

# **City of Miami**

*City Hall*  
3500 Pan American Drive  
Miami, FL 33133  
[www.ci.miami.fl.us](http://www.ci.miami.fl.us)



## **Meeting Agenda**

**Thursday, September 22, 2005**

**9:00 AM**

**PLANNING AND ZONING**

**City Hall Commission Chambers**

## **City Commission**

*Manuel A. Diaz, Mayor*  
*Joe Sanchez, Chairman*  
*Angel González, Vice Chairman*  
*Johnny L. Winton, Commissioner District Two*  
*Tomas Regalado, Commissioner District Four*  
*Jeffery L. Allen, Commissioner District Five*  
*Joe Arriola, City Manager*  
*Jorge L. Fernandez, City Attorney*  
*Priscilla A. Thompson, City Clerk*

ANY PERSON WHO ACTS AS A LOBBYIST PURSUANT TO CITY OF MIAMI ORDINANCE NO. 11469, CODIFIED IN CHAPTER 2, ARTICLE VI OF THE CITY CODE, MUST REGISTER WITH THE CITY CLERK, PRIOR TO ENGAGING IN LOBBYING ACTIVITIES BEFORE CITY STAFF, BOARDS, AND COMMITTEES AND THE CITY COMMISSION. A COPY OF SAID ORDINANCE IS AVAILABLE IN THE OFFICE OF THE CITY CLERK, CITY HALL.

PURSUANT TO SECTION 4(g)(5) OF THE CHARTER OF MIAMI, FLORIDA, THE MAYOR MAY VETO CERTAIN ITEMS APPROVED BY THE CITY COMMISSION WITHIN TEN CALENDAR DAYS FOLLOWING THE COMMISSION ACTION. THE COMMISSION MAY, AFTER THE VETO OCCURS, OVERRIDE SUCH VETO BY A FOUR-FIFTHS VOTE OF THE COMMISSIONERS THEN PRESENT.

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 CHAMBERS. PERSONS EXITING THE COMMISSION CHAMBER SHALL DO SO QUIETLY.

THIS PRINTED AGENDA IS DISTRIBUTED AT LEAST FIVE DAYS BEFORE THE MEETING, AND THE MATERIAL IN CONNECTION WITH EACH ITEM APPEARING ON THE AGENDA IS AVAILABLE FOR INSPECTION DURING BUSINESS HOURS AT THE OFFICE OF THE CITY CLERK IN CITY HALL.

ANY PERSON WHO SEEKS TO ADDRESS THE CITY COMMISSION ON ANY ITEM APPEARING IN THE FOLLOWING PORTIONS OF THIS AGENDA: "CONSENT AGENDA", "PUBLIC HEARINGS", OR "PUBLIC DISCUSSION" IS INVITED TO DO SO AND SHALL AS SOON AS POSSIBLE INFORM THE CITY CLERK OF HIS/HER DESIRE TO SPEAK, GIVING THE CITY CLERK HIS/HER NAME. AT THE TIME THE ITEM IS HEARD, THAT PERSON SHOULD APPROACH THE MICROPHONE AND WAIT TO BE RECOGNIZED BY THE PRESIDING OFFICER.

\* \* \* \* \*

Formal action may be taken on any item discussed or added to this Agenda. Any person, or persons, wishing to appeal any decision made by the City Commission with respect to any matter considered at this meeting or hearing, will require a verbatim record of the proceeding upon which the appeal is based. Any person with a disability requiring auxiliary aids and services for meetings may call the City Clerk's Office, 250-5360, with requests at least two business days before the meeting date.

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The City Commission has established a policy that the lunch recess will begin at the conclusion of deliberations of the agenda item being considered at Noon; further, that Commission meetings shall adjourn (a) at the conclusion of deliberation of the agenda item being considered at 10:00 p.m., unless the time is extended by unanimous agreement of the members of the city commission then present or (b) at the conclusion of the regularly scheduled agenda, whichever occurs first. This rule does not apply when the city commission is engaged in its annual budget hearings (Ordinance 12586).

**CONTENTS**

Items may be heard in the numbered sequence or as announced by the Commission

**PR - PRESENTATIONS AND PROCLAMATIONS****MV - MAYORAL VETOES****AM - APPROVING MINUTES****CA - CONSENT AGENDA**

Item 1 which is comprised of items CA.1 through CA.15 may be heard in the number sequence or as announced by the Commission

**M - MAYOR'S ITEMS****D1 - DISTRICT 1 ITEMS****D2 - DISTRICT 2 ITEMS****D3 - DISTRICT 3 ITEMS****D4 - DISTRICT 4 ITEMS****D5 - DISTRICT 5 ITEMS****PH - PUBLIC HEARINGS**

10:30 A.M. - PH.2 - Accepting EDI Grant Funds

10:30 A.M. - PH.3 - Transfer of 30th Yr. CDBG Funds to Neighbors and Neighbors Assoc., Inc.

**SR - SECOND READING ORDINANCES****RE - RESOLUTIONS****DI - DISCUSSION ITEMS****PART B****PZ - PLANNING AND ZONING ITEMS**

The Planning and Zoning items shall not be considered before 10:00 am.

**9:00 A.M. INVOCATION AND PLEDGE OF ALLEGIANCE**

**PRESENTATIONS AND PROCLAMATIONS**

**MAYORAL VETOES**

(Pursuant to Section 4(g)(5) of the charter of Miami, Florida, Item(s) vetoed by the Mayor shall be placed by the city clerk as the first substantive item(s) for the commission consideration.)

**CONSENT AGENDA**

Unless a member of the City Commission wishes to remove a specific item from this portion of the agenda, Items CA.1 through CA.15 constitute the Consent Agenda. These resolutions are self-explanatory and are not expected to require additional review or discussion. Each item will be recorded as individually numbered resolutions, adopted unanimously by the following motion.

"...that the Consent Agenda comprised of items CA.1 through CA.15 be adopted..."

The Presiding Officer or City Clerk shall state the following: "Before the vote on adopting items included in the Consent Agenda is taken, is there anyone present who is an objector or proponent that wishes to speak on any item in the Consent Agenda. Hearing none, the vote on the adoption of the Consent Agenda will now be taken.

- CA.1**      **05-00978**      **RESOLUTION**  
*Department of  
Conferences,  
Conventions and  
Public Facilities*      A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER APPROVING THE FINDINGS OF THE EVALUATION COMMITTEE, PURSUANT TO REQUEST FOR LETTERS OF INTEREST NO. 04-05-075R, THAT THE FIRM MOST QUALIFIED TO PROVIDE CONCESSION SERVICES AT THE COCONUT GROVE EXPO CENTER, FOR THE DEPARTMENT OF CONFERENCES, CONVENTION AND PUBLIC FACILITIES IS KARLEN FOODS, INC.; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONCESSION AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, WITH KARLEN FOODS, INC., FOR A ONE-YEAR PERIOD, WITH THE OPTION TO EXTEND FOR A MAXIMUM OF TWO ADDITIONAL ONE-YEAR PERIODS.
- CA.2**      **05-00979**      **RESOLUTION**  
*Department of  
Economic  
Development*      A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO ACCEPT A GRANT AWARD FROM THE STATE OF FLORIDA, DEPARTMENT OF ENVIRONMENTAL PROTECTION ("DEP"), FOR THE CONSTRUCTION OF THE BAYWALK AT THE PUBLIC BOAT RAMP LOCATED ON WATSON ISLAND, IN THE AMOUNT OF \$50,000, WITH A LOCAL MATCH PROVIDED BY THE MIAMI PARKING AUTHORITY, IN THE AMOUNT OF \$50,000; FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE A DEP AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, IN ORDER TO IMPLEMENT ACCEPTANCE OF SAID GRANT.
- CA.3**      **05-00980**      **RESOLUTION**  
*Department of  
Economic  
Development*      A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO EXECUTE THE FOURTH AMENDMENT, IN SUBSTANTIALLY THE ATTACHED FORM, TO THE AMENDED AND RESTATED OPERATING AGREEMENT ("AMENDED AGREEMENT"), BETWEEN THE CITY OF MIAMI ("CITY") AND THE DEPARTMENT OF OFF-STREET PARKING ("DOSPP"), DATED AUGUST 8, 2002, AS AMENDED, FOR THE CITY TO PROVIDE ADDITIONAL GRANT FUNDS IN THE AMOUNT OF \$50,000, TO DOSPP, FOR FUNDING THE DESIGN AND CONSTRUCTION OF THE BAYWALK AT THE BOAT RAMP PARKING LOT TO BE LOCATED ON WATSON ISLAND, MIAMI, FLORIDA, SUBJECT TO: 1) THE DOSPP PROVIDING

MATCHING FUNDS IN THE AMOUNT OF \$50,000; AND 2) THE DOSP'S COMPLIANCE WITH CERTAIN TERMS AND CONDITIONS RELATED TO THE USE OF FUNDS, AS MORE PARTICULARLY SET FORTH IN THE AMENDED AGREEMENT; ALLOCATING FUNDS FROM CAPITAL IMPROVEMENT PROJECT NO. 333126, B #75000.

