

Date: November 1, 2022

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

From: Daniella Levine Cava
Mayor



Subject: Staff’s Review of Additional Supplemental Information on Out-of-Cycle
Application No. CDMP20210003 to Amend the Comprehensive Development
Master Plan

Supplement No. 3
Agenda Item No. 7(A)

This third supplement contains: (Exhibit 1) Staff’s review of Additional Items addressing Application No. CDMP20210003 submitted by the Applicant to the Department of Regulatory and Economic Resources after the publication of the Final Recommendation report.



Jimmy Morales
Chief Operations Officer

Application No. CDMP20210003

Commission District 8 Community Council 15

APPLICATION SUMMARY

Applicant/Representative(s):	<p>Aligned Real Estate Holdings LLC/ Jeffrey Bercow, Esq., Graham Penn, Esq., Emily K. Balter, Esq., Bercow Radell Fernandez Larkin & Tapanes, PLLC</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 & Knight LLP</p>
Location:	<p>South of the Homestead Extension of Florida Turnpike (HEFT), between SW 107 Avenue and SW 122 Avenue, north of SW 268 Street/Moody Drive</p>
Total Acreage:	±793.93 gross acres (±722.33 net acres)
Current Land Use Plan Map Designation:	“Agriculture”
Requested CDMP Amendments/Land Use Plan Map Designations:	<ol style="list-style-type: none"> 1. Expand the 2030 Urban Development Boundary (UDB) to include the application site. 2. Redesignate the application site on the Land Use Plan map from “Agriculture” to “Special District.” 3. Amend the interpretative text of the Land Use Element to create the “South Dade Logistics & Technology District.” 4. Amend Policy LU-8H in the CDMP Land Use Element. 5. Amend Policy CM-9A in the CDMP Coastal Management Element. 6. Amend Policy CM-9F in the CDMP Coastal Management Element. 7. Amend the following CDMP sections to address roadway improvements: the 2030-2040 Future Land Use Map; Transportation Element Figure 1 – Planned Year 2030 Roadway Network; Transportation Element Figure 2 – Roadway Classification 2012; Transportation Element Figure 3 – Roadway Functional Classification 2030; Transportation Element Figure 6 – Planned Non-Motorized Network 2030. 8. Amend Capital Improvements Element Table 10A to reflect developer responsibilities for roadway improvements. 9. Add the proffered Declarations of Restrictions in the Restrictions Table in Appendix A of the CDMP Land Use Element, if accepted by the Board.
Amendment Type:	<p>Standard (Being processed with concurrent zoning Application Nos. Z2021000050, Z2021000051, Z2021000052, Z2021000053, Z2021000054, and a Development Agreement)</p>

Existing Zoning District/Site Condition: AU ("Agricultural District") and GU ("Interim District")/Agricultural, C-102 Canal and a Florida Power and Light electricity transmission line corridor

RECOMMENDATIONS

Staff Final Recommendation (application as revised after public hearing):

DENY (September 2022)

Staff Final Recommendation:

DENY (May 2022)

Staff Initial Recommendation:

DENY AND DO NOT TRANSMIT (August 2021)

South Bay Community Council (15):

TRANSMIT AND ADOPT WITH THE PROFFERED DECLARATIONS OF RESTRICTIONS (August 23, 2021)

Planning Advisory Board (PAB) Acting as the Local Planning Agency:

TRANSMIT AND ADOPT WITH THE PROFFERED DECLARATIONS OF RESTRICTIONS and with the recommendation that the Board require Phase III to provide the same commitments as Phases I and II through an appropriate means (August 25, 2021)

Board of County Commissioners:

TRANSMIT WITH CHANGES AND WITH REVISED PROFFERED DECLARATIONS OF RESTRICTIONS WITH THE CONDITION THAT THE APPLICANT WORK WITH STAFF TO NARROW AND LIMIT THE SCOPE OF THE PROPOSED POLICY LU-8H REVISIONS REGARDING CONCURRENT ZONING APPLICATIONS TO APPLY TO THIS CDMP APPLICATION ONLY (September 9, 2021)

Final Action of Board of County Commissioners:

TO BE DETERMINED (TBD)

Staff acknowledges that the applicants have considerably narrowed the application since it was deferred after public hearing, but staff continues to recommend that the Board of County Commissioners (Board) **DENY** the proposed standard amendment to the Comprehensive Development Master Plan (CDMP) Adopted 2030 and 2040 Land Use Plan (LUP) map and text. The Board held and concluded the public hearing on the application on May 19, 2022, but deferred final action to June 1, 2022, and then to September 22, 2022. On September 1, 2022, the applicants submitted revisions to their application, reducing the application area from ±793.93 acres to ±378.86 acres, proposing corresponding changes to the proposed Special District text (the South Dade Logistics & Technology District or SDLTD), and submitting several updated studies analyzing the project as revised. The applicants have also proffered Declarations of Restrictions (covenants) for the four Phase II subphases, including “Hiring Commitments” and local preferential hiring that are not enforceable by the County; but no covenants were proffered for the new Phases I and III.

Staff has reviewed the changes to the application and the updated studies and finds the revised application remains inconsistent with CDMP and should be denied. The changes to the application do not address the lack of demonstrated need to expand the UDB. The proposed development—even as reduced—would still divert economic development efforts away from areas inside the UDB. The application still does not demonstrate that all required infrastructure would be provided for the proposed development as required by the CDMP. And the application continues to suffer from other deficiencies discussed in the subsequent sections herein. The applicant submitted additional reports and revisions to the proposed CDMP text amendment and CDMP covenants on September 21, 2022 that require further review.

