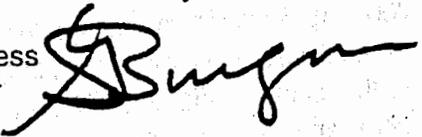


Memorandum



Date: May 9, 2005

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George M. Burgess
County Manager 

Subject: Ordinance Acting Upon April 2004 Amendments to the
Comprehensive Development Master Plan

Substitute
Special Item No. 1

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA

O#05-92

This substitute differs from the original in that it revises the preamble of the ordinance to reflect the actions taken by the Board, at its "transmittal" public hearing on November 17, 2004 and the receipt of comments from the Florida Department of Community Affairs by letter dated March 11, 2005. In Section 2, the references to Applications No. 1, 4, 5, 6, 12, and 13 are deleted. The applicant withdrew Application No. 5. Applications Nos. 1 and 13 were Adopted, and Application Nos. 4, 6 and 12 were Adopted With Acceptance of Proffered Covenants. The Board adopted these applications as "small-scale" amendments at the conclusion of the November 17, 2004 public hearing. This substitute is limited to the disposition of Applications No. 2, 3, 7, 8, 9, 10, 11, 14, 15, Doral-1 and Doral-2.

RECOMMENDATION

It is recommended that the Board adopt the attached ordinance, which provides for the Commission to adopt, adopt with change, or deny pending April 2004 cycle applications to amend the Comprehensive Development Master Plan (CDMP) Land Use Plan map. It is recommended that final action be taken on the ordinance at the conclusion of the public hearing scheduled to begin at 9:30 A.M. on Monday, May 9, 2005. Following the final action will be a transmittal of the April 2004 cycle amendment package to the Florida Department of Community Affairs (DCA) for its compliance review and issuance of a Notice of Intent.

BACKGROUND

The attached ordinance provides for final action on the eleven pending April 2004 cycle applications requesting amendments to the Comprehensive Development Master Plan (Applications No. 2, 3, 7, 8, 9, 10, 11, 14, 15, Doral-1 and Doral-2). These applications were among the subject of a "transmittal" public hearing conducted by the Board on November 5, 2004 with continuance on November 17, 2004. These applications were transmitted DCA for review and comment. The Commission's previous actions on these applications were to transmit with recommendation to adopt for Applications Nos. 2, 11, 14 and 15; transmit Applications Nos. 8, 9, 10, Doral-1 and Doral-2; transmit Application No. 3 with proffered covenant; and not adopt Application No. 7 as a small-scale application but transmit it as a standard application.

The Planning Advisory Board (PAB) acting as the Local Planning Agency (LPA) conducted its final public hearing on the amendments on April 11, 2005, and issued recommendations that concur with the recommendations of the DP&Z to adopt for Applications Nos. 2, 11, 14, and 15; adopt with change and acceptance of the covenant proffered by the applicant for Application No. 3; adopt with change and acceptance of covenant No. 2 for

Application No. 7; and deny for Applications No. 9, Doral-1 and Doral-2. On the contrary, the LPA issued recommendations to adopt for Application No. 8, and to deny for Application No. 10.

The "Revised Recommendations April 2004 Applications to Amend the CDMP" report dated April 8, 2005, prepared by DP&Z summarizes the pending applications as transmitted to DCA, and presents the DP&Z's revised recommendations and principal reasons for the recommendations. The report is included in the agenda materials for this hearing. The PAB recommendations and reasons are contained in the PAB resolution and meeting minutes dated April 11, 2005.

The DCA coordinated the State agency review and comment on the transmitted applications at the request of Miami-Dade County and issued certain objections to Applications Nos. 3, 8, 9, 10, Doral-1 and Doral-2 in its Objections, Recommendations and Comments (ORC) report dated March 11, 2005. This ORC document is included in the agenda materials for this hearing.

ORDINANCE FORMAT

This ordinance follows the same general format used in previous years. That is, it contains blank space for recording your final action on the application. After the Board takes its final action on each application, the Board will take final action adopting the Ordinance in its entirety, incorporating the individual actions. Section 2-116.1 of the County Code requires a minimum of seven affirmative votes to amend the CDMP. The County is required to take final action on transmitted applications within 60 days after receipt of DCA ORC. As the ORC was received on March 14, 2005, final action must be taken by May 13, 2005.

