



City of Miami

Legislation

Ordinance

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

File Number: 15-00624da

Final Action Date:

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), APPROVING A DEVELOPMENT AGREEMENT, PURSUANT TO CHAPTER 163, FLORIDA STATUTES, BETWEEN CG MIAMI RIVER LLC, APPLICANT ENTITY AND THE CITY OF MIAMI, FLORIDA, RELATING TO THE REZONING OF CERTAIN PARCELS FOR THE DEVELOPMENT OF APPROXIMATELY 10.2 ACRES FOR THE MIAMI RIVER SPECIAL AREA PLAN ("MIAMI RIVER SAP"), A MIXED USE DEVELOPMENT, LOCATED WITHIN THE BOUNDARIES OF THE MIAMI RIVER TO THE NORTH, SOUTHWEST 7 STREET TO THE SOUTH, SOUTHWEST 2 AVENUE TO THE EAST, SOUTHWEST 3 AVENUE TO THE WEST, AND THE EASTERN PORTION OF JOSE MARTI PARK, EXTENDING NORTHWEST OF THE MIAMI RIVER AND TERMINATING AT SOUTHWEST 2 STREET, MIAMI, FLORIDA; AS DESCRIBED IN EXHIBIT "A", ATTACHED AND INCORPORATED; THE MIAMI RIVER SAP CONSISTS OF A DENSITY INCREASE AREA FROM 200 TO 400 DWELLING UNITS PER ACRE; FOUR (4) TOWERS BETWEEN 58 AND 60 STORIES, APPROXIMATELY 4,181,087 SQUARE FEET OF DEVELOPMENT CONSISTING OF THE FOLLOWING: A) APPROXIMATELY 1,678 RESIDENTIAL UNITS; B) APPROXIMATELY 330 LODGING UNITS; C) APPROXIMATELY 66,541 SQUARE FEET OF OFFICE SPACE; D) APPROXIMATELY 176,350 SQUARE FEET OF COMMERCIAL USES; E) APPROXIMATELY 2,376 PARKING SPACES; F) APPROXIMATELY 17 BOAT SLIPS; G) A MINIMUM OF 35,964 SQUARE FEET OF CIVIC SPACE; AND H) A MINIMUM OF 15,175 SQUARE FEET OF OPEN SPACE; AUTHORIZING THE FOLLOWING USES INCLUDING, BUT NOT LIMITED TO: RESIDENTIAL, COMMERCIAL, LODGING, CIVIC, AND ANY OTHER USES AUTHORIZED BY THE MIAMI RIVER SAP, AND PERMITTED BY THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN, AND THE MIAMI 21 CODE, THE ZONING ORDINANCE OF THE CITY OF MIAMI; AUTHORIZING THE CITY MANAGER TO EXECUTE A DEVELOPMENT AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, FOR SAID PURPOSE; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, CG Miami River LLC ("Applicant") holds fee simple title to approximately 6.2 ± acres of property on the south bank of the Miami River as legally described in "Exhibit A," and the City of Miami ("City") owns the adjacent Jose Marti Park of which a portion of the park, approximately four (4) acres, is included within the Miami River Special Area Plan ("Miami River SAP"); and

WHEREAS, the Miami River SAP is comprised of approximately 10.2 ± acres of selected parcels, as described in Exhibit "A" qualifying as a Special Area Plan as per Article 3, Section 3.9 of the Miami 21 Code, the Zoning Ordinance of the City of Miami ("Miami 21 Code"); and

WHEREAS, Section 3.9 of the Miami 21 Code authorizes the assembly and master planning of parcels greater than nine (9) abutting acres in size; and

WHEREAS, the aforementioned location for the proposed Miami River SAP currently contains

underutilized buildings and vacant lots, and it consists of a density increase area from 200 to 400 dwelling units per acre developed in five (5) phases consisting of four (4) mixed use towers between 58 and 60 stories in height, approximately 4,181,087 square feet of development, consisting of the following A) approximately 1,678 residential units; B) approximately 330 lodging units; C) approximately 66,541 square feet of office space; D) approximately 176,350 square feet of commercial uses; E) approximately 2,376 parking spaces; F) approximately 17 boat slips; G) a minimum of 35,964 square feet of civic space; and H) a minimum of 15,175 square feet of open space; and

WHEREAS, pursuant to Section 3.9.1.f of the Miami 21 Code, development within a Special Area Plan shall be pursuant to a recorded development agreement; and

WHEREAS, Applicant has submitted an application for approval of the Development Agreement pursuant to Chapter 163 of the Florida Statutes; and

WHEREAS, the City and Applicant wish for the development of the project to proceed substantially in accordance with the Regulating Plan and Design Guidelines, as attached hereto, as may be amended from time to time; and

WHEREAS, the City and Applicant wish for the development of the project to conform with the requirements of the Comprehensive Plan; and

WHEREAS, the project is located between East Little Havana to the west, Brickell to the east and Downtown Miami to the north; and

WHEREAS, the lack of certainty in the approval of development can result in a waste of economic and land resources, discourage sound capital improvement planning and financing, escalate the cost of housing and development, and discourage commitment to comprehensive planning; and

WHEREAS, assurance to the developer that it may proceed in accordance with existing laws and policies, subject to the conditions of a development agreement, strengthens the public planning process;

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 adopted by reference and incorporated as if fully set forth in this Section.

Section 2. The Development Agreement, pursuant to Chapter 163 of the Florida Statutes, between Applicant and the City, relating to development of the approximately 10.2 acres, is hereby approved.

Section 3. The Development Agreement is applicable only to property owned by Applicant and for the portion thereof of public improvements within and adjacent to Jose Marti Park, subject to the development parameters set forth therein.

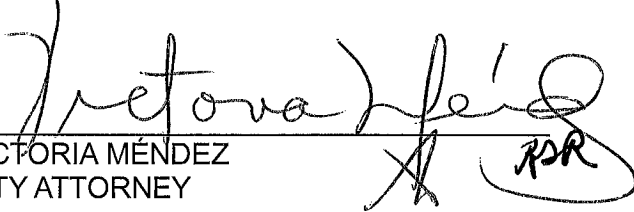
Section 4. The City Manager is authorized {1} to execute the Development Agreement, in substantially the attached form, for said purpose.

Section 5. If any section, part of a section, paragraph, clause, phrase or word of this Ordinance

is declared invalid, the remaining provisions of this Ordinance shall not be affected.

Section 6. This Ordinance shall become effective immediately upon its adoption and signature of the Mayor. {2}

APPROVED AS TO FORM AND CORRECTNESS:


VICTORIA MÉNDEZ
CITY ATTORNEY

Footnotes:

{1} The herein authorization is further subject to compliance with all requirements that may be imposed by the City Attorney, including but not limited to those prescribed by applicable City Charter and Code provisions.

{2} This Ordinance shall become effective as specified herein unless vetoed by the Mayor within ten (10) days of 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.