



**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

February 8, 2007
As Advertised

Harvey Ruvin, Clerk
Board of County Commissioners

Kay Sullivan, Director
Clerk of the Board Division

Jovel Shaw, Commission Reporter
(305) 375-1289



CLERK'S SUMMARY AND OFFICIAL MINUTES
BOARD OF COUNTY COMMISSIONERS ZONING HEARING
FEBRUARY 8, 2007

The Board of County Commissioners (BCC) 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 11:37 a.m., February 8, 2007, there being present upon roll call Honorable Chairman Bruno A. Barreiro; Vice-Chairwoman Barbara J. Jordan; Commissioners Jose "Pepe" Diaz, Audrey M. Edmonson, Carlos A. Gimenez, Sally A. Heyman, Joe A. Martinez, Dennis C. Moss, Dorrin D. Rolle, Natacha Seijas, Katy Sorenson, Rebeca Sosa, Javier Souto; Assistant County Attorneys Joni Armstrong-Coffey and Craig Coller; Ms. Dianne O'Quinn Williams, Director, Department of Planning and Zoning (DPZ); Alberto Torres, Assistant Director for Zoning, Department of Planning and Zoning; and Deputy Clerks Kay Sullivan and Jovel Shaw.

Chairman Barreiro called for requested deferrals of any zoning applications on today's agenda.

THE CLERK SWORE IN ALL WITNESSES PRIOR TO MAKING THEIR PRESENTATIONS BEFORE THE BOARD.

The Clerk swore in the Official Interpreters.

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 had been legally advertised, notices mailed and the properties posted. She stated that additional copies of the agenda were available in the Chambers and presented the procedures to be followed during today's proceedings.

A. LEXUS OF KENDALL AUTO PARK (06-9-CC-2/06-285)

Mr. Miguel Diaz de la Portilla, attorney representing the applicant, appeared before the Board and requested a deferral of the foregoing zoning application to the next available BCC zoning meeting.

Commissioner Martinez noted this would be the third deferral for this application.

Mr. Diaz de la Portilla informed the Board of the history of the past deferrals for this application.

Hearing no objection, it was moved by Commissioner Martinez that the foregoing application be deferred to February 22, 2007. This motion was seconded by Commissioner Sosa, and upon being put to a vote, passed by a vote of 13-0.

Ms. O'Quinn Williams stated currently there were no items on the February 22, 2007.

3. KENDALL PROPERTIES AND INVESTMENTS (07-2-CC-2/06-274)

Mr. Miguel de Grandy, attorney representing the applicant, appeared before the Board and requested a deferral of the foregoing zoning application to March 22, 2007.

Chairman Barreiro announced the deferred date would be February 22, 2007, BCC zoning meeting.

Ms. O'Quinn Williams stated that in order for staff to re-advertise the foregoing application, it would need to be deferred to March 22, 2007.

Commissioner Martinez noted the DPZ's staff recommended this application be denied without prejudice or deferred. He asked if the applicant could indicate at this time, the specific use(s) desired for this property and allow the DPZ Director to address those uses.

Mr. De Grandy noted the applicant's appeal application involved two issues: (1) the certificate of occupancy and (2) the use. He noted his intent was to discuss both issues with the Director in order to clarify and narrow the issues so that those issues would be resolved when the application appeared before the Board for consideration.

Chairman Barreiro announced the earliest deferral of the foregoing application would be March 22, 2007.

Ms. O'Quinn Williams clarified the deferral would be with leave to amend this application and that it be re-advertised.

Hearing no objection, it was moved by Commissioner Martinez that the foregoing application be deferred to March 22, 2007, with leave to amend and to re-advertise. This motion was seconded by Commissioner Diaz, and upon being put to a vote, passed by a vote of 11-0, (Commissioner Sosa and Vice Chairwoman Jordan were absent).

1. RENE MIGUEL VALDEZ (06-10-CZ14-2/05-364)

Mr. Simon Ferro, 1221 Brickell Avenue, attorney representing the applicant, appeared before the Board and requested a deferral of the foregoing zoning application to April 26, 2007. He noted the site plans submitted for this application incorporated a vacant 10 foot alley way not advertised as part of the zoning application.

