

**TOWN OF BAY HARBOR ISLANDS
MINUTES OF A PUBLIC HEARING**

A Public Hearing Meeting of the Town Council was held on Tuesday November 19th, 2019 at 7:00 p.m. in the Council Chambers. Upon roll call the following members responded:

Mayor Stephanie Bruder
Council Member Jordan Leonard Council Member Kelly Reid
Council Member Elizabeth Tricoche Council Member Robert Yaffe

QUASI-JUDICIAL PUBLIC HEARING

Town Attorney Simone swore in all the individual speaking at the Public Hearing.

Item 1. Presentation of the proposed Development Agreement by N / R Wharton Kane Concourse Property Owner, LLC to construct a mixed used development zoned in the B-1 Business District which includes 90 residential units; 98,800 square feet of office space and 15,000 square feet of commercial space.

Attorney Neisen Kasdin of Ackerman, LLP representing the developers and owners of the proposed development. He explained that the team incorporated the changes as requested by the town Council which were as followed:

- Reduced the residential component from 104 to 90 residential units.
- Increase in office space to 98,732 square feet.
- No changes to the commercial space on Kane Concourse.
- Will offer Emergency Operations Center (EOC) for the Town.
- Proposed a Lead Certified Building.
- The waterfront lot will not be used as a construction staging site.
- The project footprint was re-design to accommodate the Town commercial and residential spaces.
- Improved the vehicular access for the alleyway.
- Have internalize the loading dock by creating two loading bays for large commercial trucks.

Item 2. Town Manager's Report and presentation. Attached is a memorandum from Town Manager Jimenez with attachments.

Town Manager Jimenez stated that have had ongoing negotiations with the developer and staff for the best possible agreement for the Town and felt that the proposed before the Town Council was fair.

Item 3. Public Comment concerning the proposed Development Agreement.

Natasha Cortez, 10201 W. Bay Harbor Drive, came forward and was concerned how the project would impact the business district, streets, the children walking in Town. She urged the developers to relocate the existing trees to the new park to be conveyed to the Town.

Christine Justice, 1141 Kane Concourse, owner of the building adjacent to the proposed development. She was concerned with impact of the magnitude of the development, the alleyway; the vehicular traffic on the alley and the number of residential units proposed.

Lisa Levy, 9660 W. Bay Harbor Drive, came forward and was concerned with the increased in office space, traffic impact, parking and the rerouting of vehicles in the alleyway.

Frances Neuhut, 1060 Kane Concourse, came forward and was concerned with the parking impact; increase the office space and was opposed to affordable housing.

Miriam Desabi, 10201 E. Bay Harbor Drive, came forward and was in favor of the proposed development. She felt that the development would make a positive impact on the Business District.

Kathy Srur, 10301 W. Bay Harbor Drive, came forward and thanked the development team for a great project design. She urged the Town Council to consider the project density. She suggested for the developer to rent out a number of parking spaces from the Town parking garage.

Town Manager Jimenez clarified that the parking spaces in front of the project located on Kane Concourse will not counted towards the project parking count.

John Corral, 9660 W. Bay Harbor Drive, came forward and asked for the Town Council to be cautious on the particular property. He was concerned with the kids walking to school near the proposed site, the alleyway traffic impact and the police department response time should the traffic be diverted.

Kathleen Kennedy, 9180 W. Bay Harbor Drive, was concerned with the Church by the Sea and the 1177 Kane Concourse projects starting their construction at the same time.

Norma Orowitz, 9240 W. Bay Harbor Drive, was opposed to the proposed development and concerned with the traffic impact the project could have on the Town.

Milton Raijman, 1135 Kane Concourse, came forward and was not happy of the added office space. He was concerned with the alleyway vehicular traffic. He also asked if self-parking would be offered to the retail / commercial component of the development.

Attorney Nasdin stated that the property owner has agreed to provide self-parking and valet parking for the commercial component.

Council Member Leonard arrive at the meeting at 7:49 p.m.

Michael Orowitz, 9240 W. Bay Harbor Drive, was opposed to the proposed project and was concerned with the traffic impact on the surrounding streets.

Vincent Martino, 1050 95 Street, was concerned with the traffic impact to the Town.

Clarissa Valdivia, 9655 E. Bay Harbor Drive, came forward and felt that the proposed development did not fit the Town.

CLOSED PUBLIC COMMENT

TOWN COUNCIL COMMENTS

Council Member Tricoche felt that the developer had listen to the Council comments. The developer has agreed to obtain a demolition bond and pay \$65,000 per TDR unit. She suggested the developer increase the amount of parking spaces to 550 and urged them to rent some spaces from the Town parking garage.

Council Member Leonard and Council Member Yaffe were concerned with the alleyway traffic impact and the left turn into West Bay Harbor Drive.

Attorney Kasdin clarified that the entrances to the building would be from the west and will be providing two large loading bays to minimize the traffic impact. They will also provide the Town with an easement for the turn onto 97 street.

Council Member Leonard asked if the team could commit to free parking for the visitors and also suggested for the developer to lease the parking spaces from the Town parking garage.

Council Member Yaffe would like a provision to be added to the agreement for the developer to lease spaces from the Town.

