

TOWN OF CUTLER BAY

Mayor Paul S. Vrooman
Vice-Mayor Edward P. MacDougall
Councilmember Timothy J. Meerbott
Councilmember Ernest N. Sochin
Councilmember Peggy R. Bell

Town Attorney Mitchell Bierman
Town Attorney Chad Friedman
Town Clerk Erika Gonzalez-Santamaria
Town Manager Steven Alexander

This meeting is open to the public. In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation, a sign language interpreter or hearing impaired to participate in this proceeding should contact the Town Clerk at (305) 234-4262 for assistance no later than four (4) days prior to the meeting.

LOCAL PLANNING AGENCY AGENDA

Wednesday, August 19, 2009, 7:00 PM
South Dade Regional Library
10750 SW 211th ST, 2nd Floor
Cutler Bay, Florida 33189

I. CALL TO ORDER, ROLL CALL

II. ADDITIONS, DELETIONS, AND DEFERRALS

III. CONSENT AGENDA

A. Minutes – July 15, 2009

IV. ACTION ITEMS:

A. **AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ADOPTING ROADS, POLICE, FIRE/RESCUE, PUBLIC BUILDINGS, AND PARKS IMPACT FEES; REPEALING CHAPTER 33H PARK IMPACT FEE ORDINANCE; REPEALING CHAPTER 33I POLICE SERVICES IMPACT FEE ORDINANCE; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.**

VI. ADJOURNMENT.

PURSUANT TO FLORIDA STATUTES 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

**TOWN OF CUTLER BAY
LOCAL PLANNING AGENCY MEETING
MINUTES**

Wednesday, July 15, 2009, 7:00 PM
South Dade Regional Library
10750 Southwest 211th Street, 2nd Floor
Cutler Bay, Florida 33189

I. CALL TO ORDER/ROLL CALL OF MEMBERS: The meeting was called to order by the mayor at 7:25 p.m. Present were the following chartered officials:

Councilmember Peggy R. Bell
Councilmember Timothy J. Meerbott
Councilmember Ernest N. Sochin
Vice Mayor Edward P. MacDougall
Mayor Paul S. Vrooman

Town Attorney Mitchell Bierman
Town Clerk Erika Gonzalez-Santamaria
Town Manager Steven Alexander

II. PLEDGE OF ALLEGIANCE: There was no Pledge of Allegiance at this time.

III. ADDITIONS, DELETIONS, AND DEFERRALS: None at this time.

IV. CONSENT AGENDA:

Councilmember Meerbott made a motion approving the minutes of meeting of May 20, 2009. The motion was seconded by Vice Mayor MacDougall and adopted by a unanimous voice vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

V. ACTION ITEMS:

The clerk read the following ordinance by title:

- A. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ADOPTING GREEN LAND DEVELOPMENT REGULATIONS WITHIN THE TOWN; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.**

There was no public hearing at this time.

Councilmember Meerbott made a motion to adopt staff's recommendation to approve. The motion was seconded by Councilmember Bell and approved by unanimous voice vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

VI. ADJOURNMENT: The meeting was officially adjourned at 7:30 p.m.

Respectfully submitted:

*Erika Gonzalez-Santamaria, CMC
Town Clerk*

*Adopted by the Town Local Planning Agency
on this 19th day of August, 2009.*

Paul S. Vrooman, Mayor

PURSUANT TO FLORIDA STATUTES 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.



Community Development Department

David Hennis
Director

MEMORANDUM

To: Steven J. Alexander, Town Manager

From: David Hennis, Community Development Director

Date: August 10, 2009

Re: Technical Memorandum on the Methods Use to Establish Impact Fees for the Town of Cutler Bay

The attached Technical Memorandum establishes the legal basis for adopting an impact fee structure for roads, police, fire/rescue, parks, and public buildings. The Town retained the services of James C. Nicholas, PhD, to develop the methodology which will provide a source of committed funding for roadway improvements, police, fire/rescue, parks, and public buildings necessitated by future growth.

Impact fees are a total or partial payment of the additional infrastructure cost necessary as a result of new development. Impact fees are tailored to address the infrastructure needs of new growth at the local level. As a result, impact fee calculations generally vary from jurisdiction to jurisdiction and from fee to fee. Impact fees also vary extensively depending on local costs, capacity needs, resources and interest in charging the full cost of the fees for an earmarked purpose.

In Florida, impact fees are an outgrowth of local governments home rule powers to provide certain services within their jurisdictions. Impact fee structures in Florida must flow from the establishment of a nexus between new development and the need to expand infrastructure. The resulting impact fees may be no more than a pro rata share of the reasonably anticipated cost of expanding the infrastructure.

The attached report draws upon information within the Growth Management Plan to indicate that additional infrastructure and public safety capital facilities are required to accommodate new development. The report, which is based upon the most recent and localized data, establishes a fair and reasonable methodology to calculate the impact fees to address the specific needs of new development in the Town. In the absence of a Statewide impact fee model, the methodology presented follows the most recent guidelines put forth by the State and the courts to draft an impact fee structure that will best serve the future infrastructure needs that future growth will demand within the Town.

The following chart represents the pro rata shares of reasonably anticipated costs of expansion to meet the needs of new development in Cutler Bay. Comparatively, the fee is 45% **lower** than

the County impact fee for a single family home; 83% **lower** than the County impact fee for a 75,000 SF office; and 64% **lower** than the County impact fee for a 75,000 SF retail store.

TABLE VII-1

| | Roads | Police | Fire/ Rescue | Public Buildings | Parks | Total |
|-------------------------------------|--------------|---------------|-------------------------|-----------------------------|--------------|--------------|
| Residential per FT ² | \$0.13 | \$0.05 | \$0.16 | \$0.10 | \$0.86 | \$1.30 |
| Non-Residential per FT ² | | | | | | |
| Commercial | \$0.42 | \$0.05 | \$0.16 | \$0.10 | \$0.00 | \$0.73 |
| Office | \$0.17 | \$0.05 | \$0.16 | \$0.10 | \$0.00 | \$0.48 |
| Industrial | \$0.09 | \$0.05 | \$0.16 | \$0.10 | \$0.00 | \$0.40 |
| Institutional | \$0.20 | \$0.05 | \$0.16 | \$0.10 | \$0.00 | \$0.51 |
| Governmental | \$0.17 | \$0.05 | \$0.16 | \$0.10 | \$0.00 | \$0.48 |
| Hotel/Motel | \$0.16 | \$0.05 | \$0.16 | \$0.10 | \$0.43 | \$0.90 |

TOWN STAFF RECOMMENDATION:

Approval.



ORDINANCE NO. 09- _____

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ADOPTING ROADS, POLICE, FIRE/RESCUE, PUBLIC BUILDINGS, AND PARKS IMPACT FEES; REPEALING CHAPTER 33H PARK IMPACT FEE ORDINANCE; REPEALING CHAPTER 33I POLICE SERVICES IMPACT FEE ORDINANCE; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY AS FOLLOWS:

Section 1. Adoption of Impact fees. The Town Council of the Town of Cutler Bay hereby amends the Town Code of Ordinances as follows¹:

A. Findings.

The Town Council makes the following findings in support of the creation of this Ordinance and the adoption and imposition of roads, police, fire/rescue, public buildings, and parks impact fees:

- (1) New development and growth in the Town can add to and help maintain the quality of life in the Town under a balanced growth management program.
- (2) Effective growth management is promoted when adequate public facilities are available to serve new growth coincident with the impacts of that growth.
- (3) The Town Council has caused an impact fee report, based upon the most recent and localized data, in support of the impact fee ordinance to be completed and submitted to the Town.
- (4) As set forth in the impact fee report:
 - a. New development should assume a fair share of the cost of providing adequate roads, police, fire/rescue, public buildings, and parks impact fees.
 - b. Impact fees are an equitable and appropriate means to help finance the capital costs of additional and expanded facilities needed to serve new development.

