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

Memorandum

MIAMI-DADE COUNTY

Date: April 24, 2008

Substitute
Special Item Nos. 1A
through 1E

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

From: George M. Burgess
County Manager

Subject: Substitute Ordinance Nos. 1A, 1B, 1C, 1D and 1E Acting Upon Pending April 2007 Cycle Applications to Amend the Comprehensive Development Master Plan; (DCA No. 08-1)

O#08-43

THE ATTACHED FIVE (5) SUBSTITUTE ORDINANCES DIFFER FROM THE ORIGINAL SINGLE ORDINANCE IN THAT THEY REVISE THE PREAMBLE OF THE ORDINANCE TO REFLECT THE ACTIONS TAKEN BY THE BOARD OF COUNTY COMMISSIONERS (BOARD) AT ITS "TRANSMITTAL" PUBLIC HEARING ON NOVEMBER 27, 2007, AND THE RECEIPT OF THE OBJECTIONS, RECOMMENDATIONS AND COMMENTS (ORC) FROM THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA) BY LETTERS DATED FEBRUARY 26, 2008 AND MARCH 6, 2008. ADDITIONALLY, IN SECTION 2 OF EACH OF THESE SUBSTITUTE ORDINANCES, THE REFERENCES TO APPLICATION NOS. 2, 4, 7, 10 AND 11 ARE DELETED. APPLICATION NOS. 2, 10 AND 11 WERE PREVIOUSLY ADOPTED AS SMALL-SCALE AMENDMENTS; APPLICATION NO. 4 WAS DENIED; AND APPLICATION NO. 7 WAS WITHDRAWN. THEREFORE, THESE SUBSTITUTES ARE LIMITED TO THE DISPOSITION OF APPLICATION NOS. 1, 3, 5, 6, 8, 9 AND 12 THROUGH 17. THE FIVE SUBSTITUTE ORDINANCES GROUP THE APPLICATIONS AS FOLLOWS: 1A (APPLICATIONS NOS. 1, 3 AND 6 WHICH ARE THE INFILL APPLICATIONS); 1B (APPLICATION NO. 5, WHICH IS "LOWE'S" APPLICATION TO MOVE THE UDB); 1C (APPLICATION NO. 8, WHICH IS "BROWN'S" APPLICATION TO MOVE THE UDB); 1D (APPLICATION NO. 9, WHICH IS "FERRO'S" APPLICATION TO MOVE THE UDB; AND 1E (APPLICATIONS NOS. 12-17, WHICH ARE THE STAFF APPLICATIONS).

Recommendation

It is recommended that the Board of County Commissioners (Board) adopt the attached ordinances, (Substitute Special Item Nos. 1A through 1E), which provide for the Commission to adopt, adopt with change, not adopt, or deny the pending April 2007 Cycle applications to amend the Comprehensive Development Master Plan (CDMP). Each of the three applications to move the Urban Development Boundary (UDB) has its own ordinance, Ordinances 1B, 1C and 1D. The three private applications (Applications Nos. 1, 3 and 6) for properties within the UDB that could result in an increase in residential density are addressed in Ordinance 1A. This ordinance includes a special effective date provision delaying the effectiveness of these applications until approval of school concurrency. This provision is also included in the Ordinance 1D for the UDB Application No. 9, which allows a residential density increase. Finally, a separate ordinance, Ordinance 1E, addresses the six staff applications. Four of these six staff applications (Applications Nos. 13, 15, 16 and 17) address requirements of state law that have deadlines requiring them to be adopted in this amendment cycle.

It is recommended that final actions be taken on the corresponding ordinances for these pending applications at the conclusion of the public hearing scheduled to begin at 9:30 AM on Thursday, April 24, 2008. Each 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 each Ordinance in its entirety, incorporating the foregoing entries. Following the final action will be a transmittal of the adopted April 2007 cycle amendment package to the Florida Department of Community Affairs (DCA) for its compliance review and issuance of a Notice of Intent.

