



**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

October 22, 2009
As Advertised

Harvey Ruvlin, Clerk
Board of County Commissioners

Diane Collins, Acting Division Chief
Clerk of the Board Division

Mary Smith-York, Commission Reporter
(305) 375-1598



2/18/10

CLERK'S OFFICIAL MINUTES
BOARD OF COUNTY COMMISSIONERS ZONING HEARING
October 22, 2009

The Board of County Commissioners met in regular session on Thursday, October 22, 2009, in the County Commission Chambers on the second floor of the Stephen P. Clark Government Center, 111 N.W. First Street, Miami, Florida at 10:00 a.m., the following members being present upon roll call: Chairman Dennis C. Moss, Vice Chairman Jose "Pepe" Diaz, and Commissioners Bruno A. Barreiro, , Carlos A. Gimenez, Sally A. Heyman, Barbara Jordan, Joe A. Martinez, Dorrin D. Rolle, Katy Sorenson, Rebeca Sosa, Natacha Seijas and Javier D. Souto; (Commissioner Audrey Edmonson was absent).

The following staff members were also present: Assistant County Attorneys Joni Armstrong-Coffey and Craig Collier; Marc LaFerrier, Department of Planning and Zoning Director; Maria Fojo, Department of Planning and Zoning Acting Assistant Director; and Deputy Clerks Diane Collins and Mary Smith-York.

Chairman Moss called the meeting to order at 10:23 a.m. with a moment of silent meditation, followed by the Pledge of Allegiance.

THE CLERK SWORE IN ALL WITNESSES AND OFFICIAL TRANSLATORS PRIOR TO PRESENTING TESTIMONY OR INTERPRETATION OF QUESTIONS ASKED AND TESTIMONY GIVEN.

Mr. Marc LaFerrier, Department of Planning & Zoning Director, read into the record the statements of notice, advising that in accordance with the Code of Miami-Dade County, all items on today's (10/22) zoning agenda were legally advertised in the newspapers, notices were mailed, and the properties posted within the 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.

Application No. 1: FONTAINBLEAU LAKES L.L.C. (09-10-CC-1/08-233)

Mr. Marc LaFerrier, Department of Planning & Zoning Director, read the foregoing proposed application into the record. Mr. LaFerrier advised no protests or waivers had been received in connection with Application No. 1.

Mr. Felix Lasarte, 5800 Blue Lagoon Drive, Miami, attorney representing the applicant, appeared before the Board and spoke in support of approval for Application No. 1. He explained the purpose of the application and provided a brief overview of the history surrounding the approval process covered to date.

Chairman Moss opened the floor to anyone with objections to Application No. 1, and the following individual(s) appeared:

Mr. Stephen Vida (phonetic), appeared before the Board and expressed his objection to this application. He expressed concern with the area becoming a commercial strip mall and asked the Commission to deny approval of this application.

Mr. Daniel Acosta, 9353 Fontainebleau Boulevard, Miami, appeared before the Board and expressed his objections to the approval of this application. He noted if approved, it would only add to the numerous vacant malls in the area and the traffic congestion.

Mr. Lasarte presented his rebuttal argument and asked those individuals present today in support of Application 1 to stand in recognition of their support. He asked that some of these supporters be allowed to place their comments on the record. Mr. Lasarte presented a slideshow depicting the proposed zoning changes to the area.

Chairman Moss opened the public hearing and the following individual(s) appeared:

Mr. Jorge Gaston, Fontainebleau area resident, appeared before the Board in support.

Mr. Jesus Carcasa (phonetic), 580 NW 99 Place, appeared before the Board in support.

Seeing no other individuals appear wishing to speak in support of Application No. 1, Chairman Moss closed the public hearing.

Mr. LaFerrier noted staff reviewed Application No. 1 and recommended approval based on the applicant's compliance with the conditions incorporated within the proffered covenants and restrictions. Additionally, he noted the Development Impact Committee (DIC) had also reviewed this application and recommended approval with conditions.

Commissioner Souto presented and moved a resolution to approve Application No. 1: Fontainebleau Lakes LLC (09-10-CC-1/08-233) as presented. This motion was seconded by Commissioner Sosa, and upon being put to a vote, passed by a vote of 11-0 (Commissioners Edmonson and Martinez were absent).

