

NOTE: There is a three-minute time limit on all comments from the public, regardless of the subject matter. A request form is available from the Deputy Town Clerk; please fill it in and return it to her prior to the start of the meeting if you would like to speak during public comment. When you speak, you must come to the podium in the front and clearly state your name and address for the record. Please turn off or mute your cell phone or pager at the start of the meeting. Thank you.

TOWN OF BAY HARBOR ISLANDS

SPECIAL COUNCIL MEETING AGENDA

May 5, 2021

SPECIAL NOTICE – HYBRID / VIRTUAL MEETING

Pursuant to Ordinance No. 1054, a Special Town Council Meeting will be held as a Hybrid Meeting where a quorum of the Town Council will be physically present in the Town Council Chambers located at 9665 Bay Harbor Terrace, Bay Harbor Islands, FL 33154. The general public and other members of staff will be able to view and participate in the meeting (Virtually) by utilizing the Zoom video conferencing platform.

Zoom Link: <https://zoom.us/j/96735575012>

Meeting ID: 967 3557 5012

To request to speak during Public Comment, please utilize the “raise your hand” Zoom feature on your electronic device. You will be recognized at the direction of the Zoom Meeting Host.

In addition, any member of the public who does not wish, or is unable to participate through the Zoom video conferencing platform, but would still like to participate can do so by listening to the meeting as it happens by dialing the Toll-free number below:

US Toll Free Number: 877 853 5247 or 888 788 0099

For higher quality, dial a number based on your current location):

US: 1 312 626 6799 or 1 646 558 8656 or 1 301 715 8592

Meeting ID: 967 3557 5012

Participant ID: Press the # key

To request to speak: Dial *9 on your telephone device to activate the “Raise your Hand” feature on the zoom platform.

Members of the Public can also submit their request to speak and/or comments via e-mail to the Office of the Town Clerk at achang@bayharborislands-fl.gov

CALL TO ORDER: 6:00 p.m.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

1. **Consideration and approval** of an ordinance on second reading amending Section 23-21(e) of the Town Code to modify the Kane Concourse setback requirements for ground level restaurants and certain weatherization. Enclosed is a copy of the proposed ordinance and staff report provided by Town Planner Michael Miller.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S ZONING AND PLANNING CODE TO MODIFY THE GATEWAY (G) ZONING DISTRICT, AMENDING SECTION 23-21(e) OF THE CODE OF ORDINANCES TO MODIFY THE KANE CONCOURSE SETBACK REQUIREMENTS FOR GROUND LEVEL RESTAURANTS AND CERTAIN WEATHERIZATION, PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council Discretion

POLL VOTE

ADJOURNMENT: Approximately 7:00 p.m.

Pursuant to Florida Statutes 286.0105, the Town hereby advises the public that should any person decide to appeal any decision of the Town Council with respect to any matter to be considered at this meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

AGENDA ITEM REPORT

May 5, 2021

ITEM NUMBER: 1.

ITEM: Consideration and approval of an ordinance on second reading amending Section 23-21(e) of the Town Code to modify the Kane Concourse setback requirements for ground level restaurants and certain weatherization. Enclosed is a copy of the proposed ordinance and staff report provided by Town Planner Michael Miller.

DESCRIPTION:

At the February 10th, 2021 Regular Council Meeting, the Town Council held a discussion at the request of One Kane Concourse, LLC relating to possible code amendments affecting the Gateway properties. As requested by the Town Council, the Town Planner and Town Attorney hereby present the proposed code amendments as follow:

- * Kane Concourse building setbacks
- * language relating to weatherization (such as panels for the outdoor restaurant)

Enclosed is a copy of the proposed ordinance and staff report provided by Town Planner Michael Miller.

PREVIOUS MEETING VOTE:

COUNCIL VOTE			
NAME	FOR	AGAINST	ABSTAINED
Mayor Stephanie Bruder	x		
Vice Mayor Joshua Fuller	x		
Council Member Jordan W. Leonard	x		
Council Member Kelly Reid	x		
Council Member Isaac Salver		x	
Council Member Elizabeth Tricoche	x		
Council Member Robert Yaffe	x		

RECOMMENDED ACTION:

Council Discretion

FINANCIAL ANALYSIS:

N / A

BUDGET IMPACT:

Submitted By: Alba L. Chang, Town Clerk

ATTACHMENTS

1. BHI Gateway Proposed Ordinance 2021
2. BHI TC Staff Report Gateway Rev Staf Report Feb 25 2021
3. BHI Gateway Zone Rev Illustrations Feb 25 2021
4. OKC_East-West_low-res
5. OKC_West-East_low-res

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S ZONING AND PLANNING CODE TO MODIFY THE GATEWAY (G) ZONING DISTRICT, AMENDING SECTION 23-21(e) OF THE CODE OF ORDINANCES TO MODIFY THE KANE CONCOURSE SETBACK REQUIREMENTS FOR GROUND LEVEL RESTAURANTS AND CERTAIN WEATHERIZATION, PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Bay Harbor Islands adopted the first Zoning and Planning Code for the community in June 1957; and

WHEREAS, the Town Council periodically studies various land development trends and issues and amends the Zoning and Planning Code accordingly; and

WHEREAS, the Town's 1995 Evaluation and Appraisal Report (EAR) of the adopted Comprehensive Plan concluded that the Town should consider strategies to encourage the re-development of lands on the eastern island of the Town; and

WHEREAS, the Town subsequently retained the services of several urban planning professionals to study land development activities and land development regulations and recommend strategies and Code modifications to address identified problems; and

WHEREAS, one of the primary land development issues identified by the urban planning professionals are the so-called "Gateway" properties, being those properties abutting the Kane Concourse at the bridges to the Town's eastern island; and

WHEREAS, the Town's Comprehensive Plan identifies the need to address the "Gateway" properties by studying the land areas and considering special land development regulations for these strategic properties; and

WHEREAS, the Town Council amended the Town's Zoning and Planning Code in 2004 to create a Gateway "G" Zoning District and has occasionally updated certain provisions of the district regulations; and