Applicants’ Post-Public Hearing Changes to Application

On September 1, 2022 the applicants submitted a revised CDMP application with updated supporting documents. The revisions reduced the application area by 52%, from ±793.93 acres to ±378.86 acres. The original Phase I was removed, and a new Phase I (±83.85 acres of the former Phase III) was included. Phase II is slightly reduced to ±165.08 acres, and Phase III is reduced to ±129.93 acres. The overall maximum intensity of development within the SDLTD has also been reduced, but at different proportions. The proposed logistics, distribution, and technology floor area (Industrial use) has been reduced by 36%, and the commercial floor area has been reduced by 25%.

The revised application seeks the same amendments to the CDMP as previously reviewed, with the following changes:

1. proposed Policy LU-8H changes are revised to reflect a reduced acreage threshold;
2. the proposed Special District text addresses the reduced acreage and revised development program and associated development requirements and public facility impacts;
3. proposed changes to the various CDMP figures and maps (2030-2040 Future Land Use Map, Transportation Element Figure 1 – Planned Year 2030 Roadway Network, Transportation Element Figure 2 – Roadway Classification 2012, Transportation Element Figure 3 – Roadway Functional Classification 2030, and Transportation Element Figure 6 – Planned Non-Motorized Network 2030) are revised to reflect the reduced scope of the application;
4. proposed changes to the Capital Improvements Element Table 10A are revised to reflect the reduced scope of the application; and
5. the proffered Declaration of Restrictions for the previously-identified Phase I is removed, and four updated Declaration of Restrictions for the revised Phase II are proffered.

For the specific language proposed by the Applicants, please see Exhibit A: “Modified Requests Reflecting Reduced Application Scope.” The following is a summary of the proposed changes to the South Dade Logistics and Technology District.

Summary of Proposed Changes to SDLTD

The proposed revisions have reduced the application area from ±793.93 acres to approximately ±379 acres. The overall maximum intensity of development within the SDLTD has been similarly reduced. The proposed logistics, distribution, and technology floor area (Industrial use) has been reduced by 36%, and the commercial floor area has been reduced by 25%. **The chart below indicates the modified scope of the overall changes to the application:**

Category	<u>Previously Proposed</u>	<u>Revised</u>	<u>Reduction %</u>
Total Gross Area	±793.93 gross acres	±379 gross acres	52.2%
Total Net Area	±722.33 net acres	±311 net acres	56.86%
Total Development Size	9,305,000 sq. ft.	5,996,961 sq. ft.	36.37%
Net New Daily Trips	43,098	18,253	57.64%

Changes in Development Program by Phase

The chart below further details the aforementioned modifications to the application overall acreage as well as the changes to the development program; which is as follows:

Phase	<u>Original Acreage</u>	<u>Original Development Program</u>	<u>Revised Acreage</u>	<u>Revised Development Program</u>
Phase I	±203.58 gross acres	<ul style="list-style-type: none"> • 2,676,935 sq. ft. of Industrial uses. • 20,000 sq. ft. of Commercial uses. 	±83.85 gross acres	<ul style="list-style-type: none"> • 1,492,670 sq. ft. of Industrial uses. • 5,000 sq. ft. of Commercial uses for parcels less than five acres (subject to Development Equivalency)
Phase II	±165.26 gross acres	<ul style="list-style-type: none"> • 2,350,068 sq. ft. of Industrial uses. • 80,000 sq. ft. of Commercial uses. • 150 hotel rooms 	±165.08 gross acres	<ul style="list-style-type: none"> • 2,574,756 sq. ft. of Industrial uses. • 80,000 sq. ft. of Commercial uses. • 150 hotel rooms
Phase III	±424.44 gross acres	<ul style="list-style-type: none"> • 4,277,997 sq. ft. of Industrial uses. • 20,000 sq. ft. of Commercial uses. 	±129.93 gross acres	<ul style="list-style-type: none"> • 1,844,535 sq. ft. of Industrial uses.

Overall SDLTD Map Changes

The two maps below compare the SDLTD site as originally proposed, versus the modified and reduced subject site that applicants proposed on September 1. As shown on Figure 1 below, the original overall CDMP Special District site consisted of a maximum of approximately 793.93 gross

acres (722.33-net acres). Whereas, as shown on Figure 2, the now-modified Special District site has been reduced by approximately 52.2%, to a proposed total area of 379 gross acres.



