

**CITY OF MIAMI GARDENS
REGULAR ZONING MINUTES
MAY 3, 2006**

1. CALL TO ORDER/ROLL CALL OF MEMBERS:

The City Council of the City of Miami Gardens, Florida sitting as the Zoning Board, met in regular session on Wednesday, May 3, 2006, beginning at 7:12 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 Oscar Braynon II, and Council members Aaron Campbell Jr, Barbara Watson, Melvin L. Bratton and Ulysses Harvard. Councilwoman Sharon Pritchett arrived at 7:15 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:

Councilman Campbell delivered the Invocation.

3. PLEDGE OF ALLEGIANCE:

Pledge of Allegiance recited in unison.

4. APPROVAL OF MINUTES:

4A. Zoning Meeting – May 3, 2006

Motion offered by Vice Mayor Braynon, seconded by Councilman Harvard to approve the minutes and allow the City Clerk to further revise page 3, lines 33-34 to include additional comments made by him. There being no further discussion on this matter, this motion passed and carried by a 7-0 vote.

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

Clerk Taylor swore in all parties participating in this Quasi-Judicial Proceeding.

Mayor Gibson asked whether there were any request to defer items at this time.

Attorney Jeff Bercow of Bercow & Radell, P.A., with a business address at 200 South Biscayne Boulevard, Suite 850, Miami, Florida, appeared before the City Council representing the applicant for Item No. 6A. He requested on behalf of the applicant a deferral until the June 6, 2006, Zoning meeting. He said even though this property is located within the City of Miami Gardens, the City's Charter provides that Miami-Dade County retains jurisdiction for purposes of amending the DRI, in the Dolphin Center, while the City has zoning jurisdiction over this land. The applicant

currently has an application with Miami-Dade County to amend the DRI Development Order to change the approved levels of developments within the DRI. That application was heard on last week by Miami-Dade County and deferred to June 22, 2006. The applicant acknowledges the DRI has to be approved before any of the City's changes become final. Therefore, a second reading of this item could not be heard until Miami-Dade County's approval, which means the second reading of the City's ordinance could not occur until July 2006. Although the zoning change is on the City's Zoning agenda tonight it can not be finalized until after the Miami-Dade County Commission has acted. There is no applicable law to prohibit the Council from hearing this item on first reading. This would provide the applicant with an opportunity to hear what the Council's concerns before this matter is taken up with Miami-Dade County. Therefore, the application, covenant and/or site plan can be revised accordingly prior to this item being considered by Miami-Dade County and the City's second reading of the ordinance. This also provides the applicant an opportunity for additional outreach in the affected area.

Attorney Bercow explained scheduling first reading of this item for July with second reading scheduled for September would have a negative impact on this applicant.

Attorney Dickens stated she would not be making a recommendation to the City Council. She shared that she spoken with attorneys Graham Penn and Robert Holloman and explained she would advise the Council of the law and at that point the Council members would make their own determination. Secondly, no decisions have been made. The Council has not met and discussed this item. She shared that she has had discussions with regard to this item with the City Manger, Mayor Gibson, Councilwoman Watson and Councilwoman Pritchett, individually.

Attorney Dickens said the two actions involved with this application tonight would be either a deferral or a withdrawal of the application.

Attorney Bercow clarified that he was seeking a deferral to the June 6, 2006, meeting. His client acknowledges that the Council at the June meeting may decide to defer this item or move forward with it.

Mayor Gibson asked if there were any opposition to this request of deferral.

Betty Ferguson, 1625 NW 188th Terrace, Miami Gardens, Florida, appeared before the City Council to get clarification as to whether the applicant was requesting deferral on the first reading of this ordinance the June Zoning meeting.

Mayor Gibson responded "yes".

Ms. Ferguson asked what for clarification as to what is allowed on first reading.

Attorney Dickens explained the first reading involves a public hearing on this rezoning application.

Motion offered by Vice Mayor Braynon, seconded by Councilwoman Watson to defer the

first reading of this item to the June 7, 2006, Zoning Meeting, beginning at 7:00 p.m.

Councilwoman Pritchett asked for clarification as to what was being asked for by the applicant.

Attorney Bercow explained this rezoning ordinance will take two readings. The applicant can not proceed with the second reading of the ordinance until Miami-Dade County modifies the DRI, because the City's rezoning has to be consistent with the DRI. The applicant is suggesting conducting the first reading of the rezoning ordinance on June 7, 2006. The applicant acknowledges the Council may decide to defer the first reading of this item at the June 7th Zoning meeting. Approving this item on first reading at the June 7th meeting would not be giving approval of the zoning. First reading of this item is only the first step in the process. If the Miami-Dade County Commission acts on June 22nd, the City Council can hold the second reading of this item at its July 5th Zoning meeting.

Councilwoman Pritchett asked what would be the benefit in deferring this item to the June meeting. She opined it does not seem to be the not prudent thing to do when the City has to wait until the Miami-Dade County Board of County Commission issues its decision as it relates to the DRI, which will not happen until June 22, 2006.

Attorney Bercow shared the applicant has already done considerable community outreach. However, everyone has not been reached and the applicant wanted to continue to work on that. It is to the City's and County's advantage to air out all of these issues on June 7th. The applicant might hear something on June 7th that might require the applicant to make a total modification to the change being proposed at the Miami-Dade County Commission level. He opined if no feedback is given prior to the applicant going to Miami-Dade County, there might be something the City requires that will force this application to go back to Miami-Dade County. He opined it makes sense for the applicant to have this discussion before appearing before the Miami-Dade County Commission.