WHEREAS, the Gateway "G" District regulations have proven to be a successful zoning tool for the Town to guide desired development scale, form and urban design for 3 of 4 gateway sites including two hotels and commercial complex to date; and

WHEREAS, the Town has been approached to consider modifying certain regulations for the commercial gateway site to facilitate desired tenant operations; and

WHEREAS, a meeting was held before the Local Planning Agency for the Town to review the proposed modifications to the Town's Zoning and Planning Code; and

WHEREAS, the Town Council held duly advertised public hearings to consider the proposed modifications to the Town's Zoning and Planning Code.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA:

Section 1: That the Town of Bay Harbor Islands Zoning and Planning Code is hereby amended to modify provisions in Section 23-21, the Gateway "G" Zoning District to address the unique attributes of the subject sites which provide for a method for the Town to consider land development applications, as more fully set forth in the attached Exhibit "A", and by reference are made a part hereof.

Section 2: That is any section, paragraph, sentence or word of this Ordinance or the application thereof to any person or circumstance is held invalid, that the invalidity shall not affect the other sections, paragraphs, sentences, words or application of this Ordinance.

Section 3: That it is the intention of the Town Council of the Town of Bay Harbor Islands, and it is therefore ordained, that the provisions of the Ordinance shall become and be made a part of the Town of Bay Harbor Islands' Code of Ordinances, that sections

of this Ordinance may be re-numbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 4: That all Ordinances, parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 5: That this Ordinance shall be in full force and take effect immediately upon its passage and adoption.

PASSED on First Reading this ____ day of _____, 2021.

PASSED on Second Reading this ____ day of _____, 2021.

STEPHANIE BRUDER
Mayor

ATTEST:

ALBA L. CHANG, CMC
Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

FRANK SIMONE, ESQ.
Town Attorney

Exhibit “A”

Amendments to the Town of Bay Harbor Islands Zoning and Planning Code

Sec. 23-21. Gateway (G) Zoning District.

(a) *Purpose and intent.* The purpose and intent of the Gateway (G) District is to create a set of design standards for the properties at the entrances to the eastern island of the Town that are to scale with the established and desired urban form and compatible with the Town's desire to have a substantial and elegant pedestrian promenade along the Kane Concourse roadway frontage; to establish a living and working environment that are responsive to the needs of the Town's inhabitants; to provide flexibility in planning, design and development; to encourage innovative approaches to the design of the properties; to provide efficient use of land; to provide an environment compatible with surrounding land use; to adapt the zoning process to changes in construction and development technology; and to promote the public health, safety and general welfare of the town.

(b) *Location of District.* The Gateway District is applicable to the following properties: Lot 1 and 2 of Block 1; Lot 1 of Block 2; Lot 32 of Block 3; and Lot 37 of Block 4.

(c) *Permitted Uses.* In the Gateway District, no building or land shall be used and no building shall hereafter be erected, constructed, reconstructed or structurally altered which is designed, arranged or intended to be used or occupied for any purpose, excepting for one (1) or more of the following uses:

- 1) For Lots 1 and 2 of Block 1 – those uses listed in Section 23-5 of the Town's Code.
- 2) For all other Lots referenced in subsection (b) above – those uses listed in Section 23-4 of the Town Code.

(d) *Town Approval.* The property shall be planned and developed according to detailed plans including site plans, floor plans, phasing plans and elevations showing all proposed development on the property as approved by the Town Council.

(e) *Building Setbacks, Building Height and Maximum Density.*

- 1) Kane Concourse - All properties shall have a building setback of not less than twenty (20) feet from the Kane Concourse right-of-way line. In addition, for any structure over twenty-five (25) feet in height, the setback shall be increased one (1) foot for each two (2) feet of building height for that portion of the building over 25 feet in height. A pedestal underground parking structure with no more than five (5) feet of the structure above grade (not including an inclined bridge) but completely opaque to the adjoining roadway by earthen berms and landscaping may encroach into the above building setback, but in no case less than fifteen (15) feet from the Kane Concourse right-of-way. Notwithstanding the above provision, a pedestal parking structure may be constructed within the above setback area to the Kane Concourse right-of-way line for Lot 1 in Block 1 and Lot 37 in Block 4 adjoining the bridge rising eastward towards and across the Indian Creek Waterway, provided that any such development shall provide for a continuous pedestrian environment at

least thirty (30) feet in width, including the sidewalk on the bridge, and continuing flush into the adjoining property appearing as a continuous plaza on the roof of a parking garage and tapered to be not visible toward East Bay Harbor Drive, except as otherwise allowed below. The area must appear as a common open plaza with both visual and physical access to the waterway as approved by the Town. Also, notwithstanding the above provision, a ground level restaurant may extend an enclosed air-conditioned building area closer toward Kane Concourse, but it shall not extend farther than ten (10) feet from the Kane Concourse right-of-way line. Any such ground level restaurant building extension may have a solid covered roof, but the exterior façade shall be primarily transparent (fixed or retractable glass / other clear weather barrier). An indemnification and hold-harmless agreement shall be required for any such extension in a form acceptable to the Town Attorney.

