Memorandum

MIAMI-DADE COUNTY

Date:	May 4, 2010
To:	Honorable Chairman Dennis C. Moss And Members, Board of County Commissioners
From:	George M. Burgess County Manager
Subject:	Governmental Facilities Hearing Application GF09-06 Briar Bay Linear Park

Agenda Item No. 5(D)

RECOMMENDATION

It is recommended that the Board of County Commissioners approve the attached resolution approving the General Plan for Briar Bay Linear Park located on the south side of the C-100 Canal between SW 92 and SW 97 Avenues, in compliance with Section 33-303 of the Code of Miami-Dade County. This item was prepared by the Department of Planning and Zoning at the request of the Miami-Dade Park and Recreation Department and is recommended for approval.

LOCATION:	On the south side of the C-100 Canal between SW 92 and SW 97 Avenues, unincorporated Miami-Dade County
COMMISSION DISTRICT:	8
COMMISSION DISTRICT IMPACTED:	8
FOLIO NUMBERS:	30-5016-000-0490, 30-5016-030-0870, 30-5016-030-0880
SIZE:	10.21-acres
BACKGROUND:	The property is an undeveloped park and also serves as a Florida Power and Light easement.
ZONING:	AU, Agricultural
JUSTIFICATION:	The development of the site will allow the Park and Recreation Department to create a linear park to provide recreational amenities to the surrounding neighborhood.
FACILITY DESCRIPTION:	Briar Bay Linear Park is currently undeveloped. Planned amenities include: • Multi-use trail • Up to 2 rain shelters (400 sq ft each) • Up to 2 playgrounds with optional shade structure • Up to 2 fishing platforms

- Up to 4 park signs (height: 4ft 7in, width: 7ft 11in, depth: 1ft)
- Park perimeter fence
- Up to 15 parking spaces

DEVELOPMENT: The Park and Recreation Department will develop the site when funding becomes available.

FUNDING: Currently, there is no funding reserved for development of this site. The Park and Recreation Department will develop as funding becomes available.

SITE REVIEW COMMITTEE: The committee's task is to review projects subject to 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 September 16, 2009.

COMMUNITY MEETING: The project was presented at two community meetings: January 9, 2008 and April 23, 2008. Public comments from the meetings have been incorporated into the site plan.

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 County, a favorable public hearing before the Board of County Commissioners (BCC) is required. The BCC may only authorize the 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 properties. The attached report from the Miami-Dade County Site Review Committee addresses these factors.

MONITOR: Gilberto Blanco, Principal Planner

DELEGATED AUTHORITY: This resolution authorizes that the site be developed substantially in accordance with the proposed General Plan.

Assistant County Manager

Memorandum

MIAMI-DADE COUNTY

Date: May 4, 2010

To: George M. Burgess
County Manager

From: Miami-Dade County Site Review Committee

Subject: Governmental Facilities Hearing Application
GF09-06 Briar Bay Linear Park

RECOMMENDATION

It is recommended that the Board of County Commissioners approve the attached resolution authorizing the development and operation of the Briar Bay Linear Park located on the south side of the C-100 Canal between SW 92 and 97 Avenues, in compliance with Section 33-303 of the Code of Miami-Dade County. This item was prepared by the Department of Planning and Zoning at the request of the Miami-Dade County Park and Recreation Department and is recommended for approval. The Miami-Dade 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 facility, its impact upon the surrounding community, and other similar considerations. All committee members recommend approval of the proposed General Plan for Briar Bay Linear Park.

BACKGROUND

The property is an undeveloped park and also serves as a Florida Power and Light easement.

PROJECT DESCRIPTION

Briar Bay Linear Park is currently undeveloped. Planned amenities include:

- Multi-use trail
- Up to 2 rain shelters (400 sq ft each)
- Up to 2 playgrounds with optional shade structure
- Up to 2 fishing platforms
- Up to 4 park signs (height: 4ft 7in, width: 7ft 11in, depth: 1ft)
- Park perimeter fence
- Up to 15 parking spaces

COMPREHENSIVE DEVELOPMENT MASTER PLAN

The Department of Planning and Zoning recommends approval of the proposed Linear Park. The 10.21-acre site is designated "Estate Density Residential" on the Adopted 2015-2025 Land Use Plan map. The "Estate Density Residential" designation is generally characterized by detached estates, cluster housing or a variety of housing types at densities from 1 to 2.5 dwelling units per gross acre. The residential neighborhood north of the canal and northeast of the proposed park is designated "Low-Medium Density

Residential." The CDMP, Page I-26, states that neighborhood and community services such as schools, **parks**, houses of worship, etc., are permitted in residential communities only when consistent with other goals, objectives and policies of the CDMP and compatible with the neighborhood. The CDMP also states, that when compatible with adjacent uses and permitted by County and State regulations, non-utility ancillary uses that may be located in transmission line corridors include agriculture, parking lots, open space, golf courses, bikeways and paths for walking and exercising (Institutions, Utilities and Communications). Specifically, the proposed park is **consistent** with Policy ROS-5D regarding the development of new parks in residential areas.

