

Memorandum



Date: November 4, 2009

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Special Item No. 2

Subject: Resolution and Public Hearing for the Transmittal to the Florida Department of Community Affairs of the April 2009 Cycle Applications to Amend the Comprehensive Development Master Plan

R-1276-09

Recommendation

It is recommended that the attached resolution be adopted after the public hearing on the April 2009 Cycle of applications to amend the Comprehensive Development Master Plan (CDMP) scheduled to begin at **9:30 AM on Wednesday, November 4, 2009**. This resolution provides for the transmittal of certain April 2009 Cycle of Applications to amend the CDMP to the Florida Department of Community Affairs (DCA) and other agencies for state and regional review as required pursuant to Section 163.3184, Florida Statutes, (F.S.).

Scope

The CDMP is a broad-based countywide policy-planning document to guide future growth and development, to ensure the adequate provision of facilities and services for existing and future populations in Miami-Dade County, 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 (LUP) map amendment applications may have localized impact on one or more Commission Districts. Application No. 3, for instance, is located within Commission District 10 (Commissioner Javier Souto); Application No. 4 is located within Commission District 11 (Commissioner Joe A. Martinez); and Application No. 6, which is both a CDMP LUP map amendment and a text amendment, is located in Commission District 9 (Commissioner Dennis C. Moss).

Fiscal Impact/Funding Source

Fiscal impact means the cost incurred by the County of implementing the activities or actions after approval of the ordinance. Ordinance No. 94-238 requires a statement of fiscal impact on all activities and actions resulting from approval of an ordinance. In addition, Ordinance No. 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 to Miami-Dade County for bringing such infrastructure to the area, as well as annual operating costs. Below is a brief summary of the fiscal impacts from the proposed CDMP LUP map amendments of the April 2009 Cycle of Applications. Details of the fiscal impacts of each application can be found in Appendix D at the end of each review of a LUP map application, in the report titled "Initial Recommendations April 2009 Applications To Amend The Comprehensive Development Master Plan" dated August 25, 2009. This report is included in the agenda materials for the November 4, 2009 public hearing addressing the April 2009 Cycle of applications.

Based on the information provided by County agencies, the fiscal impacts from the April 2009 Cycle of Applications CDMP LUP map amendments vary, based on the type of request and location. Proposals involving non-residential development have less impact on infrastructure and public services than proposals involving residential development. For example, the Miami-Dade County Public Schools Board limits its impact reviews to proposals involving residential development or those that may allow residential development. The LUP map applications will not result in an increase in residential development because of voluntary restrictions or the requested redesignation does not increase residential density. Construction costs for water and sewer infrastructure improvements from Application No. 4 are estimated at \$495,450; annual operating cost for water and sewer facilities is estimated at \$21,971. Application No. 3 will not incur water and sewer infrastructure costs because there is an existing water main and a sanitary sewer gravity system on the application site. However, if the application site were developed at maximum residential development, Application No. 3 will have the greater annual operating cost for water and sewer facilities, estimated at \$94,587.

Track Record/Monitor

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

Background

The attached resolution provides for transmittal to DCA for review and issuance of its Objections, Recommendations and Comments (ORC) report of the proposed standard amendments to the CDMP (Application Nos. 3 to 6, 8 and 9), which the Board of County Commissioners (Board) wishes to further consider after transmittal to DCA. A total of nine (9) CDMP amendment applications were filed under the County's jurisdiction during the April 2009 Amendment Cycle. However, applicants for Application Nos. 1 and 2 lawfully withdrew their proposed CDMP amendments by letters dated August 5, 2009 and August 31, 2009, respectively. Application Nos. 3 and 4 request amendments to the LUP map of the CDMP; Application No. 6 requests amendments to the text and LUP map of the CDMP; Application No. 7 is the required annual update to the Capital Improvements Element of the CDMP and Miami-Dade County's Six-Year Schedule of Capital Improvements, as per Section 163.3177(3)(b)1, F. S.; and Application Nos. 5, 8 and 9 request amendments to the text of the CDMP. There are no small-scale amendments to the CDMP LUP map pending final action. State law requires the annual update to the CIE to be adopted by Ordinance (Special Item No. 1) no later than December 1, of each year. Thus, Application No. 7 is not included in this resolution transmitting the applications to DCA for their review and comment.

