

**JANUARY 2017
APPLICATIONS TO AMEND THE
COMPREHENSIVE DEVELOPMENT
MASTER PLAN**

FOR MIAMI-DADE COUNTY, FLORIDA



JANUARY 2017
APPLICATIONS TO AMEND
THE COMPREHENSIVE DEVELOPMENT
MASTER PLAN

March 2017

Miami-Dade County
Department of Regulatory and Economic Resources
Planning Division
111 NW 1st Street, 12th Floor
Miami, Florida 33128-1972
Telephone: (305) 375-2835

Carlos A. Gimenez
Mayor

MIAMI-DADE BOARD OF COUNTY COMMISSIONERS

Esteban Bovo, Jr
Chairman

Audrey M. Edmonson
Vice Chairwoman

Barbara J. Jordan
District 1

Jean Monestime
District 2

Audrey M. Edmonson
District 3

Sally A. Heyman
District 4

Bruno A. Barreiro
District 5

Rebeca Sosa
District 6

Xavier L. Suarez
District 7

Daniella Levine Cava
District 8

Dennis C. Moss
District 9

Sen. Javier D. Souto
District 10

Joe A. Martinez
District 11

Jose "Pepe" Diaz
District 12

Esteban Bovo, Jr.
District 13

Abigail Price-Williams
County Attorney

Harvey Ruvin
Clerk of Courts

MIAMI-DADE COUNTY PLANNING ADVISORY BOARD

William Riley
Chair

Raymond Marin
Vice-Chair

Carla Ascencio-Savola
Wayne Rinehart
Jose Bared
Tom Sherouse

Peter DiPace
Horacio C. Huembes
Alexander Soto
Javier Muñoz

Roberto Ruano
Richard Tapia
Georgina Santiago
Jesus Vasquez

Ivan Rodriguez, School Board Representative, *Non-Voting Member*
Larry Ventura, Homestead Air Reserve Base Representative, *Non-Voting Member*

Jack Osterholt, Deputy Mayor/Director
Executive Secretary

Miami-Dade County provides equal access and equal opportunity in employment and services and does not discriminate on the basis of disability. "It is the policy of Miami-Dade County to comply with all of the requirements of the Americans with Disabilities Act."

TABLE OF CONTENTS

List of Tables-----	<u>Page</u> i
List of Figures-----	i
Background and Introduction -----	ii
Overview of the January 2017 Amendment Applications -----	1

Application

<u>No.</u>	<u>Applicant/Applicant's Representative</u>	<u>Page</u>
1	Sunset Cove, LLC/Ben Fernandez, Esq., & Gregory Fontela, Esq.-----	3
2	Titan Development Partners, LLC/Ben Fernandez, Esq.-----	19

LIST OF TABLES

<u>Table</u>		<u>Page</u>
1	Schedule of Activities -----	iv
2	Declaration of Restrictions Submission Deadlines-----	vi
3	January 2017 Applications Requesting Amendments to the Comprehensive Development Master Plan (CDMP) -----	3

LIST OF FIGURES

<u>Figure</u>		<u>Page</u>
1	Areas Subject to January 2017 Cycle Applications to Amend the CDMP Land Use Plan Map-----	2

BACKGROUND AND INTRODUCTION

The purpose of this report is to present the applications to amend the Miami-Dade County Comprehensive Development Master Plan (CDMP), which were filed for evaluation during the January 2017 amendment review cycle. One (1) small-scale application (Application No. 2) was filed in this January 2017 amendment review cycle. Application No. 1, also a small-scale application, was initially filed in the October 2016 amendment review cycle but was transferred to this January 2017 amendment review cycle at the request of the applicant. Amendments to the CDMP may be needed to correct an error, to reflect changing circumstances or conditions in the community, or to improve the ability of the CDMP to fulfill its purposes and goals. This report contains the tentative schedule of activities for this amendment review period, a table summarizing all of the applications, followed by a copy of each application, among other information.

Section 2-116.1 of the Miami-Dade County (County) Code establishes the exclusive procedures for the CDMP to be evaluated and amended periodically, usually tri-annually. These procedures involve thorough reviews by the County, the State Land Planning Agency and other state and regional agencies (reviewing agencies) as required by Chapter 163, Florida Statutes (F.S.). Current procedures provide for the filing of applications in the months of January, May and October, staff analysis of the applications and public participation in the amendment process, which generally takes eleven months to complete. CDMP components eligible for amendment during the various tri-annual filing periods are summarized below*.

Application Filing Period/Cycle (month)	CDMP Components Eligible for Amendment	
	Even Numbered Years	Odd-Numbered Years
January Filing Period	All Components Except UDB, UEA and Land Use Outside UDB	All Components Except UDB and UEA and Land Use Outside UDB
May Filing Period	All Components Except UDB, UEA and Land Use Outside UDB	All Components Including UDB and UEA
October Filing Period	All Components Except UDB, UEA and Land Use Outside UDB	All Components Except UDB and UEA and Land Use Outside UDB

*Source: Section 2-116.1, Code of Miami-Dade County.

