

Memorandum



Date: July 17, 2008

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

Special Item No. 1

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "Burgess", written over the printed name of George M. Burgess.

Subject: Ordinance Providing Disposition of "Beacon lakes DRI Application to Amend the Comprehensive Development Master Plan"

RECOMMENDATION

It is recommended that the Miami-Dade Board of County Commissioners (Board) approve the attached ordinance, which provides for adoption, adoption with change, or denial of a proposed application to amend the Comprehensive Development Master Plan (CDMP). It is further recommended that the first reading of the ordinance occur at the conclusion of the public hearing, scheduled for **December 20, 2007**, regarding the transmittal of the referenced CDMP amendment application to the Florida Department of Community Affairs (DCA) for review. The CDMP amendment application was filed for concurrent processing with a separate, but related, application requesting changes to the existing Beacon Lakes Development of Regional Impact (DRI). Under the special concurrent process provided in Chapter 380.06(6), F. S., and Section 2-116.1 of the Code of Miami-Dade County, the Board will be scheduled to take final action on the CDMP amendment ordinance and the proposed changes to the DRI at the public hearing scheduled in May 2008.

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 proposed CDMP amendment application is located within District 12, and relates to a ±48-acre property generally located at the northeast corner of SW 137 Avenue and SR 836 extension, within the Beacon Lakes DRI.

FISCAL IMPACT

Ordinance 94-238 requires a statement of fiscal impact, which is the cost to the County, on implementing all activities or actions resulting from approval of an ordinance. In addition, Ordinance 01-163 requires the review procedures for amendments to the CDMP to include for any proposed land use change a written evaluation of the estimated incremental and cumulative impact on Miami-Dade County for bringing such infrastructure to the area as well as the costs of operating it annually.

The proposed development includes the construction of 420,000 square feet of retail space. Below are the estimated public infrastructure and operational costs resulting from the proposed development:

- Annual operating and maintenance costs for water and sewer would be increased from \$7,703 to \$19,488 under the proposed retail development, a net increase of \$11,785.
- Construction costs for public water and sewer infrastructure is estimated at \$1,209,909 for the currently approved warehouse development on the application site. No additional public water and sewer infrastructure would be required for the proposed retail development; therefore, approval of the CDMP amendment would not create an additional fiscal impact.
- Annual operating costs for fire services would be increased from \$24,060.87 to \$162,410.87 under the proposed retail development, a net increase of \$138,500.
- Transit service expansion to be determined.
- Roadway improvements to be determined.

TRACK RECORD/MONITOR

CDMP Amendments do not involve contracts; therefore, information on Track Record/Monitoring is not applicable.

BACKGROUND

The Beacon Lakes DRI CDMP amendment application seeks to change the Adopted 2015 and 2025 Land Use Plan (LUP) map designation of the ±48-acre application site from "Restricted Industrial and Office" to "Business and Office", to allow the development of 420,000 square feet of retail space. The applicant's stated intent of the proposed land use change is to provide retail development to serve the needs of residential neighborhoods located south of the application site.

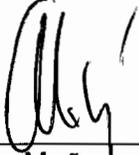
In December 2006, the AMB Codina Beacon Lakes, LLC, filed a Notice of Proposed Change (NOPC) to the Beacon Lakes DRI, which among other things proposes the above-mentioned 420,000 square foot increase in retail space. This proposed change in retail space in the DRI development program would increase the total retail from 75,000 to 495,000 square feet, is not permissible under the current "Restricted Industrial and Office" 2015-2025 CDMP LUP map designation, and would necessitate the requested change in LUP map designation. The other modifications to the DRI development program comprise a simultaneous increase in office space from 150,000 to 175,000 square feet and a reduction of warehouse space from 6.6 million to 5.3 million square feet, which do not require CDMP amendment. The NOPC is being processed separately, but concurrently with the CDMP amendment application.

