

Memorandum



Date: May 20, 2008

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

From: George W. Burgess
County Manager

Subject: Governmental Facilities Hearing Application
Modification to the Fruit and Spice Park Master Plan
GF07-12

Agenda Item No. 5(H)

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) approve the attached resolution authorizing a modification to the Master Plan for the Fruit and Spice Park in order to incorporate changes to the approved slopes for the lake located within the park site, in compliance with Section 33-303 of the Code of Miami-Dade County. This item was prepared by General Services Administration at the request of the Miami-Dade Park and Recreation Department and is recommended for approval.

LOCATION: 18700 SW 248th Street, in southwest Miami-Dade County, Florida.

COMMISSION DISTRICT: 8

COMMISSION DISTRICT IMPACTED: Countywide

PROPERTY DESCRIPTION: Fruit and Spice Park began in 1943 as a 20 acre County park showcasing tropical fruits, nuts and spices that flourish in Southeast Florida. Since then, more than 15 acres have been added to the park. The park development was the achievement of many years of work by Mary Heinlein, nursery grower; Preston Bird, Dade County Commissioner; A.D. Barnes, Parks Department Director and William Lyman Phillips, Landscape Architect. After more than 60 years, the park is now renowned for both its plant collection and the historic district in which it is located.

BACKGROUND: On July 7, 1998, the Board of County Commissioners approved the Master Plan for Fruit and Spice Park via Resolution R-751-98. The Master Plan illustrates a mixed layout of plant collections, pedestrian and tram paths, a scenic lake, an entrance complex complete with historic buildings, a maintenance yard and interpretive structures.

Since 1998, the Park and Recreation Department has continued to refine their design for the park; and, through this application, they are now requesting to construct the lake with varying slopes. The previously approved requirement for the lake slopes was seven (7) feet horizontal for every one (1) foot vertical. The proposed slopes will vary from nearly flat to one (1) foot horizontal to five (5) feet vertical at the steepest. At the steepest slope, the Department has agreed to install a 42" high wood railing and walls that curve from the railings to the water as an added safety measure. The proposed scenic lake will be excavated to a depth not to exceed 20 feet.

JUSTIFICATION:

The proposed lake design will enhance the aesthetic atmosphere of the park and provide a meditative aspect for the visitors and tourists who frequent the park for festivals and classes, as well as expert gardening and botanical advice. The lake will support a variety of aquatic agricultural practices which include raising fish. The excavated material will be used to create a tiered rice paddy directly south of the lake. Natural filtration and mechanical water circulation will be used to manage a healthy aquatic environment.

DEVELOPMENT SCHEDULE:

The project will commence upon approval by the Board of County Commissioners and is expected to be completed in 2009.

FUNDING SOURCES:

The estimated budget for the development of the lake is \$1,116,948.00. The breakdown is as follows:

Safe Neighborhood Parks Bond	\$479,717.30
Building Better Communities Bond	\$637,230.70

SITE REVIEW COMMITTEE:

The committee's task is to review projects subject to Section 33-303 of the Code of Miami-Dade County, with regard to the public need for the proposed facility, its impact upon the surrounding community, and other similar considerations. The committee reviewed this project on January 16, 2008. Since that time, the department has been addressing issues raised during the review process, ultimately satisfying all requirements of the committee, thereby receiving unanimous approval in March 2008.

COMMUNITY COUNCIL: Since the only modification to the plan previously approved by Community Council # 14 in 1998 is the slope of the lake, this item was not submitted for additional review by Community Council.

PUBLIC HEARING: Section 33-303 of the Code of Miami-Dade County provides that, prior to the construction or operation of a facility in the unincorporated areas of Miami-Dade, a favorable public hearing before the Board of County Commissioners is required. The Board may only authorize use, construction and operation of such facilities after considering, among other factors, the public need for the facility, the type of function involved, existing land use patterns in that area and the nature of the impact of the facility on surrounding property. The attached report from the Miami-Dade County Site Review Committee addresses these factors.

MONITOR: Shannon Clark, Real Estate Officer

DELEGATED AUTHORITY: This resolution does not delegate any authority to the Mayor or the County Manager.