It is anticipated that the DCA will return an ORC report in February 2010 addressing the transmitted applications. Preceding the final hearing by the Board, DP&Z will respond to any DCA objections and may issue revised recommendations. The Local Planning Agency (i.e., Planning Advisory Board) will conduct an additional public hearing on the transmitted amendments in March of 2010 and may also issue revised recommendations. The Board is scheduled to conduct a final public hearing on the transmitted amendments in April 2010.

Recommendations of the Department of Planning and Zoning

The Department of Planning and Zoning (DP&Z) published its initial recommendations for Application Nos. 3 through 9 in its "Initial Recommendations" report dated August 25, 2009. The recommendations for the proposed CDMP amendments are as follows:

Small Scale Amendments (Total = 1):

- Application No. 1 lawfully withdrawn by letter dated August 5, 2009;

Standard Amendments (Total = 8):

- Application No. 2 lawfully withdrawn by letter dated August 31, 2009;
- "Adopt and Transmit" to DCA, pursuant to Chapter 163.3184, F. S. – Application Nos. 3, 8 and 9;
- "Deny and do not Transmit" Application Nos. 4 and 5;
- "Deny and Transmit" Application No. 6; and
- "Adopt" Application No. 7

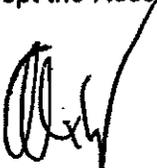
Local Planning Agency Recommendations

The recommendations Planning Advisory Board (PAB) on the April 2009 Cycle of applications to amend the CDMP, acting as Miami-Dade County's Local Planning Agency (LPA), are 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 each individual amendment application. Transmittal instructions shall be "Transmit" or "Do Not Transmit". Transmittal does not constitute adoption of an application; however, denial of transmittal in effect denies any further consideration of an application during this April 2009 CDMP amendment cycle. 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 all the transmitted applications, before the Board conducts its next public hearing to take final action on the applications. On Section 3, the Board 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. On Section 4, the Board declares its intention to conduct and advertise one or more public hearings in 2010 to address the April 2009 Cycle of Applications to amend the Comprehensive Development Master Plan.

After the Board adopts its entries to Section 1 of the Resolution, it must take a final vote to adopt the Resolution in its entirety, incorporating the foregoing entries.



Alex Muñoz
Assistant County Manager



MEMORANDUM
(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: November 4, 2009

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

SUBJECT: Special Item No. 2

Please note any items checked.

- "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
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Special Item No. 2
11-04-09

RESOLUTION NO. R-1276-09

RESOLUTION PERTAINING TO APRIL 2009 CYCLE APPLICATIONS REQUESTING AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN; INSTRUCTING THE COUNTY MANAGER WHETHER OR NOT TO TRANSMIT APPLICATIONS TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; REQUESTING FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS TO REVIEW APPLICATIONS; 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, 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, seven (7) CDMP amendment applications were filed on or before April 30, 2009 and are contained in the document titled "April 2009 Applications to Amend the Comprehensive Development Master Plan", dated June 5, 2009; and

WHEREAS, two (2) additional staff CDMP amendment applications were filed prior to the production of the report titled, "Initial Recommendations April 2009 Applications To Amend The Comprehensive Development Master Plan", dated August 25, 2009, bringing the total number of applications filed in the April 2009 CDMP amendment cycle to nine (9); and

WHEREAS, of the nine (9) amendment applications, four (4) Land Use Plan (LUP) map amendments (Application Nos. 1 through 4) and one (1) CDMP text amendment (Application No. 5) was privately filed, one (1) CDMP text and LUP map amendment (Application No. 6) was privately filed, two (2) CDMP text amendments (Application Nos. 7 and 9) were filed by the Department of Planning and Zoning (DP&Z), and one (1) CDMP text amendment (Application No. 8) was jointly filed by the Park and Recreation Department and DP&Z; and

