

# Memorandum



**Date:** April 13, 2011

INLUC  
Agenda Item No. 1F4

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

**From:** George M. Burgess  
County Manager

**Subject:** Village of Virginia Gardens Annexation

Pursuant to Chapter 20-7 (B) of the Miami-Dade County Code (Code) and following the required public hearing, the Board of County Commissioners (BCC) shall adopt the accompanying resolution to take one (1) of the following actions:

- Deny the requested boundary change as presented by the Village of Virginia Gardens
- Direct the County Attorney to prepare an appropriate ordinance accomplishing the proposed boundary change
- Defer such requested boundary change for further consideration at a subsequent meeting.

## **Recommendation**

It is recommended that the BCC, pursuant to the Miami-Dade County Code Chapter 20, deny the boundary change as proposed by the Village of Virginia Gardens. The Village is requesting to annex an area which is entirely within the Miami Industrial Commercial Business Industrial Area (CBI) as defined by Miami-Dade County Ordinance # 05-73. Annexation of this area will have a negative impact on the unincorporated municipal service area (UMSA). The annexation area includes the Hialeah Rail Yard with is identified as a Terminal by the Comprehensive Development Master Plan and parcels owned by Miami International Airport. Additionally, the annexation area is not fully developed and is comprised of commercial/industrial parcels, which will only increase in the future. At this point in time, because of the general fiscal environment, consideration of any municipal boundary change is not recommended.

## **Scope**

The proposed annexation area is approximately 1.6 square mile of UMSA generally bounded on the north by NW 36<sup>th</sup> Street, on the south by SR 836 (Dolphin Expressway), on the east by Miami International Airport, and on the west by the SR 826 (Palmetto Expressway). The area is entirely within the Miami Industrial CBI in County Commission District 12. The current Village of Village of Virginia Gardens municipal area is approximately .29 square miles.

## **Fiscal Impact/Funding Source**

There is no fiscal impact to UMSA should this annexation be denied.

Exhibit 4 is the newly updated "Impact to UMSA" including the adopted FY 2010-11 budget and 2010 tax roll. The 2010 taxable value within the annexation area is \$804,996,167. At the FY 2010-11 Village of Virginia Gardens millage rate (5.7485 mills), the ad valorem revenues attributable to the annexation area would be \$4,396,144. At the FY 2010-11 UMSA millage rate (2.298 mills), the ad valorem revenues attributable to the annexation area would be \$1,757,387. The expected tax increase to the area if the annexation is approved would be \$2,638,757. The average property owner within the annexation area would pay an additional \$7,390 in municipal type taxes if the annexation is approved.

As noted in Exhibit 4, the total taxable value of the annexation area is \$804,996,167. The area generates an estimated \$2,054,289 in revenue. The County spends an estimated \$974,435 per year providing

services to the area. Therefore, the net revenue loss of the annexation to the UMSA budget is an estimated \$1,079,854. The annexation area has several vacant lots which are zoned for industrial and commercial uses. If the remaining vacant land is developed in similar fashion to the existing developed land, it is estimated that the taxable value within this area may increase over \$166 million, which at today's UMSA millage rate of 2.298 would generate approximately \$362,000, creating a greater revenue loss to UMSA.

The Miami-Dade County Code Section 20-28 requires all municipalities annexing a CBI area to mitigate 100% of the net excess of revenues minus expenses for the CBI annexation area. Based on the information listed above, currently the area produces an additional \$1,079,854. If the BCC does approve this annexation, the Village should mitigate 100 percent of the CBI area based on a millage equivalent payment of 1.34 mills.

If the annexation is approved, pursuant to Section 20-8.1 and 20-8.2 of the County Code, the County would retain all franchise fees and utility tax revenues of the area. For the proposed annexation, an estimated \$351,112 of franchise fees and \$346,963 of utility taxes will be retained by the County.

**Track Record/Monitor**

There will be no need to monitor any agreements if this annexation is denied. If the annexation is approved, the Office of Strategic Business Management (OSBM) will monitor the interlocal agreement governing the annexation area.

**Background**

On August 21, 2003, the Village of Virginia Gardens submitted a boundary change application to the Miami-Dade County Clerk of the Board. The application was referred to and accepted by the Miami-Dade County Board of County Commissioners (BCC) at the September 23, 2003 BCC meeting and was forwarded to the Office of Strategic Business Management (OSBM) for review and further processing, as required by the Miami-Dade County Code (Code). Between November of 2003 and 2004, the municipalities of Miami Springs, Medley and Doral filed annexation applications, the proposed boundaries of which conflicted with those of Virginia Gardens and each other. The BCC deferred the applications of Miami Springs, Medley and Doral asking that the four municipalities negotiate non-conflicting boundaries. In 2009, the municipalities reached an agreement and subsequently began to file new annexation applications with the Clerk of the Board. The applications for Miami Springs, Medley and Doral were accepted by the BCC from June through March of 2010. The Virginia Gardens application was forwarded to OSBM.

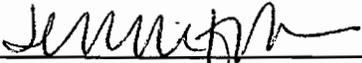
As previously noted, the proposed annexation area is five times larger than the municipality. The Village and the proposed annexation area are different in character and developed accordingly, there is no residential development within the proposed annexation area. The proposed annexation area includes a portion of the Hialeah Rail Yard and properties owned by Miami International Airport, the Hialeah Rail Yard is designated a Terminal as defined by the Miami-Dade County Comprehensive Development Master Plan (CDMP). The owners of the Rail Yard, FDG Hialeah, LLC, opposes the annexation to the Village. The Miami-Dade Fire Rescue Station No. 17 is also located within the proposed annexation area, and the station is designated as a Facility of Countywide Significance.

If the annexation is approved, Section 20-8.6 of the County Code requires that the County keep regulatory jurisdiction over Facilities of Countywide Significance. Additionally, Section 20-7 (A)(8) requires that the annexing municipality agree to the County's retention of regulatory control over the terminal and one-half mile surrounding the terminal through an interlocal agreement. Therefore, if this annexation is approved, it should be contingent on an interlocal agreement where the County would continue to exercise regulatory control over the entire annexation area.

The Incorporation and Annexation Committee of the Planning Advisory Board (PAB) held a public hearing on September 8, 2010, and recommended the BCC deny the annexation. The PAB held a public hearing on September 8, 2010 and recommended that the BCC deny the proposed annexation, and request that the BCC consider amending the Code to allow property owners to have a vote when it comes to annexation.

The staff report, as reviewed by the PAB, is attached for your convenience.

Attachments



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Jennifer Glazer-Moon, Special Assistant/Director  
Office of Strategic Business Management

cmo01211



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:**

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

**SUBJECT:** Agenda Item No.

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

Agenda Item No.

Veto \_\_\_\_\_

Override \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

RESOLUTION TO ANNEXATION REQUEST OF THE VILLAGE OF VIRGINIA GARDENS; PROVIDING THAT ACTION BE TAKEN PURSUANT TO SECTION 20-7(B) OF THE CODE OF MIAMI-DADE COUNTY TO EITHER DIRECT THE COUNTY ATTORNEY TO PREPARE THE APPROPRIATE ORDINANCE TO EFFECTUATE THE ANNEXATION REQUEST, DENY THE ANNEXATION REQUEST OR TO DEFER THE ANNEXATION REQUEST

**WHEREAS**, on August 21, 2003, the Village of Virginia Gardens submitted an annexation request to Miami-Dade County; and

**WHEREAS**, the Clerk of the Board placed the annexation request on the Board of County Commissioner's (Board's) agenda on September 23, 2003; and

**WHEREAS**, the Board referred the matter to the Planning Advisory Board (PAB) for its review and recommendation; and

**WHEREAS**, the Village amended their annexation application on March 31, 2009; and

**WHEREAS**, County staff has prepared a staff report attached hereto and incorporated herein by reference as Exhibit 1; and

**WHEREAS**, the PAB after reviewing the required staff report and after a public hearing adopted a resolution on September 8, 2010, providing a recommendation on the Village of Virginia Gardens annexation request attached hereto and incorporated herein by reference as Exhibit 2; and

**WHEREAS**, the County Manager has prepared his recommendation on the Village of Virginia Gardens annexation request which appears as part of this item; and

**WHEREAS**, pursuant to Section 20-7(B) the Board after public hearing either directs that the County Attorney prepare the appropriate ordinance to effectuate the annexation request or the Board may deny the request or defer the request,

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

**Section 1.** The foregoing recitals are incorporated in this resolution.

**Section 2.** The Board of County Commissioners hereby takes the following action on the annexation request of the Village of Virginia Gardens:

