



**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

December 7, 2006

As Advertised

Harvey Ruvlin, Clerk
Board of County Commissioners

Kay Sullivan, Director
Clerk of the Board Division

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**CLERK'S SUMMARY AND OFFICIAL MINUTES
BOARD OF COUNTY COMMISSIONERS ZONING HEARING
DECEMBER 7, 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 NW First Street, Miami, Florida at 9:30 a.m., December 07, 2006, there being present upon roll call, Commissioners Bruno Barreiro, Audrey Edmonson, Carlos Gimenez, Sally Heyman, Barbara J. Jordan, Dorrin D. Rolle, Natacha Seijas, Katy Sorenson, Rebeca Sosa, Vice-Chair Dennis Moss and Chairman Joe A. Martinez; (Commissioners Jose "Pepe" Diaz and Javier Souto were absent); Assistant County Attorneys Joni Armstrong-Coffey and Craig Collier; Department of Planning and Zoning Director Diane O'Quinn-Williams; Department of Planning and Zoning Assistant Director Alberto Torres; and Deputy Clerks Kay Sullivan and Jill Thornton.

Chairman Martinez opened the meeting with a moment of silent prayer followed by the pledge of allegiance.

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

The official interpreters were sworn in by the Clerk.

Chairman Martinez called for requests for deferrals. Hearing no requests, Chairman Martinez recessed the Zoning hearing to convene in Regular session for a discussion relating to Miami-Dade County's current housing crisis.

Chairman Martinez relinquished the chair to Vice Chairman Moss to discuss his idea regarding a potential proposal to develop public/private partnerships with developers using their current surplus stock (approximately 7,000) of condominium and condo conversion units in Miami-Dade County that were not being filled, to assist in resolving the County's current housing crisis rather than construct. Chairman Martinez noted the unit prices would need to be reduced to make them affordable but the market would eventually dictate lower prices anyway. He stated he shared his idea with the County Manager and representatives of the Builder's Association of South Florida but many developers were concerned with developing private/public partnerships with the County because of the amount of time involved in processing the loans. Chairman Martinez pointed out that the County offered homeownership programs with forgivable loans and many qualified people were just waiting for a home.

Ms. Cynthia Curry, Senior Advisor to the County Manager, noted the County Manager was seeking the Board's support of his recommendation to move the Home Ownership and Rehab Program from the stewardship of the Finance Department's administration to the Housing Finance Authority (HFA) because of the amount of time it took to process the loans. Ms. Curry noted the transition had in fact, already begun and that staff met with the Finance Director and the lending community, who were supportive of the County Manager's recommendation and satisfied with the HFA's ability and experience to move and close loans.

County Manager George Burgess stated this transition could either be permanent or an interim solution that would cut down significantly on the time expended to close a loan. He strongly urged the Board to support his recommendation.

Commissioner Martinez noted the vacant condominiums were available countywide, and a program could be developed using the HFA to administer and close home loans quickly for a certain price per unit that would bring immediate relief rather than wait five to six years to build out a project. He suggested the proper team be brought together to assist in moving lower income people into homeownership within two to three months. He also noted this would address the surplus inventory and other related issues resulting from the economy's downturn.

Commissioner Gimenez spoke in support of this proposal and concurred with the mixed-income concept. He noted he felt it would be a great opportunity to use available units as part of the solution to address the affordable housing crisis rather than construct new units. He suggested Ms. Curry bring back a report indicating how the County could take advantage of the downturn of the real estate market, and the possibility of using bond monies.

Ms. Curry congratulated Chairman Martinez on his initiative. She noted the County Manager submitted a progress report to the Board in September 2006 outlining some concepts including this one, which he may consider. She also noted that at the last Ad Hoc Housing Committee meeting, Mr. Hernstadt suggested the development community send out a letter of interest advising the County of available developments that could be added to the County's affordable unit stock using funds from the Building Better Communities General Obligations Bond Program (GOB). Ms. Curry advised that the County Manager asked staff to explore the feasibility of the County buying down the surplus units using Surtax funds or other funds and report back to the Ad Hoc Housing Committee with this information.

Ms. Curry also advised that the County Manager held a meeting at the Greater Miami Visitors and Convention Bureau a few weeks ago to bring together leaders from the development and lending communities to address their concerns with this process. She noted the transition to the HFA was discussed, but staff was cautious in proceeding because of the new MDHA Director coming on board and staff's concern with splitting up the housing programs even further.

