



City of North Miami Beach, Florida

Community Development Department

Planning and Zoning Board Virtual Meeting Minutes

Monday, March 14th, 2022 - 6:00 P.M.

Chair Joseph Litowich called the meeting to order at 6:08pm

Attendees:

Board Members:

Joseph Litowich, Chair
Marc St. Vil, Vice Chair
Larry Thompson
Robert Dempster
Daniel Heisler
Donard St. Jean
Larry Shinbaum

Staff:

Kent Walia, Community Development Director
Deepak Bhatt, Principal Planner
Abraham Fogel, Senior Planner
Jethro Francois, Planner I

Absent:

Larry Shinbaum

1. Pledge of Allegiance

The Pledge of Allegiance was recited.

2. Roll Call of Board Members

Roll was called at 6:08pm. Larry Shinbaum and Donard St. Jean were absent at the time of roll call but Donard St. Jean arrived at 6:16pm.

3. Approval of Minutes – Meeting January 10th 2021

The Monday, January 10th, 2022, meeting minutes were approved.

*The February 18th meeting was postponed due to lack of quorum.

4. Quasi-Judicial Public Hearings

- I. Site Plan Approval – “168 Professional Office Building” – 11 NW 168th Street
 - A. Gustavo Bolado made a presentation at 6:17pm.
 - B. Jethro Francois, Planner I, made a presentation at 6:28pm.



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- a. Donard St. Jean inquired if the development would have adequate parking for the facility.
 - i. Kent Walia informed him that the development is consistent with the minimum parking space allotment per the code. The code requires 37 parking spaces, the applicant is providing 38 parking spaces. Will be utilizing a mechanical parking system.
- b. Donard St. Jean inquired if a traffic study has been provided.
 - i. Maximo Polanco (Langan Engineering) informed Mr. St. Jean that the engineering team evaluated the two corresponding intersections that will be most impacted by the development and demonstrate how both intersections will be operating at the level of service D which is deemed acceptable. The signalization for North Miami Beach Blvd and NW 167th Street as well as North Miami Beach Blvd and 168th Street will operate at service level C.
- c. Laurence Thompson inquired about Art in Public Spaces and Employment Opportunities for residents.
 - i. Jaime Plana informed Mr. Thompson that there are multiple opportunities for mural space, advised that staff will be local.
- d. Marc St. Vil inquired if a public notice has been provided to the public.
 - i. Kent Walia advised that the public notice was sent out to residents and businesses within the 500-foot area as well as signage on the site.

Motion made at 6:49pm by Daniel Heisler, seconded by Laurence Thompson to approve the development of a 14,7000 gross square feet, four-story office building, with a ground level parking garage, and three floors of office space located at 11 NW 168th Street.

Motion passed by 6-0

Chair, Joseph Litowich	YES
Vice-Chair, Marc St. Vil	YES
Donard St. Jean	YES
Larry Thompson	YES
Robert Dempster	YES
Daniel Heisler	YES
Larry Shinbaum	ABSENT



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II. Site Plan and Three Related Variances from the Zoning and Development Code, NMB Venus – located at the southwest corner of NE 164th street and NE 21st Avenue -.

- A. Ethan Wasserman, the applicant, made a presentation at 6:52pm.
- B. Abraham Fogel, the senior planner, made a presentation at 7:16pm.
 - a. Robert Dempster requested further review and explanation of the variances.
 - i. Abraham Fogel proceeded to reexamine each variance to clarify for Mr. Dempster.
 - b. Larry Thompson asked if the applicant was planning on including workforce housing in the proposed project.
 - i. Ethan Wasserman stated that the project is currently developed for market rate housing, but it is open to explore funding options working with the CRA on income restricted housing utilizing CRA funding. The ownership group is not yet in a position to make a final determination as they will seek to have those conversations as the proceed with the process.
 - c. Larry Thompson also inquired into the possibility of employment at the site.
 - i. Mr. Wasserman advised that hiring practices will be geared toward local hiring preferences however will work with staff between Planning and Zoning Board meeting and City Commission meeting to craft and proffer future hiring practices that may be deem acceptable for long term employment.
 - d. Daniel Heisler inquired as to how the developers decided on the mix of unit types and was there a market study to determine rental rates. Inquiry was directed to David Weitz.
 - i. David Weitz advised the board that his team is working with a property management firm to pin down the precise type of unit mix that is comparable to the surrounding area.
 - e. Mr. Heisler also inquiring into the tentative start of construction date and an idea of the rental rate.
 - i. Mr. Weitz stated that the scheduled start date is anticipated for the beginning of October 2022. Modeling exercise will determine the price points in which the development group will be proposing.
 - f. Mr. Heisler strongly suggests the developer work with Community Development and CRA Staff to ensure the availability of workforce housing.
 - i. Mr. Walia assured that staff will be working with the developer and CRA as a stipulation in requesting CRA funds will be to address workforce housing.



