



City of Miami

Legislation

Ordinance

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

File Number: 14-00056ap

Final Action Date:

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, THE REZONING OF CERTAIN PARCELS FOR THE DEVELOPMENT OF APPROXIMATELY 11.45 ACRES FOR THE "RANSOM EVERGLADES SCHOOL UPPER CAMPUS SPECIAL AREA PLAN" ("SAP"), AN EDUCATIONAL FACILITY, LOCATED AT APPROXIMATELY 3552, 3575, AND 3695 MAIN HIGHWAY; AND 3171, 3173, 3175, AND 3183 ROYAL ROAD, MIAMI, FLORIDA; THE AMENDMENT PROPOSES: A) ADDING APPROXIMATELY 66,040 GROSS SQUARE FEET OF BUILDING AREA SPLIT AMONG THREE (3) NEW BUILDINGS FOR A TOTAL OF 216,451 GROSS SQUARE FEET; B) INCREASING CIVIC SPACE BY 16,338 SQUARE FEET FOR A TOTAL OF 141,662 SQUARE FEET; AND C) INCREASING GREEN SPACE BY 10,043 SQUARE FEET FOR A TOTAL OF 151,502 SQUARE FEET; THE SQUARE FOOTAGES ABOVE ARE APPROXIMATE AND MAY INCREASE OR DECREASE UP TO TEN PERCENT (10%) PURSUANT TO ARTICLE 7, SECTION 7.1.2.5.A.28 OF THE MIAMI 21 CODE; MAKING FINDINGS OF FACT AND STATING CONCLUSIONS OF LAW; PROVIDING FOR BINDING EFFECT; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the "Ransom Everglades Upper Campus" is an 11.45± acres proposal qualifying as a Special Area Plan ("SAP") as per Article 3, Section 3.9 of the Miami 21 Code, generally bound by Main Highway to the Northwest, the property identified as 3551 Main Highway to the Northeast, Biscayne Bay to the Southeast, and Royal Road and the property identified as 3187 Royal Road to the Southwest; and

WHEREAS, the above location housing the "Ransom Everglades School Upper Campus" is currently an existing and operating institution for over 100 years; and

WHEREAS, the current institution condition needs to improve and update constantly to meet the most advanced levels of education; and

WHEREAS, the requested amendment will facilitate the Master Planning of the Upper Campus, providing for the removal and renovation of some existing structures, allowing for the creation of additional green open space, preserving existing tree canopies and historic buildings, promoting the development of innovative LEED certified state of the art classrooms, and promoting a sustainable campus; and

WHEREAS, projects such as this are critically important to the quality of education provided to students and residents of the City of Miami ("City"); and

WHEREAS, the Miami Planning, Zoning and Appeals Board ("PZAB"), at its meeting on March 19, 2014, following an advertised public hearing, adopted Resolution No. PZAB-R-14-022 by a vote of

eleven to zero (11-0), item no. 1, recommending APPROVAL with conditions of the SAP as follows: The applicant needs to identify appropriate parking for the 58 spaces that were removed due to the proposed expansion; 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 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 SAP attached hereto, is approved, subject to the conditions specified herein and to the Miami 21 Code, the Zoning Ordinance, for the City of Miami.

Section 3. The SAP includes lower ranking SAP Permits as set forth in the Regulating Plan of the SAP.

Section 4. 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 necessary public facilities;
 - (5) The SAP will not negatively impact the environment and natural resources of the City;
 - (6) The PROJECT 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 5. The SAP, inclusive of the Concept Book and Regulating Plan, as approved, shall be binding upon the Applicant and any successors in interest.

Section 6. The application for SAP, which was submitted on January 21, 2014, 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 7. The City Manager is directed to instruct the Planning and Zoning 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 herein and in documents incorporated hereto.

Section 9. The SAP for the Ransom Everglades School Upper Campus is granted and approved.

Section 10. 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 11. The provisions for this SAP, as approved, shall commence and become operative thirty (30) days after the final adoption of the Ordinance.

Section 12. This Ordinance shall become effective immediately upon its final adoption and signature of the Mayor, following any applicable appeal period.

Section 13. The Miami 21 Code, the Zoning Ordinance of the City of Miami, Florida, is hereby amended by adding "Appendix F: RANSOM EVERGLADES SCHOOL UPPER CAMPUS - SAP" to said Ordinance, as follows:

APPENDIX F: "RANSOM EVERGLADES SCHOOL UPPER CAMPUS - SAP"

Exhibit "A": Legal Description

Exhibit "C": Ransom Everglades School Upper Campus SAP Concept Book

Exhibit "D": Ransom Everglades School Upper Campus SAP Regulating Plan

CONDITIONS:

Based on analysis and findings, the Planning and Zoning Department recommends approval of the "Ransom Everglades School Upper Campus" 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 and Zoning Director why such recommendations are impractical.
- 3) Obtain approval from, or provide a letter from, the Department of Fire-Rescue indicating the 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 or building permit, whichever is obtained first.
- 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 Miami-Dade County, Florida, prior to the issuance of any building permit:

- Declaration of Covenants and Restrictions providing that the ownership, operation and maintenance of all 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 or building permit, whichever is first, 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:

- 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.