Councilwoman Pritchett asked what would be the negative impact if this item did not move forward.

Attorney Bercow said there are contractual deadlines to purchase this land.

Vice Mayor Braynon explained his rationale for offering the motion to defer this item. He asked for clarification purposes if there was any reason why the Council could not vote on this item tonight for first reading.

Attorney Dickens opined the City of Miami Gardens did not have the underlying land use approval. She said as legal council she would not advise the Council to do anything that was inconsistent to what is currently on the property. She said without Miami-Dade County's approval it is premature for the City Council to move forward on first reading. She said the Council could move forward with the first reading and did not believe legal precedence would be found because this type of situation has never been dealt with. She explained her rationale for the Council to not necessarily have this debate right now about this particular issue is because the applicant has asked

for a deferral. All the issues or concerns can be addressed during the June Zoning meeting therefore, it is not necessary to have that debate at present. The applicant also recognizes that perhaps in June there might be a need for another deferral.

Councilman Campbell inquired about the reasoning for the deferral by Miami-Dade County.

Attorney Bercow opined County Commissioner Jordan heard some things during the presentation by former Commissioner Ferguson, which gave her some concerns; more particularly the school impact and the elimination of the hotel. The applicant is prepared to address each of those concerns. The applicant has entered into an agreement with Miami-Dade County Public Schools addressing that issue; however, this agreement has not been finalized with by the School Board. The applicant believes the elimination of the hotel is a decreased non-issue. There will still be 458 hotel rooms left within the entitlement of the DRI.

Attorney Bercow opined there is no market in this area for additional hotels. There however, is clearly a market for additional retail, such as Home Depot and professional housing such as Emerald Lakes. The concerns with the school impact will be mitigated.

There being no further discussion on the deferral request, the 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

Robert Coleman, Zoning Administrator for the City of Miami Gardens read into the record the requirements and procedure for this Quasi-Judicial Proceeding.

6. FIRST READING (ORDINANCE):

- 6A) 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 ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A**

**SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.
(SPONSORED BY THE CITY MANAGER) (Deferred from May 3, 2006)**

As requested by the applicant, this item was deferred to the June 7, 2006, Zoning Meeting.

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

- 7A) **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE MIAMI GARDENS TOWN CENTER ZONING DISTRICT ("TCZD"); PROVIDING FOR A DISTRICT BOUNDARY CHANGE OF ZONING FROM O.P.D., RU-1, RU-4A, RU-5A, BU-1, BU-1A, BU-2 AND GUT TO TCZD FOR PROPERTIES GENERALLY LOCATED AT THE FOUR QUADRANTS OF THE INTERSECTION OF NORTHWEST 27TH AVENUE AND NORTHWEST 183RD STREET, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO; APPROVING A PURPOSE; LOCATIONAL STANDARDS; PERMITTED USES; CONDITIONAL USES; PROHIBITED USES; SUBDISTRICT DESIGNATION DEFINITIONS; BUILDING PARAMETERS; A STREET FRONTAGE PLAN; A TYPICAL STREET SECTIONS PLAN; BASE RIGHT-OF-WAY AND BUILD-TO-LINE SETBACKS; BUILDING HEIGHT REQUIREMENTS; BUILDING HEIGHT VERTICAL INCREMENTAL SETBACKS; SITE DEVELOPMENT STANDARDS; PUBLIC PLAZA REQUIREMENTS; MAXIMUM DWELLING UNIT DENSITY REQUIREMENTS; MINIMUM UNIT SIZE; LOT COVERAGE; LANDSCAPED OPEN SPACE REQUIREMENTS; AFFORDABLE HOUSING REQUIREMENTS; MINIMUM DESIGN STANDARDS FOR SIDEWALKS, PEDESTRIAN AMENITIES, ENTRANCES, WINDOWS, BALCONIES, LANDSCAPE AND OPEN SPACE, TREES, PALMS, AND SHRUBS; SIGN DESIGN PARAMETERS; 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)**

Mayor Gibson opened the floor for this public hearing.

Betty Ferguson, 1625 NW 188th Terrace, Miami Gardens, Florida, appeared before the City Council to ask for an explanation of the Affordable Housing requirement for this project.

Jay Marder, Development Services Director in response to Ms. Ferguson's question stated the Affordable Housing provision for this Code was placed to basically mirror the Code that was under development at that time by Miami-Dade County, which was called Workforce House Code. Since then a number of discussions have taken place but no resolution has been reached as to the

percentage. The City of Miami Gardens is now coming up with its own Community Development Programs. There will be a process for considering Workforce House as well as Affordable Housing as part of the plan the City is developing. There will be a lot of public participation in that process. The Town Center Zoning Ordinance is not the place to establish the housing policy. The Community Development Program is where the housing policy should be done.

Ms. Ferguson asked whether the entire City of Miami Gardens housing stock would be taken into consideration when housing developments are being reviewed. She shared a study was done which indicates the City of Miami Gardens is already over saturated with certain types of housing.

Mr. Marder said he was aware of that study and has been incorporated into the draft Comprehensive Development Master Plan. In addition, that study would be looked at when considerations are being made in the Community Development Program process.

