



VILLAGE OF KEY BISCAYNE

Office of the Village Manager

MEMORANDUM

Village Council

Robert L. Vernon, *Mayor*
Enrique Garcia, *Vice Mayor*
Michael W. Davey
Robert Gusman
Michael E. Kelly
Jorge E. Mendia
Thomas Thornton

Village Manager

Genaro "Chip" Iglesias

DT: April 16, 2010

TO: Honorable Mayor and Members of the Village Council

FR: Genaro "Chip" Iglesias, Village Manager

RE: South Florida Regional Planning Council Comments. EAR
Based Amendments to the Master Plan

RECOMMENDATION

It is recommended that the Council review the attached comments from the South Florida Regional Planning Council regarding the EAR based amendments to the Master Plan.

BACKGROUND

The South Florida Regional Planning Council (SFRPC) has reviewed the Village's proposed EAR Based Comprehensive Plan amendments. They have determined that all, but one of our amendments, was generally consistent with Florida law and the Strategic Regional Policy Plan for South Florida. The only objection raised by the SFRPC related to the Capital Improvements Element and the related Capital Improvements Plan for public facilities. Village staff believes that the Village will receive a similar objection from the Department of Community Affairs (DCA).

Over the next couple of months, the Village staff intends to create a Capital Improvements Plan that meets Florida Law and the Strategic Regional Policy Plan for South Florida. This Capital Improvements Plan will be a 5 year Plan and will demonstrate how the Village intends to meet and achieve the Level of Service Standards for concurrency related public facilities (i.e. sanitary sewer, solid waste, parks and recreation, drainage, potable water, schools, and transportation facilities). It should be noted that the Level of Service Standards for all Village public facilities have been achieved and are currently being maintained, except for parks and recreational facilities.

The SFRPC also made the following two comments on the Village's EAR Based Comprehensive Plan amendments: (1) the Village should add a policy requiring a traffic study be completed to address traffic congestion; and (2) the Village should adopt the County's 10 year Water Supply Plan Facilities Work Plan in order to ensure that there is adequate water supply for the Village. The Village staff will be working with the SFRPC, DCA, and the County to resolve these comments.



MEMORANDUM

AGENDA ITEM #6c

DATE: APRIL 5, 2010

TO: COUNCIL MEMBERS

FROM: STAFF

SUBJECT: VILLAGE OF KEY BISCAYNE PROPOSED COMPREHENSIVE PLAN AMENDMENT
DCA #10-1ER

Community Profile

Bounded by Crandon Park to the north and Bill Baggs Cape Florida State Park to the south, the Village of Key Biscayne occupies approximately 1.5 square miles on Key Biscayne. Incorporated on June 23, 1991, its first Comprehensive Plan was adopted in 1995. Known for its quiet natural beauty and small-town character, the Village was estimated to have 11,411 residents in 2009, an 8.6 percent increase since 2000. The population growth rate is projected to trend toward zero after 2010 as the Village approaches build-out. Key Biscayne is in a high-risk flood zone due to its relatively low elevation and direct exposure to the Atlantic Ocean. It is often one of the first areas in Miami-Dade County to be evacuated in a storm emergency. The general location of the Village is shown in Attachment 1.

Amendment Review

The South Florida Regional Planning Council (SFRPC) review of proposed Comprehensive Plan amendments for consistency with the *Strategic Regional Policy Plan for South Florida (SRPP)* primarily addresses effects on regional resources or facilities identified in the SRPP and extra jurisdictional impacts that would be inconsistent with the Comprehensive Plan of the affected local government (§163.3184(5), Fla. Stat.). The Council's review of amendments is conducted in two stages: (1) proposed or transmittal and (2) adoption. Council staff reviews the contents of the amendment package once the Department of Community Affairs certifies its completeness.

Objections and Comments relate to specific inconsistencies with relevant portions of the SRPP, which was adopted pursuant to Rule 29J-2.009, Fla. Administrative Code. Council staff will work with local governments to address Objections and Comments identified during the review of a proposed amendment between the transmittal and the adoption of the amendment.

The SFRPC did not prepare the amendment package and, therefore, is not precluded from commenting on the proposed Plan or Element pursuant to Section 163.3184(5), Florida Statutes (F.S.), or Rule 9J-11.0084, Florida Administrative Code (F.A.C.); or commenting on the adopted amendment pursuant to Section 163.32465(4)(b), F.S.

