

SUMMARY MINUTES

Local Planning Agency Meeting
Tuesday, June 28, 2005, 3:00 p.m.
City of Sunny Isles Beach, Florida

ATTENTION ALL LOBBYISTS: CITY LAW REQUIRES YOUR REGISTRATION PRIOR TO ENGAGING IN LOBBYING ACTIVITIES BEFORE CITY STAFF, BOARDS, COMMITTEES OR THE CITY COMMISSION. PLEASE CONTACT THE CITY CLERK FOR FORMS AND ADDITIONAL INFORMATION.

AGENDA

1. CALL TO ORDER/ROLL CALL OF MEMBERS

The meeting was called to order by Mayor Edelcup at 3:02 p.m., with the following officials present:

Mayor Norman S. Edelcup
Vice Mayor Lewis J. Thaler (via Conference Call)
Commissioner Roslyn Brezin
Commissioner Gerry Goodman
Commissioner Danny Iglesias (Absent)

City Manager Christopher J. Russo
City Attorney Hans Ottinot
Assistant City Attorney Erica N. Wright
City Clerk Jane A. Hines

2. PLEDGE OF ALLEGIANCE/INVOCATION

Action: Vice Mayor Thaler led the Pledge of Allegiance to the flag.

3. WELCOME BY MAYOR NORMAN S. EDELCUP

Action: Mayor Edelcup gave opening remarks.

4. PRESENTATION BY CITY PLANNER REGARDING THE COMPREHENSIVE PLAN EVALUATION AND APPRAISAL REPORT (EAR)

Action: City Planner Shelley Eichner reported that this is the *Draft Evaluation and Appraisal Report* (EAR), and that according to State Statute, it is going to be an analysis of how the City did since its last adopted Comprehensive Plan, which was in the year 2000, what were the City's objective goals and policies that were adopted then and how the City has done in the last five years in terms of implementing.

City Planner Eichner said the other step that the State did recently was to change the nature of this evaluation and appraisal report, where in the past you had to go through every element of the plan and do this analysis, and the State felt that was redundant since some elements really didn't have any problems, so they came up with a concept called issues. She said what are the issues that are important to the City of Sunny Isles Beach that need to be readdressed as part of our EAR. She said in November 2004 the City had a Scoping Meeting, that was advertised and opened to the public and we invited representatives from the adjoining municipalities, various State agencies, as well as other County agencies to come and

participate in the Scoping Meeting, and at that time a list of issues were identified by consensus by the group that was there. She said that some of the issues that were brought up at that time are in the introductory portions of this document on pages 3 and 4, and what they subsequently did was to group the issues together by title to be addressed in the EAR:

- 1) Land Development;
- 2) Transportation Improvements;
- 3) Intergovernmental Coordination;
- 4) Affordable Housing; and
- 5) Mission Statement.

Ms. Eichner said that we take all of those issues, and some of those issues cut across various elements within the Comprehensive Plan and we will be preparing the analysis and how they can impact. She noted that the Draft EAR before the Commission is almost like a wish list, looking inward to say how did we do, it is not an action document, there are no changes to Codes, no comprehensive plan amendments that are going to be done right now. She said once the EAR is finally adopted and the issues are sorted through, the next step in this planning process is to then bring forth amendments to the Comprehensive Plan that will deal with all of these issues that have been raised as part of the City's EAR, so this is almost like what have we done, where can we go to do better type of document, and the next step would actually implement on how we are going to get there.

