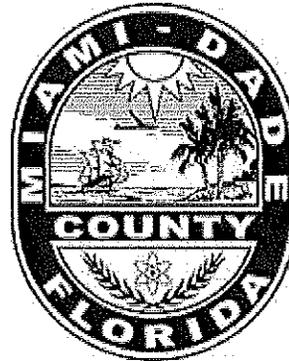


# Comprehensive Development Master Plan



**May 21, 2014**

**9:30 A.M.**

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

**Commission Chambers  
2nd Floor**

## BOARD OF COUNTY COMMISSIONERS

**Rebeca Sosa**  
*Chairwoman*

**Lynda Bell**  
*Vice Chair*

**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*

**Lynda Bell**  
*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](mailto: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**     MOMENT OF SILENCE

**1B**     PLEDGE OF ALLEGIANCE

**1C**     ROLL CALL

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

**2B MAYORAL REPORTS**

2B1

141049                      Report

REPORT ON NOVEMBER 2013 CYCLE APPLICATIONS TO AMEND  
THE COMPREHENSIVE DEVELOPMENT MASTER PLAN (Mayor)

### 3 SMALL-SCALE APPLICATIONS

3A

140946

**Ordinance**

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP); PROVIDING DISPOSITION OF APPLICATION NO. 2 LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF SW 224 STREET AND SW 112 AVENUE FILED IN NOVEMBER 2013 CYCLE TO AMEND, MODIFY, OR CHANGE CDMP; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE (SEE AGENDA ITEM NO. 2B1) (Regulatory and Economic Resources)

**CDMP Public  
Hearing**

5/6/2014

*Tentatively scheduled for a public hearing before the Board of County Commissioners Hearing Date: 5/21/2014*

5/6/2014 4E

*Adopted on first reading by BCC Passed 13 - 0*

3A1

141051

**Resolution**

RESOLUTION PERTAINING TO NOVEMBER 2013 CYCLE APPLICATIONS REQUESTING AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN; INSTRUCTING THE MAYOR WHETHER OR NOT TO TRANSMIT APPLICATION NO. 2 LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF SW 224 STREET AND SW 112 AVENUE TO THE STATE LAND PLANNING AGENCY; REQUESTING STATE LAND PLANNING AGENCY TO REVIEW APPLICATION NO. 2; 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. 2B1) (Regulatory and Economic Resources)

**CDMP Public  
Hearing**

**4      STANDARD AMENDMENTS AT TRANSMITTAL**

4A

**141056                      Resolution**

RESOLUTION PERTAINING TO NOVEMBER 2013 CYCLE APPLICATIONS REQUESTING AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN; INSTRUCTING THE MAYOR WHETHER OR NOT TO TRANSMIT APPLICATION NO. 1 LOCATED AT THE NORTH SIDE OF WEST FLAGLER STREET BETWEEN NW 87 AVENUE AND NW 97 AVENUE TO THE STATE LAND PLANNING AGENCY; 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. 2B1) (Regulatory and Economic Resources)

*CDMP Public  
Hearing*

4A1

**141053                      Ordinance**

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP); PROVIDING DISPOSITION OF APPLICATION NO. 1 LOCATED AT THE NORTH SIDE OF WEST FLAGLER STREET BETWEEN NW 87 AVENUE AND NW 97 AVENUE FILED IN NOVEMBER 2013 CYCLE TO AMEND, MODIFY, OR CHANGE CDMP; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE (SEE AGENDA ITEM NO. 2B1) (Regulatory and Economic Resources)

*CDMP First  
Reading*

4B

**141059                      Resolution                      Barbara J. Jordan Prime Sponsor**

RESOLUTION PERTAINING TO NOVEMBER 2013 CYCLE APPLICATIONS REQUESTING AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN; INSTRUCTING THE MAYOR WHETHER OR NOT TO TRANSMIT APPLICATION NO. 3 LOCATED BETWEEN NW 47 AND NW 57 AVENUES AND BETWEEN NW 199 STREET AND THE SNAKE CREEK CANAL TO THE STATE LAND PLANNING AGENCY; 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. 2B1) (Regulatory and Economic Resources)

*CDMP Public  
Hearing*

4B1

141057

Ordinance

Barbara J. Jordan Prime Sponsor

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP); PROVIDING DISPOSITION OF APPLICATION NO. 3 LOCATED BETWEEN NW 47 AND NW 57 AVENUES AND BETWEEN NW 199 STREET AND THE SNAKE CREEK CANAL FILED IN NOVEMBER 2013 CYCLE TO AMEND, MODIFY, OR CHANGE CDMP; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE (SEE AGENDA ITEM NO. 2B1) (Regulatory and Economic Resources)

*CDMP First Reading*

4C

141050

Resolution

Sen. Javier D. Souto Prime Sponsor

RESOLUTION PERTAINING TO NOVEMBER 2013 CYCLE APPLICATIONS REQUESTING AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN; INSTRUCTING THE MAYOR WHETHER OR NOT TO TRANSMIT APPLICATION NO. 4 LOCATED ON THE EAST SIDE OF SW 117 AVENUE AND SOUTH OF SW 76 STREET TO THE STATE LAND PLANNING AGENCY; 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. 2B1) (Regulatory and Economic Resources)

*CDMP Public Hearing*

4C1

141052

Ordinance

Sen. Javier D. Souto Prime Sponsor

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP); PROVIDING DISPOSITION OF APPLICATION NO. 4 LOCATED ON THE EAST SIDE OF SW 117 AVENUE AND SOUTH OF SW 76 STREET FILED IN NOVEMBER 2013 CYCLE TO AMEND, MODIFY, OR CHANGE CDMP; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE (SEE AGENDA ITEM NO. 2B1) (Regulatory and Economic Resources)

*CDMP First Reading*

4D

141055

Resolution

Dennis C. Moss Prime Sponsor

RESOLUTION PERTAINING TO NOVEMBER 2013 CYCLE APPLICATIONS REQUESTING AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP); INSTRUCTING THE MAYOR WHETHER OR NOT TO TRANSMIT APPLICATION NO. 5 AMENDING THE TEXT OF THE AGRICULTURAL LAND USE CATEGORY IN THE LAND USE ELEMENT OF THE CDMP TO THE STATE LAND PLANNING AGENCY; REQUESTING STATE LAND PLANNING AGENCY TO REVIEW APPLICATION NO. 5; 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. 2B1)

*CDMP Public  
Hearing*

4D1

141054

Ordinance

Dennis C. Moss Prime Sponsor

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP); PROVIDING DISPOSITION OF APPLICATION NO. 5 AMENDING THE TEXT OF THE AGRICULTURAL LAND USE CATEGORY IN THE LAND USE ELEMENT OF THE CDMP FILED IN NOVEMBER 2013 CYCLE TO AMEND, MODIFY, OR CHANGE CDMP; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE (SEE AGENDA ITEM NO. 2B1) (Regulatory and Economic Resources)

*CDMP First  
Reading*

4E

141068

Resolution

Rebeca Sosa Prime Sponsor

RESOLUTION PERTAINING TO NOVEMBER 2013 CYCLE APPLICATIONS REQUESTING AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP); INSTRUCTING THE MAYOR WHETHER OR NOT TO TRANSMIT APPLICATION NO. 6 AMENDING THE TEXT OF THE CONSERVATION, AQUIFER RECHARGE AND DRAINAGE ELEMENT OF THE CDMP TO THE STATE LAND PLANNING AGENCY; REQUESTING STATE LAND PLANNING AGENCY TO REVIEW APPLICATION NO. 6; 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. 2B1) (Regulatory and Economic Resources)

*CDMP Public  
Hearing*

4E1

141069

Ordinance

Rebeca Sosa Prime Sponsor

ORDINANCE RELATING TO MIAMI-DADE COUNTY  
COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP);  
PROVIDING DISPOSITION OF APPLICATION NO. 6 AMENDING THE  
TEXT OF THE AGRICULTURAL LAND USE CATEGORY IN THE  
LAND USE ELEMENT OF THE CDMP FILED IN NOVEMBER 2013  
CYCLE TO AMEND, MODIFY, OR CHANGE CDMP; PROVIDING  
SEVERABILITY, EXCLUSION FROM THE CODE AND AN EFFECTIVE  
DATE (SEE AGENDA ITEM NO. 2B1) (Regulatory and Economic  
Resources)

*CDMP First  
Reading*

### **ADJOURNMENT**

# Memorandum



(Public Hearing 5-21-14)

**Date:** May 6, 2014

**To:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez".

**Subject:** Application No. 2 in the November 2013 Cycle Applications to Amend the Comprehensive Development Master Plan

Agenda Item 3(A)

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The attached ordinance relates to a Miami-Dade County Comprehensive Development Master Plan (CDMP) private application. Under Rule 5.05(b)(1) of the Board, this item is exempt from Commission sponsorship. The staff analysis and fiscal impact statement for this application are discussed in a separate item that appears under the Mayoral Reports section of this agenda.

A handwritten signature in black ink, appearing to read "Jack Osterholt".

Jack Osterholt  
Deputy Mayor



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** May 21, 2014

**FROM:** R. A. Cuevas, Jr.  
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
- 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

# Memorandum



Date: May 21, 2014

To: Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

From: Carlos A. Gimenez  
Mayor

Agenda Item No. 2(B)(1)

Subject: Report on November 2013 Cycle Applications to Amend the Comprehensive Development Master Plan

## Recommendation

It is recommended that the Board of County Commissioners (Board) take action on the applications filed in the November 2013 Cycle to amend the Comprehensive Development Master Plan (CDMP) as detailed in this memorandum.

APPLICATION NUMBER	ITEMS FOR CONSIDERATION BY THE BOARD
Application No. 2 (Small Scale Application)	Item No. 3A – Ordinance (Final Action) Item No. 3A1 – Resolution for Transmittal to Department of Economic Opportunity (if converted from a Small Scale to a Standard Application)
Application No. 1 (Standard Application)	Item No. 4A – Resolution for Transmittal to Department of Economic Opportunity Item No. 4A1 – Ordinance (First Reading)
Application No. 3 (Standard Application)	Item No. 4B – Resolution for Transmittal to Department of Economic Opportunity Item No. 4B1 – Ordinance (First Reading)
Application No. 4 (Standard Application)	Item No. 4C – Resolution for Transmittal to Department of Economic Opportunity Item No. 4C1 – Ordinance (First Reading)
Application No. 5 (Standard Application)	Item No. 4D – Resolution for Transmittal to Department of Economic Opportunity Item No. 4D1 – Ordinance (First Reading)
Application No. 6 (Standard Application)	Item No. 4E – Resolution for Transmittal to Department of Economic Opportunity Item No. 4E1 – Ordinance (First Reading)

## Small Scale Applications

### Background

The attached Ordinance (Item No. 3A; adopted on first reading May 6, 2014) provides for the Board's action on small-scale amendment Application No. 2 filed in the November 2013 Cycle of Applications requesting amendment to the CDMP. State law allows the adoption of the referenced small-scale application at the Board's CDMP public hearing currently scheduled for May 21, 2014. A CDMP amendment application is eligible, under Section 163.3187, F.S., to be processed as a small-scale amendment to the local comprehensive plan if it involves 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

2014, the Board has the ability to approve the proposed small-scale amendment Application No. 2 totaling 2.643 gross acres, without prior review by the State Land Planning Agency.

One small-scale application, Application No. 2, was filed in the November 2013 Cycle to amend the CDMP. A description of the small-scale application and the recommendations of the Department of Regulatory and Economic Resources (RER) - Planning Division, Community Councils, and the Local Planning Agency are provided in Attachment A.

At the May 21, 2014 public hearing, the Board will take final action on the attached ordinance providing for final disposition of the November 2013 Cycle small-scale application. Such action may be to adopt, adopt with change or deny the referenced small-scale amendment application. If the Board does not adopt Application No. 2 as a small-scale amendment, the Board may elect, by separate resolution, to transmit the proposed small-scale amendment to the State Land Planning Agency and other state and regional agencies for review and comments, and then take final action in October 2014 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

Application No. 2 is located within District 9 (Commissioner Moss).

#### Fiscal Impact

There is no direct fiscal impact associated with Application No. 2. However, the development allowed by CDMP amendment applications may have varying impacts to County services. These impacts associated with Application No. 2 are discussed in the document titled, "Initial Recommendations, November 2013 Applications to Amend the Comprehensive Development Master Plan" report, dated March 10, 2014.

#### Track Record/Monitor

Amendments to the CDMP do not involve contracts so a Track Record/Monitor is not applicable.

### **Standard Applications**

#### Background

Five (5) standard applications, Application Nos. 1, 3, 4, 5 and 6, were filed in the November 2013 Cycle to amend the CDMP. A description of the standard applications and the recommendations of the RER - Planning Division, Community Councils, and the Local Planning Agency are provided in Attachment A.

At the conclusion of the public hearing for each standard application filed in the November 2013 Cycle, the Board will take action on a resolution issuing transmittal instructions for each application to the State Land Planning Agency. Each resolution (Item Nos. 4A through 4E) will also incorporate a request for the reviewing agencies to review and return their comments on the transmitted application before the Board takes final actions. After adoption of the transmittal resolution, the Board will be requested to approve, on first reading, an ordinance for each transmitted application (Item Nos. 4A1 through 4E1) that will be used at a later date to take final action on the pending applications. A subsequent public hearing, currently scheduled for October 1, 2014, will be held to take final action on the standard applications that are transmitted to the reviewing agencies State Land Planning Agency.

Certain applications filed in the November 2013 Cycle may require a supermajority vote. Section 2-116.1 of the County Code currently requires that changes to a declaration of restrictive covenant that was accepted in connection with a prior application to amend the CDMP shall require a vote of two-thirds of the Board members present, but no less than seven (7) affirmative votes. For the November 2013 CDMP Cycle, Application No. 1 requests modification of an existing CDMP Declaration of Restrictions and will require an affirmative vote of two-thirds of the members present, but no less than 7 affirmative votes of the Board for adoption.

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 or more Commission Districts. Application No. 1, a modification of an existing Declaration of Restrictions, and Application No. 4, a Land Use Plan map Amendment, are located within District 10 (Commissioner Souto). Application No. 3, a Land Use Plan map and CDMP text amendment, is located within District 1 (Commissioner Jordan). Application Nos. 5 and 6, CDMP text amendments, generally apply countywide.

Fiscal Impact

There is no direct fiscal impact associated with Application Nos. 1, 3, 4, 5 and 6. However, the development allowed by CDMP amendment applications may have varying impacts to County services. These impacts associated with each application are discussed in the "Initial Recommendations November 2013 Applications to Amend the Comprehensive Development Master Plan" report, dated March 10, 2014.

Track Record/Monitor

Amendments to the CDMP do not involve contracts so a Track Record/Monitor is not applicable.



Jack Osterholt  
Deputy Mayor

Summary of Recommendations  
 November 2014 Applications to Amend the Comprehensive Development Master Plan for Miami-Dade County, Florida  
 March 27, 2014

Application Number/Type	Location/Acreage/Requested Amendment	BCC District/Commissioner	Department's Initial Recommendation March 2014	Community Council Recommendation, Resolution # and Date	LPA Recommendation April 14, 2014	BCC Action/Recommendation May 21, 2014
1/ Standard	CJUF III Flagler, LLC/Juan J. Mayol, Jr., Esq. and Hugo Arza, Esq. North side of West Flagler Street between NW 87 and 97 Avenues / (±39.51 Gross; ±36.27 Net) <u>Requested CDMP Amendment</u> Modify existing Declaration of Restrictions in the Restrictions Table in Appendix A of the CDMP Land Use Element to:	10/ Souto	Transmit and Adopt	Transmit with Change (to allow only fitness facilities and food establishments on the application site to begin daily business operations at 5 am instead of 6 am) and Adopt CC 10-01-14 (March 18, 2014)	Transmit with Change as requested by the applicant and Adopt	
2/ Small-scale	TLG FL, LLC/Eric Milne, President Southwest corner of the intersection of SW 224 Street and SW 112 Avenue / (±2.643 Gross; ±1.954 Net) <u>Requested CDMP Amendment</u> Redesignate application site on the Land Use Plan (LUP) map: From: "Low Density Residential (2.5 to 6 dwelling units per gross acre)" To: "Business and Office"	9/ Moss	Adopt as a Small-Scale Amendment	No Quorum CC 15 (March 27, 2014)	Adopt as a Small-Scale Amendment	

Application Number/Type	Location/Acreage/Requested Amendment	BCC District/Commissioner	Department's Initial Recommendation	Community Council Recommendation, Resolution # and Date	LPA Recommendation	BCC Action/Recommendation
3/ Standard	<p>Miami-Dade County/Jack Osterholt, Deputy Mayor/Director, Department of Regulatory and Economic Resources; and Lester Sola, Director, Internal Services Department.</p> <p>West side of NW 47th Avenue between Snake Creek Canal and NW 199 Street / (±165.9 Gross±; ±160.5 Net)</p> <p><u>Requested CDMP Amendment</u></p> <p>1. Redesignate application site on the LUP map:</p> <p>From: "Institutions, Utilities, and Communication"</p> <p>To: "Business and Office"</p> <p>2. Add text to the CDMP Land Use Element limiting development on the site to a maximum floor area ratio (FAR) of 0.35</p>	1/ Jordan	Transmit with Change and Adopt	<p>Transmit with Conditions, as follows:</p> <p>Miami-Dade County to retain ownership of the application site for 99 years; conduct a Charrette for the site; a cohesive large scale development should be built on the site rather than several small projects; address the severe impact to fire and rescue service; prohibit residential development on the site; ensure funding for the widening of NW 47 Avenue from NW 186 Street to north of the County line and permit no development on site until roadway improvement is complete; County to provide a 99-year lease to His House and designate adequate area on the rear of the site to accommodate His House with its planned expansion; and County should not allow the property to be annexed.</p> <p>CC 5-01-14 (March 20, 2014)</p>	Transmit with Change as recommended by staff and Adopt with Condition that the County provide a 99-year lease to "His House"	BCC Action/Recommendation May 21, 2014