¹ Coding: underlined words are additions to existing text, ~~struck through~~ words are deletions from existing text, **shaded** text reflects changes made from First Reading.

(5) The implementation of roads, police, fire/rescue, public buildings, and parks impact fees, that requires new development to contribute its fair share of the cost of capital improvements necessitated by growth caused by such development, promotes the general welfare of all Town residents.

(6) The provision of roads, police, fire/rescue, public buildings, and parks facilities which are adequate for the needs of growth caused by new development promotes the general welfare of all Town residents and constitutes a public purpose.

(7) The imposition of roads, police, fire/rescue, public buildings, and parks impact fees, that requires new development to contribute its fair share of the cost of required capital improvements, serves as a regulatory tool that promotes the timing and management of growth in the Town.

(8) Ad valorem tax revenue and other revenues will not be sufficient to provide the additional capital improvements for the roads, police, fire/rescue, public buildings, and parks facilities which are necessary to accommodate new development.

(9) The impact fee report provides an adequate and lawful basis for the adoption and imposition of roads, police, fire/rescue, public buildings, and parks facilities impact fees in accordance with this Ordinance.

B. Established.

As a condition of the issuance of a building permit for new development, the person, firm or corporation who or which has applied for the building permit shall pay to the Town, the roads, police, fire/rescue, public buildings, and parks impact fees as set forth in the provisions of this Ordinance.

C. Definitions.

For the purpose of this Ordinance, certain terms and words are defined. Additionally, words used in the present tense shall include the future; the singular number shall include the plural, and the plural the singular:

Building permit shall mean a permit issued by the building official for the construction, enlargement, alteration, modification, repair, movement, demolition, or change in the occupancy of a building or structure.

Capital improvements shall mean physical assets constructed or purchased to provide, improve or replace a public facility and which are large scale, high in cost, and have an estimated useful life in excess of one year. The cost of a capital improvement is generally nonrecurring and may require multiyear financing.

Feepayer shall mean any person, firm, or corporation intending to commence new development and, during the life of the development, applies for the issuance of a building permit.

Impact fee report shall mean the Technical Memorandum on the Methods Used to Establish Road, Public Safety, Park, and Public Buildings Impact fees for the Town of Cutler Bay prepared by James C. Nicholas, Ph.D., dated August 7, 2009, which establishes the basis for the fair share of capital facilities costs attributable to new development based upon standard and appropriate methodologies, and a copy of which is attached to and incorporated by reference into this Ordinance.

New development shall mean the carrying out of any building activity or the making of any material change in the use or appearance of any building or structure or land, which results in an additional impact or demand on roads, police, fire/rescue, public buildings, and parks facilities.

D. Imposition of fees.

There is assessed, charged, imposed, and enacted roads, police, fire/rescue, public buildings, and parks impact fees on all new development occurring within the Town. These fees will be assessed, charged, or imposed in accordance with the fee schedule provided below:

| | Roads | Police | Fire/ Rescue | Public Buildings | Parks | Total |
|-------------------------------------|--------------|---------------|-------------------------|-----------------------------|--------------|--------------|
| Residential per FT ² | \$0.13 | \$0.05 | \$0.16 | \$0.10 | \$0.86 | \$1.30 |
| Non-Residential per FT ² | | | | | | |
| Commercial | \$0.42 | \$0.05 | \$0.16 | \$0.10 | \$0.00 | \$0.73 |
| Office | \$0.17 | \$0.05 | \$0.16 | \$0.10 | \$0.00 | \$0.48 |
| Industrial | \$0.09 | \$0.05 | \$0.16 | \$0.10 | \$0.00 | \$0.40 |
| Institutional | \$0.20 | \$0.05 | \$0.16 | \$0.10 | \$0.00 | \$0.51 |
| Governmental | \$0.17 | \$0.05 | \$0.16 | \$0.10 | \$0.00 | \$0.48 |
| Hotel/Motel | \$0.16 | \$0.05 | \$0.16 | \$0.10 | \$0.43 | \$0.90 |

E. Payment.

The impact fees shall be paid to the Town by the feepayer at the time the building permit is issued.

F. Disposition of fees.

All fees collected by virtue of this Ordinance and any interest earned on them shall be deposited in five (5) special and separate trust accounts to be designated, “roads impact fees account,” “police impact fees account,” “fire/rescue impact fees account,” “public buildings impact fees account,” and “parks impact fees account,” respectively. Funds from these accounts may be expended for land acquisition for the respective facilities. Funds from these accounts may also be expended for the construction of capital

improvements for the respective Town roads, police, fire/rescue, public buildings, and parks impact fees facilities, and the remodeling or enlargement of existing facilities and the equipping of same, all of which being necessitated by the impact of new construction and additional population. However, funds withdrawn from an account must be expended on the specific facilities for which the fees were collected.

In addition to the foregoing, funds from these accounts may be expended for retirement of loans and/or bonds that may be issued to finance the capital improvements herein contemplated. Furthermore, these funds may be expended for architectural, engineering, legal and other professional fees and expenses related to capital improvements. However, the Town shall not expend funds from any of these accounts for maintenance, repairs, salaries, or other noncapital or noncapital-related items. Each and every expenditure of funds from these accounts shall be authorized by the Town Manager.

G. Reporting, Collections, and Audits.

The Town's Finance Director shall keep an accurate accounting and reporting of impact fee collections and expenditures within the Town. The Town shall retain up to 3% of the impact fees collected to offset the costs of collecting the impact fees and administering the provisions of this Ordinance. Audits of the Town's financial statements which are performed by a certified public accountant pursuant to Section 218.39, F.S, as amended, that are submitted to the Auditor General must include an affidavit signed by the Finance Director stating that the Town has complied with Section 163.31801, F.S. as amended.

H. Refunds.

(1) Upon application of the property owner, the Town shall refund that portion of any impact fee which has been on deposit over six (6) years and which is unexpended and uncommitted, except as described in subsection (b) of this section. The refund shall be made to the then-current owner or owners of lots or units of the development project or projects.

(2) If fees in any impact fee account are unexpended or uncommitted during the sixth year, the fees are exempt from subsection (a) of this section if the Town Council makes the following findings:

(a) A need for the capital improvement still exists;

(b) The fees will be used for an identified purpose within two (2) years; and

(c) The purpose for which the fees will be used is substantially similar to the purpose for which the fees were collected.

(3) The Town may refund by direct payment, by offsetting the refund against other impact fees due for development projects by the owner on the same or other property, or otherwise by agreement with the owner.

Section 2. Repeal of Chapter 33H Park Impact Fee Ordinance. The Town Council hereby repeals Chapter 33H Park Impact Fee Ordinance of the Town Code of Ordinances in its entirety.

Section 3. Repeal of Chapter 33I Police Services Impact Fee Ordinance. The Town Council hereby repeals Chapter 33I Police Services Impact Fee Ordinance in its entirety.

Section 4. Severability. If any section, clause, sentence, or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

Section 5. Conflict. All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 6. Inclusion in the Code. It is the intention of the Town Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the Town of Cutler Bay; that the sections of this Ordinance may be re-numbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 7. Effective Date. This Ordinance shall become effective 90 days from the date of the first advertisement of this Ordinance.

PASSED on first reading this _____ day of _____, 2009.

PASSED AND ADOPTED on second reading this _____ day of _____, 2009.

