

**CITY OF MIAMI GARDENS
CITY COUNCIL ZONING MINUTES
JANUARY 5, 2005**

1. CALL TO ORDER/ROLL CALL OF MEMBERS:

The City Council sitting as the City of Miami Gardens Zoning Board, met on Wednesday, January 5, 2005, beginning at 7:27 p.m., in the City Council Chambers, 1515 NW 167th Street, Building 5, Suite 200, Miami Gardens, Florida.

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

Also in attendance were: City Manager Dr. Danny O. Crew, City Attorney Sonja K. Knighton Dickens, City Clerk Ronetta Taylor, Development Services Director Jay Marder, Senior Planner Bhairvi Pandya, and Planning Administrator Robert Coleman.

2. INVOCATION:

A moment of silence was observed.

3. PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was recited in unison.

4. APPROVAL OF MINUTES:

4A. Zoning Minutes – December 1, 2004

Moved by Councilwoman Watson, seconded by Vice Mayor Campbell to approve the minutes with the following correction: Page 5, line 4, change the word “option” to “optional”.

There being no further discussion, the motion to approve the minutes **passed and carried by a 7-0 vote.**

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

Manager Crew requested that the official agenda be amended to include the following: “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT FOR GRANT FUNDING FOR THE PREPARATION OF A STORMWATER MASTER PLAN, A COPY WHICH IS ATTACHED HERETO AS EXHIBIT “A”; AUTHORIZING A MATCH OF FUNDS; AUTHORIZING THE CITY MANAGER TO TAKE ALL STEPS NECESSARY TO IMPLEMENT THE INTENT OF THIS RESOLUTION; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS”.

Moved by Councilman Braynon, seconded by Councilwoman King to amend the official agenda. This motion **passed and carried by a 7-0 vote.**

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

6A) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, ADOPTING AN ORDINANCE AMENDING THE CAPITAL IMPROVEMENTS SCHEDULE OF THE CAPITAL IMPROVEMENT ELEMENT OF THE MIAMI-DADE COMPREHENSIVE DEVELOPMENT MASTER PLAN, AS APPLICABLE TO THE CITY OF MIAMI GARDENS, TO SPECIFICALLY AS SHOWN ON EXHIBIT "A" ATTACHED HERETO; 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 indicated that the Local Planning Agency has recommended this ordinance for approval. The ordinance has been amended to add an additional project called *City-wide Commercial Façade Improvements*.

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

Councilwoman Pritchett referenced the City-wide Commercial Façade Improvements project, and questioned whether a dollar amount would be placed on this project.

Manager Crew indicated that the project amount is not specific and would be determined at a later date.

There being no further discussion, the motion to approve this item on first reading **passed and carried by a 7-0 vote.**

Councilman Braynon:	Yes
Vice Mayor Campbell:	Yes
Councilwoman King:	Yes
Councilwoman Pritchett:	Yea
Councilwoman Watson:	Yes
Councilman Bratton:	Yes
Mayor Gibson:	Yes

6B) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING SECTION 33.310 OF THE MIAMI GARDENS ZONING CODE TO MODIFY THE NOTICE REQUIREMENTS

FOR ZONING APPLICATIONS; 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 related that in the process of reviewing the way Miami-Dade County gives notice, staff has recommended changes based upon what other municipalities are doing. Staff is trying to streamline the process and make it more cost effective for the residents and the business community. The changes recommended by staff involves the mailed notice, and the radius which determines who will be provided with notice. He referenced page 4, section 2, line 101 of the ordinance, specifically the language, “*A courtesy notice may be mailed*”, and indicated that the language should read, “*A courtesy notice shall be mailed*”.

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

Councilman Braynon referenced the language on page 1, line 9 of the ordinance “*notice to adjacent property owners within a 300 foot radius of any property that is the subject of an application...*”, and questioned the logic behind decreasing the radius from a half mile, which is imposed by Miami-Dade County to the 300 foot radius being recommended by staff. He questioned how this reduction would benefit the City of Miami Gardens.

Mr. Jay Marder, Development Services Director for the City of Miami Gardens, appeared before the City Council and stated that from his 30 years of experience in dealing with zoning matters, when one considers a mile radius, which encompasses a lot, most of those within that mile radius are not really interested in the zoning change, or what is happening a mile away. He related that in addition to mail out notices, an advertisement is placed in the newspapers and the subject property has a notice posted on the site. He opined that the 2000 foot notice being imposed by Miami-Dade County is too much.

Mr. Robert Coleman, Planning Administrator for the City of Miami Gardens, appeared before the City Council to further expound on this matter. He recounted that Miami-Dade County enacted its current notice requirement ordinance after Hurricane Andrew. A number of the Community Zoning Appeals Boards were not getting applications, and the public wasn't being notified. There were several big development projects that occurred in South Dade after Hurricane Andrew that never went before the Zoning Appeals Board, or the Miami-Dade County Commission. As a result of this lack of notification and review by Miami-Dade County, the Federal government issued an opinion that Miami-Dade County's Code was too relaxed; it allowed development without notifying the public. The Federal government mandated that Miami-Dade County's Code be changed so stringently that no developer would be able to do anything without notifying the people in the immediate area. FEMA recommended that property owners within a half mile radius of a proposed zoning change, unusual usage, and new usages application should receive notification. Surrounding municipalities use a less stringent radius for mailing out notices.

