

# Memorandum



Date: March 6, 2013

To: Honorable Chairwoman Rebeca Sosa  
And Members, Board of County Commissioners

From: Carlos A. Gimenez  
Mayor

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

Substitute  
Special Item No. 1

Subject: Ordinance Acting upon the April 2012 Cycle of Applications to Amend the Comprehensive Development Master Plan (Standard Applications)

**This substitute ordinance differs from the original in that it revises the preamble of the original ordinance to reflect the actions taken by the Board of County Commissioners (Board) at its "transmittal" public hearing held on November 27, 2012, and acknowledges correspondence received from the State Land Planning Agency and other reviewing agencies issued between January 16, 2013 and February 13, 2013. This substitute ordinance addresses the disposition of pending Application Nos. 2 and 4 filed in the April 2012 Cycle of Applications to Amend the Comprehensive Development Master Plan (CDMP).**

## **Recommendation**

It is recommended that the Board of County Commissioners (Board) take action on the attached ordinance (Special Item No. 1), which provides for the Board to adopt, adopt with change or deny the April 2012 Cycle Applications to amend the Comprehensive Development Master Plan (CDMP).

It is recommended that final action be taken on this substitute ordinance for the referenced CDMP amendment applications at the conclusion of the public hearing scheduled for Wednesday, March 6, 2013 in the Commission Chamber. This ordinance follows the same format used in previous CDMP amendment cycles. That is, it contains blank spaces to record your actions on the requests contained in the referenced CDMP amendment applications.

## **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. 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. 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.

### **Housing Impact**

The referenced applications to amend the adopted 2015 and 2025 land use plan (LUP) map of the CDMP 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. For instance, if Application No. 2 were approved with the proffered covenant, the County's housing supply could be decreased by 29 dwelling units. If Application No. 2 were approved without the proffered covenant, the County's housing supply could be increased by 231 net dwelling units.

### **Track Record/Monitor**

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

### **Background**

The attached ordinance (Substitute Special Item No. 1) provides for final action on the pending April 2012 Cycle Application Nos. 2 and 4. The County transmitted the referenced CDMP amendment applications to the State Land Planning Agency and other state and regional agencies (reviewing agencies) for review and comment by letter dated December 21, 2012. The Board's previous actions at the November 27, 2012 public hearing were for Application No. 2 to "Transmit with the Proffered Declaration of Restrictions and Adopt", and for Application No. 4 to "Transmit with Change".

**Final Recommendations**

The final recommendations of the Department of Regulatory and Economic Resources and of the Planning Advisory Board on the pending April 2012 Cycle CDMP amendment Application Nos. 2 and 4 are contained in the Summary of Recommendations matrix attached. Additionally, the final recommendations of the Planning Advisory Board are also included in the attached resolution and minutes of the Planning Advisory Board's October 9, 2012 public hearing on the referenced applications.



Jack Osterholt, Deputy Mayor



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** March 6, 2013

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

**SUBJECT:** Substitute  
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 Mayor'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 \_\_\_\_\_

Substitute  
Special Item No. 1  
3-6-13

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

ORDINANCE RELATING TO MIAMI-DADE COUNTY  
COMPREHENSIVE DEVELOPMENT MASTER PLAN;  
PROVIDING DISPOSITION OF APPLICATIONS FILED IN  
APRIL 2012 CYCLE TO AMEND, MODIFY, ADD TO OR  
CHANGE COMPREHENSIVE DEVELOPMENT MASTER  
PLAN; PROVIDING SEVERABILITY, EXCLUSION FROM  
THE CODE AND AN EFFECTIVE DATE

**WHEREAS**, the Miami-Dade 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

**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 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 Comprehensive Development Master Plan 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 State Land Planning

Agency and other state and regional agencies (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, on November 27, 2012 at a duly noticed public hearing, the Board adopted Application No. 1 as a small-scale amendment (Ordinance No. 12-98) pursuant to Section 163.3187, Florida Statutes; and

WHEREAS, on November 27, 2012, this Board, by Resolution, instructed the Mayor to transmit standard Application Nos. 2 and 4 to the reviewing agencies for review and comment pursuant to Section 163.3184(3), Florida Statutes; and

WHEREAS, between January 16, 2013 and February 13, 2013 the State Land Planning Agency and other reviewing agencies issued letters, each identifying no adverse impacts to state facilities and resources and thereby made no comments on the referenced CDMP amendment applications; and

WHEREAS, the Planning Advisory Board, acting as the Local Planning Agency, conducted a duly noticed public hearing on February 19, 2013 to issue recommendations to the Board regarding final disposition of the pending CDMP amendment applications; and<<<sup>1</sup>

**WHEREAS**, the Board must take final action to Adopt, Adopt With Change or Deny applications to amend the CDMP no later than sixty (60) days after receipt of written comments from the reviewing agencies addressing transmitted applications; and

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<sup>1</sup> The differences between the substitute and the original item are indicated as follows: Words stricken through and/or [[double bracketed]] shall be deleted, words underscored and/or >>double arrowed<< are added.

**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 has conducted the public hearing 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:**

**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 >>>pending Application Nos. 2 and 4<<< ~~[[applications]]~~ filed for review during the April 2012 Cycle for amendments, modifications, additions or changes to the CDMP as follows:

Application Number	Applicant/Representative Location and Size Requested Amendments to the CDMP Land Use Plan Map or Text	Final Action
>>1<<	<p><del>&gt;&gt;Weitzer Aventura, LLC /Jeffrey Bercow, Esq. &amp; Graham Penn, Esq.</del></p> <p><del>Southeast corner of the intersection of NE 213 Street and NE 26 Avenue (±4.4 Gross Acres; ±3.17 Net Acres)</del></p> <p><del>Requested CDMP Amendment</del></p> <p><del>1. Redesignate application site on the LUP map</del>  <del>From: Low Medium Density Residential and Business and Office</del>  <del>To: Low Medium Density Residential with One Density Increase (DI-1) with Urban Design and Business and Office</del></p> <p><del>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.</del></p> <p><del>Small-Scale Amendment&lt;&lt;</del></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> <p>1. Redesignate application site on the LUP map  From: Business and Office and Industrial and Office  To: Business and Office</p> <p>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.</p> <p>Standard Amendment</p>	
4	<p>FIR Investments, Corp./Felix M. Lasarte, Esq.</p> <p>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.</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, Florida Statutes, 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, pursuant to Section 163.3184(3)(c)4, Florida Statutes, the effective date of any individual plan amendment included within the overall amendment shall be 31 days after the State Land Planning Agency notifies the local government that the plan amendment package is complete, if the amendment is not timely challenged. If timely challenged, the amendment shall become effective on the date the State Land Planning Agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance. 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, the individual amendment may nevertheless be made effective, subject to the imposition of sanctions pursuant to Section 163.3184(8), Florida Statutes, 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 State Land Planning Agency.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency.

JSB  
CUC/Dak

Prepared by:

Craig H. Collier