



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

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March 6, 2008

The Honorable Bruno A. Barreiro
Chairman, Miami-Dade County
Board of County Commissioners
111 Northwest First Street, Suite 220
Miami, Florida 33128

Dear Commissioner Barreiro:

On February 26, 2008 the Department completed its review of the proposed Miami-Dade County comprehensive plan amendments (DCA Number 08-1) and mailed our Objections, Recommendations, and Comments (ORC) Report to you. Subsequent to mailing our report, we found an error in the recommendation for the School Concurrency objection. The purpose of this letter is to correct this error.

Objection Number 4 (Failure to Implement School Concurrency) in the ORC report objects to six proposed amendments that have the potential to increase residential density. The objection notes that the County was to adopt its Public Education Facilities Element by January 1, 2008, but has not done so. Therefore, pursuant to Section 163.3177(12)(j), Florida Statutes, the County is prohibited from adopting amendments to the comprehensive plan that increase residential density until the necessary school amendments have been adopted and transmitted to the Department.

The recommendation following this objection advises the County to not adopt the proposed amendments until the County has adopted the Public School Facilities Element (DCA Number 08-PEFE1) and has executed the Interlocal Agreement. As an alternative, this recommendation advises that the County may "provide appropriate data and analysis demonstrating that the County has adequately planned for the potential residential density increase allowed by the proposed amendments."

While the first part of this recommendation accurately describes the statute prohibition on adopting increases in residential density when a local government has not adopted its Public Education Facilities Element by the scheduled due date, a situation applicable to Miami-Dade County, the alternative solution in the recommendation quoted in the paragraph above is erroneous.

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The statute contains an outright prohibition on amendments that increase residential density and does not allow for exceptions. Therefore, the alternative solution quoted above is not a viable option.

To correct the error in the Recommendation, the Recommendation is revised as follows:

Adopt the revised Public School Facilities Element, pursuant to the recommendations in the Department's ORC report on Miami-Dade County Amendment 08-PEFE1 and execute the Interlocal Agreement 08-PEFE1 on Public Schools prior to adopting these amendments and provide appropriate data and analysis demonstrating that the County has planned for the potential residential density increase allowed by the proposed amendments. Alternatively, adopt the amendments, after revising to address all applicable objections in this report, with site specific policies to limit onsite development to non-residential uses.

We regret the error and apologize for any confusion and inconvenience that may have resulted from the previous Objections, Recommendations, and Comments Report. Please include this letter with the previous letter sent to you on February 26, 2008. If you or the County staff has any questions or requires any additional information about this letter, please call me or Bob Dennis, Regional Planning Administrator, for assistance at (850) 487-4545.

Sincerely,



Mike McDaniel, Chief
Office of Comprehensive Planning

MDM/bd

cc: Mr. Subrata Basu, Interim Director, Department of Planning and Zoning
Ms. Carolyn A. Dekle, Executive Director, South Florida Regional Planning Council