

SOUTH FLORIDA REGIONAL PLANNING COUNCIL

August 8, 2018

The South Florida Regional Planning Council met on this date at the Miami-Dade County Commission Chamber, 111 NW 1<sup>st</sup> Street, 2<sup>nd</sup> Floor, Miami, FL 33128. Chair Caplan called the meeting to order at 9:44 a.m. and Councilmember Levine Cava led the Pledge of Allegiance.

Councilmember Levine Cava stated that it was an honor to host the SFRPC at the Miami-Dade County Commission Chambers. She has been part of, and privileged to serve on, the SFRPC Board for four years. The SFRPC brings together Broward, Miami-Dade and Monroe counties to review common issues that affect the region, together with residents, municipalities, agencies, and elected officials at all levels.

Councilmember Patricia Asseff (absent)  
Councilmember Mario J. Bailey  
Councilmember Margaret Bates (absent)  
Chair Frank Caplan  
Councilmember Daniella Levine Cava  
Councilmember Tim Daubert  
Councilmember José (Pepe) Diaz (absent)  
Councilmember Beam Furr (absent)  
Councilmember Steve Geller  
Councilmember Cary Goldberg  
Councilmember Nelson Hernandez (absent)  
Councilmember George Neugent (absent)  
Councilmember David Rice (absent)  
Councilmember Greg Ross  
Councilmember Michael Udine  
Councilmember Sandra Walters

Isabel Cosio Carballo, SFRPC Executive Director, and Sam Goren, Legal Counsel, were present.

The following Ex-Officio Member was present:

Dat Huynh, representing the Florida Department of Transportation, District VI

The following Ex-Officio Members were absent:

Laura Corry, representing the South Florida Water Management District  
Jennifer Smith, representing the Florida Department of Environmental Protection

This Meeting was convened as an Executive Committee Meeting due to lack of a quorum.

Councilmember Geller asked legal counsel what authority the RPCs had in the past compared to their current authority under Florida Statutes, such as, finding an amendment inconsistent. Mr. Goren, Legal Counsel, explained the role of the RPCs in the past and how it has changed over the years. The SFRPC is legally obligated under the Interlocal Agreement and Florida Statutes to review and comment on the

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amendments transmitted, but, now, the RPCs may or may not be compensated for the time and effort in the review process. Discussion continued on what criteria is used to consider an amendment consistent/inconsistent, receiving other agency reviews in a timely manner for reviewing purposes, and the 30-day review time. Mr. Goren explained the Strategic Regional Policy Plan (SRPP), its decision-making role for the SFRPC, and the amendment process. Council staff was commended on their review and recommendations.

**II. Approval of Council Agenda**

Councilmember Walters moved to approve the Council Agenda. Councilmember Udine seconded the motion, which carried by a unanimous vote.

**III. Presentation – None**

**IV. Action Items**

A. Consent: Comprehensive Plan Amendment Reviews

Proposed

- City of North Miami 18-2ESR

Adopted

- City of Miami Beach 18-1ESR
- City of Tamarac 18-1ESR
- City of Tamarac 18-2ESR
- North Bay Village 18-1ESR

Public Comments - None

Councilmember Ross moved to approve Agenda Item IV.A, Consent: Comprehensive Plan Amendment Reviews Proposed for the City of North Miami 18-2ESR. Councilmember Geller seconded the motion, which carried by a unanimous vote.

Councilmember Ross moved to approve Agenda Item IV.A, Consent: Comprehensive Plan Amendment Reviews Adopted for the Cities of Miami Beach, Tamarac, and North Bay Village 18-1ESR, and the City of Tamarac 18-2ESR. Councilmember Daubert seconded the motion, which carried by a unanimous vote.

