



## **MEMORANDUM**

---

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

**Date:** November 8, 2004

**From:** Pedro Velar, Assistant Director  
Incorporation and Annexation Services

**Subject:** City of Coral Gables  
Annexation Application

---

### **BACKGROUND**

On March 11, 2003 the City of Coral Gables Mayor and City Commissioners, pursuant to section 5.04 of the Miami-Dade Home Rule Charter and section 20-3 of the Code of Miami-Dade County, approved Resolution 2003-48, requesting that Miami-Dade County effect the annexation of the subject area into the City's jurisdiction. Ms. Gloria Marina, on her capacity as President of the Davis-Ponce Homeowners Association submitted the annexation application to the Clerk of the Board on October 22, 2003. The annexation application was referred to and accepted by the Board of County Commissioners (BCC) at the November 4, 2003 BCC meeting. The application was forwarded to the Office of Strategic Business Management (OSBM) for review and further processing, as required by Code. Upon review of the application, several items needed further clarification and documentation. The application was considered complete in accordance with the guidelines of section 20-3 and 20-4 of the County Code on March 2004.

The City of Coral Gables annexation request is for an area bounded on the south by SW 88 Street/North Kendall Drive, on the east by SW 47 Avenue/Erwin Road, Old Cutler Road, on the north by lot line between SW 78 and SW 80 Street, SW 80 Street/Davis Road and lot lines between SW 80 and SW 82 Streets, on the west by lot lines between SW 52 and SW 53 Avenues, SW 52 Avenue, SW 51 Avenue, lot lines between SW 49 Avenue (Ponce de Leon) and SW 50 Court, and SW 49 Avenue, Ponce de Leon (See Map-1 attached).

Pursuant to Code my office submits this report for your review and recommendation.

### **RECOMMENDATION**

The Department of Planning and Zoning recommends that the proposed annexation of the Davis Ponce area to the City of Coral Gables be deferred.

The proposed annexation addresses a little over one-fourth of the area of an existing unincorporated enclave and portions of its boundaries are not logical. Approval of this annexation would not address the broader issue of the disposition of the portions of the enclave left behind (See Map-2 attached).

A deferral should be given until such time as the annexation of the entire enclave located north of Kendall Drive between the Cities of Coral Gables and South Miami, the High Pines and Davis Ponce area, could be considered at once.

If the annexation is approved, the City will be required to assume reviewing and issuing zoning and development permits of all pending applications at the time of the City acceptance of the annexation.

## **ANALYSIS**

### **Facilities and Services**

**Police** – The City of Coral Gables Police Department will provide police service to the annexation area. This area of annexation will not have a negative or significant impact at this time on the Miami-Dade Police Department's (MDPD) ability to service areas in unincorporated Miami-Dade County.

The City of Coral Gables Police Department currently consists of more than 174 sworn police officers. There is a ratio of one officer for every 253 residents. Officers patrol in both marked and unmarked vehicles, as well as on bicycles, motorcycles and foot patrols. The city prides itself in its Police Officers response time for emergency and routine calls. The Coral Gables Police Department's Communications Division is staffed 24-hours, 7 days a week.

The following tables portray all calls for uniform and non-uniform police calls within the four "Police Grids" comprising the area for the past three years.

<b>Year</b>	<b>Criteria</b>	<b>All Calls</b>	<b>Emergency Calls (Code 3)</b>	<b>Priority Calls (Code 2)</b>	<b>Routine Calls</b>
2001	Total Calls	196	4	5	187
	Avg. Response Min.	21:28	6:00	6:00	22:13
2002	Total Calls	247	4	10	233
	Avg. Response Min.	20:40	4:15	5:48	21:36
2003	Total Calls	201	8	7	186
	Avg. Response Min.	22:03	3:20	1:36	23:38

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
2001	9	2	11
2002	15	3	18
2003	10	1	11

Part I Crimes: Uniform Crime Report (UCR) Part I Offenses are those crimes reported to the 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 annexation area is served primarily by the Miami Dade Fire Rescue (MDFR) South Miami Station 14, which is equipped with an engine and a rescue. Also serving the southern portion of this area is MDRF's Pinecrest Station 49, which is equipped with a rescue.

During the past three calendar years, the area averaged about 40 alarms annually. Sixty-one percent (61%) of those alarms were medical in nature, of which two-thirds were life-threatening emergencies. These percentages were about 10% lower than the remainder of the Fire District. There were no structure fires and only one non-structure fire during that period. Travel time to the area was also lower than the remainder of the District for life-threatening calls.

