

# **Villages of Homestead**

## **Notification of Proposed Change (NOPC) to a Previously Approved Development of Regional Impact (DRI)**

**December 30, 2011**

**Prepared By:**

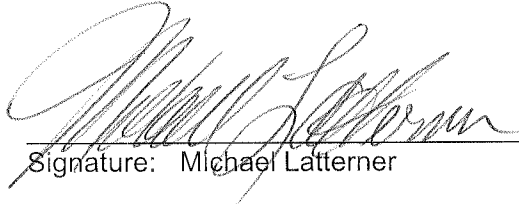
Ford, Armenteros & Manucy, Inc.  
1950 NW 94<sup>th</sup> Avenue, 2<sup>nd</sup> Floor  
Miami, Florida 33172  
Phone: (305) 477-6472  
Fax: (305) 470-2805

STATE OF FLORIDA  
DEPARTMENT OF ECONOMIC OPPORTUNITY  
DIVISION OF COMMUNITY DEVELOPMENT  
107 East Madison, MSC 160  
Tallahassee, Florida 32399-4120  
(850) 717-8534

**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.

1. I, **Michael Latterner**, General Partner, of M&H Homestead, Ltd., 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 South Florida Regional Planning Council, and to the Bureau of State Planning, Department of Community Affairs.

  
\_\_\_\_\_  
Signature: Michael Latterner

11/3/12  
Date

2. Applicant (name, address, phone)

Michael Latterner, Trustee  
M&H Homestead, Ltd.  
13 SW 7<sup>th</sup> Street  
Miami, Florida 33130  
(305)372-1266

3. Authorized Agent (name, address, phone)

Michael Latterner  
M&H Homestead, Ltd.  
13 SW 17<sup>th</sup> Street  
Miami, Florida 33130  
(305)372-1266

Omar Armenteros, P.S.M.  
Ford, Armenteros & Manucy, Inc.  
1950 NW 94<sup>th</sup> Avenue, 2<sup>nd</sup> Floor  
Miami, Florida 33172  
(305)477-6472

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

Response

The approved Villages of Homestead ("VOH") 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 17, 19, 20, 21, 22, 28, and 29.

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.

Response

The proposed changes in this application focus primarily in the redistribution of residential and commercial density throughout different Sectors of the VOH DRI.

These simultaneous increases and decreases of density throughout the different Sectors of the DRI are being proposed to accommodate changing development patterns in the broader community and in an effort to provide a development mix that better matches the needs of the area.

In order to bring this mixed development style to fruition, this application is also proposing the creation of a new category. This new category will be called "Mixed Use (Commercial/Residential)" and will allow for commercial and residential developments to coexist in the same parcel. Considering that this type of development allows for one to live and work within the same area, it will reduce the carbon footprint for the residents of this area. This new category will be applied to areas of Sectors 10, 11, 14, and 16 of the DRI. It is important to note that the number of units and commercial square feet will both be decreased upon approval of this application.

This needed redistribution of residential and commercial uses/density throughout the DRI will trigger the decrease in various land use categories. There will be an overall decrease of residential use, allowing for a maximum of 9,860 dwelling units within the entire DRI.

The Commercial square footage will decrease by 50,000 s.f. The maximum square footage allowed throughout the DRI will be 924,000 s.f., which will be distributed between Commercial Use and Mixed Use (Commercial/Residential).

The Office square footage will also be decreased significantly from 241,000 s.f. to a maximum of 134,000 s.f.

Additionally, in the past years the Baptist Homestead Hospital, located outside of the DRI, has obviated the need for a hospital within the DRI property. Therefore, the elimination of 13 acres of Hospital Use is being requested as a part of this application as well.

The overall Industrial Use will decrease by 30.20 acres, to a maximum of 244.90 acres.

The Open Space category will increase to a total of 608.15 acres, which is an increase of 7.88 acres. In 2005 the Department of Community Affairs (now known as the Department of Economic Opportunity) approved an administrative change to the DRI in order to allow a shift of schools and park in Sector 5; this shift triggered an increase of 0.97 acres of Open Space that was not taken into consideration in the administratively approved "Proposed Land Use Chart." The chart has been revised to reflect this additional acreage.