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

- Economic study report inclusive of fiscal impact (magnitude and time of the investment, FTE average during construction period, current and future employment, recurrent city taxes or exception statement).
- Environmental Impact Statement for lots included in SAP site, including the coastal part of the bay abutting the site.
- Sufficiency Letter from the City of Miami Office of Transportation.
- Conservation Assessment Report (project location is within a high Archeological Probability Zone).

REGULATING PLAN

1. The SAP has to be consistently called Ransom Everglades School Upper Campus - SAP in all related documents.
2. Add "SAP Permit" and "Parapets" in definitions.
3. Change Article 5, Section 5.3.2(g) as follow: ... Determinations with respect to (1) and (2) in the preceding sentence shall be made an administrative interpretation rendered by the Director by SAP Permit.

4. Clarify the inconsistency between Illustration 5.3 and Article 4, Table 2 in regards to lot coverage.
5. Keep the content of Article 2, Section 2.1.1 Title and Purpose.
6. In Article 2, Section 2.1.2:
 - a. Eliminate the new language "This document precedes the final architectural design and detailing, and infrastructure engineering, and therefore it is expected that adjustments may be necessary during implementation phases of design development and construction documents".
 - b. Modify the new language as follows: The SAP is based on the Miami 21 Zoning Code, as amended through April 20123.
 - c. Keep the language in Article 2, Section 2.1.2 (a) and (b). In general, only include language that is being modified.
7. Modify Article 3, Section 3.6 Single-Family Residential District (I) Schools as follows:
 - a. This Section shall apply only to existing Schools within the NCD-3 Ransom Everglades School Upper Campus - SAP.
 - b. Clarify or redefine "Building Envelope" definition.
 - c. In 1.2(a) Minimum Setback, strike out or not include the last sentence relating to small structures less than 400 square feet.

Provide revised set of plans addressing the following comments:

COORDINATED REVIEW COMMITTEE COMMENTS

1. Provide a clear differentiation between Civic Space (B4.17) and Green Space (B4.16) for the project and incorporate in the B4.7 (zoning data).
2. Mechanical equipment located on a roof shall be enclosed by a pitched roof with a maximum height of twelve (12) feet, instead of parapets in order to reduce the perceived scale of the building.
3. The development is within a High Probability Archeological Conservation area and will require monitoring and a disposition plan should Archeological resources be found.
4. Pursuant to the easement dedication along Main Highway, please work with Miami-Dade County to verify whether the SAP's proposed setback of 45' needs to change to 35'. Please contact Jeff Cohen or Leandro Ona at Miami-Dade County Public Works.
5. The easement dedication will change the base building line (BBL) requiring it to be updated on the survey and all applicable sheets of the development plan.
6. Provide a queue analysis for the proposed drop-off/pick-up locations.
7. Consider providing an existing parking utilization analysis to demonstrate that the reduced availability would not result in increased drop-off/pick-up traffic.
8. Provide a detailed operational plan for drop-off/pick-up to include the proposed access on Royal Road.
9. Parking Zone H shall be restricted to surface or subterranean parking. If, in the future, a vertical parking component (above grade parking) is required, it shall require review and approval by the Planning and Zoning Department with review and recommendation from Urban Development Review Board (UDRB).
10. Provide a Unity of Title or Covenant in Lieu of Unity of Title for the properties involved.
11. Provide a map indicating elevation of site for FEMA requirements. Address flood zones.
12. Provide Microfilm for all existing buildings to remain.
13. Tree removal permit required (tree mitigation) if trees will be removed or relocated.
14. Any demolition requires a waiver per NCD-3 regulations.
15. Sheet B4.7 Site Zoning Summary:
 - a. Revise lot coverage summary. Existing lot coverage of 19.8% should have a total of

98,760 sq.ft. Proposed development of 21.9% should be 109,235 sq.ft.

- b. Breakdown the parking required. How many students are enrolled in the school? How many 11th and 12th grade students are enrolled in the school?
- c. Revise the entire proposed development calculation for civic space, green space, pervious space, submerged areas and impervious paving, by including the required zoning submerged areas and impervious paving calculations.
- d. Note 4) should state that it will not exceed a specific height.

Additional comments may be provided upon review of a detailed re-submittal. The City of Miami reserves the right to comment further on the project as details and/or explanations are provided and may revise previous comments based on additional information provided.

10) The Ransom Everglades School Upper Campus SAP includes a Development Review Process which addresses the build out of the individual projects as identified in the Regulating Plan.

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 and Zoning Director.

12) The applicant shall meet conditions identified in this Ordinance, with the Ransom Everglades School Upper Campus 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.

THE CITY OF MIAMI SHALL:

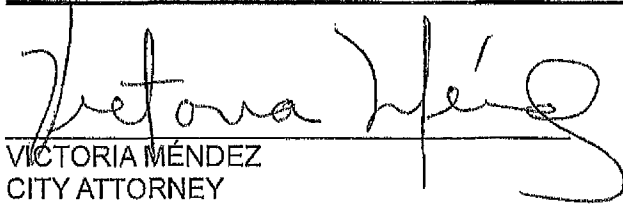
Establish the operative date of the associated Development Agreement as being thirty (30) days from the date of its final adoption. The final adoption date shall constitute the commencement of the thirty (30) day period to appeal the provisions of the Development Agreement.

CONCLUSIONS OF LAW:

The Ransom Everglades School Upper Campus 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 Miami 21 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:


VICTORIA MÉNDEZ
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.