

**CITY OF MIAMI GARDENS
REGULAR ZONING MINUTES
NOVEMBER 1, 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, November 1, 2006, beginning at 7:06 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., Melvin L. Bratton, Ulysses Harvard and Sharon Pritchett. Councilwoman Barbara Watson arrived at 7:08 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 Acting Zoning Administrator Nixon Lebrun.

2. INVOCATION:

Councilman Ulysses Harvard delivered the Invocation.

3. PLEDGE OF ALLEGIANCE:

Recited in unison.

4. APPROVAL OF MINUTES:

October 4, 2006, minutes will be approved at the December 6, 2006 meeting.

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

Jay Marder, Development Services Director informed the Council of email communication he received from Attorney Susan Mottley asking that Item No. 9C be withdrawn from the official agenda. No representative from Wal-Mart is present at tonight's meeting to ask for the withdrawal with or without prejudice.

Mayor Gibson asked Attorney Dickens for comments on the issue of whether this item should be withdrawn with or without prejudice when no representative of the applicant is present.

Attorney Dickens said the Council does not have a request from the applicant to do anything. The applicant had requested a withdrawal from staff. However, no representation is present to make a formal request to the Council requesting that the withdrawal be with or without prejudice.

Mr. Marder explained if the item is withdrawn without prejudice the applicant can come back after six months. If the item is withdrawn with prejudice the applicant can not bring this item back before the Council for 18 months.

Mr. Marder read into the record the email communication he received from Attorney Susan Motley. This email communication is dated October 26, 2006, "I have been instructed by my client to notify you we are withdrawing the Sam's application for the package store. If you need anything

more from me to withdraw the Special Exception application please let me know. I believe John Dykinga will be responding to you on the first question you asked”.

Mr. Marder stated he had responded to Attorney Motley’s email explaining the procedure for withdraws. Attorney Motley was not able to contact Wal-Mart and as such was not able to appear before the Council as Wal-Mart’s representative.

Mayor Gibson asked Attorney Dickens, if Wal-Mart has not given authorization for Attorney Motley to appear before this Council to formally request the withdrawal of this item, is therefore still a viable application on this agenda for consideration.

Attorney Dickens conveyed the Code provides that the applicant has a right to withdraw. The question is whether that withdrawal will be with or without prejudice.

Motion offered by Vice Mayor Braynon, seconded by Councilmen Campbell and Harvard to withdraw Item 9C, with prejudice, which means after 18 months the applicant can reapply with a new application.

Councilman Bratton recommended establishing clear guidelines so applicants understand the process.

Mayor Gibson shared the applicable guideline to address this issue is in place.

Attorney Dickens said an ordinance can be adopted amending that provision to further clarify the procedure. **1004 1.3**

CONSENT AGENDA

6A) None.

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

7A) **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPLICATION SUBMITTED BY FOSTER CONSTRUCTION OF SOUTH FLORIDA, INC., FOR A REZONING OF PROPERTY LOCATED AT 400 N.W. 183RD STREET, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM RU-1 SINGLE FAMILY RESIDENTIAL DISTRICT TO RU-5A SEMIPROFESSIONAL OFFICE DISTRICT; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

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

There are none

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

RESOLUTION NO. 2006-133-479-Z-59

- 9A) **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPLICATION OF EDUARDO AMADOR FOR NON-USE VARIANCES OF LOT COVERAGE AND SET-BACK REQUIREMENTS FOR AN EXISTING TERRACE AND GARAGE ADDITION TO A SINGLE-FAMILY RESIDENCE; APPROVING A NON-USE VARIANCE OF SPACING REQUIREMENTS TO PERMIT THE MAINTENANCE AND CONTINUED USE OF AN ACCESSORY STRUCTURE; PROVIDING FOR CONDITIONS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

RESOLUTION NO. 2006-134-480-Z-60

- 9B) **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPLICATION OF PEDRO AND CARIDAD GARCIA FOR NON-USE VARIANCES OF LOT COVERAGE AND SET-BACK REQUIREMENTS FOR AN EXISTING BEDROOM AND FAMILY ROOM ADDITION TO A SINGLE-FAMILY RESIDENCE; PROVIDING FOR CONDITIONS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**
- 9C) **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPLICATION OF WAL-MART STORES EAST, LP. TO PERMIT A PROPOSED PACKAGE STORE WITHIN THE CONFINES OF THE PROPOSED GOLDEN GLADES SAM'S CLUB, WITH NO EXTERNAL ENTRANCE AND SPACED LESS THAN TWENTY-FIVE HUNDRED (2,500) FEET FROM A CHURCH; 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)**

As per the Council's action, this item was withdrawn from the official agenda, with prejudice.

9. PRESENTATION:

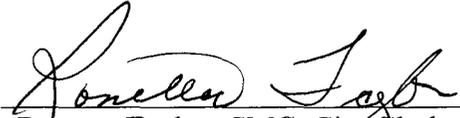
- 10A) GIS Day Proclamation

Mayor Gibson proclaimed November 15th as GIS Day in the City of Miami Gardens. The Proclamation was presented to Bhairvi Pandya, Senior Planning.

11. ADJOURNMENT:

After there was no further business to come before this Body, a motion was offered by Councilman Bratton, seconded by Councilman Harvard to adjourn the meeting at 8:26 p.m.

Attest:



Ronetta Taylor, CMC, City Clerk



Shirley Gibson, Mayor