



# City of Miami

## Legislation

### PZAB Resolution

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

File Number: 15-00977ap

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), 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 **23.46 ACRES** (1,022,917 SQUARE FEET) FOR THE "**MANA WYNWOOD SPECIAL AREA PLAN (SAP)**", A MIXED USE DEVELOPMENT COMPRISED OF SELECTED PARCELS, BOUNDED APPROXIMATELY BY NORTHWEST 24TH STREET TO THE NORTH INCLUDING SPECIFIC PARCELS FRONTING NORTHWEST 24TH STREET TO THE NORTH, NORTHWEST 6TH AVENUE TO THE WEST, NORTHWEST 22ND STREET TO THE SOUTH, AND NORTHWEST 2ND AVENUE TO THE EAST, MIAMI, FLORIDA; AS DESCRIBED IN EXHIBIT "A", ATTACHED AND INCORPORATED; THE **MANA WYNWOOD SPECIAL AREA PLAN (SAP)** CONSISTS OF A PHASED PROJECT DIVIDED INTO SIX (6) PARTS WHICH INCLUDES APPROXIMATELY 9,719,083 SQUARE FEET OF DEVELOPMENT CONSISTING OF THE FOLLOWING: A) APPROXIMATELY 3,482 RESIDENTIAL UNITS; B) APPROXIMATELY 8,483 PARKING SPACES; C) APPROXIMATELY 51,146 SQUARE FEET OF CIVIC SPACE; AND D) APPROXIMATELY 168,287 SQUARE FEET OF OPEN SPACE; THE **MANA WYNWOOD SPECIAL AREA PLAN (SAP)** WILL MODIFY THE TRANSECT ZONE REGULATIONS THAT ARE APPLICABLE TO THE SUBJECT PARCELS, WHERE A SECTION IS NOT SPECIFICALLY MODIFIED, THE REGULATIONS AND RESTRICTIONS OF MIAMI 21 CODE APPLY; THE SQUARE FOOTAGES ABOVE ARE APPROXIMATE AND MAY INCREASE OR DECREASE AT TIME OF BUILDING PERMIT BUT SHALL NOT EXCEED 9,719,083 SQUARE FEET OF DEVELOPMENT; AND SHALL CONTAIN A MINIMUM OF 51,146 SQUARE FEET OF CIVIC SPACE, AND A MINIMUM OF 168,287 SQUARE FEET OF OPEN SPACE; 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 NW 24th Street to the north, NW 6th Avenue to the west, NW 22nd Street to the south and NW 2nd Avenue to the east [Commissioner Keon Hardemon - District 5]

APPLICANT(S): Iris Escarra, Esquire on behalf of Mannigan Holdings, LLC, Marcella Realty, LLC, Megan Holdings, LLC, Melanie Holding, LLC Mizrachi Holdings, LLC, Wynwood Holdings, LLC, 2294 NW 2 Avenue Property LLC and Mapton Holdings, LLC

FINDING(S):

PLANNING DEPARTMENT: Recommended approval with conditions\*.

\*See supporting documentation.

PURPOSE: This will allow the area to be Master Planned to allow a greater integration of public improvements and infrastructure and greater flexibility as part of the "Mana Wynwood Special Area Plan (SAP)."

WHEREAS, the Mana Wynwood Special Area Plan (SAP) consists of approximately 23.46 ± acres of selected parcels; as described in Exhibit "A" qualifying as a Special Area Plan ("SAP") as per Article 3, Section 3.9 of the Miami 21 Code, (Zoning Ordinance); and

WHEREAS, the aforementioned location for the proposed Mana Wynwood Special Area Plan (SAP) currently contains underutilized buildings and vacant lots. The entire development will consist of approximately 9,719,083 square feet of development; with A) approximately 3,487 residential units; B) approximately 8,483 parking spaces; C) approximately 51,146 square feet of Civic Space; and D) approximately 168,287 square feet of open space; and

WHEREAS, the proposed Mana Wynwood Special Area Plan (SAP) will facilitate the redevelopment and benefit to the area by creating residential units, flex space and commercial uses as well as civic and open space for the enjoyment of the general public; and

WHEREAS, the requested Mana Wynwood Special Area Plan (SAP) will integrate public improvements and infrastructure while providing greater flexibility resulting in a higher quality or specialized 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 Wynwood Neighborhood;

WHEREAS, the Mana Wynwood Special Area Plan (SAP) will create certain recurring and non-recurring financial benefits as well as temporary and permanent jobs; and

WHEREAS, the Miami Planning, Zoning and Appeals Board (PZAB), at its meeting on December 2, 2015 following an advertised public hearing, adopted Resolution No\*\* by a vote of \*\*, item No. PZAB-3, recommending \*\* of the Mana Wynwood Special Area Plan (SAP); and

WHEREAS, the City Commission after careful consideration of the 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 Mana Wynwood Special Area Plan (SAP) attached hereto, is approved subject to the conditions specified herein, the Miami 21 Code, and the Zoning Ordinance, of the City of Miami.