Scope

The CDMP is a broad-based countywide policy-planning document to guide future growth and development to insure 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. 1 is located within Commission District 2 (Commissioner Rolle). Application Nos. 3 and 5 are located within Commission District 12 (Commissioner Diaz). Application No. 6 is situated within Commission District 10 (Commissioner Souto). Application Nos. 8 and 9 are located within Commission District 11 (Commissioner Martinez). Application Nos. 12 through 17 are Countywide. However, Application No. 14 involves airports that are primarily located within Commission Districts 1 (Commissioner Jordan), 6 (Commissioner Sosa), 9 (Commissioner Moss), 11 (Commissioner Martinez), 12 (Commissioner Diaz) and 13 (Commissioner Seijas).

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 ordinance. The proposed ordinances acting on the pending April 2007 Cycle applications to amend the CDMP will have some fiscal impacts on Miami-Dade County. 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 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 Land Use Plan map application can be found in the "Initial Recommendations" report dated August 25, 2007.

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 Nos. 3 and 9 have the most significant fiscal impact. Projected annual operating costs for Application No. 3 is $5,769,669 and for Application No. 9 is $2,089,131; potential capital costs for Application No. 3 are $7,846,227 and for Application No. 9 are $8,024,688.

The Miami-Dade Water and Sewer Department (WASD) 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. 3, which will result in water impact fee of $417,633, a sewer impact fee of $1,682,549 and annual operating and maintenance costs of $278,826. Additional information on fiscal impacts of the map applications is found in the Initial Recommendations Report.

Housing Impact

Of the six (6) pending applications to amend the Land Use Plan (LUP) map in unincorporated areas of Miami-Dade County, six applications could impact housing by increasing the supply. These applications have the potential to add a maximum of 1,489 residential units to the County's housing supply, based upon the requested re-designation of the application sites inclusive of voluntary restrictions on density, as follows: Application No. 1 may add 39 units, Application No. 3 may add 1,050 units, Application No. 6 may add 10 units, Application No. 9 may add 390 units (based on updated covenant received on April 7, 2008). 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 12,411 units, the cumulative addition of 1,489 units from the proposed amendments will add less than a few months to the supply of housing.

Track Record/Monitor

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

Background

The five attached ordinances provide for final actions on the twelve (12) pending April 2007 Cycle applications requesting amendments to the CDMP (Application Nos. 1, 3, 5, 6, 8, 9, and 12 through 17). These applications were transmitted to DCA for review and comment. The Board's previous actions on these applications at the November 27, 2007 public hearing were the following: Application No. 1: "DENIED (as Small-Scale Amendment) and TRANSMIT as Standard Application"; Application No. 3: "TRANSMIT with Recommendation to ADOPT with modification to reflect roadway improvements and the transit center as described in the letters of November 9 and 13, 2007, an inclusion of Regional Activity Center designation, Acceptance of Proffered Covenant and a designation of a Metropolitan Urban Center on a portion of the subject property"; Application No. 5: "TRANSMIT with Recommendation to ADOPT with Acceptance of Proffered Covenant"; Application No. 6: "TRANSMIT with Recommendation to ADOPT with Acceptance of Proffered Covenant"; Application No. 8: "TRANSMIT with Recommendation to ADOPT with Acceptance of two Proffered Covenants, which should also be amended to require the applicant to fund and construct a traffic light at S.W. 172 Street and Kendall Drive"; Application No. 9: "Transmit with No Recommendation"; Application No. 12: "TRANSMIT with Recommendation to ADOPT with CHANGE"; and Application Nos. 13-17: "Transmit with Recommendation to ADOPT". A "Matrix" updated March 31, 2008 summarizing the previous recommendations of the DP&Z, affected Community Councils, PAB and BCC, and the revised recommendations of the DP&Z and PAB is enclosed at the end of this memo.

DCA coordinated the State agency consistency reviews on the transmitted applications at the request of Miami-Dade County. The issues identified in the Objections, Recommendations and Comments (ORC) report dated February 26, and March 6, 2008, from DCA include inadequate planning for potable water supply, internal inconsistency with comprehensive plan and impact on transportation facilities for Application Nos. 5, 8, and 9; failure to implement school concurrency for Application Nos. 1, 3, 5, 6, 8, and 9; failure to satisfy all of the criteria for designating an area as a Chapter 380 Regional Activity Center especially regarding adequate existing public facilities as defined in Chapter 9J-5, F.A.C., for Application No. 3; inadequacy of a 10-Year Water Supply Facilities Work Plan for Application No. 13;

and the airport master land use plans do not comply with the requirements of Chapter 163.3177(6)(k), F.S., for Application No. 14.

