

TOWN OF MIAMI LAKES, FLORIDA

Town Council

Mayor Wayne Slaton
Vice Mayor Nancy Simon
Councilmember Roberto Alonso
Councilmember Mary Collins
Councilmember Robert Meador II
Councilmember Michael Pizzi
Councilmember Richard Pulido

MINUTES
ZONING COUNCIL MEETING
April 15, 2008
6:00 PM
Miami Lakes Middle School
6425 Miami Lakeway North
Miami Lakes, Florida 33014

- 1. CALL TO ORDER:** The above meeting was called by Mayor Wayne Slaton at 6:12 p.m.
- 2. ROLL CALL:** Town Clerk, Debra Eastman called the roll with the following members of Council in attendance: Mayor Wayne Slaton, Vice Mayor Nancy Simon, Councilmembers Robert Meador, Roberto Alonso, Richard Pulido and Michael Pizzi. Councilmember Mary Collins was absent.
- 3. INVOCATION/MOMENT OF SILENCE:** Mayor Slaton called for a moment of silence.
- 4. PLEDGE OF ALLEGIANCE:** Mayor Slaton led the pledge.
- 5. APPROVAL OF MINUTES: None**

Director of Planning and Zoning, Maria Crowley announced that she received requests for deferral of item 6B to the meeting for June 17, 2008 and item 6C to the May 20, 2008 meeting. Mayor Slaton asked the Councilmembers if there was any objection. Hearing no objection, Mayor Slaton declared that the deferrals were approved by the Council.

6. RESOLUTIONS:

- A. RESOLUTION OF THE TOWN COUNCIL PROVIDING FOR ADOPTION AND TRANSMITTAL OF THE REVISED EVALUATION AND APPRAISAL REPORT FOR THE TOWN OF MIAMI LAKES TO THE DEPARTMENT OF COMMUNITY AFFAIRS, AND**

ALL OTHER REQUIRED GOVERNMENTAL AGENCIES OR ENTITIES FOR THEIR REVIEW. (Rey)

Town Attorney, Kathy Mehaffey read the title of the resolution. Director of Planning and Zoning, Maria Crowley explained that the Evaluation and Appraisal Report (EAR) is part of the Comprehensive Plan. Porna Battacharya, representing the Town's Engineering Firm, Kimley-Horn and Associates gave an update of the revisions made to the document by the Department of Community Affairs.

Councilmember Robert Meador made a motion to approve the resolution. The motion received a second from Vice Mayor Nancy Simon.

Town Manager, Alex Rey explained the process and reason for the EAR.

Mayor Slaton opened the public hearing. Dr. David Bennett spoke about the Comprehensive Plan as it pertains to the west side of Miami Lakes. Ms. Mirtha Mendez spoke about ADA requirements and the consideration of the Maddens Hammock property and the golf course as green space. Dr. Pedro Carballo urged the Council to be aggressive with the updates.

There being no one else wishing to speak, Mayor Slaton closed the public hearing.

Councilmember Michael Pizzi asked about traffic levels on 154th Street. Robert Meador asked about the segments of 154th Street that need improvement. Vice Mayor, Nancy Simon read Objective 10A.5 into the record and pointed out the need for diversity.

There being no further discussion, Mayor Slaton called for the vote and all were in favor.

Town Attorney, Kathy Mahaffey read the quasi-judicial procedure statement into the record. Town Clerk, Debra Eastman gave the oath to those wishing to speak at the public hearing.

B. RESOLUTION OF THE TOWN COUNCIL PERTAINING TO VARIANCE REQUESTS IN ACCORDANCE WITH DIVISION 3.5 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE [GRANTING/DENYING] A VARIANCE TO WAIVE: 1) DIVISION 5.9.B.1.b. OF THE TOWN LDC TO PERMIT AN EXISTING FENCE 37.5 FEET BEYOND THE TOP OF THE SLOPE TOWARD THE

LAKE, OR WATERSIDE OF THE SURVEY TIE LINE WHERE FENCES OR WALLS ARE NOT PERMITTED BEYOND THE TOP OF THE SLOPE TOWARD THE LAKE, OR WATERSIDE OF THE SURVEY TIE LINE; AND 2) DIVISION 6.5.B.6.b.(2) OF THE TOWN LDC TO PERMIT AN EXISTING BULKHEAD WATERWARD OF THE TOP OF SLOPE TO THE RESIDENCE TO EXTEND 3.25 FEET ABOVE THE EXISTING GRADE WHERE A WATERSIDE BULKHEAD IS NOT PERMITTED TO EXTEND MORE THAN 1 FOOT ABOVE THE EXISTING GRADE, FOR PROPERTY LOCATED AT 6360 LAKE JUNE ROAD. (Rey)

This item deferred to meeting of June 17, 2008.

