

Memorandum



Date: March 22, 2011

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

Special Item No. 1

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "Burgess", written over a white background.

Subject: Resolution and Public Hearing for Transmittal of the Proposed Homestead-Miami Speedway, LLC Application to Amend the Comprehensive Development Master Plan to the Florida Department of Community Affairs

Recommendation

It is recommended that the Board of County Commissioners (Board) adopt the attached resolution (Special Item No. 1) after the public hearing scheduled to begin at 9:30 AM on Thursday, January 27, 2011, to address the Homestead-Miami Speedway, LLC Application to amend the Comprehensive Development Master Plan (CDMP). The resolution provides for transmittal of the referenced CDMP amendment application to the Florida Department of Community Affairs (DCA) and other State and regional agencies for review and comment pursuant to Section 163.3184, Florida Statutes (F.S.).

Scope

The CDMP is a broad-based countywide policy-planning document to guide future growth and development, to insure the adequate provision of facilities and services for existing and future populations, and to maintain or improve the quality of the natural and man-made environment. The application site is located within Commission District 9 (Commissioner Moss). The proposed CDMP amendment is expected to have a countywide impact since it involves a regional facility.

Fiscal impact/Funding Source

Ordinance No. 01-163 requires the review procedures for amendments to the CDMP to include, for any proposed land use change, a written evaluation of the estimated incremental and cumulative impact to Miami-Dade County for bringing such infrastructure to the area, as well as annual operating costs. Also, in accordance with Resolution No. 530-10, County departments are required to include detailed financial costs and budgetary impact analysis for items that have a fiscal impact. Since the subject property is located within the City of Homestead, the municipality will assume the capital costs and annual operating and maintenance costs associated with any public infrastructure improvements for the proposed development.

However, Miami-Dade Water and Sewer Department (WASD) could be fiscally impacted. According to WASD, the City of Homestead's water treatment plant is operating at capacity and extension of the municipality's water distribution system within the area proposed for development is required. Miami-Dade County on July 9, 2010, entered into a 20-year contract to provide wholesale water service to the City of Homestead. The municipality requested the County to provide 3 million gallons per day (MGD) to replace the withdrawal reduction of their Consumptive Use Permit by the South Florida Water Management District (SFWMD). WASD will also provide 0.5 MGD of water for the remainder of the current fiscal year and an additional 0.5 MGD on an annual basis for five years until September 30, 2015, and 3 MGD annually thereafter. In addition, the City of Homestead is currently in agreement with Miami-Dade County to send a minimum of 2 million gallons per month of wastewater to the County's South

Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners
Page 2

District Wastewater Treatment Plant for treatment and disposal. If future development occurs within the application site requiring water and sewer services, the City of Homestead needs to contact WASD to address water and/or sewer connections.

Track record/monitor

CDMP Amendments do not involve contracts; therefore, information on Track Record/Monitoring is not applicable.

Background

The application site is a ±120-acre property located between SW 132 and SW 142 Avenues and between theoretical SW 333 Street and SW 336 Street, within the City of Homestead. As stated above, the subject site is located outside of the Urban Development Boundary (UDB) but within the Urban Expansion Area (UEA). The Homestead-Miami Speedway, LLC application to amend the CDMP seeks to expand the UDB to include the application site; to re-designate the site on the Adopted 2015-2025 Land Use Plan (LUP) map of the CDMP from "Agriculture" to "Business and Office"; to add text to Land Use Element Policy LU-8G of the CDMP that defines a 'unique regional facility' and provides criteria to be used when considering UDB amendment applications to bring land within the UDB for the expansion of an existing unique regional facility; and to add a proffered Declaration of Restrictions to a table in the Land Use Element of the CDMP if it is accepted by the Board.

Resolution

The attached resolution provides for transmittal of the Homestead-Miami Speedway, LLC application to amend the CDMP. The application would be transmitted to the DCA for review and issuance of an Objections, Recommendations and Comments (ORC) report by the DCA. The application was the subject of a public hearing conducted by the Planning Advisory Board (PAB) on December 16, 2010. The actions required of the Board after today's public hearing will be to consider transmittal of the proposed CDMP amendment application for consistency review to the DCA and other review agencies.

