

TOWN OF MIAMI LAKES, FLORIDA

MINUTES TOWN COUNCIL MEETING - ZONING

December 11, 2003

7:00 p.m.

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

1. **CALL TO ORDER** – Vice Mayor Roberto Alonso called the meeting to order at 7:16 p.m.
2. **ROLL CALL** - In addition to the Vice Mayor, the following Council Members were present at roll call: Mary Collins, Robert Meador, Nancy Simon and Peter Thompson. The following staff members were also present: Town Manager Alex Rey, Assistant Town Manager Rafael Casals, Planning Director Armando Valdes, Town Attorney Nancy Stroud and Mark Rothenberg of the law firm Weiss, Serota, Helfman Pastoriza and Guedes, P.A.; and Town Clerk Beatris M. Arguelles, CMC.
3. **INVOCATION/MOMENT OF SILENCE:** The Vice Mayor called for a moment of silence.
4. **PLEDGE OF ALLEGIANCE:** The Vice Mayor led the pledge.
5. **NON-USE VARIANCES – PUBLIC HEARING:**
 - A. **ZV03-01 – DIEGO AND CLAUDIA ALONSO – 6341 PENT PLACE – REQUESTING NON-USE VARIANCES AS FOLLOWS:**
 1. **VARIANCE FROM SECTION 33-49 TO PERMIT LOT COVERAGE OF 40.58% WHERE 35% IS ALLOWED**
 2. **VARIANCE FROM SECTION 33.50 TO WAIVE 5 ½' OF THE MINIMUM REQUIRED SIDE SETBACK OF 7' 6" IN ORDER TO CONSTRUCT AN ADDITION 7' ½" FROM THE WEST SIDE PROPERTY LINE**

The Town Attorney read the approving Resolution by title as follows:

A RESOLUTION OF THE TOWN COUNCIL FO THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING AN APPLICATION FOR NON-USE VARIANCES FILED IN ACCORDANCE WITH SECTION 33-311 OF THE TOWN'S CODE OF ORDINANCES FOR PROPERTY ZONED RU-1 AND LOCATED AT 6341 PENT PLACE, MIAMI LAKES, FLORIDA, TO PERMIT A 7 FT ½ INCH SETBACK WHERE A 7 FT. 6 INCH SETBACK IS REQUIRED, AND TO PERMIT A LOT COVERAGE OF 40.58% WHERE A

MAXIMUM LOT COVERAGE OF 35% IS PERMITTED; PROVIDING FINDINGS; PROVIDING CONDITIONS OF APPROVAL; PROVIDING FOR RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

Councilwoman Collins moved to approve the request per staff recommendation. Councilwoman Simon seconded the motion.

The Planning Director, Armando Valdes read the application for a Variance as presented before the Council. The applicant seeks a Variance in order to add to the existing property on the 75'X115' square foot lot. The application is for the purpose of adding a 508 square foot addition to the front of the property and to add a 287 square foot enclosure of an existing screened porch. The property is currently 2,700 square feet. With the additions, the property will be 3,500 square feet. The applicant submitted letters from the Eagle's Nest Homeowners Association and the Miami Lakes Architectural Control Committee in support of the application. In addition, the applicant has the approval of nine adjoining neighbors including the two most affected neighbors on both side of the property. Mr. Valdes stated that in reviewing this application, his department looked at the tax assessment data and determined that all the homes in the neighborhood sit on a similar lot size of 75'X100'. Mr. Valdes added that the lot is a standard rectangular shape and construction would not impose hardship. The lot permits a reasonable sized residence. The issuing of the Variance does set precedence in the general area. Mr. Valdes stated that with the codes scheduled to be written in the next year, staff recommends waiting until all development regulations pertaining to single-family residences are studied and analyzed before the commencement of labor. Therefore, staff recommends the denial of Variance #1. Staff is however approving Variance #2. Mr. Valdes explained that approval of the Variance has a minimal effect on the adjoining properties and will permit the continuation of the existing building line should the applicant wish to construct a small addition on that side. A second story addition may be added in the future. Mr. Valdes stated that the second variance is recommended for approval with the following conditions:

1- A landscape plan prepared by a landscape professional shall be submitted by the applicant as part of the building permit for the addition. The landscape plan shall identify all trees and plants being removed, planted or relocated. The existing black olive tree in the front of the circular driveway must be retained. The removed trees are to be replaced with others of equal sizes and when possible existing trees will be relocated on the existing property.

2- The applicant shall obtain a building permit within one year from the date of this approval. Failure to obtain the building permit within one year, the approval shall become null and void.

The applicant then proceeded to speak before the Council. Mr. Alonso stated that the variance consists of all positive and he pointed out that the Manager's report is mostly positive. He added that his neighbors, homeowners' association and the architectural review board are in favor of the variance. He stated that he has been a resident of Miami Lakes for 20 years and would simply like a little more space for his growing family and does not feel that the variance represents a detriment to the public.

The Vice Mayor opened the public hearing. Since no speakers addressed the Council, the Vice Mayor closed the Public Hearing and continued with the Zoning meeting.

