

**VILLAGE OF PALMETTO BAY**  
**Minutes of the Local Planning Agency Meeting of July 9, 2012**  
**Village Hall Chambers**  
**9705 East Hibiscus Street**

**1. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE**

Mayor Shelley Stanczyk  
Vice Mayor Brian W. Pariser  
Council Member Patrick Fiore  
Council Member Howard Tendrich  
Council Member Joan Lindsay

Staff present:  
Village Manager Ron E. Williams  
Village Attorney Eve A. Boutsis  
Village Clerk Meighan J. Alexander  
Planning and Zoning Director Darby Delsalle

Mayor Stanczyk called the meeting to order at 7:00 p.m. Mayor Stanczyk led the pledge of allegiance.

At the Mayor's direction, Clerk Alexander read the decorum statement.

**2. ORDINANCE FOR SECOND READING (PUBLIC HEARING)**

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL, OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING DIVISION 30-150, ENTITLED "HISTORIC PRESERVATION," OF THE VILLAGE'S LAND DEVELOPMENT CODE, TO BE CONSISTENT WITH SECTION 16A, ENTITLED "HISTORIC PRESERVATION," OF THE MIAMI-DADE CODE OF ORDINANCES, WITH REGARDS TO AUTHORITY, RESPONSIBILITIES AND CRITERIA; PROVIDING FOR A LEGISLATIVE REVIEW CLAUSE; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

Councilman Tendrich moved this item forward. Seconded by Councilwoman Lindsay.

Attorney Boutsis advised that these ordinances will be heard tonight in the Regular Council meeting as they are presented as second reading/public hearing. She noted that she will ask that all documents and comment be incorporated by reference into the Regular Council meeting.

Director Darby noted that staff accommodated the request by Council to return to the previous manner by which board members are appointed. He noted that there were no further changes and he incorporates his previous report into this hearing.

Attorney Boutsis advised that Miami-Dade County has exclusive control over the designations, due to Home Rule Power.

Councilman Tendrich moved to modify the language to state that the Committee should appoint the Chair, rather than the Mayor. Seconded by Councilwoman Lindsay. All voted in favor. The motion carried unanimously (5 to 0.)

Mayor Stanczyk opened the public hearing. Mr. Jack Fell, 7201 SW 144 Street, opposed sunsetting the Committee.

Mayor Stanczyk concurred regarding the sunsetting, noting that the Board has been conducting oral histories; and, the Board has served well.

Attorney Boutsis explained that the sunsetting is proposed as it relates to the Board's designation of properties and perhaps the function of the Board needs to be discussed. Mayor Stanczyk suggested placing the matter on a future Committee of the Whole meeting.

Mayor Stanczyk called the question. A roll call vote was taken, as follows: Vice Mayor Pariser: yes; Councilman Fiore: yes; Councilman Tendrich: yes; Councilwoman Lindsay: yes; and Mayor Stanczyk: yes. The Ordinance passed unanimously and will be heard at the Regular Council meeting.

- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, PURSUANT TO THE ENACTED ZONING IN PROGRESS RESOLUTION; CREATING A MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS AND CERTIFICATES OF USE WITHIN THE RESIDENTIAL ZONING DISTRICTS FOR PROPERTIES OVER AN ACRE IN SIZE FOR THE LESSER OF A FOUR MONTH PERIOD OR UNTIL SUCH TIME THAT AN ORDINANCE IS ADOPTED APPROVING NEW REGULATIONS THERETO; SUCH TEMPORARY MORATORIUM TO APPLY TO ALL PROPERTIES WITHIN THE RESIDENTIAL ZONING DISTRICTS THAT ARE OVER AN ACRE IN SIZE; EXEMPTING HEALTH, SAFETY WELFARE OR MAINTENANCE TYPE PERMITS; PROVIDING WAIVER PROVISION THROUGH HEARING BEFORE THE VILLAGE COUNCIL; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. (Sponsored by Councilwoman Joan Lindsay)

Councilwoman Lindsay moved this item forward. Seconded by Councilman Tendrich.

Attorney Boutsis noted that a proposed substitution item is provided.

Councilwoman Lindsay moved to accept the substitution. Vice Mayor Pariser seconded this item. All voted in favor.

Attorney Boutsis advised that the substitution lessens the restrictions, rather than increases; therefore, no third reading is required.

Director Delsalle provided staff report, explaining the history of how this matter came forward.

Attorney Boutsis read through the nine exceptions.

Councilwoman Lindsay provided an explanation of the matter. She provided a history of how the Village had adopted the County codes, including the comprehensive development plan and land development. She noted that the number one goal in the Comprehensive Development Master Plan was to provide quality neighborhood protection. She explained that in 2009, when the land development code was finalized, guidelines for non-residential uses within the residential areas were not included. She stated that the goal is to develop specific criteria for nonresidential uses in residential areas. She asserts that the Village is not intending to tell a church, school or fire station that they are not allowed in the Village; rather, she would like clear guidelines to be developed in order for all to understand their responsibilities.

