

City of Miami

City Hall
3500 Pan American Drive
Miami, FL 33133
www.ci.miami.fl.us



Meeting Agenda

Thursday, January 26, 2006

9:00 AM

PLANNING AND ZONING

City Hall Commission Chambers

City Commission

Manuel A. Diaz, Mayor
Angel González, Chairman
Johnny L. Winton, Vice Chairman
Joe Sanchez, Commissioner District Three
Tomas Regalado, Commissioner District Four
Michelle Spence-Jones, 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, AT MIAMI RIVERSIDE CENTER, OR ON-LINE AT WWW.MIAMIGOV.COM.

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 through 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.10 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****SR - SECOND READING ORDINANCES****FR - FIRST 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**

PR.1	06-00097	<u>CEREMONIAL ITEM</u>		
		Name of Honoree	Presenter	Protocol Item
		City of Miami Department of Fire Rescue	Mayor Diaz	Commendation
		Carlos Rodriguez	Commissioner Regalado	Salute
		Fausto Callava	Commissioner Regalado	Certificate of Appreciation
		Liza Gallardo Walton	Commissioner Regalado	Certificate of Appreciation
		Haydee Regueyra	Commissioner Regalado	Certificate of Appreciation

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.)

APPROVING THE MINUTES OF THE FOLLOWING MEETINGS:

Special Commission Meetings of June 24, 2002

Regular Meeting of May 8, 2003

Regular Meeting of June 12, 2003

Special Meeting of June 18, 2003

Special Meeting of June 24, 2003

Regular Meeting of June 25, 2003

Special meeting of July 15, 2003

Regular and Planning and Zoning Meetings of July 17, 2003

Regular meeting of December 15, 2005

Planning & Zoning meeting of December 15, 2005

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.10 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.10 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** **05-01504** **RESOLUTION**
*Office of the City
Attorney* A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE DIRECTOR OF FINANCE TO PAY CHARMAINE HUDSON, WITHOUT ADMISSION OF LIABILITY, THE SUM OF \$50,000 IN FULL AND COMPLETE SETTLEMENT OF ANY AND ALL CLAIMS AND DEMANDS AGAINST THE CITY OF MIAMI, ITS OFFICERS, AGENTS AND SERVANTS, IN THE CASE OF CHARMAINE HUDSON VS. CITY OF MIAMI, IN THE CIRCUIT COURT IN AND FOR MIAMI-DADE COUNTY, CASE NO. 03-16373 CA (15), UPON EXECUTING A GENERAL RELEASE OF THE CITY OF MIAMI, ITS PRESENT AND FORMER OFFICERS, AGENTS, AND EMPLOYEES FROM ANY AND ALL CLAIMS AND DEMANDS; ALLOCATING FUNDS FROM THE SELF-INSURANCE AND INSURANCE TRUST FUND, INDEX CODE NO. 515001.624401.6.653.
- CA.2** **06-00047** **RESOLUTION**
*Department of
Capital
Improvement
Programs/Transportation* A RESOLUTION OF THE MIAMI CITY COMMISSION ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER TO APPROVE THE FINDINGS OF THE EVALUATION COMMITTEE PURSUANT TO REQUEST FOR PROPOSALS NO. 04-05-109, THAT THE FIRMS MOST QUALIFIED TO PROVIDE SERVICES FOR THE VIRGINIA KEY ENVIRONMENTAL ASSESSMENT AND REMEDIATION, IN RANK ORDER ARE: (1) INTERCOUNTY US LABS, (2) CAMP DRESSER & MCKEE, AND (3) WRS INFRASTRUCTURE & ENVIRONMENT, INC.; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AN AGREEMENT WITH INTERCOUNTY US LABS, THE TOP-RANKED FIRM; FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE AN AGREEMENT WITH THE SECOND-RANKED IN THE EVENT NEGOTIATIONS FAIL WITH THE TOP-RANKED FIRM, OR UNTIL A CONTRACT HAS BEEN SUCCESSFULLY NEGOTIATED; DIRECTING THE CITY MANAGER TO PRESENT THE NEGOTIATED AGREEMENT TO THE CITY COMMISSION FOR CONSIDERATION AND APPROVAL.
- CA.3** **06-00048** **RESOLUTION**
*Department of
Police* A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER TO APPROVE THE FINDINGS OF THE EVALUATION COMMITTEE PURSUANT TO REQUEST FOR QUALIFICATIONS NO. 04-05-054R, THAT THE FIRMS MOST QUALIFIED TO PROVIDE TOWING

SERVICES FOR POLICE/FIRE DISPATCHED TOWING AND WRECKER SERVICES FOR PRIVATE VEHICLES, AND TOWING OF CITY-OWNED, LEASED, OR RENTED VEHICLES, FOR THE DEPARTMENTS OF POLICE AND GENERAL SERVICES ADMINISTRATION ARE: NU-WAY TOWING SERVICE, INC.; MIDTOWN TOWING OF MIAMI, INC.; DOWNTOWN TOWING COMPANY; BLANCO TOWING, INC., D/B/A FREEWAY TOWING; DIAZ TOWING, INC.; BANOS TOWING SERVICES CORP.; TED & STAN'S TOWING SERVICE, INC.; AND MOLINA TOWING, INC.; AUTHORIZING THE CITY MANAGER TO EXECUTE A TOWING/WRECKER AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM(S), WITH SAID FIRMS, FOR A THREE-YEAR PERIOD, WITH THE OPTION TO EXTEND FOR TWO (2) ADDITIONAL ONE-YEAR PERIODS, FOR AN INITIAL ANNUAL AMOUNT NOT TO EXCEED \$182,000; ALLOCATING FUNDS FROM THE GENERAL OPERATING BUDGET OF THE DEPARTMENT OF POLICE , ACCOUNT CODE NO. 001000.290201.6.270, IN AN ANNUAL AMOUNT NOT TO EXCEED \$100,000, AND FROM THE GENERAL OPERATING BUDGET OF THE GENERAL SERVICES ADMINISTRATION, ACCOUNT CODE NO. 503001.420905.6.340, IN AN ANNUAL AMOUNT NOT TO EXCEED \$82,000, WITH FUTURE FISCAL YEAR FUNDING, SUBJECT ONLY TO BUDGETARY APPROVAL.

CA.4 06-00049

*Department of Solid
Waste*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION ACCEPTING THE BID OF WAUSAU TILE, INC., RECEIVED AUGUST 22, 2005, PURSUANT TO INVITATION FOR BIDS NO. 04-05-128, FOR THE PURCHASE OF 400 LITTER CONTAINERS (MODEL NO. MF3022), FOR THE DEPARTMENT OF SOLID WASTE, FOR AN INITIAL TWO (2) YEAR PERIOD, WITH THE OPTION TO RENEW FOR TWO (2) ADDITIONAL ONE-YEAR PERIODS, FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$266,000; ALLOCATING FUNDS IN THE AMOUNT NOT TO EXCEED \$146,000, FROM THE FISCAL YEAR 2005-2006 CAPITAL IMPROVEMENT PROJECT ("CIP") ACCOUNT NO. 353019.329401.6.840-B73206, AND AN AMOUNT NOT TO EXCEED \$120,000, FROM THE FISCAL YEAR 2005-2006 CIP ACCOUNT NO. 353018.329401.6.840.

CA.5 06-00055

*Office of the City
Attorney*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE ALLOCATION OF FUNDS, IN AN AMOUNT NOT TO EXCEED \$49,000, FROM FISCAL YEAR 2005-2006 BUDGETED FUNDS OF THE OFFICE OF HEARING BOARDS, ACCOUNT NO. 001000.820101.6340.25019, FOR PAYMENT OF COMPENSATION TO SPECIAL COUNSEL FOR THE CODE ENFORCEMENT BOARD, INCLUDING ANY REQUIRED RELATED LITIGATION SERVICES.