Ms. Eichner said in the other parts of EAR is delving into a little bit more detail in each of these issues and really defining the issue, how does the past compare with the present, did the issue come up on its own or is it the result of changing demographics, the change in population, additional traffic, or is it the result of other government regulations or issues, and that is what Chapter 2 goes through, dealing with those local issues and how we are doing and what has changed in the past several years. She noted that there is a brief analysis of what the City could do to reach those goals in terms of identifying those issues. Ms. Eichner said that another component to this document is also to go through those pertinent objectives within the Comprehensive Plan and it begins on page 16, where you identify the objective of the Plan, what the target was of that objective, what the conditions were in the City when the Plan was adopted, and what are the current conditions which then leads to a comment section, is everything the same, it was okay then its okay now, we don't need to do anything or deal with that objective, and so we go through a whole series of that kind of analysis on pages 16 through 27. She said in terms of analyzing some of the issues, we need to look at future population estimates, as well as changes in the population, the population of the City has grown, the amount of vacant acres of land in the City has drastically decreased, so essentially the City is for the most part built out in terms of vacant land, but we still know that more people are coming in all of those condos that we see going up. She said those kinds of population growth in housing also puts demands on infrastructure, being water, sewer, drainage, roads, and there are some preliminary analysis with respect to those items to see if the City can keep up both in the terms of the existing infrastructure in addition to the taxes that will be coming into the Capital Improvement Plan to really plan for the future. She noted that they have then gone through an analysis in terms of location of development and there are several tables dealing with the number of units that are on line, what's coming in.

Ms. Eichner said that schools are another issue and have pointed out the need for the City's desire to have a school located in the City and have also explained at this initial stage that the

City has been working very closely with the School Board to locate a school and construct a school within the City. She said that the City is ahead of the curve because with the new growth management legislation that was just signed into law last week, one of those issues is school concurrency, that the State wants to see before development can be approved that schools are in place, and the City has already started its negotiations and discussions with the School Board to locate a school in the City, and that is the very kind of thing that this EAR is designed to do.

Ms. Eichner noted that on page 44 is an analysis of the successes and the shortcomings of each element of the Comprehensive Plan, and a lot of it has already been done, and there really are no problems because the City has already carried out the goals of the Plan. She said that some things they have no comments on that they are not even going to address such as the conservation element, everything is fine, the natural lands are being protected, and we really don't need to deal with that issue, that element we probably won't even touch but many of the other elements we are. Ms. Eichner noted on page 54, Chapter Five, which is the conclusion and proposed revisions, this is in conjunction with everything that is in the report, this is where we see some possible potential revisions to the Comprehensive Plan. She said the rest of the document deals with changes to State Statute from an historical perspective as it relates to our land use and growth management.

Ms. Eichner said that the next step in the process after today is to transmit this draft to the Department of Community Affairs (DCA) in Tallahassee whereby they will have 30-days to informally review the draft and offer comments and suggestions that they may have as we go through the process towards the final adoption. She said we should get that document by Statute within 30-days, which would take us to the end of July, and that would leave us with August and September to prepare the final draft for the City to adopt by October 1st which is the statutory deadline established by the State. Ms. Eichner then asked for any comments or additions from the Commission.

Commissioner Brezin addressed the Mission Statement, whereby she just received the revised document and noticed that there were changes in page 16 of the old document, and Ms. Eichner said that the old document was the draft of the draft because we were on this tight schedule to get to today with people going on vacation and issues of a quorum, and meeting the deadlines as far as transmitting this, what went out was a draft draft. Commissioner Brezin said there were several things that were eliminated in the Mission Statement, particularly in section 6, and she would like to see that in the new draft. City Manager Russo clarified that the only changes that were made were factual corrections, nothing was changed substantively, they did not take anything out of the document, and what Commissioner Brezin is referring to should not have been in there to begin with. He said that was a section on the Mission Statement is the basis, that is a statement that is created by the Elected Officials and the community, that gets translated through. He said what would ultimately be a strategic plan of which the whole development issue is a key component of, that gets translated down into the business plan of the community for which those specific sections that those points are really part of what goes into the implementation on the administrative side as to opposed to what the process is to create the Mission Statement, that detail is important as we get through the Mission Statement, but that is not part of the Comprehensive Plan and that is why that was removed, that is something we will deal with in time but this was not the place for it, and that is why we should refer to the document before the Commission today because there were

corrections made.

