

TOWN OF MIAMI LAKES, FLORIDA

Town Council

Mayor Wayne Slaton

Vice Mayor Roberto Alonso

Councilmember Mary Collins

Councilmember Robert Meador, II

Councilmember Michael Pizzi

Councilmember Nancy Simon

Councilmember Peter Thomson

MINUTES

TOWN COUNCIL MEETING - ZONING

July 19, 2005

Miami Lakes Middle School

6425 Miami Lakeway North

Miami Lakes, Florida 33014

1. **CALL TO ORDER:** The Mayor called the zoning meeting to order at 8:46 p.m.
2. **ROLL CALL:** In addition to the Mayor, Wayne Slaton and Vice Mayor, Roberto Alonso, the following Councilmembers were present at roll call: Peter Thomson, Nancy Simon, Robert Meador, Mary Collins. Councilmember Michael Pizzi returned one minute later.

3. APPROVAL OF MINUTES:

A. June 21, 2005 Zoning Meeting

Councilmember Peter Thomson moved the approval of the minutes. It was seconded by Councilmember Mary Collins. The Mayor called for the vote and it was unanimous.

4. ORDINANCE – FIRST READING – PUBLIC HEARING:

A. An ordinance pertaining to the land development code; amending Chapter 33, Article XVIA, RU-3M Minimum Apartment House District and creating Article 4.4 RM-13 Low Density Residential District; amending Chapter 33, Article XVIIA, RU-4L Limited Apartment House District and creating Article 4.5 RM-23 Low Medium Density Residential District; amending Chapter 33, Article XVIIIB, RU-4M Modified Apartment House District and Creating Article 4.6 RM-36 Medium Density Residential District; amending Chapter 33, Article XVIII, RU-4 High Density Apartment House District and Creating Article 4.7 RM-50 High Density Residential District; Amending Chapter 33, Article XIXB, RU-5A Semi-professional Office District and creating Article 4.8 RO-13 Low Density Residential Office District; Amending Chapter 33, Article XIX, RU-4A Hotel Apartment House District and creating Article 4.9 RO-50 High Density Residential Office District.

(Rey)

Town Attorney, Nancy Stroud read the title of the ordinance. Mayor Slaton pointed out that this ordinance has been recommended from the LPA meeting. Councilmember Mary

Collins moved the ordinance as read. It was seconded by Councilmember Nancy Simon. There was no discussion. The Clerk called the roll and all were in favor.

B. An ordinance pertaining to the Land Development Code; amending Chapter 33G, Service Concurrency Management Program and creating Article 10.1, Transportation Concurrency Management Program. (Rey)

Town Attorney, Nancy Stroud read the title of the ordinance. Mayor Slaton pointed out that this ordinance was recommended from the LPA meeting. Councilmember Mary Collins moved passage of the ordinance. It was seconded by Vice Mayor Alonso. The Clerk called the roll and all were in favor.

5. NON-USE VARIANCE – PUBLIC HEARING:

**A. Variance #ZV 05-04
Esther MacNamara
14300 Lake Crescent Place
Miami Lakes, FL 33014**

A variance to waive 9’ – 0” of the minimum required 25’ – 0” rear yard set back for single family residences in an RU-1 zoning district in order to construct an attached bedroom/Florida room and open terrace addition 16’ – 0” from the rear property line.

Town Attorney, Nina Boniske gave the procedural rules for a quasi-judicial hearing. Mayor Slaton asked for anyone wishing to speak to stand to be sworn. Town Clerk, Debra Eastman gave the oath. Town Manager, Alex Rey introduced Armando Valdes, Town Planner who explained the details of the variance. He explained his recommendation for approval of the variance and the conditions of approval.

The Mayor recognized Esther MacNamara, property owner, who showed a model of the existing building and the proposed changes. She stated that she is willing to comply with the conditions as set forth in the variance. Councilmember Mary Collins moved that the variance be granted and the motion was seconded by Councilmember Nancy Simon. Councilmember Nancy Simon complimented Ms. MacNamara on her presentation to the Council. Councilmember Peter Thomson asked the Planner to again explain the way the building is situated on the lot, which led him to support the variance.

The Clerk called the roll and the vote was unanimous and in favor.

6. RESOLUTION – PUBLIC HEARING:

A. A resolution approving the development agreement with Lowell Dunn and Betty Dunn and authorizing the Mayor to accept any deeds. (Rey)

Town Attorney, Nancy Stroud read the title of the resolution. Town Manager, Alex Rey explained his reason for non-recommendation at the time of issuance of the agenda. He gave an update on the events that have happened since then regarding the Dunn agreement and recent developments with the County regarding the building of 87th Avenue.

