

INITIAL RECOMMENDATIONS

MAY 2013 APPLICATIONS TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

FOR MIAMI-DADE COUNTY, FLORIDA



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RECOMMENDATIONS

MAY 2013 APPLICATIONS TO AMEND THE
COMPREHENSIVE DEVELOPMENT MASTER PLAN

September 13, 2013

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INTRODUCTION

This report contains the initial recommendations by the Department of Regulatory and Economic Resources (Department) addressing applications to amend the Comprehensive Development Master Plan (CDMP), which were filed for consideration during the May 2013 Plan Amendment Review Cycle. A total of seven (7) applications were filed during the May 2013 filing period, all by private parties. Two (2) of these 7 applications (Application Nos. 2 and 5) are small-scale Land Use Plan (LUP) map amendment requests while four (4) applications (Application Nos. 1, 4, 6 and 7) are standard LUP map amendment requests. The remaining Application No. 3 is a standard Land Use Element text amendment that involves a modification of an existing Declaration of Restrictions on a ±41.0-acre property. The report also contains the necessary background information and analyses upon which the initial recommendations are based.

Application Review Process and Schedule of Activities

Following is a summary of the Plan review, amendment activities and schedule that will be followed by this cycle to comply with the CDMP procedural requirements contained in Section 2-116.1, Code of Miami-Dade County and State law. The Schedule of Activities on page v lists the principal activities that will occur under this process and indicates the timeframes for those activities in accordance with the State requirements and the County Code. For this amendment cycle, the application filing period extended from May 1 through May 31, 2013.

The CDMP amendment process involves two phases. The first phase occurs between the time applications are filed and the time the Board of County Commissioners (Board) conducts its first public hearing. At its first hearing, the Board will take action addressing transmittal of the standard application(s) to the State Land Planning Agency (SLPA) and other State and Regional agencies (reviewing agencies) for review and comment, and/or adopt eligible small-scale LUP map amendments on an expedited schedule. During the first phase, affected and neighboring property owners are notified of the nearby LUP map amendment request(s). The Department will issue its initial recommendations regarding each requested change no later than August 25, 2013, and submit the report to the Community Councils, the Planning Advisory Board (PAB) and the Board for their consideration during their public hearings.

Section 2-116.1 authorizes Community Councils to conduct public hearings and issue recommendations on the applications that directly affect their areas. The Community Councils public hearings for this CDMP amendment cycle must be held in, and are currently scheduled for September 2013, before the PAB, acting as the County's Local Planning Agency, and the Board conduct their first public hearings. The PAB is scheduled to hold a public hearing on October 21, 2013 to receive comments and recommendations on the proposed amendments, and to formulate recommendations to the Board regarding the adoption of the eligible small-scale amendments and transmittal of the standard amendments. The Board is currently scheduled to hold a public hearing on November 20, 2013, to consider adoption of the small scale amendments and transmittal of the standard amendments and any small-scale amendment the Board would like to further consider after receiving comments from the reviewing agencies. "Transmittal" of a proposed amendment to the reviewing agencies does not constitute adoption of the requested amendment.

The second phase of the amendment process begins after transmittal of the application(s) to the reviewing agencies. The CDMP amendment procedures in Section 2-116.1 of the County Code provide that the SLPA will be requested by the County to review and comment on all transmitted amendment proposals. The SLPA and/or the other reviewing agencies are expected to return comments addressing all transmitted amendment proposals by January 2014, approximately 45 days after the transmittal hearing pursuant to Chapter 163.3184(3), Florida Statutes. Within 45 days after receiving comments from the reviewing agencies, or other time period determined by the Director of the Department, the Board will conduct a public hearing and take final action on the transmitted applications. During the review period by the reviewing agencies, the Department will also review comments received at the transmittal hearings and any additional submitted material and may issue a "Final Recommendations" report reflecting any new information prior to the final public hearings. Final action by the Board will be to adopt, adopt with change or not adopt any of the transmitted applications.

Outside this regular CDMP amendment process, requests to amend the CDMP can be made by the Board under a special amendment process, or by a party having an application undergoing the Development of Regional Impact (DRI) process requesting a concurrent amendment to the CDMP. Procedures for processing such special or DRI-related amendments are established in Section 2-116.1 of the Miami-Dade County Code.

Additional Information

Anyone having questions regarding any aspect of the CDMP review and amendment process should visit or call the Metropolitan Planning Section of the Miami-Dade County Department of Regulatory and Economic Resources at 111 NW 1st Street, 12th Floor, Miami, Florida 33128-1972; telephone 305/375-2835.

