

MEMORANDUM

AGENDA ITEM #6h

DATE:	FEBRUARY 2, 2009
TO:	COUNCIL MEMBERS
FROM:	STAFF
SUBJECT:	MIAMI-DADE COUNTY PROPOSED COMPREHENSIVE PLAN AMENDMENT

Introduction

On January 12, 2009 Council staff received proposed amendment package #09-1 to the Miami-Dade County Comprehensive Development Master Plan (CDMP) for review of consistency with the *Strategic Regional Policy Plan for South Florida* (*SRPP*). Staff review is undertaken pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes (F.S.), and Rules 9J-5 and 9J-11, Florida Administrative Code (F.A.C.).

Community Profile

With a 2008 population estimated at 2,477,289, Miami-Dade County is the most populous county in Florida. The County's population has grown by 9.9% since 2000, and is expected to increase an additional half a million by the year 2020. The percentage of the population that is of working age or younger is larger in Miami-Dade County than the state average. The County also has higher unemployment rates as well as a higher percent of families with incomes below the poverty level than the state average.

The structure of the County's economy is heavily service and trade oriented, with approximately 57% of total employment in these sectors. The County has established itself as a wholesaling and financial center and major tourist destination. Miami-Dade County ranks ninth in export sales among all metropolitan areas in the country. Almost a quarter of the state's total employment in transportation is located in the County. The Port of Miami is the largest cruise ship port in the world and one of the largest container ports in the southeast. The urbanized portion of the County lies between two national parks, Everglades and Biscayne National Parks. The close relationship of tourism to the preservation of Miami-Dade County's unique native plants and wildlife has been recognized as an economic as well as an environmental issue. In order to manage growth, the County's Comprehensive Development Master Plan (CDMP) establishes an Urban Development Boundary (UDB), which distinguishes the area where urban development may occur from areas where it should not occur.

Additional information regarding the County or the Region may be found on the Council's website at <u>www.sfrpc.com</u>.

Summary of Staff Analysis

Proposed amendment package #09-1 to the Miami-Dade County Comprehensive Development Master Plan (CDMP) contains five (5) site-specific changes to the Future Land Use Map (FLUM) and seven (7) text amendments.

The general location of the County is shown in Attachment 1, Attachment 2 presents the locations of all proposed map amendments, and detailed locations of the map amendments are shown in Attachments 3 through 6.

A summary table of the proposed amendments in this package is displayed below. For the purposes of this review, the amendments retain their County amendment numbers.

SUMMARY OF CDMP SITE-SPECIFIC MAP AMENDMENTS								
County Amend. No.	Size (gross acres)	General Location	Proposed Land Use Change (From/To)	Attach ment	Staff Recommendation	BCC ¹ Vote		
6	31.04	Between Palmetto Exwy. and Milam Dairy Rd.; and NW 14 St. and NW 19 St.; W of MIA ²	FROM: Industrial and Office and Transportation Terminals TO: Business and Office	3	General Consistency with the <i>SRPP</i>	9-0-4		
7	16.9	NE corner of Milam Dairy Rd. and NW 12 St. at the SW corner of MIA	FROM: Industrial and Office TO: Business and Office	3	General Consistency with the <i>SRPP</i>	9-0-4		
8	41.0	N side of Flagler St. between the theoretical NW 90 and NW 94 Ave.	FROM: Parcel A (23 acres): Medium Density Residential (13 to 25 DU/ac); Parcel B (18 acres): Parks and Recreation TO: Business and Office	4	General Consistency with the <i>SRPP</i>	10-0-3		
9	41.0	NE corner of W Flagler St. and NW 102 Ave.	FROM: Low-Medium Density Residential (6 to 13 DU/ac) TO: Business and Office	5	General Consistency with the <i>SRPP</i>	10-0-3		
10	3.6	SW corner of SW 112 Ave. and SW 248 St.	FROM: Office/Residential TO: Business and Office	6	General Consistency with the <i>SRPP</i>	10-0-3		

