

**VILLAGE OF VIRGINIA GARDENS  
6498 N.W. 38<sup>th</sup> TERRACE  
VIRGINIA GARDENS, FLORIDA 33166  
TELEPHONE: (305) 871-6104**

**REGULAR MONTHLY MEETING OF THE  
VILLAGE OF VIRGINIA GARDENS, FLORIDA  
THURSDAY, SEPTEMBER 20, 2018  
TOWN HALL 6:30 P.M.**

**PRESENT:** Council Members: Elizabeth Taylor Martinez  
Debra Conover  
Gabriel Fernandez  
Richard Block  
Jorge Arce  
Attorney: Jose Herrera, Esq.

**CALL TO ORDER:** The meeting was called to order by Council President Arce at 6:33 p.m.

**INVOCATION (MOMENT OF SILENCE)**

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Chaplain DaSilva.

**1. APPROVAL OF MINUTES**

**A. Special Council Meeting – July 19, 2018**

A motion by Council Member Taylor Martinez to approve the minutes of the Special Council Meeting of July 19, 2018 was seconded by Council Member Block. The motion passed 5-0.

**B. Regular Council Meeting – July 19, 2018**

A motion by Council Member Conover to approve the minutes of the Regular Council Meeting of July 19, 2018 was seconded by Council Member Taylor Martinez. The motion passed 5-0.

**C. Budget Workshop Meeting – August 27, 2018**

A motion by Council Member Fernandez to approve the minutes of the Budget Workshop Meeting of August 27, 2018 was seconded by Council Member Conover. The motion passed 5-0.

**D. Special Council Meeting – August 29, 2018**

A motion by Council Member Taylor Martinez to approve the minutes of the Special Council Meeting of August 29, 2018 was seconded by Council Member Conover. The motion passed 5-0.

E. First Budget Hearing – September 10, 2018

A motion by Council Member Fernandez to approve the minutes of the First Budget Meeting of September 10, 2018 was seconded by Council Member Taylor Martinez. The motion passed 5-0.

2. **BEAUTIFICATION**

A. Council President Arce reported that the minutes for August 2, 2018 and September 6, 2018, 2018 have been submitted.

Mr. Martinez reported that the trees have been planted on NW 40<sup>th</sup> St. however; not in the right order as promised. Mr. Martinez will like Mayor Deno to contact Superior Landscaping regarding this matter.

B. Request Council approval of Landscape Site plan for Popeyes Restaurant located at 5875 NW 36 St.

Mr. Matthew Wisniewski of Kimley Horn was in attendance to present the landscaping plans for Popeyes Restaurant. Mr. Wisniewski also reported that the two black olive trees had been approved by Miami Dade County for removal. A motion by Council Member Conover to approve the Landscape Site plan was seconded by Council Member Fernandez. The motion passed 5-0.

3. **MAYOR'S REPORT**

A. Final Budget Hearing scheduled for Monday, September 24, 2018 at 6:00 p.m.

Council President Arce reported that the Final Budget Hearing has been scheduled for Monday, September 24, 2018 at 6:00 p.m.

4. **CITIZEN COMMENTS**

Council President Arce reported that Mr. Art Yerian, Park Manager at Bill Baggs Cape Florida State Park was in attendance. Mr. Yerian reported that the Department of Environmental Protection is proud to administer a grant program called the Florida Recreation Development Assistance Program. This program is a competitive grant program that funds the acquisition or development of lands for public outdoor recreational use. Mr. Yerian presented the Village with a check in the amount of \$50,000 for the Sports Complex Phase 111 project. The Council thanked Mr. Yerian for the grant contribution.

5. **OLD BUSINESS**

Council President Arce reported that there was no old business.

6. **NEW BUSINESS**

Council President Arce reported that Council Member Block has an item for new business. Council Member Block reported that he sent a letter to the Gazette regarding Amendment 1 and School Board County Resolution.

Council Block read the letter into record. Council Member Block would like to urge our residents to vote no to Amendment 1 and also vote no on the School Board County resolution.

