



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 1st Street
Miami, Florida 33128

Meeting Date:

September 28, 2006
As Advertised

Prepared by:

Harvey Ruvin, Clerk
Board of County Commissioners

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Clerk of the Board Division

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Zoning Meeting, Miami-Dade County, Florida, September 28, 2006

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 9:30 a.m., September 28, 2006, there being present upon roll call the Honorable Chairman Joe A. Martinez and Vice Chairman Dennis C. Moss; Commissioners Jose "Pepe" Diaz, Carlos A. Gimenez, Dorrin D. Rolle, Barbara J. Jordan Rebeca Sosa and Javier D. Souto (Commissioner Natacha Seijas arrived later; Commissioners Bruno A. Barreiro, Audrey M. Edmonson, Sally A. Heyman and Katy Sorenson were absent); Assistant County Attorneys Joni Armstrong-Coffey and Craig Collier; Department of Planning & Zoning Director Diane O'Quinn Williams and Assistant Director for Zoning Alberto Torres; and Deputy Clerks Kay Sullivan and Alicia Stephenson.

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

In response to Chairman Martinez's request for deferrals and withdrawals, Mr. Juan Mayol, 701 Brickell Avenue, attorney representing the applicant, appeared before the Board and requested deferral of the following application:

2. CENTURY BUSINESS PARK LLC (06-7-CZ11-1/05-274) 09-55-39 BCC/District 11

Mr. Mayol requested that the foregoing application be deferred to November 9, 2006 with leave to amend. He provided an explanation of his request, noting that Community Council 11 had unanimously approved the application; the applicant had worked with the Miami-Dade Aviation Department (MDAD) and the Department of Planning and Zoning (DP&Z) to revise the site plan; and the plan needed to return to the Developmental Impact Committee (DIC) on October 18, 2006 and be re-advertised for the November 9, 2006 County Commission Zoning meeting.

Following comments from Mr. Mayol on the revised plan, Vice Chairman Moss called for objectors to the request for deferral. Hearing none, Vice Chairman Moss noted the application area was in Chairman's Martinez's commission district.

Following comments from Chairman Martinez regarding lack of frontage on S.W. 120 Street, lack of access to roads, the need for additional improvements, and a bridge that needed to be connected, and following Chairman Martinez's suggestion that the applicant review the issue of access, Mr. Mayol noted the applicant would be prepared to address these concerns on November 9, 2006.

It was moved by Chairman Martinez that the foregoing application be deferred to November 9, 2006 with leave to amend. This motion was seconded by Commissioner Sosa.

Ms. Diane O'Quinn Williams, DP&Z Director, noted she was concerned regarding the timing as related to submitting this application to the DIC for a recommendation. She also noted she was concerned regarding adjustment of the site plan in accordance with Chairman Martinez's concerns, and regarding deferral of this application to November 9, 2006.

Mr. Mayol noted he and the applicant may be able to address Chairman Martinez's concerns without changing the site plan. He added they would like the application to be deferred to November 9th and would seek a deferral if they were unable to proceed to November 9, 2006.

Following discussion regarding Vice Chairman Moss's comments on S.W. 152nd Avenue and the effect of this application on his district (County Commission District 9) and following discussion regarding Chairman Martinez's concerns stated previously, Ms. O'Quinn Williams clarified the motion and noted the application needed to go to the DIC and re-advertisement would be at the applicant's expense.

It was moved by Chairman Martinez that the foregoing application be deferred to November 9, 2006 with leave to amend and the application be re-advertised at the applicant's expense. This motion was seconded by Commissioner Sosa and upon being put to a vote, passed by a vote of 8-0 (Commissioners Barreiro, Edmonson, Heyman, Seijas and Sorenson were absent).

The Board recessed the zoning meeting to convene in a regular session (See Legislative File No. 062818, Board of County Commissioners meeting of September 26, 2006).

Following adjournment of the regular session, the Board reconvened the zoning meeting.

Ms. O'Quinn Williams announced that in accordance with the Code of Miami-Dade County, all items on today's agenda had been legally advertised in the newspaper, notices mailed, and the properties posted. She noted additional copies of today's (9/28) agenda, all applications, and an official translator were available. She presented the rules of procedure to be followed during today's proceedings.