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:

Joe A. Martinez, Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Lynda Bell
Jose "Pepe" Diaz	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto

The Chairperson thereupon declared the resolution duly passed and adopted this 3<sup>rd</sup> day of May, 2011. 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

# Memorandum



**Date:** June 7, 2010

**To:** Chairperson and Members  
Planning Advisory Board

**From:** Jorge M. Fernandez, Jr.  
Program Coordinator, Office of Strategic Business Management

**Subject:** Staff Report for Proposed Boundary Change to Virginia Gardens

## Background

On August 21, 2003, the Village of Virginia Gardens submitted a boundary change application to the Miami-Dade County Clerk of the Board. The application was referred to and accepted by the Miami-Dade County Board of County Commissioners (BCC) at the September 23, 2003 BCC meeting and was forwarded to the Office of Strategic Business Management (OSBM) for review and further processing, as required by the Miami-Dade County Code (Code). Between November of 2003 and 2004, the municipalities of Miami Springs, Medley and Doral filed annexation applications, the proposed boundaries of which conflicted with those of Virginia Gardens and each other. The BCC deferred the applications of Miami Springs, Medley and Doral asking that the four municipalities negotiate non-conflicting boundaries. In 2009, the municipalities reached an agreement and subsequently began to file new annexation applications with the Clerk of the Board. The applications for Miami Springs, Medley and Doral were accepted by the BCC from June through March of 2010. The Virginia Gardens application was forwarded to OSBM.

## Analysis

The proposed annexation area is approximately 1,027 acres or 1.6 square miles bounded on the north by NW 36<sup>th</sup> Street, on the south by State Road 836 (Dolphin Expressway), on the east by the Miami International Airport (MIA) and Perimeter Road and on the west by State Road 826 (Palmetto Expressway). This area is within the Urban Development Boundary (UDB).

Pursuant to Section 20-6 of the Code, OSBM submits this report for your review and recommendation.

## Police

According to the application, the Village Police Department consists of a Chief of Police, 20 sworn officers and three certified volunteer police officers. The Virginia Gardens Police Department is prepared to absorb any additional required police services. The application states that if the annexation is approved, police services by the Village would be provided to the area immediately, and new officers will be contemplated in the future.

The following Miami-Dade Police Department (MDPD) tables represent all calls for uniform and non-uniform police calls within the proposed area for calendar year 2009.

Year	Criteria	All Calls	Emergency Calls (Code 3)	Priority Calls (Code 2)	Routine Calls
2009	Total Calls	3548	157	106	3285

Code 3: Emergency call with actual threat or actual danger, responding unit is authorized to drive 20 MPH over the posted speed limit.

Code 2: Priority call with potential threat or potential danger, responding unit is authorized to drive 10 MPH over the posted speed limit.

Year	Part I Crimes	Part II Crimes	Total
2009	246	50	296

Part I Crimes: Uniform Crime Report (UCR) Part I Offenses are those crimes reported to MDPD in the following classifications; murder and non-negligent manslaughter, robbery, aggravated assault, forcible rape, motor vehicle theft, larceny, burglary and arson. The UCR is a standard method of reporting crime, administered by the Federal Bureau of Investigations (FBI) through the UCR Program. The classification for the offense is based on a police investigation, as opposed to determinations made by a court, medical examiner, jury, or other judicial body.

Part II Crimes: All crimes not covered under Part I Crimes.

**Fire and Rescue**

The Village of Virginia Gardens is part of the Miami-Dade County Fire Rescue District. If this annexation is approved, the area will continue to receive fire and rescue services from the Miami-Dade Fire Rescue Department (MDFR) from the same stations and resources. This annexation will not impact MDFR service delivery and/or response time inside the UDB.

**Existing and Planned Fire Rescue Stations**

The proposed Virginia Gardens annexation area is within the territory of the following MDFR Stations:

**Station 17, Virginia Gardens**, located at 7050 NW 36<sup>th</sup> Street. The station is equipped with an Advanced Life Support Aerial, a Hazardous Materials Unit, and a Battalion Chief; totaling seven (7) firefighter/paramedics, 24 hours a day, seven days a week.

**Station 48, Fontainebleau**, located at 8825 NW 18<sup>th</sup> Terrace. The station is equipped with a Rescue, an Advanced Life Support Engine, and a Battalion Chief; totaling eight (8) firefighter/paramedics, 24 hours a day, seven days a week.

**Station 59, Airport North MIA**, located at 5680 NW 36<sup>th</sup> Street. The station is equipped with an Advanced Life Support Aerial with Hazardous Material capabilities and a Quick Response Foam Vehicle; totaling six (6) firefighter/paramedics, 24 hours a day, seven days a week.

**Station 40, West Miami**, located at 975 SW 62<sup>nd</sup> Avenue. The station is equipped with a Rescue and an Advanced Life Support Engine; totaling seven (7) firefighter/paramedics, 24 hours a day, seven days a week.

Fire Rescue stations within a three (3) mile radius include:

**Station 29, Sweetwater**, located at 351 SW 107<sup>th</sup> Avenue. The station is equipped with a Rescue and an Advanced Life Support Engine; totaling seven (7) firefighter/paramedics, 24 hours a day, seven days a week.

**Station 35, Miami Springs**, located at 201 Westward Drive. The station is equipped with a Rescue and an Advanced Life Support Engine; totaling seven (7) firefighters/paramedics, 24 hours a day, seven days a week.

**Station 45, Doral**, located at 9710 NW 58<sup>th</sup> Street. The station is equipped with an Advanced Life Support Engine and a temporary Rescue; totaling seven (7) firefighter/paramedics, 24 hours a day, seven days a week.

Planned Stations:

In an effort to reduce the travel time to incidents in the area, MDRR plans to build the following stations:

**Station 69 – Doral North**, located at 11151 NW 74 Street.

**Station 68 – Dolphin**, located at NW 112 Avenue and 17 Street.

**Station 75 – Beacon Lakes**, located at NW 17 Street and 129 Avenue.

Service Delivery

In calendar year 2009, there were a total of 1,152 alarms within the proposed annexation area with an average travel time of 6:40 minutes. There were a total of 527 Life Threatening calls with an average travel time of 5:54 minutes.

Should the annexation be approved, the Town of Virginia Gardens, through an interlocal agreement with the County, shall agree that the proposed annexation area remain within the Miami-Dade Fire Rescue District in perpetuity.

Miami-Dade Fire Rescue Department Proposed Annexation Area - Calendar Years 2007-2008-2009						
	Travel Time Averages			Call Volume		
	2007	2008	2009	2007	2008	2009
Total Alarms	06:40	07:11	06:40	1199	1217	1152
Life Threatening Emergencies	05:51	06:17	05:54	494	472	527
Non Life Threatening Emergencies	07:13	07:54	07:14	233	173	181
Other Miscellaneous	07:15	07:21	07:13	221	265	190
Other Fires	07:26	08:09	07:35	234	291	239
Structure Fire	05:20	05:15	04:29	17	16	14

### **Water and Sewer**

The proposed annexation area is within the Miami-Dade Water and Sewer Department's (WASD) water and sewer service area and service is already being provided to portions of the area. Future water and sewer service customers within the annexation area would receive service from WASD. WASD would own, operate and maintain any future facilities, whether constructed by the Village or by private developers. Adequacy and capacity of the County's water and sewer systems are dependent upon the type and timing of the development or redevelopment proposed to occur within the area. The annexation would have no impact on WASD's ability to provide services to the remaining UMSA area in the vicinity. There are no water and sewer Facilities of Countywide Significance in the area.

### **Solid Waste**

The Virginia Gardens proposed annexation area includes very little residential use and there is no reference made to existing waste service levels provided by the County. The proposed annexation area is within the Department of Solid Waste Management's (DSWM) collection service area and in accord with Ordinance 96-30 the Department would continue to provide collection service to residential units to the extent that such development exists or takes place in the future. In the event the Village would develop any of the annexation area as residential, the County would retain the responsibility for the provision of waste collection service unless the Village and County enter into a twenty year interlocal agreement for delegation of waste collection authority for the annexation area. The Village has entered into the requisite agreement for long-term disposal for the current municipal boundaries, the annexation is compliant with the terms of Ordinance 96-30 and is not expected to have any impacts on the services or facilities that the DSWM is currently providing or programmed to provide. The Village does not provide waste collection service to industrial areas, it would require the property owners/businesses be responsible for contracting with a licensed waste hauler to provide this service.

