

**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

March 18, 2010
As Advertised

Harvey Ruvin, Clerk
Board of County Commissioners

Diane Collins, Acting Division Chief
Clerk of the Board Division

Alicia Stephenson , Commission Reporter
(305) 375-1475



FINAL OFFICIAL MINUTES
COMMISSION OF COUNTY COMMISSIONERS ZONING HEARING
March 18, 2010

The Board of County Commissioners convened 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 18, 2010, there being present upon roll call: Chairman Dennis C. Moss, and Commissioners Audrey M. Edmonson, Carlos A. Gimenez, Sally A. Heyman, Barbara J. Jordan, Dorrin D. Rolle, and Katy Sorenson (Vice Chairman Jose "Pepe" Diaz and Commissioners Bruno A. Barreiro, Joe A. Martinez, Commissioner Natacha Seijas, Rebeca Sosa, and Javier D. Souto were absent). Also present were Assistant County Attorneys Joni Armstrong-Coffey and Craig Collier; Department of Planning & Zoning Director Marc LaFerrier; and Deputy Clerks Doris Dickens and Alicia Stephenson.

Chairman Moss opened the meeting in a moment of silence, followed by the Pledge of Allegiance.

ALL WITNESSES WERE SWORN IN BY THE DEPUTY CLERK BEFORE MAKING THEIR TESTIMONY BEFORE THE COMMISSION.

The Interpreters were sworn in by the Clerk.

Department of Planning and Zoning Director (DP&Z) Marc LaFerrier 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 the properties were posted. He noted additional copies of the agenda were available in the Commission Chamber, and he presented the procedures to be followed during today's proceedings. Mr. LaFerrier noted the records on file for the hearing of each application were available to all interested parties, and included documents from the public; agencies; DP&Z; and in the case of an appeal, documents from the PAB, including transcripts of the appeal hearings. He added that an official interpreter was present in the Chamber today (3/18) for those requiring said person's assistance.

Mr. LaFerrier presented the following application:

1. THE DEPARTMENT OF PLANNING & ZONING (10-3-CC-2/09-150) 31-53-40 BCC/District 12

Mr. LaFerrier noted that no protests or waivers were filed in connection with the foregoing application. He noted the Department of Planning and Zoning (DP&Z) was requesting that the County Commission defer this item to May 6, 2010.

It was moved by Commissioner Heyman that Application 1. be deferred to May 6, 2010. This motion was seconded by Commissioner Rolle and upon being put to a vote, passed

by a vote of 7-0 (Commissioners Barreiro, Diaz, Martinez, Seijas, Sosa, and Souto were absent).

Mr. LaFerrier presented the following application:

**2. MIAMI-DADE COUNTY HOMELESS TRUST (10-3-CC-3/10-5) 1-57-39
BCC/District 9**

Mr. LaFerrier noted that no protests or waivers were filed in connection with the foregoing application.

Chairman Moss opened the public hearing on the foregoing application; however, he closed it after no one appeared in response to his call for persons wishing to be heard.

After hearing no response to his call for questions or comments from the Commission members, Chairman Moss' inquired whether anything else needed to be placed on the record.

Assistant County Attorney Joni Armstrong-Coffey responded that nothing more needed to be placed on the record.

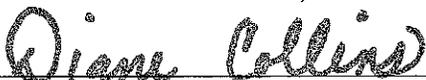
Commissioner Sorenson presented and moved a resolution that Application 2. be approved with conditions, such approval constituting the approval by the Board of County Commissioners to execute and record an amended Declaration of Restrictions. This motion was seconded by Chairman Moss and upon being put to a vote, passed by a vote of 7-0 (Commissioners Barreiro, Diaz, Martinez, Seijas, Sosa, and Souto were absent).

The foregoing resolution was adopted by the Board and is set forth in the Record of Resolutions and assigned Zoning #Z-03-10.