¹BCC = Board of County Commissioners

² MIA = Miami International Airport

SUMMARY OF CDMP COUNTY-WIDE TEXT AMENDMENTS						
County Amend. No.	Text Amendments	Staff Recommendation	BCC ¹ Vote			
11	Education Element: would allow Charter Schools for a proportionate mitigation option	Amendment is premature; should not be considered at this time	9-0-4			
13	Land Use Element: would revise the definition of "ancillary to agriculture"	General Consistency with the SRPP	9-0-4			
15	Land Use Element: would provide a density bonus for Affordable Housing	General Consistency with the SRPP	9-0-4			
17	Land Use Element: would revise text in the "Industrial and Office" land use category based on recommendation in the 2003 EAR	General Consistency with the SRPP	9-0-4			
18	Housing Element: would provide for the adoption of the County Workforce Housing Plan (2008-2015)	General Consistency with the SRPP	9-0-4			
19	Conservation, Aquifer Recharge and Drainage Element: would replace the Exotic Pest Plant List for consistency with County Code	General Consistency with the SRPP	9-0-4			
20	Land Use Element and Transportation Elements: would revise text relating to non-aviation related uses at County airports	General Consistency with the SRPP	9-0-4			

¹ BCC = Board of County Commissioners

On November 6, 2008, the Board of County Commissioners unanimously voted to adopt proposed amendment package #09-1 and transmit to the Florida Department of Community Affair for review and comment.

A detailed analysis of the amendments is included in the attached staff report.

Recommendation

Proposed text Amendment 11 should not be considered at this time. The acceptance of Charter Schools as a proportionate share mitigation option should be vetted through the Interlocal Agreement (ILA) process.

Find the map amendments of proposed amendment package #09-1 generally consistent with the *Strategic Regional Policy Plan for South Florida (SRPP)*; and

Find the remainder of the text amendments in proposed amendment package #09-1 (Amendments 13, 15, 17, 18, 19, and 20) generally consistent with the *SRPP*. Approve this staff report for transmittal to the Florida Department of Community Affairs.

Proposed Comprehensive Plan Amendment Review Staff Report for Miami-Dade County

> South Florida Regional Planning Council February 2009

PROPOSED AMENDMENT PACKAGE #09-1 TO THE MIAMI-DADE COUNTY COMPREHENSIVE PLAN

Summary of Staff Analysis

Proposed amendment package #09-1 to the Miami-Dade County Comprehensive Development Master Plan (CDMP) contains five (5) site-specific changes to the Future Land Use Map (FLUM) and seven (7) text amendments.

The general location of the County is shown in Attachment 1, Attachment 2 presents the locations of all proposed map amendments, and detailed locations of the map amendments are shown in Attachments 3 through 6.

Planning Rationale

The Miami-Dade CDMP is a metropolitan guide for growth management. The Plan is countywide in scale and comprehensive in scope. It establishes the County's policy framework within which specific development decisions are made daily. Among its key growth management objectives, the CDMP seeks to ensure that physical expansion of the urban area is managed to occur 1) at a rate commensurate with projected population and economic growth; 2) in a contiguous pattern centered around a network of high-intensity activity centers, well-connected by multimodal intra-urban transportation facilities; and 3) in locations which optimize efficiency in public service delivery and conservation of valuable natural resources. The foregoing objectives are encouraged by the State's comprehensive planning laws and the *Strategic Regional Policy Plan for South Florida (SRPP)*.

Areas of Analysis

To facilitate the evaluation of applications requesting amendments to the Land Use Plan (LUP) map, Study Areas were established, encompassing an application or group of applications. The boundaries of such Study Areas coincide with enumeration areas previously established for other planning or analysis purposes, and for which data on factors such as housing or population already exist. The basic geographic unit used in many analyses conducted by the Miami-Dade County Department of Planning and Zoning is the minor statistical area (MSA). The MSA boundaries are based on census tracts, which are a component of the United States Census geography. An MSA may contain one large census tract or an aggregation of census tracts. The MSAs were established as planning areas by the Miami-Dade County Department of Planning and Zoning to facilitate small-area analyses and to standardize areas for the development of statistical data and projections.

For the purposes of this review, the amendments retain their County amendment numbers. A detailed analysis of the amendments can be found below.

I. SITE-SPECIFIC MAP AMENDMENTS

Amendments 6 and 7

Proposed amendments 6 and 7 were reviewed together because the subject properties are in the same vicinity and the land use change requests are identical. Both amendments would change the subject properties from Industrial and Office and Transportation Terminals to Business and Office.