Ms. Ferguson asked whether the City of Miami Gardens would be developing a formula for Affordable or Workforce Housing; one formula that applies across the board for all new developments based on the total city and not just a project.

Mr. Marder said the policy would be citywide.

Leonard Coles, 2010 NW 191st Terrace, Miami Gardens, Florida, appeared before the City Council to question whether the meeting was being officially recorded.

Clerk Taylor confirmed that this meeting was being recorded.

Mr. Coles stated that it is his understanding that the first portion of the last zoning meeting was not recorded.

Clerk Taylor confirmed that the first portion of the last City Council meeting did not record.

Mr. Coles asked whether there could be any legal issues for the City because a portion of last month's meeting was not recorded.

Attorney Dickens in response to Mr. Coles' question said "no."

Mr. Coles asked if this Ordinance is approved would the public be afforded an opportunity for public comments on the various development projects that might be proposed for this area.

Mr. Marder said this is still entirely a public process. This ordinance just sets the zoning standards for this area. If a development met all of the criteria imposed by this ordinance that development would be issued a building permit.

Mr. Coles asked if this meant that all of the various zoning changes being asked for in this particular item, once approved would void all public input and the only input to be provided at that particular point for anyone to build would be that of administration.

Attorney Dickens clarified this is a re-zoning ordinance initiated by the City. The time for the public to have input is now, just like with any other re-zoning ordinance. In any particular property within the City if the zoning is correct and an applicant to the City and asked to put a project there that application would not come before the Council unless there are specific deviations needed (e.g. variance or special use, etc.). The time for the public to have input was at last month's meeting and this meeting.

Mr. Coles commented, if this item is approved it would forever and ever void public input for any development being built there. In other words the City is giving the developers the authority to build whatever they want to as long as it meets the zoning criteria.

Attorney Dickens said this ordinance does not void the public input. She said that if Mr. Coles question was whether or not someone came in wanting to build a project that conforms with this zoning if there would be a need to have another public hearing on the re-zoning again, the answer is no, they would not.

Mr. Coles opined this is too broad a project and asked the Council members to consider the fact that this is forever and ever, a done deal.

Dorothy Smith, 18900 NW 30th Court, Miami Gardens, Florida, appeared before the City Council to express concern as to whether affordable housing would be allowed in the Town Center District. She opined the City has enough affordable housing stock. She further questioned whether the Town Center District would have a activities for the youth.

Mayor Gibson informed Ms. Smith that the presentation would answer a lot of her questions and concerns. The presentation would provide an overview of what could be built there.

Ruben Burke, 2320 NW 182nd Terrace, Miami Gardens, Florida, appeared before the City Council for clarification purposes as it related to Mr. Coles' concerns and asked if once this item is approved would it take care of every other zoning matter that comes before this Council.

Attorney Dickens explained Mr. Coles' questions had to do with re-zoning. However, special exceptions, non-use variances, etc., would still come before the Council.

Mr. Burke clarified his question and asked whether Item 7A, if approved, would have any affect on items 7B and 7C.

Attorney Dickens said item 7A if approved would have no affect on items 7B and 7C. These are totally unrelated items.

Mr. Burke said at the last zoning meeting he had provide evidence that both the preliminary notice and final notice on an item were postmarked and mailed the same day. For this particular item he did not received anything in the mail. He shared he had contacted the City Manager and asked if it was a policy of the City to not notify the public by mail. He said he received a phone call from Mr. Marder who informed him that the preliminary notice and final notice mailed out previously were

sufficient. The notice for tonight's hearing was published in the Miami Herald. He opined notice in the Miami Herald was not adequate notification.

Willie Dykes, 3460 NW 205th Street, Miami Gardens, Florida, appeared before the City Council to express his concern with not having enough information provided about the various projects (e.g acreage, visual presentation, etc.).

Mayor Gibson advised Mr. Dykes that the consultant will be making a presentation that will answer a lot of the questions being raised.

Attorney Dickens shared every item that comes before this Body for a public hearing has a staff report attached to it. That information is a part of the agenda packet. The agenda packet is available for the public's review in the lobby of City Hall, as well as the North Dade Regional Library. Staff does a detailed analysis of each application, which has the acreage and the proposed use.

William Bouie, 17921 NW 32nd Avenue, Miami Gardens, Florida, appeared before the City Council to get clarification as to whether the flea market structure was going to be demolished as well as residential homes.

Mayor Gibson asked those individuals concerned with Item 7A to wait until the presentation is given by the consultant before asking specific questions. She opined the presentation could answer a lot of the questions being raised.

Mr. Bouie expressed concern with the fact that there are two Wal-Mart Superstores being built within the corporate boundaries of the City. He further opined the only thing he is seeing right now is a money thing; the City is trying to get money anyway it can. He opined the City's current FY 2005-06 budget is messed-up. He expressed concern with the tax payers having to bale the city out down the road for actions this Council has taken.

Vice Mayor Braynon conveyed understanding of Mr. Bouie's concerns. He said on one had Mr. Bouie has indicated he is paying a lot of taxes to the City of Miami Gardens. He asked Mr. Bouie if he was saying he did not want the Council to seek development to increase the tax base or did he want the Council to not seek development and to not tax him as much as he is being taxed at present.