Vice-Chairman Moss stated he was pleased with the transition of programs to the HFA. He noted the key to providing affordable housing was an efficient process, which would appeal to the development industry as well.

Commissioner Jordan spoke in support of transitioning the County's supplemental programs to the HFA, which had experience in loan processing. She commended Chairman Martinez on his initiative and for involving inclusionary (mixed-income) zoning, but noted her concern was the possible perception that the County was bailing out the development community by buying down the condominium surplus. Commissioner Jordan also noted the Board was warned by other communities that inclusionary zoning for condo conversions required extreme deep subsidies, which drained the resources for serving the lower income community. She noted she wanted to ensure that condominiums would be affordable at all income levels, and that the lower income community would be protected in this process. Commissioner Jordan also expressed concern

with whether the Association Fees and other fees tied to the purchase would be affordable to the buyer. She suggested staff review the master plan and analyze the long-term effects of this proposal on the County's resources and its impact on various income levels.

Ms. Curry noted many of the concerns raised by Commissioner Jordan were addressed at the Ad Hoc Housing Committee where many ideas/concepts were presented that would affect different income populations. She noted that due to the housing crisis on hand, staff was currently dealing with the issue on a piecemeal basis. She encouraged the Board to support the County Manager's initiative for an Affordable Housing Master Plan that would work in conjunction with the Planning and Zoning Department and other associated agencies to ensure the availability of funds and housing.

Commissioner Heyman applauded Chairman Martinez on his concept to develop private/public partnerships to address affordable housing, and spoke in support of it. She stated she would like to see incentives offered in this proposal that would include future developers to join in and private partnerships to offer incentives for public, interest based employment to reduce the maintenance fees.

Commissioner Edmonson congratulated Chairman Martinez on his initiative, and noted she supported it because it would provide immediate relief. She concurred with some of Commissioner Jordan's concerns and with the need to bring back a report on how to establish some type of job program that would assist with the association fees. She pointed out many constituents within District 3 were without homes.

Ms. Truly Burton, Government Affairs Director, Builders Association of South Florida, appeared before the Board and commended Commissioner Jordan on her efforts to resolve the affordable housing issue. She acknowledged the Board members' concerns regarding association fees, which she felt the industry could address as it pertained to lower income levels. She also noted the importance of keeping the rental stock available for those individuals not ready to move into a house since rentals served as a stepping stone to affordability for people needing to reduce debts or heal bad credit before taking the next step. Ms. Burton assured that the Building industry was serious about the need to build and provide shelter and was pleased to participate in this process. She suggested the Beacon Council be included in this process as well.

Commissioner Martinez noted that surplus units were already built and available now and the County could not afford to delay action, otherwise the units could be sold elsewhere. He also noted that some of the surplus units included town homes and houses as well. He suggested the County, the development community and other entities involved, work together to proceed with moving in people right away to prevent from having to buy land or build.

Vice-Chairman Moss cautioned that it was critical the County not be caught up in paying prices that did not represent real subsidies or real affordable housing.

Commissioner Jordan noted that staff could complete a cost analysis report and make it available by January 2007. She recommended an analysis be performed to include the cost projection on the buy down of the condominium surplus; the breakdown of various income levels, the number

of midrange and below units; the needed subsidies; and a projection of maintenance fees over a five to ten year period to determine the impact on the County's subsidies and lower income communities.

Chairman Martinez suggested a pilot project be implemented for a certain amount of units, with a report back to the Board. He expressed appreciation to Board members for the opportunity to be heard on his proposed initiative.

Upon conclusion of the foregoing, the Board of County Commissioners reconvened the Zoning hearing to consider the Zoning agenda.

Department of Planning and Zoning Director Diane O'Quinn Williams announced, in accordance with the Code of Miami-Dade County, all items on today's zoning agenda were legally advertised, all notices were mailed and all properties were posted within prescribed time frames. She stated that additional copies of the agenda were available in the Chambers and presented the procedures to be followed during today's proceedings.

