



STATE OF FLORIDA

# DEPARTMENT OF COMMUNITY AFFAIRS

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CHARLIE CRIST  
Governor

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Secretary

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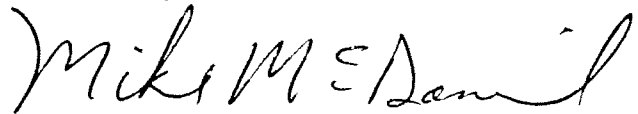
The statute contains an outright prohibition on amendments that increase residential density and does not allow for exceptions. Therefore, the alternative solution quoted above is not a viable option.

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,

A handwritten signature in black ink that reads "Mike McDaniel". The signature is fluid and cursive, with the first name "Mike" and last name "McDaniel" clearly legible.

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

**Objections, Recommendations, and Comments Report**

**for**

**Miami-Dade County Amendment 08-1**

**February 26, 2008**

**I. CONSISTENCY WITH CHAPTER 163, F.S., AND RULE 9J-5, F.A.C.**

The Department has completed its review of the proposed City of Miami Amendment 08PEFE-1 and has the following objections and comments.

**OBJECTION NO. 1: INADEQUATE PLANNING FOR POTABLE WATER SUPPLY**

Proposed Amendments 5, 8, and 9 are not supported by adequate planning for potable water supply.

The proposed future land use changes in Amendments/Applications 5, 8, and 9 all increase the potential demand for potable water from the properties involved. All three applications also require that the County's Urban Development Boundary (UDB) be moved to accommodate the proposed urban uses. According to information provided by the South Florida Water Management District (District) in its report to the Department on Amendment 08-1, the 20-year Consumptive Water Use Permit (CUP) issued by the District to Miami-Dade County in November 2007 was based solely on population projections within the current UDB. The same population projections underlie DCA Table 1 in the settlement agreement between the Department and Miami-Dade County to bring Amendment 06-1 into compliance. DCA Table 1 demonstrates that the County Water and Sewer Department (WASD) will have a sufficient potable water supply to meet the expected demand in its service area out to 2030. The demand estimates were based on population projections for WASD's service area. The information contained in DCA Table 1 was instrumental in the compliance agreement between the Department and County, because it demonstrated that the potable water demands of ordinary growth would be accommodated by the water to be produced from WASD's proposed new alternative water supply sources, which were included in the capital facilities schedule in the Miami-Dade County Capital Improvements Element.

The three proposed UDB amendments, however, are located outside the delineated WASD service area, which was the basis of the water demand projections agreed upon between the District and WASD for the CUP and for DCA Table 1. If this potable water service area is expanded to include the three UDB amendments, it would be expected to have a greater potential population and a greater potential water demand than the existing delineated service area used to provide the basis for the CUP. This greater potential water demand must be matched by an additional planned supply of water. The three UDB amendments fail to identify the new water supply source, nor are the

amendments supported by adequate data and analysis to demonstrate they can be provided an adequate water supply based upon current water sources.

The District, in its report to the Department, also points out that until the new Hialeah Floridan Aquifer reverse osmosis facility goes on-line (4.72 million gallons a day scheduled for 2012), the County has limited “new” water to meet its anticipated growth within the UDB and must rely heavily on water conservation and system savings to avoid a deficit. A portion of the water from this plant is already committed to the City of Hialeah as part of the 2006 settlement agreement between the Department and Miami-Dade County (Case No. 06-2395GM). Therefore, data and analysis to document the availability of water to meet the anticipated municipal growth for the next 5 years is essential to ensure adequate water supply before approving land uses outside the UDB that might compete for the same supply. The District also notes—(1) that the requirements of the limiting conditions within the CUP would need to be met prior to providing water supply to any development(s) outside of the current service area; and (2) that any delays in completing the County’s \$1.6 billion worth of new water and sewer infrastructure projects will cause a shortfall of water supply with respect to projected growth within the existing UDB.

#### *Citations*

Florida Statutes: ss. 163.3161(3); 163.3167(13); 163.3177(6)(a), (c), (d), and (h)1; and 163.3180(2)(a).