Mr. Bouie explained all he was asking is that the Council not make a decision which would cause the tax payers to suffer for it later.

Vice Mayor Braynon asked Mr. Bouie if he understood what the intent of this ordinance and what the City was anticipating doing.

Mr. Bouie shared he had stated from the beginning he did not understand this process.

Vice Mayor Braynon opined the Council is doing a disservice by allowing public comments first and not having the presentation done first.

Mayor Gibson concurred with Vice Mayor Braynon's suggestion. She advised the speakers that once the presentation has been heard she would continue the public hearing and those individuals who have already spoken will be provided an opportunity for additional comments if desired.

Councilman Campbell commented that when someone says something that is just gross misinformation he has to address it. He said Mr. Bouie had stated "the City's budget is messed-up". He said he was curious to know what evidence Mr. Bouie has to make a statement like that.

Mr. Bouie said when the City advertises it is trying to move away from Miami-Dade Police Department and paying a \$20 Million Dollar Service Contract. He opined when someone tries to pull away from something it does not take a rocket scientist to know that other means are being investigated.

Councilman Campbell asked Mr. Bouie if the fact that the City is looking to form its own municipal police department is an indication the City's budget is messed-up.

Mr. Bouie opined it shows the City is not doing bad but it also shows the City is not doing good financially.

Councilwoman Watson clarified for Mr. Bouie that the Council is simply following the directions of the City's Charter. The Charter provides that after three years of incorporation the City is to revisit police service contract being provided by Miami-Dade County and the feasibility of establishing a municipal police department. This is the vision of the City's Charter. The City's Charter provides for a time frame by which the City is to follow in establishing municipal police services. She reiterated it was the vision of the City's Charter Committee as well as Miami-Dade County to provide that provision on the City's Charter.

Mayor Gibson invited Mr. Bouie and other interested parties to attend the next Town Hall meeting on May 11, 2006, beginning at 6:00 p.m., at the Clover Leaf Community Center, located at 191st Street and NW 3rd Avenue, where the issue of whether the City should establish a municipal police department will be discussed.

Gianno Feoli, the City's Consultant provided a brief presentation on the Town Center Zoning District Ordinance. This district consists of 112 acres. There have been several open forums on this particular ordinance. The last forum took place in the month of February at the North Dade Regional Library. The Town Center Zoning District shadows 183rd Street (Miami Gardens Drive) and NW 27th Avenue. Northwest 27th Avenue is also slated for the future location of the Metrorail. Based on that intersection four quadrants were created: 1) Civic Center Sub-district; 2) Commercial corridor sub-district, which envisioned to include mostly retail; 3) Town Square sub-district (flea market currently located) 4) North sub-district, when envisions a predominantly residential component.

Mr. Feoli said the Town Center ordinance provides the flexibility in that it regulates the form, volume and the character of the town center to ensure there is quality of life. Everything is geared toward creating an environment that amicable and promotes pedestrian activity, creates open space as high standards and high quality so that a sense of identity is created within the Town Center.

Mr. Feoli referenced the uses and shared the permitted uses are predominately residential, with some retail and commercial. All are mixed use and different levels of integration depending upon the sub-districts. In terms of conditional uses such as bars, lounges, and other uses of that nature would have to come before the City Council for approval. The prohibited uses in the town center revolve around automobile service stations, automobile storages, laundry mats, adult entertainment, apartment hotels, and single family residential.

Mr. Feoli stated based on the uses in terms of the based on the land use plan are envisioned would be a of a town hall and apartment nature. Sub-districts 1 and 2 (eastside of NW 27th Avenue) provides for no residential components. On the Westside of 27th Avenue there is a residential density of 25 units per acre (sub-district 3); sub-district 4, would increase to 50 units per acre. The overall density would be less than 30 units per acre.

Mr. Feoli said the way this zoning ordinance has been drafted it sets by precedence the provision for a guarantee of quality on the future environment created within the Town Center. This environment would be pedestrian friendly, with a lot of trees and wider sidewalks.

Mr. Feoli said as for building heights wherever there are parcels abutting residential areas the height is no more than two stories. The maximum is ten to 12 stories.

Mr. Feoli summarized the ordinance will regulate the building volume to conform with base code. It provides for a sense of character, adequate landscaping, and signage regulations. In terms of total density for housing units for this area are approximately 1,600 units or 30 units per acre.

Councilwoman Watson asked many much of that 112 acres is open green space.

Councilwoman Pritchett stated the City is currently operating under the auspices of Miami-Dade County's Community Development Master Plan, and at some point due to state law provides that the City must develop it own, which the City is currently doing. Given the fact the City's plan is not finished as yet, has any consideration been given to this ordinance in terms of how it would fit in with the City's Comprehensive Development Master Plan in total. She asked if a visual media could be shared with the residents depicting how all of the pieces would fit together.

Mayor Gibson asked staff how many public meeting have been had, which encompassed all of the components of the Comprehensive Development Master Plan.

Mr. Marder said there have been approximately 20 public meeting with regard to the components of City's Comprehensive Development Master Plan.

Mayor Gibson stated the components of the City's Comprehensive Development Master Plan have been discussed at approximately 20 different times. This particular issue has been discussed because there has been a moratorium imposed in this area for almost one year. She opined there are many in the audience that has never gone to any of those meetings. Many council members have been to those meetings where the components were discussed and where residents provided their input. There have been numerous public meetings where residents provided their input into the Town Center District Ordinance. She reiterated this is not the first time this issue has been discussed.

