

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

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

Thursday, July 17, 2008
As Advertised

Harvey Ruvin, Clerk
Board of County Commissioners

Kay Madry Sullivan, Director
Clerk of the Board Division

Scott Rappleye, Commission Reporter
(305) 375-5108



Clerk's Summary and Official Minutes
Board of County Commissioners Zoning Hearing
July 17, 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 N.W. First Street, Miami, Florida at 9:30 a.m., July 17, 2008, there being present upon roll call the Honorable Chairman Bruno A. Barreiro and Vice Chairwoman Barbara J. Jordan; Commissioners Jose "Pepe" Diaz, Audrey M. Edmonson, Carlos A. Gimenez, Sally A. Heyman, Joe A. Martinez, Dorrin D. Rolle, Natacha Seijas, Katy Sorenson, Javier D. Souto, Rebeca Sosa, and Dennis C. Moss; Assistant County Attorneys Joni Armstrong-Coffey and Craig Collier; Director for the Department of Planning and Zoning Marc C. LaFerrier; and Deputy Clerks Diane Collins and Scott Rappleye.

ALL WITNESSES AND INTERPRETERS WERE SWORN IN BY THE DEPUTY CLERK BEFORE MAKING THEIR TESTIMONY BEFORE THE BOARD.

Mr. Marc LaFerrier, Director, Department of Planning and Zoning, announced that in accordance with the Code of Miami-Dade County, all items on today's (7/17) agenda had been legally advertised in the newspaper, notices mailed, and the properties posted. He noted additional copies of today's agenda and all applications were available. He also noted official translators were available for individuals requiring such assistance. He presented the rules of procedure to be followed during today's proceedings.

Mr. LaFerrier presented the following application:

C. AMB CODINA BEACON LAKES, LLC (08-7-CC-2/07-20) 35/36-53-39 BCC/District 12

Ms. Rosa Davis, Principal Planner, Department of Planning and Zoning, noted that staff recommended this application be approved as recommended by the Development of Regional Impact with the proffered amendments to conditions 4.a, 4.c, and 4.d. Ms. Davis pointed out the acreage in this application was changed from 48 to 44.59 net acres, and the declaration of restrictions prohibited residential use on the 45 acre site.

The public hearing was opened and the following person appeared before the Board and spoke in support of this application:

Mr. Joseph Goldstein, 701 Brickell Avenue, attorney representing the applicant AMB Codina Beacon Lakes, LLC.

The public hearing was closed after no other persons appeared in response to Chairman Barreiro's call for people wishing to be heard.

Commissioner Heyman expressed concern regarding the impact of developing 420,000 square feet of retail space. She noted she could not support the level of impact this application would have on west Miami-Dade County.

Commissioner Moss suggested the County consider using the charrette process to create a shopping district similar to Sawgrass Mills (Sunrise, Florida) in the area of this proposal, Dolphin Mall, International Mall, and the other retail shopping sites in the area.

Commissioner Diaz noted he would follow Commissioner Moss' recommendation to prepare legislation directing the County Administration to develop a plan to create the suggested shopping district after annexation issues in that area were resolved.

Commissioner Sorenson questioned the capacity for business and office zoned development in the area of this proposal. She pointed out that this application would provide retail development and jobs in an area of the County that would require mass transportation. She noted a development order condition required the applicant to meet with Miami-Dade Transit Agency (MDT) to determine the most feasible means of serving the application site, including the potential for applicant or developer contributions, before any permits were issued. Commissioner Sorenson questioned what the developer was bound to mass transit development at the site.

Mr. John Spillman, Chief of Planning, MDT, noted MDT would work with the development team and analyze the level of service needs, the capital needs, and the operating needs for the planned development.

Mr. Goldstein noted, pursuant to condition no. 7 of this application, the developer was required to meet with MDT to devise a transit service plan for this site before the first permit was issued.

Commissioner Sorenson expressed concern that this application did not include language that would clearly bind the developer to provide financial support for transit service to the site, and she could not support this application without such an assurance.

Assistant County Attorney Joni Armstrong-Coffey advised the existing language did not commit the applicant to any transit amenity. She further advised the covenant would be more binding if it was amended to include the following language: "the applicant shall provide service plan alternatives for providing transit service to the proposed site, subject to the approval of the director of MDT."

Commissioner Sorenson requested the covenant be amended to include the language offered by Assistant County Attorney Armstrong-Coffey.

Commissioner Martinez noted MDT Metrobus Route 147 could be reinstated to provide transit service to the subject area.

