



**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

May 10, 2007
As Advertised

Harvey Ruvlin, Clerk
Board of County Commissioners

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Zoning Meeting, Miami, Florida, May 10, 2007

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 9:57 a.m., May 10, 2007, there being present upon roll call, Chairman Bruno Barreiro, Vice Chairwoman Barbara Jordan, Commissioners Joes “Pepe” Diaz, Audrey Edmonson, Carlos Gimenez, Sally Heyman, Joe Martinez, Dennis Moss, Dorrin Rolle, Katy Sorenson, and Rebeca Sosa; (Commissioner Natacha Seijas was late); (Commissioner Javier Souto was absent on Official County Business); Assistant County Attorneys Joni Armstrong Coffey and Craig Coller; Mr. Albert Torres, Assistant Director, Department of Planning and Zoning; Mr. Subrata Basu, Assistant Director, Department of Planning and Zoning; and Deputy Clerks Kay Sullivan and Akira Spann.

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

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

Department of Planning and Zoning (DP&Z) Director Albert Torres announced, in accordance with the Code of Miami-Dade County, all items on today’s zoning agenda had been legally advised, notices mailed and the properties posted. He stated that additional copies of the agenda were available in the Chambers and presented the procedures to be followed during today’s proceedings. Mr. Torres advised that in Miami-Dade County v. Omnipoint Holding’s Inc., the Third District Court of Appeal had held invalid the standards for non-use variances, special exceptions, unusual uses, news uses requiring a public hearing and modifications of conditions and covenants. He noted the County Attorney’s Office was seeking review of the decision in the Supreme Court. Mr. Torres advised while that case was pending, a decision was in effect and binding on all parties and its impact was to suspend considerations of zoning applications for the most special exceptions, unusual uses, non-use variances and modifications of conditions and covenants. He noted in the interim, staff had developed and proposed to the Board certain ordinances that would provide interim standards for limited categories of applications. Mr. Torres advised that 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.

Chairman Barreiro called for any changes to the day’s agenda.

A. CORAL REEF DRIVE LAND DEVELOPMENT, LLC. F/K/A: IRWIN POTASH ET AL (05-10-CZ14-1/04-255)

Mr. Juan Mayol, 701 Brickell Avenue, attorney representing the applicant appeared before the Board and stated that the original application concerned 13.76 gross acres of

property located on the north side of S.W. 152 Street (Coral Reef Drive) and lay east of theoretical S.W. 97 Avenue. Mr. Mayol noted that property west of S.W. 97 Avenue was subject to a Comprehensive Development Master Plan (CDMP) application heard by the Board in March 2007, which resulted in the exclusion of that area from the amended application that focused on 5.82 acres. He stated that institutional character developed on Coral Reef Drive west of South Dixie Highway, and referred to facilities built on the land despite the areas' residential status claim.

Mr. Mayol noted that three years ago, the former property owner appeared before the Community Council and requested a zone change to plan area development (a residential classification that allowed a mixture of residential and a small component of commercial use). He stated that the application faced opposition from the local community, and the request was denied by Community Council; the applicant then recognized the property was compatible for an office plaza development to support the expansion of Jackson South Community Hospital (JSCH). He stated that a strong demand for offices was apparent throughout the county.

Mr. Mayol referred to a study conducted by CB Richard Ellis (a multi-national real estate company) which indicated an 8.1% vacancy rate existed throughout the county, and noted that the proposed property area had a vacancy rate of 2.7%. He stated that he discovered that money was not allocated for any type of office component in the JSCH expansion proposal. Mr. Mayol noted that the project provided an opportunity for a private-public partnership between the developer and JSCH.

Mr. Mayol noted that the applicant recognized the need to work with the community, and met with various community groups which led to changes of the application. He stated that the proposal consisted of two four-story buildings connected by a two story atrium, a drop-off/pick-up area was provided to maintain the natural flow of traffic on Coral Reef Drive, with direct access to and from the project was provided on S.W. 97 Avenue. Mr. Mayol noted that the Development Impact Committee (DIC) determined that the project had positive fiscal impact of at least \$900,000 annually in additional tax revenues to the County and the school district, that no adverse environmental impacts were present, and all support services for the project were either available or could be made available at the applicants' expenses.

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

Mr. Vaughn R. Marshall, 13900 Harrison Street, appeared before the Board and expressed his opposition to the proposed application.

Ms. Susan Blake, 11363 S.W. 165 Terrace, appeared before the Board and spoke in opposition on the proposed application.

Due to the large number of supporters for the proposed application, Commissioner Moss asked them to stand and be recognized in order to expedite the hearing.

There being no other persons to appear in connection with this item, the public hearing was closed.

Mr. Mayol noted the applicant withdrew requests #1 and 2 as advertised, and would only pursue requests # 3, 4, 5, and 6 on the 5.82 acre plan. He asked that the Board vote in favor of the proposed application.

