

ANALYSIS

AMENDMENT TO A PREVIOUSLY APPROVED SPECIAL AREA PLAN for "MIAMI DESIGN DISTRICT RETAIL STREET SPECIAL AREA PLAN (SAP)"

LEGISTAR FILE 10: 11-01196ap1


LOCATION:

The "Miami Design District Retail Street Special Area Plan (SAP)" as approved on July 26, 2012 (Ordinance No. 13334) consists of selected parcels reaching a total of approximately 19.08 acre; within the bounds set 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, Miami, Florida.

PROJECT PROFILE:

This amendment incorporates to the previously approved "Miami Design District Retail Street Special Area Plan (SAP)" twelve (12) additional properties to be developed in compliance with all applicable regulations imposed by the Appendix F of the Miami 21 Code, as amended, Regulating Plan ,and the correspondent Concept Plan .

The intent of this Special Area Plan (SAP) lingers as it proposes a mix of commercial, office, residential and lodging uses and associated open and parking areas, with the following modifications:

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- A) Adding approximately 86,263 square feet (1.98 acres) of lot area split among twelve (12) additional parcels for a total combined lot area of 917,495 square feet: (21.06 acres) split among a total of 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;
 - G) Amending the Zoning Atlas of Ordinance No 13114, by changing the zoning classification of the selected property located at approximately 3725 Biscayne Blvd. and 229 NE 38th St. within the previously approved "Miami Design District Retail Street

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.

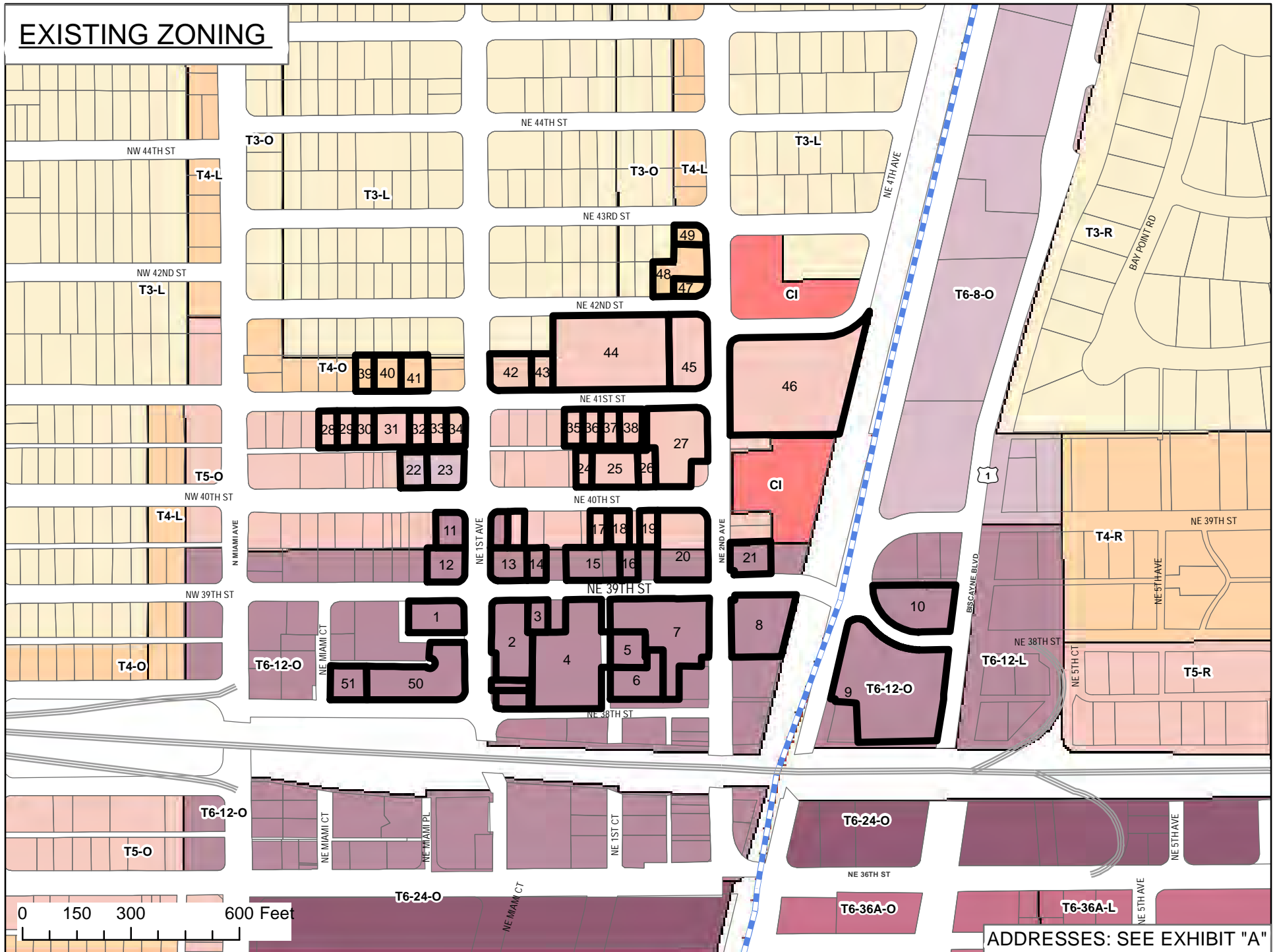
- 6) Record the following in the Public Records of Miami-Dade County, Florida, prior to the issuance of any building permit: a) Declaration of Covenants and Restrictions providing that the ownership, operation and
 - a) maintenance of all Civic and Open Spaces, and any related improvements located thereon, 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)