Chairman Dennis C. Moss

ATTEST: HARVEY RUVIN, Clerk

By: 
Diane Collins, Deputy Clerk



ZONING MEETING
Board of County Commissioners
March 18, 2010

Prepared by: Jill Thornton

EXHIBITS LIST

NO.	DATE	ITEM #	DESCRIPTION
1	03/18/2010		Official Zoning Agenda
2	03/18/2010		KITS – Listing of Zoning Hearings
3	03/18/2010		Zoning Action Sheet
4	03/18/2010		Memo from Commissioner Sosa re: her absence from today's Service Awards/BCC/Zoning Meeting.
5	03/18/2010		Memo from Commissioner Souto re: need to leave today's meeting early at 4:00 pm.
6	03/18/2010		List of BCC Service Award Plaque Presentations
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Official Zoning Agenda

BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSION MEETING OF THURSDAY, MARCH 18, 2010

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.

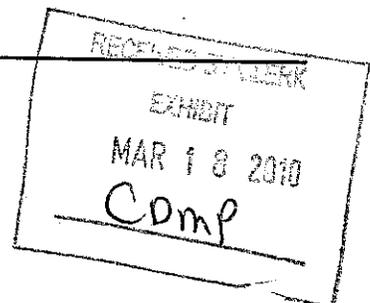
NO CLAPPING, APPLAUDING, HECKLING OR VERBAL OUTBURSTS IN SUPPORT OR OPPOSITION TO A SPEAKER OR HIS OR HER REMARKS SHALL BE PERMITTED. NO SIGNS OR PLACARDS SHALL BE ALLOWED IN THE COMMISSION CHAMBER. PERSONS EXITING THE COMMISSION CHAMBER SHALL DO SO QUIETLY.

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



1. **THE DEPARTMENT OF PLANNING & ZONING**
(10-3-CC-2/09-150)

31-53-40
BCC/District 12

- (1) MODIFICATION of Conditions #57 and #60 of Resolution Z-33-97, passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "57. For the purposes of Concurrency Review, and based upon the analysis contained in the ADA together with review and further study by Dade County, it is hereby found that throughout the buildout period (March 20, 2004) sufficient infrastructure capacities will be available to service this project. All subsequent development orders or permits pursuant to this development order, are hereby found to meet concurrency standards set forth in Comprehensive Development Master Plan Ordinance No. 89-66 and Chapter 33G of the Dade County Code and A.O. 4-85 (concurrency regulations) as amended from time to time and to be consistent with local development regulations so long as the Developer is developing in compliance with the terms and conditions of this Development Order. Furthermore, Dade County shall not issue any subsequent development orders as defined in Section 33G-3(2) Dade County Code, which would degrade such level of service below minimum acceptable levels as may be applicable in the Comprehensive Development Master Plan and the above ordinance, as may be amended from time to time. In the event that: (a) the actual impacts of this project and other committed development are greater than those projected in the ADA, and (b) the issuance of further local development orders (as defined in Chapter 33G, Dade County Code) authorizing further construction or development pursuant to this DRI Development Order would violate the aforesaid concurrency regulations, the following shall occur: Such further local development order shall not be issued unless and until the Applicant shall make provisions for necessary services and facilities to meet the County's concurrency standards as determined by the County. The issuance of development orders which have been found to be vested pursuant to Chapter 2-114, 33-315 or 33-316 of the Code of Metropolitan Dade County, as adopted pursuant to Section 163.3167(8) Florida Statutes, shall not be considered for purposes of determining concurrency as to this project, nor shall this Development Order be construed or applied to prohibit the issuance of said Development orders under any circumstances. However, modifications or changes to this Development Order regardless of whether such change or modification is found to constitute a substantial deviation, may require this development to comply with those concurrency requirements or local development regulations in effect at the time such modification or change occurs including but not limited to the recognition of trips previously vested which are permitted or complete."