Application Number/Type	Location/Acreage/Requested Amendment	BCC District/Commissioner	Department's Initial Recommendation	Community Council Recommendation, Resolution # and Date	LPA Recommendation	BCC Action/Recommendation
4/ Standard	Miami-Dade County/Jack Osterholt, Deputy Mayor/Director, Department of Regulatory and Economic Resources, and Jack Kardys, Director, Department of Parks, Recreation and Open Space. East side of SW 117 Avenue and south of SW 76 Street. / (±20.8 Gross; ±18,840 Net). <u>Requested CDMP Amendment</u> Redesignate the application site on the LUP map From: "Institutions, Utilities, and Communication" To: "Parks and Recreation"	10/ Souto	Transmit and Adopt	Transmit and adopt with conditions (Application site to be kept as passive park use; and the placement of a 6 foot high chain-link fence along the property line of the site and the adjacent Police and Fire Rescue Stations.) CC 12-01-14 (March 25, 2014)	Transmit and Adopt	BCC Action/Recommendation May 21, 2014
5/ Standard	Miami-Dade County/Jack Osterholt, Deputy Mayor/Director Department of Regulatory and Economic Resources. <u>Requested CDMP Amendment</u> 1. Revise the Agriculture text in the Land Use Element to provide that uses in the South Dade Agricultural Area that promote ecotourism and agritourism are not restricted to locating on an existing arterial roadway; and 2. Revise the Agriculture text in the Land Use Element to allow wineries to utilize imported products for winemaking.	Countywide	Transmit and Adopt	Not Applicable	Transmit and Adopt	
6/ Standard	Miami-Dade County/Jack Osterholt, Deputy Mayor/Director Department of Regulatory and Economic Resources. <u>Requested CDMP Amendment</u> Revise the text in the Conservation, Aquifer Recharge and Drainage Element of the CDMP to correct the code reference in Policy CON-8I.	Countywide	Transmit and Adopt	Not Applicable	Transmit and Adopt	

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

Notes:

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

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 3(A)  
5-21-14

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP); PROVIDING DISPOSITION OF APPLICATION NO. 2 LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF SW 224 STREET AND SW 112 AVENUE FILED IN NOVEMBER 2013 CYCLE TO AMEND, MODIFY, OR CHANGE CDMP; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE

**WHEREAS**, the Miami-Dade Board of County Commissioners (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**, Section 2-116.1 of the Code of Miami-Dade County, Florida, provides procedures for amending the CDMP, which comply with the requirements of the foregoing State Statutes; and

**WHEREAS**, Application No. 2 was filed by a private party on or before December 2, 2013 and is contained in the document titled "November 2013 Applications to Amend the Comprehensive Development Master Plan," dated December 23, 2013; and

**WHEREAS**, Miami-Dade County's procedures provide for the expedited processing of small-scale amendments as defined in section 163.3187, Florida Statutes; and

**WHEREAS**, Application No. 2 is eligible and has requested expedited adoption as a small-scale CDMP amendment; and

**WHEREAS**, the Department of Regulatory and Economic Resources (Department) issued its initial recommendations addressing the November 2013 Cycle Applications in a report titled "Initial Recommendations November 2013 Applications to Amend the Comprehensive Development Master Plan", dated March 10, 2014, as required by Section 2-116.1, Code of Miami-Dade County; and

**WHEREAS**, the affected Community Councils, the Planning Advisory Board, and the Department have acted in accordance with the referenced State and County procedures and have accepted applications, conducted public hearings and issued recommendations for the disposition of the small-scale CDMP amendment requests; and

**WHEREAS**, the Board can, by ordinance, take final action to Adopt, Adopt With Change, Not Adopt, or Deny the requested small-scale CDMP amendment Application No. 2 at the public hearing conducted to address the question of transmittal to the State Land Planning Agency and other state and regional agencies (reviewing agencies); and

**WHEREAS**, the Board will consider approving a resolution transmitting to the State Land Planning Agency and other state and regional agencies any eligible small-scale amendment that is not adopted but not denied, and which this Board desires to further consider after review by the reviewing agencies; and

**WHEREAS**, all existing lawful uses and zoning in effect prior to an amendment to the CDMP are deemed to remain consistent with this Plan as amended unless the Board, in conjunction with a particular zoning action, finds such pre-existing zoning or uses to be inconsistent with the CDMP based upon a planning activity or study addressing the criteria set forth in this Plan; 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 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. 2 filed for review during the November 2013 Cycle for amendments, modifications, additions or changes to the CDMP as follows:

Application Number	Applicant/Representative Location and Size Requested Amendments to the CDMP Land Use Plan Map or Text	Final Action
2	TLG FL., LLC/Eric Milne, President Southwest corner of the intersection of SW 224 Street and SW 112 Avenue / (±2.643 Gross; ±1.954 Net) <u>Requested CDMP Amendment</u> Redesignate application site on the Land Use Plan (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.

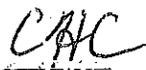
**Section 5.** This ordinance shall become effective ten (10) days after the date of enactment, unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by the Board; however, pursuant to Section 163.3187(5)(c), Florida Statutes, the effective date of the small-scale plan 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 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 small-scale 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:



Craig H. Coller

# Memorandum



**Date:** May 21, 2014

**To:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez".

Agenda Item No. 3(A)(1)

**Subject:** Application No. 2 in the November 2013 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.

A handwritten signature in black ink, appearing to read "Jack Osterholt".  

---

Jack Osterholt  
Deputy Mayor



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** May 21, 2014

**FROM:**   
R. A. Cuevas, Jr.  
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
- 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(A)(1)

Veto \_\_\_\_\_

5-21-14

Override \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

RESOLUTION PERTAINING TO NOVEMBER 2013 CYCLE APPLICATIONS REQUESTING AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN; INSTRUCTING THE MAYOR WHETHER OR NOT TO TRANSMIT APPLICATION NO. 2 LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF SW 224 STREET AND SW 112 AVENUE TO THE STATE LAND PLANNING AGENCY; REQUESTING STATE LAND PLANNING AGENCY TO REVIEW APPLICATION NO. 2; 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 Section 163, Part 2, Florida Statutes, the Comprehensive Development Master Plan (CDMP) for Miami-Dade County was adopted by the Miami-Dade Board of County Commissioners (Board) in 1988; and

**WHEREAS**, Section 2-116.1 of the Code of Miami-Dade County, Florida, provides procedures for amending the CDMP, which comply with the requirements of the foregoing State Statutes; and

**WHEREAS**, Application No. 2 was filed by a private party on or before December 2, 2013, and is contained in the document titled "November 2013 Applications to Amend the Comprehensive Development Master Plan," dated December 23, 2013; and

**WHEREAS**, Miami-Dade County's procedures provide for the expedited processing of small-scale amendments as defined in section 163.3187, Florida Statutes; and

**WHEREAS**, Application No. 2 is eligible and has requested expedited adoption as a small-scale CDMP amendment; and

**WHEREAS**, the Department of Regulatory and Economic Resources (Department) issued its initial recommendations addressing the November 2013 Cycle Applications in a report titled "Initial Recommendations November 2013 Applications to Amend the Comprehensive Development Master Plan", dated March 10, 2014, as required by Section 2-116.1, Code of Miami-Dade County, and may issue final recommendations on transmitted applications prior to final action by the Board; and

**WHEREAS**, the affected Community Council, the Planning Advisory Board, and the Department have acted in accordance with the referenced State and County procedures and have accepted applications, conducted public hearings and issued recommendations for the disposition of the small-scale CDMP amendment request; and

**WHEREAS**, the Board at its public hearing on May 21, 2014, elected to further consider as a standard amendment and evaluate, without prejudice, Application No. 2 filed for review and action during the November 2013 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.** The Board, having considered the following application requesting amendments to the CDMP, hereby directs the Mayor 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 to transmit the application to the reviewing agencies along with all other materials 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	Transmittal Instruction and/or Recommended Action
2	TLG FL, LLC/Melissa Tapanes Llahues, Esq.  Southwest corner of the intersection of SW 224 Street and SW 112 Avenue (±2.643 gross acres; ±1.954 net acres)  <u>Requested CDMP Amendment</u> Redesignate 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 2.** The Board hereby requests the reviewing agencies to review the transmitted application pursuant to Section 163.3184(3), Florida Statutes.

**Section 3.** The Board hereby reserves its right to take final action without prejudice at a later date to adopt, adopt with changes, or not adopt the pending application 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 4.** The Board declares its intention to advertise and conduct one or more public hearings in year 2014 to address the pending November 2013 Cycle Application to amend the CDMP.

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:

Rebeca Sosa, Chairwoman  
Lynda Bell, Vice Chair

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

Esteban L. Bovo, Jr.  
Audrey M. Edmonson  
Barbara J. Jordan  
Dennis C. Moss  
Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 21<sup>st</sup> day of May, 2014. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this 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.



Craig H. Collier

# Memorandum



**Date:** May 21, 2014

**To:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

Agenda Item No. 4(A)

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez".

**Subject:** Application No. 1 in the November 2013 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.

A handwritten signature in black ink, appearing to read "Jack Osterholt".  

---

Jack Osterholt  
Deputy Mayor



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** May 21, 2014

**FROM:**   
R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No. 4(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
- 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. 4(A)

Veto \_\_\_\_\_

5-21-14

Override \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

RESOLUTION PERTAINING TO NOVEMBER 2013 CYCLE APPLICATIONS REQUESTING AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN; INSTRUCTING THE MAYOR WHETHER OR NOT TO TRANSMIT APPLICATION NO. 1 LOCATED AT THE NORTH SIDE OF WEST FLAGLER STREET BETWEEN NW 87 AVENUE AND NW 97 AVENUE TO THE STATE LAND PLANNING AGENCY; 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 Section 163, Part 2, Florida Statutes, the Comprehensive Development Master Plan (CDMP) for Miami-Dade County was adopted by the Miami-Dade Board of County Commissioners (Board) in 1988; and

**WHEREAS**, Section 2-116.1 of the Code of Miami-Dade County, Florida, provides procedures for amending the CDMP, which comply with the requirements of the foregoing State Statutes; and

**WHEREAS**, Application No. 1 was filed by a private party on or before December 2, 2013, and is contained in the document titled "November 2013 Applications to Amend the Comprehensive Development Master Plan," dated December 23, 2013; and

**WHEREAS**, the Department of Regulatory and Economic Resources (Department) issued its initial recommendations addressing the November 2013 Cycle Applications in a report titled "Initial Recommendations November 2013 Applications to Amend the Comprehensive Development Master Plan", dated March 10, 2014, as required by Section 2-116.1, Code of

Miami-Dade County, and may issue final recommendations on transmitted applications prior to final action by the Board; and

**WHEREAS**, the affected Community Council, the Planning Advisory Board, and the Department have acted in accordance with the referenced State and County procedures and have accepted this application, conducted public hearings and issued recommendations for the disposition of the CDMP amendment request; and

**WHEREAS**, this Board desires to further evaluate, without prejudice, Application No. 1 filed for review and action during the November 2013 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.** The Board, having considered the following application requesting amendments to the CDMP, hereby directs the Mayor 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 to transmit the application to the reviewing agencies along with all other materials 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	Transmittal Instruction and/or Recommended Action
1	<p>CJUF III Flagler, LLC/Juan J. Mayol, Jr., Esq. and Hugo Arza, Esq.</p> <p>North side of West Flagler Street between NW 87 Avenue and NW 97 Avenue (±39.51 gross acres)</p> <p><u>Requested CDMP Amendment</u></p> <p>Modify existing Declaration of Restrictions listed in the Restrictions Table in Appendix A of the CDMP Land Use Element to:</p> <ol style="list-style-type: none"> <li>1. Allow businesses on the application site to begin daily operations at 5:00AM, rather than at 6:00AM as currently allowed.</li> <li>2. Revise the "Modification, Amendment, Release" clause</li> </ol> <p>Standard Amendment</p>	

**Section 2.** The Board hereby requests the reviewing agencies to review the transmitted application pursuant to Section 163.3184(3), Florida Statutes.

**Section 3.** The Board hereby reserves its 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 4.** The Board declares its intention to advertise and conduct one or more public hearings in year 2014 to address the pending November 2013 Cycle Application to amend the CDMP.

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:

Rebeca Sosa, Chairwoman  
Lynda Bell, Vice Chair

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

Esteban L. Bovo, Jr.  
Audrey M. Edmonson  
Barbara J. Jordan  
Dennis C. Moss  
Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 21<sup>st</sup> day of May, 2014. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this 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.



Craig H. Collier

# Memorandum



**Date:** May 21, 2014

**To:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

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

**Subject:** Application No. 1 in the November 2013 Cycle Applications to Amend the Comprehensive Development Master Plan

Agenda Item No. 4(A)(1)

---

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 memorandum that appears on this agenda.

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

Jack Osterholt  
Deputy Mayor



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** May 21, 2014

**FROM:**   
R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No. 4(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
- 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. 4(A)(1)  
5-21-14

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP); PROVIDING DISPOSITION OF APPLICATION NO. 1 LOCATED AT THE NORTH SIDE OF WEST FLAGLER STREET BETWEEN NW 87 AVENUE AND NW 97 AVENUE FILED IN NOVEMBER 2013 CYCLE TO AMEND, MODIFY, OR CHANGE CDMP; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE

**WHEREAS**, the Miami-Dade Board of County Commissioners (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**, Section 2-116.1 of the Code of Miami-Dade County, Florida, provides procedures for amending the CDMP, which comply with the requirements of the foregoing State Statutes; and

**WHEREAS**, Application No. 1 was filed by a private party on or before December 2, 2013, and is contained in the document titled "November 2013 Applications to Amend the Comprehensive Development Master Plan," dated December 23, 2013; and

**WHEREAS**, the Department of Regulatory and Economic Resources (Department) issued its initial recommendations addressing the November 2013 Cycle Applications in a report titled "Initial Recommendations November 2013 Applications to Amend the Comprehensive Development Master Plan", dated March 10, 2014, as required by Section 2-116.1, Code of

Miami-Dade County, and may issue final recommendations on transmitted applications prior to final action by the Board; and

**WHEREAS**, the affected Community Council, the Planning Advisory Board, and the Department have acted in accordance with the referenced State and County procedures and have accepted this application, conducted public hearings and issued recommendations for the disposition of the CDMP amendment request; and

**WHEREAS**, the Board must take final action to Adopt, Adopt With Change or Deny the application to amend the CDMP no later than forty-five (45) days after receipt of written comments from the reviewing agencies addressing transmitted applications, unless a greater time period is deemed necessary by the Director of the Department, pursuant to Section 2-116.1(4)(a) of the Code of Miami-Dade County, Florida; and

**WHEREAS**, all existing lawful uses and zoning in effect prior to an amendment to the CDMP are deemed to remain consistent with this Plan as amended unless the Board, in conjunction with a particular zoning action, finds such pre-existing zoning or uses to be inconsistent with the CDMP based upon a planning activity or study addressing the criteria set forth in this Plan; 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 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 November 2013 Cycle for amendments, modifications, additions or changes to the CDMP as follows:

Application Number	Applicant/Representative Location and Size Requested Amendments to the CDMP Land Use Plan Map or Text	Final Action
1	CJUF III Flagler, LLC/Juan J. Mayol, Jr., Esq. and Hugo Arza, Esq.  North side of West Flagler Street between NW 87 Avenue and NW 97 Avenue (±39.51 gross acres)  <u>Requested CDMP Amendment</u>  Modify existing Declaration of Restrictions listed in the Restrictions Table in Appendix A of the CDMP Land Use Element to:  1. Allow businesses on the application site to begin daily operations at 5:00AM, rather than at 6:00AM as currently allowed.  2. Revise the "Modification, Amendment, Release" clause  Standard 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 this Board; however, pursuant to Section 163.3184(3)(c)4, Florida Statutes, the effective date of the adopted plan amendment included within this ordinance shall be 31 days after the State Land Planning Agency notifies the local government that the plan amendment package is complete, if the amendment is not timely challenged. If timely challenged, the amendment shall become effective on the date the State Land Planning Agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on the adopted amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, the adopted 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:



Craig H. Coller

# Memorandum



**Date:** May 21, 2014

**To:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

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

**Subject:** Application No. 3 in the November 2013 Cycle Applications to Amend the Comprehensive Development Master Plan

Agenda Item No. 4(B)

---

The attached resolution addresses a Comprehensive Development Master Plan staff application that appears on the agenda under Commissioner Barbara J. Jordan's 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.

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

Jack Osterholt  
Deputy Mayor



# MEMORANDUM

(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** May 21, 2014

**FROM:**   
R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No. 4(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
- 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. 4(B)

5-21-14

Veto \_\_\_\_\_

Override \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

RESOLUTION PERTAINING TO NOVEMBER 2013 CYCLE APPLICATIONS REQUESTING AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN; INSTRUCTING THE MAYOR WHETHER OR NOT TO TRANSMIT APPLICATION NO. 3 LOCATED BETWEEN NW 47 AND NW 57 AVENUES AND BETWEEN NW 199 STREET AND THE SNAKE CREEK CANAL TO THE STATE LAND PLANNING AGENCY; 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 Section 163, Part 2, Florida Statutes, the Comprehensive Development Master Plan (CDMP) for Miami-Dade County was adopted by the Miami-Dade Board of County Commissioners (Board) in 1988; and

**WHEREAS**, Section 2-116.1 of the Code of Miami-Dade County, Florida, provides procedures for amending the CDMP, which comply with the requirements of the foregoing State Statutes; and

**WHEREAS**, Application No. 3 was filed by Miami-Dade County and included in the November 2013 Cycle of Applications to Amend the Comprehensive Development Master Plan; and

**WHEREAS**, the Department of Regulatory and Economic Resources (Department) issued its initial recommendations addressing the November 2013 Cycle Applications in a report titled "Initial Recommendations November 2013 Applications to Amend the Comprehensive Development Master Plan", dated March 10, 2014, as required by Section 2-116.1, Code of Miami-Dade County, and may issue final recommendations on transmitted applications prior to final action by the Board; and

**WHEREAS**, the affected Community Council, the Planning Advisory Board, and the Department have acted in accordance with the referenced State and County procedures and have accepted this application, conducted public hearings and issued recommendations for the disposition of the CDMP amendment request; and

**WHEREAS**, this Board desires to further evaluate, without prejudice, Application No. 3 filed for review and action during the November 2013 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.** The Board, having considered the following application requesting amendments to the CDMP, hereby directs the Mayor 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 to transmit the application to the reviewing agencies along with all other materials 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	Transmittal Instruction and/or Recommended Action
3	<p>Miami-Dade County/Jack Osterholt, Deputy Mayor/Director, Department of Regulatory and Economic Resources; and Lester Sola, Director, Internal Services Department</p> <p>Between NW 47 and NW 57 Avenues and between NW 199 Street and the Snake Creek Canal 112 Avenue (±165.9 gross acres; ±162.7 net acres)</p> <p><u>Requested CDMP Amendment</u></p> <ol style="list-style-type: none"> <li>1. Redesignate application site on the LUP map From: "Institutions, Utilities, and Communications" To: "Business and Office"</li> <li>2. Amend the CDMP Land Use Element to limit development on the application site to a maximum floor area ratio (FAR) of 0.35</li> </ol> <p>Standard Amendment</p>	

**Section 2.** The Board hereby requests the reviewing agencies to review the transmitted application pursuant to Section 163.3184(3), Florida Statutes.

**Section 3.** The Board hereby reserves its 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 4.** The Board declares its intention to advertise and conduct one or more public hearings in year 2014 to address the pending November 2013 Cycle Application to amend the CDMP.