PAUL S. VROOMAN, Mayor

Attest:

ERIKA GONZALEZ-SANTAMARIA, CMC
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
SOLE USE OF THE TOWN OF CUTLER BAY:

WEISS SEROTA HELFMAN PASTORIZA
COLE & BONISKE, P.L.
Town Attorney

Moved By:
Seconded By:

FINAL VOTE AT ADOPTION:

Mayor Paul S. Vrooman _____

Vice Mayor Edward P. MacDougall _____

Councilmember Peggy R. Bell _____

Councilmember Timothy J. Meerbott _____

Councilmember Ernest N. Sochin _____

Technical Memorandum on the Methods Used to Establish Road, Public Safety, Park, and Public Buildings Impact fees for the Town of Cutler Bay

Prepared by

James C. Nicholas, PhD
Final Report
August 7, 2009

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I. INTRODUCTION

Florida prohibits the taxation of personal incomes and exerts all efforts to keep the taxes that are imposed as low as possible. At the same time Florida has been very rapidly growing, adding an average of 300,000 new people each year up until the present recession. While being quite young as a municipality, Cutler Bay has been growing at an average of over 1,300 persons per year since the 2000 census.¹ Growth in population and economic activity also require growth in infrastructure investment. The dilemma here is that the money to pay for these investments, if it comes at all, comes in after the improvement is needed. This results in an ever increasing backlog, with its associated congestion, or ever increasing tax burdens. The impact fee was turned to in order to address this dilemma.

While there is impact fee legislation in Florida, there is no general enabling act that sets standards for impact fees. Rather, impact fees evolved through the courts, ultimately being recognized as being within a local government's home rule authority. This method of evolution was perhaps the only option since Florida cities and counties were exploring new issues of governance and government finance following the adoption of the new constitution in 1968. The body of law that came out of this evolutionary process clearly established that:

- Impact Fees are permissible;
- Impact fees cannot exceed a pro rata share of the reasonably anticipated cost of expanding facilities required to serve new development;
- Impact fees cannot be imposed or structured to benefit or provide a "windfall" to existing residents;
- Impact fees must satisfy the dual rational nexus between the need for facility improvements and new development; and
- Local governments are required to show that developments paying impact fees will receive benefit from the expenditure of those fees.

The courts, beginning with *Contractors and Builders Association of Pinellas County v City Of Dunedin*, 329 So. 2d 314 (Fla. 1976), dealt first with the conditions under which impact fees may be utilized and then with the amounts that may be charged as impact fees. In *Dunedin* the Florida Supreme Court wrote:

Raising expansion capital by setting connection charges, which do not exceed a pro rata share of reasonably anticipated costs of expansion, is permissible where expansion is reasonably required, if use of the money collected is limited to meeting the costs of expansion. Users who benefit especially, not from the maintenance of the system, but by the extension of the system . . . should bear the cost of that extension. (citations *omitted*)

¹ Cutler Bay, Comprehensive Plan, Future Lane Use, page 16;

The *Dunedin* court also makes clear that such charges, impact fees, are not unlimited. Extending their rationale:

[t]he cost of new facilities should be borne by new users to the extent new use requires new facilities, but only to that extent. When new facilities must be built in any event, looking only to new users for necessary capital gives old users a windfall at the expense of new users.

New users can only be held responsible for the costs attributable to new use and not for other costs, especially any charge that would yield a “windfall” to the existing community.

Dunedin was a case involving a municipally owned water and sewer utility. It fell to *Hollywood Inc. v Broward County*, 431 So.2d 606 (Fla. 4th DCA 1983) to deal with the application of the *Dunedin* logic to parks, the facility that the cities of Gulf Breeze, Maitland and Hollywood unsuccessfully tried to fund with development charges. In *Hollywood Inc.* the court wrote:

[w]e discern the general legal principle that reasonable dedication or impact fee requirements are permissible so long as they offset needs sufficiently attributable to the subdivision and so long as the funds collected are sufficiently earmarked for the substantial benefit of the subdivision residents. In order to satisfy these requirements, the local government must demonstrate a reasonable connection, or rational nexus, between the need for additional capital facilities and the growth in population generated by the subdivision. In addition, the government must show a reasonable connection, or rational nexus, between the expenditures of the funds collected and the benefits accruing to the subdivision. In order to satisfy this latter requirement, the ordinance must specifically earmark the funds collected for use in acquiring capital facilities to benefit the new residents.

The *Hollywood Inc.* Court provides the principles of the Dual Rational Nexus Test. Specifically, that:

- The local government must demonstrate a reasonable connection, or rational nexus, between the need for additional capital facilities and the growth generated by the development being charged the impact fees, and
- The government must specifically earmark the funds collected for use in acquiring capital facilities to benefit the development charged the impact fees.

The paramount issue with respect to impact fees is nexus. The local government must demonstrate that there is a nexus between new development and the need to expand infrastructure. This is to be accomplished in the consultant’s report. The second crucial issue is the identification of a pro rata share of the cost of expanding that infrastructure. This too is to be accomplished in the consultant’s report.

During the 2006 session, an act was passed in Florida that dealt with impact fees.² The only portions of this act that deal with the calculation of impact fees are the requirements that amount of impact fees be based on the most recent and localized data.

Impact fees in Florida must flow from the establishment of a nexus between new development and the need to expand infrastructure. This nexus is drawn from a community's comprehensive plan. The resulting impact fees may be no more than a pro rata share of the reasonably anticipated cost of expanding that infrastructure. Additionally, the calculation of impact fees must use the most recent and localized data.

The impact fees for Cutler Bay are set out in the body of this report. This report draws upon Cutler Bay data and plans to show that public capital improvements are needed in order to accommodate new development. As such, all items are localized to Cutler Bay. This report presents the need for improvements to Cutler Bay public facilities and the costs of those facility improvements on a per unit basis. These facility needs and costs set out herein are based upon 2008 plans for Cutler Bay, thus these data are the most recent.

The formulas for impact fees and all of the data used are contained in this memorandum. Florida law requires a demonstration that costs imposed as impact fees not exceed a *pro rata* share of the cost of road improvements in Cutler Bay. This demonstration is set out in this memorandum.

The resulting net costs shown in this report are the *pro rata* share of reasonably anticipated costs of improving Cutler Bay's public facilities to accommodate new development. They can be adopted as impact fees. These are the maximum amounts that the Town Council could adopt fees as impact fees.

² "The Florida Impact Fee Act," 163.31801, Florida Statutes.

II. DEMOGRAPHICS

The Town of Cutler Bay was recently incorporated, so there is little demographic history. The Town has provided some historic demographic data for the unincorporated area that was to become Cutler Bay before it was incorporated, and projections for the town to 2020. These data are shown in Table II-1.

**Table II-1
HOUSING AND POPULATION PROJECTIONS
TOWN OF CUTLER BAY**

| | Housing Units | House Holds | Household Population | Total Population |
|------|----------------------|--------------------|-----------------------------|-------------------------|
| 2000 | 10,718 | 10,350 | 29,706 | 30,300 |
| 2004 | 11,291 | 10,904 | 31,294 | 31,920 |
| 2006 | 13,155 | 12,563 | 36,056 | 36,777 |
| 2007 | 14,112 | 13,548 | 38,881 | 39,659 |
| 2008 | 14,535 | 13,959 | 40,061 | 41,579 |
| 2009 | 14,972 | 14,383 | 41,278 | 42,481 |
| 2010 | 15,421 | 14,819 | 42,531 | 43,382 |
| 2011 | 15,937 | 15,315 | 43,855 | 44,834 |
| 2015 | 17,932 | 17,232 | 49,457 | 50,446 |
| 2020 | 22,793 | 22,223 | 59,114 | 60,296 |

SOURCE: Cutler Bay, Comprehensive Plan, Future Lane Use, page 16; and University of Florida, Bureau of Economic and Business Research, November 2008.

NOTE: Data for 2009 are interpolated.

Due to the current economic recession it is possible that the Town may not achieve the magnitudes shown at the dates projected. However, the history of Florida has shown that economic recessions result in postponement of growth and not cassation. The projections in Table II-1 are used only for the purpose of estimating the 2009 population of Cutler Bay.

Table II-2 shows the heated or air conditioned floor area by land use for Cutler Bay. The data for 2008 are from the Miami-Dade County tax rolls. The data for 2009 and 2020 were projected by increasing all floor areas in the same proportion that dwelling units are expected to increase, as shown in Table II-1.

