

PLANNING, ZONING AND APPEALS BOARD FACT SHEET

File ID: 11-01196ap1 *Quasi-Judicial*

Title: A RESOLUTION OF THE MIAMI 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 7 OF THE MIAMI 21 CODE, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AN AMENDMENT TO THE PREVIOUSLY APPROVED "**MIAMI DESIGN DISTRICT RETAIL STREET SPECIAL AREA PLAN (SAP)**", ADDING ADDITIONAL PROPERTIES LOCATED AT APPROXIMATELY 3815 & 3840 NORTHEAST MIAMI COURT; 3825, 3852 & 3900 NORTH MIAMI AVENUE; 20, 21, 28, NORTHWEST 39TH STREET; 30 & 50 NORTHEAST 39TH STREET AND 4100 & 4039 NORTHEAST 1ST AVENUE, MIAMI, FLORIDA; AS DESCRIBED IN EXHIBIT "A"; THE AMENDMENT PROPOSES: **A)** ADDING APPROXIMATELY 86,263 SQUARE FEET (1.98 ACRES) OF LOT AREA SPLIT AMONG 12 ADDITIONAL PARCELS FOR A TOTAL COMBINED LOT AREA OF 917,495 SQUARE FEET: (21.06 ACRES) SPLIT AMONG SIXTY THREE (63) PARCELS; **B)** INCREASING COMMERCIAL SPACE BY APPROXIMATELY 422,971 SQUARE FEET FOR A TOTAL OF 1,374,689 SQUARE FEET; **C)** INCREASING RESIDENTIAL UNITS BY APPROXIMATELY 489 UNITS FOR A TOTAL OF 561 UNITS; **D)** DECREASING HOTEL KEYS BY ONE (1) FOR A TOTAL OF 52 KEYS; **E)** INCREASING PARKING SPACES BY APPROXIMATELY 1,181 SPACES ABOVE GROUND AND BELOW GRADE FOR A TOTAL OF 3,752 SPACES; **F)** INCREASING OPEN SPACE BY APPROXIMATELY 1,764 SQUARE FEET FOR A TOTAL OF 41,566 SQUARE FEET. FURTHERMORE, AMENDING THE ZONING ATLAS OF ORDINANCE NO 13114, BY CHANGING THE ZONING CLASSIFICATION OF THE SELECTED PROPERTIES LOCATED AT APPROXIMATELY 3720 BISCAYNE BOULEVARD AND 299 NORTHEAST 38TH STREET WITHIN THE PREVIOUSLY APPROVED "**MIAMI DESIGN DISTRICT RETAIL STREET SPECIAL AREA PLAN (SAP)**" FROM "T6-12-O" URBAN CORE ZONE TO "T6-24-O" URBAN CORE ZONE; THE SQUARE FOOTAGES ABOVE ARE APPROXIMATE AND MAY INCREASE OR DECREASE UP TO TEN PERCENT (10%) PURSUANT TO ARTICLE 7.1.2.5.A.28 OF THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA; 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 3815 & 3840 NE Miami Court, 3825, 3852 & 3900 North Miami Avenue, 30 & 50 NE 39th Street; 20, 21, 28 NW 39th Street, and 4100 & 4039 NE 1st Avenue; 3720 Biscayne Boulevard and 299 NE 38th Street [Commissioner Marc David Sarnoff - District 2 and Commissioner Michelle Spence-Jones – District 5]

Applicant(s): Neisen O. Kasdin, Esquire, on behalf of "Miami Design District Retail Street SAP" Applicant Entities Described in Exhibit "B" and the City of Miami.
One Southeast Third Avenue, Suite 2500
Miami, FL 33131
(305)374-5600

Purpose: This will allow additional 12 parcels for a total development of approximately 21.06 acres for the "Miami Design District Retail Street SAP"

Planning and Zoning Department Recommendation: Approval with conditions.

