



# City of Miami Marked Agenda City Commission

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

*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*

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Thursday, October 28, 2004

9:00 AM

City Hall Commission Chambers

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## 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.7 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

3:00 P.M. - PH.6 - Transferring 30th year funds - from Edgewater Economic Dev. Corp.Inc.

3:00 P.M. - PH.7 - Transferring funds - from CRA Reserve Account

3:00 P.M. - PH.8 - Transferring CDBG Funds from Closed out Activities

3:00 P.M. - PH.9 - Transferring ESG Funds - from Catholic Charities

3:00 P.M. - PH.10 - Waiver of Conflict of Interest - Kiddie Kop Child Care, Inc.

**EM - EMERGENCY 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 2:30 pm.

TIME CERTAIN

5:30 PM - PZ.33 - Major Use Special Permit - Villa Magna

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

**Present:** Vice Chairman González, Chairman Sanchez, Commissioner Regalado and Commissioner Allen

**Absent:** Commissioner Winton

On the 28th day of October, 2004, the City Commission of the City of Miami, Florida, met at its regular meeting place in City Hall, 3500 Pan American Drive, Miami, Florida, in regular session. The meeting was called to order at 9:21 a.m. by Chairman Joe Sanchez and adjourned at 11:43 p.m. with various recesses as listed below:

Recessed: 12:09 p.m. Reconvened: 2:35 p.m.

Recessed: 8:33 p.m. Reconvened: 8:42 p.m.

Recessed: 9:50 p.m. Reconvened: 10:00

**Note for the Record:** Commissioner Winton came in at 9:27 a.m.

**ALSO PRESENT:**

Joe Arriola, City Manager  
 Jorge L. Fernández, City Attorney  
 Priscilla A. Thompson, City Clerk  
 Sylvia Scheider, Assistant City Clerk

**PRESENTATIONS AND PROCLAMATIONS****04-01195 CEREMONIAL ITEM**

<b>Name of Honoree</b>	<b>Presenter</b>	<b>Protocol Item</b>
The Royal Caribbean G.I.V.E. Back to Communities Day		
Kristopher Smith	Mayor Diaz	Commendation
John Nigro	Mayor Diaz	Certificate of Appreciation
Carlos Rivera	Mayor Diaz	Certificate of Appreciation
Kaseen Smith	Mayor Diaz	Certificate of Appreciation
Michael Mitchell	Mayor Diaz	Certificate of Appreciation
William Hayward	Mayor Diaz	Certificate of Appreciation
Michel Rosyn	Mayor Diaz	Certificate of Appreciation
Wilfredo Valladares	Mayor Diaz	Certificate of Appreciation
Wilson Johnson	Mayor Diaz	Certificate of Appreciation
Antonio Garrandes	Mayor Diaz	Certificate of Appreciation
Sergeant Reginald Kinchen	Mayor Diaz	Certificate of Appreciation
Officer Johnny Mathis	Mayor Diaz	Certificate of Appreciation
Officer Carrie Palmer	Mayor Diaz	Certificate of Appreciation
Faye McFadden	Mayor Diaz	Certificate of Appreciation
VonCarol Kinchens	Mayor Diaz	Certificate of Appreciation
Ernest King	Mayor Diaz	Certificate of Appreciation
The Woman's Club of Coconut Grove	Commissioner Winton	Proclamation
Milam's Market	Commissioner Winton	Certificate of Appreciation

**PRESENTED**

**1. Commendations, Certificates of Merit and Certificates of Appreciation were presented by Mayor Diaz to employees who volunteered in the Royal Caribbean G.I.V.E. Back to Communities Project: Sherwin-Williams, Kristopher Smith, Helen O'Connell, Penny Phillips, Georgina Pintado, Robert Vazquez, Maria Sanchez, Clara Ponce, Anne-Caroline Brown, Rafael Nones, Mary Peck, Ana Guerra, Mark Musial, Doug Jones, John Nigro, Carlos Rivera, Kaseen Smith, Michael Mitchell, William Hayward, Michel Rosyn, Wilfredo Valladares, Wilson Johnson, Antonio Garrandes, Sergeant Reginald Kinchen, Officer**

Johnny Mathis, Officer Carrie Palmer, Faye McFadden, VonCarol Kinchens, and Ernest King . A Proclamation was also given to Royal Caribbean International & Celebrity Cruises. [ Note: some of the listed honorees were not present.]

2. A Proclamation was presented by Commissioner Winton to the Woman's Club of Coconut Grove for its many contributions to the community, especially for its support for the Virrick Park Learn to Swim Program.

3. A Certificate of Appreciation was presented by Commissioner Winton to representatives of Milam's Market for its hosting of block parties throughout Coconut Grove in support of the Crime Watch Program.

4. Commissioner Regalado presented a Certificate of Appreciation to Coach Noel Cubela and Certificates of Merit to members of the Miami Dream Team for winning the state tennis championship and going to Tucson, Arizona next month to participate in the national tennis tournament (all in absentia): Agustina Cybel, Gabriella Palacios, Emily Quinones, Romain Fautre, Rolando Martinez, Luke Mojica, and Juan Luis Perez.

### **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.)

**NO MAYORAL VETOES**

### **APPROVING THE MINUTES OF THE FOLLOWING MEETINGS:**

Planning and Zoning Meeting of September 23, 2004

**MOVED:** Angel González

**SECONDED:** Tomas Regalado

**UNANIMOUS**

**Motion to APPROVE PASSED by the following vote.**

**AYES:** Commissioner González, Winton, Sanchez, Regalado and Allen

Special Planning and Zoning Meeting of September 27, 2004

**MOVED:** Angel González

**SECONDED:** Jeffery L. Allen

**UNANIMOUS**

**Motion to APPROVE PASSED by the following vote.**

**AYES:** Commissioner González, Winton, Sanchez, Regalado and Allen

Special Meeting of October 1, 2004

**MOVED:** Angel González

**SECONDED:** Jeffery L. Allen

**UNANIMOUS**

**Motion to APPROVE PASSED by the following vote.**

**AYES:** Commissioner González, Winton, Sanchez, Regalado and Allen

**ORDER OF DAY****CONSENT AGENDA****CA.1 04-01134 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION RECOGNIZING THE MIAMI-DADE COUNTY FEDERAL EMERGENCY MANAGEMENT AGENCY ROAD RESTORATION AND DRAINAGE REPLACEMENT PROJECT, CONTRACT NO. C01-DERM-EEC, LOCATED ON NORTHWEST 62 ND STREET BETWEEN NORTHWEST 2ND AVENUE AND NORTHWEST 7TH AVENUE, MIAMI, FLORIDA, AS A JOINT PROJECT BETWEEN THE CITY OF MIAMI AND MIAMI-DADE COUNTY; DIRECTING THE CITY MANAGER, PURSUANT TO SECTION 54-17 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("CITY CODE"), TO WAIVE ALL CITY OF MIAMI PUBLIC WORKS EXCAVATION FEES, IN AN AMOUNT OF \$28,000, ASSESSED PURSUANT TO SECTION 54-43 OF THE CITY CODE.

**R-04-0688**

This Matter was **ADOPTED** on the Consent Agenda.

**CA.2 04-01135 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE DIRECTOR OF FINANCE TO PAY FELIX ACEVEDO, WITHOUT ADMISSION OF LIABILITY, THE SUM OF \$72,500 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 FELIX ACEVEDO V. CITY OF MIAMI, IN THE MIAMI-DADE COUNTY CIRCUIT COURT, CASE NO. 04-16448 CA 21, 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. 515001.624401.6.652.

**R-04-0689**

This Matter was **ADOPTED** on the Consent Agenda.

**CA.3 04-01139 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION ACCEPTING THE BID OF TOSHIBA BUSINESS SOLUTIONS, TO FURNISH COPIER SERVICES TO BE UTILIZED CITYWIDE, FOR THE DEPARTMENT OF PURCHASING, ON A LEASE/RENTAL CONTRACT BASIS, FOR A THREE-YEAR PERIOD, WITH THE OPTION TO RENEW FOR AN ADDITIONAL ONE-YEAR PERIOD, AT AN ANNUAL AMOUNT NOT TO EXCEED \$258,181.48, WITH AN ESTIMATED ANNUAL CONTINGENCY AMOUNT NOT TO EXCEED \$75,000, FOR A TOTAL ANNUAL AMOUNT NOT TO EXCEED \$333,181.48, AND A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$999,544.44; ALLOCATING FUNDS FROM THE OPERATING BUDGETS OF THE VARIOUS USER DEPARTMENTS AND AGENCIES, SUBJECT TO BUDGETARY APPROVAL.

**R-04-0690**

This Matter was ADOPTED on the Consent Agenda.

**CA.4 04-01144 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S) , AUTHORIZING THE CITY MANAGER TO EXECUTE A LOCALLY FUNDED AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION TO PROVIDE FUNDS FOR THE "BISCAYNE BOULEVARD CROSS STREETS CONVERSION PROJECT" TO CONVERT NORTHEAST 9TH, 10TH, AND 11 TH STREETS FROM NORTHEAST 2ND AVENUE TO BISCAYNE BOULEVARD, FROM ONE-WAY OPERATIONAL TO TWO-WAY OPERATIONAL STREETS, IN AN AMOUNT NOT TO EXCEED \$82,500; ALLOCATING FUNDS FROM CAPITAL IMPROVEMENT PROJECT ("CIP") NO. 341330, ENTITLED "CITYWIDE TRANSPORTATION AND TRANSIT;" AUTHORIZING THE CITY MANAGER TO APPROVE ADDITIONAL PAYMENTS IN AN AMOUNT NOT TO EXCEED \$7,500, FROM THE RETAINED CONTINGENCY FUND IN THE EVENT ADDITIONAL MONIES ARE NEEDED FOR CHANGE ORDERS; ALLOCATING FUNDS FROM THE ABOVE-MENTIONED CIP ACCOUNT.

**R-04-0691**

This Matter was ADOPTED WITH MODIFICATIONS on the Consent Agenda.

**CA.5 04-01149 RESOLUTION**

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 LETTERS OF INTEREST NO. 03-04-102, THAT THE FIRM MOST QUALIFIED TO PROVIDE INVENTORY SERVICES FOR THE DEPARTMENT OF POLICE IS RGIS INVENTORY SPECIALISTS ("RGIS"); AUTHORIZING THE CITY MANAGER TO NEGOTIATE A PROFESSIONAL SERVICES AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, WITH RGIS, AT AN AMOUNT NOT TO EXCEED \$60,000; ALLOCATING FUNDS FROM THE LAW ENFORCEMENT TRUST FUND, PROJECT NO. 690002, WITH SUCH EXPENDITURES HAVING BEEN APPROVED BY THE CHIEF OF POLICE AS COMPLYING WITH THE UNITED STATES DEPARTMENT OF JUSTICE, "GUIDE TO EQUITABLE SHARING."

