

Memorandum



Date: December 18, 2008

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

Special Item No. 2

From: George M. Burgess
County Manager

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

Subject: Ordinance Providing Disposition of the "Parkland" Application to Amend the Comprehensive Development Master Plan

Recommendation

If the Board approves the resolution (Special Item No. 1) to transmit the Parkland application to amend the Comprehensive Development Master Plan (CDMP), it is recommended that the Board proceed to consider the first reading of an ordinance to adopt, adopt with change or deny the subject application. The first reading of the Ordinance will occur at the conclusion of the public hearing, scheduled for **December 18, 2008 at 9:30 AM**, regarding the transmittal of the referenced CDMP amendment application to the Florida Department of Community Affairs (DCA) for review.

The Parkland CDMP amendment application was filed for concurrent processing with a separate, but related, Application for Development Approval (ADA) for the Parkland Development of Regional Impact (DRI). If Special Item No. 1 is adopted to transmit, the special concurrent process provided in Chapter 380.06(6), F. S., and Section 2-116.1 of the Code of Miami-Dade County allows the Board to schedule the final action on the CDMP amendment Ordinance at the public hearing scheduled in or about May 2009.

Please be aware that Section 163.3177(12)(j), Florida Statutes (F.S.) precludes local governments from adopting amendments that increase residential density until a public school facilities element has been adopted. Thus, the Florida Department of Community Affairs (DCA) may find the land use amendments increasing residential density not in compliance until an amendment to the CDMP, 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 as required by Section 163.3177(12)(j), F.S. This finding may be made by DCA even with a delayed effective date clause pending school concurrency in the ordinance.

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 cost to the County of implementing the activities or actions that would be incurred after approval of the CDMP amendment application. Ordinance 01-163 requires the

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.

Housing Impact

Based upon the current land use designation of the application site and the requested re-designation, the Parkland application to amend the CDMP has the potential to increase the County's housing supply. The current CDMP designation (Agriculture) for the application site allows maximum of 192 residential units. The proposed CDMP designation will allow an additional 6,749 units, for a total residential capacity of 6,941 units. It should be noted, however, that the first certificates of occupancy for the Parkland residential units will not be issued until 2014 and buildout of the project will be 2018.

Track Record/Monitor

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

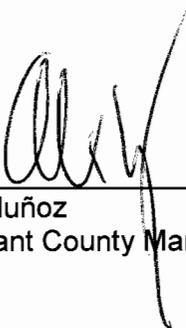
Background

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 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.

The attached Ordinance provides for action on the proposed CDMP application to the LUP map and the text of the CDMP. The resolution (Special Item No. 1) accompanying this ordinance (Special Item No. 2) 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 or about March 2009. 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 by the Applicant upon written request, pursuant to Section 2-116.1 of the County Code. The Department of Planning and Zoning (DP&Z) may issue a revised recommendation, and the Planning Advisory Board will conduct a second public hearing and issue a revised recommendation 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 amendment application after receipt of the ORC report from DCA.



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. 2

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. 2
12-18-08

ORDINANCE NO. _____

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING DISPOSITION OF 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); PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND AN 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 provide procedures for accepting and processing applications to amend the Comprehensive Development Master Plan (CDMP) concurrently with an Application for Development Approval (ADA) for a Development of Regional Impact (DRI); and

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

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WHEREAS, affected Community Council 11 has acted in accord 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 recommendations of the Department of Planning and Zoning (DP&Z), and to formulate recommendations regarding transmittal and final action on the requested amendments; 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 subject CDMP amendment Application, the recommendations of the affected Community Council, the DP&Z transmittal of the amendment Application to DCA for State agency review, and to formulate recommendations regarding final action on the requested Plan amendments; and

WHEREAS, on December 18, 2008, 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, two extensions to the Code deadlines were requested by the applicant by letters dated May 20, 2008 and July 1, 2008 and granted by DP&Z, as allowed by Section 2-116.1(5)(a)(7) of the Code of Miami-Dade County, in order to resolve outstanding issues; and

WHEREAS, the Board of County Commissioners is required by the Code of Miami-Dade County (Code) to take final action to Adopt, Adopt With Change, or Deny the amendment application not later than sixty (60) days after receipt of written comments from DCA addressing the Application, unless an extension of that deadline is timely requested by the applicant; and

WHEREAS, the DP&Z and the Local Planning Agency (LPA) may issue revised recommendations addressing the transmitted plan amendment application after receipt of comments from the DCA and prior to final hearing and action by the Board of County Commissioners; 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, that:

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 filed in association with the ADA for the Parkland DRI as follows:

<ul style="list-style-type: none"> • Applicant/Representatives • Location and size • REQUESTED CHANGES TO THE CDMP 	Final Action
<p>Applicant/Representatives Krome Groves Land Trust, Guherqui International, S.A. and Corsica West II Land Trust / Jeffrey Bercow, Esq. and Graham Penn, Esq., Representatives</p> <p>Location and size 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>Requested Changes to the Land Use Element:</p> <ol style="list-style-type: none"> 1. Expand the 2015 Urban Development Boundary (UDB) to include the application area; 2. Redesignate approximately 961.15 acres of "Agriculture" on the LUP Map as follows: 	

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- 438.55 acres to Low Density Residential (Parcels 1 and 7)
- 428.37 acres to Low-Medium Density (Parcels 2 and 5B)
- 37.24 acres to Business and Office (Parcels 3 and 5A)
- 17.99 acres to Office/Residential (Parcel 4)
- 39.00 acres to Industrial and Office (Parcel 6)

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:

<p>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 <u>or other rail transit center</u>, or a Metrobus terminal¹ for multiple Metrobus routes, or is an office, hotel or residential development located within one-quarter mile of a Metrorail, Metromover or TriRail <u>or other rail transit center</u>, or a Metrobus terminal for multiple Metrobus routes²; and</p> <p>¹ 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.</p> <p>² 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".</p>	
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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.

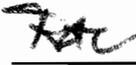
Section 5. This ordinance shall become effective ten (10) days after the date of enactment, unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board; however, the effective date of any individual plan amendment included within the overall amendment shall be 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 the plan amendment approved by this ordinance shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the 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 amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which

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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 Armstrong Coffey