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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Date: December 20, 2007

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

From: George M. Burgess
County Manager

Special Item No. 1

Subject: Resolution and Public Hearing for Transmittal of the Proposed "Beacon Lakes Development of Regional Impact" Comprehensive Development Master Plan Amendment to the Florida Department of Community Affairs

R#1405-07

RECOMMENDATION

It is recommended that the attached resolution be approved at the conclusion of the public hearing, scheduled for **9:30 AM on Thursday, December 20, 2007**, to address the proposed "Beacon Lakes Development of Regional Impact (DRI)" Comprehensive Development Master Plan (CDMP) amendment. The resolution provides for transmittal of the subject CDMP amendment application to the Florida Department of Community Affairs (DCA) and other State and regional agencies for review and comment pursuant to Section 163.3184, Florida Statutes.

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 proposed CDMP amendment application is located within District 12, and relates to a ±48-acre property generally located at the northeast corner of SW 137 Avenue and SR 836 extension, within the Beacon Lakes DRI.

FISCAL IMPACT

Fiscal impact refers to the cost to the County of implementing the activities or actions that would be incurred after approval of the amendment application. Ordinance 01-163 requires the review procedures for amendments to the 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. The proposed development includes the construction of 420,000 square feet of retail space. Below are the estimated public infrastructure and operating costs resulting from the proposed development:

- Annual operating and maintenance costs for water and sewer would be increased from $7,703 to $19,488 under the proposed retail development, a net increase of $11,785.
- Construction costs for public water and sewer infrastructure is estimated at $1,209,909 for the currently approved warehouse development on the application site. No additional public water and sewer infrastructure would be required for the proposed retail development; therefore, approval of the CDMP amendment would not create an additional fiscal impact.
- Annual operating costs for fire services would be increased from $24,060.87 to $162,410.87 under the proposed retail development, a net increase of $138,500.
- Transit service expansion to be determined.
- Roadway improvements to be determined.

TRACK RECORD/MONITOR
CDMP Amendments do not involve contracts; therefore, information on Track Record/Monitoring is not applicable.

BACKGROUND
The Beacon Lakes DRI CDMP amendment application seeks to change the Adopted 2015 and 2025 Land Use Plan (LUP) map designation of the ±48-acre application site from "Restricted Industrial and Office" to "Business and Office", to allow the development of 420,000 square feet of retail space. The applicant's stated intent of the proposed land use change is to provide retail development to serve the needs of residential neighborhoods located south of the application site.

In December 2006, the AMB Codina Beacon Lakes, LLC, filed a Notice of Proposed Change (NOPC) to the Beacon Lakes DRI, which among other things proposes the above-mentioned 420,000 square foot increase in retail space. This proposed change in retail space in the DRI development program would increase the total retail from 75,000 to 495,000 square feet, is not permissible under the current "Restricted Industrial and Office" 2015-2025 CDMP LUP map designation, and would necessitate the requested change in LUP map designation. The other modifications to the DRI development program comprise a simultaneous increase in office space from 150,000 to 175,000 square feet and a reduction of warehouse space from 6.6 million to 5.3 million square feet, which do not require CDMP amendment. The NOPC is being processed separately, but concurrently with the CDMP amendment application.

History
The original Beacon Lakes DRI was created in 2002 through the adoption of Resolution Z-11-02, which formed the original DRI Development Order conditions and approved 6.6 million sq. ft. of warehouse use, 150,000 sq. ft. of office space, and 75,000 sq. ft. of retail use. Since that time, the original DRI development order conditions have been amended once through Resolution Z-28-07, which approved the removal of the requirement to construct a westbound right turn lane at the intersection of NW 112 Avenue and NW 25 Street.

Resolution
The attached resolution provides for transmittal of the proposed Beacon Lakes DRI CDMP amendment application. The application would be transmitted to DCA for review and issuance of the Objections, Recommendations and Comments (ORC) report by DCA on the transmitted application. The application was the subject of a public hearing conducted by Community Council 5 on December 6, 2007, and by the Planning Advisory Board (PAB) on December 10, 2007. The action required of the Board today, after public hearing, is to consider transmittal of the proposed CDMP amendment application for consistency review to DCA and other review agencies.