Public Comments – None

B. Regional Issues: Comprehensive Plan Amendment Review

Adopted

1. Miami-Dade County 17-1ESR

- Application #5 American Dream Miami
  - FDOT Presentation on the I-75 System Interchange Access Request Process

Mr. Huynh, FDOT, District VI, introduced Eric Penfield with RS & H, consultant for FDOT, VI who has prepared a brief presentation on the process required to construct the interchanges before

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the American Dream Miami Mall opens. Mr. Penfield described, via PowerPoint, the location details of the projects (American Dream Miami and the Graham Properties), the buildouts-2023 and 2040 respectively, traffic volumes in the area including I-75, the interchange improvements and changes, a new partial interchange, etc. There are interchange projects that require an Interchange Access Request (IAR). Mr. Penfield explained the IAR, challenges and timeline, the applicant for the documentation process, inclusion in the Miami-Dade County's Long-Range Transportation Plan, funding, etc. He stated that the interchange improvements need to be open and operational by the time the project is open and functioning. The improvements/changes will need approval from FDOT VI, FDOT Central, and the Federal Highway Administration. The National Environmental Policy Act (NEPA) requirements will need to be followed as part of the interchange improvements application and development process. The six NEPA policy points were described.

Discussion ensued on the timeline of the projects, the location of the interchanges, traffic impacts and level of service designations, I-75 widening, IAR documentation requirements, funding, Chapter 163 Agreement, etc. As part of the current Development Agreement and covenants these transportation improvements, including the interchanges, and other issues need to be functional and addressed prior to the opening of the mall.

Jerry Bell, Miami-Dade County Assistant Director of Planning, stated these two projects will not open unless the interchanges are complete.

Councilmember Udine made a motion, to go on record as this Board, that if this Chapter 163 Amendment changes in the future so that these interchanges are delayed prior to a certificate of occupancy being issued, the Board can revoke any approval given in the past regarding this project. Councilmember Ross seconded the motion.

Dennis Kerbel, Miami-Dade County Assistant County Attorney, explained that this is a stand-alone contract. He explained the complex process of modifying the development agreement and how the development agreement works together with the covenants associated with the comprehensive plan amendment.

Miami-Dade County Department of Regulatory and Environmental Resources

Mr. Bell, gave a presentation on the process of the projects, the amendment cycle, and the amendments adopted by the Miami-Dade County Board of County Commissioners (BOCC). Application #5 - American Dream Miami is a request to amend the Future Land Use Map from Industrial / Office to Business / Office with a Declaration of Restrictions to allow the development of entertainment/retail complex, the American Dream Mall. Application #6, the Graham Properties, is requesting to amend the Future Land Use Map to allow the development of an employment center and mixed-use development. These are two basic applications with a declaration of restrictions. He mentioned both projects would have met the threshold for a Development of Regional Impact (DRI) under the former DRI process. Through the request of Miami-Dade County, the applicants agreed to answer the 21 relevant questions from the DRI list of questions required under that process. The questions addressed areas regarding demographics and employment, transportation, water supply, floodplains, natural resources, and services. The applicants produced a Transportation Impact Analysis, which was voluminous. There were five

intergovernmental meetings held at the SFRPC to receive feedback and input at various stages from 2015-2017. Mr. Bell described the outcomes from those meetings and the future timeline and mitigation list incorporated into the Chapter 163 Development Agreements. He clarified that the two Chapter 163 Agreements are between the County and the developers. Councilmember Daubert reminded everyone that as Chair in 2017 he requested that the SFRPC be included in the 163 Agreements to try to protect the Miami-Dade, Broward, and Monroe Counties – that did not happen.

Councilmember Levine Cava stated, for the record, that she is grateful the SFRPC has played a coordinating / intergovernmental role despite the fact it's not formally obligated since there is no DRI process. She opposed this project initially when it came to the BOCC as a noncompetitive land transfer for the original development; opposed the transmittal the first time due to significant concerns about traffic and the transportation subsidies that would be invested in the project instead of in the County's Smart Plan. She stated her concerns about low-wage jobs being the predominate economic factor; the lack of specific commitment to aggressively reduce energy and water demands for the ten million square feet of the property (six for the Mall and four for the Graham development) and opposed the final adoption since none of her concerns were addressed previously. Councilmember Levine Cava finds the applications to be inconsistent with the Strategic Regional Policy Plan.

