

Comprehensive Development Master Plan

MAY 2016 AMENDMENT CYCLE

BOARD OF COUNTY COMMISSIONERS

Jean Monestime
Chairman

Esteban L. Bovo, Jr.
Vice Chairman

October 26, 2016

9:30 A.M.

**111 NW 1st Street
Miami, FL 33128**

**Commission Chambers
2nd Floor**

Barbara J. Jordan
District 1

Jean Monestime
District 2

Audrey M. Edmonson
District 3

Sally A. Heyman
District 4

Bruno A. Barreiro
District 5

Rebeca Sosa
District 6

Xavier L. Suarez
District 7

Daniella Levine Cava
District 8

Dennis C. Moss
District 9

Senator Javier D. Souto
District 10

Juan C. Zapata
District 11

Jose "Pepe" Diaz
District 12

Esteban L. Bovo, Jr.
District 13

Carlos A. Gimenez
Mayor

County Commission Rules**Rule 6.05 DECORUM**

Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the commission, shall be barred from further audience before the commission by the presiding officer, unless permission to continue or again address the commission be granted by the majority vote of the commission members present. No clapping, applauding, heckling or verbal outbursts in support or opposition to a speaker or his or her remarks shall be permitted. No signs or placards shall be allowed in the commission chambers. Persons exiting the commission chamber shall do so quietly.

The use of cell phones in the commission chambers is not permitted. Ringers must be set to silent mode to avoid disruption of proceedings. Individuals, including those on the dais, must exit the chambers to answer incoming cell phone calls. County employees may not use cell phone cameras or take digital pictures from their positions on the dais.

Miami-Dade County provides equal access and equal opportunity and does not discriminate on the basis of disability in its programs or services. If you need a sign language interpreter or materials in accessible format for this event, please contact the Miami-Dade County Agenda Coordinator's Office at 305-375-2035 or agendco@miamidade.gov at least five days in advance.

Rule 5.06(h) PRIME SPONSORSHIP AND CO-SPONSORSHIP

When a resolution or ordinance is placed on the agenda at the request of a commissioner, the commissioner who requested the preparation of the item shall be designated as the prime sponsor. Any other commissioner who wishes to sponsor the resolution or ordinance shall be designated as a co-sponsor.

Pursuant to Rule 5.06(h), where a commissioner is listed as a sponsor, the first named commissioner is the prime sponsor and all other named commissioners are co-sponsors.

1A INVOCATION AS PROVIDED IN RULE 5.05(H)

1B PLEDGE OF ALLEGIANCE

1C ROLL CALL

1D REASONABLE OPPORTUNITY FOR THE PUBLIC TO BE HEARD AS
PROVIDED IN RULE 6.06

2 **MAYORAL REPORTS**

2A1

162312 Report

REPORT ON MAY 2016 CYCLE SMALL-SCALE APPLICATIONS TO
AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN
[SEE AGENDA ITEM NOS. 3(A), 3(A)1, 3(B), 3(B)1, 3(C) AND 3(C)1]
(Mayor)

3 SMALL-SCALES APPLICATIONS

3A

162250 Ordinance

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING DISPOSITION OF APPLICATION NO. 1, LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NE 110 STREET AND EAST DIXIE HIGHWAY, FILED IN MAY 2016 CYCLE TO AMEND THE COUNTY'S COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE [SEE AGENDA ITEM NO. 2(A)1] (Regulatory and Economic Resources)

CDMP Public Hearing

10/05/2016 4E *Adopted on first reading by BCC Passed 13 - 0*
10/05/2016 *Tentatively scheduled for a public hearing before the Board of County Commissioners Hearing Date: 10/26/2016*

3A1

162313 Resolution

RESOLUTION PERTAINING TO MAY 2016 CYCLE APPLICATION 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. 1, LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NE 110 STREET AND EAST DIXIE HIGHWAY; REQUESTING STATE LAND PLANNING AGENCY TO REVIEW APPLICATION NO. 1; RESERVING THE RIGHT TO TAKE FINAL ACTION AT A LATER DATE; AND DECLARING INTENT TO CONDUCT ONE OR MORE SUBSEQUENT PUBLIC HEARINGS [SEE AGENDA ITEM NO. 2(A)1] (Regulatory and Economic Resources)

CDMP Public Hearing

3B

162251 Ordinance

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING DISPOSITION OF APPLICATION NO. 3, LOCATED ON THE SOUTH SIDE OF SW 200 STREET AND ±212 FEET WEST OF SW 127 AVENUE, FILED IN MAY 2016 CYCLE TO AMEND THE COUNTY'S COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE [SEE AGENDA ITEM NO. 2(A)1] (Regulatory and Economic Resources)

CDMP Public Hearing

10/05/2016 4F Adopted on first reading by BCC Passed 13 - 0
10/05/2016 Tentatively scheduled for a public hearing before the Board of County Commissioners Hearing Date: 10/26/2016

