PLANNING, ZONING AND APPEALS BOARD
FACT SHEET

File ID: 05-00410ap Quasi-Judicial

Title: A RESOLUTION OF THE PLANNING, ZONING AND APPEALS BOARD RECOMMENDING APPROVAL OR DENIAL OF AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), APPROVING WITH CONDITIONS, PURSUANT TO ARTICLES 3, AND ARTICLE 7, OF THE MIAMI 21 CODE, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, THE REZONING OF CERTAIN PARCELS FOR THE DEVELOPMENT OF APPROXIMATELY 8.14 ACRES FOR THE RIVER LANDING SPECIAL AREA PLAN (SAP), A MIXED-USE DEVELOPMENT LOCATED AT APPROXIMATELY 1400, 1420 AND 1500 NORTHWEST NORTH RIVER DRIVE, MIAMI, FLORIDA, CONSISTING OF APPROXIMATELY 2,417,331 SQUARE FEET OF DEVELOPMENT; INCLUDING: A) APPROXIMATELY 444 RESIDENTIAL UNITS; B) APPROXIMATELY 1,618,383 SQUARE FEET OF COMMERCIAL USE; C) APPROXIMATELY 130,732 SQUARE FEET OF OPEN SPACE; AND D) APPROXIMATELY 2,418 PARKING SPACES; AMENDING THE ZONING ATLAS OF ORDINANCE NO 13114, BY CHANGING THE ZONING CLASSIFICATION OF THE ABOVE REFERENCED PROPERTIES FROM "T6-8-O" URBAN CORE ZONE TO "T6-24-O" URBAN CORE ZONE; THE SQUARE FOOTAGES ABOVE ARE APPROXIMATE AND MAY INCREASE OR DECREASE AT TIME OF BUILDING PERMIT, NOT TO EXCEED A TOTAL OF 2,147,331 SQUARE FEET OF DEVELOPMENT; MAKING FINDINGS OF FACT AND STATING CONCLUSIONS OF LAW; PROVIDING FOR BINDING EFFECT; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

Location: Approximately 1400, 1420 and 1500 NW N River Drive [Commissioner Wifredo (Willy) Gort - District 1]

Applicant(s): Javier F. Aviñó, Esquire, on behalf of River Landing Development, LLC, Contract Purchaser (Mahi Shrine Holding Corporation, Owner
1450 Brickell Avenue, 23rd Floor
Miami, FL 33131
(305) 374-7580

Zoning: T6-8-O Urban Core Transect

Purpose: This will allow a Special Area Plan development.

Planning and Zoning Department Recommendation: Recommended approval with conditions.

Analysis: See supporting documentation.

Planning, Zoning and Appeals Board: April 17, 2013
Mr. Anel Rodriguez  
Administrative Assistant II  
Planning and Zoning Department, Hearing Boards Section  
Miami Riverside Center, Third Floor  
444 SW Second Avenue  
Miami, Florida 33130

Re: Special Area Application / River Landing Development LLC / 1500 NW north River Drive, Miami, Florida

Dear Mr. Rodriguez:

On behalf of our client River Landing Development, LLC, (the "Applicant"), we respectfully submit this letter in connection with our Special Area Plan Application, (the "Application"), for the property located at 1500 NW North River Drive in Miami Florida, (the "Property"). The Application is being filed pursuant to Section 3.9 of the City of Miami Zoning code known as Miami 21 and proposes a mixed use project to service the Health District and its neighborhoods.

The Application proposes residential units with recreational amenities, commercial uses comprised of both retail and restaurant space open and integrated with a lushly landscaped riverwalk, parking, and various open space areas (the "Project"). The Project also proposes a change to the zoning atlas to accommodate residential towers.

The Project will consist of a full level of underground parking that will also accommodate the loading area and service areas often referred to as "back of house". The retail is designed as stacked gift boxes to provide for a unique articulation of the building. The retail use is separated by an open air atrium space from a parking pedestal lined with commercial and residential uses. The open air atrium will provide open plazas with various configurations for patrons to enjoy the Miami River vistas.

The Project is designed with emphasis on the Miami River, providing a 50 foot setback with a meandering riverwalk, lush landscaping, lighting and seating that will allow for use by not only the residents and patrons of the Project but the general public as well.