Director
General Services Administration



MEMORANDUM

(Revised)

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

DATE: May 20, 2008

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

SUBJECT: Agenda Item No. 5(H)

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(H)

Veto _____

5-20-08

Override _____

RESOLUTION NO. _____

RESOLUTION AUTHORIZING A MODIFICATION TO THE MASTER PLAN OF FRUIT AND SPICE PARK IN ORDER TO INCORPORATE CHANGES TO THE LAKE SLOPES WITHIN THE PARK SITE, LOCATED AT 18700 SW 248TH STREET, IN COMPLIANCE WITH SECTION 33-303 OF THE CODE OF MIAMI-DADE COUNTY

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference, and has conducted a public hearing in compliance with the provisions of Section 33-303 of the Code of Miami-Dade County, Florida,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, this Board hereby finds and declares that the modification to the Master Plan in order to incorporate changes to the lake slopes at Fruit and Spice Park, located at 18700 SW 248th Street, more specifically described as follows:

SEE ATTACHED EXHIBIT A

is necessary to provide for and protect the public health, safety and welfare of the citizens of Miami-Dade County, Florida and in so finding, has considered, among other factors, the type of function involved, the public need therefore, the land use pattern in the area, and the nature of the impact on the surrounding property.

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
Dorin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this
20th day of May, 2008. 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.