**Table II-2
LAND USE IN CUTLER BAY**

| | 2008 | 2009 | 2020 |
|----------------|-------------------------|-------------|-------------|
| Population | 41,579 | 42,481 | 60,296 |
| Dwelling Units | 14,535 | 14,972 | 22,793 |
| | Floor Area (FT) | | |
| Residential | 25,160,112 | 25,915,152 | 39,453,388 |
| Commercial | 2,634,921 | 2,692,050 | 3,821,044 |
| Office | 321,259 | 328,224 | 465,875 |
| Industrial | 10,569 | 10,798 | 15,327 |
| Institutional | 1,054,332 | 1,077,192 | 1,528,945 |
| Governmental | 73,521 | 75,115 | 106,617 |
| Hotel/Motel | 121,214 | 123,842 | 175,779 |
| Total | 29,375,928 | 30,222,374 | 45,566,975 |

SOURCE: Town of Cutler Bay, from Miami-Dade County Property Appraiser, January 2009, and Table II-1.

III. ROAD IMPACT FEES

A. Formula

The formula for calculating the proposed road impact fees is:

1. $\text{Attributable VMT} = \text{Trip Generation} * \text{Length of Trips} * \% \text{ New} * \frac{1}{2} * \% \text{ in Cutler Bay}$
2. $\text{Road Cost per VMT} = \text{Road Capacity Expansion costs} / \text{VMT in Cutler Bay}$
5. $\text{Attributable Cost} = \text{Attributable VMT} * \text{Road Cost per VMT}$

(VMT is an acronym for Vehicular Mile of Travel.)

This report will explain this formula and show how the data entered are derived.

B. Data and Parameters

The data presented in Tables III-1, III-2, III-3 & III-4 are the data and parameters used in calculating traffic impact on the Cutler Bay road system. The sources are listed. The formula for calculation was set out above. This section discussed the data and calculations.

VEHICULAR MILES OF TRAVEL – System. The total travel on roadways within the Town is set out in the Town of Cutler Bay, Comprehensive Plan, page T-15. The system-wide vehicular miles of travel within Cutler Bay for 2007 is 137,665 and it is projected to be 153,040 per day by 2020. This volume is on all roads, not just those maintained by the Town.

VEHICULAR MILES OF TRAVEL – Individual Land Use. The relevant travel, measured as vehicular miles of travel per day (VMT) by land use type and residential unit, is calculated by multiplying the number of trip ends (representing a start-to-finish vehicular journey from point A to point B, each of these being an “end”) per 24-hour day (ADT) by the average trip length, and then multiplying this product by the percentage of new trips.

The product is then reduced by one-half to adjust the number of trip ends to the number of travel trips (a travel trip, say from home to work, would have two ends, one leaving home and one arriving at work). This reduction is to correct for over-counting. Such over-counting is due to the fact that impact fees would be charged to both attractors and generators of traffic (or both ends of the travel trip).

Another adjustment is needed to fit the data to Cutler Bay. Much of the vehicular travel that begins in Cutler Bay ends elsewhere and much of the travel ending in Cutler Bay began elsewhere. Therefore it is necessary to adjust travel to Cutler Bay conditions. This is done by dividing vehicular travel in Cutler Bay by the total residential and business travel beginning or ending in Cutler Bay. The result is travel per unit of development within Cutler Bay.

The individual factors in this formula and their sources are:

TRIP GENERATION RATE. The Average Daily Travel (ADT), in trip ends per day, is taken from *Trip Generation*, (7th Ed), 2003, published by the Institute of Transportation Engineers (ITE). Note should be taken of the fact that two different editions of the ITE's *Trip Generation* are used, the 6th and the 7th. These two editions are used because various editions address particular items of relevance to this study and some of these items addressed in the 6th Edition are not re-addressed in the 7th Edition. The trip generation rates are to be found in Table III-6.

PERCENT NEW TRIPS. Many land uses, while attracting traffic, generate little, if any, new traffic (other than attracting existing traffic to a particular location). There are several reasons for this situation. First, the multiple purpose trips will tend to attract traffic to particular locations while generating little if any additional travel. Second, the capturing of existing trips, such as stopping for a quart of milk on the way home from work will result in little if any additional travel. Third, diverting a trip that already existed, such as taking the long way home from work to shop, will place limited new travel on the road system. Take, for example, the convenience store and the service (gas) station. The typical visits to these establishments, especially during the peak hour, are made by individuals who are going elsewhere such as home or work. An example may help. Let there be an individual driving from work to home (which would be two trip ends), a distance of 8 miles. Assume that this individual stops at the day care center to pick up a child, a convenience store to get milk and a service station for gasoline. How many trips have been made? According to the standard methodology of transportation engineering, a total of 8 trips have been made:

- leaving work
- entering the day care center
- leaving the day care center
- entering the convenience store
- leaving the convenience store
- entering the service station
- leaving the service station
- arriving home.

If we were to apply an average trip length of 5 miles to these trips, the result would be 40 miles, a vast overstatement of actual travel. This overstatement is corrected in two ways. First, to deduct, by a percentage reduction factor (% NEW TRIPS), for trips to particular land uses that do not place additional travel on the roads and, second, to adjust the trip lengths for non-residential land uses which more accurately reflect the travel patterns of individuals visiting those sites. The first, % NEW TRIPS, is set out in Table III-6 and used in Table III-8. The second, adjusted trip lengths, are included in Table III-8. The % NEW TRIPS is, ultimately, a professional judgment. Such judgments, however, are based upon several articles in the "ITE Journal" and specifically upon the "pass by" analysis set out in the 6th edition of the ITE's *Trip Generation* and Chapter 5 of *Trip Generation Handbook*, 2001, published by the Institute of Transportation Engineers.

AVERAGE TRIP LENGTHS. The trip lengths shown in Table III-7 are derived from the National Household Transportation Survey.³ These national studies are localized to Cutler Bay conditions, where it is expected that trip lengths will be shorter. The relative trip length, in Table III-7, will be used instead of the absolute trip length.

TOTAL AND ADJUSTED VEHICULAR MILES OF TRAVEL. Table III-10 calculates the total vehicular miles of travel for all developments in Cutler Bay. Table III-10 shows total travel within Cutler Bay and presents that travel in terms of the developments that were the source of the travel and also the travel per unit of development. Simple multiplication of trip rates by trip lengths tends to overestimate vehicular miles of travel. Therefore it is necessary to adjust VMT, which is shown in Table III-11. Table III-12 calculates adjusted VMT per unit of development.

ROAD CAPACITY EXPANSION COST PER VEHICULAR MILE OF TRAVEL. This is the road capacity expansion cost as set out in the Transportation Master Plan, pages 138-142. Cost per unit of travel is the total capacity expansion cost divided by the additional miles of travel (from Table III-1) to get road cost per unit of travel. This is found in Table III-4.

ROAD COST PER UNIT OF DEVELOPMENT. The cost per unit of development, which is the basis for any road impact fee, is the cost per unit of travel, Table III-4, times the Adjusted VMT per unit, Table III-12. This result is shown in Table III-13.

³ US Dept of Transportation, Bureau of Transportation Statistics, National Household Transportation Survey, 2001, www.bts.gov/programs/national_household_travel_survey/.

C. Existing Conditions

The Town currently has 46.84 lane-miles of roads within its boundaries. Table III-1 shows the usage of these roads for 2007, 2009, and 2015.

**Table III-1
TRAFFIC VOLUMES
TOWN OF CUTLER BAY**

| | |
|----------------------------|---------|
| Daily Traffic Volumes 2007 | 137,665 |
| Daily Traffic Volumes 2009 | 141,893 |
| Daily Traffic Volumes 2015 | 153,040 |

Town of Cutler Bay, Comprehensive Plan, page T-15.

NOTE: 2009 is interpolated.

The usage of these roadways per lane-mile is shown in Table III-2. As roadway usage increases there are needed improvements to the capacity of the roadway system. The Town has established Level of Service “D” as the adopted standard for Cutler Bay roadways.