Figure 1: Previous Application Area and Phasing Plan

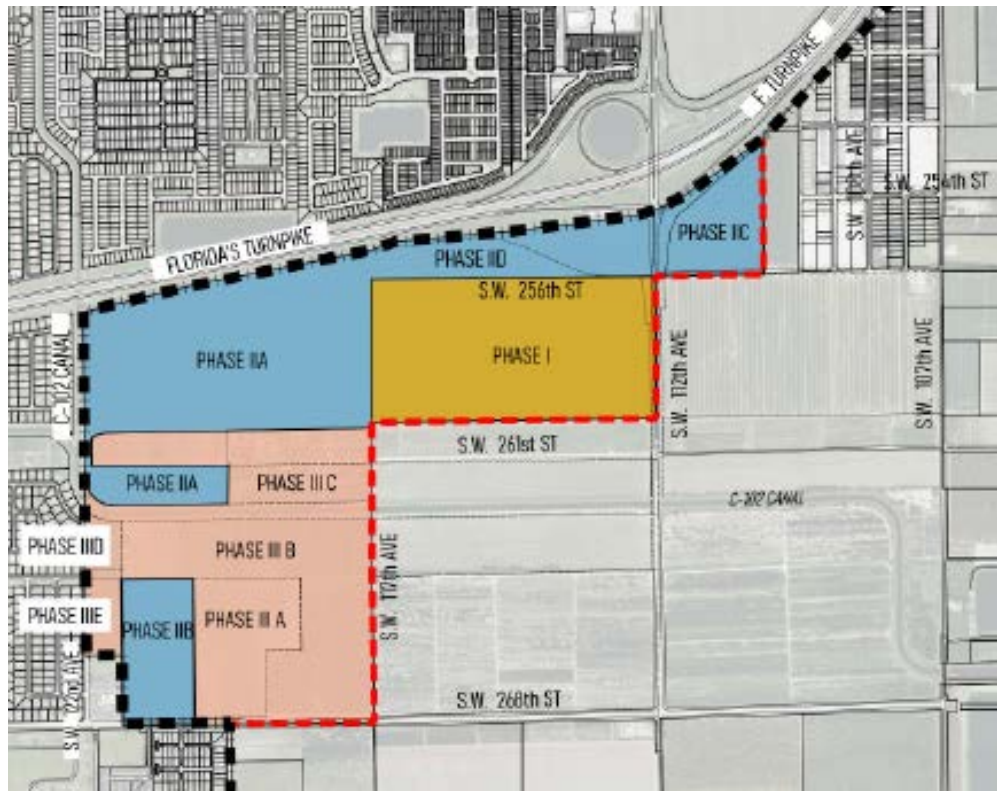


Figure 2: Current Application Area and Phasing Plan

The **total development program** under the proposed modifications is as follows:

Phase I	<ul style="list-style-type: none"> Up to 1,492,670 sq. ft. of logistics centers, warehouses, maintenance and repair facilities, office buildings and office parks, light manufacturing, and wholesale showrooms. Up to 5,000 sq. ft. of commercial uses on properties that do not exceed five acres in size (subject to Development Equivalency).
Phase II	<ul style="list-style-type: none"> Up to 2,574,756 sq. ft. of logistics centers, warehouses, maintenance and repair facilities, office buildings and office parks, light manufacturing, and wholesale showrooms Up to 80,000 sq. ft. of commercial uses Up to 150 hotel rooms (subject to Development Equivalency).
Phase III	<ul style="list-style-type: none"> Up to 1,844,535 sq. ft. of distribution and logistics centers, warehouses, maintenance and repair facilities, light manufacturing, and wholesale showrooms.
TOTAL	<ul style="list-style-type: none"> 5,911,961 sq. ft. of industrial uses including but not limited to logistics centers, warehouses, maintenance and repair facilities, office buildings and parks, light manufacturing and wholesale showrooms. 85,000 sq. ft. supportive commercial uses. Up to 150 hotel rooms.

Presented below are the Principal Reasons for Staff's final recommendation, as published in the Final Recommendation report dated May 2022, each followed by an assessment, in **Bold** text, of whether the applicants' September 1, 2022 revisions and support materials impact the Principal Reason for Staff's recommendation.

PRINCIPAL REASONS FOR RECOMMENDATION

1. The application's proposed changes to the CDMP map and text to authorize unwarranted development are contrary to and inconsistent with CDMP provisions for determining when to add lands to the 2030 Urban Development Boundary (UDB). Upon evaluation of the application as originally filed, staff recommended to "Deny and Do Not Transmit" the application, and since transmittal of the application by the Board of County Commissioners on September 9, 2021, no new information has been provided to address this fundamental inconsistency. Even as revised, the application does not meet the CDMP's threshold requirement to demonstrate a need to expand the UDB pursuant to the CDMP's long-accepted needs analysis methodology, as set forth in CDMP Land Use Element Policies LU-8F and LU-8G. Consideration of the extent to which an application promotes other CDMP policies is secondary to that needs analysis. Staff's analysis demonstrates that the application is, at best, premature.

As expressed in the CDMP, a need exists when an inadequate amount of land is available to sustain development over the 10-year planning horizon. This is essentially viewed as a mathematical expression that calls for the quantification and maintenance of a land supply inventory to sustain growth at least until 2030 (the current UDB planning horizon). Land Use Element Policy LU-8F requires the UDB to contain adequate developable land (land supply) having the capacity to accommodate the County's projected population and economic growth. Adequacy of non-residential land supply, which is what is requested in this application, is to be determined by countywide supply as well as by subareas of the County appropriate to the type of use. For industrial uses, appropriate subareas means planning analysis tiers, half-tiers, or combinations thereof. To arrive at this land supply inventory, the Department's Planning Division undertakes a detailed parcel by parcel analysis of: applicable zoning regulations; approved development orders, covenants, and restrictions; environmental considerations; ownership patterns and infrastructure; and the actual development status of parcels.

Based on this analysis, the Planning Division projects that the entire South Planning Analysis Tier ('South Tier'; generally the area south of SW 184 Street), in which the subject property is located, will not deplete its current supply of industrial land until beyond the year 2040 (see the supply and demand analysis on page 47 herein). Depletion of the relevant land supply at or after the planning horizon of the UDB (currently year 2030) demonstrates that there is no need to add lands within the UDB for such uses. Accordingly, and based on the Department's data and analysis, the application does not satisfy the threshold demonstration of need to warrant expansion of the UDB. Furthermore, in staff's opinion, the supplemental data and information provided by the applicants do not supplant or rebut the Department's data and analysis.