Furthermore, a 6.91-acre parcel that was acquired by the Keys Gate Association in 2006, which has been set aside as mitigation land, is being incorporated into the overall Open Space Category. However, it is important to mention that this parcel, which is located in Sector 4, lied within the DRI limits as lands "not owned;" therefore, the

actual boundary lines for the DRI have not changed. A legal description for the referenced outparcel is included in this report as Exhibit "J-2."

Below is a detailed list of the changes proposed for each sector:

Sector 1:

- Change the number of dwelling units to 852. This is a reduction of 131 dwelling units, which will be transferred to other sector(s) within the DRI.

Sector 3:

- According to the 1985 Consolidated Application for Development Approval (1985 CADA) a shift of dwelling units of up to 10% is allowed during development. This application is proposing an increase of 43 dwelling units to accommodate the units that were shifted to Sector 3 during development. The maximum number of dwelling units for Sector 3 will be capped at 894, which have already been built.

Sector 4:

- Sector 4 has been completely build-out; this application is proposing a reduction of 349 dwelling units to reflect the number of units already built. The maximum number of dwelling units in Sector 4 shall be 2,148.
- Incorporate into the Open Space Category a 6.91-acre parcel that was originally "not owned." Since this parcel is located within the boundaries of the DRI, there will be no changes in the overall boundary of the Master Plan. The Legal Description for the referenced parcel is included in this report as Exhibit "J-2."

Sector 5:

- Increase the Open Space Park acreage by 0.97 acres.

Sector 6:

- Sector 6 has been completely built with a total of 487 dwelling units. In order to reflect the accurate number of units in this Sector this application is proposing a reduction of 157 units in this Sector.

Sector 7:

- Sector 7 has been completely built. Change the number of dwelling units to a maximum of 254 in order to reflect the correct number already built. This is a reduction of 349 units in this Sector.

Sector 8:

- Change the number of dwelling units to 315. This is a decrease by 70 units within this Sector.

Sector 10:

- Increase the number of dwelling units within the Residential Use to 929.

- Incorporate the Mixed Use Category, which will allow for an additional 515 dwelling units to be developed together with commercial in 55.47 acres of land. This change will trigger a decrease in Commercial Use; the maximum acreage allowed for Commercial Use within Sector 10 will be 16 acres.
- The combined increase of dwelling units within Sector 10 will be a total of 526 units, allowing for a maximum of 1,444 units to be built within this Sector.

Sector 11:

- Increase the overall number of dwelling units in this Sector by 91. Currently there are 954 units built in this Sector; with the proposed Mixed Use Category, an additional 130 dwelling units will be built together with commercial in 16.22 acres of land. The maximum number of dwelling units in this Sector will be 1,084.
- Change the maximum acreage allowed for Commercial Use within this Sector to 4.50 acres.
- Decrease the Office Use acreage to a maximum of 10 acres. Change the Office square footage to a maximum of 134,000 s.f., which is a reduction of 107,000 s.f. in the overall Office Use throughout the DRI.
- Eliminate the entire 13 acres of Hospital Use.

Sector 12:

- Change the number of dwelling units to a maximum of 1,086 units; this is an increase of 189 units overall within this Sector.
- Change the total acreage for Hotel Use to a maximum of 14.67 acres; however, the maximum number of rooms allowed will remain at 400 rooms.

Sector 14:

- Change the Industrial Use to a maximum of 239.80 acres; this is a decrease of 30.20 acres of Industrial Use in this Sector.
- Incorporate the Mixed Use Category, which will allow for 189 dwelling units to be developed together with commercial in 21.54 acres of land.
- Add 8.66 acres of Commercial Use within Sector 14.
- The overall increase of dwelling units within this Sector will be 189 units.

Sector 16:

- Incorporate the Mixed Use Category in the 9.57 acres that was previously approved for either Commercial or Residential Use. This change will allow for 300 dwelling units to be developed together with commercial in a total of 9.57 acres of land.

6. Complete the attached Substantial Deviation Determination Chart for all land use types approved in the development. If no change is proposed or has occurred, indicate no change.

