



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, November 4, 2009
As Advertised

Harvey Ruvlin, Clerk
Board of County Commissioners

Diane Collins, Acting, Director
Clerk of the Board Division

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



FINAL OFFICIAL

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

Members Absent: None.

Members Late: Bruno Barreiro; Barbara J. Jordan

Members Excused: Sally A. Heyman

Members Absent County Business: None.

1 MINUTES PREPARED BY:

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

1A MOMENT OF SILENCE

Report: *Chairman Moss convened the meeting in a moment of silence, asking that former Commissioner Clara Oesterle be remembered. The moment of silence was followed by the Pledge of Allegiance.*

1B PLEDGE OF ALLEGIANCE

1C ROLL CALL

Report: *The following staff members were present: Assistant County Attorneys Craig Collier and Joni Armstrong-Coffey; and Deputy Clerks Doris Dickens and Alicia Stephenson.*

SPECIAL ITEM NO. A

092889**Report**

REPORT ON APRIL 2009 CYCLE APPLICATIONS TO AMEND **Presented**
THE COMPREHENSIVE DEVELOPMENT MASTER PLAN
(County Manager)

Report: *Mr. Marc LaFerrier, Director, Department of Planning and Zoning (DP&Z), noted the purpose of today's (11/4) hearing was for the Board of County Commissioners (Commission) to take action on the 2009 cycle of applications requesting amendments to the Comprehensive Development Master Plan (CDMP). He also noted that the DP&Z, at the appropriate time, would ask the Commission to defer an ordinance, Special Item No. 1, to December 1, 2009. He explained that this ordinance addressed the Capital Improvements Element's (CIE's) text and the Six-Year Schedule of Improvements. He advised that Application Nos. 1 and 2 were lawfully withdrawn on August 5, 2009 and August 31, 2009 respectively. Mr. LaFerrier noted the Commission was scheduled to take action today on Special Item No. 2, a resolution which instructed the County Manager to transmit or not transmit standard CDMP Application Nos. 3, 4, 5, 6, 8, and 9 to the Florida Department of Community Affairs (DCA) for review and comment. Mr. LaFerrier further noted that an additional ordinance, Special Item No. 3, was on today's agenda for first reading, and that its approval would provide for the Commission to hear and take final action, in April 2010, on any application(s) transmitted to the DCA by today's resolution. He noted the Commission would be scheduled to take action on this resolution after the DCA's Objections, Recommendations and Comments (ORC), report was received by the County.*

Mr. LaFerrier presented the procedures to be followed during today's proceedings, noting that written statements would be accepted and entered into the record with the same status as oral testimony. Mr. LaFerrier noted that following the closing of today's public hearing, the Commission would take action on Special Item No. 2 and then consider adoption on first reading of Special Item No. 3.

Mr. Mark Woerner, Chief, Metropolitan Planning Section, DP&Z, noted that all applications to be considered today were standard applications, clarifying that none were small-scale applications.

PUBLIC HEARING(S)

SPECIAL ITEM NO. 1

092585 **Ordinance**

ORDINANCE RELATING TO MIAMI-DADE COUNTY
COMPREHENSIVE DEVELOPMENT MASTER PLAN;
ACTING UPON CAPITAL IMPROVEMENTS ELEMENT
AMENDMENT APPLICATION FILED IN APRIL 2009 CYCLE
TO AMEND, MODIFY, ADD TO OR CHANGE THE
COMPREHENSIVE DEVELOPMENT MASTER PLAN;
PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE
AND AN EFFECTIVE DATE (Department of Planning & Zoning)

Deferred to December 1, 2009
Mover: Carlos A. Gimenez
Seconder: Katy Sorenson
Vote: 10- 0
Absent: Jordan, Heyman,
Barreiro

Report: Assistant County Attorney Craig Coller read the foregoing proposed ordinance into the record.

The Commission deferred the foregoing proposed ordinance to 9:30 a.m. on December 1, 2009, with no further notice.

