

**VILLAGE OF PALMETTO BAY, FLORIDA
MINUTES OF THE MONDAY, NOVEMBER 8, 2004
SPECIAL MEETING OF THE VILLAGE COUNCIL**

DEERING ESTATE VISITOR'S CENTER
16701 SW 72 AVENUE
PALMETTO BAY, FLORIDA

- I. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE:** Mayor Flinn called the meeting to order at 7:00 p.m. The following members of the Village Council were present:

Mayor Eugene P. Flinn, Jr.
Vice Mayor Linda Robinson
Councilmember John Breder
Councilmember Ed Feller
Councilmember Paul Neidhart

The following staff members were present:
Village Manager Charles D. Scurr
Village Attorney Luis Figueredo
Village Clerk Meighan Pier

Mayor Flinn asked William Dunn to lead the pledge of allegiance.

II. PROCLAMATIONS, AWARDS, PRESENTATIONS

- A. Overview of the Southwest Palmetto Bay Charrette Process
B. "The Southwest Palmetto Bay Charrette Report, A Citizen's Vision Plan," September 2004, by Miami-Dade County Department of Planning and Zoning, Community Planning Section, Urban Design Center

Arleen Weintraub, Director of Community Services, provided staff report, explaining the Charrette process.

Maria Crowley, AICP, Section Chief, Community Planning Section, provided a PowerPoint presentation. She noted that, as consultants, they received information from the Charrette Advisory Committee and public input and created the urban design recommendations. She explained that the areas were divided into five sections: Wayside Park District, Island District, Island East District, Perrine Park District, and Franjo Triangle/Mainstreet District. Ms. Crowley briefly described each area.

Mayor Flinn questioned why the boundary for the Charrette extended north of 168 Street.

Ms. Crowley replied that the consultant considered the boundaries that were provided.

Mayor Flinn noted that the prior Council resolutions defined the study area as ending at 168 Street.

Mr. Scurr advised that the Committee felt it was logical to go north to the canal.

Mayor Flinn expressed his concern regarding releasing an area from a covenant in Page 31 of the report. He noted that the Council has previously shown a policy pattern of respecting covenants.

Mr. Scurr noted that the report is only a recommendation and does not change zoning nor release covenants.

Councilman Feller noted that there may be an error on the map, as the southern border of 168 Street is the Hess Gasoline Station.

Ms. Crowley stated that she would revise the map. She reiterated that the report contains recommendations and when the time comes to implement any recommendation, the timing and the degree of each is up to the Council.

Councilman Breder stated that the Council was aware of the expanded area.

Mr. Gabe Bifano, Southwest Palmetto Bay Charrette Advisory Committee Chair, advised that the Committee did not have a discussion with regard to this matter, rather they believed that the community and the Council wished them to consider the expanded area.

III. APPROVAL OF MINUTES: None at this time.

IV. VILLAGE MANAGER'S REPORT: None at this time.

V. VILLAGE ATTORNEY'S REPORT: None at this time.

VI. BOARD AND COMMITTEE REPORTS

- A. Southwest Palmetto Bay Charrette Advisory Committee
On October 27th, 2004, the Committee accepted the Southwest Palmetto Bay Charrette Report amended as follows:
1. Elimination of interior north/south street off S.W. 164 St. to U.S. 1 proposed to cut through car dealership property
 2. Acceptance of Perrine Park area alternative without the street bordering the west side of the park

Mr. Bifano thanked the members of the community for their input. He stated that the Committee was aware of the public's requests and strived to include all the input received. He explained that the report provided is presented as drafted by the Committee.

Ms. Weintraub noted that two amendments were included: first, elimination of interior north/south street off S.W. 164 Street to U.S. 1 proposed to cut through car dealership property; and second, acceptance of the Perrine Park area alternative without the street bordering the west side of the park.

VII. CONSENT AGENDA: None at this time.

VIII. RESOLUTIONS

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACCEPTING "THE SOUTHWEST PALMETTO BAY CHARRETTE REPORT, A CITIZEN'S VISION PLAN," AS ATTACHED, PREPARED SEPTEMBER 2004 BY MIAMI-DADE COUNTY, DEPARTMENT OF PLANNING AND ZONING, COMMUNITY PLANNING SECTION, URBAN DESIGN CENTER, AS AMENDED AND ACCEPTED BY THE SOUTHWEST PALMETTO BAY CHARRETTE ADVISORY COMMITTEE ON OCTOBER 27TH, 2004; SUNSETTING SAID CHARRETTE ADVISORY COMMITTEE; AND, PROVIDING AN EFFECTIVE DATE.

