# APPLICATION AND INITIAL RECOMMENDATION

HOMESTEAD-MIAMI SPEEDWAY, LLC, APPLICATION TO AMEND THE MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN

FOR MIAMI-DADE COUNTY, FLORIDA



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# HOMESTEAD-MIAMI SPEEDWAY, LLC, APPLICATION TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

November 29, 2010 March 14, 2011

Miami-Dade County Department of Planning and Zoning Stephen P. Clark Center 111 NW 1 Street Miami, Florida 33128-1972 (305) 375-2835

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### TABLE OF CONTENTS

Chapter	
	Table of Contents
	List of Figures
	List of Tables
	Introduction
1	Homestead-Miami Speedway, LLC, CDMP Amendment Application Summary
	Staff Recommendation and Principal Reasons for Recommendation (updated March 2011)
2	Planning Staff Analysis
	Application Site
	Existing Land Use and Zoning
	Current and Requested LUP Map Designations and Proposed Land Uses
	Compatibility with Surrounding Land Uses
	Adjacent Land Use and Zoning
	Supply and Demand
	Environmental Conditions
	Stormwater
	Wetland Permits
	Water and Sewer
	Water Supply
	Wastewater
	Fire Rescue
	Parks
	Solid Waste
	Aviation
	Public Schools
	Urban Sprawl Analysis
	Roadways
	Transit Service
	Existing Service
	Future Conditions for the Immediate Area
	Application Impacts in the Traffic Analysis Zone
	Consistency Review with CDMP Goals, Objectives, Policies, Concepts and Guidelines

### **APPENDICES**

Appendix A: Map Series

Appendix B: CDMP Amendment Application

- Appendix C: Homestead-Miami Speedway, LLC, letter dated March 29, 2010 Extending Deadlines for the Notice, Advertising and Public Hearings
- Appendix D: Revised Declaration of Restrictions, dated November 24, 2010

Appendix E: Text Changes to CDMP Amendment, dated November 24, 2010

- Appendix F: Needs Analysis; Miami Economic Associates, Inc., letter dated October 18, 2010, with Executive Summary of the Washington Economic Group (WEG) Report
- Appendix G: Traffic Report Executive Summary
- Appendix H: Homestead Air Reserve Base letter dated July 22, 2010
- Appendix I: Notification of a Proposed Change to the Previously Approved Villages of Homestead Development of Regional Impact (DRI) - Excerpt
- Appendix J: Dedication of Conservation Easement and Declaration of Restrictive Covenant, dated August 30, 1994, for Wetland Mitigation Related to the Homestead-Miami Speedway (Formerly Homestead Motorsport Complex) of the Villages of Homestead DRI
- Appendix K: Fiscal Impacts Analysis

### LIST OF TABLES

### <u>Table</u> Page

1	Schedule of Activities	V
2	Projected Absorption of Commercial Land, Miami-Dade County, Florida 2010-2030	2-4
3	Metrobus Route Service Summary	2-12
4	Metrobus Recommended Service Improvements	2-12

### LIST OF FIGURES

### 

### INTRODUCTION

This report contains an application requesting amendments to the Miami-Dade County Comprehensive Development Master Plan (CDMP), the Department of Planning and Zoning's (DP&Z) initial recommendation addressing the application, and the data and analysis that forms the basis for the DP&Z's initial recommendation. The application was filed in association with a separate, but related, Notice of Proposed Change (NOPC) to the existing Villages of Homestead Development of Regional Impact (DRI) and is being processed in accordance with Chapter 380.06, Florida Statutes (F.S.), Chapter 163, F.S., and Section 2-116.1 of the Miami-Dade County Code (the Code). The DRI NOPC and a proposed amendment to the City of Homestead's comprehensive plan were filed with the City of Homestead and are being processed by the City, concurrently with the CDMP amendment application, also in accordance with Chapter 380.06 and Chapter 163. A portion of the DRI NOPC detailing the proposed DRI changes is included in this report as Appendix I. The complete DRI NOPC and the proposed amendment to the City's comprehensive plan can be obtained from the City, the Applicant, or the DP&Z upon request.

The CDMP amendment application outlines the requested amendments to the adopted 2015 and 2025 Land Use Plan (LUP) map and text of the CDMP, and is included as Appendix B of this report. The DP&Z's initial recommendation to the Miami-Dade Board of County Commissioners (BCC) on action to be taken on the Application and the reasons for the recommendation are included in Chapter 1. The necessary data and analysis upon which the DP&Z's initial recommendation is based are contained in Chapter 2, including an assessment of the consistency of the proposed amendment with the CDMP. The fiscal impacts of the proposed amendment on public facilities and services as well as supporting data, maps and reports associated with the Application are included in the Appendices. The Department may issue a revised recommendation after comments are received from the State and regional review agencies, in accordance with the Code and Chapters 163 and 380.06 F.S., and before the final public hearings as outlined in the Table 1, Schedule of Activities, below.

### CDMP Amendment Application Review Process and Schedule of Activities

Following is a summary of the CDMP amendment application review and Schedule of Activities, outlined in Table 1 that will be followed by this application to comply with the CDMP procedural requirements contained in Section 2-116.1 of the Code and in State law.

The regular filing periods for applications requesting amendments to the CDMP, including the LUP map, extend generally from the first through to the last day of April and October for the respective April and October CDMP Amendment Cycles. Miami-Dade County's adopted procedures allow for the filing of requests to amend all provisions of the CDMP during these filling periods, except that applications to amend the 2015 Urban Development Boundary (UDB) depicted on the LUP map of the CDMP or to change the land use designation of land outside the UDB may only be filed during the April CDMP Amendment Cycle of every odd numbered year. Additionally, applications requesting amendment to the UDB can be filed out of cycle as provided by the DRI process mentioned below.

The CDMP amendment process involves two phases. The first phase occurs between the time applications are filed and the time the BCC conducts its first hearing and takes action to transmit standard applications to the Florida Department of Community Affairs (DCA) and other associated State agencies for possible review and comment, and/or adopt eligible small-scale

Land Use Plan (LUP) map amendments on an expedited schedule. During the first phase, affected and neighboring property owners are notified of the nearby LUP map amendment requests. Section 2-116.1 authorizes Community Councils to conduct public hearings and issue recommendations on applications that directly affect their areas. These Community Council hearings are to be held before the first public hearings of the Planning Advisory Board (PAB), acting as the County's "Local Planning Agency", and of the BCC. It should be noted that, no community council hearing will be held for this application due to its location within the City of Homestead.

### Concurrent DRI/CDMP Application Review Process

The County's procedure for processing CDMP amendment applications concurrently with requests for approval or modification of a Development of Regional Impact (DRI) is established in the County Code, as noted above, generally consistent with the requirements contained in Chapter 380.06 and Chapter 163, Part 2, F.S. The concurrent process calls for substantially the same activities as that for standard amendment applications, except that this procedure: 1) relies largely on the DRI-NOPC to provide the background data and analysis necessary to evaluate the proposal to amend the CDMP; 2) modifies the DRI adoption schedule to conform to the Chapter 163, F.S. schedule for adopting comprehensive plan amendments; 3) allows for CDMP amendments to be filed and transmitted outside of the April and October CDMP Amendment Cycles; and 4) provides for adoption of a DRI or DRI NOPC and its associated (D.O.) Conditions to occur at the same public hearing as the Development Order comprehensive plan amendment. Final action on the proposed amendment to the City's comprehensive plan and on the DRI NOPC must occur after final action on the subject CDMP amendment application by the BCC. The schedule of activities for considering the adoption of the subject Homestead-Miami Speedway, LLC, Application to amend the CDMP (the Application) is presented in Table 1, Schedule of Activities, on the following page.

### Proposed CDMP Amendment and DRI Changes

The Application seeks to expand the UDB to include the ±120-acre application site, to redesignate the site on the LUP map from "Agriculture" to "Business and Office", to add text to the CDMP Land Use Element Policy LU-8G to support moving the UDB to facilitate the expansion of the existing Homestead-Miami Speedway (Speedway), and to add the proffered Declaration of Restrictions to the CDMP Land Use Element if it is accepted by the BCC. The intent of the Application is to accommodate the expansion and improvement of the Speedway to include 12,000 additional spectator seats, a relocated permanent kitchen facility of up to 6,000 square feet, parking, concessions and other ancillary uses associated with the speedway. The requested CDMP text and LUP map changes are more specifically described in the Application attached to this report as Appendix B. The application site is located within the City of Homestead between SW 132 and SW 142 Avenues, and between theoretical SW 333 and SW 336 Streets.

Additionally, the above mentioned Villages of Homestead DRI NOPC seeks to expand the DRI boundaries to include the Application site, to add 12,000 spectator seats to the DRI development program, to extend the DRI build out date, and to reduce the number of residential dwelling units within the DRI (this change does not apply to the CDMP application site). The DRI changes outlined in the DRI NOPC are included in this report in Appendix I.

### **Additional Information**

Anyone having questions regarding any aspect of the CDMP review and amendment process should visit or call the Metropolitan Planning Section of the Miami-Dade County Department of Planning and Zoning at 111 NW 1st Street, Suite 1220; Miami, Florida 33128-1972; telephone 305/375-2835.

### TABLE 1 SCHEDULE OF ACTIVITIES HOMESTEAD-MIAMI SPEEDWAY, LLC, CDMP AMENDMENT APPLICATION

Application Filing	March 24, 2010
Applicant Extension of all deadlines (Appendix C)	March 29, 2010
Initial Recommendation Report released by DP&Z	November 29, 2010
Planning Advisory Board (PAB), acting as Local Planning Agency (LPA), Public Hearing to formulate Recommendations Regarding Transmittal and Subsequent Final Action	December 16, 2010 History Miami Museum 101 West Flagler Street Miami, Florida 33130
Miami-Dade Board of County Commissioners Hearing and Action on Transmittal of Proposed Amendments to DCA and Review Agencies	<u>March 2011*</u> County Commission Chamber 111 NW 1 Street Miami, Florida 33128
Transmittal to DCA for State review	<u>April 2011*</u>
Receipt of DCA Objections, Recommendations and Comments (ORC) report	<u>July 2011*</u> (Approximately 75 days after transmittal)
Public Hearing and Final Recommendation: Planning Advisory Board (Local Planning Agency)	Specific date(s) to be determined (Within 30 days after receipt of DCA ORC report)
Public Hearing and Final Action: Miami-Dade Board of County Commissioners	Specific date(s) to be determined (No later than 60 days after receipt of DCA ORC report)

**Note:** \*Dates are tentative and subject to change based on extension of deadlines by the Applicant, pursuant to Chapter 380, F.S., and Section 2-116.1 of the Code of Miami-Dade County.

#### Application and Initial Recommendation Homestead-Miami Speedway, LLC, Application to Amend the Comprehensive Development Master Plan for Miami-Dade County, Florida Nevember 29, 2010 March 2011

Application Type	Applicant/Location/Acreage/ Requested Amendment	BCC District/ Commissioner	DP&Z Initial Recommendation Novomber 29, 2010 March 2011	Local Planning Agency Recommendation December 16, 2010	BCC Recommendation January 2011*
Standard	Homestead-Miami Speedway, LLC / Between SW 132 and SW 142 Avenues, and between theoretical SW 333 and SW 336 Streets / ±120 aces/				
	<ol> <li>Expand the 2015 Urban Development Boundary (UDB) to include the application site</li> </ol>				
	<ol> <li>Re-designate the ±120-acre application site on the adopted 2015-2025 Land Use Plan (LUP) map from "Agriculture" to "Business and Office"</li> </ol>	District 9	Transmit with <u>Additional</u> Change	Transmit with Change and with Acceptance of the Proffered	
		Dennis C. Moss	and with acceptance of the proffered covenant and Adopt	Declaration of Restrictions and Adopt as Recommended by Staff	
	4. Add proffered Declaration of Restrictions, if accepted by the Commission, to Land Use Element table titled "Restrictions Accepted by the Board of County Commissioners in Association with Land Use Plan Map Amendments"				

Source: Miami-Dade County Department of Planning and Zoning

Notes: NA: Not Applicable; DP&Z: Department of Planning and Zoning; BCC: Miami-Dade Board of County Commissioners \*Dates are tentative and subject to change based on extension of deadlines by the Applicant, pursuant to Chapter 380, F.S., and Section 2-116.1 of the Code of Miami-Dade County.

### **CHAPTER 1**

# Homestead-Miami Speedway, LLC Application to Amend the CDMP Commission District 9

### **APPLICATION SUMMARY**

Applicant/Representative:	Applicant: Homestead-Miami Speedway, LLC One Speedway Boulevard Homestead, FL 33035			
	Representatives: Jeffrey Bercow, Esq. and Melissa Tapanes Llahues, Esq. Bercow Radell & Fernandez, P.A. 200 South Biscayne Boulevard, Suite 850 Miami, FL 33131			
Location:	Between SW 132 and SW 142 Avenues, and between theoretical SW 333 and SW 336 Streets.			
Total Acreage:	±120 Acres			
Current Land Use Plan Map Designation:	"Agriculture"			
Requested Land Use Plan Map Changes:	1. Expand the 2015 Urban Development Boundary (UDB) to include the application site.			
	<ol> <li>Re-designate the ±120-acre application site on the adopted 2015-2025 Land Use Plan (LUP) map from "Agriculture" to "Business and Office."</li> </ol>			
Other Proposed Changes:	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.			
	4. Add proffered Declaration of Restrictions, if accepted by the Commission, to Land Use Element table titled "Restrictions Accepted by the Board of County Commissioners in Association with Land Use Plan Map Amendments."			

Amendment Type: Existing Zoning/Site Condition: Standard Concurrent DRI/CDMP Amendment AU/Vacant

### RECOMMENDATIONS

Staff:	TRANSMIT WITH <u>ADDITIONAL</u> CHANGE AND WITH ACCEPTANCE OF THE PROFFERED DECLARATION OF RESTRICTIONS AND ADOPT (Revised March 2011)
Planning Advisory Board (PAB) acting as Local Planning Agency:	TRANSMIT WITH CHANGE AND WITH ACCEPTANCE OF THE PROFFERED DECLARATION OF RESTRICTIONS AND ADOPT AS RECOMMENDED BY STAFF (December 16, 2010)
Board of County Commissioners:	TO BE DETERMINED (March 22, 2011)
Final Action of the PAB acting as Local Planning Agency:	TO BE DETERMINED
Final Action of Board of County Commissioners:	TO BE DETERMINED

Staff recommends "**TRANSMIT WITH <u>ADDITIONAL</u> CHANGE AND WITH ACCEPTANCE OF THE PROFFERED DECLARATION OF RESTRICTIONS AND ADOPT**" the proposed amendment. The amendment requests to move the 2015 Urban Development Boundary (UDB) depicted on the Adopted 2015-2025 Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) to include the ±120-acre application site; redesignate the application site from "Agriculture" to "Business and Office" on the LUP map; and add text to the CDMP Land Use Element Policy LU-8G in support of the requested movement of the UDB. The recommendation is based on the staff analysis summarized in the Principal Reasons for Recommendation below:

### Principal Reasons for Recommendation:

1. The applicant submitted several changes on November 24, 2010 that address some staff concerns with the application. The changes submitted by the applicant included revising their proposed change to Land Use Element Policy LU-8G and changes to an exhibit attached to their proffered covenant.

Land Use Element Policy LU-8G provides criteria for determining what land(s) to be added to the UDB after it is demonstrated that there is a need to add land(s) to the area within the UDB. The text change proposes to add language to Policy LU-8G that defines a 'unique regional facility' and provides criteria to be used specifically when considering land(s) to add within the UDB to facilitate the expansion of an existing unique regional facility. Staff supports the following replacement text proposed by the Applicant on November 24, 2010 since it addressed staff concerns:

iv) Notwithstanding Policy LU-8G (iii), other land may be included to expand an existing unique regional facility, defined as an existing public facility or attraction

of regional prominence that has been constructed on publicly owned land with significant public funding and intergovernmental coordination, if it satisfies all of the following criteria:

- a) The land is within the UEA, is contiguous to the UDB, and is contiguous to a <u>unique regional facility;</u>
- b) The use of the land will be limited to the expansion of the unique regional facility, together with ancillary uses; and

## c) <u>The expansion will have a positive economic impact, including increased</u> economic development and tourism.

The proffered covenant states that the Property shall only be used for the following uses: temporary and permanent parking facilities; temporary event concessions consisting of kiosks, tents, and other similar portable facilities; a permanent kitchen facility of up to 6,000 square feet; up to 12,000 additional spectator seats; and other ancillary uses associated with the Homestead-Miami Speedway. The Property may also be used for the agricultural uses described in Exhibit "B" on an intermittent or temporary basis when the Property is not being used for Speedway related purposes. On November 24, 2010, the applicant revised the list of agricultural uses in Exhibit B of the proposed covenant as shown below to address some of staff concerns.

### Exhibit "B"

### Agricultural Uses

- Temporary parking for major events at the Speedway;
- Single-family residential (4 dwelling units maximum);
- Group Homes (24 resident clients maximum);
- Barns, sheds and other buildings for feed, equipment, fertilizer and produce storage;
- Packing facilities;
- Truck gardens and outdoor storage of vehicles or equipment associated with agricultural production;
- Cattle or stock grazing;
- Farms, groves, greenhouses, and nurseries; and
- Fruit and vegetable stands.
- Schools; and
- Wineries.

Staff still has a concern with the list since agricultural uses are not allowed uses in the "Business and Office" land use category that is being requested by the applicant. However, the CDMP does allow uses not consistent with a land use category if the activity is an existing use or is permitted by existing zoning. The property is currently zoned for agricultural use.

<u>The "Additional Change" recommended by staff for the Applicant's proposed expansion</u> of the UDB (north of the Speedway) would balance the proposed expansion with a contraction of the UDB (south of the Speedway) to exclude equivalent acreage of conservation land to outside the UDB. Staff is recommending an additional change, which is the size of the area inside the UDB should not be increased with the addition of application site to the land area within the UDB. This limitation can be accomplished if another area is subtracted from the UDB. The  $\pm 298 \pm 120$  acres recommended for exclusion from within the UDB is located south of the Homestead-Miami Speedway (Speedway) on the south side of SW 344 Street, east of SW 137<sup>th</sup> Avenue (see Figure 1 on page 1-9 1-10). This land is designated "Environmentally Protected Parks" on the LUP map. This acreage is within the City of Homestead and is within the boundaries of the Villages of Homestead Development of Regional Impact (DRI), which is designated as "Planned Regional Activity Center" on the City's comprehensive plan. The approved 2001 Master Plan for the Villages of Homestead DRI identifies this acreage as Open Space Park.

This acreage is part of the wetlands located between SW 344 Street and SW 352 Street and between SW 132 and SW 152 Avenues that are owned by the City of Homestead. These wetlands serve as mitigation areas for construction of the Speedway and construction of the lake and parking area located on the south side of SW 344 Street. These wetlands are located within the Biscavne Bay Coastal Wetlands (BBCW) Project of the Comprehensive Everglades Restoration Plan (CERP) and are proposed for rehydration via a pump station that would be located on the Florida City Canal at SW 137 Avenue. These mitigation areas have a restrictive recorded covenant (Official Record 16494 Page 0430) dated 1994 between the City of Homestead and such agencies as Miami-Dade Department of Environmental Resources Management (DERM), South Florida Water Management District (SFWMD), Florida Department of Environmental Protection (DEP), US Environmental Protection Agency (EPA), Army Corps of Engineers (Corps), and US Department of Interior Fish and Wildlife Service that prevents future development. Consideration should be given to relocating the UDB in this area to exclude a portion of these wetlands, in exchange for expanding the UDB as requested in the area north of SW 344 Street. This action would further protect these wetlands, which are critical to the success of the BBCW Project, from development consideration. The 1994 covenant is included in this report as Appendix J.

The County does have the authority to move the UDB in municipal areas. Section 2-116.1.2.(a) of the County Code states "The location of the Urban Development Boundary (UDB) and permitted land uses outside the UDB shall be govern by the Miami-Dade County Comprehensive Development Master Plan (CDMP) notwithstanding the fact the UDB may lie within a municipality."

<u>Staff is amending its prior recommended change to the application which recommended</u> <u>exclusion of ±298 acres from within the UDB. The amendment, as indicated in double</u> <u>strikethrough and double underline above, will reduce the area proposed for exclusion</u> <u>from inside the UDB from ±298 acres to ±120 acres. This amendment will provide for an</u> <u>exclusion that is more proportionate to the acreage of the proposed UDB expansion.</u>

- 2. Land Use Element Policy LU-8E requires that LUP map amendment applications be evaluated against factors such as the proposed development's i) ability to satisfy a deficiency in the LUP map to accommodate projected population or economic growth in the County; ii) impacts to County services at or above level of service (LOS) standards; iii) compatibility with abutting and nearby land uses; iv) impacts to environmental and historical resources; and v) promotion of transit ridership and pedestrianism in accordance with Land Use Element Objective LU-7. These factors are addressed as follows:
  - i. Economic Growth: The Miami-Dade Board of County Commissioners (Board) funded the construction of the International Speedway, now known as the Homestead-Miami Speedway (Speedway), through Ordinance 92-139 that allocated \$11 million in 1992 and Resolution No. 1002-93 that allocated an additional \$20 million in 1993 (County total \$31million). The City of Homestead estimates the land value of the Speedway at approximately \$1.9 million and the building value at approximately \$59.7 million. The Board at that time determined that the construction of the Speedway would be integral to the redevelopment of the Hurricane Andrew ravaged South Miami-Dade area and would provide a positive economic benefit to the City of Homestead and the County as a whole. The \$31 million allocated to the Speedway's construction were generated through the Professional Sports Franchise Facilities Tax levied by Ordinance 90-116 enacted by the County in October 1990, pursuant to Section 125.0104(3)(1), Florida Statutes.

The Miami Economic Associates, Inc. (MEAI) submitted a letter dated October 18, 2010, providing data and analysis that the MEAI believes demonstrates the need for the Speedway's proposed expansion and improvements to the concession and exhibition areas. The MEAI letter references and incorporates information from the October 7, 2010, update of "The Economic Impacts of Homestead-Miami Speedway" report prepared by the Washington Economics Group, Inc. (WEG). This information indicates that the Speedway's on-going operations generate over 2,500 permanent jobs (directly and indirect) and over \$250 million in annual economic impact to the County. Although staff recognizes that the Speedway is an important economic generator, it was not supplied with sufficient information to verify the stated magnitude of the economic impact on the Miami-Dade economy.

The MEAI letter notes that the Speedway's proposed expansion and improvements would be facilitated through approval of the requested LUP map changes. The letter further notes that the expansion and improvements are to ensure that the Speedway remains successful in a highly competitive environment. This factor is important given that other motor racing facilities throughout the country continually seek to attract racing events away from other venues, including the Speedway. The MEAI letter concludes that this application, if approved, would facilitate the Speedway's proposed expansion and improvements designed to enhance fan experience and ultimately retain its current level of races if not increase the number of races hosted at the Speedway. (See Figure 2 on page 1-10 for the Speedway's Master Plan illustrating the proposed expansion and improvements.) Furthermore, business retention is generally consistent with the intent of CDMP Economic Element Policy ECO-7G, discussed below in Reason No. 6.

- ii. *County Services:* The application site is located within the City of Homestead (City) and is primarily served by public facilities and services under the City's jurisdiction. County public facilities and services provided in the application area generally have the capacity to adequately serve the site, if approved, and continue to operate within the applicable adopted LOS standards. However, with regard to transportation impact analysis, County staff had concerns regarding the level of analysis performed and the assumptions used in the analysis. The applicant's transportation consultant submitted responses to the questions, comments and concerns of the Miami-Dade County Public Works Department (PWD) and the Miami-Dade County Department of Planning and Zoning (DP&Z). The responses adequately address the DP&Z's concerns. The PWD staff is still reviewing the responses and the consultant will have to address any remaining PWD concerns. However, it should be pointed out that notwithstanding any outstanding concerns that PWD may have, this department does not expect any substantial changes to the study's conclusions.
- iii. *Compatibility:* The requested inclusion of the application site within the 2015 UDB and LUP map designation change from "Agriculture" to "Business and Office" is generally compatible with the areas surrounding the application site. The areas north and east of the application site are designated "Agriculture". The area to the south is designated "Business and Office" (the existing Speedway) and the area to the west is designated "Industrial and Office". (See Appendix A: Map Series.)

The application site was filled pursuant to Miami-Dade Department of Environmental Resources Management (DERM) fill permits and has since been used primarily for overflow parking for the Speedway and for agricultural purposes, further discussed in Principal Reason No. 4 below. Currently, the application site of 120 gross acres consists of parking areas C, D, E, and F with a spectator parking capacity of 12,240 spaces. Approximately 19 net acres would be taken out of parking use with the proposed Speedway improvements, resulting in a total parking capacity of 9,960 spaces on the application site. The uses proposed for much of the application site are additional seating, concession and exhibition facilities for the Speedway. If the application is approved with acceptance of the proffered Declaration of Restrictions (covenant), development on the application site would be restricted to 12,000 additional spectator seats, a relocated permanent kitchen facility of up to 6,000 square feet, parking, temporary event concessions such as tents and kiosks, and other ancillary uses associated with the Speedway. These uses would directly support the Speedway to the south and would be compatible with the agricultural uses to the north and east, and the industrial use to the west. Additionally, the uses included in Exhibit B of the proposed covenant are agricultural and agriculture supportive uses.

Approximately 22 acres of the western portion of the application site is located within the Accident Potential Zone (APZ) II that is identified in the Homestead Air Reserve Base's (HARB) 2007 Air Installation Compatibility Use Zone (AICUZ) Study. The APZ is used to protect the health, safety and welfare of the surrounding community in the event of aircraft mishaps. Certain land uses should be either prohibited or restricted in areas designated as an APZ. The HARB requested that the Homestead-Miami Speedway give Homestead Air Reserve Base a restrictive easement on the portion of the property located in APZ II (See HARB letter, Appendix H). The applicant is currently negotiating with the air base a separate covenant or other instrument that will ensure continued compatibility with the AICUZ Study by restricting the use of this portion of the application site.

- iv. *Environmental and Historical Resources:* DERM indicates that no environmental resources would be impacted if the application is approved and the site developed as proposed. Additionally, the County's Office of Historic Preservation indicates that there are no archeological resources within the application site.
- v. *Transit Ridership and Pedestrianism:* According to the Miami-Dade Transit's (MDT) analysis, the application if approved and developed would not generate a significant impact on transit service in the area. The speedway is an activity that is used only for two or three major events for a few days during the year. Thus, it is not a use that generally promotes transit ridership. However, the proposed development seeks to improve the fan experience at the Speedway, which may include improved pedestrian movement primarily between the parking, concession, and seating areas.
- The Speedway is a unique facility utilizing ±427.9 acres and the request to move the 3. UDB to facilitate its proposed expansion and improvements warrant special consideration based on the type of use and the economic impact it generates to the City of Homestead and the County. Policy LU-8F states "...[t]he adequacy of non-residential land supplies shall be determined on the basis of land supplies in subareas of the County appropriate to the type of use, as well as the Countywide supply within the UDB..." Strict application of Policy LU-8F provisions in determining the need to add land to the UDB indicates that there is no need to move the UDB at this time. Staff's recent analysis, published July 2010 in the draft 2010 EAR and included in the Planning Staff Analysis section of this report, indicates that there is an adequate supply of land within the UDB (countywide and at the subarea level) to sustain the projected commercial demand until year 2034, which is beyond the CDMP 2015 near-term horizon and 2025 long-term time horizon. The requested inclusion of the application site within the UDB and its redesignation to "Business and Office" would technically add to the commercial land supply, if approved. However, the full range of commercial, retail, sales and service activities normally allowed when a property is designated "Business and Office" on the adopted Land use Plan map would not be permitted on the application site. The applicant with the proffered covenant is limiting the range of commercial uses on the application site to only a few uses including temporary and permanent parking facilities; temporary event concessions consisting of kiosks, tents, and other similar portable facilities; a permanent kitchen facility of up to 6,000 square feet; up to 12,000 additional spectator seats: other ancillary uses associated with the Homestead-Miami Speedway: and certain agricultural uses included in Exhibit B of the proposed covenant. These uses are unique to a sports/recreational facility such as the speedway and not typically associated with commercial and retail activities. Thus, the supply of land for most commercial uses would not be increased by the application.

In addition, the analysis of supply and demand for commercial land does not account for the uniqueness of the Speedway use and the fact that much of the land within the UDB is not suitably located to facilitate the Speedway's proposed expansion and improvements. The application site is located within the 2025 Urban Expansion Area (UEA) depicted on the LUP map. The Speedway is bordered on the north by the application site which currently consists of parking for the Speedway, on the east by vacant agriculturally designated lands, on the south by SW 344 Street, a section line road, beyond which is environmentally protected lands, and on the west by a lake and

several privately owned parcels some of which are developed. Additionally, the areas east and north of the Speedway, including the application site, are located outside the UDB.

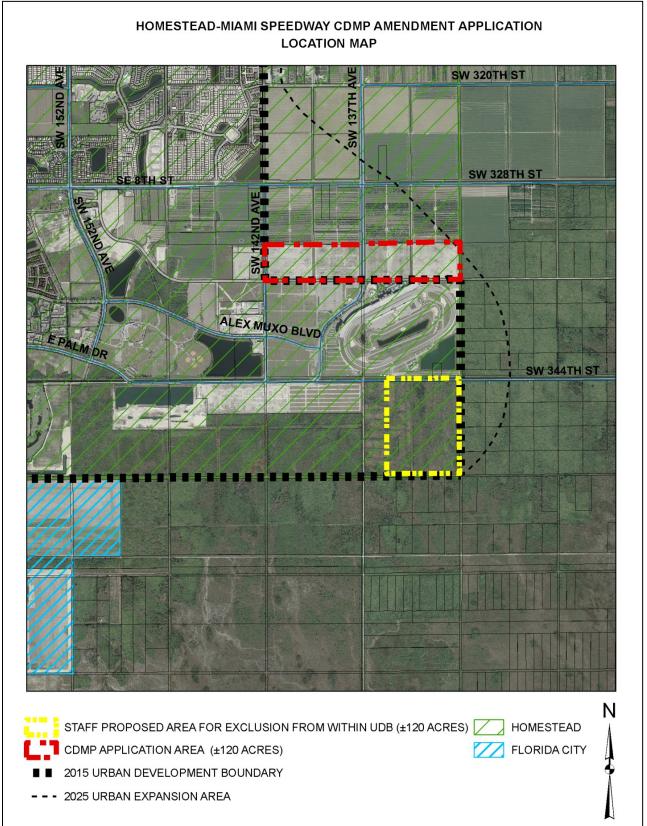
Additionally, and as discussed in the MEAI letter mentioned in Principal Reason No. 2 above, the Speedway's annual hosting of the championship races is dependent on the year-to-year signing of sanction agreements with each of the racing series. This year-toyear signing of sanction agreements places high value on the Speedway's ability to maintain and enhance its attractiveness as a top motorsport venue. The Speedway seeks to achieve this by enhancing its fan experience through the proposed expansion and improvements detailed above that would be facilitated through the requested LUP map changes. Evaluation of the requested LUP map changes should consider and account for the economic implications of the Speedway's ability or inability to, at a minimum, retain its current race schedule in addition to the suitability of the sites that are considered for the Speedway's expansion. The intent of Economic Element Policy ECO-7G discussed below in Reason No. 6 is to retain businesses within the County; with respect to the Speedway, this would include retaining all current race events and competing for future race events. With business retention and site suitability considered. the site most appropriate for the expansion and improvements of the Speedway is the existing overflow parking area, the ±120-acre application site.