The Project's unique location, visible and accessible by major modes of transportation, is located in the Health District and will allow for much needed retail and residential uses in the central core of the City. The Project will produce a substantial recurring fiscal benefit for the City of Miami's tax base in addition to much needed job creation during the construction period and over a thousand permanent jobs upon completion.
January 17, 2013
Page 2

Consistent with the Special Area Plan, release from certain requirements of Miami 21 are identified in order to design and build the Project. While we are aware of various releases that will be needed based on the conceptual plans, as the Project is reviewed in detail by the various departments within the City, additional releases from requirements of the Code may be required. Documents submitted in draft form will be reviewed by City staff and other governmental agencies as requested and revisions will be made with the final approvals pursuant to the Development Agreement at public hearings.

Based on the foregoing, we respectfully request the City's processing and support of the Application. Should you have any questions or seek any clarifications of the enclosed materials, do not hesitate to contact me at 305-350-2409.

Sincerely,

[Signature]

A. Vicky Garcia-Toledo

Enclosure
MIAMI 21 MAP (EXISTING)

Address 1400, 1420 & 1500 NW North River Drive
ANALYSIS
SPECIAL AREA PLAN
for
RIVER LANDING

LEGISTAR FILE ID: 05-00410ap

LOCATION:

Approximately located at 1400, 1420, and 1500 North West North River Drive.,

PROJECT PROFILE:

Submittal of the “River Landing” Special Area Plan (SAP) will modify the existing transect zone regulations applicable to the subject parcels to the extent indicated herein, but does not propose changes to Future Land Use Map. This Special Area Plan (SAP) proposes a mix of commercial, office, residential and lodging uses and associated parking areas as follows:

A) The SAP proposes approximately 354,578 square feet of Lot Area or approximately 8.14 acres.

B) The project propose approximately 2,147,331 square feet of Floor Area split among the parcels, including 19,018 square feet of Civic Space, 130,732 square feet of Open Space, 1,618,383 square feet of retail/commercial space, 444 residential units, and 2418 parking spaces.

C) Approximately 440 parking spaces will be located below grade and do not count towards Floor Area.

Square footage mentioned above are approximates and may increase or decrease at time of building permit, but may not to exceed a total of 2,147,331 square feet of Floor Area or less than 19,018 square feet of Civic Space.

The analysis of the “River Landing” proposal is based on the Miami 21 Code, the Zoning Ordinance of City of Miami, and is deemed a Special Area Plan per ARTICLE 3, Section 3.9, and Article 7, Section 7.1.2.8, 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 ("SAP"), the Planning Department referred this proposal for additional input and recommendation to:

- Zoning Section of the Planning and Zoning Department
- Department of Public Works
- Office of Transportation
- Allapattah NET Office
- The Urban Development Review Board; and
- Coordinated Review Committee; and

Recommendations from the aforementioned Departments, Committees and Boards have been considered in the preparation of the following findings:

- Riverside Landing is an 8.14 acre proposal qualifying as a Special Area Plan, subject to Waiver 13-0002 and pursuant to Article 3, Section 3.9 of the Miami 21 Code.

- The Land Use designation for the whole SAP is “Restricted Commercial” within the Health District Regional Activity Center, pursuant to the Miami Comprehensive Neighborhood Plan.

- The Zoning designation for the whole SAP is T6-8 O (Urban Core Transect T6-8 Open)

- The project is located on the north side of the Miami River, within a High Probability Archeological Conservation area and will require monitoring and a disposition plan should Archeological resources be found.

- Upon approval, the River Landing Special Area Plan will comply with the density, intensity and height allowed by the proposed zoning designation. The Regulating Plan is oriented to govern the internal distribution of proposed development, inclusive of public and civic spaces, with an emphasis on promoting and elevating the standard for the pedestrian realm.

- The proposed Special Area Plan is adjacent and south of the Health District Zoning Designation and within the Health District Regional Activity Center as identified in the MCNP.

- Development of the River Landing SAP is proposed over three adjacent parcels located on the north bank of the Miami River, between NW 14th and 17th Avenue and NW North River Drive.

- The River Landing SAP has convenient access to the mass transportation systems and is in close proximity to the Civic Center Metro Station.

