



VILLAGE OF PALMETTO BAY

Regular Council Meeting of May 2, 2016

Manager's Summary Report on Agenda Item 13C

Good evening, Mayor, Vice-Mayor & Fellow Residents,

Following the Council's vote on March 7th to pass the ordinance on first reading, the Village sent out a press release on March 16th to more than 1,800 email subscribers outlining the terms of the transfer. The terms that are being presented tonight to the members of the Village Council for the second reading of the ordinance remain the same.

There have been several unsubstantiated news reports, blogs and social media statements that have presented misinformation to misguide and instill fear and mistrust in what the village is doing, as represented by everyone here tonight.

Firstly, I would like to clarify that the Village Council is **not voting on GRANTING development rights to build 485 condos along Old Cutler Road, as reported**. What the Council is considering tonight, is whether **to allow the property owner to transfer current developmental rights from one side of their property, along Old Cutler Road, to the inner area** of the Palmetto Bay Village Center. Should this move forward, the owner will have to submit a site plan for approval, provide a traffic analysis and show how the visual screen will be preserved before actually developing the site. Please allow me to briefly provide the facts concerning the matter before you tonight:

- In 1969, Miami-Dade County approved the site plan for the subject property allowing 1,857 residential units up to 126 ft. in height.

- In the early 1970s, the County approved an increase in units to 1,884 and an increase in height to 186 ft. (subsequently reduced to 1,465 units.)
- In 1985, the County approves the site plan for the Burger King Headquarters. The site plan approval included a covenant for the 22 acres of land abutting Old Cutler Road that required the owner to provide a landscaped visual screen to essentially block the view of the commercial buildings from Old Cutler Road. The covenant DOES NOT PROHIBIT THE DEVELOPMENT of the 22 acres, and DOES NOT LIMIT THE NUMBER OF UNITS that the owner can build on the 22 acres. The covenant for the visual screen **expires 3 years from now in 2019**, and with it the visual screen requirements. The proposed amendment keeps the visual screening requirement under public ownership and not private hands.
- Six years after incorporation in 2008, after numerous charrettes and meetings, the Village Council approved the Village Mixed Use or VMU district limiting the development on the interior area to 400 residential units and restricting heights to 85 ft. The 22-acre parcel was assigned an Interim Zoning which had the net effect of limiting the development potential to 85 to 222 residential units. Planning & Zoning Director Darby Delsalle will later explain this in more detail.

Although, some wish to make the general public believe otherwise, the fact is that the 22-acre area adjacent to Old Cutler Road is not currently precluded from development. The owner presently, today, right now, has the right to develop up to 400 units on the interior area of the Palmetto Bay Village Center and 85 to 222 potential units on the 22-acre area by Old Cutler Road. **Tonight's amendment will not increase the owner's already approved development rights. Tonight's amendment provides for the transfer of existing rights and shifts potential development away from the 22-acres into the interior area of the site.**

The Council is also considering whether to accept the conveyance of the 22 acres to the Village of Palmetto Bay, plus an additional 16 acres of environmentally-sensitive land to protect as a public park. **This amounts to 38 acres of additional greenspace in the Village at no cost to the residents.**

The other issue that has been identified is traffic which continues to be a priority to the Village as a whole. In the past five months alone, we have organized and held five different traffic workshops to address the traffic issues. To that extent, the Village identified interim solutions to the traffic and the speeding problems on interior neighborhood streets, and as a longer-term measure, Palmetto Bay developed a code to contain

development within a compact urban area and forces new commerce along future transit lines. We have also taken a leadership role in working with other cities and the county to bring real transit solutions to our village, like light rail transit. Traffic for us is always a matter to consider.

As a point of clarification, due to the fact that the Palmetto Bay Village Center site is located within the Miami-Dade County urban infill area, **the project is exempt from traffic requirements.** In other words, the applicant is not required to present traffic information and/or studies for their projects. Nevertheless, at the request of Councilman Schaffer, language will be included in tonight's ordinance that requires a traffic study from the owner and that prohibits traffic loads that exceed the levels expected based on what has already been permitted for the site. Additionally, the hotel approval currently allowed in the VMU district will be reduced substantially. This will also be discussed tonight.

As previously said, the VMU limited units to 400; 300 of which are age-restricted units and 100 were townhome units. The age restriction is no longer part of the zoning requirement, as proposed tonight. Some are under the impression that this move will directly increase traffic on Old Cutler Road since it is presumed that seniors drive less. However, through a formal traffic study, the **Village has confirmed that traffic will not increase as a result of the proposed ordinance tonight.**

Traffic congestion is primarily attributed to work-home trips. This is why congestion happens during rush hour. If we can contain work and home locations within an area, these trips are essentially eliminated, thereby reducing traffic congestion. The planning director and traffic engineer will explain how this conclusion was reached. This is important to underscore because traffic conditions on Old Cutler Road are expected to worsen, **not as a result of the proposed ordinance, but rather due to the growth anticipated for the areas south of Palmetto Bay.**

I hope that this short explanation provides sufficient clarification on what the Village is actually trying to accomplish with this amendment and effectively dismisses the ideas that have been circulated about the Village somehow granting or even giving away development rights and increasing density on the subject site.

In conclusion, the item under Council consideration tonight takes 22-acres off the hands of private ownership and potential private development and puts it in the hands of the public to use as a park, at no cost to the

taxpayers. The amendment keeps development away from Old Cutler Road. The Village has had legal issues in the recent past for challenging property rights for development, let's not repeat history tonight.

The Village attorney will now address the legal issues involved in tonight's hearing followed by the Planning Director.