system.

7. To the extent the Property's area allows under generally accepted engineering standards, Applicant shall install additional injection wells to meet stormwater retention calculations based on the updated NOAA Atlas 14 data set.

Traffic/Circulation/Parking:

1. The Applicant shall submit verification that the proposed development has been reviewed and found in compliance for access management consideration by all agencies having jurisdiction.
2. The Applicant shall coordinate with Miami Dade County Traffic Engineering Department and the Village to develop modified and acceptable signal timing plans for the junction of 79th Street Causeway and Harbor Island Drive to ensure the effectiveness of the proposed signal timing optimization.
3. All sidewalks providing circulation to the public shall meet the minimum design criteria of the ADA. Ramp curbs shall be provided on the sidewalk at the driveway entrance (FDOT index 304).
4. The Applicant shall include sidewalk/grass strip restoration according to North Bay Village core requirements.
5. The proposed driving aisle width and parking plan are subject to approval of the Applicant's accompanying requests for variances from the ULDC requirements pursuant to Sec. 7.6. In the event that one or both variances are not approved, the Applicant shall be required to redesign the proposed parking structure to comply with the minimum parking and aisle width standards per Sec. 9.3.
6. The proposed provision of compact parking is subject to approval of the Applicant's request for an exception pursuant to Sec. 8.11. In the event that the exception is not granted, the Applicant shall be required to redesign the proposed parking structure to comply with the minimum parking standards per Sec. 9.3.
7. If the compact parking exception is granted, the Applicant shall provide valet parking services in perpetuity, and shall obtain from the Village a Business Tax Receipt for valet parking services on an annual basis to demonstrate compliance with this requirement.
8. The Applicant shall commit to providing a dockmaster to during all loading and delivery hours to facilitate loading and delivery operations and avoid any potential conflicts within the public right-of-way.
9. As part of loading and delivery operations, garbage pickup and any other loading and delivery vehicles shall be required to follow the normal flow of traffic around the existing roundabout and shall not be allowed to go against the flow of traffic to turn left into the loading area before the roundabout.
10. The Applicant shall coordinate with Village staff to ensure that garbage collection occurs during off-peak hours.

Other:

1. All signage shall comply with the restrictions of Chapter 11.

Prior to issuance of a Certificate of Occupancy

1. The Applicant shall pay all amounts of any kind then due to the Village, either under the Project Approval, the Development Agreement, or as imposed pursuant to any Land Development Regulation.

Section 4. Limitation of Approval. The issuance of this development permit does not in any way create a vested right(s) on the part of the Applicant to obtain a permit from a county, state, or federal agency, and does not create any liability on the part of the municipality for issuance of the permit if the Applicant fails to obtain requisite approvals or does not fulfill the obligations imposed by a county, state or federal agency or undertakes actions that result in a violation of county, state, or federal law.

Section 5. Implementation. The Village Manager, Village Attorney, and Village Clerk are hereby authorized to take such action as may be necessary to implement the purpose and provisions of this Resolution.

Section 6. Effective Date. This Resolution shall be in force and take effect immediately upon its passage and adoption.

The foregoing Resolution was offered by ___ who moved its adoption. The motion was seconded by ___ and upon being put to a vote, the vote was as follows:

Mayor Brent Latham	___
Vice Mayor Richard Chervony	___
Commissioner Goran Cuk	___
Commissioner Andrew Rotondaro	___
Commissioner Rachel Streitfeld	___

PASSED AND ADOPTED on this ___ day of _____ 2023.

_____

Brent Latham, Mayor

ATTEST:

_____
Alba Chang, CMC, Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

_____
Weiss Serota Helfman Cole & Bierman, PL
Village Attorney

Exhibit "A"
LEGAL DESCRIPTION

Address: 7938-7940 West Drive, NORTH BAY VILLAGE

Folio Numbers: 23-3209-001-0420 and 23-3209-001-0400

LOTS 38, 40, 42, "HARBOR ISLAND," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 44, PAGE 72, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Exhibit “B”
SITE PLAN APPLICATION SET

(Attached)

Exhibit “C”
DEVELOPMENT AGREEMENT

(Attached)

MIAMI-DADE

STATE OF FLORIDA
COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared ROSANA SALGADO, who on oath says that he or she is the LEGAL CLERK, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, of Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

NORTH BAY VILLAGE - PUBLIC HEARING - SEPT. 14, 2023

in the XXXX Court,
was published in a newspaper by print in the issues of Miami Daily Business Review f/k/a Miami Review on

09/01/2023

Affiant further says that the newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Sworn to and subscribed before me this
1 day of SEPTEMBER, A.D. 2023

Barbara Thomas

(SEAL)
ROSANA SALGADO personally known to me

BARBARA THOMAS
Commission # HH 187442
Expires November 2, 2025
Bonded Thru Troy Fain Insurance 800-385-7019

NORTH BAY VILLAGE
NOTICE OF PUBLIC HEARING

PUBLIC NOTICE IS HEREBY GIVEN THAT THE PLANNING & ZONING BOARD OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A REGULAR MEETING ON SEPTEMBER 14, 2023 AT 6:00 P.M. AT 1666 KENNEDY CAUSEWAY, #101, NORTH BAY VILLAGE, FL 33141 AND VIA ZOOM, OR AS SOON AS POSSIBLE THEREAFTER. DURING THIS MEETING THE BOARD WILL CONSIDER THE FOLLOWING AT A PUBLIC HEARING:

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING/APPROVING WITH CONDITIONS/DENYING] A REQUEST BY 7940 NBV PARTNERS, LLC FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 8.11 AND 9.3.E. OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC"), TO ALLOW UP TO TWENTY PERCENT (20%) OF PARKING SPACES REQUIRED FOR A PROJECT AT 7938-7940 WEST DRIVE TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES; PROVIDING FINDINGS; PROVIDING FOR CONDITIONS; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] AN APPLICATION BY 7940 NBV PARTNERS, LLC FOR A VARIANCE PURSUANT TO SECTION 7.3 OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC") OF PARKING REQUIREMENTS PROVIDED IN SECTION 9.3.C. OF THE ULDC, TO PERMIT THE PROVISION OF 135 SPACES WHERE 212 WOULD BE REQUIRED FOR A PROJECT LOCATED AT 7938-7940 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA; ALTERNATIVELY [APPROVING / APPROVING WITH CONDITIONS / DENYING] A WAIVER PURSUANT TO SECTION 9.3.D. OF REGULARLY APPLICABLE PARKING REQUIREMENTS; PROVIDING FINDINGS; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] AN APPLICATION BY 7940 NBV PARTNERS, LLC FOR A VARIANCE PURSUANT TO SECTION 7.3 OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC") OF MINIMUM AISLE WIDTH REQUIREMENTS PROVIDED IN SECTION 9.3.E. OF THE ULDC, TO PERMIT A PARKING AISLE WIDTH OF 22 FEET WHERE 23 FEET WOULD BE REQUIRED FOR A PROJECT LOCATED AT 7938-7940 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA; PROVIDING FINDINGS; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

9/14/2023

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] A SITE PLAN BY 7940 NBV PARTNERS, LLC, PURSUANT TO SECTIONS 5.2 OF THE VILLAGE'S UNIFIED LAND DEVELOPMENT CODE ("ULDC"), FOR DEVELOPMENT OF A MULTIFAMILY RESIDENTIAL PROJECT ON AN APPROXIMATELY 0.77-ACRE SITE LOCATED AT 7938-7940 WEST DRIVE, NORTH BAY VILLAGE, CONSISTING OF UP TO 70 DWELLING UNITS, INCLUDING REQUESTS FOR APPROVAL TO: (A) TRANSFER DENSITY RIGHTS FOR 16 DWELLING UNITS FROM VILLAGE-OWNED PROPERTY PURSUANT TO SEC. 8.13.; AND (B) INCREASE BUILDING HEIGHT ABOVE THE BASE BUILDING HEIGHT OF 150 FEET VIA BONUSES AVAILABLE PURSUANT TO SEC. 8.12, UP TO A MAXIMUM HEIGHT OF 312 FEET; PROVIDING FOR FINDINGS; PROVIDING FOR CONDITIONS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] A USE EXCEPTION PURSUANT TO SECTION 8.11 OF THE UNIFIED LAND DEVELOPMENT CODE (ULDC) TO ALLOW VILLAGE-OWNED PROPERTY LOCATED AT 1851 GALLEON STREET, NORTH BAY VILLAGE, AS LEGALLY DESCRIBED IN EXHIBIT "A", AND ZONED RM-40, TO BE DEVELOPED FOR A USE (TRAINING CENTER FOR THE ARGENTINE FOOTBALL ASSOCIATION (AFA) AND COMMUNITY-SERVING FACILITIES) WHICH PROVIDES A PUBLIC BENEFIT; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE MAYOR AND VILLAGE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] A VARIANCE APPLICATION PURSUANT TO SECTION 111.13 OF THE VILLAGE'S CODE OF ORDINANCES BY FARINA CONTEMPORARY PIZZA CORP (DBA PETRALUNGA), TO ALLOW AN ESTABLISHMENT LOCATED AT 7601 EAST TREASURE DRIVE, #CU-21, ON THE GRAND VIEW PALACE PROPERTY, TO VARY FROM SECTION 111.12(A)(1) OF THE CODE BY AUTHORIZING THE ISSUANCE OF A LICENSE TO SELL ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION FROM A LOCATION LESS THAN 500 FEET FROM AN EXISTING SCHOOL AND TO VARY FROM SECTION 111.12(B)(3) OF THE CODE BY AUTHORIZING THE ISSUANCE OF A LICENSE TO SELL ALCOHOLIC BEVARAGES FOR OFF-PREMISES CONSUMTION FROM A LOCATION LESS THAN 1,000 FEET FROM AN EXISTING OFF-PREMISES LICENSEE; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] A SITE PLAN PURSUANT TO SECTION 5.2 OF THE VILLAGE'S UNIFIED LAND DEVELOPMENT CODE ("ULDC"), FOR DEVELOPMENT OF A GOVERNMENT FACILITY CONSISTING OF A VILLAGE HALL AND COUNTY FIRE STATION AT 1335 79TH STREET CAUSEWAY, NORTH BAY VILLAGE, AN APPROXIMATELY 0.76-ACRE SITE ZONED T6-24MU; PROVIDING FOR FINDINGS; PROVIDING FOR CONDITIONS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

AN ORDINANCE OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING SECTION 15.3 OF CHAPTER 15 OF THE VILLAGE'S UNIFIED LAND DEVELOPMENT CODE ("ULDC") TO ALLOW TEMPORARY STRUCTURES WITHIN THE T6-30 ZONING DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

The meeting agenda is available online at:
https://northbayvillage-fl.gov/agendas-minutes/
You may attend the meeting in person at the physical meeting location:
1666 Kennedy Causeway, #101
North Bay Village, FL 33141 OR

Participate in the meeting via Zoom:
Meeting ID: 881 2072 9718
Passcode: 236512
Watch the Virtual Public Meeting:
https://northbayvillage-fl.gov/videos
TV Channel 661
Facebook Live
Listen via telephone to the Virtual Public Meeting:
1-929-205-6099
For technical support during the meeting, please contact:
(786) 309-4991

THE PROPOSED ORDINANCE(S) AND/OR RESOLUTION(S) MAY BE INSPECTED BY THE PUBLIC AT THE OFFICE OF THE VILLAGE CLERK. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE VILLAGE CLERK AT 305-756-7171. A COMPLETE AGENDA PACKET IS ALSO AVAILABLE ON THE VILLAGE WEBSITE AT WWW.NORTHBAYVILLAGE-FL.GOV FIVE DAYS PRIOR TO THE DATE OF THE MEETING. INTERESTED PARTIES MAY APPEAR AT THE PUBLIC HEARING AND BE HEARD WITH RESPECT TO THE PROPOSED ORDINANCE(S). ANY PERSON WISHING TO ADDRESS THE VILLAGE COMMISSION OR BOARD ON ANY ITEM AT THIS PUBLIC HEARING IS ASKED TO REGISTER WITH THE VILLAGE CLERK PRIOR TO THAT ITEM BEING HEARD. ALTERNATIVELY, MEMBERS OF THE PUBLIC MAY EXPRESS THEIR VIEWS IN WRITING TO THE COMMISSION OR BOARD C/O VILLAGE CLERK, 1666 KENNEDY CAUSEWAY, #300, NORTH BAY VILLAGE, FL 33141, OR VIA EMAIL AT PUBLICCOMMENT@NBVILLAGE.COM.

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

ALBA L. CHANG, CMC
VILLAGE CLERK
9/1

23-105/0000681746M

2/2

7940 WEST DRIVE - NORHT BAY VILLAGE

7940 WEST DRIVE

NORTH BAY VILLAGE, FL 33141



7940 NORTH BAY VILLAGE			RESPONSE TO PLANNING COMMENTS	RESPONSE TO PLANNING COMMENTS
	SHEET	NAME		
PRESENTATION				
		COVER SHEET		●
PROJECT DATA				
	A-001	LOCATION		●
	A-002	SURVEY		●
	A-003	PROJECT DATA	●	●
	A-004	SITE - PLAN	●	●
	A-005	PARKING ANALYSIS		●
	A-005a	SECTIONS	●	●
	A-005b	SECTIONS	●	●
	A-008	BUILDING FOOTPRINT		●
FLOOR PLANS				
	A-101	GROUND FLOOR	●	●
	A-102	LEVEL - MEZZANINE	●	●
	A-103	LEVEL 2 TO 3 - PARKING GARAGE	●	●
	A-104	LEVEL 4 TO 5 - PARKING GARAGE	●	●
	A-105	LEVEL 6 - PARKING GARAGE	●	●
	A-106	LEVEL 7 - AMENITY	●	●
	A-107	LEVELS 8 thru LEVEL 24	●	●
	A-108	LEVEL 25 - PH UNITS	●	●
	A-109	LEVEL 26 -UPPER PH - POOL AMENITIES	●	●
	A-110	LEVEL 27 - POOL DECK	●	●
	A-111	MECHANICAL ROOF		●
	A-112	TOP OF ROOF		
ELEVATIONS				●
	A-401	EAST ELEVATION		●
	A-402	NORTH ELEVATION		●
	A-403	WEST ELEVATION		●
	A-404	SOUTH ELEVATION		
SECTIONS				
	A-501	SECTIONS		●
	A-502	ENLARGED SECTIONS		●
3D VIEWS				
	A-601	CONTEXT VIEWS		●
	A-602	OVER ALL VIEWS		●
	A-603	VIGNETTES		●

Luis O. Revuelta

Digitally signed by Luis O. Revuelta
DN: E=INFO@Revuelta.com, CN=Luis O. Revuelta, O="Revuelta Architecture International, P.A.", L=Miami, S=Florida, C=US
Date: 2023.08.30 09:54:47-04'00'

OWNER
7940 NBV PARTNERS, LLC
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LANDSCAPE ARCHITECT
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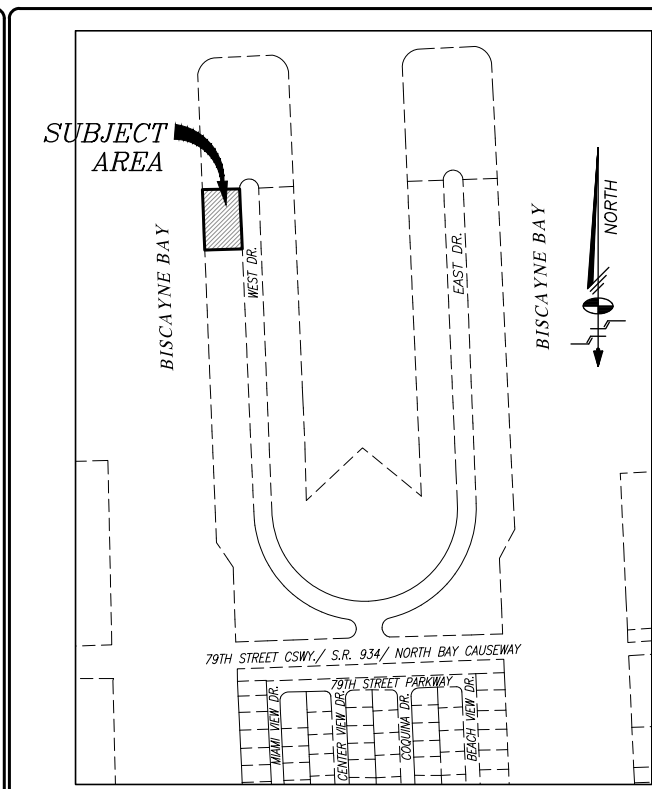
8/30/2023

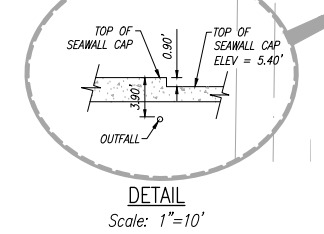
ALTA/NSPS LAND TITLE SURVEY

Section 09, Township 53 South, Range 42 East, Miami-Dade County, Florida.

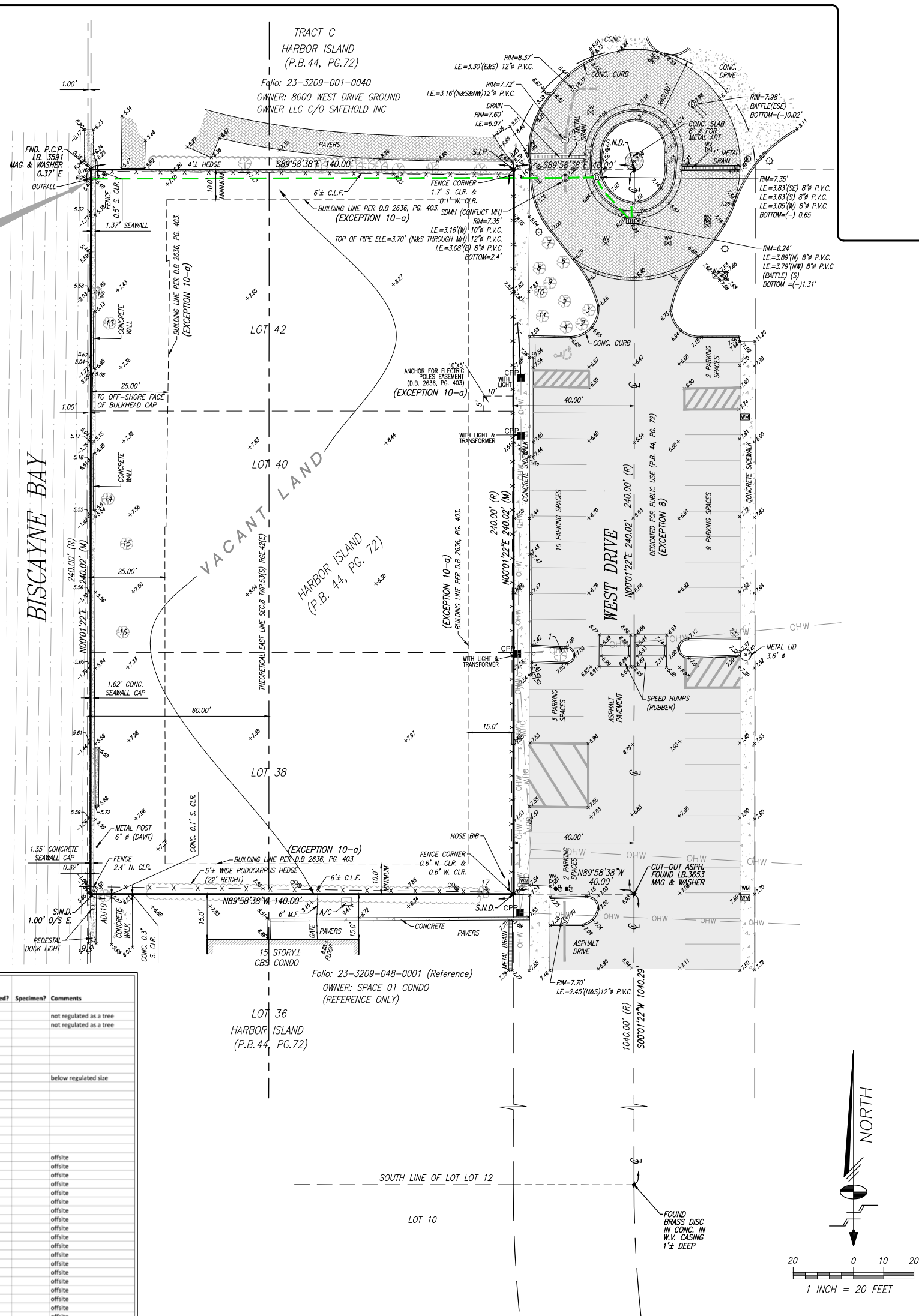


LOCATION SKETCH
Scale: 1"=400'

A PORTION OF SECTION 09-53S-42E, MIAMI-DADE COUNTY, FLORIDA.



DETAIL
Scale: 1"=10'



ELEVATIONS SHOWN HEREON RELATE TO NATIONAL GEODETIC VERTICAL DATUM OF 1929 (N.G.V.D.29) AND ARE EXPRESSED IN FEET.

LEGAL DESCRIPTION

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

SURVEYOR'S NOTES:

1. THE BEARINGS SHOWN HEREON RELATE TO AN ASSUMED BEARING OF N00°01'22"E ALONG THE CENTERLINE OF WEST DRIVE.
2. LEGAL DESCRIPTION SHOWN HEREON WAS PROVIDED BY CLIENT.
3. AREA OF THE PROPERTY DESCRIBED HEREON IS: 33,602± SQ. FT. (0.771± ACRES).
4. THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF THE ENTITIES NAMED HEREON. THE ATTACHED CERTIFICATION DOES NOT EXTEND TO ANY UNNAMED PARTIES.
5. UNLESS OTHERWISE NOTED, THIS FIRM HAS NOT ATTEMPTED TO LOCATE FOOTINGS AND/OR FOUNDATIONS.
6. THE PROPERTY SHOWN HEREON FALLS WITHIN FEDERAL FLOOD HAZARD ZONE "AE" (ELEVATION 8), PER FLOOD INSURANCE RATE MAP NO. 12086C0306L, COMMUNITY NO. 120654, PANEL NO. 0306, SUFFIX L, OF FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A) MAP DATED SEPTEMBER 11, 2009.
7. VISIBLE INDICATORS OF UTILITIES ARE SHOWN HEREON, TOGETHER WITH UNDERGROUND STORM AND SANITARY GRAVITY MAINS, HOWEVER, NO ATTEMPT HAS BEEN MADE TO LOCATE UNDERGROUND PRESSURE MAIN, CABLES OR CONDUITS.
8. THE DISTANCES SHOWN ALONG THE BOUNDARY OF THE SUBJECT PROPERTY ARE RECORD AND/OR MEASURED UNLESS OTHERWISE STATED.
9. SHOWN HEREON ARE PLOTTABLE EASEMENTS AND RIGHTS OF WAY REFLECTED AS EXCEPTION IN **SCHEDULE B OF OWNER'S POLICY NO. OF6-8898628 ISSUED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, WITH A DATE OF POLICY JUNE 4, 2021 AT 12:58 P.M.**
10. THE ELEVATIONS SHOWN HEREON REFER TO NATIONAL GEODETIC VERTICAL DATUM OF 1929 (N.G.V.D. 29) AND ARE EXPRESSED IN FEET.
11. BENCHMARKS:
    a. MIAMI-DADE BENCHMARK P-313, LOCATED @ N TREASURE DRIVE --- 50' NORTH OF NORTH CURB --- HISPANOLA AVE --- 3' EAST OF EAST CURB OF SOUTHBOUND LANE, US C & G BRASS DISC IN TOP OF NW CORNER OF SEWER PUMPING STATION, ELEVATION =5.27' N.G.V.D 29.
    b. MIAMI-DADE BENCHMARK A-26, LOCATED @ 79 ST CSWY --- 43' NORTH OF C/L--- PELICAN HARBOR DR --- 210' EAST OF C/L, PK NAIL AND ALUMINUM WASHER IN CONC CATCH BASIN, ELEVATION =6.19' N.G.V.D 29.
12. THE PROPERTY SHOWN HEREON IS CURRENTLY ZONED RM-70 (MULTI FAMILY RESIDENTIAL) (CITY OF NORTH BAY VILLAGE ZONING MAP-UPDATED NOVEMBER 29, 2017)
13. NO BUILDINGS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
14. SUBJECT PROPERTY IS MIAMI-DADE PROPERTY APPRAISER NUMBERS:
    FOLIO: 23-3209-001-0420 - 7940 WEST DR
    FOLIO: 23-3209-001-0400 - 7938 WEST DR

NOTES REGARDING SCHEDULE B OF OWNER'S POLICY NO. OF6-8898628 ISSUED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, WITH A DATE OF POLICY JUNE 4, 2021 AT 12:58 P.M.

