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OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Date: March 28, 2007

Substitute
Special Item No. 1

To: Honorable Chairman Bruno A. Barreiro and Members
Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Substitute Ordinance Acting Upon April 2006 Amendments to the Comprehensive Development Master Plan: DCA No. 07-1 O#07-52

THE ENCLOSED SUBSTITUTE ORDINANCE DIFFERS FROM THE ORIGINAL IN THAT IT REVISES THE PREAMBLE OF THE ORDINANCE TO REFLECT THE ACTIONS TAKEN BY THE BOARD OF COUNTY COMMISSIONERS (BOARD) AT ITS "TRANSMITTAL" PUBLIC HEARING ON NOVEMBER 20, 2006, AND THE RECEIPT OF THE OBJECTIONS, RECOMMENDATIONS AND COMMENTS (ORC) FROM THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA) BY LETTER DATED FEBRUARY 16, 2007. IN SECTION 3 OF THE SUBSTITUTE ORDINANCE, THE REFERENCES TO APPLICATIONS NOS. 1 THROUGH 5, AND 9 THROUGH 12 ARE DELETED. APPLICATION NOS. 1, 3, 9, 10, 11 AND 12 WERE ADOPTED AS SMALL-SCALE AMENDMENTS; APPLICATION NO. 2 WAS DENIED; AND APPLICATION NOS. 4 AND 5 WERE WITHDRAWN. THEREFORE, THIS SUBSTITUTE IS LIMITED TO THE DISPOSITION OF APPLICATION NOS. 6 THROUGH 8 AND 13 THROUGH 16 AND A STAFF PROPOSAL IN RESPONSE TO THE ORC.

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) adopt the attached ordinance, (Substitute Special Item No. 1) which provides for the Commission to adopt, adopt with change, not adopt, or deny the pending April 2006 cycle applications to amend the Comprehensive Development Master Plan (CDMP).

It is recommended that final action be taken on the ordinance at the conclusion of today's public hearing. The ordinance follows the same format used in previous CDMP amendment cycles. That is, it contains blank spaces to record your action on each request contained in each application. After the Board adopts individual entries indicating its action on each application, the Board will take action adopting the Ordinance in its entirety, incorporating the foregoing entries. A minimum of seven affirmative votes is required by County Code to amend the CDMP.

SCOPE

The CDMP is a broad-based countywide policy-planning document to guide future growth and development to insure the adequate provision of facilities and services for existing and future populations, and to maintain or improve the quality of the natural and man-made environment. While the adopted text of the CDMP generally applies countywide, individual, site-specific Land Use Plan map amendment applications may have localized impact on one or more Commission Districts.

Application No. 6 is located within Commission District 7 (Commissioner Gimenez); Application Nos. 7 and 15 are located within Commission District 9 (Commissioner Moss); Application No. 8 is located

within Commission District 10 (Commissioner Souto); Application Nos. 13 and 14 are located within Commission District 8 (Commissioner Sorenson); and Application No. 16 is Countywide.

FISCAL IMPACT

Fiscal impact means the cost to the County of implementing the activities or actions that would be incurred after approval of the ordinance. Ordinance 94-238 requires a statement of fiscal impact on all activities and actions resulting from approval of an ordinance. In addition, Ordinance 01-163 requires the review procedures for amendments to the Comprehensive Development Master Plan (CDMP) to include for any proposed land use change a written evaluation of the estimated incremental and cumulative impact on Miami-Dade County for bringing such infrastructure to the area as well as the costs of operating it annually. Details on the fiscal impacts of each application can be found in the "Initial Recommendations" report dated August 25, 2006.

Based on the information provided by service agencies, the fiscal impacts of the proposed land use changes vary based on the type of request and location. The proposals involving non-residential development impact fewer services than the proposals for residential development. For example, the Miami-Dade County Public Schools Board limits its impact reviews to the proposals for residential development or those that may allow residential development. For public schools, Application No. 14 has the most significant fiscal impact to both annual operating cost ($3,392,382) and total potential capital cost ($6,729,108).

The Miami-Dade Water and Sewer Department (WASD) has estimated the fiscal impacts for providing public water and sewer. WASD has determined for each application site the impact and connection fees as well as annual operations and maintenance costs. The application that generates the most fiscal impacts for water and sewer service is Application No. 14, which will result in water impact fee of $570,710, sewer impact fee of $2,178,000 and annual operating and maintenance costs of $312,424. The estimated cost for constructing water and sewer infrastructure in the public right-of-way including 16-inch water mains, 12-inch water mains, 8-inch sanitary sewer force mains and public pump station is $3,945,712 for this application.

