



**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

November 9, 2006
As Advertised

Harvey Ruvlin, Clerk
Board of County Commissioners

Kay Sullivan, Director
Clerk of the Board Division

Zorana Gainer, Commission Reporter
(305) 375-3570



Zoning Meeting, Miami, Florida, November 9, 2006

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 9:55 a.m., there being present upon roll call, Chairperson Joe Martinez, Vice Chairperson Dennis Moss, Commissioners Audrey Edmonson, Carlos Gimenez, Sally Heyman, Barbara Jordan, Dorrin Rolle, Natacha Seijas, Katy Sorenson, Rebeca Sosa; (Commissioner Bruno Barreiro would attend the Special Board of County Commissioners session later); (Commissioners Joes “Pepe” Diaz and Javier Souto were absent); Assistant County Attorneys Joni Armstrong Coffey and Craig Collier, Department of Planning and Zoning Director Diane O’ Quinn Williams; Mr. Albert Torres, Assistant Director, Department of Planning and Zoning; and Deputy Clerks Kay Sullivan and Zorana Garner. (Prepared by Akira Spann)

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

Department of Planning and Zoning Director Diane O’ Quinn Williams 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. She stated that additional copies of the agenda were available in the Chambers and presented the procedures to be followed during today’s proceedings. Ms. O’Quinn Williams advised that in Miami-Dade County v. Omnipoint Holdings, Inc., the Third District Court of Appeal had held invalid the standards for non-use variances, special exceptions, unusual uses, new uses requiring a public hearing and modifications of conditions and covenants. She noted that County Attorney’s Office was seeking review of the decision in the Florida Supreme Court. Ms. O’ Quinn Williams advised while that case was pending, a decision was in effect and binding on all parties and its impact was to suspend consideration of zoning applications for most special exceptions, unusual uses, non-use variances and modifications of conditions and covenants. She noted that is the interim, staff had developed and proposed to the Board certain ordinances that would provide interim standards for limited categories of applications. Ms. O’ Quinn Williams advised if these standards were enacted certain applications may be able to proceed to a hearing, however, absent a reversal by the Courts or enactment of revised regulations, the public hearing on existing applications would be delayed until the pending litigation was resolved.

Chairperson Martinez called for any changes to the day’s agenda.

1. IDALBERTO & ELOISA RODRIGUEZ (06-6-CZ10-2/05-322)

Mr. San Roman, 12515 Kendall Drive, Attorney representing the application appeared before the Board and requested a deferral due to the Planning Consultants’ absence. He requested the item be rescheduled for consideration on the December 7, 2006 Zoning Meeting.

Chairman Martinez opened the meeting for public input; the following persons appeared in opposition to the deferral request:

Ms. Jeanette Mirabel, 6213 S.W. 26 Street

Ms. Pilar Benetiz, 2431 S.W. 63 Avenue

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

Mr. San Roman explained the Planning Consultant was absent due to a City of Miami Meeting that convened concurrently with today's (11/09) meeting.

It was moved by Commissioner Sosa that the request for deferral be denied. This motion was seconded by Commissioner Moss, and upon being put to a vote, passed unanimously by those members present.

Mr. San Roman requested that items #5, #6 and #9 be withdrawn, and noted the original request for withdrawal of those items was outlined in a letter dated June 23, 2006. He stated the applicant would pursue items #1 or #2 as advertised. Mr. San Roman noted the property was unique due to existing commercial use in the area. He stated the applicant should be allowed the same commercial uses of his property as other commercial properties in close proximity.

Chairman Martinez opened the public hearing, and the following individuals appeared in opposition of the foregoing application:

Ms. Pilar Benetiz, 2431 S.W. 63 Avenue

Ms. Jeanette Mirabel, 6213 S.W. 26 Street

Mr. San Roman noted the protesters of the foregoing application did not understand the impact to those residing near the property site. He urged the Board to consider the application and determine that the property was no longer attractive as a residential use.