**CA.4        05-00981**

*Department of  
Fire-Rescue*

**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION AMENDING RESOLUTION NO. 04-0703, ADOPTED OCTOBER 28, 2004, WHICH ESTABLISHED AND APPROPRIATED FUNDS FOR A NEW SPECIAL REVENUE FUND ENTITLED "FEMA/USAR GRANT AWARD, FISCAL YEARS 2004-2006 FUND;" AUTHORIZING THE ACCEPTANCE OF ADDITIONAL FUNDS AND INCREASING APPROPRIATIONS IN THE AMOUNT OF \$35,000, RECEIVED FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY TO COVER TRAVEL/ADMINISTRATION COSTS NECESSARY FOR THE SOUTH FLORIDA URBAN SEARCH AND RESCUE PROGRAM, INCREASING THE APPROPRIATION AMOUNT FROM \$938,035 TO THE AMOUNT OF \$973,035; CORRECTING THE RESOURCES NAME TO REFLECT SAME; FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS, TO IMPLEMENT ACCEPTANCE OF SAID GRANT.

**CA.5        05-00982**

*Department of  
Fire-Rescue*

**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION ESTABLISHING A NEW SPECIAL REVENUE FUND ENTITLED: "FEMA/USAR GRANT AWARD, FISCAL YEAR 2005" AND APPROPRIATING FUNDS, IN THE AMOUNT OF \$892,000, CONSISTING OF A GRANT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY ("FEMA"), TO BE USED BY THE DEPARTMENT OF FIRE-RESCUE TO ACQUIRE EQUIPMENT, PROVIDE TRAINING, MANAGEMENT AND ADMINISTRATION OF THE SOUTH FLORIDA URBAN SEARCH AND RESCUE ("USAR") PROGRAM; AUTHORIZING THE CITY MANAGER TO ACCEPT SAID GRANT AWARD AND TO EXECUTE THE NECESSARY DOCUMENTS TO IMPLEMENT ACCEPTANCE OF SAID GRANT AWARD.

**CA.6 05-00983***Department of  
Police***RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), ESTABLISHING A NEW SPECIAL REVENUE FUND ENTITLED: "COPS HELPING OUR INNER-CITY CHILDREN EXCEL PROGRAM," FOR THE DEPARTMENT OF POLICE, CONSISTING OF A GRANT FROM THE FLORIDA DEPARTMENT OF JUVENILE JUSTICE, IN THE AMOUNT OF \$75,000 AND AN IN-KIND SERVICES MATCH FROM THE CITY OF MIAMI POLICE DEPARTMENT, IN THE AMOUNT OF \$17,658, FOR A TOTAL AMOUNT OF \$92,658; AUTHORIZING THE CITY MANAGER TO ACCEPT SAID GRANT AND TO EXECUTE THE NECESSARY DOCUMENTS, IN SUBSTANTIALLY THE ATTACHED FORM, TO IMPLEMENT ACCEPTANCE OF SAID GRANT.

**CA.7 05-00984***Department of  
Police***RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), ESTABLISHING A NEW SPECIAL REVENUE FUND ENTITLED: "MIAMI CIVIL CITATION PROGRAM," FOR THE CITY OF MIAMI DEPARTMENT OF POLICE, CONSISTING OF A GRANT FROM THE FLORIDA DEPARTMENT OF JUVENILE JUSTICE, IN THE AMOUNT OF \$50,000 AND AN IN-KIND SERVICES MATCH, FROM THE CITY OF MIAMI POLICE DEPARTMENT, IN THE AMOUNT OF \$10,000, FOR A TOTAL AMOUNT OF \$60,000; AUTHORIZING THE CITY MANAGER TO ACCEPT SAID GRANT AND TO EXECUTE THE NECESSARY DOCUMENTS, IN SUBSTANTIALLY THE ATTACHED FORM, TO IMPLEMENT ACCEPTANCE OF SAID GRANT.

**CA.8 05-00985***Department of  
Planning***RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO ACCEPT A GRANT AWARD FROM THE STATE OF FLORIDA, DEPARTMENT OF ENVIRONMENTAL PROTECTION ADMINISTERING FEDERAL FUNDS FROM THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, FOR DEVELOPING THE VIRGINIA KEY MASTER PLAN, IN THE AMOUNT OF \$50,000, WITH A LOCAL MATCH PROVIDED BY THE CITY OF MIAMI, IN THE AMOUNT OF \$50,000; FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, AND TO PROVIDE ALL OTHER NECESSARY DOCUMENTS IN ORDER TO IMPLEMENT ACCEPTANCE OF AND COMPLIANCE WITH SAID GRANT.

**CA.9 05-00986***Department of  
Fire-Rescue***RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION ACCEPTING THE BID OF CHIEFTAIN SAFETY MANUFACTURING, RECEIVED ON AUGUST 9, 2004, PURSUANT TO INVITATION FOR BIDS NO. 03-04-123, FOR THE PROCUREMENT OF FIREFIGHTERS' PROTECTIVE CLOTHING, FOR THE DEPARTMENT OF FIRE RESCUE, FOR A TWO-YEAR PERIOD, WITH THE OPTION TO RENEW FOR TWO (2) ADDITIONAL ONE-YEAR PERIODS, AT AN ESTIMATED ANNUAL AMOUNT NOT TO EXCEED \$104,375, FOR AN ESTIMATED TOTAL CONTRACT AMOUNT NOT TO EXCEED \$417,500; ALLOCATING FUNDS IN THE AMOUNT NOT TO EXCEED \$104,375, FOR FISCAL YEAR 2005-2006, FROM THE

FIRE-RESCUE OPERATING BUDGET, ACCOUNT CODE NO. 001000.280601.6.075, WITH FUTURE FISCAL YEAR FUNDING SUBJECT ONLY TO BUDGETARY APPROVAL.

**CA.10 05-00987**

*Department of  
Police*

**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION AMENDING RESOLUTION NO. 04-335, ADOPTED MAY 27, 2004, FURTHER AMENDED BY RESOLUTION NO. 05-0188, ADOPTED MARCH 24, 2005, FOR THE PROVISION OF UNIFORMS AND ACCESSORIES FOR THE DEPARTMENT OF POLICE, BY CHANGING MARTIN'S LAMAR UNIFORMS GROUP 1 ALTERNATE BID TO GROUP 1 BASE BID.

**CA.11 05-00990**

*Department of  
Hearing Boards*

**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), APPOINTING JUAN CARLOS CURA AND MICHAEL CONGORA AS SPECIAL MASTERS TO SERVE AS HEARING OFFICERS TO PRESIDE OVER CODE ENFORCEMENT AND OTHER SIMILAR HEARINGS AND PROCEEDINGS AND TO RENDER WRITTEN FINDINGS AND RULINGS, AS MAY BE REFERRED TO THEM BY THE CITY MANAGER; AUTHORIZING THE CITY MANAGER TO EXECUTE INDIVIDUAL PROFESSIONAL SERVICES AGREEMENTS, IN SUBSTANTIALLY THE ATTACHED FORM, ON AN AS-NEEDED CONTRACT BASIS, FOR A ONE-YEAR PERIOD, WITH THE OPTION TO RENEW FOR ONE ADDITIONAL ONE-YEAR PERIOD, IN A TOTAL ANNUAL AGGREGATE AMOUNT NOT TO EXCEED \$30,000; ALLOCATING FUNDS IN THE AMOUNT NOT TO EXCEED \$30,000, FROM ACCOUNT CODE NO. 001000.820101.6.270, FOR FISCAL YEAR 2005-2006, WITH FUTURE FISCAL YEAR FUNDING, SUBJECT ONLY TO BUDGETARY APPROVAL.

**CA.12 05-01021**

*Office of the City  
Attorney*

**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), APPROVING AMENDMENTS TO THE INTERLOCAL AGREEMENTS BETWEEN THE CITY OF MIAMI ("CITY") AND MIAMI-DADE COUNTY, MORE PARTICULARLY DESCRIBED IN "EXHIBITS A THROUGH D," ATTACHED AND INCORPORATED, FOR THE NATOMA MANORS ROVING PATROL SECURITY GUARD SPECIAL TAXING DISTRICT, CREATED UNDER CITY ORDINANCE NO. 11787, THE BAY HEIGHTS ROVING PATROL SECURITY GUARD SPECIAL TAXING DISTRICT, CREATED UNDER CITY ORDINANCE NO. 11476, THE MORNINGSIDE SECURITY GUARD SPECIAL TAXING DISTRICT, CREATED UNDER CITY ORDINANCE NO. 11460 AND THE FAIRHAVEN ROVING PATROL SECURITY GUARD SPECIAL TAXING DISTRICT, CREATED UNDER CITY ORDINANCE NO. 11641, FOR THE PURPOSE OF ESTABLISHING THE OFF-DUTY PAY RATE OF THE CITY POLICE OFFICERS PROVIDING THE APPLICABLE COMMUNITIES WITH ROVING SECURITY GUARD SERVICES; AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AMENDMENTS, FOR SAID PURPOSE.

