

VILLAGE OF PALMETTO BAY
MINUTES OF THE ZONING HEARING OF MONDAY, DECEMBER 14, 2015
9705 E. HIBISCUS STREET, PALMETTO BAY, FLORIDA

1. **CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE:** Mayor Flinn called the meeting to order at 7:30 pm. He led the pledge of allegiance. The following members of the Village Council were present:

Mayor Eugene Flinn
Vice Mayor John DuBois
Councilwoman Karyn Cunningham
Councilman Tim Schaffer
Councilwoman Larissa Siegel Lara

The following staff members were present:
Village Manager Edward Silva
Village Attorney Dexter Lehtinen
Village Clerk Meighan Alexander
Director of Planning & Zoning Darby Delsalle
Zoning Administrator Travis Kendall

2. **Reading of decorum statement/Swearing in of witnesses:** Attorney Lehtinen swore in those witnesses that wished to be heard.
3. **Approval of Minutes:**
 - a. November 16, 2015 Zoning Hearing: Vice Mayor DuBois moved to approve the Minutes, as presented. Seconded by Councilman Schaffer. All voted in favor. The Minutes were approved unanimously.

4. **Public Hearing Items:**

Item 1: The following item is being considered pursuant to Divisions 30-30.5 and 30-110 of the Village's Land Development Code:

Applicant: Westminster Christian School (VPB-15-007)
Folios: 33-5023-000-0820, 33-5023-000-0830, 33-5023-000-0840
Location: 6855 SW 152 Street, 6755 SW 152 Street, 15000 Ludlum Rd (SW 67 Avenue)
Zoned: Estate Single Family (E-1)
Request: A modification of an approved site plan of an educational facility, as previously granted by Resolution 2013-14, to include an additional five

(5) acres of land at the northwest corner of SW 152 Street and SW 67 Avenue.

The members of the Council provided the following disclosures:

Mayor Flinn stated that he had seen the notice on the property, was familiar with the site, and he did not speak with anyone. He stated that he will remain fair and impartial. Each member of the Council individually stated that each were familiar with the property, did not speak to anyone, and would remain impartial.

Mr. Kendall provided staff report, noting that staff recommends approval.

Attorney Amy Brigham Boulis, representing the applicant, came forward. She stated that the School's Superintendent, Chief Financial Officer, and Architect were present to provide testimony, if needed. She stated that the site plan is compliant with the Code and that the School had hosted a neighborhood meeting to discuss the site plan with concerned residents and the School had not received any objections. She concluded by stating that the construction would be conducted in phases throughout the years.

Mr. Wayne Vensel, Architect, displayed a chart that showed the School's newly acquired property. He further explained the site plan and noted how the current setback would remain as is.

Mayor Flinn opened the public hearing. Mr. Clifford Steele, 6102 Paradise Point Drive, president of the Homeowners' Association of Paradise Point, came forward. Based upon his questions/suggestions, it was explained that no additional students are planned; there is no additional signalization contemplated; and, the School does not have a contractual relationship with the Village to provide police assistance with traffic control, but the Village will continue to be aggressive with traffic calming.

Mayor Flinn closed the public hearing.

Vice Mayor DuBois moved to approve the Resolution and accept the Report prepared by staff. Seconded by Councilwoman Siegel Lara. All voted in favor. The Resolution was unanimously approved (5-0) via roll-call vote.

Item 2: The following item is being considered pursuant to Division 30-30.5, and 30-50.17, of the Village's Land Development Code:

Applicant: South Motor Company of Dade County (VPB-15-012)
Folios: 33-5028-002-0030, 33-5028-002-0070 and 33-5028-002-0080
Location: 16215 South Dixie Highway
9271 SW 164 Street

Zoned: B-2 & Interim
Request: A modification of an approved site plan of an automotive sales facility as previously granted by Resolution 2013-91.

Mayor Flinn, Vice Mayor DuBois, Councilwoman Cunningham, and Councilwoman Siegel Lara individually disclosed that they are familiar with the site, did not have any conversations, saw the posting, and can remain impartial. Councilman Schaffer noted that he had recently purchased a vehicle from South Motors, and that the applicant is a participant in the University of Miami Sports Hall of Fame. He explained that he is a committee member of the Hall of Fame; he will remain impartial.

Mr. Kendall provided staff report. He further advised that staff found the application to be consistent with the Code.

Attorney Simon Ferro, 600 Brickell Avenue, was present for the applicant. He explained the history of the application, noting the application received approval in 2013. He explained that an easement for use as a park by the Village was proffered at that time of the previous approval and remains part of this application. He noted that the applicant is offering the option to the Village to purchase the property for park usage for one dollar, as long as South Motors' property would not be made non-conforming as a result of the purchase. He stated that the applicant is requesting site plan approval a second time because they wish to reduce the Floor Area Ratio (FAR) and the overall size of the facility, including reducing the height of the facility. He noted that the setback was increased to over 200 feet. Attorney Ferro stated that a condition in the Resolution refers to the former site plan and they would like this condition removed. Additionally, he stated that language concerning the new construction phasing should be included in the Resolution. He suggested that the language in the previous resolution concerning a "round-about" is also no longer need, as the applicant is substituting this traffic circle for a \$95,000 contribution to be used by the Village for improvements to the park, in addition to the applicant's commitment to pay \$5,000 annually for maintenance for a period of ten years.

Mr. Jeff Peele, architect, displayed the site plan and compared the modifications from the former site plan to the proposed plan.

Mayor Flinn opened the public hearing. The following individual addressed the Council: Santiago Olaguibel, 17711 SW 93 Avenue, expressing concerns regarding traffic.

Manager Silva stated that he did not believe the applicant intended to close SW 160 Street during any of the construction phases. Attorney Ferro concurred, adding that all staging would be performed on the property. He stated that South Motors is additionally requesting that the park be named after its Founder, Charles Dascal.

Attorney Lehtinen remarked that the matter of naming the park is not on the Agenda for discussion this evening; however, the Council could consider this at a later date.

Mayor Flinn asked if the suggestions that Attorney Ferro mentioned were included in the Resolution. Director Delsalle stated that the new plan is referenced; however, staff could state each condition in the resolution. He added that staff did not object to the modifications and has no objection to including the language for clarity.

Councilman Schaffer moved to include the “global modifications” as stated. Seconded by Councilwoman Siegel Lara.

Attorney Lehtinen clarified that the Resolution would include the following: “it is the intent of this Resolution that the new site plan replace the old site plan, the new phasing replace the old phasing, and the traffic circle is eliminated.” All voted in favor of the modifications/amendments (5-0).

Councilwoman Siegel Lara moved to approve the Resolution, as amended, and to incorporate staff’s report into evidence. Seconded by Councilman Schaffer. The Resolution was approved via roll call vote (5-0.)

The meeting was adjourned at 8:38 pm.

Prepared and submitted by:

Meighan J. Alexander, CMC
Village Clerk

Approved by the Village Council on this _____ day of January, 2016.

Mayor Eugene Flinn

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