

**CITY OF MIAMI GARDENS
REGULAR ZONING BOARD MINUTES
JULY 5, 2006**

1. CALL TO ORDER/ROLL CALL OF MEMBERS:

The City Council sitting as the Zoning Board for the City of Miami Gardens, met in regular session on Wednesday, July 5, 2006, beginning at 7:10 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: Vice Mayor Oscar Braynon II, Council members Aaron Campbell Jr., Barbara Watson, Melvin L. Bratton, Ulysses Harvard and Sharon Pritchett. Mayor Shirley Gibson arrived at 7:13 p.m.

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

2. INVOCATION: Delivered by Mr. Wade Jones

3. PLEDGE OF ALLEGIANCE: Recited in unison.

4. APPROVAL OF MINUTES:

4A. Zoning Meeting – June 7, 2006

Minutes were approved by a 6-0 vote. Mayor Gibson was not present when vote was taken.

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

There were no additions or deletions to the official agenda.

Robert Coleman, Zoning Administrator read into the record the process used for this Quasi-Judicial Proceeding.

Clerk Taylor sworn in all parties participating during this proceeding.

6. CONSENT AGENDA

RESOLUTION NO. 2006-67-413

6-1) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING A CHANGE OF OWNERSHIP ON THE PLAT FOR WALDEN PARK – TRACT "I" FROM PRIME HOMES OF PORTOFINO GARDENS LTD, TO D.R. HORTON, INC; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY

MANAGER)

RESOLUTION NO. 2006-68-414

- 6-2) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING A FINAL PLAT FOR "FISHER SUBDIVISION"; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

RESOLUTION NO. 2006-69-415

- 6-3) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING A FINAL PLAT FOR "LAKESIDE SUBDIVISION"; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

RESOLUTION NO. 2006-70-416

- 6-4) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING RESOLUTION NO. 2006-45-391 TO REFLECT THAT THE PROPER NAME OF THE OWNER OF THE FINAL PLAT FOR TRACTS "C," "D," "E" AND BLOCK 1 OF THE "PORTOFINO GARDENS TRACT" IS D.R. HORTON, INC.; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

Motion offered by Vice Mayor Braynon, seconded by Councilwoman Watson to approve the Consent Agenda. There being no discussion, this motion passed and carried by a 6-1 vote.

Councilman Bratton:	Yes
Vice Mayor Braynon:	Yes
Councilman Campbell:	Yes
Councilman Harvard:	Yes
Councilwoman Pritchett:	No
Councilwoman Watson:	Yes
Mayor Gibson:	Yes

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

- 7-1) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING AN APPLICATION SUBMITTED BY REDOUND CORPORATION, FOR A REZONING OF PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF N.W. 47TH AVENUE AND N.W. 156TH STREET, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM IU-C,

CONDITIONAL INDUSTRIAL DISTRICT, TO RU-4L, LIMITED APARTMENT HOUSE DISTRICT; PROVIDING FOR A DECLARATION OF RESTRICTIVE COVENANTS; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

Attorney Robert Holland, appeared before the City Council as the representative for this applicant, and asked for a deferral of this application to the September 6, 2006 Zoning Hearing. This would provide his client with an opportunity to meet with representatives from Miami International Airport to resolve any pending issues.

Motion offered by Councilwoman Watson, seconded by Vice Mayor Braynon to defer this item to the September 6, 2006 Zoning meeting. This motion passed and carried by a 6-1 vote.

Vice Mayor Braynon:	Yes
Councilman Campbell:	Yes
Councilman Harvard:	Yes
Councilwoman Pritchett:	No
Councilwoman Watson:	Yes
Councilman Bratton:	Yes
Mayor Gibson:	Yes

8. ORDINANCE(S) SECOND READING/PUBLIC HEARING(S)

ORDINANCE NO. 2006-14-95

- 8A) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING AN APPLICATION SUBMITTED BY CORNERSTONE GROUP HOLDINGS, LLC., FOR A REZONING OF PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF N.W. 27TH AVENUE AND NORTHWEST 191ST STREET, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM HOTEL APARTMENT DISTRICT (RU4-A), OFFICE PARK DISTRICT (OPD), AND SPECIAL BUSINESS DISTRICT (BU-2) TO RU-4L, LIMITED APARTMENT HOUSE DISTRICT; PROVIDING FOR A CONDITION; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER) (1st Reading – June 7, 2006)**