- The above described property is currently underutilized, mostly consisting of vacant land, and a two story underutilized Mahi Shrine building.

- Their current, vacant and undeveloped condition of the parcels negatively impacts the urban fabric of Health District and surrounding neighborhoods and interrupts linkages necessary to create a safe, enjoyable pedestrian realm.
• The River Landing Special Area Plan integrates public improvements and infrastructure while providing greater flexibility resulting in higher or specialized quality building and streetscape design.

• The River Landing SAP has been conceived to provide high-density, mixed-use, pedestrian oriented retail areas within an urban development, meeting the Miami 21 development concept in the interaction with the Health District, Civic Center and Miami River.

• The proposed Special Area Plan will benefit the area by creating residential units, and commercial uses promoting its interaction with the adjacent areas, Miami River, Down Town and Health District.

• As per the Economic Impact Analysis submitted with this application, the proposed Special Area Plan is expected to cost approximately $160 Million inclusive of land costs and developer fees (2013 Dollars). Overall impact is expected to be $192 Million (2013 Dollars). It is expected to generate approximately 512 Full Time Equivalent (FTE) construction jobs during a construction period of ~2y, approximately 980 (FTE) permanent new jobs at River Landing and approximately 625 indirect and project induced jobs.

• It estimated that the River Landing SAP project will generate approximately $3 Million in Non-recurring benefits, such as building permit fees and City park impact fees. Upon completion, the project is expected to generate annually recurring revenues of $1.2 Million in ad valorem taxes.

REFERRALS

• The River Landing SAP was submitted for review for Public School Concurrency Preliminary Analysis on January 11, 2013. 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 River Landing SAP was reviewed during a Pre-Application Meeting on December of 2012 Comments provided therein have been incorporated in revised plans prepared for this submittal.

• The Coordinated Review Committee (CRC) met on April 16, 2013 to review the project and provided applicants comments and technical concerns regarding proposed River Landing SAP.

• The City of Miami Public Works Department has reviewed the project and provided comments based on technical concerns. Certain revisions have been made based on said comments and concerns which have been incorporated in revised plans prepared for this submittal.

• Traffic study has been submitted and is under review by the City’s Office of Transportation. Comments requiring additional information or redesign shall be satisfied prior to final adoption of this SAP.
• Miami-Dade County Public Schools will issue a School Concurrency Preliminary Analysis for the River Landing Special Area Plan as presented with findings regarding student capacity for the schools serving the area in order to properly serve this application. Final determination of Public School Concurrency and capacity reservation will only be made at the time of approval of final plat, site plan or functional equivalent.

• The proposed project was reviewed for design appropriateness by the Urban Development Review Board on March 20, 2013 who recommended Approval with Conditions, as per the resolution for Item No. 1 of the 3-20-2013 meeting, attached hereto.

• The project’s analysis is based on the Miami 21 Code, following the Design Review Criteria that include:

  I. Site and Urban Planning;
  II. Architecture and Landscape Architecture;
  III. Pedestrian Oriented Development;
  IV. Streets and Open Space;
  V. Vehicular Access and Parking;
  VI. Screening;
  VII. Signage and lighting;
  VIII. Preservation of Natural Features; and
  IX. Modification of Nonconformities.

CONDITIONS
Based on analysis and findings, the Planning Department recommends approval of the River Landing Special Area Plan 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 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, as applicable.

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

   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; and

   b. 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 includes the following:

   a. Temporary construction parking plan, with an enforcement policy;

   b. Construction noise management plan with an enforcement policy; and

   c. 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.

