



MEMORANDUM
Harvey Ruvin
Clerk of the Circuit and County Courts
Clerk of the Board of County Commissioners
Miami-Dade County, Florida
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LUDC
Agenda Item No. 6(B)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Land Use and Development
Committee

DATE: June 12, 2014

FROM: Christopher Agrippa, Director
Clerk of the Board Division

SUBJECT: Approval of Commission
Committee Minutes

A handwritten signature in black ink, appearing to read "Christopher Agrippa".

The Clerk of the Board's office is submitting the following Clerk's Summary of Minutes for approval by the Land Use and Development Committee:

March 13, 2014

Attachment
CA/jm



Stephen P. Clark
Government Center
111 N.W. 1st Street
Miami, FL 33128

CLERK'S SUMMARY OF Meeting Minutes

Land Use & Development Committee

Jose "Pepe" Diaz (12) Chair; Xavier L. Suarez (7) Vice Chair; Commissioners Lynda Bell (8), Barbara Jordan (1), and Audrey M. Edmonson (3)

Thursday, March 13, 2014

9:30 AM

COMMISSION CHAMBERS

Members Present: Jose "Pepe" Diaz, Barbara J. Jordan, Xavier L. Suarez.

Members Absent: None.

Members Late: Lynda Bell .

Members Excused: Audrey M. Edmonson.

Members Absent County Business: None.

1A INVOCATION AS PROVIDED IN RULE 5.05 (H)

Report: *The Invocation was presented by Mr. Michael Roan, and was followed by the Pledge of Allegiance.*

5

1B **ROLL CALL**

Report: *The following staff members were present: Deputy Mayor Jack Osterholt; Assistant County Attorneys Abbie Schwaderer-Raurell and Craig Coller; and Deputy Clerks Cynthia White and Judy Marsh.*

Commissioner Barreiro was also present.

Chairman Diaz called the meeting to order at 9:43 a.m. He noted the service awards presentation was cancelled.

Assistant County Attorney Abbie Schwaderer-Raurell advised that Agenda Items 1G4 Substitute Supplement was added to today's (3/13) agenda; and the Prime Sponsor of Agenda Item 1G1 had requested deferral of this item to the April 10, 2014 Land Use and Development Committee.

Chairman Diaz requested that Agenda Item 1G2 be withdrawn.

It was moved by Commissioner Suarez that the March 13, 2014 Land Use and Development Committee Agenda be approved, with the changes noted in County Commission Chairwoman Sosa's memorandum entitled "Requested Changes to the Land Use & Development Committee Agenda," and the additional change noted by Chairman Diaz. This motion was seconded by Commissioner Jordan, and upon being put to a vote, passed by a vote of 3-0 (Commissioners Bell and Edmonson were absent).

1C **PLEDGE OF ALLEGIANCE**

1D **REASONABLE OPPORTUNITY FOR THE PUBLIC TO BE HEARD AS PROVIDED IN RULE 6.06**

1E **SPECIAL PRESENTATIONS (SCHEDULED TO BEGIN AT 9:00 AM)**

1E1

140462 Service Awards

Rebeca Sosa

PRESENTATION OF SERVICE AWARDS TO THE
FOLLOWING EMPLOYEE:*Not presented*

MARITZA ORTEGA - RER - 35 YEARS

1F DISCUSSION ITEMS**1G PUBLIC HEARINGS**

1G1

140177 Ordinance

Jose "Pepe" Diaz

ORDINANCE RELATING TO ZONING AND OTHER
LAND DEVELOPMENT REGULATIONS; AMENDING
REGULATIONS GOVERNING NONCONFORMING USES,
STRUCTURES, AND LOTS; AMENDING SECTION 33-35
AND DELETING SECTIONS 33-34 AND 33-35.1 OF THE
CODE OF MIAMI-DADE COUNTY, FLORIDA;
PROVIDING SEVERABILITY, INCLUSION IN THE
CODE, AND AN EFFECTIVE DATE*Deferred to next committee meeting**Mover: Suarez**Seconder: Jordan**Vote: 3-0**Absent: Edmonson, Bell***Report:** *The foregoing proposed ordinance was deferred to
the April 10, 2014 Land Use and Development
Committee as requested by the Prime Sponsor.*

1G2

132338 Ordinance

Jose "Pepe" Diaz

ORDINANCE RELATING TO ZONING AND
SUBDIVISION REGULATIONS; PROVIDING MINIMUM
LOT REQUIREMENTS FOR LOTS WITH WATER
BODIES; AMENDING SECTIONS 33-1, 33-49, AND 28-1
OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA
(CODE); CREATING SECTION 33-6.1 OF THE CODE;
PROVIDING SEVERABILITY, INCLUSION IN THE
CODE, AND AN EFFECTIVE DATE*Withdrawn**Mover: Suarez**Seconder: Jordan**Vote: 3-0**Absent: Bell, Edmonson***Report:** *The foregoing proposed ordinance was withdrawn
during consideration of changes to today's (3/13)
agenda.*

