

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

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, October 4, 2006
7:00 PM

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

I. CALL TO ORDER, ROLL CALL

II. PLEDGE OF ALLEGIANCE

III. ADDITIONS, DELETIONS, AND DEFERRALS

IV. CONSENT AGENDA

A. August 2, 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, PROVIDING FOR THE CLARIFICATION OF THE SCOPE OF THE MORATORIUM, AS SHOWN ON EXHIBIT "A," WHICH WAS ENACTED BY ORDINANCE 06-10, ON THE ISSUANCE OF DEVELOPMENT ORDERS AND DEVELOPMENT PERMITS FOR ALL PROPERTIES AFFECTING OLD CUTLER ROAD FROM S.W. 184 STREET SOUTH TO THE TOWN LIMITS; PROVIDING FOR A 90 DAY EXTENSION TO THE 120 DAY MORATORIUM; AND PROVIDING FOR 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, August 2, 2006

7:00 PM

South Dade Government Center
10710 SW 211 Street, Room 203
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
Vice Mayor Edward P. MacDougall
Mayor Paul S. Vrooman

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

Councilmember Ernest N. Sochin was absent.

II. PLEDGE OF ALLEGIANCE: The Mayor led the pledge of allegiance.

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, 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.

Mayor Vrooman opened the public hearing. There were no speakers present.

Councilmember Meerbott made a motion to approve the ordinance. The motion was seconded by Vice Mayor MacDougall and the Ordinance 06-21 was adopted by unanimous 4-0 roll call vote. The vote was as follows: Councilmembers Bell, Meerbott, 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, CMC
Town Clerk*

*Adopted by the Town Local Planning Agency
on this 4th day of October, 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.



MEMORANDUM

To: Steven Alexander, Town Manager

From: Joseph M. Corradino, AICP, Interim Town Planning Consultant

Date: October 4, 2006

**Re: A 90 Day Extension To The Old Cutler Road Building Moratorium
Which Was Adopted By Ordinance 06-10 on July 5, 2006**

REQUEST:

On July 5, 2006, the Town Council adopted Ordinance 06-10, which enacted a 120 day moratorium on development orders and development permits for properties abutting Old Cutler Road from S.W. 184th Street to the southern Town Limits. This moratorium was enacted in order to preserve the Town's vision for this area.

During the past 3 months, Town staff has been working closely with County staff in creating design standards and land development regulations for this area, which will be primarily based on the Old Cutler Road Charrette.

Town staff believes that a 90 day extension to this moratorium is necessary for the completion and adoption of the proposed standards and regulations.

RECOMMENDATION:

Approval

CONDITIONS:

None

ORDINANCE NO. 06- _____

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, PROVIDING FOR THE CLARIFICATION OF THE SCOPE OF THE MORATORIUM, AS SHOWN ON EXHIBIT "A," WHICH WAS ENACTED BY ORDINANCE 06-10, ON THE ISSUANCE OF DEVELOPMENT ORDERS AND DEVELOPMENT PERMITS FOR ALL PROPERTIES AFFECTING OLD CUTLER ROAD FROM S.W. 184 STREET SOUTH TO THE TOWN LIMITS; PROVIDING FOR A 90 DAY EXTENSION TO THE 120 DAY MORATORIUM; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on July 5, 2006, the Town Council adopted Ordinance 06-10, which enacted a moratorium for properties abutting Old Cutler Road from S.W. 184th Street south to the Town limits; and

WHEREAS, the Town is currently in its infancy, and is continually improving its technological ability to produce Geographic Information System (GIS) maps; and

WHEREAS, since the adoption of Ordinance 06-10, the Town has been able to advance its GIS technology, which allowed staff to further clarify the scope of the moratorium, as shown on Exhibit "A"("Moratorium Area"); and

WHEREAS, as such, it is the intent of the Town Council to clarify the scope of the moratorium; and

WHEREAS, during this moratorium, Town staff has been creating the land development regulations that are necessary to preserve the residents' vision for the Moratorium Area; and

