

# Memorandum



(Public Hearing 11-17-16)

**Date:** July 20, 2016

Agenda Item No. 7(A)

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

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to be "Carlos A. Gimenez", written over a horizontal line.

**Subject:** Ordinance for Application to Amend the Comprehensive Development Master Plan

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The attached ordinance 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 report that appears on this agenda which, together with this ordinance, were prepared by the Department of Regulatory and Economic Resources.

A handwritten signature in black ink, appearing to be "Jack Osterholt", written over a horizontal line.

Jack Osterholt  
Deputy Mayor



# MEMORANDUM

(Revised)

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

**DATE:** November 17, 2016

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Agenda Item No. 7(A)

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. 7(A)  
11-17-16

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

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING DISPOSITION OF AMB CODINA BEACON LAKES, LLC, APPLICATION TO AMEND THE COUNTY'S COMPREHENSIVE DEVELOPMENT MASTER PLAN, LOCATED GENERALLY BETWEEN NW 137 AVENUE AND THE HOMESTEAD EXTENSION OF THE FLORIDA TURNPIKE AND BETWEEN NW 25 STREET AND SR 836 EXTENSION, FILED FOR CONCURRENT PROCESSING WITH NOTICE OF PROPOSED CHANGE TO THE BEACON LAKES DEVELOPMENT OF REGIONAL IMPACT; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, pursuant to Chapter 163, Part II, Florida Statutes, the Miami-Dade Board of County Commissioners ("Board") adopted the Miami-Dade County Comprehensive Development Master Plan ("CDMP") in 1988; and

**WHEREAS**, pursuant to Chapter 380.06(6), Florida Statutes, any local government comprehensive plan amendments related to a proposed development of regional impact may be initiated by a local planning agency or the developer and must be considered by the local governing body at the same time as the application for development approval; 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 the above-referenced 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 applicants or by the County; and

**WHEREAS**, the AMB Codina Beacon Lakes, LLC, Application to amend the CDMP (the Application) was filed by a private applicant on April 7, 2016, in accordance with Section 2-116.1, Code of Miami-Dade County; and

**WHEREAS**, as required by Section 2-116.1, the Department issued its initial recommendations addressing the Application in a report titled “Initial Recommendations AMB Codina Beacon Lakes, LLC, Application to Amend the Comprehensive Development Master Plan,” dated May 26, 2016, and kept on file with and available upon request from 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 the Application; and

**WHEREAS**, at the public hearing conducted to address transmittal of the Application to the State Land Planning Agency and other state and regional agencies (“reviewing agencies”), the Board by resolution, transmitted the Application to the reviewing agencies; and

**WHEREAS**, the Board must take final action to adopt, adopt with change, or not adopt the Application to amend the CDMP no sooner than (30) days and no later than (60) days after receipt of written comments from the reviewing agencies addressing transmitted applications, unless this time period is extended at the written request of the Applicant, pursuant to Section 2-116.1(5)(a)(4) and Section 2-116.1(5)(a)(6) of the Code of Miami-Dade County, Florida; 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**, this Board has conducted the public hearings 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 takes action on the AMB Codina Beacon Lakes, LLC, Application to Amend the CDMP, filed for concurrent processing with the Notice of Proposed Change to the Beacon Lakes Development of Regional Impact, as follows:

Application	Applicant/Representative Location and Size Requested Amendments to the CDMP Land Use Plan Map or Text	Final Action
<p>AMB Codina Beacon Lakes, LLC</p>	<p>AMB Codina Beacon Lakes, LLC/Tracy R. Slavens, Esq./Joseph G. Goldstein, Esq./Holland &amp; Knight LLP</p> <p>Generally located between NW 137 Avenue and the Homestead Extension of the Florida Turnpike, and between NW 25 Street and SR 836 Extension.</p> <p>Southwest Parcel: NE corner of NW 137 Avenue and NW 12 Street within the existing DRI; East Parcel: NW corner of the Homestead Extension of the Florida Turnpike and NW 12 Street;</p> <p>Requested Amendment to CDMP Text and Land Use Plan (LUP) Map:</p> <ol style="list-style-type: none"> <li>1. Re-designate ±48 gross acres on the Southwest Parcel on the CDMP Adopted 2020 and 2030 LUP map: from “Business and Office” to “Restricted Industrial and Office”;</li> <li>2. Re-designate ±63 gross acres on the East Parcel on the LUP map: from “Restricted Industrial and Office” to “Business and Office”; and</li> <li>3. Release an existing CDMP Declaration of Restrictions recorded in Official Records Book 27747 at Page 3899 of the Public Records of Miami-Dade County, Florida.</li> <li>4. Add the new proffered Declaration of Restrictions in the Restrictions Table in Appendix A of the CDMP Land Use Element, if accepted by the Board of County Commissioners</li> </ol> <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.

**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 this Board; however, pursuant to Section 163.3184(3)(c)4, Florida Statutes, the effective date of the plan amendment adopted in this ordinance 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 the adopted amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, the adopted 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:

Prepared by:

Dennis A. Kerbel

The image shows two handwritten signatures in black ink. The top signature is written over a horizontal line and appears to be 'ADW'. The bottom signature is more stylized and appears to be 'DK'. Both signatures are positioned to the right of the text 'Approved by County Attorney...' and 'Prepared by:'.