

# Memorandum



Date: (Public Hearing 4-28-10)  
November 4, 2009

To: Honorable Chairman Dennis C. Moss  
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", written over a horizontal line.

Subject: Ordinance Acting Upon April 2009 Amendments to the Comprehensive  
Development Master Plan (Standard Applications)

## **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 or deny the pending April 2009 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 Wednesday, November 4, 2009, 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 will be scheduled for April 2010.

## **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. 3, for instance, is located within Commission District 10 (Commissioner Javier Souto); Application No. 4 is located within Commission District 11 (Commissioner Joe A. Martinez); and Application No. 6, which is both a CDMP LUP map amendment and a text amendment, is located in Commission District 9 (Commissioner Dennis C. Moss).

## **Fiscal Impact**

Fiscal impact means the cost incurred by the County of implementing the activities or actions 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. Below is a brief summary of the fiscal impacts from the proposed CDMP LUP map amendments of the April 2009 Cycle of Applications. Details of the fiscal impacts of each application can be found in Appendix D at the end of each review of a LUP map application, in the report titled "Initial Recommendations April 2009 Applications To Amend The Comprehensive Development Master Plan," dated August 25, 2009. This report is included in the agenda materials for the November 4, 2009 public hearing addressing the April 2009 Cycle of applications.

Based on the information provided by County agencies, the fiscal impacts from the April 2009 Cycle of Applications CDMP LUP map amendments vary, based on the type of request and location. Proposals involving non-residential development have less impact on infrastructure and public services than proposals involving residential development. For example, the Miami-Dade County Public Schools Board limits its impact reviews to proposals involving residential development or those that may allow residential development. The LUP map applications will not result in an increase in residential development because of voluntary restrictions or the requested redesignation does not increase residential density. Construction costs for water and sewer infrastructure improvements from Application No. 4 are estimated at \$495,450; annual operating cost for water and sewer facilities is estimated at \$21,971. Application No. 3 will not incur water and sewer infrastructure costs because there is an existing water main and a sanitary sewer gravity system on the application site. However, if the application site were developed at maximum residential development, Application No. 3 will have the greater annual operating cost for water and sewer facilities, estimated at \$94,587.

#### **Housing Impact**

None of the proposed CDMP Land Use Plan map amendment applications (Application Nos. 3 and 4) would reduce or increase the supply of housing in Miami-Dade County. This determination is based upon the current CDMP land use designation of the application sites, the requested re-designation, and voluntary restrictions on residential development.

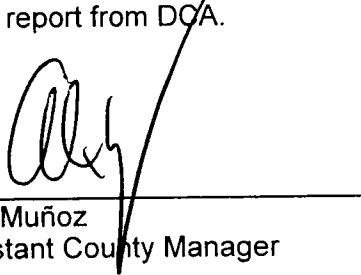
#### **Track Record/Monitor**

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

#### **Background**

The attached ordinance provides for action on the April 2009 Cycle standard applications requesting amendments to the CDMP; Application Nos. 3 to 6, 8, and 9. Application No. 7 (updates to the Capital Improvements Element) is being addressed in another ordinance (Special Item No. 1). Application Nos. 1 and 2 were lawfully withdrawn by letters dated August 5, 2009 and August 31, 2009, respectively.

A resolution accompanying this ordinance requests a review and issuance of an ORC report by DCA on all transmitted applications. It is estimated that DCA's ORC report on the applications will be returned to the County in February 2010. The County is required to take final action on transmitted applications within 60 days after receipt of the ORC report. The Department of Planning and Zoning (DP&Z) may issue revised recommendations, and the Planning Advisory Board (PAB) acting as the Local Planning Agency (LPA) may conduct a second public hearing and may issue revised recommendations between the time DCA issues its ORC report and the Board conducts its final hearing. By approving this ordinance on first reading, the Board is in a position to conduct a public hearing and take final action on the applications after receipt of ORC report from DCA.



Alex Muñoz  
Assistant County Manager



# MEMORANDUM

(Revised)

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

DATE: April 28, 2010

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

SUBJECT: Special Item No. 1

Please note any items checked.