The Florida Department of Community Affairs (DCA) notified SFRPC that the amendment package was complete on: March 22, 2010.

The amendment review must be transmitted to DCA on: April 21, 2010.

The amendment review will be transmitted to DCA on: April 9, 2010.

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Staff Analysis

Proposed Amendment #10-1ER contains the Evaluation and Appraisal Report (EAR)-based text and map amendments to the Village of Key Biscayne Comprehensive Plan. The Village's EAR was found sufficient on October 30, 2007, by the South Florida Regional Planning Council, who was delegated the Village's EAR review by the Florida Department of Community Affairs (DCA).

EAR-Based Comprehensive Plan Amendments

In 1998, the State of Florida revised the statutory requirements for EARs to allow local governments to base their analysis on the key local issues they are facing to further the community's goals consistent with statewide, minimum standards. The Report is not intended to require a comprehensive rewrite of the Elements within the local plan, unless a local government chooses to do so. The Village's EAR identified the following specific issues to be addressed through EAR-based amendments:

1. Definition, Preservation and Enhancement of Key Biscayne's Unique Village Character and Quality of Life.
2. The Need for Additional Local Parks, Recreation Space and Open Space.
3. Interlocal Cooperation regarding Calusa Park, Crandon Park, Bill Baggs Cape Florida State Park and Virginia Key.
4. Implications of Redevelopment.
5. Traffic Volume, Operations and Safety.
6. Sustainability of Local Retail and Services.
7. Vulnerability to Damage from Tropical Storms and Hurricanes.
8. Need to improve or Replace Infrastructure.
9. Implications of Debt Capacity.
10. Conservation, Coastal Management and Environmental Protection.
11. Land Development in the Context of Master Plan Goals, Objectives, and Policies.
12. Historic, Cultural and Educational Resources and Needs.

Eight (8) Elements of the Village of Key Biscayne Comprehensive Plan would be amended and updated in accordance with the EAR recommendations, including a response to changes to State Statutes, the Florida Administrative Code, and the *Strategic Regional Policy Plan for South Florida (SRPP)*.

Seven (7) changes in land use are proposed in this amendment package.

Future Land Use Element

Key proposed changes to the Future Land Use Element include new or revised Policies that direct the Village to:

- Complete construction for the extension and implementation of sewer service;
- Continue to upgrade the drainage system;
- Prepare a list of properties eligible for designation on the National Register of Historical Places;
- Coordinate with Miami-Dade County Water and Sewer Department (MDWASD) to ensure sufficient water supply for existing and new development in the Village;
- Coordinate land uses and future land use amendments with the availability of water supplies and water supply facilities;
- Implement greenhouse gas reduction strategies, including alternate and renewable sources of energy; supporting mixed use development; and maintaining an interconnected network of bicycle lanes and pedestrian facilities and ensuring such in new development and redevelopment;
- Implement a resident education program to educate the community on green infrastructure and greenhouse gas emission reduction; and
- Amend the land development regulations to adopt specific standards and strategies that address greenhouse gas emissions, energy efficient housing, and overall energy conservation by 2011.

Transportation Element

Key proposed changes to the Element include new or revised Policies that direct the Village to:

- Update its Future Traffic Circulation Plan when necessary in coordination with its Future Land Use Map;
- Encourage the appropriate government entities to place and operate electric message signs for Bill Baggs Park's capacity as a way to control associated traffic flow; and
- Explore transportation strategies, including, resident education programs and improvements to pedestrian facilities, bikeways, and the golf cart system to reduce greenhouse gases.

Comment

The EAR analysis indicated traffic congestion has worsened and a traffic study is needed to assess the impact of internally generated traffic congestion and the Level of Service (LOS) Standards of collector and local streets. The EAR recommended adding a new policy to schedule a traffic study to address the congestion; however, such a policy has not been proposed in this amendment package.

Council staff recommends that prior to adoption, the Village include a policy with a date by which to schedule and complete a traffic study to address any potential traffic congestion issues and incorporate the results of the study into future traffic circulation planning efforts.