### **Department of Environmental Resources Management (DERM)**

#### **Potable Water**

The proposed annexation area is within the franchised service area of WASD and currently served by a water distribution net. The source of water supply for this area is the Hialeah/Preston Water Treatment Plant. This plant is owned and operated by WASD, which at this time has sufficient capacity to provide current water demand. Water produced by this plant meets the required Primary Drinking Water Standards.

#### **Sanitary Sewer**

The proposed annexation area is within the franchised service area of WASD and currently served by a sewer collection of gravity and force mains, and several pump stations. The pump stations within the area to be annexed are the following: 30-0019 and 30-0022. There are three other pump stations located outside the area to be annexed and outside the limits of the City of Virginia Gardens that collect flows from the gravity systems serving the area to be annexed. These three pump stations are 30-0106, 30-0192, and 30-0193. The flows from all the pump stations are directed to the Central District Wastewater Treatment Plant. The pump stations and wastewater treatment plant are owned and operated by WASD. All mentioned pump stations are operating within the mandated criteria set forth in the First Partial Consent Decree. At this time the Central District Wastewater Treatment Plant does have sufficient capacity to treat current discharge.

Wellfield Protection Areas

The northeast portion of the proposed annexation area is located within the average and maximum travel time of the Hialeah-Preston Wellfield Protection Area.

Stormwater Management

Portion of the proposed annexation area is located within Flood Zone AE-6, which is a flood plain, as per FEMA's definition of the 100 year flood event. Flooding may occur up to 6.0 feet above mean sea level. Therefore, all new construction in this zone shall have a minimum floor elevation as required by FEMA.

The following secondary canals (County Canals) and/or canal interests are within the proposed Incorporation Area:

- The FEC Canal in Section 26 & 35-53-40.
- Dressels Canal in Section 26-53-40.
- North Line Canal in Section 26-53-40.

It is the responsibility of the city to prohibit any construction within any of the canal reservations, canal easement or canal right-of-ways without prior written approval from DERM. Furthermore, all secondary canals within the service area of the city shall require a canal maintenance agreement between the City and the County. This allows the Miami-Dade County's Public Works Department to continue the maintenance activities within the above mentioned canals.

A permit from the Water Control Section of DERM is required prior to the City issuing of any permits or work within any canal limits, or storm discharge to an open body of water, i.e. canal, lakes, etc.

For all new developments within the limits of the City of Virginia Gardens, a stormwater drainage system referred to as Environmental Resources Permit may be required to reduce potential flooding and to improve the water quality of the stormwater runoff. DERM has the jurisdiction to require an Environmental Resources Permit countywide.

Any proposed drainage in a contaminated site shall also require DERM review and approval prior to the City issuing building permits.

Stormwater Utility (SWU) Program and Fees

At the time of approval of the proposed annexation, all improved properties in the proposed annexation area will be paying a stormwater utility fee to Miami-Dade County (County). This fee is used to administer stormwater management programs throughout the Unincorporated Municipal Service Area (UMSA). It is expected that these stormwater accounts would immediately become part of the Virginia Gardens service area when the annexation is formally approved.

If stormwater utility accounts in the annexed area are billed through WASD, will be the responsibility of Virginia Gardens to negotiate with WASD to continue or modify an existing agreement.

Virginia Gardens must also pay its pro-rata share of the debt service on the 1999 and 2004 Stormwater Utility Revenue Bonds for the proposed annexation area. Payment to the County for the Virginia Gardens debt service on these bonds will initiate immediately upon approval of the annexation. Actual costs for the above will be determined at the time of annexation and billed independently or collected through a WASD agreement.

#### Drainage Repair and Maintenance

A review of the County's Water Control Plan reveals secondary canal(s) that provide a drainage service to the proposed annexation area including, but not limited to the Dressels Dairy Canal, the FEC Canal, the FEC Borrow Ditch, Northline Canal, and N.W. 25 Street Canal. A new interlocal agreement for Stormwater Management between Virginia Gardens and the County may be required.

A cost-share for FEMA or other federally funded projects may also be necessary, if such projects have been constructed, are under construction, or are planned for the proposed annexation area.

#### Drainage Permitting

All new development requires that drainage systems be provided as part of the project. The objective of these systems is to reduce pollution in stormwater runoff, and reduce flooding impacts to area residents.

DERM has received delegated authority to issue permits for the South Florida Water Management District, through issuance of the Environmental Resources Permit (ERP). Jurisdiction to require an ERP is countywide, and is dependent upon the size of the development. Authority and attendant permits to allow construction of an overflow outfall to a body of water is also countywide, as is performing drainage works in County rights-of-way.

The above requirements and authority will continue to exist in the annexed area as it currently does in Virginia Gardens.

#### National Flood Insurance Program (NFIP)

The NFIP is a program wherein the Federal Emergency Management Agency (FEMA) agrees to subsidize flood insurance policies for residents of a community, if the community agrees to enforce minimum flood protection standards.

In 1993 FEMA mandated that all incorporated areas in Miami-Dade County regulate their own floodplain management ordinance and conduct separate programs. Therefore, when a municipality is incorporated, FEMA requires the municipality to apply to become an NFIP community within six months of incorporation. A later annexation would add the annexed area to the existing community.

Should the annexation be approved, Virginia Gardens would report to FEMA, as part of its FEMA Biennial Report, that the new annexed area has changed from UMSA to Virginia Gardens.

#### Stormwater Management Master Plan

Miami-Dade County is undertaking a comprehensive effort to map the entire unincorporated area of the County to assess its drainage needs. The County is divided into drainage basins, which are then modeled to determine what drainage is needed for each area now and in the future. By planning for future drainage needs, the County can ensure that the level of flood protection service provided to residents is maintained.

Although the County cannot map and propose drainage projects in incorporated areas, County roads lie within incorporated boundaries. In these areas, the County will model the basins where these roads exist, using the best available data provided by the municipalities. Therefore, the quality of the modeling for these County roads may be limited, depending on the information provided by the municipalities. County engineers will request from the Virginia Gardens staff any data that would assist in modeling these areas. Cooperation between the Virginia Gardens

and the County to share this data is critical. The data and models created have other uses besides the County's master plan, such as the periodic updates of the Flood Insurance Rate Maps (FIRM) that benefit the Virginia Gardens as well as County residents.

#### National Pollutant Discharge Elimination System (NPDES)

NPDES is a nationwide permit program that has an objective of controlling pollution that is inherent in stormwater runoff. NPDES started as a federal program, and has now been delegated to the State of Florida. Municipalities must apply to and receive from the state a permit that outlines best management programs designed to reduce the pollution in stormwater runoff. These stormwater management programs can consist of sampling programs, educational programs, street sweeping and drainage maintenance, and various other best management programs.

Miami-Dade County's NPDES permit is a joint permit with 32 co-permittees (including municipalities) with Miami-Dade County as the lead agency. Because sampling of stormwater runoff is required, the County performs the sampling and all the parties to the permit cost-share the monitoring costs.

A review of permit records reveals that the Virginia Gardens is currently a co-permittee in the County's joint permit. Therefore, the presence of any outfalls within the annexed area would change the Virginia Gardens cost-share percentage contribution. There is also a permit fee that Virginia Gardens pays annually to the State of Florida for the NPDES permit. The amount of this permit fee may increase if the annexation is approved.

#### Transfer of Roads

Certain roads located within the proposed annexation area may need to be transferred to Virginia Gardens if the annexation is approved. This is accomplished through an interlocal agreement. This agreement would outline the subject roads, various road-related services, and the responsibilities of Virginia Gardens and the County for these services. Because County Stormwater Utility funds are used to maintain drainage systems in the County rights-of-way and roads, the Water Management Division will also be part of this agreement.

#### Hazardous Waste

The review of the DERM files indicates that there are records of current contamination assessment or remediation issues within the areas proposed for the annexation as follows:

1. Chevron #47629, 7400 NW 36 St., UT-472/F-7198, has records of petroleum contamination. This contaminated site is in a state funded program awaiting allocation of funds for cleanup.
2. Rodriguez Shell II, Inc. (Bugallo Enterprises DBA), 7200 NW 36<sup>th</sup> St., UT-282/F-5320, has records of petroleum contamination. This contaminated site is currently being remediated.
3. GSA-TRAFFIC SIGNALS AND SIGNS, 7100 NW 36 ST (UST) Building [4004] (MIA-NW), UT-15/F-6851, has records of petroleum contamination. This contaminated site is in a state funded program awaiting allocation of funds for cleanup.
4. United Parcel Service, 7340 NW 25 St., UT-933/F-1908, has records of petroleum contamination. This contaminated site is in a state funded program awaiting allocation of funds for cleanup.
5. Arrow Air, Inc., 1740 NW 69 Ave., IW-243/F-8541, has records of industrial solvent and petroleum contamination. This contaminated site is in a monitoring only program.

