



MIAMI-DADE COUNTY FINAL OFFICIAL MINUTES Board of County Commissioners Zoning Board

Board of County Commissioners

Stephen P. Clark Government Center
Commission Chamber
111 NW 1st Street
Miami, Florida 33128

Meeting Date:

March 17, 2005
9:30 A.M. Commission Chambers

Prepared by:

Harvey Ruvin, Clerk
Board of County Commissioners

Kay Madry Sullivan, Director
Clerk of the Board Division

Reporter:

Alicia Stephenson, Commission Reporter
(305) 375-1475



Zoning Meeting, Miami-Dade County, Florida, March 17, 2005

The Board of County Commissioners met in regular session in the County Commission Chambers on the Second Floor of the Stephen P. Clark Government Center, 111 N.W. First Street, Miami, Florida at 10:20 a.m., March 17, 2005, there being present upon roll call the Honorable Chairman Joe A. Martinez and Vice Chairman Dennis C. Moss; Commissioners Carlos A. Gimenez, Sally A. Heyman, Rebeca Sosa, Katy Sorenson and Javier D. Souto (Commissioners Barbara Carey-Shuler, Barbara J. Jordan and Dorrin D. Rolle arrived later; Commissioners Bruno A. Barreiro, Jose "Pepe" Diaz and Natacha Seijas were absent); Assistant County Attorneys Joni Armstrong-Coffey and Craig Collier; Department of Planning and Zoning Director Diane O'Quinn Williams; Department of Planning and Zoning Assistant Director for Zoning Alberto Torres; and Deputy Clerks Alicia Stephenson and Kay Sullivan.

ALL WITNESSES AND THE INTERPRETER WERE SWORN IN BY THE CLERK PRIOR TO MAKING THEIR PRESENTATIONS BEFORE THE BOARD.

Ms. Diane O'Quinn Williams, Director, Department of Planning and Zoning (DP&Z) announced that in accordance with the Code of Miami-Dade County, all items on today's agenda had been legally advertised, notices mailed, and the properties posted. She presented the rules of procedure to be followed during today's proceedings and noted additional copies of the today's (3/17) agenda and an official translator were available.

A. Ms. O'Quinn Williams presented the following application:

ROY R. LUSTIG, TRUSTEE (04-9-CZ2-1/04-57) 4-45-42 BaCC/District 4

Mr. Art Papastavros, the appellant, appeared before the Board and noted he initially appealed the decision of the Community Zoning Appeals Board (CZAB) No. 2, which approved the foregoing application. Mr. Papastavros noted, however, that he and other surrounding neighbors negotiated with the applicant and reached an amicable agreement; as a part of the settlement, the applicant agreed to proffer a covenant containing deed restrictions on the subject property and the adjacent properties for the next 30 years.

Commissioner Heyman asked Assistant County Attorney Joni Armstrong-Coffey whether the deed restrictions running with the land were consistent with the County's Code. Ms. Armstrong-Coffey stated that the County had not reviewed the agreement. Commissioner Heyman told Mr. Papastavros that the County was not a party to any private agreements between himself and the applicant. Mr. Papastavros stated that he understood.

It was moved by Commissioner Heyman that the Board approve withdrawal of Mr. Art Papastavros' appeal of Community Zoning Appeals Board 2's decision. This motion was seconded by Commissioner Sosa and upon being put to a vote, passed by a vote of 9-0 (Commissioners Barreiro, Diaz, Jordan and Seijas were absent).

The foregoing resolution was adopted by the Board and is set forth in the Record of Resolution and assigned Z-06-05.

B. Ms. O'Quinn Williams presented the following application:

ANTONIO SANCHEZ (04-11-CZ8-1/04-113) 15-53-41 BCC/District 2

Mr. Forrest Sygman, Forrest Sygman, P.A., 8603 South Dixie Highway, represented the applicant. He requested a deferral of his appeal pending modifications to the architectural plans.

No one appeared in response to Chairman Martinez's call for persons wishing to be heard in opposition to the request for deferral.

Commissioner Rolle told Mr. Sygman that he hoped the revised application substantially differed from the original application.

It was moved by Commissioner Rolle that the appeal of Antonio Sanchez be deferred to no date certain, with leave to amend. This motion was seconded by Commissioner Sosa and upon being put to a vote, passed by a vote of 9-0. (Commissioners Barreiro, Diaz, Seijas and Jordan were absent).

1. Ms. O'Quinn Williams presented the following application:

FLAGLER DEVELOPMENT CO. (05-1-CZ5-2/03-384) 6-53-40 BCC/District 12

In response to Chairman Martinez, Ms. O'Quinn Williams provided the Developmental Impact Committee's recommendation on the foregoing proposed application. She stated that this application was in compliance, that DP&Z had received the covenant, that the covenant was enforceable, and that everything was in order.

No one responded to Chairperson Martinez's call for persons wishing to be heard in opposition to the foregoing application.

In response to Chairman Martinez, who asked whether Ms. O'Quinn Williams had received a memorandum from the respective District Commissioner declaring a stance on the application, Ms. O'Quinn Williams stated that she had not.

There being no other discussion, the Board proceeded to vote on this application.

It was moved by Commissioner Heyman that the application of Flagler Development Company Co. be approved with conditions of request #1 upon a finding that this application would not result in a substantial deviation; approval with conditions of request #2 and request #3 under Section 33-311(A)(7), the denial without prejudice under Section 33-311(A)(17), and the acceptance of the proffered covenant. This motion was

seconded by Commissioner Sosa and upon being put to a vote, passed by a vote of 10-0 (Commissioners Barreiro, Diaz and Seijas were absent).

The foregoing resolution was adopted by the Board and is set forth in the Record of Resolution and assigned Z-07-05.

NON-AGENDA REPORT

Commissioner Moss recognized students from Cornell College and Mr. Robert Sullivan, their instructor, who he noted were observing government action.

Chairman Martinez noted Assistant County Attorney Robert Krawcheck was retiring and would be leaving County Government soon. Commissioners commended Mr. Krawcheck for years of outstanding, dedicated service and expressed heartfelt gratitude and wishes for his continued success.

Mr. Krawcheck expressed his sincere appreciation for the recognition.

It was moved by Commissioner Moss that the Board reschedule the Comprehensive Development Master Plan meeting of April 11, 2005 to May 9, 2005. This motion was seconded by Commissioner Sosa and upon being put to a vote, passed by a vote of 10-0 (Commissioners Barreiro, Diaz and Seijas were absent).

There being no further business to come before the Board, the zoning meeting was adjourned at 10:46 a.m.

Chairperson

ATTEST: HARVEY RUVIN, Clerk

By: _____
Kay Sullivan, Deputy Clerk