

Memorandum



Date: (Public Hearing 5-18-11)
April 4, 2011

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Alina T. Hudak
County Manager *Alina T. Hudak*

Subject: Ordinance Acting Upon October 2010 Cycle Small-Scale Amendments to the Comprehensive Development Master Plan

Special Item No. 1

Ordinance No. 11-33

Recommendation

It is recommended that the Board of County Commissioners (Board) adopt the attached Ordinance (Special Item No. 1), which provides for the Board to adopt, adopt with change or deny the October 2010 Cycle Small-Scale Applications to amend the adopted 2015-2025 Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). Final action is recommended to be taken on the Ordinance at the conclusion of the CDMP public hearing scheduled to begin at 9:30 AM on Wednesday, May 18, 2011.

Scope

The CDMP is a broad-based countywide policy-planning document to guide future growth and development, to ensure the adequate provision of public 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 in the County. While the adopted text of the CDMP generally applies countywide, individual, site-specific LUP map amendment applications may have localized impact on one or more commission districts. Application No. 1 is located within Commissioner Heyman's District 4; Application No. 2 is located within Commissioner Souto's District 10.

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. 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 public infrastructure to the area, as well as, annual operating costs. Also, in accordance with Resolution No. 530-10, County departments are required to include detailed financial costs and budgetary impact analysis for items that have a fiscal impact to the County. Information on the fiscal impact of the referenced CDMP amendment application is contained in the document titled, "Initial Recommendation October 2010 Application To Amend The Comprehensive Development Master Plan," dated February 25, 2011.

Fiscal impacts from the October 2010 Cycle Applications vary depending on the type of request and location. Proposals involving non-residential developments have less impact on public infrastructure and services than proposals involving residential developments. According to the Water and Sewer Department (WASD), if the Application No. 1 parcel were developed with the proposed retail use, the annual operating and maintenance costs for water and sewer service is estimated at \$6,752. If the subject property were developed with

237 multi-family dwelling units (maximum development allowed under the proposed CDMP land use designation of "Business and Office"), the annual operating and maintenance costs are estimated at \$38,269. It is important to note that the application site is located in the water and sewer service area of the City of North Miami. Any construction costs for water and sewer infrastructure improvements will be paid for by the applicant to the municipality. For Application No. 2, the annual operating and maintenance costs for water and sewer service are estimated at \$43,268. Construction costs for water and sewer infrastructure improvements for the application site are estimated at \$470,137.

Housing Impact

By adopting Application No. 1, the supply of multi-family housing in the County could be increased by a total of 237 dwelling units. Application No. 2 could potentially add 170 multi-family dwelling units to the supply of housing. This application contains a Declaration of Restrictions, or covenant, that limits residential development on the application site to 10 dwelling units per gross acre, or 47 dwelling units. If all the other supply factors (labor, materials regulations, tax structure, demographics, etc) and demand factors (mortgage interest rates, credit availability, employment, property taxes, demographics, etc) in the cost of housing were equal, an increase in supply might nominally decrease the cost of residential land.

Track Record/Monitor

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

Background

The attached Ordinance (Special Item No. 1) provides for actions on Application Nos. 1 and 2 filed during the October 2010 Cycle of Applications requesting small-scale amendments to the LUP map of the CDMP. State law allows the adoption of the referenced small-scale amendment applications at the Board's public hearing on the October 2010 Cycle Applications scheduled for May 18, 2011.

An application is eligible under State law to be processed as a small-scale amendment if it involves 10 or fewer acres and, if the application involves residential development, it allows a density of 10 dwelling units or less per gross acre. Densities may be higher than 10 dwelling units per gross acre if the parcel involves the construction of affordable housing that meets the state affordability criteria of Section 420.004(3), Florida Statutes (F.S.), or is located in an Urban Redevelopment Area, Transportation Concurrency Exception Area or a Regional Activity Center. The maximum total acreage in a year for small-scale amendments within the aforementioned areas is 120 acres (Miami-Dade County contains designated redevelopment and downtown revitalization areas, urban infill areas, transportation concurrency exception areas, and regional activity centers). However, an annual limitation of 60 acres applies to areas outside of these specifically designated urban areas (Section 163.3187(1)(c), F.S.). Since the County has not exceeded the acreage limitations for small-scale amendments for year 2010, the Board has the ability to approve the proposed small-scale amendment Application Nos. 1 and 2, totaling 8.69 gross acres, without prior review by the Department of Community Affairs (DCA).

The Planning Advisory Board, acting as Local Planning Agency, conducted its public hearing on April 25, 2011, at which they formulated their recommendations to the Board on all of the October 2010 Cycle Applications. The "Summary of Recommendations" by the DP&Z, the affected Community Councils and the Planning Advisory Board, addressing only

the small-scale amendment requests to amend the LUP map of the CDMP, will be included in the Agenda materials package for the Board's public hearing on the October 2010 Cycle Applications scheduled for May 18, 2011.

At the May 18, 2011 public hearing, the Board could elect to adopt, adopt with change, or not adopt the proposed small-scale amendments. If the Board does not adopt the small-scale amendments, it may elect, by separate resolution, to transmit it to the DCA for review, and to take final action in October 2011 after State review. Denial or failure to adopt as a small-scale amendment and failure to transmit an amendment application to DCA for review effectively denies approval of the application for the amendment cycle.