There was discussion on Councilmember Udine's previous motion of revoking prior actions if the amendments' conditions change.

Mr. Goren stated that, as a Policy Board, the policy decisions made today were formed on the basis upon which the prior decisions were made – given the facts and circumstances. If future changes occur, which were discussed and heard today, a public statement is being made with this motion to expressly conclude that the SFRPC's prior conditional approvals would not have been given.

Councilmember Ross motioned to amend Councilmember Udine's previous motion to conform with the dialogue from Legal Counsel.

The motion is being made that the SFRPC's prior approvals, given the facts at that time, can be revoked if changes are made to the 163 Agreement. Councilmember Ross seconded the motion, which carried by a unanimous vote.

Councilmember Ross stated that Council staff did a great job.

Regarding the American Dream Mall (ADM), Application #5, the Councilmembers are concerned that this project will have an adverse impact on the environment and that the traffic impacts are not adequately quantified and addressed. There was discussion on the staff report, testimonies, documentation, agenda backup, etc., on how to vote today – generally consistent or generally inconsistent. Chair Caplan reiterated, in detail, the Board's concerns and stated, for the record, that he does not believe that the people the SFRPC represents in the region would uniformly accept that Level of Service (LOS) D is an acceptable state of existence. His comment for the record is jurisdictional and having said this, he does not see a reason to deny this Application

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based on the predicates that are before the Council. It is our jurisdictional mandate to make discrete findings within limited parameters and he fails to see a reason to deny this on the basis of the review criteria within those parameters. This is not the kind of future he would like to see in northern Miami-Dade County. However, it is not our policy decision, nor is it our policy decision to decide whether LOS D, C, or B is the right answer.

Mrs. Cosio Carballo understands everyone's concerns. This application is brand-new territory where large scale developments are reviewed as comprehensive land use plan amendments. Miami-Dade County has made the effort to recreate the DRI regional review process in bringing a large number of stakeholders from Miami-Dade and Broward counties to the conversation. The applicants were present at all the previous meetings providing information. Miami-Dade County has chosen to support this project and believes it will help address important issues such as employment, job creation, etc. The County has created the Development Agreement and will do their best to address the various issues. Council staff has gone through the materials and given their best recommendation. She expressed discomfort that the applicants were not present with their transportation experts to address some of the questions before the Council today. They requested that the hearing be delayed until such time that they could be present but legislative time frames for review and comment required that the Council's review proceed. Miami-Dade County has done a good job of trying to explain the processes to keep the Development Order intact and move forward as presented.

Discussion ensued regarding the process for the approval of the intersections, funding, amendment of the Long Range Transportation Plan (LRTP), etc. The determination that the Development Agreement conditions are complied with will be enforced through the County's permitting process. This is why the Development Agreement is so specific. It outlines the improvements deemed necessary by County staff and the Board of County Commissioners (BOCC). The Miami-Dade County BOCC does not approve specific construction permits.

Councilmember Geller moved to approve Agenda Item IV.B, Adopted: Miami-Dade County 17-1ESR, Application #5 American Dream Miami. Councilmember Daubert seconded the motion, in which the Agenda did not pass, 5-4.

- Applications #6 Graham Properties

Miami-Dade County Department of Regulatory and Environmental Resources

Councilmember Geller has different concerns about Application #6, it has lower density and has a longer buildout date. Councilmember Levine Cava has the same objections with Application #6 as with Application #5.

Councilmember Geller motioned to move the adoption of Application #6 with the same conforming amendment that was adopted on Application #5 (that the SFRPC's prior approvals, given the facts at that time, can be revoked if changes are made to the amendment). Councilmember Daubert seconded the motion, which passed 5-3.

