



MIAMI-DADE COUNTY
FINAL OFFICIAL
Meeting Minutes

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

Wednesday, May 6, 2009
As Advertised

Harvey Ruvlin, Clerk
Board of County Commissioners

Diane Collins, Director
Clerk of the Board Division

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



Members Present: Bruno Barreiro; Jose "Pepe" Diaz; Audrey M. Edmonson; Carlos A. Gimenez; Sally A. Heyman; Barbara J. Jordan; Joe A. Martinez; Dennis C. Moss; Dorrin Rolle; Natacha Seijas; Katy Sorenson; Rebeca Sosa; Javier D. Souto

Members Absent: None.

Members Late: None.

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 Attorneys Joni Armstrong-Coffey and Craig Collier; Department of Planning and Zoning Director Marc LaFerrier; and Deputy Clerks Doris Dickens and Jovel Shaw.*

Mr. Marc LaFerrier, Department of Planning and Zoning (DP&Z) Director, noted the purpose of today's hearing was for the County Commission to take final action on 11 applications from the April 2008 Cycle for amendments to the Comprehensive Development Master Plan (CDMP). He also noted that the Commission would take final actions to adopt, adopt with change, or deny each or any of the applications by voting on ordinances Substitute Special Item 1A and Substitute Special Item 1B, both listed on today's (5/6) agenda. Mr. LaFerrier explained that Item 1A addressed application nos. 6 through 10, 13, and 18 through 20; and that Special Item 1B addressed application nos. 11 and 15. He pointed out that the Planning Advisory Board (PAB) met as the local planning agency on April 6, 2009 and conducted a public hearing to review and issue their final recommendations on each application. Mr. LaFerrier noted that final action would follow the receipt of the Objections, Recommendations, and Comments (ORC) report from the Department of Community Affairs (DCA) and DP&Z's submittal of a revised recommendations report which DP&Z would prepare and which would address the issues raised in the ORC report. He reviewed public hearing procedures for today's (5/6) hearing. Mr. LaFerrier noted that after the public hearing was closed the Commission would consider approval of the ordinances which provided for final action on the pending applications. According to the County Code, all amendments, additions, modifications, or other changes to the CDMP shall be by ordinance.

PUBLIC HEARING(S)

SPEC ITEM NO. 1

083146

Ordinance

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING DISPOSITION OF APPLICATIONS FILED IN APRIL 2008 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)

Not considered

Report: *See Substitute Special Items 1A (Legislative File No. 091332) and 1B (Legislative File No. 091333).*

11/6/2008 *Adopted on first reading by the Board of County Commissioners*

SUB. SPEC. ITEM NO. 1A

091332

Ordinance

ORDINANCE RELATING TO MIAMI-DADE COUNTY
COMPREHENSIVE DEVELOPMENT MASTER PLAN;
PROVIDING DISPOSITION OF APPLICATION NOS. 6, 7, 8, 9,
10, 13, 18, 19 AND 20 FILED IN APRIL 2008 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 09-28

Mover: Dorrin D. Rolle

Seconder: Rebeca Sosa

Vote: 13- 0

Report: Assistant County Attorney Joni Armstrong-Coffey read the foregoing proposed ordinance into the record.

Prior to voting on the foregoing proposed ordinance, the Board considered the following applications separately and took preliminary votes as follows:

Application No. 6

Mr. Mark Woerner, Metropolitan Planning Division Chief, DP&Z, introduced Application No. 6.

Chairman Moss opened the public hearing. Hearing no one wishing to speak in connection with the foregoing application, Chairman Moss closed the public hearing.

It was moved by Commissioner Diaz that the Board adopt Application No. 6 with a change to the designation from Industrial and Office and Transportation Terminals to Business and Office as requested by the Miami-Dade Aviation Department Director. This motion was seconded by Commissioner Sorenson and upon being put to a preliminary vote, passed by a vote of 10-0 (Commissioners Barreiro, Gimenez and Sosa were absent).

Application No. 7

Mr. Woerner introduced Application No. 7

Chairman Moss opened the public hearing. Hearing no one wishing to speak in connection with the foregoing application, Chairman Moss closed the public hearing.

