



MEMORANDUM Special Item No. 1

(Public Hearing 4-14-04)

To: Honorable Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

Date: November 5, 2003

From: George M. Burgess
County Manager

Subject: Ordinance Providing Disposition
Of April 2003 Applications to
Amend the Comprehensive
Development Master Plan

RECOMMENDATION

It is recommended that the Board approve the attached ordinance, which provides for adoption, adoption with change, or denial of pending April 2003 cycle applications to amend the Comprehensive Development Master Plan (CDMP). It is recommended that first reading occur at the conclusion of the public hearing scheduled for November 5, 2003, to address transmittal of the referenced applications to the Florida Department of Community Affairs (DCA) for review and comment. It is further recommended that final action be taken on the ordinance at the conclusion of the public hearing currently scheduled for April 2004.

BACKGROUND

The attached ordinance provides for final action on the April 2003 cycle applications requesting standard (non-small-scale) amendments to the Comprehensive Development Master Plan (Applications No. 3, 9, 10, 14, 15 and 16), and it provides for final action on any small-scale amendments (Applications No. 1, 2, 6, 8, 11, 12 and 13) on which final action is not taken at the scheduled November 5, 2003 public hearing and which the Commission elects to transmit to DCA for further review.

This ordinance requests review and comment by DCA on all transmitted applications. It is estimated that DCA comments on the applications will be returned to the County in late January 2004. The County is required to take final action on transmitted applications within 60 days after receipt of DCA comments. The Department of Planning and Zoning may issue revised recommendations, and the Planning Advisory Board (Local Planning Agency) may conduct a second public hearing and may issue revised recommendations between the time DCA issues comments and the Commission conducts its final hearing. By approving this ordinance on first reading, the Board of County Commissioners is in a position to conduct a public hearing and take final action on the applications after receipt of comments from DCA.

ORDINANCE FORMAT

This ordinance follows the same general format used in previous years. That is, it contains blank space for recording your final action on each application. After the Board adopts individual entries indicating its final action on each application, the Board will take action adopting the Ordinance in its entirety, incorporating the foregoing entries. Section 2-116.1 of the County Code requires a minimum of seven affirmative votes to amend the CDMP.

As in the past, a complete set of reports and final recommendations pertaining to the subject CDMP amendment applications will be provided in advance of second reading. The schedule of final activities for the April 2003 amendment cycle anticipates that the Planning Advisory Board acting as the Local Planning Agency will conduct its final hearing on the amendments in March 2004, and the Commission will conduct a single hearing and take final action at a conclusion of a public hearing to be scheduled in April 2004.

HOUSING IMPACT

Of the 10 applications to amend the Land User Plan map in unincorporated areas, only seven will impact housing by increasing or decreasing the potential supply. Applications No. 3, 9 and 11 will increase the supply of housing. Application No. 11 is a small-scale application that will increase the supply of housing by 60 dwelling units. Applications No. 3 and 9 are applications that could result in a substantial increase in the housing supply.

The applicant for Application No. 3 has requested the redesignation of a 142-acre parcel from Parks and Recreation to Low Density Residential. If developed at the maximum density of 6 dwelling units per gross acre, this application would increase the supply of housing in Northeast Miami-Dade County by 852 dwellings. The applicant has suggested that the development of this parcel will be limited to 825 dwelling units. The supply of residential land in this area will increase by approximately one year if the development is limited to 825 dwelling units.

The applicant for Application No. 9 has requested the redesignation of a 148.45-acre parcel from Parks and Recreation and Medium Density Residential to Medium Density Residential. If developed at the maximum density of 25 dwelling units per gross acre, this application would increase the supply of housing in West Central Miami-Dade County by 3712 dwellings. This number of units would substantially increase the residential capacity of the area (+60 percent) and extend the projected depletion year. The applicant has suggested that the development of this parcel will be limited to 1200 dwelling units. The supply of residential land in this area will increase by approximately one year if the development is limited to 1200 dwelling units.

Applications No. 1, 2 and 6 are requests for redesignation of residentially planned land to business, industrial, or office on the CDMP Land Use Plan map. The supply of residential capacity would be diminished by a total of 76 dwelling units if these three applications were adopted. The impact on housing costs would be to nominally increase the cost of residential land, and hence, increase housing costs. As the acreage involved is very small, the cost increase is not measurable at this point. However, over time as the incremental reductions in residential development capacity cumulate, the effects will ultimately be observable on average housing costs. Each year the DP&Z estimates 8,240 dwelling units are needed to meet demand.