Public Hearing

Proposed

2. Miami-Dade County 18-2ESR
  - Kendall Parkway/Proposed 836 Extension

Miami-Dade County Department of Regulatory and Environmental Resources

Mr. Bell described the location and explained that the application proposes to amend the Land Use Map and Transportation Map series. The Extension does travel outside the Urban Development Boundary (UDB) but does not move the UDB, nor does it approve any urban development to occur outside of the UDB. This will be a tolled expressway operated by the Miami-Dade Expressway Authority (MDX) in which the County will enter into an Interlocal Agreement. There are policies in place to provide protections of the UDB such as a permanent buffer, the corridor will incorporate mass transit service and park and ride facilities, MDX has to purchase development rights and focus mitigation in the wetlands, construction will not impede access to farms, nor will it adversely impact farmlands/agricultural lands. The project is expected to improve hurricane evacuation times. A multi-use recreational trail (nature, biking, horseback riding, pedestrians) will be built within the corridor. The Extension is intended to improve accessibility in southwest Miami-Dade County in the Kendall area. The transmittal stage, implementation, and/or changes to the policies, and next steps were explained.

Miami-Dade Expressway Authority

Juan Toledo, Deputy Executive Director, Director of Engineering for the Miami-Dade Expressway Authority gave a short presentation of the location and the process of the Project Development and Environment Study (PD & E). The purpose, through the PD & E, was to develop alternatives that will comply with federal, state, and local regulations and support from the local community. There were multiple meetings with individuals, community advisory committees established through the study process, and many resolutions and correspondence of support was received from the various homeowner associations, Greater Miami Chamber of Commerce, West Baptist Kendall Hospital, residents, etc. Population growth in the area and transportation congestion were explained. For the last four or five years MDX has been working with all agencies that have jurisdiction over these areas, including the SFWMD and Department of the Interior in relation to the Comprehensive Everglades Restoration Program, etc. This project does not impede any of these future plans to ensure that natural resources are not affected. He explained the inclusion of the east-west corridor SMART Plan. MDX is incorporating a shared use, nature trail as a linear park that will provide a buffer between residential homes and the proposed expressway. The wetlands area will be enhanced to be more environmentally friendly. The project benefits address the needs to alleviate congestion and provide mobility options, improved hurricane and emergency evacuation routes, decongest local arterials, and will improve the road network in the surrounding areas to improve overall traffic, not only to and from the expressways, but within the community. This project has received overwhelming support by the residents and the community in the area.

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Councilmembers expressed concern over the exact route of the expansion project, how close the project will come to the UDB, the Comprehensive Everglades Restoration Plan (CERP), voting on a route that has not been finalized, and concerns expressed by the Miccosukee Tribe in opposition to the project. There was discussion on the correspondence sent by the Miccosukee Tribe in November 2017 and June 2018. Councilmember Levine Cava stated this correspondence was not given to the Miami-Dade County BOCC for consideration. She expressed concern that this was not provided to the County but only now comes to light as part of the SFRPC's packet. Mr. Toledo stated that they had looked at the alternatives and rejected them because of location and future traffic impacts.

Terry Garcia, consultant for MDX, clarified the choice for using the alignments closer to the UDB, the corridor evaluation (part of the corridor studies), who did or did not receive the letters from the Miccosukee Tribe, and the reasoning for delaying a formal consultation with the Miccosukee Tribe.

Councilmember Levine Cava's concerns include the timeliness of the correspondence (not being transmitted to the County), impact on the Everglades and Tribal lands, and that the Mayor represented, at the CDMP application process, that no particular concerns had been expressed. The County is the applicant not MDX. She expressed that this represents a conflict of interest and wanted to state this on record.

Ms. Garcia explained why the letter was not included in the CDMP process.

Councilmember Geller moved to support staff's finding that Miami-Dade 18-2ESR is generally inconsistent with the SRPP given the lack of information from review agencies such as FDOT and the SFWMD and stated concerns. Councilmember Ross seconded the motion.

Jack Osterholt, Miami-Dade County Deputy Mayor, commented that the meeting agenda includes County and MDX information but does not include the 600,000 residents who live in this area, nor are any of them present. He reminded the Council that Miami-Dade County put together hearings on the American Dream Miami Mall, created an ADA similar to a DRI, included all jurisdictions in the process (included the SFRPC), and created documents reflecting the changes. The information from County staff was accurate and wanted to make sure everyone involved was part of the conversation. He reminded the Council that through the process, there were hours spent with MDX and FDOT to make sure various conditions were met.

