



**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

January 24, 2008

As Advertised

Harvey Ruvin, Clerk
Board of County Commissioners

Kay Sullivan, Director
Clerk of the Board Division

Zorana Gainer, Commission Reporter
(305) 375-3570



**CLERK'S SUMMARY AND OFFICIAL MINUTES BOARD OF COUNTY
COMMISSIONERS ZONING HEARING
JANUARY 24, 2008**

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 NW First Street, Miami, Florida at 9:30 a.m., January 24, 2008, there being present upon roll call, Chairman Bruno Barreiro, Vice Chairwoman Barbara Jordan, Commissioners Jose "Pepe" Diaz, Audrey Edmonson, Carlos Gimenez, Dennis Moss, Dorrin Rolle, Katy Sorenson and Javier Souto (Commissioners Joe Martinez, Natacha Seijas, Rebeca Sosa, and Sally Heyman were absent); Assistant County Attorneys Craig Collier and Joni Armstrong Coffey; Department of Planning & Zoning Director Subrata Basu and Department of Planning & Zoning Acting Assistant Director Maria Teresa Fojo; and Deputy Clerks Kay Sullivan and Zorana Gainer.

Chairman Barreiro opened the meeting with a Moment of Silence followed by the Pledge of Allegiance.

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

Mr. Subrata Basu, Director, Department of Planning and Zoning (DP&Z) announced, in accordance with the Code of Miami-Dade County that all items on today's zoning agenda were legally advertised, all notices were mailed and all properties were posted within the prescribed timeframes. He noted that additional copies of this agenda were available in the Chambers and presented the rules of procedure to be followed during today's proceedings.

Mr. Basu presented the following application:

A. MERRINECK ESTATES L.L.C. & MEDICO INTERNATIONAL REALTY HOLDINGS L.L.C. (07-7-CZ12-3/07-69)

Mr. Ben Fernandez, Attorney, Bercow, Radell & Fernandez, expressed appreciation to the DP&Z staff for granting a deferral in November of last year and gave a brief description of the subject property. He noted that a meeting was held with the neighbors of the subject property, and the neighbors indicated that they were willing to support the application if the applicant agreed to certain conditions. Mr. Fernandez noted the following three conditions:

- 1) No ingress or egress on SW 76th Street,
- 2) a height variance for a roofline to be capped at twenty-nine (29) feet,

- 3) and additional landscaping along SW 76th Street to include a hedge or plantings within the swale area (right-of-way) as permitted by Miami-Dade County, in order to further beautify SW 76th Street and to serve as a deterrent to parking in the swale.

Mr. Fernandez pointed out that the subject property was currently zoned RU-5A (semi-professional office district) and had been zoned RU-5A since 1985. Later in 1989, he stated, when the county adopted its Comprehensive Development Master Plan (CDMP), the subject property was officially designated the site for office residential development. Despite this fact, Mr. Fernandez stated, the property was used for a quasi-agricultural/retail operation (a nursery), and this was inconsistent with the CDMP as well as the zoning district for this property.

Mr. Fernandez discussed the conditions of the application, noting that one of the neighbors requested that a chain link fence be erected along the property. He noted the applicant agreed to do this if it was acceptable to DP&Z. He further noted the applicant also provided landscaping within the abutting swale area, which was owned by Miami-Dade County, as well additional landscaping within the swale area across the street abutting an office building to the north. Mr. Fernandez noted that this was done due to a parking problem in the past.

Chairman Barreiro opened the public hearing on the foregoing proposed application, and the following individual(s) appeared in support of the foregoing application:

- Mr. Pablo Acosta, Resident

There being no other persons to appear before the Board, the public hearing was closed.

Commissioner Gimenez expressed concern regarding the request to erect a chain link fence. He asked if the fence would run parallel to south west 76th Street, and asked Mr. Basu if a chain link fence was feasible at the subject property.

Mr. Basu responded to Commissioner Gimenez's concerns regarding , noting that the fence would run parallel to south west 76th Street, however, a chain link fence would not be aesthetically pleasing; Mr. Basu suggested camouflaging the chain link fence with landscaping (hedges) on both sides of the fence.

Commissioner Gimenez concurred with Mr. Basu regarding the aesthetic qualities of erecting a chain link fence and noted that adding hedges to conceal the chain link fence would be more aesthetically pleasing and asked staff to add this as a condition.

Discussion ensued regarding the height of the proposed chain link fence.

Commissioner Gimenez suggested the fence be 48 inches in height.

It was moved by Commissioner Gimenez that request numbers one (1) and three (3) be denied and that DP&Z's recommendations be approved with the following three conditions as a part of the covenant. This motion was seconded by Commissioner Diaz and upon being put to a vote, passed by a vote of 9-0 (Commissioners Heyman, Martinez, Seijas and Sosa were absent).

The foregoing resolution was adopted by the Board and is set forth in the Record of Resolutions and assigned #Z-01-08.

