ANALYSIS
AMENDMENT TO A PREVIOUSLY APPROVED
SPECIAL AREA PLAN
for
BRICKELL CITYCENTRE-ONE BCC (1BCC)

LEGISTAR FILE ID: 11-00380ap2

LOCATION:

Generally Bounded by SE 7 Street on the North, SE 8th Street on the South, the 8th Street metro mover right-of-way to the West, and Brickell Avenue on the East.

PROJECT PROFILE:

This amendment modifies a previously approved “Brickell CityCentre Special Area Plan” (SAP) by 1) incorporating two additional parcels to the previously approved “Brickell CityCentre” SAP and incorporating them into the portion of the project originally known as “BCC Plaza” to utilize the entire block creating the “One BCC Block” (1BCC); 2) changing the Transect designation in the Miami 21 Zoning Atlas of the new parcels from “T6-48A-O”, Urban Core–48A–Open to “T6-48B-O”, Urban Core–48B–Open; and 3) adding additional transect zone regulations to the subject parcels that modify the development program for this area of the project. The Future Land Use Map of the Miami Comprehensive Neighborhood Plan will not be amended. This Amendment only addresses the One BCC Block (1BCC), and its connection to the previously approved Brickell CityCentre SAP East from the Metromover Right of Way. The amendment proposes a mix of uses compatible with the overall intent of BBC-SAP as follows:

A) The 1BCC block is bounded by SE 7th Street to the north, SE 8th Street to the south, the Metromover Right of Way to the west, and Brickell Avenue to the east.

B) The amendment incorporates 67,620 Sq. Ft, or approximately 1.55 acres into the SAP for a total land area of 503,948 square feet or 11.57 acres within the SAP.

C) The 1BCC proposes a mix of office, hotel, residential, and retail uses along with associated parking areas to complement the BCC-SAP intent.

The analysis for this proposal (1BCC), based on the Miami 21 Code, the Zoning Ordinance of City of Miami, is considered an amendment to the previously approved and amended 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 Amendment to a previously approved Special Area Plan ("SAP"), the Planning Department referred this proposal for additional input and recommendations to the:

- Coordinated Review Committee; and
- The Urban Development Review Board.

- The addition of land to the previously approved “Brickell CityCentre-Special Area Plan” is deemed an Amendment to the previously approved BCC-SAP qualifying as such per Article 3, Section 3.9 and Article 7, Section 7.1.2.8 of the Miami 21 Code.

- The parcels to be added herein to the BCC-SAP are on the block bounded by SE 7th Street to the north, SE 8th Street to the south, Brickell Avenue to the east, and Metromover Right of Way to the west creating the “1BCC BLOCK”.

- The additional parcels incorporate to the BCC-SAP approximately 67,620 Sq. Ft. (1.55 ± acres) of land for a new total of 503,948 square feet (11.57 ± acres) within the overall development site.

- The proposal for the new 1BCC block is for an 85-story mixed use tower.

- The program for 1BCC includes:
  - Approximately 65,267 square feet of Retail floor area,
  - Approximately 674,833 square feet of Office floor area
  - 256 Residential Dwelling Units with approximately 690,276 square feet of floor area,
  - 120 Hotel Rooms with approximately 286,029 square feet of floor area,
  - 1,600 parking spaces with approximately 743,353 square feet, and
  - Approximately 33,230 square feet of Civic Space.

- The amended Brickell CityCentre project inclusive of the 1BCC program will provide the following:
  - Approximately 723,575 square feet of Retail floor area,
  - Approximately 961,400 square feet of Office floor area,
  - 1,400 Residential Dwelling Units with approximately 2,572,712 square feet of floor area,
  - 385 Hotel Rooms with approximately 571,523 square feet of floor area,
  - 5,057 parking spaces with approximately 2,360,228 square feet of parking area,
  - Approximately 49,919 square feet of Civic Space.

- The Future Land Use designation for the 1BCC site is “Restricted Commercial” with Urban Central Business District (UCBD) overlay.

- The Zoning designation for the proposed “1BCC Block” is currently T6-48B-O (Urban Core Transect - 48B – Open) on the west and T6-48A-O (Urban Core Transect – 48A – Open) for the additional
new parcels on the east. The amendment proposes to change the entire site to T6-48B-O (Urban Core Transect – 48B – Open).