**CA.13 05-01022**

*Department of  
Conferences,  
Conventions and  
Public Facilities*

**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE FLORIDA FISH & WILDLIFE CONSERVATION COMMISSION ("FWC"), FOR THE BOATING INFRASTRUCTURE GRANT PROGRAM, FOR THE DREDGING OF THE BRENNAN CHANNEL AT DINNER KEY MARINA PROJECT ("PROJECT"), FOR THE DEPARTMENT OF CONFERENCES, CONVENTIONS AND PUBLIC FACILITIES, IN AN AMOUNT NOT TO EXCEED \$1,000,000; AUTHORIZING THE ALLOCATION OF REQUIRED MATCHING FUNDS FOR TWENTY-FIVE PERCENT (25%) OF THE PROJECT COSTS, IN AN AMOUNT NOT TO EXCEED \$250,000, FROM THE HOMELAND DEFENSE BOND CAPITAL IMPROVEMENT PROJECT NO. 326015, B-30247, ENTITLED "DINNER KEY MARINA DREDGING;" FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS, FOR SUBMISSION OF THE FWC GRANT APPLICATION FOR FISCAL YEAR 2005-2006 AND TO ACCEPT THE TERMS AND CONDITIONS AS STATED HEREIN AND SUBJECT TO SAID GRANT APPLICATION.

**CA.14 05-01026**

*Department of  
Police*

**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING AN INCREASE IN THE AMOUNT OF COMPENSATION PAYABLE TO MIAMI-DADE COLLEGE, NORTH CAMPUS, SCHOOL OF JUSTICE, PURSUANT TO AN AGREEMENT FOR THE PROVISION OF BASIC LAW ENFORCEMENT TRAINING TO POLICE OFFICER AND PUBLIC SERVICE AIDE RECRUITS, FOR THE DEPARTMENT OF POLICE, PURSUANT TO RESOLUTION NO. 03-941, ADOPTED SEPTEMBER 11, 2003, IN AN AMOUNT NOT TO EXCEED \$50,000, INCREASING THE TOTAL AMOUNT OF THE AGREEMENT FROM \$164,000 TO \$214,000, FOR FISCAL YEAR 2004-2005; ALLOCATING FUNDS FROM THE POLICE GENERAL OPERATING BUDGET ACCOUNT CODE NO. 001000.290201.6.270; FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT, IN SUBSTANTIALLY THE ATTACHED FORM, FOR SAID INCREASE.

**CA.15 05-01041**

*Office of the City  
Attorney*

**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, WITH WEST, A THOMSON BUSINESS, FOR WESTLAW, A COMPUTER ASSISTED LEGAL RESEARCH SERVICE, FOR THE OFFICE OF THE CITY ATTORNEY, FOR A THREE-YEAR PERIOD, IN A FIRST-YEAR AMOUNT NOT TO EXCEED \$34,500, WITH EACH YEAR THEREAFTER INCREASING THE AMOUNT BY THREE PERCENT, FOR A TOTAL AMOUNT NOT TO EXCEED \$106,632.

**END OF CONSENT AGENDA**

**MAYOR AND COMMISSIONER'S ITEMS****CITYWIDE****HONORABLE MAYOR MANUEL A. DIAZ**

<b>M.1</b>	<b>05-01039</b>	<b><u>ORDINANCE</u></b>	<b>EMERGENCY ORDINANCE</b>
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(4/5THS VOTE)  
AN EMERGENCY ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 2/ ARTICLE XI/ DIVISION 2 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("CITY CODE"), ENTITLED "ADMINISTRATION/BOARDS, COMMITTEES, COMMISSIONS/STANDARDS FOR CREATION AND REVIEW OF BOARDS GENERALLY" AND DIVISION 3 OF SAID CHAPTER AND ARTICLE OF THE CITY CODE ENTITLED "MAYOR'S INTERNATIONAL COUNCIL" TO PROVIDE SEPARATE QUORUM REQUIREMENTS FOR THE MAYOR'S INTERNATIONAL COUNCIL; MORE PARTICULARLY BY AMENDING SECTIONS 2-887 AND 2-923(F) OF THE CITY CODE; CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

**DISTRICT 1**

**VICE CHAIRMAN ANGEL GONZÁLEZ**

**DISTRICT 2**

**COMMISSIONER JOHNNY L. WINTON**

**D2.1**

**05-00993**

**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), APPROVING THE RECOMMENDATION AND PROPOSED BUDGET OF THE COCONUT GROVE BUSINESS IMPROVEMENT COMMITTEE, ATTACHED AND INCORPORATED, FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2005 AND ENDING SEPTEMBER 30, 2006.

**DISTRICT 3**

**CHAIRMAN JOE SANCHEZ**

**DISTRICT 4****COMMISSIONER TOMAS REGALADO****D4.1      05-00977      RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE ALLOCATION OF FUNDS, IN AN AMOUNT NOT TO EXCEED \$500, TO THE FLAGAMI FIESTA, IN AN AMOUNT NOT TO EXCEED \$500, TO THE SAN MIGUEL NOVEMBER FESTIVAL AND IN AN AMOUNT NOT TO EXCEED \$500; TO THE LIVING WORD BAPTIST CHURCH; ALLOCATING FUNDS IN THE TOTAL AMOUNT NOT TO EXCEED \$1,500, FROM THE DISTRICT 4 ROLLOVER ACCOUNT CODE NO. 001000.920921.6.930.

**DISTRICT 5**

**COMMISSIONER JEFFERY L. ALLEN**

**PUBLIC HEARINGS****PH.1      05-00991***Department of  
Economic  
Development***RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT OF TEMPORARY CONSTRUCTION EASEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, WITH STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION ("GRANTEE"), FOR THE PURPOSE OF GRANTING GRANTEE THE RIGHT TO USE APPROXIMATELY 0.101 ACRES OF CITY-OWNED PROPERTY LOCATED AT 1400 NORTHWEST 37TH AVENUE, MIAMI, FLORIDA, ALSO KNOWN AS MELREESE GOLF COURSE, AS MORE PARTICULARLY DESCRIBED IN "EXHIBIT A," ATTACHED AND INCORPORATED, AS A CONSTRUCTION STAGING AREA FOR A PERIOD NOT TO EXCEED SEVEN MONTHS.

**10:30 A.M.****PH.2      05-00992***Department of  
Community  
Development***RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION ACCEPTING A GRANT FROM THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ECONOMIC DEVELOPMENT INITIATIVE FUNDS, IN THE AMOUNT OF \$99,200, FOR THE ELDERLY ASSISTANCE PROGRAM, FOR CONSTRUCTION REHABILITATION OF FACILITIES PROVIDING SERVICES TO ELDERLY RESIDENTS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS, TO IMPLEMENT ACCEPTANCE OF SAID GRANT.

**PH.3      05-01040***Department of  
Community  
Development***RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE TRANSFER OF 30TH YEAR COMMUNITY DEVELOPMENT GRANT FUNDS, AS SPECIFIED IN "ATTACHMENT A," ATTACHED AND INCORPORATED, IN THE TOTAL AMOUNT OF \$500,000; ALLOCATING SAID FUNDS TO NEIGHBORS AND NEIGHBORS ASSOCIATION, INC., FOR THE REHABILITATION OF THE BUILDING FACADES FOR BUSINESSES BETWEEN NORTHWEST 54TH AND 58TH STREET ALONG NORTHWEST 7TH AVENUE, MIAMI, FLORIDA; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, WITH SAID AGENCY, FOR SAID PURPOSE.

**ORDINANCES - SECOND READING**

Note: Any proposed ordinance listed as an item for second reading in this section may be adopted as an emergency measure upon being so determined by the City Commission.

