



September 27TH, 2018

Florida Department of Economic Opportunity
Bureau of Community Planning
Caldwell Building
107 East Madison – MSC 160
Tallahassee, Florida 32399-4120

City Council

Attention: D. Ray Eubanks, Plans Processing Administrator

Jeff Porter
Mayor

Stephen R. Shelley
Vice Mayor

Jenifer N. Bailey
Councilwoman

Jon Burgess
Councilman

Patricia Fairclough
Councilwoman

Elvis R. Maldonado
Councilman

Larry Roth
Councilman

George Gretsas
City Manager

Re: TRANSMITTAL FOR REVIEW REGARDING AN ORDINANCE OF THE CITY OF HOMESTEAD, FLORIDA AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE MAP DESIGNATION OF AN APPROXIMATELY 10.99 ACRE PARCEL FROM LIGHT COMMERCIAL USE (LCU) TO MEDIUM DENSITY RESIDENTIAL USE (MRU) FOR A PROPERTY LOCATED AT 1554 NE 8TH STREET [PH2017-35] PURSUANT TO FLORIDA STATUTES.

Dear Mr. Eubanks:

Please be advised that the Local Governing Body for the City of Homestead (City Council) held duly advertised a public hearing on September 26th, 2018; approved at first reading the attached proposed Ordinance No. 2018. Adopting an ordinance to the City of Homestead Comprehensive Plan Future Land Use Map Designation by amending an approximately 10.99 acre parcel from Light Commercial Use (LCU) to Medium Density Residential Use (MRU) for a property located at 1554 NE 8th Street, Homestead, Florida 33033. This letter constitutes transmittal of the proposed ordinance to the Department of Economic Opportunity pursuant to approval of the Development Order for PH2017-35 following the requirements of Section 73C-40.025, Florida Administrative Code.

Enclosed, please find one (1) copy of the proposed Ordinance No. 2018.

City Hall

We appreciate the continued assistance and cooperation of the Florida Department of Economic Opportunity. Should you have any questions or require any additional information, please feel free to contact me at 305-224-4524.

100 Civic Court
Homestead, FL 33030
305-224-4400

Very truly yours,

www.cityofhomestead.com

David G. Hennis, AICP
Assistant Development Services Director

cc: Isabel Cosio-Carballo, South Florida Regional Planning Council
Department of Environmental Protection Plan Review – Office of Intergovernmental
Donna Harris, DEO State Land Planning Agency
Ken Jeffries, Florida Department of Transportation, District Six
Terry Manning, South Florida Water Management District
Ana Rijo-Conde, Miami-Dade County Public Schools
Tracy D. Suber, Department of Education
Lawrence Ventura, Homestead Air Reserve Base
Mayor Otis Wallace, City of Florida City, Florida
Mark Woerner, Miami-Dade County – Department of RER
Deena Woodward, Historic Preservation Planner – Department of State

ORDINANCE NO. 2018-_____

AN ORDINANCE OF THE CITY OF HOMESTEAD, FLORIDA, AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE MAP DESIGNATION OF AN APPROXIMATELY 10.99 ACRE PARCEL FROM LIGHT COMMERCIAL USE (LCU) TO MEDIUM DENSITY RESIDENTIAL USE (MRU) FOR PROPERTY LOCATED AT 1554 NE 8TH STREET AS LEGALLY DESCRIBED IN EXHIBIT “A”; AUTHORIZING TRANSMITTAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 163.3184, Florida Statutes, Phoenix Apartments Venture, LP (the “Applicant”) has applied to the City of Homestead, Florida (the “City”), for approval of a Future Land Use Map (“FLUM”) Amendment to the Comprehensive Master Plan (the “Comprehensive Plan”) from Light Commercial Use (LCU) to Medium Density Residential Use (MRU) on an approximately 10.99 acre parcel, as legally described in Exhibit “A” (the “Property”) (Application 2017-35); and

WHEREAS, the City Council of the City of Homestead (the “City Council”) has conducted duly noticed public hearings, in accordance with Section 163.3184(11), Florida Statutes, on the proposed FLUM Amendment; and

WHEREAS, staff recommended approval of the requested FLUM Amendment in its report dated September 26, 2018; and

WHEREAS, the Planning and Zoning Board of the City, sitting as the Local Planning Agency, reviewed this request at its August 29, 2018 meeting, and voted to recommend approval of this request; and

