



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

Thursday, December 9, 2004

10:00 AM

City Hall Commission Chambers

PLANNING AND ZONING ITEMS

Present: Commissioner Winton, Chairman Sanchez and Commissioner Regalado

Absent: Vice Chairman González and Commissioner Allen

Note for the Record: The Planning and Zoning Meeting convened at 2:47 p.m. and adjourned at 8:32 p.m. During part of this time, the Regular Commission meeting was also held.

Note for the Record: Vice Chairman González and Commissioner Allen came in at 2:47 p.m.

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

PZ.1 04-01269 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENTS, APPROVING WITH CONDITIONS, A MAJOR USE SPECIAL PERMIT PURSUANT TO ARTICLES 9, 13 AND 17 OF ZONING ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, FOR THE **SOHO** PROJECT, TO BE LOCATED AT APPROXIMATELY 601, 611, 613 AND 615 NORTHEAST 23RD STREET, MIAMI, FLORIDA, TO CONSTRUCT A 202-FOOT, 16-STORY HIGH RESIDENTIAL STRUCTURE TO BE COMPRISED OF APPROXIMATELY 95 TOTAL MULTIFAMILY RESIDENTIAL UNITS WITH RECREATIONAL AMENITIES, AND APPROXIMATELY 142 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 SoHo Project

LOCATION: Approximately 601, 611, 613 and 615 NE 23rd Street

APPLICANT(S): Loft Development, Ltd., Now Known as SoHo Development, Ltd.

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

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval with conditions*.

URBAN DEVELOPMENT REVIEW BOARD: Recommended approval with conditions* to City Commission on July 17, 2004 by a vote of 2-0.

PLANNING ADVISORY BOARD: Recommended approval with conditions* to City Commission on October 20, 2004 by a vote of 5-0.

ZONING BOARD: Recommended denial of variances to City Commission on October 18, 2004 by a vote of 5-4.

*See supporting documentation.

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

R-04-0793

MOVED: Johnny L. Winton

SECONDED: Tomas Regalado

UNANIMOUS

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

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

PZ.2 04-01280

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, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, FOR THE **CAPIRO TOWER** PROJECT TO BE LOCATED AT APPROXIMATELY 300 SOUTHWEST 12TH AVENUE; 1220 & 1244 SOUTHWEST 3RD STREET; AND 1217, 1229 & 1247 SOUTHWEST 4TH STREET, MIAMI, FLORIDA, TO CONSTRUCT A MIXED-USE STRUCTURE TO BE COMPRISED OF APPROXIMATELY 328 TOTAL MULTIFAMILY RESIDENTIAL UNITS WITH RECREATIONAL AMENITIES, APPROXIMATELY 10,000 SQUARE FEET OF RETAIL SPACE, AND APPROXIMATELY 543 TOTAL PARKING SPACES; PROVIDING FOR CERTAIN FLOOR AREA RATIO ("FAR") BONUSES SPECIFIED IN EXHIBIT "C"; 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 Capiro Tower Project

LOCATION: Approximately 300 SW 12th Avenue; 1220 & 1244 SW 3rd Street; and 1217, 1229 & 1247 SW 4th Street

APPLICANT(S): Enda Investment, Inc., Pafer, Inc. and Repatier International, Ltd, Owners and KBFG, LLC, Contract Purchaser

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

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval with conditions*.

URBAN DEVELOPMENT REVIEW BOARD: Recommended approval with conditions* to City Commission on September 15, 2004 by a vote of 5-0.

PLANNING ADVISORY BOARD: Recommended approval with conditions* to City Commission on November 3, 2004 by a vote of 7-0.

*See supporting documentation.

PURPOSE: This will allow the development of the **Capiro Tower** Project.

R-04-0794

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

PZ.3 04-00562

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 90 SOUTHWEST 3RD STREET A/K/A 55 AND 92 SOUTHWEST 3RD STREET, MIAMI, FLORIDA, FROM "OFFICE" 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 "Office" to "Restricted Commercial" to Change the Future Land Use Designation of the Miami Comprehensive Neighborhood Plan

LOCATION: Approximately 90 SW 3rd Street a/k/a 55 and 92 SW 3rd Street

APPLICANT(S): Miami River, LLC

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

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

MIAMI RIVER COMMISSION: On September 13, 2004, found the application to be consistent with the adopted strategic plan, *The Miami River Corridor Urban Infill Plan*, in addition to *The Miami River Greenway Action Plan*, by a unanimous vote with a condition that the riverwalk be constructed within five years of the approval of the major use special permit.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on May 5, 2004 by a vote of 5-0. See companion File ID 04-00562a and 04-00562b.

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

12625

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

Direction to the Administration by Commissioner Winton to do additional analysis and research to ascertain that proposed development on this site will in no way jeopardize the construction of a tunnel, particularly pertaining to the area under the FP&L site; further instructing that the administration communicate its findings to the developer and report back to the Commission in January 2005.

