



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

Board of County Commissioners
Stephen P. Clark Government Center
111 NW 1st Street
Miami, Florida 33128

March 3, 2005

Harvey Ruvin, Clerk
Board of County Commissioners

Kay Sullivan, Director
Clerk of the Board Division

Flora Real, Commission Reporter
(305) 375-1299



Zoning Meeting, Miami, Florida, March 3, 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 10:05 a.m., there being present upon roll call, Chairman Joe Martinez, Commissioners Dr. Barbara Carey-Shuler, Jose "Pepe" Diaz, Carlos Gimenez, Sally Heyman, Dennis Moss, Dorrin Rolle, Natacha Seijas, Rebeca Sosa, and Katy Sorenson (Commissioner Bruno Barreiro was late); (Commissioners Barbara Jordan and Javier Souto were absent); Assistant County Attorneys Robert Krawcheck, Abigail Price-Williams, and Craig Collier; and Deputy Clerks Diane Collins and Flora Real.

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

The Interpreters were sworn in by the Clerk.

Ms. Diane O'Quinn-Williams, Director of the Planning of Zoning Department, announced in accordance with the Code of Miami-Dade County, all items on today's zoning agenda had been legally advertised, notices mailed, and the properties posted with additional copies of the agenda available in the Commission Chambers. She presented the procedures to be followed during today's proceedings, noting items would be called up to be heard by agenda number and name of the applicant or appellant. She stated the record of the hearing on each application will include the records of the Department of Planning and Zoning including whether it was an appeal from the Community Zoning Appeals Board, and a transcript of that hearing. She stated that all of the mentioned items were physically available today to all interested parties and the members of the Board. She noted that the parties had the right of cross examination.

Chairman Martinez called the meeting to order and asked for any changes to today's agenda.

B. SUMMERVILLE DEVELOPMENT, INC. (03-12-CZ15-2/03-262) 19-56-50 **BCC-District 8**

Mr. Alan Kirscher (phonetic), law offices located at 701 Brickell Avenue, Miami, Florida, attorney representing Summerville Development, Inc., appeared before the Board and requested the foregoing application be deferred to the Zoning meeting scheduled for April 21, 2005.

Ms. Brooke Ferenchak, law offices located at 1224 Washington Avenue, Miami Beach, Florida, attorney representing the appellants, The Farm, Inc. and Manuel Dorta Duque, appeared before the Board and stated there were no objections to the request to defer the foregoing item.

There being no objections, it was moved by Commissioner Sorenson that the foregoing application be deferred to the Zoning meeting of April 21, 2005. This motion was

seconded by Commissioner Heyman; and upon being put to a vote, passed by a unanimous vote of 10-0. (Commissioners Barreiro, Jordan, and Souto were absent)

Department Director O'Quinn-Williams noted the foregoing zoning application would be deferred to April 21, 2005, without further advertising.

A. DEVON RAMCHARAN (O3-9-CZ8-5/03-190)

2-53-41

Area 8/District 2

Mr. Robert Holland, law offices located at 5955 N.E. 4th Court, Miami, Florida, attorney representing the appellant, Devon Ramcharan, appeared before the Board and noted that the foregoing item was appealing the decision of the Community Zoning Appeals Board (CZAB) which denied a request to change a zoning classification from BU-2 to BU-3 to permit an used auto sales dealer to operate on a 0.35 acre lot size when the Miami-Dade County Code required at least one (1) acre. He advised that the request to change the zoning classification included a restrictive covenant limiting that use to strictly used auto sales or a non-use variance under Miami-Dade Code 33-311(A)(4)(B).

Mr. Holland presented his arguments in support of the foregoing item and commented that the Board of County Commissioners had commissioned a study on the proliferation of used car dealers and passed an ordinance to address the concerns of the residents of Commission District 2 as a result of the findings of that study. He noted that the application requesting a zoning reclassification was filed before the CZAB prior to the study being commissioned.

Mr. Holland commented that most of the concerns expressed by the residents of the area regarding the proliferation of used auto dealers along the corridors of N.W. 7th and 27th Avenues were due to the decline in the appearance of the facilities and its impact on the neighborhood. He noted that the restrictive covenant was part of the foregoing application at the time the CZAB considered it. He advised that the restrictive covenant restricted the use of the property to strictly operate a used auto sales dealer, and it also provided for the following maintenance requirements:

- 1) that the property be properly maintained throughout the course of its life to also require that the property be painted every five years or no less than five years;
- 2) that an irrigation system be maintained for the landscape;
- 3) that the landscape was not allowed to deteriorate;
- 4) that the right of way not be utilized for excess parking; and
- 5) that the restrictive covenant be posted on the glass wall by the doorway of the subject establishment.