Florida Administrative Code: Rules 9J-5.005(2) and (5); 9J-5.006(3)(b)1; 9J-5.006(3)(c)3; 9J-5.011(1)(a) and (f); 9J-5.011(2)(b)2; 9J-5.011(2)(c)1; 9J-5.016(1)(a); 9J-5.016(2)(b), (c), and (f); 9J-5.016(3)(b)1, 3, and 5; 9J-5.016(3)(c)1.d, e, f, and g; and 9J-5.016(4)(a).

#### *Recommendations*

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 6-year schedule of capital improvements of any facilities needed during that time frame.

#### **OBJECTION NO. 2: 10-YEAR WATER SUPPLY FACILITIES WORK PLAN**

The Department objects to Application 13 because the proposed Water Supply Facilities Work Plan (Work Plan) does not identify and evaluate the potable water utilities serving the unincorporated areas of the County, other than the Miami-Dade County Water and Sewer Department (WASD).

In addition, according to the comments received from the South Florida Water Management District, the County’s 10-year water supply facilities work plan and the associated water supply facility improvements listed in the Capital Improvements

Element are not consistent with the projects, programs, and other requirements of the County's Consumptive Use Permit.

The County has not adopted potable water level of service standards for nonresidential uses such as office, industrial, and mixed-use. Such standards would be helpful in assessing future water supply needs for site-specific non-residential land use amendments.

See the attached report from the South Florida Water Management District for additional information concerning these objections.

#### *Citations*

Florida Statutes: Sections 163.3167(13), 163.3177(6)(c), and 163.3177(6)(d)

Florida Administrative Code: Rules 9J-5.003(62); 9J-5.005(3); 9J-5.006(3)(b)1 and (3)(c)3; 9J-5.011(2)(b)1, 2, and 4, (2)(c)2, and (3)(c)1 and 3; 9J-5.013(1)(c) and (2)(b)2; and 9J-5.016(3)(c)4

#### *Recommendations*

Miami-Dade County should revise the Work Plan to include a plan for building water supply facilities, including development and use of alternative and traditional water supply projects and conservation and reuse programs necessary to serve existing and new development for a minimum 10-year period for each potable water utility serving the unincorporated area of the County.

The Work Plan and the CIE should be revised to be consistent with the projects, programs and other requirements of the CUP, as noted in the District's comments.

The County should adopt potable water levels of service standards for non-residential land uses such as office, industrial, and mixed-use.

The County should coordinate with the South Florida Water Management District in preparing its revised Work Plan, in response to the above objections.

### **OBJECTION NO. 3: INTERNAL INCONSISTENCY WITH COMPREHENSIVE PLAN**

Proposed Amendments 5, 8, and 9 are not consistent with the Miami-Dade County comprehensive plan. All three applications request a change of the future land use designation on the property to the Business and Office land use designation on the Miami-Dade County Future Land Use Map. Business and Office allows commercial use and residential use.

The Miami-Dade County comprehensive plan contains policy guidance for moving or expanding the UDB, particularly in Land Use Element Policy LU-8F. Policy LU-8F states that the UDB should contain developable land having capacity to sustain projected countywide residential demand for a period of 10 years after adoption of the most recent Evaluation and Appraisal Report (2003) plus a 5-year surplus (a total 15-year countywide supply beyond the date of EAR adoption, out to 2018). Policy LU-8F

also addresses the adequacy of non-residential land supplies and states that this shall be determined on the basis of land supplies in subareas of the County appropriate to the type of use, as well as the countywide supply within the UDB.

According to the Miami-Dade County comprehensive plan, therefore, demonstrated or calculated need for additional land designated on the FLUM for residential (or commercial) use is a key criterion for expansion of the UDB. If the current supply of vacant land designated for residential inside the UDB is sufficient until 2018, there is no need to move the boundary line; and, in fact, to move the boundary line in order to allow more residential-designated land would be inconsistent with the comprehensive plan, barring a demonstration that the supply of residential land inside the UDB will be depleted before 2018.

