

Memorandum



Date: April 21, 2021

To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

Agenda Item No. 4(A)

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Resolution for Application No. CDMP20200012 of the October 2020 Cycle Applications to Amend the Comprehensive Development Master Plan

The attached resolution addresses a Comprehensive Development Master Plan private application that, under rule 5.05(b)(1) of the Board’s rules of procedure, is exempt from commissioner 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.

A handwritten signature in blue ink, appearing to read "Jimmy Morales".

Jimmy Morales
Chief Operations Officer



MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: April 21, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 4(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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ☒, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ 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. 4(A)
4-21-21

RESOLUTION NO. _____

RESOLUTION PERTAINING TO OCTOBER 2020 CYCLE APPLICATION NO. CDMP20200012, FILED BY OLD CUTLER VILLAGE APARTMENTS, LTD., REQUESTING AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN; DIRECTING THE COUNTY MAYOR OR DESIGNEE TO ACT IN ACCORDANCE WITH THE TRANSMITTAL INSTRUCTIONS INCLUDED IN THIS RESOLUTION RELATED TO APPLICATION NO. CDMP20200012, LOCATED NORTH OF OLD CUTLER ROAD BETWEEN HOMESTEAD EXTENSION OF FLORIDA'S TURNPIKE (HEFT) AND BLACK CREEK CANAL; REQUESTING STATE LAND PLANNING AGENCY TO REVIEW APPLICATION NO. CDMP20200012; 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 Board of County Commissioners ("Board") adopted the Miami-Dade County Comprehensive Development Master Plan ("CDMP") in 1988; and

WHEREAS, the Board has provided procedures, codified as section 2-116.1, Code of Miami-Dade County, 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, Miami-Dade County's procedures classify applications as either standard or

small-scale amendment applications, sets forth the processes for adoption of small-scale and standard amendments, and require any application seeking adoption as a small-scale amendment to clearly state such request in the application; and

WHEREAS, Miami-Dade County's procedures provide that applications may be filed for processing in the January, May, or October CDMP amendment cycles or filed at any time for out-of-cycle processing; and

WHEREAS, Application No. CDMP20200012 was filed by a private party in the October 2020 Cycle of Applications to amend the CDMP (“October 2020 CDMP Amendment Cycle”) and is contained in the document titled " October 2020 Applications to Amend the Comprehensive Development Master Plan," dated December 2020, and kept on file with and available upon request from the Department; and

WHEREAS, as required by section 2-116.1, Code of Miami-Dade County, the Department issued its initial recommendation addressing Application No. CDMP20200012 in a report titled “Initial Recommendations October 2020 Applications to Amend the Comprehensive Development Master Plan”, dated February 2021 and kept on file with and available upon request from the Department; and

WHEREAS, the Department’s initial recommendation addressing Application No. CDMP20200012 is individually available in a Portable Document Format (PDF) file entitled “Initial Recommendations Appl CDMP20200012” on the Department’s website at https://energov.miamidade.gov/EnerGov_Prod/SelfService#/home by searching for plan number “CDMP20200012,” and selecting the tab for “Attachments,” or at the following weblink to the Attachments tab: https://energov.miamidade.gov/EnerGov_Prod/SelfService#/plan/d763fc9a-a772-4827-a67e-563d19ad39c7?tab=attachments; 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. CDMP20200012; and

WHEREAS, at its respective public hearing the PAB issued a recommendation for the disposition of Application No. CDMP20200012, but the impacted Community Council at its public hearing did not issue a recommendation due to tie votes; and

WHEREAS, the Department may issue final recommendations addressing the October 2020 Cycle CDMP Amendment Applications that are transmitted to the reviewing agencies; and

WHEREAS, this Board desires to further evaluate, without prejudice, Application No. CDMP20200012 filed for review and action during the October 2020 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 County 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, Code of Miami-Dade County, the Board directs the County 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
CDMP20200012	Old Cutler Village Apartments, Ltd. (c/o Weiss Serota Helfman Cole & Bierman, PL.) / Tony Recio, Esq., Edward Matos, Esq., & Alejandro Uribe, Esq. North of Old Cutler Road between HEFT & Black Creek Canal / ±22.57 gross; net acres <u>Requested Amendment to the CDMP</u> 1. Redesignate the application site on the LUP map: From: “Low-Medium Density Residential” (6 to 13 dwelling units per gross acre) To: “Medium Density Residential” (13 to 25 dwelling units per gross acre) 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 of County Commissioners. Standard 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.

Section 5. The Board declares its intention to advertise and conduct one or more public hearings in calendar year 2021 to address the October 2020 Cycle CDMP Amendment Applications.

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:

Jose "Pepe" Diaz, Chairman	
Oliver G. Gilbert, III, Vice-Chairman	
Sen. René García	Keon Hardemon
Sally A. Heyman	Danielle Cohen Higgins
Eileen Higgins	Joe A. Martinez
Kionne L. McGhee	Jean Monestime
Raquel A. Regalado	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared this resolution duly passed and adopted this 21st day of April, 2021. 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