Craig H. Coller

Exhibit A

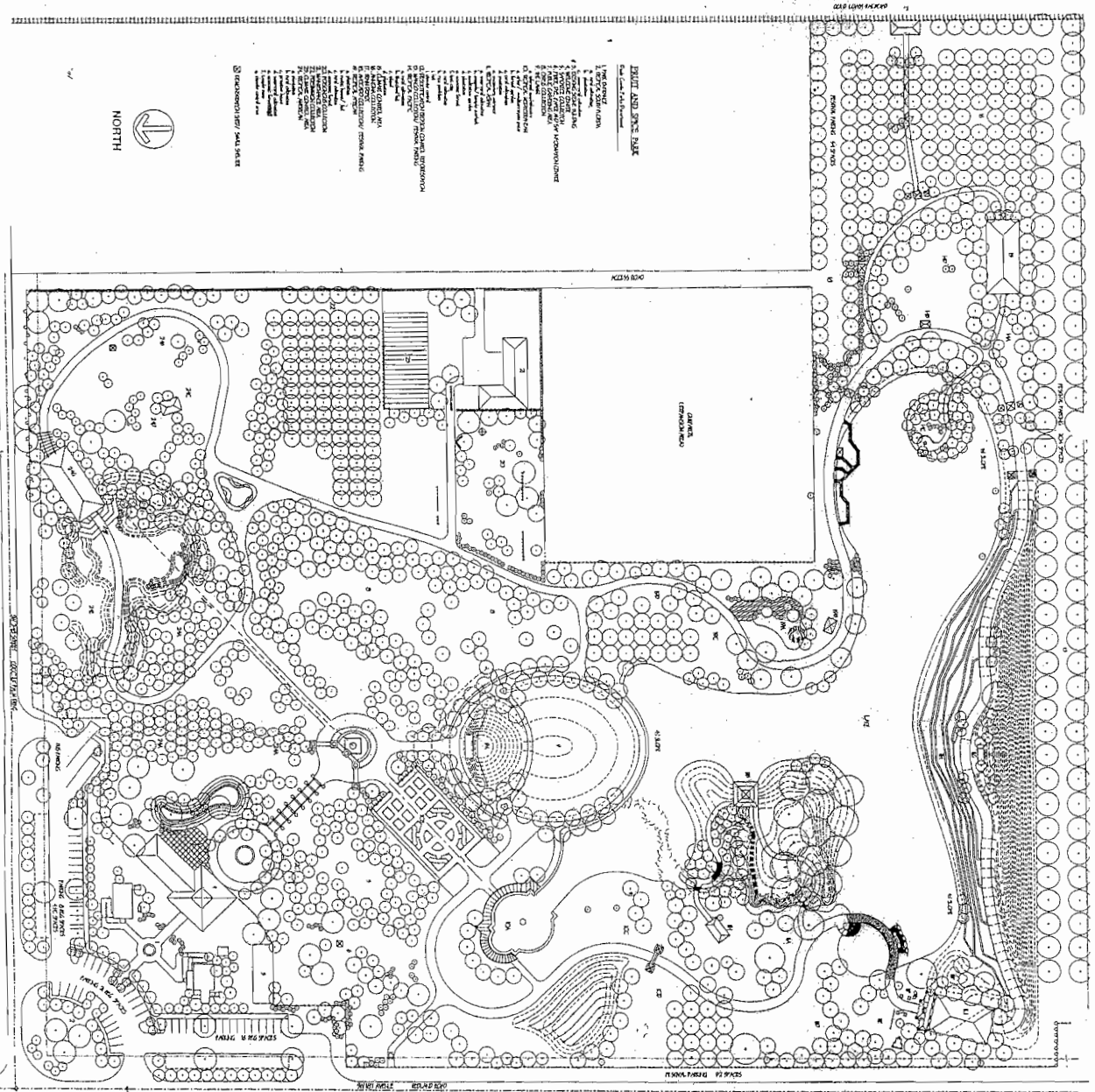
Legal Description

NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$ AND N $\frac{1}{2}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$ AND W $\frac{1}{2}$ of NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of NW $\frac{1}{2}$ Section 25, Township 56 South, Range 38 East AND

The West $\frac{1}{2}$ of the N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 25, Township 56 South, Range 38 East, in Dade County, Florida, together with an easement for Ingress-Egress over the following two parcels.

Parcel A: The west 25 feet of the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 25, Township 56 South, Range 38 East, in Dade County, Florida.

Parcel B: The West 25 feet of the E $\frac{1}{2}$ of the N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 25, Township 56 South, Range 38 East, in Dade County, Florida.







- LEGEND**
- 1. TREE SYMBOLS
 - 2. PLANTING SPECIFICATIONS
 - 3. PLANTING SCHEDULE
 - 4. PLANTING NOTES
 - 5. PLANTING CONTRACTOR'S NOTES
 - 6. PLANTING CONTRACTOR'S SPECIFICATIONS
 - 7. PLANTING CONTRACTOR'S SCHEDULE
 - 8. PLANTING CONTRACTOR'S NOTES
 - 9. PLANTING CONTRACTOR'S SPECIFICATIONS
 - 10. PLANTING CONTRACTOR'S SCHEDULE
 - 11. PLANTING CONTRACTOR'S NOTES
 - 12. PLANTING CONTRACTOR'S SPECIFICATIONS
 - 13. PLANTING CONTRACTOR'S SCHEDULE
 - 14. PLANTING CONTRACTOR'S NOTES
 - 15. PLANTING CONTRACTOR'S SPECIFICATIONS
 - 16. PLANTING CONTRACTOR'S SCHEDULE
 - 17. PLANTING CONTRACTOR'S NOTES
 - 18. PLANTING CONTRACTOR'S SPECIFICATIONS
 - 19. PLANTING CONTRACTOR'S SCHEDULE
 - 20. PLANTING CONTRACTOR'S NOTES

<p>Scale: As Shown</p> <p>Date: 12/15/97</p> <p>Drawn by: C. SILVA</p> <p>Checked by: A. CHENEY</p>	<p>Project Title:</p> <p>PRESTON B. BIRD & MARY HEINLEIN</p> <p>FRUIT & SPICE PARK</p> <p>Drawing Title:</p> <p>MASTER PLAN</p>	<p>Metropolitan Dade County Park and Recreation Department</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Revisions</th> </tr> <tr> <th>IV</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	Revisions		IV	Description							<p>Design: TAMMY COOK</p> <p>Drawn: C. SILVA</p> <p>Checked: PAUL CAREY</p> <p>Survey: C. SILVA</p> <p>Inspection: A. CHENEY</p> <p>Project Manager: A. CHENEY</p>	<p><i>Approved:</i></p> <p><i>Paul Carey</i></p> <p><i>12/15/97</i></p> <p><i>Checked:</i></p> <p><i>Tammy Cook</i></p> <p><i>12/15/97</i></p> <p><i>Survey:</i></p> <p><i>C. Silva</i></p> <p><i>12/15/97</i></p> <p><i>Inspection:</i></p> <p><i>A. Cheney</i></p> <p><i>12/15/97</i></p>
Revisions															
IV	Description														



LEGEND

-  Municipality
-  Highways
-  Urban Development Boundary
-  County Parks

Memorandum



Date: March 26, 2008

To: George M. Burgess
County Manager

From: Miami-Dade County
Site Review Committee

Subject: Governmental Facilities Hearing Application
Modification to the Fruit and Spice Park Master Plan
GF07-12

RECOMMENDATION

This application was reviewed by the Site Review Committee. All committee members recommend modifying the Master Plan for Fruit and Spice Park in order to incorporate changes to the approved slopes for the lake located within the park site. The Miami-Dade County Site Review Committee's task is to review projects subject to Section 33-303 of the Code of Miami-Dade County with regard to the public need for the proposed facility, its impact upon the surrounding community and other similar considerations.