WHEREAS, of the nine (9) CDMP amendment applications comprising four (4) LUP map amendments and five (5) CDMP text amendments filed for processing during the April 2009 CDMP amendment cycle, one (1) eligible application requested expedited processing as small-scale LUP map amendment (Application No. 1) as defined in Section 163.3187(1)(c) F.S. and one (1) CDMP text amendment (Application No. 7) requested expedited processing as the update to the Capital Improvements Element (CIE) schedule of improvements as defined in Section 163.3177(3)(b)1.2.,F.S.; and

WHEREAS, Application Nos. 1 (small-scale) and 2 (standard) were lawfully withdrawn by the applicants by letters dated August 5, 2009 and August 31, 2009, respectively; and

WHEREAS, there are no small-scale amendments to the CDMP LUP map from the April 2009 Cycle of Applications pending final action; and

WHEREAS, eligible Application No. 7, which updates the Schedule of Improvements in the CIE of the CDMP, will be subject to final action by Ordinance (Special Item No. 1) at the December 1, 2009 public hearing; and

WHEREAS, the DP&Z issued its initial recommendations addressing Application Nos. 3 through 9 in a report titled "Initial Recommendations April 2009 Applications to Amend the Comprehensive Development Master Plan" dated August 25, 2009, as required by Section 2-116.1, Code of Miami-Dade County, and may issue revised recommendations on transmitted applications prior to final action by the Board; and

WHEREAS, affected Community Councils have acted in accordance with Miami-Dade County procedures, conducted duly noticed public hearings during the month of September of 2009 to receive public comments on specific applications and on the recommendations of the DP&Z, and issued recommendations regarding the proposed amendments directly affecting their areas; and

WHEREAS, the Planning Advisory Board (PAB) acting as the Local Planning Agency (LPA) conducted a duly noticed public hearing on October 5, 2009, to address the April 2009 Cycle CDMP amendment applications, the recommendations of affected Community Councils and the DP&Z, to formulate recommendations regarding adoption of the proposed amendment updating the CIE Schedule of Improvements, and to address transmittal of standard amendment applications to the DCA and other State and regional agencies for review and comment; and

WHEREAS, at the conclusion of the foregoing public hearing the LPA adopted its recommendations to the Board regarding adoption and/or updates to the CIE Schedule of Improvements amendment application, and transmittal of the standard April 2009 Cycle amendment applications to DCA, recommendations regarding State agency review of the transmitted applications, and recommendations regarding subsequent final actions by the Board as required by Section 2-116.1, Code of Miami-Dade County, and Section 9J-11, F.A.C., with the understanding that the LPA will further evaluate the transmitted applications which are reviewed by the DCA and any others not reviewed by the DCA but requested by the Board to be further reviewed by the LPA, and may issue revised recommendations on said applications following one or more duly noticed public hearings in 2010; 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 activity or 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 desires to further evaluate, without prejudice, those applications filed for review and action during the April 2009 CDMP amendment cycle that are 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(s) 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(s). For any such application where the instruction is to transmit, pursuant to Section 2-116.1(3)(g), Miami-Dade County Code, the Commission directs the Manager to

transmit the application to the Florida 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 Number	Applicant/Representative Location (Size) Requested Amendments To The CDMP Land Use Plan Map/Text	Recommended Action and/or Transmittal Instruction
3	<p>Baptist Hospital of Miami, Inc./Joseph G. Goldstein, Esq. and Tracy R. Slavens, Esq. Northeast corner of SW 137 Avenue and SW 96 Street (19.55 Gross Acres /16.02 Net Acres)</p> <p><u>Requested amendment</u> Redesignate the subject property: FROM: OFFICE/RESIDENTIAL TO: BUSINESS AND OFFICE</p> <p>Standard Amendment</p>	<p>ADOPT and TRANSMIT with Acceptance of Proffered Covenant</p>
4	<p>Ferro Investment Group II, LLC/Miguel Diaz De la Portilla, Esq. Southeast corner of SW 167 Avenue and SW 104 Street. (9.9 Gross Acres/8.38 Net Ac.)</p> <p><u>Requested Amendments</u></p> <ol style="list-style-type: none"> 1. Redesignate the subject property: 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 <p>Standard Amendment</p>	<p>TRANSMIT Without Recommendation and with Acceptance of Proffered Covenant</p>
5	<p>F I R Investments, Corporation/Felix Rodriquez</p> <p><u>Requested Amendment</u> Revise the text in the Land Use Element to allow for new ancillary uses in the OPEN LAND CDMP land use category, as well as a more detailed list of allowable uses in the OPEN LAND Subarea 1.</p> <p>Standard Amendment</p>	<p>ADOPT WITH CHANGE in accordance with applicant's letter dated November 3, 2009 and TRANSMIT</p>