- Land Use Element Policies LU-1R, LU-1S, LU-1O, LU-1P and LU-8C provide for the 4. protection of viable agriculture. Consistent with the intent of these policies the application is evaluated for its impacts on viable agriculture. The application proposes to include the ±120-acre application site within the UDB and redesignate the site from "Agriculture" to "Business and Office" on the LUP map. In the context of the current use of the ±120-acre site, this change in land use designation does not significantly impact agricultural lands. The ±120-acre site is currently used for overflow parking associated with the Speedway and for agricultural equipment storage, pursuant to Class IV Wetlands Permit Nos. FW-00-104 (±60 acres) and FW 00-104A (±60 acres) issued by DERM in 2001 and 2004 respectively. These permits allowed the filling of the ±120-acre site and were issued pursuant to Miami-Dade Board of County Commissioners Resolution Nos. R-800-01 and R-790-04. These resolutions together approved the filling of the total ±120-acre site. Resolution No. R-800-01 was approved with acceptance of a proffered Declaration of Restrictions (covenant) restricting the use of the ±60 acres exclusively for agricultural purposes or for temporary spill-over parking for major events at the Speedway. Resolution No. R-790-04 was approved without a covenant and the associated fill permit application (FW 00-104A) indicates that the site was filled with lime rock, which is not the most suitable material for planting agricultural crops. The agricultural viability of the application site was significantly reduced when the site was filled, as approved, to facilitate the overflow parking.
- 5. Chapter 163.3177(6) (a) of the Florida Statutes requires future land use plans to be based on, among others, the discouragement of urban sprawl. Rule 9J-5.006(5) (g) of the Florida Administrative Code (FAC) provides a list of 13 sprawl criteria related to the efficiency of land use, the efficient provision of public facilities and services, the separation of urban and rural land uses, and the protection of agriculture and natural resources. These criteria can be used to evaluate whether a land use plan amendment causes urban sprawl. The proposed CDMP amendment does not meet the sprawl criteria, which demonstrates that the requested UDB movement and proposed expansion of the Speedway would not constitute urban sprawl should the application be

approved. The application site is located within an UEA, as depicted on the County's LUP map. Urban Expansion Areas are defined in the CDMP Land Use Element as lands where future urban development is likely to be warranted.

6. CDMP Economic Element Policy ECO-7G highlights the County's recognition of the importance of business retention. The construction of the Speedway was partially funded by the County in 1992 and 1993 toward the redevelopment of the Homestead/South Miami-Dade area after Hurricane Andrew in recognition of the economic impact the Speedway would generate on the economies of both the City and the County. The operation of the Speedway was then supported by the approval of and subsequent issuance of the above mentioned fill permits that facilitated the provision of overflow parking for the Speedway. This application, if approved, would further the County's support of the Speedway by facilitating its proposed expansion and improvements. This would also further the intent of business retention within the County by supporting a unique business that generates a significant positive economic impact to the County.





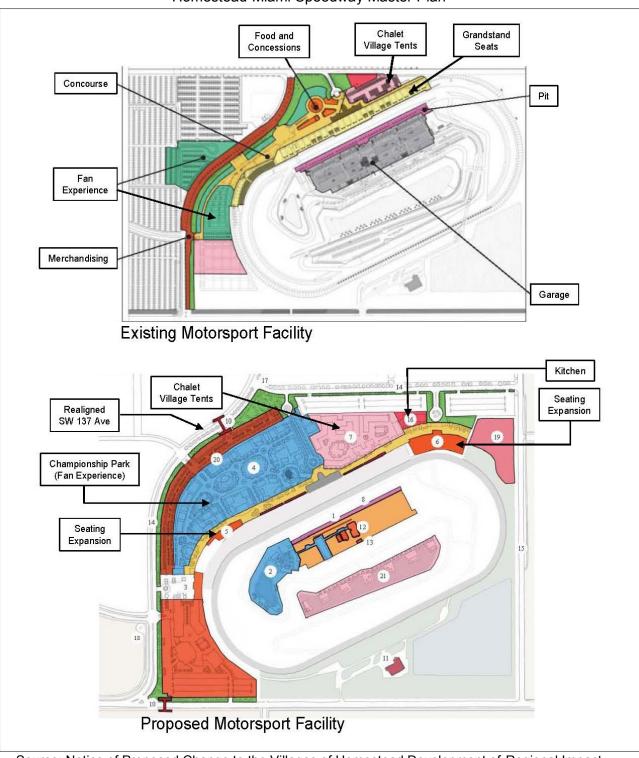


Figure 2 Homestead-Miami Speedway Master Plan

Source: Notice of Proposed Change to the Villages of Homestead Development of Regional Impact

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### **CHAPTER 2**

### PLANNING STAFF ANALYSIS

### **Application Site**

The application site is a vacant ±120-acre property located between SW 132 and SW 142 Avenues and between theoretical SW 333 Street and SW 336 Street, within the easternmost limits of the City of Homestead (the City). The subject site is located outside of the 2015 Urban Development Boundary (UDB) but within the 2025 Urban Expansion Area (UEA), both depicted on the Adopted 2015 and 2025 Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). (See Appendix A: Map Series.) The site is owned by the applicant (see Appendix B: Amendment Application).

### Existing Land Use and Zoning

The application site is currently used for overflow parking for major events at the Homestead-Miami Speedway (Speedway) and for agricultural equipment storage associated with the adjacent agricultural uses. The application site is designated "Agriculture" on the County LUP map and is zoned AU by the City, which allows agriculture and residential development at a density of one dwelling unit per five acres.

The use of the Application site for overflow parking was established through Class IV Wetlands Permit Nos. FW-00-104 ( $\pm$ 60 acres) and FW 00-104A ( $\pm$ 60 acres) issued by DERM in 2001 and 2004 respectively. These permits allowed the filling of the  $\pm$ 120-acre site and were issued pursuant to Miami-Dade Board of County Commissioners Resolution Nos. R-800-01 and R-790-04. Resolution No. R-800-01 was approved with acceptance of a proffered Declaration of Restrictions (covenant) restricting the use of the  $\pm$ 60 acres exclusively for agricultural purposes or for temporary spill-over parking for major events at the Speedway. Resolution No. R-790-04 was approved without a covenant and the associated fill permit application (FW 00-104A) indicates that the site was filled with lime rock, which is not the most suitable for planting agricultural crops.

### Current and Requested LUP Map Designations and Proposed Land Uses

As noted above, the application site is designated "Agriculture" on the LUP map, which allows agriculture as the primary use and allows uses ancillary to and directly supportive of agriculture, such as packing houses and farm residences.

The Applicant proposes to change the LUP map designation on the property from "Agriculture" to "Business and Office", which designation accommodates the full range of sales and service activities including retail, wholesale, commercial and professional offices, and residential development under certain conditions. The Applicant proffered a revised Declaration of Restrictions (covenant) on November 24, 2010, replacing the covenant previously submitted along with the CDMP amendment application (see Appendix D for the revised covenant). If the Application is approved with acceptance of the revised covenant, the use of the Application site would be restricted to the following:

- Up to 12,000 additional spectator seats;
- A permanent kitchen facility of up to 6,000 square feet;

- Temporary and permanent parking facilities;
- Temporary event concessions consisting of kiosks, tents, and other similar portable facilities;
- Other ancillary uses associated with the Homestead-Miami Speedway; and
- Agricultural uses (described by applicant's proffered Exhibit "B") to include packing facilities, truck gardens and outdoor storage of vehicles or equipment associated with agricultural production, farms, groves, greenhouses, nurseries, and fruit and vegetable stands.

The restrictions specified in the previously submitted Declaration of Restrictions proposed restrictions to the use of the application site and also addressed approximately 22 acres at the western portion of the site. These 22 acres are identified on the Homestead Air Reserve Base's (HARB) 2007 Air Installation Compatibility Use Zone (AICUZ) study to be within the HARB's Accident Potential Zone II (APZ). The previous covenant proposed the following restrictions.

- Up to 12,000 additional spectator seats;
- A permanent kitchen facility of up to 6,000 square feet;
- Temporary and permanent parking facilities;
- Temporary event concessions consisting of kiosks, tents, and other similar portable facilities;
- Other ancillary uses associated with the Homestead-Miami Speedway; and
- Parking, concessions, and other ancillary uses on the ±22-acre portion of the site within the AICUZ APZ II.

The subject property abuts the northwestern boundary of the existing Villages of Homestead Development of Regional Impact (DRI), which is located within the City, in Miami-Dade County, Township 57 South, Range 39 East, Sections 16, 17, 19, 20, 21, 22, 23, 26, 27, 28, and 29. The DRI is located southeast of the Homestead Extension of the Florida Turnpike and is bounded on the south by SW 352 Street (which is also the southernmost boundary of the Miami-Dade County UDB), on the east by SW 132 Avenue (which is also the easternmost boundary of the County UDB), to the north by SW 328 Street, then SW 323 Street, then SW 336 Street (which is also a County UDB boundary), and to the west by SW 167 Avenue. Land within the Villages of Homestead DRI totals approximately 3,174.85 acres. The DRI is administered by the City and if the Application is approved, then land use jurisdiction over the Application site would reside with the City. The separate, but related, Notice of Proposed Change (NOPC) to the existing Villages of Homestead DRI proposes to expand the DRI boundaries to include the Application site for expansion and improvement of the Speedway consistent with the proposal contained in the Application request.

### Compatibility with Surrounding Uses

The requested Land Use Plan map change on the application site from "Agriculture" to "Business and Office" is generally compatible with the CDMP land use designations of areas surrounding the application site. For example, the area adjacent to the south of the subject property, where the existing Speedway is located, is designated "Business and Office" on the LUP map (See Appendix A: Map Series).

It is important to note that the application site was filled pursuant to Miami-Dade Department of Environmental Resources Management (DERM) fill permits and has since been used primarily for overflow parking for the Speedway and for agricultural purposes. According to the applicant's traffic consultant, of the 12,240 parking spaces currently available for the Speedway on the

application site, an estimated 9,960 spectator parking spaces would be retained. As stated above, the uses proposed for much of the application site are for additional seating, concession and exhibition facilities for the Speedway and for agricultural uses such as packing facilities, truck gardens and outdoor storage of vehicles or equipment associated with agricultural production, farms, groves, greenhouses, nurseries, and fruit and vegetable stands. The parking, additional seating, concessions and exhibition facilities would directly support the Speedway and would be generally compatible with the agricultural uses immediately to the north and east of the subject property, and the industrial uses immediately west of the application site. One significant consideration in the compatibility of the Speedway supportive uses is the fact that major events at the Speedway occurs on a maximum of 18 days per calendar year as required by the DRI Development Order.

### Adjacent Land Use and Zoning

The areas north and east of the application site are designated "Agriculture" on the Adopted 2015 LUP map. The area immediately to the south of the application site is designated "Business and Office" (the existing Speedway DRI) and the area to the west is designated "Industrial and Office" (See Appendix A: Map Series). Areas adjacent to the east of the application site are zoned Agriculture (AU). This area is within unincorporated Miami-Dade County. The area immediately north of the application site is within the City, is also zoned Agriculture (AU) and is designated on the City's comprehensive plan as Agriculture. The areas immediately west and south of the application site are also within the City, are zoned Planned Unit Development (PUD), and are designated Planned Regional Activity Center (PRAC) on the City's comprehensive plan, a PRAC is a flexible mixed-use designation available to DRI's within City limits and can include any mixture of land uses defined in approved development orders and incorporated into a coordinated and self contained master plan.

### Supply and Demand

Table 2, Projected Absorption of Commercial Land, below presents countywide projections of commercial land absorption. For purposes of this analysis, the only vacant land included in commercial supply is land that is specifically zoned for business, professional office, office park, or designated "Business and Office" on the CDMP Land Use Plan (LUP) map. While vacant industrially zoned or designated land may be and often is used for commercial use (in particular for office development, but including retail uses such as hotels and restaurants), for purposes of this analysis none was included in the commercial land supply.

The first four columns of Table 2 summarize the result of applying the method described. Countywide, the 2,942.9 acres of vacant commercially zoned or designated land available in 2010 would be depleted in the year 2034, at the average annual absorption rate of 124.00 acres. However, the projected depletion year varies between Planning Analysis Tiers (Tiers) and individual MSAs reveal more variability. It should be noted that Minor Statistical Areas (MSAs) are aggregated into Tiers. Only in the South-Central Tier will the commercial land supply be depleted before 2030. The Application is located in MSA 7.5 which has a depletion year of 2030 and within the South Planning Analysis Tier, which has a depletion provides only one indication of the areas within the County where additional land for commercial use may be warranted. Because of the dual purposes of commercial land use category, the land allocation

		T Projected Absorpt	Table 2 ion of Commerci	ial Land		
		Miami-Dade Cou	nty, Florida 2010	0-2030		
Planning	Vacant	Commercial Land	Average Annual		Commercial	
Analysis Tier	Commercial	in Use	Absorption Rate	Projected	per Thousand	Persons
and Minor	Land 2010	2010	2010-2030	Year of	2020	2030
Statistical Area	(Acres)	(Acres)	(Acres)	Depletion	(Acres)	
North Tier						
1.1	1.2	55.00	0.52	2012	2.2	2.0
2.1	85.9	1,088.60	2.93	2030+	6.5	6.2
2.2	21.0	259.10	1.54	2024	4.8	4.4
2.3	138.7	650.60	3.39	2030+	8.8	8.5
2.4	48.7	499.70	0.67	2030+	6.4	6.1
3.1	<u>349.5</u>	<u>999.10</u>	<u>16.66</u>	2030+	<u>5.5</u>	<u>5.0</u> 5.8
Total	645.0	3,552.10	25.71	2030+	6.1	5.8
North Central Tier						
1.3	12.3	221.90	0.98	2023	1.9	1.8
3.2	476.9	1,595.50	16.27	2030+	11.2	9.4
4.1	50.0	357.20	0.35	2030+	4.4	4.3
4.2	115.6	425.30	0.50	2030+	6.1	6.0
4.3	14.7	887.10	1.25	2022	7.2	6.9
4.4	3.2	68.30	0.08	2030+	4.3	4.2
4.5	25.0	216.20	1.08	2030+		
4.6	21.8	310.20	0.48	2030+	6.5	6.5
4.7	71.6	289.20	5.13	2024	4.4	3.3
5.1	16.2	509.10	1.57	2020		
Total	807.3	4,880.00	27.69	2030+	<u>3.8</u> 6.3	<u>3.6</u> 5.7
South-Central Tier		.,				•••
1.2	0.0	97.10	0.08	2010	8.2	8.1
5.2	11.1	229.20	2.44	2015	2.8	2.4
5.3	25.5	596.00	0.51	2030+	4.8	4.7
5.4	13.5	578.00	1.39	2020	5.6	5.6
5.5	9.9	588.10	2.71	2014	6.5	6.0
5.6	2.8	228.50	0.27	2020	6.4	6.2
5.7	7.7	259.90	0.54	2024	9.2	8.6
5.8	24.0	94.90	1.76	2024	2.6	2.3
6.1	53.1	525.50	10.86	2015	2.8	2.5
6.2	258.9	591.40	<u>13.69</u>	2029	<u>5.1</u>	<u>4.6</u>
Total	406.5	3,788.60	34.25	2022	4.6	4.3
South Tier	400.0	0,700.00	04.20	LOLL	4.0	4.0
7.1	120.4	300.00	4.31	2030+	4.8	3.8
7.2	87.5	228.50	5.09	2030+	4.8	3.8 4.0
7.3	199.2	195.20	1.38	2027	4.0 8.4	4.0 7.3
7.4	316.7	366.50	13.19	2030+	5.5	4.1
7.5	360.1	453.10	9.51	2030+	18.7	14.1
7.6	<u>0.0</u>	455.10 <u>4.90</u>	<u>2.87</u>	2030+	<u>0.3</u>	<u>0.1</u>
Total	1083.9	<u>4.90</u> 1,548.20	<u>2.87</u> 36.35	2010	<u>0.3</u> 6.8	<u>0.1</u> 5.2
Grand Total	2,942.9	13,768.9	124.00	2034	5.8	5.2

process and planning for future land availability are more complex than for the case of residential or industrial land use.

Source: Miami-Dade County Department of Planning & Zoning, Planning Division, Research Section, June 2010.

Although the County currently has sufficient land to accommodate commercial growth through the year 2034, in the case of venues like arenas and speedways, standard supply and demand analysis is not the most appropriate. The purpose of the proposed CDMP amendment is to allow for expansion of the Homestead-Miami Speedway. As such, the property must be adjacent and of sufficient size to accommodate the expansion. The property immediately to the east is also outside the UDB, while the property to the south is environmentally restricted land. On the west are several privately owned parcels some developed and a lake owned by the City of Homestead adjacent to the City's baseball Stadium. Thus it appears that the proposed site is the best one suited for the Speedway expansion.

### **Environmental Conditions**

The following information pertains to the environmental conditions of the application site. All YES entries are further described below.

Flood Protection	
County Flood Criteria (NGVD)	+5.0 feet
Stormwater Management	25-year/3-day storm (See Below)
Drainage Basin	Florida City Canal
Federal Flood Zone	Zones AH & AE
Hurricane Evacuation Zone	Zone B
<b>Biological Conditions</b>	
Wetlands Permits Required	NO (See Below)
Native Wetland Communities	NO
Specimen Trees	NO
Natural Forest Communities	NO
Endangered Species Habitat	NO
Other Considerations	
Within Wellfield Protection Area	NO
Archaeological/Historical Resources	NO

### <u>Stormwater</u>

Sections 22 and 23 of the DRI application site are within FEMA Flood Zones AH and AE and any development must comply with the requirements of Chapter 11C, Miami-Dade County Code for flood protection. If not already filled to Miami-Dade County Flood Criteria, site development within the site shall be filled as per County Code and habitable structures must comply with Lowest Floor Elevation criteria. Any new development on the site that impacts the drainage system connected to the existing retention lake will require a DERM Class II permit. Drainage system installation in contaminated areas requires a DERM Class VI permit. Construction activities must not impact the existing drainage ditch system that provides drainage to areas located north of the limits of this DRI. Further development in this area must take into consideration that flood protection is limited to local drainage ditches and the Florida City Canal, which has limited discharge capacity due to tidal influences.

Compliance with federal, state, and County stormwater quality and quantity regulations is required including utilization of properly designed seepage or infiltration drainage systems, and site grading. Other requirements include a National Pollutant Discharge Elimination System

(NPDES) permit and a Stormwater Pollution Prevention Plan to identify all sources of pollution and best management practices and engineering to be implemented on site.

### Wetlands Permits

The area encompassed by this application, the 120 acres lying north of SW 336th Street between SW 132nd and SW 142nd Avenues, was the subject of two Class IV Permits. Permit FW 00-104 was issued on August 6, 2001 allowing the filling of 60 acres made up of the two interior parcels that straddle SW 137th Avenue. Permit FW 00-104A was issued on July 19, 2004 allowing the filling of the two outer parcels that sit adjacent to SW 132nd Avenue and SW 142nd Avenue, respectively. Inspection reports indicate that the entire 120 acre area has been filled in accordance with the Class IV Permits. Therefore, there are no jurisdictional wetlands remaining within this area, and no Class IV permit will be required for future work proposed therein.

### Water and Sewer

The Miami-Dade Water and Sewer Department (WASD) has reviewed the proposed application's impact on water and sewer services assuming the application site will be developed as proposed. In July 2010, WASD and the City of Homestead entered into a twenty-year contract for WASD to provide potable water to the City. According to the terms of the contract, WASD will provide 0.5 Million Gallons Per Day (MGD) for the remainder of this fiscal year, an additional 0.5 MGD per year until September 2015, and 3 MGD per year thereafter. Water services will be provided by the Alexander-Orr Water Treatment Plant. The City also has an existing agreement with WASD to send a minimum of 2 million gallons of wastewater per month to the South District Wastewater Treatment Plant for treatment and disposal. The City and WASD are currently in the process of finalizing an agreement to treat future wastewater flows in excess of the City's permitted Wastewater Treatment Plant capacity. The South District Wastewater Treatment Plant service.

The annual operating and maintenance cost for water and sewer services, based on approved figures through September 30, 2009, are estimated at \$38,754. The availability of both water and sewer service for the application site is subject to the approval and issuance of permits from all applicable governmental agencies having jurisdiction over the process. Additionally, DERM indicates that both the County's potable water supply and wastewater treatment systems have the capacity to handle the water and sewer demads that would be generated

### Water Supply

The WASD review for water usage assumes the 120-acre application area would continue to be utilized primarily for overflow parking during major events at the Homestead Speedway. The proposed 12,000 additional seats are estimated to require 36,000 Gallons Per Day (GPD), which would be provided through the water service contract between WASD and the City mentioned above. PARD further indicates that if development occurs within the application site that requires water service connections to the County's infrastructure then the City shall address such connection needs with WASD. Based on the 36,000 GPD water demand that would be generated by the additional 12,000 seats, the Water Connection Charge or Impact Fee calculated at \$1.39 per average daily gallon is estimated at \$50,040.

### Wastewater

The WASD review for sewer service indicates that the proposed application area would require 36,000 GPD. PARD indicates that if development occurs within the application site that requires

water service connections to the County's infrastructure then the City shall address such connection needs with WASD. Based on the 36,000 GPD of wastewater that would be generated by the additional 12,000 seats, the Sewer Connection Charge or Impact Fee calculated at \$5.60 per average daily gallon is estimated at \$201,600.

### Fire Rescue

The Miami-Dade Fire Rescue Department (MDFR) states that the existing Homestead-Miami Speedway is served by Station No. 66, located at 3100 SE 8 Street and Station No. 65, located at 1350 SE 24 Street. In addition to the aforementioned stations, MDFR also provides fire-rescue services though the MDFR Special Events Bureau when necessary. The MDFR indicates that the proposed application would not require any changes to existing fire flow conditions, and that fire service within the vicinity of the Homestead-Miami Speedway is adequate.

### Parks

The Miami-Dade County Parks and Recreation Department (PARD) indicates that the application site is located in Park Benefit District 3 which has a surplus capacity of 251.95 acres. PARD also indicates that the application does not include residential development as limited by the proffered Declarations of Restrictions (covenant) and, if approved, would not impact the Park level of service (LOS) in the area.

PARD states its commitment to increasing recreation open space and facilities in the general application area and identifies the Biscayne-Everglades Greenway as one such facility proposed along SW 328 Street (North Canal Drive). PARD further indicates that a bike lane connection will be made from this greenway along SW 137 Avenue (Tallahassee Road) to the Speedway and recommends that the Speedways site plans account for the bike lanes connection as well as the principles of the 2008 Open Space Master Plan.

### Solid Waste

The Department of Solid Waste Management (DSWM) assesses capacity system-wide based, in part, on existing waste delivery commitments from both the private and public sectors. DSWM indicates that it is not possible to make determinations concerning the adequacy of solid waste disposal facilities relative to each individual CDMP amendment application. Instead, the DSWM issues a periodic assessment of the County's status in terms of concurrency, which is the ability to maintain a minimum of five (5) years of system-wide waste disposal capacity. The five (5) years of system-wide waste disposal capacity is the County's adopted level of service standard, and the County currently exceeds the adopted LOS standard.

Additionally, the DSWM indicates that the application will not generate an impact to its collection services as the DSWM does not compete for non-residential collection at this time.

### Aviation

The Miami-Dade Aviation Department (MDAD) indicates that the proposed development would generate no impacts on its facilities. However, MDAD points out that the application should be reviewed by the Homestead Air Reserve Base (HARB).

The HARB indicates that a portion of the application site (±22-acre western portion) is within the Accident Potential Zone (APZ) II identified in HARB's 2007 Air Installation Compatibility Use Zone (AICUZ) study. The 2007 AICUZ study lists certain land uses that should occur within the APZ II and HARB indicates that many of the uses allowable under the requested Business of Office CMP LUP map designation would not be compatible with the safety requirements set forth in the APZ II. Therefore, HARB requests that the applicant provide a restrictive easement to HARB for that portion of the property within the APZ II, or, in the absence of such an easement that movement of the UDB do not include the portion of the property within the APZ II. The Applicant is currently working with HARB to provide a restrictive easement or other instrument that would adequately address HARB's concerns.

### Public Schools

The application does not include residential uses, as restricted by the proffered covenant, and therefore would not generate impacts to schools, if approved.

### Urban Sprawl Analysis

At this time, this review will include an urban sprawl analysis as required by Rule 9J-5.006(5) Florida Administrative Code, described specifically by the indicators in Section (g). State indicators are listed in italics below, with staff comments immediately following, where applicable. Further review may be conducted as necessary.

1. Promotes, allows or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses in excess of demonstrated need. The submitted application would be for a single-use development, the Speedway. The requested inclusion of the application site within the UDB and its redesignation to "Business and Office" would technically add to the commercial land supply, if approved. However, the full range of commercial, retail, sales and service activities normally allowed when a property is designated "Business and Office" on the adopted Land use Plan map would not be permitted on the application site. The applicant with the proffered covenant is limiting the range of commercial uses on the application site to only a few uses including temporary and permanent parking facilities; temporary event concessions consisting of kiosks, tents, and other similar portable facilities; a permanent kitchen facility of up to 6,000 square feet; up to 12,000 additional spectator seats; and other ancillary uses associated with the Homestead-Miami Speedway. These uses are unique to a sports/recreational facility such as the speedway and not typically associated with commercial and retail activities. Thus, the supply of land for most commercial uses would not be increased by the application.

2. Promotes, allows or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while leaping over undeveloped lands which are available and suitable for development. The application site is not at a distance from existing urban areas and does not promote leapfrog development since it is adjacent to the existing racetrack.

3. Promotes, allows or designates urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban developments. This application site would not result in radial, strip, isolated or ribbon types of development patterns generally emanating from existing urban development. The application would provide for expansion of an existing motorsports complex.

4. As a result of premature or poorly planned conversion of rural land to other uses, fails adequately to protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems. The application site will not result of premature or poorly planned conversion of rural land to other uses nor does it contain natural resourses or natural resourses. However, it is located in the 100-year floodplain.

5. Fails adequately to protect adjacent agricultural areas and activities, including silviculture, and including active agricultural and silvicultural activities as well as passive agricultural activities and dormant, unique and prime farmlands and soils. While the application site is located in an area designated for agricultural use, it is being used for an non-agricultural use, overflow parking for the Speedway, and has been filled with inorganic materials and therefore cannot be considered prime farmland or soil.

**6.** *Fails to maximize use of existing public facilities and services.* The application site will not fail to maximize the use of existing public facilities and services due to it's limited impact. Since the application does not include residential uses there will be no impact to public schools and parks. Miami-Dade Fire and Rescue Department and Miami-Dade Transit has indicated that there is adequate service to the application site. At this time, the regionalized wastewater treatment system has sufficient capacity to receive the flows to be generated by the proposed development. The Alexander Orr Water Treatment Plant has available capacity necessary for this project. The application site is not expected to generate traffic that would violate existing level-of-service standards.

**7.** Fails to maximize use of future public facilities and services. The application site does not fail to maximize the use of future public facilities and services.

8. Allows for land use patterns or timing which disproportionately increase the cost in time, money and energy, of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government. The application site would not disproportionately increase the cost in time, money and energy, of providing and services.

**9.** Fails to provide a clear separation between rural and urban uses. The application site does provide a clear separation between rural and urban uses since these uses will be separated by the UDB.

10. Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities. The application would not discourage or inhibit infill development or the redevelopment of existing neighborhoods and communities. The 120-acre application site is not a type of use that could be integrated into an urban area due to its size and its need to be adjacent to the existing Speedway.

**11.** Fails to encourage an attractive and functional mix of uses. The application does not encourage an attractive and functional mix of uses but provides for the expansion of an existing facility.

**12.** Results in poor accessibility among linked or related land uses. The application site has good access to the regional roadway network. In addition, racetrack fans would have direct access (within walking distance) to the racing facility.

**13.** Results in the loss of significant amounts of functional open space. The application site does not result in the loss of significant amounts of functional open space since it is not open space but a surplus parking area for the Speedway.

### Roadways

Transportation and Mobility Planning Consultant Cathy Sweetapple and Associates, conducted a Traffic Study, *NOPC Application and CDMP Amendment Traffic Study (March 2010)*, for the proposed modifications to the Village of Homestead (VOH) Development of Regional Impact (DRI) and the proposed amendment to the County's Comprehensive Development Master Plan (CDMP).

The CDMP Application is included in Appendix B of this report. The proposed changes to the DRI include: the expansion of the DRI boundary to include ±120 acres currently used for overflow parking located to the north and adjacent to the Homestead-Miami Speedway (Speedway) facility and the addition of 12,000 spectator seats at the motorsport facility. Additional changes to the VOH DRI are proposed pursuant to Chapter 380, F.S., and include: the reduction in density by four dwelling units and the extension of the buildout year of the DRI.

The Speedway use was approved for the VOH DRI pursuant to an NOPC approved in 1994, and began operations in 1995. In 1995, the Speedway facility had a capacity for 36,000 spectators. Over a ten year period, the seating capacity increased to 64,000 and suite and club accommodations increased to 3,612 spectators for a total seating capacity of 67,612. The current NOPC application proposes the addition of 12,000 spectator seats and will increase the total number of seats to 79,612. This increase in seating capacity is proposed to support the annual weekend (Friday, Saturday and Sunday) NASCAR National Championship racing series. The Speedway is the preeminent motorsports event in South Florida, hosting a variety of national, regional and local motorsports events. It is known for being the annual site of the final races for all three NASCAR national championship series. The speedway is located in the eastern portion of the VOH DRI, on the north and south sides of SW 344 Street between SW 132 Avenue on the east and SW142 Avenue on the west. See Appendix A: Map Series, of this report.

The Village of Homestead DRI is located in the City of Homestead and is generally bounded by SW 324 Street, SW 328 Street and SW 336 Street on the north; SW 132 Avenue on the east; SW 352 Street on the south; and the Homestead Extension of Florida's Turnpike (HEFT), SW 170 Avenue and SW 167 Avenue on the west.

Currently, the Speedway has a capacity of 67,612 seats. The transportation consultant has indicated that the capacity increase (12,000 additional seats) is not needed for the weekday (Friday) major events. The applicant has proposed a DRI Development Order Condition (No. 2.10) to the VOH DRI to specify that "All weekday Major Events shall be limited to a total of 53,128 spectators and a start time of no earlier than 8 PM. Spectator seating for weekend (Saturday and Sunday) Major Events shall be limited to 79,612." Therefore, the traffic study evaluated the traffic impacts resulting from the proposed changes to the DRI on the local and regional roadway network.