7. **PLANNING & ZONING**

A. Council President Arce reported that the minutes for September 13, 2018 meeting have been submitted.

Ms. Howard reported that Mr. Robert Rodriguez requested a variance as to allow a standard 6- 6 1/2-foot privacy fence along the rear property line of the property. Ms. Howard reported that their single-family home abuts a multifamily apartment complex and people are throwing garbage and people are looking into his property. Attorney Herrera recommends that the Council approve the variance request on behalf of Mr. Rodriguez.

RESOLUTION NO. 945 – FIRST READING  
A RESOLUTION OF THE VILLAGE OF VIRGINIA GARDENS, FLORIDA  
GRANTING A VARIANCE TO MR. ROBERTO RODRIGUEZ WITH RESPECT  
TO CHAPTER 16, SECTION 6.8 (J) TO PERMIT AN ERECTION OF A 10 FOOT  
PRIVACY DURA FENCE ALONG THE REAR OF HIS PROPERTY  
DESCRIBED AS 3711 NW 62 AVENUE

A motion by Council Member Block to approve the first reading of Resolution No. 941 was seconded by Council Member Conover. The motion passed.

8. **PUBLIC SAFETY**

A. Council President Arce reported that the statistics for the month of July and August, 2018 have been submitted.

Chief Hernandez inquired if there were any questions regarding the statistics for the Month of July and August, 2018.

9. **RECREATION**

Council Member Fernandez reported that soccer season begins in early October and the soccer field is ready.

10. **PUBLIC WORKS**

Public Work Director Martin stated that he did not have anything to report.

11. **ATTORNEY'S REPORT**

A. Resolution No. 939-B

A RESOLUTION OF THE VILLAGE OF VIRGINIA GARDENS, AUTHORIZING  
THE MAYOR OR THE MAYOR'S DESIGNEE TO ENTER INTO AN  
AGREEMENT WITH BCC ENGINEERING, INC. FOR ENGINEERING

SERVICES FOR THE COMMUNITY BICYCLE & PEDESTRIAN IMPROVEMENTS AND LUDLAM CANAL PATHWAY IMPROVEMENT PROJECTS, REPEALING ALL RESOLUTIONS IN CONFLICT, AND PROVIDING FOR EFFECTIVE DATE.

A motion by Council Member Taylor Martinez to approve Resolution No. 939-B was seconded by Council Member Fernandez. The motion passed 5-0.

B. RESOLUTION NO. 940 – SECOND READING  
A RESOLUTION OF THE VILLAGE OF VIRGINIA GARDENS, FLORIDA, GRANTING A SPECIAL EXCEPTION USE VAIRNACE TO TAURUS GROUP HOLDINGS, LLC, FROM THE REQUIREMENTS OF CHAPTER 16 SECTIONS 6.2, 6.2.3, 6.6, 6.8, AND 6.10.3 OF THE VILLAGE OF VIRGINIA GARDENS CODE IN CONNECTION WITH A SPECIAL USE EXCEPTION SO AS TO PERMIT FOR USE AND OCCUPANCY OF THE PROPERTY AS AN AUTOMOBILE PARKING/STORAGE FACILITY

WEST 192 FEET OF THE SOUTH 142 FEET OF THE LAST ½ OF TRACT 29, LESS THE WEST 10 FEET THEREOF, OF FLORIDA FRUIT LANDS COMPANY’S SUBDIVISION NO.1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, IN SECTION 25, TOWNSHIP 53 SOUTH, RANGE 40 EAST, OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA; A/K/A 3701 NW 66<sup>TH</sup> AVENUE VIRGINIA GARDENS, FLORIDA AND PROVIDING EFFECTIVE DATE

WHEREAS, Taurus Group Holdings, LLC, is requesting a special exception to section 3.3.2 (D), “Restricted Commercial District” to permit an automobile parking/storage facility at 3701 NW 66<sup>th</sup> Avenue, Virginia Gardens, Florida;

WHEREAS, Taurus Group Holdings, LLC, is also requesting special use variances with respect to Chapter 16, Sections 6.2, 6.2.3, 6.6, 6.8, and 6.10.3;

WHEREAS, in accordance with the provisions and criteria of Article 3, Section 3.3.2, of the Land Use (Zoning) Code of the Village of Virginia Gardens, and Chapter 16, Sections the Village Council has found that, subject to special conditions set forth in this resolution, a special use variance is consistent with the criteria set forth in the aforesaid section.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE VILLAGE OF VIRGINIA GARDENS, FLORIDA;

1. Taurus Group Holdings, LLC, is requesting the following special use variances:
  - a. Section 6.2 - (Front Setback) - Variance to permit a front setback of 12.58 feet, where the Code requires a front setback of 25 feet, providing for a waiver of 12.42 feet of the minimum required front yard setback of 25 feet.

