



To: Honorable Mayor and Village Council

Date: May 2, 2016

From: Edward Silva, Village Manager

Re: VMU Land Use – 2nd Reading

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACTING IN ITS CAPACITY AS THE MAYOR AND VILLAGE COUNCIL AND AS THE LOCAL PLANNING AGENCY, AMENDING POLICY 1.1.3 OF THE VILLAGE'S COMPREHENSIVE PLAN LAND USE CATEGORY, "VILLAGE MIXED-USE", TO INCLUDE ALL PERMITTED RESIDENTIAL USES TO BE CLASSIFIED AS MULTIPLE FAMILY, AND TO PROVIDE A NOTATION REGARDING TRANSFER OF DEVELOPMENT RIGHTS CONSISTENT WITH POLICY 1.1.14 OF THE COMPREHENSIVE PLAN; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

UPDATE SINCE FIRST READING:

This item was passed and approved without modification at First Reading on March 7, 2016. The Report and Ordinance stands as it was submitted for First Reading (First Reading Report is attached as Exhibit A). Subsequent to the hearing, the item was transmitted to the State of Florida's Department of Economic Opportunity (DEO) for their required review. The DEO approved the item on April 15, 2016 with two technical comments recommended for incorporation into the Ordinance. The proposed recommended modifications are provided below as reflected by the double underlining and double strikes:

Policy 1.1.3 The Palmetto Bay Village Center ~~is an (approximately 39 acres) has been designated on the FLUM as "Village Mixed Use" land use. The entire 80.0 acre site is~~ located northeast of the intersection of SW 184th Street and Old Cutler Road and is subject to the Master Plan accepted by the Village Council in October 2004.⁵ Approximately 39 acres of that land is designated "Village Mixed Use" which may include the following maximum development potential:

- Multifamily residential, including but not limited to Apartment Building, Rowhouse/Townhouse, and/or Senior Living Facilities Facility— up to 400 300-units
- ~~Multifamily Residential~~— up to 100 units
- Commercial – incidental and supporting uses
- Office – up to 315,000 square feet (including ancillary uses).

- Any increase in commercial square footage or residential units approved by Transfer of Development rights pursuant to applicable Code shall not exceed maximum permitted land use density by more than 25%.

None of the above uses shall create substantial adverse impacts on the Biscayne National Park or Biscayne Bay.

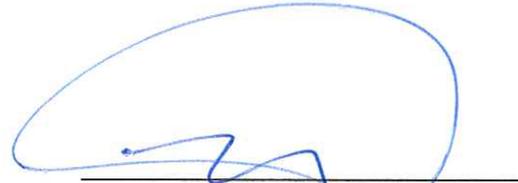
The South Florida Water Management District requested we complete our water facility plan and that plan is currently underway and anticipated to be heard during First Reading at the Regular Council Meeting scheduled for June 6, 2016. No other comments were received. The responses received from Village staff were provided to the commenting agencies and are attached to the “ORC Report”.

RECOMMENDATION:

Approval is recommended.

Attachments:

Exhibit A – (First Reading Report)



Darby Delsalle, AICP
Director of Planning and Zoning

ORC REPORT

Rick Scott
GOVERNOR



Cissy Proctor
EXECUTIVE DIRECTOR

April 15, 2016

The Honorable Eugene Flinn
Mayor, Village of Palmetto Bay
9705 East Hibiscus Street
Palmetto Bay, Florida 33157

Dear Mayor Flinn:

The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for the Village of Palmetto Bay (Amendment No. 16-2ESR), which was received on March 18, 2016. We have reviewed the proposed amendment pursuant to Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comment related to important state resources and facilities within the Department's authorized scope of review that will be adversely impacted by the amendments if adopted.

We are, however, offering two technical assistance comments consistent with Section 163.3168(3), F.S. The Agency's technical assistance comments will not form the basis of a challenge but are offered to strengthen the Village's comprehensive plan and ensure compliance with the provisions of the Community Planning Act.

The amendment proposes revisions to Policy 1.1.3 of the Land Use Element of the Village's comprehensive plan. The first technical assistance comment pertains to the omission of limits on the maximum quantity of development rights that may be transferred into the Village Mixed-Use future land use category as is proposed in the revised policy.

In response, proposed Policy 1.1.3 of the Land Use Element should be revised further to make the policy more meaningful and predictable. As proposed, the policy allows for receiving additional density and intensity transfers within lands designated "Village Mixed-Use." The additional development rights would be transferred from other land uses not designated "Village Mixed-Use." This renders the receiving land use without a measurable maximum density/intensity. One approach would be to limit the overall amount of development rights that could be transferred into the Village Mixed-Use land use category. This limitation may occur within this same policy or be adopted within another appropriate policy of the comprehensive plan.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
866.FLA.2345 | 850.245.7105 | 850.921.3223 Fax
www.floridajobs.org | [www.twitter.com/FLDEO](https://twitter.com/FLDEO) | www.facebook.com/FLDEO

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The second technical assistance pertains to an apparent discrepancy of the acreage of land within Village Mixed-Use future land use category, as described in the proposed revised Policy 1.1.3: one portion of the Policy refers to an area of approximately 39 acres whereas another refers to an 80-acre site.

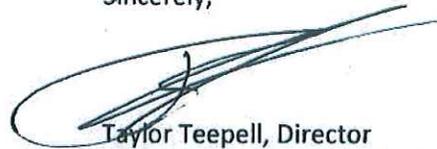
In response, the Village could consider revising Policy 1.1.3 to explain the relationship of the 39-acre Palmetto Bay Village Center to the Village Mixed-Use future land use category, including clarifying the reference to an 80-acre site.

The Village is reminded that pursuant to Section 163.3184(3)(b), F.S., other reviewing agencies have the authority to provide comments directly to the Village. If other reviewing agencies provide comments, we recommend the Village consider appropriate changes to the amendment based on those comments. If unresolved, such comments could form the basis for a challenge to the amendment after adoption.

The Village should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. Also, please note that Section 163.3184(3)(c)1, F.S., provides that if the second public hearing is not held and the amendment adopted within 180 days of your receipt of agency comments, the amendment shall be deemed withdrawn unless extended by agreement with notice to the state land planning agency and any affected party that provided comment on the amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment.