Assessment of Applicants' September 1, 2022 Revisions: Staff's analysis and conclusion remain unchanged, and the applicants have not submitted any additional documentation to demonstrate that a need exists to expand the UDB for industrial development.

In their prior attempt to show a need, applicants proposed an alternate methodology to calculate the depletion of industrial land. In staff's opinion, that alternate methodology is inappropriately based on only 8 years of data, which means that applicants' approach captures short term trends but misses mid and long-term trends (including market corrections) important to the long range planning process. The applicants' methodology is presented in the South Dade Logistics and Technology District 2022 Needs Analysis report submitted in May 2022.

2. The application proposes development contrary to and inconsistent with CDMP Objective LU-1 and Policies LU-1C and LU-10A, as it redirects economic development efforts away from currently planned areas inside the UDB. The Objective and Policies require the County to prioritize infill development on vacant sites in currently urbanized areas and redevelopment of substandard or underdeveloped, environmentally suitable urban areas contiguous to existing urban development where urban services and facilities have the capacities to accommodate additional demand. Staff's analysis of industrial land determined that over 500 acres of vacant land are zoned or designated for industrial uses in the applicable planning tier (see Supply and Demand Analysis on page 47). Furthermore, and as of the second quarter of 2022, ±15.3 million square feet of industrial space are under construction, in final planning or proposed for development countywide, of which 7.3 million square feet are available for lease. Within the application analysis area, 1.3 million square feet of industrial space are proposed or under construction, with 1,000,000 square feet available for lease on a single site.

The application proposes over 9 million square feet of primarily industrial development on almost 800 acres of agricultural land that is currently outside the UDB, but the application fails to demonstrate a need for this additional development capacity (see Principal Reason No. 1 above). Given that South Tier's current industrial land supply currently has the capacity to sustain industrial growth beyond the year 2040, increasing the acreage more than twofold—essentially, by more than 100 years of additional supply—as proposed in the application, runs contrary to the policy objectives of prioritising the use of existing sites currently inside the UDB. Additionally, the application does not demonstrate why available industrial parcels within the UDB are not adequate for the proposed industrial development (nor, as discussed in Principal Reason No. 8, does the application address why, even if available parcels within the UDB are inadequate, the additional capacity must be added within the Coastal High Hazard Area). Because the application, if approved, would discourage infill and redevelopment of existing vacant industrial land and industrial spaces within the UDB, it is inconsistent with the above-referenced CDMP objective and policies to prioritize utilization and redevelopment within the UDB.

Assessment of Applicants' September 1, 2022 Revisions: Staff's analysis and conclusion remain unchanged, as the applicants' revisions and updated support information do not address staff's fundamental concern that, if approved, the application would discourage infill and redevelopment of existing vacant industrial land and industrial spaces within the UDB.

Furthermore, recent industrial land market information indicates a significant reduction in the recent growth of e-commerce that had fueled much of the need for industrial space nationwide. Moreover, in the South Planning Tier, 430 acres of vacant industrial land inside the UDB remain available to serve these industrial needs.

3. Although the applicants cite job creation as a primary reason for the application, they fail to demonstrate how the application would promote sufficient job growth and economic development to substantiate their claims. Staff previously noted discrepancies with the applicant's economic development and job creation estimates, which the applicants subsequently revised in their July 30, 2021 economic analysis by reducing the job estimates of direct jobs from 16,738 to 11,428. However, the applicants do not provide a complete economic development plan to demonstrate how the 11,428 direct jobs will be created. Furthermore, the applicants' economic analysis includes estimates of the total recurring and cumulative impact of 17,446 direct, indirect, and induced jobs. Staff's analysis of the application indicates that, although between 8,399 and 16,519 of the direct, indirect, and induced jobs could be created on the site, close to half of those jobs are attributable to Phase III. The economic benefits from Phase III are tentative at best.

The applicants' economic analysis also estimates a total of 13,423 jobs would be created by the construction activities assuming development of the site would occur within one year. However, based on the phasing and construction build out information in the economic analysis, staff determined the proposed development would be a multi-year investment over the course of 7-plus years. Staff estimated the construction activities would create and support a total of 1,222 new jobs, rather than the 13,423 estimated, over the course of the construction period.

The applicants do not provide guarantees of tenants or a strategy that would ensure the proposed 9 million square feet of industrial space would be developed. It is worthwhile to compare this application with a $\pm 1,140$ -acre site in northwest Miami-Dade County, located between the Turnpike and I-75, that was brought inside the UDB for industrial uses (April 2005 Cycle CDMP Amendment Application No. 5 approved by the Board of County Commissioners in April 2006) ("the 2005 UDB Application"). After 16 years, development has occurred on less than half of the 2005 UDB Application site, and a ± 533 -acre portion of the site was subsequently approved for a mix of entertainment, retail, residential, and light industrial uses, but remains vacant today. As the applicants have not demonstrated a need to expand the UDB at this time for economic development or proposed a more detailed plan to develop the subject property, and considering the experience of the 2005 UDB Application site, the creation of jobs, particularly at the applicants' optimistic estimate, remains highly speculative.

Assessment of Applicants' September 1, 2022 Revisions: Staff's analysis and conclusion remain essentially the the same. Review of the applicants' August 20, 2022 Economic Report, prepared by Miami Economic Associates, Inc., indicates that the applicants' revised job estimates, while adjusted to reflect the reduced acreage, remain overly and significantly optimistic. During the operational phase at full project buildout, permanent direct employment (meaning jobs created on site) is estimated by Staff using the REMI Model to average 3,499 jobs, while the applicants project the creation of 7,239 jobs. Additionally, staff estimates a maximum of 5,059 net new jobs would be added to the County's economy, including direct, indirect, and induced jobs, as compared to 11,016 jobs estimated by the applicants.

