

# Memorandum



**Date:** November 1, 2022

**To:** Honorable Chairman Jose “Pepe” Diaz  
and Members, Board of Commissioners

**From:** Daniella Levine Cava  
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Agenda Item No. 7(A)

**Subject:** Ordinance for Out-of-Cycle Application No. CDMP20210003 to Amend the Comprehensive Development Master Plan

---

The attached ordinance addresses a Comprehensive Development Master Plan private application that, under rule 5.05(b)(1) of the Board’s rules of procedure, is exempt from commissioner 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 blue ink, appearing to read "Jimmy Morales".

---

Jimmy Morales  
Chief Operations Officer



## MEMORANDUM

(Revised)

**TO:** Honorable Chairman Jose "Pepe" Diaz  
and Members, Board of County Commissioners

**DATE:** November 1, 2022

**FROM:**   
Gen Bonzon-Keenan  
County Attorney

**SUBJECT:** Agenda Item No. 7(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
- ☐ Statement of social equity 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 present \_\_\_\_, 2/3 membership \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ☒ 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. 7(A)  
11-1-22

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

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING DISPOSITION OF APPLICATION NO. CDMP20210003, LOCATED SOUTH OF THE HOMESTEAD EXTENSION OF THE FLORIDA TURNPIKE (HEFT), BETWEEN SW 107 AVENUE AND SW 122 AVENUE, AND NORTH OF SW 268 STREET (MOODY DRIVE), FILED BY ALIGNED REAL ESTATE HOLDINGS LLC, ET AL., AS AN OUT-OF-CYCLE CYCLE APPLICATION TO AMEND THE COUNTY'S COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, pursuant to chapter 163, Part II, Florida Statutes, the Miami-Dade Board of County Commissioners (“Board”) adopted the Miami-Dade County Comprehensive Development Master Plan (“CDMP”) in 1988; and

**WHEREAS**, the Board has provided procedures, codified as section 2-116.1, Code of Miami-Dade County, to amend, modify, add to, or change the 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 chapter 163, Part II, Florida Statutes; and

**WHEREAS**, applications to amend the CDMP may be filed with the Planning Division of the Department of Regulatory and Economic Resources (“Department”) by private parties or by the County; and

**WHEREAS**, Miami-Dade County's procedures classify applications as either standard or small-scale amendment applications, set forth the processes for adoption of small scale and

standard amendments, and require any application seeking adoption as a small-scale amendment to clearly state such request in the application; and

**WHEREAS**, Miami-Dade County's procedures provide that applications may be filed for processing in the January, May, or October CDMP amendment cycles or filed at any time for out-of-cycle processing; and

**WHEREAS**, Miami-Dade County's procedures also provide that applications seeking to amend the Urban Development Boundary (UDB) of the CDMP may only be filed in odd numbered years during the May CDMP amendment cycle or during the period from January through May for out-of-cycle processing; and

**WHEREAS**, Miami-Dade County's procedures also provide for the processing of CDMP amendment applications concurrently with zoning applications; and

**WHEREAS**, Application No. CDMP20210003 (the "Application") was filed by a private party as a standard Out-of-Cycle Application ("Out-of-Cycle Application") to amend the text and adopted 2030 and 2040 Land Use Plan (LUP) map of the CDMP, including a request to expand the Urban Development Boundary, and is contained in the document titled "Out-of-Cycle Application No. CDMP20210003 to Amend the Comprehensive Development Master Plan", dated May 2021, and kept on file with and available upon request from the Department; and

**WHEREAS**, the Application was filed for concurrent processing with Zoning Application Nos. Z2021000050, Z2021000051, Z2021000052, Z2021000053, and Z2021000054, and a Development Agreement No. Z2021000089; and

**WHEREAS**, as required by section 2-116.1, Code of Miami-Dade County, the Department issued its initial recommendation addressing the Application in a report titled "Initial Recommendations Application No. CDMP20210003 to Amend the Comprehensive Development

Master Plan”, dated August 2021 and kept on file with and available upon request from the Department; and