Alex Muñoz
Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: May 18, 2011

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

SUBJECT: Special Item No. 1

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. 1
5-18-11

ORDINANCE NO. 11-33

ORDINANCE RELATING TO MIAMI-DADE COUNTY
COMPREHENSIVE DEVELOPMENT MASTER PLAN
ACTING UPON SMALL-SCALE AMENDMENT
APPLICATIONS FILED IN OCTOBER 2010 CYCLE TO
AMEND, MODIFY, ADD TO OR CHANGE
COMPREHENSIVE DEVELOPMENT MASTER PLAN;
PROVIDING SEVERABILITY, EXCLUSION FROM THE
CODE AND AN EFFECTIVE DATE

WHEREAS, the Miami-Dade 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 (F.S.); and

WHEREAS, three (3) CDMP amendment applications were filed by private parties on or before October 30, 2010, and are contained in the document titled "October 2010 Applications to Amend the Comprehensive Development Master Plan" dated December 5, 2010; and

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

WHEREAS, of the three (3) LUP map amendment applications filed for processing during the October 2010 CDMP amendment cycle, two (2) eligible applications (Application Nos. 1 and 2) requested expedited adoption as small-scale CDMP amendments; and

WHEREAS, the Department of Planning and Zoning (DP&Z) has published its initial recommendations addressing the referenced CDMP amendment applications in the report titled "Initial Recommendations October 2010 Applications to Amend the Comprehensive Development Master Plan" dated February 25, 2011; and

WHEREAS, the Community Councils, the Planning Advisory Board (PAB), and the DP&Z have acted in accordance with the referenced State and County procedures and have accepted applications, conducted public hearings and issued recommendations for the disposition of the small-scale amendment requests; and

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

WHEREAS, the Board will consider approving a resolution transmitting to the DCA any eligible small-scale amendment that is not adopted but not denied, and which this Board desires to further consider after review by 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, in conjunction with a particular zoning action, finds such pre-existing zoning or uses to be inconsistent with the CDMP based upon a planning study addressing the criteria set forth in the CDMP; and

WHEREAS, the approval of an amendment to the CDMP does not assure favorable action upon any application for zoning or other land use approval but is part of the overall land use policies of the County; and

WHEREAS, any application for zoning or other land use approval involves the application of the County's overall land use policies to the particular request under consideration; and

WHEREAS, the County's overall land use policies include, but are not limited to, the CDMP in its entirety and the County's land development regulations; and

WHEREAS, this Board has conducted the public hearings required by the referenced procedures preparatory to enactment of this ordinance,

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

Section 1. All matters set forth in the preamble are found to be true and are hereby incorporated by reference as if set forth verbatim and adopted.

Section 2. This Board hereby desires to take further action on the pending small-scale amendment Application Nos. 1 and 2 filed for review during the October 2010 Cycle for amendments, modifications, additions, or changes to the Miami-Dade County Comprehensive Development Master Plan as follows:

Application Number	Applicant/Representative Location (Size)	Action on Small-Scale Amendment
1	GRM Acquisition Corp./Joseph G. Goldstein, Esq. and Tracy R. Slavens, Esq. Between Biscayne Boulevard and NE 14 Avenue along theoretical NE 112 Street (3.96 Gross; 3.60 Net)	Adopt as Small-scale Amendment
	<u>Requested Amendment to the Land Use Plan Map</u> From: Low-Medium Density Residential Communities (6 to 13 DU/gross acre) and Business and Office To: Business and Office	

Application Number	Applicant/Representative Location (Size) REQUESTED SMALL SCALE AMENDMENTS TO THE CDMP	Action on Small-Scale Amendment
2	<p>SunTrust Bank/Jeffrey Bercow, Esq. and Graham Penn, Esq. Southwest corner of SW 83 Avenue and SW 40 Street (4.73 Gross; 4.07 Net)</p> <p><u>Requested Amendment to the Land Use Plan Map</u> 1. From: Low Density Residential Communities (2.5 to 6 DU/gross acre) and Business and Office To: Business and Office 2. Add a Declaration of Restrictions to the Restrictions Table in the Land Use Element</p>	<p>Adopt as Small-scale Amendment and with Acceptance of the Proffered Declaration of Restrictions</p>

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected thereby.

Section 4. It is the intention of the Board, and it is hereby ordained that the provisions of this ordinance shall be excluded from the Code of Miami-Dade County, Florida.

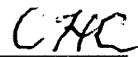
Section 5. This ordinance shall become effective ten (10) days after the date of enactment, unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by the Board provided, however, that the effective date of any small-scale plan amendment approved by this ordinance shall be thirty-one (31) days after adoption by the Board (effective date of ordinance). If challenged within thirty (30) days after adoption, the challenged small-scale plan amendment shall not become effective until the final order is issued determining the adopted small-scale amendment to be in compliance.

PASSED AND ADOPTED: May 18, 2011

Approved by County Attorney as to form and legal sufficiency:



Prepared by:



Craig H. Coller

