

**City of Miami
Planning Department**

FINAL DECISION FOR CLASS II SPECIAL PERMIT

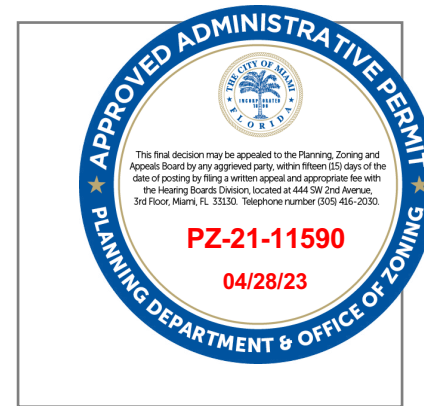
ePlan File ID.	PZ-21-11590
Location	90 NE 32 St, Miami, FL 33127
Miami 21 Transect	"T6-24A-O," Urban Core Transect Zone – Open SD-27.2 Midtown Miami West Special District
MCNP	Restricted Commercial
Commission District	District 5 - Commissioner Christine King
Commissioner District Office	Wynwood / Edgewater
Planner	Mitch Graham, Planner I, mgraham@miamigov.com
Property Owner	Midtown Opportunities VIIIB LLC
Applicant	Iris Escarra, on behalf of Midtown Opportunities VIIIB LLC, escarrai@gtlaw.com
Project Representative	Iris Escarra, on behalf of Midtown Opportunities VIIIB LLC, escarrai@gtlaw.com

A. REQUEST

Iris Escarra, Esq. on behalf of Midtown Opportunities VIIIB LLC ("the Applicant"), requests two Class II Special Permits for the property located at 90 NE 32 Street, Miami FL (the "Property.")

Requests:

1. Class II Special Permit, pursuant to Section 627.2.3.1 of Appendix C of Miami 21, Midtown Miami Overlay District, as amended, to allow for new construction.
2. Class II Special Permit pursuant to Section 627.2.15 of Appendix C of Miami 21 in order to permit the maneuvering of trucks within the public right of way for the purposes of off-street loading.

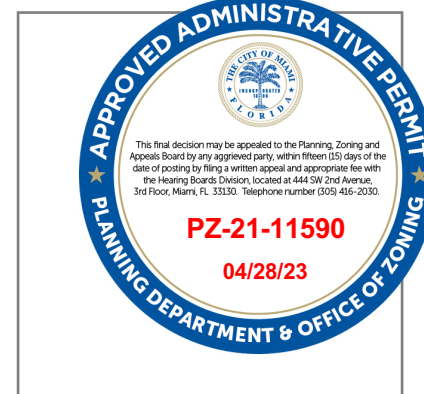


B. RECOMMENDATION

Pursuant to Miami 21 Code, Article 7, Section 7.1.1.2 and 7.1.2.4 of Ordinance 13114 (“Miami 21”), as amended, the Planning Department deems the requested Class II Special Permits **Approved with Conditions** based on the facts and findings in this final decision.

C. PROJECT DATA AND PROPOSAL

SURROUNDING USES			
	Miami 21	MCNP / Density	Existing Use
North	“T6-24A-O” Urban Core Zone; SD-27.2 Midtown Miami West Special District; SD-27.1 Midtown Miami East Special District	Restricted Commercial / 150	Residential: Condominium/ rental apartments with lower floors Office and/or retail.
South	“T6-24A-O” Urban Core Zone; SD-27.2 Midtown Miami West Special District; SD-27.1 Midtown Miami East Special District	Restricted Commercial / 150	Vacant Land – Non protected, Privately Owned
East	“T6-24A-O” Urban Core Zone; SD-27.1 Midtown Miami East Special District	Restricted Commercial / 150	Vacant Land – Non protected, Privately Owned
West	“T6-24A-O” Urban Core Zone; SD-27.2 Midtown Miami West Special District	Restricted Commercial / 150	Sales and Services: Spot commercial, strip commercial, neighborhood shopping centers/plazas.



Site Location:

The Property is bounded by NE 32 Street to the north, Midtown Blvd to the east, and NE 31 Street to the south. Located to the west of the Property is an existing parking structure which is unified with the Property through a Covenant in lieu of the Unity of Title.

Existing Surrounding Uses:

The property is surrounded by various multi-family residential, office, and commercial uses within the Midtown District.