FISCAL IMPACT

On October 23, 2001, the Board of County Commissioners adopted Ordinance 01-163 requiring the review procedures for amendments to the Comprehensive Development Master Plan (CDMP) to include a written evaluation of fiscal impacts for any proposed land use change. Applications No. 1-3, 6, and 8-13 would modify the future Land Use Plan map designations of private parcels of land.

This amendment cycle is the third time that various County and non-county service agencies were required or requested to provide an evaluation of the estimated incremental and cumulative fiscal impact on Miami-Dade County for bringing such infrastructure and services to the application sites, as well as the cost of annually operating and maintaining infrastructure and services. As shown in detailed in the Initial Recommendations Report, the agencies took different approaches to providing information on fiscal impact including analyses of both costs and revenues, analyses of costs only, an analysis of the costs to serve the entire study area and a statement applicable to all application sites. The Department of Planning and Zoning will be working with these agencies over the next few amendment cycles to improve the quality of information that is provided to the Board of County Commissioners.

Based on the information provided by service agencies, the fiscal impacts of the proposed land use changes vary based on type of request and location. The proposals involving non-residential development impact less services than the proposal for residential use. For example, both the Park and Recreation Department and Miami-Dade Public Schools limited their review to the proposals for residential development, which are Applications No. 3, 9 and 11.

The proposal for redesignating Parks and Recreation to Low Density Residential Communities, Application No. 3 (Williams Island Country Club), has a variety of impacts. Except for schools, the information on fiscal impact of Application No. 3 that was provided by various agencies was based on the development of the 142-acre parcel at the maximum density of 6 dwelling units per gross acre. The information on schools is based on the latest proposed covenant which limits the number of dwellings to 825 dwelling units. The annual operating fiscal impact on fire and rescue services is estimated to be \$216,493. The Park and Recreation Department determined that approval of this application would generate \$1,062,444 from impact fees to provide for local recreation open space, require \$41,339 for annually maintaining the additional parkland, and produce \$42,988 annually for operating and maintaining local parks serving the application site. The Miami-Dade Water and Sewer Department (WASD) has determined that this application would generate \$414,498 in water impact fees and \$1,669,920 in sewer impact fees. WASD has estimated that the annual operations and maintenance costs would be \$170,220 and the capital costs would be \$390,017 for new sewer and water mains. The Miami-Dade Public Schools anticipates that the total potential capital costs for this application is \$5,885,498 and the estimated total annual operating costs for the additional students residing in this development would be \$2,578,186. The average cost for a PK-12 grade student amounts to \$5,833.

The proposal for redesignating Parks and Recreation and Medium Density Residential Communities to Medium Density Residential Communities, Application No. 9 (East Fontainebleau Park Golf Course), also has a variety of impacts. The information on fiscal impact of Application No. 9 that was provided by various agencies was based on the development of the 148.46-acre parcel at the maximum density of 25 dwelling units per gross acre. The annual operating fiscal impact on fire and rescue services is estimated to be \$645,375. The Park and Recreation Department determined that approval of this application would generate \$2,760,052 from impact fees to provide for local recreation open space, require \$113,661 for annually maintaining the additional parkland, and produce \$98,613 annually for operating and maintaining local parks serving the application site. WASD has determined that this application would generate \$1,031,936 in water impact fees and \$4,157,440 in sewer impact

fees. WASD has estimated that the annual operations and maintenance costs would be \$459,152 and the capital costs would be \$2,826,225 for a sewage pump station and new sewer and water mains. The Miami-Dade Public Schools anticipates that the total potential capital costs for this application is \$24,758,579 and the estimated total annual operating costs for the additional students residing in this development would be \$9,204,447.

Application No. 11 has the least fiscal impact of the applications that will generate new residential development. Of all the public services reviewed, schools have the highest capital costs (\$588,567) and operating costs (\$204,1551).

The proposals for redesignation to Business and Office or Industrial and Office (Applications No. 1, 2, 6, 8 and 10) primary impact two services, fire and rescue and water and sewer. For Applications No. 1, 6 and 8, the fiscal impact of the proposed redesignations for fire and rescue services are positive. The increase in projected fire and rescue costs with redesignation is slight for Application No. 2 (\$75) and higher for Application No. 10 (\$98,458).