The Amendment 08-1 package included analyses by the Miami-Dade County Department of Planning and Zoning (DPZ) of the projected demand for and supply of residential (single-family and multi-family) and commercial land out to 2025, the end of the planning period. In performing this calculation, DPZ projects total countywide population and estimates the rate at which the existing vacant residentially designated land within the UDB is being depleted. DPZ calculates the countywide housing depletion date to be 2019, which is more than 15 years from the date of the last Miami-Dade County EAR (2003). Therefore moving the UDB at the present time for a residential FLUM amendment, as represented by Applications 5, 8, and 9, is not consistent with the Miami-Dade County comprehensive plan.

According to DPZ's supply and demand calculations, there is also no need to expand the UDB in order to add new commercial-designated land, as would be permitted in the proposed Business and Office land use designation for Applications 5, 8, and 9. Therefore, moving the UDB at the present time for a commercial FLUM amendment, as represented by Applications 5, 8, and 9, is also not consistent with the Miami-Dade County comprehensive plan.

Additional policy guidance on expanding the UDB is contained in Policy LU-8G in the Miami-Dade County comprehensive plan regarding what kind of lands should or should not be added to the UDB. Policy LU-8G states that the following areas (among others listed in the policy) shall be avoided: (a) future wetlands delineated in the Conservation and Land Use Elements, and (b) land designated Agriculture on the FLUM.

Regarding Application 5, this site contains wetlands delineated in the Conservation and Land Use Elements of the Miami-Dade County comprehensive plan and therefore should be avoided when considering lands to bring within the UDB, pursuant to Policy LU-8G. Regarding Applications 8 and 9, these sites are currently designated for agriculture on the FLUM and therefore should be avoided when considering lands to bring within the UDB, pursuant to Policy LU-8G.

The Department concludes that expanding the UDB to add the properties represented in Applications 5, 8, and 9 would be internally inconsistent with the Miami-Dade County comprehensive plan.

### *Citations*

Florida Statutes: ss. 163.3177(2), 163.3177(6)(c), and 163.3187(2)

Florida Administrative Code: Rules 9J-5.005(5), 9J-5.006(2)(c), 9J-5.006(3)(b)4, 9J-5.0013(2)(b)3 and 4, and 9J-5.0013(2)(c)3, 5, 6, 9, and 13

### *Recommendations*

Retain the current land use designations and the current UDB location. Alternatively, provide data and analysis which demonstrates that the proposed land use and text amendments are consistent with Land Use Element Policies LU-8D, LU-8E, LU-8F, and LU-8G and with Chapter 163, F.S., and Rule Chapter 9J-5, F.A.C.

### **OBJECTION NO. 4: FAILURE TO IMPLEMENT SCHOOL CONCURRENCY**

Pursuant to s. 163.3177(12)(i), F.S., the Department of Community Affairs established a schedule for local governments to adopt the Public School Facilities Element and the required updates to the public schools interlocal agreement. For Miami-Dade County, the date established by the Department was 1 January 2008. Miami-Dade County has not adopted its revised public school facilities element or executed the updated public schools interlocal agreement with the Miami-Dade County School Board. Therefore, pursuant to s. 163.3177(12)(j), F.S., the County is prohibited from adopting amendments to its comprehensive plan which increase residential density until the necessary school amendments have been adopted and transmitted to the Department.

This prohibition applies to Applications 1, 3, 5, 6, 8, and 9 in the Amendment 08-1 package. The County may not adopt these amendments until it adopts the updated Public School Facilities Element, enters into the public schools interlocal agreement, and makes any other changes needed in the comprehensive plan to implement public school concurrency.

### *Citations*

Florida Statutes: Sections 163.3177(12)(i) and (j)

Florida Administrative Code: Rules 9J-5.025(2), (3)(b)1, 2, 3, and (3)(c)7 and 9

### *Recommendations*

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 on Public Schools prior to adopting these amendments or provide appropriate data and analysis demonstrating that the County has adequately 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.

## **OBJECTION NO. 5: IMPACT ON TRANSPORTATION FACILITIES**

The Department objects to Applications 5, 8, and 9 because the County fails to coordinate the transportation system with the proposed future land use map changes and ensure that proposed population densities, housing and employment patterns, and land uses are consistent with the transportation modes and services proposed to serve these areas. The amendments do not demonstrate that adopted level of service standards will be maintained through the 5-year planning time frame with the development allowed in the proposed land use changes. The Department notes and supports the report submitted by the Florida Department of Transportation (FDOT), which recommended objections to Applications 5, 8, and 9.

