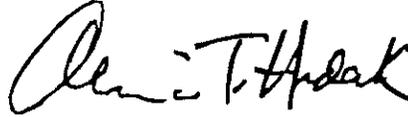


Date: July 21, 2011
To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

Substitute
Special Item No. 1

From: Alina T. Hudak
County Manager



Ordinance No. 11-56

Subject: Ordinance Providing for Disposition of the Dolphin Center Properties, LLC,
Application to Amend the Comprehensive Development Master Plan

This substitute item differs from the original item (Legistar No. 110378) in that it complies with the rule change regarding substitutes and alternates as provided in Ordinance No. 09-13, adopted on March 3, 2009. In addition, this ordinance differs from the original as follows:

- This substitute ordinance revises the preamble of the original ordinance to reflect the actions taken by the Board of County Commissioners (Board) at its "transmittal" public hearing held March 3, 2011, and the receipt of the Objections, Recommendations and Comments (ORC) issued by the Florida Department of Community Affairs (DCA) by letter dated May 16, 2011. This substitute ordinance addresses the disposition of the Dolphin Center Properties, LLC, Application to Amend the Comprehensive Development Master Plan (CDMP).

Recommendation

It is recommended that the Board of County Commissioners approve the attached ordinance (Substitute Special Item No. 1) which provides for adoption, adoption with change, or denial of the Dolphin Center Properties, LLC, Application to amend the CDMP.

It is recommended that final action be taken on this substitute ordinance for the referenced CDMP amendment application at the conclusion of the public hearing scheduled to begin at **9:30 AM on Thursday, July 21, 2011 in the Commission Chamber**. The ordinance follows the same format used in previous CDMP amendment cycles. That is, it contains a blank space to record your action on the request contained in the referenced CDMP amendment application. After the Board adopts the entry indicating its action on the Dolphin Center Properties, LLC, CDMP Amendment Application, the Board will take final action adopting the ordinance in its entirety, incorporating the foregoing entry. Following the final action will be a transmittal of the adopted CDMP amendment application to the DCA for its compliance review and issuance of a Notice of Intent (NOI).

Scope

The CDMP is a broad-based countywide policy-planning document to guide future growth and development, to insure the adequate provision of public facilities and services for existing and future populations, and to maintain or improve the quality of the natural and man-made environment. The application site is located within Commission District 1 (Commissioner Jordan). The proposed CDMP amendment is expected to have a countywide impact since it is associated with the Dolphin Center North Development of Regional Impact (DRI).

Fiscal impact

Fiscal impact means the cost to the County of implementing the activities or actions that would be incurred after approval of the ordinance. Ordinance No. 94-238 requires a statement of fiscal impact on all activities and actions resulting from approval of an ordinance. In addition, Ordinance No. 01-163 requires the review procedures for amendments to the CDMP to include, for any proposed land use change, a written evaluation of the estimated incremental and cumulative impact to Miami-Dade County for bringing such public infrastructure to the area, as well as, annual operating costs. Also, in accordance with Resolution No. 530-10, County departments are required to include detailed financial costs and budgetary impact analysis for items that have a fiscal impact to the County. Information on the fiscal impact of the referenced CDMP amendment application is contained in the document titled, "Application And Initial Recommendation Dolphin Center Properties, LLC, Application To Amend The Comprehensive Development Master Plan" dated January 18, 2011.

The CDMP amendment application would have limited fiscal impact on County facilities and services because the subject property is located within the City of Miami Gardens and is generally served by public facilities and services from other providers under contract with the City of Miami Gardens. However, Miami-Dade Water and Sewer Department (WASD) could be fiscally impacted. The application site is within the water and sewer service area of the City of North Miami Beach, which is a volume sewer customer of WASD. Assuming the subject site is built with the proposed water park facility, annual operating and maintenance costs for sewer service are estimated at \$62,706. This estimate is based on approved figures through September 30, 2009.

Track record/monitor

CDMP amendments do not involve contracts; therefore, information on Track Record/Monitoring is not applicable.

Background

The attached substitute ordinance provides for the Board's final action on the Dolphin Center Properties, LLC, Application to amend the CDMP. The Board's previous action on referenced CDMP amendment application at the March 3, 2011 public hearing was to "TRANSMIT with Acceptance of the Proffered Declaration of Restrictions and Adopt." A "Summary of Recommendations" matrix updated June 2011, which summarizes the previous recommendations of the DP&Z, the Planning Advisory Board (PAB) and the Board, as well as the final recommendation of the DP&Z, is enclosed with the Board's agenda package.