PZ.4 04-00562a

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 "O" OFFICE TO "SD-6" CENTRAL COMMERCIAL-RESIDENTIAL DISTRICT, FOR THE PROPERTIES LOCATED AT APPROXIMATELY 90 SOUTHWEST 3RD STREET, A/K/A 55 AND 92 SOUTHWEST 3RD 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 O Office to SD-6 Central Commercial-Residential District to Change the Zoning Atlas

LOCATION: Approximately 90 SW 3rd Street a/k/a 55 and 92 SW 3rd Street

APPLICANT(S): Miami River, LLC

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

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

MIAMI RIVER COMMISSION: On September 13, 2004, found the application to be consistent with the adopted strategic plan, *The Miami River Corridor Urban Infill Plan*, in addition to *The Miami River Greenway Action Plan*, by a unanimous vote with a condition that the riverwalk be constructed within five years of the approval of the major use special permit.

ZONING BOARD: Recommended approval to City Commission on June 14, 2004 by a vote of 9-0. See companion File ID 04-00562 and 04-00562b.

PURPOSE: This will change the above properties to SD-6 Central Commercial-Residential District for the proposed **Riverfront West** Major Use Special Permit Project.

12626

MOVED: Johnny L. Winton

SECONDED: Angel González

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

AYES: Commissioner González, Winton, Sanchez and Allen

ABSENT: Commissioner Regalado

PZ.5 04-00562b RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENTS, APPROVING WITH CONDITIONS, A MAJOR USE SPECIAL PERMIT PURSUANT TO ARTICLES 13 AND 17 OF ZONING ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, FOR THE **RIVERFRONT WEST** PROJECT, TO BE LOCATED AT APPROXIMATELY 90 SOUTHWEST 3RD STREET A/K/A 55, 92 AND 95 SOUTHWEST 3RD STREET, MIAMI, FLORIDA, TO CONSTRUCT FOUR MIXED-USE STRUCTURES WITH VARYING HEIGHTS AS SET FORTH HEREIN TO BE COMPRISED OF APPROXIMATELY 1,462 TOTAL MULTIFAMILY RESIDENTIAL UNITS WITH RECREATIONAL AMENITIES, APPROXIMATELY 38,728 SQUARE FEET OF RETAIL SPACE, APPROXIMATELY 203,000 SQUARE FEET OF OFFICE SPACE, AND APPROXIMATELY 1,832 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 Riverfront West Project

LOCATION: Approximately 90 SW 3rd Street a/k/a 55 and 92 and 95 SW 3rd Street

APPLICANT(S): Miami River, LLC

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

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval with conditions*.

MIAMI RIVER COMMISSION: On September 13, 2004, found the application to be consistent with the adopted strategic plan, *The Miami River Corridor Urban Infill Plan*, in addition to *The Miami River Greenway Action Plan*, by a unanimous vote with a condition that the riverwalk be constructed within five years of the approval of the major use special permit.

URBAN DEVELOPMENT REVIEW BOARD: Recommended approval with conditions* to City Commission on September 15, 2004 by a vote of 5-0.

PLANNING ADVISORY BOARD: Recommended approval with conditions* to City Commission on November 3, 2004 by a vote of 7-0. See companion File ID 04-00562 and 04-00562a.

*See supporting documentation.

PURPOSE: This will allow the development of the **Riverfront West** Project.

CONTINUED

A motion was made by Commissioner Winton, seconded by Vice Chairman González, and was passed unanimously, with Commissioner Regalado absent, to continue Item PZ.5 to the Commission Meeting currently scheduled for January 27, 2005.

Direction to the Administration by Commissioner Winton to investigate what technologies are available to build this tunnel and share them with the developer in order to understand what the impact would be on the buildings in the area.

PZ.6 04-01282

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENTS, APPROVING WITH CONDITIONS, A SUBSTANTIAL MODIFICATION TO A MAJOR USE SPECIAL PERMIT, RESOLUTION NO. 03-1235 (THE FORMER MIAMI RIVER VILLAGE), PURSUANT ARTICLES 13, 17 AND 22 OF ZONING ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, FOR THE **RIVERFRONT EAST** PROJECT, TO BE LOCATED AT APPROXIMATELY 300, 350 AND 400 SOUTH MIAMI AVENUE AND 15, 24, 25 AND 39 SOUTHWEST 4TH STREET, MIAMI, FLORIDA, TO ALLOW THE FOLLOWING CHANGES TO THE ORIGINAL APPLICATION: INCREASE THE NUMBER OF RESIDENTIAL UNITS FROM 1,304 TO APPROXIMATELY 1,424 UNITS; AND DECREASING THE NON-RESIDENTIAL USES FROM 101,157 SQUARE FEET TO APPROXIMATELY 94,794 SQUARE FEET. THE PROJECT WILL NOW CONSIST OF THREE MIXED-USE STRUCTURES VARYING IN HEIGHT AS SPECIFIED HEREIN TO BE COMPRISED OF APPROXIMATELY 1,424 TOTAL MULTIFAMILY

RESIDENTIAL UNITS WITH RECREATIONAL AMENITIES, APPROXIMATELY 41,994 SQUARE FEET OF RETAIL SPACE, APPROXIMATELY 52,800 SQUARE FEET OF OFFICE SPACE, AND APPROXIMATELY 1,671 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 Riverfront East Project

LOCATION: Approximately 300, 350 and 400 S Miami Avenue and 15, 24, 25 and 39 SW 4th Street

APPLICANT(S): Neo Epoch 1 Ltd. and Downtown River Village, LLC

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

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval with conditions*.

