Memorandum

MIAMI-DADE COUNTY

Date: March 3, 2011

Special Item No. 1

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Resolution and Public Hearing for Transmittal of the Proposed Dolphin Center Properties, LLC, Application to Amend the Comprehensive Development Master Plan to the Florida Department of Community Affairs.

Recommendation

It is recommended that the Board of County Commissioners (Board) adopt the attached resolution (Special Item No. 1) after the public hearing scheduled to begin at 9:30 AM on Thursday, March 3, 2011 to address the Dolphin Center Properties, LLC, Application to amend the Comprehensive Development Master Plan (CDMP). The resolution provides for transmittal of the referenced CDMP amendment application to the Florida Department of Community Affairs (DCA) and other State and regional agencies for review and comment 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 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 application site is located within Commission District 1 (Commissioner Jordan). The proposed CDMP amendment is expected to have a countywide impact since it is associated with the Dolphin Center North Development of Regional Impact (DRI).

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 to Miami-Dade County for bringing such public infrastructure to the area, as well as, annual operating costs. Also, in accordance with Resolution No. 530-10, County departments are required to include detailed financial costs and budgetary impact analysis for items that have a fiscal impact to the County. Information on the fiscal impact of the referenced CDMP amendment application is contained in the document titled, "Application and Initial Recommendation Dolphin Center Properties, LLC, Application To Amend The Comprehensive Development Master Plan" dated January 18, 2011.

The CDMP amendment application would have limited fiscal impact on County facilities and services because the subject property is located within the City of Miami Gardens and is generally served by public facilities and services from other providers under contract with the City of Miami Gardens. However, Miami-Dade Water and Sewer Department (WASD) could be fiscally impacted. The application site is within the water and sewer service area of the City of North Miami Beach, which is a volume sewer customer of WASD. Assuming the subject site is built with the proposed water park facility, annual operating and maintenance costs for sewer

service are estimated at $62,706. This estimate is based on approved figures through September 30, 2009.

Track record/monitor
CDMP amendments do not involve contracts; therefore, information on Track Record/Monitoring is not applicable.

Background
The Dolphin Center Properties, LLC, CDMP Amendment Application seeks to change the land use designation on the Adopted 2015-2025 Land Use Plan (LUP) map of the CDMP from "Office/Residential" to "Business and Office" of a ±38.6 gross acre site located at the southwest corner NW 199 Street and the Florida Turnpike. The site is located within the existing Dolphin Center North DRI boundary. Although the application site is located within the City of Miami Gardens; Section 9.6 of the Miami Gardens Charter, provides that Miami-Dade County retains the jurisdiction over the Dolphin Center North Development of Regional Impact (DRI) properties, zoning and building approvals, water and sewer installation, compliance with environmental regulations, street maintenance, and utility regulations. The subject property is currently designated as "Commerce" on the City of Miami Gardens' CDMP Future Land Use Map. The City of Miami Gardens has indicated that the proposed application is consistent with the "Commerce" designation. The proposed CDMP amendment application was filed for concurrent processing with a separate, but related, Notice of Propose Change (NOPC) Application to the existing Dolphin Center North DRI pursuant to procedures established by Chapter 380.06, F.S., and Section 2-116.1 of the Code of Miami-Dade County. The Notice of Proposed Change (NOPC) Application seeks to change the DRI development order approved use for the application site from 100,000 sq. ft. of offices to a water park facility. The CDMP amendment and DRI NOPC Applications would facilitate the development of the proposed water park. Additionally, the CDMP amendment application is exempt from the twice-per-year statutory limitation on the adoption of comprehensive plan amendments as provided by the above-mentioned statute and County code and pursuant to Chapter 163, Part II, F.S.

Resolution
The attached resolution provides for transmittal of the Dolphin Center Properties, LLC, Application to amend the CDMP. The application would be transmitted to the DCA for its review and issuance of an Objections, Recommendations and Comments (ORC) report. The application was the subject of a public hearing conducted by the Planning Advisory Board (PAB), acting as the Local Planning Agency (LPA), on January 24, 2011. The actions required of the Board after the public hearing will be to consider transmittal of the referenced CDMP amendment application for consistency review to the DCA and other review agencies.

It is anticipated that, DCA will issue its ORC report on the application, if transmitted, in May 2011. The County is required to take final action on the transmitted application within 60 days after receipt of the ORC report. 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 PAB, acting as the Local Planning Agency, 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 July 2011.

Local Planning Agency Recommendations
The recommendation of the Planning Advisory Board, acting as the Local Planning Agency, is to Adopt and Transmit with Acceptance of Proffered Covenant and with instructions to the private

parties to resolve the private settlement agreement issues before the BCC CDMP amendment application transmittal hearing date. 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 a space where the Board's adopted transmittal instruction will be entered for the referenced CDMP amendment application. The transmittal instruction 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. To transmit the 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 the transmitted Application before the Board conducts its next public hearing to take final action on the Application.

