

MEMORANDUM

Special Item No. 2

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

DATE: May 22, 2013

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

SUBJECT: Resolution pertaining to
October 2012 Cycle Applications
requesting amendments to the
Comprehensive Development
Master Plan
Resolution No. R-404-13

The accompanying resolution related to the Miami-Dade Comprehensive Development Master Plan (CDMP) was prepared by the Regulatory and Economic Resources Department. Pursuant to Rule 5.05(b)(1) of the County Commission's Rules of Procedure, private Master Plan applications are exempt from the requirement of Commissioner sponsorship. This item contains both private applications and Department applications. Accordingly, the Department applications have the following sponsors: Commissioner Jean Monestime Prime Sponsor for Application #4 and Commissioner Dennis C. Moss Prime Sponsor for Application #5.



R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum



Date: May 22, 2013

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

From: Carlos A. Gimenez
Mayor 

Subject: Resolution and Public Hearing for the Transmittal to the State and Regional Agencies of the October 2012 Cycle Applications to Amend the Comprehensive Development Master Plan

Recommendation

It is recommended that the Board of County Commissioners take action on the attached resolution (Special Item No. 2) after the public hearing on the October 2012 Cycle Applications to amend the Comprehensive Development Master Plan (CDMP) scheduled for Wednesday, May 22, 2013 at 9:30 AM in the Commission Chamber. This resolution provides for the transmittal of applications filed in the October 2012 CDMP Amendment Cycle, 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 created 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, some text amendment applications and individual, site-specific Land Use Plan map amendment applications may have localized impact on one or more Commission Districts; such as Application No. 1, which is located within Commissioner Monestime's District 2, and Application Nos. 2 and 3, which are located within Commissioner Moss' District 9. Application Nos. 4 and 5 are CDMP text amendments that apply countywide.

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 impacts from the referenced small-scale CDMP amendment applications are contained in the document titled, "Initial Recommendations October 2012 Applications To Amend The Comprehensive Development Master Plan," dated February 25, 2013.

Fiscal impacts from approved CDMP Land Use Plan map amendment applications vary depending on the type of request and location. For example, proposals involving non-residential developments have less impact on public infrastructure and services than proposals involving residential developments. According to Miami-Dade Water and Sewer Department, for Application No. 1, if approved and the application site developed with 93 multi-family units (maximum residential development allowed under the requested CDMP land use designation of "Business and Office"), the annual operating and maintenance costs for water and sewer service are estimated at \$16,563. However, if the application site were developed with 37,635 square feet of retail uses, the annual operating and maintenance costs for water and sewer service are estimated at \$4,468. For Application No. 2, if approved and the sited developed with the maximum 215 multi-family residential units, the annual operating and maintenance costs for water and sewer service are estimated at \$38,291. For Application No. 3, if approved and the sited developed with the maximum 178 multi-family residential units, the annual operating and maintenance costs for water and sewer service are estimated at \$31,701.

Application Nos. 4 and 5 are standard text amendment requests to the Land Use Element and Aviation Subelement of the CDMP and, therefore, do not impose a fiscal impact to the County.

Track Record/Monitor

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

Background

Two sets of applications were filed in the October 2012 CDMP Amendment Cycle, totaling 16 applications. The first set comprising five applications (Application Nos. 1, 2, 3, 4 and 5) is addressed in this memo and in the attached resolution (Special Item No. 2). The second set comprises eleven applications filed based on the Adopted 2010 Evaluation and Appraisal Report (EAR-Based Application Nos. 1 through 11) and is addressed in a separate Resolution and memo (Special Item No. 3). Of the first set of October 2012 Cycle applications, addressed herein, Application Nos. 1, 2 and 3 request amendments to the CDMP Adopted 2015 and 2025 Land Use Plan map. Application Nos. 4 and 5 request amendments to the CDMP Land Use Element and Aviation Subelement text. The attached resolution (Special Item No. 2) provides for transmittal to the reviewing agencies of the referenced CDMP amendment Application Nos. 1, 2, 3, 4 and 5.

