

APPENDIX A

**Department of Planning and Zoning (DP&Z)
Revised Response to the Florida Department of Community Affairs (DCA)
Objections, Recommendations and Comments (ORC) Report
DCA No. 06-2 Addressing the October 05 Cycle
Applications to Amend the Comprehensive Development Master Plan (CDMP)
September 5, 2006**

This report contains responses of the Department of Planning and Zoning (Department), to the objections contained in the referenced Objections, Recommendations and Comments (ORC) Report issued by the Florida Department of Community Affairs (DCA) dated August 14, 2006. The ORC report objected to 2 of the 14 applications transmitted for review.

In the following presentation, the DCA's Objection and corresponding Recommendation are presented, followed by a response of the Department of Planning and Zoning. Immediately after the Objection number, notations are provided indicating which Applications the Objection and Recommendation address. The issuance of the responses contained herein does not preclude the issuance of other future responses by the Department. Moreover, the responses issued by the Department are not necessarily those of the Applicants, Local Planning Agency (Planning Advisory Board), or Board of County Commissioners, which may offer their own responses.

DCA Objection #1: Non-Availability of Potable Water Supply (Applies to Applications No. 2 and 7)

The County has not demonstrated that the proposed land uses in Applications No. 2 and No. 7 will be supported by adequate potable water supply. The Department estimates that the demand from development of the two properties under the proposed future land use map designations, assuming the residential development option is exercised in both cases, would be as much as 0.518 mgd.

The County must demonstrate that it has available potable water supply to serve this increased demand in order to amend its FLUM to increase its potential water demand.

Until the County is able to demonstrate that it has available potable water supply to serve the increased demand from the proposed land use amendments, it would be inappropriate to approve any such land use changes to the comprehensive plan which would entail increased water consumption.

The amendment also does not contain any changes to the Capital Improvements Element which may be needed to provide for new or modified water treatment facilities to provide for new or modified water treatment facilities to serve the proposed land use changes.

DCA Recommendation:

The County should not adopt the proposed land use changes until it can demonstrate the necessary coordination of land use approvals with an assured supply of potable water. Revise the amendments to demonstrate coordination of the proposed land use changes with the planning and provision of potable water supplies. Identify any needed facility improvements for the 5- and 10-year planning time frame. These improvements should be coordinated with the Water, Sewer, and Solid Waste Element and the Capital Improvements Element, including implementation through the 5-year schedule of capital improvements for any facilities needed during that time frame.

DP&Z Response:

The issue of inadequate water supply has been raised by the South Florida Water Management District (SFWMD). The Miami-Dade County Water and Sewer Department (WASD) is addressing this issue through the identification and funding of alternative water supplies and the renewal of its consumptive use permits (CUP) through the SFWMD. To date WASD has identified and placed into the Capital Improvements Element of the CDMP projects that will yield between 11.5 and 15.5 MGD of alternative water supplies in 2011. These include a 4.5 mgd reverse osmosis plant in north Miami-Dade County and a new reverse osmosis plant in south Miami-Dade County; both funded and currently in the CIE. With the interconnection of the wellfields, these alternative water supplies will serve projects in all regions of the WASD service area. This additional 11.5 mgd, at an assumed per capita day use of 158 gallons, will provide water needs for approximately 72,784 persons, approximately 2 ½ years of growth. Additional projects are being investigated with a listing to be submitted to the SFWMD in early 2007 for review. This list is a requirement of the interim water supply agreement (an 18-month temporary permit) and is necessary prior to receiving a full CUP. Once the 20-year permit is issued, anticipated by May 2007, WASD will complete its 10-Year Water Supply Work Plan and submit a CDMP amendment for inclusion of this workplan with a funding component into the CDMP. These plans will be updated yearly and will provide for the future water needs of the WASD service area.

The DCA states that the proposed changes to the CDMP Land Use Plan (LUP) map will increase the potable water demand by approximately 0.518 million gallons per day (mgd). This estimate previously reported by the County in the Initial Recommendations report, dated February 25, 2006, has been revised to reflect the transmitted LUP map amendments, as modified, and eliminates the impact of those amendments that have been withdrawn, denied or not transmitted to DCA for review. The following table presents the revised estimated potential water demands for Applications No. 2 and No. 7 as transmitted by the BCC. All estimated demands are based upon the maximum allowable land use densities for the proposed land use designation as restricted by covenant and the estimated water demand established in Section 24-43.1(5) of the Miami-Dade County Code.

April 2005 CDMP Amendment Applications
Revised Potable Water Demands

Application Number	Proposed Land Use Based upon Request with Submitted Covenant*	Current Water Demand (gpd)	Proposed Water Demand (gpd)*	Change in Water Demand (gpd)
2	Office/Residential with No Residential Component	15,750	10,650	-5,100
7	Business and Office with No Residential Component	14,627	58,510	+43,883
Total Water Demands for October 2006 Cycle		30,377	69,160	+38,783

Calculations based on water usages listed in Section 24-43.1(5), Miami-Dade County Code.

gpd=gallons per day

* Based on Proposed/Anticipated Development Program submitted by Applicant with submittal of Covenant

As noted in the above table, applicants for both Applications No. 2 and No. 7 have submitted covenants that restrict their properties from developed with residential units. Since residential uses create the largest water demand, these restrictions of use will result in a lower demand for water than was originally calculated for each sites

Application No. 2 is a 4.89-acre site that is currently designated as Low-Medium Density on the LUP map and requesting a redesignation to Office/Residential. The objective of this application was to expand an existing clinical research facility to allow for additional office space. This is an infill area in which intensification of uses is encouraged to maximize the efficiency of existing infrastructure. The applicant does not wish to develop residential units at this site and has stated so in a restrictive covenant, dated January 31, 2006 and proffered to the County, which restricts "All residential uses". As the calculations indicate, the new land use designation, as restricted by the proffered covenant, will reduce the potential water demand of the site by 5,100 gallons per day over the Low-Medium Residential use currently allowed.