Attorney Jeffrey Bercow, 200 South Biscayne Boulevard, Miami, Florida, appeared before the City Council, representing the applicant of this request. He asked for incorporation into the record by reference of today's hearing staff's file and recommendations, the presentations made at the two prior

hearings (May and June), as well as all exhibits. The applicant is here on several items; the first of which is the second reading on the zoning changes that are necessary to permit development for a residential community and office building on a portion of Dolphin Center South and the Dolphin Center DRI Project. Last zoning meeting this board voted 5-1 to approve those zoning changes. The applicant is also here tonight seeking changes to a 1985 Zoning Resolution in order to make it consistent with the applicant's propose zone change and the recently amended DRI Development Order that was amended by the Miami-Dade County Commission. Finally the applicant is seeking the approval of an unusual use of a lake, which would be a part of this development.

Attorney Bercow stated the applicant went before the Miami-Dade County Commission on June 22, 2006, and obtained approval to amend the Dolphin Center DRI Development Order in order to change the development mix for Dolphin Center South. Since the Miami-Dade County Commission has approved the amendment to the Dolphin Center DRI Development Order, the City can now proceed with the second reading of this zoning ordinance, which would provide for the changes necessary to build this residential community.

Attorney Bercow stated this parcel is under contract for Home Depot and Cornerstone. A very comprehensive overview of this proposed residential community and the provisions of the restrictive covenant was given at the June Zoning Meeting.

Attorney Bercow addressed his comments to the rezoning application from Tract A, which is currently a mixed zoning BU-2, RU4-A, and OPD. The request is to change the zoning to RU-4L. City staff has recommended approval of this zoning request. The applicant is honoring all the buffering of the DRI, no residential units will be build on this parcel. This area is being used as an amenity for the project. Moreover, this proposed zoning is consistent with the Comprehensive Development Master Plan as it presently exists, as well as with the proposed Comprehensive Development Master Plan anticipated to be submitted to the State Department of Community Affairs. It is also consistent with the Charrette Plan to intensify development in and around the Town Center at 183rd Street NW 27th Avenue. The applicant believes this development would also be supportive for the future Metrorail Corridor.

Attorney Bercow stated this proposed development has 636 residential units and approximately 25,000 square feet of office space. The community would have a mix of town homes and villas of different sizes and different price levels. This community will be marketed to young families, young professionals and all ages up to retirees. This would be a gated community and is being planned to encourage access to Metrorail, with pedestrian access being proposed. Total open space in this community, including the lake constitutes 46 percent of the total property. There will be a jogging path and gazebos around the lake, tennis courts, a large club house, two pools and two tot lots.

Attorney Bercow stated the next set of requests relates to a 1985 Zoning Resolution No. Z-211-85, adopted by Miami-Dade County, which was a companion resolution adopted along with the DRI Development Order. Most DRI's are approved with a certain number of development rights. At the time when this DRI was approved in 1985, Dolphin Center South was assigned a set of development rights. That assignment was incorporated in both the DRI Development Order that's now in Miami-Dade County's jurisdiction and this old 1985 zoning resolution, which is now in the City's jurisdiction.

Miami-Dade County approved the amendment to the DRI Development Order on June 22, 2006. The application before the Council tonight seeks to amend Resolution Z-211-85 to make it consistent with the changes adopted by the County Commission, as well as with what is being proposed with the rezoning. By seeking these changes the applicant believes there is no market for hotel use, nor is there a market for significant amounts of office space or the trademark uses on the property. There is a further requirement in Resolution Z-211-85, that all office development in Dolphin Center South be constructed pursuant to the old OCD (Office Construction Development) Standards. City staff has recognized that the OCD Standards, which was adopted in 1970's no longer makes any sense.

Attorney Bercow said the applicant is also seeking Unusual Use Approval for a lake that would be a part of the Emerald Place Development. The proposed lake would be a great amenity for the Emerald Place community. The site plan takes full advantage of the lake, which would be constructed with safety in mind.

