



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

**Board of County Commissioners**  
Stephen P. Clark Government Center  
111 NW 1<sup>st</sup> Street  
Miami, Florida 33128

August 24, 2006  
As Advertised

Harvey Ruvlin, Clerk  
Board of County Commissioners

Kay Sullivan, Director  
Clerk of the Board Division

Flora Real, Commission Reporter  
(305) 375-3570



**CLERK'S SUMMARY AND OFFICIAL MINUTES  
BOARD OF COUNTY COMMISSIONERS ZONING HEARING  
AUGUST 24, 2006**

The Miami-Dade County Board of County Commissioners convened at 9:30 a.m., as advertised, in the Commission Chambers, Second Floor of the Stephen P. Clark Government Center, 111 N.W. First Street, Miami, Florida, there being present Chairman Joe A. Martinez, Vice Chairman Dennis C. Moss, and Commissioners Barbara J. Jordan, Dorrin D. Rolle, Dr. Audrey M. Edmonson, Sally A. Heyman, Bruno A. Barreiro, Carlos A. Gimenez, Katy Sorenson, Senator Javier D. Souto and Jose "Pepe" Diaz; and Commissioners Natacha Seijas and Rebeca Sosa were absent; Assistant County Attorneys Joni Armstrong-Coffey and Craig Collier; and Deputy Clerks Diane Collins and Flora Real.

Chairman Martinez called the meeting to order at 9:50 a.m. and proceeded to consider the zoning agenda.

The Board convened in a moment of silence invoked by Chairman Martinez in dedication of late City of Miami Firefighter Arturo Alejandro Hevia as requested by Commissioner Gimenez, followed by the Pledge of Allegiance.

**ALL WITNESSES AND INTERPRETERS WERE SWORN IN BY THE DEPUTY CLERK BEFORE MAKING THEIR TESTIMONY BEFORE THE BOARD.**

Department Planning and Zoning (DPZ) Director O'Quinn Williams stated, into the record, the required statutory statement, noting that in accordance with the Code of Miami-Dade County all items on today's agenda (8/24) had been legally advertised, notices mailed, and the properties posted. She stated additional copies of the agenda were available in the Commission Chambers and that items would be called up to be heard by agenda number and the name of applicant or appellant. She noted that the records of the hearing pertaining to each application scheduled for consideration today (8/24) included the records of the Department of Planning and Zoning and a transcript of the appeals hearing from the Community Zoning Appeals Board (CZAB), if applicable. She also advised that all of these items and a copy of all appeal transcripts were also physically present and available for review by all interested parties wishing to examine the items from the record during the hearing. She also stated that parties had the right of cross examination.

Ms. O'Quinn Williams presented the rules of procedure to be followed during today's proceedings (8/24) and advised that an official translator was available.

Upon conclusion of Ms. O'Quinn Williams' introductory statement, Chairman Martinez proceeded to consider the zoning agenda.

**3. ARCHIMEDEAN PROPERTIES LLC (06-8-CC-3/06-55)**

Ms. O'Quinn Williams advised that the foregoing application requested a special exception to permit the expansion of a charter school from 540 students to 1,080 in grade levels K-8. She noted that the Executive Committee of the Developmental Impact Committee (DIC) had recommended approval of the application.

Upon the call of Chairman Martinez, Mr. Michael Miller, President of Bird Kendall Homeowners Association, and resident of the Horse Country area, appeared before the Board in opposition and requested that the rural aspect of the area be preserved. He noted his objection was based on the traffic related issues; the impact on the agricultural aspect of the area, the covenant Bird Kendall Homeowners Association had with the subject applicant, and the number of school age children in the area versus the number of existing schools. He requested that the application be denied based on the findings of DPZ reports. Mr. Miller noted the DPZ recommendation stated that the proposed increase in the number of students would also be inconsistent with the Comprehensive Development Master Plan since the site use would probably serve the residents outside of the two square mile agricultural area. Mr. Miller indicated the DPZ recommendation stated the area designated agricultural contained the best agricultural land remaining in Dade County and pointed out that in the Miami-Dade strategic plan approved in 2003, to protect viable agricultural land and to keep Horse Country green were priorities. He further noted the DPZ recommendation stated the proposed 1,080 expanded student population would be incompatible with the area and detrimentally impact the rural character of Horse Country; and therefore, recommended denial without prejudice. He concluded his comments by stating that the recommendation noted approval of the proposed expansion was contrary to public interest.

