

Date: March 5, 2014

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

From: Carlos A. Gimenez  
Mayor

Subject: Ordinance Acting upon the May 2013 Cycle of Applications to Amend the  
Comprehensive Development Master Plan (Standard Applications)

Amended  
Substitute  
Special Item No. 1

Ordinance No. 14-30

This substitute ordinance differs from the original in that it 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 on November 20, 2013, and acknowledges correspondence received from the State Land Planning Agency and other reviewing agencies issued between January 6, 2014 and January 15, 2014. This substitute ordinance addresses the disposition of pending Application Nos. 2, 3, 4, 5 and 7 filed in the May 2013 Cycle of Applications to Amend the Comprehensive Development Master Plan (CDMP).

#### Recommendation

It is recommended that the Board of County Commissioners (Board) take final action on the attached ordinance (Substitute Special Item No. 1), which provides for the Board to adopt, adopt with change or deny the May 2013 Cycle Applications to amend the Comprehensive Development Master Plan (CDMP).

It is recommended that final action be taken on this substitute ordinance for the referenced CDMP amendment applications at the conclusion of the Board's March 2014 CDMP public hearing. This ordinance follows the same format used in previous CDMP amendment cycles. That is, it contains blank spaces to record your actions on the requests contained in the referenced CDMP amendment applications.

#### 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. Such as Application Nos. 2 and 3 (a covenant modification request/CDMP text amendment), which are located within Commissioner Souto's District 10; Application Nos. 4 and 5, which are located within Commissioner Diaz's District 12; and Application No. 7, which is located within Commissioner Moss's District 9.

The Board approved the applicant's request to withdraw Application No. 1 at its "transmittal" hearing addressing the May 2013 Cycle Applications on November 20, 2013. Application No. 6 was lawfully withdrawn by the applicant by letter received by the Department of Regulatory and Economic Resources (Department) on October 15, 2013.

### **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 impacts from the referenced small-scale CDMP amendment applications are contained in the document titled, "Initial Recommendations May 2013 Applications To Amend The Comprehensive Development Master Plan," dated September 13, 2013.

Fiscal impacts from approved CDMP Land Use Plan map amendment applications vary depending on the type of request and location. For example, proposals involving non-residential developments have less impact on public infrastructure and services than proposals involving residential developments. According to Miami-Dade Water and Sewer Department (WASD), if the site subject to Application No. 2 is developed with 40,075 square feet of retail (maximum retail development allowed under the requested CDMP land use designation of "Business and Office"), the annual operating and maintenance cost for water and sewer services is estimated at \$4,054; applicant proffered a covenant prohibiting residential development on the application site. For Application No. 3, if the application is approved and the application site is developed with 375,000 square feet of retail and 200 multi-family dwelling units, maximum development that would be allowed in accordance with the proffered covenant, the annual operating and maintenance cost for water and sewer services is estimated at \$68,276. If Application No. 4 is approved and the application site is developed with 100,000 square feet of retail, in accordance the proffered covenant, the annual operating and maintenance cost for water and sewer services is estimated at \$10,115. If Application No. 5 is approved and the application site is developed with 113,700 square feet of retail, in accordance with the proffered covenant, the annual operating and maintenance cost for water and sewer services is estimated at \$11,501. If Application No. 7 is approved, in accordance with the proffered covenant and the application site is developed with 272 multi-family dwelling units, the annual operating and maintenance cost for water and sewer services is estimated at \$41,269.

### **Housing Impact**

The May 2013 Cycle Applications have the potential to reduce or increase the County's housing supply, based upon the current CDMP land use designation of the application site, the requested CDMP land use designation and voluntary restrictions on residential density. For instance, Application Nos. 3 and 7 have the potential to increase the County's housing supply by 66 dwelling units. Approval of Application No. 3 could increase the County's housing supply by 45 units; and approval of Application No. 7, with acceptance of the proffered covenant, could increase the County's housing supply by 21 units.

The applicants for Application Nos. 2, 4 and 5 proffered covenants prohibiting residential development on the application sites. Currently, the site subject to Application No. 2 could be developed with a maximum of 198 multi-family dwelling units. Therefore, if Application No. 2 is approved with acceptance of the proffered covenant, the County's housing supply could be reduced by 198 units. Approval of Application Nos. 4 and 5 with acceptance of the proffered

covenant would not impact the County's housing supply, since residential development is currently not allowed on the properties subject to each of the applications, and would be prohibited under the requested CDMP land use designation of "Business and Office" as per the proffered covenant.