The proposed park will provide recreational amenities to the surrounding residential neighborhood such as passive areas, shaded walkways, bicycle paths including bicycle racks and a fishing pier in front of the existing canal which lies to the north of the 10.21-acre site. The submitted plans also depict a sign which identifies the entrance to the park located at the southwest corner of the site facing SW 97 Avenue. A perimeter fence and road crossings with traffic calming at SW 97 Avenue and SW 136 Street is proposed. The park has been designed with pedestrian and bicycle amenities and is intended for the use of the adjacent residential community. As such, staff is of the opinion that the proposed park is **compatible** with the adjacent residential land uses and, as a neighborhood and community service, is **consistent** with the Comprehensive Development Master Plan

EXISTING LAND USE PATTERN

Subject Properties:		LAND USE PLAN DESIGNATION
Florida Power & Light (FPL) Easement		Estate Density Residential (1 to 2.5 dua)
Surrounding Properties		
NORTH:	Canal, Single Family Residences and Townhouses	Estate Density Residential (1 to 2.5 dua) and Low-Medium Density Residential (13 to 25 dua)
SOUTH:	Single Family Residences	Estate Density Residential (1 to 2.5 dua)
EAST:	FPL Easement	Estate Density Residential (1 to 2.5 dua)
WEST:	Single Family Residences	Estate Density Residential (1 to 2.5 dua)

STAFF RECOMMENDATIONS

The **Department of Planning and Zoning** has reviewed the application and recommends approval and provides the following comments:

- The park and the adjacent residential neighborhood to the south and northwest are designated "Estate Density Residential" on the Adopted 2015-2025 Land Use Plan map. The "Estate Density Residential" designation is generally characterized by detached estates, cluster housing or a variety of housing types at densities from 1 to 2.5 dwelling units per gross acre. The residential neighborhood north of the canal

and northeast of the proposed park is designated "Low-Medium Density Residential." The CDMP, Page I-26, states that neighborhood and community services such as schools, parks, houses of worship, etc., are permitted in residential communities only when consistent with other goals, objectives and policies of the CDMP and compatible with the neighborhood. Specifically, the proposed park is **consistent** with Policy ROS-5D regarding the development of new parks in residential areas. The park is **compatible** with the adjacent residential land uses and, as a neighborhood and community service, is **consistent** with the Comprehensive Development Master Plan.

CONDITIONS:

1. That in the approval of the plan, the same be basically in accordance with the plan submitted for the hearing entitled, "Briar Bay Linear Park – General Plan", prepared by Miami-Dade County Park and Recreation Department, dated 2/10 consisting of 1 page.

2. That the applicant submit to the Department of Planning and Zoning for its review and approval a landscaping plan which indicates the type and size of plant material to be provided along the southern boundary of the subject property. Said landscaping shall be installed prior to final zoning inspection.

3. That all landscaping to be provided on site be in accordance with Chapter 18A (The Landscape Code).

4. That the applicant comply with all applicable conditions and requirements of the Departments represented by the Site Review Committee.

The **Public Works Department – Right of Way Division** has reviewed the application and provides the following comment:

- No additional right-of-way dedication is required.

The **Public Works Department (PWD) – Highway Engineering Division** has reviewed the application and provides the following comments:

- PWD has no proposed roadway projects adjacent to the subject site in the 2010 Transportation Improvement Program (TIP), nor in the 2030 Long Range Transportation Plan (LRTP).

- According to Florida Power & Light's Site Certification for Turkey Point Units 6 & 7, dated June 20, 2009, it appears that the proposed east transmission line corridor may impact the subject site. Please contact Katie Halloran, Senior Planner, Department of Planning and Zoning at (305) 375-2835, for more information.

- Please be advised that a PWD permit will be required for this project. Please contact PWD Permit Section, at (305) 375-2142, for more information.

Should you have any questions, please contact Javier Heredia, P.E., Section Head, Highway Planning, at (305) 375-1901.

The **Public Works Department – Land Development Division** has reviewed the application and provides the following comment:

- A Wavier of Plat is required on the parcel identified with the folio # 30-5016-000-0490. Please be aware that an adjacent property owner appears to have an encroachment on this property.