Mr. Juan Mayol, attorney for the applicant, appeared before the Board. He introduced members of the audience wearing T-shirts in support of the application. Mr. Mayol explained the benefits of allowing the expansion of the subject charter school due to insufficient number of public schools, and grade level schools in the area serving that population. He noted that the recommendation for approval by the DIC found it to be consistent with the Comprehensive Development Master Plan (CDMP) and referred to the DPZ Director's comments in a recommendation to DIC. Mr. Mayol pointed out grade level children not attending one of the private schools within Horse Country had to travel and attend a public school located outside of the area. He explained the requirements of the CDMP to approve the school and to remain consistent with the Master Plan.

Dr. George Kafkaoulis, Chairman of the Board and President of Archimedean Academy, 12425 SW 72 Street, Miami, Florida, appeared before the Board in support of the foregoing application. He noted the Academy was one of the most successful public schools in Miami-Dade County. Dr. Kafkaoulis noted efforts in the past two years for the gradual expansion of the Academy.

Commissioner Souto spoke in connection with the pros and cons of the foregoing application relating to the additional vehicles trips the application would generate within

that area. He asked for the deferral of this application until he received information from the appropriate departments in connection with the traffic related problems. He also pointed out this application would double the traffic in the area.

It was moved by Commissioner Souto that the foregoing application be deferred until he received further information regarding the traffic related problems. Commissioner Gimenez seconded the motion for discussion.

Mr. Mayol explained if the application was deferred time was of the essence because of the number of students attending grade school in another school district. In addition, students on the waiting list would have to continue attending schools in other areas.

Upon conclusion of the foregoing discussion, the motion passed by a vote of 9-0, (Commissioners Barreiro, Seijas, Sorenson, and Sosa were absent).

Ms. O'Quinn Williams noted that the application would be deferred to September 14, 2006, without further notice.

**A. JOSE A. VALLADARES (06-6-CC-2/05-301)**

Ms. O'Quinn Williams explained that the foregoing application was a request to seek rezoning from AU to RU-1M (a). She noted that the Department recommended approval of the subject application. Ms. O'Quinn Williams noted the submittal proffered a covenant tying the development to a particular site plan and limited it to no more than six units per gross acre.

Responding to Commissioner Sorenson's comments regarding the community council hearing the foregoing application, Ms. O'Quinn Williams stated the community council did not hear this application.

Commissioner Sorenson commented that the community council would be appointed shortly and the community expressed interest in the item being deferred to the community council.

It was moved by Commissioner Sorenson that the foregoing application be deferred to the new Community Council (remanded to community council) once the council was constituted. Commissioner Gimenez seconded this motion for discussion.

Mr. Michael Radell, attorney, Law Offices of Bercow and Radell, appeared before the Board and informed the Board that all concerns raised in connection with this application had been addressed and requested that the application not be deferred. He pointed out that no objectors to this application were present. Mr. Radell noted DPZ's favorable recommendation for this application and that a deferral to no date certain was unfair to the applicant.

Following discussion regarding when the newly established community council would commence (Community Council 15); Ms. O'Quinn Williams stated the first meeting would occur within the next two months.

Mr. Radell responded to Commissioner Moss that this application was not an emergency item and had been in the process for quite some time. He said notices were sent out to the community.

Commissioner Sorenson emphasized that Community Council 15 had jurisdiction to consider the foregoing application.