1G3

140263 Ordinance

Audrey M. Edmonson,

Lynda Bell

ORDINANCE RELATING TO ZONING; AMENDING SECTION 33-284.99.42 OF THE CODE OF MIAMI-DADE COUNTY; PROHIBITING NEW JUNKYARD OR SCRAP METAL USES IN THE MODEL CITY URBAN CENTER DISTRICT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 140140]

Forwarded to BCC with a favorable recommendation

Mover: Suarez

Seconder: Jordan

Vote: 4-0

Absent: Edmonson

Report: *Assistant County Attorney Abbie Schwaderer-Raurell read the foregoing proposed ordinance into the record.*

Chairman Diaz opened the public hearing and called for persons wishing to appear before the Committee in connection with this proposed ordinance.

Mr. Kenneth Kilpatrick, President, Brownsville Civic Neighborhood Association (BCNA), 5275 NW 29 Avenue, appeared in support of the foregoing proposed ordinance. He acknowledged the presence of BCNA members. Mr. Kilpatrick said the Model City Urban Center District (UCD) was the zoning overlay of the Model City Brownsville Charrette, which was adopted in 2004. He noted the Model City UCD did not encompass all of Brownsville; however, he asked that future land use prohibit junk yard and scrap metal use in the areas that had been identified through the UCD.

Ms. Lucita Moran, 520 SW 23rd Road, appeared in connection with proposed revisions to the County Manatee Protection Plan.

Chairman Diaz informed Ms. Moran that Agenda Item 2A, regarding the Manatee Protection Plan, was not being considered by the Committee at this time. He noted the Committee was discussing Agenda Item IG3.

Chairman Diaz closed the public hearing after no one else appeared wishing to speak.

The Committee members proceeded to vote on the foregoing ordinance, as presented.

1G4

140370 Ordinance

Audrey M. Edmonson,

Bruno A. Barreiro, Rebeca Sosa

ORDINANCE RELATING TO THE FIXED-GUIDEWAY
RAPID TRANSIT SYSTEM-DEVELOPMENT ZONE;
AUTHORIZING INTERCITY PASSENGER RAIL SYSTEM
WITHIN THE FIXED TRANSIT SYSTEM-
DEVELOPMENT ZONE; PROVIDING FOR EXPANSION
OF THE RAPID TRANSIT SYSTEM-DEVELOPMENT
ZONE; CREATING THE DOWNTOWN INTERMODAL
DISTRICT CORRIDOR SUBZONE; PROVIDING USES,
SITE PLAN REVIEW STANDARDS, AND PROCEDURES
FOR APPROVAL OF SUCH SITE PLAN IN THE
SUBZONE; CREATING SECTION 33C-9, AND
AMENDING SECTIONS 33C-1, 33C-2, 33C-3, 33C-4, 33C-
6, 33C-7 AND 33-314 OF THE CODE OF MIAMI-DADE
COUNTY, FLORIDA; PROVIDING SEVERABILITY,
INCLUSION IN THE CODE AND AN EFFECTIVE DATE

Withdrawn

Report: *See Agenda Item 1G4 Substitute; Legislative File
No. 140489.*

1G4 SUB.

140489 Ordinance Audrey M. Edmonson,
Bruno A. Barreiro, Lynda Bell, Sally A. Heyman, Rebeca
Sosa

ORDINANCE RELATING TO THE FIXED-GUIDEWAY RAPID TRANSIT SYSTEM-DEVELOPMENT ZONE; AUTHORIZING INTERCITY PASSENGER RAIL SYSTEM WITHIN THE FIXED TRANSIT SYSTEM-DEVELOPMENT ZONE; PROVIDING FOR EXPANSION OF THE RAPID TRANSIT SYSTEM-DEVELOPMENT ZONE; CREATING THE DOWNTOWN INTERMODAL DISTRICT CORRIDOR SUBZONE; PROVIDING USES, SITE PLAN REVIEW STANDARDS, AND PROCEDURES FOR APPROVAL OF SUCH SITE PLAN IN THE SUBZONE; CREATING SECTION 33C-9, AND AMENDING SECTIONS 33C-1, 33C-2, 33C-3, 33C-4, 33C-6, 33C-7 AND 33-314 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 140370]

Forwarded to BCC with a favorable recommendation

Mover: Bell

Seconder: Suarez

Vote: 4-0

Absent: Edmonson

Report: *Assistant County Attorney Abbie Schwaderer-Raurell read the foregoing proposed ordinance, and Agenda Item 2B into the record, pursuant to Chairman Diaz' request.*

Chairman Diaz opened the public hearing and called for persons wishing to appear before the Committee in connection with this proposed ordinance.