PROPERTY DESCRIPTION

Fruit and Spice Park began in 1943 as a 20 acre County park showcasing tropical fruits, nuts and spices that flourish in Southeast Florida. Since then, more than 15 acres have been added to the park. The park development was the crowning achievement of many years of work by Mary Heinlein, nursery grower; Preston Bird, Dade County Commissioner; A.D. Barnes, Parks Department Director and William Lyman Phillips, Landscape Architect. After more than 60 years, the park is now renowned for both its plant collection and the historic district in which it is located. Originally designed as a quiet botanical sanctuary, the park has not changed significantly since its inception.

BACKGROUND

On July 7, 1998, the Board of County Commissioners approved the Master Plan for Fruit and Spice Park via Resolution R-751-98. The Master Plan illustrates a mixed layout of plant collections, pedestrian and tram paths, a scenic lake, an entrance complex complete with historic buildings, a maintenance yard and interpretive structures.

The Park and Recreation Department has continued to refine their design for the park; and, through this application, are now requesting to construct the lake with varying slopes. The previously approved requirement for the lake slopes was seven (7) feet horizontal for every one (1) foot vertical. The proposed slopes will vary from nearly flat to one (1) foot horizontal to five (5) feet vertical at the steepest slope. At the steepest slope, the Department has agreed to install a 42" high wood railing and walls that curve from the railings to the water as an added safety measure.

COMPREHENSIVE DEVELOPMENT MASTER PLAN

The Comprehensive Development Master Plan (CDMP) Adopted 2015 and 2025 Land Use Plan map designates the subject property for Agriculture. It is located at the southeast corner of SW 248 Street and SW 187 Avenue and access is provided from both streets. The land is currently being used as a park, and classified by the Park and Recreation Department as a Special Activity Area. Special Activity Areas provide unique recreational opportunities centered on a single theme and are typically large. Surrounding the park on all sides is land designated on the Land Use Plan map as Agriculture that contains residences, agricultural uses and a church. Compatible parks are permitted in all residential communities and may be allowed in other LUP map categories, as discussed in the section on Parks and Recreation in the Land Use Element.

Parks and Recreation

Compatible parks are encouraged in all of the residential categories and may be allowed in all other categories of the LUP map. The siting and use of future parks and recreation areas shall be guided by the Park and Open Space and Capital Improvements Elements, and by the goals, objectives and policies of the CDMP.

In the section discussing the Agriculture category as described in the Land Use Element, the following is stated:

Agriculture

The area contains the best agricultural land remaining in Miami-Dade County. As stated in the Miami-Dade County Strategic Plan, approved in 2003 by the Board of County Commissioners, protection of viable agriculture is a priority. The principal uses in this area should be agriculture, uses ancillary to and directly supportive of agriculture such as packing houses, and farm residences. Uses ancillary to, and necessary to support the rural residential community of the agricultural area may also be approved, including houses of worship; however, schools shall not be approved in Agriculture areas but should be located inside the UDB in accordance with Policy EDU-2.1.

In order to protect the agricultural industry, uses incompatible with agriculture, and uses and facilities that support or encourage urban development are not allowed in this area. Residential development that occurs in this area is allowed at a density of no more than one unit per five acres. No business or industrial use should be approved in the area designated Agriculture unless the use is directly supportive of local agricultural production, and is located on an existing arterial roadway, and has adequate water supply and sewage disposal in accordance with Chapter 24 of the County Code and the development order specifies the approved use(s); however, packing houses for produce grown in Florida are not restricted to locating on an existing arterial roadway. Other uses, including utility uses, compatible with agriculture and with the rural character may be approved in the Agriculture area only if deemed to be a public necessity or if deemed to be in the public interest and the applicant demonstrates that no suitable site for the use exists outside the Agriculture area. Existing quarrying and ancillary uses in the Agriculture area may continue operation and be considered for approval of expansion.

The proposed project would further the following Policies of the Land use Element of the CDMP:

Policy LU-4A

When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.