3B1

162316 Resolution

RESOLUTION PERTAINING TO MAY 2016 CYCLE APPLICATION 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. 3, LOCATED ON THE SOUTH SIDE OF SW 200 STREET AND ±212 FEET WEST OF SW 127 AVENUE; REQUESTING STATE LAND PLANNING AGENCY TO REVIEW APPLICATION NO. 3; RESERVING THE RIGHT TO TAKE FINAL ACTION AT A LATER DATE; AND DECLARING INTENT TO CONDUCT ONE OR MORE SUBSEQUENT PUBLIC HEARINGS [SEE AGENDA ITEM NO. 2(A)1] (Regulatory and Economic Resources)

CDMP Public Hearing

3C

162252 Ordinance

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING DISPOSITION OF APPLICATION NO. 4, LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF SW 232 STREET AND THEORETICAL SW 124 COURT, FILED IN MAY 2016 CYCLE TO AMEND THE COUNTY'S COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE [SEE AGENDA ITEM NO. 2(A)1] (Regulatory and Economic Resources)

CDMP Public Hearing

10/05/2016 4G Adopted on first reading by BCC Passed 13 - 0
10/05/2016 Tentatively scheduled for a public hearing before the Board of County Commissioners Hearing Date: 10/26/2016

3C1

162317

Resolution

RESOLUTION PERTAINING TO MAY 2016 CYCLE APPLICATION 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. 4, LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF SW 232 STREET AND THEORETICAL SW 124 COURT; REQUESTING STATE LAND PLANNING AGENCY TO REVIEW APPLICATION NO. 4; RESERVING THE RIGHT TO TAKE FINAL ACTION AT A LATER DATE; AND DECLARING INTENT TO CONDUCT ONE OR MORE SUBSEQUENT PUBLIC HEARINGS [SEE AGENDA ITEM NO. 2(A)1]. (Regulatory and Economic Resources)

***CDMP Public
Hearing*****ADJOURNMENT**

Date: October 26, 2016

Agenda Item No. 2(A)(1)

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

From: Carlos A. Gimenez
Mayor

Subject: Report on May 2016 Cycle Small-Scale Applications to Amend the Comprehensive Development Master Plan

Recommendation

It is recommended that Miami-Dade Board of County Commissioners (Board) take final action on small-scales Application Nos. 1, 3 and 4 filed in the May 2016 Cycle of Amendments to the Comprehensive Development Master Plan (CDMP), which are identified in the table below and detailed in this memorandum.

APPLICATION NUMBER	ITEMS FOR CONSIDERATION BY THE BOARD
<p>Application No. 1 (Small-scale Application)</p>	<p>Item No. 3A - Ordinance (Final Reading) Item No. 3A1 – Resolution for transmittal to the Florida Department of Economic Opportunity/State Land Planning Agency (if converted from a small-scale to a standard application).</p>
<p>Application No. 3 (Small-scale Application)</p>	<p>Item No. 3B - Ordinance (Final Reading) Item No. 3B1 – Resolution for transmittal to the Florida Department of Economic Opportunity/State Land Planning Agency (if converted from a small-scale to a standard application).</p>
<p>Application No. 4 (Small-scale Application)</p>	<p>Item No. 3C - Ordinance (Final Reading) Item No. 3C1 – Resolution for transmittal to the Florida Department of Economic Opportunity/State Land Planning Agency (if converted from a small-scale to a standard application).</p>

Background

Four (4) small-scale applications (Application Nos. 1, 2, 3 and 4) were filed in the May 2016 Cycle of Applications to amend the CDMP; however, at the request of the Applicant, Application No. 2 was transferred to the October 2016 Cycle of Applications to amend the CDMP. A description of the four (4) small-scale applications and the recommendations of the Regulatory and Economic Resources Department, the affected community councils, and the Local Planning Agency are provided in Attachment A.

The attached Ordinances (Agenda Item Nos. 3A, 3B and 3C; approved on first reading on October 5, 2016) provide for the Board's action on small-scale amendment Application Nos. 1, 3, and 4 filed in the May 2016 Cycle of Applications requesting amendments to the CDMP. State law allows the adoption of the referenced small-scale applications at the Board's CDMP public hearing currently scheduled for October 26, 2016. A CDMP amendment application is

eligible, under Section 163.3187, Florida Statutes (F.S.), to be processed as a small-scale amendment to the local comprehensive plan if it involves ten (10) or fewer acres and the maximum total acreage in a calendar year for small-scale amendments does not exceed 120 acres. Since the County has not exceeded the acreage limitations for small-scale amendments to the CDMP for calendar year 2016, the Board has the ability to approve the proposed small-scale amendment Application Nos. 1, 3 and 4 totaling approximately 5.71 gross acres, without prior review by the State Land Planning Agency.

At the October 26, 2016 public hearing, the Board will take final action on the attached ordinances providing for final disposition of the May 2016 Cycle Small-Scale Application Nos. 1, 3, and 4. Such action may be to adopt, adopt with change, or not adopt the referenced small-scale amendment applications. If the Board does not adopt the referenced small-scale amendments, the Board may elect, by separate resolutions (Agenda Item Nos. 3A1, 3B1 and 3C1), to transmit the proposed small-scale amendments to the State Land Planning Agency and other state and regional agencies for review and comments, and then take final action in or about January/February 2017, after State review. Denial or failure to adopt a small scale amendment and failure to transmit a CDMP amendment application to the reviewing agencies for review effectively denies approval of the application for the amendment cycle.