**R-04-0692**

This Matter was ADOPTED on the Consent Agenda.

**CA.6 04-01176 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S) , AUTHORIZING THE ALLOCATION OF FUNDS, IN AN AMOUNT NOT TO EXCEED \$395,000, TO BE USED AS MATCHING FUNDS AS REQUIRED FOR THE CITY OF MIAMI'S GRANT APPLICATION, ATTACHED AND INCORPORATED, TO THE FLORIDA BUREAU OF HISTORIC PRESERVATION, SPECIAL CATEGORY GRANT PROGRAM ("BUREAU"), FOR HISTORICAL AND STRUCTURAL REHABILITATION PROJECT NO. B -30121, RESTORING THE HISTORIC PAN AMERICAN SEAPLANE TERMINAL

("CITY HALL"), CONTINGENT UPON: (1) THE AWARD OF SAID GRANT FUNDS; AND (2) THE CITY COMMISSION'S APPROVAL OF A GRANT AGREEMENT WITH THE BUREAU; ALLOCATING FUNDS FROM THE CITY'S HISTORIC PRESERVATION INITIATIVE PROJECT NO. 327001, HOMELAND DEFENSE NEIGHBORHOOD IMPROVEMENT BONDS FOR SAID PURPOSE.

**R-04-0693**

This Matter was ADOPTED on the Consent Agenda.

**CA.7 04-01182****RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S) , AUTHORIZING THE PURCHASE AND INSTALLATION OF THE FOLLOWING 911 SYSTEM ENHANCEMENTS TO INCLUDE MAINTENANCE FOR THE DEPARTMENT OF POLICE: POSITRON LIFE LINE 100 ANI/ALI CONTROLLER, CONSISTING OF ITEMS ON THE LIST, ATTACHED AND INCORPORATED, FROM BELL SOUTH TELECOMMUNICATIONS, INC., AWARDED UNDER EXISTING BROWARD COUNTY REQUEST FOR LETTERS OF INTEREST NO. 022300-RB, IN AN AMOUNT NOT TO EXCEED \$1,769,276; AUTHORIZING THE CITY MANAGER TO EXECUTE THE SPECIAL SERVICE ARRANGEMENT AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, FOR A SIXTY-MONTH PERIOD, IN AN ANNUAL AMOUNT NOT TO EXCEED \$160,368; AND AUTHORIZING AN UPGRADE OF THE EXISTING DEFINITY TELEPHONE SYSTEM AND INSTALLING A COMPUTER TELEPHONY INTERFACE, FROM AVAYA, INC., AWARDED UNDER AN EXISTING STATE OF FLORIDA CONTRACT NO. 730-650-99-1, EFFECTIVE UNTIL FEBRUARY 16, 2005, SUBJECT TO FURTHER EXTENSIONS OR REPLACEMENT CONTRACTS BY THE STATE OF FLORIDA, IN AN AMOUNT NOT TO EXCEED \$266,855, PLUS \$2,000 FOR MONTHLY MAINTENANCE COSTS, FOR TOTAL ANNUAL MAINTENANCE COSTS IN THE AMOUNT NOT TO EXCEED \$24,000; ALLOCATING FUNDS FROM THE E911 OPERATING BUDGET, ACCOUNT CODE NOS. 196003.290531.6.840, 196002.290460.6.510 AND 196003.290531.6.670.

**R-04-0694**

This Matter was ADOPTED on the Consent Agenda.

**Adopted the Consent Agenda**

**MOVED:** Angel González

**SECONDED:** Jeffery L. Allen

**AYES:** Commissioner González, Winton, Sanchez, Regalado and Allen

**END OF CONSENT AGENDA**

**MAYOR AND COMMISSIONER'S ITEMS**

**CITYWIDE**

**HONORABLE MAYOR MANUEL A. DIAZ**

**DISTRICT 1**

**VICE CHAIRMAN ANGEL GONZÁLEZ**

**DISTRICT 2**

**COMMISSIONER JOHNNY L. WINTON**

**D2.1 04-01194 DISCUSSION ITEM**

DISCUSSION CONCERNING THE FUNDING FOR THE MIAMI WORKS PROJECT.

DISCUSSED

**DISTRICT 3**

**CHAIRMAN JOE SANCHEZ**

**DISTRICT 4**

**COMMISSIONER TOMAS REGALADO**

**D4.1 04-01175 DISCUSSION ITEM**

DISCUSSION CONCERNING AN UPDATE FROM THE LAW DEPARTMENT REGARDING THE ADULT LIVING FACILITIES IN THE SHENANDOAH AREA OWNED BY FAMILY BOARDING HOME, INC.

DISCUSSED

Direction to the City Attorney by Commissioner Regalado to have his staff meet with the residents from Shenandoah that came to be heard today on Item D4.1 and give them a status report on the Adult Living Facilities (ALF) owned by Family Boarding Home, Inc. located in their area.

**D4.2 04-01138 DISCUSSION ITEM**

MR. BEN BURTON, EXECUTIVE DIRECTOR OF THE MIAMI COALITION FOR THE HOMELESS INC., TO ADDRESS THE COMMISSION CONCERNING THE FEEDING AND SERVICE PLAN FOR LOW INCOME AND HOMELESS FAMILIES AND INDIVIDUALS IN THE CITY OF MIAMI.

**DISCUSSED**

Direction to the City Manager by Commissioner Regalado to schedule a presentation by the members of the Homeless Trust on the agenda for the City Commission meeting of November 18, 2004 regarding homeless feeding plan in downtown Miami.

**D4.3 04-01193 DISCUSSION ITEM**

DISCUSSION CONCERNING AN UPDATE FROM THE ADMINISTRATION REGARDING MIAMI-DADE COUNTY'S MIAMI INTERNATIONAL AIRPORT - NO SCHOOL ZONE PROPOSAL AND THE POTENTIAL IMPACT ON DISTRICT 1 AND DISTRICT 4.

**WITHDRAWN**

Item D4.3 was withdrawn by Commissioner Regalado.

**D4.4 04-01120 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION AMENDING RESOLUTION NO. 04-0610, ADOPTED SEPTEMBER 9, 2004, TO INCLUDE THE WAIVER OF COSTS AND FEES FOR THE CO-SPONSORED ANNUAL SOURCE AWARDS 3-DAY EVENT, SCHEDULED FOR OCTOBER 2004; AMENDING SAID RESOLUTION TO REFLECT SAID CHANGE.

**DEFERRED**

Item D4.4 was deferred by Commissioner Regalado.

**D4.5 04-01190 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE ALLOCATION OF FUNDS, IN AN AMOUNT NOT TO EXCEED \$300, TO CO-SPONSOR, WITH THE CENTER FOR FREE CUBA, THE EVENT ENTITLED: "A CELEBRATION OF FREEDOM: THE 15TH ANNIVERSARY OF THE FALL OF THE BERLIN WALL," TO BE HELD ON NOVEMBER 9, 2004, AT THE MANUEL ARTIME THEATRE; ALLOCATING FUNDS FROM THE DISTRICT 4 ROLLOVER ACCOUNT NO. 001000.920919.6.930.

**R-04-0695**

**MOVED:** Tomas Regalado

**SECONDED:** Angel González

**UNANIMOUS**

Motion that this matter be **ADOPTED PASSED** by the following vote.

**AYES:** Commissioner González, Winton, Sanchez, Regalado and Allen

**DISTRICT 5****COMMISSIONER JEFFERY L. ALLEN**

**PUBLIC HEARING****PH.1 04-01136 ORDINANCE Public Hearing**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 55/SECTION 55-15 OF THE CODE OF THE CITY OF MIAMI FLORIDA, AS AMENDED, ENTITLED "SUBDIVISION REGULATIONS/VACATION AND CLOSURE OF RIGHTS OF-WAY AND PLATTED EASEMENTS BY PLAT" TO ELIMINATE THE TIME RESTRICTIONS FOR SUBMISSION OF AN APPLICATION FOR THE ALTERNATIVE METHOD FOR CLOSURE OF ALLEYS ABUTTING PARCELS OF LAND ZONED R-1 AND/OR R-2; CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

**MOVED:** Johnny L. Winton

**SECONDED:** Jeffery L. Allen

**Motion that this matter be PASSED ON FIRST READING PASSED by the following vote.**

**AYES:** Commissioner Winton, Sanchez, Regalado and Allen

**ABSENT:** Commissioner González

**PH.2 04-01137 ORDINANCE Public Hearing**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 54/ARTICLE IV/SECTION 54-130 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "STREETS AND SIDEWALKS/NAMING OF STREETS AND NUMBERING OF BUILDINGS/NAMES OF DRIVES AND ROADS," BY CHANGING THE NAME OF SOUTHWEST 15TH ROAD BETWEEN SOUTHWEST 11TH STREET AND SOUTH MIAMI AVENUE TO BROADWAY; DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS ORDINANCE TO THE HEREIN DESIGNATED AGENCIES; CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

**DEFERRED**

**Item PH.2 was deferred by the City Manager to the Commission Meeting currently scheduled for November 18, 2004.**

**PH.3 04-01172 ORDINANCE Public Hearing**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 8309, AS AMENDED, EXTENDING THE FRANCHISE AGREEMENT WITH NUI UTILITIES, INC.; AUTHORIZING THE CITY MANAGER TO EXECUTE, IN SUBSTANTIALLY THE ATTACHED FORM, THE FRANCHISE EXTENSION AGREEMENT EXTENDING THE AGREEMENT UNTIL THE EARLIER OF 1) JANUARY 14, 2005, OR 2) THE DATE IMMEDIATELY PRECEDING THE EFFECTIVE DATE OF ANY SUBSEQUENT FRANCHISE AGREEMENT ENTERED INTO BY THE CITY AND THE FRANCHISEE; CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WITHDRAWN**

**Item PH.3 was withdrawn by the City Manager.**

**PH.4 04-01174 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 FINDING THAT IT IS PRACTICABLE AND MOST ADVANTAGEOUS FOR THE CITY OF MIAMI TO WAIVE COMPETITIVE SEALED BIDDING PROCEDURES; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT, IN SUBSTANTIALLY THE ATTACHED FORM, TO THE AGREEMENT ORIGINALLY ENTERED INTO ON SEPTEMBER 25, 1979, FOR TERREMARK AT DINNER KEY, INC., TO PROVIDE CONCESSION SERVICES AT THE COCONUT GROVE CONVENTION CENTER FOR ONE NINETY-DAY PERIOD, WITH THE OPTION TO RENEW FOR THREE ADDITIONAL NINETY-DAY PERIODS; WITH A TERM NOT TO BE EXTENDED BEYOND SEPTEMBER 30, 2005.