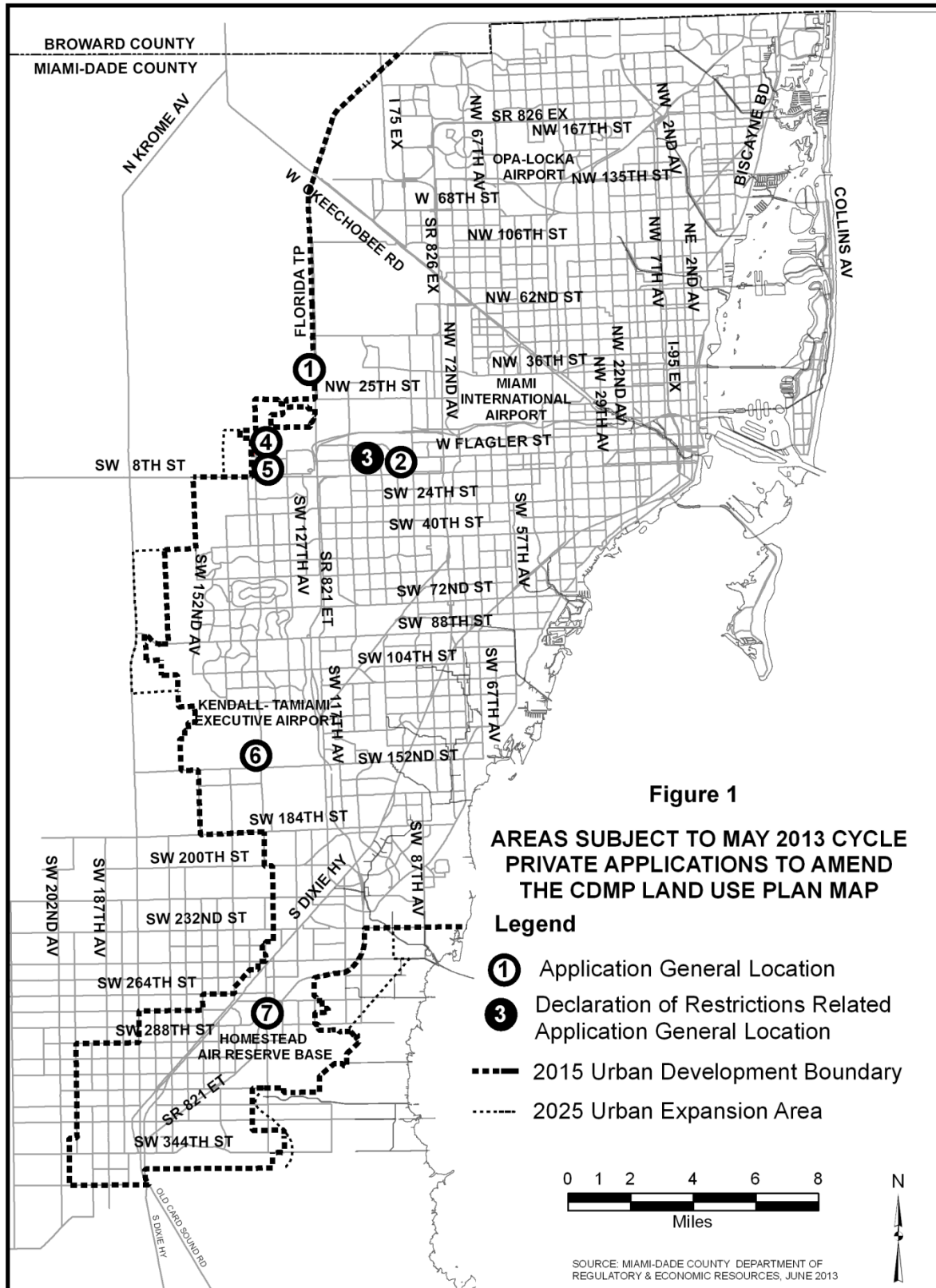
TABLE 1
SCHEDULE OF ACTIVITIES
MAY 2013-2014 CDMP AMENDMENT CYCLE

Pre-application Conference	Prior to May 1, 2013
Application Filing Period	May 1 to May 31, 2013
Deadline to withdraw Application and obtain Return of Full Fee. Notify applicant of deficiencies.	June 7, 2013
Deadline for resubmittal of unclear or incomplete Applications	Seventh business day after Notice of deficiency
Applications Report published by the Department of Regulatory and Economic Resources (Department)	June 21, 2013
Deadline for submitting Technical Reports	July 1, 2013
Deadline for submitting Declarations of Restrictions to be considered in the Initial Recommendations Report	July 29, 2013
Initial Recommendations Report released by the Department	September 13, 2013
Community Councils Public Hearings: South Bay Community Council (CC 15) West Kendall Community Council (CC 11) Westchester Community Council (CC 10) Country Club Community Council (CC 5)	September 23, 2013 September 24, 2013 September 25, 2013 September 26, 2013
Planning Advisory Board (PAB), acting as Local Planning Agency (LPA), Public Hearing to formulate Recommendations regarding Adoption of Small-Scale Amendments and Transmittal of Standard Amendment requests to State Land Planning Agency (SLPA)	October 21, 2013 County Commission Chamber 111 NW 1 Street Miami, Florida 33128
Board of County Commissioners (Commission) Hearing and Action on Adoption of Small-Scale Amendments and Transmittal of Standard Amendment requests to SLPA	November 20, 2013 County Commission Chamber 111 NW 1 Street Miami, Florida 33128
Transmittal to SLPA and other state and regional reviewing agencies	December 2013* (Approximately 10 days after Commission transmittal hearing)
Deadline for Filing Supplementary Reports by the Public	Forty-five (45) days after Board transmittal hearing
Receipt of Comment Letters from Reviewing Agencies	January 2014* (Approximately 30 days after transmittal)
Public Hearing and Final Action on Applications: Board of County Commissioners	Specific Date(s) to be set in February or March 2014* (No later than 45 days after receipt of Comment Letters from the Reviewing Agencies)

Notes

* Estimated Date

All hearings will be noticed by newspaper advertisement.



Summary of Recommendations
May 2013 Applications to Amend the Comprehensive Development Master Plan for Miami-Dade County, Florida
October 21, 2013

Application Number/ Type	Location/Acreage/ Requested Amendment	BCC District/ Commissioner	Department's Initial Recommendation September 13, 2013	Community Council Recommendation, Resolution # and Date	LPA Recommendation October 21, 2013	BCC Action/ Recommendation November 20, 2013