- CA.6** **06-00056** **RESOLUTION**
Office of the City
Attorney A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE ALLOCATION OF FUNDS, IN AN AMOUNT NOT TO EXCEED \$39,000, FROM FISCAL YEAR 2005-2006 BUDGETED FUNDS OF THE CIVIL SERVICE OFFICE, ACCOUNT NO. 240101-250, FOR PAYMENT OF COMPENSATION TO SPECIAL COUNSEL FOR THE CIVIL SERVICE BOARD, INCLUDING ANY REQUIRED RELATED LITIGATION SERVICES.
- CA.7** **06-00057** **RESOLUTION**
Office of the City
Attorney A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE ALLOCATION OF FUNDS, IN AN AMOUNT NOT TO EXCEED \$15,000, FROM FISCAL YEAR 2005-2006 BUDGETED FUNDS OF THE OFFICE OF HEARING BOARDS, ACCOUNT NO. 001000.820101.6340.25019, FOR PAYMENT OF COMPENSATION TO SPECIAL COUNSEL FOR THE NUISANCE ABATEMENT BOARD, INCLUDING ANY REQUIRED RELATED LITIGATION SERVICES.
- CA.8** **06-00058** **RESOLUTION**
Homeless Programs A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), ESTABLISHING A NEW SPECIAL REVENUE FUND ENTITLED: "HOMELESS EMERGENCY MOTEL FUNDS" AND APPROPRIATING FUNDS, IN THE AMOUNT OF \$25,000, CONSISTING OF AN AWARD RECEIVED FROM MIAMI-DADE COUNTY THROUGH THE MIAMI-DADE COUNTY HOMELESS TRUST, FOR THE PURPOSE OF ENHANCING THE SERVICES PROVIDED BY THE CITY OF MIAMI HOMELESS PROGRAM AND SPECIFICALLY FOR EMERGENCY MOTEL FUNDS FOR HOMELESS FAMILIES WAITING FOR BED AVAILABILITY AT AN EMERGENCY SHELTER OR TRANSITIONAL HOUSING; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, TO IMPLEMENT ACCEPTANCE OF SAID AWARD.
- CA.9** **05-01433** **RESOLUTION**
Homeless Programs A RESOLUTION OF THE MIAMI CITY COMMISSION ESTABLISHING A NEW SPECIAL REVENUE FUND ENTITLED: "HOMELESS IDENTIFICATION FUNDS" AND APPROPRIATING FUNDS, IN THE AMOUNT OF \$20,000, CONSISTING OF A GRANT AWARD RECEIVED FROM THE MIAMI COALITION FOR THE HOMELESS, INC., FOR THE PURPOSE OF ENHANCING THE SERVICES PROVIDED BY THE CITY OF MIAMI HOMELESS ASSISTANCE PROGRAM AND SPECIFICALLY TO PROVIDE STATE OF FLORIDA IDENTIFICATION CARDS FOR HOMELESS INDIVIDUALS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS TO IMPLEMENT ACCEPTANCE OF SAID GRANT AWARD.

CA.10 06-00059 RESOLUTION*Homeless Programs*

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), ESTABLISHING A NEW SPECIAL REVENUE FUND ENTITLED: "HOMELESS PROGRAM DONATIONS 2005" AND APPROPRIATING FUNDS, IN THE AMOUNT OF \$13,500, CONSISTING OF AN AWARD RECEIVED FROM MIAMI-DADE COUNTY THROUGH THE MIAMI-DADE HOMELESS TRUST, FOR THE PURPOSE OF FUNDING THE POSITION OF FEEDING COORDINATOR TO THE HOMELESS STREET FEEDING PROJECT; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, TO IMPLEMENT ACCEPTANCE OF SAID AWARD.

END OF CONSENT AGENDA

MAYOR AND COMMISSIONER'S ITEMS

CITYWIDE

HONORABLE MAYOR MANUEL A. DIAZ

DISTRICT 1

CHAIRMAN ANGEL GONZÁLEZ

DISTRICT 2

VICE CHAIRMAN JOHNNY L. WINTON

DISTRICT 3

COMMISSIONER JOE SANCHEZ

DISTRICT 4

COMMISSIONER TOMAS REGALADO

- D4.1** **06-00094** **DISCUSSION ITEM**
AN UPDATE FROM THE ADMINISTRATION ON THE CUBAN MUSEUM PROJECT AT ROBERT KING HIGH PARK.
- D4.2** **06-00095** **DISCUSSION ITEM**
DISCUSSION ABOUT MODIFYING THE CRITERIA CURRENTLY USED TO CALCULATE PENSIONS FOR MEMBERS OF THE CITY COMMISSION BY UTILIZING SALARY ONLY AS OPPOSED TO SALARY AND BENEFITS.

DISTRICT 5

COMMISSIONER MICHELLE SPENCE-JONES

PUBLIC HEARINGS**PH.1 05-01497***Department of
Public Facilities***RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), DECLARING SURPLUS AND APPROVING THE SALE OF THE CITY-OWNED PROPERTY LOCATED AT 301 SOUTHWEST 1ST STREET, MIAMI, FLORIDA, AS MORE PARTICULARLY DESCRIBED IN "EXHIBIT A," ATTACHED AND INCORPORATED, TO RIVER DRIVE PARTNERS, LLC., A FLORIDA LIMITED LIABILITY CORPORATION ("PURCHASER"); FURTHER ESTABLISHING EIGHTY-SEVEN THOUSAND DOLLARS (\$87,000), AS THE AMOUNT TO BE PAID TO THE CITY OF MIAMI ("CITY") BY THE AFOREMENTIONED; AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AND SALE AGREEMENT ("AGREEMENT"), IN SUBSTANTIALLY THE ATTACHED FORM, AND TO EXECUTE ALL NECESSARY DOCUMENTS TO CONSUMMATE SUCH TRANSACTION IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE AGREEMENT, WHICH TERMS MAY BE AMENDED BY THE CITY MANAGER AS MAY BE NECESSARY IN ORDER TO MEET THE BEST INTERESTS OF THE CITY.

PH.2 06-00050*Department of
Public Works***RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), ACCEPTING THE PLAT ENTITLED "GROVE GARDENS," A REPLAT IN THE CITY OF MIAMI OF THE PROPERTY DESCRIBED IN "ATTACHMENT 1", SUBJECT TO SATISFACTION OF ALL CONDITIONS REQUIRED BY THE PLAT AND STREET COMMITTEE AS SET FORTH IN "EXHIBIT A," ATTACHED AND INCORPORATED, AND THE PROVISIONS CONTAINED IN SECTION 55-8 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, AND ACCEPTING THE DEDICATIONS SHOWN ON THE PLAT; AUTHORIZING AND DIRECTING THE CITY MANAGER AND CITY CLERK TO EXECUTE THE PLAT; AND PROVIDING FOR THE RECORDATION OF THE PLAT IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

PH.3 06-00052

*Department of
Capital
Improvement
Programs/Transportation*

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), BY A FOUR-FIFTHS (4/5THS) AFFIRMATIVE VOTE, AFTER AN ADVERTISED PUBLIC HEARING, RATIFYING, APPROVING AND CONFIRMING THE CITY MANAGER'S EMERGENCY FINDINGS, PURSUANT TO SECTION 18-89 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED; WAIVING THE REQUIREMENTS FOR COMPETITIVE BIDDING PROCEDURES AND APPROVING AN INCREASE IN THE AMOUNT OF THE CONTRACT WITH THE STATE OF FLORIDA DEPARTMENT OF MANAGEMENT SERVICES, FOR THE PROJECT ENTITLED "HADLEY PARK COMMUNITY CENTER," IN AN AMOUNT NOT TO EXCEED \$1,732,356; RATIFYING THREE AMENDMENTS TO THE CONTRACT INCREASING THE CONTRACT AMOUNT BY A TOTAL OF \$1,554,636, WHICH TOGETHER WITH THE CURRENT AMENDMENT INCREASES THE CONTRACT FROM AN AMOUNT NOT TO EXCEED \$2,400,000 TO \$4,132,356; ALLOCATING FUNDS FROM CAPITAL IMPROVEMENT PROJECT NOS. 331391 AND 331411; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT, IN SUBSTANTIALLY THE ATTACHED FORM, AND ALL NECESSARY DOCUMENT(S) FOR SAID PURPOSE.