8. RESTRICTIONS, CONDITIONS, RESERVATIONS, EASEMENTS AND OTHER MATTERS CONTAINED ON THE PLAT OF HARBOR ISLAND, AS RECORDED IN PLAT BOOK 44, PAGE 72, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. **(AFFECTS PARCEL-SHOWN HEREON)**
9. RESERVATIONS IN FAVOR OF THE STATE OF FLORIDA, AS SET FORTH IN THE DEED FROM THE TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA RECORDED JULY 27, 1926, UNDER DEED BOOK 983, PAGE 1, PUBLIC RECORDS OF MIAMI-DADE, FLORIDA; HOWEVER, THE RIGHT OF ENTRY AND EXPLORATION ASSOCIATED WITH THE OIL AND MINERAL RESERVATION HAS BEEN RELEASED PURSUANT TO SEC. 270.11, F.S. **(RESERVES MINERAL RIGHTS ACROSS THE PARCELS, AS A WHOLE (BLANKET), IS NOT SUFFICIENTLY LEGIBLE TO DETERMINE IF SUBJECT PROPERTY IS INCLUDED)**
10. COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED FEBRUARY 21, 1946, IN DEED BOOK 2636, PAGE 403 **(AFFECTS PARCEL-BLANKET IN NATURE- PLOTTABLE RESTRICTIONS SHOWN HEREON)** AND O.R. BOOK 3827, PAGE 134 **(AFFECTS PARCEL-NOT PLOTTABLE-BLANKET IN NATURE)**, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, WHICH CREATES EASEMENTS, CONDITIONS AND USE LIMITATIONS.
11. EASEMENT IN FAVOR BISCAYNE SEA CLUB AND BAY-FOUR, INC. FOR EXCLUSIVE PARKING PURPOSES RECORDED IN O.R. BOOK 2999, PAGE 490 **(DOES NOT AFFECT)** , AND IN O.R. BOOK 2999, PAGE 493 **(DOES NOT AFFECT)** PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.
12. UNITY OF TITLE RECORDED IN O.R. BOOK 30474, PAGE 4928, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. **(AFFECTS PARCEL-BLANKET IN NATURE-NOT PLOTTABLE)**
13. RIPARIAN AND LITTORAL RIGHTS ARE NOT INSURED.
14. RIGHTS OF THE UNITED STATE OF AMERICA AND/OR THE STATE OF FLORIDA TO ANY PORTION OF SAID LAND WHICH HAS BEEN CREATED BY ARTIFICIAL MEANS, AND LANDS ACCRETED THERETO.
15. THE RIGHT OF THE UNITED STATES GOVERNMENT, IN THE INTEREST OF NAVIGATION AND COMMERCE, TO REGULATE ANY PORTION OF THE LAND THAT WAS FORMERLY SUBMERGED BY NAVIGABLE WATERS.
16. ANY ADVERSE OWNERSHIP CLAIM BY THE STATE OF FLORIDA BY RIGHT OF SOVEREIGNTY TO ANY PORTION OF THE LAND INSURED HEREUNDER, INCLUDING SUBMERGED, FILLED, AND ARTIFICIALLY EXPOSED LANDS AND LANDS ACCRETED TO SUCH LANDS.
17. ENCROACHMENTS, ENCUMBRANCES, VIOLATIONS, VARIATIONS, OR ADVERSE CIRCUMSTANCES, IF ANY, ACTUALLY SHOWN ON THE SURVEY PREPARED BY ALVAREZ, AIGUESVIVES AND ASSOCIATES, INC., DATED APRIL 14, 2021, BEARING JOB #21-25426: (A) 6' WIRE FENCE ENCROACHMENT INTO ANCHOR EASEMENT RECORDED DEED BOOK 2636, PAGE 403, IN THE EAST SIDE OF THE SUBJECT PROPERTY. **(AFFECTS PARCEL-SHOWN HEREON)**
18. MORTGAGE TO BANK OZK, MORTGAGEE(S), RECORDED IN O.R. BOOK 32546, PAGE 807, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. **NOT A SURVEY MATTER**
19. ASSIGNMENT OF LEASES AND RENTS FILED JUNE 4, 2021, IN O.R. BOOK 32546, PAGE 1835, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. **(AFFECTS PARCEL-BLANKET IN NATURE-NOT PLOTTABLE)**
20. UCC FINANCING STATEMENT BETWEEN 7940 NBV PARTNERS, LLC AND BANK OZK AS RECORDED IN O.R. BOOK 32546, PAGE 1845, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. **(AFFECTS PARCEL-BLANKET IN NATURE-NOT PLOTTABLE)**

T:\kathy\notes\harbor island sec 09-53-42

TREE TABLE

Tree #	Common Name	Scientific Name	DBH (inches)	Condition	Number of stems	Height (feet)	Canopy Spread (feet)	Canopy (square feet)	Prohibited?	Specimen?	Comments
1	sabal palm	sabal palmetto	11	Fair	1	22	16	201			
2	white bird of paradise	Strelitzia nicolai	4	Fair	1	15	16				not regulated as a tree
3	white bird of paradise	Strelitzia nicolai	4	Fair	1	18	10				not regulated as a tree
4	coconut palm	Cocos nucifera	7	Good	1	42	10	79			
5	Sylvester palm	Phoenix sylvestris	14	Good	1	42	18	254			
6	coconut palm	Cocos nucifera	7	Good	1	35	18	254			
7	coconut palm	Cocos nucifera	6	Good	1	30	18	254			
8	coconut palm	Cocos nucifera	9	Good	1	45	18	254			
9	European fan palm	Chamaerops humilis	6	Fair	1	7	18	254			below regulated size
10	coconut palm	Cocos nucifera	7	Good	1	32	5	20			
11	coconut palm	Cocos nucifera	10	Good	1	45	18	254			
12	gumbo limbo	Bursera simaruba	6	Good	1	18	18	254			
13	coconut palm	Cocos nucifera	9	Good	1	36	12	113			
14	coconut palm	Cocos nucifera	7	Fair	1	20	18	254			
15	Mango	Mangifera indica	15	Good	1	25	18	254			
16	coconut palm	Cocos nucifera	6	Good	1	20	20	314			
17	dead tree	unknown species	8	Poor	1	10	0	0			
ADJ1	Chinese privet	Ligustrum japonicum	10	Good	4	18	18	254			offsite
ADJ2	coconut palm	Cocos nucifera	9	Good	1	35	18	254			offsite
ADJ3	Verawood	Bulnesia arboria	5	Good	1	18	16	201			offsite
ADJ4	coconut palm	Cocos nucifera	12	Good	1	55	18	254			offsite
ADJ5	Verawood	Bulnesia arboria	5	Good	1	18	16	201			offsite
ADJ6	Verawood	Bulnesia arboria	9	Good	1	20	18	254			offsite
ADJ7	coconut palm	Cocos nucifera	8	Good	1	40	18	254			offsite
ADJ8	Verawood	Bulnesia arboria	6	Good	1	16	16	201			offsite
ADJ9	coconut palm	Cocos nucifera	11	Good	1	55	18	254			offsite
ADJ10	Verawood	Bulnesia arboria	4	Good	1	12	10	79			offsite
ADJ11	coconut palm	Cocos nucifera	10	Good	1	42	18	254			offsite
ADJ12	Verawood	Bulnesia arboria	4	Fair	1	15	12	113			offsite
ADJ13	Verawood	Bulnesia arboria	5	Fair	1	16	12	113			offsite
ADJ14	Verawood	Bulnesia arboria	7	Good	1	18	16	201			offsite
ADJ15	Verawood	Bulnesia arboria	5	Fair	1	16	15	177			offsite
ADJ16	Verawood	Bulnesia arboria	3	Poor	1	12	9	64			offsite
ADJ17	royal poinciana	Delonix regia	9	Fair	4	18	18	254			offsite
ADJ18	royal poinciana	Delonix regia	10	Fair	1	20	18	254			offsite
ADJ19	Seagrape	Coccoloba uvifera	16	Good	1	28	26	531			offsite

Tree numbers preceeded by "ADJ" indicate offsite trees on neighboring/adjacent properties, measurements are approximated

NOTE:
THE TREE INFORMATION SHOWN HEREON PER "TREE TABLE" AS SHOWN ON CERTIFIED ARBORIST ASSESSMENT PREPARED BY NEW LEAF ENVIRONMENTAL, LLC., BY Michael McCoy, CERTIFIED ARBORIST MA 4243A, TRAQ QUALIFIED, LIAF CERTIFIED LANDSCAPE INSPECTOR, DATED JANUARY 23, 2023.

GENERAL LEGEND:

AERIAL TARGET
ALUMINUM LIGHT POST
ALUMINUM LIGHT POST (SINGLE)
ALUMINUM LIGHT POST (DOUBLE)
ALUMINUM LIGHT POST (TRIPLE)
ALUMINUM LIGHT POST (QUAD)
ANCHOR/GUY WIRE
BACKFLOW PREVENTER ASSEMBLY
CABLE TELEVISION BOX
CATCH BASIN
CATCH BASIN F-3
CENTERLINE
CHECK VALVE ASSEMBLY
COLUMN (CIRCULAR)
COLUMN (SQUARE)
CONCRETE LIGHT POLE
CONCRETE LIGHT POLE (DOUBLE)
CONCRETE POWER POLE
CONTROL POINT
COMMUNICATION PULL BOX
CURB INLET
DOUBLE DETECTOR CHECK VALVE
DRAIN (CIRCULAR OR SQUARE)
ELECTRIC BOX (ABOVE GROUND)
ELECTRIC PULL BOX (BELOW GROUND)
ELECTRIC HAND HOLE
ELECTRIC OUTLET
ELEVATIONS (SEE NOTES FOR DATUM)
FIRE HYDRANT
FIRE LINE SIAMESE CONNECTION
FIRE LINE CONNECTION
FLAGPOLE
FLOW LINE
FORCE MAIN MANHOLE
FORCE MAIN VALVE
F.P.L. ELECTRIC MANHOLE
F.P.L. FIBER NETWORK
F.P.L. TRANSMISSION POLE
GAS MANHOLE
GAS METER
GAS PUMP
GAS VALVE
GREASE TRAP MANHOLE
GROUND LIGHTING
GUARD POST, BOLLARD
IRRIGATION HAND HOLE
IRRIGATION VALVE
MAILBOX
MONITOR WELL
MONUMENT LINE
P-5 INLET
P-6 INLET
PARKING METER
PEDESTRIAN CROSSING SIGNAL
PERMANENT REFERENCE MONUMENT
POST INDICATOR VALVE
VACUUM BREAKER ASSEMBLY
PROPERTY LINE
ROUND CATCH BASING
SANITARY SEWER CLEANOUT
SANITARY SEWER MANHOLE
SIGN POST
SPRINKLER PUMP
STANDPIPE
STORM SEWER MANHOLE
STREET LIGHT BOX
SWALE INLET
TELEPHONE BOX (SOUTHERN BELL)
TELEPHONE HAND HOLE
TELEPHONE MANHOLE (SO. BELL)
TELEPHONE PAYPHONE
TRAFFIC HAND HOLE
TRAFFIC UTILITY BOX
TRAFFIC CONTROL POST
TRAFFIC SIGNAL POST
TRAFFIC SIGNAL BOX
TREE & PALM
UNDERGROUND UTILITY MARKER
UNKNOWN UTILITY MANHOLE
UNKNOWN UTILITY HAND HOLE
WATER MANHOLE
WATER METER
WATER VALVE
WOOD LIGHT POLE
WOOD POWER POLE
WOOD TELEPHONE POLE
HANDICAP PARKING
STROLLER PARKING

ABBREVIATIONS:

R denotes RADIUS
Δ denotes DELTA ANGLE
L denotes ARC DISTANCE
CH.D. denotes CHORD LENGTH or CHORD DISTANCE
CH.B. denotes CHORD BEARING
T denotes TANGENT DISTANCE
P.C.P. denotes PERMANENT CONTROL POINT
P.R.M. denotes PERMANENT REFERENCE MONUMENT
P.B. denotes PLAT BOOK
PG. denotes PAGE
P.O.C. denotes POINT OF COMMENCEMENT
P.O.B. denotes POINT OF BEGINNING
OHW denotes OVERHEAD UTILITY WIRES
O.R.B. denotes OFFICIAL RECORDS BOOK
P.C. denotes POINT OF CURVATURE
C.B.S. denotes CONCRETE BLOCK STRUCTURE
CONC. denotes CONCRETE
C.L.F. denotes CHAINLINK FENCE
M.F. denotes METAL FENCE
W.F. denotes WOOD FENCE
F.F.E. denotes FINISH FLOOR ELEVATION
F.I.P. denotes FOUND IRON PIPE
S.I.P. denotes SET IRON PIPE & LB-87 CAP
F.N.D. denotes FOUND NAIL & BRASS DISC
S.N.D. denotes SET LB-87 NAIL & BRASS DISC
C.I.P. denotes CORRUGATED IRON PIPE
CLR. denotes CLEAR
E.T.P. denotes ELECTRIC TRANSFORMER PAD
ENCR. denotes ENCROACHMENT
D.C. denotes DEPRESSED CURB
PL. denotes PLANTER
(C) denotes CALCULATE DISTANCE
I.E. denotes INVERT ELEVATION
T.O.P. denotes TOP OF PIPE
(D) denotes DEED DISTANCE
(L) denotes DISTANCE BY LEGAL DESCRIPTION
(M) denotes MEASURED DISTANCE
(R) denotes RECORD OR PLATTED DISTANCE
BOTTOM — APPROXIMATE BOTTOM OF SLOPE
COMM — COMMUNICATION
DRAIN — DRAINAGE
FPL — ELECTRIC
FM — FORCE MAIN
IRRIG — IRRIGATION
GAS — NATURAL GAS
OHW — OVERHEAD WIRES
SM — SANITARY SEWER
TOP — APPROXIMATE TOP OF BANK
VEG — VEGETATION LINE
WM — WATER
/// — LIMITED ACCESS RIGHT OF WAY LINE

CERTIFIED TO:

-7940 NBV PARTNERS, LLC, A FLORIDA LIMITED LIABILITY COMPANY
-OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
-BANK OF OZK
-ESCOBAR & DECARLO, L.L.C.

SURVEYOR'S CERTIFICATION:

THIS IS TO CERTIFY THAT THIS MAP AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS. THIS **BOUNDARY** SURVEY COMPLIES WITH THE STANDARDS OF PRACTICE REQUIREMENTS ADOPTED BY THE FLORIDA STATE BOARD OF SURVEYORS AND MAPPERS PURSUANT TO CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.
THE FIELDWORK WAS COMPLETED ON FEBRUARY 21, 2023

Schwebke-Shiskin & Associates, Inc.

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY MARK STEVEN JOHNSON, P.S.M. 4775

BY: *Mark Steven Johnson* DATE OF PLAT OR MAP:
MARK STEVEN JOHNSON, PRINCIPAL
PROFESSIONAL LAND SURVEYOR No. 4775
STATE OF FLORIDA.

MARK STEVEN JOHNSON · LICENSE No. 4775 · STATE OF FLORIDA · PROFESSIONAL SURVEYOR AND MAPPER

This Survey has been electronically signed and sealed by Mark Steven Johnson, PSM on the date noted hereon. All signatures must be verified on electronic copies. Printed copies are not considered signed and sealed, unless they include an additional raised embossed seal of the surveyor.

Schwebke-Shiskin & Associates, Inc.
LAND PLANNERS • ENGINEERS • LAND SURVEYORS
3240 CORPORATE WAY, MIRAMAR, FLORIDA 33025
TEL: (954) 435-7010 FAX: (954) 438-3288

CERTIFICATE OF AUTHORIZATION No. LB-87

NOTE: This sketch is not valid unless it bears the signature and the original raised seal of a Florida licensed surveyor and mapper.

This is a "Boundary Survey."

Drawn By: AH/GR	Survey Date: 02-21-23	Checked By: M.S.J. Date:
Order No. 216020	F.B. No.: 2248 Pg.28	Scale: AS SHOWN
File No. AJ-6243		Sheet 1 of 1 Sheet(s)

REVISIONS				
Date:	Order No.	Field Book	Remarks:	By:

FILE NO. AJ-6243

K:\095342\LOTS 38-42 HARBOR ISLAND\SURVEY\DWG\LOTS 38,40,42 HARBOR ISLAND.DWG

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Project
7940 WEST DRIVE
NORHT BAY VILLAGE
7940 WEST DRIVE
NORTH BAY VILLAGE, FL 33141

Revisions
RESPONSE TO PLANNING COMMENTS 07/18/2023

Owner Information
7940 NBV PARTNERS, LLC
4531PRAIRIE AVE
MIAMI BEACH, FL 33140
(912) 398-1775

Consultant

Luis O. Revuelta
AR-0007972

SCHEMATIC DESIGN

Date 06/12/2023
Scale AS SHOWN
Project No. 2114
Sheet Name SURVEY
Sheet No. A-002

SURVEY

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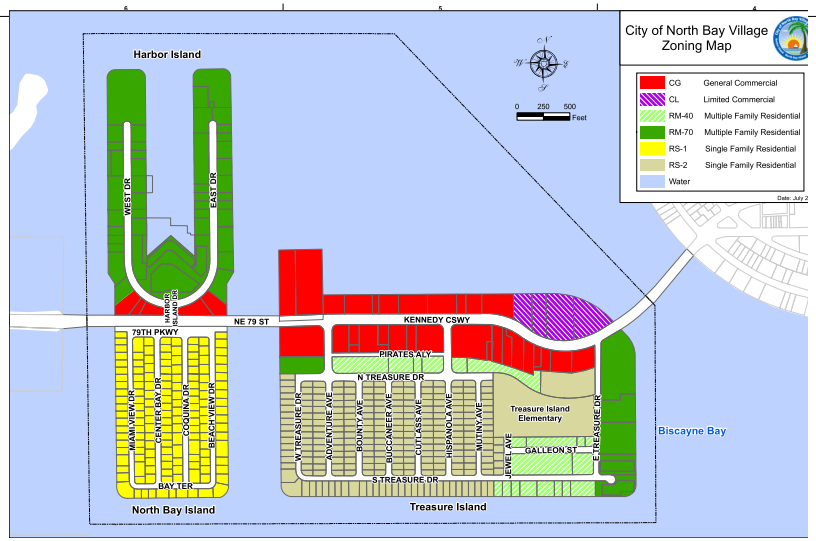
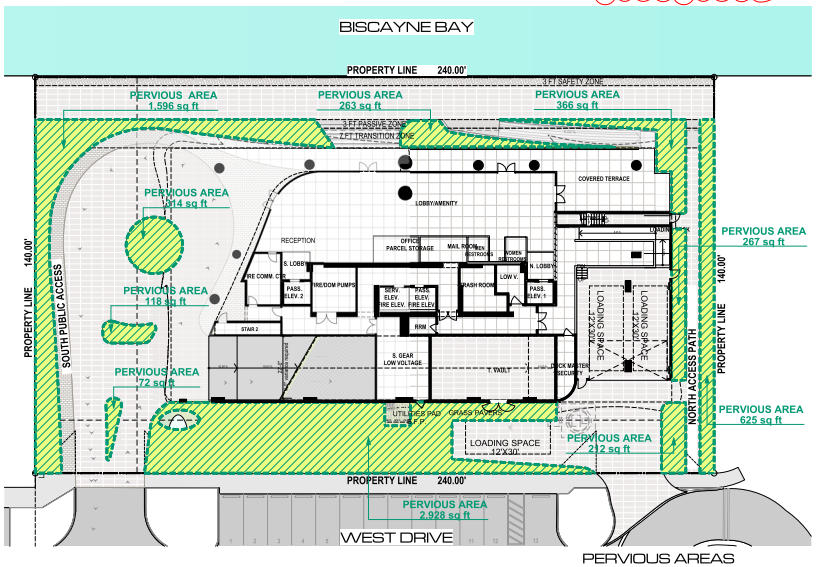
The Contractor Must Check And Verify all Dimensions Of The Job And Be Responsible For Same, Reporting Any Discrepancies to The Architects Before Commencing work. Drawings Not to be Scaled.
Cloud: RAI-SERVER2-25 - BIMcloud Basic for Archicad 25/2114 NORTH BAY VILLAGE/2114 7940 WEST DRIVE - NORTH BAY VILLAGE - MARCH 2023 - By mguedez - Date: 8/29/2023



ZONING MAP



PERVIOUS AREAS

PERVIOUS AREA CALCULATION	
LEVEL	AREA
LOBBY	6,761
	6,761 ft²

Zoning Summary

revuelta architecture international p.a.

7938-40 West Drive, North Bay Village

	SF	Acres
Lot Area	33,600	0.77

Lot Dimensions: Width 240' x Depth 140'

Legal Description

REFER TO SURVEY : SCHWEBKE SHISKIN & ASSOCIATES

Flood Elevation

AE 8' - Flood designation - Design Flood Elevation 10' N.G.V.D. (BFE + 2)

ZONING CLASSIFICATION - RM-70

Density	du/acre*		Allowable	Proposed
	70		54	
	91	*(+30% TDR Program)	70	70

Minimum Unit Sizes	unit type	number of units	Required (sq.ft.)	Proposed (sq.ft.)
	Efficiency	0	600	n/a
	One-Bedroom	0	900	n/a
	Two-Bedroom	17	1,200	1,997
	Three-Bedroom or larger	53	1,350	2,359 or larger

Minimum Pervious Area Requirements	area (sq. ft.)	Required	Proposed
Minimun Pervious area 20% of area lot	6,720	6,720	6,761

DISTRICT SETBACKS

		Required	Proposed
Front Setback - West Drive		25'-0"	25'-0"
One Side Setback Interior		15'-0"	15'-0"
Second Side Setback Interior	20% of lot width	48'-0"	48'-0"
Rear Setback		25'-0"	25'-0"

BUILDING HEIGHT

			Allowable	Proposed
Maximum Building Height	150'-0"	240'-0"	312'-0"	312'-0"
	Base	With Bonus	*(+30% with TDR)	

PARKING AND LOADING REQUIREMENTS

Parking Space Requirements	No. of Units	Required	Proposed
Residential - 2 PS / DU - 1 & 2 bdrm units	17	34	26
Residential - 3 PS / DU - 3 bdrm units	53	159	95
Residential - Visitor 10% of required spaces		19	14 (Parking Reduction of -36.8%)
Total Parking Spaces		212	135

Bicycle Space Requirements	Required	Provided
	14	
Bicycles 1 Space / 3 units per Sustainability Requirement	0	
Total bicycles	0	100

Loading Zone	Required	Proposed
Over 1000,000 SQ.FT	3	2 (12 X 30)
Total Loading Berths	3	2

ADA Space Requirements for residents		Required	Provided
Per F.C.B.C Section 2.8.3.2 (2%) of parking spaces not covered by F.B.C. Section 2.8.3.1 shall comply with Section 502			
Total of parking spaces 135 - Total of Residential units 70			
Total parking spaces not covered by F.B.C Section 2.8.3.1 = 65	2% of 65	2	2

Notes:

NGBS - GOLD CERTIFICATION		
Green Design Option	Description	Points Received
Electrical Vehicle Charging Stations for parking spaces	Provisions for 10 Charging Stations (2pts per. Not to exceed 4 pts)	4
White Roof/ Cool Roof	All roofing products will be EnergyStar certified or SRI compliant (82 SRI). All pool/ amenity decks over conditioned space need light colored pavers with SR of 33 or higher.	4
Cool Pavement	All ground floor hardscape to use products at or above SR .30 or higher (20% higher than asphalt)	4
EnergyStar Rating (Appliance + Equipment)	EnergyStar lights (LED okay) and appliances - refrigerator, dishwasher, clothes washer, exhaust fans and any ceiling fans throughout the project.	4
NGBS Gold Certification	National Green Building Standard (NGBS) GOLD level certification	14
	Total	30

PARKING SPACES CALCULATION

LEVELS	ADA	REGULAR 9'-0"x 18'-0"	COMPACT 8'-0"x 16'-0"
2	1	20	5
3	1	20	5
4		22	5
5		22	5
6		22	7
SUBTOTALS	2	106	27
	TOTAL SPACES PROVIDED		135

COMPACT SPACES		
ALLOWED	MAX 20% OF 135 SPACES	27
PROVIDED	20% OF 135 SPACES	27

ZONING DATA

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Revisions

RESPONSE TO PLANNING COMMENTS 07/18/2023

Owner Information

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Consultant

Luis O. Revuelta
AR-0007972

SCHEMATIC DESIGN

Date 06/12/2023
Scale AS SHOWN
Project No. 2114
Sheet Name PROJECT DATA
Sheet No. **A-003**

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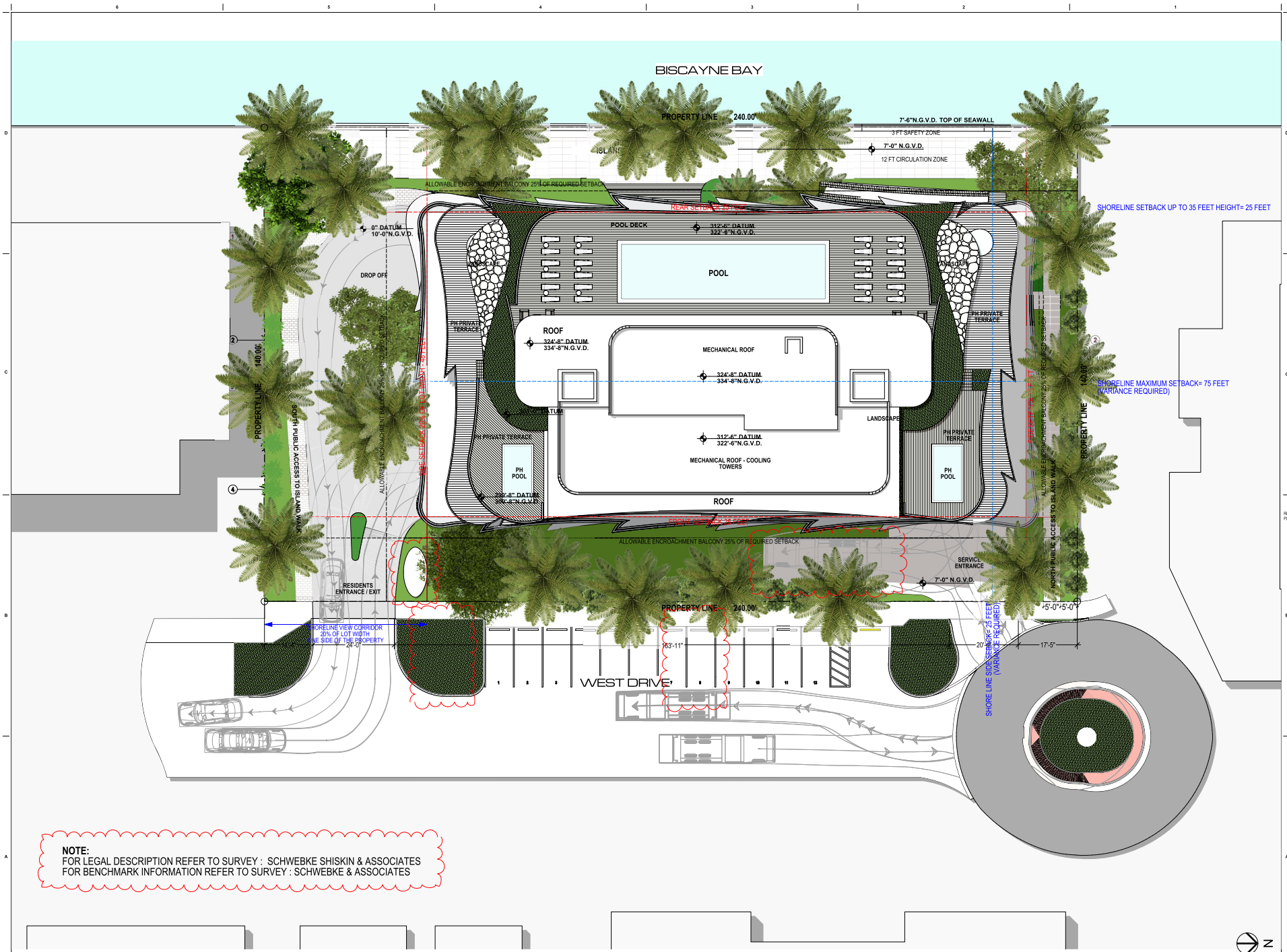

NOTE:
FOR LEGAL DESCRIPTION REFER TO SURVEY : SCHWEBKE SHISKIN & ASSOCIATES
FOR BENCHMARK INFORMATION REFER TO SURVEY : SCHWEBKE & ASSOCIATES

1 SITE PLAN
SCALE: 3/32" = 1'-0"

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Revisions
RESPONSE TO PLANNING COMMENTS 07/18/2023