4. The application remains inconsistent with Land Use Element Policy LU-8D and Capital Improvements Element Objective CIE-5, as it fails to adequately demonstrate that all identified infrastructure improvements needed to support the proposed Special District development will be provided. CDMP Policy LU-8D provides that "the LUP map shall not be amended to provide for additional urban expansion unless traffic circulation, mass

transit, water, sewer, solid waste, drainage and park and recreation facilities necessary to serve the area are included in the plan and the associated funding programs are demonstrated to be viable.” Objective CIE-5 provides that “[d]evelopment approvals will strictly adhere to all adopted growth management and land development regulations and will include specific reference to the means by which public facilities and infrastructure will be provided.”

The proposed Special District text provides that each phase or portion thereof shall, at the time of zoning approval, provide adequate assurances that the necessary infrastructure would be provided and that each phase or portion thereof shall construct, maintain, and offer to dedicate all necessary road and canal rights of way, among other infrastructure requirements. This approach to development of the ±793.93-acre site is likely to result in portions of the site not being elevated as proposed and certain infrastructure improvements not being built. For example, the ±340-foot-wide Florida Power and Light (FPL) transmission line corridor that runs east-west through the application site is anticipated to remain a transmission line corridor, and as such, would not require zoning or other approvals that would require compliance with the Special District’s infrastructure requirements. Specifically, the applicants and developers might never build the improvement to elevate the abutting segment of SW 112 Avenue (within the site between SW 256 Street and SW 268 Street) with the construction of the planned shared use paths on each side of this roadway segment.

In addition, the applicants propose to mitigate roadway level of service failures for three roadway segments that would be significantly impacted by the projected traffic from the proposed development (SW 112 Avenue and SW 127 Avenue, both segments between SW 216 Street and SW 232 Street, and SW 248 Street between SW 127 Avenue and US-1). But at this time, there is no agreement regarding the party that should be responsible for constructing the roadway widening projects. The applicants propose that the County be responsible for building the roads, while the Department of Transportation and Public Works (“DTPW”) would make the applicants responsible to not only fund but also construct the roadway improvements, as, absent the Special District development, DTPW would have no need to construct those improvements now, and simply accepting a set amount of funding from the applicants now would leave the County vulnerable to cost increases when the Special District development triggers the need for the improvements in future years.

Assessment of Applicants’ September 1, 2022 Revisions: The revised application is just under half the acreage of the original application site and thereby generates fewer impacts. The revised application excludes that portion of the original site south of SW 260 Street along both sides of SW 112 Avenue, and it thereby no longer proposes improvement to SW 112 Avenue south of SW 260/SW 261 Street, which includes the segment along the FPL transmission line corridor mentioned above.

The revised application is now required to mitigate its traffic impacts for only two roadways (SW 112 Avenue and SW 248 Street) and the applicants propose to pay their proportionate share of the costs of the needed improvements and that Road Impact Fees be used to fund the remaining portion of those costs (\$14.1 million and \$25.8 million respectively). The application recognizes that SW 112 Avenue is a FDOT roadway, provides that the proportionate share payments are creditable against applicants’ road impacts fees and that the County will use the proportionate share payments to fund the needed improvements to mitigate the failing roadway segments or other improvements determined to mitigate for the roadway failures.

It is noted that the FDOT does not currently have a roadway improvement project planned for SW 112 Avenue, and approval of the application as currently proposed will require DTPW to implement the necessary roadway improvements.

5. The application remains inconsistent with Land Use Element Policy LU-8H and proposes changes to the Policy that set a precedent for future UDB expansion applications to selectively seek exemption from certain CDMP requirements rather than comply with the requirements. Policy LU-8H requires each proposed UDB expansion application to submit concurrent CDMP and zoning applications for the entire CDMP application area, to provide a coordinated plan of development. The applicants' proposed policy change would allow over 50% of the UDB expansion area to remain without a coordinated development plan and would allow multiple subsequent zoning applications to address that remaining over 50% of the UDB expansion area piecemeal. Because the original proposed amendment to LU-8H could apply countywide to future UDB expansion applications, the BCC, at the September 9, 2021 transmittal hearing, instructed the applicant to narrow the the proposed text amendment to apply only to the application site. The applicants have modified the proposed policy change accordingly, but the proposed amendment continues to be contrary to the intent of Policy LU-8H and continues to pose serious concerns regarding the impact that this amendment could have by setting a precedent for future UDB expansion applications.

Allowing that the majority (over 50%) of the UDB expansion application site to remain in agricultural use indefinitely even after the properties are added to the urbanized area also undermines the demonstration of need to expand the UDB. In addition, by allowing multiple zoning applications, the proposed amendment is likely to lead to piecemeal and fragmented development, particularly since the proposed Special District text does not provide a detailed phasing schedule for Phase III, and Phase III is subdivided into seven subphases. In lieu of addressing the criteria in Policy LU-8H for the entire application site, the applicant also proposes language in the Special District text that would allow demonstration of compliance with Policy LU-8H after the expansion of the UDB, rather than at the time the BCC takes final action on the CDMP application. This is contrary to the intent of Policy LU-8H and not in the County's best interest. The proposed revisions to Policy LU-8H would establish a precedent encouraging other UDB expansion applications to seek exemptions from the Policy LU-8H provisions to propose a comprehensive zoning application.