Councilman Braynon asked if there were any benefits by changing this mail out notice radius requirement.

Mr. Coleman explained that potential developers would realize the benefits of the cost associated with the rezoning application. He said this would encourage development within the City, which would in turn increase the City's tax base.

Mr. Marder placed emphasis on the fact that the change in radius is more cost effective for the business owner wanting to develop his/her property.

Councilman Braynon opined that the 300 foot radius was too low. He conceded that a half mile might be too much, however he did not want to reduce the radius by too much. He emphasized the importance of notifying the public of matters occurring within the City. He suggested implementing a 500 to 1,000 foot radius, as with what is similar being used by the City of Miramar.

Councilman Bratton asked for further clarification as to the rationale for the reduction in radiuses of 100 and 300 feet respectively.

Mr. Marder indicated that for a single family lot, the notice requirement of 100 feet radius is being recommended. Conceptually, a single family lot produces minimum impact to the area.

Councilman Bratton stated that using a 100 foot radius only eight residents would be notified.

Mr. Marder said a typical situation would be a variance from a setback requirement. In this instance only the adjacent property owners would be affected.

Councilman Bratton concurred with Councilman Braynon comments regarding 300 foot radius as being too low and a half mile radius as being too much. He suggested a radius of between 500 and 1,000 feet.

Mr. Coleman shared that Miami-Dade County's Code for notice for a single family residents application is 500 feet.

Councilwoman Watson expressed concern with the lower radius notice requirement and stated that one of the reasons the City was incorporated was so that residents could have the opportunity to come to these chambers and voice their opinions. She related that the average single family residential lot is 100x75', and a 300 foot radius notification would only include twelve neighbors. She opined that a 100 foot radius could yield no notification if the lot in question is more than 100 feet.

Councilwoman Watson stated that the numbers needed to be increased so that it would allow the neighbors to be inclusive in the process. She related that she would be comfortable with a 1,000 foot radius. She conveyed her understanding that the lesser notification radius would attract more business development into the community. She shared a situation which occurred prior to this area

being incorporated where the government brought in a Probation Office within 100 feet of a public park, without the community being aware. She emphasized the importance of keeping the neighbors informed, and providing them with a platform to speak on.

Councilwoman Pritchett opined that the Council has to be mindful of what is the best benefit for all of the residents in the City of Miami Gardens. This public procedure is an excellent opportunity for everyone to know what is going on. It is clearly a mechanism for the citizens to remain informed and to encourage the participation of any citizen who wants to be actively involved. Why would we want to take something from the citizens that are already in place? The Council's responsibility is to always issues appropriately, professionally, and in the best interest of maintaining the integrity of this Council and its government, while ensuring that the citizens of Miami Gardens are informed, regarding what is going on at all times in this City. She opined that this City is a fish bowl and everyone has a change to look in it. If there are questions a citizen wants to raise, or concerns, or issues, this is the place; every single person, all 100,000 plus residents should feel a comfort level, if they wanted to be actively engaged and involved, they should be. She concurred with statements made Council members Braynon, Bratton, and Watson and conveyed her belief that the proposed reduction in radius needed to be reevaluated, so that the City is always inclusionary.

Mayor Gibson indicated that she had read the changes recommended by staff and did have some concerns. She related that zoning matters are those issues that really impacts cities, residents and neighborhoods. She said there are a lot of changes being made to this zoning notification. She said that she would have appreciated it if staff had held a workshop on this issue prior to bringing this ordinance forward. She conveyed that for her to make an informed decision, she would have felt better having had staff, prior to this meeting, meet with individual Council members so that they could walk through the changes being proposed. She further indicated her preference to keeping the property posting notification at 20 days instead of reducing it to ten days. She conveyed her understanding of the cost factor to residents, but most of the time it is not residents who are requesting zoning changes. She stated that she did not want the public to ever think that the City is trying to go around them so that they are not fully participating in this process, as they should. She reiterated her opinion that a workshop should have been scheduled for this item, prior to bringing it forward to the Council for consideration.

Mayor Gibson concurred with the Council members that the proposed radius was too low and would agree that a higher number was recommended.

Councilwoman Pritchett referenced the courtesy notice provision and questioned why the word courtesy needed to be included at all, when notices have always been mailed. In addition, she expressed concern with the proposed reduction from 20 days to a ten day notice requirement for posting on the property site, and concurred with Mayor Gibson's suggestion of keeping that notice requirement at 20 days.

Manager Crew indicated that the Council's concerns would be addressed. He shared that staff was trying to streamline the way business has been done at Miami-Dade County's level. For example, it takes anywhere from six to eighteen months to get a rezoning application through the system. Part of that is due to the notice requirements. He shared that there is a ten day advertisement requirement for

the second reading ordinance, as per state law; the city was trying to mirror that with the posting on the property.