Mayor Edelcup said that what Commissioner Brezin is reading is actually a check list that the City Manager would use to evaluate how well he is performing the mission that goes into the Mission Statement but we are not putting into the Comprehensive Plan or the EAR the procedure that the City Manager goes through to make sure that we are doing each of these steps, this is a to-do list as opposed to a broad scope type of an issue. Commissioner Brezin said that it is important and will be dealt with in other documentation that she can refer to in the future, but we are not eliminating it, and City Manager Russo agreed. Commissioner Brezin said another section that was eliminated was Section 4 that serves as a basis of the budget proposals, and City Manager Russo said that the entire section is more of an administrative process and will be dealt with in other documentation. City Manager Russo said in an example, if the Comprehensive Plan that we need to implement a Streetscape Beautification Plan for the City, that would be a point if it wasn't there already that we would be adding with this evaluation of our Comprehensive Plan. He said the factual detail administrative process of going step by step and replacing the newspaper vending machines, the street furniture, the trash receptacles, the lights, the bus shelters, that would be the detail of it that we may not list specifically here. Mayor Edelcup said that these are the things that are delineating concepts and not the to-do list.

Commissioner Goodman said the only thing he is concerned about is traffic and safety. He said in reference to North Bay Road he doesn't believe there is any traffic problem there and that the City streets have any problem with traffic, it is only Collins Avenue. He said he is sure that by the time it is finished and sent to the State that there will be many more discussions and many more things that they have to look at and so this is just the preliminary that we are looking at now. Ms. Eichner responded that the EAR before the Commission is a draft but the issues is something that was reviewed and approved by the Commission in the Scoping Meeting back in November, in terms of transportation, the congestion on Collins Avenue and North Bay Road were issues that were identified at the Scoping Meeting and what they have subsequently done is send a letter to Tallahassee telling them that these are the issues that were identified at our Scoping Meeting and therefore these are the issues that we will be addressing. She said what they will probably do is go through our transportation element and look at those two parallel facilities to see if there are any policies and objectives within the Comprehensive Plan and the transportation element or some other elements that could potentially deal with that issue. Commissioner Goodman said that North Bay Road could be considered as a by-pass but you must take into consideration that one end of North Bay Road is a dead end, and the people would either have to come from Collins Avenue or go back to Collins Avenue, so it is very difficult to make that as a by-pass, we still and will continually have the problem with FDOT and Collins Avenue. Mayor Edelcup said the report says that we know we have a problem and we will be looking at it with an open eye to new types of solutions which could mean looking at North Bay Road maybe being connected, where it ends right now 183rd maybe it will connect up to 185th, we know that is in there and we also know that what is in the Plan won't solve everything but we are still going to be looking at these things and basically the EAR is saying that we are going to be looking at those things. Commissioner Goodman said that he is happy that Tallahassee knows it because that is where the FDOT comes from it's a State highway, so if they are aware of the fact then they know some of our problems and when we go to them they should listen to us because it is in our City.

Vice Mayor Thaler said in the affordable housing area, he doesn't feel that we have what half of what that is based on what has been happening in Sunny Isles Beach and which is now becoming a condominium and some of the affordable housing has been in Sunny Isles Beach and we should keep our eye on it and put a little more detail into where we want to go in the future in the affordable housing area. Ms. Eichner reassured Vice Mayor Thaler that Tallahassee will absolutely positively and without a doubt require the City to closely look at affordable housing, it is the hot issue, and she would hazard to guess that of any of the comments that come back on the Draft EAR the affordable housing issue will be top on the list in Tallahassee, so we will certainly be dealing with it, analyzing it, and will have to come up with policies and an analysis of the affordable housing issue within the City. Vice Mayor Thaler said every meeting he has gone to including Broward and Palm Beach Counties affordable housing has been brought up but we should continue to look at it and put it on the forefront of our policy, and Ms. Eichner said it is on the forefront.