- 2) East Bay Harbor Drive / West Bay Harbor Drive – All properties shall have a minimum setback of twenty (20) feet for buildings up to twenty-five (25) feet in height. In addition, for any structure over twenty-five (25) feet in height, the setback shall be increased one (1) foot for each two (2) feet of building height for that portion of the building over 25 feet in height with a maximum setback of thirty (30) feet. A pedestal underground parking structure with no more than five (5) feet of the structure above grade but completely opaque to the adjoining roadway by earthen berms and landscaping may encroach into the above building setback but in no case less than fifteen (15) feet from the adjoining roadway. To accommodate the need to provide access from East Bay Harbor Drive to the top of any parking structure as the bridge rises toward the Indian Creek waterway, stairs, ramps, lifts and/or supportive walls shall be permitted within the fifteen (15) foot setback area specified herein, provided they are located within twenty-five (25) feet of the Kane Concourse right-of-way and provided the design and appearance are approved by the Town during the Site Plan approval process. Notwithstanding the above, an extended structure covering a drop-off / lobby area may be permitted if approved as part of the site plan.
- 3) Side Property Lines - All properties shall have a minimum setback of ten (10) feet for buildings up to twenty-five (25) feet in height. In addition, for any structure over twenty-five (25) feet in height, the setback shall be increased one (1) foot for each two (2) feet of building height for that portion of the building over 25 feet in height with a maximum setback of twenty-five (25) feet. Notwithstanding the above provision, for developments located on single lots, the maximum setback shall be twenty (20) feet. Pedestal parking structures must be completely screened to the adjoining property by earthen berms and landscaping.
- 4) Waterfront Property Lines - All properties shall have a minimum setback of twenty (20) feet, regardless of building height. This shall also apply to underground parking structures. Notwithstanding the above, if an exterior seating area for a ground level restaurant is provided, an extended roof canopy over the seating may be provided, but the roof canopy shall not extend farther than ten (10) feet from the property line. Clear retractable weather barriers may be affixed thereto.

- 5) Flex setbacks - A project designer has the option to offer creative design solutions to the building configurations and the Town Council may allow portions of the building structure over twenty-five (25) feet in height to encroach into the setback requirements above. The total amount of encroachment shall not exceed one-third of the allowable width or length of the building. This provision shall serve to create an architectural opportunity for creative design approaches while promoting the beneficial purposes of building setbacks in the district. In no case shall any portion of a building encroach into the base building setbacks set forth above for portions of buildings below twenty-five (25) feet in height.
- 6) Building Height - On Lot 1 and 2 in Block 1, Lot 1 in Block 2, Lot 32 in Block 3 and Lot 37 in Block 4, no portion of a building or structure shall exceed twenty-five (25) feet within the minimum principal building setback area but may be increased in height at a ratio of one (1) foot for each two (2) feet of building height over twenty-five (25) feet. The maximum allowable height of buildings or structures is seventy-five (75) feet in Block 1 and in Block 4 and the maximum allowable height of buildings or structures is sixty (60) feet in Block 2 and in Block 3. Notwithstanding the above, if rooftop exterior seating areas for a restaurant located in the building is provided after receiving approval by the Town Council as set forth in the Code, clear vertical retractable weather barriers may be provided over seating areas attached to rooftop canopies, trellis or similar structures.
- 7) The maximum allowable residential density shall be in accordance with the adopted Comprehensive Plan provisions as to the base residential density and any additional allocated density as may be approved by the Town Council.

(f) *Pedestrian Promenade.* The Town desires to continue the established pedestrian promenade along Kane Concourse between East Bay Harbor Drive and West Bay Harbor Drive on the Gateway properties to the adjoining waterways. A minimum ten (10) foot wide waterway access and landscape buffer shall be provided adjoining the Kane Concourse right-of-way. A minimum 8-foot wide pedestrian walkway shall be constructed within the corridor from the adjoining roadways to the seawall and shall connect to the sidewalks along the bridges together with such landscaping deemed compatible and consistent with the overall Kane Concourse promenade appearance. These provisions may be modified as provided for in subsection (e) above.

(g) *Public hearing procedure.* At the public hearing, the applicant shall have the burden of proof in demonstrating how the proposed application complies with the purpose and intent of the Gateway Zoning District code provisions. In determining whether to grant approval of the application with or without appropriate and necessary conditions and safeguards, the Town Council shall determine whether the application complies with the purpose and intent of this section and shall make the following findings:

- (1) Whether the site development plan design complies with at least the minimum standards contained herein;
- (2) Whether the application will have a favorable effect on the economy of the Town;

- (3) Whether the application will generate or result in excessive noise or traffic congestion;
- (4) Whether the application will cause an undue or excessive burden on public facilities, including potable water, sanitary sewer, solid waste disposal, community recreation, transportation facilities or other such public facilities which have been constructed or which are planned and budgeted for construction;
- (5) Whether the application will cause excessive overcrowding or concentration of people or population;
- (6) Whether the application will be compatible with the surrounding area and its development in scale and appearance. The Town shall base compatibility on the existing scale of adjoining development and the allowable scale under the applicable zoning district; and
- (7) Whether the application is a reasonable use of property and results in a public benefit including, but not limited to, the enhancement of the subject real property and/or the redevelopment of structures in deteriorated or poor condition.

The Town Council shall have full authority to approve, approve with modifications, or deny a site development plan application based upon its determination that the application, as proposed or modified, serves and protects or does not serve and protect the public health, safety and welfare. Likewise, the Town Council shall have authority to impose reasonable conditions and safeguards necessary to protect the public health, safety and welfare upon the approval of any development application.

(h) *Ownership requirements.* An applicant for approval shall be the owner(s) of record, a contract purchaser of the property (provide consent from owner of record) or an authorized agent thereof of the entire property encompassed by the application (the "property").

(i) *Application procedure.* The applicant shall submit an application to the Town Manager or his or her designee on a form(s) prescribed by the Town Manager. The Town Manager or his or her designee shall require at least the following information with the application:

- (1) Letter of intent.
- (2) A detailed site development plan showing dimensions of all buildings, structures, setbacks, open spaces, landscaping and off-street parking. In the event that sufficient off-street parking is not available on site to meet existing code requirements, the applicant shall furnish to the Town Manager written documentation of a cross parking agreement or other parking arrangement satisfactory to the Town Attorney, which will provide sufficient parking as determined by the Town Council.
- (3) Proposed floor plans and elevations (including signage) for all buildings and structures. Exterior building materials and colors shall be identified.

- (4) A complete list of uses and the square footage for each use requested.
- (5) A certified copy of a land survey of the property (not more than 6 months old).
- (6) Development review and processing fees as established by the Town Council by Resolution shall be charged for all design review services provided by the Town staff and any consultants. In addition, all costs for advertisements and mailing shall be borne by the applicant.
- (7) Such other documentation as the Town Manager reasonably determines is necessary to properly review the proposed project.