- |             |  |   |                       |
|-------------|--|---|-----------------------|
| <b>SR.1</b> | <b>05-00839</b>                        | <b><u>ORDINANCE</u></b>   | <b>SECOND READING</b> |
|             | <i>Department of<br/>Finance</i>       | AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 18/ ARTICLE IX/DIVISION 2 ENTITLED "FINANCE/FINANCIAL POLICIES/FINANCIAL INTEGRITY PRINCIPLES" BY CLARIFYING AND EXPANDING THE FINANCIAL INTEGRITY PRINCIPLES; CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.   |                       |
|             |  | <b>DATE: SEPTEMBER 8, 2005</b><br><b>MOVER: COMMISSIONER ALLEN</b><br><b>SECONDER: COMMISSIONER WINTON</b><br><b>VOTE: AYES: 4 - COMMISSIONER GONZÁLEZ, WINTON, SANCHEZ AND ALLEN</b><br><b>ABSENT: 1 - COMMISSIONER REGALADO</b><br><b>ACTION: PASSED ON FIRST READING</b>   |                       |
| <b>SR.2</b> | <b>05-00973</b>                        | <b><u>ORDINANCE</u></b>   | <b>SECOND READING</b> |
|             | <i>Office of the City<br/>Attorney</i> | AN ORDINANCE OF THE MIAMI CITY COMMISSION MAKING PROVISIONS FOR EARLY VOTING IN THE CITY OF MIAMI, PURSUANT TO FLORIDA STATUTE §100.3605, FOR THE MUNICIPAL ELECTIONS TO BE HELD ON NOVEMBER 1, 2005 AND NOVEMBER 15, 2005; DESIGNATING CERTAIN SITES AND TIMES FOR EARLY VOTING; CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE. |                       |
|             |  | <b>DATE: SEPTEMBER 8, 2005</b><br><b>MOVER: COMMISSIONER WINTON</b><br><b>SECONDER: COMMISSIONER ALLEN</b><br><b>VOTE: AYES: 3 - COMMISSIONER WINTON, SANCHEZ AND ALLEN</b><br><b>ABSENT: 2 - COMMISSIONER GONZÁLEZ AND REGALADO</b><br><b>ACTION: PASSED ON FIRST READING WITH MODIFICATIONS</b>   |                       |

**RESOLUTIONS****RE.1        05-00988***Department of  
Economic  
Development***RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION APPROVING THE RECOMMENDATION OF THE ACTING DIRECTOR OF THE DEPARTMENT ECONOMIC DEVELOPMENT'S DECISION TO REJECT MIAMI RIVER LOBSTER AND STONE CRAB CORPORATION'S PROTEST OF THE RECOMMENDATION BY THE EVALUATION COMMITTEE, FOR THE REQUEST FOR LETTERS OF INTEREST SOLICITATION, FOR USE OF 236 SOUTHWEST NORTH RIVER DRIVE, MIAMI, FLORIDA, AS SUCH PROTEST HAS BEEN DETERMINED TO BE WITHOUT MERIT.

**RE.2        05-00989***Department of  
Economic  
Development***RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER APPROVING THE FINDINGS OF THE EVALUATION COMMITTEE PURSUANT TO A REQUEST FOR LETTERS OF INTEREST, ISSUED APRIL 22, 2005, THAT THE TOP-RANKED FIRMS TO USE THE PROPERTY LOCATED AT 236 SOUTHWEST NORTH RIVER DRIVE, MIAMI, FLORIDA ("PROPERTY"), AS A WHOLESALE AND RETAIL SEAFOOD AND DOCKAGE FACILITY ARE: (1) GARCIA BROTHERS WHOLESALE, INC. ("LICENSEE"); (2) MIAMI RIVER LOBSTER AND STONE CRAB, CORPORATION; (3) CASABLANCA FISH MARKET, INC.; AND (4) EMERALD YACHT AND SHIP MANAGEMENT, INC. ; AUTHORIZING THE CITY MANAGER TO EXECUTE A REVOCABLE LICENSE AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, BETWEEN THE CITY OF MIAMI AND LICENSEE, THE TOP-RANKED FIRM, ON A MONTH TO MONTH BASIS; PROVIDING FOR: (I) PAYMENT OF THE GREATER OF A MONTHLY USE FEE OF \$7,000 OR PERCENTAGE FEE OF 3% OF GROSS RECEIPTS; (II) PAYMENT OF THE PROSPECTIVE ANNUAL SUBMERGED LAND FEES AS MAY BE REQUIRED PURSUANT TO FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION ("DEP"), ADMINISTRATIVE RULE 18-21.011(1)(B), AS MAY BE AMENDED; (III) PAYMENT OF \$1,000, PER MONTH AS PAYMENT TOWARDS RETROACTIVE SUBMERGED LAND FEES TO BE REQUIRED BY DEP FOR PRIOR USAGE OF SUBMERGED LANDS; AND (IV) LICENSEE'S USE OF THE SUBMERGED LANDS AREA SHALL BE SUBJECT TO ANY RESTRICTIONS SET FORTH BY DEP FOR THE USE OF SAID PROPERTY, WITH TERMS AND CONDITIONS MORE PARTICULARLY SET FORTH IN SAID AGREEMENT; FURTHER AUTHORIZING THE CITY MANAGER TO MAKE NON-SUBSTANTIVE AMENDMENTS TO SAID AGREEMENT AS NEEDED; FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE AN AGREEMENT WITH THE SECOND-RANKED FIRM, SHOULD NEGOTIATIONS FAIL WITH THE TOP-RANKED FIRM, OR UNTIL A CONTRACT HAS BEEN SUCCESSFULLY NEGOTIATED; DIRECTING THAT THE NEGOTIATED AGREEMENT BE PRESENTED TO THE CITY COMMISSION FOR CONSIDERATION.

**RE.3        05-00896        RESOLUTION**

*Department of  
Capital  
Improvement  
Programs/Transportation*

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO EXECUTE A FIRST AMENDMENT, IN SUBSTANTIALLY THE ATTACHED FORM, TO THE GRANT AGREEMENT ("AGREEMENT") BETWEEN THE CITY OF MIAMI ("CITY") AND ACTION COMMUNITY CENTER, INC., PURSUANT TO RESOLUTION NO. 04-0379, ADOPTED JUNE 10, 2004, FOR PUBLIC TRANSPORTATION SERVICES, CAPITAL IMPROVEMENT PROJECT ("CIP") NO. 341330, B-71201; PROVIDING FOR A ONE-YEAR EXTENSION (OCTOBER 1, 2005 THROUGH SEPTEMBER 30, 2006), IN AN AMOUNT NOT TO EXCEED \$300,000, WITH THE OPTION OF THREE ADDITIONAL ONE-YEAR EXTENSIONS; ALLOCATING FUNDS IN THE AMOUNT OF \$300,000, FOR FISCAL YEAR 2005-2006, FROM CIP NO. 341330, WITH FUTURE FISCAL YEAR FUNDING SUBJECT TO CITY COMMISSION AND BUDGETARY APPROVAL.

**DATE:                    SEPTEMBER 8, 2005**

**ACTION:                WITHDRAWN**

**DISCUSSION ITEM**

NOTE: Legislation may result from City Commission consideration of any Commission Discussion item.

This portion of the agenda is separately designated as being available for the purpose of providing and securing City Commission information, direction, and guidance in significant pending and concluded matters, including matters not specifically set forth in this section.

It is anticipated that no input from anyone other than the City personnel is needed or expected while the City Commission is considering any matter in this portion of the Agenda; accordingly, no member of the public may address the City Commission during this time.

**DI.1            05-00450        DISCUSSION ITEM**  
*Office of the City*  
*Attorney*            DISCUSSION AND POSSIBLE RESOLUTION REGARDING A POSSIBLE SETTLEMENT IN THE MATTER OF NATIONAL ADVERTISING V. CITY OF MIAMI. (BILLBOARD LITIGATION)

**DATE:                    MAY 26, 2005**

**ACTION:                DEFERRED**

**DATE:                    JUNE 9, 2005**

**ACTION:                DEFERRED**

**DATE:                    SEPTEMBER 8, 2005**

**ACTION:                DEFERRED**

**PART B**

The following items shall not be considered before 10:00 am.

**PZ.1      05-00621      RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENTS, CONCERNING THE DOWNTOWN GOVERNMENT CENTER DEVELOPMENT OF REGIONAL IMPACT, ENCOMPASSING AN AREA PREVIOUSLY APPROVED BY RESOLUTION NO. 81-343; AUTHORIZING AN NOTICE OF PROPOSED CHANGE APPLICATION PROVIDING FOR 1,500,000 SQUARE FEET OF OFFICE SPACE; AUTHORIZING AN EXTENSION OF THE DEVELOPMENT TIME TO 2009; APPROVING THE DEVELOPMENT OF REGIONAL IMPACT SUBJECT TO THE CONDITIONS ATTACHED HERETO AS "EXHIBIT A", THE APPLICATION FOR DEVELOPMENT APPROVAL, INCORPORATED HEREIN BY REFERENCE, AND CONSIDERING THE REPORT AND RECOMMENDATIONS OF THE SOUTH FLORIDA REGIONAL PLANNING COUNCIL AND THE MIAMI PLANNING ADVISORY BOARD, INCORPORATED HEREIN BY REFERENCE; MAKING FINDINGS OF FACT AND CONCLUSIONS OF LAW; PROVIDING THAT THE DOWNTOWN GOVERNMENT CENTER DEVELOPMENT ORDER SHALL BE BINDING ON THE APPLICANT AND SUCCESSORS IN INTEREST; DIRECTING THE CITY CLERK TO SEND COPIES OF THIS RESOLUTION TO AFFECTED AGENCIES AND THE APPLICANT; PROVIDING FOR A TERMINATION DATE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING A SEVERABILITY CLAUSE.

