

**CITY OF MIAMI GARDENS
CITY COUNCIL ZONING MINUTES
April 6, 2005**

1. CALL TO ORDER/ROLL CALL OF MEMBERS:

The City Council, sitting as the Zoning Board for the City of Miami Gardens, Florida, met in regular session on Wednesday, April 6, 2005, beginning at 7:06 p.m., in the City Council Chambers, 1515 NW 167th Street, Miami Gardens, Florida.

The following members of the City Council were present: Vice Mayor Aaron Campbell, Jr., and Council members Barbara Watson, Audrey J. King, Melvin L. Bratton and Oscar Braynon, II.

Mayor Shirley Gibson and Councilwoman Sharon Pritchett were out of town attending the Dade and Broward Days Event in Tallahassee, Florida.

2. INVOCATION:

Vice Mayor Campbell delivered the Invocation.

3. PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was recited in unison.

4. APPROVAL OF MINUTES:

4A. Zoning Minutes – February 2, 2005

Moved by Councilman Braynon, seconded by Councilwoman Watson to approve the minutes with the necessary changes; page 6, line 11, replace the word “away” with “anyway”; page 9, line 41, replace the name “Bratton” with “Braynon”. There being no further discussion, the minutes **passed and carried by a 5-0 vote.**

**5. AGENDA ORDER OF BUSINESS
(ADDITIONS/DELETIONS/AMENDMENTS)**

Attorney Brian Adler, with law offices at 200 South Biscayne Boulevard, Suite 2500, Miami, Florida, appeared before the City Council representing Item No. 7C) Willow Lakes Town homes. He requested the deferral of this item until the May 11, 2005, City Council meeting.

Moved by Councilman Braynon, seconded by Councilman Bratton to defer Item 7C to the May 11, 2005, City Council Meeting. This motion **passed and carried by a 5-0 vote.**

Moved by Councilman Braynon, seconded by Councilman Bratton to approve the official agenda with the necessary change. This motion **passed and carried by a 5-0 vote.**

Robert Coleman, Zoning Administrator read into the record the procedure for this Zoning Hearing.

6. ORDINANCE(S) FIRST READING/PUBLIC HEARING(S)

- (1) AN ORDINANCE ESTABLISHING A MORATORIUM ON THE PROCESSING OF SITE PLANS, BUILDING PERMITS, DEVELOPMENT ORDERS, AND THE ISSUANCE OF CERTIFICATES OF USE OR OCCUPANCY FOR THE PROPERTIES GENERALLY LOCATED AT THE INTERSECTION OF NW 27th AVENUE AND N.W. 183RD STREET, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR A TERM; PROVIDING FOR A STUDY; PROVIDING FOR DIRECTIONS TO THE CITY MANAGER; PROVIDING FOR EXCEPTIONS; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

Manager Crew explained his rationale for sponsoring this item, as it related to the proposed Town Center Complex envisioned for the NW 27th Avenue and 183rd Street corridor. This proposed moratorium would be in effect for a six month period. The moratorium would allow the City an opportunity to conduct an analysis and study to support the necessary zoning changes and overlay. The City received a grant from Miami-Dade County to fund a great part of the study for this area.

Moved by Councilman Braynon, seconded by Councilman Bratton to approve this item on first reading.

Councilman Bratton commented, staff wants to create a Town Center concept in this area, and has asked for six months in which to complete the study. He questioned, what would happen if staff needs more than six months in order to complete the study?

Attorney Dickens responded to Commissioner Bratton question by stating, staff could bring this item back and request an extension for another period of time.

Councilwoman Watson questioned whether staff has determined the number of building permits currently in the system, either through the City of Miami Gardens or through Miami-Dade County. She further questioned how would this moratorium affect those permits, if any, already in the process.

Attorney Dickens in response to the questions raised by Councilwoman Watson said the adoption of this ordinance would not affect those building permit applications made sixty days (60) prior.