(j) *Legal effect of Town Approval.* Notwithstanding anything in the code to the contrary, the approval of the application shall constitute the approved site development plan and the development regulations applicable to the property. The Town Council shall be prohibited from approving an application that would increase the intensity, density or height of development above that which is allowed by the adopted Comprehensive Plan and any Land Development Regulations to implement the intensity standards.

Any prior land development permits issued by the Town, including but not limited to the PUD Overlay designation on Lots 35 through 37 of Block 4, shall remain in effect until such time as the Town or property owner seeks to remove the designation and/or modify the approved development plan. The development criteria contained in this section shall supercede any other code provisions, however, existing development shall be permitted to remain until re-development is requested.

In the event that the owner wishes to modify an approved site development plan application in any fashion which would increase the amount of square footage of the building(s) or lessen landscaping or open space or create an undue burden on any public facilities, a separate and new application shall be filed and shall be subject to the terms and conditions of this section.

In the further event that the owner does not submit complete plans for building permits of the main building to the Town within twelve (12) months and begin development within eighteen (18) months from the date of approval, the Town's approval shall lapse. For the purposes of this section, the term "begin development" shall mean substantial construction such as land clearing, utility construction, foundation work, etc. The term shall not include property fencing, placement of construction trailers, equipment and materials. Once construction commences, construction activities shall occur continuously with regular inspections. The Town, upon a demonstration of just cause by the owner, may grant a reasonable extension of time to commence development. If construction ceases for more than sixty (60) days, the project shall be deemed abandoned and the Town's approval shall lapse.

**TOWN OF BAY HARBOR ISLANDS
COMMUNITY DEVELOPMENT
MEMORANDUM**

To: Mayor and Town Councilmembers
Town of Bay Harbor Islands

CC: Maria Lasday – Town Manager
Alba Chang – Town Clerk
Frank Simone, Esq. – Town Attorney

From: Michael J. Miller, AICP 
Consultant Town Planner

Date: February 25th, 2021

Subject: Gateway (G) Zoning District
Proposed Code Amendments
Kane Concourse Setbacks / Outdoor Use Weatherization
Town of Bay Harbor Islands
MMPA Acct. No. 01-0702-0400

ISSUE

On November 11th, 2004, the Town adopted Ordinance No. 753 that created the Gateway (G) Zoning District. There have two minor revisions adopted over the years (2008 / 2015). This zoning classification was initially designated on the first lot of each Block that fronts Kane Concourse and the waterways that surround the East Island (Bay Harbor Waterway / Indian Creek). In Block 1 (One Kane Concourse) the owners requested / Town approved a rezoning to rezone both Lot 1 and 2 to the Gateway District in 2007 primarily to have a consistent set of land development regulations for future development. This was applied in the project's approval. The primary purpose of the Gateway Zoning District was to establish special regulations to these sites as prominent visual "gateways" to the Town's East Island. One of the major goals for the community's urban design zoning criteria for the sites was to have "understated" gateways with wider setbacks adjoining Kane Concourse (20') to provide enough space to establish "pedestrian promenades" with wide walkways and landscaped areas similar to the areas along Kane Concourse in the main commercial areas which exists between East Bay Harbor Drive and West Bay Harbor Drive (wide walkways / outdoor dining / landscaping). As to building heights and setbacks a base building setback of 20' was established. If a building exceeds 2-stories (25') the required setbacks increase 1':1' for the additional height up to the 75' maximum height. This forces the major mass of taller portions of buildings to slope away from the roadways. There is a "flex" setback provision to encourage building undulation.

ANALYSIS

As of 2021 the Town has received and approved three (3) of the gateway sites (the Monarch / TRYP 96-room Hotel / Grand Beach 96-room Hotel / One Kane Concourse commercial complex with offices / restaurant). The Town recently acquired the 4th gateway site (Lot 32 of Block 3) as part of the 1177 Kane Concourse mixed-use development approval. A community park is planned for the Town's gateway site. The two hotels have been built and are operational. The One Kane Concourse commercial complex has not been built as yet – but plans are being made to move forward with the construction of the complex in the near future. The One Kane Concourse commercial development team recently approached the Town with their plans and have requested consideration of a few possible Zoning Code / Site Plan condition modifications primarily for a high-end ground floor restaurant use. Most of the requests can be accommodated via administrative staff approvals. The PZB site plan approval Resolution (Res. No. 2112) has a condition that limits rooftop table service. The owners would like permission to have occasional rooftop dining. The PZB will need to consider this revision. As the proposed building is 75' in height no habitable space is allowed due to the Town Charter building height restriction. Finally, any business activity on a rooftop in the commercial areas requires prior Town Council approval of the use - Sec. 23-5 (15). Even though the Town Code has limitations as to rooftop uses and the project approvals have additional restrictions (i.e. Res. conditions).

At the February 10th, 2021 Town Council meeting a discussion occurred on this topic. It appeared consensus was reached on most items. As the One Kane Concourse site is one of four Gateway District sites, any general Code amendments would apply uniformly to allow sites, in the opinion of the Town Attorney, to avoid an appearance of "spot zoning".