**R-04-0696**

**MOVED:** Tomas Regalado

**SECONDED:** Johnny L. Winton

**UNANIMOUS**

**Motion that this matter be ADOPTED WITH MODIFICATIONS PASSED by the following vote.**

**AYES:** Commissioner González, Winton, Sanchez, Regalado and Allen

**PH.5 04-01141 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION BY A FOUR-FIFTHS (4/5THS) AFFIRMATIVE VOTE, AFTER AN ADVERTISED PUBLIC HEARING, RATIFYING, APPROVING AND CONFIRMING THE CITY MANAGER'S FINDING OF A SOLE SOURCE; WAIVING THE REQUIREMENTS FOR COMPETITIVE SEALED BIDDING PROCEDURES AND APPROVING THE ACQUISITION OF GEOGRAPHIC INFORMATION SOFTWARE BASED SOFTWARE LICENSES, TRAINING, SERVICES, MAINTENANCE AND PRODUCT SUPPORT FOR VARIOUS ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC. ("ESRI") PRODUCTS WHICH INCLUDE, BUT ARE NOT LIMITED TO, ARCINFO, ARCINFO WORKSTATION EXTENSIONS ( ARCNWORK, ARCCOGO, AND ARCSAN), ARCEDITOR, ARCGIS SERVER, ARCGIS SERVER EXTENSIONS (SPATIAL OPTION, 3D OPTION, AND STREETMAP OPTION), ARCSDE, ARCGIS SCHEMATICS, AND NETENGINE, FOR THE DEPARTMENT OF INFORMATION TECHNOLOGY, FROM ESRI, THE SOLE SOURCE PROVIDER, FOR AN INITIAL AMOUNT NOT TO EXCEED \$100,000, AND A FIVE-YEAR PERIOD TOTAL AMOUNT NOT TO EXCEED \$780,000; ALLOCATING FUNDS FROM INFORMATION TECHNOLOGY DEPARTMENT STRATEGIC REVENUES, OTHER VARIOUS CAPITAL IMPROVEMENT PROJECT ACCOUNTS, GRANTS, AND THE OPERATING BUDGETS OF VARIOUS USER DEPARTMENTS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, FOR SAID PURPOSE.

**R-04-0698**

**MOVED:** Johnny L. Winton

**SECONDED:** Tomas Regalado

Motion that this matter be **ADOPTED PASSED** by the following vote.

**AYES:** Commissioner Winton, Sanchez, Regalado and Allen

**ABSENT:** Commissioner González

**3:00 P.M.**

Note for the Record: Items PH.6 - PH.10 were translated by a sign-language interpreter.

**PH.6 04-01150**

**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S) , AUTHORIZING THE TRANSFER OF 30TH YEAR COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUNDS, IN THE TOTAL AMOUNT OF \$40,000, FROM THE EDGEWATER ECONOMIC DEVELOPMENT CORPORATION, INC.; ALLOCATING SAID FUNDS TO THE DOWNTOWN MIAMI PARTNERSHIP, INC., IN THE AMOUNT OF \$20,000, AND TO THE RAFAEL HERNANDEZ HOUSING & ECONOMIC DEVELOPMENT CORP., IN THE AMOUNT OF \$20,000, TO PROVIDE TECHNICAL ASSISTANCE TO PRIVATE-FOR-PROFIT ENTITIES, COMMERCIAL FAÇADE TREATMENT PROGRAMS AND COMMERCIAL CODE COMPLIANCE PROGRAMS; AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENTS TO AGREEMENTS, IN SUBSTANTIALLY THE ATTACHED FORMS, WITH SAID AGENCIES.

**R-04-0705**

**MOVED:** Johnny L. Winton

**SECONDED:** Jeffery L. Allen

Motion that this matter be **ADOPTED PASSED** by the following vote.

**AYES:** Commissioner Winton, Sanchez, Regalado and Allen

**ABSENT:** Commissioner González

**PH.7 04-01151**

**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S) , AUTHORIZING THE TRANSFER OF COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUNDS, IN THE TOTAL AMOUNT OF \$2,965,179, FROM THE CITY OF MIAMI COMMUNITY REDEVELOPMENT AGENCY ("CRA") RESERVE ACCOUNT; ALLOCATING SAID FUNDS, IN THE AMOUNT OF \$776,210, TO THE CITY OF MIAMI CRA'S GRAND PROMENADE PROJECT, AND THE AMOUNT OF \$2,188,969 TO THE DISTRICT 5 SINGLE FAMILY REHABILITATION PROGRAM; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, WITH THE CRA FOR SAID PURPOSE.

**R-04-0706**

**MOVED:** Johnny L. Winton

**SECONDED:** Jeffery L. Allen

Motion that this matter be **ADOPTED PASSED** by the following vote.

**AYES:** Commissioner Winton, Sanchez, Regalado and Allen

**ABSENT:** Commissioner González

**PH.8 04-01152 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S) , AUTHORIZING THE TRANSFER OF COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUNDS, IN THE AMOUNT OF \$214,510.67, FROM CLOSED OUT ACTIVITIES; ALLOCATING SAID FUNDS TO THE CITY OF MIAMI SINGLE FAMILY PROGRAMS FOR THE PROCESSING OF HOUSING REHABILITATION APPLICATIONS.

**R-04-0707**

**MOVED:** Jeffery L. Allen

**SECONDED:** Johnny L. Winton

**UNANIMOUS**

Motion that this matter be **ADOPTED WITH MODIFICATIONS PASSED** by the following vote.

**AYES:** Commissioner González, Winton, Sanchez, Regalado and Allen

**PH.9 04-01153 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S) , AUTHORIZING THE TRANSFER OF EMERGENCY SHELTER GRANT FUNDS, IN THE AMOUNT OF \$140,158.94, FROM CATHOLIC CHARITIES OF THE ARCHDIOCESES OF MIAMI, INC.; ALLOCATING SAID FUNDS TO THE CITY OF MIAMI HOMELESS PROGRAM FOR THE PROVISION OF ESSENTIAL SERVICES (TEMPORARY SHELTER, JOB SEARCH ASSISTANCE, PERMANENT HOUSING REFERRALS) TO THE HOMELESS POPULATION OF THE CITY OF MIAMI; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, WITH SAID AGENCY.

**R-04-0708**

**MOVED:** Johnny L. Winton

**SECONDED:** Jeffery L. Allen

**UNANIMOUS**

Motion that this matter be **ADOPTED PASSED** by the following vote.

**AYES:** Commissioner González, Winton, Sanchez, Regalado and Allen

**PH.10 04-01154 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION BY A FOUR- FIFTHS (4/5THS) AFFIRMATIVE VOTE, AFTER PUBLIC HEARING, PURSUANT TO SECTION 2-614 OF THE CITY CODE, WAIVING THE CONFLICT OF INTEREST PROVISIONS CONTAINED IN SECTION 2-612 OF THE CODE OF THE CITY OF MIAMI, FLORIDA ("CITY"), AS AMENDED, TO ENABLE FREDERICA P. BURDEN, PRESIDENT OF KIDDIE KOP CHILD CARE, INC., TO ENTER INTO AN AGREEMENT WITH THE CITY DEPARTMENT OF

COMMUNITY DEVELOPMENT FOR PUBLIC FACILITIES/IMPROVEMENTS.

**WITHDRAWN**

**Item PH.10 was withdrawn by the Administration.**

**ORDINANCES - EMERGENCY****EM.1 04-01156****ORDINANCE****Emergency Ordinance**

(4/5THS VOTE)

AN EMERGENCY ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 12420, THE ANNUAL APPROPRIATIONS ORDINANCE TO INCREASE CERTAIN OPERATIONAL AND BUDGETARY APPROPRIATIONS FOR FISCAL YEAR ENDING SEPTEMBER 30, 2004, CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

**12600****MOVED: Jeffery L. Allen****SECONDED: Johnny L. Winton****Motion that this matter be ADOPTED PASSED by the following vote.****AYES: Commissioner Winton, Sanchez, Regalado and Allen****ABSENT: Commissioner González**

**ORDINANCES - FIRST READING**

FR.1 04-01165

**ORDINANCE****First Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, AMENDING CHAPTER 2/ARTICLE IV/DIVISION 4 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED: "ADMINISTRATION/DEPARTMENTS/PUBLIC WORKS DEPARTMENT," TO PROVIDE FOR A NEW PARAGRAPH TO SECTION 2-267 ENTITLED "SAME-ENUMERATION," TO AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO EXECUTE AND ISSUE LICENSE AGREEMENTS, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, WITH WILLING PROPERTY OWNERS FOR MINIMAL IMPROVEMENTS TO THEIR PROPERTY WHEN REQUIRED IN CONNECTION WITH RIGHT-OF-WAY IMPROVEMENTS; CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

**MOVED:** Johnny L. Winton

**SECONDED:** Angel González

**UNANIMOUS**

**Motion that this matter be PASSED ON FIRST READING PASSED by the following vote.**

**AYES:** Commissioner González, Winton, Sanchez, Regalado and Allen

**RESOLUTIONS****RE.1 04-01140 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S) , AUTHORIZING AN INTEREST RATE SWAP OPTION TRANSACTION IN CONNECTION WITH THE FUTURE REFUNDING OF THE OUTSTANDING CITY OF MIAMI, FLORIDA ("CITY") NON-AD VALOREM REVENUE BONDS TAXABLE PENSION SERIES 1995; AUTHORIZING THE ISSUANCE OF AN AGGREGATE PRINCIPAL AMOUNT OF CITY NON-AD VALOREM VARIABLE RATE REFUNDING REVENUE BONDS, TAXABLE PENSION SERIES 2006, IN AN AMOUNT NOT TO EXCEED \$75,000,000, TO REFUND THE OUTSTANDING CITY NON-AD VALOREM REVENUE BONDS, TAXABLE PENSION SERIES 1995; APPROVING THE SWAP COUNTERPARTY; APPROVING THE FORM AND AUTHORIZING THE INTERNATIONAL SWAP DEALERS ASSOCIATION, INC., MASTER AGREEMENT, SCHEDULES TO THE MASTER AGREEMENT, A CREDIT SUPPORT ANNEX AND RELATED DOCUMENTS; APPROVING MORGAN STANLEY & CO. INCORPORATED AS THE UNDERWRITER AND REMARKETING AGENT OF SUCH REFUNDING BONDS; APPROVING A SWAP FINANCIAL ADVISOR; PROVIDING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

**R-04-0697**

**MOVED:** Johnny L. Winton

**SECONDED:** Jeffery L. Allen

**Motion that this matter be ADOPTED PASSED by the following vote.**

**AYES:** Commissioner Winton, Sanchez, Regalado and Allen

**ABSENT:** Commissioner González

**RE.2 04-01166 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION AMENDING RESOLUTION NO. 04-0516, ADOPTED JULY 29, 2004, RELATING TO JOB ORDER CONTRACTS APPROVED FOR SEVEN (7) CONTRACTING FIRMS IDENTIFIED THEREIN, TO CORRECT THE CONTRACT AMOUNTS LISTED FOR INDIVIDUAL AND COMBINED CONTRACTS OVER THE CUMULATIVE TERM OF THE CONTRACTS RESULTING IN A COMBINED TOTAL CONTRACT AMOUNT NOT TO EXCEED \$145,000,000, FOR ALL CONTRACTORS FOR THE MAXIMUM FIVE-YEAR TERMS; CLARIFYING CONDITIONS OF CONTRACT RENEWALS; ALLOCATING FUNDS FROM VARIOUS CAPITAL PROJECT ACCOUNTS, SUBJECT TO BUDGETARY APPROVAL.