**Track Record/Monitor**

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

**Background**

The attached ordinance (Substitute Special Item No. 1) provides for final action on pending May 2013 Cycle Application Nos. 2, 3, 4, 5 and 7. Pursuant to Resolution No. 958-13, adopted by the Board at its November 2013 CDMP public hearing, the County transmitted the referenced CDMP amendment applications to the State Land Planning Agency and other state and regional agencies (reviewing agencies) for review and comment by letter dated December 3, 2013. The comments issued by the reviewing agencies are included in the Board's agenda package for the March 2014 CDMP public hearing.

**Final Recommendations**

The final recommendations of the Department of Regulatory and Economic Resources on the pending May 2013 Cycle CDMP Application Nos. 2, 3, 4, 5 and 7 are contained in the "Summary of Recommendations" matrix included in the Board's agenda package. The matrix also includes the prior recommendations of the Board and of the affected Community Councils, and the Planning Advisory Board, acting as the Local Planning Agency.



Jack Osterholt  
Deputy Mayor



# MEMORANDUM

(Revised)

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

**DATE:** March 5, 2014

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

**SUBJECT:** Amended  
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 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 \_\_\_\_\_

ORDINANCE NO. 14-30

ORDINANCE RELATING TO MIAMI-DADE COUNTY  
COMPREHENSIVE DEVELOPMENT MASTER PLAN;  
PROVIDING DISPOSITION OF APPLICATIONS FILED IN  
MAY 2013 CYCLE TO AMEND, MODIFY, ADD TO OR  
CHANGE COMPREHENSIVE DEVELOPMENT MASTER  
PLAN; 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**, seven (7) CDMP Land Use Plan map amendments (Application Nos. 1, 2, 3, 4, 5, 6 and 7), were filed by private parties on or before May 31, 2013, and are contained in the document titled "May 2013 Applications to Amend the Comprehensive Development Master Plan," dated June 21, 2013; and

**WHEREAS**, of the seven (7) applications, six (6) are Land Use Plan map amendments (Application Nos. 1, 2, 4, 5, 6 and 7) and one (1) is a CDMP Declaration of Restrictions amendment (Application No. 3); and

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**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**, two (2) Land Use Plan map amendments (Application Nos. 2 and 5) are eligible and have requested expedited adoption as small-scale CDMP amendments; and

**WHEREAS**, the Department of Regulatory and Economic Resources (Department) issued its initial recommendations addressing the May 2013 Cycle Applications in a report titled "Initial Recommendations May 2013 Applications to Amend the Comprehensive Development Master Plan", dated September 13, 2013, 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**, affected Community Councils have conducted optional public hearings pursuant to Section 2-116.1(3)(e), Code of Miami-Dade County, to address applications to amend the Comprehensive Development Master Plan that would directly impact their respective council areas and issued recommendations to the Planning Advisory Board and the Board; and

**WHEREAS**, Application No. 6 was lawfully withdrawn by the applicant by letter received by the Department on October 15, 2013, pursuant to Section 2-116.1(3)(b) of the Code of Miami-Dade County, Florida; and

**WHEREAS**, the Planning Advisory Board, acting as the Local Planning Agency, conducted a duly noticed public hearing on October 21, 2013, to address the May 2013 Cycle Applications, the recommendations of the Department and the affected community councils, to formulate recommendations regarding the adoption of the May 2013 Cycle Applications, and to address the transmittal of standard May 2013 Cycle Applications to the >>State Land Planning Agency and other state and regional agencies<sup>1</sup> >> (reviewing agencies) pursuant to Section 163.3184, Florida Statutes, for review and comment; and

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

**WHEREAS**, at its October 21, 2013, public hearing, the Planning Advisory Board, acting as the Local Planning Agency, made recommendations to the Board regarding adoption of eligible small-scale amendment Application Nos. 2 and 5, transmittal of standard amendment Application Nos. 1, 3, 4 and 7, and regarding subsequent final action by the Board on the transmitted applications; and

>>WHEREAS, on November 20, 2013, at a duly noticed public hearing, the Board approved the applicant's request to withdraw Application No. 1 pursuant to Section 2-116.1(3)(b) of the Code of Miami-Dade County, Florida; and<<

>>WHEREAS, at the November 20, 2013, public hearing, the Board converted Application Nos. 2 and 5 from small-scale to standard CDMP amendment applications as requested by the applicants; and<<

>>WHEREAS, at the November 20, 2013, public hearing, this Board, by Resolution, instructed the Mayor to transmit standard Application Nos. 2, 3, 4, 5 and 7 to the reviewing agencies for review and comment pursuant to Section 163.3184(3), Florida Statutes; and<<