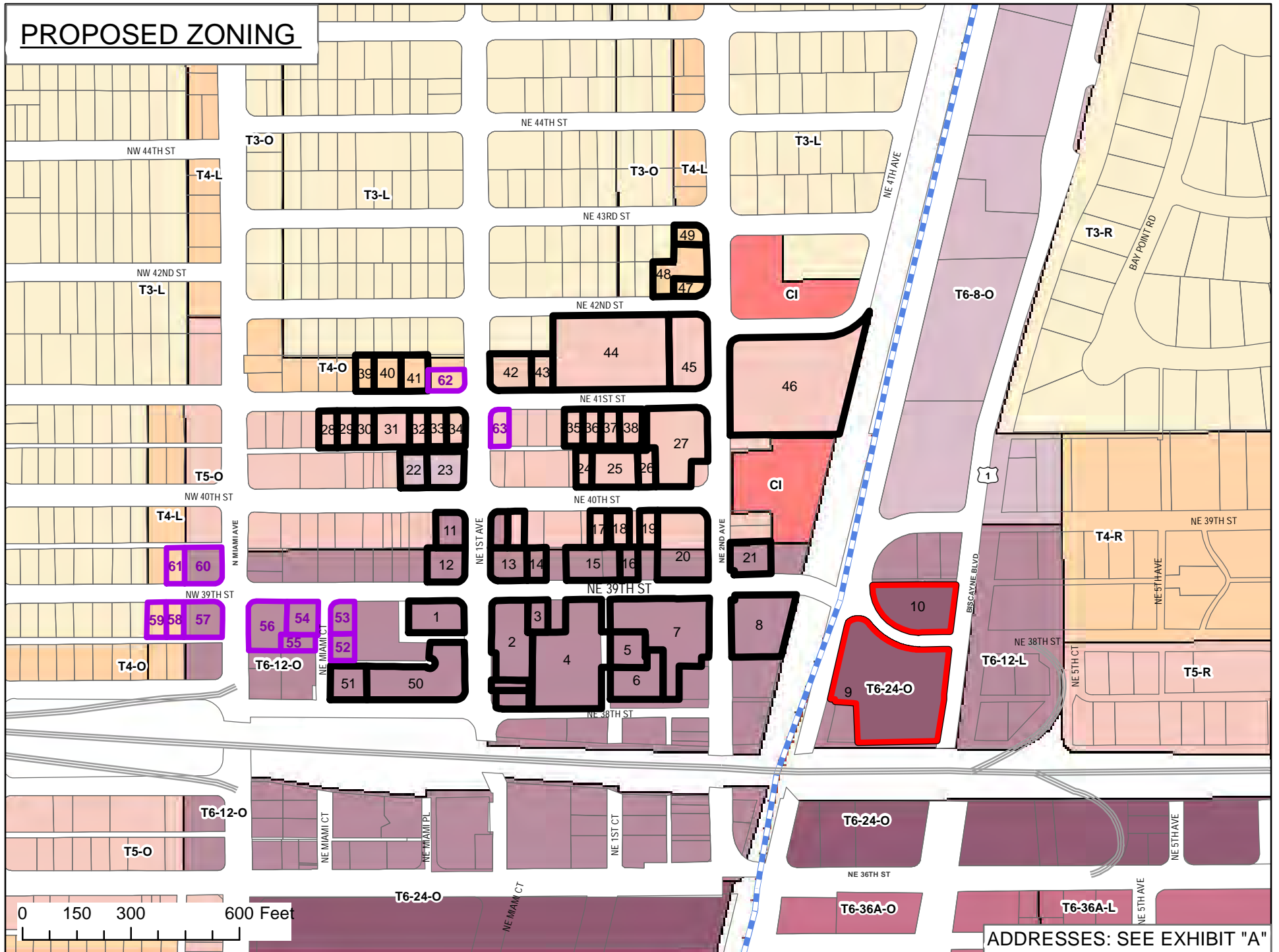
- 10) The "Miami Design District Retail Street includes a Development Review Process which addresses the build out of the individual Buildings as identified in the Regulating Plan. All development within this SAP shall be submitted for review and approval by the Planning and Zoning Director prior to 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.

