



V I L L A G E O F K E Y B I S C A Y N E

Office of the Village Manager

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Village Manager
Jacqueline R. Menendez

DT: November 22, 2006
TO: Honorable Mayor and Village Council
FR: Jacqueline R. Menendez, Village Manager
RE: Evaluation and Appraisal Report: Proposed Responses to Comments from the South Florida Regional Planning Council

RECOMMENDATION

It is recommended that the Village Council approve the proposed responses to the South Florida Regional Planning Agency's (SFRPC) findings with regard to the Evaluation and Appraisal Report (EAR). The SFRPC's findings and Wallace, Roberts, and Todd's (WRT) responses are provided in the attached November 17, 2006 memorandum.

NEXT STEPS

Once the Council determines how to address each of the SFRPC's comments, WRT will redraft the EAR. Staff will then prepare a resolution for consideration by the Council which approves the changes to the EAR. This resolution and the approved amendments will be sent to the SFRPC. Following approval by the SFRPC, staff will then prepare amendments to the Master Plan for consideration by the Council. It is expected this process will span 9-12 months.

ANALYSIS

The below chronology outlines the progress the Village has made towards obtaining the approval of our Evaluation and Appraisal Report.

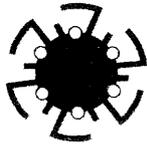
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| Sept 8, 2006 | The Village received comments from the SFRPC regarding the EAR. |
| Nov 10, 2006 | WRT submits a draft of proposed responses for consideration by the SFRPC. |
| Nov 17, 2006 | The SFRPC approves each of the draft responses. |

The SFRPC'S most significant comment relates to the 6.2 acre shortfall in Recreation and Open Space. Based on our Master Plan standard of 1 acre for every 2500 residents, the Village has a deficit of 6.2 acres of Recreation and Open Space land. As our permanent

population increases, the deficit in Recreation and Open Space land will continue to grow. We are required to provide this land or amend the Master Plan in a manner that will result in the Village meeting a locally adopted standard. Pursuant to State Law, the Village cannot issue a building permit for any building that adds residential units. If the Village does not address this issue, then the Village will be in violation of State Law.

WRT has recommended two approaches to the deficit in Recreation and Open Space. The first is to lower the standard to approximately 1.95 acres per 1000 residents. The second approach is to change the method to calculate the amount of Recreation and Open Space land that is desired by the Village. For example, the Village Green could receive a higher or weighted score than smaller parkland or the beach could be counted as parkland. Whichever approach the Council selects, our Master Plan must be amended.

The SFRPC also commented on the following subjects: Affordable Housing, Water Supply Planning, Traffic Circulation, Access to Waterfronts and Waterways, Capital Improvement Planning, and consistency with the SFRPC's Strategic Plan Goals. WRT's draft responses to these comments were found to be satisfactory by the SFRPC.



MEMORANDUM

DATE: November 17, 2006

TO: Lindsey Withrow, Wallace Roberts & Todd
Silvia E. Vargas, Wallace Roberts & Todd

FROM: Terry Manning

SUBJECT: Comments on Key Biscayne EAR Insufficiency Response

Please find below comments on the Village's proposed responses to resolve EAR Insufficiency issues. So there is no confusion, I have included your response then followed it with our comment on each issue. In general, I believe that because the Village is small, essentially built-out, and is entirely within a coastal high hazard area the approaches outlined below to respond to the insufficiency comments will address the issues. You may want to contact Phil Shafer at the Florida Department of Community Affairs to see if he has any additional concerns or comments.

If you have any questions or need additional information, please let me know.