The **Fire Rescue Department** has reviewed the application, has no objections and provides the following comments:

- The closest station serving this area is our Coral Reef Fire Rescue Station #4 located at 9201 SW 152 Street. This station is equipped with an engine and a rescue and can provide a two to three minute response time to this site.

- This project must comply with Uniform Fire Safety Rules and Standards. All site plans must be reviewed by Fire and Water Engineering Bureau located at 11805 SW 26 Street, telephone (786) 315-2771.

The **Miami-Dade Water & Sewer Department (M-DWASD)** comments and recommendations for the site review are as follows:

Water
Connect to any of the existing eight (8)-inch and/or twelve (12)-inch water mains in SW 136 Street, SW 97 Avenue and/or within the property. Any public water main extension within the property shall be eight (8)-inch minimum in diameter. If two or more fire hydrants are to be connected to a public water main extension within the property, then the water system shall be looped with two (2) P.O.C.(s). There are water and/or sewer mains within the property, either in existing dedicated right of way or easements, which need to be removed and located if in conflict with the proposed development. Easements associated with mains to be removed and relocated shall be closed and vacated before starting construction in the easement(s) areas. In order to close and vacate an easement, please contact Odalys Bello at (786)268-5268 or e-mail her at obello@miamidade.gov for more information. In case of right of ways to be closed and vacated within the property, mains shall be removed and relocated, if needed before closing/vacating them. In the event that the existing facilities are to be removed and relocated, replacement mains shall be installed, tested and accepted by the department before existing ones can be removed.

Sewer
Connect to any of the existing eight (8)-inch gravity sewers in SW 136 Street. If Unity of Title does not apply, then any gravity sewer within the property shall be public and eight (8)-inch minimum in diameter.

General Notes
The size of the required water mains will depend upon the subject property's approved zoning, being twelve (12) inch minimum in diameter required for high density residential, commercial, business, industrial, hospitals, public buildings, etc. and eight (8) inch minimum in diameter required for low and medium density residential zonings.

Please note that improvements to the sewer system may be required based on the project's sewage flow to be discharged into M-DWASD's system and the condition of the sewage pump station(s) receiving the referenced sewage flow at the time a request is sent to the M-DWASD. Please be advised that the right to connect the referenced property to the Department's sewer system is subject to the terms, covenants and conditions set forth in the Settlement Agreement between the Florida Department of Environmental Protection ("DEP") and the County dated July 27, 1993, the First Amendment to Settlement Agreement between DEP and the County dated December 21, 1995, the First Partial Consent Decree and the Second and Final Partial Consent Decree entered in the United States of America Environmental Protection Agency vs. Metropolitan Dade County (Case Number 93-1109 CIV-MORENO), as currently in effect or as modified in the future, and all other current, subsequent or future agreements, court orders, judgments, consent orders, consent decrees and the like entered into between the County and the United States, State of Florida and/or any other governmental entity, and all other current, subsequent or future enforcement and regulatory actions and proceedings.

The **General Services Administration Design and Construction Services Division** has reviewed the subject application and has no objections.

The **Department of Environmental Resources Management (DERM)** has reviewed the subject 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 Service and Wastewater Disposal
Public water and public sanitary sewers can be made available to the subject property. Therefore, connection of the proposed development to the public water supply system and sanitary sewer system shall be required in accordance with Code requirements.

Existing public water and sewer facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Notwithstanding the foregoing, and in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternate means of sewage disposal. Use of an alternate means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

Stormwater Management
A Surface Water Management General Permit from DERM shall be required for the construction and operation of the required surface water management system. This

permit shall be obtained prior to site development, final plat, or public works approval of paving and drainage plans. The applicant is advised to contact DERM for further information regarding permitting procedures and requirements.

Canal Right of Way verification letter is required from the South Florida Water Management District (SFWMD) for the C-100C (Cutler Drain Canal) to prevent unauthorized encroachment into said canal right-of-way.

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 even with full on-site retention of the 25-year/3-day storm. Pollution control devices shall be required at all drainage inlet structures.

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 Level of Service standards for flood protection set forth in the CDMP subject to compliance with the conditions required by DERM for this proposed development order.

Wetlands
The subject properties do not contain wetlands as defined by 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 (305-526-7181), 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.

Tree Preservation
The subject properties may contain specimen-sized (trunk diameter 18 inches or greater) trees. Section 24-49.2(II) of the Code requires that specimen trees be preserved whenever reasonably possible. A Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of Chapter 24. Said Tree Removal Permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.
The applicant is required to comply with the above tree permitting requirements. DERM's approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution approving this application. The applicant is advised to contact DERM staff for additional information regarding tree permitting procedures and requirements prior to site development.

