

Memorandum



Date: May 29, 2008

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

Special Item No. 3
November 20, 2008

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 Acting Upon October 2007 Amendments to the Comprehensive
Development Master Plan

Recommendation

It is recommended that the Board of County Commissioners (Board) adopt the attached ordinance, (Special Item No. 3) which provides for the Commission to adopt, adopt with change, not adopt, or deny the pending October 2007 Cycle applications to amend the Comprehensive Development Master Plan (CDMP). It is recommended that first reading occur at the conclusion of the CDMP public hearing scheduled for Thursday, May 29, 2008, to address transmittal of the referenced applications to the Florida Department of Community Affairs (DCA) for review and issuance of Objections, Recommendations and Comments (ORC) report. It is further recommended that final action be taken on the ordinance at the conclusion of the public hearing that is currently scheduled for October 2, 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. While the adopted text of the CDMP generally applies countywide, individual, site-specific Land Use Plan map amendment applications may have localized impact on one or more Commission Districts. Application No. 2 is located within Commission District 4 (Commissioner Heyman). Application No. 3 is located within Commission District 3 (Commissioner Edmonson). Application No. 4 is located within Commission District 8 (Commissioner Sorenson). Application No. 5 has a countywide impact.

Fiscal Impact

Fiscal impact means the cost to the County of implementing the activities or actions that would be incurred after approval of the ordinance. Ordinance No. 94-238 requires a statement of fiscal impact on all activities and actions resulting from approval of an ordinance. In addition, Ordinance No. 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 annual operating costs. Below is a brief summary of the fiscal impacts of the proposed October 2007 Cycle Applications. Details of the fiscal impacts of each application can be found in Appendix E at the end of each review of a Land Use Plan (LUP) map application in the document titled "Initial Recommendations October 2007 Applications To Amend The Comprehensive Development Master Plan," dated February 25, 2007. This report is included in the agenda materials for the May 29, 2008 public hearing addressing the October 2007 Cycle Applications.

Based on the information provided by County agencies, the fiscal impact to the County from the October 2007 Cycle Applications land use amendments vary based on the type of request and location. Proposals for non-residential development impact fewer infrastructure facilities and public services than

proposals for residential development. Therefore, the Miami-Dade County Public Schools Board limits its impact reviews to proposals for residential development or those that may allow residential development. Of the proposed four (4) CDMP land use amendment applications, only Application Nos. 3 and 4 will have a fiscal impact on the Miami-Dade County Public Schools system (Application No. 1 was withdrawn by the applicant by letter dated March 17, 2008). The projected annual operating cost to the public school system if Application No. 3 were approved is \$543,576; and for Application No. 4 is \$26,196. The Miami-Dade County Public Schools system is projected to incur no capital costs if any of the remaining three CDMP land use amendment applications were approved.

The Miami-Dade Water and Sewer Department (WASD) estimated its fiscal impact for providing water and sewer service to the proposed application sites. WASD has determined that for the remaining three proposed developments, the projected fiscal impact to its Department for providing water service totals \$111,270. In addition, for the remaining three proposed developments, the projected fiscal impact to WASD for providing sewer service totals \$448,280. Furthermore, the annual operating cost for providing water and sewer service to the remaining three application sites is estimated at \$74,288. Lastly, the cost of constructing infrastructure improvements for water and sewer on the remaining three of the application sites is estimated at \$839,802.

Track Record/Monitor

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

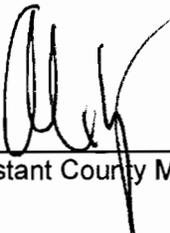
HOUSING IMPACT

Of the four small-scale applications filed in this amendment cycle, Application No. 1 was lawfully withdrawn by the applicant by letter dated March 17, 2008. Of the remaining three applications, Application Nos. 2 and 3 may affect the supply of housing based on the land use categories being requested and the associated covenants proffered by the applicants. An additional 36 dwelling units could result from Application No. 2, 143 units from Application No. 3 and zero units from Application No. 4. Thus, the cumulative impact will be a potential net increase of 179 units to the supply of countywide housing. If all the other factors in the cost of housing were equal, an increase in supply might nominally decrease the cost of residential land, and hence, decrease the growth in housing costs. As the acreage involved is very small, the change in housing costs is not measurable at this point. None of the applications has proffered a covenant that provides for workforce housing.

Background

The attached ordinance provides for action on the October 2007 Cycle applications requesting standard amendments to the CDMP (Application No. 5), and provides for final action on any of the three small-scale amendments (Application Nos. 2, 3 and 4) on which final action is not taken at the scheduled May 29, 2008 public hearing and which the Board elects to transmit to DCA for further review.