ORDINANCE - 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.

SR.1	05-01501	<u>ORDINANCE</u>	SECOND READING
	<i>Office of the City Attorney</i>	AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 40/ARTICLE IV/DIVISION 3, OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "PERSONNEL/PENSION AND RETIREMENT PLAN/CITY OF MIAMI GENERAL EMPLOYEES' AND SANITATION EMPLOYEES' RETIREMENT TRUST," TO IDENTIFY CERTAIN EVENTS AS REEMPLOYMENT OF RETIREES; MORE PARTICULARLY BY AMENDING SECTION 40-255(L), TO CLARIFY THE CIRCUMSTANCES UNDER WHICH RETIRED EMPLOYEES CAN RECEIVE COMPENSATION FROM THE CITY OF MIAMI; CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.	
		DATE:	JANUARY 12, 2006
		MOVER:	COMMISSIONER SANCHEZ
		SECONDER:	VICE CHAIRMAN WINTON
		VOTE:	AYES: 5 - COMMISSIONER GONZÁLEZ, WINTON, SANCHEZ, REGALADO AND SPENCE-JONES
		ACTION:	PASSED ON FIRST READING WITH MODIFICATIONS

ORDINANCE - FIRST READING

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

FR.1	05-01563	<u>ORDINANCE</u>	FIRST READING
	<i>Office of the City Attorney</i>	AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 40/ARTICLE IV/DIVISION 4, OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "PERSONNEL/PENSION AND RETIREMENT PLAN/CITY OF MIAMI ELECTED OFFICERS' RETIREMENT TRUST;" MORE PARTICULARLY BY AMENDING SECTION 40-296, TO DELAY THE RIGHT FOR ELECTED OFFICIALS IN OFFICE TO BEGIN RECEIVING PENSION BENEFITS UNTIL AGE 55; CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.	

RESOLUTIONS

- RE.1 06-00051 RESOLUTION**
*Department of
 Capital
 Improvement
 Programs/Transportation*
 A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), ACCEPTING THE BID OF WILLIAMS PAVING CO., INC., THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER PURSUANT TO INVITATION FOR BIDS NO. 04-05-129, ISSUED OCTOBER 3, 2005, FOR THE PROJECT ENTITLED "AVALON STORM SEWERS PROJECT, PHASE I AND II, B-50685," IN THE TOTAL AMOUNT NOT TO EXCEED \$3,094,286, AS STATED ON THE FORMAL BID DOCUMENT AND THE DEPARTMENT OF CAPITAL IMPROVEMENTS PROJECT FACT SHEET, ATTACHED AND INCORPORATED; ALLOCATING FUNDS FROM CAPITAL IMPROVEMENTS PROJECT NOS. 352208, 341330 AND 352216; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, FOR SAID PURPOSE.
- RE.2 05-01509 RESOLUTION**
*Office of Strategic
 Planning,
 Budgeting, and
 Performance*
 A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING THE APPROPRIATIONS RELATING TO OPERATIONAL AND BUDGETARY REQUIREMENTS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2006.
- RE.3 05-01444 RESOLUTION**
*Department of
 Parks and
 Recreation*
 A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), APPROVING THE CITY OF MIAMI'S OFFICE OF FILM ARTS, CULTURE AND ENTERTAINMENT'S ("FACE") RECOMMENDATION OF: (1) ALLOCATING FUNDS FOR SPECIAL EVENTS, IN AN AMOUNT NOT TO EXCEED \$400,000, AS DESCRIBED IN "EXHIBIT A," ATTACHED AND INCORPORATED AND (2) AUTHORIZING THE ALLOCATION OF FUNDS, IN THE AMOUNT OF \$20,000, FOR EACH OF THE FIVE CITY COMMISSION DISTRICTS, FOR A COMBINED AMOUNT NOT TO EXCEED \$100,000, FOR FUNDING OF ADDITIONAL SPECIAL EVENTS WITHIN THE CITY OF MIAMI, CONTINGENT UPON THE PRESENTATION OF DOCUMENTATION FOR REVIEW BY FACE AND SUCH DISTRICT FUNDING COMPLYING WITH FACE RULES AND REGULATIONS AND AS DESIGNATED BY THE DISTRICT COMMISSIONER; DIRECTING FACE TO PRESENT THEIR FUNDING REQUESTS AND THE COMMISSION DISTRICT FUNDING REQUESTS, FOR SPECIAL EVENTS FOR THE CITY COMMISSION DISTRICTS, TO THE CITY COMMISSION FOR CONSIDERATION; ALLOCATING FUNDS IN A TOTAL AMOUNT NOT TO EXCEED \$500,000, FROM THE SPECIAL EVENTS FESTIVAL ACCOUNT NO. 001000.921054.6.289.
- DATE: JANUARY 12, 2006**
MOVER: COMMISSIONER SANCHEZ
SECONDER: COMMISSIONER REGALADO
**VOTE: AYES: 5 - COMMISSIONER GONZÁLEZ, WINTON,
 SANCHEZ, REGALADO AND SPENCE-JONES**
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 05-01124 DISCUSSION ITEM

*Department of
Capital
Improvements
Program*

PRESENTATION BY MR. ROBERT FLANDERS, CHAIRPERSON OF THE HOMELAND DEFENSE/ NEIGHBORHOOD IMPROVEMENT BOND OVERSIGHT BOARD CONCERNING THEIR ANNUAL REPORT.

DATE: OCTOBER 27, 2005

ACTION: CONTINUED

DATE: NOVEMBER 3, 2005

ACTION: DEFERRED

PART B

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

PZ.1 05-01534 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENTS, APPROVING WITH CONDITIONS, A MAJOR USE SPECIAL PERMIT PURSUANT TO ARTICLES 5, 13 AND 17 OF ZONING ORDINANCE NO. 11000, AS AMENDED, FOR THE **OAK GARDEN HOMES** PROJECT, TO BE LOCATED AT APPROXIMATELY 3129-3159 NORTHWEST 11TH STREET, MIAMI, FLORIDA, TO CONSTRUCT AN APPROXIMATE 17-UNIT SINGLE-FAMILY/DUPLEX RESIDENTIAL DEVELOPMENT; 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 Oak Garden Homes Project

LOCATION: Approximately 3129-3159 NW 11th Street

APPLICANT(S): Terra West Corporation

APPLICANT(S) AGENT: Gilberto Pastoriza, Esquire

FINDINGS:

PLANNING DEPARTMENT: Recommended approval with conditions*.

PLANNING ADVISORY BOARD: Recommended approval with conditions* to City Commission on December 21, 2005 by a vote of 6-2.

*See supporting documentation.

PURPOSE: This will allow the development of the **Oak Garden Homes** project.

PZ.2 05-01049a RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT, CLOSING, VACATING, ABANDONING AND DISCONTINUING FOR PUBLIC USE OF AN ALLEY LOCATED EAST OF NORTHEAST 2ND AVENUE BETWEEN NORTHEAST 78TH STREET AND NORTHEAST 79TH STREET, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A."

REQUEST: Official Vacation and Closure of an Alley

LOCATION: Approximately East of NE 2nd Avenue between NE 78th Street and NE 79th Street

APPLICANT(S): BHG-79th St. LLC, Lessee and Lubins Development Corp., Owner

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

FINDINGS:

PLANNING DEPARTMENT: Recommended approval with a condition*.

PUBLIC WORKS DEPARTMENT: Recommended approval with conditions*.

PLAT & STREET COMMITTEE: Recommended approval on October 6, 2005 by a vote of 4-0.

ZONING BOARD: Recommended approval with a condition* to City Commission on December 12, 2005 by a vote of 8-0.

*See supporting documentation.

PURPOSE: This will allow a unified development site.

NOTE: This item is related to the previously approved Villa Patricia Major Use Special Permit project on November 3, 2005.