10/6/2009 *Adopted on first reading by the Board of County Commissioners*

10/6/2009 *Tentatively scheduled for a public hearing by the Board of County Commissioners to the Board of County Commissioners*

SPECIAL ITEM NO. 2

092890 Resolution

RESOLUTION PERTAINING TO APRIL 2009 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-1276-09

Mover: Joe A. Martinez

Seconder: Jose "Pepe" Diaz

Vote: 12- 0

Absent: Heyman

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

Prior to voting on the foregoing proposed resolution, the Commission considered Applications Nos. 3, 4, 5, 6, 8, and 9 separately.

Assistant County Attorney Craig Collier advised that all votes on the applications would be preliminary votes and would be incorporated into the foregoing resolution after all the applications were considered.

Application No. 3

Mr. Mark Woerner, Chief, Metropolitan Planning Section, DP&Z, presented the foregoing application.

Mr. Joseph Goldstein, 701 Brickell Avenue, attorney representing the applicant, appeared before the Commission as requested by Chairman Moss. He noted that he did not see present either objectors or anyone signed up to speak on this application at today's (11/4) hearing. Mr. Goldstein pointed out that some individuals in the audience wanted to speak in support of this application. He noted that he was prepared to make a presentation in support of this application; however, the applicant was willing, instead, to rely on the recommendations of the Planning Advisory Board, Community Council 11 and DP&Z, and on the comments from supporters of this application.

Chairman Moss closed the public hearing after no one responded to his call for persons wishing to speak in objection to this application.

Commissioner Seijas noted that although staff was not currently required to report on expected impacts of sea level rise in connection with CDMP applications, she was hopeful the County Administration would begin doing so. She added that her concerns regarding sea level rise impact would not affect her vote on this application.

In response to Commissioner Seijas' inquiry regarding flooding issues being undetermined as noted on page 3-8 of DP&Z's April 2009 Initial Recommendations report, Mr. Carlos Espinosa, Department of Environmental Resources Management Director, noted that the application area should not flood, but the maps may be lacking some of the most current information available.

Commissioner Seijas spoke in support of transmitting the application to DCA, asked that the maps be brought up to date, and noted she would follow the lead of District 11 Commissioner Martinez.

Commissioner Sorenson concurred with Commissioner Seijas that every applicant needed to review maps on sea level rise when considering building foundation and drainage issues. She pointed out that the most vulnerable portion of the County seemed to be the northwest area.

Commissioner Seijas asked Mr. Woerner to meet with her to discuss how to address the need to include sea level rise impact in DP&Z's evaluation of CDMP applications.

It was moved by Commissioner Souto that Application No. 3 be adopted and transmitted to the Florida Department of Community Affairs with acceptance of the proffered covenant as recommended by the Department of Planning and Zoning Director. This motion was seconded by Commissioner Martinez, and

FINAL OFFICIAL

upon being put to a preliminary vote, passed by a vote of 10-0 (Commissioners Barreiro, Heyman, and Jordan were absent).

Application No. 4

Mr. Mark Woerner, Chief, Metropolitan Planning, Department of Planning and Zoning (DP&Z), presented the foregoing application.

Mr. Miguel Diaz de la Portilla, 121 Alhambra Plaza, attorney representing the applicant, made a presentation in support of the foregoing application.

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

- Mr. George Broach (phonetic), address not public record*
- Ms. Judy Pole (phonetic), 16368 SW 103 Terrace*
- Mr. Jonathan Oramas (phonetic), 15146 SW 109 Street*

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

- Ms. Egle Ellie Dykhne, Everglades Law Center, 3305 College Ave., Davie*
- Mr. Justin Ortega, Everglades Law Center, 3305 College Ave., Davie*
- Ms. Emily Helmick, Everglades Law Center, 3305 College Ave., Davie*
- Ms. Laura Reynolds, Tropical Audubon Society, 5530 Sunset Drive*
- Ms. Caitlin MacLaren, 7730 SW 53 Place*
- Mr. Barry White, C.A.N.T., 10001 SW 129 Terrace*
- Ms. Dawn Sheriffs, Clean Water Action, 190 NE 199 Street, #106*

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

Chairman Moss recognized Commissioner Martinez of District 11, the district in which the application area was located.

