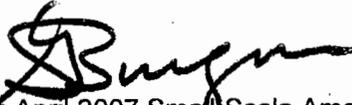


Date: (Public Hearing 11-27-07)
November 6, 2007

Special Item No. 1

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

From: George M. Burgess
County Manager



Subject: Ordinance Acting Upon April 2007 Small Scale Amendments to the Comprehensive
Development Master Plan

O#07-170

Recommendation

It is recommended that the Board of County Commissioners (Board) adopt the attached ordinance, (Special Item No. 1), which provides for the Board to adopt, adopt with change, not adopt, or deny the pending April 2007 Cycle small-scale applications to amend the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). It is recommended that final action be taken on the ordinance at the conclusion of the CDMP public hearing scheduled to begin at 9:30 AM on Tuesday, November 27, 2007.

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. The April 2007 Cycle Applications have a countywide impact.

Fiscal Impact/Funding Source

Fiscal impact means the cost to the County of implementing the activities or actions that would be incurred after approval of the resolution. The proposed ordinance acting on the April 2007 Cycle small-scale applications to amend the CDMP will not have a measurable fiscal impact on Miami-Dade County. Additional information on the fiscal impact of all the requests to amend the Land Use Plan map is presented in Appendix E at the end of each review of an application in the Department of Planning and Zoning's Initial Recommendations report (dated August 25, 2007), pursuant to County Ordinance No. 01-163. This report is included in the agenda materials for the November 27, 2007 public hearing addressing all the April 2007 applications to amend the CDMP, at which final action on this ordinance will be considered.

Housing Impact

Of the five small-scale applications filed in this amendment cycle, Application No. 7 was lawfully withdrawn by the applicant by letter dated October 10, 2007. Of the remaining four applications, three applications (Application Nos. 1, 10 and 11) may affect the supply of housing based on the land use categories being requested and the covenants proffered by applicants. An additional 16 dwelling units could result from Application No. 1, 192 units from Application No. 10 and 38 units from Application No.

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PLANNING ADVISORY BOARD

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and Members, Board of County Commissioners
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11. No additional dwelling units will result from Application No. 2. Thus, the cumulative impact will be a potential net increase of 246 units to the supply of countywide housing. If all the other factors in the cost of housing were equal, an increase in supply might nominally decrease the cost of residential land, and hence, decrease the growth in housing costs. As the acreage involved is very small, the change in housing costs is not measurable at this point. Both Application Nos. 10 and 11 have proffered covenants that provide for workforce housing.

Track Record/Monitor

CDMP amendments do not involve contracts; therefore, a Track Record/Monitor is not applicable.

Background

The attached ordinance provides for actions on four privately filed April 2007-Cycle applications requesting small-scale amendments to the LUP map of the CDMP (Application Nos. 1, 2, 10 and 11). A procedure is provided in the CDMP amendment process for the expedited processing of "Small-Scale" amendments as defined in Section 163.3187 (1) (c), Florida Statutes. The procedure authorizes the Board to take final action on small-scale requests to amend the Land Use Plan Map after public hearing without a prior review and issuance of Objections, Recommendations and Comment report by the Florida Department of Community Affairs (DCA).

The general criteria for the eligibility of a proposed amendment to be processed as a small-scale amendment is that it involves 10 or fewer acres and, if residential, it allows a density of 10 dwelling units per acre (10 du/ac) or less. Densities may be higher than 10 du/ac if the parcel is located in an Urban Redevelopment Transportation Concurrency Exception Area. The annual cumulative limit of small-scale amendments is 120 acres in jurisdictions such as Miami-Dade County, which contain designated redevelopment and downtown revitalization areas, urban infill areas, transportation concurrency exception areas, and regional activity centers. However, a 60-acre annual limitation applies to areas outside of these specifically designated urban areas. Additionally, outside these specifically designated areas, the maximum residential density that may be approved is 10 du/ac.

Thus far in 2007, the Board has not adopted any small-scale amendments since no LUP map changes were filed in the previous October 2006-07 cycle. The four pending April 2007 Cycle applications involve a total of 18.41 gross acres, bringing the total gross acreage for the year for small-scale amendments to 18.41 gross acres. Therefore, based on the above acreage limitations, the Board has the ability to approve any or all of these proposed small-scale amendments without prior DCA review.

The Planning Advisory Board acting as Miami-Dade County's Local Planning Agency conducted its public hearing on October 15, 2007, at which they formulated their recommendations to the Board of County Commissioners on all of the April 2007 cycle amendment applications. Attached is a matrix, titled Summary of Recommendations by the Department of Planning and Zoning, Community Councils and the Planning Advisory Board, addressing only the small-scale amendment requests to amend the Land Use Plan map of the CDMP.

