



**BOARD OF COUNTY COMMISSIONERS
CDMP MEETING**

October 7, 2009

Prepared by: Alicia Stephenson

EXHIBITS LIST

NO.	DATE	ITEM #	DESCRIPTION
1	10/7/2009		CDMP APPLICATION <u>NO.1</u> -WITHDRAWN
2	10/7/2009		Re: <u>Application No. 1 – October 2008 Cycle to Amend the CDMP</u>
3	10/7/2009		Resolution of the Miami-Dade County Planning Advisory Board
4	10/7/2009		Minutes-Miami-Dade County Planning Advisory Board
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10/7/2009 CDMP - Exhibit

CDMP APPLICATION NO.1- WITHDRAWN

Application No. 1 in the October 2008 CDMP Amendment Cycle, the Florida Power & Light Company (FPL) Application on rock mining in an area designated for "Agriculture" on the adopted Land Use Plan map, was withdrawn by the applicant in a letter dated September 18, 2009 from the representative FPL (attached is the letter).

10/7/2009 CDMP-Exhibit



BERCOW RADELL & FERNANDEZ
ZONING, LAND USE AND ENVIRONMENTAL

2009 SEP 18 P 1:49

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PLANNING & ZONING
METROPOLITAN PLANNING SECT

VIA EMAIL AND HAND DELIVERY

September 18, 2009

Marc C. LaFerrier, Director
Miami-Dade County
Department of Planning and Zoning
111 N.W. First Street, 11th Floor
Miami, Florida 33128

Re: Application No. 1 - October 2008 Cycle to Amend the CDMP

Dear Mr. LaFerrier:

This law firm represents Florida Power & Light Company (FPL). We are writing to you in connection with Application No. 1 in the October 2008 CDMP Amendment Cycle (the "Application"), in order to inform the Department of FPL's intent to revise and resubmit the Application.

FPL submitted the Application in good faith and proceeded through the CDMP amendment process due to requests from DERM and other agencies to seek an alternative to the borrow pit initially proposed in the 2007 application for unusual use approval relating to Turkey Point Units 6 and 7. As a result, FPL has received constructive and helpful comments and recommendations from the agencies that have reviewed the application. The FPL team has also compiled a significant amount of data and analysis based on the agencies' feedback to support future efforts.

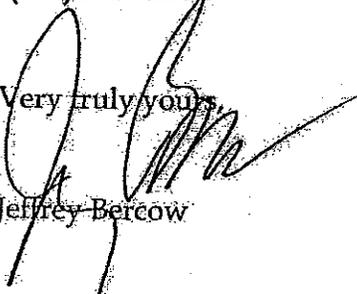
Due to the timing of DCA's issuance of the ORC Report, staff's drafting of the Revised Recommendations report, and the upcoming Planning Advisory Board hearing, FPL has determined that there is not adequate time to properly modify the Application to incorporate the comments of the agencies as well as to develop and disseminate the suggested additional data and analysis. Therefore, FPL is withdrawing the Application, pursuant to Section 2-116.1(3) (b) of the Miami-Dade County Code, in order to revise it appropriately, and resubmit it in

Marc C. LaFerrier, Director
Miami-Dade County
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the upcoming October 2009 Cycle of CDMP Amendment Applications. This will also allow FPL to develop a companion unusual use application for the water management project and process it concurrently with the CDMP amendment application, consistent with the intent of the recent SB 360 legislation. Since much of the agencies' comments requested details of the proposed water management project, processing the CDMP amendment and zoning applications concurrently responds directly to these concerns.

Thank you for your assistance and cooperation in this matter. Should you have any questions, comments, or require additional information, please do not hesitate to phone my direct line at (305) 377-6220.

Very truly yours,



Jeffrey Bercow

cc: Sally B. Mann, Florida Department of Environmental Protection
Kim Shugar, South Florida Water Management District
Megan Clouser, Army Corps of Engineers
Carlos Espinosa, Department of Environmental Resources Management
Mark Lewis, Biscayne National Park
Steve Scroggs

RESOLUTION OF THE MIAMI-DADE COUNTY PLANNING ADVISORY BOARD ACTING AS THE LOCAL PLANNING AGENCY (LPA) ISSUING RECOMMENDATIONS TO THE BOARD OF COUNTY COMMISSIONERS REGARDING FINAL DISPOSITION OF OCTOBER 2008 CYCLE APPLICATIONS TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN.

