

MIAMI BEACH

PLANNING DEPARTMENT, 1700 CONVENTION CENTER DRIVE, 2ND FLOOR
MIAMI BEACH, FLORIDA 33139, WWW.MIAMIBEACHFL.GOV
305-673-7550

LAND USE BOARD HEARING APPLICATION

THE FOLLOWING APPLICATION IS SUBMITTED FOR REVIEW AND CONSIDERATION OF THE PROJECT DESCRIBED HEREIN BY THE LAND USE BOARD SELECTED BELOW. A SEPARATE APPLICATION MUST BE COMPLETED FOR EACH BOARD REVIEWING THE PROPOSED PROJECT.

☐ BOARD OF ADJUSTMENT

- ☐ VARIANCE FROM A PROVISION OF THE LAND DEVELOPMENT REGULATIONS
- ☐ APPEAL OF AN ADMINISTRATIVE DECISION

☐ DESIGN REVIEW BOARD

- ☐ DESIGN REVIEW APPROVAL
- ☐ VARIANCE RELATED TO PROJECT BEING CONSIDERED OR APPROVED BY DRB.

☐ HISTORIC PRESERVATION BOARD

- ☐ CERTIFICATE OF APPROPRIATENESS FOR DESIGN
- ☐ CERTIFICATE OF APPROPRIATENESS TO DEMOLISH A STRUCTURE
- ☐ HISTORIC DISTRICT / SITE DESIGNATION
- ☐ VARIANCE RELATED TO PROJECT BEING CONSIDERED OR APPROVED BY HPB.

☒ PLANNING BOARD

- ☐ CONDITIONAL USE PERMIT
- ☐ LOT SPLIT APPROVAL
- ☒ AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS OR ZONING MAP
- ☐ AMENDMENT TO THE COMPREHENSIVE PLAN OR FUTURE LAND USE MAP

☐ FLOOD PLAIN MANAGEMENT BOARD

- ☐ FLOOD PLAIN WAIVER

☐ OTHER _____

SUBJECT PROPERTY ADDRESS: N/A

LEGAL DESCRIPTION: PLEASE ATTACH LEGAL DESCRIPTION AS "EXHIBIT A"

FOLIO NUMBER (S) N/A

1. APPLICANT: ☐ OWNER OF THE SUBJECT PROPERTY ☐ TENANT ☐ ARCHITECT ☐ LANDSCAPE ARCHITECT
☐ ENGINEER ☐ CONTRACTOR ☒ OTHER Applicant

NAME Miami Beach Port, LLC

ADDRESS 315 S. Biscayne Blvd., Miami, FL 33131

BUSINESS PHONE _____

CELL PHONE _____

E-MAIL ADDRESS _____

OWNER IF DIFFERENT THAN APPLICANT:

NAME _____

ADDRESS _____

BUSINESS PHONE _____

CELL PHONE _____

E-MAIL ADDRESS _____

2. AUTHORIZED REPRESENTATIVE(S):

☒ ATTORNEY:

NAME Tracy R. Slavens, Esq.

ADDRESS Holland & Knight, LLC - 701 Brickell Avenue, Suite 3300, Miami, FL 33131

BUSINESS PHONE 305.789.7642

CELL PHONE _____

E-MAIL ADDRESS tracy.slavens@hklaw.com

☐ AGENT:

NAME _____

ADDRESS _____

BUSINESS PHONE _____

CELL PHONE _____

E-MAIL ADDRESS _____

☒ CONTACT:

NAME Tracy R. Slavens, Esq.

ADDRESS Holland & Knight, LLC - 701 Brickell Avenue, Suite 3300, Miami, FL 33131

BUSINESS PHONE 305.789.7642

CELL PHONE _____

E-MAIL ADDRESS tracy.slavens@hklaw.com

3. PARTY RESPONSIBLE FOR PROJECT DESIGN:

☐ ARCHITECT ☐ LANDSCAPE ARCHITECT ☐ ENGINEER ☐ CONTRACTOR ☐ OTHER: _____

NAME _____

ADDRESS _____

BUSINESS PHONE _____

CELL PHONE _____

E-MAIL ADDRESS _____

FILE NO. _____

1. APPLICANT: ☐ OWNER OF THE SUBJECT PROPERTY ☐ TENANT ☐ ARCHITECT ☐ LANDSCAPE ARCHITECT
☐ ENGINEER ☐ CONTRACTOR ☒ OTHER Co-Applicant

NAME Florida Power & Light Company
ADDRESS 700 Universe Blvd, Juno Beach, FL 33408
BUSINESS PHONE 561-691-7072 CELL PHONE _____
E-MAIL ADDRESS TIMOTHY.OCLIVER@FLA.COM

OWNER IF DIFFERENT THAN APPLICANT:

NAME _____
ADDRESS _____
BUSINESS PHONE _____ CELL PHONE _____
E-MAIL ADDRESS _____

2. AUTHORIZED REPRESENTATIVE(s):

☒ ATTORNEY:

NAME Tracy R. Slavens, Esq.
ADDRESS Holland & Knight, LLC - 701 Brickell Avenue, Suite 3300, Miami, FL 33131
BUSINESS PHONE 305.789.7642 CELL PHONE _____
E-MAIL ADDRESS tracy.slavens@hklaw.com

☐ AGENT:

NAME _____
ADDRESS _____
BUSINESS PHONE _____ CELL PHONE _____
E-MAIL ADDRESS _____

☒ CONTACT:

NAME Tracy R. Slavens, Esq.
ADDRESS Holland & Knight, LLC - 701 Brickell Avenue, Suite 3300, Miami, FL 33131
BUSINESS PHONE 305.789.7642 CELL PHONE _____
E-MAIL ADDRESS tracy.slavens@hklaw.com

3. PARTY RESPONSIBLE FOR PROJECT DESIGN:

☐ ARCHITECT ☐ LANDSCAPE ARCHITECT ☐ ENGINEER ☐ CONTRACTOR ☐ OTHER: _____

NAME _____
ADDRESS _____
BUSINESS PHONE _____ CELL PHONE _____
E-MAIL ADDRESS _____

FILE NO. _____

4. SUMMARY OF APPLICATION – PROVIDE BRIEF SCOPE OF PROJECT:

Proposed Land Development Code text amendment to the I-1 District Regulations to establish multifamily residential on waterfront properties and limited accessory restaurants as conditional and accessory uses, respectively, and to correct a scrivener's error in the prohibited uses section.

4A. IS THERE AN EXISTING BUILDING(S) ON THE SITE

☐ YES

☐ NO

4B. DOES THE PROJECT INCLUDE INTERIOR OR EXTERIOR DEMOLITION

☐ YES

☐ NO

4C. PROVIDE THE TOTAL FLOOR AREA OF THE NEW BUILDING (IF APPLICABLE) _____ SQ. FT.

4D. PROVIDE THE TOTAL GROSS FLOOR AREA OF THE NEW BUILDING (INCLUDING REQUIRED PARKING AND ALL USEABLE FLOOR SPACE). _____ SQ. FT.

5. APPLICATION FEE (TO BE COMPLETED BY PLANNING STAFF) \$ _____

- A SEPARATE DISCLOSURE OF INTEREST FORM MUST BE SUBMITTED WITH THIS APPLICATION IF THE APPLICANT OR OWNER IS A CORPORATION, PARTNERSHIP, LIMITED PARTNERSHIP OR TRUSTEE.
- ALL APPLICABLE AFFIDAVITS MUST BE COMPLETED AND THE PROPERTY OWNER MUST COMPLETE AND SIGN THE "POWER OF ATTORNEY" PORTION OF THE AFFIDAVIT IF THEY WILL NOT BE PRESENT AT THE HEARING, OR IF OTHER PERSONS ARE SPEAKING ON THEIR BEHALF.
- TO REQUEST THIS MATERIAL IN ALTERNATE FORMAT, SIGN LANGUAGE INTERPRETER (FIVE-DAY NOTICE IS REQUIRED), INFORMATION ON ACCESS FOR PERSONS WITH DISABILITIES, AND ACCOMMODATION TO REVIEW ANY DOCUMENT OR PARTICIPATE IN ANY CITY-SPONSORED PROCEEDINGS, CALL 305.604.2489 AND SELECT (1) FOR ENGLISH OR (2) FOR SPANISH, THEN OPTION 6; TTY USERS MAY CALL VIA 711 (FLORIDA RELAY SERVICE).

PLEASE READ THE FOLLOWING AND ACKNOWLEDGE BELOW:

- APPLICATIONS FOR ANY BOARD HEARING(S) WILL NOT BE ACCEPTED WITHOUT PAYMENT OF THE REQUIRED FEE. ALL CHECKS ARE TO BE MADE PAYABLE TO THE "CITY OF MIAMI BEACH".
- PUBLIC RECORDS NOTICE – ALL DOCUMENTATION, SUBMITTED FOR THIS APPLICATION IS CONSIDERED A PUBLIC RECORD SUBJECT TO CHAPTER 119 OF THE FLORIDA STATUTES AND SHALL BE DISCLOSED UPON REQUEST.
- IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 2-482 OF THE CODE OF THE CITY OF MIAMI BEACH, ANY INDIVIDUAL OR GROUP THAT WILL BE COMPENSATED TO SPEAK OR REFRAIN FROM SPEAKING IN FAVOR OR AGAINST A PROJECT BEING PRESENTED BEFORE ANY OF THE CITY'S LAND USE BOARDS, SHALL FULLY DISCLOSE, PRIOR TO THE PUBLIC HEARING, THAT THEY HAVE BEEN, OR WILL BE COMPENSATED. SUCH PARTIES INCLUDE: ARCHITECTS, LANDSCAPE ARCHITECTS, ENGINEERS, CONTRACTORS, OR OTHER PERSONS RESPONSIBLE FOR PROJECT DESIGN, AS WELL AS AUTHORIZED REPRESENTATIVES ATTORNEYS OR AGENTS AND CONTACT PERSONS WHO ARE REPRESENTING OR APPEARING ON BEHALF OF A THIRD PARTY; SUCH INDIVIDUALS MUST REGISTER WITH THE CITY CLERK PRIOR TO THE HEARING.