Mr. Holland suggested that the Board of County Commissioners should review the feasibility of adopting as a policy the requirement that other similar establishments be required to post by the doorway their restrictive covenant.

Mr. Holland noted that only one resident from the N.W. 7th Avenue corridor objected to the approval of the application when it was originally submitted.

Mr. Holland stated that Mr. Ramcharan had purchased the property from L.P. Evans under the understanding the property could be used for a used auto sales dealer; but shortly after purchasing the property, he became aware the property could not be utilized as intended. He commented on the impact of the proliferation of businesses along the N.W. 27th and 7th Avenue corridors. He noted that approval of the request to either change the zoning classification from BU-2 to BU-3 or for a non-use variance was consistent with the other uses already in the subject area. He also stated that the restrictive covenant would provide protection to the community in terms of preventing the deterioration of the facility.

Mr. Holland noted that additional signatures had been collected from the impacted residents in support of the petition after the restrictive covenant was shown. He submitted approximately 70 additional signatures, for the record, which included a few from the surrounding vicinity.

Assistant County Attorney Robert Krawcheck clarified that Mr. Holland had stated that the appellant was seeking either the change in zoning classification or the non-use variance, but both changes would be required.

Ms. Beverly Forbes, residing at 1161 Little River Drive, Miami, Florida, representing the North Shore Community and Neighborhood Association, appeared before the Board and spoke in opposition to the approval of the foregoing petition. She commented on the safety risks and inconveniences imposed on the residents of the neighborhood if the petition was approved.

Mr. Leon Valentine, residing at 3831 Grand Avenue, Miami, Florida, appeared before the Board on behalf of an adjacent property owner, Sommers (phonetic) Motors, located at 9696 N.W. 7th Avenue, Miami, Florida, and spoke in opposition to the approval of the foregoing petition. He noted that the property size was much smaller than the required one acre and it would set precedence for similar businesses.

Mr. Holland responded to Ms. Forbes' safety concerns by stating that mechanical repair services would not be performed on the premises.

Mr. Holland commented on the depth of the N.W. 27th and 7th Avenue corridors and suggested both corridors should be expanded to meet commercial standards.

Upon concluding the discussion on the requirements imposed on the applications of recently approved used auto dealers and the requirements of the ordinance adopted by the Board, Commissioner Rolle commented on the study commissioned by the Board and the ordinance adopted requiring certain criteria to be met to operate a used car dealer. He noted that it would set precedence if the appeal was approved and stated that he would like to maintain the established requirements.

It was moved by Commissioner Rolle that the foregoing appeal for the application of Devon Ramcharan be denied without prejudice. This motion was seconded by Commissioner Sorenson; and upon being put to a vote, passed by a unanimous vote of 11-0. (Commissioners Jordan and Souto were absent)

Chairman Martinez suggested that the property could be used as a parking facility for the auto mall being established across from the subject property.

1. CENTURY PRESTIGE II, L.L.C. (05-3-CC-1/04-252)

9-52-40

BCC/District 12

In response to Commissioner Diaz's request, Ms. O'Quinn-Williams advised staff had recommended approval of the foregoing application subject to certain conditions and acceptance of a proffered covenant. She noted that the proffered covenant contained many provisions binding this particular project to a specific site plan and other requirements regarding the operation of the property such as no loud speakers in the property to avoid incompatibility within the neighborhood. She noted Mr. Mayol would be furnished with a copy of the proffered covenant.

In response to Commissioner Diaz's inquiry, Mr. Mayol stated that he understood and accepted the terms of the proffered covenant.

It was moved by Commissioner Diaz that the application for Century Prestige II, L.L.C., be approved as recommended by staff and with the appropriate covenant. This motion was seconded by Commissioner Sosa; and upon being put to a vote, passed by a unanimous vote of 12-0. (Commissioner Jordan was absent)

ADJOURNMENT

There being no further business to come before the Board of County Commissioners, the Zoning meeting was adjourned at 10:40 a.m.