



**MIAMI-DADE COUNTY  
FINAL OFFICIAL MINUTES  
Board of County Commissioners Zoning  
Board**

**Board of County Commissioners**

Stephen P. Clark Government Center  
Commission Chamber  
111 NW 1<sup>st</sup> Street  
Miami, Florida 33128

**Meeting Date:**

December 22, 2005  
9:30 A.M. Commission Chambers

**Prepared by:**

Harvey Ruvlin, Clerk  
Board of County Commissioners

Kay Madry Sullivan, Director  
Clerk of the Board Division

**Reporter:**

Mary Smith-York, Commission Reporter  
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**CLERK'S SUMMARY AND OFFICIAL MINUTES  
BOARD OF COUNTY COMMISSIONERS ZONING HEARING  
DECEMBER 22, 2005**

The Board of County Commissioners met in regular session in the County Commission Chambers on the second floor of the Stephen P. Clark Government Center, 111 N.W. First Street, Miami, Florida at 10:00 a.m., the following members being present upon roll call: Chairman Joe A. Martinez, Vice Chairman Dennis Moss, and Commissioners Jose "Pepe" Diaz, Carlos A. Gimenez, Sally A. Heyman, Barbara J. Jordan, Dorrin D. Rolle, Natacha Seijas, Katy Sorenson and Javier D. Souto (Commissioners Barreiro, Edmonson, and Sosa were absent).

**Roll Call**

The following staff members were present: Deputy County Manager Pedro Hernandez; County Attorney Murray Greenberg; First Assistant County Attorney Robert Cuevas; Planning and Zoning Department Director Diane O'Quinn Williams; and Deputy Clerks Kay Sullivan and Mary Smith-York.

**Moment of Silent Meditation/Pledge of Allegiance**

Upon a quorum being present, Chairman Martinez asked that everyone observe a moment of silent meditation followed by the Pledge of Allegiance.

ALL WITNESSES WERE SWORN IN BY THE CLERK PRIOR TO MAKING THEIR PRESENTATIONS BEFORE THE BOARD

THE OFFICIAL TRANSLATORS WERE SWORN IN BY THE CLERK PRIOR TO INTERPRETATION OF QUESTIONS ASKED AND TESTIMONY GIVEN

Upon Chairman Martinez' call for any deferrals or withdrawals on today's agenda, the following requests were made:

Ms. Gail Santoro, applicant, 24525 SW 122 Avenue, appeared before the Board and asked that Application No. 7 be deferred until February 23, 2006.

Hearing no objection, it was moved by Commissioner Sorenson that Application No. 7 be deferred to February 23, 2006 with an amendment to correct the advertising therein. This motion was seconded by Commissioner Heyman, and upon being put to a vote, passed by a vote of 8-0 (Commissioners Barreiro, Edmonson, Jordan, Sosa, and Souto were absent).

Mr. Stephen James, 701 Brickell Avenue, attorney representing Elite Construction & Development, Inc., appeared before the Board and asked that Application No. 5 be deferred until February 23, 2006.

Hearing no objection, it was moved by Commissioner Sorenson that Application No. 7 be deferred to February 23, 2006 with re-advertising at the applicant's expense. This motion was

seconded by Commissioner Gimenez, and upon being put to a vote, passed by a vote of 8-0 (Commissioners Barreiro, Edmonson, Jordan, Sosa, and Souto were absent).

Ms. O'Quinn Williams announced that in accordance with the Code of Metropolitan Dade County, all items on today's zoning agenda had been legally advertised, notices mailed and properties posted. She stated that additional copies of the agenda were available in the Chambers and explained the procedures to be followed during today's proceedings.

Upon Chairman Martinez' request for objectors to Applications Nos. 1, 2, 3, 4, 6, 8, and 9 today, an unidentified speaker expressed opposition to Application No. 1.

Commissioner Moss recommended that Application No. 1 be considered after considering all other applications that had no objectors.

