

MEMORANDUM

Special Item No.. 1

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

DATE: (Public Hearing 10-19-11)
May 18, 2011

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

SUBJECT: Ordinance relating to
Miami-Dade County
Comprehensive Development
Master Plan (CDMP);
providing disposition of
applications filed in October
2010 Cycle to amend,
modify, add to or change
CDMP

The accompanying ordinance was prepared by the Department of Planning of Zoning and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss.



R. A. Cuevas, Jr.
County Attorney

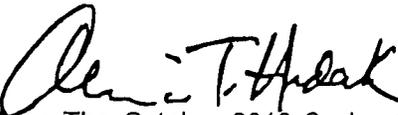
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Memorandum



Date: October 19, 2011

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

From: Alina T. Hudak
County Manager 

Subject: Ordinance Acting Upon The October 2010 Cycle of Applications to Amend 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 Board to adopt, adopt with change or deny the October 2010 Cycle Applications to amend the Comprehensive Development Master Plan (CDMP). It is recommended that first reading occur at the conclusion of the public hearing scheduled for Wednesday, May 18, 2011 at 9:30 AM in the Commission Chamber, to address the transmittal of applications filed in the October 2010 Cycle of Amendments to the Florida Department of Community Affairs (DCA) for review and issuance of its 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 October 2011.

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. For example, Application No. 1 is located in Commission District 4 (Commissioner Heyman); Application No. 2 is located in Commission District 10 (Commissioner Souto); and Application No. 3 is located in Commission District 9 (Commissioner Moss).

Fiscal Impact

Fiscal impact means the cost to Miami-Dade County of implementing the activities or actions that would be incurred after approval of an ordinance. Ordinance No. 94-238 requires a statement of fiscal impact on all activities and actions resulting from approval of an ordinance. Also, in accordance with Resolution No. 530-10, County departments are required to include detailed financial cost and budgetary impact analysis for items that have a fiscal impact to the County. 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 infrastructure to the area as well as the annual operating and management (O&M) costs. Information on the fiscal impact of each request to amend the Adopted 2015-2025 LUP map of the CDMP is presented in Appendix E at the end of each application review in the Department of Planning and Zoning's

(DP&Z) Initial Recommendations Report (dated February 25, 2011). The report is included in the agenda materials for the Board's transmittal hearing scheduled for May 18, 2011 addressing the October 2010 Cycle applications to amend the CDMP.

Fiscal impacts to the County from the October 2010 Cycle Applications vary depending on the type of CDMP amendment request and location of the land use change. According to Miami-Dade Water and Sewer Department (WASD), if the Application No. 1 parcel were developed with the proposed retail use, the annual O&M cost for water and sewer service is estimated at \$6,752. If the subject property were developed with 237 multi-family dwelling units (maximum development allowed under the proposed CDMP land use designation of "Business and Office"), the annual O&M cost is estimated at \$38,269. For Application No. 2, the annual O&M cost for water and sewer service is estimated at \$7,634, if the property is developed with the proposed retail use. If the application site were developed with mixed uses, (maximum development allowed under the proposed CDMP land use designation of "Business and Office"), the annual O&M cost is estimated at \$43,268. For Application No. 3, the annual O&M cost is estimated at \$31,511, if the property is developed with the proposed retail use.

Housing Impact

The referenced CDMP amendment applications have the potential to reduce or increase the County's housing supply, based upon the current CDMP land use designation of the application site, the requested CDMP land use designation, and voluntary restrictions on residential density. Application No. 1 could be developed with a maximum of 158 residential units under its current CDMP land use designations of "Low-Medium Density Residential [6 to 13 dwelling units (DU)/gross acre]" and "Business and Office". Under the proposed CDMP land use designation of "Business and Office", the application site could be developed with a maximum of 237 residential units, thus, 79 net residential units could be added to the supply of housing. Application No. 2 could be developed with a maximum of 44 residential units under its current CDMP land use designation of "Low Density Residential (2.5 to 6 DU/gross acre)" and "Business and Office". Based on a proffered Declaration of Restrictions submitted to DP&Z on November 1, 2010, which limits residential development on the subject property to a maximum of 10 dwelling units per gross acre, a maximum of 47 residential units could be built under the proposed CDMP land use designation of "Business and Office" on the 4.73 gross acre site; thus, 3 net residential units could be added to the County's housing supply. Application No. 3 could be developed with a maximum of 136 residential units under its current CDMP land use designation of "Low Density Residential (2.5 to 6 DU/gross acre)" and "Business and Office". However, on February 2, 2011, the applicant submitted to DP&Z a Declaration of Restrictions prohibiting residential development on the application site. Therefore, Application No. 3 could reduce the County's housing supply by a maximum of 136 units.

Track Record/Monitor

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

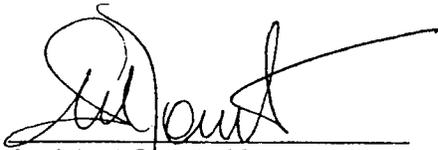
Background

Three (3) CDMP amendment applications were filed during the October 2010 Cycle of Amendments under the County's jurisdiction. Application Nos. 1 and 2 are small-scale amendments to the Adopted 2015-2025 LUP map of the CDMP and are being addressed in another ordinance (Special Item No. 1) for second/final reading. These two small-scale

Honorable Chairman Joe A. Martinez and Members
Board of County Commissioners
Page 3

amendments to the LUP map were adopted by the Board on first reading on April 4, 2011. The attached ordinance (Special Item No. 3) provides for action on standard Application No. 3 requesting amendments to the Adopted 2015-2025 LUP map of the CDMP.

