

# Memorandum



**Date:** (Public Hearing 5-22-13)  
May 7, 2013

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

Special Item No. 1

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over the printed name.

**Subject:** Ordinance Acting Upon October 2012 Cycle Small-Scale Amendments to the  
Comprehensive Development Master Plan

## Recommendation

It is recommended that the Board of County Commissioners (Board) adopt the attached Ordinance (Special Item No. 1), which provides for the Board to adopt, adopt with change, not adopt or deny the October 2012 Cycle Small-Scale Application Nos. 1, 2 and 3 to amend the Adopted 2015-2025 Land Use Plan map of the Comprehensive Development Master Plan (CDMP). Final action is recommended to be taken on the Ordinance at the conclusion of the public hearing scheduled to begin at 9:30 AM on Wednesday, May 22, 2013 in the Commission Chambers.

## 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, 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 Monestime's District 2, and Application Nos. 2 and 3, which are located within Commissioner Moss' District 9.

## Fiscal Impact/Funding Source

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 October 2012 Applications To Amend The Comprehensive Development Master Plan," dated February 25, 2013.

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 93 multi-family units (maximum residential development allowed under the requested CDMP land use designation of

"Business and Office"), the annual operating and maintenance costs for water and sewer service is estimated at \$16,563. However, if the application site were developed with 37,635 square feet of retail uses, the annual operating and maintenance costs for water and sewer service are estimated at \$4,468. For Application No. 2, if approved and the sited developed with the maximum 215 multi-family residential units, the annual operating and maintenance costs for water and sewer service are estimated at \$38,291. For Application No. 3, if approved and the sited developed with the maximum 178 multi-family residential units, the annual operating and maintenance costs for water and sewer service are estimated at \$31,701.

### **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. If these small-scale Land Use Plan map amendments were approved, the County's supply of multi-family housing could be increased by a total of 367 dwelling units. If Application No. 1 were approved as requested for Business and Office uses but instead developed for residential uses, the supply of housing in the County could be increased by a net 45 dwelling units. If Application No. 2 were approved, the supply of housing in the County could be increased by 215 dwelling units. If Application No. 3 were approved, the County's supply of housing could be increased by a net 107 dwelling units.

### **Track Record/Monitor**

CDMP amendments do not involve contracts; therefore, a Track Record/Monitor is not applicable.

### **Background**

The attached Ordinance (Special Item No. 1) provides for the Board's action on small-scale Application Nos. 1, 2 and 3 filed in the October 2012 Cycle of Applications requesting amendments to the CDMP. State law allows the adoption of the referenced small-scale CDMP amendments at the Board's public hearing on the October 2012 Cycle Applications scheduled for May 22, 2013.

A CDMP amendment application is eligible, under Section 163.3187, F.S., to be processed as a small-scale amendment to the local comprehensive plan if it involves 10 or fewer acres and the maximum total acreage in a calendar year for small-scale amendments does not exceed 120 acres. Since the County has not exceeded the acreage limitations for small-scale amendments to the CDMP for calendar year 2013, the Board has the ability to approve the proposed small-scale amendment Application Nos. 1, 2 and 3, totaling a cumulative 19.52 gross acres, without prior review by the State Land Planning Agency.

The Planning Advisory Board, acting as Local Planning Agency, conducted its public hearing on April 15, 2013 at which the Planning Advisory Board formulated its recommendations to the Board on all of the CDMP amendment applications filed in the October 2012 Cycle of Amendments. A "Summary of Recommendations" matrix, which shows the recommendations of the Department of Regulatory and Economic Resources, the affected Community Councils and the Planning Advisory Board, addressing the October 2012 Cycle Applications, will be included in the agenda materials package for the Board's public hearing on the October 2012 Cycle Applications scheduled for May 22, 2013.

At the May 22, 2013 public hearing, the Board may adopt, adopt with change, not adopt, or deny the referenced small-scale CDMP amendments. If the Board does not adopt Application Nos. 1, 2 and/or 3 as small-scale amendments, the Board may elect, by separate resolution, to transmit the proposed small-scale amendment(s) to the State Land Planning Agency and other state and regional agencies for review and comments, and then take final action in October 2013 after State review. Denial or failure to adopt as a small-scale amendment and failure to transmit a CDMP amendment application to the reviewing agencies for review, effectively denies approval of the application for the amendment cycle.