It is anticipated that the reviewing agencies will issue their comments in July 2013 addressing all transmitted applications. Preceding the final hearing by the Board of County Commissioners (Board), the Department of Regulatory and Economic Resources (Department) will respond to any reviewing agency objections and may issue final recommendations. The Board will conduct a final public hearing on the pending October 2012 Cycle Applications in or about October 2013.

Community Councils and Local Planning Agency Recommendations

The recommendations of the affected Community Councils and of the Planning Advisory Board, acting as the Local Planning Agency, on the October 2012 Cycle Applications are contained in their respective resolutions, and in the updated "Summary of Recommendations" matrix included in the agenda kit materials for the Board's scheduled 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 instructions will be entered for each individual application to amend the CDMP. 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 October 2012 Cycle of Amendments. To transmit any application, County Code requires the affirmative vote of a majority (7) of the County Commissioners in office. Section 2 of the Resolution requests the reviewing agencies to review and comment on all transmitted applications, before the Board conducts its next public hearing to take final action on the pending applications. In 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 October 2012 Cycle Applications and proposals 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 October 2012 Cycle of Applications to amend the CDMP.

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.



Jack Osterholt
Deputy Mayor



MEMORANDUM

(Revised)

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

DATE: May 22, 2013

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 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 _____

Special Item No. 2

05-22-13

RESOLUTION NO. R-404-13

RESOLUTION PERTAINING TO OCTOBER 2012 CYCLE APPLICATIONS REQUESTING AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN; INSTRUCTING THE MAYOR WHETHER OR NOT TO TRANSMIT APPLICATIONS TO THE STATE LAND PLANNING AGENCY; REQUESTING STATE LAND PLANNING AGENCY 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 Section 163, Part 2, Florida Statutes, the Comprehensive Development Master Plan (CDMP) for Miami-Dade County was adopted by the Miami-Dade 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

WHEREAS, three CDMP Land Use Plan map amendment applications (Application Nos. 1, 2 and 3), were filed by private parties on or before October 31, 2012 and are contained in the document titled "October 2012 Private Applications to Amend the Comprehensive Development Master Plan", dated December 5, 2012; and

WHEREAS, Miami-Dade County's procedures provide for expedited processing of small-scale amendments as defined in section 163.3187, Florida Statutes; and

WHEREAS, the three Land Use Plan map amendment applications, are eligible and have requested expedited adoption as small-scale CDMP amendments; and

WHEREAS, the eligible applications requesting processing as small-scale amendments may be transmitted as standard amendments to the State Land Planning Agency and other state

and regional agencies (reviewing agencies) for review and comments prior to final action by the Board; and

WHEREAS, two standard CDMP text amendment applications (Application Nos. 4 and 5) were filed by the Department of Regulatory and Economic Resources (Department) and included in the October 2012 Cycle; and

WHEREAS, the Department published its initial recommendations addressing the referenced Application Nos. 1, 2, 3, 4, and 5 in a report titled "Initial Recommendations October 2012 Applications to Amend the Comprehensive Development Master Plan" dated February 25, 2013; and

WHEREAS, affected Community Councils have conducted optional public hearings pursuant to Section 2-116.1(3)(e), Code of Miami-Dade County, to address applications to amend the CDMP that would directly impact their council areas and issued recommendations to the Planning Advisory Board and the Board; and

WHEREAS, the Planning Advisory Board, acting as the Local Planning Agency, conducted a duly noticed public hearing on April 15, 2013, to address the referenced October 2012 Cycle Applications, the recommendations of the Department and the affected Community Councils (10), to formulate recommendations regarding the transmittal of standard October 2012 Cycle Applications to the reviewing agencies pursuant to Section 163.3184, Florida Statutes, for review and comment; and

WHEREAS, at its April 15, 2013 public hearing, the Planning Advisory Board, acting as the Local Planning Agency, made recommendations to the Board regarding the adoption of the eligible small-scale amendment Application Nos. 1, 2 and 3, transmittal to the reviewing agencies of standard amendment Application Nos. 4 and 5, and subsequent final action to be taken on the transmitted applications; and

WHEREAS, all existing lawful uses and zoning in effect prior to an amendment to the CDMP are deemed to remain consistent with this Plan 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 this Plan; 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 October 2012 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 applications requesting amendments to the CDMP, hereby directs the Mayor to act in accordance with the transmittal instructions set forth in this section for such applications. For any such application where the instruction is to transmit, pursuant to Section 2-116.1(3)(g), Miami-Dade County Code, the Board directs the Mayor to transmit the application to the reviewing agencies along with all other materials pursuant to Section 163.3184, Florida Statutes.

