

Memorandum



(Public Hearing 7-3-08)
July 26, 2007

Date:

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

Special Item No. 1

From: George M. Burgess
County Manager

Subject: Ordinance Providing Disposition of "Miami Metrozoo DRI" Application to Amend the Comprehensive Development Master Plan

RECOMMENDATION

It is recommended that the Board approve the attached ordinance, which provides for adoption, adoption with change, or denial of a proposed Application to amend the Comprehensive Development Master Plan (CDMP). It is further recommended that the first reading of the ordinance occur at the conclusion of the public hearing, scheduled for **July 26, 2007**, regarding the transmittal of the referenced CDMP amendment Application to the Florida Department of Community Affairs (DCA) for review. The CDMP amendment Application was filed for concurrent processing with a separate, but related, Application requesting changes to the existing Miami Metrozoo (also known as Miami Metrozoo and Larry and Penny Thompson Park) Development of Regional Impact (DRI). Under the special concurrent process provided in Chapter 380.06(6), F. S., and Section 2-116.1 of the Code of Miami-Dade County, the County Commission will be scheduled to take final action on the CDMP amendment ordinance and the proposed changes to the DRI at the public hearing to be scheduled for December 6, 2007.

SCOPE

The CDMP is a broad-based countywide policy-planning document to guide future growth and development, to insure the adequate provision of facilities and services for existing and future populations, and to maintain or improve the quality of the natural and man-made environment. The proposed CDMP amendment Application is located within District 9, and relates to property located within Miami Metrozoo and the Gold Coast Railroad Museum. The proposed amendment is expected to have a countywide impact.

FISCAL IMPACT

Fiscal impact refers to the cost to the County of implementing the activities or actions that would be incurred after approval of the amendment Application, as per Ordinance 01-163. The costs associated with the development of the project, including public infrastructure improvements, construction costs and operation of the facilities, will be borne by private sector partners that will be selected through a competitive request for proposal (RFP) process. The proposed development includes the construction of a water park, a family entertainment center, and a hotel, as well as improvements to the site of the Gold Coast Railroad Museum. Except for signage and improvements to roads and parking areas within the Metrozoo property [which will be funded through the General Obligation Bonds (GOB) for Miami Metrozoo], Miami-Dade County will not use Park and Recreation funds or other County funds for the proposed development. Below are the estimated public infrastructure costs resulting from the proposed development that will be borne by the private developer who is selected as a result of the RFP process:

- Water impact fee: \$134,830
- Sewer impact fee: \$543,200

- Water meter instillation fee: \$13,060
- Annual operating and maintenance costs for water and sewer: \$77,905
- Construction of water and sewer infrastructure in the public right-of-way: \$1,331,964 (Not including the water meter installation fee.)
- Lift station and installation of 12-inch sanitary sewer force main for Metrozoo's private sewer system: \$697,648
- Water conservation improvements (Cost to be determined)
- On-site stormwater retention system and stormwater utility fee (Cost to be determined)
- All required permit fees associated with the development from DERM, WASD, etc.

TRACK RECORD/MONITOR

CDMP Amendments do not involve contracts; therefore, information on Track Record/Monitoring is not applicable.

BACKGROUND

The Miami Metrozoo DRI CDMP amendment Application calls for the creation of a new land use category to the CDMP, identified as the "Miami Metrozoo Entertainment Area," with text establishing development standards for allowable land uses and intensities of use. The Application proposes to change the land use designation of 170 acres of land within the existing Metrozoo and Gold Coast Railroad Museum properties from "Parks and Recreation" to "Miami Metrozoo Entertainment Area" on the adopted 2015-2025 Land Use Plan map. Approximately 52 acres would be new land added to the Miami Metrozoo DRI.

The attached ordinance provides for action on the proposed Application requesting text and map amendments to the CDMP. A resolution accompanying this ordinance requests a review and issuance of Objections, Recommendations and Comments (ORC) report by DCA on the transmitted Application. It is estimated the DCA's ORC report on the Application will be returned to the County in October 2007. The County is required to take final action on the transmitted Application within 60 days after receipt of the ORC report. The Department of Planning and Zoning may issue revised recommendations, and the Planning Advisory Board will conduct a second public hearing and issue revised recommendations between the time DCA issues its ORC report and the Board conducts its final hearing. By approving the ordinance on first reading, the Board is in a position to conduct a public hearing and take final action on the Application after receipt of the ORC report from DCA.

Ordinance Format

The ordinance follows the same format used for other CDMP amendment applications. That is, it contains blank spaces to record your action on the requested CDMP amendment. A minimum of seven affirmative votes is required by County Code to amend the CDMP.