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 (1) or more Commission Districts. For example, Application No. 1 is located within District 4, which is represented by Commissioner Sally A. Heyman; and Application Nos. 3 and 4 are located within District 8, which is represented by Commissioner Daniella Levine Cava.

Fiscal Impact

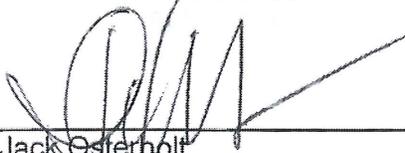
There is no direct fiscal impact associated with Application Nos. 1, 3 and 4. However, CDMP amendment applications may have varying impacts to County services. These impacts are discussed in the document titled, "Initial Recommendations, May 2016 Small-Scale Applications to Amend the Comprehensive Development Master Plan," dated August 2016. This document is kept on file with and available upon request from the Department of Regulatory and Economic Resources.

Social Equity Statement

The recommendations of the Director on Application Nos. 1, 3 and 4 as contained in the document titled "Initial Recommendations, May 2016 Small-Scale Applications to Amend the Comprehensive Development Master Plan," dated August 2016, which was prepared in accordance with Section 2-116.1 of the Code of Miami-Dade County, includes, among other things, a compatibility analysis and conclusion that satisfies the requirements of Ordinance No. 15-83, regarding social equity, to the extent applicable to these applications.

Track Record/Monitor

Amendments to the CDMP do not involve the monitoring of contracts.



Jack Osterholt
Deputy Mayor

Attachment A

Summary of Recommendations May 2016 Cycle Small-Scales Applications to Amend the Comprehensive Development Master Plan for Miami-Dade County, Florida September 19, 2016

Application Number/Type	Applicant/Location/Acreage/Requested Amendment	BCC District/Commissioner	Department's Initial Recommendation	Community Council Recommendation # and Date	PAB/LPA Recommendation	BCC Action/Recommendation
1/ small-scales	Paloma Property Holdings, LLC. / Stanley B. Price, Esq., Brian S. Adler, Esq. & Wendy Francois, Esq. Southeast corner of the intersection of NE 110 Street and East Dixie Highway / (±1.33 gross; ±1.33 net) <u>Requested Amendment to the CDMP Land Use Plan (LUP) map</u> 1. Redesignate the application site on the LUP map: From: "Low-Medium Density Residential (6 to 13 dwelling units per gross acre)" and "Business and Office" To: "Business and Office" 2. Add the proffered Declaration of Restrictions in the Restrictions Table in Appendix A of the CDMP Land Use Element, if accepted by the Board.	4/ Heyman	Adopt with Acceptance of the Proffered Declaration of Restrictions (as a Small-Scale Amendment) (08-22-16)	Biscayne Shores CC7 [public hearing not held]	Adopt with Acceptance of the Proffered Declaration of Restrictions (as a Small-Scale Amendment) (09-19-16)	To Be Determined (10-26-16)
2/ small-scales	Kendall 79, LLC. / Jeffrey Bercow, Esq. & Graham Penn, Esq. Northwest corner of the intersection of SW 88 Street and SW 79 Avenue / (±3.89 gross; ±3.89 net) <u>Requested Amendment to the CDMP LUP map and text:</u> 1. Redesignate the application site on the LUP map: From: "Low-Medium Density Residential (6 to 13 dwelling units per gross acre)" To: "Business and Office" 2. Add the proffered Declaration of Restrictions in the Restrictions Table in Appendix A of the CDMP Land Use Element, if accepted by the Board.	7/ Suarez				Transferred to the October 2016 Cycle Pursuant to Section 2-116.1 of Miami-Dade County Code, As Amended by Ordinance No. 16-65
3/ small-scales	South Florida RE Holdings, LLC. / Jorge L. Navarro, Esq. South side of SW 200 Street and ±212 feet west of SW 127 Avenue / (±1.83 gross; ±1.83 net) <u>Requested Amendment to the CDMP LUP map</u> Redesignate the application site on the LUP map: From: "Low Density Residential (2.5 to 6 dwelling units per gross acre)" To: "Business and Office"	8/ Levine Cava	Adopt as a Small-Scale Amendment (08-22-16)	Adopt as a Small-Scale Amendment Redland CC14: (09-01-16)	Adopt as a Small-Scale Amendment (09-19-16)	To Be Determined (10-26-16)