Councilwoman Pritchett said the residents were visual people by nature and clarified that her question was whether or not the City had a comprehensive visual (one big map) available at City Hall for the public to review.

Mayor Gibson indicated that such a map did in fact exist. She said those maps have been available and posted for the public's review. The map is also available of the City's website.

Councilwoman Pritchett clarified and shared the maps have been prepared singularly as it relates to each development.

Mayor Gibson shared there is a comprehensive map, which includes all of the developments that are occurring throughout the City.

Mr. Marder said copies of this map should be on the back table. In addition, this comprehensive map is posted on the City's website.

Mr. Feoli in response to Councilwoman Watson's question about open green space said ten percent of the total area is designated for open green space.

Mayor Gibson continued the public hearing.

Mr. Bouie reappeared before the City Council and asked whether residential properties would be demolished to accommodate the Town Center Zoning District.

Vice Mayor Braynon explained this is not the City of Miami Gardens buying properties within the district, demolishing them and building a town center. He reiterated the city is not buying, demolishing or building anything in the town center district. If no one purchases the affected properties in this area indefinitely, the area could remain as it is at present. This ordinance has to do with, if someone purchases property with in the Town Center Zoning District, that individual would have to follow certain guidelines in constructing a building there.

Mr. Bouie said his main concern was whether his residential property would be in jeopardy if someone purchased property in the Town Center Zoning District.

Vice Mayor Braynon said no residential property would be affected.

Sandra McDowell, 18240 NW 41st Place, Miami Gardens, Florida, appeared before the City Council and shared that she did participate in the Comprehensive Development Master Plan public meetings. She referenced the comprehensive development map provides and said she wanted to see a visual of where the actual buildings would be located. She expressed concern that no one is regulating the developers to ensure their projects are completed satisfactorily according applicable standards and the plans. She further asked what the City is doing for the kids. She said she has not heard anything about a community center.

Manager Crew addressed Ms. McDowell's question about who is responsible for regulating the developer and shared before an Certificate of Occupancy is issued to a development, the property is inspected to make sure every single thing outline on the plan has been approved. He further shared the City has spent approximately 2 Million dollars on the Community Center design. The City has 24 acres of land on the corner of NW 199th Street and NW 32nd Avenue for this purpose. It is anticipated the City will be going out for bid in September or October for this 55,000 square foot community center, which would have indoor basket ball and swimming pool, a world class running track, soccer field, football field, and walking track. Over the next five years, the City has been able to get grants and bonds from Miami-Dade County for approximately 30 Million Dollars of improvements to the City's parks.

Councilman Campbell referenced Ms. McDowell concern about who regulates the developers and stated a lot of the new developments within the City have their own self government, which could include a Homeowner Association that would collect fees to maintain the common areas. The problem some of the residents who live in those developments don't want to pay the fees so that the property can be properly maintained. He opined in many instances like this it is up to the residents to form their own corporations or homeowner associations.

Councilwoman Watson opined sometime it is not completely understood what is necessary from the start of an application to the actual moving in of the resident. She said Ms. McDowell indicated one development occurred in 2003, the City of Miami Gardens did not incorporate until 2003, and therefore, the City was neither involved nor responsible for that application process. The City inherited some problems and is now in the process of putting a mechanism in place so those kinds of events will never occur again.

Hazel Bolds-Newton, 2313 NW 181st Terrace, Miami Gardens, Florida, appeared before the City Council and asked what structures would be torn down along 27th Avenue to accommodate the Town Center because at present there is no vacant land in that vicinity.

Manager Crew explained nothing will be torn down. The Town Center Zoning District is a plan that does not require any one to demolish any structures or sell any properties. This plan is in effect when someone comes in to redevelop the existing properties. For example, if the Carol Mart owner wants to redevelop that property, he/she must comply with the Town Center Zoning District Ordinance. This ordinance establishes the rules to govern how this area should be redeveloped in the future.

Roland Vance, 2861 NW 179th Street, Miami Gardens, Florida, appeared before the City Council to question whether his property, which is included in the boundary as outlined on the map, would be affected by the Town Center Zoning District.

Attorney Dickens explained there is no project proposed this ordinance establishes underlined land uses. The categories for underlined land uses are: commercial, industrial and residential. When a developer comes that is when the final decision would be made as to what goes where on the particular parcels. What is currently located in this area can stay as it is, or the City can put forth a vision and the land uses that can be accommodated there to be more beneficial to the residents. The City is doing the re-zoning of the underlined land use to put the land use in place. The City is not going to buy the property to redevelop it.

Vice Mayor Braynon further clarified that Mr. Vance's property is not a part of the Town Center Zoning District. The land use designation adjacent to Mr. Vance's neighborhood is residential with a height limitation of two-stories.

Mr. Vance questioned whether redevelopment would take place in this area.

Vice Mayor Braynon said he could not answer whether this area would be redeveloped. He said from what is currently occurring people are buying properties all over the City. A previous speaking made the comment "who is going to control the developer? Developers are coming in and doing whatever they want." He said if the City does not establish guidelines, then developers would come in buy property and do whatever they want. The Town Center Zoning District Ordinance allows for two-story residential to be built on the back side of any abutting residential property. The Ordinance provides for multi-use when means another community center could also be built within this district.