Housing Element

Key proposed changes to the Element include new or revised Policies that direct the Village to:

- Define and seek opportunities to promote affordable housing based on the Village's market and general market conditions, including the exploration of federal, state, and local housing subsidy programs and innovative solutions that increase the affordability and diversity of the housing stock;
- Facilitate the provision of affordable housing through interlocal coordination with Miami-Dade County and the City of Miami to create an annual needs evaluation and participate in the South Florida Regional Planning Council's education program on regional solutions on affordable housing;
- Evaluate the feasibility of establishing an Affordable Housing Fee Trust Fund in partnership with Miami-Dade County and the City of Miami;
- Establish standards to improve energy efficiency through affordable housing programs;
- Coordinate future land use planning to ensure land use designations and zoning districts provide adequate areas to foster diverse housing types; and
- Support energy efficiency and the use of renewable resources in existing housing and new housing stocks.

Infrastructure and Conservation and Coastal Management Elements

Key proposed changes to the Infrastructure Element and Conservation and Coastal Management Elements include new Policies related to water supply planning, energy conservation and greenhouse gas reduction strategies. New Policies would direct the Village to update its Comprehensive Plan within eighteen (18) months of the South Florida Water Management District (SFWMD) update to its Regional Water Supply Plan. Since the Village's potable water is provided by Miami-Dade County, new Policies would direct the Village to:

- Coordinate with the County and MDWASD to ensure sufficient water supply for existing and new development in the Village;
- Protect water quality of traditional and through new alternative water supply sources;
- Support reuse programs; and
- Implement water conservation measures.

Additional Policies would also direct the Village to integrate energy conservation technologies in new construction and redevelopment, as well as in the Village's municipal programs and services.

Comment

Although proposed Policies would direct the Village to coordinate with Miami-Dade County to ensure sufficient water supply for existing and new development and implement water reuse programs and conservation measures, there is no indication of intent to adopt and maintain a 10-year Water Supply Facilities Work Plan (Work Plan) for the Village. As required by Florida Statutes, Chapter 163.3177(6)(c), local governments must adopt a Work Plan into their Comprehensive Plans within 18 months after the jurisdictional Water Management District approves a Regional Water Supply Plan or its update. The *Lower East Coast Water Supply Plan Update* was approved by the SFWMD on February 15, 2007. Therefore, the deadline for local governments within the Lower East Coast jurisdiction to adopt a Work Plan was August 15, 2008.

Council staff is aware that the Village does not own any water facilities; they obtain water from MDWASD. The Village has proposed some relevant Goals, Objectives, and Policies to address the water supply planning; however, the Village did not provide any analysis of current and projected population, water supply, and demand through the creation and adoption of a Work Plan. Council staff recommends that prior to adoption, the Village coordinate with Miami-Dade County to adopt its Village Work Plan that will address water supply demand and projections, bulk sales agreements, conservation, and reuse programs that are consistent with the Miami-Dade County Work Plan (2008).

Recreation and Open Space Element

An inventory of Parks and Recreation Space properties would be included in this Element (currently a total of 25.10 acres). A proposed new policy directs the Village to update the inventory when any additional recreational and open space properties are acquired or utilized via a lease.

Intergovernmental Coordination Element

Key proposed changes to this Element include new or revised Policies that direct the Village to consider or implement interlocal agreements or leases on various parks and recreation facilities; coordinate with Miami-Dade County, the City of Miami, and the South Florida Regional Planning Council on affordable housing issues; and coordinate with the County and the South Florida Water Management District on water supply planning issues.

Capital Improvements Element

Key proposed changes to this Element include revised Level of Service (LOS) Standards for Crandon Boulevard, from "E" to "D"; coordination with MDWASD on water supply planning and monitoring efforts; and a provision to update a financially feasible five-year Capital Improvement Plan.

Objection

As required by Florida Statutes, Chapter 163.3177(3)(b)1, local governments must update their Capital Improvements Element (CIE) on an annual basis, including the Five-Year Schedule of Capital Improvements (Schedule). The purpose of the CIE and the Schedule is to identify the capital improvements that are needed to implement the Comprehensive Plan and ensure that adopted LOS Standards are achieved and maintained for concurrency-related facilities (sanitary sewer; solid waste; drainage; potable water; parks and recreation; public schools; and transportation facilities).

The Village has not proposed a 5-year Schedule of Capital Improvements to ensure adopted LOS Standards are achieved and maintained. In fact, as identified in the EAR, the Village currently does not meet its adopted LOS for Recreation and Open Space (2.5 acres per 1,000 permanent populations) and requires a new program for acquiring parks and recreation space.