Commissioner Martinez noted he would like to hear from his colleagues who opposed this application and then address all his colleagues from the floor of the Commission Chamber.

Commissioner Sorenson noted she was appreciative of Mr. Barry White's comments on agricultural issues in relation to the foregoing application. She further noted that agriculture was a regional issue, a national security matter, and the County's third largest industry; and that a critical mass was needed to sustain agriculture in the County. Commissioner Sorenson noted the foregoing application should only be approved due to an emergency, and this application did not represent one. She cited DP&Z's reasons for recommending this application be denied and not transmitted to the DCA; and noted that even though the 2025 Urban Expansion Area (UEA) was intended to provide for urban development, need and demand for the UEA to be developed at the current time were non-existent. Commissioner Sorenson pointed out that she supported Commission members showing respect to a commissioner when an application in his or her commission district was being considered; however, she felt Commission members needed to consider applications from the perspective that they were responsible for the County and the region.

Commissioners Seijas, Gimenez, and Diaz spoke in support of transmitting the foregoing application to the DCA.

Commissioner Gimenez noted that he would need compelling reasons from the DCA in order to vote in favor of this application.

Commissioner Diaz noted the Commission needed to respect the district commissioner because he knew the needs of the area and how it would be impacted by the application.

Commissioner Martinez expressed concern regarding the rationale for the Urban Development Boundary (UDB) configuration. He noted that DP&Z staff made recommendations based on the Administration's philosophy, also noting this statement was supported by the facts that DP&Z's Economic Coordination Division produced a report entitled "Economic Profile of Miami-Dade County Commission Districts," which was introduced by a County Manager memorandum dated October 16, 2009 that made certain statements. Commissioner Martinez enumerated some of these statements, which indicated that District 11, the application district, had the fewest retail opportunities, business establishments, and healthcare establishments of all the districts. He expressed concern that DP&Z's recommendations regarding this application conflicted with the information in the economic profile which he had just pointed out. Commissioner Martinez noted that he lived in the application's surrounding area and knew its needs. He noted that some members of the environmental community had changed from supporting UDB expansion to opposing it. He also expressed concern that those in opposition to this application may not be looking at UDB related applications individually. Commissioner Martinez spoke in support of transmitting this application to the DCA without a recommendation.

It was moved by Commissioner Martinez that Application No. 4 be transmitted to the Florida Department of Community Affairs without recommendation, 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 7-4 (Commissioners Edmonson, Sorenson, Sosa, and Chairman Moss voted "No." Commissioners Heyman and Jordan were absent).

Application No. 5

Mr. Woerner, Chief, Metropolitan Planning, DP&Z, presented the foregoing application.

Mr. Felix Lasarte, 5835 Blue Lagoon Drive, attorney representing the applicant, made a presentation in support of the foregoing application.

Mr. Guillermo Olmedillo, 1450 Madruga Avenue, planning consultant, made a presentation in support of this application.

Mr. Andrew Dolcart, Miami Economic Associates, consultant, spoke regarding the need for the truck parking facility that was being requested by the applicant.

Mr. Arsenio Millian, 2025 SW 32 Avenue, consultant, Millian, Swain and Associates, made a presentation regarding stormwater systems and treating potential stormwater runoff to prevent environmental damage.

Mr. Brad Waller, 9730 East Hibiscus Street, Palmetto Bay, Brad Waller and Associates President, made a presentation regarding hydrology as it related to this application.