MIAMI RIVER COMMISSION: On September 13, 2004, found the application to be consistent with the adopted strategic plan, *The Miami River Corridor Urban Infill Plan*, in addition to *The Miami River Greenway Action Plan*, by a unanimous vote with a condition that the riverwalk be constructed within five years of the approval of the major use special permit.

URBAN DEVELOPMENT REVIEW BOARD: Recommended approval with conditions* to City Commission on September 15, 2004 by a vote of 5-0.

PLANNING ADVISORY BOARD: Recommended approval with conditions* to City Commission on November 3, 2004 by a vote of 7-0.

*See supporting documentation.

PURPOSE: This will allow a substantial modification to the **Riverfront East** Project.

CONTINUED

A motion was made by Commissioner Winton, seconded by Vice Chairman González, and was passed unanimously, with Commissioner Regalado absent, to continue Item PZ.6 to the Commission Meeting currently scheduled for January 27, 2005.

PZ.7 04-01286

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 4, SECTION 401, SCHEDULE OF DISTRICT REGULATIONS, TO ALLOW A SOLID WASTE DROP OFF FACILITY, WITH A TIME LIMITATION OF TWELVE (12) MONTHS IN WHICH A BUILDING PERMIT MUST BE OBTAINED FOR THE PROPERTY LOCATED AT APPROXIMATELY 1290 NORTHWEST 20TH STREET, MIAMI, FLORIDA, ZONED "G/I GOVERNMENT AND INSTITUTIONAL," MORE PARTICULARLY DESCRIBED IN "EXHIBIT A."

REQUEST: Special Exception Requiring City Commission Approval

LOCATION: Approximately 1290 NW 20th Street

APPLICANT(S): Joe Arriola, Chief Administrator

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

ZONING BOARD: Recommended approval to City Commission on November 22, 2004 by a vote of 8-0.

PURPOSE: This will allow a solid waste drop off facility for the City of Miami.

R-04-0799

MOVED: Johnny L. Winton

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

PZ.8 04-01128

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 NORTHWEST 22ND STREET AND NORTHWEST 2ND 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 NW 22nd Street and NW 2nd Avenue

APPLICANT(S): Artists Lofts, LLC

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

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on September 22, 2004 by a vote of 8-0. See companion File ID 04-1128a.

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

12627

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

ABSTAINED: Commissioner Winton

PZ.9 04-01128a

ORDINANCE

Second Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING PAGE NO. 21, 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 PROPERTIES LOCATED AT APPROXIMATELY NORTHWEST 22ND STREET AND NORTHWEST 2ND 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 NW 22nd Street and NW 2nd Avenue

APPLICANT(S): Artists Lofts, LLC

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

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

ZONING BOARD: Recommended approval to City Commission on October 18, 2004 by a vote of 9-0. See companion File ID 04-01128.

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

12628

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

ABSTAINED: Commissioner Winton

PZ.10 04-01102

ORDINANCE

Second 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.

12629

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.11 04-01179

ORDINANCE

Second Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION, RELATING TO HOME OCCUPATIONS BY AMENDING ARTICLE 9, SECTION 906 OF THE ZONING ORDINANCE, IN ORDER TO MODIFY THE REQUIREMENTS CONCERNING HOME OCCUPATIONS IN R-4, COMMERCIAL, AND SPECIAL DISTRICTS; CONTAINING A REPEALER PROVISION, 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 October 6, 2004 by a vote of 7-1.

PURPOSE: This will allow for extensions to home occupations in certain districts to promote live/work.

12630**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.12 04-01180****ORDINANCE****Second 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 9, IN ORDER TO MODIFY CONDITIONAL PRINCIPAL USES IN THE C-1 AND C-2 ZONING DISTRICTS AND TO MODIFY PROVISIONS OF SECTION 945, PHARMACEUTICAL LABORATORIES, TO BE CONSISTENT WITH SUCH CHANGES; 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 October 6, 2004 by a vote of 7-0.**PURPOSE:** This will eliminate pharmaceutical laboratories from the C-1 Restricted Commercial zoning district.**12631****MOVED:** Angel González**SECONDED:** Jeffery L. Allen**UNANIMOUS****Motion that this matter be ADOPTED PASSED by the following vote.****AYES:** Commissioner González, Winton, Sanchez, Regalado and Allen**PZ.13 04-01181****ORDINANCE****Second Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 11000, OF THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, BY AMENDING ARTICLE 6 SPECIAL DISTRICTS, MORE PARTICULARLY BY AMENDING SECTIONS 623 AND 625 IN ORDER TO ALLOW EXCEPTIONS TO SETBACK AND USE LIMITATIONS CONDITIONALLY; 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 October 6, 2004 by a vote of 8-0.