We appreciate the opportunity to work with the Village of Palmetto Bay on planning and sustainable development issues. If you have any questions concerning this review, please contact Adam Antony Biblo, at (850) 717-8503, or by email at Adam.Biblo@deo.myFlorida.com.

Sincerely,



Taylor Teepell, Director
Division of Community Development

TT/aab

Enclosure: Procedures for adoption of comprehensive plan amendments

cc: Darby P. Delsalle, AICP, Director, Palmetto Bay Department of Planning and Zoning
Isabel Cosio Carballo, Executive Director, South Florida Regional Council

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

FOR EXPEDITED STATE REVIEW

Section 163.3184(3), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ State Land Planning Agency identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format.

_____ In the case of future land use map amendments, an adopted future land use map, **in color format**, clearly depicting the parcel, its future land use designation, and its adopted designation.

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

_____ List of additional changes made in the adopted amendment that the State Land Planning Agency did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency in response to the comment letter from the State Land Planning Agency.

Darby Delsalle

From: Ray, Suzanne E. <Suzanne.E.Ray@dep.state.fl.us>
Sent: Thursday, April 14, 2016 1:29 PM
To: Darby Delsalle; DCPexternalagencycomments
Subject: Palmetto Bay 16-2ESR Proposed

To: Darby Delsalle, Director

Re: Palmetto Bay 16-2ESR – Expedited Review of Proposed Comprehensive Plan Amendment

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction.

Feel free to contact me at Suzanne.e.ray@dep.state.fl.us or (850) 717-9037 for assistance or additional information. Please send all amendments, both proposed and adopted, to plan.review@dep.state.fl.us or

Florida Department of Environmental Protection
Office of Intergovernmental Programs, Plan Review
2600 Blair Stone Rd. MS 47
Tallahassee, Florida 32399-2400



Darby Delsalle

From: Darby Delsalle
Sent: Tuesday, April 12, 2016 1:21 PM
To: Darby Delsalle
Subject: FW: Village of Palmetto Bay, DEO #16-2ESR Comments on Proposed Comprehensive Plan Amendment Package

Darby Delsalle, AICP
Director of Planning and Zoning
Village of Palmetto Bay
9705 East Hibiscus Street
Palmetto Bay, Florida 33157
T: 305-259-1234
F: 786-338-7432
www.palmettobay-fl.gov

From: Darby Delsalle
Sent: Tuesday, April 12, 2016 1:20 PM
To: 'Manning, Terese'
Cc: Ray Eubanks (DCPexternalagencycomments@deo.myflorida.com); Isabel Cosio Carballo (isabelc@sfrpc.com); Isabel Moreno; James Stansbury (james.stansbury@deo.myflorida.com); Mark R. Woerner (mwoerner@miamidade.gov); darby.p.delsalle@hotmail.com
Subject: RE: Village of Palmetto Bay, DEO #16-2ESR Comments on Proposed Comprehensive Plan Amendment Package

Dear Ms. Manning,

Thank you for your response. The Village is moving forward with the Water Facility Element. The item is expected to go to first reading either May 2nd or June 11th. We will transmit that amendment as soon as that hearing is complete. Once again thank you.

Darby Delsalle, AICP
Director of Planning and Zoning
Village of Palmetto Bay
9705 East Hibiscus Street
Palmetto Bay, Florida 33157
T: 305-259-1234
F: 786-338-7432
www.palmettobay-fl.gov

From: Manning, Terese [<mailto:tmanning@sfwmd.gov>]
Sent: Monday, April 11, 2016 2:55 PM
To: Darby Delsalle
Cc: Ray Eubanks (DCPexternalagencycomments@deo.myflorida.com); Isabel Cosio Carballo (isabelc@sfrpc.com); Isabel Moreno; James Stansbury (james.stansbury@deo.myflorida.com); Mark R. Woerner (mwoerner@miamidade.gov)
Subject: Village of Palmetto Bay, DEO #16-2ESR Comments on Proposed Comprehensive Plan Amendment Package

Dear Mr. Delsalle:

The South Florida Water Management District (District) has completed its review of the proposed amendment package from Village of Palmetto Bay (Village). The amendment package would revise two Future Land Use Element policies related to the Village Center area. There appear to be no regionally significant water resource issues; however, the District offers the following technical guidance regarding Regional Water Supply Planning:

- The Village is required to revise its Water Supply Facilities Work Plan (Work Plan) within 18 months after approval of the Lower East Coast (LEC) Water Supply Plan Update by the District Governing Board. The District's Governing Board approved the LEC Water Supply Plan Update on September 12, 2013. Therefore, the Village's Work Plan was to be adopted by March 12, 2015. The Village will need to include updated water demand and population projections for the identified planning period. The development anticipated to be included in the Franjo Activity Center area should also be included in the Work Plan. The Work Plan must also identify any water supply projects needed to meet projected water demands. Further information on updating Work Plans is available at: www.sfwmd.gov/work_plan_support.

The District offers its technical assistance to the Village and the Department of Economic Opportunity in developing sound, sustainable solutions to meet the Village's future water supply needs and to protect the region's water resources. Please forward a copy of the adopted amendments to the District at the address below. Please contact me if you need assistance or additional information.

Sincerely,

Terry Manning, Policy and Planning Analyst
South Florida Water Management District
Water Supply Implementation Unit
3301 Gun Club Road, MSC 4222
West Palm Beach, FL 33406
Phone: 561-682-6779
Fax: 561-681-6264
E-Mail: tmanning@sfwmd.gov

We value your opinion. Please take a few minutes to share your comments on the service you received from the District by clicking on this [link](#).