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- g. Marc St. Vil wanted to clarify if the developer stated if the group will be pursuing CRA funds for the project. Mr. Heisler stated that in his note the development team stated that the “applicant will apply to the CRA”
 - i. Mr. Wasserman clarified further in stating that the group will be considering applying to the CRA as they have yet to reach that determination. Will work with staff to evaluate options to proffer.
- h. Mr. St. Vil asked for clarification if this project is on the waterway.
 - i. Mr. Thompson and Mr. Wasserman both addressed that the waterway is north of the property.
- i. Mr. St. Vil inquiring into the inspiration of the butterflies on the façade.
 - i. Mr. Weitz informed that the design was inspired by the local floral accents as well as a bougainvillea shrub near the property that is always full of butterflies.
- j. Mr. Thompson inquired to ensure the property will be developed in the proposed time frame and not to be sold prior.
 - i. Mr. Weitz stated “We’re gonna build it”

Motion made at 7:43pm by Daniel Heisler to approve the project with conditions upon the implementation of workforce housing and that it’s connected to CRA dollars. It was seconded by Larry Thompson to approve the Site Plan and Three Related Variances from the Zoning and Development Code, NMB Venus – located at the southwest corner of NE 164th street and NE 21st Avenue.

Motion passed by 6-0

Chair, Joseph Litowich	YES
Vice-Chair, Marc St. Vil	YES
Donard St. Jean	YES
Larry Thompson	YES
Robert Dempster	YES
Daniel Heisler	YES
Larry Shinbaum	ABSENT

III. Approval of Text Amendment to Ordinance Chapter II Article VII Section 2-67; Sub Section 2-67.4 and Section 2-67.5 PZ Board Meeting Quorum & Meeting Amendment

- A. Deepak Bhatt, the principal planner made a presentation 7:47pm
 - a. Daniel Heisler inquired if everyone can vote either being in person or via zoom.



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- i. Kent Walia advised that due to sunshine law and Florida statute that board members must be present in person in order to vote.
- b. Robert Dempster inquired if there were two options proffered to the board, to either move forward with the amendments or can deny the entire slate of recommendation, wishes to know if there is a possibility to amend.
 - i. Mr. Walia advised that the board can amend prior to approval.
- c. Mr. Dempster is proposing moving forward with accepting the amendment as is, however, is unsure if the reduction of quorum will be effective, is wary of setting a precedence of lowering number of members needed to reach quorum. Proposes approval of the first recommendation Section 2-67.4 meetings and omitting the second recommendation 2-67.5 Quorum; Required Vote.
 - i. Attorney Pamala Ryan clarified that board could make any decision they deemed fit as these are recommendations from staff. Staff will provide the recommendations from the board to the city commission for a final vote.

Motion made at 8:05pm by Robert Dempster, seconded by Daniel Heisler to approve Text Amendment to Ordinance Chapter II Article VII Section 2-67.4

Motion passed by 6-0

Chair, Joseph Litowich	YES
Vice-Chair, Marc St. Vil	YES
Donard St. Jean	YES
Larry Thompson	YES
Robert Dempster	YES
Daniel Heisler	YES
Larry Shinbaum	ABSENT

IV. Approval of Text Amendment to Ordinance Chapter XXIV, Appendix "A" Land Development Fee Schedule -

- A. Kent Walia, the Community Development Director, made a presentation at 8:08pm.
 - a. Marc St. Vil inquired if the \$2,500 proposed fee is for each variance in each district except for single family.
 - i. Mr. Walia confirmed that that is correct.
 - b. Joseph Litowich inquired if the updated fees will be sufficient for staff time.



