

# BAL HARBOUR

- V I L L A G E -

OFFICE OF THE VILLAGE MANAGER

LETTER TO COUNCIL

NO. 061-2016

To: Mayor Martin Packer and Members of the Village Council  
From: Jorge M. Gonzalez, Village Manager   
Date: March 25, 2016  
Subject: Questions/Answers Regarding the Proposed Bal Harbour Shops Expansion

The purpose of this Letter to the Council (LTC) is to transmit to you, as the Council requested at the March 22, 2016 Council meeting, the Administration's responses to the questions regarding the Proposed Expansion of the Bal Harbour Shops, submitted by Mr. Dan Holder. In addition, I asked the Bal Harbour Shops to answer Mr. Holder's questions. Their reply is attached as well for your information.

As you can see, there are 55 questions and the answers run up to 8 pages in length. In my opinion, it would be difficult to design and format this document in a manner that would be user friendly and conducive to a mailed letter (or similar piece) to all residents, without significant editing and design, especially within the timeframe leading up to the April 13, 2016 Special Council Meeting. We will, however, make it available on our website and at Village Hall.

Please let me know if you have any questions or require additional information on this matter.

JMG/AC

**Village Responses to Questions Regarding the Proposed Bal Harbour Shops Expansion**  
*Originally Submitted by Daniel S. Holder*

1. Original square footage

Currently, the square footage of the Shops is 511,422 (in gross floor area) **(Page 14 from Agenda Packet)**.

2. After 800,000 square foot addition

BHS proposes an increase of 423,422 square feet **(Page 14 from Agenda Packet)**.

3. Proposed square footage

The proposed square footage in the application is approximately 934,834 (in gross floor area) **(Page 14 from Agenda Packet)**.

4. Current total parking spaces

Currently, there are 1,679 spaces in the Shops **(Page 14 from Agenda Packet)**.

5. Proposed total parking spaces

BHS proposes 2,789 permanent spaces **(Page 14 from Agenda Packet)**.

6. Typical turnover time for parking spaces generally for a shopping center

N/A

7. What will be the carbon emissions and deterioration of air quality in the shops and surrounding area?

N/A

8. How will this affect children and adults in the Bal Harbour Park? In the Surfside Park?

N/A

9. Current truck traffic parallel to Park Drive

***[Excerpted from BHS Response]*** Currently all of the truck traffic at the Shops drives along the Bal Harbour Shops interior circulation path parallel to Park Drive which interior path is screened from Park Drive.

10. Current hours of operation

***[Excerpted from BHS Website]*** Currently, the hours at the Shops are 10am to 9pm Monday through Saturday; 12 noon to 6pm on Sundays.

11. Proposed truck traffic parallel to park drive

*[Excerpted from BHS Response] After the enhancements are completed, some of the trucks will no longer use the interior circulation path parallel to Park Drive, as they will be using the truck bay on 96th Street.*

12. Allowed hours of operation

*[Excerpted from BHS Website] Currently, the hours at the Shops are 10am to 9pm Monday through Saturday; 12 noon to 6pm on Sundays.*

13. Can the truck traffic be limited to 9:00am to 6:00 pm?

Yes, it would require an analysis of the impact and legislative action by the Council.

14. Current number of trucks stopped on 96<sup>th</sup> street waiting to enter

N/A

15. Likely and allowable number of trucks stopped on 96<sup>th</sup> street waiting to enter

N/A

16. Allowable hours of operation of trucks entering from 96<sup>th</sup> street

No delivery restrictions for trucks entering on 96<sup>th</sup> Street. Staff proposes restricting trucks entering from Collins to the hours between 8:30 am and 5:00 pm (**Page 46 from Agenda Packet**).

17. Current loading docks near Bal Bay Drive (at Sacks [sp?] 5<sup>th</sup> Ave)

There are no loading docks currently near Bal Bay Drive (at Saks Fifth Avenue) (**Page A-111C of Site Plan**).

18. Proposed number of loading docks near Bal Bay Drive

BHS proposes two delivery bays and one trash/cardboard compactor fully enclosed (**Page A-111C of Site Plan**).

19. Proposed number of trucks using loading dock near Bal Bay Drive

N/A

20. Allowed hours of operation of loading docks near Bal Bay Drive

Staff proposes restricting trucks entering from Collins to the hours between 8:30 am and 5:00 pm (**Page 46 from Agenda Packet**).

