

MEMORANDUM

Amended
Agenda Item No. 11(A)(1)

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

DATE: July 19, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County Mayor to file an application to amend the Comprehensive Development Master Plan (CDMP) at the next available opportunity to create a new Urban Expansion Area (UEA) to include the area bounded on the north by NW 186th Street and NW 170th Street, on the south and west by Okeechobee Road (US 27), and on the east by NW 129th Avenue and the Urban Development Boundary (UDB), and to modify any applicable CDMP policies necessary to effectuate the UEA change, and to present the bifurcated portion of pending CDMP evaluation and appraisal report based application No. 5 for final action when the application required by this resolution is presented for final action

Resolution No. R-709-22

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Jose "Pepe" Diaz.


Geri Bonzon-Keenan
County Attorney

GBK/gh



MEMORANDUM

(Revised)

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

DATE: July 19, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Amended
Agenda Item No. 11(A)(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
- ☐ 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 _____

Amended
Agenda Item No. 11(A)(1)
7-19-22

RESOLUTION NO. R-709-22

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO FILE AN APPLICATION TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) AT THE NEXT AVAILABLE OPPORTUNITY TO CREATE A NEW URBAN EXPANSION AREA (UEA) TO INCLUDE THE AREA BOUNDED ON THE NORTH BY NW 186TH STREET AND NW 170TH STREET, ON THE SOUTH AND WEST BY OKEECHOBEE ROAD (US 27), AND ON THE EAST BY NW 129TH AVENUE AND THE URBAN DEVELOPMENT BOUNDARY (UDB), AND TO MODIFY ANY APPLICABLE CDMP POLICIES NECESSARY TO EFFECTUATE THE UEA CHANGE, AND TO PRESENT THE BIFURCATED PORTION OF PENDING CDMP EVALUATION AND APPRAISAL REPORT BASED APPLICATION NO. 5 FOR FINAL ACTION WHEN THE APPLICATION REQUIRED BY THIS RESOLUTION IS PRESENTED FOR FINAL ACTION

WHEREAS, the Urban Development Boundary (UDB) is included on the County's Comprehensive Development Master Plan (CDMP) Future Land Use Plan (LUP) Map to differentiate between areas where urban development should and should not occur; and

WHEREAS, the LUP map currently includes four Urban Expansion Areas (UEAs) where the Board may choose to authorize urban expansion in the future, if certain criteria in the CDMP Land Use Element are met, and if there is a demonstrated need for urban development to occur beyond the UDB; and

WHEREAS, UEAs were first depicted on the LUP map in 1983 and have subsequently been modified over time; and

WHEREAS, these areas are situated outside of the UDB and, as set forth in the CDMP Land Use Element, represent locations where current projections indicate that further urban development beyond the UDB may be warranted between the year 2030 and 2040, based on an analysis of available capacity inside of the UDB; and

WHEREAS, UEA No. 2 is located east of Krome Avenue between approximately SW 56th Street and the Black Creek Canal; and

WHEREAS, in accordance with CDMP Land Use Policy LU-8G, approximately 950 acres in UEA No. 2 are not suitable for additional residential development because they consist of land within the Bird Drive Wetland Area, which has been identified as a prime aquifer recharge area by the South Florida Water Management District and which contains high-quality wetland resources; and

WHEREAS, the Bird Drive Wetland Area is proposed to be removed from UEA No. 2 in CDMP Evaluation and Appraisal Report Based Application No. 5 to amend the CDMP (CDMP20190013) (“Application No. 5”); and

WHEREAS, at its July 22, 2020 CDMP meeting, this Board adopted Ordinance No. 20-77, which bifurcated Application No. 5, and the portion of the application to contract UEA No. 2 remains pending; and

WHEREAS, on June 15, 2021, the County Mayor transmitted to the Board the Final Urban Expansion Area Report (the “Report”); and

WHEREAS, the Report was prepared in accordance with CDMP Policy LU-8J, which required the County to “complete a study of (i) additional areas that may be identified as urban expansion areas, with a goal of replacing the 1,993 acres that were proposed for removal in

Application No. 5 of the Evaluation and Appraisal Report amendments in the May 2019 CDMP Amendment Cycle, and (ii) potential additional uses that would be appropriate for the urban expansion areas, particularly near the Homestead Air Reserve Base”; and