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.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order, as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent order applications concerning the subject property.

This memorandum shall constitute DERM's written approval, as required by the Code.

If you have any questions concerning the comments, or wish to discuss this matter further, please contact Christine Velazquez, Interim Manager at (305) 372-6764.

MIAMI-DADE COUNTY SITE REVIEW COMMITTEE

APPLICATION GF09-06

MIAMI-DADE PARK AND RECREATION
BRIAR BAY LINEAR PARK

Esther Calas, Director
Public Works Department

Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

Carlos Heredia for
Herminio Lorenzo, Director
Miami- Dade Fire Rescue Department

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

for Maria T. Caballero
Sergio Garcia, Plans Review Manager
Plans Review Section
Water and Sewer Department

Wendi J. Norris, Director
General Services Administration

MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
NOTICE OF PUBLIC HEARING

The BOARD OF COUNTY COMMISSIONERS of Miami-Dade County, Florida will meet Thursday 18th day of March 2010 at 9:30 a.m. in the County Commission Chambers, Second Floor, Stephen P. Clark Center, 111 N.W. First Street, Miami, Florida, to consider the following request:

Application:	BRIAR BAY LINEAR PARK
Number:	GF09-06
Applicant:	MIAMI-DADE PARK AND RECREATION
Location:	On the south side of the C-100 Canal at SW 136 Street between SW 92 and SW 97 Avenues, unincorporated Miami-Dade County
Size:	10.21-acres
Request:	Approval of the general plan for the Briar Bay Linear Park.

Legal Description: FOLIO: 30-5016-000-0490
3.539 acres, the north 120 feet of the south 1/4 of the south of the southwest 1/4 the southwest 1/4 Section 16 in Township 55 South, Range 40 East, less the west 40 feet

FOLIO: 30-5016-030-0870
0.26 acre more or less, Briar Bay Urban Park Sec 2 Plat Book 95-17 Tract E, Park

FOLIO: 30-5016-030-0880
6.42 acres more or less, Briar Bay Urban Park Sec 2 Plat Book 95-1 Tract F, Park

OBJECTIONS MAY BE MADE IN PERSON AT THE HEARING OR FILED IN WRITING PRIOR TO THE HEARING DATE. MAIL OBJECTIONS AT LEAST FIVE BUSINESS DAYS PRIOR TO THE HEARING TO THE DEPARTMENT OF PLANNING AND ZONING, ATTENTION: Gilberto Blanco, 111 NW 1 STREET, 12 FLOOR, MIAMI, FLORIDA 33128. SIGN LANGUAGE INTERPRETERS ARE AVAILABLE UPON REQUEST. PLEASE CALL 670-9099 AT LEAST FOUR DAYS IN ADVANCE.

EXHIBIT "A"