Once the area is annexed, response time will be impacted to the extent that proximity of fire service effects travel time. The two MDRF Stations serving the area are closer than the two City of Coral Gables Fire Stations.

Operationally, the annexation will not impact MDRF's response to the remainder of the District. However, the loss of ad valorem tax revenue will negatively affect the remainder of the Fire District, as no accompanying reduction of Miami-Dade service can be achieved. Therefore, remaining District participants will absorb the loss of revenue. The MDRF strongly urges that Coral Gables mitigate the revenue loss, (In FY 03-04 it was \$387,758), to avoid this undue burden to the remainder of the Fire District. Currently, with the Fire Debt Service Millage of 0.079 the Fire Debt Service Payment for FY 03-04 would be \$11,864. The Fire

Debt Service Payment will change yearly based on the taxable property roll of the area; and would need to be mitigated by the City.

**Water and Sewer** – The proposed City of Coral Gables annexation area is within the water and sewer service area of the Miami-Dade Water and Sewer Department (WASD). WASD does not have sewer facilities in the area since properties are equipped with septic tanks. Water service is being provided to portions of the area. Properties not receiving water service from WASD are being served by privately owned wells. 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 City 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 City. The annexation would have no impact on WASD's ability to provide services to the remaining unincorporated area in the vicinity.

Currently, WASD billings include Stormwater charges as directed by DERM and those collects are remitted to DERM. Upon annexation, proper notice, and execution of an agreement between the County and the City in which the City agrees to establish a Stormwater utility in this area and pay administrative billing charges, WASD would continue to collect the Stormwater fees based on the City's charges. There are no facilities of countywide significance in the area.

**Solid Waste** – The County provides twice weekly garbage collection and weekly trash and recycling service, along with an annual scheduled bulky waste pick-up and unlimited access to Trash & Recycling Centers to its residential unit customers in the waste collection service area.

In accordance with Ordinance No. 96-30, since the City has entered into an interlocal agreement with the County for a twenty year waste disposal, the City is eligible to assume residential waste collection responsibilities, provided it enters into the requisite waste collection interlocal and that the cumulative impact of annexations that have taken place since February 16, 1996 do not significantly impact the Department of Solid Waste Management's (DSWM) ability to meet debt coverage requirements or to hold down the cost of collection.

On its application, the City of Coral Gables states its intent to assume provision of residential waste collection service. Accordingly, it is anticipated that the City will request the delegation of the authority to provide residential waste collection service in the annexation area. Otherwise, the County will continue to provide residential waste collection service.

Based on the requirements contained in Ordinance 96-30, the annexation is not expected to have any impacts on the ability of DSWM to provide services to the remaining unincorporated area.

**Street Maintenance** – The City of Coral Gables maintains all streets within its jurisdiction with the exception of State and County roadways. The proposed annexation area will add 3.16 lane miles to the City of Coral Gables. The County's Public Works Department (PWD) will continue to maintain a total of 3.40 lane miles described as follows: SW 52 Avenue – SW 88 Street to SW 80 Street; SW 47 Avenue – SW 82 Street to SW 80 Street; SW 80 Street – SW 52 Avenue to SW 47 Avenue; SW 88 Street – SW 53 Avenue to Old Cutler Road; Old Cutler Road – SW 88 Street to 600' North.

**Parks and Recreation** – There are no Miami-Dade County parks within the proposed annexation area. The annexation has no impact on the Parks and Recreation Department.

**Department of Environmental Resources Management (DERM)** – The ability of DERM to provide adequate services to the areas being annexed will not be impaired in any manner by the proposed annexation nor to the areas adjacent to the parcels being annexed. Furthermore, under the provisions contained in Chapter 24 of the Code of Miami-Dade County, DERM's regulatory activities are enforceable in the incorporated and unincorporated areas.

**Potable Water:**

The proposed annexation area is served by the County's Alexander Orr Water Treatment Plant, which presently has no restrictions on capacity.

**Waste Water:**

The proposed annexation area is served by the County's WASD interconnected wastewater treatment facilities; however, the area is almost entirely served by septic tanks.

**Drainage:**

DERM has delegated authority to issue permits for the South Florida Water Management District (SFWMD), through issuance of the Environmental Resources Permits (ERP). Jurisdiction to require an ERP is countywide, and is dependent upon the size of the development. As a rule, the ERP is required when the project has two or more acres of impervious area. Furthermore, DERM has countywide permitting authority for any construction of an overflow outfall to a body of water, by way of a Class II Permit.