Planning, Zoning and Appeals Board: June 19, 2013
C)

Special Area Plan (SAP)" from "T6-12-0" Urban Core -12 Open -Transect Zone to "T6-24-0" Urban Core -24 Open -Transect Zone

The analysis for this proposal, based on the Miami 21 Code, the Zoning Ordinance of City of Miami, is considered an amendment to the previously approved Special Area Plan, approved pursuant to 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 amendment to the "Miami Design District Retail Street Special Area Plan (SAP)", the Planning Department reviewed this proposal for compliance and coherency with the previously approved Special Area Plan.
- The "Miami Design District Retail Street Special Area Plan (SAP)" as herein amended is comprised of the properties shown in the following table:

Table 1: Miami Design District Retail Street Special Area Plan (SAP): Properties and zoning classification

| Ppty# | Address | Folio Number | Zoning Classification | |
|------------------|---------------------|------------------|-----------------------|-------------------------|
| | | | From | To (With SAP provision) |
| 1 | 90 N E 39th Street | 01-3124-029-0130 | T612-O | T612-O |
| 2 | 100 N E 39th Street | 01-3124-030-0210 | T612-O | T612-O |
| 2 | 105 N E 38th Street | 01-3124-033-0110 | T612-O | T612-O |
| 2 | 3821 NE 1st Avenue | 01-3124-033-0090 | T612-O | T612-O |
| 2 | 3801 NE 1st Avenue | 01-3124-033-0120 | T6 12-O | T612-O |
| 2 | 3801 NE 1st Avenue | 01-3124-033-0100 | T612-O | T6 12-O |
| 3 | 108 NE 39th Street | 01-3124-030-0200 | T612-O | T612-O |
| 4 | 140 N E 39th Street | 01-3124-030-0170 | T612-O | T612-O |
| 5 | 3821 NE 1st Court | 01-3124-033-0010 | T6 12-O | T612-O |
| 6 | 3821 NE 1st Court | 01-3124-033-0130 | T612-O | T612-O |
| 7 | 180 NE 39th Street | 01-3124-030-0100 | T612-O | T6 12-O |
| 8 | 3841 NE 2nd Avenue | 01-3219-011-0100 | T612-O | T612-O |
| 9 ⁽¹⁾ | 3725 Biscayne Blvd | 01-3219-045-0010 | T6 12-O | T624-O |
| 10 | 299 NE 38th Street | 01-3219-011-0330 | T612-O | T624-O |
| 11 | 92 N E 40th Street | 01-3124-027-0270 | T612-O | T6 12-O |

Table 1: Miami Design District Retail Street Special Area Plan (SAP): Properties and zoning classification (Cont.)

| Ppty# | Address | Folio Number | Zoning Classification | |
|-------|---------------------|-------------------|-----------------------|-------------------------|
| | | | From | To (With SAP provision) |
| 12 | 99 NE 39th Street | 01-3124-029-001 0 | T612-O | T612-O |
| 13 | 101 NE 39th Street | 01-3124-030-0090 | T612-O | T612-O |
| 13 | 100 NE 40th Street | 01-3124-028-0160 | T612-O | T612-O |
| 13 | 108 NE 40th Street | 01-3124-028-0150 | T612-O | T612-O |
| 14 | 119 NE 39th Street | 01-3124-030-0080 | T6 12-O | T6 12-O |
| 15 | 139 NE 39th Street | 01-3124-030-0060 | T6 12-O | T612-O |
| 16 | 163 NE 39th Street | 01-3124-030-0050 | T612-O | T612-O |
| 17 | 150 NE 40th Street | 01-3124-028-0080 | T5-O | T5-O |
| 18 | 160 NE 40th Street | 01-3124-028-0060 | T5-O | T5-O |
| 18 | 154 N E 40th Street | 01 -3124-028-0070 | T5-O | T5-O |
| 19 | 170 NE 40th Street | 01-3124-028-0040 | T5-O | T5-O |
| 20 | 3930 NE 2nd Avenue | 01-3124-028-0010 | T5-O/T6-1 2-O | T5-O1 'T6-12-O |
| 21 | 201 NE 39th Street | 01-3219-012-0010 | T612-O | T612-O |
| 22 | 81 N E 40th Street | 01-3124-027-0130 | T6-8-O | T6-8-O |
| 23 | 95 NE 40th Street | 01-3124-027-0120 | T6-8-O | T6-8-O |
| 24 | 151 N E 40th Street | 01-3124-027-0060 | T5-O | T5-O |
| 25 | 155 NE 40th Street | 01-3124-027-0040 | T5-O | T5-O |
| 26 | 175 NE 40th Street | 01-3124-025-0020 | T5-O | T5-O |
| 27 | 4040 NE 2nd Avenue | 01-3124-027-0020 | T5-O | T5-O |
| 28 | 34 NE 41st Street | 01-3124-024-1420 | T5-O | T5-O |
| 29 | 42 NE 41st Street | 01-3124-024-1410 | T5-O | T5-O |
| 30 | 56 NE 41st Street | 01 -3124-024-1400 | T5-O | T5-O |
| 31 | 60 NE 41st Street | 01-3124-024-1390 | T5-O | T5-O |
| 32 | 80 NE 41st Street | 01-3124-024-1380 | T5-O | T5-O |
| 33 | 84 NE 41st Street | 01-3124-024-1370 | T5-O | T5-O |
| 34 | 90 NE 41st Street | 01-3124-024-1360 | T5-O | T5-O |
| 35 | 140 NE 41st Street | 01-3124-024-1500 | T5-O | T5-O |
| 36 | 144 NE 41st Street | 01-3124-024-1490 | T5-O | T5-O |
| 37 | 150 NE 41st Street | 01-3124-024-1480 | T5-O | T5-O |
| 38 | 158 NE 41st Street | 01-3124-024-1470 | T5-O | T5-O |
| 39 | 53 NE 41st Street | 01-3124-024-1320 | T4-O | T4-O |
| 40 | 61 NE 41st Street | 01-3124-024-1330 | T4-O | T4-O |
| 41 | 77 NE 41st Street | 01-3124-024-1340 | T4-O | T4-O |
| 42 | 115 NE 41st Street | 01-3124-024-1150 | T5-O | T5-O |
| 43 | 135 NE 41st Street | 01-3124-024-1160 | T5-O | T5-O |
| 44 | 150 NE 42nd Street | 01-3124-024-1550 | T5-O | T5-O |
| 45 | 4100 NE 2nd Ave | 01-3124-024-1560 | T5-O | T5-O |