- b. Section 6.2 - (Rear Setback) - Variance to permit a rear setback of 8.9 feet, where the Code requires a rear setback of 15 feet, providing for a waiver of 6.1 feet of the minimum required rear setback of 15 feet.
  - c. Section 6.6 - (Parking Spaces) - Variance to permit only 13 parking spaces, where the Code requires a minimum of 14 parking spaces, providing for a waiver of 1 parking space.
  - d. Section 6.8 - (Fence) - Variance to permit maintaining the existing iron fence, on the North boundary of the property, supplemented with a hedge landscape buffer, where the Code requires a masonry wall where the commercial use or occupancy abut residential district.
  - e. Section 6.2.3 - (Side Setback) - Variance to permit a side setback of 19.8 feet, where the Code requires a 25 feet side setback.
  - f. Section 6.10.3 - (Driveway) - Variance to permit an asphalt driveway on the South side of the property, where the Code requires as a landscape transition zone along the property boundary to serve as a buffer/screen between incompatible use districts.
2. **SPECIAL EXCEPTION:** A special exception to section 3.3.2 (D), "Restricted Commercial District" to permit an automobile parking/storage facility at 3701 NW 66th Avenue, Virginia Gardens, Florida is granted subject to the conditions and limitations in this Resolution.
3. **SITE VARIANCES:** The following site condition variances are granted subject to following findings and conditions:
- a. Section 6.2 - (Front Setback) - Variance to permit a front setback of 12.58 feet, where the Code requires a front setback of 25 feet, providing for a waiver of 12.42 feet of the minimum required front yard setback of 25 feet.

The requested variance is granted to permit a front setback of no less than 12.58 feet, providing a limited waiver of 12.42 feet at the most encroaching point of the setback for a maximum length/distance of 57.6 feet along the front boundary of the property from North to South. This variance is granted based upon the specific conditions for the use of the property, and limited as follows, the front setback encroachment shall be limited to a length/distance of no more than 57.6 feet from North to South, with the 57.6 feet commencing at a point no less than 11.2 feet (measuring from North to South) from the existing Northwest corner of the existing building, which 11.2 feet shall consist of a landscaped planter/buffer, and running no less than 11.2 feet (measuring from South to North) from the existing Southwest corner of the existing building, which shall be a walkway. (See Exhibit A to this Resolution).

- b. Section 6.2 - (Rear Setback) - Variance to permit a rear setback of 8.9 feet, where the Code requires a rear setback of 15 feet, providing for a waiver of 6.1 feet of the minimum required rear setback of 15 feet.

The requested variance is granted to permit a rear setback of no less than 8.9 feet.

- c. Section 6.6 - (Parking Spaces) - Variance to permit only 13 parking spaces, where the Code requires a minimum of 14 parking spaces, providing for a waiver of 1 parking space.

The requested variance is granted to permit 13 parking spaces where 14 would be required. This variance is granted based upon the specific conditions and limitation for the use and occupancy of the property only as an automobile parking/storage facility not used for any retail type of operation nor intended to generate any degree or volume of clientele/customer or demand for onsite parking.

- d. Section 6.8 - (Fence) - Variance to permit maintaining the existing iron fence, on the North boundary of the property supplemented with a hedge landscape buffer, where the Code requires a masonry wall where the commercial use or occupancy abut residential district.

The requested variance is granted to permit the existing iron fence, supplemented with a hedge landscape buffer, to remain in lieu of a masonry wall. This variance is granted based upon the specific conditions that exist on the site, specifically the existing main water line that runs along the property boundary where the masonry wall would be erected. Because of the existing condition, a masonry wall could not be erected without compromising the main water line running along the North property boundary or compromising access for emergency or routine maintenance of the water line. Thus, the existing six (6) foot iron fence on the North side boundary of the property abutting the residential properties is approved subject to the fence being fully screened with mesh and complemented by dense vegetation/landscape buffer.

