



## ***City of Miami Springs, Florida***

The **Zoning and Planning Board** met in Regular Session on Monday, April 4, 2016 in the Council Chambers at City Hall following the Board of Adjustment meeting.

### **1. CALL TO ORDER AND ROLL CALL**

The meeting was called to order at 6:52 p.m.

Present were: Chairman Manuel Pérez-Vichot  
Vice Chair Ernie Aloma  
Bill Tallman  
Juan Molina  
Alejandro Gonzalez

Absent: Bob Calvert

Also Present: Councilwoman Roslyn Buckner  
City Attorney Jan K. Seiden  
Planning and Zoning Director Chris Heid  
Board Secretary Juan D. Garcia

### **2) APPROVAL OF MINUTES OF REGULAR MEETING:**

Minutes of the January 4, 2015 meeting were approved as written.

**Board member Tallman moved to approve the minutes as written. Board member Molina seconded the motion, which passed unanimously on voice vote.**

### **3) SWEARING IN OFF ALL WITNESS AND ZONING AND PLANNING DIRECTOR**

Board Secretary Garcia swore in the Zoning and Planning Director, the applicants or representatives of the applicants who would testify should the Board have any questions.

**4) NEW BUSINESS**

- A) CASE # 02-ZP-16  
SUCRE, LLC  
4949 N.W. 36 STREET  
ZONING: NW 36  
LOT SIZE: 151,059 SQ. FT.**

Applicant is requesting the vacation of certain rights-of-way.

Zoning and Planning Director Heid read his recommendation to the Board. In his recommendation, Zoning and Planning Director Heid noted that this item had been approved by the Board of Adjustment in August with the condition of using a Unity of Title. This item is back in front of the Board because the applicant is requesting to use a Covenant-in-Lieu of the Unity of Title.

Chair Pérez-Vichot mentioned that the difference with the Unity of Title and the Covenant is that in a Unity of Title you are unifying all the parcels of land into one title. In a Covenant-in-Lieu of Unity of Title the property owner is able sell or finance separate components of the project.

City Attorney Seiden explained that a Unity of Title was originally agreed upon by the applicant when they first came in front of the Board, but since then have decided not to go forth with this condition. The applicant has decided to appear again in front of the Board of Adjustment in hope of an approval of the vacation of rights-of-way with the condition of a Covenant-in-Lieu of a Unity of Title.

Chair Pérez-Vichot noted that there are signs on the Valero Gas Station side of the property that the Fire Department put up that read "Do Not Enter". He asked if there would be an issue with the Fire Department and alley vacation. City Attorney Seiden responded by reminding the Board that another condition that was already agreed upon at the previous meeting is that the applicant would contact all the proper agencies (FDOT, Miami-Dade Fire Rescue, etc.) to notify them of the project if it was to be approved.

Santiago Echemendia, of the law firm of Shutts and Bowen, was present to represent the property owner and to answer any questions from the Board. Mr. Echemendia handed out a packet to the Board members, the City Attorney and Zoning and Planning Director Heid. Mr. Echemendia then proceeded to go through each document that was included in the packet. Mr. Echemendia explained to the Board that a Covenant-in-Lieu has been successfully utilized for over thirty years and has achieved its intended goal of fully recognizing the zoning site plan of a parcel of land and permitting additional financing options, such as sale, mortgaging, grants, etc., which would have run afoul of the terms of a Unity of Title. He then read the eight proposed conditions of approval that were recommended by Zoning and Planning Director Heid, with the second condition changed from Unity of Title to a Covenant.

Vice Chair Aloma voiced his concern with a statement that Mr. Echemendia made regarding why the applicant has chosen to revise their request. He wanted to know why the applicant didn't bring up the Covenant-in-Lieu of a Unity of Title when this project was first introduced to the Board seven months ago. He added

that this could have saved them a lot of time and it could have been addressed prior to this meeting.

Chair Pérez-Vichot asked the City Attorney to clarify what the Board will be voting on. City Attorney Seiden explained that the applicant is back in front of the Board with a revised request to vacate the alley and the abandonment of the street just as before, but in this case based upon the condition of using a Covenant-in-Lieu of Unity of Title.

At this time Chair Pérez-Vichot invited any member of the audience to speak. Eric Davendorf, 617 La Villa Drive, addressed the Board notifying them of his concerns for the vacation of the alley. Mr. Davendorf mentioned that he uses the alley to drive his trailer, which he loads with his motorcycle and Jet Ski, out of his property. He added that it is a large trailer and it would be difficult to load it any other way.

City Attorney Seiden let Mr. Davendorf know that there were still many steps in this process. He added that nothing had been done yet and advised Mr. Davendorf to voice his concerns to the City Council if this item is brought before them.