FILE NO. _____

- IN ACCORDANCE WITH SEC.118-31. - DISCLOSURE REQUIREMENT. EACH PERSON OR ENTITY REQUESTING APPROVAL, RELIEF OR OTHER ACTION FROM THE PLANNING BOARD, DESIGN REVIEW BOARD, HISTORIC PRESERVATION BOARD (INCLUDING THE JOINT DESIGN REVIEW BOARD/HISTORIC PRESERVATION BOARD), OR THE BOARD OF ADJUSTMENT SHALL DISCLOSE, AT THE COMMENCEMENT (OR CONTINUANCE) OF THE PUBLIC HEARING(S), ANY CONSIDERATION PROVIDED OR COMMITTED, DIRECTLY OR ON ITS BEHALF, FOR AN AGREEMENT TO SUPPORT OR WITHHOLD OBJECTION TO THE REQUESTED APPROVAL, RELIEF OR ACTION, EXCLUDING FROM THIS REQUIREMENT CONSIDERATION FOR LEGAL OR DESIGN PROFESSIONAL SERVICES RENDERED OR TO BE RENDERED. THE DISCLOSURE SHALL: (i) BE IN WRITING, (ii) INDICATE TO WHOM THE CONSIDERATION HAS BEEN PROVIDED OR COMMITTED, (iii) GENERALLY DESCRIBE THE NATURE OF THE CONSIDERATION, AND (iv) BE READ INTO THE RECORD BY THE REQUESTING PERSON OR ENTITY PRIOR TO SUBMISSION TO THE SECRETARY/CLERK OF THE RESPECTIVE BOARD. UPON DETERMINATION BY THE APPLICABLE BOARD THAT THE FOREGOING DISCLOSURE REQUIREMENT WAS NOT TIMELY SATISFIED BY THE PERSON OR ENTITY REQUESTING APPROVAL, RELIEF OR OTHER ACTION AS PROVIDED ABOVE, THEN (i) THE APPLICATION OR ORDER, AS APPLICABLE, SHALL IMMEDIATELY BE DEEMED NULL AND VOID WITHOUT FURTHER FORCE OR EFFECT, AND (ii) NO APPLICATION FROM SAID PERSON OR ENTITY FOR THE SUBJECT PROPERTY SHALL BE REVIEWED OR CONSIDERED BY THE APPLICABLE BOARD(S) UNTIL EXPIRATION OF A PERIOD OF ONE YEAR AFTER THE NULLIFICATION OF THE APPLICATION OR ORDER. IT SHALL BE UNLAWFUL TO EMPLOY ANY DEVICE, SCHEME OR ARTIFICE TO CIRCUMVENT THE DISCLOSURE REQUIREMENTS OF THIS SECTION AND SUCH CIRCUMVENTION SHALL BE DEEMED A VIOLATION OF THE DISCLOSURE REQUIREMENTS OF THIS SECTION.
- WHEN THE APPLICABLE BOARD REACHES A DECISION A FINAL ORDER WILL BE ISSUED STATING THE BOARD'S DECISION AND ANY CONDITIONS IMPOSED THEREIN. THE FINAL ORDER WILL BE RECORDED WITH THE MIAMI-DADE CLERK OF COURTS. THE ORIGINAL BOARD ORDER SHALL REMAIN ON FILE WITH THE CITY OF MIAMI BEACH PLANNING DEPARTMENT. UNDER NO CIRCUMSTANCES WILL A BUILDING PERMIT BE ISSUED BY THE CITY OF MIAMI BEACH WITHOUT A COPY OF THE RECORDED FINAL ORDER BEING INCLUDED AND MADE A PART OF THE PLANS SUBMITTED FOR A BUILDING PERMIT.

THE AFOREMENTIONED IS ACKNOWLEDGED BY: ☐ OWNER OF THE SUBJECT PROPERTY

☒ AUTHORIZED REPRESENTATIVE

SIGNATURE: _____

PRINT NAME: Tracy R. Slavens, Esq.

FILE NO. _____

OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF FLORIDA

COUNTY OF

I, _____, being first duly sworn, depose and certify as follows: (1) I am the owner of the property that is the subject of this application. (2) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (3) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (4) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (5) I am responsible for removing this notice after the date of the hearing.

Sworn to and subscribed before me this 15 day of December, 2016. The foregoing instrument was acknowledged before me by Jon Paul Perez, who has produced license as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

My Commission Expires:



SIGNATURE

NOTARY PUBLIC

PRINT NAME

ALTERNATE OWNER AFFIDAVIT FOR
CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY

(Circle one)

STATE OF FLORIDA

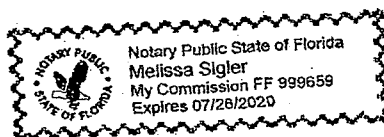
COUNTY OF

I, Jon Paul Perez, being duly sworn, depose and certify as follows: (1) I am the vice president of PRH Terminal Island, LLC, managing member of MICO, LLC, the sole member and manager (print title) of Miami Beach Port, LLC (print name of corporate entity). (2) I am authorized to file this application on behalf of such entity. (3) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (4) The corporate entity named herein is the owner or tenant of the property that is the subject of this application. (5) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (6) I also hereby authorize the City of Miami Beach to enter the subject property for the sole purpose of posting a Notice of Public Hearing on the property, as required by law. (7) I am responsible for removing this notice after the date of the hearing.

Sworn to and subscribed before me this 15 day of December, 2016. The foregoing instrument was acknowledged before me by Jon Paul Perez of _____, on behalf of such entity, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP:

My Commission Expires:



SIGNATURE

NOTARY PUBLIC

PRINT NAME

FILE NO. _____

OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF FLORIDA
COUNTY OF _____

I, _____, being first duly sworn, depose and certify as follows: (1) I am the owner of the property that is the subject of this application. (2) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (3) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (4) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (5) I am responsible for removing this notice after the date of the hearing.

SIGNATURE

Sworn to and subscribed before me this _____ day of _____, 20____. The foregoing instrument was acknowledged before me by _____, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

NOTARY PUBLIC

My Commission Expires:

PRINT NAME

ALTERNATE OWNER AFFIDAVIT FOR
CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY
(Circle one)

STATE OF FLORIDA
COUNTY OF PALM BEACH

I, Timothy Oliver, being duly sworn, depose and certify as follows: (1) I am the VP Corp Real Estate (print title) of Florida Power & Light Company (print name of corporate entity). (2) I am authorized to file this application on behalf of such entity. (3) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (4) The corporate entity named herein is the owner or tenant of the property that is the subject of this application. (5) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (6) I also hereby authorize the City of Miami Beach to enter the subject property for the sole purpose of posting a Notice of Public Hearing on the property, as required by law. (7) I am responsible for removing this notice after the date of the hearing.

SIGNATURE

Sworn to and subscribed before me this 10th day of March, 2017. The foregoing instrument was acknowledged before me by Timothy Oliver, VP Corporate RE of FL Power & Light, on behalf of such entity, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP:



DEBORAH C. PATTERSON
MY COMMISSION # FF 209905
EXPIRES: June 3, 2019
Bonded Thru Budget Notary Services

NOTARY PUBLIC

My Commission Expires:

June 3, 2019

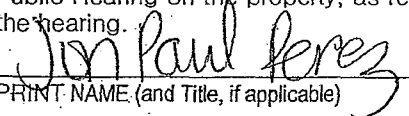
Deborah C. Patterson

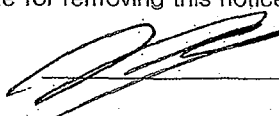
PRINT NAME

FILE NO. _____

POWER OF ATTORNEY AFFIDAVITSTATE OF
COUNTY OF

I, Jon Paul Perez, being duly sworn and deposed, certify as follows: (1) I am the owner or representative of the owner of the real property that is the subject of this application. (2) I hereby authorize Tracy R. Slavens, Esq. to be my representative before the Planning Board. (3) I also hereby authorize the City of Miami Beach to enter the subject property for the sole purpose of posting a Notice of Public Hearing on the property, as required by law. (4) I am responsible for removing this notice after the date of the hearing.


 PRINT NAME (and Title, if applicable)


 SIGNATURE

Sworn to and subscribed before me this 20th day of December, 20 16. The foregoing instrument was acknowledged before me by Jon Paul Perez of _____ who has produced as identification and/or is personally known to me and who did/did not take an oath.

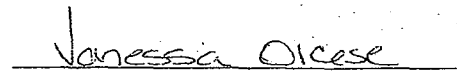
NOTARY SEAL OR STAMP



Vanessa Olcese
 NOTARY PUBLIC
 STATE OF FLORIDA
 Comm# FF935785
 Expires 11/12/2019

My Commission Expires


 NOTARY PUBLIC


 PRINT NAME
CONTRACT FOR PURCHASE

If the applicant is not the owner of the property, but the applicant is a party to a contract to purchase the property, whether or not such contract is contingent on this application, the applicant shall list the names of the contract purchasers below, including any and all principal officers, stockholders, beneficiaries, or partners. If any of the contract purchasers are corporations, partnerships, limited liability companies, trusts, or other corporate entities, the applicant shall further disclose the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity. If any contingency clause or contract terms involve additional individuals, corporations, partnerships, limited liability companies, trusts, or other corporate entities, list all individuals and/or corporate entities.*

NAME

DATE OF CONTRACT

NAME, ADDRESS, AND OFFICE

% OF STOCK

In the event of any changes of ownership or changes in contracts for purchase, subsequent to the date that this application is filed, but prior to the date of a final public hearing, the applicant shall file a supplemental disclosure of interest.

FILE NO. _____

POWER OF ATTORNEY AFFIDAVIT

STATE OF FLORIDA
 COUNTY OF PALM BEACH

I, TIMOTHY OLIVER, being duly sworn and deposed, certify as follows: (1) I am the owner or representative of the owner of the real property that is the subject of this application. (2) I hereby authorize Tracy R. Slavens, Esq. to be my representative before the _____ Board. (3) I also hereby authorize the City of Miami Beach to enter the subject property for the sole purpose of posting a Notice of Public Hearing on the property, as required by law. (4) I am responsible for removing this notice after the date of the hearing.

TIMOTHY OLIVER VP COOP REAL ESTATE
 PRINT NAME (and Title, if applicable)

[Signature]
 SIGNATURE

Sworn to and subscribed before me this 10th day of March, 2017. The foregoing instrument was acknowledged before me by Timothy Oliver VP Corporate RE of Florida Power & Light who has produced as identification and/or is personally known to me and who did/did not take an oath. Company

NOTARY SEAL OR STAMP



DEBORAH C. PATTERSON
 MY COMMISSION # FF 209905
 EXPIRES: June 3, 2019
 Bonded Thru Budget Notary Services

[Signature]
 NOTARY PUBLIC

My Commission Expires

June 3, 2019

Deborah C. Patterson

PRINT NAME

CONTRACT FOR PURCHASE

If the applicant is not the owner of the property, but the applicant is a party to a contract to purchase the property, whether or not such contract is contingent on this application, the applicant shall list the names of the contract purchasers below, including any and all principal officers, stockholders, beneficiaries, or partners. If any of the contract purchasers are corporations, partnerships, limited liability companies, trusts, or other corporate entities, the applicant shall further disclose the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity. If any contingency clause or contract terms involve additional individuals, corporations, partnerships, limited liability companies, trusts, or other corporate entities, list all individuals and/or corporate entities.*

NAME	DATE OF CONTRACT
NAME, ADDRESS, AND OFFICE	% OF STOCK
_____	_____
_____	_____
_____	_____

In the event of any changes of ownership or changes in contracts for purchase, subsequent to the date that this application is filed, but prior to the date of a final public hearing, the applicant shall file a supplemental disclosure of interest.

FILE NO. _____

CITY OF MIAMI BEACH
DEVELOPMENT REVIEW BOARD APPLICATION

DISCLOSURE OF INTEREST

1. CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY

If the property that is the subject of the application is owned or leased by a corporation, partnership, or limited liability company, list ALL of the owners, shareholders, partners, managers, and/or members, and the percentage of ownership held by each. If the owners consist of one or more corporations, partnerships, trusts, partnerships, or other corporate entities, the applicant shall further disclose the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.*

Miami Beach Port, LLC

NAME OF CORPORATE ENTITY	
NAME AND ADDRESS	% OF OWNERSHIP
{See Exhibit "B"}	

NAME OF CORPORATE ENTITY	
NAME AND ADDRESS	% OF OWNERSHIP

IF THERE ARE ADDITIONAL CORPORATE OWNERS, LIST ALL SUCH OWNERS, INCLUDING CORPORATE NAMES AND THE NAME, ADDRESS, AND PERCENTAGE OF OWNERSHIP OF EACH ADDITIONAL OWNER, ON A SEPARATE PAGE.