Darby Delsalle

From: Edward Silva
Sent: Tuesday, April 05, 2016 3:26 PM
To: Darby Delsalle
Subject: FW: SFRC Meeting April 4,2016 Agenda #III.D Adoptd/Propsd SLPA#: Broward County 16-4ESR; Monroe County 15-01ACSC; Hialeah 15-5ER; Islamorada 16-2ACSC; North Bay Village 16-1ESR; Palmetto Bay 16-2ESR; Hialeah Gardens 15-1ER
Attachments: AGENDA - COUNCIL _2_.pdf; AgendaApr16_IIID.pdf; AgendaApr16_IIID (Addendum).pdf

Respectfully,

Edward Silva
Village Manager
Village of Palmetto Bay
305-259-1234


Florida has very broad public records laws. Most written communications to or from local officials regarding official business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

From: Kathe Lerch [mailto:klerch@sfrpc.com]
Sent: Monday, April 04, 2016 1:46 PM
To: Kathe Lerch; cleonkreps@nbvillage.com; alex@belldavid.com; adeleon@nbvillage.com; Eugene Flinn; Darby Delsalle; Ron Williams; deb.gillis@islamorada.fl.us; maria.aguilar@islamorada.fl.us; cheryl.cioffari@islamorada.fl.us; luisgonzalez@hialeahfl.gov; dstorch@hialeahfl.gov; jmartinez@hialeahfl.gov; boccdis3@monroecounty-fl.gov; dlove@ksfla.com; hurley-christine@monroecounty-fl.gov; mkiar@broward.org; dvonstetina@broward.org; bblakeboy@broward.org; cchambers@broward.org; JSESODIA@broward.org; mfeliciano@broward.org; ydelacruz@cityofhialeahgardens.com; mgonzalez@cityofhialeahgardens.com; jerry@belldavid.com
Cc: 'lawrence.venture@homestead.af.mil'; 'tmanning@sfwmd.gov'; 'Lois.bush@dot.state.fl.us'; 'tracy.suber@fldoe.org'; 'FWCConservationPlanningServices@myfwc.com'; 'gerry.oreilly@dot.state.fl.us'; 'Deena.Woodward@DOS.MyFlorida.com'; 'compplans@freshfromflorida.com'; Biblo, Adam A; 'DCPexternalagencycomments@deo.myflorida.com'
Subject: SFRC Meeting April 4,2016 Agenda #III.D Adoptd/Propsd SLPA#: Broward County 16-4ESR; Monroe County 15-01ACSC; Hialeah 15-5ER; Islamorada 16-2ACSC; North Bay Village 16-1ESR; Palmetto Bay 16-2ESR; Hialeah Gardens 15-1ER



At the April 4, 2016 Council Meeting, the South Florida Regional Council approved the attached reports, finding the proposed and adopted amendments to be generally consistent with the *Strategic Regional Policy Plan* for South Florida.

Should you have any questions, contact Isabel Cosio Carballo, Executive Director, at (954) 985-4416 or isabelc@sfrpc.com.

Broward County SFRC Agenda #III.D, SLPA #16-4ESR;

Mayor CC

*Martin David Kiar Barbara Blake Boy/Cynthia Chambers/Deanne D. Von Stetina/
Jo Sesodia/ Maribel Feliciano*

mkiar@broward.org; dvonstetina@broward.org; bblakeboy@broward.org; cchambers@broward.org; JSESODIA@broward.org; mfeliciano@broward.org;

Monroe County SFRC Agenda #III.D, #15-1ACSC;

Mayor CC

Heather Carruthers Christine Hurley/ Debbie Love

boccds3@monroecounty-fl.gov; dlove@ksfla.com; hurley-christine@monroecounty-fl.gov;

City of Hialeah SFRC Agenda #III.D, SLPA #15-5ER;

Mayor CC

Carlos Hernandez Deborah Storch/Jonathan Martinez

luisgonzalez@hialeahfl.gov; dstorch@hialeahfl.gov; jmartinez@hialeahfl.gov;

Islamorada, Village of Islands SFRC Agenda #III.D SLPA #16-2ACSC;

Mayor CC

Deb Gillis Maria Aguilar/Cheryl Cioffari

deb.gillis@islamorada.fl.us; maria.aguilar@islamorada.fl.us; cheryl.cioffari@islamorada.fl.us;

North Bay Village SFRC Agenda #III.D, SLPA #16-1ESR;

Mayor CC

Connie Leon-Kreps Alex A. David/Ana Deleon

cleonkreps@nbvillage.com; alex@belldavid.com; adeleon@nbvillage.com;

Village of Palmetto Bay SFRC Agenda #III.D SLPA #16-2ESR;

Mayor CC

Eugene Flinn Darby Delsalle/Ron Williams

eflinn@palmettobay-fl.gov; ddelsalle@palmettobay-fl.gov; rwilliams@palmettobay-fl.gov;

City of Hialeah Gardens SFRC Agenda #III.C, SLPA #15-1ER;

Mayor CC

Yioset De La Cruz Mirtha Gonzalez/Jerry Bell

ydelacruz@cityofhialeahgardens.com; mgonzalez@cityofhialeahgardens.com; jerry@belldavid.com;

Kathe Lerch

Administrative Assistant

South Florida Regional Council

3440 Hollywood Blvd., Suite 140

Hollywood, FL 33021

954-985-4416



MEMORANDUM

AGENDA ITEM #III.D

DATE: APRIL 4, 2016

TO: COUNCIL MEMBERS

FROM: STAFF

SUBJECT: LOCAL GOVERNMENT COMPREHENSIVE PLAN PROPOSED AND ADOPTED AMENDMENT
CONSENT AGENDA

Pursuant to Section 163.3184, Florida Statutes, Council review of amendments to local government comprehensive plans is limited to 1) adverse effects on regional resources and facilities identified in the *Strategic Regional Policy Plan for South Florida (SRPP)* and 2) extra-jurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the Region.

A written report containing an evaluation of these impacts, pursuant to Section 163.3184, Florida Statutes, is to be provided to the local government and the State Land Planning Agency within 30 calendar days of receipt of the amendment.

Council staff has not identified adverse effects to regional resources and facilities or extra-jurisdictional impacts that would result from the following map and text amendments.

Local Government and Plan Amendment Number	Proposed	Adopted	Council Review Date	Local Government Transmittal or Adoption Public Hearing and Meeting	Governing Body Adoption Vote
Broward County 16-4ESR (received 03-11-16)	√	N/A	04/02/2016	03/08/2016	9-0

The proposed Broward County Land Use Plan (BCLUP) text amendment (PCT 16-2) seeks to address future housing demand and enhance the mixed-use, urban character of the "Pembroke Pines Local Activity Center (LAC) by adding 476 dwelling units and 60,000 square feet of commercial uses. The LAC is generally bound on the north by Pines Boulevard, on the east by Palm Avenue and on the south by Washington Street. These additional uses complement existing uses in the City and will help meet growing demand for housing.



