

MEMORANDUM

GOC
Agenda Item No. 2D

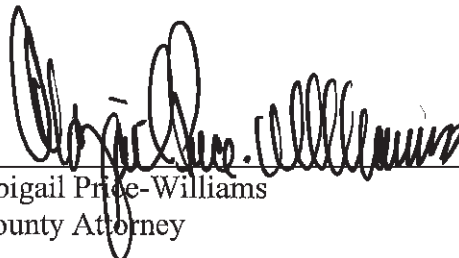
TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: October 10, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution directing the County Mayor, for any application filed to amend the Comprehensive Development Master Plan to allow the extension of State Road 836 outside the Urban Development Boundary (UDB), to make recommendations to this Board regarding policies to discourage inappropriate development outside the UDB; establishing Board policy related to public promises made by Miami-Dade Expressway Authority in support of the extension of State Road 836; establishing Board policy disfavoring an extension that is not the most minimal intrusion to the UDB as practicable

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss.



Abigail Price-Williams
County Attorney

APW/smm

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No.
10-3-17

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE, FOR ANY APPLICATION FILED TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN TO ALLOW THE EXTENSION OF STATE ROAD 836 OUTSIDE THE URBAN DEVELOPMENT BOUNDARY (UDB), TO MAKE RECOMMENDATIONS TO THIS BOARD REGARDING POLICIES TO DISCOURAGE INAPPROPRIATE DEVELOPMENT OUTSIDE THE UDB; ESTABLISHING BOARD POLICY RELATED TO PUBLIC PROMISES MADE BY MIAMI-DADE EXPRESSWAY AUTHORITY IN SUPPORT OF THE EXTENSION OF STATE ROAD 836; ESTABLISHING BOARD POLICY DISFAVORING AN EXTENSION THAT IS NOT THE MOST MINIMAL INTRUSION TO THE UDB AS PRACTICABLE

WHEREAS, traffic and transportation are among the most significant issues impacting the lives of Miami-Dade County residents; and

WHEREAS, all the major traffic corridors between SW 137th Avenue and the Homestead Extension to the Florida Turnpike (HEFT) from 8th Street to SW 152nd Street are currently operating at maximum capacity and high levels of congestion, and these conditions will be aggravated by the anticipated population and employment growth in Miami-Dade County; and

WHEREAS, the Miami-Dade Expressway Authority (MDX), has proposed the SR 836 Southwest Extension west of 137th Avenue from SW 8th Street to SW 152nd Street, to provide traffic relief for the Southwest Miami-Dade County and Kendall areas; and

WHEREAS, the SR 836 Southwest Extension could be developed as a multi-modal facility that would allow Transit Express Bus service on the Xpress Technology Lanes as well as a multi-use path that could include a transit rail line, or new, innovative modes of mass transit, providing Miami-Dade County residents with mobility options; and

WHEREAS, MDX has represented to the public that the proposed SR 836 Southwest Extension will include dedicated rapid transit bus lanes and connection to the SMART Plan corridors identified in Resolution No. R-523-16; and

WHEREAS, Section 2-116.1(9) of the Code of Miami-Dade County provides, “No applicant or applicant's representative seeking a recommendation for approval or approval of an amendment to the land use map shall be permitted to argue or represent to the Board of County Commissioners or other recommending County board that the property which is the subject of the application will be put to a specific use or uses or to exclude a use or uses authorized by the proposed land use designation, unless the applicant has submitted a restrictive covenant committing to such representation which has been submitted to the Director and has received approval as to form;” and

WHEREAS, the extension of SR 836 would require an amendment to the Miami-Dade County Comprehensive Development Master Plan (CDMP), to allow this roadway to be developed outside of the Urban Development Boundary (UDB), and through that amendment process, MDX could provide the County with a restrictive covenant or other legally enforceable instrument or mechanism to bind MDX to the public promises that it has made; and

WHEREAS, while this Board recognizes the need for traffic relief, this Board has also consistently preserved the Urban Development Boundary and affirmed its importance to the long-term planning of Miami-Dade County to avoid urban sprawl and encourage infill development in the eastern parts of the County; and

WHEREAS, if an application to amend the CDMP to allow the SR 836 Southwest Extension to be developed outside the UDB is filed, this Board wants to ensure that the County's planning staff, in formulating its recommendations, includes recommendations that address the need to preserve the UDB and the County's policies encouraging redevelopment and urban infill, and to ensure that any extension of SR 836 does not unintentionally encourage inappropriate development in the area around the extension,

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

Section 1. If a CDMP application is filed to allow the extension of SR 836 outside of the Urban Development Boundary (UDB), it is the policy of this Board that MDX shall provide a covenant or other binding document in favor of Miami-Dade County that commits MDX to its public promises to design and construct dedicated rapid transit bus lanes, and connection to the SMART Plan corridors identified in Resolution No. R-523-16, as part of MDX's SR 836 Southwest Extension.

Section 2. In keeping with this Board's consistent actions to preserve the UDB, it is hereby expressed as the policy of this Board that any such CDMP application will be viewed unfavorably if the application does not propose the most minimal intrusion outside the UDB as practicable.

Section 3. This Board hereby directs the County Mayor or County Mayor's designee, if an application is filed to allow the extension of SR 836 outside of the Urban Development Boundary (UDB), to include, in staff's recommendation on any such application, recommendations for additional policies to discourage inappropriate development around the

UDB, which would be included in any amendment approving such extension of SR 836. Such recommendations for additional policies shall consider, at a minimum: supermajority voting requirements to approve any future land use amendments or zoning applications in the vicinity of the SR 836 extension, analogous to what policies LU-3N, -3O, and -3P require around Krome Avenue; and policies that restrict the use of the 836 Extension and any improvements to the Levels of Service on other nearby roadways to satisfy concurrency or justify additional density or intensity in the area.

The Prime Sponsor of the foregoing resolution is Commissioner Dennis C. Moss. It 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:

- | | |
|-------------------|-------------------------------------|
| | Esteban L. Bovo, Jr., Chairman |
| | Audrey M. Edmonson, Vice Chairwoman |
| Bruno A. Barreiro | Daniella Levine Cava |
| Jose "Pepe" Diaz | Sally A. Heyman |
| Barbara J. Jordan | Joe A. Martinez |
| Jean Monestime | Dennis C. Moss |
| Rebeca Sosa | Sen. Javier D. Souto |
| Xavier L. Suarez | |

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of October, 2017. 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
Abbie Schwaderer-Raurell