Although some smaller projects may be exempted from drainage permits from DERM, the County reserves the right to review any drainage system in order to evaluate all environmental issues. Usually, a tracking system is created by the municipality to require DERM to comment before issuing a construction permit.

Canal Issues:

There are no County owned canals within the proposed annexation area.

Natural Resources:

There are no jurisdictional wetlands or designated Natural Forest Communities within the annexation area. However, there are significant specimen tree resources in this general area, and their preservation has been the subject of a variety of permitting and compliance issues in the past. The Code of Miami-Dade County generally requires preservation of specimen trees. Sec. 24-60.3 prohibits approval by any County or municipal officer of building, zoning, plats, subdivision or similar plans that do not comply with specimen tree protection criteria of the Code. In particular, there is a specimen tree covenant that was recently recorded at 8150 SW 52 Avenue, Miami, Florida 33143 (folio No. 30-4131-003-0110) for eleven live oak trees and one gumbo limbo tree. This property is within the proposed Coral Gables annexation and has just recently been platted into two separate lots with folio numbers 30-4131-003-0110 and 30-4131-003-0115. The requirements of this, or other similar tree protection covenants, run with the land and shall be enforced by the County or the municipality.

**Annexation Guidelines:**

The following analysis addresses the factors required for consideration by the Boundaries Commission pursuant to Chapter 20 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) The area does not divide a Census Designated Place (an officially recognized traditional community).**

The proposed annexation area is not located within a 2000 Census Designated Place (CDP). Therefore, the proposed annexation does not divide a CDP.

- b) In no adjacent unincorporated area has a majority of ethnic minority or lower income residents petitioned to be in the annexation area.**

No adjacent unincorporated areas have a majority of ethnic minority or lower income residents that have petitioned to be in the annexation area. The unincorporated area to the north and west of the proposed annexation area, also known as the High Pines area, is currently being considered as a separate annexation proposal by the City of Coral Gables.

<b>Population By Race</b>		
<b>Davis Ponce Annexation Area and Miami-Dade County</b>		
	Davis Ponce	Miami-Dade
<u>Population Characteristics, 2000</u>	474	2,253,362
Percent White, Not Hispanic	63.7	20.7
Percent Black, Not Hispanic	0.5	19.0
Percent Other, Not Hispanic	1.9	3.0
Percent Hispanic Origin	34.0	57.3

Source: U.S. Census Bureau, Census 2000 Summary File 1 and Summary File 3. Miami-Dade County, Department of Planning and Zoning, 2004.

- c) The area is not, nor 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 addresses a little over one-fourth of the area of an existing unincorporated enclave located between the Cities of Coral Gables and South Miami. Therefore, this proposal would result in a smaller unincorporated enclave than the one that exists today. However, as previously noted, the proposed annexation of the remaining enclave is part of a separate effort; the High Pines annexation being considered by the City of Coral Gables. As noted in the recommendation, for this fact alone it is staff recommendation that this annexation be deferred until the City submit the application for the entire enclave area.

- d) The boundaries are logical, consisting of natural, built, or existing features or city limits.**

In general, the northern and the western boundaries of the proposed annexation area are not logical while the eastern and the southern

are. Specifically, portions of the northern and the western boundaries consist of a series of mid-block lot lines rather than a major roadway or natural feature. The eastern and southern boundaries consist primarily of a combination of existing roadways, including North Kendall Drive and Old Cutler Road. All these boundaries are described in the table below.

<b>East</b>	<ul style="list-style-type: none"> <li>• SW 47 Avenue/Erwin Road, north of Saldano Avenue</li> <li>• Lot lines along the extension of SW 47 Avenue, south of Saldano</li> <li>• Old Cutler Road</li> </ul>
<b>South</b>	<ul style="list-style-type: none"> <li>• SW 88 Street/North Kendall Drive</li> </ul>
<b>West</b>	<ul style="list-style-type: none"> <li>• Lot lines between SW 52 and SW 53 Avenues</li> <li>• SW 52 Avenue</li> <li>• SW 51 Avenue</li> <li>• Lot lines between SW 49 Avenue (Ponce de Leon) and SW 50 Court</li> <li>• SW 49 Avenue, Ponce de Leon</li> </ul>
<b>North</b>	<ul style="list-style-type: none"> <li>• Lot line between SW 78 and SW 80 Street</li> <li>• SW 80 Street/Davis Road</li> <li>• Lot lines between SW 80 and SW 82 Streets</li> </ul>

In addition, and as a point of information, the proposed boundaries, with a few exceptions, correspond to the boundaries of a Special Taxing District for Roving Patrol that was created by the Board of County Commissioners in April of 1998 (Ordinance 98-56).