Response

The VOH DRI was originally approved in 1975 as a mixed-use, planned unit development (PUD) community. In 1985 the PUD Master Plan was amended and a Consolidated Application for Development Approval (CADA) was approved pursuant to City of Homestead Ordinance No. 85-05-34. A copy of the approved 1985 Master Development Plan and Land Use Data Chart are attached as Exhibits "A" and "B," respectively, for reference purposes. The currently approved Master Development Plan and Land Use Chart (Ordinance No. 2011-07-08) are also attached for easy reference; same are included as Exhibits "C" and "D," respectively. The Proposed Master Development Plan and Land Use Chart are presented in Exhibits "E" and "F." A graphic representation of the changes is attached as Exhibit "G" (Cumulative Changes By Sector) and a table outlining the changes on a sector by sector basis is attached as Exhibit "H." The Substantial Deviation Chart, which outlines the approved, proposed, and cumulative changes based on the land use is attached as Exhibit "I."

7. **List all the dates and resolution numbers (or other appropriate identification numbers) of all modifications or amendments to the originally approved DRI development order that have been adopted by the local government, and provide a brief description of the previous changes (i.e., any information not already addressed in the Substantial Deviation Determination Chart). Has there been a change in local government jurisdiction for any portion of the development since the last approval or development order was issued? If so, has the annexing local government adopted a new DRI development order for the project?**

Response

The Villages of Homestead Development of Regional Impact was created and approved by Ordinance No. 75-11-70 dated December 3, 1975. The original Development Order was modified by the subsequent Ordinances Nos. 76-02-9, 79-10-32, 81-07-47, 84-05-32, 84-05-33, 85-05-34, 87-01-1, 94-05-32, 94-05-33, 94-10-100, 94-10-104, 99-05-29, 2001-12-36, 2011-03-05, 2011-07-08, and 2011-08-15. A copy of the original development order and its amending ordinances are included in Exhibit "K."

In 1975, the City of Homestead issued a development order under Chapter 380, Florida Statutes (1972) for the VOH. This Development Order was adopted as Ordinance No. 75-11-70 of the City of Homestead, Florida. Following the adoption of this Ordinance, the South Florida Regional Planning Council appealed the Development Order. Thereafter, a stipulation was entered into among the Developer, the City of Homestead, and the South Florida Regional Planning Council, which resulted in an amendment to the 1975 Development Order. The amended Development Order was enacted as Ordinance No. 76-02-9 of the City of Homestead.

## FORM RPM-BSP-PROCHANGE-1

In 1979, the City of Homestead issued Ordinance No. 79-10-32 amending the 1976 Development Order. It was found that the following changes did not constitute a material or significant deviation under Chapter 380 or under the Homestead City Code:

- (1) A change in the location of the golf course on the overall Master Plan;
- (2) The elimination of SW 147<sup>th</sup> Avenue as it ran on the east side of the relocated golf course;
- (3) A rebalancing of the density of the total project consistent with the policy previously approved by the Planning and Zoning Board and the City Council of the City of Homestead with the overall density not to exceed two hundred (200) additional units for the total project area;
- (4) A relocation of certain recreational areas including the formation of a larger approximately one hundred (100) acre lake on the northeast side of the newly located golf course;
- (5) Relocation of the industrial area.

In 1981, the City of Homestead further amended the 1976 Development Order by adopting Ordinance No. 81-07-47. The changes approved by this Ordinance were enumerated in the Ordinance by reference to an impact study prepared for the Villages of Homestead, dated May 1981. These changes were determined not to be substantial deviations under Chapter 380, Florida Statutes.

In 1984, the City of Homestead adopted City Ordinances Nos. 84-05-32 and 84-05-33, which further amended the 1976 Development Order. The main purpose of these amendments was to add two outparcels to the PUD. These changes were found not to constitute a substantial deviation under Chapter 380.

In 1985, the 1976 Development Order was further amended by Development Order Ordinance No. 85-05-34. The changes approved were listed in the Ordinance accordingly. One of the conditions of this approval was the submittal of the Consolidated Application for Development Approval (CADA) within six months from the adoption of the Ordinance; the CADA was submitted on December 1, 1985.

In 1987, the 1976 Development Order was further amended by "Amended Development Order" Ordinance No. 87-01-1, adopted February 2, 1987. The 1987 Amended Development Ordinance adopted the revised "Villages of Homestead Master Development Plan" prepared by Environmental Planning and Design, last revised January 27, 1987. It was determined that the revisions approved were found not to constitute a substantial deviation under Chapter 380.