Christopher Steers, Assistant to the City Manager for Business Services appeared before the City Council and stated he was not aware of any outstanding building permits for this area, in Miami-Dade County's system or the City's system. He said he would research and provide the Council with his findings.

At the conclusion of this discussion, the motion to approve on first reading, passed and carried by a 5-0 vote.

Councilman Bratton:	Yes
Councilman Braynon:	Yes
Councilwoman King:	Yes
Councilwoman Pritchett:	Out of town
Councilwoman Watson:	Yes
Mayor Gibson:	Out of town
Vice Mayor Campbell:	Yes

7. RESOLUTION(S)

The City Clerk swore in all parties providing testimony in the public hearings.

RESOLUTION NO. 2005-59-236-Z-23

- 7A) **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, GRANTING THE APPLICATION OF CARRIE KEYES AND CYNTHIA HOLMES, D/B/A CELEBRITY KIDS CLUB OF MIAMI, TO MODIFY THE CONDITIONS APPROVED BY MIAMI- DADE COUNTY RESOLUTIONS 4-ZAB-145-87 AND 5-ZAB-133-97; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.**

Vice Mayor Campbell opened the floor for the public hearing.

Dr. Carrie Keys, and Ashley Mae Simmons, with residential addresses at 1860 NW 179th Street, Miami Gardens, Florida, and 300 NE 191st Street, North Miami Beach, Florida, respectively appeared before the City Council to solicit the Council's approval of this request. Ms. Keys provided a brief history on the school. The school is accredited by the National Apple Accreditation of High Quality Childcare Organization. Celebrity Kids Club offers a safe, clean and nurturing environment. Parents can feel secure knowing when they leave their children they will be well taken care of. The center is equipped with the latest materials, technology and state of the art furnishings. A comprehensive curriculum to prepare the children for a successful educational experience is offered. Celebrity Kids Clubs not only functions as a Childcare Center, but a Family Center as well.

Pastor Greg Williams appeared before the City Council in support of this application.

After there were no other interested parties to speak on behalf of this item, the public hearing was closed.

Moved by Councilman Braynon, seconded by Councilwoman King to approve this item.

Vice Mayor Campbell advised Dr. Keys of staff's recommendation of approval with conditions. He asked if she was in agreement with those conditions.

Dr. Keys said she did not receive a copy of the conditions.

Jay Marder, Development Services Director appeared before the City Council to indicate this information was mailed to the applicant. He further read to list the conditions into the record: 1. That the landscape buffer be extended along the south property line to further mitigate impacts upon the adjacent residential properties. 2. That the Certificate of Use be renewed annually, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions. 3. That the use be restricted to a maximum number of 105 children. 4. That outdoor recreation or related activities shall not be permitted after 6:00 P.M. or before 8:00 A.M. 5. The Center may remain open 24 hours, provided, however, that the facility shall not be utilized as a dwelling unit, residential care facility, foster care, or similar residential facility. 6. That all conditions of Resolution 4-ZAB-145-87, as amended by Resolution 5-ZAB-133-97 remain in full force and effect except as herein modified.

Dr. Keys conveyed acceptance of these conditions, a copy of which was provided to her.

There were no speakers in opposition to this request.

Councilwoman King expressed concern with regard to the applicant not being provided with the list of conditions prior to this hearing. She questioned whether this information was being sent out by Certified Mail.

Mr. Coleman appeared before the City Council in response to Councilwoman King's question. He related the information is sent by regular mail to the applicant prior to the scheduled public hearing.

Councilman Bratton recommended implementing a reliable system whereby the applicant is provided the information prior to the public hearing.

Manager Crew indicated the information would be sent by Certified Mail from now on.

Dr. Keys indicated she had already received information from the City in regards to the buffer wall.

Vice Mayor Campbell indicated the information Dr. Keys mentioned was in fact the conditions

staff had read into the record.

Councilman Bratton said there is a great need for this type of service in the community and conveyed his support of this application. He shared he had visited this location and was impressed with what he saw.