**WHEREAS**, the Department’s initial recommendation addressing the Application is individually available in a Portable Document Format (PDF) file entitled “Initial Recommendations Appl CDMP20210003” on the Department’s website at [https://energov.miamidade.gov/EnerGov\\_Prod/SelfService#/home](https://energov.miamidade.gov/EnerGov_Prod/SelfService#/home) by searching for plan number “CDMP20210003,” and selecting the tab for “Attachments,” or at the following weblink to the Attachments tab: [https://energov.miamidade.gov/EnerGov\\_Prod/SelfService#/plan/daa9f46a-bb7d-4a9d-952c-37c44eb552ee](https://energov.miamidade.gov/EnerGov_Prod/SelfService#/plan/daa9f46a-bb7d-4a9d-952c-37c44eb552ee); and

**WHEREAS**, the directly impacted Community Council and the Planning Advisory Board, acting as the Local Planning Agency, have acted in accordance with the applicable State and County procedures and have conducted public hearings and issued recommendations for the disposition of the Application; and

**WHEREAS**, at the public hearing conducted to address transmittal of the standard Application to the State Land Planning Agency and other state and regional agencies (“reviewing agencies”), the Board by resolution, transmitted the Application to the reviewing agencies; and

**WHEREAS**, the Board must take final action to adopt, adopt with change, or not adopt Application No. CDMP20210003 to amend the CDMP no later than 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**, 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**, this Board has conducted the public hearing required by the referenced procedures preparatory to enactment of this ordinance,

**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 takes action on the Application as follows:

Application Number	Applicant/Representative Location and Size Requested Amendments to the CDMP Land Use Plan Map or Text	Final Action
CDMP20210003	<p>Aligned Real Estate Holdings LLC / Jeffrey Bercow, Esq., Graham Penn, Esq., Emily K. Balter, Esq., Bercow Radell Fernandez Larkin &amp; Tapanes, PLLC and</p> <p>South Dade Industrial Partners, LLC, Bedrock South Dade 112 Avenue, LLC, Bedrock South Dade 268 Street, LLC/ Juan Mayol, Jr., Esq., Joseph G. Goldstein, Esq., Pedro A. Gassant, Esq., Holland &amp; Knight LLP</p> <p>Located south of the Homestead Extension of the Florida Turnpike (HEFT), between SW 107 Avenue and SW 122 Avenue, and north of SW 268 Street (Moody Drive) / ±793.93 gross acres/ ±722.33 net acres</p> <p><u>Requested Amendment to the CDMP</u></p> <ol style="list-style-type: none"> <li>1. Expand the 2030 Urban Development Boundary (UDB) to include the application site.</li> <li>2. Redesignate the application site on the Land Use Plan map from “Agriculture” to “Special District”.</li> <li>3. Amend the interpretative text of the Land Use Element to create the “South Dade Logistics &amp; Technology District”.</li> <li>4. Amend Policy LU-8H in the CDMP Land Use Element.</li> </ol>	

Application Number	Applicant/Representative Location and Size Requested Amendments to the CDMP Land Use Plan Map or Text	Final Action
	<p>5. Amend Policy CM-9A in the CDMP Coastal Management Element.</p> <p>6. Add the proffered Declarations of Restrictions in the Restrictions Table in Appendix A of the CDMP Land Use Element, if accepted by the Board</p> <p>Pursuant to section 2-116.1 of the Code of Miami-Dade County, this application is being processed concurrently with five separate but related zoning applications (Z2021000050, Z2021000051, Z2021000052, Z2021000053, and Z2021000054), and a Development Agreement (Z2021000089) per sections 163.3220-163.3243 of the Florida Statutes.</p> <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 section 2-116.1, Code of Miami-Dade County.

**Section 5.** Pursuant to section 163.3184(3)(c)4, Florida Statutes, the effective date of any plan amendment adopted in 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 plan 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 the plan amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, the plan 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.

**Section 6.** 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.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency.



Prepared by:



Dennis A. Kerbel