

VILLAGE OF PALMETTO BAY, FLORIDA
MINUTES OF THE MONDAY, MAY 21, 2012
MEETING OF THE VILLAGE COUNCIL – ZONING HEARING
Village Hall Chambers
9705 E. Hibiscus Street, Palmetto Bay, FL

1. **CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE:** Mayor Stanczyk called the meeting to order at 7:10 p.m. The following members of the Village Council were present:

Mayor Shelley Stanczyk
Vice Mayor Brian W. Pariser
Councilman Patrick Fiore
Councilman Howard J. Tendrich
Councilwoman Joan Lindsay

The following staff members were present:
Village Manager Ron E. Williams
Village Attorney Eve Boutsis
Village Clerk Meighan Alexander
Director of Planning and Zoning Darby Delsalle
Zoning Administrator Efren Nunez

Mayor Stanczyk led the pledge of allegiance and advised the public as to Zoning Hearing protocol. Clerk Alexander read the decorum statement.

2. **APPROVAL OF MINUTES:** Zoning Hearing of March 19, 2012: Councilman Tendrich moved to approve the Minutes, as submitted. Seconded by Vice Mayor Pariser. All voted in favor. The Minutes were approved unanimously (5-0.)

SWEARING IN OF WITNESSES: Attorney Boutsis provided an explanation of the quasi-judicial process. She asked any members of the public that wished to speak to be sworn in. She administered the oath.

The following items are being considered pursuant to Sections 30-30 of the Village's Land Development Code:

- A. Applicant: **BERTRAND & KERRI M. LEON (VPB-12-002)**
Location: 16371 SW 84th Place Zoned: E-M
Palmetto Bay, Florida

Request: Variance of setback requirements to construct a swimming pool behind an existing single-family home to setback 7'-8" from the interior side (north) property line where 20' is required in the Estate Modified Single-Family Residential District (E-M).

Councilman Tendrich moved this item forward. Seconded by Vice Mayor Pariser.

Attorney Boutsis asked the Council to provide disclosures:

Mayor Stanczyk advised that she has not communicated with anyone regarding this property and did not visit the property.

Vice Mayor Pariser did not speak to anyone regarding the application and viewed the property via public records.

Councilman Fiore stated that he had no disclosures.

Councilman Tendrich advised that he spoke to no one and did visit the property.

Councilwoman Lindsay stated she had no disclosures.

Director Planning & Zoning Darby Delsalle provided staff report. The public hearing was opened. No one wished to be heard.

Councilwoman Lindsay asked him to identify the property on the map and where the neighbors lived who were in favor of the pool.

All in favor. Motion carried (5 to 0.)

B. Applicant: **A.N. DEALERSHIP HOLDING CORP., (A.K.A. MAROONE NISSAN OF KENDALL) (VPB-12-003)**

Location: 17305 S. Dixie Hwy Zoned: MC
Palmetto Bay, Florida

Request: Variance of sign regulations to allow two (2) additional building identification signs where only one is permitted, bringing the total sign area up to 160 sq. ft., where a maximum of 150 sq. ft. is permitted.

Councilman Tendrich moved this item forward. Seconded by Vice Mayor Pariser.

Disclosures:

Councilwoman Lindsay stated she did not have any disclosures.

Councilman Tendrich stated that he is familiar with the property and drove by.

Councilman Fiore advised that he did not have any disclosures.

Mayor Stanczyk disclosed that she sees the property every day and has not met with anyone regarding the application.

Vice Mayor Pariser stated that he drove by the property and did not not discuss the application with anyone.

Director Delsalle provided staff report.

Mayor Stanczyk opened the public hearing. Gary Pastorella, 6940 SW 142 Terrace, spoke in support of the application.

The public hearing was closed.

Councilwoman Lindsay remarked that there are sufficient setbacks; and, the signage is needed. She noted that a variance was allowed for the credit union, which may have set a precedence and she believes the application should be approved.

Mayor Stanczyk concurred.

All in favor. Motion carried (5 to 0.)

3. ADJOURN: The meeting was adjourned at 7:45 pm.

Prepared and submitted by:

Meighan J. Alexander, CMC
Village Clerk

Approved by the Village Council on
this ___ day of October, 2012.

Mayor Shelley Stanczyk

PURSUANT TO FLORIDA STATUTES 286.0105, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE VILLAGE FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW. WHILE THE FLORIDA STATUTES DO NOT REQUIRE TAPE RECORDINGS, TO THE EXTENT THAT TAPE RECORDINGS ARE MADE, THE TAPES MAY BE REQUESTED FROM THE VILLAGE CLERK FOR REVIEW AND/OR COPYING. THE VILLAGE OF PALMETTO BAY CAN NOT GUARANTEE QUALITY OF ANY RECORDING.

