



City of Miami Springs, Florida

The Miami Springs City Council held a **SPECIAL MEETING** in the Council Chambers at City Hall on Wednesday, April 5, 2006, at 7:30 p.m.

1. Call to Order/Roll Call

The following were present:

Mayor Billy Bain
Vice Mayor Zavier Garcia*
Councilman Bob Best
Councilman Paul C. Dotson
Councilman Rob Youngs

* Arrived at 7:34 p.m.

Also Present:

City Manager James R. Borgmann
Assistant City Manager Ronald K. Gorland
City Attorney Jan K. Seiden
City Planner Richard E. Ventura
City Clerk Magalí Valls

2. Invocation: Councilman Youngs offered the invocation.

Salute to the Flag: The audience participated.

3. Discussion of the Remainder of the Evaluation and Appraisal Report (EAR) Proposal

City Planner Richard Ventura stated that per Council's request, Staff prepared a revised timetable for the remainder of the Evaluation and Appraisal Report (EAR) and the adoption of Comprehensive Plan amendments. He said that Rosa Davis of the Florida International University (FIU) Metropolitan Center was available to go over the details of both processes. Following that discussion, Council could review the draft for the regulations for the Airport, Marine and Highway Business District (AMHBD).

Ms. Rosa Davis said that she was asked to comment on the question of whether or not the two processes for the EAR and the Comprehensive Plan amendments could be done concurrently and if the amendment process could be expedited and also to address the tentative timeline that was developed.

Ms. Davis explained that according to regulations, the City could not transmit the Comprehensive Plan amendments to the State until the EAR has been found sufficient. In the meantime, the analysis and work related to the amendments could be done. She said that some of the amendments are already included in the EAR document, which would reduce some of the work, and there might be additional amendments required by the State.

Ms. Davis stated that the amendment process is very strict; however there is an expedited process that is allowed by the State. The adopted amendments can be submitted with a request for “no review” and the advantage is that the State will let the City know in advance of any problems that must be addressed before the final sufficiency results.

Ms. Davis informed Council that she had called the State of Florida Department of Community Affairs (DCA) and the South Florida Regional Planning Council to seek some feedback and their response was that generally for EAR amendments the expedited process is not recommended. She said that it would only make a difference of approximately 20 days.

Ms. Davis stated that the Comprehensive Plan amendment process requires two public hearings and she is still waiting for a response from the State to find out if the meetings could be held before the EAR process is finalized. The South Florida Regional Planning Council believed that the public hearings could be held, but that the amendments could not be officially adopted.

Council reviewed the timeline as presented by Ms. Davis. She said that the EAR process is almost finished, the comments were received from DCA and the changes are being made with a goal to have the document ready by the end of April. Regulations require ten days notice prior to the second public hearing, which would mean the second public hearing would take place in mid-May when the final document would be reviewed and hopefully adopted.

Ms. Davis said that once the adopted document is sent to the State for review that it takes approximately 60-days to receive a response as to whether or not the document is sufficient, which would be in late July or early August. She explained that the State’s initial comments did not address any issues that could potentially be insufficient and they basically requested more information and analysis in some areas. The first sixty days is a courtesy period to allow the City to address any insufficiencies, and if there are no issues to work on, the final sufficiency letter is received within thirty days, which means the EAR would be finished in September 2006.

To answer Councilman Best's question, Ms. Davis stated that the timeline is the best scenario for the EAR process because there is some analysis required by the State that should be completed by the end of April.

Councilman Best asked Ms. Davis if she could ensure that the process would be completed on time since there were only a few issues remaining to be addressed in the EAR.

Ms. Davis stated that she is working closely with the contact person at DCA who is very helpful and he is available to answer questions so that there are not any sufficiency problems. She explained that one issue from the first review was the sewage level of service that was 140 gallons per day, per person, and right now the City is operating at 199 gallons per day. The State is recommending a change in the level of service that will be sufficient for the next five years.

City Manager Borgmann clarified that the number is determined by dividing the total sewage that is processed through the County by the number of persons residing in the City. Since the flow includes inflow and infiltration it increases the number.

Ms. Davis stated that she consulted with the representative from Post, Buckley, Schuh and Jernigan, Inc. who recommended studying the water consumption for the last five years in order to develop a better analysis of the sewage level.