Staff analysis confirms that the proposed amendments to the Capital Improvements Element are generally inconsistent with Goals 4 and 10, Policies 4.1, 4.9, and 10.3 of the *Strategic Regional Policy*

Plan for South Florida, relating to the failure to adopt a Schedule that includes projects aimed to correct its LOS deficiency related to Recreation and Open Space.

Goal 4 Enhance the economic and environmental sustainability of the Region by ensuring the adequacy of its public facilities and services.

Policy 4.1 Public facility and service providers should give priority to the construction, maintenance, or reconstruction of public facilities needed to serve existing development most effectively and to the elimination of any infrastructure deficiencies which would impede redevelopment.

Policy 4.9 Ensure that local governments establish as wide a range of financing methods for the provision of public facilities as possible. Where impact fees are assessed, procedures, schedules, and programs for the expenditure of these fees in a timely and equitable manner shall be developed.

Goal 10 Increase awareness of the Region's green infrastructure, its significance to the Region's economy, and the public's role in access and use that is compatible with long-term sustainability.

Policy 10.3 Encourage interagency cooperation and co-location of parks and other public facilities where appropriate for use and access.

Recommendation

Council staff recommends that prior to adoption, the Village incorporate a financially feasible 5-year Capital Improvements Schedule into the CIE to address its concurrency issue on Recreation and Open Space.

The Village of Key Biscayne Council unanimously (7-0) approved the proposed EAR-based text amendments at its February 9, 2010 meeting.

Land Use Map Amendments

Seven (7) Land Use Map amendments have been included as recommended in the Village EAR. The table below identifies the current and proposed land use designations. These amendments would not increase residential density and, therefore, have no adverse impacts on the Village's current Level of Service (LOS) Standards. Attachment 2 provides the locations of the map amendments.

Area	Name/Address	Current Land Use	Proposed Land Use	Vote
A	Pankey Institute 1 Crandon Blvd.	Medium Density Multi-family Residential	Public and Institutional	7-0
B	Public Library	Medium Density Multi-family Residential	Public and Institutional	7-0
C	Key Biscayne K-8 Center	Public Recreation and Open Space -building portion of site	Public and Institutional	7-0
D	701-798 Fernwood Rd	Two Family Residential	Single Family Residential	5-2
E	Village Lake Park	Low Density Multiple Family Residential	Single Family Residential	7-0
F	Village Beach Park	Multiple Family Residential and Hotel Resort	Public Recreation and Open Space	7-0
G	L' Esplanade 971 Crandon Blvd.	Low Density Multiple Family Residential	Commercial	4-3

By the votes indicated in the Table above, the Village Council approved the proposed map amendments at its February 9, 2010 meeting.

Impact Analysis

Staff analysis confirms that aside from the Objection for the Village's failure to adopt a Schedule that would address Recreation and Open Space LOS Standards into the Capital Improvements Element (as noted on page 4 of this staff report; citing SRPP Goals 4, 10, and Policies 4.1, 4.9, and 10.3) the Village of Key Biscayne proposed amendment package #10-1ER would not result in compatibility, extra-jurisdictional, or affordable housing issues; or impact significant regional resources and facilities, natural resources, transportation systems, emergency preparedness plans, and local mitigation strategies.