6. Ajax Chemical, Inc., 2550 NW 68 Ave., IW-84/F-13530, has records of dry cleaning solvent contamination. This contaminated site is in a state funded program awaiting allocation of funds for cleanup.
7. MDAD-Soil Management & De Moya Group - Spill, various locations, ARP-162/F-18020, has records of issues associated with stockpiles of soils from MIA from airport construction projects as well as a petroleum related contamination incident currently awaiting assessment.
8. MDAD-Aerodex, Building [West] (MIA-West), Former WECA Bldg 2064, ARP-15/F-10428, has records of petroleum and solvent contamination currently awaiting assessment and remediation efforts.
9. Venamerica Machinery, Inc., 7675 NW 12 St., UT-2469/F-8572, has records of petroleum contamination. This contaminated site is in a state funded program awaiting allocation of funds for cleanup.
10. C&D Service Station Inc, 1190 NW 72 Ave., UT-379/F-7131, has records of petroleum contamination. This contaminated site is currently under assessment.
11. MDAD-Ash Landfill, Building [AshInd] (MIA-West), ARP-97/F-15179, has records of solid waste related contamination. This contaminated site is currently under a monitoring only program.
12. Perimeter Road Modifications, Building [Gen] {NW 57 Ave/NW Perimeter Rd} (MDAD/CSX Land Exchange-East of Ash Landfill), ARP-153/F-17329. FDOT construction on or adjacent to contaminated sites (Parcels A-D). Site assessment of solid waste, petroleum and non-petroleum contamination pending.

Within the proposed annexation area there are records of surface water quality issues related to stormwater discharges from Miami International Airport. These records relate to intermittent violations of stormwater effluent/surface water quality.

Additionally, there are historical records of contamination assessment or remediation issues associated with non-permitted sites within the area proposed for annexation as follows:

1. Airside Service Road, Building [Serv Rd] (MIA-West), has historical records related to petroleum contamination.
2. Airport Executive Tower #1, 1150 NW 72 Ave. (180), UT-3826/F-2214, has historical records related to petroleum contamination.
3. Airport Executive Tower #2, 7270 NW 12 St., UT-5303/F-15378, has historical records related to petroleum contamination.
4. CSX Transportation Accident Spill, {NW 72 Ave/NW 12 St}, UT-6390/F-20249, has historical records related to petroleum contamination.
5. Singer Property, 2050 NW 70 Ave., UT-3337/F-9256, has historical records related to petroleum contamination.
6. Everglades Pipeline Co. (Rupture), {NW 67 Ave/NW 25 St} (MIA-West), UT-3348/F-9261, has historical records related to petroleum contamination.
7. Vacant Lot, 6790 NW 25 St., UT-4269F-9975 has historical records related to petroleum contamination.
8. FDOT-Fine Air Crash, {NW 72 Ave./NW 30 St.}, UT-5477/F-6551, has historical records related to petroleum contamination.

9. Banner Supply Company, 7195 NW 30 St., UT-834/F-7471, has historical records related to petroleum contamination.
10. Forward Air Facility, 3405-A NW 72 Ave., IW5-4233/F-19133, has historical records related to a Chromated Copper Arsenate product spill.

Based on the 1995 USGS 1,000 ppm isochlor line, which approximates the inland extent of saltwater intrusion at the base of the aquifer, no portion of the proposed annexation area is within a saltwater intruded area.

The information included in this report is based on the information available at the time of the review.

#### Tree Preservation

Area -portions of 53-40-26, 35, 36 and 52 and 53-41-31

Properties within this area contain tree resources. Any trees within sites that contain wetland resources will be regulated through a Class IV Wetland Permit. Any non-wetland tree resources may require a Miami-Dade County Tree Removal Permit prior to removal or relocation as per the requirements of Chapter 24-49 of the Miami-Dade County Code (the Code).

#### Natural Forest Community

The subject area does not contain properties that are designated Natural Forest Communities by Miami-Dade County.

#### Wetland Resources

Wetlands Resources Section records indicate that portions of the subject area contains jurisdictional wetlands as defined by Section 24-5 of the Code. Such determinations are made on a site by site basis, and any properties found to contain jurisdictional wetlands after review will require a Class IV Wetland Permit for any work proposed as per the requirements of Section 24-48 of the Code.

Additionally, permits from the Army Corps of Engineers, the Florida Department of Environmental Protection and the South Florida Water Management District may also be required.

#### Review and approval or disapproval of development orders

This includes the following:

- Building Permits
- Zoning Actions
- Platting Actions (Land Subdivision)
- Building Occupancies (Residential and Nonresidential)
- Municipal Occupational Licenses

DERM reviews applications for consistency with the requirements of the Code. The review includes but is not limited to the following:

- Protection of public potable water supply wellfields
- Potable water supply
- Liquid waste disposal
- Stormwater management and disposal
- Tree resources preservation and protection
- Wetland preservation and protection

- Coastal resources preservation and protection
- Air quality requirements
- Flood protection

#### Operating Permits

Section 24-18 of the Code authorizes DERM to require permits for any facility that could be a source of pollution. This includes a wide variety of nonresidential activities or facilities and some ancillary operations to residential land uses.

#### Pollution Prevention and Educational Programs

The DERM Office of Environmental Education and Communication (EECO) is responsible for promoting and coordinating pollution prevention programs, waste minimization programs, urban CO2 reduction and environmental education in general.

#### Enforcement Activities

These include regular inspections of permitted facilities as well as of any potential source of pollution, responses to complaints and general enforcement operations.

DERM's regulatory activities are enforceable under County Code in both incorporated and unincorporated areas and DERM currently provides the above services to the subject area. Annexation of the parcels in question will not affect DERM's ability to provide adequate levels of service to the areas being annexed or to the areas adjacent to the parcels being annexed.

#### Public Works

The County has identified approximately 21.9 lane miles within the Virginia Gardens Annexation Application Area. The County is proposing to keep the following corridors:

- NW 12 Street from SR 826 to NW 72 Avenue
- NW 12 Street from NW 72 Avenue to MIA property line
- NW 25 Street from SR 826 to MIA property line

In conjunction with the annexation, an interlocal agreement between the Village and the County will be negotiated to turn over the local roads within the annexation area and detail the roads that will remain with the County.

#### Park and Recreation

There are no Miami-Dade County parks within the proposed Village of Virginia Gardens annexation area. The annexation has no impact on the Park and Recreation Department.

#### Annexation Guidelines:

The following analysis addresses the factors required for consideration by the Planning Advisory Board pursuant to Chapter 20-6 of the County Code. Will the annexation:

1. Divide a historically recognized community:

The area does not divide a Census Designated Place, (an officially or historically recognized traditional community).

2. Will, if approved, result in an annexation area that is compatible with existing planned land uses and zoning of the municipality to which the area is proposed to be annexed:

Approximately 51 percent of the lands within the Village are currently in residential use, there is no residential use within the proposed annexation area. On the other hand, approximately 73 percent of the proposed annexation area is in industrial/transportation/communications /utilities use while only 23 percent of the lands within the Village are in those use categories. Thus, the Village and the proposed annexation area are different in character and developed accordingly. This is also reflected in the Village's comprehensive plan and land development regulations. The Village, which has no zoning map, delineates its "land use districts" in its comprehensive plan. These land use districts do not include an industrial category and may not appropriately address the County's BU-3 – Liberal Business category.

The existing underlying zoning in the proposed annexation area is: BU-3 – Liberal Business, IU-1 – Light Industrial, and IU-2 Heavy Industrial.

In its application the Village states that upon annexation it would pursue a comprehensive plan and land development regulations amendment to reflect the County's CDMP land uses and zoning designations.

3. Preserve, if currently qualified, eligibility for any benefits derived from inclusion in federal or state enterprise zones, or targeted area assistance provided by federal, state, and local government agencies:

The annexation area will have no effect on the State Enterprise Zone or on the entitlements since these areas are not in the EZ or in CDBG eligible block groups.

4. Impact public safety response times:

Fire and Rescue: The proposed annexation will not impact MDRR service delivery and/or response time. Currently, the area is served as part of UMSA. If the annexation is approved, this area would be served by the same stations and resources within the Fire District.