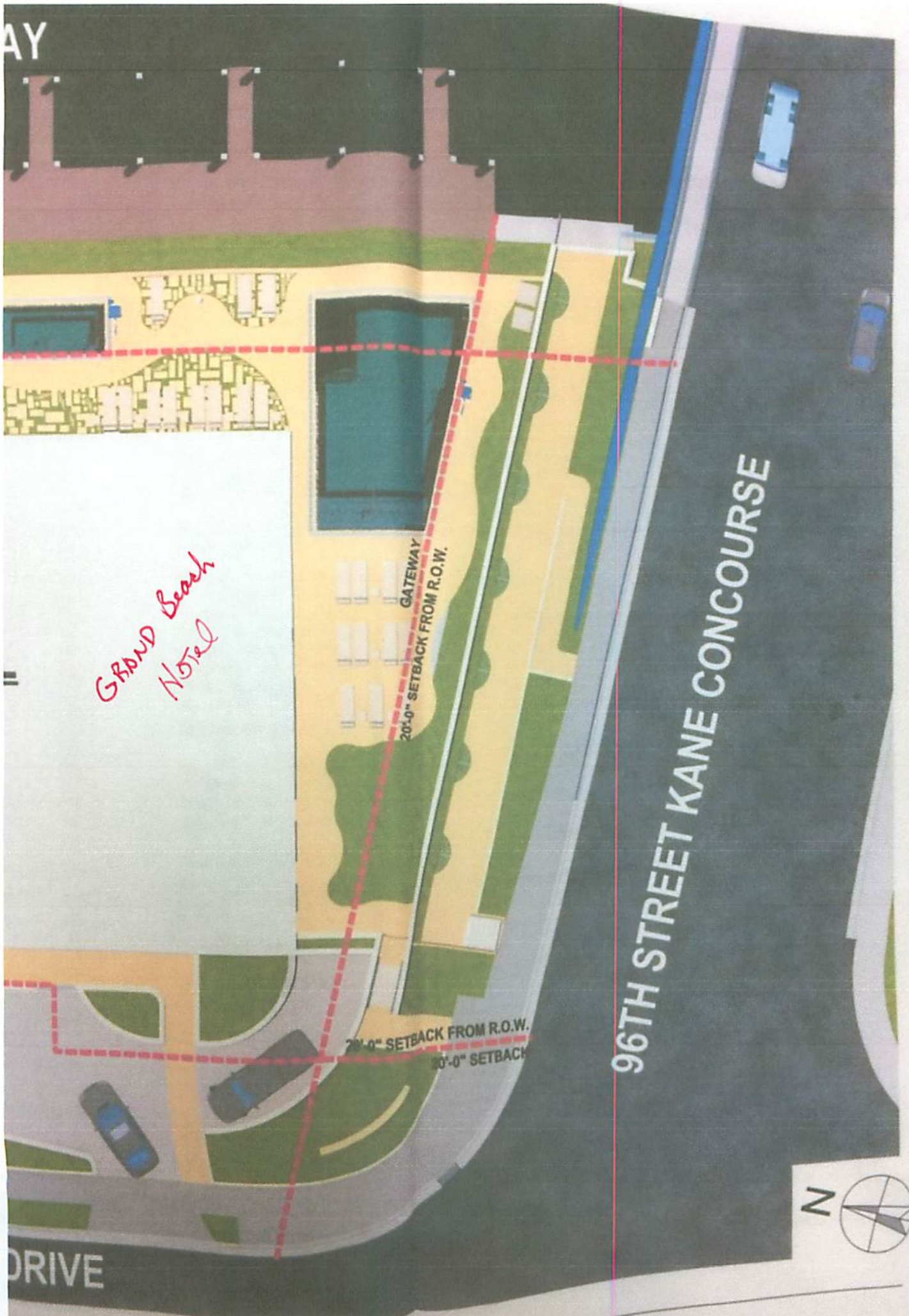
The Code amendments staff feels may be necessary to accommodate the One Kane Concourse developer mostly revolve around a requested reduction in the Kane Concourse ground floor setback. The current Code requires a minimum 20' setback from the Kane Concourse right-of-way to any vertical building surface above the ground. The Code already allows an underground parking garage to extend up to the Kane Concourse road right-of-way line. The intention was the 20' wide pedestrian promenade would be built on top of the parking garage – that is how the One Kane Concourse complex is designed. Adjoining the bridge is a mandatory min. 8' wide walkway with landscaping. The balance of the area next to the building was shown as an outdoor plaza so extra restaurant seats / tables could be added if needed. The developer is seeking to allow a ground floor restaurant to move the vertical wall surface out to a 10' setback from the Kane Concourse right-of-way. While MMPA understands the purpose of their request we are opposed to this Code revision, as it would affect the Town's consistent 30' wide pedestrian promenade corridor and 20' onsite plaza area. We would not be opposed to a cantilevered roof covering with weatherization panels for outdoor seating next to the building. All of the other gateway sites have complied with the Code and built the 20' wide pedestrian promenades (see attached plan excerpts from the Grand Beach Hotel and TRYP Hotel complexes). As a matter of reference 20' is the length of a typical large SUV. 10' is a very short dimension.

If the Town revises the Code, it could be expected that the existing hotels may request similar setback extensions and those plazas would be essentially lost. While staff believes we could administratively approve wider roof overhangs and weatherization panels, a Code clarification would assist us legally, as this is not mentioned.

As instructed MMPA worked with the Town Attorney to draft a proposed Code amendment ordinance to adjust to the Kane Concourse building setback and added weatherization text, that is recommended in any event. MMPA sought to draft new Code amendments very narrowly to apply only to the One Kane Concourse site, as it is the only Gateway site with a commercial land use designation per the Town's Comprehensive Plan Future Land Use Map (FLUM). The Town Attorney has cautioned that site specific Code variations could lead to challenges and allegations of "spot zoning". Based on that legal advice we have drafted the text accordingly.

CONCLUSION AND RECOMMENDATION

Based on the above analysis, MMPA recommends that the Town Council consider the above thoughts on this issue and proceed as desired. MMPA is generally opposed to the requested Kane Concourse setback reduction for the reasons stated (loss of wide pedestrian promenade). Alternatives exist for extended roof covering and weatherization panels. Outdoor dining is encouraged and is prevalent along Kane Concourse with tables / chairs / umbrellas. MMPA / staff recommends the Code be amended regardless of the Kane Concourse setback issue to address weatherization panel allowances, which occurs now with no Code guidance to staff.



