



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

CHARLIE CRIST  
Governor

THOMAS G. PELHAM  
Secretary

Assign to Alex  
for response  
205419

RECEIVED  
2009 JUL 28 A 11:29  
COUNTY MANAGER'S OFFICE

July 22, 2009

The Honorable Carlos Alvarez  
Mayor, Miami-Dade County  
Stephen P. Clark Center  
111 N.W. 1st Street, 29th Floor  
Miami, Florida 33128

7-27-09 c: GB

For Mayor's response  
Due: 8-11-09 - Alder  
c: Denis & Robert.

Dear Mayor Alvarez:

That portion of Miami-Dade County amendment Number 08-1 that pertains to applications 1, 3, and 6 was adopted by Ordinance Number 08-43 and was reviewed separately by the Department of Community Affairs (the Department). Ordinance Number 08-43 was adopted by the County on April 24, 2008. The Department's review of applications 1, 3, and 6 concluded that they were not in compliance, and a Statement of Intent (SOI) was issued on December 2, 2008. Each application would permit a net increase in residential units. The SOI noted that the County had not yet executed the updated public schools interlocal agreement with the Miami-Dade County School Board, and that the County was prohibited from adopting the amendments. Due to the County's recent approval of the required interlocal agreement, the compliance issue is resolved. Therefore, that portion of Miami-Dade County amendment Number 08-1 that pertains to applications 1, 3, and 6 (adopted by Ordinance Number 08-43) now meets the requirements of Chapter 163, Part II, Florida Statutes, for compliance, as defined in Subsection 163.3184(1)(b), Florida Statutes. The Department is issuing a Notice of Intent to find the Comprehensive Plan Amendment in compliance. The Notice of Intent has been sent to the *Miami Herald* for publication on July 23, 2009.

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. Any affected person may file a petition with the agency within 21 days after the publication of the Notice of Intent pursuant to Section 163.3184(9), Florida Statutes. No development orders, or permits for a development, dependent on the amendment, may be issued or commence before the plan amendment takes effect. Please be advised that Section 163.3184(8)(c)2, Florida Statutes, requires a local government that has an Internet site to post a copy of the Department's Notice of Intent on the site within 5 days after receipt of the mailed copy of the Department's Notice of Intent.

CA

7/28/09 Copy to GB.

2555 SHUMARD OAK BOULEVARD ♦ TALLAHASSEE, FL 32399-2100  
850-488-8466 (p) ♦ 850-921-0781 (f) ♦ Website: [www.dca.state.fl.us](http://www.dca.state.fl.us)

♦ COMMUNITY PLANNING 850-488-2356 (p) 850-488-3309 (f) ♦ FLORIDA COMMUNITIES TRUST 850-922-2207 (p) 850-921-1747 (f) ♦  
♦ HOUSING AND COMMUNITY DEVELOPMENT 850-488-7956 (p) 850-922-5623 (f) ♦

The Honorable Carlos Alvarez  
July 22, 2009  
Page 2

Please note that a copy of the adopted Miami-Dade County Comprehensive Plan Amendment and the Notice of Intent must be available for public inspection Monday through Friday, except for legal holidays, during normal business hours at the Stephen P. Clark Center, 111 N.W. 1st Street, Miami, Florida, 33128.

If this in compliance determination is challenged by an affected person, you will have the option of mediation pursuant to Subsection 163.3189(3)(a), F.S. If you choose to attempt to resolve this matter through mediation, you must file the request for mediation with the administrative law judge assigned by the Division of Administrative Hearings. The choice of mediation will not affect the right of any party to an administrative hearing.

If you have any questions, please contact Bill Pable, AICP, Division of Community Planning at (850) 922-1781.

Sincerely,

A handwritten signature in black ink that reads "Mike McDaniel". The signature is written in a cursive, slightly slanted style.

Mike McDaniel, Chief  
Office of Comprehensive Planning

MM/bp

Enclosure: Notice of Intent

cc: Mr. Marc C. LaFerrier, Director, Miami-Dade County Planning and Zoning Department  
Ms. Carolyn A. Dekle, Executive Director, South Florida Regional Planning Council

STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS  
AMENDED NOTICE OF INTENT TO FIND  
THE MIAMI-DADE COUNTY  
COMPREHENSIVE PLAN AMENDMENT  
IN COMPLIANCE  
DOCKET NO. 08-1-NOI-1301-(A)-(I)

The Department gives amended notice of its intent to find the Amendment to the Comprehensive Plan for Miami-Dade County, adopted by Ordinance No. 08-43 on April 24, 2008 (Applications 1, 3 and 6), IN COMPLIANCE, pursuant to Sections 163.3184, 163.3187 and 163.3189, F.S. This Notice of Intent has no effect on any other Amendment to the Miami-Dade County Comprehensive Plan adopted by any ordinance other than Ordinance No. 08-43.

The adopted Miami-Dade County Comprehensive Plan Amendment and the Department's Objections, Recommendations and Comments Report (if any) are available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Miami-Dade County Department of Planning and Zoning, 111 N.W. 1<sup>st</sup> Street, Suite 1210, Miami, Florida 33128-1994.

Any affected person, as defined in Section 163.3184, F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Amendment to the Miami-Dade County Comprehensive Plan is In Compliance, as defined in Subsection 163.3184(1), F.S. The petition must be filed within twenty-one (21) days after publication of this notice, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to the local government. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

After an administrative hearing petition is timely filed, mediation is available pursuant to Subsection 163.3189(3)(a), F.S., to any affected person who is made a party to the proceeding by filing that request with the administrative law judge assigned by the Division of Administrative Hearings. The choice of mediation shall not affect a party's right to an administrative hearing.



Mike McDaniel, Chief  
Office of Comprehensive Planning  
Division of Community Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100