

TOWN OF MIAMI LAKES, FLORIDA

MINUTES LOCAL PLANNING AGENCY MEETING

September 11, 2003

7:00 p.m.

Miami Lakes Middle School
6425 Miami Lakeway North
Miami Lakes, Florida 33014

1. **CALL TO ORDER:** Mayor Wayne Slaton called the meeting to order at 7:00 p.m.
2. **ROLL CALL:** In addition to the Mayor, the following Council Members were present at roll call: Council Member Mary Collins, Council Member Robert Meador, Council Member Michael Pizzi, Council Member Nancy Simon, and Council Member Peter Thompson, The following staff were also present: Town Manager Alex Rey, Town Attorney (s) Nina Boniske and Mark Rothernberg of Weiss, Serota, Helfman, Pastoriza and Guedes.
3. **PLEDGE OF ALLEGIANCE:** The Mayor led the pledge that was preceded by a moment of silence in remembrance of the September 11, 2001 tragedy and for the members of the armed forces serving our Country.
4. **PUBLIC HEARINGS:**
 - A. **UNPERMITTED CANOPY STRUCTURES -**

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING CHAPTER 33, ARTICLE V OF THE TOWN CODE ENTITLED "AWNINGS, CANOPIES AND TENTS," SPECIFICALLY AMENDING SECTION 33-71 TO ALLOW EXISTING UNPERMITTED CANOPIES CONSTRUCTED ON OR BEFORE JULY 8, 2003, LOCATED IN THE RU-1, RU-1MA, RU-1MB AND RU-1Z ZONING DISTRICTS THAT VIOLATE THE REQUIRED SETBACKS AND LOT COVERAGE SPECIFIED IN SECTIONS 33-41, 33-49, 33-50 AND 33-284.43 OF THE TOWN CODE TO REMAIN IN PLACE FOR A LIMITED PERIOD OF TIME; PROVIDING CONDITIONS AND RESTRICTIONS FOR SUCH UNPERMITTED CANOPIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. -

Assistant Town Manager Ralph Casals addressed the Council and gave a report in which he stated that since the July 8 meeting 150 residents have been identified as being affected by the ordinance. In addition, five residents have provided the Town permits issued by Miami-Dade County. In addition, eight residents registered their structure by the August 8 deadline. He reminded the Council that they had requested that staff draft an ordinance to include the following requirements: 1) the aluminum patio roof structure was installed on the property on or before July 8, 2003; 2) an after the fact building permit is obtained from the Town based upon the roof structure meeting the requirements of the Florida Building Code; and 3) the building permit application includes written consent from all adjacent property owners. The structure receiving a building permit shall be considered a legal non-conforming use, which shall be removed from the property upon the earlier of either the sale of the property or three years from the effective date of the Ordinance. In addition to the original requirements, staff added that the location of the structure does not exceed 50% of the required set-back as measured from all adjacent properties; the maximum square footage of the canopy does not exceed 15% of the required lot coverage; and that the owner file the permit by December 15, 2003. Following Mr. Casals' report, Mayor Slaton opened the floor to the public.

The following residents addressed the Council:

Juan Medeiros, Joaquin Cabrera, Carol Witcher, David Perez, Maggie Clavelo, David Esquivel, Nelson Young, Carlos Valina, Dinora Martinez-Diaz, Roberto Diaz, Juan Baez, Marci Cabrera

There being no other speakers, the Mayor closed the public hearing and re-opened the regular meeting.

The Mayor then addressed staff and asked them to address some issues brought up by the speakers: 1) What is being done with this Ordinance; 2) if people could still go through a variance process. Town Manager Rey replied that individual homeowners could apply for a variance. The purpose of the Ordinance is to facilitate the process for owners who already have existing structures. He clarified that the zoning laws regarding setbacks are County codes and not specific to Miami Lakes. He added that the Ordinance is mainly designed for individuals whose structures are built into the 25-foot setback. Councilman Pizzi added that the County created this problem by allowing the structures to be erected and that if they were going to allow the structures that they should have amended the code regarding setbacks. He added that County Code Enforcement had ignored the violations. He opined that the Ordinance being created is to be fair to residents. He stated that the difference between the County and Miami Lakes is that the County was not concerned with safety when the permits were issued. In order for the Ordinance to apply, the roofs must be safe.

Councilwoman Simon stated that the structure has to comply with the state building codes. The Town does not establish these safety specifications. Councilwoman Simon requested that staff look for a solution so that owners with small lots are allowed to build a terrace. She added that although she is in favor of the Ordinance, she does not agree with the fact that it requires that owners remove the structure after 3 years.

Vice Mayor Alonso noted that if a time limit is not placed in the Ordinance the property will be required to be flagged with the violation which in turn could cause delays for home buyers/sellers when the property is being sold.

The mayor asked the Manager to explain the issue of the purpose of zoning and setbacks. The Town Manager informed that the purpose of zoning is so that all properties follow the same standards and that the purpose of setbacks is to allow for adequate space between properties. Mayor Slaton expressed support for the Ordinance.

