



## NEWS & KNOWLEDGE

### Editorial: Soccer At The Seaport?

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Should a soccer stadium be built at PortMiami? Soccer superstar David Beckham and his investment team have identified the southwest corner of the port as a potential stadium site for a new Major League Soccer franchise.

Sports enthusiasts hail the waterfront site with its stunning views of downtown as the perfect place to showcase Miami. Naysayers point to an already overburdened transportation system and public ennui with government involvement in professional sports as reasons to look elsewhere.

Team Beckham's most daunting obstacle, however, could be the port's 2035 master plan. The plan designates the southwest corner of the port for commercial development. In addition to a mega-yacht marina complex with retail and restaurant areas, the master plan places a hotel site and six office development sites on the 23-acre southwest corner.

The master plan states that its primary purpose is job creation. The port says that it contributes more than \$18 billion annually to the local economy, and, directly or indirectly, supports 176,000 jobs. To keep growth of the cruise and cargo industries burgeoning, the public sector is making a \$2 billion investment in infrastructure improvements. The Biscayne Bay tunnel, the restoration of on-dock rail service and the deep dredge will catapult the port into a new era of expansion. The public's investment will be repaid in new jobs. The port's debt, however, must be paid by diversifying the port's sources of revenue.

The southwest corner is not surplus land. It is a strategic community asset. The port must leverage its real estate holdings to pay for the infrastructure it needs to compete in the world market. While the cruise and cargo industries are the predominant revenue generators, the port master plan identifies commercial development on the southwest corner as the "third leg" of the financial stool that will strengthen the port's portfolio of assets and earnings potential.

In October the County Commission amended the County's Comprehensive Development Master Plan (CDMP) to incorporate the port master plan. A policy was added to the CDMP encouraging development that will maximize revenue-generating opportunities at the port. On Dec. 12, the commission conducted a public hearing on a proposed new Port Miami

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zoning ordinance that will implement the objectives of the CDMP and the port master plan. Eric Silva, the assistant director of development services for the county's Department of Regulatory and Economic Resources told the commissioners that the stadium would not be a permitted use under the zoning ordinance as currently drafted.

Under state law, all development must be consistent with the adopted comprehensive plan. The burden is on the applicant to demonstrate consistency, and the courts apply a strict scrutiny analysis to determine if a project is compliant. Every land use dispute involves a balancing of competing interests. Typically, the controversy focuses on whether the proposed activity matches a specified designation on a map. Here, the consistency analysis will be more exacting. Not only will the soccer stadium be compared to the hotel and office complex that is depicted in the port master plan and described as the preferred commercial development for the port's southwest corner, but the extent to which the proposed activity contributes to the port's bottom line will also be subject to strict scrutiny.

The port master plan presents a two-fold challenge to the potential success of the soccer stadium. First, would the stadium generate the commercial real estate revenues envisioned by the port's strategic plan? Second, would the stadium be consistent with the CDMP's stated goals, objectives and policies for the port as required by law? These questions will need to be addressed as the county considers the request of the Beckham team.

Although the comprehensive plan is the polestar against which all development is measured, it should not be interpreted so rigidly that unique opportunities are missed. The Miami Dolphins' stadium and the Crandon Park Tennis Center both survived acrimonious CDMP consistency challenges. The bar set by the CDMP in this case is high, but it may not be insurmountable. A new professional sports franchise is an exciting prospect, but in the final analysis, it is a business. So is the port. The CDMP says that port development should maximize revenue-generating opportunities. Team Beckham's task is to demonstrate that a soccer stadium will do just that.

The ball is in play, and Miami is watching to see if Mr. Beckham can kick a goal.

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