

NEW INITIATIVES (WHITE PAPER) FY2018

**** PRESERVATION OF LAND TO BE SET ASIDE AS PERMEANT PASTURE FOR DAIRY COWS WITH THE INTENT TO PRESERVE THE INTEGRITY OF THE TOWN'S SEAL ****

April 18, 2018

PROPOSED BY: MAYOR MANNY CID

1. Strategic Structure

Strategic Priority (3) – Expand Economic Growth and Enhance the Vibrancy of Community Hubs/Activity Centers

Goal (3.1) - Increase the Town of Miami Lakes' Brand Awareness so it Extends to all Offerings and Interactions

New Initiative (3.1.4) - Preservation of land to be set aside as permeant pasture for dairy cows with the intent to preserve the integrity of the Town's Seal

2. Description & Legality

On March 4, 2018, Mayor Manny Cid suggested that land be set aside within the Town to be utilized permanently for dairy cows. The initiative was driven by the idea of maintaining the integrity of the Town's seal which features such a landscape. The Town is at near build-out and as such, there exists limited options to provide such an amenity. However, a few undeveloped parcels do remain.

Through its police power, the Town has the legal authority to regulate the permitted use of land through its Comprehensive Development Master Plan and the Land Development Code. However, this does not mean that the Town may impose the singular use of cow pasture upon a private property owner. The remaining properties available to achieve this objective have commercial, industrial, interim, and agricultural zoning designations. Because each of these districts have a range of permitted uses available to be implemented by a property owner, a restriction by the Town to a singular use would be an arbitrary and capricious act. Thus, property owners may enjoy the by-right uses listed in the zoning of their respective districts.

For those lands already zoned AU, Agricultural District, the Town may be tempted to fall to default position of forcing such lands to remain so designated. By imposing such a permanent restriction of zoning on a privately held piece of land, the Town runs the risk of creating "Reverse Spot Zoning." In other words, if those properties that surround the desired pasture property are developed, or are permitted to be developed, to a higher

intensity, then the permeance of an AU designation could be considered “Spot Zoning” by virtue of the restriction that prevents enjoyment the same development standard of the surrounding properties.

To achieve the desired goal, the Town may have to acquire the land necessary to preserve a pasture in perpetuity. This could be accomplished either through direct purchase or as a donation from a property owner. The Town could explore its existing park inventory to site such a use. Either way, ownership of the land is retained by the Town.

3. Funding Source & Cost Estimates

At present, there is no funding resource allocated or available for the purchase of land for a pasture. Short of a donation of land by a private property owner, the actual costs of land will be driven by availability and an owner’s willingness to sell at any given price. Provided below are possible options with Market Value as provided by the Miami-Dade Property Appraiser’s Office. Once the property is secured, use of the land should be leased to a dairy farm operator, to which they shall pay an established rent and any applicable property taxes.

Lakes Side II/South Point. This 7.8-acre parcel is on the south end of Commerce Way and is immediately east of the Anchorage. This high-profile property has a MDC Appraiser value of \$3,759,008. There is currently a zoning application for the property submitted by the owners, The Graham Companies, for mixed use residential and commercial on this BU-2 parcel. The pending site plan will significantly drive the value of the land upwards.

Lennar Commercial tract. At 9.5 acres, this tract is predominately positioned at the corner of Miami Lakes Drive and NW 87 Avenue. There is no approved site plan for the property and the MDC Appraiser’s office has it listed with a market assessed value of \$10,345,500. Other price tags for the land have been heard to go as high as \$30,000,000.

Existing Parks. Under the Town’s newly adopted GF, Government Facilities regulations, the town could set aside a portion of an existing park. This option, of course, comes at the cost of lost park programing and availability for more generalized recreational use. One possibility could be to provide such a facility on a portion of the Par 3 property once it is acquired. The limitation of this particular property, however, is its overall visual impact. Though the property is rather large, it has limited street frontage. The street frontage that is available is conceptually set aside for a park and ride facility.

Maddox Hammock. At over 53 acres, this site offers some potential. The center portion of the land (not part of the 53-acre calculation) is already owned by the Town. The property has a zoning use designation of AU, Agricultural Use, and a land use designation of Parks and Recreation. The land does have archeological resources, although the site has not been thoroughly explored. The MDC Property Appraiser tags the land price at just over \$19,000,000, however it is unlikely the current owner would sell for such a low price. The property is large enough to arrive at a development plan that may satisfy the current owner’s desire to develop residential while still providing a large open space park area, as well as a cutout of over 5 acres to accommodate a permanent pasture for dairy cows.

4. Responsible Organizational Units / Resource Requirements

The Community and Leisure Services Department will take the lead in this initiative with support from the Planning Department with regard to identification of the land. Purchasing, Legal, and Finance shall assist in the purchase of the land and securing agreements with regard to operation of the land. Additional staffing resources are not necessary to complete this objective.

5. High-Level Timeline/Schedule

TBD; 2-15 years depending on availability of land and costs as applicable.

6. Performance Tracking Measures Toward Achieving the Associated Goal

Completion, and operation of the pasture will support Goal (3.1) Increase the Town of Miami Lakes' Brand Awareness.

7. Identify Synergies to other Goals or Strategies

There is more than one company that operates pastures within the Town that may be interested in this stated goal as their land moves toward a state of development.

8. Feasible Alternative Strategies Addressing at a Minimum, Funding and Timeline, and may Provide Other Benefits of the Alternatives

Given the value of the lands involved, it is unlikely the Town will be able to pursue an outright purchase of land. An alternative strategy is to secure land that is donated as part of future development within the Town. Given that development is driven by private interests, the Town has no control over when such lands may become available.

