

MEMORANDUM

Agenda Item No. 11(A)(2)

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

DATE: October 6, 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 extend the boundary of Urban Expansion Area (UEA) No. 2 south to include the area bounded on the east by the Urban Development Boundary (UDB), on the west by Krome Avenue, and on the south by SW 152nd Street, and modify any applicable CDMP policies necessary to effectuate these UEA changes

Resolution No. R-948-22

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/uw



MEMORANDUM

(Revised)

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

DATE: October 6, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(2)

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. 11(A)(2)
10-6-22

RESOLUTION NO. R-948-22

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 EXTEND THE BOUNDARY OF URBAN EXPANSION AREA (UEA) NO. 2 SOUTH TO INCLUDE THE AREA BOUNDED ON THE EAST BY THE URBAN DEVELOPMENT BOUNDARY (UDB), ON THE WEST BY KROME AVENUE, AND ON THE SOUTH BY SW 152ND STREET, AND MODIFY ANY APPLICABLE CDMP POLICIES NECESSARY TO EFFECTUATE THESE UEA CHANGES

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, on July 19, 2022, this Board adopted Resolution Number R-709-22, which directed the filing of an application to amend the CDMP's LUP Map to create a new UEA 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 UDB; and

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

WHEREAS, the western portion of the South Central Planning Tier, which is adjacent to UEA No. 2, is currently projected to deplete its combined single-family and multi-family residential land supply in 2025, which is the earliest depletion date of any Planning Tier in the County; 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 an aquifer recharge area by the South Florida Water Management District and which contains some 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, pursuant to Resolution No. R-709-22, the bifurcated portion to contract existing UEAs, including UEA No. 2, is required to be heard at the same time the Board takes final action on the application required by Resolution No. R-709-22; and

WHEREAS, to ensure adequate future land supply suitable for well-planned development in the western area of the County, the southern boundary of UEA No. 2 should be expanded from the Black Creek Canal to SW 152nd Street, as depicted on Exhibit 1 hereto, to allow for the additional capacity necessary to accommodate future residential development; 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 changes and to ensure internal consistency and compliance with governing requirements; and

WHEREAS, the Board recognizes that, pursuant to the CDMP amendment approved by Ordinance No. 18-109, portions of UEA No. 2 are expected to be traversed by the southwest extension of State Road 836/Dolphin Expressway, also referred to as the “Kendall Parkway,” (the “Kendall Parkway Amendment”); and

WHEREAS, specifically, the approved Kendall Parkway alignment runs through the entire length of UEA No. 2, between SW 42 Street/Bird Road and SW 112 Street and, depending on the location, along SW 170 Avenue or SW 174 Avenue, and continues south within the proposed UEA No. 2 expansion area along theoretical SW 162 Avenue to the parkway’s proposed end point at SW 136 Street; and

WHEREAS, the Kendall Parkway Amendment included numerous policies to prevent the Kendall Parkway from being used to support additional development within the area to be served by the expressway, including:

- removing from the concurrency management system the additional roadway capacity that would be created by the expressway and thereby preventing the expressway from being used to demonstrate concurrency for new development;
- requiring supermajority votes to approve any use other than direct agricultural production, the sale of agricultural produce, or permitted residential or bed and breakfast uses on property designated as Agriculture on the LUP map outside of the UDB and within one mile of the approved parkway alignment;
- requiring wetlands mitigation to be accomplished to the maximum extent feasible by acquisition, preservation, and restoration of wetlands in the Bird Drive and North Trail Basins; and
- requiring agricultural lands that would be taken out of agricultural production by the expressway to be mitigated by preserving agricultural lands outside the UDB in an amount commensurate to the lands being impacted; and

WHEREAS, in the Interlocal Agreement between Miami-Dade County and Miami-Dade Expressway Authority (“MDX”) for Implementation of Mitigation Measures and Other Policy Requirements for the MDX SR-836 Southwest Extension Facility (the “Interlocal Agreement”), adopted concurrently with the Kendall Parkway Amendment pursuant to Ordinance No. 18-109, MDX committed to: preserving no less than 1,000 acres of wetlands within the North Trail or Bird Drive Wetland Basins, and making wetland properties available to the federal or state governments for Comprehensive Everglades Restoration Plan (“CERP”) purposes; and preserving agricultural lands outside the UDB to mitigate impacts within the corridor for the Kendall Parkway (including

all of its constituent components as described in the Interlocal Agreement) at a ratio of one acre preserved for every acre of CDMP-designated Agriculture land that, within the preceding 5 years, either was in active agricultural use or had a use that was ancillary to and directly supportive of agriculture, with priority given to preserving lands east of SW 177 Avenue/Krome Avenue and outside the UEAs; and

WHEREAS, unlike the Kendall Parkway Amendment's wetlands mitigation requirement, which is tied to the affected area, that amendment does not require agricultural preservation to be accomplished in the area of impact, so preserving agricultural land outside of UEA No. 2 or outside of the proposed UEA No. 2 expansion area would be consistent with the Kendall Parkway Amendment and the Interlocal Agreement; and

WHEREAS, this resolution addresses needs and impacts that are unrelated to the Kendall Parkway Amendment and the concerns about that expressway's potential impacts on urban sprawl, agriculture, and the environment, all of which the Kendall Parkway Amendment appropriately mitigated; and

WHEREAS, the Kendall Parkway Amendment did not preclude expansion of the UEA, and certainly not where the UEA expansion is unrelated to the existence of the expressway, and any future development in the area will remain subject to the requirements of both the Kendall Parkway Amendment and the applicable urban expansion policies; and

WHEREAS, accordingly, the amendment application directed by this resolution must both ensure consistency with the policies adopted as part of the Kendall Parkway Amendment to address impacts that may be associated with the expressway and ensure that any future development of the area is consistent and compatible with the expressway and does not interfere with its construction; 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:

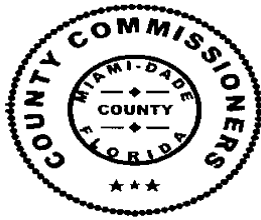
Section 1. The foregoing recitals are hereby approved and incorporated herein.