Regarding Application 5, the amendment package contains inconclusive data and analysis regarding its impacts on vicinity roadways. Roadway capacity on SW 8 Street/SR 90 appears to be too high, and the peak season volumes on SW 8 Street/SR 90 appear to be too low based on a determination of the existing conditions. The revised existing trips and capacity calculations on SW 8 Street/SR 90 are likely to result in LOS E instead of LOS C as shown in the traffic study. The FDOT stated that it disagrees with the statement in the traffic study related to the potential of the new Lowe's to absorb shopping trips to similar uses. The FDOT stated that it does not have improvement projects programmed in the 5-year work program in the vicinity of this application.

Regarding Application 8, the FDOT objected to the forecasted data presented in the traffic study. The 2016 projected traffic on SW 88 Street/Kendall Drive/SR 94 to the east of SW 157 Avenue is stated in the amendment package to be less than the existing traffic counts. Additionally, there appear to be significant impacts to Krome Avenue, an FHHS roadway. The review should analyze the impacts to Krome Avenue based on its existing capacity as a 2-lane facility. The additional trips from this development are likely to result in Krome Avenue reaching LOS F (between SW 88 Street to SW 232 Street) versus the LOS C projected in the traffic study. The FDOT does not have improvement projects programmed in the 5-year work program on Krome Avenue south of SW 88 Street.

Regarding Application 9, the FDOT objected to the data presented in the traffic study. According to the FDOT review of this study, there appear to be significant impacts on FHHS roadways such as Krome Avenue and the Homestead Extension of the Florida Turnpike as the result of the proposed development. The number of residential units and the square footage of retail area appear to deviate substantially from the Miami-Dade DPZ analysis.

### *Citations*

Florida Statutes: Sections 163.3161(3) and 163.3177(3), (6)(a), and (6)(j)5

Florida Administrative Code: Rules 9J-5.005(2); 9J-5.006(2)(a); 9J-5.006(3)(b)1 and (3)(c)3; 9J-5.016(2), (3)(b)1, 3, 4, (3)(c)6, 8, and (4); 9J-5.019(2); 9J-5.019 (3)(a), (f), and (h); 9J-5.019 (4)(b)2, (4)(c)1, and (4)(c)13; and 9J-11.007(1)



### *Recommendations*

For Application 5, coordinate with the Department and FDOT to provide the necessary data and analysis to enable a determination of the effect of the development allowed by Application 5 on vicinity roadways. Review the roadway capacity on SW 8 Street/SR 90 and the peak season volumes on SW 8 Street/SR 90, noting the FDOT critical comments on this information in the amendment package. Coordinate with FDOT to review and revise as necessary in the supporting traffic analysis the ability of the proposed use on the Application 5 site to absorb vehicle trips from nearby shopping establishments.

For Application 8, coordinate with the Department and FDOT to provide the necessary data and analysis to enable a determination of the effect of the 2016 projected traffic on SW 88 Street/Kendall Drive/SR 94 to the east of SW 157 Avenue. Provide the necessary data and analysis to enable a determination of the effects of development of Application 8 on Krome Avenue, based on its existing capacity as a 2-lane facility. Coordinate with the FDOT regarding its statement that the additional trips from the development of Application 8 are likely to result in Krome Avenue between SW 88 Street to SW 232 Street reaching LOS F versus the LOS C projected in the traffic study. Revise the traffic study as necessary.

For Application 9, coordinate with the Department and FDOT to provide the necessary data and analysis to enable a determination of the effect of development of Application 9 on FIHS roadways such as Krome Avenue and the Homestead Extension of the Florida Turnpike. Revise the traffic study to analyze SW 88 Street/Kendall Drive/SR 94, west of SW 157 Avenue, as a 4-lane facility, not a 6-lane facility, pursuant to the FDOT recommendation.