I. Recreation and Open Space Level of Service

A. WRT Recommendation: Address the current deficiency of 6.2 acres, required to meet the needs of the existing Village population of approximately 11,160, with one of two options:

- The Village may choose to add the public beach, or a portion thereof, to the calculation of LOS in order to meet the adopted threshold. There are roughly 20 acres of public beach along the Village's east coast. A strip adding up to 6.2 acres would be needed to reach the current 2.5 ac/1000 person LOS. On the other hand, including the entire extent would double the current LOS from 1.96 ac/1000 to 3.7 ac/1000, far exceeding the future demand based on a projected build-out population of 11,425 in 2025.
- Instead of trying to meet the current LOS, the Village may also choose to lower the adopted threshold to a level that satisfies today's need (about 1.95 ac/1000), or to adopt a different method to calculate LOS based on facility types, as shown in Table 1.

SFRPC Response: Either of the two recommendations to address the Recreation and Open Space Level of Service (LOS) deficiency would resolve the issue.

B. WRT Recommendation: To *maintain* concurrency over the 10-year planning horizon, the Village, in addition to one of the above-described options, should consider adopting the following policies:

- Require any future development proposed in the Village that generates additional population—and therefore demand for open space and recreation—to provide public open space on- or off-site in the amount necessary to serve the demand created by the projected population increase; or require a fee-in-lieu in an equivalent amount to offset the additional projected demand.

- Continue to pursue a formal joint-use agreement with the Presbyterian Church, similar to its present agreement with Saint Agnes Catholic Church, for the use of recreational facilities by residents. The acreage covered by the agreement on the Presbyterian Church property would then be eligible for inclusion in the Village's calculation of LOS.

SFRPC Response: The recommendations would strengthen the Recreation LOS and resolve the issue.

II. Affordable Housing

WRT Recommendation: The Village should consider adding the following policies to the Comprehensive Plan:

- The Village shall recognize federal, state, and local housing subsidy programs as means to provide housing opportunities for low-income persons and families, where appropriate.
- The Village Director of Building, Zoning and Planning, or other Village representative directed by the Village Manager, shall meet with Miami-Dade County and the City of Miami to draft a program for annual evaluation of affordable housing needs within the incorporated and unincorporated areas. The program shall include annual assessments and recommended actions for the ensuing year.
- The Village shall participate in South Florida Regional Planning Council's initiatives directed toward educating local governments of new techniques, especially programs applicable to the region and/or the county, for promoting affordable housing.

Additional actions that the Village may wish to consider include: (a) evaluating the establishment of an affordable housing fee that could be deposited into some type of affordable housing trust fund, and used in partnership with Miami-Dade County or the City of Miami (via interlocal agreements) to fund affordable housing programs and projects in Miami-Dade or the City of Miami; and (b) strengthening policies in the Housing and Land Use elements to provide land use designations and zoning districts such that they ensure the development of diverse housing types to serve the needs of the local population, including single family, duplex, and multi-family units.

SFRPC Response: The recommendations would resolve the issue.

III. Changes in Florida Growth Management Laws

WRT Recommendation: The EAR will be updated based on feedback from the Village Council regarding the following recommendations made by WRT.

A. Water Supply Planning

WRT Recommendation: WRT recommends that the Village further clarify its proposed approach to maintaining an adequate supply of potable water to serve the 2025 build-out population and beyond. This includes both coordination methods with other government agencies and exploration of alternative water supply sources. In order to satisfy new water supply concurrency standards instituted by DCA, SFWMD, and Miami-Dade County, the Village should consider adopting policies that accomplish the following:

- Update the Village Comprehensive Plan within 18 months of the South Florida Water Management District updating its regional water supply plan, highlighting the alternative water supply projects that the Village plans to adopt. These changes will constitute the Village's "Work Plan Amendment," a requirement for all local governments that are subject to a regional water supply plan. The Work Plan Amendment will address both MDWASA plans as well as Key Biscayne's own water infrastructure needs.