- ☐ "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
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor

Veto \_\_\_\_\_

Override \_\_\_\_\_

Special Item No. 1

4-28-10

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO MIAMI-DADE COUNTY  
COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING  
DISPOSITION OF APPLICATIONS FILED IN APRIL 2009 CYCLE  
TO AMEND, MODIFY, ADD TO OR CHANGE COMPREHENSIVE  
DEVELOPMENT MASTER PLAN; PROVIDING SEVERABILITY,  
EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE

**WHEREAS**, the 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**, 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**, seven (7) CDMP amendment applications were filed on or before April 30, 2009 and are contained in the document titled "April 2009 Applications to Amend the Comprehensive Development Master Plan", dated June 5, 2009; and

**WHEREAS**, two (2) additional staff CDMP amendment applications were filed prior to the production of the report titled, "Initial Recommendations April 2009 Applications To Amend The Comprehensive Development Master Plan", dated August 25, 2009, bringing the total number of applications filed in the April 2009 CDMP amendment cycle to nine(9); and

**WHEREAS**, of the nine (9) amendment applications, four (4) Land Use Plan (LUP) map amendments (Application Nos. 1 through 4) and one (1) CDMP text amendment (Application No. 5) was privately filed, one (1) CDMP text and LUP map amendment (Application No. 6) was privately filed, two (2) CDMP text amendments (Application Nos. 7 and 9) were filed by the Department of Planning and Zoning (DP&Z), and one (1) CDMP text amendment (Application No. 8) was jointly filed by the Park and Recreation Department and DP&Z; and

**WHEREAS**, Application Nos. 1 and 2 were lawfully withdrawn by the applicants by letters dated August 5, 2009 and August 31, 2009, respectively; and

**WHEREAS**, the DP&Z issued its initial recommendations addressing Application Nos. 3 through 9 in a report titled "Initial Recommendations April 2009 Applications to Amend the Comprehensive Development Master Plan" dated August 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 September of 2009 to receive public comments on specific applicable applications and on the recommendations of the DP&Z, and issued recommendations regarding the proposed amendments directly affecting their areas; and

**WHEREAS**, on November 4, 2009, 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 Deny 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**, 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

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**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 amendment applications filed for review during the April 2009 cycle for amendments, modifications, additions, or changes to the Miami-Dade County CDMP as follows:

Application Number	Applicant/Representative Location (Size) Requested Amendments To The CDMP Land Use Plan Map/Text	Recommended Action and/or Transmittal Instruction
3	Baptist Hospital of Miami, Inc./Joseph G. Goldstein, Esq. and Tracy R. Slavens, Esq. Northeast corner of SW 137 Avenue and SW 96 Street (19.55 Gross Acres /16.02 Net Acres)  <u>Requested amendment</u> Redesignate the subject property: FROM: OFFICE/RESIDENTIAL TO: BUSINESS AND OFFICE  Standard Amendment	

Application Number	Applicant/Representative Location (Size) Requested Amendments To The CDMP Land Use Plan Map/Text	Recommended Action and/or Transmittal Instruction
4	<p>Ferro Investment Group II, LLC/Miguel Diaz De la Portilla, Esq. Southeast corner of SW 167 Avenue and SW 104 Street. (9.9 Gross Acres/8.38 Net Ac.)</p> <p><u>Requested Amendments</u></p> <ol style="list-style-type: none"> <li>1. Redesignate the subject property: FROM: AGRICULTURE TO: BUSINESS AND OFFICE</li> <li>2. Expand the UDB to include the subject property</li> <li>3. Add the Declaration of Restrictions to the 'Restrictions Table' in the Land Use Element</li> </ol> <p>Standard Amendment</p>	
5	<p>F I R Investments, Corporation/Felix Rodriquez</p> <p><u>Requested Amendment</u></p> <p>Revise the text in the Land Use Element to allow for new ancillary uses in the OPEN LAND CDMP land use category, as well as a more detailed list of allowable uses in the OPEN LAND Subarea 1.</p> <p>Standard Amendment</p>	
6	<p>Florida Power &amp; Light Company/Jeffrey Bercow, Esq. and Michael A. Gil, Esq.</p> <p><u>Requested Amendments</u></p> <ol style="list-style-type: none"> <li>1) Amend the Roadway network on the Adopted 2015-2025 Land Use Plan (LUP) map</li> <li>2) Amend the Transportation Circulation Subelement: <ol style="list-style-type: none"> <li>a) Add two new paragraphs of text for the definition of Temporary Roadways; and</li> <li>b) Planned 2025 Future Roadway Network map of the Future Traffic Circulation Map Series</li> <li>c) Add New Transportation map locating these Temporary Roadways.</li> </ol> </li> <li>3) Add the Declaration of Restrictions to the 'Restrictions Table' in the Land Use Element, if proffered</li> </ol> <p>Standard Amendment</p>	