Attorney Bercow stated with any zoning changes there are going to be impacts. The applicant believes the impacts have been reduced with this proposed development as compared to the existing zoning. With respect to schools as required by the Interlocal Agreement, a meeting was held with school board representatives in order to mitigate the impact on school facilities. Submitted as part of the documentation in the agenda package is a School Board Covenant Agreement where the applicant has voluntarily committed over 2.2 Million Dollars to Miami-Dade County Public Schools. This money will fund capital improvements at Crestview Elementary. That voluntary donation is over and above the impact fees of approximately one million dollars. The School Board on June 14, 2006 voted to accept the Covenant. In addition, at the last Zoning Meeting Traffic Consultant Kathy Sweetapple reported this proposed project would be a reduced impact on traffic, as opposed to what could be developed under the 1985 DRI Development Order and zoning approval. In addition, the Financial Study shows a positive financial impact will result from Emerald Place and the Home Depot developments. For example residents from Emerald Place would be spending approximately 4.5 Million Dollars annually within the City of Miami Gardens. Home Depot will generate approximately 250 permanent employees, as well as generating new taxable income of approximately 17 Million dollars.

Rob Curtis, 7520 Red Road, South Miami, Florida, appeared before the City Council to talk about the water and sewer impact. He said from his review, there is going to be a slight increase in water and sewer, this is based on a very conservative analysis. The City of North Miami Beach, which services this area has indicated that it is equipped to handle this increase.

Attorney Bercow addressed proposed changes to the Covenant. First the Covenant was modified to add in a provision that requires that the maintenance restrictions be posted at the clubhouse and the front gate. Secondly, the covenant was modified to guarantee that the residential buildings and not office buildings will have barrel tile roofs. The Covenant has also been modified to provide for 10%, which equates to 63 residential units to be set aside for a selling price of \$175,000.00 for workforce housing. The language currently reads Sixty-three of the residential units developed on the property would be priced at a maximum of \$175,000, excluding options, upgrades and loan closing costs. However the applicant is recommending changing this language to provide that the sixty-three units be reserved for people that fall within Miami-Dade County's Workforce Housing definition. That

definition includes people that earn from 65% to 140% of the County's medium income. By focusing on the buyers and not the price the applicant believes more lower and middle income people can purchase the units.

Attorney Bercow summarized, staff has recommended approval of this application. The application satisfies the standards for rezoning, the modification of a prior resolution and the unusual use for a lake excavation. The proposed development is consistent with the existing Comprehensive Development Master Plan and the proposed Comprehensive Development Master Plan to be submitted to DCA. This development has a superior residential design that is consistent with and supportive of the Comprehensive Development Master Plan, the City's Charrette efforts and future transit plan. The applicant has addressed traffic and water and sewer impacts. The applicant has mitigated the impact on schools. The development would have a favorable economic impact. The zoning Covenant provides assurance that this will be a quality residential development for years to come.

Attorney Dickens explained she did not draft the Covenant as part of the rezoning ordinance as mentioned by Attorney Bercow. She stated she had drafted the Covenant as part of the modification resolution. She recommended the ordinance be amended to delete the provision for the DRI Development because that provision is no longer applicable and included language for the Covenant.

Mayor Gibson opened the floor for this public hearing.

Charlene Marshall, 19082 NW 27th Avenue, Apartment #212, Miami Gardens, Florida, appeared before the City Council in support of this application.

Henrietta Lacey, 20073 NW 36th Court, Miami Gardens, Florida, appeared before the City Council in support of this application.

Sharon Frazier-Stephens, 145 NE 193rd Street, Miami, Florida, appeared before the City Council and asked that Council members attend the Miami-Dade County School Board meeting on July 12, 2006, to ensure that Brentwood Elementary and North Dade Elementary be included to receive a portion of the 2.2 Million Dollars being provided to Crestview Elementary.

Hugh L. Dodd, 17125 NW 19th Avenue, Miami Gardens, Florida, appeared before the City Council in opposition to this application.

There being no other interested parties to speak on behalf of this item, the public hearing was closed.

