



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

Board of County Commissioners
Stephen P. Clark Government Center
111 NW 1st Street
Miami, Florida 33128

March 22, 2007
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
March 22, 2007

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., March 22, 2007, there being present upon roll call the Honorable Chairman Bruno A. Barreiro and Vice Chairwoman Barbara J. Jordan; Commissioners Jose "Pepe" Diaz, Audrey M. Edmonson, Carlos A. Gimenez, Sally A. Heyman, Joe A. Martinez, Dorrin D. Rolle, Natacha Seijas, Katy Sorenson, and Javier D. Souto; Commissioners Rebeca Sosa and Dennis C. Moss were late; Assistant County Attorneys Joni Armstrong-Coffey and Craig Coller; Assistant Director for Zoning Alberto Torres and Assistant Director for Planning Subrata Basu; and Deputy Clerks Diane Collins and Scott Rappleye.

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

Mr. Alberto Torres, Assistant Director, Planning and Zoning, requested that Agenda Item B. Coral Reef Drive Land Development, LLC F/K/A: Irwin Potash, et al be deferred to May 10, 2007.

It was moved by Commissioner Heyman that Agenda Item B be deferred to May 10, 2007. This motion was seconded by Commissioner Martinez, and upon being put to a vote, passed 11-0 (Commissioners Moss and Sosa were absent).

Mr. Subrata Basu, Assistant Director for Planning, 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. He noted additional copies of today's (3/22) agenda, all applications, and official translators were available. He presented the rules of procedure to be followed during today's proceedings.

Mr. Torres presented the following application:

A. KENDALL PROPERTIES & INVESTMENTS (07-2-CC-2/06-274) 24-54-38 BCC/District 11

Mr. Miguel DeGrandy, 800 Douglas Rd., attorney representing the applicant, appeared before the Board. He made a presentation on the foregoing application.

Commissioner Martinez noted that this application was an appeal of a departmental decision. After no one appeared in response to his call for speakers against this application, Commissioner Martinez recommended the County Commission discuss this issue in lieu of Mr. DeGrandy's complete presentation.

Commissioner Sorenson asked if this application was solely concerning rock mining or rock crushing of rock other than what was mined on the site.

Mr. Torres noted that the applicant intended to crush rocks from excavation onsite and rocks brought in from offsite.

Assistant County Attorney Coffey clarified that the applicant would need approval from both the County Commission and the Environmental Quality Control Board to proceed to crush rocks from offsite.

Commissioner Heyman said she thought crushing offsite rocks was already allowed. She noted that she saw no report that indicated the applicant's use of the land would be detrimental; that if it was detrimental the Environmental Quality Control Board would stop it. She expressed concern that the department gave a bad recommendation because someone else needed to review the issue. She said the County needed a good reason to deny the applicant's appeal.

Mr. Torres clarified that the Department of Environmental Resource Management objected to the applicant because another process was required; and that the Department of Planning and Zoning objected to the applicant's use of the land.

Commissioner Sorenson asked if the County Commission would give blanket approval to other land uses in Resolution No. Z-114-75, by approving the applicant's appeal.

Mr. Torres noted that the applicant was only appealing rock crushing and screening; and that the County Commission may send a message that the existing resolution was not solely limited to ancillary uses.

Commissioner Sorenson said she thought recycling old demolition materials would be a good use for the applicant.

Assistant County Attorney Coffey explained that the Environmental Quality Control Board would consider the applicant's appeal based on the Environmental Quality Control Board's criteria and not the County Commission's vote. She advised the County Commission to explore the acceptability of the other approved land uses in Resolution No. Z-114-75.

Mr. Torres clarified that if the County Commission approved the applicant's appeal, then the other approved land uses in Resolution No. Z-114-75 could be deemed principle uses.

Commissioner Sorenson expressed concern that the County Commission would be subject to Court cases if it approved the applicant's appeal and then denied the other land uses in Resolution No. Z-114-75.

It was moved by Commissioner Martinez that the applicant's appeal be approved. This motion was seconded by Commissioner Heyman, and upon being put to a vote, passed 9-1 (Commissioner Sorenson voted "no," Commissioners Sosa, Souto, and Moss were absent).

Mr. Torres presented the following application:

1. DIRECTOR OF THE DEPARTMENT OF PLANNING & ZONING (07-3-CC-3/06-333)
07-56-40 BCC/Districts 8, 9

Ms. Nancy Delcarsy (phonetic), 8740 SW 132 St, appeared before the Board in opposition to the foregoing application.

Mr. Basu explained that the charrette process for the Cutler Ridge Metropolitan Urban Center District had been ongoing since 2002; that numerous public meetings were held; and that the building height requirements were listed on the internet.

Commissioner Sorenson said the charrette was done to change the character of the area.

Commissioner Moss noted that the charrette process would always impact and affect somebody and that the County Commission tried to do what was in the best interest for the community.

Commissioner Martinez noted Ms. Delcarsy's opposition was similar to the Richmond Heights gas station issue that the County Commission recently considered. He questioned why the County Administration fought to reverse the zoning in the Richmond Heights gas station issue and would not fight for that in this situation.

Mr. Basu said the property owner in the Richmond Heights gas station issue had building permits.

Commissioner Martinez said he believed that people had rights to their property.

Assistant County Attorney Coffey explained that a specific zoning classification did not give the property owner a vested property right; and that the owner needed to be further down the development process.

Chairman Barreiro asked Ms. Delcarsy if she had pulled any permits to build a one-story warehouse.

Ms. Delcarsy said she had applied for two permits.

Chairman Barreiro noted that submitted plans and issued permits were different.

Commissioner Diaz questioned why a three story building was required on this land.

Mr. Basu explained the urban centers had minimum heights to create density to accommodate future growth.

Commissioner Souto asked Assistant County Attorney Coffey for an update regarding the changes at the State Legislature to property rights.

Assistant County Attorney Coffey explained that a property owner could not argue that a taking had occurred until it had a permit in hand. She noted that a statute existed that would provide property owners cause of action if the government diminished the value of a property.

It was moved by Commissioner Sorenson that the application be approved as recommended by the DIC. This motion was seconded by Commissioner Moss.

Commissioner Sorenson said the property value would be enhanced by this rezoning; the County had a lot of industrial land available for Ms. Delcarsy; and the "Neighbors" for Ms. Delcarsy's area had published many articles on the charrette process.

Commissioner Sosa asked if Ms. Delcarsy had any permits issued to her.

Ms. Delcarsy said she had no permits.

Hearing no other questions or comments, the County Commission proceeded to vote on the motion to approve the application as recommended by the DIC, and it passed 10-1 (Commissioner Martinez voted "no," Commissioners Gimenez and Seijas were absent).

There being no further business to come before the Board, the Zoning Hearing adjourned at 11:32 a.m.

Chairman Bruno A. Barreiro

ATTEST: HARVEY RUVIN, Clerk

By: _____
Kay Sullivan, Deputy Clerk