



**MIAMI-DADE COUNTY  
FINAL OFFICIAL  
Meeting Minutes**

**Board of County Commissioners**  
*Stephen P. Clark Government Center  
111 N.W. 1st Street  
Miami, FL 33128*

Thursday, May 29, 2008  
As Advertised

Harvey Ruvin, Clerk  
Board of County Commissioners

Kay Sullivan, Director  
Clerk of the Board Division

Alicia Stephenson, Commission Reporter, (305) 375-1475



**Members Present:** Bruno Barreiro; Audrey M. Edmonson; Carlos A. Gimenez; Sally A. Heyman; Barbara J. Jordan; Dennis C. Moss; Dorrin Rolle; Katy Sorenson; Rebeca Sosa

**Members Absent:** Natacha Seijas

**Members Late:** Jose "Pepe" Diaz; Joe A. Martinez; Javier D. Souto

**Members Excused:** None.

**Members Absent County Business:** None.

**1 MINUTES PREPARED BY:**

**Report:** *Alicia Stephenson, Commission Reporter, (305) 375-1475*

**1A MOMENT OF SILENCE**

**Report:** *The Board convened in a moment of silence followed by the Pledge of Allegiance.*

**1B PLEDGE OF ALLEGIANCE**

**1C ROLL CALL**

**Report:** *The following staff members were present: Assistant County Attorney Craig Collier; and Deputy Clerks Diane Collins and Alicia Stephenson*

**PUBLIC HEARING [SET FOR 9:30 A.M.]**

**OCTOBER 2007 CYCLE CDMP AMENDMENTS**

SPECIAL ITEM A

**081473                      Report**

REPORT ON OCTOBER 2007 CYCLE APPLICATIONS TO AMEND CDMP (County Manager)

*Presented*

SPECIAL ITEM NO. 1

**081309 Ordinance**

ORDINANCE RELATING TO MIAMI-DADE COUNTY  
COMPREHENSIVE DEVELOPMENT MASTER PLAN;  
ACTING UPON SMALL-SCALE AMENDMENT  
APPLICATIONS FILED IN OCTOBER 2007 CYCLE TO  
AMEND, MODIFY, ADD TO OR CHANGE COMPREHENSIVE  
DEVELOPMENT MASTER PLAN; PROVIDING  
SEVERABILITY, EXCLUSION FROM THE CODE AND AN  
EFFECTIVE DATE (Department of Planning & Zoning)

*Adopted*  
*Ordinance 08-63*  
*Mover: Jose "Pepe" Diaz*  
*Seconder: Carlos A. Gimenez*  
*Vote: 12- 0*  
*Absent: Seijas*

**Report:** Assistant County Attorney Craig Collier read the foregoing ordinance into the record.

Prior to voting on the foregoing ordinance, the Board considered applications 1-4 separately and took the following preliminary votes:

*Application No. 1*

Mr. Mark Woerner, Acting Assistant Director for Planning and Chief of the Metropolitan Planning Section, Department of Planning and Zoning (DP&Z), noted the applicant had withdrawn the foregoing application by letter on March 17, 2008.

It was moved by Commissioner Heyman that the Board accept the withdrawal of Application No. 1. This motion was seconded by Vice Chairwoman Jordan and upon being put to a preliminary vote, passed by a vote of 9-0 (Commissioners Diaz, Martinez, Seijas, and Souto were absent).

*Application No. 2*

Mr. Mark Woerner, Acting Assistant Director for Planning and Chief of the Metropolitan Planning Section, Department of Planning and Zoning (DP&Z), introduced the foregoing application.

Mr. Juan Mayol, attorney representing the applicant, 701 Brickell Avenue, made a presentation on the foregoing application.

Chairman Barreiro opened the public hearing; however, the public hearing was closed after no one appeared in response.

Commissioner Heyman described the subject property and surrounding area. She noted for the record that the application would go through the zoning process but until the application underwent development process, it would maintain available housing and no one would be displaced. She added the applicant was required to maintain relative compliance. She also noted that she asked the applicant to work with temples in the area regarding hours of operation to allow for Sabbath parking on Fridays and Saturdays. She spoke in support of the proposed development.

Mr. Mayol responded to Commissioner Diaz's questions regarding the subject property's surrounding area.

Commissioner Diaz expressed concern regarding forcing residents out of the area.

Discussion ensued regarding future density in the area.

