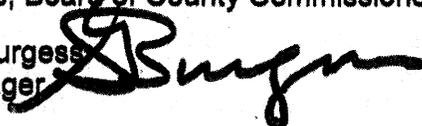


Memorandum

MIAMI-DADE
COUNTY

Date: May 21, 2007

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager 

Subject: Resolution and Public Hearing for the Transmittal to Florida Department of Community Affairs of October 2006 Application to Amend the Comprehensive Development Master Plan

Special Item No. 1

Recommendation

It is recommended that the attached resolution be adopted after the public hearing on the October 2006 Cycle application to amend the Comprehensive Development Master Plan (CDMP) currently scheduled to begin at 9:30 AM on Monday, May 21, 2007 in the Commission Chamber. This meeting must be held in the month of May in accordance with Section 116-2 of the Miami-Dade County Code. This resolution provides for the transmittal of the October 2006 Cycle Application to amend the CDMP to the Florida Department of Community Affairs (DCA) and other agencies as required pursuant to Section 163.3184, Florida Statutes, (F.S.).

Scope

The CDMP is a broad-based countywide policy-planning document to guide future growth and development to insure the adequate provision of facilities and services for existing and future populations, and to maintain or improve the quality of the natural and man-made environment. The October 2006 Cycle Application has a countywide impact.

Fiscal Impact/Funding Source

Fiscal impact means the cost to the County of implementing the activities or actions that would be incurred after approval of the resolution. The proposed text changes in the October 2006 cycle application to amend the CDMP currently have no fiscal impact to the County.

Track Record/Monitor

CDMP Amendments do not involve contracts; so a Track Record/Monitor is not applicable.

Background

The attached resolution provides for transmittal on the proposed October 2006 application requesting text amendments to the CDMP. The application would be transmitted to DCA for review and issuance of Objections, Recommendations and Comments (ORC) report. The application was the subject of a public hearing conducted by the Planning Advisory Board (PAB) on April 23, 2007. The PAB acting as the Local Planning Agency issued a recommendation of Transmit with No Recommendation as to final action, which concurs with the recommendation of the Department of Planning and Zoning (DP&Z) on the proposed application. Therefore, the actions required of the Board today regarding Special Item No. 1, are, after public hearing, to consider transmittal to DCA and other review agencies of the amendment for consistency review that the Board elects to process through the regular amendment procedure. The Board authorized the filing of this October 2006 Cycle amendments to the CDMP by Resolution No. R-871-06 adopted on July 18, 2006.

The proposed October 2006 application contains one text application requesting revisions to the text of the following CDMP Elements: Educational Element, Capital Improvements Element and Intergovernmental Coordination Element, and revisions to the text of the Preface. The proposed text amendments are intended to address statutory requirements concerning school concurrency and

Intergovernmental coordination between Miami-Dade County and Miami-Dade Public School System through an interlocal agreement. State statutes mandate local governments to include a Public School Facilities Element in its comprehensive plan that is financially feasible, (s.163.3177(2) and (13), F.S.). In addition, schools are now included as one of the public facilities subject to the concurrency requirements of the Local Government Comprehensive Planning Act (s.163.3180(1)(a), F.S.). Local governments are also required to offer a "proportionate fair share" mitigation system to satisfy school concurrency requirements. The deadline DCA established for Miami-Dade County and its municipalities to adopt the element requirements and a revised interlocal agreement is January 1, 2008. If the requirements are not met, local governments are prohibited from adopting amendments to the comprehensive plan, which increase residential density until the necessary amendments have been adopted and transmitted to the state land planning agency.

It is anticipated that the DCA will return an ORC report in August 2007 addressing the transmitted application. Preceding the final hearing by the Board, the DP&Z will respond to any DCA objections and may issue a revised recommendation, and the LPA will conduct an additional hearing and may also issue a revised recommendation. The Board is scheduled to conduct a final public hearing on the transmitted application in October 2007.

Recommendations of the Department of Planning and Zoning

The Department of Planning and Zoning published its initial recommendations for the October 2006 application in its "Application and Initial Recommendations" report dated February 25, 2007 and revised on April 23, 2007. The initial recommendation for the proposed amendment was to Transmit with No Recommendation as to final action pending delivery of data and analysis by Miami-Dade Public Schools. This recommendation is also stated in the summary matrix in the agenda kit materials.

Recommendations of the Local Planning Agency

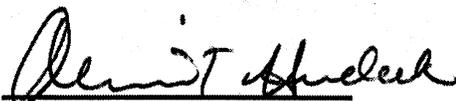
The recommendation of the Planning Advisory Board acting as Miami-Dade County's Local Planning Agency is to Transmit with No Recommendation as to final action, which is contained in their resolution, and summarized in the summary matrix included in the agenda kit materials for this public hearing.

Resolution Format

As provided in the County Code, transmittal instructions are to be issued by Resolution. Section 1 of the attached resolution contains spaces where the Board's adopted transmittal instruction will be entered for each individual amendment application. Transmittal instructions shall be "Transmit" or "Do Not Transmit". Transmittal does not constitute adoption of an application; however, denial of transmittal in effect denies any further consideration of an application during this CDMP amendment cycle. To transmit any application, County Code requires the affirmative vote of a majority (7) of the Commissioners in office.

Section 2 of the Resolution requests DCA to review and return its ORC report on the transmitted application before the Board conducts its next public hearing to take final action on the applications.