**Table III-2
ROAD USAGE PER LANE-MILE**

| | |
|-----------------------|---------|
| Lane-Miles of Roadway | 46.84 |
| Daily Traffic Volume | |
| 2007 | 137,665 |
| 2009 | 141,893 |
| 2015 | 153,040 |
| Traffic per Lane-Mile | |
| 2007 | 2,939 |
| 2009 | 3,029 |
| 2015 | 3,267 |

SOURCE: Tables 1 and 2.

Table III-4 shows the capacity expansions to Town maintained roads that are established in the Town’s Transportation Master Plan, pages 138-142.

**Table III-4
ROAD CAPACITY EXPANSIONS AND COSTS
TOWN OF CUTLER BAY**

| Project Name | Planning | Design | Construction | Total |
|---|-----------------|---------------|---------------------|------------------|
| Signal Progression Analysis | \$130,000 | NA | NA | \$130,000 |
| Cutler Ridge Drive / Franjo Intersection Operation Analysis | \$8,500 | NA | NA | \$8,500 |
| Intersection Realignment on Caribbean | \$15,000 | NA | NA | \$15,000 |
| Add turn lanes at intersections south of Franjo | \$30,000 | \$50,000 | \$420,000 | \$500,000 |
| Total | | | | \$653,500 |
| New Vehicular Miles of Travel | | | | 11,147 |
| Cost per VMT | | | | \$58.63 |

SOURCE: Town of Cutler Bay, Transportation Master Plan, page 138-142.

D. Traffic Generation

Traffic to and from a particular site is determined by the number of vehicular trips per unit of development, either per day or per hour, the Trip Generation Rate, multiplied by the magnitude of the development at the site. For example, residences generate 8.86 vehicular trips per day. A development with 100 residential units would then generate an estimated 886 vehicular trips per day. Most of this report will deal with a single unit of development, which will be 1,000 square feet of residential or non-residential floor area.

1. Trip Generation

Table III-5 shows the land uses within the Town and their magnitude in terms of square feet of heated or air conditioned floor area. The trip generation rates are from the Institute for Transportation Engineers (ITE). These rates are the total vehicular movements into or out of a site during a week-day 24-hour period. Because these trips are average daily trips, both entering and leaving a site, they will have to be reduced to 50% when total travel is being projected. The trip

**Table III-5
LAND USE IN CUTLER BAY AND TRIP GENERATION**

| | Units | Trip Rate |
|---|--------------|------------------|
| Residential: | | |
| Dwelling Units | 14,972 | 8.86 |
| Residential Floor Area in Thousands of Square Feet | 25,926 | 5.11 |
| Floor Area per Unit | 1.732 | |
| Non-Residential Floor Area in Thousands of Square Feet | | |
| Commercial | 2,715 | 42.94 |
| Office | 331 | 11.01 |
| Industrial | 11 | 5.25 |
| Institutional | 1,086 | 17.57 |
| Governmental | 76 | 13.00 |
| Hotel/Motel | 125 | 6.90 |

SOURCES: Institute of Transportation Engineers (ITE), Trip Generation, 7th Edition, 2003; ITE, Trip Generation Handbook, 6th Edition, 1997, Chapter 5; Town of Cutler Bay, from Miami-Dade County Property Appraiser, January 2009.

..
generation rate for residential per 1,000 square feet is the result of multiplying the average residential trip rate, 8.86, by the number of dwelling units, 14,972, and then dividing by the thousands of square feet of residential floor area, 25,926:

| | |
|----------------------------------|---------|
| Residential Trip Rate | 8.86 |
| Residential Units | 14,972 |
| Residential Trips | 132,612 |
| Residential Floor Area | 25,926 |
| Residential Trips per 1,000 feet | 5.11 |

2. New Trips

Many vehicles going to non-residential sites were already on the road and passing by. Many others were existing trips, but diverted in order to visit a particular site. Stopping off on the way home from work to shop, or bank are examples of this phenomena. This means that non-residential trip generation rates must be adjusted for these “pass-by” trips in order to have a fair representation of their impacts on the road system. Data from the ITE suggest that approximately one-half of the shopping trips are pass-by trips. Applying these data to all non-residential land uses yields the percentages of new trips shown in Table III-6.

**Table III-6
PER CENT NEW TRIPS**

| | Trip Rate | % New Trips |
|--|------------------|--------------------|
| Residential: | | |
| Per Dwelling Unit | 8.86 | 100.0% |
| Per 1,000 FT ² of Floor Area | 5.11 | 100.0% |
| Non-Residential Floor Area in Thousands of Square Feet | | |
| Commercial | 42.94 | 50.0% |
| Office | 11.01 | 60.0% |
| Industrial | 5.25 | 70.0% |
| Institutional | 17.57 | 50.0% |
| Governmental | 13.00 | 50.0% |
| Hotel/Motel | 6.90 | 85.0% |

SOURCES: Table 5 and ITE, Trip Generation Handbook, 6th Edition, 1997, Chapter 5.

3. Trip Lengths

Absolute and relative vehicular trip lengths are shown in Table III-7. The relative trip length is the length by trip purpose divided by the average trip length. The base data for the lengths used in Cutler Bay are nationwide norms as reported by the US Department of Transportation. Because trip lengths will vary by location, the relative trip length will be used for Cutler Bay. National travel data have thusly been localized to Cutler Bay.

**Table III-7
ABSOLUTE AND RELATIVE VEHICULAR TRIP LENGTHS
BY TRIP PURPOSE**

| Trip Purpose | Trip Length (Miles) | |
|--------------------------------|----------------------------|-----------------|
| | Average | Relative |
| All Purposes | 9.87 | 1.00 |
| To or From Work | 12.08 | 1.22 |
| Shopping | 6.74 | 0.68 |
| Other Fam. & Personal Business | 7.45 | 0.75 |
| Social and Recreational | 11.91 | 1.21 |

SOURCE: P. Hu and T. Reuscher, 2001 National Household Travel Survey: Summary of Trends, Federal Highway Administration, December 2004, page 16.

**Table III-8
TRIP LENGTHS BY LAND USE**

| Residential | Units | Trip Rate | % New Trips | Relative Trip Length |
|---|--------------|------------------|--------------------|-----------------------------|
| Dwelling Units | 14,972 | 8.86 | 100.0% | 1.00 |
| Floor Area in Thousands of Square Feet | 25,915 | 5.12 | 100.0% | 1.00 |
| Floor Area per Unit | 1.731 | | | |
| Non-Residential Floor Area in Thousands of Square Feet | | | | |
| Commercial | 2,692 | 42.94 | 50.0% | 0.75 |
| Office | 328 | 11.01 | 60.0% | 0.99 |
| Industrial | 11 | 5.25 | 70.0% | 0.99 |
| Institutional | 1,077 | 17.57 | 50.0% | 0.87 |
| Governmental | 75 | 13.00 | 50.0% | 0.99 |
| Hotel/Motel | 124 | 6.90 | 85.0% | 1.03 |

SOURCES: Tables III-5, III-6, and III-7.

Table III-9 shows how the relative trip lengths by land uses were calculated.

**Table III-9
RELATIVE TRIP FACTORS**

| | All | Work | Shopping | Other |
|---------------|------------|-------------|-----------------|--------------|
| Residential | 100% | | | |
| Commercial | | 10% | 70% | 20% |
| Office | 33% | 33% | | 33% |
| Industrial | | 50% | | 50% |
| Institutional | | 25% | | 75% |
| Governmental | 33% | 33% | | 33% |
| Hotel/Motel | 50% | 20% | 15% | 15% |

4. Vehicular Miles of Travel or Traffic

Multiplying the trip generation rate by the percent new trips, by the relative trip length and then dividing by 2⁴ yields unadjusted vehicular miles of travel.