Mayor Flinn asked members of the public who wished to be heard to come forward. He opened a public hearing at 7:48 p.m.

The following individuals addressed the Council: Charles Ness; Jacqueline Prussing, 9341 SW 178 Street; Tucker Cruzan, 17501 SW 92 Avenue; Steve Kreisher; Dee Dee Heacock, Executive Director, Perrine-Cutler Ridge Council; Marcelo Salarzick; Richard Barnett, 8450 SW 174 Street; Joe Ness, 9725 SW 183 Street; Carlton Wolf, 17435 SW 90 Avenue; Ed MacDougall 18320, 18330, 18400 Franjo Road; Mr. and Mrs. Jim Snowden; Sergio Barrera; Howard Tendrich, 16500 SW 74 Avenue; James Woodard; Alex Gonsalvo; Dot _____ (unintelligible), 9777 Wayne Avenue; Phil Horowitz, 16425 SW 89 Avenue; Glenn Lurie, 17501 SW 93 Place; Gabe Bifano, 7371 SW 156 Street; Robert Blake; Warren Lovely, 15323 SW 74 Place; Charles Bauer; Stewart Guthrie, 6960 SW 144 Street; and Eric Tolberg, 7884 SW 179 Terrace.

The public hearing was closed at 8:24 p.m.

Councilman Feller stated that property owners should be aware that their underlying zoning rights remain; Palmetto Bay will not interfere with existing zoning rights, rather the Charrette is long range planning.

Attorney Figueredo concurred, adding that if the property were to be rezoned and down zoned, and if the down zoning constitutes a taking, then the property owner would have to be made whole.

Mayor Flinn opined that the Council should only consider the areas defined by the previous resolution: the triangle and commercial island areas. He noted that current zoning in some areas of the triangle allows for buildings of 20 stories. He stated that the Charrette is the vision we will use to write the land use code and Council should consider setting height not to exceed six stories.

Ms. Weintraub noted that existing zoning can be found on pages 64 and 65 of the report.

Discussion ensued regarding the Miami-Dade County master plan and how the Village can implement its own land use categories.

Vice Mayor Robinson also expressed her concern that the area north of 168 Street was included in the study.

Councilman Breder concurred with Councilman Feller's earlier comment, stating that the Village is required by law to adopt its own Comprehensive Development Master Plan. He stated that the underlying zoning of properties would only be affected when a change is requested and if the change was inconsistent with the Village's plan, the property owner would have to seek staff recommendation and attend a zoning hearing. He stated that commercial development exists on the east side of Franjo and there is room for improvement in the area.

Councilman Neidhart remarked that all of the Village's Charrettes will be incorporated into the Master Plan. He stated that this plan would be a "zoning overlay" and that no one would be required to leave their property if the future zoning was modified. He noted that infrastructure is a problem; however, the General Obligation Bond should help this matter. Councilman Neidhart advised that the plan would not be immediately implemented, rather the market would drive progress.

Vice Mayor Robinson moved that the Charrette be modified to remain within the boundaries defined by the previous resolution and eliminate consideration of the Wayside Park District (east of US-1, north of 168 Street); however, the commercial island area north of 168 Street would be included. Seconded by Councilman Feller. The Motion carried 4-1 (Councilman Breder being the sole opposition).

Discussion ensued regarding height of the building in the commercial island district and whether reduction of the heights would constitute a taking.

Mayor Flinn remarked that he would not support residential mixed use in the area if the height of the properties would not be controlled by the Village.

Ms. Crowley suggested creation of a regulating plan for height where the Village can define how much dedicated space would be included.

Attorney Figueredo concurred, stating the property owners could be offered reasonable incentives.

Mr. Scurr stated that the Council would create the vision and staff would return with the creation of the land development code, wherein details such as lot coverage, limitations, etc., would be provided. Discussion continued concerning the current zoning and possible visions.

Councilman Breder moved to accept the Island District area as drafted. Seconded by Councilman Neidhart. All voted in favor of the previous motion. The Motion carried (5-0).