The referenced CDMP amendment application was transmitted to the DCA by letter dated March 14, 2011 for review and comment. The DCA coordinated the State agency consistency reviews on the transmitted CDMP amendment application at the request of Miami-Dade County. The DCA presented its findings on the Dolphin Center Properties, LLC, Application in its ORC report, dated May 13, 2011. The DCA did not have any objections or recommendations on the referenced CDMP amendment application.

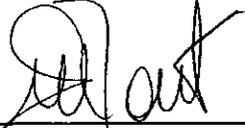
Revised Recommendations

The DP&Z's final recommendation on the Dolphin Center Properties, LLC, Application to amend the CDMP is to "Adopt as Transmitted with Acceptance of the Proffered Declaration of Restrictions."

Section 2-116.1(5)(a)(4) of the Code of Miami-Dade County, Florida, provides that the PAB/LPA shall not conduct a public hearing on a Development of Regional Impact (DRI)-related

Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners
Page 3

CDMP amendment application if the DCA does not review the transmitted application or does not issue written objections or recommendations on said application. The DCA did not have any objections or recommendations on the referenced CDMP amendment application. Therefore the PAB/LPA did not conduct a final public hearing to address this CDMP amendment application.



Assistant County Manager



MEMORANDUM

(Revised)

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

DATE: July 21, 2011

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

SUBJECT: Substitute
Special Item No. 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 Manager'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 _____

Substitute
Special Item No. 1
7-21-11

ORDINANCE NO. 11-56

ORDINANCE RELATING TO MIAMI-DADE COUNTY
COMPREHENSIVE DEVELOPMENT MASTER PLAN;
PROVIDING DISPOSITION OF APPLICATION REQUESTING
AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT
MASTER PLAN FILED FOR CONCURRENT PROCESSING
WITH PROPOSED CHANGES TO "DOLPHIN CENTER
NORTH" DEVELOPMENT OF REGIONAL IMPACT NOTICE
OF PROPOSED CHANGE: PROVIDING SEVERABILITY,
EXCLUSION FROM THE CODE AND EFFECTIVE DATE

WHEREAS, pursuant to Chapter 163, Part 2, Florida Statutes (F.S.) and Chapters 9J-5, 9J-11, and 9J-12, Florida Administrative Code (F.A.C.), 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, Chapter 380.06(6), F.S., provides a procedure for accepting and processing applications to amend a local comprehensive plan concurrently with a Notice of Proposed Change (NOPC) to an existing Development of Regional Impact (DRI); 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 Administrative Code; and

WHEREAS, the Dolphin Center Properties, LLC, filed an application to amend the CDMP that is being processed concurrently with a NOPC, filed with the South Florida Regional Planning Council (SFRPC), requesting approval of changes to the existing Dolphin Center North DRI, as provided in Chapter 380.06(6), F.S., and Section 2-116.1, of the Code of Miami-Dade County; and

WHEREAS, the Dolphin Center North DRI is located within the City of Miami Gardens and the Dolphin Center Properties, LLC, Application to amend the CDMP addresses property within the Dolphin Center North DRI; and

WHEREAS, the City Charter of the City Miami Gardens provides that Miami-Dade County retains jurisdiction over the Dolphin Center North DRI properties; and

WHEREAS, the Dolphin Center Properties, LLC, Application to amend the CDMP and the initial recommendation of the Department of Planning and Zoning (DP&Z) required by Section 2-116.1, Code of Miami-Dade County, are contained in a document titled "Application and Initial Recommendation Dolphin Center Properties, LLC, Application to Amend the Miami-Dade County Comprehensive Development Master Plan," dated January 18, 2011; and

WHEREAS, the Planning Advisory Board (PAB), acting as the Local Planning Agency (LPA), conducted a duly noticed public hearing on January 24, 2011, to address the Dolphin Center Properties, LLC, CDMP Amendment Application, the recommendation of the DP&Z, transmittal of the referenced CDMP amendment application to the Florida Department of Community Affairs (DCA) for State agency review, and to formulate recommendations regarding final action on the CDMP amendment application; and

>>WHEREAS, on March 3, 2011, the Board voted to Transmit with Intent to Adopt with Acceptance of the Proffered Covenant, the Dolphin Center Properties, LLC, Application to amend the CDMP to the DCA for review and comment; and¹<<