Commissioner Sorenson expressed concern that the applicant was seeking to build on this parcel even though the Comprehensive Development Master Plan (CDMP) would currently allow the redevelopment of the property as a mixed use commercial and residential development because of its proximity to major arterial roadways. She also expressed concern that rental housing may be exchanged for commercial development.

Commissioner Heyman noted that the value of the land in the area west of N.E. 26 Avenue and north of Ives Dairy Road was so high, that if residential units were to be developed, the units would start at \$25,000. She added that a parcel south of Ives Dairy Road, between N.E. 26th and West Dixie Highway

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*approximately 20% of town homes under construction had been earmarked for workforce housing.*

*The applicant responded to questions from Commissioner Moss regarding current rent rates and the locations of Aventura Hospital facilities in the area.*

*It was moved by Commissioner Heyman that Application No. 2 be adopted as a small scale application. This motion was seconded by Vice Chairwoman Jordan and upon being put to a preliminary vote, passed by a vote of 9-1 (Commissioners Jordan, Martinez, and Seijas were absent. Commissioner Diaz voted "No.")*

*Application No. 3*

*Mr. Mark Woerner, Acting Assistant Director for Planning and Metropolitan Section Chief, Department of Planning and Zoning (DP&Z), introduced the foregoing application.*

*Mr. Jeffrey Bercow, attorney representing the applicant, 200 S. Biscayne Blvd, appeared before the Board and introduced Mr. Oliver Gross of the Urban League of Greater Miami, Inc., the applicant.*

*Mr. Bercow and Mr. Gross responded to Commissioner Edmonson's questions regarding helping residents of 38 units in the area to relocate and the timeframe for relocation.*

*Commissioner Edmonson offered a friendly amendment to the covenant to strike the word, "or" from a sentence which noted the owner agreed that all residential units constructed on the property would be designated for affordable and/or workforce housing. She explained she wanted workforce housing to be included in the residential units.*

*In response to Assistant County Attorney Craig Collier's inquiry as to whether the individuals who needed to sign the covenant were currently at the meeting, Mr. Bercow noted these individuals were not.*

*Assistant County Attorney Collier noted that when some parties were missing, this posed some risk.*

*Following Commissioner Edmonson's inquiry as to whether a messenger could be asked to obtain the necessary signatures, she requested that this application be deferred to the end of today's meeting.*

*Mr. Subrata Basu, DP&Z Interim Director, responded to Commissioner Rolle's question regarding the department's change in recommendation.*

*In response to Commissioner Moss's question as to whether the subject property was in the area where construction of 800 units was planned for the Scott Carver housing development, Commissioner Rolle noted this was correct.*

*Commissioner Edmonson spoke regarding the height of buildings in the area and noted she supported this application.*

*Commissioner Moss asked the DP&Z Interim Director to look into working with the developer to create units in the area which was proposed for Scott Carver housing.*

*It was moved by Commissioner Edmonson that the Board adopt the foregoing application with acceptance of the proffered covenant as amended. This motion was seconded by Commissioner Diaz and upon being put to a vote, passed by a vote of 10-0 (Commissioners Jordan, Martinez, and Seijas were absent).*

*Later in the meeting, Commissioner Edmonson noted she wanted to make a motion to approve this application with the covenant as proposed and work with the developer to ensure the proposed housing would have a workforce component.*

*It was moved by Commissioner Edmonson that Application No. 3 be adopted as a small scale application with acceptance of the proffered covenant. This motion was seconded by Commissioner Diaz and upon being put to a preliminary vote, passed by a vote of 12-0 (Commissioner Seijas was absent).*

*Application No. 4*

*Mr. Mark Woerner, Acting Assistant Director for Planning and Metropolitan Section Chief, Department of Planning and Zoning (DP&Z), introduced the foregoing application.*

*Mr. Miguel Diaz de la Portilla, 121 Alhambra Plaza, and Mr. Stanley Price, 200 S. Biscayne Blvd., attorneys representing the applicant, made a presentation on the foregoing application.*

*Chairman Barreiro opened the public hearing.*

*The following persons appeared before the Board in opposition to the foregoing application:*

*~Mr. Fernando Llerena, 11401 S.W. 95 Street  
~Ms. Leonor Andreu, 10821 S.W. 93 Street  
~Ms. Rosa Bunch, 10950 S.W. 95 Street  
~Mr. Manny Escobar, 11481 S.W. 95 Street  
~Mr. Peter Ostrowsky, 11401 S.W. 93 Street  
~Ms. Celeste Juárez, 11441 S.W. 95 Street*