1/ Standard	<p>Turnberry/Doral Development, Limited Partnership , LLC/Jeffrey Bercow, Esq. and Michael J. Marrero, Esq.</p> <p>Northwest and southwest corners of NW 41 Street and the Homestead Extension of the Florida Turnpike (HEFT) (±96.79 Gross; ±81.31 Net)</p> <p><u>Requested CDMP Amendment</u></p> <ol style="list-style-type: none"> 1. Expand the Urban Development Boundary (UDB) to include the application site. 2. Redesignate the application site on the Land Use Plan map From: Open Land To: Business and Office 3. Revise the CDMP Land Use Element Policy LU-8G (i) text to exempt the application area from the areas that shall not be considered for addition to the UDB, after demonstrating that a need exists in accordance to the Policy LU-8F. 4. Revise the Restrictions Table on Page I-74.1 of the CDMP Land Use Element to include the Proffered Declaration of Restrictions if accepted by the Board. 5. On September 11, 2013, the Applicant submitted an additional request to Amend Policy CON-3E in the CDMP Conservation, Aquifer Recharge and Drainage Element to allow for urban land uses on the site. 	12/ Diaz	Deny and Do Not Transmit	Transmit with the Proffered Declaration of Restrictions and Deny, CC 5-04-13 (September 26, 2013)	Deny and Do Not Transmit	

Application Number/ Type	Location/Acreage/ Requested Amendment	BCC District/ Commissioner	Department's Initial Recommendation September 13, 2013	Community Council Recommendation, Resolution # and Date	LPA Recommendation October 21, 2013	BCC Action/ Recommendation November 20, 2013
2/ Small-scale	<p>OROT Flagler, LLC/Juan J. Mayol, Jr., Esq. and Tracy R. Slavens, Esq.</p> <p>Southwest corner of the intersection of West Flagler Street and SW 92 Avenue (±3.3 Gross; ±2.3 Net)</p> <p><u>Requested CDMP Amendment</u></p> <ol style="list-style-type: none"> Redesignate application site on the Land Use Plan (LUP) map: From: "Office/Residential" To: "Business and Office" Revise the Restrictions Table on Page I-74.1 of the CDMP Land Use Element to include the Proffered Declaration of Restrictions if accepted by the Board 	10/ Souto	Adopt (as Small-Scale Amendment) With Acceptance of Proffered Declaration of Restrictions	Adopt (as Small-Scale Amendment) With Acceptance of the Proffered Declaration of Restrictions, CC 10-01-13 (September 25, 2013)	Adopt (as Small-Scale Amendment) with Acceptance of the Proffered Declaration of Restrictions	
3/ Standard	<p>Fontainebleau Place, LLC/Juan J. Mayol, Jr., Esq., Richard A. Perez, Esq. and Tracy R. Slavens, Esq.</p> <p>Northeast corner of the intersection of West Flagler Street and NW 102 Avenue ±41.0 Gross; ±39.0 Net)</p> <p><u>Requested CDMP Amendment</u></p> <p>Modify existing Declaration of Restrictions in the Restrictions Table (Application No. 9 of the April 2008-09 cycle) on Page I-74.1 of the CDMP Land Use Element. to replace the commitment to develop a minimum of 150 "elderly housing" dwelling units with a provision allowing the development of "minimum of 125 dwelling units and a maximum of 250 dwelling units" on the subject property.</p>	10/ Souto	Transmit with Change and Adopt	Deny and Transmit, CC 10-02-13 (September 25, 2013)	Transmit with Change and Adopt	