Amendment 6 would change the land use designation of a 31.04 acre site located between the Palmetto Expressway (SR 826) and Milam Dairy Road, between NW 14 and NW 15 Streets, and west of the Miami International Airport (MIA) [see Attachment 3]. The site's surrounding uses include a Neighborhood

Health and Airport Corporate Center office park to the north; office complex, the MIA tarmac, warehouses, a motel and the Amendment 7 site to the south; and an office park to the west.

Amendment 7 would change the land use designation of a 16.9 acre site located at the northeast corner of Milam Dairy Road and NW 12 Street, and adjacent to the southwest corner of the Miami International Airport [see Attachment 3]. The site's surrounding uses include a MIA tarmac, warehouse, industrial office buildings, and the Amendment 6 site to the north; industrial and office to the east; warehouses, commercial and office space to the south; and SR 826 and office and warehouse to the west.

The applicant proposes the subject sites to be commercially developed by private partners for industrial, retail, and office uses. The proposed amendment sites would allow a mixed use development of approximately 1,050 hotel rooms, an 185,000 square-foot gas/service station, and 741,000 square feet of industrial and office use. Both applications are accompanied with a Proffered Covenant that would prevent residential uses.

Facilities and services appear to be sufficient with the exception of roadway capacity. County and State roadway segments would be significantly impacted. Traffic signal progression, intersection and transit improvements are being considered for County roadways. Miami-Dade County staff is working with Miami-Dade Transit and Florida Department of Transportation (FDOT) to address appropriate mitigation for State Roads.

Amendments 6 and 7 have gone through a multi-step review process at the local level. The Miami-Dade County Planning and Zoning August 25, 2008 staff report recommended approval and transmittal with acceptance of the proffered covenants. On October 6, 2008, the Miami-Dade County Planning Advisory Board, acting as the Local Planning Agency, conducted a public hearing on the proposed amendments and voted to adopt with acceptance of the proffered covenants and transmit. On November 6, 2008, the Miami-Dade County Commission voted 9-0-4 to transmit these amendments as submitted to the Florida Department of Community Affairs for review.

Staff analysis confirms that proposed Amendments 6 and 7 would be compatible with existing land uses and have minimal impact on natural and regional resources and finds both amendments generally consistent with the goals and policies of the *Strategic Regional Policy Plan for South Florida*.

Amendment 8

This amendment would change the land use designation of two parcels totaling 41.0 acres, located at the north side of Flagler Street between NW 90 and NW 94 Avenues. The amendment would change the land use designation of a 23 acre parcel from Medium Density Residential (Parcel A) and an 18 acre parcel from Parks and Recreation (Parcel B-18 acres) to Business and Office [see Attachment 4]. Both properties are part of the Fontainebleau Golf Course site and are surrounded by residential development. More specifically, there is a shopping center and a multi-family housing development to the north; multi-family housing and Florida Power and Light company offices to the south; a school and multi-family housing to the west; and multi-family housing residential communities and offices to the east.

The amendment site is part of a larger 152.28 acre site that was reviewed by the Council at its February 2, 2005 meeting. That amendment package sought to change the land use of the East Course of the Fontainebleau Golf Course from Parks and Recreation and Medium Density Residential to Medium Residential Communities. At that time, the Council found the amendment to be generally inconsistent with the *SRPP* due to impacts to the public school system and the local and regional transportation network.

The proposed amendment is accompanied with a new Proffered Covenant that limits development to 240,000 square feet of retail commercial with no residential or office uses, and restricts certain retail uses. A previous covenant was also revised to reconfigure the land uses.

The proposed Business and Office designation would result in more PM peak hour trips than the current residential use, but roadway capacity would not be significantly impacted. Due to the non-residential nature of the proposed amendment, there would be no impact on public school enrollment or capacity. Facilities and services appear to be sufficient. However, this amendment would result in a loss of 299 to 575 housing units.

Miami-Dade County staff is concerned the proposed amendment does not sufficiently address projected growth in population and the economy; is inconsistent with general pattern of non-residential uses; and will contribute to the depletion of single-family units and residential land supply, which is expected by 2011 and 2019 respectively. County staff has also cited inconsistencies with several CDMP goals, objectives, policies, concepts, and guidelines.