Ms. Laura Reynolds, Tropical Audubon Society, 5530 Sunset Drive, appeared in support of the foregoing proposed ordinance.

Chairman Diaz closed the public hearing after no one else appeared wishing to speak.

Commissioner Suarez commented on the All Aboard passenger rail system being built by the private sector that would connect Miami to Ft. Lauderdale, Palm Beach and Orlando. He noted it included a commuter train component, Coastal Link, which was anticipated to be implemented simultaneously as the All Aboard rail system. Commissioner Suarez suggested that the County be watchful that the Florida East Coast Industries (FECI) did not abandon the commuter train component. He noted the commuter train was an 81-mile connector from Miami to Palm Beach that would travel to 28 metropolitan areas; however, the rates for the use of the passenger tracks had not yet been determined. Commissioner Suarez

asked Ms. Reynolds to be aware of this issue and to assist the County in ensuring that the commuter train component would be operational simultaneously as the All Aboard rail system.

Mr. Eric Silva, Development Coordinator, Regulatory and Economic Resources (RER), requested that the foregoing proposed ordinance be waived to the March 18, 2014 County Commission meeting.

The Committee members proceeded to vote on the foregoing ordinance, as presented.

Assistant County Attorney Craig Collier advised that he did not believe this item could be placed on the March 18th County Commission agenda due to the seven-day advertising requirement. He noted the sponsor had been informed of the advertising constraint, and it could be placed on the April 8, 2014 Commission agenda.

1G4 SUB. SUPP.

140565 Supplement

FISCAL IMPACT STATEMENT TO ORDINANCE RELATING TO THE FIXED-GUIDEWAY RAPID TRANSIT SYSTEM-DEVELOPMENT ZONE; AUTHORIZING INTERCITY PASSENGER RAIL SYSTEM WITHIN THE FIXED TRANSIT SYSTEM-DEVELOPMENT ZONE; PROVIDING FOR EXPANSION OF THE RAPID TRANSIT SYSTEM-DEVELOPMENT ZONE; CREATING THE DOWNTOWN INTERMODAL DISTRICT CORRIDOR SUBZONE; PROVIDING USES, SITE PLAN REVIEW STANDARDS, AND PROCEDURES FOR APPROVAL OF SUCH SITE PLAN IN THE SUBZONE; CREATING SECTION 33C-9, AND AMENDING SECTIONS 33C-1, 33C-2, 33C-3, 33C-4, 33C-6, 33C-7 AND 33-314 OF THE CODE

Forwarded to BCC with a favorable recommendation

Mover: Bell

Seconder: Suarez

Vote: 4-0

Absent: Edmonson

2A COUNTY COMMISSION

2A

140012 Resolution**Bruno A. Barreiro**

RESOLUTION APPROVING PROPOSED REVISIONS TO THE COUNTY MANATEE PROTECTION PLAN, INCLUDING REVISIONS TO MARINE FACILITIES SITING CRITERIA; DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO SUBMIT PROPOSED REVISIONS TO THE COUNTY MANATEE PROTECTION PLAN TO THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION FOR REVIEW AND APPROVAL; DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO BEGIN TO PREPARE AMENDMENT TO COMPREHENSIVE DEVELOPMENT MASTER PLAN RELATED TO PROPOSED REVISIONS TO MANATEE PROTECTION PLAN

*Withdrawn**Mover: Suarez**Seconder: Jordan**Vote: 4-0**Absent: Edmonson*

Report: *Assistant County Attorney Abbie Schwaderer-Raurell read the foregoing proposed resolution into the record.*

Chairman Diaz said this was not a public hearing item; however, he may allow public input if Commissioner Barreiro, the sponsor of this proposed resolution, presented any changes.

Commissioner Barreiro noted he had received input from the marine industry and environmental entities regarding the proposed revisions to the County's Manatee Protection Plan (MPP); however, a compromise had not been reached. He suggested that the County formally request the State to review the proposed revisions to the MPP; provide a formal response; and allow the proposed resolution to go through the Committee process once the resolution came back to the County. Commissioner Barreiro said this would ensure a concrete response from the State.

