

# Memorandum



**Date:** May 6, 2015

**To:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

**Subject:** Resolution for Application No. 6 in the November 2014 Cycle Applications to Amend the Comprehensive Development Master Plan

Agenda Item No. 4(A)

Resolution No. R-441-15

The attached resolution addresses a Comprehensive Development Master Plan private application that under Rule 5.05(b)(1) of the Board is exempt from Commission sponsorship. The staff analysis and fiscal impact statement for this application are discussed in a separate report that appears on this agenda which, together with this resolution, were prepared by the Department of Regulatory and Economic Resources.

  
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Jack Osterholt  
Deputy Mayor



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** May 6, 2015

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

**SUBJECT:** Agenda Item No. 4(A)

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

Agenda Item No. 4(A)

Veto \_\_\_\_\_

5-6-15

Override \_\_\_\_\_

RESOLUTION NO. R-441-15

RESOLUTION PERTAINING TO NOVEMBER 2014 CYCLE APPLICATIONS REQUESTING AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN; DIRECTING THE MAYOR OR DESIGNEE TO ACT IN ACCORDANCE WITH THE TRANSMITTAL INSTRUCTIONS INCLUDED IN THIS RESOLUTION RELATED TO APPLICATION NO. 6, LOCATED BETWEEN NW 22 AND 27 AVENUES AND BETWEEN NW 132 AND NW 107 STREETS; REQUESTING STATE LAND PLANNING AGENCY TO REVIEW APPLICATION NO. 6; 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 II, Florida Statutes, the Miami-Dade County Board of County Commissioners (“Board”) adopted the Miami-Dade County Comprehensive Development Master Plan (“CDMP”) was adopted in 1988; and

**WHEREAS**, the 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 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 Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, applications to amend the CDMP may be filed with the Planning Division of the Department of Regulatory and Economic Resources (“Department”) by private parties or by the County; and

**WHEREAS**, Application No. 6 was filed by the Department in the November 2014 Cycle of Applications to amend the CDMP (“November 2014 CDMP Amendment Cycle”) and is contained in the document titled "November 2014 Applications to Amend the Comprehensive

Development Master Plan," dated December 19, 2014, and kept on file with and available upon request from the Department; and

**WHEREAS**, as required by Section 2-116.1, the Department issued its initial recommendations addressing the November 2014 CDMP Amendment Cycle in a report titled "Initial Recommendations November 2014 Applications to Amend the Comprehensive Development Master Plan", dated March 2015 and kept on file with and available upon request from the Department; and

**WHEREAS**, the directly impacted Community Council and the Planning Advisory Board, acting as the Local Planning Agency, have acted in accordance with the applicable State and County procedures and have conducted public hearings and issued recommendations for the disposition of Application No. 6; and

**WHEREAS**, the Department may issue final recommendations addressing the November 2014 CDMP Amendment Cycle Applications that are transmitted to the reviewing agencies; and

**WHEREAS**, this Board desires to further evaluate, without prejudice, Application No. 6 filed for review and action during the November 2014 CDMP Amendment Cycle, if hereby transmitted,

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

**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.** The Board, having considered the following application requesting amendments to the CDMP, hereby directs the Mayor or designee to act in accordance with the transmittal instructions set forth in this section for such application. Where the instruction is to

transmittal instructions set forth in this section for 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 or designee to transmit the application to the reviewing agencies, along with all other materials required pursuant to Section 163.3184, Florida Statutes.

Application Number	Applicant/Representative Location and Size Requested Amendments to the CDMP Land Use Plan Map or Text	Transmittal Instruction and/or Recommended Action
6	Rosal Westview, LLC. / Jeffrey Bercow Esq. & Gianeli Mestre, Esq.  Between NW 22 and 27 Avenues and between NW 132 and NW 107 Streets / (±196.49 gross; ±180.4 net)  <u>Requested CDMP Amendment:</u> Modify existing Declaration of Restrictions in the Restrictions Table in Appendix A of the CDMP Land Use Element regarding the October 2011 Cycle Application No. 1 (Declaration of Restrictions recorded in Book 28896 Pages 1971-2007 of the Official Records) pertaining to the perimeter buffer, vehicular access, an alternative program to FDOT's "Adopt a Highway" program, and the applicability or conditions to each parcel in the application area.  Standard Amendment	Transmit with Change and Adopt as recommended by Staff

**Section 3.** The Board hereby requests the reviewing agencies to review the transmitted application pursuant to Section 163.3184(3), Florida Statutes.

**Section 4.** The Board hereby reserves the right to take final action without prejudice at a later date to adopt, adopt with changes, or not adopt the pending application 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 5.** The Board declares its intention to advertise and conduct one or more public hearings in calendar year 2015 to address the pending November 2014 CDMP Amendment Cycle application.

The foregoing resolution was offered by Commissioner **Jean Monestime**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 6<sup>th</sup> day of May, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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.

Dennis A. Kerbel