Based on the Speedway's existing spectator capacity (67,612 seats), the traffic study evaluates actual traffic conditions on state and regional significant roadways using continuous traffic count station data from the Florida Department of Transportation (FDOT) and toll data from the

Florida's Turnpike Enterprise for the actual days of the NASCAR Championship weekend series for the years 2005 through 2008. The traffic study also evaluated traffic conditions on collectors providing access to the Speedway using traffic counts collected for the actual days of the NASCAR Championship series for the years 2007 through 2009. The specific timeframes analyzed include peak hour period (the two highest consecutive hours in a weekday), AM peak hour traffic conditions (the highest hour from 6 AM to noon), PM peak hour (the highest hour from noon to midnight), Friday traffic count conditions (race at 8:00 PM), Saturday traffic conditions (race at 4:30 PM), and Sunday traffic conditions (race at 3:00 PM) for each analysis vear for the Friday, Saturday and Sunday events of each NASCAR Championship series. To address the impact of the proposed change, the trips anticipated from the 12,000 additional spectators (8,000 daily trips, 880 Saturday Peak Hour trips and 840 Sunday Peak Hour trips) were incorporated in the analysis of the regional and state highway system and the collector roadways providing access to the Speedway. The study area for the impact analysis included all major roadways south of SW 288 Street to SW 344 Street and from SW 177 (Krome) Avenue to SW 137 Avenue, in addition to the Homestead Extension of Florida's Turnpike (HEFT), the Don Shula Expressway (SR 874), the Palmetto Expressway (SR 826), and US 1 (SR 5). In addition, the study provides intersection analyses for the PM Peak Hour for major intersections.

The traffic study concluded that the state, regional and collector roadways operated at or above their adopted level of service standards for the AM and PM Peak Hours on the days coinciding with the NASCAR Championship series. The traffic study also concluded that the adopted roadway level of service standards will continue to be met with the additional trips from the additional 12,000 spectator seats.

Staff of the Miami-Dade County Planning and Zoning Department and Public Works Department reviewed the March 2010 Traffic Study and had some questions, comments and concerns regarding the auto occupancy rate, modes of transportation used, percentages of arrivals and departures, intersection turning movement counts, and the need for additional analyses for other state roadways (US 1 and Krome Avenue) and section line roadways (SW 344, SW 328 and SW 312 Streets, etc.). On October 16, 2010, the applicant's transportation consultant submitted to County staff the *Reponses to Transportation Review Agency Comments NOPC Application and CDMP Amendment Traffic Study Village of Homestead DRI (October 2010)*. A summary of the Revised *NOPC Application and CDMP Traffic Study for the Village of Homestead DRI Homestead-Miami Speedway (October 2010)* is attached in Appendix G of this report.

The supplemental *Responses* addressed the comments provided by Miami-Dade County Public Works Department (PWD), Miami-Dade County Department of Planning and Zoning (DP&Z) and the City of Homestead's transportation consultant. DP&Z staff reviewed the responses to their comments and concerns and it is of the opinion that the traffic impacts on the state and regional roadway network have been quantified, sufficient analyses have been performed and therefore no further data and analysis may be required. However, PWD staff is still reviewing the traffic consultant's responses to their comments and concerns, which include the request for supporting documents for the assumed vehicle occupancy rate; the use of modes of transportation such as buses, RV campers and helicopters; percentages of arrivals and departures; analysis for regional roadway segments; and consideration of any traffic impacts related to the proposed FPL project. As stated above the transportation consultant submitted responses to all of PWD's comments and concerns. PWD staff is still reviewing the responses and the consultant will have to address any remaining PWD concerns. However, it should be pointed out that notwithstanding any outstanding concerns that PWD may have, this department does not expect any substantial changes to the study's conclusions.

The City of Homestead's transportation consultant, The Corradino Group, has also concluded that the regional traffic impact has been quantified and that no further analysis is required at the DRI NOPC level, but suggests that during the Site Plan process a more detailed traffic analysis be made to determine the impacts to the local roadway intersections during the operations of the Speedway. At such time the City should select specific intersections and segments to be analyzed as well as the analysis techniques to be used.

It should be pointed out that the Speedway manages event operations and event traffic through a series of highly coordinated traffic management practices which include extensive agency coordination and a multi-level event planning process leading up to and during the NASCAR event. The result is a well coordinated and well managed program which include the distribution of information to spectators, installation of directional signage, deployment of over 150 off-duty police officers to manage traffic either arriving or departing the Speedway, in coordination with Miami-Dade County to override control of key signalized intersections, and coordination with Florida's Turnpike Enterprise to prepay tolls, monitor traffic conditions, lift inbound and outbound tolls and implement a third northbound lane on the HEFT for departing spectators.

### Transit Service

### Existing Service

The area surrounding the application site is not served by Metrobus service. The nearest bus service is approximately two miles away and is provided by Route 35 on SW 142<sup>nd</sup> Avenue and SW 312<sup>th</sup> Street by Homestead Hospital and by Route 344 on SW 167<sup>th</sup> Avenue between SW 328<sup>th</sup> and SW 344<sup>th</sup> Streets. Table 3 shows the existing service frequency in summary form.

	Route(s)		Service Headways (in minutes)					Drovimity to	
		Peak (AM/PM)	Off-Peak (midday)	Evenings (after 8pm)	Overnight	Saturday	Sunday	Proximity to Bus Route (miles)	Type of Service
ĺ	35	30	30	60	N/A	60	60	2.0	L
	344	60	60	N/A	N/A	N/A	N/A	2.5	L

Table 3
Metrobus Route Service Summary
Homestead-Miami Speedway CDMP Application Site

Notes: L means Metrobus local route service

### Future Conditions for the Immediate Area

Transit improvements to the existing Metrobus service are being planned for the next ten years as noted in the 2019 Recommended Service Plan within the 2009 Transit Development Plan (TDP). Table 4 shows the Metrobus service improvements programmed for the existing routes identified above.

Table 4
Metrobus Recommended Service Improvements
Homestead-Miami Speedway CDMP Application

Route(s)	Improvement Description
35	Improve peak headway from 30 to 20 minutes.
344	No planned improvements.

No major transit improvements to the existing system in the immediate area are being planned for the next ten years as noted in the 2009 TDP.

### Application Impacts in the Traffic Analysis Zone

A preliminary analysis was performed in the Traffic Analysis Zones (TAZ) where the application was requested. In TAZ #'s 1400, 1406 and 1407 where this application is being requested, if granted, the expected transit impact produced by this application would be minimal. Therefore, based on the information presented, MDT has no objections to this application.

### Consistency Review with CDMP Goals, Objectives, Policies, Concepts and Guidelines

The following CDMP goals, objectives, policies, concepts, and guidelines will be enhanced if the proposed designation is approved. Not all text from the policies is included. Pertinent sections are quoted or paraphrased for clarity and brevity.

- LU Concept 11 Allocate suitable and sufficient sites for industrial and business districts to accommodate future employment needs.
- LU-8D The maintenance of internal consistency among all Elements of the CDMP shall be a prime consideration in evaluating all requests for amendment to any Element of the Plan. Among other considerations, the LUP map shall not be amended to provide for additional urban expansion unless traffic circulation, mass transit, water, sewer, solid waste, drainage and park and recreation facilities necessary to serve the area are included in the plan and the associated funding programs are demonstrated to be viable.
- ICE-3D Encourage the establishment of formal agreements among the necessary governmental bodies to implement coordinated planning for the development of public facilities and services.
- ICE-7 Encourage the achievement of a coordinated strategy for regional economic development that addresses opportunities and threats and promotes assets in South Florida for sports and entertainment, international business, tourism and other economic development activities.
- ECO-7G Within one year, the County in cooperation with the Beacon Council, chambers of commerce and similar institutions, organizations and individuals will formulate a comprehensive incentive plan for application to business retention.

The following CDMP goals, objectives, policies, concepts, and guidelines will be impeded if the proposed designation is approved. Not all text from the policies is included. Pertinent sections are quoted or paraphrased for clarity and brevity.

LU-8F The Urban Development Boundary (UDB) should contain developable land having capacity to sustain projected countywide residential demand for a period of 10 years after adoption of the most recent Evaluation and Appraisal Report (EAR) plus a 5-year surplus (a total 15-year Countywide supply beyond the date of EAR adoption). The estimation of this capacity shall include the capacity to develop and redevelop around transit stations at the densities recommended in policy LU-7F. The adequacy of non-residential land supplies shall be determined on the basis of land supplies in subareas of the County appropriate to the type of use, as well as the Countywide supply within the UDB. The adequacy of land supplies for

neighborhood- and community-oriented business and office uses shall be determined on the basis of localized subarea geography such as Census Tracts, Minor Statistical Areas (MSAs) and combinations thereof. Tiers, Half-Tiers and combinations thereof shall be considered along with the Countywide supply when evaluating the adequacy of land supplies for regional commercial and industrial activities.

- LU-8G When considering land areas to add to the UDB, after demonstrating that a need exists, in accordance with foregoing Policy LU-8F:
  - i) The following areas shall not be considered:
    - a) The Northwest Wellfield Protection Area ...
    - b) Water Conservation Areas, Biscayne Aquifer Recharge Areas...
    - c) The Redland area south of Eureka Drive; and
  - ii) The following areas shall be avoided:
    - a) Future Wetlands delineated in the Conservation and Land Use Element...
    - b) Land designated Agriculture on the Land Use Plan map;
    - c) Category 1 hurricane evacuation areas east of the Atlantic Coastal Ridge
    - d) Comprehensive Everglades Restoration Plan project footprints...; and
  - iii) The following areas shall be given priority for inclusion, subject to conformance with Policy LU-8F and the foregoing provision of this policy:
    - a) Land within Planning Analysis Tiers having the earliest projected supply depletion year;
    - b) Land contiguous to the UDB;
    - c) Locations within one mile of a planned urban center or extraordinary transit service; and
    - d) Locations having projected surplus service capacity where necessary facilities and services can be readily extended.

# **APPENDICES**

Appendix A: Map Series

- Appendix B: CDMP Amendment Application
- Appendix C: Homestead-Miami Speedway, LLC, letter dated March 29, 2010 Extending Deadlines for the Notice, Advertising and Public Hearings
- Appendix D: Revised Declaration of Restrictions, dated November 24, 2010
- Appendix E: Text Changes to CDMP Amendment, dated November 24, 2010
- Appendix F: Needs Analysis; Miami Economic Associates, Inc., letter dated October 18, 2010, with Executive Summary of the Washington Economic Group (WEG) Report
- Appendix G: Traffic Report Executive Summary
- Appendix H: Homestead Air Reserve Base letter dated July 22, 2010
- Appendix I: Notification of a Proposed Change to the Previously Approved Villages of Homestead Development of Regional Impact (DRI) - Excerpt
- Appendix J: Dedication of Conservation Easement and Declaration of Restrictive Covenant, dated August 30, 1994, for Wetland Mitigation Related to the Homestead-Miami Speedway (Formerly Homestead Motorsport Complex) of the Villages of Homestead DRI
- Appendix K: Fiscal Impacts Analysis

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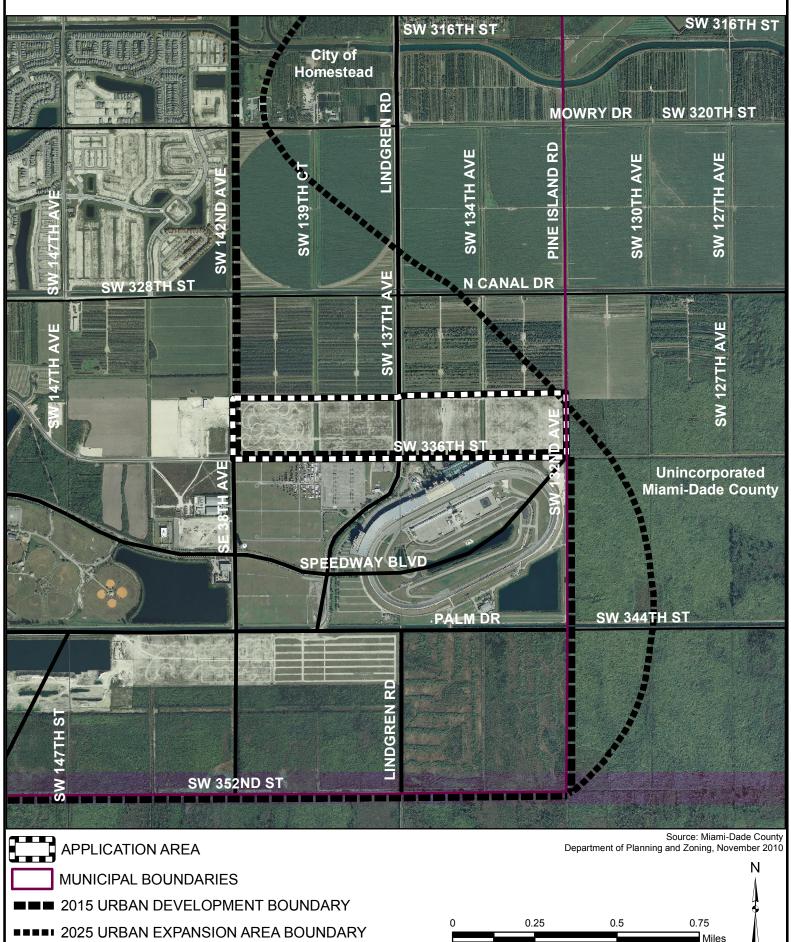
# **APPENDIX A**

# Map series

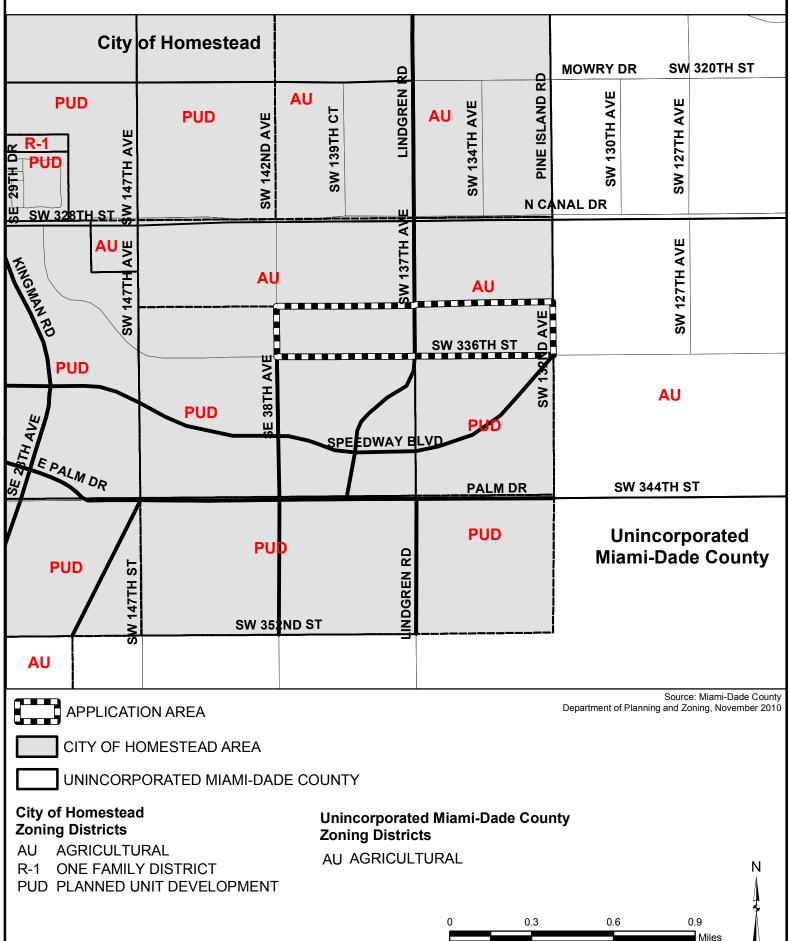
- Aerial Photo
- Current Zoning
- Future Land Use
- Existing Land use

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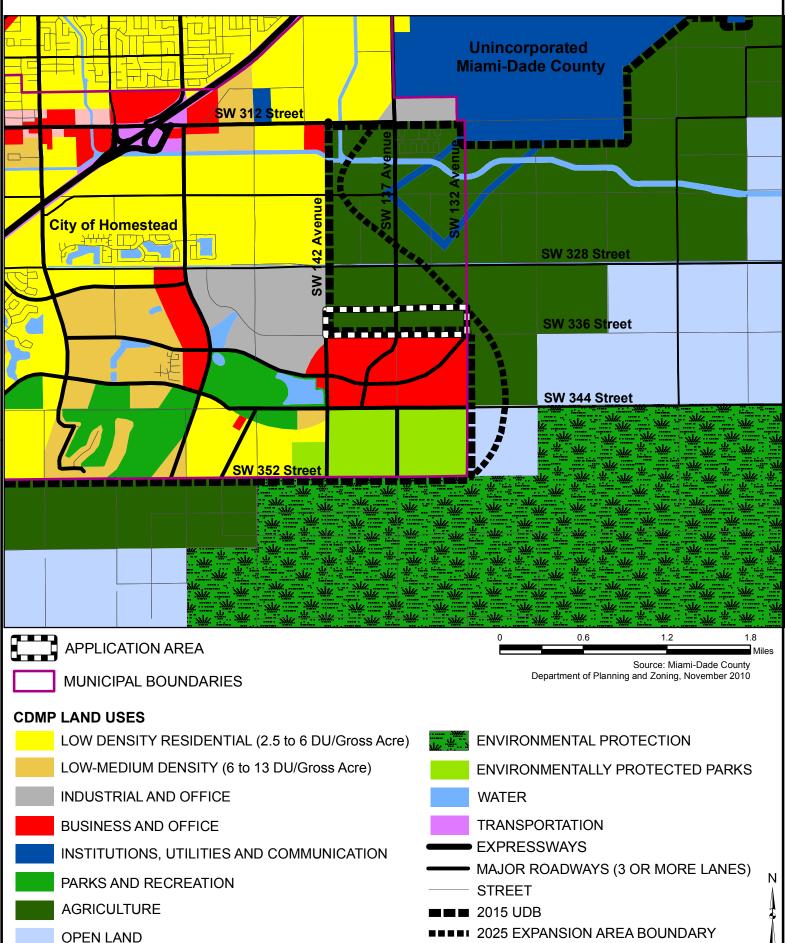
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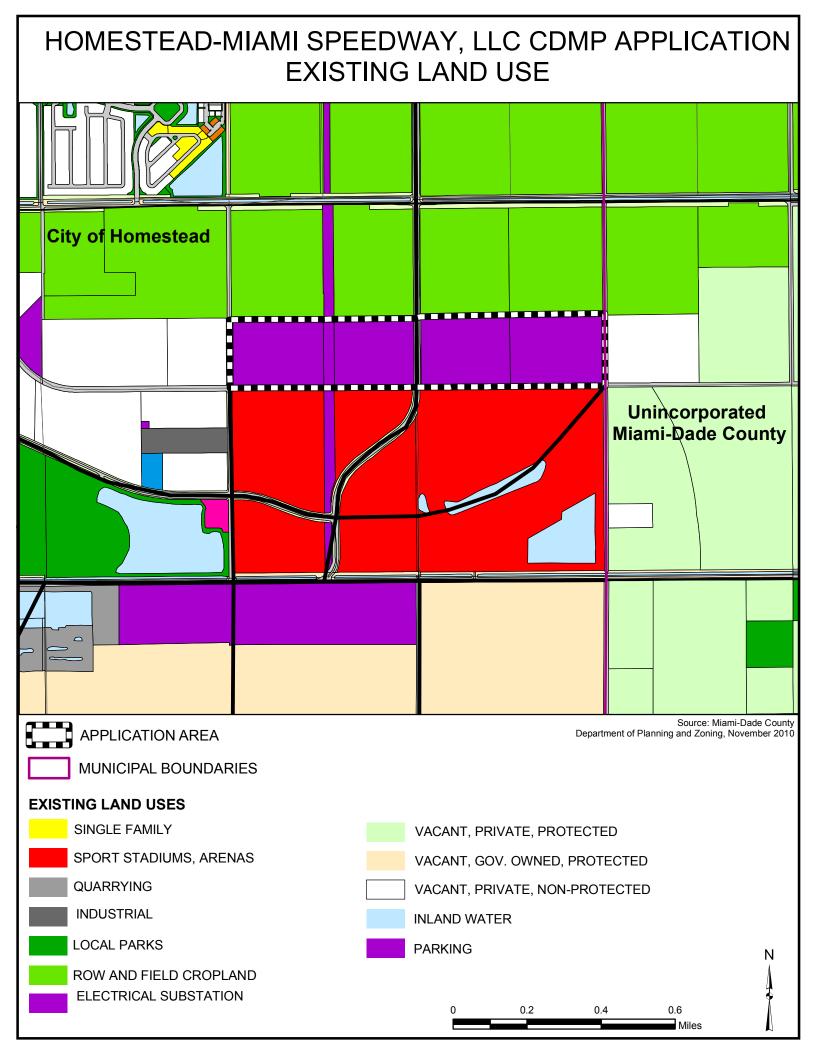


# HOMESTEAD-MIAMI SPEEDWAY, LLC CDMP APPLICATION CURRENT ZONING



# HOMESTEAD-MIAMI SPEEDWAY, LLC CDMP APPLICATION FUTURE LAND USE





# **APPENDIX B**

**CDMP** Amendment Application

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## AMENDMENT REQUEST TO THE MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN LAND USE ELEMENT/LAND USE PLANZMAR 24 P 5: 01 CONCURRENT WITH DEVELOPMENT OF REGIONAL IMPACT APPLICATION PLANNING & ZONING

#### 1. APPLICANTS

Homestead-Miami Speedway, LLC One Speedway Boulevard Homestead, Florida 33035 (305) 230-5208

### 2. APPLICANTS' REPRESENTATIVES

Jeffrey Bercow, Esq. Melissa Tapanes Llahues, Esq. Bercow Radell & Fernandez, P.A. Attorneys for Homestead-Miami Speedway, LLC 200 South Biscayne Boulevard Suite 850 Miami, Filorida 33131 (305) 374-5300

By: Jeffrey Bercow, Esg.

Date: March 24, 2010

By: Melissa Tapanes Llahues, Esg.

Date: March 24, 2010

## 3. DESCRIPTION OF REQUESTED CHANGES

An amendment to the Comprehensive Development Master Plan Land Use Plan Map is requested.

- A. Changes to the Land Use Element, Land Use Plan Map (item A. 1 in the fee schedule) are requested.
- B. An expansion of the Urban Development Boundary (UDB) is requested.

- C. An amendment to the text of Policy LU-8G of the Land Use Element is requested.
- D. Description of Application Area

The application area ("Application Area") consists of approximately 120 acres located in Sections 22 and 23, Township 57 South, Range 39 East that currently lie outside of the Urban Development Boundary (UDB). See Exhibit A.

The Application Area is designated for Agriculture use on the CDMP Land Use Plan Map, and is zoned Agricultural (AU). <u>See</u> Exhibit B. The Application Area is the subject of a Class IV Special Permit that allows the land to be used as overflow parking for the Homestead-Miami Speedway. The Homestead-Miami Speedway, located immediately south of the Application Area, is owned by the City of Homestead and is operated by the Homestead-Miami Speedway, LLC.

The Application Area is proposed to accommodate the following uses in several phases within a 15 year horizon: temporary and permanent parking facilities; temporary event concessions consisting of kiosks, tents, and other similar portable facilities; a relocated permanent kitchen facility of up to 6,000 square feet; and up to 12,000 additional grandstand seats for the existing Homestead-Miami Speedway.

E. Acreage

Application Area: 120 gross acres (approximately 115 net acres)

Acreage owned by Applicant: 120 acres (approximately 115 net acres)

- F. Requested Changes
- 1) It is requested that the Urban Development Boundary be expanded to encompass the Application Area.
- It is requested that the Application Area (120 acres) be redesignated on the Land Use Plan Map from "Agriculture" to "Business and Office." <u>See</u> Exhibit C.
- It is requested that Policy LU-8G of the Land Use Element be modified to add the following text:
  - iv) Although Policy LU-8G (iii) gives priority to certain areas for inclusion, other land may be included to expand an existing unique regional facility if it satisfies all of the following criteria:

a) Land contiguous to the UDB;

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- b) Land within the UEA;
- <u>c)</u> The location has or will have a projected service capacity where necessary facilities and services can be readily extended;
- <u>d)</u> The land is contiguous to a unique regional facility, defined as an existing public facility or attraction of regional prominence that has been constructed on publicly owned land with significant public funding and intergovernmental coordination; and
- e) The use of the land will be limited to the expansion of the unique regional facility, together with ancillary uses; and
- <u>f)</u> <u>The expansion is expected to generate economic development, promote</u> <u>tourism and/or attract use by County residents</u>.
- 4) If the CDMP amendment application is adopted by the Board of County Commissioners and a proffered covenant restricting the use of the Application Area is accepted as a condition of such approval, then the Applicant requests that the covenant be added to the text of the CDMP Land Use Element, specifically to the table contained therein entitled "Restrictions accepted by the Board of County Commissioners in association with Land Use Plan Amendments." The covenant will be submitted to Miami-Dade County in accordance with the timelines adopted by the Department of Planning and Zoning. <u>See</u> Exhibit D.

### 4. REASONS FOR AMENDMENTS

Following the aftermath of Hurricane Andrew, the Miami-Dade County Board of County Commissioners made substantial public commitments to the Homestead-Miami Speedway, located in and owned by the City of Homestead. The County Commission agreed to invest over \$31 million of Miami-Dade County's Professional Sports Franchise Facilities Tax revenue towards the construction of the Homestead-Miami Speedway as an integral part of the South Dade redevelopment plan. In Resolution Nos. 1346-92 and 1002-93, the Board of County Commissioners resolved that the Homestead-Miami Speedway would substantially benefit the City of Homestead as well as all of the residents of Miami-Dade County in that the Speedway would create jobs, encourage economic development and expand tourism. This public investment in a publicly owned facility has enabled the Speedway to become the preeminent venue for both NASCAR and the Indy Racing League (IRL), and host the final race for all three NASCAR championship series, as well as the final race for two IndyCar championship series.

The approval of the requested amendments will, along with the concurrent applications to amend the Homestead comprehensive plan and the Villages of Homestead Development of Regional Impact ("DRI") development order, permit the expansion of the Homestead-Miami Speedway. The proposed expansion will improve the fan experience by consolidating overflow parking and temporary concessions east of S.W. 137 Avenue and adding grandstand seats at Turn One and Turn Four of the Speedway. Such improvements will help to enhance the Speedway's standing as an internationally acclaimed sports and entertainment attraction. At the same time, the expansion will have minimal effect on public infrastructure since the impacts will be generally limited to weekends and nonpeak hours, such as the IRL and NASCAR championship series, which occur approximately six days per year, over the span of two weekends. The proffered covenant will limit the use of the Application Area to temporary and permanent parking facilities, spectator seating, concessions and other ancillary uses associated with the Speedway, including up to a 6,000 square foot permanent kitchen facility. In addition, the proffered covenant will ensure the Speedway's continued compatibility with the Homestead Air Reserve Base's 2007 Air Installation Compatible Use Zone (AICUZ) Study by restricting the use of the portion of the Application Area designated as APZ II to parking, concessions and other ancillary uses.

Approval of the Application is consistent with the adopted City of Homestead and Homestead Air Reserve Base's 2007 AICUZ Study. The Application Area is located outside of the AICUZ Noise Zones, and only a small portion of the Application Area is located within AICUZ APZ II. <u>See</u> Exhibit E. Outdoor Sports arenas and spectator sports are listed as compatible uses in the United States Air Force Recommended Land Use Compatibility Guidelines for the Application Area, with the exception of the small portion located within APZ II. <u>See</u> Exhibit F. Page 4-7 of the AICUZ Study specifically provides that the current use as an open field used for parking by the Speedway is a compatible use within APZ II. <u>See</u> Exhibit G.

The proposed expansion of the Homestead-Miami Speedway will also be consistent with and supportive of the following Miami-Dade County CDMP goals and policies:

 LU-1C. Miami-Dade County shall give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand.

CDMP Land Use Element Policy LU-1C requires the County to give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of underdeveloped environmentally suitable urban areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand. The proposed expansion is infill development on vacant land immediately adjacent to an existing use. The application area is subject to an existing Class IV special permit, which permits overflow parking. The proffered covenant and concurrent DRI application will ensure that the proposed expansion is sensitive to the environment and, thus, suitable. The Application Area is contiguous to existing urban development where all necessary urban services exist. The expansion proposed in the instant application and concurrent DRI application, subject to the proffered covenant, will have no net impact on public infrastructure.

LU-8F. The Urban Development Boundary (UDB) should contain developable land having capacity to sustain projected countywide residential demand for a period of ten years after adoption of the most recent Evaluation and Appraisal Report (EAR) plus a 5-year surplus (a total of 15-year Countywide supply beyond the date of EAR adoption). The estimation of this capacity shall include the capacity to develop and redevelop around transit stations at the densities recommended in policy LU-7F. The adequacy of non-residential land supplies shall be determined on the basis of land supplies in subareas of the County appropriate to the type of use, as well as the Countywide supply within the UDB. The adequacy of land supplies for neighborhood- and community-oriented business and office uses shall be determined on the basis of localized subarea geography such as Census Tracts, Minor Statistical Areas (MSAs) and combinations thereof. Tiers, Half-tiers and combinations thereof shall be considered along with the Countywide supply when evaluating the adequacy of land supplies for regional commercial and industrial activities.

CDMP Land Use Element Policy LU-8F provides that the adequacy of nonresidential land supplies shall be determined on the basis of land supplies in subareas of the County appropriate to the <u>type of use</u>, as well as the Countywide supply within the UDB. The Homestead-Miami Speedway is an existing recreational and tourist attraction of international significance surrounded by the UDB to the north and east, "Environmentally Protected Parks" to the south, and the City's baseball stadium complex to the west. Any expansion of the existing use must occur on adjacent land. The Application Area is the <u>only</u> supply of land within Minor Statistical Area 7.5, South Tier of the County appropriate to the type of use because it is the <u>only</u> land immediately adjacent to the existing use that is environmentally suitable for expansion.

 LU-8G. When considering land areas to add to the UDB, after demonstrating that a need exists, in accordance with foregoing Policy LU-8F:



The following areas shall not be considered: a) The Northwest Wellfield Protection Area located west of the Turnpike Extension between Okeechobee Road and NW 25 Street and the West Wellfield Protection Area west of SW 157 Avenue between SW 8 Street and SW 42 Street;

b) Water Conservation Areas, Biscayne Aquifer Recharge Areas, and Everglades Buffer Areas designated by the South Florida Water Management District;

# c) The Redland area south of Eureka Drive; and

i)

The Application Area is not located within the Northwest Wellfield Protection Area or in a Water Conservation Area, Biscayne Aquifer Recharge Area or Everglades Buffer Area. In addition, the Application Area is not located in the Redland area south of Eureka Drive. Therefore, the Application Area may be considered for inclusion with the UDB.