It is anticipated that the DCA will return an ORC report in March 2008 addressing the transmitted application. Preceding the final hearing by the Board, the Department of Planning and Zoning (DP&Z) will respond to any DCA objections and may issue a revised recommendation, and the Local Planning Agency (i.e., Planning Advisory Board) will conduct an additional hearing and may also issue a revised recommendation. The Board is scheduled to conduct a final public hearing on the transmitted application in May 2008. The County is required to take final action on the transmitted application within 60 days after receipt of the ORC report, unless this time is extended through written request from the Applicant, pursuant to Section 2-116.1 of the County Code.

Department of Planning and Zoning Recommendations
The Department of Planning and Zoning recommends for the Board to DENY AND DO NOT TRANSMIT the application.

Community Council 5 Recommendation
The recommendation of Community Council 5 is to ADOPT AND TRANSMIT the application. The recommendation of Community Council 5 is contained in their resolution and in the summary matrix included in the agenda kit materials for this public hearing.

Local Planning Agency Recommendation
The recommendation of the Planning Advisory Board, acting as the Miami-Dade County's Local Planning Agency, is to TRANSMIT WITH NO RECOMMENDATION. The recommendation of the PAB is contained in their resolution and in the summary matrix included in the agenda kit materials for this public hearing.

RESOLUTION FORMAT
As provided in the County Code, transmittal instructions are to be issued by resolution. Section 1 of the attached resolution contains spaces where the Board's adopted transmittal instruction will be entered for the amendment application. Transmittal instructions shall be "Transmit" or "Do Not Transmit". Transmittal does not constitute adoption of the application; however, denial of transmittal in effect denies any further consideration of the application. To transmit any application, County Code requires the affirmative vote of a majority (7) of the Commissioners in office.

Section 2 of the resolution requests DCA to review and return its ORC report on the transmitted application before the Board conducts its next public hearing to take final action on the application.

Alex Muñoz
Assistant County Manager

MEMORANDUM

(Revised)

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

DATE: December 20, 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
Veto _____
Override _____

Special Item No. 1
12-20-07

RESOLUTION NO. R-1405-07

RESOLUTION PERTAINING TO APPLICATION REQUESTING AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN FILED FOR CONCURRENT PROCESSING WITH PROPOSED CHANGES TO "BEACON LAKES" DEVELOPMENT OF REGIONAL IMPACT (DRI); INSTRUCTING THE COUNTY MANAGER WHETHER OR NOT TO TRANSMIT THE APPLICATION TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; REQUESTING FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS TO REVIEW THE APPLICATION; 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 2, Florida Statutes (F.S.) and Chapters 9J-5, 9J-11, and 9J-12, Florida Administrative Code (F.A.C.), the Comprehensive Development Master Plan (CDMP) for Miami-Dade County was adopted by the Miami-Dade County Board of County Commissioners (Board) in 1988; and

WHEREAS, Chapter 380.06(6), F.S., provides a procedure for accepting and processing applications to amend a local comprehensive plan concurrently with a Notice of Proposed Change (NOPC) to an existing Development of Regional Impact (DRI); and

WHEREAS, Section 2-116.1 of the Code of Miami-Dade County, Florida, provides procedures for amending the CDMP which comply with the requirements of the foregoing State Statutes and Administrative Code; and

WHEREAS, a CDMP amendment application was filed for concurrent processing with a NOPC to the existing Beacon Lakes DRI, as provided in Chapter 380.06(6), F.S., and Section 2-116.1, of the County Code; and

