



**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

Thursday, March 19, 2009
As Advertised

Harvey Ruvlin, Clerk
Board of County Commissioners

Kay Sullivan, Director
Clerk of the Board Division

Judy Marsh, Commission Reporter
(305) 375-1967



**CLERK'S SUMMARY AND OFFICIAL MINUTES
MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS
ZONING HEARING
MARCH 19, 2009**

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 9:30 a.m., March 19, 2009, there being present upon roll call, Chairman Dennis C. Moss and Commissioners Jose "Pepe" Diaz, Audrey M. Edmonson, Carlos A. Gimenez, Dorrin D. Rolle, Natacha Seijas, Katy Sorenson, Rebeca Sosa, and Javier D. Souto; (Commissioners Bruno A. Barreiro, Sally A. Heyman, Barbara J. Jordan and Joe A. Martinez were absent); Assistant County Attorneys John McInnis and Dennis Kerbel; Department of Planning and Zoning Director Marc LaFerrier; Acting Assistant Director for Zoning, Maria Teresa Fojo, Department of Planning and Zoning; and Deputy Clerks Doris Dickens and Judy Marsh.

Chairman Moss called the meeting to order at 10:02 a.m. and asked that a moment of silence be observed followed by the Pledge of Allegiance.

**ALL WITNESSES AND THE INTERPRETER(S) WERE SWORN IN BY THE
CLERK BEFORE PRESENTING TESTIMONY BEFORE THE BOARD**

Department of Planning and Zoning Director Marc LaFerrier announced, in accordance with the Code of Miami-Dade County, all items on today's zoning agenda were legally advertised in the newspaper, notices were mailed, and the properties were posted within prescribed timeframes. He noted additional copies of the agenda were available in the Chambers and presented the procedures to be followed during today's proceedings.

Mr. LaFerrier presented the following application:

**A. DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING
(08-12-CC-6/08-204)**

Mr. LaFerrier noted three protests and no waivers were filed regarding the foregoing application.

Mr. LaFerrier provided an overview of the foregoing application which involved deletion of a covenant that required the subject property to be developed with six residences in order to permit the site to be developed with a proposed library and park (The Killian Library Park). He stated the property consisted of 3.42 acres; 1.5 acres would be developed as a park and 15,000 square feet would be utilized for the library. Mr. LaFerrier noted two accompanying items regarding the proposed Library Park were listed on today's County Commission's agenda. (See Reports under Key Number 2673, Agenda Items 5B and 8F1A).

Chairman Moss opened the public hearing on the foregoing application, and there being no one wishing to speak before the Board, the public hearing was closed.

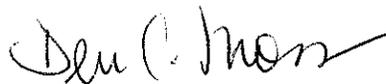
Commissioner Sorenson spoke in support of the foregoing application. She noted the location was suitable for a neighborhood park and library and was surrounded by institutional uses.

Commissioner Sorenson presented and moved a resolution which approved the application under Section 33-311(A) (7) (Generalized Modification Standards) or under Section 33-311(A) (17) Modification or Elimination of Conditions or Covenants After Public Hearing), subject to two conditions, as recommended by the Department of Planning and Zoning. This motion was seconded by Commissioner Souto, and upon being put to a vote, passed by a vote of 7-0, (Commissioners Barriero, Gimenez, Heyman, Jordan, Martinez and Seijas were absent).

The foregoing resolution was adopted by the Board and set forth in the Record of Resolutions and assigned #Z-7-09.

All exhibits submitted for the record at today'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 10:07 a.m.



Chairman Dennis C. Moss

ATTEST: HARVEY RUVIN, Clerk

By: _____
Kay Sullivan
Deputy Clerk



Official Zoning Agenda

BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSION MEETING OF THURSDAY, MARCH 19, 2009

NOTICE: THE FOLLOWING HEARING IS SCHEDULED FOR 9:30 A.M., AND

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

ANY PERSON MAKING IMPERTINENT OR SLANDEROUS REMARKS OR WHO BECOMES BOISTEROUS WHILE ADDRESSING THE COMMISSION SHALL BE BARRED FROM FURTHER AUDIENCE BEFORE THE COMMISSION BY THE PRESIDING OFFICER, UNLESS PERMISSION TO CONTINUE OR AGAIN ADDRESS THE COMMISSION BE GRANTED BY THE MAJORITY VOTE OF THE COMMISSION MEMBERS PRESENT.

NO CLAPPING, APPLAUDING, HECKLING OR VERBAL OUTBURSTS IN SUPPORT OR OPPOSITION TO A SPEAKER OR HIS OR HER REMARKS SHALL BE PERMITTED. NO SIGNS OR PLACARDS SHALL BE ALLOWED IN THE COMMISSION CHAMBER. PERSONS EXITING THE COMMISSION CHAMBER SHALL DO SO QUIETLY.