In response to Chairman Diaz' inquiry as to how Commissioner Barreiro's request could be accomplished, Assistant County Attorney Schwaderer-Raurell advised that the County could send the proposed revisions to the State and if the State formally approved the changes, the County Commission would need to adopt those changes by ordinance. She noted the current MPP was included in the Comprehensive Development Master Plan (CDMP); therefore, an amendment to the CDMP would be necessary to make the CDMP consistent with any new changes.

Chairman Diaz suggested that staff deliver this item to the State for their input, and Commissioner

Barreiro could then draft a new resolution based on the State's response.

Pursuant to Commissioner Barreiro's request, Assistant County Attorney Schwaderer-Raurell read the following amendments to the foregoing proposed resolution:

~ to add the words "forthwith officially" in paragraph 2 after the Now Therefore clause, after the language "The Mayor or Mayor's designee is hereby directed to . . ."

~ to add the following language at the end of paragraph 2: ". . . and the Florida Fish and Wildlife Conservation Commission's official response shall be directed to the Board of County Commissioners."

~ to add paragraph 4 which would read: "This Board hereby urges the Florida Fish and Wildlife Conservation Commission to review and send their official response to the County within sixty (60) days."

Assistant County Attorney Schwaderer-Raurell noted these were proposed amendments to the resolution; not to the attachments.

Commissioner Barreiro noted the amendment was asking the State to respond in 60 days.

Deputy Mayor Jack Osterholt said that once a response was received from the State that would be the official response, regardless of the format in which it was transmitted to the State.

Mr. Lee Hefly, Director, Environmental Resources Management, Department of Regulatory and Economic Resources (RER), said staff had been working with the State on an informal basis, and had received feedback from the Florida Fish and Wildlife Conservation Commission (FFWCC) on the proposed recommendations. He noted the State made it clear that their response was not a determination. Mr. Hefly said staff had been working on draft language, noting initially the Manatee Protection Plan Review Committee's recommendations were comprised of motions on concepts, but they did not include revised language. Mr. Hefly said staff worked with the FFWCC on some issues and developed draft language which Commissioner Barreiro had incorporated in the proposed resolution. He noted a few additional changes were added which were not formally discussed with the State. Mr. Hefly said one of the options would be to send the

proposed resolution to the State as the County's official request; or for the Committee to direct staff to request an informal review by the State on the additional proposed changes.

Deputy Mayor Osterholt pointed out that once staff received a response from the State on the proposed changes, there was no guarantee that the County would receive the same response once the item was officially presented to the State.

Mr. Hefty noted the State generally liked to work with the counties so that when they received an official proposal from the County, they would be already aware of the item.

Commissioner Barreiro said he had not received an item from RER that could be finalized by the Administration. He emphasized the importance of moving forward on this issue.

Chairman Diaz said he would prefer to withdraw the foregoing proposed resolution; forward it to the State for their input; and then bring it back to the Committee.

Assistant County Attorney Schwaderer-Raurell advised that the proposed resolution could be modified to direct staff to informally submit the proposed changes to the State for feedback, rather than approving the changes and officially submitting them to the State. She noted, as an alternative, the proposed resolution could be withdrawn.

Chairman Diaz pointed out that if the Committee decided to proceed with the foregoing resolution, public input must be received. Alternatively, he noted, the item could be withdrawn; Commissioner Barreiro and staff could work with the State; and it could then be considered by the Committee.

Commissioner Barreiro said he would withdraw the foregoing proposed resolution and direct staff to meet with the State for their feedback. He noted if staff did not provide a recommendation within three months, he would bring this item back. Commissioner Barreiro said this was a very rigid plan and he was trying to give the County agency the flexibility to develop innovative ways to protect manatees.

Commissioner Bell asked whether the item being withdrawn today was exactly the same as the item

that was previously presented, and the Assistant County Attorney confirmed that it was.

Commissioner Bell spoke in support of the withdrawal. She noted her appreciation for Commissioner Barreiro's efforts; however, she pointed out that she could not be supportive of any plan that would risk the life of any manatee. Commissioner Bell said she would be supportive of the plan when she was assured that RER, Commissioner Barreiro and the State were comfortable with the level of manatee protection. She noted the County should do all in its power to continue protecting manatees.

Commissioner Jordan said her concern was addressed by removing the word "approval" by the State. She noted a formal directive from the County Commission would have strengthened expediting the process.

Commissioner Suarez concurred with Commissioner Jordan's comments. He noted the Committee had received input from various agencies on the proposed revisions to the MPP. Commissioner Suarez expressed concerns regarding the number of boat slips being increased fivefold; and moving the date another five years forward to grandfather existing facilities that could rebuild docks without new permits; as noted in a Miami Herald editorial.