Application Number	Applicant/Representative Location (Size) Requested Amendments To The CDMP Land Use Plan Map/Text	Recommended Action and/or Transmittal Instruction
6	<p>Florida Power & Light Company/Jeffrey Bercow, Esq. and Michael A. Gil, Esq.</p> <p><u>Requested Amendments</u></p> <ol style="list-style-type: none"> 1) Amend the Roadway network on the Adopted 2015-2025 Land Use Plan (LUP) map 2) Amend the Transportation Circulation Subelement: <ol style="list-style-type: none"> a) Add two new paragraphs of text for the definition of Temporary Roadways; and b) Planned 2025 Future Roadway Network map of the Future Traffic Circulation Map Series c) Add New Transportation map locating these Temporary Roadways. 3) Add the Declaration of Restrictions to the 'Restrictions Table' in the Land Use Element, if proffered <p>Standard Amendment</p>	<p>ADOPT and TRANSMIT request No. 4 of application as amended by applicant's letter dated October 23, 2009; and</p> <p>TRANSMIT without Recommendation the remainder of the application and the two alternative road configuration maps submitted by applicant's letter dated October 23, 2009</p>
8	<p>Department of Planning and Zoning/Marc LaFerrier, AICP, Director; Park and Recreation Department/Jack Kardys, Director</p> <p><u>Requested Amendments</u></p> <ol style="list-style-type: none"> A. Revise the text in the Recreation and Open Space Element to reflect the 2007 <i>Miami-Dade County Parks and Open Space Master Plan (OSMP)</i>. B. Revise the Recreation and Open Space Element to reflect other updates and policy changes not related to OSMP, including revisions to Policy ROS-4E, allowing new mechanisms for accepting open space conservation areas; and revisions to Policy ROS-5C iii, allowing greater protection of park sites with natural, historical, or archeological resources. <p>Standard Amendment</p>	<p>ADOPT WITH CHANGES and TRANSMIT in accordance with staff recommendation contained in the October 2, 2009 memorandum from the Park and Recreation Department</p>
9	<p>Department of Planning and Zoning/Marc LaFerrier, AICP, Director</p> <p><u>Requested Amendment</u></p> <p>Revise the text of the Housing Element to provide language that allows Miami-Dade County to enhance and preserve mobile home parks as viable options for affordable housing.</p> <p>Standard Amendment</p>	<p>ADOPT and TRANSMIT with memorandum dated November 3, 2009, that was submitted to the County's Attorney's office by Jeffrey Bercow, Esq., representing Liberty Investments, Inc.</p>

Section 2. The Board hereby requests DCA to review all transmitted applications pursuant to Chapter 163.3184(6), F.S.

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 2010 to address the April 2009 Cycle applications to amend the Comprehensive Development Master Plan.

The foregoing resolution was offered by Commissioner Joe A. Martinez, who moved its adoption.

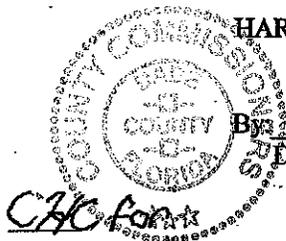
The motion was seconded by Vice-Chairman Jose "Pepe" Diaz and upon being put to a vote, the vote was as follows:

	Dennis C. Moss, Chairman	aye	
	Jose "Pepe" Diaz, Vice-Chairman	aye	
Bruno A. Barreiro	aye	Audrey M. Edmonson	aye
Carlos A. Gimenez	aye	Sally A. Heyman	absent
Barbara J. Jordan	aye	Joe A. Martinez	aye
Dorrian D. Rolle	aye	Natacha Seijas	aye
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of November, 2009. 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



DIANE COLLINS

Deputy Clerk

Approved by County Attorney as to form and legal sufficiency.

Joni Armstrong Coffey

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