REQUEST: To Amend a Previously Approved DRI for the Downtown Government Center

APPLICANT(S): Miami-Dade County General Services Administration

**FINDINGS:**

PLANNING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on June 15, 2005 by a vote of 6-0.

PURPOSE: This will allow for the development of government office facilities in the downtown area.

**DATE:                    JULY 28, 2005**

**ACTION:                CONTINUED**

PZ.2

05-00619

**ORDINANCE****SECOND READING**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING ORDINANCE NO. 10544, AS AMENDED, THE FUTURE LAND USE MAP OF THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN BY CHANGING THE LAND USE DESIGNATION OF THE ENTIRE BLOCK BOUNDED BY NORTHWEST 6TH AVENUE ON THE EAST, NORTHWEST 7TH AVENUE ON THE WEST, NORTHWEST 8TH STREET ON THE NORTH AND NORTHWEST 7TH STREET ON THE SOUTH, MIAMI, FLORIDA, FROM "INDUSTRIAL" TO "RESTRICTED COMMERCIAL;" MAKING FINDINGS; DIRECTING TRANSMITTALS TO AFFECTED AGENCIES; CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend Ordinance No. 10544, from "Industrial" to "Restricted Commercial" to Change the Future Land Use Designation of the Miami Comprehensive Neighborhood Plan

LOCATION: Approximately the Entire Block Bounded by NW 6th Avenue on the East, NW 7th Avenue on the West, NW 8th Street on the North and NW 7th Street on the South

APPLICANT(S): Lucky Royal, Inc, Owner and Urban River Partners, LLC, Contract Purchaser

APPLICANT(S) AGENT: Gilberto Pastoriza, Esquire

**FINDINGS:**

PLANNING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on June 15, 2005 by a vote of 5-0. See companion File IDs 05-00619a and 05-00619b.

PURPOSE: This will change the above properties to Restricted Commercial for the proposed Urban River Major Use Special Permit project.

**DATE:** JULY 28, 2005  
**MOVER:** COMMISSIONER WINTON  
**SECONDER:** COMMISSIONER ALLEN  
**VOTE:** AYES: 5 - COMMISSIONER GONZÁLEZ, WINTON, SANCHEZ, REGALADO AND ALLEN  
**ACTION:** PASSED ON FIRST READING

PZ.3

05-00619a

**ORDINANCE****SECOND READING**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING PAGE NO. 23, OF THE ZONING ATLAS OF ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, ARTICLE 4, SECTION 401, SCHEDULE OF DISTRICT REGULATIONS, BY CHANGING THE ZONING CLASSIFICATION FROM "I" INDUSTRIAL TO "C-1" RESTRICTED COMMERCIAL, FOR THE PROPERTIES LOCATED AT APPROXIMATELY THE ENTIRE BLOCK BOUNDED BY NORTHWEST 6TH AVENUE ON THE EAST, NORTHWEST 7TH AVENUE ON THE WEST, NORTHWEST 8TH STREET ON THE NORTH AND NORTHWEST 7TH STREET ON THE SOUTH, MIAMI, FLORIDA, MORE PARTICULARLY DESCRIBED IN "EXHIBIT A," CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend Ordinance No. 11000, from I Industrial to C-1 Restricted Commercial to Change the Zoning Atlas

LOCATION: Approximately the Entire Block Bounded by NW 6th Avenue on the East, NW 7th Avenue on the West, NW 8th Street on the North and NW 7th Street on the South

APPLICANT(S): Lucky Royal, Inc, Owner and Urban River Partners, LLC, Contract Purchaser

APPLICANT(S) AGENT: Gilberto Pastoriza, Esquire

**FINDINGS:**

PLANNING DEPARTMENT: Recommended approval.

ZONING BOARD: Recommended approval to City Commission on May 23, 2005 by a vote of 7-0. See companion File IDs 05-00619 and 05-00619b.

PURPOSE: This will change the above properties to C-1 Restricted Commercial for the proposed Urban River Major Use Special Permit project.

**DATE: JULY 28, 2005**  
**MOVER: COMMISSIONER WINTON**  
**SECONDER: CHAIRMAN SANCHEZ**  
**VOTE: AYES: 5 - COMMISSIONER GONZÁLEZ, WINTON, SANCHEZ, REGALADO AND ALLEN**  
**ACTION: PASSED ON FIRST READING**

**PZ.4      05-00619b      RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENTS, APPROVING WITH CONDITIONS, A MAJOR USE SPECIAL PERMIT PURSUANT TO ARTICLES 5, 9, 13 AND 17 OF ZONING ORDINANCE NO. 11000, AS AMENDED, FOR THE **URBAN RIVER** PROJECT, TO BE LOCATED AT APPROXIMATELY THE ENTIRE BLOCK BOUNDED BY NORTHWEST 6TH AVENUE ON THE EAST, NORTHWEST 7TH AVENUE ON THE WEST, NORTHWEST 8TH STREET ON THE NORTH, AND NORTHWEST 7TH STREET ON THE SOUTH, MIAMI, FLORIDA, TO CONSTRUCT A TWO-BUILDING, MIXED-USE DEVELOPMENT RANGING IN HEIGHT FROM APPROXIMATELY 141 FEET TO 197 FEET, TO BE COMPRISED OF APPROXIMATELY 577-TOTAL MULTIFAMILY RESIDENTIAL UNITS WITH RECREATIONAL AMENITIES; APPROXIMATELY 7,700 SQUARE FEET OF RETAIL SPACE; AND APPROXIMATELY 930 TOTAL PARKING SPACES; PROVIDING FOR CERTAIN FLOOR AREA RATIO ("FAR") BONUSSES; DIRECTING TRANSMITTAL; MAKING FINDINGS OF FACT AND STATING CONCLUSIONS OF LAW; PROVIDING FOR BINDING EFFECT; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: Major Use Special Permit for the Urban River Project

LOCATION: Approximately the Entire Block Bounded by NW 6th Avenue on the East, NW 7th Avenue on the West, NW 8th Street on the North, and NW 7th Street on the South

APPLICANT(S): Lucky Royal, Inc, Owner and Urban River Partners, LLC, Contract Purchaser

APPLICANT(S) AGENT: Gilberto Pastoriza, Esquire

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval with conditions\*.

PLANNING ADVISORY BOARD: Recommended approval with conditions\* to City Commission on June 15, 2005 by a vote of 5-0.

ZONING BOARD: Recommended approval with conditions\* of a Certificate of Compliance In Lieu of a Special Exception to the City Commission on May 23, 2005 by a vote of 7-0. See companion File IDs 05-00619 and 05-00619a.

\*See supporting documentation.

PURPOSE: This will allow the development of the **Urban River** project.

PZ.5

05-00623

**ORDINANCE****SECOND READING**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENTS, AMENDING ORDINANCE NO. 10544, AS AMENDED, THE FUTURE LAND USE MAP OF THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN BY CHANGING THE LAND USE DESIGNATION OF THE PROPERTY LOCATED AT APPROXIMATELY 501 BRICKELL AVENUE, MIAMI, FLORIDA, FROM "RECREATION" TO "OFFICE;" MAKING FINDINGS; DIRECTING TRANSMITTALS TO AFFECTED AGENCIES; CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend Ordinance No. 10544, from "Recreation" to "Office" to Change the Future Land Use Designation of the Miami Comprehensive Neighborhood Plan

LOCATION: Approximately 501 Brickell Avenue

APPLICANT(S): City National Bank, as Trustee Under Trust Number 2401-1863-00, Owner and City National Bank of Florida, Trust (Brickell Park) and The Related Group of Florida, Contract Purchaser

APPLICANT(S) AGENT: Lucia A. Dougherty, Esquire

**FINDINGS:**

PLANNING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on June 15, 2005 by a vote of 6-0. See companion File IDs 05-00623a and 05-00623b.

PURPOSE: This will change the above property to Office for the proposed Icon Brickell Major Use Special Permit project.