The following persons appeared before the Commission in opposition to the

foregoing application:

-Mr. Richard Grosso, 3305 College Avenue, Davie, Everglades Law Center
-Ms. Dawn Sheriffs, 190 NE 199 Street, # 106, Clean Water Action

Mr. Albert Hanley, 7800 NW 72 Avenue, commercial driver license school president, appeared before the Commission in support of the foregoing application.

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

Commissioner Sosa noted that parking areas would be needed for trucks in the future in order to keep the trucks out of residential areas. She asked the DP&Z Director to survey areas with many trucks to determine locations that would be suitable for the parking of trucks.

In response to Commissioner Sosa's inquiry as to whether landfills would be allowed on the application site, Mr. Woerner noted that this was correct, pursuant to a November 3, 2009 letter submitted by the applicant.

Commissioner Souto expressed concern that many trucks were parked in violation of zoning laws and were causing problems. He noted that fluid seeping from the trucks needed to be controlled through engineering efforts, adding that he supported the application.

Commissioner Gimenez pointed out that the County would spend billions of dollars to build the Port of Miami Tunnel in order to move truck traffic out of Miami's downtown area. He noted that truck traffic should be placed close to the transportation area and that he wanted this application to be transmitted to the DCA in order to receive input on whether the application site was appropriate for truck parking. He added that DP&Z needed to address the issue of truck parking.

In response to Commissioner Edmonson's inquiry as to whether approval of this application would result in the UDB being moved, Mr. LaFerrier, DP&Z Director, noted this was incorrect.

Commissioner Edmonson noted the need for appropriate areas in which to park trucks was countywide, and noted she supported this application.

In response to Commissioner Jordan's inquiry as to the current number of industrial parking lots in urban areas, Mr. LaFerrier noted that DP&Z did not have this information; however, the Initial Recommendations indicated that approximately 750 acres of vacant County industrial land was available for the development of parking facilities for trucks.

In response to Commissioner Jordan's inquiry as to whether the DP&Z had identified parking lots solely for industrial uses in industrial areas of the County, Mr. LaFerrier noted that the DP&Z had not done this type of detailed analysis.

Mr. LaFerrier noted that the Metropolitan Planning Organization (MPO) recently approved the nine-month Comprehensive Parking Study for Freight Transportation in Miami-Dade County, to commence in January 2010 and address truck parking. He indicated that the study's results would lead to the development of a plan to address truck parking issues, and the plan would be

submitted to the Commission. Mr. LaFerrier added that from approximately the year 2007 until recently, the application site was used for illegal parking of trucks, which showed that this application was not a solution and that a more comprehensive approach to the truck parking problem was needed. Mr. LaFerrier further noted that the DP&Z believed the proposed site was an inappropriate location for a truck parking facility.

In response to Commissioner Jordan's inquiries regarding the illegal truck operation on the subject property, Mr. Espinosa noted that DERM detected no major contamination of the property.

Commissioner Jordan noted truck parking areas were needed in her commission district (District 1) and that until the truck parking problem was resolved, a place for trucks to park should be identified. Commissioner Jordan asked the DP&Z Director to submit to the Commission a plan outside of the MPO's parking study, to address the problem as soon as possible. She noted that had seepage or contamination been found on the property and documented, she would not have supported this application; however, she was in support of this application.

Commissioner Sorenson suggested the Commission wait for the MPO's parking study to be completed before approving this application. She expressed concern regarding the applicant's poor history of compliance with the County and pointed out some examples.

Chairman Moss expressed concern with the applicant's violations, noting he was unsure whether the application site was appropriate for truck parking, or if the cost of the land would justify a truck parking facility. He also noted that the approach to the truck problem must be comprehensive, and that the County's planning process must include the integration of residential, commercial, and all other types of considerations into a plan that would support the trucking industry. Chairman Moss added that the plan should place truck parking facilities close to normal truck destinations and away from residential areas. Chairman Moss noted that he supported the transmittal of the application to DCA and that he would only consider voting in favor of the application if all environmental precautions were taken.