Ms. O'Quinn-Williams presented the following application:

1. EUREKA COVE, LLC (06-9-CZ14-4)

Mr. Felix Lasarte, Holland & Knight, 701 Brickell Avenue, attorney representing the applicant, appeared before the Board in support of the foregoing application. He described the property as a narrow piece of land in District #9 surrounding a residential development with a Florida Department of Transportation (FDOT) right-of-way abutting the Florida Turnpike. Mr. Lasarte noted this parcel did not meet the lot requirement for building single-family homes, so the applicant proposed to build 14 townhome units designed to maintain the integrity and density of the existing neighborhood. He also noted the applicant proffered to enter into an agreement with the County or FDOT to provide a landscape buffer around the project and to maintain the public right-of-way. Mr. Lasarte further noted the applicant also proffered an alternative site plan to invert the roadway as a buffer between the proposed and existing development, with the townhomes abutting the Florida Turnpike; and to build this project in accordance with the Florida Water Star guidelines using energy-efficient appliances to ensure no unfair impact on the environmental natural resources. He noted as part of the covenant, the developer proffered to build 20% of the units as workforce housing units sold under \$225,000 and the remaining units would be sold at a maximum price of \$275,000.

Mr. Lasarte noted he felt that the CZAB's decision to deny this application was not based on substantial evidence; and that the main issues concerning the impact on traffic, school and water were addressed. He also noted the Public Works Department did not object to this application because the impact to the road system was minimal, and the applicant paid above the required impact fees to the School Board. He further noted the developer reached out to the community since the last Community Council hearing and received several signatures from individuals supporting this application. Mr. Lasarte stated he believed this application was compatible with the Comprehensive Development Master Plan (CDMP), and would encourage infill

development, inclusionary zoning and affordability. He asked all those present in support of the foregoing application to stand and be recognized.

Vice-Chairman Moss opened the public hearing on the foregoing application and the following individuals appeared in support:

1. Ms. Myra Lima, 17580 SW 113th Court, Miami, Florida
2. Mr. Jose Guandique, 17700 SW 113th Court, Miami, Florida
3. Mr. Manuel De Silva, address not provided, Miami, Florida

The following individuals appeared in opposition to the foregoing application:

1. Mr. Alex Delval, 17654 SW 114th Avenue, Miami, Florida
2. Mr. Miguel Martinez, 17602 SW 114th Avenue, Miami, Florida
3. Ms. Susan Blake, 11363 SW 165th Terrace, Miami, Florida
4. Mr. Thomas Kostic, 11301 SW 176th Street, Miami, Florida
5. Ms. Lissy Lanza, 17892 SW 114th Avenue, Miami, Florida
6. Mr. Martin Lampkin, 10235 SW 172nd Street, Miami, Florida

Mr. Lasarte reappeared before the Board in rebuttal.

Mr. Martin Diaz-Sabor, 12124 SW 131 Avenue, Miami, Florida, Architect, provided expert testimony regarding the design of this development. He noted his firm attempted to design this parcel with single-family homes but the parcel's widest area was 119 feet. He noted they worked diligently with the County to develop a plan that retained 5.9 units per acre, and developed a plan yielding 14 townhomes compatible with the design of the existing development. Mr. Diaz-Sabor also noted the design included lot sizes larger in square footage than required for RU-TH zoning, with a private roadway designed to provide a buffer between the Florida Turnpike and the existing homes. He noted the alternative plan (to invert the roadway and units) would not impinge on the neighbor's privacy but would provide a buffer to the street and a nice community with landscaping compatible with the CDMP, and would provide workforce-housing.

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

Vice-Chairman Moss questioned staff whether single-family homes could be built on this property and how many.

Ms. O'Quinn-Williams noted single-family homes could not be built on this parcel as currently zoned unless rezoned to RU-1. She noted approximately seven single-family homes could fit in this area but a plan would have to be developed to build a private driveway because the current roadway would take away from the lot area.

In response to Vice-Chairman Moss' question regarding whether an issue existed with a flight path of Tamiami Airport, Ms. O'Quinn-Williams noted she was unaware of any issues

concerning this development inside a flight path but noted it would not prohibit residential construction in this area.

In response to Vice-Chairman Moss' question whether the proposed alternate plan to invert the roadway would be allowed under RU-TH Zoning classification, Ms. O'Quinn noted it would be allowed under the Code and would be consistent with the CDMP.

Vice-Chairman Moss stated he preferred that this application be deferred to give the applicant, the developer and the neighbors an opportunity to consider the Alternate Plan as well as RU-1 development. He concurred that the County was encouraging more infill to hold the UDB line but he wanted to ensure this development was compatible with the neighborhood.

It was moved by Vice-Chairman Moss that the foregoing application be deferred to February 8, 2007, with leave to amend the application. This motion was seconded by Commissioner Jordan and upon being put to a vote, passed by a vote of 9-0. (Commissioners Barreiro, Diaz, Heyman and Souto were absent).

