

TOWN OF CUTLER BAY

Mayor Paul S. Vrooman
Vice-Mayor Edward P. MacDougall
Councilmember Timothy J. Meerbott
Councilmember Ernest N. Sochin
Councilmember Peggy R. Bell

Interim Town Manager Steve Alexander
Interim Town Attorney Mitchell Bierman
Interim Town Attorney Chad Friedman
Town Clerk Erika Gonzalez-Santamaria

This meeting is open to the public. In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation, a sign language interpreter or hearing impaired to participate in this proceeding should contact the Town Clerk at (305) 234-4262 for assistance no later than four (4) days prior to the meeting.

LOCAL PLANNING AGENCY AGENDA

Wednesday, August 2, 2006
7:00 PM

South Dade Government Center
10750 SW 211 Street, Room 203
Cutler Bay, Florida 33189

I. CALL TO ORDER, ROLL CALL

II. PLEDGE OF ALLEGIANCE

III. ADDITIONS, DELETIONS, AND DEFERRALS

IV. CONSENT AGENDA

A. June 7, 2006 – Minutes

V. PUBLIC HEARING: MOTION RECOMMENDING ADOPTION OF THE FOLLOWING ORDINANCE:

A. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, REZONING PROPERTIES FROM BU-1A, BU-2, AND BU-3 TO THE URBAN CENTER DISTRICT (UCD) ZONING DESIGNATION CONSISTING OF APPROXIMATELY 207 ACRES WITHIN THE AREA GENERALLY LOCATED SOUTH OF THE INTERSECTION OF THE HOMESTEAD EXTENSION OF THE FLORIDA TURNPIKE (HEFT) AND U.S. 1., WEST OF THE HEFT TO THE TOWN LIMITS, AND NORTH OF THE C-1 CANAL (BLACK CREEK CANAL); AS LEGALLY DESCRIBED IN EXHIBIT "A;" PROVIDING FOR A REPEALER; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.

VI. ADJOURNMENT.

PURSUANT TO FLORIDA STATUTES 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

**TOWN OF CUTLER BAY
LOCAL PLANNING AGENCY MEETING
MINUTES**

Wednesday, June 7, 2006

7:00 PM

South Dade Regional Library
10750 SW 211 Street, 2nd floor
Cutler Bay, Florida 33189

I. CALL TO ORDER/ROLL CALL OF MEMBERS: The meeting was called to order by the mayor at 7:09 p.m. Present were the following:

Councilmember Peggy R. Bell
Councilmember Timothy J. Meerbott
Councilmember Ernest N. Sochin
Vice-Mayor Edward P. MacDougall
Mayor Paul S. Vrooman

Interim Town Manager Steven Alexander
Interim Town Attorney Mitchell Bierman
Interim Town Attorney Chad Friedman
Town Clerk Erika Gonzalez-Santamaria

II. PLEDGE OF ALLEGIANCE: There was no pledge of allegiance at this time.

III. ADDITIONS, DELETIONS, AND DEFERRALS: None at this time.

IV. CONSENT AGENDA: None at this time.

V. PUBLIC HEARING: MOTION RECOMMENDING ADOPTION OF THE FOLLOWING ORDINANCE:

- A. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, PROVIDING FOR A MORATORIUM ON THE ISSUANCE OF DEVELOPMENT ORDERS AND DEVELOPMENT PERMITS FOR ALL PROPERTIES ABUTTING OLD CUTLER ROAD FROM S.W. 184 STREET SOUTH TO THE TOWN LIMITS; EXEMPTING CERTAIN DEVELOPMENT; PROVIDING FOR SEVERABILITY; PROVIDING PROCEDURES FOR VESTED RIGHTS AND JUDICIAL REVIEW FOR THE SEPTIC MATTERS ADDRESSED HEREIN; PROVIDING FOR A TERM; PROVIDING FOR A REPEALER; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Mayor Vrooman opened the public hearing. Marcos Martinez, 200 S. Biscayne Boulevard, addressed the Council.

Council Member Meerbott made a motion to approve the ordinance. The motion was seconded by Council Member Bell and adopted by unanimous roll call vote. The vote was as follows: Council Members Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

VI. ADJOURNMENT:

The meeting was officially adjourned at 7:25 P.M.