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:

Rebeca Sosa, Chairwoman  
Lynda Bell, Vice Chair

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

Esteban L. Bovo, Jr.  
Audrey M. Edmonson  
Barbara J. Jordan  
Dennis C. Moss  
Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 21<sup>st</sup> day of May, 2014. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this 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.



Craig H. Collier

# Memorandum



**Date:** May 21, 2014

**To:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

Agenda Item 4(B)(1)

**From:** Carlos A. Gimenez  
Mayor

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

**Subject:** Application No. 3 in the November 2013 Cycle Applications to Amend the Comprehensive Development Master Plan

---

The attached ordinance addresses a Comprehensive Development Master Plan staff application that appears on the agenda under Commissioner Barbara J. Jordan's 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 ordinance, were prepared by the Department of Regulatory and Economic Resources.

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

Jack Osterholt  
Deputy Mayor

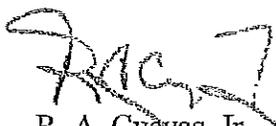


# MEMORANDUM

(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** May 21, 2014

**FROM:**   
R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No. 4(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
- 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. 4(B)(1)  
5-21-14

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP); PROVIDING DISPOSITION OF APPLICATION NO. 3 LOCATED BETWEEN NW 47 AND NW 57 AVENUES AND BETWEEN NW 199 STREET AND THE SNAKE CREEK CANAL FILED IN NOVEMBER 2013 CYCLE TO AMEND, MODIFY, OR CHANGE CDMP; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE

**WHEREAS**, the Miami-Dade Board of County Commissioners (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**, Section 2-116.1 of the Code of Miami-Dade County, Florida, provides procedures for amending the CDMP, which comply with the requirements of the foregoing State Statutes; and

**WHEREAS**, Application No. 3 was filed by Miami-Dade County and included in the November 2013 Cycle of Applications to Amend the Comprehensive Development Master Plan; and

**WHEREAS**, the Department of Regulatory and Economic Resources (Department) issued its initial recommendations addressing the November 2013 Cycle Applications in a report titled "Initial Recommendations November 2013 Applications to Amend the Comprehensive Development Master Plan", dated March 10, 2014, as required by Section 2-116.1, Code of

Miami-Dade County, and may issue final recommendations on transmitted applications prior to final action by the Board; and

**WHEREAS**, the affected Community Council, the Planning Advisory Board, and the Department have acted in accordance with the referenced State and County procedures and have accepted this application, conducted public hearings and issued recommendations for the disposition of the CDMP amendment request; and

**WHEREAS**, the Board must take final action to Adopt, Adopt With Change or Deny the application to amend the CDMP no later than forty-five (45) days after receipt of written comments from the reviewing agencies addressing transmitted applications, unless a greater time period is deemed necessary by the Director of the Department, pursuant to Section 2-116.1(4)(a) of the Code of Miami-Dade County, Florida; and

**WHEREAS**, all existing lawful uses and zoning in effect prior to an amendment to the CDMP are deemed to remain consistent with this Plan as amended unless the Board, in conjunction with a particular zoning action, finds such pre-existing zoning or uses to be inconsistent with the CDMP based upon a planning activity or study addressing the criteria set forth in this Plan; 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 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. 3 filed for review during the November 2013 Cycle for amendments, modifications, additions or changes to the CDMP as follows:

Application Number	Applicant/Representative Location and Size Requested Amendments to the CDMP Land Use Plan Map or Text	Final Action
3	<p>Miami-Dade County/Jack Osterholt, Deputy Mayor/Director, Department of Regulatory and Economic Resources; and Lester Sola, Director, Internal Services Department</p> <p>Between NW 47 and NW 57 Avenues and between NW 199 Street and the Snake Creek Canal 112 Avenue</p> <p>(±165.9 gross acres; ±162.7 net acres)</p> <p><u>Requested CDMP Amendment</u></p> <ol style="list-style-type: none"> <li>1. Redesignate application site on the LUP map From: "Institutions, Utilities, and Communications" To: "Business and Office"</li> <li>2. Amend the CDMP Land Use Element to limit development on the application site to a maximum floor area ratio (FAR) of 0.35</li> </ol> <p>Standard 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 this Board; however, pursuant to Section 163.3184(3)(c)4, Florida Statutes, the effective date of the adopted plan amendment included within this ordinance shall be 31 days after the State Land Planning Agency notifies the local government that the plan amendment package is complete, if the amendment is not timely challenged. If timely challenged, the amendment shall become effective on the date the State Land Planning Agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on the adopted amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, the adopted 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:

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Prepared by:

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Craig H. Coller

# Memorandum



**Date:** May 21, 2014

**To:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez".

**Subject:** Application No. 4 in the November 2013 Cycle Applications to Amend the Comprehensive Development Master Plan

Agenda Item No. 4(C)

---

The attached resolution addresses a Comprehensive Development Master Plan staff application that appears on the agenda under Senator Javier D. Souto's 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.

A handwritten signature in black ink, appearing to read "Jack Osterholt".

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Jack Osterholt  
Deputy Mayor



# MEMORANDUM

(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** May 21, 2014

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No. 4(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
- 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. 4(C)  
5-21-14

RESOLUTION NO. \_\_\_\_\_

RESOLUTION PERTAINING TO NOVEMBER 2013 CYCLE APPLICATIONS REQUESTING AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN; INSTRUCTING THE MAYOR WHETHER OR NOT TO TRANSMIT APPLICATION NO. 4 LOCATED ON THE EAST SIDE OF SW 117 AVENUE AND SOUTH OF SW 76 STREET TO THE STATE LAND PLANNING AGENCY; 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 Section 163, Part 2, Florida Statutes, the Comprehensive Development Master Plan (CDMP) for Miami-Dade County was adopted by the Miami-Dade Board of County Commissioners (Board) in 1988; and

**WHEREAS**, Section 2-116.1 of the Code of Miami-Dade County, Florida, provides procedures for amending the CDMP, which comply with the requirements of the foregoing State Statutes; and

**WHEREAS**, Application No. 4 was filed by Miami-Dade County on or before December 2, 2013, and is contained in the document titled "November 2013 Applications to Amend the Comprehensive Development Master Plan, dated December 23, 2013; and

**WHEREAS**, the Department of Regulatory and Economic Resources (Department) issued its initial recommendations addressing the November 2013 Cycle Applications in a report titled "Initial Recommendations November 2013 Applications to Amend the Comprehensive Development Master Plan", dated March 10, 2014, as required by Section 2-116.1, Code of

Miami-Dade County, and may issue final recommendations on transmitted applications prior to final action by the Board; and

**WHEREAS**, the affected Community Council, the Planning Advisory Board, and the Department have acted in accordance with the referenced State and County procedures and have accepted this application, conducted public hearings and issued recommendations for the disposition of the CDMP amendment request; and

**WHEREAS**, this Board desires to further evaluate, without prejudice, Application No. 4 filed for review and action during the November 2013 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.** The Board, having considered the following application requesting amendments to the CDMP, hereby directs the Mayor 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 to transmit the application to the reviewing agencies along with all other materials 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	Transmittal Instruction and/or Recommended Action
4	<p>Miami-Dade County/Jack Osterholt, Deputy Mayor/Director, Department of Regulatory and Economic Resources; and Jack Kardys, Director, Department of Parks, Recreation and Open Space</p> <p>East side of SW 117 Avenue and south of SW 76 Street</p> <p>(±20.8 gross acres)</p> <p>Requested CDMP Amendment</p> <p style="padding-left: 40px;">Redesignate application site on the LUP map</p> <p style="padding-left: 80px;">From: "Institutions, Utilities, and Communications"</p> <p style="padding-left: 80px;">To: "Parks and Recreation"</p> <p>Standard Amendment</p>	

**Section 2.** The Board hereby requests the reviewing agencies to review the transmitted application pursuant to Section 163.3184(3), Florida Statutes.

**Section 3.** The Board hereby reserves its 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 4.** The Board declares its intention to advertise and conduct one or more public hearings in year 2014 to address the pending November 2013 Cycle Application to amend the CDMP.

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:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 21<sup>st</sup> day of May, 2014. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this 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.



Craig H. Collier

# Memorandum



**Date:** May 21, 2014

**To:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

**Subject:** Application No. 4 in the November 2013 Cycle Applications to Amend the Comprehensive  
Development Master Plan

Agenda Item No. 4(C)(1)

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over the "From:" field.

---

The attached ordinance addresses a Comprehensive Development Master Plan staff application that appears on the agenda under Senator Javier D. Souto's 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 ordinance, were prepared by the Department of Regulatory and Economic Resources.

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

Jack Osterholt  
Deputy Mayor



# MEMORANDUM

(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** May 21, 2014

**FROM:**   
R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No. 4(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
- 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. 4(C)(1)  
5-21-14

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP); PROVIDING DISPOSITION OF APPLICATION NO. 4 LOCATED ON THE EAST SIDE OF SW 117 AVENUE AND SOUTH OF SW 76 STREET FILED IN NOVEMBER 2013 CYCLE TO AMEND, MODIFY, OR CHANGE CDMP; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE

**WHEREAS**, the Miami-Dade Board of County Commissioners (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**, Section 2-116.1 of the Code of Miami-Dade County, Florida, provides procedures for amending the CDMP, which comply with the requirements of the foregoing State Statutes; and

**WHEREAS**, Application No. 4 was filed by Miami-Dade County on or before December 2, 2013, and is contained in the document titled "November 2013 Applications to Amend the Comprehensive Development Master Plan, dated December 23, 2013; and

**WHEREAS**, the Department of Regulatory and Economic Resources (Department) issued its initial recommendations addressing the November 2013 Cycle Applications in a report titled "Initial Recommendations November 2013 Applications to Amend the Comprehensive Development Master Plan", dated March 10, 2014, as required by Section 2-116.1, Code of

Miami-Dade County, and may issue final recommendations on transmitted applications prior to final action by the Board; and

**WHEREAS**, the affected Community Council, the Planning Advisory Board, and the Department have acted in accordance with the referenced State and County procedures and have accepted this application, conducted public hearings and issued recommendations for the disposition of the CDMP amendment request; and

**WHEREAS**, the Board must take final action to Adopt, Adopt With Change or Deny application to amend the CDMP no later than forty-five (45) days after receipt of written comments from the reviewing agencies addressing transmitted applications, unless a greater time period is deemed necessary by the Director of the Department, pursuant to Section 2-116.1(4)(a) of the Code of Miami-Dade County, Florida; and

**WHEREAS**, all existing lawful uses and zoning in effect prior to an amendment to the CDMP are deemed to remain consistent with this Plan as amended unless the Board, in conjunction with a particular zoning action, finds such pre-existing zoning or uses to be inconsistent with the CDMP based upon a planning activity or study addressing the criteria set forth in this Plan; 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 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. 4 filed for review during the November 2013 Cycle for amendments, modifications, additions or changes to the CDMP as follows:

Application Number	Applicant/Representative Location and Size Requested Amendments to the CDMP Land Use Plan Map or Text	Final Action
4	Miami-Dade County/Jack Osterholt, Deputy Mayor/Director, Department of Regulatory and Economic Resources; and Jack Kardys, Director, Department of Parks, Recreation and Open Space  East side of SW 117 Avenue and south of SW 76 Street (±20.8 gross acres)  Requested CDMP Amendment  Redesignate application site on the LUP map  From: "Institutions, Utilities, and Communications"  To: "Parks and Recreation"  Standard 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 (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, pursuant to Section 163.3184(3)(c)4, Florida Statutes, the effective date of the adopted plan amendment included within the overall amendment shall be 31 days after the State Land Planning Agency notifies the local government that the plan amendment package is complete, if the amendment is not timely challenged. If timely challenged, the amendment shall become effective on the date the State Land Planning Agency or the Administration Commission enters a final order 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, the 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:



Craig H. Coller

# Memorandum



**Date:** May 21, 2014

**To:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez".

**Subject:** Application No. 5 in the November 2013 Cycle Applications to Amend the Comprehensive Development Master Plan

Agenda Item No. 4(D)

---

The attached resolution addresses a Comprehensive Development Master Plan staff application that appears on the agenda under Commissioner Dennis C. Moss' 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.

A handwritten signature in black ink, appearing to read "Jack Osterholt".

---

Jack Osterholt  
Deputy Mayor



# MEMORANDUM

(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** May 21, 2014

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No. 4(D)

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
- 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. 4(D)  
5-21-14

RESOLUTION NO. \_\_\_\_\_

RESOLUTION PERTAINING TO NOVEMBER 2013 CYCLE APPLICATIONS REQUESTING AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP); INSTRUCTING THE MAYOR WHETHER OR NOT TO TRANSMIT APPLICATION NO. 5 AMENDING THE TEXT OF THE AGRICULTURAL LAND USE CATEGORY IN THE LAND USE ELEMENT OF THE CDMP TO THE STATE LAND PLANNING AGENCY; REQUESTING STATE LAND PLANNING AGENCY TO REVIEW APPLICATION NO. 5; 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 Section 163, Part 2, Florida Statutes, the Comprehensive Development Master Plan (CDMP) for Miami-Dade County was adopted by the Miami-Dade Board of County Commissioners (Board) in 1988; and

**WHEREAS**, Section 2-116.1 of the Code of Miami-Dade County, Florida, provides procedures for amending the CDMP, which comply with the requirements of the foregoing State Statutes; and

**WHEREAS**, Application No. 5 was filed by Miami-Dade County on or before December 2, 2013, and is contained in the document titled "November 2013 Applications to Amend the Comprehensive Development Master Plan, dated December 23, 2013; and

**WHEREAS**, the Department of Regulatory and Economic Resources (Department) issued its initial recommendations addressing the November 2013 Cycle Applications in a report titled "Initial Recommendations November 2013 Applications to Amend the Comprehensive Development Master Plan", dated March 10, 2014, as required by Section 2-116.1, Code of

Miami-Dade County, and may issue final recommendations on transmitted applications prior to final action by the Board; and

**WHEREAS**, the Planning Advisory Board and the Department have acted in accordance with the referenced State and County procedures and have accepted this application, conducted public hearings and issued recommendations for the disposition of the CDMP amendment request; and

**WHEREAS**, this Board desires to further evaluate, without prejudice, Application No. 5 filed for review and action during the November 2013 CDMP Amendment Cycle if hereby transmitted,

**WHEREAS**, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:**

**Section 1.** The Board, having considered the following application requesting amendments to the CDMP, hereby directs the Mayor 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 to transmit the application to the reviewing agencies along with all other materials 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	Transmittal Instruction and/or Recommended Action
5	Miami-Dade County/Jack Osterholt, Deputy Mayor/Director, Department of Regulatory and Economic Resources  Countywide  <u>Requested CDMP Amendments</u> 1. Revise the Agriculture text in the CDMP Land Use Element to provide that uses in the South Dade Agricultural Area that promote ecotourism and agritourism are not restricted to locating on an existing arterial roadway and;  2. Revise the Agricultural text in the CDMP Land Use Element to allow wineries to utilize imported products for winemaking.  Standard Amendment	

**Section 2.** The Board hereby requests the reviewing agencies to review the transmitted application pursuant to Section 163.3184(3), Florida Statutes.

**Section 3.** The Board hereby reserves its 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 4.** The Board declares its intention to advertise and conduct one or more public hearings in year 2014 to address the pending November 2013 Cycle Application to amend the CDMP.

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:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 21<sup>st</sup> day of May, 2014. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this 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.



Craig H. Coller

# Memorandum



**Date:** May 21, 2014

**To:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez".

**Subject:** Application No. 5 in the November 2013 Cycle Applications to Amend the Comprehensive Development Master Plan

Agenda Item No. 4(D)(1)

---

The attached ordinance addresses a Comprehensive Development Master Plan staff application that appears on the agenda under Commissioner Dennis C. Moss' 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 ordinance, were prepared by the Department of Regulatory and Economic Resources.

A handwritten signature in black ink, appearing to read "Jack Osterholt".

---

Jack Osterholt  
Deputy Mayor



MEMORANDUM  
(Revised)

TO: Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

DATE: May 21, 2014

FROM: R. A. Cuevas, Jr.  
County Attorney

SUBJECT: Agenda Item No. 4(D)(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
- 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. 4(D)(1)

Veto \_\_\_\_\_

5-21-14

Override \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP); PROVIDING DISPOSITION OF APPLICATION NO. 5 AMENDING THE TEXT OF THE AGRICULTURAL LAND USE CATEGORY IN THE LAND USE ELEMENT OF THE CDMP FILED IN NOVEMBER 2013 CYCLE TO AMEND, MODIFY, OR CHANGE CDMP; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE

**WHEREAS**, the Miami-Dade Board of County Commissioners (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**, Section 2-116.1 of the Code of Miami-Dade County, Florida, provides procedures for amending the CDMP, which comply with the requirements of the foregoing State Statutes; and

**WHEREAS**, Application No. 5 was filed by Miami-Dade County on or before December 2, 2013, and is contained in the document titled "November 2013 Applications to Amend the Comprehensive Development Master Plan, dated December 23, 2013; and

**WHEREAS**, the Department of Regulatory and Economic Resources (Department) issued its initial recommendations addressing the November 2013 Cycle Applications in a report titled "Initial Recommendations November 2013 Applications to Amend the Comprehensive Development Master Plan", dated March 10, 2014, as required by Section 2-116.1, Code of

Miami-Dade County, and may issue final recommendations on transmitted applications prior to final action by the Board; and

**WHEREAS**, the Planning Advisory Board and the Department have acted in accordance with the referenced State and County procedures and have accepted this application, conducted public hearings and issued recommendations for the disposition of the CDMP amendment request; and

**WHEREAS**, the Board must take final action to Adopt, Adopt With Change or Deny the application to amend the CDMP no later than forty-five (45) days after receipt of written comments from the reviewing agencies addressing transmitted applications, unless a greater time period is deemed necessary by the Director of the Department, pursuant to Section 2-116.1(4)(a) of the Code of Miami-Dade County, Florida; and

**WHEREAS**, all existing lawful uses and zoning in effect prior to an amendment to the CDMP are deemed to remain consistent with this Plan as amended unless the Board, in conjunction with a particular zoning action, finds such pre-existing zoning or uses to be inconsistent with the CDMP based upon a planning activity or study addressing the criteria set forth in this Plan; 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 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. 5 filed for review during the November 2013 Cycle for amendments, modifications, additions or changes to the CDMP as follows:

Application Number	Applicant/Representative Location and Size Requested Amendments to the CDMP Land Use Plan Map or Text	Final Action
5	Miami-Dade County/Jack Osterholt, Deputy Mayor/Director, Department of Regulatory and Economic Resources Countywide Requested CDMP Amendment <ol style="list-style-type: none"><li>1. Revise the Agriculture text in the CDMP Land Use Element to provide that uses in the South Dade Agricultural Area that promote ecotourism and agritourism are not restricted to locating on an existing arterial roadway and;</li><li>2. Revise the Agricultural text in the CDMP Land Use Element to allow wineries to utilize imported products for winemaking.</li></ol> Standard 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 this Board; however, pursuant to Section 163.3184(3)(c)4, Florida Statutes, the effective date of the adopted plan amendment included within the overall amendment shall be 31 days after the State Land Planning Agency notifies the local government that the plan amendment package is complete, if the amendment is not timely challenged. If timely challenged, the amendment shall become effective on the date the State Land Planning Agency or the Administration Commission enters a final order 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, the 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:



Craig H. Coller

# Memorandum



**Date:** May 21, 2014

**To:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

**Subject:** Application No. 6 in the November 2013 Cycle Applications to Amend the Comprehensive  
Development Master Plan

Agenda Item No. 4(E)

---

The attached resolution addresses a Comprehensive Development Master Plan staff application that appears on the agenda under Chairwoman Rebeca Sosa's 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.