Assessment of Applicants' September 1, 2022 Revisions: Staff's analysis remains unchanged. Although the application site has been reduced by more than 50%, the majority of the application site (57%) remains without a plan of development.

The proposed change to Policy LU-8H would also apply to the potential new Urban Expansion Area (UEA) west of the Florida Turnpike and north of Okeechobee Road. Through Resolution No. R-709-22, the Board directed the filing of a CDMP amendment application to create the new UEA and, if established, that UEA would meet the locational criteria of the proposed Policy LU-8H changes.

6. The application remains inconsistent with CDMP policies to preserve agricultural land and to carefully manage urban expansion to minimize the loss of agricultural land. Staff recognizes that this land is within the Urban Expansion Area and thus could some day be appropriate to convert from agricultural to urban uses. But because the applicants have not shown the requisite need for urban uses in this area, at this time, the UEA policies do not overcome other CDMP policies calling for preservation of agricultural land. Indeed, as

noted in Principal Reason No. 5 above, the request to exclude over 50 percent of the Special District land from the concurrent zoning application requirement and to thus allow it to remain as agricultural land indefinitely shows that the designation of the entire ±793.93-acre site for urban development is premature and thus the impacts to agricultural lands at this time are unwarranted.

Applicable agriculture policies include the Ultimate Development Area text of the Land Use Element (page I-88), which provides that “[w]hen the need for additional urban expansion is demonstrated, such expansion should be carefully managed to minimize the loss of agricultural land and to maximize the economic life of that valuable industry.” In addition, Policies LU-1P and LU-1R envision allowing uses in the South Dade agricultural area that are compatible with agricultural activities and associated rural residential uses; those policies require the County to take steps to preserve the amount of land necessary to maintain an economically viable agricultural industry. The Conservation, Aquifer Recharge and Drainage Element also addresses agriculture, and Policy CON-6D states that areas in Miami-Dade County having soils with good potential for agricultural use without additional drainage of wetlands shall be protected from urban encroachment. Furthermore, Policy CON-6E states that the County shall continue to pursue programs and mechanisms to support the local agriculture industry and the preservation of land suitable for agriculture.

The premature and unwarranted replacement of ±793.93 acres of agricultural land, the majority of which is “farmland of unique importance,” with urban uses that have not been shown to be needed at this location at this time directly contravenes the above-mentioned CDMP policies to protect agriculture and maintain a viable agricultural industry.

Assessment of Applicants’ September 1, 2022 Revisions: Staff’s analysis remains unchanged. There is no demonstrated need to allow the premature conversion of agricultural lands for urban uses.

Through Resolution No. R-423-22, the Board authorized a study assessing the economic trends related to agriculture in Miami-Dade County and determining the amount of land necessary to maintain an economically viable agricultural industry. The study commenced in June 2022 and is anticipated to be completed in August 2023. As no demonstrated need exists to expand the UDB at this time, the study should be completed prior to any UDB expansion being approved.

7. Approval of the application could foreclose options for successfully accomplishing objectives of the Biscayne Bay and Southern Everglades Ecosystem Restoration (BBSEER) project. Land Use Element Policy LU-3J states that “Miami-Dade County continues to support the Comprehensive Everglades Restoration Plan (CERP), and related regional and local habitat restoration and preservation initiatives through its development review processes and long range land planning initiatives.” Although the subject property has not been formally identified as part of a CERP project, approving an application to allow this currently rural land to be urbanized before a final determination regarding CERP in the area has been made could undermine CERP and thereby be inconsistent with Policy LU-3J.

The Department’s Division of Environmental Resources Management (DERM) identifies that the application is located within an area that is being evaluated for potential restoration under the Comprehensive Everglades Restoration Plan’s BBSEER planning project, which is currently being undertaken by the U.S. Army Corps of Engineers and the South

Florida Water Management District (SFWMD). DERM notes that as part of the Everglades Restoration Project, additional areas are needed to store and distribute water to restore Biscayne Bay and its coastal wetlands, and these needs are a focus of the BBSEER study.

DERM notes that the application area is notable for being low-lying and, prior to drainage of the Everglades, was a transverse glade connection between the freshwater portions of the Everglades and the coastal wetlands of Biscayne Bay. The C-102 canal, which is a regional canal operated by the SFWMD, is located within the application area and is one of the canals that can potentially supply water for diversion to the nearby coastal wetlands. Given the location of the C-102 canal and other nearby canals, the BBSEER project is evaluating a number of alternatives that would include CERP features in the area of the application. These features, called management measures in the CERP planning process, include a flowage equalization basin, a water preserve area, and wetland flow-ways for more natural distribution of water that would be diverted from the C-102 and C-1 canals to the coast.

CERP restoration within the County will largely be centered on the lands remaining outside of the UDB. Expansion of the UDB in this CERP study area prior to the BBSEER project determining what land and features are needed for CERP associated with the C-102 canal would be premature. The conversion of this land to urban uses could lead to a constrained BBSEER restoration project with significantly reduced benefits for the wetlands in the C-102 and adjacent canal basins and for the nearby areas of Biscayne Bay.

Assessment of Applicants' September 1, 2022 Revisions: Although the applicants have reduced the application acreage, the site remains within the C-102 canal basin and within the BBSEER study area. Accordingly, Staff's analysis and conclusion remain the same.