TO: "57. For the purposes of Concurrency Review, and based upon the analysis contained in the ADA together with review and further study by Miami-Dade County, it is hereby found that throughout the buildout period (March 17, 2014) sufficient infrastructure capacities will be available to service this

project. All subsequent development orders or permits pursuant to this development order, are hereby found to meet concurrency standards set forth in Comprehensive Development Master Plan Ordinance No. 89-66 and Chapter 33G of the Miami-Dade County Code and A.O. 4-85 (concurrency regulations) as amended from time to time and to be consistent with local development regulations so long as the Developer is developing in compliance with the terms and conditions of this Development Order. Furthermore, Miami-Dade County shall not issue any subsequent development orders as defined in §33G-3(2) Miami-Dade County Code, which would degrade such level of service below minimum acceptable levels as may be applicable in the Comprehensive Development Master Plan and the above ordinance, as may be amended from time to time. In the event that: (a) the actual impacts of this project and other committed development are greater than those projected in the ADA, and (b) the issuance of further local development orders (as defined in Chapter 33G, Miami-Dade County Code) authorizing further construction or development pursuant to this DRI Development Order would violate the aforesaid concurrency regulations, the following shall occur: Such further local development order shall not be issued unless and until the Applicant shall make provisions for necessary services and facilities to meet the County's concurrency standards as determined by the County. The issuance of development orders which have been found to be vested pursuant to Chapter 2-114, 33-315 or 33-316 of the Code of Miami-Dade County, as adopted pursuant to §163.3167(8) Florida Statutes, shall not be considered for purposes of determining concurrency as to this project, nor shall this Development Order be construed or applied to prohibit the issuance of said Development orders under any circumstances. However, modifications or changes to this Development Order regardless of whether such change or modification is found to constitute a substantial deviation, may require this development to comply with those concurrency requirements or local development regulations in effect at the time such modification or change occurs including but not limited to the recognition of trips previously vested which are permitted or complete."

FROM: "60. The deadline for commencement of physical development shall be one year from the effective date of the development order. For purposes of this paragraph, physical development means development as defined in s. 380.04, F.S. The termination date for completing physical development shall be March 20, 2004. The termination date may only be modified in accordance with s. 380.06(19)(c), F.S."

TO: "60. The deadline for commencement of physical development shall be one year from the effective date of the development order. For purposes of this paragraph, physical development means development as defined in §380.04, F.S. The termination date for completing physical development shall be March 17, 2014. The termination date may only be modified in accordance with §380.06(19)(c), F.S."

- (2) MODIFICATION of Conditions #59 and #61 of Resolution Z-33-97, last modified by Z-1-04, both resolutions passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "59. March 18, 2009 is hereby established as the buildout date for this project and is the date until which the county agrees that the Beacon TradePort Development of Regional Impact shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless the County can demonstrate that substantial changes made by the developer in the facts or circumstances underlying the approval of the DRI development order have occurred, or that the DRI development order was based on substantially inaccurate information provided by the applicant, or that the change is clearly essential to the public health, safety or welfare."

TO: "59. March 17, 2014 is hereby established as the buildout date for this project and is the date until which the County agrees that the Beacon TradePort Development of Regional Impact shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless the County can demonstrate that substantial changes made by the developer in the facts or circumstances underlying the approval of the DRI development order have occurred, or that the DRI development order was based on substantially inaccurate information provided by the applicant, or that the change is clearly essential to the public health, safety or welfare."

FROM: "61. March 18, 2014, is hereby established as the expiration date for the development order."

TO: "61. March 17, 2019, is hereby established as the expiration date for the development order."

The purpose of the request is to allow the applicant to modify the buildout date and other dates within the development order of the Beacon Tradeport Development of Regional Impact.

LOCATION: Lying between NW 12 Street and NW 25 Street and between 111 Avenue and NW 117 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 324.5 Acres

Department of Planning and
Zoning Recommendation:

Approval of request #1 and #2 with
conditions under Section 33-311(A)(7).

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

2. MIAMI-DADE COUNTY HOMELESS TRUST
(10-3-CC-3/10-5)

1-57-39
BCC/District 9

(1) MODIFICATION of Condition #6 of Resolution Z-97-96, passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "6. That in the development of the project, residential uses be limited to no more than three hundred (300) beds to serve homeless persons in the Homeless Assistance Center (HAC), and no more than two hundred (200) transitional housing units. The 200 transitional housing units may be placed on either the BU-1A or RU-4L portions of the project."