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

Commissioner Sosa noted residents in the community completed a charette, and questioned whether proof of hardship was necessary to move from an RU-1 to and RU-5A. Assistant County Attorney Joni Armstrong Coffey advised that a proffer of hardship was not necessary however, use variance to permit RU-5A uses in the RU-1 zoning district required proof of hardship.

Responding to Commissioner Heyman's question regarding the details of the charette, Commissioner Sosa advised the community wished to maintain the residential character of the area.

It was moved by Commissioner Sosa that the appeal of Idalberto & Eloisa Rodriguez be denied without prejudice. This motion was seconded by Commissioner Sorenson, and upon being put into a vote, passed by a vote of 10-0, (Commissioners Barreiro, Diaz, and Souto were absent).

A. CENTURY BUSINESS PARK, LLC (06-7-CZ11-1/05-274)

Ms. O'Quinn Williams noted the Development Impact Committee (DIC) recommended approval of the foregoing application, subject to the Board's acceptance of the proffered covenant. She stated that Ms. Esther Calas, Public Works Department (PWD) Director, prepared a revised memorandum outlining traffic concurrency for the Board's review. Ms. O'Quinn noted that she recommended the Board's approval of the DIC recommendations subject to conditions.

Mr. Jose Abreu, Director, Miami-Dade Aviation Department Director, appeared before the Board, and stated that the department objected the original application and recommended an appeal. Mr. Abreu noted that the development was within the Outer Safety Zone (OSZ) and was not pursuant to the ordinance. He stated the revised application complied with the OSZ.

Mr. Juan Mayol, 701 Brickell Avenue, Attorney representing the applicant appeared before the Board and requested approval of the foregoing application and appeal. He stated that zoning in the area comprised of a variety of residential densities, and the applicant planned to maintain compatibility with existing development trends. He stated that the original plan for 508 units was reduced to 446 units in an attempt to comply with OSZ regulations, which permitted residential developments within boundaries to have a density of less than two units per acre.

Mr. Tim Plummer, Traffic Expert, 1750 Ponce De Leon Boulevard, appeared before the Board, and stated that commercial projects would lead to a 70% increase in traffic while residential projects produced less traffic. Mr. Plummer noted that his company was asked to develop improvements for the intersection of S.W. 120 Street & S.W. 137 Avenue.

Mr. Semal Harmon, Aviation Planning Department, noted that the department surveyed the property and was currently appraising its value. He stated that the general acquisition with federal approval could take at least three to six months to complete.

Mr. Mayol advised the applicant would submit plans for development within 90 days of approval of the proposed application, and construction would be completed within 180 days, subject to approval from PWD.

Assistant County Attorney Joni Armstrong Coffey advised that a 90-180 day requirement existed but there was no hold on the first 50% developed units.

Responding to Chairman Martinez's question regarding the status of construction of S.W. 157 Avenue North, Mr. Raul Pino, Public Works Department (PWD) Land Development

Division, advised that designs for a section from S.W. 112 to S.W. 120 Street would be completed by November 6, 2006, with construction to begin on June 7, 2006. He stated that designs for the second section from S.W. 120 Street to S.W. 136 would be completed by May 2007 with construction to begin by January 2008.

Ms. Kathy Wilberg, 12920 S.W. 128 Street, appeared before the Board and explained the impact the project would have on local school capacity.

Mr. Stanley Dunn, an Acoustics Consultant, appeared before the Board and noted the project was not within harmful noise levels, and was compatible considering the development's close proximity to the airport.

Chairman Martinez opened the public hearing and the following individuals appeared and expressed their concerns.

Mr. Hector Varela, 15231 S.W. 154 Avenue, appeared before the Board and expressed support of the foregoing application.

Mr. Keith Holder, 15221 S.W. 114 Terrace, appeared before the Board and expressed support for the foregoing application.

Mr. Robert Lopez, 15367 S.W. 112 Terrace, appeared before the Board and expressed support for the foregoing application.