Attachments



Assistant County Manager



MEMORANDUM

(Revised)

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

DATE: May 29, 2008

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Special Item No. 3

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. 3
5-29-08

ORDINANCE NO. _____

ORDINANCE RELATING TO MIAMI-DADE COUNTY
COMPREHENSIVE DEVELOPMENT MASTER PLAN;
PROVIDING DISPOSITION OF APPLICATIONS FILED IN
OCTOBER 2007 CYCLE TO AMEND, MODIFY, ADD TO
OR CHANGE COMPREHENSIVE DEVELOPMENT
MASTER PLAN; PROVIDING SEVERABILITY, EXCLUSION
FROM THE CODE AND AN EFFECTIVE DATE

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, 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, five (5) CDMP amendment applications were filed on or before October 31, 2007 and are contained in the document titled "October 2007 Applications to Amend the Comprehensive Development Master Plan", dated December 5, 2007; and

WHEREAS, of the 5 amendment applications, four (4) Land Use Plan (LUP) map amendments (Application Nos. 1 to 4) were privately filed and one (1) text amendment (Application No. 5) was filed by the Department of Planning and Zoning; and

WHEREAS, the Department of Planning and Zoning (DP&Z) published its initial recommendations addressing the referenced applications in the report titled "Initial Recommendations October 2007 Applications to Amend the Comprehensive Development Master Plan" dated February 25, 2007; and

WHEREAS, Application No. 1 was lawfully withdrawn by the applicant by letter dated March 17, 2008; and

WHEREAS, the Community Councils, Planning Advisory Board (PAB), and DP&Z have acted in accordance with the referenced State and County procedures and have accepted applications, conducted public hearings and issued recommendations for the disposition of the small-scale amendment requests; and

WHEREAS, on May 29, 2008, 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 Board must take final action to Adopt, Adopt With Change or Not Adopt amendment applications not later than sixty (60) days after receipt of written Objections, Recommendations and Comments (ORC) report from DCA addressing the application(s); and

WHEREAS, the Board will consider approving a resolution transmitting to the DCA any eligible small-scale amendments that are not adopted but not denied, and which this Board desires to further consider after review by DCA; and

WHEREAS, the Board can, by resolution, transmit to DCA small-scale amendment applications not adopted but not finally denied; 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 pre-existing 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 pending amendment Application No. 1 filed for review during the October 2007 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 AMENDMENTS TO THE CDMP	Final Commission Action
1	209th Street Associates, LLC/Juan A. Mayol, Jr., Esq. and Tracy R. Slavens, Esq. Northwest corner of NE 209 Street and NE 26 Court (1.12 Gross Acres) From: Low-Medium Density Residential Communities (6 to 13 DU/Ac) To: Office/Residential	WITHDRAWN

Section 3. This Board hereby desires to take further action on pending amendment Application No. 2 filed for review during the October 2007 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 AMENDMENTS TO THE CDMP	Final Commission Action
2	Aventura Commons, 11, LLC/Juan A. Mayol, Jr., Esq. and Tracy R. Slavens, Esq. An area between NE 205 and 206 Streets on the east side of NE 26 Avenue (2.98 Gross Acres) From: Low-Medium Density Residential Communities (6 to 13 DU/Ac) To: Office/Residential	

Section 4. This Board hereby desires to take further action on pending amendment Application No. 3 filed for review during the October 2007 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 AMENDMENT TO THE CDMP	Final Commission Action
3	Urban League of Greater Miami, Inc./Jeffrey Bercow, Esq. and Mathew Amster, Esq. An area between NW 51 and NW 53 Streets and between NW 23 and NW 24 Avenues (5.50 Gross Acres) From: Medium Density Residential Communities (13 to 25 DU/Ac) To: Medium-High Density Residential Communities (25 to 60 DU/Ac)	

Section 5. This Board hereby desires to take further action on pending amendment Application No. 4 filed for review during the October 2007 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 AMENDMENT TO THE CDMP	Final Commission Action
4	Alfredo Garcia Menoca/Stanley B. Price, Esq. Northwest corner of SW 117 Avenue and SW 95 Street (2.5 Gross Acres) From: Estate Density Residential Communities (1 to 2.5 DU/Ac) To: Office/Residential	

Section 6. This Board hereby desires to take further action on pending amendment Application No. 5 filed for review during the October 2007 cycle for amendments, modifications, additions, or changes to the Miami-Dade County Comprehensive Development Master Plan as follows:

Application Number	Applicant/Representative REQUESTED CHANGE TO THE CDMP POLICIES OR TEXT	Final Commission Action
5	Miami-Dade County Department of Planning & Zoning/ Subrata Basu, Interim Director LAND USE ELEMENT: Revise the Population Estimates and Projections by replacing Figure 6.	

Section 7. 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 8. 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 9. 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 individual plan amendment included within the overall 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 [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 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." It is further provided that this ordinance shall not take effect until an amendment to the Comprehensive Development Master Plan and an Interlocal Agreement with the School Board of Miami-Dade County and the municipalities in Miami-Dade County establishing a public school concurrency program have been adopted and transmitted to the Florida Department of Community Affairs as required by Section 163.3177(12)(j), Florida Statutes.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Joni Armsrong Coffey