On June 23, 1993, Homestead Properties sold its entire interest in the project to V.O.H. Acquisition, Inc. At the closing of that transaction, V.O.H. Acquisition, Inc. assigned

title to that portion of the project east of Kingman Road and south of North Canal Drive to the City of Homestead under that certain Agreement to Assign Contract Rights between V.O.H. Acquisition and the City of Homestead dated April 20, 1993. The Agreement to Assign Contract Rights is recorded in O.R. Book 16258, Page 2780 of the Public Records of Miami-Dade County, Florida, and is included herewith as Exhibit "J."

In May 1994, the City of Homestead enacted Ordinance No. 94-05-32, which amended the City of Homestead Comprehensive Master Land Use Plan as follows:

- (1) Page I-P of the Plan's Land Use Element, entitled "Villages of Homestead Master Development Plan," was deleted.
- (2) The legend on Page I-O of the Plan's Land Use Element was modified by changing the land use description "Villages of Homestead P.U.D./D.R.I. Boundary" to "Villages of Homestead" (Land uses permitted under this category include all the uses under the Development Order for the Villages of Homestead Development of Regional Impact)".

Also in May 1994, the City of Homestead enacted Ordinance No. 94-05-33; it was determined that the changes approved by this Ordinance were found not to constitute a substantial deviation under Chapter 380.

On November 7, 1994, the City of Homestead passed and adopted Ordinance No. 94-10-100; the approved changes were as follows:

- (1) The maximum number of residential dwelling units shall not exceed 10,056 dwelling units.
- (2) The maximum number of commercial square feet shall be 974,000 s.f. on 90.18 acres.
- (3) The hotel shall be limited to 400 hotel units.
- (4) The maximum number of industrial square feet shall be 3,100,000 s.f. on 270 acres.
- (5) The developer shall develop a 127-bed hospital on thirteen (13) acres.
- (6) The maximum number of office square feet shall be 241,000 s.f. on 13.82 acres.
- (7) Recreation/Open Space shall be 596.83 acres.
- (8) The Community Park lands shall be 86.30 acres.
- (9) The Golf Course shall be 150 acres.

- (10) Lands identified as school sites shall be 58.34 acres.
- (11) The development of the DRI property shall be in substantial compliance with the Master Development Plan approved by this Ordinance.
- (12) The Proposed Master Development Plan shall supersede the prior approved development plans and shall control the development of the DRI.

In 1994, the City of Homestead adopted City Ordinance 94-10-104, which amended the 1976 Development Order as follows:

- (1) Reduction of 11.21 acres of commercial use.
- (2) Increase of 200 hotel rooms to a maximum of 400 rooms.
- (3) Increase of 370 dwelling units.
- (4) Reduction of 406 pm peak hour trips.

In May 1999, the City of Homestead adopted City Ordinance 99-05-29, which approved the following changes:

- (1) Reduction of 174 residential Dwelling Units.
- (2) Reduction of 11 acres of School.
- (3) Reduction of 4.85 acres of Retail.
- (4) Increase of 67.02 acres of Open Space/Park.
- (5) Increase of 93 acres of Grassed/Overflow Parking.

In December 2001, the City of Homestead passed Ordinance No. 2001-12-36, amending the Development Order for the VOH DRI as follows:

- (1) The maximum number of residential dwelling units within the DRI shall not exceed 9,882 dwelling units.
- (2) The commercial development within the DRI shall not exceed 974,000 square feet on 107.52 acres.
- (3) The hotel shall be limited to 400 hotel rooms.