- C. RESOLUTION OF THE TOWN COUNCIL PERTAINING TO SEVERAL VARIANCE REQUESTS FILED IN ACCORDANCE WITH DIVISION 3.5 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE (THE “TOWN LDC”)**
***[GRANTING/DENYING]* A VARIANCE TO WAIVE: 1) DIVISIONS 5.6.A.2 AND 4.2.E OF THE TOWN LDC TO PERMIT AN EXISTING ATTACHED CANOPY CONSTRUCTED OF ALUMINUM WHERE CANOPIES MAY ONLY BE CONSTRUCTED OF CANVAS, FABRIC OR VINYL, AND PIPE OR CBS CONSTRUCTION TO MATCH THE RESIDENCE; 2) DIVISIONS 5.6.A.2 AND 4.2.E OF THE TOWN LDC TO PERMIT AN EXISTING ATTACHED CANOPY SETBACK 14 FEET FROM THE REAR (WEST) PROPERTY LINE WHERE A 25 FOOT SETBACK IS REQUIRED; 3) DIVISION 5.3.A.2 OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY STORAGE SHED WITH 110.78 SQUARE FEET OF TOTAL AREA WHERE 30 SQUARE FEET OF AREA PER STRUCTURE IS PERMITTED; 4) DIVISION 5.3.A.2 OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY STORAGE SHED SETBACK 1.9 FEET FROM THE REAR (WEST) PROPERTY LINE WHERE A 2 FOOT SETBACK IS REQUIRED; 5) DIVISION 5.3.A.2 OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY STORAGE SHED SETBACK 0.7 FEET FROM THE INTERIOR (NORTH) SIDE PROPERTY LINE WHERE A 2 FOOT SETBACK IS REQUIRED; 6) DIVISION 5.3.A.2 OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY STORAGE SHED WITH 7.5 FEET IN HEIGHT WHERE 5 FEET OF HEIGHT IS PERMITTED; 7) DIVISION 5.7.A.2 OF THE TOWN LDC TO PERMIT AN EXISTING 4 FEET WIDE PAVED WALKWAY, WHERE 3 FEET IS PERMITTED WITHIN THE REQUIRED (NORTH) SIDE YARD; 8) DIVISION 5.7.A.2 OF THE TOWN LDC TO PERMIT AN EXISTING 4 FEET**

WIDE PAVED WALKWAY, WHERE 3 FEET IS PERMITTED WITHIN THE REQUIRED (SOUTH) SIDE YARD; 9) DIVISION 5.7.A.3 OF THE TOWN LDC TO PERMIT AN EXISTING PAVED REAR DECK SETBACK 1.1 FEET FROM THE REAR (WEST) PROPERTY LINE WHERE A 5 FOOT SETBACK IS REQUIRED; AND 10) TO DIVISION 5.7.A.3 OF THE TOWN LDC TO PERMIT AN EXISTING PAVED REAR DECK SETBACK 0.1 FEET FROM THE INTERIOR (SOUTH) SIDE PROPERTY LINE WHERE A 5 FOOT SETBACK IS REQUIRED, FOR PROPERTY LOCATED AT 16360 NW 91ST COURT. (Rey) This item deferred to meeting of May 10, 2008.