**Application No. 1: COMMUNITY HEALTH FOUNDATION, INC. (95-9-CZ15-2/04-399)**

Ms. O'Quinn Williams read Application No. 1 into the record and advised that staff recommended approval with acceptance of the proffered covenant.

Chairman Martinez opened the public hearing and the following individual(s) appeared in opposition:

Ms. Robin Oxford Davis, Executive Director, Goulds Community Development Corporation (GCDC), appeared before the Board and listed several concerns with the foregoing application. In response to Commissioner Moss' inquiry of whether the GCDC would support this application if the units were more affordable and accessible to existing Goulds residents, Ms. Davis stated she did not believe the community had embraced this type of development. In response to Commissioner Jordan's concerns regarding the type of development, Ms. Oxford Davis noted the developers had not presented this facility to the GCDC as an 'assisted living facility (ALF)'; rather as a rental facility that provided certain services to residents.

Mr. Gilberto Pastoriza, 2665 South Bayshore Drive, attorney representing the applicant, appeared before the Board and provided a brief overview of the purpose of the foregoing application. He explained this application requested rezoning of a property with two non-use variances and called forth Brother Joseph James, President, and Mr. Michael Kesti, Executive Director, Community Health Foundation, Inc. (CHF) to provide additional information in support of this application.

Mr. Michael Kesti, 8161 SW 170 Terrace, appeared before the Board and noted the benefits that would be provided by the proposed program. He clarified that the facility was not an assisted living facility; but rather a senior living complex. Mr. Kesti explained that Community Health, Inc. (CHI) would operate a case management office within the development that would coordinate health care services for the residents. He noted the proceeds from the sale of units would be allocated towards projects benefiting the CHI and other health care entities in the community. Mr. Kesti addressed the concerns raised by the GCDC and provided a list of supporting community organizations.

Mr. J.C. Planas (phonetic), 2 South Biscayne Boulevard, attorney representing the applicant, appeared before the Board in support of the foregoing application.

In response to Commissioner Moss' inquiry of whether unit pricing was based on housing guidelines, Mr. Ed Hannah, President, West Perrine Community Development Corporation (WPCDC) 17690 Homestead Avenue, explained that the units within the proposed development conformed to the Miami-Dade Housing Program's price range limit of \$225,000. He noted with the affordability factors included, the approximate monthly principal and interest (P&I) payments would total \$1,596.

Brother Joseph James, 10300 SW 216<sup>th</sup> Street, appeared before the Board in support of the foregoing application. He provided a list of those residents from the Goulds community who were also in support of the application.

Commissioner Sorenson spoke in support of the foregoing application and noted the project would benefit Goulds' tax base. She recommended the site plan be revised to extend SW 214<sup>th</sup> Street to SW 112<sup>th</sup> Avenue (Allapattah) to provide an alternate east/west local traffic route between U.S. 1 and SW 112<sup>th</sup> Avenue.

Mr. Raul Pino, Miami-Dade Public Works Department, advised that a request for dedication of the right-of-way in construction would be made when the portion to the north was brought forth.

Ms. O'Quinn Williams noted she would consult with the General Services Department to determine whether the property located on the southeast corner of the proposed site for development could be donated for construction of affordable housing units. In response to Commissioner Jordan's inquiry regarding the Inclusionary Zoning Plan (IZP), Ms. O'Quinn Williams noted the prices for units within this project were higher than the plan's price range; however, she advised that the Housing Agency had discussed subsidies that could increase the income range to accommodate the IZP.

Pertaining to Commissioner Moss' inquiry of whether the WPCDC provided programs to assist with homeownership, Mr. Hannah noted the following funding programs were offered:

- \$25,000 through the State of Florida;
- \$13,000 through the Metropolitan Miami Action Plan (MMAP) agency;
- down payment assistance through the Miami-Dade Housing Agency (MDHA);
- SHP Funds through the U.S. Housing and Urban Development agency; and
- funding through the Surtax program.

Commissioner Moss noted his support for the foregoing application and asked that the applicant work with the community to dissolve the affordability issues. He advised that he expected residents from the community to become residents of the development.

