



City of North Miami Beach, Florida
COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING & ZONING BOARD MEETING
MONDAY, JANUARY 12, 2015

Attendees:

Members -

Chair Evan Piper

V. Chair Julian Kreisberg

Joseph Litowich

Saul Smukler

Michael Mosher

Hector Marrero (Absent)

Jeffrey Lynn

Carlos Rivero, City Planner

Richard Lorber, Assistant City Manager

Sarah Johnston, Assistant City Attorney

Kimberly Marcellus, Assistant Planner

Giselle Deschamps, Assistant Planner

Lisa Edmondson/Prototype, Inc., Board Clerk

1. Pledge of Allegiance

Chair Piper called the meeting to order at 6:14 p.m. The Pledge of Allegiance was recited.

2. Roll Call of Board Members

Roll was called. It was noted that a quorum was present.

3. Approval of Minutes - Meeting of Monday, December 8, 2014

Motion made by Vice Chair Kreisberg, seconded by Mr. Smukler, to approve the minutes of the December 8, 2014, meeting. In a voice vote, the motion passed unanimously.

4. Public Hearing Procedures

Chair Piper administered the oath for any members of the public wishing to speak during the meeting. He instructed them to sign in as well.

5. Old Business

- Item #14-017: Comprehensive Plan Text and Future Land Use Map Amendment. Tabled by the Board on Monday, December 8, 2014. The item will come back before the Board on January 12th under the City-Wide Comprehensive Plan Amendment efforts.
- Item #14-019: Zoning and Land Development Code Amendment to the maximum height permitted for fences and perimeter walls within the City's single-family

residential districts. Approved by the Board unanimously on Monday, December 8, 2014 amending the point of measurement to be “the crown of the road.”

The item had its first reading last week and was passed unanimously. It will go to second reading on January 20, 2015.

- Item #14-020: Zoning and Land Development Code Amendment to the allowance of flat roofs on single-family homes as an architectural design element. Approved by the Board unanimously on Monday, December 8, 2014 amending the screening of rooftop equipment to be “appropriately screened.”
The item had its first reading last week and was passed unanimously. It will go to second reading on January 20, 2015.

Chair Piper recognized the presence of several Councilmembers.

6. New Business

a. 14-021: Comprehensive Plan Amendment-North Miami Beach, Fl:

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA ADOPTING AMENDMENTS TO ITS COMPREHENSIVE PLAN INCLUDING TO THE FUTURE LAND USE MAP, TEXT CHANGES TO THE FUTURE LAND USE AND TRANSPORTATION ELEMENTS; AMENDING THE FULFORD MU/TC, MIXED-USE TOWN CENTER DISTRICT; CREATING THE 163RD STREET SOUTH MU/EC, MIXED USE EMPLOYMENT CENTER, 159TH STREET MU/EC, MIXED-USE EMPLOYMENT CENTER, WEST DIXIE HIGHWAY MU/NC, MIXED-USE NEIGHBORHOOD CENTER, ARCH CREEK MU/C, MIXED-USE CORRIDOR, NORTHERN MU/WF, MIXED USE WATERFRONT, EASTERN MU/WF, MIXED-USE WATERFRONT, AND SOUTH MU/WF, MIXED USE WATERFRONT OVERLAY DISTRICTS; AMENDING THE FUTURE LAND USE MAP TO CHANGE THE FUTURE LAND USE DESIGNATION OF CERTAIN PROPERTY AND APPLY THE OVERLAY DESIGNATIONS TO THOSE CERTAIN PROPERTIES (AS PROVIDED FOR IN THE ATTACHED EXHIBIT “A”); PROVIDING FOR CERTIFIED COPIES OF THIS ORDINANCE AND COMPREHENSIVE PLAN TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY AND ALL OTHER UNITS OF LOCAL GOVERNMENT OR GOVERNMENTAL AGENCIES AS REQUIRED UNDER CHAPTER 163, PART II, FLORIDA STATUTES; PROVIDING FOR ADOPTION PURSUANT TO SECTION 163.3184, FLORIDA STATUTES; PROVIDING FOR INCLUSION IN THE CITY OF NORTH MIAMI BEACH COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF CONFLICTS; SEVERABILITY; AND FOR AN EFFECTIVE DATE.