South Florida Regional Council
 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021
 954.985.4416 Phone, 954.985-4417 FAX
www.sfregionalcouncil.org

Local Government and Plan Amendment Number	Proposed	Adopted	Council Review Date	Local Government Transmittal or Adoption Public Hearing and Meeting	Governing Body Adoption Vote
Monroe County 15-1ACSC (received 03-09-16)	N/A	√	04/02/2016	12/10/2014	5-0
The adopted resolution amends the Future Land Use Map (FLUM) for four specific parcels of land from Industrial to Commercial and from Mixed Use/Commercial Fishing and Industrial to Mixed Use/Commercial. This amendment provides limitations on development and specific restrictions and incorporates the recommendations of the ORC report. A Comprehensive Plan text amendment will establish a subarea policy for the Big Coppitt portion of the property, restricting any residential use on the subject property to only affordable housing.					
City of Hialeah 15-5ER (received 03-09-16)	N/A	√	04/04/2016	09/22/2015	7-0
The City of Hialeah has adopted a text amendment to its Comprehensive Plan, to include a new Health Element. This Element incorporates public health considerations and provides for a well-planned, livable and safe urban environment therefore improving the welfare of residents of the City of Hialeah. The adopted text amendment includes an updated capital improvement schedule as recommended by DEO.					
Islamorada, Village of Islands 16-2ACSC (received 03-03-16)	√	N/A	04/04/2016	02/25/2016	4-1
The proposed amendment seeks to amend the Village's Future Land Use Map from Residential Conservation to Residential Low for property located at 100 Sapodilla Drive on Lower Matecumbe Key. RC allows one dwelling unit per four acres and RL allows one dwelling units per two acres. The Florida Department of Economic Opportunity (DEO) has expressed concern about the change in designation because the amendment does not include relevant data and analysis demonstrating need or address the approximately 288 allocations remaining under building permit system or the 1000 plus vacant lots. DEO recommends the amendment be revised to include a site specific Future Land Use Map Change (FLUM) that limits the development to the number of ROGO exempt units that are being considered for transfer. Council staff is available to assist with the recommended changes.					
North Bay Village 16-1ESR (received 03-09-16)	√	N/A	04/04/2016	02/23/2016	5-0
This proposed amendment amends the Comprehensive Plan Elements, Future Land Use Map and updates the Water Supply Facilities Work Plan. These text amendments will be used in the creation of an economic redevelopment strategy for the expansion of businesses in the Village. Future Land Use Map					

Amendments are included.

Local Government and Plan Amendment Number	Proposed	Adopted	Council Review Date	Local Government Transmittal or Adoption Public Hearing and Meeting	Governing Body Adoption Vote
Village of Palmetto Bay 16-2ESR (received 03-18-16)	√	N/A	04/04/2016	03/07/2016	*TBP

The proposed text amendment seeks to change the Village of Palmetto Bay's Comprehensive Plan's Future Land Category Village's Mixed Use (VMU) designation. The VMU designation would classify all permitted residential uses as multifamily and make land properties eligible for transfer of development rights in order to conserve natural areas.

*TBP – To Be Provided

Recommendation

Find the proposed and adopted plan amendments from the local governments listed in the table above generally consistent with the *Strategic Regional Policy Plan for South Florida*.

Approve this report for transmittal to the local governments with a copy to the State Land Planning Agency.

The adopted resolutions amended changes to the Future Land Use Map from Residential Low to Mixed-Used/Commercial and from Industrial to Commercial for 4 parcels in Rockland Key.



Florida Department of Transportation

RICK SCOTT
GOVERNOR

1000 NW 111 Avenue
Miami, FL 33172

JIM BOXOLD
SECRETARY

March 28, 2016

Darby P.Delsalle, AICP
Planning and Zoning Director
Village of Palmetto Bay
9705 East Hibiscus Street
Palmetto Bay, FL 33157

**Subject: Comments for the Village of Palmetto Bay Village Mixed-Use
Amendment to the Comprehensive Plan #16-2ESR**

Dear Mr. Delsalle:

The Florida Department of Transportation, District Six, completed a review of the proposed amendment to the City's Comprehensive Plan regarding the Village Mixed-Use land use designation. The District reviewed the amendment package per Chapter 163 Florida Statutes and found the proposed amendment would not significantly impact transportation resources and facilities of state importance.

Please contact me at 305-470-5445 if you have any questions concerning our response.

Sincerely,

Kenneth Jeffries
Transportation Planner

**Cc: Harold Desdunes, P.E., Florida Department of Transportation, District 6
Dat Huynh, P.E., Florida Department of Transportation, District 6
Lisa Colmenares, AICP, Florida Department of Transportation, District 6
Ray Eubanks, Department of Economic Opportunity**

Rick Scott
GOVERNOR



Cissy Proctor
EXECUTIVE DIRECTOR

March 18, 2016

Mr. Darby F. Delsalle, Director
Village of Palmetto Bay Department of
Planning and Zoning
9705 East Hibiscus Street
Palmetto Bay, Florida 33157

Dear Mr. Delsalle:

Thank you for submitting the City of Palmetto Bay's proposed comprehensive plan amendments submitted for our review pursuant to the Expedited State Review process. The reference number for this amendment package is **Palmetto Bay 16-2ESR**.

The proposed submission package will be reviewed pursuant to Section 163.3184(3), Florida Statutes. Once the review is underway, you may be asked to provide additional supporting documentation by the review team to ensure a thorough review. You will receive the State Land Planning Agency's Comment Letter no later than **April 17, 2016**.

If you have any questions please contact Anita Franklin, Senior Plan Processor at (850) 717-8486 or James Stansbury, Regional Planning Administrator, whom will be overseeing the review of the amendments, at (850) 717-8512.

Sincerely,

D. Ray Eubanks, Administrator
Plan Review and Processing

DRE/af

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
866.FLA.2345 | 850.245.7105 | 850.921.3223 Fax
www.floridajobs.org | www.twitter.com/FLDEO | www.facebook.com/FLDEO

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Rick Scott
GOVERNOR



Cissy Proctor
EXECUTIVE DIRECTOR

M E M O R A N D U M

TO: Suzanne Ray, DEP
Deena Woodward, DOS
Tracy Suber, DOE
Terry Manning, South Florida WMD
Isabel Cosio Carballo, South Florida RPC
Ken Jeffries, FDOT6
Miami-Dade County

DATE: March 17, 2016

SUBJECT: EXPEDITED STATE REVIEW PROCESS

COMMENTS FOR PROPOSED COMPREHENSIVE PLAN AMENDMENT

LOCAL GOVERNMENT/ STATE LAND PLANNING AGENCY AMENDMENT #:

Palmetto Bay 16-2ESR

STATE LAND PLANNING AGENCY CONTACT PERSON/PHONE NUMBER:

James Stansbury/850-717-8512

The referenced proposed comprehensive plan amendment is being reviewed pursuant the Expedited State Review Process according to the provisions of Section 163.3184(3), Florida Statutes. Please review the proposed documents for consistency with applicable provisions of Chapter 163, Florida Statutes.