Attached you will also find the "Revised Recommendations April 2007 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.

Revised Recommendations

The Department of Planning and Zoning (DP&Z) recommends: Denial for Application Nos. 1, 3, 5, 6, 8 and 9; and Adopt As Transmitted for Application No 12; Adopt As Transmitted With Additional Changes for Application Nos. 13, 15, 16 and 17; Adopt As Transmitted for Parts 1 and 3 of Application No. 14 and Adopt As Transmitted With Additional Changes for Part 2 of Application No. 14.

The Planning Advisory Board (PAB) acting as the Local Planning Agency (LPA) conducted its final public hearing on the pending amendments on March 31, 2008 and issued the following recommendations: "Deny" for Application No. 1; "Adopt with Acceptance of Covenant, which is to be modified to allow the Miami-Dade Transit (MDT) and the applicant agree on the needed number of parking spaces, the applicant donates the parking garage to MDT and allows the MDT to collect and retain the parking fees" for Application No. 3; "Adopt with Acceptance of Covenant" for Application Nos. 5, 6 and 8; " Deny" for Application No. 9; "Adopt As Transmitted " for Application No 12 and Part 3 of Application No. 14; "Adopt As Transmitted With Additional Changes" for Application Nos. 13, 15, 16 and 17; "Deny" for Part 1 of Application No. 14; and "Adopt As Transmitted With Additional Changes" for Part 2 of Application No. 14.

The PAB concurred with the DP&Z's revised recommendations on Application Nos. 1, 9, 12, 13, 15, 16 and 17. The PAB recommendations are contained in the attached PAB resolution, the meeting minutes dated March 31, 2008 and the Matrix attached at the end of this memo.

Ordinance Format

Each of the five ordinances follows the same format as in the previous CDMP cycles. That is, each ordinance contains blank space to record your action on each request in each application. After the Board adopts the individual entries indicating its action on each application, the Board will take action adopting each ordinance in its entirety, incorporating the foregoing entries. A minimum of seven votes is required by County Code to amend the CDMP and nines votes to extend the Urban Development Boundary (UDB).

Assistant County Manager

Summary of Recommendations by DP&Z, Community Councils, PAB and BCC Addressing the Pending Status of April 2007 Applications to Amend the CDMP
Updated March 31, 2008