**Table III-10
VEHICULAR MILES OF TRAVEL**

| Residential | Units | Trip Rate | % New Trips | Relative Trip Length | VMT |
|--|--------|-----------|-------------|----------------------|----------------|
| Dwelling Units | 14,972 | 8.86 | 100.0% | 1.00 | 66,306 |
| Floor Area in Thousands of Square Feet | 25,915 | 5.12 | 100.0% | 1.00 | 66,306 |
| Floor Area per Unit | 1,731 | | | | |
| Non-Residential Floor Area in Thousands of Square Feet | | | | | |
| Commercial | 2,692 | 42.94 | 50.0% | 0.75 | 21,714 |
| Office | 328 | 11.01 | 60.0% | 0.99 | 1,076 |
| Industrial | 11 | 5.25 | 70.0% | 0.99 | 20 |
| Institutional | 1,077 | 17.57 | 50.0% | 0.87 | 4,126 |
| Governmental | 75 | 13.00 | 50.0% | 0.99 | 242 |
| Hotel/Motel | 124 | 6.90 | 85.0% | 1.03 | 374 |
| TOTALS | | | | | 159,790 |

The travel or traffic of concern is that occurring within the Town of Cutler Bay. The mathematical calculation in Table III-10 shows 159,790 miles of travel per day by all persons within Cutler Bay. Table III-1, above, showed an estimated 141,893 miles of travel on Cutler Bay arterial and collector roads. Therefore it is necessary to adjust the VMT in Table III-10 downward to fit with Cutler Bay conditions. This is done in Table III-11. The sum of the adjusted VMT by land use is equal to the total projected VMT in Cutler Bay.

⁴ To correct for counting both entrances and exists in the trip generation rate.

**Table III-11
ADJUSTED VEHICULAR MILES OF TRAVEL
TOWN OF CUTLER BAY**

| Residential | Trip Rate | % New Trips | Relative Trip Length | VMT | VMT Adjusted |
|---|------------------|--------------------|-----------------------------|------------|---------------------|
| Dwelling Units | 14,972 | 8.86 | 100.0% | 1.00 | 58,879 |
| Floor Area in Thousands of Square Feet | 25,915 | 5.12 | 100.0% | 1.00 | 58,879 |
| Non-Residential Floor Area in Thousands of Square Feet | | | | | |
| Commercial | 2,692 | 42.94 | 50.0% | 0.75 | 19,282 |
| Office | 328 | 11.01 | 60.0% | 0.99 | 956 |
| Industrial | 11 | 5.25 | 70.0% | 0.99 | 17 |
| Institutional | 1,077 | 17.57 | 50.0% | 0.87 | 3,664 |
| Governmental | 75 | 13.00 | 50.0% | 0.99 | 215 |
| Hotel/Motel | 124 | 6.90 | 85.0% | 1.03 | 332 |
| TOTALS | | | | | 141,893 |

E. Impact Cost

The Town of Cutler Bay received \$664,817 in motor fuel tax allocations.⁵ These funds must be used for transportation purposes, including constructing and maintaining roadways within Cutler Bay. These funds are committed to the maintenance of existing roads and are not available to finance capacity expansions.

Traffic per unit is calculated by dividing the adjusted VMT by the number of units.

**Table III-12
VEHICULAR MILES OF TRAVEL PER UNIT
TOWN OF CUTLER BAY**

| Residential | Trip Rate | % New Trips | Relative Trip Length | VMT | VMT Adjusted | VMT per Unit |
|--|-----------|-------------|----------------------|---------|--------------|--------------|
| Dwelling Units | 8.86 | 100.0% | 1.00 | 66,306 | 58,879 | |
| Floor Area in 1k FT ² | 5.12 | 100.0% | 1.00 | 66,306 | 58,879 | 2.27 |
| Non-Residential Floor Area in Thousands of Square Feet | | | | | | |
| Commercial | 42.94 | 50.0% | 0.75 | 21,714 | 19,282 | 7.16 |
| Office | 11.01 | 60.0% | 0.99 | 1,076 | 956 | 2.91 |
| Industrial | 5.25 | 70.0% | 0.99 | 20 | 17 | 1.61 |
| Institutional | 17.57 | 50.0% | 0.87 | 4,126 | 3,664 | 3.40 |
| Governmental | 13.00 | 50.0% | 0.99 | 242 | 215 | 2.86 |
| Hotel/Motel | 6.90 | 85.0% | 1.03 | 374 | 332 | 2.68 |
| TOTALS | | | | 159,790 | 141,893 | |

⁵ Town of Cutler Bay, FY08-09 Adopted Budget, page 46. This is down from \$675,287 in the prior year.

Table III-13 applies the cost per unit of traffic shown in Table III-4 to the travel per unit of land use shown in Table III-12. This is the net cost of roads for development within Cutler Bay.

**Table III-13
ROAD COST PER UNIT OF LAND USE
TOWN OF CUTLER BAY**

| Residential | Trip Rate | % New Trips | Relative Trip Length | VMT | VMT Adjusted | VMT per Unit | Cost per FT² |
|---|------------------|--------------------|-----------------------------|----------------|---------------------|---------------------|--------------------------------|
| Dwelling Units | 8.86 | 100.0% | 1.00 | 66,306 | 58,879 | | |
| Floor Area in 1k FT ² | 5.12 | 100.0% | 1.00 | 66,306 | 58,879 | 2.27 | \$0.13 |
| Non-Residential Floor Area in Thousands of Square Feet | | | | | | | |
| Commercial | 42.94 | 50.0% | 0.75 | 21,714 | 19,282 | 7.16 | \$0.42 |
| Office | 11.01 | 60.0% | 0.99 | 1,076 | 956 | 2.91 | \$0.17 |
| Industrial | 5.25 | 70.0% | 0.99 | 20 | 17 | 1.61 | \$0.09 |
| Institutional | 17.57 | 50.0% | 0.87 | 4,126 | 3,664 | 3.40 | \$0.20 |
| Governmental | 13.00 | 50.0% | 0.99 | 242 | 215 | 2.86 | \$0.17 |
| Hotel/Motel | 6.90 | 85.0% | 1.03 | 374 | 332 | 2.68 | \$0.16 |
| TOTALS | | | | 159,790 | 141,893 | | |

IV. PARKS

Table IV-1 presents the inventory of Cutler Bay parks and recreation areas and calculates the existing level of service. The existing level of service is 0.79 acres of active park area per 1,000 population. The new park area to be added is the 8 acres of Lakes by the Bay Park, which are expected to be provided by Miami-Dade County at no cost to the Town.

**Table IV-1
PARK LAND INVENTORY AND COSTS
TOWN OF CUTLER BAY**

| PARK OR RECREATIONAL FACILITY | Acres or Value | |
|-------------------------------|----------------|--------------|
| | Acres | Value |
| PARK LAND | | |
| Bel Aire Park Parcel | 5.29 | \$184,346 |
| Cutler Ridge Park Parcel | 10.88 | \$1,458,000 |
| Cutler Ridge Park Parcel | | \$1,200,000 |
| Cutler Ridge Park Parcel | | \$607,138 |
| Franjo Park Parcel | 5.27 | \$1,500,000 |
| Franjo Park Parcel | | \$185,236 |
| Saga Bay Park Parcel | 5.00 | \$102,366 |
| Saga Lake Park Parcel | 5.00 | \$100,000 |
| Whispering Pines Park Parcel | 1.37 | \$524,005 |
| Lincoln City Park | 0.60 | \$180,000 |
| Lakes by the Bay Park | Not Included | Not Included |
| Misc Parcels (6) | Not Included | Not Included |
| Total Value | | \$6,041,091 |
| Total Area | 33.41 | Acres |
| Population Served | 42,481 | |
| Level of Service | 0.79 | per 1,000 |
| Adopted Level of Service | 1.20 | per 1,000 |
| Used for Impact Fees | 0.79 | per 1,000 |

SOURCE: Town of Cutler Bay, January 2009, and American Appraisal, September 30, 2008.

Table IV-2 shows the improvements and facilities provided in each park together with the value of those existing improvements or facilities. The total value of all existing parks as of 2009 is \$10,630,148.