Application No. 7 is a 34.58-acre site, which proposes a redesignation of land use from Industrial to Business and Office. On February 27, 2006 a Declaration of Restrictions was submitted which restricts the development of residential units at the site. Therefore the maximum water demand from this site, based on commercial uses, is estimated at 58,510 gallons per day; a net change in water demand from the current industrial use of 43,883 gallons per day. It should be noted, however, that the applicant is also proposing that the main use of the property be a retail store of a minimum 100,000 square feet. This size store (not a user of water) would have its water demand calculated at half the use currently used. Therefore, 43,883 gallons per day is an overstatement of the actual change in water demand.

An estimate of water demand based upon land use is calculated to insure that the treatment facilities serving the site, in this case, the Preston-Hialeah Water Treatment Plant, have enough capacity to provide treated water to the site and plan for adequate fire flow and water delivery systems. These calculations are normally made prior to the issuance of a development order; however, this evaluation is also necessary at the time of a land use amendment so that proper water facilities planning, including funding of necessary infrastructure improvements, may be incorporated into the decision making process. Based upon information received from the Department of Environmental Resources Management (DERM), the rated treatment capacity of this plant is 225.0 million gallons per day (mgd). As of June 2005, the maximum plant production was 201.0 mgd and had an available capacity of 21.1 mgd. The treatment plant capacity is more than adequate to serve both applications. Approval of these applications will not necessitate any plant improvements and therefore no capital improvements have been programmed into the CIE.

Unlike the evaluation performed for water facilities as described above, water supply planning is calculated based upon population projections within the service area and the estimated per capita day demand. These demand estimates account for all projected growth within the area and are not land use specific. Projections for water supply demands can be impacted by individual projects when the land use redesignation 1) results in an increased service area, thus affecting the population of the service area (such as inclusion of residential communities into the current service area); 2) is a development which will attract growth beyond that anticipated in the initial water supply planning process, (i.e. Scripts or other major employers), or, 3) increases the overall water demand per person due to approval of large water users. Most land use redesignations, however, do not meet these criteria.

To date, the South Florida Water Management District (SFWMD) and the Miami-Dade County Water and Sewer Department (WASD) have agreed upon the population estimates for the WASD service area through the year 2030. These estimates mirror the official projections issued by the Miami-Dade County Department of Planning and Zoning and the Florida Bureau of Economic and Business Research (BEBR). Neither of the applications impact population as these are proposed non-residential development. Additionally, neither application is a major employment attractor (beyond the County line) and therefore will not generate new, unanticipated growth in the area.

In 2006, Miami-Dade County adopted its Water Use Efficiency Five Year Plan, which calls for an estimated per capita day use in 2015 (on a systemwide basis) of 155 gallons. Through its innovative water conservation programs, Miami-Dade County has seen its per capita day demand drop from an average of 184.7 gallons per day in 1994 to 158.0 gallons per day in 2005. Now the County has adopted an even more aggressive water conservation strategy, which is geared at lowering the per capita day demand for water by an additional 3 gallons per person per day. Most of the realized efficiency in water use will occur through requirements on new development to utilize water saving measures. If approved, neither application will generate a demand for water that will increase the per capita day rate. Development of these sites using the new water saving measures, will help to reduce the overall per capita day rates currently experienced in the County.

Since the redesignations of Applications 2 and 7 are non-residential uses, neither will result in abnormal growth of the area, will not create a higher per capita demand, and, as in the case of Application No. 2, will result in less water demand than the current land use, water demand increases will be accounted for through the County's water supply planning process with the SFWMD. The current 11.5 to 15.5 mgd that the County has planned and funded will provide water to meet the County's water demands for approximately 2 1/2 years, thus allowing sufficient time for the 20-year CUP to be finalized and the 10-Year Water Supply Workplan to be approved and placed into the CDMP. Therefore the concerns of DCA regarding adequate water supply should not overshadow other planning considerations concerning these applications.

DCA Objection #2: Impact on Public Schools

The potential residential development of Application No. 7 is likely to have an adverse impact on public schools. The county has not demonstrated that there is adequate existing or programmed capacity at vicinity schools for the additional students that would be generated by the proposed changes allowed by these applications.

Pursuant to the interlocal agreement between the School Board and Miami-Dade County, the local government, the developer, and the School Board are to collaborate with options to address the impact of proposed residential development on public schools where the proposed development would result in an increase in the schools' FISH utilization beyond a standard of 115 percent—in this instance, Broadmoor Elementary School and Miami Springs Senior High School. This collaboration on options to mitigate the potential impact on public schools has not taken place.

DCA Recommendation:

Application No. 7 should not be adopted unless and until the applicant, Miami-Dade County, and the Miami-Dade County School Board reach agreement on mitigation for school impacts from the proposed land use amendment.

DP&Z Response:

Applicant No. 7 was in communications with the Miami-Dade County Public Schools (MDCPS) and advised them of a restrictive covenant submitted on February 27, 2006, which excludes residential uses from this site. The MDCPS acknowledged this restrictive covenant and stated in a letter dated March 3, 2006: "If the County accepts this Covenant then the proposed application will not trigger the Interlocal Agreement and as such, a dialogue between the School District and the above referenced applicant is not necessary" (See attached letter). This letter goes on to state that "...if the Covenant is not accepted, it is our recommendation that dialogue between the School District and the above referenced applicant take place as it relates specifically to a public school in the affected area that meets the threshold." Therefore, should the Board of County

Commissioners accept this proposed application and the proffered restrictive covenant, development of the site will not increase the student population in this area.