Police: In the event the annexation application is successful, the total service area within the UMSA will be reduced. Conversely, departmental resources would then be reallocated from the annexed area to the remaining portions of UMSA. As a result of this reallocation, response times within UMSA would be reduced accordingly. However, due to continual incorporation and annexation endeavors, the full impact upon UMSA is yet to be determined.

5. Introduce barriers to municipal traffic circulation due to existing security taxing districts, walled communities, and/or private roads:

The Miami-Dade County Public Works Department (PWD) has determined that the proposed annexation does not introduce any barriers to municipal traffic circulation.

PWD policies dictate retention of full and half section line roadways and other principal highways as County-maintained facilities. Additionally, bicycle trails may be proposed within the annexation area, which would be County bicycle facilities. The Metropolitan Planning Organization Bicycle-Pedestrian Coordinator and the Miami-Dade Public Works Traffic Engineering Division should be contacted for additional information.

PWD will retain Traffic Engineering jurisdiction over all streets within the annexation area, with the exception of state roads.

6. Result, to the degree possible, in an annexation area served by the same public service franchises, such as cable and communications services, as the existing municipality, or with full access to all available municipal programming through its franchise provider(s):

The proposed annexation will continue to be served by the same cable television and telecommunication operators as before but may be subject to change as a result of competition. Pursuant to state law which became effective July 1, 2007, Miami-Dade County no longer has the ability license new cable television companies and enforcement activities will be limited to Rights-of-Way issues only. Therefore the proposed annexation will not have an impact on our ability to enforce Rights-of-Way issues as per the Miami-Dade County Code should they arise. A list of new Cable Franchise Certificates that may affect Miami-Dade County's Rights-of-Way can be found at <http://sunbiz.org/scripts/cable.exe>.

Telecommunications Service Providers are required to register with the County only if they have facilities located within the unincorporated areas. The purpose of the registration process is to determine users of the County's Rights-of-Way. Therefore, companies that have facilities within the proposed annexation area will no longer be required to register with the County. Municipalities requesting annexations will be responsible for managing its public thoroughfares.

Municipal programming is accomplished through separate agreements between municipalities and the cable operators providing services within their respective municipality. The cable operator's obligation to broadcast municipal meetings is outlined in these agreements. Technically, cable operators have the ability to add municipal programming to the proposed annexed areas if required.

7. If the area has been identified by the Federal Government as a flood zone or by emergency planners as an evacuation zone, has the existing municipality indicated its preparedness to address any extraordinary needs that may arise:

There are portions of the proposed annexation area located within the federally designated, 100-year floodplain. This area will flood under sustained rains and property owners within it are required to obtain flood insurance.

The proposed annexation area is not located within any County designated hurricane evacuation zone and residents of the area are not obligated to evacuate when hurricane warnings are issued.

8. Result in an annexation area connected to municipal government offices and commercial centers by public transportation:

The Routes 36, 57, and 238 serve the Virginia Gardens annexation area. Route 36 operates along NW 36 Street and serves the Executive Doral Center (City Hall), the Dolphin Mall, International Mall, Social Security Office on NW 36 Street, and the Allapattah Metrorail Station. Route 57 runs along NW 57th Avenue and services the Miami International Airport (MIA) Terminal and the Airport Tri-Rail station. Route 238 operates between NW 62nd Avenue and 87th Avenue servicing the MIA Terminal,

International Mall and Dolphin Mall, the Housing Voucher Program located at 7400 Corporate Center Dr. and the Earlington Heights Metrorail station.

9. To the degree possible, would the proposed annexation area be contained in one or more school district boundaries governing admission to elementary, middle and high school as the adjoining municipality:

The proposed annexation area is contained within the same school district boundaries as the adjoining unincorporated area and the Village of Virginia Gardens. The schools serving the proposed annexation area are Miami Springs Elementary, Miami Springs Middle, and Miami Springs Senior High.

The following analysis addresses the factors required for consideration by the Board of County Commissioners and the Planning Advisory Board pursuant to Chapter 20-7 of the County Code.

1. The suitability of the proposed annexation boundaries, in conjunction with the existing municipality, to provide for a municipal community that is both cohesive and inclusive.

- a) Does the area divide a Census Designated Place (an officially or historically recognized traditional community)?

The annexation area does not divide a Census Designated Place.

- b) Have any adjacent unincorporated areas with a majority of ethnic minority or lower income residents petitioned to be in the annexation area?

No adjacent unincorporated areas with a majority of ethnic minority or lower income residents that have petitioned to be in the annexation area.

- c) Is the area, or does it create, an unincorporated enclave area (surrounded on 80 percent or more of its boundary by municipalities) that cannot be efficiently or effectively served by the County?

The proposed annexation area is not an enclave. Annexation of the proposed area would result in the creation of an enclave (north of the annexation area) and an unincorporated pocket (south of the annexation area) that is surrounded on 78 percent of its boundaries by municipalities and a major barrier.

The enclave created to the north would consist of unincorporated lands bound by the municipalities of Virginia Gardens, Miami Springs, Doral and Medley. The municipalities of Medley and Miami Springs have applied for annexation of this area.

The unincorporated pocket to the south would consist of lands bound by the municipalities of Virginia Gardens and Miami and it would include the Blue Lagoon Area and the area north of the Flagami neighborhood in the City of Miami.

- d) Are the annexation boundaries logical, consisting of natural, built, or existing features or city limits?

As shown in the attached map, the proposed annexation boundaries are logical and follow major roadways. The proposed annexation area is bounded on the north by NW 36 Street, on the east by NW 67 Avenue and Miami International

Airport's Perimeter Road, on the south by SR 836/Dolphin Expressway and on the west by SR 826/Palmetto Expressway.

- The existing and projected property tax cost for the municipal-level services to the average homeowners in the area currently as unincorporated and as included as part of the annexing municipality.

The taxable value within the annexation area is \$850,064,248. At the current Village of Virginia Gardens millage rate (4.4233 mills), the ad valorem revenues attributable to the annexation area would be \$3,572,085. At the current UMSA millage rate (2.0083 mills), the ad valorem revenues attributable to the annexation area would be \$1,621,825. The expected tax increase to the area if the annexation is approved would be \$1,950,260. The average property owner within the annexation area would pay an additional \$4,800 in municipal type taxes if the annexation is approved.

<b>Existing and Projected Property Tax Cost</b>		
<b>Village of Virginia Gardens</b>		
<b>FY 2009-10</b>		
	Millage Rate	Millage x Taxable Value
<b>Virginia Gardens</b>		
Municipal Millage	4.4233	\$3,572,085
<b>Unincorporated Area</b>		
UMSA Millage	2.0083	\$1,621,825
<b>Increase</b>	<b>2.415</b>	<b>\$1,950,260</b>

- Relationship of the proposed annexation area to the Urban Development Boundary (UDB) of the County's Comprehensive Development Master Plan.

As shown in the attached map, the entire annexation area is located inside the 2015 UDB of the County's Comprehensive Development Master Plan (CDMP).

- The impact of the proposal on the revenue base of the unincorporated area and on the ability of the County to efficiently and effectively provide services to the adjacent remaining unincorporated areas?

The total taxable value of the annexation area is \$850,064,248. The area generates an estimated \$1,930,522 in revenue. The County spends an estimated \$1,184,113 per year providing services to the area. Therefore, the net revenue loss of the annexation to the UMSA budget is an estimated \$746,409 (Attachment B).

Pursuant to Section 20-8.1 and 20-8.2 of the County Code, the County retains all franchise fees and utility tax revenues generated in the area. For the proposed annexation, franchise fees of an estimated \$290,754 and utility taxes of an estimated \$366,386 will be retained by the County.

The entire annexation area is within the Miami Industrial Commercial, Business, Industrial (CBI) area as defined by Ordinance 05-79. Section 20-8 of the Miami-Dade County Code requires that as a condition of annexation, a municipality annexing any CBI

area pay to the County 100% of the net excess of revenues minus expenditures attributable to the CBI area through an interlocal agreement. As noted above, the area produces \$746,409 above the expenditures attributable to the area, therefore, if the annexation is approved the City at a minimum should mitigate the millage equivalent of the \$746,409 each year.

Additionally, the annexation area has several vacant lots which are zoned for industrial and commercial uses. If the remaining vacant land is developed in similar fashion to the existing developed land, it is estimated that the taxable value within this area may increase over \$166 million, which at today's UMSA millage rate would generate approximately \$318,000, creating a greater revenue loss to UMSA.