Application Number/Type	Applicant/Location/Acreage/Requested Amendment	BCC District/Commissioner	Department's Initial Recommendation	Community Council Recommendation, Resolution # and Date	PAB/LPA Recommendation	BCC Action/Recommendation
4/ small-scales	12499 Holding, LLC. / Gilberto Pastoriza, Esq. Southwest corner of the intersection of SW 232 Street and theoretical SW 124 Court. / (±2.55 gross; ±2.44 net) Requested Amendment to the CDMP LUP map Redesignate the application site on the LUP map: From: "Low Density Residential (2.5 to 6 dwelling units per gross acre)" To: "Low-Medium Density Residential (6 to 13 dwelling units per gross acre)"	8/ Levine Cava	Adopt with Change [Change is to add two parcels (±2.61 gross acres) adjoining to the west of application site and redesignate the parcels from "Low Density Residential" and "Business and Office" to "Low-Medium Density Residential"] (08-16-16)	Adopt with Change as Recommended by Staff South Bay CC15: (09-06-16)	Adopt with Change as Recommended by Staff (09-19-16)	To Be Determined (10-26-16)

Source: Miami-Dade County Department of Regulatory and Economic Resources (Department)

Notes:

BCC: Board of County Commissioners; LPA: Local Planning Agency

Memorandum

MIAMI-DADE
COUNTY

Date: (Public Hearing 10-26-16)
October 5, 2016

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

From: Carlos A. Gimenez
Mayor



Subject: Ordinance for Application No. 1 in the May 2016 Cycle Applications to Amend the
Comprehensive Development Master Plan

Agenda Item No. 3(A)

The attached ordinance 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 ordinance, were prepared by the Department of Regulatory and Economic Resources.



Jack Osterholt
Deputy Mayor



MEMORANDUM
(Revised)

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

DATE: October 26, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 3(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
- Statement of social equity 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 _____

Agenda Item No. 3(A)
10-26-16

ORDINANCE NO. _____

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING DISPOSITION OF APPLICATION NO. 1, LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NE 110 STREET AND EAST DIXIE HIGHWAY, FILED IN MAY 2016 CYCLE TO AMEND THE COUNTY'S COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

WHEREAS, pursuant to Chapter 163, Part II, Florida Statutes, the Miami-Dade Board of County Commissioners ("Board") adopted the Miami-Dade County Comprehensive Development Master Plan ("CDMP") 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. 1 was filed by a private party in the May 2016 Cycle of Applications to amend the CDMP ("May 2016 CDMP Amendment Cycle") and is contained in the document titled "May 2016 Applications to Amend the Comprehensive Development Master Plan," dated June 21, 2016, and kept on file with and available upon request from the Department; and

WHEREAS, Section 163.3187, Florida Statutes, sets forth a process for adoption of small-scale comprehensive plan amendments (“small-scale amendments”); and

WHEREAS, Miami-Dade County’s procedures provide for the expedited processing of small-scale amendments that may be adopted as set forth in Section 163.3187, Florida Statutes; and

WHEREAS, Application No. 1 is eligible and has requested expedited adoption as a small-scale amendment; and

WHEREAS, as required by Section 2-116.1, Code of Miami-Dade County, the Department issued its initial recommendation addressing Application No. 1 in a report titled “Initial Recommendations May 2016 Small-Scale Applications to Amend the Comprehensive Development Master Plan”, dated August 2016 and kept on file with and available upon request from the Department; and

WHEREAS, the directly impacted Community Council did not hold a public hearing to address Application No. 1; and

WHEREAS, the Planning Advisory Board, acting as the Local Planning Agency, has acted in accordance with the applicable State and County procedures and has conducted a public hearing and issued recommendation for the disposition of Application No. 1; and

WHEREAS, at the public hearing conducted to address the May 2016 CDMP Amendment Cycle Small-Scale Applications, the Board can, by ordinance, take final action to adopt, adopt with change, or not adopt the requested small-scale amendment, Application No. 1, or the Board can take action to transmit Application No. 1 to the State Land Planning Agency or other state and regional agencies (“reviewing agencies”); 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, 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 Application No. 1 filed for review during the May 2016 CDMP Amendment Cycle as follows:

Application Number	Applicant/Representative Location and Size Requested Amendments to the CDMP Land Use Plan Map or Text	Final Action
1	<p>Paloma Property Holdings, LLC. / Stanley B. Price, Esq., Brian S. Adler, Esq. & Wendy Francois, Esq.</p> <p>Southeast corner of the intersection of NE 110 Street and East Dixie Highway, east of Biscayne Blvd. / (±1.33 gross/net)</p> <p><u>Requested Amendment to the CDMP Land Use Plan (LUP) map:</u></p> <ol style="list-style-type: none"> 1. Redesignate the application site on the LUP map: From: “Low-Medium Density Residential (6 to 13 dwelling units per gross acre)” and “Business and Office” To: “Business and Office” 2. Add the proffered Declaration of Restrictions in the Restrictions Table in Appendix A of the CDMP Land Use Element, if accepted by the Board. <p>Small Scale Amendment</p>	

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.