>>WHEREAS, the Florida Department of Environmental Protection by letter dated January 06, 2014, the South Florida Regional Planning Council by letter dated January 06, 2014, the Florida Department of Agriculture and Consumer Services by letter dated January 07, 2014, the South Florida Water Management District by letter dated January 08, 2014, the Florida Department of Education by letter dated January 10, 2014, and the Florida Department of Economic Opportunity by letter dated January 15, 2014, each identified no adverse impacts to state facilities and resources and thereby made no comments on the transmitted May 2013 Cycle Applications to amend the CDMP; and<<

>>WHEREAS, the Florida Department of Transportation, District Six, by letter dated January 14, 2014, identified no adverse impacts to transportation resources and facilities of state

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importance, but made comments on the transmitted May 2013 Cycle Application Nos. 4 and 5;

and<<

**WHEREAS**, the Board must take final action to Adopt, Adopt With Change or Deny applications 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 applications filed for review during the May 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
[[#]]	<p><del>[[Turnberry/Doral Development, Limited Partnership, LLC/Jeffrey Bereow, Esq. and Michael J. Marrero, Esq.</del></p> <p><del>Northwest and southwest corners of NW 41 Street and the Homestead Extension of the Florida Turnpike (HEFT)</del></p> <p><del>(±96.79 Gross; ±81.31 Net)</del></p> <p><del>Requested CDMP Amendment</del></p> <ol style="list-style-type: none"> <li><del>1. Expand the Urban Development Boundary (UDB) to include the application site.</del></li> <li><del>2. Redesignate the application site on the Land Use Plan map</del>            <del>From: "Open Land"</del>            <del>To: "Business and Office"</del></li> <li><del>3. Revise the CDMP Land Use Element Policy LU-8G (i) text to exempt the application area from the areas that shall not be considered for addition to the UDB, after demonstrating that a need exists in accordance to the Policy LU-8F.</del></li> <li><del>4. Revise the Restrictions Table on Page I-74.1 of the CDMP Land Use Element to include the Proffered Declaration of Restrictions if accepted by the Board.</del></li> <li><del>5. On September 11, 2013, the Applicant submitted an additional request to Amend Policy CON-3E in the CDMP Conservation, Aquifer Recharge and Drainage Element to allow for urban land uses on the site.]</del></li> </ol> <p><del>[[Standard Amendment]]</del></p>	

Application Number	Applicant/Representative Location and Size Requested Amendments to the CDMP Land Use Plan Map or Text	Final Action
2	<p>OROT Flagler, LLC/Juan J. Mayol, Jr., Esq. and Tracy R. Slavens, Esq.</p> <p>Southwest corner of the intersection of West Flagler Street and SW 92 Avenue (±3.3 Gross; ±2.3 Net)</p> <p><u>Requested CDMP Amendment</u></p> <p>1. Redesignate application site on the Land Use Plan map:            From: "Office/Residential"            To: "Business and Office"</p> <p>2. Revise the Restrictions Table <del>[[on Page 1-74.1]]</del> &gt;&gt;in <u>Appendix A</u>&lt;&lt; of the CDMP Land Use Element to include the Proffered Declaration of Restrictions if accepted by the Board.</p> <p><del>[[Small-Scale]]</del> <u>Standard Amendment</u></p>	<p>Adopt as Transmitted with Acceptance of the Proffered Declaration of Restrictions</p>
3	<p>Fontainebleau Place, LLC/Juan J. Mayol, Jr., Esq., Richard A. Perez, Esq. and Tracy R. Slavens, Esq.</p> <p>Northeast corner of the intersection of West Flagler Street and NW 102 Avenue ±41.0 Gross; ±39.0 Net)</p> <p><u>Requested CDMP Amendment</u></p> <p>Modify existing Declaration of Restrictions (April 2008 Cycle Application No. 9) in the Restrictions Table <del>[[on Page 1-74.1]]</del> &gt;&gt;in <u>Appendix A</u>&lt;&lt; of the CDMP Land Use Element to replace the commitment to develop a minimum of 150 "elderly housing" units with a provision allowing the development on the subject property of "no less than 150 and no more than 200 dwelling units designated for elderly housing"; or "no less than 125 and no more than 150 dwelling units designated for student housing"; or "no less than 150 and no more than 175 conventional multi-family dwelling units."</p> <p><u>Standard Amendment</u></p>	<p>Adopt Modification of Existing Declaration of Restrictions as Transmitted with Acceptance of the Additional Proffered Declaration of Restrictions [additional Declaration of Restrictions requires donation of \$200,000 to the Parks Foundation of Miami-Dade and preparation of a security plan].</p>