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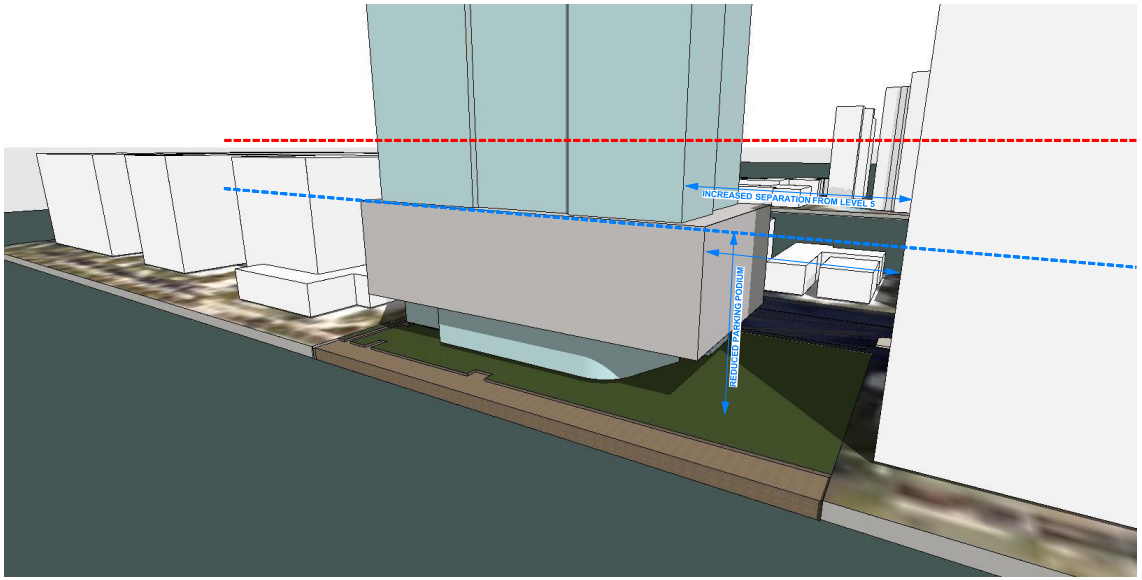
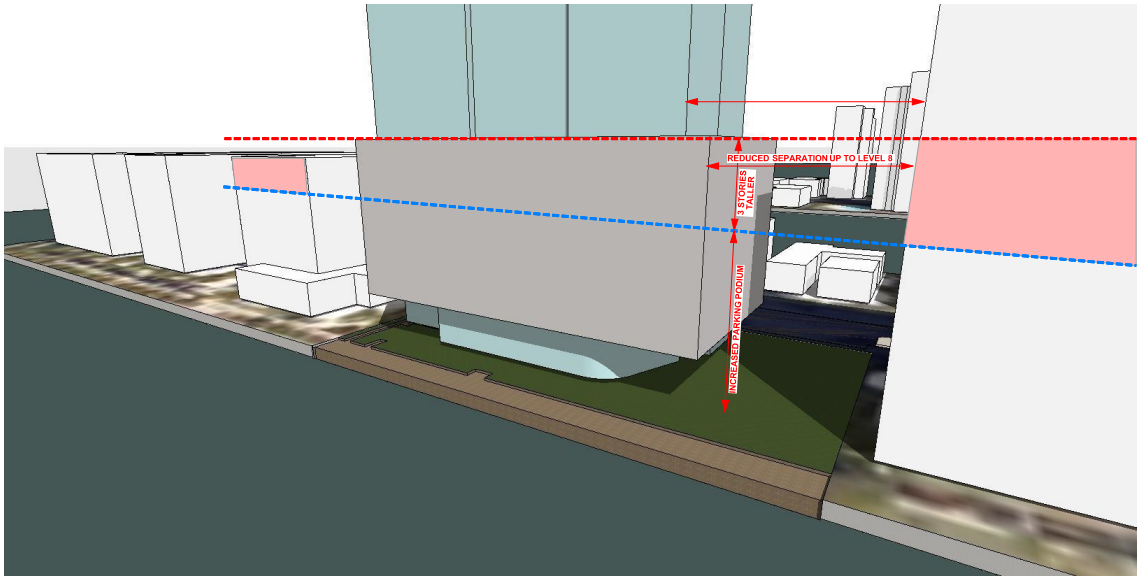
SCHEMATIC DESIGN

Date 06/12/2023
Scale AS SHOWN
Project No. 2114
Sheet Name SITE - PLAN
Sheet No. **A-004**

536



PODIUM MASSING WITH
PROPOSED PARKING REDUCTION



PODIUM MASSING WITH
NO PARKING REDUCTION

ANALYSIS OF PARKING REDUCTION

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Revisions

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SCHEMATIC DESIGN

Date
06/12/2023

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AS SHOWN

Project No.
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Sheet Name
PARKING ANALYSIS

Sheet No.
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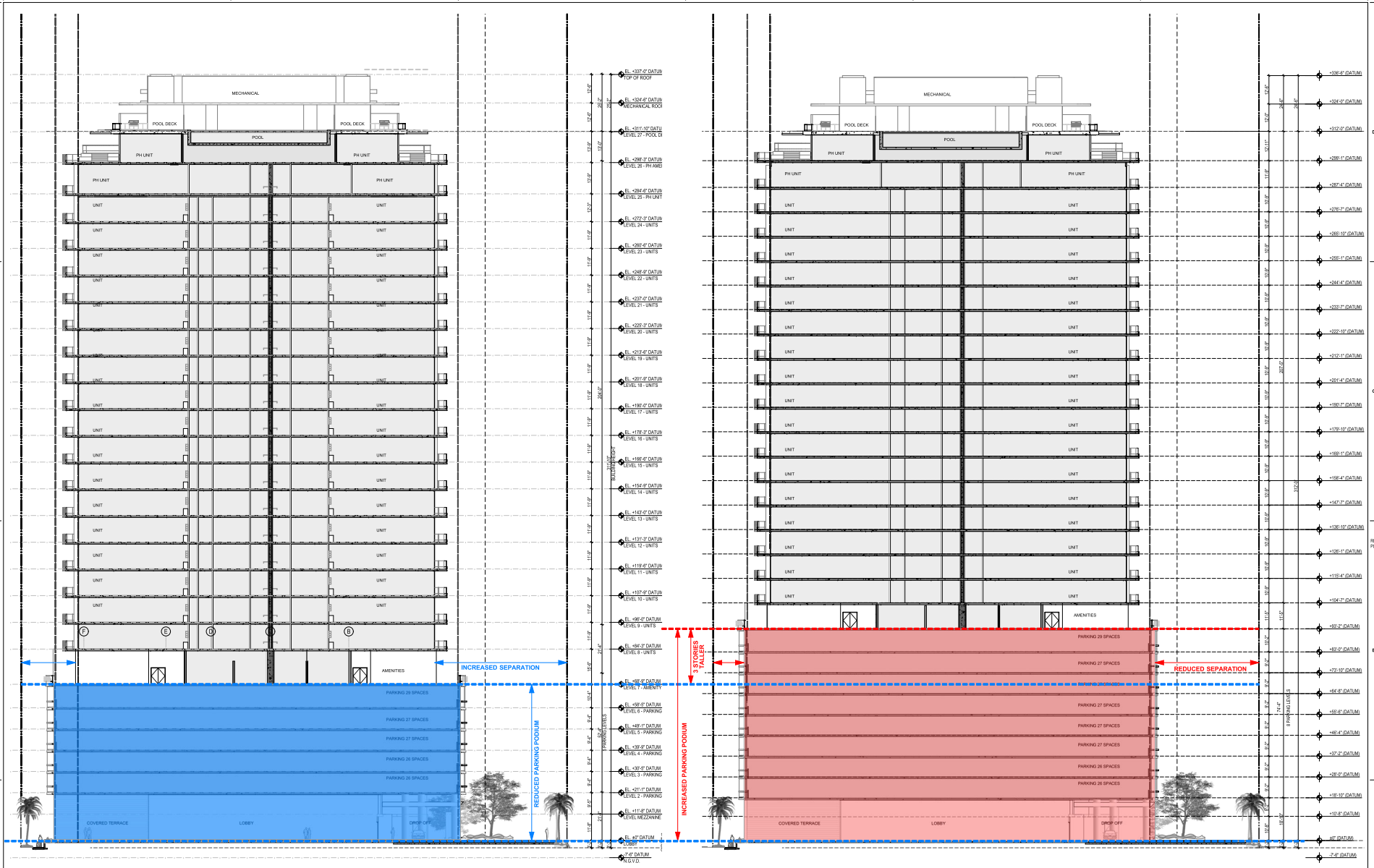

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PROPOSED PARKING REDUCTION

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ANALYSIS OF PARKING REDUCTION

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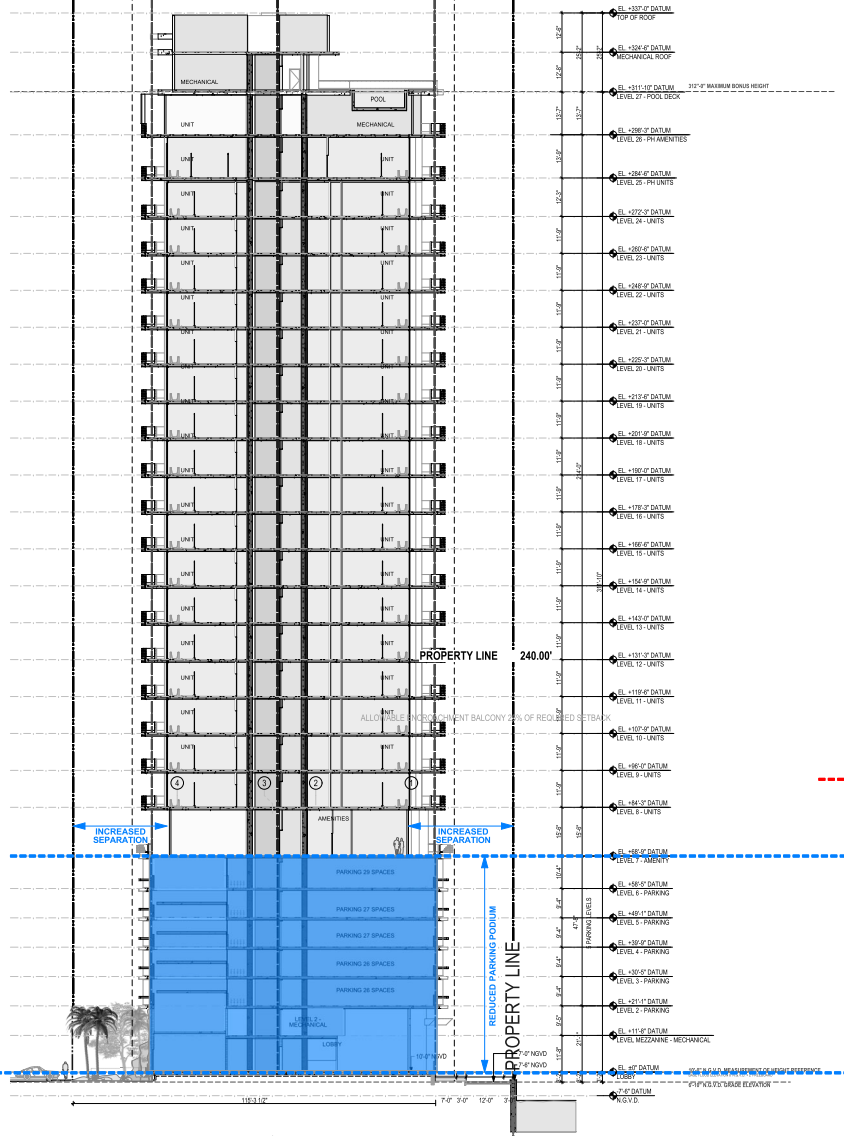
Sheet No. A-005a

538



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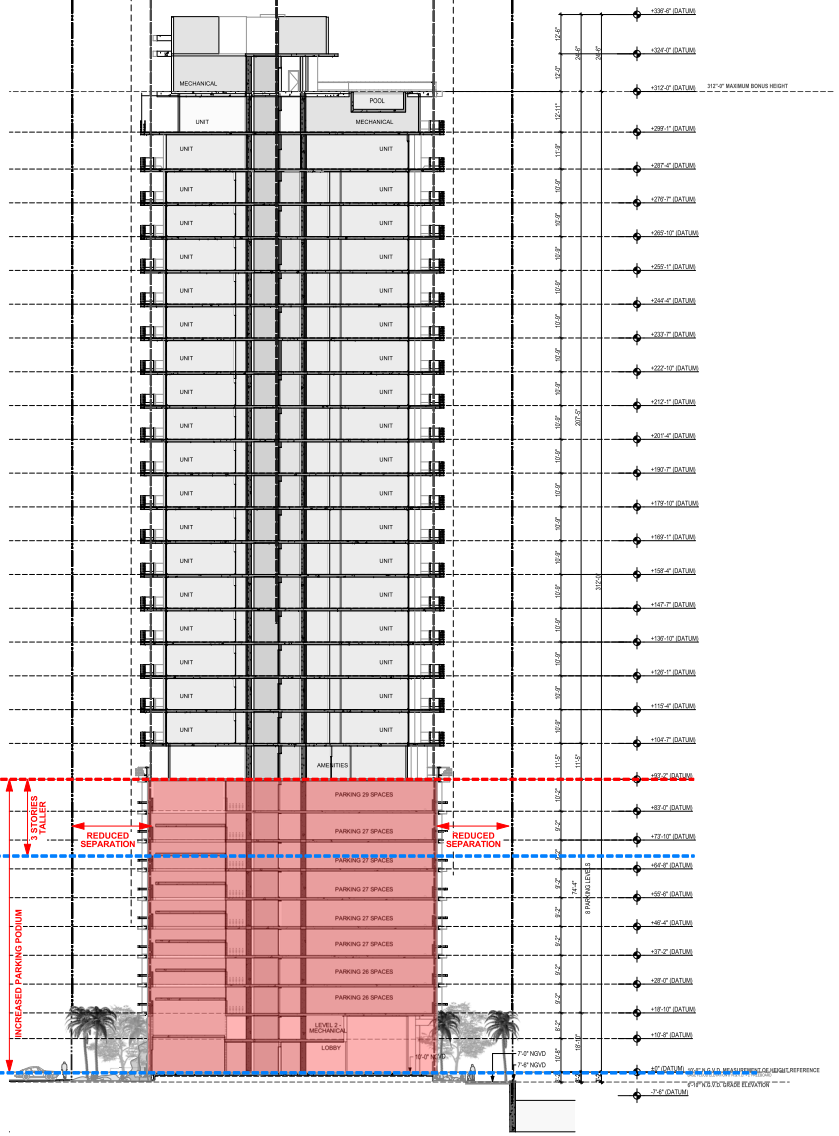
PROPOSED PARKING REDUCTION



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Date	06/12/2023
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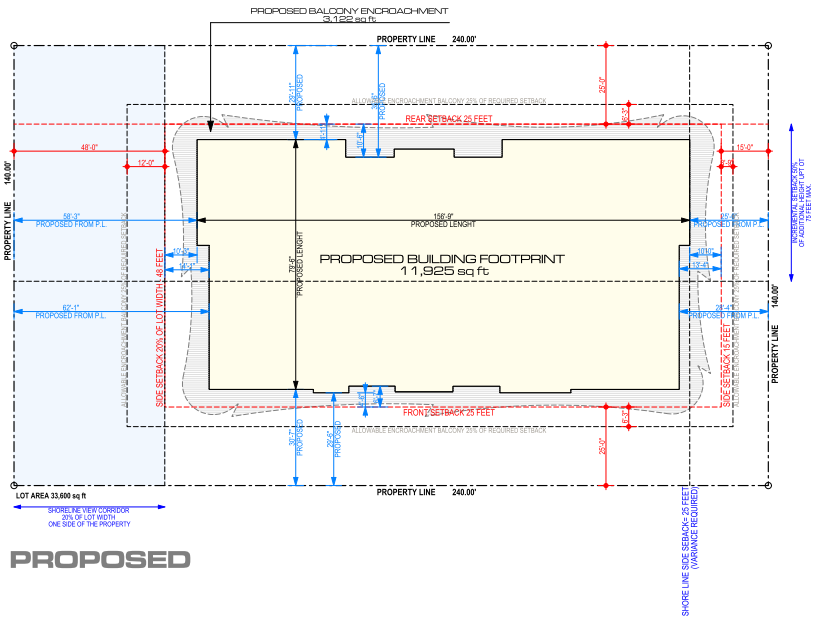
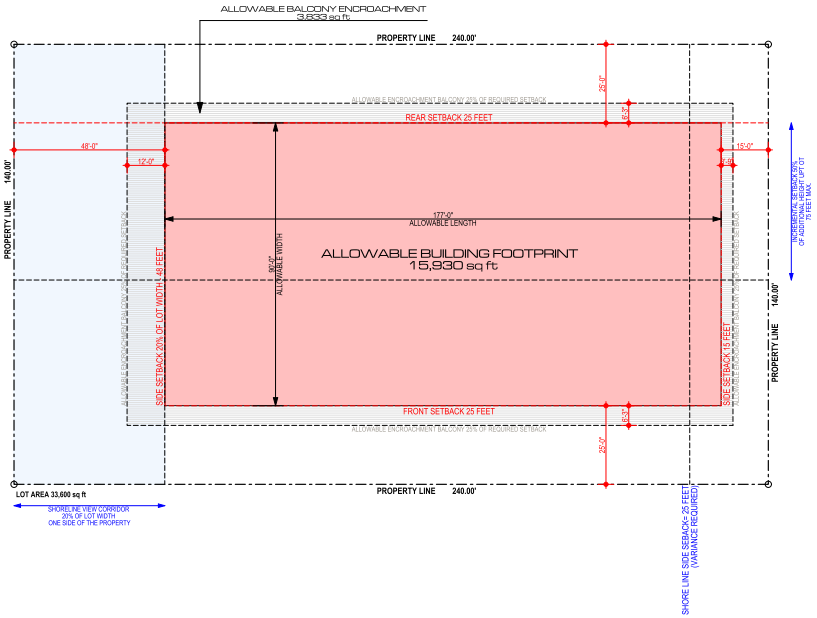
Project No.	2114
Sheet Name	SECTIONS
Sheet No.	A-005b



PROPOSED



ALLOWED

BUILDING FOOTPRINT

ALLOWABLE	15,930 sq.ft.
PROPOSED	11,925 sq.ft.
	74.85 % OF ALLOWABLE

OVERALL FOOTPRINT (BUILDING + BALCONY)

ALLOWABLE	19,763 sq.ft.
PROPOSED	15,047 sq.ft.
	73.16 % OF ALLOWABLE

COMPARATIVE ANALYSIS OF BUILDING FOOTPRINT

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RESPONSE TO PLANNING COMMENTS 07/18/2023

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Sheet Name
BUILDING FOOTPRINT

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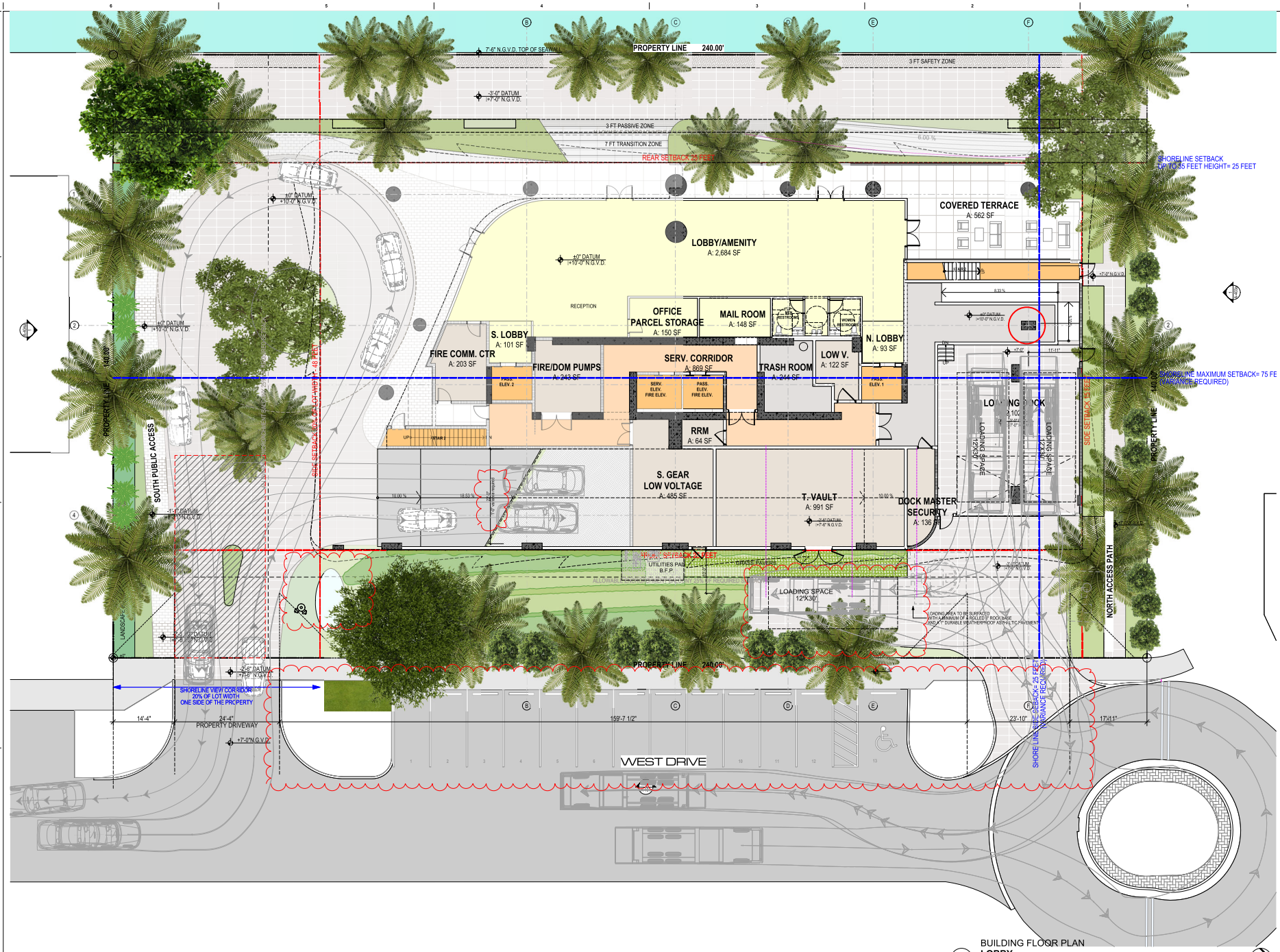

1 BUILDING FLOOR PLAN
LOBBY
SCALE: 1/8" = 1'-0"
+9'-6" N.G.V.D.

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SCHEMATIC DESIGN

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Sheet Name
GROUND FLOOR
Sheet No.
A-101

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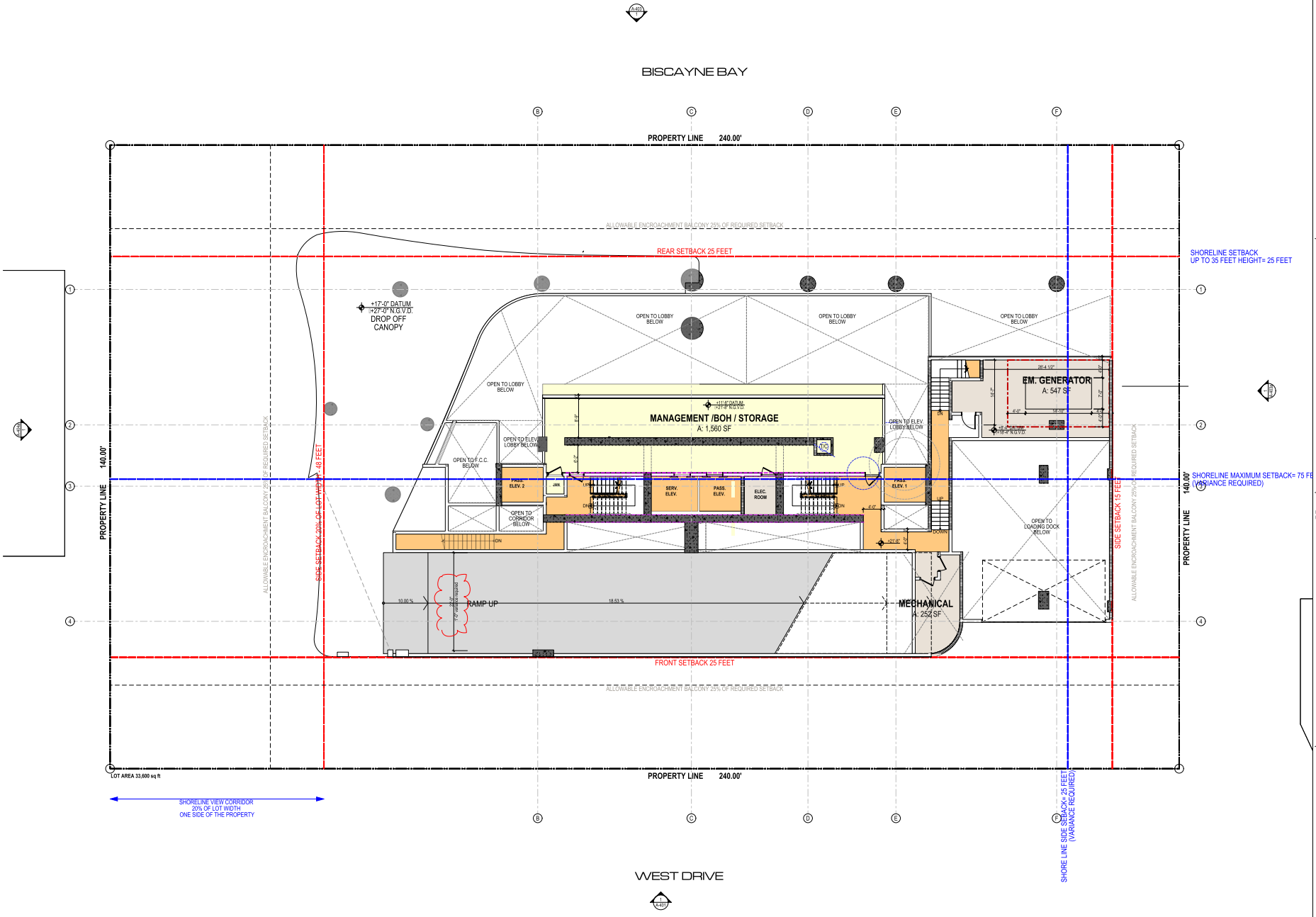