Commissioner Diaz expressed concern regarding the position of those in opposition to the approval of applications for the development of facilities outside the UDB. He noted truck drivers parked illegally out of necessity. Commissioner Diaz also noted the proposed site was the best because it was close to U.S. Route 27 (US 27), the truck corridor. Commissioner Diaz expressed concern regarding the effect of the County's actions on the "small guy" trying to support his family. He also expressed concern regarding a sensitive wetland area being on the other side of one of the County's maintenance depots.

In response to Commissioner Diaz's inquiry as to whether transmitting the application with a favorable recommendation, instead of without a recommendation, would result in a closer DCA review, Mr. LaFerrier noted that today's hearing was the transmittal hearing, and the DCA would not review applications with recommendations for approval differently from applications without recommendations. He added that the DCA's review of the transmitted applications was based on their policies and regulations.

Mr. Olmedillo noted that in his experience as a former director of planning and zoning offices in the County and the City of Miami, and as a private

consultant on applications submitted to the DCA, he believed that DCA looked more closely at applications that were transmitted with recommendations.

Commissioner Diaz noted he wanted the DCA to submit the application to the County with thorough feedback.

It was moved by Commissioner Diaz that Application No. 5 be adopted with change in accordance with the letter submitted by the applicant on November 3, 2009 and transmitted to the Florida Department of Community Affairs with a recommendation to adopt. This motion was seconded by Commissioner Edmonson and upon being put to a preliminary vote, passed by a vote of 11-1 (Commissioner Sorenson voted "No." Commissioner Heyman was absent).

Commissioner Gimenez expressed concern that the DCA may provide more feedback on an application because a recommendation was attached to the application. He asked the DP&Z Director to submit a report to the Commission regarding this matter.

Application No. 6

Mr. Mark Woerner, Chief, Metropolitan Planning Section, DP&Z, presented the foregoing application.

Mr. Jeffrey Bercow, 200 S. Biscayne Blvd., attorney representing the applicant, Florida Power and Light Company (FPL), made a presentation in support of the foregoing application. He asked that copies of data and analysis which he was placing in the record, and of the PowerPoint presentations to be made today, be transmitted along with this application if the Commission voted to transmit it to the DCA.

Mr. Steve Scroggs, Senior Director of Development for FPL, 9250 W. Flagler Street, made a presentation in support of the foregoing application.

Mr. Joaquin Vargas, Traffic Engineer, TrafTech Engineering Inc., 8400 N. University Drive, Tamarac, made a PowerPoint presentation regarding traffic impacts which would result from approval of this application.

Ms. Gina Meyer (phonetic), Senior Environmental Specialist, FPL, 700 Universe Blvd., Juno Beach, made a presentation regarding FPL's environmental requirements.

Mr. Scroggs advised that this application was comprised of a text portion and map portions. He noted FPL was asking the Commission to adopt and transmit the text portion to DCA. Mr. Scroggs further noted that FPL was requesting the Commission transmit to the DCA the map portion, which, he pointed out, contained two map change options.

In response to Chairman Moss' inquiry regarding whether Mr. Scrogg's request and staff's recommendation were the same, Mr. LaFerrier noted that DP&Z's recommendation was that the application be transmitted. He deferred to the County Attorney's Office for guidance on how to accomplish Mr. Scrogg's request.

As requested by Chairman Moss, Assistant County Attorney Joni Armstrong-Coffey provided a legal opinion on how to accomplish the applicant's request. She noted that she saw no problem with the Commission transmitting alternative amendments to the DCA as long as the DP&Z submitted advisement to the DCA that these amendment options were mutually exclusive.

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

- Ms. Laura Reynolds, 5530 Sunset Drive, Tropical Audubon Society
- Mr. Barry White, Citizens Against Non-concurrency Task Force, Inc.,
1001
SW 129 Terrace
- Mr. Richard Grosso, Friends of the Everglades, 3305 College Ave.