Each CDMP amendment application will be thoroughly evaluated by the Department of Regulatory and Economic Resources (Department) in coordination with other County departments and will be subject to further review at a series of public hearings. The final action adopting, adopting with change, or denying each or all of the applications will be made by the Miami-Dade Board of County Commissioners (Board). Further details about the hearings and the review process are discussed in the next section.

Application Review Process and Schedule of Activities

The following is a summary of the CDMP review and amendment activities and the tentative schedule as required by Section 2-116.1, Code of Miami-Dade County (See Table 1). After all privately filed applications were finalized, the Department published this Applications Report in March 2017, presenting the applications filed.

The review process primarily consists of two phases. In the first phase, the Department will evaluate each application and submit its recommendations to the Planning Advisory Board (PAB) and the directly affected Community Council(s) regarding each requested change in an Initial Recommendations report due to be published on or before April 30, 2017. Each directly affected Community Council in which this proposed amendment to the Land Use Plan map is located, at its option, may hold a public hearing in May 2017 to discuss the application(s), and to formulate recommendation(s) to the PAB and the Board regarding the request(s). The PAB, acting as the County's Local Planning Agency (LPA), pursuant to Part 2 of Chapter 163, F.S. will then hold a public hearing scheduled for June 5, 2017 to receive comments on the proposed amendments and consider the Department's initial recommendations, and to formulate its recommendations to Miami-Dade Board of County Commissioners (Board). The LPA's recommendations will address adoption of requested "small-scale" amendments and to address transmittal of the standard amendment to the reviewing agencies. The Board will conduct a public hearing scheduled for July 19, 2017, to consider taking final actions on the requested "small-scale" amendments and to address transmittal of the "standard" amendment (if any) to the reviewing agencies. Transmittal of the "standard" amendment application to the reviewing agencies for review and comment does not constitute adoption of the requested amendment.

The second phase of the review process, which for this cycle could only occur if the Board elects to consider any of the requested small-scale amendments as a standard amendment, would begin after transmittal of the application(s) to the reviewing agencies, which could occur in August/September 2017. The reviewing agencies would each be expected to issue their comments in or about October 2017 addressing all transmitted applications. During the review period for the reviewing agencies, the Department would review comments received at the transmittal hearings and any additional document/materials submitted, and may issue a Final Recommendations report to reflect any new information received prior to the final public hearing. The Department may also address any issues raised by the reviewing agencies in their respective comments in the Final Recommendations report. The Board would conduct a final public hearing in October/November 2017 (if needed) and take final actions on any pending amendment application. Final action by the Board will be to adopt, adopt with change, or not adopt each or all of the transmitted applications.

Outside this regular CDMP amendment process, requests to amend the CDMP can be made only by the Board under a "Special" amendment process, or by an application for concurrent amendment of a Development of Regional Impact (DRI). Procedures for processing such "Special Amendment" or "Concurrent DRI/CDMP" amendments are established in Section 2-116.1 of the County Code.

Table 1
Schedule of Activities
January 2017 CDMP Amendment Cycle

Pre-application Conference	Prior to Filing Application
Application Filing Period Documents required upon filing an application <ul style="list-style-type: none"> • <i>Any proposed modification(s) to a CDMP Declaration of Restrictions</i> 	January 2 to January 31, 2017
Deadline to withdraw Application and obtain return of full Fee. Notify applicant of deficiencies.	February 7, 2017
Deadline for resubmittal of unclear or incomplete Applications	Seventh business day after Notice of deficiency
Applications Report published by Department	February 28, 2017
Deadline for submitting Technical Reports	February 28, 2017
Deadline for submitting Declarations of Restrictions to be considered in the Initial Recommendations Report	February 28, 2017
Initial Recommendations Report released by the Department	April 2017
Community Council Public Hearing	Specific date(s) to be set in May 2017
Planning Advisory Board (PAB), acting as Local Planning Agency (LPA), Public Hearing to formulate Recommendations regarding Adoption of Small-Scale Amendments and Transmittal of Standard Amendment requests to State Land Planning Agency (SLPA)	June 5, 2017 County Commission Chamber 111 NW 1 Street Miami, Florida 33128
Board of County Commissioners (Board) Hearing and Action on Adoption of Small-Scale Amendment	July 19, 2017 County Commission Chamber 111 NW 1 Street Miami, Florida 33128

Note:

** Estimated Date.

Dates are subject to change. All hearings will be noticed by newspaper advertisement.

Small-Scale Amendments

A procedure is provided for the expedited processing of "Small-scale" amendments to the Land Use Plan map as defined in Section 163.3187(2), F.S. This procedure authorizes the Board to take final action on small-scale requests to amend the Land Use Plan map at the July 19, 2017 transmittal public hearing. An amendment application is eligible for expedited processing as a "Small-scale" amendment under the following conditions:

1. The proposed amendment involves a land use change of 10 acres or less.
2. The cumulative annual acreage of all small-scale amendments shall not exceed 120 acres.
3. The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government's comprehensive plan, but only proposes a land use change to the future land use map for a site specific small scale development activity. However, text changes that relate directly to, and are adopted simultaneously with, the small scale future land use map amendment shall be permissible under this section.