Ms. Davis reviewed the remaining issues to be addressed in the EAR as follows:

- The floor area ratio for private clubs and halls
- Update on annexation
- Proposed expenses for sewer and road projects within the next five years
- The South Florida Water Management District's review and written response to the EAR with respect to potable water
- Additional information on Le Jeune Road and other roadway projects
- Clarification regarding affordable housing
- Additional language for school amendments and a letter from the School Board noting that they had reviewed the analysis and proposed amendments
- Miscellaneous questions regarding transportation concurrencies

Ms. Davis stated that if the City is allowed to conduct the public hearings concurrently with the EAR, it means that the public notice for the amendments could be done in May. The notices must be mailed to the affected properties 30-days prior to the public hearing.

Ms. Davis added that new State regulations require all EAR amendments to be submitted at the same time and once they have been found sufficient, it means that the Comprehensive Plan amendments could be submitted to the Department of Community Affairs (DCA) in October.

City Attorney Seiden stated that the proposed amendments to the Comprehensive Plan should be very simplistic and this might shorten the process.

After the transmittal to the State in October, it takes approximately 65 days for a complete review of the amendments, according to Ms. Davis. She explained that once the City receives a response, a second public hearing is required with 30-days notice. The amendments are transmitted to the State for another review that takes approximately 45-days. If the State finds that everything is adequate, a Notice of Intent is advertised in the newspaper and after a 21-day appeal period, if there are no appeals, the City can begin the amendments to the land use regulations.

Ms. Davis clarified that the EAR amendments and the proposed Comprehensive Plan amendments must be done concurrently and submitted to the State at the same time.

4. Discussion Regarding District Boundary Regulations for the Airport Highway Marine Business District

Mayor Bain acknowledged the following persons who signed up to speak:

Martin Marquez of 401 Hunting Lodge Drive suggested adding medical facilities to Section 150-155 (A) (3).

Nery Owens of 332 Payne Drive stated that the floor area ratio should be 1.0 for a single district with height restrictions.

Councilman Youngs stated that the Federal Aviation Authority (FAA) has a height restriction along N. W. 36th Street.

Ms. Owens explained her objection to high rises that are more than eight stories because Miami Springs is a residential community.

Donna Hernandez of 769 Pinecrest Drive said that she approves of the City Planner's recommendation and she would like Council to be open to his advice rather than hiring a consultant. She suggested that the FAR should be flexible to attract businesses and she likes the City Planner's recommendation of limiting the height to 50-feet as long as the buildings will have the proper parking, setbacks, and landscaping. Ms. Hernandez urged Council to remain involved in the development process in order to prevent any unwanted changes.

Councilman Youngs clarified that City Planner Ventura's proposal restricts buildings along N. W. 36th Street that are located more than 150-feet from a residential area to 120-feet in height and the buildings that are closer to the residential areas would be limited to 50-feet.

Ms. Hernandez said that she is not inclined to approve of the maximum height of 120-feet and that she would reserve her comments until she hears the City Planner's presentation.

City Manager Borgmann stated that the height limit had been 120-feet since 1983.

City Planner Ventura said that the Holiday Inn was granted a variance to construct at a height of 95 feet with nine floors for a total of 81-units. He added that the Comfort Inn on N. W. 36th Street is twelve stories.

City Planner Ventura displayed a map of the Airport Marine and Highway Business District (AMHBD) along Curtiss Parkway, N. W. 36th Street to Le Jeune Road and the Abraham Tract. He said that he drafted the zoning regulations based on the framework of the Mixed Use Business District (MUB) regulations that have been in effect since 1983, as well as the allowed uses that were adopted for the Neighborhood and Central Business Districts.

Mr. Ventura said that the proposed regulations for Article XV: Airport, Marine and Highway Business District (AMHBD) would be an interim measure to allow the property owners to develop their properties until the Comprehensive Plan is revised at a later date. The purpose of the AMHBD is to provide for large-scale commercial uses on large sites with a limited number of highway access driveways. The zoning regulations set forth are meant to allow a wide range of compatible uses and structures only where they form complimentary groupings of facilities and activities, and where they would be appropriate to the surrounding area.

Mr. Ventura stated that he divided the AMHBD into three districts per Council's request as follows:

- (A) *Airport Golf*: the area surrounding the golf course, which is bounded by Curtiss Parkway, Fairway Drive and Deer Run (formerly zoned R-3C, R-3A and R-1A).
- (B) *36th Street*: the area from Curtiss Parkway east to that point where the Miami Canal intersects with 36th Street.
- (C) *Abraham Tract*: south of 36th Street

City Planner Ventura recommended preserving the multi-family residential character of the Airport Golf area while it is now recognized as a commercial business district.

