

ANALYSIS
MAJOR USE SPECIAL PERMIT
for
Brickell Flatiron
located at approximately
1001, 1015, 1023, 1101 and 1121 South Miami Avenue

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Pursuant to Ordinance 11000, as amended, the Zoning Ordinance of the City of Miami, Florida, the subject proposal for the **Brickell Flatiron** project (MU-2006-016), located at approximately 1001, 1015, 1023, 1101 and 1121 South Miami Avenue, Miami, Florida, has been reviewed to allow a Major Use Special Permit per Articles 13 and 17, to construct an approximate 794-foot, 70-story high mixed use structure to be comprised of approximately 554 total multifamily residential units with recreational amenities; approximately 254,043 square feet of office space; approximately 30,316 square feet of retail space; approximately 16,913 square feet of restaurant space; and approximately 820 total parking spaces.

This Permit also includes the following requests:

MAJOR USE SPECIAL PERMITS

MUSP, as per Article 17, Section 1701, Definition (1), to allow a residential development involving in excess of two hundred (200) dwelling units;

MUSP, as per Article 17. Section 1701, Definition (2), to allow a non-residential development involving in excess of two hundred thousand (200,000) square feet of floor area;

MUSP, as per Article 17. Section 1701, Definition (7), for any single use or combination of uses requiring or proposing to provide in excess of five hundred (500) off-street parking spaces;

The Major Use Special Permit encompasses the following Special Permits and the additional requests:

CLASS II SPECIAL PERMITS

CLASS II SPECIAL PERMIT, as per ARTICLE 6, Section 607.3, Class II Special Permit, to allow erection of any new building in SD-7 district;

CLASS II SPECIAL PERMIT, as per ARTICLE 6, Section 607.8, Sub-Section 607.8.3 Open space and residential recreational space, to allow relocation of 11,558 square feet of open space to areas within the building. The user shall make a non-refundable developer contribution of \$577,900.00 to the Parks and Open Space Trust Fund administered by the City of Miami;

CLASS II SPECIAL PERMIT, as per ARTICLE 9, Section 923, Sub-Section 923.2, Sub-Section 923.2.1. Reduction in stall dimensions by Class II Special Permit; criteria and limitations on reductions, to allow reduction of four (4) loading berth dimensions out of six (6) required berths as follows;

Required	Two (2) 12 feet wide x 55 feet long x 15 feet high Four (4) 12 feet wide x 35 feet long x 15 feet high
Proposed	One (1) 12 feet wide x 55 feet long x 15 feet high One (1) 12 feet wide x 35 foot long x 15 feet high Four (4) 10 feet wide x 20 feet long x 15 feet high

CLASS II SPECIAL PERMIT, as per ARTICLE 9, Section 917.14, Sub-Section 917.14.1 Parking Lift, Robotic and mechanical parking systems , to allow Robotic, Automated Parking Systems to accommodate vehicles into their parking locations by an operator;

CLASS II SPECIAL PERMIT, as per ARTICLE 9, Section 908, Sub-Section 908.2, Access, to allow driveways of width greater than 25 feet in this case a driveway width of 28 feet 0 inches;

CLASS II SPECIAL PERMIT, as per ARTICLE 9, Section 903, Sub-Section 903.1, Rules concerning projects crossing district boundaries or streets; requirements and limitations, to allow a project designed as a single site and it occupies lots divided by a street or alley;

CLASS II SPECIAL PERMIT, as per ARTICLE 9, Section 927. Temporary structures, occupancies, and uses during construction, criteria for special permits, to allow temporary structures, occupancies, and uses reasonably necessary for construction such as construction fence, covered walkway and if encroaching public property must be approved by other city departments;

CLASS I SPECIAL PERMITS

CLASS I SPECIAL PERMIT, as per ARTICLE 9, Section 906, Sub-Section 906.9. Temporary special events; special permits; criteria, to allow temporary carnival, festival, fair or similar type event on privately owned or City-owned land such as a ground breaking ceremony;

CLASS I SPECIAL PERMIT, as per ARTICLE 9, Section 916, Sub-Section 916.2.1. Temporary special event parking, to allow parking for temporary special event such as ground breaking ceremonies;

CLASS I SPECIAL PERMIT, as per ARTICLE 9, Section 918, Sub-Section 918.2. Temporary off-street offsite parking for construction crews, criteria, to allow temporary off-street offsite parking for construction crews working on a commercial-residential project under construction;

