Memorandum

MIAMI-DADE COUNTY

Date: July 12, 2007

Special Item No. 1

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 for the Special Application to Amend the Comprehensive Development Master Plan

R#848-07

Recommendation

It is recommended that the attached resolution be adopted after the public hearing on the Special Application to amend the Comprehensive Development Master Plan (CDMP) currently scheduled to begin **at 9:30 AM on Thursday, July 12, 2007** in the Commission Chamber. This meeting is held in the month of July in accordance with a special schedule prescribed in Resolution No. R-613-07, adopted on May 22, 2007. The attached resolution provides for the transmittal of the 2007 Special Application to amend the CDMP to the Florida Department of Community Affairs (DCA) and other agencies as required pursuant to Section 163.3184, 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 2007 Special 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 Special Application to amend the CDMP currently have no fiscal impact to the County.

Track Record/Monitor

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

Background

The attached resolution provides for transmittal of the proposed Special Application requesting text amendments to the CDMP relating to public school facilities. 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 July 9, 2007. The recommendation of the Department of Planning and Zoning (DP&Z) on the proposed application is to "Transmit." At a public hearing held May 22, 2007, the Board of County Commissioners (the Board) adopted Resolution No. R-613-07 directing the County Manager to file a separate special application to amend the CDMP, considering a special schedule set forth on R-613-07, to comply with statutory requirements for public school facilities. 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 Special Application for consistency review that the Board elects to process through the regular amendment procedure.

The proposed Special Application requests revisions to the text and figure of the following CDMP Elements: Educational Element, Capital Improvements Element, and Intergovernmental Coordination Element, including revisions to the text and figure 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 September 2007 addressing the transmitted special 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 November or December of 2007.

Recommendations of the Department of Planning and Zoning

The Department of Planning and Zoning published its initial recommendations for the Special Application in its "Application and Initial Recommendations" report dated July 3, 2007. The initial recommendation for the proposed amendment is to "Transmit." 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 contained in their resolution.

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: July 12, 2007

FROM: R. A. Cuevas, Jr.
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

07-12-07

RESOLUTION NO. R-848-07

RESOLUTION ADDRESSING A SPECIAL APPLICATION TO AMEND 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, pursuant to the direction of the Board of County Commissioners under Resolution No. R-613-07 and pursuant to Section 2-116.1 of the Code of Miami-Dade County, Florida, a special application was filed by the Miami-Dade County Department of Planning and Zoning (DP&Z) on July 3, 2007, 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 the referenced Special Application in the report titled "Application and Initial Recommendations Special Application to Amend the Comprehensive Development Master Plan" dated July 3, 2007; and

WHEREAS, the Planning Advisory Board (PAB) acting as the Local Planning Agency (LPA) conducted a duly noticed public hearing on July 9, 2007 to address the Special 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 PAB adopted its recommendation to the Board regarding transmittal, 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 PAB will further evaluate the transmitted Special Application after review by the DCA and any others not reviewed by the DCA, and may issue revised recommendations on said application following one or more duly noticed public hearings in 2007; and

WHEREAS, consideration of such special application is exempt from the twice-per-year statutory limitation on adoption of comprehensive plan amendments pursuant to Chapter 163, F.S.; and

WHEREAS, this Board desires to further evaluate, without prejudice, this Special Application for review and action 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 Special 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 such application where instruction is to transmit, pursuant to Section 2-116.1(3)(g), Miami-Dade County Code, the Commission directs the County 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.

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Application	Applicant/Representative Miami-Dade County Department of Planning and Zoning/ Subrata Basu, Interim Director REQUESTED CHANGE TO THE CDMP ELEMENTS:	Recommended Transmittal Instruction
Special Application		
	Part A: Revise the text of the Educational Element	Transmit
	Part B: Revise the text of the Intergovernmental Coordination Element	Transmit
	Part C: Revise the text of the Capital Improvements Element	Transmit With Change as recommended by staff and with correction to Part C, Concurrency Management Program, Number 1, by deleting the fifth line on page 29 of the Application and Initial Recommendations Report
	Part D: Revise the text of the Preface	Transmit

Section 2. The Board hereby requests DCA to review the transmitted Special 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 Special Application following receipt of the 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 Special Application to amend the CDMP.

The foregoing resolution was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

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

Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 12th day of July, 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