

MINUTES

April 23, 2002

7:00 p.m.

Miami Lakes Middle School

6425 Miami Lakeway North

Miami Lakes, Florida 33014

CALL TO ORDER – The Mayor called the meeting to order at 7:20 p.m.

ROLL CALL – The following Council Members were present at roll call: Vice Mayor Roberto Alonso, Councilwoman Mary Collins, Councilman Robert Meador, Councilman Michael Pizzi, Councilwoman Nancy Simon, and Councilman Peter Thomson. Staff members present were: Town Manager Dennis J. White, Town Attorney Nina Boniske and Nancy Stroud and Town Clerk Beatris M. Arguelles

PLEDGE OF ALLEGIANCE - The Mayor led the Pledge.

Prior to hearing the Town Clerk read the following into the record:

INTRODUCTORY STATEMENT

APRIL 23, 2002

In accordance with the Town Code, the item(s) to be heard today has been legally advertised in the newspaper, notices have been mailed, and the property has been posted. Additional copies of the agenda are available here in the chambers. The record of the hearing on the application will include the documents prepared by the Miami-Dade County Department of Planning and Zoning, which serves as the Town planner. All these documents are physically present today, available to all interested parties, and available to the members of the Town Council who may examine them during the hearing.

If you wish to comment upon the application, please inform the Clerk by filling out the available sign-up form. An opportunity for persons to speak on each application will be made available after the applicant and Town planner have made their presentations on the application. All testimony, including public testimony and evidence, will be made under oath or affirmation. Additionally, each person who gives testimony may be subject to cross-examination. If you refuse either to be cross-examined or to be sworn, your testimony will not be considered. Parties have the right of cross-examination. The general public will not be permitted to cross-examine witnesses, but the public may request the Mayor to ask questions of staff or witnesses on their behalf.

Pursuant to the Town Charter, all persons who represent organizations are required by the Town laws to register as a lobbyist. If a lobbyist is not registered, the registration form may be obtained from the Town Clerk, and the form may be completed and the fee paid during this hearing.

The Town Council members have completed Ex-Parte Communication Disclosure Forms and have filed those forms with the Clerk seven days in advance of this hearing. They disclose communications with the parties that have taken place regarding the application tonight, and are available for public review from the Clerk.

All persons should be advised that in *Miami-Dade County v. Omnipoint Holdings, Inc.*, the Florida Third District Court of Appeal held that the County standards for non-use variances, special exceptions, unusual uses, new uses requiring a public hearing and modifications of conditions and covenants were invalid in that case. At the current time, the Town uses the County standards... Applicants proceed at their own risk that these standards will be found to be ineffective as to the Town and that therefore any approval by the Town Council today may be nullified by the court.

This statement, along with the fact that all witnesses have been sworn, should be included in any transcript of all or any part of these proceedings.

SWEARING IN OF WITNESSES – The Court Reporter performed the swearing in.

ZONING ITEMS / PUBLIC HEARING:

The Mayor allowed Mr. Stanley Price, Attorney for Lowell & Betty Dunn to address the Council regarding Hearing No. 97-9-CZ-6-1 (97-191)

Mr. Price requested that the Council defer hearing of the application. He stated that he was retained by the property owner to work with the Town and Town Staff in revising the plan to maintain the property as a passive park. He noted that his client is interested in working with the Town in preparing a fair and equitable proposal that will come to fruition in a prompt fashion. He added that any pending litigation would be stayed pending the outcome of negotiations. He asked for a thirty (30) day deferral in order to allow the Manager to come back to the Council with a status report as to whether or not he believes a settlement can be reached, and that if a settlement cannot be reached in the thirty (30) days, then the hearing will be set for thirty days after that

Councilwoman Collins moved to continue the hearing to a June 20, 2002, time certain, and that the Town Manager report to Council at the May 14, 2002 regular Council Meeting as to the status of the negotiation of a settlement between the Property Owner and the Town. The motion was seconded by Councilman Thomson and carried unanimously.

HEARING No.: 97-9-CZ-6-1 (97-191) – Continued to June 20, 2002, pending settlement between property owner and the Town of Miami Lakes (*See motion above*).

APPLICANTS: LOWELL & BETTY DUNN

SUBJECT PROPERTY: Tracts 41 through 46 inclusive of Section 15, Township 52 South, Range 40 East of Florida Fruit Land Company's Subdivision, Plat Book 2, Page 17.

LOCATION: The Northeast corner of NW 154th Street and NW 87th Avenue, Town of Miami Lakes, Miami-Dade County, Florida.

REQUEST THE FOLLOWING:

1. A zoning change from AU (Agricultural) to RU1 (Residential Single Family)
2. SPECIAL EXCEPTION to permit site plan approval for a proposed residential development
3. NON-USE VARIANCE of Zoning and Subdivision Regulations to permit access to a public street by means of a private drive and to permit lots to front on a private drive in lieu of a public street.
4. NON-USE VARIANCE OF ZONING REGULATIONS to permit lots with a frontage of 0' along a curvilinear street (50' required, 45' provided along the private drive).
5. UNUSUAL USE to permit the filling and excavating of portions of an existing lake.
6. MODIFICATION of Condition #2 of Resolution Z188-69, passed and adopted by the Board of County Commissioners and last modified by Resolution 4-ZAB-101-70, passed and adopted by the Zoning Appeals Board, only as it applies to the subject property, reading as follows:

From: "2. That the perimeter be backfilled and graded to meet with the approval of the Director of Public Works, except that the slope to be provided shall be in accordance with the design criteria as indicated on the plan referred to in item No. 1."

To: "2. That the perimeter be backfilled and graded to meet with the approval of the Director of the Public Works Department, except that the slopes to be provided shall be in accordance with the design criteria as indicated on the approved plans."

7. MODIFICATION of Condition #1 of Resolution 4ZAB-101-70 passed and adopted by the Zoning Appeals Board and further modified by Resolution 4ZAB-302-79, passed and adopted by the Zoning Appeals Board only as it applies to the subject property, to read as follows:


From: "1. That in the approval of the plan, the same be substantially in compliance with that submitted for the hearing entitled "extension of Lake Excavation, "Indian Mound," "Sketch of Survey," as prepared by A. R. Toussaint & Assoc., Inc., Land Surveyors, dated March, 1979."

To: "1. That in the approval of the plan, the same be substantially in compliance with that submitted for the hearing entitled 'Dunwoody Forest' as prepared by Robayna and Associates, Inc., consisting of 3 site plan sheets: S-1, dated 6/6/01, last revised 10/18/01, S-2, dated 6/18/97, last revised 10/16/01 with notes dated 1/11/02 and a typical lot layout S-3, dated 6/18/97, last revised 10/18/01 and plans entitled 'Dunwoody Forest' as prepared by Octavio A. Santurio, A.I.A., consisting of floor plans and elevation plans totaling 4 sheets and all dated stamped received 7/6/01."

ADJOURNMENT – the Mayor adjourned the meeting at 7:40 p.m.

Approved this 14th day of May, 2002

Attest:



Beatris M. Arguelles, Town Clerk



Hon. Wayne Slaton, Mayor