PZ.3 05-01510 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT, CLOSING, VACATING, ABANDONING AND DISCONTINUING FOR PUBLIC USE AN EASEMENT LOCATED EAST OF SOUTHWEST 42ND AVENUE, NORTH OF EL PRADO BOULEVARD, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A."

REQUEST: Official Vacation and Closure of an Easement

LOCATION: Approximately East of SW 42nd Avenue, North of El Prado Boulevard

APPLICANT(S): 3917 Le Jeune Road, LLC and Vicente E. & Jacqueline Ferrando

APPLICANT(S) AGENT: Dean S. Warhaft, Esquire

FINDINGS:

PLANNING DEPARTMENT: N/A.

PUBLIC WORKS DEPARTMENT: Recommended approval with conditions*.

PLAT & STREET COMMITTEE: Recommended approval on September 1, 2005 by a vote of 5-0.

ZONING BOARD: Recommended approval to City Commission on December 12, 2005 by a vote of 8-0.

*See supporting documentation.

PURPOSE: This will allow a unified development site.

PZ.4 05-01511 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT, CLOSING, VACATING, ABANDONING AND DISCONTINUING FOR PUBLIC USE OF AN ALLEY LOCATED NORTH OF NORTHWEST 13TH STREET BETWEEN NORTHWEST 9TH AVENUE AND NORTHWEST 10TH AVENUE, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A."

REQUEST: Official Vacation and Closure of an Alley

LOCATION: Approximately North of NW 13th Street between NW 9th Avenue and NW 10th Avenue

APPLICANT(S): Jackson Residences, LLC

APPLICANT(S) AGENT: A. Vicky Garcia-Toledo, Esquire

FINDINGS:

PLANNING DEPARTMENT: Recommended approval with conditions*.

PUBLIC WORKS DEPARTMENT: Recommended approval with conditions*.

PLAT & STREET COMMITTEE: Recommended approval with a condition* on October 6, 2005 by a vote of 6-0.

ZONING BOARD: Recommended approval with conditions* to City Commission on December 12, 2005 by a vote of 9-0.

*See supporting documentation.

PURPOSE: This will allow a unified development site.

PZ.5 05-01512 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT, CLOSING, VACATING, ABANDONING AND DISCONTINUING FOR PUBLIC USE ALLEYS LOCATED WEST OF NORTH MIAMI AVENUE BETWEEN NORTHWEST 35TH STREET AND NORTHWEST 34TH STREET, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A."

REQUEST: Official Vacation and Closure of Alleys

LOCATION: Approximately West of North Miami Avenue between NW 35th Street and NW 34th Street

APPLICANT(S): North Miami Avenue, LLC

APPLICANT(S) AGENT: Adrienne F. Pardo, Esquire

FINDINGS:

PLANNING DEPARTMENT: Recommended approval with conditions*.

PUBLIC WORKS DEPARTMENT: Recommended approval with conditions*.

PLAT & STREET COMMITTEE: Recommended approval with conditions* on October 6, 2005 by a vote of 6-0.

ZONING BOARD: Recommended approval with conditions* to City Commission on December 12, 2005 by a vote of 8-0.

*See supporting documentation.

PURPOSE: This will allow a unified development site.

PZ.6 05-00078b RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), GRANTING A SPECIAL EXCEPTION, REQUIRING CITY COMMISSION APPROVAL, TO ALLOW SURFACE PARKING, WITH A TIME LIMITATION AND SUBJECT TO CONDITIONS, FOR THE PROPERTY LOCATED AT APPROXIMATELY 6789 BISCAYNE BOULEVARD, MIAMI, FLORIDA, ZONED "R-1" SINGLE FAMILY RESIDENTIAL, "C-1" RESTRICTED COMMERCIAL, "SD-9" BISCAYNE BOULEVARD NORTH OVERLAY DISTRICT AND "SD-12" BUFFER OVERLAY DISTRICT, MORE PARTICULARLY DESCRIBED IN "EXHIBIT A."

REQUEST: Special Exception Requiring City Commission Approval

LOCATION: Approximately 6789 Biscayne Boulevard

APPLICANT(S): Balans Biscayne Properties, LC

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

FINDINGS:

PLANNING DEPARTMENT: Recommended approval with conditions*.

ZONING BOARD: Recommended approval with conditions* to City Commission on November 28, 2005 by a vote of 7-0.

PURPOSE: This will allow surface parking for a restaurant and multifamily units.

PZ.7 04-01438 ORDINANCE SECOND READING

AN ORDINANCE OF THE MIAMI CITY COMMISSION 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 PROPERTIES LOCATED AT APPROXIMATELY 244 AND 252 SOUTHWEST 6TH STREET, 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 244 and 252 SW 6th Street

APPLICANT(S): Neo Holdings, Inc.; Legacy Asset Holders, Inc.; Tavmar Investments, LC; Mahlberg Investment Holdings, Inc. and Ibiza Properties, Owners

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

FINDINGS:

PLANNING DEPARTMENT: Recommended denial.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on December 1, 2004 by a vote of 5-2. See companion File ID 04-01438a.

PURPOSE: This will change the above properties to Restricted Commercial.

DATE: FEBRUARY 24, 2005

ACTION: CONTINUED

DATE: APRIL 28, 2005

ACTION: CONTINUED

DATE: JUNE 23, 2005

ACTION: CONTINUED

DATE: NOVEMBER 17, 2005

ACTION: CONTINUED

DATE: DECEMBER 1, 2005

MOVER: COMMISSIONER WINTON

SECONDER: COMMISSIONER ALLEN

VOTE: AYES: 5 - COMMISSIONER GONZÁLEZ, WINTON, SANCHEZ, REGALADO AND ALLEN

ACTION: PASSED ON FIRST READING

PZ.8 04-01438a 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 "I" INDUSTRIAL AND "C-1" RESTRICTED COMMERCIAL TO "SD-7" CENTRAL BRICKELL RAPID TRANSIT COMMERCIAL-RESIDENTIAL DISTRICTS, FOR THE PROPERTIES LOCATED AT APPROXIMATELY 244 AND 252 SOUTHWEST 6TH STREET; 219, 233, 243, 253 AND 257-259 SOUTHWEST 7TH 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 I Industrial and C-1 Restricted Commercial to SD-7 Central Brickell Rapid Transit Commercial-Residential District to Change the Zoning Atlas

LOCATION: Approximately 244 and 252 SW 6th Street; 219, 233, 243, 253 and 257-259 SW 7th Street

APPLICANT(S): Neo Holdings, Inc.; Legacy Asset Holders, Inc.; Tavmar Investments, LC; Mahlberg Investment Holdings, Inc. and Ibiza Properties, Owners

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

FINDINGS:

PLANNING DEPARTMENT: Recommended denial.

ZONING BOARD: Recommended approval to City Commission on January 10, 2005 by a vote of 7-2. See companion File ID 04-01438.

PURPOSE: This will change the above properties to SD-7 Central Brickell Rapid Transit Commercial-Residential District.

DATE: FEBRUARY 24, 2005

ACTION: CONTINUED

DATE: APRIL 28, 2005

ACTION: CONTINUED

DATE: JUNE 23, 2005

ACTION: CONTINUED

DATE: NOVEMBER 17, 2005

ACTION: CONTINUED

DATE: DECEMBER 1, 2005
MOVER: COMMISSIONER WINTON
SECONDER: VICE CHAIRMAN GONZÁLEZ
VOTE: AYES: 4 - COMMISSIONER GONZÁLEZ, WINTON,
SANCHEZ AND REGALADO
ABSENT: 1 - COMMISSIONER ALLEN
ACTION: PASSED ON FIRST READING

PZ.9

05-00296a

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 6, SPECIAL DISTRICTS, IN ORDER TO AMEND SECTION 627 MIDTOWN MIAMI SPECIAL DISTRICT, MORE PARTICULARLY THE SD-27.1 MIDTOWN MIAMI EAST SPECIAL DISTRICT; SECTION 627.1.6 IN ORDER TO MODIFY PROVISIONS RELATED TO UPPER LEVEL BALCONY ENCROACHMENTS INTO SETBACK AND BUILD-TO AREAS; 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 October 12, 2005 by a vote of 8-0.