Ms. Ana Valdes, 15481 S.W. 115 Terrace, appeared before the Board and expressed support for the foregoing application.

Dr. David Bennett, 15830 N.W. 83 Place, appeared before the Board and expressed opposition for the foregoing application.

Mr. David Bodley, 13913 S.W. 84 Street, appeared before the Board and expressed opposition for the foregoing application.

Mr. Thomas Shaffer appeared before the Board and suggested that flight testing be banned at Tamiami Airport due to a dense population.

Mr. Rodriguez, 1450 N.E. Second Avenue, appeared before the Board and expressed opposition for the foregoing application.

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

Mr. Mayol noted that the applicant researched the safety issue and discovered that only three accidents had occurred outside of airport property in the last 28 years.

Responding to Commissioner Moss' question regarding the revised application, Mr. Neil Harmon advised that OSZ was an area typically populated with low intensity industrial

uses or low density residential housing. He stated that the original application called for more residential housing that zoning allowed, but some housing was re-located out of the OSZ through mitigations. Mr. Harmon noted that research showed that majority of accidents within close proximity of airports occurred during landing operations at the center line; and the applicant was advised to move units away from that area. He stated that noise impacts would occur; and under Federal Aviation Administration (FAA) criteria, decibel levels of 65 or under were acceptable. Mr. Harmon noted that the development fell under acceptable noise levels, and that construction would not shut down runways.

Commissioner Moss inquired about alleviating traffic during the construction phase of the development. Mr. Paul Rino noted that Citizen's Independent Transportation Trust (CITT) approved the design contract in March 2006, and 50% of the design should be completed by May 2007. He stated that construction would start in January 2008, and last for the duration of the year.

Commissioner Moss expressed concerns regarding planes taking off over housing units, and the status of the waiver. Assistant County Attorney Coffey advised that she did not feel there was anything unconstitutional, that a notice was provided, and restrictions of the title were on public record. She stated that the developer had to provide various notices, which were recorded as public record.

Responding to Commissioner Sorenson's concern regarding the safety and noise implications, Mr. Mayol noted that exposure to 65 decibels or less did not require sound mitigation. He stated that the developer would mitigate although the development was not in a zone that prohibited residential noise.

Commissioner Sorenson expressed concern regarding traffic around the development. Mr. Mayol noted that the development had connections to the main road. He stated that an area north of the development was built in the 1990s; the northern portion was residential and the southern portion was industrial. Mr. Mayol noted that no connections would be developed between the residential and industrial areas, in an attempt to preserve the integrity of the community.

Ms. O'Quinn noted that the depletion of industrial land was a matter of concern in the Comprehensive Development Master Plan (CDMP), which was approved. She stated that a memorandum was issued regarding the opportunity for office spaces given the amount of residential housing in the area.

Commissioner Sorenson noted the overcrowded schools in the area, and the School Board's decision to reject the development without additional mitigation. Mr. Rodriguez noted that applications were analyzed once they are received; and that new information was not analyzed because that would disrupt their analysis process.

Responding to Commissioner Sorenson's question regarding their acceptable mitigation options, Mr. Rodriguez advised that the options went as follows: monetary donation, land

donation, additional construction on existing schools, or a combination of all three options.

Commissioner Sorenson asked whether affordable housing was created for this development.

Mr. Mayol noted that this option had not been included, and sale prices were above the workforce housing level; however, workforce housing levels could not be included as a result of the decrease in of units for this development.

Commissioner Jordan noted that workforce was relative to the area, and was not locked into the income category alone. She stated that whether there were units with starting cost of \$250,000, an agreement to produce units with a cost of \$200,000 fell within the range of workforce. Commissioner Jordan noted that the current Ordinance had an income category. She stated that she spoke with attorneys in regards to examining an application to include a variety of housing cost so that they were relative to the area.