For Applications 5, 8, and 9, demonstrate how the County will achieve and maintain its adopted level of service standards through the 5-year and 10-year or greater planning time frames, including the incorporation into the 6-year capital improvements schedule in the Capital Improvements Element of roadway improvements needed to achieve and maintain adopted level of service standards during the 5-year planning time frame. The schedule shall include estimated public facility costs, including a delineation of when facilities will be needed, the general location of the facilities, and projected revenue sources to fund the facilities. Depict on the Land Use Plan Map and in the Transportation Element the roadway improvements needed to achieve and maintain adopted LOS standards because of the development allowed by Applications 5, 8, and 9, in order for these applications to be consistent with the CDMP.

### **OBJECTION NO. 6: AVIATION MASTER PLANS**

Application 14 comprises three parts. Part 1 is a FLUM change for 420 acres from Terminals to Open Land in order to permit rock mining at the decommissioned Opa-Locka West Airport in northwestern Miami-Dade County. Part 2 of Application 14 contains numerous changes to the Aviation Sub-Element of the Transportation Element which are intended to improve the existing descriptions of the Opa-Locka, Miami International, Kendall-Tamiami, and Homestead airports so that they may

qualify as airport master plans under s. 163.3177(6)(k), F.S. Part 3 revises the Land Use Element to provide for internal consistency with the Part 2 revisions in the Aviation Sub-Element.

The Department objects to Part 2 in Application 14 because it does not comply with the requirements in s. 163.3177(6)(k), F.S. The Department does not object to Parts 1 and 3.

Pursuant to s. 163.3177(6)(k), F.S., a qualified adopted airport master plan that has been incorporated into the local comprehensive plan and aviation-related development that has been addressed in the comprehensive plan amendment that incorporates the airport master plan is exempt from Development of Regional Impact (DRI) review. In order to qualify for this exemption, the adopted airport master plan must address land use compatibility consistent with Chapter 333, F.S., regarding airport zoning; the provision of regional transportation facilities for the efficient use and operation of the transportation system and airport; consistency with the local government transportation circulation element and applicable metropolitan planning organization long-range transportation plans; and the execution of any necessary interlocal agreements for the purposes of the provision of public facilities and services to maintain the adopted level of service standards for facilities subject to concurrency.

After reviewing the proposed airport master plans against the requirements of s. 163.3177(6)(k), F.S., the Department concludes that the master plans for Miami International Airport, Kendall-Tamiami Executive Airport, and Homestead General Airport do not meet the requirements in s. 163.3177(6)(k), F.S. They are not supported by appropriate data and analysis indicating the impact of the proposed airport development on public facilities and services and do not establish the necessary mitigation to ensure that adopted public facility level of service standards will be maintained, and any associated public facility improvements that may be required to maintain adopted level of service standards. In addition, none of the three airport master plans demonstrates consistency with the Miami-Dade Metropolitan Planning Organization's long-range transportation plan, as required by s. 163.3177(6)(k), F.S.

The Department notes and supports the objection from the South Florida Regional Planning Council that the proposed Miami International Airport Master Plan is inconsistent with the adopted Miami International Airport Development of Regional Impact (DRI). Specifically, the airport master plan identifies several areas for non-aviation commercial/industrial use. The development of privately owned non-aviation uses (hotel, office, industrial, agricultural and retail) on airport property is not authorized by the DRI development order. Therefore, since the impacts were not addressed during the DRI review, additional data and analysis beyond what was presented during review of the Miami International Airport Application for Development Approval must be provided to determine the public facilities and roadway impacts of the proposed non-aviation uses.

The proposed revised Opa-Locka Airport Master Plan comes closer than the other three airport master plans to meeting the requirements of s. 163.3177(6)(k), F.S.; however, it also does not demonstrate consistency with the Miami-Dade Metropolitan Planning Organization's long-range transportation plan and is therefore objectionable.

The Department also objects to the Opa-Locka Airport Master Plan because, as noted by the South Florida Regional Planning Council in its report on Application 14, it fails to provide for any intergovernmental coordination between the Miami-Dade County Aviation Department and the City of Opa-Locka, which includes approximately one-third of the airport area within its city limits. Neither Figure 4 nor the color map of the Opa-Locka Airport in the airport master plan depict the Opa-Locka municipal boundary.