The proposed project also furthers Policy ROS-1A of the Recreation and Open Space Element of the CDMP, which states:

Countywide park and recreation open spaces shall be provided to meet the diverse needs of all Miami-Dade County residents and tourists. They shall continue to be established on the presence or development of regionally significant natural, historic, cultural, or tourism resources. Countywide park and recreation open spaces include Metropolitan Parks, Natural Area Preserves, Special Activity Areas, District Parks, and Greenways. Countywide parks may include areas owned by other public agencies by managed by the County for passive public recreational purposes. The County shall be responsible for providing countywide park and recreation open spaces to all Miami-Dade County residents and tourists. Noting that this application will allow improvements to a Special Activity Park site in accordance with the Parks and Recreation Element, staff notes that this application is consistent with the CDMP.

EXISTING LAND USE PATTERN

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

AU; Fruit and Spice Park

Agriculture

Surrounding Properties:

NORTH: AU, single-family Residence, vacant lands

Agriculture

SOUTH: AU, RU-1 vacant Properties

Agriculture

EAST: AU, vacant land

Agriculture

WEST: AU, church and

Agriculture

IMPACT OF FACILITY ON SURROUNDING LAND USE

Fruit and Spice Park is an existing park designated as a Special Activity Area. The proposed lake will be an added amenity to enhance the park. The impact of the proposed lake on the surrounding neighborhood is expected to be minimal.

STAFF RECOMMENDATIONS:

The **Department of Planning and Zoning** has reviewed the application and recommends approval of the project based on the following conditions:

1. That a plot use plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning; said plan to include among other things but not be limited to, location of building or buildings, type and location of signs, light standards, parking areas, exits and entrances, drainage, walls, landscaping, etc.
2. That complete lake excavation plans prepared and sealed by a Florida licensed surveyor and/or professional engineer be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a lake excavation permit; said plans shall be substantially in accordance with that submitted for the hearing entitled "Redland Fruit and Spice Park Lake Development", as prepared by EDAW Landscape Architect, dated stamped received 2/29/08.
3. That the applicant install a 42 inch high wood railing and walls that curve from the railings to the water, along the steepest slopes of the lake, as shown on the submitted plans.
4. That the applicant will submit an "as built" survey prepared and sealed by a Florida-licensed surveyor and/or professional engineer upon request of the Director of the Department of Planning and Zoning or the Director of Environmental Resources Management.
5. That the property shall be staked to meet with the approval of the Director of the Department of Planning and Zoning and the Director of Environmental Resources Management; said stakes shall be maintained in proper position so that the limits of the excavation, slopes and grade levels may be easily determined.
6. That the property shall be suitably posted to meet with the approval of the Director of the Department of Planning and Zoning and the Director of Environmental Resources Management; said posting shall denote the lake excavation operation and warn the public concerning possible hazards, prior to commencement of the excavation.
7. That upon completion of the project, the property shall be restored and left in an acceptable condition meeting with the approval of the Director of the Department of Planning and Zoning and the Director of Environmental Resources Management.
8. That the use of explosives shall be strictly prohibited in connection with the lake excavation operation.
9. That the hours of the lake excavation operation shall be controlled by the Director of the Department of Planning and Zoning, except that the applicant shall be permitted to operate between the hours of 7:00 A.M. and 5:00 P.M. on weekdays, Sunday operation and/or other hours of operation than 7:00 A.M. to 5:00 P.M. may be permitted by the Director of Planning and Zoning only if the same does not become a nuisance to the surrounding area.