9) Prior to the issuance of any building permit, the applicant shall provide the Planning & Zoning Department for review and approval:

   a. Environmental Impact Statement and final reports for lots included in SAP site.

   b. Sufficiency Letter from the City of Miami, Office of Transportation

   c. Final determination of Public School Concurrency and Capacity Reservation

   d. Conservation Assessment Report (project location is within an high Archeological Probability Zone)

   e. Revised set of plans addressing:

   f. Provide alternative for the Promanade (Center View Corridor) that would increase the width from the proposed 69' if the area is to be allocated to the View Corridor requirement under Article 3.11 of the Miami 21 Code. Design should be open from
ground to sky and uninterrupted by circulation corridors serving the vertical retail space on upper levels.

g. Maintain a minimum sidewalk width of 15’ along NW North River Drive.

h. Move residential lobby for western tower to end of First Layer. See Illustration 5.6 (T6-24) of the Miami 21 Code.

i. Provide entry area indentations, in order to recede door dimensions when opened if sidewalks is less than 15’ wide.

j. Re-platting is required to close and vacate NW 15 Avenue between North River Drive and the Miami River (City Code Section 54-4).

k. Revise Open Space diagram (B-5) and calculations contained therein to comply with the Miami 21 definition of “Open Space”.

l. Provide plans indicating sidewalk locations and dimensions within side setback locations acceptable to the Director of Planning & Zoning.

10) The River Landing Special Area Plan includes a Development Review Process which addresses the build out of the project as identified in the Regulating Plan. All development within the SAP area shall be by SAP Permit.

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 River Landing SAP and all applicable regulations from local, state and federal agencies.

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.

14) As applicable, River Landing Development LLC., as defined in the approved 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.

15) 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 departments 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)

16) The “River Landing” SAP 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.

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

18) 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.
To: Liberty Point Investments, LLC.  
235 Altera Avenue  
Coral Gables, Miami, FL 33146

From: IRENE HEGEDUS  
Zoning Administrator  
Office of Zoning

PLEASE TAKE NOTICE THAT A FINAL DECISION HAS BEEN REACHED ON THE FOLLOWING MATTER:

Title: RIVER LANDIA SPECIAL AREA PLAN  
Address: 1500 NW North River Drive

Final Decision:  
☐ Approval  
☑ Approval with conditions  
☐ Denial

FINDINGS AND CONDITIONS:

The subject proposal has been reviewed for the following Waiver:

- Pursuant to Article 7, SECTION 7.2.3(a)(28) to allow ten percent (10%) reduction in required minimum acreage pursuant Section 3.9 of nine (9) acres where the proposal is for approximately 8.14 Acres, including a portion of Northwest 15th Avenue.

This Waiver application was referred to the Planning Department and Allapattah NET Office for their review and comments. Their comments and recommendations have been duly considered and are reflected in this final decision. In reviewing this application, the following findings have been made:

FINDINGS:

- The zoning designation for this parcel is Urban Core Transect Zone T6-8-O.  
- It is found that the applicant has submitted signed and sealed survey issued by Ludovici & Orange consulting engineers, Inc. by job number 2001-31A.  
- It is found that the Planning Department provided comments on or about February 14, 2013 under file PR-13-010 which recommended approval with conditions.  
- It is found that the Allapattah NET Office has no comments to this application. Little Havana NET office stays that the proposal is appropriate for the area and would be beneficial for the residents.  
- It is found that notices were sent to all abutting property owners and registered homeowner’s neighborhood associations as a Warrant process.  
- It is found that the Planning Department and the Office of Zoning has not received any objections from any of the notified parties.
WAIVER

FINAL DECISION

- It is found that with regards to the criteria set forth in Article 7, Section 7.2.8(a) of the Miami21 Code, the application has been reviewed and found sufficient.
- It is found that only the deviations discussed in this Waiver are approved. Full compliance with all other Miami 21 Code requirements is still required.

CONDITIONS:

Based on the above findings and the considered advice of the officers and agencies consulted on these matters and pursuant to the Miami 21 Code, the subject application is approved with conditions subject to the plans and supplementary materials submitted by the applicant and on file with the Office of Zoning.

1. The project shall meet a minimum of 8.1 Acres pursuant to Article 3, Section 3.9 of the Miami21 Code.

Note:
- This Waiver approval with conditions is subject to a full review by the Office of Zoning at the time of building permit. Any substantial changes that arise may require a new Waiver.

NOTICE

The final decision of the Zoning Administrator may be appealed to the Planning, Zoning and Appeals Board by any aggrieved party, within fifteen (15) days of the date of issuance by filing a written appeal and appropriate fee with the Office of Hearing Boards, located at 444 SW 2nd Avenue, 3rd Floor, Miami, FL 33130. Telephone number (305) 416-2030.