#### *Citations*

Florida Statutes: Sections 163.3177(6)(h), (i), and (k) and (7)(b)

Florida Administrative Code: Rules 9J-5.015(b)1, (c)1, 5, 7, and 11; 9J-5.019(3)(d), (e), and (f), (4)(b)7, 8, and 9, (4)(c)14, 17, 18, 19, 20, 21, and (5)

#### *Recommendations*

For the Miami International Airport, Kendall-Tamiami Executive Airport, and Homestead General Airport master plans, provide appropriate data and analysis indicating the impact of the proposed airport development on public facilities and services, the necessary mitigation to ensure that adopted public facility level of service standards will be maintained, and any associated public facility improvements which may be required to maintain adopted level of service standards. Required public facility capital improvements will need to be incorporated in the schedule of capital improvements in the adopted Capital Improvements Element.

In addition, for the Miami International Airport Master Plan, provide additional data and analysis to determine the public facilities and roadway impacts of the proposed non-aviation uses which were not authorized by the DRI development order.

For the Opa-Locka Airport Master Plan, include policies describing intergovernmental coordination with the City of Opa-Locka and include in the master plan a map or maps which depict the portion of the airport within the Opa-Locka municipal boundary. Revise the airport master plan to demonstrate its consistency with the Miami-Dade Metropolitan Planning Organization's long-range transportation plan.

#### **OBJECTION NO. 7: DESIGNATION OF REGIONAL ACTIVITY CENTER**

The Application No. 3 site is proposed for a future land use change from Industrial and Office (38 acres) and Business and Office (16 acres) to Business and Office for the entire 54 (net) acres and to be designated as a Chapter 380 Regional Activity Center. The amendment would also add to the adopted table of restrictive covenants in the Miami-Dade County comprehensive plan a covenant which would set limits on type and amount of development and peak hour trips from the subject property; however, this restrictive covenant is not yet adopted.

A Regional Activity Center is defined under Rule 28-24.014(10), F.A.C., as a compact, high intensity, high density multi-use area designated as appropriate for intensive growth by the local government of jurisdiction and may include: retail; office; cultural,

recreational and entertainment facilities; hotels and motels; or appropriate industrial activities.

Should the County determine to adopt this application, the adopting amendment would have to designate the site as a Regional Activity Center and as appropriate for intensive growth. The material submitted with the amendment package contains a proposed revision of the section of the Miami-Dade County comprehensive plan which defines and lists the Regional Activity Centers in the County, to include the subject property. If the plan is amended as recommended, this condition would be satisfied. Most of the other criteria in Rule 28-24.014(10), F.A.C., for designation of a Regional Activity Center would be satisfied by the amendment if adopted as proposed, including the proffered restrictive covenant.

There is one criterion in Rule 28-24.014(10), F.A.C., however, which is not satisfied by the amendment as proposed, according to the data and analysis provided by Miami-Dade County DPZ in the amendment package. The particular criterion is that the Regional Activity Center shall contain adequate existing public facilities as defined in Chapter 9J-5, F.A.C., or committed public facilities, as identified in the Capital Improvements Element of the local government comprehensive plan. According to Miami-Dade County DPZ, there are not currently sufficient public facilities and services to serve the proposed development in the RAC – particularly vicinity roadways. DPZ's analysis (see page 3-2 in the "Initial Recommendations" in the 08-1 Amendment package), submitted with the amendment, states that proposed development's additional vehicle trips will contribute to deterioration of two vicinity roadway segments (NW 12 Street between the HEFT and NW 107 Avenue and from NW 107 Avenue to NW 97 Avenue) to below their adopted LOS standards.

Fifty-five other vicinity roadway segments are predicted to drop below their adopted LOS standards by 2015, with or without the vehicle trips from Application 3 (page 3-25 of the "Initial Recommendations" document in the 08-1 Amendment package). Of these, the following segments predicted to fail by 2015 will be significantly affected (5 percent or more of the adopted PM peak-hour level of service standard volumes) by the maximum development of the Application 3 property:

NW 58 Street, from NW 87 Avenue to NW 97 Avenue  
NW 41 Street, from the HEFT to NW 122 Avenue  
NW 25 Street, from NW 87 Avenue to NW 97 Avenue  
NW 12 Street, from SR 826 to NW 107 Avenue  
Dolphin Expressway, from the HEFT to SR 826  
West Flagler Street, from NW 79 Street to SR 826  
SW 8 Street/Tamiami Trail, from the HEFT to SW 127 Avenue  
NW 87 Avenue, from NW 25 Street to SR 836  
NW 97 Avenue, from NW 58 Street to NW 41 Street  
NW 97 Avenue, from NW 25 Street to West Flagler Street  
NW 107 Avenue, from NW 25 Street to West Flagler Street  
HEFT, from SR 836 to SW 40 Street  
NW 122 Avenue, from NW 41 Street to NW 25 Street  
NW 122 Avenue, from SW 8 Street to SW 26 Street  
NW/SW 132 Avenue, from NW 12 Street to SW 18 Street

This condition for designating a Regional Activity Center is therefore not satisfied, because mitigation for impacts to these roads has not been addressed.

The Department concludes that the proposed Application 3 does not satisfy all of the criteria for designation as a Chapter 380 Regional Activity Center because it has not been demonstrated that the Regional Activity Center will contain adequate existing public facilities as defined in Chapter 9J-5, F.A.C., or sufficient committed public facilities, as identified in the Miami-Dade County Capital Improvements Element.

The Department objects to the proposed future land use change to Business and Office for the entire site and to its designation as a Regional Activity Center, because of the potential impacts on the vicinity transportation system.

#### *Citations*

Florida Statutes: Sections 163.3161(3) and 163.3177(3), (6)(a), and (6)(j)5

Florida Administrative Code: Rules 28-24.014(10); 9J-5.005(2); 9J-5.006(2)(a); 9J-5.006(3)(b)1 and (3)(c)3; 9J-5.016(2), (3)(b)1, 3, 4, (3)(c)6, 8, and (4); 9J-5.019(2); 9J-5.019 (3)(a), (f), and (h); 9J-5.019 (4)(b)2, (4)(c)1, and (4)(c)13; and 9J-11.007(1)

#### *Recommendations*

The impacts on level of service on vicinity roadways identified by Miami-Dade County DPZ for Application 3 must be addressed. The Department observes that the applicant for Application 3 submitted a traffic analysis which demonstrates that acceptable levels of service are maintained on vicinity roads with the proposed development. Miami-Dade County DPZ stated in the amendment package that although it did not agree with the applicant's analysis, it was willing to work with the applicant to resolve the discrepancies between the two traffic analyses. The Department recommends that the discrepancies in the different traffic analyses be resolved. If, after this is done, there remain adverse impacts on level of service on vicinity roadways, the amount of development must be reduced or additional road improvements must be included in the 6-year schedule of capital improvements to mitigate the impacts.

## **II. CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN AND STRATEGIC REGIONAL POLICY PLAN**

### **STATE COMPREHENSIVE PLAN**

The above cited amendments do not further and are not consistent with the following goals and policies of the State Comprehensive Plan (Chapter 187, Florida Statutes):

Water Resources Goal and Policies 1, 2, 5, 8, 9, 10, 11, and 14  
Natural Systems and Recreational Lands Goal and Policies 5, 8, 9, 10, and 11  
Land Use Goal and Policies 1, 2, and 6  
Urban and Downtown Revitalization Goal and Policies 6, 8, 9, 12, 13 and 15  
Public Facilities Goal and Policies 1, 2, 7, and 10

Transportation Goal and Policies 2, 3, 7, 8, 9, 12, 13, and 15  
Economy Policy 3  
Agriculture Goal and Policy 5  
Plan Implementation Goal and Policies 7 and 8

### *Citations*

Florida Statutes: Section 163.3184(1)(b) and Chapter 187

Florida Administrative Code: Rules 9J-5.001(1) and 9J-5.006(5)(a)

### *Recommendation*

Revise the amendment to be consistent with and further the referenced goals and policies of the State Comprehensive Plan. This may be accomplished by revising the amendment as recommended for the specific objections above.

