

BAL HARBOUR VILLAGE
LOCAL PLANNING AGENCY MEETING MINUTES
SEPTEMBER 13, 2012

A Local Planning Agency Meeting was held on Thursday, September 13, 2012, at the Bal Harbour Village Hall Council Chambers (655 – 96th Street, Bal Harbour, Florida).

1. CALL TO ORDER/ROLL CALL: The meeting was called to order at 7:04 p.m. by Mayor Rosenfield. The following were present:

Mayor Jean Rosenfield
Assistant Mayor Joni D. Blachar
Councilwoman Patricia Cohen
Councilman Martin Packer
Councilman Jaime M. Sanz

Alfred J. Treppeda, Village Manager
Ellisa Horvath, MMC, Village Clerk
Richard J. Weiss, Village Attorney

As a quorum was determined to be present, the meeting commenced.

2. PLEDGE OF ALLEGIANCE: The Pledge was previously done at the Second Budget Hearing.

3. APPROVAL OF MINUTES: *A motion was offered by Assistant Mayor Blachar and seconded by Councilman Packer to approve the July 17, 2012 Regular Meeting Minutes. The motion carried (5-0).*

4. PUBLIC HEARINGS:

Consideration of the Following Ordinance Creating Section 21-322 Providing for Site Plan Review for B Business Zoning: Mrs. Horvath read the following proposed Ordinance:

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING DIVISION 11, ARTICLE III, CHAPTER 21 OF THE VILLAGE CODE TO CREATE A NEW SECTION 21-322 "SITE PLAN REVIEW;" PROVIDING FOR SITE PLAN REVIEW, INCLUDING APPLICABILITY OF REQUIREMENT, APPLICATION AND REVIEW PROCEDURE, COST RECOVERY, AND DEVELOPMENT AGREEMENT; AMENDING SECTION 21-320 OF THE VILLAGE CODE TO CLARIFY THE APPLICABILITY OF COUNCIL REVIEW OF A TRAFFIC STUDY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Rosenfield requested that the item be removed from the agenda and for a workshop meeting to be scheduled.

Mr. Weiss explained that there wasn't an ordinance in place that regulated the uses in the Business District. He explained that they drafted an Ordinance and Mr. Olmedillo was hired by the Village to help with the Ordinance. He explained that after the Ordinance was circulated a letter was received from the Shops requesting additional changes. He agreed that the Mayor had a good suggestion to have a workshop meeting on the issue, since it was an important issue. Mr. Weiss requested that the motion be amended to defer both of the Ordinances to the next meeting on October 16, 2012.

The following Ordinance was also on the Agenda for consideration:

Consideration of the Following Ordinance Amending Village Code Section 21-316 to Amend the List of Uses for B Business Zoning:

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING SECTION 21-316 OF THE VILLAGE CODE TO AMEND THE LIST OF USES AND SET FORTH PERMITTED AND CONDITIONAL USES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

A motion was offered by Councilman Packer and seconded by Assistant Mayor Blachar to defer the two Ordinances until the October 16, 2012 meeting and to hold two workshop meetings before that time.

Assistant Mayor Blachar requested that the Shops not come before the Council with any plans before the October meeting.

Councilman Packer requested that no workshop meetings be held on any dates that would have a conflict with a Jewish holiday. Mayor Rosenfield noted that the Village would do its best to avoid scheduling on a holiday.

Assistant Mayor Blachar suggested that two workshop meetings be held so if someone couldn't make one then they could make the other one.

Howard J. Berlin, Attorney for the Bal Harbour Shops, explained plans to add storage space for tenants, on the third floor. He understood that the proposed ordinance would apply to the storage project, so the Shops would agree to the highest level of review with the greatest Village involvement, to allow the project to begin (even though the Ordinance hadn't been passed). He clarified that the plans were not part of the expansion, but were just to increase storage space for tenants. He spoke in favor of the workshop meetings.

Mr. Weiss clarified that Mr. Berlin has suggested that, even though the Ordinance wasn't in place, the Shops would act as if it was. He added that the Shops was willing to abide by all of the protections for the Village in the Ordinance, even though they were not obligated to do so.

Councilman Packer didn't think that a one-month delay should have any impact on the Shops.

Mr. Berlin clarified that, under the Code, the Shops could proceed and not have any restrictions, but were offering to do this as a good faith effort.

Councilman Sanz clarified that the storage facilities were already built, but the project would be to improve them.

Mr. Berlin clarified that the storage facilities were inadequate and additional space was needed. He added that it would be a height issue, which is why the Shops was suggesting for it to go through the entire process.

Mr. Weiss clarified that the Shops could submit for a building permit tomorrow, do the project, and the Village would not have any input other than for the Shops to comply with the Code. He noted that there currently wasn't a review process in place. He further clarified that all the Shops needed to do was to go to the Building Department and, as long as they were within the height restrictions, they could do what they wanted. He added that was the reason that they suggested that a comprehensive ordinance be in place. Mr. Weiss clarified that what the Shops was offering to do was far more than what they were required to do.

Councilman Packer would like to know what the Council would be in for. Mr. Weiss explained that whatever the Shops was proposing would come through a whole process, and if the Shops didn't offer to do this, then the Council wouldn't see the project through a process.

Matthew Lazenby, Bal Harbour Shops, explained that the current storage space was on the west side and the proposed project was to add a third floor on the east side, to match the west side. He clarified that the Shops would be adding a story to the building on the east side, to match the west side (approximately 50 feet total height, with a story height of approximately 15-17 feet).

Mr. Weiss clarified that the Shops currently didn't need Council approval for the project, but have agreed to act as if the Ordinance was in place, for the storage project.

Dan Nieda, Building Official, explained that the maximum allowed height was 56 feet, or three stories, but that the Shops would match the existing height.

Mr. Weiss further clarified that the Shops wouldn't construct anything and the storage project would go through the process, for the Council to see the proposed project.

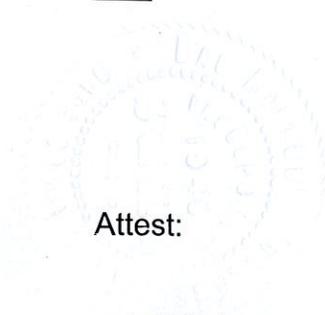
The motion carried (5-0), with the roll call vote as follows: Assistant Mayor Blachar yes; Councilwoman Cohen yes; Councilman Packer yes; Councilman Sanz yes; Mayor Rosenfield yes.

Guillermo Olmedillo, Olmedillo X5 - Village Consultant, addressed the Council and reviewed his involvement in creating the ordinance.

It was the consensus of the Council that the Workshop Meetings be posted on the Police sign.

5. ADJOURN: There being no further business to come before the Local Planning Agency, *a motion was offered by Assistant Mayor Blachar and seconded by Councilman Packer to adjourn. The motion carried (5-0) and the meeting was adjourned at 7:34 p.m.*

Attest:




Elisa Horvath, MMC, Village Clerk


Mayor Jean Rosenfield