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 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 the Board; however, pursuant to Section 163.3187(5)(c), Florida Statutes, the effective date of the small-scale comprehensive plan amendment approved by this ordinance shall be thirty-one (31) days after adoption by the Board, if the amendment is not timely challenged. If challenged within thirty (30) days after adoption, the challenged small-scale comprehensive plan amendment shall not become effective until a final order is issued by the State Land Planning Agency or the Administration Commission 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, this 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:

Approved by County Attorney as
to form and legal sufficiency:

ADW
DAK

Prepared by:

Dennis A. Kerbel

7

Memorandum

MIAMI-DADE
COUNTY

(Public Hearing 10-26-16)

Date: October 26, 2016

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

Agenda Item No. 3(A)(1)

From: Carlos A. Gimenez
Mayor

Subject: Resolution for Application No. 1 in the May 2016 Cycle Applications to Amend the
Comprehensive Development Master Plan

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 memorandum that appears on this agenda which, together with this resolution, were prepared by the Department of Regulatory and Economic Resources.



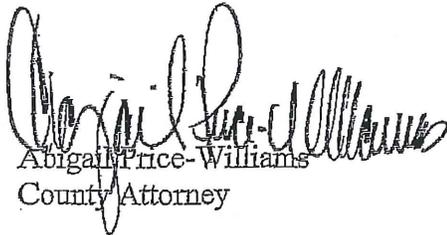
Jack Osterholt
Deputy Mayor



MEMORANDUM
(Revised)

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

DATE: October 26, 2016

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 3(A)(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
- Statement of social equity 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 _____

Agenda Item No. 3(A)(1)

10-26-16

RESOLUTION NO. _____

RESOLUTION PERTAINING TO MAY 2016 CYCLE APPLICATION 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. 1, LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NE 110 STREET AND EAST DIXIE HIGHWAY; REQUESTING STATE LAND PLANNING AGENCY TO REVIEW APPLICATION NO. 1; 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 Board of County Commissioners ("Board") adopted the Miami-Dade County Comprehensive Development Master Plan ("CDMP") 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. 1 was filed by a private party in the May 2016 Cycle of Applications to amend the CDMP ("May 2016 CDMP Amendment Cycle") and is contained in the document titled "May 2016 Applications to Amend the Comprehensive Development Master Plan," dated June 21, 2016, and kept on file with the Department; and

WHEREAS, Section 163.3187, Florida Statutes, sets forth a process for adoption of small-scale comprehensive plan amendments (“small scale amendments”); and

WHEREAS, Miami-Dade County’s procedures provide for the expedited processing of small-scale amendments that may be adopted as set forth in section 163.3187, Florida Statutes; and

WHEREAS, Application No. 1 is eligible and has requested expedited adoption as a small-scale CDMP amendment; and

WHEREAS, as required by Section 2-116.1, the Department issued its initial recommendation addressing the May 2016 CDMP Amendment Cycle Application No. 1 in a report titled “Initial Recommendations May 2016 Small-Scale Applications to Amend the Comprehensive Development Master Plan”, dated August 2016 and kept on file with the Department; and

WHEREAS, the directly impacted Community Council did not hold a public hearing to address Application No. 1; and

WHEREAS, at the public hearing conducted to address transmittal of the May 2016 Cycle CDMP Amendment Applications to the State Land Planning Agency and other state and regional agencies (“reviewing agencies”), the Board can, by ordinance, take final action to adopt, adopt with change, or not adopt the requested small-scale amendment, Application No. 1, or the Board can take action to transmit Application No. 1 to the reviewing agencies; and

WHEREAS, the Department may issue final recommendations addressing the May 2016 Cycle CDMP Amendment Applications that are transmitted to the reviewing agencies; and

WHEREAS, this Board desires to further evaluate, without prejudice, Application No. 1 filed for review and action during the May 2016 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 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	Final Action
1	<p>Paloma Property Holdings, LLC. / Stanley B. Price, Esq., Brian S. Adler, Esq. & Wendy Francois, Esq.</p> <p>Southeast corner of the intersection of NE 110 Street and East Dixie Highway / (±1.33 gross/net)</p> <p><u>Requested Amendment to the CDMP Land Use Plan (LUP) map:</u></p> <ol style="list-style-type: none"> 1. Redesignate the application site on the LUP map: From: "Low-Medium Density Residential (6 to 13 dwelling units per gross acre)" and "Business and Office" To: "Business and Office" 2. Add the proffered Declaration of Restrictions in the Restrictions Table in Appendix A of the CDMP Land Use Element, if accepted by the Board. <p>Small Scale Amendment</p>	

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 2017 to address the pending May 2016 Cycle CDMP Amendment Applications.

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

Jean Monestime, Chairman

Esteban L. Bovo, Jr., Vice Chairman

Bruno A. Barreiro
Jose "Pepe" Diaz
Sally A. Heyman
Dennis C. Moss
Sen. Javier D. Souto
Juan C. Zapata

Daniella Levine Cava
Audrey M. Edmonson
Barbara J. Jordan
Rebeca Sosa
Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 26th day of October, 2016. 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: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Dennis A. Kerbel

Memorandum



(Public Hearing 10-26-16)

Date: October 5, 2016

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

Agenda Item No. 3(B)

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over the printed name.

Subject: Ordinance for Application No. 3 in the May 2016 Cycle Applications to Amend the
Comprehensive Development Master Plan

The attached ordinance 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 ordinance, were prepared by the Department of Regulatory and Economic Resources.