WHEREAS, the DP&Z and the PAB may issue revised recommendations addressing the transmitted CDMP amendment application after receipt of comments from the DCA, prior to final hearing and action by the Board; and

>>WHEREAS, the DCA reviewed the referenced CDMP amendment application at the request of this Board and has issued its Objections, Recommendations and Comments (ORC) report, dated May 13, 2011, pursuant to Section 163.3184 (6)(c), F.S.; and

WHEREAS, the DCA issued no objections or recommendations on the referenced CDMP amendment application in its ORC report dated May 13, 2011; and

WHEREAS, Section 2-116.1(5)(a)(4) of the Code of Miami-Dade County, Florida, provides that the PAB/LPA shall not conduct a public hearing on a DRI-related CDMP amendment application if the DCA does not review the transmitted application or does not issue written objections or recommendations on said application; and

WHEREAS, pursuant to Section 2-116.1(5)(a)(4) of the Code of Miami-Dade County, Florida, the PAB/LPA did not conduct a final public hearing to address the pending Dolphin Center Properties, LLC, Application to amend the CDMP; and<<

¹ The differences between the substitute and the original item are indicated as follows: words stricken through and/or [[double bracketed]] shall be deleted, words double underlined and/or >>double arrowed<< constitute the amendment proposed.

WHEREAS, the Board must take final action to Adopt, Adopt With Change, or Not Adopt the referenced CDMP amendment Application not later than sixty (60) days after receipt of written comments from the DCA addressing the subject application>>, unless such deadline is extended at the written request of the applicant or by motion of the Board pursuant to Section 2-116.1(5)(a)(7) of the Code of Miami-Dade County, Florida<<; and

>>WHEREAS, pursuant to Section 2-116.1(5)(a)(7) of the Code of Miami-Dade County, Florida, the applicant timely submitted written request to extend the public hearing deadlines for the referenced CDMP amendment Application by letter dated January 12, 2011; and<<

WHEREAS, consideration of the subject application is exempt from the twice-per-year statutory limitation on adoption of comprehensive plan amendments pursuant to Chapter 163, F.S.; and

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

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

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

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

WHEREAS, this Board has conducted the public hearing(s) 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, THAT:

Section 1. All matters set forth in the preamble are found to be true and are hereby incorporated by reference as if set forth verbatim and adopted.

Section 2. This Board hereby desires to take further action on the pending Dolphin Center Properties, LLC, CDMP Amendment Application filed for concurrent processing with the NOPC for the Dolphin Center North DRI as follows:

Application	Applicant/Representatives Location (Size) REQUESTED CHANGES TO THE CDMP	Final Commission Action
Dolphin Center Properties, LLC	Dolphin Center Properties, LLC / Joseph G. Goldstein, Esq. and Alan S. Krischer, Esq. 2269 Dan Marino Boulevard, Miami Gardens, FL 33056 (±38.6 gross; ±36.68 net) 1. Re-designate the ±38.6-gross acre application site within the DRI on the Adopted 2015-2025 LUP map from “Office/Residential” to “Business and Office”; and 2. Add a proffered Declaration of Restrictions, if accepted by the Commission, to the Land Use Element table titled “Restrictions Accepted by the Board of County Commissioners in Association with Land Use Plan Map Amendments.”	Adopt as Transmitted with Acceptance of the Proffered Declaration of Restrictions

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected thereby. If the referenced CDMP amendment application, or portion of the application, is found to be not in compliance pursuant to Section 163.3184, F.S., the remainder of the application subject to such a finding, and the remaining application adopted by 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, the effective date of any individual plan amendment included within the overall amendment shall be in accordance with the following language which

is included at the request of the Florida Department of Community Affairs without any admission by Miami-Dade County of the authority of the Florida Department of Community Affairs or any other governmental entity to request or require such language: "The effective date of any individual plan amendment approved by this ordinance [and included within the overall amendment] shall be the date a final order is issued by the Florida Department of Community Affairs or Administration Commission finding the individual amendment in compliance in accordance with Section 163.3184(1)(b), F.S., whichever occurs earlier. No development orders, development permits, or land uses dependent on such individual amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this individual amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be filed with the Clerk of the Board and sent to the Florida Department of Community Affairs, Division of Resource Planning and Management, Plan Processing Team. The Department's notice of intent to find a plan amendment in compliance shall be deemed to be a final order if no timely petition challenging the amendment is filed."

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

PASSED AND ADOPTED: July 21, 2011

Approved by County Attorney as
to form and legal sufficiency.



Prepared by:
Craig Collier

