Memorandum

MIAMI-DADE COUNTY

(Public Hearing 5-28-09)

Date: May 28, 2009

Special Item No. 1

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Resolution and Public Hearing for the Transmittal to the Florida Department of Community Affairs of the October 2008 Cycle Applications to Amend the Comprehensive Development Master Plan

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Recommendation

It is recommended that the attached resolution be adopted after the public hearing on the October 2008 Cycle of applications to amend the Comprehensive Development Master Plan (CDMP) scheduled to begin at **9:30 AM on Thursday, May 28, 2009**. This resolution provides for the transmittal of certain October 2008 Cycle of Applications to amend the CDMP to the Florida Department of Community Affairs (DCA) and other agencies for state and regional review as required pursuant to Section 163.3184, Florida Statutes, (F.S.).

Scope

The CDMP is a broad-based countywide policy-planning document to guide future growth and development to ensure the adequate provision of facilities and services for existing and future populations in Miami-Dade County, 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 (LUP) map amendment applications may have localized impact on one or more Commission Districts. Application No. 2 involves Land Use Plan (LUP) map changes for parcels located in Commission District 6 and 12 for Miami International Airport and in Commission Districts 1 and 13 for Opa-locka Executive Airport.

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 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 to Miami-Dade County for bringing such infrastructure to the area as well as annual operating costs.

Miami-Dade Aviation Department (MDAD) and the Department of Planning and Zoning (DP&Z) identified parcels at both Miami International and Opa-locka Executive Airports that are proposed for redesignation on the Adopted 2015-2025 Land Use Plan map. Six parcels would be redesignated from "Industrial and Office" to "Terminals" at the Opa-locka Executive Airport and three parcels would be redesignated from "Restricted Industrial and Office," "Industrial and Office," and "Business and Office" to "Terminals" at Miami International Airport. The proposed land use redesignations would not increase development intensity in any of the aforementioned parcels. Therefore, the proposed CDMP amendments would not generate additional fiscal impacts to Miami-Dade 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 to DCA for review and issuance of its Objections, Recommendations and Comments (ORC) report on the proposed October 2008 Cycle of Applications. Two (2) applications to amend the CDMP were filed during the October 2008 Cycle of amendments under the County's jurisdiction. Application No. 1 involves changes to the text of the CDMP. Application No. 2 involves changes to the text of the CDMP, changes to the Adopted 2015-2025 LUP map of the CDMP for parcels at Miami International and Opa-locka Executive Airports, and changes to the Adopted Airport Land Use Master Plans 2015-2025.

It is anticipated that the DCA will return an ORC report in August 2009 addressing the transmitted applications. Preceding the final hearing by the Board, the DP&Z will respond to any DCA objections and may issue revised recommendations. The Local Planning Agency (i.e., Planning Advisory Board) will conduct an additional public hearing and may issue revised recommendations. The Board is scheduled to conduct a final public hearing on the transmitted amendments in October 2009.

Recommendations of the Department of Planning and Zoning
The DP&Z published its initial recommendations for the October 2008 Cycle Applications in a report titled, "Initial Recommendations October 2008 Applications To Amend The Comprehensive Development Master Plan," dated February 25, 2009. DP&Z's initial recommendations for the proposed October 2008 Cycle Applications are as follows:

Standard Amendments (Total = 2):

- Application No. 1: "TRANSMIT WITH CHANGE";
- Application No. 2: "ADOPT WITH CHANGE AND TRANSMIT"

Local Planning Agency Recommendations
The recommendations Planning Advisory Board (PAB) on the October 2008 Cycle of applications to amend the CDMP, acting as Miami-Dade County's Local Planning Agency (LPA), are contained in the PAB's 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 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 all the transmitted applications, before the Board conducts its next public hearing to take final action on the applications. On Section 3, the Board 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. On Section 4, the Board declares its intention to conduct and advertise one or more public hearings in 2009 to address the October 2008 Cycle applications to amend the Comprehensive Development Master Plan.

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.

