ANALYSIS
SPECIAL AREA PLAN
for
"MIAMI DESIGN DISTRICT RETAIL STREET
SPECIAL AREA PLAN (SAP)"
LEGISTAR FILE ID: 11-01196ap

LOCATION:
The "Miami Design District Retail Street Special Area Plan (SAP)" consists of selected parcels, bound approximately by Northeast 43rd Street and Northeast 42nd Street to the north, North Federal Highway and Biscayne Boulevard to the East, Northeast 38th Street to the south, and by Northeast Miami Court and North Miami Avenue to the west.

PROJECT PROFILE:
Submittal of the SAP will modify the existing transect zone regulations applicable to the subject parcels to the extent indicated herein, proposing changes to the Miami 21 Zoning Atlas and Future Land Use Map as further depicted.

This Special Area Plan (SAP) proposes a mix of commercial, office, residential and lodging uses and associated open and parking areas as follows:

PROJECT PROFILE:
A) The SAP proposes approximately 19.08 acres of new and existing development.

B) SAP currently contains disperse underutilized buildings and vacant lots. The entire development will consist of approximately 1,109,488 sq. ft. of floor area split among 51 parcels; A) approximately 951,718 sq. ft. of existing and proposed commercial space, B) approximately 96 residential units, C) 53 hotel units and 2,571 above ground and below grade parking spaces, approximately 35,191 sq. ft. of open space, approximately 41,735 sq. ft. of civic space within and in alternate locations in close proximity to SAP area; and

The analysis of the SAP proposal is based on ARTICLE 3, Section 3.9, and Article 7, Section 7.1.2.8, of the Miami 21 Code, the Zoning Ordinance of City of Miami, and is deemed a Special Area Plan, which allows parcels greater than nine (9) abutting acres in size to be master planned to allow a greater integration of public improvements and infrastructure, and greater flexibility so as to result in higher or specialized quality building and streetscape design.

FINDINGS
In determining the appropriateness of the proposed Special Area Plan, the Planning Department referred this proposal for additional input and recommendation to:

• Coordinated Review Committee; and

• The Urban Development Review Board;

(24319740;1)
Recommendations from the aforementioned Committee and Board have been considered in the preparation of the following findings:

- The SAP is a 19.08 acres proposal qualifying as a Special Area Plan as per Article 3, Section 3.9 of the Miami 21 Code.

- The existing and proposed Land Use designations on the SAP properties are as follows:

<table>
<thead>
<tr>
<th>Existing Land Uses</th>
<th>Proposed Land Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>• General Commercial</td>
<td>• General Commercial</td>
</tr>
<tr>
<td>• Medium Density Restricted Commercial</td>
<td>• Medium Density Restricted Commercial</td>
</tr>
<tr>
<td>• Restricted Commercial</td>
<td>• Restricted Commercial</td>
</tr>
<tr>
<td>• Duplex Residential</td>
<td></td>
</tr>
<tr>
<td>• Medium Density Multifamily Residential</td>
<td></td>
</tr>
</tbody>
</table>

- The existing and proposed zoning designations on the SAP properties are as follows:

<table>
<thead>
<tr>
<th>Existing zoning designations</th>
<th>Proposed zoning designations</th>
</tr>
</thead>
<tbody>
<tr>
<td>• T3-L (Sub-Urban Transect Zone – Limited)</td>
<td>• T4-O (General Urban Transect Zone - Open)</td>
</tr>
<tr>
<td>• T3-O (Sub-Urban Transect Zone – Open)</td>
<td>• T5-O (Urban Center Transect Zone- Open)</td>
</tr>
<tr>
<td>• T4-L (General Urban Transect Zone - Limited)</td>
<td>• T6-8-O (Urban Core Transect Zone – 8 - Open),</td>
</tr>
<tr>
<td>• T4-O (General Urban Transect Zone - Open)</td>
<td>• T6-12-O (Urban Core Transect Zone – 12 - Open)</td>
</tr>
<tr>
<td>• T5-O (Urban Center Transect Zone- Open)</td>
<td></td>
</tr>
<tr>
<td>• T6-12-L (Urban Core Transect Zone – 12 - Limited),</td>
<td></td>
</tr>
<tr>
<td>• T6-12-O (Urban Core Transect Zone – 12 - Open)</td>
<td></td>
</tr>
</tbody>
</table>

- The SAP complies with the density, intensity and height allowed by the proposed zoning designation, hence the Regulatory Plan is oriented to an internal distribution of individual projects and of public spaces, with an emphasis on promoting and elevating the standard for the pedestrian realm.