FORM RPM-BSP-PROCHANGE-1

- (4) The industrial development within the DRI shall not exceed 3,100,000 square feet on 275.10 acres.
- (5) The Developer shall develop a 127-bed hospital on 13 acres.
- (6) The office development within the DRI shall not exceed 241,000 square feet on 14.50 acres.
- (7) The DRI shall have 843.23 acres of recreation/open space, of which 2.21 acres shall be private recreation space, 90.75 shall be community park, and 150 acres shall be golf course.
- (8) Land identified as school sites shall be 58.34 acres.
- (9) The Major Events described in Exhibit "H" of the NOPC approved pursuant to city of Homestead Ordinance 94-05-33 shall be limited to eighteen (18) days in any given calendar year. Notwithstanding anything to the contrary in said Exhibit "H" and/or Ordinance, 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.
- (10) The attraction/recreation uses shall be on 527.90 acres as follows: The Baseball Facility shall be on 100 acres. The Motor Sports Facility shall be on a total of 427.90 acres, of which 203 acres shall be designated for the Motor Sports Facility grass buffer/overflow parking.
- (11) All use and development activities authorized herein shall comply with the environmental regulatory permits (the "Permits") as described in the Notice and as issued by the Miami-Dade County Department of Environmental Resource Management (DERM), the South Florida Water Management District (SFWMD) and the US Army Corps of Engineers (USACOE). No development authorized in this Ordinance shall be undertaken unless such Permits have first been issued, and all development must comply with the Permits, as amended from time to time. A copy of the DERM, SFWMD, and USACOE permits, as issued and amended, shall be maintained on file in the City Clerk's office.
- (12) The development of the DRI property shall be in substantial compliance with the Proposed Master Plan entitled "Proposed Master Plan/Keys Gate at the Villages of Homestead," dated 10-26-01 and revised 11-29-01, and attached hereto as Exhibit "A," and the Proposed Master Development Plan – Proposed Land Use Chart, dated 11-28-01, attached hereto as Exhibit "B."

In March 2011, the City of Homestead adopted Ordinance No. 2011-03-05, amending the Development Order for the VOH DRI as follows:

FORM RPM-BSP-PROCHANGE-1

- (1) The maximum number of residential dwelling units within the DRI shall not exceed 9,882 dwelling units.
- (2) The commercial development within the DRI shall not exceed 974,000 square feet on 107.52 acres.
- (3) The hotel shall be limited to 400 hotel rooms.
- (4) The industrial development within the DRI shall not exceed 3,100,000 square feet on 275.10 acres.
- (5) The Developer shall develop a 127-bed hospital on 13 acres.
- (6) The office development within the DRI shall not exceed 241,000 square feet on 14.50 acres.
- (7) The DRI shall have 843.23 acres of recreation/open space, of which 2.21 acres shall be private recreation space, 90.75 shall be community park, and 150 acres shall be golf course.
- (8) Land identified as school sites shall be 93.64 acres.
- (9) The attraction/recreation uses shall be on 527.90 acres as follows: The Baseball Facility shall be on 100 acres, of which up to 25.3± acres may be developed with a school. The Motor Sports Facility shall be on a total of 427.90 acres, of which 203 acres shall be designated for the Motor Sports Facility grass buffer/overflow parking.

In August 2011, the City of Homestead passed Ordinance No. 2011-07-08, amending the Development Order for the VOH DRI as follows:

- (1) The maximum number of residential dwelling units within the DRI shall not exceed 9,878 dwelling units.
- (2) The commercial development within the DRI shall not exceed 974,000 square feet on 107.52 acres.
- (3) The hotel shall be limited to 400 hotel rooms.
- (4) The industrial development within the DRI shall not exceed 3,100,000 square feet on 275.10 acres.
- (5) The Developer shall develop a 127-bed hospital on 13 acres.