Ms. Elois Holton, residing at 4350 NW 207th Drive, Miami Gardens, Florida, was afforded an opportunity for comments. She conveyed to the Council her concerns about the abundance of trash along N.W. 37th Avenue, and did not see FDOC doing any clean in this area. She further expressed that the Council consider not plant anymore Palm trees and opined that the City had enough palm trees.

Manager Crew indicated that at a future date his plan is to come back to the Council to seek approval of an additional crew from FDOC. In addition, the City is planning to install bus benches, with a trash receptacle at each bus bench.

Mayor Gibson related that it would help her if, when this item is brought back for discussion or a workshop that staff be prepared to show the cost associated with 300 foot radius verses a 500 or 1,000 foot radius. In addition, provide the impact of the ten day notice as opposed to a 20 day notice requirement as it related to putting a project off cycle. She conveyed her understanding of wanting to be accommodating to businesses and residents. However, she stated the importance of being accountable to everyone about what the City is doing. She said that she wanted to come here, but did not want those businesses to think that because they come here, there is not going to be any controls in place.

Vice Mayor Campbell opined that it sounds like staff is trying to accomplish two goals: 1) give proper notice, and 2) expedite the process. He said that a determination needs to be made as to which goal is more valuable and most important to the City. He conveyed that he was in favor of tabling this item and scheduling a workshop.

Councilwoman Watson asked what process the City has in place at present; is there a company on board to provide the notification; if so, when is staff planning to bring this process in-house.

Mr. Marder indicated that the City has to farm out the notification process, through a company to get the mailing list (appropriate radius map), then the City contracts with another company to do the mailings. The City will eventually have the recourses to do the labels in-house. He conveyed staff's understandings of where the Council members were coming from in regard to this item.

Manager Crew shared that in order to produce the labels in-house a special computer program is required. Staff is looking into the different programs available for this purpose.

Mr. Marder shared that the City has acquired the necessary program for this purpose and is awaiting the necessary equipment acquisition.

Mr. Christopher Steers, Assistant to the City Manager for Business Services, appeared before the City Council and shared that it is not only zoning notices that are mailed out, but also includes alarm registration, code enforcement violations, and occupational license renewals. He said that it is a massive amount of mail is sent out from the City. This mass amount of mail cost a tremendous

amount in postage, and with the additional of staff, it would probable not be cost effective to do this process in-house.

Councilwoman Pritchett referenced page 5, line 124 of the ordinance which states “*All costs of advertising, mailing and posting shall be borne by the applicant*”, she shared that this is the way those that have served on the Community Council has always known it to be. She questioned whether everyone that makes an application paid the same fee.

Manager Crew said that the applicants pay a fee, but if the mailing is larger, then they pay for that actual mailing.

Councilwoman Pritchett indicated that none of this would be a burden on the City, especially if the City is contracting out the service, except to get the actual notice to where it needs to go to be mailed.

There being no further discussion on this item, it was moved by Councilman Braynon and seconded by Councilwoman King, to table this item contingent upon a workshop. This motion **passed and carried by a 7-0 vote.**

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

7. RESOLUTION(S)

RESOLUTION NO. 2005-01-178

- 7A) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT FOR GRANT FUNDING FOR THE PREPARATION OF A STORMWATER MASTER PLAN, A COPY WHICH IS ATTACHED HERETO AS EXHIBIT “A”; AUTHORIZING A MATCH OF FUNDS; AUTHORIZING THE CITY MANAGER TO TAKE ALL STEPS NECESSARY TO IMPLEMENT THE INTENT OF THIS RESOLUTION; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS;**

Manager Crew indicated that this is the money that was allocated to the City by the State Legislature. This \$200,000 grant requires a \$200,000 match. The City has sufficient funds in the Public Works Department or Storm Water Utility Fund, or a third source would be the federal funds

which are appropriated by Congress, to provide the necessary match. This is an excellent opportunity for the City to get a Storm Water Master Plan done, which is very expensive and an extensive process.

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

Councilwoman Pritchett asked about the time frame involved with the development of a Storm Water Master Plan.

Manager Crew replied that it would take approximately nine months to one year to develop the Plan.

There being no further discussion, the motion **passed and carried by a 7-0 vote.**

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

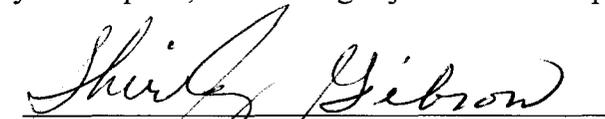
8. CITY MANAGER'S REPORT:

8A) City of Miami Gardens Comprehensive Development Master Plan (CDMP): Community Visioning Draft Survey, City Council Interview schedule and continue to compile a list of community leaders & citizens' names as recommended by Council Members.

Mayor Gibson referenced the attached memorandum and placed emphasis on the importance of cooperating with staff by providing the information requested. She asked that the Council members contact Ms. Odom on tomorrow with their information.

8. ADJOURNMENT:

There being no further business to come before this Body, and upon being duly moved by Councilman Braynon, seconded by Vice Mayor Campbell, the meeting adjourned at 8:33 p.m.


Shirley Gibson, Mayor

Attest:


Ronetta Taylor, CMC, City Clerk