WHEREAS, the Town Council wishes to extend the moratorium enacted by Ordinance 06-10 for 90 days in order to allow the Town to complete and adopt the proposed land development regulations for the Moratorium Area; and

WHEREAS, Ordinance 06-10 provides that "the building moratorium may be reasonably extended, if necessary, by Ordinance of the Town Council," and the Town Council hereby finds that such an extension is necessary; and

WHEREAS, this Ordinance was heard and recommended by the Town Council, in its capacity as the Town's Local Planning Agency; and

WHEREAS, after due notice and hearing, the Town Council finds that this extension to the moratorium is reasonable, and is consistent with the Miami-Dade County Comprehensive Development Master Plan, which now functions as the Town's Comprehensive Plan, and the Town's Code.

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

Section 1. Clarification of the Scope of the Moratorium. Based on the findings set forth above, which are incorporated herein as the legislative intent of this Ordinance, the scope of the moratorium adopted by Ordinance 06-10 is hereby clarified as shown on Exhibit "A."

Section 2. Amendment to Section 7 of the Moratorium Ordinance; Moratorium Extended. Based on the findings set forth above, which are incorporated herein as the legislative intent of this Ordinance, Ordinance 06-10 is hereby amended to read as follows:

Section 7. Term. The building moratorium imposed by this Ordinance is temporary and shall be effective for a period of 210 ~~120~~ days from the effective date of this Ordinance, unless dissolved earlier by the Town Council. Further, the building moratorium shall automatically dissolve upon the adoption of new land development regulations for the moratorium area. The building moratorium may be reasonably extended, if necessary, by Ordinance of the Town Council.

All other provisions of Ordinance 06-10 shall remain in effect as set forth therein for the extended term.

Section 3. Effective Date. This Ordinance shall be effective immediately upon adoption on second reading.

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

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

PAUL S. VROOMAN, Mayor

Attest:

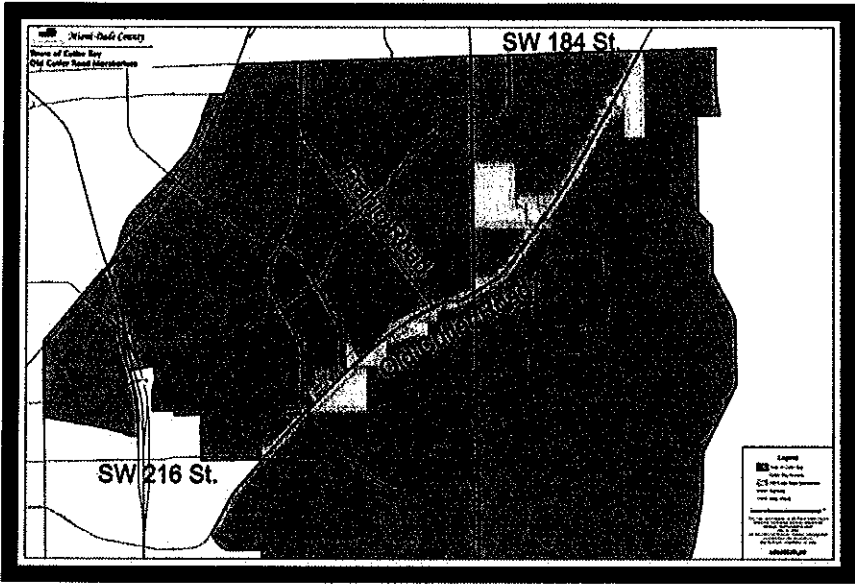
ERIKA GONZALEZ-SANTAMARIA, CMC
Town Clerk

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 _____



Hearing Number: N/A

Applicant Name: Town of Cutler Bay

Location: Old Cutler Road from SW 184th Street South to the Town Limits

Size of property: N/A

Request: Clarifying the scope of the Moratorium Ordinance 06-10, to provide for a 90 day extension to the 120 day moratorium

Hearing Location: South Dade Regional Library, 2nd Floor, 10750 SW 211 Street

Hearing Date: October 4, 2006

Hearing Time: 7:00 p.m.

Plans are on file with the Town and may be examined at Town Hall. These plans may be modified at the public hearing.