

Date: November 30, 2011

To: Honorable Chairman Joe A. Martinez
And Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Resolution and Public Hearing for the Transmittal to the State and Regional Agencies of the April 2011 Cycle Applications to Amend the Comprehensive Development Master Plan

Amended
Special Item No. 1a

Resolution No. R-1027-11

R#1027-11

This item was amended at the November 30, 2011 Comprehensive Development Master Plan (CDMP) meeting to bifurcate Special Item #1 into Amended Special Item #1a which addresses the transmittal of Applications 1 and 2 to the State Land Planning Agency (SLPA) and Amended Special Item #1b which addresses the transmittal of Application 3 to the SLPA.

Recommendation

It is recommended that the Board of County Commissioners (Board) adopt the attached resolution (Special Item No. 1) after the public hearing on the April 2011 Cycle Applications to amend the Comprehensive Development Master Plan (CDMP) scheduled for Wednesday, November 30, 2011 at 2:00 PM in the Commission Chamber. This resolution provides for the transmittal of applications to amend the CDMP, filed in the April 2011 Cycle of Applications, to the State Land Planning Agency (SLPA) and other state and regional agencies for review and comment as required pursuant to Section 163.3184, Florida Statutes, (F.S.).

Scope

The CDMP is a broad-based countywide policy-planning document to guide future growth and development, to ensure the adequate provision of 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. While the adopted text of the CDMP generally applies countywide, individual, site-specific Land Use Plan (LUP) map amendment applications may have localized impact on one or more Commission Districts. For example, Application No. 1 is located in District 2 (Commissioner Monestime); Application No. 2 is located in Commission District 10 (Commissioner Souto); and Application No. 3 is located in Commission District 11 (Commissioner Martinez).

Fiscal Impact

Fiscal impact means the cost to the County of implementing the activities or actions that would be incurred after approval of an 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 each CDMP amendment application is contained in Appendix E at the end of each application review in the

document titled, "Initial Recommendations April 2011 Applications to Amend the Comprehensive Development Master Plan," dated August 25, 2011.

Fiscal impact from approved CDMP LUP 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 Application No. 1 parcel were developed with the proposed retail use, the annual operating and maintenance costs for water and sewer service to the application site are estimated at \$656. If the subject property were developed with 16 multi-family dwelling units (maximum development allowed under the proposed CDMP land use designation of "Business and Office"), the annual operating and maintenance costs for water and sewer service are estimated at \$2,584. For Application No. 2, if the proposed 325 single-family dwelling units were developed pursuant to the proffered Declaration of Restrictions, the annual operating and maintenance costs for water and sewer service are estimated at \$76,969. For Application No. 3, if the subject property were developed with the proposed retail use, the annual operating and maintenance costs are estimated at \$15,718.

Track Record/Monitor

CDMP amendments do not involve contracts; therefore, this Track Record/Monitor section is not applicable.

Background

Four (4) applications were filed during the April 2011 Cycle of Applications to amend the CDMP, of which three (Application Nos. 1, 2 and 3) request amendments to the Adopted 2015 and 2025 Land Use Plan (LUP) map and one (Application No. 4) is a text amendment. Application No. 1 is requested to be processed through the expedited procedure defined in s. 163.3187, F.S. Application Nos. 1, 2 and 3 are LUP map amendments that would be transmitted to the SLPA and other state and regional agencies (the reviewing agencies) for review and comment. Application No. 4 was filed as an update to the Capital Improvements Element (CIE) of the CDMP and its Six-Year Schedule of Capital Improvements and was subsequently withdrawn by the Sustainability, Planning and Economic Enhancement Department (Department). The attached resolution provides for transmittal to the reviewing agencies of the CDMP LUP map amendment applications.

It is anticipated that the reviewing agencies will issue their comments in January 2012 addressing all transmitted CDMP amendment applications. Preceding the final hearing by the Board, the Department will respond to any reviewing agency objections and may issue revised recommendations. The Planning Advisory Board (PAB), acting as the Local Planning Agency (LPA), will conduct an additional public hearing on the transmitted applications in February 2012 and may also issue revised recommendations. The Board will be scheduled to conduct a final public hearing on the pending April 2011 Cycle Applications in or around March 2012.