Assistant City Manager Mr. Lorber introduced the item, noting that the main goal of the process is to overhaul the Comprehensive Plan and zoning in key areas across the City to attract new investment, to guide quality development, and to ensure public benefits and neighborhood compatibility. Mr. Lorber stated that the City hired Natasha Alfonso and Jean Dolan from RMA Associates, zoning and land use specialists, as consultants.

Mr. Lorber outlined the steps involved in the amendment process, which will take one year.

Ms. Dolan began a PowerPoint on comprehensive planning and zoning. Highlights of her presentation follow:

- Comprehensive Plan establishes the vision, purpose, and philosophy behind the districts that were created
 - Very inflexible
 - Establish maximum entitlement (total number of units, etc.) per district
 - All amendments to the Plan are “concurrency effects” on paper
- Zoning creates more specificity and establishes net entitlements
 - Zoning goes to property line, affects setbacks, etc.
 - Concurrency analysis looks at how a project impacts existing conditions
- Public input meetings/workshops held
- New districts:
 1. Mixed-use Town Center, Area 1
 2. Two Employment Centers, Areas 5 and 6 on map (off North TECO site)
 3. Three waterfront districts (Areas 3, 4, and 7 on the map), northern, southern and eastern waterfront districts
 4. Mixed-use corridor
 5. Mixed-use neighborhood center
- 1. Detail on Mixed-use Town Center
 - New policy 1.6.6 creates philosophy
 - Encourage transit-oriented development consistent with urban downtown and prohibit stand-alone auto-oriented uses such as parking lots
 - Issues: treatment of Snake Creek canal, alleys and utility issues, public art, and incentives for redevelopment in the CRA areas
 - Policy 1.8.8 also addresses alleys and utility policies for mixed-use districts
 - Policy 1.8.6 addresses the Snake Creek canal
 - Policy 1.8.1 addresses public art
 - Policy 1.6.3 was amended to add items such as shared parking agreements, rights-of-way, etc.
- 2. Detail on Mixed-use Employment Centers
 - Policy 1.6.7 creates philosophy
 - Areas are for economic development – allow limited auto-oriented uses, but must be compatible with pedestrian activity
 - Allow for both vertical and horizontal mixed use
 - Issues: compatibility with lower density adjacent to residential areas; historic designation for TECO building
 - Policy 1.8.7 states issues must be addressed
 - Policy 1.8.8 addresses how mixed use projects will have to be stepped back with height next to residential area

- 3. Detail on Mixed-use Waterfront Districts
 - Policy 1.6.9 creates philosophy
 - Maximize the economic and aesthetic resource, allowing residential while ensuring public access to water
 - Issues: public access to waterfront, sub-station needs to be screened, additional access to Eastern Shores and A-26, rescue station and police sub-station for Eastern Shores
 - City Commission specifically requested additional access to A-26
 - Policy 1.8.7 states issues must be addressed
 - Policy 1.8.8 deals with public access to waterfront
- 4. Detail on Mixed-use Corridor
 - Policy 1.6.10 creates philosophy
 - Auto-oriented district, but needs to be compatible with pedestrian activity and allow for vertical and horizontal mixed-uses
 - Issues: awareness of adjacent Biscayne Landing, environmental clean-up, flood-plain encroachment, connectivity, and crime prevention
 - Policy 1.8.7 states issues must be addressed
- 5. Detail on Mixed-use Neighborhood Center
 - No specific issues identified, neighborhood oriented mixed-use area
- Comprehensive Plan Concurrency Analysis
 - Comparing total entitlements that Comprehensive Plan allows with those proposed
 - Policy 1.8.2 establishes the total entitlements for all the mixed-use districts
 - Increasing residential within areas by about 31%; non-residential entitlements are 86% less in current proposal
 - Parks and Recreation and Public Education will need focus in terms of service standards
 - Parks and Recreation analysis = adopted service level is two acres per 1,000 (quantitatively there is enough park area). However, each district needs additional open space/green space, to create a geographic distribution.
 - Public Education analysis = adequate capacity to handle additional children at full build-out
- Next steps in process:
 - City Council for first reading (January 20, 2015); to State for 30-45 days, comments; City Council second reading (March 17, 2015) and adoption
 - Zoning regulations first workshop on January 27, 2015; Planning and Zoning Board to hear zoning for recommendation; City Council first reading on March 3, 2015 and second reading on March 17, 2015.

Ms. Dolan concluded her presentation and entertained questions.