Mr. Torres explained that to implement Commissioner Sorenson's request regarding SW 214<sup>th</sup> Street, he would request the private access road be improved to County standards and be dedicated to the public.

Commissioner Sorenson requested a Sunshine meeting be scheduled with Commissioner Moss to discuss legislation regarding Commission Districts 8 and 9.

Commissioner Moss asked Planning and Zoning Department Director to look into how the parcel might be included in the foregoing application without incurring any rezoning issues.

Chairman Martinez recommended donating the property to the applicant in exchange for a reduction in unit price by the appraised value.

Ms. O'Quinn Williams advised that if the property were County-owned, staff would have the flexibility to coordinate development or convey the property to the owner.

There being no further discussion regarding Application No. 1, the Board proceeded to vote on Application 1.

**Application No. 2: GRIZZLY HOLDINGS L.L.C. (05-9-CZ15-7/05-108)**

Ms. O'Quinn Williams read Application No. 2 into the record. She noted staff recommended BU-1 zoning.

Chairman Martinez opened the public hearing and the following individual(s) appeared in support:

Mr. Felix Lazarte, 701 Brickell Avenue, attorney representing the applicant, Grizzly Holdings L.L.C., appeared before the Board and provided a brief overview of this rezoning request. He noted the applicant wished to build a bank or restaurant with a drive through feature. He asked those present who supported Application No. 2 to stand and be recognized. Mr. Lazarte requested approval of BU-1A zoning with a restriction providing that only the two uses identified earlier be permitted.

Upon hearing Ms. O'Quinn Williams' comment regarding staff's concern that a drive-through facility would cause noise disturbances to residents, Commissioner Moss requested the foregoing application be deferred to later in the meeting to allow Mr. Lazarte and County staff to develop and bring back a mutually acceptable covenant.

Later in the meeting, the following individuals appeared in support:

Ms. Belinda Cortareal (phonetic), 28501 SW 152 Avenue, and  
Mr. Robert E. Livingston, 13552 SW 287 Lane.

In response to Commissioner Moss' inquiry regarding the restricted covenant, Ms. Armstrong-Coffey advised that the newly executed covenant restricted the use of the property to all BU-1 uses and BU-1A use only as a bank and/or a restaurant with drive-through window(s). She noted the joinder with the bank had not yet been obtained.

Following a brief recess to obtain the joinder signed by the lender, the Board proceeded to vote on Application No. 2 with acceptance of the proffered covenant.

**Application No. 3: DOM USA HOMESTEAD L.L.C. & SOUTH DADE INV. L.L.C. (05-9-CZ15-8/05-117)**

Ms. O'Quinn Williams read Application No. 3 into the record and noted staff recommended approval with acceptance of the proffered covenant.

Chairman Martinez opened the public hearing and the following individual(s) appeared in support:

Mr. Felix Lazarte, 701 Brickell Avenue, attorney representing the applicant.

There being no other persons to appear in connection with this application, the public hearing was closed.

Hearing no objection, the Board proceeded to vote on Application No. 3.

**Application No. 4: GEMA LIMITED AND HAMGRO INVESTMENT S.A. (05-10-CZ15-1/05-20)**

Ms. O'Quinn Williams read Application No. 4 into the record and noted the Developmental Impact Committee (DIC) recommended approval with conditions and acceptance of the proffered covenant. She added that the DIC recommended denial of request No. 4 in this application.

Chairman Martinez opened the public hearing and the following individual(s) appeared in support:

Mr. Juan Mayol, 701 Brickell Avenue, attorney representing the applicant, responded to Chairman Martinez' inquiry regarding the DIC recommendation and requested that the applicant be allowed to withdraw Request No. 4.

Commissioner Sorenson commended Mr. Mayol and the applicant on the handling of this proposed development in terms of its environmentally friendly concept. She expressed concern regarding the coordination of the transit services in the area.