Ms. O'Quinn Williams concurred with Mr. Ferro's comments pertaining to the alley way and that the foregoing application needed to be deferred and re-advertised.

Ms. Stacia Montell, 8231 SW 25 Street, a resident of the subject area, appeared before the Board and spoke in opposition to the requested deferral of the foregoing application.

Hearing no objection, it was moved by Commissioner Souto that the foregoing application be deferred to April 26, 2007, with leave to amend and re-advertised to correct the advertisement with a new notice to the applicant. This motion was seconded by Commissioner Sorenson, and upon being put to a vote, passed by a vote of 11-0, (Commissioner Sosa and Vice Chairwoman Jordan were absent).

Commissioner Sorenson noted the property owner needed to be informed that a parcel of land located at SW 112 Street and 87 Avenue needed to be maintained. She asked the Department of Planning and Zoning Director to contact and inform the property owner of this matter.

Responding to Commissioner Sorenson's question, Ms. O'Quinn Williams stated she would follow-up with Commissioner Sorenson's request.

Ms. O'Quinn Williams presented the following application:

B. EUREKA COVE LLC (06-9-CZ14-4/06-3)

Ms. O'Quinn Williams provided an overview of the DPZ's recommendation for approval of the appeal and the request for a zoning change to RU-TH, subject to the Board's acceptance of the proffered covenant. She noted at the December 7th BCC zoning meeting, the Board asked how many units could be built on this property. Ms. O'Quinn Williams explained that after review, staff determined the current zoning district was agricultural, with possibly only one home allowed if the property was grandfathered-in. In addition, she noted, that if this property were re-zoned to a townhouse classification without any variances or plans for a townhouse, than two single-family homes could be built on the property.

Mr. Felix Lasarte, Holland and Knight, 701 Brickell Avenue, attorney, representing the applicant, appeared before the Board, along with Mr. Jorge Rivero, and the architect for the site plan.

Commissioner Moss noted an extensive discussion was held at the last zoning meeting. He requested the foregoing application be deferred if another extensive presentation was needed since he needed to leave the meeting due to a family emergency.

Mr. Lasarte noted at the last meeting, Commissioner Moss requested that the applicant meet with neighbors to present alternative site plans, and develop a site plan with single-family homes. He stated as a result of the discussion with the neighbors, an alternative site plan was develop and he would present today, two site plans for the subject property. Mr. Lasarte proceeded to provide an overview of the alternative site plan which included a proffered covenant that reduced the number of town homes to 10 and included affordable workforce housing.

Chairman Barreiro opened the public hearing and called for those persons present in support of the foregoing application:

Mr. Lasarte asked those persons who registered to speak in support of the application, to stand and be recognized. Their names and addresses were read into the record as follows:

- (1) Ms. Olga Guandique, 17700 SW 113 Court, Miami, Florida, 33157
- (2) Mr. Jose Nelson Guandique, 17700 SW 113 Court, Miami, Florida, 33157
- (3) Mr. Nelson Guandique, 17700 SW 113 Court, Miami, Florida, 33157, and
- (4) Mr. Jose Fernandez, 11267 SW 167 Street, Miami, Florida, 33157.

The following persons appeared in opposition to the foregoing application:

- (1) Ms. Susan Blake, 11363 SW 165 Terrace, Miami, Florida
- (2) Mr. Alex Del Val, 17654 SW 114 Avenue, Miami, Florida
- (3) Ms. Margaret Del Val, 17654 SW 114 Avenue, Miami, Florida, and
- (4) Mr. Martin Lampkin, 10235 SW 172 Street.

Mr. Lasarte re-appeared in rebuttal and responded to comments made by Ms. Blake regarding the flight path of the Kendall Tamiami Executive Airport and the Florida Turnpike by noting the permissible development uses on the subject property. He noted other similar developments existed near the Florida Turnpike.