Please note that your comments must be sent directly to and received by the above referenced local government within 30 days of receipt of the proposed amendment package. A copy of any comments shall be sent directly to the local government and ALSO to the State Land Planning Agency to the attention of Ray Eubanks, Administrator, Plan Review and Processing at the Department E-mail address: DCPexternalagencycomments@deo.myflorida.com

Please use the above referenced State Land Planning Agency AMENDMENT NUMBER on all correspondence related to this amendment.

Note: Review Agencies - The local government has indicated that they have mailed the proposed amendment *directly to your agency*. See attached transmittal letter. *Be sure to contact the local government if you have not received the amendment*. Also, letter to the local government from State Land Planning Agency acknowledging receipt of amendment is attached.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
866.FLA.2345 | 850.245.7105 | 850.921.3223 Fax
www.floridajobs.org | www.twitter.com/FLDEO | www.facebook.com/FLDEO

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VILLAGE OF PALMETTO BAY

RECEIVED
Bureau of Community Planning

MAR 18 2016

Div. of Community Development
Dept. of Economic Opportunity

March 15, 2016

D. Ray Eubanks
Florida Department of Economic Opportunity
Division of Community Planning
The Caldwell Building
107 E Madison Street
Tallahassee, FL 32399-4120

Re: Future Land Element Amendment Modifying Permitted Residential Uses.

Mr. Eubanks:

Pursuant to Florida Statute 163.3184, please find enclosed the proposed amendment to the Village of Palmetto Bay's Comprehensive Plan's Future Land Element as it relates to Village Mixed Use designation. The amendment is pursued at the Village's initiative as part of a broader initiative which seeks to conserve certain natural areas. The submittal was approved upon first reading of the Village Council on March 7, 2016. The proposed amendment is subject to the expedited state review process. Copies of the amendment and supporting report have been forwarded to South Florida Regional Planning Council, Florida Department of Transportation, South Florida Water Management District, Florida Department of Environmental Protection, Florida Department of State, Florida Department of Education, Miami-Dade County Public Schools, and those municipal jurisdictions adjacent to the Village of Palmetto Bay (Town of Cutler Bay, Village of Pinecrest, Coral Gables and Miami-Dade County).

If you have any questions, please feel free to contact me.

Sincerely,

Darby P. Delsalle, AICP, Director
Department of Planning and Zoning

James F. Murley
Executive Director
South Florida Regional Planning Council
3440 Hollywood Boulevard, Suite 140
Hollywood, FL 33021

Kenneth Jeffries
Transportation Planner
Intermodal Systems Development
Florida Department of Transportation, District 6
Adam Leigh Cann Building
1000 NW 111th Avenue, Room 6111-A
Miami, Florida 33172

Armando L. Vilaboy
South Florida Water Management District
Intergovernmental Representative
9001 NW 58th Street
Miami, FL 33178

Kathryn Lyon
Town of Cutler Bay
Community Development
10720 Caribbean Blvd., Suite 110
Cutler Bay, Florida 33189

Stephen Olmsted
Village of Pinecrest
Building & Planning Department
12645 Pinecrest Parkway
Pinecrest, Florida 33156

Ramon Trias
City of Coral Gables
Planning and Zoning Division
427 Biltmore Way, Suite 201
Coral Gables, FL 33134

Eric Silva
Miami-Dade County
Development Services Division
Stephen P. Clark Center
111 NW 1st Street, 11th floor
Miami, Florida 33128

9705 East Hibiscus Street, Palmetto Bay, FL 33157
Tel: (305) 259-1234 ♦ www.palmettobay-fl.gov

Florida Department of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399

Florida Department of Education
Office of the Commissioner
Turlington Building, Suite 1514
325 West Gains Street
Tallahassee, Florida 32399

Florida Department of Environmental Protection
3900 Commonwealth Boulevard M.S. 47
Tallahassee, Florida 32399

Ivan Rodriguez
Miami-Dade County Public Schools
1450 NE 2nd Avenue, Room 525
33132



FLORIDA
DEPARTMENT of
ECONOMIC
OPPORTUNITY

The Caldwell Building | 107 E. Madison Street | Tallahassee, Florida 32399

Mr. Darby F. Delsalle, Director
Village of Palmetto Bay Department of
Planning and Zoning
9705 East Hibiscus Street
Palmetto Bay, Florida 33157

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VILLAGE OF PALMETTO BAY

March 15, 2016

D. Ray Eubanks
Florida Department of Economic Opportunity
Division of Community Planning
The Caldwell Building
107 E Madison Street
Tallahassee, FL 32399-4120

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If you have any questions, please feel free to contact me.

Sincerely,

Darby P. Delsalle, AICP, Director
Department of Planning and Zoning

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3900 Commonwealth Boulevard M.S. 47
Tallahassee, Florida 32399

Ivan Rodriquez
Miami-Dade County Public Schools
1450 NE 2nd Avenue, Room 525
33132

PROPOSED
ORDINANCE



Village of Palmetto Bay

To: Mayor and Village Council

Date: March 7, 2016

From: Edward Silva, Village Manager

Re: VMU Land Use
First Reading

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACTING IN ITS CAPACITY AS THE MAYOR AND VILLAGE COUNCIL AND AS THE LOCAL PLANNING AGENCY, AMENDING POLICY 1.1.3 OF THE VILLAGE'S COMPREHENSIVE PLAN LAND USE CATEGORY, "VILLAGE MIXED-USE", TO INCLUDE ALL PERMITTED RESIDENTIAL USES TO BE CLASSIFIED AS MULTIPLE FAMILY, AND TO PROVIDE A NOTATION REGARDING TRANSFER OF DEVELOPMENT RIGHTS CONSISTENT WITH POLICY 1.1.14 OF THE COMPREHENSIVE PLAN; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

BACKGROUND

The specific lands subject to this request are those located on the property commonly known as the "Village Center" and bear the land use designation of Village Mixed-Use (VMU). This particular request, however, is part of larger initiative by the Village of Palmetto Bay to secure certain surplus lands within the larger Village Center site that would serve to expand park lands within the Village of Palmetto Bay, preserve unique pineland and wetland resources, secure permanent parking facilities for the Village's adjacent library, and provide a site for a future fire station in the southeast quadrant of the Village. As part of the property owner's request to transfer the development rights (TDR) of 22± acres of land adjacent to Old Cutler Road, the Village will receive 40± acres of land that will serve the objectives identified above. To achieve that aim, the Village of Palmetto Bay is requesting a modification to the VMU land use provisions which would have the effect of classifying all of the permitted residential uses on the VMU portion of the property as "Multifamily", and ensure that the property is eligible to participate in the TDR program.

