

**CITY OF MIAMI GARDENS
REGULAR ZONING MEETING
MARCH 1, 2006**

1. CALL TO ORDER/ROLL CALL OF MEMBERS:

The City Council sitting as the City's Zoning Board, met in regular session on Wednesday, March 1, 2006, beginning at 7:10 p.m., in the City Council Chambers, 1515 NW 167th Street, Building 5, Suite 200. The following members of the City Council were present: Mayor Shirley Gibson, Vice Mayor Oscar Braynon II, and Council members Barbara Watson, Aaron Campbell Jr., Melvin L. Bratton and Sharon Pritchett. Councilman Ulysses Harvard was out of town.

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: Invocation was delivered by Reverend Wade Jones.

3. PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited in unison.

4. APPROVAL OF MINUTES:

4A. Zoning Meeting – February 1, 2006

Moved by Vice Mayor Braynon, seconded by Councilman Bratton to approve the minutes with necessary corrections, if any. This motion passed and carried by a 6-0 vote.

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

Manager Crew indicated there was an item to be added to the official agenda that was mentioned on the original agenda only by subject. This item is being included as Item 9A **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPLICATION OF YVONNE OWENS FOR NON-USE VARIANCES OF LOT COVERAGE AND SET-BACK REQUIREMENTS FOR AN EXISTING FRONT PORCH ADDITION TO A SINGLE-FAMILY RESIDENCE; APPROVING A NON-USE VARIANCE OF SETBACK REQUIREMENTS TO PERMIT A PROPOSED TWO-BEDROOM ADDITION TO A SINGLE-FAMILY RESIDENCE; APPROVING NON-USE VARIANCES OF SETBACK AND SPACING REQUIREMENTS FOR AN EXISTING UTILITY SHED; PROVIDING FOR CONDITIONS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.”**

Moved by Vice Mayor Braynon, seconded by Councilwoman Watson and Councilman Bratton to approve the official Agenda with the addition made. There being no further discussion, this motion passed and carried by a 6-0 vote.

Councilman Bratton:	Yes
Vice Mayor Braynon:	Yes

Councilman Campbell:	Yes
Councilman Harvard:	Out of town
Councilwoman Pritchett:	Yes
Councilwoman Watson:	Yes
Mayor Gibson:	Yes

The City Clerk swore in all parties participating in this Quasi Judicial Proceeding.

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

There were none

7. FIRST READING (ORDINANCE):

There were none

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

8A) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPLICATION OF CIMA CORPORATION, INC., FOR A NON-USE VARIANCE TO PERMIT A TEN-STORY OFFICE BUILDING WITH A HEIGHT OF 120 FEET (MAXIMUM OF TWO STORIES OR 35 FEET PERMITTED); APPROVING A NON USE VARIANCE OF FLOOR AREA RATIO TO PERMIT A PROPOSED TEN-STORY OFFICE BUILDING WITH A FLOOR AREA RATIO OF 2.13 (.60 PERMITTED); PROVIDING FOR THE EXECUTION OF A DECLARATION OF RESTRICTIONS; PROVIDING FOR CONDITIONS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER) (Deferred from January 4, 2006 and February 1, 2006)

Guillermo Soldavini, President of CIMA Corporation, appeared before the City Council to request a postponement of this hearing for an indefinite period of time, in order to provide the applicant with an opportunity to redesign the project.

Robert Coleman, Zoning Administrator said the applicant can postpone the application for an indefinitely period of time or until a new project is introduced. The project would need to be re-advertised.

Moved by Vice Mayor Braynon, seconded by Councilwoman Watson to defer this application.

Councilwoman Pritchett asked for clarification purposes whether Mr. Soldavini said there would be a totally new project presented.

Mr. Coleman clarified the project would be re-designed.

Councilwoman Pritchett asked for Mr. Soldavini's letter requesting the postponement to be read into the record. The letter is attached hereto as part of the minutes and made a part hereof as Exhibit "A".

Councilwoman Pritchett referenced a recommendation made by staff after discussions at the last Council meeting, more particularly a recommendation made by Councilwoman Watson, which required the applicant to consult with the property owners in this neighborhood, as other issues may arise as it relates to privacy, lighting and shadowing. She asked if the applicant had made plans to meet with the residents.

Mayor Gibson opined since the applicant is asking for a deferral of this item at this particular time, he would not be meeting with the residents on this project. However that condition is now a part the application process therefore, Mr. Soldavini would as part of his submittal be required to meet with the residents before this project is brought back to Council for consideration.

Councilman Bratton referenced the letter of request for deferral from Mr. Soldavini and clarified for the record that the address of subject property is NW 27th Avenue and NW 167th Street.

Betty Ferguson asked whether residents would have an opportunity to address this particular item.

Attorney Dickens advised Mayor Gibson that as the Chair, it is her call as to whether she is inclined to entertain comments from the public on this deferral.