There being no further discussion, the motion to approve this item **passed and carried by a 5-0 vote.**

Councilman Bratton:	Yes
Councilman Braynon:	Yes
Councilwoman King:	Yes
Councilwoman Pritchett:	Out of town
Councilwoman Watson:	Yes
Mayor Gibson:	Out of town
Vice Mayor Campbell:	Yes

RESOLUTION NO. 2005-60-237-Z-24

7B) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPLICATION OF JAMES RANDALL, JR. D/B/A TUMBLING TODDLERS TO MODIFYING CONDITIONS APPROVED BY MIAMI-DADE COUNTY RESOLUTIONS NOS. 4-ZAB-436-86, 4-ZAB-397-78 AND 4-ZAB-285-93; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

James Randall, Jr., and Pricilla Randall, residing at 2251 SW 68th Avenue, Miramar, Florida, appeared before the City Council seeking approval of this request.

Vice Mayor Campbell opened the floor for anyone interested in speaking for or against this item. After there were no interested parties to speak for or against this item, the public hearing was closed.

Vice Mayor Campbell informed Mr. Randall of staff's recommendation of approval with conditions.

Mr. Marder read those conditions into the record as follows: 1. That the landscape buffer be extended along the south property line to further mitigate impacts upon the adjacent residential properties. 2. That the applicants renew the Certificate of Use annually, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions. 3. That the use shall be restricted to a maximum number of 49 children. 4. That outdoor recreation shall not be permitted after 6:00 P.M. 5. That all other conditions of Resolution No. 4-ZAB-397-78, as amended by Resolutions Nos. 4-ZAB-436-86 and 4-ZAB-285-93, remain in full force.

Mr. and Mrs. Randall agreed to the conditions as outlined by Mr. Marder.

Moved by Councilman Braynon, seconded by Councilwoman Watson to approve this item.

Councilman Bratton shared he visited this location earlier during the day and commend Mr. and Mrs. Randall on the excellent condition of the facility. He voiced support of this application.

Councilwoman Watson pointed out there were two different addresses referenced for this property and asked that the correct one be read into the record.

The correct address is 3010...

Attorney Dickens said the address is not mentioned in the resolution.

There being no further discussion, the motion to approve this item passed and carried by a 5-0 vote.

Councilwoman King:	Yes
Councilwoman Pritchett:	Out of town
Councilwoman Watson:	Yes
Mayor Gibson:	Out of town
Councilman Bratton:	Yes
Councilman Braynon:	Yes
Vice Mayor Campbell:	Yes

- 7C) **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPLICATION OF WILLOW LAKES TOWN HOMES TO MODIFY A CONDITION OF APPROVAL; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.(SPONSORED BY THE CITY MANAGER)**

At the applicant's request this item was deferred to the May 11, 2005, City Council meeting.

RESOLUTION NO. 2005-61-238-Z-25

- 7D) **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPLICATION OF D.R. HORTON, INC., FOR CERTAIN NON-USE SETBACK VARIANCES FOR PROPERTIES GENERALLY LOCATED AT THE SOUTHWEST CORNER OF NW 207TH STREET AND NW 7TH AVENUE, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A", ATTACHED HERETO; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.**

Michael Radell, an attorney with law offices at 200 South Biscayne Boulevard, Suite 850, Miami, Florida, appeared before the City Council representing the applicant. He conveyed his client's acceptance to all the conditions recommended by the City's staff. The subject property is approximately 107 acres in size. D.R. Horton has developed several different housing types for this property. Collectively, with all the housing types, the developer wants them to fit into the Andover area and be compatible with the surrounding neighborhood. Only two of the housing units are beneath 2,000 square feet in size. The price range is between \$336,000.00, at the low end and \$450,000.00, at the high end.

