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MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Substitute
Special Item No. 1

Ordinance 08-93

Date: July 17, 2008

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

From: George M. Burgess
County Manager

Subject: Substitute Ordinance Acting Upon Beacon Lakes DRI Application to Amend the Comprehensive Development Master Plan

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 AT ITS "TRANSMITTAL" PUBLIC HEARING ON DECEMBER 20, 2007, THE RECEIPT OF THE OBJECTIONS, RECOMMENDATIONS AND COMMENTS (ORC) FROM THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA) BY LETTER DATED MARCH 10, 2008, THE PUBLICATION OF REVISED RECOMMENDATIONS BY THE DEPARTMENT, SUBSEQUENT PUBLIC HEARINGS ON THE APPLICATION, AND OTHER PROCEDURAL MATTERS RELATED TO CONSIDERATION OF THE APPLICATION. IN ADDITION, IN SECTION 2 OF THE SUBSTITUTE ORDINANCE, THE ACREAGE OF THE BEACON LAKES DRI CDMP AMENDMENT SITE WAS REVISED FROM 48.0 ACRES TO 45.59 NET ACRES BY UPDATED SURVEY DATED FEBRUARY 20, 2008.

RECOMMENDATION

It is recommended that the Miami-Dade County Board of County Commissioners (BCC) approve the attached ordinance, which provides for adoption, adoption with change, or denial of the proposed Beacon Lakes Development of Regional Impact (DRI) application to amend the Comprehensive Development Master Plan (CDMP) at the public hearing scheduled for **9:30 AM on Thursday, July 17, 2008**. The CDMP amendment application was filed for concurrent processing with a separate, but related, zoning application and Notice of Proposed Change (NOPC) to the existing Beacon Lakes DRI. Under the special concurrent process provided in Chapter 380.06(6), F. S., and Section 2-116.1 of the Code of Miami-Dade County, the BCC is to take final action on the CDMP amendment ordinance and the proposed changes to the DRI.

SCOPE

The CDMP is a broad-based countywide policy-planning document to guide future growth and development, to insure the adequate provision of public facilities and services for existing and future populations, and to maintain or improve the quality of the natural and man-made environment. The application site is a ± 45.59-acre property within the Beacon Lakes DRI, generally located at the northeast corner of SW 137 Avenue and the SR 836 extension within Commission District 12. The proposed CDMP amendment is expected to have a countywide impact.

FISCAL IMPACT

Ordinance 94-238 requires a statement of fiscal impact, which is the cost to Miami-Dade County, on implementing all activities or 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 within Miami-Dade County, a written evaluation of the estimated incremental and cumulative impact to the County for bringing such infrastructure

and services to the area as well as the annual costs for operating and maintaining such infrastructure and services.

The proposed CDMP amendment would facilitate changes to the Beacon Lakes DRI that would allow 420,000 square feet of retail space to be added to the existing development program. Below are the estimated public infrastructure and operational costs resulting from the proposed retail development:

- Annual operating and maintenance costs for water and sewer would increase from $7,703 to $19,488 as a result of 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 warehouse development currently approved under the DRI for the application site. This infrastructure cost will be borne by the applicant in accordance with Miami-Dade Water and Sewer Department's June 2007 Agreement No. 19182 with the applicant. The CDMP amendment, if approved, would not generate any additional water and sewer infrastructure needs, and thereby would not create an additional fiscal impact.

- Annual operating costs for Fire and Rescue services would increase from $24,060.87 to $162,410.87 as a result of the proposed retail development, a net increase of $138,350.

- Transit service expansion 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 amend the land use designation of the ± 45.59-acre application site from "Restricted Industrial and Office" to "Business and Office", to allow the development of an additional 420,000 square feet of retail space to the existing DRI development program. The applicant's stated intent of the proposed land use amendment is to provide retail development to serve the needs of residential neighborhoods located south of the application site.

As mentioned previously, the CDMP amendment application was filed concurrently with a Notice of Proposed Change (NOPC) to the existing Beacon Lakes DRI. The proposed change to the DRI development program calls for the addition of the aforementioned 420,000 square feet of retail space and is subject to the approval of the CDMP amendment. This would increase the total retail space within the DRI from 75,000 to 495,000 square feet. Other modifications to the DRI development program, which do not require a CDMP amendment, call for a simultaneous increase in office space from 150,000 to 175,000 square feet and a reduction of industrial/warehouse space from 6.6 million to 5.3 million square feet.

The attached ordinance provides for final action of the BCC on the proposed application to amend the CDMP. The BCC's previous action on the proposed Beacon Lakes DRI CDMP amendment application was to "Adopt and Transmit." Enclosed is a table summarizing the prior

recommendations of the Department of Planning and Zoning (DP&Z), Community Council No. 5, the Planning Advisory Board (PAB), and the BCC.

The DCA coordinated the State agency consistency review on the transmitted Beacon Lakes DRI CDMP amendment application at the request of Miami-Dade County. In its Objections, Recommendations and Comments (ORC) report dated March 10, 2008, the DCA issued no objections to the CDMP amendment application. Attached you will also find the "Revised Recommendation, Beacon Lakes DRI Application to Amend the Comprehensive Development Master Plan," report dated April 25, 2008, prepared by DP&Z staff. That report summarizes the pending CDMP amendment application as transmitted to DCA, presents the DP&Z's revised recommendation and principal reasons for the revised recommendation, and includes the ORC report.