PURPOSE: This will allow arcades within the Coral Way and SW 8th Street special districts.

12632

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.14 04-01283

ORDINANCE

First 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 11, SECTION 1102. NONCONFORMING LOTS, IN ORDER TO MODIFY LANGUAGE PERTAINING TO EXCEPTIONS TO THE DIVISION OF CONTIGUOUS NONCONFORMING LOTS UNDER THE SAME OWNERSHIP; CONTAINING A REPEALER PROVISION AND 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 November 3, 2004 by a vote of 7-0.

PURPOSE: This will modify language pertaining to exceptions to the division of contiguous nonconforming lots under the same ownership.

MOVED: Angel González

SECONDED: Johnny L. Winton

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

AYES: Commissioner González, Winton, Sanchez and Allen

ABSENT: Commissioner Regalado

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

PZ.15 04-01177 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENTS, APPROVING WITH CONDITIONS, A SUBSTANTIAL MODIFICATION TO A MAJOR USE SPECIAL PERMIT, RESOLUTION NO. 02-1065, PURSUANT TO ARTICLES 5, 9, 13, 17 AND 22 OF ZONING ORDINANCE NO. 11000, AS AMENDED, FOR THE **SOUTH BAYSHORE TOWER** PROJECT LOCATED AT APPROXIMATELY 1300 BRICKELL BAY DRIVE, 1390 BRICKELL BAY DRIVE, 183 SOUTHEAST 14TH STREET, 171 SOUTHEAST 14TH STREET, AND 180 SOUTHEAST 13TH STREET, MIAMI, FLORIDA, TO ALLOW THE FOLLOWING CHANGES TO THE ORIGINAL APPLICATION: THE ADDITION OF 0.19 ACRES OF LAND WHICH IS ADJACENT TO THE APPROVED MUSP PROPERTY; INCREASED THE NUMBER OF RESIDENTIAL UNITS FROM 347 TO APPROXIMATELY 364 UNITS; DECREASED THE NUMBER OF PARKING SPACES FROM 516 TO APPROXIMATELY 501 SPACES; INCREASED THE FLOOR AREA FROM APPROXIMATELY 338,809 SQUARE FEET TO APPROXIMATELY 447,989 SQUARE FEET; AND APPROXIMATELY 10,000 SQUARE FEET OF RETAIL; INCREASED THE BUILDING HEIGHT FROM 40 TO 47 STORIES; INCREASED THE RETAIL AREA FROM APPROXIMATELY 11,902 SQUARE FEET TO APPROXIMATELY 21,388 SQUARE FEET; REDUCTION OF THE PARKING PODIUM BY TWO FLOORS; APPROVAL OF A CLASS II SPECIAL PERMIT FOR THE REDUCTION IN SIZE OF ONE LOADING BAY FROM 12' X 55' TO 12' X 35'; EXTENSION OF THE MUSP EXPIRATION DATE TO SEPTEMBER 26, 2006; 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 South Bayshore Tower Project

LOCATION: Approximately 1300 Brickell Bay Drive, 1390 Brickell Bay Drive, 183 SE 14th Street, 171 SE 14th Street and 180 SE 13th Street

APPLICANT(S): South Bayshore Tower, LLLC

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

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval with conditions*.

URBAN DEVELOPMENT REVIEW BOARD: Recommended approval with conditions* to City Commission on July 21, 2004 by a vote of 3-0.

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

ZONING BOARD: Recommended denial of a variance to City Commission on September 13, 2004 by a vote of 8-1, resulting in the withdrawal by the applicant of this request. See revised plans as part of backup.

*See supporting documentation.

PURPOSE: This will allow a substantial modification to the **South Bayshore Tower** Project.

CONTINUED

A motion was made by Commissioner Winton, seconded by Vice Chairman González, and was passed unanimously, to continue Item PZ.15 to the Commission Meeting currently scheduled for January 27, 2005.

PZ.16 04-01267

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, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, FOR THE **LOFTS AT MAYFAIR** PROJECT, TO BE LOCATED AT APPROXIMATELY 3317, 3327 & 3339 VIRGINIA STREET; 2954 & 2960 OAK STREET AND 2957 FLORIDA AVENUE, MIAMI, FLORIDA, TO CONSTRUCT A 50-FOOT, 5-STORY HIGH MIXED-USE STRUCTURE TO BE COMPRISED OF APPROXIMATELY 99 TOTAL MULTIFAMILY RESIDENTIAL UNITS WITH RECREATIONAL AMENITIES, APPROXIMATELY 2,413 SQUARE FEET OF RETAIL SPACE, AND APPROXIMATELY 141 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 Lofts at Mayfair Project

LOCATION: Approximately 3317, 3327 & 3339 Virginia Street; 2954 & 2960 Oak Street and 2957 Florida Avenue

APPLICANT(S): Mayfair Lofts, LLC

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

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval with conditions*.