Motion offered by Vice Mayor Braynon, seconded by Councilman Harvard, to delete the DRI requirement and add the Restrictive Covenant.

There being no discussion on this amendment, the motion passed and carried by a 6-1 vote.

Councilman Campbell:	Yes
Councilman Harvard:	Yes

Councilwoman Pritchett:	No
Councilwoman Watson:	Yes
Councilman Bratton:	Yes
Vice Mayor Braynon:	Yes
Mayor Gibson:	Yes

Motion offered by Vice Mayor Braynon, seconded by Councilwoman Watson to adopt this item.

Councilwoman Pritchett asked whether the Emerald Lake portion of the project would be a Community Development District.

Attorney Bercow said that information is not known as yet.

Councilwoman Pritchett asked when would the developer know whether that portion of the project would be a Community Development District.

Attorney Bercow said that information would be known during the planning and prior to the infrastructure being built for the project. The developer has not made a decision at this time.

Vice Mayor Braynon addressed his comments to the amendments being proposed to the Restrictive Covenant, which provides for the 65% to 140% of the County's medium income eligibility. He asked how would this allow people to purchase these houses if the price is above the range an individual can afford to buy.

Manny Martinez, representative with the Cornerstone Group, 2121 Ponce De Leon Boulevard, Coral Gables, Florida, appeared before the City Council to address Vice Mayor Braynon's concern. He explained Miami-Dade County Housing Agency sets price limits to make homes affordable. The maximum price set by the Miami-Dade Housing Agency at present in order to make a home affordable is \$225,000. The price is adjusted annually based on: 1) medium income for the area; and 2) homes selling price. The applicant is asking that the Covenant be amended to allow for the Miami-Dade County Housing Agency guidelines. Currently the medium pricing range for houses in Miami-Dade County is \$265,000.00. The state as well as the housing agency sets maximum pricing that would make a low and moderate income home buyer able to afford a home. The housing agency provides a number of programs to help that homeowner buy a home.

Vice Mayor Braynon opined that individuals can qualify for units other than the 63 units being set aside, if the price is at market rate. He clarified and stated the housing programs provided by the Miami-Dade County Housing Agency can be used to buy any house. He opined in order for the applicant to accomplish what the Council wants accomplished is to include both (maximum price of \$175,000; and persons should be in the income range between 65% and 140%).

Mr. Martinez said the applicant is artificially setting the price, not taking into the fact that this development will be on-going for approximately three to four years. It will take approximately one and a half to two years to build any units. The proposed workforce housing ordinance under

consideration by the Miami-Dade County Commission does not fix prices on homes but looks for the economics of the housing market and places emphasis on qualifying the homeowner.

Vice Mayor Braynon stated he was not sure the way the applicant was attempting to satisfy this provision was going to be accomplished. He recommended a floating rate that would go along with the housing market in this area.

Mayor Gibson stated with the understanding that this project will take three or more years to complete and based on the market rate, so that when individuals qualify they can possibly qualify for more than the \$175,000 (one bedroom). She suggested adding language stating it would be applicable to whatever is considered the affordable housing market price at that time. If the home buyer can qualify for more than the \$175,000 (one bedroom) that individual would have an opportunity to then take that higher qualification into two bedroom unit.

Councilwoman Watson recommended maintaining the \$175,000 price range as being the maximum and do the annually cost of living adjustment based on that price.

Vice Mayor Braynon expressed concern with investors coming in and purchasing the units set aside for workforce housing.

Mayor Gibson indicated the potential home buyer must qualify under the guidelines of Miami-Dade County's Affordable House criteria. Investors will not be able to qualify under those guidelines.

Attorney Bercow said the applicant is also proposing that the units be allowed in a range that is still considered to be affordable for those who are making within 65 %– 140 % of the medium income, which changes on an annual basis.

Councilwoman Pritchett asked for clarification purposes that the workforce housing definition being utilized by the developer defines the range of 65% to 140% of the medium family income for Miami-Dade County. She conveyed understanding that from the applicant's presentation the Miami-Dade County Workforce Housing Ordinance has not yet been approved. She asked what happens if the language defining the workforce housing definition changes and how would that affect this Covenant?

