

# Memorandum



**Date:** December 18, 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 "G. Burgess". The signature is written in a cursive, somewhat stylized font.

**Subject:** Resolution and Public Hearing for Transmittal to the Florida Department of Community Affairs of the Proposed "Parkland" Comprehensive Development Master Plan Amendment

## **Recommendation**

It is recommended that the Board of County Commissioners deny transmittal of the Parkland application to amend the Comprehensive Development Master Plan (CDMP) to the Florida Department of Community Affairs (DCA). The Board may consider a resolution to transmit or deny transmittal of the Parkland application.

## **Scope**

The CDMP is a broad-based countywide policy-planning document to guide future growth and development in Miami-Dade County, to insure the adequate provision of public 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 Commission District 9, and relates to a 961.15-acre site located between SW 162 and SW 177 (Krome) Avenues, from SW 136 Street and theoretical SW 152 Street. The proposed CDMP amendment is expected to have a countywide impact.

## **Fiscal Impact**

Fiscal impact refers to the revenues and expenditures of the County for implementing the activities or actions that would be incurred by the County for related infrastructure and services if the application is approved and developed. 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 public infrastructure to the area as well as the costs of operating it annually.

The applicant will be responsible for most of the major infrastructure improvements needed to serve the proposed development, including: roadways, water, sewer, parks, police, fire, and school facilities. Information on the preliminary identification of needed infrastructure is provided in the *Assessment of Impacts on Public Facilities* section of the Updated Initial Recommendations Report. It should be noted that the applicable infrastructure costs are expected to exceed the impact fee revenues required for payment by the developer. Final requirements for the major infrastructure improvements and costs will be the subject of the DRI development order process. Miami-Dade County will be responsible for the maintenance and operations for facilities, (not including schools) and other governmental services.

The applicant has presented information during public hearings regarding County revenues and expenditures from the Parkland project. The applicant has stated in the public hearings that the Parkland project will produce a significant surplus of revenues to the County on an annual basis. Staff cannot validate this claim. The applicant's analysis has combined UMSA and County-wide revenues from various taxing jurisdictions to generate a surplus. This methodology is

inappropriate for this analysis. Staff has analyzed operating costs and projected revenues (based on the development program and taxable values provided by the applicant) to estimate annual fiscal impact. This estimate indicates the annual County-wide, UMSA, and other revenues generated from the development could adequately fund operating costs at a marginal surplus or loss to the County assuming current levels of service. Whether the revenues generated by the Parkland development can support the required operations funded by the UMSA and County-wide budgets, will be a direct function of service levels and tax rates levied in future years. In the case of Fire and Library services, Parkland will be a net cost to the Fire and Library district budgets.

### **Track Record/Monitor**

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

### **Background**

The Parkland application to amend Miami-Dade County's CDMP was filed on December 21, 2007 and is being processed concurrently with an Application for Development Approval (ADA), which was filed in August of 2006. The proposed Parkland amendment application seeks to expand the Urban Development Boundary (UDB) to include a 961-acre site, and requests a land use amendment to the Adopted 2015 and 2025 Land Use Plan (LUP) map of the CDMP to redesignate the subject site from "Agriculture" to residential, commercial, and industrial uses. According to the proposed development program, the Parkland project would include the construction of 6,941 residential dwelling units; 200,000 sq. ft. of retail space; a 100,000 sq. ft. medical office complex; a 200 room hospital; a 550,000 sq. ft. industrial complex; two (2) K-8 schools and one (1) High School; 50,000 sq. ft. of community uses (library, police, fire, etc.); and 67.6 acres of public parks.

In addition to the land use changes discussed above, the Parkland application to amend the CDMP also seeks various text changes. The text changes call for a new policy to be added to the CDMP that would require a unanimous vote from the Board of County Commissioners to expand the UDB west of SW 177 Avenue (Krome), from SW 8 Street to SW 288 Street. The application also calls for the text of the Concurrency Management Program in the Capital Improvements Element to exempt "other rail transit center[s]" from transportation concurrency. Furthermore, the roadway, transit, and non-motorized improvements proposed by the development are reflected in various map changes in the Transportation Element.

### **Resolution**

The action requested of the Board today, after the public hearing, is to consider transmittal of the proposed CDMP amendment application to DCA and other agencies for consistency review with applicable plans, process and regulations. If the application is approved for transmittal, it will be submitted to DCA for review and issuance of the Objections, Recommendations and Comments (ORC) report by DCA.

If the application is transmitted, it is anticipated that the DCA will return an ORC report in March 2009 addressing the transmitted application. Preceding the final hearing by the Board, the Department of Planning and Zoning (DP&Z) will respond to any DCA objections and may issue a revised recommendation. The Local Planning Agency (i.e., Planning Advisory Board) will conduct an additional public hearing and may also issue a revised recommendation. The Board is scheduled to conduct a final public hearing on the transmitted application in or about May

2009. The Board is required to take final action on the transmitted application within 60 days after receipt of the ORC report from the DCA, unless the Applicant, pursuant to Section 2-116.1 of the County Code, extends this time through a written request.