<u>Comment</u>

Council staff recognizes the concerns of County staff as noted above. Council staff recommends that the Applicant work with the County to address consistency issues with County guidelines and documents, and address the cumulative impact of reduced housing supply as it relates to this amendment.

This amendment has gone through a multi-step review process at the local level. The Miami-Dade County Planning and Zoning August 25, 2008 staff report recommended denial. The Westchester Community Council voted to adopt the amendment with acceptance of proffered covenant on September 23, 2008. On October 6, 2008, the Miami-Dade County Planning Advisory Board, acting as the Local Planning Agency, conducted a public hearing on the proposed amendment and voted to "adopt the amendment with change to recognize reduction in property size, with acceptance of the proffered covenant, and to transmit." On November 6, 2008, the Miami-Dade County Commission voted 10-0-3 to adopt the amendment with two proffered covenants and transmit it to the Florida Department of Community Affairs for review.

Staff analysis confirms that proposed Amendment 8 would have minimal impact on public facilities, natural and regional resources, and finds the amendment generally consistent with the goals and policies of the *Strategic Regional Policy Plan for South Florida*.

Amendment 9

This amendment would change the land use designation of a 41.0 acre parcel located within in the Urban Infill Area (UIA) on the northeast corner of West Flagler Street and NW 102 Avenue in the Westchester neighborhood [see Attachment 5]. The amendment would change the subject property from Low-Medium Density Residential (6-13 du/ac) to Business and Office. The amendment site is located in the Richardson-Kellett Land Company Subdivision and the southwest corner borders the City of Sweetwater. The surrounding uses include park/recreation, schools, and retail and office to the east; residential to the north; a church and park to the west; and commercial and retail to the south.

The proposed land use designation would allow the amendment site to be developed with approximately 400,000 square feet of retail and commercial space. While the Business and Office designation would result in 1,134 more PM peak hour trips than the current residential use, roadway capacity would not be significantly impacted. Residential uses are allowed under the proposed land use designation but are restricted through an accompanying covenant. This amendment would result in a loss of 246 to 533 housing units.

Miami-Dade County staff is concerned the proposed amendment does not sufficiently address projected growth in population and the economy; is inconsistent with general pattern of non-residential uses; and will contribute to the depletion of single-family units and residential land supply, which is expected by 2011 and 2019 respectively. County staff has also cited inconsistencies with several CDMP goals, objectives, policies, concepts, and guidelines.

Comment

Council staff recognizes the concerns of County staff as noted above. Council staff recommends that the Applicant work with the County to address consistency issues with County guidelines and documents, and address the cumulative impact of reduced housing supply as it relates to this amendment.

This amendment has gone through a multi-step review process at the local level. The Miami-Dade County Planning and Zoning August 25, 2008 staff report recommended denial. The Westchester Community Council 10 voted to adopt the amendment with the conditions proffered in the draft covenant on September 23, 2008. On October 6, 2008, the Miami-Dade County Planning Advisory Board, acting as the Local Planning Agency, conducted a public hearing on the proposed amendment and voted to adopt and transmit the amendment with a condition limiting development to non-residential uses, as proffered in the draft covenant. On November 6, 2008, the Miami-Dade County Commission voted 10-0-1 to adopt with acceptance of proffered covenant and transmit this amendment to the Florida Department of Community Affairs for review.

Staff analysis confirms that proposed Amendment 9 would have minimal impact on public facilities, natural and regional resources, and finds the amendment generally consistent with the goals and policies of the *Strategic Regional Policy Plan for South Florida*.

Amendment 10

This amendment would change the land use designation of a 35.0 acre site located on the southwest corner of SW 112 and SW 248 Avenues [see Attachment 6]. The amendment would change the land use designation from Office/Residential to Business and Office. The proposed change would allow for commercial and retail uses. Surrounding uses include single-family residential and retail to the north; residential and agricultural to the east, the Homestead Extension of the Florida Turnpike (HEFT)/State Road 821 ramp and Urban Development Boundary (UDB) to the south; and agricultural to the west.

