

Date: November 1, 2022

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

From: Daniella Levine Cava
Mayor

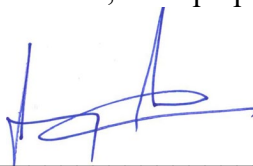


Subject: Ordinance for Out-of-Cycle Application No. CDMP20210003 to Amend the
Comprehensive Development Master Plan

Agenda Item No. 7(A)

Ordinance No. 22-148

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.



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

Agenda Item No. 7(A)

Veto 11/10/2022 *BKSP* E329836

11-1-22

Override 11-15-22 *JM* E212041

ORDINANCE NO. 22-148

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 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; 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 & 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 & 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"> 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. 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>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</p>	<p>Adopt with Changes and with Acceptance of the revised Proffered Declarations of Restrictions (covenants) [Changes are to reduce the application site to ±379 gross acres (±311 net acres) by removing the original Phase I properties and the Phase III properties east of SW 117 Avenue, except the FPL parcel (Folio 3060300000120) north of theoretical SW 260 Street and to: 1) revise Policy LU-8H to reduce the acreage threshold and limit the change to Urban Expansion Area No. 3; 2) revise proposed Special District text to address the reduced acreage and revised development program and associated development requirements and public facility impacts; 3) revise proposed changes to various CDMP figures and maps (2030-2040 Future Land Use Map, Transportation Element Figure 1 – Planned Year 2030 Roadway Network, Transportation Element Figure</p>

Application Number	Applicant/Representative Location and Size Requested Amendments to the CDMP Land Use Plan Map or Text	Final Action
	<p>(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>	<p>2 – Roadway Classification 2012, Transportation Element Figure 3 – Roadway Functional Classification 2030, and Transportation Element Figure 6 – Planned Non-Motorized Network 2030) to reflect the reduced scope of the application; and</p> <p>4) revise proposed changes to the Capital Improvements Element Table 10A to reflect the reduced scope of the application. Revisions to the proffered covenant are to accept the applicants' revisions to provide that: prior to the approval of the first tentative plat for the Property or any portion thereof, the Phase IIA Owners shall, at their cost, convey to Miami-Dade County or the appropriate state or federal agency no less than 622 acres of land, the entirety of which shall meet at least one of the following (1) the land is on the Priority A EEL Acquisition list depicted on Exhibit E to the Declaration, or (2) the land is determined by the County or the appropriate state or federal agency conducting the applicable Comprehensive Everglades Restoration Plan (CERP) project to be appropriate for the CERP Biscayne Bay Southeast Everglades Ecosystem Restoration (BBSEER) project; or (3) the land is determined by the County or to the appropriate federal agency</p>

Application Number	Applicant/Representative Location and Size Requested Amendments to the CDMP Land Use Plan Map or Text	Final Action
		<p>to be outside the UDB and surrounding the Homestead Air Reserve Base (HARB) and to be capable of being developed with uses that are incompatible with HARB, as determined by HARB; for all such land, the Phase IIA Owners shall coordinate with the applicable County departments and federal and state agencies to select such properties; that these conveyances shall not be credited toward any mitigation required by the County or other state or federal agencies for existing or proposed environmental permits; that HARB-related conveyances may take the form of fee simple title, easement, or other instrument acceptable to the County and to HARB or other applicable federal agency; and with the condition that the applicant submit a legally sufficient and fully executed covenant in recordable form and legally sufficient opinion of title and necessary joinders within 30 days unless additional time is granted by the Director of the Department of Regulatory and Economic Resources for good cause shown by the applicant, or the application will be deemed withdrawn.]</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: November 1, 2022

Approved by County Attorney as
to form and legal sufficiency.



Prepared by:



Dennis A. Kerbel