URBAN DEVELOPMENT REVIEW BOARD: Recommended approval to City Commission on June 16, 2004 by a vote of 7-0.

PLANNING ADVISORY BOARD: Recommended approval with conditions* to City Commission on October 20, 2004 by a vote of 5-0.

*See supporting documentation.

PURPOSE: This will allow the development of the **Lofts at Mayfair** Project.

R-04-0800

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

PZ.17 04-00927a

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 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 04-00927 and 04-00927b.

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

12633

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

PZ.18 04-00927b

ORDINANCE

Second 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 04-00927 and 04-00927a.

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

12634

MOVED: Tomas Regalado

SECONDED: Jeffery L. Allen

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

AYES: Commissioner González, Winton, Sanchez and Regalado

ABSENT: Commissioner Allen

Direction to the Administration by Commissioner Winton to develop a plan to eliminate bonuses along primary corridors to aim toward the lowest density possible along these corridors where abutting residential areas lie.

PZ.19 04-00927

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 **URBANEA** PROJECT, TO BE LOCATED AT APPROXIMATELY 1501-21 SOUTHWEST 37TH AVENUE, 3686-88 SOUTHWEST 15TH STREET, AND 3685-87 SOUTHWEST 16TH STREET, MIAMI, FLORIDA, TO CONSTRUCT A 150-FOOT, 14-STORY HIGH MIXED-USE STRUCTURE CONSISTING OF APPROXIMATELY 100 TOTAL MULTIFAMILY RESIDENTIAL UNITS WITH RECREATIONAL AMENITIES, APPROXIMATELY 6,500 SQ. FT. OF RETAIL, AND APPROXIMATELY 197 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 Urbanea Project

LOCATION: Approximately 1501-21 SW 37th Avenue, 3686-88 SW 15th Street, and 3685-87 SW 16th Street

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

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

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval with conditions*.

URBAN DEVELOPMENT REVIEW BOARD: Recommended approval to City Commission on May 19, 2004 by a vote of 4-1.

PLANNING ADVISORY BOARD: Recommended approval with conditions* to City Commission on September 22, 2004 by a vote of 7-1.

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

*See supporting documentation.

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

R-04-0804

MOVED: Tomas Regalado

SECONDED: Angel González

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

AYES: Commissioner González, Winton, Sanchez and Regalado

ABSENT: Commissioner Allen

PZ.20 04-01284

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT, CLOSING, VACATING, ABANDONING AND DISCONTINUING FOR PUBLIC USE THAT PORTION OF APPROXIMATELY NORTHEAST 1ST COURT FROM NORTHEAST 31ST STREET TO 135 FEET SOUTH OF NORTHEAST 30TH STREET, NORTHEAST 30TH STREET FROM NORTHEAST 1ST COURT TO NORTHEAST 2ND AVENUE AND NORTHEAST 31ST STREET FROM NORTHEAST 2ND AVENUE TO THE FLORIDA EAST COAST RAILWAY, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A," SUBJECT TO THE FOLLOWING CONDITIONS BY THE PLANNING AND ZONING DEPARTMENT: 1) THE PROPOSED SITE DEVELOPMENT SHALL INCLUDE A MINIMUM OF FIFTEEN PERCENT OF OPEN SPACE AND 2) THE APPLICANT SHALL DEDICATE AN EASEMENT MUTUALLY ACCEPTABLE TO THE APPLICANT AND THE CITY OF MIAMI PLANNING AND ZONING DEPARTMENT TO ACCOMMODATE A STREETCAR STOP AND PUBLIC ACCESS BETWEEN NORTHEAST 2ND AVENUE AND THE FLORIDA EAST COAST CORRIDOR IN SUBSTANTIAL CONFORMANCE WITH SECTION 55-1(c)(2) OF THE SUBDIVISION REGULATIONS.

REQUEST: Official Vacation and Closure of a Public Right of Way

LOCATION: Approximately NE 1st Court from NE 31st Street to 135 Feet South of NE 30th Street, NE 30th Street from NE 1st Court to NE 2nd Avenue and NE 31st Street from NE 2nd Avenue to the Florida East Coast Railway

APPLICANT(S): Biscayne Venture, LLC and Casam 3110, LLC

APPLICANT(S) AGENT: Gary Reshefsky, Esquire

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval with conditions*.

PUBLIC WORKS DEPARTMENT: Recommended approval with conditions*.

PLAT & STREET COMMITTEE: Recommended approval with conditions* on October 7, 2004 by a vote of 6-0.

ZONING BOARD: Recommended approval with conditions* to City Commission on November 8, 2004 by a vote of 5-0.

*See supporting documentation.

PURPOSE: This will allow a unified commercial development site.