TO: "6. That in the development of the project, residential uses be limited to no more than 300 beds to serve homeless persons in the Homeless Assistance Center (HAC), and transitional housing units and permanent supportive housing units totaling no more than 200 units. The transitional housing units and permanent supportive housing units may be placed on either the BU-1A or RU-4L portions of the project."

(2) MODIFICATION of Paragraph #2 of Declaration of Restrictions, recorded in Official Record Book 17287, Pages 4982 – 4989, reading as follows:

FROM: "2. That in the development of the project, residential uses be limited to no more than three hundred (300) beds to serve homeless persons in the Homeless Assistance Center (HAC), and no more than two hundred (200) transitional housing units."

TO: 2. That in the development of the project, residential uses be limited to no more than 300 beds to serve persons in the Homeless Assistance Center (HAC), and transitional housing units and permanent supportive housing units totaling no more than 200 units."

The purpose of the above requests is to allow the applicant to modify conditions of a previously approved resolution and declaration of restrictions tying the site to a specific residential use, to permit permanent residential units on the site through the submittal of revised plans through the Governmental Facility Review process.

LOCATION: The Southeast corner of SW 127 Avenue and SW 280 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 75.5 Acres

Department of Planning and
Zoning Recommendation:

Approval with conditions. Such approval shall constitute the approval of the Board of County Commissioners' to execute and record an amended Declaration of Restrictions.

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

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.



KITS

2-9-10 Version #1

BOARD OF COUNTY COMMISSIONERS ZONING HEARINGS

THURSDAY, MARCH 18, 2010

PLACE OF MEETING: COUNTY COMMISSIONERS CHAMBERS
OF THE STEPHEN P. CLARK CENTER – 2ND FLOOR
111 NW 1 STREET, MIAMI

TIME OF MEETING 9:30 A.M.

CURRENT

HEARING #

DISTRICT

1. THE DEPARTMENT OF PLANNING & ZONING

09-150

12

Request: - Modify prior resolution and covenant to extend buildout
Date and other dates for Beacon Tradeport DRI.

Location: Lying between NW 12 Street and NW 25 Street and
between 111 Avenue and NW 117 Avenue, Miami-Dade
County, Florida. Within the Urban Development
Boundary (UDB).

2. MIAMI-DADE COUNTY HOMELESS TRUST

10-5

9

Request: - Modify prior resolution and covenant in order to permit
Permanent supportive housing units along with prior
Approved transitional housing units.

Location: The Southeast corner of SW 127 Avenue and SW 280
Street, Miami-Dade County, Florida. Within the Urban
Development Boundary (UDB).

RECEIVED BY CLERK
EXHIBIT
MAR 18 2010
Come

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: March 18, 2010 **#Z-**

ITEM: 1.

APPLICANT: THE DEPARTMENT OF PLANNING AND ZONING (10-3-CC-2/09-150)

ACTION: Deferred to May 6, 2010

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro				X
Edmonson		X		
Gimenez		X		
Heyman	M	X		
Jordan		X		
Martinez				X
Rolle	S	X		
Seijas				X
Sorenson		X		
Sosa				X
Souto				X
Vice Chairman Diaz				X
Chairman Moss		X		
TOTAL		7	0	6

DATE: March 18, 2010 **#Z-03-10**

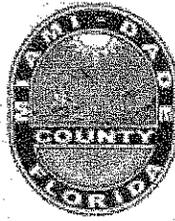
ITEM: 2.

APPLICANT: MIAMI-DADE COUNTY HOMELESS TRUST (10-3-CC-3/10-5)

ACTION: Approved with conditions. Such approval constitutes the approval by the Board of County Commissioners to execute and record an amended Declaration of Restrictions.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro				X
Edmonson		X		
Gimenez		X		
Heyman		X		
Jordan		X		
Martinez				X
Rolle		X		
Seijas				X
Sorenson	M	X		
Sosa				X
Souto				X
Vice Chairman Diaz				X
Chairman Moss	S	X		
TOTAL		7	0	6

RECEIVED BY CLERK
 EXHIBIT
 MAR 18 2010
[Signature]