**R-04-0699**

**MOVED:** Jeffery L. Allen

**SECONDED:** Angel González

**Motion that this matter be ADOPTED WITH MODIFICATIONS PASSED by the following vote.**

**AYES:** Commissioner González, Sanchez and Allen

**ABSENT:** Commissioner Winton and Regalado

**RE.3 04-01169 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, WITH MINNESOTA MUTUAL, THE TOP-RANKED FIRM IN RESPONSE TO REQUEST FOR PROPOSAL NO. 03-04-078, PURSUANT TO RESOLUTION NO. 04-0675, ADOPTED OCTOBER 14, 2004, FOR EMPLOYEE BENEFIT LIFE AND ACCIDENTAL DEATH AND DISMEMBERMENT PLANS, FOR A THREE-YEAR PERIOD, WITH THE OPTION TO RENEW FOR TWO ADDITIONAL TWO-YEAR PERIODS EACH.

**R-04-0700**

**MOVED:** Jeffery L. Allen

**SECONDED:** Angel González

Motion that this matter be **ADOPTED PASSED** by the following vote.

**AYES:** Commissioner González, Sanchez and Allen

**ABSENT:** Commissioner Winton and Regalado

**RE.4 04-01088 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S) , AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, WITH FLORIDA INTERNATIONAL UNIVERSITY TO PROVIDE TECHNICAL SUPPORT TO LEADERSHIP GROUPS IN THE COMMUNITY OF OVERTOWN FOR TRANSPORTATION-RELATED PROJECTS, THROUGH JUNE 31, 2006, IN AN AMOUNT NOT TO EXCEED \$57,000; ALLOCATING FUNDS FROM THE NEW SPECIAL REVENUE FUND ENTITLED: "OVERTOWN TECHNICAL SUPPORT FUND," APPROVED BY RESOLUTION NO. 04-0565, ADOPTED SEPTEMBER 9, 2004, CONSISTING OF A GRANT FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION.

**R-04-0701**

**MOVED:** Angel González

**SECONDED:** Jeffery L. Allen

Motion that this matter be **ADOPTED WITH MODIFICATIONS PASSED** by the following vote.

**AYES:** Commissioner González, Winton, Sanchez and Allen

**ABSENT:** Commissioner Regalado

**RE.5 04-01046 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S) , AUTHORIZING THE CITY MANAGER TO EXECUTE A COVENANT RUNNING WITH THE LAND IN FAVOR OF MIAMI-DADE COUNTY ("COVENANT"), IN SUBSTANTIALLY THE ATTACHED FORM, TO PROVIDE FOR: (1) LIMITATIONS ON FUELING TO LESSEES OF THE DOCKING

FACILITIES AND PUBLIC AGENCY VESSELS; (2) RESTRICTION ON THE NUMBER OF POWERBOATS LESS THAN ONE-HUNDRED FEET IN LENGTH THAT CAN BE MOORED AT THE FLAGSTONE ISLAND GARDENS MARINA FACILITY CONCURRENTLY; (3) RESTRICTION ON THE NUMBER OF VESSELS MOORED AT THE FACILITY TO FIFTY (50) CONCURRENTLY; AND (4) RESTRICTION THAT SERVICE VESSELS CAN ONLY OPERATE WITHIN THE IMMEDIATE VICINITY OF THE DOCKING FACILITY; CONDITIONING APPROVAL EXPRESSLY UPON MIAMI-DADE COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCES ("DERM") RELEASING SAID COVENANT IN WRITING IN THE EVENT THE DERM CLASS I PERMIT ISSUED PURSUANT TO APPLICATION CC03-245, TERMINATES OR EXPIRES WITHOUT THE CONSTRUCTION CONTEMPLATED THEREIN COMMENCING, WITH TERMS AND CONDITIONS AS MORE PARTICULARLY SET FORTH IN SAID COVENANT.

### **R-04-0702**

**MOVED:** Johnny L. Winton

**SECONDED:** Angel González

**Motion that this matter be ADOPTED WITH MODIFICATIONS PASSED by the following vote.**

**AYES:** Commissioner González, Winton, Sanchez and Allen

**ABSENT:** Commissioner Regalado

**Direction to the Administration by Commissioner Winton to provide the Commission with periodic status reports of the progress of the Watson Island projects.**

**RE.6 04-01164**

### **RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE DIRECTOR OF FINANCE TO PAY ADORNO & YOSS, P.A. TRUST ACCOUNT, WITHOUT ADMISSION OF LIABILITY, THE SUM OF \$7,000,000 (SEVEN MILLION DOLLARS) AS FOLLOWS: \$3,500,000, TO BE PAID NO LATER THAN DECEMBER 5, 2004 AND \$3,500,000, TO BE PAID NO LATER THAN DECEMBER 5, 2005, IN FULL AND COMPLETE SETTLEMENT OF ANY AND ALL CLAIMS AND DEMANDS AGAINST THE CITY OF MIAMI, ITS OFFICERS, AGENTS AND SERVANTS, IN THE "REFUND" PORTION OF THE NAGYMIHALY, ET AL V. THE CITY OF MIAMI, IN THE MIAMI-DADE COUNTY CIRCUIT COURT, CASE NO. 98-11208 CA-01, 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.

### **DEFERRED**

**Item RE.6 was deferred by the City Manager to the Commission Meeting currently scheduled for November 18, 2004.**

**DISCUSSION ITEMS**

**DI.1 04-01157 DISCUSSION ITEM**

DISCUSSION CONCERNING THE CIVILIAN INVESTIGATIVE PANEL (CIP) MONTHLY STATUS REPORT.

DEFERRED

**DI.2 04-01196 DISCUSSION ITEM**

DISCUSSION CONCERNING THE "TREE PROTECTION ORDINANCE".

DISCUSSED

**PART B**

The following items shall not be considered before 2:30 pm.

**PZ.1 04-00671 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 FOR THE PROPERTIES LOCATED AT APPROXIMATELY 201 THROUGH 261 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 201-261 SW 6th Street

APPLICANT(S): 261 Brickell, LLC, Owner and Omega Alpha Engineering USA Group, Contract Purchaser

APPLICANT(S) AGENT: Gloria M. Velazquez, Esquire

**FINDINGS:**

PLANNING AND ZONING DEPARTMENT: Recommended denial.

MIAMI RIVER COMMISSION: Unanimously recommended approval to City Commission on September 13, 2004.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on June 2, 2004 by a vote of 7-1. See companion File ID 04-00671a.

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

**MOVED:** Johnny L. Winton

**SECONDED:** Jeffery L. Allen

**UNANIMOUS**

Motion that this matter be **PASSED ON FIRST READING PASSED** by the following vote.

**AYES:** Commissioner González, Winton, Sanchez, Regalado and Allen

**PZ.2 04-00671a 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-4" WATERFRONT INDUSTRIAL DISTRICT AND "I" INDUSTRIAL TO "SD-7"

CENTRAL BRICKELL RAPID TRANSIT COMMERCIAL-RESIDENTIAL DISTRICT FOR THE PROPERTIES LOCATED AT APPROXIMATELY 227-243 SOUTHWEST 6TH STREET, 261 SOUTHWEST 6TH STREET AND 201-227 SOUTHWEST 6TH 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 and I Industrial to SD-7 Central Brickell Rapid Transit Commercial-Residential District to Change the Zoning Atlas

LOCATION: Approximately 227-243 SW 6th Street, 261 SW 6th Street and 201-227 SW 6th Street

APPLICANT(S): 261 Brickell, LLC, Owner and Omega Alpha Engineering USA Group, Contract Purchaser

APPLICANT(S) AGENT: Gloria M. Velazquez, Esquire

**FINDINGS:**

PLANNING AND ZONING DEPARTMENT: Recommended denial.

MIAMI RIVER COMMISSION: Unanimously recommended approval to City Commission on September 13, 2004.

ZONING BOARD: Recommended approval to City Commission on July 12, 2004 by a vote of 6-3. See companion File ID and 04-00671.

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

**MOVED:** Johnny L. Winton

**SECONDED:** Angel González

**UNANIMOUS**

**Motion that this matter be PASSED ON FIRST READING PASSED by the following vote.**

**AYES:** Commissioner González, Winton, Sanchez, Regalado and Allen

**PZ.3 04-00723**

**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, FOR THE **OPUS** PROJECT, TO BE LOCATED AT APPROXIMATELY 1237 BISCAYNE BOULEVARD, 324 AND 444 NORTHEAST 13TH STREET, MIAMI, FLORIDA, TO CONSTRUCT A 57-STORY MIXED-USE STRUCTURE CONSISTING OF 408 TOTAL MULTIFAMILY RESIDENTIAL UNITS, APPROXIMATELY 17,160 SQUARE FEET OF RETAIL/OFFICE USE, AND 570 TOTAL PARKING SPACES; 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 Opus Towers Project

LOCATION: Approximately 1237 Biscayne Boulevard and 324 and 444 NE 13th Street

APPLICANT(S): 1237 Biscayne Blvd, LLC, Owner and 1237 Biscayne Development Group, LLC, Contract Purchaser

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

FINDINGS:

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

PLANNING ADVISORY BOARD: Recommended approval with conditions\* to City Commission on June 16, 2004 by a vote of 6-0.

ZONING BOARD: Granted the special exception on June 28, 2004 by a vote of 8-0.

\*See supporting documentation.

PURPOSE: This will allow the development of the **Opus** Project.

**CONTINUED**

**A motion was made by Commissioner Allen, seconded by Vice Chairman González, and was passed unanimously, to continue Item PZ.3 to the Commission Meeting currently scheduled for November 18, 2004.**

**PZ.4 04-00522**

**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), APPROVING A MODIFICATION TO A DECLARATION OF RESTRICTIVE COVENANT ("ZONING COVENANT") DATED SEPTEMBER 28, 1992 AND RECORDED IN OFFICIAL RECORDS BOOK 15663, PAGE 0716-0720, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, FOR THE PROPERTIES LOCATED AT APPROXIMATELY 2947-2949 SOUTHWEST 22ND TERRACE, MIAMI, FLORIDA, LEGALLY DESCRIBED IN ATTACHED "EXHIBIT A", IN ORDER TO AMEND CERTAIN SECTIONS OF THE COVENANT IN THE MANNER DESCRIBED THEREIN.