21. Can loading dock be limited from 9:00am to 6:00 pm?

Staff proposes restricting trucks entering from Collins to the hours between 8:30 am and 5:00 pm **(Page 46 from Agenda Packet)**.

22. Proposed Village truck and large vehicle parking adjacent to Bal Bay Drive

BHS will grant the Village a perpetual, irrevocable license for the Village to park and access municipal vehicles on BHS property (2,500 square feet). The space will accommodate up to five Village vehicles **(Page 18, 117 from Agenda Packet, Page A-111C on Site Plan)**.

23. Will trucks unloading, other than those going to Sacks [sp?], be able to enter from Collins

Yes.

24. What changes or additions will generate more noise from music or events audible in buildings along Collins Ave and in the gated community?

None.

25. What will be the allowable noise level [sp?] ?

Bal Harbour Village Code Chapter 11, Article II – Noise, governs noise levels. BHS must abide by the restrictions in the Village Code.

Required variances or code changes for:

26. Height of buildings: specify

Height of buildings is governed by the Bal Harbour Village Charter Section 80 – Building Height. The Charter can only be changed by referendum. There are no proposed height changes **(Page 15 from Agenda Packet; Page A-311 and 312 of Site Plan)**.

27. Set back requirements: specify

The set back changes requested by the applicant would require an ordinance be approved after a public hearing by the Local Planning Agency and two public hearings by the Village Council **(Page 15, 25 in Agenda Packet)**.

28. Type of use requirements: specify

The applicant is asking the Village to amend its Future Land Use Map (FLUM), which is included in the Village's adopted Comprehensive Plan, from "INST" Institutional to "COMM" Commercial for the parcel where the Church by the Sea stood. This request requires an ordinance be approved after a public hearing by the Local Planning Agency and two public hearings by the Village Council **(Page 33, 247 in Agenda Packet)**.

If the sale of Village Hall is approved, the applicant is similarly requesting to amend the Future Land Use Map (FLUM) from "M" Municipal to "COMM" Commercial for the parcel where the Village Hall stands. This request requires an ordinance be approved after a

public hearing by the Local Planning Agency and two public hearings by the Village Council **(Page 33, 266 in Agenda Packet)**.

29. Other: specify

N/A

30. How much will be generated in new taxes?

Based upon the growth assumption of five-percent, and the existing Bal Harbour Shops footprint, revenue is anticipated, on a twenty year horizon, to grow from \$1.7 million to approximately \$4.6 million per year. With the expansion of the Shops and additional venues to contribute to Resort Tax and Business Tax Receipts, revenue growth could realistically grow from \$3.0 million in the first year to upwards of \$8.1 million per year by 2034.

In addition, other miscellaneous revenues, such as State shared Sales Tax revenue, intergovernmental funds, etc., could all be expected to grow. Finally, all tenant build-out plans will be subject to Building Permit fees which will be collected at the Village building permit fee rate at the time of submission **(Page 39-40 in Agenda Packet)**.

31. How much will be required in new services?

- To address any increase in public safety service demand, BHS has agreed to pay \$250,000 annually for police patrol services during their hours of operation. In addition, BHS will be required to post off-duty police officers at any construction site entrance or exit during the period of construction **(Page 20, 122-123 from Agenda Packet)**.
- To address any increase in transportation/traffic service demand, BHS will be required to provide a parking surcharge (estimated at \$800,000 per year to fund parking and multi-modal mobility initiatives) **(Page 20, 118 of the Agenda Packet)**.
- In addition, BHS must fully implement and fund all traffic improvements described in its traffic study **(Page 20, 118 of the Agenda Packet)**.
- To address any increase in water and sewer service demand, BHS will be responsible for the cost of any onsite and offsite water and sewer improvements required to facilitate the development of the Project or to satisfy any applicable concurrency requirements **(Page 19, 120 of the Agenda Packet)**.

32. What impact will expansion have on water supply?

BHS will be responsible for the cost of any onsite and offsite water and sewer improvements required to facilitate the development of the Project or to satisfy any applicable concurrency requirements **(Page 19, 120 of the Agenda Packet)**.