John Daniels, 17825 NW 27th Court, Miami Gardens, Florida, appeared before the City Council and asked as residents in this area, what benefits the residents would receive. He said the neighborhood has already been impacted from the Dolphin Stadium traffic.

Mayor Gibson asked staff to identify some of the current land uses in this area without having the Town Center Zoning District in place.

Mr. Marder said currently auto sales, auto repair shops, pawn shops, etc., can be built adjacent to the abutting residential area.

Manager Crew further expounded on this matter and gave an example of the existing Bait Shop located in this area. The property where the Bait Shop is located is zoned commercial therefore, a developer could come in buy that property and build anything he/she wants there without having to come to the City Council for approval. This ordinance provides for standards, which means even though the property is zoned commercial, the building would have to be designed nicer, with adequate landscaping. The City is trying to build a place this community can be proud of and update the commercial area.

Sharon Frazier-Stephens, 145 NE 193rd Street, Miami Gardens, Florida, appeared before the City Council and conveyed concern with the impact new residential developments will have on existing schools. She also shared that she was a part of and participated in the Comprehensive Master Development Plan and the Town Center Zoning District planning processes.

Rondalier V. Sims, 17200 NW 9th Place, Miami Gardens, Florida, appeared before the City Council to express concern the impact the residential development would have on the already overcrowded schools in this City. She stressed the importance of planning a future for our children.

Charles f. Johnson, 8390 NW 18th Avenue, Miami, Florida, appeared before the City Council and asked the percentage of homeownership in Miami Gardens at present.

Mayor Gibson in response to Mr. Johnson's question said the homeownership is 71 percent.

Mr. Johnson emphasized the children in those families being developed, are the City's best assets and this should be stressed when developers come in wanting to build residential properties.

Councilman Harvard shared that he has heard the concerns voiced about the welfare of the City's youth. He announced that on May 9th, beginning at 7:00 p.m., a meeting to get input from the residents about what is it we may need to do to address some of the issues the schools and teachers are encountering with our children, will be held at New Way Baptist Church on NW 22nd Avenue, Miami Gardens, Florida.

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 adopt this ordinance.

Vice Mayor Braynon stated as areas in Miami-Dade County are developed and people move into that area the Miami-Dade County School Board builds a new high school. He asked why we (residents) are not at the Miami-Dade County School demanding that a new high school be built here just like in Aventura and Miami Lakes. He said with the added residential development in this area is it important to fight for new and better schools for this area. He emphasized with the all the new development occurring within the City of Miami Gardens, the City is growing just as fast as other areas in Miami-Dade County that have had new high schools built in those communities within the past ten years.

Attorney Dickens pointed out an amendment was needed which deals with the section on Affordable Workforce Housing by deleting the language "all developments shall provide a minimum of 30% of living units in compliance with Miami-Dade County Affordable Housing Standards." In addition would be added to read "All residential development components shall provide affordable and workforce housing units or equivalent to policies and guidelines , standards and requirements established by the City of Miami Gardens."

Motion offered by Vice Mayor Braynon, seconded by Councilman Harvard to amend the ordinance as prescribed by Attorney Dickens. 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

There being no further discussion on the ordinance as a whole, the 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

7B) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING AN APPLICATION SUBMITTED BY HARVEST FIRE INTERNATIONAL OUTREACH MINISTRIES FOR A SMALL SCALE LAND USE AMENDMENT FOR PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF N.W. 183RD STREET AND N.W. 23RD AVENUE, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM LOW DENSITY RESIDENTIAL TO BUSINESS AND OFFICE; 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)

Mayor Gibson opened the floor for this public hearing.

Rudolph Barber, 1411 NW 175th Street, Miami Gardens, Florida, appeared before the City Council in support of Harvest Fire Ministries. He said this organization provides an excellent program that administers to the needs of the children in this area.

Leon Bland, 18840 NW 14th Road, Miami Gardens, Florida, appeared before the City Council in support of Harvest Fire Ministries. He said Harvest Fire has an outreach ministry that will get the streetwalkers off the street. He emphasized the importance of approving this rezoning application because of the positive impact this church has on the community.

Ruben Burke, 2320 NW 182nd Terrace, Miami Gardens, Florida, appeared before the City Council in opposition to this rezoning. He said this mega structure is directly across the street from his home. He questioned how would anyone like to have a 55,000 square foot structure (same size as city's Community Center) built across from their residential property. He emphasized the 55,000 square foot structure being proposed by Harvest Fire would be built on less than one acre of land.

Betty Ferguson, 1625 NW 188th Terrace, Miami Gardens, Florida, appeared before the City Council to express concern with the process which she observed at the April 5th meeting. She shared that she has so many reservations about the process as it relates to this particular item. She opined there are so many things tied into the process that make people uncomfortable with the Council's decisions. She said the process is not transparent and often does not appear to be fair. She opined if it is not fair or not applied equally across the board people will always question the end result or what the real motive is for making some decisions.

Ms. Ferguson said at the April 5th Zoning meeting the first problem for her was the fact that the Council wore two different hats, the LPA and then the Zoning Board. She further shared that she was the one responsible for asking Miami-Dade County to defer the application submitted by the Cornerstone Group. However, the Council asked the developer why the application was deferred when she was the one who requested the deferral. The Council did not allow her to speak to explain why she had asked for that deferral at the Miami-Dade County Commission meeting. She placed on the importance of being consistent and fair with the process it needs to be transparent.