- Seek and obtain from MDWASA a written statement regarding the availability of water to serve all proposed development projects. MDWASA shall provide information about current demand, including capacity for approved projects not yet built; the amount of water necessary to meet the growth projections for the year; the amount of water withdrawals allowed and remaining through the consumptive use permit issued by the water management district; the capacity of available facilities; and any capital improvement projects scheduled to come online during the development frame of the project.
- Set benchmarks to measure the Village's progress engaging in water supply intergovernmental coordination. Add policies to establish a single-point-of-contact at the SFWMD and MDWASA, and the extent to which the Village will be involved in the planning, financing, construction and operation of the water supply facilities that will serve the community (regardless of ownership).
- Verify with MDWASA the availability of water before making changes to the Future Land Use Map.

To complement these policies, WRT also recommends that the Village adopt policies geared toward achieving water conservation, such as using graywater water for irrigation of the Village Green and other publicly landscaped areas; and amending the land development regulations to allow and incentivize the use of water conservation design and technologies in new development, including low-flow plumbing fixtures, green roofs and cisterns, and the use of rain sensors and graywater for landscape irrigation systems.

SFRPC Response: The recommendations would resolve the issue.

B. Traffic Circulation Element

WRT Recommendation: WRT has recommended that the Village consider adopting an amendment to change the Traffic Circulation Element to the Transportation Element and adding the following policies to this new Element.

- Transportation maps shall be updated every three years to depict the road system in accordance with the specifications in 9J-5.019.
- Coordinate the transportation system with the future land use map to ensure existing and proposed densities, housing patterns, and employment patterns, and land uses are consistent with the transportation modes and services in the Village.
- Establish numerical indicators against which the achievement of the mobility goals of the community can be measured.
- Conduct a study to determine the feasibility of providing public transit such as a Village tram, including identification of potential routes, users, and annual operating costs.

SFRPC Response: The recommendations would resolve the issue.

C. Working Waterfronts

WRT Recommendation: The EAR will be updated to clarify that the Village has no "working waterfronts" as defined in HB 955 (Chapter 2005-157). Concerning the issue of public access to waterfront and waterway areas, the previously described list of capital improvement projects generated during the Vision Plan process (see Recreation and Open Space Level of Service section) includes several that are specifically intended to enhance access and waterfront recreation throughout the Village, including: a new view corridor to Biscayne Bay, an overlook to Pines Canal, new waterfront neighborhood parks, and beach walkway improvements. These projects will be reviewed by the Village Council at a November 2006 workshop and added to the Comprehensive Plan as amendments, as appropriate.

SFRPC Response: The recommendations would resolve the issue.

IV. Capital Improvements Planning

A. Past Capital Improvements Planning

WRT Recommendation: Public facility needs projections for the past planning period will be added to the report in section 2f, *Infrastructure Levels of Service*. In all cases, except Parks and Recreation, the Village met its adopted LOS in 1995 and continues to meet it today. Recommendations to the Village to remedy the deficiency in Parks and Recreation LOS have been addressed earlier in this memorandum, in the Recreation and Open Space Level of Service.

In regard to transportation LOS, there were no deficient roadways at the time the plan was adopted in 1995; there were no previous EAR reviews and consequently no previous EAR-based amendments.

Potential solutions to the “weaknesses” and “threats” identified during the SWOT Analysis (the results of which are displayed on pages 22 through 24) were proposed and examined during subsequent steps of the Visioning Process. Several of these projects are included in the Vision Plan as part of the proposed capital projects list.

- **Pedestrian, bike, and golf cart provisions:** The proposed capital projects include provision of golf cart access and parking at the Village Green. The consultants working on the Landscape Master Plan have incorporated this element into their design. In addition, the proposed Landscape Master Plan will recommend golf cart access and parking at the Village Beach Park and additional bike parking at the Village Green to enhance the alternative transportation network and create opportunities for reducing automobile trips.
- **Traffic calming:** When the Vision Plan process was conducted, the Village was in the midst of the first phase of the Crandon Park Master Plan Project, which included the refurbishment of sidewalks, pedestrian signalization, a traffic roundabout, and the addition of street trees, bus shelters, bike lanes, and on-street parking adjacent to the Village Green.
- **Infrastructure:** The Vision Plan proposes to bury overhead utilities to reduce the chance of outages due to weather events, and to fix drainage problems on Buttonwood Drive, Woodcrest Lane, and Glenridge Drive.