Table 1: Miami Design District Retail Street Special Area Plan (SAP): Properties and zoning classification (Cont.)

| Ppty# | Address | Folio Number | Zoning Classification | |
|-------------------|------------------------------|------------------|-----------------------|-------------------------|
| | | | From | To (With SAP provision) |
| 46 | 4141 NE 2nd Ave | 01-3219-009-0010 | T5-0 | T5-0 |
| 47 | 4200 NE 2nd Ave | 01-3124-024-0930 | T4-L | T4-0 |
| 48 | 4218 NE 2nd Ave | 01-3124-024-0940 | T4-0 | T4-0 |
| 49 | 4240 NE 2nd Ave | 01-3124-024-0950 | T4-0 | T4-0 |
| 50 | 3800 NE 1st Ave | 01-3124-033-0240 | T6-12-0 | T6-12-0 |
| 51 | 35 NE 38th Street | 01-3124-033-0370 | T6-12-0 | T6-12-0 |
| 52 ⁽²⁾ | 3815 NE Miami Court | 01-3124-033-0390 | T-6-12-0 | T-6-12-0 |
| 53 ⁽²⁾ | 50 N E 39 Street | 01-3124-029-0150 | T-6-12-0 | T-6-12-0 |
| 54 ⁽²⁾ | 30 NE 39 Street | 01-3124-029-0160 | T-6-12-0 | T-6-12-0 |
| 55 ⁽²⁾ | 3840 N E Miami Court | 01-3124-026-0220 | T-6-12-0 | T-6-12-0 |
| 56 ⁽²⁾ | 10 NE 39 St/ 3825N Miami Ave | 01-3124-029-0170 | T-6-12-0 | T-6-12-0 |
| 57 ⁽²⁾ | 3850 /3852 N Miami Ave | 01-3124-021-0940 | T-6-12-0 | T-6-12-0 |
| 58 ⁽²⁾ | 20 NW 39 Street | 01-3124-021-0950 | T4-L | T4-L |
| 59 ⁽²⁾ | 28 NW 39 Street | 01-3124-021-0960 | T4-L | T4-L |
| 60 ⁽²⁾ | 3900 N Miami Ave | 01-3124-021-0580 | T-6-12-0 | T-6-12-0 |
| 61 ⁽²⁾ | 21 NW 39 Street | 01-3124-021-0570 | T4-L | T4-L |
| 62 ⁽²⁾ | 4100 NE 1 Ave | 01-3124-024-1350 | T4-0 | T4-0 |
| 63 ⁽²⁾ | 4039 NE 1 Ave | 01-3124-024-1540 | T5-0 | T5-0 |

