

# MEMORANDUM

Special Item No. 4

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

**DATE:** May 22, 2013

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

**SUBJECT:** Resolution pertaining to  
October 2012 Cycle Applications  
based on the adopted 2010  
Evaluation and Appraisal Report  
requesting amendments to the  
Comprehensive Development  
Master Plan

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The accompanying resolution related to the Miami-Dade Comprehensive Development Master Plan (CDMP) was prepared by the Regulatory and Economic Resources Department. Pursuant to Rule 5.05(b)(1) of the County Commission's Rules of Procedure, private Master Plan applications are exempt from the requirement of Commissioner sponsorship. This item contains only Department applications. Accordingly, the Department applications are sponsored by Chairwoman Rebeca Sosa.



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R. A. Cuevas, Jr.  
County Attorney

RAC/jls

# Memorandum



**Date:** May 22, 2013

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

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Resolution and Public Hearing for the Transmittal to the State and Regional Agencies of the October 2012 Cycle Evaluation and Appraisal Report Based Applications to Amend the Comprehensive Development Master Plan.

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## Recommendation

It is recommended that the Board of County Commissioners take action on the attached resolution (Special Item No. 4) after the public hearing on the October 2012 Cycle Applications to Amend the Comprehensive Development Master Plan (CDMP) scheduled for Wednesday, May 22, 2013 at 9:30 AM in the Commission Chamber. This resolution provides for the transmittal of the Adopted 2010 Evaluation and Appraisal Report (EAR) based applications filed in the October 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 163.3191, 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, individual, site-specific Land Use Plan map amendments may have localized impact on one or more Commission Districts such as the Land Use Plan map amendments proposed for Parcel Nos. 292 through 296 in Part C of Application No. 1. Parcel Nos. 1 through 291 are located within various municipalities; Parcel Nos. 292 and 293 are located within Commissioner Moss' District 9 and in Commissioner Bell's District 8; Parcel No. 294 is located within Commissioner Zapata's District 11; and Parcel Nos. 295 and 296 are located within Commissioner Diaz's District 12. Application No. 1, Parts A and B, and Application Nos. 2 through 11 are CDMP text amendments that apply countywide.

The changes proposed for Parcel Nos. 292, 293, 294 and 295 are to remove these parcels from within the applicable Urban Expansion Areas depicted on the CDMP adopted 2015 and 2025 Land Use Plan map and do not involve any change to the land use designations of these parcels.

## 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 EAR-Based CDMP amendment applications is contained in Appendix D of the document titled, "Initial Recommendations October 2012 EAR-Based Applications To Amend The Comprehensive Development Master Plan," dated April 2013.

Fiscal impacts from approved CDMP Land Use Plan map amendments 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. Application No. 1 of the EAR-Based amendments addresses the CDMP Land Use Element and proposes a single land use change to property in unincorporated Miami-Dade County (identified as Parcel No. 296 in Part C of Application No. 1). The land use change for Parcel 296, which proposes to include a ±521-acre site within the Urban Development Boundary and redesignate the site to "Restricted Industrial and Office", is the only proposed Land Use Plan map amendment that would generate a fiscal impact to the County. According to Miami-Dade Water and Sewer Department, if the proposed land use change for Parcel 296 were approved and the entire site developed with 11,347,380 square feet of warehouse uses (this development scenario includes filling all ±231 acres of lakes within the site), the annual operating and maintenance costs for water and sewer service are estimated at \$134,728. However, it is unlikely that the entire lake acreage would be filled as the lakes provide required drainage for approved development in the area. Accordingly, if the site were developed with 6,708,240 square feet of warehouse uses (this development scenario includes filling ±35 acres of lakes as previously approved for filling), the annual operating and maintenance costs for water and sewer service are estimated at \$76,922.

EAR-Based Application No. 1, Part C, proposes numerous changes (total 284 land use changes) to the CDMP Adopted 2015 and 2025 Land Use Plan map, of which only one proposed land use change affects property within unincorporated Miami-Dade County and would generate a fiscal impact to the County. This proposed land use change is identified as Parcel 296 in Part C of the Application. The remaining 283 proposed land use changes are to properties within municipalities and thereby would not generate a fiscal impact to the County. The land use changes for properties within municipalities are proposed only to reflect the most current adopted municipal comprehensive plan designations of the properties on the County's Land Use Plan map. Therefore, with the exception of the land use change proposed for Parcel 296 in Part C of Application No. 1, as discussed above, the EAR-Based Application Nos. 1 through 11 are generally text amendment requests and do not impose a fiscal impact to the County.

