

Zoning Meeting, Miami-Dade County, Florida, February 24, 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 9:30a.m., February 24, 2005, there being present upon roll call the Honorable Chairman Joe A. Martinez and Vice Chairman Dennis C. Moss; Commissioners Bruno A. Barreiro, Carlos A. Gimenez, Barbara J. Jordan, Katy Sorenson and Sally A. Heyman (Commissioners Jose "Pepe" Diaz, Dorrin D. Rolle, Natacha Seijas and Javier D. Souto arrived later; Commissioners Barbara Carey-Shuler and Rebeca Sosa were absent); Assistant County Attorneys Joni Armstrong-Coffey, Craig Collier, and Robert Krawcheck; Department of Planning and Zoning Director Diane O'Quinn Williams; Department of Planning and Zoning Assistant Director for Zoning Alberto Torres; and Deputy Clerks Diane Collins and Alicia Stephenson.

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

Department of Planning and Zoning (DP&Z) Director Dianne O'Quinn Williams announced, 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 stated additional copies of the agenda were available in the Chambers and presented the rules of procedure to be followed during today's proceedings. Ms. O'Quinn Williams stated that an official translator was present in the Chambers for those individuals requiring such assistance.

A. Ms. O'Quinn Williams, Director, Planning and Zoning Department presented the following application:

SUMMERVILLE DEVELOPMENT INC.(03-12-CZ15-2/03-262) 19-56-40 BCC/District 8

Mr. Kent Harrison Robbins, 1224 Washington Avenue, Miami Beach, attorney representing Manuel Dortaduque, requested that the Board defer this application to March 3, 2005.

Mr. Alan Krischer, 701 Brickell Avenue, attorney representing Ojus LLC agreed with Mr. Robbins' request for deferral.

Assistant County Attorney Robert Krawcheck was absent during the request for deferral.

It was moved by Commissioner Sorenson that this item be deferred to March 3, 2005. This motion was seconded by Vice Chairman Moss and upon being put to a vote, passed by a vote of 7-0 (Commissioners Barreiro, Carey-Shuler, Diaz, Rolle, Sosa and Souto were absent).

B. Ms. O'Quinn Williams, Director, Planning and Zoning Department presented the following application:

BMS OJUS LLC (04-10-CZ2-2/04-67)

03-52-42BCC/District 4

Mr. Howard Scott, appeared before the Board, stating that he was the attorney representing the Ojus Homeowners' Association present on an appeal of a decision by the Community Zoning Appeals Board 2 granting zoning request changes to the applicant, BMS Ojus LLC.

Mr. Jeffrey Bercow, attorney representing BMS Ojus LLC, requested a resolution which would authorize Mr. Scott to represent the Ojus Homeowners' Association, Inc. and which took a position in opposition to the proposed application.

Mr. Scott stated that he did not have such a resolution.

In response to Chairman Martinez' question as to whether it would be proper for Mr. Scott to represent the Ojus Homeowners' Association, Assistant County Attorney Robert Krawcheck stated that such a resolution was not required. He added that Mr. Scott was not prohibited from speaking.

In response to Chairman Martinez' question as to whether the resolution existed, Mr. Scott said that it did.

Mr. Bercow said he believed the resolution did not exist and objected.

The following individuals appeared before the Board to support the appeal of this application:

- Mr. Howard Scott, attorney representing the Ojus Homeowners' Association, Inc
- Ms. Alicia Rook, 1971 NE 188 Street

Following discussion, the appellant requested that Mr. Charles Baron not speak in objection to this application to avoid problems appealing this application.

Commissioner Moss asked if the Board could include a provision in the Code of Miami-Dade County prohibiting or discouraging community council members from testifying before the County Commission. Mr. Krawcheck agreed to provide an answer at a later time.

Mr. Scott made a presentation on why the proposed storage facility on the application site was inconsistent with the Ojus Charrette Master Plan.

The following individuals appeared before the Board in opposition to the foregoing appeal:

- Mr. Jeffrey Bercow, attorney representing BMS Ojus LLC
- Mr. Michael Larkin, attorney representing BMS Ojus LLC
- Mr. Alan Singer, 195 Street, Riverwood
- Ms. Karen Montague, 13899 Biscayne Boulevard

Mr. Larkin made a presentation on the applicant's request for a zoning change from RU-3M to BU-2 on the northern half of the application area and to IU-1 on the southern half. He stated that the applicant proposed that a storage facility be built on the application site.

Ms. Deena Bell, 7520 SW 57 Avenue, a landscape architect, then explained the landscaping plan and responded to Chairman Martinez' questions about tree height.

Mr. Jack Luft, 1717 Winward Way, Sanabel Island, appeared in opposition to the foregoing appeal. He noted that a letter he wrote to Ms. O' Quinn Williams dated February 3rd stated that no restriction existed on the height of the proposed facility and that this project complied with 13 categories of the Ojus Charette report and recommendations.

Mr. Clyde Judson, principal/president of Judson and Partners, stated that his company coauthored the Ojus Charette Master Plan. He provided a synopsis of the plan. Mr. Judson agreed with the letter written by Mr. Luft.

Mr. Jeffrey Bercow made closing remarks, followed by a rebuttal from Mr. Scott.

Commissioner Heyman stated that this application would have no adverse school impacts, would revitalize the area, and would incorporate suggestions from the Ojus Charette Guidelines. Commissioner Heyman moved that the Board deny the appeal and approve the application, with the acceptance of the proffered covenant. This motion was seconded by Commissioner Gimenez.

In response to Commissioner Sorenson's questions regarding the number of affordable housing units in the mobile home park that would be removed if this application was approved and whether there was a plan to replace the units, Ms. O'Quinn Williams said that about 25 to 30 trailers would be removed and that residential opportunities existed north of the application area. Mr. Bercow noted that a report prepared by Mr. Andy Dolcart, the author of the Ojus charrette report, showed that there were additional affordable housing opportunities in the area for residents of the mobile home park as required by State law.

Upon being put to a vote, Commissioner Heyman's motion passed by a vote of 9-0 (Commissioners Carey-Shuler, Diaz, Seijas and Sosa were absent).

Commissioner Souto asked the Planning and Zoning Director to provide him with records of Community Council meetings involving the approval of the self storage facility at S.W. 99 Avenue near Bird Road.

Commissioner Souto asked for a status report on the beautification study for Bird Road between the Turnpike and the Palmetto Expressway. He asked that the study be completed as soon as possible.

Commissioner Moss asked the Planning and Zoning Director to continue to consider how to make the appearance of self-storage facilities more like office complexes and more compatible with the surrounding neighborhoods.

Commissioner Sorenson asked Ms. O'Quinn Williams to decrease the timeframe between charrettes and ordinances implementing charrette recommendations.

Chairperson

ATTEST: HARVEY RUVIN, Clerk

By: _____
Kay Sullivan, Deputy Clerk