

VILLAGE OF PALMETTO BAY
Minutes of the Local Planning Agency Meeting of Monday, August 10, 2009
Deering Estate Visitor's Center
16701 SW 72 Avenue

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

Mayor Eugene P. Flinn, Jr. (entered the meeting toward the conclusion of the first item)
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

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

2. ORDINANCES FOR FIRST READING (PUBLIC HEARING)

A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACTING IN ITS CAPACITY AS THE LOCAL PLANNING AGENCY, RELATING TO SUPPLEMENTING THE PROPOSED JULY 20, 2009 AMENDMENTS TO THE COMPREHENSIVE PLAN TO INCLUDE TWO ADDITIONAL PROPOSED MODIFICATIONS TO THE FUTURE LAND USE MAP (FLUM), TO CHANGE THE ESTATE DENSITY DESIGNATIONS TO LOW DENISTY DESIGNATIONS; PROVIDING FOR TRANSMITTAL OF THE ENTIRE COMPREHENSIVE PLAN AMENDMENT TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS, TO OTHER UNITS OF LOCAL GOVERNMENT AND TO OTHER REVIEW AGENCIES AS REQUIRED BY LAW; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Councilman Tendrich moved this item forward. Seconded by Councilman Feller.

Attorney Boutsis provided staff report. She asked the Council to note that the areas adjacent to the former Publix Park were two areas previously shown to be estate residential; however, these are actually R-1 lots and to the south of the Publix area are R-1 and R-2 lots, not estate densities; rather, low density residential.

Vice Mayor Pariser opened the public hearing. The following individuals addressed the Council: Eric Tullberg, 7884 SW 179 Terrace; Chuck Latshaw, 8825 SW 154 Terrace; Stanley Stanczyk, 8800 SW 181 Terrace; Jerry Templar, 8120 SW 182

Street; Beth Kibler, 7462 SW 166 Terrace; and, Donna Latshaw, 8825 SW 154 Terrace.

Attorney Boutsis noted with regard to the area known as the Old Town of Cutler, 168 Street and Old Cutler, this area has come before the Council for zoning and most of the lots were zoned EU-1C, which is an estate density that these lots do not meet. She stated that the remainder were R-2, townhomes, and others were R-1. She stated that this area should have compatible zoning and R-1 was the only district that the majority would fit into.

Councilman Tendrich noted that with regard to the Weeks property, he believes E1-C would be consistent.

Attorney Boutsis recommended that Council consider a third reading (August 20th) on this matter. She noted that the Comprehensive Plan will be forwarded to the Department of Community Affairs, and once returned with comments, it would have a second reading.

Following discussion, Councilman Feller moved to remove the properties east of Old Cutler (identified as the Town of Cutler area as areas 2 a, b, and c) from consideration. Seconded by Councilman Tendrich. Councilwoman Stanczyk called the question. All voted in favor (4-0). Councilman Feller moved to approve the amended ordinance. Seconded by Councilman Tendrich. All voted in favor (4-0).

(Mayor Flinn entered the meeting – 7:45 pm)

Attorney Boutsis asked the Council to make a motion to bring the item back to a Special Council Meeting to be scheduled for August 20th. The Council moved to do so. All voted in favor (5-0).

3. ORDINANCES FOR SECOND 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.

Councilman Tendrich moved this item forward. Seconded by Councilman Feller.

Attorney Boutsis provided staff report. She noted that all definitions will be included – with the zoning map and zoning designations. She further explained that

Royal Harbor Yacht Club and Paradise Point have unique zonings, including a PAD and Business District; however, those zoning designations do not reflect what is currently there. This would be changed B1 to be the townhome designation and RU-4L into single family district; staff eliminated RU-1M, but have now included it. Attorney Boutsis noted that with regard to the comprehensive plan, with gross acreage calculations, you do not exclude all the amenities that make the lots smaller. She noted that calculating on net makes a difference on the lot coverage calculation.

Vice Mayor Pariser noted that in certain subdivisions, some lots extend to the center line of a non-dedicated roadway in their legal descriptions. Attorney Boutsis stated that if a road is not dedicated, it would not make a difference.

Mayor Flinn opened the public hearing. The following individuals addressed the Council: Steve Kriesher, 18201 SW 98 Avenue; Eric Tullberg, 7884 SW 179 Terrace; Stanley Stanczyk; and, James Woodard, 17001 SW 90 Avenue

Councilman Tendrich thanked staff for their efforts and thanked the public for expressing their opinions.

Vice Mayor Pariser stated that it may be appropriate to have a public workshop in order to receive more "in depth comments" from constituents.

Attorney Boutsis asked for a motion to remove the Floor Area Ratio from single and duplex family district – Councilwoman Stanczyk so moved. Seconded by Councilman Feller. All voted in favor. The Motion carried (5-0).

Discussion ensued regarding eliminating minimum landscaping requirement. No one moved to do so.

Attorney Boutsis noted that staff was not in favor of the suggestion to change zoning district to calculation by gross. She noted that smaller lots would have 40% lot coverage and as she doesn't know the ramifications, she can not recommend this change.