CLASS I SPECIAL PERMIT, as per ARTICLE 9, Section 920, Sub-Section 920.1.2. Limitations on occupancy of mobile homes, to allow parking of mobile homes, trailers or manufactured homes, when authorized for security or other purposes in connection with land development such as construction trailer(s) and other temporary construction offices such as watchman’s quarters, leasing and sales centers;

CLASS I SPECIAL PERMIT, as per ARTICLE 10, Section 10.6, Sub-Section 10.6.3.7, SD-7 Central Brickell Rapid Transit Commercial-Residential District, Temporary Signs (3) , to allow temporary development signs;

REQUEST, for waiver of Chapter 36 Noise, Section 36-6 Construction Equipment (a) permitting the operation of construction equipment exceeding the sound level of a reading of 0.79 weighted average dBA at any time and/or day subject to the City Manager Exception pursuant to Section 36-6 (c) and all the applicable criteria;

REQUEST for applicable MUSP conditions to be satisfied at the time of shell permit instead of at issuance of foundation permit:

a) The requirement to record in the Public Records a Declaration of Covenants and Restrictions providing that the ownership, operation and maintenance of all common areas and facilities will be by the property owner or a mandatory property owner association; and

b) The requirement to record in the Public Records a unity of title or covenant in lieu of unity of title.

Pursuant to Articles 13 and 17 of Zoning Ordinance 11000, approval of the requested Major Use Special Permit shall be considered sufficient for the subordinate permits requested and referenced above as well as any other special approvals required by the City which may be required to carry out the requested plans.

In determining the appropriateness of the proposed project, the Planning Department has referred this project to the Large Scale Development Committee (LSDC) and the Planning Internal Design Review Committee for additional input and recommendations; the following findings have been made:

- It is found that the proposed development project will benefit the area by creating additional residential and commercial opportunities in the Downtown NET District, located at the intersection of Brickell Plaza and SE 11 Street.
- It is found that the subject property is located in the "Map of Miami" and "A.L. Knowlton" Plats within the Brickell Village neighborhood of the City.
- It is found that pursuant to the Zoning Ordinance of the City of Miami, Florida, the existing zoning designation for the property is SD-7 (Central Brickell Rapid Transit Commercial-Residential).
- It is found that pursuant to the Comprehensive Neighborhood Plan of the City of Miami, Florida, the existing Future Land Use category for the property is "Restricted Commercial".
- It is found that the proposed project is located along a Primary Pedestrian Pathway.
- It is found that the project has convenient access to the Metromover system at the Tenth Street Promenade station, located adjacent west of the subject property, with connections to the Metrorail and Tri-Rail systems, for efficient use of existing mass transit systems. As the Metromover line proceeds along SE 11 Street, it travels through the proposed structure in a 4-story high opening.
- It is found that the proposed project is located within an Archeological Conservation area.

- It is found that the proposed project is located in FEMA Flood Zone “AE”.
- It is found that the proposed residential density of the project (554 units at 500 units per acre) is at the maximum density of 500 units on the 1.108± net acre site.
- It is found that the total allowable combined floor area without bonuses for the 4.533± gross acre site at a Floor Area Ratio (FAR) of 8.0 is 1,579,560 square feet (1,184,670 sq. ft. residential and 444,251 sq. ft. non-residential). The project as proposed is not requesting any bonuses and consists of a total FAR of 1,189,829 square feet (873,765 sq. ft. residential and 316,064 sq. ft. non-residential).
- It is found that the project is expected to cost approximately \$663,254,186, and to employ approximately 740 workers during construction (FTE-Full Time Employees); The project will also result in the creation of approximately 30 permanent new jobs (FTE) and will generate approximately \$3,439,497 annually in tax revenues to the City (2006 dollars).
- It is found that the proposed project was reviewed by the Historic and Environmental Preservation Board (HEPB) on October 5, 2005, which approved (HEPB 2005-57) a Certificate of Appropriateness for ground disturbing activity involving new construction within an Archaeological Conservation Area subject to the following conditions: (1) Submit monthly reports to the City of Miami during any archeological testing and monitoring activities to document the results of any finds; (2) Submit two (2) final reports to the City of Miami within 90 days of completion of the archeological investigations and monitoring; (3) Submit a detailed archeological management or mitigation plan to the City of Miami prior to the commencement of any further archeological investigations or construction activities if significant archeological material is identified.
- It is found that Miami-Dade Public Schools provided a preliminary review of the proposed project on November 16, 2005. The student population generated by this development is estimated at 100 students. The schools serving this area of application are Southside Elementary (26 students) – 184% Florida Inventory School Houses (FISH) Capacity with the proposed project; Shenandoah Middle (14 students) – 106% FISH; and Booker T. Washington Senior High (17 students) – 69% FISH. Pursuant to the interlocal agreement, only Southside Elementary meets the review threshold of 115%.
- It is found that on November 18, 2005, the City of Miami Public Works Department provided a review of the project and commented that Re-Platting of the property is required to close and vacate SE 11 Street, and that the following street improvements shall be required: (a) South Miami Avenue - Construct sidewalk, curb and gutter to the proper line and grade adjacent to the project site. Mill and resurface the entire width, curb to curb, of South Miami Avenue between SE 10 Street and SE 12 Street; (b) SE 10 Street – Construct the “Brickell Promenade” on the south side of the street. Replace broken sidewalk, curb and gutter on the remainder of the street and mill and resurface the entire width, curb to curb, of SE 10 Street between South Miami Avenue and SE 1 Avenue; (c) SE 1 Avenue – Replace broken sidewalk, curb and gutter on both sides of the avenue adjacent to the project site. Mill and resurface the entire width, curb to curb, of SE 1 Avenue between SE 10 Street and SE 12 Street.