Mr. Lorber clarified that the Board's recommendation will be reviewed by the City Council for their hearing. Mr. Lorber explained that the proposal was put together by a combination of City Planning and Zoning staff and RMA Associates. Ms. Dolan added that the Council identified areas where they wanted to do mixed use and went to bid for help with improvement for the mixed-use categories. Ms. Dolan said they defined the proposed regulations. Mr. Lorber added the effort came from the Strategic Plan that was adopted by the Council.

Ms. Alfonso, Director of Urban Design and Planning for RMA, provided a company history and an overview of their departments and activities. Mr. Lorber emphasized that they work for the City, not any developer. Ms. Alfonso added that RMA was established five years ago, and they have 30 employees.

In response to a question, Ms. Alfonso stated that the net effect of the study would create 31% more residential units and 86% less non-residential units. Overall, on paper, there is a reduction in impacts, including vehicular traffic.

Mr. Lorber advised that in the future, there will be project proposals that will involve increases in public services and traffic. However, as far as the Plan presented at this meeting, there is an actual reduction.

Mr. Smukler observed a lack of specific information on different areas and some conflicting issues. He requested clarification of the traffic analysis response, referencing page 17 of the application. Ms. Alfonso explained that if the total number of entitlements is reduced, the traffic will be reduced. It was further explained that each district is broken out. Mr. Lorber explained the concept, using the Intracoastal as an example, distinguishing between the current Comprehensive Plan and the proposed Comprehensive Plan.

Mr. Smukler wanted to see a detailed traffic study with the proposal to ensure feasibility. Mr. Lorber countered that the Comprehensive Plan has to come first – go from the general to the specific.

Chair Piper advised that any project has to go through several layers before it is approved, and the adoption of a Comprehensive Plan does not guarantee that a project will be approved.

Mr. Smukler referred to Policy 1.5.1 regarding hurricane evacuation of Eastern Shores, and Ms. Alfonso confirmed that is in the existing Comprehensive Plan and is not intended to be deleted. She continued that the City set out compelling reasons in their Strategic Plan regarding why they wanted this policy, and she felt they were consistent with that policy. Ms. Dolan further explained the goals of the Strategic Plan in relation to the proposed Comprehensive Plan.

Referring to page 18 (mass transit analysis), Mr. Smukler interpreted the analysis to mean that workers will not have vehicles, and will work on the premises. Mr. Lorber clarified that it says that the type of development that is envisioned for the downtown area is being encouraged in other areas. He continued that the Comprehensive Plan has a theoretical number that takes the maximum amount that could be built for maximum development potential. Discussion ensued between Mr. Smukler and Mr. Lorber on the validity of the proposed plan, with Mr. Lorber stating that the charts are correct.

Mr. Smukler then referenced Policy 1.131.2, confirming that the City would allow taller buildings and greater densities if they met green standards. Assistant City Attorney Johnston stated that policy would apply to the Zoning Code, not the Comprehensive Plan. She explained the hierarchy of zoning codes, comprehensive plans, ordinances, etc.

Mr. Smukler expressed concern that there would be too much traffic on US1 coming from Aventura; he said they needed to have a complete traffic study and have dialog with DOT. Mr. Lorber agreed that they would have the study and dialog, but not at this point – it would be done when they get to the zoning part.

Chair Piper wanted to know if the idea of the plan was to be “extremely non-restrictive” so that opportunities are there, and he wondered how protections (such as for density) would be implemented. Ms. Alfonso thought the proposed plan was more restrictive than the existing Comprehensive Plan in regards to public open space and public access to the waterfront. Additionally, there are more non-residential entitlements currently for the waterfront, which create more traffic issues. Ms. Alfonso explained that when the item is brought back in two weeks, the Board will see how restrictive the zoning is.

Mr. Lorber believed the Plan adds more flexibility, while the goal is to foster well-planned development. Zoning and site plan review bore down to a much more specific analysis. He added there are safeguards in the proposal to deter bad/uncontrolled development.

Mr. Lorber stated that next month they would examine zoning map changes. He confirmed that the zoning would decide the height limitations for the various areas. Whatever is put in place in zoning would have to be consistent with the Comprehensive Plan; it could be more restrictive, but not more permissive.

Chair Piper wondered if there would be any concerns with the proposed plan being less restrictive. Ms. Alfonso said the Comprehensive Plan is not less restrictive with the amendments being proposed. She said there are no policies in place when a mixed-use district is created requiring public benefit. Being more flexible does not mean

discarding the variance process or appeals process. The flexibility will allow for more development where there is the potential for it.