A handwritten signature in black ink, appearing to read "Jack Osterholt", written over a horizontal line.

Jack Osterholt
Deputy Mayor



MEMORANDUM

(Revised)

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

DATE: October 26, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 3(B)

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
- Statement of social equity 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. 3(B)

Veto _____

10-26-16

Override _____

ORDINANCE NO. _____

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING DISPOSITION OF APPLICATION NO. 3, LOCATED ON THE SOUTH SIDE OF SW 200 STREET AND ±212 FEET WEST OF SW 127 AVENUE, FILED IN MAY 2016 CYCLE TO AMEND THE COUNTY'S COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

WHEREAS, pursuant to Chapter 163, Part II, Florida Statutes, the Miami-Dade Board of County Commissioners ("Board") adopted the Miami-Dade County Comprehensive Development Master Plan ("CDMP") 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. 3 was filed by a private party in the May 2016 Cycle of Applications to amend the CDMP (“May 2016 CDMP Amendment Cycle”) and is contained in the document titled "May 2016 Applications to Amend the Comprehensive Development Master Plan," dated June 21, 2016, and kept on file with and available upon request from the Department; and

WHEREAS, Section 163.3187, Florida Statutes, sets forth a process for adoption of small-scale comprehensive plan amendments (“small-scale amendments”); and

WHEREAS, Miami-Dade County’s procedures provide for the expedited processing of small-scale amendments that may be adopted as set forth in Section 163.3187, Florida Statutes; and

WHEREAS, Application No. 3 is eligible and has requested expedited adoption as a small-scale amendment; and

WHEREAS, as required by Section 2-116.1, Code of Miami-Dade County, the Department issued its initial recommendation addressing Application No. 3 in a report titled “Initial Recommendations May 2016 Small-Scale Applications to Amend the Comprehensive Development Master Plan”, dated August 2016 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. 3; and

WHEREAS, at the public hearing conducted to address the May 2016 CDMP Amendment Cycle Small-Scale Applications, the Board can, by ordinance, take final action to adopt, adopt with change, or not adopt the requested small-scale amendment, Application No. 3, or the Board can take action to transmit Application No. 3 to the State Land Planning Agency or other state and regional agencies (“reviewing agencies”); 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, this Board has conducted the public hearing required by the referenced procedures preparatory to enactment of this ordinance,

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 Application No. 3 filed for review during the May 2016 CDMP Amendment Cycle as follows:

Application Number	Applicant/Representative Location and Size Requested Amendments to the CDMP Land Use Plan Map or Text	Final Action
3	South Florida RE Holdings, LLC. / Jorge L. Navarro, Esq. South side of SW 200 Street and ±212 feet west of SW 127 Avenue / (±1.83 gross; ±1.83 net) <u>Requested Amendment to the CDMP LUP map</u> Redesignate the application site on the LUP map: From: “Low Density Residential (2.5 to 6 dwelling units per gross acre)” To: “Business and Office” Small Scale Amendment	

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.

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 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 the Board; however, pursuant to Section 163.3187(5)(c), Florida Statutes, the effective date of the small-scale comprehensive plan amendment approved by this ordinance shall be thirty-one (31) days after adoption by the Board, if the amendment is not timely challenged. If challenged within thirty (30) days after adoption, the challenged small-scale comprehensive plan amendment shall not become effective until a final order is issued by the State Land Planning Agency or the Administration Commission 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, this 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:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Dennis A. Kerbel

ADW
DAL

Memorandum



(Public Hearing 10-26-16)

Date: October 26, 2016

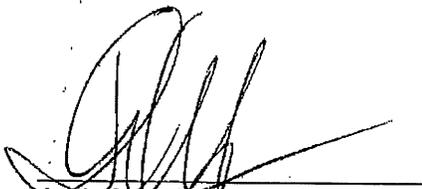
To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

Agenda Item No. 3(B)(1)

From: Carlos A. Gimenez
Mayor

Subject: Resolution for Application No. 3 in the May 2016 Cycle Applications to Amend the Comprehensive Development Master Plan

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 memorandum that appears on this agenda which, together with this resolution, were prepared by the Department of Regulatory and Economic Resources.



Jack Osterholt
Deputy Mayor



MEMORANDUM
(Revised)

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

DATE: October 26, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 3(B)(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
- Statement of social equity 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 _____

Agenda Item No. 3(B)(1)
10-26-16

RESOLUTION NO. _____

RESOLUTION PERTAINING TO MAY 2016 CYCLE APPLICATION 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. 3, LOCATED ON THE SOUTH SIDE OF SW 200 STREET AND ±212 FEET WEST OF SW 127 AVENUE; REQUESTING STATE LAND PLANNING AGENCY TO REVIEW APPLICATION NO. 3; 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 Board of County Commissioners ("Board") adopted the Miami-Dade County Comprehensive Development Master Plan ("CDMP") 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. 3 was filed by a private party in the May 2016 Cycle of Applications to amend the CDMP ("May 2016 CDMP Amendment Cycle") and is contained in the document titled "May 2016 Applications to Amend the Comprehensive Development Master Plan," dated June 21, 2016, and kept on file with the Department; and