Mayor Flinn asked if utilizing both for calculation is consistent with the County. Attorney Boutsis noted that it was.

Councilwoman Stanczyk moved to make all calculations be done by gross. There was no second to the motion.

Attorney Boutsis noted there was a suggestion to change the setback to 7 ½ feet for sheds; rather than 20 feet.

Discussion ensued. Councilwoman Stanczyk moved to make the changes for sheds: side/interior set back and side setback to 7.5 feet for sheds and minimum rear of 5 feet. Vice Mayor Pariser seconded the item.

Councilman Feller asked for the definition of a shed. Attorney Boutsis noted that a utility shed prohibits cohabiting.

Mayor Flinn suggested a friendly amendment to include the modification would be for utility sheds, limited to 100 sq ft, with maximum height of 8 ft. Councilwoman Stanczyk concurred. Vice Mayor Pariser seconded. The Motion passes unanimously (5-0).

Discussion ensued regarding the lot coverage increase.

Director Perez noted that for an acre property, lot coverage would be 6,534 square feet (at 15%) and for a half-acre, the lot coverage would be 6,534 square feet (at 30%).

Attorney Boutsis noted there was a recommendation to remove some convalescent homes and other designations within R4H zoning districts. Councilwoman Stanczyk so moved. There was no second.

Attorney Boutsis noted that with regard to agricultural shade houses, there was a request to have a 100 foot setback. Councilwoman Stanczyk so moved. Seconded by Councilman Tendrich. Discussion ensued. All voted in favor (5-0).

Attorney Boutsis noted that there was also a request to include an "interim district" for several properties, including the USDA property and Wayside Park.

Mayor Flinn asked about the property owned by WASA at 89th Avenue and SW 160 Street. Attorney Boutsis noted that the WASA property has a zoning district, but the other three areas were not zoned.

Following brief discussion, Councilwoman Stanczyk moved to include the WASA parcel as transitional district zoning, together with the USDA, FPL land, and Perrine Wayside Park. Seconded by Councilman Tendrich. All voted in favor (5-0).

Councilwoman Stanczyk moved to correct the 5% calculations for lot coverage and include the information in the ordinance for 3rd reading. Seconded by Councilman Feller. The Motion passed (4 to 1, Councilman Tendrich opposed.)

Mayor Flinn called the question to pass the entire ordinance as amended and schedule for third reading. All voted in favor. The motion passed (5-0).

- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACTING IN ITS CAPACITY AS THE LOCAL PLANNING AGENCY, AND AS THE VILLAGE COUNCIL RELATING TO THE VILLAGE'S CODE OF ORDINANCES, CHAPTER 30 ENTITLED "ZONING" CREATING DIVISION 10, ENTITLED "PURPOSE AND APPLICABILITY"; WHICH DIVISION SHALL BE PART OF THE VILLAGE'S LAND DEVELOPMENT CODE; CREATING AND ADOPTING THE VILLAGE'S ZONING MAP FOR ALL PROPERTIES WITHIN THE

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VILLAGE FROM SW 136TH STREET TO THE NORTH, SW 184TH 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; PROVIDING FOR ORDINANCES IN CONFLICT; CODIFICATION; SEVERABILITY; AND AN EFFECTIVE DATE.

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

Attorney Boutsis provided staff report. She noted that whatever your property was zoned, it will be zoned the same with the exceptions provided earlier. She noted that the main amendment was with the rezoning of Paradise Point for townhomes and single family, which are included in the maps. She asserted that if your home was R1, you are R1; nothing changes.

Mayor Flinn stated that the transitional zonings would also have to be included. He opened the matter for public hearing. The following individual addressed the Council: Eric Tullberg, 7884 SW 179 Terrace.

Councilman Feller moved to include the transitional zoning for the WASA property. Seconded by Vice Mayor Pariser. All voted in favor (5-0).

Councilman Tendrich move to zone the Weeks property as acre estates. Mayor Flinn remarked that it is single platted and he opined that the Council can not unzone property.

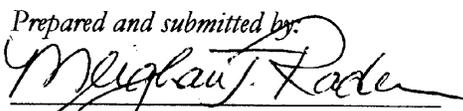
Attorney Boutsis noted that the property is currently E1C (2.5 gross acres per dwelling unit), and the recommendation would be for E1 (1 dwelling unit per acre.) Councilman Tendrich noted that the property is 2.5 acres, not 5 acres.

Following brief discussion, it was determined to leave the zoning as is.

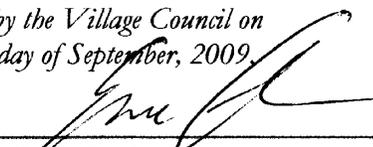
Mayor Flinn called the question. The Council voted to pass the Ordinance, as amended. All in favor.

4. NEXT MEETING AND ADJOURNMENT

The Meeting was officially adjourned at 9:10 pm.

Prepared and submitted by:

Meghan J. Rader, CMC
Village Clerk

*Adopted by the Village Council on
this 14th day of September, 2009.*



Eugene P. Finn, Jr., Mayor

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.