Councilman Feller moved to accept the Island East District as drafted. Seconded by Councilman Breder. All voted in favor of the previous motion. The Motion carried (5-0).

Discussion ensued regarding the Perrine Park District, east of Franjo.

Councilman Feller stated that Perrine Park would be discussed during the Parks Master Plan discussion. He noted that other areas being discussed include Miami Children's Hospital, the vacant property that may be the future site of a charter school and the bank. He moved to remove the Perrine Park District from the Charrette report. Seconded by Vice Mayor Robinson.

Mr. Scurr explained that if the area was removed from consideration, the area would remain as is for purposes of the comprehensive plan.

Councilman Breder remarked that the elements contained in the report for that area are consistent with public input.

Mayor Flinn called the question. The Motion failed 2-3, with Vice Mayor Robinson, Councilman Breder and Councilman Neidhart being opposed to same.

Councilman Neidhart moved to approve the Perrine Park plan without the street bordering the west side of the park. Seconded by Councilman Breder. All voted in favor (5-0). The Motion carried.

Mr. Scurr provided a brief report with regard to the Franjo Triangle/Main street District. He reported that the Charrette Committee did not forward a recommendation regarding the two alternatives.

Discussion ensued regarding the two alternatives.

Councilman Feller asked the Village Attorney if there was a manner by which the Village could place a time interval on the plan.

Councilman Neidhart remarked that regardless of the alternative chosen, the areas that are residential would remain residential unless someone applies for a zoning change. He stated that he believed any prohibition on development would be excluded under the Burt Harris law.

Attorney Figueredo stated that under alternative 2, the village would have some flexibility for the future, as the village would not be granting rights, property owners would still require zoning changes.

Mayor Flinn remarked that the infrastructure may not be in place for 10 or more years.

Councilman Neidhart concurred, opining that a residential component in the area would be positive.

Discussion ensued regarding the type of properties allowed under residential office mixed use.

Councilman Neidhart moved to approve alternative 2, the mixed use plan – removing apartment buildings. Seconded by Councilman Breder.

Councilman Feller moved to amend to allow no more than 8.5 units per acre. Vice Mayor Robinson seconded the amendment.

Ms. Crowley confirmed that the mixed use plan would be approved, with the residential component of the plan allowing a maximum of 8.5 units.

All voted in favor of the amendment (5-0). All voted in favor of option 2 as amended (5-0). The Motion carried.

Councilman Feller requested that the Council be provided with a final copy of the plan as amended.

Following discussion, Councilman Neidhart moved to remove the “urban edge” from the Perrine Park plan. Seconded by Vice Mayor Robinson. All voted in favor. The Motion carried (5-0).

Mr. Scurr explained that the Charrette plan would be incorporated into the Comprehensive Development Master Plan.

Mayor Flinn asked if the plan is consistent with the Council's policies concerning the opposition to widening the roads and also not to abrogate covenants.

Ms. Weintraub responded affirmatively.

Councilman Feller moved to rename the Charrette report to the Franjo Triangle Commercial Island Charrette. Seconded by Vice Mayor Robinson. The Motion carried (4-1), with Councilman Breder being the sole opposition.

Vice Mayor Robinson moved the proposed Resolution, amended by the name of the Charrette and adding Section 5, directing staff to take action to implement the report. Seconded by Councilman Neidhart. A roll call vote was taken as follows: Mayor Flinn: yes; Vice Mayor Robinson: yes; Councilman Feller: yes; Councilman Neidhart: yes; and Councilman Breder: yes.

- IX. RESOLUTIONS REQUIRING PUBLIC HEARING:** None at this time.
- X. ORDINANCES FOR FIRST READING AND EMERGENCY ORDINANCES:** None at this time.
- XI. ORDINANCES FOR SECOND READING AND PUBLIC HEARING:** None at this time.
- XII. REQUESTS, PETITIONS AND PUBLIC COMMENTS:** None at this time.
- XIII. MAYOR AND COUNCIL COMMENTS:** None at this time.
- XIV. OTHER BUSINESS:** None at this time.
- XV. NEXT MEETING AND ADJOURNMENT:** Meeting was officially adjourned at 10:43 pm.

Prepared and submitted by:

Meighan J. Pier
Village Clerk

Adopted by the Village Council on
this ___ day of January, 2005

Eugene P. Flinn, Jr., Mayor