WHEREAS, Section 163.3187, Florida Statutes, sets forth a process for adoption of small-scale comprehensive plan amendments (“small scale amendments”); and

WHEREAS, Miami-Dade County’s procedures provide for the expedited processing of small-scale amendments that may be adopted as set forth in section 163.3187, Florida Statutes; and

WHEREAS, Application No. 3 is eligible and has requested expedited adoption as a small-scale CDMP amendment; and

WHEREAS, as required by Section 2-116.1, the Department issued its initial recommendation addressing the May 2016 CDMP Amendment Cycle Application No. 3 in a report titled “Initial Recommendations May 2016 Small-Scale Applications to Amend the Comprehensive Development Master Plan”, dated August 2016 and kept on file with 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. 3; and

WHEREAS, at the public hearing conducted to address transmittal of the May 2016 Cycle CDMP Amendment Applications to the State Land Planning Agency and other state and regional agencies (“reviewing agencies”), the Board can, by ordinance, take final action to adopt, adopt with change, or not adopt the requested small-scale amendment, Application No. 3, or the Board can take action to transmit Application No. 3 to the reviewing agencies; and

WHEREAS, the Department may issue final recommendations addressing the May 2016 Cycle CDMP Amendment Applications that are transmitted to the reviewing agencies; and

WHEREAS, this Board desires to further evaluate, without prejudice, Application No. 3 filed for review and action during the May 2016 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 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	Final Action
3	South Florida RE Holdings, LLC. / Jorge L. Navarro, Esq. South side of SW 200 Street and ±212 feet west of SW 127 Avenue / (±1.83 gross; ±1.83 net) <u>Requested Amendment to the CDMP LUP map</u> Redesignate the application site on the LUP map: From: "Low Density Residential (2.5 to 6 dwelling units per gross acre)" To: "Business and Office" Small Scale Amendment	

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 2017 to address the pending May 2016 Cycle CDMP Amendment Applications.

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

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

6

The Chairperson thereupon declared the resolution duly passed and adopted this 26th day of October, 2016. 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: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Dennis A. Kerbel

Memorandum



(Public Hearing 10-26-16)

Date: October 5, 2016

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

Agenda Item No. 3(C)

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over a horizontal line.

Subject: Ordinance for Application No. 4 in the May 2016 Cycle Applications to Amend the
Comprehensive Development Master Plan

The attached ordinance 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 ordinance, were prepared by the Department of Regulatory and Economic Resources.

A handwritten signature in black ink, appearing to read "Jack Osterholt", written over a horizontal line.

Jack Osterholt
Deputy Mayor



MEMORANDUM

(Revised)

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

DATE: October 26, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 3(C)

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
- Statement of social equity 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 _____

Agenda Item No. 3(C)
10-26-16

ORDINANCE NO. _____

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING DISPOSITION OF APPLICATION NO. 4, LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF SW 232 STREET AND THEORETICAL SW 124 COURT, FILED IN MAY 2016 CYCLE TO AMEND THE COUNTY'S COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

WHEREAS, pursuant to Chapter 163, Part II, Florida Statutes, the Miami-Dade Board of County Commissioners ("Board") adopted the Miami-Dade County Comprehensive Development Master Plan ("CDMP") 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. 4 was filed by a private party in the May 2016 Cycle of Applications to amend the CDMP ("May 2016 CDMP Amendment Cycle") and is contained in the document titled "May 2016 Applications to Amend the Comprehensive Development Master Plan," dated June 21, 2016, and kept on file with and available upon request from the Department; and

WHEREAS, Section 163.3187, Florida Statutes, sets forth a process for adoption of small-scale comprehensive plan amendments (“small-scale amendments”); and

WHEREAS, Miami-Dade County’s procedures provide for the expedited processing of small-scale amendments that may be adopted as set forth in Section 163.3187, Florida Statutes; and

WHEREAS, Application No. 4 is eligible and has requested expedited adoption as a small-scale amendment; and

WHEREAS, as required by Section 2-116.1, Code of Miami-Dade County, the Department issued its initial recommendations addressing Application No. 4 in a report titled “Initial Recommendations May 2016 Small Scale Applications to Amend the Comprehensive Development Master Plan”, dated August 2016 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. 4; and

WHEREAS, at the public hearing conducted to address the May 2016 CDMP Amendment Cycle Small-Scale Applications, the Board can, by ordinance, take final action to adopt, adopt with change, or not adopt the requested small-scale amendment, Application No. 4, or the Board can take action to transmit Application No. 4 to the State Land Planning Agency or other state and regional agencies (“reviewing agencies”); 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, this Board has conducted the public hearing required by the referenced procedures preparatory to enactment of this ordinance,

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 Application No. 4 filed for review during the May 2016 CDMP Amendment Cycle as follows:

Application Number	Applicant/Representative Location and Size Requested Amendments to the CDMP Land Use Plan Map or Text	Final Action
4	12499 Holding, LLC. / Gilberto Pastoriza, Esq. Southwest corner of the intersection of SW 232 Street and theoretical SW 124 Court / (±2.55 gross; ±2.44 net). <u>Requested Amendment to the CDMP LUP map</u> Redesignate the application site on the LUP map: From: "Low Density Residential (2.5 to 6 dwelling units per gross acre)" To: "Low-Medium Density Residential (6 to 13 dwelling units per gross acre)" Small Scale Amendment	

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.