Based on available information in the Initial Recommendations Report, the fiscal impacts for water and sewer services are more significant for Application No. 10 than the other applications for non-residential re-designations. Application No. 10 will have projected capital costs of \$1,964,159, including water and sewer mains and a new regional pump station with operating and maintenance costs of \$29, 995.

The fiscal impact for water and sewer services can not be fully estimated for Applications No. 1, 2 and 6. Applications No. 1 and 2 are located in the City of North Miami Beach service area for water. For these two applications, WASD did not include in the projected capital costs for sewers, the cost for the railroad crossing. Application No. 6 is located in an area without sewer service.

Application No. 14 would amend the Water and Sewer Subelement of the Water, Sewer and Solid Waste Element by revising policies 2F and 6D and by adding new Policy 3G, Table 1, Figure 1 and a new section of text after Policy 6E entitled Water Facilities Work Plan. Table 1 on pages I-258 and I-259 in the Initial Recommendations Report provides a ten-year capital improvement schedule based on the potable water demand analysis contained in the Water Facilities Master Plan. This list of projects with projected capital costs will be reviewed and updated annually as needed.

Application No. 15 adds a new Economic Element to the CDMP. A fiscal impact analysis of this proposed element is included in the agenda package.

Application No. 16 will update the Capital Improvements Element (CIE) tables that reflect the currently adopted Miami-Dade County Budget and Multi-Year Capital Plan. Planned expenditures, total costs, available funding and funding sources are noted on the CIE tables and discussed in Chapter 1 of the Initial Recommendations Report on pages I-277 to I-313 and on pages I-314 and I-315 in the Errata (Second Edition).

ECONOMIC ANALYSIS

1. Economic impact of the ordinance on the County's budget:

There will be no impact on the County's budget in terms of Department of Planning and Zoning budgeting, staffing or operating expenses. This ordinance, however, does amend the Comprehensive Development Master Plan (CDMP) which is the County's official guide for managing countywide growth and development. In this regard, the ordinance may indirectly impact the County's budget through amendments that affect the County's land use patterns and associated requirements for the County to provide services and facilities. Capital and operating unit costs for public facilities and services can be lessened through promotion of efficient land use patterns. Higher density contiguous development is relatively more efficiently served than low-density or scattered development. In general, the CDMP strives to achieve this result.

2. Economic impact of the ordinance on the private sector:

Approval of the ordinance will have an insignificant impact on the private sector. Certain applications to amend the Land Use Element could increase the value of affected land parcels. In a countywide sense, however, the economic outlook will remain essentially unchanged by enactment of these ordinances.

3. Effect of the ordinance on public or private employment:

Adoption of this ordinance will have no significant impact on projected employment for the County as a whole.

4. Costs and benefits, both direct and indirect, of establishing and maintaining the program set forth in the ordinance:

See response to item 1, above.

5. Whether the ordinance is necessary to enable the County to obtain State or federal grants or other financing:

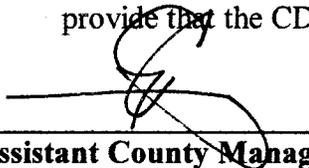
No.

6. Whether another ordinance which is already in existence should be repealed or amended:

No.

7. Whether the creation of a new ordinance is the best method of achieving the benefit derived:

Section 2.116.1, Code of Miami-Dade County, and Section 163.3184(15), Florida Statutes, provide that the CDMP may be amended only by ordinance.



Assistant County Manager



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: April 14, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Special Item No. 1

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor

Special Item No. 1

Veto _____

4-14-04

Override _____

ORDINANCE NO. _____

ORDINANCE RELATING TO MIAMI-DADE COUNTY
COMPREHENSIVE DEVELOPMENT MASTER PLAN;
PROVIDING DISPOSITION OF APPLICATIONS FILED IN
APRIL 2003 CYCLE TO AMEND, MODIFY, ADD TO OR
CHANGE COMPREHENSIVE DEVELOPMENT MASTER
PLAN; PROVIDING SEVERABILITY, EXCLUSION FROM
THE CODE AND AN EFFECTIVE DATE

WHEREAS, this Board has provided a procedure (codified as Section 2-116.1 of the Code of Miami-Dade County, Florida) to amend, modify, add to or change the Miami-Dade County Comprehensive Development Master Plan (CDMP); and