The attached ordinance provides for action on the proposed application requesting an amendment to the LUP map of the CDMP. A resolution accompanying this ordinance requests a review and issuance of the Objections, Recommendations and Comments (ORC) report by DCA on the transmitted application. It is anticipated that the DCA's ORC report on the application will be returned to the County in March 2008. The County is required to take final action on the transmitted application within 60 days after receipt of the ORC report, unless this time is extended upon written request from the Applicant, pursuant to Section 2-116.1 of the County Code. The Department of Planning and Zoning may issue revised recommendations, and the Planning Advisory Board will conduct a second public

hearing and issue revised recommendations between the time DCA issues its ORC report and the Board conducts its final hearing. By approving the ordinance on first reading, the Board is in a position to conduct a public hearing and take final action on the application after receipt of the ORC report from DCA.

ORDINANCE FORMAT

The ordinance follows the same format used for other CDMP amendment applications. That is, it contains blank spaces to record your action on the requested CDMP amendment. A minimum of seven affirmative votes is required by County Code to amend the CDMP.



Alex Muñoz
Assistant County Manager



MEMORANDUM

(Revised)

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

DATE: July 17, 2008

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
7-17-08

ORDINANCE NO. _____

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING DISPOSITION OF APPLICATION REQUESTING AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN FILED FOR CONCURRENT PROCESSING WITH PROPOSED CHANGES TO "BEACON LAKES" DEVELOPMENT OF REGIONAL IMPACT (DRI); PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND EFFECTIVE DATE

WHEREAS, Chapter 163, Part 2, and 380.06, Florida Statutes, and associated administrative regulations establish procedures for amending local government comprehensive plans; and

WHEREAS, the Miami-Dade County Board of County Commissioners (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, Chapter 380.06(6), F.S., and Section 2-116.1 of the Code of Miami-Dade County, provides a procedure for accepting and processing applications to amend the Comprehensive Development Master Plan (CDMP) concurrently with a Notice of Proposed Change (NOPC) to an existing Development of Regional Impact (DRI); and

WHEREAS, a CDMP amendment application was filed for concurrent processing with a NOPC to the existing Beacon Lakes DRI, as provided in Chapter 380.06(6), F.S., and Section 2-116.1, of the County Code; and

WHEREAS, the Miami-Dade County Department of Planning and Zoning (DP&Z) issued its initial recommendation addressing the referenced CDMP amendment application in the report titled "Application and Initial Recommendation: Beacon Lakes DRI Application to Amend the Comprehensive Development Master Plan " dated November 21, 2007; and



WHEREAS, Community Council No. 5, Planning Advisory Board (PAB), and DP&Z have acted in accordance with the referenced State and County procedures and have accepted the application, conducted public hearings and issued recommendations addressing the subject CDMP amendment application as required by applicable State and County laws; and

WHEREAS, on December 20, 2007, this Board, by Resolution, instructed the County Manager to transmit the referenced application to the Florida Department of Community Affairs (DCA) pursuant to Section 163.3184(3), F.S.; and

WHEREAS, the Board must take final action to Adopt, Adopt With Change, or Not Adopt the amendment application after receipt of written comments from DCA addressing the application; 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, in conjunction with a particular zoning action, finds such preexisting zoning or uses to be inconsistent with the CDMP based upon a planning study or activity 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 CDMP amendment application filed in association with the NOPC for the Beacon Lakes DRI as follows:

Application	Applicant/Representatives Location and size Requested Changes to the CDMP	Final Commission Action
Beacon Lakes DRI CDMP Amendment	AMB Codina Beacon Lakes, LLC/ Joseph G. Goldstein, Esq. ±48 acres generally located at the northeast corner of NW 137 Avenue and SR 836 extension Change the land use designation of the subject property: From: Restricted Industrial and Office To: Business and Office	

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 portion of the application is found to be not in compliance pursuant to Section 163.3184, F.S., the remainder of the application as adopted by this ordinance shall not be affected thereby.

Section 4. It is the intention of the Board, 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 (overall amendment) 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 DCA without any admission by Miami-Dade County of the authority of the DCA or any other governmental entity to request or require such language: "The effective date of any [individual] plan amendment approved by this ordinance [and included within the overall amendment] shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the [individual] 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 [individual] amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this [individual] 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 Community Planning, 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.



Prepared by:
Joni Armstrong Coffey