WHEREAS, the Report identified “Analysis Area 1A” as a potential location for a future UEA; and

WHEREAS, Analysis Area 1A is a ±1,398-acre area located south of NW 170th Street in the Northwest Lake Belt; and

WHEREAS, the area has access to US 27 and the Homestead Extension of the Florida Turnpike, which provides a direct connection to I-75, and the proposed SMART Plan Bus Express Rapid Transit (BERT) station that is planned north of NW 170th Street will provide transit connections to the area; and

WHEREAS, in addition, the area has utility water and sewer connections located within one-quarter mile, inside the UDB; and

WHEREAS, the primary existing uses in the area include vacant land, agricultural land, and surface parking lots, and a substantial portion of the area is owned by rock mining interests, but has not been mined to date; and

WHEREAS, County staff has identified Analysis Area 1A as potentially suitable to serve as a new UEA in the future, and this Board wishes to consider an application to amend the CDMP to achieve this outcome; and

WHEREAS, the Board also wishes to consider including additional land adjacent to Analysis Area 1A as part of the same application creating a new UEA; and

WHEREAS, as depicted on Exhibit 1 hereto, the entire area, including Analysis Area 1A, is comprised of $\pm 2,361$ acres bounded on the north by NW 186th Street and NW 170th Street, on the south and west by Okeechobee Road (US 27), and on the east by NW 129th Avenue and the UDB; and

WHEREAS, this area is part of the western regional system of wetlands, but most of the wetlands are considered to be highly disturbed and are located outside of the wellfield protection area; and

WHEREAS, while this area also includes ± 877 acres of land within the North Lake Belt Comprehensive Everglades Restoration Plan (CERP) project, there is much uncertainty about the viability of the North Lake Belt CERP in-ground reservoir project and the need for this land for the project; and

WHEREAS, this Board has recognized that the CERP project offers an important opportunity to improve the ecological health and function of the Everglades and Biscayne Bay, and these goals have been prioritized through the CDMP and other adopted policies; and

WHEREAS, the uncertainty related to the CERP project and wetlands in the area under consideration can be addressed during the application process; and

WHEREAS, the CDMP contains certain policies relating to agricultural lands, such as CDMP Policy LU-1R; and

WHEREAS, such policies generally provide for agricultural land conservation and preservation of the amount of agricultural land necessary to maintain an economically viable agricultural industry; and

WHEREAS, the Board also wishes to consider amendments to any applicable CDMP policies, particularly those pertaining to preservation of agriculture, that may be necessary to effectuate the above-referenced UEA change and to ensure internal consistency and compliance with governing requirements; and

WHEREAS, section 2-116.1(2) authorizes this Board to direct the filing of an application to amend the CDMP, subject to certain limitations on the filing of UDB-related amendments,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The foregoing recitals are hereby approved and incorporated herein.

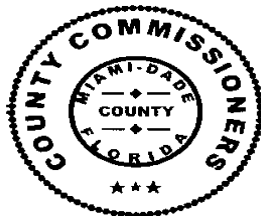
Section 2. This Board hereby directs the County Mayor or County Mayor's designee to file, at the next available opportunity, an application to amend the Comprehensive Development Master Plan (CDMP) to create a new UEA to include $\pm 2,361$ acres bounded on the north by NW 186th Street and NW 170th Street, on the south and west by Okeechobee Road (US 27), and on the east by NW 129th Avenue and the UDB, as depicted on Exhibit 1 hereto and to modify any applicable CDMP policies necessary to effectuate the UEA change.

Section 3. This Board further directs the County Mayor or County Mayor's designee to present for final action, at the same time the CDMP application referenced in section 2 above is presented for final action, the pending Application No. 5 relating to the contraction of certain lands from the Urban Expansion Area, which was bifurcated on July 22, 2020, pursuant to Ordinance No. 20-77.

The Prime Sponsor of the foregoing resolution is Chairman Jose “Pepe” Diaz. It was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **José "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

Jose “Pepe” Diaz, Chairman	aye		
Oliver G. Gilbert, III, Vice-Chairman	aye		
Sen. René García	nay	Keon Hardemon	aye
Sally A. Heyman	nay	Danielle Cohen Higgins	aye
Eileen Higgins	absent	Joe A. Martinez	aye
Kionne L. McGhee	aye	Jean Monestime	aye
Raquel A. Regalado	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 19th day of July, 2022. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.



MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

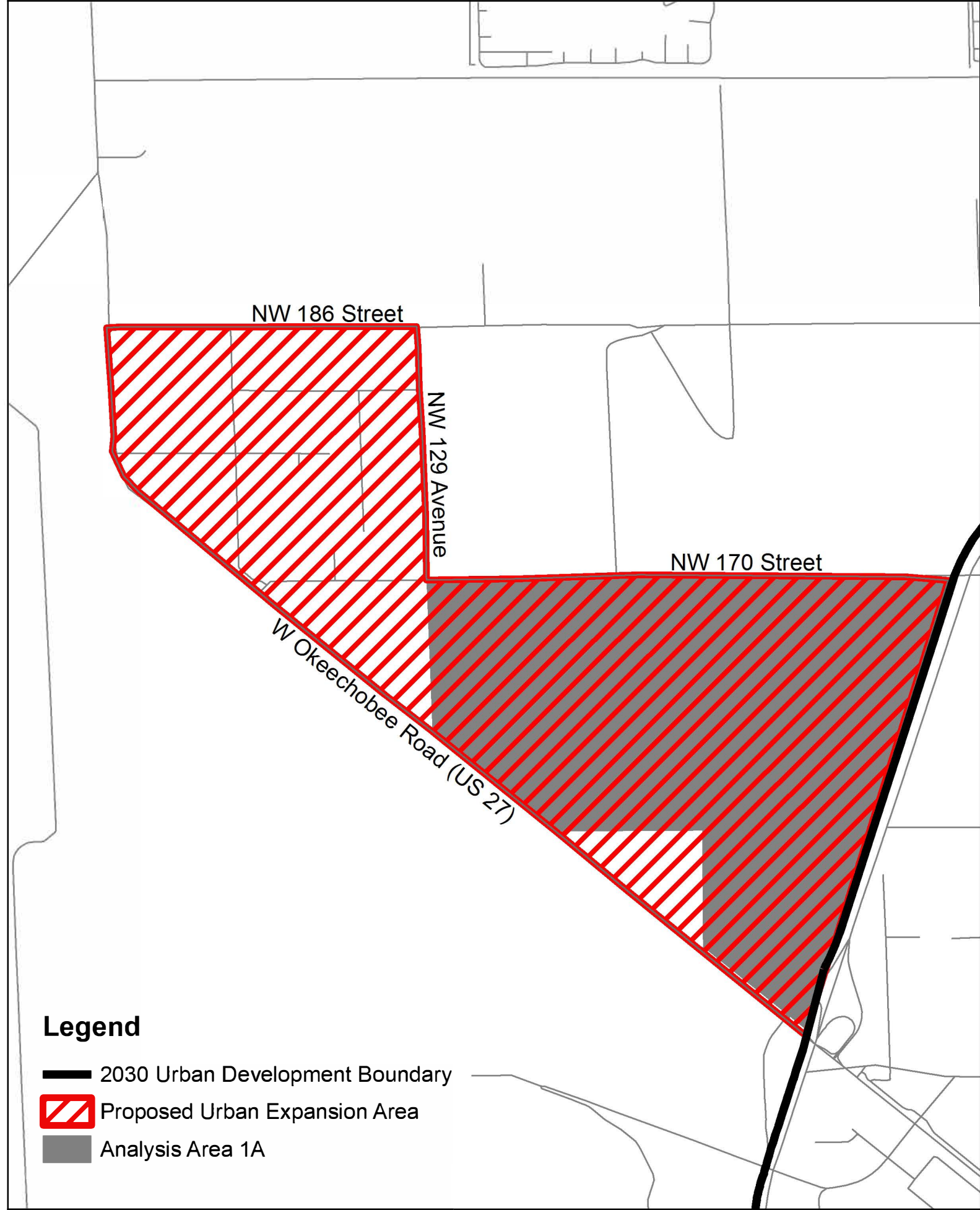
HARVEY RUVIN, CLERK

By: **Basia Pruna**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in blue ink, appearing to read "James", is written over a horizontal line.

James Eddie Kirtley
Dennis A. Kerbel



Legend

- 2030 Urban Development Boundary
- Proposed Urban Expansion Area
- Analysis Area 1A

Exhibit 1