Signature: IRENE HEGEDUS  
Zoning Administrator  
Office of Zoning

Date: 3/10/15
CITY OF MIAMI
PLANNING & ZONING DEPARTMENT

URBAN DEVELOPMENT REVIEW BOARD (UDRB)
RESOLUTION FOR RECOMMENDATION
UDRB MEETING - MARCH 20, 2013

Item No. 1

A motion was made by Mr. NEIL HALL and seconded by Mr. FIDEL PEREZ for a Resolution recommending to the Director of the Department of Planning & Zoning APPROVAL WITH CONDITIONS for the project RIVER LANDING SAP located at 1500 NW North River Drive with a vote of 6 to 0.

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Conditions:

1. Design the residential towers, in order to better integrate them with the rest of the project in scale, massing and articulation.
2. The retail façades facing the river offer the opportunity of creating public access areas such as balconies or circulation galleries, to take advantage of the river views. Create more openings to the river.
3. Improve the design of the East and West elevations which are viewed from the river and other points.
4. Further study the Riverwalk proposal, in order to achieve a more urban solution. An alternative to proposed large trees in limited planting areas should be analyzed.

Attest: Francisco Garcia,
Planning & Zoning Director

Perla Gonzalez, UDRB Liaison
A RESOLUTION OF THE PLANNING, ZONING AND APPEALS BOARD
RECOMMENDING APPROVAL OR DENIAL OF AN ORDINANCE OF THE MIAMI
CITY COMMISSION, WITH ATTACHMENT(S), APPROVING WITH CONDITIONS,
PURSUANT TO ARTICLES 3, AND ARTICLE 7, OF THE MIAMI 21 CODE, THE
ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, THE
REZONING OF CERTAIN PARCELS FOR THE DEVELOPMENT OF
APPROXIMATELY 8.14 ACRES FOR THE RIVER LANDING SPECIAL AREA PLAN
(SAP), A MIXED-USE DEVELOPMENT LOCATED AT APPROXIMATELY 1400, 1420
AND 1500 NORTHWEST NORTH RIVER DRIVE, MIAMI, FLORIDA, CONSISTING
OF APPROXIMATELY 2,147,331 SQUARE FEET OF DEVELOPMENT; INCLUDING:
A) APPROXIMATELY 444 RESIDENTIAL UNITS; B) APPROXIMATELY 1,618,383
SQUARE FEET OF COMMERCIAL USE; C) APPROXIMATELY 130,732 SQUARE
FEET OF OPEN SPACE; AND D) APPROXIMATELY 2,418 PARKING SPACES;
AMENDING THE ZONING ATLAS OF ORDINANCE NO 13114, BY CHANGING THE
ZONING CLASSIFICATION OF THE ABOVE REFERENCED PROPERTIES FROM
"T6-8-O" URBAN CORE ZONE TO "T6-24-O" URBAN CORE ZONE; THE SQUARE
FOOTAGES ABOVE ARE APPROXIMATE AND MAY INCREASE OR DECREASE AT
TIME OF BUILDING PERMIT, NOT TO EXCEED A TOTAL OF 2,147,331 SQUARE
FEET OF DEVELOPMENT; MAKING FINDINGS OF FACT AND STATING
CONCLUSIONS OF LAW; PROVIDING FOR BINDING EFFECT; CONTAINING A
SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

LOCATION: Approximately 1400, 1420 and 1500 NW N River Drive [Commissioner
Wifredo (Willy) Gort - District 1]

APPLICANT(S): Javier F. Aviñó, Esquire, on behalf of River Landing Development,
LLC, Contract Purchaser (Mahi Shrine Holding Corporation, Owner)

FINDING(S):
PLANNING DEPARTMENT: Recommends approval with conditions*.
*See supporting documentation.

PURPOSE: This will allow the "RIVER LANDING" Special Area Plan (SAP)
development.