- 1BCC block is within an Archeological conservation area requiring monitoring and disposition plan should Archeological resources be found.

- The proposal conveys minor modifications to the T6-48B-O transect zone regulations that will govern the 1BCC block; however, the modifications will facilitate it physical linkage to the rest of the Project and will allow for the creation of 160 parking spaces below grade.

- The Regulatory Plan has been amended to incorporate the 1BCC block and it is found to comply with the intent of the BCC-SAP, maintaining an orientation to an internal distribution of individual projects and of public spaces, with an emphasis on promoting and elevating the standard for the pedestrian realm.

- The 1BCC block is located within the Downtown Development of Regional Impact (DDRI) area. The DDRI fees will be calculated based on final program DDRI credits may be reserved upon approval of this SAP amendment; but, without exception, all fees must be paid prior to the issuance of any building permit.

- The 1BCC block has convenient access to the mass transportation system via the SE 8th Street Metro Mover Station.

- The proposal will create significant public plazas and open spaces fronting Brickell Avenue.

- The above described property is currently underutilized, mostly consisting of small office buildings in an area surrounded by large office towers.

- Their current buildings negatively impact the urban fabric of the Brickell area as they do not contain the attributes necessary to create a safe, enjoyable pedestrian realm.

- The proposed application will produce tremendous recurring fiscal benefits for the City of Miami including ad valorem tax remittances of approximately $5.3 million for both the city's general fund and debt service, “and approximately 2,375 permanent jobs”.

REFERRALS

- The incorporation of “1BCC” block to the BCC-SAP was submitted for review for Public School Concurrency.

- The Pre-Application Meeting for “1BCC” was held on November 4, 2013. Comments provided therein have been incorporated in revised plans prepared for this submittal.
• The Coordinated Review Committee (CRC) met on December 18, 2013 to review the project and provided applicants with comments and technical concerns regarding the proposed addition of 1BCC block to the BCC-SAP. The comments from the various department representatives are attached. Certain revisions have been made based on said comments and concerns which have been incorporated in revised plans prepared for this submittal, others may require additional information and clarifications prior to obtaining a building permit.

• This proposal was reviewed for design appropriateness by the Urban Development Review Board (UDRB) on December 18, 2013. The UDRB voted to approve the project with the following condition:

  o Create a dynamic and well-designed sidewalk space particularly along Brickell to match the high quality or the building design.

• 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 amendment to the “Brickell CityCentre” 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:

- 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
- 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 an updated temporary construction plan that includes the following:

- 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 Major Use Special Permit.

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

- Environmental Impact Statement for 1BCC site
- Sufficiency Letter from the City of Miami, Office of Transportation
- Final determination of Public School Concurrency and Capacity Reservation
- Conservation Assessment Report (project location is within an high Archeological Probability Zone)
- The proposed Special Area Plan, including the 1BCC addition, is located within the Downtown Development of Regional Impact (DDRI) area. The DDRI fees will be calculated based on final program DDRI credits may be reserved upon approval of this SAP amendment; but, without exception, all fees must be paid prior to the issuance of any building permit.

10) 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. This overall phasing plan shall consider the 1BCC block.
11) The applicant shall meet conditions identified in this Ordinance, with the BCC-SAP Regulating Plan as amended and all applicable regulations from local, state and federal agencies.

12) 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.
MIAMI 21 MAP (EXISTING)

Miami River Greenway Regulatory Design Standards

ADDRESS: Brickell Citycentre
Between SE 7 St, SE 8 St, Brickell Av & Metro Mover Station Right-of-Way
ADDRESS: Brickell Citycentre
Between SE 7 St, SE 8 St, Brickell Av
& Metro Mover Station Right-of-Way
Superintendent of Schools
Alberto M. Carvalho

VIA ELECTRONIC MAIL
Mr. Mathew A. Barnes, AICP
Akerman Senterfitt
One Southeast Third Avenue, Suite 2500
Miami, Florida 33131-1714

matthew.barnes@akerman.com

January 29, 2014

RE: PUBLIC SCHOOL CONCURRENCE DETERMINATION
BRICKELL CITY CENTER - ONE BCC SAP AMENDMENT - 11-00380AP2
LOCATED AT 700 BRICKELL AVENUE
SP0113121601022 - FOLIO NOS.: 0102100301180, 0102100301310, 0102100301230, 0102100301250