NOTE: Notarized signature required on page 9

FILE NO. _____

CITY OF MIAMI BEACH
DEVELOPMENT REVIEW BOARD APPLICATION
DISCLOSURE OF INTEREST

2. TRUSTEE

If the property that is the subject of this application is owned or leased by a trust, list any and all trustees and beneficiaries of the trust, and the percentage of interest held by each. If the owners consist of one or more corporations, partnerships, trusts, partnerships, or other corporate entities, the applicant shall further disclose the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.*

TRUST NAME	
NAME AND ADDRESS	% INTEREST
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

NOTE: Notarized signature required on page 9

FILE NO. _____

3. COMPENSATED LOBBYIST:

Pursuant to Section 2-482 of the Miami Beach City Code, all lobbyists shall, before engaging in any lobbying activities, register with the City Clerk. Please list below any and all persons or entities retained by the applicant to lobby City staff or any of the City's land development boards in support of this application.

	NAME	ADDRESS	PHONE #
a.	Tracy R. Slavens, Esq.	701 Brickell Ave., Suite 3300, Miami, FL, 33131	305-789-7642
b.	Vanessa Madrid, Esq.	same	305-789-7453
c.			

Additional names can be placed on a separate page attached to this form.

*Disclosure shall not be required of any entity, the equity interests in which are regularly traded on an established securities market in the United States or other country, or of any entity, the ownership interests of which are held in a limited partnership or other entity, consisting of more than 5,000 separate interests, where no one person or entity holds more than a total of 5% of the ownership interests in the entity.

APPLICANT HEREBY ACKNOWLEDGES AND AGREES THAT (1) ANY APPROVAL GRANTED BY A LAND DEVELOPMENT BOARD OF THE CITY SHALL BE SUBJECT TO ANY AND ALL CONDITIONS IMPOSED BY SUCH BOARD AND BY ANY OTHER BOARD HAVING JURISDICTION, AND (2) APPLICANT'S PROJECT SHALL COMPLY WITH THE CODE OF THE CITY OF MIAMI BEACH AND ALL OTHER APPLICABLE CITY, STATE, AND FEDERAL LAWS.

APPLICANT AFFIDAVIT

STATE OF _____
COUNTY OF _____

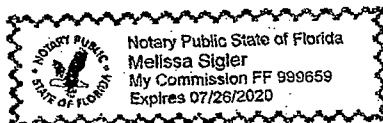
I, Jon Paul Perez, being first duly sworn, depose and certify as follows: (1) I am the applicant, or the representative of the applicant. (2) This application and all information submitted in support of this application, including disclosures, sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief.

[Signature]
SIGNATURE

Sworn to and subscribed before me this 15 day of December, 2016. The foregoing instrument was acknowledged before me by, who has produced as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

My Commission Expires:



[Signature]
NOTARY PUBLIC

Melissa Sigler
PRINT NAME

FILE NO. _____

EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION PARCEL "A":

COMMENCING AT A POINT 1580 FEET NORTH AND 2015 FEET WEST FROM THE SOUTHEAST CORNER OF SECTION 4, TOWNSHIP 54 SOUTH, RANGE 42 EAST, SAID POINT BEING AT THE INTERSECTION OF THE CENTERLINE OF THE ROADWAY OF THE ORIGINAL MIAMI COUNTY CAUSEWAY VIADUCT AND THE FACE OF THE WEST BRIDGE ABUTMENT, RUN SOUTH 67 DEGREES 05 MINUTES 00 SECONDS WEST ALONG THE CENTERLINE OF SAID ROADWAY PRODUCED, A DISTANCE OF 58.70 FEET TO A POINT; THENCE RUN SOUTH 37 DEGREES 43 MINUTES 00 SECONDS EAST A DISTANCE OF 64.75 FEET TO A POINT, SAID BEING THE POINT OF BEGINNING (1); THENCE RUN SOUTH 67 DEGREES 05 MINUTES 00 SECONDS WEST, ALONG THE SOUTHERLY LINE OF THE MIAMI COUNTY CAUSEWAY, A DISTANCE OF 117.78 FEET TO THE POINT OF BEGINNING OF CUT-OUT PARCEL OF LAND HEREIN DESCRIBED,

FROM SAID POINT OF BEGINNING; THENCE RUN SOUTH 67 DEGREES 05 MINUTES 00 SECONDS WEST, ALONG THE SAID SOUTHERLY LINE OF THE MIAMI COUNTY CAUSEWAY, A DISTANCE OF 40.43 FEET; THENCE RUN ALONG THE ARC OF A CIRCULAR CURVE DEFLECTING TO THE RIGHT, HAVING FOR ITS ELEMENTS A CENTRAL ANGLE OF 06 DEGREES 15 MINUTES 30 SECONDS AND A RADIUS OF 243.86 FEET, A DISTANCE OF 26.64 FEET TO A POINT; SAID POINT BEING THE POINT OF COMPOUND CURVATURE OF A CIRCULAR CURVE; THENCE RUN ALONG THE ARC OF A CIRCULAR CURVE DEFLECTING TO THE RIGHT, AND HAVING FOR ITS ELEMENTS A CENTRAL ANGLE OF 01 DEGREES 25 MINUTES 44 SECONDS AND A RADIUS OF 1,566.95 FEET, A DISTANCE OF 39.08 FEET TO A POINT; THENCE RUN SOUTH 31 DEGREES 43 MINUTES 00 SECONDS EAST A DISTANCE OF 403.80 FEET TO A POINT; THENCE RUN SOUTH 25 DEGREES 29 MINUTES 00 SECONDS WEST A DISTANCE OF 97.46 FEET TO A POINT; THENCE RUN NORTH 64 DEGREES 31 MINUTES 00 SECONDS WEST A DISTANCE OF 120.00 FEET TO A POINT; THENCE RUN SOUTH 25 DEGREES 29 MINUTES 00 SECONDS WEST A DISTANCE OF 100.00 FEET TO A POINT; THENCE RUN SOUTH 64 DEGREES 31 MINUTES 00 SECONDS EAST, ALONG A LINE PARALLEL TO THE MUNICIPAL CHANNEL A DISTANCE OF 832.55 FEET (RECORD AND LOCAL DESCRIPTION) 832.55 FEET (CALCULATE) TO A POINT; THENCE RUN NORTH 31 DEGREES 43 MINUTES 00 SECONDS WEST A DISTANCE OF 583.57 FEET; THENCE SOUTH 58 DEGREES 17 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 175.85 FEET; THENCE NORTH 32 DEGREES 27 MINUTES 12 SECONDS WEST FOR A DISTANCE OF 59.61 FEET; THENCE NORTH 32 DEGREES 00 MINUTES 10 SECONDS WEST FOR A DISTANCE OF 61.22 FEET; THENCE NORTH 31 DEGREES 57 MINUTES 07 SECONDS WEST FOR A DISTANCE OF 59.87 FEET; THENCE NORTH 31 DEGREES 45 MINUTES 47 SECONDS WEST FOR A DISTANCE OF 99.47

FEET; THENCE NORTH 32 DEGREES 00 MINUTES 04 SECONDS WEST FOR A DISTANCE OF 109.79 FEET; THENCE NORTH 58 DEGREES 01 MINUTES 56 SECONDS EAST FOR A DISTANCE OF 19.00 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES NORTH 87 DEGREES 07 MINUTES 46 SECONDS EAST, A RADIAL DISTANCE OF 71.65 FEET; THENCE NORTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 43 DEGREES 56 MINUTES 24 SECONDS, A DISTANCE OF 54.95 FEET; THENCE NORTH 31 DEGREES 06 MINUTES 33 SECONDS WEST FOR A DISTANCE OF 10.00 FEET; TO THE SOUTHEASTERLY CORNER OF AN EXISTING ONE-STORY C.B.S. BUILDING LINE, A DISTANCE OF 39.60 FEET, TO THE NORTHEASTERLY CORNER OF SAID EXISTING ONE-STORY C.B.S. BUILDING; THENCE CONTINUE NORTHEASTERLY, NORTH 31 DEGREES 06 MINUTES 33 SECONDS WEST, FOR A DISTANCE OF 30.28 FEET, TO THE POINT OF BEGINNING OF THE CUT OUT PARCEL OF LAND.

CONTAINING 161,716 SQUARE FEET OR 3.71 ACRES, MORE OR LESS.

LYING AND BEING IN SECTION 4, TOWNSHIP 54 SOUTH, RANGE 42 EAST, CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA:

FPL Parcel Legal Description

STR 4-54-42 3.13 AC

BEG AT PT 1580 FT N & 2015 FT W OF SE
COR SEC BEING X OF C/L RDWAY OF
ORIGINAL CO CSWY VIA & FACE
OR W BRIDGE ABUTHT S 67 DEG
W 58.7 FT S 31 DEG E 64.75 FT TH SWLY
ALG SLY BDRY OF CSWY 322.72 FT
TO POB S 10 DEG E 162.52 FT S 25
DEG W 223.24 FT N 64 DEG W 646.73 FT
N 25 DEG E 7.55 FT TO PT SLY BDRY
CSWY ELY ALG SLY BDRY
615.57 FT TO POB
LOT SIZE 136402 SQ FT

Folio: 02-4204-000-0070

EXHIBIT B

DISCLOSURE OF INTEREST

Disclosure of Interest for Miami Beach Port, LLC

Miami Beach Port, LLC, a Florida limited liability company, is 100% owned by MICO, LLC, a Florida limited liability company

MICO, LLC is 50% owned by PRH Terminal Island, LLC, a Florida limited liability company, and 50% owned by BCH Terminal Island, LLC, a Florida limited liability company

- PRH Terminal Island, LLC is 97.5% owned by PRH Investments, LLC, a Florida limited liability company, and 2.5% owned by Carlos Rosso Revocable Trust
 - PRH Investments, LLC, a Florida limited liability company, is wholly owned by PRH Related Holdings, LLC
 - PRH Related Holdings, LLC, a Florida limited liability company, is wholly owned by Perez Ross Holdings, LLC
 - Perez Ross Holdings, LLC, is 75% owned by Jorge M Perez Holding Ltd., and 25% owned by Related NY Holdings, LLC
 - Jorge M Perez Holdings, Ltd is 68% owned by Jorge M. Perez, 15 % owned by Jorge M Perez 2012 Family Trust, 15 % owned by Jorge M Perez 2002 Family Trust, 1% owned by Related Florida Inc., and 1% owned by JMP Holdings GP, LLC
 - Jorge M Perez 2012 Family Trust
 - Jon Paul Perez and Nicholas Alexander Perez are the beneficiaries
 - Jorge M Perez 2002 Family Trust
 - Jon Paul Perez, Nicholas Alexander Perez, Christina Anne Perez and Felipe Manuel Perez are the beneficiaries
 - Related Florida Inc.
 - Wholly owned by Jorge M. Perez
 - JMP Holdings GP, LLC
 - Wholly owned by Jorge M. Perez
 - Related NY Holdings, LLC, a Florida limited liability company, is 99.99% owned by The Related Companies, L.P., and .01% owned by RCMP, Inc.

- The Related Realty Group, Inc., a Delaware corporation, is the sole general partner of The Related Companies, L.P., a New York limited partnership.
 - The Related Realty Group, Inc. is wholly owned by Stephen M. Ross
- RCMP, Inc., a Delaware corporation, is wholly owned by The Related Companies, L.P.
 - The Related Realty Group, Inc., a Delaware corporation, is the sole general partner of The Related Companies, L.P., a New York limited partnership.
 - The Related Realty Group, Inc. is wholly owned by Stephen M. Ross
- Carlos Rosso Revocable Trust
 - Carlos Rosso is the sole beneficiary during his lifetime
- BCH Terminal Island, LLC, a Florida limited liability company, is 67% owned by BeachCo Holdings, LLC, and 33% owned by NLI Holdings, LLC
 - BeachCo Holdings, LLC, a Florida limited liability company, is wholly owned by Victor A. Bared
 - NLI Holdings, LLC, a Florida limited liability company, is 25% owned by Jose Boschetti and Silvia Boschetti (TBE), 24.25% owned by Luis Boschetti and Lina Boschetti (TBE), 23.50% owned by Jose R. Boschetti, as trustee of the Jose R. Boschetti Declaration of Children's Irrevocable Trust dated March 30, 2009, 24.25% owned by Luis R. Boschetti as Trustee of the Luis R. Boschetti Declaration of Children's Irrevocable Trust dated March 4, 2009, and 3% owned by Mariannie Boschetti and Juan S. Cordovez (TBE).