FORM RPM-BSP-PROCHANGE-1

- (6) The office development within the DRI shall not exceed 241,000 square feet on 14.50 acres.
- (7) The DRI shall have 843.23 acres of recreation/open space, of which 2.21 acres shall be private recreation space, 90.75 shall be community park, and 150 acres shall be golf course.
- (8) Land identified as school sites shall be 93.64 acres.
- (9) The Major Events described in Exhibit "H" of the NOPC pursuant to City of Homestead Ordinance 94-05-33 shall be limited to eighteen (18) days in any given calendar year. Notwithstanding anything to the contrary in said Exhibit "H" and/or this Ordinance, a Major Event shall mean an event or separate events conducted simultaneously at the Baseball Facility and/or Motor Sports for which the number of spectators exceeds 28,000. All weekday Major Events shall be limited to total of 53,128 spectators seats and a start time of no earlier than 8:00 PM. Spectator seating for weekend Major Events shall be limited to 79,612.
- (10) The attraction/recreation facility uses shall be on 647.90 acres as follows: The Baseball Facility shall be on 100 acres, of which up to 25.3± acres may be developed with a school. The Motor Sports Facility shall be a total of 547.90 acres, of which 203 acres shall be designated for the Motor Sports Facility grass buffer/overflow parking.
- (11) All use and development activities authorized herein shall comply with the environmental regulatory permits (the "Permits") as described in the Notice and as issued by the Miami-Dade County Department of Environmental Resource Management (DERM), the South Florida Water Management District (SFWMD) and the US Army Corps of Engineers (USACOE). No development authorized in this Ordinance shall be undertaken unless such Permits have first been issued, and all development must comply with the Permits, as amended from time to time. A copy of the DERM, SFWMD, and USACOE permits, as issued and amended, shall be maintained on file in the City Clerk's office.
- (12) The development of the DRI property shall be in substantial compliance with the Proposed Master Plan entitled "Proposed Master Plan / Keys Gate at Villages of Homestead," dated 04-26-10, and attached hereto as Exhibit "A," and the Proposed Master Development Plan – Proposed Land Use Chart, dated 07-26-11, attached hereto as Exhibit "B."
- (13) The 120 acres of land immediately north of the existing Motor Sports Facility in Sections 22 and 23, Township 57 South, Range 39 East, which consist of tax folio numbers: 10-7922-001-0071, 10-7923-001-0022, and 10-7923-001-0023 shall only be used for up to 12,000 additional spectator seats and the following ancillary uses associated with the Motor Sports Facility: 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; and other similar uses; provided, however, in no event shall the 120 acres be used for hotels or motels, residential dwelling units, commercial office buildings, shopping centers, or other similar development. The 120 acres may also be used for the agricultural uses described in Exhibit "B" of the recorded Declaration of Restrictive Covenants on an intermittent or temporary basis when the 120 acres is not being used for Motor Sports related purposes.

- (14) Air Quality: At least 120 days prior to the issuance of the first certificate of occupancy for the proposed seat expansion at the Homestead Miami Speedway, the Applicant shall meet with FDEP, DERM and the SFRPC to discuss a Carbon Monoxide Air Quality Analysis for parking facilities and intersections. This analysis shall be based upon the latest FDEP "Guidelines for Evaluating the Air Impacts of Indirect Sources." These guidelines require that the following be considered for air quality modeling:
- a. Intersections impacted by 5 percent or more of the project traffic directly related to the proposed seat expansion, which are located within 5 miles of the Motor Sport Facility and which are projected to operate at Level of Service (LOS) "E" or "F" with the impact of the proposed seat expansion;
  - b. Any surface parking area serving the proposed seat expansion generating 1,500 (or greater) vehicle trips per hour;
  - c. Any parking garage serving the proposed seat expansion generating 750 (or greater) vehicle trips per hour.

The analysis shall demonstrate that the National Ambient Air Quality Standards for Carbon Monoxide shall not be violated as a result of the proposed seat expansion and if necessary, shall include corrective mitigation measures for which the Applicant shall be responsible.

- (15) Storm Water Management, Disposal and Utility Program: Prior to the issuance of a building permit for any new construction or development within the 120-acre Application Area; the Applicant shall secure any required new permit or permit modification from the Miami-Dade County Department of Environmental Resources Management (DERM), or South Florida Water Management District (SFWMD), as applicable.
- (16) Wetlands: During the roadway design phase associated with the proposed realignment of SW 137 Avenue, the Applicant shall meet with DERM, SFWMD, and Army Corps of Engineers to determine if any jurisdictional wetlands may be

impacted by the proposed realignment of SW 137 Avenue, and secure any necessary environmental permit(s), prior to construction.