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

Jack Osterholt  
Deputy Mayor

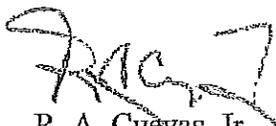


# MEMORANDUM

(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** May 21, 2014

**FROM:**   
R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No. 4(E)

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
- 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. 4(E)  
5-21-14

RESOLUTION NO. \_\_\_\_\_

RESOLUTION PERTAINING TO NOVEMBER 2013 CYCLE APPLICATIONS REQUESTING AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP); INSTRUCTING THE MAYOR WHETHER OR NOT TO TRANSMIT APPLICATION NO. 6 AMENDING THE TEXT OF THE CONSERVATION, AQUIFER RECHARGE AND DRAINAGE ELEMENT OF THE CDMP TO THE STATE LAND PLANNING AGENCY; REQUESTING STATE LAND PLANNING AGENCY TO REVIEW APPLICATION NO. 6; 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 Section 163, Part 2, Florida Statutes, the Comprehensive Development Master Plan (CDMP) for Miami-Dade County was adopted by the Miami-Dade Board of County Commissioners (Board) in 1988; and

**WHEREAS**, Section 2-116.1 of the Code of Miami-Dade County, Florida, provides procedures for amending the CDMP, which comply with the requirements of the foregoing State Statutes; and

**WHEREAS**, Application No. 6 was filed by Miami-Dade County and included in the November 2013 Cycle of Applications to Amend the Comprehensive Development Master Plan; and

**WHEREAS**, the Department of Regulatory and Economic Resources (Department) issued its initial recommendations addressing the November 2013 Cycle Applications in a report titled "Initial Recommendations November 2013 Applications to Amend the Comprehensive Development Master Plan", dated March 10, 2014, as required by Section 2-116.1, Code of

3

Miami-Dade County, and may issue final recommendations on transmitted applications prior to final action by the Board; and

**WHEREAS**, the Planning Advisory Board and the Department have acted in accordance with the referenced State and County procedures and have accepted this application, conducted public hearings and issued recommendations for the disposition of the CDMP amendment request; and

**WHEREAS**, this Board desires to further evaluate, without prejudice, Applications No. 6 filed for review and action during the November 2013 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.** The Board, having considered the following application requesting amendments to the CDMP, hereby directs the Mayor 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 to transmit the application to the reviewing agencies along with all other materials 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	Transmittal Instruction and/or Recommended Action
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Application Number	Applicant/Representative Location and Size Requested Amendments to the CDMP Land Use Plan Map or Text	Transmittal Instruction and/or Recommended Action
6	Miami-Dade County/Jack Osterholt, Deputy Mayor/Director, Department of Regulatory and Economic Resources  Countywide  <u>Requested CDMP Amendments</u> Amend the CDMP Conservation, Aquifer Recharge and Drainage Element of the CDMP to correct the Miami-Dade County Code reference in Policy CON-8I.  Standard Amendment	

Section 2. The Board hereby requests the reviewing agencies to review the transmitted application pursuant to Section 163.3184(3), Florida Statutes.

Section 3. The Board hereby reserves its 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 4. The Board declares its intention to advertise and conduct one or more public hearings in year 2014 to address the pending November 2013 Cycle Application to amend the CDMP.

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:

Rebeca Sosa, Chairwoman  
Lynda Bell, Vice Chair

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

Esteban L. Bovo, Jr.  
Audrey M. Edmonson  
Barbara J. Jordan  
Dennis C. Moss  
Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 21<sup>st</sup> day of May, 2014. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this 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.



Craig H. Collier

# Memorandum



**Date:** May 21, 2014

**To:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

**Subject:** Application No. 6 in the November 2013 Cycle Applications to Amend the Comprehensive Development Master Plan

Agenda Item No. 4(E)(1)

---

The attached ordinance addresses a Comprehensive Development Master Plan staff application that appears on the agenda under Chairwoman Rebeca Sosa's 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 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 Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** May 21, 2014

**FROM:**   
R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No. 4(E)(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
- 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. 4(E)(1)  
5-21-14

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP); PROVIDING DISPOSITION OF APPLICATION NO. 6 AMENDING THE TEXT OF THE AGRICULTURAL LAND USE CATEGORY IN THE LAND USE ELEMENT OF THE CDMP FILED IN NOVEMBER 2013 CYCLE TO AMEND, MODIFY, OR CHANGE CDMP; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE

**WHEREAS**, the Miami-Dade Board of County Commissioners (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**, Section 2-116.1 of the Code of Miami-Dade County, Florida, provides procedures for amending the CDMP, which comply with the requirements of the foregoing State Statutes; and

**WHEREAS**, Application No. 6 was filed by Miami-Dade County and included in the November 2013 Cycle of Applications to Amend the Comprehensive Development Master Plan; and

**WHEREAS**, the Department of Regulatory and Economic Resources (Department) issued its initial recommendations addressing the November 2013 Cycle Applications in a report titled "Initial Recommendations November 2013 Applications to Amend the Comprehensive Development Master Plan", dated March 10, 2014, as required by Section 2-116.1, Code of

Miami-Dade County, and may issue final recommendations on transmitted applications prior to final action by the Board; and

**WHEREAS**, the Planning Advisory Board and the Department have acted in accordance with the referenced State and County procedures and have accepted this application, conducted public hearings and issued recommendations for the disposition of the CDMP amendment request; and

**WHEREAS**, the Board must take final action to Adopt, Adopt With Change or Deny application to amend the CDMP no later than forty (45) days after receipt of written comments from the reviewing agencies addressing transmitted applications, unless a greater time period is deemed necessary by the Director of the Department, pursuant to Section 2-116.1(4)(a) of the Code of Miami-Dade County, Florida; and

**WHEREAS**, all existing lawful uses and zoning in effect prior to an amendment to the CDMP are deemed to remain consistent with this Plan as amended unless the Board, in conjunction with a particular zoning action, finds such pre-existing zoning or uses to be inconsistent with the CDMP based upon a planning activity or study addressing the criteria set forth in this Plan; 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 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. 6 filed for review during the November 2013 Cycle for amendments, modifications, additions or changes to the CDMP as follows:

Application Number	Applicant/Representative Location and Size Requested Amendments to the CDMP Land Use Plan Map or Text	Final Action
6	Miami-Dade County/Jack Osterholt, Deputy Mayor/Director, Department of Regulatory and Economic Resources  Countywide  Requested CDMP Amendments  Amend the CDMP Conservation, Aquifer Recharge and Drainage Element of the CDMP to correct the Miami-Dade County Code reference in Policy CON-8I.  Standard 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 (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, pursuant to Section 163.3184(3)(c)4, Florida Statutes, the effective date of the adopted plan amendment included within the overall amendment shall be

31 days after the State Land Planning Agency notifies the local government that the plan amendment package is complete, if the amendment is not timely challenged. If timely challenged, the amendment shall become effective on the date the State Land Planning Agency or the Administration Commission enters a final order 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, the 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:



Craig H. Coller

**ADDITIONAL ITEMS**  
**BOARD OF COUNTY COMMISSIONERS PUBLIC HEARING**  
**NOVEMBER 2013 CYCLE APPLICATIONS TO AMEND THE**  
**COMPREHENSIVE DEVELOPMENT MASTER PLAN**

**May 21, 2014**

<b><u>ITEM</u></b>	<b>PAGE NO.</b>
• Resolution of the Planning Advisory Board (PAB) from public hearing held April 14, 2014, addressing the November 2013 Cycle Applications;	A-3
• Minutes of the PAB from public hearing held April 14, 2014, addressing the November 2013 Cycle Applications;	A-11
<u>Application No. 1</u>	
• Resolution of the Westchester Community Council (10) from public hearing held March 18, 2014;	A-19
• Revised Modification of Declaration of Restrictions proffered by the applicant on April 8, 2014, in support of Application No. 1;	A-21
• Photos in support of Application No. 1 submitted by Hugo Arza, Esq.;	A-29
<u>Application No. 2</u>	
• Letter submitted by Dr. Barbara Broussard in support of Application No. 2, dated March 20, 2014;	A-49
• PowerPoint Presentation by Bercow, Radell and Fernandez presented at the Planning Advisory Board public hearing held April 14, 2014;	A-51
<u>Application No. 3</u>	
• Resolution of the Country Club of Miami Community Council (5) from public hearing held March 20, 2014; and	A-65
<u>Application No. 4</u>	
• Resolution of the Kendall Community Council (12) from public hearing held March 25, 2014.	A-67

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RESOLUTION OF THE MIAMI-DADE COUNTY PLANNING ADVISORY BOARD ACTING AS THE LOCAL PLANNING AGENCY ISSUING RECOMMENDATIONS TO THE BOARD OF COUNTY COMMISSIONERS REGARDING FINAL DISPOSITION OF SMALL-SCALE AMENDMENT APPLICATION AND TRANSMITTAL TO THE STATE LAND PLANNING AGENCY OF THE STANDARD NOVEMBER 2013 CYCLE APPLICATIONS TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN, AND ADOPTING RECOMMENDATIONS AS TO SUBSEQUENT FINAL ACTION.

**WHEREAS**, pursuant to Chapter 163, Part II, Florida Statutes, the Comprehensive Development Master Plan (CDMP) for Miami-Dade County was adopted by the Miami-Dade Board of County Commissioners (Commission) in November 1988; and

**WHEREAS**, Section 2-116.1 of the Code of Miami-Dade County, Florida, provides procedures for amending the CDMP, which comply with the requirements of the Florida Statutes referenced above; and

**WHEREAS**, six (6) applications were filed in the November 2013 Cycle of Amendments to the CDMP; and

**WHEREAS**, of the six (6) applications, one (1) is a modification to an existing Declaration of Restrictions (Application No. 1), three (3) are Land Use Plan map amendments (Application Nos. 2, 3 and 4), and two (2) are text amendments to the Land Use Element and the Conservation, Aquifer Recharge and Drainage Element (Application Nos. 5 and 6, respectively); and

**WHEREAS**, Miami-Dade County's procedures provide for the expedited processing of small-scale amendments as defined in section 163.3187, Florida Statutes; and

**WHEREAS**, of the three (3) Land Use Plan map amendments filed in the November 2013 CDMP Amendment Cycle, Application No. 2 requested expedited adoption, if eligible, as a small-scale CDMP amendment; and

**WHEREAS**, Miami-Dade County's Department of Regulatory and Economic Resources (Department) has published its initial recommendations addressing the referenced CDMP amendment applications in the report titled "Initial Recommendations November 2013 Applications to Amend the Comprehensive Development Master Plan," dated March 10, 2014; and

**WHEREAS**, affected Community Councils have conducted optional public hearings pursuant to Section 2-116.1 (3)(e), Code of Miami-Dade County, Florida, to address the CDMP amendment applications that would directly impact their respective council areas and issued recommendations to the Planning Advisory Board and the Commission; and

**WHEREAS**, the Planning Advisory Board, acting as the Local Planning Agency, has acted in accord with the referenced State and County procedures, and has conducted a duly noticed public hearing to receive public comments and to address the referenced CDMP amendment applications, the initial recommendations of the Department, the transmittal by the Commission of standard CDMP amendments to the State Land Planning Agency and other state and regional agencies (the reviewing agencies) for review and comment, and to address the subsequent final action on standard CDMP amendments by the Commission.

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

This Agency hereby makes the following recommendations to the Commission regarding the adoption of small-scale Land Use Plan map amendment Application No. 2; the transmittal to the reviewing agencies of the standard CDMP amendment Application Nos. 1, 3, 4, 5 and 6; and the recommendations regarding the subsequent final actions by the Commission.

Application Number	Applicant/Representative Location (Size) Requested Standard Amendment to the CDMP	<ul style="list-style-type: none"> <li>• Transmittal Recommendation</li> <li>• Recommendation as to Subsequent Action</li> </ul>
1	CJUF III Flagler, LLC/Juan J. Mayol, Jr., Esq. and Hugo Arza, Esq.  North side of West Flagler Street between NW 87 and 97 Avenues / (±39.51 Gross; ±36.27 Net)  <u>Requested CDMP Amendment</u> Modify existing Declaration of Restrictions listed in the Restrictions Table in Appendix A of the CDMP Land Use Element to: <ol style="list-style-type: none"> <li>1. Allow businesses on the application site to begin daily operations at 5:00 AM, rather than at 6:00 AM as currently allowed.</li> <li>2. Revise the "Modification, Amendment, Release" clause.</li> </ol>	Transmit With Change As Requested By The Applicant And Adopt
<u>Standard Amendment</u>		

The motion to recommend "Transmit with Change as Requested by the Applicant and Adopt" was moved by Board Member Huembes. Board Member Bao-Garciga seconded the motion. The motion passed 12 to 0 as follows:

Carla Ascencio-Savola	Yes	Serafin Leal	Absent
Aida G. Bao-Garciga	Yes	Raymond Marin	Yes
Jose Bared	Yes	Javier Muñoz	Yes
Reginald Clyne	Yes	Georgina Santiago	Yes
Peter DiPace	Absent	Jesus R. Vazquez	Yes
Horacio Huembes	Yes	Paul Wilson	Absent
Joseph James	Yes		

William A. Riley, Vice Chair, Yes  
 Wayne Rinehart, Chair, Yes

Application Number	Applicant/Representative Location (Size) Requested Standard Amendment to the CDMP	Recommended Action on Small-Scale Amendment
2	TLG FL., LLC/Eric Milne, President  Southwest corner of the intersection of SW 224 Street and SW 112 Avenue / (±2.643 Gross; ±1.954 Net)  <u>Requested CDMP Amendment</u> Redesignate application site on the Land Use Plan (LUP) map: From: "Low Density Residential (2.5 to 6 dwelling units per gross acre)" To: "Business and Office"  Small Scale Amendment	Adopt as a Small-Scale Amendment

The motion to recommend "Adopt with Change as a Small-Scale Amendment" was moved by Board Member James. Board Member Clyne seconded the motion. The motion passed 12 to 1 as follows:

Carla Ascencio-Savola	Yes	Serafin Leal	Yes
Aida G. Bao-Garciga	Yes	Raymond Marin	Yes
Jose Bared	Yes	Javier Muñoz	Yes
Reginald Clyne	Yes	Georgina Santiago	Yes
Peter DiPace	Absent	Jesus R. Vazquez	Yes
Horacio Huembes	Yes	Paul Wilson	Absent
Joseph James	Yes		

William A. Riley, Vice Chair, No  
 Wayne Rinehart, Chair, Yes

Application Number	Applicant/Representative Location (Size) Requested Standard Amendment to the CDMP	<ul style="list-style-type: none"> <li>• Transmittal Recommendation</li> <li>• Recommendation as to Subsequent Action</li> </ul>
3	Miami-Dade County/Jack Osterholt, Deputy Mayor/Director, Department of Regulatory and Economic Resources; and Lester Sola, Director, Internal Services Department.  West side of NW 47th Avenue between Snake Creek Canal and NW 199 Street / (±165.9 Gross; ±162.7 Net)  <u>Requested CDMP Amendment</u> 1. Redesignate application site on the LUP map: From: "Institutions, Utilities, and Communication" To: "Business and Office"  2. Add text to the CDMP Land Use Element limiting development on the site to a maximum floor area ratio (FAR) of 0.35.  Standard Amendment	Transmit with Change and Adopt with the condition that the County provide a 99-year lease to His House.