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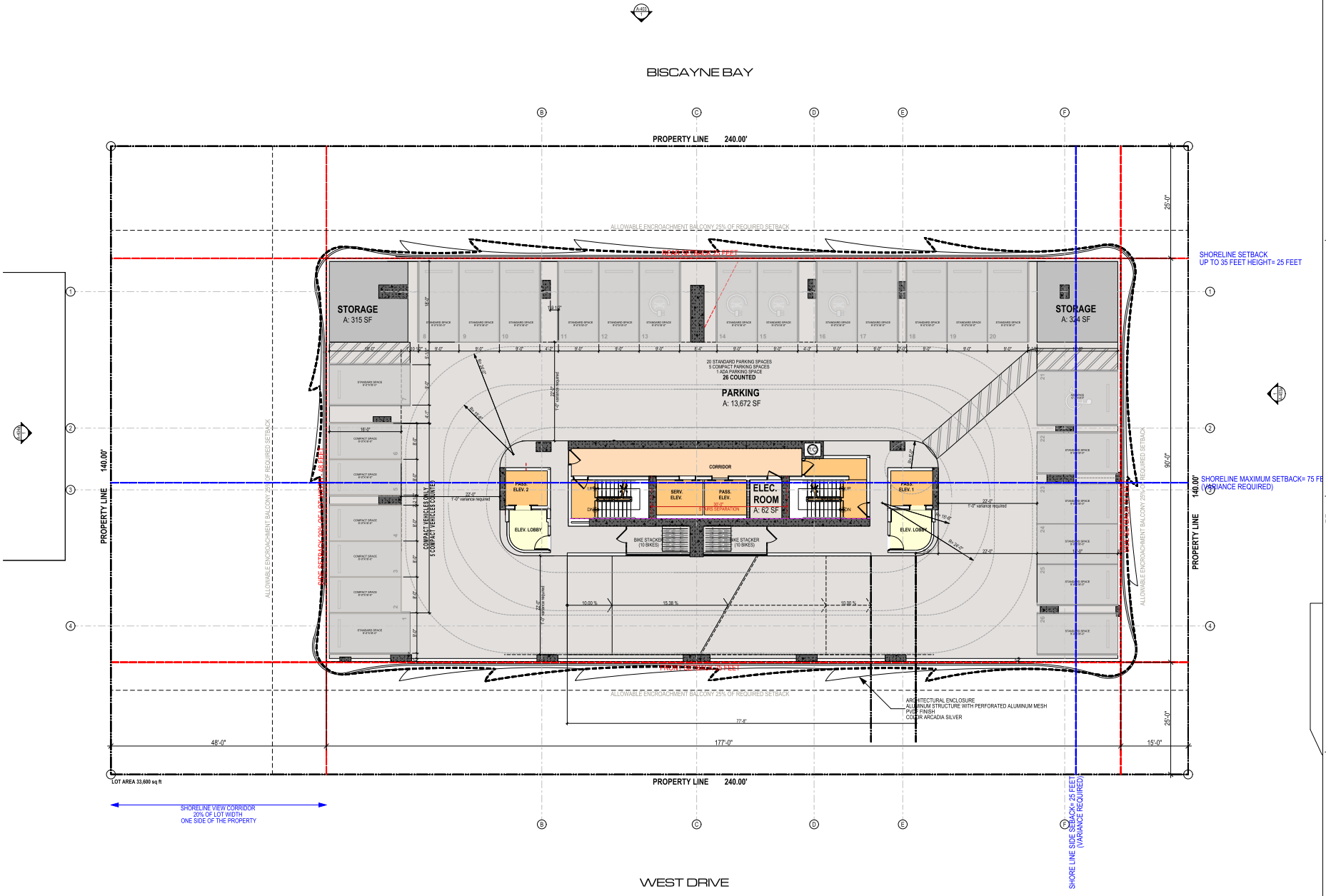
Sheet Name
LEVEL - MEZZANINE

Sheet No.
A-102



1 BUILDING FLOOR PLAN
LEVELS 2 TO 3 - PARKING GARAGE
SCALE: 1/8" = 1'-0"
+19'-8" N.G.V.D.

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RESPONSE TO PLANNING COMMENTS	07/18/2023

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SCHEMATIC DESIGN

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LEVEL 2 TO 3 - PARKING GARAGE
Sheet No.
A-103

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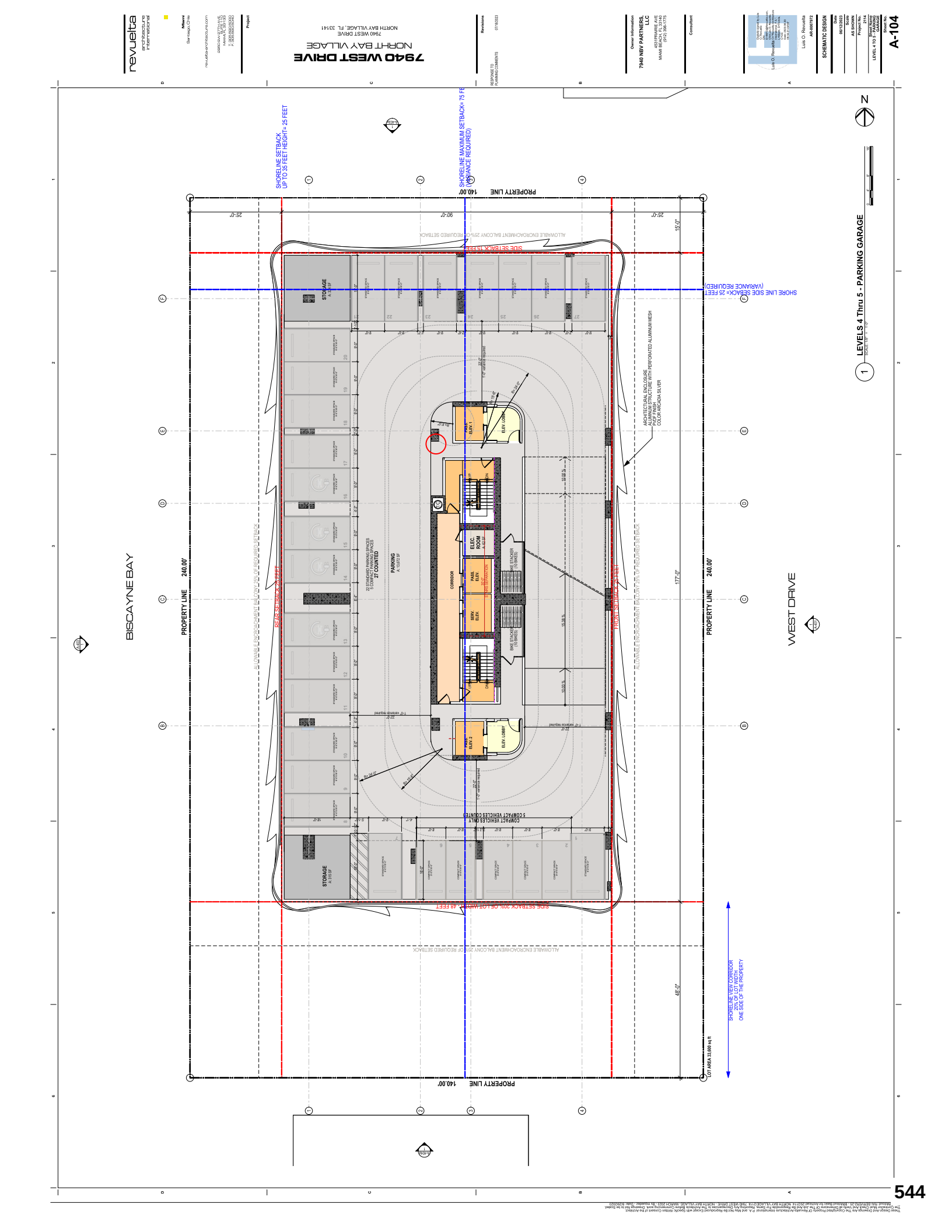

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RESPONSE TO PLANNING COMMENTS — 07/19/2023

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SCHEMATIC DESIGN

Date
06/13/2023

Scale
AS SHOWN

Project No.
2114

Sheet Name
LEVEL 4 TO 5 - PARKING GARAGE

Sheet No.
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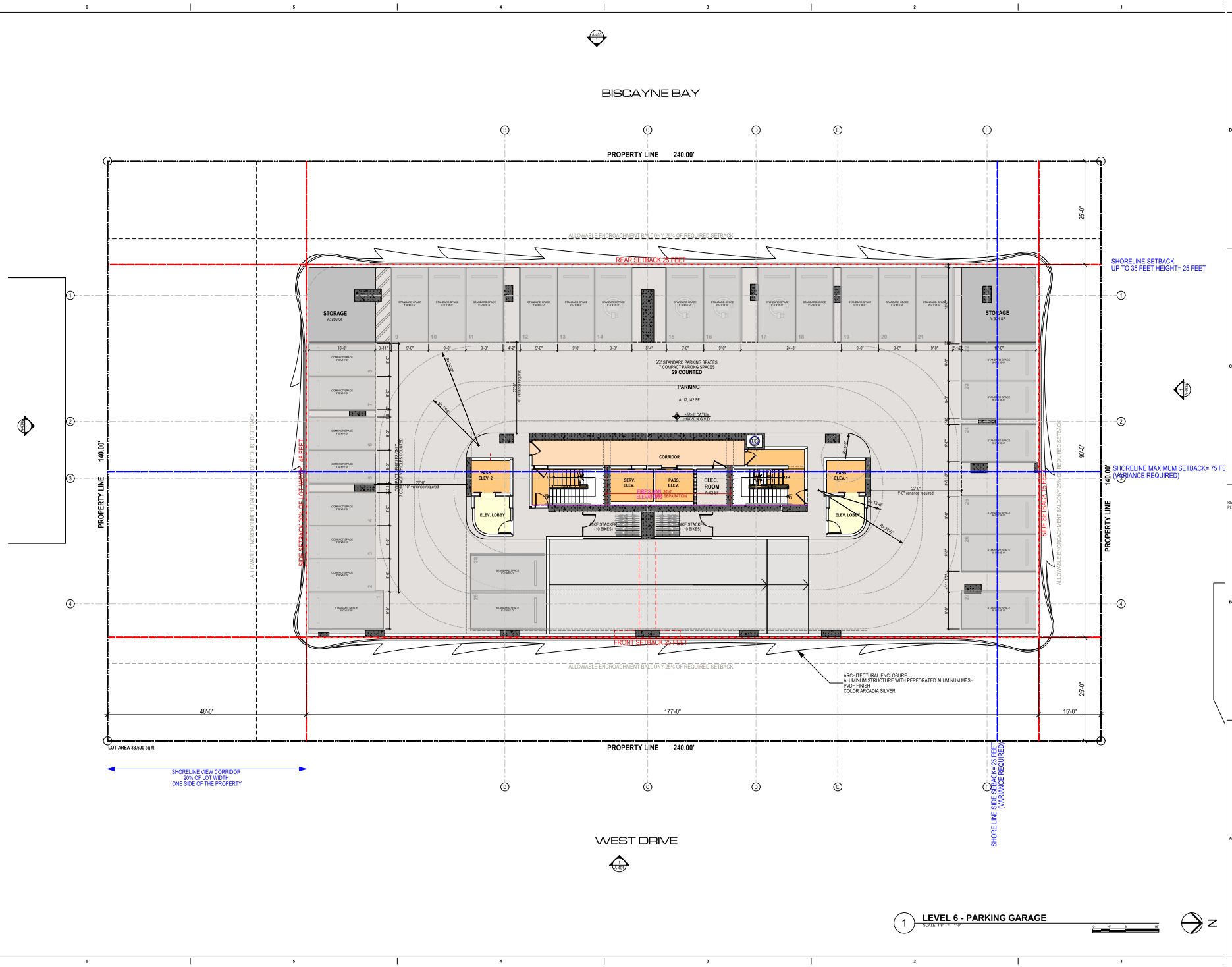

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SCHEMATIC DESIGN

Date
06/12/2023

Scale
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Sheet Name
LEVEL 6 - PARKING GARAGE

Sheet No.
A-105

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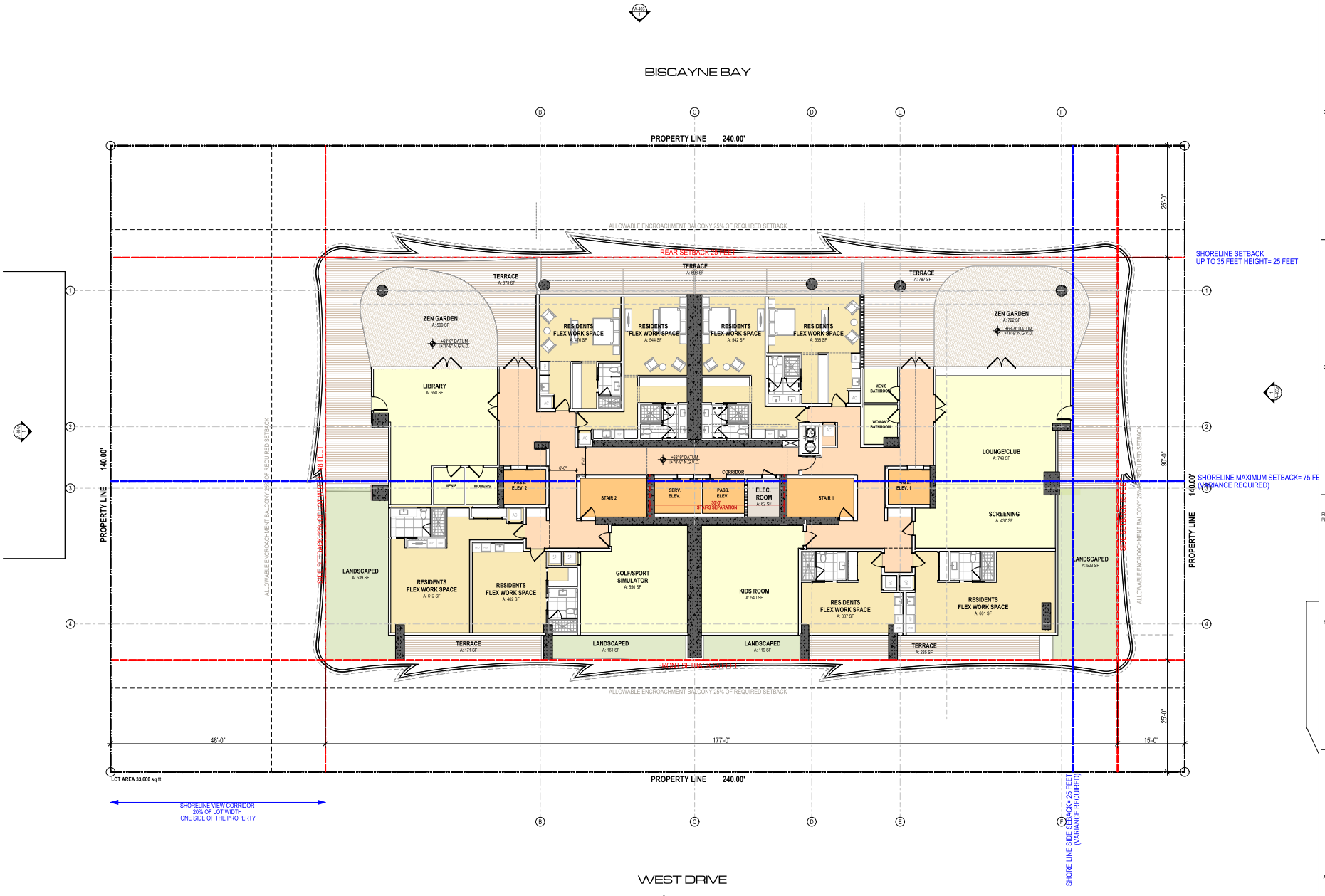

1 BUILDING FLOOR PLAN
LEVEL 7 - AMENITY
SCALE: 1/8" = 1'-0"
+69'-9" N.G.V.D.

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Project

7940 WEST DRIVE
NORTH BAY VILLAGE
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NORTH BAY VILLAGE, FL 33141

Revisions

RESPONSE TO PLANNING COMMENTS 07/18/2023

Owner Information

7940 NBV PARTNERS, LLC
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Consultant

Luis O. Revuelta
AR-0007972

SCHEMATIC DESIGN

Date 06/12/2023
Scale AS SHOWN
Project No. 2114
Sheet Name LEVEL 7 - AMENITY
Sheet No. **A-106**

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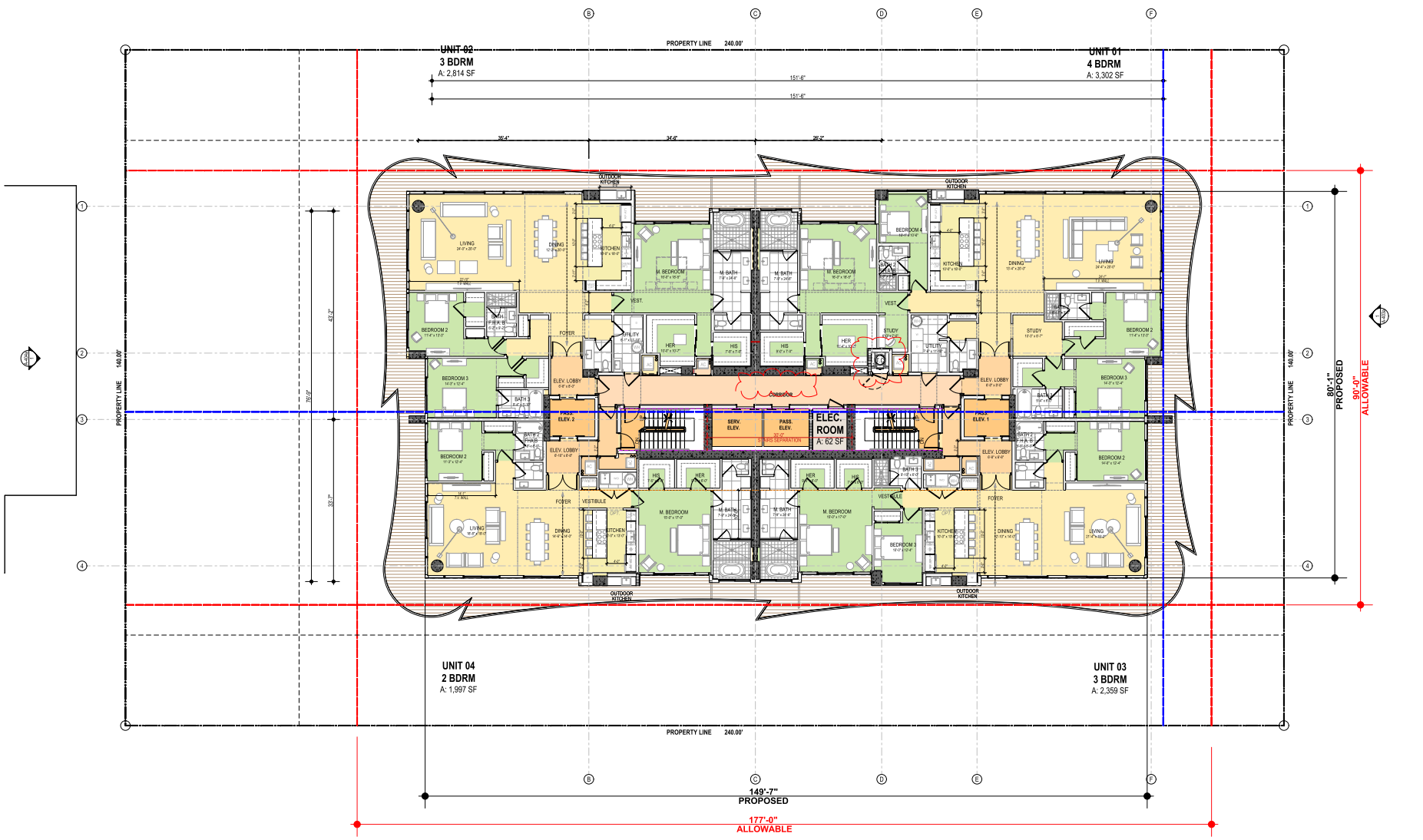

1 TYPICAL LEVEL
SCALE: 1/8" = 1'-0"

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SCHEMATIC DESIGN

Date
06/12/2023

Scale
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Project No.
2114

Sheet Name
LEVELS 8 thru LEVEL 24

Sheet No.
A-107

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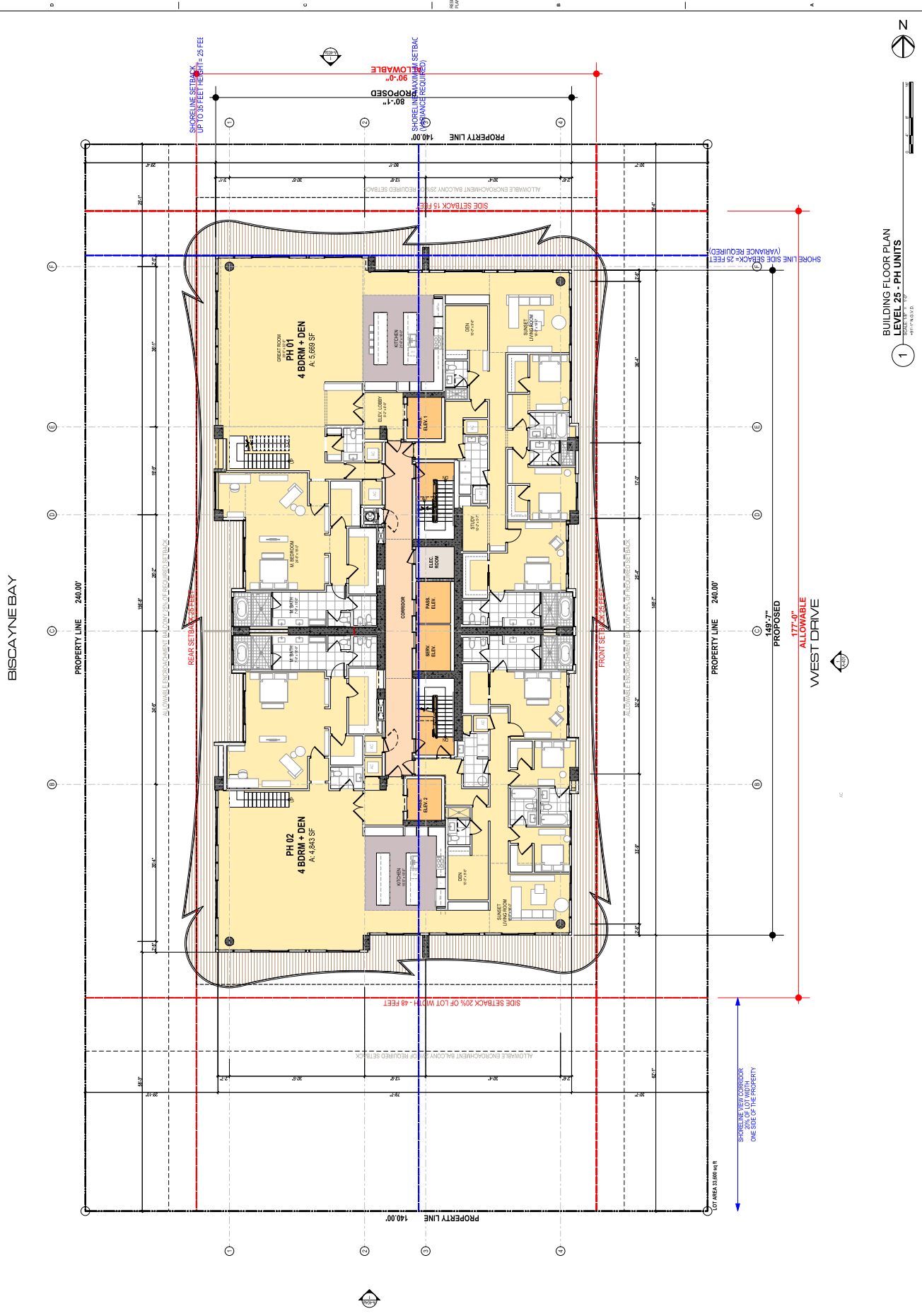

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Revisions
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SCHEMATIC DESIGN

Date
06/13/2023

Scale
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Project No.
2114

Sheet Name
LEVEL 25 - PH UNITS

Sheet No.
A-108

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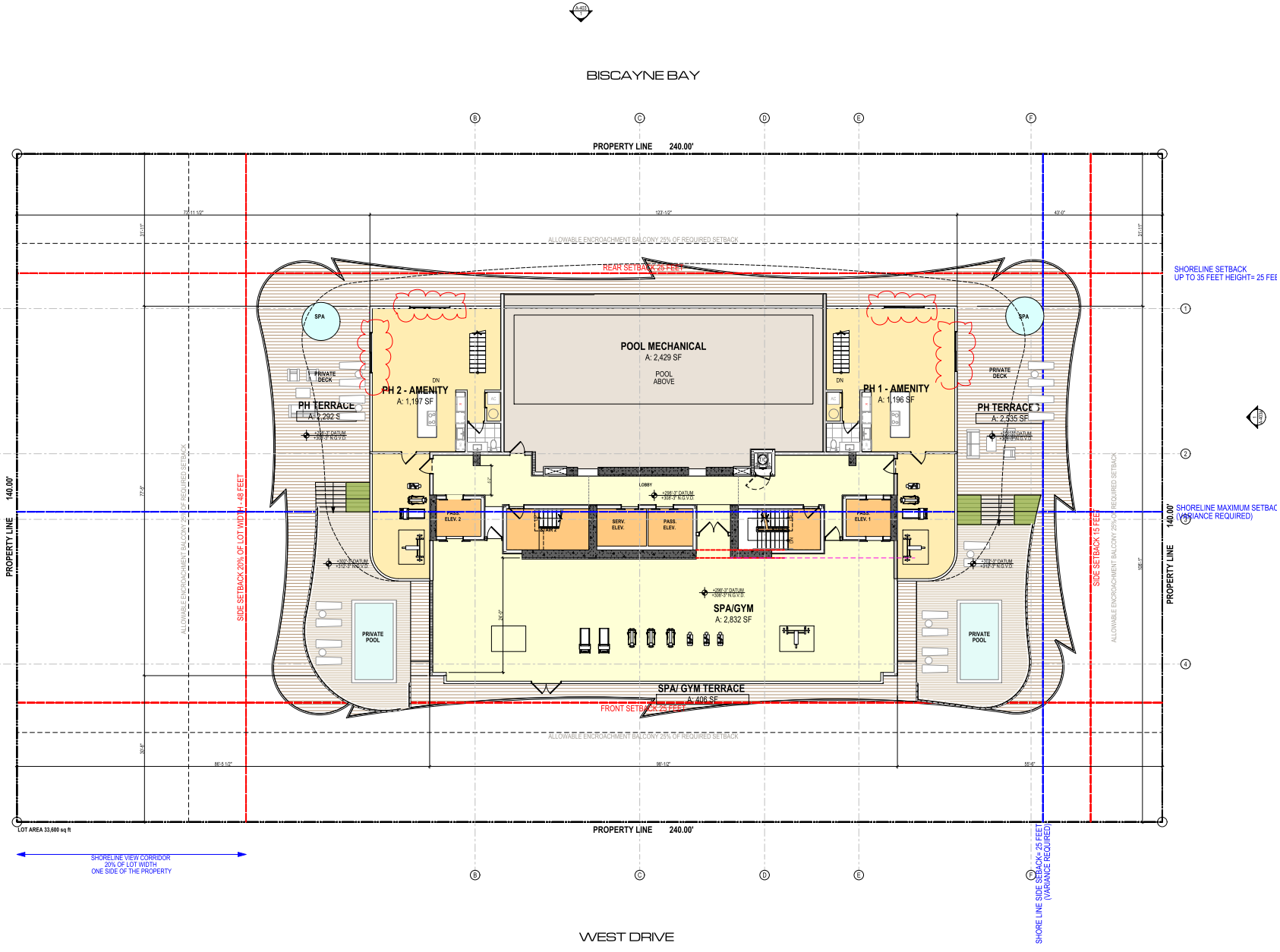

BUILDING FLOOR PLAN
LEVEL 26- UPPER PH - POOL AMENITIES
SCALE: 1/8" = 1'-0"
+91'-1" N.G.V.D.