Any applicant who wants his/her eligible application processed under the expedited "Small-scale" amendment procedure must explicitly make such a request in the application. Generally, "Small-scale" amendments will not be reviewed by the SLPA or issued a notice of intent, and will take effect 31 days after adoption by the Board unless a challenge is timely filed against the amendment.

Application No. 1 was filed in the October 2016 cycle is a small-scale application, was transferred to and is being processed in this January 2017 cycle as a small-scale application. Application No. 2 was filed in the January 2017 CDMP Amendment Cycle and is eligible and has requested to be processed under the small-scale amendment procedure.

Prohibition on Argument or Representation Regarding Proposed Specific Future Uses Without Proffering a Declaration of Restrictions

According to County Ordinance 03-40 pertaining to CDMP procedures, no applicant or applicant's representative seeking a recommendation for approval or approval of an amendment to the Land Use Plan map shall be permitted to argue or represent to the Board or other recommending County board a specific future use or uses for an application site without such representation being proffered in a Declaration of Restrictions (covenant). The representation cannot include a specific use or uses or exclude a use or uses authorized by the proposed land use designation, unless the applicant has submitted a covenant committing to such representation for the subject property, which has been submitted to the Director and has received approval as to form. The covenant and associated opinion of title and joinders must be submitted to the Metropolitan Planning Section of the Department and a copy to the Office of the Assistant Director for Planning on the 12th floor. The applicant or applicant's representative should also deliver the fully executed documents with all signatures on the covenant, Opinion of Title, any and all joinders to the Metropolitan Planning Section. The Department will hold the final executed covenant until the Ordinance accepting the covenant with adoption of the amendment becomes effective, then the covenant will be recorded. The Department Administrative staff will contact the applicant(s) or the applicant's representative(s) for payment of the appropriate fee before recording the covenant through the Clerk of the Courts Office.

Deadlines for Submitting Declaration of Restrictions By Applicants

The Department has established deadlines for the submission of Declaration of Restrictions at different stages throughout the CDMP application review process. These deadlines allow for adequate review of proffered Declaration of Restrictions by the Department, and for consideration by the affected Community Councils, the Planning Advisory Board and the Board of County Commissioners at their respective public hearings. The table below indicates these deadlines:

Table 2
Declaration of Restrictions Submission Deadlines
January 2017 CDMP Amendment Cycle

Deadline for submitting Declaration of Restrictions to be considered in the Initial Recommendations Report	February 30, 2017
Deadline for submitting new or revised Declaration of Restrictions to be considered at Community Council(s) Public Hearing(s)	17 days prior to Community Council hearing
Deadline for submitting new or revised Declaration of Restrictions to be considered at Planning Advisory Board (PAB) Hearing Regarding Adoption of Small-Scale Amendments and Transmittal/Adoption of Standard Amendments	17 days prior to PAB Hearing
Deadline for submitting new or revised Declaration of Restrictions to be considered at Board of County Commissioners (Board)'s Hearing Regarding Adoption of Small-Scale Amendments	17 days prior to BCC Hearing

Additional Information

Anyone having questions regarding any aspect of the CDMP review and amendment process should visit or call the Metropolitan Planning Section of the Miami-Dade County Department of Regulatory and Economic Resources at 111 NW 1st Street, 12th Floor; Miami, Florida 33128-1972; telephone (305) 375-2835.

OVERVIEW OF THE JANUARY 2017 AMENDMENT APPLICATIONS

Two applications are being processed in the January 2017 Cycle, both filed by private parties as eligible small-scale applications requesting amendments to the CDMP Adopted 2020 and 2030 Land Use Plan (LUP) map. Application No. 1 was filed in the October 2017 Cycle and was transferred to the January 2017 Cycle pursuant to section 2-116.1 of the Miami-Dade County Code. Application No.2 was filed during the January 2017 Cycle filing period. The applications are further described in Table 3 below and their general locations identified in Figure 1 on Page 4.

Table 3
January 2017 Application Requesting Amendments To
The Comprehensive Development Master Plan

Application Number	Applicant/Representative Location Requested Change(s)	Acres
1	<p>Sunset Cove, LLC/Ben Fernandez, Esq., & Gregory Fontela, Esq.</p> <p>±530 feet west of SW 87 Avenue between SW 72 Street (Sunset Dr.) and SW 74 Street</p> <p><u>Requested Amendment to the CDMP:</u> Redesignate the application site on the LUP map:</p> <p>From: "Business and Office"</p> <p>To: "Medium Density Residential (13 to 25 dwelling units per gross acre)" and "Business and Office"</p>	±5.63 Net
Small-scale Amendment		
2	<p>Titan Development Partners, LLC/Ben Fernandez, Esq.</p> <p>Northeast corner of the intersection of SW 280 Street and SW 128 Place (±500 feet west of SW 127 Avenue)</p> <p><u>Requested Amendment to the CDMP</u> Redesignate the application site on the LUP map:</p> <p>From: "Business and Office"</p> <p>To: "Low Medium Density Residential with One Density Increase DI-1"</p>	<p>±7.75 Gross</p> <p>±7.21 Net</p>
Small-Scale Amendment		