It was moved by Commissioner Diaz that the Board adopt Application No. 7 with a change to the designation from Industrial and Office and Transportation Terminals to Business and Office as requested by the Miami-Dade Aviation Department Director. This motion was seconded by Commissioner Sorenson and upon being put to a preliminary vote, passed by a vote of 10-0 (Commissioners Barreiro, Gimenez and Sosa were absent).

Application No. 8

Mr. Woerner introduced Application No. 8

Mr. Felix Lasarte, attorney representing the applicant, 5835 Blue Lagoon Drive, appeared before the Board with Mr. Guillermo Olmedillo, urban planning expert, 1450 Madruga Ave, Suite 203; and Mr. Andrew Dolcart, Miami Economic Associates, Inc., 6861 S.W. 89 Terrace. They made a presentation in support of the foregoing application.

The following persons appeared before the Board in response to Chairman Moss' call for persons in support of the foregoing application:

~Mr. Jorge Gaston, 9440 Fontainebleau Blvd
~Mr. Jesus Carcasses, 580 NW 99 Place
~Mr. Sol Dominguez, 545 West Park Drive

No one responded to Chairman Moss' call for persons in opposition to the foregoing application. He closed the public hearing.

Assistant County Attorney Joni Armstrong-Coffey noted that one of the covenants submitted by the applicant lacked the necessary opinion of title. She explained that the applicant indicated an opinion of title could be submitted to

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the Board before the conclusion of today's (5/6) hearing.

Commissioner Souto noted he supported the foregoing application. He applauded that neighbors and the developer of the subject property made a collaborative effort on this application. He noted the area would be appealing when it was complete.

Commissioner Sosa commended the project proposed in this application. She noted she supported Commissioner Souto in receiving this project in his Commission District (Dist. 10).

Commissioner Sorenson commended the fact that the community was involved in developing the idea for the proposed project, that the project would be accessible by foot and bicycle because of its small size, and that reduction in residential capacity would be compensated for.

Commissioner Heyman noted that a road would be made available to residents of the area contiguous to the development, and the road would provide access to retail. She noted she supported this application.

Chairman Moss spoke in support of this application. He noted that seeing an applicant's proposal for the project's physical state was always important to him, and that he was intrigued with pictures of the proposed project which were submitted by the applicant. Chairman Moss noted a development constructed in the manner depicted by the applicant would create a wonderful neighborhood which would attract visitors.

Chairman Moss asked the County Attorney's Office (CAO) and the Department of Planning and Zoning (DPZ) Director to review the feasibility of establishing a zoning category called "Lifestyle Center" that would include bike trails, paths and retail in lieu of traditional town centers. He indicated that he would work on this issue with the County Attorney's Office and the DP&Z Director. He noted the area currently needed retail.

Mr. Woerner indicated he would make an effort to produce a clearer definition of a "Lifestyle Center."

Commissioner Souto noted the benefits that the proposed park would provide. He asked to be listed as a co-sponsor on the legislation coming forth under Chairman Moss' sponsorship.

It was moved by Commissioner Souto that the Board adopt Application No. 8 with acceptance of a proffered covenant as amended. This motion was seconded by Commissioner Diaz and upon being put to a preliminary vote, passed by a vote of 13-0.

Mr. Lasarte noted one of two opinions of title for this application was submitted. He noted the other, which was related to the golf course associated with this application, was on its way to this meeting.

Chairman Moss asked Assistant County Attorney Armstrong-Coffey to notify members of the Commission if the pending opinion of title was not received.

Commissioner Sosa noted that at CDMP hearings the Commission had to vote on all applications as one, which was sometimes a concern to Commission members. She noted she would feel more comfortable if Commission members voted on the applications individually. Commissioner Sosa expressed concern

that one vote had to be taken on all applications even if members were not in support of one of the applications. She asked for an opinion on how her concern could be addressed. Commissioner Sosa also asked whether the Commission had the legal alternative to vote on applications individually.

Assistant County Attorney Joni Armstrong-Coffey noted that as long as the Commission recognized that a single public hearing was being held on all applications, at the end of the public hearing, the Commission could direct the County Attorney's Office to prepare any number of ordinances in any combination, or individually. She also noted that the Commission could direct, as a matter of policy, that the County Administration prepare all applications as individual ordinances. She added that the County Attorney's preference was that the final votes be held until the end of the public hearing.