The application is accompanied with a new Proffered Covenant to replace existing restrictions. The new covenant agrees to develop the property with mixed uses (retail, office, and community/institutional) to satisfy surrounding needs; allows additional uses consistent with the CDMP; and incorporates design guidelines. While residential uses are not being sought at this time, the covenant does not restrict future residential development. Impacts to the school system would have to be reconsidered if residential uses are sought.

This amendment has gone through a multi-step review process at the local level. The Miami-Dade County Planning and Zoning August 25, 2008 staff report recommended approval and transmittal with acceptance of the proffered covenant. The South Bay Community Council voted to adopt the amendment with acceptance of the proffered covenant on September 18, 2008. On October 6, 2008, the Miami-Dade County Planning Advisory Board, acting as the Local Planning Agency, conducted a public hearing on the proposed amendment and voted to adopt and transmit the amendment with acceptance of the proffered covenant. On November 6, 2008, the Miami-Dade County Commission voted 10-0-3 to adopt this amendment as presented and transmit it to the Florida Department of Community Affairs for review.

Staff analysis confirms that proposed Amendment 10 would have minimal impact on public facilities, natural and regional resources, and finds the amendment generally consistent with the goals and policies of the *Strategic Regional Policy Plan for South Florida*.

II. TEXT AMENDMENTS

Amendment 11

This is a text amendment to the Education Element that would add new language (Policy EDU-2C) allowing the use of Charter Schools as a proportionate share mitigation option.

<u>Comment</u>

The County and the School Board are still working to achieve consensus on issues related to the Interlocal Agreement (ILA) for Public School Facilities Planning. The current versions of the ILA do not recognize charter schools as a proportionate share mitigation option. As proposed, Amendment 11 circumvents the Interlocal governmental coordination process. The introduction of new language could hinder the ILA process and further delay its execution. The acceptance of charter schools as a proportionate share mitigation must be approved by the County, the School Board and the non-exempt local governments.

On November 6, 2008, the Miami-Dade County Commission voted 9-0-4 to adopt this amendment with changes and transmit it to the Florida Department of Community Affairs for review.

Staff analysis confirms proposed Amendment 11 should not be considered until the ILA has been executed between the County and School Board.

Amendment 13

This is a text amendment to the Land Use Element that would add language clarifying the meaning of the term "ancillary to agriculture" to allow some uses to be "stand alone," rather than part of an active farm, and to allow Bed and Breakfast establishments in the Agricultural Area.

On November 6, 2008, the Miami-Dade County Commission voted 9-0-4 to adopt this amendment with changes and transmit it to the Florida Department of Community Affairs for review.

Staff analysis confirms proposed Amendment 13 is generally consistent with the goals and policies of the *Strategic Regional Policy Plan for South Florida*.

Amendment 15

This is a text amendment to the Land Use Element that would revise the seventeen percent density bonus description for not-for-profit organizations. The program description would allow the density bonus to be applied to "residential developers as long as they certify thirty percent of the housing units will be made affordable to low income households." A subsection entitled "Density Bonus Programs for Affordable and Workforce Housing" would be included to consolidate the text of all existing and proposed density bonus incentives and describe all programs.

On November 6, 2008, the Miami-Dade County Commission voted 9-0-4 to adopt this amendment and transmit it to the Florida Department of Community Affairs for review.

Staff analysis confirms proposed Amendment 15 is generally consistent with the goals and policies of the *Strategic Regional Policy Plan for South Florida*.

Amendment 17

This is a text amendment to the Land Use Element that would revise the text of the "Industrial and Office" land use category to adopt 2003 Evaluation and Appraisal Report-based recommendations to reduce the conversion of industrially designated land to non-industrial uses.

On November 6, 2008, the Miami-Dade County Commission voted 9-0-4 to adopt this amendment and transmit it to the Florida Department of Community Affairs for review.

Staff analysis confirms proposed Amendment 17 is generally consistent with the goals and policies of the *Strategic Regional Policy Plan for South Florida*.

Amendment 18

This is a text amendment to the Housing Element that would adopt the "Miami-Dade County Workforce Housing Plan, 2008 to 2015" into the CDMP, by reference.