WHEREAS, pursuant to Chapter 163, Part 2, Florida Statutes (F.S.) and Chapters 9J-5, 9J-11, and 9J-12, Florida Administrative Code (F.A.C.), the Comprehensive Development Master Plan (CDMP) for Miami-Dade County was adopted by the Miami-Dade County Board of County Commissioners (Board) in November 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 Florida Statutes and Administrative Code referenced above; and

WHEREAS, two (2) CDMP amendment applications were filed on or before October 31, 2008, and are contained in the document titled "October 2008 Applications to Amend the Comprehensive Development Master Plan" dated December 5, 2008; and

WHEREAS, of the 2 applications, one (1) text amendment (Application No. 1) was privately filed, and 1 text amendment (Application No. 2) was filed by the Miami-Dade Aviation Department; and

WHEREAS, the text amendment (Application No. 2) has associated map changes proposed to the Airport Land Use Master Plan 2015-2025 maps for the Opa-locka Executive Airport, Kendall-Tamiami Executive Airport, Homestead General Airport and Miami International Airport; and

WHEREAS, the Department of Planning and Zoning (DP&Z) has published its initial recommendations addressing the referenced Applications in the report titled "Initial Recommendations October 2008 Applications to Amend the Comprehensive Development Master Plan" dated February 25, 2009; and

WHEREAS, DP&Z has recommended additional changes to the adopted 2015-2025 Land Use Plan (LUP) map for County-owned properties at Miami International and Opa-locka Executive Airports; 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 the Airport Land Use Master Plan 2015-2025 components of Application No. 2 and proposed changes to the adopted 2015-2025 LUP map for properties at Miami International and Opa-locka Executive Airports that would directly impact their respective council areas and issued recommendations to the Planning Advisory Board (PAB) and the Board; and

WHEREAS, the PAB acting as the Local Planning Agency (LPA) has acted in accord with the referenced State and County procedures, and has conducted a duly noticed public hearing to receive public comments and to address the Applications, the initial recommendations of the DP&Z, to address the transmittal by the Board to the Florida

Department of Community Affairs (DCA) of the standard amendments and to address subsequent action on the applications by the Board;

WHEREAS, on May 28, 2009, the Board voted to Transmit Application No. 1 With Staff Recommended Changes And With No Recommendation and to Transmit Application No. 2 with Staff Recommended Changes And A Recommendation to Adopt.

WHEREAS, an Objections, Recommendations, and Comments (ORC) report on applications filed during the October 2008-09 Cycle of Amendments was issued by DCA on September 11, 2009; and

WHEREAS, standard Application No. 1 was lawfully withdrawn by letter dated September 18, 2009 from the applicant's representative; and

WHEREAS, the DP&Z has published its revised recommendations addressing pending Applications; and

WHEREAS, on September 21, 2009, the PAB acting as the Local Planning Agency (LPA) conducted a duly noticed public hearing to receive public comments on pending CDMP amendment Application No. 2 as transmitted for review and comment by DCA; on the revised recommendations of the DP&Z; on the ORC report; and to issue final recommendations to the Board regarding final actions on the pending CDMP amendment application; and

WHEREAS, final action by the PAB may be to adopt, adopt with changes, or not adopt the pending CDMP amendment application.

NOW, THEREFORE, BE IT RESOLVED BY THE MIAMI-DADE COUNTY PLANNING ADVISORY BOARD ACTING AS THE LOCAL PLANNING AGENCY, that:

The LPA hereby adopts the following as its final recommendations to the Board:

Application Number	Applicant/Representative Location (Size) if applicable REQUESTED STANDARD AMENDMENTS TO THE CDMP	Final Recommendation
2	Miami-Dade County Department/Jose Abreu, P.E., Director Land Use Element and Aviation Subelement Revise text on non-aviation related uses at airports and airport land use master plan 2015-2025 maps. Redesignate certain airport-owned properties at Opa-locka Executive and Miami International Airports to "Terminals" on the Adopted 2015 - 2025 Land Use Plan map. Standard	Aviation Adopt With Change as recommended by staff excluding the proposed text references in the Aviation Subelement and the Land Use Element to gaming establishments, including horse race tracks and slot machines, at the Miami International Airport; and further, a change in the Aviation Subelement text, third paragraph, page II-51, and in the Land Use Element text, Transportation section, pages I-54 to 55, to replace the phrase "or his designee" with "or the Aviation Department's designee".