THE USE OF CELL PHONES IN THE COMMISSION CHAMBERS IS NOT PERMITTED. RINGERS MUST BE SET TO SILENT MODE TO AVOID DISRUPTION OF PROCEEDINGS. INDIVIDUALS, INCLUDING THOSE ON THE DAIS, MUST EXIT THE CHAMBERS TO ANSWER INCOMING CELL PHONE CALLS. COUNTY EMPLOYEES MAY NOT USE CELL PHONE CAMERAS OR TAKE DIGITAL PICTURES FROM THEIR POSITIONS ON THE DAIS.

THE NUMBER OF FILED PROTESTS AND WAIVERS ON EACH APPLICATION WILL BE READ INTO THE RECORD AT THE TIME OF HEARING AS EACH APPLICATION IS READ.

THOSE ITEMS NOT HEARD PRIOR TO THE ENDING TIME FOR THIS MEETING, WILL BE DEFERRED TO THE NEXT AVAILABLE ZONING HEARING MEETING DATE FOR THIS BOARD.

SWEARING IN OF WITNESSES

A. DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING (08-12-CC-6/08-204)

**9-55-40
BCC/District 8**

DELETION of a Declaration of Restrictions recorded in Official Record Book 23175, Pages 4420-4425.

The purpose of the request is to remove a previously recorded agreement that required the property to be developed with 6 residences in order to permit the site to be developed with a public library and park.

Upon a demonstration that the applicable standards have been satisfied, approval of the request may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

LOCATION: Lying on the northwest corner of S.W. 112 Street and S.W. 87 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 3.42 Acres

Department of Planning and Zoning Recommendation:

Approval of the application under Section 33-311(A)(7) (Generalized Modification Standards) or under Section 33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing), subject to two conditions.

Protests: 3

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

Deferred from 2/19/09

THE END

NOTICE OF APPEAL RIGHTS

Decisions of the Community Zoning Appeals Board (CZAB) are appealed either to Circuit Court or to the Board of County Commissioners (BCC) depending upon the items requested in the Zoning Application. Appeals to Circuit Court must be filed within 30 days of the transmittal of the CZAB resolution. Appeals to BCC must be filed with the Zoning Hearings Section of the Department of Planning and Zoning within 14 days of the posting of the results in the department.

Further information and assistance may be obtained by contacting the Legal Counsel's office for the Department of Planning and Zoning at (305) 375-3075, or the Zoning Hearings Section at (305) 375-2640. For filing or status of Appeals to Circuit Court, you may call the Clerk of the Circuit Court at (305) 349-7409.



MIAMI-DADE COUNTY KILLIAN LIBRARY PARK - ACQUISITION SITE



LEGEND
Property Tax
Park Library Site

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



DATE: March 19, 2009

#Z-7-09

ITEM: A.

APPLICANT: Director of the Department of Planning and Zoning (08-12-CC-6/08-204)

ACTION: Approval of the application under Section 33-311 (A) (7) (Generalized Modification Standards) or under Section 33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing), subject to two conditions, as recommended by the Department of Planning and Zoning.

Table with 5 columns: ROLL CALL, M/S, YES, NO, ABSENT. Lists names of board members and their attendance status.

DATE:

#Z-

ITEM:

APPLICANT:

ACTION:

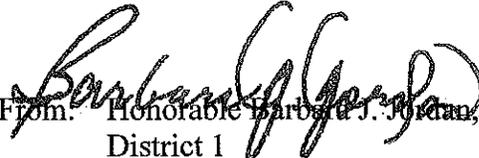
Table with 5 columns: ROLL CALL, M/S, YES, NO, ABSENT. Lists names of board members and their attendance status.



Memorandum
OFFICE OF COMMISSIONER BARBARA J. JORDAN
MIAMI-DADE COUNTY - DISTRICT I
111 N.W. 1 Street, Suite 220
Miami, Florida 33128-1963
(305) 375-5694
(305) 372-6028/Fax

To: Honorable Dennis C. Moss, Chairman and
Members of the Board of County
Commissioners

Date: March 18, 2009

From:  Honorable Barbara J. Jordan,
District 1

Subject: Absence from March 19, 2009
Board of County Commissioners
Zoning Meeting

Please be advised that due to prior commitments, I will be unable to attend the Board of County Commissioners Zoning meeting scheduled for Thursday, March 19, 2009.

Thank you for your understanding in this matter.

Cc: Kay Sullivan, Clerk of the Board



JOE A. MARTINEZ
MIAMI DADE COUNTY COMMISSIONER
DISTRICT 11

MEMORANDUM FOR THE BOARD
2009 MAR 19 AM 9:59
MIAMI DADE COUNTY COURTS

Memorandum

To: The Honorable Chairman Dennis C. Moss and
Members of the Board of County Commissioners

From: Commissioner Joe A. Martinez *JM*

Date: March 19, 2009

Re: Board of County Commissioners and Zoning Meetings

Please be advised that due to a previously scheduled meeting in Broward County, I may not be able to arrive in time to the Board of County Commissioners and Zoning Meetings. I will make every effort to attend said meetings. I apologize for any inconvenience this may cause.

If you should have any questions please call my office at (305) 552-1155.

Thank you.

JM/g

Cc: Honorable Mayor Carlos Alvarez
George Burgess, County Manager
Robert Cuevas, County Attorney

Eschubert