The foregoing resolution was adopted by the Board and set forth in the Record of Resolutions and assigned Resolution #**Z-26-09**.

There being no further business to come before the Board of County Commissioners, the zoning hearing adjourned at 10:55 a.m.



Chairman, Dennis C. Moss
Board of County Commissioners

ATTEST: HARVEY RUVIN, Clerk

By: 

Diane Collins
Deputy Clerk



Board of County Commissioners
Zoning Meeting
October 22, 2009

Prepared by: Mary Smith-York

EXHIBITS LIST

NO.	DATE	ITEM #	DESCRIPTION
1	10/22/09		Order of the Day
2	10/22/09		Official Zoning Agenda
3	10/22/09		Commissioner Edmonson Memorandum of Absence
4	10/22/09	1	Zoning Action Sheet
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Miami-Dade Board of County Commissioners

ORDER OF THE DAY

Thursday, October 22, 2009

9:30 am **Call to Order**
Roll Call
Moment of Silence
Pledge of Allegiance

Zoning Meeting

Board of County Commissioners Carryover Items

9A1: RESOLUTION RESOLVING COLLECTIVE BARGAINING IMPASSE BETWEEN MIAMI-DADE COUNTY AND THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, LOCAL 1542, AVIATION EMPLOYEES

9A2: RESOLUTION RESOLVING COLLECTIVE BARGAINING IMPASSE BETWEEN MIAMI-DADE COUNTY AND THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES LOCAL 199, GENERAL EMPLOYEES

9A3: RESOLUTION RESOLVING COLLECTIVE BARGAINING IMPASSE BETWEEN MIAMI-DADE COUNTY AND THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, LOCAL 3292, SOLID WASTE EMPLOYEES

12:30 pm **Lunch Break**

6:30 pm **Adjournment**



Official Zoning Agenda

BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSION MEETING OF THURSDAY, OCTOBER 22, 2009

NOTICE: THE FOLLOWING HEARING IS SCHEDULED FOR 9:30 A.M., AND

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

ANY PERSON MAKING IMPERTINENT OR SLANDEROUS REMARKS OR WHO BECOMES BOISTEROUS WHILE ADDRESSING THE COMMISSION SHALL BE BARRED FROM FURTHER AUDIENCE BEFORE THE COMMISSION BY THE PRESIDING OFFICER, UNLESS PERMISSION TO CONTINUE OR AGAIN ADDRESS THE COMMISSION BE GRANTED BY THE MAJORITY VOTE OF THE COMMISSION MEMBERS PRESENT.

NO CLAPPING, APPLAUDING, HECKLING OR VERBAL OUTBURSTS IN SUPPORT OR OPPOSITION TO A SPEAKER OR HIS OR HER REMARKS SHALL BE PERMITTED. NO SIGNS OR PLACARDS SHALL BE ALLOWED IN THE COMMISSION CHAMBER. PERSONS EXITING THE COMMISSION CHAMBER SHALL DO SO QUIETLY.

THE USE OF CELL PHONES IN THE COMMISSION CHAMBERS IS NOT PERMITTED. RINGERS MUST BE SET TO SILENT MODE TO AVOID DISRUPTION OF PROCEEDINGS. INDIVIDUALS, INCLUDING THOSE ON THE DAIS, MUST EXIT THE CHAMBERS TO ANSWER INCOMING CELL PHONE CALLS. COUNTY EMPLOYEES MAY NOT USE CELL PHONE CAMERAS OR TAKE DIGITAL PICTURES FROM THEIR POSITIONS ON THE DAIS.

THE NUMBER OF FILED PROTESTS AND WAIVERS ON EACH APPLICATION WILL BE READ INTO THE RECORD AT THE TIME OF HEARING AS EACH APPLICATION IS READ.

THOSE ITEMS NOT HEARD PRIOR TO THE ENDING TIME FOR THIS MEETING, WILL BE DEFERRED TO THE NEXT AVAILABLE ZONING HEARING MEETING DATE FOR THIS BOARD.