**DATE: JULY 28, 2005**

**MOVER: COMMISSIONER ALLEN**

**SECONDER: COMMISSIONER REGALADO**

**VOTE: AYES: 4 - COMMISSIONER GONZÁLEZ, WINTON, REGALADO AND ALLEN**

**ABSENT: 1 - COMMISSIONER SANCHEZ**

**ACTION: PASSED ON FIRST READING**

PZ.6

05-00623a

**ORDINANCE****SECOND READING**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING PAGE NO. 36, OF THE ZONING ATLAS OF ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, ARTICLE 4, SECTION 401, SCHEDULE OF DISTRICT REGULATIONS, BY CHANGING THE ZONING CLASSIFICATION FROM "PR" PARKS AND RECREATION TO "SD-5" BRICKELL AVENUE AREA RESIDENTIAL-OFFICE DISTRICT, FOR THE PROPERTY LOCATED AT APPROXIMATELY 501 BRICKELL AVENUE, MIAMI, FLORIDA, MORE PARTICULARLY DESCRIBED IN "EXHIBIT A," CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend Ordinance No. 11000, from PR Parks and Recreation to SD-5 Brickell Avenue Area Residential-Office District to Change the Zoning Atlas

LOCATION: Approximately 501 Brickell Avenue

APPLICANT(S): City National Bank, as Trustee Under Trust Number 2401-1863-00, Owner and City National Bank of Florida, Trust (Brickell Park) and The Related Group of Florida, Contract Purchaser

APPLICANT(S) AGENT: Lucia A. Dougherty, Esquire

**FINDINGS:**

PLANNING DEPARTMENT: Recommended approval.

ZONING BOARD: Recommended approval to City Commission on May 23, 2005 by a vote of 7-0. See companion File IDs 05-00623 and 05-00623b.

PURPOSE: This will change the above property to SD-5 Brickell Avenue Area Residential-Office District for the proposed Icon Brickell Major Use Special Permit project.

**DATE: JULY 28, 2005**

**MOVER: COMMISSIONER WINTON**

**SECONDER: COMMISSIONER REGALADO**

**VOTE: AYES: 4 - COMMISSIONER GONZÁLEZ, WINTON, REGALADO AND ALLEN**

**ABSENT: 1 - COMMISSIONER SANCHEZ**

**ACTION: PASSED ON FIRST READING**

**PZ.7      05-00623b      RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENTS, APPROVING WITH CONDITIONS, A MAJOR USE SPECIAL PERMIT PURSUANT TO ARTICLES 5, 9, 13 AND 17 OF ZONING ORDINANCE NO. 11000, AS AMENDED, FOR THE **ICON BRICKELL** PROJECT, TO BE LOCATED AT APPROXIMATELY 495 AND 501 BRICKELL AVENUE, MIAMI, FLORIDA, TO CONSTRUCT A MIXED-USE THREE-BUILDING CLUSTER DEVELOPMENT RANGING IN HEIGHT FROM APPROXIMATELY 520 FEET TO APPROXIMATELY 604 FEET, TO BE COMPRISED OF APPROXIMATELY 1,705 TOTAL MULTIFAMILY RESIDENTIAL UNITS WITH RECREATIONAL AMENITIES; APPROXIMATELY 95 HOTEL UNITS; APPROXIMATELY 25,000 SQUARE FEET OF RETAIL SPACE; AND APPROXIMATELY 2,085 TOTAL PARKING SPACES; PROVIDING FOR CERTAIN FLOOR AREA RATIO ("FAR") BONUSES; DIRECTING TRANSMITTAL; MAKING FINDINGS OF FACT AND STATING CONCLUSIONS OF LAW; PROVIDING FOR BINDING EFFECT; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: Major Use Special Permit for the Icon Brickell Project

LOCATION: Approximately 495 and 501 Brickell Avenue

APPLICANT(S): City National Bank, as Trustee Under Trust Number 2401-1863-00, Owner and City National Bank of Florida, Trust (Brickell Park) and The Related Group of Florida, Contract Purchaser

APPLICANT(S) AGENT: Lucia A. Dougherty, Esquire

**FINDINGS:**

PLANNING AND ZONING DEPARTMENT: Recommended approval with conditions\*.

HISTORIC AND ENVIRONMENTAL PRESERVATION BOARD:

Recommended approval with conditions\* of a Certificate of Appropriateness to City Commission on May 3, 2005 by a vote of 6-0.

PLANNING ADVISORY BOARD: Recommended approval with conditions\* to City Commission on June 15, 2005 by a vote of 6-0. See companion File IDs 05-00623 and 05-00623a.

\*See supporting documentation.

PURPOSE: This will allow the development of the **Icon Brickell** project.

**PZ.8      05-00762      RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENTS, APPROVING WITH CONDITIONS, A MAJOR USE SPECIAL PERMIT PURSUANT TO ARTICLES 9, 13 AND 17 OF ZONING ORDINANCE NO. 11000, AS AMENDED, FOR THE **EHDEN PLACE** PROJECT, TO BE LOCATED AT APPROXIMATELY 54-62 NORTHWEST 27TH AVENUE, MIAMI, FLORIDA, TO CONSTRUCT AN APPROXIMATE 161-FOOT, 14-STORY HIGH MIXED-USE STRUCTURE TO BE COMPRISED OF APPROXIMATELY 57 TOTAL MULTIFAMILY RESIDENTIAL UNITS WITH RECREATIONAL AMENITIES; APPROXIMATELY 365 SQUARE FEET OF OFFICE SPACE; AND APPROXIMATELY 119 TOTAL PARKING SPACES; PROVIDING FOR CERTAIN FLOOR AREA RATIO ("FAR") BONUSES; DIRECTING TRANSMITTAL; MAKING FINDINGS OF FACT AND STATING CONCLUSIONS OF LAW; PROVIDING FOR BINDING EFFECT; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: Major Use Special Permit for the Ehden Place Project

LOCATION: Approximately 54-62 NW 27th Avenue

APPLICANT(S): Mouawad Enterprises, Inc.

APPLICANT(S) AGENT: Gilberto Pastoriza, Esquire

**FINDINGS:**

PLANNING AND ZONING DEPARTMENT: Recommended approval with conditions\*.

PLANNING ADVISORY BOARD: Recommended approval with conditions\* to City Commission on July 6, 2005 by a vote of 5-0.

\*See supporting documentation.

PURPOSE: This will allow the development of the **Ehden Place** project.

PZ.9

05-00765

**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENTS, APPROVING WITH CONDITIONS, A SUBSTANTIAL MODIFICATION TO A MAJOR USE SPECIAL PERMIT (MUSP), RESOLUTION NO. 00-0286, PURSUANT TO ARTICLES 5, 9, 13, 17 AND 22 OF ZONING ORDINANCE NO. 11000, AS AMENDED, FOR THE **BRICKELL CITICENTRE** PROJECT, TO BE LOCATED AT APPROXIMATELY 700 AND 701 SOUTH MIAMI AVENUE, MIAMI, FLORIDA, TO ALLOW A BIFURCATION OF THE PREVIOUSLY APPROVED BRICKELL COMMONS MUSP AND A CHANGE IN THE APPLICATION TO CONSTRUCT A MIXED-USE THREE-TOWER DEVELOPMENT RANGING IN HEIGHT FROM APPROXIMATELY 740 FEET TO 808 FEET TO BE COMPRISED OF APPROXIMATELY 2,424 TOTAL MULTIFAMILY RESIDENTIAL UNITS WITH RECREATIONAL AMENITIES; APPROXIMATELY 133,721 SQUARE FEET OF OFFICE SPACE; APPROXIMATELY 90,336 SQUARE FEET OF RETAIL AND RESTAURANT SPACE; AND APPROXIMATELY 3,480 TOTAL PARKING SPACES; PROVIDING FOR CERTAIN FLOOR AREA RATIO ("FAR") BONUSES; DIRECTING TRANSMITTAL; MAKING FINDINGS OF FACT AND STATING CONCLUSIONS OF LAW; PROVIDING FOR BINDING EFFECT; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: Major Use Special Permit Substantial Modification of the Brickell CitiCentre Project

LOCATION: Approximately 700 and 701 South Miami Avenue

APPLICANT(S): Miami Retail Partners, LLC, Owner and Brickell CitiCentre, LLC, Contract Purchaser

APPLICANT(S) AGENT: Tony Recio, Esquire

## FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval with conditions\*.

HISTORIC AND ENVIRONMENTAL PRESERVATION BOARD: Recommended approval with conditions\* of a Certificate of Appropriateness to City Commission on June 7, 2005 by a vote of 5-0.

PLANNING ADVISORY BOARD: Recommended approval with conditions\* to City Commission on July 20, 2005 by a vote of 6-0.

\*See supporting documentation.