COMPREHENSIVE PLAN AMENDMENTS – PROCEDURALLY

This request is part of a companion ordinance that also modifies the under lying zoning provision of the same name, and a Resolution which authorizes the TDR of 85 units onto the VMU site. This amendment includes a change to the list of permitted units on lands that

exceed 10 acres and is therefore considered a large-scale request. As such, and consistent with the Village's Code requirements and state law, public hearings must be held for both first and second reading of the proposed ordinance. At the first public hearing, the Village Council shall take action to deny or approve the proposed ordinances, or approve it with modifications or conditions for purposes of transmittal to Florida Department of Economic Opportunity (DEO) Pursuant to Section 163.3161, Florida Statutes. If denied by the DEO, the Village may resubmit the application as provided under Section 30-30.2, of the Village's Code. If approved for purposes of transmittal, the Village shall thereafter provide the necessary administrative support for the DEO's review process required under Section 163.3161, et seq., Florida Statutes, and the Village's ordinance would go into effect upon adoption at the second public hearing. The TDR resolution is to be presented at the same meeting the two ordinances are to be heard for first reading. Staff recommends tabling this item so that it may be considered in tandem with the two ordinances. However, staff recommends the Village first act on the TDR resolution item prior to rendering a final decision on both ordinances.

ANALYSIS

The following is a review of the request pursuant to the Village's Comprehensive Amendment criteria found at Section 30-30.8(b) of the Land Development Code. The Background Section of this report is hereby incorporated by reference into this analysis.

Criteria (1) Whether the proposal is internally consistent with the Comprehensive Plan, including the adopted infrastructure minimum levels of service standards and the concurrency management program.

Analysis: The following Goals, Objectives and Policies (GOP) were identified as relating to this request. Each GOP is provided with a brief analysis. A final finding is provided at the end of this criterion.

Goal 1: To guide the Village of Palmetto Bay from birth to early maturity as an outstanding and truly livable community in southeast Florida by building on, and improving, the existing land use blueprint through visionary planning and place-making, cost efficient provision of high quality facilities and services, quality neighborhood protection, and enhancement of its unique and beautiful coastal environmental resources.

Analysis: See Background Section of this report. This request is part of a larger initiative that seeks to secure certain surplus lands within the larger Village Center site that would serve to expand park lands within the Village of Palmetto Bay, preserve unique pineland and wetland resources, secure permanent parking facilities for the Village's adjacent library, and provide a site for a future fire station in the southeast quadrant of the Village. By securing the surplus land at the Village Center, these objectives become achievable.

Policy 1.1.8 Discourage land use patterns indicative of urban sprawl in the FLUM and any amendment applications by dictating compact development, mixed use where appropriate, and efficient use of public facility capacity and resources, while protecting single-family neighborhoods.

Analysis: See Goal 1 above and the Background Section of this report. The proposed amendment removes any development potential from the front 22± acres of the larger Village Center property that fronts Old Cutler Road. Further, this application, taken in the context of the broader initiative, provides for increased parkland, environmental protection, and the need to find a location for a fire rescue facility in the southeast quadrant of the Village.

Policy 1.5.4 Protect and enhance the lush flora and fauna of the Village through strong community landscaping guidelines, land development regulations, and code enforcement.

Analysis: See Goal 1 above and the Background Section of this report. This application is part of a broader initiative which seeks to add park land to the Village thus having the effect of protecting the lush flora and fauna of the Village. As part of a separate application, the Village will acquire over 40 acres of land, much of which is still in its original natural state.

Policy 1.7.9 Existing mature vegetation and distinctive trees should be retained and protected in developments.

Analysis: See Policy 1.5.4 above.

Policy 2A.1.1 The Village of Palmetto Bay recognizes the Urban Development Boundary (UDB) designated by Miami-Dade County and the Urban Infill Area UIA¹ within its municipal limits. Pursuant thereto, the minimum acceptable peak-period LOS for all State and County roads within the UDB shall be the following:

1. All development applications within the Urban Infill Area Transportation Concurrency Exception Area are exempt from transportation concurrency requirements; however the following level of service thresholds are established for reviewing projects within the UIA TCEA: (1) Where no public mass transit service exists, roadways shall operate at or above Level of Service E (100% of capacity), (2) Where mass transit service having headways of 20 minutes or less is provided within a half-mile distance, roadways shall operate at Level of Service of 120% of capacity (3) Where extraordinary transit service, such as express bus

¹ The UIA is defined as that area east and south of the State Road 826 (the Palmetto expressway) and 77th Avenue (including those portions of theoretical SW 77 Avenue.

service exists, parallel roadways within a half-mile shall operate at no greater than 150% of their capacity; and

Analysis: See Background Section of this report. The proposed amendment does not increase density above that already permitted within the Land Use Element of the Village's Comprehensive Plan.

- Obj. 4A.1.1:** The adopted level-of-service standard established by the Miami-Dade County Water and Sewer Department (WASD), for potable water service within the Village of Palmetto Bay is:
- a. Regional Treatment. System shall operate with a rated capacity that is no less than 2% above the maximum daily flow for preceding year.
 - b. User LOS. Maintain capacity to produce and deliver 200 gallons, per capita, per day.
 - c. Water Quality. Meet all Federal, State and County primary potable water standards.
 - d. Countywide Storage. Storage capacity for finished water shall equal no less than 15% of countywide average daily demand.

Analysis: Please see Policy 2A.1.1 above.

Policy 4B.1.1: The adopted level-of-service standard established by the Miami-Dade County Water and Sewer Department (WASD) for sanitary sewer service within the Village of Palmetto Bay is 100 gallons, per capita, per day.

