



**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

July 12, 2007

As Advertised

Harvey Ruvin, Clerk
Board of County Commissioners

Kay Sullivan, Director
Clerk of the Board Division

Judy Marsh, Commission Reporter
(305) 375-1967



CLERK'S SUMMARY AND OFFICIAL MINUTES
MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS
ZONING HEARING
JULY 12, 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., July 12, 2007, there being present upon roll call, Chairman Bruno A. Barreiro and Commissioners Jose "Pepe" Diaz, Carlos A. Gimenez, Barbara J. Jordan, Joe A. Martinez, Dennis C. Moss, Dorrin D. Rolle and Javier D. Souto; (Commissioners Audrey M. Edmonson, Sally A. Heyman, Natacha Seijas, Katy Sorenson and Rebeca Sosa were absent); Assistant County Attorney Joni Armstrong-Coffey; Department of Planning and Zoning Interim Director Subrata Basu; and Deputy Clerks Kay Sullivan and Judy Marsh.

Chairman Barreiro called the meeting to order at 10:05 a.m. and asked that a moment of silence be observed followed by the Pledge of Allegiance.

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

Department of Planning and Zoning Interim Director Subrata Basu announced, in accordance with the Code of Miami-Dade County, all items on today's zoning agenda were legally advertised in the newspaper, notices were mailed, and the 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.

Chairman Barreiro asked for any deferrals or withdrawals of zoning applications from today's agenda.

Mr. Basu presented the following appeal:

- EUREKA HOLDINGS, LLC F/K/A: SWEET HOME BAPTIST CHURCH, INC (07-5-CZ14-2/06-163)**

Mr. Basu noted there were no protests and 154 waivers were filed.

Mr. Felix Lasarte, Holland and Knight, 701 Brickell Avenue, attorney representing Eureka Holdings LLC, appeared before the Board in support of the foregoing appeal and application to rezone the subject property from AU, Agricultural District, to RU-3M, Minimum Apartment House District. He noted he felt the decision of Community Zoning Appeals Board (CZAB) #14 to deny the applicant's request without prejudice was not based on substantial, competent evidence submitted. Mr. Lasarte said as part of the appeals process, he submitted a brief explaining why he felt impertinent remarks were

made at the CZAB hearing. He acknowledged the presence of Albert Vivas, Eduardo Gutierrez and Klever Rosales, principals of Eureka Holdings LLC; and Mike Freire and George Navarro from his office.

Mr. Lasarte provided an overview of the subject property which was located in Commission District 9. He noted the applicant was seeking to rezone this property to RU-3M to develop 117 townhouses, and this proposed zoning change was less dense than properties to the north of the subject property and was compatible with properties zoned RU-TH within the immediate area. Mr. Lasarte noted properties with a higher RU-3M zoning, properties that were zoned RU-TH and a church that was under construction were located directly south of the subject property. He stated the site plan that was presented to the Board requested a zone change to RU-3M and consisted of a proposal for 117 townhouses with a pool, a gazebo-type club house in the center, and common areas which would be maintained through an association and was part of a Declaration of Restrictive Covenants. Mr. Lasarte pointed out ingress and egress points would be accessible through SW 180 Street to SW 107 Avenue, and through SW 109 Avenue; and the proposed development would not be a gated or isolated community. He stated the Miami-Dade Fire Rescue Department recommended a favorable recommendation for this application, and the Public Works Department had no objection to the site plan. The level of service (LOS) for the proposed development would remain the same on all existing roads, Mr. Lasarte stated.

Mr. Lasarte stated pursuant to the CZAB's request for additional green areas, the applicant submitted a site plan to staff for RU-TH which created a park with a pool house and a clubhouse, resulting in 104 units in lieu of 117, thereby lowering the density. He noted it was within the County Commission's purview to approve this plan for RU-TH in lieu of the requested RU-3M zoning change. Mr. Lasarte said this plan would include severable use rights (SURs) and would still provide the same density which was below the density of the surrounding properties.

Mr. Lasarte stated the applicant had entered into an agreement with the Miami-Dade School Board to contribute over and above impact fees of \$400,000 for mitigation of student stations that would have to be created at Miami Southridge Senior High School as a result of the proposed development. He asked area residents who were in support of this application to stand and be recognized. Mr. Lasarte submitted over 150 petition signatures from area residents in support of the proposed development. He requested time for rebuttal.

In response to Commissioner Moss' inquiry regarding the number of persons in opposition to the application, Chairman Barreiro noted one person was in opposition.

Chairman Barreiro opened the public hearing on the foregoing appeal and application and the following individuals appeared before the Board in support of the application:

Mr. Justo Vega, 9300 SW 164 Street;
Ms. Mayra Lima, 17780 SW 113 Court;

Ms. Rachael Unaninah (phonetic), 8132 SW 109 Place;
Pastor Luis Ricone, Church of God Pentecostal, SW 108 Avenue and SW 184 Street.