(1) Parcel proposed to change the zoning designation

(2) Parcels incorporated to the "Miami Design District Retail Street Special Area Plan (SAP)"

Table 2: Summary of changes proposed on this first amendment to "Miami Design District Retail Street Special Area Plan (SAP)"

| Program / Parcel | Originally approved | Proposed on this amendment | |
|---|---------------------|----------------------------|----------------|
| | | Increase/Decrease | Provided |
| Aggregate SAP area | 831,232 s.f. | 86,263 s.f. | 917,495 s.f. |
| | 19.08 acres | 1.98 acres | 21.06 acres |
| Commercial Space | 951,718 s.f. | 422,971 s.f. | 1,374,689 s.f. |
| Residential Units | 72 units | 489 units | 561 units |
| Hotel Keys | 53 | (1) | 52 |
| Parking Spaces | 2,571 | 1,181 | 3,752 |
| Open Space | 39,802 s.f. | 1,764 s.f. | 41,566 s.f. |
| 3725 Biscayne Blvd. and 229 NE 38th St. | T6-12-O | | T6-24-O |

- The proposed modification to the zoning classification for the parcel No.9 (3725 Biscayne Blvd.) is consistent with the FLUM, hence it does not require modification on the land use classification.
- The modification proposed includes precisions and clarification to the Regulating Plan and the Conceptual Plan consistent with the intent and purpose of the "Miami Design District Retail Street Special Area Plan (SAP)".
- The proposed SAP as amended will benefit the area by creating and enhanced program of residential units, hotel rooms, commercial uses, as well as civic and open space for the enjoyment of the general public, generating public benefits within the development, resulting in higher or specialized quality building and streetscape design.
- The SAP as amended keep the intent and concept 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.
- This project as amended is deemed critically important to the economic revitalization and enhancement of the Miami Design District area, and consequently a positive impact to the City in general, creating recurring and nonrecurring financial benefits as well as temporary and permanent jobs.

CONDITIONS:

Based on analysis and findings, the Planning Department recommends approval of the amendment to the previously approved "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: a) Declaration of Covenants and Restrictions providing that the ownership, operation and
 - a) 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
 - 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 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:
 - Updated 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)



Concurrency Management System (CMS)

Miami Dade County Public Schools

Miami-Dade County Public Schools

Concurrency Management System Preliminary Concurrency Analysis

MDCPS Application Number: PH0113031500214 Local Government (LG): Miami
 Date Application Received: 3/15/2013 3:25:14 PM LG Application Number: 11-01196ap1
 Type of Application: Public Hearing Sub Type: Zoning

Applicant's Name: Miami Design District Retail Street Special Area P
 Address/Location: 3841 NE 2nd Avenue, 4th Floor, Miami, FL 33137
 Master Folio Number: 0131240330390
 Additional Folio Number(s): 0131240290150, 0131240290160, 0131240260220, 0131240290170, 0131240210940, 0131240210950, 0131240210960, 0131240210580, 0131240210570, 0131240241350, 0132190241540,

PROPOSED # OF UNITS 258
 SINGLE-FAMILY DETACHED UNITS: 0
 SINGLE-FAMILY ATTACHED UNITS: 0
 MULTIFAMILY UNITS: 258



| CONCURRENCY SERVICE AREA SCHOOLS | | | | | | |
|----------------------------------|----------------------------------|------------------------|----------------|-------------|---------|-------------|
| CSA Id | Facility Name | Net Available Capacity | Seats Required | Seats Taken | LOS Met | Source Type |
| 2351 | ENEIDA MASSAS HARTNER ELEMENTARY | 45 | 23 | 23 | YES | Current CSA |
| 6361 | JOSE DE DIEGO MIDDLE | 219 | 10 | 10 | YES | Current CSA |
| 7791 | BOOKER T WASHINGTON SENIOR | 782 | 10 | 10 | YES | Current CSA |

ADJACENT SERVICE AREA SCHOOLS

*An Impact reduction of 19.5% included for charter and magnet schools (Schools of Choice).