A resolution accompanying this ordinance (Special Item No. 2) requests a review and issuance of an ORC report by the DCA on all transmitted CDMP amendment applications. It is estimated that the DCA's ORC report on transmitted applications will be returned to Miami-Dade County in August 2011. The County is required to take final action on transmitted applications within 60 days after receipt of the ORC report. The DP&Z may issue revised recommendations and the Planning Advisory Board (PAB), acting as the Local Planning Agency (LPA), may conduct an additional public hearing and may issue revised recommendations between the time the DCA issues its ORC report and the Board conducts its final public hearing. By approving this ordinance on first reading, the Board is in a position to conduct a public hearing and take final action on transmitted applications after receipt of the ORC report from the DCA.



Assistant County Manager



MEMORANDUM

(Revised)

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

DATE: October 19, 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
10-19-11

ORDINANCE NO. _____

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING DISPOSITION OF APPLICATIONS FILED IN OCTOBER 2010 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 (F.S.) ; 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, three (3) CDMP Land Use Plan (LUP) map amendments (Application Nos. 1, 2 and 3) were filed by private parties on or before October 30, 2010 and are contained in the document titled "October 2010 Applications to Amend the Comprehensive Development Master Plan" dated December 5, 2010; and

WHEREAS, Miami-Dade County's procedures provide for the expedited processing of small-scale amendments as defined in section 163.3187, F.S.; and

WHEREAS, of the three (3) CDMP Land Use Plan map amendments filed in the October 2010 CDMP Amendment Cycle, Application Nos. 1 and 2 requested expedited adoption, if eligible, as small-scale amendments; and

WHEREAS, the Department of Planning and Zoning (DP&Z) has published its initial recommendations addressing the referenced CDMP amendment applications in the report titled "Initial Recommendations October 2010 Applications to Amend the Comprehensive Development Master Plan," dated February 25, 2011; and

WHEREAS, affected Community Councils have conducted optional public hearings pursuant to Section 2-116.1 (3)(e), Code of Miami-Dade County, to address CDMP amendment applications that would directly impact their respective council areas and issued recommendations to the Planning Advisory Board (PAB) and the Board; and

WHEREAS, the PAB, acting as the Local Planning Agency (LPA), conducted a duly noticed public hearing on April 25, 2011, to address the referenced CDMP amendment applications, the recommendations of the affected community councils and the DP&Z, to formulate recommendations regarding the adoption of the referenced CDMP amendment applications, and to address the transmittal of the standard CDMP amendment application to the DCA and other State and regional agencies for review and comment; and

WHEREAS, on May 18, 2011, this Board, by Resolution, instructed the County Manager to transmit a certain application to the DCA pursuant to Section 163.3184(3), F.S.; and

WHEREAS, the Board must take final action to Adopt, Adopt With Change or Deny CDMP amendment applications not later than sixty (60) days after receipt of written Objections, Recommendations and Comments (ORC) report from the DCA addressing CDMP amendment applications; 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

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 hearing required by the referenced procedures preparatory to enactment of this ordinance,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

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 action on the CDMP amendment applications filed for review during the October 2010 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 or Text	Final Action
1	GRM Acquisition Corp./Joseph G. Goldstein, Esq. and Tracy R. Slavens, Esq. Between Biscayne Boulevard and NE 14 Avenue along theoretical NE 112 Street (3.96 gross acres; 3.60 net acres). From: Low-Medium Density Residential Communities [6 to 13 dwelling units (DU)/gross acre; 2.91 gross acres] and Business and Office (1.05 gross acres) To: Business and Office Small-scale Amendment	
2	SunTrust Bank/Jeffrey Bercow, Esq. and Graham Penn, Esq. Southwest corner of SW 83 Avenue and SW 40 Street (4.73 gross acres; 4.07 net acres). 1. From: Low Density Residential Communities (2.5 to 6 DU/gross acre; 2.3 gross acres) and Business and Office (2.43 gross acres) To: Business and Office 2. Add a Declaration of Restrictions to the Restrictions Table in the Land Use Element. Small-scale Amendment	
3	Wal-Mart Stores East, LLP/ Augusto E. Maxwell, Esq. and Joel E. Maxwell, Esq. Southeast corner of SW 137 Avenue and SW 288 Street (18.5 gross acres; 16.8 net acres) 1. From: Low Density Residential Communities (2.5 to 6 DU/gross acre; 14.8 gross acres) and Business and Office (3.7 gross acres) To: Business and Office 2. Add a Declaration of Restrictions to the Restrictions Table in the Land Use Element Standard Amendment	

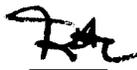
Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected thereby. If any application or portion of an application is found to be not in compliance pursuant to Section 163.3184, F.S., the remainder of 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.

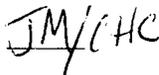
Section 5. This ordinance (overall amendment) shall become effective ten (10) days after the date of enactment, unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board, however, the effective date of any individual plan amendment included within the overall 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:



Craig Coller
John McInnis