Analysis: Please see Policy 2A.1.1 above.

Policy 4B.2.1: Encourage future development into areas that are already served, or programmed to be served, by Miami-Dade County WASD sanitary sewer facilities.

Analysis: The property is served by a sanitary sewer gravity line.

- Policy 4C.1.1** The storm water management LOS standards for Village of Palmetto Bay are: Water Quality Standard. Stormwater facilities shall be designed to meet the design and performance standards established in Ch. 62-302.500 and 25.025, F.A.C., with treatment of first one (1) inch of rainfall runoff Water Quality Standard. Where two or more standards impact a specific development, the most restrictive standard shall apply:
- a. Post development runoff shall not exceed the pre-development runoff rate for a 25-year storm event, up to and including an event with a 24-hour duration.
 - b. Treatment of the runoff from the first one (1) inch of rainfall onsite or the first 0.5 inch of runoff; whichever is greater.

Analysis: Please see Policy 2A.1.1 above. This element is reflective of improvements that would need to be performed at the time the property is the subject of a development order request. As such, any future development of the property will require full compliance with this element at the time of site plan review or permitting.

Policy 4D.1.1 The adopted level-of-service standards maintained by the Miami-Dade County Department of Solid Waste Management for solid waste services within the Village of Palmetto Bay is 9.9 pound, per capita, per day and to maintain solid waste disposal capacity sufficient to accommodate waste flows committed to the system through long-term interlocal agreements or contracts along with anticipated non-committed waste flows for a period of five (5) years in accordance with Miami-Dade County's Comprehensive Development Master Plan.

Analysis: Please see Policy 2A.1.1 above. The Village of Palmetto Bay generates approximately 41,000 tons of solid waste annually which equals a rate of approximately 9.3 pounds, per-capita, per day. This accounts for only approximately 1.5% of total waste generated. As of 2003, the South Dade Landfill has a capacity of 9.148 million tons with a life expectancy through 2032. Actual impact to LOS of any site plan shall occur at site plan review or building permitting.

Objective 6.5 Protection of Natural Resources

Conserve and protect the remaining natural systems of the Village of Palmetto Bay, in recognition of the inherent values of these areas left in their natural state.

Analysis: See Goal 1 and Policy 1.5.4 above, and Background Section of this report.

Policy 6.5.8 Existing mature vegetation and distinctive trees should be retained and protected in developments that homes are shaded from direct sunlight, which then reduces the energy demand from air conditioning units and other appliances. This also contributes to a reduction in the area's carbon footprint since less energy is used to keep the houses cool in the development.

Analysis: See Goal 1 and Policy 1.5.4 above, and Background Section of this report.

Policy 6.7.6 Existing mature vegetation and distinctive trees should be retained and protected in developments.

Analysis: See Goal 1 and Policy 1.5.4 above, and Background Section of this report.

Policy 7.1.2 Through the maintenance and expansion of existing park facilities and the acquisition and/or development of new parks and open space, achieve a Level of Service (LOS) Standard of 5.0 acres by 2025.

Analysis: See Goal 1 and Policy 1.5.4 above, and Background Section of this report. This request is part of a larger initiative that will result in adding approximately 40± acres of parkland to the Village.

Objective 10.1 Work with Miami-Dade County Public Schools towards the Reduction of the overcrowding which currently exists in Miami-Dade County Public Schools, while striving to attain an optimum level of service pursuant to Objective 2. Provide additional solutions to overcrowding so that countywide enrollment in Miami-Dade County's public schools will meet state requirements for class size by September 1, 2010.

Analysis: Please see Policy 2A.1.1 above and the Background Section of this report. The application does not increase density above that already permitted by the current land use designation. Actual school concurrency will be measured at the time of site plan application is made for residential units.

Policy 11.1.1 The adopted level-of-service standard established by WASD for potable water service within the Village:

- a. Regional Treatment. System shall operate with rated capacity that is no less than two (2) percent above the maximum daily flow for preceding year.
- b. User LOS. Maintain capacity to produce and deliver 155 gallons/per capita/per day.
- c. Water Quality. Meet all federal, state, and county primary potable water standards.
- d. Countywide Storage. Storage capacity for finished water shall equal no less than 15 percent of countywide average daily demand.

Analysis: Please see Policy 2A.1.1 above and the Background Section of this report. The property is connected to Miami-Dade County water via a 6 inch line. As of 2002, the County wide water system had a maximum capacity of 454.8 million gallons per day (MGD) with peak water demand reported at 391.3 MGD. Of that capacity, The Village of Palmetto Bay draws approximately 3.69 MGD (based upon a population of approximately 24,000 residents) or just less than one percent (.0087) of available capacity. At that rate, per capita daily consumption is 153 gallons. At an average household size of 3.01, maximum potential number of residents resulting from the proposed amendments is 123.41

(2 units per acre x 20.5 acres = 41 homes). Given the relatively small size of the development, it is unlikely the addition of the residents will result in exceeding two (2) percent of maximum flow.

Finding: Conditionally consistent provided the 40± acres of surplus land within the Village Center's larger property is deeded to the Village of Palmetto Bay.

Criteria (2) Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing Comprehensive Plan, and whether the changes support or work against the proposed amendment.

Analysis: This request, taken in the context of the larger initiative identified in the Background Section of this report, provides the Village of Palmetto Bay the opportunity to expand the amount of park lands within its jurisdiction, preserve unique pineland and wetland resources, secure permanent parking facilities for the Village's adjacent library, and provide a site for a future fire station in the southeast quadrant of the Village. The request does not increase the overall density of the property beyond that already permitted by the existing land use provision.

Finding: Conditionally consistent provided the 40± acres of surplus land within the Village Center's larger property is deeded to the Village of Palmetto Bay.

Criteria (3) Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved, the impact on adjacent or neighboring properties, consistency with existing development, as well as compatibility with existing and proposed neighboring property land use.

Analysis: See Criteria 1 and 2 above and the Background Section of this report. The proposal does not change the overall density of the Village Center property. As part of a larger initiative, the request works to ensure the front 22± acres of land adjacent to Old Cutler Road remains undeveloped, provided however, that land is deeded to the Village of Palmetto Bay.

Finding: Conditionally consistent provided the 40± acres of surplus land within the Village Center's larger property is deeded to the Village of Palmetto Bay.

