

**Department of Regulatory and Economic Resources**  
**Response to the State and Regional Reviewing Agency Comments**  
**Miami-Dade County Amendment No. 12-2ESR Addressing the October 2011 Cycle**  
**Applications to Amend the Comprehensive Development Master Plan (CDMP)**

**August 10, 2012**

This report contains the responses of the Department of Regulatory and Economic Resources (Department) to the comments of reviewing agencies, the Florida Department of Education (FDOE) and the Florida Department of Transportation (FDOT), on the October 2011 Cycle applications transmitted for review and comment by the Miami-Dade County Board of County Commissioners. The FDOE issued comments on Application No. 1 by letter dated June 13, 2012 and the FDOT issued comments on Application Nos. 1 and 3 by letter dated July 6, 2012.

In the following presentation, the specific Reviewing Agency comments are presented by application and/or applicable CDMP Element, followed by a response of the Department of Regulatory and Economic Resources. 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 to points made by each reviewing agency.

**FDOT Comment (Application No. 1):**

- *For the Rosal amendment, it is recommended that Miami-Dade County add the proposed SR 924 improvement to the five year scheduled of capital improvements in the Capital Improvement Element. The County should denote the project as “funded” or “unfunded” and prioritize it in accordance with 163.3177(3)(a), F.S. Improvements needed to achieve adopted LOS standards should be included in the five-year schedule even if the projects are privately funded. The Transportation Map series should also be updated to include the SR 924 improvement.*

**Department Response:**

The extension of the existing fourth westbound travel lane on SR 924/NW 119 Street extending from East Golf Drive to West Golf Drive for a distance of approximately 775 feet and proposed eastbound right turn lane(s) for the portion of the property located south of NW 119 Street between West Golf Drive and East Golf Drive, which are needed to ensure Gratigny Parkway will not be deteriorated below its adopted LOS standard have been identified in Figure 6 and Table 5G of the Transportation Analysis Report and included in the proposed Declaration of Restrictions submitted by the applicant in support of the subject application. As recommended by the FDOT, the roadway improvements will be included in the five year schedule of the Capital Improvements Element as privately funded projects. However, the CDMP Adopted 2015 and 2025 Land Use Plan (LUP) map and the Traffic Circulation Subelement map series will not be changed because the LUP map already shows NW 119 Street as Major Roadway (3 or more lanes) and the Traffic Circulation Subelement map series do not show small roadway segments with 3, 5 or 7 lanes.

**FDOT Comment (Application Nos. 1 & 3):**

- *For both the Rosal and the RAM Development Company amendments, the Department's review is contingent on Miami-Dade County's adoption of the proposed Declaration of*

*Restrictions into the Land Use Element. The Department has contacted Miami-Dade County to discuss this and is comfortable with the intent of the County to include the agreements in the comprehensive plan.*

**Department Response:**

If both applications are adopted and the proposed declaration of restrictions accepted by the Board of County Commissioners, the declaration of restrictions will listed in the “Restrictions Accepted by the Board of County Commissioners in Association with Land Use Plan Map Amendments” table be included in the Land Use Element of the CDMP.

**FDOT Comment (Applies to CDMP Land Use Element):**

- *Miami-Dade County should consider revising its comprehensive plan to include maximum floor area ratios and similar standards in its land use descriptions. Per 163.3177(1), F. S., comprehensive plans “shall establish meaningful and predictable standards for the use and development of land and provide meaningful guidelines for the content of more detailed land development and land use regulations.”*

**Department Response:**

The CDMP Land Use Element, “Interpretation of the Land Use Plan Map” section on pages I-25 and I-26, establishes maximum floor area ratios (FAR) for maximum intensities of non-residential development on land designated on the CDMP Adopted 2015 and 2025 Land Use Plan map, except where otherwise provided in the CDMP. Such FAR exceptions are presented for mixed use development on page I-40, for development within urban centers on page I-49, and for the Zoo Miami Entertainment Area future land use category on pages I-52.2 through I-52.4. These FAR provisions are consistent with the requirements of Chapter 163, Florida Statutes. Therefore, there is no need to include FAR standards in each land use category as indicated.

**FDOE Comment (Application No. 1):**

- *The proposal includes three applications, each of which provides for increased residential densities. The data and analysis demonstrates coordination with the Miami-Dade County school district pursuant to the interlocal agreement. The district's analyses indicate that Application 1 has the potential to create a deficit of 17 elementary school level student stations, that school capacity in the area affected by Application 2 appears to be sufficient, and that Application 3 is vested due to the limit on residential development and dedication of a four-acre school site.*

*The amendment would be improved if revised to respond to the analysis of Application 1 by adopting a policy framework to address the effects of the proposed new residential program on public school facilities. Based on local needs and as supported by appropriate data and analysis, the framework could include policies to establish a residential development phasing plan, require dedication of a suitable site for future school development, or include a capital plan to correct anticipated school capacity deficiencies in phase with residential development. Alternately, the county may wish to consider a policy to cap the number of dwelling units at a level that can be supported with school capacity expected to be available to serve the area affected by the development.*

**Department Response:**

Miami-Dade County Public Schools capacity reviews for land use applications are considered planning level reviews, not public school concurrency reviews; therefore, this review does not require the County to deny or approve the application based on school planning level reviews. A school concurrency determination review is required prior to approval of final subdivision plats, sites plans or functional equivalent, a land use plan amendment does not fit into any of these development categories. If at the time of the concurrency determination review, there is not sufficient capacity in the affected or contiguous concurrency service area to address the impact of the proposed development, the following steps shall apply: either (i) the project must provide capacity enhancement sufficient to meet its impact through proportionate share mitigation; or (ii) a condition of approval of the site plan or final plat (or functional equivalent) shall be that the project's impacts shall be phased and building permits shall be delayed to a date when capacity enhancement and level of service can be assured; or (iii) the project must not be approved.

However, in order to address DOE's concern and comments, the Applicant has submitted a revised Declaration of Restrictions restricting the potential residential development on the site from 2,886 to 2,000 dwelling units. The reduction in the number of dwelling units will result in sufficient student station capacity in all school levels to serve the subject application. This modification in the number of residential units requires a new analysis by Miami-Dade County Public Schools.