8. The applicants contend, in their June 25, 2021 "Environmental Consideration and Beneficial Impacts" report, that ongoing agricultural activity introduces excess nutrients and chemicals into waterways, as the fertilizer and pesticides applied to crops are dissolved into solution during rainfall events. The applicant provides water modelling results that were utilized to estimate current loading to Biscayne Bay from agricultural uses on the application site. The applicant's modelling results show a significant reduction of nutrient loading, particularly for total nitrogen and total phosphorous, to the C-102 Canal corridor for the pre-development runoff conditions versus the post-development conditions. However, it should be noted water quality modelling results from the 2007 South Miami-Dade Watershed Study and Plan, accepted by the BCC through Resolution No. R-603-07, show a significant *decrease* in total nitrogen, total phosphorus, and all other pollutants analyzed, when lands in the C-102 Basin located outside of the Urban Development Boundary remain in agriculture use, versus undergoing conversion to urban uses, for both the 2025 and 2050 land use scenarios.

In addition, the applicants propose to elevate the site and to retain stormwater on onsite at the 100-year 3-day storm criteria; said standards and requirements are incorporated into the proposed Special District text. DERM notes that regardless of the proposed development's ability to meet certain minimum technical design criteria for stormwater retention applicable to developed areas, this area outside the UDB is primarily undeveloped and currently provides open pervious area. If this application is approved, the proposed industrial development would necessitate stormwater management level of service demands that impact freshwater flow, including generating stormwater runoff from

the development that will ultimately flow to Biscayne Bay. The County is currently evaluating how hydrological changes, water management practices, upland development, and pollution from stormwater run-off have negatively impacted Biscayne Bay.

Assessment of Applicants' September 1, 2022 Revisions: Staff's analysis and conclusion remain the same.

9. Even with the revisions since the BCC's September 2021 transmittal hearing, the application remains inconsistent with CDMP policies regarding coastal management and development in the Coastal High Hazard Area (CHHA). Due to the vulnerabilities associated with coastal storm surge, the CDMP identifies the CHHA as being among the areas least suitable for urban development (Land Use Element page I-88). Section 163.3178(1), Florida Statutes, expresses the intent of the Florida Legislature that local government comprehensive plans protect human life and limit public expenditures in areas that are subject to destruction by natural disaster. The majority of the application site is included within the CHHA, as depicted on 'Figure 13: Areas Subject To Coastal Flooding' in the Land Use Element of the CDMP. The application proposes adding 9,305,000 sq.ft. of industrial uses, 120,000 sq.ft. supportive commercial uses, and 150 hotel rooms in an area that is within the CHHA and outside of the Urban Development Boundary and currently in agricultural use. To include the property inside the UDB and change the use from agriculture to an urban use would require substantial infrastructure investments and, subsequently, ongoing operations and maintenance. Land Use Element Policy LU-3D, Traffic Circulation Subelement Policies TC-6A and TC-6D, Coastal Management Element Objective 9 and Policies CM-9A, CM-9B, CM-9E, CM-9F, and CM-10, and Capital Improvements Element Policy CIE-2A address County goals to direct infrastructure investments away from the CHHA. The application and proposed development are inconsistent with those CDMP policies, even with the requirements that the applicants construct the infrastructure. The County could remain obligated to operate and maintain infrastructure after the applicants construct it.

Furthermore, the proposed Special District text does not adequately provide for all planned infrastructure to be built. The text requires that each phase or portion thereof shall, at the time of zoning approval, provide adequate assurances that the necessary infrastructure would be provided and that each phase or portion thereof construct, maintain, and offer to dedicate all necessary road and canal rights of way, among other infrastructure. The County would then be required to operate and maintain any dedicated infrastructure. This approach to development of the ±793.93-acre site may result in portions of the site not being elevated as proposed, as explained in Principal Reason #4 above.

The costs to the County from addressing the infrastructure needs of a newly urbanized area are also of concern. Required infrastructure serving a development is typically built by the developer, and those portions within public rights-of-way, including public water, sanitary sewer infrastructure, sanitary sewer pump stations, and roadways, are typically conveyed to Miami-Dade County to be maintained in perpetuity as public infrastructure. The applicant proposes to elevate its entire property to address Coastal High Hazard Area restrictions. This will also likely require elevating the public infrastructure to the same extent, but the cost of doing so is unknown. Similarly, the costs of operating and maintaining such elevated infrastructure is also unknown.

Finally, DERM notes that the application does not adequately address consistency with Coastal Management Element Policy CM-9E, which provides limitations on industrial or

business facilities that generate, use, or handle more than 55 gallons of hazardous wastes or materials per year within the CHHA.

Assessment of Applicants' September 1, 2022 Revisions: Notwithstanding the reduction to the application's size and scope, Staff's analysis and conclusion remain the same as to consistency with CDMP policies regarding the Coastal High Hazard Area (CHHA). The Applicant has proposed addressing Policy CM-9E, which restricts hazardous materials in the CHHA, by proposing additional changes to Policy CM-9A to exempt properties elevated out of the CHHA from complying with CM-9E. In Staff's opinion, this would exacerbate the potential issues that Staff believes exist with the applicants' other proposed changes to Policy CM-9A. See Principal Reason 10 for analysis of proposed changes to Policy CM-9A.

10. The applicant's proposed text changes to Policy CM-9A are contrary to the County's policy of discouraging additional development and future infrastructure investments in the CHHA, and both changes apply Countywide beyond the confines of this particular application. The applicant proposes amending the policy to allow new non-residential development by incorporating mitigation strategies, such as raising the finished floor elevation of structures and the average finished grade elevation of the site, so that the development is raised above the elevation of the Category 1 storm surge event as established by the Sea, Lake, and Overland Surges from Hurricanes (SLOSH) model. The Miami-Dade County Office of Emergency Management (OEM), however, has indicated that the inclusion of a property in the CHHA does not consider building elevation. According to the OEM, the property, even if elevated, is still located within the CHHA. The proposed policy change would specifically benefit this application, but if adopted, would apply to any proposed non-residential development within the County's CHHA and thereby encourage urban development in inappropriate locations.