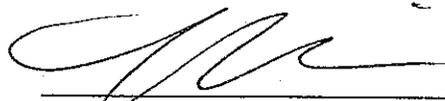
The motion to recommend "Adopt With Change as recommended by staff excluding the proposed text references in the Aviation Subelement and the Land Use Element to gaming establishments, including horse race tracks and slot machines, at the Miami International Airport; and further, a change in the Aviation Subelement text, third paragraph, page II-51, and in the Land Use Element text, Transportation section, pages I-54 to 55, to replace the phrase "or his designee" with "or the Aviation Department's designee" was moved by Board Member Reginald J. Clyne. Board Member Georgina Santiago seconded the motion and the motion passed 7 to 2 as follows:

Reginald J. Clyne	Yes	Serafin Leal	Yes
Antonio Fraga	No	Ralph Ramirez	Absent
Horacio C. Huembes	Yes	William A. Riley	No
Rolando Iglesias	Absent	Wayne Rinehart	Absent
Eddy Joachin	Absent	Georgina Santiago	Yes
Daniel Kaplan	Yes	Jay Sosna	Yes
		Christi Sherouse, Vice Chair	Absent
		Pamela Gray, Chair	Yes

The adoption of the foregoing resolution was moved by Board Member Jay Sosna. Board Member Horacio Huembes seconded the motion and the motion passed unanimously as follows:

Reginald J. Clyne	Yes	Serafin Leal	Yes
Antonio Fraga	Yes	Ralph Ramirez	Absent
Horacio C. Huembes	Yes	William A. Riley	Yes
Rolando Iglesias	Absent	Wayne Rinehart	Absent
Eddy Joachin	Absent	Georgina Santiago	Yes
Daniel Kaplan	Yes	Jay Sosna	Yes
		Christi Sherouse, Vice Chair	Absent
		Pamela Gray, Chair	Yes

The above action was taken by the Planning Advisory Board acting as the Local Planning Agency at the conclusion of its public hearing on September 21, 2009, and is certified correct by Marc C. LaFerrier, Executive Secretary to the Planning Advisory Board.



Marc C. LaFerrier, AICP, Director
 Department of Planning & Department

MINUTES

Miami-Dade County Planning Advisory Board
Acting as the Local Planning Agency

Public Hearing On October 2008 Cycle Applications to Amend
The Comprehensive Development Master Plan

Stephen P. Clark Center
111 NW 1 Street, Commission Chambers
Miami, Florida 33128

September 21, 2009

PAB Members

Pamela Gray, Chair
Reginald J. Clyne
Antonio Fraga
Horacio C. Huembes
Rolando Iglesias
Eddy Joachin (Absent)
Daniel Kaplan
Serafin Leal

Felipe Llanos (Absent)
Ralph Ramirez (Absent)
William W. Riley
Wayne Rinehart (Absent)
Georgina Santiago
Christi Sherouse, Vice Chair (Absent)
Jay Sosna

Ivan Rodriguez, Miami-Dade Public Schools Representative (non-voting)
Larry Ventura, Homestead Air Reserve Base Representative (non-voting) (Absent)

Department of Planning and Zoning Staff Present

Subrata Basu, Assistant Director, Planning
Mark R. Woerner, Chief, Metropolitan Planning Section
Patrick Moore, Section Supervisor, CDMP Administration
Paula Church, Section Supervisor, Long Range Planning

Lynne Akulin-Kaufman
Abigail Diaz
Mark Dorsey
Dickson Ezeala

Frank McCune
Napoleon Somoza
Noel Stillings
Rommel Vargas

Other County Staff Present

Rene Bergeron, MDAD
Enrique Cuellar, DERM
John Garcia, MDT
Carlos Heredia, MDFR
Armando Hernandez, PWD
Dennis Kerbel, CAO