Recommendations of the Sustainability, Planning and Economic Enhancement Department

The Department published its recommendations on the April 2011 Cycle Applications in its "Initial Recommendations" report dated August 25, 2011. The recommendations on the April 2011 Cycle Applications are as follows:

- Application No. 1: "Adopt as a Small-scale Amendment"
- Application No. 2: "Transmit With Acceptance of Proffered Declaration of Restrictions and Adopt"; and
- Application No. 3: "Deny and Do Not Transmit"

Community Councils and Local Planning Agency Recommendations

The recommendations of the affected community councils and of the PAB (acting as the LPA) on the April 2011 Cycle Applications to amend the CDMP are contained in their respective resolutions, and in the updated "Summary of Recommendations" matrix included in the agenda kit materials for the Board's public hearing.

Resolution Format

As provided in the County Code, transmittal instructions are to be issued by Resolution. Section 1 of the attached resolution contains spaces where the Board's adopted transmittal instructions will be entered for each individual CDMP amendment application. Transmittal instructions shall be "Transmit" or "Do Not Transmit". Transmittal does not constitute adoption of an application; however, denial of transmittal in effect denies any further consideration of an application during this April 2011 CDMP Amendment Cycle. To transmit any application, County Code requires the affirmative vote of a majority (7) of the County Commissioners in office. Section 2 of the Resolution requests the reviewing agencies to review and comment on all transmitted CDMP amendment applications, before the Board conducts its next public hearing to take final action on the pending applications. On Section 3, the Board reserves its right to take final action without prejudice at a later date to adopt, adopt with changes, or not adopt any and all pending April 2011 Cycle Applications and proposals following receipt of comments from the reviewing agencies. In Section 4, the Board declares its intention to conduct and advertise one or more public hearings in 2012 to address the April 2011 Cycle of Applications to amend the CDMP.

After the Board adopts its entries to Section 1 of the Resolution, it must take a final vote to adopt the Resolution in its entirety, incorporating the foregoing entries.



Deputy Mayor



MEMORANDUM

(Revised)

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

DATE: November 30, 2011

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

Amended

SUBJECT: 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 _____

Amended
Special Item No. 1A
11-30-11

RESOLUTION NO. R-1027-11

RESOLUTION PERTAINING TO APRIL 2011 CYCLE APPLICATIONS REQUESTING AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN; INSTRUCTING THE COUNTY MANAGER WHETHER OR NOT TO TRANSMIT APPLICATIONS TO THE STATE LAND PLANNING AGENCY; REQUESTING STATE LAND PLANNING AGENCY TO REVIEW APPLICATIONS; 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 Chapter 163, Part 2, Florida Statutes (F.S.), 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, four (4) CDMP amendment applications were filed on or before April 30, 2011 and are contained in the document titled "April 2011 Applications to Amend the Comprehensive Development Master Plan," dated June 3, 2011; and

WHEREAS, of the four (4) CDMP amendment applications, three (3) Land Use Plan (LUP) map amendments (Application Nos. 1, 2 and 3) were filed by private parties and one (1) CDMP text amendment (Application No. 4) was filed by the Sustainability, Planning and Economic Enhancement Department (Department); and

5

WHEREAS, Miami-Dade County's procedures provide for the expedited processing of small-scale LUP map amendments as defined in Section 163.3187, F.S.; and

WHEREAS, of the three (3) LUP map amendments filed in the April 2011 CDMP Amendment Cycle, Application No. 1 requested expedited adoption, if eligible, as a small-scale amendment; and

WHEREAS, the eligible application requesting processing as a small-scale amendment may be transmitted as a standard amendment to the State Land Planning Agency (SLPA) and other state and regional agencies for review and comments prior to subsequent final action by the Board; and