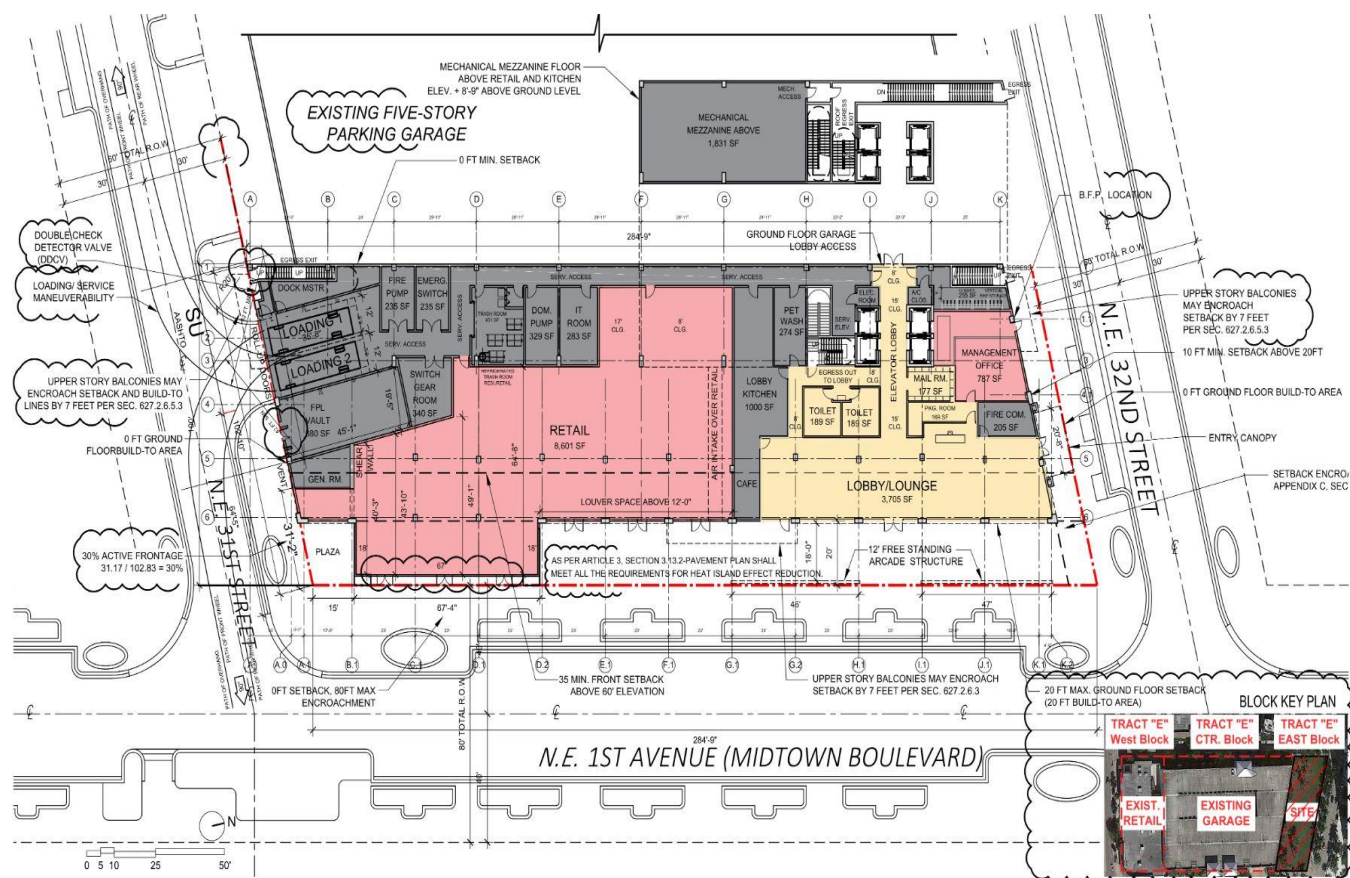


Figure 1: Loading / Service Maneuverability

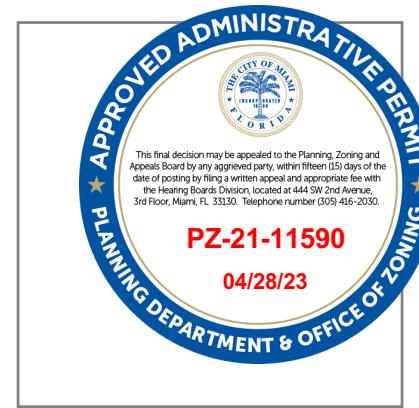
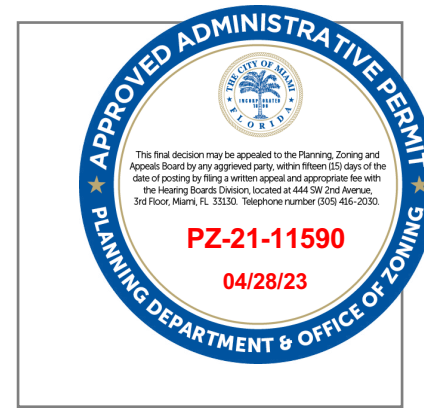
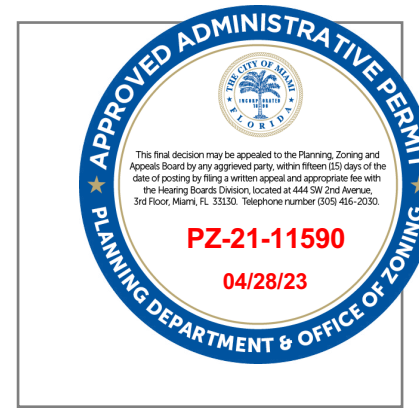