Ms. O'Quinn-Williams advised that this application would need to be re-advertised.

Chairman Martinez resumed the Chair.

Ms. O'Quinn-Williams presented the following application:

2. NORMA STRYDIO AND NOELI SANCHEZ (06-9-CZ10-4)

Chairman Martinez called for any opposition to the foregoing application.

Mr. Tony Recio, 2665 S. Bayshore Drive, attorney representing the applicant, appeared before the Board in support of the foregoing application, and requested the Board vacate the decision of the Community Zoning Appeals Board (CZAB) and approve the request for a zoning change from RU-1 to RU-5A with some non-use variances. He noted this zoning change request met the minimum requirements for lot frontage in the area, and included non-use variances solely related to maintaining the existing building on site. He noted the applicant's intentions were not to alter the existing structure (house) but to convert it to office use, which met the parking requirements for commercial zoning and was compatible with the CDMP. Mr. Recio further noted that commercial intrusion already existed in the area with small-scale office uses that retained the original character of the existing homes; that the City of West Miami shared this jurisdiction on the south, with other small scale, non-residential uses as well. He noted the applicant was seeking a use of this property, rather than having to sell or rent it.

Chairman Martinez opened the public hearing on the foregoing application, and the following individuals appeared in support of the foregoing application:

1. Mr. Javier Montes Jr., 6470 SW 24th Street, Miami, Florida.

The following individuals appeared in opposition to the foregoing application:

1. Ms. Jeannette Mirabal, 6213 SW 26th Street, Miami, Florida
2. Ms. Pilar Benitez, 2431 SW 63rd Avenue, Miami, Florida
3. Ms. Lourdes Naranjo, 6270 SW 25th Street, Miami, Florida

Mr. Recio reappeared before the Board in rebuttal.

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

Commissioner Sosa questioned when a zoning change was granted to the adjacent property; and whether the subject property and the northern area in question were part of the Cheney Park Charrette plan.

Ms. O'Quinn-Williams noted the property immediately east of the subject property was granted approval of a zoning change in 1994. She also noted the Charrette boundaries ended at the South side of Coral Way, and the subject property lied on the north side of Coral Way, not subject to that Charrette.

Commissioner Sosa noted, as district commissioner of this area, she could not support this application at this time, but would like the Department to study the area and provide a report on the existing zoning, the number of units for sale or rent and the value of the existing homes. She stated she felt it was unfair to treat this application separately from the adjacent property. She also expressed concern with Team Metro's lack of enforcement regarding unsightly properties in the area.

Assistant County Attorney Joni Armstrong-Coffey suggested the application be deferred without prejudice for staff to conduct a study. She noted any property owner could file an application consistent with the Board's decisions as a result of this study.

Responding to Commissioner Sosa's question regarding whether a decision to defer this application would prevent her from meeting with the neighbors to discuss the Charrette's recommendations, Assistant County Attorney Armstrong-Coffey noted that once the application was finalized, she would have no restrictions.

Commissioner Sosa noted her intention was not to harm the applicant, but to do what was best for the neighborhood.

Mr. Recio noted that once an application was denied without prejudice, a 12-month waiting period was required before it could be re-filed. He requested a waiver of the refilling period in the event that the study was completed sooner.

Commissioner Sosa presented and moved a resolution to deny the appeal and application of Norma Strydio and Noeli Sanchez without prejudice, with instructions that staff provide a study of the properties that front the north side of Coral Way from 67th Avenue West to the West Miami line; and a waiver of the refiling period for six months. This motion was seconded by

Commissioner Jordan, and upon being put to a vote, passed by a vote of 8-0. (Commissioners Barreiro, Diaz, Heyman, Souto and Vice-Chairman Moss were absent).

The foregoing resolution was adopted by the Board and is set forth in the Record of Resolutions and assigned #Z-41-06.

Ms. O'Quinn-Williams presented the following application:

3. KILLIAN GROUP LLC F/K/A: TRACT N. (06-2-CZ10-4)

Mr. Herminio San Roman, 12515 Kendall Drive, attorney representing the applicant, appeared before the Board in support of the foregoing application and requested the Board vacate the decision of the CZAB and approve the foregoing application requesting a zoning change from EU-1 to EU-S. He requested as an alternative, that a variance be granted to subdivide the subject parcel into two lots to build two single-family homes, which he noted was compatible with the area and consistent with the CDMP. Mr. San Roman noted the applicant's request was not unique to this area since many of the surrounding properties were inconsistent with the zoning and were already subdivided with less than one-acre required by EU-1 zoning. He stated he felt this application deserved equal treatment consistent with the established development pattern in the area and with previous approvals.