Jose Ramos, MDAD
Merci Rodriguez, Mayor's Executive Office
Abby Schwaderer, CAO

I. Opening Remarks

Ms. Pamela Gray, Chair of the Planning Advisory Board (PAB), acting as the Local Planning Agency (LPA), convened the public hearing at 9:40 AM on September 21, 2009. Ms. Gray welcomed the audience to the PAB's final public hearing on the pending October 2008 Cycle Applications to Amend the Comprehensive Development Master Plan (CDMP). Each of the PAB members introduced themselves followed by an explanation by the Chair that the Planning Advisory Board was established by Miami-Dade County Charter and that the Miami-Dade County Board of County Commissioners (BCC) appointed each of the 15 voting PAB Members. Chair Gray also stated that the Board has two non-voting members, Mr. Ivan Rodriguez, appointee of the Miami-Dade County School Board, and Mr. Larry Ventura from the Homestead Air Reserve Base. She added that all of the PAB Members are residents of Miami-Dade County and serve on the Board without compensation.

Chair Gray explained that the Board's responsibility is to make recommendations to the BCC on planning-related issues, and that the PAB, acting as the Local Planning Agency, will conduct the public hearing with assistance from the Department of Planning & Zoning (DP&Z) staff. The Chair also explained that the purpose of the hearing is for the Board to receive public comments on pending CDMP Applications filed during the October 2008 Cycle of Amendments, revised recommendations from the DP&Z, Objections, Recommendations and Comments report issued by the Florida Department of Community Affairs (DCA), and to formulate final recommendations to the BCC on the pending October 2008 Cycle Applications. The Chair provided an overview of the procedures for the public hearing followed by an introduction of Mr. Mark Woerner, Chief of the Metropolitan Planning Section in the Department of Planning and Zoning, who summarized the pending October 2008 Cycle CDMP Applications before the Board.

II. Staff Presentations

Application No. 2

Mr. Woerner opened his remarks stating that Application No. 1 was lawfully withdrawn by the Applicant by letter dated September 18, 2009, and that Application No. 2, filed by the Miami-Dade Aviation Department (MDAD), is the only pending CDMP Application from the October 2008 Cycle of Amendments. Mr. Woerner presented a brief overview of the initial recommendations on this Application No. 2 by Community Councils 5, 8 and 11, the PAB, and the BCC. He then detailed to the Board members the proposed amendments to the CDMP as originally requested by MDAD, and proceeded to summarize the Objections, Recommendations and Comments (ORC) report received by DCA dated September 11, 2009. Mr. Woerner called the Board's attention to recent changes made to the 'original' Application No. 2. In response to a comment in the ORC Report, Staff is proposing that the CDMP text be revised to limit development on an 8.2 acre parcel at Kendall-Tamiami Airport, located at the southwest corner of SW 137 Avenue and theoretical SW 124 Street. This parcel, which is being proposed to be re-designated from "aviation-related uses" to "non-aviation uses" on the Kendall-Tamiami Executive Airport Land Use Master Plan 2015-2025 map, would be limited by this text change to access roads, open space, parking and drainage facilities. Mr. Woerner concluded by stating that the 'original' Application was amended to also include a request that gaming facilities be allowed at Miami International Airport (MIA).

No members of the public spoke in support or opposition of the proposed CDMP amendment. Chair Gray requested an explanation of the proposed gaming facilities at MIA. Miguel

Southwell, Deputy Director for Business Development at MDAD, provided the Board with an overview of the financial difficulties that the Miami Dade County airport system is currently experiencing. Mr. Southwell added that, as a result of these financial difficulties, a \$65,000,000 revenue initiative was undertaken by MDAD to improve Miami-Dade airport system economic outlook. He stated that from the \$65 million revenue initiative, \$17 million would be used for slot machine gambling at MIA. As part of the Application for slot machines, MDAD needs to make a request to the State of Florida for a Quarter Horse Racing permit at MIA. While MDAD is considering off-site facilities for the provision of quarter horse races, state law requires the setting aside of land at the airport for this facility in case arrangements with operators of existing racing facilities fall through. Mr. Southwell proceeded to summarize and outline to the Board the procedures and State requirements to obtain such racing permit at MIA.