**WRITTEN CONSENT OF THE SOLE MANAGER
OF
PRH TERMINAL ISLAND, LLC**

The undersigned, PRH Investments, LLC, a Florida limited liability company ("PRHI"), being the sole manager of PRH TERMINAL ISLAND, LLC, a Florida limited liability company (the "Company"), does hereby consent to the adoption of, and hereby does adopt, the following preamble, resolutions and the actions specified herein:

WHEREAS, the Company is the managing member of MICO, LLC, a Florida limited liability company ("MICO");

WHEREAS, MICO is the sole member and manager of MIAMI BEACH PORT, LLC, a Florida limited liability Company ("MBP");

WHEREAS, MBP is the owner of that certain parcel of real property located at 120 MacArthur Causeway, Miami Beach, Florida 33139 (the "Property");

WHEREAS, pursuant to that certain Second Amended and Restated Operating Agreement of MICO, dated as of June 15, 2016 (the "MICO Agreement"), MICO intends to cause MBP to develop a residential condominium tower on the Property;

WHEREAS, on July 5, 2016, pursuant to that certain Action By Written Consent of the Sole Member of the Company in Lieu of a Special Meeting executed by Jorge M. Perez, as President of PRHI (the "First Member Action"), PRHI (i) appointed Jon Paul Perez as a Vice President of the Company, and (ii) delegated to Jon Paul Perez, as Vice President of the Company, specific authorities and responsibilities (the "Delegated Authorities");

WHEREAS, on November 2, 2016, pursuant to that certain Action By Written Consent of the Sole Manager of the Company in Lieu of a Special Meeting executed by Jorge M. Perez, as President of PRHI (the "Manager Action"), PRHI (i) revoked the Delegated Authorities, and (ii) delegated to Jon Paul Perez, as Vice President of the Company, revised specific authorities and responsibilities; and

WHEREAS, on July 19, 2016, pursuant to that certain Written Consent of the Sole Member of the Company executed by Jorge M. Perez, as President of PRHI (the "Second Member Action"), PRHI consented to the adoption of certain resolutions relating to the delegation of specific authorities and responsibilities to Jon Paul Perez, in his capacity as Vice President of the Company.

NOW, THEREFORE, it is:

RESOLVED, that this Written Consent shall serve to affirm the contents of the First Member Action and the Manager Action, both of which shall remain in full force and effect;

RESOLVED, that this Written Consent shall serve to amend, restate and supersede in its entirety the Second Member Action; and

RESOLVED, that Jon Paul Perez, as Vice President of the Company, be, and he hereby is, authorized, empowered and directed in the name and on behalf of the Company, in its own right or in its capacity as the managing member of MICO, in the name and on behalf of MICO, in its own right or in its capacity as the sole member and manager of MBP, and in the name and on behalf of MBP to execute and deliver on behalf of the Company, MICO and MBP any and all documents, applications, certifications, papers or other instruments as may be necessary or desirable in conjunction with any of the following actions; provided, however, that the Vice President of the Company may only enter into such instruments on behalf of MICO and MBP, and otherwise act to bind MICO and MBP, in accordance the MICO Agreement:

- Obtaining and maintaining such permit and/or permit applications required of any governmental divisions or agencies as may be necessary, including but not limited to permitting for water, sewer, land use, City or County Code variances, zoning, environmental actions, air use rights, water use rights, landfill authority, infrastructure, elevators, business licenses, real estate development, construction, excavation, demolition, fencing, signage, crane operations, street or partial street closures, trash and waste management, vacating a street of public roadway, access, egress, electrical power, cellular towers, creation of rights of way, creation of curbing, and any other permit application required in the normal and usual course of development of a residential and commercial tower;
- Environmental tests of the Property site;
- Selection and hiring of sales and marketing teams;
- Determination of marketing vendors and marketing protocol;
- Selection and purchase of furniture, finishes, appliances, and fixtures;
- Sales center construction and design;
- Election and hiring of an association management company;
- Condominium purchase contracts; and

- All other tasks customarily necessary in the process of developing a residential and commercial tower.

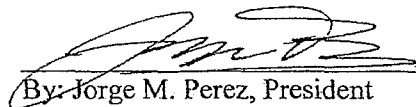
A PDF or facsimile of a signature to this Written Consent shall be deemed and treated for all purposes of execution to be as valid as an original signature thereto.

[Signature page follows]

IN WITNESS WHEREOF, the undersigned has executed this Written Consent effective as of the 9th day of December, 2016.

PRHI:

PRH INVESTMENTS, LLC
a Florida limited liability company


By: Jorge M. Perez, President

(Signature Page to Written Consent of the Sole Manager of PRH TERMINAL ISLAND, LLC)

CITY OF MIAMI BEACH
DEVELOPMENT REVIEW BOARD APPLICATION

DISCLOSURE OF INTEREST

1. CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY

If the property that is the subject of the application is owned or leased by a corporation, partnership, or limited liability company, list ALL of the owners, shareholders, partners, managers, and/or members, and the percentage of ownership held by each. If the owners consist of one or more corporations, partnerships, trusts, partnerships, or other corporate entities, the applicant shall further disclose the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.*

Florida Power & Light Company

NAME OF CORPORATE ENTITY	
NAME AND ADDRESS	% OF OWNERSHIP
FPL is a subsidiary of Juno Beach, Fla.- based NextEra Energy, Inc. (NYSE:NEE)	

NAME OF CORPORATE ENTITY	
NAME AND ADDRESS	% OF OWNERSHIP

IF THERE ARE ADDITIONAL CORPORATE OWNERS, LIST ALL SUCH OWNERS, INCLUDING CORPORATE NAMES AND THE NAME, ADDRESS, AND PERCENTAGE OF OWNERSHIP OF EACH ADDITIONAL OWNER, ON A SEPARATE PAGE.

NOTE: Notarized signature required on page 9

FILE NO. _____

CITY OF MIAMI BEACH
DEVELOPMENT REVIEW BOARD APPLICATION
DISCLOSURE OF INTEREST

2. TRUSTEE

If the property that is the subject of this application is owned or leased by a trust, list any and all trustees and beneficiaries of the trust, and the percentage of interest held by each. If the owners consist of one or more corporations, partnerships, trusts, partnerships, or other corporate entities, the applicant shall further disclose the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.*

TRUST NAME

NAME AND ADDRESS

% INTEREST

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

NOTE: Notarized signature required on page 9

FILE NO. _____

3. COMPENSATED LOBBYIST:

Pursuant to Section 2-482 of the Miami Beach City Code, all lobbyists shall, before engaging in any lobbying activities, register with the City Clerk. Please list below any and all persons or entities retained by the applicant to lobby City staff or any of the City's land development boards in support of this application.

	NAME	ADDRESS	PHONE #
a.	Tracy R. Slavens, Esq.	701 Brickell Ave., Suite 3300,	305-789-7642
b.	Vanessa Madrid, Esq.	Miami, FL, 33131	305-789-7453
c.		same	

Additional names can be placed on a separate page attached to this form.

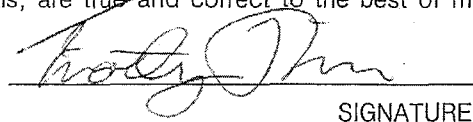
*Disclosure shall not be required of any entity, the equity interests in which are regularly traded on an established securities market in the United States or other country, or of any entity, the ownership interests of which are held in a limited partnership or other entity, consisting of more than 5,000 separate interests, where no one person or entity holds more than a total of 5% of the ownership interests in the entity.

APPLICANT HEREBY ACKNOWLEDGES AND AGREES THAT (1) ANY APPROVAL GRANTED BY A LAND DEVELOPMENT BOARD OF THE CITY SHALL BE SUBJECT TO ANY AND ALL CONDITIONS IMPOSED BY SUCH BOARD AND BY ANY OTHER BOARD HAVING JURISDICTION, AND (2) APPLICANT'S PROJECT SHALL COMPLY WITH THE CODE OF THE CITY OF MIAMI BEACH AND ALL OTHER APPLICABLE CITY, STATE, AND FEDERAL LAWS.

APPLICANT AFFIDAVIT

STATE OF FLORIDA
COUNTY OF PALM BEACH

I, TIMOTHY OLIVER, being first duly sworn, depose and certify as follows: (1) I am the applicant, or the representative of the applicant. (2) This application and all information submitted in support of this application, including disclosures, sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief.

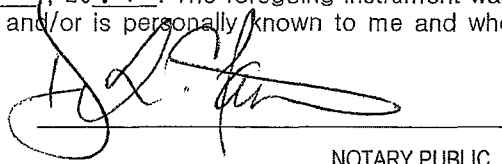

SIGNATURE

Sworn to and subscribed before me this 10th day of March, 2017. The foregoing instrument was acknowledged before me by, who has produced as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



DEBORAH C. PATTERSON
MY COMMISSION # FF 208805
EXPIRES: June 3, 2019
Bonded Thru Budget Notary Services


NOTARY PUBLIC
Deborah C. Patterson

My Commission Expires:

June 3, 2019

PRINT NAME

FILE NO. _____

Holland & Knight

701 Brickell Avenue, Suite 3300 | Miami, FL 33131 | T 305.374.8500 | F 305.789.7799
Holland & Knight LLP | www.hklaw.com

Tracy R. Slavens
(305) 789-7642
tracy.slavens@hklaw.com

March 13, 2017

Mr. Thomas Mooney, AICP
Director, Planning Department
City of Miami Beach
1700 Convention Center Drive
Miami Beach, FL 33139

Re: Miami Beach Port, LLC – Amendment to Application No. 16-087 – LDR Amendments

Dear Mr. Mooney:

Please accept this amendment to Application No. PB16-087 (the “Application”) on behalf of Miami Beach Port, LLC and Florida Power & Light Company (the “Applicants”). The Application is hereby amended to include Florida Power & Light Company (“FP&L”) as an owner and applicant for the Application. Amended Application forms are enclosed for your consideration. As you are aware, Miami Beach Port, LLC (“MPB”) is the owner of that certain ±3.71 acre parcel of land located on the southeastern tip of Terminal Island at 120 MacArthur Causeway (the “MPB Property”; identified as folio no. 02-4204-000-0060). FP&L is the owner of that certain ±3.13 acre parcel of land located at 150 MacArthur Causeway (the “FP&L Property”; identified as folio no. 02-4204-000-0070). The MPB Property and the FP&L Property, together, are hereinafter the subject property of the Application and referred to as the “Property”. The Applicants hereby further amend the Application to update the proposed text amendments to include the recommended language proffered by the Planning Department in the Staff Report & Recommendation dated February 28, 2017 and address a scrivener’s error and remnant reference identified in the I-1 district regulations.