PURPOSE: This will modify provisions related to upper level balcony encroachments into setback and build-to areas within the Midtown Miami East Special District.

DATE: NOVEMBER 17, 2005
ACTION: CONTINUED

DATE: DECEMBER 1, 2005
MOVER: COMMISSIONER WINTON
SECONDER: VICE CHAIRMAN GONZÁLEZ
VOTE: AYES: 5 - COMMISSIONER GONZÁLEZ, WINTON, SANCHEZ, REGALADO AND ALLEN
ACTION: PASSED ON FIRST READING

PZ.10

05-00651

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 6, SECTION 601, SD-1 DR. MARTIN LUTHER KING JR. BOULEVARD COMMERCIAL DISTRICT; IN ORDER TO MODIFY THE INTENT OF THE DISTRICT, ADD REQUIREMENTS FOR STREETScape AND FAÇADE IMPROVEMENTS TO BE REQUIRED BY CLASS II SPECIAL PERMIT FOR EXTERIOR WORK INCORPORATED BY REFERENCE THE "DR. MARTIN LUTHER KING, JR. BOULEVARD STREETScape BEAUTIFICATION MASTER PLAN AND FAÇADE STANDARDS", HERE AND AFTER REFERRED TO AS THE "MLK BOULEVARD STREETScape PLAN AND FAÇADE STANDARDS;" CONTAINING A REPEALER PROVISION AND 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 June 29, 2005 by a vote of 7-0.

PURPOSE: This will add requirements to the SD-1 Dr. Martin Luther King Jr. Boulevard Commercial District.

DATE: DECEMBER 15, 2005
MOVER: COMMISSIONER SPENCE-JONES
SECONDER: COMMISSIONER SANCHEZ
VOTE: AYES: 4 - COMMISSIONER GONZÁLEZ, WINTON, SANCHEZ AND SPENCE-JONES
ABSENT: 1 - COMMISSIONER REGALADO
ACTION: PASSED ON FIRST READING

PZ.11

05-01090

ORDINANCE**SECOND READING**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING THE FUTURE LAND USE ELEMENT OF ORDINANCE NO. 10544, AS AMENDED, THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN, BY AMENDING CERTAIN POLICIES OF THE FUTURE LAND USE ELEMENT, HOUSING ELEMENT, PARKS, RECREATION, AND OPEN SPACE ELEMENT, COASTAL MANAGEMENT ELEMENT, AND CAPITAL IMPROVEMENTS ELEMENT TO INCORPORATE LANGUAGE NECESSARY FOR THE IMPLEMENTATION OF THE MIAMI21 PROJECT; CONTAINING A REPEALER PROVISION AND SEVERABILITY CLAUSE; PROVIDING FOR TRANSMITTAL TO STATE AGENCIES AS REQUIRED BY LAW; AND PROVIDING FOR 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 September 21, 2005 by a vote of 8-0.

PURPOSE: This will incorporate language necessary for the implementation of the Miami21 project.

DATE: OCTOBER 27, 2005

ACTION: CONTINUED

DATE: NOVEMBER 3, 2005

MOVER: COMMISSIONER ALLEN

SECONDER: COMMISSIONER WINTON

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

ABSENT: 1 - COMMISSIONER SANCHEZ

ACTION: PASSED ON FIRST READING

PZ.12

05-01222

ORDINANCE**SECOND READING**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ARTICLE 9, SECTION 917.14 OF ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, BY MODIFYING REGULATIONS RELATED TO PARKING LIFTS IN ORDER TO AMEND THE TITLE OF THE SECTION FROM "PARKING LIFTS" TO "AUTOMATED PARKING"; ADDING PROVISIONS FOR ROBOTIC AND OTHER MECHANICAL MECHANISMS TO PROVIDE PARKING BY SPECIAL PERMIT; PROVIDING FOR CRITERIA, PROVIDING FOR AN APPLICATION AND APPROVAL PROCESS; 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 October 12, 2005 by a vote of 8-0.

PURPOSE: This will amend the title of Section 917.14 from "Parking Lifts" to "Automated Parking", and add certain provisions for robotic and other mechanical mechanisms.

DATE: NOVEMBER 17, 2005

ACTION: CONTINUED

DATE: DECEMBER 1, 2005

MOVER: COMMISSIONER WINTON

SECONDER: VICE CHAIRMAN GONZÁLEZ

VOTE: AYES: 5 - COMMISSIONER GONZÁLEZ, WINTON, SANCHEZ, REGALADO AND ALLEN

ACTION: PASSED ON FIRST READING WITH MODIFICATIONS

PZ.13

05-01224

ORDINANCE**SECOND READING**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, BY AMENDING ARTICLE 4, SECTION 401, SCHEDULE OF DISTRICT REGULATIONS, IN ORDER TO ADD NEW PARKING REQUIREMENTS FOR FIRE STATION USES WITHIN SUCH ZONING DISTRICTS THAT ALLOW FOR SUCH USES; CONTAINING A REPEALER PROVISION AND 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 October 12, 2005 by a vote of 8-0.

PURPOSE: This will add new parking requirements for fire station uses within certain zoning districts.

DATE: NOVEMBER 17, 2005

ACTION: CONTINUED

DATE: DECEMBER 1, 2005

MOVER: COMMISSIONER WINTON

SECONDER: VICE CHAIRMAN GONZÁLEZ

VOTE: AYES: 5 - COMMISSIONER GONZÁLEZ, WINTON, SANCHEZ, REGALADO AND ALLEN

ACTION: PASSED ON FIRST READING

PZ.14**05-01230****ORDINANCE****FIRST 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 PROPERTY LOCATED AT APPROXIMATELY 7205 NORTHEAST 4TH AVENUE, MIAMI, FLORIDA, FROM "INDUSTRIAL" TO "GENERAL 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 "General Commercial" to Change the Future Land Use Designation of the Miami Comprehensive Neighborhood Plan

LOCATION: Approximately 7205 NE 4th Avenue

APPLICANT(S): 7205 Holdings, LLC

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

FINDINGS:

PLANNING DEPARTMENT: Recommended denial.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on October 19, 2005 by a vote of 5-1. See companion File ID 05-01230a.

PURPOSE: This will change the above property to General Commercial.

DATE: DECEMBER 15, 2005

ACTION: CONTINUED

PZ.15**05-01230a****ORDINANCE****FIRST READING**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING PAGE NO. 9, 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-2" LIBERAL COMMERCIAL, FOR THE PROPERTY LOCATED AT APPROXIMATELY 7205 NORTHEAST 4TH 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 I Industrial to C-2 Liberal Commercial to Change the Zoning Atlas

LOCATION: Approximately 7205 NE 4th Avenue

APPLICANT(S): 7205 Holdings, LLC

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

FINDINGS:

PLANNING DEPARTMENT: Recommended denial.

ZONING BOARD: Recommended approval to City Commission on November 14, 2005 by a vote of 5-2. See companion File ID 05-01230.

PURPOSE: This will change the above property to C-2 Liberal Commercial.

DATE: DECEMBER 15, 2005

ACTION: CONTINUED

PZ.16

05-01515c

ORDINANCE**FIRST 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 PROPERTY LOCATED AT APPROXIMATELY 7951 NORTHEAST BAYSHORE COURT, MIAMI, FLORIDA, FROM "OFFICE" TO "RESTRICTED COMMERCIAL;" MAKING FINDINGS; CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

LOCATION: Approximately 7951 NE Bayshore Court

APPLICANT(S): River Bait & Tackle, LLC

APPLICANT(S) AGENT: Javier F. Aviño, Esquire

FINDINGS:

PLANNING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on December 21, 2005 by a vote of 8-0. See companion File ID 05-01515 and related File IDs 05-01515a, 05-01515b, 05-01515d and 05-01515e.