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.

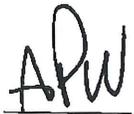
Section 5. This ordinance shall become effective ten (10) days after the date of enactment, unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by the Board; however, pursuant to Section 163.3187(5)(c), Florida Statutes, the effective date of the small-scale comprehensive plan amendment approved by this ordinance shall be thirty-one (31) days after adoption by the Board, if the amendment is not timely challenged. If challenged within thirty (30) days after adoption, the challenged small-scale comprehensive plan amendment shall not become effective until a final order is issued by the State Land Planning Agency or the Administration Commission 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, this 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:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Dennis A. Kerbel




Memorandum

MIAMI-DADE
COUNTY

(Public Hearing 10-26-16)

Date: October 26, 2016

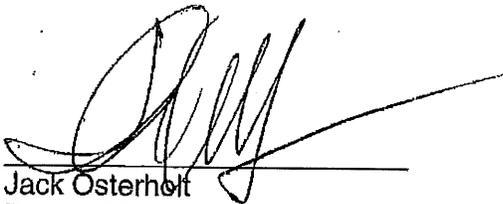
To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

Agenda Item No. 3(C)(1)

From: Carlos A. Gimenez
Mayor

Subject: Resolution for Application No. 4 in the May 2016 Cycle Applications to Amend the Comprehensive Development Master Plan

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 memorandum that appears on this agenda which, together with this resolution, were prepared by the Department of Regulatory and Economic Resources.



Jack Osterholt
Deputy Mayor



MEMORANDUM
(Revised)

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

DATE: October 26, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 3(C)(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
- Statement of social equity 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 _____

Agenda Item No. 3(C)(1)
10-26-16

RESOLUTION NO. _____

RESOLUTION PERTAINING TO MAY 2016 CYCLE APPLICATION 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. 4, LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF SW 232 STREET AND THEORETICAL SW 124 COURT; REQUESTING STATE LAND PLANNING AGENCY TO REVIEW APPLICATION NO. 4; 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 Board of County Commissioners ("Board") adopted the Miami-Dade County Comprehensive Development Master Plan ("CDMP") 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. 4 was filed by a private party in the May 2016 Cycle of Applications to amend the CDMP ("May 2016 CDMP Amendment Cycle") and is contained in the document titled "May 2016 Applications to Amend the Comprehensive Development Master Plan," dated June 21, 2016, and kept on file with the Department; and

WHEREAS, Section 163.3187, Florida Statutes, sets forth a process for adoption of small-scale comprehensive plan amendments (“small scale amendments”); and

WHEREAS, Miami-Dade County’s procedures provide for the expedited processing of small-scale amendments that may be adopted as set forth in section 163.3187, Florida Statutes; and

WHEREAS, Application No. 4 is eligible and has requested expedited adoption as a small-scale CDMP amendment; and

WHEREAS, as required by Section 2-116.1, the Department issued its initial recommendation addressing the May 2016 CDMP Amendment Cycle Application No. 4 in a report titled “Initial Recommendations May 2016 Small-Scale Applications to Amend the Comprehensive Development Master Plan”, dated August 2016 and kept on file with 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. 4; and

WHEREAS, at the public hearing conducted to address transmittal of the May 2016 Cycle CDMP Amendment Applications to the State Land Planning Agency and other state and regional agencies (“reviewing agencies”), the Board can, by ordinance, take final action to adopt, adopt with change, or not adopt the requested small-scale amendment, Application No. 4, or the Board can take action to transmit Application No. 4 to the reviewing agencies; and

WHEREAS, the Department may issue final recommendations addressing the May 2016 Cycle CDMP Amendment Applications that are transmitted to the reviewing agencies; and

WHEREAS, this Board desires to further evaluate, without prejudice, Application No. 4 filed for review and action during the May 2016 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 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	Final Action
4	12499 Holding, LLC. / Gilberto Pastoriza, Esq. Southwest corner of the intersection of SW 232 Street and theoretical SW 124 Court / (±2.55 gross; ±2.44 net). <u>Requested Amendment to the CDMP LUP map</u> Redesignate the application site on the LUP map: From: "Low Density Residential (2.5 to 6 dwelling units per gross acre)" To: "Low-Medium Density Residential (6 to 13 dwelling units per gross acre)" Small Scale Amendment	

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 2017 to address the pending May 2016 Cycle CDMP Amendment Applications.

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

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

The Chairperson thereupon declared the resolution duly passed and adopted this 26th day of October, 2016. 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: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Dennis A. Kerbel