Council discussion ensued. Councilwoman Collins asked for Mr. Valdes to explain what the effect would be if the Variance is approved and later to code is changed. Mr. Valdes clarified that once the Variance is issued if it later does not comply with the new code it will be considered "conforming". No demolition would be required. Councilman Thompson expressed concern about setting precedence by approving the Variance... He noted that neighbors will usually sign in favor of another neighbor's petition out of courtesy. Councilman Thompson asked that the Council view this as setting precedence for zoning regulations. Councilman Pizzi opined that zoning items are to be taken on an individual basis and does not feel that the Council will be setting precedence. He stated, for the record, that he does not feel the obligation to vote to approve variances before the Council. However, he feels compelled to approve the applicant's request and supports approving both Variance requests.

Councilwoman Simon concurred with Councilman Pizzi and stated that Architectural Control, the homeowners' association and his neighbors approved it; therefore, she is in favor of the variance.

Following brief discussion regarding the current state of the landscaping, the applicant stated that the landscape will be replaced and done better than it is now. Pavers will be used in the driveway.

Mr. Armando Valdes read the conditions for the approval of the Variances

Councilwoman Collins moved to amend her original motion and approve both Variance requests with conditions. Councilman Pizzi seconded the motion, which carried 5 to 1 with Councilman Thompson casting the dissenting vote.

6. REQUEST FOR EXTENSION:

- A. EMILIO MIRANDA – 14333 NW 87TH PLACE – REQUESTING EXTENSION FOR SECURING BUILDING PERMIT PURSUANT TO CONDITIONS SET BY COUNCIL RESOLUTION NO. 02-82Z –** The Town Attorney read the Resolution by title as follows:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, GRANTING AN EXTENSION FOR SECURING BUILDING PERMIT TO PROPERTY OWNER OF 14333 NW 87th PLACE REGARDING NON-USE VARIANCE GRANTED BY RESOLUTION NO. 02-82Z ON AUGUST 14th, 2002; AND PROVIDING FOR AN EFFECTIVE DATE

The Town Attorney noted that the applicant was not present at the meeting. However, the item was added to the agenda by staff because the applicant applied for the building permit after a time-period he had been granted for an approval

had elapsed. Since staff initiated application, if the Council intends to deny the application, then he recommends that staff remove the application from the table

The Vice Mayor opened the public hearing. Since no speakers addressed the Council, the Vice Mayor closed the Public Hearing and continued with the Zoning meeting.

Mr. Armando Valdes stated that the applicant is acting in good faith, but simply missed the time-period for applying.

Councilwoman Collins moved to grant the time extension. Councilwoman Simon seconded the motion, which carried unanimously.

7. REPLAT:

- A. FINAL PLAT – MARRIOTT SPRINGHILL SUITES** – The Town Attorney read the Resolution by title as follows:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING THE “MARRIOTT SPRINGHILL SUITES” FINAL PLAT FOR PROPERTY DESCRIBED AS A PORTION OF TRACTS 52 AND 53 OF FLORIDA FRUIT LANDS COMPANY SUBDIVISION NO. 1, SECTION 15, TOWNSHIP 52 SOUTH, RANGE 40 EAST, AS RECORDED IN PLAT BOOK 2, AT PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE

Melissa Tapanes, Berkow & Radell, addressed the Council in representation of the Marriott Springhill Suites. She stated that they have fully complied with all requests and requirements and ask that the Town approve the Resolution.

The Town Attorney stated, for the record, that they are asking for an updated opinion of title to make sure that there was no problem with the property...

The Vice Mayor opened the public hearing. Since no speakers addressed the Council, the Vice Mayor closed the Public Hearing and continued with the Zoning meeting.

Councilman Thompson moved to approve the Marriott Springhill Suites Final Plat, conditioned upon an updated opinion of title to be reviewed and approved by the Town of Miami Lakes Town Attorney. The motion carries 5 to 1 with Councilman Pizzi casting the dissenting vote.

Councilman Pizzi quantified his vote by stating that this item was originally denied by the Community Council and was later approved subject to certain improvements and he questioned whether or not staff has reviewed all the conditions established by the Community Council.

The Town Planner noted that the review does not occur in the Platting stage but rather that when the building permits are requested, concurrency will be checked. Councilman Pizzi requested assurance that prior to the approval of the permits all the conditions and concurrencies will be reviewed. He also inquired about traffic conditions and if the concurrency is lost or conditions worsen between the time the Council approved the item and the time of the application for the first building permit, will they be allowed to go forward? The Town Attorney advised that the conditions regarding traffic improvements come at a time of the certificated of use and occupancy and that the applicant has a concurrency reservation whereby the County reserved a certain capacity when it approved the Resolution, which reservation is good until January 2004. Ms. Tapanes assured Councilman Pizzi that the Marriott remains fully committed to complying with the conditions in the Resolution.

Councilman Meador asked that staff review the developments taking place in Miami-Dade County as well as Miami Lakes. The Town Manager noted that improvements are being work on along NW 154th Street and that the previous approvals stated that the improvements would either be done or funded. The Town Attorney stated that he will communicate to Staff all the reviews to be conducted.

Ms. Tapanes stated that Marriott is working with the FDOT and the Miami-Dade County department of Public Works, however, that in order to get the projects approved, she asked for Miami Lakes' assistance. Councilman Pizzi asked if any new analysis have been conducted since the Resolution was approved. The Vice Mayor stated that some of the conditions have been met in conjunction with FDOT. He added that this project was considered in the Town's master plan.

8. ADJOURNMENT:

The Vice Mayor adjourned the meeting at 8:16 p.m.

Approved this 13th day of January, 2004



WAYNE SLATON, MAYOR

Attest:



BEATRIS M. ARGUÉLLES, CMC
TOWN CLERK