In 2007, the Florida Legislature amended Chapter 163, Florida Statutes (F.S.), to include provisions in comprehensive plans related to workforce housing. The legislative changes call for certain counties, such as Miami-Dade County, to adopt a plan for affordable workforce housing by July 1, 2008 and to identify sites suitable for such housing. "Workforce housing" is defined as housing that is affordable to persons or families whose total household income does not exceed 140 percent of the area median income, adjusted for family size. Failure to adopt the workforce housing plan would make Miami-Dade County ineligible to receive any state housing assistance grants until the requirement is met.

On November 6, 2008, the Miami-Dade County Commission voted 9-0-4 to adopt this amendment with further changes and transmit it to the Florida Department of Community Affairs for review.

Staff analysis confirms proposed Amendment 18 is generally consistent with the goals and policies of the *Strategic Regional Policy Plan for South Florida*.

Amendment 19

This is a text amendment to the Conservation, Aquifer Recharge and Drainage Element that would revise Policy CON-8I by replacing the existing Exotic Pest Plant List with an updated and expanded list for consistency with Chapter 24 of Miami-Dade County Code.

On November 6, 2008, the Miami-Dade County Commission voted 9-0-4 to adopt this amendment with change and transmit it to the Florida Department of Community Affairs for review.

Staff analysis confirms proposed Amendment 19 is generally consistent with the goals and policies of the *Strategic Regional Policy Plan for South Florida*.

Amendment 20

This contains text amendments to the Land Use and Transportation Elements to correct an error made in a text amendment filed and adopted during the April 2007 cycle to amend the CDMP. The percentage range limiting non-aviation related uses at Kendall-Tamiami Executive Airport (KTMB) and Miami International Airport (MIA) would be revised in the Transportation section of the Land Use Element and the Aviation Sub-Element of the Transportation Element. The proposed language would potentially increase commercial, office and hotel/motel uses at MIA and commercial uses at KTMB.

This amendment is related to a previous three part amendment that was reviewed by the Council at its July 7, 2008 meeting. That amendment was a combination of land use and map changes to Opa-Locka West, Kendall-Tamiami, and Miami International Airports. At that time, the Council found Part 2 of the amendment generally inconsistent with the *SRPP* due to insufficient transportation analysis and

inconsistencies with a related DRI application. Since that review, the Miami-International Airport Land Use Master Plan was adopted.

On November 6, 2008, the Miami-Dade County Commission voted 9-0-4 to adopt this amendment and transmit it to the Florida Department of Community Affairs for review.

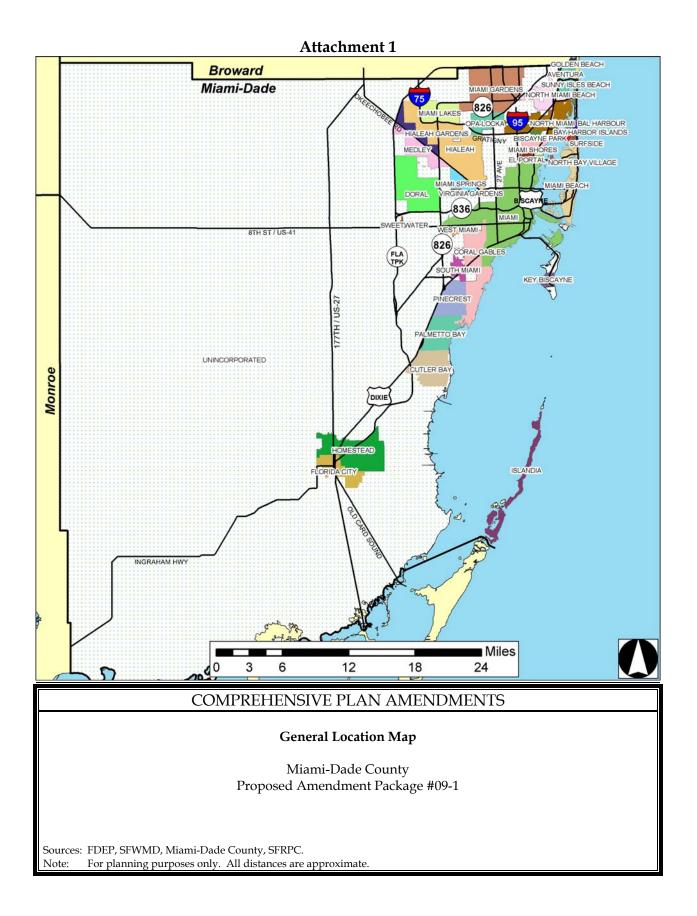
Staff analysis confirms that proposed amendment 20 is generally compatible with and supportive of the Goals and Policies *Strategic Regional Policy Plan for South Florida*.