Responding to Commissioner Moss' inquiry regarding the flight path, Ms. O'Quinn Williams stated it was not an issue for residential development. She also informed the Board of staff's inquiry to Florida Department of Transportation (FDOT) who advised that the residential development near turnpikes were safe. Ms. O'Quinn Williams further noted FDOT advised staff that there would be no future widening of the Florida Turnpike in this area.

Following Commissioner Moss' inquiry regarding the number of RU-1(Single-Family Residential District) residences allowed on the subject property, Ms. O'Quinn Williams stated two units would be permitted if it was RU-1 without any variances. She noted the applicant provided a site plan that included five to six RU-1 residences.

Mr. Lasarte concurred with Ms. O'Quinn Williams' statements regarding the inclusion of variances.

Commissioner Moss stated he was trying to reach a compromise that allowed the developer to do some development on the subject property that was compatible with the neighborhood since a compatibility issue existed. He pointed out that the existing development consisted of single-family homes with no townhomes in this area. He stated he would like to maintain this trend in order to keep it compatible with the area and not support townhouse designation. He concluded by stating he supported infill development, but opposed infill development when it had a negative impact on the neighbors.

Responding to Commissioner Moss' comments, Ms. O'Quinn Williams stated that the Board could either consider RU-1 zoning designation today, which would mean the

applicant would come back with variances or the Board could consider a deferral of the foregoing application to allow the applicant to revise the site plan with the variances.

Hearing no objection, it was moved by Commissioner Moss that the foregoing application be deferred to no date certain with leave to amend to allow the developer to work with DPZ staff in developing an RU site plan that was compatible with the neighborhood; and that the foregoing application be re-advertised. This motion was seconded by Commissioner Diaz, and upon being put to a vote, passed by a vote of 12-0, (Commissioner Sosa was absent).

Ms. O'Quinn Williams presented the following application:

2. TCML LLC (07-2-CC-1/05-260)

Ms. O'Quinn Williams provided an overview of the Department's recommendation to deny this application without prejudice. She noted this application was incompatible with aviation activity of the subject area and therefore, inconsistent with Comprehensive Development Master Plan (CDMP).

Mr. Joseph Goldstein, Holland and Knight, 701 Brickell Avenue, attorney representing the applicant, appeared before the Board and provided an overview of the request to expand an existing daycare center located at the Miami International Airport, in order to increase enrollment.

Commissioner Diaz asked those persons who registered to speak in support of the application, to stand and be recognized. Their names and addresses were read into the record as follows:

- (1) Ms. Claudia Trilles, 3275 NW 84 Avenue, Doral, Florida 33122,
- (2) Mr. Jorge Trilles, 3275 NW 84 Avenue, Doral, Florida 33122,
- (3) Mr. Jose A. Mata, 9771 NW 51 Lane, Doral, Florida 33178,
- (4) Ms. Adriana Puerto, 11212 NW 74 Avenue, Doral, Florida 33178, and
- (5) Ms. Angela Baxter, 18178 NW 61 Court, Miami Lakes, Florida.

Mr. Goldstein informed the Board that the subject property was located within the City of Doral and approved by the City of Doral for the zoning request; however, this application was subject to the County's Zoning Code, which specifies the County has jurisdiction over variances relating to the Miami International Airport Land Use Zoning Ordinance. He concluded his comments by urging the Board to approve a special exception for the foregoing application.

Responding to Commissioner Diaz' request regarding the nature of this application, Ms. O'Quinn Williams stated the expansion would be to increase the number of students for the existing daycare center. She noted the application also included minor enhancements to the outside of the center such as the walkways.

It was moved by Commissioner Diaz that the foregoing application be approved, as presented. Commissioner Heyman seconded this motion for discussion.

Commissioner Sorenson expressed concern with the safety of the children attending this daycare center and that she would not support this application.

Commissioner Heyman spoke in support of the foregoing application, and expressed the need for the daycare center.

Commissioner Diaz informed the Board that 167 private and public daycare centers currently existed in a no school flight zone.

