

Memorandum

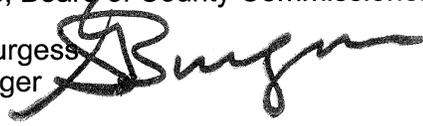
MIAMI-DADE
COUNTY

Date: July 3, 2008

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

Substitute
Special Item No. 1

From: George M. Burgess
County Manager



Subject: Substitute Ordinance Acting Upon Miami Metrozoo DRI Application to Amend the
Comprehensive Development Master Plan (CDMP)

THE ENCLOSED SUBSTITUTE ORDINANCE DIFFERS FROM THE ORIGINAL IN THAT IT REVISES THE PREAMBLE OF THE ORDINANCE TO REFLECT (1) THE REQUEST TO EXTEND THE DRI/CDMP AMENDMENT DEADLINES PURSUANT TO CHAPTER 380.06(6)(b)3, F.S., (2) THE ACTIONS TAKEN BY THE BOARD OF COUNTY COMMISSIONERS AT ITS "TRANSMITTAL" PUBLIC HEARING ON JULY 26, 2007, AND THE RECEIPT OF THE OBJECTIONS, RECOMMENDATIONS AND (3) COMMENTS (ORC) FROM THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA) BY LETTER DATED OCTOBER 12, 2007. IN SECTION 2 OF THE SUBSTITUTE ORDINANCE, PARAGRAPH NO. 1 WAS AMENDED TO INCLUDE INTENSITY STANDARDS AND PERCENTAGES OF USE IN RESPONSE TO THE ORC COMMENTS, AND PARAGRAPH NO. 4 WAS ADDED TO STATE THAT TABLE 3 ON PAGES VIII-10 AND VIII-11 OF THE INTERGOVERNMENTAL COORDINATION ELEMENT OF THE CDMP WAS AMENDED TO INCLUDE "MIAMI METROZOO" AND THE "MIAMI METROZOO ENTERTAINMENT AREA" AS FACILITIES OF COUNTYWIDE SIGNIFICANCE. FURTHERMORE, PARAGRAPH NO. 5 WAS ADDED TO STATE THAT TWO CAPITAL IMPROVEMENT PROJECTS WERE INCLUDED IN THE PARK AND RECREATION (TABLE 6) COMPONENT OF THE CAPITAL IMPROVEMENTS ELEMENT (CIE).

RECOMMENDATION

It is recommended that the Miami-Dade County Board of County Commissioners (BCC) approve the attached ordinance, which provides for adoption, adoption with change, or denial of the proposed Miami Metrozoo Development of Regional Impact (DRI) application to amend the Comprehensive Development Master Plan (CDMP) at the public hearing scheduled for **9:30 AM on Thursday, July 3, 2008**. The CDMP amendment application was filed for concurrent processing with a separate, but related, application requesting changes to the existing Miami Metrozoo DRI (a.k.a. Miami Metrozoo and Larry and Penny Thomson Park). 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 BCC is to take final action on the CDMP amendment ordinance and the proposed changes to the DRI.

SCOPE

The CDMP is a broad-based countywide policy-planning document to guide future growth and development, to insure the adequate provision of public facilities and services for existing and future populations, and to maintain or improve the quality of the natural and man-made environment. The application site is located within District 9, and relates to a 170-acre property generally located within Miami Metrozoo and the Gold Coast Railroad Museum. The proposed CDMP 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 most current estimates of public infrastructure and operational costs resulting from the proposed development that will be borne by the private developer selected as a result of the RFP process:

- Water impact fee: \$151,257
- Sewer impact fee: \$609,382
- Annual operating and maintenance costs for water and sewer: \$87,397
- Total construction cost for water and sewer infrastructure: \$1,916,171 (*Includes a 16-inch water main and two 10-inch water meters; a lift station and installation of a 12-inch sanitary sewer force main and a pump station for Metrozoo's private sewer system.*)
- 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 CDMP amendment application requests the creation of a new CDMP Land Use Plan (LUP) map category, identified as the "Miami Metrozoo Entertainment Area," with text establishing development standards for allowable land uses, including intensities and percentages of use. The Application proposes to change the land use designation on 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 final action on the proposed CDMP application requesting text and map amendments to the CDMP. The BCC's previous action on the proposed Miami Metrozoo CDMP amendment application was to "Adopt with Change and Transmit with Staff's Recommendation, as revised on July 3, 2007."