Commissioner Diaz did not accept the amendment requested by Commissioner Sorenson.

It was moved by Commissioner Diaz that this application be approved as recommended by the Development of Regional Impact with the proffered amendments to conditions 4.a, 4.c, and 4.d. This motion was seconded by Commissioner Martinez.

Following further discussion regarding transit services for the subject area and Commissioner Moss' suggested shopping district, the Commission proceeded to vote, and upon being put to a vote, passed 11-2 (Commissioners Heyman and Sorenson voted "No").

(Note: The Board considered a related application to amend the Comprehensive Development Master Plan simultaneously. See minutes of the CDMP meeting held on July 17, 2008, Legistar Key No. 2549.)

Mr. LaFerrier presented the following applications:

- A. SOUTHWESTERN GRANT LLC (08-7-CC-5/07-303) 18-56-40 BCC/District 8
- B. SOUTHWESTERN GRANT, LLC (08-7-CC-6/07-318) 18/19-56-40 BCC/District 8

Mr. Juan Mayol, 701 Brickell Avenue, attorney with Holland and Knight representing the applicant, appeared before the Board. He made a presentation on the foregoing applications. He explained these two applications involved three parcels of land: Parcel A had an operating K-12 charter school with 1,100 student stations; Parcel B was currently vacant and the applicant proposed to improve this parcel and use it for parking to serve the school on Parcel A; and Parcel C was currently vacant and the applicant proposed to temporarily use this parcel for parking until Parcel B was improved, and then the applicant would improve Parcel C to eventually house a K-5 charter school with 500 student stations.

Mr. Rolando Yanis, 8323 NW 12 Street, appeared before the Board, and explained the capacity of the existing school was 2000 occupants. He noted, notwithstanding the County not requiring Charter Schools to have any outdoor recreation space, the school site had over one acre of outdoor open space for recreational purposes.

Mr. Chris Hagan, Traffic Engineer, Kimley-Horn and Associates, noted he met with the Public Works Department and identified enhancements to be made to Parcel A to improve site circulation and to add capacity for additional vehicles.

Mr. Mayol requested the Board approve these applications as recommended by the Developmental Impact Committee, subject to the property covenants.

The public hearing was opened. It was closed after no one appeared in response to Chairman Barreiro's call for people wishing to be heard.

Commissioner Sorenson expressed concern regarding the explosion of charter schools, which were under the Legislature's purview, and the impact the increase in charter schools would have on Miami-Dade County Public Schools.

It was moved by Commissioner Sorenson that the Board approve these applications as recommended by the Developmental Impact Committee, subject to the property covenants. This motion was seconded by Commissioner Diaz.

Discussion ensued among Board members regarding the purview that the County, the School Board of Miami-Dade County, and the Legislature had over charter schools.

Commissioner Sosa expressed concern regarding the request in these applications to increase student stations. She suggested the County establish a policy regarding existing charter schools increasing student stations to provide the public the same opportunity to participate as when the charter schools were originally approved.

Following further discussion regarding the impact of charter schools on the public schools system, and the purview of the School Board and the County over charter schools, Commissioner Gimenez asked the Department of Planning and Zoning Director to meet with him to evaluate the County Ordinances regarding recreational space requirements for charter schools and to discuss how to amend those ordinances to provide more open space for recreation.

Hearing no other questions or comments, the Commission proceeded to vote on the motion to approve these applications as recommended by the Developmental Impact Committee, subject to the property covenants, and upon being put to a vote, passed 10-0 (Commissioners Jordan, Martinez, and Heyman were absent).

Commissioner Moss asked the Department of Planning and Zoning Director to provide the County Commission with an overview of the Charter School Process.

Mr. LaFerrier presented the following application:

D. SUMMERVILLE CHARTER SCHOOL, INC. (08-7-CC-7/08-38)19-56-40 BCC/District 8

It was moved by Commissioner Sorenson that the Board approve the foregoing application as recommended by the Developmental Impact Committee. This motion was seconded by Commissioner Diaz.

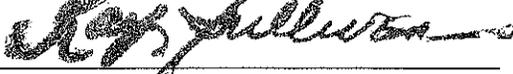
The public hearing was opened. It was closed after no one appeared in response to Chairman Barreiro's call for people wishing to be heard.

Hearing no other questions or comments, the Board proceeded to vote, and upon being put to a vote, passed by a vote of 11-0 (Commissioners Martinez and Jordan were absent).