Graham Penn, an attorney with law offices at 200 S. Biscayne Blvd., Suite 850, Miami, Florida, appeared before the City Council to further expound on the application. The vast majority of the lots, which are the subject of this application are either corner or cul-de-sac lots. In addition four of the subject lots are odd shapes. The final two subject lots will have a lift-station at the rear of their property, which affects the setback and the lot line. There are two important elements with the land use variance standards: 1) is the proposed development compatible with the neighborhood; and 2) is the proposed development detrimental to the community. This particular development is compatible and a benefit to the community. Large homes will be built, which is compatible with the Andover neighborhood. In addition the major neighborhood-wide improvements, which the developer is required to do as part of the conditions, along with the development of this property will make Coconut Cay a benefit to the community.

Attorney Radell referenced page 2, line 22 of the resolution and request the language "said sidewalks" be changed to "said repaving and repairs."

Vice Mayor Campbell opened the floor for those interested parties in support of this application. There were no interested parties to speak in support of this item.

Vice Mayor Campbell opened the floor for those interested parties in opposition to this item.

Annie Jordan, Registered Agent for the Andover Civic Association, appeared before the City Council and conveyed she was not necessarily against this application because the developer has been truly working with the community. She addressed condition (F) that the Developer constructs a new guardhouse on NW 204th Street after the issuance of the 260th building permit. City shall provide an easement or other appropriate instrument for location of said guardhouse. All applicable rules and regulations affecting Special Taxing Districts shall be adhered to in fulfilling this condition. She shared the Andover Civic Association has in its possession a signed affidavit from the previous property owner indicating he would construct a guardhouse. The Andover Civic Association understood this guardhouse would be an additional ingress and egress area and not a physical manned guardhouse.

Mr. Marder said the actual guardhouse would have to be approved by the City therefore, modifications can be made. He said the property owners would have to approve the guardhouse.

Manager Crew placed emphasis on the importance of having a manned guard house.

Councilman Braynon pointed out there is no provision in the document indicating the guardhouse is to be manned.

Councilwoman Watson asked staff to provide her with a copy of documentation being referred to. She shared from her recollection this matter was never to go back to the residents for approval. The condition that the developer would put in the guard gate was a stipulation by the Plat Committee. She said the language “if necessary” does not belong. In addition, the impression is being given an additional survey should be done of the community. She said that is not necessary because it was not a part of the conditions stipulated by Miami-Dade County.

Attorney Penn said the language was there to satisfy the provisions of the Special Taxing District.

Councilwoman Watson commented the developer is proposing 543 homes currently there exist over 600 homes on the other side of that gate. With the additional homes, there would be more than enough Ad Valorem taxes (from Special Taxing District) to support the second guard gate.

Attorney Penn shared in order to add anything to the Special Taxing District it has to be approved by the members.

Councilwoman Watson stated for the record the developer’s due diligence in working with the Andover Civic Association to resolve concerns was commendable.

Attorney Dickens said she was not involved with the drafting of the conditions, however she is responsible for adding the language “if necessary” because it is her belief this item is not required to go back to Miami-Dade County for approval. She said Condition C, also has the same language.

Councilwoman Watson said her problem is the language provides this item has to go back and be re-approved by the community.

Vice Mayor Campbell asked for clarification as to the specific objection.

Ms. Jordan said her objections have to do with whether the guardhouse is manned or unmanned, and the fact that it is conditioned upon the approval of the majority property owners. This approval was done previously and at that time the property owners were led to believe the matter was closed.

Vice Mayor Campbell questioned why this provision was included if in fact, the approval did not have to go back to the property owners.

Attorney Radell explained the developer was told by the Special Taxing District staff that in order to do anything within the Andover District, this is the procedure to be followed.

Councilman Braynon opined this goes hand in hand. Going back to the people is a part of Miami-Dade County's program. That is a part of their approval process. You can not go through Miami-Dade County's program without going back to the people. If this is the City's Plan, the City might not require that. The City hasn't set up a system as yet.

Attorney Dickens said the main thing as it relates to the City is, if this issue has already been approved at Miami-Dade County's level why is it under discussion.

Attorney Penn said there was uncertainty as to whether the Special Taxing District needs to be involved. Miami-Dade County approved this item as part of a condition for a zoning approval.