Mr. Ventura said that the series of proposed uses for the AMHBD set forth in Section 150-155 were open for Council's suggestions or discussion.

City Manager Borgmann asked the City Attorney if the types of allowed businesses would have to relate to the Airport or Transportation industry as set forth in the current Comprehensive Plan.

City Attorney Seiden reviewed the description in the Comprehensive Plan for the AMHBD. He said that virtually all types of permitted uses would fit into the category because it allows any retail or office function that depends upon a broad market area.

City Planner Ventura reviewed Section 150-155 - Allowed uses and the following changes were approved:

- Delete "*east of Palmetto Drive only*" in paragraphs (A) (14) and (A) (16).
- Add "*boarding for veterinary services only*" in paragraph (A) (3).
- Change paragraph (A) (15) to "*domestic pet*" grooming.
- Add language to prohibit or restrict the inclusion of an animal boarding facility within a mixed-use development.

Donna Hernandez of 769 Pinecrest Drive referred to paragraph (20) permitting Post Offices. She said that some facilities operate 24-hours a day and they would not be appropriate near residential areas.

Bob Alameda (sp?) of 510-520 Eldron Drive commented that (A) (23) covers other enterprises or businesses that are similar to the permitted uses with the approval of the City Council. He complimented the City Planner for doing a fine job.

City Planner Ventura continued his review of Section 150-155 (B) (C) and (D) regarding permissible principle uses and structures, accessory structures and limitations.

Discussion ensued regarding the dedication of alleyways as service roads to allow vehicular access to sites away from N. W. 36th Street.

Council reviewed Section 150-156 – Prohibited Uses and discussed the possibility of adult- related businesses with limitations in the Abraham Tract.

Attorney Seiden clarified that a regulatory ordinance for adult-related businesses would be prepared. He said that these types of businesses could be segregated to a certain area as long as the percentage of use within the City is sufficient and that from a defense standpoint, prohibiting this use, except in the Abraham Tract, would show intent to resolve a problem.

Attorney Seiden suggested and Council **agreed** to add large-scale storage facilities to the list of prohibited uses as (I) or (J).

Further discussion ensued regarding legal non-conforming uses related to bars and package stores and City Planner Ventura offered to provide more information.

Donna Hernandez of 769 Pinecrest Drive commented that some arcades and billiard halls are very upscale and profitable.

City Planner Ventura stated that if arcades were to be allowed that there should be certain limitations and specific hours of operation.

To answer Vice Mayor Garcia's question, City Attorney Seiden stated that variances could not be obtained to allow prohibited uses and the ordinance would have to be amended.

Further discussion ensued regarding arcades, billiard and pool halls.

City Planner Ventura reviewed Section 150-157 – Lot and floor area; setbacks. He said that the maximum lot coverage for all main and accessory buildings shall not exceed 50 percent of the lot area, which preserves the City's interest as far as the maximum allowable parking.

City Planner Ventura clarified that he utilized language directly from the Comprehensive Plan. With respect to 150-157 B (3) (a), the City Planner said that he followed the Miami-Dade County's Future Land Use Element for Metropolitan Activity Centers.

The City Planner continued his review of the Miami-Dade County Comprehensive Plan with regard to Regional Metropolitan Urban Centers related to FAR, parking, and allowed uses.

Daniel Espino of 301 Hunting Lodge Drive asked if the 1.0 FAR would be too restrictive for N. W. 36th Street.

City Planner Ventura stated that he would recommend the 50% lot coverage provision and the 1.0 FAR could be addressed when the Comprehensive Plan is amended.

The City Planner continued his review of the minimum setbacks for all developments in the AMHBD as set forth in Section 150-157 (D).

City Attorney Seiden commented that the variance process would allow some flexibility for larger scale projects for N. W. 36th Street.

The review continued with Section 150-158 – Height limitations.

Councilman Dotson stated that he preferred the alternative of no higher than 40-feet and no more than three stories because it is more consistent with what is allowed in other zoning districts in the City.

Councilman Youngs suggested that the areas that are not adjacent to residences could be higher than three stories and a height restriction of 50 or 55-feet would be proper for areas left of Palmetto Drive on the map. He would like to have a “step down” area with a lower height limit adjacent to residential homes.

Martin Marquez of 401 Hunting Lodge Drive referred to a Floor Area Ratio (FAR) study, aerial photographs and maps that he prepared for the AMHBD.