*The following persons appeared before the Board in support of the foregoing application:*

*~Mr. Jorge Morales, 9255 S.W. 125 Avenue  
~Mr. Roger Sassine, 11015 S.W. 95 Street  
~Mr. Jose Gutierrez, 9335 S.W. 117 Avenue  
~Mr. Eliás Artze, 10770 S.W. 95 Street  
~Mr. Jason Poulos, 10870 S.W. 95 Street  
~Ms. Martha Glaeser, 10890 S.W. 95 Street  
~Ms. Carolina Salazar, 11005 S.W. 88 Street*

*As no further persons appeared before the Board, the public hearing was closed.*

*Mr. De la Portilla reappeared in rebuttal.*

*Commissioner Sorenson expressed concern that it seemed individuals were watching proceedings with the foregoing application to determine whether*

property in the area could become commercial.

Referring to the most recent meeting during which this application was considered, Commissioner Sorenson asked Mr. Subrata Basu, DP&Z Interim Director, to find out whether two or three houses were established as acceptable.

Discussion ensued regarding the process for building a library on agriculturally zoned land and the argument that S.W. 95 Street functioned as a half section line road.

Commissioner Sorenson expressed concern that a photograph of Dade County Pines on a neighboring property had been used to misrepresent the number of pine trees existing on the subject property.

In response to Commissioner Sorenson's question regarding construction of a church, Assistant County Attorney Craig Coller noted a special exception was needed in order to build a church on agriculturally zoned land.

Discussion ensued regarding opposition to a previous application regarding a Walgreens store and potential office-residential land uses, excluding medical uses.

Commissioner Martinez asked Mr. Woerner to find out whether a home in the area was converted to an office-residential or commercial use.

Further discussion ensued regarding buffering between the residential area and the proposed building, potential ground level parking, and the possible number of floors in the building proposed for the subject property.

Mr. Price and Mr. De la Portilla responded to questions from Commissioner Diaz regarding the layout of the area surrounding the subject site, residents of the area who supported the application, the types of roadways in the area, and appearance and the height limit on the proposed building.

Commissioner Diaz asked Mr. Woerner to verify whether anything was built on the subject property following Hurricane Andrew and to check with the Building Department as to whether fines were imposed for failure to properly maintain the subject property.

Commissioner Gimenez initiated discussion regarding the potential for a church or office building on the subject property, a traffic light currently at S.W. 95th Street and 117 Avenue, and a use for the subject property that was compatible with the neighborhood.

Commissioner Sorenson noted that at the most recent zoning meeting during which this application was considered, she asked the applicant to inquire of the neighbors what use of the property would be acceptable to them. She expressed concern that commercial uses in the area may increase.

Commissioner Sosa noted she believed in maintaining the integrity of the area. She expressed concern regarding whether the Commission would continue to deny proposed uses for the subject property.

Ms. Rosa Bunch indicated neighbors were willing for homes to be built on the subject property if concerns regarding ingress to the homes were addressed.

*In response to Commissioner Souto's inquiry regarding building a library in the area, Ms. Wendi Norris, General Services Administration (GSA) Director, noted the County was not currently pursuing the subject property for purposes of constructing a library. She also addressed concerns regarding GSA's ability to purchase land for a new library.*

*In response to Commissioner Sorenson's inquiry as to whether the Board could defer this application to allow the applicant and neighbors to resolve their issues, Mr. Woerner noted the Board could either transmit this application as standard with or without a recommendation and denied as a small-scale application.*

*Commissioner Souto spoke regarding the potential for the East-West transit corridor and the Metrorail to connect on S.W. 117 Avenue, and therefore increase traffic on this road.*

*Commissioner Moss spoke in support of preserving the character of the neighborhood and the applicant and neighbors working to resolve their issues.*

*In response to Commissioner Martinez's inquiry regarding fees associated with transmittal, Mr. Woerner noted the applicant would not be charged additional fees if this application was transmitted as standard.*

*Commissioner Martinez expressed concern regarding where the entrance to the subject property would be placed and the possibility that nearby residents may want their community to become gated, which he noted could back up traffic.*

*Mr. De la Portilla expressed concern regarding some neighbors agreeing and others disagreeing with the applicant and regarding the difficulty of identifying who spoke for the neighborhood.*

*In response to Commissioner Sosa's recommendation that input from individuals on the properties which were adjacent to the subject property be given higher priority than input from other neighbors, Commissioner Sorenson noted that usually, this recommendation would be appropriate; however, the subject property was at the southwest corner of an agricultural enclave, so deference should be given to the agricultural community.*