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- i. Mr. Walia advise that the amounts calculated shall be sufficient in covering staff time.
- c. Mr. St. Vil recommends that staff provide a breakdown of staff time spent on each project to quantify amounts.
- d. Robert Dempster posed if this is a resolution to raise the fees.
 - i. Mr. Walia advised that this is to update a previous resolution that lowered fees.
- e. Mr. Heisler recommended homeowners pay \$400 instead of \$300 for variances.
- f. Mr. Litowich inquires on how should the board proceed with the item with the added recommendations.
- g. Mr. Walia asks if the board wishes to vote the item in as a resolution or an ordinance.
- h. Mr. Thompson requests if the board can just vote to adjust the fees and leave the process alone.
 - i. Mr. Walia advises that will just be transferring the resolution as just a text amendment only and will go to the commission as two readings.
 - ii. Attorney Pamala Ryan advises that the board will just need to make a motion which will provide the board a directive on how to proceed.
- i. Mr. Litowich inquires if the board can divide between one motion being for ordinance or resolution and the other motion being for the fees.
 - i. Attorney Ryan stated that a motion will need to be made on what the board feels should pass.
- j. Mr. Dempster makes a motion to update the fee for single family residential variances from \$300 to \$400.
- k. Mr. St. Vil inquired if this is the only amendment the board will be making to the fee schedule.
 - i. Mr. Walia advised that there are a series of updates to the fee schedule that was provided in a packet to the board, staff provided three for the boards review.
- l. Mr. Thompson requests if the board can review the item more in depth and bring back once the board has had an opportunity to review.
 - i. Mr. Dempster advises that due to the process with it being the item must go through planning and zoning then two readings at City Commission, not passing the item at this meeting with only delay the process and puts the city at a disadvantage.
- m. Mr. Litowich confirms Mr. Dempsters' motion and Mr. Thompsons' second, requests Mr. Walia to call role call.



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Motion made at 8:32pm by Robert Dempster, seconded by Larry Thompson to update the fee for single family residential variances from \$300 to \$400 -

Motion passed by 6-0

Chair, Joseph Litowich	YES
Vice-Chair, Marc St. Vil	YES
Donard St. Jean	YES
Larry Thompson	YES
Robert Dempster	YES
Daniel Heisler	YES
Larry Shinbaum	ABSENT

IV. Approval of Text Amendment to Ordinance Chapter XXIV, Appendix "A" Land Development Fee Schedule A-J to transfer to a resolution format –

- A. Joseph Litowich confirms if the item will be discussing transferring the format from an ordinance to a resolution.
 - i. Kent Walia confirms this is correct.
 - a. Mr. Litowich requests for Mr. Walia to advise the board on the difference between an Ordinance and a Resolution.
 - b. Mr. Walia explains to the board the difference between an Ordinance and Resolution
 - c. Mr. Litowich inquires if as chairman is he able to make a motion on the item.
 - i. Attorney Ryan advises that he can but before the board does, she wants to inform the board that it for staff the issue is not bring it to the board but the length of the process and all that is entailed.
 - ii. Mr. Walia advises that the board provide a recommendation prior to City Commission review.

Motion made at 8:40pm by Marc St. Vil, seconded by Larry Thompson that the text amendment be changed from an ordinance to a resolution with a condition that any text amendments be brought before the planning and zoning board prior to being brought to the city commission.

Motion passed by 6-0

Chair, Joseph Litowich	YES
Vice-Chair, Marc St. Vil	YES
Donard St. Jean	YES
Larry Thompson	YES



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Robert Dempster	YES
Daniel Heisler	YES
Larry Shinbaum	ABSENT

5. Informational Items

- N/A

6. Public/Citizen Comments

- N/A

7. City Commission Approval Update

- Items from the last PZ Board meeting will be presented at the City Commission Meeting on March 24th, 2022.
 - NMB Place
 - Echad Site Plan
 - Toras Emes Site Plan

8. Adjournment

The next Planning & Zoning Board meeting is tentatively scheduled for April 11th, 2022.