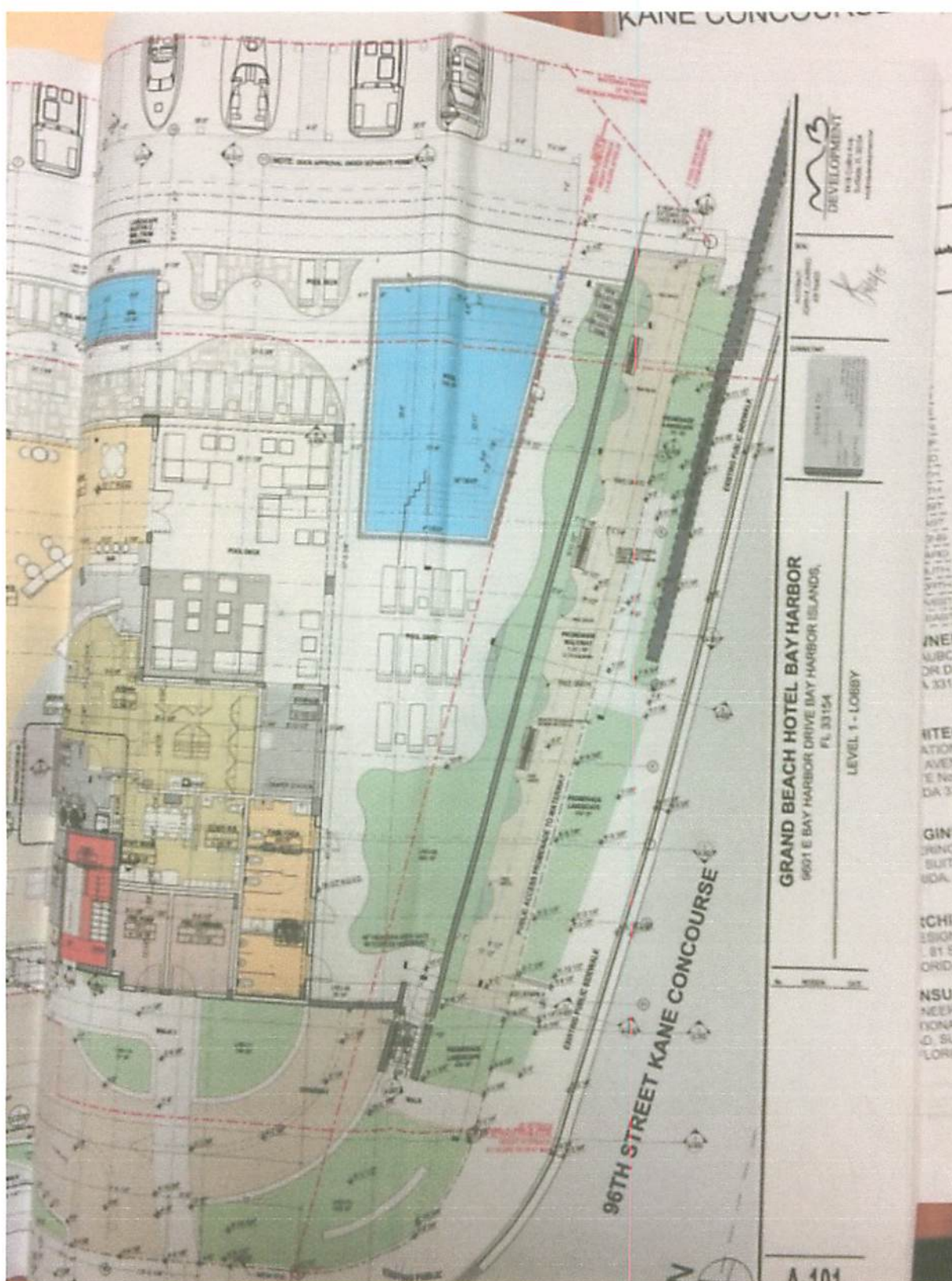
Grand Beach
Hotel

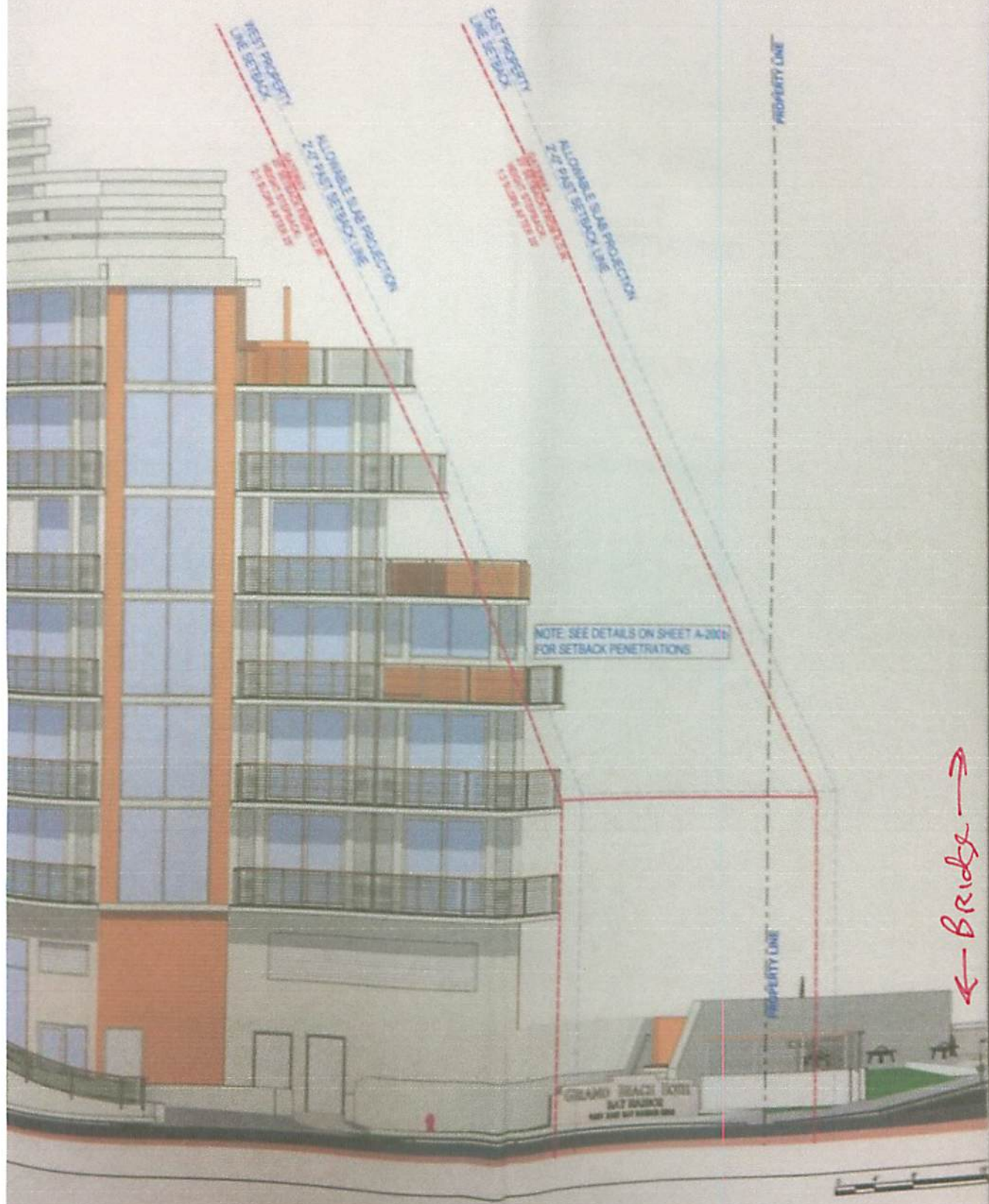
GRAND BEACH HOTEL BAY HARBOR
9601 E BAY HARBOR DRIVE BAY HARBOR ISLANDS,
FL 33414