MDCPS has conducted a preliminary public school concurrency review of this application; please see results above. A final determination of public school concurrency and capacity reservation will be made at the time of approval of plat, site plan or functional equivalent. **THIS ANALYSIS DOES NOT CONSTITUTE PUBLIC SCHOOL CONCURRENCY APPROVAL.**

1450 NE 2 Avenue, Room 525, Miami, Florida 33132 / 305-995-7634 / 305-995-4760 fax / concurrency@dadeschools.net



City of Miami

Legislation

PZAB Resolution

City Hall
3500 Pan American
Drive
Miami, FL 33133
www.miamigov.com

File Number: 11-01196ap1

Final Action Date:

A RESOLUTION OF THE MIAMI 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 7 OF THE MIAMI 21 CODE, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AN AMENDMENT TO THE PREVIOUSLY APPROVED "**MIAMI DESIGN DISTRICT RETAIL STREET SPECIAL AREA PLAN (SAP)**", ADDING ADDITIONAL PROPERTIES LOCATED AT APPROXIMATELY 3815 & 3840 NORTHEAST MIAMI COURT; 3825, 3852 & 3900 NORTH MIAMI AVENUE; 20, 21, 28, NORTHWEST 39TH STREET; 30 & 50 NORTHEAST 39TH STREET AND 4100 & 4039 NORTHEAST 1ST AVENUE, MIAMI, FLORIDA; AS DESCRIBED IN EXHIBIT "A"; THE AMENDMENT PROPOSES: **A)** ADDING APPROXIMATELY 86,263 SQUARE FEET (1.98 ACRES) OF LOT AREA SPLIT AMONG 12 ADDITIONAL PARCELS FOR A TOTAL COMBINED LOT AREA OF 917,495 SQUARE FEET: (21.06 ACRES) SPLIT AMONG SIXTY THREE (63) PARCELS; **B)** INCREASING COMMERCIAL SPACE BY APPROXIMATELY 422,971 SQUARE FEET FOR A TOTAL OF 1,374,689 SQUARE FEET; **C)** INCREASING RESIDENTIAL UNITS BY APPROXIMATELY 489 UNITS FOR A TOTAL OF 561 UNITS; **D)** DECREASING HOTEL KEYS BY ONE (1) FOR A TOTAL OF 52 KEYS; **E)** INCREASING PARKING SPACES BY APPROXIMATELY 1,181 SPACES ABOVE GROUND AND BELOW GRADE FOR A TOTAL OF 3,752 SPACES; **F)** INCREASING OPEN SPACE BY APPROXIMATELY 1,764 SQUARE FEET FOR A TOTAL OF 41,566 SQUARE FEET. FURTHERMORE, AMENDING THE ZONING ATLAS OF ORDINANCE NO 13114, BY CHANGING THE ZONING CLASSIFICATION OF THE SELECTED PROPERTIES LOCATED AT APPROXIMATELY 3720 BISCAYNE BOULEVARD AND 299 NORTHEAST 38TH STREET WITHIN THE PREVIOUSLY APPROVED "**MIAMI DESIGN DISTRICT RETAIL STREET SPECIAL AREA PLAN (SAP)**" FROM "T6-12-O" URBAN CORE ZONE TO "T6-24-O" URBAN CORE ZONE; THE SQUARE FOOTAGES ABOVE ARE APPROXIMATE AND MAY INCREASE OR DECREASE UP TO TEN PERCENT (10%) PURSUANT TO ARTICLE 7.1.2.5.A.28 OF THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA; 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 3815 & 3840 NE Miami Court; 3825, 3852 & 3900 N Miami Avenue; 20, 21, 28 NW 39th Street; 30 & 50 NE 39th Street and 4100 & 4039 NE 1st Avenue; and 3720 Biscayne Boulevard and 299 NE 38th Street
[Commissioner Marc David Sarnoff - District 2 and Commissioner Michelle Spence-Jones - District 5]

APPLICANT(S): Neisen O. Kasdin, Esquire, on behalf of "Miami Design District Retail Street SAP" Applicant Entities and the City of Miami

FINDING(S):

PLANNING DEPARTMENT: Recommends approval with conditions*.
*See supporting documentation.

PURPOSE: This will allow additional 12 parcels for a total development of approximately 21.06 acres for the "Miami Design District Retail Street SAP".