R-04-0801

MOVED: Johnny L. Winton

SECONDED: Angel González

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

AYES: Commissioner González, Winton, Sanchez and Allen

ABSENT: Commissioner Regalado

PZ.21 04-01287

RESOLUTION

A RESOLUTION, WITH ATTACHMENT(S), ADOPTING THE PROPOSED 2005 EVALUATION AND APPRAISAL REPORT (EAR) OF THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN, AS REQUIRED BY CHAPTER 163, PART II, FLORIDA STATUTES AND CHAPTER 9J-5 FLORIDA ADMINISTRATIVE CODE; DIRECTING TRANSMITTAL TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS.

REQUEST: To Adopt the Evaluation and Appraisal Report (EAR)

APPLICANT(S): Joe Arriola, Chief Administrator

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Pending recommendation on December 1, 2004.

PURPOSE: This will adopt the Evaluation and Appraisal Report (EAR) of the Miami Comprehensive Neighborhood Plan.

R-04-0806

MOVED: Johnny L. Winton

SECONDED: Jeffery L. Allen

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

AYES: Commissioner González, Winton, Regalado and Allen

ABSENT: Commissioner Sanchez

PZ.22 04-00463

ORDINANCE

Second Reading

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 10544, AS AMENDED, THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN 1989-2000 BY AMENDING THE COASTAL MANAGEMENT, NATURAL RESOURCES AND CAPITAL IMPROVEMENT PROGRAM ELEMENTS OF THE MIAMI NEIGHBORHOOD COMPREHENSIVE PLAN IN ACCORDANCE WITH 1995 EVALUATION AND APPRAISAL REPORT RECOMMENDATIONS, AND FOR SUBMITTAL TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS AS CITY OF MIAMI COMPREHENSIVE PLAN AMENDMENT NO. 04-2; CONTAINING A REPEALER PROVISION AND SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend Ordinance No. 10544 Text

APPLICANT(S): Joe Arriola, Chief Administrator

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

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

PURPOSE: This will approve an Evaluation and Appraisal Report (EAR)-based amendment to the Miami Comprehensive Neighborhood Plan.

12635

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 04-00984b ORDINANCE Second 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: Language in 04-00984b incorporates language passed on First Reading on September 23, 2004 and October 28, 2004 from 04-00984 and language proposed on October 28, 2004 from 04-00984a.

CONTINUED

Item PZ.23 was continued to the Commission Meeting currently scheduled for January 27, 2005.

PZ.24 04-00674 ORDINANCE Second Reading

AN ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AMENDING ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, TO PROVIDE FOR A NEW ARTICLE NO. 8.1 ENTITLED TREE PROTECTION; CONTAINING INTENT, DEFINITIONS AND APPLICABILITY; PROVIDING FOR TREE REMOVAL PERMIT APPLICATIONS, REQUIREMENTS, REVIEW, FEES, AND CRITERIA FOR REMOVAL; PROVIDING FOR TREE MITIGATION AND PROTECTION, APPEALS, ENFORCEMENT, PENALTIES AND REMEDIES; 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 2, 2004 by a vote of 8-0. Also recommended approval to City Commission on November 3, 2004 by a vote of 7-0. See companion File ID 04-00674a.

PURPOSE: This will create a new article to the Zoning Ordinance entitled, "Tree Protection."

12636

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.25 04-00674a

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 a new article entitled, "Tree Trust Fund."

12637

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.26 04-01132

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 1991 NORTHWEST 27TH AVENUE, 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 1991 NW 27th Avenue

APPLICANT(S): B&F Marine, Inc.

APPLICANT(S) AGENT: Ben Fernandez, Esquire

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended denial.

PLANNING ADVISORY BOARD: Recommended denial to City Commission on September 22, 2004 by a vote of 3-5. This is a denial of a motion to approve, which failed to obtain the required five favorable votes. See companion File ID 04-01132a.

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

MOVED: Angel González

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.27 04-01132a

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 "R-2" TWO-FAMILY RESIDENTIAL TO "C-2" LIBERAL COMMERCIAL, FOR THE PROPERTY LOCATED AT APPROXIMATELY 1991 NORTHWEST 27TH 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-2 Two-Family Residential to C-2 Liberal Commercial to Change the Zoning Atlas

LOCATION: Approximately 1991 NW 27th Avenue

APPLICANT(S): B&F Marine, Inc.

APPLICANT(S) AGENT: Ben Fernandez, Esquire

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended denial.

ZONING BOARD: Recommended approval to City Commission on November 8, 2004 by a vote of 6-0. See companion File ID 04-01132.

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

MOVED: Angel González

SECONDED: Johnny L. Winton

UNANIMOUS

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

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

PZ.28 04-01178

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 3155 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 3155 SW 22nd Terrace

APPLICANT(S): Edwin J. and Elizabeth Caron, Owners

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

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended denial.

PLANNING ADVISORY BOARD: Recommended denial to City Commission on October 6, 2004 by a vote of 6-2. The Board also recommended to the City Commission by a vote of 8-0 that if they were to consider a covenant with the companion zoning request that such covenant should be accepted and should address the following: buffers, uses, design review and landscaping. See companion File ID 04-01178a.

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

DENIED

A motion was made by Commissioner Regalado, seconded by Commissioner Winton, and was passed unanimously, to deny item PZ.28.