The DCA coordinated the State agency consistency review on the transmitted CDMP application at the request of Miami-Dade County. In its Objections, Recommendations and Comments (ORC) report, dated October 12, 2007, the DCA issued two objections to the Metrozoo CDMP amendment application. The first DCA objection called for Miami-Dade County to add intensity standards and percentages of use to the proposed "Miami Metrozoo Entertainment Area" CDMP land use category. In response, intensity standards were added allowing a maximum floor area ratio (F.A.R.) of 0.30 for the water theme park and the Gold Coast Railroad Museum and an F.A.R. of 0.40 for the family entertainment center and hotels. The percentages for the allowable mix of uses were also included in the proposed land use category (60 to 99 percent for attractions and recreation and 1 to 40 percent for hotels and other lodgings).

The second objection in the DCA ORC called for Miami-Dade County to coordinate with the Florida Department of Transportation (FDOT) in addressing traffic congestion at intersection of SW 152 Street and SW 117 Avenue. The County, FDOT, and the Florida Turnpike Enterprise (FTE) were able to reach an agreement and the County, as well as FTE, committed to various improvements to facilitate traffic flow at the intersection, including a free-flow right turn lane onto SW 152nd and a continuous right turn lane from the southbound exit ramp of the HEFT. These improvements will be incorporated into existing funded projects, including the County's SW 117 Avenue widening project and the FTE's HEFT widening project on SW 117 Avenue. As such, no additional funding will be required to implement the proposed improvements.

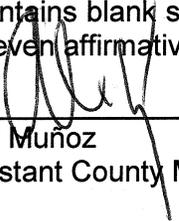
In addition to the DCA ORC objections, the following provides a summary of other key issues related to the application. First, although the project originally called for non-potable water to be used for the water park pool, the Miami-Dade Water and Sewer Department (MDWASD) has required the water park to utilize potable water due to possible public health concerns, and determined that there is sufficient capacity to meet the project's potable water demand. Second, MDWASD has required the proposed development to incorporate various water conservation and reuse practices. This includes treating and injecting the water from the water park pool into the zoo's moat at the end of each season in order to recharge the aquifer, using reclaimed water for irrigation where feasible, and integrating water conservation into the design of all the proposed facilities. Third, Miami-Dade County was required to execute an Agreement in Principal (AIP) with the U.S. Department of the Army regarding the modifications and transfer of federal deed restrictions necessary to develop the proposed Miami-Metrozoo Entertainment Area. On September 19, 2007 the AIP was executed; however no development will be permitted until the deed related actions outlined in the AIP are complete. All of the items discussed above are part of the development order conditions for the proposed changes to the Miami-Metrozoo DRI, including requirements to protect the Natural Forest Communities (NFCs) and the historical/archeological resources located within the amendment site.

Attached you will find the "Revised Recommendation, Miami Metrozoo DRI Application to Amend the Comprehensive Development Master Plan," report dated April 25, 2008 prepared by DP&Z staff and revised May 5, 2008. That report summarizes the pending Miami Metrozoo CDMP application as transmitted to DCA, presents the DP&Z's revised recommendation and principal reasons for the revised recommendation, and includes the ORC report and DP&Z's response to the ORC.

The Planning Advisory Board acting as the Local Planning Agency (LPA) conducted its final public hearing on the pending CDMP application on May 5, 2008, and recommended that the proposed Miami Metrozoo CDMP application be "Adopted as Transmitted with Additional Changes." The PAB's recommendation is contained in the attached PAB resolution and meeting minutes, both dated May 5, 2008.