**VILLAGE OF PALMETTO BAY, FLORIDA
MINUTES OF THE MONDAY, AUGUST 29, 2012
MEETING OF THE VILLAGE COUNCIL – ZONING HEARING**

Village Hall Chambers
9705 E. Hibiscus Street, Palmetto Bay, FL

- 1. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE:** Mayor Stanczyk called the meeting to order at 7:05 p.m. The following members of the Village Council were present:

Mayor Shelley Stanczyk
Vice Mayor Brian W. Pariser
Councilman Patrick Fiore
Councilman Howard J. Tendrich
Councilwoman Joan Lindsay

The following staff members were present:

Village Manager Ron E. Williams
Village Attorney Eve Boutsis
Village Clerk Meighan Alexander
Director of Planning and Zoning Darby Delsalle

Mayor Stanczyk led the pledge of allegiance and asked alland advised the public as to Zoning Hearing protocol and decorum.

Mayor Stanczyk asked the audience to join her in a moment of reflection of thanks for being spared the devastation that might have occurred from Hurricane Issac.

Attorney Boutsis announced that she is seeking advice from the Village Council regarding litigation strategy and/or settlement in the following case: Shores at Palmetto Bay LLC v. Village of Palmetto Bay, Appellate Court Case no: 12-029 (Fla. 11th Jud. Cir.); Village Resolution No.: 2011-85. She advised that the meeting shall be held at approximately 7:00 p.m., on Thursday, August 30, 2012. The Mayor Shelley Stanczyk, Vice Mayor Brian W. Pariser, Councilman Patrick Fiore, Councilman Howard Tendrich, Councilwoman Joan Lindsay, Village Manager Ron E. Williams, and Attorney Boutsis will be meeting in the presence of a certified court reporter.

SWEARING IN OF WITNESSES: Attorney Boutsis provided an explanation of the quasi-judicial process. She asked any members of the public that wished to speak to be sworn in. She administered the oath.

1. PALMER TRINITY PRIVATE SCHOOL, INC. (VPB-07-012)

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; PURSUANT TO THE DECISION RENDERED BY THE THIRD DISTRICT COURT OF APPEAL ON JULY 5, 2012, IN THE ACTION ENTITLED THE VILLAGE OF PALMETTO BAY, FLORIDA V. PALMER TRINITY PRIVATE SCHOOL, INC., UNDER APPELLATE CASE NO 3D12-190, ON APPEAL FROM THE 11TH JUDICIAL CIRCUIT, APPELLATE DIVISION, UNDER CASE NO: 10-259 AP; AMENDING THE AMENDED ZONING RESOLUTION 2010-48 [PREVIOUSLY AMENDED UNDER RESOLUTION 2011-53], RELATING TO THE SPECIAL EXCEPTION AND A SITE PLAN MODIFICATION ON PROPERTY ZONED E-M; GRANTING THE 1,150 STUDENT REQUEST; AND PROVIDING AN EFFECTIVE DATE.

Councilman Tendrich moved the item forward. Seconded by Attorney Boutsis.

Attorney Boutsis asked the Council to provide disclosures of any communications they may have had since their last disclosures on July 19th of 2011.

Mayor Stanczyk disclosed that she forwarded any emails she received to Mr. Efren Nunez. She noted that she can remain impartial and had provided them for the record.

Councilman Tendrich stated that he had not received any communications and can remain impartial.

Councilwoman Lindsay advised that she was not aware of any additional emails not previously provided, but had not checked today prior to this hearing. She stated she can remain impartial.

Vice Mayor Pariser stated that he had not had any communication since July of 2011. He stated that he can remain impartial.

Councilman Fiore stated that he did not have any disclosures to offer.

Attorney Boutsis stated that she would like to incorporate all prior records of past hearings, in particular the July hearing of 2011. She provided a history of the recent litigation, noting that the Council is here to rule solely on one issue: the removal of the 900 students limitation.

Attorney Eileen Mehta, representing Palmer Trinity, made a brief statement and asked to reserve time for rebuttal, if any issues are raised that may require a response.

Mayor Stanczyk made a brief statement concerning her hope that the division in the community will end. She quoted Dwight D. Eisenhower, "I like to believe that people in the long run are going to do more to promote peace than our governments."

Mayor Stanczyk opened the public hearing. The following individuals addressed the Council: Gary Pastorella, 6940 SW 142 Terrace; Milli Maldonado, 8355 SW 183 Terrace; and Bev Gerald, 14271 SW 74 Court.

Mayor Stanczyk closed the public hearing.

Councilman Tendrich remarked that the only vote should be to vote for approval. He expressed that the Village needs to "start anew." He moved to approve the Resolution. Seconded by Vice Mayor Pariser. All voted in favor. The Resolution passed unanimously (5-0.)

2. ADJOURN: The meeting was adjourned at 7:35 pm.

Prepared and submitted by:

Meighan J. Alexander, CMC
Village Clerk

Approved by the Village Council on
this ___ day of October, 2012.

Mayor Shelley Stanczyk

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