

Memorandum



Date: September 20, 2023

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

Agenda Item No. 4(A)

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Resolution for January 2022 Cycle Application No. CDMP20220005 to Amend the
Comprehensive Development Master Plan

The attached resolution 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 report that appears on this agenda, which, together with this resolution, were prepared by the Department of Regulatory and Economic Resources.

A handwritten signature in blue ink, appearing to read "Jimmy Morales".

Jimmy Morales
Chief Operations Officer



MEMORANDUM
(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: September 20, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 4(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
Veto _____
Override _____

Agenda Item No. 4(A)
9-20-23

RESOLUTION NO. _____

RESOLUTION PERTAINING TO JANUARY 2022 CYCLE APPLICATION NO. CDMP20220005, FILED BY LENNAR HOMES, LLC., REQUESTING AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN; DIRECTING THE MAYOR OR DESIGNEE TO ACT IN ACCORDANCE WITH THE TRANSMITTAL INSTRUCTIONS INCLUDED IN THIS RESOLUTION RELATED TO APPLICATION NO. CDMP20220005, GENERALLY LOCATED BETWEEN S.W. 336 STREET AND S.W. 344 STREET AND BETWEEN S.W. 197 AVENUE AND S.W. 192 AVENUE; REQUESTING STATE LAND PLANNING AGENCY TO REVIEW APPLICATION NO. CDMP20220005; RESERVING THE RIGHT TO TAKE FINAL ACTION AT A LATER DATE; AND DECLARING INTENT TO CONDUCT ONE OR MORE SUBSEQUENT PUBLIC HEARINGS

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 for the processing of CDMP amendment applications concurrently with zoning applications, and

WHEREAS, Application No. CDMP20220005 (the "Application") was filed by a private party in the January 2022 Cycle as a standard Application to amend the CDMP ("January 2022 Cycle Application") and is contained in the document titled "January 2022 Cycle Application No. CDMP20220005 to Amend the Comprehensive Development Master Plan", dated February 2022, and kept on file with and available upon request from the Department; 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. CDMP20220005 to Amend the Comprehensive Development Master Plan", dated June 2022 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 CDMP20220005" on the Department's website at https://energov.miamidade.gov/EnerGov_Prod/SelfService#/home by searching for plan number "CDMP20220005," and selecting the tab for "Attachments," or at the following weblink to the

Attachments tab: https://energov.miamidade.gov/EnerGov_Prod/SelfService#/plan/011d9fa2-9de0-4cac-8142-445dc0f7290c?tab=attachments; and

WHEREAS, in accordance with the applicable County procedures, the directly impacted community council was scheduled to conduct its optional public hearing on the application, but, did not achieve quorum to conduct the public hearing and therefore did not issue a recommendation on the Application; and

WHEREAS, the Planning Advisory Board, acting as the Local Planning Agency, has acted in accordance with the applicable State and County procedures and has conducted public hearings and issued recommendations for the disposition of the Application; and

WHEREAS, the Department may issue final recommendations addressing the Application that are transmitted to the reviewing agencies; and

WHEREAS, this Board desires to further evaluate, without prejudice, Application No. CDMP20220005 filed for review and action, if hereby transmitted,

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

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. The Board, having considered the following application requesting amendments to the CDMP, hereby directs the Mayor or designee to act in accordance with the transmittal instructions set forth in this section for such application. Where the instruction is to transmit, pursuant to section 2-116.1 of the Code of Miami-Dade County, the Board directs the Mayor or designee to transmit the application to the reviewing agencies, along with all other materials required pursuant to section 163.3184, Florida Statutes.

Application Number	Applicant/Representative Location and Size Requested Amendments to the CDMP Land Use Plan Map or Text	Transmittal Instruction and/or Recommended Action
CDMP20220005	<p>Lennar Homes, LLC (a.k.a. Lime Grove) / Hugo P. Arza, Esq., and Amanda M. Naldjieff, Esq., Holland & Knight LLP</p> <p>Generally located between SW 336 Street and SW 344 Street and between SW 197 Avenue and SW 192 Avenue / ±116.85 gross acres / ±113.85 net acres</p> <p><u>Requested Amendment to the CDMP:</u></p> <ol style="list-style-type: none"> 1. Release existing CDMP Declaration of Restrictions on the site. 2. Add the proffered, Amended, and restated Declaration of Restrictions in the Restrictions Table in Appendix A of the CDMP Land Use Element, if accepted by the Board of County Commissioners. <p>Standard Amendment</p>	

Section 3. The Board hereby requests the reviewing agencies to review the transmitted application pursuant to section 163.3184(3), Florida Statutes.

Section 4. The Board hereby reserves the right to take final action without prejudice at a later date to adopt, adopt with changes, or not adopt the pending application and proposals following receipt of comments by the reviewing agencies, and following one or more public hearings by this Board, all as authorized by section 163.3184, Florida Statutes, and section 2-116.1, Code of Miami-Dade County.

Section 5. The Board declares its intention to advertise and conduct one or more public hearings in calendar year 2022 to address the Application.

The foregoing resolution was offered by Commissioner
who moved its adoption. The motion was seconded by Commissioner
and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman	
Anthony Rodríguez, Vice Chairman	
Marleine Bastien	Juan Carlos Bermudez
Kevin Marino Cabrera	Sen. René García
Roberto J. Gonzalez	Keon Hardemon
Danielle Cohen Higgins	Eileen Higgins
Kionne L. McGhee	Raquel A. Regalado
Micky Steinberg	

The Chairperson thereupon declared this resolution duly passed and adopted this 20th day of September, 2023. 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

JUAN FERNANDEZ-BARQUIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Dennis A. Kerbel