REQUEST: Modification to a Covenant

LOCATION: Approximately 2947-2949 SW 22nd Terrace

APPLICANT(S): Judy Galindo, Owner

APPLICANT(S) AGENT: Ben Fernandez, Esquire

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended denial.

PURPOSE: This will allow a modification to an existing covenant.

**CONTINUED**

A motion was made by Commissioner Regalado, seconded by Commissioner Winton, and was passed unanimously, with Commissioner Allen absent, to continue Item PZ.4 to the Commission Meeting currently scheduled for January 27, 2005.

**PZ.5 04-00780****RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT, GRANTING A SPECIAL EXCEPTION, REQUIRING CITY COMMISSION APPROVAL, AS LISTED IN ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, ARTICLE 9, SECTION 934.2.1, COMMUNITY BASED RESIDENTIAL FACILITIES, PROCEDURES, TO ALLOW A CHANGE OF OWNERSHIP, WITH A TIME LIMITATION OF TWELVE (12) MONTHS IN WHICH A BUILDING PERMIT MUST BE OBTAINED, SUBJECT TO CITY COMMISSION APPROVAL, ZONED "C-1" RESTRICTED COMMERCIAL, FOR THE PROPERTY LOCATED AT APPROXIMATELY 4491 SOUTHWEST 8TH STREET, MIAMI, FLORIDA, MORE PARTICULARLY DESCRIBED IN "EXHIBIT A."

REQUEST: Special Exception Requiring City Commission Approval

LOCATION: Approximately 4491 SW 8th Street

APPLICANT(S): Central Residential, Inc., Owner and Dumes, Inc, Contract Purchaser

APPLICANT(S) AGENT: Peter Previti, Esquire

**FINDINGS:**

PLANNING AND ZONING DEPARTMENT: Recommended approval.

ZONING BOARD: Recommended approval to City Commission on June 28, 2004 by a vote of 7-0.

PURPOSE: This will change the ownership of an existing community-based residential facility.

**R-04-0709**

**MOVED:** Tomas Regalado

**SECONDED:** Angel González

**Motion that this matter be ADOPTED PASSED by the following vote.**

**AYES:** Commissioner González, Sanchez, Regalado and Allen

**ABSENT:** Commissioner Winton

**PZ.6 04-00726****RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT, ACCEPTING, THE SOUTHEAST OVERTOWN/PARK WEST COMMUNITY REDEVELOPMENT PLAN UPDATE AS APPROVED BY THE PLANNING ADVISORY BOARD ("PAB").

REQUEST: To Accept the Southeast Overtown/Park West Community Redevelopment Agency (CRA) Community Redevelopment Plan

APPLICANT(S): Joe Arriola, Chief Administrator

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval in concept to City Commission on June 16, 2004 by a vote of 7-0. Pending final recommendation on October 20, 2004.

PURPOSE: This will accept the Southeast Overtown/Park West Community Redevelopment Plan.

**R-04-0710**

MOVED: Jeffery L. Allen

SECONDED: Tomas Regalado

**UNANIMOUS**

Motion that this matter be **ADOPTED PASSED** by the following vote.

AYES: Commissioner González, Winton, Sanchez, Regalado and Allen

**PZ.7 04-01099**

**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, FOR THE **ONYX 2** PROJECT, LOCATED AT APPROXIMATELY 421-455 NORTHEAST 28TH STREET AND 460-462 NORTHEAST 28TH STREET, MIAMI, FLORIDA, TO CONSTRUCT A 543-FOOT, 49-STORY HIGH MIXED-USE STRUCTURE CONSISTING OF 117 TOTAL MULTIFAMILY RESIDENTIAL UNITS WITH RECREATIONAL AMENITIES, AND 163 TOTAL PARKING SPACES; 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 Onyx 2 Project

LOCATION: Approximately 421-455 NE 28th Street and 460-462 NE 28th Street

APPLICANT(S): 02, LLC

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

FINDINGS:

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

PLANNING ADVISORY BOARD: Recommended approval with conditions\* to City Commission on September 1, 2004 by a vote of 6-0.

\*See supporting documentation.

PURPOSE: This will allow the development of the **Onyx 2** Project.

### **R-04-0713**

**MOVED:** Johnny L. Winton

**SECONDED:** Jeffery L. Allen

**UNANIMOUS**

**Motion that this matter be ADOPTED WITH MODIFICATIONS PASSED by the following vote.**

**AYES:** Commissioner González, Winton, Sanchez, Regalado and Allen

**Direction to the Administration by Commissioner Winton to immediately draft amendment(s) to the zoning ordinance to eliminate bonuses currently being granted to developers to stimulate economic development because this is no longer necessary.**

**PZ.8 04-01109**

### **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, FOR THE **PREMIERE TOWERS BRICKELL VILLAGE** PROJECT, TO BE LOCATED AT APPROXIMATELY 824-850 SOUTH MIAMI AVENUE AND 29 -59 SOUTHWEST 9TH STREET, MIAMI, FLORIDA, TO CONSTRUCT TWO 579-FOOT, 52-STORY HIGH MIXED-USE TOWERS CONSISTING OF APPROXIMATELY 556 TOTAL MULTIFAMILY RESIDENTIAL UNITS WITH RECREATIONAL AMENITIES, APPROXIMATELY 91,096 SQUARE FEET OF OFFICE, APPROXIMATELY 19,969 SQUARE FEET OF RETAIL, AND 1,050 TOTAL PARKING SPACES; 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 Premier Towers Brickell Village Project

LOCATION: Approximately 824-850 S Miami Avenue and 29-59 SW 9th Street

APPLICANT(S): Brickell Courtyards, LLC, Owner and BAP Development, Inc. Contract Purchaser

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

FINDINGS:

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

HISTORIC AND ENVIRONMENTAL PRESERVATION BOARD: Recommended approval with conditions\* to the City Commission of a Certificate of Appropriateness on July 20, 2004 by a vote of 7-0.

PLANNING ADVISORY BOARD: Recommended approval with conditions\* to City Commission on October 6, 2004 by a vote of 8-0.

\*See supporting documentation.

PURPOSE: This will allow the development of the **Premier Towers Brickell Village** Project.

#### **R-04-0704**

MOVED: Johnny L. Winton

SECONDED: Jeffery L. Allen

UNANIMOUS

Motion that this matter be **ADOPTED WITH MODIFICATIONS PASSED** by the following vote.

AYES: Commissioner González, Winton, Sanchez, Regalado and Allen

#### **PZ.9 04-00079a RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENTS, APPROVING WITH CONDITIONS, A SUBSTANTIAL MODIFICATION TO A MAJOR USE SPECIAL PERMIT, RESOLUTION NO. 04-0111, PURSUANT TO ARTICLES 17 AND 22 OF ZONING ORDINANCE NO. 11000, AS AMENDED, FOR THE **50 BISCAYNE** PROJECT LOCATED AT APPROXIMATELY 50 NORTH BISCAYNE BOULEVARD, MIAMI, FLORIDA, TO ALLOW FOR A CHANGE TO THE ORIGINAL APPLICATION FROM A 578-FOOT, 38-STORY BUILDING COMPRISED OF APPROXIMATELY 661,593 SQ. FT. OF OFFICE SPACE, 29,508 SQ. FT. OF RETAIL SPACE, AND 1,260 TOTAL PARKING SPACES TO A 554-FOOT, 55-STORY BUILDING COMPRISED OF 523 RESIDENTIAL UNITS, APPROXIMATELY 15,517 SQ. FT. OF RETAIL/ RESTAURANT USE, AND 722 TOTAL PARKING SPACES; 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 for the 50 Biscayne Project

LOCATION: Approximately 50 N Biscayne Boulevard

APPLICANT(S): Columbus Development, LLC

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

FINDINGS:

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

PLANNING ADVISORY BOARD: Recommended approval with conditions\* (except condition #12 as specified in the Development Order) to City Commission on September 22, 2004 by a vote of 8-0.

\*See supporting documentation.

PURPOSE: This will allow a substantial modification to the **50 Biscayne Project**

#### **R-04-0714**

**MOVED:** Johnny L. Winton

**SECONDED:** Angel González

**UNANIMOUS**

**Motion that this matter be ADOPTED WITH MODIFICATIONS PASSED by the following vote.**

**AYES:** Commissioner González, Winton, Sanchez, Regalado and Allen

**PZ.10 04-01127**

#### **RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENTS, APPROVING WITH CONDITIONS, A SUBSTANTIAL MODIFICATION TO A MAJOR USE SPECIAL PERMIT, RESOLUTION NO. 00-1134, PURSUANT TO ARTICLES 17 AND 22 OF ZONING ORDINANCE NO. 11000, AS AMENDED, FOR THE **1060 BRICKELL** PROJECT LOCATED AT APPROXIMATELY 1050-60 BRICKELL AVENUE AND 1051 SOUTHEAST MIAMI AVENUE ROAD, MIAMI, FLORIDA, TO ALLOW A CHANGE TO THE ORIGINAL APPLICATION FOR: REDESIGN OF THE FACADE OF THE BUILDINGS; REDUCTION OF THE NUMBER OF RESIDENTIAL UNITS FROM 605 TO 572; REDUCTION IN THE NUMBER OF PARKING SPACES FROM 1,022 TO 741 SPACES (601 SPACES REQUIRED); REDUCTION OF BUILDING FOOTPRINT FROM 54,595 SQ. FT. TO APPROXIMATELY 50,758 SQ. FT.; RELOCATION OF TOWER 2 TO THE NORTH BY 10 FEET SO THAT THE BUILDINGS ARE NOT DIRECTLY BEHIND EACH OTHER; EXTENSION OF THE MUSP EXPIRATION DATE TO DECEMBER 14, 2006; AND TO PRESERVE THE PLANNED UNIT DEVELOPMENT (PUD) BONUSES APPROVED PURSUANT TO RESOLUTION NO. 00-1134; 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 for the 1060 Brickell Project

LOCATION: Approximately 1050-60 Brickell Avenue and 1051 SE Miami Avenue Road

APPLICANT(S): IMICO Brickell, LLC

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

FINDINGS:

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

PLANNING ADVISORY BOARD: Recommended approval with conditions\* to City Commission on September 22, 2004 by a vote of 8-0.

\*See supporting documentation.

PURPOSE: This will allow a substantial modification to the **1060 Brickell** Project.