HOUSING IMPACT

Of all the proposed applications to amend the Land Use Plan (LUP) Map in unincorporated areas of Miami-Dade County, seven (7) applications will impact housing by either increasing or decreasing the potential supply. Applications Nos. 3, 9, 10, Doral-1 and Doral-2 will increase the supply of housing. Based on the proffered covenants for four applications. Application No. 3 can increase the housing supply by 1,176 dwelling units (units), Application No. 9 by 165 units, Application No. 10 by 1,200 units Doral-1 by 4,632 and Doral-2 by 1,250 units. The total increase in potential supply will be 8,423 units countywide as a result of the revised application with the proffered covenants. However, Applications Nos. 2, 7 as requested, will lessen the increase in housing supply by 65 units and 97 units respectively.

Cumulatively the net housing impacts, including impacts from the Doral-1 and Doral-2 applications, will be an increase of 8,261 units. Based on the fact that the yearly estimate by the DP & Z of the housing need is 11,750 units, the cumulative addition of 8,261 units from the requested applications including the Doral-1 and Doral-2 applications will add approximately 2/3 of one year to the supply of housing.

FISCAL IMPACT

Based on the information provided by service agencies, the fiscal impacts of the proposed land use changes vary based on the type of request and location. The proposals involving non-residential development impact less services than the proposals for residential development.

Both Miami-Dade Schools Board and Parks and Recreation Department limit their impact reviews to the proposals for residential development. The school impact assessment associated with the applications indicates the following: Application No. 3 = 908 students; Application No. 9 = 107 students and Application No. 10 = 520 students (revised April 7, 2005). Application Nos. Doral-1 and Doral-2 will potentially result in 488 and 637 new students, respectively. For Applications Nos. 3, 9 and 10, the total potential capital cost resulting from operating and capital cost for these residential-driven applications are Application No. 3 = \$14,304,483; Application No. 9 = \$1,718,269 (revised April 7, 2005); Application No. 10 = \$8,350,478 (revised April 7, 2005). For Doral-1 and Doral-2 applications, the potential operating and capital costs are \$7,838,648 and \$10,229,015, respectively (revised April 7, 2005).

The Parks and Recreation Department (PRD) has not submitted a revised report on fiscal impact on these applications. However, the PRD conducted an analysis of the two Doral applications prior to the incorporation of the City of Doral. The result of this analysis, as contained in the "Addendum Initial Recommendations" report dated September 10, 2004, indicates that there will be a net surplus amount of \$120,549.00 for Doral-1 proposal and a \$24,620.00 surplus for Doral-2 proposal to operate and maintain the local parks associated with the proposed changes based on the County's level of service standard.

WASD has determined the water and sewer impact preliminary fees as well as annual operations and maintenance fees for the applications most of which are under the County's water service jurisdiction. These impact fees can be found in the "Initial Recommendations" report dated August 25, 2004, in a table titled "Impact Fees April 2004 CDMP Amendments", page 4-4. WASD also provided, for each application, cost estimates for its water and sewer infrastructure in the public right-of-way. These estimates, which include the engineering fees and contingency fees (15%), are also clearly stated in the "Initial Recommendations" report.

With respect to fire and rescue service impact analysis, Applications Nos. 1, 2, Doral-1 and Doral-2 will have positive impacts while the remaining applications will have negative impacts. Please refer to the "Initial Recommendations" and "Addendum Initial Recommendations" reports for the details.

ECONOMIC ANALYSIS

1. Economic impact of the ordinance on the County's budget:

There will be no impact on the County's budget in terms of Department of Planning and Zoning budgeting, staffing or operating expenses. This ordinance, however, does amend the Comprehensive Development Master Plan (CDMP), which is the County's official guide for managing countywide growth, and development. In this regard, the ordinance may indirectly impact the County's budget through amendments that affect the County's land use patterns and its provision of services and facilities. Capital and operating unit costs for public facilities and services can be lessened through promotion of efficient land use patterns. Higher density contiguous development is relatively more efficiently served than low-density or scattered development. In general, the CDMP is aimed at achieving this result.

2. Economic impact of the ordinance on the private sector:

Approval of the ordinance will have an insignificant impact on the private sector. Certain applications to amend the Land Use Element could increase the value of affected land parcels. In a countywide sense, however, the economic outlook will remain essentially unchanged by enactment of this ordinance.

3. Effect of the ordinance on public or private employment:

Adoption of this ordinance will have no significant impact on projected employment for the County as a whole, or in any statistical subdivision.

4. Costs and benefits, both direct and indirect, of establishing and maintaining the program set forth in the ordinance:

See response to item 1.