WHEREAS, Miami-Dade County's procedures reflect and comply with the procedures for adopting or amending local comprehensive plans as set forth in Section 163, Part II, Florida Statutes; and

WHEREAS, sixteen CDMP amendment applications were filed on or before April 30, 2003 and are contained in the document titled "April 2003 Applications to Amend the Comprehensive Development Master Plan" dated June 5, 2003; and

WHEREAS, Application Nos. 4, 5 and 7 lie within areas of the County which have incorporated since the application filing date and will be addressed by the new municipalities; and

WHEREAS, affected Community Councils, the Planning Advisory Board, and the Department of Planning and Zoning have acted in accordance with the referenced State and County procedures and have accepted applications, held public hearings and issued recommendations for disposition of the small-scale amendment requests; and

WHEREAS, on November 5, 2003, this board, by Resolution, instructed the County Manager to transmit certain applications to the Florida Department of Community Affairs (DCA) pursuant to Section 163.3184(3), F.S.; and

WHEREAS, the DCA reviewed certain applications at the request of this Board and has transmitted written comments pursuant to Section 163.3184 (6)(c), F.S.; and

WHEREAS, the Board of County Commissioners must take final action to Adopt, Adopt With Change or Not Adopt amendment applications not later than sixty (60) days after receipt of written comments from DCA addressing the application(s); and

WHEREAS, all existing lawful uses and zoning in effect prior to a CDMP amendment are deemed to remain consistent with the CDMP as amended unless the Board of County Commissioners, in conjunction with a particular zoning action, finds such preexisting zoning or uses to be inconsistent with the CDMP based upon a planning study addressing the criteria set forth in the CDMP; and

WHEREAS, the approval of an amendment to the CDMP does not assure favorable action upon any application for zoning or other land use approval but is part of the overall land use policies of the County; and

WHEREAS, any application for zoning or other land use approval involves the application of the County's overall land use policies to the particular request under consideration; and

WHEREAS, the County's overall land use policies include, but are not limited to, the CDMP in its entirety and the County's land development regulations; and

WHEREAS, this Board has conducted the public hearings required by the referenced procedures preparatory to enactment of this ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. All matters set forth in the preamble are found to be true and are hereby incorporated by reference as if set forth verbatim and adopted.

Section 2. This Board hereby desires to take further action on the pending amendment applications filed for review during the April 2003 cycle for amendments, modifications, additions, or changes to the Miami-Dade County Comprehensive Development Master Plan as follows:

| Application Number | Applicant/Representative Location (Size) REQUESTED CHANGE TO THE CDMP LAND USE PLAN MAP, POLICIES OR TEXT | Final Commission Action |
|--------------------|---|-------------------------|
| 1 | LIMOCH 19680 West Dixie, LLC and LIMOCH 19770 West Dixie, LLC / Michael J. Snyder, Esq. Begin 100 feet east of NE 26 Avenue to West Dixie Highway and lying north of Theoretical NE 197 Street (1.888 Acres) From: Low-Medium Density Residential (5 to 13 DU/AC.) To: Business and Office | |
| 2 | Blue Green Commercial Corp./ Jeffrey Bercow, Esq. and Michael W. Larkin, Esq. Begin 80 feet east of NE 26 Avenue to West Dixie Hwy and lying north of NE 195th Street. (2.90 Acres) From: Low-Medium Density Residential (5 to 13 DU/AC.) To: Industrial and Office | |
| 3 | Williams Island Country Club, Ltd. / Clifford A. Schulman, Esq., and Mario J. Garcia-Serra, Esq. Between NE 2 and NE 10 Avenues, south of NE 199 Street, northeast of Snake Creek Canal and northwest of I-95 (142 acres) From: Parks and Recreation To: Low Density Residential (2.5 to 6.0 DU/Ac.) | |
| 6 | Comanche, Inc./ Javier L. Vazquez, Esq. Property is situated approximately 165 feet west of NW 27 Avenue and between NW 97 and NW 98 Streets. (1.11 Acres) From: Low-Medium Density Residential (5.0 to 13 Du/Ac.) To: Business and Office | |
| 8 | Consolidated Properties of West Dade, Inc. / Jeffrey S. Bartel, Esq. The intersection of NW 24 Street and NW 108 Avenue (0.36 Acres) From: Industrial and Office To: Business and Office | |

