

# Memorandum



**Date:** November 27, 2012

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

Special Item No. 2

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez".

**Subject:** Resolution and Public Hearing for the Transmittal to the State and Regional Agencies of the April 2012 Cycle Applications to Amend the Comprehensive Development Master Plan

## Recommendation

It is recommended that the Board of County Commissioners take action on the attached resolution (Special Item No. 2) after the public hearing on the April 2012 Cycle Applications to amend the Comprehensive Development Master Plan (CDMP) scheduled for Thursday, November 8, 2012 at 2:00 PM in the Commission Chamber. This resolution provides for the transmittal of applications filed in the April 2012 CDMP Amendment Cycle, to the State Land Planning Agency and other state and regional agencies (reviewing agencies) for review and comment pursuant to Section 163.3184, Florida Statutes.

## Scope

The CDMP is a broad-based countywide policy-planning document created to guide future growth and development, to ensure the adequate provision of public 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 in the County. While the adopted text of the CDMP generally applies countywide, some text amendment application and individual, site-specific Land Use Plan map amendment applications may have localized impact on one or more Commission Districts; such as Application No. 1, which is located within Commissioner Heyman's District 4; Application No. 2, which is located within Commissioner Sosa's District 6. Application No. 4 is a CDMP text amendment applicable to Open Land Subarea 1 within Commissioner Diaz's District 12.

## 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 impacts from the referenced small-scale CDMP amendment applications are contained in the document titled, "Initial Recommendations April 2012 Applications To Amend The Comprehensive Development Master Plan," dated August 25, 2012.

Fiscal impacts from approved CDMP Land Use Plan map amendment applications vary depending on the type of request and location. For example, proposals involving non-residential developments have less impact on public infrastructure and services than proposals involving residential developments. According to Miami-Dade Water and Sewer Department, for Application No. 1, if approved and the application site developed with 145 multi-family units (maximum residential development allowed under the requested CDMP land use designation of "Low-Medium Density Residential with One Density Increase with Urban Design"), the annual operating and maintenance cost for water and sewer service is estimated at \$25,824. However, if the application site were developed with 125 multi-family units, in accordance with the proffered Declaration of Restrictions (covenant), the annual operating and maintenance cost for water and sewer service is estimated at \$22,262. For Application No. 2, if approved and the application site developed with 260 single-family attached units (maximum residential development allowed under the requested CDMP land use designation of "Business and Office"), the annual operating and maintenance cost for water and sewer service is estimated at \$55,566. However, if the application site were developed with 200,000 sq. ft. of retail use, in accordance with the proffered covenant, the annual operating and maintenance cost for water and sewer service is estimated at \$23,746.

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

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

#### **Background**

Four applications (Application Nos. 1, 2, 3 and 4) were filed during the April 2012 CDMP Amendment Cycle. Application No. 3 was a Land Use Plan map amendment request, but was withdrawn by the applicant by letter dated October 3, 2012. Of the three remaining applications, Application Nos. 1 and 2 request amendments to the CDMP Adopted 2015 and 2025 Land Use Plan map and Application No. 4 requests amendment to the CDMP Land Use Element text. The attached resolution provides for transmittal to the reviewing agencies of the referenced CDMP amendment applications.

It is anticipated that the reviewing agencies will issue their comments in December 2012 addressing all transmitted applications. Preceding the final hearing by the Board, the Department of Regulatory and Economic Resources (Department) will respond to any reviewing agency objections and may issue final recommendations. The Planning Advisory Board, acting as the Local Planning Agency, will conduct an additional public hearing on the transmitted applications in or about February 2013 and may also issue final recommendations. The Board will conduct a final public hearing on the pending April 2012 Cycle Applications in March 2013.

#### **Community Councils and Local Planning Agency Recommendations**

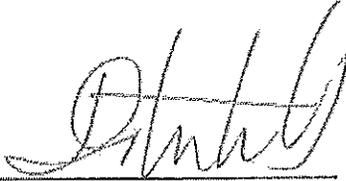
The recommendations of the affected community councils and of the Planning Advisory Board, acting as the Local Planning Agency, on the April 2012 Cycle Applications are contained in their respective resolutions, and in the updated "Summary of Recommendations" matrix included in the agenda kit materials for the Board's 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 instructions

will be entered for each individual application to amend the CDMP. 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 April 2012 Cycle of Amendments. To transmit any application, County Code requires the affirmative vote of a majority (7) of the County Commissioners in office. Section 2 of the Resolution requests the reviewing agencies to review and comment on all transmitted applications, before the Board conducts its next public hearing to take final action on the pending 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 April 2012 Cycle Applications and proposals following receipt of comments from the reviewing agencies. In Section 4, the Board declares its intention to conduct and advertise one or more public hearings in 2013 to address the pending April 2012 Cycle of Applications to amend the CDMP.

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.