WHEREAS, the Department issued its initial recommendations addressing the April 2011 Cycle Applications in a report titled "Initial Recommendations April 2011 Applications to Amend the Comprehensive Development Master Plan", dated August 25, 2011, as required by Section 2-116.1, Code of Miami-Dade County, and may issue revised recommendations on transmitted applications prior to final action by the Board; and

WHEREAS, Application No. 4 was subsequently withdrawn by the Department; 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 CDMP amendment applications that would directly impact their respective council areas and issued recommendations to the Planning Advisory Board (PAB) and the Board; and

WHEREAS, the PAB, acting as the Local Planning Agency (LPA), conducted a duly noticed public hearing on October 17, 2011, to address the April 2011 Cycle Applications, the recommendations of the Department and the affected community councils, to formulate recommendations regarding the adoption of the referenced CDMP amendment applications, and

to address the transmittal of standard CDMP amendment applications to the SLPA and other state and regional agencies [the reviewing agencies pursuant to Section 163.3184(1)(c), F.S.] for review and comment; and

WHEREAS, at its October 17, 2011 hearing, the PAB acting as the LPA made recommendations to the Board regarding the adoption of amendment Application No. 1 and the transmittal of standard amendment Application No. 2; and

WHEREAS, the October 17, 2011 hearing was continued on November 7, 2011, at which time the PAB acting as the LPA made recommendation to the Board regarding the transmittal of standard amendment Application No. 3; and

WHEREAS, the Board must take final action to Adopt, Adopt With Change or Deny CDMP amendment applications not later than sixty (60) days after receipt of written comments from the reviewing agencies addressing transmitted CDMP amendment applications; 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 activity or 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 desires to further evaluate, without prejudice, those applications filed for review and action during the April 2011 CDMP Amendment Cycle that are 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 applications requesting amendments to the CDMP, hereby directs the County Manager to act in accordance with the transmittal instructions set forth in this section for such applications. For any such application where the instruction is to transmit, pursuant to Section 2-116.1(3)(g), Miami-Dade County Code, the Board directs the County Manager to transmit the application to the SLPA and to all other agencies along with all other materials pursuant to Chapter 163.3184, F.S.

Application Number	Applicant/Representative Location (Size) Requested Amendments to the CDMP Land Use Plan Map or Text	Recommended Action and/or Transmittal Instruction
1	Blanca M. Castro/Blanca M. Castro Northwest corner of the intersection of NW 103 Street and NW 32 Court (±0.66 gross acres). From: Low-Medium Density Residential Communities [6 to 13 dwelling units (DU)/gross acre] To: Business and Office	Transmit with Instructions for Staff to Refer the Application back to the Community Council for Public Hearing and for the Applicant to proffer a Declaration of Restrictions limiting the uses allowed on the application site
2	Fontainebleau Lakes, LLC/Jorge L. Navarro, Esq. Between SR 836 (Dolphin Expressway) and Fontainebleau Boulevard and between NW 97 and NW 87 Avenues (±13.117 gross acres) 1. Redesignate application site: From: Parks and Recreation To: Medium Density Residential Communities (13 to 25 DU/gross acre) 2. Add the Proffered Declaration of Restrictions to the Restrictions Table in the Land Use Element	Withdrawn by Applicant's letter dated November 29, 2011 and Accepted by the Board at the November 30, 2011 public hearing

Section 2. The Board hereby requests the reviewing agencies to review all transmitted CDMP amendment applications pursuant to Chapter 163.3184(3), F.S.

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 any and all pending applications and proposals following receipt of comments by the reviewing agencies, and following one or more public hearings by this Board, all as authorized by Chapter 163.3184, F.S., 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 2012 to address the pending April 2011 Cycle Applications to amend the CDMP.

The foregoing resolution was offered by Commissioner **Jean Monestime** who moved its adoption. The motion was seconded by Commissioner **Jose "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 30th day of November, 2011. 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: **Christopher Agrippa**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

CHC

Craig H. Coller