Mayor Stanczyk remarked that the goal is to have equity between applicants, the Village, and the residents surrounding a project. She opened the public hearing. The following individuals addressed the Council: Stanley Kowlessar, 8360 SW 148 Drive; Eric Tullberg, 7884 SW 179 Terrace; David Zisman, 14135 Farmer Road; Richard Crusan, 17501 SW 92 Avenue; Louis Carillo, 16901 SW 87 Avenue; James Shepard, 9352 SW 169 Street; Dan Kalbac, 15404 SW 74 Court; John Burkowski, 9250 SW 163 Street; Claudio Perez, 8850 SW 170 Street; Tyler Kalbac, 15404 SW 74 Court; Kevin Parrisher, 16882 SW 82 Avenue; Jose Otano, 16723 SW 78 Place; Rob Moore, 166255 SW 91 Avenue; JB Harris, 8220 SW 180 Street; Jorge Molina, 7701 SW 182 Terrace; Russell Morris, 16555 SW 91 Avenue; Maria Salvador, 17910 SW 78 Avenue; Don Kuntz, 20001 Cutler Court, Cutler Bay; David Singer, 8360 SW 184 Terrace; Trish Moore, 8931 SW 156 Street; Millie Maldonado, 8355 SW 183 Terrace; Charles Birham, (address unclear); Aida Cruzan, 17501 SW 92 Avenue; Rex Lehman, 17300 SW 87 Court; Carol Exposito, 7700 SW 178 Street; Jason Prussing, 9341 SW 178 Street; Felipe Canales, 15885 SW 84 Avenue; Marsha Matson, 9300 SW 180 Street; James Woodard, 17001 SW 90 Avenue; Connie Lyons, 7870 SW 182 Terrace; Warren Lovely 15323 SW 74 Place; Peter Malo, 16501 SW 89 Avenue; Anthony Gorman, 14140 SW 72 Avenue; Diane Jarvinin, 17120 SW 78 Avenue; Vivian Polis, 8780 SW 176 Street; Helen Sandow, 8260 SW 151 Street; Jean Button, 8625 SW 181 Terrace; Betty Pegram, 18121 SW 82 Avenue; Julie LaVoie, 17171 SW 75 Street; Gary Pastorella, 6940 SW 142 Terrace; Brenda Storch, 7885 SW 179 Terrace; Dawn Vasallos, 6770 Royal Palm Drive; Pamela Reid, 7201 SW 144 Street; Diane Lehman, 17300 SW 82 Court; Maria Stout Tate, 8320 SW 152 Street; Janelle Bonnen, 17255 SW 84 Court; Jack Fell, 7201 Mitchell Drive; Suzanne Harris, 8220 SW 180 Street; Bev Gerald, 14271 SW 74 Court; Frances Blake, 16041 SW 81 Avenue; Stewart Guthrie, 6960 SW 144 Street; Mary Mokher, 7725 SW 141 Street; Henry Clifford, 8875 SW 171 Street; Jacqueline Caproon, 8285 SW 164 Terrace; and, Marta Gillet, 15721 SW 83 Avenue.

Mayor Stanczyk advised that she had attended a meeting at Christ Fellowship Church and those who attended were told that they were the focus of the moratorium. She asserted that this is not the case. She noted that the moratorium allows for our Zoning Department to work on an ordinance to complete the land development code. She encouraged the pastor of Christ fellowship to register as a lobbyist. Mayor Stanczyk concluded that she has done all she can to invite participation.

Councilman Tendrich noted that the moratorium expires at “the lesser of a 4 month period” or whenever the ordinance is adopted. He stated that if Councilwoman Lindsay is working on an ordinance with the Village Attorney presently, then a moratorium is unnecessary. Councilman Tendrich asked if more than one Council member attended the meeting at Christ Fellowship and if the meeting was noticed.

Mayor Stanczyk advised him that the meeting was noticed.

Councilwoman Lindsay remarked that she will be working with Attorney Boutsis this summer and does not believe an extension will be necessary.

Vice Mayor Pariser thanked all for coming to the meeting. He stated that there that there will be an opportunity to speak on the ordinance that will be drafted and there will also be public workshops. He noted that there are currently no applications pending and this matter does not apply to Palmer Trinity.

Councilman Fiore opined that there is no need for this moratorium. He read from the Village’s code of ordinances that houses of worship are permitted in R-3 districts “as a matter of right”. He remarked that the community and neighbors need to be involved.

Councilwoman Lindsay read Policy 1.1.5 that noted adverse impacts to the tranquility of residents in the neighborhood must be minimized to the maximum extent possible and therefore are allowed only on a conditional basis. She stated that past resolutions had many conditions and some of those conditions could be incorporated into an ordinance.

Following brief comment, Mayor Stanczyk called the question. A roll call vote was taken, as follows: Councilman Fiore: no; Councilman Tendrich: no; Councilwoman Lindsay: yes; Mayor Stanczyk: yes; and Vice Mayor Pariser: yes. The Ordinance passed (3-2) and will be heard at the Regular Council meeting.

### **3. NEXT MEETING AND ADJOURNMENT**

The Meeting was officially adjourned at 9:45 pm.