WHEREAS, the "River Landing Special Area Plan (SAP)" consists of approximately 8.14 acres
of selected parcels; as described in Exhibit "A", qualifying as a Special Area Plan ("SAP"), subject to
Waiver #13-0002 and pursuant to Article 3, Section 3.9 of the Miami 21 Code, ("Zoning Ordinance"),
and

WHEREAS, the proposed SAP consist of approximately 2,147,331 sq. ft. of development
including A) approximately 444 residential units, B), approximately 1,618,383 sq.ft. of proposed
commercial space, C) approximately 130,732 sq. ft. of open space, and D) approximately 2,418
WHEREAS, the proposed SAP will change the underlying zoning classification from "T6-8-O" Urban Core Zone to "T6-24-O" Urban Core Zone; and

WHEREAS, the proposed SAP will allow for much needed retail and residential uses in and in close proximity to the Miami Dade County Criminal Court to the north, the Health District and urban core; and

WHEREAS, The proposed SAP location on the Miami River will allow for use and enjoyment of the Miami River by not only the residents and patrons, but the general public as well, and

WHEREAS, the proposed SAP will create certain recurring fiscal benefits for the City of Miami's tax base as well as much needed temporary and permanent jobs; and

WHEREAS, the Miami Planning, Zoning and Appeals Board ("PZAB"), at its meeting on April 17, 2013, following an advertised public hearing, adopted Resolution No** by a vote of **,item No.PZAB-2, recommending ** of the SAP as set forth; and

WHEREAS, the City Commission, after careful consideration of this matter deems it advisable and in the best interest of the general welfare of the City of Miami and its citizens to amend its Zoning Ordinance as hereinafter set forth;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA:

Section 1. The recitals and findings contained in the Preamble to this Resolution are hereby adopted by reference thereto and incorporated herein as if fully set forth in this Section.

Section 2. The SAP attached hereto, is approved subject to the conditions specified herein.

Section 3. The findings of fact set forth below are made with respect to the subject SAP:

a. The SAP is consistent with the adopted Miami Comprehensive Neighborhood Plan, as amended.

b. The City Commission further finds that:

(1) The SAP will have a favorable impact on the economy of the City;
(2) The SAP will efficiently use public transportation facilities;
(3) Any potentially adverse effects of the development will be mitigated through compliance with the conditions of this SAP;
(4) The SAP will efficiently use existing public or civic spaces;
(5) The SAP will not negatively impact the environment and natural resources of the City;
(6) The SAP will not adversely affect living conditions in the neighborhood;
(7) The SAP will not adversely affect public safety;
(8) Based on the record presented and evidence presented, the public welfare will be served by the SAP; and

(9) Any potentially adverse effects arising from this development not limited to safety and security, fire protection, solid waste, heritage conservation and trees will be mitigated through compliance with the conditions of this SAP.
Section 4. The SAP, inclusive of the Regulating Plan Exhibit "C" and Concept Document Exhibit "D", as approved, shall be binding upon the Applicant and any successors in interest.

Section 5. The application for this SAP, which was submitted on January 17, 2013 and on file with the Hearing Boards Section of the Planning Department, shall be relied upon generally for administrative interpretations and is incorporated by reference.

Section 6. The City Manager is directed to instruct the Planning Director to transmit a copy of this Ordinance and attachments to the Applicant upon final approval.

Section 7. The Findings of Fact and Conclusions of Law are made with respect to the SAP as described herein and in documents incorporated hereto.

Section 8. In the event that any portion or section of this Ordinance or the SAP is determined to be invalid, illegal, or unconstitutional by a court or agency of competent jurisdiction, such decision shall in no manner affect the remaining portions of this Ordinance or SAP which shall remain in full force and effect.

Section 9. The provisions for this SAP, as approved, shall commence and become operative thirty (30) days after the final adoption of the Ordinance.

Section 10. This Ordinance shall become effective immediately upon its final adoption and signature of the Mayor, following any applicable appeal period. {1}

Section 11. The Zoning Ordinance is hereby amended by adding "Appendix F: RIVER LANDING SAP" to said Ordinance, as follows:

APPENDIX F: "RIVER LANDING SAP"

CONDITIONS

Based on analysis and findings, the Planning Department recommends approval of the "River Landing" SAP with the following conditions:

CONDITIONS

Based on analysis and findings, the Planning Department recommends approval of the River Landing Special Area Plan 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 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, as applicable.