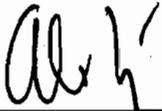
At the November 27, 2007 public hearing, the Board could elect to adopt, adopt with change, or not adopt the small-scale amendments. If the Board does not adopt a small-scale amendment, it may elect, by separate resolution, to transmit it to DCA for review and to take final action in April 2008 after State-agency review. Denial or failure to adopt as a small-scale amendment and failure to transmit an application to DCA for review effectively denies approval of the application for this amendment cycle.

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and Members, Board of County Commissioners
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Ordinance Format

The ordinance follows the same format for 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.

Attachments



Assistant County Manager

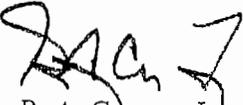


MEMORANDUM

(Revised)

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

DATE: November 27, 2007

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: 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

Special Item No. 1

Veto _____

11-27-07

Override _____

ORDINANCE NO. 07-170

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN; ACTING UPON SMALL-SCALE AMENDMENT APPLICATIONS FILED IN APRIL 2007 CYCLE TO AMEND, MODIFY, ADD TO OR CHANGE COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE

WHEREAS, the Miami-Dade County 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, 13 CDMP amendment applications were filed on or before April 30, 2007 and are contained in the document titled "April 2007 Applications to Amend the Comprehensive Development Master Plan", dated June 5, 2007; and

WHEREAS, four (4) additional staff CDMP amendment applications were filed prior to the preparation of the "Initial Recommendations April 2007 Applications to Amend the Comprehensive Development Master Plan Volumes 1 and 2", dated August 25, 2007, bringing the total number of applications filed in the April 2007 cycle CDMP amendments to 17; and

WHEREAS, of the 17 amendment applications, 11 Land Use Plan (LUP) map amendments (Application Nos. 1 through 11) were privately filed, five (5) text amendments (Application Nos. 12, 13, 13, 15, 16 and 17) were filed by the Department

of Planning and Zoning and one (1) text/map amendment (Application No. 14) was filed by the Aviation Department; and

WHEREAS, Miami-Dade County's procedures provide for the expedited processing of small-scale amendments as defined in Section 163.3187, F.S.; and

WHEREAS, of the seventeen applications comprising eleven Land Use Plan map amendments and six (6) text amendment filed for processing during the April 2007 CDMP amendment cycle, five (5) eligible applications (Application Nos. 1, 2, 7, 10 and 11) requested expedited adoption as small-scale plan amendments; and

WHEREAS, Application No. 7 was lawfully withdrawn by the applicant by letter dated October, 10, 2007; 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 2007 Applications to Amend the Comprehensive Development Master Plan" dated August 25, 2007; and

WHEREAS, the 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

WHEREAS, the Board can, by ordinance, take final action to Adopt, Adopt With Change, Not Adopt, or Deny requested small-scale amendment applications at the public hearing conducted to address the question of transmittal to the Florida Department of Community Affairs (DCA); and

WHEREAS, the Board will consider approving a resolution transmitting to the DCA any eligible small-scale amendments that are not adopted but not denied, and which this Board desires to further consider after review by DCA; and

WHEREAS, the Board can, by resolution, transmit to DCA small-scale amendment applications not adopted but not finally denied; 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 small-scale amendment applications filed for review during the April 2007 cycle for

amendments, modifications, additions, or changes to the Miami-Dade County Comprehensive Development Master Plan as follows:

Application Number	Applicant/Representative Location (Size) REQUESTED SMALL SCALE AMENDMENTS TO THE CDMP	Action on Small-Scale Amendment
1	<p>Geovanis Medina/Gloria M. Velazquez, Esq.</p> <p>Approximately 100 feet east of NW 27 Avenue between NW 87 Street and NW 89 Terrace (1.57 Gross Acres)</p> <p>From: Business and Office and Low-Medium Density Residential (6 to 13 DU/Ac) To: Business and Office Add the Declaration of Restrictions to the Restrictions Table in the Land Use Element Small-Scale Amendment</p>	<p>DENIED (as Small-Scale Amendment) and TRANSMIT as Standard Application</p>
2	<p>Blue Lagoon Development, LLC, a Florida limited liability company/Felix M. Lasarte, Esq.</p> <p>Southeast corner of NW 57 Avenue and Blue Lagoon Drive (8.6 Gross Acres; 7.63 Net Acres)</p> <p>From: Office Residential To: Business and Office Add the Declaration of Restrictions to the Restrictions Table in the Land Use Element Small-Scale Amendment</p>	<p>ADOPTED (as Small-Scale Amendment) with Acceptance of Proffered Covenant</p>
7	<p>Armando Amador/Augusto E. Maxwell, Esq.</p> <p>Northwest corner of SW 101 Avenue and SW 88 Street/N. Kendall Drive (1.29 Gross Acres)</p> <p>From: Low Density Residential (2.5 to 6 DU/Ac) To: Office/Residential (<i>Originally was to "Business and Office" but revised to "Office/Residential" by applicant's letter dated September 12, 2007</i>) Small-Scale Amendment</p>	<p>WITHDRAWN</p>
10	<p>West Perrine Land Trust, Inc., a Florida corporation and Wilbur B. Bell/Gilberto Pastoriza, Esq.</p> <p>Southwest corner of Homestead Avenue and SW 184 Street/Eureka Drive (3.20 Gross Acres)</p> <p>From: Industrial and Office To: Medium Density Residential (13 to 25 DU/Ac) with Density Increase (DI-1) Add the Declaration of Restrictions to the Restrictions Table in the Land Use Element Small-Scale Amendment</p>	<p>ADOPTED (as Small-Scale Amendment) with Acceptance of Proffered Covenant</p>