Chair Piper sought assurance that they were not setting zoning principle for allowing more density. Mr. Lorber reiterated the zoning will be more restrictive and more specific - basically a site plan review with a traffic study. He added the Comprehensive Plan could be revised in the future, but it is a long process, taking about six months. Mr. Lorber reiterated that the Comprehensive Plan is the top level overview.

Vice Chair Kreisberg felt that the City wanted to increase the population to lead to more business and opportunity, and he did not think it was appropriate to “micro-manage” a plan that was put together by what he called a competent company. He did not think it was the Board’s role to look at the plan line by line – it is a blueprint that he believed would be passed by the City Council. Vice Chair Kreisberg urged the Board to move forward.

Vice Chair Kreisberg commented that the Board members most likely respond better to graphics than narratives, and recommended that the consultants “clean up” the graphic (#7) to make it more understandable.

Mr. Litowich wondered if the City wanted to grow in a more residential direction, but Ms. Dolan responded that the Plan would bring more of a balance between residential and commercial.

In response to a question, Ms. Dolan stated that the population within City limits is now 46,000; if all buildings were built and occupied, the population would increase to 52,000. Mr. Lorber said the plan is for mixed use, which, by its nature, will be commercial and residential in proximity. Mr. Litowich confirmed that the City now has more square footage in commercial than in residential.

Mr. Litowich confirmed that if someone owns waterfront property that he wants to develop, he would have to design it in such a way to have more public access. Ms. Alfonso clarified that there will be a zoning regulating plan that will address the following:

- Type of access that is desired at the waterfront
- A minimum requirement for public open space
- Upgrade to existing fire rescue
- Introduction of a new police substation
- Multiple access points

Ms. Alfonso continued that all districts are very similar in the access requirements. She said there are proposed tax incentives/rebates in the CRA area for developments that contribute money to a pool for public infrastructure improvement such as streetscape

improvements, greening, parking, sidewalk widening, and utility improvement/relocation, public art. She did not believe it would “scare off” potential developers.

Mr. Litowich was curious how the consultants envisioned the Snake Creek Canal improvements. Ms. Alfonso replied that since the Canal has a variety of bordering properties, they sectioned the area with schematics to meet each condition. Examples would be boardwalks, pedestrian access, etc.

At this time Chair Piper opened the meeting for public comment.

Mark Antonio, 2011 NE 164 Street, said he is working on an initiative with a group on the Save Maule Lake conservation area, and wondered if the Board would consider conserving the lake rather than trying to develop the lake. He is especially concerned with multiple marinas and beaches along the estuary area, and favored an environment more favorable to kayaking and sailing. He concluded by saying that once the “basket of rights” are put in place, they will not go away.

Mary Hilton, 1915 NE 157th Terrace, spoke against a mixed use designation at the TECO gas site, citing excessive pollution and environmental concerns. She asked that they have DERM from Washington look into it, since the City does not have DERM. She read a letter she had written to the EPA.

Michael Goldstein, One SE Third Avenue, Miami, spoke on behalf of 477 LC, the owner and developer of the TECO site, in reference to Ms. Hilton’s comments. Mr. Goldstein stated that the United States EPA has not been part of that dialogue; he said the letter she read was an email she wrote to DERM in Miami-Dade County, local pollution control agency. He requested that the document she read from be submitted to this body for review. Mr. Goldstein continued that regulatory documents, one of which dates back to 1987, govern cleanup of the site. Mr. Goldstein stated that it is not true that the County has not approved development of the site. He said the site has had over 57,000 tons of contaminated soil removed. Mr. Goldstein cited from a letter issued by the County stating that DERM does not object to redevelopment.

Mr. Litowich clarified that the 57,000 tons of soil (equivalent to 2,700 truckloads) were removed. He wondered if new soil would be added back in. Mr. Goldstein replied that 24 inches of clean fill has been added back in and, beneath it, a geo-synthetic liner constructed for environmental protection.

Mr. Smukler asked the City Attorney whether the information on the site cleanup is to be considered “hearsay.” Assistant City Attorney Johnston responded that Mr. Goldstein would qualify as an expert in the area, but the item he is speaking on does not directly correlate to the item presented as evidence for a site plan approval.