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

Chairman Moss noted that some individuals were in opposition to nuclear expansion at the subject site. He inquired as to whether the portion of the application regarding temporary roadway improvements would be unnecessary if expansion of FPL's Turkey Point Power Plant was not approved by the State.

Mr. LaFerrier noted that this was correct. He clarified that the intent of the proposed temporary roadway improvements was to provide for expansion of the plant.

Mr. LaFerrier responded to Chairman Moss' request for clarification regarding the applicant's request that one portion of the application be adopted and transmitted, and that the other portion be transmitted. He advised that the Commission could make a motion on the application for adoption and transmittal of the text portion; and separately a motion for transmittal of the map portion, to include the two proposed roadway options.

Mr. Scroggs explained that the Commission could not adopt and transmit the roadway improvement portion because it involved two mutually exclusive options. Therefore, he noted, FPL was requesting that the Commission's action be adoption and transmittal of the application's text portion, and transmittal of the application's roadway improvement portion.

In response to Chairman Moss' inquiry as to whether the proposed text amendment portion addressed FPL's expansion project only, Mr. Woerner noted that this application was comprised of five parts. The proposed text change, he explained, constituted one part of the application. The text change was regarding whether to add language to the Comprehensive Development Master Plan CDMP Land Use Plan (LUP) map to provide for temporary roadways, Mr. Woerner added. He also added that this application did not propose any other text changes. Mr. Woerner advised that the text change was identified in the applicant's letter dated October 23, 2009.

In response to Commissioner Sosa's inquiry of which roadway option DP&Z was recommending be adopted, Mr. LaFerrier noted that DP&Z recommended that both options be transmitted to the DCA.

Noting that DP&Z indicated an analysis would be performed to determine whether the County should retain the proposed roadway improvements following FPL's expansion project, Commissioner Sosa asked whether the analysis would be submitted to the Commission.

Mr. Woerner noted that before this application was considered by the Commission in April 2010, the DP&Z would work with the applicant to

perform the analysis and develop a recommendation to the Commission regarding which roadways should be temporary and which should be permanent.

Commissioner Sosa inquired whether the DCA would be required to submit, before the Commission considered the application again, a statement that contained more comprehensive environmental information than was currently available to the County.

Mr. Woerner noted that DP&Z was expecting to receive feedback from the DCA regarding the implications for wetland protection if roadway option one was chosen, versus if roadway option two was chosen.

In response to Chairman Moss' question regarding whether using SW 344 Street on an ongoing basis or opening SW 344 Street only during emergencies would be considered as part of the analysis, Mr. Woerner noted this was correct.

Commissioner Martinez inquired whether the surface water flow to Biscayne Bay could be impeded by implementation of the roadway option to improve SW 359 Street as a main access road to FPL's Turkey Point plant.

Mr. Woerner noted that this was correct, and that surface water flow would not be impeded if the option to use the two lane 344 Street between the Turkey Point plant and SW 137th avenue was used, because 344 Street already existed; but, the option to improve SW 359 Street may impede water flow.

Commissioner Martinez expressed concern regarding the option to improve SW 359 Street.

Commissioner Sorenson pointed out that more attention was being given to wind, solar, and water power, and questioned the placement of more toxic uses in proximity to Biscayne Bay. She noted, if the question at hand was which of the two roads to improve, she would support removing the option of improving SW 359 Street; however she had a bigger issue with the application. Commissioner Sorenson noted that as a policymaker, she would rather be cautionary by not giving momentum to something that she fundamentally had a serious problem with. She noted she could not support this application.

Commissioner Gimenez noted that he did not believe the option to improve SW 359 Street was good because it would interfere with the Everglades restoration efforts. He added he believed that if improving SW 344 Street was a viable option, it should be implemented. Commissioner Gimenez spoke in support of transmitting the application to the DCA.