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Revisions

RESPONSE TO PLANNING COMMENTS 07/18/2023

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Date
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Project No.
2114

Sheet Name
LEVEL 26 -UPPER PH - POOL AMENITIES

Sheet No.
A-109

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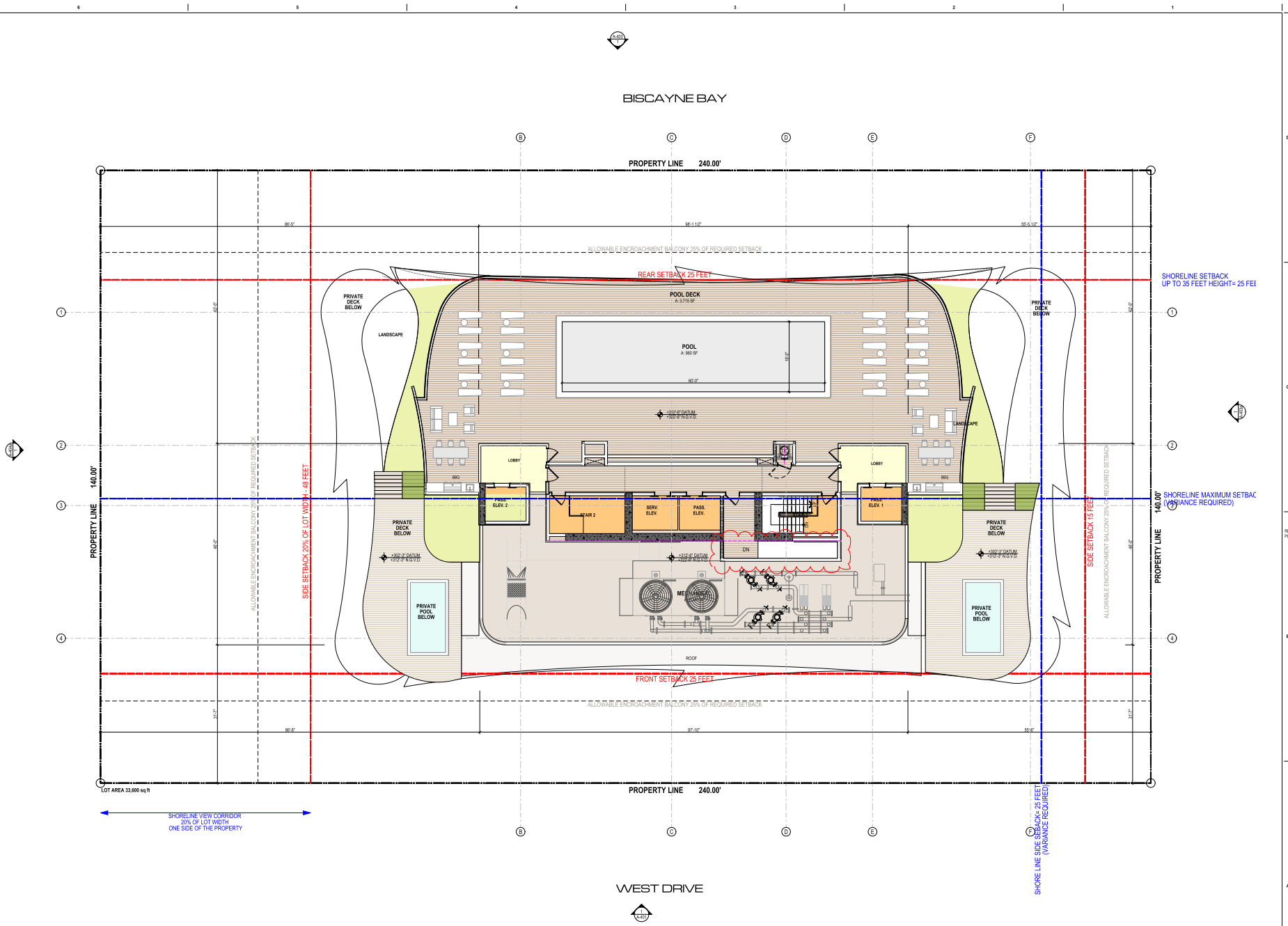

1 BUILDING FLOOR PLAN
LEVEL 27 - POOL DECK
SCALE: 1/8" = 1'-0"
+106'-5" N.G.V.D.

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Scale
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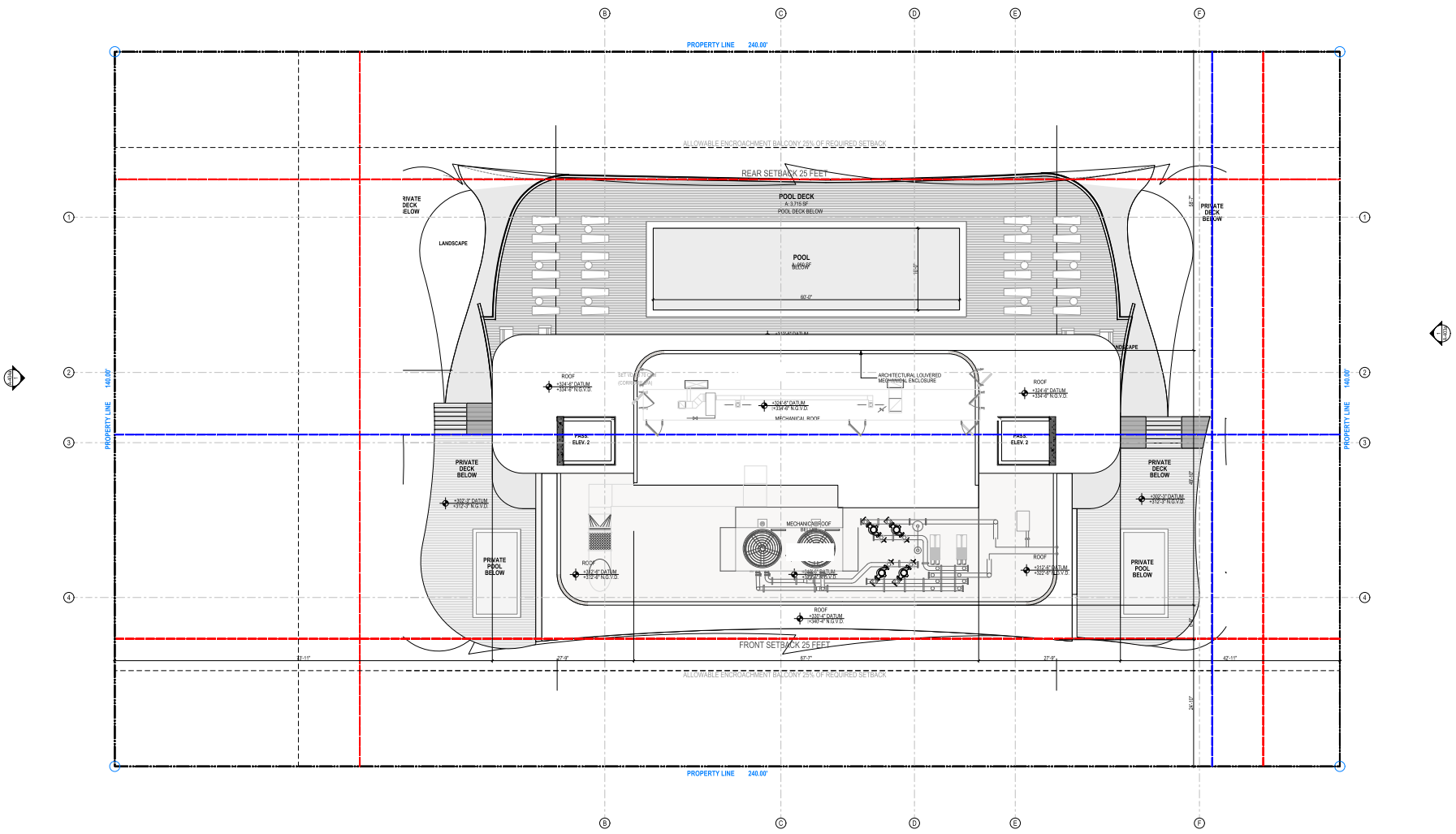
Project No.
2114

Sheet Name
LEVEL 27 - POOL DECK

Sheet No.
A-110

550



2 BUILDING FLOOR PLAN
LEVEL 27 - POOL DECK
SCALE: 1/8" = 1'-0"
+117'-7" N.G.V.D.

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Sheet Name
MECHANICAL ROOF
Sheet No.
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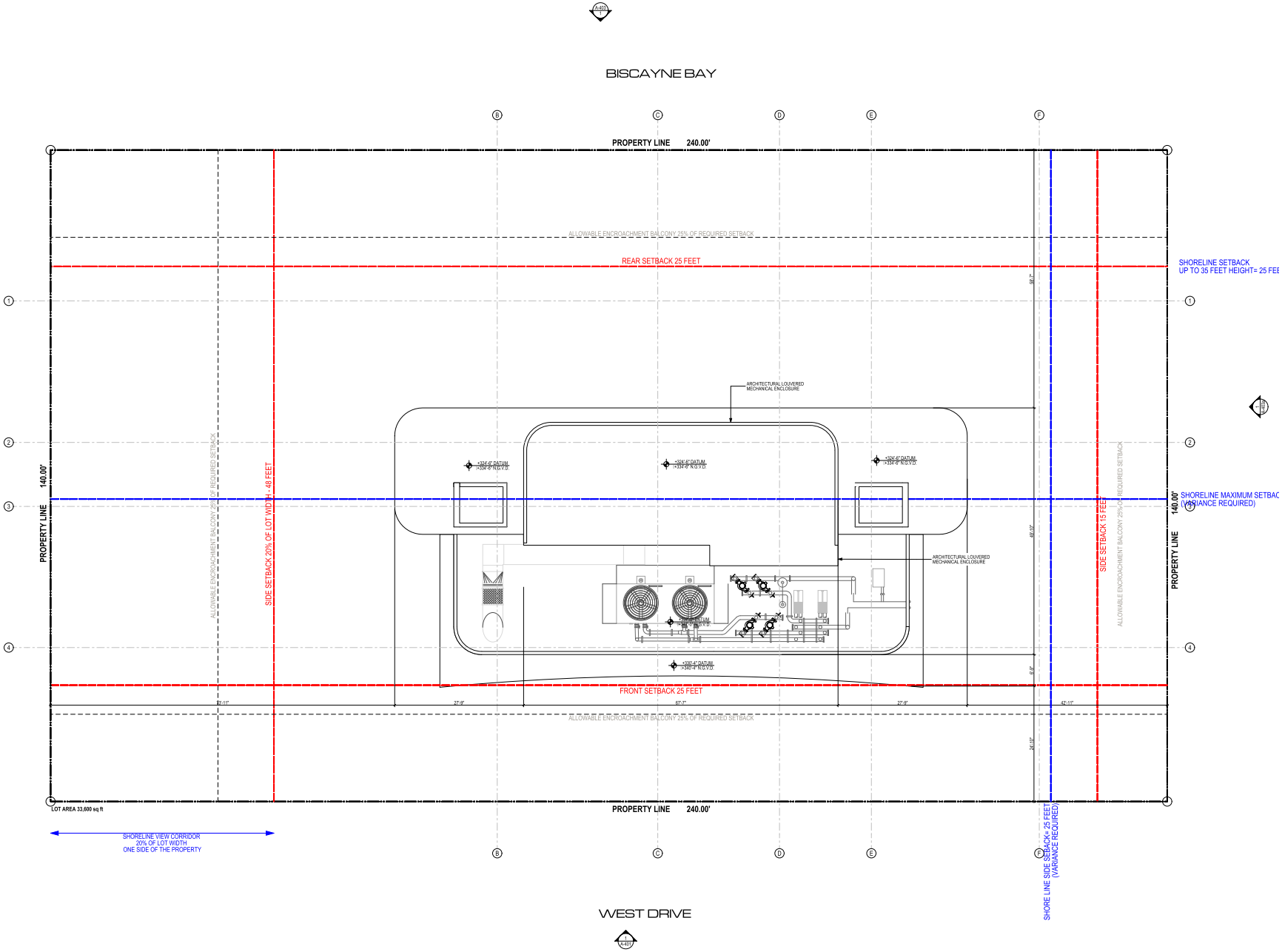

1 BUILDING FLOOR PLAN
TOP OF ROOF
SCALE: 1/8" = 1'-0"
+121'-11" N.G.V.D.

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Scale
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Project No.
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Sheet Name
TOP OF ROOF
Sheet No.
A-112

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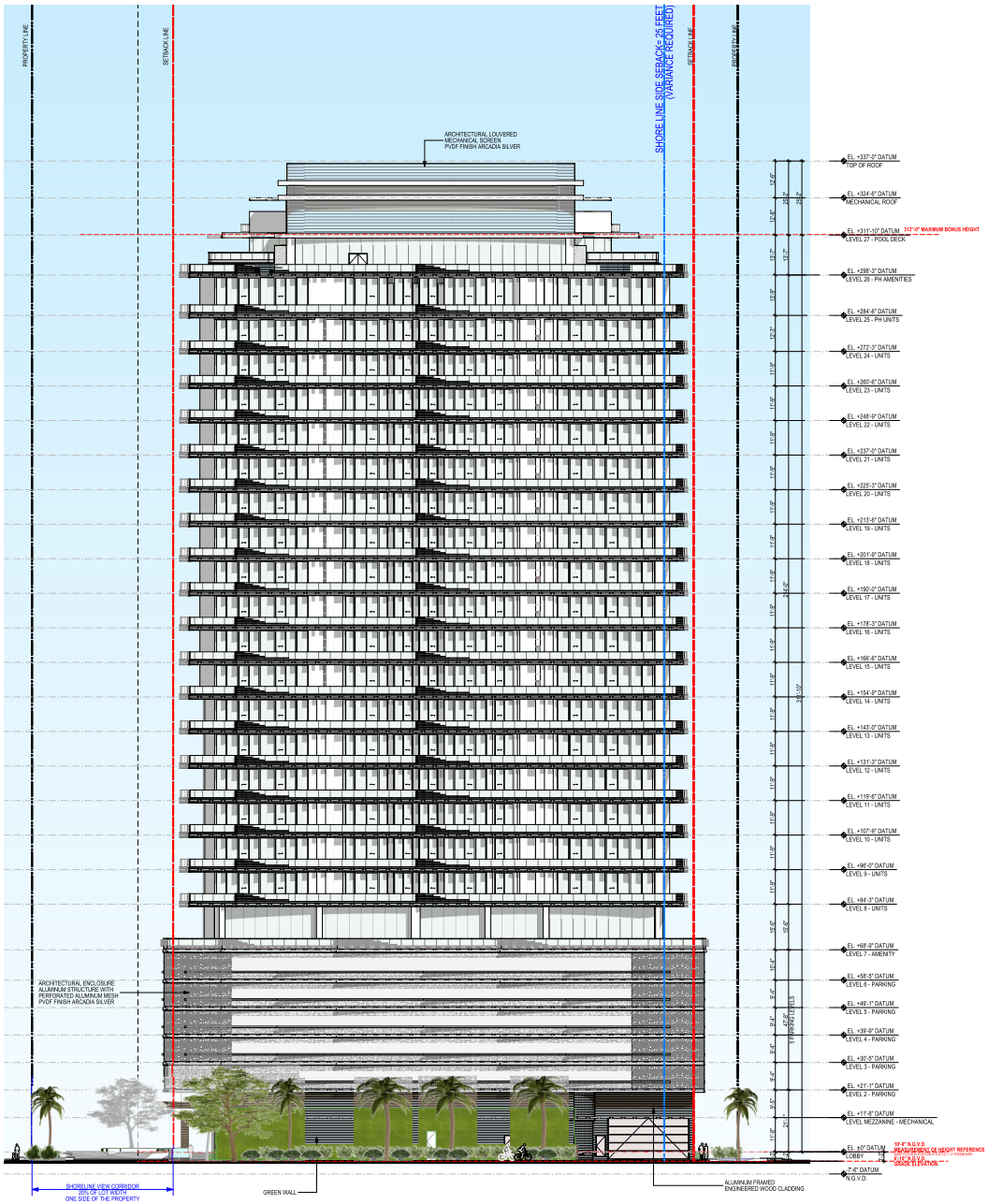

1 **EAST- BUILDING ELEVATION**

SCALE: 1/16" = 1'-0"

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Sheet Name
EAST ELEVATION

Sheet No.
A-401

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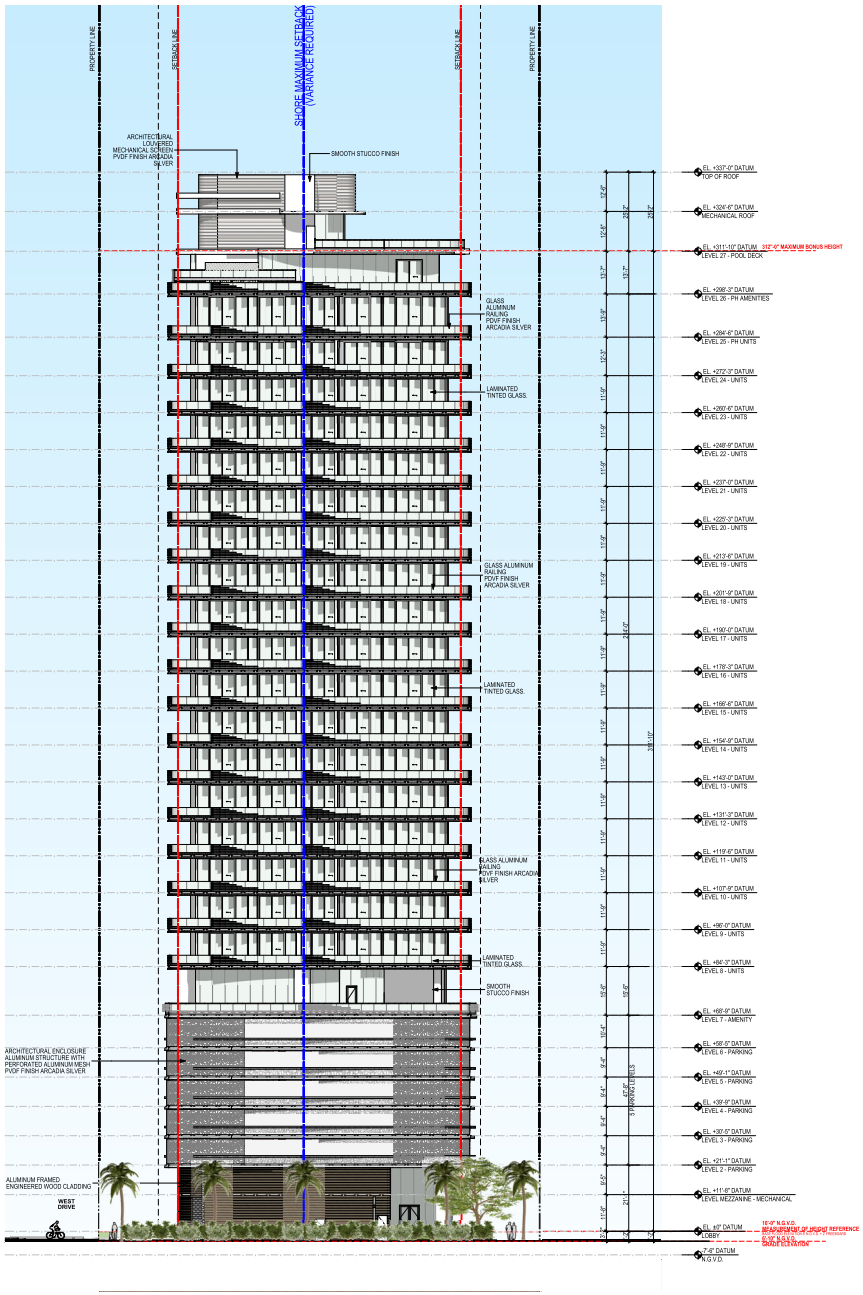

1 **NORTH- BUILDING ELEVATION**
SCALE: 1/16" = 1'-0"

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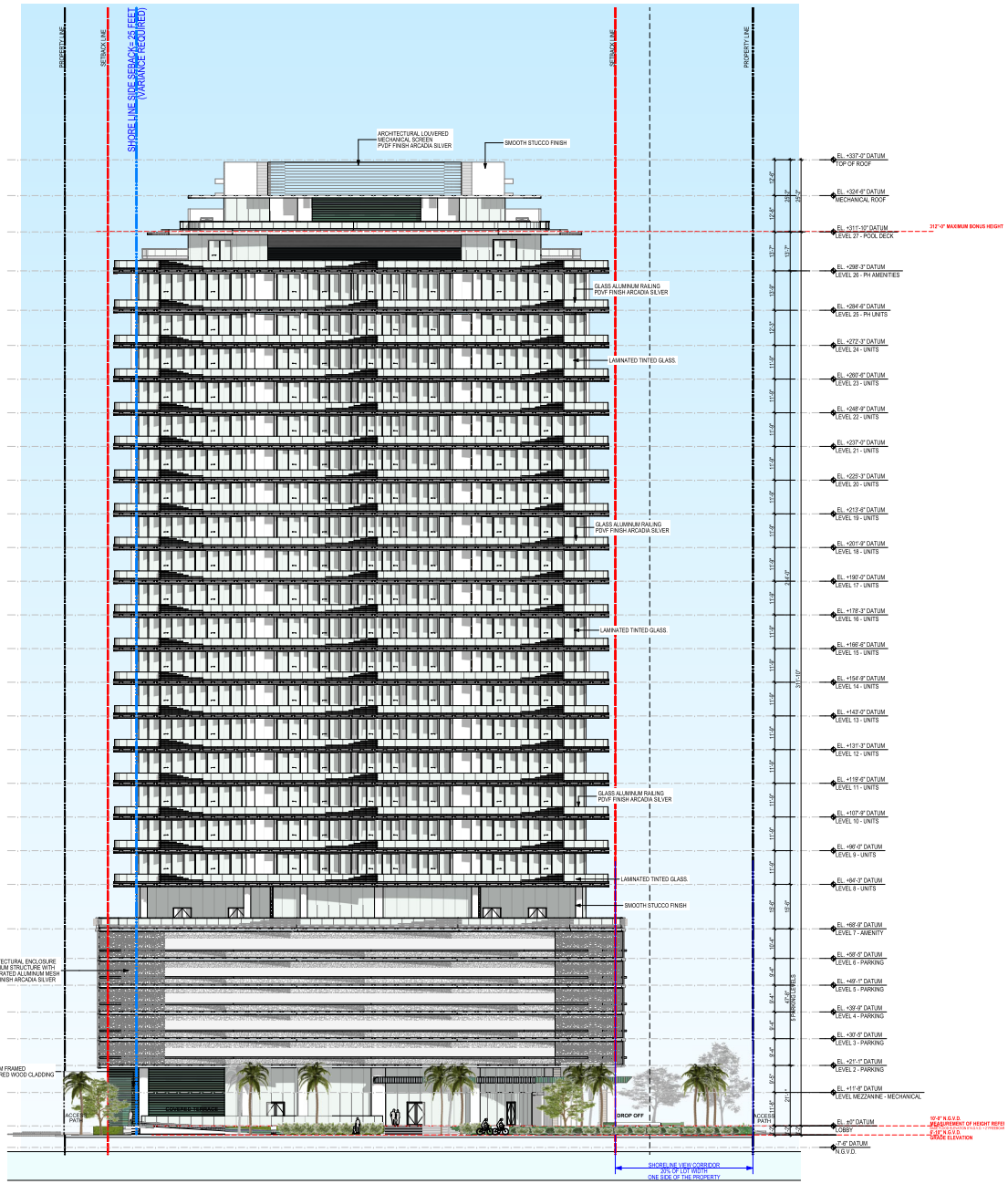
Date	06/12/2023
Scale	AS SHOWN
Project No.	2114
Sheet Name	NORTH ELEVATION
Sheet No.	A-402



1 **WEST- BUILDING ELEVATION**

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Revisions

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Date
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Scale
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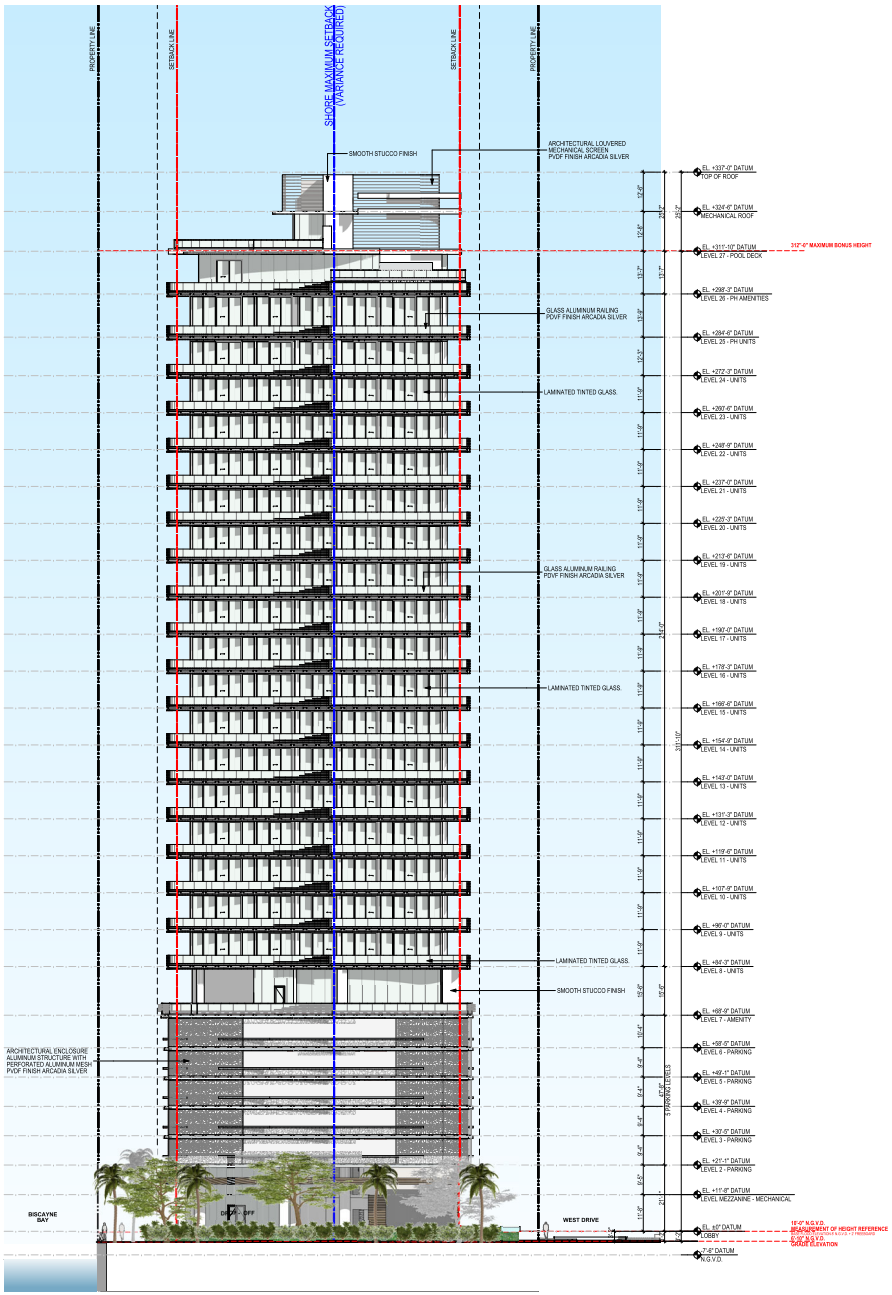
Project No.
2114
Sheet Name
WEST ELEVATION
Sheet No.
A-403