Chair Gray expressed some concerns regarding the impact to local traffic from the proposed development at MIA. Mr. Woerner directed the Chair to the traffic analysis section of the Application that shows minimal impact to the roadways in the vicinity of MIA from the proposed development. Board Member Sosna had additional concerns regarding the proposed location for the Quarter Horse Race Track at MIA, noting the 1,000 person zoning restriction for buildings located in the Outer Safety Zone at this airport. Mr. Southwell responded that the 1,000 person capacity for the proposed grandstand would need to be adjusted and since quarter horse racing is not a popular sport, attendance at this event would likely be low. Board Member Huembes also expressed concerns on the location of the Quarter Horse Race Track at MIA and suggested the possibility of presenting the proposed gaming facilities for public referendum. In response to Board Member Fraga's concern regarding charging higher landing fees to airlines to offset increasing revenue deficit, Mr. Southwell responded that these fees are already some of the highest in the region, and, thus, would not be viable. In conclusion, Chair Gray stated that she would not support the CDMP amendment expressing disapproval of the proposed Quarter Horse Race Track and gaming facilities at MIA.

Board Member Sosna suggested that the proposed CDMP text amendment be revised by specifying a change in the Aviation Subelement text, third paragraph, page II-51, and in the Land Use Element text, Transportation section, pages I-54 to 55, to replace the phrase "or his designee" with "or the Aviation Department's designee" and also expressed concerns regarding the amount of commercial uses at Kendall-Tamiami Airport. Mr. Woerner responded that the percentage of commercial uses at Kendall-Tamiami Airport is language already adopted by the Board of County Commissioners (BCC) from Application No. 20 of the April 2008 Cycle of Amendments.

Board Member Sosna offered a motion to suggest a change in the Aviation Subelement text, third paragraph, page II-51, and in the Land Use Element text, Transportation section, pages I-54 to 55, to replace the phrase "or his designee" with "or the Aviation Department's designee". Board Member Fraga seconded the motion. The motion failed as follows:

Reginald J. Clyne	No	Serafin Leal	No
Antonio Fraga	Yes	Ralph Ramirez	Absent
Horacio C. Huembes	Yes	William A. Riley	No
Rolando Iglesias	Absent	Wayne Rinehart	Absent
Eddy Joachin	Absent	Georgina Santiago	No
Daniel Kaplan	No	Jay Sosna	Yes

Christi Sherouse, Vice Chair Absent
 Pamela Gray, Chair No

Board Member Clyne offered a motion to recommend Adopt with Change as recommended by Staff but without references to gaming establishments and the quarter horse race facility, in addition, he recommended in the Aviation Subelement text, third paragraph, page II-51, and in the Land Use Element text, Transportation section, pages I-54 to 55, to replace the phrase "or his designee" with "or the Aviation Department's designee". Board Member Santiago seconded the motion. The motion passed as follows:

Reginald J. Clyne	Yes	Serafin Leal	Yes
Antonio Fraga	No	Ralph Ramirez	Absent
Horacio C. Huembes	Yes	William A. Riley	No
Rolando Iglesias	Absent	Wayne Rinehart	Absent
Eddy Joachin	Absent	Georgina Santiago	Yes
Daniel Kaplan	Yes	Jay Sosna	Yes
Christi Sherouse, Vice Chair		Absent	
Pamela Gray, Chair		Yes	

III. Overall Resolution

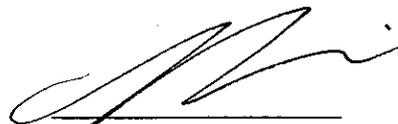
Board Member Sosna made a motion to adopt a resolution for Application No. 2; Board Member Huembes seconded the motion. The motion passed unanimously as follows:

Reginald J. Clyne	Yes	Serafin Leal	Yes
Antonio Fraga	Yes	Ralph Ramirez	Absent
Horacio C. Huembes	Yes	William A. Riley	Yes
Rolando Iglesias	Absent	Wayne Rinehart	Absent
Eddy Joachin	Absent	Georgina Santiago	Yes
Daniel Kaplan	Yes	Jay Sosna	Yes
Christi Sherouse, Vice Chair		Absent	
Pamela Gray, Chair		Yes	

ADJOURNMENT

With no further business before the Board, Board Member Leal moved to adjourn the meeting, seconded by Board Member Huembes. The meeting ended at 12:40 PM.

Respectfully submitted,



Marc C. LaFerrier, AICP
Executive Secretary