*It was moved by Commissioner Sorenson that Application No. 4 be denied as a small-scale amendment and transmitted to the Florida Department of Community Affairs as a standard amendment without a recommendation. This motion was seconded by Commissioner Diaz and upon being put to a preliminary vote, passed by a vote of 12-0 (Commissioner Seijas was absent).*

*In response to Commissioner Martinez's inquiry as to whether he could vote on all applications even though he was absent for preliminary votes on some of them, Assistant County Attorney Collier noted Commissioner Martinez could vote on all the applications since today's meeting was legislative and not quasi-judicial.*

*Upon the closing of the public hearing, the Board by motion duly made, seconded, and carried adopted the foregoing ordinance, incorporating therein preliminary votes taken on small-scale applications to amend the Comprehensive Development Master Plan.*

- 5/6/2008 Adopted on first reading by the Board of County Commissioners
- 5/6/2008 Tentatively scheduled for a public hearing by the Board of County Commissioners to the Board of County Commissioners

SPECIAL ITEM NO. 2

**081475 Resolution**

RESOLUTION PERTAINING TO THE OCTOBER 2007 CYCLE APPLICATIONS REQUESTING AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN; INSTRUCTING THE COUNTY MANAGER WHETHER OR NOT TO TRANSMIT APPLICATIONS TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; REQUESTING FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS TO REVIEW APPLICATIONS; RESERVING THE RIGHT TO TAKE FINAL ACTION AT A LATER DATE; AND DECLARING INTENT TO CONDUCT ONE OR MORE SUBSEQUENT PUBLIC HEARINGS (Department of Planning & Zoning)

*Adopted  
Resolution R-604-08  
Mover: Joe A. Martinez  
Secunder: Jose "Pepe" Diaz  
Vote: 12- 0  
Absent: Seijas*

**Report:** Assistant County Attorney Craig Collier read the foregoing resolution into the record.

*Prior to voting on the foregoing resolution, the Board considered application no. 5 separately.*

*Application No. 5  
Mr. Mark Woerner, Acting Assistant Director for Planning and Metropolitan Section Chief, Department of Planning and Zoning (DP&Z), introduced the foregoing application.*

*Chairman Barreiro noted for the record that he was uncomfortable with the method of calculating some population estimates, limiting these estimates as related to capacity, and distributing them after they were capped. He noted hopefully more information regarding the estimates was forthcoming.*

*It was moved by Commissioner Sosa that Application No. 5 be transmitted to the Florida Department of Community Affairs with a recommendation to adopt. This motion was seconded by Commissioner Diaz and upon being put to a preliminary vote, passed by a vote of 12-0 (Commissioner Seijas was absent).*

*Upon the closing of the public hearing, the Board by motion duly made, seconded, and carried adopted the foregoing resolution, incorporating therein preliminary votes taken on applications to amend the Comprehensive Development Master Plan. (See report under Special Item No. 1 (Legislative File # 081309).*

SPECIAL ITEM NO. 3

**081477 Ordinance**

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING DISPOSITION OF APPLICATIONS FILED IN OCTOBER 2007 CYCLE TO AMEND, MODIFY, ADD TO OR CHANGE COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE (Department of Planning & Zoning)

*Adopted on first reading  
Public Hearing: October 2, 2008  
Mover: Rebeca Sosa  
Seconder: Jose "Pepe" Diaz  
Vote: 12- 0  
Absent: Seijas*

**Report:** Assistant County Attorney Craig Collier read the foregoing ordinance into the record.

*Upon the closing of the public hearing, the Board by motion duly made, seconded and carried adopted the foregoing resolution, incorporating therein preliminary votes taken on applications to amend the Comprehensive Development Master Plan.*

*The foregoing ordinance was adopted on first reading and scheduled for a public hearing before the Board of County Commissioners on October 2, 2008.*

**083061 Report**

MAY 29, 2008 BCC NON-AGENDA REPORT

**Report:** Vice Chairwoman Jordan noted to Commissioner Souto for the record that she commended Commissioner Souto for the way The Miami International Agriculture & Cattle Show went. She added that Commissioner Souto would have her support next year.

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**ADJOURNMENT**

**Report:** There being no further business to come before the Board, the meeting was adjourned at 12:32 p.m.



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Bruno A. Barreiro, Chairman

ATTEST: HARVEY RUVIN, CLERK



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By: Kay Sullivan, Deputy Clerk