5. What is the fiscal impact of the proposed annexation on the remaining unincorporated areas of Miami-Dade County: specifically, does the per capita taxable value of the area fall within the range of \$20,000 to \$48,000?

There are no residents in the annexation area. Therefore, the per capita taxable value cannot be calculated.

6. Be consistent with the land Use Plan of the County's Comprehensive Development Master Plan (CDMP)?

According to the Adopted 2015-2025 Land Use Plan (LUP) map of the County's Comprehensive Development Master Plan (CDMP), the planned land use designations within the proposed annexation area are "Industrial and Office", "Restricted Industrial and Office", "Business and Office", "Transportation" and "Terminals". A brief description of these CDMP land uses follows:

The "Industrial and Office" land use designation allows manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers and similar uses. Also included are construction and utility-equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings. The full range of telecommunication facilities, including switching and transmission facilities, satellite telecommunications facilities, microwave towers, radar stations and cell towers are also allowed. Very limited commercial uses to serve the firms and workers in the industrial and office area are allowed dispersed as small business districts and centers throughout the industrial areas. Hotels and motels are also authorized.

Uses allowed in the "Restricted Industrial and Office" category are restricted and the design of facilities is governed by special ground water protection regulations. The CDMP indicates that development in Restricted Industrial and Office areas should generally be limited to office uses, but certain business, warehousing, and manufacturing uses may be permitted, provided that the use employs best management practices, and the use does not involve the on-site use, handling, storage, manufacture or disposal of hazardous materials or waste as defined in Chapter 25 of the County Code. Provisions of the "Industrial and Office" category which allow and limit residential and business uses, TNDs and hotels may also apply to the Restricted category. Quarrying and environmentally compatible ancillary uses may also be approved in these areas.

The "Business and Office" land use designation accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services,

commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes, entertainment and cultural facilities, amusement and commercial recreation establishments. Residential uses, and mixing of residential use with commercial, office and hotels are also permitted in Business and Office areas provided that the scale and the intensity including height and floor area ratio of residential or mixed use development is not out of character with that of adjacent or adjoining development and zoning.

The "Transportation" land use designation includes all major components of the Miami-Dade County's existing and future transportation network including roadways and transit corridors. Also within the "Transportation" land use designation; however depicted in a different color on the 2015-2025 LUP map are "Terminals". All proposed uses on lands owned by Miami-Dade County at the Opa-locka Executive Airport, Kendall-Tamiami Executive Airport, Homestead General Aviation Airport and Miami International Airport are designated as Terminal on the LUP map. All uses on such lands shall comply with the requirements of the Future Aviation Facilities Section of the Aviation Subelement, shall be compatible with, and not disruptive of, airport operations occurring on such lands, and shall comply with all applicable regulations of the Federal Aviation Administration and other applicable law.

As previously stated, there are portions of MIA within the proposed annexation area. MIA is listed in Table 3 of the CDMP's Intergovernmental Coordination Element (ICE) as being a facility of countywide significance. Policies 3G and 3H of the ICE state:

***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.*

***ICE-3H.** Miami-Dade County will maintain, as a particular area of attention in this planning program, the systematic review of the aesthetics and physical conditions along boundaries between incorporated municipalities and unincorporated areas in an effort to improve the appearance of these areas and the compatibility and transition between the adjoining communities. Miami-Dade County will similarly review and approve changes to the land use, development and zoning of properties that surround facilities of countywide significance, as listed in the Table 3, in an effort to maintain or improve the compatibility and transition between the adjoining properties and the facilities. Formal agreement to conduct these reviews or to implement the resulting recommendations will be proposed as warranted.*

7. Does the proposed annexation area include areas designated as terminals on the County's Adopted Land Use Plan Map?

The proposed annexation area does include portions of a terminal as identified in the CDMP. The terminals include the rail yard just east of Miami International Airport and south of NW 36<sup>th</sup> Street and several parcels on the south of the annexation.

Additionally, there are several parcels owned by the Miami-Dade Aviation Department included in the annexation. Section 20-7 (A)(8) requires that Miami-Dade County retain regulatory authority over any area and ½ mile surrounding any area designated as a terminal, should the annexation be approved.

Demographic Profile of the Area

According to the Census 2000 population files, there is no population within the proposed annexation area.

Development Profile of the Area

Table 1 illustrated below is the 2010 land use profile for the proposed annexation area. Of the 1,019.7 acres in the area, approximately 36 percent of that acreage is industrial use, 36 percent transportation\communication\utilities use, and 16 percent transient residential use. Table 1 also shows that there are no residential units within the proposed annexation area while more than half of the land within the Village of Virginia Gardens is residential use. Finally, Table 1 shows that the proposed annexation area is predominantly industrial while the only 1.1 percent of the Village's land is in industrial use.

Within the proposed annexation area, a considerable amount of the acreage in transportation\communication\utilities use consists of properties along the Florida East Coast (FEC) railroad corridor and properties owned by Miami-Dade County's Aviation Department that are contiguous to or part of MIA. The County's Comprehensive Development Master Plan (CDMP) identifies MIA as a facility of countywide significance.

**Table 1  
Virginia Gardens Annexation Area  
2010 Existing Land Use**

<b>Land Use</b>	<b>Annexation Area (Acres)</b>	<b>Annexation Area (Percent Of Total)</b>	<b>Virginia Gardens (Area Acres)</b>	<b>Virginia Gardens Percent of Total)</b>	<b>Miami-Dade County (Acres)</b>	<b>Miami-Dade County (Percent of Total)</b>
Residential	0.0	0.0	93.9	51.3	109,394.9	7.0
Commercial & Office & Transient Residential	117.6	11.5	27.4	15.0	14,686.6	0.9
Industrial	371.4	36.4	2.1	1.1	17,533.5	1.1
Institutional	36.3	3.6	12.8	7.0	14,204.8	0.9
Parks/Recreation	3.3	0.3	3.1	1.7	802,757.0	51.3
Transportation, Communication, Utilities	371.0	36.4	39.9	21.8	87,457.4	5.6
Agriculture	0.0	0.0	0.0	0.0	61,444.9	3.9
Undeveloped	84.8	8.3	3.8	2.1	137,172.6	8.8
Inland Waters & Coastal Water Bays and Oceans	35.3	3.5	0.0	0.0	318,963.4	20.4
<b>Total:</b>	<b>1,019.7</b>	<b>100.0</b>	<b>183.0</b>	<b>100.0</b>	<b>1,563,614.9</b>	<b>100.0</b>

Source: Miami-Dade County Department of Planning and Zoning, Research Section January, 2010

**SUMMARY OF ISSUES FOR CONSIDERATION**

The proposed annexation area is 5.6 times larger than the current Village.

The Village and the proposed annexation area are different in character and developed accordingly.

The entire annexation area is within the Miami Industrial Commercial, Business, Industrial (CBI) area as defined by Ordinance 05-79. Section 20-8 of the Miami-Dade County Code requires that as a condition of annexation, a municipality annexing any CBI area pay to the County 100% of the net excess of revenues minus expenditures attributable to the CBI area through an interlocal agreement. As noted above, the area produces \$746,409 above the expenditures attributable to the area, therefore, if the annexation is approved the City at a minimum should mitigate the millage equivalent of the \$746,409 each year.

The annexation area has several vacant lots which are zoned for industrial and commercial uses. If the remaining vacant land is developed in similar fashion to the existing developed land, it is estimated that the taxable value within this area may increase over \$166 million, which at today's UMSA millage rate would generate approximately \$318,000, creating a greater revenue loss to UMSA.

There are properties within the proposed annexation area owned by Miami International Airport.

FDG Hialeah, LLC, the owners of the Hialeah Rail Yard included within the annexation boundaries, has requested that the annexation be denied based on the fact the applicant failed to comply with the procedures of the County Code for annexing land designated as Terminals and due to the critical importance of the Hialeah Rail Yard to the local economy.

Approximately 51 percent of the lands within the Village are currently in residential use while there is no residential within the proposed annexation area.

Approximately 73 percent of the proposed annexation area is in industrial / transportation / communications / utilities use while only 23 percent of the lands within the Village are in those use categories.

The Village, which has no zoning map, delineates its "land use districts" in its comprehensive plan. These land use districts do not include an industrial category and may not appropriately address the County's BU-3 – Liberal Business category.

