

MEMORANDUM

Substitute
Special Item No. 1

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

DATE: October 2, 2013

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

SUBJECT: Ordinance relating to Miami-
Dade County Comprehensive
Development Master Plan;
providing disposition of
applications filed in October
2012 Cycle
Ordinance No. 13-95

This item differs from the original version as stated in the Mayor's memorandum.

The accompanying ordinance related to the Miami-Dade Comprehensive Development Mater 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/cp

Memorandum



Date: October 2, 2013

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

From: Carlos A. Gimenez
Mayor 

Subject: Ordinance Acting upon the October 2012 Cycle of Applications to Amend the Comprehensive Development Master Plan (Standard Applications)

This substitute ordinance differs from the original in that it revises the preamble of the original ordinance to reflect the actions taken by the Board of County Commissioners (Board) at its "transmittal" public hearing held on May 22, 2013, and acknowledges correspondence received from the State Land Planning Agency and other reviewing agencies issued between June 27, 2013 and July 12, 2013. This substitute ordinance addresses the disposition of pending regular Application Nos. 2, 4 and 5 filed in the October 2012 Cycle of Applications to Amend the Comprehensive Development Master Plan (CDMP).

Recommendation

It is recommended that the Board of County Commissioners (Board) take action on the attached ordinance (Substitute Special Item No. 1), which provides for the Board to adopt, adopt with change or deny the October 2012 Cycle Applications to amend the Comprehensive Development Master Plan (CDMP).

It is recommended that final action be taken on this substitute ordinance for the referenced CDMP amendment applications at the conclusion of the public hearing scheduled for October 2013. This ordinance follows the same format used in previous CDMP amendment cycles. That is, it contains blank spaces to record Board actions on the requests contained in the referenced CDMP amendment applications.

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.

Housing Impact

The applications to amend the adopted 2015 and 2025 Land Use Plan (LUP) map of the CDMP have the potential to reduce or increase the county's housing supply, based upon the current CDMP land use designation of the application site, the requested CDMP land use designation and voluntary restrictions on residential density. If the Land Use Plan map amendment applications were approved, the County's supply of multi-family housing could be increased by a total of 367 dwelling units. If Application No. 1 were approved as requested for Business and Office uses but instead developed for residential uses, the supply of housing in the County could be increased by a net 45 dwelling units. If Application No. 2 were approved, the supply of housing in the County could be increased by 215 dwelling units. If Application No. 3 were approved, the County's supply of housing could be increased by a net 107 dwelling units. No housing impacts are expected from the text amendment applications if Application Nos. 4 and 5 were approved.

Track Record/Monitor

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

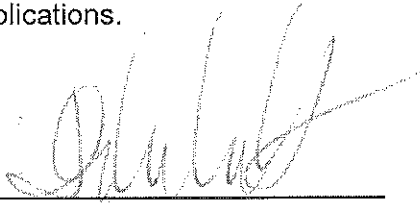
Background

The attached ordinance (Substitute Special Item No. 1) provides for final action on pending October 2012 Cycle Application Nos. 2, 4 and 5. The County transmitted the referenced CDMP amendment applications to the State Land Planning Agency and other state and regional

agencies (reviewing agencies) for review and comment by letter dated June 7, 2013. The Board's previous actions at the May 22, 2013 public hearing were for Application No. 2 to "deny as small-scale and transmit as standard amendment", for Application No. 4 to "transmit with changes and adopt as recommend by staff", and for Application No. 5 to "transmit with changes and adopt as recommended by staff".

Final Recommendations

The final recommendations of the Department of Regulatory and Economic Resources and of the Planning Advisory Board on the pending April 2012 Cycle CDMP Application Nos. 2, 4 and 5 are contained in the Summary of Recommendations matrix attached. Additionally, the final recommendation of the Planning Advisory Board are also included in the attached resolution and minutes of the Planning advisory Board's April 15, 2012 public meeting on the referenced applications.



Jack Osterholt
Deputy Mayor



MEMORANDUM

(Revised)

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

DATE: October 2, 2013

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

SUBJECT: Substitute
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 _____

Substitute
Special Item No 1
10-02-13

ORDINANCE NO. 13-95

ORDINANCE RELATING TO MIAMI-DADE COUNTY
COMPREHENSIVE DEVELOPMENT MASTER PLAN;
PROVIDING DISPOSITION OF APPLICATIONS FILED IN
OCTOBER 2012 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; 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

¹ The differences between the substitute and the original item are indicated as follows: words double stricken through and/or [[double bracketed]] shall be deleted, words double underlined and/or >>double arrowed<< constitute the amendment proposed