The motion to recommend “Transmit and Adopt” (with the condition that the County provide a 99-year lease to His House) was moved by Board Member Ascencio-Savola. Board Member Riley seconded the motion. The motion passed unanimously as follows:

Carla Ascencio-Savola	Yes	Serafin Leal	Yes
Aida G. Bao-Garciga	Yes	Raymond Marin	Yes
Jose Bared	Yes	Javier Muñoz	Yes
Reginald Clyne	Absent	Georgina Santiago	Yes
Peter DiPace	Absent	Jesus R. Vazquez	Yes
Horacio Huembes	Yes	Paul Wilson	Absent
Joseph James	Yes		

William A. Riley, Vice Chair, Yes  
 Wayne Rinehart, Chair, Yes

Application Number	Applicant/Representative Location (Size) Requested Standard Amendment to the CDMP	<ul style="list-style-type: none"> <li>• Transmittal Recommendation</li> <li>• Recommendation as to Subsequent Action</li> </ul>
4	Miami-Dade County/Jack Osterholt, Deputy Mayor/Director, Department of Regulatory and Economic Resources; and Jack Kardys, Director, Department of Parks, Recreation and Open Space.  East side of SW 117 Avenue and south of SW 76 Street. (±20.8 Gross; ±18.84 Net).  <u>Requested CDMP Amendment</u>  Redesignate the application site on the LUP map From: “Institutions, Utilities, and Communication” To: “Parks and Recreation”  Standard Amendment	Transmit and Adopt

The motion to recommend “Transmit and Adopt” was moved by Board Member Huembes. Board Member Bao-Garciga seconded the motion. The motion passed unanimously as follows:

Carla Ascencio-Savola	Yes	Serafin Leal	Yes
Aida G. Bao-Garciga	Yes	Raymond Marin	Yes
Jose Bared	Yes	Javier Muñoz	Yes
Reginald Clyne	Absent	Georgina Santiago	Yes
Peter DiPace	Absent	Jesus R. Vazquez	Yes
Horacio Huembes	Yes	Paul Wilson	Absent
Joseph James	Yes		

William A. Riley, Vice Chair, Yes  
 Wayne Rinehart, Chair, Yes

Application Number	Applicant/Representative Location (Size) Requested Standard Amendment to the CDMP	<ul style="list-style-type: none"> <li>• Transmittal Recommendation</li> <li>• Recommendation as to Subsequent Action</li> </ul>
5	Miami-Dade County/Jack Osterholt, Deputy Mayor/Director Department of Regulatory and Economic Resources. <u>Requested CDMP Amendment</u> 1. Revise the Agriculture text in the CDMP Land Use Element to provide that uses in the South Dade Agricultural Area that promote ecotourism and agritourism are not restricted to locating on an existing arterial roadway and; 2. Revise the Agricultural text in the CDMP Land Use Element to allow wineries to utilize imported products for winemaking. <u>Standard Amendment</u>	Transmit and Adopt

The motion to recommend "Transmit and Adopt" was moved by Board Member Vazquez. Board Member Leal seconded the motion. The motion passed unanimously as follows:

Carla Ascencio-Savola	Yes	Serafin Leal	Yes
Aida G. Bao-Garciga	Yes	Raymond Marin	Yes
Jose Bared	Yes	Javier Muñoz	Yes
Reginald Clyne	Absent	Georgina Santiago	Yes
Peter DiPace	Absent	Jesus R. Vazquez	Yes
Horacio Huembes	Yes	Paul Wilson	Absent
Joseph James	Yes		

William A. Riley, Vice Chair, Yes  
 Wayne Rinehart, Chair, Yes

Application Number	Applicant/Representative Location (Size) Requested Standard Amendment to the CDMP	<ul style="list-style-type: none"> <li>• Transmittal Recommendation</li> <li>• Recommendation as to Subsequent Action</li> </ul>
6	Miami-Dade County/Jack Osterholt, Deputy Mayor/Director Department of Regulatory and Economic Resources. <u>Requested CDMP Amendment</u> Revise the text in the Conservation, Aquifer Recharge and Drainage Element of the CDMP to correct the Miami- Dade County Code reference in Policy CON-8I. <u>Standard Amendment</u>	Transmit and Adopt

The motion to recommend "Transmit and Adopt" was moved by Board Member Ascencio-Savola. Board Member Santiago seconded the motion. The motion unanimously as follows:

Carla Ascencio-Savola	Yes	Serafin Leal	Yes
Aida G. Bao-Garciga	Yes	Raymond Marin	Yes
Jose Bared	Yes	Javier Muñoz	Yes
Reginald Clyne	Absent	Georgina Santiago	Yes
Peter DiPace	Absent	Jesus R. Vazquez	Yes
Horacio Huembes	Yes	Paul Wilson	Absent
Joseph James	Yes		

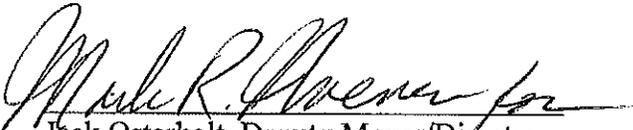
William A. Riley, Vice Chair, Yes  
Wayne Rinehart, Chair, Yes

The motion to adopt the foregoing resolution was moved by Board Member Bao-Garciga. Board Member Riley seconded the motion. The motion passed unanimously as follows:

Carla Ascencio-Savola	Yes	Serafin Leal	Yes
Aida G. Bao-Garciga	Yes	Raymond Marin	Yes
Jose Bared	Yes	Javier Muñoz	Yes
Reginald Clyne	Absent	Georgina Santiago	Yes
Peter DiPace	Absent	Jesus R. Vazquez	Yes
Horacio Huembes	Yes	Paul Wilson	Absent
Joseph James	Yes		

William A. Riley, Vice Chair  
Wayne Rinehart, Chair

The above action was taken by the Planning Advisory Board, acting as the Local Planning Agency, at the conclusion of its public hearing on April 14, 2014, and is certified correct by Jack Osterholt, Executive Secretary to the Planning Advisory Board.



Jack Osterholt, Deputy Mayor/Director  
Department of Regulatory and Economic  
Resources

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**MINUTES**

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

Public Hearing on the November 2013 Applications to  
Amend the Comprehensive Development Master Plan

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

**April 14, 2014**

**Planning Advisory Board Members**

Wayne Rinehart, Chair	Paul Wilson (Absent)
William W. Riley, Vice Chair	Joseph James
Carla Ascencio-Savola	Jesús R. Vázquez
José Bared	Serafin Leal
Aida Bao-Garciga	Raymond Marin
Reginald J. Clyne	Javier Muñoz
Peter DiPace (Absent)	Georgina Santiago
Horacio C. Huembes	

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

**Department of Regulatory and Economic Resources (Department) Staff Present**

Mark R. Woerner, AICP, Assistant Director for Planning  
Manuel Armada, Chief, Planning Research  
Napoleon Somoza, Section Supervisor, Metropolitan Planning  
Garrett Rowe, Section Supervisor, Metropolitan Planning  
Helen Brown, Principal Planner, Metropolitan Planning  
Dickson Ezeala, Principal Planner, Metropolitan Planning  
Kimberly Brown, Principal Planner, Metropolitan Planning  
Frank McCune, Senior Planner, Metropolitan Planning  
Rommel Vargas, Senior Planner, Metropolitan Planning  
Noel Stillings, Senior Planner, Metropolitan Planning  
Christine Velazquez, Chief, Office of Code Coordination & Public Hearing  
Charles LaPradd, Agriculture Manager

**Other County Staff Present**

John Bowers, PROS	Alberto Sanchez, WASD
Andy McCall, PROS	Elva Marin, ISD
Jacqueline Carranza, MDT	Lee Salomon, ISD
Jose Ramos, Aviation	

## **I. Opening Remarks**

The public hearing began at 2:13 PM. Planning Advisory Board (PAB) Chair Wayne Rinehart welcomed the public to the hearing on the November 2013 Cycle Applications to amend the Comprehensive Development Master Plan (CDMP). He introduced other members of the PAB who were present and stated the purposes of the public hearing. The Chair introduced Mark R. Woerner, Assistant Director for Planning of the Department of Regulatory and Economic Resources (Department), for the presentation of the applications.

Mr. Woerner commented briefly on the cycle and indicated that after the County Attorney reads the PAB Resolution into the record, Garrett Rowe, Section Supervisor, and Kimberly Brown, Principal Planner, would present the applications.

## **II. Staff Presentation**

### Application No. 1

Mr. Rowe introduced Application No. 1 as an amendment to modify an existing CDMP Declaration of Restrictions pertaining to a ±39.42 gross acre property located at the north side of Flagler Street generally between NW 87 Avenue and NW 97 Avenue. He pointed out that the application site is part of the former Fontainebleau Golf Course. He stated that the existing Declaration of Restrictions was accepted by the Board of County Commissioners (Commission) in May 2009 upon its approval of the April 2008 Cycle Application No. 8 that re-designated the property on the CDMP Adopted 2020 and 2030 Land Use Plan (LUP) map from "Medium Density Residential (13 to 25 Dwelling Units/Acre)" and "Parks and Recreation" to "Business and Office" (±35.06 gross acres) and "Parks & Recreation" (±4.36 gross acres). He explained that the 2009 Declaration of Restrictions limits, among others, the start time of business operations on the site to no earlier than 6:00 AM, adding that the proposed Declaration of Restrictions modification would allow a start time of 5:00 AM for business operations on the site. Mr. Rowe further explained that the applicant is also requesting that the "Modification, Amendment, Release" clause contained in the existing Declaration of Restrictions be modified to allow the owner of the subject application site and the owner of the abutting ±4.36-acre "Parks and Recreation" designated parcel to request modifications to the existing Declaration of Restrictions as it pertains to their property without the need for the each other's consent.

Mr. Rowe explained that approval of the application would not impact the level of service standards for public services and facilities. He stated that staff's recommendation is to transmit and adopt the application. He further stated that the Westchester Community Council, at their public hearing on the application, recommended to transmit and adopt the application with the change that only fitness facilities and food service establishments on the application site be allowed to begin daily business operations at 5:00 AM.

Hugo Arza, legal representative for the applicant, stated that the application site was part of the former Fontainebleau Golf Course that was the subject of a CDMP land use change, was approved for and is currently under construction for a commercial development. He added that as part of the approval of the April 2008 Cycle Application No. 8, the Commission accepted a Declaration of Restrictions which, among other development conditions, restricted the hours of operation of businesses on the application site to begin operations no earlier than 6:00 AM. He stated that, as a result of a request from a fitness facility that is being built on the site, the applicant requests that hours of operation for commercial establishments on the application site be modified to allow a start time of 5:00 AM. Mr. Arza also explained that the start time restriction would also apply to food service establishments. Mr. Arza stated that the Declaration

of Restrictions currently has a requirement that any modification to the existing Declaration of Restrictions would require the consent of the owner of the ±4.36-acre "Parks and Recreation" designated parcel abutting the application site. Mr. Arza explained that the applicant requests to be released from this condition in order to be enabled in the future to request modifications to the existing Declaration of Restrictions without the need of the adjacent property owner's consent.

No one from the public spoke in support of or against the proposed amendment.

Board Member Huembes made a motion to Transmit with Change as requested by the applicant and Adopt. The motion was seconded by Board Member Bao-Garciga. The motion passed 12 to 0 as follows:

Carla Ascencio-Savola	Yes	Serafin Leal	Absent
Aida G. Bao-Garciga	Yes	Raymond Marin	Yes
Jose Bared	Yes	Javier Muñoz	Yes
Reginald Clyne	Yes	Georgina Santiago	Yes
Peter DiPace	Absent	Jesus R. Vazquez	Yes
Horacio Huembes	Yes	Paul Wilson	Absent
Joseph James	Yes		

William H. Riley, Vice Chair, Yes  
 Wayne Rinehart, Chair, Yes

Application No. 2

Mr. Rowe introduced Application No. 2 as a small-scale amendment to the CDMP Adopted 2020 and 2030 LUP map for a vacant ±2.643 gross-acre site located at the southwest corner of the intersection of SW 224 Street and SW 112 Avenue. He stated that the site is currently designated on the LUP map as "Low Density Residential (2.5 to 6 dwelling units per gross acre)" and that the request is to change its CDMP land use designation to "Business and Office." Mr. Rowe stated that staff's recommendation is to Adopt as a Small-Scale Amendment, adding that the Application encourages infill development pursuant to CDMP Policies LU-1 and LU-1C. He further explained that approval of the Application would not cause any of the adopted level of service standards for public services and facilities to be violated. Mr. Rowe added that the proposed amendment would generally be compatible with existing development adjacent to and in the vicinity of the application site. Mr. Rowe stated that approval of the Application would not impact any historical or archaeological resources. He added that the South Bay Community Council did not have quorum at their scheduled public hearing on the Application, and therefore, there is no recommendation from the affected community council.

Melissa Tapanes, legal representative for the applicant, noted that several parcels in the vicinity of the application site were redesignated for commercial use, which supports the redesignation of the application site for commercial uses. Ms. Tapanes stated that her client's proposal is to offer a small retail operation that would serve, be easily accessible to, and provide jobs to the immediate neighborhood. She added that despite there was no quorum at the community council public hearing, there was neighborhood support for the proposed amendment. She stated that the proposed amendment is consistent with the criteria for evaluating CDMP amendment applications as stated in CDMP Policy LU-8E, adding that the proposed amendment satisfies a deficiency in the Land Use Plan map to accommodate population and economic growth in the area. Ms. Tapanes further explained that the proposed amendment would be a positive step for sustainable growth, would add to the tax base of the County,

preserve property values in the area and contribute to the local infrastructure by providing sidewalks and thus encouraging pedestrianism.

No one from the public spoke in support of or against the proposed amendment.

Board Member James spoke in support of the proposed amendment stating that approval of the Application would enhance the quality of life of the local community. Board Member Riley contended that there is enough commercially designated properties in the area and that the proposed amendment is not needed. He added that the site also contains tree resources that should be protected. Board Member Ascencio-Savola stated that approval of the proposed amendment is needed because the area is suffering from blight and there is a need for jobs. She added that the site remains vacant, and is used as a dumping ground. Board Member James stressed the importance of approving the proposed amendment because of the need of community enhancements and the need for jobs in the area. He added that most small retail operations in the area are not within walking distance from the application site and that it is in the interest of the community that the proposed amendment is approved. Board Member Riley stated that since there is approximately 113 commercially-designated vacant sites in the area, there is no need for any additional commercial land. Board Member James explained that the subject property is not suited for residential, a green area, or park uses, but that the highest and best use for the site is for a retail operation serving the local neighborhood. Ms. Tapanes stated that the property would be developed with a small retail operation and that a covenant would be proffered by the applicant during the zoning process that would address any concerns of the area residents.

There was no further discussion on the Application. Board Member James made a motion to Adopt as a Small-Scale Amendment the application. The motion was seconded by Board Member Clyne. The motion passed 12 to 1 as follows:

Carla Ascencio-Savola	Yes	Serafin Leal	Yes
Aida G. Bao-Garciga	Yes	Raymond Marin	Yes
Jose Bared	Yes	Javier Muñoz	Yes
Reginald Clyne	Yes	Georgina Santiago	Yes
Peter DiPace	Absent	Jesus R. Vazquez	Yes
Horacio Huembes	Yes	Paul Wilson	Absent
Joseph James	Yes		

William H. Riley, Vice Chair, No  
Wayne Rinehart, Chair, Yes

### Application No. 3

Mr. Rowe introduced Application No. 3 as a staff amendment to the CDMP text and Adopted 2020 and 2030 LUP map for a ±166 gross-acre County owned property located between NW 47 and NW 57 Avenues and between NW 199 Street and the Snake Creek Canal. He stated the site is currently designated "Institutions, Utilities and Communications" on the LUP map and the request is to redesignate the site to "Business and Office" and amend the Land Use Element text to limit development on the application site to a maximum floor area ratio (FAR) of 0.35; a change to the original request that sought to limit the site to a FAR of 0.40. Mr. Rowe explained that the proposed FAR seeks to assure compatibility with existing adjacent uses and ensure that the impacts generated by the maximum development allowed under the "Business and Office" designation would not cause a violation of the adopted level of service standards for public services and facilities. He stated that the County previously filed a CDMP amendment in April 2008 that sought to facilitate development of the site for residential, industrial and commercial

uses based on a conceptual plan developed through town hall meetings with the community in 2006 and 2008. He added that the April 2008 proposed amendment was withdrawn because the maximum development that would be allowed by the proposed amendment, would cause NW 47 Avenue (a two-lane roadway) to operate in violation of its adopted level of service standard. Mr. Rowe explained that currently, the Florida Department of Transportation (FDOT) has programmed a project to widen NW 47 Avenue to a four-lane roadway from NW 183 Street to north of the Countyline in Fiscal Year 2017 - 2018.

Mr. Rowe explained that the intent of the proposed amendment is for economic development in the area, adding that the application site is currently underdeveloped, with approximately half of the site being currently vacant. He stated that the "Business and Office" CDMP land use category offers the most flexibility to facilitate economic development in the area. Mr. Rowe explained that, with the 0.35 FAR restriction, there would be no impact to public services and facilities, except to Miami-Dade Public School System, which impact would be mitigated during plat approval of site planning. He pointed out that while the Miami-Dade Fire Rescue Department categorizes the impacts to fire and rescue services as severe, the Fire Rescue Department also state that services are adequate in the vicinity of the application site.

Mr. Rowe stated that the proposed amendment would be compatible with existing developments surrounding the application site. He added that approval of the application would not impact any historic or archaeological resources; however, the site may contain tree resources and wetlands, which are required to be protected pursuant to County Code. He stated that staff's recommendation on the application is to transmit with change and adopt. He stated that the Country Club of Miami Community Council's recommendation on the application is to transmit with conditions. He outlined that the conditions include, among others, for Miami-Dade County to retain ownership of the application site for 99 years; to conduct a Charrette for the site; that the County address the severe impact to fire and rescue service; to prohibit residential development on the site; ensure funding for the widening of NW 47 Avenue from NW 186 Street to north of the Countyline and permit no development on site until roadway improvement is complete; that County to provide a 99-year lease to His House and designate adequate area on the rear of the site to accommodate His House with its planned expansion; and that the County should not allow the property to be annexed. Mr. Rowe reiterated that the FDOT has programmed a project to widen a roadway segment of NW 47 Avenue to a four-lane roadway; that the Fire Rescue Department has stated that fire rescue services are adequate and has identified no need for additional fire rescue facilities or additional personnel to service the application site. He then stated that the other conditions recommended by the Community Council would be more appropriately addressed later in the development process.

Board Member Ascencio-Savola asked about the status of the County lease to His House. Leland Salomon, Assistant Director for the Miami-Dade County Internal Services Department responded that the County has not been able to renew the recently-expired lease agreement with His House, that His House is currently operating on the property at the will of the County, and would remain on the property until a lease agreement is negotiated. Mr. Muñoz asked if green space would be provided in the redevelopment of the site. Mr. Rowe stated that if a park is proposed as a component of the economic development proposal for the area, it would be allowed under the requested land use designation of "Business and Office". Board Member Santiago expressed support for the application and commended the County for submitting the application. Chair Rinehart commended the Country Club of Miami Community Council for addressing most of his concerns. Board Member Leal stated that the proposed amendment provides an excellent opportunity to approach the redevelopment of the site as a Planned Unit Development as opposed to splitting the application site into separate parcels.

Silvia Torres, Chief Operating Officer for His House, and Elizabeth Anon, Interim Executive Director of His House, spoke as representatives for His House. Ms. Torres stated that His House serves abused and neglected children including immigrant children. She stated that the federal government has estimated that approximately 60,000 children will cross the United States borders to re-unite with their families. She further stated that His House needs additional acreage to satisfy the need for additional space in order to address the housing needs of displaced children. Ms. Torres and Ms. Anon expressed that His House wants to remain on the property, regardless of the outcome of the CDMP amendment application.

Board Member Ascencio-Savola stated that she would not support the application until an arrangement is made to secure the well-being of His House and made a motion to deny the application. The motion was seconded by Board Member Riley. Board Member Huembes questioned whether the application should be allowed to proceed through the process. Board Member Ascencio-Savola questioned if the motion could be made subject to conditions addressing His House. Mark Woerner responded that the motion could include conditions and he pointed out that there has been no attempt to remove His House from the property and that the proposed amendment would not impact the County's lease negotiations with His House.

There was no further discussion on the proposed amendment. Board Member Ascencio-Savola changed the motion to Transmit with Change and Adopt with the condition that the County provide a 99-year lease to His House. The motion was seconded by Board Member Riley. The motion passed unanimously as follows:

Carla Ascencio-Savola	Yes	Serafin Leal	Yes
Aida G. Bao-Garciga	Yes	Raymond Marin	Yes
Jose Bared	Yes	Javier Muñoz	Yes
Reginald Clyne	Absent	Georgina Santiago	Yes
Peter DiPace	Absent	Jesus R. Vazquez	Yes
Horacio Huembes	Yes	Paul Wilson	Absent
Joseph James	Yes		

William H. Riley, Vice Chair, Yes

Wayne Rinehart, Chair, Yes

#### Application No. 4

Mr. Rowe introduced Application No. 4 as a staff amendment to the CDMP Adopted 2020 and 2030 LUP map for a ±20.8 gross-acre property located on the east side of SW 117 Avenue and south of SW 76 Street. He stated the site is currently designated "Institutions, Utilities and Communications" and the request is to redesignate the site to "Parks and Recreation." Mr. Rowe stated that staff's recommendation on the application is to transmit and adopt, adding that the application fulfills the requirement of Resolution No. R-718-12, adopted in September 2012 by the Commission. He explained that the resolution directs the County Mayor to file an application to amend the Land Use Plan map to designate County-owned land located adjacent to the Kendall Indian Hammocks Park as "Parks and Recreation" in order to accommodate the future growth and development of the Park. Mr. Rowe further explained that the application implements the Kendall Indian Hammocks Park General Plan, which depicts the application site as a "passive park".