Mr. Carlos Vazquez, Architect, 8181 SW 154th Street, Miami Lakes, noted the design of this development was compatible with the development of the surrounding area and was consistent with the CDMP.

Chairman Martinez opened the public hearing on the foregoing application, and the following individual(s) appeared in support of the foregoing application:

1. Mr. Hans Rohner, 15325 SW 74th Court, Miami, Florida

The following individual(s) appeared in opposition to the foregoing application:

1. Ms. Marlene Mitchell, 8365 SW 112th Street, Miami, Florida

Mr. San Roman reappeared before the Board in rebuttal.

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

Commissioner Sorenson requested to hear the recommendation of the Planning and Zoning Director and the number of protests filed.

Ms. O'Quinn-Williams, Director, Planning and Zoning, noted she recommended the application be denied because of a concern with setting a precedent in this area. She pointed out that the parcels referred to by Mr. San Roman were subdivided through the Severable Use Rights and were not particularly granted a zoning variance. She also noted that 262 protests were filed.

Commissioner Sorenson stated the rezoning of this parcel would not provide any public benefit nor would it provide any workforce or affordable housing that could reference it as an infill lot. She also noted the proposed development would impact the integrity of a historical residential neighborhood.

Commissioner Seijas questioned the integrity of the map provided, and asked for clarification of the language in requests #2 and #5 of the recommendations.

Assistant County Attorney Armstrong-Coffey explained that during the pending decision of the Omni Point case, the Board adopted several alternative standards; and the language allowed for this type of application to be considered either under the alternative or the traditional standards. She noted staff indicated they did not receive sufficient information to consider the foregoing application under the alternative standards, and were relying exclusively on the traditional standards.

In response to Commissioner Seijas' comments that she found inconsistencies within the recommendations, Ms. O'Quinn-Williams noted those were Code standards that instructed staff on the evaluation process and this application was analyzed based on those standards.

In response to Commissioner Seijas' question regarding whether approving this application would have an impact on the public utility services, Ms. O'Quinn-Williams stated she did not believe that one more house would significantly impact the public utility services.

Mr. San Roman noted a map was developed using the public records of Lake County, and all supporting information was submitted to the Clerk. He further noted a benefit of approving this development was the developer would provide a water system to the front of the property, which would allow neighbors currently using wells to connect to this system.

Ms. O'Quinn-Williams noted although staff had not researched this, the map probably indicated the net acreage, which meant the properties shown as less than one-acre were actually a full acre in size when the right-of-way was taken into consideration. She noted the properties shown as less than one acre came from the Property Appraiser's Office where EU-1 zoning included consideration of the gross acreage.

In response to Commissioner Seijas' question regarding the area from where the 262 protested signatures came from, Ms. O'Quinn-Williams noted the majority of signatures came from within the subject area.

Upon completion of discussion, Commissioner Sorenson presented and moved a resolution to deny the appeal of the applicant Killian Group LLC F/K/A: Tract N., and sustain the decision of the Community Zoning Appeals Board to deny the application. This motion was seconded by Commissioner Gimenez, and upon being put to a vote, passed by a vote of 6-1. (Commissioner Seijas voted No), (Commissioners Barreiro, Diaz, Heyman, Jordan, Souto and Vice-Chairman Moss were absent).

The foregoing resolution was adopted by the Board and is set forth in the Record of Resolutions and assigned #Z-42-06.

Ms. O'Quinn-Williams presented the following application:

4. RAMDA DEVELOPMENT CORP. (06-12-CC-1)

Chairman Martinez called for any opposition to the foregoing application.

Hearing no objection, Commissioner Sorenson presented and moved a motion to approve the foregoing application of Ramda Development Corp., as presented. This motion was seconded by Commissioner Edmonson, and upon being put to a vote, passed by a vote of 7-0. (Commissioners Barreiro, Diaz, Heyman, Jordan, Souto and Vice-Chairman Moss were absent).

The foregoing resolution was adopted by the Board and is set forth in the Record of Resolutions and assigned #Z-43-06.

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

All exhibits submitted for the record at the day'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, upon motion duly made, seconded and carried, the zoning meeting was adjourned at 1:02 p.m.

Chairman Joe A. Martinez

ATTEST: HARVEY RUVIN, Clerk

By: _____
Kay Sullivan
Deputy Clerk