- ii) The following areas shall be avoided:
   a) Future Wetlands delineated in the Conversation and Land Use Element;
  - b) Land designated Agriculture on the Land Use Plan map;

c) Category 1 hurricane evacuation areas east of the Atlantic Coastal Ridge;

## d) Comprehensive Everglades Restoration Plan project footprints delineated in Tentatively Selected Plans and/or Project Implementation Reports;

The Application Area is not delineated as Future Wetlands in the Conservation and Land Use Element, or located within the Category 1 hurricane evacuation area or a Comprehensive Everglades Restoration Plan project footprint. It is also worthwhile to note that the Application Area is located outside of the South Miami-Dade Watershed Plan's "Zone C," the 11,000 acre open space conservation zone proposed to protect Biscayne Bay and ensure the availability of land for stormwater treatment, wetlands restoration and open space. Although the Application Area is designated Agricultural on the Land Use Plan map, the lands are not utilized for direct Agricultural production, rather the Application Area is used for parking in conjunction with major events at the Homestead-Miami Speedway and maintenance and processing of neighboring agricultural fields pursuant to an existing Class IV permit. Therefore, the Application Area may be included in the UDB. iii) The following areas shall be given priority for inclusion, subject to conformance with Policy LU-8F and the forgoing provision of this policy:

- Land within Planning Analysis Tiers having the earliest projected supply depletion year;
- b) Land contiguous to the UDB;
- c) Locations within one mile of a planned urban center or extraordinary transit service; and
- d) Locations having projected surplus service capacity where necessary facilities and services can be readily extended.

CDMP Land Use Element Policy LU-8G(iii) gives priority for certain lands to be included within the UDB. One of the factors under this policy is land contiguous to the UDB. The Application Area is contiguous to existing urban development where all necessary urban services exist.

Another factor is that the location should have projected surplus service capacity where necessary facilities and services may be readily extended. The Homestead-Miami Speedway is an existing use, and the expansion proposed in the instant application and concurrent DRI application, subject to the proffered covenant, will have no net impact on public infrastructure.

Proposed Policy LU-8G (iv) specifically addresses a void in the CDMP for publicly-owned, unique regional facilities. A unique regional facility is a public facility or attraction of regional prominence, constructed with significant public funding and intergovernmental coordination, which promotes the public interest by generating economic development, promoting tourism and/or attracting use by County residents. The proposed policy will limit expansion of the UDB to accommodate only the community's demand for expansion of publicly-owned, unique regional facilities, such as the Homestead-Miami Speedway.

The proposed policy provides a strict standard that will only permit expansion to the UDB where land will permit expansion of such a resource and is both contiguous to the UDB and within the UEA. In addition, the proposed expansion must have or will have a projected service capacity where necessary facilities and services may be readily extended. The instant application satisfies these criteria.

 LU-1G. Business developments shall preferably be placed in clusters or nodes in the vicinity of major roadway intersections, and not in continuous strips or as isolated spots, with the exception of small neighborhood nodes. Business developments shall be designed to relate to adjacent development, and large uses should be planned and designed to serve as an anchor for adjoining smaller businesses or the adjacent business district. Granting of commercial or other nonresidential zoning by the County is not necessarily warranted on a given property by virtue of nearby or adjacent roadway construction or expansion, or by its location at the intersection of two roadways.

CDMP Land Use Element Policy LU-1G encourages business developments to be placed in clusters or nodes at the intersections of major roadways. The Homestead-Miami Speedway is located at S.W. 137 Avenue and S.W. 344 Street, which are both major section line roads.

 LU-10. Miami-Dade County shall seek to prevent discontinuous, scattered development at the urban fringe particularly in the Agriculture Areas, through its CDMP amendment process, regulatory and capital improvements programs and intergovernmental coordination activities.

CDMP Land Use Element Policy LU-10 requires the County to "prevent discontinuous, scattered development at the urban fringe." The proposed expansion to the Homestead-Miami Speedway is continuous with an existing use. Due to the nature of the existing use and its compatibility with the Homestead Air Reserve Base, the Application Area's location at the "urban fringe" is highly desirable. As a well-planned special part-time use, the proposed expansion will avoid the issues commonly seen in scattered suburban and exurban development.

 LU-1R. Miami-Dade County shall take steps to reserve the amount of land necessary to maintain an economically viable agricultural industry. Miami-Dade County shall adopt and develop a transfer of development rights (TDR) program to preserve agricultural land and environmentally sensitive property. The density cap of the land use category in the receiving area established by the TDR program may be exceeded. Land development regulations shall be developed to determine the extent that the density cap may be exceeded based on parcel size but in no case shall it exceed 20 percent.

CDMP Land Use Element Policy LU-IR requires the County to "take steps to reserve the amount of land necessary to maintain an economically viable agricultural industry." The Application Area is subject to a Class IV permit that allows overflow parking associated with major events at the Homestead-Miami Speedway. Although the Application Area is designated as "Agricultural," it is not utilized for agricultural purposes but for overflow parking associated with the Homestead-Miami Speedway. Therefore,



approval of the instant application will not deplete the County's agricultural land reserves or otherwise adversely affect the agricultural industry.

 LU-2A. All development orders authorizing new, or significant expansion of existing, urban land uses shall be contingent upon the provision of services at or above the Level of Services (LOS) standards specified in the Capital Improvements Element (CIE).

The Homestead-Miami Speedway is an existing use, and the expansion proposed in the instant application and concurrent DRI application, subject to the proffered covenant, will have no significant net impact on public infrastructure.

 LU-2B. Priority in the provision of services and facilities and the allocation of financial resources for services and facilities in Miami-Dade County shall be given first to serve the areas within the Urban Development Boundary (UDB) of the Land Use Plan (LUP) Map. Second priority shall support the staged development of the Urban Expansion Area (UEA). Urban services and facilities which support or encourage urban development in Agricultural and Open Land areas shall be avoided, except for those improvements necessary to protect the public health and safety and which service the localized needs of non-urban areas.

CDMP Land Use Element Policy LU-2B requires the County to give priority to support the staged development of the UEA. The expansion proposed in the instant application is an example of staged development within the UEA.

LU-8A. Miami-Dade County shall strive to accommodate residential • development in suitable locations and densities which reflect such factors as recent trends in location and design of residential units; a variety of affordable housing options; projected availability of service and infrastructure capacity; proximity and accessibility to employment, commercial and cultural centers; character of existing adjacent or surrounding neighborhoods; avoidance of natural resources degradation; maintenance of quality of life and creation of amenities[.] Density patterns should reflect the Guidelines for Urban Form contained in this Element.

CDMP Land Use Element Policy LU-8A requires the County to strive to accommodate proximity and accessibility to employment, commercial and cultural centers, as well as create amenities. The expansion of the Homestead-Miami Speedway serves as an accessible employment and commercial center immediately adjacent to an existing amenity within the urbanized area.

- LU-8E. Applications requesting amendments to the CDMP Land Use Plan map shall be evaluated to consider consistency with the Goals, Objectives and Policies of all Elements, other timely issues, and in particular the extent to which the proposal, if approved, would:
  - (i) Satisfy a deficiency in the Plan map to accommodate projected population or economic growth of the County:
  - (ii) Enhance or impede provision of services at or above adopted LOS Standards;
  - (iii) Be compatible with abutting and nearby land use and protect the character of established neighborhoods; and
  - (iv) Enhance or degrade environmental or historical resources, features or systems of County significance; and
  - (v) If located in a planned Urban Center, or within 1/4 mile of an existing or planned transit station, exclusive busway stop, transit center, or standard or express bus stop served by peak period headways of 20 or fewer minutes would be use that promotes transit ridership and pedestrianism as indicated in the policies under Objective LU-7, herein.

CDMP Land Use Element Policy LU-8E provides evaluation criteria for applications seeking amendments to the CDMP Land Use Plan map. Approval of the instant application will accommodate additional economic growth in the County, will not impede the provision of services at or above adopted LOS standards, will be compatible with abutting and nearby land uses and protect the existing character of the area, and will not degrade environmental or historical resources.

# 5. ADDITIONAL MATERIAL SUBMITTED

- 1) Surveys (Overall and Parcels Subject to LUP Map changes)
- 2) 8 1/2 X 11 sheet showing Application Area Location
- 3) Aerial Photograph (Exhibit A)
- 4) Existing CDMP Land Use Map (Exhibit B)
- 5) Proposed CDMP Land Use Map (Exhibit C)
- 6) Draft Declaration of Restrictions (Exhibit D)
- 7) AICUZ Figures (Exhibits E, F and G)

The Applicant reserves the right to supplement the application with additional documentation within the time permitted by the Code of Miami-Dade County.

# 6. COMPLETE DISCLOSURE FORMS: See attached.

# DISCLOSURE OF INTEREST

This form or a facsimile must be filed by all applicants having an ownership interest in any real property covered by an application to amend the Land Use Plan map. Submit this form with your application. Attach additional sheets where necessary.

# APPLICANT (S) NAME AND ADDRESS:

APPLICANT : Homestead-Miami Speedway, LLC One Speedway Boulevard Homestead, Florida 33035

Use the above alphabetical designation for applicants in completing Sections 2 and 3, below.

2. PROPERTY DESCRIPTION: Provide the following information for all properties in the application area in which the applicant has an interest. Complete information must be provided for each parcel.

<u>APPLICANT</u> <u>OWNER OF RECORD</u> Homestead-Miami Speedway, LLC	<u>FOLIO NUMBER</u> 10-7922-001-0071 10-7923-001-0022 10-7923-001-0023	<u>ACRES IN SIZE</u> (net) 58 acres 28 acres 29 acres
	Total:	115.00 acres

3. For each applicant, check the appropriate column to indicate the nature of the applicant's interest in the property identified in 2., above.

APPLICANT OWNER	LESSEE	CONTRACTOR FOR PURCHASE	OTHER (Attach Explanation )

- Х
- DISCLOSURE OF APPLICANT'S INTEREST: Complete all appropriate sections and indicate N/A for each section that is not applicable.
  - a. If the applicant is an individual (natural person) list the applicant and all other individual owners below and the percentage of interest held by each.

INDIVIDUAL'S NAME AND ADDRESS N/A

PERCENTAGE OF INTEREST



b. If the applicant is a CORPORATION, list the corporation's name, the name and address of the principal stockholders and the percentage of stock owned by each. [Note: where the principal officers or stockholders, consist of another corporation(s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.]

CORPORATION NAME: Homestead-Miami Speedway, LLC

$\frac{1}{1}$ $\frac{1}$	CENTAGE OF
Leisure Entertainment of Florida, Inc., One Speedway Blvd., Homestead, FL 330 Miami Speedway Corporation, One Speedway Blvd., Homestead, FL 33035 *International Speedway Corporation, P.O. Box 2801, Daytona Beach, FL 32120	
**Publicly traded on NASDAQ as ISCA	100%**

c. If the applicant is a TRUSTEE, list the trustee's name, the name beneficiaries of the trust, and the percentage of interest held by each. [ Note: where the beneficiary/beneficiaries consist of corporation(s), partnership(s), or other similar entities, further disclosure shall be required which discloses the identity of the individual (s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

TRUSTEES NAME: \_\_\_\_\_ N/A

N/A	BENEFICIARY'S NAME AND ADDRESS	PERCENTAGE OF INTEREST

d. If the applicant is a PARTNERSHIP or LIMITED PARTNERSHIP, list the name of the partnership, the name and address of the principals of the partnership, including general and limited partners and the percentage of interest held by each partner. [Note: where the partner (s) consist of another partnership(s), corporation (5) trust (5) or other similar entities, further disclosure shall be required which discloses the identity of the individual (s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

PARTNERSHIP NAME: N/A

PERCENTAGE OF

	NAME AND ADDRESS OF PARTNERS
N/A	

**INTEREST** 

e. If the applicant is party to a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners. [Note: where the principal officers, stockholders, beneficiaries, or partners consist of another corporation, trust, partnership, or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

NAME AND ADDRESS

PERCENTAGE OF INTEREST

N/A

If any contingency clause or contract terms involve additional parties, list all individuals or officers if a corporation, partnership, or trust.

\_\_\_\_N/A

- 5. DISCLOSURE OF OWNER'S INTEREST: Complete only if an entity other than the applicant is the owner of record as shown on 2.a., above.
  - a. If the owner is an individual (natural person) list the applicant and all other individual owners below and the percentage of interest held by each.

INDIVIDUAL'S NAME AND ADDRESS

PERCENTAGE OF INTEREST

N/A

b. If the owner is a CORPORATION, list the corporation's name, the name and address of the principal stockholders and the percentage of stock owned by each. [Note: where the principal officers or stockholders consist of another corporation(s), trustee(s) partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.]

## **CORPORATION NAME:**

<u>N/A</u>

	PERCENTAGE OF
NAME ADDRESS AND OFFICE (C	<u>I EROLITAGE</u> OF
NAME, ADDRESS, AND OFFICE (if applicable)	STOCK
N/A	<u>JIUUK</u>
N/A	

c. If the owner is a TRUSTEE, and list the trustee's name, the name and address of the beneficiaries of the trust and the percentage of interest held by each. [Note: where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

TRUSTEE'S NAME:

<u>N/A</u>

BENEFICIARY'S NAME AND ADDRESS

PERCENTAGE OF INTEREST

d. If the owner is a P ARTNERSHIP or LIMITED PARTNERSHIP, list the name of the partnership, the name and address of the principals of the partnership, including general and limited partners, and the percentage of interest held by each. [Note: where the partner(s) consist of another partnership(s), corporation(s) trust(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

PARTNERSHIP NAME:

<u>\_\_N/A</u>

N/A

PERCENTAGE OF OWNERSHIP

e. If the owner is party to a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners. [Note: where the principal officers, stockholders, beneficiaries,



or partners consist of another corporation, trust, partnership, or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

NAME. ADDRESS, AND OFFICE (if applicable)PERCENTAGE OFINTEREST

N/A

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

For any changes of ownership or changes in contract for purchase subsequent to the date of the application, but prior to the date of the final public hearing, a supplemental disclosure of interest shall be filed.



The above is a full disclosure of all parties of interest in this application to the best of my knowledge and behalf.

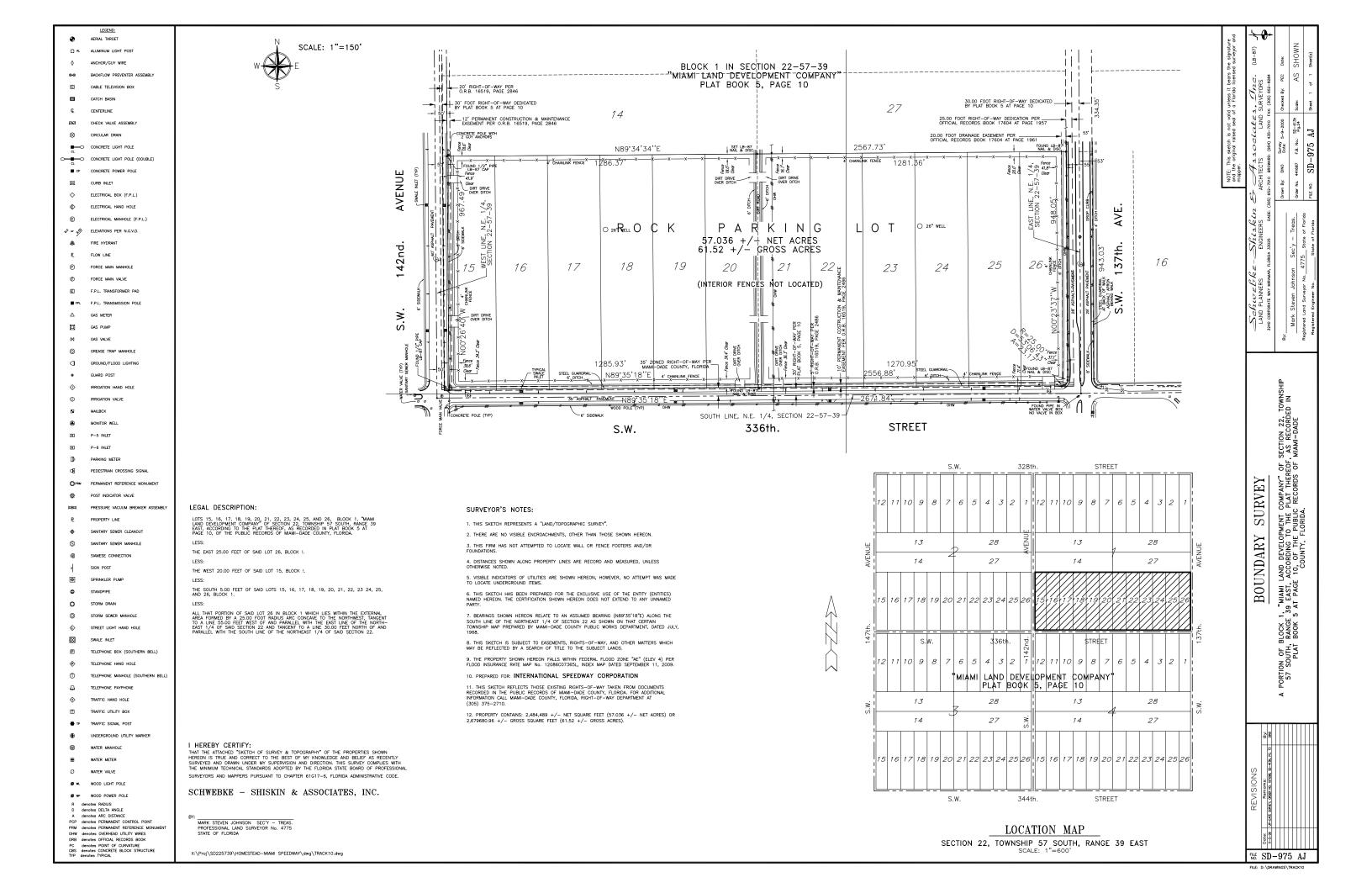
Applicant's Signatures and Printed Names

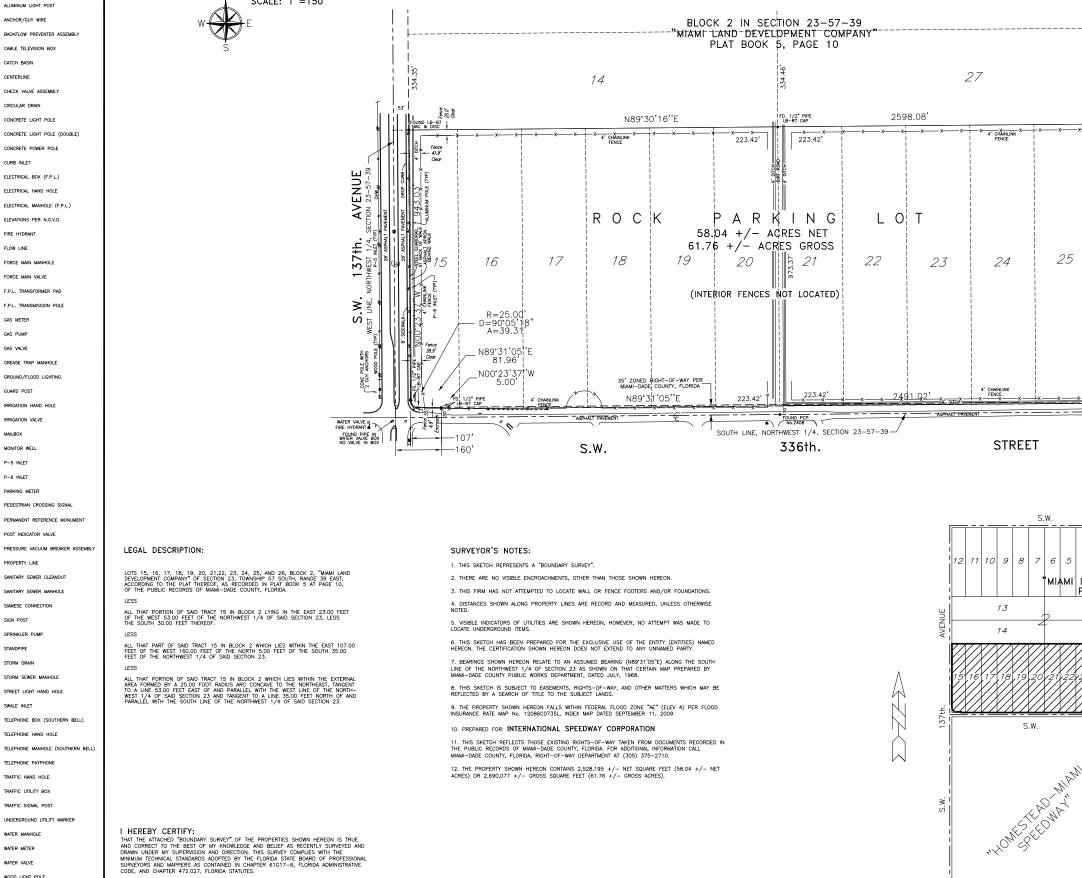
Homestead-Miami Speedway, LLC Matt Becherer, President

Sworn to and subscribed before me this 18<sup>th</sup> day of <u>Murch</u>, 2010. Jandre K Mach Notary Public, State of Florida at Large (SEAL) My Commission Expires:



Disclosure shall not be required of any entity, the equity interest in which are regularly traded on an established securities market in the United States or other country; or pension funds or pension trusts of more than five thousand (5,000) ownership interests; any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests including all interests at each level of ownership, and no one pension or entity holds more than a total of five (5) percent of the ownership interest in the partnership, corporation or trust; or of any entity, the ownership interest of which are held in a partnership, corporation or trust consisting of more than 5,000 separate interests and where no one person or entity holds more than a total of 5% of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.





SCHWEBKE - SHISKIN & ASSOCIATES, INC.

SCALE: 1"=150'

MARK STEVEN JOHNSON SEC'Y - TREAS. PROFESSIONAL LAND SURVEYOR No. 4775 STATE OF FLORIDA

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 PRM denotes PERMANENT REFERENCE MONUMENT
 ONH denotes VERIFIELD UTILLY WIRES
 ORB denotes OFRICIAL LITLY WIRES
 ORB denotes OFRICIAL LITLY WIRES
 denotes OFRICIAL RECORDS BOOK
 PC denotes OFRICIAL CONTURE
 CESS denotes CONCRETE BLOCK STRUCTURE
 TYP denotes PTPCIAL

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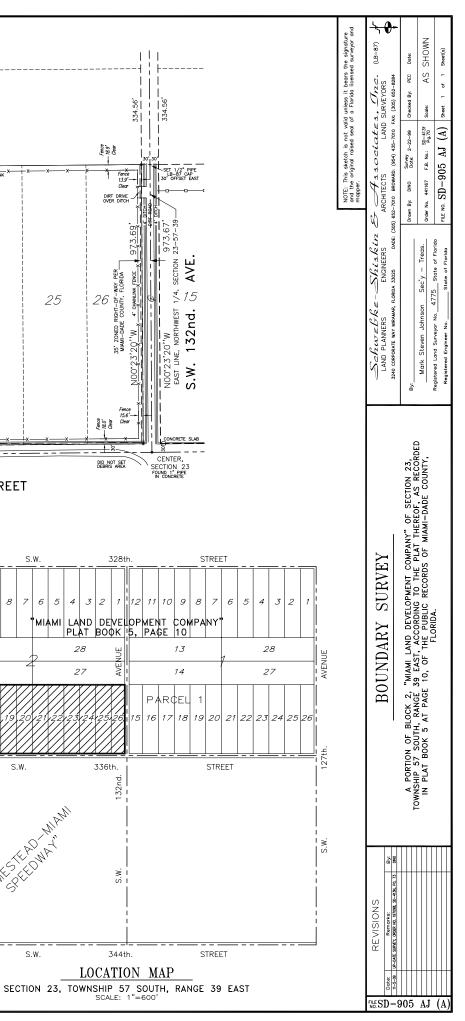
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### LOCATION MAP

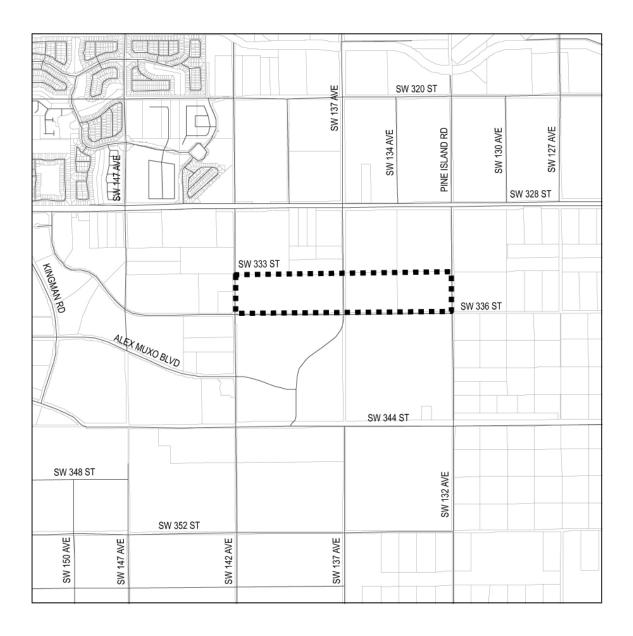
### FOR CONCURRENT APPLICATION TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN AND VILLAGES OF HOMESTEAD DRI

#### Applicant/Representative

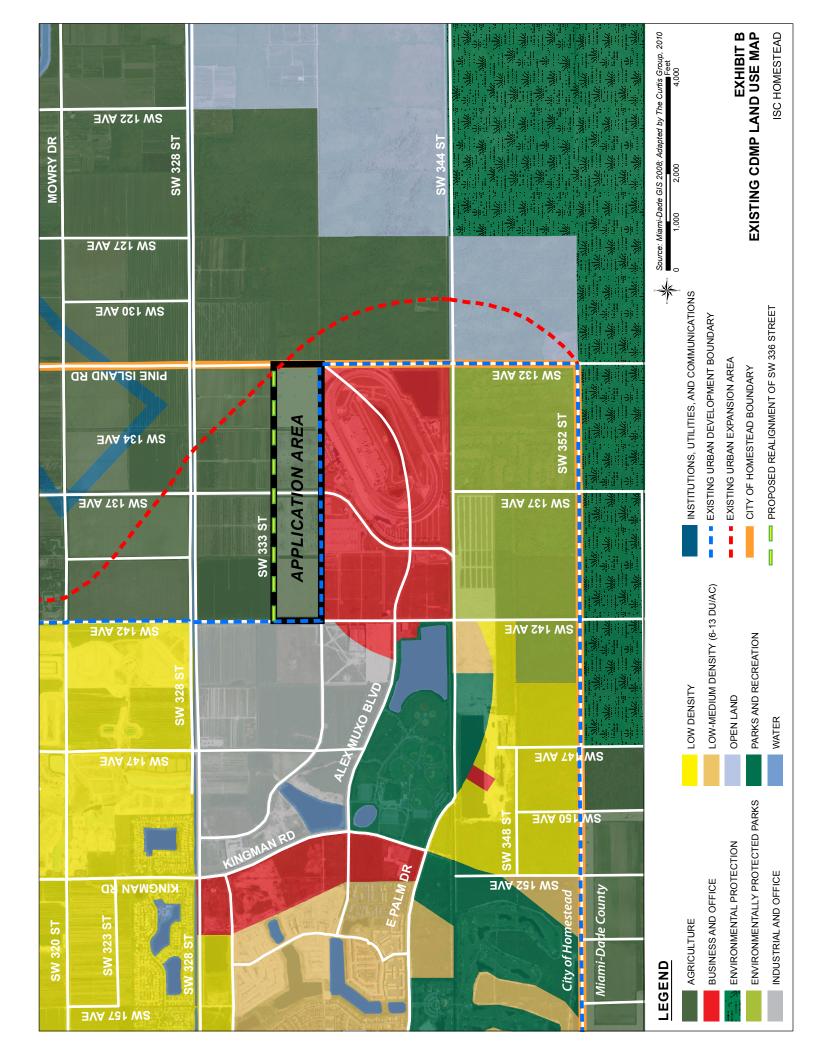
Homestead-Miami Speedway, LLC/ Jeffrey Bercow, Esq. & Melissa Tapanes Llahues, Esq.

### **Description of Subject Area**

The subject area consists of approximately 120 acres located in Sections 22 and 23, Township 57 South, Range 39 East, in the City of Homestead, between S.W. 142 Avenue and S.W. 132 Avenue, north of the existing Homestead-Miami Speedway and south of theoretical S.W. 333 Street.







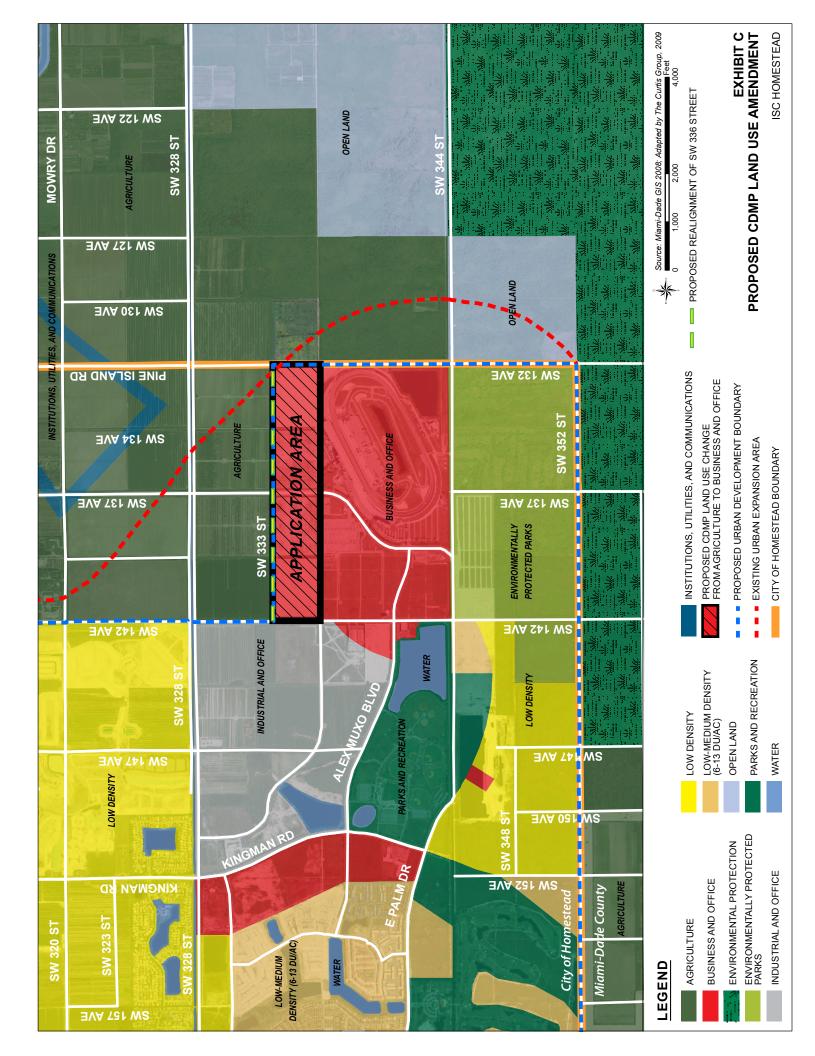


EXHIBIT D DRAFT DECLARATION OF RESTRICTIONS This instrument was prepared by:
Name: Jeffrey Bercow, Esq.
Address: Bercow Radell & Fernandez, P.A.
200 S. Biscayne Boulevard, Suite 850
Miami, FL 33131

(Space reserved for Clerk)

#### **DECLARATION OF RESTRICTIONS**

WHEREAS, the undersigned owner, Homestead Miami Speedway, LLC ("Owner"), holds fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property," which is supported by the attorney's opinion; and

WHEREAS, the Property is the subject of Comprehensive Development Master Plan ("CDMP") Amendment Application that seeks to expand the Urban Development Boundary to include the Property and change the Property's land use designation from "Agriculture" use to "Business and Office" use ("CDMP Amendment Application");

WHEREAS, the CDMP Amendment Application was filed concurrently with an Amendment Application for Development Approval (AADA) for the Villages of Homestead Development of Regional Impact (DRI) and is being processed under a special procedure established in Chapter 380.06, Florida Statutes (F.S.) ("DRI Application");

*WHEREAS,* the Property will be developed in accordance with an amended DRI Development Order that will be adopted by the City of Homestead; and

*NOW THEREFORE*, in order to assure **Miami-Dade County** (the "County") that the representations made by the Owner during consideration of the CDMP Amendment Application will be abided by the Owner, its successors and assigns, freely, voluntarily, and without duress, makes the following Declaration of Restrictions covering and running with the Property:

**Use Restrictions**. The Property shall only be used for the following uses: temporary and permanent parking facilities; temporary event concessions consisting of kiosks, tents, and other similar portable facilities; a permanent kitchen facility of up to 6,000 square feet; up to 12,000 additional spectator seats; and other ancillary uses associated with the Homestead-Miami Speedway. The portion of the Property designated as "APZ II" in the Homestead Air Reserve Base's 2007 Air Installation Compatible Use Zone (AICUZ) Study shall only be used for parking, concessions and other ancillary uses.