No one from the public spoke in support of or against the proposed amendment.

Board Member Huembes made a motion to Transmit and Adopt. The motion was seconded by Board Member Bao-Garciga. The motion passed unanimously as follows:

Carla Ascencio-Savola	Yes	Serafin Leal	Yes
Aida G. Bao-Garciga	Yes	Raymond Marin	Yes
Jose Bared	Yes	Javier Muñoz	Yes
Reginald Clyne	Absent	Georgina Santiago	Yes
Peter DiPace	Absent	Jesus R. Vazquez	Yes
Horacio Huembes	Yes	Paul Wilson	Absent
Joseph James	Yes		

William H. Riley, Vice Chair, Yes  
 Wayne Rinehart, Chair, Yes

Application No. 5

Kimberly Brown introduced the application as a staff application to amend the Agriculture text in the Land Use Element of the CDMP. She explained that the proposed text change provides an exception to the CDMP imposed limitation that agricultural products be from Florida, by allowing local wineries to utilize imported agricultural products, such as bunch grapes, for winemaking. Ms. Brown stated that the text change would promote agritourism, ecotourism and value added agriculture operations such as wineries as a means of supporting the agriculture industry and the conservation of agriculture lands in the County. She further explained that the proposed text amendment would also allow uses that promote ecotourism and agritourism consistent with Policy LU-1P, to operate in "Agriculture" designated areas without the need to be located on an existing arterial roadway. She stated that staff's recommendation is that the application be transmitted and adopted.

No one from the public spoke in support of or against the proposed amendment.

Board Member Vazquez made a motion to Adopt. The motion was seconded by Board Member Leal. The motion passed unanimously as follows:

Carla Ascencio-Savola	Yes	Serafin Leal	Yes
Aida G. Bao-Garciga	Yes	Raymond Marin	Yes
Jose Bared	Yes	Javier Muñoz	Yes
Reginald Clyne	Absent	Georgina Santiago	Yes
Peter DiPace	Absent	Jesus R. Vazquez	Yes
Horacio Huembes	Yes	Paul Wilson	Absent
Joseph James	Yes		

William H. Riley, Vice Chair, Yes  
 Wayne Rinehart, Chair, Yes

Application No. 6

Ms. Brown introduced the application as a staff amendment to the text of the CDMP Conservation, Aquifer Recharge and Drainage Element. She stated that Policy CON-8I was amended as part of the Evaluation and Appraisal Report (EAR)-Based amendments in the October 2012 Cycle of CDMP Amendments with the intent of deleting the list of exotic pest plants and nuisance species from the policy and adding a reference to the same list which is currently provided in Chapter 24-49.9 of Miami-Dade County Code. She added that in the adopted EAR-Based Amendment, the reference to the code was incorrect. Ms. Brown indicated that the proposed change would correct this error to ensure that the intent of Policy CON-8I is

accurately reflected and that staff's recommendation is that the application be transmitted and adopted.

No one from the public spoke in support of or against the proposed amendment.

Board Member Ascencio-Savola made a motion to Transmit and Adopt. The motion was seconded by Board Member Santiago. The motion passed unanimously as follows:

Carla Ascencio-Savola	Yes	Serafin Leal	Yes
Aida G. Bao-Garciga	Yes	Raymond Marin	Yes
Jose Bared	Yes	Javier Muñoz	Yes
Reginald Clyne	Absent	Georgina Santiago	Yes
Peter DiPace	Absent	Jesus R. Vazquez	Yes
Horacio Huembes	Yes	Paul Wilson	Absent
Joseph James	Yes		

William H. Riley, Vice Chair, Yes  
Wayne Rinehart, Chair, Yes

**III. Overall Resolution**

Board Member Bao-Garciga made a motion to Adopt the preliminary votes for all the applications (Application Nos. 1, 2, 3, 4, 5 and 6). Board Member Riley seconded the motion and it passed unanimously as follows:

Carla Ascencio-Savola	Yes	Serafin Leal	Yes
Aida G. Bao-Garciga	Yes	Raymond Marin	Yes
Jose Bared	Yes	Javier Muñoz	Yes
Reginald Clyne	Absent	Georgina Santiago	Yes
Peter DiPace	Absent	Jesus R. Vazquez	Yes
Horacio Huembes	Yes	Paul Wilson	Absent
Joseph James	Yes		

William H. Riley, Vice Chair, Yes  
Wayne Rinehart, Chair, Yes

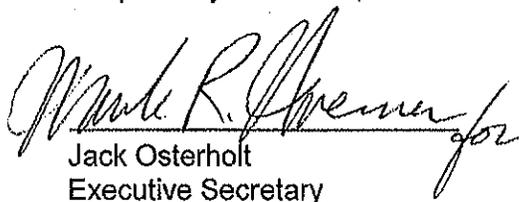
**IV. New Business/Old Business**

Chair Rinehart recognized Board Member Clyne for his reappointment to the PAB. He also welcomed back Board Member James from his absence.

**ADJOURNMENT**

Being no further business before the Board, Chair Rinehart adjourned the meeting by 3:43 PM.

Respectfully submitted,

  
Jack Osterholt  
Executive Secretary

RESOLUTION NO. CC 10-01-14

RESOLUTION OF THE WESTCHESTER COMMUNITY COUNCIL (10) ISSUING RECOMMENDATION ON NOVEMBER 2013 CYCLE AMENDMENT APPLICATION NO. 1 REQUESTING AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

WHEREAS, Section 20-40 of the Code of Miami-Dade County establishes Community Councils in the unincorporated area; and

WHEREAS, the Section 2-116.1 of the Code of Miami-Dade County provides exclusive procedures for amending the Comprehensive Development Master Plan (CDMP) consistent with requirements of Chapter 163, Part 2, Florida Statutes; and

WHEREAS, the Community Councils may, at their option, make recommendations to the Planning Advisory Board and the Board of County Commissioners on proposed amendments to the CDMP that would directly impact the Council's area; and

WHEREAS, the Section 2-116.1(3)(e) of the Code of Miami-Dade County provides that Community Council recommendations may address the decisions to be made by the Board of County Commissioners regarding transmittal of the application to the State Land Planning Agency and other reviewing agencies for review and comment, and regarding ultimate adoption, adoption with change, or denial of the application; and

WHEREAS, at its meeting of March 18, 2014, Westchester Community Council (10) conducted a public hearing as authorized by Section 20-41 of the County Code;

NOW, THEREFORE, BE IT RESOLVED THAT WESTCHESTER COMMUNITY COUNCIL (10) recommends that the November 2013 Cycle Standard CDMP amendment Application No. 1 be Transmitted with Change and Adopted (to allow only fitness facilities and food establishments on the application site to begin daily business operations at 5 am instead of 6 am).

The forgoing resolution was offered by Council Member Rodriguez, who moved its adoption and was seconded by Council Member Valdes, and upon being put to a vote, the vote was as follows:

Julio Caceres	Absent	Gerardo Rodriguez	Yes
Miriam Planas, Vice Chair	Yes	Toufic Zakharia	Yes
Manuel Valdes	Yes	Robert J. Suarez	Yes
Richard M. Gomez, Chair, Absent			

Council Vice Chair Planas thereupon declared the resolution duly passed and adopted this 18th day of March 2014.

I hereby certify that the above information reflects the action of the Council.

  
\_\_\_\_\_  
Garrett Rowe, Executive Secretary

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2014 APR -8 P 3: 56

This instrument was prepared by:

Name: Juan J. Mayol, Jr., Esq.  
Address: Holland & Knight LLP  
701 Brickell Avenue  
Suite 3000  
Miami, Florida 33131

PLANNING & ZONING  
DEPARTMENT

(Space reserved for Clerk of Court)

**MODIFICATION OF DECLARATION OF RESTRICTIONS  
RECORDED AT OFFICIAL RECORDS BOOK 26921 AT PAGE 1562**

THIS MODIFICATION OF DECLARATION OF RESTRICTIONS (the "Modification") is made this \_\_\_ day of \_\_\_\_\_, 201\_\_\_, by the undersigned (the "Owners"), in favor of Miami-Dade County, a political subdivision of the State of Florida (the "County").

**WITNESSETH:**

**WHEREAS**, the Owners hold fee simple title to that certain parcel of land located in unincorporated Miami-Dade County, Florida, which is more particularly described in the attached Exhibit "A" (the "Shopping Center Parcel"); and

**WHEREAS**, the Shopping Center Parcel was redesignated to "Business and Office" on the Miami-Dade County Comprehensive Development Master Plan (the "CDMP") Land Use Map (the "LUP Map") as part of the approval and adoption of Application No. 8 of the April 2008 Comprehensive Master Plan Amendment Cycle (the "2008 Application"); and

**WHEREAS**, in addition to the redesignation of the Shopping Center Parcel, the 2008 Application also redesignated an additional 4.37 acre parcel (the "Parks Parcel"), which is more particularly described in Exhibit B, to "Parks and Recreation"; and

**WHEREAS**, in connection with the Application, a Declaration of Restrictions (hereinafter referred to as the "Declaration") in favor of Miami-Dade County, was recorded in

the Public Records of Miami-Dade County in Official Records Book 26921 at Page 1562 (and is attached hereto as Exhibit C); and

**WHEREAS**, the Declaration contains a number of provisions intended to govern various aspects of any proposed commercial development on the Shopping Center Property, and which do not apply to the Parks Parcel; and

**WHEREAS**, the Owners wish to modify a condition in the Declaration related to the hours of operation which applies solely to the commercial development on the Shopping Center Property; and

**WHEREAS**, the Owners wish to provide that any further modifications, amendments or releases that solely affect the Shopping Center Parcel will require only the consent of the then owners of the Shopping Center Parcel; and

**WHEREAS**, the Owners are aware of an application for an amendment to the CDMP identified as Application No. 1 in the November 2013 Amendment Cycle (the "2013 Application") for the purpose of modifying the Declaration; and

**WHEREAS**, the Miami-Dade County Board of County Commissioners held a public hearing on \_\_\_\_\_ wherein it adopted Ordinance No. \_\_\_\_\_ (the "Ordinance") to approve a modification to the Declaration; and

**WHEREAS**, the Ordinance approved the modification of Section 8 of the Declaration as follows:

**FROM:**

**"8. Hours of Operation.** The hours of operation on the Property shall be restricted as follows:

Sunday thru Thursday: 6:00 am to 12:00 am  
Friday and Saturday: 6:00 am to 2:00 am"

TO:

"8. **Hours of Operation.** The hours of operation on the Property shall be restricted as follows:

Sunday thru Thursday: 6:00 am to 12:00 am

Friday and Saturday: 6:00 am to 2:00 am, provided, however, that any restaurant or fitness center/gym may operate commencing at 5:00 am daily"

NOW, THEREFORE, IN ORDER TO ASSURE Miami-Dade County that the representations made in the 2013 Application will be abided by, the Owners freely, voluntarily, and without duress, hereby agree as follows:

1. Section 8 of the Declaration now reads as follows:

"8. **Hours of Operation.** The hours of operation on the Property shall be restricted as follows:

Sunday thru Thursday: 6:00 am to 12:00 am

Friday and Saturday: 6:00 am to 2:00 am, provided, however, that any restaurant or fitness center/gym may operate commencing at 5:00 am daily"

2. After the recording of this Modification, the Declaration may be modified, amended or released as to Shopping Center Parcel, or any portion thereof, by a written instrument executed by the, then, owner(s) of all of the Shopping Center Parcel, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing and provided that such modification, amendment or release applies solely to the Shopping Center Parcel and the commercial development thereon. The Declaration may be modified, amended or released as to Parks Parcel, or any portion thereof, by a written instrument executed by the, then, owner(s) of all of the Parks Parcel, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County

Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing and provided that such modification, amendment or release applies solely to the Parks Parcel. In the event any proposed modification, amendment or release applies to both the Shopping Center Parcel and the Parks Parcel, then the Declaration may be modified, amended or released by a written instrument executed by the, then, owner(s) of all of the Shopping Center Parcel and the Parks Parcel, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing.

3. Except as hereby amended, all other restrictions in the Declaration shall remain in full force and effect for the Shopping Center Parcel and the Parks Parcel.

[Signature Pages Follow]

IN WITNESS WHEREOF, CJUF III Flagler, LLC, has caused these present to be signed

in its name on this \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

**WITNESSES:**

CJUF III Flagler, LLC,  
a Delaware limited liability company

\_\_\_\_\_  
Witness

By: HM Six Member, LLC,  
a Florida limited liability company, Sponsor Member

\_\_\_\_\_  
Printed Name

By: HM Six, LLC,  
a Florida limited liability company, Manager

\_\_\_\_\_  
Witness

By: \_\_\_\_\_

\_\_\_\_\_  
Printed Name

Name: Eric Sheppard

Title: Manager

STATE OF FLORIDA )

) SS:

COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 201\_\_, by Eric Sheppard, as Manager of HM Six, LLC, a Florida limited liability company, as Manager of HM Six Member, LLC, a Florida limited liability company, as Sponsor Member of CJUF III Flagler, LLC, a Delaware limited liability company, on behalf of said company, who is personally known to me or has produced \_\_\_\_\_ as identification.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public – State of Florida