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WHEREAS, the three Land Use Plan map amendment applications, are eligible and have requested expedited adoption as small-scale CDMP amendments; 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 the 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 Comprehensive Development Master Plan that would directly impact their respective 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 October 2012 Cycle Applications, the recommendations of the Department and the affected community councils, to formulate recommendations regarding the adoption of the referenced October 2012 Cycle Applications, and to address the transmittal of standard October 2012 Cycle Applications to the State Land Planning Agency and other state and regional agencies (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

eligible small-scale amendments Application Nos. 1, 2 and 3, and the transmittal of standard amendment Application Nos. 4 and 5; and

>>WHEREAS, on May 22, 2013 at a duly noticed public hearing, the Board adopted Application No. 1 as a small-scale amendment with acceptance of the Proffered Declaration of Restriction (Ordinance No. 13-45) and adopted Application No. 3 as a small-scale amendment (Ordinance No. 13-45), pursuant to Section 163.3187, Florida Statutes; and<<

>>WHEREAS, at its May 22, 2013 public hearing, the Board denied Application No. 2 as small-scale amendment and transmitted the application as standard amendment, pursuant to Section 163.3187, Florida Statutes; and<<

>>WHEREAS, on May 22, 2013, this Board, by Resolution, instructed the Mayor to transmit standard Application Nos. 2, 4 and 5 to the reviewing agencies for review and comment pursuant to Section 163.3184(3), Florida Statutes; and<<

>>WHEREAS, the Florida Department of Education by letter dated June 27, 2013, Florida Department of Transportation, District Six, by letter dated July 8, 2013, the South Florida Regional Planning Council by memorandum dated July 1, 2013 and the Florida Department of Agriculture and Consumer Services by letter dated July 12, 2013, each identified no adverse impacts to state facilities and resources and thereby made no comments on the transmitted October 2012 regular Applications to amend the CDMP; and<<

>>WHEREAS the Florida Department of Economic Opportunity by letter dated July 12, 2013, made comments on Application Nos. 4 and 5, and the Florida Fish and Wildlife Conservation Commission by letter dated July 9, 2013, made comment on Application No. 2; and<<

¹ The differences between the substitute and the original item are indicated as follows: words double stricken through and/or [[double bracketed]] shall be deleted, words double underlined and/or >>double arrowed<< constitute the amendment proposed

>>WHEREAS, in September 2013, the Department issued final recommendations on Application Nos. 2, 4 and 5 addressing the comments of the Florida Department of Economic Opportunity and the Florida Fish and Wildlife Conservation Commission; and<<

WHEREAS, the Board must take final action to Adopt, Adopt With Change or Deny applications to amend the CDMP no later than forty-five (45) days after receipt of written comments from the reviewing agencies addressing the transmitted applications, unless a greater time period is deemed necessary by the Director of the Department of Regulatory and Economic Resources; 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 has conducted the public hearing 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 action on applications filed for review during the October 2012 Cycle for amendments, modifications, additions or changes to the CDMP as follows:

Application Number	Applicant/Representative Location and Size Requested Amendments to the CDMP Land Use Plan Map or Text	Final 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>Requested CDMP Amendment</p> <p>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</p> <p>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> <p>Small-Scale Amendment <<</p>	

Application Number	Applicant/Representative Location and Size Requested Amendments to the CDMP Land Use Plan Map or Text	Final Action
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<<>><u>Standard</u><< Amendment</p>	<p>Adopt as Transmitted With the Acceptance of the Proffered Declaration of Restrictions</p>
>>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>	
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>	<p>Adopt as Transmitted With Change As per the Department's Final Recommendations report dated September 2013</p>

Application Number	Applicant/Representative Location and Size Requested Amendments to the CDMP Land Use Plan Map or Text	Final Action
5	<p>Miami-Dade County Department of Regulatory and Economic Resources/Jack Osterholt, Deputy Mayor/Director</p> <p><u>Requested CDMP Amendment</u> 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>	Adopt as Transmitted


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, Florida Statutes, 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 (overall amendment) 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, pursuant to Section 163.3184(3)(c)4, Florida Statutes, the effective date of any individual plan amendment included within the overall amendment shall be 31 days after the State Land Planning Agency notifies the local government that the plan amendment package is complete, if the amendment is not timely challenged. If timely

challenged, the amendment shall become effective on the date the State Land Planning Agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on such individual amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, the individual amendment may nevertheless be made effective, subject to the imposition of sanctions pursuant to Section 163.3184(8), Florida Statutes, 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 State Land Planning Agency.

PASSED AND ADOPTED: October 2, 2013

Approved by County Attorney as
to form and legal sufficiency. 

Prepared by:



Craig Coller