<u>Covenant Running with the Land</u>. This Declaration on the part of the Owner shall constitute a covenant running with the land and shall be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. The Owner, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

**Term.** This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.

#### (Space reserved for Clerk)

Modification, Amendment, Release. This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the then owner(s) of the fee simple title to the Property, provided that the same is also approved by the Board of County Commissioners of Miami-Dade County, Florida. Any such modification or release shall be subject to the provisions governing amendments to Comprehensive Plans, as set forth in Chapter 163, Part II, Florida Statutes or successor legislation that may, from time to time, govern amendments to Comprehensive Plans (hereinafter "Chapter 163"). Such modification or release shall also be subject to the provisions governing amendments to the CDMP as set forth in Section 2-116.1 of the Code of Miami-Dade County, or successor regulations governing modifications to the CDMP. In the event that the Property is incorporated within a new municipality that amends, modifies, or declines to adopt the provisions of Section 2-116.1 of the Miami-Dade County Code, then modifications or releases of this Declaration shall be subject to Chapter 163 and the provisions of such ordinances as may be adopted by such successor municipality for the adoption of amendments to its comprehensive plan; or, in the event that the successor municipality does not adopt such ordinances, subject to Chapter 163 and the provisions of the municipality's ordinances that apply to the adoption of district boundary changes. Should this Declaration be so modified, amended, or released, the Director of the Department of Planning and Zoning or the executive officer of a successor department, or, in the absence of such Director or executive officer, by his or her assistant in charge of the office in his/her office, shall execute a written instrument effectuating and acknowledging such modification, amendment, or release.

**Enforcement**. Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may

adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

<u>Authorization for Miami-Dade County to Withhold Permits and Inspections</u>. In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this declaration is complied with.

<u>Election of Remedies</u>. All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

**Presumption of Compliance**. Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and approval of occupancy given by the County, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

<u>Severability</u>. Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion.

<u>Recordation and Effective Date.</u> This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owner following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the Application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the

### (Space reserved for Clerk)

disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

Acceptance of Declaration. The Owner acknowledges that acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners retains its full power and authority to deny each such application in whole or in part and decline to accept any conveyance.

<u>**Owner.</u>** The term Owner shall include all heirs, assigns, and successors in interest.</u>

[Execution Pages Follow]

(Space reserved for Clerk)

Signed, witnessed, executed a , 2010.	and acknowledged on this day of
WITNESSES:	
Signature	- 
Print Name	
Signature	-
Print Name	-
STATE OF FLORIDA ) ) COUNTY OF MIAMI-DADE )	SS
, 2010, by	as acknowledged before me this day of, who is personally as identification, and

acknowledged that he did execute this instrument freely and voluntarily for the purposes stated herein

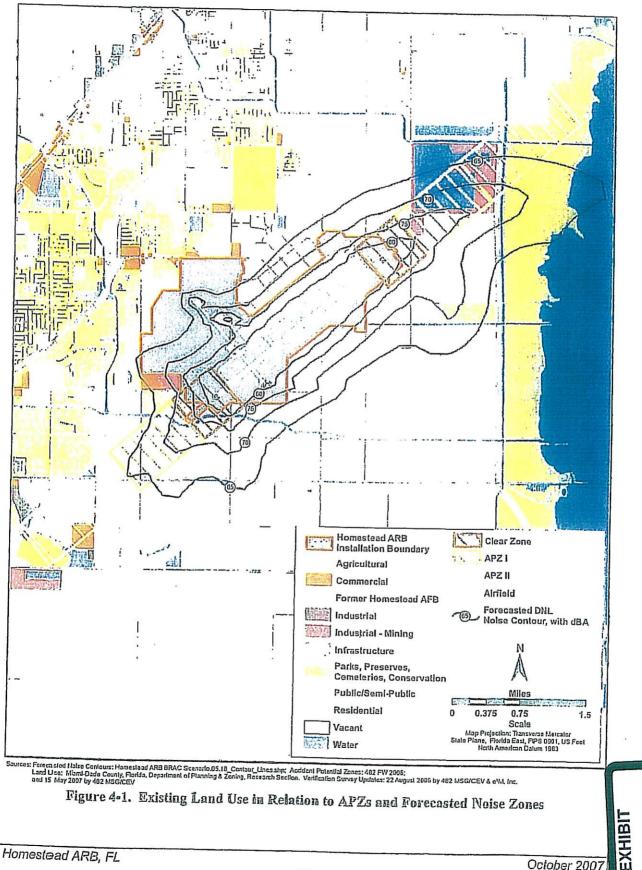
Notary Public-State of

Print Name

My Commission Expires:

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AICUZ Study



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AICUZ Study

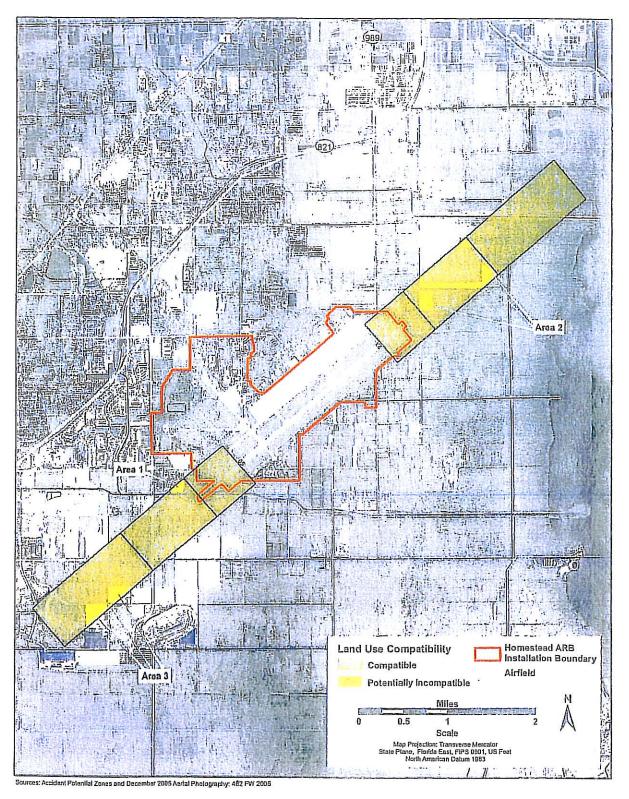


Figure 4-3. Land Use Compatibility Status in Relation to APZs

AICUZ Study



Land Use		APZs			Noise Zones			
SLUCM No.	Name	CZ.	APZ I	APZ II	6569 dBA	70-74 dBA	75-79 dBA	80+ dBA
10	Residential	!			1		LIDA .	UD.A
11	Household units			1	1			·
11.11	Single units; detached	N	N	Y'	A <sup>11</sup>	B,11	.N	N
11.12	Single units; semidemached	N	N	N	A 11	B <sup>11</sup>	N N	N
11.13	Single units; attached row	N	N	N	A	B 13	21	
11.21	Two units; side-by-side	N	N	N		B <sup>11</sup>	N	N
11.22	Two units; one above the other	N	N	Ň	A	B <sup>11</sup>	N N	N N
11.31	Apariments; walk-up	N	N	N	1	B <sup>11</sup>		
11.32	Apartments; elevator	N	N	N N	A"	В В	N	N
12	Group quarters	Ň	N	N	A	<u>B</u>	N	i N
13	Residential hotels	N	N N	<u>ו וא</u> א	A	B <sup>11</sup>	N	N
14	Mobile home parks or courts	N	N	N N		B <sup>11</sup> N	·N N	N N
15	Transient lodgings	N	N	N				
16	Other residential	N	N	N <sup>1</sup>	A 11	B <sup>11</sup>	c"	N
20	Manufacturing				A	B <sup>11</sup> .	N	N
21	Food and kindred products; manufacturing	N	N <sup>2</sup>	5	Y	Y <sup>12</sup>	Y <sup>13</sup>	Y <sup>14</sup>
22	Textile mill products; manufacturing	N	N	Y	Y	Y <sup>12</sup>	- Y <sup>13</sup>	γ <sup>14</sup>
23	Apparel and other finished products made from fabrics, leather, and similar materials; manufacturing	N	N	พ <sup>2</sup>	Y	Y <sup>12</sup>	Y <sup>13</sup>	y <sup>14</sup>
24	Lumber and wood products (except furniture); manufacturing	Ň	Y <sup>2</sup>	Y	Y	Y <sup>12</sup>	Y <sup>15</sup>	Y <sup>14</sup>
25	Furniture and fixtures; manufacturing	N	Y <sup>2</sup>	Y	Y	y <sup>12</sup>	Y13	Y <sup>14</sup>
26	Paper and allied products; manufacturing	N ·	Y <sup>2</sup>	Y	Y	Y <sup>12 ·</sup>	Y <sup>13</sup>	- Y <sup>14</sup>
· · ·	Printing, publishing, and allied industries	N <sup>7</sup>	3.	Y -{	. Y	<u>у</u> .::	- Y <sup>13</sup>	
28	Chenuicals and allied products; manufacturing	N	N	N <sup>2</sup>	Y	Y <sup>12</sup>	Y <sup>13</sup>	Y <sup>14</sup>

## Table 3-1. USAF Recommended Land Use Compatibility Guidelines in Relation to APZs and Noise Zones

Homestead ARB, FL

October 2007

EXHIBIT

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	Land Use		APZs			Noise	Zones	
SLUCM No.	Name	CZ	APZ I	APZ II	65–69 dBA	70-74 dBA	75–79 dBA	80+ dBA
29	Petroleum refining and related industries	N	N	N	Y	Y <sup>12</sup> .	Y <sup>13</sup>	Y <sup>14</sup>
30	Mamfacturing						•	
31	Rubber and misc. plastic products; manufacturing	N	$\mathbb{N}^2$	N <sup>2</sup>	Y	Y <sup>12</sup>	Т <sub>13</sub>	Y <sup>14</sup>
32	Stone, clay, and glass products manufacturing	N	N <sup>2</sup>	У	У	Y <sup>12</sup>	Y <sup>13</sup>	Y <sup>14</sup>
33	Primary meral industries	N	$\mathbb{N}^2$	Y	Y	Y <sup>12</sup>	Y <sup>13</sup>	Y <sup>14</sup>
34	Fabricated metal products; manufacturing	N	N <sup>2</sup>	Y	Y	y <sup>12</sup>	Y <sup>13</sup>	Y <sup>14</sup>
35	Professional, scientific, and controlling instruments; photographic and optical goods; watches and clocks; manufacturing	N	N	N <sup>2</sup>	Y	A	В	Ň
39	Miscellaneous . manufacturing	N	Y	Y <sup>2</sup>	Y ·	Y <sup>12</sup>	Y <sup>13</sup>	Y <sup>14</sup>
40	Transportation, communications and utilities							
41	Railroad, rapid rail transit, and street railroad transportation	N <sup>3</sup>	y <sup>4</sup>	Y	Y	Y <sup>12</sup>	Y <sup>13</sup>	Y <sup>14</sup>
42	Motor vehicle transportation	N	У	Y	Y	Y <sup>12</sup>	Y <sup>I3</sup>	Y <sup>14</sup>
43	Aircraft transportation	N	Y <sup>4</sup>	Y	I Y	Y <sup>12</sup>	Y <sup>13</sup>	v <sup>14</sup>
44	Marine craft transportation	Ņ	Y <sup>4</sup>	Y	Y	Y <sup>12</sup>	Y <sup>15</sup>	1 Y <sup>12</sup>
45	Highway and street right- of-way	N <sup>3</sup>	Y	Y	Y	Y <sup>12</sup> .	Y <sup>13</sup>	Y.14
46	Automobile parking	N	Y <sup>4</sup>	Y	Y	Y <sup>12</sup>	Y <sup>13</sup>	Y <sup>14</sup>
47	Communications	N <sup>3</sup>	Y <sup>4</sup>	Y	Y	A <sup>15</sup>	B	N
48	Utilities	N	Y <sup>4</sup>	Y	Y.	A Y	Y <sup>12</sup>	Y <sup>13</sup>
49	Other transportation communications and utilities	N	Y <sup>4</sup>	Y .	Y	A <sup>15 ·</sup>	B <sup>15</sup>	N
50	Trade .			<u> </u>				
51 ·	Wholesale trade	N	$Y^2$	Y	Y	Y <sup>12</sup>	- Y <sup>12</sup>	Y <sup>14</sup>

## Table 3-1. USAF Recommended Land Use Compatibility Guidelines in Relation to APZs and Noise Zones (continued)

Homestead ARB, FL

October 2007

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	Land Use		APZs			Noise Zones			
SLUCM No.	Name	CZ	APZ I	APZ II	65–69 dBA	70–74 dBA	75–79 dBA	80+ dBA	
52	Retail trade: building materials, hardware, and farm equipment	N	'Y <sup>2</sup>	Y	Y	Y <sup>12</sup>	Y <sup>13</sup>	Y <sup>14</sup>	
53	Retail trade: general merchandise	·N	N <sup>2</sup>	Y <sup>2</sup>	Y	A	B	N	
54	Retail trade: food	N	N <sup>2</sup>	Y <sup>2</sup>	Y	A	В	N	
55	Retail trade: automotive, marine craft, aircraft, and accessories	'N	Y <sup>2</sup>	Y <sup>2</sup>	Y	A	В	N	
56	Retail trade: apparel and accessories	N	N <sup>2</sup>	Y <sup>2</sup>	Y	A	В	N	
57	Retail trade: furniture, home furnishings, and equipment	N	N <sup>2</sup>	Y <sup>2</sup>	Y	A	B	N	
58	Retail trade: eating and drinking establishments	N	N	N	Y	A	B	N	
59	Other retail trade	N	N <sup>2</sup>	Υ <sup>2</sup>	Y	A	В	N	
60	Services								
. 61	Finance, insurance, and real estate services	N	ы	Y	Y	A	В	N	
62	Personal services	N	N	Y°	Y Y	A	B	N	
62.4	Cemeteries	N	Y <sup>7</sup>	Y	Y	Y <sup>12</sup>	Y <sup>15</sup>	Y <sup>14,21</sup>	
63	Business services	N	Y	Y	Y	Δ.	В	N	
64	Repair services	N	y <sup>2</sup>	I Y	Y	Y <sup>12</sup>	Y <sup>13</sup>	Y <sup>14</sup>	
65	Professional services	N	N	Y	Y	A	B	N	
65.1	Hospitals, nursing homes	N	N	N	A*	B*	N	N	
б5.1	Other medical facilities	N	N	N	Y	A	B	N	
66	Contract construction services	N	Y	Y	Y	A	В	N	
67	Governmental services	N	N	Y	Y*	A*	B≖	N	
68	Educational services	N	N	N	A*	B*	N	N	
69	Miscellaneous services	N	N	Y <sup>2</sup>	Y	A	В	N	
70	Cultural, entertainment, and recreational								
·"	Cultural activities (including churches)	 . N	۲ <u>د</u> -	N <sup>2</sup>	. A* .	· B*	N	N	
71.2	Nature exhibits	N	y <sup>2</sup>	Y	Y#	N	N	N	
72	Public assembly	N	Ň	N	Y	I N	N	N	
72.1	Auditoriums, concert halls	N	N	N	A	B	N	N	

## Table 3-1. USAF Recommended Land Use Compatibility Guidelines in Relation to APZs and Noise Zones (continued)

Homestead ARB, FL

October 2007

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Table 3-1.	USAF Recommended Land Use Compatibility Guidelines
i	n Relation to APZs and Noise Zones (continued)

	Land Use		APZs			Noise	Zones	
SLUCM No.	Name	CZ	APZ I	APZ II	65-69 dBA	70-74 dBA	75–79 dBA	80+ dBA
72.11	Outdoor music shell, amphitheaters	N	N	Ň	N	N	N	N
72.2	Outdoor sports arenas, spectator sports	N	N	N	Y <sup>17</sup>	Y <sup>17</sup>	, N	N
73	Amusements	N	N	Y	Y	Y	N	bī
74	Recreational activities (including golf courses, riding stables, water recreation)	N	Y <sup>8,9,10</sup>	Y	<u>ү</u> *	A*	B*	N N
75	Resorts and group camps	N	N	N	Y*	<b>7</b> 7#	Ň	
76	Parks	N	Y	Y	Y*	т Ү*	N	N
 79	Other cultural, entertainment, and recreation	. N	Y	Y <sup>9</sup>	Y*	1 Y*	N	N N
80	Resources production and extraction							
81	Agriculture (except livestock)	Y <sup>16</sup>	Y	Y	Y <sup>18</sup>	Y <sup>19</sup>	Y <sup>20</sup>	Y. <sup>20,21</sup>
81.5 to 81.7	Livestock farming and animal breeding	N	Y	Y	Y <sup>18</sup>	y <sup>19</sup>	Y <sup>20</sup>	Y <sup>20,21</sup>
82	Agricultural-related activities	N	Y <sup>5</sup>	Y	Y <sup>15</sup>	Y <sup>19</sup>	N	י א
83	Forestry activities and related services	N <sup>5</sup>	Y	Y	Y <sup>15</sup>	Y <sup>19</sup>	Y <sup>20</sup>	Y <sup>20,21</sup>
84	Fishing activities and related services	N <sup>5</sup>	Y <sup>5</sup>	Y	Y	Y	Y	 Y
85	Mining activities and related services	И	Y <sup>5</sup>	Y	Y	Y	Y	Г
89	Other resources production and extraction	N	Y <sup>5</sup>	Y	Y	Y	Y	Y

Source: USURA 1965

Key:

SLUCM = Standard Land Use Coding Manual, USURA.

 $Y = Y c_5 - Land$  uses and related structures are compatible without restriction.

N = No - Land use and related structures are not compatible and should be prohibited.

 $Y^{2} = Y$  es with restrictions – Land use and related structures generally compatible; see notes indicated by the superscript.

 $\mathcal{N}^{\pi} = No$  with exceptions – See notes indicated by the superscript.

NLR = Noise Level Reduction (NLR) (outdoor to indoor) to be achieved through incorporation of noise attenuation measures into the design and construction of the southerres

A, B, or C = Land use and related structures generally compatible; measures to achieve NLR for A (DNL of 65-69 dBA), B (DNL of 70-74 dBA), C (DNL of 75-79 dBA) need to be incorporated into the design and construction of structures.

October 2007

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- A, B, or C = Land use and related structures generally compatible; measures to achieve NLR for A (DNL of 65-69 dBA), B (DNL of 70-74 dBA), C (DNL of 75-79 dBA) need to be incorporated into the design and construction of structures.
- A<sup>\*</sup>, B<sup>\*</sup>, and C<sup>\*</sup> = Land use generally compatible with NLR; however, measures to achieve an overall noise level reduction do not necessarily solve noise difficulties and additional evaluation is warranted. See appropriate notes below.
- \* = The designation of these uses as "compatible" in this zone reflects individual Federal agencies and program considerations of general cost and feasibility factors, as well as past community experiences and program objectives. Localities, when evaluating the application of these guidelines to specific situations, might have different concerns or goals to consider.

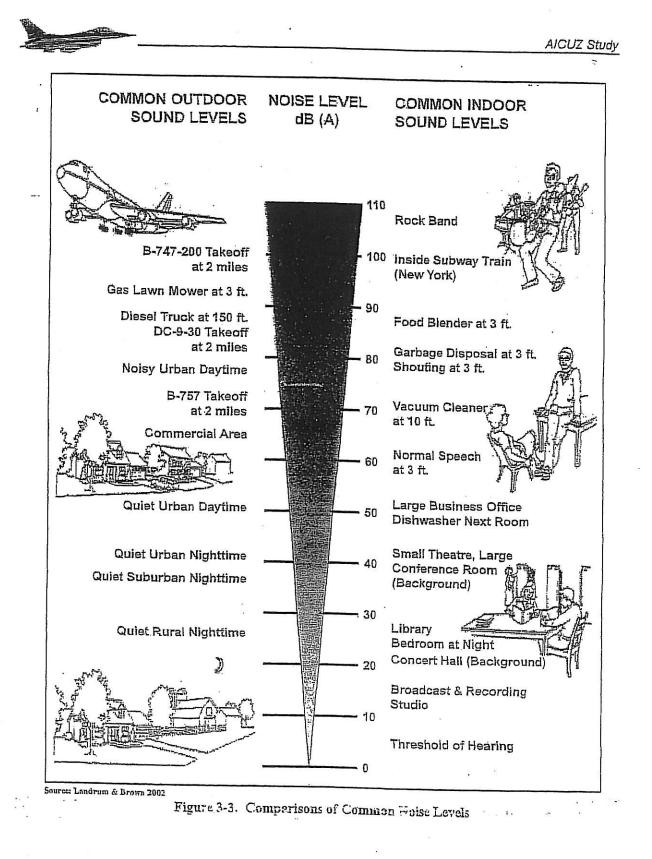
#### Notes:

- Suggested maximum density of 1 to 2 dwelling units per acre, possibly increased under a Planned Unit Development where maximum lot coverage is less than 20 percent.
- Within each land use category, uses exist where further deliberating by local authorities might be needed due to the variation
  of densities in people and structures. Shopping malls and snopping centers are considered incompatible use in any accident
  potential zone (CZ, APZ I, or APZ II).
- 3. The placement of structures, buildings, or aboveground utility lines in the CZ is subject to severe restrictions. In a majority of the CZs, these items are prohibited. See AFI 32-7060, Interagency and Intergovernmental Coordination for Environmental Planning (USAF 1994), and Unified Facilities Criteria 3-260-01, Airfield and Heliport Planning and Design (USACE 2006) for specific guidance.
- No passenger terminals and no major aboveground transmission lines in APZ I.
- 5. Factors to be considered: labor intensity, structural coverage, explosive characteristics, and air pollution.
- 6. Low-intensity office uses only. Meeting places, auditoriums, and similar structures are not recommended.
- 7. Excludes chapels.
- Facilities must be low-intensity.
- 9. Clubhouse not recommended.
- 10. Areas for gatherings of people are not recommended.
- 11. (a) Although local conditions might require residential use, it is discouraged in DNL of 65-69 dBA noise zone and strongly discouraged in DNL of 70-74 dBA noise zone. The absence of viable alternative development options should be determined and an evaluation should be conducted prior to approvals indicating a demonstrated community need for residential use would not be met if development were prohibited in these zones.
  - (b) Where the community determines the residential uses must be allowed, measures to achieve outdoor to indoor NLR for the DNL of 65-69 dBA noise zone and the DNL of 70-74 dBA noise zone should be incorporated into building codes and considered in individual approvals.

(c) NLR criteria will not eliminate outdoor noise problems. However, building location and site planning, and design and use of berms and barriers can help mitigate outdoor exposure, particularly from near ground level sources. Measures that reduce outdoor noise should be used whenever practical in preference to measures that only protect interior spaces.

- 12. Measures to achieve the same NLR as required for facilities in the DNL of 65-69 dBA noise zone must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise-sensitive areas, or where the normal noise level is low.
- 13. Measures to achieve the same NLR as required for facilities in the DNL of 70-74 dBA noise zone must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise-sensitive areas, or where the normal noise level is low.
- 14. Measures to achieve the same NLR as required for facilities in the DNL of 75-79 dBA noise zone must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise-sensitive areas, or where the normal noise level is low.
- 15. If noise-sensitive, use indicated NLR; if not, the use is compatible.
- No buildings.
- 17. Land use is compatible provided special sound reinforcement systems are installed.
- 18. Residential buildings require the same NLR as required for facilities in the DNL of 65-69 dBA noise zone.
- 19. Residential buildings require the same NLR as required for facilities in the DNL of 70-74 dBA noise zone.
- 20. Residential buildings are not permitted.
- 21. Land use is not recommended. If the community decides the use is necessary, personnel should war bearing motection devices.

October 2007



Homestead ARB, FL

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October 2007

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potential for accidents. While the aircraft accident potential in APZs I and II does not necessarily warrant acquisition by AFRC, land use planning and controls are strongly encouraged for the protection of the public. Recommended land use compatibility guidelines are specified for each of the three zones (see Section 3.2). APZs for Homestead ARB are shown in Figure 3-1. Additional information on APZs is contained in Appendix B.

# 3.2 Land Use Compatibility Guidelines

Each AICUZ Study contains general land use guidelines related to safety and noise associated with aircraft operations. Table 3-1 lists the USAF-recommended land use compatibility guidelines in relation to noise zones and APZs. The information presented in the table is essentially the same as the information published in the June 1980 publication by the Federal Interagency Committee on Urban Noise (FICUN) entitled *Guidelines for Considering Noise in Land Use Planning Control* (FICUN 1980) and in the *Standard Land Use Coding Manual* (USURA 1965) published by the U.S. Urban Renewal Administration (USURA). Each recommended land use compatibility guideline is a combination of criteria listed in the Key and Notes at the end of the table. For example, in row 11.11, Single units; detached, Y<sup>1</sup> means land use and related structures are compatible without restriction at a suggested maximum density of one to two dwelling units per acre, possibly increased under a Planned Unit Development (PUD) where maximum lot coverage is less than 20 percent.

Ambient Sound Levels. Noise levels in residential areas vary depending on the housing density and location. As shown in Figure 3-3, the noise level in a quiet urban area in the daytime is about 50 dBA, which increases to 65 dBA for a commercial area, and 80 dBA for a noisy urban area in the daytime.

Most people are exposed to DNL sound levels of 50 to 55 dBA or higher on a daily basis. Studies specifically conducted to determine noise impacts on various human activities show that about 90 percent of the population is not significantly bothered by outdoor sound levels below 65 dBA (USEPA 1974). Studies of community annoyance in response to numerous types of environmental noise show that DNL correlates well with impact assessments and that there is a consistent relationship between DNL and the level of annoyance.

## 3.3 Participation in the Planning Process

Homestead ARB stands ready to provide input and support to local communities on land use planning. AFI 32-7063, *Air Installation Compatible Use Zone Program* (USAF 2005), and AFH 32-7084, *AICUZ Program Manager's Guide* (USAF 1999), give broad AICUZ responsibilities to the Civil Engineer of the Major Command (MAJCOM) responsible for an installation. The AFRC Civil Engineer is responsible at the Command level for Homestead ARB. Responsibility for representation of the installation's interests to local communities is usually delegated to the installation. At Homestead ARB the AICUZ Program management responsibilities fall within the Environmental Flight, and questions should be directed to (305) 224-7344.

Homestead ARB, FL

October 2007



## 4.4 Incompatible Land Use

### 4.4.1 Noise Zones

Land use compatibility status in relation to the forecasted noise zones for Homestead ARB is shown in Figure 4-2. This land use compatibility comparison was developed by taking the land use categories presented in Figure 4-1, choosing the respective land use classifications from Table 3-1, and applying the recommended land use compatibility. DOD and other Federal agencies, such as HUD and FHA, use the DNL of 65 dBA noise level as a land use planning guide. The noise levels are displayed on maps showing various noise contours corresponding to noise zones that suggest thresholds or limits for development. The compatibility analysis for this AICUZ Study resulted in no identified incompatible land uses within the 65-69 dBA noise zone; however, two potentially incompatible land use areas southwest of Homestead ARB are inside the 65-69 dBA noise zone. These two potentially incompatible areas are identified in Figure 4-2 as Area 1. Both are residential land use areas. The larger area is made up of a group of dwelling units occupied by local farm workers and the smaller area is single-family housing units. As noted in Table 3-1. residential land use is not recommended within the 65-69 dBA noise zone unless specific criteria (see Table 3-1, Note A11) are met. Note A11 criteria are defined as land uses which are generally compatible with noise level reduction (NLR); however, measures to achieve an overall NLR do not necessarily solve noise difficulties and additional evaluation is warranted. Area 1 does not appear to meet the recommended guidelines for land use criteria; therefore, it has been identified as a potentially incompatible land use. Table 4-3 summarizes the acres associated with various land use compatibilities within the noise zones evaluated. Additional details of the methodologies used to produce the noise contours are presented in Appendix A.

### 4.4.2 Accident Potential Zones

The same methodology as described in Section 4.4.1 was applied to land use compatibility within the APZs for Homestead ARB. APZs are made up of three zones: CZ, APZ I, and APZ II. Each CZ encompasses an area 3,000 feet wide by 3,000 feet long, each APZ I is 3,000 feet wide by 5,000 feet long, and each APZ II is 3,000 feet wide by 7,000 feet long.

Table 4-4 summarizes land use compatibility status in relation to the APZs. The APZs for Homestead ARB are free of incompatible land uses. The land use identified consists primarily of agricultural and open space within the CZ and APZ I, which is compatible. Industrial, agricultural, recreational, and vacant land uses, which are within APZ I, are generally considered compatible land uses. There are three areas that are potentially incompatible within the APZs. These three areas are identified in Figure 4-3 and described below.

- Area 1. This residential area contains the same farm worker dwellings identified in Section 4.4.1 and shown in Figure 4-2. As noted in Table 3-1, the USAF recommended land use compatibility guidelines stipulate that residential land use is not recommended within the APZ I unless specific criteria are met, therefore, the land use in Area 1 is potentially incompatible within APZ I.
- Area 2. The land use within Area 2 is defined as Industrial-Mining, which can be compatible within APZ I with restrictions. Since labor intensity, structural coverage, explosive characteristics, and an pollution must be considered for mining activities, the land use in Area 2 is potentially incompatible within APZ I.
- Area 3. Within APZ II, Area 3 contains a commercial development and a public and semi-public parcel, which represents a potentially incompatible land use based on the land use classifications within Table 3-1. However, the public and semi-public parcel is compatible based on its current use as an open field used for parking by the Homestead Speedway.