It is anticipated that the DCA's ORC report on the application will be received by the County in April 2011. The County is required to take final action on the transmitted application within 60 days after receipt of the ORC report. Preceding the final hearing by the Board, the Department of Planning and Zoning (DP&Z) will respond to any DCA objections and may issue a revised recommendation. The PAB, acting as the Local Planning Agency (LPA) will conduct an additional public hearing and may also issue a revised recommendation. The Board is scheduled to conduct a final public hearing on the transmitted application in June 2011.

Local Planning Agency Recommendations

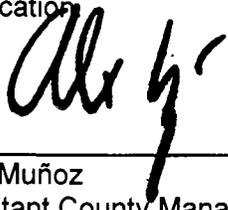
The recommendation of the Planning Advisory Board, acting as the Local Planning Agency, is to Adopt and Transmit with Staff's Recommendation and with Acceptance of Proffered Covenant. The recommendation of the PAB is contained in their resolution and in the summary matrix included in the agenda kit materials for this public hearing.

Resolution Format

As provided in the County Code, transmittal instructions are to be issued by resolution. Section 1 of the attached resolution contains spaces where the Board's adopted transmittal instruction will be entered for the amendment application. Transmittal instructions shall be "Transmit" or "Do Not Transmit". Transmittal does not constitute adoption of the application; however, denial of transmittal in effect denies any further consideration of the application. To transmit any application, County Code requires the affirmative vote of a majority (7) of the Commissioners in office.

Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners
Page 3

Section 2 of the resolution requests DCA to review and return its ORC report on the transmitted Application before the Board conducts its next public hearing to take final action on the Application.



Alex Muñoz
Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: March 22, 2011

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Special Item No. 1

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Special Item No. 1
3-22-11

RESOLUTION NO. _____

RESOLUTION PERTAINING TO APPLICATION REQUESTING AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN FILED FOR CONCURRENT PROCESSING WITH PROPOSED CHANGES TO "VILLAGES OF HOMESTEAD" DEVELOPMENT OF REGIONAL IMPACT (DRI) NOTICE OF PROPOSED CHANGE (NOPC); INSTRUCTING THE COUNTY MANAGER WHETHER OR NOT TO TRANSMIT THE APPLICATION TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; REQUESTING FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS TO REVIEW THE APPLICATION; RESERVING THE RIGHT TO TAKE FINAL ACTION AT A LATER DATE; AND DECLARING INTENT TO CONDUCT ONE OR MORE SUBSEQUENT PUBLIC HEARINGS

WHEREAS, pursuant to Chapter 163, Part 2, Florida Statutes (F.S.) and Chapters 9J-5, 9J-11, and 9J-12, Florida Administrative Code (F.A.C.), the Comprehensive Development Master Plan (CDMP) for Miami-Dade County was adopted by the Miami-Dade Board of County Commissioners in 1988; and

WHEREAS, Chapter 380.06(6), F.S., provides a procedure for accepting and processing applications to amend a local comprehensive plan concurrently with a Notice of Proposed Change (NOPC) to an existing Development of Regional Impact (DRI); and

WHEREAS, Section 2-116.1 of the Code of Miami-Dade County, Florida, provides procedures for amending the CDMP which comply with the requirements of the foregoing State Statutes and Administrative Code; and

WHEREAS, the Homestead-Miami Speedway, LLC filed an application to amend the CDMP and is being processed concurrently with a Notice of Proposed Change, filed with the

City of Homestead, requesting approval of changes to the existing Villages of Homestead DRI, as provided in Chapter 380.06(6), F.S., and Section 2-116.1, of the County Code; and

WHEREAS, the Homestead-Miami Speedway, LLC application to amend the CDMP and the initial recommendation of the Department of Planning and Zoning (DP&Z) required by Section 2-116.1, Code of Miami-Dade County, are contained in a document titled "Application and Initial Recommendation Homestead-Miami Speedway, LLC, Application to Amend the Miami-Dade County Comprehensive Development Master Plan," dated November 29, 2010; and

WHEREAS, the Planning Advisory Board (PAB), acting as the Local Planning Agency (LPA), conducted a duly noticed public hearing on December 16, 2010, to address the subject CDMP amendment Application, the recommendation of the DP&Z, transmittal of the amendment application to the Florida Department of Community Affairs (DCA) for State agency review, and to formulate recommendations regarding final action on the requested CDMP amendment application; and