33. What impact will expansion have on waste disposal?

BHS will be responsible for the cost of any onsite and offsite water and sewer improvements required to facilitate the development of the Project or to satisfy any applicable concurrency requirements **(Page 19, 120 of the Agenda Packet)**.

34. What impact will the expansion have on the electrical power supply?

N/A

35. With traffic already horribly congested, what impact will expansion have on traffic when completed?

Pursuant to the Village traffic analysis conducted by The Corradino Group, all study intersections currently operate adequately at an acceptable level of service in the year 2015 when compared to the adopted level of service as per the Village Comprehensive Plan. The comparison between the two traffic studies indicate that the existing level of service resulting from The Corradino Group traffic study are similar to the FCI traffic study. All study intersections will continue to operate adequately at an acceptable level of service in the year 2020 with the proposed project and traffic enhancements (recommended by FCI traffic study) in place for both trip generation scenarios (Scenario 1 and 2). The comparison between the two traffic studies indicate that, although the delays increase under The Corradino Group alternative traffic analysis scenarios, the LOS results from The Corradino Group are close to FCI traffic study and are acceptable when compared to the adopted level of service as per the Village Comprehensive Plan **(Page 34-35, 118-120 from Agenda Packet)**.

36. The shops claim that the expansion will improve traffic. How is that possible with \_\_\_\_ thousand more cars turning over every three hours?

BHS determined that several improvements were needed in order to satisfy the requirement in the adopted Comprehensive Plan. The following intersections were optimized along with the future proposed enhancements pursuant to the BHS Traffic Study:

- Collins Avenue and North New Drive
- Collins Avenue and 9700 Block
- Collins Avenue and 96<sup>th</sup> Street
- Harding Avenue and 96<sup>th</sup> Street
- Byron Avenue/Loading & 96<sup>th</sup> Street
- 96<sup>th</sup> Street & BHS South Driveway

Since mitigation is recommended in the form of signal optimization and modification, the developer needs to coordinate with Miami-Dade County Traffic Engineering Department and the Village to develop a strategy in order to provide modified and acceptable signal timing plans for the proposed expansion **(Page 35, 118-120 from Agenda Packet)**.

37. Does the Village traffic study show an improvement in traffic on Collins and 96<sup>th</sup> street, or just an “acceptable” increase?

As far as regulatory requirements, the Level of Service (LOS) is established in the Comprehensive Plan adopted by the Council several years ago. This standard is used by a number of cities as a base and they then create concurrency areas where this LOS can be higher. The State also sets LOS standards for roads under their control (Collins Ave and 96<sup>th</sup> Street) which is usually higher than D. Cities set the LOS as a tool to evaluate impacts of proposed developments and to determine how a project must mitigate their fair share of the impact.

BHS determined that several improvements were needed in order to satisfy the requirement in the adopted Comprehensive Plan **(See answer for Question 36) (Page 35, 118-120 from Agenda Packet)**.

38. What will be the noise impact on buildings along Collins Ave and in the gated community during construction?

Bal Harbour Village Code Chapter 11, Article II – Noise, governs noise levels. BHS must abide by the restrictions in the Village Code.

39. How long will construction take?

The Shops construction is going to be phased so as to minimize adverse impacts and ensure continued operations of the Shops. It is expected to run between 6-8 years **(Pages 108-109 from Agenda Packet)**.

40. What are the allowable hours for construction to take place?

Bal Harbour Village Code Chapter 11, Article II – Noise governs noise levels. BHS must abide by the restrictions in the Village Code.

41. Can the Village limit construction to weekdays

Yes, it would require an analysis on the impact and legislative action by the Council.

42. Where will the staging for equipment and materials take place?

All staging will take place on private property **(Page 123 from Agenda Packet)**.

43. What lanes of traffic and sidewalks will be closed on Collins and 96<sup>th</sup> street during construction?

No traffic lanes will be closed.

As for the sidewalks, BHS shall maintain safe pedestrian access along Collins Avenue during Construction. Intermittent closures will be permitted subject to reasonable Village Manager approval. The 96<sup>th</sup> Street sidewalk may be partially closed to pedestrian use during construction provided that BHS provides a safe and reasonable alternative acceptable to the Village Manager and FDOT **(Page 20, 122-123 from Agenda Packet)**.

44. If the shops limit the closing of lanes of traffic on Collins and 96<sup>th</sup> Street, can the shops file for state permits to close lanes and ignore Bal Harbour restrictions?