1. ISMAEL AND AMNERIS VALDES (07-10-CZ12-2/07-87)

Ms. Melissa Tapanes Llahues, Bercow & Radell, Attorney representing the applicant, noted that the applicant was requesting rezoning from AU to EU-M. She noted that DP&Z had issued a favorable recommendation regarding the foregoing application.

Chairman Barreiro opened the public hearing on the foregoing proposed application, and the following individual(s) appeared in support of the foregoing application:

- Mr. Bill Reilly, 6705 SW 37th Avenue

There being no other persons to appear before the Board, the public hearing was closed.

Commissioner Gimenez stated he wanted to insure that approval of this application was limited to two lots and that only two homes would be built on the subject property.

It was moved by Commissioner Gimenez that DP&Z's recommendation be approved. This motion was seconded by Commissioner Diaz and upon being put to a vote, passed by a vote of 9-0 (Commissioners Heyman, Martinez, Seijas and Sosa were absent).

The foregoing resolution was adopted by the Board and is set forth in the Record of Resolutions and assigned # Z-02-08.

2. JULIO C. MOLINA (07-9-CZ14-1/06-37)

Mr. Simon Ferro, 1221 Brickell Avenue, Attorney representing the applicant, gave a brief description of the foregoing proposed application. He noted that the applicant was appealing the denial of the request for EU-1 zoning. Mr. Ferro stated that currently, several undeveloped properties surrounding the subject property were zoned EU-1 and that the applicant's request was consistent with the Comprehensive Development Master Plan. He further stated that DP&Z had submitted a positive recommendation.

Chairman Barreiro relinquished the Chair to Vice Chairwoman Jordan.

Commissioner Sorenson expressed her concern regarding prematurity, noting, however, that she was in favor of the foregoing proposed application.

It was moved by Commissioner Sorenson that DP&Z's recommendation be approved. This motion was seconded by Commissioner Diaz and upon being put to a vote, passed by a vote of 8-0 (Chairman Barreiro; Commissioners Heyman, Martinez, Seijas and Sosa were absent).

The foregoing resolution was adopted by the Board and is set forth in the Record of Resolutions and assigned #Z-03-08.

3. MAURO E. VARENA (07-10-CZ14-4/07-162)

Mr. Rick Ruiz, 240 Palm Avenue, Attorney representing the applicant, gave a brief description of the applicant's requests. Mr. Ruiz stated that a zoning separation between AU and EU was established in 1948 and revised in 1951. He noted the purpose of the separation was to distinguish this area in regard to agricultural and estate living. Mr. Ruiz noted that because of the zoning revision, the area had an AU zone wrapped around and EU zone, which he depicted via exhibits. He explained that the intent was for property owners to establish residence and have the agricultural use in conjunction with their ownership. Mr. Ruiz pointed out lots that had been subdivided and were less than the five acres in size which were required by the AU designation, that approximately 66% of the land was dedicated for residential and 34% agricultural use, and that this proved that the proposed application was compatible to the surrounding area.

Vice Chairwoman Jordan opened the public hearing on the foregoing proposed application, and the following individual(s) appeared in opposition to the foregoing application:

- Mr. Jim Adamson, 18450 SW 212 Street
- Mr. John Ricks, 21400 SW 184th Avenue
- Ms. Amy Creekmer (phonetic) 18450 SW 212 Street
- Mr. Marcus Hernandez, 21401 SW 187th Avenue
- Mr. Tom Lundsted, 18455 SW 212

The following individual(s) appeared in support of the foregoing proposed application:

- Mr. Mauro Varena

Mr. Varena noted that it was his intent to build housing on the application site and noted that new homes would not destroy the neighborhood. Mr. Varena further noted that he had improved the area by removing refuse from the subject property.

There being no other persons to appear before the Board, the public hearing was closed.

Commissioner Moss inquired regarding old zoning within the area surrounding the subject property.

Mr. Basu responded, noting that in 1974 the agricultural zoning required five acres to build a house, at that time, anything less than an acre was grandfathered in, and that no variances had been allowed within the area since 1974.

Commissioner Moss noted that allowing variances to an area that had adhered to a policy set in 1974 could open up other areas to the same kinds of considerations.

It was moved by Commissioner Moss that the Department of Planning and Zoning's recommendation be approved. This motion was seconded by Commissioner Sorenson and upon being put to a vote, passed by a vote of 8-0 (Commissioners Gimenez, Heyman, Martinez, Seijas and Sosa were absent).

The foregoing resolution was adopted by the Board and is set forth in the Record of Resolutions and assigned #Z-04-08.

All exhibits submitted for the record at the day's meeting were transferred to the care, custody and control of the Department of Planning and Zoning.

There being no further business to come before the Board, upon motion duly made, seconded and carried, the zoning meeting was adjourned at 12:09 p.m.

Chairman Bruno A. Barreiro

ATTEST: HARVEY RUVIN, Clerk of Courts

By: _____

Kay Sullivan
Deputy Clerk