The addition of FP&L as an applicant is not required to proceed with the Application pursuant to Section 118-162 of the City’s Land Development Regulations. MPB owns more than 80,000 square feet of land within Terminal Island. However, in an abundance of caution, MPB has determined that it is appropriate to include FP&L in the Application given that FP&L will be a party to the future applications for approval of the development of the Property. The FP&L Property has 609.50 linear feet of frontage on the Terminal Island right-of-way. Subsection 118-162(a) provides:

(a) **An application for a land development regulation amendment which would change the actual list of permitted, conditional or prohibited uses in a zoning category or the actual zoning map designation of a parcel or parcels of land or the future land use map of the comprehensive plan may be submitted to the planning and zoning director** by the city manager, city attorney, or upon an adopted motion of the city commission, planning board, board of adjustment, or historic preservation

board with regard to the designation of historic districts, sites or matters that directly pertain to historic preservation, or **by owners of a majority of lot frontage in the area which is the subject of the proposed change, provided that the area shall contain not less than 400 feet of lot frontage on one public street or a parcel of not less than 80,000 square feet.** Matters submitted by the city manager or city attorney shall first be referred to the city commission.

The Terminal Island right-of-way is officially identified as part of the MacArthur Causeway right-of-way. Terminal Island is the only portion of the MacArthur Causeway within the City that contains properties fronting the right-of-way. The total Terminal Island right-of-way zoned I-1 is 1,027.30 linear feet (the 98.79 linear feet of City-owned land fronting the right of way is zoned Government Use (GU)) according to the enclosed Specific Purpose Survey prepared by Schwebke-Shiskin & Associates, Inc. The survey confirms that there are no properties fronting the north side of the right-of-way. When combined and as amended herein, the Property contains a total of 715.36 linear feet or 69.6% of the total right-of-way frontage. By virtue of the amendment language, only I-1 zoned properties located within Terminal Island are subject to the proposed change. Therefore, based on both the Property size and the frontage width, the amendment of the Application to include FP&L further satisfies the requirements to file a private application set forth by the Land Development Regulations.

The Applicants amend the proposed text amendment to the Land Development Regulations to reflect the language proffered by the Planning Department in the Staff Report & Recommendation dated February 28, 2017 and to address a scrivener's error and remnant reference identified in the I-1 district regulations. The proposed text amendments, as amended, are as follows:

Sec. 142-483. - Conditional uses.

The conditional uses in the I-1 urban light industrial district are any use that includes the retail sale of gasoline; new construction of structures, as defined in section 114-1, of 50,000 square feet and over, which review shall be the first step in the process before the review by any of the other land development boards; recycling receiving stations; and religious institutions with an occupancy greater than 199 persons. Restaurants with alcoholic beverage licenses (alcoholic beverage establishments) located in the Sunset Harbour neighborhood, which is generally bounded by Purdy Avenue to the west, 20th Street and the waterway to the north, Alton Road to the east, and Dade Boulevard to the south, shall be subject to the additional requirements set forth in section 142-488 and restaurants with alcoholic beverage licenses (alcoholic beverage establishments) with more than 100 seats or an occupancy content (as determined by the fire marshal) in excess of 125, but less than 199 persons, and a floor area in excess of 3,500 square feet, shall be subject to the conditional use procedures in section 118-193. **Multi-family residential uses at a maximum density of 25 dwelling units per acre may be allowed when located on a waterfront parcel to promote the appropriate mix of uses within that portion of the City.**

Sec. 142-484. - Accessory uses.

(1) The accessory uses in the I-1 urban light industrial district are as follows: Those uses customarily associated with the district purpose. (See article IV, division 2 of this chapter). Alcoholic beverage establishments located in the Sunset Harbour neighborhood, which is generally bounded by Purdy Avenue to the west, 20th Street and the waterway to the north, Alton Road to the east, and Dade Boulevard

to the south, shall be subject to the additional requirements set forth in section 142-488.; and

- (2) Restaurants associated with multi-family residential uses, limited to residents and guests, and to include no more than 1.25 seats per unit.**

Sec. 142-486. - Development regulations.

There are no lot area, lot width or unit area or unit size requirements in the I-1 light industrial district. The maximum floor area ratio, building height and story requirements are as follows:

- (1) Maximum floor area ratio is 1.0.
- (2) Maximum building height is 40 feet, **except for multi-family residential uses on waterfront parcels the maximum building height is 300 feet.**
- (3) Maximum number of stories is four **(4) except for multi-family residential uses on waterfront parcels maximum number of stories is twenty-five (25).**
- (4) Multi-family residential uses on waterfront parcels shall only be permitted on lots or unified development sites with a minimum area of 250,000 square feet.**

Sec. 142-485. - Prohibited uses.

The prohibited uses in the I-1 urban light industrial district are accessory outdoor bar counters, bars, dance halls, or entertainment establishments (as defined in section 114-1 of this Code), outdoor entertainment establishments, neighborhood impact establishments, open air entertainment establishments, and residential uses, except as provided for in subsection 142-483~~(10)~~.

* * *

A draft ordinance reflecting the proposed amendments is enclosed for your review.

As addressed in the Applicants' initial letter of intent, the resubmittal correspondence, and the Staff Report and Recommendation, the Applicants have met the standards for approval of these requests in accordance with the criteria set for by Section 118-163 of the Land Development Regulations, are consistent with the Goals, Objectives, and Policies of the City's Comprehensive Plan, and the integrity of the district regulations set forth in the Land Development Regulations. The amendments ensure that residential use may only be approved as a conditional use when certain criteria are satisfied, including sufficient land area, to ensure compatibility, and only when the Applicants can demonstrate that there is an improvement to government operations and infrastructure associated with the proposed development.

The approval of this Application will ensure that the Property, and Terminal Island, will be developed with the highest and best use. The proposed text amendment and expansion of uses will promote a mixed-use environment in the suitable circumstances that would be both compatible and consistent with the character of the surrounding area and provide an assurance to the City that the development will yield a public benefit. This would allow development that is consistent with the goal of the Comprehensive Plan to promote innovative mixed-use development and satisfy an immediate need for improved government services.

Based on the foregoing, we respectfully request the City's continued favorable consideration of the Application as amended. Please do not hesitate to contact me if you have any questions or concerns regarding the application.

Respectfully submitted,

HOLLAND & KNIGHT LLP



Tracy R. Slayens, Esq.

Enclosures

Holland & Knight

701 Brickell Avenue, Suite 3300 | Miami, FL 33131 | T 305.374.8500 | F 305.789.7799
Holland & Knight LLP | www.hklaw.com

Tracy R. Slavens
(305) 789-7642
tracy.slavens@hklaw.com

January 5, 2017

Mr. Thomas Mooney, AICP
Director, Planning Department
City of Miami Beach
1700 Convention Center Drive
Miami Beach, FL 33139

**Re: Miami Beach Port, LLC – Comprehensive Plan and Land Development Regulations
Amendment Applications – Resubmittal and Response to Comments**

Dear Mr. Mooney:

This letter shall serve as the response to comments and resubmittal on behalf of Miami Beach Port, LLC (the "Applicant"), for its applications to amend the City of Miami Beach Comprehensive Plan and Land Development Regulations text (Application Nos. PB16-0085 and PB16-0087; collectively, the "Applications"). The purposes of the Applications is to amend the I-1 land use category and zoning district to establish multifamily residential on waterfront properties as a conditional use and create limited restaurant use as an accessory uses to the residential use. Additionally, the text amendments establish height and density regulations for the conditional multi-family residential use.

The Applications have been filed in anticipation of the Applicant entering into a development agreement for the redevelopment of the Applicant's property and the abutting City-owned parcel to include (i) a new 25 story residential building (± 300 feet) with 90 multi-family dwelling units and associated amenities, including a deep-water large-yacht marina, (ii) the reconstruction and expansion of the City-owned parcel, including approximately 40,600 square feet of administrative offices, service bays, vehicle maintenance and warehousing facilities and other related facilities for City operations, and (iii) 395 \pm parking spaces for the City's sole, permanent and exclusive use (the "Development Program"). The enclosed revised conceptual site development master plan for the Development Program has been prepared by Foster + Partners Architecture and shows the scope of the Applicant's portion of the proposed development.

The City issued review comments for the Applications on December 22, 2016. The Applicant has addressed the comments as follows:

- 1) All application fees must be paid for the items to move forward. They have been invoiced through Energov and can be paid through the Citizens Access Portal (CAP).

RESPONSE: All application fees have been paid as of the date of this resubmittal.

- 2) The proposed amendment to add residential uses and increase density in the Urban Light Industrial (I-1) Future Land Use Category is inconsistent with the following objective and policies of the Conservation/Coastal Zone Management Element of the City of Miami Beach 2025 Comprehensive Plan which prohibit increases in residential density:

OBJECTIVE 9: DENSITY LIMITS

Direct population concentrations away from city-wide coastal high hazard area by prohibiting residential density increases.

Policy 9.1

Continue to designate the V storm surge zone of the beach front as a Conservation-Protected area on the future Land Use Map.

Policy 9.2

The City shall approve no future land use plan map amendments that cumulatively increase residential densities. Furthermore, the City shall continue to evaluate ways to further modify the Future Land Use Map to reduce densities and intensities.

RESPONSE: The goal of the Conservation/Coastal Zone Management Element is to control development activities and protect coastal resources “in a manner maintaining or improving the marine and terrestrial animal habitats, vegetation, land, air, water, and the visual, aesthetic quality of Miami Beach for present and projected, future populations.” This element of the Comprehensive Plan also identifies and seeks to protect evacuation routes. Objective 9 and Policies 9.1 and 9.2, which implement this Objective, are intended to prohibit changes to the Future Land Use Map that increases residential densities in order to protect coastal resources and the City’s evacuation routes from the impacts of development intensities over and above what exists, not to prohibit all density increases. The City has not historically applied this Objective and its Policies to development orders, only to map amendments. If the purpose was to prohibit all density increases, then any development order (including building permits) seeking to increase the number of units on a parcel even if permitted by all applicable regulations, such as the redevelopment of a parcel under its current zoning that would result in additional units on the property, would be prohibited. The Applications will not impact any coastal resources or conservation areas. There are no I-1 parcels located on beachfront or protected lands within the City.

The proposed text amendments are not inconsistent with the Comprehensive Plan. The Comprehensive Plan, when adopted, did not contemplate residential use on Terminal Island. The density being assigned to waterfront parcels in the I-1 district, 25 dwelling units per acre, is an established density within the City’s multi-family residential and mixed-use districts. However, in order to provide clarity and

specificity to Objective 9 and its Policies, the Applicant hereby proposes the following additional amendment to the Comprehensive Plan text:

OBJECTIVE 9: DENSITY LIMITS

Direct population concentrations away from city-wide coastal high hazard area by prohibiting residential density increases, except for properties on Terminal Island.

The proposed amendment will ensure that the limitation on residential density increases is enforced in the appropriate locations. This amended text will prohibit the ability to increase residential density in other areas of the City while allowing the Applications to assign a residential density limit for Terminal Island. A copy of the revised text amendment ordinance is enclosed for your consideration.

Many of the industrial uses permitted in the I-1 land use category, which constitutes the majority of Terminal Island, create far greater traffic impacts than the proposed residential density of 25 dwelling units per acre. Any traffic generated by residential development on Terminal Island will not impact the City's internal street network and will result in a significant increase on its evacuation routes. The Applicant submitted a trip generation analysis, prepared by David Plummer and Associates, in connection with the Applications. The analysis compared the vehicular impacts on the Mac Arthur Causeway of the proposed use with the approved cargo terminal operations. The analysis concluded that the proposed 90 residential dwelling units will have significantly less impacts on the traffic operation of MacArthur Causeway than the cargo terminal operations. These results, in summary, are as follows:

- Will eliminate in excess of 125,000 heavy truck trips annually;
- Will reduce maintenance cost for roadways and bridges;
- Will reduce PM peak hour trips by 52%; and
- Will significantly improve traffic operations on the City's busiest roadway.