Councilmember Geller detailed the application timeline and reiterated that the Council has not received any agency reports (environmental, transportation) since the SFRPC's June meeting and therefore the Council feels that they cannot vote to approve.

Mrs. Cosio Carballo stated that public input is reflected in the Agenda Item and staff tried to create a balance of presentations. She explained the timeline for agency review and comment detailed in Florida Statute. It is the Board's decision to vote now or wait until additional information is received after the 30-day comment deadline has passed.

Councilmember Bailey motioned to table the amendment to really vet the process. Discussion ensued on the process and validity of the SFRPC comments after the 30-day timeline.

Mr. Osterholt's stated his concern that if there is a "no" vote today, this is what will be reported, remembered, and on the record even if the Council's position changes in the future.

Chair Caplan and Mrs. Cosio Carballo met previously with MDX (July 17, 2018) and were presented with the need for the extension expressed by the residents and the weight of their support. MDX presented a compelling presentation. He compared this process with the ADM.

Mr. Osterholt reminded the Council this is the Council's first review of the proposed amendment and that it would return in the future after Miami-Dade BOCC action at which time this discussion can continue. Hopefully, at that time all the details will be completed. The County will be taking its final action in late September and the Council will have another chance to review this amendment.

Councilmember Levine Cava stated that she voted against this project at transmittal, on both the process as well as the substance, and not knowing what is the final selected corridor. She is in agreement with staff at this time.

Lourdes Gomez, Miami-Dade County RER, stated that not having the other agencies' documents is an issue. These documents will be available to the Council and the County Commission for the second hearing for this project. County staff has prepared very responsible policies regarding this project at a level that has not probably occurred anywhere else. There was not an opportunity to go over those policies today, but she would like the opportunity to explain them at the Council's convenience. County staff has worked hard to insure that this facility is consistent with Miami-Dade County's history, plan, and policies.

Hold the Line Coalition

Richard Grosso ceded his time.

A vote was taken to support staff's recommendation of Agenda Item IV.B.2. Miami-Dade County 18-2ESR as generally inconsistent. A "yay" vote finds the amendment generally inconsistent. The motion passed with a 5-3 vote.

Councilmember Daubert motioned to call a special meeting to allow the ADM properties to present to the Council before the August 23, 2018 comment review deadline. This will include a motion to reconsider today's vote at the next meeting. If it is possible to identify an additional meeting date, the motion passes to hold an additional meeting. If it is not possible to identify an additional meeting date, the motion to reconsider dies. Motion was carried by a unanimous consent and passed.

Public Hearing

**V. Discussion Items**

- A. Executive Director's Report - none
- B. Legal Counsel Report - none

C. Ex Officio Reports - none

**VI. Announcements and Attachments**

- A. Attendance Form
- B. Correspondence and Articles
- C. Upcoming Meetings
  - 1) September 24, 2018 10:30 a.m. (Hollywood Branch Library)
  - 2) October 22, 2018 10:30 a.m. (Murray E. Nelson Government Center, Key Largo)
  - 3) November 26, 2018 10:30 a.m. (Hollywood Branch Library)

**VII. Councilmember Comments**

**VIII. Adjournment**

The meeting was adjourned at 12:46 p.m.

This signature is to attest that the undersigned is the Secretary of the SOUTH FLORIDA REGIONAL PLANNING COUNCIL, and that the information provided herein is the true and correct minutes for the July 23, 2018 Meeting of the SOUTH FLORIDA REGIONAL PLANNING COUNCIL adopted the 24<sup>th</sup> day of September 2018.

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Mario J. Bailey, Secretary

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Date

Pursuant to Chapter 286.0105, Florida Statutes, if a person decides to appeal any decision made by the Council with respect to any matter considered at such meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is based.