## **CONSISTENCY WITH STRATEGIC REGIONAL POLICY PLAN**

The South Florida Regional Planning Council objects to Application 5 because it is not supported by adequate justification for expanding the UDB. It would allow for expansion of the UDB in an area that is identified in the Conservation Element of the Comprehensive Development Master Plan (CDMP) as an area to be avoided when considering UDB expansion. It would adversely affect the roadway system and public services in Miami-Dade County. Therefore, Application 5 is not consistent with the Strategic Regional Policy Plan. It would conflict with Goal 11 (conserve the region's natural resources and rural and agricultural lands by utilizing existing and planned infrastructure in urban areas), Goal 20 (achieve long-term efficient and sustainable development patterns), Policy 11.10 (base development decisions on capacity of existing or programmed infrastructure), and Policy 20.2 (guide development to areas that are most suited for development) of the Strategic Regional Policy Plan.

The Regional Planning Council objects to Application 9, because the amendment as proposed would have significant negative impacts on public facilities and services including transportation, schools, and fire/rescue services. In addition, adequate justification for expanding the UDB has not been presented. Proposed amendment 9 conflicts with Goal 5 (school overcrowding), Goal 7 (conserve water resources), Goal 11 (conserve the region's natural resources), Goal 12 (retain rural and agricultural lands), and Goal 20 (achieve long-term sustainable development patterns) and Policies 5.1, 5.3, 7.1, 11.10, 12.6, and 20.2 of the Strategic Regional Policy Plan.

The Regional Planning Council also objects to Application 14, part 2, the Opa-Locka Airport Master Plan, because of its failure to provide for any intergovernmental coordination between Miami-Dade County Aviation Department and the City of Opa-Locka, which includes a portion of the airport within its city limits. The Council notes, in particular, that Figure 4 and Figure 8 in the proposed amendment omit the Opa-Locka municipal boundary. The Council also notes that the Part 2 amendment lacks adequate data and analysis to demonstrate consistency with the Miami-Dade MPO's long-range transportation plan, as required by Section 163.3177(6)(k), Florida Statutes. The proposed Opa-Locka Airport Master Plan conflicts with Goals 11

(conserve the region's natural resources), Goal 20 (achieve long-term sustainable development patterns), and Goal 21 (intergovernmental coordination) and Policies 11.10, 11.12, 20.8, 20.11, 21.2 and 21.5 of the Strategic Regional Policy Plan.

The Regional Planning Council also objects to the proposed development plan shown on the Miami International Airport Master Plan (Figure 11 in the amendment package) because it is inconsistent with the adopted Miami International Airport Development of Regional Impact (DRI). Specifically, the Airport Master Plan identifies several areas for non-aviation commercial/industrial use. The development of privately owned non-aviation uses (hotel, office, industrial, agricultural and retail) on airport property is not authorized by the DRI development order. Therefore, since the impacts were not addressed during the DRI review, the Council recommends that additional data and analysis be provided to determine the public facilities and roadway impacts of the proposed non-aviation uses. The proposed Miami International Airport Master Plan conflicts with the Goal 11, Policy 11.10, and Policy 11.12 of the Strategic Regional Policy Plan for South Florida.

#### *Citations*

Florida Statutes: Sections 163.3184(1)(b) and 163.3184(5)

Florida Administrative Code: Rules 9J-5.001(1) and 9J-5.006(5)(a)

#### *Recommendations*

Revise the amendment to be consistent with and further the referenced goals and policies of the Strategic Regional Policy Plan for South Florida.

### **III. COMMENTS**

Application 13: Changes to schedule of capital improvements in CIE. The Department recommends that the County incorporate the changes recommended by the South Florida Water Management District in its report on Amendment 08-1, regarding the Capital Improvements Element update.

Application 14, Part 1: Pursuant to a comment from the Florida Department of Environmental Protection, the Miami-Dade County Aviation Department should coordinate with the South Florida Water Management District to determine if the proposed mining activities at the Opa-Locka West Airport site would conflict with the construction or operation of the District's ACCELER8 project.

Application 14, Part 2: Aviation master plan for Opa-Locka Airport. The Department notes the comment from the Florida Department of Transportation, that the Opa-Locka Airport amendment may have an impact on NW 57 Avenue/SR 823 and on the interchange of NW 57 Avenue with the Palmetto Expressway/SR 826. The Department recommends that the Miami-Dade County concurrency management system should identify any improvements necessary to mitigate for the impacts of the project which are not already included in the Long Range Transportation Plan.