PURPOSE: This will allow a substantial modification to the **Brickell CitiCentre** project.

**PZ.10      05-00081a      RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT, CLOSING, VACATING, ABANDONING AND DISCONTINUING FOR PUBLIC USE THAT PORTION OF EASEMENTS LOCATED AT APPROXIMATELY NORTHEAST 31ST STREET BETWEEN BISCAYNE BOULEVARD AND NORTHEAST 2ND AVENUE, SOUTH OF NORTHEAST 32ND STREET, MIAMI, FLORIDA, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A."

REQUEST: Official Vacation and Closure of Easements

LOCATION: Approximately NE of 31st Street Between Biscayne Boulevard and NE 2nd Avenue, South of NE 32nd Street

APPLICANT(S): Pivotal Holdings, LLC

APPLICANT(S) AGENT: Patricia M. Baloyra, Esquire

FINDINGS:

PLANNING DEPARTMENT: Recommended approval.

PUBLIC WORKS DEPARTMENT: Recommended approval.

PLAT & STREET COMMITTEE: Recommended approval on November 4, 2004 by a vote of 7-0.

ZONING BOARD: Recommended approval with a condition\* to City Commission on September 12, 2005 by a vote of 6-0.

\*See supporting documentation.

PURPOSE: This will allow a unified commercial development site for the **Soleil** Major Use Special Permit project.

**PZ.11      04-01208      RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), DENYING OR GRANTING THE APPEAL BY THE MORNINGSIDE CIVIC ASSOCIATION, INC. AND ROD ALONSO, RON STEBBINS, SCOTT CRAWFORD AND ELVIS CRUZ, AFFIRMING OR REVERSING THE DECISION OF THE MIAMI ZONING BOARD, THEREBY APPROVING WITH CONDITIONS OR DENYING THE CLASS II SPECIAL PERMIT APPLICATION NO. 03-0309 ISSUED ON JULY 21, 2004, TO ALLOW NEW CONSTRUCTION FOR THE PROPERTY LOCATED AT APPROXIMATELY 5101 BISCAYNE BOULEVARD, MIAMI, FLORIDA, MORE PARTICULARLY DESCRIBED IN "EXHIBIT A."

REQUEST: Appeal of a Zoning Board Decision of a Class II Special Permit Appeal

LOCATION: Approximately 5101 Biscayne Boulevard

APPLICANT(S): Chetbro, Inc.

APPLICANT(S) AGENT: Lucia A. Dougherty, Esquire

APPELLANT(S): Morningside Civic Association, Inc., Rod Alonso, Ron Stebbins, Scott Crawford and Elvis Cruz, Adjacent Property Owners

APPELLANT(S) AGENT: Andrew W.J. Dickman, Esquire

**FINDINGS:**

PLANNING DEPARTMENT: Recommended denial of the appeal and uphold the Zoning Board's decision of the director's decision.

ZONING BOARD: Denied the Class II Special Permit appeal on October 4, 2004 by a vote of 8-0.

PURPOSE: The approval of this appeal will not allow the new construction of a mixed-use structure.

NOTE: On November 18, 2004, the City Commission granted the appeal.

**DATE:                    NOVEMBER 18, 2004**  
**MOVER:                 COMMISSIONER WINTON**  
**SECONDER:            COMMISSIONER ALLEN**  
**VOTE:                    AYES: 4 - COMMISSIONER GONZÁLEZ, WINTON,**  
**SANCHEZ AND ALLEN**  
**ABSENT: 1 - COMMISSIONER REGALADO**  
**ACTION:                ADOPTED**

**DATE:                    DECEMBER 1, 2004**  
**ACTION:                SIGNED BY THE MAYOR**

**DATE:                    DECEMBER 9, 2004**  
**ACTION:                RECONSIDERED**

**DATE: MAY 26, 2005**  
**ACTION: CONTINUED**

**DATE: JULY 28, 2005**  
**ACTION: CONTINUED**

**PZ.12      05-00078a      ORDINANCE      SECOND READING**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING PAGE NO. 14, OF THE ZONING ATLAS OF ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, ARTICLE 4, SECTION 401, SCHEDULE OF DISTRICT REGULATIONS, BY CHANGING THE ZONING CLASSIFICATION FROM "R-1" SINGLE-FAMILY RESIDENTIAL TO "R-1" SINGLE-FAMILY RESIDENTIAL WITH AN "SD-12" BUFFER OVERLAY DISTRICT, FOR THE PROPERTIES LOCATED AT APPROXIMATELY 632 AND 634 NORTHEAST 68TH STREET, MIAMI, FLORIDA, MORE PARTICULARLY DESCRIBED IN "EXHIBIT A," CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend Ordinance No. 11000, from R-1 Single-Family Residential to R-1 Single-Family Residential with an SD-12 Buffer Overlay District to Change the Zoning Atlas

LOCATION: Approximately 632 and 634 NE 68th Street

APPLICANT(S): Balans Biscayne Properties, LC

APPLICANT(S) AGENT: Lucia A. Dougherty, Esquire

**FINDINGS:**

PLANNING DEPARTMENT: Recommended approval.

ZONING BOARD: Recommended denial to City Commission on March 14, 2005 by a vote of 7-0 of the request to C-1 Restricted Commercial with an SD-9 Biscayne Boulevard North Overlay District. Recommended approval to City Commission on June 13, 2005 by a vote of 8-1 of the request to R-1 Single-Family Residential with an SD-12 Buffer Overlay District.

PURPOSE: This will change the above properties to R-1 Single-Family Residential with an SD-12 Buffer Overlay District.

NOTE: At the City Commission meeting of April 28, 2005, the original companion request to Change the Future Land Use Designation of the Miami Comprehensive Neighborhood Plan from "Single Family Residential" to "Restricted Commercial" was withdrawn by the applicant.

**DATE:                    APRIL 28, 2005**

**ACTION:                REMANDED TO ZONING BOARD**

**DATE:                    JULY 28, 2005**

**MOVER:                 COMMISSIONER WINTON**

**SECONDER:            COMMISSIONER REGALADO**

**VOTE:                    AYES: 3 - COMMISSIONER GONZÁLEZ, WINTON AND REGALADO**

**NOES: 1 - COMMISSIONER ALLEN**

**ABSENT: 1 - COMMISSIONER SANCHEZ**

**ACTION:                PASSED ON FIRST READING**

PZ.13

04-01102a

**ORDINANCE****SECOND READING**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING THE FUTURE LAND USE ELEMENT/MAP OF ORDINANCE NO. 10544, AS AMENDED, THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN, BY AMENDING THE GOALS, OBJECTIVES AND POLICIES OF THE FUTURE LAND USE ELEMENT/MAP TO INCORPORATE LANGUAGE REGARDING THE DESIGNATION OF AN URBAN CENTRAL BUSINESS DISTRICT WITHIN THE CITY OF MIAMI; SETTING FORTH THE BOUNDARIES OF THE URBAN CENTRAL BUSINESS DISTRICT; ESTABLISHING A POLICY FOR SUCH DESIGNATION; CONTAINING A REPEALER PROVISION AND SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

REQUEST: To Amend Ordinance No. 10544 Text

APPLICANT(S): Joe Arriola, City Manager

**FINDINGS:**

PLANNING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on May 4, 2005 by a vote of 5-0.

PURPOSE: This will amend the goals, objectives and policies of the Future Land Use Element/Map by incorporating language regarding the designation of an Urban Central Business District.

**DATE: JUNE 23, 2005**

**MOVER: COMMISSIONER WINTON**

**SECONDER: COMMISSIONER ALLEN**

**VOTE: AYES: 4 - COMMISSIONER GONZÁLEZ, WINTON, SANCHEZ AND ALLEN**

**ABSENT: 1 - COMMISSIONER REGALADO**

**ACTION: PASSED ON FIRST READING**

**PZ.14****05-00763****ORDINANCE****SECOND READING**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, BY AMENDING ARTICLE 9, SECTION 934, "COMMUNITY RESIDENTIAL HOMES AND COMMUNITY BASED RESIDENTIAL FACILITIES", IN ORDER TO AMEND SECTION 934 TO ELIMINATE THE SPECIAL EXCEPTION REQUIREMENTS FOR CHANGES IN OWNERSHIP FOR COMMUNITY RESIDENTIAL HOMES AND COMMUNITY-BASED RESIDENTIAL FACILITIES; CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend Ordinance No. 11000 Text

APPLICANT(S): Joe Arriola, City Manager

**FINDINGS:**

PLANNING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on July 6, 2005 by a vote of 5-0.

PURPOSE: This will eliminate the Special Exception requirement for changes in ownership for community residential homes and community-based residential facilities.