Application Number	Applicant/Representative Location and Size Requested Amendments to the CDMP Land Use Plan Map or Text	Final Action
4	<p>Master Development, Inc./Tracy R. Slavens, Esq. and Hugo P. Arza, Esq.</p> <p>Southwest corner of the intersection of NW 6 Street and NW 137 Avenue (±11.49 Gross; ±9.92 Net)</p> <p><u>Requested CDMP Amendment</u></p> <ol style="list-style-type: none"> <li>1. Redesignate application site on the Land Use Plan map:            From: "Industrial and Office"            To: "Business and Office"</li> <li>2. Revise the Restrictions Table [<del>on Page I-74.1</del>] &gt;&gt; <u>in Appendix A</u>&lt;&lt; of the CDMP Land Use Element to include the Proffered Declaration of Restrictions if accepted by the Board.</li> </ol> <p>Standard Amendment</p>	<p>Approve Applicant's request to withdraw Application made by letter dated March 4, 2014</p>
5	<p>Master Development, Inc./Tracy R. Slavens, Esq. and Hugo P. Arza, Esq.</p> <p>Northwest corner of the intersection of theoretical SW 2 Street and SW 137 Avenue (±9.84 Gross; ±9.1 Net)</p> <p><u>Requested CDMP Amendment</u></p> <ol style="list-style-type: none"> <li>1. Redesignate application site on the Land Use Plan map:            From: "Industrial and Office"            To: "Business and Office"</li> <li>2. Revise the Restrictions Table [<del>on Page I-74.1</del>] &gt;&gt; <u>in Appendix A</u>&lt;&lt; of the CDMP Land Use Element to include the Proffered Declaration of Restrictions if accepted by the Board.</li> </ol> <p><del>[[Small Scale]]</del> Standard Amendment</p>	<p>"Adopt as Transmitted with Acceptance of the Proffered Declaration of Restrictions" provided that within 30 days of this action, the Applicant submits to the Department the fully executed Declaration of Restrictions with the appropriate Opinion of Title and Joinder, otherwise the application shall be deemed withdrawn.</p>

Application Number	Applicant/Representative Location and Size Requested Amendments to the CDMP Land Use Plan Map or Text	Final Action
[[6]]	<p><del>[[Master Development, Inc./Jeffrey Bereow, Esq. and Monika Entin, Esq.]</del></p> <p><del>Northwest corner of the intersection of theoretical SW 143 Street and SW 137 Avenue (±16.18 Gross; ±13.7 Net)</del></p> <p><del>Requested CDMP Amendment</del></p> <p><del>1. Redesignate application site on the Land Use Plan map:</del></p> <p style="padding-left: 40px;"><del>From: "Industrial and Office"</del></p> <p style="padding-left: 40px;"><del>To: "Business and Office"</del></p> <p><del>2. Revise the Restrictions Table on Page I 74.1 of the CDMP Land Use Element to include the Proffered Declaration of Restrictions if accepted by the Board.]]</del></p> <p><del>[[Standard Amendment]]</del></p>	
7	<p>137 Holdings, LLC/Graham Penn, Esq. and Melissa Tapanes Llahues, Esq.</p> <p>Southwest corner of the intersection of SW 137 Avenue and SW [[468]] &gt;&gt;272&lt;&lt; Street (±12.0 Gross; ±10.7 Net)</p> <p>Requested CDMP Amendment</p> <p>1. Redesignate Parcel B of the application on site on the Land Use Plan map:</p> <p style="padding-left: 40px;">From: "Low-Medium Density Residential (6 -13 dwelling units per gross acre)" and "Business and Office"</p> <p style="padding-left: 40px;">To: "Medium Density Residential (13 to 25 dwelling units per gross acre)"</p> <p>2. Release and delete the Declaration of Restrictions recorded in Book 22345 Pages 1710 to 1725 of the County Official records; and</p> <p>3. Revise the Restrictions Table <del>[[on Page I 74.1]]</del> &gt;&gt;in <u>Appendix A</u>&lt;&lt; of the CDMP Land Use Element to include the new Proffered Declaration of Restrictions, if accepted by the Board.</p> <p>Standard Amendment</p>	<p>Adopt as Transmitted with Acceptance of the Proffered Declaration of Restrictions</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. If any application or portion of an application is found to be not in compliance pursuant to Section 163.3184, Florida

Statutes, the remainder of the application subject to such a finding, and the remaining applications adopted by this ordinance shall not be affected thereby.

**Section 4.** It is the intention of the Board, 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 any individual 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: March 5, 2014

Approved by County Attorney as  
to form and legal sufficiency.

  


Prepared by:

Craig H. Coller