**R-04-0715**

**MOVED:** Jeffery L. Allen

**SECONDED:** Tomas Regalado

**Motion that this matter be ADOPTED PASSED by the following vote.**

**AYES:** Commissioner González, Sanchez, Regalado and Allen

**ABSENT:** Commissioner Winton

**PZ.11 04-01107**

**RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT, CLOSING, VACATING, ABANDONING AND DISCONTINUING FOR PUBLIC USE THAT PORTION OF A STREET LOCATED AT NORTHWEST MIAMI COURT BETWEEN NORTHWEST 14TH STREET AND NORTHWEST 15TH STREET, THE ALLEY LOCATED IN BLOCK 41 FROM NORTHWEST 14TH STREET TO NORTHWEST 15TH STREET AND THE ALLEY LOCATED IN BLOCK 42 FROM NORTHWEST 14 TH STREET TO THE FLORIDA EAST COAST RAILROAD, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A."

REQUEST: Official Vacation and Closure of a Street and Alleys

LOCATION: NW Miami Court Between NW 14th Street and NW 15th Street, the Alley located in Block 41 from NW 14th Street to NW 15th Street and the Alley Located in Block 42 from NW 14th Street to the Florida East Coast Railroad

APPLICANT(S): Eugene Rodriguez, Owner

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PUBLIC WORKS DEPARTMENT: Recommended approval.

PLAT & STREET COMMITTEE: Recommended approval by a vote of 4-0.

ZONING BOARD: Recommended approval to City Commission on September 13, 2004 by a vote of 9-0.

PURPOSE: This will allow a unified development site.

**R-04-0716**

**MOVED:** Jeffery L. Allen

**SECONDED:** Johnny L. Winton

**UNANIMOUS**

**Motion that this matter be ADOPTED PASSED by the following vote.**

**AYES:** Commissioner González, Winton, Sanchez, Regalado and Allen

**PZ.12 04-00406**

**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 PROPERTY LOCATED AT APPROXIMATELY 1884 NORTHWEST 15TH STREET, MIAMI, FLORIDA, FROM "DUPLEX RESIDENTIAL" 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 "Duplex Residential" to "General Commercial" to Change the Future Land Use Designation of the Miami Comprehensive Neighborhood Plan

LOCATION: Approximately 1884 NW 15th Street

APPLICANT(S): Joseph Chambrot, Owner

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended denial.

PLANNING ADVISORY BOARD: Recommended denial to City Commission on April 7, 2004 by a vote of 7-0. See companion File ID 04-00406a.

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

### 12601

MOVED: Angel González

SECONDED: Tomas Regalado

Motion that this matter be **ADOPTED PASSED** by the following vote.

AYES: Commissioner González, Sanchez, Regalado and Allen

ABSENT: Commissioner Winton

**PZ.13 04-00406a**

### **ORDINANCE**

**Second Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING PAGE NO. 24 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 "C-2" LIBERAL COMMERCIAL, FOR THE PROPERTY LOCATED AT APPROXIMATELY 1884 NORTHWEST 15TH 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-2 Two-Family Residential to C-2 Liberal Commercial to Change the Zoning Atlas

LOCATION: Approximately 1884 NW 15th Street

APPLICANT(S): Joseph Chambrot, Owner

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended denial.

ZONING BOARD: Recommended approval to City Commission on May 10, 2004 by a vote of 6-2. See companion File ID 04-00406.

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

### **12602**

**MOVED:** Angel González

**SECONDED:** Jeffery L. Allen

**Motion that this matter be ADOPTED PASSED by the following vote.**

**AYES:** Commissioner González, Sanchez, Regalado and Allen

**ABSENT:** Commissioner Winton

**PZ.14 04-00574**

### **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 FOR THE PROPERTIES LOCATED AT APPROXIMATELY 10, 16 AND 100 SOUTHWEST 41ST AVENUE, MIAMI, FLORIDA, FROM "SINGLE FAMILY RESIDENTIAL" 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 "Single Family Residential" to "Office" to Change the Future Land Use Designation of the Miami Comprehensive Neighborhood Plan

LOCATION: Approximately 10, 16 and 100 SW 41st Avenue

APPLICANT(S): LP Investments Enterprises, Inc., Owner and Jorge Kasabdj, Contract Purchaser

APPLICANT(S) AGENT: Simon Ferro, Esquire

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended denial.

PLANNING ADVISORY BOARD: Recommended denial to City Commission on May 19, 2004 by a vote of 8-0. See companion File ID 04-00574a.

PURPOSE: This will change the above properties to Office.

### 12611

MOVED: Tomas Regalado

SECONDED: Jeffery L. Allen

Motion that this matter be **ADOPTED PASSED** by the following vote.

AYES: Commissioner Winton, Regalado and Allen

ABSENT: Commissioner González and Sanchez

**PZ.15 04-00574a**

### **ORDINANCE**

**Second Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING PAGE NO. 32, 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 WITH AN "SD-12" BUFFER OVERLAY DISTRICT TO "O" OFFICE, FOR THE PROPERTIES LOCATED AT APPROXIMATELY 10, 16 AND 100 SOUTHWEST 41ST 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 R-1 Single-Family Residential with an SD-12 Buffer Overlay District to O Office to Change the Zoning Atlas

LOCATION: Approximately 10, 16 and 100 SW 41st Avenue

APPLICANT(S): LP Investments Enterprises, Inc., Owner and Jorge Kasabdjji, Contract Purchaser

APPLICANT(S) AGENT: Simon Ferro, Esquire

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended denial.

ZONING BOARD: Recommended denial to City Commission on June 14, 2004 by a vote of 7-1. See companion File ID 04-00574.

PURPOSE: This will change the above properties to O Office.

## 12612

MOVED: Tomas Regalado

SECONDED: Jeffery L. Allen

Motion that this matter be **ADOPTED PASSED** by the following vote.

AYES: Commissioner Winton, Regalado and Allen

ABSENT: Commissioner González and Sanchez

**PZ.16 04-00564**

### **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 3253, 3265 AND 3269 SOUTHWEST 22ND TERRACE, MIAMI, FLORIDA, FROM "DUPLEX RESIDENTIAL" 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 "Duplex Residential" to "Restricted Commercial" to Change the Future Land Use Designation of the Miami Comprehensive Neighborhood Plan

LOCATION: Approximately 3253, 3265 and 3269 SW 22nd Terrace

APPLICANT(S): Coral Way Acquisition Properties, LLC

APPLICANT(S) AGENT: Gilberto Pastoriza, Esquire

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended denial.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on May 5, 2004 by a vote of 5-1. See companion File ID 04-00564a.

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

### 12603

MOVED: Tomas Regalado

SECONDED: Angel González

Motion that this matter be **ADOPTED PASSED** by the following vote.

AYES: Commissioner González, Sanchez, Regalado and Allen

ABSENT: Commissioner Winton

**PZ.17 04-00564a**

### **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 "C-1" RESTRICTED COMMERCIAL WITH AN "SD-23" CORAL WAY SPECIAL OVERLAY DISTRICT, FOR THE PROPERTIES LOCATED AT APPROXIMATELY 3253, 3265 AND 3269 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 R-2 Two-Family Residential to C-1 Restricted Commercial with an SD-23 Coral Way Special Overlay District to Change the Zoning Atlas

LOCATION: Approximately 3253, 3265 and 3269 SW 22nd Terrace

APPLICANT(S): Coral Way Acquisition Properties, LLC

APPLICANT(S) AGENT: Gilberto Pastoriza, Esquire

**FINDINGS:**

PLANNING AND ZONING DEPARTMENT: Recommended denial.

ZONING BOARD: Recommended denial to City Commission on June 14, 2004 by a vote of 6-3. Also, recommended approval to change the zoning from R-2 Two-Family Residential to C-1 Restricted Commercial with an SD-23 Coral Way Special Overlay District for lot 34 and SD-12 Buffer Overlay District over the remaining lots 32 and 33. See companion File ID 04-00564.

PURPOSE: This will change the above properties C-1 Restricted Commercial with an SD-23 Coral Way Special Overlay District.

**12604**

**MOVED:** Jeffery L. Allen

**SECONDED:** Tomas Regalado

**Motion that this matter be ADOPTED PASSED by the following vote.**

**AYES:** Commissioner González, Sanchez, Regalado and Allen

**ABSENT:** Commissioner Winton

**PZ.18 04-00897**

**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 3685 AND 3695 SOUTHWEST 23RD STREET AND 3672 AND 3688 SOUTHWEST 22ND TERRACE, MIAMI, FLORIDA, FROM "DUPLEX RESIDENTIAL" 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 "Duplex Residential" to "Restricted Commercial" to Change the Future Land Use Designation of the Miami Comprehensive Neighborhood Plan

LOCATION: Approximately 3685 and 3695 SW 23rd Street and 3672 and 3688 SW 22nd Terrace

APPLICANT(S): Morris Investments Partnership

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

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended denial.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on July 21, 2004 by a vote of 6-0. See companion File ID 04-00897a.

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

### 12605

MOVED: Tomas Regalado

SECONDED: Jeffery L. Allen

Motion that this matter be **ADOPTED PASSED** by the following vote.

AYES: Commissioner González, Sanchez, Regalado and Allen

ABSENT: Commissioner Winton

**PZ.19 04-00897a**

### **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 AND "C-1" RESTRICTED COMMERCIAL TO "C-1" RESTRICTED COMMERCIAL WITH AN "SD-19" DESIGNATED F.A.R. OVERLAY DISTRICT OF 2.4 FOR THE PROPERTIES LOCATED AT APPROXIMATELY 2255, 2263 AND 2295 SOUTHWEST 37TH AVENUE, 3685 AND 3695 SOUTHWEST 23RD STREET, AND 3672 AND 3688 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 R-2 Two-Family Residential and C-1 Restricted Commercial to C-1 Restricted Commercial with an SD-19 Designated F.A.R. Overlay District of 2.4 to Change the Zoning Atlas

LOCATION: Approximately 2255, 2263 and 2295 SW 37th Avenue; 3685 and 3695 SW 23rd Street and 3672 and 3688 SW 22nd Terrace

APPLICANT(S): Morris Investment Partnership

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

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended denial.

ZONING BOARD: Recommended approval to City Commission on July 26, 2004 by a vote of 6-3. See companion File ID 04-00897.

PURPOSE: This will change the above properties to C-1 Restricted Commercial with an SD-19 Designated F.A.R. Overlay District of 2.4.

### **12606**

**MOVED:** Tomas Regalado

**SECONDED:** Jeffery L. Allen

**Motion that this matter be ADOPTED PASSED by the following vote.**

**AYES:** Commissioner González, Sanchez, Regalado and Allen

**ABSENT:** Commissioner Winton

**PZ.20 04-00670**

### **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 1636, 1646 AND 1650 NORTHEAST MIAMI COURT AND 1655 & 1657 NORTH MIAMI AVENUE, MIAMI, FLORIDA, FROM "GENERAL COMMERCIAL" 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 "General Commercial" to "Restricted Commercial" to Change the Future Land Use Designation of the Miami Comprehensive Neighborhood Plan

LOCATION: Approximately 1636, 1646 and 1650 NE Miami Court and 1655 & 1657 N Miami Avenue

APPLICANT(S): Filling Station Lofts, LLC

APPLICANT(S) AGENT: Gloria M. Velazquez, Esquire

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended denial.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on June 2, 2004 by a vote of 8-1. See companion File ID 04-00670a.