Mr. Martinez stated the Miami-Dade Housing Agency has had for many years development and load administration affordable housing guidelines. At present the affordable housing guidelines provides for the 65 – 140 % of medium income.

Vice Mayor Braynon clarified the Workforce Housing Ordinance, which has not been adopted as yet by the Miami-Dade County Commission is not about the medium income guidelines.

Mayor Gibson further clarified the Workforce Housing Ordinance is something the Miami-Dade County Commission is considering. The City of Miami Gardens is not governed by that ordinance therefore is not required to follow those guidelines.

Attorney Bercow said the applicant is proposing to use the 65-140% of medium family income

criteria in this Covenant. That will not change. The only thing that might change is the medium family income.

Mayor Gibson emphasized the percentage of 65-140% will stay the same whether the medium family incomes goes up or down.

Attorney Bercow recommended the following language “a minimum of 63 of the residential units developed on the property shall initially be sold to persons determined by the Miami-Dade Housing Agency to be within the income range of 65% to 140% of the medium family income of Miami-Dade County as published annually by the U.S. Department of Housing and Urban Development.”

Mayor Gibson asked what about the individuals who can meet the qualifications for a one bedroom, and can meet a higher qualification for a two-bedroom would that individual be earmarked to purchase one of the 63 units reserved for workforce housing. Would that inventory be counted as one of the 63 units?

Mr. Bercow conveyed his belief that as long an individual’s income level is within the 65% to 140% that would qualify for one of the 63 units.

Manager Crew asked how the City would know when the 63 units have all been purchased.

Attorney Bercow said the developer could agree to provide an annual or bi-annual report.

Councilwoman Watson asked for clarification purposes if the definition of units was based on one-bedroom or the entire dwelling unit.

Mr. Bercow said it was based on the dwelling unit and not by bed-rooms.

Councilwoman Watson opined what is being offered is a reasonable solution. She placed emphasis on the importance of having a maximum cost involved.

Mayor Gibson stated her objective is to ensure that every home buyer is not tied to a one-bedroom unit. If a home buyer qualifies for more than a one-bedroom, she wants to ensure the home buyer is able to purchase a two-bedroom unit.

Attorney Robert Holland appeared before the City Council and stated as a point of clarification, the affordable housing guidelines most of the developments involved received major government subsidies. In essence the developer is receiving money to make these things available. In this particular case the developer is not getting government subsidies.

Attorney Bercow further explained if a family can qualify for a \$225,000 unit, and meets the 65%-140% of medium income that unit would be sold as part of the 63 units. Therefore, a home buyer is not limited to a one-bedroom.

Attorney Bercow suggested amended language based on the discussion of the Council ***“A minimum of 63 of the residential units developed on the property shall initially be sold to person determined by the Miami-Dade County Housing Agency to be within the income range of 65% to 140% of the medium family income for Miami-Dade County, as published annually by the U.S. Department of Housing and Urban Development.”***

Councilwoman Watson asked Attorney Dickens if she was comfortable with the words “shall initially be sold.”

Attorney Dickens said she did not have a problem with the words.

Mayor Gibson further expounded on this issue and stated she too did not have a problem with the wording. She said the language is needed because an investor might purchase the property and then flip it for a profit. She emphasized initially means the first time it is sold.

Attorney Bercow said the other reason initially is included in the language is because if it is not clarified a person can say that property would always have to stay at that price level.

Attorney Dickens made referenced to the proposed language change which requires that only the residential units have a barrel tile roof. She shared she had initially drafted the Restrictive Covenant to require all buildings to have barrel tile roofs.

Mr. Martinez clarified there is only one non-residential structure on the property, which is an office building. It is not uncommon for office buildings to have flat roof in order to accommodate the AC units.

Attorney Bercow said if there is a concern about the Club House, the developer acknowledges this structure is considered residential therefore it would have a barrel tile roof.