Collins Ave and 96<sup>th</sup> Street are both governed by the Florida Department of Transportation (FDOT) as they are state-owned/controlled facilities.

45. Can Bal Harbour prohibit the closing of lanes of traffic and sidewalks as part of its binding agreement with the shops?

BHS shall maintain safe pedestrian access along Collins Avenue during Construction. Intermittent closures will be permitted subject to reasonable Village Manager approval. The 96<sup>th</sup> Street sidewalk may be partially closed to pedestrian use during construction provided that BHS provides a safe and reasonable alternative acceptable to the Village Manager and FDOT **(Page 20, 122-123 from Agenda Packet)**.

46. The shops are offering the Village a new Village hall if the village will sell them the old village hall. Would the village be able to move into the new village hall before having to vacate the old one?

If the referendum for the transfer of Old Village Hall is approved, Village will transfer the Old Village Hall Site to BHS 30 days after delivery of a new Village Hall ready for occupancy on the Fairfield site **(Pages 22, 110 from Agenda Packet)**.

47. What would be the increase in maintenance costs for the new and larger Village hall?

A space need analysis was conducted to determine the size of the new Village Hall. The conclusion recommends a facility of approximately 32,000 – 35,000 sq. ft. which will consolidate Village operations that are currently occupying similar space but dispersed throughout various locations. Therefore, the maintenance costs associated with the new Village Hall would be comparable, or at most, slightly greater. Given savings from more modern efficiencies and new warranties, any discrepancy in operating costs would be more than offset by the elimination of ongoing maintenance and physical plant repairs that are currently required to upkeep and operate current facilities which have exceeded their expected useful life **(Page 41, 55-73 from Agenda Packet)**.

48. If the village is given the Fairfield Manor property and the Sun Bank [sp?] Property, how much will it lose annually in property taxes for those properties?

- For the SunTrust - \$0; SunTrust has a triple net lease. As the property will continue to be operated as a commercial activity, all applicable taxes and other expenses will continue to be paid by SunTrust.
- For Fairfield Manor – approximately \$9,000 per year. If it is approved for public use, then it will no longer be on the tax roll. However, this reduction will be more than offset by the increased property tax generated by adding the old Village Hall site to the tax roll **(Page 37 from Agenda Packet)**.

49. When would the Village be able to use the Sub bank [sp?] property?

Simultaneous with the conveyance of the completed New Village Hall, which is expected to take 18-24 months to construct, the developer will convey the SunTrust property to the Village. The Village will then collect the appropriate rents (estimated at \$650,000 / year plus annual escalators) going forward **(Page 115 from Agenda Packet)**.

50. Will the rental for the Sun Bank [sp?] property more than pay for the cost of maintenance and loss of property taxes? What would the difference be?

The SunTrust property has a triple net lease as that will continue to be operated as a commercial activity; all applicable taxes and other expenses will continue to be paid by SunTrust. Therefore, there is no cost of maintenance or loss of property taxes to the Village.

51. If the Sun Bank [sp?] is damaged or destroyed in a hurricane, would the Village be responsible for rebuilding?

No.

52. Does the Village already have sufficient space for a new Village hall and additional facilities if they are really needed, and the tax base to afford it?

The waterfront park is the only space currently owned by the Village which could adequately and aesthetically accommodate a Village Hall of approximately 32,000 – 35,000 sq. ft. as recommended by the space need analysis. In order to fund this construction project that could cost upwards of \$10 million dollars or more, the Village has the capacity to issue General Obligation Bonds. Issuance of G.O. Bonds would need to be approved through a referendum. **(Page 41, 55-73 from Agenda Packet)**.

53. Would the expansion draw the creep of North Beach further north and change the nature of this area?

N/A

54. Would anything that the Village might gain in property and buildings possibly offset the degradation in quality of life that will certainly result from the currently proposed expansion?

N/A

55. Why can't the Village negotiate with the Shops to improve their Collins Avenue entrance and expand on the prior church property within the current code and zoning requirements?

On 11/17/2015, the Village Council instructed staff to proceed with negotiating and evaluating a final site plan and completed application that was submitted by BHS on 10/28/2015 **(Page 9 from Agenda Packet)**.

Below are responses to the questions, exactly as phrased and asked by Mr. Holder.