MIAMI-DADE COUNTY PARK AND RECREATION DEPARTMENT

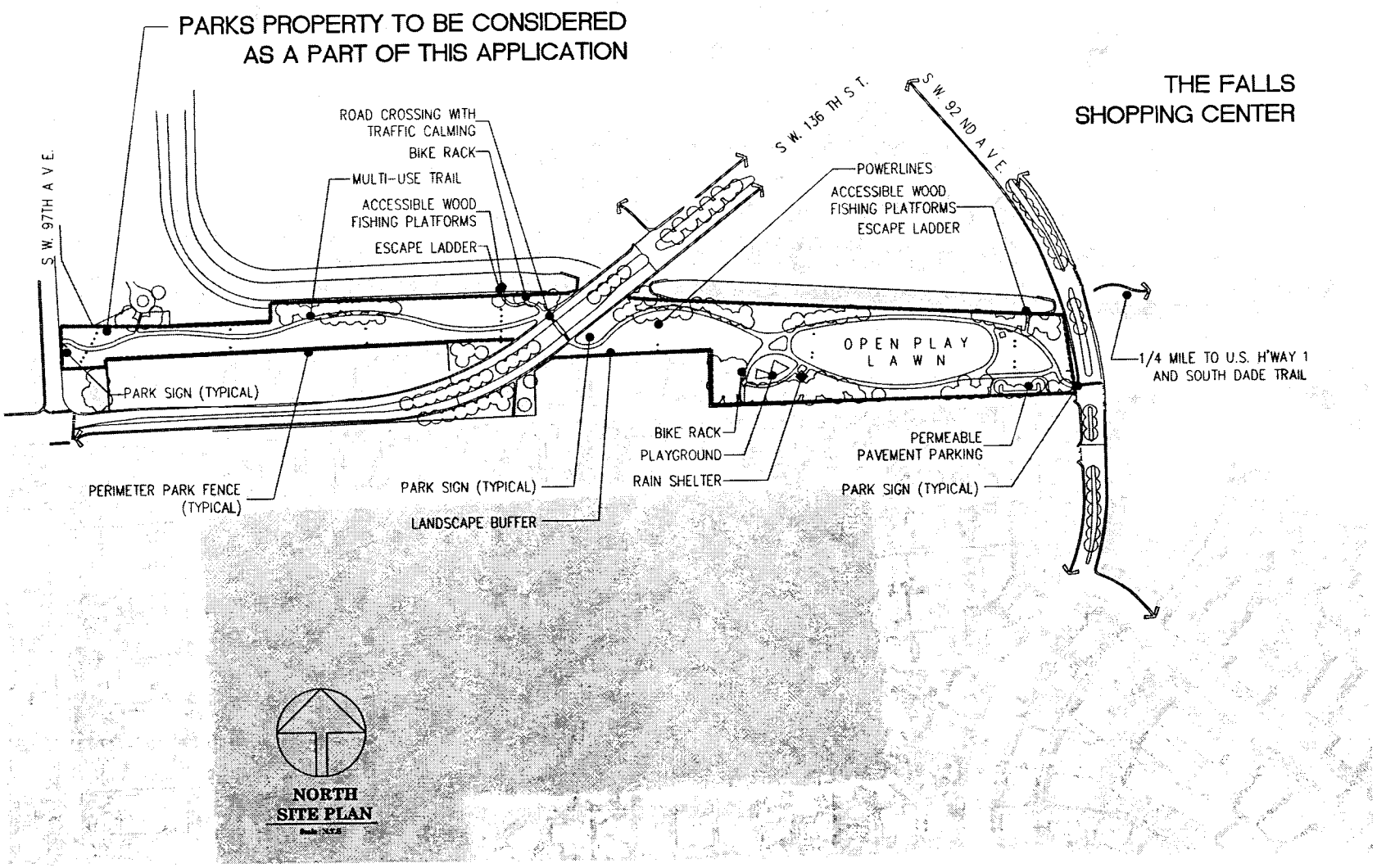
Legal Description

3.539 acres, the north 120 feet of the south ½ of the south of the southwest ¼ of the southwest ¼ of Section 16 in Township 55 South, Range 40 East, less the west 40 feet

0.26 acre more or less, Briar Bay Urban Park Sec 2 Plat Book 95-17 Tract E, Park

6.42 acres more or less, Briar Bay Urban Park Sec 2 Plat Book 95-1 Tract F, Park

ATTACHMENT 1



3

Approvals | Date
Design
Drawn
Checked
Survey C. SILVA
Inspections
Project Manager

Revisions
N° | Date | Description

Miami-Dade County
Park and Recreation Department
275 N.W. 2nd STREET, 4th FLOOR, MIAMI, FL 33128

Project Title
BRIAR BAY LINEAR PARK
GENERAL PLAN
S.W. 136 ST. AND S.W. 92/97 AVE., MIAMI, FL

Drawing Title

Contract N°
Date 3/10
Scale NOTED
Drawing N°
1 of 1
File | Drawer | Dwg

MEMORANDUM
(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: May 4, 2010

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

SUBJECT: Agenda Item No. 5(D)

Please note any items checked.

_____ **"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**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

✓ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 5(D)

5-4-10

RESOLUTION NO. _____

RESOLUTION APPROVING THE GENERAL PLAN FOR THE DEVELOPMENT AND OPERATION OF A 10.21-ACRE PARK SITE KNOWN AS BRIAR BAY LINEAR PARK, LOCATED SOUTH OF THE C-100 CANAL BETWEEN SW 92 AND SW 97 AVENUES, 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, that this Board hereby finds that the proposed general plan for the development and operation of Briar Bay Park located south of the C-100 Canal between SW 92 and SW 97 Avenues, 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:

Dennis C. Moss, Chairman
Jose "Pepe" Diaz, Vice-Chairman

Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of May, 2010. 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. CHC

Craig H. Coller

EXHIBIT "A"

MIAMI-DADE COUNTY PARK AND RECREATION DEPARTMENT

Legal Description

3.539 acres, the north 120 feet of the south ½ of the south of the southwest ¼ of the southwest ¼ of Section 16 in Township 55 South, Range 40 East, less the west 40 feet

0.26 acre more or less, Briar Bay Urban Park Sec 2 Plat Book 95-17 Tract E, Park

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