Architect:
JOHN L. CAIRNS
A/E 94603

CONSULTANT:
CAIRNS & CO.
ARCHITECTS & ENGINEERS

REVISION





GRAND BEACH HOTEL BAY HARBOR
9601 E BAY HARBOR DRIVE BAY HARBOR ISLANDS,
FL 33154

WEST ELEVATION



ARCHITECT
JOHN E. CARRO
AIA 11443

DEVELOPER
9418 C
BAYVIEW
11443



PROPERTY LINE 200.00'

BAY HARBOR WATERWAY

DOCKS

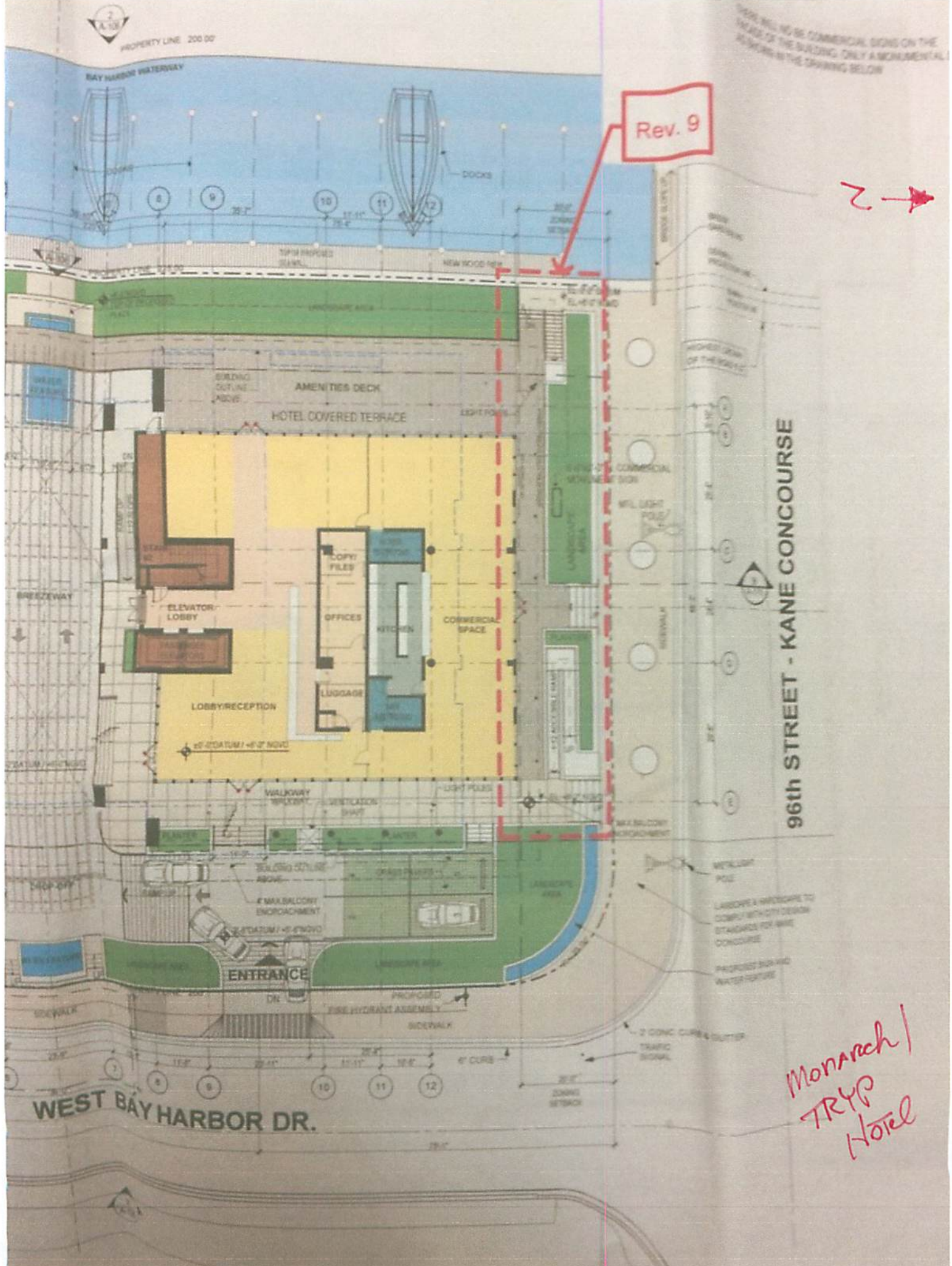
Rev. 9

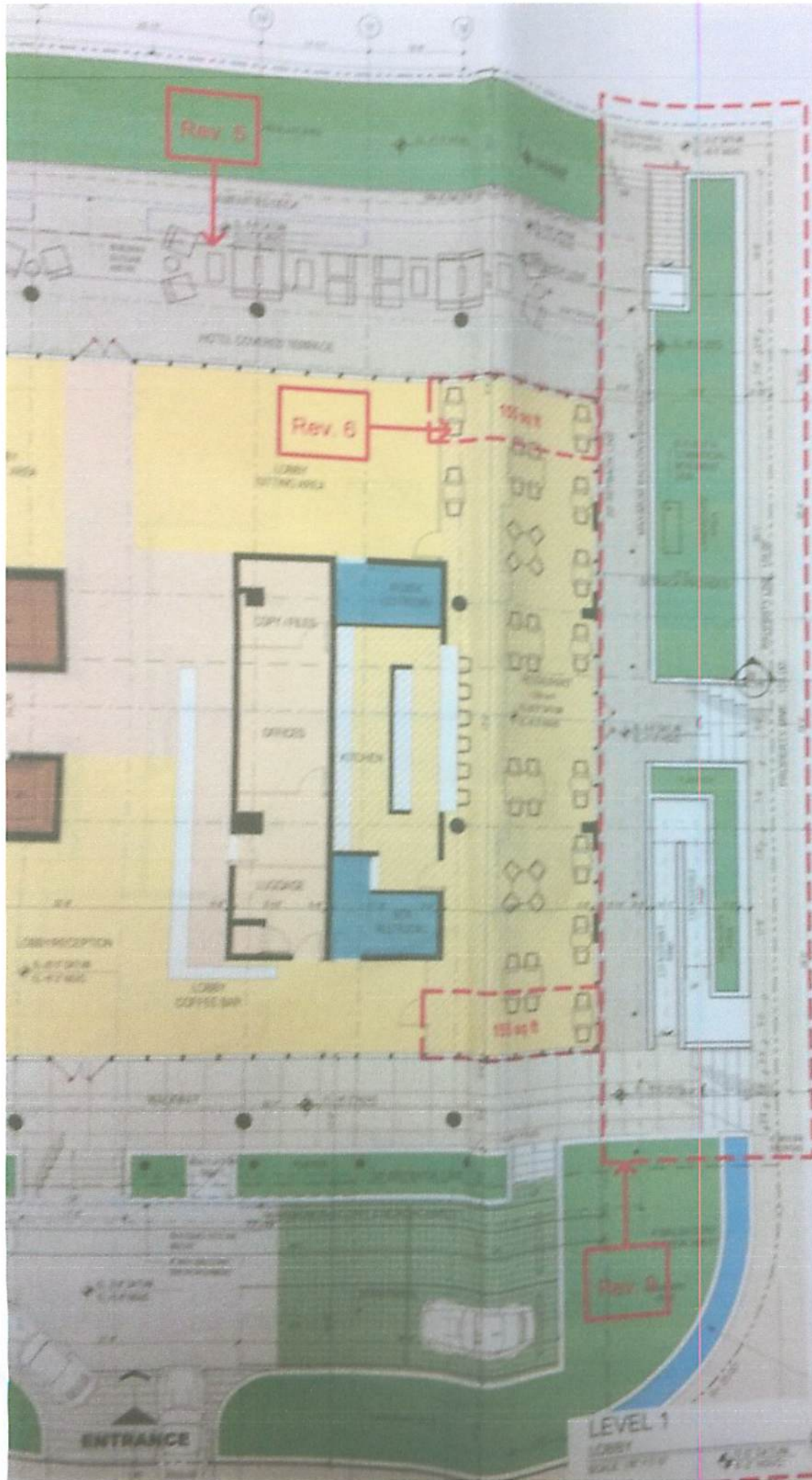
2 →

96th STREET - KANE CONCOURSE

WEST BAY HARBOR DR.

Monarch /
TRYP
Hotel





revuelta
ARCHITECTS
PHOTOGRAPHY

Client
Bay Village Condos, LLC

Project Location
1111 N. 1st St.
Miami, FL 33132

Signature
Date: 7/1/20

Project Name
MONARCH HOTEL
PROJECT

MONARCH HOTEL

Bay Village Condos, LLC - FL 33132
1111 N. 1st St. - Miami, FL 33132

CONSTRUCTION

BAY VILLAGE
CONDOS, LLC.

SCHEMATIC SET

Rev. 1/2020