TRACK RECORD/MONITOR

CDMP Amendments do not involve contracts so a Track Record/Monitor is not applicable.

BACKGROUND

The attached ordinance provides for final action on seven (7) pending April 2006-cycle applications requesting amendments to the CDMP (Application Nos. 6, 7, 8, 13, 14, 15 and 16). These applications were transmitted to DCA for review and comment. The Board's previous actions on these applications were the following: Application No. 6: "Denied as Small-Scale Amendment and Transmit with No Recommendation;" Application No. 7: "Denied as Small-Scale Amendment and Transmit with a Recommendation to Deny;" Application No. 8: "Transmit with No Recommendation;" Application No. 13: "Transmit with Recommendation to Deny;" Application 14: "Transmit with Recommendation to Deny;" Application 15: "Transmit with Recommendation to Deny;" and Application No. 16: "Transmit with Recommendation to Adopt." A table summarizing the previous recommendations of the DP&Z, affected Community Councils, PAB and BCC, and the revised DP&Z's recommendations is enclosed as "Attachment A."

The DCA coordinated the State agency consistency review on the transmitted applications at the request of Miami-Dade County. In its Objections, Recommendations and Comments (ORC) report dated February 16, 2007, the DCA issued objections to Application Nos. 6, 7, 8, 13, 14, and 15 due to the non-availability of a potable water supply; Application Nos. 13, 14 and 15 due to the impact on public transportation facilities; and Application No. 16 due to the inadequacy of the Capital Improvements Element update to match proposed capital improvements to maintain and achieve short-range LOS standards. In response to the ORC, staff has prepared a text amendment, Appendix A, to tie proffered Declarations of Restrictions associated with Land Use Plan map amendments to the CDMP. Attached you will also find the "Revised Recommendations April 2006 Applications to Amend the CDMP" prepared by DP&Z. That report summarizes the pending applications as transmitted to DCA, presents the DP&Z's revised recommendations and principal reasons for the recommendations, includes the ORC report and provides staff response to the ORC report.

The Planning Advisory Board (PAB) action as the Local Planning Agency (LPA) conducted its final public hearing on the pending amendments on March 12, 2007 and issued the following recommendations: Application No. 6: "Adopt with Change to include the small parcel that was purchased after the last hearing and to accept the Proffered Covenant with changes;" Application No. 7: "Adopt with Acceptance of Proffered Covenant;" Application No. 8: "Adopt with Change requiring ingress and egress to be located on SW 127 Avenue and with Acceptance of Proffered Covenant;" Application No. 13: "No Recommendation;" Application No. 14: "Adopt with Change to Low Density Residential and with Acceptance of Proffered Covenant;" Application No. 15: "Adopt with Acceptance of Proffered Covenant;" Application No. 16: "Adopt with Change;" and Appendix A: "Adopt Staff Proposal Appendix A in Response to ORC." With the exception of Application No. 16, the PAB did not concur with the DZ&P's revised recommendations. The PAB recommendations are contained in the attached PAB resolution and meeting minutes dated March 12, 2007.

HOUSING IMPACT

The six (6) proposed applications to amend the Land Use Plan (LUP) map in unincorporated areas of Miami-Dade County has the potential to add a maximum of 1,690 residential units to the County's housing supply, based upon the requested re-designation of the application sites without consideration of any voluntary restrictions on density, as follows: Application No. 6 may add 115 units, Application No. 7 may add 0 units (due to covenant), Application No. 8 may add 176 units, Application No. 13 may add 129 units, Application No. 14 may add 1,000 units and Application No. 15 may add 270 units. The total increase in potential supply also represents the cumulative net housing impact countywide. Based on the fact that the yearly estimate by the DP&Z of the housing demand is 12,372 units, the cumulative addition of 1,690 units from the proposed amendments will add less than a few months to the supply of housing.

Assistant County Manager

MEMORANDUM
(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: March 28, 2007

FROM: Murray A. Greenberg County Attorney

SUBJECT: Substitute Special Item No. 1

Please note any items checked.

