

VILLAGE OF PALMETTO BAY  
Minutes of the Local Planning Agency Special Meeting of Monday, July 20, 2009  
Deering Estate Visitor's Center  
16701 SW 72 Avenue

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

Mayor Eugene P. Flinn, Jr.  
Vice Mayor Brian W. Pariser  
Council Member Edward Feller  
Council Member Howard Tendrich  
Council Member Shelley Stanczyk

Staff present:  
Village Manager Ron E. Williams  
Village Attorney Eve A. Boutsis  
Village Clerk Meighan J. Rader

Mayor Flinn called the meeting to order at 7:10 p.m. Mayor Flinn led the pledge of allegiance.

**2. ORDINANCES FOR FIRST READING (PUBLIC HEARING)**

A. AN ORDINANCE RELATING TO CHAPTER 30 CREATING DIVISION 50 ENTITLED "ZONING DISTRICTS" OF THE VILLAGE'S LAND DEVELOPMENT CODE; REZONING THE DESIGNATED AREAS TO THE DELINEATED ZONING DISTRICTS UNDER THE FOLLOWING CATEGORIES: RESIDENTIAL SINGLE-FAMILY, ESTATE, AND TWO-FAMILY DISTRICTS; MULTI-FAMILY DISTRICTS; HOTEL DISTRICTS; BUSINESS DISTRICTS; AND OFFICE DISTRICTS; INCORPORATING THE VMU AND FT&I DISTRICTS INTO 30-50; PROVIDING FOR DEFINITIONS, USES, CHANGES IN USE, GENERAL BUILDING REQUIREMENTS (DENSITY, HEIGHT, PARKING), AND PROCEDURES FOR ADMINISTRATIVE SITE PLAN REVIEW.

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

Attorney Boutsis read the caption of the proposed Ordinance. She provided staff report. She noted that allowing docks was removed from certain areas if there is no body of water near the area. She noted that the use of "bee hives" into Estate Density was removed, as staff felt that if bee hives are not being used, there would be no need to include that use. Attorney Boutsis stated that staff included a 50 foot setback for construction of two-story homes and changed the reference to cubic volume for ease in interpretation.

Attorney Boutsis continued with her report, noting that when the Village incorporated, 35% lot coverage was provided by the County. Currently, the County increased 5% in residential areas and staff incorporated this change, including sheds and patio areas in the calculation. She noted that on page 78, art facilities, six events would be allowed per year and no art can be sold. She noted that the RU3B area was repealed many years ago, as the density was too high. She stated that once the Comprehensive Plan is amended, the next closest or lower density would be included – this would be townhomes.

Attorney Boutsis noted that certain rezoning would occur, for example, the bungalows would not be able to be re-built. She noted that in 2005, the Village's Future Land Use Map was the County's map with a few exceptions: FT&I, VMU, some park land, and a small number of other areas, such as the area of SW 174 Street and 94 Avenue, which is currently zoned to prohibit reconstruction of the same type of dwelling should a disaster happen.

Mayor Flinn asked what was on the property currently.

Attorney Boutsis stated that there are 61 units, but unless zoning was modified, they would not be able to build more than 30.

Councilwoman Stanczyk asked for further clarification.

Attorney Boutsis noted that the zoning would remain, but because of the density on the Comprehensive Plan map, the existing use is more intense. She remarked that one area to specifically note is near 168 and Old Town of Cutler-2.a – the parcels are zoned Estate Density, but all received variances – each are nonconforming lots. She stated that the Council could rezone them to be conforming – all to be R-1 – but, three are zoned R-2, and staff did not believe duplex homes should be considered in the future of that area.

Attorney Boutsis noted that there is an area near Publix Park, which was originally planned to be a park, but this did not occur. She suggested removing this reference from the Comprehensive Plan and re-zone it to what it is, green space-tied to the covenants.

Councilman Feller asked why rezoning would be necessary. Attorney Boutsis advised that each parcel must be zoned/designated and that the home on that property was grandfathered in.

Mayor Flinn remarked that these zoning ordinances are the result of many years of hard work and many public hearings. He suggested allowing bee hives, not modifying the provisions for two-story home construction, and not putting restrictions on art shows and the sale of art.

