

VILLAGE OF PALMETTO BAY
Minutes of the Local Planning Agency Meeting of January 6, 2014
Village Hall Chambers
9705 East Hibiscus Street

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

Mayor Shelley Stanczyk
Vice Mayor John DuBois
Council Member Patrick Fiore
Council Member Tim Schaffer
Council Member Joan Lindsay

Staff present:
Village Manager Ron E. Williams
Interim Village Attorney John R. Herin, Jr.
Village Clerk Meighan J. Alexander

Mayor Stanczyk called the meeting to order at 7:05 p.m. She led the pledge of allegiance.

- 2. DECORUM STATEMENT** Clerk Alexander read the following decorum statement: Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the Village of Palmetto Bay Council shall be barred from further audience at this meeting before the Village of Palmetto Bay Council by the presiding officer, unless permission to continue or again address the council be granted by the majority vote of the council members.

Mayor Stanczyk noted that as there were several members of the public present to receive awards this evening, she asked if the Council would consider tabling this meeting in order to recognize the guests present. Councilwoman Lindsay moved to table the meeting. Seconded by Councilman Schaffer. All voted in favor.

The meeting recommenced at 7:15 pm.

3. ORDINANCE FOR SECOND READING/PUBLIC HEARING

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING SECTION 30-30.3, "ADMINISTRATIVE (DE MINIMUS) VARIANCES", TO MODIFY THE ADMINISTRATIVE VARIANCE REVIEW CRITERIA AND PROCEDURES TO BE REFLECTIVE OF PREVAILING COMMUNITY DEVELOPMENT PATTERNS; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. [Sponsored by Council Person Patrick Fiore]

Councilman Schaffer moved this item forward. Seconded by Councilman Fiore.

Planning & Zoning Director Darby Delsalle provided staff report. He explained that he would like Council to incorporate public comments, Council discussion, and staff report into the Regular Council Meeting. He noted there was one modification: page 2, adding at the second criteria, Item (d)(2), at the end of the sentence that ends with the words, "ten percent or two feet", adding the phrase, "whichever is less" to the end of the sentence.

Councilwoman Lindsay remarked that this Ordinance is not a cost neutral policy; as the Village has fees associated with the cost of a variance, including hourly labor. She provided monetary figures that were provided by Director Delsalle in the staff report. She opined that as the Council loosens the restrictions, there shall be more requests, which will increase the cost. She concluded by stating that the fees should be adjusted based upon the actual cost recovery and not pass the cost onto the taxpayers.

Mayor Stanczyk advised that the previous administrative variances applied to residential and single family, but the cost will increase with the addition of multi-family and commercial properties.

Director Delsalle stated that he would have to conduct a new analysis. He explained that the fee schedule was established by a separate ordinance.

Councilwoman Lindsay remarked that while she supported this matter and is not opposed to granting an administrative variance for ten percent or two feet, whichever is the lesser, for height, buffer, separation and lot dimension, the Council must consider that all other requests for lot coverage or floor area ratio shall not exceed 10% of the permitted maximum. She opined that this type of variance can be excessive for an administrative variance on commercial properties.

Mayor Stanczyk concurred, adding that 10% on a multi-story unit also has large potential under this policy.

Councilman Schaffer noted that an administrative variance is not a guarantee; and, if the request is denied by staff, the matter would return to the Council for a hearing.

Director Delsalle noted that the cost for a public hearing on a variance is approximately \$1,255. He advised that for administrative variances, the fees range from approximately \$300 to \$950.

Councilman Schaffer states that he believes it is a cost relief to citizens, rather than the Village losing revenue. He reiterated that the individual's request could be denied by staff and still return to Council.

Director Delsalle advised that staff's analysis reviewed all types of variances and the fee schedule. He noted that staff may have to consider modifications to the fee schedule in the future.

Councilwoman Lindsay asserted that staff's report at Page 21 indicates that the Village's current fee structure does not recoup the actual cost to the village. She asked the percentage for an administrative variance with regard to lot coverage in the past.

Director Delsalle replied that the percentage is 5% currently.

Councilwoman Lindsay moved to modify the lot coverage from 10% to 5%. Seconded by Councilman Schaffer.

Councilman Fiore stated that his original intent was to save taxpayers from having to spend significant money for a simple variance. He asked the percentage for administrative variances prior to 2009. He stated that he believed the percentage was 25%.

Manager Williams stated that he would have staff review and provide an answer.

Mayor Stanczyk called the question. The motion failed (2 to 3, Mayor Stanczyk and Councilwoman Lindsay voting in favor.)

Vice Mayor DuBois asked if the administrative variance process does not have a clear relationship to the cost the Village bears.

Director Delsalle replied that the administrative variance process, as proposed, relates to more properties, as commercial is included; and, therefore, is a broader process and may require a modification to the fees.

Vice Mayor DuBois stated that variances before the Council are more costly, as the Village Attorney's hourly rate must also be considered.

Director Delsalle stated that further analysis would have to be performed.

Mayor Stanczyk asked how staff can determine whether the fee to be charged will be appropriate. Manager Williams noted that the Planning & Zoning Department is a general fund operation and there are functions this Department performs that are not specifically expected to balance revenue and expenditures.

Councilwoman Lindsay stated that the staff report indicates that the fees for variance requests should be based upon cost recovery. She reiterated that increasing the percentage will result in more administrative variances being requested, which, in turn, will increase the cost and put additional burden on the taxpayers.

Manager Williams noted that the Clerk has provided the research concerning the previous percentage. Director Delsalle stated that the County's code prior to the Village adopting its own was 25%.

Following discussion, Attorney Herin advised that the discussion concerning fees relates to a different ordinance; and, advised that the Ordinance on the agenda tonight should be considered, following public hearing.

Mayor Stanczyk opened the public hearing. The following individuals addressed the Council: Steve Kreisher, 18201 SW 98 Avenue; Bev Gerald, 14271 SW 74 Court; Paula Palm, 8895 W 152 Street; and Eric Tullberg, 7884 SW 179 Terrace.

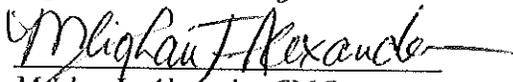
Councilman Schaffer moved to amend the Ordinance, as previously noted, including the words, "whichever is less." Seconded by Vice Mayor DuBois. All voted in favor.

Vice Mayor DuBois moved to approve the Ordinance. Seconded by Councilman Schaffer. Following roll call vote, the matter passed (3-2, Mayor Stanczyk and Councilwoman Lindsay being opposed.)

4. NEXT MEETING AND ADJOURNMENT

The Meeting adjourned at 8:04 pm.

Prepared and submitted by:


Meghan J. Alexander, CMC
Village Clerk

Approved by the Village Council on this 3rd day of February, 2014.


Shelley Stanczyk, 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.