**Table IV-2
PARK INVENTORY AND COSTS
TOWN OF CUTLER BAY**

| PARK IMPROVEMENTS | VALUE |
|----------------------------------|--------------|
| Bel Aire Park | \$183,107 |
| Cutler Ridge Park | \$938,189 |
| Franjo Park | \$343,717 |
| Saga Bay Park | \$162,461 |
| Saga Lake Park | \$25,761 |
| Whispering Pines Park | \$98,459 |
| Total Land Improvements | \$1,751,694 |
| PARK BUILDINGS | |
| Bel Aire Park: | |
| Concession stand | \$214,000 |
| Cutler Ridge Park: | |
| Recreation Center | \$1,483,000 |
| Clubhouse | \$196,000 |
| Pool Building | \$427,000 |
| Franjo Park: | |
| Office/Concession | \$322,000 |
| Storage | \$64,000 |
| Whispering Pines Park: | |
| Picnic Pavilion | \$12,000 |
| Total Park Buildings | \$2,718,000 |
| OTHER | |
| Computers & Associated Equipment | \$16,676 |
| Other Equipment | \$10,806 |
| Building Improvements | \$71,027 |
| Signage | \$20,854 |
| Total Other | \$119,363 |
| LAND | \$6,041,091 |
| GRAND TOTAL | \$10,630,148 |

SOURCE: American Appraisal, April 7, 2009, and Table IV-1.

A park improvement program was adopted by the Town on February 18, 2009. The essence of this program is to add facilities and equipment to the existing parks and to develop Lincoln City Park, and Lakes by the Bay Park. The total cost of this adopted improvement program is \$16,227,226. These improvements will serve both the existing population and the population added by new development. Cutler Bay's total park system, after the improvement program, will be 41.41 acres with a total value/cost of \$28,303,949.

**Table IV-3
PARKS IMPROVEMENTS**

| | |
|---|--------------------|
| Existing Parks: | |
| Acres | 33.41 |
| Land Value | \$6,041,091 |
| Facilities & Equipment | \$4,589,057 |
| Total | \$10,630,148 |
| To be Developed: | |
| Acres | 8.00 |
| Land Cost* | 0.00 |
| Facilities & Equipment | \$16,227,266 |
| Total Park System: | |
| Acres | 41.41 |
| Land Value | \$7,487,626 |
| Facilities & Equipment | \$20,816,323 |
| Total | \$28,303,949 |
| Town of Cutler Bay: | |
| Existing Population | 42,481 (70.5%) |
| Growth | 17,816 (29.5%) |
| Future - 2020 | 60,296 (100%) |
| PARK LEVEL OF SERVICE | |
| Existing | 0.79 |
| Future - 2020 | 0.69 |
| Need for Parks by: | |
| Existing Population | |
| Acres | 29.17 |
| Land Value | \$5,275,277 |
| Facilities & Equipment | \$11,432,639 |
| Total | \$16,707,915 |
| New Development | |
| Acres | 12.24 |
| Land Value | \$2,212,349 |
| Facilities & Equipment | \$9,383,685 |
| Total | \$11,596,034 |
| Parks Provided by Existing Residents | |
| Acres | 41.41 |
| Land Value | \$7,487,626 |
| Facilities & Equipment | \$4,589,057 |
| Total Existing | \$12,076,683 |
| Existing Deficiency | \$4,631,232 |

SOURCE: Urban Resource Group, Master Park Plan, Town of Cutler Bay, adopted February 18, 2009.

* Land from Miami-Dade County expected at no out of pocket cost to the Town.

The existing population of Cutler Bay is 70.5% of the projected 2020 population. It would follow that 70.5% of the 41.41 acres of parks (29.17 acres) would serve existing residents and 29.5% (12.24 acres) would serve new development. In assigning values of the parks serving existing and new residents, the land value, \$7,487,626, is divided 70.5% existing and 29.5% new. Likewise, the value of the future improvements is divided 70.5% to existing and 29.5% to new. The value of future parks serving existing residents amounts to \$16,707,915. The value of parks provided by existing residents amounts to \$12,076,683, leaving an existing deficiency of \$4,631,232. A recap of these numbers yields:

| | |
|-----------------------------|--------------|
| Value of Future Park System | \$28,303,949 |
| Serving Existing Residents | \$16,707,915 |
| Serving New Development | \$11,596,034 |

| | |
|---------------------------------|--------------|
| Total System | \$28,303,949 |
| Incurred by Existing Population | \$12,076,683 |
| Existing Deficiency | \$4,631,232 |
| Cost of Growth | \$11,596,034 |

Table IV-4 shows the growth cost of parks and the residential development to be served by those parks. Here residential includes a portion of hotel/motel floor area. The result is a cost of \$.86 per square foot of residential floor area and \$.43 per square foot of hotel/motel floor area.

**Table IV-4
PARK COSTS OF GROWTH**

| New Development Served | |
|------------------------------------|---------------------|
| Residential | |
| Existing Sq Ft of Floor Area | 25,915,152 |
| Future - 2020 Sq Ft of Floor Area | 39,453,388 |
| Change | 13,538,235 |
| Hotel/Motel | |
| Existing Sq Ft of Floor Area | 61,921 |
| Future - 2020 Sq Ft of Floor Area | 87,890 |
| Change | 25,968 |
| Total New Floor Area | 13,564,204 |
| Growth Cost for Parks | \$11,596,034 |
| Cost per Foot of Floor Area | \$0.86 |

NOTE: Hotel/Motel entered at 50% to account for "business travelers."

V. PUBLIC SAFETY

Table V-1 shows the capital costs of police facilities. The same data for Fire and rescue are in Table V-2.

**Table V-1
VALUE OF POLICE CAPITAL FACILITIES
TOWN OF CUTLER BAY**

| Vehicles: | No. | Cost per | Total |
|---------------------------------------|------------|-----------------|--------------------|
| Marked Units | 39 | \$14,000 | \$546,000 |
| Unmarked Units | 5 | \$8,450 | \$42,250 |
| Rental Units | 7 | \$8,450 | \$59,150 |
| Motorcycles | 3 | \$10,000 | \$30,000 |
| PSA Units | 2 | 14,000 | \$28,000 |
| Total: | | | \$705,400 |
| Equipment | | | |
| Computers | | | \$13,901 |
| Firearms | | | \$8,453 |
| Office | | | \$106,018 |
| Misc & Other | | | \$46,738 |
| Communications | | | na |
| TOTAL CAPITAL FACILITIES VALUE | | | \$1,585,908 |
| Population Served | | | 42,841 |
| Cost per Capita | | | \$37.02 |
| Floor Area Protected | | | 29,375,928 |
| Cost per Foot of Floor Area | | | \$0.05 |

SOURCE: Town of Cutler Bay, January 2009.

The fire and rescue facilities are owned and operated by the Miami-Dade County Fire Department. Miami-Dade County has a Fire/Rescue impact fee that is not effective within the corporate limits of Cutler Bay. The calculations shown in Table V-2 would represent the gross and net costs to the Miami-Dade County Fire Department of development within Cutler Bay.

**Table V-2
VALUE OF FIRE/RESCUE CAPITAL FACILITIES
TOWN OF CUTLER BAY**

| Stations | Sq Ft | | Extension |
|---------------------------------------|--------------|-----------------|------------------|
| Station 34 | 10,030 | | \$2,006,000 |
| Station 55 | 6,400 | | \$1,280,000 |
| Land | | | na |
| Vehicles | No. | Cost per | Extension |
| Aerials | 1 | \$750,000 | \$750,000 |
| Engine | 1 | \$550,000 | \$550,000 |
| Rescue | 1 | \$140,000 | \$140,000 |
| Communications | | | Not Available |
| Other Equipment | | | Not Available |
| TOTAL CAPITAL FACILITIES VALUE | | | \$4,726,000 |
| Population Served | | | 42,841 |
| Cost per Capita | | | \$110.31 |
| Floor Area Protected | | | 30,270,724 |
| Cost per Foot | | | \$0.16 |

SOURCE: Town of Cutler Bay, from Miami-Dade Fire Department, January 2009 and Miami-Dade County Fire Impact Fee Study, March 2005.