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

### 12607

MOVED: Jeffery L. Allen

SECONDED: Johnny L. Winton

UNANIMOUS

Motion that this matter be **ADOPTED PASSED** by the following vote.

AYES: Commissioner González, Winton, Sanchez, Regalado and Allen

**PZ.21 04-00670a**

### 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 "C-2" LIBERAL COMMERCIAL TO "C-1" RESTRICTED COMMERCIAL WITH AN "SD -19" DESIGNATED F.A.R. OVERLAY DISTRICT OF 2.62 FOR THE PROPERTIES LOCATED AT APPROXIMATELY 1636, 1646 AND 1650 NORTHEAST MIAMI COURT AND 1655 & 1657 NORTH MIAMI 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 C-2 Liberal Commercial to C-1 Restricted Commercial with an SD-19 Designated F.A.R. Overlay District of 2.62 to Change the Zoning Atlas

LOCATION: Approximately 1636, 1646 and 1650 NE Miami Court and 1655 & 1657 N Miami Avenue

APPLICANT(S): Filling Station Lofts, LLC

APPLICANT(S) AGENT: Gloria M. Velazquez, Esquire

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended denial.

ZONING BOARD: Recommended approval to City Commission on July 12, 2004 by a vote of 8-1. See companion File ID and 04-00670.

PURPOSE: This will change the above properties to C-1 Restricted Commercial with an SD-19 Designated F.A.R. Overlay District of 2.62.

**12608**

MOVED: Jeffery L. Allen

SECONDED: Johnny L. Winton

UNANIMOUS

Motion that this matter be **ADOPTED PASSED** by the following vote.

AYES: Commissioner González, Winton, Sanchez, Regalado and Allen

**PZ.22 04-00725**

**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 4, SECTION 401, SCHEDULE OF DISTRICT REGULATIONS, IN ORDER TO MODIFY PERMISSIBLE USES IN THE R-4 MULTIFAMILY HIGH-DENSITY RESIDENTIAL ZONING CLASSIFICATION TO ALLOW PUBLIC UTILITIES AS A CONDITIONAL USE, PROVIDING FOR CRITERIA, SCREENING REQUIREMENTS AND 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, Chief Administrator

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on June 16, 2004 by a vote of 6-0.

PURPOSE: This will allow public utilities as a conditional use in R-4 Multifamily High-Density Residential.

**12609**

**MOVED:** Angel González

**SECONDED:** Johnny L. Winton

**UNANIMOUS**

Motion that this matter be **ADOPTED PASSED** by the following vote.

**AYES:** Commissioner González, Winton, Sanchez, Regalado and Allen

**PZ.23 04-00898**

**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 917, TO PROVIDE FOR A NEW SECTION 917.15, "SPECIAL PARKING REQUIREMENTS FOR HISTORIC PROPERTIES;" 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, Chief Administrator

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on July 21, 2004 by a vote of 7-0.

PURPOSE: This will provide for a new section entitled, "Special Parking Requirements for Historic Properties."

**12610**

**MOVED:** Johnny L. Winton

**SECONDED:** Angel González

**UNANIMOUS**

Motion that this matter be **ADOPTED PASSED** by the following vote.

**AYES:** Commissioner González, Winton, Sanchez, Regalado and Allen

**PZ.24 04-00565**

**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 PROPERTIES LOCATED AT APPROXIMATELY 3525, 3541 AND 3545 SOUTHWEST 22ND TERRACE, MIAMI, FLORIDA, FROM "DUPLEX RESIDENTIAL" 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 "Duplex Residential" to "Restricted Commercial" to Change the Future Land Use Designation of the Miami Comprehensive Neighborhood Plan

LOCATION: Approximately 3525, 3541 and 3545 SW 22nd Terrace

APPLICANT(S): Coral East Development Corp.

APPLICANT(S) AGENT: Ines Marrero-Priegues, Esquire

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended denial.

PLANNING ADVISORY BOARD: Recommended denial to City Commission on May 5, 2004 by a vote of 4-2. See companion File ID 04-00565a.

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

**MOVED:** Tomas Regalado

**SECONDED:** Jeffery L. Allen

**Motion that this matter be PASSED ON FIRST READING PASSED by the following vote.**

**AYES:** Commissioner Winton, Regalado and Allen

**ABSENT:** Commissioner González and Sanchez

**PZ.25 04-00565a**

**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 "R-2" TWO-FAMILY RESIDENTIAL TO "C-1" RESTRICTED COMMERCIAL WITH AN "SD-23" CORAL WAY SPECIAL OVERLAY DISTRICT FOR THE PROPERTIES LOCATED AT APPROXIMATELY 3525, 3541 AND 3545 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 R-2 Two-Family Residential to C-1 Restricted Commercial with an SD-23 Coral Way Special Overlay District to Change the Zoning Atlas

LOCATION: Approximately 3525, 3541 and 3545 SW 22nd Terrace

APPLICANT(S): Coral East Development Corp.

APPLICANT(S) AGENT: Ines Marrero-Priegues, Esquire

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended denial.

ZONING BOARD: Recommended denial to City Commission on July 12, 2004 by a vote of 5-4. See companion File ID and 04-00565.

PURPOSE: This will change the above properties to C-1 Restricted Commercial with an SD-23 Coral Way Special Overlay District.

**MOVED:** Tomas Regalado

**SECONDED:** Jeffery L. Allen

**Motion that this matter be PASSED ON FIRST READING PASSED by the following vote.**

**AYES:** Commissioner Winton, Regalado and Allen

**ABSENT:** Commissioner González and Sanchez

**PZ.26 04-00927a**

**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 PROPERTIES LOCATED AT APPROXIMATELY 3686-88 SOUTHWEST 15TH STREET AND 3685-87 SOUTHWEST 16TH STREET, MIAMI, FLORIDA, FROM "DUPLEX RESIDENTIAL" 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 "Duplex Residential" to "Restricted Commercial" to Change the Future Land Use Designation of the Miami Comprehensive Neighborhood Plan

LOCATION: Approximately 3686-88 SW 15th Street and 3685-87 SW 16th Street

APPLICANT(S): Napoleon & Eumelia Alvarez, David & Irene Mermelstein and Ignacio and Odilia Rios, Owners and Strategic Properties Group, Inc., Contract Purchaser

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

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended denial to City Commission on September 22, 2004 by a vote of 3-5. See companion File ID 04-00927b.

PURPOSE: This will change the above properties to Restricted Commercial for the proposed **Urbanea** Major Use Special Permit Project.

**CONTINUED**

A motion was made by Commissioner Regalado, seconded by Commissioner Allen, and was passed unanimously, with Chairman Sanchez and Vice Chairman González absent, to continue Item PZ.26 to the Commission Meeting currently scheduled for November 18, 2004

**PZ.27 04-00927b**

**ORDINANCE**

**First Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING PAGE NO. 40, 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 "C-1" RESTRICTED COMMERCIAL FOR THE PROPERTIES LOCATED AT APPROXIMATELY 3686-88 SOUTHWEST 15TH STREET AND 3685-87 SOUTHWEST 16TH 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-2 Two-Family Residential to C-1 Restricted Commercial to Change the Zoning Atlas

LOCATION: Approximately 3686-88 SW 15th Street and 3685-87 SW 16th Street

APPLICANT(S): Napoleon & Eumelia Alvarez, David & Irene Mermelstein and Ignacio and Odilia Rios, Owners and Strategic Properties Group, Inc., Contract Purchaser

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

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

ZONING BOARD: Recommended approval to City Commission on July 26, 2004 by a vote of 9-0. See companion File ID 04-00927a.

PURPOSE: This will change the above properties to C-1 Restricted Commercial for the proposed **Urbanea** Major Use Special Permit Project.

**CONTINUED**

A motion was made by Commissioner Regalado, seconded by Commissioner Allen, and was passed unanimously, with Chairman Sanchez and Vice Chairman González absent, to continue Item PZ.27 to the Commission Meeting currently scheduled for November 18, 2004.

**PZ.28 04-01163**

**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 721 NORTHWEST 1ST AVENUE, MIAMI, FLORIDA, FROM "MAJOR INSTITUTIONAL, PUBLIC FACILITIES, TRANSPORTATION AND UTILITIES" 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 "Major Institutional, Public Facilities, Transportation and Utilities" to "Restricted Commercial" to Change the Future Land Use Designation of the Miami Comprehensive Neighborhood Plan

LOCATION: Approximately 721 NW 1st Avenue

APPLICANT(S): Planning and Zoning Department

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Pending recommendation to City Commission on October 20, 2004.

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

**MOVED:** Johnny L. Winton

**SECONDED:** Jeffery L. Allen

**UNANIMOUS**

Motion that this matter be **PASSED ON FIRST READING PASSED** by the following vote.

**AYES:** Commissioner González, Winton, Sanchez, Regalado and Allen

**PZ.29 04-00984**

**ORDINANCE**

**First Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 62, ZONING AND PLANNING, OF THE CITY OF MIAMI CODE BY ADDING A NEW ARTICLE XI ENTITLED, "ARTS AND ENTERTAINMENT MURAL REGULATIONS"; CREATING DEFINITIONS; PROVIDING FOR LICENSE AND PERMIT REQUIREMENTS; PROVIDING FOR AN APPLICATION AND APPROVAL PROCESS; PROVIDING FOR VIOLATIONS AND ENFORCEMENT PROCESS; CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend the Miami City Code

APPLICANT(S): Joe Arriola, Chief Administrator

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PURPOSE: This will add a new Article XI to the Miami City Code entitled, "Arts and Entertainment Mural Regulations."

NOTE: Per City Attorney's Office, item is remanded to First Reading due to substantial changes.

**MOVED:** Johnny L. Winton

**SECONDED:** Jeffery L. Allen

Motion that this matter be PASSED ON FIRST READING WITH MODIFICATIONS PASSED by the following vote.

**AYES:** Commissioner Winton, Regalado and Allen

**ABSENT:** Commissioner González and Sanchez

**Note:** PZ.29 was bifurcated into two separate ordinances.

(PZ.29 04-00984a  
)

**ORDINANCE**

**Second Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 62, "ZONING AND PLANNING" OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, BY CREATING ARTICLE XII ENTITLED, "TREE TRUST FUND;" ADDING AN INTENT STATEMENT AND PROVIDING FOR ADMINISTRATION AND REGULATIONS; AND PROVIDING FOR TRUST FUND PAYMENTS AS SPECIFIED IN SECTION 8.1.6.6 OF ZONING ORDINANCE No. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI; CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend the Code of the City of Miami

APPLICANT(S): Joe Arriola, Chief Administrator

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval. See companion File ID 04-00674.