Department of Planning and Zoning Recommendation

The DP&Z recommends for the Board to DENY AND DO NOT TRANSMIT the amendment application. The initial recommendation of the DP&Z is contained in a document titled, "*Initial Recommendation Parkland DRI Application To Amend The Comprehensive Development Master Plan, Part 1 and Part 2,*" dated October 20, 2008 and in the summary matrix included in the agenda kit materials for this public hearing.

Community Council 11 Recommendation

The recommendation of Community Council 11 is to ACCEPT AND TRANSMIT the amendment application. The recommendation of Community Council 11 is contained in their resolution and in the summary matrix included in the agenda kit materials for this public hearing.

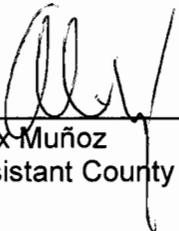
Local Planning Agency Recommendation

The recommendation of the Planning Advisory Board, acting as Miami-Dade County's Local Planning Agency, is to ADOPT AND TRANSMIT. The recommendation of the PAB is contained in their resolution and 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 the CDMP amendment application. Transmittal instructions shall be "Transmit" or "Do Not Transmit." Transmittal does not constitute adoption of the application; however, denial of transmittal in effect denies any further consideration of the application.

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 application.



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Alex Muñoz  
Assistant County Manager



# MEMORANDUM

(Revised)

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

DATE: December 18, 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

Special Item No. 1  
12-18-08

Veto \_\_\_\_\_

Override \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

RESOLUTION PERTAINING TO APPLICATION REQUESTING AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN FILED FOR PROCESSING CONCURRENTLY WITH THE "PARKLAND" DEVELOPMENT OF REGIONAL IMPACT (DRI) APPLICATION FOR DEVELOPMENT APPROVAL (ADA); 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 THE 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**, Chapter 380.06(6), F.S., provides a procedure for accepting and processing an application to amend a local comprehensive plan concurrently with an Application for Development Approval (ADA) for a Development of Regional Impact (DRI); 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 Code; and

**WHEREAS**, a CDMP amendment application was filed for concurrent processing with an ADA for the Parkland 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 "Initial Recommendation Parkland DRI Application to Amend the Comprehensive Development Master Plan, Part 1 and Part 2" dated October 20, 2008, as required by Section 2-116.1, Code of Miami-Dade County, and may issue revised a recommendation on the transmitted application prior to final action by the Board; and

**WHEREAS**, affected Community Council 11 has acted in accordance with County procedures, and conducted a duly noticed public hearing on November 3, 2008, to receive public comments on the subject CDMP amendment application and on the recommendation of the DP&Z, and issued its recommendation addressing transmittal and final action by the Board; and

**WHEREAS**, the Planning Advisory Board (PAB), acting as the Local Planning Agency (LPA), conducted a duly noticed public hearing on November 19, 2008, to address the application, the recommendations of the affected Community Council and the DP&Z, and to address transmittal of the amendment application to the Florida Department of Community Affairs (DCA) and other State and regional agencies for review and comment; and

**WHEREAS**, at the conclusion of its public hearing the LPA adopted its recommendations regarding transmittal of the application to the DCA, recommendations regarding State agency review of the transmitted application, and recommendations regarding subsequent final action by the Board of County Commissioners as required by Section 2-116.1, Code of Miami-Dade County, and Section 9J-11, Florida Administrative Code, with the understanding that the LPA will further evaluate the transmitted application and may subsequently issue revised recommendations following one or more duly noticed public hearings after receipt of comments from the DCA; 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 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 desires to further evaluate, without prejudice, the application filed for review and action in association with the "Parkland" CDMP amendment, and which is hereby transmitted,

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

**Section 1.** The Board, having considered the following application requesting an 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 or Do Not Transmit, pursuant to Section 2-116.1(3)(g), Miami-Dade County Code, the Board directs the Manager to transmit or not transmit the application to the DCA and to all other agencies required pursuant to Chapter 163.3184, F.S., along with all other materials required by Chapter 9J-11, F.A.C., as follows:

<ul style="list-style-type: none"> <li>• Applicant/Representatives</li> <li>• Location and size</li> <li>• REQUESTED CHANGES TO THE CDMP</li> </ul>	<ul style="list-style-type: none"> <li>• Transmittal Recommendation</li> <li>• Recommendation as to Subsequent Action</li> </ul>
<p><b>Applicant/Representatives</b>            Krome Groves Land Trust, Guherqui International, S.A. and Corsica West II Land Trust / Jeffrey Bercow, Esq. and Graham Penn, Esq., Representatives</p> <p><b>Location and size</b>            961.15 acres located outside the Urban Development Boundary (UDB), between SW 162 Avenue and SW 177 Avenue, from SW 136 Street to theoretical SW 152 Street.</p> <p><b>Requested Changes to the Land Use Element:</b></p> <ol style="list-style-type: none"> <li>1. Expand the 2015 Urban Development Boundary (UDB) to include the application area;</li> <li>2. Redesignate approximately 961.15 acres of "Agriculture" on the LUP Map as follows:               <ul style="list-style-type: none"> <li>○ 438.55 acres to Low Density Residential (Parcels 1 and 7)</li> <li>○ 428.37 acres to Low-Medium Density (Parcels 2 and 5B)</li> <li>○ 37.24 acres to Business and Office (Parcels 3 and 5A)</li> <li>○ 17.99 acres to Office/Residential (Parcel 4)</li> <li>○ 39.00 acres to Industrial and Office (Parcel 6)</li> </ul> </li> </ol>	



3. Redesignate the following roadways on the LUP map as "Major Roadways":

- SW 136 Street; SW 152 Street; SW 144 Street; SW 162 Avenue; SW 167 Avenue; and SW 172 Avenue.

4. Add Policy LU-8H to the text of the Land Use Element as follows;

LU-8H Any application seeking to expand the UDB west of SW 177 Avenue (Krome Avenue) in the area between Tamiami Trail and SW 288 Street shall only be approved following an affirmative vote of the total membership of the Board of County Commissioners then in office.

**Requested Changes to the Transportation Element:**

5. In the Traffic Circulation Subelement, change the following maps:

- Planned Year 2025 Roadway Network Map (Figure 1) to redesignate the number of roadway lanes for SW 136 Street, SW 152 Street, SW 144 Street, SW 162 Avenue, SW 167 Avenue, and SW 117 Avenue.
- Roadway Functional Classification - 2025 Map (Figure 3) to redesignate the following roadways as "County Collector" or "County Minor Arterial:" SW 136 Street, SW 152 Street, SW 144 Street, SW 162 Avenue, and SW 167 Avenue.
- Change the Planned Non-Motorized Network 2025 Map (Figure 6) to designate bicycle facilities within the application area and connectivity between bicycle facilities on SW 152 Street and SW 177 Avenue.

6. In the Mass Transit Subelement, change the Future Mass Transit System 2015-2025 Metrobus Service Area and Rapid Transit Corridors Map (Figure 1) and the Future Mass Transit System 2025 Rapid Transit Corridors Map (Figure 2) to include a transit center within the Parkland application area.

**Requested Changes to the Capital Improvements Element (CIE)**

7. Revise the text of item 3(d) in the "Concurrency Management Program", as follows:

- 3(d) The proposed development is located inside the UDB, and directly and significantly promotes public transportation by incorporating within the development a Metrorail, Metromover or TriRail or other rail transit center, or a Metrobus terminal<sup>1</sup> for multiple Metrobus routes, or is an office, hotel or residential development located within one-

quarter mile of a Metrorail, Metromover or TriRail or other rail transit center, or a Metrobus terminal for multiple Metrobus routes<sup>2</sup>; and

<sup>1</sup> Metrobus terminals for multiple routes are those non-rail transit centers as mapped in the CDMP Mass Transit Subelement, which contain dedicated parking facilities or significant transit patron structures and amenities.

<sup>2</sup> Planned stations and terminals shall not serve as a basis to grant this concurrency exception if the station, associated rapid transit corridor segment, or terminal is identified in the Transportation Element as "not cost feasible".

**Section 2.** If transmittal is directed, the Board hereby requests the DCA to review the transmitted comprehensive plan amendment application pursuant to Chapter 163.3184(6), Florida Statutes.

**Section 3.** If transmittal is directed, the Board hereby reserves its right to take final action without prejudice at a later date to adopt, adopt with changes, or not adopt any and all pending applications and proposals following receipt of notice or comments by 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.** If transmittal is directed, the Board declares its intention to conduct and advertise one or more public hearings in 2009 to address the comprehensive plan amendment application.

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:

- |                                 |                    |
|---------------------------------|--------------------|
| Dennis C. Moss, Chairman        |                    |
| Jose "Pepe" Diaz, Vice-Chairman |                    |
| Bruno A. Barreiro               | Audrey M. Edmonson |
| Carlos A. Gimenez               | Sally A. Heyman    |
| Barbara J. Jordan               | Joe A. Martinez    |
| Dorin D. Rolle                  | Natacha Seijas     |
| Katy Sorenson                   | Rebeca Sosa        |
| Sen. Javier D. Souto            |                    |

The Chairperson thereupon declared the resolution duly passed and adopted this 18<sup>th</sup> day of December, 2009. 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.



Joni Armstrong Coffey