October 2007

EXHIBIT

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# **APPENDIX C**

Homestead-Miami Speedway, LLC, letter dated March 29, 2010 Extending Deadlines for the Notice, Advertising and Public Hearings

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### 2010 APR -1 P 3: 53

DIRECT LINE: (305) 377-6220 E-MAIL: jbprcov@bt2oningGM/blom METROPOLITAN PLANNING SECT

VIA HAND DELIVERY

March 29, 2010

Mr. Marc LaFerrier Miami-Dade County Director, Department of Planning and Zoning 111 N.W. First Street Miami, Florida 33131

GARETT

MIAMI-DADE COUNTY DIRECTOR'S OFFICE DEPT. OF PLANNING & ZONING

201003334

Re: Homestead-Miami Speedway's Concurrent Applications to amend the Miami-Dade County Comprehensive Development Master Plan, City of Homestead Comprehensive Plan and Villages of Homestead Development of Regional Impact

Dear Mr. LaFerrier:

We represent Homestead-Miami Speedway, LLC (HMS), the owner of approximately 120 acres of land located immediately north of the existing Homestead-Miami Speedway in Sections 22 and 23, Township 57 South, Range 39 East, within the municipal boundaries of the City of Homestead (the "Property"). Miami-Dade County identifies the Property with the following tax folio numbers: 10-7922-001-0071, 10-7923-001-0022, and 10-7923-001-0023.

HMS has submitted the concurrent applications to amend the Homestead Comprehensive Plan, the County Comprehensive Development Master Plan, and the Villages of Homestead Development of Regional Impact. The applicant has submitted the foregoing concurrent applications pursuant to Section 380.06(6)(b), Fla. Stat., Section 163.3187(1)(b), Fla. Stat., and Section 2-116.1(5)(a), Miami-Dade County Code. Recognizing that the codified and statutory deadlines are unrealistic given the complexity of coordination between Miami-Dade County, the City of Homestead, and the South Florida Regional Planning Council, HMS hereby formally requests:

1. An extension of the deadlines for notice, advertising and holding public hearings to review concurrent DRI and

Mr. Marc LaFerrier March 29, 2010 Page 2

> CDMP applications established in Sections 2-116.1(5)(a)(2) through (5) of the Miami-Dade County, for an indefinite period of time, pursuant to Section 2-116(5)(a)(7) of the Miami-Dade County Code; and

2. An extension of the deadlines established in Section 380.06(6)(b)(3), Florida Statutes, relating to advertising the public hearing on transmittal and making a determination on the transmittal, for an indefinite period of time, pursuant to Section 380.06(6)(b)(3), Florida Statutes.

We will be contacting you in the next few days to schedule a meeting with your staff and representatives of the City of Homestead, the South Florida Regional Planning Council, and the applicant, in order to discuss the processing of the applications and scheduling of hearings in a concurrent manner. At that meeting, we will be prepared to provide you with an anticipated schedule for the processing of applications and the scheduling of hearings.

We look forward to continuing to work with you and your staff on this matter. Should you have any questions, comments, or require additional information please do not hesitate to phone my direct line at (305) 377-6220.

Very truly your ffrey Bercow

Cc: Mr. Matt Becherer Matt Rearden, Esq. Mr. Al Garcia Mr. Andy Dolkart Mr. Rob Curtis Ms. Cathy Sweetapple Melissa Tapanes Llahues, Esq. Mr. Sergio Purrinos Ms. M. J. Matthews



# **APPENDIX D**

Revised Declaration of Restrictions, dated November 24, 2010

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This instrument was prepared by: Name: Jeffrey Bercow, Esq. Address: Bercow Radell & Fernandez, P.A. 200 S. Biscayne Boulevard, Suite 850 Miami, FL 33131

(Space reserved for Clerk)

### **DECLARATION OF RESTRICTIONS**

WHEREAS, the undersigned owner, Homestead Miami Speedway, LLC ("Owner"), holds fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property," which is supported by the attorney's opinion; and

WHEREAS, the Property is the subject of Comprehensive Development Master Plan ("CDMP") Amendment Application that seeks to expand the Urban Development Boundary to include the Property and change the Property's land use designation from "Agriculture" use to "Business and Office" use ("CDMP Amendment Application");

WHEREAS, the CDMP Amendment Application was filed concurrently with a Notice of Proposed Change for the Villages of Homestead Development of Regional Impact (DRI) and is being processed under a special procedure established in Chapter 380.06, Florida Statutes (F.S.) ("DRI Application");

WHEREAS, the Property will be developed in accordance with an amended DRI Development Order that will be adopted by the City of Homestead; and

*NOW THEREFORE*, in order to assure **Miami-Dade County** (the "County") that the representations made by the Owner during consideration of the CDMP Amendment Application will be abided by the Owner, its successors and assigns, freely, voluntarily, and without duress, makes the following Declaration of Restrictions covering and running with the Property:

The Property shall only be used for the following uses: temporary and permanent parking facilities; temporary event concessions consisting of kiosks, tents, and other similar portable facilities; a permanent kitchen facility of up to 6,000 square feet; up to 12,000 additional spectator seats; and other ancillary uses associated with the Homestead-Miami Speedway. The Property may also be used for the agricultural uses described in Exhibit "B" on an intermittent or temporary basis when the Property is not being used for Speedway related purposes.

<u>Covenant Running with the Land</u>. This Declaration on the part of the Owner shall constitute a covenant running with the land and shall be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. The Owner, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

Term. This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.

Modification, Amendment, Release. This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the then owner(s) of the fee simple title to the Property, provided that the same is also approved by the Board of County Commissioners of Miami-Dade County, Florida. Any such modification or release shall be subject to the provisions governing amendments to Comprehensive Plans, as set forth in Chapter 163, Part II, Florida Statutes or successor legislation that may, from time to time, govern amendments to Comprehensive Plans (hereinafter "Chapter 163"). Such modification or release shall also be subject to the provisions governing amendments to the CDMP as set forth in Section 2-116.1 of the Code of Miami-Dade County, or successor regulations governing modifications to the CDMP. Should this Declaration be so modified, amended, or released, the Director of the Department of Planning and Zoning or the executive officer of a successor department, or, in the absence of such Director or executive officer, by his or her assistant in charge of the office in his/her office, shall execute a written instrument effectuating and acknowledging such modification, amendment, or release.

**Enforcement**. Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

<u>Election of Remedies</u>. All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

<u>Severability</u>. Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion.

**Recordation and Effective Date.** This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owner following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the Application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

<u>**Owner.**</u> The term Owner shall include all heirs, assigns, and successors in interest.

[Execution Pages Follow]

(Space	reserved	for	Clerk)
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Signed, witnessed, executed, 2010.	and acknowledged on this day of
<u>WITNESSES:</u>	
Signature	
Print Name	
Signature	_
Print Name	_
STATE OF FLORIDA ) ) COUNTY OF MIAMI-DADE )	SS
The foregoing instrument w	vas acknowledged before me this day of

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_\_, 2010, by \_\_\_\_\_\_, who is personally known to me or has produced \_\_\_\_\_\_ as identification, and acknowledged that he did execute this instrument freely and voluntarily for the purposes stated herein

Notary Public-State of

Print Name

(Space reserved for Clerk)

My Commission Expires:

## EXHIBIT A LEGAL DESCRIPTION

THE SOUTH 3/4 OF THE SOUTH 1/2 OF THE NE 1/4 OF SECTION 22 TOWNSHIP 57 SOUTH, RANGE 39 EAST; AND TOGETHER WITH THE SOUTH 3/4 OF THE SOUTH 1/2 OF THE NW 1/4 OF SECTION 23 TOWNSHIP 57 SOUTH, RANGE 39 EAST;

ALSO KNOWN AS:

LOTS 15 THROUGH 26, BLOCK 1, IN THE NE 1/4 OF SECTION 22 TOWNSHIP 57 SOUTH, RANGE 39 EAST; TOGETHER WITH LOTS 15 THROUGH 26, BLOCK 2, IN THE NW 1/4 OF SECTION 23 TOWNSHIP 57 SOUTH, RANGE 39 EAST; ALL AS SHOWN ON THE PLAT OF MIAMI DEVELOPMENT COMPANY, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT 5 AT PAGE 10 OF THE PUBLIC RECORDS OF MAIMI-DADE COUNTY FLORIDA.

TOGETHER WITH ALL OF THE RIGHT OF WAY VACATIONS AND ROAD RESERVATIONS APPURTENANT TO.

LYING AND BEING IN THE CITY OF HOMESTEAD, MIAMI- DADE COUNTY, FLORIDA.

### Exhibit B

### Agricultural Uses

- Packing facilities;
- Truck gardens and outdoor storage of vehicles or equipment associated with agricultural production;
- Farms, groves, greenhouses, and nurseries; and
- Fruit and vegetable stands.

# **APPENDIX E**

Text Changes to CDMP Amendment, dated November 24, 2010

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From: Jeffrey Bercow [mailto:JBercow@brzoninglaw.com]
Sent: Wednesday, November 24, 2010 12:15 PM
To: LaFerrier, Marc C. (DP&Z); Woerner, Mark (DP&Z)
Cc: jorgeluis@lopezgovlaw.com; Melissa Tapanes; mbecherer@homesteadmiamispeedway.com; agarcia@homesteadmiamispeedway.com
Subject: HMS / Revisions toText Amendment and Proposed Use Restrictions
Importance: High

#### Dear Marc and Mark:

Pursuant to yesterday's discussions, we are forwarding to you (attached) Homestead-Miami Speedway, LLC's revisions to (1) its proposed amendment to the Comprehensive Plan Development Plan (CDMP) text, and (2) the proposed Declarations of Restrictions. These documents constitute amendments to the application to amend the CDMP submitted by Homestead-Miami Speedway, LLC.

For your convenience, we are also reprinting the changes below.

#### **Changes to Proposed Text Amendment**

1) It is requested that Policy LU-8G of the Land Use Element be modified to add the following text:

iv) Notwithstanding Policy LU-8G (iii), other land may be included to expand an existing unique regional facility, defined as an existing public facility or attraction of regional prominence that has been constructed on publicly owned land with significant public funding and intergovernmental coordination, if it satisfies all of the following criteria:

a) The land is within the UEA, is contiguous to the UDB, and is contiguous to a unique regional facility;

b) The use of the land will be limited to the expansion of the unique regional facility, together with ancillary uses; and

c) The expansion will have a positive economic impact, including increased economic development and tourism.

#### **Revised Restrictions on the 120 Acres:**

The Property shall only be used for the following uses: temporary and permanent parking facilities; temporary event concessions consisting of kiosks, tents, and other similar portable facilities; a permanent kitchen facility of up to 6,000 square feet; up to 12,000 additional spectator seats; and other ancillary uses associated with the Homestead-Miami Speedway. The Property may also be used for the agricultural uses described in Exhibit "B" on an intermittent or temporary basis when the Property is not being used for Speedway related purposes.

Exhibit "B" Agricultural Uses

- Temporary parking for major events at the Speedway;
- Single-family residential (4 dwelling units maximum);
- Group Homes (24 resident clients maximum);
- Barns, sheds and other buildings for feed, equipment, fertilizer and produce storage;
- Packing facilities;
- Truck gardens and outdoor storage of vehicles or equipment associated with agricultural production;
- Cattle or stock grazing;
- Farms, groves, greenhouses, and nurseries; and

- Fruit and vegetable stands.
- Schools; and
- Wineries.

We will forward to your office later today a revised Declaration of Restrictions that incorporates these changes.

Please call me should you have any questions regarding this matter.

Best wishes to you and your families for a Happy Thanksgiving.

Best regards,

**Jeff Bercow** 

Jeffrey Bercow Bercow Radell & Fernandez, P.A. 200 S. Biscayne Blvd., Suite 850 Miami, FL 33131 305-377-6220 office 305-377-6222 fax jbercow@brzoninglaw.com www.brzoninglaw.com



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### HMS Proposed Text Amendment

- 1) It is requested that Policy LU-8G of the Land Use Element be modified to add the following text:
  - iv) Notwithstanding Policy LU-8G (iii), other land may be included to expand an existing unique regional facility, defined as an existing public facility or attraction of regional prominence that has been constructed on publicly owned land with significant public funding and intergovernmental coordination, if it satisfies all of the following criteria:
    - a) <u>The land is within the UEA, is contiguous to the UDB, and is contiguous</u> to a unique regional facility;
    - b) The use of the land will be limited to the expansion of the unique regional facility, together with ancillary uses; and

<u>c)</u> <u>The expansion will have a positive economic impact, including</u> increased economic development and tourism.

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# **APPENDIX F**

Needs Analysis; Miami Economic Associates, Inc., letter dated October 18, 2010, with Executive Summary of the Washington Economic Group (WEG) Report This Page Intentionally Left Blank



October 18, 2010

Mr. Marc C. LaFerrier, A.I.C.P. Director Department of Planning and Zoning Miami-Dade County Miami, Florida

Dear Mr. LaFerrier

The purpose of this letter is to provide the Miami-Dade County Department of Planning and Zoning (DP&Z) with data and analysis which Miami Economic Associates, Inc. (MEAI) believes demonstrates that adoption of Homestead-Miami Speedway, LLC's requests to amend the Miami-Dade County Comprehensive Development Master Plan (CDMP) are justified by needs specific to the Speedway and its continuing operation as a unique regional resource that serves to generate economic development, promote tourism and/or enhance the lives of County residents. As shown in Appendix 1, the proposed amendments address approximately 120 acres of land owned by Homestead-Miami Speedway, LLC, the operator of the Speedway. The approximately 120 acres (Application Area) are situated immediately north of Homestead Miami Speedway (HMS). Approximately half the acreage abuts S.W. 137th Avenue to its east, the remainder abuts it to its west.

The Application Area has been filled and is currently used by HMS for parking on major event days in accordance with two Class IV Permits, FW 00-014 and FW 00-104A, approved by the Board of County Commissioners in 2001 and 2004, respectively. Once filled, the acreage was no longer viable for growing row crops, fruit trees or most varieties of ornamentals. It has, however, continued to be used for ancillary agricultural uses of a type that could potentially continue to occur on at least portions of it even if the Homestead-Miami Speedway, LLC's requests to amend the CDMP are adopted.

Section	Page	
Proposed CDMP Amendment	2	
Purpose of the Proposed CDMP Amendment	2	
Issue of Need	6	
HMS-generated Public Benefits	8	
Closing	11	

The information provided herein is organized as follows:

### Proposed CDMP Amendment

If adopted, the proposed amendment would expand the County's Urban Development Boundary (UDB) to include the Application Area and re-designate the Application Area from Agricultural to Business and Office Use, which is the same designation as the land that underlies HMS. However, a covenant accompanying the proposed amendment, the text of which is contained in Appendix 2, would limit use of Application Area to the following:

- Temporary and permanent parking facilities;
- Temporary event concessions consisting of kiosks, tents, and other similar portable facilities;
- A permanent kitchen facility of up to 6,000 square feet;
- Up to 12,000 additional spectator seats; and
- Other ancillary uses associated with the Homestead-Miami Speedway.

The covenant further provides that the portion of the subject property designated as "APZ II" in the Homestead Air Reserve Base's 2007 Air Installation Compatible Use Zone (AICUZ) Study shall only be used for off-street parking on natural terrain, gravel, mulch or hard-surface.

#### Purpose of the Proposed CDMP Amendment

HMS, which opened in 1994, has in recent years become "The Championship Track" for American automobile racing by virtue of the fact that it was the first facility in history where the series champion of North America's six largest racing series were crowned including the Rolex Sports Car Series, the IndyCar Series and all three of NASCAR national touring series. The Indy Racing League recently announced that it will no longer hold its championship race at HMS after this year; however, in 2011 the other championship races enumerated above will still be on the schedule.

The purpose of the proposed CDMP amendment is to assure that HMS' facilities have the capacities necessary to remain competitive in a highly competitive environment, thereby precluding other major motor sports facilities from claiming that they could better accommodate the major events still scheduled to be held at HMS. In this regard, we note that sanction agreements with the various racing series are signed on a year-to-year basis, placing a premium on the ability of each facility to evolve with the sport to meet the market demands and retain its place on their schedules. While the decision to take the IRL Championship Race away from HMS did not stem from issues regarding the speedway itself, it nevertheless highlights the fact that the sanctioning bodies can and do adjust schedules. In the recent years, because of their inability to provide competitive facilities, both the North Carolina Speedway and the Darlington Raceway have had race dates that they had held for years moved elsewhere by NASCAR, resulting in the closure of the former and reduced operations at the latter. This year NASACAR switched a set of racing dates from Atlanta to a facility in Kentucky and also reduced activity at the speedway in Northern California from 2 races each year to 1 race.

As shown in Appendix 3, HMS' parent company, International Speedway Corporation has prepared a master plan for HMS designed to solidify its high-profile position in auto racing. The objectives of the plan are to upgrade the fan experience, particularly through improvements to the concession and exhibition areas, and to increase seating capacity by 12,000 seats in accordance with market demand over a 10 to 15 year period. When all the new seats have been added, the capacity of HMS will have increased from approximately 67,600 seats to 79,600 seats. The following points should be noted with respect to the proposed master plan for HMS, which are as follows:

The owners and operators of motor speedways take a long-term view with respect to their facilities, which differentiates them from those involved with the stadia and arenas in which the four major "stick and ball" sports are played. Illustratively, 12 of the 22 venues --- more than half ---- used for the Sprint Cup Series races, NASCAR's premier events, were built before 1980, including several that were built in the late 1940's, 1950's and 1960's. As shown in Appendix 4, the remainder of speedways that host NASCAR Sprint Cup Series races, including HMS, were built since 1988 as NASCAR's popularity grew rapidly in terms of attendance and when its geographic exposure was greatly expanded from its traditional base in the southeastern portion of the United States. Illustrative of the popularity of NASCAR is the fact that it is reportedly second only to football in the United States in terms of television viewership.

In contrast to automobile racing, less than 15 percent of the stadia and arenas that serve the 90 professional basketball, football and hockey teams and the 30 major league baseball teams were built prior to 1980. Further, a number of the older facilities that are used by the "stick and ball" sports such Soldiers Field in Chicago (NFL Bears), the Gator Bowl in Jacksonville (NFL Jaguars), the Superdome in New Orleans (NFL Saints) and Qualcomm Stadium in San Diego (NFL Chargers) have undergone major renovations at tax-payers' expense in recent years while others may shortly be phased out such as Candlestick Park in San Francisco (NFL 49ers) and Rexall Arena in Edmonton (NHL Oilers). There are two principal reasons why the owners and operators of automobile racing venues have adopted their long-term view with respect to their facilities, which are as follows:

- Motorsports facilities are to a far greater degree privately-financed than the stadia and arenas used for the "stick and ball" sports.
- A higher proportion of the investment in speedways relates to the development of infrastructure rather than to the seating areas. Included in the infrastructure are the track itself, the garage and pit areas as well as parking areas that are substantially larger than those found at the stadia and arenas where the "stick and ball" sports are played because on average the speedways accommodate much larger crowds than all but a few stadia and arenas.
- Notwithstanding the fact that HMS hosts highly-prestigious events, the facility's current capacity of approximately 67,600 seats means that it is the third smallest

venue in terms of fixed seating that is used for NASCAR Sprint Cup races on an annual basis as shown in Appendix 4. Only Darlington and Martinsville facilities have fewer seats, approximately 65,000 each. Darlington is located near Florence, South Carolina, a city with fewer than 100,000 residents. Martinsville is located west of Danville Virginia, approximately equidistant from Roanoke Metropolitan Statistical Area to the north and the Greensboro-High Point-Winston Salem Combined Statistical Area to the South. The extended area in which the Martinsville Speedway is located, inclusive of all of the metropolitan areas enumerated and the areas in between, has a combined population which is less than 75 percent of Miami-Dade County and less than half of the four South Florida counties in combination.

All of the facilities identified in the Appendix 4 have both a median and mean seating capacity exceeding 115,000. In fact, NASCAR has reportedly accounted for 17 of the top 20 attended single-day sporting events in the world. Based on the attendance that NASCAR has historically been able to generate at its various facilities due to its high level of popularity among sports fans and the fact that attendance at HMS in recent years has consistently exceeded 90 percent, MEAI believes that it is appropriate for International Speedway Corporation and Homestead-Miami Speedway, LLC, given their long-term perspective, to plan for the addition of 12,000 seats at HMS over the next 10 to 15 years.

With respect to historical attendance at HMS, Appendix 5 provides press releases from NASCAR.media.com that show (immediately below the listing of order of finish) the estimated attendance at the Sunday Sprint Cup race at HMS in the period 2006 through 2009. In all cases, estimated attendance exceeds that current capacity of 67,600 seat capacity of the facility because of the inclusion of press, concessionaires, exhibitors, officials, etc. in the numbers. In the years in which the estimated attendance was 75,000 to 80,000, all of the current seats were occupied. The lower attendance level in 2009 reflected the economy.

- Inclusion of the Application Area within the UDB would be required to accommodate the improvements proposed improvements to the concession and exhibition areas that are critical to enhancing the fan experience. These improvements are intended to accomplish a variety of objectives, including the following:
  - Increase the area available for concessions and exhibits, thereby allowing for the provision of more shade, reducing congestion and eliminating conflicts that currently exist between pedestrian and vehicular traffic.
  - Create better adjacency between the concession stands and the spectator seating at the northeast end of the speedway, which is currently poorly served in this regard because the current concession and exhibition areas are preponderantly located adjacent to the west and southwestern portions of the Speedway and across S.W. 137th Avenue, which raises safety concerns.

> Allow for better and more diverse food and beverage offerings by increasing the space available for concessions and by significantly expanding the kitchen space available to prepare them.

Accomplishing the objectives just described is important to the long-term success of HMS and the maintenance of its high-profile position in the automobile racing for three primary reasons, which are as follows:

- As a facility located in a championship-oriented market like South Florida that has hosted Super Bowls, World Series, a NBA and NHL Championship series, Orange Bowls and BCS title games and where the other sports facilities are relatively new or undergone renovation or are currently being constructed, HMS attendees have a very high benchmark in terms of what they expect from their major events and venues. Accordingly, HMS needs to meet those expectations, which in many cases are higher than those at other motorsports facilities throughout the country.
- Among the ""stick and ball" sports, only football with its tradition of tailgating attracts spectators to its venues considerably in advance of the beginning of the event. In contrast, high percentages of the spectators at automobile races arrive hours in advance of the starts of the events. It is quite common that spectators are on-site for 8 to 12 hours on a race day. Further, substantial numbers arrive days in advance and utilize on-site recreational vehicle parking. As such, the importance of providing a quality environment and fan experience in terms of exhibitions and concessions takes on an enhanced level of importance. It should also be noted that unlike the situation with the "stick and ball" sports, many spectators at automobile races, including at HMS, are on-site for several days in a row because they purchase ticket packages that include all the races over the course of a racing week-end. In the case of the NACAR's Ford Championship week-end, there are races Friday night, Saturday night and Sunday late afternoon into evening.
- o The economics of automobile racing require heavy sponsor support from companies that are both automotive-related and not. The sponsors, in turn, expect to be able to showcase their products at the speedways on race days. International Speedway Corporation and Homestead-Miami Speedway, LLC consider it a high priority that is exhibition areas be upgraded so that it can be more responsive to sponsor demands. It should be noted that, as a general rule, the cost of admission to the championship events at HMS is less expensive than the cost of attendance at championship events in any of the other major sports. This is, in part, made possible by the support that motorsports receives from its sponsors. Accordingly, proper treatment of the sponsors is also in the best interest of the spectators.

As will be discussed in greater detail below, HMS's current high-profile position within auto racing is highly beneficial to the City of Homestead and Miami-Dade County in terms of economic and tourism development. Miami-Dade County as well as the City of

Homestead recognized the potential for that to occur when they assisted in financing the initial construction of HMS, in the case of the County through the issuance of \$31.0 million in bonds backed by tourist tax revenues. Adoption of the proposed amendments would help assure that HMS maintains its position as the Championship Speedway, thereby enabling it to continue to contribute to the economic and fiscal well-being of the County and the City of Homestead maximizing return on the County's initial investment.

### Issue of Need

CDMP Land Use Policy 8E states that "applications requesting amendments to the CDMP Land Use map shall be evaluated to consider consistency with the Goals, Objectives and Policies of all Elements, other timely issues, and in particular the extent to which the proposal would, if approved would", among other factors, "satisfy a deficiency in the Plan map to accommodate projected population and economic growth of the County." CDMP Land Use Policy 8F furthers states that the adequacy of non-residential land supplies shall be determined on the basis of land supplies in the subareas of the County <u>appropriate to the type of use</u>, as well as the Countywide supply within the UDB."

As discussed above, the proposed CDMP application filed on behalf of Homestead-Miami Speedway, LLC seeks to have the Application Area included in the UDB and redesignated from Agricultural to Business and Office Use, as this is the only land available on which to upgrade and expand the Speedway that is appropriate to the type of use. However, the proposed covenant accompanying the application contained in Appendix 2 would preclude the property from being used for the type of retail and office uses that are typically undertaken in land designated for Business and Office Use, instead limiting its use solely to facilities that directly support HMS's operations. Salient points that should be noted in this regard are as follows:

- There are in excess of 2,500 vacant acres of land designated for office and retail uses in Miami-Dade County including approximately 900 vacant acres of land in the County's Southern Tier, which is the general area in which HMS is located. More than 500 of those 900 vacant acres are located in the specific portion of the County where HMS is situated, Minor Statistical Areas (MSA's) 7.4 and 7.5. According to DP&Z, the vacant land in neither the County, the Southern Tier nor MSA's 7.4 and 7.5 will be fully depleted until after 2025. However, none of these acres including those in MSA's 7.4 and 7.5 are located adjacent to HMS. Hence, none are appropriate for the facilities needed to support HMS.
- There is no other vacant land regardless of designation in the immediate vicinity of HMS, other than the Application Area, that can --- or should --- be used for facilities to support and expand HMS. The vacant land immediately to the east of HMS is also located outside the UDB and has a fractured ownership pattern that would make it difficult to assemble into a large enough parcel to accommodate HMS' master plan. Furthermore, this land is not served by existing improved roadways. In comparison, the Application Area abuts S.W. 137th Avenue and S.W. 336th Street. Finally, since the vacant land to the east has not yet been filled, it is more valuable for agriculture

use than the Application Area which, as discussed above, has been filled, hence is unusable to grow row crops, fruit and most varieties of ornamentals.

The vacant land immediately to the south of HMS is within the UDB. However, this property is considered to be extremely environmentally-sensitive and encumbered by covenants negotiated with a number of agencies for conservation and/or preservation purposes.

To the west, there is vacant industrially-designated land that will over time serve as a major employment center for the Homestead/ Florida City area, which badly needs more locally-based jobs for growing residential population. That land has recently been purchased from the City of Homestead by a private group that is hard at work at this time in an effort to make the much-needed employment center a reality. Their success in doing so will be considerably more rewarding to them financially than a sale of the property to Homestead-Miami Speedway, LLC would ever be. Further, such a sale is likely not possible under the terms of their purchase and sale agreement with the City. Finally, it should be remembered that this is considerably more valuable to the economy of the City of Homestead and the County as the site of major industrial park than the land in the Application Area that can only be used for ancillary agricultural uses that provide relatively few job opportunities.

Accordingly, only the Application Area of all the lands adjacent to HMS is appropriate for, as required by LU-8F, to the type of use.

- Since there is no land in the vicinity of HMS on which to build the facilities HMS needs to remain competitive, the only alternative to adopting the proposed amendments would be to move the Speedway in its entirety to another location where 550 acres of land can be found. There are several points to be noted in this regard, which are as follows:
  - As previously discussed, because of their huge investment in infrastructure it is financially impractical to move speedways once they have been built.
  - Given the nature of the Speedway, it cannot be moved into a residential area because the noise it generates would render it an incompatible use.
  - As discussed above, there are more than 2,500 vacant acres of land within Miami-Dade County designated for office and retail use. However, much of this land is within or adjacent to residential areas, again raising the issue of compatibility. Further, none of that vacant land is contained in a parcel of 550 acres or more.
  - Speedways are frequently located in areas designated for industrial use. The only place in Miami-Dade County within the UDB where there is potentially a tract of 550 or more vacant acres not adjacent to residential uses is in northern end of the County in the area immediately south of the intersection of Interstate 75 and the Turnpike. While Homestead-Miami Speedway, LLC

> operates HMS, the facility is actually owned by the City of Homestead. It is implausible to think the City would want to move its asset, which supports economic and tourism development within its boundaries, to the opposite end of the County.

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Based on the preceding, MEAI believes that the only appropriate context for evaluating the proposed CDMP amendment with respect to the issue of need is whether its adoption is in the public interest. In our opinion, the information presented below clearly supports an affirmative answer to that question.

### HMS-generated Public Benefits

In the preceding discussion of HMS, the emphasis was on the three primary racing week-ends held at the Speedway. However, the facility is used for many other events throughout the year including:

- The Championship Cup Series motorcycle races in June;
- A number of amateur sports car and vintage car racing events throughout the year;
- Friday night T-n-T events when the public can test and tune their vehicles on a 1/8mile course along pit row;
- Florida Trackdays when motorcyclists of all abilities can test their skills and receive instruction;
- A variety of driving schools including those sponsored by, among others, the Sports Car Club of America (SCCA), National Auto Sport Association, the Richard Petty Driving Experience and the Skip Barber Racing School;
- Product testing sessions; and
- Movie and television shoots

The type of events described above account for more than 250 days of activity each year at the Speedway. HMS also annually hosts the Homestead Hospital Pineapple Gala in support of children's services at Homestead Hospital. It is anticipated that after the new concessions and exhibition areas at HMS are developed that they could serve as the venue for additional charity events such as the Pineapple Gala as well as for concerts, art shows and other community events. As shown in Appendix 6, HMS has supported a large number of local charities either through contributions or by allowing them to operate concessions at the Speedway on the primary race days.

At the request of Homestead-Miami Speedway, LLC, the Washington Economics Group (WEG) conducted an analysis of the impact that HMS has on the economy of Miami-Dade County on an annual recurring basis, a copy of which is contained in Appendix 7.

WEG was founded by Dr. J. Antonio Villamil, who served as an Under Secretary of Commerce during the administration of President George H. W. Bush and as economic advisor to Florida Governor Jeb Bush. Dr. Villamil is now the Dean of School of Business at St. Thomas University while also serving as WEG's Principal Economic Advisor. In assessing the economic impact of HMS on an annually recurring basis, WEG considered the following:

- Track operating, maintenance and other expenditures to support racing and other speedway activities;
- Lodging, dining, shopping and entertainment expenditures made by race fans, race teams and other visitors as they shop, dine and take advantage of the amenities that the City of Homestead and Miami-Dade County have to offer when attending races and other events at the Speedway; and
- The significant employment, labor income, fiscal revenues and economic output generated by the Speedway's multi-faceted activities that can be measured utilizing the professional accepted and widely-used input-output methodology.

