

# Memorandum



**Date:** April 2, 2013

**To:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Resolution and Public Hearing for Transmittal of the Lucky Start At The Hammocks, LLC, Application to Amend the Comprehensive Development Master Plan to the State and Regional Agencies **Resolution No. R-195-13**

Special Item No. 1

## Recommendation

It is recommended that the Board of County Commissioners (Board) adopt the attached resolution (Special Item No. 1) after the January 2013 public hearing to address the Lucky Start At The Hammocks, LLC, Application to amend the Comprehensive Development Master Plan (CDMP). The resolution provides for transmittal of the referenced CDMP amendment application to the State Land Planning Agency and other state and regional agencies (reviewing 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 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 located within Commission District 11 (Commissioner Zapata). The proposed CDMP amendment is anticipated to have a localized impact on one or more Commission Districts, notwithstanding its association with the Hammocks Development of Regional Impact.

## Fiscal Impact

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 "Appendix F" of the document titled, "Application and Initial Recommendation Lucky Start At The Hammocks, LLC, Application To Amend The Comprehensive Development Master Plan", dated November 13, 2012.

The Miami-Dade Water and Sewer Department indicates that if the subject property were developed with the proposed 611 residential units and 50,000 square feet of retail uses, the annual operating and maintenance costs for water and sewer services to the application site are estimated at \$131,696.

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### Track Record/Monitor

CDMP amendments do not involve contracts; therefore, information on Track Record/Monitoring is not applicable.

### Background

The Lucky Start At The Hammocks, LLC, CDMP Amendment Application seeks to change the land use designation of the ±57.42-gross acre site on the CDMP Adopted 2015-2025 Land Use Plan map from "Industrial and Office" to "Low-Medium Density Residential", "Business and Office" and "Medium Density Residential". The application site is located west of SW 147 Avenue between SW 112 Street and SW 120 Street (on the south side of Hammocks Boulevard), within the existing Hammocks Development of Regional Impact.

The CDMP amendment application was filed for concurrent processing with a separate, but related, Notice of Proposed Change application to the existing Hammocks Development of Regional Impact. The CDMP amendment application was filed pursuant to procedures established by Chapter 380.06, Florida Statutes, and Section 2-116.1 of the Code of Miami-Dade County and is thereby being processed outside of the County's regular twice-per-year comprehensive plan amendment cycles. The proposed CDMP amendment and the Notice of Proposed Change together would facilitate the development of 611 residential units and 50,000 square feet of retail uses in place of the 1,159,600 square feet of warehouse and office development currently approved for the application site under the existing Hammocks Development of Regional Impact development order.

It is anticipated that the reviewing agencies will issue their comments on the application, if transmitted, in March 2013. The Board is required to conduct a final public hearing, to be scheduled in May or June 2013, and take final action on the transmitted application within 60 days after receipt of the agency comments, unless such time is extended by the developer pursuant to Chapter 380.06, Florida Statutes. Preceding the final hearing by the Board, the Department of Regulatory and Economic Resources will respond to any agency objections and may issue a final recommendation.

### West Kendall Community Council (11) and Planning Advisory Board Recommendations

The recommendations of the affected West Kendall Community Council (11) and of the Planning Advisory Board, acting as the Local Planning Agency, are contained in their respective resolutions and in the Summary of Recommendations 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 a space where the Board's adopted transmittal instruction will be entered for the referenced CDMP amendment application. The transmittal instruction 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 the application, County Code requires the affirmative vote of a majority (7) of the Commissioners in office.

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Section 2 of the resolution requests the State Land Planning Agency to review and comment on the transmitted Application before the Board conducts its next public hearing to take final action on the Application. 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 the pending Lucky Start At The Hammocks Application following receipt of comments from the reviewing agencies. In Section 4, the Board declares its intention to conduct and advertise one or more public hearings in 2013 to address the pending Lucky Start At The Hammocks Application to amend the CDMP.



Jack Osterholt, Deputy Mayor



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** April 2, 2013

**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 Mayor'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 \_\_\_\_\_

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4-2-13

RESOLUTION NO. R-195-13

RESOLUTION PERTAINING TO APPLICATION REQUESTING AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN FILED FOR CONCURRENT PROCESSING WITH NOTICE OF PROPOSED CHANGES TO THE "HAMMOCKS" DEVELOPMENT OF REGIONAL IMPACT; INSTRUCTING THE MAYOR WHETHER OR NOT TO TRANSMIT THE APPLICATION TO THE STATE LAND PLANNING AGENCY; REQUESTING THE STATE LAND PLANNING AGENCY 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, the Comprehensive Development Master Plan (CDMP) for Miami-Dade County was adopted by Miami-Dade Board of County Commissioners in 1988; and

**WHEREAS**, Chapter 380.06(6), Florida Statutes, provides a procedure for accepting and processing applications to amend a local comprehensive plan concurrently with a Notice of Proposed Change to an existing Development of Regional Impact; 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**, the Lucky Start At The Hammocks, LLC, filed an application to amend the CDMP that is being processed concurrently with a Notice of Proposed Changes, filed with the South Florida Regional Planning Council, requesting approval of changes to the existing

Hammocks Development of Regional Impacts, as provided in Chapter 380.06(6), Florida Statutes, and Section 2-116.1, of the Code of Miami-Dade County; and