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

MIAMI METROZOO DRI APPLICATION MATRIX
Summary of Recommendations/Revised Recommendations by DP&Z, Community Council, PAB and BCC

Miami Metrozoo DRI Application to Amend the CDMP

Application	Commissioner/ BCC District/	DP&Z Initial Recommendation	Redland Community Council 14	Local Planning Agency Recommendation	Board of County Commissioners Recommendation	Objections, Recommendations and Comments Issues	DP&Z Revised Recommendation	Local Planning Agency Final Recommendation	Board of County Commissioners Final Actions
Miami Metrozoo DRI/CDMP Amendment	Dennis C. Moss / 9	Adopt with Changes and Transmit	Transmit with Change Recommended by Staff)	Adopt With Change and Transmit with Staff's Recommendations, as Revised July 3, 2007, and PAB Recommendations of July 9, 2007	Adopt With Change and Transmit with Staff's Recommendations, as Revised July 3, 2007, and PAB Recommendations of July 9, 2007	1. Need for intensity standards and percentage of uses 2. Transportation impact and need for coordination with FDOT	Adopt as Transmitted with Additional Changes	Adopt as Transmitted with Additional Changes	(July 3, 2008)

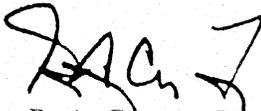


MEMORANDUM

(Revised)

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

DATE: July 3, 2008

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

SUBJECT: Substitute
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 _____

Substitute
Special Item No. 1
7-03-08

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 July 26, 2007; and

WHEREAS, affected Community Council Number 14 has acted in accord with County procedures, and conducted a duly noticed 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 Miami-Dade County Board of County Commissioners conducted a duly noticed public hearing on July 26, 2007, to address the subject CDMP amendment application, the recommendations of the affected Community Council, the PAB and the DP&Z, to address transmittal by the Board to the DCA of the subject amendment application for State agency review and comment, and to address subsequent action on the application by the Board; and

WHEREAS, an Objections, Recommendations, and Comments (ORC) report on the Metrozoo DRI CDMP amendment application was issued by DCA on October 12, 2007; and

WHEREAS, the Board of County Commissioners is required by the Code of Miami-Dade County ("Code") to 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, unless an extension of that deadline is timely requested by the applicant; and

WHEREAS, an extension to the Code deadlines was requested on October 31, 2007 and granted by DP&Z, as allowed by Section 2-116.1(5)(a)(7) of the Code of Miami-Dade County, in order to resolve outstanding issues raised by DCA in the ORC report dated October 12, 2007; 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

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WHEREAS, DP&Z's revised recommendations addressing the Metrozoo DRI CDMP amendment application, DCA's ORC report, and DP&Z's response to the ORC report are contained in a document titled "Revised Recommendation, Miami Metrozoo DRI Application to Amend the Comprehensive Development Master Plan," dated April 25, 2008; and

WHEREAS, on May 5, 2008, the PAB acting as the Local Planning Agency conducted a duly noticed public hearing to receive public comments on the pending CDMP amendment application as transmitted for review and comment by DCA; on the revised recommendations of the DP&Z; on the ORC report; and to issue a final recommendation to the Board of County Commissioners regarding final actions on the pending Metrozoo DRI CDMP amendment application; 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: that,

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	Applicant/Representatives Location and Size REQUESTED CHANGES TO THE CDMP	• Recommendation as to Final Action
Miami Metrozoo DRI/CDMP Amendment	<p>Miami-Dade County Park and Recreation Department/ (Jack Kardys, Director and Kevin Asher, Project Manager)</p> <p>Location and Size: 12400 SW 152 Street, Miami, Florida 170 acres</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 Land Use Element with text establishing development standards for allowable land uses, intensities and percentages of use. The text is to be added 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 4. Amend Table 3 on pages VIII-10 - VIII-11 of the Intergovernmental Coordination Element of the CDMP to include "Miami Metrozoo" and the "Miami Metrozoo Entertainment Area." 5. Add two capital improvement projects to the Park and Recreation (Table 6) component of the Capital Improvements Element (CIE). 	

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."

Section 6. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency. 

Prepared by:
Joni Armstrong Coffey 

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