

Approved _____ Mayor

Veto _____

Override _____

Special Item No. 1
Page No. 1

RESOLUTION NO. R-924-07

RESOLUTION PERTAINING TO APPLICATION REQUESTING AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN FILED FOR CONCURRENT PROCESSING WITH PROPOSED CHANGES TO "MIAMI METROZOO" DEVELOPMENT OF REGIONAL IMPACT (DRI); INSTRUCTING THE COUNTY MANAGER WHETHER OR NOT TO TRANSMIT THE APPLICATION TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; REQUESTING FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS TO REVIEW THE APPLICATION; RESERVING THE RIGHT TO TAKE FINAL ACTION AT A LATER DATE; AND DECLARING INTENT TO CONDUCT ONE OR MORE SUBSEQUENT PUBLIC HEARINGS

WHEREAS, pursuant to Chapter 163, Part 2, Florida Statutes (F.S.) and Chapters 9J-5, 9J-11, and 9J-12, Florida Administrative Code (F.A.C.), the Comprehensive Development Master Plan (CDMP) for Miami-Dade County was adopted by the Miami-Dade County Board of County Commissioners in 1988; and

WHEREAS, Chapter 380.06(6), F.S., provides a procedure for accepting and processing applications to amend a local comprehensive plan concurrently with a Notice of Proposed Change (NOPC) to an existing Development of Regional Impact (DRI); and

WHEREAS, Section 2-116.1 of the Code of Miami-Dade County, Florida, provides procedures for amending the CDMP which comply with the requirements of the foregoing State Statutes and Administrative Code; and

WHEREAS, a CDMP amendment Application was filed for concurrent processing with a NOPC 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 the initial recommendations of the Department of Planning and Zoning (DP&Z) required by Section 2-116.1, Code of

Miami-Dade County, are contained in a document entitled, "Application and Initial Recommendations, Miami Metrozoo DRI Application to Amend the CDMP" dated June 22, 2007 and revised on 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 and 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, at the conclusion of its public hearing the Local Planning Agency adopted its recommendations regarding transmittal of the Application to the Florida Department of Community Affairs, State agency review of the transmitted Application, and subsequent final action by the Board of County Commissioners as required by Section 2-116.1, Code of Miami-Dade County, and Section 9J-11, Florida Administrative Code, with the understanding that the LPA will further evaluate the transmitted Application and may subsequently issue revised recommendations following one or more duly noticed public hearings after receipt of comments from the DCA; 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, the Department of Planning and Zoning may publish revised

recommendations on the transmitted Application prior to final hearings and actions by the LPA and Board of County Commissioners; 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 desires to further evaluate, without prejudice, the CDMP amendment Application filed for review and action in association with the Notice of Proposed Change to the "Miami Metrozoo" DRI, and which CDMP amendment Application is hereby transmitted;

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

Section 1. The Board of County Commissioners, having considered the following Application requesting amendments to the Comprehensive Development Master Plan, hereby directs the County Manager to act in accordance with the transmittal instructions set forth in this section for such Application. For any such application where the

instruction is to transmit, a majority of the entire Commission directs the Manager to transmit the Application to the Florida Department of Community Affairs (DCA) and to all other agencies required pursuant to Chapter 163.3184, F.S., along with all other materials required by Chapter 9J-11, F.A.C.

<p>Application</p>	<p><u>Applicant/Representatives:</u> Miami-Dade County Park and Recreation Department Vivian Donnell Rodriguez, Director</p> <p><u>Location and Size:</u> 12400 SW 152 Street, Miami, Florida 170 acres</p>	<p>Recommended Transmittal Instructions</p>
<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 	<p>Adopt with Change and Transmit with Staff's Recommendations, as revised on July 3, 2007, and with the recommendation of the Planning Advisory Board (PAB) dated July 9, 2007, which calls for the "Miami Metrozoo Entertainment Area" and "Miami-Metrozoo" to be listed on Table 3 of the Intergovernmental Coordination Element (Pages VIII-10 - VIII-11) as a Facility of Countywide Significance, as defined in Policy ICE-3G.¹</p>

Section 2. The Board hereby requests the DCA to review the transmitted comprehensive plan amendment Application pursuant to Chapter 163.3184(6), Florida Statutes.

Section 3. The Board hereby reserves its right to take final action without prejudice at a later date to adopt, adopt with changes, or not adopt any and all pending

¹ Policy ICE-3G: Maintain and utilize the authority provided in the Miami-Dade Charter for the County to maintain, site, construct and/or operate public facilities in incorporated and unincorporated areas of the County. Furthermore, in order to protect and promote the health, safety, order, convenience, and welfare of the residents, the County should retain regulatory control over land use, development and service delivery for all facilities of countywide significance as listed in Table 3. While the County reserves all rights provided by the Miami-Dade County Charter, when siting facilities of countywide significance within the boundaries of an incorporated municipality, the County will consider the municipal comprehensive plan and development regulations, as well as the need for the public facility and suitable alternative locations.

applications and proposals following receipt of notice or comments by DCA, and following one or more final public hearings by this Board, all as authorized by Chapter 163.3184, F.S. and Section 2-116.1, Code of Miami-Dade County, Florida.

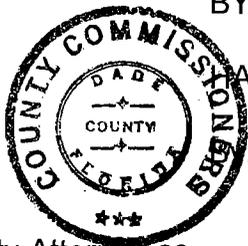
Section 4. The Board declares its intention to conduct and advertise one or more public hearings in 2007 to address the comprehensive plan amendment Application transmitted hereby.

The foregoing resolution was offered by Commissioner Dennis C. Moss who moved for its adoption. The motion was seconded by Commissioner Rebeca Sosa and the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 26th day of July, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

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



HARVEY RUVIN, CLERK

KAY SULLIVAN
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Joni Armstrong Coffey

Memorandum



Date: July 26, 2007

Special Item No. 1

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

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "G. Burgess", written over the printed name of the County Manager.