After the Board adopts its entries to Section 1 of the Resolution, it must take a final vote to adopt the Resolution in its entirety, incorporating the foregoing entries.


Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: May 21, 2007

FROM: Murray A. Greenberg
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

Veto _____

Override _____

Special Item No. 1

05-21-07

RESOLUTION NO. _____

RESOLUTION PERTAINING TO OCTOBER 2006 CYCLE APPLICATION REQUESTING AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN; INSTRUCTING THE COUNTY MANAGER WHETHER OR NOT TO TRANSMIT THE APPLICATION TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; REQUESTING FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS TO REVIEW APPLICATION; RESERVING THE RIGHT TO TAKE FINAL ACTION AT A LATER DATE; AND DECLARING INTENT TO CONDUCT ONE OR MORE SUBSEQUENT PUBLIC HEARINGS

WHEREAS, pursuant to Chapter 163, Part 2, Florida Statutes (F.S.) and Chapters 9J-5, 9J-11, and 9J-12, Florida Administrative Code (F.A.C.), the Comprehensive Development Master Plan (CDMP) for Miami-Dade County was adopted by the Miami-Dade County Board of County Commissioners (Board) in 1988; and

WHEREAS, Section 2-116.1 of the Code of Miami-Dade County, Florida, provides procedures for amending the CDMP which comply with the requirements of the foregoing State Statutes and Administrative Codes; and

WHEREAS, the filing of this October 2006 Cycle amendments to the CDMP was authorized, pursuant to Section 2-116.1 of the Code of Miami-Dade County, Florida, by the Board by Resolution No. R-871-06 adopted on July 18, 2006; and

WHEREAS, no private CDMP amendment applications were filed by private parties in the October 2006 application cycle to amend the CDMP; and

WHEREAS, one CDMP amendment application was filed by the Department of Planning and Zoning (DP&Z) to amend and update the CDMP text and policies of the Educational Element, Intergovernmental Coordination Element, Capital Improvements Element and the

Preface of the CDMP to implement recommendations from the Growth Management Legislation of 2005; and

WHEREAS, the DP&Z has published its initial recommendation addressing Application No. 1 in the report titled "Application and Initial Recommendations October 2006 Applications to Amend the Comprehensive Development Master Plan" dated February 25, 2007 and revised on April 23, 2007; and

WHEREAS, the Planning Advisory Board (PAB) acting as the Local Planning Agency (LPA) conducted a duly noticed public hearing on April 23, 2007, to address the application, the recommendation of the DP&Z, to formulate a recommendation regarding the proposed amendments, and to address the transmittal of the application to DCA and other State and regional agencies for review and comment; and

WHEREAS, at the conclusion of the foregoing public hearing the LPA adopted its recommendation to the Board to Transmit with No Recommendation, recommendation regarding State agency review and issuance of the Objections, Recommendations and Comments (ORC) report of the transmitted application, and recommendation regarding subsequent final action by the Board as required by Section 2-116.1, Code of Miami-Dade County, and Section 9J-11, F.A.C., with the understanding that the LPA will further evaluate the transmitted application which is reviewed by the DCA and any others not reviewed by the DCA but requested by the Board to be further reviewed by the LPA, and may issue revised recommendation on said application following one or more duly noticed public hearings in September 2007; and

WHEREAS, this Board desires to further evaluate, without prejudice, the application filed for review and action during the October 2006 CDMP amendment cycle that is hereby transmitted;

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

Section 1. The Board, having considered the following application requesting amendment to the CDMP, hereby directs the County Manager to act in accordance with the transmittal instructions set forth in this section for such application. For any such application where the instruction is to transmit, pursuant to Section 2-116.1(3)(g), Miami-Dade County Code, the Commission directs the Manager to transmit the application to the DCA and to all other review agencies required pursuant to Chapter 163.3184, F.S., along with all other materials required by Rule 9J-11, F.A.C.

Application Number	Applicant/Representative Miami-Dade County Department of Planning and Zoning/ Subrata Basu, Interim Director REQUESTED CHANGE TO THE CDMP ELEMENTS:	Recommended Transmittal Instruction
1		
	Part A: Revise the text of the Educational Element	
	Part B: Revise the text of the Intergovernmental Coordination Element	
	Part C: Revise the text of the Capital Improvements Element	
	Part D: Revise the text of the Preface	

Section 2. The Board hereby requests DCA to review all transmitted application pursuant to Chapter 163.3184(6), F.S.

Section 3. The Board hereby reserves its right to take final action without prejudice at a later date to adopt, adopt with changes, or not adopt the pending application following receipt of ORC report from DCA, and following one or more final public hearings by this Board, all as authorized by Chapter 163.3184, F.S., and Section 2-116.1, Code of Miami-Dade County, Florida.

Section 4. The Board declares its intention to conduct and advertise one or more public hearings in 2007 to address the October 2006 Cycle application to amend the CDMP.

The foregoing resolution was offered by Commissioner _____, who moved for its adoption. The motion was seconded by Commissioner _____ and the vote was as follows:

Bruno A. Barreiro, Chairman
Barbara J. Jordan, Vice-Chairwoman

Jose "Pepe" Diaz
Carlos A. Gimenez
Joe A. Martinez
Dorrin D. Rolle
Katy Sorenson
Sen. Javier D. Souto

Audrey M. Edmonson
Sally A. Heyman
Dennis C. Moss
Natacha Seijas
Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 21st day of May, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Dennis A. Kerbel