- D. RESOLUTION OF THE TOWN COUNCIL PERTAINING TO SEVERAL VARIANCE REQUESTS FILED IN ACCORDANCE WITH DIVISION 3.5 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE (THE "TOWN LDC") [GRANTING/DENYING] A VARIANCE TO WAIVE: 1) DIVISIONS 5.2.A.1 AND 4.2.E OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY BUILDING WITH 238 SQUARE FEET OF ROOF AREA WHERE AN ACCESSORY BUILDING EXCEEDING 150 SQUARE FEET OF ROOFED AREA, INCLUDING ROOF OVERHANGS, IS NOT PERMITTED; 2) DIVISION 5.2.A.4 OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY BUILDING DETACHED 8.5 FEET FROM THE RESIDENCE WHERE ACCESSORY BUILDINGS DETACHED A MINIMUM OF 10 FEET FROM THE RESIDENCE ARE PERMITTED; AND 3) DIVISION 5.2.A.4 OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY BUILDING DETACHED FROM THE RESIDENCE 2.75 FEET FROM ROOF OVERHANGS WHERE ACCESSORY BUILDINGS DETACHED FROM THE RESIDENCE A MINIMUM OF 6 FEET FROM ROOF OVERHANGS ARE PERMITTED FOR PROPERTY LOCATED AT 8431 NW 163RD TERRACE. (Rey) Town Attorney, Kathy Mahaffey read the title of the resolution into the record.**

Director of Planning and Zoning, Maria Crowley explained the variance request. Mayor Slaton opened the public hearing.

The applicant spoke in favor of the request and stated that the tiki hut was on the property at the time it was purchased. There being no one else wishing to speak, Mayor Slaton closed the hearing.

A motion to adopt the resolution with staff recommendations was made by Vice Mayor Nancy Simon. The motion received a second from Councilmember Roberto Alonso.

Councilmember Richard Pulido questioned that the applicant understood the recommendations of staff. Mayor Slaton called for the vote and all were in favor.

- E. RESOLUTION OF THE TOWN COUNCIL PERTAINING TO SEVERAL VARIANCE REQUESTS FILED IN ACCORDANCE WITH DIVISION 3.5 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE (THE “TOWN LDC”) [GRANTING/DENYING] A VARIANCE TO WAIVE: 1) DIVISIONS 5.2.A.1 AND 4.2.E OF THE TOWN LDC TO PERMIT A PROPOSED ACCESSORY BUILDING WITH 333.7 SQUARE FEET OF ROOF AREA WHERE AN ACCESSORY BUILDING EXCEEDING 150 SQUARE FEET OF ROOFED AREA, INCLUDING ROOF OVERHANGS, IS NOT PERMITTED; 2) DIVISIONS 5.2.A.3 AND 4.2.E OF THE TOWN LDC TO PERMIT A PROPOSED ACCESSORY BUILDING ROOF OVERHANG TO PROJECT 24 INCHES INTO THE REQUIRED 5 FOOT REAR (EAST) PROPERTY LINE SETBACK WHERE A MAXIMUM PROJECTION OF 12 INCHES IS PERMITTED; 3) DIVISION 5.2.A.4 OF THE TOWN LDC TO PERMIT A PROPOSED ACCESSORY BUILDING DETACHED 9 FEET FROM THE RESIDENCE WHERE ACCESSORY BUILDINGS DETACHED A MINIMUM OF 10 FEET FROM THE RESIDENCE ARE PERMITTED; 4) DIVISION 5.7.A.3 OF THE TOWN LDC TO PERMIT A PROPOSED PAVED REAR YARD DECK SETBACK 2.67 FEET FROM THE INTERIOR (NORTH) SIDE PROPERTY LINE WHERE A 5 FOOT SETBACK IS REQUIRED; 5) DIVISION 5.7.A.3 OF THE TOWN LDC TO PERMIT A PROPOSED PAVED REAR YARD DECK SETBACK 2 FEET FROM THE REAR (EAST) PROPERTY LINE WHERE A 5 FOOT SETBACK IS REQUIRED; 6) DIVISION 5.3.A.2 OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY STORAGE SHED WITH 40.25 SQUARE FEET OF TOTAL AREA WHERE 30 SQUARE FEET OF AREA PER STRUCTURE IS PERMITTED; AND 7) DIVISION 5.3.A.2 OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY STORAGE SHED WITH 7.75 FEET IN HEIGHT WHERE 5 FEET OF HEIGHT IS PERMITTED FOR PROPERTY LOCATED AT 16239 NW 79TH AVENUE. (Rey)**

Town Attorney, Kathy Mahaffey read the title of the resolution.