5. Whether the ordinance is necessary to enable the County to obtain state or federal grants or other financing:

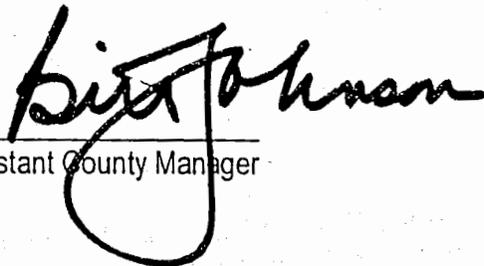
No.

6. Whether another ordinance which is already in existence should be repealed or amended:

No.

7. Whether the creation of a new ordinance is the best method of achieving the benefit derived:

Section 2.116.1, Code of Miami-Dade County, and Section 163.3184(15), Florida Statutes, provide that the CDMP may be amended only by ordinance.



Assistant County Manager



MEMORANDUM

05-92

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: May 9, 2005

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Substitute
Special Item No. 1

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Substitute
Special Item No. 1
5-9-05

ORDINANCE NO. 05-92

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING DISPOSITION OF APPLICATIONS FILED IN APRIL 2004 CYCLE TO AMEND, MODIFY, ADD TO OR CHANGE COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE

WHEREAS, this Board has provided a procedure (codified as Section 2-116.1 of the Code of Miami-Dade County, Florida) to amend, modify, add to or change the Miami-Dade County Comprehensive Development Master Plan (CDMP); and

WHEREAS, Miami-Dade County's procedures reflect and comply with the procedures for adopting or amending local comprehensive plans as set forth in Section 163, Part II, Florida Statutes; and

WHEREAS, fifteen CDMP amendment applications were filed on or before April 30, 2004 and are contained in the document titled " April 2004 Cycle Applications to Amend the Comprehensive Development Master Plan" dated June 5, 2004; and

WHEREAS, two additional applications, located in Section 8 of Township 53 South and Range 40 East in the City of Doral, were filed on or before April 30, 2004 and are contained in a document titled "Errata and Supplements Addendum Initial Recommendations April 2004 Applications to Amend the Comprehensive Development Master Plan" dated September 21, 2004; and

WHEREAS, as a condition of the incorporation approved by the County, Section 9.6 of the City of Doral's Municipal Charter requires that the city's comprehensive plan be consistent with the adopted CDMP as amended from time to time with respect to Section 8, Township 53,

Range 40 and accordingly any modification of the land use designation for this section requires modification of the CDMP over which the Board of County Commissioners has jurisdiction; and

WHEREAS, the Department of Planning and Zoning has published its initial recommendations addressing the referenced Applications on pages I-1 through I-375 in the report titled "Initial Recommendations April 2004 Applications to Amend the Comprehensive Development Master Plan" dated August 25, 2004, and on pages 1-1 through 1-8 in the report titled "Addendum Initial Recommendations April 2004 Applications to Amend the Comprehensive Development Master Plan" dated September 10, 2004; and

WHEREAS, the Department of Planning and Zoning has published its "Revised Recommendations April 2004 Applications to Amend the Comprehensive Development Master Plan" dated April 8, 2005, following the receipt of additional information from the applicants addressing the issues raised in the Objections, Recommendations and Comments (ORC) report received from the Florida Department of Community Affairs (DCA); and

WHEREAS, Application No 5 (small-scale) was lawfully withdrawn by the applicant by letter dated October 1, 2004, and received on October 4, 2004; and

WHEREAS, Application No. 12 was partially withdrawn by letter dated and received on September 10, 2004; and

WHEREAS, on November 17, 2004, by Resolution of this Board, Applications Nos. 1 and 13 were Adopted as small-scale amendments and Applications Nos. 4, 6 and 12 were also Adopted as small-scale amendments With Acceptance of proffered covenants; and

WHEREAS, on November 17, 2004, this Board, by Resolution, instructed the County Manager to transmit eleven standard applications to the DCA for review and comments pursuant to Section 163.3184(3), F.S.; and

WHEREAS, the DCA reviewed Applications Nos. 2, 3, 7, 8, 9, 10, 11, 14, 15, Doral-1 and Doral-2 at the request of this Board and has transmitted written comments in its ORC report pursuant to Section 163.3184 (6)(c), F.S.; and

WHEREAS, the Board of County Commissioners must take final action to Adopt, Adopt With Change or Not Adopt amendment applications not later than sixty (60) days after receipt of written comments from DCA addressing the application(s); and

WHEREAS, all existing lawful uses and zoning in effect prior to a CDMP amendment are deemed to remain consistent with the CDMP as amended unless the Board of County Commissioners, in conjunction with a particular zoning action, finds such pre-existing zoning or uses to be inconsistent with the CDMP based upon a planning study addressing the criteria set forth in the CDMP; and