Ms. Ferguson said the reason the City of Miami Gardens was created in the first place was because the people did not like the process and the way they were being treated by Miami-Dade County.

Councilman Campbell said he was the one that asked the question of the developer. He said he did not know that Ms. Ferguson had attended the Miami-Dade County Commission meeting and had raised the issue.

Leonard Coles, 2010 NW 191st Terrace, Miami Gardens, Florida, appeared before the City Council and voiced this is a good project it is just in the wrong place. He shared at the last zoning meeting there was another applicant with a much smaller project, with no objections from the public. That application with disapproved without prejudice. He said there was an advertisement placed in the Miami Herald newspaper, announcing the approval of the Harvest Fire application. He opined something is wrong with the process. An ad should not be published until the item has been approved and not before it is approved. He stressed the importance of not infringing upon the rights of the citizens, especially those who fought to get this city incorporated.

Please note, Councilman Bratton left the meeting at 10:02 p.m.

Councilman Campbell pointed out that staff's recommendation on this item is for denial due to the project being inconsistent with the Comprehensive Development Master Plan, whereas the individuals that have spoken seems to think the item has already been approved by the Council.

Hazel Bolds-Newton, 2313 NW 181st Terrace, Miami Gardens, Florida, appeared before the City Council in opposition to this application. She opined the church is not in the right place to provide services to those in need. This is a residential area and the residents would like to maintain it as a residential area.

Reverend Clarke, 2260 NW 183rd Street, the applicant for Harvest Fire Worship Center, appeared before the City Council to highlight the many accomplishments of the church.

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

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

Mayor Gibson asked what would happen if this item was approved but the next item relating to the rezoning was not approved.

Mr. Coleman said the owner of the property would be able to sell the land based on the approved land use. However, the developer would have to come before the City Council to get the proper zoning for the land use of business and offices.

Attorney Dickens stated it would be harder for the Council to deny a re-zoning change if the land use has been change.

Mayor Gibson shared her belief that Reverend Clarke is sincere in what he envisions for the church. However if something happens and the church's plans do not take place that land is then open to other types of development because of the change to the small scale amendment to the land use element of the Comprehensive Development Master Plan.

Attorney Dickens said this ordinance changes the land use designation, the question is if the rezoning or variances are not approved what happens. The land use approval if approved is there. She explained if someone comes in for a re-zoning it would make it harder for the City to deny it because the re-zoning is the burden is on the City if the person can show that they have met the future land use designation.

Mayor Gibson said she reviewed the information provided by staff and after comparing this project to the 55,000 square foot Community Center being built on 24 acres of land, this is a massive project on a very small piece of property. In addition, if this application is approved this project would require a variance for every aspect of the project because it can not meet one guideline without a variance. She conveyed her belief that Reverend Clarke is sincere in what he wants to accomplish. She further conveyed her belief that this project would be very intrusive to the neighborhood.

Vice Mayor Braynon said he had a concern with the inability to provide for parking.

Mr. Coleman said even with the allotted parking at the church there is still a shortage of 16 parking spaces. He said a total of 126 parking spaces are needed for this type of project.

Councilman Harvard asked if there was ever any discussion with the applicant to modify the project to fit the lot.

Mr. Coleman said as with any application staff worked very diligently and professionally with this applicant. At no time did staff approve this project. Staff was concern with how this project would fit with the current Comprehensive Development Master Plan.

Vice Mayor Braynon asked if there was a project that could be built on this site that would not require a Comp Plan amendment.

Mr. Coleman said the expansion of the existing church would not require a comp plan amendment. The uses being asked for would have to be tied to a non-profit. None of the uses could be for profit. Harvest Fire did not want this project as part of the church they wanted a separate entity.

Vice Mayor Braynon asked if the church would be willing to compromise by proposing a project that did not require a comp plan approval.

Reverend Clarke said he was willing to work with staff and has been doing that from day one.

Councilwoman Pritchett questioned whether or not what is being suggested or proposed is legal.

Attorney Dickens opined the Council needs to be careful with making propositions for things where the Council did not have the facts or the site plan or enough information. She said was not going to say this is illegal because she has not seen a proposed plan. She said the Council needs to make a decision based upon the information provided in the agenda packet.

Reverend Clarke in response to Vice Mayor Braynon said the plans are premature because the rezoning should be done before any plans are considered.

Vice Mayor Braynon asked for clarification as to whether this rezoning application must be denied in order for the applicant to revisit to project and propose something that does not require a land use change.

Attorney Dickens said if the applicant wants to re-zoning for something that is in the current land use that is something the Council can do. However, if the applicant wants to go forward with the zoning that is being requested she would advise they could not do that because it would violate the Comp Plan.

Councilwoman Watson asked Reverend Clarke if he had given any consideration to withdrawing this application and what would be the implications if he did withdraw.

Mr. Coleman said the applicant would have to wait six months if the application is withdrawn without prejudice.

Councilwoman Watson stated she wanted the applicant to understand he had the option of withdrawing this application prior to the Council vote.