Commissioner Diaz expressed concern regarding placing windmills along Biscayne Bay for the purpose of generating power, noting that windmills could kill birds. He also expressed concern with placing solar panels along Biscayne Bay and in the Everglades. Commissioner Diaz noted that atomic energy was the cleanest form of energy currently available to the County. He also noted that if the County had a lot of space, he would concur that wind and solar energy were the cleanest forms of energy available to the County. Commissioner Diaz noted that wind energy would not be as efficient in the County as it was in other places. He also noted that using solar panels in the County would require more space than was available in the County. Commissioner Diaz noted he supported a transmittal of this application to the

DCA.

Commissioner Barreiro noted he supported transmittal of the application to the DCA. He spoke in support of nuclear power plants, and noted the most suitable location for a power plant was near water.

Chairman Moss spoke in support of nuclear energy.

Commissioner Souto noted he had no objections to nuclear energy. He also noted that the means for generating power through the use of solar, wind, and tidal energy had to be developed before they could be implemented.

Commissioner Souto noted that in the meantime, power needs had to be addressed. He spoke in support of the application, and of expanding the Turkey Point Power Plant, which was better than building a plant in a different location.

Chairman Moss relinquished the chair to Vice-Chairman Diaz.

It was moved by Commissioner Moss that the text portion of Application No. 6, as amended by Florida Power and Light Company's (FPL's) letter dated October 23, 2009, be transmitted to the Florida Department of Community Affairs (DCA) with a recommendation to adopt; and that the remaining portions of the application and the two alternative road configuration maps be submitted to the DCA without a recommendation as modified by FPL's letter dated October 23, 2009. This motion was seconded by Commissioner Martinez and upon being put to a preliminary vote, passed by a vote of 10-1 (Commissioner Sorenson voted "No." Commissioners Jordan and Heyman were absent).

Application No. 8

Mr. Mark Woerner, Chief, Metropolitan Planning Section, DP&Z, presented the foregoing application.

Mr. Jeffrey Bercow of Bercow, Radell and Fernandez, 200 South Biscayne Blvd., appeared before the Commission. He stated he was part of the Builders Association of South Florida's (BASF's) Legislative Committee that met with the Park and Recreation Department to discuss BASF's concerns and areas of agreement on the foregoing application. He noted the BASF supported the foregoing application as amended.

Hearing no one else wishing to speak in connection with Application No. 8, Chairman Moss closed the public hearing.

It was moved by Commissioner Sorenson that Application No. 8 be adopted with changes based on a Park and Recreation Department memorandum dated October 2, 2009, and transmitted to the Florida Department of Community Affairs as recommended by staff. This motion was seconded by Commissioner Diaz, and upon being put to a preliminary vote, passed by a vote of 12-0 (Commissioner Heyman was absent).

Application No. 9

Mr. Jeffrey Bercow of Bercow, Radell and Fernandez, 200 South Biscayne Blvd., appeared before the Commission. He noted that the Builders Association of South Florida submitted to the County Attorney's Office (CAO) a memorandum regarding concerns on possible pre-emption by State law of policies relating to mobile home parks.

FINAL OFFICIAL

Commissioner Seijas asked what the County's liability would be if the Commission adopted the foregoing application. She expressed concern regarding trailer parks' vulnerability to hurricanes. She noted she supported transmittal of this application, but was concerned about the application's impact.

Assistant County Attorney Joni Armstrong-Coffey noted the CAO received yesterday (11/03) the memorandum referenced by Mr. Bercow. She also noted the CAO wanted to consider issues related to this application. Ms. Armstrong-Coffey added that in her legal opinion, nothing in the transmittal or the planning processes exposed the Commission or the County to liability. She explained that in the planning process, an amendment to the CDMP would remain as part of a plan, and that an issue would arise later if the Commission decided whether to grant or deny zoning based on that plan. Ms. Armstrong-Coffey noted the CAO would look at the language of the proposed amendment very carefully in light of Commissioner Seijas' question.

