

From: Hans Ottinot <HOttinot@sibfl.net>
Sent: Tuesday, January 15, 2019 1:03 PM
To: Christopher Russo <crusso@sibfl.net>; Claudia Hasbun <chasbun@sibfl.net>
Cc: Julia Grachova <jgrachova@sibfl.net>; Lotoya Brown <lbrown@sibfl.net>; George "Bud" Scholl <gscoll@sibfl.net>; Larisa Svechin <lsvechin@sibfl.net>; Dana Goldman <dgoldman@sibfl.net>; Jeniffer Viscarra <jviscarra@sibfl.net>; Alex Lama <alama@sibfl.net>
Subject: FW: RE

Chris and Claudia:

This is to update you on the meeting that I had this morning with Maggie Gordo, the President of Sands Pointe Condominium. Julia Grachova was in the meeting with me. As you know, Ms. Gordo was passionate and strongly condemned the action of the City in reviewing the Infinity site plan. Specifically, she argued that the City is not following the law and that the project is too intense for the location. She vehemently opposed the bridge because of so many contingencies (including financial risk to the City), eminent domain, and human traffic that is associated with the bridge. She also complained about the potential traffic, airbnb and impact to the beach.

As a result of the conversation with Ms. Gordo, I reviewed the density and square footage calculations in the Zoning Code in comparison with the Comprehensive Plan. It is important to note that it appears the density and square footage calculations in the Town Center Zoning District are inconsistent with the permitted density and square footage for the property in question in the Comprehensive Plan. For example, the Town Center Zoning Code provides that Infinity project is permitted 60 units per acre whereas the Land Use Element in the Comprehensive Plan provides that the project is permitted 50 units per acre. Moreover, the Zoning Code provides that the base FAR for the project is 2.5, which can be increased with bonuses but the Land Use Element in the Comprehensive Plan provides that the project can only achieved a base FAR of 2.0 based on its location. Simply put, based on the Land Use Element in the Comprehensive Plan the Developer can only build 101 units, not 121 units and the maximum amount of square footage is 176,534, not 330,875 which the Developer is seeking.

Claudia, I do not know why the original Town Center Zoning Code appears to be inconsistent with the Comprehensive Plan. I have attached the original Ordinance. As you know, this is a problem because the development standards in the Town Center Zoning Code must be consistent with the Land Use Element of the Comprehensive Plan in accordance with the law and the Future Land Element. I have attached relevant pages of the City's Comprehensive Plan and the Future Land Use Element. I have also attached a court decision which provides that any development order issued must be consistent with the Comprehensive Plan.

I do not review density and intensity calculations unless a concern is raised to me and we did not have any reasons to check the original Town Center Ordinance in the past. Ms. Gordo's comments trigger additional review by me. Please review the documents attached and provide me with your comments. Thanks

Regards,

Hans

Hans Ottinot
City Attorney
18070 Collins Avenue, 4th Floor
Sunny Isles Beach, FL 33160
Tel: (305) 792-1702
Fax: (305) 792-1562
Email: hottinot@sibfl.net
www.sibfl.net