In September 2006, the Village Council approved the FY07 budget with a line item for Vision Projects of \$1,110,764 and will discuss how to allocate this money to a prioritized list of projects at a workshop in November 2006. Following this workshop, the Village Council will be requested to formally adopt the 2020 Vision Plan.

SFRPC Response: The recommendations would resolve the issue.

B. Future Capital Improvements Planning

WRT Recommendation: Following the advice of David Dahlstrom of the SFRPC, WRT has recommended that the Village:

- Provide and include its most recently adopted Annual Capital Improvements Plan (CIP) in the EAR.
- Adopt a policy with a specific timeline (e.g., by FY 07-08) for shifting from its current yearly CIP to a 5-year CIP, as well as policies establishing the criteria for updating and prioritizing projects within the CIP tied to concurrency requirements.

- Consider establishing policies for implementing Vision Plan projects that, once approved, will address residents' concerns raised during the SWOT exercise (recounted on pages 22-24 of the EAR) of the Vision Plan process.

When the Vision Plan was presented to Council last year and it was "embraced," staff were requested to schedule a workshop to review each project. The workshop will be held after the election in November 2006. The Director of Planning and Zoning anticipates that the workshop will result in a Five-Year Capital Improvement Plan with projects and funding sources listed for each year. In the past, the Village planned projects on a year-to-year basis with funds that were not spent from the previous year. This year, due to an unexpected high increase in property assessments, the Council was able to fund projects for this year from the FY 06-07 budget. This is the first step in moving towards a Five-Year Capital Improvement Budget.

Several of the items in the Village Capital Improvements Plan were generated during the Visioning Process and directly relate to concerns raised about recreation, storm drainage problems, and poor road maintenance. Proposed recreational projects include the development of the baseball/soccer field, parking lot, and tennis courts in Calusa Park; nature trails that connect the north portion of the Village with Calusa Park; four neighborhood parks; additional lighting for the Village Green; an outdoor seating deck on the Village Green, enhanced landscaping throughout the Village; view corridors with seating areas, enhanced landscaping, and a plaza on Pines Canal and Hacienda Canal; and Bayfront Park on Harbor Drive. The Village plans to make stormwater drainage improvements to the 100 block of Button wood Drive, Woodcrest Lane from Heather Drive to West McIntyre Street, and on Glenridge Road from Heather Drive to West McIntyre Street. Key Biscayne is planning road improvements such as a street lighting master plan, enhanced landscaping throughout the Village, landscaped buffers from sidewalk to wall on portions of Fernwood Road, new sidewalks on portions of West McIntyre Street, Glenridge Road, and Ridgewood Drive, and new stop signs."

SFRPC Response: The recommendations would resolve the issue.

V. Outmoded Dates

WRT Recommendation: The EAR will be updated to recommend amending *all* objectives and policies that have outmoded dates and whose status is either "in progress" or "implemented: *ongoing*."

SFRPC Response: The recommendations would resolve the issue.

VI. SFRPC's Strategic Regional Plan Goals Evaluation

WRT Recommendation: This was an inadvertent omission from the text of the document. The document has been updated to include the complete analysis of the South Florida Regional Planning Council's Strategic Regional Policy Plan, including Goals 14-22.

SFRPC Response: The recommendations would resolve the issue.

VII. SFRPC Mediation

WRT Recommendation: Rather than recommending that the Intergovernmental Policy 1.1.3 be deleted entirely, the EAR will suggest that Policy 1.1.3 be amended to read "[u]se information mediation process of SFRPC to resolve conflicts with other governmental entities"

SFRPC Response: The recommendations would resolve the issue.