CONTRACT

Date:
11/08/20
Drawing:
Lobby
Scale:
1" = 10'-0"
Architect:
Revuelta Architects

1231
A-10P

11/10/11
11/30/11
11/30/11

DESIGN BY

Handwritten signature

PROJECT NO. Revue
AF-0007872

PROJECT

MONARCH HOTEL

Bay Harbor Islands - FL 33154

OWNER INFORMATION

BAY VILL
CONDOS,

SCHEMATIC

Permit Revisions

CONSULTANTS

Rev. 6



+60'-0"
DATUM

+25'-0"
DATUM

LEVEL 8 - ROOF TERRACE

+75'-2" EL NGVD
+65'-0" (ACCUM.)

LEVEL 7 - MAIN ROOF

+68'-2" EL NGVD
+60'-0" (ACCUM.)

LEVEL 6 - UNITS

+57'-6" EL NGVD
+49'-4" (ACCUM.)

LEVEL 5 - UNITS

+48'-2" EL NGVD
+40'-0" (ACCUM.)

LEVEL 4 - UNITS

+38'-10" EL NGVD
+30'-8" (ACCUM.)

LEVEL 3 - UNITS

+29'-6" EL NGVD
+21'-4" (ACCUM.)

LEVEL 2 - UNITS

+20'-2" EL NGVD
+12'-0" (ACCUM.)

LEVEL 1 - LOBBY

+8'-2" EL NGVD

STREET LEVEL

+5'-6" EL NGVD

EAST ELEVATION