Motion offered by Vice Mayor Braynon to amend paragraph 1, Section N of the Covenant to read “all residential construction and the club house shall be completed using barrel style roof tiles or substantial similar material; paragraph 2, “A minimum of 63 of the residential units developed on the property shall initially be sold to person determined by the Miami-Dade County Housing Agency to be within the income range of 65% to 140% of the medium family income for Miami-Dade County, as published annually by the U.S. Department of Housing and Urban Development, and provide a biannual inspection and inventory to the City, until the inventory of the 63 units have been exhausted. This motion was seconded by Councilman Harvard. There being no further discussion on this amendment, the motion passed and carried by a 6-1 vote.

Councilman Campbell:	Yes
Councilman Harvard:	Yes
Councilwoman Pritchett:	No
Councilwoman Watson:	Yes
Councilman Bratton:	Yes
Vice Mayor Braynon:	Yes

Mayor Gibson:

Yes

Councilwoman Watson referenced the question raised by Councilwoman Pritchett as it related to the CDD.

Mr. Martinez said the Community Development District would have to be approved by this Council in order to be created. All of the engineering for the development has to be finalized and all cost estimates established before a decision is made as to whether a CDD is need the infrastructure for the development.

Councilman Harvard asked whether Miami Gardens' residents would get some of the construction jobs this development would generate.

André Williams, an attorney representing this applicant appeared before the City Council shared that as president of the Miami Gardens Jr. Chamber of Commerce, his group has been actively involved in helping to conduct workshop for local businesses, subcontractors and local vendors to do business on these construction projects. Cornerstone has pledged to work with the Miami Gardens Jaycees to do that. The first workshop is scheduled for the middle of August.

Attorney Bercow stated for the record that Attorney Robert Holland and Attorney André Williams were present tonight representing Cornerstone. He shared that he represented Cornerstone and Home Depot and pledged commitment to have Home Depot representatives speak with Attorney Williams about the same program and that they strongly consider engaging the same program as Cornerstone.

Mayor Gibson referenced the maintenance provision and the Homeowner Association establishment and criteria.

Attorney Bercow shared before the first units can be occupied a Homeowners Association has to be established.

Manager Crew said the maintenance provision has to do with the maintenance of the lake. He suggested having the Homeowner Association treat that lake as a viable water body and maintain it as such. He asked that language be included to address the maintenance of the lake.

Mayor Gibson said the duties and responsibilities of the Homeowners Association are not clearly defined in the Covenant (e.g. establish fees, maintenance).

Attorney Bercow shared as part of the platting process, the developer would be required through Miami-Dade County to create a multi-purpose Special Taxing District that would be dormant and would spring into use if the Homeowners Association is not activated or active.

Attorney Dickens said even if not, she has the authority to go to court and sue each and every individual homeowner.

Councilman Bratton questioned whether the Homeowner Association Fees could be escrowed as part of the mortgage.

Attorney Dickens said she was not sure whether Homeowner Association Fees can be escrowed the same as with property taxes and homeowner’s insurance.

Councilwoman Watson said she would encourage, if a CDD is formed, the same type of restrictions in the Covenant be incorporated in that CDD.

Attorney Bercow said these restrictions will apply regardless, whether there is a CDD or not.

Attorney Dickens opined the language would not be necessary in a CDD because the language is recorded in the Covenant.

There being no further discussion on the ordinance as a whole, the motion to approve passed and carried by a 6-1 vote.

Councilman Campbell:	Yes
Councilman Harvard:	Yes
Councilwoman Pritchett:	No
Councilwoman Watson:	Yes
Councilman Bratton:	Yes
Vice Mayor Braynon:	Yes
Mayor Gibson:	Yes

9. RESOLUTION(S)/PUBLIC HEARING(S)

RESOLUTION NO. 2006-71-417-Z-52

9-1) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPLICATION OF CORNERSTONE GROUP HOLDINGS, LLC, FOR A MODIFICATION TO RESOLUTION Z-211-85, TO DELETE AND AMEND CERTAIN CONDITIONS FOR PROPERTY LOCATED SOUTHEAST OF N.W. 27TH AVENUE AND 191ST STREET, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR A DECLARATION OF RESTRICTIVE COVENANTS; PROVIDING FOR CONDITIONS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

Mayor Gibson opened the floor for this public hearing. After there were no parties to speak on this item, the public hearing was closed.

Motion offered by Vice Mayor Braynon, seconded by Councilman Bratton to approve this item.