\_\_\_\_\_  
Printed Name

**EXHIBIT "A"**

**Legal Description of Shopping Center Parcel:**



**EXHIBIT "B"**

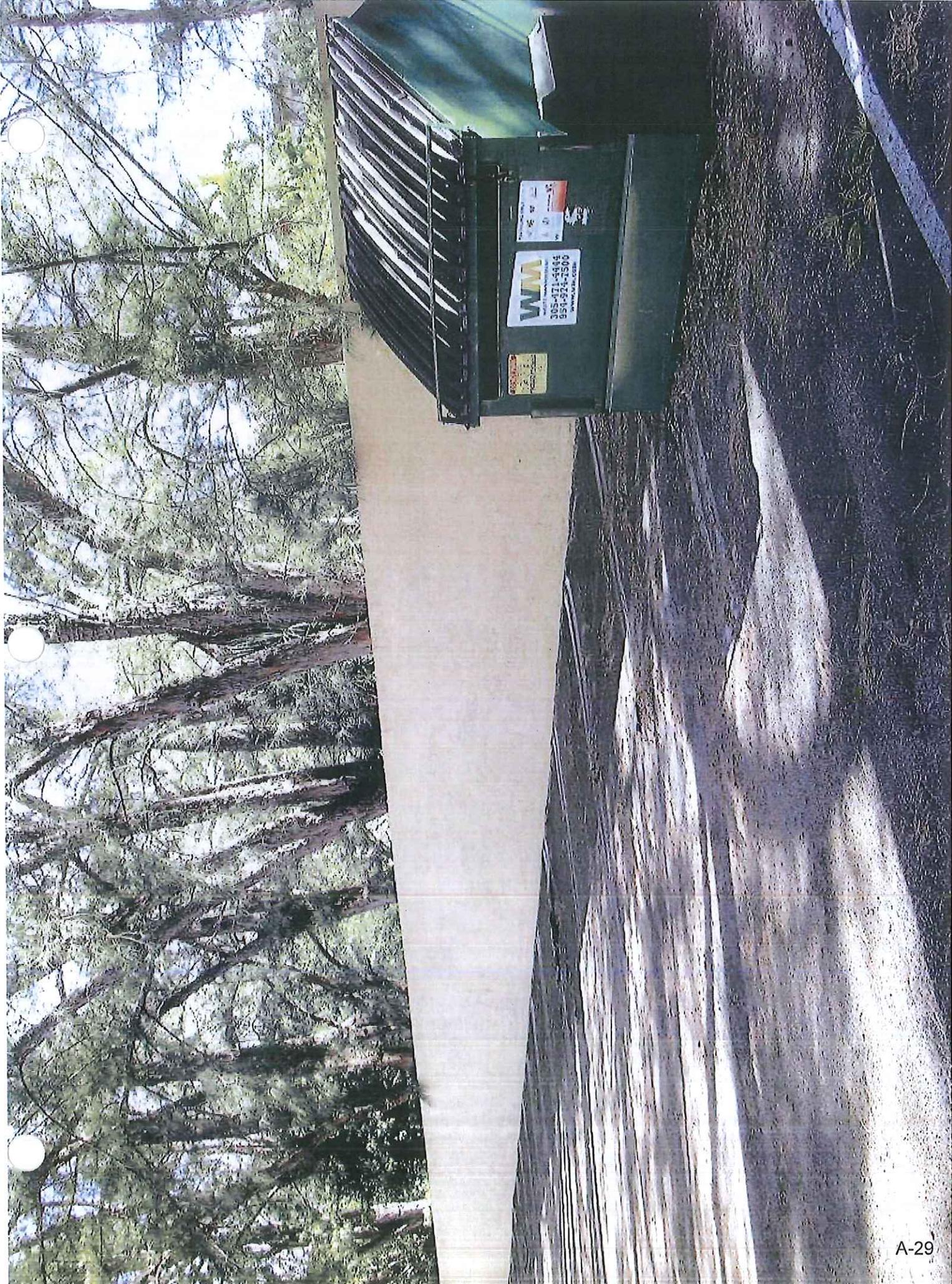
**Legal Description of Parks Parcel:**

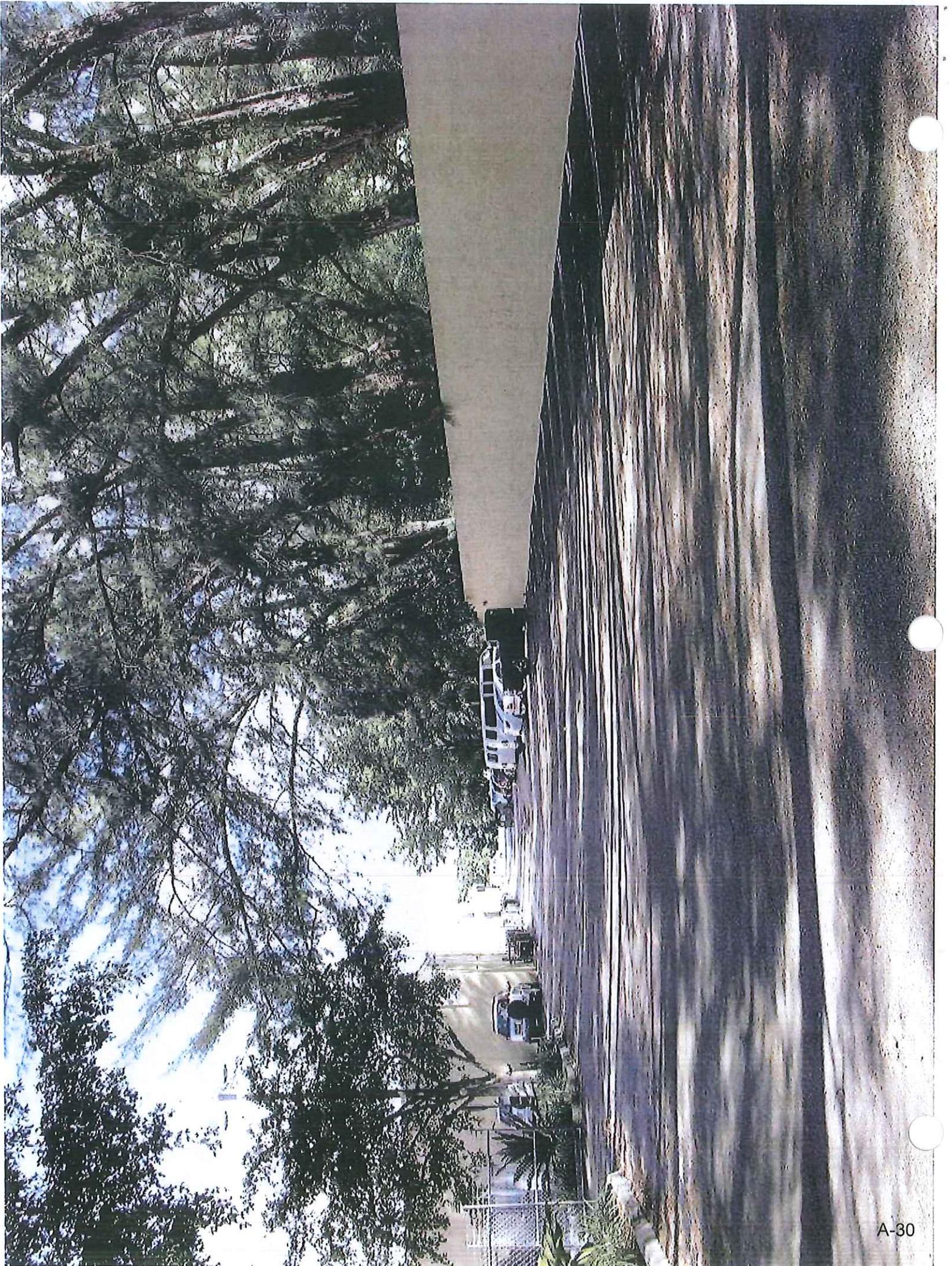


**EXHIBIT "C"**

**Declaration of Restrictions recorded in Official Records Book 26921 at Page 1562 of the Public Records of Miami-Dade County, Florida:**