- e. Section 6.2.3 - (Setback) - Variance to permit a side setback of 19.8 feet, along the South of the property boundary, where the Code requires 25 feet side setback.

The requested variance is granted permitting a side setback of 19.8 feet, along the South property boundary (abutting the commercial district), where the Code requires 25 feet side setback. The variance granted as the side setback is an existing condition and therefore, due to the pre-existing location of the building, compliance with the current Code requirements is not feasible or reasonable. In addition, the South property boundary abuts the commercial district, and not any residential district.

- f. Section 6.10.3 - (Driveway) - Variance to permit an asphalt driveway on the South side of the property, where the Code requires as a landscape transition zone along the property boundary to serve as a buffer/screen between incompatible use districts.

The requested variance is granted to permit an asphalt driveway on the South side of the property, where the Code requires as a landscape transition zone along the property boundary to serve as a buffer/screen between incompatible use districts. The variance is granted due to existing condition and reasonable comparability of the abutting district. The abutting district to the South is commercial (not residential), and thus reasonably compatible. The variance will not affect any abutting residential district. Also, the pre-existing location of the building on the property, the existing design and location of the parking and the means of ingress and egress (driveway), compliance with the current Code requirements is not feasible or reasonable.

4. **CONDITION - LIMITATION:** The Special Exception and variances are granted subject to full and faithful adherence and compliance with all of the following:
- a. All automobiles shall be stored or parked inside of the building. Automobiles shall not be parked or stored outside the building or the exterior parking area. Parking of automobiles in the exterior parking area shall be limited to customers/clients or employees during the daytime hours of operation only.
  - b. The property shall be occupied and used only and exclusively as, and for an automobile parking/storage facility.
  - c. There shall be no storage of any kind on the exterior of the building.
  - d. The hours of operation shall be limited to 7:00 a.m. to 5:00 p.m., except for occasional after-hour pickup or drop of an automobile by a customer/client. The intent of this condition or restriction is to minimize after-hours ingress and egress for deliveries by truck transports or carriers, not to impair the isolated or occasional drop off and pick up of automobiles by customers/clients.
  - e. No retail activity or operation shall occur or take place on the property.
  - f. No events, shows, or other gatherings shall occur or take place on the property.
  - g. No repair, service, or any kind of maintenance of motor vehicles shall occur or take place on the property.
  - h. No washing, pressure cleaning, or detailing of motor vehicles shall occur or take place on the property.
  - i. No truck traffic or deliveries by truck or transport shall occur or take place before 8:00 a.m. or after 5:00 p.m.

- j. No high intensity lighting shall emanate toward to North side residential properties. All lighting toward the residential properties on the North side of the property shall be installed, placed, and controlled so as to minimize the projection of lighting toward the residential properties.
- k. All operations shall be done in full compliance with all requirement of all Federal, State, County, and local regulations, specifically all environmental regulation.
- l. A real time camera feed shall be provided for the Village police department to access or use at its sole discretion.
- 5. Any violation of the conditions and limitations in this Resolution shall be sufficient cause for the Village to suspend or revoke any use and occupancy certificate or occupational license issued by the Village.
- 6. All Ordinances and Resolutions, and parts thereof, in conflict herewith be and same are hereby repealed insofar as they are inconsistent or in conflict with the provisions of the Ordinance upon the effective date hereof.
- 7. If any portion of this Resolution is held invalid by a Court of competent jurisdiction, such invalidity shall not affect the remaining portions of this Ordinance.

A motion by Council Member Taylor Martinez to approve the second reading of Resolution No. 940 was seconded by Council Member Fernandez. The motion passed 5-0.

12. **GOOD & WELFARE**

Council Member Martinez is requesting prayers for Melanie Martinez.

13. **MOTION TO ADJOURN**

A motion by Council Member Taylor to adjourn the meeting at 7:17 p.m. was seconded by Council Member Fernandez. The motion was approved 5-0.