- It is found that on November 28, 2005, the Miami-Dade Aviation Department provided a Height Analysis review of the proposed project and found that it conforms to the Miami-Dade County Height Zoning Ordinances at that location. In addition, the analysis indicates that the structure may impact the Terminal Instrument Procedures (TERPS) for Departure and Approach on some of the runways at Miami International Airport (MIA). Any proposed construction exceeding 200 feet requires the applicant to file with the Federal Aviation Administration (FAA) Form 7460-1, "Notice of Proposed Construction Alteration for Determination of Known Hazards". In addition, construction cranes for this project exceeding 200 feet in height must be filed using the same form.
- It is found that the proposed project was reviewed by the Miami Zoning Board on December 12, 2005, Item No. 8, for a Vacation and Closure of a portion of SE 11 Street between South Miami Avenue and SE 1 Avenue, in which the Board recommendation of DENIAL passed (Reso. ZB-2005-1104) by vote of five to four (5-4).
- It is found that the Large Scale Development Committee reviewed the project on December 14, 2005 to address the expressed technical concerns raised at said Large Scale Development Committee meeting.
- It is found that the proposed project was reviewed by the Miami City Commission on February 9, 2006, Item No. 2, for a Vacation and Closure of a portion of SE 11 Street between South Miami Avenue and SE 1 Avenue, in which the Commission recommended APPROVAL (R-06-0088) by vote of four to zero (4-0).
- It is found that the proposed project was reviewed for design appropriateness by the Urban Development Review Board on March 15, 2006, which recommended Approval (UDRB Reso. 3-15-06-1) with conditions.
- It is found that the proposed project was reviewed by the Internal Design Review Committee on January 31, 2006, and the following revised pertinent comments were made after the March 15, 2006 UDRB Meeting: **Loading** – Screen the loading area when not in service. The loading door materials should complement the building; **Garage Treatment** – The committee appreciates the development of the garage as a part of the overall design framework of the building. Ensure that the garage lighting and cars are not visible from the street. Consider providing a recessed glass panel behind the metal screening, in keeping with the office and residential wall sections, on the lower four levels of the garage. The Planning Department's review resulted in design modifications that were then recommended for approval to the Planning Director.
- It is found that on March 27, 2006, the City's Traffic Consultant, URS Corp., provided a review (W.O. #138) of the Traffic Impact Analysis submitted by the applicant and has found the traffic analysis sufficient.
- It is found that with respect to all additional criteria as specified in Section 1305.2 of Zoning Ordinance 11000, the proposal has been found to adhere to the following Design Review Criteria: (1) Site and Urban Planning; (2) Architecture and Landscape Architecture; (3) Pedestrian Oriented Development; (4) Streets and Open Space; (5) Vehicular Access and Parking; (6) Screening; (7) Signage and

lighting; (8) Preservation of Natural Features; and (9) Modification of Nonconformities.

Based on these findings, the Planning Department is recommending approval of the requested Development Project with the following conditions:

1) Meet all applicable building codes, land development regulations, ordinances and other laws and pay all applicable fees due prior to the issuance of a building permit.

2) Allow the Miami Police Department to conduct a security survey, at the option of the Department, and to make recommendations concerning security measures and systems; further submit a report to the Planning Department, prior to commencement of construction, demonstrating how the Police Department recommendations, if any, have been incorporated into the PROJECT security and construction plans, or demonstrate to the Planning Director why such recommendations are impractical.