WHEREAS, at the conclusion of its public hearing, the Local Planning Agency adopted its recommendation regarding transmittal of the Application to the DCA for State agency review, and subsequent final action by the Board of County Commissioners as required by Section 2-116.1, Code of Miami-Dade County, and Section 9J-11, F.A.C., with the understanding that the LPA will further evaluate the transmitted Application and may subsequently issue revised recommendations following one or more duly noticed public hearings after receipt of comments from the DCA; and

WHEREAS, consideration of subject Application is exempt from the twice-per-year statutory limitation on adoption of comprehensive plan amendments pursuant to Chapter 163, F.S.; and

WHEREAS, the DP&Z may publish a revised recommendation on the transmitted Application prior to final hearings and actions by the LPA and the Board of County Commissioners; and

WHEREAS, all existing lawful uses and zoning in effect prior to a CDMP amendment are deemed to remain consistent with the CDMP as amended unless the Board of County Commissioners, in conjunction with a particular zoning action, finds such preexisting zoning or uses to be inconsistent with the CDMP based upon a planning study or activity addressing the criteria set forth in the CDMP; and

WHEREAS, the approval of an amendment to the CDMP does not assure favorable action upon any application for zoning or other land use approval, but is part of the overall land use policies of the County; and

WHEREAS, any application for zoning or other land use approval involves the application of the County's overall land use policies to the particular request under consideration; and

WHEREAS, the County's overall land use policies include, but are not limited to, the CDMP in its entirety and the County's land development regulations; and

WHEREAS, this Board desires to further evaluate, without prejudice, the Homestead-Miami Speedway, LLC application to amend the CDMP filed for review and action in association with the Notice of Proposed Change to the Villages of Homestead DRI, and which the CDMP amendment application is hereby transmitted,

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The Board of County Commissioners, having considered the following application requesting amendments to the CDMP, hereby directs the County Manager to act in accordance with the transmittal instructions set forth in this section for such application. For any such CDMP amendment application where the instruction is to transmit, a majority of the entire Commission directs the Manager to transmit the application to the Florida Department of Community Affairs and to all other agencies required pursuant to Chapter 163.3184, F.S., along with all other materials required by Chapter 9J-11, F.A.C.

Application	Applicant/Representatives Location (Size) REQUESTED CHANGES TO THE CDMP	Recommended Action and/or Transmittal Instruction
Villages of Homestead DRI	<p>Homestead-Miami Speedway, LLC / Jeffrey Bercow, Esq., and Melissa Tapanes Llahues, Esq.</p> <p>Between SW 132 and SW 142 Avenues, and between theoretical SW 333 and SW 336 Streets (±120 Acres).</p> <p><u>Requested Land Use Plan Map Changes:</u></p> <ol style="list-style-type: none"> 1. Expand the 2015 Urban Development Boundary (UDB) to include the application site; and 2. Re-designate the ±120-acre application site on the adopted 2015-2025 Land Use Plan (LUP) map from “Agriculture” to “Business and Office.” <p><u>Other Proposed Changes:</u></p> <ol style="list-style-type: none"> 3. Add text to Land Use Element Policy LU-8G that defines a ‘unique regional facility’ and provides criteria to be used when considering UDB amendment applications to bring land within the UDB for the expansion of an existing unique regional facility; and 4. Add a proffered Declaration of Restrictions, if accepted by the Board, to the table titled “Restrictions Accepted by the Board of County Commissioners in Association with Land Use Plan Map Amendments” in the Land Use Element. 	

Section 2. The Board hereby requests the DCA to review the transmitted comprehensive plan amendment application pursuant to Chapter 163.3184(6), Florida Statutes.

Section 3. The Board hereby reserves its right to take final action without prejudice at a later date to adopt, adopt with changes, or not adopt the pending application following receipt of notice or comments by the DCA, and following one or more final public hearings by this Board, all as authorized by Chapter 163.3184, F.S. and Section 2-116.1, Code of Miami-Dade County, Florida.

Section 4. The Board declares its intention to conduct and advertise one or more public hearings in 2011 to address the comprehensive plan amendment Application transmitted hereby.

The foregoing resolution was offered by Commissioner _____,
who moved its adoption. The motion was seconded by Commissioner _____
and upon being put to a vote, the vote was as follows:

	Joe A. Martinez, Chairman
	Audrey Edmonson, Vice Chairwoman
Bruno A. Barreiro	Lynda Bell
José "Pepe" Diaz	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Natacha Seijas	Rebeca Sosa
Senator Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 22nd day of March, 2011. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.
Craig H. Coller