Chair Piper commented that there would be time in the future to address the environmental concerns, but it is not an issue regarding the Comprehensive Plan. Mr. Lorber agreed with his opinion.

Marilyn Baumall, 18635 NE 20th Court, long-time resident, felt that the word “comprehensive” should cover everything, including traffic studies. She was concerned particularly with traffic on Biscayne Boulevard.

Muriel Kemp, 1479 NE 178th Street, asked what the City paid for the study. It was noted the fee was a matter of public record. She asserted that in all cases she can remember, developers always get the variances they request. Therefore, she did not see the point in having a Comprehensive Plan or zoning rules.

Harry Pennington, 1981 NE 158th Street, West Palm Beach, said he has not seen the requested proposals regarding TECO development, and wanted to know what the use would be and how it would impact his neighborhood. He thought the Board should spend more time reviewing the plan.

Matthew Amster, with the law firm of Bercow, Radell & Fernandez, 200 South Biscayne Boulevard, Miami, stated he was representing an owner in the Waterfront south area. Mr. Amster cautioned against overburdening specific property owners and not having disproportionate development as a result of the “basket of rights.” He also remarked that mechanisms for creating new public realm and public benefits are not explained in the proposed Comprehensive Plan and recommended good safeguards for making sure property owners are not overburdened.

Haim Swissa, property owner on Dixie Highway, expressed concern about the allowable building height on 170th Street/Dixie Highway. He wished to keep it to six floors. Ms. Alfonso explained that the lots are so narrow that to fit a parking structure to accommodate a six-story building would result in a street that had no active use on the ground floor; active use on the ground floor for pedestrians was preferred. She added they are removing the B1 zoning designation and expanding the uses. In response to another question from Mr. Swissa, Ms. Alfonso stated that new construction will occur in the front of the property. Mr. Swissa argued that would create a bad property.

Mubarak Kazan, 15564 NE 12th Avenue, was concerned about the contamination on the TECO site. He feared that if people lived there, there would be many lawsuits.

Alicia Rook, 1991 NE 157th Terrace, expressed concern about the ultimate location of the contaminated water from the TECO site. She also wondered if the fill used was now contaminated.

Yona Lunger, 1870 NE 171st Street, spoke on behalf of the Chamber of Commerce. He said he was interested in seeing an improved quality of life in the City, which would bring better jobs, more tax revenue, and higher-quality businesses.

Stanley Price, representing the owners of the TECO site, said that the critics of the site should read the environmental reports given to the City. They indicate it is clean and safe, and he compared it to Biscayne Landing. He pledged they would satisfactorily prove to the Board that the site will be beneficial for the City.

As there were no other individuals wishing to speak on this Item, Chair Piper closed the public hearing.

Mr. Lorber referred to page 16 of the PowerPoint presentation and pointed out the buffer transition between any new development and single-family units to the west. He stated the details would be available at the next meeting. There has to be green open space next to residential, then a low building, then farther back (to Dixie Highway) would be the tallest buildings.

Mr. Rivero read the staff recommendation into the record.

Motion made by Vice Chair Kreisberg, seconded by Mr. Lynn, to approve Item #14-021, the Comprehensive Plan Amendment- North Miami Beach, Fl. In a roll call vote, the **motion** passed 5-0.

Chair Evan Piper	Yes
Joseph Litowich	Yes
Julian Kreisberg	Yes
Saul Smukler	Out of room
Michael Mosher	Yes
Hector Marrero	Absent
Jeffrey Lynn	Yes

b. Item 14-022: Comprehensive Plan Amendment – North Miami Beach, Fl

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA TO ADOPT AN AMENDMENT TO THE WATER SUPPLY FACILITIES WORK PLAN AND TO AMEND THE CITY OF NORTH MIAMI BEACH'S COMPREHENSIVE PLAN TO STRENGTHEN COORDINATION BETWEEN WATER SUPPLY AND LOCAL LAND USE PLANNING BY AMENDING TEXT CONTAINED IN THE FUTURE LAND USE, INFRASTRUCTURE, CONSERVATION, INTERGOVERNMENTAL COORDINATION, AND CAPITAL IMPROVEMENT ELEMENTS; PROVIDING FOR CERTIFIED COPIES OF THIS ORDINANCE AND COMPREHENSIVE PLAN TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY AND ALL OTHER UNITS OF LOCAL GOVERNMENT OR GOVERNMENTAL AGENCIES AS REQUIRED UNDER CHAPTER 163, PART II, FLORIDA STATUTES; PROVIDING FOR ADOPTION PURSUANT TO SECTION 163.3184, FLORIDA

STATUTES; PROVIDING FOR INCLUSION IN THE CITY OF NORTH MIAMI BEACH COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF CONFLICTS; SEVERABILITY; AND AN EFFECTIVE DATE.