Ms. O'Quinn Williams advised that she would provide the detailed strategy for coordination of transit services as soon as it was available.

In response to Commissioner Sorenson's inquiry regarding transit amenities such as pullout bays, shelters, benches, signs, etc., Mr. Mayol advised that Miami-Dade Transit (MDT) had reviewed the application and noted transit services were provided on SW 112<sup>th</sup> Avenue. He noted the applicant would comply with MDT's generalized request to provide accommodations in the future for bus pullout bays if and when needed.

Upon hearing Commissioner Sorenson's concerns with legal sufficiency of the language requesting the transit accommodations, Chairman Martinez recommended the request for transit

amenities be made by the MDT Director. There being no other persons to appear in connection with the foregoing proposed application, the public hearing was closed.

Hearing no further comments, the Board proceeded to vote on Application No. 4.

**Application No. 5: ELITE CONSTRUCTION & DEVELOPMENT, INC. (05-10-CZ15-2/05-38)**

Deferred to February 23, 2006

**Application No. 6: MANUEL DIAZ (05-10-CZ15-3/05-50)**

Ms. O'Quinn Williams read Application No. 6 into the record and noted staff recommended approval with acceptance of the proffered covenant.

Chairman Martinez opened the public hearing and the following individual(s) appeared in support:

Mr. Miguel Diaz de la Portilla, 2525 Ponce de Leon Boulevard, attorney representing the applicant requested approval of the application pursuant to staff's recommendation.

Following Commissioner Sorenson's comments regarding attorney De la Portilla's excellent presentation and the block pattern established by the neighborhood of Palm Glade that conformed to the plan for that area, the Board proceeded to vote on Application No. 6.

**Application No. 7: GAIL M. SANTORO (05-10-CZ15-5/05-164)**

Deferred to February 23, 2006

**Application No. 8: LIGHTSPEED AT BEACON TRADEPORT (DEV.) L.L.C., ET. AL. (05-11-CZ10-8/05-139)**

Ms. O'Quinn Williams read Application No. 8 into the record and noted staff recommended approval with conditions.

In response to Commissioner Diaz' inquiry of what the conditions were, Ms. O'Quinn Williams advised that the conditions were standard in that the applicant would comply with the requirements of the Departments of Environmental Resources Management (DERM) and Public Works (PW). She further noted that all conditions of the prior 1994 resolution remain in effect.

Chairman Martinez opened the public hearing and the following individual(s) appeared in support:

Mr. Carter McDowell, Fields & Sumberg, attorney representing the applicant, asked that the Board waive the filing period to allow the applicant to bring forth a subsequent application for its zoning hearing.

There being no other persons to appear, the public hearing was closed.

Upon Ms. O'Quinn Williams' response that there were no objections to waiving the filing period, the Board proceeded to vote on Application No. 8.

**Application No. 9: STATE OF FLORIDA BOARD OF TRUSTEES (05-12-CC-1/05-288)**

Ms. O'Quinn Williams read Application No. 9 into the record and noted staff recommended approval with conditions.

Commissioner Seijas stated for the record that as Co-Chair of the Facilities \_\_\_ of the Mental Health Task Force, she would need to excuse herself from the room during discussion of zoning issues related to this application.

Chairman Martinez opened the public hearing and the following individual(s) appeared in support:

Mr. Jerry Proctor, 200 South Biscayne Boulevard, attorney representing the applicant, introduced Mr. Dale Frick (phonetic), GEO Group, and expressed his approval of Commissioner Seijas' participation in the voting process. He provided a brief historical overview of the process used in preparing this application and introduced into the record, a letter waiving objection from the Redlands Citizens' Association.

There being no other persons to appear in connection with this matter, the Board proceeded to vote on Application No. 9.

**ADJOURNMENT**

Having concluded consideration of today's agenda, the meeting was adjourned at 11:33 a.m.

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Chairman Joe A. Martinez

ATTEST: HARVEY RUVIN, Clerk of Courts

By: \_\_\_\_\_  
Kay Sullivan, Deputy Clerk