Alex Muñoz
Assistant County Manager

MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: May 28, 2009

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 Mayor'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
05-28-09

RESOLUTION NO._____

RESOLUTION PERTAINING TO OCTOBER 2008 CYCLE APPLICATIONS REQUESTING AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN; INSTRUCTING THE COUNTY MANAGER WHETHER OR NOT TO TRANSMIT APPLICATIONS TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; REQUESTING FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS TO REVIEW APPLICATIONS; 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 Code; and

WHEREAS, two (2) CDMP amendment applications were filed on or before October 31, 2008 and are contained in the document titled "October 2008 Applications to Amend the Comprehensive Development Master Plan," dated December 5, 2008; and

WHEREAS, of the two (2) amendment applications, one (1) CDMP text amendment (Application No. 1) was privately filed, and 1 (one) CDMP text amendment with associated Airport Land Use Master Plan 2015-2025 maps for the Opa-locka Executive, Kendall Executive, Homestead General, and Miami International Airports (Application No. 2) was filed by the Aviation Department; and

WHEREAS, the Department of Planning and Zoning (DP&Z) issued its initial recommendations addressing Application Nos. 1 and 2 in a report titled "Initial Recommendations October 2008 Applications to Amend the Comprehensive Development Master Plan," dated February 25, 2009, as required by Section 2-116.1, Code of Miami-Dade County, and may issue revised recommendations on transmitted applications prior to final action by the Board; and

WHEREAS, affected Community Councils have acted in accordance with Miami-Dade County procedures, conducted duly noticed public hearings during the month of March 2009 to receive public comments on the applicable Airport Land Use Master Plan 2015-2025 map and Land Use Plan (LUP) map changes associated with Application No. 2 and on the recommendations of the DP&Z, and issued recommendations regarding the proposed amendment directly affecting their areas; and

WHEREAS, the Planning Advisory Board (PAB) acting as the Local Planning Agency (LPA) conducted a duly noticed public hearing on April 27, 2009, to address Application Nos. 1 and 2 of the October 2008 Cycle of amendments, the recommendations of affected Community Councils, and the DP&Z, to formulate recommendations regarding transmittal of the amendment applications to the Department of Community Affairs (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 recommendations to the Board regarding transmittal to DCA of Application Nos. 1 and 2 of the October 2008 Cycle of amendments, recommendations regarding State agency review of the transmitted applications, and recommendations 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 applications which are reviewed by the DCA and any others not reviewed by the DCA but requested by the Board to be further reviewed by the PAB, and may issue revised recommendations on said applications following one or more duly noticed public hearings in 2009; 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 activity or 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 desires to further evaluate, without prejudice, those applications filed for review and action during the October 2008 Cycle of Amendments that are 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(s) 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(s). For any such application where the instruction is to Transmit or Do Not Transmit, pursuant to Section 2-116.1(3), 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:

Application Number	Applicant/Representative Location (Size) Requested Change to the CDMP Land Use Plan Map, Policies or Text	Recommended Action and/or Transmittal Instruction
1	Florida Power and Light Company/Jeff Bercow, Esq. and Mike Radell, Esq. LAND USE ELEMENT Revise text to allow excavation for water management projects in the area east of Homestead Air Reserve Base and SW 122 Avenue between Military Canal and C-103 Canal and designated "Agriculture" on the adopted 2015-2025 Land Use Plan map Standard Amendment	

Application Number	Applicant/Representative Location (Size) Requested Change to the CDMP Land Use Plan Map, Policies or Text	Recommended Action and/or Transmittal Instruction
2	Miami-Dade County Aviation Department/Jose Abreu, P.E., Director LAND USE AND TRANSPORTATION ELEMENTS A. Revise the text in the Aviation Subelement of the Transportation Element on pages II-51 and II-52 to eliminate references to Opa-Locka Executive, Kendall-Tamiami Executive, Homestead General Aviation, and Miami International Airports' "landside and airside areas" in order to properly distinguish aviation and non-aviation uses on Miami-Dade Aviation Department owned property as depicted on the revised and attached Airport Land Use Master Plan maps. B. Revise the text in the Land Use Element, section titled, "Transportation" on pages I-54 and I-55 of the Adopted Components of the CDMP in order for the CDMP to be internally consistent. C. Replace the Airport Land Use Master Plan maps in the Aviation Subelement of the Transportation Element for Opa-Locka Executive, Kendall-Tamiami Executive, Homestead General Aviation and Miami International Airports with the revised maps. D. Redesignate certain airport-owned properties at Opa-Locka Executive and Miami International Airports to "Terminals" on the Adopted 2015-2025 Land Use Plan map. Standard Amendment	

Section 2. If transmittal is directed, the Board hereby requests the DCA to review all transmitted comprehensive plan amendment applications pursuant to Chapter 163.3184(6), F.S.

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 October 2008 Cycle applications to amend the Comprehensive Development Master Plan.

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
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 28th day of May, 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. JM/JAC

Joni Armstrong Coffey