Recommendation

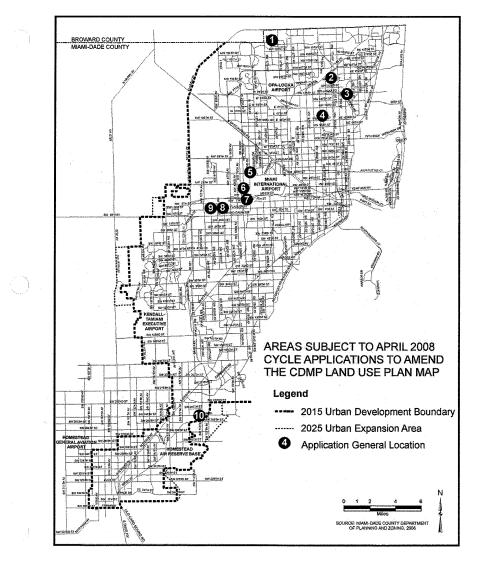
Proposed text Amendment 11 should not be considered at this time. The acceptance of Charter Schools as a proportionate share mitigation option should be vetted through the Interlocal Agreement (ILA) process.

Find the map amendments of proposed amendment package #09-1 generally consistent with the *Strategic Regional Policy Plan for South Florida (SRPP)*; and

Find the remainder of the text amendments in proposed amendment package #09-1 (Amendments 13, 15, 17, 18, 19, and 20) generally consistent with the *SRPP*. Approve this staff report for transmittal to the Florida Department of Community Affairs.



Attachment 2



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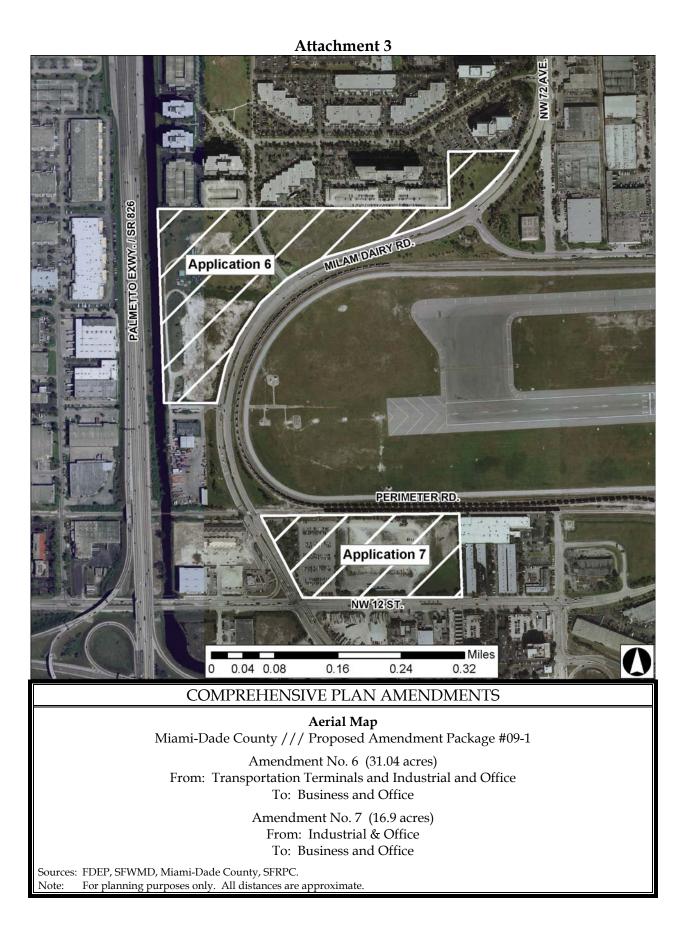
COMPREHENSIVE PLAN AMENDMENTS