- (17) Potable Water: Prior to the issuance of a building permit for any new construction or development within the 120-acre Application Area, the Applicant shall secure approval(s) from all appropriate governmental agencies having jurisdiction over potable water allocation, treatment plant capacity and transmission to ensure compliance with all applicable federal, state and local regulations.
- (18) Water Conservation: Applicant shall utilize ultra-low volume water use plumbing fixtures, self-closing and/or metered water faucets, Florida-friendly (drought tolerant) landscape techniques, and other water efficiency and conservation devices and or methods in accordance with Section 8-31...32-84 and 8A-381 of the Miami-Dade County Code and Chapter 29 of the City of Homestead Code of Ordinances.
- (19) Sanitary Sewer: Prior to the issuance of a building permit for any new construction or development within the 120-acre Application Area, the Applicant shall secure approval(s) from all appropriate governmental agencies having jurisdiction over sanitary sewer transmission and plant capacity to ensure compliance with all applicable federal, state and local regulations.
- (20) Aquifer Recharge: One hundred percent (100%) of the storm-water runoff from the 100 year, 3 day storm event for the 120 acres site shall be retained on site as well as on the adjacent Motor Sports Facility property, thereby greatly facilitating aquifer recharge. The Owner shall obtain all necessary permits and/or permit modifications from DERM and/or the SFWMD in order to construct any necessary drainage improvements.
- (21) A proposed amended development order termination date that reasonably reflects the time required to complete the development is December 31, 2023.
- (22) The Proposed Master Plan, dated 07-26-11, which is attached hereto as Exhibit "A" shall supersede all prior approved development plans, shall serve as the Master Development Plan for the DRI, and shall control the development of the DRI. The properties governed by the Proposed Master Plan shall be developed and used in accordance with the Proposed Master Plan, and in accordance with the purposes and conditions of the this Ordinance.
- (23) The Proposed Master Development Plan – Proposed Land Use Chart dated 07-26-11 (the Proposed Land Use Chart) attached as Exhibit "B" shall supersede all prior approved Land Use Charts, shall serve as the Master Development Plan Land Use Chart for the DRI, and in conjunction with the Proposed Master Plan, shall control the development of the DRI. The properties governed by the Proposed Land Use Chart shall be developed and used in accordance with the

Proposed Land Use Chart, and in accordance with the purposes and conditions of this Ordinance.

Also in August 2011, the City of Homestead passed and adopted Ordinance No. 2011-08-15, amending the Development Order for the VOH DRI as follows:

- (1) The maximum number of residential dwelling units within the DRI shall not exceed 9,878 dwelling units.
- (2) The commercial development within the DRI shall not exceed 974,000 square feet on 107.52 acres.
- (3) The hotel shall be limited to 400 hotel rooms.
- (4) The industrial development within the DRI shall not exceed 3,100,000 square feet on 275.10 acres.
- (5) The Developer shall develop a 127-bed hospital on 13 acres.
- (6) The office development within the DRI shall not exceed 241,000 square feet on 14.50 acres.
- (7) The DRI shall have 843.23 acres of recreation/open space, of which 2.21 acres shall be private recreation space, 90.75 shall be community park, and 150 acres shall be golf course.
- (8) Land identified as school sites shall be 130.64 acres.

8. **Describe any lands purchased or optioned within ¼ mile of the original DRI site subsequent to the original approval or issuance of the DRI development order. Identify such land, its size, intended use, and adjacent non-project land uses within ½ mile on a project master site plan or other map.**

Response

The Villages of Homestead DRI was amended in 1979, 1984, 1985, and 2011 to include out-parcels. The legal description of the out-parcels added are set forth in Ordinance Nos. 79-08-48, 84-05-32, 85-05-33, and 2011-07-08 of the City of Homestead (see Exhibit "K").

This application is adding a 6.91-acre parcel within Sector 4, which will be designated open space. The inclusion of this parcel in the DRI does not affect the overall boundaries because the same was already located within the boundaries of the DRI; however it was considered "non-owned" lands. The legal description for this out-parcel is made a part of this application as Exhibit "I-2."

9. Indicate if the proposed change is less than 40% (cumulatively with other previous changes) of any of the criteria listed in Paragraph 380.06(19) (b), Florida Statutes.

Do you believe this notification of change proposes a change which meets the criteria of Subparagraph 380.06(19) (e) 2. F.S.

YES \_\_\_\_\_ NO  X

10. Does the proposed change result in a change to the build-out date or any phasing date of the project? If so, indicate the proposed new build-out or phasing dates.

Response

Ordinance No. 2011-07-08 approved the termination date to be extended until December 31, 2023. No changes to the completion date are being requested at this time.

11. Will the proposed change require an amendment to the local government comprehensive plan?

Response

The changes proposed in this application do not require an amendment to the local comprehensive plan.