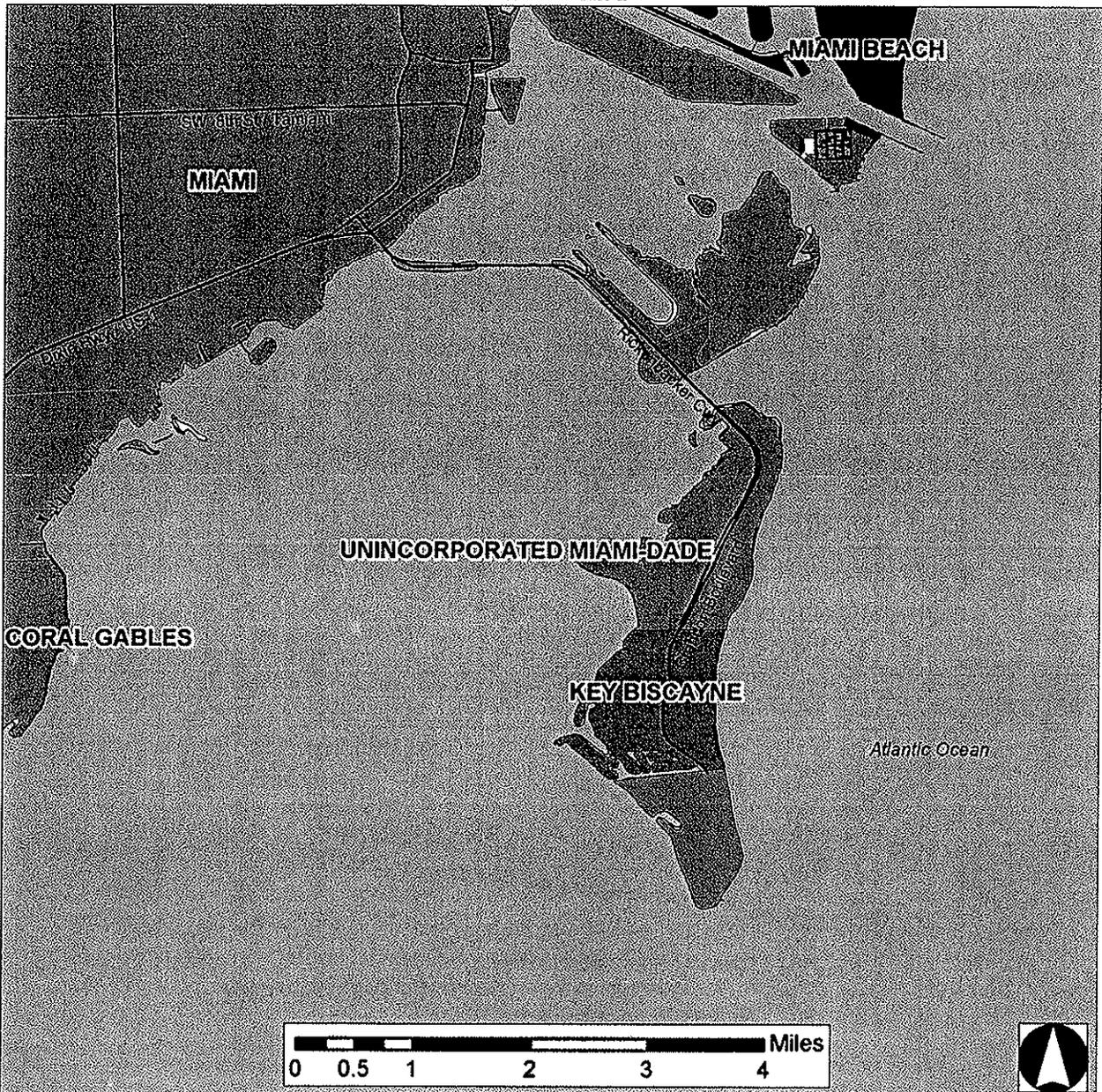
Since a further detailed impact analysis is not applicable to the review of the proposed amendments, the related analysis sections found in the Department of Community Affairs (DCA) Amendment Review Form C-7 (Sections 9 through 18) have not been included in this staff report.

Recommendation of Consistency with Strategic Regional Policy Plan (SRPP)

Find the amendments to the Capital Improvements Element of the Village of Key Biscayne proposed amendment #10-1ER generally inconsistent with the *Strategic Regional Policy Plan for South Florida (SRPP)*, particularly with Goals 4, 10, and Policies 4.1, 4.9, and 10.3; and

Find the remainder of the text and map amendments in proposed amendment #10-1ER generally consistent with the SRPP. Approve this staff report for transmittal to the Florida Department of Community Affairs.