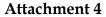
Amendment Location Map

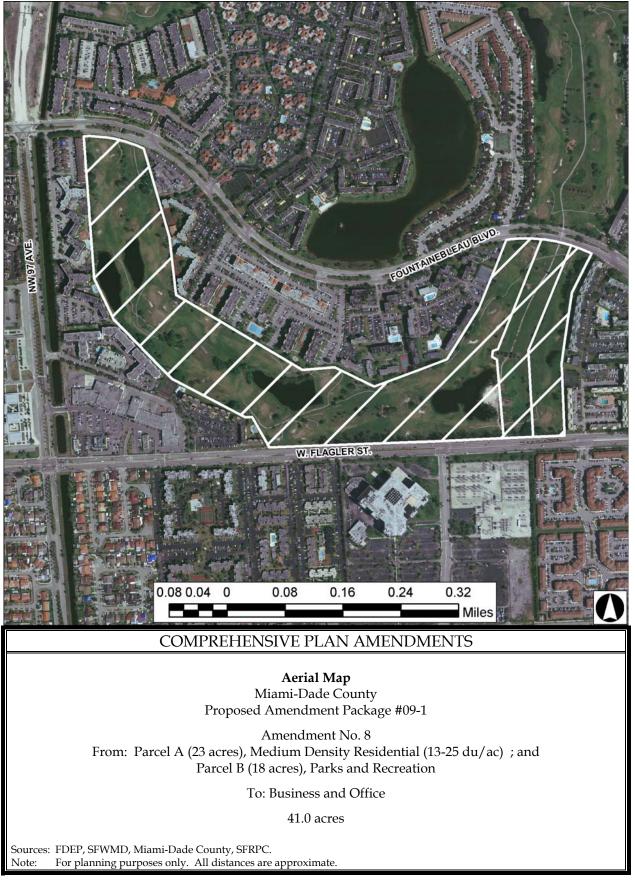
Miami-Dade County Proposed Amendment Package #09-1 Amendment Site Locations*

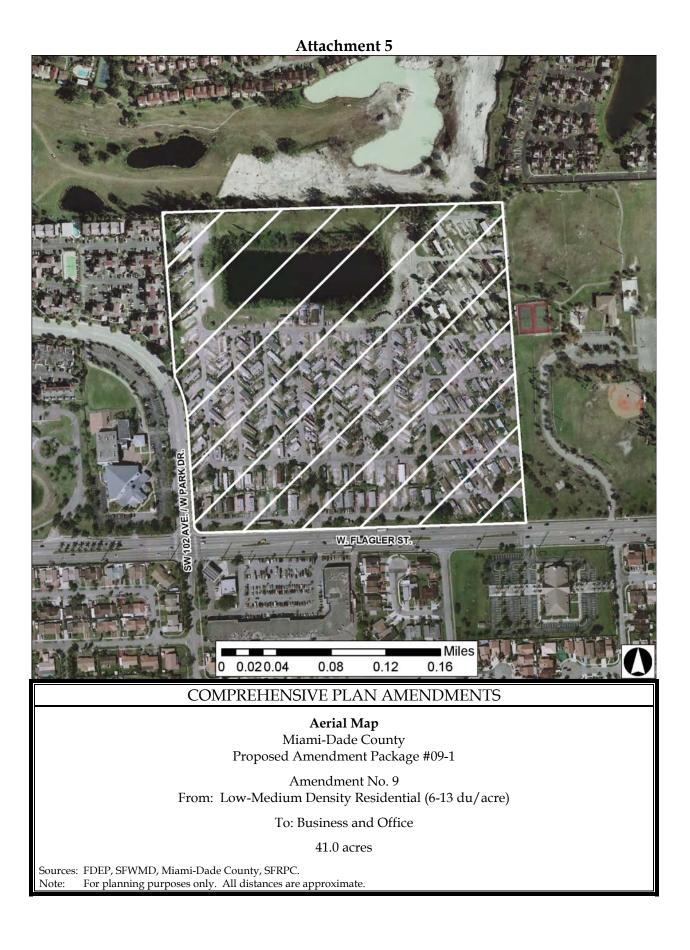
Sources: FDEP, SFWMD, Miami-Dade County, SFRPC. Note: For planning purposes only. All distances are approximate.

*Amendments 2-5 are small scale amendments; Amendment 1 was withdrawn by the applicant.









Attachment 6