Alex Muñoz
Assistant County Manager

MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: March 3, 2011

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
3-3-11

RESOLUTION NO._____

RESOLUTION PERTAINING TO APPLICATION REQUESTING AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN FILED FOR CONCURRENT PROCESSING WITH PROPOSED CHANGES TO "DOLPHIN CENTER NORTH" DEVELOPMENT OF REGIONAL IMPACT NOTICE OF PROPOSED CHANGE; 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 Miami-Dade Board of County Commissioners (Board) in 1988; and

WHEREAS, Chapter 380.06(6), F.S., provides a procedure for accepting and processing applications to amend a local comprehensive plan concurrently with a Notice of Proposed Change (NOPC) to an existing 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, the Dolphin Center Properties, LLC, filed an application to amend the CDMP and is being processed concurrently with a NOPC, filed with the South Florida Regional Planning Council (SFRPC), requesting approval of changes to the existing Dolphin Center North DRI, as provided in Chapter 380.06(6), F.S., and Section 2-116.1, of the Code of Miami-Dade County; and

WHEREAS, the Dolphin Center North DRI is located within the City of Miami Gardens and the Dolphin Center Properties, LLC, Application to amend the CDMP addresses property within the Dolphin Center North DRI; and

WHEREAS, the City of Miami Gardens, as indicated in a letter dated December 10, 2010, has found the Dolphin Center Properties, LLC Application to be consistent with the City's adopted CDMP Future Land Use Map; and

WHEREAS, the City Charter of the City Miami Gardens provides that Miami-Dade County retains jurisdiction over the Dolphin Center North DRI properties; and

WHEREAS, the Dolphin Center Properties, LLC, Application to amend the CDMP and the initial recommendation of the Department of Planning and Zoning (DP&Z) required by Section 2-116.1, Code of Miami-Dade County, are contained in a document titled "Application and Initial Recommendation Dolphin Center Properties, LLC, Application to Amend the Miami-Dade County Comprehensive Development Master Plan," dated January 18, 2011; and

WHEREAS, the Planning Advisory Board (PAB), acting as the Local Planning Agency (LPA), conducted a duly noticed public hearing on January 24, 2011, to address the Dolphin Center Properties, LLC, CDMP Amendment Application, the recommendation of the DP&Z, transmittal of the amendment application to the Florida Department of Community Affairs (DCA) for State agency review, and to formulate recommendations regarding final action on the requested CDMP amendment application; and

WHEREAS, at the conclusion of its public hearing, the LPA adopted its recommendation regarding transmittal of the CDMP amendment application to the DCA for State agency review, and 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, F.A.C., with the understanding that the LPA will further evaluate the transmitted application and may subsequently issue a revised recommendation following one or more duly noticed public hearings after receipt of comments from the DCA; and

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

WHEREAS, the DP&Z may publish a revised recommendation on the transmitted application prior to final hearings and actions by the LPA and 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 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 Dolphin Center Properties, LLC, Application to amend the CDMP filed for review and action concurrently with the NOPC to the Dolphin Center North DRI, and which the CDMP amendment application is hereby transmitted,

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

Section 1. The Board of County Commissioners, having considered the following application requesting amendments 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 the CDMP amendment application where the instruction is to transmit, a majority of the entire Commission directs the County Manager to transmit the referenced CDMP amendment 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.

Application	Applicant/Representatives Location (Size) REQUESTED CHANGES TO THE CDMP	Recommended Action and/or Transmittal Instruction
Dolphin Center Properties, LLC	Dolphin Center Properties, LLC / Joseph G. Goldstein, Esq. and Alan S. Krischer, Esq. 2269 Dan Marino Boulevard, Miami Gardens, FL 33056 (±38.6 gross; ±36.68 net) 1. Re-designate the ±38.6-gross acre application site within the DRI on the Adopted 2015-2025 LUP map from "Office/Residential" to "Business and Office"; and 2. Add a proffered Declaration of Restrictions, if accepted by the Commission, to the Land Use Element table titled "Restrictions Accepted by the Board of County Commissioners in Association with Land Use Plan Map Amendments."	

Section 2. The Board hereby requests the DCA to review the transmitted CDMP amendment application pursuant to Chapter 163.3184(6), F.S.

Section 3. The Board hereby reserves its right to take final action without prejudice at a later date to adopt, adopt with changes, or not adopt the Dolphin Center Properties, LLC, Application following receipt of notice or comments by the 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. The Board declares its intention to conduct and advertise one or more public hearings in 2011 to address the Dolphin Center Properties, LLC, Application transmitted hereby.

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:

Joe A. Martinez, Chairman
Audrey M. Edmonson, Vice Chairwoman

Bruno A. Barreiro	Lynda Bell
Jose "Pepe" Diaz	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of March, 2011. 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

Approved by County Attorney as
to form and legal sufficiency._____

By:_____
Deputy Clerk

Craig H. Coller