PZ.29 04-01178a

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 PROPERTY LOCATED AT APPROXIMATELY 3155 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 3155 SW 22nd Terrace

APPLICANT(S): Edwin J. and Elizabeth Caron, Owners

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

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended denial.

ZONING BOARD: Recommended denial to City Commission on November 8, 2004 by a vote of 5-0. See companion File ID 04-01178.

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

DENIED

A motion was made by Commissioner Regalado, seconded by Commissioner Allen, and was passed unanimously, to deny item PZ.29.

PZ.30 04-01279

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 ARTICLES 6 AND 8, IN ORDER TO ADD SECTION 628 VILLAGE WEST ISLAND SPECIAL OVERLAY DISTRICT, IN ORDER TO MODIFY REGULATIONS FOR PROPERTIES WITHIN THE DISTRICT; REPEALING THE NCD-2 GRAND AVENUE CORRIDOR NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT FROM SECTION 802 AND ENACTING A NEW SECTION 802 PROVIDING FOR " CHARLES AVENUE NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT"; EFFECT OF NCD-2 DISTRICT DESIGNATION AND CLASS II SPECIAL PERMIT IN SUCH DISTRICT; CONTAINING A REPEALER PROVISION AND 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 (as modified) to City Commission on November 3, 2004 by a vote of 7-0. See companion File ID 04-01279a.

PURPOSE: This will establish the SD-28 Village West Island Special Overlay District and establish a Neighborhood Conservation Overlay District on Grand Avenue.

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.31 04-01279a

ORDINANCE**First Reading**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, AMENDING PAGE NOS . 46 AND 47 OF THE ZONING ATLAS OF THE CITY OF MIAMI, FLORIDA, BY: 1) ADDING THE SD-28 VILLAGE WEST ISLAND SPECIAL OVERLAY DISTRICT TO ALL UNDERLYING ZONING CLASSIFICATIONS IN THE AREA GENERALLY BOUNDED BY BIRD ROAD AND US-1 ON THE NORTH; 32ND AVENUE ON THE EAST; FRANKLIN AVENUE (INCLUDING THE BLOCK SOUTH OF FRANKLIN BETWEEN HIBISCUS AND PLAZA STREET), AND CHARLES TERRACE ON THE SOUTH AND THE CITY LIMITS ON THE WEST (SEE COMPLETE LEGAL DESCRIPTIONS AND MAP OF EXACT PROPERTIES ATTACHED HERETO AS EXHIBITS A AND B AND MADE A PART THEREOF); MIAMI, FLORIDA; AND 2) MODIFYING THE BOUNDARIES OF THE NCD-2 CHARLES AVENUE NEIGHBORHOOD CONSERVATION DISTRICT FROM GRAND AVENUE TO CHARLES AVENUE BY REMOVING THE NCD-2 OVERLAY ALONG ALL PROPERTIES LOCATED ALONG GRAND AVENUE AND FURTHER ADDING THE NCD-2 OVERLAY TO ALL PROPERTIES FRONTING CHARLES AVENUE FROM DOUGLAS ROAD TO MAIN HIGHWAY (SEE COMPLETE LEGAL DESCRIPTIONS AND MAP OF EXACT PROPERTIES ATTACHED HERETO AS EXHIBITS C AND D AND MADE A PART THEREOF) MIAMI, FLORIDA; MAKING FINDINGS; CONTAINING A REPEALER PROVISION AND A SERVERILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST: To Amend Ordinance No. 11000, 1) To Add the SD-28 Village West Island Special Overlay District to All Underlying Zoning Classifications and 2) To Modify the Boundaries of the NCD-2 Charles Avenue Neighborhood Conservation District, to Change the Zoning Atlas

LOCATION: 1) The Area Generally Bounded by Bird Road and US-1 on the North; 32nd Avenue on the East; Franklin Avenue (Including the Block South of Franklin Between Hibiscus and Plaza Street), and Charles Terrace on the South and the City Limits on the West; and

2) The Area from Grand Avenue to Charles Avenue by Removing the NCD-2 Overlay Along All Properties Located Along Grand Avenue and Further Adding the NCD-2 Overlay to all Properties Fronting Charles Avenue from Douglas Road to Main Highway

APPLICANT(S): Planning and Zoning Department

FINDINGS:

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PLANNING ADVISORY BOARD: Recommended approval to City Commission on November 3, 2004 by a vote of 7-0. See companion File ID 04-01279.

PURPOSE: This will change the above properties to 1) SD-28 Village West Island Special Overlay District and 2) modify the boundaries of the NCD-2 Charles Avenue Neighborhood Conservation District.

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

The following item shall not be considered before 5:00 pm.