There being no other business to come before the Board, the Zoning Hearing adjourned at 11:56 a.m.


Chairman Bruno A. Barreiro

ATTEST: HARVEY RUVIN, Clerk

By: 
Kay Sullivan, Deputy Clerk

RECEIVED
By the Clerk for the record.



JUL 17 2008

Item _____
Exhibit _____
Meeting _____

MIAMI-DADE BOARD OF COUNTY COMMISSIONERS

ORDER OF THE DAY

THURSDAY, JULY 17th, 2008

**9:30 A.M. CALL TO ORDER
ROLL CALL**

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

COMPREHENSIVE DEVELOPMENT MASTER PLAN

ZONING HEARING

SWEARING IN OF ATTORNEY/WITNESSES/STAFF

SWEARING IN OF TRANSLATOR

BCC AGENDA

WORKING LUNCH

1:30 P.M. ITEM 12A3: MILLAGE

**2:00 P.M. TRANSIT ITEMS: 5E, 801E, 11A1, 11A2, 11A3 &
SUPPLEMENT, 11A4 & SUPPLEMENT, 12B1, 14A2**

6:00 P.M. BASEBALL DISCUSSION

6:30 P.M. ADJOURNMENT

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
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JUL 17 2008

Item _____
Exhibit _____
Meeting _____



DATE: July 17, 2008

#Z-20-08

ITEM: C Requests #D1 to #D5

APPLICANT: AMB Codina Beacon Lakes, LLC
(08-7-CC-2/07-20)

MOTION: Approved application as recommended by the Development of Regional Impact with the proffered amendments to conditions 4.a, 4.c, and 4.d.

ROLL CALL	M/S	YES	NO	ABSENT
Diaz	M	X		
Edmonson		X		
Gimenez		X		
Heyman			X	
Martinez	S	X		
Moss		X		
Rolle		X		
Seijas		X		
Sorenson			X	
Sosa		X		
Souto		X		
Vice Chairwoman Jordan		X		
Chairman Barreiro		X		
TOTAL		11	2	

DATE: July 17, 2008

#Z-22-08

ITEM: A

APPLICANT: Southwestern Grant LLC (08-7-CC-5/07-303)

MOTION: Approved application as recommended by the Developmental Impact Committee, subject to the property covenants.

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

DATE: July 17, 2008

#Z-21-08

ITEM: C Requests #Z1 to #Z3

APPLICANT: AMB Codina Beacon Lakes, LLC
(08-7-CC-2/07-20)

MOTION: Approved application as recommended by the Development of Regional Impact with the proffered amendments to conditions 4.a, 4.c, and 4.d.

ROLL CALL	M/S	YES	NO	ABSENT
Diaz	M	X		
Edmonson		X		
Gimenez		X		
Heyman			X	
Martinez	S	X		
Moss		X		
Rolle		X		
Seijas		X		
Sorenson			X	
Sosa		X		
Souto		X		
Vice Chairwoman Jordan		X		
Chairman Barreiro		X		
TOTAL		11	2	

DATE: July 17, 2008

#Z-23-08

ITEM: B

APPLICANT: Southwestern Grant, LLC (08-7-CC-6/07-318)

MOTION: Approved application as recommended by the Developmental Impact Committee, subject to the property covenants.

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

ZONING ACTION

MEMORANDUM

Harvey Ruvin

**Clerk of the Circuit and County Courts
Clerk of the Board of County Commissioners**

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DATE: July 17, 2008

#Z-24-08

ITEM: D

APPLICANT: Summerville Charter School, INC.
(08-7-CC-7/08-38)

MOTION: Approved application as recommended by the Developmental Impact Committee.

ROLL CALL	M/S	YES	NO	ABSENT
Diaz	S	X		
Edmonson		X		
Gimenez		X		
Heyman		X		
Martinez				X
Moss		X		
Rolle		X		
Seijas		X		
Sorenson	M	X		
Sosa		X		
Souto		X		
Vice Chairwoman Jordan				X
Chairman Barreiro		X		
TOTAL		11	0	2

JUL 17 2008

Proposed Revised Condition 4 (DRI)

Item C
Exhibit 1
Meeting BCC Zoning

Beacon Lakes DRI Public Works Conditions 4a – d (blackline):

Revised Condition:

a. ~~A northbound acceleration lane to improve northbound travel, shall be constructed on the east side of NW 137th Avenue collecting right turn eastbound right turn traffic for NW 12th Street.~~ Modify the lane geometry at the intersection of NW 137 Avenue at NW 12 Street to provide an exclusive northbound left turn lane according to the Miami-Dade Public Works Department standards.