3) Obtain approval from, or provide a letter from the Department of Fire-Rescue indicating APPLICANT'S coordination with members of the Fire Plan Review Section at the Department of Fire-Rescue in the review of the scope of the PROJECT, owner responsibility, building development process and review procedures, as well as specific requirements for fire protection and life safety systems, exiting, vehicular access and water supply.

4) Obtain approval from, or provide a letter of assurance from the Department of Solid Waste that the PROJECT has addressed all concerns of the said Department prior to the obtainment of a shell permit.

5) Comply with the Minority Participation and Employment Plan (including a Contractor/Subcontractor Participation Plan) submitted to the City as part of the Application for Development Approval, with the understanding that the APPLICANT must use its best efforts to follow the provisions of the City's Minority/Women Business Affairs and Procurement Program as a guide.

6) Record the following in the Public Records of Dade County, Florida, prior to the issuance of a Temporary Certificate of Occupancy or Certificate of Occupancy, a Declaration of Covenants and Restrictions providing that the ownership, operation and maintenance of all common areas and facilities will be by the property owner or a mandatory property owner association in perpetuity.

7) Prior to the issuance of a shell permit, provide the City with a recorded copy of the MUSP permit resolution and development order, and further, an executed, recordable unity of title or covenant in lieu of unity of title agreement for the subject property; said agreement shall be subject to the review and approval of the City Attorney's Office.

8) Provide the Planning Department with a temporary construction plan that includes the following: a temporary construction parking plan, with an enforcement policy; a construction noise management plan with an enforcement policy; and a maintenance plan for the temporary construction site; said plan shall be subject to the review and approval by the Planning Department prior to the issuance of any building permits and shall be enforced during construction activity. All construction activity shall remain in full

compliance with the provisions of the submitted construction plan; failure to comply may lead to a suspension or revocation of this Major Use Special Permit.

9) In so far as this Major Use Special Permit includes the subordinate approval of a series of Class I Special Permits for which specific details have not yet been developed or provided, the applicant shall provide the Planning Department with all subordinate Class I Special Permit plans and detailed requirements for final review and approval of each one prior to the issuance of any of the subordinate approvals required in order to carry out any of the requested activities and/or improvements listed in this development order or captioned in the plans approved by it.

10) If the project is to be developed in phases, the Applicant shall submit an interim plan, including a landscape plan, which addresses design details for the land occupying future phases of this Project in the event that the future phases are not developed, said plan shall include a proposed timetable and shall be subject to review and approval by the Planning Director.

11) Pursuant to design related comments received by the Planning Director, the applicant shall meet the following conditions: (a) The loading area shall be screened when not in service and the loading door materials should complement the building; (b) Garage lighting and cars shall not be visible from the street. Provide a recessed glass panel behind the metal screening, in keeping with the office and residential wall sections; on the lower four levels of the garage.

12) Pursuant to comments by the City of Miami Public Works Department, the following conditions shall be required of the applicant: (a) Re-Platting of the property is required to close and vacate SE 11 Street, and that the following street improvements shall be required: (b) South Miami Avenue - Construct sidewalk, curb and gutter to the proper line and grade adjacent to the project site. Mill and resurface the entire width, curb to curb, of South Miami Avenue between SE 10 Street and SE 12 Street; (c) SE 10 Street – Construct the “Brickell Promenade” on the south side of the street. Replace broken sidewalk, curb and gutter on the remainder of the street and mill and resurface the entire width, curb to curb, of SE 10 Street between South Miami Avenue and SE 1 Avenue; (d) SE 1 Avenue – Replace broken sidewalk, curb and gutter on both sides of the avenue adjacent to the project site. Mill and resurface the entire width, curb to curb, of SE 1 Avenue between SE 10 Street and SE 12 Street.

13) Prior to the issuance of a building permit, the applicant shall submit a letter of approval of the proposed height from the Miami-Dade County Aviation Department. If no such approvals are granted, the height of the proposed project shall be reduced to those heights referenced in the letter from Miami-Dade Aviation to the Planning Department dated November 28, 2005.

14) Pursuant to HEPB Resolution 2005-057, the applicant shall meet the following conditions: (a) Submit monthly reports to the City of Miami during any archeological testing and monitoring activities to document the results of any finds; (b) Submit two final reports to the City of Miami within 90 days of completion of the archeological investigations and monitoring; (c) Submit a detailed archeological management or mitigation plan to the City of Miami prior to the commencement of any further archeological investigations or construction activities if significant archeological material is identified.

15) Within 90 days of the effective date of this Development Order, record a certified copy of the Development Order specifying that the Development Order runs with the land and is binding on the Applicant, its successors, and assigns, jointly or severally.