WHEREAS, the original "Miami Design District Retail Street" is a 19.08 acre Special Area Plan ("SAP") approved on July 26, 2012 (Ordinance No. 13334); pursuant to Article 3 and Article 7 of the Miami 21 Code, the Zoning Ordinance of the City of Miami, Florida, ("Zoning Ordinance"), with current general boundaries of NE 43rd Street to the North, North Federal Highway and Biscayne Blvd to the East, NE 38th Street to the South, and NE Miami Court and North Miami Avenue to the West, Miami, Florida; and

WHEREAS, the applicant wishes to amend the SAP Regulating Plan and Concept Book by adding 12 new properties and adjusting the original development program to include additional 86,263 square feet of lot area for a new lot area total of 917,495 square feet or approximately 21.06 acres, said parcels located approximately 3815 & 3840 NE Miami Court; 3825, 3852 & 3900 N Miami Avenue; 20, 21, 28 NW 39th Street; 30 & 50 NE 39th Street and 4100 & 4039 NE 1st Avenue, Miami Florida; and

WHEREAS, the amended SAP will change the underlying zoning classification of a selected property from "T6-12-O" Urban Core Zone to "T6-24-O" Urban Core Zone; and

WHEREAS, the proposed amended SAP will facilitate redevelopment and benefit the area by creating residential units, hotel rooms, commercial uses, as well as civic and open space for the enjoyment of the general public, and

WHEREAS, the amended SAP will integrate public improvements and infrastructure while providing greater flexibility resulting in higher or specialized quality building and streetscape design; and

WHEREAS, projects such as this are critically important to the economic revitalization and enhancement of the City, in general, and specifically, the Miami Design District area; and

WHEREAS, the amended SAP will create certain recurring and nonrecurring financial benefits as well as temporary and permanent jobs; and

WHEREAS, the Miami Planning, Zoning and Appeals Board, at its meeting on _____, 2013, following an advertised public hearing, adopted Resolution No. PZAB-R-13-___ by a vote of ___ to ___ (-_-), item no. __, recommending _____ with conditions 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 Ordinance are hereby adopted by reference thereto and incorporated herein as if fully set forth in this Section.

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

Section 3. The amended SAP includes lower ranking SAP Permits as set forth in the Exhibit "C": Regulating Plan of the amended SAP which shall be reviewed for approval by Planning and Zoning, as needed.

Section 4. The findings of fact set forth below are made with respect to the amended SAP:

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

b. Development proposed in the amended SAP is expected to cost approximately \$152 million reaching a total of \$443 million for the entire SAP, exclusive of land costs and developer fees. A total of 460 people will be employed at the proposed project, which will stimulate the creation of 300 direct and induced jobs and will generate approximately \$2,593,699 annually in recurring and non-recurring benefits to the City (2013 dollars). The total SAP will now result in the creation of in excess of 1,230 FTE (Full Time Employees) permanent new jobs and will generate approximately \$4,691,208 annually in tax revenues to the City (2013 dollars)."

c. The City Commission further finds that the amended SAP:

(1) Will have a favorable impact on the economy of the City;

(2) 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) Will efficiently use existing public or civic spaces;

(5) Will not negatively impact the environment and natural resources of the City;

(6) Will not adversely affect living conditions in the neighborhood;

(7) Will not adversely affect public safety;

(8) Based on the record and the 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 amended SAP.

Section 5. The amended SAP, inclusive of all exhibits, in particular, the Exhibit "C": Amended Regulating Plan, Exhibit "D": Amended Concept Book, and Exhibit "E": Amended Development Program Spreadsheet, as approved, shall be binding upon the Applicant and any successors in interest.

Section 6. The amended application for this SAP, which was submitted on _____, 2013 and on file with the Hearing Boards Section of the Planning Department, shall be relied upon generally for administrative interpretations and is incorporated herein by reference.

Section 7. 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 8. The Findings of Fact and Conclusions of Law are made with respect to the SAP as described in the record, herein, and in documents incorporated hereto.

Section 9. The amended SAP for the "Miami Design District Retail Street" is granted and

approved.

Section 10. In the event that any portion or section of this Ordinance or the amended 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 11. The provisions for this Ordinance, as approved, shall become effective thirty (30) days after the final adoption of the Ordinance.

Section 12. The Zoning Ordinance is hereby amended by changing Appendix F: Miami Design District Retail Street Special Area Plan” to said Ordinance, as follow and incorporating: the amended SAP:

APPENDIX F: “MIAMI DESIGN DISTRICT RETAIL STREET SPECIAL AREA PLAN” AS AMENDED

Which includes:

Development Agreement

Applicants

Amended Regulating Plan

Amended Concept Book,

Amended Development Program Spreadsheet

CONDITIONS

Based on analysis and findings, the Planning Department recommends approval of the proposed amendment to 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 amended 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 amended 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.