Mayor Edelcup said he would like to see something in the EAR that shows some of the other things that we have been able to accomplish over the last five years and one of those is the Art in Public Place, Private Place concept that the City has put through in the area where you are talking about in our concepts of architecture and culture, and the other is that the City created an Historic Preservation Board. He said that there is a provision that got talked about in the original Comprehensive Plan that is for neighborhood or village identification throughout the City and those who are familiar with the old Streetscape Plan which provided for monuments or markers to be placed along Collins Avenue adjacent to the various neighborhoods, the neighborhoods being either the Arlen House area, the Kings Point area, Poinciana Island, Atlantic Isle, Winston Towers, Golden Shores, each of those areas were to have some sort of specific local identification and he would like to see that somehow wrapped into this Plan. Mayor Edelcup said those, other than the corrective errors that he had mentioned to Ms. Eichner prior to this meeting on specific pages that she can take care of, are the sum of his comments, and he opened the public hearing.

5. PUBLIC HEARING

Action: Isaac Aelion said that he was concerned about the commercial building within the Winston Towers complex at 17395 North Bay Road. He said an opinion by the County dated September 4, 1979 and issued by Chester C. Czebrinski, Assistant Director, Building and Zoning Department, specifically stipulates that following hearings and files and regulations, etc., that particular area which the Commission established under the DU-1 Commercial setting, was to benefit the residents of the Winston Towers Complex area. He forwarded the opinion to the City Clerk for the records. He said that there are rumors that the present owners of this commercial property may consider elimination of such property to be replaced by a condominium.

Commissioner Goodman asked if we are bound by Miami-Dade County's 1979 zoning plan or does our zoning plan that we have for the west side of Collins Avenue take precedent. Mr. Aelion said the Master Plan envisioned the population multiplied by the seven buildings and the units and the density was not to encompass any other building area. Commissioner Goodman said he understands that but would like to get a ruling so if we start at the beginning and work from 1979 up until we became a City, that is the important step. Mayor Edelcup said this has nothing to do with the EAR report but it is a legitimate question and needs

research and to bring it up at a regular Commission meeting. City Attorney Ottinot said he would look at the zoning history with respect to the legal issues.

Mr. Aelion agreed with the Mayor's suggestion for monuments or landmarks to be put in the different entrances of the areas, especially on 174th Street for Winston Towers. He said he met the Mayor about three or four weeks ago and talked about an idea that the park that is now part of the master complex association which is the Winston Towers Park, is not subject to contravention management but since the City doesn't have an historic park and this being the only park that was prior to the inception of the City. He said he has learned that 174th Street used to be the Air Force strip from the Florida Air Force Base in World War II, so since the park is adjacent to that road which is now 174th Street, it can be considered a park and a monument established thereof. He said the main thrust of this reasoning is to form a committee to study the possibility of giving the park to the City however, not only with the condition that this would remain a park for evermore, but also to ease the minds of many people who doubt and are afraid that in the future this Commission as it sits today is a very noble Commission but tomorrow we never know, is that it becomes some sort of historic park so it would make it very difficult for any future body to do anything else but to leave it as a Park.

Mayor Edelcup said that Mr. Aelion's remarks on the historic park may be addressed to the Historic Preservation Board at their next meeting. He said if the Winston Tower people themselves want to form a committee to look at whether or not they want to give that park to the City as an historic park, that is something that the complex needs to determine and we can't really get involved in it. Commissioner Goodman said he did a little research on it and he got from the City that the value of that land was used up when the seven buildings of Winston Towers was built and they cannot ever put a building on that land. Mr. Aelion said that this has to do with the Comprehensive Plan, nothing is written in stone, there is always the danger that modifications to the Code may happen. Mayor Edelcup said if it is given to the City in some form as a park, under State law it remains a park forever. Commissioner Brezin said that at the present time this is private property belonging to the complex and therefore the way it stands now it is not a City decision, but as the Mayor indicated, this would be a decision that would be made by the respective buildings of the Winston Towers, and if that decision is made, then it would be put before the City to accept. Mr. Aelion said at this point they just want to entertain the notion of the City at least being in the position to accept it, if and when. Mayor Edelcup and the Commission said they would be receptive to something being presented to them. Commissioner Goodman said since he brought it up as a memorial from World War II because it was used as a site for military here. Mr. Aelion said that it has been documented that many air force pilots that left this street and went to the carriers, many of them never came back. Commissioner Goodman said he would like some documentation on that as he never knew this.