Vice Mayor Pariser concurred, adding that wineries should remain. He noted that we should not prohibit agricultural use as there are some large groves in the Village that may sell their crops commercially, and we should not prohibit them.

Councilman Feller stated that with regard to bungalows, you can zone those parcels so that they are the same density per acre of family residential; however, most of them, as far as he has been told, are owned by the individuals who live in them. He believes that someone could possibly buy two, three, or four units and build a townhouse, but he believes re-zoning would not be appropriate. He asked Attorney Boutsis to investigate the area near Publix for consistency. Attorney Boutsis said she would.

Councilman Tendrich remarked that he, too, is not in favor of placing restrictions on art shows

Councilwoman Stanczyk concurred that bee hives should be permitted. She noted that with regard to lot coverage issue, the Village should not be less than the County. She remarked that there are some areas in Palmetto Bay that have small lots and with the current lot coverage, it would be difficult to include a shed or pool house on those parcels. She suggested increasing the art sales and events to 12 per year. She concluded that the Village should use 50% of the market value, rather than assessed value in its calculation.

Mayor Flinn opened the public hearing. The following individuals addressed the Council: Eric Tullberg, 7884 SW 179 Terrace; Henry Clifford, 8875 SW 171 Street; James Woodard, 17001 SW 90 Avenue; Brenda Storch, 7885 SW 179 Terrace; Steve Kreisher, 18201 SW 98 Avenue; Linda Robinson, 15605 SW 77 Court; and, Stanley Stanczyk, 8800 SW 181 Terrace.

The public hearing was closed.

Attorney Boutsis noted that with the exception of the VMU and FT&I, the other areas were zoned by the County. She stated that staff did not create those zoning designations and they could be re-done; however, it was zoned by the County in 2000 and included in the Village's Future Land Use Map in 2005.

Mayor Flinn remarked that the Village has held many meetings on this issue and the Council has urged staff to complete the zoning code. He noted that several complained about the "yellow" area on the map; however, he wondered how many people noticed when the County zoned this "yellow" area. He stated that he believes the zoning code should match what is currently there. He remarked that some may be conflicted: don't allow any one to build on their lots, but allow me to rebuild when I need to.

Attorney Boutsis stated that 49 units area allowed.

Mayor Flinn noted that the Council should go back and address the yellow area, but those who believe the Council did this are mistaken as the pre-existing land use map by the County zoned this area as RU-1, low density residential.

Councilwoman Stanczyk asked that if revision is allowed twice per year, this area could be scheduled for revision. Planning and Zoning Director Julian Perez stated that it would. Brief discussion ensued.

Councilman Tendrich asked the zoning of the area on SW 145 Street and 87 Avenue. Attorney Boutsis noted they are bungalows.

Councilman Tendrich asked why the abbreviations changed. Attorney Boutsis stated that staff removed the extra initial to differentiate between the Palmetto Bay code and the County.

Councilman Tendrich asked why the single family district is shown for the Deering Estate area. Attorney Boutsis stated that there is no park designation under the code, and the zoning remained what it was designated under Miami-Dade County.

Councilman Feller asked for staff to check the area near Publix, as the houses in the Future Land Use Map were less than 2.5 units per acre and they seemed to have changed significantly.

Vice Mayor Pariser concurred with the suggestion to use 50% of the market value, particularly with the 3% cap. He stated that the Village may consider keeping it consistent with the current zoning, rather than expand on the future.

Vice Mayor Pariser asked the Council to discuss this ordinance further at the Committee of the Whole meeting scheduled for August 5<sup>th</sup>.

Councilman Tendrich moved to include the usage of bee hives. Seconded by Councilwoman Stanczyk. All voted in favor. The motion carried (5-0).

Councilman Tendrich moved to allow 12 art shows per year and allow for the sale of art. Seconded by Councilwoman Stanczyk. All voted in favor. The motion carried (5-0).

Councilwoman Stanczyk moved to change the 50% formula to be based on market value, rather than assessed value. Mayor Flinn remarked that there are objective values; an owner can contest the assessed value. Attorney Boutsis asked the Council to allow staff to review this matter and return to Council on second reading.

Councilwoman Stanczyk moved to remove the FAR calculation on second story construction. Seconded by Councilman Feller. All voted in favor. The motion carried (5-0).