Mayor Gibson said she heard what Reverend Clarke had said about feeling misled with this application. She stated that she did not want the Council to give any indication that maybe misleading. She opined when there is talk about deferral with or with prejudice is saying to the applicant if you go back and present something else, the Council will probably do something that would be satisfying. She said this is a very difficult decision to make and the Council needs to make that decision. She said the Council members can not say what is going to happen when this item comes back to this Council. A

After there was no further discussion on this item, the motion failed by a 1-5 vote.

Councilman Campbell:	No
Councilman Harvard:	Yes
Councilwoman Pritchett:	No
Councilwoman Watson:	No
Councilman Bratton:	Not present
Vice Mayor Braynon:	No
Mayor Gibson:	No

7C) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING AN APPLICATION SUBMITTED BY HARVEST FIRE INTERNATIONAL OUTREACH MINISTRIES TO APPROVE A REZONING OF PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF N.W. 183RD STREET AND N.W. 23RD AVENUE, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM RU-1, SINGLE-FAMILY RESIDENTIAL, TO BU-1A, LIMITED BUSINESS 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)

Mayor Gibson opened the floor for the public hearing on this item.

Hazel Bolds-Newton, 2313 NW 181st Terrace, Miami Gardens, Florida, appeared before the City Council in opposition to this application. She cited the lack of parking and the residential environment as the mitigating factors for her opposition.

Attorney Dickens interjected and stated that because Item 7B failed and the land use amendment of the Comp Plan was not approved, the approval of this particular item would violate the current Comp Plan.

At this point there was no action was taken by the Council on this item.

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

8A) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPLICATION OF HARVEST FIRE INTERNATIONAL OUTREACH MINISTRIES FOR A NON-USE VARIANCE OF LOT COVERAGE REQUIREMENTS TO PERMIT A PROPOSED MULTI-PURPOSE FACILITY WITH A LOT COVERAGE OF 56% (MAXIMUM 40% REQUIRED); A NON-USE VARIANCE OF FLOOR AREA RATIO (FAR) REQUIREMENTS TO PERMIT A PROPOSED MULTI-PURPOSE FACILITY WITH AN FAR OF 1.20 (MAXIMUM 0.73 PERMITTED); A NON-USE VARIANCE OF HEIGHT REQUIREMENTS TO PERMIT A PROPOSED MULTI-PURPOSE FACILITY WITH A HEIGHT OF 66' (MAXIMUM 45' PERMITTED) A NON-USE VARIANCE OF PARKING REQUIREMENTS TO ALLOW THE PROPOSED MULTI-PURPOSE FACILITY TO PROVIDE 55 ON-SITE PARKING SPACES (126 REQUIRED); 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)

Since the small scale comp plan amendment failed (Item 7A), no action was taken by the Council on this item.

Please note Councilwoman Pritchett left the meeting at 10:45 p.m.

8B) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPLICATION OF ADELL P. HACKETT, FOR A NON-USE VARIANCE OF SETBACK REQUIREMENTS FOR ADDITIONS TO A SINGLE-FAMILY RESIDENCE; PROVIDING FOR ADOPTION OF REPRESENTATIONS; PROVIDING FOR CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

The applicant was not present for this request, therefore a motion was offered by Councilwoman Watson, seconded by Vice Mayor Braynon to **defer** this item to the June 7, 2006, Zoning meeting.

There being no discussion, this motion passed and carried by a 5-0 vote.

Councilwoman Watson:	Yes
Councilman Bratton:	Not present

Vice Mayor Braynon:	Yes
Councilman Campbell:	Yes
Councilman Harvard:	Yes
Councilwoman Pritchett:	Not present
Mayor Gibson:	Yes

9) **RESOLUTION(S):**

RESOLUTION NO. 2006-45-391

- 9A) **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING A FINAL PLAT FOR TRACTS "C," "D," "E," AND BLOCK 1 OF "PORTOFINO GARDENS", A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT "A," PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE (SPONSORED BY THE CITY MANAGER)**

Motion offered by Vice Mayor Braynon, seconded by Councilman Harvard to approve this item. This motion passed and carried by a 5-0 vote.

Councilman Bratton:	Not present
Vice Mayor Braynon:	Yes
Councilman Campbell:	Yes
Councilman Harvard:	Yes
Councilwoman Pritchett:	Not present
Councilwoman Watson:	Yes
Mayor Gibson:	Yes

- 9B) **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING A FINAL PLAT FOR "WAL-MART NORLAND", A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT "A," PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.**

Vice Mayor Braynon indicated he had just received the resolution and offered a motion to defer this item to the next zoning meeting. This motion was seconded by Councilwoman Watson.

There being no further discussion, this motion passed by a 5-0 vote.

Vice Mayor Braynon:	Yes
Councilman Campbell:	Yes
Councilman Harvard:	Yes
Councilwoman Pritchett:	Not present
Councilwoman Watson:	Yes
Councilman Bratton:	Not present
Mayor Gibson:	Yes

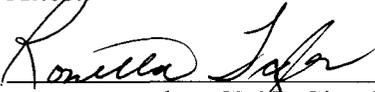
10. PRESENTATION:

There are none

11. ADJOURNMENT:

There being no further business to come before this Body and upon a motion being duly offered by Vice Mayor Braynon and seconded by Councilman Harvard, the meeting adjourned at 11:23 p.m.

Attest



Ronetta Taylor, CMC, City Clerk



Shirley Gibson, Mayor