1 **SOUTH- BUILDING ELEVATION**

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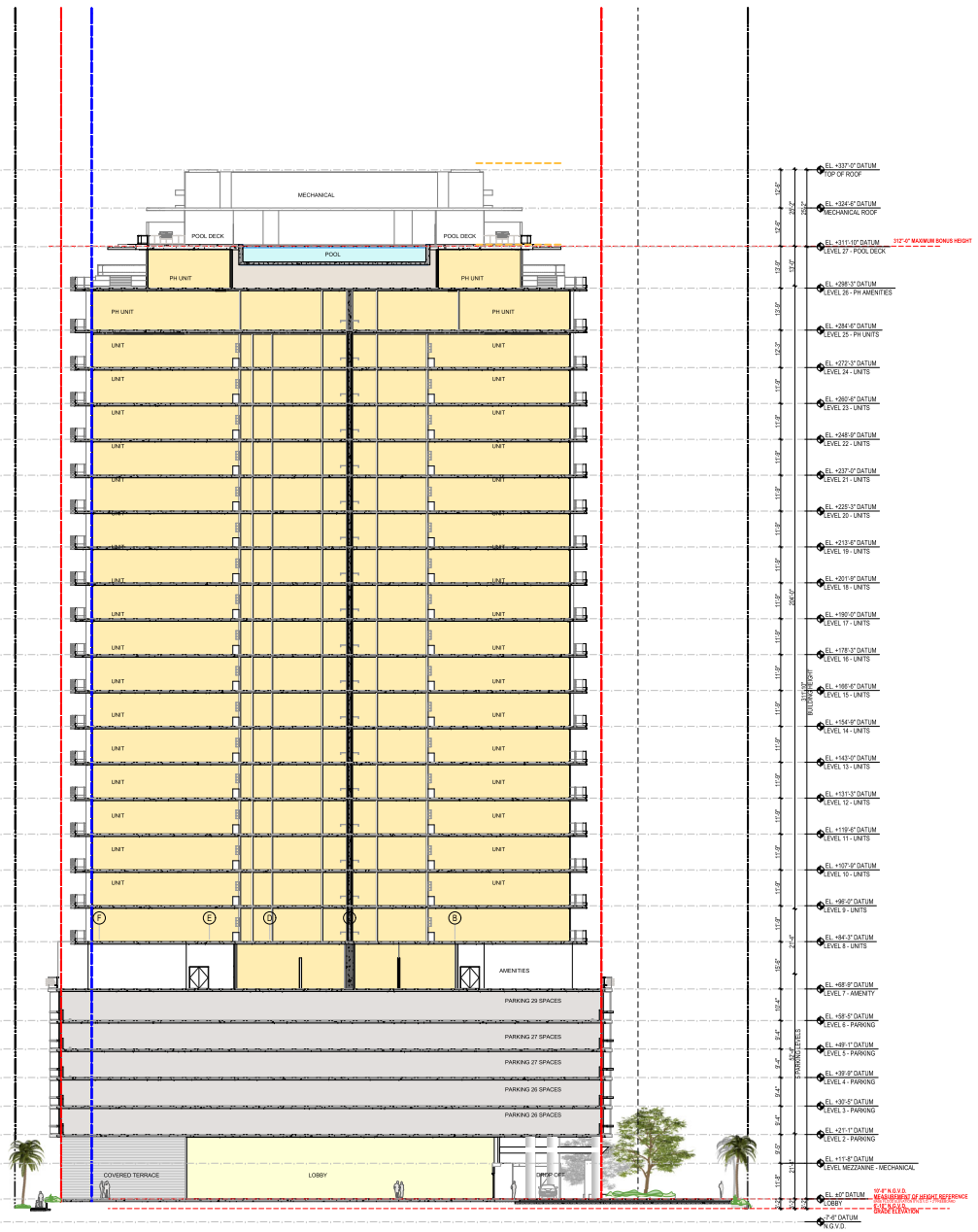
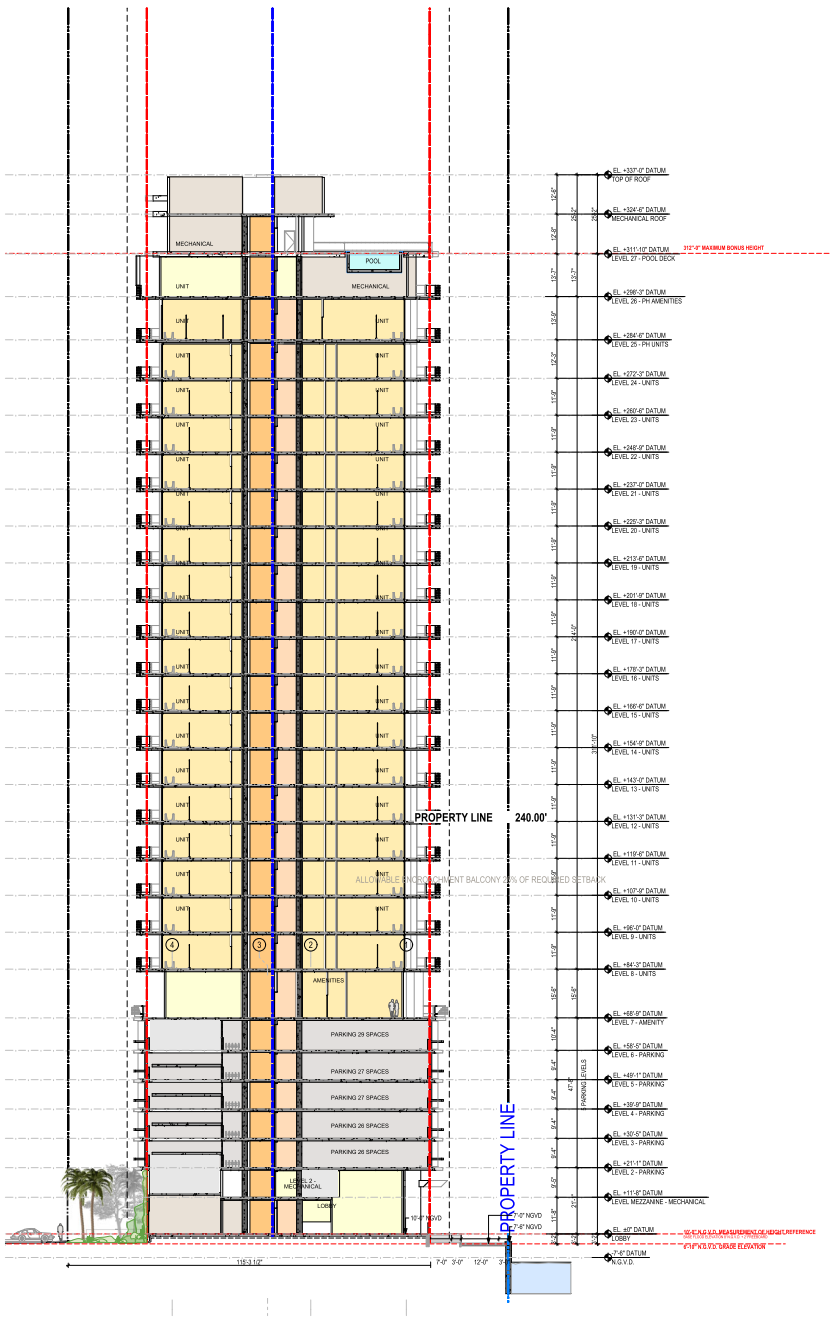
Project No.	2114
Sheet Name	SOUTH ELEVATION
Sheet No.	A-404



1 SECTION B-B
SCALE: 1/16" = 1'-0"



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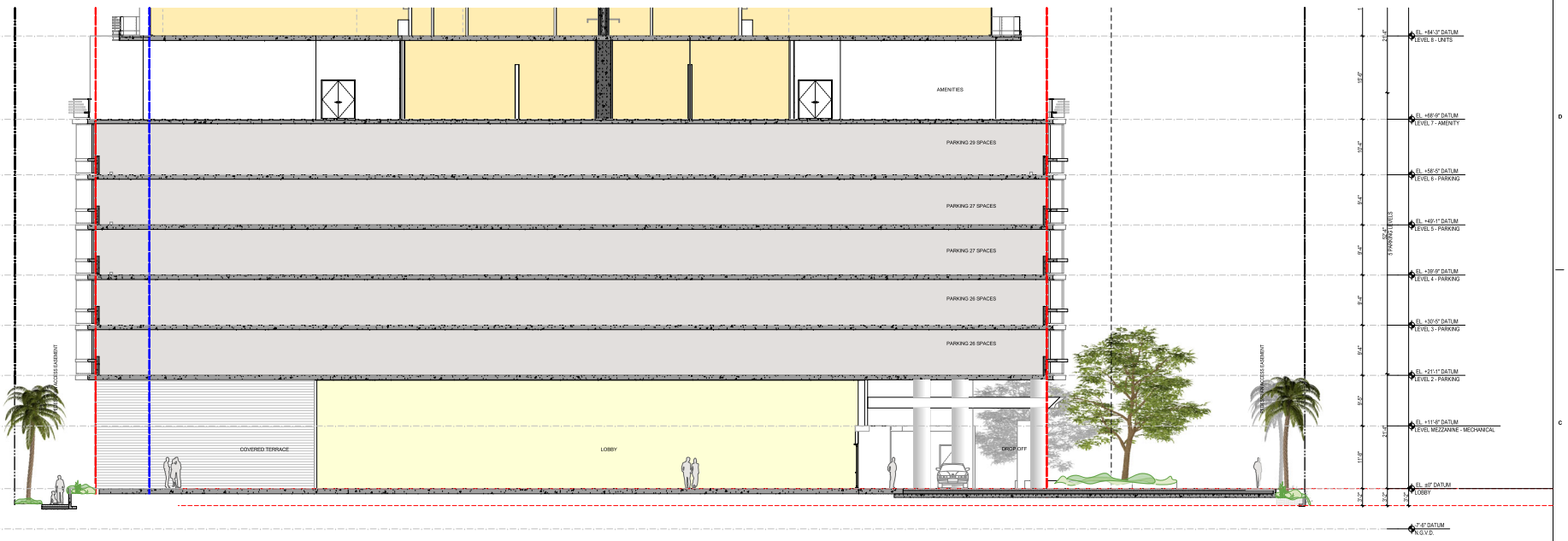
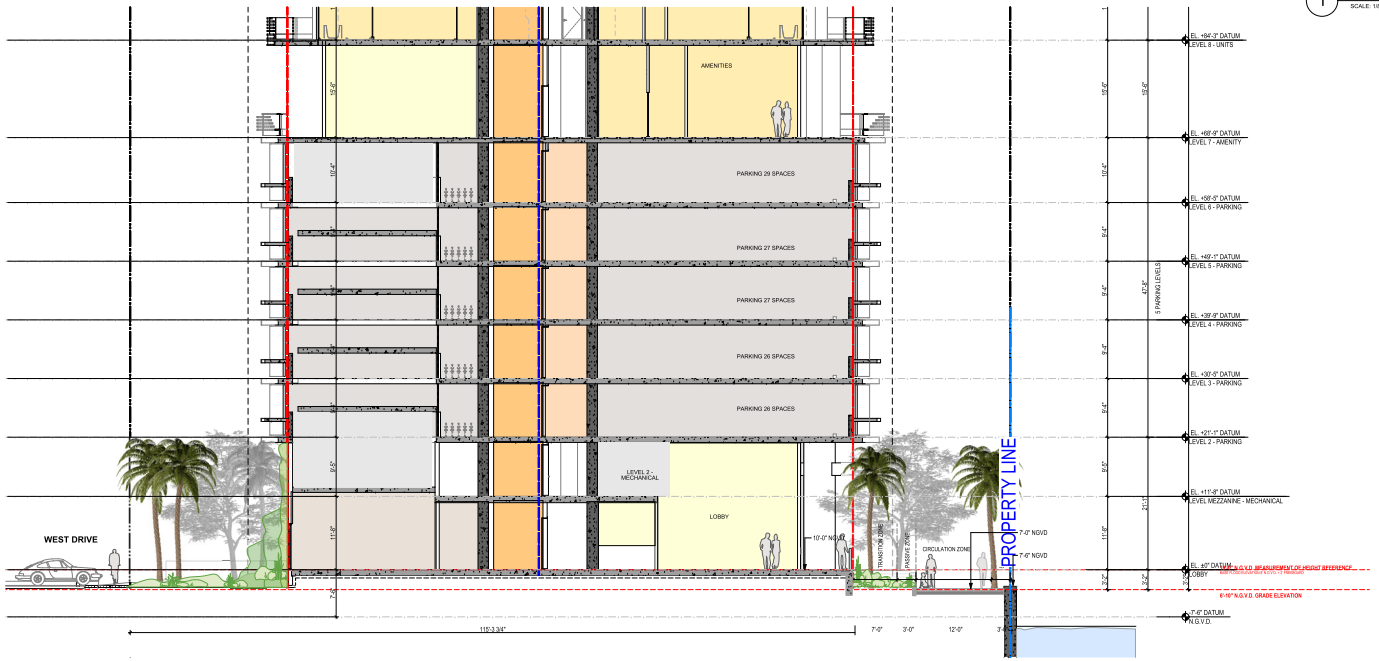
2114
Sheet Name
SECTIONS
Sheet No.
A-501



1 PARTIAL SECTION B-B
SCALE: 1/8" = 1'-0"



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Project No.
2114
Sheet Name
ENLARGED SECTIONS
Sheet No.
A-502



1 3D VIEW - SOUTH EAST
SCALE: 1/8" = 1'-0"



2 3D VIEW - WEST
SCALE: 1/8" = 1'-0"

CONTEXT VIEWS

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NORHT BAY VILLAGE
7940 WEST DRIVE
NORTH BAY VILLAGE, FL 33141

Revisions

RESPONSE TO PLANNING COMMENTS 07/18/2023

Owner Information

7940 NBV PARTNERS, LLC
4531PRAIRIE AVE
MIAMI BEACH, FL 33140
(912) 398-1775

Consultant

Luis O. Revuelta
Digitally signed by Luis O. Revuelta
DN: E=INFO@Revuelta.com, CN=Luis O. Revuelta, O="Revuelta Architecture International, P.A.", L=Miami, S=Florida, C=US
Date: 2023.06.30 06:39:29 -04'00'

Luis O. Revuelta
AR-0007972

SCHEMATIC DESIGN

Date
06/12/2023

Scale
AS SHOWN

Project No.
2114

Sheet Name
CONTEXT VIEWS

Sheet No.
A-601

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Project

7940 WEST DRIVE
NORHT BAY VILLAGE

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NORTH BAY VILLAGE, FL 33141

Revisions

RESPONSE TO PLANNING COMMENTS	07/18/2023

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Date: 2023.08.08 08:43:18-04'00'

Luis O. Revuelta
AR-0007972

SCHEMATIC DESIGN

Date
06/12/2023

Scale
AS SHOWN

Project No.
2114

Sheet Name
OVER ALL VIEWS

Sheet No.
A-602

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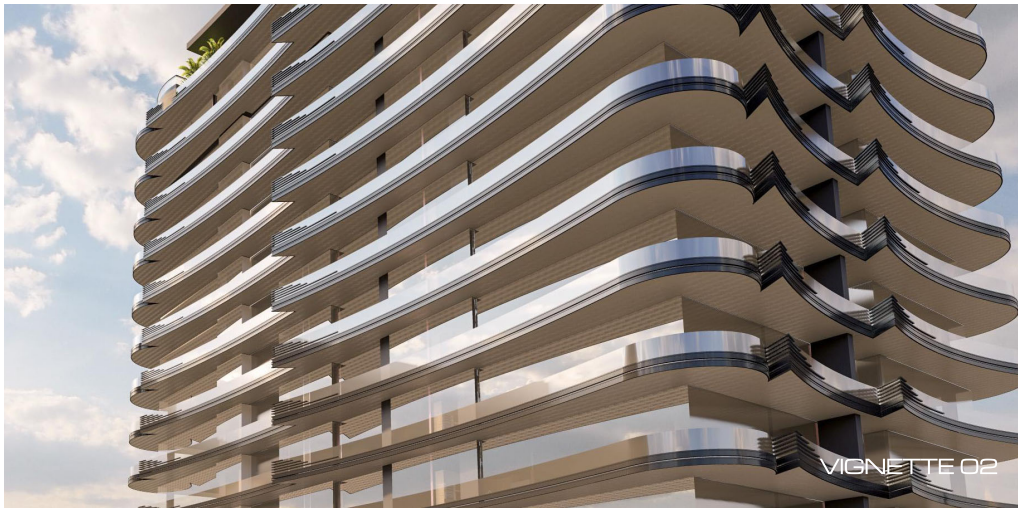



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Project

7940 WEST DRIVE
NORHT BAY VILLAGE

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Owner Information

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Date: 2023.08.30 08:24:07-04'00'

Luis O. Revuelta
AR-0007972

SCHEMATIC DESIGN

Date
06/12/2023

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Project No.
2114

Sheet Name
VIGNETTES

Sheet No.
A-603

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7940 WEST DRIVE - NORHT BAY VILLAGE

7940 WEST DRIVE

NORTH BAY VILLAGE, FL 33141



7940 NORTH BAY VILLAGE			RESPONSE TO PLANNING COMMENTS	RESPONSE TO PLANNING COMMENTS
	SHEET	NAME		
PRESENTATION				
		COVER SHEET		●
PROJECT DATA				
	A-001	LOCATION		●
	A-002	SURVEY		●
	A-003	PROJECT DATA	●	●
	A-004	SITE - PLAN	●	●
	A-005	PARKING ANALYSIS		●
	A-005a	SECTIONS	●	●
	A-005b	SECTIONS	●	●
	A-008	BUILDING FOOTPRINT		●
FLOOR PLANS				
	A-101	GROUND FLOOR	●	●
	A-102	LEVEL - MEZZANINE	●	●
	A-103	LEVEL 2 TO 3 - PARKING GARAGE	●	●
	A-104	LEVEL 4 TO 5 - PARKING GARAGE	●	●
	A-105	LEVEL 6 - PARKING GARAGE	●	●
	A-106	LEVEL 7 - AMENITY	●	●
	A-107	LEVELS 8 thru LEVEL 24	●	●
	A-108	LEVEL 25 - PH UNITS	●	●
	A-109	LEVEL 26 -UPPER PH - POOL AMENITIES	●	●
	A-110	LEVEL 27 - POOL DECK	●	●
	A-111	MECHANICAL ROOF		●
	A-112	TOP OF ROOF		
ELEVATIONS				●
	A-401	EAST ELEVATION		●
	A-402	NORTH ELEVATION		●
	A-403	WEST ELEVATION		●
	A-404	SOUTH ELEVATION		
SECTIONS				
	A-501	SECTIONS		●
	A-502	ENLARGED SECTIONS		●
3D VIEWS				
	A-601	CONTEXT VIEWS		●
	A-602	OVER ALL VIEWS		●
	A-603	VIGNETTES		●

Luis O. Revuelta

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8/30/2023

ITEM NO. 4B

North Bay Village
Recommendation Memorandum

DATE: September 14, 2023

TO: Honorable Mayor, Vice Mayor and Members of the Village Commission

FROM: Silvia Vargas, Village Planner

SPONSORED BY:

SUBJECT: Site Plan Approval for Development of Village Hall and County Fire Station at 1335 79th Street Cswy (aka Sakura property) - ***Village Manager Ralph Rosado, PhD, AICP (Village Planner Silvia E. Vargas, FAICP)***

RECOMMENDATION

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] A SITE PLAN PURSUANT TO SECTION 5.2 OF THE VILLAGE'S UNIFIED LAND DEVELOPMENT CODE ("ULDC"), FOR DEVELOPMENT OF A GOVERNMENT FACILITY CONSISTING OF A VILLAGE HALL AND COUNTY FIRE STATION AT 1335 79TH STREET CAUSEWAY, NORTH BAY VILLAGE, AN APPROXIMATELY 0.76-ACRE SITE ZONED T6-24MU; PROVIDING FOR FINDINGS; PROVIDING FOR CONDITIONS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE

Suggested Action: Due to the need for addiitonal coordination between Staff and the design team to finalize the site plan and related documentation, a deferral is requested to the October meeting.

BACKGROUND AND ANALYSIS

Deferral to October meeting requested.

BUDGETARY/FINANCIAL IMPACT (Finance Dept.)

N/a

PERSONNEL IMPACT

N/A

ITEM NO. 5A

North Bay Village
Recommendation Memorandum

DATE: September 14, 2023

TO: Honorable Mayor, Vice Mayor and Members of the Village Commission

FROM: Silvia Vargas, Village Planner

SPONSORED BY:

SUBJECT: An Ordinance Amending Section 15.3 of the Form-Based Code to Expand the Locations Where Temporary Structures are Allowed in the T6 Transect Zone - ***Village Manager Ralph Rosado, PhD, AICP (Village Planner Silvia E. Vargas, FAICP)***

RECOMMENDATION

AN ORDINANCE OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING SECTION 15.3 OF CHAPTER 15 OF THE VILLAGE'S UNIFIED LAND DEVELOPMENT CODE ("ULDC") TO ALLOW TEMPORARY STRUCTURES WITHIN THE T6-30 ZONING DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

BACKGROUND AND ANALYSIS

See attached Staff report and related attachments.

BUDGETARY/FINANCIAL IMPACT (Finance Dept.)

N/A

PERSONNEL IMPACT

N/A

ATTACHMENTS

Staff Report Temporary Structures Text Amendment (091423).pdf
Attachment 1_ Letter of Intent Requesting the Amendment.PDF
Attachment 2_ULDC Amendment Application (Exhibit A to LOI).PDF
Attachment 3_Proposed Ordinance and Exhibit (Exhibit B to LOI).DOCX
Attachment_4 Alternate Proposed Ordinance_Exhibit Staff Recommendation.docx
DBR Notice 09.1.2023.pdf

MEMORANDUM
1666 Kennedy Causeway, Suite 300
North Bay Village, FL 33141
Tel: (305) 756-7171
Fax: (305) 756-7722
Website: www.northbayvillage-fl.gov

Date: **September 14, 2023**

To: **Planning and Zoning Board**

From: **Silvia E. Vargas, FAICP, Village Planner**

Subject: **Amendment to ULDC – Section 15.3.A.2.e.(1)(b) – Permanent and temporary structures**

---

1. General Information

Applicant:	1755 JFK Owner, LLC
Applicant Address:	c/o 98 SE 7th Street, Ste 1100, Miami, FL
Site Address:	N/A
Site Acreage	N/A
Folio Number	N/A
Contact Person/Owner Representative:	Christopher A. Penelas Akerman LLP
Phone Number:	305.982.5678

2. Description of Applicant Request

This is a privately initiated amendment to the Village's Unified Land Development Code. The Applicant is requesting a text amendment to Section 15.3, "Specific to transect zones." The application proposes to amend Subsection A.2.e.(1)(b), "Permanent and temporary structures" and create Subsection A.2.e.(1)(b)(iii) to allow exceptions to certain temporary structures and accessory signs identifying those uses by warrant in the T6-30 Zoning District. Currently, Subsection A.2.e.(1)(b) only includes exceptions on the Island Walk and Pirates Alley.

The proposed language is as follows:

AMENDING CHAPTER 15 OF THE ULDC

[…]

§. 15.3 – Specific to transect zones.

[…]

e. Architectural Standards.

[…]

(1) *Permanent and temporary structures.*

(a) Only permanent structures shall be allowed, unless specified otherwise in this Code.
(b) Temporary structures such as mobile homes, construction trailers, travel trailers, recreational vehicles and other temporary structures shall not be allowed except as per the Code of Ordinances and this Code, with the following exceptions by warrant.
    i. Island Walk: Temporary structures such as kiosks, stands, and tents may be allowed within the Island Walk easements and the waterfront setback.
    ii. Pirates Alley: Temporary structures such as shipping containers, food trucks, kiosks, stands, and tents may be allowed.
    iii. <u>T6-30 Zoning District: Temporary structures such as food trucks, kiosks, shipping containers, portable bathroom facilities, stands, pop-up shops, and the like plus any accessory signs identifying the use may be allowed.</u>

[…]

The Applicant proffers the following as reasons for the requested text amendment:

1) The amendment would allow exceptions to temporary structures in any portion of a parcel in the T6-30 zoning district (i.e., the north side of Kennedy Causeway) only if the temporary structure is approved by the Village Manager via a warrant application process.
2) This change would enable temporary activations at vacant or underutilized parcels that may otherwise remain unused and/or during the design and entitlement process.
3) In the case of the Applicant, the amendment would allow a temporary structure and activation on a vacant site located at 1755 79th Street Causeway while the property's seawall is being repaired and building permits for the approved development project obtained.
4) Temporary structures and subsequent activations could generate economic activity in the Village and create a more welcoming environment than the current vacant or underutilized waterfront sites on the north side of Kennedy Causeway.

3. Background

During its 75th anniversary year and following an extended public discussion about future growth and development, the Village updated its ULDC as part of a master visioning and planning process known as the "NBV100 Master Plan," which looks at the community's next twenty-five years. The NBV100 Master Plan, is centered on equipping the Village with the tools to become a more livable, resilient, and prosperous community.

On February 9, 2021, the Village Commission adopted Ordinance No. 2021-004 adding Chapter 15, "Form-Based Code," to the Unified Land Development Code to implement the vision and goals of the NBV100 Master Plan, and amended related sections of the ULDC that were impacted by the new Chapter 15. The Form-Based Code currently limits the placement of temporary structures such as kiosks, stands, and tents within the Island Walk easement and the Waterfront Setback on the north side of the Causeway; while on the south side, temporary structures such as shipping containers, food trucks, kiosks, stands, and tents may be allowed only on Pirates Alley. In all cases, temporary structures must be approved by administrative issuance of a warrant per Sec. 15.1.H.4.a.

The proposal that is the focus of this application would allow temporary food trucks, kiosks, shipping containers, portable bathroom facilities, stands, pop-up shops, "and the like plus any accessory signs" anywhere in the T6-30 transect zone subject to approval of a warrant application.

4. Consistency with NBV100 Comprehensive Plan and NBV100 Master Plan

The proposed amendment is consistent with the following statements in the NBV100 Comprehensive Plan:

Future Land Use Element

Objective 2.1
Manage future growth and development by implementing and enforcing all existing plans and regulations and by preparing and adopting new regulations as needed; and

Policy 2.1.1: Periodically review the Village's current balance of land uses and revise the Village's Comprehensive Plan and Land Development Regulations as necessary.

Objective 2.2
Implement policies, strategies and actions to promote the Village's character as an attractive, sustainable and resilient waterfront community and direct future development and redevelopment to be consistent with the desired community character, the vision and pillars of the NBV100 Master Plan, and goals, objectives, and policies within the Plan.

Policy 2.2.10: the Village shall develop and implement a strategy to support the expansion of existing Village businesses and incentivize new business to locate in the Village.