Ms. O'Quinn Williams advised that October 11, 2006, would be the next available meeting date due to the advertising requirements.

Assistant County Attorney Armstrong-Coffey clarified that the motion was to relinquish jurisdiction to Community Council 15.

Upon concluding the foregoing discussion, Commissioner Sorenson presented and moved a resolution to relinquish jurisdiction to Community Council 15 for October 12, 2006, and upon being put to a vote, passed by a vote of 10-0, (Commissioners Jordan, Seijas and Sosa were absent).

The foregoing resolution was adopted by the Board and was set forth in the Record of Resolutions and assigned Resolution Number Z-28-06.

**1. GRACE OF GOD COMMUNITY REHABILITATION CENTER (CDC), INC.**  
**(06-8-CC-1/05-190)**

Ms. O'Quinn Williams noted that the applicant was requesting special exception to permit a religious facility and a charter school for 600 students grades K-5. She also noted the DIC recommended approval of this application with conditions.

Chairman Martinez called for anyone objecting to the application to come forth and no one appeared to speak.

Commissioner Sorenson expressed concern regarding the number of parking spaces. She suggested that the number of parking spaces be reduced to increase the green space areas for the children.

Ms. O'Quinn Williams stated the religious facility was requesting a variance of parking to allow 246 spaces where 280 were required; the applications were reviewed individually to ensure compliance with zoning requirements, and this particular religious facility fell short of parking. She indicated all parties involved work together and proffered a cross parking agreement, and to further reduce the parking would require another advertisement.

A discussion ensued between Commissioner Sorenson and Mr. Felix Lasarte, attorney, Holland and Knight, 701 Brickell Avenue, regarding the Board approving the application with a waiver of the applicant's ability to file another application for a greater variance to provide the extra green space area and reduce the parking spaces.

Assistant County Attorney Armstrong-Coffey advised the Board that it could condition the two special exceptions on the applicant's coming back within a time certain to request a further reduction in the parking space requirement and to increase the green space.

Following discussion on the number of parking spaces and the zoning requirements, it was moved by Commissioner Sorenson that the applicant file a zoning variance application to reduce the number of parking spaces and increase the green space areas; and that the filing period be waived and that the applicant be allowed to come back at a later date. Commissioner Moss seconded this motion for discussion.

Assistant County Attorney Armstrong-Coffey clarified the motion, which would be to allow both the charter school and the religious facility with the special exemptions, and require that the applicant file an application within the next 60 days to work with both site plans to reduce the number of parking spaces to maximize the shared parking and green space areas.

Upon putting the motion presented by Commissioner Sorenson to a vote, the motion, passed by a vote of 10-0 (Commissioners Jordan, Seijas and Sosa were absent).

Commissioner Edmonson asked that the district commissioner reconsider the number of parking spaces inasmuch as with any active church even during the daytime when school was open, people would be at the church and need the parking spaces. Therefore, consideration should be given for that and not just count a few extra parking spaces for the school.

Commissioner Sorenson advised that the school required fewer spaces than the church and that it was safe to assume 200 people would not be at the church on weekdays.

Upon the request of Commissioner Sorenson that Reverend Joseph Coats provide his opinion on the number of parking spaces the church would need to operate, Reverend Joseph Coats asked that the motion be reconsidered due to the high cost of the fees to file an application for the variance.

Ms. O'Quinn Williams stated the filing fee would cost \$2,280.

Commissioner Sorenson stated that the variance application should be filed.

Mr. Juan Mayol, attorney, 701 Brickell Avenue, requested the County Commission approve the foregoing application with the exception of the variance for the parking spaces with leave to amend to allow the applicant to come back with a request to permit parking on natural terrain.

Following discussion, Ms. O'Quinn Williams suggested that the foregoing application be deferred to review the two distinct sites and prepare a recommendation for the site plan with the least impact possible to the actual advertisement for the application.