The applicant's proposal raises multiple issues beyond its indefinite language. First, the CHHA is governed by state statute and has changed over time; if the statutory definition changes, then the County would be required to comply with the new definition, and the applicant's proposed changes to exempt itself from the CHHA could bring the County into conflict with state law. Second, the Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model, which is the basis of the state definition, is not updated with regularity. Moreover, it is not the standard by which buildings are evaluated for floodplain compliance during permitting. Thus, regardless of the applicants' attempt to address CHHA compliance in reference to the SLOSH model, new construction in the CHHA, whether residential or non-residential, could remain vulnerable to storm surge events from a Category 1 or stronger storm and more so with increased sea level rise. Additionally, a policy to exempt any future non-residential development in the CHHA is contrary to Coastal Management Element goals to reduce densities and intensities in the CHHA.

Assessment of Applicants' September 1, 2022 Revisions: Staff's analysis and conclusion remain the same as to proposed changes to Policy CM-9A.

11. Changes to CM-9F were proposed by the Applicant after transmittal to the state. The changes are proposed to address the challenge that is presented by this application's proposal to expand the UDB and construct public facilities and infrastructure in an area currently not served by such infrastructure that is also in the Coastal High Hazard Area. As currently written, this policy would prohibit such an expansion of infrastructure unless needed for public health and safety.

The applicants' proposed policy change would apply beyond the confines of this proposed Special District and would be applicable throughout all areas of the County within the CHHA. Further, the policy change does not speak to ongoing operations and maintenance of the infrastructure once constructed. The CHHA is an area subject to storm surge inundation and sea-level rise. It is not in the best interest of the County to allow privately-funded infrastructure in the CHHA where the County is then responsible for maintenance and operations.

DERM recommends establishment of a special taxing district in accordance with Policy CON-2D if the applicant does not retain maintenance responsibility of the infrastructure. That policy provides, "Sewer Improvement Special Taxing Districts shall be established for all industrial and potentially hazardous commercial areas within the Urban Development Boundary."

Assessment of Applicants' September 1, 2022 Revisions: Staff's analysis and conclusion remain the same as to changes proposed for Policy CM-9F.

12. As noted in the Initial Recommendations report, if approved as filed, the application would encourage the proliferation of urban sprawl. Section 163.3177(6)(a)(9) of the Florida Statutes requires land use elements and amendments thereto to discourage urban sprawl. The statute provides 8 indicators that a plan amendment discourages urban sprawl and 13 indicators that it does not discourage urban sprawl (page 95 in this report). The statute further provides for a plan amendment to be determined to discourage urban sprawl if it incorporates a development pattern or urban form that achieves four or more indicators for the discouragement of urban sprawl.

Since the transmittal hearing, the applicants have addressed infrastructure and other requirements related to Phases I and II and provided requirements to be met by Phase III in the proposed Special District. Nevertheless, the application still has not demonstrated full compliance with Section 163.3177(6)(a)(9). Staff's review of the application indicates that, although the application achieves, at least in part, three of the indicators that it discourages urban sprawl, it achieves six indicators (and partially meets an additional two indicators) that it fails to discourage urban sprawl. Specifically, the application: allows urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are suitable for development; fails to adequately protect and conserve natural resources such floodplains and natural groundwater aquifer recharge areas; fails to maximize use of existing and future public facilities and services; allows for land use patterns or timing that may disproportionately increase the costs in time, money, and energy of providing and maintaining facilities and services; and discourages infill development or redevelopment of existing neighborhoods or communities. Thus, approval of the application would conflict with the statutory requirement in section 163.3177(6)(a)(9) of the Florida Statutes to discourage urban sprawl.

In addition, and notwithstanding that the application site is located within an Urban Expansion Area (UEA), an area designated for future urban growth beyond the year 2030 when warranted, the application has not demonstrated that there is a need for the proposed development, as discussed in Principal Reason No. 1 above. Furthermore, Phase I of the three-phase development is scheduled to develop first, but it is not contiguous to the UDB or to the urbanized area. In addition, Phase II is divided into four

subphases, while Phase III has 6 subphases. The Special District thus contains a total of eleven distinct development areas but provides no clear indication as to the timing of development across all the phases. Therefore, the application, as presented in the Special District text, is phased in a manner that encourages urban sprawl and leapfrog development, not only in relation to the existing urbanized area but also within the Special District itself.

For these reasons, the application is inconsistent with statutory requirements and CDMP policies that are designed to discourage urban sprawl.

Assessment of Applicants' September 1, 2022 Revisions: The revised application reduces the proposed site acreage by over 50%, with corresponding changes to the Special District text and other application components. Phase I, while closer to the UDB than the original submittal, is still not contiguous to the UDB. Phase II still has four subphases, while Phase III previously had six phases and is now reduced to five subphases. Additionally, there is still no cohesive plan of development or clear indication of the timing of development for the 10 distinct development subphases. Moreover, the application still does not demonstrate the need for the proposed development, for the reasons explained in Principal Reasons Nos. 1 and 2. Accordingly, the revised application still does not discourage urban sprawl, and Staff's conclusion remains the same.