Mayor Gibson said she had no problem entertaining comments from the public on this matter and asked whether members of the Council were of the mind to hear those comments as well.

Councilwoman Pritchett conveyed interest in hearing public comments on this matter.

Attorney Dickens advised at this point, that the motion to defer be withdrawn.

Vice Mayor Braynon withdrew his motion, and Councilwoman Watson withdrew her second.

Mayor Gibson opened the floor for public comments.

Betty T. Ferguson, 1625 NW 188th Terrace, Miami Gardens, Florida, appeared before the City Council to express her views about this application. She said in view of the Jennings Ruling it is very difficult for residents to speak with Council members about zoning issues. Therefore, she thought that it was important especially since the applicant is talking about redesigning the project for the Council and the developer to hear those comments.

Ms. Ferguson said she has no idea what the applicant is going to come back with however, it is fair for the applicant to know how the residents feels. She voiced her opposition to building a ten-story building next door to single family homes. She said even though her home address is not near this area, she has always been concerned about the welfare, the long term health and prosperity of the City of Miami Gardens. She shared her personal interest in this project is the fact that her family home, which is still occupied by family is one street away from this site will be in the shadow of this ten-story building. Therefore, if the applicant is going to come back with just a new version of this ten-story building she would probably still be in opposition.

Ms. Ferguson shared that she had spoken with the area residents and none have been contacted by anyone about this application. She opined this is very significant because the residents did not know what was going on and are feeling left out. In addition to disrespecting the neighborhood she opined a ten-story building on less than one acre of land is just undesirable and literally next to single family homes.

Ms. Ferguson stated the City Manager's recommendation for mitigation included in the package talks about landscaping the southeast quadron of the Palmetto Expressway, which in her belief is not under the control of the City of Miami Gardens, nor can the applicant donate \$120,000.00 to the Keep Miami Gardens Beautiful Program. In addition, the recommendation does not identify how or where this money would be spent. No amount of flowers or trees or a wall on such a small piece of land can hide a ten-story building. She further opined this ten-story building application should be denied because it is inappropriate to grant variances of this magnitude before a Master Plan is completed.

Ms. Ferguson shared there are all kinds of tall buildings throughout Miami-Dade County that are next to single family homes. Nonetheless those tall buildings are ugly, and unacceptable to the neighbors. Even though there is built-in parking, there are still problems with overflow parking in the neighborhood. She opined there needs to be some type of transition between a ten-story building and single family homes. She conveyed her belief that granting a variance for a ten-story building to be located literally next door to single family homes is insensitive and very unnecessary. She voiced her objection to the deferral of this item and asked the Council to consider voting this item down tonight.

Evelyn Peters, 2515 NW 166th Street, Miami Gardens, Florida, appeared before the City Council in opposition to this request. She stated that she has a list with approximately 26 names of individuals who reside in this immediate area and would be impacted by this project. She shared during her conversations with these individuals she learned that none of them were informed of this proposed project. The residents found out about this project through a flyer distributed throughout the community. She recommended that if the City did not currently have a notification procedure in place that one is implemented as soon as possible. She opined not only should homeowners be notified, but every resident as well. She asked the Council to keep this area residential, withdraw the deferment, and deny this application. She conveyed her neighbors' feelings that this project is an encroachment.

Councilman Campbell made referenced to Ms. Peters' concern about not being notified of this application.

Mr. Coleman said property owners within a half mile radius were notified.

Councilman Campbell stated that he wanted to make it clear the City does have a process for notifying the property owners of pending zoning applications in their residential areas.

Attorney Dickens asked if the property was posted because that posting clearing states there is a hearing process in place for this site.

Mr. Coleman confirmed that applicable signage was posted on the site announcing this public hearing.

Vice Mayor Braynon commented, if this item is deferred a second mailer would go out to all

1,386 property owners in this immediate area about the hearing.

Attorney Dickens said in addition the property would be reposted and advertisement would be done in the Miami Herald Neighbors Section.

Russell Brown, 2523 NW 166th Street, Miami Gardens, Florida, appeared before the City Council to voice opposition to this request. He shared his property is next door to this site and putting a ten-story building on this site would affect his quality of life. He encouraged the Council to consider putting a residential development on this site. He asked the Council to vote this item down.

Elaine Brown-Daniels, 2523 NW 166th Street, Miami Gardens, Florida, appeared before the City Council in opposition to this project. She opined having a ten-story building on this particular site would demolish the entire neighborhood.

Hugh Dodd, 17125 NW 19th Avenue, Miami Gardens, Florida, appeared before the City Council to express his views about this development.