- The SAP integrates public improvements and infrastructure while providing greater flexibility resulting in higher or specialized quality building and streetscape design.

- The SAP has been conceived to provide mixed-use, pedestrian oriented retail areas within an urban development, meeting the Miami 21 development concept in the interaction with the surrounding areas of Miami.
• The Development proposed in the SAP is expected to cost approximately $312 million exclusive of land costs and developer fees, and to employ approximately 2,314 person years of construction employment during a construction period of approximately four years.

• The project will also result in the creation of approximately 1,230 (FTE) permanent new jobs and will generate approximately $3,265,300 annually in tax revenues to the City (2012 dollars).

REFERRALS

• The SAP was reviewed for Public School Concurrency Preliminary Analysis on May 24, 2012. Miami-Dade County Public School has determined that at that time of the Preliminary Analysis, the schools serving the area have sufficient capacity available to serve the application. Final determination will be required prior to the issuance of any Building Permit.

• The “Miami Design District Retail Street Special Area Plan (SAP)” was reviewed during a Pre-Application Meeting on November 9, 2011. Comments have been incorporated in revised plans prepared for this submittal.

• The Coordinated Review Committee (CRC) met on December 14, 2011, to review the project and provided applicants with comments and technical concerns regarding proposed “Miami Design District Retail Street Special Area Plan”.

• The proposed project was reviewed for design appropriateness by the Urban Development Review Board on December 21, 2011.

CONDITIONS

Based on analysis and findings, the Planning Department recommends approval of the “Miami Design District Retail Street” SAP 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 any building permit.

2) Allow the Miami Police Department to conduct a security survey, at the Department's discretion, 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 SAP 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 SAP, 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 SAP has addressed all concerns of the said Department prior to the obtaining a shell permit.

5) Comply with the Minority Participation and Employment Plan (including a Contractor/Subcontractor Participation Plan) submitted to the City prior to the issuance of any building permit, 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, as applicable.

6) Record the following in the Public Records of Miami-Dade County, Florida, prior to the issuance of any building permit:

Declaration of Covenants and Restrictions providing that the ownership, operation and maintenance of all Civic and Open Spaces, and any related improvements located thereon, shall be the responsibility the property owner(s), their successor(s), or their designee in perpetuity; and

Record in the Public Records a Unity of Title or a covenant in lieu of a Unity of Title, if applicable, subject to the review and approval of the City Attorney's Office.

7) Prior to the issuance of a shell permit, provide the Planning Department with a recorded copy of the documents mentioned in condition (6) above.

8) Provide the Planning Department with a temporary construction plan that addresses construction phasing and includes the following elements:

- Temporary construction parking plan, with an enforcement policy;
- Construction noise management plan with an enforcement policy; and
- 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 SAP.

As applicable, Developer Parties and Retail Developer Party, as defined in the approved Miami Design District Retail Street SAP, shall be responsible for securing the City’s approval for any change or modification to the approved temporary construction plan. Request for approval of any change or modification to the previously approved temporary construction plan shall be submitted for review and approval no later than two weeks prior to implementation of requested change or modification.
9) Prior to the issuance of any building permit, the applicant shall provide the Planning and Zoning Department for review and approval:

- Sufficiency Letter from the City of Miami, Office of Transportation.
- Final determination of Public School Concurrency and Capacity Reservation.
- Proof of compliance with conditions established by the following department or agencies, specifically:
  - City and County Public Works Departments
  - Miami-Dade County Water and Sewer
  - Miami-Dade County Traffic Engineering Division
  - Florida Department of Transportation (FDOT)

10) The “Miami Design District Retail Street includes a Development Review Process which addresses the build out of the individual Buildings as identified in the Regulating Plan. All development within this SAP shall be submitted for review and approval by the Planning and Zoning Director prior to the issuance of any building permit consistent with the requirements of Sec. 3.9.1.g. of Miami 21 and the SAP.