Application Number	Applicant/Representative Location (Size) REQUESTED SMALL SCALE AMENDMENTS TO THE CDMP	Action on Small-Scale Amendment
11	BDG Florida City, LLC/Jeff Bercow 34250 SW 192 Avenue (5.04 Gross Acres) From: Estate Density Residential (1 to 2.5 DU/Ac) To: Low-Medium Density Residential (6 to 13 DU/Ac) Add the Declaration of Restrictions to the Restrictions Table in the Land Use Element Small-Scale Amendment	ADOPTED with CHANGE to Low Density Residential with One Density Increase (DI-1) with Urban Design (as Small-Scale Amendment) and with Acceptance of Proffered Covenant

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 provided, however, that the effective date of any small-scale plan amendment approved by this ordinance shall be thirty-one (31) days after adoption by this Board (effective date of ordinance). If challenged within thirty (30) days after adoption, the challenged small-scale plan amendment shall not become effective until the DCA or the Administration Commission, respectfully, issues a final order determining the adopted small-scale amendment is in compliance.

PASSED AND ADOPTED: November 27, 2007

Approved by County Attorney as
to form and legal sufficiency.

Prepared by:



Joni Armstrong Coffey



**Summary of Recommendations by DP&Z, Community Councils, PAB and BCC
Addressing the Pending Status of April 2007 Applications to Amend the CDMP**

Application Number/ Type of Application	Location/Requested Designation	BCC District/ Commissioner	DPZ Initial Recommendation August 25, 2007/Reasons	Community Council Recommendation and Date of Hearing	Local Planning Agency Recommendation October 15, 2007	Board of County Commissioners First Hearing November 6, 2007
1 Small-Scale	100 feet east of NW 27 Avenue between NW 87 Terrace and theoretical NW 89 Street (1.57 gross acres); Redesignate the subject property From: Business and Office and Low-Medium Density Residential (6-13 DU/Ac) To: Business and Office <i>May add 16 units to the countywide housing supply</i>	2/ Rolle	Deny (due to inconsistency with the CDMP policies and provisions)	North Central Community Council (9/25/07) No Quorum	Deny	
2 Small-Scale	Southeast corner of NW 57 Ave. and Blue Lagoon Dr. (8.6 gross acres) Redesignate the subject property From: Office/Residential To: Business and Office <i>Will not add to the countywide housing supply</i>	6/ Sosa	Deny (due to inconsistency with the CDMP policies and provisions)	North Central Community Council (9/25/07) No Quorum	Adopt with Acceptance of proffered Covenant	
7 Small-Scale	Northwest corner of SW 101 Avenue and SW 88 Street (1.29 gross acres) (WITHDRAWN BY LETTER DATED OCTOBER 10, 2007)	7/ Gimenez	Deny (due to inconsistency with the CDMP policies and provisions)	Kendall Community Council (09/25/07) Deny	WITHDRAWN BY LETTER DATED OCTOBER 10, 2007	
10 Small-Scale	Southwest corner of Homestead Avenue and SW 184 Street (Eureka Drive) Redesignate the subject property: From: Industrial and Office To: Medium Density Residential w/ Density Increase 1 (DI-1) (13 to 60 DU/Ac) <i>May add 192 units to the countywide housing supply</i>	9/ Moss	Adopt With Acceptance of Proffered Covenant (further the CDMP policies and provisions)	Redland Community Council (09/20/07) Adopt	Adopt with Acceptance of Proffered Covenant	
11 Small-Scale	34250 SW 192 Avenue 1. Redesignate the subject property: From: Estate Density Residential (1 to 2.5 DU/Ac) To: Low-Medium Density Residential (6 to 13 DU/Ac) <i>May add 53 units to the countywide housing supply</i>	8/ Sorenson	Adopt With Change to Low Density Residential with One Density Increase (DI-1) and Acceptance of Proffered Covenant (further the CDMP policies and provisions)	Redland Community Council (09/20/07) Deny, Do Not Transmit	Adopt With Change to Low Density Residential with One Density Increase (DI-1) and Acceptance of Proffered Covenant	