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

	<u>Millage Rate</u>
<b>City of Coral Gables</b>	
Municipal Millage	5.990
Library District	0.486
Total	6.476



Unincorporated Area	
UMSA Millage	2.447
Fire/Rescue District	2.582
Fire/Rescue Debt Service	0.079
Library District	0.486
Total	5.594
Increase	0.882

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

The proposed annexation area is entirely inside the 2005 Urban Development Boundary (UDB) of the County's Comprehensive Development Master Plan (CDMP). The County's Land Use Policy 2B states that "priority in the provision of services and facilities and the allocation of financial resources for services and facilities in Miami-Dade County shall be given first to serve the area within the Urban Development Boundary (UDB) of the 2005-2015 Land Use Plan Map (LUP)."

**4. 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 area.**

The total taxable value of the annexation area is \$158,086,224. The area generates approximately \$676,000 in UMSA revenues. The County spends approximately \$492,391 per year providing services to the area. Therefore, the net revenue loss to UMSA is approximately \$183,609 (See Estimated Impact on UMSA Budget Statement).

Pursuant to Section 20-8.1 and 20-8.2 of the County Code, the County retains all franchise fees and utility tax revenues of the area upon annexation.

For the proposed City of Coral Gables annexation, franchise fees of approximately \$61,000 and utility taxes of approximately \$120,00 will be retained by Miami-Dade County.

**5. Fiscal impacts of the proposed annexation on the remaining unincorporated area. Specifically, does the per capita taxable value of the area fall within the range of \$20,000 to \$48,000?**

The per capita taxable value of the annexation area is \$333,515.

# **6. Consistency with the Land Use Plan of the County's Comprehensive Development Master Plan (CDMP).**

According to the Future Land Use Plan map of the County's Comprehensive Development Master Plan (CDMP), the future/planned land use designation of the entire proposed annexation area is "Estate Density Residential." The "Estate Density Residential" land use designation allows residential uses at a density range of 1 to 2.5 dwelling units per gross acre.

The table below reports the 2001 land use profile of the proposed annexation area. As expected for an urbanized residential area, approximately 88 percent of the area is in residential use while approximately 12 percent of the area is being used by utilities and communications facilities.

Table 2

## **Land Use in the Proposed Annexation Area and Miami Dade-County, 2001**

<b>Land Use</b>	<b>Proposed Annexation Davis Ponce Acres</b>	<b>Proposed Annexation Davis Ponce Percentage</b>	<b>Miami-Dade County Acres</b>	<b>Miami- Dade County Percentage</b>
Residential	178.5	87.9	99,385.4	6.4
Commercial	0.0	NA	13,776.1	0.9
Industrial	0.0	NA	17,200.2	1.1
Institutional	0.0	NA	12,950.6	0.8
Parks/Recreation	0.0	NA	787,907.6	50.9
Communication/Utilities	24.5	12.1	86,065.5	5.6
Agricultural	0.0	NA	80,355.3	5.2
Undeveloped	0.0	NA	135,421.9	8.7
Inland/Costal Waters	0.0	NA	315,654.7	20.4
<b>Total:</b>	<b>203.0</b>	<b>100.0</b>	<b>1,548,717.3</b>	<b>100.0</b>

**Source:** Miami-Dade Department of Planning and Zoning, Research Section, March, 2004

**The Boundaries Commission shall also consider the following guidelines:**

**1. Is the annexation compatible with existing planned land uses and zoning of the municipality to which the area is proposed to be annexed?**

The existing (2001) land uses in the proposed annexation area are residential and communications/utilities. The existing underlying zoning designation for the entire area is EU-1, which allows residential estates of one family per one acre gross. In general, residential uses in the proposed annexation area are consistent with the land uses and zoning within the City of Coral Gables. In its application, the City states that upon annexation of this area, the City proposes to apply zoning and land use designations that are consistent with the current County designations.

**2. Will the area, if currently qualified, continue to be eligible 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 proposed annexation area is currently not part of federal or state enterprise zones, or targeted areas assistance provided by federal, state and local government agencies.