Mr. Alberto Torres, Department of Planning and Zoning (DP&Z) Director, noted that the Developmental Impact Committee (DIC) recommended approval of request #3, subject to the Board's acceptance to the proffered covenant; approval with conditions of requests #4 through #6.

Commissioner Moss noted his support for providing a supportive environment for Jackson Memorial Hospital. He stated that Jackson was expanding in an effort to attract patients that could cover Charity Care costs.

Commissioner Sorenson noted that the county needed a hospital that served the community, which entailed the establishment of private office buildings in a close proximity to the hospital. She suggested that a bridge be built across the canal between the offices and the hospital to alleviate traffic flow on Coral Reef Drive.

Mr. Douglas Lancy, the applicant of the proposed property, appeared before the Board and noted a connecting bridge was included in the initial designs for the project.

Assistant County Attorney Joni Armstrong Coffey advised a number of conditions existed on items #4-6 and the bridge development could be added as a condition to approval.

Commissioner Moss presented an moved a resolution which approved the application and appeal of Coral Reef Drive Land Development LLC, F/K/A Irwin Potash Et Al under the DIC recommendation as follows: approval of request #3, subject to the Board's acceptance of the proffered covenant; approval with conditions of requests #4 through #6, with the amendment that the applicant attains the necessary approvals to provide a pedestrian bridge from the property to the adjacent parcel to the east over the canal. This motion was seconded by Commissioner Martinez, and upon being put into a vote, passed by a vote of 12-0, (Commissioner Souto was absent, OCB).

The foregoing resolution was adopted by the Board and is set forth in the Record of Resolutions and assigned #Z-08-07.

Mr. Torres presented the following application and appeal:

1. GENESIS PROPERTY DEVELOPMENT, LLC. (06-11-CZ14-1/05-249)

Mr. Jeffrey Berkow, 200 South Biscayne Boulevard, attorney representing the applicant appeared before the Board and noted that the property has been under the ownership of Mr. Randy Greenfield's (the applicant) family since the 1970s. He asked the Board to override the decision of Community Zoning Appeals Board (C.Z.A.B) #14, and approve the EU-1 zone change request for the 15.5 gross acres project site; and explained that the applicant had a favorable recommendation from the Department of Planning and Zoning (DP&Z) and other county departments.

Mr. Berkow noted that the property site was within Urban Development Boundaries (UDB), was designated a State Density Residential, and the zoning of the property combined EU-1 and AU. He stated that the project entailed the construction of 18 state homes, which would not be fronted on S.W. 177 Avenue (Krome Avenue) in an attempt to maintain the normal flow of traffic. Mr. Berkow noted that the applicant used Severable Use Rights (which permitted the transfer of development rights from the east Everglades outside of UDB to land inside the UDB) for the project. He stated that the C.Z.A.B #14 denied the application because the zone change approval was impulsive since agricultural use existed on both sides of the property.

Mr. Guillermo Almedieo, 330 Brickell Avenue Suite 108, Urban Planning Expert for the applicant appeared before the Board, and stated that the Generalized Land Use Map (GLUP) considered the property to be part of developed areas on State Density Residential uses since 1974. He noted that under the Growth Management Act, the Comprehensive Development Master Plan (CDMP) included the property inside the UDB for the designated density and intensity. Mr. Almedieo stated the County's CDMP established a time horizon of fifteen years; however other CDMP's in Florida allowed a twenty year time horizon, and noted that the length of time spent on a project correlated with the amount of land used.

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

Mr. Doug Cumbie, 17150 S.W. 274 Street, appeared before the Board and expressed opposition to the foregoing application.

Mr. Rene Ray, a homeowner, appeared before the Board and expressed support to the foregoing application.

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

Responding to Commissioner Sorenson's question regarding the surround areas of the property, Mr. Torres advised that those areas were used for agricultural purposes.

Ms. Coffey advised that the CDMP ranged from ten to twenty years, and the Board needed to determine an appropriate schedule for rezoning a designation within the plan. She concurred with Commissioner Sorenson's comments regarding the property's

working agricultural surroundings, a sluggish real estate market, and supported the notion that the application was premature.

Commissioner Sorenson presented and moved a resolution which denied the application and appeal of Genesis Property Development LLC to sustain the ruling of C.Z.A.B #14. This motion was seconded by Commissioner Moss, and upon being put into a vote, passed by a vote of 7-4, (Commissioners Diaz, Edmonson, Rolle, and Seijas voted No); (Commissioner Sosa was absent); (Commissioner Souto was absent, OCB).

The foregoing resolution was adopted by the Board and is set forth in the Record of Resolutions and assigned #Z-09-07.

Upon conclusion of the foregoing, the Board of County Commissioners convened in regular session at 11:21 a.m. to consider items carried over from its meeting of May 8, 2007, the minutes of which are on file in the Office of the Clerk of the Board of County Commissioners.

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 11:15 a.m.