The approval of the proposed amendment will provide the opportunity for a significant decrease in traffic (particularly heavy truck trips) on the MacArthur Causeway, a main evacuation route for the south portion of the City. In times of emergency when evacuation is necessary, the alternative of removing hundreds of cargo containers by trucks from the cargo terminal facility as opposed to the evacuation of 90 families from the same site is an example of the reduction of impacts on the route.

The Applications are consistent with Policies 9.1 and 9.2 as follows:

Policy 9.1: The subject property is not located on the beach front and the proposed amendments do not impact any Conservation-Protected areas. Only the narrow perimeter of Terminal Island, like majority of the waterfront areas of the City, is shown as Category 1 Storm Surge Area on the Coastal High Hazard Map. An excerpt of the map is provided below:



Coastal High Hazard Area

Category 1 Storm Surge and Evacuation Routes

All future building designs on Terminal Island shall comply with the applicable building code requirements to ensure protection from major storm and flooding events.

Policy 9.2: The Applicant is not proposing any changes to the Future Land Use Map or Zoning Map boundaries. No new districts are proposed by these applications. The proposed change does not modify existing district boundaries but does provide for a mixed-use development opportunity by expanding permitted uses under certain qualifying circumstances. As noted above, the density being applied, 25 dwelling units per acre, is an established density within the City's multi-family residential and mixed-use districts.

Based on the foregoing, the approval of the Applications will not create any new impacts on the community or impose any detrimental effects on the public health, safety, and welfare of the residents of the City.

- 3) The proposed amendment to add residential uses to the Urban Light Industrial (I-1) Future Land Use Category is inconsistent with the Policy 6.19 within the Transportation Element of the City of Miami Beach 2025 Comprehensive Plan, which intends to protect the cargo terminal from encroachment of incompatible land uses:

Policy 6.19: Mac Arthur Causeway

There shall be a full facility impact review of any request for a development permit to be issued by the City for the expansion of the existing cargo port facility in order to preserve the limited traffic capacity of the MacArthur Causeway and the ferry service to Fisher Island and ensure consistency with the Conservation/Coastal Management Element. Conversely, the existing MacArthur Causeway cargo terminal shall continue to be designated Light Industrial on the Future Land Use Map as to protect the facility from the encroachment of incompatible land uses.

RESPONSE: The existing cargo port facility on Terminal Island had become obsolete. In order to improve it, a significant expansion of its facilities and operations would be required. However, the Applicant believes that other uses may be better for the parcel and for the City as a whole. As noted in the Applicant's letters of intent, cities around the country are increasingly incorporating a mix of uses in their industrial districts. This mixed-use industrial environment helps to preserve industrial land and increase density, which result in higher property values that serve as a benefit to all residents. The proposed amendment will protect a functioning industrial site while beautifying and encouraging the revitalization of the waterfront. Due to its strategic location and exceptional visibility, market influences indicate that incorporating mixed-use is a higher and better mix use for Terminal Island. The proposed amendments allow multi-family residential uses within the scope of the existing land use category but limiting it to a conditional use will ensure compatibility between permitted uses.

In order to appropriately update the Comprehensive Plan in response to these changes, the Applicant hereby modifies its request being made pursuant to Application No. PB16-0085 to include an amendment to Transportation Element Policy 6.19: Mac Arthur Causeway in order to accommodate the proposed use as follows:

Policy 6.19: Mac Arthur Causeway

There shall be a full facility impact review of any request for a development permit to be issued by the City for the expansion of ~~the existing cargo port facility~~ any additional proposed uses on the I-1-designated parcels on Terminal Island in order to preserve the limited traffic capacity of the MacArthur Causeway and the ferry service to Fisher Island and ensure consistency with the Conservation/Coastal Management Element. ~~Conversely, the existing MacArthur Causeway cargo terminal shall continue to be designated Light Industrial on the Future Land Use Map as to protect the facility from the encroachment of incompatible land uses.~~

A copy of the revised text amendment ordinance is enclosed for your consideration.

This proposed language is consistent with the Goals, Objectives, and Policies of the Comprehensive Plan. Specifically, the amendments are consistent with the Objectives 2, 3, and 7 and Policy 2.2 of the Comprehensive Plan. The proposed amendments are consistent with the Future Land Use Plan. The addition of multi-family residential use on the waterfront in I-1 will encourage a successful mix of uses that will be regulated by administrative procedures and special land use criteria to ensure compatibility with the uses in the surrounding area. Multi-family residential use will be allowed only as a conditional use when land is located directly on the waterfront, and restaurant use as an accessory use when associated with multi-family residential uses. Light Industrial would continue to be the predominant use at the waterfront but residential and accessory recreational uses will be layered in to increase vitality, livability and spur economic development on Terminal Island.

The approval of the proposed amendment will provide the opportunity for a significant decrease in traffic (particularly heavy truck trips) on the MacArthur Causeway as follows:

- **Will eliminate in excess of 125,000 heavy truck trips annually;**
- **Will reduce maintenance cost for roadways and bridges;**
- **Will reduce ambient emissions and improve air quality,**
- **Will reduce PM peak hour trips by 52%; and**
- **Will significantly improve traffic operations on the City's busiest roadway.**

A mixed-use environment will also result in an immediate benefit for the residents of Star Island, Palm Island, and Hibiscus Island, the three communities which are in closest proximity to Terminal Island. Access for residents of the Fifth Street and Alton Road corridors and the South of Fifth Neighborhood from MacArthur Causeway will also be improved when the Terminal Island truck traffic is eliminated from that roadway.

- 4) The residential density identified for the Urban Light Industrial (I-1) Future Land Use Category must identify the unit of measure (i.e. dwelling units per acre).

RESPONSE: The Applicant has proposed a residential density of 25 dwelling units per acre.

- 5) The proposed amendments to the Comprehensive Plan and Land Development Regulations requires transmittal and coordination with the U.S. Coast Guard Station regarding the encroachment of incompatible uses pursuant to Objective 11 of the Future Land Use element of the 2025 Miami Beach Comprehensive Plan. Provide proof of coordination with the U.S. Coast Guard Station.

OBJECTIVE 11: COOPERATION WITH MILITARY INSTALLATIONS

The City will cooperate with the U.S. Coast Guard station located within its jurisdiction by exchanging and providing information to prevent encroachment of incompatible land uses in order to facilitate its continued presence in the City.

Policy 11.1

The City will transmit to the commanding officer information relating to proposed changes to comprehensive plans, plan amendments, and proposed changes to land development regulations which, if approved, would affect the intensity, density, or use of the land adjacent to or in close proximity to the U.S. Coast Guard Station.

Policy 11.2

The City will provide the commanding officer or his or her designee an opportunity to review and submit comments on the proposed changes regarding the impact such proposed changes may have on the mission of the U.S. Coast Guard Station.

Policy 11.3

The City will take into consideration any comments provided by the commanding officer or his or her designee when making such decision regarding comprehensive planning or land development regulation and will forward a copy of any such comments to the state land planning agency.

RESPONSE: The Applicant shall comply with Objective 11 and its corresponding Policies. The Applicant has met with and continues to communicate with the U.S. Coast Guard Base Commander, Executive Officer, and USCG representatives regarding the proposed development and the approval process.

- 6) The parking requirements identified in the amendment to Chapter 130 of the Land Development Regulations should identify to what area the 45,000 square feet refers (i.e. floor area, lot area, etc.). This may affect other city maintenance facilities, such as the facility on Dade Boulevard. Provide an analysis regarding the potential impacts to other such facilities.

RESPONSE: Application No. PB16-0086, which sought an amendment to Section 130-32 of the City of Miami Beach Land Development Regulations relating to off-street parking requirements for district no. 1, has been withdrawn.

- 7) The provided massing studies should not incorporate the City parcel on Terminal Island, as this site has a different future land use and zoning designation that is not contemplated by the proposed amendments.

RESPONSE: Noted and addressed with this submittal.

- 8) These inconsistencies must be addressed by amending the application prior to the Final CAP Submittal deadline on January 5, 2017. If there are any items you would like to discuss prior to the submittal, please let us know.

RESPONSE: Noted and addressed with this submittal.


The Applications satisfy the criteria for approval of the proposed amendments. The addition of residential use as a conditional use in the I-1 land use category and in the Land Development Regulations would be both compatible and consistent with the character of the surrounding area and would be an improvement consistent with the goal of the Comprehensive Plan to promote innovative mixed-use development.

The approval of this Applications will ensure that the subject property will be developed with the highest and best use. The proposed amendments will promote a mixed-use environment in the suitable circumstances that would be both compatible and consistent with the character of the urban environment and diverse mix of uses found throughout the City. This would allow development that is consistent with the goal of the Comprehensive Plan to promote innovative mixed-use development. In addition, it will encourage the economic growth of the City and improve the quality of life for its residents.

In light of the foregoing, we respectfully request the City's favorable consideration of the Applications. Thank you for your continued review of this application. Please contact me if you have any questions or require additional information.

Respectfully submitted,

HOLLAND & KNIGHT LLP

A handwritten signature in blue ink, reading "Tracy Slavens", with a long horizontal flourish extending to the right.

Tracy R. Slavens, Esq.

Enclosures

Holland & Knight

701 Brickell Avenue, Suite 3300 | Miami, FL 33131 | T 305.374.8500 | F 305.789.7799
Holland & Knight LLP | www.hklaw.com

Tracy R. Slavens
(305) 789-7642
tracy.slavens@hklaw.com

December 20, 2016

Mr. Thomas Mooney, AICP
Director, Planning Department
City of Miami Beach
1700 Convention Center Drive
Miami Beach, FL 33139

Re: Miami Beach Port, LLC – Letter of Intent in Support of an Application for Text Amendments to the City of Miami Beach Land Development Regulations

Dear Mr. Mooney:

This letter shall constitute our letter of intent on behalf of Miami Beach Port, LLC (the "Applicant"), for its application to amend the City of Miami Beach Land Development Regulations (the "LDRs") Urban Light Industrial District (I-1) text. The Applicant is the owner of that certain ±3.71 acre parcel of land located at 120 MacArthur Causeway (the "Property"; identified as folio no. 02-4204-000-0060). The Applicant submits this application for a proposed text amendment to the I-1 zoning district to establish multifamily residential on waterfront properties as a conditional use and create limited restaurant use as an accessory uses to the residential use. Additionally, the text amendment establishes height and density regulations for the conditional multi-family residential use.

Terminal Island

This request is being made in connection with a proposed redevelopment plan for a portion of Terminal Island. Terminal Island is located on the MacArthur Causeway and is a gateway to Miami Beach. The waterfront land on Terminal Island is unique and special. It is highly visible and is surrounded by both luxury residential uses and marine operations. Its location on the north side of Government Cut and is centrally located between Dodge Island to the southwest, Star Island to the north, Fisher Island to the southeast, and the South of Fifth Neighborhood to the east. With the expansion of PortMiami, cargo operations have left Terminal Island and relocated to the Port where waters are deeper and new cranes provided superior service. Now is finally the appropriate time to consider the revitalization of the island.

Terminal Island is currently made up of six separate properties, which include the U.S. Coast Guard Base, the Fisher Island ferry terminal and parking area, an FPL Substation, and the City's Fleet Management facility. The Applicant has owned the Property since 2013. Until recently, the Property was operated as a shipping container port and storage yard. The City's Fleet Management facility is located directly west of the Property at 140 MacArthur Causeway (the "City Parcel"). The City Parcel is a ±2.16 acre parcel containing Fleet Management and Sanitation Division offices and a maintenance yard with service bays, a

fueling station, and other fleet support uses in buildings that date back as far back as the 1940s. The current conditions on the City Parcel do not accommodate the City's Fleet Management or Sanitation demands and there is a severe shortage of parking for City vehicles and employees. The redevelopment of the Property, which would also encompass the City Parcel and the FPL Substation as part of an overall site development master plan, contemplates a luxury 90 unit multi-family residential building, marina, and a new Fleet Management and Sanitation facility. The amendment will allow the redevelopment of the Property and City Parcel as proposed.

