
INQ 16-145 Fortich

-----Original Message-----

From: Ethics (COE)

Sent: Friday, June 03, 2016 10:16 AM

To: 'Jessica Fortich' <j-fortich@hotmail.com>

Cc: Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE)

<perezmd@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <GDIAZGR@miamidade.gov>; Sanchez, Gerald (CAO) <gks@miamidade.gov>; Kirtley, Eddie (CAO) <kirtley@miamidade.gov>

Subject: INQ 16-145 Jessica Fortich, Member, Community Council Area 5 (Voting Conflict, Sec. 2-11.1(v))

Ms. Fortich:

This will confirm my opinion provided to you verbally yesterday regarding your eligibility to vote on an item before Community Council Area 5, of which you are a member. This item involved a land use issue referenced as Beacon Lakes DRI CDMP Amendment. You asked whether you would have a voting conflict on this matter in light of your employment as a teacher in the Miami-Dade Public Schools and the fact that Miami-Dade Public Schools was referenced in the documentation pertinent to the project. The material you provided indicates that there will be no residential development involved in the application, and, therefore, there would be no impact on the Miami-Dade Public Schools.

For a voting conflict to arise under Section 2-11.1(v) of the County Ethics Ordinance, a board member would have to be directly affected by the action, as well as have one of several enumerated relationships with an entity appearing before the board. Under the circumstances involved here, it appeared that there will be no impact either on the Miami-Dade Public Schools or on you personally from voting on this issue. It also appeared that Miami-Dade Public Schools would not likely to be appearing before your board.

Accordingly, I advised you that you would be permitted to vote on this item when it came before your board.

Sincerely,

Joseph M. Centorino

Executive Director and General Counsel

Miami-Dade Commission on Ethics and Public Trust

19 W. Flagler Street, Suite 820

Miami, FL 33130

Tel: (305) 579-2594

Fax: (305) 579-0273

ethics.miamidade.gov

-----Original Message-----

From: Jessica Fortich [mailto:j-fortich@hotmail.com]

Sent: Thursday, June 02, 2016 4:41 PM

To: Ethics (COE) <ethics@miamidade.gov>

Subject: Re: Conflict of Interest

Mr. Centurion,

Thank you for speaking with me and advising me i can proceed in voting on this application due to no direct impact.

Below is the information you requested along with a snapshot of the page from the application where my employer is referenced.

Position: teacher/trainer

Impact: no direct impact as I am not the one to make decisions for the school system and application states no direct impact as proposed

Addendum to INQ 16-145

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From: Ethics (COE)

Sent: Friday, June 03, 2016 10:22 AM

To: Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE)

<perezmd@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <GDIAZGR@miamidade.gov>

Subject: INQ 16-145

Please include the attached document in the file for INQ 16-145.

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The applicant has proffered a covenant that would prohibit residential development on the application site, should the application be approved with acceptance of the covenant. Therefore, Miami-Dade County Public Schools would not be impacted by the application as proposed.

Aviation

The Planning Division of the Miami-Dade County Aviation Department (MDAD) reviewed the subject application for both land use and airspace restrictions due to its proximity to Miami International Airport. MDAD does not object to the proposed request provided that all uses comply with federal, state and local aviation regulations, including Chapter 33 of the Code, as it pertains to airport zoning.

Roadways Analysis

The Beacon Lakes Development of Regional Impact is an approved multi-use DRI consisting of approximately 460± acres. The DRI area is generally bounded on the north by NW 25 Street, on the east by the Homestead Extension of the Florida Turnpike (HEFT), on the south by NW 12 Street, and on the west by NW 137 Avenue. The original DRI area was designated "Restricted Industrial and Office" on the Adopted 2020 and 2030 Land Use Plan (LUP) map and approved for 6,600,000 sq. ft. of warehouse, 150,000 sq. ft. of office and 75,000 sq. ft. of retail uses. Amended in 2008, the DRI changed the land use designation of approximately 48± acres (SW Parcel) from "Restricted Industrial and Office" to "Business and Office" and approved for 495,000 sq. ft. of retail. The current application proposes to change the DRI as follows:

- 1) Change the designation of the SW Parcel (48-acre parcel) from "Business and Office" back to "Restricted Industrial and Office" on the Adopted 2020 and 2030 LUP map;
- 2) Add approximately 45± acres (East Parcel) of adjacent land located south of theoretical NW 22 Street and west of the HEFT to the DRI area;
- 3) Change the designation of the East Parcel (48± acres) plus an additional 18 acres of land inside the DRI area for a total of ±63 acres, from "Restricted Industrial and Office" to "Business and Office" on the LUP map; and
- 4) Release of an existing Declaration of Restrictions recorded in Official Records Book 27747, Page 3899 of the Public Records of Miami-Dade County, Florida and accept a proposed new Declaration of Restrictions prohibiting residential uses on the East parcel.

Existing Conditions

Access to the DRI area is provided on the north by NW 25 Street, on the east by the Homestead Extension of the Florida Turnpike (HEFT) via interchanges at NW 41 Street and NW 12 Street, on the south by NW 12 Street, and on the west by NW 137 Avenue. NW 127 Avenue also provides access to the site at NW 25 Street on the north and at NW 12 Street from the south. NW 25 Street from the HEFT to NW 127 Avenue, NW 12 Street from the HEFT to NW 137 Avenue, NW 127 Avenue from NW 12 Street to NW 25 Street, and NW 137 Avenue from NW 12 Street to NW 17 Street are all four-lane divided facilities. The HEFT is an eight-lane expressway and the SR 836 Extension from the HEFT to NW 137 Avenue is a four-lane expressway.

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