WHEREAS, the approval of an amendment to the CDMP does not assure favorable action upon any application for zoning or other land use approval but is part of the overall land use policies of the County; and

WHEREAS, any application for zoning or other land use approval involves the application of the County's overall land use policies to the particular request under consideration; and

WHEREAS, the County's overall land use policies include, but are not limited to, the CDMP in its entirety and the County's land development regulations; and

WHEREAS, this Board has conducted the public hearings 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 further action on the pending amendment applications filed for review during the April 2004 cycle for amendments, modifications, additions, or changes to the Miami-Dade County Comprehensive Development Master Plan as follows:

Appli- cation Number	Applicant/Representative Location (Size) REQUESTED CHANGE TO THE CDMP LAND USE PLAN MAP, POLICIES OR TEXT	Final Commission Action
2	Miami-Dade County Department of Planning and Zoning/ Diane O'Quinn Williams, Director Between I-75 and NW 97 Avenue from NW 170 Street to HEFT (260.15 Acres) From: Estate Density Residential (1 to 2.5 DU/Ac.) To: Industrial and Office	ADOPT
3	Carolyn Sakolsky / Stanley B. Price, Esq. and Brian S. Adler, Esq. East Fontainebleau Golf Course bounded on the East by NW 87 Avenue, on the North by the Dolphin Expressway (SR 836), on the West by NW 97 Avenue and on the South by West Flagler Street. (152.28 Acres) From: Parks and Recreation and Medium Density Residential To: Medium Density Residential (13 to 25 DU/Ac.)	ADOPT WITH CHANGE by redesignating 24.7497 acres (parcels B and C in the conceptual site plan for Fontainebleau East) on the frontage of West Flagler Street and 33.1451 acres (Parcel A) along the south side of State Road 836 (Dolphin Expressway) as "Medium Density Residential" and by redesignating 10.83 acres fronting on Fontainebleau Boulevard and a total of 37.66 gross acres that is situated along and east of the Florida Power and Light Company (FPL) easement for a transmission line as "Parks and Recreation" and ACCEPT Proffered Covenant, limiting the total number of dwelling units to 1,176.
7	College Park II, LLC/ Simon Ferro, Esq. Southwest corner of SW 117 Avenue and SW 104 Street (9.5 Acres) From: Low-Medium Density Residential (5 to 13 DU/Ac.) To: Business and Office	ADOPT and ACCEPT proffered covenant that establishes a 150 foot residential buffer on the west side of the application site, limits residential development on the property not to exceed that permitted under the "Low-Medium Density" designation, restricts commercial use to those uses permitted in the BU-1 and BU-1A zoning districts and prohibits certain business uses.

05.92

Applica- tion Number	Applicant/Representative Location (Size) REQUESTED CHANGE TO THE CDMP LAND USE PLAN MAP, POLICIES OR TEXT	Final Commission Action
8	Century Business Park, LLC/ Juan J. Mayol, Jr., Esq. and Richard A. Perez, Esq. Between SW 152 Avenue and SW 157 Avenue and From SW 116 Street to SW 120 Street (±67.8 Acres) From: Industrial and Office To: Business and Office	ADOPT
9	Garoe Holdings LLC/ Juan J. Mayol, Jr., Esq. and Inés Marrero-Priegues, Esq. Between SW 158 Avenue and SW 162 Avenue, and from SW 136 Street to CSX Railroad line (±27.5 Acres) From: Industrial and Office To: Low Density Residential (2.5 to 6.0 DU/Ac.)	ADOPT
10	University of Miami/ Clifford A. Schulman, Esq. Located on the south side of SW 152 Street (Coral Reef Drive) and immediately west of SW 124 Avenue Parcel 1 FROM: INSTITUTIONAL AND PUBLIC FACILITY TO: OFFICE / RESIDENTIAL (62.81 Acres) Parcel 2 FROM: INSTITUTIONAL AND PUBLIC FACILITY TO: LOW-MEDIUM DENSITY RESIDENTIAL (5 to 13 DU/Ac.) (80.71 Acres)	ADOPT WITH CHANGE by redesignating the entire 143.5-acre site to 'Low-Medium Density Residential Communities' and ACCEPT Proffered Covenant limiting the density to 9 dwelling units per acre and the total number of units to 1,200.
11	Silver Group 137 Inc. / Juan J. Mayol, Jr., Esq. and Richard A. Perez, Esq. Southwest corner of SW 137 Avenue and theoretical SW 164 Street (±4.93 Acres) From: Industrial and Office To: Business and Office	ADOPT
14	Miami-Dade County Department of Planning and Zoning / Diane O'Quinn Williams, Director COASTAL MANAGEMENT ELEMENT, Revises Policies 4E, 4F, and 4G for Manatee Protection.	ADOPT
15	Miami-Dade County Department of Planning and Zoning / Diane O'Quinn Williams, Director Capital Improvements Element, Tables of Proposed Projects. Modify the following currently adopted tables as indicated in the application and related information: Table 2, Aviation; Table 3, Coastal Management; Table 4, Conservation; Table 5, Drainage; Table 6, Park and Recreation; Table 7, Seaport; Table 8, Sewer Facilities; Table 9, Solid Waste Management; Table 10, Traffic Circulation; Table 11, Mass Transit; and Table 12, Water Facilities.	ADOPT

