

NOTE: A three-minute maximum time limit will be imposed on all comments from the public, regardless of the subject matter. A request form is available from the Deputy Town Clerk; fill it in and return it to her prior to the start of the meeting. When you speak, you must come to the podium in the front and clearly state your name and address for the record. Please turn off or mute your cell phone or pager at the start of the meeting.

TOWN OF BAY HARBOR ISLANDS
QUASI-JUDICIAL PUBLIC HEARING AGENDA
January 7, 2020

CALL TO ORDER: 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

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.
2. Town Manager's **Report** and **presentation**. Attached is a memorandum from Town Manager Jimenez with attachments.
3. **Public Comment** concerning the proposed Development Agreement and all related approvals.
4. **Approval** of an **ordinance** on **second** 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 the 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. Enclosed is a copy of the proposed ordinance.

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 503 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.

STAFF RECOMMENDATION: Council Discretion

POLL VOTE

5. **Approval** of a **resolution** pursuant to the terms and conditions set forth in the Development Agreement approving the closure, vacation, abandonment, and discontinuance for public use of that portion of the platted alleyway bounded by

West Bay Harbor Drive on the West and Bay Harbor Terrace on the East, which consists of a 20-foot wide Right-of-Way containing 6,000 square feet in total land area, In favor of the abutting property owner, N/R Wharton Kane Concourse Property Owner, LLC. Enclosed is a copy of the resolution.

STAFF RECOMMENDATION: Council Discretion

6. **Approval** of a **resolution** pursuant to the terms and conditions set forth in the Development Agreement approving the transfer of (24) Transfer of Development Rights (TDR) to N/R Wharton Kane Concourse Property Owner, LLC for its project located at 1177 Kane Concourse from the Town's pool of commercial mixed use TDR's. Enclosed is a copy of the proposed resolution.

STAFF RECOMMENDATION: Council Discretion

7. **Approval** of a **resolution** pursuant to the terms and conditions set forth in the Development Agreement to approve ten feet (10') of bonus height up to the maximum height of seventy five feet (75') for the development project located at 1177 Kane Concourse, under the Town Public Benefit Program. Enclosed is a copy of the proposed resolution.

STAFF RECOMMENDATION: Council Discretion

8. **Approval** of a **resolution** pursuant to the terms and conditions set forth in the Development Agreement approving a shared parking arrangement for the mixed-use development located at 1177 Kane Concourse, based on the shared parking study that concludes 503 parking spaces are sufficient spaces for the proposed development. Enclosed is a copy of the proposed resolution.

STAFF RECOMMENDATION: Council Discretion

CONCLUSION OF PUBLIC HEARING - Approximately 8:00 p.m.

Pursuant to Florida Statutes 286.0105, the Town hereby advises the public that should any person decide to appeal any decision of the Town Council with respect to any matter to be considered at this meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.