There being no discussion, the motion passed and carried by a 6-1 vote.

Councilman Harvard:	Yes
Councilwoman Pritchett:	No
Councilwoman Watson:	Yes
Councilman Bratton:	Yes
Vice Mayor Braynon:	Yes
Councilman Campbell:	Yes
Mayor Gibson:	Yes

RESOLUTION NO. 2006-72-418-Z-53

- 9-2) **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPLICATION OF CORNERSTONE GROUP HOLDINGS, LLC, FOR AN UNUSUAL USE TO PERMIT A LAKE EXCAVATION ON PROPERTY GENERALLY LOCATED SOUTHEAST OF N.W. 27TH AVENUE AND 191ST STREET, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR CONDITIONS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

Mayor Gibson opened the floor for this public hearing. After there were no parties to speak on this item, the public hearing was closed.

Motion offered by Vice Mayor Braynon, seconded by Councilman Harvard to approve this item.

Councilwoman Pritchett asked for clarification as to how this planned lake excavation is going to use the Neighborhood Protective Buffer for a wet retention area.

Mr. Marder the City's Development Services Director explained that Neighborhood Protective Buffer is the assistance that is provided for in the Development Regional Impact Development Order. The retention areas are located within the development where no building is constructed.

Mayor Gibson clarified the wet retention area would be within the 351 ft. buffer.

Mr. Marder replied "yes".

Councilwoman Pritchett asked if this is something the City could have DERM review.

Mr. Marder said the whole development will go to DERM for review prior to the lake excavation.

Councilwoman Pritchett stated that usually when there is an application DERM has provided an

opinion in that application package for consideration.

Mr. Marder said that information is not normally provided at this level but would be provided at the site plan and permitting process.

There being no further discussion, the motion to approve this item passed and carried by a 6-1 vote.

Councilwoman Pritchett:	No
Councilwoman Watson:	Yes
Councilman Bratton:	Yes
Vice Mayor Braynon:	Yes
Councilman Campbell:	Yes
Councilman Harvard:	Yes
Mayor Gibson:	Yes

RESOLUTION NO. 2006-73-419-Z-54

- 9-3) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPLICATION OF VILA BUILDERS, INC., AND VILA MCLAUGHLIN DEVELOPMENT, INC., FOR A NON-USE VARIANCE OF LOT AREA AND LOT FRONTAGE REQUIREMENTS FOR TWELVE SINGLE-FAMILY RESIDENCES; PROVIDING FOR CONDITIONS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

Mr. Vila, 2900 SW 121st Avenue, Miami, Florida, appeared before the City Council seeking approval of this application.

Mayor Gibson asked Mr. Vila if he was in agreement with staff's recommendation.

Mr. Vila acknowledged his agreement with the recommendation made by staff.

Mayor Gibson opened the floor for this public hearing.

Felice Dames, 2244 NW 170th Terrace, Miami Gardens, Florida, appeared before the City Council to express concern with whether the dead-end street where this proposed development is to take place would be opening up.

Attorney Dickens pointed out that whether the dead-end street would be opened is not a part of this application because the traffic impact has not been determined.

Mr. Marder made a factual statement by stating "a proposed development under construction just south of this site has a cul-de-sac. Therefore his assumption is this development would be similar.

Mr. Vila said he does not have land to build a road straight through to 27th Avenue, therefore he has no intentions of opening the road.

There being no other interested parties to speak on this item, the public hearing was closed.

Motion offered by Vice Mayor Braynon, seconded by Councilman Harvard to approve this item.

Councilwoman Pritchett asked whether the flooding issue in this area been addressed?

Mr. Marder said that issue would be reviewed as part of the normal engineering process.

Robert Coleman, Zoning Administration said Mr. Vila would be required to extend the street as well as to put in a drainage system. Mr. Vila will not get a permit until the drainage requirement is met for that site.

Mayor Gibson said the drainage problem in this particular has been a long standing issue and asked why this problem has not been addressed by Miami-Dade County. She shared that she thought all those areas with flooding problems had been taken care of.

