# Memorandum

MIAMI-DADE COUNTY

**Date:** November 18, 2015

Agenda Item No. 3(E)(1)

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

**From:** Carlos A. Gimenez
Mayor

**Subject:** Resolution for Application No. 5 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(E)(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(E)(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. 5, LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF SW 184 STREET AND SW 112 AVENUE; REQUESTING STATE LAND PLANNING AGENCY TO REVIEW APPLICATION NO. 5; 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. 5 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. 5 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. 5; 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. 5, or the Board can take action to transmit Application No. 5 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. 5 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<br>Location and Size<br>Requested Amendments to the CDMP Land Use Plan Map or Text | Transmittal Instruction and/or Recommended Action |
|---|---|---|
| 5 | Brown Development Group LLC/Juan J. Mayol, Jr., Esq., Hugo P. Arza, Esq., Richard A Perez, Esq., Alejandro J. Arias, Esq. & Pedro Gassant, Esq.<br><br>Northeast corner of the intersection of SW 184 Street and SW 112 Avenue (±2.19 gross; ±1.89 net)<br><br>Requested CDMP Amendment:<br>1. Redesignate the application site on the Land Use Plan map:<br>From: "Office/Residential"<br>To: "Business and Office"<br>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.<br><br>Small-scale Amendment | |

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

**Section 4.** 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.

**Section 5.** The Board declares its intention to advertise and conduct one or more public hearings in calendar year 2015 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 Kerbel