**Bal Harbour Shops Expansion:**

- Original square footage?
  - 463,477 SF
- After 800,000 square foot addition?
  - This statement is not factually accurate. The addition is not 800,000 square feet but approximately 386,232 SF, after which the total mall square footage will be approximately 849,709 SF.
- Proposed square footage?
  - 386, 232 SF
- Current total parking spaces?
  - 1,679
- Proposed total parking spaces?
  - 2,789
- Typical turnover time for parking spaces generally for a shopping center is three hours?
  - This statement is not factually accurate. Shopping centers come in many various sizes and types. Bal Harbour Shops is a low traffic, high sales volume, luxury shopping center. The turnover of parking spaces at Bal Harbour Shops varies throughout the year. The typical number of parked shoppers per year is 614,250, which divided by the number of spaces at BHS gives approximately 365. This means that each space at Bal Harbour Shops is filled once per day. Therefore, the spaces at BHS are not turned over every 3 hours per space.
- What will be the carbon emissions and deterioration of air quality in the shops and surrounding area?
  - This question is not based on any factual evidence. There are no documents that demonstrate that there will be a deterioration of air quality as a result of the project.
- How will this affect children and adults in the Bal Harbour Park? In the Surfside Park?
  - There will be no deterioration of air quality as a result of the project.

**What is:**

- Current truck traffic parallel to Park Drive?
  - Currently all of the truck traffic at the Shops drives along the Bal Harbour Shops interior circulation path parallel to Park Drive which interior path is screened from Park Drive.
- Current hours of operation?
  - There are currently no restrictions on hours of operation for deliveries; however the majority of deliveries occur prior to 10:00 a.m. There are UPS/Fed Ex deliveries that occur throughout the day and few other large deliveries that occur when BHS is not open.
- Proposed truck traffic parallel to park drive?
  - After the enhancements are completed, some of the trucks will no longer use the interior circulation path parallel to Park Drive, as they will be using the truck bay on 96<sup>th</sup> Street.
- Allowed hours of operation?
  - BHS has requested that the hours of operation continue in place as they do today.
- Can the truck traffic be limited to 9:00am to 6:00 pm?
  - No, restricting the truck traffic for BHS to 9:00-6:00 is neither practical nor consistent with industry standards or past operational practices. UPS and FedEx deliveries cannot be

controlled by BHS or its tenants. In addition, some of the deliveries must occur when BHS is closed because of the nature of the contents and security of same. To date, there have not been any noise violations, or complaints for that matter, related to truck traffic at BHS. In addition, BHS will be constructing a 20' wall along Park Drive.

What is:

- Current number of trucks stopping on 96th street waiting to enter?
  - This statement is not factually accurate. All of the trucks which enter the shopping center enter via 96<sup>th</sup> street. Only a couple of the largest trucks have to wait as they currently need to back into the property. This situation is eliminated by both the new the truck bay on 96<sup>th</sup> Street and the new Collins Avenue entrance.
- Likely and allowable number of trucks stopped on 96th street waiting to enter after expansion?
  - Based on the new operations outlined above, no trucks should have to "wait" on 96<sup>th</sup> Street.
- Allowable hours of operation of trucks entering from 96th street?
  - 24 hours.

What are:

- Current loading docks near Bal Bay Drive (at Saks 5th Ave)?
  - This statement is not factually accurate. Saks Fifth Avenue only has one loading dock and it is located at their back door near 96<sup>th</sup> street, not located near Bal Bay Drive.
- Proposed number of loading docks near Bal Bay Drive?
  - The proposed loading area for Saks is located near Bal Bay Drive, but is a secure and enclosed loading area. In addition, BHS is also constructing a 20 ft wall along Bal Bay Drive.
- Proposed number of trucks using loading dock near Bal Bay Drive?
  - This area is only for deliveries for Saks, not any other tenant at BHS.
- Allowed hours of operation of loading docks near Bal Bay Drive?
  - 24 hours
- Can loading dock be limited to 9:00 am to 6:00 pm?
  - No, for the same reasons outlined above.
- Proposed Village truck and large vehicle parking adjacent to Bal Bay Drive
  - The Village requested a location on BHS property to park its large vehicles and BHS is accommodating that request.
- Will trucks unloading, other than those going to Saks, be able to enter from Collins?
  - Yes

What changes or additions will generate more noise from music or events audible in buildings along

- Collins Ave and in the gated community?
  - None
- What will be the allowable noise level?
  - BHS is regulated by the Village's Noise Ordinance just like all other property owners within the Village

What would be required for variances or code changes for:

- Height of buildings: specify?
  - There is no request to modify the height restrictions currently provided for in the Village Charter and Code.
- Set back requirements: specify?
  - The requested text amendments to change the setbacks require review by the LPA and two readings before the Village Council.