Town Attorney Simone stated that he could include language, if the town believes that additional parking was needed, the owner could lease the spaces from the town.

Architect Alex Valner, the team could conduct a parking occupancy study on the Town request to purchase parking spaces from the parking garage.

Council Member Reid stated that she supports a responsible project in Town but was concerned with the alley traffic impact and the loading area. She asked if the loading trucks were capable of making the turn in the alleyway. She also suggested a 2-hour parking limit on Kane Concourse to limit the overflow.

Town Traffic Engineer, Joaquin Vargas, stated that he conducted several simulations on how the trucks would park in the loading zone and exit the alley onto 97 street. The turn was possible, and the width of the alley was analyzed.

Consensus was to conduct an assessment on an 18-wheeler truck specifically entering and exiting the alley from Bay Harbor Terrace into the alley.

Council Member Yaffe was concerned with the pedestrians walking around the project, alley way traffic; and suggested to add language to lease parking spaces from the Town.

There was a detailed discussion on the traffic impact on the alley way from Bay Harbor Terrace into the alleyway north; the right turn feasibility for big trucks making deliveries; additional parking spaces to purchase for the parking garage based on index developed based on capacity; expected construction period; the parking fees that would be charged onsite; right turn only on 97 street.

Town Manager Jimenez clarified the following amendments to the proposed development agreement as followed:

1. Right turn only on 97 street.
2. Developer will consult with Town on affordable parking fees for their site.
3. Developer will rent parking spaces from Town based on an occupancy index.
4. The Town will conduct an analysis for large 18-wheeler trucks entering Bay Harbor Terrace into the alley

Item 4. Approval of an ordinance on first reading approving a development agreement as authorized under the Florida Statutes Section 163.3220-163.3243 between N/R Wharton Kane Concourse Property Owner, LLC and the Town. The agreement will authorize - development of approximately 1.96 Acres at 1177 Kane Concourse of a mixed-use project consisting of 90 residential units, 98,800 square feet of office space and approximately 15,000 square feet of commercial use.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING A DEVELOPMENT AGREEMENT AS AUTHORIZED UNDER THE FLORIDA LOCAL GOVERNMENT DEVELOPMENT AGREEMENT ACT, SECTIONS 163.3220 – 163.3243 OF THE FLORIDA STATUTES, IN SUBSTANTIALLY THE ATTACHED FORM, BETWEEN N/R WHARTON KANE CONCOURSE PROPERTY OWNER, LLC (“OWNER”) AND THE TOWN OF BAY HARBOR ISLANDS (“TOWN”), RELATING TO THE DEVELOPMENT OF APPROXIMATELY 1.96 ACRES OF LAND GENERALLY LOCATED AT 1177 KANE CONCOURSE, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT “A,” ATTACHED AND INCORPORATED, FOR THE PURPOSE OF REDEVELOPMENT OF SUCH LAND FOR MIXED USES PERMITTED BY THE BAY HARBOR ISLANDS COMPREHENSIVE PLAN – FUTURE LAND USE MAP DESIGNATION AND TOWN’S ZONING AND PLANNING CODE, AS AMENDED, WITH SAID DEVELOPMENT TO BE IN ACCORDANCE WITH THE SITE PLAN APPROVED BY THE TOWN AND TO CONSIST OF UP TO 90 RESIDENTIAL DWELLING UNITS, UP TO 98,800 SQUARE FEET OF OFFICE SPACE, UP TO 15,000 SQUARE FEET OF COMMERCIAL SPACE, AND 498 PARKING SPACES IN A BUILDING WITH A MAXIMUM HEIGHT OF 75 FEET; AND WITH SAID DEVELOPMENT AGREEMENT HAVING A TERM OF 10 YEARS AND ALSO MEMORIALIZING: (1) OWNER’S CONVEYANCE OF A WATERFRONT LOT AT 9600 WEST BAY HARBOR DRIVE TO THE TOWN FOR USE AS A PUBLIC PARK, (2) TOWN’S CONVEYANCE OF 24 TRANSFERRABLE DEVELOPMENT RIGHTS (TDRS) TO OWNER FOR USE AT 1177 KANE CONCOURSE, (3) CONDITIONS FOR THE TOWN’S PARTIAL ALLEY CLOSURE BETWEEN WEST BAY HARBOR DRIVE AND BAY HARBOR TERRACE AND OWNER’S PROVISION OF APPROPRIATE ACCESS EASEMENTS WITHIN SAID ALLEY, (4) TOWN’S APPROVAL OF A HEIGHT INCREASE FROM 65 FEET TO 75 FEET UNDER THE TOWN’S PUBLIC BENEFIT PROGRAM IN TOWN CODE SECTION 23-11(C)(8), BASED ON THE LISTED PUBLIC BENEFITS FROM OWNER; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE DEVELOPMENT AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

ACTION: Mayor Bruder made a motion to approve the proposed ordinance on first reading. Council Member Tricoche seconded the motion and it passed 4-1 with Council Member Reid opposed.

Item 5. Announcement of the date of the second public hearing to consider the approval of the development agreement.

Consensus was to schedule the second Public Hearing for January 7th, 2020.

There being no further business to discuss meeting was adjourned at 9:39p.m.

MAYOR

ATTEST

DEPUTY TOWN CLERK