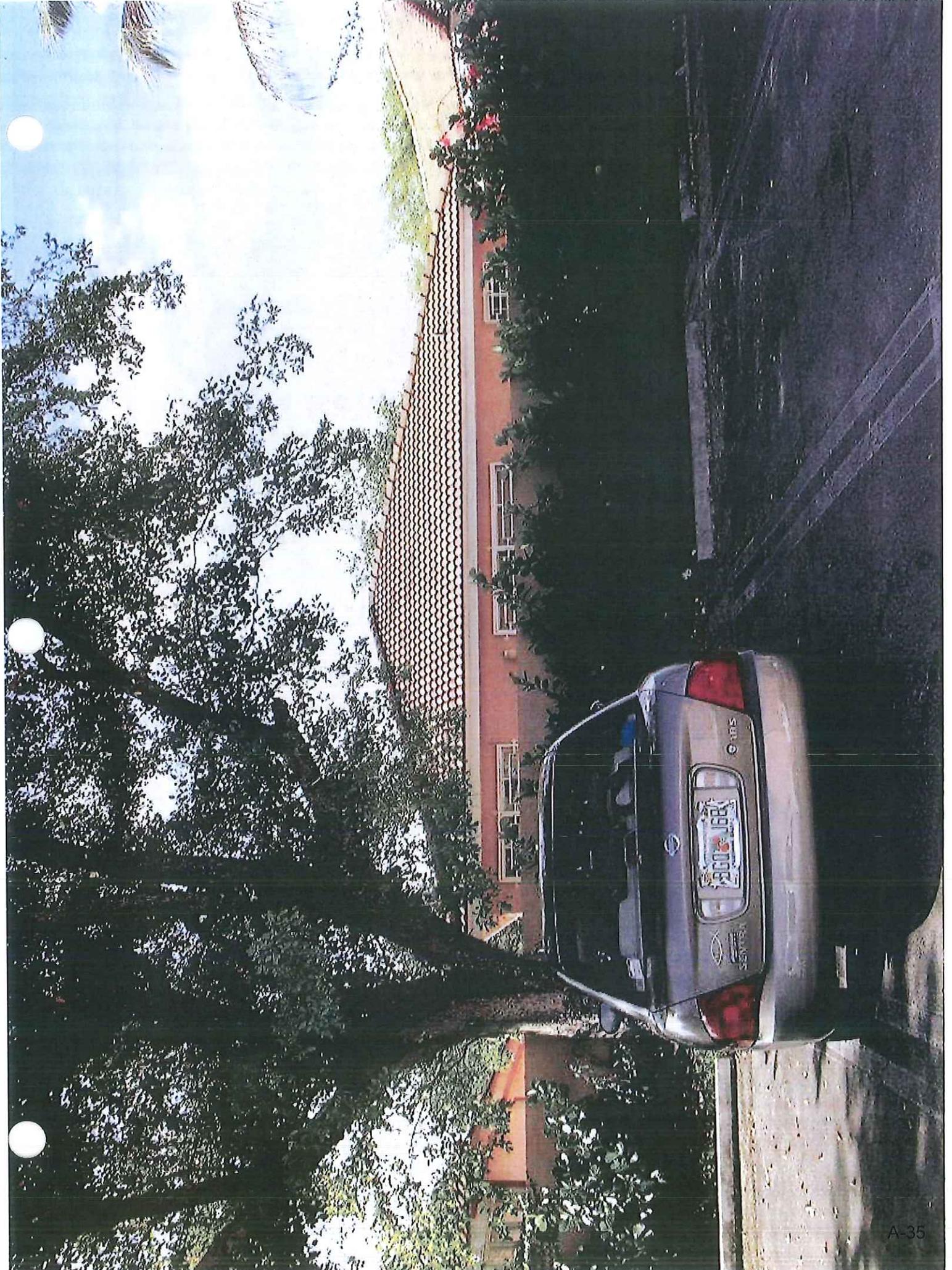












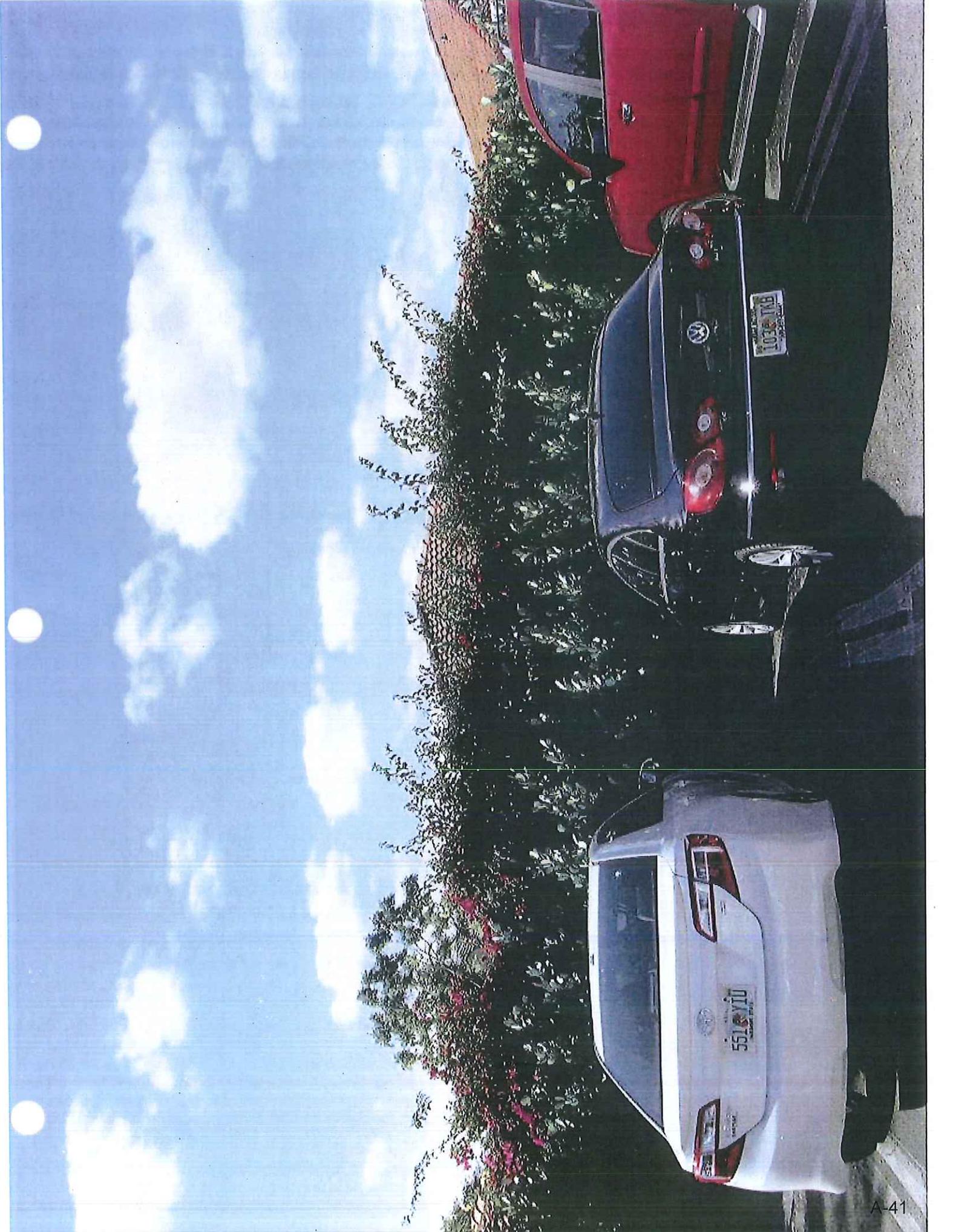






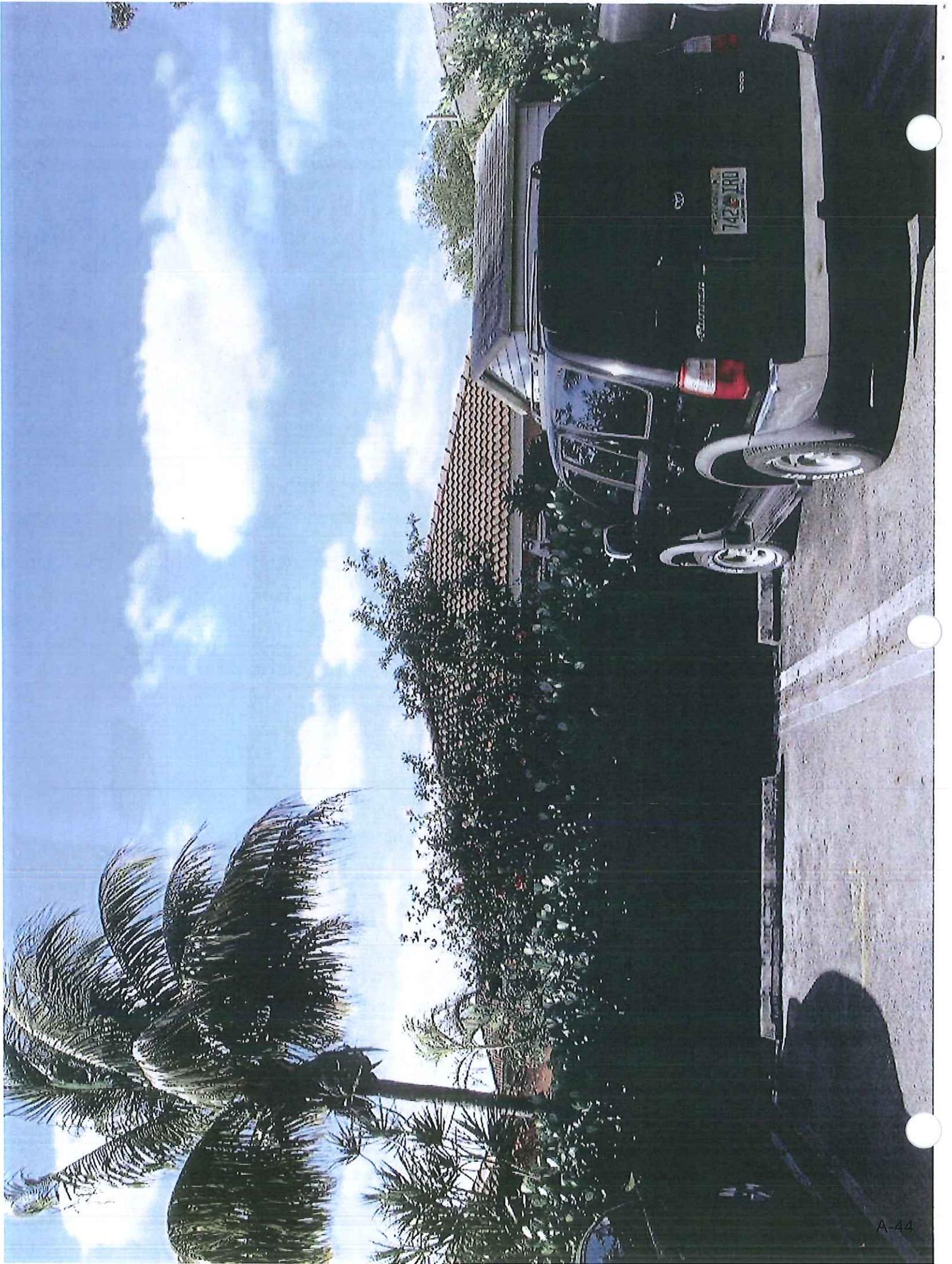


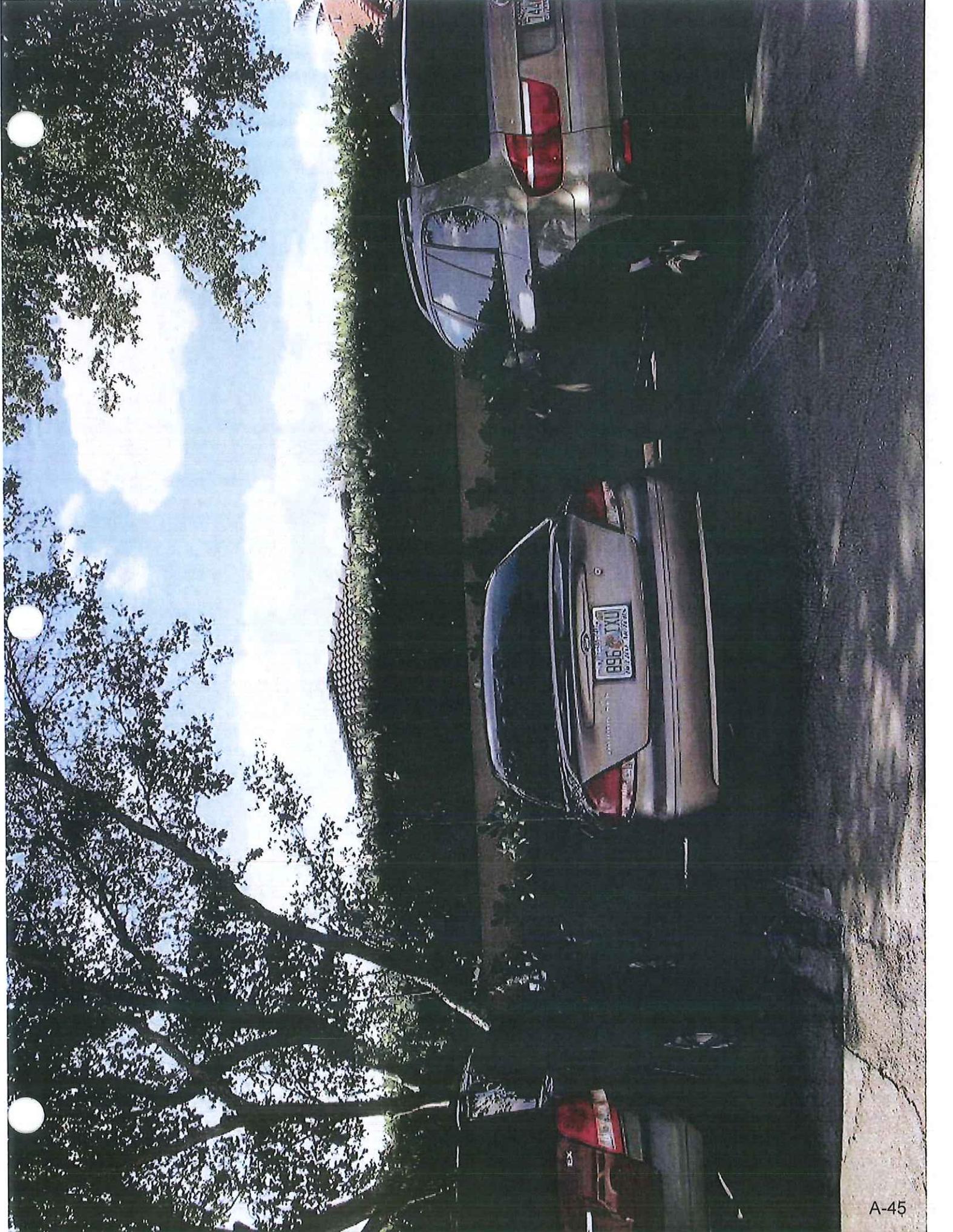


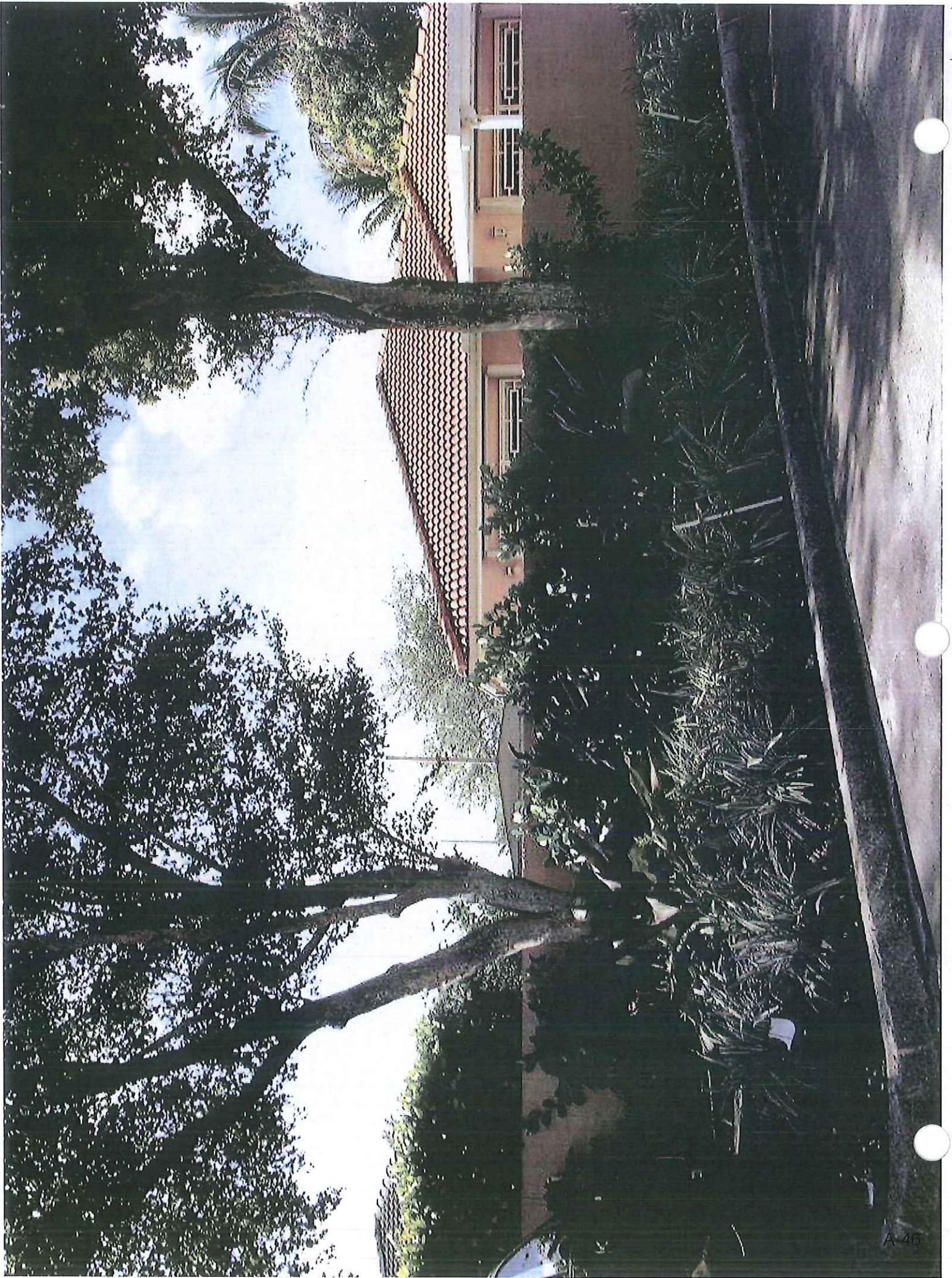














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March 20, 2014

Re: Support for Application No. 2 of the November 2013 CDMP Amendment Cycle

2014 MAR 25 P 5:05  
PLANNING & ZONING  
METROPOLITAN PLANNING SECT

Dear Councilmembers:

My name is Dr. Barbara Broussard and I serve as the Senior Pastor of the Church of the Rock located just south of the vacant property that is the subject of this application. I have lived in this community for a long time. On numerous occasions over the past several months, I have met with the applicant and support the proposal to develop a neighborhood-serving retail center at the southwest corner of SW 224 Street and SW 112 Avenue.

Our neighborhood is in dire need of retail, service amenities and most of all jobs! Today, our access to goods and services is mainly limited to traveling to South Dixie Highway or Southland Mall for the most basic of necessities—the Publix center on 112<sup>th</sup> is not enough given the recent influx of population into our area . We believe that approval of the application will help address the need for retail and services, while providing jobs for neighborhood residents all in close proximity to where they live. Development of this property pursuant to the proposed “Business and Office” use will help reduce traffic congestion on our streets, as well as positively contributing to the area’s infrastructure by encouraging use of existing public transit as well as pedestrianism and bicycling by constructing sidewalks surrounding the property. We believe that development of the property will increase Miami-Dade County’s commercial tax base, and help preserve the neighborhood’s property values.

I understand that following the land use application process, the applicant will undergo the rezoning process. We are committed to working with the applicant to ensure that the proposed uses are compatible with the surrounding area and the design of the site contributes to the neighborhood’s charm.

I ask that you wholeheartedly support this application, as I do, and recommend approval consistent with the Miami-Dade County recommendation.

Sincerely,



Dr. Barbara Broussard

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TLG FL, LLC

Application No. 2

November 2013

CDMP Amendment Cycle

Planning Advisory Board  
April 14, 2014

 **BERCOW RADELL & FERNANDEZ**  
ZONING, LAND USE AND ENVIRONMENTAL LAW

# Application Site

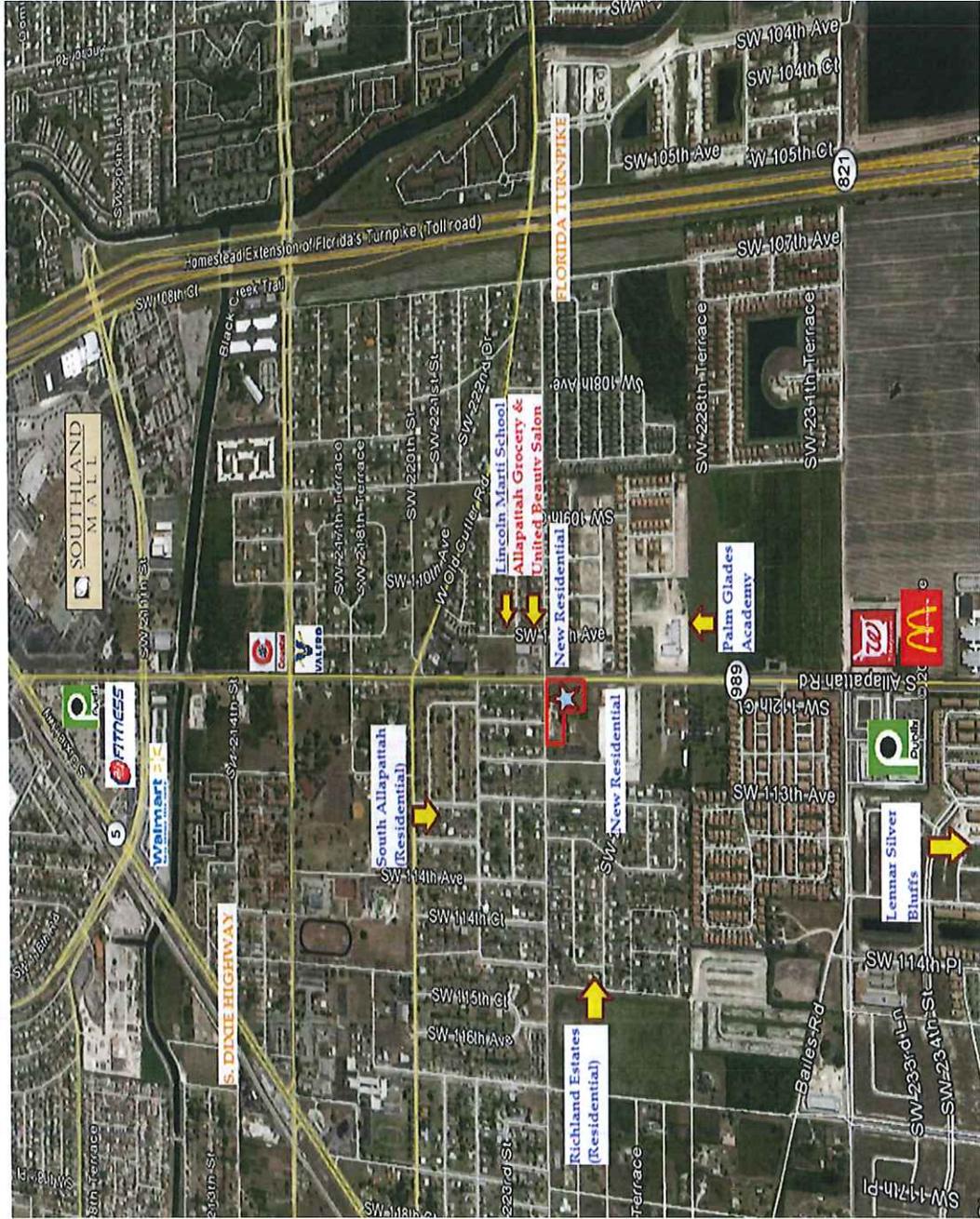


View SOUTH to Application Site from SW 224 Street



View SOUTHEAST to Application Site from SW 224 Street

# Neighborhood Aerial



# New Residential Development Near Application Site



- New residential development (Lennar Silver Palms) located SOUTH of Application Site at 238 Street and SW 112 Avenue

# New Residential Development Near Application Site



- New residential development located SOUTH of Application Site from 22400 SW 112 Avenue (Church of the Rock Jesus Christ)

# New Residential Development Near Application Site



- New residential development located SOUTHEAST of Application Site at SW 226 Terrace and 112 Avenue

## Current Retail and Commercial at Intersection of SW 224 Street and SW 112 Avenue



- o Allapattah Grocery and United Beauty Salon located at NORTHEAST corner of SW 224 Street and SW 112 Avenue

# Current Retail and Commercial at Intersection of SW 224 Street and SW 112 Avenue



- Allapattah Grocery located at NORTHEAST intersection of SW 224 Street and SW 112 Avenue

# Current Retail and Commercial at Intersection of SW 224 Street and SW 112 Avenue



- United Beauty Salon located at NORTHEAST intersection of SW 224 Street and SW 112 Avenue

# Activity Corridor Along SW 112 Avenue



- New school (Palm Glades Academy) located SOUTH of Application Site at 22655 SW 112 Avenue

# Activity Corridor Along SW 112 Avenue



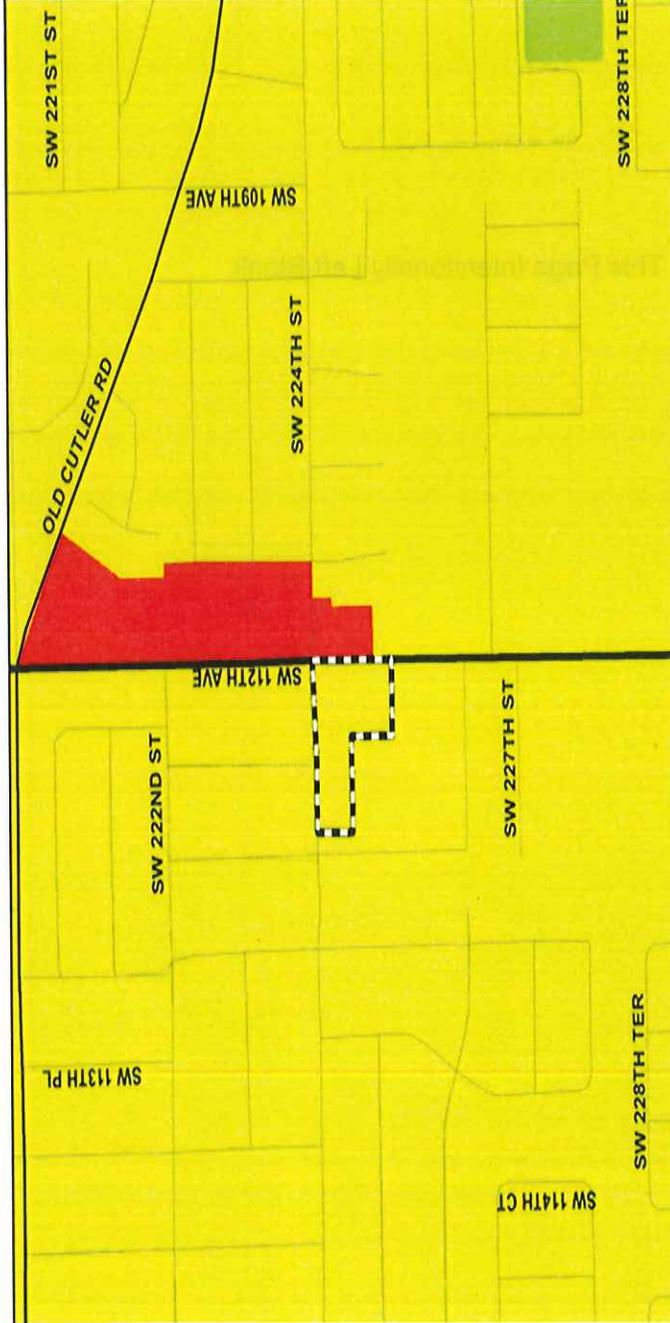
- Walgreens Pharmacy located SOUTH of Application Site at SE intersection of SW 232 Street and SW 112 Avenue

# Activity Corridor Along SW 112 Avenue



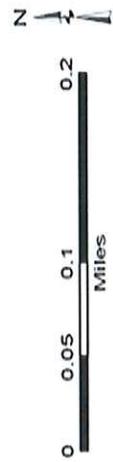
- Publix supermarket located SOUTH of Application Site at SW intersection of SW 232 Street and SW 112 Avenue

# APPLICATION NO. 2 CDMP LAND USE



Source: Miami-Dade County  
Department of Regulatory and Economic Resources  
December 2013

- APPLICATION AREA**
- APPLICATION AREA
  - LOW DENSITY (2.5-6 DU/AC)
  - BUSINESS AND OFFICE
  - ENVIRONMENTALLY PROTECTED PARKS
  - MAJOR ROADWAYS (3 OR MORE LANES)
  - MAJOR ROADWAYS (2 LANES)



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RESOLUTION NO. CC 5-01-14

RESOLUTION OF THE COUNTRY CLUB OF MIAMI COMMUNITY COUNCIL (5) ISSUING RECOMMENDATION ON NOVEMBER 2013 CYCLE AMENDMENT APPLICATION NO. 3 REQUESTING AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

WHEREAS, Section 20-40 of the Code of Miami-Dade County establishes Community Councils in the unincorporated area; and

WHEREAS, the Section 2-116.1 of the Code of Miami-Dade County provides exclusive procedures for amending the Comprehensive Development Master Plan (CDMP) consistent with requirements of Chapter 163, Part 2, Florida Statutes; and

WHEREAS, the Community Councils may, at their option, make recommendations to the Planning Advisory Board and the Board of County Commissioners on proposed amendments to the CDMP that would directly impact the Council's area; and

WHEREAS, the Section 2-116.1(3)(e) of the Code of Miami-Dade County provides that Community Council recommendations may address the decisions to be made by the Board of County Commissioners regarding transmittal of the application to the State Land Planning Agency and other reviewing agencies for review and comment, and regarding ultimate adoption, adoption with change, or denial of the application; and

WHEREAS, at its meeting of March 20, 2014, Country Club of Miami Community Council (5) conducted a public hearing as authorized by Section 20-41 of the County Code;

NOW, THEREFORE, BE IT RESOLVED THAT COUNTRY CLUB OF MIAMI COMMUNITY COUNCIL (5) recommends that the November 2013 Cycle Standard CDMP amendment Application No. 3 be Transmitted with Conditions, as follows:

1. Miami-Dade County to retain ownership of the application site for 99 years;
2. Conduct a charrette for the site to provide residents the opportunity to address their concerns and give their input on the future development of the property;
3. A cohesive large scale development should be built on the site rather than several small projects;
4. Address the severe impact to fire and rescue service;
5. Prohibit residential development on the site;
6. Ensure funding for the widening of NW 47 Avenue from NW 186 Street to north of the County line and permit no development on site until the roadway improvement is complete;
7. County to provide a 99-year lease to His House and designate adequate area on the rear of the site to accommodate His House with its planned expansion; and
8. The County should not allow the property to be annexed.

The forgoing resolution was offered by Council Member Alexander Senderoff, who moved its adoption and was seconded by Council Member Joseph Francis Fernandes, and upon being put to a vote, the vote was unanimous as follows:

Alexander Senderoff	Yes	Leonardo A. Perez	Yes
Jessica Fortich	Absent	Juan A. Garcia, Vice Chair	Absent
Lissett M. Caraza Borges	Absent	Joseph Francis Fernandes	Yes
Joanne Carbana, Chair		Yes	

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RESOLUTION NO. CG 12-01-14

RESOLUTION OF THE KENDALL COMMUNITY COUNCIL (12)  
ISSUING RECOMMENDATION ON NOVEMBER 2013 CYCLE  
AMENDMENT APPLICATION NO. 4 REQUESTING  
AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT  
MASTER PLAN

WHEREAS, Section 20-40 of the Code of Miami-Dade County establishes Community Councils in the unincorporated area; and

WHEREAS, the Section 2-116.1 of the Code of Miami-Dade County provides exclusive procedures for amending the Comprehensive Development Master Plan (CDMP) consistent with requirements of Chapter 163, Part 2, Florida Statutes; and

WHEREAS, the Community Councils may, at their option, make recommendations to the Planning Advisory Board and the Board of County Commissioners on proposed amendments to the CDMP that would directly impact the Council's area; and

WHEREAS, the Section 2-116.1(3)(e) of the Code of Miami-Dade County provides that Community Council recommendations may address the decisions to be made by the Board of County Commissioners regarding transmittal of the application to the State Land Planning Agency and other reviewing agencies for review and comment, and regarding ultimate adoption, adoption with change, or denial of the application; and

WHEREAS, at its meeting of March 25, 2014, Kendall Community Council (12) conducted a public hearing as authorized by Section 20-41 of the County Code;

NOW, THEREFORE, BE IT RESOLVED THAT KENDALL COMMUNITY COUNCIL (12) recommends that the November 2013 Cycle Standard CDMP amendment Application No. 4 be Transmitted and Adopted with conditions as follows:

1. Application site to be kept as passive park use; and
2. The placement of a 6 foot high chain-link fence and a 6 foot high hedge along the property line of the site and the adjacent Police and Fire Rescue Stations.

The forgoing resolution was offered by Council Member Valdes, who moved its adoption and was seconded by Council Member Garcia, and upon being put to a vote, the vote was as follows:

Jorge Luis Garcia	Yes	Peggy Brodeur	Yes
Alberto Santana, Vice Chair	Yes	Matthew Larsh	Yes
Jose I. Valdes	Yes	Angela Vazquez	No
Elliott N. Zack, Chair, Yes			

Council Chair Zack thereupon declared the resolution duly passed and adopted this 25th day of March 2014.

I hereby certify that the above information reflects the action of the Council.

  
\_\_\_\_\_  
Garrett Rowe, Executive Secretary