b. NO CHANGE

c. A traffic signal warrant study for the intersection of N.W. 14th Street and N.W. 137th Avenue shall be submitted for review and approval by the Public Works Director within 180 days of the issuance of the first certificate of occupancy for the retail center, and shall be repeated annually until two years after the final certificate of occupancy is issued for 450,000 square feet or more of retail use within the commercial rezoning parcel that is the subject of this application. The Applicant shall proceed with signal design, permitting and installation in the event that a signal is warranted. A traffic signal is required at the intersection of NW 137 Avenue and the southwest driveway connection to the property, to permit a median opening and westbound left turns from the driveway to southbound NW 137 Avenue. The traffic signal must be installed and operating prior to opening the driveway to traffic.

d. Construct a right turn storage lane into the southwest driveway connection to the Property commencing north of the CSX rail crossing at N.W. 137th Avenue, in accordance with Public Works standards and in a manner which would maximize the length of same. The southwest driveway connection to ~~to~~ within the property (crossing the existing FPL easement) shall be designed to provide adequate stacking capacity at the junction of the driveway with the parking area and shall be extended eastward into the retail center to improve connectivity while avoiding conflicts with parking movements. These drive aisle modifications shall be subject to administrative review and approval of the Public Works Department and the Department of Planning and Zoning.

Beacon Lakes DRI Public Works Conditions 4a – d (clean version):

- a. Modify the lane geometry at the intersection of NW 137 Avenue at NW 12 Street to provide an exclusive northbound left turn lane according to the Miami-Dade Public Works Department standards.
- b. NO CHANGE
- c. A traffic signal warrant study for the intersection of N.W. 14th Street and N.W. 137th Avenue shall be submitted for review and approval by the Public Works Director within 180 days of the issuance of the first certificate of occupancy for the retail center, and shall be repeated annually until two years after the final certificate of occupancy is issued for 450,000 square feet or more of retail use within the commercial rezoning parcel that is the subject of this application. The Applicant shall proceed with signal design, permitting and installation in the event that a signal is warranted. A traffic signal is required at the intersection of NW 137 Avenue and the southwest driveway connection to the property, to permit a median opening and westbound left turns from the driveway to southbound NW 137 Avenue. The traffic signal must be installed and operating prior to opening the driveway to traffic.
- d. Construct a right turn storage lane into the southwest driveway connection to the Property commencing north of the CSX rail crossing at N.W. 137th Avenue, in accordance with Public Works standards and in a manner which would maximize the length of same. The southwest driveway connection within the property (crossing the existing FPL easement) shall be designed to provide adequate stacking capacity at the junction of the driveway with the parking area and shall be extended eastward into the retail center to improve connectivity while avoiding conflicts with parking movements. These drive aisle modifications shall be subject to administrative review and approval of the Public Works Department and the Department of Planning and Zoning.



ZONING MEETING
Board of County Commissioners
July 17, 2008

Prepared by: Nelson Diaz

EXHIBITS LIST

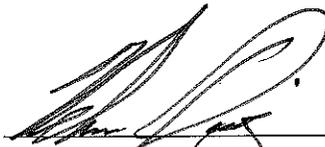
NO.	DATE	ITEM #	DESCRIPTION
1	7/17/2008	A&B-1	<u>SOUTHWESTERN GRANT L.L.C. (08-7-CC-5/07-303) & SOUTHWESTERN GRANT L.L.C. (08-7-CC-6/07-318)</u> -Binder booklet titled SOUTHWESTERN GRANT,LLC Public Hearing 07-303 AND SOUTHWESTERN GRANT,LLC Public Hearing 07-318
2	7/17/2008	C-1	<u>AMB CODINA BEACON LAKES L.L.C (08-6-CZ5-1/07-20)</u> - Proposed Revised Condition 4 (DRI)
3	7/17/2008	C-2	- Letter from Diego Manyoma-President of Imperial Lakes Master Association to the Board of County Commissioners
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The foregoing exhibits were submitted for the record on July 17, 2008 and transferred to the care, custody, and control of the Department of Planning & Zoning on July 23, 2008.

ATTEST:



HARVEY RUVIN, Clerk
Clerk of Circuit and County Courts
Miami-Dade County, Florida



Deputy Clerk

RECEIVED BY: Earl Jones Earl Jones 7/23/08
(SIGN) (PRINT) (DATE)