The Applicant intends to enter into a development agreement for the redevelopment of the Property and City Parcel to include (i) a new 25 story residential building (± 300 feet) with 90 multi-family dwelling units and associated amenities, including a deep-water large-yacht marina, (ii) the reconstruction and expansion of the City Parcel, including approximately 40,600 square feet of administrative offices, service bays, vehicle maintenance and warehousing facilities and other related facilities for City operations, and (iii) 395 \pm parking spaces for the City's sole, permanent and exclusive use (the "Development Program"). The conceptual site development master plan for the Development Program has been prepared by Foster + Partners Architecture. The Development Program will revitalize the waterfront on Terminal Island by creating a landmark at the City's gateway and allow for the highest and best use of both the Property and the City Parcel.

Land Development Regulations Text Amendment

The purpose of this text amendment to the I-1 zoning district is to provide consistency with the proposed amendment to the City of Miami Beach Comprehensive Plan ("Comprehensive Plan") as well as provide clarity and expand the purpose of the I-1 district. The text amendment includes (1) clarifies marina use as a permitted use where "marine-related uses" is the currently enumerated use, (2) multifamily residential use, including apartments, as a conditional use when land is located directly on the waterfront, and (3) restaurant use as an accessory use when associated with multi-family residential uses. Specifically, the amendment proposes the following text:

- Amendment to Sec. 142-482(14) to provide clarification of permitted use as "Marina and Marine-related uses."
- Amendment to Sec. 142-483 – Conditional Uses to provide that "multi-family residential uses at a maximum density of 25 dwelling units per acre may be allowed when located on a waterfront parcel to promote the appropriate mix of uses within that portion of the City."
- Amendment to Sec. 142-484 – Accessory uses to allow "Restaurants associated with multi-family residential uses, limited to residents and guests, and to include no more than 1.25 seats per unit."
- Amendment to Sec 142-486 – Development regulations to establish a maximum height for residential use as follows:

* * *

- (2) "Maximum building height is 40 feet, except for multi-family residential uses on waterfront parcels the maximum building height is 300 feet."
- (3) "Maximum number of stories is four (4) except for multi-family residential uses on waterfront parcels maximum number of stories is twenty-five (25)."

The proposed amendment to I-1 district uses will create appropriate opportunities for multi-family residential development along the Terminal Island waterfront. At the same time, this proposed text will preserve all permitted industrial, governmental, and similar uses. Overall, the proposed amendments as included in this application would not deem any existing uses nonconforming nor would the amendments

reduce or further restrict any development rights of property owners on Terminal Island. Furthermore, since the only waterfront properties in the City of Miami Beach within the I-1 zoning district are on Terminal Island, these text amendments would not impact any other properties zoned I-1.

Pursuant to section 114-1 of the LDRs, a conditional use is “a use that would not be appropriate generally or without restriction throughout a particular zoning district, but would be appropriate if controlled as to number, area, location, or relation to the neighborhood.” Chapter 118 would then be followed as part of the conditional use and site plan review processes to ratify that the proposed plan meets the criteria for approval.

Justification for the Amendment

This application is being filed in connection with companion applications for an amendment to the Comprehensive Plan Land Use Element. The companion application seeks to amend the I-1 category to provide multi-family residential use as a permitted use. Further information on and analysis for that request is provided in the corresponding application letter of intent. However, both applications should be reviewed together. The Applicant has met the standards for approval of these requests in accordance with the criteria set for by Section 118-163 of the Land Development Regulations. The proposed amendments satisfy these criteria as follows:

1. Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.

The Applicant is proposing text amendments that are consistent with the Goals, Objectives, and Policies of the Comprehensive Plan. Specifically, the amendments are consistent with the following objectives and policies of the Comprehensive Plan:

OBJECTIVE 2: LAND USE COMPATIBILITY. *Land development regulations will be used to address the location, type, size and intensity of land uses and to ensure adequate land use compatibility between residential and non-residential land uses.*

Policy 2.2: *Development in land use categories which permit both residential and non-residential uses shall be regulated by formalized land development regulations which are designed to ensure adequate land use compatibility.*

Objective 3: INNOVATIVE DEVELOPMENT. *The land development regulations shall continue to be consistent with s. 163.3202, F.S. and with the Future Land Use map, consistent with sound planning principles, minimal natural limitations, the goals, objectives and policies contained within this plan, and the desired community character, and which shall emphasize innovative land development techniques, such as mixed use development.*

Objective 7: INCONSISTENT USES. *The City land development regulations shall continue to provide for the discontinuation of non-conforming land and building uses which are incompatible or inconsistent with the Future Land Use Plan.*

The proposed amendments are consistent with the Future Land Use Plan. The addition of multi-family residential use on the waterfront in I-1 will encourage a successful mix of uses that will be regulated by administrative procedures and special land use criteria to ensure compatibility with the uses in the surrounding area. Multi-family residential use will be allowed only as a conditional use when land is located directly on the waterfront, and restaurant use as an accessory use when associated with multi-family residential uses. Light Industrial would continue to be the predominant use at the waterfront but

residential and accessory recreational uses will be layered in to increase vitality, livability and spur economic development. Compatibility is established through conditional use approval, which ensures that the necessary safeguards are provided for the protection of surrounding land uses and neighborhood values.

2. Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.

The Applicant is not proposing any changes to the Future Land Use Map or Zoning Map boundaries. No new districts are proposed by these applications.

3. Whether the change suggested is out of scale with the needs of the neighborhood or the city.

The proposed amendment establishes multifamily residential on waterfront properties and limited accessory amenities, including a private restaurant, as conditional and accessory uses, respectively. The scale being proposed is not out of character with the surrounding area and will not negatively impact any view corridors.

4. Whether the proposed change would tax the existing load on public facilities and infrastructure.

The proposed change will decrease traffic on the MacArthur Causeway, decreasing pollution and stormwater runoff on Terminal Island and overall will lessen the impact on public facilities and infrastructure. A trip generation analysis, prepared by David Plummer and Associates, compared the vehicular impacts of the proposed use with the approved cargo terminal operations. The analysis concluded that the proposed 90 residential dwelling units will have significantly less impacts on the traffic operation of MacArthur Causeway than the cargo terminal operations as follows:

- Will eliminate in excess of 125,000 heavy truck trips annually;
- Will reduce maintenance cost for roadways and bridges;
- Will reduce ambient emissions and improve air quality,
- Will reduce PM peak hour trips by 52%; and
- Will significantly improve traffic operations on the City's busiest roadway.

5. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

Not applicable. The proposed change does not modify existing district boundaries but does provide for a mixed-use development opportunity by expanding permitted uses under certain qualifying circumstances.

6. Whether changed or changing conditions make the passage of the proposed change necessary.

Cities around the country are increasingly using mixed-use industrial districts to preserve industrial land and increase density, which will result in higher property values that will benefit all residents. The proposed amendment in conjunction with the development of the City Parcel is intended to create a functional site while beautifying and encouraging the revitalization of the waterfront. Due to its strategic location and incredible visibility, there are market influences that suggest this higher and better use for Terminal Island. However, the Applicant acknowledges the importance of protecting the City's remaining industrial lands. The proposed amendments allow multi-family residential uses within the scope of the existing land use category and ensures compatibility between permitted uses.

7. Whether the proposed change will adversely influence living conditions in the neighborhood.

The proposed change will not adversely affect living conditions in the neighborhood. In fact, the proposed change will significantly decrease traffic (particularly heavy truck trips) on the MacArthur Causeway for the immediate benefit of residents of Star Island, Palm Island, and Hibiscus Island, the three communities which are in closest proximity to Terminal Island, and improving access to and from the Fifth Street and Alton Road corridors and the South of Fifth Neighborhood. As noted above, the elimination of 125,000 heavy truck trips will also improve air quality along this corridor.

8. Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.

As mentioned above and as evidenced in the Applicant's trip generation analysis, the proposed change will have an immensely positive effect on traffic by reducing heavy truck trips by 125,000 trips and reducing PM Peak Hour volumes by 52%. The proposed use will undoubtedly have a meaningful decrease on traffic on the MacArthur Causeway and improve the quality of life for all residents, workers, and visitors traveling to and from the City on this major arterial.

9. Whether the proposed change will seriously reduce light and air to adjacent areas.

The proposed change will not impact light and air to adjacent areas. Residential building height shall be limited to 300 feet, which is significantly lower than the average tower height visible in the nearby South of Fifth neighborhood.

10. Whether the proposed change will adversely affect property values in the adjacent area.

Mixed-use encourages economic development. In general, the proximity and clustering of uses adds value to neighborhoods. The addition of a well-designed residential building with private amenities for the residents to enjoy and an intelligent expansion of the City's facilities will significantly improve Terminal Island. The proposed development will enhance the entrance to Miami Beach, create a landmark addition to the already stunning views of the surrounding buildings, and increase property values in the adjacent area.

11. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.

The proposed change will not be a deterrent to the improvement or development of properties in the City nor in any of the I-1 designated areas. The City's Land Development Regulations require that any new development plans must be presented to and approved by the Design Review Board at a public hearing to verify that any new development and uses are compatible with the surrounding neighborhood. Establishing residential use as a conditional use within I-1 will provide a safeguard to ensure the compatibility of any such new residential or mixed-use development.

12. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.

The Transportation Element of the Comprehensive Plan clearly identifies that the current industrial uses on Terminal Island are taxing on the traffic capacity of MacArthur Causeway and generate environmental concerns. In time, Terminal Island will benefit from a mix of uses that actually decrease traffic, reduce the environmental impact on Biscayne Bay, and beautify the island.

13. Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.

Not Applicable.

The application satisfies the criteria for approval of the proposed amendments. The addition of residential use as a conditional use in the I-1 district would be both compatible and consistent with the character of the surrounding area and would be an improvement consistent with the goal of the Comprehensive Plan to promote innovative mixed-use development.

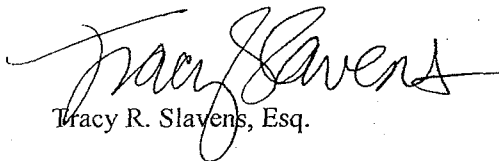
Conclusion

The approval of this Application will ensure that the Property will be developed with the highest and best use. The proposed text amendment and expansion of uses will promote a mixed-use environment in the suitable circumstances that would be both compatible and consistent with the character of the surrounding area. This would allow development that is consistent with the goal of the Comprehensive Plan to promote innovative mixed-use development. In addition, it will encourage the economic growth of the City and improve the quality of life for its residents.

In light of the foregoing, we respectfully request the City's favorable consideration of this application for an amendment to the LDRs. Please do not hesitate to contact me if you have any questions or concerns regarding the application.

Respectfully submitted,

HOLLAND & KNIGHT LLP


Tracy R. Slaven, Esq.