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

   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; and

   b. 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 includes the following:

   a. Temporary construction parking plan, with an enforcement policy;

   b. Construction noise management plan with an enforcement policy; and

   c. 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.
9) Prior to the issuance of any building permit, the applicant shall provide the Planning & Zoning Department for review and approval:

   a. Environmental Impact Statement and final reports for lots included in SAP site.

   b. Sufficiency Letter from the City of Miami, Office of Transportation

   c. Final determination of Public School Concurrency and Capacity Reservation

   d. Conservation Assessment Report (project location is within an high Archeological Probability Zone)

   e. Revised set of plans addressing:

   f. Provide alternative for the Promanade (Center View Corridor) that would increase the width from the proposed 69’ if the area is to be allocated to the View Corridor requirement under Article 3.11 of the Miami 21 Code. Design should be open from ground to sky and uninterrupted by circulation corridors serving the vertical retail space on upper levels.

   g. Maintain a minimum sidewalk width of 15’ along NW North River Drive.

   h. Move residential lobby for western tower to end of First Layer. See Illustration 5.6 (T6-24) of the Miami 21 Code.

   i. Provide entry area indentations, in order to exceed door dimensions when opened if sidewalks is less than 15’ wide.

   j. Re-platting is required to close and vacate NW 15 Avenue between North River Drive and the Miami River (City Code Section 54-4).

   k. Revise Open Space diagram (B-5) and calculations contained therein to comply with the Miami 21 definition of “Open Space”.

   l. Provide plans indicating sidewalk locations and dimensions within side setback locations acceptable to the Director of Planning & Zoning.

10) The River Landing Special Area Plan includes a Development Review Process which addresses the build out of the project as identified in the Regulating Plan. All development within the SAP area shall be by SAP Permit.

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 River Landing SAP and
all applicable regulations from local, state and federal agencies.

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.

14) As applicable, River Landing Development LLC., as defined in the approved 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.

15) 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 departments 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)

16) The "River Landing" SAP 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.

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

18) 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.

THE CITY OF MIAMI SHALL:

Establish the operative date of the Development Agreement as being thirty (30) days from the date of its final adoption; the final adoption date shall constitute the commencement of the thirty (30) day period to appeal the provisions of the Development Agreement.

CONCLUSIONS OF LAW:

The "River Landing (SAP)", as approved, complies with the Miami Comprehensive Neighborhood Plan as amended, is consistent with the orderly development and goals of the City of Miami, and complies
with local land development regulations pursuant to the Zoning Ordinance Code.

The proposed development does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the City of Miami.

APPROVED AS TO FORM AND CORRECTNESS:

JULIE O. BRU
CITY ATTORNEY

Footnotes:

{1} This Ordinance shall become effective as specified herein unless vetoed by the Mayor within ten days from the date it was passed and adopted. If the Mayor vetoes this Ordinance, it shall become effective immediately upon override of the veto by the City Commission or upon the effective date stated herein, whichever is later.
EXHIBIT A
LEGAL DESCRIPTION

Lots 7, 8, 9, 10, 11, 12 and a portion of lots 13 and 14 of ST. JOHNS PARK, a subdivision, as recorded in Plat Book 5, of page 19, of the Public Records of Dade County, Florida.

Together with: A portion of Lot 11, of COUNTRY CLUB APARTMENT SUBDIVISION, a re-subdivision of Lot 14 at ST. JOHNS PARK, as recorded in Plat Book 5, at page 19 at the Public Records of Dade County, Florida.

Together with: Tract A of MAHI SHRINE SUBDIVISION, as recorded in Plat Book 164, at page 16 of the Public Records of Dade County, Florida.

Together with N.W. 15th Avenue abutting Lots 8 and 9 of the Plat of ST JOHN'S PARK, a subdivision, as recorded in Plat Book 5, Page 19, of the Public Records of Dade County, Florida.

Together with that portion of the MIAMI RIVER landward of the HARBOR LINE as depicted in Sheet 5 of the map of MIAMI RIVER prepared by U.S. Engineer Office, Jacksonville, Florida dated November 15, 1922.

Containing 8.14 Acres, more or less.
Exhibit C
Regulating Plan

Please refer to the Binder
Section II (6)
“Regulating Plan”
Exhibit D
Concept
Document/Book

Please refer to the Binder
Section II (1)
“Original Plan signed by all Departments”