Attorney Dickens suggested amending the last sentence in Conditions C, D and F to state that "this condition shall comply with any rules and regulations affecting Special Taxing Districts in Miami-Dade County.

Moved by Councilwoman Watson, seconded by Councilman Braynon to amend Conditions C, D, and F of the resolution, as prescribed by Attorney Dickens. This motion **passed and carried by a 5-0 vote.**

Ms. Jordan questioned whether a "round about" to be located on 203rd Street and NW 12th Avenue was a good idea. Residents however were amenable to speed bumps.

Mr. Marder conveyed his understanding of residents' concerns. He said language was provided to make this flexible (other traffic calming devices).

Ernest Roberts, residing at 1525 NW 203rd Street, Miami Gardens, Florida, appeared before the City Council to express his concern with the setback of the property on NW 203rd Street and NW 12th Avenue, which abuts his property line.

Attorney Radell said the setback being requested will not infringe on the easement, but will in fact honor the easement.

Yvonne Smith, residing at 18140 NW 42nd Court, Miami Gardens, Florida, appeared before the City Council to express concern with the fact that no green space was being allocated for the 543 homes being built.

Manager Crew shared that green space is a concern for the City as well; unfortunately this development was approved by Miami-Dade County before this area incorporated.

Marcia Reed, with a residential address of 203rd Street in Andover, appeared before the City Council to further expound on the lack of green space. She said even though this item was approved by Miami-Dade County there should be a way to mandate the developer provide for green space.

After there were no further comments from the public, the public remarks section was closed.

Attorney Radell said the developer has worked very hard with the residents in the Andover community to come up with an acceptable development.

Moved by Councilwoman Watson, seconded by Councilman Braynon to approve this item.

Councilwoman Watson thanked the developer for his sincerity when coming to the table. She conveyed her understanding of the concern for green space and shared this is a project that has been on-going for more than 11 years. There have been some ups and some downs with this project.

This developer has listened to the Andover community and has been more than amenable in trying to address those concerns.

Councilwoman Watson referenced Condition B, and indicated the developer and staff had agreed to a different type of sidewalk, something more conducive to the neighborhood and landscaped, which is different than what is listed in Condition B.

Manager Crew indicated staff has the final say on the design of the improvements. If it is found that enough space to install a special type of sidewalk, than that is what the developer will have to do.

Councilwoman Watson referenced the “Round About” designated to 203rd Street. She shared this “Round About” request was a part of a wish list, which resulted from a meeting held with community leaders from the area. The community leaders, which identified the items for the wish list was comprised of; the President of the Condominiums on NW 7th Avenue, Townhouses President on NW 17th Avenue, Members of the Board of the Andover Civic Association, and several property owners whose homes abuts this particular development. Two Hundred and Third Street, as many may know runs approximately one mile without any stop signs. The “Round About”, was requested as a traffic calming measure for this particular street.

Manager Crew indicated prior to installing any type of traffic calming devices, staff would meet with the property owners along that street and the Andover Civic Association to get a consensus. From his experience, people must prefer a round about as opposed to speed bumps.

Councilman Bratton referenced the Special Taxing District and questioned whether the City can take it over.

Manager Crew said he was not certain about taking over the Special Taxing District, however the City could take over the management of it.

Attorney Dickens said she research this matter.

Councilwoman Watson thanked the developer for working with the community in order to come up with a cohesive solution for all concern. She further thanked the Andover Civic Association for its participation in this process.

There being no further discussion on this item, the motion to approve **passed and carried by a 5-0 vote.**

Councilwoman Watson:	Yes
Councilman Bratton:	Yes
Councilman Braynon:	Yes
Councilwoman King:	Yes
Councilwoman Pritchett:	Out of town
Mayor Gibson:	Out of town
Vice Mayor Campbell:	Yes

8. ADJOURNMENT:

There being no further business to come before this Body, and upon being duly moved by Councilman Braynon, seconded by Councilman Bratton to adjourn this meeting at 8:58 p.m.



Shirley Gibson, Mayor

Attest:



Ronetta Taylor, CMC, City Clerk