NBV100 Master Plan – Pillars and Goals

The proposed amendment also generally aligns with the vision and overarching goals for the Kennedy Boulevard corridor embraced in the NBV100 Master Plan. The goal of NBV100 is to equip North Bay Village with the tools necessary to become a more complete, sustainable, and economically successful community that can adapt to the challenges of a changing climate. The NBV100 vision is framed through three pillars and several related goals. The following assessment addresses each goal that relates to the proposed amendment.

Livability
The Livability principle focuses on the desire by the three-island community to have a stronger sense of place to more accurately reflect the existing civic pride, create a more people-centered public realm, and leverage the value of NBV's privileged but underutilized bay frontage. Key goals in making NBV a more livable home to its residents involve greater walkability; more public access to the waterfront; additional gathering spaces and services; and projecting a renewed and art-infused village image to the world.

(1) Prioritize people over cars.
(2) Embrace the waterfront.
(3) Improve the quality of life
(4) Synergize public space to refresh NBV identity.

Staff Evaluation: By allowing the temporary activation of otherwise vacant and lifeless sites, the proposed text amendment will help create a more people-centered public realm and leverage the potential of the Village's underutilized waterfront, thereby promoting access to the waterfront, providing new gathering spaces (albeit temporarily), improving the image of the Village, and contributing to a better quality of life.

Resiliency
In order to ensure its Resilience, NBV must address how to secure the perimeter of the islands to keep the bay water out while efficiently managing the water that does come ashore. Adjusting sea walls, raising grades, good infrastructure planning and maintenance, as well as responsible stewardship of the bayfront edge's natural ecosystem, will be primary objectives.

(1) Created in water.
(2) Protected from water.
(3) Thriving with water.

Staff Evaluation: The proposed text amendment does not affect this pillar.

Prosperity
The desire for Prosperity speaks to the shared goal to see the Village Center attract more retail, businesses and services that have found homes elsewhere in the region and bypassed NBV during prior boom years. The key to changing this pattern is linked to reinventing Kennedy Causeway as a welcoming pedestrian-oriented and business-friendly mixed-use main street and getting away from the existing car-oriented highway with disconnected shopping centers and isolated towers.

(*1) Capitalize on existing resources.*
(2) Increase private property value.

(3) Optimize and manage parking.
(4) Incentivize flexibility and predictability; and

Staff Evaluation: The proposed text amendment, by allowing vacant sites to be temporarily activated, could help support business and job creation, while generate economic activity for the Village.

5. ULDC Text Amendment Approval Criteria

The ULDC does not have specific criteria for a text amendment to the Code but requires any changes be in general accord with sound comprehensive planning and zoning principles and consistency with the NBV Comprehensive Plan.

Chapter 4 – Administration and Enforcement, Division 3. – Amendments and Changes to Unified Land Development Code and Comprehensive Plan
4.17 – Amendments to the Unified Land Development Code.

C. *Amendments that do not rezone property or substantially change uses permitted in zoning districts.* Amendments to the Unified Land Development Code that do not rezone property or substantially change uses permitted in zoning districts shall be in general accord with sound comprehensive planning and zoning principles and consistent with the adopted Comprehensive Plan.

6. Compliance with Unified Land Development Code

The proposed amendment aligns with the Village's intent to promote prosperity by capitalizing on existing underutilized resources, increasing private property value, and attracting more businesses that would otherwise find a location elsewhere in the region. Chapter 15 set forth the standards applicable to Form-Based Districts and Transect Zones in the Village with the intent to:

- Support the goals, objectives, and policies of the Village's Comprehensive Plan.
- Support the goals of the NBV100 Master Plan, including the three pillars, Livability, Resiliency, and Prosperity.

The proposed amendment does not eliminate any of the existing provisions to permanent and temporary structures but rather expands the possible areas where these structures would be allowed, if approved by the Village Manager via a warrant application process.

The T6 Transect Zone is the Village's highest density zoning district and allows the greatest variety of uses. The current limitations for temporary structures make sense in the context of a redeveloped commercial corridor, but in the meantime, they preclude the activation of vacant sites while pending redevelopment. In the T6-30, without a finished Island Walk, these sites could not otherwise accommodate such temporary uses.

Likewise, in the T6-24, the current state of Pirates Alley is not conducive to (or safe for) the placement temporary structures; but there may be other locations within the T6-24 zoning district where such uses are appropriate. Therefore, Staff would recommend expanding the scope of the proposed amendment to include T6-24.

All proposed temporary uses would be subject to compliance with the applicable dimensional

standards and all other requirements, including parking and landscaping, of the Form-Based Code.

Staff would also suggest a maximum time limit on temporary structures of six (6) months, renewable twice (i.e., two more times) in six-month cycles for a maximum stay of eighteen (18) months.

If the amendment is adopted, whether as presented by the applicant, or as recommended by Staff, any site within the T6 Transect Zone could benefit from the amended regulations found under Section 15.3.A.2.e.(1)(b).

Recommendation

Staff finds that the proposed amendment to Section 15.3.A.2.e.(1)(b) to allow exceptions to certain temporary structures and accessory signs by warrant is generally consistent in keeping with the spirit and intent of the Section of the ULDC.

As indicated in the previous section of this report, Staff recommends an expansion of the original proposal, as shown (in yellow) below:

[…]

§. 15.3 – Specific to transect zones.

[…]

e. Architectural Standards.

[…]

(1) *Permanent and temporary structures.*

(a) Only permanent structures shall be allowed, unless specified otherwise in this Code.
(b) Temporary structures such as mobile homes, construction trailers, travel trailers, recreational vehicles and other temporary structures shall not be allowed except as per the Code of Ordinances and this Code, with the following exceptions by warrant.
iv. Island Walk: Temporary structures such as kiosks, stands, and tents may be allowed within the Island Walk easements and the waterfront setback.
v. Pirates Alley: Temporary structures such as shipping containers, food trucks, kiosks, stands, and tents may be allowed.
vi. Other locations within the T6-24 and T6-30 Zoning Districts: Temporary structures such as food trucks, kiosks, shipping containers adapted for retail or service uses, portable bathroom facilities, stands, pop-up shops, and the like plus any accessory signs identifying the use may be allowed.
vii. All temporary structures are subject to the applicable dimensional standards and other relevant requirements of the

ULDC and to the provisions of the Florida Building Code. Any contravention of these standards or of specific conditions of the warrant approving the structure may be grounds for revocation of the approval.

viii. Temporary structures may be approved for a maximum of six (6) months, renewable administratively up to two (2) additional times in maximum period of six months each time for a maximum of eighteen (18) months.

[…]

Conditions

N/A

List of Attachments to Staff Report

Attachment 1 – Letter of Intent Requesting the Amendment to Section 15.3.A.2.e.(1)(b) dated August 8, 2023
Attachment 2 – ULDC Text Amendment Application (Exhibit A)
Attachment 3 – Proposed Ordinance and Exhibit (Exhibit B)
Attachment 4 – Alternate Proposed Ordinance and Exhibit (Staff Recommended)

akerman

Christopher A. Penelas

Akerman LLP
Three Brickell City Centre
98 Southeast Seventh Street
Suite 1100
Miami, FL 33131

Tel: 305.982.5678

August 8, 2023

Silvia E. Vargas, FAICP, LEED AP
Village Planner
North Bay Village
1666 Kennedy Causeway, Suite 300
North Bay Village, FL 33141

Re: Letter of Intent to Amend the Unified Land Development Code – Section 15.3(A)(2) Temporary Structures

Dear Ms. Vargas:

On behalf of 1755 JFK Owner, LLC ("Applicant"), owner of the property located at 1755 Kennedy Causeway ("Property") in North Bay Village ("Village"), please accept this letter of intent and application for a text amendment to section 15.3(A)(2) of the Village's Unified Land Development Code ("ULDC") to allow for temporary structures within the T6-30 zoning district. [1]

Current Regulations

Currently, Section 15.3(a)(2)(e)(1) of the ULDC prohibits temporary structures within the T6 transect unless they are located within the Island Walk easement area or within Pirates Alley and approved via a warrant application process.[2] Therefore, temporary structures that are not within Pirates Alley or the Island Walk easement area are prohibited within the T6 transect.

This prohibition on temporary structures practically prevents any meaningful temporary activation at a vacant or under-utilized parcel within the T6-30 zoning district as the applicable exception provided in Section 15.3(a)(2)(e)(1) of the ULDC is limited to kiosks, stands, and tents that are intended to service pedestrians along the Island Walk. Temporary structures that would enable pop-up shops and temporary commercial activations within the T6-30 zoning district are prohibited.

[1] The T6-30 zoning district "includes all properties fronting the north side of Kennedy Causeway on Treasure Island." *See* Section 15.3(1)(b)(2)(b) of the ULDC.

[2] A warrant "is a permit for a minor deviation from the uses allowed by this Code that is granted administratively by the Village Manager upon review and recommendation by the Planning and Zoning Official." *See* Section 15.1(H)(a) of the ULDC.

Proposed Amendment

In order to allow meaningful temporary activations within the T6-30 zoning district, the Applicant is purposing to create to section 15.3(A)(2)(e)(1)(b)(iii) of the ULDC as follows (and shown in Exhibit "B"):

> *iii. T6-30 Zoning District: Temporary structures such as food trucks, kiosks, shipping containers, stands, pop-up shops, and the like plus any accessory signs identifying the use may be allowed* (the "Amendment").

The Amendment would allow temporary structures in any portion of a parcel in the T6-30 zoning district (i.e., the north side of Kennedy Causeway) if the temporary structure is approved by the Village Manager via a warrant application process. This change would enable temporary activations at vacant or underutilized parcels that may otherwise remain unused or allow developers, such as Applicant, to introduce temporary uses while they proceed through the design and entitlement process. Further, in the case of Applicant, the Amendment would allow a temporary structure and activation while the Property's seawall is repaired.

If adopted, the Amendment would provide property owners within the T6-30 zoning district the option to have temporary structures, other than kiosks and tents in the easement area, and make way for meaningful activations. These temporary structures and subsequent activations would generate economic activity in the Village and create a more welcoming environment than the current vacant or underutilized waterfront sites on the north side of Kennedy Causeway.

Conclusion

The approval of the Amendment will provide property owners in the T6-30 zoning district the option to activate their properties and bring activity to the Village on parcels that may otherwise sit vacant. We therefore respectfully request your favorable review of this application. Please do not hesitate to contact me should you have any questions related to this matter. Thank you for your consideration.

Sincerely,

Christopher A. Penelas

Christopher A. Penelas

cc: Dr. Ralph Rosado, Ph.D., AICP
Neisen O. Kasdin, Akerman LLP

Index of Documents

Exhibit "A"	ULDC Text Amendment Application
Exhibit "B"	Proposed Ordinance and Exhibits

North Bay Village

1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.northbayvillage-fl.gov

NORTH BAY VILLAGE
EST. 1945

APPLICATION FOR ZONING CHANGE, INCLUDING REGULATING PLAN AND SPECIAL AREA PLAN APPROVAL

Zoning Map Amendment _____ **Special Area Plan _____**

ULDC Text Amendment X

This application form is to be used to petition for amendments to the North Bay Village Zoning Map or Form-Based Code Regulating Plan, or for amendments to the text of the North Bay Village Unified Land Development Code (ULDC) pursuant to Sections 4.15 and 4.17 and Subsection 15.2.G. of the ULDC.

Submit your application, with all the required information to the Village Planning and Zoning Official. The application and all supplemental forms and data may be submitted electronically for review via svargas@cgasolutions.com. Physical copies of materials may be requested prior to public hearing, to be delivered at the Village offices located at 1666 Kennedy Causeway, Suite 300.

This application, including supporting materials, must be completed in accordance with the attached instructions and submitted to NORTH BAY VILLAGE with the required fees pursuant to the most up-to-date Fee Schedule. Accepted payment methods for the required fees are check or credit card when paying in person at the Village offices. You may also call (305) 756-7171 to make your credit card payment by phone.

Amendments to the Unified Land Development Code (ULDC) and amendments to boundaries of the Zoning District Map are subject to the requirements and procedures of Section 4.4 of the ULDC (Public hearing, public notice, and adoption requirements and procedures).

This form is a fillable PDF. TYPE OR PRINT LEGIBLY ALL INFORMATION ON THE APPLICATION.

1. Applicant Name: Christopher Penelas, Esq. on Behalf of 1755 JFK Owner, LLC
   (If different from Owner)
2. Contact Phone: 3059825678 Email Address: Christopher.penelas@akerman.com
3. Mailing Address 98 Southeast Seventh Street Suite 1100 Miami, FL

For ULDC Text Amendment:

1. Proposed section to be changed and description of proposed change(s) (use separate page as needed)

Section 15.3(A)(2) - see attached letter of intent

2. Reason for Request: See attached letter of intent

For Zoning Map Amendment, including Special Area Plan:

1. Property Owner Name: _____
2. Contact Phone: _____ Email Address: _____
3. Mailing Address: _____
4. Site Address: _____
5. Legal Description of Property: _____
6. Folio Number(s): _____
7. Lot Size (Acres): _____
8. Existing Zoning Designation: _____ Zoning Requested: _____
9. Reason for Request: _____

APPLICANT AFFIDAVIT

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

I (We) further acknowledge that I (We) have read and understand the conditions for appearance before the Planning and Zoning Board and the Village Commission pursuant to the Section 4.4 of the ULDC. This affidavit is subject to penalties of law (Perjury). Any person submitting false information or misrepresenting in their presentation shall have all privileges granted to them by the Planning & Zoning Board and the Village Commission revoked.

C.

Signature

Christopher Penelas, Esq. on behalf of 1755 JFK Owner, LLC

Title (if applicable)

Corporate Seal (affix if applicable)

Sworn to and subscribed to before me this 7 day of August, 2023

MARTA ACOSTA
MY COMMISSION EXPIRES MAY 5, 2024
#GG 984593
Bonded thru Notary Public Underwriters
NOTARY PUBLIC, STATE OF FLORIDA

Notary

Public Commission expires: May 5, 2024

COST RECOVERY AFFIDAVIT

I hereby acknowledge and consent commit to the payment of all applicable cost recovery fees involved as part of my application process. Cost recovery includes, but is not limited to, staff time, attorney fees, planning consultant fees and any other professional service costs incurred by North Bay Village in the review and processing of a development application, regardless of the outcome of the review and/or public hearing process. I further understand and acknowledge that failure to remit payment for incurred costs pursuant to Subsections 5.12.B. and C. (attached) of the North Bay Village Unified Land Development Code (ULDC) constitutes a violation of the Code and the Village may levy penalties to secure compliance, as outlined in Subsection 5.12.C of the ULDC.

Please type or print the following:

Date: 8/7/2023

Relationship to the project: (e.g., property owner, architect, developer, attorney)

Attorney

Full Name: Christopher A. Penelas

Current Address: 98 Southeast Seventh Street

City: Miami State: FL Zip: 33131

Telephone: 3059825678 Email: Christopher.penelas@akerman.com

I am fully authorized to commit to the expenditures contemplated by this Cost Recovery Affidavit.

Signature

SWORN AND SUBSCRIBED BEFORE ME THIS 7 DAY OF August, 2023

MARTA ACOSTA MY COMMISSION EXPIRES MAY 5, 2024 #GG 984593 Bonded thru Notary Public Underwriters NOTARY PUBLIC, STATE OF FLORIDA

Notary Public, State of Florida at Large

My Commission expires May 5, 2024.

Subsections 5.12.B. and C. Regarding Cost Recovery

B. Cost Recovery Established

1. The applicant shall reimburse the Village for the actual cost of consultant or employed professional review services pursuant to the cost recovery procedures and requirements of subsection C below.

2. Payment in full by the applicant to the Village for the Village's actual expenditures for review of the application shall be a written condition of any development order. These cost recovery deposits fees shall be in addition to any and all other fees required by law, rule, or regulation of the Village Code of Ordinances.

C. Cost Recovery procedure.

1. At the time of submission of any application for development approval, the applicant shall pay the minimum cost recovery deposit fee outlined in the development approval fee and cost recovery deposit schedule set forth in this section, which funds shall be deposited into a cost recovery escrow account established for this purpose. Withdrawals shall be made to reimburse the Village for the cost of consultant services.

2. The Village shall provide the applicant with a copy of the consultant's invoice for any services charged against the applicant's cost recovery escrow account.

3. When the balance in the Village's cost recovery escrow account is reduced to one-half of its initial amount, the applicant shall deposit additional funds into such account to bring its balance up to the amount of the initial deposit. If such amount is not replenished within 30 calendar days after the applicant is notified, in writing, of the requirement of such additional deposit, the Village shall suspend its review of the application and the application shall be deemed withdrawn.

4. If an application is suspended due to nonpayment of the additional escrow deposit specified in subsection 3., a resubmission fee shall be paid, and the cost recovery deposit shall be replenished to a minimum of one-half of the original deposit amount before the application will be reviewed.

5. Prior to the scheduling or noticing of any board or commission hearing, the Village Manager's review of the application shall be complete, and the cost recovery escrow account balance shall be replenished to equal at least one-half of the initial deposit amount.

CONDITIONS FOR APPROVAL OF A REZONING REQUEST

SEC. 4.17.A.(2): Spot Zoning is prohibited. Individuals seeking to have property rezoned for their private use shall show evidence that their application meets one or more of the following:

(1) Consideration of the general welfare of the public;

(2) The effect on the surrounding property (including adequate buffers);

(3) Whether all uses permitted in the classification sought are appropriate to the location proposed; or

(4) Conformity to generally accepted Comprehensive Planning and zoning principles (including alterations to the population density patterns and increase of load on utilities, schools, and traffic)

In addition, the application shall demonstrate that:

b. The proposed change is in conformity with the Comprehensive Plan.

c. The proposed rezoning would not grant privileges not generally extended to property similarly located in the area.

SEC. 4.17.B.(1): No proposed zoning amendment that rezone property or substantially changes the uses permitted in zoning districts shall be approved unless:

a. The proposed amendment will place all property similarly situated in the area in the same category, or in appropriate complementary categories.

b. There is a convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest, and not merely in the interest of an individual or small group of people.

c. There is a convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which an applicant states he intends to make of the property involved).

d. There is convincing evidence that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.

e. The proposed change is in accord with the Comprehensive Plan and sound Comprehensive Planning and zoning principles.

SEC. 4.17.C.: Amendments to the Unified Land Development Code that do not rezone property or substantially change uses permitted in zoning districts shall be in general accord with sound comprehensive planning and zoning principles and consistent with the adopted Comprehensive Plan. (Procedures to permit minor deviations from uses allowed in the Urban Core Zone by Warrant, are set forth in Chapter 15, Section 15.1.H.)

CRITERIA FOR SPECIAL AREA PLAN

SUBSEC 15.2.G. Special Area Plan:
The purpose of a Special Area Plan is to allow parcels of at least two (2) Abutting acres in size to be master planned so as to allow greater integration of public improvements and Infrastructure, to enable connectivity; to encourage a variety of Building Heights, massing, and to provide high quality design elements and greater flexibility so as to result in higher or specialized quality building and Streetscape design within the Special Area Plan, to further the intent of this Code expressed in Section 15.1.

1. General.
   a. The single or multiple owner(s) of Abutting properties in excess of two (2) acres may apply for a rezoning to a Special Area Plan and shall be approved by the process of rezoning following review by the Planning and Zoning Board and Village Commission with the site plan approval process.
   b. All regulations of the underlying Transect Zone and this [Form Based] Code that are not otherwise addressed by the SAP shall apply.
   c. A Special Area Plan shall assign Thoroughfares (as appropriate), Cross Block Pedestrian Passages, and Civic Spaces, with appropriate transitions to Abutting areas. Guidelines for Thoroughfares and Public Frontages may be adjusted to the particular circumstances of the Special Area Plan.
   d. A Special Area Plan shall include a site plan, map of the proposed layout, circulation, view corridors, and the standards that deviate from the requirements of Chapter 15, Section 15.3., and this Code.
   e. A Special Area Plan shall assign at least five percent (5%) of its aggregated Lot Area to a Civic Space Type. The developer shall be responsible for constructing any required public improvements within the Special Area Plan, including but not limited to the Civic Spaces, and Thoroughfares.
   f. Development within the Special Area Plan shall be pursuant to a recorded development agreement that will establish the allocation of Civic Spaces, Thoroughfares, and Building area among the Building sites.
   g. Unless a Building is specifically approved as part of the Special Area Plan, any Building shall be reviewed by the Planning & Zoning Official for conformance with the Special Area Plan and this Code and referred to the Village Manager for final approval per the requirements of Section 5.9, prior to issuance of the Building Permit.
   h. A parking management program that enables shared parking among public and private Uses.
   i. Flexible allocation of development capacity and Height, excluding Density on individual sites within the Special Area Plan may be allowed so long as the capacity or Height distribution does not result in development that is out of Scale or character with the surrounding area, and provides for appropriate transitions.

APPLICANT CHECKLIST

Applications are incomplete until all materials have been received by the Planning and Zoning Official. Applicant must provide the following upon submittal of application:

- [x] Complete Application, including all required forms, signed by applicant or, if applicable, property owner or owner's representative.
- [ ] Letter of Authorization from property owner (if applicable).
- [ ] Proof of ownership (if applicable).
- [x] Letter of intent, signed by the Applicant, explaining the nature of the request, justification for the proposed amendment, and evidence that the request complies with the applicable criteria of Section 4.17 of the North Bay Village Unified Land Development Code. Insufficient justification may result in denial of the application.
- [ ] Certified Land Survey dated within two (2) years of the application filing date, reflecting all current conditions (if applicable).
- [ ] Legal description (if applicable).
- [ ] Map indicating the present and the proposed rezoning of the property (if applicable).
- [ ] Conceptual site plan of proposed project eliciting the rezoning request, if applicable, including:
    - Total acreage
    - Dwelling units per acre
    - Gross floor area
    - Building height
    - Floor area ratio
- [ ] Level of Service Assessment based on the projected development capacity of land proposed for rezoning or land impacted by proposed text amendment, as applicable.
- [x] Filing fees and cost recovery deposit (Refer to the most current North Bay Village Fee Schedule).

*** Supporting materials may be submitted electronically for review. Physical copies of materials may be requested prior to public hearing***

Office Use Only:

Date Submitted: _____ Total Paid: $_____

Date Paid: _____ Filing Fee: $_____

Cash or Check #_____ Cost Recovery Dep: $_____

ORDINANCE NO. 2023-_____

AN ORDINANCE OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING SECTION 15.3 OF CHAPTER 15 OF THE VILLAGE'S UNIFIED LAND DEVELOPMENT CODE (ULDC) TO ALLOW TEMPORARY STRUCTURES WITHIN THE T6-30 ZONING DISTRICT; PROVIDING SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, North Bay Village ("Village") has adopted a Unified Land Development Code (the "ULDC") to promote the health, safety, order, convenience, comfort, and general welfare of the public, and to promote and preserve the character and ecological quality of the Village as articulated in the Village's Comprehensive Plan; and

WHEREAS, during its 75th anniversary year, and following an extended public discussion about future growth and development, the Village updated its ULDC as part of a master visioning and planning process known as the “NBV100 Master Plan,” which looks at the community’s next twenty-five years; and

WHEREAS, the NBV100 Master Plan, guided by principles which originated from the common concerns of North Bay Village residents, is centered on equipping the Village with the tools to become a more livable, resilient, and prosperous community that can adapt to the challenges of a changing climate; and

WHEREAS, on February 9, 2021, the Village Commission adopted Ordinance 2021-004, creating Chapter 15, “Form-Based Code,” to implement the vision and goals of the NBV100 Master Plan, and amended related sections of the ULDC that were impacted by the new Chapter 15; and

WHEREAS, the ULDC currently prohibits temporary structures within the T6-30 zoning district that are not within the Island Walk easement area;

WHEREAS, the Village Commission finds that temporary structures and temporary activations within the T6-30 zoning district would generate economic activity and interest in the Village and transform vacant or underutilized parcels into appealing businesses;

WHEREAS, the Village consequently seeks to exercise its home rule powers and voluntarily amend the ULDC to allow temporary structures within the T6-30 zoning district;

WHEREAS, the ULDC and the modifications provided herein are consistent with the NBV100 Master Plan, the Village’s Comprehensive Plan, and the Florida Community Planning Act; and

WHEREAS, the Planning and Zoning Board, sitting in its capacity as the Local Planning Agency, has reviewed this Ordinance and has recommended approval to the Mayor and the Village Commission; and

WHEREAS, this Ordinance was duly noticed and presented to the Village Commission in two readings, with second reading conducted as the required public hearing on_____; and

WHEREAS, the Mayor and Commission find that this Ordinance is in the best interest of the community.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AS FOLLOWS:[1]

Section 1. Recitals. That each of the above recitals are true and correct and incorporated herein by this reference.

Section 2. Amending Chapter 15 of the Village's ULDC. That Chapter 15, entitled "Form-Based Code" of the Unified Land Development Code of North Bay Village, Florida is hereby amended to read as provided in **Exhibit "A**,**"** which is incorporated herein and made a part hereof by this reference.

Section 3. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Codification. That it is the intention of the Village Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Village's Code of Ordinances, and that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

Section 5. Conflicts. That all ordinances or parts of ordinances, resolutions, or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 6. Effective Date. That this Ordinance shall become effective immediately upon final adoption on second reading.

[1] Coding: ~~Strikethrough words~~ are deletions to the existing text. Underlined words are additions to the existing text. Changes between first and second reading are indicated with a ~~double strikethrough~~ and double underline.

PASSED on first reading on the ____ day of _____, 2023.

PASSED AND ADOPTED on second reading on the ____ day of _____, 2023.

_____
Brent Latham, Mayor

ATTEST:

_____
Alba L. Chang, CMC
Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

_____
Weiss Serota Helfman Cole & Bierman, PL
Village Attorney

First Reading:
Moved By:
Seconded By:

Second Reading:
Moved By:
Seconded By:

Vote on Final Adoption:
Mayor Brent Latham
Vice Mayor Richard Chevrony
Commissioner Goren Cuk
Commissioner Andrew Rotondaro
Commissioner Rachel Streitfeld

Exhibit A

AMENDING CHAPTER 15 OF THE ULDC

[…]

§. 15.3 – Specific to transect zones.