PURPOSE: This will change the above property to Restricted Commercial for the proposed Oasis on the Bay Major Use Special Permit.

PZ.17**05-01515****ORDINANCE****FIRST READING**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING PAGE NO. 8, 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 "O" OFFICE AND "SD-19" DESIGNATED F.A.R. OVERLAY DISTRICT, F.A.R. OF .45 TO "C-1" RESTRICTED COMMERCIAL, FOR THE PROPERTY LOCATED AT APPROXIMATELY 7951 NORTHEAST BAYSHORE 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 O Office and SD-19 Designated F.A.R. Overlay District, F.A.R. of .45 to C-1 Restricted Commercial to Change the Zoning Atlas

LOCATION: Approximately 7951 NE Bayshore Court

APPLICANT(S): River Bait & Tackle, LLC

APPLICANT(S) AGENT: Javier F. Aviño, Esquire

FINDINGS:

PLANNING DEPARTMENT: Recommended approval.

ZONING BOARD: Recommended approval to City Commission on December 12, 2005 by a vote of 8-0. See companion File ID 05-01515c and related File IDs 05-01515a, 05-01515b, 05-01515d and 05-01515e.

PURPOSE: This will change the above property to C-1 Restricted Commercial for the proposed Oasis on the Bay Major Use Special Permit.

PZ.18**05-01515d****ORDINANCE****FIRST 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 PROPERTIES LOCATED AT APPROXIMATELY 7921 NORTH BAYSHORE DRIVE AND 7950 NORTHEAST BAYSHORE COURT, MIAMI, FLORIDA, FROM "MEDIUM DENSITY MULTIFAMILY RESIDENTIAL" TO "RESTRICTED COMMERCIAL;" MAKING FINDINGS; CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

LOCATION: Approximately 7921 N Bayshore Drive and 7950 NE Bayshore Court

APPLICANT(S): River Bait & Tackle, LLC

APPLICANT(S) AGENT: Javier F. Aviño, Esquire

FINDINGS:

PLANNING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on December 21, 2005 by a vote of 8-0. See companion File ID 05-01515a and related File IDs 05-01515, 05-01515b, 05-01515c and 05-01515e.

PURPOSE: This will change the above properties to Restricted Commercial for the proposed Oasis on the Bay Major Use Special Permit.

PZ.19

05-01515a

ORDINANCE**FIRST READING**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING PAGE NO. 8, 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-3" MULTIFAMILY MEDIUM-DENSITY RESIDENTIAL TO "C-1" RESTRICTED COMMERCIAL, FOR THE PROPERTIES LOCATED AT APPROXIMATELY 7921 NORTH BAYSHORE DRIVE AND 7950 NORTHEAST BAYSHORE 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-3 Multifamily Medium-Density Residential to C-1 Restricted Commercial to Change the Zoning Atlas

LOCATION: Approximately 7921 N Bayshore Drive and 7950 NE Bayshore Court

APPLICANT(S): River Bait & Tackle, LLC

APPLICANT(S) AGENT: Javier F. Aviño, Esquire

FINDINGS:

PLANNING DEPARTMENT: Recommended approval.

ZONING BOARD: Recommended approval to City Commission on December 12, 2005 by a vote of 8-0. See companion File ID 05-01515d and related File IDs 05-01515, 05-01515b, 05-01515c and 05-01515e.

PURPOSE: This will change the above properties to C-1 Restricted Commercial for the proposed Oasis on the Bay Major Use Special Permit.

PZ.20**05-01515e****ORDINANCE****FIRST 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 PROPERTIES LOCATED AT APPROXIMATELY 1165, 1169, 1173, 1177 AND 1199 NORTHEAST 79TH STREET, MIAMI, FLORIDA, FROM "RESTRICTED COMMERCIAL" TO "HIGH DENSITY MULTIFAMILY RESIDENTIAL;" MAKING FINDINGS; CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

LOCATION: Approximately 1165, 1169, 1173, 1177 and 1199 NE 79th Street

APPLICANT(S): River Bait & Tackle, LLC

APPLICANT(S) AGENT: Javier F. Aviño, Esquire

FINDINGS:

PLANNING DEPARTMENT: Recommended denial.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on December 21, 2005 by a vote of 8-0. See companion File ID 05-01515b and related File IDs 05-01515, 05-01515a, 05-01515c and 05-01515d.

PURPOSE: This will change the above properties to High Density Multifamily Residential for the proposed Oasis on the Bay Major Use Special Permit.

PZ.21**05-01515b****ORDINANCE****FIRST READING**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING PAGE NO. 8, 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 TO "R-4" MULTIFAMILY HIGH-DENSITY RESIDENTIAL, FOR THE PROPERTIES LOCATED AT APPROXIMATELY 1165, 1169, 1173, 1177 AND 1199 NORTHEAST 79TH 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 C-1 Restricted Commercial to R-4 Multifamily High-Density Residential to Change the Zoning Atlas

LOCATION: Approximately 1165, 1169, 1173, 1177 and 1199 NE 79th Street

APPLICANT(S): River Bait & Tackle, LLC

APPLICANT(S) AGENT: Javier F. Aviño, Esquire

FINDINGS:

PLANNING DEPARTMENT: Recommended denial.

ZONING BOARD: Recommended approval to City Commission on December 12, 2005 by a vote of 7-1. See companion File ID 05-01515e and related File IDs 05-01515, 05-01515a, 05-01515c and 05-01515d.

PURPOSE: This will change the above properties to C-1 Restricted Commercial for the proposed Oasis on the Bay Major Use Special Permit.

PZ.22

05-01506

ORDINANCE**FIRST 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 PROPERTY LOCATED AT APPROXIMATELY 2370 NORTHWEST 17TH AVENUE, MIAMI, FLORIDA, FROM "MAJOR INSTITUTIONAL, PUBLIC FACILITIES, TRANSPORTATION AND UTILITIES" TO "GENERAL COMMERCIAL;" MAKING FINDINGS; CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend Ordinance No. 10544, from "Major Institutional, Public Facilities, Transportation and Utilities" to "General Commercial" to Change the Future Land Use Designation of the Miami Comprehensive Neighborhood Plan

LOCATION: Approximately 2370 NW 17th Avenue

APPLICANT(S): YMCA Village Allapattah Phase I, LLC, Lessee and YMCA Greater Miami, Not For Profit Organization

APPLICANT(S) AGENT: Javier F. Aviño, Esquire

FINDINGS:

PLANNING DEPARTMENT: Recommended denial.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on November 16, 2005 by a vote of 6-0. See companion File ID 05-01506a.

PURPOSE: This will change the above property to General Commercial.

PZ.23**05-01506a****ORDINANCE****FIRST READING**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING PAGE NO. 19, 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 "G/I" GOVERNMENT AND INSTITUTIONAL TO "C-2" LIBERAL COMMERCIAL, FOR THE PROPERTY LOCATED AT APPROXIMATELY 2370 NORTHWEST 17TH 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 G/I Government and Institutional to C-2 Liberal Commercial to Change the Zoning Atlas

LOCATION: Approximately 2370 NW 17th Avenue

APPLICANT(S): YMCA Village Allapattah Phase I, LLC, Lessee and YMCA Greater Miami, Not For Profit Organization

APPLICANT(S) AGENT: Javier F. Aviño, Esquire

FINDINGS:

PLANNING DEPARTMENT: Recommended denial.

ZONING BOARD: Recommended approval to City Commission on December 12, 2005 by a vote of 8-0. See companion File ID 05-01506.

PURPOSE: This will change the above property to C-2 Liberal Commercial.