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: extend the boundary of Urban Expansion Area (UEA) No. 2 to include ±2,673 acres bounded on the east by the Urban Development Boundary, on the west by Krome Avenue, and on the south by SW 152 Street, as depicted on Exhibit 1 hereto; and modify any applicable CDMP policies necessary to effectuate these UEA changes, except for the Kendall Parkway Amendment. The application directed by this resolution should be presented on the same agendas as the application directed by Resolution No. R-709-22.

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

	Jose “Pepe” Diaz, Chairman	aye
	Oliver G. Gilbert, III, Vice-Chairman	absent
Sen. René García	absent	Keon Hardemon aye
Sally A. Heyman	aye	Danielle Cohen Higgins aye
Eileen Higgins	absent	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 6th day of October, 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

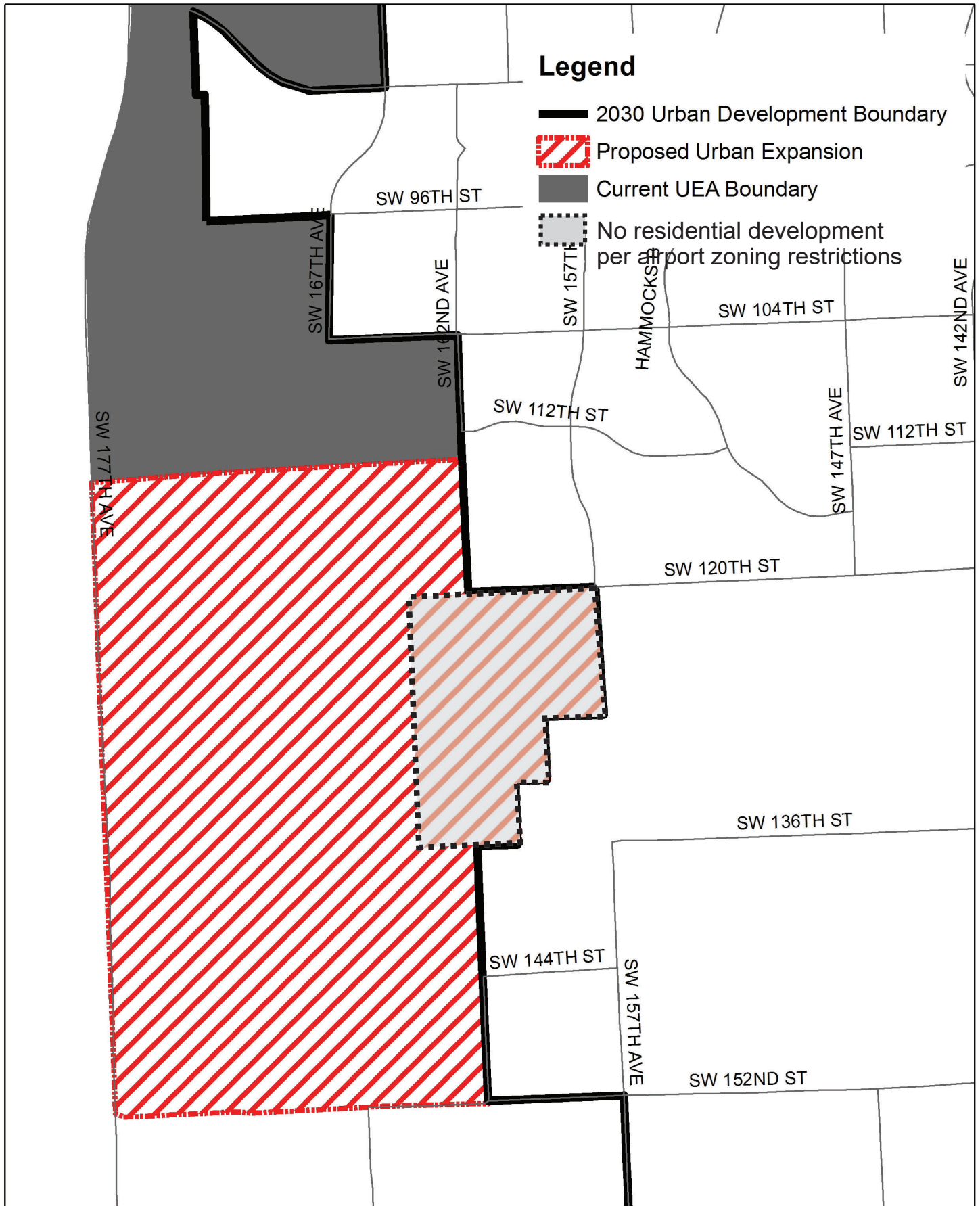
Basia Pruna

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

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

Dennis A. Kerbel
James Eddie Kirtley



Legend

-  2030 Urban Development Boundary
-  Proposed Urban Expansion
-  Current UEA Boundary
-  No residential development per airport zoning restrictions

Exhibit 1