Leonard Coles, 2010 NW 191st Terrace, Miami Gardens, Florida, appeared before the City Council to express concern with the Council considering variances without having a Comprehensive Development Master Plan in place. He said if the City allows individuals to deviate from Miami-Dade County's Plan, which is currently in use since the City does not have a Plan in place, when the City's Master Plan is finally in place, more residents would be displaced because all the vacant land would have been used up by allowing developers to build what they wanted. Therefore, no opportunities would be available, so the only alternative would be Eminent Domain proceedings, which would take land from the residents. He opined the citizens voted for this City because they believed they should have some voice in what is going on within the City. He opined the residents expect the elected officials to be considered of what it is they the residents want. He placed emphasis on the importance of the City Council communicating with the residents to get their input, and encouraged the hiring of support staff for each Council member. He urged the City Council to vote to deny this application.

Mayor Gibson referenced the concern raised by Ms. Peters about residents not receiving notice of this public hearing and clarified notification is sent to property owners and not renters or lessee.

After there were no other interested items to speak on this item the public hearing was closed.

Attorney Dickens advised a motion should be offered in order to continue discussions. She related there could be three motions offered: 1) motion to approve the item; 2) motion to defer the item; or 3) motion to deny the item.

Moved by Vice Mayor Braynon, seconded by Councilwoman Watson to defer this item.

Councilman Campbell said he wanted to make two comments particularly on what has been stated tonight. One of the suggestions from a speaker was that the City should wait until it has a Comprehensive Development Master Plan in place, which is a long process. If the Council waited until a Comp Plan was approved, it would not hear any items. He further stated that he was not going to make the motion but there is at least a Council person who is out communicating with the public, who can make the proper motion based on what has been said here tonight. He emphasized he could make

that motion but finds himself most of the time doing some critical things when it comes to taking risks, for that reason he would not offer the motion. However, there is at least one council person on this dais whom he suspects have strong feelings about this issue. He conveyed his belief that that council person should make the appropriate motion based upon what has been said here, tonight.

Vice Mayor Braynon withdrew his motion for a deferral. Councilwoman Watson withdrew her second.

There was no motion offered for this item, therefore no vote was taken either way.

9) **RESOLUTION(S):**

- 9A) **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPLICATION OF GEORGE AND VICTORIA EPPS FOR AN UNUSUAL USE PERMIT TO PERMIT A DAYCARE CENTER IN AN RU-1 ZONE; A NON-USE VARIANCE OF PARKING REQUIREMENTS TO PERMIT PARKING SPACES AND DRIVES WITHIN 25 FEET OF THE OFFICIAL RIGHT-OF-WAY LINE; A WAIVER OF AUTO-STACKING REQUIREMENTS; A NON-USE VARIANCE OF CLASSROOM SIZE REQUIREMENTS TO ALLOW PROPOSED DAYCARE CENTER TO HAVE A CLASSROOM AREA OF 1,616 SQUARE FEET; A SPECIAL EXCEPTION TO PERMIT A CHURCH IN AN RU-1 ZONE; A NON-USE VARIANCE OF LOT SIZE REQUIREMENTS TO PERMIT A CHURCH TO BE BUILT ON A .35-ACRE SITE; A NON-USE VARIANCE OF LOT FRONTAGE REQUIREMENTS TO PERMIT A CHURCH WITH A LOT FRONTAGE OF 79.94 FEET; A NON-USE VARIANCE OF SPACING REQUIREMENTS TO PERMIT A CHURCH TO BE LOCATED 7.5 FEET FROM THE SOUTHERLY PROPERTY; A NON-USE VARIANCE OF SPACING REQUIREMENTS TO PERMIT A CHURCH TO BE LOCATED APPROXIMATELY 60.5 FEET FROM THE EASTERLY RESIDENTIAL PROPERTY; A NON-USE VARIANCE OF PARKING REQUIREMENTS TO PERMIT A CHURCH TO HAVE 15 PARKING SPACES; PROVIDING FOR AN EXECUTION OF A DECLARATION OF RESTRICTIONS; PROVIDING FOR CONDITIONS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

George Epps, 3196 NW 168th Terrace, Miami Gardens, Florida, appeared before the City Council, along with Ossie Mae Conley, 300 NE 191st Street, Condo 215, North Miami Beach, Florida, to request a deferral of this item until the next Zoning meeting, due to an unforeseen accident involving the applicant's attorney.

Moved by Vice Mayor Braynon, seconded by Councilwoman Watson to defer this application to the next zoning meeting scheduled for April 5, 2006.

There being no further discussion on the deferral, the motion passed and carried by a 5-1 vote.

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

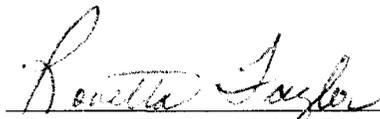
10. PRESENTATION:

There were none

11. ADJOURNMENT:

There being no further business to come before this Body, and upon a motion being duly made by Councilman Bratton, and seconded by Vice Mayor Braynon, the meeting adjourned at 7:58 p.m.

Attest:



Ronetta Taylor, CMC, City Clerk



Shirley Gibson, Mayor