WHEREAS, after reviewing the Local Planning Agency’s recommendation, the recommendation of City staff, and the comments from the public, the City Council finds the proposed FLUM amendment to the City’s Comprehensive Plan, attached as Exhibit

“A” to this Ordinance, is in compliance with and consistent with Florida law and its adopted Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOMESTEAD, FLORIDA:

Section 1. Findings. The foregoing Whereas clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2. Amendment and Adoption of Comprehensive Plan Future Land Use Map (FLUM) Amendment. Pursuant to Section 163.3184, Florida Statutes, the FLUM Amendment to the Comprehensive Plan for the Property, legally described in Exhibit “A,” from Light Commercial Use (LCU) to Medium Density Residential Use (MRU), is hereby amended and adopted.

Section 3. Transmittal. That the City staff is authorized to transmit copies of this Ordinance, and the related FLUM amendment to the City’s Comprehensive Plan as shown in the attached Exhibit “A” to the Florida Department of Economic Opportunity, all other units of local government and governmental agencies as required by Florida law for review and comment, after a vote on first reading of this Ordinance.

Section 4. Conflicts. All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 5. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall

remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. Inclusion in the City of Homestead's Comprehensive Plan. That it is the intention of the City Council of the City of Homestead, and it is therefore ordained, that the amended and adopted FLUM amendment shall become and be made a part of the Homestead Comprehensive Plan.

Section 7. Recording. The City, or the Applicant if so requested by the City Clerk, shall record this Ordinance at the Applicant's sole expense in the Public Records of Miami-Dade County, Florida.

Section 8. Effective Date. That this Ordinance shall be effective immediately upon passage by the City Council on second reading, except that the effective date of the Comprehensive Plan FLUM amendment approved by this Ordinance shall be the date a final order is issued by the Florida Department of Economic Opportunity or Administrative Council finding the Comprehensive Plan FLUM amendment in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. The Florida Department of Economic Opportunity notice of intent to find the Comprehensive Plan FLUM amendment in compliance shall be deemed to be the final order if no timely petition challenging the Comprehensive Plan FLUM amendment is filed.

PASSED on first reading this _____ day of _____ 2018.

PASSED AND ADOPTED on second reading this _____ day of _____, 2018.

Jeff Porter
Mayor

ATTEST:

ELIZABETH SEWELL, MPA, MMC
City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND BENEFIT OF THE CITY ONLY:

WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
City Attorney

Motion to adopt by _____ seconded by _____.

FINAL VOTE AT ADOPTION

<i>Mayor Jeff Porter</i>	_____
<i>Vice Mayor Stephen R. Shelley</i>	_____
<i>Councilwoman Jenifer N. Bailey</i>	_____
<i>Councilman Jon a. Burgess</i>	_____
<i>Councilwoman Patricia Fairclough</i>	_____
<i>Councilman Elvis R. Maldonado</i>	_____
<i>Councilman Larry Roth</i>	_____

Exhibit A

Lot 1, LESS the North 5.00 feet thereof, Block 1, AMENDED PLAT OF FLORENTINA, according to the Plat thereof recorded in Plat Book 30, Page 57, of the Public Records of Miami-Dade County, Florida.

AND

Tracts 5 and 6, of SECOND AMENDED PLAT OF FLORENTINA, according to the Plat thereof recorded in Plat Book 33, Page 61, of the Public Records of Miami-Dade County, Florida, LESS AND EXCEPT that portion of Tract 6 lying Northerly of the Westerly prolongation of the South line of Lot 2 of the AMENDED PLAT OF FLORENTINA, according to the Plat thereof recorded in Plat Book 30, Page 57, of the Public Records of Miami-Dade County, Florida, extended to the West line of said Tract 6, SECOND AMENDED PLAT OF FLORENTINA, Plat Book 33, Page 61, of the Public Records of Miami-Dade County, Florida.

AND

Lot 4, Block 2, less the North 640 feet thereof, of MIAMI LAND AND DEVELOPMENT COMPANY SUBDIVISION OF SECTION 17, TOWNSHIP 57 SOUTH, RANGE 39 EAST, according to the Plat thereof recorded in Plat Book 5, Page 10, of the Public Records of Miami-Dade County, Florida.