Application Number	Applicant/Representative Location (Size) Requested Amendments To The CDMP Land Use Plan Map/Text	Recommended Action and/or Transmittal Instruction
8	<p>Department of Planning and Zoning/Marc LaFerrier, AICP, Director; Park and Recreation Department/ Jack Kardys, Director</p> <p><u>Requested Amendments</u></p> <p>A. Revise the text in the Recreation and Open Space Element to reflect the 2007 <i>Miami-Dade County Parks and Open Space Master Plan (OSMP)</i>.</p> <p>B. Revise the Recreation and Open Space Element to reflect other updates and policy changes not related to OSMP, including revisions to Policy ROS-4E, allowing new mechanisms for accepting open space conservation areas; and revisions to Policy ROS-5C iii, allowing greater protection of park sites with natural, historical, or archeological resources.</p> <p>Standard Amendment</p>	
9	<p>Department of Planning and Zoning/Marc LaFerrier, AICP, Director</p> <p><u>Requested Amendment</u></p> <p>Revise the text of the Housing Element to provide language that allows Miami-Dade County to enhance and preserve mobile home parks as viable options for affordable housing.</p> <p>Standard Amendment</p>	



**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 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 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 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."

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency.



Prepared by:



Joni Armstrong Coffey

Summary of Recommendations  
April 2009 Applications to Amend the Comprehensive Development Master Plan for Miami-Dade County, Florida  
March 22, 2010

Application Number/ Type	Location/Acreage/ Requested Amendment	BCC District/ Commissioner	DP&Z Initial Recommendation August 25, 2009	Community Council* Recommendation, Resolution # and Date	LPA Recommendation October 5, 2009	BCC Recommendation November 4, 2009	DP&Z Revised Recommendation March 15, 2010	LPA Final Recommendation March 22, 2010	BCC Final Actions April 28, 2010
3/ Standard	Baptist Hospital of Miami, Inc./Joseph G. Goldstein, Esq. and Tracy R. Slavens, Esq. Northeast corner of SW 137 Avenue and SW 96 Street (19.55 Gross Ac. / 16.02 Net Ac.) From: Office/Residential To: Business and Office	10/ Souto	Adopt and Transmit	Adopt and Transmit CC11-4-09 September 22, 2009	Adopt and Transmit (with acceptance of proffered covenant)	Adopt and Transmit (with Acceptance of Proffered Covenant)	Adopt As Transmitted To DCA	Adopt As Transmitted To DCA	Pending
4/ Standard	Ferro Investment Group II, LLC/ Miguel Diaz De la Portilla, Esq. Southeast corner of SW 167 Ave. and SW 104 <sup>th</sup> St. (9.9 Gross Ac. / 8.38 Net Ac.) 1. From: Agriculture To: Business and Office 2. Include within the Urban Development Boundary 3. Add the Declaration of Restrictions to the Restrictions Table in the Land Use Element	11/ Martinez	Deny and Do Not Transmit	Transmit with No Recommendation CC11-05-09 September 22, 2009	Transmit with No Recommendation (with acceptance of proffered covenant)	Transmit Without Recommendation and (with Acceptance of Proffered Covenant)	Deny	Adopt with the Declaration of Restrictions that limits the site to neighborhood office and retail, and Acceptance of Change to the Proffered Declaration of Restrictions limiting development of the site to 75,000 square feet of neighborhood office and retail uses.	Pending

Application Number/ Type	Location/Acreage/ Requested Amendment	BCC District/ Commissioner	DP&Z Initial Recommendation August 25, 2009	Community Council* Recommendation, Resolution # and Date	LPA Recommendation October 5, 2009	BCC Recommendation November 4, 2009	DP&Z Revised Recommendation March 15, 2010	LPA Final Recommendation March 22, 2010	BCC Final Actions April 28, 2010
5/ Standard	F I R Investments, Corp./ Felix Rodriguez Land Use Element Revise text for new ancillary uses to be allowed in the OPEN LAND CDMP land use category as well as a more detailed list of allowable uses in the OPEN LAND Subarea 1.	Countywide	Deny and Do Not Transmit	NA	Adopt with Change and Transmit [Changes include additions/deletions of certain text in the "Open Land" CDMP land use category on pgs. I-61 and I-63 to delete references to landfills and resource recovery facilities; and to provide additional language that storage of commercial vehicles on properties greater than 20 acres may be allowed in the "Open Land Subarea 1 (Snake-Biscayne Canal Basin)" including restricting the use of said properties to prohibit maintenance/repair of commercial vehicles.]	Adopt With Change in accordance with applicant's letter dated November 3, 2009 and Transmit	Deny	Adopt With Change as proposed in the applicant's 5th Letter of Intent, dated March 18, 2010 and further change to include the incidental temporary storage of operable, non-disabled vehicles only and that the maintenance and/or repair of all vehicles in the parking areas, not only commercial vehicles, be prohibited as suggested by the County Attorney.	Pending