10. That the time for the completion of the project including the lake excavation, grading, etc., shall be determined by the Director of the Department of Planning and Zoning and the work shall be carried on continuously and expeditiously so that the same will be completed within the allocated time.
11. If the lake excavation operation is discontinued, abandoned, falls behind schedule or time expires, the existing excavation shall immediately be sloped to conform to the approved plans and the entire operation shall be removed from the premises.
12. That in order to insure compliance with all terms and conditions imposed, a cash bond or substantially equivalent instrument meeting with the approval of the Director of the Department of Planning and Zoning shall be posted with the Department, payable to Miami-Dade County, in an amount as may be determined and established by the Director of the Department of Planning and Zoning; said instrument shall be in such form that the same may be recorded in the public records of Miami-Dade County and said instrument shall be executed by the property owner and any and all parties who may have an interest in the land, such as mortgagees, etc. The bond amount shall be based on the volume of cut required to create the approved slope configuration.
13. Upon the issuance of a lake excavation permit, that the title of the property in question shall not be transferred without the approval of the Director of the Department of Planning and Zoning unless the excavation of the subject property has been completed and/or unless the bond has been released.
14. That the applicant obtain an excavation use permit from and promptly renew the same annually with the Department, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
15. All excavations shall be completely enclosed by a safety barrier, minimum height of 6 feet, consisting of either orange plastic safety fence or wood slat storm fencing installed on 4" x 4" posts spaced every 10 feet. Said barrier shall be installed prior to issuance of the excavation permit and commencement of excavating and shall remain in place until work is complete and the performance bond is released.
16. All excavations shall be posted every 50 feet with warning signs a minimum of 18" x 18" in size.
17. That the applicant complies with all applicable conditions and requirements of the Department of Environmental Resources Management (DERM).
18. That the applicant complies with all applicable conditions and requirements of the Public Works Department.

The **Public Works Department – Right-of Way Division** has reviewed the application presented at the Site Review Meeting of January 15, 2008 and approves with the following conditions:

1. A 40 foot dedication is required along SW 187th Avenue.
2. A 40 foot dedication is required along SW 248th Street.

The **Public Works Department – Traffic & Highway Engineering** has reviewed the application and provides the following comments:

Highway Division

- Currently, PWD has no proposed roadway project adjacent to the proposed Fruit and Spice Park, Lake site in the 2008 Transportation Improvement Program (TIP), nor in the 2030 Long Range Transportation Plan (LRTP).
- A PWD Permit will be required for this project. Please contact PWD Permit Section, at (305) 375-2142, for more information.

Traffic Division has no comments at this time in regard to the lake slope application.

The **Public Works Department (Land Development Division)** has no objections to the slope modification on the proposed lake. Any new development that includes the recently acquired 2.5 acres and the portion of SW 184th Court to be vacated will require a Waiver of Plat.

The **General Services Administration DCS Division** approves of the revised plan submitted to the Department of Planning and Zoning whereby the Parks Department will be installing a 42 inch high wood railing and walls that will curve from the railings to the water, along the steepest slopes.

The **Office of ADA Coordination** has reviewed the application and has no objections at this time. However, at the time of submittal for permit review, the Office of ADA Coordination will address the following issues:

- Access to the Park: Accessible routes to park / streets / curb cuts.
- Parking Facilities: Accessible parking and accessible route connecting all elements on site.
- Bridge: Details / materials / grade elevations / running slopes / cross slopes / guardrails / handrails / edge protection.
- Ramps: Details / materials / grade elevations / running slopes / cross slopes / guardrails / handrails / edge protection.
- Restrooms Locations: Accessible route to the restrooms and restroom accessibility for disabled patrons.

The **Fire Rescue Department** has reviewed this application and makes the following comments:

The closest Fire Rescue Station to the project is the Redland Fire Rescue Station # 60 located at 17605 SW 248th Street. This station is equipped with an Advanced Life Support Tanker.

This site plan was reviewed by the Fire and Water Engineering Bureau and they presented no objection on the change to the proposed slopes for the lake.

The **Miami-Dade Water & Sewer Department (MDWASD)** has reviewed this request and states that the property is located outside the Urban Development Boundary (UDB). Therefore, the MDWASD cannot provide service to the site.

The **Department of Environmental Resources Management (DERM)** has reviewed the application and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida (the Code). Accordingly, DERM may approve the application, and the same may be scheduled for public hearing.

Potable Water and Wastewater Disposal

The closest public water and sanitary sewer systems are located approximately 7,000 feet and 13,000 feet from the subject property, respectively. Consequently, the subject property is served by an on-site drinking water supply well and a septic tank.

Section 24-43.1(4) of the Code prohibits the approval of any building permit, certificate of use and occupancy, municipal occupational license, platting action or zoning action for any nonresidential land use served or to be served by an on-site drinking water supply well in conjunction with a septic tank as a means for the disposal of domestic liquid waste; if any proposed land use is, among other restricted land uses, a land use engaged in the handling of food or drinks.