Mr. Rivero said this item is brought up every five years for housekeeping purposes, and he introduced the item. It was clarified that there was a typo on the staff report, naming this item as #14-021, but it should be #14-022. Mr. Lorber reiterated it is a formality; there is no change in policy involved.

At this time Chair Piper opened the meeting for public comment. Hearing none, Chair Piper closed the meeting for public comment.

Motion made by Vice Chair Kreisberg, seconded by Mr. Litowich, to approve Item #14-022. In a roll call vote, the **motion** passed 5-0.

Chair Evan Piper	Yes
Joseph Litowich	Yes
Julian Kreisberg	Yes
Saul Smukler	Out of room
Michael Mosher	Yes
Hector Marrero	Absent
Jeffrey Lynn	Yes

Mr. Smukler stated that he had stepped out of the room at 8:27 p.m. and then the vote on Item #14-021 was taken. Therefore, he preferred to not vote on this item. He again stepped out of the room.

c. Item 14-018 (a): Vacation Abandonment-1875 N.E. 167th Street, North Miami Beach, FL 33162

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING THE VACATION AND ABANDONMENT OF THE SOUTHERN HALF OF THE MIAMI DRIVE RIGHT-OF-WAY CONSISTING OF APPROXIMATELY 25,132 SQUARE FEET AS SHOWN ON THE PLAT "FULFORD OF THE SEA"; RECORDED IN PLAT BOOK 34 AT PAGE 20 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, IN FAVOR OF SHEFA TAL, LLC, (THE "APPLICANT"); WITH SUCH VACATION SUBJECT TO AND CONTINGENT UPON THE CITY'S APPROVAL OF THE APPLICANT'S SITE PLAN APPLICATION; AND WITH SUCH VACATION FURTHER SUBJECT TO AND CONTINGENT UPON APPLICANTS SATISFACTION OF THE CONDITIONS SET FORTH IN THIS RESOLUTION.

Mr. Rivero read the item into the record, and noted that immediately after voting on Item 14-018 (a), they will hear Item 14-018 (b).

d. Item 14-018 (b): Site Plan Approval – 1875 N.E. 167th Street, North Miami Beach, FL 33162

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING SITE PLAN APPROVAL TO CONSTRUCT A 60,638 SQUARE FOOT, FIVE STORY MIXED-USE RETAIL AND OFFICE BUILDING ON AN ASSEMBLED 1.178 ACRE LOT, AS PROPOSED ON PROPERTY LEGALLY DESCRIBED AS:

ALL ON BLOCK 57-A OF FULFORD BY THE SEA SECTION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 8, PAGE 58, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, AND A PORTION OF MIAMI DRIVE LYING DIRECTLY ADJACENT TO BLOCK 57A, 3RD REVISED PLAT OF SECTIONS A, B, D, E, F AND AMENDED PLATS OF SECTIONS C, G, H, I, AND J OF FULFORD BY THE SEA, DADE COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 34 AT PAGE 20 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Mr. Rivero read the item into the record, and Chair Piper recommended that they address both items simultaneously.

Stanley Price (applicant), Brian Adler, and Wendy Francois were present, representing Shefa Tal. He said the two principles were with him. Mr. Price said the north portion of the right-of-way from Miami Way has been abandoned by the City and presently utilized as a parking lot and fenced-in area for a nursing home. Mr. Price requested closure of the other half of the roadway, pointing out it would not interfere with access/egress of nursing home. It would also provide for a more flexible site plan.

Mr. Price stated they are entitled to go up to 15 stories in height, but their building will be only five stories with retail/restaurant uses on the first level; the parking lot is on the second and third levels, and the top two floors are office space.

Jean Francois Gervais, principle architect, 20900 NE 30th Avenue, Aventura, reviewed the architecture of the project, referencing documents and pictures in the Board packet. He said the building could become a hub of activity for the area. He described the type of architecture as modern and typical of South Florida.