Dear Applicant:

Pursuant to State Statutes and the Interlocal Agreement for Public School Facility Planning, the above-referenced application was reviewed for compliance with Public School Concurrency. Accordingly, attached please find the School District's Concurrency Determination. As you will note, the applicable Level of Service (LOS) standards of 100% Florida Inventory of School Housing (FISH) have been met at the three school levels and as such, capacity has been reserved for a one year period, under Master Concurrency Number MA0113121601022.

The reservation term for this Site Plan will expire on December 16, 2014. Concurrency reservation may be extended for additional one-year periods, provided: 1) City of Miami confirms the application is still valid; 2) your request an extension at least 120 days prior to the expiration date, via email address concurrency@dadeschools.net; and 3) the total reservation period does not exceed six years from the original effective date of this certificate.

Failure to request an extension at least 120 days prior to the expiration date will result in revocation of the reservation, and a new application must be submitted. Extensions will be granted, upon payment of the corresponding review fee and acknowledgement from the local government. The reservation period may not exceed the term of the development approval issued by the City of Miami.

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

Sincerely,

[Signature]
Ivan M. Rodriguez, R.A.
Director I

IMR:ir
L-401
Enclosure

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

Ana Rijo-Conde, Deputy Chief Facilities & Eco-Sustainability Officer • Planning, Design & Sustainability
School Board Administration Building • 1450 N.E. 2nd Ave. • Suite 525 • Miami, FL 33132
305-995-7265 • 305-995-4760 (FAX) • arijo@dadeschools.net
Miami-Dade County Public Schools

Concurrency Management System
School Concurrency Determination

MDCPS Application Number: SP0113121601022
Date Application Received: 12/16/2013 3:00:54 PM
Type of Application: Site Plan

Local Government (LG): Miami
LG Application Number: 11-00380ap2
Sub Type: Redevelopment

Applicant's Name: Brickell City Center - One BCC SAP Amendment
Address/Location: 1 SE 3rd Avenue, 25th Floor, Miami, FL 33131
Master Folio Number: 0102100301180
Additional Folio Number(s): 0102100301310, 0102100301230, 0102100301250,

PROPOSED # OF UNITS
SINGLE-FAMILY DETACHED UNITS: 0
SINGLE-FAMILY ATTACHED UNITS: 0
MULTIFAMILY UNITS: 256

CONCURRENCY SERVICE AREA SCHOOLS

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*An Impact reduction of 21.13% included for charter and magnet schools (Schools of Choice).

MDCPS has conducted a public school concurrency review for this application and has determined that it **DOES MEET (Concurrency Met)** all applicable LOS Standards for a Final Development order as adopted in the local Government's Educational Element and incorporated in the Interlocal Agreement for Public School Facility Planning in Miami-Dade County.

Master Concurrency Number: MA0113121601022
Total Number of Units: 256
Issue Date: 12/16/2013 3:00:54 PM
Expiration Date: 12/16/2014 3:00:54 PM
Capacity Reserved: Elementary: 9 / Middle: 4 / Senior: 4

MDCPS Administrator

MDCPS Authorized Signature

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

Resolution: PZAB-R-14-001

File 11-00380ap2 January 15, 2014 Item PZAB.5

Mr. David H. Young offered the following resolution and moved its adoption:

A RESOLUTION OF THE MIAMI PLANNING, ZONING AND APPEALS BOARD APPROVING WITH CONDITIONS AS DESCRIBED IN EXHIBIT "1" (HEREBY ATTACHED), AN AMENDMENT TO THE PREVIOUSLY APPROVED BRICKELL CITYCENTRE SPECIAL AREA PLAN (BCC SAP) PURSUANT TO ARTICLE 3, SECTION 3.9 AND ARTICLE 7, SECTION 7.1.2.8 OF THE MIAMI 21 CODE. THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, BY ADDING ADDITIONAL PROPERTIES GENERALLY LOCATED IN THE EASTERN PORTION OF THE BLOCK BOUNDED BY SOUTHEAST 7TH STREET ON THE NORTH, SOUTHEAST 8TH STREET ON THE SOUTH, THE 8TH STREET METRO MOVER STATION RIGHT-OF-WAY ON THE WEST AND BRICKELL AVENUE ON THE EAST, MIAMI, FLORIDA; MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A"; THE ADDITIONAL EASTERN PORTION OF THE BLOCK COMBINES WITH THE ORIGINALLY APPROVED "BCC PLAZA" TO CREATE THE "ONE BCC" BLOCK; THE AMENDMENT PROPOSES: A) ADDING APPROXIMATELY 67,620 SQUARE FEET (1.55 ACRES) OF LOT AREA FOR A TOTAL COMBINED LOT AREA OF 503,948 SQUARE FEET (11.57 ACRES); B) INCREASING THE RETAIL / ENTERTAINMENT AREA BY 58,307 SQUARE FEET TO A TOTAL OF 723,575 SQUARE FEET; C) INCREASING THE OFFICE SPACE BY 36,333 SQUARE FEET FOR A TOTAL OF 961,400 SQUARE FEET; D) INCREASING THE RESIDENTIAL COMPONENT BY 256 UNITS FOR A TOTAL OF 1,400 UNITS; E) INCREASING HOTEL KEYS BY 120 FOR A TOTAL OF 385 KEYS; AND F) INCREASING PARKING SPACES ABOVE GROUND AND BELOW GRADE BY 308 SPACES FOR A TOTAL OF 5,057 SPACES. THE SQUARE FOOTAGES ABOVE ARE APPROXIMATE AND MAY INCREASE OR DECREASE AT TIME OF BUILDING PERMIT NOT TO EXCEED A TOTAL OF 7,005,679 SQUARE FEET OF FLOOR AREA OR LESS THAN 25,197 SQUARE FEET OF CIVIC SPACE OR NOT LESS THAN 50,395 SQUARE FEET OF OPEN SPACE. FURTHERMORE, AMENDING THE ZONING ATLAS OF ORDINANCE NO 13114, BY CHANGING THE ZONING CLASSIFICATION OF THE ADDITIONAL SELECTED PROPERTY FROM "T6-48A-O" URBAN CORE ZONE AND "T6-48B-O" URBAN CORE ZONE TO "T6-48A-O" URBAN CORE ZONE AND "T6-48B-O" URBAN CORE ZONE; MAKING FINDINGS OF FACT AND STATING CONCLUSIONS OF LAW; PROVIDING FOR BINDING EFFECT; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

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

Ms. Jennifer Ocana Barnes       Yes
Mr. Chris Collins               Yes
Ms. Maria Lievano-Cruz          Yes
Mr. Charles A. Garavaglia       Yes
Mr. Charles A. Gibson           Absent
Ms. Maria Beatriz Gutierrez     Yes
Mr. Ernest Martin               Absent
Mr. Daniel Milian               Yes
Mr. Juvenal Piña                Absent
Ms. Janice Tarbert              Yes
Ms. Melody L. Torrens           Yes
Miami Planning, Zoning and Appeals Board

Resolution: PZAB-R-14-001

File 11-00380ap2 January 15, 2014 Item PZAB.5

Francisco Garcia, Director
Planning and Zoning Department

STATE OF FLORIDA  )
COUNTY OF MIAMI-DADE )

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

SWORN AND SUBSCRIBED BEFORE ME THIS 26th DAY OF January, 2014.

Vanessa Trujillo
Print Notary Name

Personally know [ ] or Produced I.D. [ ]
Type and number of I.D. produced [ ]
Did take an oath [ ] or Did not take an oath [ ]
EXHIBIT “1”

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.

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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.

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- Temporary construction parking plan, with an enforcement policy;
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- Maintenance plan for the temporary construction site; said plan shall be subject to the review and approval by the Planning Department prior to the issuance of any building permits and shall be enforced during construction activity. All construction activity shall remain in full compliance with the provisions of the submitted construction plan; failure to comply may lead to a suspension or revocation of this Major Use Special Permit.
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- Environmental Impact Statement for 1BCC site
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- Conservation Assessment Report (project location is within a high Archeological Probability Zone)
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