Within the proposed annexation area, considerable amount of the acreage in transportation\communication\utilities use consists of properties along the Florida East Coast (FEC) railroad corridor and properties owned by Miami-Dade County's Aviation Department that are contiguous to or part of MIA. The County's Comprehensive Development Master Plan (CDMP) identifies MIA as a facility of countywide significance and a Terminal.

In addition to the abovementioned MDAD parcels, Miami-Dade Fire Rescue Station No. 17 Virginia Gardens is also located within the proposed annexation boundaries. The fire rescue station is designated as a facility of countywide significance in Section 20-8.6. of the Code.

CDMP Policy ICE 3G states that in the event of annexation or incorporation, the County "should retain regulatory control over land use, development and service delivery for all facilities of countywide significance."

Section 20-8.6 of the County Code also provides for areas or facilities of countywide significance. In addition to providing definition for these areas and facilities, the Code states that:

- o *Regulatory Jurisdiction Over Areas or Facilities of Countywide Significance Reserved to the County. Jurisdiction for purposes of comprehensive planning, zoning and building and other development approvals (including but not limited to land use, site plan approvals, issuance of building permits, building inspections, issuance of certificates of occupancy, zoning applications, special exceptions, variances, building or zoning moratoria, and all other types of functions typically performed by the departments responsible for building, planning and/or zoning), water and sewer installations, compliance with environmental regulations, and utility regulation shall be and are hereby vested in Miami-Dade County regardless of any municipal code, charter, or ordinance provision to the contrary. If an "Area or Facility of Countywide Significance" is located in an area which is sought to be annexed to a municipality or incorporated, the County shall not transfer operation, maintenance, or regulatory jurisdiction of such Area or Facility to a municipality, unless expressly permitted herein.*
- o *Condition of Annexation. The provisions of this section shall be considered a condition of annexation for any area annexed after the effective date of this ordinance and shall be the subject of an interlocal agreement between the County and the annexing municipality. This interlocal agreement shall be adopted by the annexing municipality prior to the County Commission's adoption of any ordinance authorizing a boundary change.*

Annexation of the proposed area would result in the creation of an enclave (north of the annexation area) and an unincorporated pocket (south of the annexation area) that is surrounded on 78 percent of its boundaries by municipalities and a major barrier. The municipalities of Medley and Miami Springs have applied for the annexation of the lands within the northern enclave.

The proposed annexation area includes portions of a terminal as identified in the CDMP. The terminals include the rail yard just east of Miami International Airport and south of NW 36<sup>th</sup> Street and several parcels on the south of the annexation. Should the annexation be approved, the County should retain all master plan and regulatory authority for the terminals and ½ mile surrounding the terminal as required by the Miami-Dade County Code Section 20-7 (A)(8).

Should the annexation be approved, the Town of Virginia Gardens, through an interlocal agreement with the County, shall agree that the proposed annexation area remain within the Miami-Dade Fire Rescue District in perpetuity.

Attachments:

- A. Map of proposed annexation
- B. Estimated Impact on UMSA Budget Statement

c: Jennifer Glazer-Moon, Director, Office of Strategic Business Management



**Virginia Gardens Annexation  
Estimated Impact on UMSA Budget**

**ATTACHMENT B**

<b>Based on FY 09-10 Budget</b>	<b>Annexation Assumptions</b>	
<b>Property Tax Revenue</b>	<i>Allocation based on tax roll &amp; millage</i>	\$1,641,000
<b>Franchise Fees</b>	<i>County Retains Revenues</i>	
<b>Sales Tax</b>	<i>Allocation based on \$61.79 per person</i>	\$62
<b>Utility Taxes</b>	<i>County Retains Revenues</i>	
<b>Communications Tax</b>	<i>Allocated based on tax roll/population</i>	\$271,423
<b>Alcoholic Beverage License</b>	<i>Allocation based on \$0.24 per person</i>	\$0
<b>Occupational License</b>	<i>Allocation based on \$1.72 per person</i>	\$2
<b>Interest</b>	<i>Allocation based on 1.31% of total revenue</i>	\$18,035
<b>Miscellaneous Revenues</b>	<i>Allocation based on \$0.45 per person</i>	\$0
<b>Revenue to UMSA</b>		\$1,930,522
<b>Cost of Providing UMSA Services</b>		
<b>Police Department</b>		\$923,501
<i>UMSA Police Budget (without specialized)</i>	\$298,967,563	
<b>Park and Recreation Dept</b>	<i>Based on cost of parks</i>	\$0
<b>Public Works</b>		
<i>Centerline Miles</i>	<i>Centerline miles times cost per lane mile</i>	\$43,911
<b>Planning, Neighborhood Compliance and others</b>	<i>Direct cost times 11.7%</i>	\$113,187
<b>QNIP (pay-as you-go)</b>	<i>Utility Taxes as a % of debt service 15.5%</i>	\$0
<b>Policy Formulation/Internal Support</b>	<i>Direct cost times 10.7%</i>	\$103,513
<b>Cost of Providing UMSA Services</b>		\$1,184,113
<b>Net to UMSA</b>		\$746,409
<p>1. Does not include gas tax funded projects                  2. Does not include canal maintenance revenues or expenses                  3. Does not include proprietary activities: Building, Zoning, Solid Waste                  4. Does not include Fire and Library Districts                  5. Revenues are based on allocations not actuals</p> <p>Disclaimer: These calculations do not represent a projected or suggested municipal budget. They indicate only the fiscal impact of this area's incorporation on the remaining UMSA.</p>		
<b>2009 Taxable Property Rolls</b>		850,064,248
<b>2000 Area Census Population</b>		1
<b>2009 UMSA Population</b>		1,081,014
<b>2009-10 UMSA Millage</b>		2.0083
<b>Patrollable Sq. Miles - UMSA (post Cutler Bay)</b>		443.53
<b>Total Calls For Service - UMSA 2008</b>		654,181
<b>Part 1 Crimes - UMSA 2008</b>		58,638
<b>Part 2 Crimes - UMSA 2008</b>		22,546
<b>Patrollable Sq. Miles - Study Area</b>		1.6
<b>Total Calls for Service - Study Area</b>		3,548
<b>Part 1 Crimes - Study Area</b>		246
<b>Part 2 Crimes - Study Area</b>		50
<b>Cost per Centerline Mile</b>		\$2,583
<b>Number of Centerline Miles</b>		17
<b>Per Capita Taxable Value</b>		\$850,064,248.00

RESOLUTION OF THE MIAMI-DADE COUNTY PLANNING ADVISORY BOARD ANNEXATION COMMITTEE RECOMMENDING THAT THE PLANNING ADVISORY BOARD RECOMMEND DENIAL TO THE BOARD OF COUNTY COMMISSIONERS REGARDING THE PROPOSED ANNEXATION TO THE VILLAGE OF VIRGINIA GARDENS

WHEREAS, the Village of Virginia Gardens has petitioned for the annexation of the area generally described below:

- Area: On the North: NW 36 Street;
- On the South: SR 836/Dolphin Expressway;
- On the East: Miami International Airport and Perimeter Road;
- On the West: SR 826/Palmetto Expressway; and

WHEREAS, the Board of County Commissioners referred the application to the Planning Advisory Board (PAB); and

WHEREAS, the PAB referred the application to the Incorporation and Annexation Committee which reviewed staff's report dated June 7, 2010; and

WHEREAS, on September 8, 2010, the Incorporation and Annexation Committee held an advertised public meeting, concerning this application for annexation by the Village of Virginia Gardens,

NOW THEREFORE BE IT RESOLVED BY THE MIAMI-DADE COUNTY PLANNING ADVISORY BOARD INCORPORATION AND ANNEXATION COMMITTEE, that it recommends the Planning Advisory Board recommend denial of the proposed annexation application.

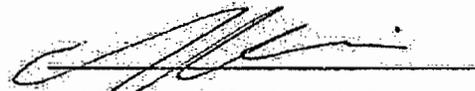
The forgoing resolution was offered by Board Member Serafin Leal, who moved its adoption and was seconded by Board Member Raymond Marin, and upon being put to a vote the vote was as follows:

Reginald Clyne	Absent	Raymond Marin	Yes
Serafin Leal	Yes	Georgina Santiago	Yes

William Riley, Chair    Absent

The Chair thereupon declared the resolution duly passed and adopted this 8th day of September 2010.

I hereby certify that the above information reflects the action of the Board.



