



**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 1<sup>st</sup> Street  
Miami, Florida 33128

**June 28, 2007**

As Advertised

Harvey Ruvin, Clerk  
Board of County Commissioners

Kay Sullivan, Director  
Clerk of the Board Division

Zorana Gainer, Commission Reporter  
(305) 375-3570



**Clerk's Summary and Official Minutes  
Board of County Commissioners Zoning Hearing  
June 28, 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 NW First Street, Miami, Florida at 9:30 a.m., June 28, 2007. The following individuals were present upon roll call: Chairman Bruno A. Barreiro, Vice Chairwoman Jordan, and Commissioners Rebeca Sosa, Katy Sorenson, Natacha Seijas, Dorrin D. Rolle, Joe A. Martinez, Sally Heyman, Carlos A. Gimenez, and Audrey M. Edmonson (Commissioners Javier D. Souto, Dennis C. Moss and Jose "Pepe" Diaz were absent); First Assistant County Attorney Robert Cuevas and Assistant County Attorneys Joni Armstrong-Coffey, Craig Collier; Subrata Basu, Interim Director, Department of Planning & Zoning and Deputy Clerks Diane Collins and Zorana Gainer.

The Board convened in a moment of silence, followed by the Pledge of Allegiance.

**ALL WITNESSES AND THE INTERPRETER(S) WERE SWORN IN BY THE CLERK BEFORE PRESENTING TESTIMONY BEFORE THE BOARD.**

Mr. Subrata Basu, Interim Director, Department of Planning & Zoning announced that 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 timeframes. He noted additional copies of the agenda were available in the Chambers and presented the procedures to be followed during today's proceedings.

**1. VARIETY CHILDREN'S HOSPITAL D/B/A:  
MIAMI CHILDREN'S HOSPITAL (07-3-CZ10-9/07-13)**

Ms. Mary Anne Lukacs, Lukacs and Lukacs, Attorney representing Schenley Park Preservation Society Inc., pointed out that the notice of advertisement had not been posted correctly; that only the time of the hearing appeared on the publication and that today's hearing was voidable due to the inappropriate posting. Ms. Lukacs submitted a copy of the advertisement to Board members.

Mr. Basu stated that the original advertisement was posted on June 4, 2007 and although the posting did not have a date, the posting did have a process number the time and a phone number to call. Subsequently, he noted two more postings with all of the information were made on June 16, 2007.

Assistant County Attorney Joni Armstrong-Coffey explained that the Code provision stated that failure to provide posting on the property as required in the code renders voidable any hearing held on the application. There were 2 risks, he noted. The first risk would be that someone did not get notice, the second risk would be that someone at today's (6/28) hearing maybe prejudiced by the late posting, and if the Commission

decided to proceed, the hearing may be rendered voidable by a court. Ms. Armstrong-Coffey stated that this issue required a judgment call based on any facts that someone may present at today's hearing, also an assessment of the risk that there may not be someone present at today's hearing due to the failure of notice.

Commissioner Sosa stated that she did not feel comfortable proceeding after council's opinion that there may be a risk.

It was moved by Commissioner Sosa that the Item 1 Variety Children's Hospital D/B/A: Miami Children's Hospital be deferred to July 26, 2007 with instructions to DP&Z staff to post and to provide newspaper notice, but not mailed notices. This motion was seconded by Commissioner Sorenson, and upon being put to a vote, passed by a vote of 9-1 (Commissioners Diaz, Moss and Souto were absent).

**2. DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING (07-6-CC-1/07-73)**

Mr. Basu read the foregoing application into the record; Mr. Basu noted that it was his recommendation that the foregoing application be withdrawn.

It was moved by Commissioner Rolle that at the request of the Director of the Department of Planning and Zoning, the foregoing application be withdrawn. This motion was seconded by Commissioner Heyman, and upon being put to a vote passed by a vote of 10-0 (Commissioners Diaz Moss and Souto were absent).

**3. DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING (07-6-CC-2/07-74)**

It was moved by Commissioner Rolle that the application be approved. This motion was seconded by Commissioner Heyman and upon being put to a vote, passed by a vote of 10-3 (Commissioners Diaz, Moss, and Souto were absent).

**4. DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING (07-6-CC-3/07-75)**

It was moved by Commissioner Rolle that the application be approved. This motion was seconded by Commissioner Heyman and upon being put to a vote, passed by a vote of 10-3 (Commissioners Diaz, Moss, and Souto were absent).

**5. DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING (07-6-CC-4/07-76)**

It was moved by Commissioner Rolle that the application be approved. This motion was seconded by Commissioner Heyman and upon being put to a vote, passed by a vote of 10-3 (Commissioners Diaz, Moss, and Souto were absent).

**6. DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING (07-6-CC-5/07-77)**

It was moved by Commissioner Rolle that the application be approved. This motion was seconded by Commissioner Heyman and upon being put to a vote, passed by a vote of 10-3 (Commissioners Diaz, Moss, and Souto were absent).

**7. DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING (07-6-CC-6/07-78)**

It was moved by Commissioner Rolle that the application be approved. This motion was seconded by Commissioner Heyman and upon being put to a vote, passed by a vote of 10-3 (Commissioners Diaz, Moss, and Souto were absent).

**8. DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING (07-6-CC-7/07-79)**

It was moved by Commissioner Rolle that the application be approved. This motion was seconded by Commissioner Heyman and upon being put to a vote, passed by a vote of 10-3 (Commissioners Diaz, Moss, and Souto were absent).

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 11:04 A.M.

---

Chairperson

ATTEST: HARVEY RUVIN, Clerk of Courts

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