**Table V-3
PUBLIC SAFETY COST PER SQUARE FOOT OF DEVELOPMENT
TOWN OF CUTLER BAY**

| | |
|------------------------------------|-------------|
| Police Facility Costs | \$1,585,908 |
| Floor Area Protected | 30,270,724 |
| Cost per Foot | \$0.05 |
| Fire Facility Costs | \$4,726,000 |
| Floor Area Protected | 30,270,724 |
| Cost per Foot | \$0.16 |
| Total Public Safety Cost | \$6,311,908 |
| Floor Area Protected | 30,270,724 |
| Cost per Square Foot of Floor Area | \$0.21 |

SOURCE: Tables V-1 and V-2.

VI. PUBLIC BUILDINGS

Table VI-1 contains the inventory of Cutler Bay public buildings. Table VI-2 the ancillary costs associated with the Town's public buildings. Table VI-3 shows the level of service, 0.24 square feet per capita, and the per capita and per foot of floor area cost.

**Table VI-1
PUBLIC BUILDINGS AREA AND VALUE
TOWN OF CUTLER BAY**

| Suite | Use | Area | Annual Lease | Value |
|-------|--------------------|--------|--------------|-------------|
| 105 | General Government | 4,304 | \$81,475 | \$1,018,438 |
| 110 | Planning/Building | 1,240 | \$23,473 | \$293,413 |
| 115 | Planning/Building | 461 | \$8,727 | \$109,088 |
| 120 | Planning/Building | 830 | \$15,712 | \$196,400 |
| 125 | Police | 3,390 | \$64,173 | \$802,163 |
| | TOTALS | 10,225 | \$193,560 | \$2,419,500 |

SOURCE: Town of Cutler Bay, January 29, 2009.

Cutler Bay is currently leasing these spaces. A long term lease is an alternative way of meeting this public's need for public buildings. The annual lease payments are capitalized at 8% to arrive at the capitalized cost of those public buildings.

**Table VI-2
PUBLIC BUILDINGS EQUIPMENT, FURNISHINGS AND CONTENTS
TOWN OF CUTLER BAY**

| Item | Value |
|-------------------------------------|-------------|
| Computers & Associated Equipment: | |
| Workstations & Associated Equipment | \$81,399 |
| Other computer equipment | \$63,897 |
| Other software | \$167,033 |
| Furniture | \$179,278 |
| Equipment | \$183,976 |
| Leasehold Improvements | \$73,435 |
| Signage | \$54,047 |
| Lee Equipment Assigned to Police | (\$250,176) |
| Total | \$552,888 |

SOURCE: American Appraisal, April 7, 2009.

The building and ancillary costs are aggregated in Table VI-3 and unit costs calculated. The result is a public building cost of \$10 per 1,000 square feet of heated or air conditioned floor area. This rate would apply equally to residential and non-residential floor space.

**Table VI-3
PUBLIC BUILDINGS LEVEL OF SERVICE AND COST
TOWN OF CUTLER BAY**

| | |
|--|-------------|
| Building Area | 10,231 |
| Population Served | 42,481 |
| FT ² per Capita | 0.24 |
| Building Value | \$2,419,500 |
| Contents & Equipment | \$552,888 |
| Total | \$2,972,388 |
| Value per FT ² | \$290.53 |
| Outstanding Debt | \$0.00 |
| Net Value | \$2,972,388 |
| Population Served | 42,481 |
| Value per Capita | \$69.97 |
| Floor Area Served | 30,222,374 |
| Building Value per Foot of Floor Area Served | \$0.10 |

VII. SUMMARY

Table VII-1 summarizes the net costs determined above. These figures represent pro rata shares of reasonably anticipated costs of expansion to meet the needs of new development in Cutler Bay.

**TABLE VII-1
FACILITY COSTS PER SQUARE FOOT OF FLOOR AREA
TOWN ON CUTLER BAY**

| | Roads | Police | Fire/ Rescue | Public Buildings | Parks | Total |
|-------------------------------------|--------------|---------------|-------------------------|-----------------------------|--------------|--------------|
| Residential per FT ² | \$0.13 | \$0.05 | \$0.16 | \$0.10 | \$0.86 | \$1.30 |
| Non-Residential per FT ² | | | | | | |
| Commercial | \$0.42 | \$0.05 | \$0.16 | \$0.10 | \$0.00 | \$0.73 |
| Office | \$0.17 | \$0.05 | \$0.16 | \$0.10 | \$0.00 | \$0.48 |
| Industrial | \$0.09 | \$0.05 | \$0.16 | \$0.10 | \$0.00 | \$0.40 |
| Institutional | \$0.20 | \$0.05 | \$0.16 | \$0.10 | \$0.00 | \$0.51 |
| Governmental | \$0.17 | \$0.05 | \$0.16 | \$0.10 | \$0.00 | \$0.48 |
| Hotel/Motel | \$0.16 | \$0.05 | \$0.16 | \$0.10 | \$0.43 | \$0.90 |

Tables VII-2 through VII-4 present some comparative impact fee data.

**TABLE VII-2
COMPARATIVE IMPACT FEES FOR A SINGLE FAMILY HOME**

| | Roads | Police | Fire/ Rescue | Public Buildings | Parks | Total |
|-------------------|--------------|---------------|-------------------------|-----------------------------|--------------|--------------|
| Cutler Bay | \$260 | \$100 | \$320 | \$200 | \$1,720 | \$2,600 |
| Miami-Dade County | \$1,307 | \$482 | \$370 | no fee | \$2,424 | \$4,582 |
| Florida Average | \$3,628 | \$379 | \$394 | \$493 | \$852 | \$5,745 |
| Miami | no fee | \$164 | \$704 | \$413 | \$6,818 | \$8,099 |
| Homestead | no fee | \$940 | no fee | \$200 | \$4,340 | \$5,480 |
| North Miami | \$280 | \$635 | no fee | \$1,306 | \$8,391 | \$10,332 |

NOTE: The size of home used is 2,000 square feet of heated or air conditioned space.

**TABLE VII-3
COMPARATIVE IMPACT FEES FOR A 75,000 FT² GENERAL OFFICE**

| | Roads | Police | Fire/ Rescue | Public Buildings | Parks | Total |
|-------------------|--------------|---------------|-------------------------|-----------------------------|--------------|--------------|
| Cutler Bay | \$12,750 | \$3,750 | \$12,000 | \$7,500 | \$0 | \$36,000 |
| Miami-Dade County | \$165,450 | \$25,095 | \$22,020 | no fee | \$0 | \$212,565 |
| Florida Average | \$293,550 | \$18,975 | \$19,875 | \$25,875 | \$0 | \$358,275 |
| Miami | no fee | \$15,450 | \$25,200 | \$10,500 | \$0 | \$51,150 |
| Homestead | no fee | \$28,500 | no fee | \$7,500 | \$0 | \$36,000 |

**TABLE VII-4
COMPARATIVE IMPACT FEES FOR A 75,000 FT² GENERAL RETAIL STORE**

| | Roads | Police | Fire/ Rescue | Public Buildings | Parks | Total |
|-------------------|--------------|---------------|-------------------------|-----------------------------|--------------|--------------|
| Cutler Bay | \$31,500 | \$3,750 | \$12,000 | \$7,500 | \$0 | \$54,750 |
| Miami-Dade County | \$98,775 | \$25,095 | \$29,640 | no fee | \$0 | \$153,510 |
| Florida Average | \$459,525 | \$32,550 | \$28,500 | \$46,125 | \$0 | \$566,700 |
| Miami | no fee | \$45,675 | \$17,025 | \$7,125 | \$0 | \$69,825 |
| Homestead | no fee | \$28,500 | no fee | \$7,500 | \$0 | \$36,000 |