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

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

#### **Background**

Two sets of applications were filed in the October 2012 CDMP Amendment Cycle, totaling 16 applications. The first set comprising five applications (Application Nos. 1, 2, 3, 4 and 5) is

addressed in a separate memo and resolution (Special Item No. 2). The second set of Applications comprises eleven applications filed based on the Adopted 2010 Evaluation and Appraisal Report (EAR-Based Application Nos. 1 through 11) and is addressed in this memo and in the attached resolution (Special Item No. 4). The EAR-Based applications are serially numbered after eleven of the twelve adopted CDMP Elements, from Application No. 1 for the Land Use Element to Application No. 11 for the Economic Element. Each application contains proposed changes to the text and maps contained in the respective element, as applicable. For example, Application No 1 proposes numerous changes to the Land Use Element text, updates to the map series within the text and numerous changes to the Adopted 2015 and 2025 Land Use Plan map. The attached resolution provides for transmittal to the reviewing agencies of the referenced EAR-Based CDMP amendment applications.

It is anticipated that the State Land Planning Agency will coordinate the reviews of the transmitted applications with the reviewing agencies and issue its comments in an Objections, Recommendations and Comments report in August 2013. Preceding the final hearing by the Board, the Department of Regulatory and Economic Resources (Department) will address and respond to any objections raised by the State land Planning Agency in its comments, and may issue final recommendations. The Board will conduct a final public hearing on the pending October 2012 Cycle EAR-Based Applications to Amend the CDMP in or about October 2013.

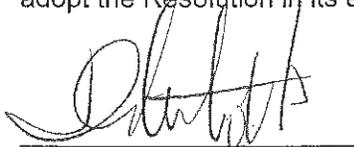
#### Community Council and Local Planning Agency Recommendations

The recommendations of the affected community council and of the Planning Advisory Board, acting as the Local Planning Agency, on the proposed October 2012 Cycle EAR-Based Amendment Applications are contained in their respective resolutions and in the updated "Summary of Recommendations" matrix included in the agenda package for the Board's scheduled 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 October 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 State Land Planning Agency to coordinate the review of the transmitted application by the reviewing agencies and issue the appropriate Objections, Recommendations and Comments report to address the October 2012 Cycle EAR-Based 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 Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** May 22, 2013

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

**SUBJECT:** Special Item No. 4

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. 4  
05-22-13

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

RESOLUTION PERTAINING TO OCTOBER 2012 CYCLE APPLICATIONS BASED ON THE ADOPTED 2010 EVALUATION AND APPRAISAL REPORT 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**, pursuant to Section 163.3191, Florida Statutes, Miami-Dade County is required to evaluate its CDMP at least once every seven years to determine if plan amendments are needed to reflect changes in state requirements, to notify the State Land Planning Agency of its determination and within one year of such notification to transmit the needed plan amendments for review; and

**WHEREAS**, the State Land Planning Agency established December 1, 2012 as the date by which Miami-Dade County was required to notify the State Land Planning Agency of its determination of whether plan amendments are needed, pursuant to Section 163.3191 Florida Statutes; and

**WHEREAS**, Miami-Dade County evaluated the CDMP and determined that amendments are needed to substantially update elements of the CDMP as recommended in the Adopted 2010 Evaluation and Appraisal Report, and notified the State Land Planning Agency of such determination by letter dated November 21, 2012; and

**WHEREAS**, eleven applications (Application Nos. 1 through 11) were filed in the October 2012 CDMP Amendment Cycle by the Department of Regulatory and Economic Resources (Department) principally to implement the recommendations of the Adopted 2010 Evaluation and Appraisal Report; and

**WHEREAS**, the eleven Evaluation and Appraisal Report (EAR) based applications are serially numbered after eleven of the twelve adopted CDMP elements, from Application No. 1 addressing the Land Use Element through to Application No. 11 addressing the Economic Element, and are contained in a report titled "Staff Applications, October 2012 Cycle EAR-Based Applications To Amend the Comprehensive Development Master Plan", dated March 27, 2013, with a supplemental "Errata" dated April 11, 2013 and revised April 29, 2013; and

**WHEREAS**, Application Nos. 1 through 11 proposes revisions to the text and maps series contained within the applicable CDMP Elements, and Part C of Application No. 1 proposes numerous changes to the CDMP adopted 2015 and 2025 Land Use Plan map; and

**WHEREAS**, the Department published its initial recommendations addressing the referenced Applications in a report titled "Initial Recommendations, October 2012 Cycle EAR-Based Applications to Amend the Comprehensive Development Master Plan" dated April 2013; and

**WHEREAS**, affected Country Club of Miami Community Council (5) has conducted an optional public hearing pursuant to Section 2-116.1(3)(e), Code of Miami-Dade County, to address the Land Use Plan map change proposed for Parcel 296 in Part C of Application No. 1

that would directly impact its council area and issued a recommendation to the Planning Advisory Board and the Board; and