| Application Number | Applicant/Representative Location (Size) REQUESTED CHANGE TO THE CDMP LAND USE PLAN MAP, POLICIES OR TEXT | Final Commission Action |
|--------------------|---|-------------------------|
| 9 | Carolyn Sakolsky, Trustee / Alfredo L. Gonzalez, Esq. East Course of Fontainebleau Golf Course, which is bounded on the east by NW 87 Avenue, on the north by the East-West Expressway (SR 836), on the west by NW 97 Avenue and on the south by West Flagler Street. (148.46 Acres) From: Parks and Recreation and Medium Density Residential To: Medium Density Residential (13 to 25 DU/Ac.) | |
| 10 | Lowe's Home Centers, Inc. / Juan J. Mayol, Jr., Esq. and Stephen M. James, Esq. Property is bounded on the north by Theoretical SW 2 Street, on the south by the Tamiami Canal, on the east by SW 137 Avenue and on the west by Theoretical SW 139 Avenue. (36.0 Net Acres; 37.6 gross Acres) Parcel A (21.6 Acres) From: Open Land To: Business and Office, and Include within the Urban Development Boundary (UDB) Parcel B (16.0 Acres) From: Industrial and Office To: Business and Office | |
| 11 | Century Homebuilders, LLC / Alan S. Krischer, Esq. and Stephen M. James, Esq. Property is located at the southeast corner of SW 126th Street and SW 122nd Avenue. (10 Acres) From: Industrial and Office To: Low Density Residential (2.5 to 6 DU/Ac.) | |
| 12 | CB at 152nd, LLC. / Juan J. Mayol, Jr., Esq. and Felix M. Lasarte, Esq. Property is located at the northwest corner of SW 152nd Street and SW 157th Avenue. (9.51 Acres) From: Agriculture To: Business and Office | |
| 13 | Numero Uno Properties, Inc./ Michael Radell, Esq. and Ben J. Fernandez, Esq. Property is located on the north side of SW 288 Street approximately 625 feet east of SW 137 Avenue. (2.05 Acres) From: Low Density Residential (2.5 to 6.0 Du/Ac.) To: Business and Office | |
| 14 | Miami-Dade County Department of Planning and Zoning / Diane O'Quinn Williams, Director WATER, SEWER AND SOLID WASTE ELEMENT, Water and Sewer Subelement. Revise Policies 2F and 6D and add new Policy 3G, Table 1, Figure 1, and a new section of text after Policy 6E entitled Water Supply Facilities Workplan | |
| 15 | Miami-Dade County Department of Planning and Zoning / Diane O'Quinn Williams, Director Add a new Economic Element to the CDMP | |

| Application Number | Applicant/Representative Location (Size) REQUESTED CHANGE TO THE CDMP LAND USE PLAN MAP, POLICIES OR TEXT | Final Commission Action |
|--------------------|--|-------------------------|
| 16 | Miami-Dade County Department of Planning and Zoning / Diane O'Quinn Williams, Director Capital Improvements Element, Tables of Proposed Projects. Modify the following currently adopted tables as indicated in the application and related information: Table 2, Aviation; Table 3, Coastal Management; Table 4, Conservation; Table 5, Drainage; Table 6, Park and Recreation; Table 7, Seaport; Table 8, Sewer Facilities; Table 9, Solid Waste Management; Table 10, Traffic Circulation; Table 11, Mass Transit; and Table 12, Water Facilities. | |

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected thereby. If any application, or portion of an application is found to be not in compliance pursuant to Section 163.3184, F.S., the remainder of the application subject to such a finding, and the remaining applications adopted by this ordinance shall not be affected thereby.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall be excluded from the Code of Miami-Dade County, Florida.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment, unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board, however, the effective date of any plan amendment shall be in accordance with the following language which is included at the request of the Florida Department of Community Affairs without any admission by Miami-Dade County of the authority of the Department of Community Affairs or any other governmental entity to request or require such language: "The effective date of any plan amendment approved by this ordinance shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184(1)(b), Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on such amendment may be issued or commence

before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be filed with the Clerk of the Board and sent to the Department of Community Affairs, Division of Resource Planning and Management, Plan Processing Team. The Department's notice of intent to find a plan amendment in compliance shall be deemed to be a final order if no timely petition challenging the amendment is filed."

Section 6. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency. KAG

Prepared by: 

Dennis A. Kerbel