Subject: Resolution and Public Hearing for Transmittal of the Proposed "Miami Metrozoo DRI" Comprehensive Development Master Plan Amendment to the Florida Department of Community Affairs
R#924-07

RECOMMENDATION

It is recommended that the attached resolution be approved at the conclusion of the public hearing, scheduled for **9:30 AM on Thursday, July 26, 2007**, to address the proposed "Miami Metrozoo DRI" Comprehensive Development Master Plan (CDMP) Amendment. The resolution provides for transmittal of the subject CDMP amendment Application to the Florida Department of Community Affairs (DCA) and other State and regional agencies for review and comment pursuant to Section 163.3184, Florida Statutes.

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 will be 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 further 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.

History

The original Miami Metrozoo DRI (also known as the Miami Metrozoo and Larry and Penny Thompson Park DRI) was created in 1975 for the purpose of developing a zoological park and a recreational park. Since that time, the original DRI development orders have been revised once under Resolution Z-169-86, which called for further lake excavation at Metrozoo, the relocation of the Monorail maintenance facilities, and the rescission of Resolution R-771-84 approving a water theme park at Metrozoo. The water park was rescinded due to economic constraints.

In February 2005, the Miami-Dade County Park & Recreation Department filed a Notice of Proposed Change (NOPC) to the Miami Metrozoo DRI proposing the development discussed in the CDMP Application. Because the proposed development called for uses and commercial activity not allowed on land designated as Parks and Recreation, it was determined that approval of the changes would require public referendum action, a CDMP amendment, and transfer of deed restrictions from the federal government.

Since 2005, the County has addressed the various actions needed to allow the proposed uses on the subject site. On November 7, 2006, voters approved a referendum allowing the County to contract, develop and operate an entertainment district with commercial uses and structures at the Metrozoo property on land that is not environmentally sensitive and outside the animal attractions, as per Article 7 of the Miami-Dade County Charter. The proposed development at the Gold Coast Railroad Museum was approved in 1985 and is in compliance with Article 7. The federal government has reached an agreement with Miami-Dade County regarding the deed restrictions on the subject properties and is in the process of completing the deed modifications. The proposed CDMP amendment Application being considered will address the necessary land use changes to achieve consistency with the CDMP and enable the approval of the proposed changes to the DRI.

Resolution

The attached resolution provides for transmittal of the proposed Miami Metrozoo DRI Application requesting text and map amendments to the CDMP. The Application would be transmitted to DCA for review and issuance of an Objections, Recommendations and Comments (ORC) report by DCA on the transmitted Application. The Application was the subject of a public hearing conducted by Community Council 14 on June 27, 2007 and by the Planning Advisory Board (PAB) on July 9, 2007. The actions

required of the Board after today's public hearing will be to consider transmittal of the proposed CDMP Application for consistency review to DCA and other review agencies.

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. Preceding the final hearing by the Board, DP&Z will respond to any DCA objections and may issue a revised recommendation, and the LPA will conduct an additional hearing and may also issue a revised recommendation. The Board is scheduled to conduct an additional hearing on the transmitted Application in December of 2007.

Department of Planning and Zoning Recommendations

The Department of Planning and Zoning recommends for the Board to ADOPT WITH CHANGE AND TRANSMIT. The change refers to revisions to the original text amendment submitted by the Applicant. The revised text distinguishes between primary and ancillary uses allowed on the Metrozoo property and indicates that the Gold Coast Railroad Museum property is limited to the uses allowable under Article 7 of the Miami-Dade County Charter, as amended. It also calls for the protection of Natural Forest Communities, environmentally sensitive areas, and historical and archeological resources. In addition to these changes, the County Attorney's Office in consultation with the Department of Planning and Zoning, recommended additional revisions to the text amendment after the June 27, 2007 Community Council 14 public hearing. The revisions dated July 3, 2007 deleted language from the text in order to remain consistent with the allowed uses approved by voters on the November 7, 2006 Countywide Referendum for further development at the Metrozoo property. The Miami-Dade County Park and Recreation Department, which is the Applicant for the CDMP amendment, is in agreement with the proposed language as modified.

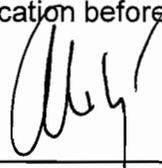
Local Planning Agency Recommendations

The recommendation of the Planning Advisory Board, acting as the Miami-Dade County's Local Planning Agency, is to adopt with change and transmit with staff's recommendations dated July 3, 2007. The PAB further recommends that Miami Metrozoo Entertainment Area and Miami-Metrozoo be listed on Table 3 of the Intergovernmental Coordination Element as a Facility of County Significance, as defined in ICE-3G. The recommendation of the PAB is contained in their resolution and in the summary matrix included in the agenda kit materials for this public hearing.

Resolution Format

As provided in the County Code, transmittal instructions are to be issued by resolution. Section 1 of the attached resolution contains spaces where the Board's adopted transmittal instruction will be entered for the amendment Application. Transmittal instructions shall be "Transmit" or "Do Not Transmit". Transmittal does not constitute adoption of the Application; however, denial of transmittal in effect denies any further consideration of the Application. To transmit any application, County Code requires the affirmative vote of a majority (7) of the Commissioners in office.

Section 2 of the resolution requests DCA to review and return its ORC report on the transmitted Application before the Board conducts its next public hearing to take final action on the Application.



Alex Muñoz
Assistant County Manager

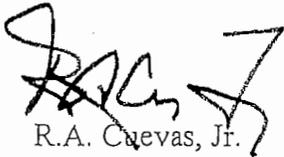


MEMORANDUM

(Revised)

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

DATE: July 26, 2007

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