

Memorandum



Date: May 8, 2007

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Agenda Item No. 5(Y)

Subject: Request for Approval of an Application Submitted by the Lincoln Property Company for the Use of Explosives to Perform Lake Excavation Within the Urban Development Boundary at the Proposed Medley Industrial Park, In the Vicinity of NW 138 Street and NW 115 Avenue, Medley, Florida

RECOMMENDATION

It is recommended that the Board grant approval, after Public Hearing, for an application submitted by Lincoln Property Company for the use of explosives to perform lake excavation within the Urban Development Boundary at the proposed Medley Industrial Park, in the vicinity of NW 138 Street and NW 115 Avenue, Medley, Florida, subject to the attached conditions.

SCOPE

This project is located within Commission District 12. No impact is expected from this project outside of this District.

FISCAL IMPACT/FUNDING SOURCE

This project is not expected to have a fiscal impact to the County.

TRACK RECORD/MONITORING

Not applicable.

BACKGROUND

Ordinance No. 96-45, adopted on March 19, 1996, amended the Miami-Dade County Code, Chapter 13 to require that a Public Hearing be held in connection with each County User Permit Application submitted to perform lake excavation within the Urban Development Boundary. Furthermore, the ordinance requires certain conditions be met before the use of explosives is permitted. The applicant will be required to meet all permit conditions, as such, the Public Works Department recommends approval of this application.

The Medley Industrial Park development plans include a proposed 6.33 acre, 54-foot deep lake which needs to be excavated using explosives. The lake is needed within this development for wetlands mitigation, storm water management and as a source of fill.

The required public hearing notice was published and approximately 279 property owners within a one-mile radius of the blasting site were notified via U.S. mail.

APPLICANT

Lincoln Property Company

LAKE SIZE AND LOCATION

A 6.33 acre and 54-foot deep lake is proposed within a 38.9 acres parcel of land, more or less, which is located in the vicinity of NW 138th Street and NW 115th Avenue within a portion, of Section 30, Township 52 South, Range 40 East and a portion of Section 25, Township 52 South, Range 39 East, Town of Medley, Miami-Dade County, Florida.

INTENT

The applicant intends to contract with an explosives firm that possesses a current County User Permit (and State User Permit) to excavate a lake with explosives in order to meet the requirements for wetlands mitigation, storm water management, and use the excavated material for the development of the Medley Industrial Park.

EVALUATION IN ACCORDANCE WITH SECTION 13-7 (d) OF THE CODE OF MIAMI-DADE COUNTY

Despite proximity of surrounding properties, which includes 16% residential and 84% industrial/commercial to the proposed lake, limitations on allowable vibration levels will enable the project to proceed while protecting the public health, welfare, and safety and reduce nuisance. Logistically placed seismographs and submittal of seismic and air blast reports will enable the Public Works Department staff to closely monitor compliance with imposed conditions.

The proposed lake lies within the Town of Medley. The applicant has submitted all required documentation in accordance with Section 13-7 of the Code of Miami-Dade County. Included as part of this submittal is a geotechnical report, which states that excavation to depths of 54 feet, at the proposed site, requires the use of explosives due to the density of the material encountered.

NOTICE

Notice of the Public Hearing has been advertised in compliance with Section 13-7 (c) of the Code of Miami-Dade County. All property owners within one mile of this site were sent a courtesy notification via U.S. mail of this Public Hearing.


Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: May 8, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 5(Y)

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor

Agenda Item No. 5(Y)

Veto _____

05-08-07

Override _____

RESOLUTION NO. _____

RESOLUTION APPROVING AN APPLICATION SUBMITTED BY LINCOLN PROPERTY COMPANY TO USE EXPLOSIVES FOR LAKE EXCAVATION WITHIN THE URBAN DEVELOPMENT BOUNDARY LOCATED IN THE VICINITY OF NW 138 STREET AND NW 115 AVENUE IN PORTIONS OF SECTION 30, TOWNSHIP 52 SOUTH, RANGE 40 EAST AND SECTION 25, TOWNSHIP 52 SOUTH, RANGE 39 EAST, TOWN OF MEDLEY, MIAMI-DADE COUNTY, FLORIDA

WHEREAS, a Public Hearing has been held in conformance with Section 13-7 of the Code of Miami-Dade County, Florida; and

WHEREAS, this Board desires to accomplish the purpose outlined in the accompanying memorandum a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board, after Public Hearing having considered all applicable factors contained within Chapter 13 of the Code of Miami-Dade County, hereby approves the application submitted by Lincoln Property Company to use explosives for lake excavation within the Urban Development Boundary, subject to the conditions set forth as part of the memorandum from the County Manager, a copy of which is attached hereto and made a part hereof. The issuance of this approval does not relieve the applicant from obtaining all applicable federal, state and local permits.

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:

Bruno A. Barreiro, Chairman	
Barbara J. Jordan, Vice-Chairwoman	
Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 8th day of May, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Thomas Goldstein

MEDLEY INDUSTRIAL PARK
CONDITIONS FOR USE OF EXPLOSIVES TO EXCAVATE
A 6.33 ACRE LAKE IN A PORTION OF LAND
LOCATED WITHIN

SECTIONS 30-52-40 AND 25-52-39

1. Final approval and issuance of a County User Permit shall be issued upon applicant contracting with a firm having a County User Permit (and State User Permit) which meets all the requirements as specified in the Miami-Dade County Code Chapter 13 as amended.
2. All blasting operations associated with this project shall be completed by June 2009 unless otherwise approved by the Director of the Public Works Department.
3. Approval must be obtained from the Department of Environmental Resources Management to construct subject lake.
4. Maximum peak particle velocity resulting from the use of explosives shall be 0.20 inches per second as measured at any occupied residential unit and 0.50 inches per second at any occupied commercial or industrial building.
5. Applicant is to provide a minimum of four (4) seismographs for monitoring of ground vibrations and air blast.
6. Ground vibration and air blast measurements shall be reported to the Public Works Department daily and shall include all peak particle vibration components along with corresponding frequency measurements.
7. The Director of the Public Works Department may adjust acceptable maximum peak particle velocities in accordance with the standards set forth in section 13-7 (c) (2) of the County Code.
8. A valid zoning permit must be continuously maintained for the lake excavation.
9. Blasting for this permit will be allowed on non-county holidays Monday through Friday only.
10. All lake excavation blasting shall be performed within a one (1) year period from the date of issuance of a County User Permit by the Miami-Dade County Public Works Department.
11. A pre-blast survey as stated in Section 13-15-(b) of the Code of Miami-Dade County must be performed on all structures within the specified Scaled Distance.

12. The Town of Medley, or its designee, will conduct a public information program for this project in order for nearby residents to be fully informed as to the blasting schedule and safety precautions which will be implemented.

Applicant/User shall be responsible for handling all blasting complaints/claims associated with this project in accordance with Section 13-16 of the Miami-Dade County Code, Chapter 13.