Alex Muñoz
Assistant County Manager

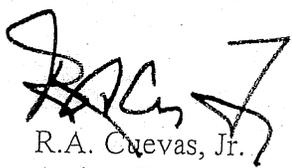


MEMORANDUM

(Revised)

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

DATE: July 3, 2008

FROM: 
R.A. Cuevas, Jr.
Acting County Attorney

SUBJECT: Special Item No. 1

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
Veto _____
Override _____

Special Item No. 1
7-3-08

ORDINANCE NO. _____

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING DISPOSITION OF APPLICATION REQUESTING AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN FILED FOR CONCURRENT PROCESSING WITH PROPOSED CHANGES TO "MIAMI METROZOO" DEVELOPMENT OF REGIONAL IMPACT (DRI); PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND EFFECTIVE DATE

WHEREAS, Chapter 163, Part 2, and 380.06, Florida Statutes, and associated administrative regulations establish procedures for amending local government comprehensive plans; and

WHEREAS, this Board has provided a procedure (codified as Section 2-116.1 of the Code of Miami-Dade County, Florida) to amend, modify, add to or change the Miami-Dade County Comprehensive Development Master Plan (CDMP); and

WHEREAS, Chapter 380.06(6), F.S., and Section 2-116.1 of the Code of Miami-Dade County, provides a procedure for accepting and processing applications to amend the Comprehensive Development Master Plan (CDMP) concurrently with a Notice of Proposed Change (NOPC) to an existing Development of Regional Impact (DRI); and

WHEREAS, a CDMP amendment Application was filed for concurrent processing with a Notice of Proposed Change to the existing Miami Metrozoo (a.k.a. Miami Metrozoo and Larry and Penny Thompson Park) DRI, as provided in Chapter 380.06(6), F.S., and Section 2-116.1, of the County Code; and

WHEREAS, the CDMP amendment Application and applicable initial recommendations of the Department of Planning and Zoning are contained in a

document entitled "Application and Initial Recommendations, Miami Metrozoo DRI Application to Amend the CDMP" dated June 22, 2007 and revised July 3, 2007; and

WHEREAS, affected Community Council Number 14 has acted in accord with County procedures, and conducted an advertised public hearing on June 27, 2007, to receive public comments on the subject CDMP amendment Application and on the recommendations of the Department of Planning and Zoning (DP&Z), and to formulate recommendations regarding transmittal and final action on the requested amendments; and

WHEREAS, the Planning Advisory Board (PAB), acting as the Local Planning Agency (LPA), conducted a duly noticed public hearing on July 9, 2007 to address the subject CDMP amendment Application, the recommendations of the affected Community Council, the DP&Z transmittal of the amendment Application to DCA for State agency review, and to formulate recommendations regarding final action on the requested Plan amendments; and

WHEREAS, the Board of County Commissioners must take final action to Adopt, Adopt With Change, or Not Adopt the amendment Application not later than sixty (60) days after receipt of written comments from DCA addressing the Application; and

WHEREAS, the DP&Z and the LPA may issue revised recommendations addressing the transmitted plan amendment Application after receipt of comments from the DCA, prior to final hearing and action by the Board of County Commissioners; and

WHEREAS, consideration of such special Application is exempt from the twice-per-year statutory limitation on adoption of comprehensive plan amendments pursuant to Chapter 163, F.S.; and

WHEREAS, all existing lawful uses and zoning in effect prior to a CDMP amendment are deemed to remain consistent with the CDMP as amended unless the Board of County Commissioners, in conjunction with a particular zoning action, finds

such preexisting zoning or uses to be inconsistent with the CDMP based upon a planning study or activity addressing the criteria set forth in the CDMP; and

WHEREAS, the approval of an amendment to the CDMP does not assure favorable action upon any application for zoning or other land use approval but is part of the overall land use policies of the County; and

WHEREAS, any application for zoning or other land use approval involves the application of the County's overall land use policies to the particular request under consideration; and

WHEREAS, the County's overall land use policies include, but are not limited to, the CDMP in its entirety and the County's land development regulations; and

WHEREAS, this Board has conducted the public hearings required by the referenced procedures preparatory to enactment of this ordinance,

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

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. This Board hereby desires to take further action on the pending CDMP amendment Application filed in association with the Notice of Proposed Change for the Miami Metrozoo DRI as follows:

Application	<u>Applicant/Representatives:</u> Miami-Dade County Park and Recreation Department Vivian Donnell Rodriguez, Director <u>Location and Size:</u> 12400 SW 152 Street, Miami, Florida 170 acres	Final Commission Action
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<p>Miami Metrozoo DRI</p>	<p><u>Requested Change to the CDMP:</u></p> <ol style="list-style-type: none"> 1. Add "Miami Metrozoo Entertainment Area" as a new land use category to the text of the Land Use Element under the section entitled Interpretation of the Land Use Plan Map: Policy of the Land Use Element, following the Parks and Recreation category. 2. Add "Miami Metrozoo Entertainment Area" as a new land use category to the adopted 2015 and 2025 Land Use Plan (LUP) map. 3. Change the land use designation of the subject property (170 acres): From: Parks and Recreation To: Miami Metrozoo Entertainment Area 	
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Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected thereby. If any application, or portion of an application is found to be not in compliance pursuant to Section 163.3184, F.S., the remainder of the application subject to such a finding adopted by this ordinance shall not be affected thereby.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall be excluded from the Code of Miami-Dade County, Florida.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment, unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board, however, the effective date of any plan amendment shall be in accordance with the following language which is included at the request of the Florida Department of Community Affairs without any admission by Miami-Dade County of the authority of the Department of Community Affairs or any other governmental entity to request or require such language: "The effective date of any plan amendment approved by this ordinance shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance

in accordance with Section 163.3184(1)(b), Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on such amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be filed with the Clerk of the Board and sent to the Department of Community Affairs, Division of Resource Planning and Management, Plan Processing Team. The Department's notice of intent to find a plan amendment in compliance shall be deemed to be a final order if no timely petition challenging the amendment is filed."

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency.



Prepared by:
Joni Armstrong Coffey