- **Type of use requirements: specify?**
  - There is no request to modify the Code to permit for a new use on the site.
- **Other: specify?**
  - None.
- **How much will be generated in new taxes?**
  - Based upon the growth assumption of five-percent, and the existing Bal Harbour Shops footprint, revenue is anticipated, on a twenty year horizon, to grow from \$1.7 million to approximately \$4.6 million per year. With the expansion of the Shops and additional venues to contribute to Resort Tax and Business Tax Receipts, revenue growth could realistically grow from \$3.0 million in the first year to upwards of \$8.1 million per year by 2034. In addition, other miscellaneous revenues, such as State shared Sales Tax revenue, Intergovernmental funds, etc., could all be expected to grow. Finally, all tenant build-out plans will be subject to Building Permit fees which will be collected at the Village building permit fee rate at the time of submission.
- **How much will be required in new services?**
  - None. BHS is providing the following:
    - payment for any and all new water and sewer requirements that may be required for the project;
    - payment to the Village annually for 3500 hours for an off duty police officer at BHS (this is not required mitigation but being provided at the request of the Village);
    - payment for and an easement for the Village to place LPRS on BHS property for the police department (this is not required mitigation but being provided at the request of the Village);
    - traffic mitigation to improve the traffic flow within BH;
    - additional traffic improvement measures to further improve the traffic flow (this is not required mitigation but being provided at the request of the Village);
    - payment of parking surcharge to the Village to fund additional multi-modal mobility projects (this is not required mitigation but being provided at the request of the Village);
    - payment of Resort Taxes;
    - payment to the Village in lieu of the Building Department fees (this is not required mitigation but being provided at the request of the Village);
    - payment of \$1 million for Art in Public Places (this is not required mitigation but being provided at the request of the Village);
    - a 2500 SF space within BHS to be used by the Village as Cultural Space (this is not required mitigation but being provided at the request of the Village);
    - \$9.6 million of improvements to sidewalks and landscaping, which include an easement to the Village for pedestrian use over property owned by BHS (this is not required mitigation but being provided at the request of the Village).
- **What impact will expansion have on the water supply?**
  - None.
- **What impact will expansion have on waste disposal?**

- None. BHS has private contracts with waste management companies that accommodate its waste. These companies also sort and recycle the waste.
- What impact will the expansion have on the electrical power supply?
  - None.
- With traffic already horribly congested, what impact will expansion have on traffic when completed?
  - As evidenced in both BHS and the Village's traffic reports produced by traffic engineers, traffic will be improved after the project is complete. BHS is providing a number of traffic mitigation improvements, as well as additional improvements that they have voluntarily proffered that will benefit the community and improve the overall traffic flow within Bal Harbour.
- The shops claim that the expansion will improve traffic. How is that possible with\_ thousand more cars turning over every three hours?
  - This is not an accurate statement or assumption, nor has this number been verified or provided in any study by any of the traffic engineers.
- Does the Village traffic study show an improvement in traffic on Collins and 96th street, or just an "acceptable" increase?
  - The Village study concurs with the BHS traffic report. In addition, the Village traffic studies also evaluated 3 different scenarios for traffic from BHS after completion, which doubled and tripled the actual number of trips to make sure that even under that circumstance traffic is not negatively impacted. Even under these exaggerated circumstances, LOS does not deteriorate.
- What will be the noise impact on buildings along Collins Ave and in the gated community during construction?
  - BHS is regulated by the Village's Noise Ordinance just like all other property owners within the Village
- How long will construction take?
  - The Shops have intentionally crafted a phasing scheme that places as little impact on the Village and its tenants as possible. The result is a six to eight year construction timeline, with each phase being carefully thought out and managed. Each phase is intended to isolate the specific construction activities and reduce its impact on residents and visitors.
- What are the allowable hours for construction to take place?
  - BHS is regulated by the Village's Code just like all other property owners within the Village. The Village Manger has the discretion to modify building hours as deemed necessary.
- Can the Village limit construction to weekdays and 9:00 am to 6:00 pm as Bay Harbour does?
  - This would require a thorough review and analysis by the Village and would require a text amendment to the Village Code which would require approval by the Village Council.
- Where will the staging for equipment and materials take place?
  - Staging will take place on property owned by BHS, or on other off-site locations to be determined.
- What lanes of traffic and sidewalks will be closed on Collins and 96th street during construction?
  - Portions of 96<sup>t</sup> Street and Collins Avenue sidewalks will need to be closed from time to time to provide a safe environment for pedestrians and keep them away from construction traffic. There are currently no anticipated lane closures on either 96<sup>th</sup> Street