PZ.32 04-01207 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S) , DENYING THE APPEAL BY THE PALM GROVE NEIGHBORHOOD ASSOCIATION AND ANDREW DICKMAN, ESQUIRE, AFFIRMING THE DECISION OF THE MIAMI ZONING BOARD, THEREBY APPROVING WITH CONDITIONS THE CLASS II SPECIAL PERMIT APPLICATION NO. 04-0157 ISSUED ON JULY 15, 2004, TO ALLOW NEW CONSTRUCTION FOR THE PROPERTY LOCATED AT APPROXIMATELY 7460 BISCAYNE BOULEVARD, MIAMI, FLORIDA, MORE PARTICULARLY DESCRIBED IN "EXHIBIT A."

R-04-0805

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

NON-AGENDA ITEMS**NA.1 04-01366 DISCUSSION ITEM**

A motion was made by Commissioner Winton, seconded by Commissioner Regalado, and was passed unanimously, to reconsider Resolution No. R-04-0764, Item PZ.15 from the November 18, 2004 Commission Meeting, which granted an appeal to allow new construction for the property located at approximately 5101 Biscayne Boulevard, Miami, Florida, and requesting that said item be heard at the April 28, 2005 Commission Meeting; further requesting that the applicant be required to follow all of the original steps, which includes meeting with the community and going through the Planning and Zoning Department for all the necessary approvals before this item is heard on April 28, 2005.

A motion was made by Commissioner Winton, seconded by Vice Chairman González, and was passed unanimously, with Commissioner Allen absent, to modify prior motion to include reconsideration of Resolution No. R-04-0765, Item PZ.16 from the November 18, 2004 Commission Meeting, which granted an appeal to allow new construction for the property located at approximately 5225 Biscayne Boulevard, Miami, Florida, with the same conditions as stated above.

MOTION**NA.2 04-01362 RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S) , AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. FOUR (4), IN SUBSTANTIALLY THE ATTACHED FORM, TO THE LEASE AND DEVELOPMENT AGREEMENT WITH GROVE HARBOUR MARINA AND CARIBBEAN MARKETPLACE, LLC, PROVIDING AN EXTENSION OF THE DATE FOR COMPLETION OF THE LEASEHOLD IMPROVEMENTS AT THE CITY-OWNED PROPERTY LOCATED AT 2640 SOUTH BAYSHORE DRIVE, MIAMI, FLORIDA, UNTIL APRIL 30, 2005.

R-04-0809

MOVED: Joe Sanchez

SECONDED: Tomas Regalado

UNANIMOUS

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

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

NA.3 04-01367 RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING A WAIVER OF THE RENTAL FEE FOR USE OF THE COCONUT GROVE EXPO CENTER BY THE LITTLE HAVANA ACTIVITIES & NUTRITION CENTER OF DADE COUNTY, INC., FOR THE ELDERLY CHRISTMAS PARTY ON WEDNESDAY, DECEMBER 22, 2004, FROM 11 A.M. TO 2 P.M.

R-04-0810**MOVED:** Joe Sanchez**SECONDED:** Tomas Regalado**UNANIMOUS**Motion that this matter be **ADOPTED PASSED** by the following vote.**AYES:** Commissioner González, Winton, Sanchez, Regalado and Allen**NA.4 04-01364****RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION AUTHORIZING THE ALLOCATION OF FUNDS, IN THE AMOUNT NOT TO EXCEED \$3,500, FOR COSTS ASSOCIATED FOR THE CUBAN AMERICAN NATIONAL COUNCIL'S EVENT "EL DIA DE LOS NINOS" TO BE HELD AT SHENANDOAH PARK, ON DECEMBER 11, 2004; ALLOCATING SAID FUNDS FROM THE SPECIAL REVENUE FUND ENTITLED "POVERTY INITIATIVE," FOR THE FOLLOWING : (1) THE WAIVER OF ALL FEES AND PERMITS PERMISSIBLE BY LAW, INCLUDING THOSE FOR THE USE OF THE PUBLIC RIGHT-OF-WAY, AND (2) THE PROVISION OF IN-KIND SERVICES BY THE DEPARTMENTS OF POLICE, FIRE-RESCUE, SOLID WASTE, AND PARKS & RECREATION; CONDITIONING SAID AUTHORIZATION UPON THE ORGANIZER: (1) OBTAINING ALL PERMITS REQUIRED BY LAW; (2) PAYING FOR ALL OTHER NECESSARY COSTS OF CITY SERVICES AND APPLICABLE FEES ASSOCIATED WITH SAID EVENT; (3) OBTAINING INSURANCE TO PROTECT THE CITY IN THE AMOUNT PRESCRIBED BY THE CITY MANAGER OR DESIGNEE; AND (4) COMPLYING WITH ALL CONDITIONS AND LIMITATIONS AS MAY BE PRESCRIBED BY THE CITY MANAGER OR DESIGNEE.

R-04-0811**MOVED:** Joe Sanchez**SECONDED:** Jeffery L. Allen**UNANIMOUS**Motion that this matter be **ADOPTED PASSED** by the following vote.**AYES:** Commissioner González, Winton, Sanchez, Regalado and Allen**NA.5 04-01368****DISCUSSION ITEM**

A motion was made by Commissioner Allen, seconded by Commissioner Winton, and was passed unanimously, to adjourn today's Commission Meeting.