In calculating HMS' economic impact the inputs included proprietary information regarding the portion of the facility's annual operating budget that is spent within Miami-Dade County. However, the key factors were those relating to the visitor activity it generated, as follows:

- The major events in HMS (exclusive of the IRL Championship) result in approximately 475,000 visitor being spent in the Miami-Dade County region:
- The other events held at Homestead-Miami Speedway, including vehicle testing, driving schools, product testing etc., result in an additional 100,000 out-of-town visitor days spent in the Miami-Dade County region.
- According to information compiled by the Greater Miami Convention and Visitors bureau, visitors to Miami-Dade County spent an average of \$244.72 per day during their visit in 2008.
- The analysis did not take into account the additional guests who accompany fans and event participants to the Miami-Dade County region, but do not attend events at the track. Also, members of the national and global media who stay in the Miami-Dade County region while covering the events are not included in these impacts.
- Additionally, the analysis did not take into account any additional visitor days spent vacationing in the region by event attendees and their guests, particularly following the Ford Championship Weekend which is held the weekend before Thanksgiving.

Among the most salient conclusions of WEG's analysis are the following:

- NASCAR's Ford Championship weekend with its three days of championship racing in November has the greatest economic impact of any event occurring in Miami-Dade County on an annual basis.
- Over 2,500 permanent jobs for Miami-Dade County residents result directly or indirectly from the operations of HMS in sectors across a wide spectrum of economic activity.
- The jobs HMS generate provide almost \$100 million in labor income each year for Miami-Dade County residents.
- The total economic impact of HMS' on-going operations is over \$250 million annually.
- HMS generates over \$40 million annually for government at the federal, state, county and local level. Of this amount, 57 percent flows to the federal government with the remaining 43 percent allocated to state, county and local government in the form of ad valorem taxes, state-mandated and local option sales taxes, franchise fees and utility taxes, etc.

As previously discussed, Miami-Dade County partially funded the initial construction of HMS though the issuance of \$31 million in revenue bonds backed by tourist taxes in anticipation that the Speedway would help promote tourism. In this regard, it should be noted that the visitors days estimated above benefit lodging facilities throughout Miami-Dade County including facilities in Homestead and Florida City, the Dadeland area, Downtown Miami, Miami Beach and Doral benefit from the lodging demand created by events at HMS. Even properties located at the northern end of the County such Don Shula's Hotel and Golf Club in Miami Lakes are a beneficiaries, hosting spectators who purchase travel packages that include race tickets, lodging and transportation between Speedway and the hotel.

HMS also benefits Miami-Dade tourism by showcasing the community and its excellent weather in October and November, immediately prior to the area's prime tourism season, when many people elsewhere in the United States may be in the process of deciding where to go for a winter vacation. In this regard, we note the following:

- ISC has calculated that during the broadcasts of the NASCAR's 3-race Ford Championship Weekend in November 2009, the names Homestead, Miami and Miami-Dade, whether in conjunction with the area generally, the speedway itself or both in combination, received exposure for over 500 minutes. At the going rate for 30-second spots, the value of that exposure exceeded \$8.67 million. While similar data is not available for the week-end of the Indy Car races, it is believed that the exposure achieved then was also of significant value.
- According to Vocus, a third party sources that calculates the advertising value of media impressions, media coverage of HMS during the period beginning a month

prior to the 2009 Ford Championship Weekend (October 22, 2009) until a week after (November 29, 2009) totaled over 9,000 clips, exclusive of the exposure during the race broadcasts, that were accessed over 5 billion times, resulting in an "earned media value" exceeding \$17.0 billion. Additional exposure would have also resulted from the Indy Car Championship races.

### Closing

As stated above, the purpose of the proposed CDMP amendment is to allow improvements to be made to HMS that will enable it to remain competitive and to continue to contribute at impressive levels to economic and tourism development in Miami-Dade County and the City of Homestead. In a recent conference call with DP&Z staff, one suggested that assuring that HMS remains a "competitive" facility is an objective that should be encouraged much as we do with other major regional facilities as the Miami International Airport (MIA) and the Port of Miami. While we may be certain that staff did not mean to imply that HMS is of equal importance to the community as MIA or the Port, nor do we, the point of analogy is, in our opinion, highly valid. Without adoption of the proposed CDMP amendment, there is a real possibility that HMS would not be considered worthy of its high-profile position as The Championship Track. As documented in the "Issue of Need section above, the Application Area is appropriate to the type of use --- the improvement and expansion of the Speedway --- as required by LU-8F. In fact, it is the only land that is appropriate and thus the expansion of the UBD is warranted. Accordingly, we strongly urge you to recommend adoption of Homestead-Miami Speedway, LLC's requests to amend the CDMP.

> Sincerely, Miami\_Economic Associates, Inc.

Charles Dallo

Andrew Dolkart President.

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An Update:

# THE ECONOMIC IMPACTS OF HOMESTEAD-MIAMI SPEEDWAY

Prepared for:

**International Speedway Corporation** 

By:

The Washington Economics Group, Inc.

October 7, 2010

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# TABLE OF CONTENTS

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-

I.	Ex	ECUTIVE SUMMARY
п.		E ECONOMIC IMPORTANCE TO MIAMI-DADE COUNTY (MDC) OF THE DMESTEAD-MIAMI SPEEDWAY: BACKGROUND
III.		E RECURRING ANNUAL IMPACTS OF HOMESTEAD-MIAMI SPEEDWAY PERATIONS ARE SIGNIFICANT FOR MIAMI-DADE COUNTY
	A.	Employment Impacts: Homestead-Miami Speedway Operations Create 2,500 Permanent Jobs in Miami-Dade County6
	В.	Generation of Recurring Labor Income: Homestead-Miami Speedway Operations Create Jobs that Contribute to the Standard of Living in Miami- Dade County
	С.	Homestead-Miami Speedway Recurring Value-Added Impacts: A Key Component of Miami-Dade County Economic Activity9
	D.	The Total Annual Economic Impacts Arising from the Homestead-Miami Speedway Operations are a Significant \$251 million10
	Е.	Homestead-Miami Speedway Operations Generate Important Contributions to Public Revenues
IV.	Co	NCLUSIONS
APPENI	DIX	I: DETAILED IMPACT TABLES
APPENI	DIX	II: METHODOLOGY
APPENI	DIX	III: THE WASHINGTON ECONOMICS GROUP, INC. QUALIFICATIONS AND PROJECT TEAM

# List of Tables

Table ES-1.	Summary of Annual Recurring Economic Impacts on Miami-Dade County Generated by Homestead-Miami Speedway1
Table 1.	Summary of Annual Recurring Economic Impacts Generated by Homestead-Miami Speedway on Miami-Dade County Economy
Table 2.	Permanent Jobs Created by Homestead-Miami Speedway Operations are Estimated at 2,5007
Table 3.	Annual Labor Income Resulting from the Homestead-Miami Speedway 8
Table 4.	Recurring Gross Domestic Product (Value Added) Created by the Homestead-Miami Speedway
Table 5.	Recurring Total Economic Impacts Arising from the Homestead-Miami Speedway Operations
Table 6.	Recurring Fiscal Contributions of the Homestead-Miami Speedway Operations

Page

# **List of Figures**

Figure 1.	Jobs Created by Homestead-Miami Speedway	7
Figure 2.	Labor Income Created by Homestead-Miami Speedway	8
Figure 3.	Miami-Dade GDP Created by Homestead-Miami Speedway 1	0
Figure 4.	Annual Economic Impact of Homestead-Miami Speedway 1	1

## THE STRATEGIC IMPORTANCE OF THE HOMESTEAD-MIAMI SPEEDWAY TO ECONOMIC DEVELOPMENT IN MIAMI-DADE COUNTY

The Homestead-Miami Speedway is an important component of South Florida's sports, entertainment and tourism industries. This is a priority cluster of industries in the State of Florida's Strategic Plan for Economic Development. Known as THE Championship Track, the Speedway hosts several major motorsports race weekends annually. During the Fall the NASCAR season Championship races are held at the Homestead-Miami Speedway. In addition to these major racing events, the Facility is active throughout the year hosting varied non-race activities along with vehicle testing and racecar driving schools.

The ongoing operations of the Homestead-Miami Speedway and its related infrastructure generate significant quantifiable economic impacts on Miami-Dade County (MDC) in employment, labor income, economic output and public revenues. These economic impacts are summarized in Table ES-1 below.

Impact on:	Direct	Indirect & Induced	Total Impact
Employment (Jobs)	1,678	822	2,500
Labor Income (\$ Millions)	\$62	\$38	\$100
Gross County Product (Value Added \$ Millions)	\$90	\$66	\$156
Federal, State & Local Tax Revenues (\$ Millions)			\$40
Total Economic Impact (\$ Millions)	\$138	\$113	\$251

# A. Employment Impacts of the Homestead-Miami Speedway

Over 2,500 permanent jobs for MDC residents result directly or indirectly from the operations of the Homestead-Miami Speedway. These findings are summarized in Table 2 on page 6. The Speedway's ongoing activities directly create 1,678 jobs in Knowledge-Based Services<sup>1</sup>, the Visitor Industry and other important sectors of the Miami-Dade economy. However, its *indirect* and *induced* job creation process reaches deeply into all sectors of the economy. An additional 322 jobs are supported via *indirect* economic effects (mostly suppliers to the Speedway). Lastly 500 jobs are generated from *induced*-spending effects.

<sup>&</sup>lt;sup>1</sup>The broadly defined Knowledge-Based Services Sector encompasses most individuals defined as 'Knowledge Workers' and includes the following sectors; Information Technology, Finance & Insurance, Real Estate, Professional Services, Administrative, Educational Services, Health & Social Services, Arts, Entertainment & Recreation, and Other Services. Examples of jobs at the Speedway that fall within this sector are: Track Management and Administrative Staff: Administration. Consultants (WEG), Event Safety, Staff: Professional Services. Race Teams, NASCAR Officials: Arts, Entertainment and Recreation.

Therefore, the total number of permanent jobs, *directly*, *indirectly* and *induced*, supported by the Speedway's ongoing operations is estimated at 2,500.

# B. Generation of Labor Income

In total, Homestead-Miami Speedway's ongoing operations generate almost \$100 million in Labor Income each year for MDC residents. The effect of the Speedway's ongoing operations on Labor Income for workers is quantified in Table 3 on page 7. In addition to the \$62 million of Labor Income directly generated by these operations, over \$38 million, or 38 percent, is created by *indirect* and *induced* economic activities.

# C. Homestead-Miami Speedway's Ongoing Value-Added Impacts

**Homestead-Miami Speedway's ongoing operations create a net contribution to Miami-Dade County's economy of \$156 million each year.** Value added is the portion of business revenues that is available to pay compensation to workers, capital income and indirect business taxes. Value added is also the principal source of income to households and a key measure of Homestead-Miami Speedway's contribution to the local economy. Table 4 on page 9 highlights the value-added impacts generated by the Speedway. By this measure, the Speedway's operations support the drive to create a high value-added, high-wage economy in Florida. The greatest value-added impacts are generated in the Knowledge-Based Services<sup>2</sup> sector where over \$64 million, or 41 percent, of the total is created. The Visitor Industry generates almost \$48 million, or 31 percent, followed by other sectors such as the Retail Trade sector and Wholesale Trade & Transportation Services.

# **D.** Total Economic Impact from the Ongoing Operations of the Homestead-Miami Speedway

The total economic impact from the ongoing operations of the Homestead-Miami Speedway on MDC is almost \$251 million annually. Table 5 on page 10 illustrates the breakdown for the recurring total economic impact of the Homestead-Miami Speedway. An important portion of the total economic impact occurs in Knowledge-Based Services<sup>3</sup> with 42 percent of the total, followed by the Visitor Industry representing 31 percent of the total. These sectors are followed by the Retail Trade Sector at 10 percent. The remaining 17 percent is spread across other economic sectors.

# E. Homestead-Miami Speedway's Ongoing Operations Make Important Contributions to Public Revenues Each Year

The Speedway's ongoing operations generate almost \$40 million of total fiscal revenues each year. The Speedway's ongoing operations result in increases in government revenues for federal, state and local governments in Florida (Table 6, page 11). Of the total of \$40 million, almost \$23 million, or 57 percent, flows to the federal government, with the remaining \$17 million, or 43 percent, of tax revenues allocated to state and local governments within the MDC economy.

<sup>&</sup>lt;sup>2</sup> Ibid.

<sup>&</sup>lt;sup>3</sup> Ibid

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# **APPENDIX G**

Traffic Report Executive Summary

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### NOPC Application and CDMP Amendment Traffic Study Villages of Homestead (VOH) DRI

### **Executive Summary**

### **Overview**

Proposed modifications to the VOH DRI are needed to implement the Speedway master plan with the goal of improving the facility and the fan experience. The following transportation related findings have been made based upon the analyses prepared in this NOPC Application and CDMP Amendment Traffic Study.

### Local and Regional Roadway Network

The evaluation of the event traffic data on the local and regional roadway network demonstrate that adopted levels of service are met for the Peak Hour Period, the AM Peak Hour and the PM Peak Hour on the days coinciding with the NASCAR championship series. This data also shows that adopted levels of service are met with the addition of the trips from the 12,000 additional spectator seats.

### Addition of Spectator Seats

The application includes the addition of 12,000 spectator seats increasing the total number of motorsport facility seats for Major Events on a Weekend from 67,612 to 79,612. The Applicant has proposed to limit spectator capacity for Major Events on a Weekday by establishing a **Weekday Major Event spectator threshold of 53,128** based upon not exceeding the cumulative PM Peak Hour trip reduction for the VOH DRI. The Applicant has proposed *DRI Development Order Condition No. 2.10 to the VOH DRI* to specify the following:

# "All weekday Major Events shall be limited to a total of 53,128 spectators and a start time of no earlier than 8PM. Spectator seating for weekend Major Events shall be limited to 79,612."

The proposed use of the Speedway for **Major Events on a Weekday** will actually fall below the existing seating capacity built at the motorsport facility today. The Speedway will continue to abide by the 18 day major event limitation stipulated in City of Homestead Ordinance No. 94-05-33 and Ordinance No. 2001-12-36 governing the VOH DRI. The cumulative change in trips resulting from the change in DRI land uses between the approved 1985 Master Plan and the proposed 2010 Master Plan has been used to offset the trip impacts of the motorsport facility for the Weekday PM Peak Hour. The proposed **Weekday Major Event Spectator threshold of 53,128** has been established based upon not exceeding the cumulative PM Peak Hour trip reduction of 3,852 trips for the VOH DRI using only the cumulative changes in land use located east of SW 152 Avenue.

### **Traffic Management Practices for Major Events**

To accommodate the traffic demand for major events, the Speedway manages event operations and event traffic through a series of highly coordinated traffic management practices which include extensive agency coordination and a multi-level event planning process leading up to and during the NASCAR event. This results in a well coordinated and well managed program which includes event planning and preparations, the dispersal of information to spectators, the installation of directional signage, the deployment of over 150 off duty police officers to manage traffic arriving or departing the City of Homestead, coordination with Miami-Dade County to override control of key signalized intersections, and coordination with Florida's Turnpike to prepay tolls, monitor traffic conditions, lift inbound and outbound tolls and implement a third northbound lane on the turnpike for departing spectators. These traffic management practices are implemented each year for the NASCAR championship racing series.

### **Conclusions**

Given the proposed modifications to the VOH DRI which are needed to implement the Speedway master plan with the goal of improving the facility and the fan experience, the following transportation related findings have been made based upon the analyses prepared in this NOPC Application and CDMP Amendment Traffic Study.

**Local and Regional Roadway Network** - The evaluation of the event traffic data on the collector and state roadway network along with the continuous count data and toll data on the regional state roadway network has demonstrated that adopted levels of service are met for the Peak Hour Period, the AM Peak Hour and the PM Peak Hour on the days coinciding with the NASCAR championship series. This data also shows that adopted levels of service continue to be met with the addition of the trips from the 12,000 additional spectator seats.

<u>Weekday Major Event Spectator Threshold</u> - The cumulative change in trips resulting from the change in DRI land uses between the approved 1985 Master Plan and the proposed 2010 Master Plan (located east of SW 152 Avenue) has been used to offset the trip impacts of the motorsport facility for the Weekday PM Peak Hour. A proposed **Weekday Major Event Spectator threshold of 53,128** has been established based upon not exceeding the cumulative PM Peak Hour trip reduction of 3,852 trips for the VOH DRI (using only the changes in land use located east of SW 152 Avenue). The analysis has documented the following with respect to spectator thresholds for the DRI:

- Major Event per the 1994 DRI DO = 28,000 spectators (City Ordinances 94-05-33 and 2001-12-36)
- Major Event studied in the 1994 NOPC = 40,000 spectators
- Proposed Capacity Limitation for Weekday Major Events = 53,128 spectators Proposed DRI DO Condition
- Existing Capacity for Major Events on Weekends = 67,612 spectators
- Proposed Capacity for Limitation for Weekend Major Events = 79,612 spectators *Proposed DRI DO Condition*

**PM Peak Hour Intersection Analyses** – To determine how the roadway network operates in the vicinity of the Speedway during the PM Peak Hour on the Friday Night of the NASCAR championship series, PM Peak Hour intersection analyses have been provided using intersection turning movement data collected in the Year 2007, 2008 and 2009 (on the Friday Night of NASCAR) for seven study area intersections which provide access to the City of Homestead and the roadways leading to the Speedway. Adopted intersection analysis levels of service were found to be met after incorporating existing and funded lane geometry where appropriate and signal timing enhancements.

**Traffic Management Practices for Major Events** - To accommodate the traffic demand for major events, the Speedway manages event operations and event traffic through a series of highly coordinated traffic management practices which include extensive agency coordination and a multi-level event planning process leading up to and during the NASCAR event. This results in a well coordinated and well managed program which includes event planning and preparations, the dispersal of information to spectators, the installation of directional signage, the deployment of over 150 off duty police officers to manage traffic arriving or departing the City of Homestead, coordination with Miami-Dade County to override control of key signalized intersections, and coordination with Florida's Turnpike to prepay tolls, monitor traffic conditions, lift inbound and outbound tolls and implement a third northbound lane on the turnpike for departing spectators. These traffic management practices are implemented each year for the NASCAR championship racing series.

# **APPENDIX H**

Homestead Air Reserve Base letter dated July 22, 2010

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### DEPARTMENT OF THE AIR FORCE AIR FORCE RESERVE COMMAND

22 July 2010

2010 JUL 30 A 8: 20

PLANNING & ZDRING METROPOLITAN PLANNING SECT

Mr. Lawrence Ventura, Jr. Chief, Environmental Flight 482 MSG/CEV 29050 Westover Street, Bldg 232 Homestead ARB, Florida 33039-1299

Mr. Garett Rowe Senior Planner Miami-Dade Department of Planning and Zoning 111 NW 1<sup>st</sup> Street, 12<sup>th</sup> Floor Miami, FL 33128

Dear Mr. Rowe,

This letter is a response to the application from Homestead-Miami Speedway, LLC (HMS), to amend the County's Comprehensive Development Master Plan (CDMP) to expand the Urban Development Boundary (UDB) to include the application site, re-designate the site on the LUP map from "Agriculture" to "Business and Office" and incorporate text changes to the CDMP Land Use Element Policy LU-8G.

Homestead Air Reserve Base (ARB) is generally supportive of the proposed expansion at HMS. However, as shown in Attachment 1, the western portion of the application site is located in Accident Potential Zone (APZ) II. These APZ's are designed to protect the health, safety, and welfare of the surrounding community in the event of mishaps within these areas. The application states that a proffered covenant will ensure the Speedway's continued compatibility with Homestead Air Reserve Base's 2007 Air Installation Compatible Use Zone (AICUZ) Study by restricting the use of the portion of the application area designated as APZ II to parking, consessions, and other ancillary uses.

The proposed adjustment to the Miami-Dade County CDMP also includes a request to redesignate the application site from "Agricultural" to "Business and Office". Many of the uses allowed under the "Business and Office" designation will not be compatible with safety requirements set forth within APZ II if developed as such in the future. See the following web site for a copy of our 2007 AICUZ report: http://www.homestead.afrc.af.mil/library/susops/index.asp

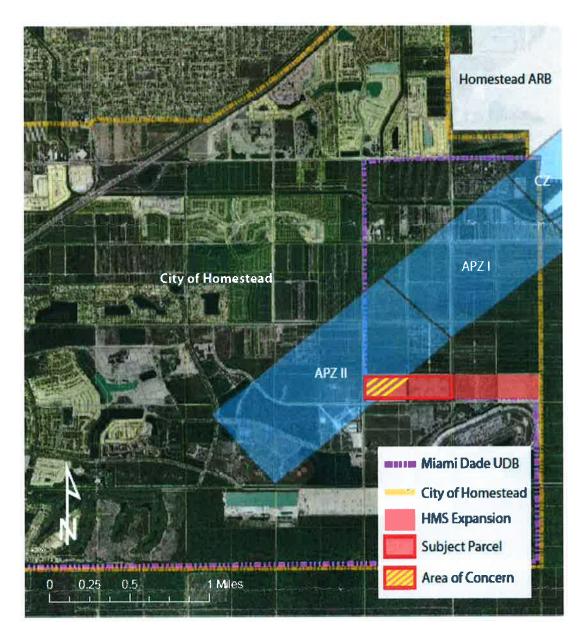
Therefore, Homestead ARB respectfully request that HMS modify its application to give Homestead ARB a restrictive easement on the portion of the property in the APZ II. If a restrictive easement will not be given by HMS, Homestead ARB request that Miami-Dade not alter the location of the UDB in the area of concern as shown on the attached map and instead continue to support the current Class IV Special Permit that allows for parking. Homestead ARB believes this approach ensures that the proposed expansion and its associated economic benefits for the City of Homestead and HMS will occur while preserving both the growth management objectives of Miami-Dade County as well as the safety considerations as a result of the ongoing and potential military flying activities at Homestead ARB.

If you have any additional questions or comments in regards to this letter, please contact me. at (305) 224-7163.

Sincerely,

LAWRENCE VENTURA, JR.

Attachment: Homestead ARB Area of Concern



# Homestead ARB Area of Concern

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# **APPENDIX I**

# Notification of a Proposed Change to the Previously Approved Villages of Homestead DRI

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FORM RPM-BSP-PROPCHANGE-1

STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS DIVISION OF COMMUNITY PLANNING BUREAU OF LOCAL PLANNING 2555 Shumard Oak Blvd. Tallahassee, Florida 32399 850/488-4925

# NOTIFICATION OF A PROPOSED CHANGE TO A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT (DRI) SUBSECTION 380.06(19), FLORIDA STATUTES

Subsection 380.06(19), Florida Statutes, requires that submittal of a proposed change to a previously approved DRI be made to the local government, the regional planning agency, and the state land planning agency according to this form.

 I, Jeffrey Bercow, the undersigned owner/authorized representative of Homestead-Miami Speedway, LLC, hereby give notice of a proposed change to a previously approved Development of Regional Impact in accordance with Subsection 380.06(19), Florida Statutes. In support thereof, I submit the following information concerning the Villages of Homestead Development of Regional Impact (DRI) development, which information is true and correct to the best of my knowledge. I have submitted today, under separate cover, copies of this completed notification to the City of Homestead, South Florida Regional Planning Council, and to the Bureau of Local Planning, Florida Department of Community Affairs.

nature: Jeffrey Bercow

March 24, 2010

Date

# 2. Applicant (name, address, phone).

<u>Response:</u> Homestead-Miami Speedway, LLC One Speedway Boulevard Homestead, Florida 33035 (305)230-5208

# 3. Authorized Agent (name, address, phone).

<u>Response:</u> Jeffrey Bercow, Esq. Melissa Tapanes Llahues, Esq. Bercow Radell & Fernandez, P.A. 200 South Biscayne Boulevard Suite 850 Miami, Florida 33131 (305)374-5300

Rob Curtis, AICP The Curtis Group 7520 Red Road Suite M South Miami, Florida 33143 (305)663-5800

# 4. Location (City, County, Township/Range/Section) of approved DRI and proposed change.

# Response:

The approved Villages of Homestead DRI is located in the City of Homestead, Miami-Dade County, Township 57 South, Range 39 East, Sections 16, 17, 19, 20, 21, 22, 23, 26, 27, 28, and 29. The proposed changes occur in Sections 16, 22, and 23.

5. Provide a complete description of the proposed change. Include any proposed changes to the plan of development, phasing, additional lands, commencement date, build-out date, development order conditions and requirements, or to the representations contained in either the development order or the Application for Development Approval.

Indicate such changes on the project master site plan, supplementing with other detailed maps, as appropriate. Additional information may be requested by the Department or any reviewing agency to clarify the nature of the change or the resulting impacts.

# <u>Response:</u>

Changes proposed in this application occur in the eastern-half of the Villages of Homestead DRI ("DRI") on the lands between SW 152 Avenue and SW 132 Avenue. The proposed changes focus primarily on the Homestead-Miami Speedway and its ancillary / support uses. These proposed changes include: a DRI boundary amendment to encompass approximately 120-acres currently used for overflow parking during major

events at the Speedway; the addition of 12,000 seats at the Motorsports venue; the reduction of density by 4 units in the eastern one-half of the DRI; and, a time extension for buildout of the DRI, as a whole.

# **Background**

The VOH DRI was originally approved in 1975 as a mixed-use, planned unit development (PUD). In 1985, the PUD master plan was amended and a Consolidated Application for Development Approval containing all requisite public facility and service impact analysis was approved with conditions codified in the City of Homestead Ordinance No. 85-05-34. Between 1985 and 1992 the residential real estate market in Homestead moved slower than anticipated and Hurricane Andrew in 1992 caused the population and the real estate market in south Miami-Dade to shrink considerably. With the VOH PUD stalled for the foreseeable future the City of Homestead acquired ownership of a significant portion of the largely undeveloped east one-half of the VOH DRI with the intention of developing uses designed to stimulate the economy. In 1994, following agency review of a NOPC, the eastern one-half of the DRI was amended pursuant to City of Homestead Ordinance No. 94-05-33 to eliminate:

- -4,779 residential dwelling units,
- -12.84 acres or 168,000 square feet of retail use,
- -40 acres of schools and -1.45 acres of private recreation no longer needed with the elimination of the dwelling units.

The 1994 changes also included:

- Redesignation of 100 acres from Community Parks to Baseball Stadium;
- Creation of 484.96-acres of Open Space / Recreation; and,
- Designation of 340-acres of Motorsports Facility including 130-acres of grassed overflow parking. Later in 1994, additional grassed overflow parking was added pursuant to City of Homestead Ordinance No. 94-10-104 and the total acreage of the Motorsports facility grew to 427.90 acres.

Due to market uncertainty in 1994, the limited number of major events planned for the Motorsports, and questions regarding need for and the number of permanent spectator seats needed to support the limited number of events, the City proposed and the review agencies agreed that rather than limit the number of permanent seats or parking spaces at the attraction / recreation facility, it would be more appropriate to regulate the impacts of the facility by limiting number of major events that could be held at the facility in any calendar year. The public facility impact analysis provided in the VOH DRI NOPC dated January 12, 1994 detailed the potential impact of both a typical event with 16,000 spectators and a major event with 40,000 spectators. It was then agreed pursuant to City of Homestead Ordinance No. 94-05-33, "...Major Events...shall be

limited to eighteen (18) days in any given calendar year", and that "...a Major Event shall mean an event or separate events conducted simultaneously at the Baseball Facility and/or Motorsports Facility for which the number of spectators exceeds 28,000."

Upon approval in 1994, approximately 40,000 spectator seats were initially constructed at the Motorsports facility. This number grew to the current 67,612 spectator seats at the Motorsports facility. Regardless of the number of spectator seats or the amount of grassed overflow parking area, HMS has never exceeded, nor ever plans to exceed, the 18-day major event limit stipulated in City of Homestead Ordinance No. 94-05-33.

# Homestead-Miami Speedway Proposed Improvements

Today, Homestead-Miami Speedway, LLC (HMS) and City of Homestead collectively own approximately 1087 acres within the eastern one-half of the VOH DRI. In addition, HMS is the operator of the Homestead-Miami Speedway located on lands owned by the City of Homestead. Parcels owned by the City and HMS are shown in **Figure 5-1**, **Property Ownership**. This Figure also illustrates acreage owned by HMS immediately north of the Motorsports facility. These lands will be discussed in detail, below.

In 2008 HMS completed a Master Planning process that identified a series of improvements to the track facility designed to enhance operations at the track during the year and in particular during race events. The Master Plan is intended to create a state of the art motorsports facility appropriate for the hosting a wide variety of national, regional and local motorsprts events, including the Championship of the series event. The Master Plan's ultimate goal is to enhance the fan experience.

During race events, fans enjoy a multi-faceted entertainment experience including state of the art corporate exhibits and product merchandising, diverse concessions and dining, retail vendors and shopping, as well as live acts. These fan experiences have outgrown the site areas designed to accommodate them and have grown into areas originally dedicated to parking. Some of this expansion has jumped across Speedway Boulevard (SW 137<sup>th</sup> Avenue), outside the event gates. In other areas, the fan experiences are located three-quarters of mile walking distance from the gates. In **Figure 5-2, Speedway Master Plan**, the existing Speedway Master Plan illustrates the current layout and use of the Motorsports complex and shows:

- SW 137<sup>th</sup> Avenue is closed during race events and used as a merchandising area;
- Corporate events currently locate in areas designated for parking west of SW 137<sup>th</sup> Avenue; and,
- Bifurcation of the Chalet Village into a Northern and Southern Villages.

The 2008 HMS Master Plan enables the track to reorganize activity areas around the track in direct relationship to the grandstands and club levels. Also shown in **Figure 5-2**, the proposed Speedway Master Plan seating is expanded at Turn One and Turn Four;

corporate display areas, merchandising, entertainment and food areas will be consolidated into one park area, referred to as Championship Park. The existing Chalet Village north of the grandstands will more than double in size and include a permanent kitchen building. This consolidation will eliminate the need for the southern Chalet Village area. To accommodate this improved and expanded fan experience, part of Speedway Boulevard (SW 137 Avenue) must be realigned and SW 336 Street will be moved north to become SW 333 Street.

### Proposed DRI Changes

Implementation of the HMS Master Plan requires the VOH DRI be amended to expand the DRI boundary while increasing the Attraction / Recreation land use; add 12,000 spectator seats; reduce density in the eastern one-half of the DRI by 4 dwelling units; and, extend the DRI development order termination date.

Expand DRI Boundary. The addition of approximately 120 acres located north of SW 336 Street between SW 132 Avenue and SW 142 Avenue. These lands are currently used for overflow parking associated with major events at the Homestead-Miami Speedway as permitted in 2001, through a Miami-Dade County Class IV Special Permit. The addition of these lands will increase land designated for Motorsports from 427.90 acres to approximately 547.90 acres. The 120 acre addition will consist of 60 acres to Sector 19 (Area 5) and 60 acres to Sector 22 (Area 5). Figure 5-3, DRI Areas and Sectors, illustrates the five DRI areas and all sectors located within each area.

<u>Add Spectator Seats.</u> The addition of 12,000 spectator seats to Turn One and Turn Four will increase the total number of Motorsports seats from 67,612 to 79,612. Regardless of the proposed addition of spectator seats, HMS must and will abide by the 18-day major event limit stipulated in City of Homestead Ordinance No. 94-05-33.