Jack Osterholt  
Deputy Mayor



# MEMORANDUM

(Revised)

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

**DATE:** November 27, 2012

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

**SUBJECT:** Special Item No. 2

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. 2  
11-27-12

RESOLUTION NO. \_\_\_\_\_

RESOLUTION PERTAINING TO APRIL 2012 CYCLE APPLICATIONS REQUESTING AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN; INSTRUCTING THE MAYOR WHETHER OR NOT TO TRANSMIT APPLICATIONS TO THE STATE LAND PLANNING AGENCY; REQUESTING STATE LAND PLANNING AGENCY 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 Section 163, Part 2, Florida Statutes, the Comprehensive Development Master Plan (CDMP) for Miami-Dade County was adopted by the Miami-Dade 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

**WHEREAS**, four (4) applications to amend the CDMP were filed on or before April 30, 2012 all by private parties, and are contained in the document titled "April 2012 Applications to Amend the Comprehensive Development Master Plan," dated June 5, 2012; and

**WHEREAS**, of the four (4) applications, three (3) are Land Use Plan map amendments (Application Nos. 1, 2 and 3) and one (1) is a Land Use Element text amendment (Application No. 4); and

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

**WHEREAS**, of the three Land Use Plan map amendments filed in the April 2012 Cycle, two (2) amendments (Application Nos. 1 and 3) have requested expedited processing, if eligible, as small-scale amendments; and

**WHEREAS**, the eligible application requesting processing as a small-scale amendment may be transmitted as a standard amendment to the State Land Planning Agency and other state and regional agencies (reviewing agencies) for review and comments prior to subsequent final action by the Board; and

**WHEREAS**, the Department of Regulatory and Economic Resources (Department) issued its initial recommendations addressing the April 2012 Cycle Applications in a report titled "Initial Recommendations April 2012 Applications to Amend the Comprehensive Development Master Plan", dated August 25, 2012, as required by Section 2-116.1, Code of Miami-Dade County, and may issue final recommendations on transmitted applications prior to final action by the Board; 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 applications to amend the CDMP that would directly impact their respective council areas and issued recommendations to the Planning Advisory Board and the Board; and

**WHEREAS**, Application No. 3 was lawfully withdrawn by the applicant by letter dated October 3, 2012 pursuant to Section 2-116.1(3)(b) of the Code of Miami-Dade County, Florida; and

**WHEREAS**, the Planning Advisory Board, acting as the Local Planning Agency, conducted a duly noticed public hearing on October 9, 2012, to address the April 2012 Cycle Applications, the recommendations of the Department and the affected community councils, to formulate recommendations regarding the adoption of the April 2012 Cycle Applications, and to

address the transmittal of standard April 2012 Cycle Applications to the reviewing agencies pursuant to Section 163.3184, Florida Statutes, for review and comment; and

**WHEREAS**, at its October 9, 2012 public hearing, the Planning Advisory Board, acting as the Local Planning Agency, made recommendations to the Board regarding adoption of eligible small-scale amendment Application No. 1, and transmittal of standard amendment Application Nos. 2 and 4; and

**WHEREAS**, all existing lawful uses and zoning in effect prior to an amendment to the CDMP are deemed to remain consistent with this Plan 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 this Plan; 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 April 2012 CDMP Amendment Cycle that are hereby transmitted.

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

**Section 1.** The Board, having considered the following applications requesting amendments to the CDMP, hereby directs the Mayor to act in accordance with the transmittal instructions set forth in this section for such applications. For any such application where the instruction is to transmit, pursuant to Section 2-116.1(3)(g), Miami-Dade County Code, the Board directs the Mayor to transmit the application to the reviewing agencies along with all other materials pursuant to Section 163.3184, Florida Statutes.

Application Number	Applicant/Representative Location and Size Requested Amendments to the CDMP Land Use Plan Map or Text	Transmittal Instruction and/or Recommended Action
1	<p>Weitzer Aventura, LLC /Jeffrey Bercow, Esq. &amp; Graham Penn, Esq.</p> <p>Southeast corner of the intersection of NE 213 Street and NE 26 Avenue (±4.4 Gross Acres; ±3.17 Net Acres)</p> <p><u>Requested CDMP Amendment</u></p> <ol style="list-style-type: none"> <li>1. Redesignate application site on the LUP map From: Low-Medium Density Residential and Business and Office To: Low-Medium Density Residential with One Density Increase (DI-1) with Urban Design and Business and Office</li> <li>2. Revise the Restrictions Table in the Land Use Element to include the proffered Declaration of Restrictions, if accepted by the Board of County Commissioners.</li> </ol> <p>Small-Scale Amendment</p>	
2	<p>Pan American Coral Terrace, LTD./Juan J. Mayol, Jr., Esq.</p> <p>South side of SW 24 Street, and between SW 69 Court and SW 71 Avenue (±20 Gross Acres; ±18.13 Net Acres)</p> <p><u>Requested CDMP Amendment</u></p> <ol style="list-style-type: none"> <li>1. Redesignate application site on the LUP map From: Business and Office and Industrial and Office To: Business and Office</li> <li>2. Revise the Restrictions Table in the Land Use Element to include the proffered Declaration of Restrictions, if accepted by the Board of County Commissioners.</li> </ol> <p>Standard Amendment</p>	

Application Number	Applicant/Representative Location and Size Requested Amendments to the CDMP Land Use Plan Map or Text	Transmittal Instruction and/or Recommended Action
4	FIR Investments, Corp./Felix M. Lasarte, Esq.  Revise the "Open Land Subarea 1 (Snake-Biscayne Canal Basin)" text on page I-63 to allow the currently prohibited activity of truck washing at commercial vehicle storage facilities.  Standard Amendment	

**Section 2.** The Board hereby requests the reviewing agencies to review all transmitted applications pursuant to Section 163.3184(3), Florida Statutes.

**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 any and all pending applications and proposals following receipt of comments by the reviewing agencies, and following one or more public hearings by this Board, all as authorized by Section 163.3184, Florida Statutes, and Section 2-116.1, Code of Miami-Dade County, Florida.

**Section 4.** The Board declares its intention to advertise and conduct one or more public hearings in year 2013 to address the pending April 2012 Cycle Applications to amend the CDMP.

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
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 27th day of November, 2012. 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