**WHEREAS**, the Lucky Start At The Hammocks, LLC, application to amend the CDMP and the initial recommendation of the Department of Regulatory and Economic Resources (Department) required by Section 2-116.1, Code of Miami-Dade County, are contained in a report titled "Application and Initial Recommendation Lucky Start At The Hammocks, LLC, Application to Amend the Miami-Dade County Comprehensive Development Master Plan," dated November 13, 2012; and

**WHEREAS**, the West Kendall Community Council 11 conducted an optional public hearing on November 20, 2012 that was continued to December 11, 2012, pursuant to Section 2-116.1(5)(a)(2), Code of Miami-Dade County, to address the Lucky Start At The Hammocks, LLC, CDMP Amendment Application; and

**WHEREAS**, the Planning Advisory Board, acting as the Local Planning Agency, conducted a duly noticed public hearing on December 17, 2012 to address the Lucky Start At The Hammocks, LLC, CDMP Amendment Application, the recommendations of the Department and the affected Community Council, and to address the transmittal of the amendment application to the State Land Planning Agency and other state and regional agencies (reviewing agencies) for comments, and to formulate recommendations regarding final action on the requested CDMP amendment application; and

**WHEREAS**, at the conclusion of its public hearing, the Local Planning Agency adopted its recommendation regarding transmittal of the CDMP amendment application to the reviewing agencies, and subsequent final action by the Board of County Commissioners (Board) as required by Section 2-116.1, Code of Miami-Dade County, with the understanding that the Local Planning Agency may further evaluate the transmitted application and issue a final

recommendation following one or more duly noticed public hearings after receipt of comments from the reviewing agencies; and

**WHEREAS**, consideration of the subject application is being processed outside the County's regular twice-per-year comprehensive plan amendment cycles pursuant to Section 2-116.1, Code of Miami-Dade County; and

**WHEREAS**, the Department may publish a final recommendation on the transmitted application prior to final hearings and actions by the Local Planning Agency and the Board; 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 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 Lucky Start At The Hammocks, LLC, Application to amend the CDMP filed for review and action concurrently with the Notice of Proposed Changes to the Hammocks Development of Regional Impact, and which CDMP amendment application 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 amendments to the CDMP, hereby directs the Mayor to act in accordance with the transmittal instructions set forth in this section for such application. For the CDMP amendment application where the instruction is to transmit, pursuant to Section 2-116.1(3)(g), the Board directs the Mayor to transmit the referenced CDMP amendment application to the reviewing agencies as required pursuant to Chapter 163.3184, Florida Statutes.

Application	Applicant/Representatives Location (Size) REQUESTED CHANGES TO THE CDMP	Recommended Action and/or Transmittal Instruction
Lucky Start At The Hammocks, LLC	<p>Lucky Start At The Hammocks, LLC/Juan J. Mayol, Esq. and Joseph G. Goldstein, Esq.</p> <p>Holland and Knight, LLP 701 Brickel Avenue, Suite 3000, Miami, FL 33131 (±57.42 gross; ±53.47 net)</p> <ol style="list-style-type: none"> <li>1. Re-designate the ±57.42-gross acre application site within the Development of Regional Impact on the Adopted 2015-2025 Land Use Plan map from “Industrial and Office” to “Low-Medium Density Residential” on Parcel A (±16.89 gross acres) and Parcel D (±12.73 gross acres), “Business and Office” on Parcel B (±9.18 gross acres), and “Medium Density Residential” (18.62 gross acres) on Parcel C</li> <li>2. Add a proffered Declaration of Restrictions, if accepted by the Board, to the Restrictions Table on Page I-74.1 of the CDMP’s Land Use Element.</li> </ol>	<p>Transmit with Change as requested by the applicant and with the Proffered Declaration of Restrictions. [Change is to redesignate the site to Low-Medium Density Residential (±51.49 acres) and Business and Office (±4.92 acres)]</p>

Section 2. The Board hereby requests the State Land Planning Agency to review the transmitted CDMP 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 the Lucky Start At The Hammocks, LLC, application following receipt of comments by the reviewing agencies, and following one or more final public hearings by this Board, all as authorized by Chapter 163.3184, Florida Statutes, and Section 2-116.1, Code of Miami-Dade County, Florida.

Section 4. The Board declares its intention to advertise and conduct one or more public hearings in 2013 to address the Lucky Start At The Hammocks, LLC, Application to amend the CDMP.

The foregoing resolution was offered by Commissioner **Juan C. Zapata**, who moved its adoption. The motion was seconded by Commissioner **Audrey Edmonson** and upon being put to a vote, the vote was as follows:

	Rebeca Sosa, Chairwoman	<b>aye</b>
	Lynda Bell, Vice Chair	<b>aye</b>
Bruno A. Barreiro	<b>absent</b>	Esteban L. Bovo, Jr. <b>aye</b>
Jose "Pepe" Diaz	<b>aye</b>	Audrey M. Edmonson <b>aye</b>
Sally A. Heyman	<b>aye</b>	Barbara J. Jordan <b>aye</b>
Jean Monestime	<b>aye</b>	Dennis C. Moss <b>aye</b>
Sen. Javier D. Souto	<b>aye</b>	Xavier L. Suarez <b>aye</b>
Juan C. Zapata	<b>aye</b>	

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of April, 2013. 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: **Christopher Agrippa**  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

A handwritten signature in dark ink, appearing to read "CR", is written over a horizontal line.

Craig H. Coller