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Application Number	Applicant/Representative Location and Size Requested Amendments to the CDMP Land Use Plan Map or Text	Transmittal Instruction and/or Recommended Action
1	<p>3000 NW 62 Street, Inc and Dinah Investments Corporation/Felix M. Lasarte, Esq.</p> <p>Southwest corner of the intersection of NW 29 Avenue and NW 62 Street (±3.75 gross acres; ±2.16 net acres)</p> <p><u>Requested CDMP Amendment</u></p> <ol style="list-style-type: none"> 1. Redesignate application site on the LUP map From: Low-Medium Density Residential (6 to 13 dwelling units per gross acre) To: Business and Office 2. Revise the Restrictions Table in the Land Use Element to include the proffered Declaration of Restrictions, if accepted by the Board of County Commissioners. <p>Small-Scale Amendment</p>	<p>Adopted As Small-Scale with Acceptance of the Proffered Declaration of Restrictions</p>
2	<p>AB at Hidden Lake, Ltd/Javier L. Vasquez, Esq.</p> <p>Northwest corner of the intersection of SW 127 Avenue and SW 132 Street (±8.63 gross acres; ±7.72 net acres)</p> <p><u>Requested CDMP Amendment</u></p> <p>From: Industrial and Office</p> <p>To: Medium Density Residential (13 to 25 dwelling units per gross acre)</p> <p>Small-Scale Amendment</p>	<p>Deny As Small-Scale and Transmit As Standard Amendment</p>

Application Number	Applicant/Representative Location and Size Requested Amendments to the CDMP Land Use Plan Map or Text	Transmittal Instruction and/or Recommended Action
3	<p>Florida Atlantic Investments, Inc./Juan J. Mayol, Jr., Esq., and Tracy R. Slavens, Esq.</p> <p>Southwest corner of SW 137 Avenue and SW 168 Street (±7.14 gross acres; ±6.54 net acres)</p> <p><u>Requested CDMP Amendment</u></p> <p>From: Business and Office (Parcel A, ±6.14 gross acres); and Industrial and Office (Parcel B, ±1.0 gross acre)</p> <p>To: Medium Density Residential (13 to 25 dwelling units per gross acre)</p> <p>Small-Scale Amendment</p>	Adopted As Small-Scale
4	<p>Miami-Dade County Department of Regulatory and Economic Resources/Jack Osterholt, Deputy Mayor/Director</p> <p><u>Requested CDMP Amendment</u></p> <p>Amend the Land Use Element Business and Office land use category text to allow the integration of light industrial uses with uses permitted in the Business and Office category through the creation of Employment Centers</p> <p>Standard Text Amendment</p>	Transmit with Changes and Adopt As Recommended by Staff
5	<p>Miami-Dade County Department of Regulatory and Economic Resources/Jack Osterholt, Deputy Mayor/Director</p> <p><u>Requested CDMP Amendment</u></p> <p>Amend the Land Use Element text to include new policies under Objective LU-4 and amend the Aviation Subelement to include new policies and revisions to existing policies under Objective AV-7 providing for criteria to achieve compatibility of lands adjacent to the Homestead Air Reserve Base.</p> <p>Standard Text Amendment</p>	Transmit with Changes and Adopt As Recommended by Staff

Section 2. The Board hereby requests the reviewing agencies to review all transmitted applications pursuant to Section 163.3184(3), 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 any and all pending applications and proposals following receipt of comments by the reviewing agencies, and following one or more

public hearings by this Board, all as authorized by Section 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 year 2013 to address the pending October 2012 Cycle Applications to amend the CDMP.

The foregoing resolution was offered by Commissioner **Dennis C. Moss**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 22nd day of May, 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.

Prepared by
Craig H. Coller