_____ **"4-Day Rule" ("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**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

__✓__ **No committee review**

Approved _____ Mayor
Veto _____
Override _____

Substitute
Special Item No. 1
3-28-07

ORDINANCE NO. 07-52

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING DISPOSITION OF APPLICATIONS FILED IN APRIL 2006 CYCLE TO AMEND, MODIFY, ADD TO OR CHANGE COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE

WHEREAS, the Board of County Commissioners (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 Miami-Dade County Comprehensive Development Master Plan (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 Section 163, Part II, Florida Statutes; and

WHEREAS, sixteen CDMP amendment applications were filed on or before May 1, 2006 and are contained in the document titled "April 2006 Applications to Amend the Comprehensive Development Master Plan" dated June 5, 2006; and

WHEREAS, standard Application No. 4 was lawfully withdrawn by letter from the applicant's representative dated June 23, 2006; and

WHEREAS, the Department of Planning and Zoning (DP&Z) published its initial recommendations addressing the referenced Applications in the report titled "Initial Recommendations April 2006 Applications to Amend the Comprehensive Development Master Plan" dated August 25, 2006; and

WHEREAS, affected Community Councils, Planning Advisory Board (PAB), and DP&Z have acted in accordance with the referenced State and County procedures and have accepted applications, conducted public hearings and issued recommendations for the disposition of the small-scale amendment requests; and

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WHEREAS, small-scale Application No. 5 was withdrawn by the applicant's representative at the November 20, 2006 hearing; and

WHEREAS, on November 20, 2006, this Board, by Resolution, instructed the County Manager to transmit certain applications to the Florida Department of Community Affairs (DCA) pursuant to Section 163.3184(3), F.S.; and

WHEREAS, on November 20, 2006, the Board of County Commissioners voted to adopt small-scale amendment Application Nos. 1, 10 and 11; to deny Application No. 2; to adopt with acceptance of proffered covenant Application Nos. 3 and 12; to adopt with change and acceptance of proffered covenant Application No. 9; to transmit Application Nos. 6, 7, 8, 13, 14, 15 and 16 to the Florida Department of Community Affairs (DCA) for review and comment; and

WHEREAS, DCA reviewed the proposed applications at the request of this Board and has issued its Objections, Recommendations and Comments (ORC) report pursuant to Section 163.3184 (6)(c), F.S.; and

WHEREAS, a portion of standard Application No. 7 was timely withdrawn by the applicant by letter dated February 28, 2007; and

WHEREAS, DP&Z has subsequently published its revised recommendations addressing the transmitted amendment applications and issues contained in the ORC report in the report titled "Revised Recommendations April 2006 Applications to Amend the Comprehensive Development Master Plan;" and

WHEREAS, DP&Z staff, in response to the Florida Department of Community Affairs ORC report, has proposed "Appendix A" in the Revised Recommendations Report, dated March 5, 2007, to tie proffered Declarations of Restrictions associated with Land Use Plan map amendments to the CDMP by amending the footnote on the Land Use Plan map and amending the text of the Land Use Element; and

WHEREAS, the Board must take final action to Adopt, Adopt With Change or Not Adopt amendment applications not later than sixty (60) days after receipt of written Objections, Recommendations and Comments report from DCA addressing the application(s); and

WHEREAS, all existing lawful uses and zoning in effect prior to a CDMP amendment are deemed to remain consistent with the CDMP as amended unless the Board, in conjunction with a particular zoning action, finds such pre-existing zoning or uses to be inconsistent with the CDMP based upon a planning study addressing the criteria set forth in the CDMP; 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, any application for zoning or other land use approval involves the application of the County's overall land use policies to the particular request under consideration; and

WHEREAS, the County's overall land use policies include, but are not limited to, the CDMP in its entirety and the County's land development regulations; 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 desires to take further action on the pending amendment applications filed for review during the April 2006 cycle for amendments, modifications, additions, or changes to the Miami-Dade County CDMP as follows:

Application Number	Applicant (Representative) Location (Size) REQUESTED CHANGE TO THE CDMP LAND USE PLAN MAP, POLICIES OR TEXT	Final Commission Action
6	Blue Cloisters, Inc., Red Rainbow Corporation and The Cloisters Investments, Inc. (Guillermo Olmedillo) The area bounded by SW 57 Avenue on the east; SW 60 Street on the south; SW 58 Avenue on the west and SW 58 Terrace on the north (7.8 Gross Acres) From: Low-Medium Density Residential (6 to 13 DU/Ac) To: Office/Residential	WITHDRAWN
7	Coral Reef Drive Land Development, L.L.C. (Juan J. Mayol, Jr., Esq.) North side of SW 152 Street along the east and west sides of theoretical SW 97 Avenue *(Originally 8.9 gross acres but revised by partial withdrawal request received February 28, 2007 to a total of 7.98 gross acres)* From: Low Density Residential (2.5 to 6 DU/Ac) To: Business and Office	ADOPT With Change to Office / Residential and Accept withdrawal of 0.92 gross acres
8	Vanguardian Village L.L.P. (Felix M. Lasarte, Esq.) Northeast corner of SW 127 Avenue and SW 104 Street (5.37 Gross Acres) From: Estate Density Residential (1 to 2.5 DU/Ac) To: Medium-High Density Residential (25 to 60 DU/Ac)	ADOPT With Acceptance of Proffered Covenant
13	Tagoror Investments, L.L.C., A Florida limited liability company (Juan J. Mayol, Jr., Esq.) North side of theoretical SW 338 Street between theoretical SW 194 and SW 192 Avenues (± 9.89 Gross Acres; ± 9.83 Net Acres) From: Estate Density Residential (1 to 2.5 DU/Ac) To: Low-Medium Density Residential (6 to 13 DU/Ac)	ADOPT With Change to Low Density Residential with DI-1 designation and Acceptance of Proffered Covenant