Councilwoman Collins suggested that the fees for demolition cost be reduced for owners required to tear down their structures, citing the cost to obtain an after the fact permit is \$337.00. The Town Manager responded that the demolition cost will be waived for those residents applying for permits but who are rejected. A discussion later ensued to remove the three-year provision on the Ordinance.

Councilman Meador requested clarification on the due date of December 15, 2003 given by staff. He requested that the date be used as a deadline for residents to file for a permit rather than a deadline by which the permit is to be approved.

Councilman Pizzi moved to approve the Ordinance with an amendment calling for the removal of the three-year provision to remove the structure. Councilwoman Simon seconded the motion. Upon a roll call vote, the motion failed 5-2.

Councilwoman Collins moved an amendment to waive the demolition fee. Councilman Thompson seconded the motion. Upon a roll call vote the motion carried unanimously.

Councilman Pizzi moved an amendment to designate December 15, 2003 as the deadline for residents to apply for a permit. Councilwoman Simon seconded the motion. Motion carried unanimously upon a roll call vote.

Councilman Thompson moved to approve the Ordinance as amended. Councilwoman Collins seconded the motion, which carried unanimously upon roll call vote.

Councilman Thompson moved to temporarily adjourn the LPA meeting and open the Zoning Meeting. Mayor Slaton seconded the motion. Motion carried unanimously.

The Mayor reconvened the LPA Meeting to hear the remainder of the LPA Agenda.

B. WEST LAKES ESTATES RE-ZONING (PARKER PROPERTY) (Page 20)

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA PROVIDING RECITALS; PROVIDING FINDINGS; GRANTING THE REQUEST FOR A REZONING FROM GU TO RU-1M(a) ON APPROXIMATELY 8 ACRES OF A 10.2± ACRE PARCEL LOCATED DIRECTLY EAST OF BARBARA GOLEMAN SENIOR HIGH SCHOOL AND NORTH OF INTERSTATE HIGHWAY 75; APPROVING THE SITE PLAN FOR A RESIDENTIAL DEVELOPMENT OF 56 SINGLE-FAMILY HOMES; PROVIDING FOR CONDITIONS; PROVIDING FOR RECORDING; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.

Javier Vasquez addressed the Council concerning the application. He gave a brief description of the property and informed the Council of a similar rezoning of a nearby parcel in September 2000. He also informed the Council of the public works condition of the land and that the proposed development meets all requirements, elaborating on the proposed development. Town Planner Henry Iler recommended approval of the application, with conditions.

The Mayor opened the public hearing. The following residents addressed the Council expressing concerns: Alexandra Savinas, Tania Morales, Jose Roca, Joaquin Cabrera, Otoniel Morales and Jesus Ramos.

No additional residents addressed the Council. The Mayor closed the public hearing and reopened the LPA meeting.

Javier Vasquez then addressed several of the concerns the speakers brought to the Council's attention regarding the approval of this application. Later Councilman Pizzi also expressed concern about the current traffic situation on NW 87th Avenue. He suggested that only single-family homes be built. He also asked for staff to clarify that in the event that the application is approved, would the land owners be have the right to build anything other than single family homes. Staff clarified that the owners would have to come back to the Council for a new zoning change. A discussion with staff ensued pertaining to traffic analysis conducted with regards to this application. Councilman Pizzi expressed concern over the traffic analysis citing it was misleading since it was not conducted during the

school year. Councilman Pizzi was also concerned that the new construction maintains appearance of the surrounding homes. Councilman Meador suggested that the builder add a sidewalk, road and infrastructure necessary near the proposed park. Councilman Thompson suggested that the builder donate equipment for the park. Javier Vasquez proffered \$15,000.00 to be donated to the Town to be used at the Town's discretion.

Councilwoman Collins moved to move forward the Ordinance, as amended to include staff's recommendations and the \$15,000 proffered donation. The motion was seconded by Councilman Thomson and carried 5 to 2, with Councilwoman Simon and Councilman Pizzi casting the dissenting votes.

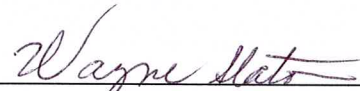
5. STAFF REPORT: Royal Oaks Park FRDAP Grant Application:

Linda Reale, Assistant to the Town Manager reported that a grant application has been submitted which called for a matching contribution from the Town for the Royal Oaks Park. The project proposed for the park includes relocation of the existing tot lot, a soccer field, a football field, parking and a bike path.

6. ADJOURNMENT

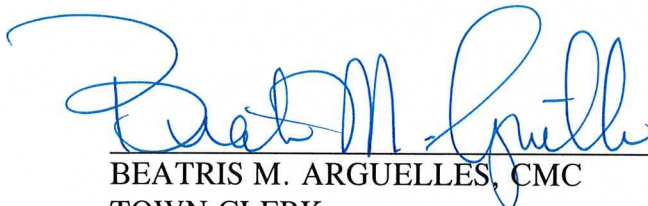
Mayor Slaton adjourned the LPA meeting and re-opened the Town Council meeting to re-address Item 4(A)

Approved this 14th day of October, 2003



WAYNE SLATON, MAYOR

Attest:



BEATRIS M. ARGUELLES, CMC
TOWN CLERK