Jack Osterholt  
Deputy Mayor/Director



# MEMORANDUM

(Revised)

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

**DATE:** May 22, 2013

**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 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 \_\_\_\_\_

Special Item No. 1  
5-22-13

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

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN ACTING UPON SMALL-SCALE AMENDMENT APPLICATIONS FILED IN OCTOBER 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 (F.S.); 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**, three CDMP Land Use Plan map amendment applications (Application Nos. 1, 2 and 3), were filed by private parties on or before October 31, 2012 and are contained in the document titled "October 2012 Private Applications to Amend the Comprehensive Development Master Plan," dated December 5, 2012; and

**WHEREAS**, the three Land Use Plan map amendment applications are eligible and have requested expedited adoption as small-scale CDMP amendments; and

**WHEREAS**, two standard CDMP text amendment applications (Application Nos. 4 and 5) were filed by the Department of Regulatory and Economic Resources (Department) and included in the October 2012 Cycle; and

**WHEREAS**, the Department published its initial recommendations addressing the referenced Applications in the report titled "Initial Recommendations October 2012 Applications to Amend the Comprehensive Development Master Plan" dated February 25, 2013; and

**WHEREAS**, the affected Community Councils, the Planning Advisory Board, and the Department have acted in accordance with the referenced State and County procedures and have accepted applications, conducted public hearings and issued recommendations for the disposition of the small-scale CDMP amendment requests; and

**WHEREAS**, the Board can, by ordinance, take final action to Adopt, Adopt With Change, Not Adopt, or Deny the requested small-scale CDMP amendment Application Nos. 1, 2 and 3 at the public hearing conducted to address the question of transmittal to the State Land Planning Agency and other state and regional agencies (reviewing agencies); and

**WHEREAS**, the Board will consider approving a resolution transmitting to the State Land Planning Agency and other state and regional agencies any eligible small-scale amendment that is not adopted but not denied, and which this Board desires to further consider after review by the reviewing agencies; 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 hearings required by the referenced procedures preparatory to the 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 small-scale CDMP amendment Application Nos. 1, 2 and 3 filed for review during the October 2012 Cycle for amendments, modifications, additions, or changes to the Miami-Dade County Comprehensive Development Master Plan as follows:

Application Number	Applicant/Representative Location (Size) REQUESTED SMALL SCALE AMENDMENTS TO THE CDMP	Action on Small-Scale Amendment
1	<p>3000 NW 62 Street, Inc and Dinah Investments Corporation/Felix M. Lasarte, Esq.</p> <p>Southwest corner of the intersection of NW 29 Avenue and NW 62 Street (±3.75 gross acres; ±2.16 net acres)</p> <p><u>Requested Amendment to the CDMP Land Use Plan Map</u></p> <p>From: Low-Medium Density Residential (6 to 13 dwelling units per gross acre)</p> <p>To: Business and Office</p>	
2	<p>AB at Hidden Lake, Ltd/Javier L. Vasquez, Esq.</p> <p>Northwest corner of the intersection of SW 127 Avenue and SW 132 Street (±8.63 gross acres; ±7.72 net acres)</p> <p><u>Requested Amendment to the CDMP Land Use Plan Map</u></p> <p>From: Industrial and Office</p> <p>To: Medium Density Residential (13 to 25 dwelling units per gross acre)</p>	
3	<p>Florida Atlantic Investments, Inc./Juan J. Mayol, Jr., Esq., and Tracy R. Slavens, Esq.</p> <p>Southwest corner of SW 137 Avenue and SW 168 Street (±7.14 gross acres; ±6.54 net acres)</p> <p><u>Requested Amendment to the CDMP Land Use Plan Map</u></p> <p>From: Business and Office (Parcel A, ±6.14 gross acres); and Industrial and Office (Parcel B, ±1.0 gross acre)</p> <p>To: Medium Density Residential (13 to 25 dwelling units per gross acre)</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.

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 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 the Board; however, the effective date of any small-scale plan amendment approved by this ordinance shall be thirty-one (31) days after adoption by the Board, if the amendment is not timely challenged. If challenged within thirty (30) days after adoption, the challenged small-scale plan amendment shall not become effective until a final order is issued by the State Land Planning Agency or the Administration Commission determining the adopted small-scale 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, this 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.

Section 6. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:



Craig Collier