Discussion ensued between Commissioner Jordan and Mr. Hefly regarding the grandfathering provision for boat slips.

Commissioner Barreiro noted the marine industry was extremely keen to maintain the 1984 grandfathering provision for boat slips.

Commissioner Suarez asked that clarification on the grandfathering provision be provided when this item came back.

Chairman Diaz noted the importance of property rights and emphasized the need to achieve a balance between manatee protection and the marine industry. He asked Mr. Hefly to ensure that this item was transparent and clear.

Commissioner Bell noted she understood the Department's concerns and asked if staff had a specific manatee protection plan.

Mr. Hefly said he would submit this item to the

State for informal discussions based on the Committee's direction. He noted a draft item was prepared by the Department and Commissioner Barreiro had included staff's recommendations in the foregoing item, including the five-year provision. Mr. Hefty pointed out that a few additional items had not been discussed with the State in the current format. He noted the State would rather have discussions with the County, rather than providing an official recommendation.

Commissioner Suarez requested a Point of Personal privilege to allow the Clerk of Courts to speak.

Clerk of Courts Harvey Ruvin commented on the manatee regulations. He said Miami-Dade County was probably one of the few urban areas that co-exist with a large mammal; and the County Commission should be proud that it established an amazing reputation for environmental stewardship and care for the County's natural environment. Mr. Ruvin noted the County's MPP won awards from the National Association of Counties; the National Sierra Club; and the National Audubon Society.

Chairman Diaz explained that courtesy was given to the Clerk of Courts; however, when an item was withdrawn, there was nothing for the public to speak on.

Assistant County Attorney Craig Collier confirmed that the item was no longer before the Committee as it had been withdrawn by the sponsor.

The Committee members proceeded to withdraw the foregoing resolution.

2B.

140486 Resolution Audrey M. Edmonson,
Bruno A. Barreiro, Lynda Bell, Sally A. Heyman, Rebeca
Sosa

RESOLUTION APPROVING AN INTERLOCAL
AGREEMENT BETWEEN MIAMI-DADE COUNTY AND
THE CITY OF MIAMI IN CONNECTION WITH THE
PROPOSED DEVELOPMENT OF AN INTERCITY
PASSENGER RAIL SYSTEM AND ASSOCIATED USES;
AUTHORIZING THE COUNTY MAYOR OR MAYOR'S
DESIGNEE TO EXECUTE THE AGREEMENT IN
SUBSTANTIALLY THE FORM ATTACHED AND TO
EXERCISE THE PROVISIONS CONTAINED THEREIN

*Forwarded to BCC with a favorable
recommendation
Mover: Bell
Seconder: Suarez
Vote: 4-0
Absent: Edmonson*

Report: *The foregoing proposed resolution was read into
the record along with Agenda Item 1G4 Substitute.*

*(See notes under Agenda Item 1G4 Substitute;
Legislative File No. 140489)*

3 DEPARTMENTS

3A

140420 Resolution Jean Monestime

RESOLUTION AUTHORIZING THE CONVEYANCE OF
AN EASEMENT TO FLORIDA POWER AND LIGHT
COMPANY (FPL), THROUGH COUNTY-OWNED LAND,
FOR \$1.00, TO SERVICE THE LIBERTY CITY HEALTH
CLINIC BEING BUILT AT 2520 NW 75 STREET,
UNINCORPORATED MIAMI-DADE COUNTY; AND
AUTHORIZING THE COUNTY MAYOR OR THE
MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL
OTHER RIGHTS CONFERRED THEREIN (Internal
Services)

*Forwarded to BCC with a favorable
recommendation
Mover: Bell
Seconder: Suarez
Vote: 4-0
Absent: Edmonson*

Report: *Assistant County Attorney Abbie Schwaderer-
Raurell read the foregoing proposed resolution
into the record.*

*The Committee members proceeded to vote on the
foregoing resolution, as presented.*

4 COUNTY MAYOR

5 COUNTY ATTORNEY

6 CLERK OF THE BOARD

6A

140463 Report

APPROVAL OF CLERK'S MEETING MINUTES FOR THE
FEBRUARY 13, 2014 LAND USE AND DEVELOPMENT
COMMITTEE MEETING (Clerk of the Board)

Approved
Mover: Bell
Seconder: Suarez
Vote: 4-0
Absent: Edmonson

Report: *Assistant County Attorney Abbie Schwaderer-
Raurell read the foregoing report into the record.*

*The Committee members proceeded to vote on the
foregoing report, as presented.*

7 REPORTS

8 ADJOURNMENT

Report: *There being no further business to come before the
Committee, the meeting was adjourned at 10:30
a.m.*