Mr. Mayol noted that the development was designed with that price range, but it was fiscally impossible to reduce the prices of housing units. He stated that the reduction in housing units resulted in a profit loss.

Due to the attendance of numerous supporters of the foregoing appeal, Commissioner Rolle asked that they stand and be recognized. He referred to the transcript of a Community Council meeting and asked a resident about approaching the developer and asked them that area in a manner that was more compatible to the community.

Chairman Martinez asked about the right turn lane and the signal on S.W. 120th Street. Mr. Pino advised that it could be added as a condition that it be implemented.

Chairman Martinez asked when the paving of S.W. 152nd Avenue would begin. Mr. Ceasar Llamas, 7270 N.W. 12th Street, noted that once the permits were received they would complete the paving.

Mr. Mayol noted that no single units other than model home units would be occupied until the improvement was made.

It was moved by Commissioner Moss that the application and appeal of Century Business Park L.L.C. be approved as revised to read as follows: "Approval of revised request #1 on parcel A. Approval of request #2 on parcel B. Approval of request #3 and #4 on parcel C. Applicant is to comply with the Kendall/Tamiami Executive Airport Outer Safety Zone (OSZ) regulation and must provide a buffer the reduce noise. Notice requirements must be included in agreements involving the sale of any dwelling units within the subject development; traffic concurrency must be met; covenant must be submitted to the Department of Planning and Zoning within 90 days; and construction must be completed within 180 days." This motion was seconded by Commissioner Edmonson, and upon

being put to a vote, passed with a vote of 8-1 (Commissioner Sorenson voted No); (Commissioners Barreiro, Diaz, Jordan, and Souto were absent).

Upon conclusion of the foregoing, the Board of County Commissioners convened in special session at 12:24 p.m. to consider the appointment of the Corrections and Rehabilitations Department Director, the minutes of which are on file in the Office of the Clerk of the Board of County Commissioners.

All deferral dates on applications considered during the day's meeting were publicly announced.

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 12:24 p.m.

Chairperson

ATTEST: HARVEY RUVIN, Clerk

By: _____
Kay Sullivan
Deputy Clerk

ZONING ACTION

MEMORANDUM

Harvey Ruvin
Clerk of the Circuit and County Courts
Clerk of the Board of County Commissioners
 (305) 375-5126
 (305) 375-2484 FAX
 www.miami-dadeclerk.com



AGENDA ITEM NO. A

DATE: 11/9/2006

#Z-39-06

APPLICANT: CENTURY BUSINESS PARK, L.L.C

MOTION: Approved Application and Appeal as revised, subject to the Board's acceptance of the proffered covenant. Approved revised Request #1 on parcel A; Approved revised Request #2 on parcel B; and Approved Requests #3 through #4 on parcel C. Applicant to comply with the Kendall/Tamiami Executive Airport Outer Safety Zone (OSZ) regulation and must provide a buffer to reduce noise. Notice requirements must be included in agreements involving the sale of any dwelling units within the subject development; traffic concurrency must be met; covenant must be submitted to the Department of Planning and Zoning within 90 days; and construction must be completed within 180 days.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro				X
Diaz				X
Edmonson	S	X		
Gimenez		X		
Heyman		X		
Jordan				X
Rolle		X		
Seijas		X		
Sorenson			X	
Sosa		X		
Souto				X
Vice Chairman Moss	M	X		
Chairman Martinez		X		
TOTAL		8	1	4

AGENDA ITEM NO. 1

DATE: 11/9/2006

#Z-40-06

APPLICANT: IDALBERTO & ELOISE RODRIGUEZ

MOTION: Denied Application and Appeal without prejudice as recommended by Department of Planning and Zoning.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro				X
Diaz				X
Edmonson		X		
Gimenez		X		
Heyman		X		
Jordan		X		
Rolle		X		
Seijas		X		
Sorenson	S	X		
Sosa	M	X		
Souto				X
Vice Chairman Moss		X		
Chairman Martinez		X		
TOTAL		10	0	3