MEMORANDUM
BOARD OF COUNTY COMMISSIONERS
Commissioner Rebeca Sosa
District 6

TO: The Honorable Chairman
Denis Moss and Members of the
Board of County Commissioners

DATE: March 15, 2010

FROM: The Honorable Rebeca Sosa
Commissioner, District 6

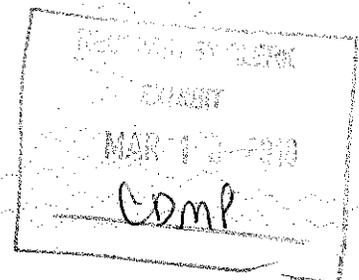
A handwritten signature in black ink, appearing to be "Rebeca Sosa".

SUBJECT: Absence from Service Awards/
BCC/Zoning Meeting

Please be advised that I will be unable to attend the Service Awards/Zoning/Regular Meeting scheduled on Thursday March 18, 2010. As the Chairwoman of the State Intergovernmental Affairs Sub-Committee I will be in Tallahassee on March 17th-18th advocating on behalf of the Boards legislative priorities with members of the Florida Legislature.

I apologize for any inconvenience this may cause, and ask that you respectfully defer any item under my sponsorship that results in debate until my return.

cc: The Honorable Carlos Alvarez, Mayor
George Burgess, County Manager
Robert Cuevas, County Attorney
Diane Collins, Clerk of the Board
Diane Davis, Agenda Coordinator



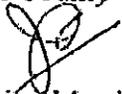


SENATOR JAVIER SOUTO
COMMISSIONER

Board of County Commissioners
MIAMI-DADE COUNTY - FLORIDA

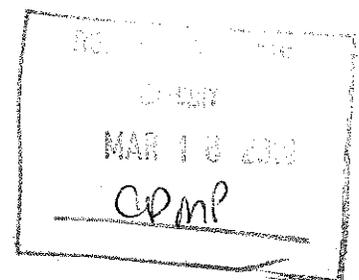
DISTRICT 10
111 N W FIRST STREET, SUITE 320
MIAMI, FLORIDA 33128-1963
(305) 375 4835
FAX (305) 375 4838

MEMORANDUM

TO: The Honorable Dennis Moss and
Members Board of County Commissioners
FROM: Sen. Javier Souto 
DATE: March 18, 2010
RE: Absence from Zoning Meeting

I am sorry I will not be able to attend the Zoning meeting today. I am involved in other important County missions at the moment.

lcc: Diane Collins, Clerk of the Board



BCC SERVICE AWARD PLAQUE PRESENTATION – March 18, 2010

	NAME	DEPARTMENT	DEPARTMENTAL REPRESENTATIVE	YRS OF SVC
1.	Washington Fernandez Bus Hostler	Miami-Dade Transit	William Campbell MDT General Superintendent	30
2.	Robert T. Gramling Tran Electronic Tech/Syst	Miami-Dade Transit	Raymond McKenna Electronic Tech Supervisor	30
3.	Jeffrey Cohen Manager Traffic Engineering Division	Public Works Department	Gaspar Miranda Asst. Director	30
4.	Minnie P. Coles Office Support Specialist 3	Water and Sewer Department	Maria Gonzalez Data Mgt. Section Supervisor Delia Cuervo Admin. Officer 2	30
5.	Kathy Hommer Account Clerk	Water and Sewer Department	Vladimir Murad Controller Angela Morris-Butler Accountant 3	30
6.	Victor E. Lundstrom Plant Diesel Maint Supv	Water and Sewer Department	Robert Fergen Division Chief Humberto Linares Asst. Maintenance Superintendent	30
7.	Dorothy McDuffie Office Support Specialist 3	Water and Sewer Department	Robert Fergen Division Chief Humberto Linares Asst. Maintenance Superintendent Monty Barrett Plant Maintenance Supervisor	35
8.	Carmen J. Williams Administrative Officer 3	Water and Sewer Department	Harold Concepcion Chief, Retail Customer Service	30
NAMES THAT ARE HIGHLIGHTED – RECEIVE A WATERMAN PEN FOR 35 YEARS OF SERVICE				

All were presented