or Collins Avenue; however this will be further explored and resolved thru the required MOT prior to the start of construction.

- If the shops limit the closing of lanes of traffic on Collins and 96th Street, can the shops file for state permits to close lanes and ignore Bal Harbour restrictions?
  - This will be further explored and resolved thru the required MOT prior to the start of construction.
- Can Bal Harbour prohibit the closing of lanes of traffic and sidewalks as part of its binding agreement with the shops?
  - No.
- The shops are offering the Village a new Village Hall if the village will sell them the old village hall. Would the village be able to move into the new village hall before having to vacate the old one?
  - There are a number of variables that determine whether or not the Village will need to occupy temporary quarters, including most importantly how long it takes for the village to finalize the design of the new village hall.
- What would be the increase in maintenance costs for the new and larger Village hall?
  - Village to respond.
- If the village is given the Fairfield Manor property and the Sun Bank Property, how much will it lose annually in property taxes for those properties?
- This is not a factually accurate statement. SunTrust, or any commercial tenant occupying the property, will continue to pay property taxes each year, of which approximately \$18,300 is contributed to the Village operating fund. The Village would no longer collect the roughly \$8,600 per year from Fairfield Manor, but instead would collect an estimated \$40,000 more in property taxes from Bal Harbour Shops on the portion of the expanded center built over the old Village Hall. This is a net gain of \$31,400 per year by swapping the existing Village Hall site for the Fairfield Manor. Overall, the Village will GAIN an estimated \$450,000 per year more in property taxes as a result of the proposed Project.
- When would the Village be able to use the Sun bank property?
  - The SunTrust property will transfer to Village upon the village vacating the old village hall site. This is anticipated to happen 18-24 months from the start of construction.
- Will the rental for the Sun Bank property more than pay for the cost of maintenance and loss of property taxes? What would the difference be?
  - The SunTrust Lease is a triple net lease, which requires SunTrust to pay all of the costs of maintaining, insuring and otherwise operating the building and entire property. As stated above, Sun Trust is still required to pay property taxes. Therefore, the rental income is additional revenue to the Village, as well as additional property owned by the Village.
- If the Sun Bank is damaged or destroyed in a hurricane, would the Village be responsible for rebuilding?
  - No, the lease with SunTrust is a land lease. SunTrust is responsible for its own building.
- Does the Village already have sufficient space for a new Village Hall and additional facilities, if they are really needed, and the tax base to afford it?
  - The Village undertook a space needs assessment which demonstrated that the Village needs approximately 35,000 SF to accommodate the Village's needs today. The Village could accommodate a building of that size, and all of the required parking, if it combined all of the uses and placed them on the Kiddie Park and Public Works site on Bal Bay Drive.
- Would the expansion draw the creep of North Beach further north and change the nature of this area?

- More clarification is needed on the nature of this question, in order to provide an appropriate response.
- Would anything that the Village might gain in property and buildings possibly offset the degradation in quality of life that will certainly result from the currently proposed expansion?
  - The analysis prepared by Staff does not determine that there will be a degradation in quality of life of the residents of Bal Harbour. Staff recommends approval of the Project based on its review.
- Why can't the Village negotiate with the Shops to improve their Collins Avenue entrance and expand on the prior church property within the current code and zoning requirements?
  - BHS, just like any other property owner, is allowed to submit zoning applications for its property, including text amendments which the Village is required to process. The Village has made numerous text amendments to the Village Code exclusively for the Business District. In addition, almost all of the developments along Collins Avenue were approved as a PUD, which is not any different than what is being proposed by BHS.