Mr. Mayol clarified his request was to approve the school and defer the portion of the application pertaining to the church, with leave to amend to allow parking on natural terrain by request. Therefore, the parking and the green space areas would be allowed as requested by Commissioner Sorenson.

Commissioner Diaz suggested that the 30 spaces not needed be applied to or used for green spaces in order to be able to move forward with the application at this time and eliminate the need to come back to the Board.

Commissioner Sorenson concurred with Commissioner Diaz's suggestions if that was acceptable to the applicant.

Ms. O'Quinn Williams noted that Commissioner Diaz's suggestion was acceptable without the need to re-advertise this application. She pointed out the applicant had 33 parking spaces above what the Miami-Dade County Code required, if they agree to what the Code required, it eliminated 33 spaces that could be converted to green spaces without the need to re-advertise and eliminate the need for additional fees.

Commissioner Gimenez questioned if the church and the school were separated or sold, would they have the required number of parking spaces and if not could a covenant be drafted stating that parking was available in either the church or the school parking lot.

Mr. Lasarte stated the land had cross parking easements.

Commissioner Moss noted that Reverend Coats had accepted Commissioner Diaz's suggestion.

Commissioner Sorenson presented and moved a resolution to approve the foregoing application with a modified condition to have the number of parking spaces in the school as modified and increase the green areas. Commissioner Diaz seconded this motion.

Assistant County Attorney Armstrong-Coffey clarified that the motion approved the entire application with a modified condition that the school site provide no parking spaces beyond what was required by the Code and that the additional parking spaces be used for green space.

Upon putting the motion to a vote, the motion passed by a vote of 10-0, (Commissioners Jordan, Seijas and Sosa were absent).

The foregoing resolution was adopted by the Board and was set forth in the Record of Resolutions and assigned Resolution Number Z-29-06.

## **2. VALENCIA SCHOOL DEVELOPMENT, L.L.C. (06-8-CC-2/06-54)**

Ms. O'Quinn Williams noted that the applicant was requesting a special exemption to permit a charter school and a special exemption to allow this school within a half a mile inside of the Urban Development Boundary (UDB) line. She pointed out the staff recommendation from the Developmental Impact Committee (DIC) was to approve with conditions related to staggered shifts for the students and the number of students per grade level.

Mr. Juan Mayol, attorney, 701 Brickell Avenue, representing the applicant, appeared before the Board along with others to provide an overview of this zoning application request. He noted a three acre parcel was located on the east side of SW 134 Avenue south of Eureka Drive, and the surrounding neighborhood was a mixed development with newer homes under the EU-M zoning classification. Mr. Mayol also noted older larger homes to the south of the school as well as some plant nurseries. He pointed out the property sat on the east side of 134<sup>th</sup> Avenue and this location was ¼ of mile from the UDB. He proceeded to provide a historical overview of the subject property and highlighted the following: (1) the property was first set aside as a school by Community Council 14 in 2003 as part of the approval for a residential community, (2) the community council rezoned the property to a EU-M subject to a declaration of restrictions that required that those three acres be set aside for school uses, (3) the Community Council 14 approved with certain modifications to the Declaration of Restrictions in January 2005, that the school be opened prior to the 2005-06 school year, and subsequently, this location was reviewed under the interim procedures that governed the charter school review and approval, and (4) the DIC recommendation for approval. Mr. Mayol informed the Board that since the 2005-06 school year, Summerset Academy operated the site and the school. He concluded by requesting that the enrollment be expanded and the grade levels from 600 to 800 students and from K-6 to K-8.

Mr. Mayol continued his presentation and noted this application was subject for approval with the conditions in the proffered Declaration of Restrictions. He indicated this request would allow for parking and traffic circulation improvements on site.

Mr. Rolando Llanes, 8323 NW 12 Street, Suite 206, Doral, Florida, explained the site plan and the proposed improvements to the site plan that was before the Board.