Criteria (4) Whether, and the extent to which, the proposal would adversely affect the property values in the affected area, or adversely affect the general welfare.

Analysis: See Criteria 3 above and the Background Section of this report. Preservation of the front 22± acres will ensure a continued buffer is maintained along Old Cutler Road protecting the single family homes on the west side from the Village Center on the east.

Finding: Conditionally consistent provided the 40± acres of surplus land within the Village Center's larger property is deeded to the Village of Palmetto Bay.

Criteria (5) Whether the proposal would result in an orderly and compatible land use pattern. Any positive and negative effects on such pattern shall be identified.

Analysis: Please see Criteria 1 through 4 and the Background Section of the report. The request does not increase the overall density of the property beyond that already permitted by the existing land use provision. The request, as part of a larger initiative, will result in the preservation of a natural landscape buffer to those lands west of property in question.

Finding: Conditionally consistent provided the 40± acres of surplus land within the Village Center's larger property is deeded to the Village of Palmetto Bay.

Criteria (6) Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and intent of the Comprehensive Plan.

Analysis: Please see Criteria 1 through 4 and the Background Section of the report.

Finding: Conditionally consistent provided the 40± acres of surplus land within the Village Center's larger property is deeded to the Village of Palmetto Bay.

Criteria (7) Whether the proposed amendment meets the requirements of Section 163.3161, Florida Statutes, entitled "The Local Government Comprehensive Planning and Land Development Regulation Act."

Analysis: Recent changes to Florida land use laws leveraged greater authority in the review and processing of large-scale land use amendments (those greater than 10 acres). Submission, review and proposed implementation of the requests pertaining to the Comprehensive are consistent with those provisions. The proposed large-scale amendment to amend the VMU land use category meets the requirements of Section 163.3161, Florida Statutes, as amended.

Finding: Consistent.

Criteria (8) Other matters which the Local Planning Agency [here the Village Council], in its legislative discretion, may deem appropriate.

Finding: Decision for the Village Council.

FISCAL/BUDGETARY IMPACT

No budgetary impact is anticipated at this time. Any future programming of acquired lands shall be considered through the regular budgetary process.

VMU Land Use
First Reading
March 7, 2016
Page 9 of 9

RECOMMENDATION

Staff recommends conditionally approval provided the 40± acres of surplus land within the Village Center's larger property is deeded to the Village of Palmetto Bay.



Darby Delsalle, AICP
Director of Planning and Zoning

ORDINANCE NO. _____

1
2
3
4 AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE
5 VILLAGE OF PALMETTO BAY, FLORIDA, ACTING IN ITS CAPACITY AS
6 THE MAYOR AND VILLAGE COUNCIL AND AS THE LOCAL PLANNING
7 AGENCY, AMENDING POLICY 1.1.3 OF THE VILLAGE'S
8 COMPREHENSIVE PLAN LAND USE CATEGORY, "VILLAGE MIXED-
9 USE", TO INCLUDE ALL PERMITTED RESIDENTIAL USES TO BE
10 CLASSIFIED AS MULTIPLE FAMILY, AND TO PROVIDE A NOTATION
11 REGARDING TRANSFER OF DEVELOPMENT RIGHTS CONSISTENT
12 WITH POLICY 1.1.14 OF THE COMPREHENSIVE PLAN; PROVIDING FOR
13 ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN
14 EFFECTIVE DATE.
15

16
17 WHEREAS, in 2008, the Mayor and Village Council created the Land Use Designation
18 Village Mixed Use (VMU), which provided for a range of permitted uses and development
19 intensities for certain lands within the Village; and
20

21 WHEREAS, the newly created VMU district provided for up to 400 residential units of
22 which 300 were identified as "Senior Living Facility" and 100 were identified as "Multifamily
23 Residential"; and
24

25 WHEREAS, Senior Living Facility is not clearly defined as to the nature of the
26 development pattern be it single family or multifamily residential; and
27

28 WHEREAS, for clarity of desired development form, the Policy 1.1.3 of the
29 Comprehensive Plan is to be amended to reflect a total of up to 400 permitted multifamily
30 residential uses of which 300 may be allocated for a senior living facility; and
31

32 WHEREAS, for purposes of consistency throughout the Village's Comprehensive Plan a
33 note is added to reflect the VMU land use designation's eligibility to participate in Transfer of
34 Development Rights program as provided for at Policy 1.1.14; and
35

36 WHEREAS, this ordinance is being considered as part of a broader Transfer of
37 Development Rights initiative that seeks to conserve certain lands surrounding the VMU zoned
38 property, as more specifically addressed pursuant to Resolution No. _____.
39

40 WHEREAS, pursuant to Section 163.3174, *Florida Statutes* the Village Council has been
41 designated as the Local Planning Agency for the Village; and
42

43 WHEREAS, on _____, 2016, the Local Planning Agency recommended approval
44 the proposed ordinance; and
45

- Commercial – incidental and supporting uses
- Office – up to 315,000 square feet (including ancillary uses).
- Any increase in commercial square footage or residential units approved by Transfer of Development rights pursuant to applicable Code.

None of the above uses shall create substantial adverse impacts on the Biscayne National Park or Biscayne Bay.

* * *

Section 3. Conflicting Provisions. The provisions of the Comprehensive Plan of the Village of Palmetto Bay, Florida and all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. Severability. The provisions of this Ordinance are declared to be severable, and if any sentence, section, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sentences, sections, clauses or phrases of the Ordinance, but they shall remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Codification. It is the intention of the Village Council and it is hereby ordained the provisions of this Ordinance shall become and be made part of the Comprehensive Plan of the Village of Palmetto Bay, Florida.

Section 6. Effective Date. This ordinance shall only take effect once the conditions of companion Resolution No. _____ have been fulfilled.

PASSED and ENACTED this _____ day of _____, 2016.

First Reading: _____

Second Reading: _____

Attest: _____
 Meighan Alexander
 Village Clerk

 Eugene Flinn
 Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:

1
2
3
4 _____
5 Dexter W. Lehtinen
6 Village Attorney
7
8
9
10
11
12
13 FINAL VOTE AT ADOPTION:
14
15 Council Member Karyn Cunningham _____
16
17 Council Member Tim Schaffer _____
18
19 Council Member Larissa Siegel Lara _____
20
21 Vice-Mayor John DuBois _____
22
23 Mayor Eugene Flinn _____