Mayor Edelcup said that in our EAR review we should have something in there to discuss parking and structural parking throughout the City. He said that one of the City's goals should be to have either a public or public/private parking garage concept developed. Ms. Eichner said that it is addressed in several sections particularly in the transportation as a way to deal with the roads, and there are several different places in the EAR that it is addressed and that would translate to things in the Comp Plan. Commissioner Goodman said in that particular area we got our beach renourished three times because we do have public parking

here and have approximately 1,000 parking spaces here in Sunny Isles Beach and that is why the federal government renourished our beach and will continue to do it as long as the public has access to it. Vice Mayor Thaler said he recommended that also in the parking area and in the transportation area the waterways, using the waterways in transportation was not mentioned in the original paperwork and should be incorporated. Ms. Eichner said that it has been added in the potential of working with Miami-Dade County as far as a water taxi. City Attorney Ottinot asked Ms. Eichner if we have received the Letter of Understanding from DCA yet, and Ms. Eichner said that they have been told that it has been faxed to them. She said that we are moving forward, and explained that the Letter of Understanding should have been issued within 30-days of the Scoping Meeting and the reason we don't have it is because DCA has undergone staff change-over or loss of staff in Tallahassee.

Mayor Edelcup said he noticed in the report that it refers to the amount of acreage we are supposed to have for parks based on population of 2.75 acres per 1,000, and asked if that is a mandated number by the State, and Ms. Eichner said no, that was a number that was in the City's last Comprehensive Plan, which was probably the standard that was in Miami-Dade County, or in the alternative it was the number that the City met back then. Mayor Edelcup said we should look at that to see if that number is something we can live with, and Ms. Eichner said that right now if you include the beaches, you have more than enough parking open space to meet that 2.75. Mayor Edelcup said that we then need to clarify that we need to count the beaches as well, and Ms. Eichner said that it has been modified. City Manager Russo said didn't the Comprehensive Plan count the beach, and Ms. Eichner said yes. Mayor Edelcup said assuming that the City builds out at 25,000 population, we would need over 50 acres of park based on 2.75 per 1,000, and right now we have 22 acres without the beaches.

6. RESOLUTION

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE CITY OF SUNNY ISLES BEACH, FLORIDA, APPROVING THE CITY OF SUNNY ISLES BEACH DRAFT COMPREHENSIVE PLAN EVALUATION AND APPRAISAL REPORT (EAR), ATTACHED HERETO AS EXHIBIT "A", AND THE REQUIRED TRANSMITTAL TO THE STATE DEPARTMENT OF COMMUNITY AFFAIRS PURSUANT TO CHAPTER 163.3191 OF THE FLORIDA STATUTES; PROVIDING FOR AN EFFECTIVE DATE.

Action: City Attorney Ottinot said for clarification that this Commission is sitting as the Local Planning Agency.

Commissioner Goodman asked how many more meetings the City needs before the October 1, 2005 deadline. Mayor Edelcup noted that there is a schedule dated June 22, 2005 in the packet from Calvin Giordano and Associates. Ms. Eichner said that there will be one more meeting which would be the adoption hearing. She said once we get the comments from DCA and finalize the report, we will set up individual meetings, and Mayor Edelcup said that would be in September, and Ms. Eichner said yes, that we need to transmit it by October 1, 2005.

Mayor Edelcup said that he would like the Resolution amended to take care of any corrections, additions or subtractions as a result of this meeting.

Commissioner Goodman moved and Commissioner Brezin seconded the **motion, as amended. LPA Resolution No. 2005-30 was adopted by a voice vote of 4-0-1 in favor.**

7. ADJOURNMENT

Mayor Edelcup adjourned the meeting at 3:47 p.m.

Respectfully submitted by:

Approved by the City Commission on July 14, 2005

Jane A. Hines, City Clerk

Norman S. Edelcup, Mayor