Marc C. LaFerrier, AICP  
Executive Secretary

RESOLUTION OF THE MIAMI-DADE COUNTY PLANNING  
ADVISORY BOARD RECOMMENDING THAT THE BOARD OF  
COUNTY COMMISSIONERS DENY THE PROPOSED  
ANNEXATION TO THE VILLAGE OF VIRGINIA GARDENS

WHEREAS, the Village of Virginia Gardens as petitioned for the annexation of the area generally described below:

Area: On the North: NW 36 Street;  
On the South: SR 836/Dolphin Expressway;  
On the East: Miami International Airport and Perimeter Road;  
On the West: SR 826/Palmetto Expressway; and

WHEREAS, the Board of County Commissioners referred the application to the Planning Advisory Board; and

WHEREAS, the Planning Advisory Board's Incorporation and Annexation Committee reviewed staff's report dated June 7, 2010; and

WHEREAS, on September 8, 2010, the Planning Advisory Board's Incorporation and Annexation Committee held an advertised public meeting, concerning this application for annexation by the Village of Virginia Gardens; and

WHEREAS, the Planning Advisory Board's Incorporation and Annexation Committee recommended denial of the proposed annexation; and

WHEREAS, on September 8, 2010, the Planning Advisory Board held an advertised public hearing, concerning this application by the Village of Virginia Gardens; and

WHEREAS, the Planning Advisory Board recommends the Board of County Commissioners review the issue of business owners not having the right to vote regarding proposed annexations and the issue of no vote required when there are less than 250 residents in a proposed annexation area;

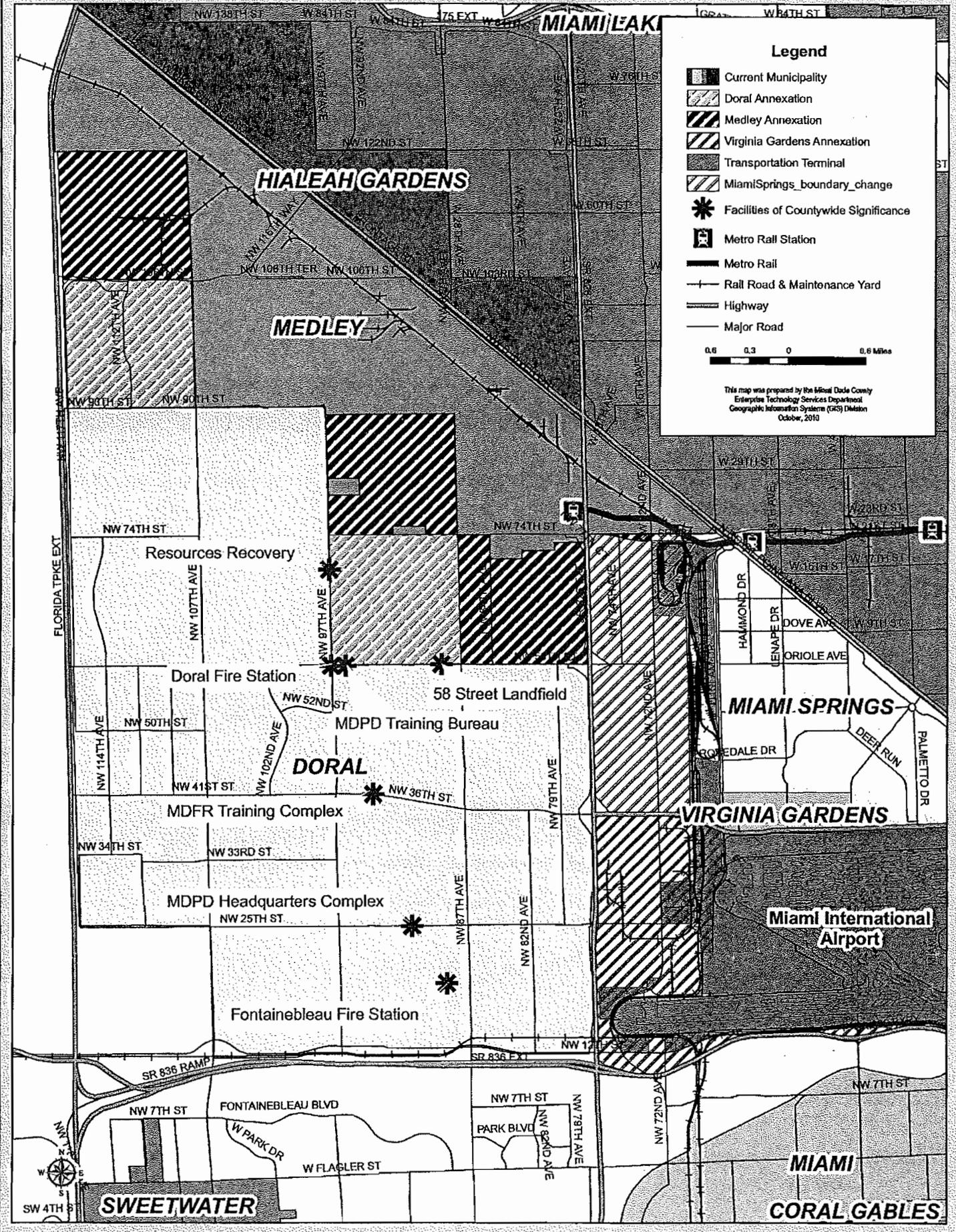
NOW THEREFORE BE IT RESOLVED BY THE MIAMI-DADE COUNTY PLANNING ADVISORY BOARD, that it recommends the Board of County Commissioners deny the proposed annexation application.

The forgoing resolution was offered by Board Member Pamela Gray, who moved its adoption and was seconded by Board Member Georgina Santiago, and upon being put to a vote the vote was as follows:

Reginald J. Clyne	Absent	Daniel Kaplan	Absent
Antonio Fraga	Yes	Serafin Leal	Yes
Pamela Gray	Yes	Raymond Marin	Absent
Horacio Carlos Huembes	Yes	William Riley	Absent
Rolando Iglesias	Absent	Georgina Santiago	Yes
Joseph James	Yes		

Wayne Rinehart, Chair    Yes

Miami-Dade County  
Doral, Miami Springs, Medley and Virginia Gardens Annexation



## Estimated Impact on UMSA Budget

Based on FY 10-11 Budget	Annexation Assumptions	
Property Tax Revenue	Allocation based on tax roll & millage	\$1,778,000
Franchise Fees	County Retains Revenues	
Sales Tax	Allocation based on \$61.79 per person	\$62
Utility Taxes	County Retains Revenues	
Communications Tax	Allocated based on tax roll/population	\$257,034
Alcoholic Beverage License	Allocation based on \$0.24 per person	\$0
Occupational License	Allocation based on \$1.72 per person	\$2
Interest	Allocation based on 1.31% of total revenue	\$19,191
Miscellaneous Revenues	Allocation based on \$0.45 per person	\$0
<b>Revenue to UMSA</b>		<b>\$2,054,289</b>
<b>Cost of Providing UMSA Services</b>		
Police Department		\$761,837
UMSA Police Budget (Direct Servies)		
Park and Recreation Dept	Based on cost of parks	\$0
Public Works		
Centerline Miles	Centerline miles times cost per lane mile	\$32,453
Planning, Code Compliance and others	Direct cost times 11.3%	\$90,073
SNIP (pay-as you-go)	Utility Taxes as a % of debt service 23%	\$0
Policy Formulation/Internal Support	Direct cost times 11.3%	\$90,073
<b>Cost of Providing UMSA Services</b>		<b>\$974,435</b>
<b>Vet to UMSA</b>		<b>\$1,079,854</b>
<p>1. Does not include gas tax funded projects  2. Does not include canal maintenance revenues or expenses  3. Does not include proprietary activities: Building, Zoning, Solid Waste  4. Does not include Fire and Library Districts  5. Revenues are based on allocations not actuals</p> <p>Disclaimer: These calculations do not represent a projected or suggested municipal budget. They indicate only the fiscal impact of this area's incorporation on the remaining UMSA.</p>		
2010 Taxable Property Rolls		\$804,996,167
2000 Area Census Population		1
2010 UMSA Population		1,073,747
2010-11 UMSA Millage		2.298
Patrollable Sq. Miles - UMSA (post Cutler Bay)		443.53
Total Calls For Service - UMSA 2009		654,181
Part 1 Crimes - UMSA 2009		58,638
Part 2 Crimes - UMSA 2009		22,546
Patrollable Sq. Miles - Study Area		1.6
Total Calls for Service - Study Area		3,548
Part 1 Crimes - Study Area		246
Part 2 Crimes - Study Area		50
Cost per Centerline Mile		\$1,909
Number of Centerline Miles		17
Per Capita Taxable Value		\$804,996,167.00