PURPOSE: This will amend the Miami City Code by creating an article entitled, "Tree Trust Fund."

**CONTINUED**

A motion was made by Commissioner Winton, seconded by Commissioner Allen, and was passed unanimously, with Chairman Sanchez and Vice Chairman González absent, to continue companion ordinance on Second Reading for Item PZ.29, to the Commission Meeting currently scheduled for November 18, 2004.

**PZ.30 04-01101**

**ORDINANCE**

**First Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 11000, OF THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, BY AMENDING ARTICLES 4 AND 6, SECTION 401, SCHEDULE OF DISTRICT REGULATIONS AND SECTION 614 SD-14 LATIN QUARTER COMMERCIAL-RESIDENTIAL, AND RESIDENTIAL DISTRICTS; IN ORDER TO MODIFY THE C-1 RESTRICTED COMMERCIAL AND SD-14 ZONING CLASSIFICATIONS WITH REGARDS TO FOOTPRINT LIMITATIONS; ADDING CONDITIONS FOR APPROVAL; 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, Chief Administrator

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on September 1, 2004 by a vote of 6-0.

PURPOSE: This will relax footprint regulations in the C-1 Restricted Commercial and SD-14 Latin Quarter Commercial-Residential, and Residential Districts for projects that provide liners.

**CONTINUED**

A motion was made by Commissioner Winton, seconded by Commissioner Allen, and was passed unanimously, with Chairman Sanchez and Vice Chairman González absent, to continue Item PZ.30 to the Commission Meeting currently scheduled for November 18, 2004

**PZ.31 04-01102**

**ORDINANCE**

**First Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, ESTABLISHING AN URBAN CENTRAL BUSINESS DISTRICT PURSUANT TO SECTION 380.06(2) (e), FLORIDA STATUTES; SETTING FORTH THE BOUNDARIES OF THE URBAN CENTRAL BUSINESS DISTRICT; ESTABLISHING GUIDELINES AND STANDARDS WHICH SHALL BE APPLICABLE TO DEVELOPMENTS WITHIN THE URBAN CENTRAL BUSINESS DISTRICT; PROVIDING FOR TRANSMISSION TO THE DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

REQUEST: To Establish an Urban Central Business District

APPLICANT(S): Joe Arriola, Chief Administrator

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on September 1, 2004 by a vote of 6-0.

PURPOSE: This will designate the downtown area as an Urban Central Business District to encourage development in downtown.

**MOVED:** Jeffery L. Allen

**SECONDED:** Johnny L. Winton

**Motion that this matter be PASSED ON FIRST READING PASSED by the following vote.**

**AYES:** Commissioner Winton, Regalado and Allen

**ABSENT:** Commissioner González and Sanchez

**PZ.32 04-01133**

**ORDINANCE**

**First Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, AMENDING SECTION

62-156 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED: "SCHEDULE OF FEES", TO INCREASE AND ADD VARIOUS FEES AS SET FORTH IN SAID PLANNING AND ZONING MATTER RELATED FEE SCHEDULE; CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend the Miami City Code

APPLICANT(S): Joe Arriola, Chief Administrator

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PURPOSE: This will increase and add various Planning and Zoning fees.

**WITHDRAWN**

**PZ.32 was withdrawn by the administration.**

The following item shall not be considered before 5:30 pm.

**PZ.33 04-00460 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENTS, APPROVING WITH CONDITIONS, A SUBSTANTIAL MODIFICATION TO RESOLUTION NO. 98-450, A MAJOR USE SPECIAL PERMIT, PURSUANT TO ARTICLES 5, 9, 13, 17 AND 22 OF ZONING ORDINANCE NO. 11000, FOR THE **VILLA MAGNA** PROJECT (F.K.A. BAYSHORE PALMS MUSP PHASE II) LOCATED AT 1201 BRICKELL BAY DRIVE, MIAMI, FLORIDA, TO CONSTRUCT TWO RESIDENTIAL TOWERS CONSISTING OF A TOTAL OF APPROXIMATELY 909 MULTIFAMILY UNITS, 209 APARTMENT HOTEL UNITS WITH RECREATIONAL AMENITIES, APPROXIMATELY 32,950 SQUARE FEET OF RETAIL SPACE, AND APPROXIMATELY 1,520 PARKING SPACES; TO REPLACE THE PREVIOUSLY APPROVED DEVELOPMENT PLAN AS PROVIDED ON EXHIBITS "A" AND "C," ATTACHED HERETO; PROVIDING FOR CERTAIN FLOOR AREA RATIO (" FAR") BONUSES SPECIFIED IN EXHIBIT "C," HEREIN; 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 Villa Magna (f.k.a. Bayshore Palms Phase II)

LOCATION: Approximately 1201 Brickell Bay Drive

APPLICANT(S): Tibor Hollo, Member, Excel.com LLC

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

FINDINGS:

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

PLANNING ADVISORY BOARD: Recommended approval with conditions\* to City Commission on April 21, 2004 by a vote of 8-0.

\*See supporting documentation.

PURPOSE: This will allow the development of the **Villa Magna** Project.

**R-04-0717**

**MOVED:** Johnny L. Winton

**SECONDED:** Jeffery L. Allen

**Motion that this matter be ADOPTED WITH MODIFICATIONS PASSED by the following vote.**

**AYES:** Commissioner Winton, Regalado and Allen

**ABSENT:** Commissioner González and Sanchez

**SUPPLEMENTAL AGENDA**

**DISTRICT 3**

**CHAIRMAN JOE SANCHEZ**

**SI.1 04-01210 DISCUSSION ITEM**

MR. SAEED FATEMIAN, DIRECTOR OF THE IRANIAN FESTIVAL OF SOUTH FLORIDA TO ADDRESS THE COMMISSION CONCERNING AN EVENT TO BE HELD AT THE BAYFRONT PARK ON NOVEMBER 13, 2004

**WITHDRAWN**

Item SI.1 was withdrawn by Chairman Sanchez.

**DISTRICT 4**

**COMMISSIONER TOMAS REGALADO**

**SI.2 04-01211 DISCUSSION ITEM**

DISCUSSION CONCERNING A PROPOSAL TO INCREASE THE CITY OF MIAMI BUDGET RESERVES.

**DISCUSSED**

**RESOLUTIONS**

**SI.3 04-01082 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION ESTABLISHING A NEW SPECIAL REVENUE FUND ENTITLED: "FEMA/USAR GRANT AWARD, FISCAL YEAR 2004-2006 FUND" AND APPROPRIATING FUNDS, IN THE AMOUNT OF \$938,035, CONSISTING OF A GRANT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY ("FEMA"), TO BE USED BY THE DEPARTMENT OF FIRE-RESCUE TO PROCURE 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 DOCUMENT(S), IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, FOR SAID PURPOSE.

**R-04-0703**

**MOVED:** Angel González

**SECONDED:** Jeffery L. Allen

**Motion that this matter be ADOPTED PASSED by the following vote.**

**AYES:** Commissioner González, Winton, Sanchez and Allen

ABSENT: Commissioner Regalado

## NON-AGENDA ITEMS

**NA.1 04-01230 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION ESTABLISHING A NEW SPECIAL REVENUE FUND ENTITLED: "GANG RESISTANCE EDUCATION AND TRAINING (G.R.E.A.T)" PROGRAM, FOR THE PURPOSE OF EDUCATING THE YOUTH OF OUR COMMUNITY ON THE DANGERS OF GANG INVOLVEMENT, CONSISTING OF A GRANT FROM THE UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, IN THE AMOUNT OF \$85,000; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS TO IMPLEMENT ACCEPTANCE OF SAID GRANT.

**R-04-0711**

MOVED: Jeffery L. Allen

SECONDED: Angel González

Motion that this matter be **ADOPTED PASSED** by the following vote.

AYES: Commissioner González, Winton, Sanchez and Allen

ABSENT: Commissioner Regalado

**NA.2 04-01245 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION ESTABLISHING A NEW SPECIAL REVENUE FUND ENTITLED: "EPA BROWNFIELDS ASSESSMENT GRANTS PROJECT" AND APPROPRIATING GRANT AWARDS FROM THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY IN THE AMOUNT OF \$400,000, OF WHICH \$200,000, WILL BE USED TO ASSESS POTENTIAL PETROLEUM-CONTAMINATED SITES AND \$200,000, WILL BE USED TO ASSESS POTENTIAL HAZARDOUS SUBSTANCE CONTAMINATION OR HAZARDOUS/PETROLEUM-MIXED CONTAMINATED SITES; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS TO IMPLEMENT ACCEPTANCE OF SAID GRANTS.

**R-04-0712**

MOVED: Jeffery L. Allen

SECONDED: Angel González

Motion that this matter be **ADOPTED PASSED** by the following vote.

AYES: Commissioner González, Winton, Sanchez and Allen

ABSENT: Commissioner Regalado

**NA.3 04-01254 DISCUSSION ITEM**

Direction to the Administration by Commissioner Regalado to determine if the non-for-profit agencies located at Manuel Artime that are having problems paying the rent could be provided with capital improvement dollars in lieu of social service dollars.

DISCUSSED

**NA.4 04-01253 DISCUSSION ITEM**

A motion was made by Commissioner Winton, seconded by Commissioner Allen, and was passed unanimously, with Chairman Sanchez and Vice Chairman González absent, to waive the provision contained in Ordinance 12586, as it relates to today's Commission Meeting adjourning at the conclusion of deliberation of the agenda item being considered at 10:00 p.m.

**MOTION**

**NA.5 04-01255 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION DIRECTING THE CITY ATTORNEY TO TAKE ANY AND ALL ACTIONS NECESSARY OR PERMITTED, INCLUDING THE ENGAGEMENT OF LEGAL COUNSEL, AGAINST COMCAST CABLE COMMUNICATIONS, LLC, A PARENT COMPANY TO AT&T COMCAST CORPORATION ("COMCAST"), TO PROTECT, PRESERVE AND DEFEND THE INTERESTS OF THE CITY OF MIAMI ("CITY") INCLUDING BUT NOT LIMITED TO ANY ACTION AUTHORIZED BY LAW OR IN EQUITY TO OBTAIN ANY RELIEF OR TO REMEDY ANY LOSSES OR DAMAGES SUSTAINED BY THE CITY RELATED TO COMCAST'S PETITION FOR SPECIAL RELIEF BEFORE THE FEDERAL COMMUNICATIONS COMMISSION, CSR NO. 6409-E.

**R-04-0718**

**MOVED:** Johnny L. Winton

**SECONDED:** Jeffery L. Allen

**Motion that this matter be ADOPTED PASSED by the following vote.**

**AYES:** Commissioner Winton, Regalado and Allen

**ABSENT:** Commissioner González and Sanchez