Respectfully submitted:

*Erika Gonzalez-Santamaria
Town Clerk*

*Adopted by the Town Local Planning Agency
on this 2nd day of August, 2006.*

Paul S. Vrooman, Mayor

PURSUANT TO FLORIDA STATUTES 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

ORDINANCE NO. 06-__

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, REZONING PROPERTIES FROM BU-1A, BU-2, AND BU-3 TO THE URBAN CENTER DISTRICT (UCD) ZONING DESIGNATION CONSISTING OF APPROXIMATELY 207 ACRES WITHIN THE AREA GENERALLY LOCATED SOUTH OF THE INTERSECTION OF THE HOMESTEAD EXTENSION OF THE FLORIDA TURNPIKE (HEFT) AND U.S. 1., WEST OF THE HEFT TO THE TOWN LIMITS, AND NORTH OF THE C-1 CANAL (BLACK CREEK CANAL); AS LEGALLY DESCRIBED IN EXHIBIT "A;" PROVIDING FOR A REPEALER; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, from September 28 through October 4, 2002, the citizens of the Town of Cutler Bay (the "Town") and surrounding unincorporated areas of Miami-Dade County participated in the seven-day Cutler Ridge Charrette, to create a vision for the area generally located south of the intersection of the Homestead Extension of the Florida Turnpike (HEFT) and U.S. 1, west of the HEFT to the Town limits, and north of the C-1 Canal (Black Creek Canal)(the "Area") as legally described in Exhibit A; and

WHEREAS, on April 6, 2006, the Town Council adopted the Urban Center District (the "UCD") zoning designation in order to help implement this vision; and

WHEREAS, the area is currently zoned BU-1A, BU-2, and BU-3; and

WHEREAS, after the UCD regulations were adopted, the Town Council directed staff to proceed with the rezoning of the Area; and

WHEREAS, this Ordinance was advertised in accordance with the law; and

WHEREAS, staff recommended approval of the requested rezoning in its report dated July 26, 2006; and

WHEREAS, the Town Council, sitting as the Local Planning Agency, reviewed this Ordinance at its August 2, 2006 meeting, and voted to recommend approval of this Ordinance; and

WHEREAS, the Town Council finds that this rezoning is consistent with the Miami-Dade County's Comprehensive Development Master Plan, which now functions as the Town's Comprehensive Plan; and

WHEREAS, the Town Council finds that adoption of this rezoning is in the best interest and welfare of the citizens of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY AS FOLLOWS:

Section 1. Findings. The foregoing Whereas clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2. Approval of Rezoning. Pursuant to Chapter 33 "Zoning" of the Town Code of Ordinances, the properties consisting of approximately 207 acres within the area generally located south of the intersection of the Homestead Extension of the Florida Turnpike (HEFT) and U.S. 1., west of the HEFT to the Town limits, and north of the C-1 Canal (Black Creek Canal) as legally described in Exhibit "A," are hereby rezoned to the UCD zoning designation.

Section 3. Termination of Moratorium. Upon the adoption of this Ordinance, the moratorium adopted on May 18th, 2006, by Ordinance No. 06-09, shall be terminated.

Section 4. Repealer. All resolutions or ordinances or parts of resolutions or ordinances in conflict with the provisions of this Ordinance are repealed.

Section 5. Effective Date. This Ordinance shall be effective immediately upon adoption.

PASSED on first reading this _____ day of _____, 2006.

PASSED AND ADOPTED on second reading this _____ day of _____, 2006.

PAUL S. VROOMAN, Mayor

Attest:

ERIKA GONZALEZ-SANTAMARIA
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
SOLE USE OF THE TOWN OF CUTLER BAY:

WEISS SEROTA HELFMAN PASTORIZA
COLE & BONISKE, P.A.
Interim Town Attorney

FINAL VOTE AT ADOPTION:

Mayor Paul S. Vrooman _____

Vice-Mayor Edward P. MacDougall _____

Councilmember Peggy R. Bell _____

Councilmember Timothy J. Meerbott _____

Councilmember Ernest N. Sochin _____

Exhibit A

Legal Description

A portion of Sections 6, 7, & 8 Township 56 South Range 40 East, all lying in Miami-Dade County Florida being more particularly described as follows:

Begin at the intersection of the East Right-of-Way of South Miami-Dade Busway and the West Limited Access Right-of-Way of the Homestead Extension of Florida's Turnpike – State Road # 821 (HEFT).

Thence continue Southeasterly along the West Limited Access Right-of-Way of State Road # 821 (HEFT) on a prolongation through Sections 6,7, & 8 Twp. 56 South Rge. 40 East to a point of intersection with the centerline of Black Creek Canal (C-1).

Thence Westerly following the centerline of Black Creek Canal (C-1) to the intersection with the West line of the Southeast one quarter of Section 7, Township 56 South, Range 40 East, Miami-Dade County, Florida, lying in SW 112 Avenue (Allapattah Road);

Thence Northerly along the West line of the Southeast one quarter and the West line of the Northeast one quarter of said Section 7 (SW 112 Avenue and its Northerly extension) to the intersection with the Southeasterly Right-of-Way line of the South Miami-Dade Busway;

Thence Northeasterly along the Southeasterly Right-of Way line of the South Miami-Dade Busway across Sections 7, 6 and 5 Township 56 South, Range 40 East, Miami-Dade County, Florida, to the point of beginning.