Ms. O'Quinn Williams presented the following application:

1. IRENE G. ATHANS (05-7-CZ10-5/05-401) 01-54-39 BCC/District

Mr. Simon Ferro, 1221 Brickell Avenue, attorney representing the applicant, appeared before the Board. He made a presentation on the foregoing application.

Mr. Julio Burgos, 12095 N.W. 5 Street, appeared before the Board in opposition to the foregoing application.

Following discussion regarding whether DP&Z had previously recommended denial of this application, discussion initiated by Chairman Martinez regarding Mr. Burgos's

recommendations for using the application area, and statements made by Mr. Burgos regarding a threat on his life, Ms. O'Quinn Williams noted DP&Z had consistently recommended approval of the application.

Mr. Ferro rebutted statements made by Mr. Burgos.

Commissioner Diaz noted statements made by Mr. Burgos regarding a threat on his life were not the issue of this Board. Following discussion initiated by Commissioner Diaz regarding drivers speeding on the curb into the project off N.W. 6th Street, Mr. Raul Piño, Public Works Department Land Development, noted this would be addressed during the building and zoning plans process.

Following comments from Commissioner Diaz regarding previous expansion of the application area and his support of the application, Commissioner Diaz presented and moved a resolution that approved the appeal of the decision of Community Zoning Appeals Board #10 and accepted the proffered covenant as recommended by the Department of Planning and Zoning in the case of Irene G. Athans. This motion was seconded by Commissioner Sosa.

Commissioner Sosa asked whether she was correct in stating that there were no objections from County departments including the Department of Environmental Resources Management, the Public Works and Parks and Recreation departments, Miami-Dade Transit Agency and Miami-Dade Fire Rescue; the impact on schools was minimal; the application was consistent with the Comprehensive Development Master Plan; and the acceptable Levels of Service were not exceeded in terms of roadways and traffic.

Ms. O'Quinn Williams noted Commissioner Sosa was correct. She also noted the impact to schools was two children.

Following comments from Commissioners Sosa and Jordan in support of this application, the Board proceeded to vote on the foregoing motion, which passed by a vote of 9-0 (Commissioners Barreiro, Edmonson, Heyman, and Sorenson were absent).

The foregoing resolution was assigned Resolution No. Z-36-06.

Report on the following matters also under Legislative File No. 062818, Board of County Commissioners meeting of September 26, 2006:

Following consideration of the zoning agenda, Commissioner Rolle asked the County Attorney's Office, Department of Planning and Zoning, and Team Metro to closely review permits regarding the expansion of a water main and opening of NW 12th Avenue that the Public Works Department had issued to Faith Deliverance Ministries of Broward County for 1180 N.W. 99 Street and to ensure that existing and future improvements were performed in accordance with the permits.

In addition, it was moved by Commissioner Gimenez that the following funding allocation from (FY) 2005/06 District 8 Office Funds be approved as requested by Commissioner Sorenson:

\$2,000 to Homestead/Florida City Chamber of Commerce for “Back to School” backpack distribution for underprivileged students:

This motion was seconded by Commissioner Rolle and upon being put to a vote, passed by a vote of 9 to 0 (Commissioners Edmonson, Heyman, Barreiro and Sorenson were absent) (Legislative File No. 062789, Board of County Commissioners meeting of September 26, 2006).

In addition, it was moved by Commissioner Dorrin D. Rolle that Ms. Felicia Mayo be appointed to the Housing Finance Authority. This motion was seconded by Commissioner Diaz and upon being put to a vote, passed by a vote of 9-0 (Commissioners Edmonson, Heyman, Barreiro and Sorenson were absent).

Furthermore, Commissioner Diaz commended Commissioner Sosa for her donation towards an upcoming March of Dimes dinner. He noted he made a \$10,000 donation and intended to donate more. Commissioner Diaz further noted additional donations would be well received and appreciated.

All deferral dates on applications considered during the day’s meeting were publicly announced.

All exhibits submitted for the record at today’s meeting were transferred to the care, custody and control of the Department of Planning and Zoning.

There being no further business to come before the Board, the zoning meeting adjourned at 10:53 a.m.

Chairman Joe A. Martinez

ATTEST: HARVEY RUVIN, Clerk

By: _____
Kay Sullivan, Deputy Clerk