**WHEREAS**, the Planning Advisory Board, acting as the Local Planning Agency, conducted a duly noticed public hearing on April 15, 2013, to address the October 2012 Cycle EAR-Based Applications, the recommendations of the Department and the affected Community Council, to formulate recommendations regarding the transmittal of the October 2012 Cycle EAR-Based Amendment Applications 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; and

**WHEREAS**, at its April 15, 2013 public hearing, the Planning Advisory Board, acting as the Local Planning Agency, made recommendations to the Board regarding transmittal to the reviewing agencies of EAR-Based Amendment Application Nos. 2, 3, 4, 5, 6, 7, 9, 10 and 11, and subsequent final action to be taken on the transmitted applications; and

**WHEREAS**, the April 15, 2013 public hearing was continued to May 6, 2013 at which time the Planning Advisory Board, acting as the Local Planning Agency, made recommendations to the Board regarding transmittal to the reviewing agencies of EAR-Based Amendment Application Nos. 1 and 8, and subsequent final action to be taken on the transmitted applications; 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 EAR-Based Applications filed for review and action during the October 2012 CDMP Amendment Cycle that are hereby transmitted ,

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

**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 Miami-Dade County Department of Regulatory and Economic Resources/Jack Osterholt, Deputy Mayor/Director REQUESTED CHANGES TO THE CDMP ELEMENTS	Transmittal Instruction and/or Recommended Action
1*	<p><b>Land Use Element</b></p> <p>Part A: Revise the CDMP Preface</p> <p>Part B: Revise the Introduction, Goals, Objectives, Policies and monitoring Program</p> <p>Part C: Revise the CDMP Adopted 2015 and 2025 Land Use Plan Map for consistency with the 2025 and 2030 time horizons and as presented on figures A through T and the accompanying Table 1, List of Proposed Land Use Plan Map Changes for Parcel Nos. 1 through 296*, and Table 2, Proposed Roadway Changes</p>	
2	<p><b>Transportation Element</b></p> <p>Part A: Revise the Element Introduction, Goals, Objectives, Policies, and Monitoring Program</p> <p>Part B: Traffic Circulation Subelement Revise the Introduction, Goals, Objectives, Policies, Map Series and Monitoring Program</p> <p>Part C: Mass Transit Subelement Revise the Introduction, Goals, Objectives, Policies, Map Series and Monitoring Program</p> <p>Part D: Aviation Subelement Revise the Introduction, Goals, Objectives, Policies, Map Series and Monitoring Program</p> <p>Part E: Port of Miami River Subelement Revise the Introduction, Goals, Objectives, Policies, Associated Map and Monitoring Program</p> <p>Part F: Port of Miami Master Plan Subelement Revise the Introduction, Goals, Objectives, Policies, Associated Map and Monitoring Program</p>	
3	<p><b>Housing Element</b> Revise the Introduction, Goals, Objectives, Policies, and Monitoring Program</p>	
4	<p><b>Conservation, Aquifer Recharge and Drainage Element</b> Revise the Introduction, Goals, Objectives, Policies, and Monitoring Program</p>	
5	<p><b>Water, Sewer, &amp; Solid Waste Element</b></p> <p>Part A: Water and Sewer Subelement Revise the Introduction, Goals, Objectives, Policies, Associated Table and Monitoring Program</p> <p>Part B: Solid Waste Subelement Revise the Introduction, Goals, Objectives, Policies and Monitoring Program</p>	

Application Number	Applicant/Representative Miami-Dade County Department of Regulatory and Economic Resources/Jack Osterholt, Deputy Mayor/Director REQUESTED CHANGES TO THE CDMP ELEMENTS	Transmittal Instruction and/or Recommended Action
6	<b>Recreation and Open Space Element</b> Revise the Introduction, Goals, Objectives, Policies, and Monitoring Program	
7	<b>Coastal Management Element</b> Revise the Introduction, Goals, Objectives, Policies, and Monitoring Program	
8	<b>Intergovernmental Coordination Element</b> Revise the Introduction, Goals, Objectives, Policies, and Monitoring Program	
9	<b>Capital Improvements Element</b> Revise the Introduction, Goals, Objectives, Policies, and Monitoring Program	
10	<b>Educational Element</b> Revise the Introduction, Goals, Objectives, Policies, and Monitoring Program	
11	<b>Economic Element</b> Revise the Introduction, Goals, Objectives, Policies, and Monitoring Program	

\* Application No. 1, Part C: Parcel Nos. 20 and 165 are withdrawn and Parcel Nos. 122, 157, 166, 237, 253, and 254 were not included in the application

**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 the Objections, Recommendations and Comments by the State Land Planning Agency, 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 October 2012 Cycle EAR-Based 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:

Rebeca Sosa, Chairwoman  
Lynda Bell, Vice Chair

Bruno A. Barreiro	Esteban L. Bovo, Jr.
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 22<sup>nd</sup> day of May, 2013. 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

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

Craig H. Collier