12. Provide the following for incorporation into such an amended development order, pursuant to Subsection 380.06 (15), F.S., and 9J-2.025, Florida Administrative Code:

An updated master site plan or other map of the development portraying and distinguishing the proposed changes to the previously approved DRI or development order conditions.

Response

Attached as Exhibits "E" and "F" are the *Proposed Master Development Plan* and *Proposed Land Use Chart*, respectively. The referenced plan and table portray the proposed changes to the approved Master Development Plan. Exhibits "G" and "H" provide for a summary of the proposed changes.

13. Pursuant to Subsection 380.06(19) (f), F.S., include the precise language that is being proposed to be deleted or added as an amendment to the development order. This language should address and quantify:

- a. All proposed specific changes to the nature, phasing, and build-out date of the development; to development order condition and requirements; to commitments and representations in the Application for Development Approval; to the acreage attributable to each described proposed change of land use, open space, areas for preservation, green belts; to structures or to other improvements including locations, square footage, number of units; and other major characteristics or components of the proposed change;

Response

Proposed changes to the City of Homestead Ordinance No. 2011-08-15 conditions should be changed from:

FROM:

Section 2. Amendment to Section 2 of Ordinance 2011-08-15: The Proposed Changes are hereby approved subject to the following conditions:

- 2.1 The maximum number of residential dwelling units within the DRI shall not exceed 9,878 dwelling units.
- 2.2 The commercial development within the DRI shall not exceed 974,000 square feet on 107.52 acres.
- 2.3 The hotel shall be limited to 400 hotel rooms.
- 2.4 The industrial development within the DRI shall not exceed 3,100,000 square feet on 275.10 acres.
- 2.5 The Developer shall develop a 127-bed hospital on 13 acres.
- 2.6 The office development within the DRI shall not exceed 241,000 square feet on 14.50 acres.
- 2.7 The DRI shall have 843.23 acres of recreation/open space, of which 2.21 acres shall be private recreation space, 90.75 shall be community park, and 150 acres shall be golf course.
- 2.8 Land identified as school sites shall be 130.64 acres.

TO:

Section 2. Amendment to Section 2 of Ordinance 2011-08-15: The Proposed Changes are hereby approved subject to the following conditions:

- 2.1 The maximum number of residential dwelling units within the DRI shall not exceed 9,860 dwelling units.
- 2.2 The commercial development within the DRI shall not exceed 924,000 square feet; which will be distributed between 52.42 acres of Commercial designated lands and 102.80 Mixed Use designated lands.
- 2.3 The hotel shall be limited to 400 hotel rooms.
- 2.4 The industrial development within the DRI shall not exceed 3,100,000 square feet on 244.90 acres, of which 37.00 acres may be set aside for School Use.
- 2.5 Create a new category called Mixed Use (Commercial/Residential) in which Commercial and Residential developments will coexist within the same space.
- 2.6 The office development within the DRI shall not exceed 134,000 s.f. on 10.00 acres. The entire office acreage is currently being used by a Charter School in Sector 11.
- 2.7 The DRI shall have 851.11 acres of recreation/open space, of which 2.21 acres shall be private recreation space, 90.75 acres shall be community park, and 150 acres shall be golf course.
- 2.8 Land identified as school sites shall be 130.64 acres.

**b. An updated legal description of the property, if any project acreage is/has been added or deleted to the previously approved plan of development;**

Response

The legal description for the property is attached as Exhibit "J-1" and the legal description for the additional 6.91-acre out-parcel, which is being incorporated in the DRI with this application is attached as Exhibit "J-2."

**c. A proposed amended development order deadline for commencing physical development of the proposed changes, if applicable;**

Response

Not applicable.

**d. A proposed amended development termination date that reasonably reflects the time required to complete the development;**

Response

Not applicable.

- e. A proposed amended development order date until which the local government agrees that the changes to the DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction, if applicable; and

Response

In recognition to the response to question 13.e. above, development order date until which the local government agrees that the changes the DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction is December 31, 2025. This proposed date is 2 years beyond the development order termination date to allow construction to be completed for the development permitted by December 31, 2023, but not completed by that date.

- f. Proposed amended development order specifications for the annual report, including the date of submission, contents, and parties to whom the report is submitted as specified in Subsection 9J-2.025 (7), FAC.

Response

Not applicable.