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6/ Standard	Florida Power & Light Company / Jeffrey Berrow, Esq. and Michael A. Gil, Esq.  <b>Requested Amendments</b> 1) Amend the Roadway network on the Adopted 2015-2025 Land Use Plan (LUP) map  2) Amend the Transportation Circulation Subelement: a) Add two new paragraphs of text for the definition of Temporary Roadways; and b) Planned 2025 Future Roadway Network map of the Future Traffic Circulation Map Series c) Add New Transportation map locating these Temporary Roadways.	9/ Moss	Deny and Transmit	Adopt and Transmit CC-15 September 25, 2009	Adopt and Transmit	Adopt and Transmit request No. 4 of application as amended by applicant's letter dated October 23, 2009 and Transmit without Recommendation the remainder of the application and the two alternative road configuration maps submitted by applicant's letter dated October 23, 2009	Adopt With Change	Adopt with Change to include the SW 359 Street Proposed Access Option; to reflect the text changes proposed by FPL in its March 16, 2010 letter; to include Staff's recommendation to change the timing of temporary roads from three years to two years prior to and after the construction of Units 6 and 7 at Turkey Point; and the applicant will work with the Staff in the interim between the PAB and BCC hearings to resolve the remaining issues.	Pending

Application Number/Type	Location/Acreage/Requested Amendment	BCC District/Commissioner	DP&Z Initial Recommendation August 25, 2009	Community Council* Recommendation, Resolution # and Date	LPA Recommendation October 5, 2009	BCC Recommendation November 4, 2009	DP&Z Revised Recommendation March 15, 2010	LPA Final Recommendation March 22, 2010	BCC Final Actions April 28, 2010
8	<p>Department of Planning and Zoning/ Marc LaFerrier, AICP, Director, Park and Recreation Department/ Jack Kardys, Director</p> <p><b>Requested Amendment</b></p> <p>A. Revise the text in the Recreation and Open Space Element to reflect the 2007 <i>Miami-Dade County Parks and Open Space Master Plan (OSPM)</i>.</p> <p>B. Revise the Recreation and Open Space Element to reflect other updates and policy changes not related to OSPM, including revisions to Policy ROS-4E, allowing new mechanisms for accepting open space conservation areas; and revisions to Policy ROS-5C iii, allowing greater protection of park sites with natural, historical, or archeological resources.</p>	Countywide	Adopt and Transmit	NA	Adopt and Transmit	Adopt With Changes and Transmit in accordance with staff recommendation contained in the October 2, 2009 memorandum from the Park and Recreation Department	Adopt As Transmitted To DCA	Adopt as Transmitted to DCA	Pending

Application Number/Type	Location/Acreage/Requested Amendment	BCC District/Commissioner	DP&Z Initial Recommendation August 25, 2009	Community Council* Recommendation, Resolution # and Date	LPA Recommendation October 5, 2009	BCC Recommendation November 4, 2009	DP&Z Revised Recommendation March 15, 2010	LPA Final Recommendation March 22, 2010	BCC Final Actions April 28, 2010
9	Department of Planning and Zoning/ Marc LaFerrier, AICP, Director  <b>Requested Amendment</b>  Revise the text of the Housing Element to provide language that allows Miami-Dade County to enhance and preserve mobile home parks as viable options for affordable housing.	Countywide	Adopt and Transmit	NA	Adopt and Transmit	Adopt and Transmit with memorandum dated November 3, 2009, that was submitted to the County's Attorney's office by Jeffrey Bercow, Esq., representing Liberty Investments, Inc.	Adopt With Change	Adopt with Change as recommended by Staff	Pending