PZ.24**05-01514****ORDINANCE****FIRST 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 "SD-16.2" SOUTHEAST OVERTOWN-PARK WEST COMMERCIAL-RESIDENTIAL DISTRICTS TO "SD-16.2" SOUTHEAST OVERTOWN-PARK WEST COMMERCIAL-RESIDENTIAL DISTRICTS WITH AN "SD-19" DESIGNATED F.A.R. OVERLAY DISTRICT, INCREASING THE F.A.R. TO 4.6, FOR THE PROPERTY LOCATED AT APPROXIMATELY 530 NORTHWEST 1ST 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 SD-16.2 Southeast Overtown-Park West Commercial-Residential Districts to SD-16.2 Southeast Overtown-Park West Commercial-Residential Districts with an SD-19 Designated F.A.R. Overlay District, F.A.R. of 4.6 to Change the Zoning Atlas

LOCATION: Approximately 530 NW 1st Court

APPLICANT(S): Urbana Development, LLC

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

FINDINGS:

PLANNING DEPARTMENT: Recommended denial.

ZONING BOARD: Recommended approval to City Commission on December 12, 2005 by a vote of 8-0.

PURPOSE: This will change the above property to SD-16.2 Southeast Overtown-Park West Commercial-Residential Districts with an SD-19 Designated F.A.R. Overlay District, F.A.R. of 4.6.

PZ.25**05-00520b****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 610, SD-10 "MEDICAL HEALTH CARE, HOSPITAL AND RESEARCH PARK OVERLAY DISTRICT", IN ORDER TO MODIFY THE UNDERLYING DISTRICTS TO INCLUDE THE C-2 LIBERAL COMMERCIAL DISTRICT AS A QUALIFYING UNDERLYING DISTRICT; 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 December 21, 2005 by a vote of 8-0.

PURPOSE: This will modify Section 610 to include the C-2 Liberal Commercial District as a qualifying underlying district.

PZ.26**05-01508****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 12, SECTION 1201, DUTIES OF CITY COMMISSION, IN ORDER TO CLARIFY THAT CITY COMMISSION REVIEW OF ZONING BOARD DECISIONS IS BY HEARING DE NOVO; FURTHER AMENDING ARTICLE 20, STATUS OF DECISIONS OF ZONING BOARD; REVIEW BY CITY COMMISSION; COMMISSION POWERS, ETC., TO PROVIDE GUIDELINES FOR A HEARING DE NOVO BEFORE THE CITY COMMISSION; CONTAINING A REPEALER PROVISION AND SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend Ordinance No. 11000 Text

APPLICANT(S): Jorge L. Fernandez, City Attorney

FINDINGS:

PLANNING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommend approval to City Commission on December 7, 2005 by a vote of 7-0.

PURPOSE: This clarifies and codifies the long-standing practice of the City Commission in conducting their review of Zoning Board decisions by hearing de novo.

PZ.27 05-00764 ORDINANCE FIRST READING

AN ORDINANCE OF THE MIAMI CITY COMMISSION 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 1583 NORTHWEST 24TH AVENUE, MIAMI, FLORIDA, FROM "INDUSTRIAL" AND "MEDIUM DENSITY MULTIFAMILY RESIDENTIAL" TO "RESTRICTED COMMERCIAL" (PARCEL 2) AND "MEDIUM DENSITY MULTIFAMILY RESIDENTIAL" TO REMAIN "MEDIUM DENSITY MULTIFAMILY RESIDENTIAL" (PARCEL 1); 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" and "Medium Density Multifamily Residential" to "Restricted Commercial" (Parcel 2) and "Medium Density Multifamily Residential" to Remain "Medium Density Multifamily Residential" (Parcel 1) to Change the Future Land Use Designation of the Miami Comprehensive Neighborhood Plan

LOCATION: Approximately 1583 NW 24th Avenue

APPLICANT(S): Brisas del Rio, Inc.

APPLICANT(S) AGENT: Ben Fernandez, Esquire

FINDINGS:

PLANNING DEPARTMENT: Recommended approval.

MIAMI RIVER COMMISSION: Unanimously found the proposed Brisas del Rio project to be inconsistent with the *Miami River Corridor Urban Infill Plan* on November 1, 2004.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on July 20, 2005 by a vote of 6-0. See companion File ID 05-00764b.

PURPOSE: This will change the above property to Restricted Commercial (Parcel 2) and Medium Density Multifamily Residential (Parcel 1) for the proposed Brisas del Rio Major Use Special Permit project.

PZ.28 05-00764b ORDINANCE FIRST READING

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING PAGE NO. 25, 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 "SD-4" WATERFRONT INDUSTRIAL DISTRICT AND "R-3" MULTIFAMILY MEDIUM-DENSITY RESIDENTIAL TO "C-1" RESTRICTED COMMERCIAL (FOR PARCEL 2) AND "R-3" MULTIFAMILY MEDIUM-DENSITY RESIDENTIAL TO REMAIN "R-3" MULTIFAMILY MEDIUM-DENSITY RESIDENTIAL (FOR PARCEL 1), FOR THE PROPERTY LOCATED AT APPROXIMATELY 1583 NORTHWEST 24TH 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 SD-4 Waterfront Industrial District and R-3 Multifamily Medium-Density Residential to C-1 Restricted Commercial (for Parcel 2) and R-3 Multifamily Medium-Density Residential to Remain R-3 Multifamily Medium-Density Residential (for Parcel 1) to Change the Zoning Atlas

LOCATION: Approximately 1583 NW 24th Avenue

APPLICANT(S): Brisas del Rio, Inc.

APPLICANT(S) AGENT: Ben Fernandez, Esquire

FINDINGS:

PLANNING DEPARTMENT: Recommended approval.

MIAMI RIVER COMMISSION: Unanimously found the proposed Brisas del Rio project to be inconsistent with the *Miami River Corridor Urban Infill Plan* on November 1, 2004.

ZONING BOARD: Recommended approval to City Commission on July 11, 2005 by a vote of 8-1. See companion File ID 05-00674.

PURPOSE: This will change the above property to C-1 Restricted Commercial (for Parcel 2) and remain R-3 Multifamily Medium-Density Residential (for Parcel 1) for the proposed Brisas del Rio Major Use Special Permit project.

PZ.29

05-00620

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 PROPERTY LOCATED AT APPROXIMATELY 2215 NORTHWEST 14TH STREET, 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 2215 NW 14th Street

APPLICANT(S): Riverside 22 Investments, LLC

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

FINDINGS:

PLANNING DEPARTMENT: Recommended approval.

MIAMI RIVER COMMISSION: Made a motion on May 23, 2005 to find the proposed Coastal on the River project consistent with the *Miami River Corridor Urban Infill Plan*, which failed due to a tie vote of 5-5.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on June 15, 2005 by a vote of 5-1. See companion File IDs 05-00620a and 05-00620b.

PURPOSE: This will change the above property to Restricted Commercial for the proposed Coastal on the River Major Use Special Permit project.

DATE: JULY 28, 2005

MOVER: COMMISSIONER ALLEN

SECONDER: VICE CHAIRMAN GONZÁLEZ

VOTE: AYES: 5 - COMMISSIONER GONZÁLEZ, WINTON, SANCHEZ, REGALADO AND ALLEN

ACTION: PASSED ON FIRST READING

PZ.30

05-00620a

ORDINANCE**SECOND READING**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING PAGE NO. 25, 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 "SD-4" WATERFRONT INDUSTRIAL DISTRICT TO "C-1" RESTRICTED COMMERCIAL, FOR THE PROPERTY LOCATED AT APPROXIMATELY 2215 NORTHWEST 14TH 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 SD-4 Waterfront Industrial District to C-1 Restricted Commercial to Change the Zoning Atlas

LOCATION: Approximately 2215 NW 14th Street

APPLICANT(S): Riverside 22 Investments, LLC

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

FINDINGS:

PLANNING DEPARTMENT: Recommended approval.

MIAMI RIVER COMMISSION: Made a motion on May 23, 2005 to find the proposed Coastal on the River project consistent with the *Miami River Corridor Urban Infill Plan*, which failed due to a tie vote of 5-5.

ZONING BOARD: Recommended approval to City Commission on May 23, 2005 by a vote of 7-1. See companion File IDs 05-00620 and 05-00620b.