<u>Density Reduction.</u> The Applicant proposes to reduce the approved number of single-family dwelling units in Sector 13 (Area 2) of the DRI from 143 dwelling units to 139 dwelling units – a decrease of four dwelling units. Sector 13 is currently builtout with 139 single-family units. During the development of Sector 13 four homes were built on more than one lot, and one lot has been deeded as community open space. Therefore, four approved dwelling units remain unbuilt. This density reduction ensures that this application satisfies the requirements of 380.06(19)(e)5.b., Florida Statutes (FS). **Figure 5-4, Simultaneous Increase and Decrease**, indicates the location of the shift in the development program.

Extend DRI Development Order Termination Date. The 2008 HMS Master Plan has a 15-year time horizon and is expected to be fully implemented by December 31, 2023. The approved development order (DO) termination date

for the VOH DRI is 2015 – eight years short of the Master Plan time horizon. Therefore, this application requests an eight-year extension of the DO termination date from 2015 to December 31, 2023. This 8-year time extension is proposed pursuant to section 380.06(19)(c), FS, which specifies a 5-year extension is not a substantial deviation; and, allows an additional 3-year extension regardless of any prior extension to account for 2007 market conditions.

# Infrastructure Demand

Infrastructure demand analysis for water, sewer and solid waste were conducted for each land use type. The proposed changes to single family residential and motorsport facilities east of SW 152 Avenue results in a projected cumulative change demand for potable/non-potable water, from 1985 to 2010, of a net reduction of -1.18 MGD (million gallons per day) for sectors east of SW 152 Avenue, and a total reduction of -1.16 MGD for the entire DRI (see **Exhibit M, Potable/Non-Potable Water Demand**). These land use changes also result in the reduction of projected cumulative change demand for sanitary sewer, from 1985 to 2010, of -1.18 MGD (million gallons per day) for sectors east of SW 152 Avenue, and a total reduction of sanitary sewer, from 1985 to 2010, of -1.18 MGD (million gallons per day) for sectors east of SW 152 Avenue, and a total reduction of -1.16 MGD for the entire DRI (see **Exhibit N, Sanitary Sewer Demand**). **Exhibit O, Solid Waste Demand** illustrates that the proposed land use changes to single family residential and motorsport facilities east of SW 152 Avenue results in a cumulative solid waste generation change reduction of -10,569 TPD (tons per day), and an overall reduction of -6,815 TPD in the DRI. **Exhibit P, Letter of Water and Sewer Capacity** indicates that the City of Homestead has sufficient potable water and sanitary sewer capacity to serve the proposed expansion.

The NOPC Application Traffic Study included in this application has been prepared to evaluate the potential regional transportation impacts resulting from proposed changes to the VOH DRI. Based upon the existing spectator capacity at the Speedway, this study evaluates actual traffic conditions on state and regionally significant roadways using continuous count station data and toll data from FDOT and Florida's Turnpike for the actual days of the NASCAR championship series for the years 2005 through 2008. This analysis documents traffic conditions on the regional state highway system using actual traffic counts for each analysis year for the Peak Hour Period, the AM Peak Hour, the PM Peak Hour and the hourly operations (measured by v/c) for the peak hour directional and two-way peak hour traffic for the Friday, Saturday and Sunday of each NASCAR championship series. To address proposed DRI modifications, the trips anticipated from the 12,000 additional spectator seats have been incorporated into the analysis of the regional state highway system.

# Affordable Housing

Homestead-Miami Speedway currently employs fewer than 50 people on a permanent

basis. Obviously, on major event days, a force of temporary workers is assembled for a variety of functions. It is not anticipated that after the proposed expansion that the permanent workforce will exceed 50 people. Accordingly, the proposed expansion of the Speedway will not result in a "significant" deficiency in terms of affordable housing. For this purpose, significant is defined as a number equal to or greater than 5 percent of the residential threshold for DRI's in Miami-Dade County, i.e. a shortage of 150 units or more.

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# **APPENDIX J**

Dedication of Conservation Easement and Declaration of Restrictive Covenant for Wetland Mitigation Related to the Villages of Homestead DRI, dated August 30, 1994 This Page Intentionally Left Blank

EAS ENGINEERING, INC.

55 ALMERIA AVENUE • CORAL GABLES 33134 • (305) 445-5553 • FAX (305) 444-2112

September 1, 1994

FEDERAL EXPRESS

Ms. Kathy Fanning Dade County DERM 33 S.W. 2nd Avenue Miami, Florida 33130-1540

RECEIVED SEP 0 6 1994

Re: Homestead Motorsports Complex Permit No. FW93-23

ENVIRONMENTAL RESOURCES MANAGEMENT

Dear Ms. Fanning:

Enclosed is a copy of the recorded conservation easement for the mitigation area required by the above referenced permit. This submittal satisfies Specific Condition No. 13.b. of the permit.

Should you have any questions, please do not hesitate to call.

Sincerely,

EAS Engineering, Inc.

wakon, P.E. dward Α.

President

(9425.002)

Enclosure

# DEDICATION OF CONSERVATION EASEMENT AND DECLARATION OF RESTRICTIVE COVENANTS

The City of Homestead, a Florida municipal corporation, its successors and assigns (hereinafter referred to as "Owner"), as the Owner of certain property located in Dade County, Florida, more particularly described in Exhibit "A" attached hereto and made a part hereof (hereinafter referred to as "Property") hereby grants to the United States Department of Army Corps of Engineers ("Corps"), the United States Department of Interior Fish and Wildlife Service, Florida Department of Environmental Protection ("DEP"), South Florida Water Management District ("SFWMD") and the Dade County Department of Environmental Resources Management ("DERM"), collectively referred to as the "Agencies", a conservation easement over the Property and impresses upon the Property such restrictive covenants set forth below (the "Dedication and Declaration") on behalf of the Agencies. The United States Environmental Protection Agency ("USEPA") is a third-party beneficiary of this Dedication and Declaration and shall have other rights as set forth hereinafter.

#### RECITALS

WHEREAS the Owner is the owner of the fee simple title of the Property; and

WHEREAS the Owner has entered into a Consent Agreement and Final Order with the USEPA, Docket No. 404-94-08 ("Consent Agreement"), which provides, in part, that the Owner "shall place a Restrictive Covenant" on a 10 acre mitigation site (the "Mitigation Site"). The location of the Mitigation Site is shown on Exhibit "B"; and

WHEREAS the Owner has applied for and received certain permits and approvals from the Agencies to undertake the development of certain property more particularly described in Exhibit "C" known as the Homestead Motorsports Complex ("Permits"). A listing of the Permits received by the Owner for the "Homestead Motorsports Complex" is attached hereto as Exhibit "D"; and

WHEREAS as mitigation for the adverse wetland impacts associated with the development of the project, the Owner proposes to implement the "Homestead Motorsports Complex Mitigation Plan" prepared by EAS Engineering and dated the 9th day of May, 1994 ("Mitigation Plan"), which has been submitted to and approved by the Agencies as part of the Owner's Permits necessary to undertake development of the project. The Mitigation Plan approved by the Agencies and made a part of the Permits is incorporated herein, by reference. Under the Mitigation Plan, the Owner will restore and preserve approximately 164 acres of exotic infested wetlands ("Restoration Area"), described in Exhibit "E", and preserve approximately 320 acres of impacted wetlands ("Preservation Area") described in Exhibit "F"; and



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WHEREAS pursuant to the Consent Agreement and in consideration for the Permits to undertake development of the project, the Owner has agreed to impress upon the Restoration Area and Preservation Area (hereinafter collectively, the "Property"), certain covenants and restrictions and a conservation easement for the preservation and enhancement of the Property, in perpetuity.

NOW THEREFORE, in consideration for the issuance of the Permits to the Owner and pursuant to the Consent Agreement and for other valuable consideration the receipt and adequacy of which are hereby acknowledged, the Owner hereby grants to the Agencies a conservation easement in accordance with Section 704.06, Florida Statutes (1993), in and over the Property and impresses upon the Property such restrictive covenants as set forth below:

1. Except as provided herein, the Owner hereby covenants that neither it, nor its successors, assigns, agents, employees or servants, or any of them, shall in any way alter the vegetation, soils or hydrology of the Property by action or actions taken within or without the boundaries of the Property. The intent of the Owner in placing these restrictions upon the use of the Property is that the Property is to be protected in perpetuity, for the purposes of conservation and protection of public health and the environment, and shall not be altered from that state by human intervention, except as set forth herein.

2. Except for such specific activities as are authorized pursuant to the Permits or necessary to implement the requirements of the Consent Agreement, if any, including but not limited to the maintenance and management of the Restoration Area as specified in the Mitigation Plan, the activities noted below in this paragraph are prohibited in the Property. However, other specific activities may be allowed on such Areas, but only if authorized or approved by all of the Agencies and the USEPA by future permits or other written approvals or authorizations, as applicable to that particular agency and prior to the initiation of any such activities on the Property.

- a. Construction or placing of buildings, roads, signs, billboards or other advertising, utilities, or other structures on or above the ground, except for those structures that presently exist on the Property;
- b. Dumping or placing of soil or other substances or material as landfill, or dumping or placing of trash, waste, or unsightly or offensive materials;
- c. Removal or destruction of trees, shrubs, or other vegetation with the exception of maintenance and management activities specified in the Mitigation Plan or which may be authorized by the Agencies for future enhancement or restoration activities;
- d. Excavation, dredging, or removal of loam, peat, gravel, soil, rock or other material substances as to alter the soils or topography or affect of the surface;



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Page 2 of 8

- e. Surface use except for purposes that permit the land or water area to remain predominantly in its natural condition;
- f. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation;
- g. Acts or uses detrimental to such retention of land, wetland or water areas; and
- h. Acts or uses detrimental to the preservation of the structural integrity or physical appearance of the property having historical, archaeological, or cultural significance.

Provided, however, that the above prohibitions and limitations shall not affect the right to use the Restoration Area for certain passive recreational uses such as hiking, bird watching and wildlife observation areas. Provided further, that the above prohibitions and limitations shall not affect the right to use the Preservation Area for the same and other passive recreational uses such as hiking, biking, bird watching, or horseback riding or to construct bikeways, wooden walkways or equestrian trails through the Property as nature study trails. However, within the Preservation Area all other vehicular traffic shall be prohibited, including but not limited to access by "off road" or "motor cross" types of bicycles, motorcycles, or three and four wheel motorized vehicles. Any such trails within either the Restoration Area or the Preservation Areas shall be constructed of appropriate materials and be designed to avoid impacting the surface or subsurface hydrology of the area and to minimize adverse impacts on soils, vegetation and wildlife. The Owner shall design passive recreational trails and observation areas or any other facilities, if any, within either the Preservation Area or the Restoration Area in consultation with the Agencies and USEPA, and shall construct any such facilities only having received prior written approval from the Agencies and USEPA, their successors or assigns.

3. The Owner is responsible for the management, maintenance and monitoring obligations for the Restoration Area imposed in the Mitigation Plan. The management and maintenance obligations for the Restoration Area imposed in the Mitigation Plan may be assigned to another entity, governmental body or agency, including any one or more of the Agencies, upon the written approval or acceptance by the Agencies and USEPA. Upon assignment of the Mitigation Plan management and maintenance obligations and any necessary Permit modifications, the Owner shall no longer be required to maintain and manage the Restoration Area under this document, the Mitigation Plan, or the Permits.

4. The Owner anticipates implementing a plan approved by the Agencies and USEPA to restore the wetlands within the Preservation Area as the mitigation required by the Agencies to offset future wetland impacts to be proposed by the Owner within the City of Homestead. This Dedication and Declaration or the assignment of the obligations to

Page 3 of 8



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manage or maintain the Restoration Area imposed in the Mitigation Plan shall not restrict the Owner's ability to implement in the future an approved Preservation Area restoration plan and use of the mitigation credits available from the Preservation Area to offset or mitigate any future adverse environmental impacts from other projects of the Owner or entity designated by the Owner. The Agencies and USEPA must approve the Preservation Area plan and consent to the modification of the conservation easement granted herein prior to the implementation of the Preservation Area restoration plan proposed by the Owner.

5. As provided in Section 704.06, Florida Statutes (1993), the Agencies may enforce the provisions of this Dedication and Declaration, either at law or in equity, or to enjoin any activity on or use of the Property as prohibited above. In consideration of settlement of USEPA's enforcement action through the Consent Agreement, USEPA is hereby specifically granted authority to enforce the provisions of this Dedication and Declaration. Appropriate remedy for violation of this Covenant is contemplated by the Owner hereto to include, but not necessarily to be limited to, injunctive relief to restrain such violation and restoration of the Property to wetland conditions. This authority to enforce granted to USEPA shall not preclude or diminish the rights of any other parties at law or equity to enforce the provisions of this Covenant.

6. If any provision of this Dedication and Declaration is found to be invalid, all other provisions of this Dedication and Declaration shall remain in effect unless specifically found to be invalid. In the event this Easement/Covenant is terminated by operation of law, the Owners shall renew this Easement/Covenant or, if necessary, execute and record an appropriate, effective and enforceable substitute instrument as approved by the Agencies and USEPA, and shall provide a copy thereof to the Agencies and USEPA at the appropriate office.

7. In approval or acceptance of any proposal or plan provided to the Agencies and USEPA hereunder, the Agencies and USEPA shall not exercise any discretion in a manner which is arbitrary and capricious.

8. All notices, consents, approvals or other communications required under the provisions of this Dedication and Declaration shall be in writing and shall be deemed properly given if sent by United States certified mail, return receipt requested, addressed to the Owner or the Agencies or USEPA, their successors or assigns.

9. This Dedication and Declaration shall run with the land in perpetuity and shall be binding upon the Owner and its successors or assigns, and shall inure to the benefit of the Agencies and their successors or assigns. The Owner shall provide the Agencies and USEPA with notice of the transfer of the Owner's ownership interest in the Property in accordance with the Agencies' rules. Any deed or legal instrument which transfers the Owner's ownership interest in the Property shall include a provision that the Owner's ownership interest in the Property is transferred subject to this Dedication and Declaration.



GTH\SCHULMANC\249237.1\08/15/94

Page 4 of 8

10. The provisions of this Dedication and Declaration may be amended only after written approval of the Owner and all of the Agencies and USEPA, or their successors and assigns.

11. The Owner will manage the portion of the Restoration Area for noxious and exotic plant species in accordance with the provisions of the Mitigation Plan and so that it remains free (i.e., less than ten percent coverage) from noxious vegetation and exotic plant species, including but not limited to the following species:

Albizzia lebbeck	Cestrum diurnum
Schinus terebinthifollus	Dioscorea bulbifera
Casuarina spp.	Typha spp.
Melaleuca spp.	Ludwigia peruviana
Bischofia javanica	Neyraudia reynaudiana
Ardisia solanaceae	Panicum repens
Trismeria trifoliata	Ricinus communis
Pennisetum purpureum	Cassia bicapsularis
Cupaniopsis anacardiodes	Colacasia esculenta
Merremmia tuberosa	Hibiscus tiliaceus

12. The Owner agrees to eradicate existing noxious vegetation and exotic plant species through the controlled use of herbicide treatment or other means, such as mechanical clearing, within the Restoration Area as set forth in the Mitigation Plan. Upon eradication of exotics and noxious vegetation, owners further agree to maintain the Restoration Area free from exotics and noxious vegetation in the future.

13. The Owner covenants and agrees to prevent any clearing, removal or trimming of non-noxious native plants in the Restoration Area, except as set forth in the Mitigation Plan or as otherwise approved by the Agencies and USEPA.

14. The Owner covenants and agrees that Agencies and USEPA shall have the right to inspect the Property at reasonable times to determine the Owner's compliance with this Dedication and Declaration. Should any of the Agencies or USEPA determine after such an inspection that some corrective action on the Property is necessary to obtain compliance with the terms of this Dedication and Declaration, the Agencies or any of them shall notify the Owner, in writing, of the particular corrective action to be taken by the Owner and the reasons therefor. The Owner will take or provide alternatives to such corrective action within a reasonable time, provided however, that the Owner shall have the right to appeal such proposed corrective action as appropriate pursuant to the rules of said agency. In addition, the Owner shall be entitled to seek judicial review of any adverse decisions.

15. This Dedication and Declaration shall constitute a covenant running with the Property and shall be recorded in the Public Records of Dade County, Florida, at the cost



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Page 5 of 8

of the Owner, and shall remain in full force and effect and be binding upon the undersigned, and its heirs, successors and assigns until such time as the same is modified or released, as provided for in this Dedication and Declaration.

16. The Owner, its successors and assigns, shall retain all other customary rights of ownership, including but not limited to the exclusive possession of the Property, the right to use the Property in any manner not prohibited by this Dedication and Declaration and which would not defeat or diminish the purposes of this Dedication and Declaration, and the right to transfer or assign interest in the Property, subject to the conditions set forth herein. Specifically, the Owner reserves the right to conduct those activities on the Property as may be required by the Permits, and to allow passive recreational use of the Restoration Area and the Preservation Area, as more fully set forth hereinabove.

17. The Owner shall have the right, for all or any portion of the Property, at some point in the future, to offer substitute mitigation plan in lieu of the Mitigation Plan approved in the Permits. The Owner shall offer the substitute mitigation plan for approval by the Agencies and USEPA. If the proposed substitute mitigation plan is deemed satisfactory and approved by the Agencies and USEPA, this Dedication and Declaration will be altered or released according to the express terms of approval of the substitute mitigation plan.

18. This Dedication and Declaration shall take effect once filed of record among the public records of Dade County, Florida.

19. Enforcement of the terms and provisions of this Dedication and Declaration shall be at the reasonable discretion of the Agencies and USEPA, and any forbearance on behalf of any Agency to exercise their rights hereunder in the event of a breach, shall not be construed to be a waiver of the Agencies' rights.

20. The Owner hereby covenants with the Agencies and USEPA that the Owner is lawfully seized of said property in fee simple; that the Owner has good right and lawful authority to convey this Conservation Easement; and that it hereby fully warrants and defends the title to the Conservation Easement hereby conveyed against the lawful claims of all persons whomsoever.



Signed, executed and witnessed and acknowledged on this 23 day of 0 upped 1994.

City of Homestead, Florida, a Florida municipal corporation

Address: 790 N. Homestead Shrd.

Homestead, 7.1. 33030

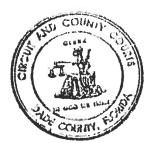
W.. MAYOR

Nelna Buch

WITNESSES:

AIR Print: An 0 ₩€I

**CITY CLERK** 



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STATE OF FLORIDA	)	
	)	SS:
COUNTY OF DADE	)	

The foregoing instrument was acknowledged before me this 23 day of <u>August</u>, 1994, by <u>DEDAIN</u>, as Mayor of the City of Homestead, Florida. He is personally known to me or has produced <u>HERSONAIN</u> as identification and did take an oath.

Notary Public, State of Florida Name: Shakow L ERNST Commission No.: CC 397673

My Commission Expires:

10-1-98

[NOTARIAL SEAL]

This instrument prepared by:
Douglas J. Rillstone, Esq.
Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A.
101 East College Avenue
Tallahassee, Florida 32301 OFFICIAL NOTARY SEAL SHARON L ERNST NOTARY PUBLIC STATE OF FLORIDA COMMISSION NO. C2397673 MY COMMISSION EXP. OCT. 1,1998

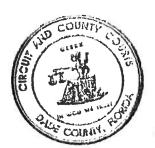
STATE OF FLORIDA, COUNTY OF DADE COUN SO. I NEREBY CERTIFY that this is a true copy of the I in this allie on , A D. 19  $\overline{G}$ THES my h not not Official Seal. IVE RUVIN CLERK of Circuit and County Cue OLANY

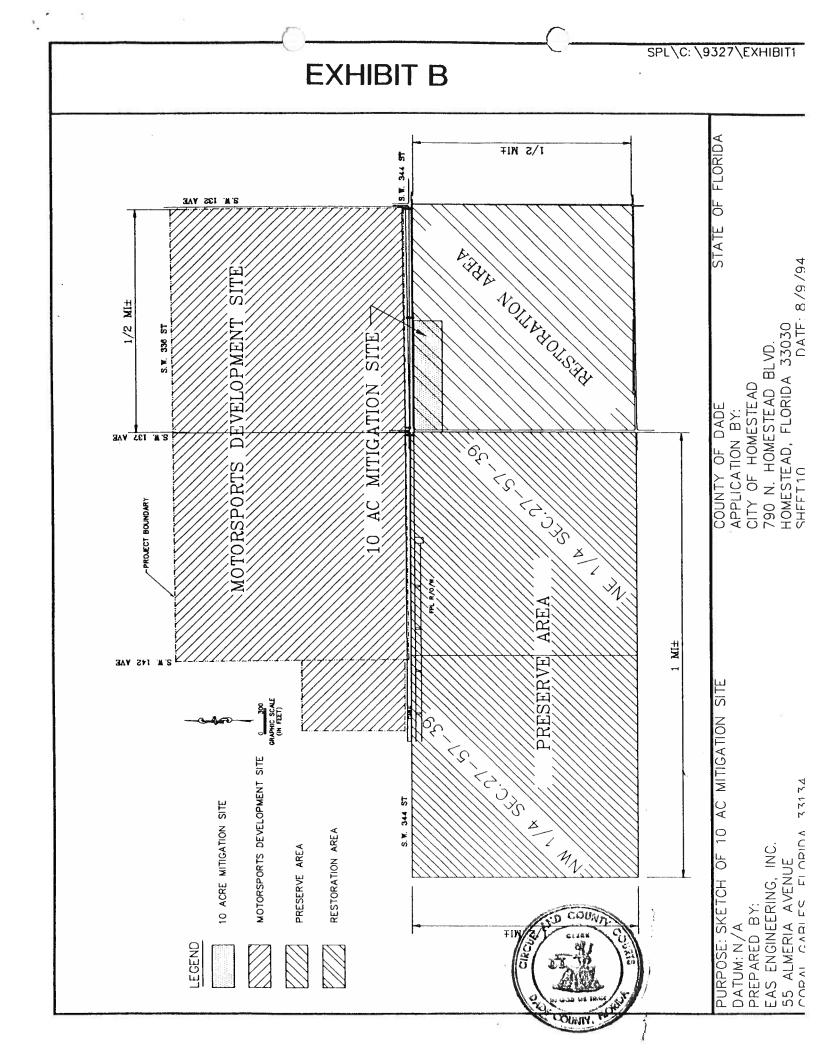
# LEGAL DESCRIPTION OF THE MOTORSPORTS COMPLEX MITIGATION SITE (BOTH RESTORATION AND PRESERVATION AREA)

A PORTION OF THE FLORIDA CITY CENTER LYING IN THE NW 1/4 OF SECTION 26, TOWNSHIP 57 SOUTH, RANGE 39 EAST, DADE COUNTY, FLORIDA, AS SHOWN ON THE PLAT OF "MIAMI DEVELOPMENT COMPANY" SUBDIVISION OF THE SAID SECTION 26, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 5, AT PAGE 10, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LESS THE NORTH 90 FEET OF THE SAID NW 1/4 OF SECTION 26; THE EAST AND SOUTH 30 FEET OF THE SAID NW 1/4 OF SECTION 26 AND THE WEST 35 FEET OF THE SAID NW 1/4 OF SECTION 26.

#### AND INCLUDING

PORTIONS OF LOTS 1 THROUGH 16 OF BLOCK 1 AND LOTS 1 THROUGH 16 OF BLOCK 2 OF THE PLAT OF "MIAMI DEVELOPMENT COMPANY" SUBDIVISION OF SECTION 27, TOWNSHIP 57 SOUTH, RANGE 39 EAST, DADE COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF RECORED IN PLAT BOOK 5, AT PAGE 10, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LESS THEREFROM THE NORTH 90 FEET OF THE NORTH 1/2 OF SAID SECTION 27, THE WEST, SOUTH AND EAST 30 FEET OF THE NW 1/4 OF SAID SECTION 27, THE WEST AND SOUTH 30 FEET OF THE NE 1/4 OF SAID SECTION 27.





# LEGAL DESCRIPTION OF THE MOTORSPORTS COMPLEX DEVELOPMENT SITE

THE SE 1/4 OF SECTION 22 AND THE SW 1/4 OF SECTION 23 AND THE EAST 836.16 FEET OF THE SOUTH 1182.87 FEET OF THE SW 1/4 OF SECTION 22, ALL LYING IN TOWNSHIP 57 SOUTH, RANGE 39 EAST AND BEING IN DADE COUNTY, FLORIDA, LESS EXISTING RIGHT-OF-WAY.



# EXHIBIT "D"

#### LISTING OF PERMITS RECEIVED FOR HOMESTEAD MOTORSPORTS COMPLEX

	Permit No.	Date Issued
Army Corps of Engineers	199301371(IP-RP)	May 9, 1994
Florida Department of Environmental Protection	132379859	April 27, 1994
South Florida Water Management District	13-00711-S	April 14, 1994
Dade County DERM	FW93-023	May 9, 1994

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#### LEGAL DESCRIPTION OF THE 164 AC RESTORATION AREA

A PORTION OF THE FLORIDA CITY CENTER LYING IN THE NW 1/4 OF SECTION 26, TOWNSHIP 57 SOUTH, RANGE 39 EAST, DADE COUNTY, FLORIDA, AS SHOWN ON THE PLAT OF "MIAMI DEVELOPMENT COMPANY" SUBDIVISION OF THE SAID SECTION 26, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 5, AT PAGE 10, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LESS THE NORTH 90 FEET OF THE SAID NW 1/4 OF SECTION 26; THE EAST AND SOUTH 30 FEET OF THE SAID NW 1/4 OF SECTION 26 AND THE WEST 35 FEET OF THE SAID NW 1/4 OF SECTION 26.



#### LEGAL DESCRIPTION OF THE 320 AC PRESERVATION AREA

PORTIONS OF LOTS 1 THROUGH 16 OF BLOCK 1 AND LOTS 1 THROUGH 16 OF BLOCK 2 OF THE PLAT OF "MIAMI DEVELOPMENT COMPANY" SUBDIVISION OF SECTION 27, TOWNSHIP 57 SOUTH, RANGE 39 EAST, DADE COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF RECORED IN PLAT BOOK 5, AT PAGE 10, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LESS THEREFROM THE NORTH 90 FEET OF THE NORTH 1/2 OF SAID SECTION 27, THE WEST, SOUTH AND EAST 30 FEET OF THE NW 1/4 OF SAID SECTION 27, THE WEST AND SOUTH 30 FEET OF THE NE 1/4 OF SAID SECTION 27 AND THE EAST 35 FEET OF THE SAID NE 1/4 OF SECTION 27.



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# **APPENDIX K**

Fiscal Impacts Analysis

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#### FISCAL IMPACTS ON INFRASTRUCTURE AND SERVICES

On October 23, 2001, the Board of County Commissioners adopted Ordinance 01-163 requiring the review procedures for amendments to the Comprehensive Development Master Plan (CDMP) to include a written evaluation of fiscal impacts for any proposed land use change. The following is a fiscal evaluation of the Homestead-Miami Speedway, LLC, Application to amend the CDMP from county departments and agencies responsible for supplying and maintaining infrastructure and services relevant to the CDMP. The evaluation estimates the incremental and cumulative impact the costs of the required infrastructure and service, and the extent to which the costs will be borne by the property owners or will require general taxpayer support and includes an estimate of that support.

The agencies used various methodologies to make their calculations. The agencies rely on a variety of sources for revenue, such as, property taxes, impact fees, connection fees, user fees, gas taxes, taxing districts, general fund contribution, federal and state grants; federal funds, etc. Certain variables, such as property use and location were considered by the service agencies in developing their cost estimates

## Solid Waste Services

#### <u>Concurrency</u>

Since the Department of Solid Waste Management (DSWM) assesses capacity system-wide based, in part, on existing waste delivery commitments from both the private and public sectors, it is not possible to make determinations concerning the adequacy of solid waste disposal facilities relative to each individual CDMP amendment application. Instead, the DSWM issues a periodic assessment of the County's status in terms of 'concurrency' – that is, the ability to maintain a minimum of five (5) years of waste disposal capacity system-wide. According to the assessment, the County currently exceeds the adopted level of service standards (LOS).

## Waste Disposal Capacity and Service

The users pay for the incremental and cumulative cost of providing disposal capacity for DSWM Collections, private haulers and municipalities. The DSWM charges a disposal tipping fee at a contract rate of \$59.77 per ton to DSWM Collections and to those private haulers and municipalities with long term disposal agreements with the Department. For non-contract haulers, the rate is \$78.90. These rates adjust annually with the Consumer Price Index. In addition, the DSWM charges a Disposal Facility Fee to private haulers equal to 15 percent of their annual gross receipts, which is targeted to ensure capacity in operations. Landfill closure is funded by a portion of the Utility Service Fee charged to all retail and wholesale customers of the County's Water and Sewer Department.

## Water and Sewer

The Miami-Dade County Water and Sewer Department (MDWASD) provides for the majority of water and sewer service throughout the county. The cost estimates provided herein are preliminary and final project costs will vary from these estimates. The final costs for the project and resulting feasibility will depend on actual labor and material costs, competitive market conditions, final project scope implementation schedule, continuity of personnel, and other

variable factors. For a total estimated usage of 36,000 gpd (gallons per day), the projected fees that would be paid by the applicant or developer of the site would be \$50,040 for water impact fee, \$201,600 for sewer impact fee, and \$38,754 for annual operating and maintenance costs. The construction connection charges may apply but cannot be provided until the construction of the development has been completed.

# **Flood Protection**

The Department of Environmental Resource Management (DERM) is restricted to the enforcement of current stormwater management and disposal regulations. These regulations require that all new development provide full on-site retention of the stormwater runoff generated by the development. The drainage systems serving new developments are not allowed to impact existing or proposed public stormwater disposal systems, or to impact adjacent properties. The County is not responsible for providing flood protection to private properties, although it is the County's responsibility to ensure and verify that said protection has been incorporated in the plans for each proposed development.

The above noted determinations are predicated upon the provisions of Chapter 46, Section 4611.1 of the South Florida Building Code; Section 24-58.3(G) of the Code of Miami-Dade County, Florida; Chapter 40E-40 Florida Administrative Code, Basis of Review South Florida Water Management District (SFWMD); and Section D4 Part 2 of the Public Works Manual of Miami-Dade County. All these legal provisions emphasize the requirement for full on-site retention of stormwater as a post development condition for all proposed commercial, industrial, and residential subdivisions.

Additionally, DERM staff notes that new development, within the urbanized area of the County, is assessed a stormwater utility fee. This fee commensurate with the percentage of impervious area of each parcel of land, and is assessed pursuant to the requirements of Section 24-61, Article IV, of the Code of Miami-Dade County. Finally, according to the same Code Section, the proceedings may only be utilized for the maintenance and improvement of public storm drainage systems.

Based upon the above noted considerations, it is the opinion of DERM that Ordinance No. 01-163 will not change, reverse, or affect these factual requirements.

## Fire Rescue

The Miami-Dade Fire Rescue Department (MDFR) states that the existing Homestead-Miami Speedway is served by Station No. 66, located at 3100 SE 8 Street and Station No. 65, located at 1350 SE 24 Street. In addition to the aforementioned stations, MDFR also provides fire-rescue services though the MDFR Special Events Bureau when necessary. The MDFR indicates that the proposed application would not require any changes to existing fire flow conditions, and that fire service within the vicinity of the Homestead-Miami Speedway is adequate.