05-92

Applica- tion Number	Applicant/Representative Location (Size) REQUESTED CHANGE TO THE CDMP LAND USE PLAN MAP, POLICIES OR TEXT	Final Commission Action
Doral-1	Location: Between Theoretical NW 74 and NW 90 Streets from Theoretical NW 97 Avenue to Theoretical NW 107 Avenue (±453.19 gross Acres) Tract A From: Industrial and Office To: Office/Residential (±73 Acres) Tract B From: Business and Office (5 acres) and Industrial and Office (194.99 acres) To: Low-Medium Density Residential (5 to 13 DU/Acre) with DI-1 (Density Increase 1) eligibility for density category higher than the underlying designation with the incorporation of sound urban design principles (199.99 Acres) Tract C From: Industrial and Office To: Office/Residential (87.1 Acres) Tract D-1 From: Industrial and Office To: Business and Office (±20 Acres) Tract E From: Industrial and Office To: Office/Residential (73.1 Acres)	ADOPT WITH CHANGE as listed below and ACCEPT the proffered covenant limiting the total number of dwelling units to 4,632. 1. Revise Tract C from requested 87.1 acres of "Office/Residential" to ±72.59 acres of "Low-Medium Density Residential" (5 to 13 DU/Acre) with DI-1 (Density Increase 1); 2. Revise Tract D-1 by adding the remaining acres from Tract C to Tract D-1 for a redesignation of a new total of ±34.51 acres as "Business and Office"; and 3. Withdraw 63 acres of Tract E from the application and redesignate the remaining 10.1 acres as "Office/Residential" under a new Tract E-1.
Doral-2	Location: North of Theoretical NW 78 Street and between Theoretical NW 97 and NW 102 Avenues (170 Acres) Requested Amendment to the Land Use Plan Map: From: Industrial and Office (72.1 Acres) and Water (97.9 Acres) To: Office/Residential (170 Acres)	ADOPT and ACCEPT proffered covenant providing for a maximum of 1,250 dwelling units and 138,000 gross square feet of office development.

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected thereby. If any application, or portion of an application is found to be not in compliance pursuant to Section 163.3184, F.S., the remainder of the application subject to such a finding, and the remaining applications adopted by this ordinance shall not be affected thereby.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall be excluded from the Code of Miami-Dade County, Florida.

Section 5. This ordinance (overall amendment) shall become effective ten (10) days after the date of enactment, unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board. However, the effective date of any individual plan amendment included within the overall amendment shall be in accordance with the following language which is included at the request of the Florida Department of Community Affairs without any admission by Miami-Dade County of the authority of the Department of Community Affairs or any other governmental entity to request or require such language: "The effective date of any [individual] plan amendment approved by this ordinance [and included within the overall amendment] shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the [individual] amendment in compliance in accordance with Section 163.3184(1)(b), Florida Statutes, whichever occurs earlier. 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 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 Department of Community Affairs, Division of Resource Planning and Management, Plan Processing Team. The Department's notice of intent to find a plan amendment in compliance shall be deemed to be a final order if no timely petition challenging the amendment is filed."

Section 6. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED: **MAY - 9 2005**

Approved by County Attorney as
to form and legal sufficiency. RAG

Prepared by: JAC

Joni Armstrong-Coffey

STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE)

SS:

I, **HARVEY RUVIN**, Clerk of the Circuit Court in and for Miami-Dade County, Florida and Ex-Officio Clerk of the Board of County Commissioners of Said County, **Do Hereby Certify** that the above and foregoing is a true and correct copy of Ordinance No. 05-92, adopted by said board of County Commissioners at its meeting held on May 09, 2005 IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this 24th day of June A.D. 2005.

HARVEY RUVIN, Clerk
Board of County Commissioners
Dade County, Florida



By *Idene Freitas*
Deputy Clerk

Board of County Commissioners
Miami-Dade County, Florida