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

DATE: JULY 28, 2005

MOVER: VICE CHAIRMAN GONZÁLEZ

SECONDER: COMMISSIONER WINTON

VOTE: AYES: 5 - COMMISSIONER GONZÁLEZ, WINTON, SANCHEZ, REGALADO AND ALLEN

ACTION: PASSED ON FIRST READING

PZ.31 05-00620b 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 **COASTAL ON THE RIVER** PROJECT, TO BE LOCATED AT APPROXIMATELY 2215 NORTHWEST 14TH STREET, MIAMI, FLORIDA, TO CONSTRUCT A TWO-BUILDING RESIDENTIAL DEVELOPMENT RANGING IN HEIGHT FROM APPROXIMATELY 110 FEET TO 120 FEET, TO BE COMPRISED OF APPROXIMATELY 633 TOTAL MULTIFAMILY RESIDENTIAL UNITS WITH RECREATIONAL AMENITIES; AND APPROXIMATELY 898 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 Coastal on the River Project

LOCATION: Approximately 2215 NW 14th Street

APPLICANT(S): Riverside 22 Investments, LLC

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

FINDINGS:

PLANNING DEPARTMENT: Recommended approval with conditions*.

HISTORIC AND ENVIRONMENTAL PRESERVATION BOARD:

Recommended approval with conditions* of a Certificate of

Appropriateness to City Commission on April 5, 2005 by a vote of 6-0.

MIAMI RIVER COMMISSION: Made a motion on May 23, 2005 to find the proposed project consistent with the *Miami River Corridor Urban Infill Plan*, which failed due to a tie vote of 5-5.

PLANNING ADVISORY BOARD: Recommended approval with conditions* to City Commission on June 15, 2005 by a vote of 5-1. See companion File IDs 05-00620 and 05-00620a.

*See supporting documentation.

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

PZ.32 05-01535 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 **1101 BRICKELL** PROJECT, TO BE LOCATED AT APPROXIMATELY 1101 BRICKELL AVENUE, MIAMI, FLORIDA, TO CONSTRUCT AN APPROXIMATE 849-FOOT, 74-STORY HIGH MIXED-USE STRUCTURE TO BE COMPRISED OF APPROXIMATELY 650 TOTAL MULTIFAMILY RESIDENTIAL UNITS WITH RECREATIONAL AMENITIES; APPROXIMATELY 269,000 SQUARE FEET OF EXISTING OFFICE SPACE; APPROXIMATELY 30,007 SQUARE FEET OF RETAIL SPACE; AND APPROXIMATELY 1,529 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 1101 Brickell Project

LOCATION: Approximately 1101 Brickell Avenue

APPLICANT(S): FAE Holdings, 361820R, LLC

APPLICANT(S) AGENT: Ben Fernandez, Esquire

FINDINGS:

PLANNING DEPARTMENT: Recommended approval with conditions*.

HISTORIC AND ENVIRONMENTAL PRESERVATION BOARD:

Recommended approval with conditions* to City Commission on November 1, 2005 by a vote of 7-0.

PLANNING ADVISORY BOARD: Recommended approval with conditions* to City Commission on December 21, 2005 by a vote of 8-0.

*See supporting documentation.

PURPOSE: This will allow the development of the **1101 Brickell** project.

PZ.33 05-01227 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT, CLOSING, VACATING, ABANDONING AND DISCONTINUING FOR PUBLIC USE THAT PORTION OF AN ALLEY LOCATED NORTH OF NORTHEAST 39TH STREET AND EAST OF BISCAYNE BOULEVARD, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A."

REQUEST: Official Vacation and Closure of an Alley

LOCATION: Approximately North of NE 39th Street Between East of Biscayne Boulevard

APPLICANT(S): 39th Street Investors Group, LLC

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

FINDINGS:

PLANNING DEPARTMENT: Recommended approval with conditions*.

PUBLIC WORKS DEPARTMENT: Recommended approval with conditions*.

PLAT & STREET COMMITTEE: Recommended approval on April 7, 2005 by a vote of 6-1.

ZONING BOARD: Recommended approval with conditions* to City Commission on October 17, 2005 by a vote of 6-2.

*See supporting documentation.

PURPOSE: This will allow a unified residential property.

DATE: NOVEMBER 17, 2005

ACTION: CONTINUED

DATE: DECEMBER 1, 2005

ACTION: CONTINUED

PZ.34 05-00014 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), DENYING OR GRANTING THE APPEAL BY ANDREW W.J. DICKMAN, ESQ. ON BEHALF OF THE MORNINGSIDE CIVIC ASSOCIATION, INC., 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. 04-0198, TO ALLOW FOR NEW CONSTRUCTION ON THE PROPERTIES LOCATED AT APPROXIMATELY 5301-5501 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 5301-5501 Biscayne Boulevard

APPLICANT(S): Morningside Development, LLC

APPLICANT(S) AGENT: Doug Halsey, Esquire

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

APPELLANT(S) AGENT: JoNel Newman, Esquire and Donald J. Hayden, 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 December 13, 2004 by a vote of 7-1.

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

NOTE: On October 18, 2005, the Circuit Court ruled to quash the City Commission's decision and remanded this case for proceedings.

DATE: MARCH 10, 2005
MOVER: COMMISSIONER WINTON
SECONDER: COMMISSIONER ALLEN
VOTE: AYES: 4 - COMMISSIONER GONZÁLEZ, WINTON, SANCHEZ AND ALLEN
ABSENT: 1 - COMMISSIONER REGALADO
ACTION: ADOPTED

DATE: MARCH 17, 2005
ACTION: SIGNED BY THE MAYOR

DATE: NOVEMBER 17, 2005

ACTION: CONTINUED
DATE: DECEMBER 1, 2005
ACTION: CONTINUED

PZ.35 05-00076a RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), DENYING OR GRANTING THE APPEAL, AFFIRMING OR REVERSING THE DECISION OF THE MIAMI ZONING BOARD AND THEREBY GRANTING OR DENYING THE EXTENSION OF TIME FOR A SPECIAL EXCEPTION GRANTED ON JANUARY 10, 2005, RESOLUTION NO. ZB 2005-0966 BY A VOTE OF 7-2, AS LISTED IN ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, ARTICLE 4, SECTION 401, SCHEDULE OF DISTRICT REGULATIONS, TO ALLOW RESIDENTIAL USES WITHIN THE "C-2" DISTRICT AT A DENSITY OF "R-3" OR HIGHER, FOR THE PROPERTIES LOCATED AT APPROXIMATELY 5600 NORTHEAST 4TH AVENUE AND 368 NORTHEAST 57TH STREET, MIAMI, FLORIDA, MORE PARTICULARLY DESCRIBED IN "EXHIBIT A," PURSUANT TO A TIME LIMITATION OF TWELVE (12) MONTHS IN WHICH A BUILDING PERMIT MUST BE OBTAINED, AND SUBJECT TO THE FOLLOWING CONDITION BY THE PLANNING DEPARTMENT: THE APPLICANT SHALL PRESENT FINAL DESIGN DETAILS ON THE FAÇADES, INCLUDING COLOR AND MATERIALS FOR REVIEW AND APPROVAL BY THE PLANNING DIRECTOR PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.

REQUEST: Appeal of a Zoning Board Decision of an Extension of Time for a Special Exception

LOCATION: Approximately 5600 NE 4th Avenue & 368 NE 57th Street

APPLICANT(S): Railroad Park, Inc., Owner and PHG Holdings, Inc., Contract Purchaser

APPLICANT(S) AGENT: Tony Recio, Esquire

APPELLANT(S): Dr. William Hopper and Elvis Cruz, on behalf of the Morningside Civic Association, Inc., Adjacent Property Owners

FINDINGS:

PLANNING DEPARTMENT: Recommended approval with a condition* of the extension of time for the special exception and denial of the appeal.

ZONING BOARD: Granted the extension of time with a condition* for the Special Exception on November 14, 2005 by a vote of 7-0.

*See supporting documentation.

PURPOSE: The approval of this appeal will not allow an extension of time for the Special Exception to permit residential uses within the C-2 district at a density of R-3 or higher.