Mr. Marc LaFerrier, Department of Planning and Zoning (DP&Z) Director, noted he understood that DP&Z may need to change the application's proposed Comprehensive Development Master Plan (CDMP) Housing Element Objective HO-7 and Policies HO-7A to HO-7G after transmitting it to the DCA, and before submitting it to the Commission with a request for approval. He advised that he believed it should be recognized that several of the policies were relative to the rehabilitation and replacement of some mobile home units, and to enhancements in the mobile home parks.

Commissioner Seijas asked Mr. LaFerrier to transmit her comments to the DCA along with the application.

It was moved by Commissioner Sorenson that Application No. 9 be adopted and transmitted to the Florida Department of Community Affairs as recommended by staff, with the memorandum submitted to the County Attorney's Office by attorney Jeffrey Bercow. This motion was seconded by Commissioner Diaz, and upon being put to a preliminary vote, passed by a vote of 12-0 (Commissioner Heyman was absent).

Upon conclusion of the foregoing, it was moved by Commissioner Martinez that the foregoing resolution be adopted, incorporating therein the preliminary votes taken on applications nos. 3, 4, 5, 6, 8, and 9.

Commissioner Sosa requested that the foregoing resolution be bifurcated to separate Application No. 4 from the other applications.

Commissioner Martinez stated that he preferred not to bifurcate the resolution.

In response to Commissioner Sosa's inquiry as to whether the Clerk's Office kept a record of all preliminary votes on applications as well as a record of the votes on the ordinances or resolutions incorporating the preliminary votes, Ms. Doris Dickens, Senior Commission Clerk, Clerk of the Board, noted that this was correct, and that all of these preliminary votes were recorded in the minutes of the Commission's CDMP meetings.

In response to Commissioner Sorenson's request for identification of attachments to applications submitted to the DCA, Mr. Mark Woerner, Chief, Metropolitan Planning, DP&Z, noted that an abbreviated form of minutes

produced by the Clerk of the Board was transmitted to the DCA, explaining that these minutes contained all preliminary votes on applications and all votes on ordinances or resolutions incorporating the preliminary votes. He added that all exhibits submitted in CDMP meetings were transmitted to the DCA, as well as all documents produced by the DP&Z regarding CDMP agenda items.

In response to Commissioner Sorenson's inquiry regarding whether the testimony from members of the public was transmitted to the DCA, Mr. Woerner noted that testimony made at the Commission's CDMP hearings was not transmitted to the DCA. He advised that minutes of the Planning Advisory Board (the local planning agency), were transmitted and that those minutes included public comments. Mr. Woerner also advised that the DP&Z also transmits applicable resolutions adopted by the community councils, but not minutes of the community council meetings.

Upon closing of the public hearing, the Commission by motion duly made, seconded, and carried, adopted the foregoing proposed resolution, incorporating therein the foregoing preliminary votes taken on Application Nos. 3, 4, 5, 6, 8, and 9 to amend the Comprehensive Development Master Plan, and acceptance of all proffered covenants.

Chairman Moss asked Mr. LaFerrier to submit a report to the Commission regarding how other counties and jurisdictions transmitted their applications, particularly with regard to their recommendations on the applications.

SPECIAL ITEM NO. 3

092891 Ordinance

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING DISPOSITION OF APPLICATIONS FILED IN APRIL 2009 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: April 7, 2010
Mover: Joe A. Martinez
Seconder: Sen. Javier D. Souto
Vote: 12- 0
Absent: Heyman*

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

The foregoing proposed ordinance was adopted on first reading and set for a public hearing before the Commission on April 7, 2010.

2 ADJOURNMENT

Report: Hearing no further business to come before the Commission, the Comprehensive Development Master Plan (CDMP) meeting was adjourned at 1:56 p.m.

FINAL OFFICIAL

Dennis C. Moss, Chairman

ATTEST: HARVEY RUVIN, CLERK

By: _____
Diane Collins, Acting, Deputy Clerk



Dennis C. Moss, Chairman

ATTEST: HARVEY RUVIN, CLERK



By:
Diane Collins, Acting, Deputy Clerk