**3. Will the annexation impact public safety response times?**

While the Miami-Dade Police Department (MDPD) does not expect any negative impact on emergency response times as a result of this annexation, the Miami-Dade Fire Rescue (MDFR) does express a negative impact on emergency response time by virtue of proximity. The two MDFR Stations serving the proposed annexation area are closer than the two City of Coral Gables' Stations. However, the City of Coral Gables states in the annexation application that its Fire Department has a No.1 ISO rating, providing Emergency call response time of 7 to 9 minutes and non-emergency response time of 15 minutes.

**4. Will the annexation introduce barriers to municipal traffic circulation due to existing security taxing districts, walled communities, and/or private roads?**

The Davis Ponce annexation area does not contain any stationary security guard districts; which are defined as a security with a guardhouse and closures. Public Works reports no impediment to traffic flows as a result of this annexation.

**5. Will the annexation area be served by the same public service franchises, such as cable and communication services, as the existing municipality, or will it have full access to all available municipal programming through its franchises provider?**

The proposed annexation area will continue to be served by the same cable television and telecommunication operators as before. The area will not have an impact on the County's ability to license and enforce our cable TV regulations.

Currently, the City of Coral Gables – Davis Ponce area is receiving cable services from Atlantic Broadband (Miami) Inc. There will be no changes in cable services for the proposed annexation area. BellSouth Entertainment has a cable television license for all unincorporated areas, but records maintained by the Consumer Services Department indicate that BellSouth Entertainment is not currently serving the Davis Ponce area.

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-at-Way. Therefore, companies that have facilities within the proposed City of Coral Gables – Davis Ponce annexation area will no longer be required to register with the County. As a result, the City of Coral Gables will be responsible for managing its public thoroughfares.

Municipal programming is accomplished through separate agreements between municipalities and the cable operators providing services within each 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.

**6. 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 means that may arise?**

Approximately 40 percent of the proposed annexation area is 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 entire proposed annexation area is located outside a County designated hurricane evacuation zone.

**7. Will the annexation area be connected by public transportation to municipal government offices and commercial centers?**

The annexation area will have limited connection to municipal government offices and commercial centers by means of public transportation. The area is served by Route 65, which is a one-way peak-hour service only. It travels southbound during the morning hours and northbound thereafter. Transfers can be made to other Metrobus Routes and to Metrorail at the Douglas Road and Dadeland South Metrorail stations. In addition, the City of Coral Gables has three shuttle routes serving the Douglas Road Metrorail Station. They are the North South Ponce de Leon Boulevard route, the Mid-Day Express Loop and the East West Miracle Mile Twilight route. Collectively, these shuttle buses provide services from 7:00 a.m. till 10:00 p.m.

**8. 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?**

Yes, the area is contained within the same school district boundaries as the adjoining unincorporated area and municipalities. The schools are Sunset Elementary, Ponce de Leon Middle, Coral Gables Senior High, and Miami Palmetto Senior High Schools. As shown in the table below, the Florida Inventory of School Houses (FISH) utilization rates of Coral Gables and Miami Palmetto Senior High Schools, 155 and 148 percent respectively, are higher than the acceptable utilization rate of 115 percent. The FISH utilization rates of Sunset Elementary and Ponce de Leon Middle Schools, 112 percent and 99 percent respectively, are below the acceptable rate.

School	Florida Inventory of School Houses (FISH) Capacity Utilization Rate* (Percent)
Sunset Elementary	112
Ponce de Leon Middle	99
Coral Gables Senior High	155
Miami Palmetto Senior High	148
* As agreed with the School Board, the acceptable FISH utilization rate by Miami-Dade County is 115 percent until the year 2005. Beyond 2005 the acceptable utilization rate decreases gradually to 100 percent by the year 2015. <b>Source:</b> Information compiled by the Miami-Dade County Department of Planning and Zoning.	

### **BOUNDARIES COMMISSION**

On September 1, 2004 the Boundaries Commission held a public hearing on the proposed annexation of the Davis Ponce area into the City of Coral Gables. The Board members, after deliberating on the issue voted five to one to move the annexation application forward to the Planning Advisory Board with the recommendation to uphold staff's recommendations that the annexation of the Davis Ponce area be deferred until the entire unincorporated enclave, of which Davis Ponce constitutes a little over one-fourth of the area, can be considered to be annexed by the City of Coral Gables.

Attachment – Maps

Estimated Impact on UMSA Budget Worksheet

c: George M. Burgess, County Manager  
Alex Muñoz, Assistant County Manager  
David Morris, Director, OSBM  
Jennifer Glazer-Moon, Director Designate, OSBM