Hearing no objection, Commissioner Rolle presented and moved a resolution to approve the foregoing application. This motion was seconded by Commissioner Heyman and upon being put to a vote, passed by a vote of 9-1. (Commissioner Sorenson voted "No" and Commissioners Edmonson, Moss and Sosa were absent)

The foregoing resolution was adopted by the Board and is set forth in the Record of Resolutions and assigned resolution #Z-01-07.

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 adjourned at 12:47 p.m.

Chairman Bruno A. Barreiro

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: 2/8/2007

#Z-

ITEM: A

APPLICANT: LEXUS OF KENDALL AUTO PARK
(06-9-CC-2/06-121)

MOTION: to defer the foregoing application to the February 22, 2007, BCC Zoning meeting.

ROLL CALL	M/S	YES	NO	ABSENT
Diaz		X		
Edmonson		X		
Gimenez		X		
Heyman		X		
Martinez	M	X		
Moss		X		
Rolle		X		
Seijas		X		
Sorenson		X		
Sosa	S	X		
Souto		X		
Vice Chairwoman Jordan		X		
Chairman Barreiro		X		
TOTAL		13	0	0

DATE: 2/8/2007

#Z-

ITEM: 1.

APPLICANT: RENE MIGUEL VALDEZ
(06-10-CZ10-2/05-364)

MOTION: to defer the foregoing application to the April 26, 2007, BCC Zoning meeting, with leave to amend; and to correct the advertisement with a new notice to the applicant.

ROLL CALL	M/S	YES	NO	ABSENT
Diaz		X		
Edmonson		X		
Gimenez		X		
Heyman		X		
Martinez		X		
Moss		X		
Rolle		X		
Seijas		X		
Sorenson	S	X		
Sosa				X
Souto	M	X		
Vice Chairwoman Jordan		X		
Chairman Barreiro				X
TOTAL		11	0	2

DATE: 2/8/2007

#Z-

ITEM: B

APPLICANT: EUREKA COVE LLC
(06-9-CZ14-4/06-3)

MOTION: to defer the foregoing application to no date certain with leave to amend to allow the developer to work with DPZ staff on a RU site plan to make it compatible with the neighborhood. In addition, the foregoing application would be re-advertised.

ROLL CALL	M/S	YES	NO	ABSENT
Diaz	S	X		
Edmonson		X		
Gimenez		X		
Heyman		X		
Martinez		X		
Moss	M	X		
Rolle		X		
Seijas		X		
Sorenson		X		
Sosa				X
Souto		X		
Vice Chairwoman Jordan		X		
Chairman Barreiro		X		
TOTAL		12	0	1

DATE: 2/8/2007

#Z-01-07

ITEM: 2.

APPLICANT: TCML LLC
(07-2-CC-1/05-260)

MOTION: to approve the foregoing application.

ROLL CALL	M/S	YES	NO	ABSENT
Diaz	M	X		
Edmonson				X
Gimenez		X		
Heyman	S	X		
Martinez		X		
Moss				X
Rolle		X		
Seijas		X		
Sorenson			X	
Sosa				X
Souto		X		
Vice Chairwoman Jordan		X		
Chairman Barreiro		X		
TOTAL		9	1	3

ZONING ACTION

MEMORANDUM

Harvey Ruvin
Clerk of the Circuit and County Courts
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DATE: 2/8/2007

#Z-

ITEM: 3.

APPLICANT: KENDALL PROPERTIES & INVESTMENTS
(07-2-CC-2/06-274)

MOTION: to defer the foregoing application to the March 22, 2007, BCC Zoning meeting at the earliest, with leave to amend. In addition, the foregoing application would be re-advertised.

ROLL CALL	M/S	YES	NO	ABSENT
Diaz	S	X		
Edmonson		X		
Gimenez		X		
Heyman		X		
Martinez	M	X		
Moss		X		
Rolle		X		
Seijas		X		
Sorenson		X		
Sosa				X
Souto		X		
Vice Chairwoman Jordan				X
Chairman Barreiro		X		
TOTAL		11	0	2