Figure 2: Plan Rendering



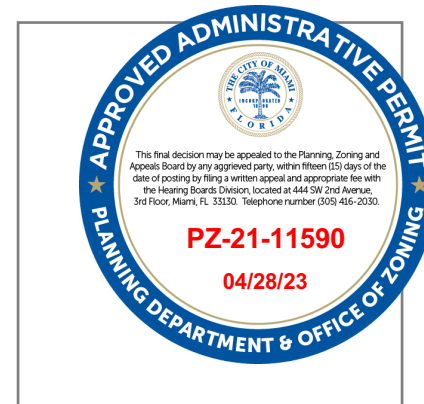
D. FINDINGS

- Pursuant to Section 627.2.3.1 of Appendix C of Miami 21, new construction in SD-27.2 Midtown Miami West Special District is permitted by Class II Special Permit.
- Pursuant to Section 6.2.7.2.15 of Appendix C of Miami 21, the maneuvering of trucks within the public right of way for the purposes of off street loading is permitted by Class II Special Permit.
- Pursuant to Sections 627.2.3.1 and 627.2.15 of Appendix C of Miami 21 it is found that the Applicant has submitted the necessary information to the Planning Department which demonstrates compliance with the guidelines and criteria required for this type of permit, as specified in the Miami 21 Code, including SD 27.2 Design Standards.
- Planning comments were provided in ePlan pursuant to a comprehensive review of the application materials. All comments have been addressed through the ePlan review process.
- Based on the City's TOD Address Locator Map, the Project is located with a City-identified ¼-mile Transit Corridor that comprises public transit services along NE 2 Ave and NE 36 St.
- It is found that notices were sent to all Abutting property owners and registered associations in the Wynwood / Edgewater Commission District Office by certified mail on or about October 19, 2022; the Planning Department received no objections for the for the request.
- Pursuant to Article 7, Section 7.1.3.4 of the Miami 21 Code, the application has been referred to the following agencies whose comments and recommendations have been considered and are reflected in this final decision: Office of Zoning, Wynwood / Edgewater Commissioner District Office, Office of Code Compliance, and the Department of Resilience and Public Works Department.
- Pursuant to Article 7, Section 7.1.2.4.d of the Miami 21 Code, the City of Miami Zoning Ordinance, the application has been reviewed and found sufficient.



E. CONDITIONS

1. The proposed Class II Special Permit for new construction and to permit the maneuvering of trucks within the public right of way for the purposes of off street loading shall be in accordance with the plans batch stamped Class II Permit PZ-21-11590 by the City of Miami.
2. The Applicant, owner, or successor shall comply with the requirements of all applicable Departments/Agencies as part of the City of Miami building permitting process.
3. Any modification to the approved Class II permit by the current or future tenant or as a result or consequence of the Applicant's compliance with other departments and/or agencies conditions and/or codes, will require a new Special Permit application.
4. The City reserves the right to inspect the site to ensure compliance with the conditions as listed.
5. Signage is not a part of this Class II Permit application and shall be reviewed under a separate permit application in accordance with Article 10 of the Miami 21 Code.
6. At the building permitting phase, the Applicant shall submit an approved Traffic Impact Study by the City's Office of Capital Improvement – Transportation.
7. Any noise generated on site shall conform to Chapter 36 of the City Code, as amended, including any future amendments for noise regulation. Concerns or complaints related to noise nuisance will be addressed and resolved immediately.
8. Subject property shall comply with all Building Code regulations and shall not have any open Code violations.
9. At the time of building permit, the Applicant shall submit a recorded Covenant in Lieu of Unity of Title for 3101 North Miami Avenue, 50 Northwest 32 Street, and 90 Northeast 32 Street.
10. Pursuant Article 7 Section 7.1.2.4.c.4: "A Warrant shall be valid for a period of two (2) years during which a building permit or Certificate of Use must be obtained. This excludes a demolition or landscape permit. A one-time extension, for a period not to exceed an additional year, may be obtained if approved by the Planning Director."
11. Failure to comply with the conditions herein may result in the immediate revocation of this Class II Permit and shall be subject to any fines and penalties pursuant to the City Code.
12. The Applicant, owner, or successor shall meet conditions of applicable local, state and federal regulations.
13. At building permit, the plans must reflect an analysis of Open Space for Midtown West and show compliance with the 10% minimum.



14. At building permit, the landscape plans must be updated to provide the minimum number of shrubs.
15. At building permit, the landscape plans must be updated to provide the minimum number of drought tolerant tree species.

DocuSigned by:

Lakisha Hull

7F35EEF0C6C349F...

Lakisha Hull, AICP, LEED AP BD+C
Planning Director

DocuSigned by:

Sevanne Steiner

3A75CAC5AF7E440...

Sevanne Steiner CNU - A
Interim Chief, Land Development

DocuSigned by:

Mitch Graham

ADDC12EFE0DF405...

Mitch Graham
Planner I

NOTICE

The Final Decision of the Planning Director, or his/her designee, may be appealed to the Planning, Zoning and Appeals Board by any aggrieved party within fifteen (15) days of the date of the posting of the decision on the City's website. The filing of an appeal, and payment of appropriate fee, may be submitted online at <https://www.miamigov.com/Services/Solve-a-Problem/Appeal-a-Warrant-or-a-Waiver>.