Further discussion ensued regarding the height limitations set forth in Section 150-158.

The City Attorney suggested that the City Planner should continue with the review of the remaining sections of the draft with regard to parking, site planning, signs, and development procedures before considering amendments to the height limitations.

(Mayor Bain asked for a 5-minute recess at 9:55 p.m.)

City Planner Ventura stated that parking standards and requirements are carried over from Section 150-016 dealing with the Neighborhood and Central Business Districts and off-street loading is based on the former MUB District.

City Planner Ventura reviewed Section 150-160 – Site Planning, which is based on the MUB requirements.

Paragraph (A) (2) will be **amended** as follows: “Access drives shall ~~not~~ be provided from adjacent minor street frontage, and shall be located and designed to insure smooth flow of vehicular and pedestrian circulation.”

Attorney Seiden suggested **deleting** the height restriction for hedges in Paragraph (B) (a).

At the Mayor’s request, “glass” will be **deleted** from the approved architectural features for protective walls in (B) (d).

City Manager Borgmann referred to paragraph (A) (2). After discussion, Council agreed to **amend** the paragraph to allow parking lots and structures to be located behind or on the side of the principal structure.

Mayor Bain asked to consider the height restriction for structures within 150-feet of residential districts.

Councilman Youngs said that he would be inclined to approve 50 to 55-feet and he would like to take a further look at the area before making a change to 40-feet.

Councilman Best stated that 40-feet would be less intrusive to the residents that live within 150 feet.

Councilman Dotson emphasized that it is important not to let commercial structures damage the quality of life for the residents.

Vice Mayor Garcia moved to establish the height of structures located within 150 feet from adjoining residential districts at 55 feet and Councilman Youngs seconded the motion,

Councilman Dotson reiterated his concern about limiting the height of commercial structures adjacent to residential districts along N. W. 36th Street from Palmetto to Forrest Drive.

Further discussion ensued regarding the height and number of stories.

The motion failed 2-3 on roll call vote (Mayor Bain and Councilmen Best and Dotson voted “no”).

Mayor Bain suggested limiting the height to 50-feet or 4-stories.

Vice Mayor Garcia moved to establish the height of structures located within 150 feet from adjoining residential districts at 50 feet or 4-story buildings. Councilman Youngs seconded the motion, which was carried 3-2 on roll call vote, with Councilmen Best and Dotson casting the dissenting votes.

City Manager Borgmann said that the Administration would look at the site plan for the Holiday Inn Express to see how the structure was designed.

Council continued with the review of Section 150-161 – Signs.

Councilman Youngs asked if a review by the Architectural Review Board for signs or structures would be appropriate.

Attorney Seiden stated that Councilman Youngs made an excellent point except that the Architectural Review Board has not been enabled in regard to this particular district. In the future, any reference to the City Zoning and Planning and Board could be changed to Architectural Review Board.

Attorney Seiden suggested **amending** Section 150-161 by **reversing** the order of paragraphs (E) and (F).

Discussion ensued regarding an amendment to the ordinance related to the Architectural Review Board.

City Planner Ventura reviewed Section 150-162 – Development Procedures and Section 150-163 – Fees and Administrative Reviews.

Attorney Seiden suggested **amending** Section 150-163 (D) by deleting “appealed.”

Vice Mayor Garcia moved to direct the City Attorney to draft the ordinance reflecting the changes made at the meeting. Councilman Best seconded the motion, which was carried 5-0 on roll call vote.

It was agreed by consensus that the first reading of the ordinance would take place at the April 10, 2006 Regular Meeting.

Council and the Administration complimented City Planner Ventura for his excellent presentation.

5. Discussion Relative to Amendment of the Comprehensive Plan

Mayor Bain stated that there were three amendments for consideration, including the floor area ratio (FAR), the separation of the AMHBD into three districts, and the residential component for the Airport Golf District.

Councilman Dotson stated that he would not want the City Planner’s recommendations to be limited to the three amendments.

It was agreed that the City Planner would prepare recommendations regarding the amendments in order for Council to have a basis for discussion.

6. Adjourn.

There being no further business to be discussed the meeting was adjourned at 11:00 p.m.

Billy Bain
Mayor

ATTEST:

Magalí Valls, CMC
City Clerk

Approved as written during meeting of: 4/24/2006

Transcription assistance provided by S. Hitaffer

Words ~~stricken through~~ have been deleted. Underscored words represent changes. All other words remain unchanged.