11) If the project is to be developed in phases and/or individual specific projects, 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.

12) The applicant shall meet conditions identified in this Ordinance, with the SAP and all applicable local, state and federal regulations.

13) Within 90 days of the effective date of this Ordinance, record a certified copy of the Development Agreement specifying that the Development Agreement runs with the land and is binding on the Applicant, its successors, and assigns, jointly or severally.
ADDRESS: SEE EXHIBIT "A"
Mr. Ernest Martin offered the following resolution and moved its adoption:

A RESOLUTION OF THE MIAMI PLANNING, ZONING AND APPEALS BOARD RECOMMENDING APPROVAL WITH CONDITIONS (EXHIBIT 1) TO THE MIAMI CITY COMMISSION, PURSUANT TO ARTICLES 3 AND 7 OF THE MIAMI 21 CODE, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, REZONING CERTAIN PARCELS FOR THE DEVELOPMENT OF APPROXIMATELY 19.08 ACRES FOR THE "MIAMI DESIGN DISTRICT RETAIL STREET SPECIAL AREA PLAN (SAP)" COMPRISED OF SELECTED PARCELS, BOUND APPROXIMATELY BY NORTHEAST 43 STREET AND NORTHEAST 42 STREET TO THE NORTH, NORTH FEDERAL HIGHWAY AND BISCAYNE BOULEVARD TO THE EAST, NORTHEAST 38 STREET TO THE SOUTH, AND BY NORTHEAST MIAMI COURT AND NORTH MIAMI AVENUE TO THE WEST, AS DESCRIBED IN EXHIBIT "A", CONSISTING OF APPROXIMATELY 1,109,488 SQUARE FEET OF FLOOR AREA SPLIT AMONG FIFTY ONE (51) PARCELS, A) APPROXIMATELY 951,718 SQUARE FEET OF EXISTING AND PROPOSED COMMERCIAL SPACE, B) APPROXIMATELY 96 RESIDENTIAL UNITS, AND C) APPROXIMATELY 53 HOTEL UNITS, 2,571 ABOVE GROUND AND BELOW GRADE PARKING SPACES, APPROXIMATELY 41,735 SQUARE FEET OF CIVIC SPACE, AND APPROXIMATELY 35,191 SQUARE FEET OF OPEN SPACE; MAKING FINDINGS OF FACT AND STATING CONCLUSIONS OF LAW; PROVIDING FOR BINDING EFFECT; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

Upon being seconded by Mr. Patrick Goggins, the motion passed and was adopted by a vote of 9-0:

Mr. Sergio Cruz
Mr. Charles A. Garavaglia
Mr. Patrick Goggins
Ms. Maria Beatriz Gutierrez
Mr. Lazaro Lopez
Mr. Ernest Martin
Mr. Daniel Milian
Mr. Juvenal Piña
Mr. Oscar Rodriguez
Ms. Janice Tarbert
Mr. David H. Young

Absent
Yes
Yes
Yes
Yes
Yes
Yes
Absen	
Yes
Yes

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Personally appeared before me, the undersigned authority, Anel Rodriguez, Clerk of the Planning, Zoning and Appeals Board of the City of Miami, Florida, and acknowledges that he executed the foregoing Resolution.

Francisco Garcia, Director
Planning and Zoning Department

Notary Public State of Florida
My Commission Expires:

Print Notary Name
Personally know or Produced I.D. ______
Type and number of I.D. produced
Did take an oath ______ or Did not take an oath ______
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   Record in the Public Records a Unity of Title or a covenant in lieu of a Unity of Title if, applicable, subject to the review and approval of the City Attorney's Office.

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14) Per Planning, Zoning and Appeals Board: Any T5 parcels north of 41st Street to be limited to 50 feet.