Director of Planning and Zoning, Maria Crowley explained the request of the applicant and the recommendation of staff.

Mayor Slaton opened the public hearing. Applicant, Daniel Fernandez explained his request and provided a petition with signatures from the neighbors. There being no one else wishing to speak, Mayor Slaton closed the public hearing.

Councilmember Richard Pulido questioned the applicant on the impact of the staff recommendation on his way of life. Councilmember Richard Pulido made a motion for passage of the resolution. It received a second from Councilmember Robert Alonso.

The motion passed in a roll call with Councilmembers Michael Pizzi, Richard Pulido, Robert Meador, Roberto Alonso, Vice Mayor Nancy Simon and Mayor Wayne Slaton voting in favor.

- F. RESOLUTION OF THE TOWN COUNCIL PERTAINING TO A VARIANCE REQUEST FILED IN ACCORDANCE WITH DIVISION 3.5 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE (THE "TOWN LDC") [GRANTING/DENYING] A VARIANCE TO WAIVE DIVISIONS 5.9.B.1.a AND 4.2.E OF THE TOWN LDC TO PERMIT A PROPOSED FENCE SETBACK 3 FEET TO 7.5 FEET FROM THE SIDE STREET (NORTH) PROPERTY LINE WHERE A 15 FOOT SETBACK IS REQUIRED FOR PROPERTY LOCATED AT 14421 LAKE SARANAC AVENUE. (Rey)** Town Attorney, Kathy Mahaffey read the title of the resolution.

Director of Planning and Zoning, Maria Crowley explained the application and the recommendation of staff. Mayor Slaton opened the public hearing.

Councilmember Michael Pizzi made a motion to approve the resolution with staff recommendations. The motion received a second from Councilmember Richard Pulido.

Applicant, Charles Gutierrez, spoke about the architectural plans for the fences and presented signatures of approval from the neighbors.

On a roll call vote the resolution was passed with staff recommendations with Councilmembers Richard Pulido, Roberto Alonso, Robert Meador,

Michael Pizzi, Vice Mayor Nancy Simon and Mayor Wayne Slaton voting in favor.

- G. RESOLUTION OF THE TOWN COUNCIL PERTAINING TO A VARIANCE REQUEST FILED IN ACCORDANCE WITH DIVISION 3.5 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE (THE “TOWN LDC”) [GRANTING/DENYING] A VARIANCE TO WAIVE DIVISIONS 5.6.A.2 AND 4.2.E OF THE TOWN LDC TO PERMIT AN EXISTING ATTACHED CANOPY SETBACK 14 FEET FROM THE REAR (NORTH) PROPERTY LINE WHERE A 25 FOOT SETBACK IS REQUIRED FOR PROPERTY LOCATED AT 8911 NW 166TH TERRACE. (Rey)** Town Attorney, Kathy Mahaffey read the title of the resolution.

Director of Planning and Zoning, Maria Crowley explained the request and the staff recommendations. Mayor Slaton opened the public hearing.

The applicant requested approval of the variance and presented signatures from neighbors in support. There being no one else wishing to speak, Mayor Slaton closed the public hearing.

Councilmember Roberto Alonso made a motion for adoption of the resolution with staff recommendations. The motion received a second from Vice Mayor, Nancy Simon. On a roll call vote the motion passed with Councilmembers Richard Pulido, Roberto Alonso, Robert Meador, Michael Pizzi and Vice Mayor Nancy Simon and Mayor Slaton voting in favor

8. FUTURE MEETINGS:

April 17, 2008 COMMUNITY MEETING, 15151 MONTROSE ROAD, MIAMI LAKES 6:30 PM
May 13, 2008 REGULAR MEETING, 6425 MIAMI LAKEWAY N, MIAMI LAKES 6:30 PM
May 20, 2008 ZONING MEETING, 6425 MIAMI LAKEWAY N, MIAMI LAKES 6:00 PM

9: ADJOURNMENT: The meeting adjourned at 7:30 p.m.

Approved this _____ day of _____, 2007

Wayne Slaton, Mayor

Attest:

Debra Eastman, MMC
Town Clerk