Mr. Mayol noted that the traffic impact was being addressed, specifically the traffic circulation and the management of increasing the drop-off and dismissal times from 2:00 – 4:00 p.m. to minimize the impact on adjacent roadways and increase the number of parking spaces on site. He urged the Board to approve the foregoing zoning application subject to the conditions.

In response to Chairman Martinez's call, the following persons appeared before the Board in objection to the foregoing application:

1. Mr. Raggio Sakul, 18609 SW 133 Avenue, Miami, Florida, explained the traffic related problems created by the school during school hours, and the covenant that required no changes to the area before 30 years,
2. Ms. Carol Corson, 18651 SW 134 Avenue, Miami, Florida, explained the traffic related problems created by the school and provided possible traffic solutions to the problems, and noted that the school address stated in the application was incorrect, requested that the application be denied or deferred until solutions were offered to address the concerns in the subject area,
3. Mr. Chuck Corson, 18651 SW 134 Avenue, Miami, Florida, explained the traffic related problems created by the school, and noted the school was built within 300 feet of a gas station that sold liquor and cigarettes, and requested that the application be deferred to perform a traffic study,
4. Ms. Alicia Areyano Pelletier, 18701 SW 134 Avenue, Miami, Florida, explained the traffic and safety related problems created by the Summerset Academy. She urged the Board to deny or defer the foregoing application until solutions to the existing traffic problems were identified and addressed, and
5. Mr. William Nelson, 18900 SW 132 Avenue, Miami, Florida, explained the traffic and the public safety related problems created by the school, and He requested denial of the covenant modifications.

Ms. Patricia Romano, 12450 SW 187<sup>th</sup> Terrace, Miami, Florida, appeared before the Board, and spoke in favor of the foregoing application. She stated this neighborhood desperately needed the school.

Mr. Mayol rebutted the comments made regarding the traffic related problems. He noted a request to reduce the setback to include a walkway. Mr. Mayol further noted a request to reduce the buffer between dissimilar uses and along the north property line adjacent to a plant nursery. He noted no homes were on the north side, the entire perimeter of the property was well landscaped and buffered, and the one-way condition was created by the lack of Right-of-Way Dedication from the property owner to the north of this subject property.

Mr. Mayol also noted all of the appropriate County departments reviewed the traffic study and no objections were raised for this application. He pointed out traffic related issues would exist for public, private or charter schools.

Responding to Commissioner Sorenson's inquiry regarding the traffic related issues for the traffic light on SW 184<sup>th</sup> Street and 134 Avenue, Mr. Raul Mr. Pino noted the existence a traffic signal light for the intersection of SW 184 Street and SW 134 Avenue; and SW 184<sup>th</sup> Street was being widened to a four lane road. He noted the problem was SW 134<sup>th</sup> Avenue was a local road. Mr. Pino further noted the land south of this application was not platted and undeveloped; eventually local roads would connect SW 134<sup>th</sup> Avenue to 132<sup>nd</sup> Avenue. He pointed out most of this area was undeveloped.

Discussion ensued in connection to the accessibility to other adjacent roads leading out of the neighborhood and traffic mobility in the subject area, and the adverse traffic impact.

Commissioner Sorenson requested Mr. Mayol to meet with the neighbors to identify possible solutions to the traffic related problems to the existing site plan as well as the proposed site plan. She also recommended the deferral of the foregoing application until a resolution was reached with the identified traffic related problems.

Following Mr. Mayol's request that the foregoing application be deferred to the September 14, 2006, Zoning Hearing, Commissioner Sorenson advised she would not object to considering the application on that date if the concerns of the neighbors had been properly addressed and satisfied.

It was moved by Commissioner Sorenson that the foregoing application be deferred to September 14, 2006. Commissioner Moss seconded this motion for discussion.

Chairman Martinez asked Mr. Mayol to find out if the nursery property had a prospective buyer to develop a through road on SW 184<sup>th</sup> Street to eliminate the traffic from SW 134<sup>th</sup> Avenue.