[…]

e. *Architectural Standards.*

(1) *Permanent and temporary structures.*

(a) Only permanent structures shall be allowed, unless specified otherwise in this Code.
(b) Temporary structures such as mobile homes, construction trailers, travel trailers, recreational vehicles and other temporary structures shall not be allowed except as per the Code of Ordinances and this Code, with the following exceptions by warrant.
   i. Island Walk: Temporary structures such as kiosks, stands, and tents may be allowed within the Island Walk easement and the waterfront setback.
   ii. Pirates Alley: Temporary structures such as shipping containers, food trucks, kiosks, stands, and tents may be allowed.
   iii. <u>T6-30 Zoning District: Temporary structures such as food trucks, kiosks, shipping containers, portable bathroom facilities, stands, pop-up shops, and the like plus any accessory signs identifying the use may be allowed.</u>

[…]

ORDINANCE NO. 2023-_____

AN ORDINANCE OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING SECTION 15.3 OF CHAPTER 15 OF THE VILLAGE'S UNIFIED LAND DEVELOPMENT CODE (ULDC) TO ALLOW TEMPORARY STRUCTURES WITHIN THE T6~~-30 ZONING DISTRICT~~ TRANSECT ZONE; PROVIDING SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, North Bay Village ("Village") has adopted a Unified Land Development Code (the "ULDC") to promote the health, safety, order, convenience, comfort, and general welfare of the public, and to promote and preserve the character and ecological quality of the Village as articulated in the Village's Comprehensive Plan; and

~~**WHEREAS**, during its 75th anniversary year, and following an extended public discussion about future growth and development, the Village updated its ULDC as part of a master visioning and planning process known as the "NBV100 Master Plan," which looks at the community's next twenty-five years; and~~

~~**WHEREAS**, the NBV100 Master Plan, guided by principles which originated from the common concerns of North Bay Village residents, is centered on equipping the Village with the tools to become a more livable, resilient, and prosperous community that can adapt to the challenges of a changing climate; and~~

WHEREAS, on February 9, 2021, the Village Commission adopted Ordinance 2021-004, creating Chapter 15, "Form-Based Code," to implement the vision and goals of the NBV100 Master Plan, a master visioning and planning process guided by principles which originated from the common concerns of North Bay Village residents, and centered on equipping the Village with the tools to become a more livable, resilient, and prosperous community that can adapt to the challenges of a changing climate; and

WHEREAS, the ~~ULDC~~ Form-Based Code currently prohibits temporary structures within the T6~~-30 zoning district~~ Transect Zone, except kiosks, stands, and tents ~~that are not~~ within the Island Walk easement and the waterfront setback ~~area~~; and shipping containers, food trucks, kiosks, stands, and tents within Pirates Alley;

WHEREAS, the Village Commission finds that temporary structures and temporary activations within the T6~~-30 zoning district~~ Transect Zone ~~would~~could ~~generate economic activity and interest in the Village and~~ help transform vacant and underutilized parcels into appealing destinations; support small businesses; and generate economic activity that benefits the Village; and

~~**WHEREAS**, the Village consequently seeks to exercise its home rule powers and voluntarily amend the ULDC to allow temporary structures within the T6-30 zoning district;~~

WHEREAS, the ULDC and the modifications provided herein are consistent with the NBV100 Master Plan, the Village's Comprehensive Plan, and the Florida Community Planning Act; and

WHEREAS, the Planning and Zoning Board, sitting in its capacity as the Local Planning Agency, has reviewed this Ordinance and has recommended ~~approval~~ _____ to the Mayor and the Village Commission; and

WHEREAS, this Ordinance was duly noticed and presented to the Village Commission in two readings, with ~~second reading conducted as the required~~ public hearings on _____ and _____; and

WHEREAS, the Mayor and Commission find that this Ordinance is in the best interest of the community.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AS FOLLOWS:[1]

Section 1. Recitals. That each of the above recitals are true and correct and incorporated herein by this reference.

Section 2. Amending Chapter 15 of the Village's ULDC. That Chapter 15, entitled "Form-Based Code" of the Unified Land Development Code of North Bay Village, Florida is hereby amended to read as provided in **Exhibit "A**,**"** which is incorporated herein and made a part hereof by this reference.

Section 3. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Codification. That it is the intention of the Village Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Village's Code of Ordinances, and that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

Section 5. Conflicts. That all ordinances or parts of ordinances, resolutions, or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

[1] Coding: ~~Strikethrough words~~ are deletions to the existing text. Underlined words are additions to the existing text. Changes between first and second reading are indicated with a ~~double strikethrough~~ and double underline.

Section 6. Effective Date. That this Ordinance shall become effective immediately upon final adoption on second reading.

PASSED on first reading on the ____ day of _____, 2023.

PASSED AND ADOPTED on second reading on the ____ day of _____, 2023.

_____
Brent Latham, Mayor

ATTEST:

_____
Alba L. Chang, CMC
Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

_____
Weiss Serota Helfman Cole & Bierman, PL
Village Attorney

First Reading:
Moved By:
Seconded By:

Second Reading:
Moved By:
Seconded By:

Vote on Final Adoption:
Mayor Brent Latham
Vice Mayor Richard Chevrony
Commissioner Goren Cuk
Commissioner Andrew Rotondaro
Commissioner Rachel Streitfeld

Exhibit A

AMENDING CHAPTER 15 OF THE ULDC

[…]

§. 15.3 – Specific to transect zones.

[…]

e. *Architectural Standards.*

(1) *Permanent and temporary structures.*

(a) Only permanent structures shall be allowed, unless specified otherwise in this Code.
(b) Temporary structures such as mobile homes, construction trailers, travel trailers, recreational vehicles and other temporary structures shall not be allowed except as per the Code of Ordinances and this Code, with the following exceptions by warrant.
i. Island Walk: Temporary structures such as kiosks, stands, and tents may be allowed within the Island Walk easement and the waterfront setback.
ii. Pirates Alley: Temporary structures such as shipping containers, food trucks, kiosks, stands, and tents may be allowed.
iii. Other locations within the T6-24 and T6-30 Zoning Districts: Temporary structures such as food trucks, kiosks, shipping containers adapted for retail or service uses, portable bathroom facilities, stands, pop-up shops, and the like plus any accessory signs identifying the use may be allowed, provided such signs conform with the Village's sign regulations.
iv. All temporary structures are subject to the applicable dimensional standards and other relevant requirements of the ULDC and to the provisions of the Florida Building Code. Any contravention of these standards or of specific conditions of the warrant approving the structure may be grounds for revocation of the approval.
v. Temporary structures may be approved for a maximum of six (6) months, renewable administratively up to two (2) additional times for a maximum period of six months each time for a total of eighteen (18) months.

[…]

MIAMI-DADE

STATE OF FLORIDA
COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared ROSANA SALGADO, who on oath says that he or she is the LEGAL CLERK, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, of Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

NORTH BAY VILLAGE - PUBLIC HEARING - SEPT. 14, 2023

in the XXXX Court,
was published in a newspaper by print in the issues of Miami Daily Business Review f/k/a Miami Review on

09/01/2023

Affiant further says that the newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Sworn to and subscribed before me this
1 day of SEPTEMBER, A.D. 2023

Barbara Thomas

(SEAL)
ROSANA SALGADO personally known to me

BARBARA THOMAS
Commission # HH 187442
Expires November 2, 2025
Bonded Thru Troy Fain Insurance 800-385-7019

NORTH BAY VILLAGE
NOTICE OF PUBLIC HEARING

PUBLIC NOTICE IS HEREBY GIVEN THAT THE PLANNING & ZONING BOARD OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A REGULAR MEETING ON SEPTEMBER 14, 2023 AT 6:00 P.M. AT 1666 KENNEDY CAUSEWAY, #101, NORTH BAY VILLAGE, FL 33141 AND VIA ZOOM, OR AS SOON AS POSSIBLE THEREAFTER. DURING THIS MEETING THE BOARD WILL CONSIDER THE FOLLOWING AT A PUBLIC HEARING:

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING/APPROVING WITH CONDITIONS/DENYING] A REQUEST BY 7940 NBV PARTNERS, LLC FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 8.11 AND 9.3.E. OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC"), TO ALLOW UP TO TWENTY PERCENT (20%) OF PARKING SPACES REQUIRED FOR A PROJECT AT 7938-7940 WEST DRIVE TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES; PROVIDING FINDINGS; PROVIDING FOR CONDITIONS; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] AN APPLICATION BY 7940 NBV PARTNERS, LLC FOR A VARIANCE PURSUANT TO SECTION 7.3 OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC") OF PARKING REQUIREMENTS PROVIDED IN SECTION 9.3.C. OF THE ULDC, TO PERMIT THE PROVISION OF 135 SPACES WHERE 212 WOULD BE REQUIRED FOR A PROJECT LOCATED AT 7938-7940 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA; ALTERNATIVELY [APPROVING / APPROVING WITH CONDITIONS / DENYING] A WAIVER PURSUANT TO SECTION 9.3.D. OF REGULARLY APPLICABLE PARKING REQUIREMENTS; PROVIDING FINDINGS; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] AN APPLICATION BY 7940 NBV PARTNERS, LLC FOR A VARIANCE PURSUANT TO SECTION 7.3 OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC") OF MINIMUM AISLE WIDTH REQUIREMENTS PROVIDED IN SECTION 9.3.E. OF THE ULDC, TO PERMIT A PARKING AISLE WIDTH OF 22 FEET WHERE 23 FEET WOULD BE REQUIRED FOR A PROJECT LOCATED AT 7938-7940 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA; PROVIDING FINDINGS; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

9/14/2023

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] A SITE PLAN BY 7940 NBV PARTNERS, LLC, PURSUANT TO SECTIONS 5.2 OF THE VILLAGE'S UNIFIED LAND DEVELOPMENT CODE ("ULDC"), FOR DEVELOPMENT OF A MULTIFAMILY RESIDENTIAL PROJECT ON AN APPROXIMATELY 0.77-ACRE SITE LOCATED AT 7938-7940 WEST DRIVE, NORTH BAY VILLAGE, CONSISTING OF UP TO 70 DWELLING UNITS, INCLUDING REQUESTS FOR APPROVAL TO: (A) TRANSFER DENSITY RIGHTS FOR 16 DWELLING UNITS FROM VILLAGE-OWNED PROPERTY PURSUANT TO SEC. 8.13.; AND (B) INCREASE BUILDING HEIGHT ABOVE THE BASE BUILDING HEIGHT OF 150 FEET VIA BONUSES AVAILABLE PURSUANT TO SEC. 8.12, UP TO A MAXIMUM HEIGHT OF 312 FEET; PROVIDING FOR FINDINGS; PROVIDING FOR CONDITIONS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] A USE EXCEPTION PURSUANT TO SECTION 8.11 OF THE UNIFIED LAND DEVELOPMENT CODE (ULDC) TO ALLOW VILLAGE-OWNED PROPERTY LOCATED AT 1851 GALLEON STREET, NORTH BAY VILLAGE, AS LEGALLY DESCRIBED IN EXHIBIT "A", AND ZONED RM-40, TO BE DEVELOPED FOR A USE (TRAINING CENTER FOR THE ARGENTINE FOOTBALL ASSOCIATION (AFA) AND COMMUNITY-SERVING FACILITIES) WHICH PROVIDES A PUBLIC BENEFIT; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE MAYOR AND VILLAGE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] A VARIANCE APPLICATION PURSUANT TO SECTION 111.13 OF THE VILLAGE'S CODE OF ORDINANCES BY FARINA CONTEMPORARY PIZZA CORP (DBA PETRALUNGA), TO ALLOW AN ESTABLISHMENT LOCATED AT 7601 EAST TREASURE DRIVE, #CU-21, ON THE GRAND VIEW PALACE PROPERTY, TO VARY FROM SECTION 111.12(A)(1) OF THE CODE BY AUTHORIZING THE ISSUANCE OF A LICENSE TO SELL ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION FROM A LOCATION LESS THAN 500 FEET FROM AN EXISTING SCHOOL AND TO VARY FROM SECTION 111.12(B)(3) OF THE CODE BY AUTHORIZING THE ISSUANCE OF A LICENSE TO SELL ALCOHOLIC BEVARAGES FOR OFF-PREMISES CONSUMTION FROM A LOCATION LESS THAN 1,000 FEET FROM AN EXISTING OFF-PREMISES LICENSEE; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] A SITE PLAN PURSUANT TO SECTION 5.2 OF THE VILLAGE'S UNIFIED LAND DEVELOPMENT CODE ("ULDC"), FOR DEVELOPMENT OF A GOVERNMENT FACILITY CONSISTING OF A VILLAGE HALL AND COUNTY FIRE STATION AT 1335 79TH STREET CAUSEWAY, NORTH BAY VILLAGE, AN APPROXIMATELY 0.76-ACRE SITE ZONED T6-24MU; PROVIDING FOR FINDINGS; PROVIDING FOR CONDITIONS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

AN ORDINANCE OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING SECTION 15.3 OF CHAPTER 15 OF THE VILLAGE'S UNIFIED LAND DEVELOPMENT CODE ("ULDC") TO ALLOW TEMPORARY STRUCTURES WITHIN THE T6-30 ZONING DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

The meeting agenda is available online at:
https://northbayvillage-fl.gov/agendas-minutes/
You may attend the meeting in person at the physical meeting location:
1666 Kennedy Causeway, #101
North Bay Village, FL 33141 OR

Participate in the meeting via Zoom:
Meeting ID: 881 2072 9718
Passcode: 236512
Watch the Virtual Public Meeting:
https://northbayvillage-fl.gov/videos
TV Channel 661
Facebook Live
Listen via telephone to the Virtual Public Meeting:
1-929-205-6099
For technical support during the meeting, please contact:
(786) 309-4991

THE PROPOSED ORDINANCE(S) AND/OR RESOLUTION(S) MAY BE INSPECTED BY THE PUBLIC AT THE OFFICE OF THE VILLAGE CLERK. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE VILLAGE CLERK AT 305-756-7171. A COMPLETE AGENDA PACKET IS ALSO AVAILABLE ON THE VILLAGE WEBSITE AT WWW.NORTHBAYVILLAGE-FL.GOV FIVE DAYS PRIOR TO THE DATE OF THE MEETING. INTERESTED PARTIES MAY APPEAR AT THE PUBLIC HEARING AND BE HEARD WITH RESPECT TO THE PROPOSED ORDINANCE(S). ANY PERSON WISHING TO ADDRESS THE VILLAGE COMMISSION OR BOARD ON ANY ITEM AT THIS PUBLIC HEARING IS ASKED TO REGISTER WITH THE VILLAGE CLERK PRIOR TO THAT ITEM BEING HEARD. ALTERNATIVELY, MEMBERS OF THE PUBLIC MAY EXPRESS THEIR VIEWS IN WRITING TO THE COMMISSION OR BOARD C/O VILLAGE CLERK, 1666 KENNEDY CAUSEWAY, #300, NORTH BAY VILLAGE, FL 33141, OR VIA EMAIL AT PUBLICCOMMENT@NBVILLAGE.COM.

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

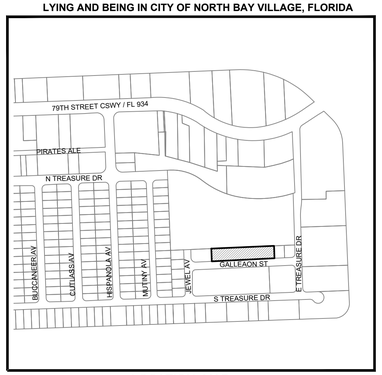
ALBA L. CHANG, CMC
VILLAGE CLERK
9/1

23-105/0000681746M

2/2

MAP OF BOUNDARY SURVEY

SECTION 9 - TOWNSHIP 53 SOUTH - RANGE 42 EAST
LYING AND BEING IN CITY OF NORTH BAY VILLAGE, FLORIDA

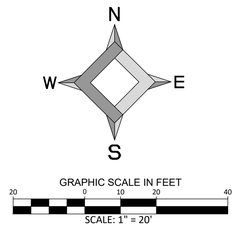


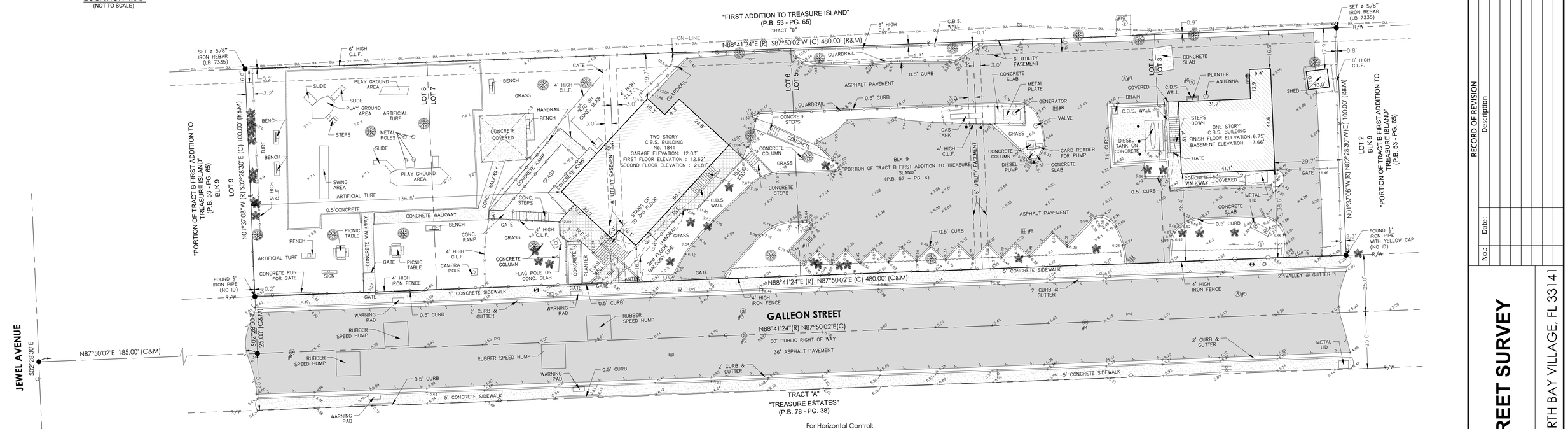
LOCATION MAP
(NOT TO SCALE)

N

STRUCTURES TABLE

NUMBER	STRUCTURE	RIM ELEVATION	DIRECTION	TYPE	SIZE	INVERT	BOTTOM ELEVATION	SEDIMENT ELEVATION	NOTE
1	DRAINAGE MANHOLE	5.33'	W	RUBBER	18''	-4.12'	-4.17'		
			E	RUBBER	18''	-4.17'			
			N	PVC	4''	2.43'			
2	SANITARY MANHOLE	5.89'	E	PVC	8''	-3.34'	-5.26'		
			S	CLAY	10''	-0.05'			
			W	RUBBER	18''	-4.69'			
3	SANITARY MANHOLE	5.74'	E		18''	-5.10'	-5.12'		UNABLE TO SEE MATERIAL
									FLOODED COULDN'T SEE WEST BOUND
4	DRAINAGE MANHOLE	5.45'	N	UNKNOWN	7''	0.6'	-2.57'		
			E	PVC	8''	-2.51'			
			W	PVC	8''	-2.57'			
5	SANITARY MANHOLE	5.27'					-5.54'		FLOODED, WATER LEVEL 8.63'
6	SANITARY MANHOLE	5.78'	S	PVC	12''	-6.45'	-6.45'		
			W1	PVC	8''	-6.37'			
			W2	UNKNOWN	8''	-5.06'			
7	SANITARY MANHOLE	6.25'	N	PVC	8''	-3.91'	-4.40'		
			E	PVC	8''	-4.39'			
8	CATCH BASIN	5.29'	S	RUBBER	8''	1.36'	-1.41'		
9	CATCH BASIN	5.53'	NE	RUBBER	8''	1.08'	-0.52'		
			S	RUBBER	8''	0.58'			
			W	RUBBER	8''	1.20'			
10	SANITARY MANHOLE	5.96'	E	PVC	8''	-3.56'	-3.69'		
			S	PVC	8''	-3.64'			
11	CATCH BASIN	6.17'	E	RUBBER	8''	1.32'	-0.28'		





LEGAL DESCRIPTION:

Lots 3, 4, 5, 6, 7 and 8 of the Plat "PORTION OF TRACT B FIRST ADDITION TO TREASURE ISLAND" according to the Plat thereof as recorded in Plat Book 57 at Page 6 of the Public Records of Miami-Dade County, Florida.

SURVEYOR'S NOTES:

DATE OF FIELD SURVEY:

The date of completion of the original field Survey was on April 29, 2023.

PROPERTY INFORMATION:

Folio No.: 23-3209-014-0200
Property Address: 1841 Galleon Street, North Bay Village, FL 33141.

Containing 47,999.302 sq. ft. or 1.102 acres, more or less, by calculations.

ACCURACY:

The accuracy obtained by field measurement methods and office calculations of closed geometric figures meets and exceeds (Linear: 1 foot in 7,500 feet) Administrative Code.

The elevations as shown are based on a closed level between the two benchmarks noted on this survey.

The Vertical Accuracy obtained on this "Boundary Survey" exceeds the calculated value of closure in feet of plus or minus 0.05 feet times the square root of the distance in miles a commonly value accepted in the construction and surveying industry.

Elevations of well identified features as depicted on the Survey Map were measured to an estimated vertical position accuracy of 1/100 of a foot on hard surfaces and 1/10 of a foot on ground surfaces.

Well identified features as depicted on the Survey Map were measured to an estimated horizontal position accuracy of 1/10 of a foot.

This Map of Survey is intended to be displayed at a scale of One inch equals Twenty feet or smaller.

LEGEND AND ABBREVIATIONS

- = CATCH BASIN
- S = SEWER CAP
- = PALM TREE
- = TREE
- = ELECTRIC METER
- O = CLEANOUT
- = SIGN
- W = WATER METER
- = GAS VALVE
- = MAILBOX
- = WATER VALVE
- = FIRE HYDRANT
- S = SANITARY MANHOLE
- D = STORM MANHOLE
- W = WATER BOX
- = BOLLARD
- = WOODEN UTILITY POLE
- = METAL UTILITY POLE
- PG. = PAGE
- ELEV. = ELEVATION
- x.00 = SPOT ELEVATION
- CONC. = CONCRETE
- C.B.S. = CONCRETE BLOCK STUCCO
- C.L.F. = CHAIN LINK FENCE
- (R) = RECORD
- (C) = CALCULATED
- (M) = MEASURE
- LB = LICENSE BUSINESS
- ID = IDENTIFICATION
- R/W = RIGHT-OF-WAY
- P.B. = PLAT BOOK
- ℄ = CENTERLINE
- ℘ = PROPERTY LINE
- TILE
- ASPHALT
- CONCRETE

DATA SOURCES USED FOR SURVEY:

For Vertical Control:

All elevations shown hereon are based on the National Geodetic Vertical Datum of 1929 (N.G.V.D. '29), and Benchmarks supplied by the Public Works and Waste Management Department of Miami-Dade County, Florida.

Benchmark: DOT BM — Elevation: + 15.56' (N.G.V.D. '29)
Loc1 ---------- 79 ST CSWY.
Loc2 ---------- TREASURE ISLAND & NORMANDY ISLE --- BRIDGE BETWEEN.
Description ---------- DOT BRASS DISC IN SIDEWALK IN SW CORNER OF BRIDGE.

Benchmark: P-313 — Elevation: + 5.27' (N.G.V.D. '29)
Loc1 ---------- N TREASURE DRIVE --- 50' NORTH OF NORTH CURB.
Loc2 ---------- HISPANOLA AVE --- 3' EAST OF EAST CURB OF SOUTHBOND LANE.
Description ---------- US C & G BRASS DISC IN TOP OF NW CORNER OF SEWER PUMPING STATION.

Public Records:

Plat of "PORTION OF TRACT B FIRST ADDITION TO TREASURE ISLAND" according to the Plat thereof as recorded in Plat Book 57 at Page 6 of the Public Records of Miami-Dade County, Florida.

Plat of "TREASURE ESTATES" according to the Plat thereof as recorded in Plat Book 78 at Page 38 of the Public Records of Miami-Dade County, Florida.

Plat of "FIRST ADDICTION TO TREASURE ISLAND" according to the Plat thereof as recorded in Plat Book 53 at Page 65 of the Public Records of Miami-Dade County, Florida.

This project area appears to be located in Flood Zone "AE", with a Base Flood Elevation being "8 & 9 Feet ", as per Federal Emergency Management Agency (FEMA) Community-Panel Number 120654 (City of North Bay Village), Map No. 12086C0307, Suffix L. Map Revised Date: September 11, 2009.

For Horizontal Control:

Bearing and coordinates (Northing and Easting) are relative to the Florida State Plane Coordinate System, Florida East Zone 0901, North American Datum (NAD) 1983 adjustment of 2011 (NAD83/2011)-Epoch 2010.0000; with a bearing of N87°50'02"E being established for the Centerline of Galleon Street, said line to be considered a well established and monumented line.

Global Positioning System (G.P.S.), measurements were conducted in the field to acquire said coordinate values which are based on the connection with the following Horizontal Control Stations:

Name: Miami Beach
Code: FLMB
Geographic Coordinates:
Latitude: 25° 46' 57.83786" N
Longitude: 80° 8' 14.16764" W
State Plane Coordinates:
Northing: 527,654.43713 US Feet
Easting: 940,056.84106 US Feet
Creation Date: 17-07-2014
Receiver Type: Leica GR 10
Satellite System: GPS and GLONASS

Name: North Dade
Code: FLND
Geographic Coordinates:
Latitude: 25° 57' 56.76791" N
Longitude: 80° 10' 02.22323" W
State Plane Coordinates:
Northing: 594119.590 US Feet
Easting: 929757.538 US Feet
Receiver Type: Leica GR30
Satellite System: GPS and GLONASS

The referenced Station is part of National Geodetic Survey (NGS) Control Network.

LIMITATIONS:

Since no other information were furnished other than that is cited under data sources, the Client is hereby advised that there may be legal restrictions on the Subject Property that are not shown on the Survey Map that may be found in the Public Records of Miami-Dade County.

The Surveyor makes no representation as to ownership or possession of the Subject Property by any entity or individual that may appear on the Public Records of this County.

No excavation or determination was made as to how the Subject Property is served by utilities.

No improvements were located, other than those shown. No underground foundations, improvements and/or utilities were located or shown hereon.

PURPOSE OF SURVEY:

The purpose of this survey is for design.

CLIENT INFORMATION:

This Boundary Survey was prepared at the insistence of and certified to:

STANTEC

SURVEYOR'S CERTIFICATE:

I hereby certify: That this "Boundary Survey" and the Survey Map was performed under my direction and is true and correct to the best of my knowledge and belief and further, that said "Boundary Survey" meets the intent of the applicable provisions of the Standards of Practice for Land Surveying in the State of Florida, pursuant to Rule 5J-17 of the Florida Administrative Code and its implementing law, Chapter 472.027 of the Florida Statutes.

LONGITUDE SURVEYORS LLC., a Florida Limited Liability Company
Florida Certificate of Authorization Number LB7335

Eduardo M Suarez
Digitally signed by Eduardo M Suarez
Date: 2023.05.18 17:45:08 -04'00'

Eduardo M. Suarez, PSM
Professional Surveyor and Mapper LS6313
State of Florida

Eduardo M. Suarez
No.6313
STATE OF FLORIDA
Professional Surveyor & Mapper

NOTICE: Not valid without the digital signature and seal and/or the signature and original raised seal of a Florida Licensed Surveyor and Mapper. Additions and deletions to this map to Survey by other than the signing party are prohibited without the written consent of the signing party.

LONGITUDE SURVEYORS
7700 N. Kendall Drive, Suite 705
Miami, FL 33156
PH: (305) 463-0912
FAX: (305) 513-5680
FLORIDA CERTIFICATE OF AUTHORIZATION LB 7335
WWW.LONGITUDESURVEYORS.COM

RECORD OF REVISION

No.:	Date:	Description	By:

Project Name: **1841 GALLEON STREET SURVEY**

Project Address: 1841 GALLEON STREET, CITY OF NORTH BAY VILLAGE, FL 33141

Scale:	AS SHOWN
Drawn By:	DS
Checked By:	EMS
Managed By:	GP
Drawing Date:	May 1, 2023
Project No.:	23086.0.01

Sheet 1 of 1

THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 5J-17.062, F.A.C.