Matrix

Application Number/ Type of Application	Requested Designation	BCC District/ Commissioner	DPZ Initial Recommendation August 25, 2007	Community Council Recommendation, with Resolution No.	Local Planning Agency Recommendation October 15, 2007	Board of County Commissioners Recommendation November 27, 2007 R- R-1266-07	Objections, Recommendations and Comments Issues	DPZ Revised Recommendation March 24, 2008	Local Planning Agency Final Recommendation March 31, 2008	Board of County Commissioners Final Actions April 24, 2008
1 Small-Scale	100 feet east of NW 27 Avenue between NW 87 Terrace and theoretical NW 89 Street 1. Redesignate the subject property From: Business and Office and Low-Medium Density Residential (6-13 DU/Ac) To: Business and Office	2/ Rolle	Deny	North Central Community Council (9/25/07) No Quorum (1/23/08) – No Action (3/26/07) Adopt with Acceptance of Proffered Covenant	Deny	DENIED (as Small-Scale Amendment) and TRANSMIT as Standard Application	Failure to implement school concurrency	Deny	Deny	
3 Standard	Northwest corner of NW 107 Avenue and NW 12 Street 1. Redesignate the subject property From: Industrial and Office & Business and Office To: Business and Office 2. Designate the subject property as a Regional Activity Center (Chapter 380.06, F.S.) 3. Revise the subsection entitled "Chapter 380 Regional Activity Centers" in the Land Use Element 4. Add the Declaration of Restrictions to the Restrictions Table in the Land Use Element	12/ Diaz	Deny and Transmit	Westchester Community Council (09/18/07) Adopt and Transmit	Adopt and Transmit with Acceptance of Proffered Covenant	TRANSMIT with Recommendation to ADOPT with modification to reflect roadway improvements and the transit center as described in the letters of November 9 and 13, 2007, an inclusion of Regional Activity Center designation, Acceptance of Proffered Covenant and a designation of a Metropolitan Urban Center on a portion of the subject property	• Failure to implement school concurrency • Designation of Regional Activity Center	Deny	Adopt with Acceptance of Covenant, which is to be modified to allow the Miami Dade Transit (MDT) and the applicant agree on the needed number of parking spaces, the applicant donates the parking garage to MDT and allows the MDT to collect and retain the parking fees	
5 Standard	Northwest corner of Theoretical SW 138 Ave and SW 8 Street 1. Redesignate the subject property Parcel A (21.6 Gross Acres) From: Open Land To: Business and Office Parcel B (30.1 Gross Acres) From: Open Land To: Institutions, Utilities and Communications 2. Remove subject site from "Open Land Subareas map (Figure 4) in the Land Use Element 3. Expand the UDB to include the subject property 4. Add the Declaration of Restrictions to the Restrictions Table in the Land Use Element	12/ Diaz	Deny, Do Not Transmit	Country Club of Miami Community Council (5) (09/27/07) Adopt and Transmit	Adopt and Transmit with Acceptance of Proffered Covenant	TRANSMIT with Recommendation to ADOPT with Acceptance of Proffered Covenant	• Water Supply; • Internal inconsistency with Comprehensive Plan • Failure to implement school concurrency • Impact on transportation facilities	Deny	Adopt with Acceptance of Proffered Covenant	
6 Standard	300 Feet west of SW 84 Avenue and south of SW 38 Street From: Low Density Residential (2.5 to 6.0 DU/Ac.) To: Medium-High Density Residential (25 to 60 DU/Ac)	10/ Souto	Deny, Do Not Transmit	Westchester Community Council (09/18/07) Adopt With Change to limit development to 39 - 49 residential units, with 10% Workforce Housing	Adopt and Transmit with Acceptance of Proffered Covenant	TRANSMIT with Recommendation to ADOPT with Acceptance of Proffered Covenant	Failure to implement school concurrency	Deny	Adopt with Acceptance of Proffered Covenant	
8 Standard	Southside of SW 88 Street west of SW 167 Avenue 1. Redesignate the subject property From: Agriculture To: Business and Office 2. Expand the UDB to include subject property 3. Add the Declaration of Restrictions to the Restrictions Table in the Land Use Element	11/ Martinez	Deny, Do Not Transmit	West Kendall Community Council (09/19/07) Adopt and Transmit	Adopt and Transmit with Acceptance of Proffered Covenant	TRANSMIT with Recommendation to ADOPT with Acceptance of two Proffered Covenants, which should also be amended to require the applicant to fund and construct a traffic light at S.W. 172 Street and Kendall Drive	• Water Supply; • Internal inconsistency with Comprehensive Plan • Failure to implement school concurrency • Impact on transportation facilities	Deny	Adopt with Acceptance of Proffered Covenant	