**DATE: SEPTEMBER 8, 2005**

**MOVER: VICE CHAIRMAN GONZÁLEZ**

**SECONDER: COMMISSIONER WINTON**

**VOTE: AYES: 3 - COMMISSIONER GONZÁLEZ, WINTON AND SANCHEZ**

**NOES: 1 - COMMISSIONER REGALADO**

**ABSENT: 1 - COMMISSIONER ALLEN**

**ACTION: PASSED ON FIRST READING**

PZ.15

05-00221a

**ORDINANCE****FIRST READING**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, BY AMENDING ARTICLE 8, SECTION 803, NCD-3 COCONUT GROVE NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT; IN ORDER TO MODIFY SECTION 803.6 AND RELATED SUBSECTIONS TO ADD AN INTENT STATEMENT FOR THE UNDERLYING C-1, SD-2 AND SD-13 DISTRICTS AND TO ADD PROVISIONS AND LIMITATIONS ESTABLISHING A MAXIMUM RETAIL SQUARE-FOOTAGE IN C-1 DISTRICTS WITHIN NCD-3; ALLOWING LARGE SCALE RETAILING AS DEFINED HEREIN BY SPECIAL EXCEPTION ONLY; ESTABLISHING APPLICABLE REGULATIONS AND CRITERIA FOR SAID USE, INCLUDING CERTAIN SITE REQUIREMENTS, PARKING AND LOADING REQUIREMENTS AND BUFFER REQUIREMENTS; AND PROVIDING A DEFINITION OF "LARGE SCALE RETAILING"; CONTAINING A REPEALER PROVISION AND SEVERABILITY CLAUSE AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

REQUEST: To Amend Ordinance No. 11000 Text

APPLICANT(S): Joe Arriola, City Manager

FINDINGS:

PLANNING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on July 6, 2005 by a vote of 5-0.

PURPOSE: This will modify s7b-sections in the NCD-3 Coconut Grove Neighborhood Conservation Overlay District.

**PZ.16****04-00673a****ORDINANCE****FIRST READING**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, BY AMENDING ARTICLE 6, SPECIAL DISTRICTS, IN ORDER TO AMEND SECTION 609, SD-9 BISCAYNE BOULEVARD NORTH OVERLAY DISTRICT, TO MODIFY SPECIAL DISTRICT REQUIREMENTS, INCLUDING REQUIREMENTS RELATED TO HEIGHT, MORE PARTICULARLY TO CLARIFY MAXIMUM HEIGHT LIMITATIONS; CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend Ordinance No. 11000 Text

APPLICANT(S): Joe Arriola, City Manager

**FINDINGS:**

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on July 6, 2005 by a vote of 5-0.

PURPOSE: This will clarify maximum height limitations in the SD-9 Biscayne Boulevard North Overlay District.

PZ.17

05-00625

**ORDINANCE****SECOND READING**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING PAGE NO. 42, OF THE ZONING ATLAS OF ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, ARTICLE 4, SECTION 401, SCHEDULE OF DISTRICT REGULATIONS, BY CHANGING THE ZONING CLASSIFICATION FROM "R-2" TWO-FAMILY RESIDENTIAL TO "R-2" TWO-FAMILY RESIDENTIAL WITH AN "SD-12" BUFFER OVERLAY DISTRICT, FOR THE PROPERTY LOCATED AT APPROXIMATELY 2951 SOUTHWEST 38TH COURT, MIAMI, FLORIDA, MORE PARTICULARLY DESCRIBED IN "EXHIBIT A," CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend Ordinance No. 11000, from R-2 Two-Family Residential to R-2 Two-Family Residential with an SD-12 Buffer Overlay District to Change the Zoning Atlas

LOCATION: Approximately 2951 SW 38th Court

APPLICANT(S): Premier Luxury Investments, LLC

APPLICANT(S) AGENT: Maria A. Gralia, Esquire

**FINDINGS:**

PLANNING DEPARTMENT: Recommended approval.

ZONING BOARD: Recommended denial to City Commission on May 23, 2005 by a vote of 5-3. See companion File ID 05-00625a.

PURPOSE: This will change the above property to R-2 Two-Family Residential with an SD-12 Buffer Overlay District.

**DATE: JULY 28, 2005**

**MOVER: COMMISSIONER ALLEN**

**SECONDER: COMMISSIONER REGALADO**

**VOTE: AYES: 4 - COMMISSIONER GONZÁLEZ, WINTON, REGALADO AND ALLEN**

**ABSENT: 1 - COMMISSIONER SANCHEZ**

**ACTION: PASSED ON FIRST READING**

**PZ.18      05-00625a      RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENTS, APPROVING WITH CONDITIONS, A MAJOR USE SPECIAL PERMIT PURSUANT TO ARTICLES 5, 9, 13 AND 17 OF ZONING ORDINANCE NO. 11000, AS AMENDED, FOR THE **BYBLOS CONDOS** PROJECT, TO BE LOCATED AT APPROXIMATELY 3841, 3845 AND 3851 BIRD ROAD; 2951, 2957 AND 2981-83 SOUTHWEST 38TH COURT, MIAMI, FLORIDA, TO CONSTRUCT AN APPROXIMATE 128-FOOT, 13-STORY HIGH MIXED-USE STRUCTURE TO BE COMPRISED OF APPROXIMATELY 38 TOTAL TWO-STORY MULTIFAMILY RESIDENTIAL UNITS WITH RECREATIONAL AMENITIES; APPROXIMATELY 17,112 SQUARE FEET OF OFFICE SPACE; APPROXIMATELY 13,984 SQUARE FEET OF RETAIL SPACE; AND APPROXIMATELY 215 TOTAL PARKING SPACES; PROVIDING FOR CERTAIN FLOOR AREA RATIO ("FAR") BONUSES; DIRECTING TRANSMITTAL; MAKING FINDINGS OF FACT AND STATING CONCLUSIONS OF LAW; PROVIDING FOR BINDING EFFECT; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: Major Use Special Permit for the Byblos Condos Project

LOCATION: Approximately 3841, 3845 and 3851 Bird Road; 2951, 2957 and 2981-83 SW 38th Court

APPLICANT(S): Premier Luxury Investments, LLC

APPLICANT(S) AGENT: Maria A. Gralia, Esquire

**FINDINGS:**

PLANNING AND ZONING DEPARTMENT: Recommended approval with conditions\*.

PLANNING ADVISORY BOARD: Recommended approval with conditions\* to City Commission on June 29, 2005 by a vote of 7-0.

ZONING BOARD: Recommended denial of Special Exceptions to City Commission on May 23, 2005 by a vote of 7-1. Also recommended denial of Variances to City Commission on May 23, 2005 by a vote of 4-4. See companion File ID 05-00625.

\*See supporting documentation.

PURPOSE: This will allow the development of the **Byblos Condos** project.

PZ.19

05-00769

**ORDINANCE****FIRST READING**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING PAGE NO. 42, OF THE ZONING ATLAS OF ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, ARTICLE 4, SECTION 401, SCHEDULE OF DISTRICT REGULATIONS, BY CHANGING THE ZONING CLASSIFICATION FROM "C-1" RESTRICTED COMMERCIAL WITH AN "SD-23" CORAL WAY SPECIAL OVERLAY DISTRICT TO "C-1" RESTRICTED COMMERCIAL WITH AN "SD-23" CORAL WAY SPECIAL OVERLAY DISTRICT AND AN "SD-19" DESIGNATED F.A.R. OVERLAY DISTRICT, INCREASING THE F.A.R. TO 2.9, FOR THE PROPERTIES LOCATED AT APPROXIMATELY 3622 SOUTHWEST 22ND STREET AND 3605-3625 SOUTHWEST 22ND TERRACE, MIAMI, FLORIDA, MORE PARTICULARLY DESCRIBED IN "EXHIBIT A," CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend Ordinance No. 11000, from C-1 Restricted Commercial with an SD-23 Coral Way Special Overlay District to C-1 Restricted Commercial with an SD-23 Coral Way Special Overlay District and an SD-19 Designated F.A.R. Overlay District, Increasing the F.A.R. to 2.9, to Change the Zoning Atlas

LOCATION: Approximately 3622 SW 22nd Street and 3605-3625 SW 22nd Terrace

APPLICANT(S): M Three Corporation, Owner and Key Real Estate Development Corp., Contract Purchaser

APPLICANT(S) AGENT: Lucia A. Dougherty, Esquire

FINDINGS:

PLANNING DEPARTMENT: Recommended denial.

ZONING BOARD: Recommended approval to City Commission on July 25, 2005 by a vote of 6-1.

PURPOSE: This will change the above properties to C-1 Restricted Commercial with an SD-23 Coral Way Special Overlay District and an SD-19 Designated F.A.R. Overlay District, increasing the F.A.R. to 2.9, for the proposed **Mile** Major Use Special Permit project.