Councilwoman Pritchett conveyed the importance of residents attending the City Council meetings. She shared this issue started when members of the City Council served on the Miami-Dade Community Council. She said the drainage issue should have been addressed eight years ago. She said this Council did not know the drainage problem was still an issue because no one has brought this to the Council's attention.

Vice Mayor Braynon shared the City is not approving a project that would cause the flooding in this area to be worst. The developer must provide sufficient drainage to contain the water on the development site.

Ms. Dames, reappeared before the City Council to further voice concern with the increase of traffic that would be generated for the development of the 12 new homes on this street.

Vice Mayor Braynon asked whether 171st Terrace the same width as 170th Terrace and 170th Street. He explained he was trying to ascertain this information because Ms. Dames has indicated the street would not be able to accommodate the additional traffic generated by this development.

Mr. Vila said the Public Works department is working on the flooding problems in this area. He said the development before the Council for consideration is 170th Terrace, and not 170th Street. He said the streets are not the same size.

Mr. Marder said the paved part of this street appears to be narrower than 171st Terrace.

Councilwoman Pritchett said 170th Terrace is narrower than 171st Terrace.

Councilwoman Watson directed everyone's attention to a street diagram provided in the agenda packet. She indicated Ms. Dames side of the street is narrower however the proposed development side is wider for a difference of approximately 10 feet.

James Dames, 2244 NW 170th Terrace, Miami Gardens, Florida, appeared before the City Council to voice concern with individuals parking on the public right-of-way due to insufficient street surface parking in this area.

Mr. Coleman shared that Mr. Vila has agreed to construct one lane from 170th Terrace to 23rd Avenue. He said the other half of the street can be dedicated when the property across from Mr. Vila's is developed.

Motion offered by Vice Mayor Braynon to amend the resolution to add a condition under Section 3 (e) "that the applicant constructs and dedicates that ½ portion of 23rd Avenue that abuts the property." This motion was seconded by Councilwoman Watson.

Mayor Gibson conveyed concern with the width of 170th Terrace and asked Manager Crew to do an assessment of that street to make a determination where residential property lines are and whether there is an easement between the property line and the public street.

Councilwoman Watson encouraged Mr. Vila to meet with the residents in this area so that they will get a clear understanding of what he is building in the neighborhood.

Mr. Vila indicated his readiness to discuss this project with any interested party. He said he has been in communication with some of the residents and this is the first time he has heard this concern.

There being no further discussion on this amendment the motion passed by a 6-1 vote.

Councilwoman Watson:	Yes
Councilman Bratton:	Yes
Vice Mayor Braynon:	Yes
Councilman Campbell:	Yes
Councilman Harvard:	Yes
Councilwoman Pritchett:	No
Mayor Gibson:	Yes

There being no further discussion on the resolution as a whole, the motion to approve passed and carried by a 6-1 vote.

Councilwoman Watson:	Yes
Councilman Bratton:	Yes
Vice Mayor Braynon:	Yes
Councilman Campbell:	Yes
Councilman Harvard:	Yes
Councilwoman Pritchett:	No

Mayor Gibson:

Yes

Mayor Gibson suggested, as has been done in the past, that staff might be able to assist Mr. Vila with his community meeting with the residents in this area. Previous meetings with concerned residents, the developer and staff were held at City Hall during evening hours.

10. PRESENTATION:

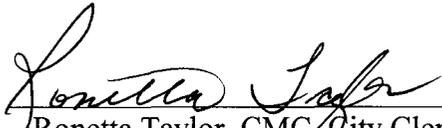
There were none.

Councilman Harvard congratulated the City Clerk for reaching the Second Level in the Master Municipal Clerks Academy.

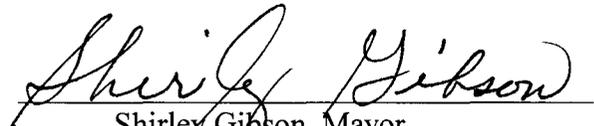
11. ADJOURNMENT:

There being no further items to come before this Body, and upon a motion being duly offered by Councilman Bratton, seconded by Councilman Harvard to adjourn the meeting at 9:52 p.m.

Attest:



Ronetta Taylor, CMC, City Clerk



Shirley Gibson, Mayor