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

Updated March 31, 2008

Matrix

Application Number/ Type of Application	Requested Designation	BCC District/ Commissioner	DPZ Initial Recommendation August 25, 2007	Community Council Recommendation, with Resolution No.	Local Planning Agency Recommendation October 15, 2007	Board of County Commissioners Recommendation November 27, 2007 R- R-1266-07	Objections, Recommendations and Comments Issues	DPZ Revised Recommendation March 24, 2008	Local Planning Agency Final Recommendation March 31, 2008	Board of County Commissioners Final Actions April 24, 2008
9 Standard	Area between SW 104 and SW 112 Streets and between SW 167 Avenue and theoretical SW 164 Avenue. 1. Requested Amendment to the Land Use Plan map Part A (84.84 acres) From: Agriculture To: Low Density Residential (2.5 to 6.0 DU/Ac.) Part B (10.0 acres) From: Agriculture To: Business and Office 2. Expand the UDB to include the subject property 3. Add the Declaration of Restrictions to the Restrictions Table in the Land Use Element	11/ Martinez	Deny, Do Not Transmit	West Kendall Community Council (09/19/07) Transmit With No Recommendation	Deny and Transmit	TRANSMIT with No Recommendation	• Water Supply; • Internal inconsistency with Comprehensive Plan • Failure to implement school concurrency • Impact on transportation facilities	Deny	Deny	
12 Standard	Revise the text in the Land Use Element to include previously deleted text regarding Environmentally Protected Parks, Add new Figure 4.	Text	Adopt With Change and Transmit	N/A	Adopt and Transmit	TRANSMIT with Recommendation to ADOPT with CHANGE		Adopt As Transmitted	Adopt as Transmitted	
13 Standard	The following changes are requested to the Capital Improvements Element (CIE): A. In the CIE Schedules of Improvements, Tables of Proposed Projects, modify the following currently adopted tables as indicated in the attached tables: 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. B. Revise any other summary table or related text in the Capital Improvements Element as necessary to be consistent with the additions, deletions, or changes made by Part A of this application C. Revise the Introduction and Implementation Schedules of Improvements to adopt by reference the TIP and to provide definitions of future growth and existing deficiencies	Text	Adopt and Transmit	N/A	Adopt and Transmit	TRANSMIT with Recommendation to ADOPT	Water Supply;	Adopt As Transmitted	Adopt as Transmitted With Additional Changes	
14 Standard	Part 1 Requested Amendment to the Land Use Plan Map to re-designate 410 acres of the Opa-locka West Airport site from "Transportation Terminals" to "Open Land" and redesignate a 10 acres of the site with frontage along US 27 from "Transportation Terminals" to "Business and Office". Part 2 Requested Amendments to the text, policies and map series of the Aviation Subelement for project changes to the airport system and integration of the Airport Master Plans into the CDMP. Part 3 Text revisions to the Land Use Element, section title "Transportation" of the CDMP in order for the Plan to be internally consistent.	Jordan/1 Sosa/6 Moss/9 Diaz/12 Text	Part 1 Adopt With Change and Transmit Part 2 Transmit With Change Part 3 Adopt With Change and Transmit	Country Club of Miami Community Council (5) (09/27/07) Part 1 (Opa-locka West Airport) -- Deny, Do Not Transmit Part 2 (Opa-locka Executive Airport) - Transmit with Changes North Central Community Council (8) (09/25/07) No Quorum West Kendall Community Council (11) (09/19/07) Part 2 (Kendall-Tamiami Executive Airport) - Transmit With Change Part 3 - Adopt With Change and Transmit Redland Community Council (14) (09/19/07) Part 2 (Homestead General Aviation Airport) - Transmit With Change Part 3 - Adopt With Change and Transmit	Transmit with no Recommendation	TRANSMIT with Recommendation to ADOPT	Aviation Master Plans	Adopt as Transmitted Adopt as Transmitted With Additional Changes Adopt as Transmitted	Deny Adopt as Transmitted With Additional Changes Adopt as Transmitted	

Summary of Recommendations by DP&Z, Community Councils, PAB and BCC Addressing the Pending Status of April 2007 Applications to Amend the CDMP
Updated March 31, 2008

Matrix

Application Number/ Type of Application	Requested Designation	BCC District/ Commissioner	DPZ Initial Recommendation August 25, 2007	Community Council Recommendation, with Resolution No.	Local Planning Agency Recommendation October 15, 2007	Board of County Commissioners Recommendation November 27, 2007 R- R-1266-07	Objections, Recommendations and Comments Issues	DPZ Revised Recommendation March 24, 2008	Local Planning Agency Final Recommendation March 31, 2008	Board of County Commissioners Final Actions April 24, 2008
15 Standard	Revise the text in the Land Use Element, the Coastal Management Element and the Capital Improvements Element to include the new definition of coastal high-hazard areas and other required updates, pursuant 163.3178, F.S.	Text	Adopt and Transmit	N/A	Adopt and Transmit	TRANSMIT with Recommendation to ADOPT		Adopt As Transmitted With Additional Changes	Adopt as Transmitted With Additional Changes	
16 Standard	Add a 20-year Water Supply Facilities Workplan to the Water and Sewer Subelement of the Water, Sewer and Solid Waste Element, Amendments to Conservation, Aquifer Recharge and Drainage, Capital Improvements, and Intergovernmental Coordination Elements.	Text	Adopt and Transmit	N/A	Adopt and Transmit	TRANSMIT with Recommendation to ADOPT	Water Supply	Adopt As Transmitted With Additional Changes	Adopt as Transmitted With Additional Changes	
17 Standard	Revisions to the Land Use, Housing and Capital Improvements Elements regarding Affordable Housing	Text	Transmit	N/A	Adopt and Transmit	TRANSMIT with Recommendation to ADOPT		Adopt As Transmitted With Additional Changes	Adopt as Transmitted With Additional Changes	