The attached ordinance provides for final action of the BCC on the proposed DRI application to amend the CDMP. The BCC's previous action on the proposed Beacon Lakes DRI CDMP amendment application was to "Adopt and Transmit."

The Planning Advisory Board acting as the Local Planning Agency (LPA) conducted its final public hearing on the pending DRI application on May 5, 2008, and recommended "Adoption with Changes and Acceptance of Proffered Covenant" of the proposed DRI application. The PAB's recommendation is contained in the attached PAB resolution and meeting minutes, both dated May 5, 2008.

ORDINANCE FORMAT

The ordinance follows the same format used for other CDMP amendment applications. That is, it contains blank spaces to record your action on the requested CDMP amendment. A minimum of seven affirmative votes is required by County Code to amend the CDMP.

Alex Muñoz
Assistant County Manager

MEMORANDUM

(Revised)

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

DATE: July 17, 2008

FROM: R. A. Cuevas, Jr. 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
7-17-08

ORDINANCE NO. **08-93**

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING DISPOSITION OF APPLICATION REQUESTING AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN FILED FOR CONCURRENT PROCESSING WITH PROPOSED CHANGES TO "BEACON LAKES" DEVELOPMENT OF REGIONAL IMPACT (DRI); PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND EFFECTIVE DATE

WHEREAS, Chapter 163, Part 2, and 380.06, Florida Statutes, and associated administrative regulations establish procedures for amending local government comprehensive plans; and

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, Chapter 380.06(6), F.S. and Section 2-116.1 of the Code of Miami-Dade County provide procedures for accepting and processing applications to amend the Comprehensive Development Master Plan (CDMP) concurrently with a Notice of Proposed Change (NOPC) to an existing Development of Regional Impact (DRI); and

WHEREAS, consideration of such concurrent applications is exempt from the twice-per-year statutory limitation on adoption of comprehensive plan amendments pursuant to Chapter 163, F.S.; 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; and revised December 13, 2007; and

WHEREAS, affected Community Council Number 5 has acted in accord with County procedures, and conducted a duly noticed public hearing on December 7, 2007, to receive public comments on the subject CDMP amendment Application and on the recommendations of the Department of Planning and Zoning (DP&Z), and to formulate recommendations regarding transmittal and final action on the requested amendments; 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 subject CDMP amendment Application, the recommendations of the affected Community Council, the DP&Z transmittal of the amendment Application to DCA for State agency review, and to formulate recommendations regarding final action on the requested Plan amendments; and

WHEREAS, the Miami-Dade County Board of County Commissioners conducted a duly noticed public hearing on December 20, 2007, to address the subject CDMP amendment application, the recommendations of the affected Community Council and the DP&Z, transmittal by the Board to the DCA of the subject amendment application for State agency review and comment, and subsequent action on the application by the Board; and

WHEREAS, an Objections, Recommendations, and Comments (ORC) report on the Beacon Lakes DRI CDMP amendment application was issued by DCA on March 10, 2008 having no objection to the application; and

WHEREAS, the Board of County Commissioners is required by the Code of Miami-Dade County (Code) to take final action to Adopt, Adopt With Change, or Not Adopt the amendment Application not later than sixty (60) days after receipt of written comments from DCA addressing the Application, unless an extension of that deadline is timely requested by the applicant; and

WHEREAS, two extensions to the Code deadlines were requested by the applicant by letters dated April 8, 2008 and June 3, 2008 and granted by DP&Z, as allowed by Section 2-116.1(5)(a)(7) of the Code of Miami-Dade County, in order to resolve outstanding issues raised by Miami-Dade County in the Initial Recommendation report of November 21, 2008; and

WHEREAS, the DP&Z and the Local Planning Agency (LPA) may issue revised recommendations addressing the transmitted plan amendment Application after receipt of comments from the DCA and prior to final hearing and action by the Board of County Commissioners; and

WHEREAS, DP&Z's revised recommendation addressing the Beacon Lakes DRI CDMP amendment application, DCA's ORC report, and DP&Z's response to the ORC report are contained in a document titled "Revised Recommendation Beacon Lakes DRI Application to Amend the Comprehensive Development Master Plan," dated April 25, 2008; and

WHEREAS, on May 5, 2008, the PAB, acting as the Local Planning Agency, conducted a duly noticed public hearing to receive public comments on the pending CDMP amendment application as transmitted for review and comment by DCA; on the revised recommendation of

the DP&Z; and on the ORC report; and to issue a final recommendation to the Board of County Commissioners regarding final actions on the pending Beacon Lakes CDMP amendment application; 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 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 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 CDMP amendment application filed in association with the NOPC for the Beacon Lakes DRI as follows:

Application	Applicant/Representative Location and Size REQUESTED CHANGE TO THE CDMP	Final Commission Action
Beacon Lakes DRI/CDMP Amendment	AMB Codina Beacon Lakes, LLC / Joseph G. Goldstein, Esq. 45.59 net acres generally at the northeast corner of NW 137 Avenue and SR 836 extension (*Originally was ±48 acres but was revised to 45.59 net acres by survey dated February 20, 2008.*) Change the land use designation on the subject property: From: Restricted Industrial and Office To: Business and Office	ADOPT as Transmitted with Change and Acceptance of Proffered Declaration of Restrictions

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 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 plan 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 plan amendment approved by this ordinance shall be the date a final order is issued by the Department of Community Affairs or

Administration Commission finding the 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 amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this 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: **July 17, 2008**

Approved by County Attorney as
to form and legal sufficiency.

Prepared by:

Dennis A. Kerbel