

# TOWN OF MIAMI LAKES, FLORIDA

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## MINUTES

### TOWN COUNCIL MEETING - ZONING

October 9, 2003

7:01 p.m. or as soon after the LPA meeting as possible

**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 8:06 p.m.
2. **ROLL CALL** - In addition to the Mayor, the following Council Members were present at roll call: Mary Collins, Robert Meador, Michel Pizzi, Nancy Simon, Peter Thompson and Vice Mayor Roberto Alonso. The following staff members were also present: Town Manager Alex Rey, Assistant Town Manager Rafael Casals, Town Planner Henry Iler, Zoning Official Ray Villar, Building Official Raul Rodriguez, Town Attorney Nina Boniske and Michael Marrero of the law firm Weiss, Serota, Helfman, Pastoriza and Guedes, P.A., and Town Clerk Beatris Arguelles, CMC.
3. **NON-USE VARIANCES** - None
4. **PUBLIC HEARINGS** - None

#### **FIRST HEARING:**

- A. **PROPOSED SITE PLAN AND REZONING – PETITION No. Z-03-02 – AT&T TOWER PROPERTY REZONING**

**AN ORDINANCE OF THE TOW NOF MIAMI LAKES, FLORIDA PROVIDING RECITALS; PROVIDING FINDINGS; GRANTING THE REQUEST FOR A REZONING FORM AU TO RU-1 ON 1.45± ACRES OF A 2.3± ACRE PARCEL LOCATED AT 7851 NW 165<sup>TH</sup> ST, EAST OF NW 79<sup>TH</sup> AVENUE, WEST OF NW 77<sup>TH</sup> PATH, SOUTH OF NW 165<sup>TH</sup> TERRACE, AND NORTH OF NW 165<sup>TH</sup> STREET; APPROVING THE SITE PLAN FOR RESIDENTIAL DEVELOPMENT OF EIGHT (8) SINGLE-FAMILY HOMES; PROVIDING FOR CONDITIONS; APPROVING TWO SETBACK VARIANCES AND A LOT SIZE VARIANCE FOR THE SITE PLAN; PROVIDING FOR RECORDING; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Slaton opened the public hearing. There were no residents speaking in favor nor opposed, therefore, the Mayor closed the public hearing

Councilwoman Collins moved to approve the ordinance based on the recommendations of the LPA. Vice Mayor Alonso seconded the motion. Upon roll call, motion carried unanimously.

**SECOND HEARING:**

**B. PROPOSED SITE PLAN AND REZONING – PETITION NO. Z-02-02 WEST LAKES ESTATES REZONING** (*First Hearing September 11, 2003*)

**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. He reviewed the conditions set at the first reading of the Ordinance on September 11, 2003. Town Planner Henry Iler informed the Council of comparable properties in the area and how those compare to the proposed development. He recommended that the plan be approved with the conditions requested at the first reading.

The Mayor opened the public hearing. The following residents addressed the Council: Joe Thompson, Joaquin Cabrera, and Tania Morraz.

The Mayor closed the public hearing and re-opened the Zoning Meeting.

Councilman Pizzi expressed concern regarding the traffic analysis for the proposed plan which was not conducted during the school season. Mayor Slaton touched on the positive features proposed by the developer as part of the plan, and asked about the impact of 87<sup>th</sup> Avenue improvements. The applicant clarified that the project should be completed around the same time as the construction of NW 87<sup>th</sup> Avenue. Discussion ensued regarding limiting the construction of two story homes on the property as suggested by Councilwoman Simon. Zoning Official, Ray Villar clarified for the record that a two story home is allowed in a RU1 zone without the need for a variance and therefore limiting the development to single story homes was not feasible.

Vice Mayor Alonso moved to approve the Rezoning Ordinance with Conditions 1-7 and with plan modification. Councilwoman Collins seconded the motion. Motion carried 5-2 upon roll call with Councilwoman Simon and Councilman Pizzi casting the dissenting votes.

C. **UNPERMITTED CANOPY STRUCTURES** *(First Hearing September 11, 2003)*

**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**

Town Manager Alex Rey explained that the Ordinance calls for the abolishment of a demolition fee should the owner be required to demolish the existing canopy and that the deadline for applications refers to the last date the by which the owner must file the application.

Mayor Slaton opened the public hearing. Felicia Salazar was the only resident to address the Council. The Mayor closed the public hearing, and reopened the Zoning Meeting.

Councilman Meador reminded the Council that the residents of the Town are very concerned about code enforcement. He requested that the Council analyze if approving the ordinance is sending the right message to the residents of Miami Lakes. He offered an amendment to the Ordinance to abolish the \$100.00 fee.

The Town attorney proposed to add to Section 2(b) 3 "the fee required in Section 8cc-10 of the Town code for work performed with out a permit will be waived" following the word "Town".

Councilman Meador moved to approve the amendment as read by the Attorney. Councilwoman Simon seconded. The motion carried unanimously upon roll call.

Councilman Pizzi proposed to allow residents to keep their structures until they sell their homes thus changing Section (2) (b) (3) and changing the last word to "Later".


Councilman Pizzi moved to approve the Ordinance as amended to include to allow residents to keep their structures until they sell their homes, thus changing Section (2)(b)(3). Councilwoman Simon seconded the motion. Upon roll call, the motion failed 2-5.

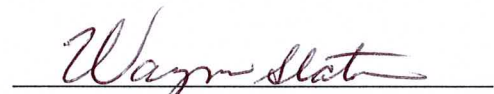
Councilwoman Collins moved to approve the Ordinance as previously amended. Mayor Slaton seconded the motion. The motion carried 6-1 upon roll call with Councilwoman Simon casting the dissenting vote.

5. **ADJOURNMENT:** The Mayor adjourned the meeting at approximately 9:45 p.m. following a motion to adjourn.

Approved this 13<sup>th</sup> day of **November**, 2003

Attest:

  
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Beatris M. Arguelles, CMC  
Town Clerk

  
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Wayne Slaton, Mayor