Section 24-43.1(6) of the Code prohibits the approval of any building permit, certificate of use and occupancy, municipal occupational license, platting action or zoning action for any nonresidential land use served or to be served by any liquid waste storage, disposal or treatment method other than public sanitary sewers or any source of potable water supply other than public sanitary sewers or any source of potable water supply other than a public water main. The same Code Section also provides that nonresidential land uses served by a septic tank and an on-site drinking water supply well, may only be approved, if among other requirements the proposed land use is not engaged in the preparation or handling of food or drinks, and complies with all the requirements of Section 24-13 (4) of the Code.

In accordance with the Code, the property owner has obtained variances from the above noted code section requirements from the Environmental Quality Control Board (EQCB), subject to the conditions stated in Board Order 04-34. In accordance with the conditions of Board Order 04-34, the applicant has submitted a properly executed covenant running with the land in favor of Miami-Dade County. Therefore, DERM may approve the subject application and the same may be scheduled for public hearing.

Stormwater Management

The subject property is located outside of the Urban Development Boundary (UDB), where flood protection requirements were not established. Therefore, cut and fill requirements will be required for flood protection, prior to platting or seeking building permits. The applicant is advised to contact the DERM Water Control Section for further information.

A Surface Water Management General Permit, from DERM may be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to platting and site development, or Miami-Dade Public Works approval of paving and drainage plans. All stormwater shall be retained on-site utilizing properly designed seepage or infiltration drainage structures. Drainage must be provided for the 5-year/1-day storm event with full on-site retention of the 25-year/3-day storm.

Site grading and development shall comply with the requirements of Chapter 11C of the Code.

Any proposed development shall comply with County and Federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the LOS standards for flood protection set forth in the CDMP subject to compliance with the conditions required by DERM for this proposed development order.

Operating Permits

Section 24-18 of the Code authorizes DERM to require operating permits from facilities that could be a source of pollution. The applicant is advised that the requested use of the subject property may require operating permits from DERM. The Permitting Section of DERM's Pollution Regulation and Enforcement Division may be contacted at (305) 372-6600 for further information concerning operating requirements.

Tree Preservation

Tree Relocation Permit 2006-322 was issued for Folio 30-6825-000-0170 to Burns and McDonnell Engineering Co., on April 25, 2006 and expired on April 25, 2007. The applicant is advised that this permit has expired; therefore, the required replanting and final inspection as per Tree Relocation Permit 2006-322 must take place. The applicant should renew TP2006-322 or request a final inspection to avoid violation of permit conditions. A two weeks notice is required prior to the final inspection. The applicant is advised to contact the DERM Tree Program at (305) 372-6574 for further information.

Wetlands

The subject property does not contain jurisdictional wetlands, as defined in Section 24-5 of the Code; therefore, a Class IV Wetland Permit will not be required.

The applicant is advised that permits from the Army Corps of Engineers (305) 526-718, the Florida Department of Environmental Protection (561-681-6600), and the South Florida Water Management District (1-800-432-2045) may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Concurrency Review Summary

DERM has conducted a concurrency review for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency, subject to the comments and conditions contained herein.

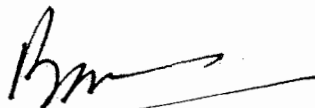
MIAMI-DADE COUNTY SITE REVIEW COMMITTEE

Application GF07-12

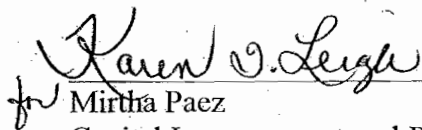
FRUIT AND SPICE PARK MODIFICATION TO THE LAKE SLOPES



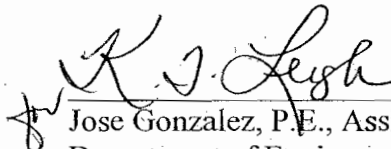
Esther Calas, Director
Public Works Department
Right-of-Way Division
Traffic & Highway Division



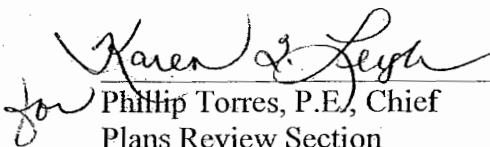
Subrata Basu, Interim Director
Department of Planning and Zoning



Mirtha Paez
Capital Improvement and Planning
Fire and Rescue Department



Jose Gonzalez, P.E., Assistant Director
Department of Environmental
Resources Management



Phillip Torres, P.E., Chief
Plans Review Section
Department of Water & Sewer



Wendi J. Norris, Director
General Services Administration