EXISTING ZONING

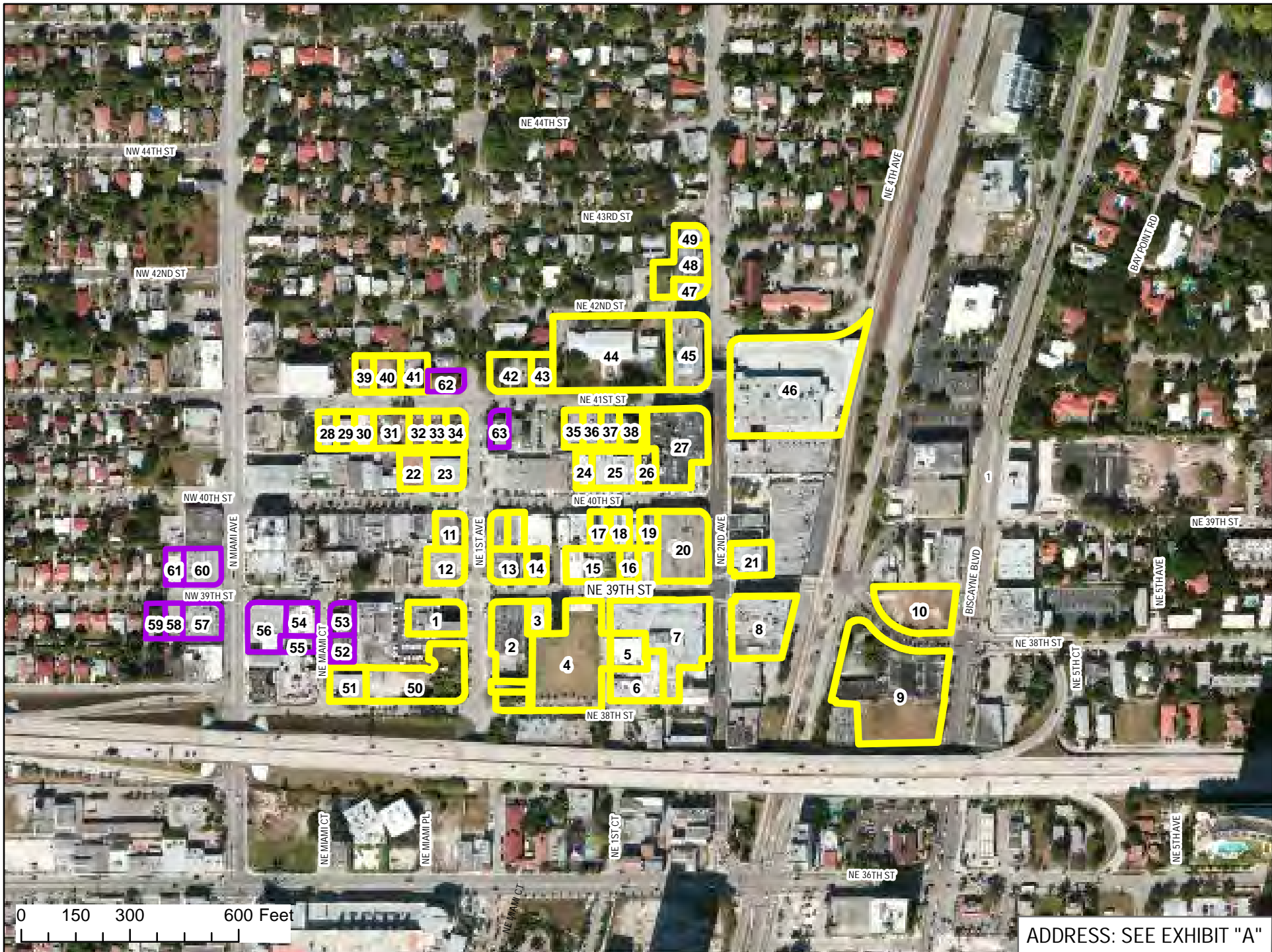


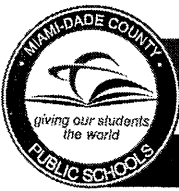
ADDRESSES: SEE EXHIBIT "A"

PROPOSED ZONING



ADDRESSES: SEE EXHIBIT "A"





Miami-Dade County Public Schools

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Alberto M. Carvalho

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March 21, 2013

VIA ELECTRONIC MAIL

Mr. Javier E. Fernandez, Esquire
Akerman Senterfitt, LLP
One Southeast Third Avenue, 25th Floor
Miami, FL 33131

javier.fernandez@akerman.com

**RE: PUBLIC SCHOOL CONCURRENCY PRELIMINARY ANALYSIS
MIAMI DESIGN DISTRICT RETAIL STREET SPECIAL AREA P – 11-01196ap1
LOCATED APPROXIMATELY AT NE 39 STREET AND NE MIAMI COURT
PH0113031500214 - FOLIO Nos.: 0131240330390, 0131240290150, 0131240290160,
0131240260220, 0131240290170, 0131240210940,
0131240210950, 0131240210960, 0131240210580,
0131240210570, 0131240241350, 0132190241540**

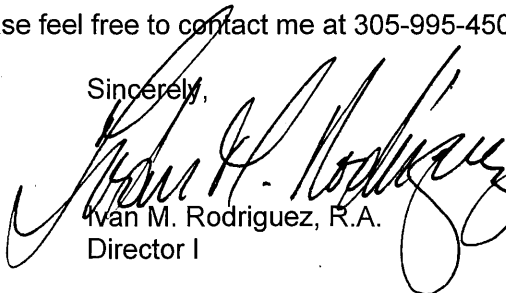
Dear Applicant:

Pursuant to State Statutes and the Interlocal Agreements for Public School Facility Planning in Miami-Dade County, the above-referenced application was reviewed for compliance with Public School Concurrency. Accordingly, enclosed please find the School District's Preliminary Concurrency Analysis (Schools Planning Level Review) for informational purposes only.

As noted in the Preliminary Concurrency Analysis (Schools Planning Level Review), the proposed development would yield a maximum residential density of 258 multi-family units, which generate 43 students; 23 elementary, 10 middle and 10 senior high students. **At this time, all three school levels have sufficient capacity available to serve the application.** However, a 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. **As such, this analysis does not constitute a Public School Concurrency approval.**

Should you have any questions, please feel free to contact me at 305-995-4501.

Sincerely,



Ivan M. Rodriguez, R.A.
Director I

IMR:ir
L-414
Enclosure

cc: Ms. Ana Rijo-Conde, AICP
Ms. Vivian G. Villaamil
City of Miami
School Concurrency Master File

Facilities Planning, Design and Sustainability

Ana Rijo-Conde, AICP, Eco-Sustainability Officer • 1450 N.E. 2nd Ave. • Suite 525 • Miami, FL 33132
305-995-7285 • 305-995-4760 (FAX) • arijo@dadeschools.net



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