Ms. Susan Blake, 11363 SW 165 Terrace, appeared before the Board in opposition to the foregoing appeal and application. She submitted 33 petition signatures from Green Hills/Southland Pines residents and surrounding area residents requesting the Board to deny the foregoing appeal and application. Ms. Blake read a letter from Mr. James Marshall in opposition to the foregoing application and urged the Board to deny the application with prejudice. She expressed concern regarding traffic problems as a result of the proposed development.

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

Mr. Lasarte reappeared before the Board in rebuttal. He noted he had not been able to reach an agreement with Ms. Blake. Mr. Lasarte stated the trend of development in the subject area was consistent with the applicant's proposal, and staff felt the requested zone change to RU-3M and the alternative RU-TH plan were compatible with the surrounding neighborhood. With regard to Ms. Blake's comments regarding traffic exiting on SW 109 Avenue, Mr. Lasarte stated traffic from other developments within the area also exited on SW 109 Avenue. He noted the Public Works Department had determined that this application would generate 73 vehicle trips at peak pm hours and vehicles would have four egress points.

In response to Commissioner Moss' request that staff expound on their recommendations, Mr. Basu addressed the difference between the applicant's 1994 requested zone change versus the current application and noted the number of proposed units was much higher than what was currently being requested. He also noted the area surrounding the subject property was changing in terms of the type of development. Mr. Basu stated the proposed project was within the allowable densities and was compatible with the changing neighborhood.

Commissioner Moss questioned whether an urban design would work best for the proposed development if the townhouse units were closer to the front of the property.

In response to Commissioner Moss' inquiry, Mr. Basu stated typically the Department encouraged the location of townhouse units facing the street to provide a more pedestrian friendly experience versus having backyard fences surrounding the property. He noted this proposed application could result in a better pedestrian experience on SW 107 Avenue if the properties were aligned facing the street.

In response to Commissioner Moss' inquiry whether the addition of the proposed townhouse units would change the level of service (LOS) on the roadways, Mr. Raul Pino, Public Works Department, stated the LOS would not be affected. He noted the proposed development would allow SW 180 Street to be opened from SW 107 Avenue to SW 108 Avenue as a two-lane road.

Commissioner Moss stated he would support an RU-TH development which would create the additional green space. He noted he accepted staff's recommendation that no significant traffic impact would occur.

Mr. Lasarte noted RU-TH was acceptable to his client and he had submitted a covenant limiting the density to 104 units which had been reviewed by staff.

In response to Commissioner Moss' inquiry, Assistant County Attorney Joni Armstrong-Coffey advised the covenant submitted by the applicant was in order.

In response to Commissioner Moss' inquiry regarding the price of the proposed townhouse units and whether the applicant would consider setting aside ten percent of the units as affordable homes, Mr. Lasarte said the sale price of the proposed units ranged from \$235,000 to 280,000. He noted the applicant was agreeable to setting aside five percent of the units for workforce housing which would allow them to go up to \$225,000. He noted this would require a modification of the covenant.

Assistant County Attorney Joni Armstrong-Coffey advised modification of the covenant would require execution by the owner and joinder of the mortgagee. She noted if the Board voted now, the workforce portion would not be legally enforceable.

Mr. Basu suggested a range of \$220,000 to \$230,000 which he noted was affordable.

Commissioner Moss noted he wanted to ensure that area residents would have an opportunity to purchase in the proposed development.

Mr. Albert Vivas, 6761 NW 112 Avenue, agreed to set aside five percent of the proposed townhouse units for workforce housing and to modify the price range from \$220,000 to \$280,000. He also agreed to obtain the signatures for the amended covenant.

Commissioner Moss presented and moved a resolution which approved the appeal, subject to the Board's acceptance of the modified proffered covenant to reflect the zone change to RU-TH and five percent of the units being set aside for workforce housing at \$225,000. This motion was seconded by Commissioner Diaz, and upon being put to a vote, passed by a vote of 8-0, (Commissioners Edmonson, Heyman, Seijas, Sorenson and Sosa were absent).

The foregoing resolution was adopted by the Board and is set forth in the Record of Resolutions and assigned #Z-21-07.

Mr. Basu presented the following appeal:

2. **CRAIG ARMSTRONG (07-7-CC-1/07-32)**

Mr. Basu noted 122 notices were mailed and no waivers or protests were filed.

Mr. Craig Armstrong, appellant, appeared before the Board. He requested an indefinite deferral of the foregoing appeal on the basis that he and the builder reached a binding agreement to relocate the subject concrete dumpsters within a setback that was outlined in the code, and it would remain uncontested on his part.

It was moved by Commissioner Moss that the application and appeal of Craig Armstrong be deferred indefinitely. This motion was seconded by Commissioner Gimenez, and upon being put to a vote, passed by a vote of 7-0, (Commissioners Edmonson, Heyman, Martinez, Seijas, Sorenson and Sosa 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 10:52 a.m.

Chairman Bruno A. Barreiro

ATTEST: HARVEY RUVIN, Clerk

By: _____
Kay Sullivan
Deputy Clerk