SWEARING IN OF WITNESSES

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Fontainebleau Retail Development,' as prepared by Leo A. Daly, and plans entitled 'West Flagler Commercial Development,' as prepared by Witkin, Hults Design Group, stamped received 7/07/09, consisting of 16 sheets and 2 sheets entitled 'Lake Excavation Plan' as prepared by Milian, Swain & Assocs., Inc., dated stamped received 8/19/09 for a total of 18 sheets."

(5) MODIFICATION of Condition #4 of Resolution CZAB-10-21-06, passed and adopted by the Community Zoning Appeals Board #10, only as it applies to the subject property, reading as follows:

FROM: "4. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Fontainebleau East,' (68 pages) and 'Fontainebleau West,' (51 pages), as prepared by Pascual, Perez, Kiliddjian & Associates Architects Planners, dated, signed and sealed December 21, 2005 (East Parcel) and August 5, 2005 (West Parcel), except as herein modified to provide the required number of parking spaces."

TO: "4. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Fontainebleau Retail Development,' as prepared by Leo A. Daly, and plans entitled 'West Flagler Commercial Development,' as prepared by Witkin, Hults Design Group, stamped received 7/07/09, consisting of 16 sheets and 2 sheets entitled 'Lake Excavation Plan' as prepared by Milian, Swain & Assocs., Inc., dated stamped received 8/19/09 for a total of 18 sheets."

(6) MODIFICATION of Paragraphs #1 and #2 of a Declaration of Restrictions, recorded in Official Record Book 24467, Pages 3173-3181, only as it applies to the subject property, reading as follows:

FROM: "1. The Property shall be developed substantially in accordance with the plans previously submitted, prepared by Pascual, Perez, Kiliddjian & Associates, entitled 'Fontainebleau East,' consisting of 68 sheets dated, signed and sealed February 8, 2006, and 'Fontainebleau West,' consisting of 51 sheets dated, signed and sealed February 8, 2006, ('Site Plan'), said plans being on file with the County Department of Planning and Zoning, and by reference made a part of this Declaration."

TO: "1. The Property shall be developed substantially in accordance with the plans previously submitted, entitled 'Fontainebleau Retail Development,' as prepared by Leo A. Daly, plans entitled 'West Flagler Commercial Development,' as prepared by Witkin, Hults Design Group, and plans entitled 'Lake Excavation Plan' as prepared by Milian, Swain & Assocs., Inc., all dated stamped received 7/07/09, consisting of 17 sheets."

THE END

NOTICE OF APPEAL RIGHTS

Decisions of the Community Zoning Appeals Board (CZAB) are appealed either to Circuit Court or to the Board of County Commissioners (BCC) depending upon the items requested in the Zoning Application. Appeals to Circuit Court must be filed within 30 days of the transmittal of the CZAB resolution. Appeals to BCC must be filed with the Zoning Hearings Section of the Department of Planning and Zoning within 14 days of the posting of the results in the department.

Further information and assistance may be obtained by contacting the Legal Counsel's office for the Department of Planning and Zoning at (305) 375-3075, or the Zoning Hearings Section at (305) 375-2640. For filing or status of Appeals to Circuit Court, you may call the Clerk of the Circuit Court at (305) 349-7409.



MEMORANDUM
BOARD OF COUNTY COMMISSIONERS
COMMISSIONER AUDREY M. EDMONSON
DISTRICT 3

Date: October 13, 2009
To: The Honorable Dennis C. Moss, Chairman and
Members of the Zoning Committee
From: Audrey M. Edmonson
Commissioner, District 3
Subject: Absence from Zoning Meeting

Please be advised that due to a prior travel commitment I will be absent from the Zoning Meeting on October 22, 2009. I apologize for any inconvenience this may cause.

Thank you for your attention to this matter.

cc: George Burgess, County Manager
R.A. Cuevas, Jr., County Attorney
Diane Collins, Acting Clerk of the Board

CLERK OF THE BOARD
2009 OCT 15 PM 2:28
CLERK - CIRCUIT & COUNTY COURTS
MIAMI-DADE COUNTY, FLA.
#1

