Memorandum

MIAMI-DADE COUNTY

Date: November 18, 2015

Agenda Item No. 3(A)(1)

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Resolution for Application No. 1 in the May 2015 Cycle Applications to Amend the Comprehensive Development Master Plan

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The attached resolution addresses a Comprehensive Development Master Plan private application that under Rule 5.05(b)(1) of the Board is exempt from Commission sponsorship. The staff analysis and fiscal impact statement for this application are discussed in a separate memorandum that appears on this agenda which, together with this resolution, were prepared by the Department of Regulatory and Economic Resources.

Jack Osterholt
Deputy Mayor

MEMORANDUM
(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: November 18, 2015

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 3(A)(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**

_____ **Statement of social equity 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 _____

Agenda Item No. 3(A)(1)
11-18-15

RESOLUTION NO. _____

RESOLUTION PERTAINING TO MAY 2015 CYCLE APPLICATIONS REQUESTING AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN; DIRECTING THE MAYOR OR DESIGNEE TO ACT IN ACCORDANCE WITH THE TRANSMITTAL INSTRUCTIONS INCLUDED IN THIS RESOLUTION RELATED TO APPLICATION NO. 1, LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NE 109 STREET AND NE 13 AVENUE; REQUESTING STATE LAND PLANNING AGENCY TO REVIEW APPLICATION NO. 1; 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 Chapter 163, Part II, Florida Statutes, the Miami-Dade County Board of County Commissioners ("Board") adopted the Miami-Dade County Comprehensive Development Master Plan ("CDMP") in 1988; and

WHEREAS, the 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 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 Chapter 163, Part II, Florida Statutes; and

WHEREAS, applications to amend the CDMP may be filed with the Planning Division of the Department of Regulatory and Economic Resources ("Department") by private parties or by the County; and

WHEREAS, Application No. 1 was filed by a private party in the May 2015 Cycle of Applications to amend the CDMP ("May 2015 CDMP Amendment Cycle") and is contained in

the document titled "May 2015 Applications to Amend the Comprehensive Development Master Plan," dated June 22, 2015, and kept on file with the Department; and

WHEREAS, Section 163.3187, Florida Statutes, sets forth a process for adoption of small-scale comprehensive plan amendments ("small scale amendments"); and

WHEREAS, Miami-Dade County's procedures provide for the expedited processing of small-scale amendments that may be adopted as set forth in section 163.3187, Florida Statutes; and

WHEREAS, Application No. 1 is eligible and has requested expedited adoption as a small-scale CDMP amendment; and

WHEREAS, as required by Section 2-116.1, the Department issued its initial recommendations addressing the May 2015 CDMP Amendment Cycle in a report titled "Initial Recommendations May 2015 Applications to Amend the Comprehensive Development Master Plan", dated August 2015 and kept on file with the Department; and

WHEREAS, the directly impacted Community Council and the Planning Advisory Board, acting as the Local Planning Agency, have acted in accordance with the applicable State and County procedures and have conducted public hearings and issued recommendations for the disposition of Application No. 1; and

WHEREAS, at the public hearing conducted to address transmittal of the May 2015 CDMP Amendment Cycle to the State Land Planning Agency and other state and regional agencies ("reviewing agencies"), the Board can, by ordinance, take final action to adopt, adopt with change, or not adopt the requested small-scale amendment, Application No. 1, or the Board can take action to transmit Application No. 1 to the reviewing agencies; and

WHEREAS, the Department may issue final recommendations addressing the May 2015 CDMP Amendment Cycle Applications that are transmitted to the reviewing agencies; and

WHEREAS, this Board desires to further evaluate, without prejudice, Application No. 1 filed for review and action during the May 2015 CDMP Amendment Cycle, if hereby transmitted,

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

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. The Board, having considered the following application requesting amendments to the CDMP, hereby directs the Mayor or designee to act in accordance with the transmittal instructions set forth in this section for 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 or designee to transmit the application to the reviewing agencies, along with all other materials required 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	Mayres LLC, a Florida limited liability company/Stanley B. Price, Esq., Brian S. Adler, Esq. & Wendy Francois, Esq. Northeast corner of the intersection of NE 109 Street and NE 13 Avenue (±1.16 gross acres; ±0.828 net acres) <u>Requested Amendment to the LUP Map:</u> 1. Redesignate the application site From: "Medium Density Residential (13 to 25 dwelling units per gross acre.)" To: "Business and Office" 2. Add the proffered Declaration of Restrictions in the Restrictions Table in Appendix A of the CDMP Land Use Element, if accepted by the Board. Small-scale Amendment	

<u>Section 3</u>. The Board hereby requests the reviewing agencies to review the transmitted application pursuant to Section 163.3184(3), Florida Statutes.

<u>Section 4</u>. The Board hereby reserves the right to take final action without prejudice at a later date to adopt, adopt with changes, or not adopt the pending application 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.

<u>Section 5</u>. The Board declares its intention to advertise and conduct one or more public hearings in calendar year 2016 to address the pending May 2015 CDMP Amendment Cycle application.

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:

Jean Monestime, Chairman
Esteban L. Bovo, Jr., Vice Chairman

Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 18th day of November, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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.

Dennis A. Kerbel