Mr. Rey introduced Scott Mendelsberg, Chief Financial Officer for the Fire Department. He explained that the lease for the land where the current fire station is located expires in 2006. He explained that although the new development order was not as good as the previous one, in his opinion, he would work with the Dunns to ensure that a new Fire Station would be built. Vice Mayor Alonso questioned the effort made by the Fire Department in securing land over the last several years.

The Mayor recognized Mr. Jeff Bercow of Bercow & Radell who spoke on behalf of the Dunns regarding the development agreement. He outlined the terms of the proposed agreement.

Lowell Dunn, Jr. spoke regarding the deeding and construction of the roadway. Mr. Dunn agreed to accept the County's proposal to receive the funds and build the road and, proposed a timetable for the opening of the youth center and other terms of the proposed development agreement.

Vice Mayor Alonso expressed his concern with approving a development agreement and the land still being assessed as agricultural.

Councilmember Michael Pizzi questioned Mr. Dunn's vision of the youth center and the level to which the building would be complete.

Mayor Slaton opened the public hearing. The following people spoke:

Mirtha Mendez spoke in favor of the park.

David Bennett spoke regarding concurrency and suggested a new study and possible eminent domain efforts.

Pedro Carballo spoke in opposition to the agreement and 10 year concurrency.

Christian Camara spoke in opposition to the agreement.

There being no further public comment, Mayor Slaton closed the public hearing.

Cathy Sweetapple spoke regarding concurrency and the counts used. Lowell Dunn, Jr. summarized the agreement.

Town Manager, Alex Rey recommended passage of the agreement since the Dunn's have agreed to follow the County's proposal and they have provided a timetable for the construction of the youth center.

Councilmember Mary Collins made a motion to reject the agreement. It was seconded by Councilmember Nancy Simon.

Councilmember Simon asked questions regarding concurrency, projected time period for the building of a youth center, the Dunn's proposed contribution toward education and her concerns regarding the land being assessed agricultural. Councilmember Simon read letters into the record that reflected previous offers of purchase that the Dunn's had not accepted.

Councilmember Collins made a motion to waive the rules and continue the meeting for one quarter hour. Councilmember Meador seconded the motion and all were in favor.

Lowell Dunn, Jr. explained his offer to give the town preferential right to purchase on the Dunwoody Forest (Hammock) property. Councilmember Meador questioned language in the agreement regarding the preferential right.

Councilmember Mary Collins spoke in favor of having Dunwoody Forest as a park and in opposition to the agreement.

Councilmember Robert Meador spoke in opposition to the agreement and commented on the change in this agreement regarding the fire station.

Councilmember Peter Thomson spoke regarding to 87th Avenue and asked about whether it would be built if the agreement was not passed by the Council and further defined what he envisions as a "shell" for the youth center.

Councilmember Mary Collins made a motion to extend the meeting for an additional half hour. It was seconded. The Mayor called for the vote and it was passed with a 6-1 vote with Councilmember Simon opposed.

Councilmember Michael Pizzi asked a series of questions regarding the history of the agreement, the current agreement provisions and the need to put things into perspective. He spoke in favor of the agreement.

Councilmember Pizzi made a motion to extend the meeting an additional 15 minutes. It was seconded and all were in favor.

Vice Mayor Roberto Alonso spoke regarding the possibility of Dunwoody Forest becoming a state park and the impact of traffic on that area should that ever occur.

Mayor Wayne Slaton spoke regarding the projected timeline for building 87th Avenue under the current agreement terms and the rezoning impact on the value of the land.

Councilmember Robert Meador questioned language in the agreement and suggested it may be inconsistent. Attorney Bercow explained. Lowell Dunn, Jr. recapped some points in the agreement and asked the Council to vote for their constituency.

Alex Rey, Town Manager reminded the Council that the motion on the floor is to reject the agreement. The Mayor asked the Clerk to call the roll which was done with the following results:

Councilmember Pizzi No

Councilmember Thomson	No
Councilmember Collins	No
Councilmember Meador	Yes
Councilmember Simon	Yes
Vice Mayor Alonso	No
Mayor Slaton	Yes

The motion failed.

Councilmember Peter Thomson made a motion to accept the agreement. It was seconded by Councilmember Michael Pizzi. The Mayor asked the Clerk to call the roll which was done with the following results:

Councilmember Thomson	Yes
Councilmember Simon	No
Councilmember Pizzi	Yes
Councilmember Meador	No
Councilmember Collins	Yes
Vice Mayor Alonso	No
Mayor Slaton	No

The motion failed.

Mayor Slaton asked the town attorney if the application could come before the Council again and was advised that it could with proper public notice.

The meeting adjourned at 12:15 a.m.

Approved this 20th day of September, 2005.

Wayne Slaton, Mayor

Attest:

Debra E. Eastman, MMC
Town Clerk