Following Chairman Martinez' comments, Mr. Mayol stated he would explore the option offered by Chairman Martinez.

Upon putting the motion to a vote, the motion passed by a vote of 9-0, (Commissioners Edmonson, Jordan, Seijas, and Sosa were absent).

Ms. O'Quinn Williams clarified that the deferral of the foregoing application was without further notice.

Commissioner Moss questioned the options for certain areas lacking right-of-way dedications and the need for the right-of-way for the roadways.

Responding to Commissioner Moss' question, Mr. Pino noted most of the current County right-of-ways were by a plat or right-of-way dedications. He noted negotiations with the property owners because this was a local road. Therefore, they could obtain the land and build the road, and it would be more a developer/owner situation.

**ADJOURNMENT**

There being no further business to come before the Board, the Zoning meeting adjourned at 11:40 a.m. followed by the Comprehensive Development Master Plan (CDMP) meeting.

Upon adjourning the Zoning meeting, Chairman Martinez noted that a Proclamation would be presented to Ms. Clarita Gomez on September 12, 2006.

\_\_\_\_\_  
Chairman Joe A. Martinez

ATTEST: HARVEY RUVIN, Clerk

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

**ZONING ACTION**

**MEMORANDUM**

**Harvey Ruvin**  
**Clerk of the Circuit and County Courts**  
**Clerk of the Board of County Commissioners**  
 (305) 375-5126  
 (305) 375-2484 FAX  
 www.miami-dadeclerk.com



**DATE:** August 24, 2006

**#Z-**

**APPLICANT: Item 3, Archimedian Properties, L.L.C. (06-8-CC-3/06-55)**

**MOTION:** Deferred to 9/14/06 without further notice

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro				X
Diaz		X		
Edmonson		X		
Gimenez	S	X		
Heyman		X		
Jordan		X		
Rolle		X		
Seijas				X
Sorenson				X
Sosa				X
Souto	M	X		
<b>Vice Chairman Moss</b>		X		
<b>Chairman Martinez</b>		X		
<b>TOTAL</b>		9	0	4

**DATE:** August 24, 2006

**#Z- 28-06**

**APPLICANT: Item A, Jose C. Valladares (06-6-CC-2/05-301)**

**MOTION:** Relinquished jurisdiction to Community Council 15 for 10/12/06

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro		X		
Diaz		X		
Edmonson		X		
Gimenez	S	X		
Heyman		X		
Jordan				X
Rolle		X		
Seijas				X
Sorenson	M	X		
Sosa				X
Souto		X		
<b>Vice Chairman Moss</b>		X		
<b>Chairman Martinez</b>		X		
<b>TOTAL</b>		10	0	3

**DATE:** August 24, 2006

**#Z- 29-06**

**APPLICANT: Item 1, Grace of God Community Rehabilitation Center (CDC), Inc. (06-8-CC-1/05-190)**

**MOTION:** Approved with modified condition to have the number of parking spaces in the school modified and increase the green areas

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro		X		
Diaz	S	X		
Edmonson		X		
Gimenez		X		
Heyman		X		
Jordan				X
Rolle		X		
Seijas				X
Sorenson	M	X		
Sosa				X
Souto		X		
<b>Vice Chairman Moss</b>		X		
<b>Chairman Martinez</b>		X		
<b>TOTAL</b>		10	0	3

**DATE:** August 24, 2006

**#Z-**

**APPLICANT: Item 2, Valencia School Development, L.L.C. (06-8-CC-2/06-54)**

**MOTION:** Deferred to 9/14/06

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro		X		
Diaz		X		
Edmonson				X
Gimenez		X		
Heyman		X		
Jordan				X
Rolle		X		
Seijas				X
Sorenson	M	X		
Sosa				X
Souto		X		
<b>Vice Chairman Moss</b>	S	X		
<b>Chairman Martinez</b>		X		
<b>TOTAL</b>		9	0	4