Application Number/ Type	Location/Acreage/ Requested Amendment	BCC District/ Commissioner	Department's Initial Recommendation September 13, 2013	Community Council Recommendation, Resolution # and Date	LPA Recommendation October 21, 2013	BCC Action/ Recommendation November 20, 2013
4/ Standard	Master Development, Inc./Tracy R. Slavens, Esq. and Hugo P. Arza, Esq. Southwest corner of the intersection of NW 6 Street and NW 137 Avenue (±11.49 Gross; ±9.92 Net) <u>Requested CDMP Amendment</u> 1. Redesignate application site on the LUP map: From: "Industrial and Office" To: "Business and Office" 2. Revise the Restrictions Table on Page I-74.1 of the CDMP Land Use Element to include the Proffered Declaration of Restrictions if accepted by the Board	12/ Diaz	Deny and Do Not Transmit (09-13-13) Transmit and Adopt with Acceptance of the Proffered Declaration of Restrictions, (revised October 21, 2013)	Transmit With Acceptance of the Proffered Declaration of Restrictions and Adopt, CC 5-02-13 (September 26, 2013)	Transmit and Adopt with Acceptance of the Proffered Declaration of Restrictions	
5/ Small-scale	Master Development, Inc./Tracy R. Slavens, Esq. and Hugo P. Arza, Esq. Northwest corner of the intersection of theoretical SW 2 Street and SW 137 Avenue (±9.84 Gross; ±9.1 Net) <u>Requested CDMP Amendment</u> 1. Redesignate application site on the LUP map: From: "Industrial and Office" To: "Business and Office" 2. Revise the Restrictions Table on Page I-74.1 of the CDMP Land Use Element to include the Proffered Declaration of Restrictions if accepted by the Board	12/ Diaz	Adopt (As a small-scale Amendment) With Acceptance of Proffered Declaration of Restrictions	Adopt (As a small-scale Amendment) With Acceptance of the Proffered Declaration of Restrictions, CC 5-03-13 (September 26, 2013)	Adopt (as Small-Scale Amendment) with Acceptance of the Proffered Declaration of Restrictions	

Application Number/ Type	Location/Acreage/ Requested Amendment	BCC District/ Commissioner	Department's Initial Recommendation September 13, 2013	Community Council Recommendation, Resolution # and Date	LPA Recommendation October 21, 2013	BCC Action/ Recommendation November 20, 2013
6/ Standard	<p>Master Development, Inc./Jeffrey Bercow, Esq. and Monika Entin, Esq.</p> <p>Northwest corner of the intersection of theoretical SW 143 Street and SW 137 Avenue (±16.18 Gross; ±13.7 Net)</p> <p><u>Requested CDMP Amendment</u></p> <ol style="list-style-type: none"> 1. Redesignate application site on the LUP map: From: "Industrial and Office" To: "Business and Office" 2. Revise the Restrictions Table on Page I-74.1 of the CDMP Land Use Element to include the Proffered Declaration of Restrictions if accepted by the Board 	11/ Zapata	Transmit and Adopt With Acceptance of Proffered Declaration of Restrictions	CC 11 No Recommendation (September 24, 2013)	WITHDRAWN by the applicant by letter submitted to the Department on October 15, 2013	
7/ Standard	<p>137 Holdings, LLC/Graham Penn, Esq. and Melissa Tapanes Llahues, Esq.</p> <p>Southwest corner of the intersection of SW 137 Avenue and SW 168 Street (±12.0 Gross; ±10.7 Net)</p> <p><u>Requested CDMP Amendment</u></p> <ol style="list-style-type: none"> 1. Redesignate Parcel B of the application on site on the LUP map: From: "Low-Medium Density Residential (6 -13 dwelling units per gross acre)" and "Business and Office" To: "Medium Density Residential (13 to 25 dwelling units per gross acre)" 2. Release and delete the Declaration of Restrictions recorded in Book 22345 Pages 1710 to 1725 of the County Official records; and 3. Revise the Restrictions Table on Page I-74.1 of the CDMP Land Use Element to include the new Proffered Declaration of Restrictions, if accepted by the Board. 	9/ Moss	Transmit and Adopt With Acceptance of Proffered Declaration of Restrictions	CC 15 No Quorum (September 23, 2013)	Transmit and Adopt with Acceptance of the Proffered Declaration of Restrictions	

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

Notes:

BCC: Miami-Dade Board of County Commissioners; LPA: Land Planning Agency; CC5: Country Club Community Council; CC10: Westchester Community Council
CC11: West Kendall Community Council; CC15: South Bay Community Council