Section 3. The Mana Wynwood Special Area Plan (SAP) includes lower ranking SAP Permits as set forth in the Regulating Plan of the SAP attached hereto as "Exhibit B" which shall be reviewed for approval by the Department of Planning and Zoning.

Section 4. The findings of fact set forth below are made with respect to the subject Mana Wynwood Special Area Plan (SAP):

- a. The Mana Wynwood Special Area Plan (SAP) is consistent with the adopted Miami Comprehensive Neighborhood Plan, as amended.
- b. The City Commission further finds that:
  - (1) The Mana Wynwood Special Area Plan (SAP) will have a favorable impact on the economy of the City;
  - (2) The Mana Wynwood Special Area Plan (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 Mana Wynwood Special Area Plan (SAP);
  - (4) The Mana Wynwood Special Area Plan (SAP) will efficiently use existing public or civic spaces;
  - (5) The Mana Wynwood Special Area Plan (SAP) will not negatively impact the environment and natural resources of the City;
  - (6) The Mana Wynwood Special Area Plan (SAP) will not adversely affect living conditions in the neighborhood;
  - (7) The Mana Wynwood Special Area Plan (SAP) will not adversely affect public safety;
  - (8) Based on the record presented and evidence presented, the public welfare will be served by the Mana Wynwood Special Area Plan (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 Mana Wynwood Special Area Plan (SAP).

Section 5. The Mana Wynwood Special Area Plan (SAP), inclusive of the, Concept Book Exhibit "C", Executive Summary Exhibit "D" and Regulating Plan Exhibit "B", as approved, shall be binding upon the Applicant and any successors in interest.

Section 6. The application for Mana Wynwood Special Area Plan (SAP), which was submitted on June 17, 2015, and on file with the Hearing Boards Section of the Department of Planning and Zoning, shall be relied upon generally for administrative interpretations and is incorporated by reference.

Section 7. The City Manager is directed to instruct the Director of Planning and Zoning 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 Mana Wynwood Special Area Plan (SAP) as described herein and in documents incorporated hereto.

Section 9. The Mana Wynwood Special Area Plan (SAP) is granted and approved.

Section 10. In the event that any portion or section of this Ordinance or the Mana Wynwood Special Area Plan (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 Mana Wynwood Special Area Plan (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.

## CONDITIONS

Based on analysis and findings, the Department of Planning and Zoning recommends approval of the "Mana Wynwood Special Area Plan (SAP)" with the following conditions:

- 1) Comply with 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 Department of Planning and Zoning, 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 Director of Planning and Zoning 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 Mana Wynwood Special Area Plan (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 Mana Wynwood Special Area Plan (SAP) has addressed all concerns of said Department prior to the obtaining a building 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:
  - a. 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
  - 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 any building permit, provide the Department of Planning and Zoning with a recorded copy of the documents mentioned in condition (6) above.
- 8) Provide the Department of Planning and Zoning with a temporary construction plan that address construction phasing and includes the following elements:
  - a. Temporary construction parking plan, with an enforcement policy;
  - b. Construction noise management plan with an enforcement policy; and
  - c. 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 Mana Wynwood Special Area Plan (SAP).

As applicable, the developer, of the approved Mana Wynwood Special Area Plan (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 to the implementation of such a requested change or modification.

- 9) Prior to the issuance of any building permit for the Mana Wynwood Special Area Plan (SAP), the applicant for the SAP shall provide the Department of Planning and Zoning for review for compliance and further approval:
  - a. Sufficiency Letter from the City of Miami, Office of Transportation;
  - b. Final determination of Public School Concurrency and Capacity Reservation;
  - c. Conservation Assessment Report as portions of the project are located within a High Archeological Probability Zone; and
  - d. Proof of compliance with conditions established by the following department or agencies, specifically:
    - o City and County Public Works Departments
    - o Miami-Dade County Water and Sewer
    - o Miami-Dade County Traffic Engineering Division
    - o Florida Department of Transportation (FDOT)
- 10) The Mana Wynwood Special Area Plan (SAP) includes a Development Review Process which address the build out of the individual Buildings as identified in the Regulation Plan. All development within the SAP shall be submitted for the review and approval by the Director of Planning and Zoning prior to the issuance of any building permit consistent with the requirements of Article 3, Section 3.9.1(g) of the Miami 21 Code and the SAP.
- 11) 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.
- 12) The Applicant, shall comply with the conditions identified in the Ordinance, the Mana Wynwood Special Area Plan (SAP), and all applicable local, state and federal regulations.

THE CITY OF MIAMI SHALL:

Establish the operative date of this 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 Mana Wynwood Special Area Plan (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.

APPROVED AS TO FORM AND CORRECTNESS:

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VICTORIA MENDEZ  
CITY ATTORNEY

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