WHEREAS, the Miami-Dade County Department of Planning and Zoning (DP&Z) issued its initial recommendation addressing the referenced CDMP amendment application in the report titled "Application and Initial Recommendation: Beacon Lakes DRI Application to Amend the Comprehensive Development Master Plan " dated November 21, 2007, as required by Section 2-116.1, Code of Miami-Dade County, and may issue revised a

recommendation on the transmitted application prior to final action by the Board; and

WHEREAS, affected Community Council No. 5 has acted in accordance with County procedures, and conducted a duly noticed public hearing on December 6, 2007, to receive public comments on the subject CDMP amendment application and on the recommendation of the DP&Z, and issued its recommendation addressing transmittal and final action by the Board; and

WHEREAS, the Planning Advisory Board (PAB), acting as the Local Planning Agency (LPA), conducted a duly noticed public hearing on December 10, 2007, to address the application, the recommendations of the affected Community Council and the DP&Z, and to address transmittal of the amendment application to the Florida Department of Community Affairs (DCA) and other State and regional agencies for review and comment; and

WHEREAS, at the conclusion of its public hearing the LPA adopted its recommendations regarding transmittal of the application to the DCA, recommendations regarding State agency review of the transmitted application, and recommendations regarding subsequent final action by the Board of County Commissioners as required by Section 2-116.1, Code of Miami-Dade County, and Section 9J-11, Florida Administrative Code, with the understanding that the LPA will further evaluate the transmitted application and may subsequently issue revised recommendations following one or more duly noticed public hearings after receipt of comments from the DCA; 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 of County Commissioners, in conjunction with a particular zoning action, finds such preexisting zoning or uses to be inconsistent with the CDMP based upon a planning study or activity 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 desires to further evaluate, without prejudice, the application filed for review and action in association with the NOPC to the "Beacon Lakes" DRI, and which is hereby transmitted,

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

Section 1. The Board, having considered the following application requesting amendment to the CDMP, hereby directs the County Manager to act in accordance with the transmittal instructions set forth in this section for such application. For any such application where the instruction is to transmit, pursuant to Section 2-116.1(3)(g), Miami-Dade County Code, the Board directs the Manager to transmit the application to the DCA and to all other agencies required pursuant to Chapter 163.3184, F.S., along with all other materials required by Chapter 9J-11, F.A.C.

Application	Applicant/Representatives Location and size Requested Changes to the CDMP	Transmittal Instruction
Beacon Lakes DRI CDMP Amendment	AMB Codina Beacon Lakes, LLC/ Joseph G. Goldstein, Esq. ±48 acres generally located at the northeast corner of NW 137 Avenue and SR 836 extension Change the land use designation of the subject property: From: Restricted Industrial and Office To: Business and Office	Adopt and Transmit

Section 2. The Board hereby requests the DCA to review the transmitted comprehensive plan amendment application pursuant to Chapter 163.3184(6), Florida Statutes.

Section 3. The Board hereby reserves its right to take final action without prejudice at a later date to adopt, adopt with changes, or not adopt any and all pending applications and proposals following receipt of notice or comments by DCA, and following one or more final public hearings by this Board, all as authorized by Chapter 163.3184, F.S. and Section 2-116.1, Code of Miami-Dade County, Florida.

Section 4. The Board declares its intention to conduct and advertise one or more public hearings in 2008 to address the comprehensive plan amendment application.

The foregoing resolution was offered by Commissioner Jose "Pepe" Diaz who moved for its adoption. The motion was seconded by Commissioner Rebeca Sosa and the vote was as follows:

Bruno A. Barreiro, Chairman	Yes
Barbara J. Jordan, Vice Chairwoman	Yes

José "Pepe" Diaz	Yes	Audrey Edmonson	Yes
Carlos A. Gimenez	Yes	Sally A. Heyman	No
Joe A. Martinez	Yes	Dennis C. Moss	Yes
Dorrin D. Rolle	Yes	Natacha Seijas	Yes
Katy Sorenson	No	Rebeca Sosa	Yes
Senator Javier D. Souto	Yes		

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of December 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: KAY SULLIVAN
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.
Joni Armstrong Coffey