MEMORANDUM

(Revised)

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

DATE: April 24, 2008

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

SUBJECT: Substitute Special Item No. 1A

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 _____

ORDINANCE NO. 08-43

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING DISPOSITION OF APPLICATION NOS. 1, 3 AND 6 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 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, 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, 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, Volumes 1 and 2" dated August 25, 2007; and

WHEREAS, Application No. 7 was lawfully withdrawn by the applicant by letter dated October 10, 2007; and

WHEREAS, the applicant modified Application No. 14 in a memo dated October 12, 2007; 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

WHEREAS, on November 27, 2007, 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 27, 2007, the Board of County Commissioners voted to adopt small-scale amendment Application Nos. 2 and 10 with acceptance of proffered covenant; to adopt Application No. 11 with change and acceptance of proffered covenant; to deny Application No. 1 as a small-scale amendment and transmit it as a standard application; to deny Application No. 4; and to transmit Application Nos. 3, 5, 6, 8, 9, 12, 13, 14, 15, 16 and 17 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, 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 2007 Applications to Amend the Comprehensive Development Master Plan" report, Volumes 1 and 2; 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 ORC report from DCA addressing the application(s); and

WHEREAS, the Board must take final action specifically on Application Nos. 1, 3 and 6, which are the subjects of this Ordinance; 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 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. This Board hereby desires to take further action on the pending amendment applications filed for review during the April 2007 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
1	Geovanis Medina/Gloria M. Velazquez, Esq. 100 feet east of NW 27 Avenue between NW 87 Terrace and theoretical NW 89 Street (1.57 Gross Acres) 1. Redesignate the subject property From: Business and Office and Low-Medium Density Residential (6-13 DU/Ac) To: Business and Office	ADOPT With acceptance of Proffered Covenant
3	Anthony Balzebre Trust/Jeffrey Bercow, Esq. & Michael Larkin, Esq. Northwest corner of NW 107 Avenue and NW 12 Street 1. Redesignate the subject property (63.95 Gross Acres; 54.20 net acres) From: Industrial and Office & Business and Office To: Business and Office 2. Designate the subject property as a Regional Activity Center (Chapter 380.06, F.S.) 3. Revise the subsection entitled "Chapter 380 Regional Activity Centers" in the Land Use Element 4. Add the Declaration of Restrictions to the Restrictions Table in the Land Use Element	ADOPT With acceptance of Proffered Covenant
6	8440 Property/Ben Fernandez, Esq. & Graham Penn, Esq. 300 feet west of SW 84 Avenue and south of SW 38 Street (1.59 Gross Acres; ± 1.52 Net Acres) 1. Redesignate the subject property From: Low Density Residential (2.5 to 6.0 DU/Ac.) To: Medium-High Density Residential (25 to 60 DU/Ac) 2. Add the Declaration of Restrictions to the Restrictions Table in the Land Use Element	ADOPT 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. 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." It is further provided that this ordinance shall not take effect until an amendment to the Comprehensive Development Master Plan and an Interlocal Agreement with the School Board of Miami-Dade County and the municipalities in Miami-Dade County establishing a public school concurrency program have been adopted and transmitted to the Florida Department of Community Affairs as required by Section 163.3177(12)(j), Florida Statutes.

PASSED AND ADOPTED: **April 24, 2008**

Approved by County Attorney as
to form and legal sufficiency.

Prepared by:

Joni Armstrong Coffey