Councilwoman Stanczyk moved to allow wineries and the sale of wines with a hosting area attached. Mayor Flinn remarked that this usage may be intensive; he asked Councilwoman Stanczyk to allow staff to consider and return at second reading. She concurred.

Councilwoman Stanczyk moved to include the addition of 5% to lot coverage, excluding ancillary structures from the lot coverage calculations. Following brief discussion, Councilwoman Stanczyk allowed staff to review and return for second reading.

Councilman Feller asked for consideration of the parcels at SW 146 to 148 Streets on 87 Avenue. Staff indicated they would review and return for second reading.

Councilman Feller moved to pass the Ordinance as amended on first reading and schedule for second reading. Seconded by Councilman Tendrich. All voted in favor. The Motion passed (5-0).

- B. AN ORDINANCE CREATING CHAPTER 30, DIVISION 10, ENTITLED "PURPOSE AND APPLICABILITY" OF THE LAND DEVELOPMENT CODE; CREATING AND ADOPTING THE VILLAGE'S ZONING MAP FOR ALL PROPERTIES WITHIN THE VILLAGE FROM SW 136<sup>TH</sup> STREET TO THE NORTH, SW 184<sup>TH</sup> STREET TO THE SOUTH, US 1 TO THE WEST, AND BISCAYNE BAY TO THE EAST; PROVIDING FOR ADOPTION OF ALL RESIDENTIAL, SINGLE AND MULTIFAMILY ZONING DISTRICTS, HOTEL/MOTEL, AND BUSINESS DISTRICTS; INCORPORATING BY REFERENCE THE VMU AND FT&I ZONING DISTRICTS;

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

Attorney Boutsis provided staff report. She noted that this ordinance takes the suggestions discussed and includes them in the zoning map. She advised that the changes would only take place if the Comprehensive Plan is approved by the State at a later date.

Mayor Flinn opened the public hearing.

The following individuals addressed the Council: Steve Kriesher, 18201 SW 98 Avenue; Stanley Stanczyk, 8800 SW 181 Terrace; and Carol Vega, 8845 SW 174 Terrace.

Vice Mayor Pariser asked if the Village can make the future land use map consistent with the current land use map this evening.

Mayor Flinn advised that the matter has to be reviewed by the State. Attorney Boutsis concurred.

Councilman Feller moved to approve the Ordinance on first reading. Seconded by Councilwoman Stanczyk. All voted in favor. The Motion carried (5-0).

- C. AN ORDINANCE RELATING TO ADOPTION OF AMENDMENTS TO THE COMPREHENSIVE PLAN TO INCLUDE MODIFICATIONS TO THE FUTURE LAND USE MAP, INCLUDING PROVIDING FOR MEDIUM DENSITY AND MEDIUM – HIGH DENSITY DESIGNATIONS, MODIFYING CERTAIN ESTATE DENSITY DESIGNATIONS TO LOW – MEDIUM, MEDIUM, MEDIUM-HIGH DENISTY; MODIFYING SOME LOW DENSITY RESIDENTIAL TO MEDIUM AND MEDIUM-HIGH DENISTY; PROVIDING AMENDMENTS TO THE FUTURE LAND USE, HOUSING, PARKS AND RECREATION, INTERGOVERNMENTAL, CONSERVATION, AND CAPITAL IMPROVEMENTS ELEMENTS TO INCLUDE THE VILLAGE’S STREET TREE MASTER PLAN AND REFERENCES TO THE FLUM CHANGES, AS APPLICABLE.

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

Director Perez provided staff report. He advised that nine areas require revisions to the Village policy – for example, the tree plan has its own policies. He stated that when we modified the Data Analysis and Inventory, the State requires this action.

Attorney Boutsis and Director Perez went through each area and discussed the amendments.

Vice Mayor Pariser remarked that his son owns a unit in the area of 1 b. He asked if this would constitute a conflict with his voting. Attorney Boutsis noted that it would not, adding that all Council members own property in Palmetto Bay and this is a global ordinance. Tendrich – thanked staff for their hard work.

Mayor Flinn opened the public hearing. No one wished to be heard.

Councilman Feller moved to approve the item on first reading. Seconded by Councilman Tendrich. All voted in favor. The Motion carried (5-0).

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

The Meeting was officially adjourned at 9:30 pm.