Discussion ensued regarding the process that will take place after the Board votes on this item.

Board member Tallman commented that he had an issue with all the information that was brought by the applicant before the Board at the last minute without any chance to review it prior to meeting. He added that because this information is new, he feels pressed to make a responsible recommendation on whether to move forward with a Covenant-in-Lieu of Unity of Title.

**Vice Chair Aloma made a motion to deny the vacation of the alley and abandonment of the street with the condition of using a Covenant-in-Lieu of Unity of title. Board member Tallman seconded the motion which failed 2-3 by roll call vote. The vote was as follows: Vice Chair Aloma, Board member Tallman voting Yes; Board member Molina, Board member Gonzalez, and Chair Pérez-Vichot voting No.**

**Board member Gonzalez made a motion to approve the vacation of the alley and abandonment of the street as proposed by the applicant, with the use of a Covenant-in-Lieu of Unity of Title so long it is tied to a specific site plan, as well as the other eight conditions proposed. Board member Molina seconded the motion which passed 3-2 by roll call vote. The vote was as follows: Board member Molina, Board member Gonzalez, and Chair Pérez-Vichot voting Yes; Board member Tallman and Vice Chair Aloma voting No.**

Chair Pérez-Vichot notified the applicant's representatives that the Board of Adjustments only makes recommendations to the City Council. This item will be heard at a City Council meeting for their final approval.

**B) CASE # 03-ZP-16  
SUCRE, LLC  
4949 N.W. 36 STREET  
ZONING: NW 36  
LOT SIZE: 151,059 SQ. FT.**

Applicant is requesting site plan approval for the construction of a 90,080 square foot, 149 room hotel.

Zoning and Planning Director Heid read his recommendation to the Board.

Emmanuel Ortiz of Delant Construction Co. was present to speak to the Board about the proposed site plan. Mr. Ortiz informed the Board that he is the architect for the project. He then went through the layout of the hotel, describing the plans to the Board. Mr. Ortiz added that the Hotel will be a Wyndham Garden and it will feature a variety of green spaces as indicated on the plans. On the top floor there would be a bar/lounge area that will be called "The Pilot House". Plans are to preserve the original neon sign that is on the top of the vacant bar and display it in the new hotel. This was done to honor the City's aviation history, and was done so because the hotel will be located where the bar once was. Mr. Ortiz also mentioned that he took all of Zoning and Planning Director Heid into consideration and tried to integrate all of them into the plans.

Chair Pérez-Vichot asked if there was any further discussion or any questions from the audience and there were neither.

**Board member Molina moved to approve the site plan as long as it met the six conditions requested in the Staff Recommendation that was read by the Zoning and Planning Director. Board Member Gonzalez seconded the motion, which passed unanimously on voice vote.**

City Attorney Seiden notified the applicant's representatives that the Board of Adjustments only makes recommendations to the City Council. This item will be heard at a City Council meeting for their final approval.

**C) CASE # 04-ZP-16  
665 MOKENA PARTNERS, LLC/ STEVE MARIN  
3449 N.W. 42 AVENUE  
ZONING: ABRAHAM TRACT DISTRICT  
LOT SIZE: 80,242 SQ. FT.**

Applicant is seeking site plan approval to construct a hotel.

Zoning and Planning Director Heid read his recommendation to the Board.

Steve Marin, 665 Mokena Drive, presented the site plan for the proposed Comfort Suite Hotel. Mr. Marin mentioned that the hotel will be very similar to the three other hotels that 665 Mokena Partners, LLC has developed in the City. The hotel will have 8 floors, 120 rooms and approximately 70,000 square feet. Mr. Marin informed the Board that he has been working with Zoning and Planning Director Heid and has included the majority of his suggestions into the project.

Board member Tallman moved to approve the site plan, subject to the seven conditions that were read in the Zoning and Planning Director's recommendation. Vice Chair Aloma seconded the motion, which passed unanimously on voice vote.

City Attorney Seiden notified the applicant that the Board of Adjustments only makes recommendations to the City Council. This item will be heard at a City Council meeting for their final approval.

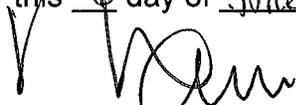
**5) ADJOURN**

There was no further business to discuss and meeting was duly adjourned at 8:13 p.m.

Respectfully submitted:

  
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Juan D. Garcia  
Board Secretary

Adopted by the Board on  
this 6 day of June, 2016.

  
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Manny Perez-Vichot, Chair

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

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*"The comments, discussions, recommendations and proposed actions of City Citizen Advisory Boards do not constitute the policy, position, or prospective action of the City, which may only be established and authorized by an appropriate vote or other action of the City Council".*  
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