Application Number	Applicant (Representative) Location (Size) REQUESTED CHANGE TO THE CDMP LAND USE PLAN MAP, POLICIES OR TEXT	Final Commission Action
14	Q2 Florida City I, L.L.C., Q2 Florida City II, L.L.C., Q2 Florida City III, L.L.C. and Q2 Florida City IV, L.L.C. (Juan J. Mayol, Jr., Esq.) Between SW 336 and SW 344 Streets and between SW 192 and SW 197 Avenues (± 119.7 Gross Acres; ± 114 Net Acres From: Estate Density Residential (1 to 2.5 DU/Ac) To: Low-Medium Density Residential (6 to 13 DU/Ac)	ADOPT With changes to Estate Density Residential with DI-1 designation west of SW 194 Avenue (78 gross acres), to Low Density Residential with DI-1 designation east of SW 194 Avenue (41.7 gross acres), Acceptance of Proffered Covenant, and addition of SW 344 Street between SW 192 and SW 182 Avenues: 1) as a Major Roadway on the Adopted 2015 and 2025 LUP map, 2) as a 4 lane roadway on Figure 1 of the Traffic Circulation Sub-Element, and 3) to Table 10 of the CIE Schedules of Improvement.

Application Number	Applicant (Representative) Location (Size) REQUESTED CHANGE TO THE CDMP LAND USE PLAN MAP, POLICIES OR TEXT	Final Commission Action
15	Q2 Kings Mountain 485 L.L.C. (Juan J. Mayol, Jr., Esq.) Southeast corner of SW 344 Street and SW 192 Avenue (± 20.76 Gross Acres; ± 20 Net Acres) From: Low Density Residential (2.5 to 6 DU/Ac) To: Low-Medium Density Residential (6 to 13 DU/Ac)	ADOPT With change to Low Density Residential with DI-1 designation & Acceptance of Proffered Covenant
16	Miami-Dade County Department of Planning and Zoning / Diane O'Quinn Williams, Director CAPITAL IMPROVEMENTS ELEMENT Tables of Proposed Projects. Modify the following currently adopted tables as indicated in the application and related information: Table 2, Aviation; Table 3, Coastal Management; Table 4, Conservation; Table 5, Drainage; Table 6, Park and Recreation; Table 7, Seaport; Table 8, Sewer Facilities; Table 9, Solid Waste Management; Table 10, Traffic Circulation; Table 11, Mass Transit; and Table 12, Water Facilities. Standard Amendment	ADOPT With Changes to CIE Tables 8 and 12
Appendix A	Staff proposal in response to ORC report that ties proffered "Restrictions" associated with Land Use Plan map amendments to the CDMP	ADOPT

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. If any application, or portion of an application is found to be not in compliance pursuant to Section 163.3184, F.S., the remainder of the application subject to such a finding, and the remaining applications adopted by 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 (overall amendment) 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, the effective date of any individual plan amendment included within the overall amendment shall be in accordance with the following language which is included at the request of the Florida Department of Community Affairs without any admission by Miami-Dade County of the authority of the Department of Community Affairs or any other governmental entity to request or require such language: "The effective date of any [individual] plan amendment approved by this ordinance [and included within the overall amendment] shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the [individual] amendment in compliance in accordance with Section 163.3184(1)(b), Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on such [individual] amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this [individual] amendment may nevertheless be made effective 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 Department of Community Affairs, Division of Resource Planning and Management, Plan Processing Team. The Department's notice of intent to find a plan amendment in compliance shall be deemed to be a final order if no timely petition challenging the amendment is filed."

PASSED AND ADOPTED: March 28, 2007

Approved by County Attorney as
to form and legal sufficiency.

Prepared by:

Joni Armstrong Coffey