Mr. Price pointed out how the garage is shielded from the roadway so that cars would not be seen from the street. Mr. Gervais continued his description of the architectural highlights of the project.

[Mr. Smukler returned at 8:39 p.m.]

Mr. Price stated they are not requesting any variances, and all they are asking from the City is closure of Miami Drive (at the triangular piece of the property) based on traffic study. He also mentioned that the sidewalks on 19th Avenue would be realigned and would create more walkability in the area.

Mr. Lorber explained the history of the ownership of Miami Drive. He said it is no longer in use and not needed by the City. At some point, the ownership could revert to the City, but that is unlikely.

Assistant City Attorney Johnston clarified that the City does not actually “own” the street. The City has an easement, so the City is vacating its easement. The abutting property owners actually own the underlying land. When the easement is vacated, it reverts to the abutting property owners. It was further noted out that the nursing home has already “taken” the original half of the underlying land – the remaining half will go to Mr. Price’s client.

Mr. Mosher asked if a dumpster was required and was informed they do have a dumpster as shown on the plans.

Mr. Smukler commented favorably on the building and was glad they would not impact traffic onto 19th Avenue.

At this time Chair Piper opened the meeting for public comment and swore in Rolando Belleau.

Rolando Belleau, 13730 Highland Drive, commented the building was one of the best he has seen, and believed it signaled a new beginning for the City.

Hearing no further comments, Chair Piper closed the meeting for public comment.

Motion made by Vice Chair Kreisberg, seconded by Mr. Lynn, to lay the matter on the table so that they can re-vote the previous items from when Mr. Smukler was out. In a voice vote, the motion passed unanimously (6-0).

Motion made by Vice Chair Kreisberg, seconded by Mr. Lynn, to reconsider the previous Item #14-021, Comprehensive Plan Amendment presented by RMA. In a roll call vote, the **motion** passed 6-0.

Chair Evan Piper	Yes
Joseph Litowich	Yes
Julian Kreisberg	Yes
Saul Smukler	Yes
Michael Mosher	Yes
Hector Marrero	Absent
Jeffrey Lynn	Yes

Motion made by Vice Chair Kreisberg, seconded by Mr. Litowich, to approve Item #14-021. In a roll call vote, the **motion** passed 5-1 with Mr. Smukler dissenting.

Chair Evan Piper	Yes
Joseph Litowich	Yes
Julian Kreisberg	Yes
Saul Smukler	No
Michael Mosher	Yes
Hector Marrero	Absent
Jeffrey Lynn	Yes

Motion made by Vice Chair Kreisberg, seconded by Mr. Litowich, to reconsider Item #14-022. In a voice vote, the motion passed unanimously.

Motion made by Vice Chair Kreisberg, seconded by Mr. Litowich, to approve Item #14-022. In a roll call vote, the **motion** passed 6-0.

Chair Evan Piper	Yes
Joseph Litowich	Yes
Julian Kreisberg	Yes
Saul Smukler	Yes
Michael Mosher	Yes
Hector Marrero	Absent
Jeffrey Lynn	Yes

Motion made by Vice Chair Kreisberg, seconded by Mr. Litowich, to put back on the table Items #14-018, (a) and (b). In a voice vote, the motion passed unanimously.

Motion made by Vice Chair Kreisberg, seconded by Mr. Lynn, to approve Item # 14-018 (a), vacation of a portion of Miami Drive. In a roll call vote, the **motion** passed 6-0.

Chair Evan Piper	Yes
Joseph Litowich	Yes
Julian Kreisberg	Yes
Saul Smukler	Yes
Michael Mosher	Yes
Hector Marrero	Absent
Jeffrey Lynn	Yes

Motion made by Vice Chair Kreisberg, seconded by Mr. Litowich, to approve Item #14-018 (b) with all of the conditions as listed by staff. In a roll call vote, the **motion** passed 6-0.

Chair Evan Piper	Yes
Joseph Litowich	Yes
Julian Kreisberg	Yes
Saul Smukler	Yes
Michael Mosher	Yes
Hector Marrero	Absent
Jeffrey Lynn	Yes

7. Public/Citizen Comments

Chair Piper opened the public hearing. Hearing no comments, Chair Piper closed the public hearing.

8. Adjournment

Upon motion duly made and seconded, Chair Piper adjourned the meeting at 9:02 p.m.

[Minutes prepared by J. Rubin, Prototype, Inc.]