Commissioner Sosa noted she felt comfortable that in case a problem occurred, an application could be voted on by itself.

Chairman Moss asked Assistant County Attorney Armstrong-Coffey if she was saying that under the current rules, items could be bifurcated.

Assistant County Attorney Armstrong-Coffey noted that this was correct.

Application No. 9

Mr. Woerner introduced Application No. 9. He noted staff was changing its recommendation for this application to approval with acceptance of the proffered covenant. He noted staff changed its recommendation because the applicant agreed, through a recently proposed change in its covenant, to include an elderly housing component that would provide a mix of uses; the square footage of the property had been reduced; the amount of business and office land area had been reduced; the covenant newly proposed reduction in retail, a lot of buffering along the west and north sides of the property, and restriction of uses close to residential areas; and the applicant's consultants had newly satisfied staff's concerns regarding traffic.

In response to Chairman Moss' request for clarification regarding staff's current recommendation on this application, Mr. Woerner clarified that staff's recommendation was to adopt the application with the most recent proffered covenant.

Mr. Juan Mayol, 701 Brickell Avenue, attorney representing the applicant, asked that Mr. Dolcart's comments on Application No. 8 be applied to this proposed application. He made a presentation in support of this proposed application.

Mr. Stephen Helfman, 2525 Ponce de Leon Blvd., appeared before the Board in response to Chairman Moss' call for objectors to this application. He expressed discontent that the most recent covenant was not in the records as of yesterday afternoon. Mr. Helfman noted he was representing Flagler Retail Associates, which owned Park Hill Shopping Center; SC Mota Associates Limited Partnership, which owned Flagler Park Plaza Shopping Center; and Flagler S.C., LLC, which owned the Mall of the Americas. Mr. Helfman spoke in opposition to this proposed application.

The following persons appeared before the Board in response to Chairman Moss' call for persons wishing to be heard in support of this proposed application:

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*~Ms. Margarita Porras, 10845 N.W. 7 Street
~Mr. Claude Fabre, 10464 N.W. 5 Terrace
~Mr. Rafael Bohorquez, 10259 NW 9 Street Circle
~Ms. Hellen Villarreal, 10257 NW 9 Street Circle
~Mr. Andre Oran, 10241 NW 9 Street Circle*

Chairman Moss closed the public hearing.

Commissioner Souto spoke in support of this application.

It was moved by Commissioner Souto that the Board adopt Application No. 9 with acceptance of a proffered covenant. This motion was seconded by Commissioner Sosa and upon being put to a preliminary vote, passed by a vote of 13-0.

Commissioner Diaz spoke in support of this application.

*Application No. 10
Mr. Woerner presented Application No. 10.*

No one responded to Chairman Moss' call for persons in opposition to this proposed application.

It was moved by Commissioner Sorenson that the Board adopt Application No. 10 with acceptance of a proffered covenant. This motion was seconded by Commissioner Martinez and upon being put a preliminary vote, passed by a vote of 12-0 (Commissioner Seijas was absent).

*Application No. 13
Mr. Woerner presented Application No. 13.*

No one responded to Chairman Moss' call for persons in opposition to this proposed application.

Commissioner Sorenson noted that she believed agricultural issues would be addressed in Special Item No. 1A, not in the CDMP.

Chairman Moss noted that in the future any necessary adjustments to this application could be considered by the Commission. He noted instances in other areas where retail activities of agricultural products occurred. Chairman Moss described an instance where activities like winery operations saved agriculture in another area.

It was moved by Commissioner Jordan that the Board adopt Application No. 13. This motion was seconded by Commissioner Edmonson and upon being put to a preliminary vote, passed by a vote of 12-0 (Commissioner Seijas was absent).

*Application No. 17
Mr. Mark Woerner noted that staff withdrew Application No. 17 at the April 6, 2009 PAB hearing. Mr. Woerner asked that the Board accept the withdrawal of Application No. 17.*

It was moved by Commissioner Martinez that the Board accept the withdrawal of Application No. 17 as requested by staff. This motion was seconded by Vice Chairman Diaz and upon being put to a preliminary vote, passed by a vote of 9-0 (Commissioners Barreiro, Gimenez, Seijas and Sosa were absent).