Attachment 1



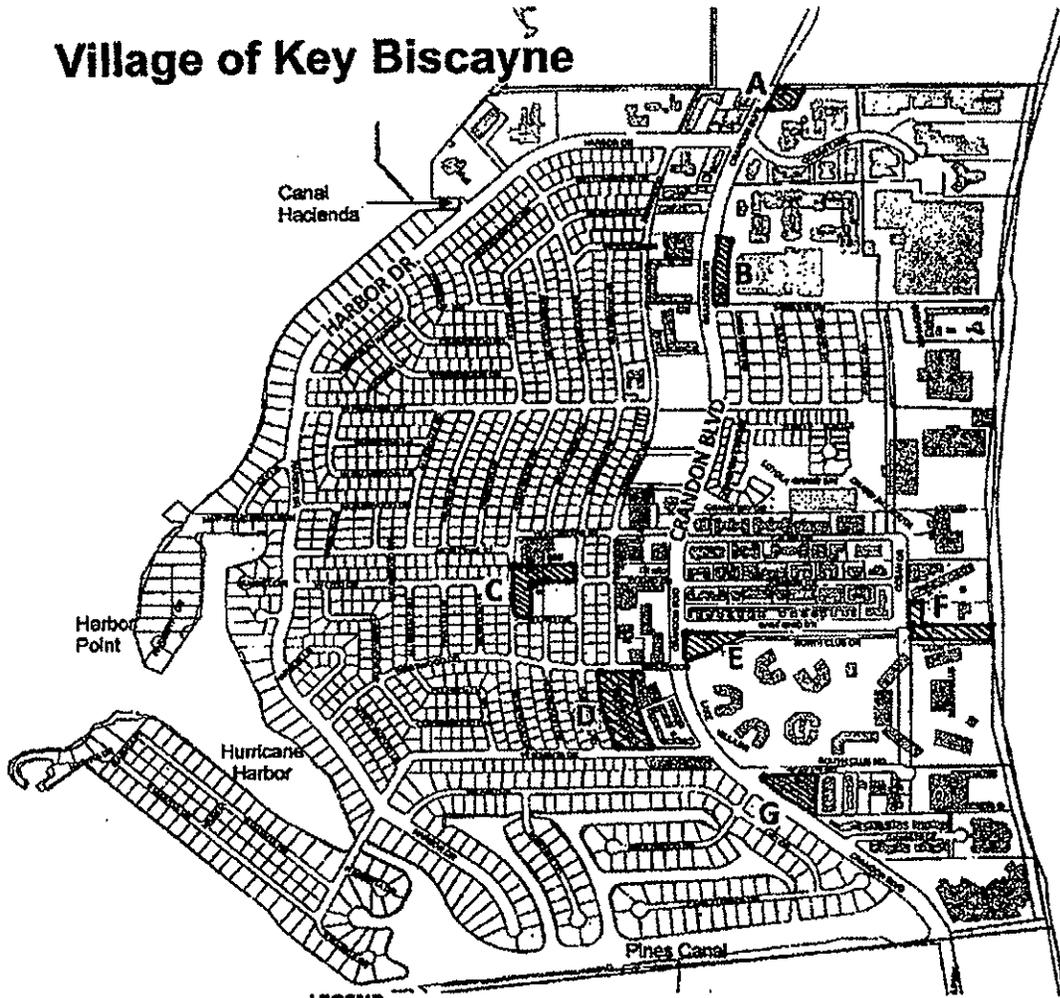
COMPREHENSIVE PLAN AMENDMENTS

Location Map

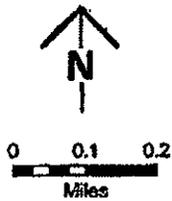
Village of Key Biscayne
Proposed Amendment #10-1ER

Sources: FDEP, SFWMD, Miami-Dade County, SFRPC.
Note: For planning purposes only. All distances are approximate.

Village of Key Biscayne



LEGEND



- A** 1 CRANDON BOULEVARD – PANKEY INSTITUTE
(MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL TO PUBLIC & INSTITUTIONAL)
- B** 299 CRANDON BOULEVARD - LIBRARY
(MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL TO PUBLIC & INSTITUTIONAL)
- C** 150 WEST MC INTYRE STREET & 601 WEST ENID DRIVE – KEY BISCAIYNE K-8 CENTER
(PUBLIC RECREATION & OPEN SPACE TO PUBLIC & INSTITUTIONAL)
- D** 701-798 FERNWOOD DRIVE
(TWO FAMILY RESIDENTIAL TO SINGLE FAMILY RESIDENTIAL)
- E** VILLAGE LAKE PARK
(LOW DENSITY MULTI-FAMILY RESIDENTIAL TO PUBLIC RECREATION & OPEN SPACE)
- F** VILLAGE BEACH PARK
(MULTIFAMILY RESIDENTIAL AND HOTEL RESORT TO PUBLIC RECREATION & OPEN SPACE)
- G** 971 CRANDON BOULEVARD – L'ESPLANADE
(LOW DENSITY MULTI-FAMILY RESIDENTIAL TO COMMERCIAL)

COMPREHENSIVE PLAN AMENDMENTS

Proposed Land Use Map Amendments

Village of Key Biscayne
Proposed Amendment #10-1ER

Source: Village of Key Biscayne proposed amendment package #10-1ER.
Note: For planning purposes only. All distances are approximate.