Application No. 18

Mr. Woerner presented Application No. 18.

It was moved by Commissioner Jordan that the Board adopt Application No. 18. This motion was seconded by Commissioner Sorenson and upon being put to a preliminary vote, passed by a vote of 12-0 (Commissioner Seijas was absent).

Application No. 19

Mr. Woerner presented Application No. 19.

It was moved by Commissioner Sorenson that the Board adopt Application No. 19. This motion was seconded by Commissioner Gimenez and upon being put to a preliminary vote, passed by a vote of 13-0.

Application No. 20

Mr. Woerner introduced application No. 20.

Chairman Moss opened the public hearing. Hearing no one wishing to speak in connection with the foregoing application, Chairman Moss closed the public hearing.

It was moved by Commissioner Diaz that the Board adopt Application No. 20. This motion was seconded by Commissioner Sorenson and upon being put to a preliminary vote, passed by a vote of 10-0, (Commissioners Barreiro, Gimenez and Sosa were absent).

Upon the closing of the public hearing, the Board by motion duly made, seconded, and carried adopted this proposed ordinance, Substitute Special Item No. 1A, incorporating therein preliminary votes taken on applications filed in the April 2008 Cycle to amend the Comprehensive Development Master Plan.

SUB. SPEC. ITEM NO. 1B

091333 Ordinance

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING DISPOSITION OF APPLICATION NOS. 11 AND 15 FILED IN APRIL 2008 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 09-29
Mover: **Dorrin D. Rolle**
Seconder: **Rebeca Sosa**
Vote: 13- 0*

Report: Assistant County Attorney Joni Armstrong-Coffey read the foregoing proposed ordinance into the record.

Prior to voting on the foregoing proposed ordinance, the Board considered the following applications separately and took preliminary votes as follows:

Application No. 11

In response to Chairman Moss' call for persons wishing to defer or withdraw applications, Mr. Jeffrey Bercow, 200 S. Biscayne Boulevard, attorney representing the Builders Association of South Florida (BASF), noted that BASF was requesting the withdrawal of Application No. 11. He explained that several discussions had taken place between the Superintendent and BASF, and as a result, the Superintendent agreed to assemble a working group to be charged with developing regulations to address how charter schools may be used to mitigate school concurrency. Mr. Bercow additionally noted that the Superintendent promised to members of the charter school industry seats at the table. Lastly, he noted that due to these facts, the applicant agreed to withdraw this application.

It was moved by Commissioner Martinez that the Board accept the withdrawal of Application No. 11 as requested by the applicant. This motion was seconded by Vice Chairman Diaz and upon being put to a preliminary vote, passed by a vote of 9-0 (Commissioners Barreiro, Gimenez, Seijas, and Sosa were absent).

Application No. 15

Mr. Woerner, Chief, Metropolitan Planning Section, DP&Z, presented Application No. 15.

It was moved by Commissioner Gimenez that the Board adopt Application No. 15. This motion was seconded by Vice Chairman Diaz and upon being put to a preliminary vote, passed by a vote of 12-0, (Commissioner Seijas was absent).

Application No. 17

Mr. Mark Woerner noted that staff withdrew Application No. 17 at the April 6, 2009 PAB hearing. Mr. Woerner asked that the Board accept the withdrawal of Application No. 17.

It was moved by Commissioner Martinez that the Board accept the withdrawal of Application No. 17 as requested by staff. This motion was seconded by vice Chairman Diaz and upon being put to a preliminary vote, passed by a vote of 9-0 (Commissioners Barreiro, Gimenez, Seijas and Sosa were absent).

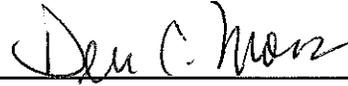
Upon the closing of the public hearing, the Board by motion duly made, seconded, and carried, adopted this proposed ordinance, Substitute Special Item No. 1B, incorporating therein preliminary votes taken on applications filed in the April 2008 Cycle to amend the Comprehensive Development Master Plan.

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ADJOURNMENT

Report: Hearing no further business, the Board adjourned the meeting at 11:41 a.m.

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Dennis C. Moss, Chairman

ATTEST: HARVEY RUVIN, CLERK



By: _____
Diane Collins, Deputy Clerk