Enclosures

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II "DISTRICT REGULATIONS," DIVISION 11 "LIGHT INDUSTRIAL DISTRICT," BY AMENDING SECTION 142-483, "CONDITIONAL USES," TO PERMIT MULTI-FAMILY RESIDENTIAL USES WHEN LOCATED ON WATERFRONT PARCELS; BY AMENDING SECTION 142-484, "ACCESSORY USES," TO PERMIT RESTAURANTS ASSOCIATED WITH MULTI-FAMILY RESIDENTIAL USES, LIMITED TO RESIDENTS AND GUESTS, AND TO INCLUDE NO MORE THAN 1.25 SEATS PER UNIT; BY AMENDING SECTION 142-485, "PROHIBITED USES," TO ADDRESS A SCRIVENERS ERROR; BY AMENDING SECTION 142-486, "DEVELOPMENT REGULATIONS," TO PROVIDE REGULATIONS FOR MULTIFAMILY RESIDENTIAL USES; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, the primary purpose of the "I-1 Urban Light Industrial District" is to permit light industrial uses and similar uses that are generally compatible with one another and with adjoining residential or commercial districts; and

WHEREAS, amending the "I-1 Urban Light Industrial District" would be consistent with the Comprehensive Plan; and

WHEREAS, amending the conditional uses to include multi-family residential uses when located on waterfront parcels and to allow for said uses in appropriate areas, on parcels of appropriate size, and to ensure compatibility with adjacent uses; and

WHEREAS, amending the accessory uses to include restaurant use when associated with multi-family residential uses would promote a mixed-use environment that would be consistent with the permitted, conditional, and accessory uses in the "I-1 Urban Light Industrial District"; and

WHEREAS, amending the prohibited uses to correct a scrivener's error will ensure clarity and consistency when applying the Land Development Regulations; and

WHEREAS, the amendment set forth below is necessary to accomplish the objectives identified above.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. Chapter 142, "Zoning Districts and Regulations," Article II "District Regulations," Division 11 "Light Industrial District", is amended, as follows:

Sec. 142-483. - Conditional uses.

The conditional uses in the I-1 urban light industrial district are any use that includes the retail sale of gasoline; new construction of structures, as defined in section 114-1, of 50,000 square feet and over, which review shall be the first step in the process before the review by any of the other land development boards; recycling receiving stations; and religious institutions with an occupancy greater than 199 persons. Restaurants with alcoholic beverage licenses (alcoholic beverage establishments) located in the Sunset Harbour neighborhood, which is generally bounded by Purdy Avenue to the west, 20th Street and the waterway to the north, Alton Road to the east, and Dade Boulevard to the south, shall be subject to the additional requirements set forth in section 142-488 and restaurants with alcoholic beverage licenses (alcoholic beverage establishments) with more than 100 seats or an occupancy content (as determined by the fire marshal) in excess of 125, but less than 199 persons, and a floor area in excess of 3,500 square feet, shall be subject to the conditional use procedures in section 118-193. **Multi-family residential uses at a maximum density of 25 dwelling units per acre may be allowed when located on a waterfront parcel to promote the appropriate mix of uses within that portion of the City.**

Sec. 142-484. - Accessory uses.

(1) The accessory uses in the I-1 urban light industrial district are as follows: Those uses customarily associated with the district purpose. (See article IV, division 2 of this chapter). Alcoholic beverage establishments located in the Sunset Harbour neighborhood, which is generally bounded by Purdy Avenue to the west, 20th Street and the waterway to the north, Alton Road to the east, and Dade Boulevard to the south, shall be subject to the additional requirements set forth in section 142-488; **and**

(2) Restaurants associated with multi-family residential uses, limited to residents and guests, and to include no more than 1.25 seats per unit.

Sec. 142-485. - Prohibited uses.

The prohibited uses in the I-1 urban light industrial district are accessory outdoor bar counters, bars, dance halls, or entertainment establishments (as defined in section 114-1 of this Code), outdoor entertainment establishments, neighborhood impact establishments, open air entertainment establishments, and residential uses, except as provided for in subsection 142-483 **(10)**.

Sec. 142-486. - Development regulations.

There are no lot area, lot width or unit area or unit size requirements in the I-1 light industrial district. The maximum floor area ratio, building height and story requirements are as follows:

(1) Maximum floor area ratio is 1.0.

- (2) Maximum building height is 40 feet, except for multi-family residential uses on waterfront parcels the maximum building height is 300 feet.
- (3) Maximum number of stories is four (4) except for multi-family residential uses on waterfront parcels maximum number of stories is twenty-five (25).
- (4) Multi-family residential uses on waterfront parcels shall only be permitted on lots or unified development sites with a minimum area of 250,000 square feet.

SECTION 2. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and, the word "ordinance" may be changed to "section", "article", or other appropriate word.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

SECTION 3. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect on the _____ day of ___, 20___; however, the effective date of any plan amendment shall be in accordance with Section 163.3184, Florida Statutes.

PASSED and ADOPTED this _____ day of _____, 20___.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

First Reading:
Second Reading:

City Attorney Date

Verified by: _____
Thomas Mooney, AICP, LEED
Planning Director

Date



March 13, 2017

**City of Miami Beach
Planning Department
1700 Convention Center Drive
Miami Beach, FL 33139**

RE: Property Owners List within 375 feet of:

LEGAL DESCRIPTION:

Portion of Section 4, Township 54 South, Range 42 East, Miami-Dade County, Florida.

ADDRESS: 120 Macarthur Causeway, Miami Beach, FL 33139

FOLIO NO. 02-4202-000-0060 and -0070

PREPARE FOR: HOLLAND & KNIGHT, LLP

Order: 170305

Total number of property owners without repetition: 8

This is to certify that the attached ownership list, map and mailing matrix is a complete and accurate representation of the real estate property and property owners within 375 feet of the subject property listed above. This reflects the most current records on the file in Miami-Dade County Tax Assessor's Office.

Sincerely,
THE ZONING SPECIALISTS GROUP, INC.

Jose F. Lopez, P.S.M. #3086

OWNERS LIST

THE FOLLOWING ARE PROPERTY OWNERS WITHIN A 375-FOOT RADIUS OF THE FOLLOWING LEGALLY DESCRIBED PROPERTY

LEGAL DESCRIPTION:

Portion of Section 4, Township 54 South, Range 42 East, Miami-Dade County, Florida.

ADDRESS: 120 Macarthur Causeway, Miami Beach, FL 33139

FOLIO NO. 02-4202-000-0060 and -0070

PREPARED FOR: HOLLAND & KNIGHT, LLP

Order: 170305

4 54 42 2.16 Ac Port Mc Arthur Causeway Per Db 1509-81

Property address: 140 Macarthur Cswy

Folio number: 0242040000010

City Of Miami Beach

Miami Beach City Hall

Miami Beach, FL 33139

4 54 42 17.52 Ac Port Of Mc Arthur Causeway Per Db 2199-414

Property address: 100 Macarthur Cswy

Folio number: 0242040000020

U S Coast Guard Air Station

Opa Locka Airport

Opa Locka, FL 33054-0000

04 54 42 Comm 1580Ftn & 2015Ftw Of SE Cor Th S 66 Deg W 58.70Ft S 31

DegE 64.75Ft S 66 Deg W 20.36Ft N 23 Deg E 11.65Ft For POB Cont N 23

Deg E47Ft N 66 Deg E 51Ft S 23 Deg W 47Ft S 66 Deg W 51Ft To POB

Property address:

Folio number: 0242040000030

City Of Miami Beach

1700 Convention Center Dr

Miami Beach, FL 33139-1819

4 54 42 .13 Ac Beg At Pt 1580Ftn & 2015Ftw Of SE Cor Sec Being X Of C/LRd

way Of Original Co Cswy Via & Face Of W Bridge Abutht S 67 Deg W58.70FT

S 31 Deg E64.75Ft Th SWly Alg Sly Bdry Of Cswy 938.28Ft To POB Cont SWLy

193.715Ft S 25 Deg W50.24Ft S 64 Deg E190ft N 25 Deg E87.55Ft To POB

Less Parcel 22 As Desc Or 18215-3765

Property address: 190 Macarthur Cswy

Folio number: 0242040000040

Fisher Island Holdings LLC

1 Fisher Island Dr

Miami Beach, FL 33109-0001

4 54 42 .159 Ac Comm At Pt 1580Ftn & 2015Ftw Of SE Cor Of Sec Being X Of

C/L Reway Of Original Co Cswy Via Face Of W Bridge Abutment Th S 67 Deg

W 58.70Ft S 31 Deg E 64.75Ft S 67 Deg W 158.21Ft SWly Ad 780.075Ft For

POB Cont SWly Ad 92.345Ft S 25 Deg W 66.93Ft S 64 Deg E 90Ft N 25 Deg

E87.55Ft To POB

Property address: 168 Macarthur Cswy

Folio number: 0242040000041

Fisher Island Holdings LLC

1 Fisher Island Dr

Miami Beach, FL 33109-0001

4 54 42 .239 Ac Legal Desc In Lease Agreement Between City Of Miami

& IsLand Developers Ltd

Property address:

Folio number: 0242040000045

City Of Miami IslnD Dev Asset

Management Division

444 SW 2nd Ave Ste 325

Miami, FL 33130-1910

04 54 42 3.71 Ac M/L Comm 1580Ftn & 2015Ftw Of SE Cor Of Sec Th S 67 Deg W 58.7Ft S 31 Deg E64.75Ft S 67 Deg W Alg Sly Line Of Causeway 117.78 FOr POB Cont S 67 Deg W 40.43Ft SWly & Wly 65.72Ft S 31 Deg E 403.80Ft S25 Deg W 97.46Ft N 64 Deg W 120Ft S 25 Deg W 100Ft S 64 Deg E 832.55Ft N31 Deg W 583.57Ft S 58 Deg W 175.85Ft N 32 Deg W 59.61Ft N 32 Deg W 61.22Ft N 31 Deg W 59.87Ft N 31 Deg W 99.47Ft N 32 Deg W 109.79Ft N 58 Deg
Property address: 120 Macarthur Cswy
Folio number: 0242040000060

Miami Beach Port LLC
1300 Brickell Bay Dr Ste 400
Miami, FL 33131-3489

04 54 42 1.89 Ac M/L Comm 1580Ft N & 2015Ft W Of SE Co Rof Sec Th S 67 DEg W58.7Ft S 31 Deg E64.75Ft For POB Cont S 67 Deg W Alg Sly Line Of CauSeway A Dist Of 158.21Ft SWly & Wly 65.72Ft S 31 Deg E403.8Ft S 25 Deg W97.46Ft N 64 Deg W 120Ft S 25 Deg W 100Ft S 64 Deg E 832.55Ft N 31 Deg W 1069.40Ft To POB Less Port Desc Comm 1580Ftn & 2015Ftw Of SE Cor Of SEC Th S 67 Deg W 58.7Ft S 31 Deg E64.75Ft S67 Deg W Alg Sly Line Of Cause
Property address: 112 Macarthur Cswy
Folio number: 0242040000065

Fisher Isl Community Assn Inc
1 Fisher Island Dr
Miami Beach, FL 33109-0001

4 54 42 3.13 Ac Beg At Pt 1580Ftn & 2015Ftw Of SE Cor Sec Being X Of C/LRd way Of Original Co Cswy Via & Face Or W Bridge Abutht S 67 Deg W58.7FT S 31Deg E64.75Ft Th SWly Alg Sly Bdry Of Cswy 322.72Ft To POB S 10 Deg E162.52Ft S 25 Deg W223.24Ft N 64 Deg W646.73Ft N 25 Deg E87.55Ft To PtSly Bdry Cswy Ely Alg Sly Bdry 615.57Ft To POB
Property address: 150 Macarthur Cswy
Folio number: 0242040000070

Florida Power & Light Co
Attn Property Tax Dept
700 Universe Blvd
North Palm Beach, FL 33408-2657

Miami Beach City Hall
1700 Convention Center Dr
Miami Beach, FL 33139

U S Coast Guard Air Station
Opa Locka Airport
Opa Locka, FL 33054-0000

City Of Miami Beach
1700 Convention Center Dr
Miami Beach, FL 33139-1819

Fisher Island Holdings LLC
1 Fisher Island Dr
Miami Beach, FL 33109-0001

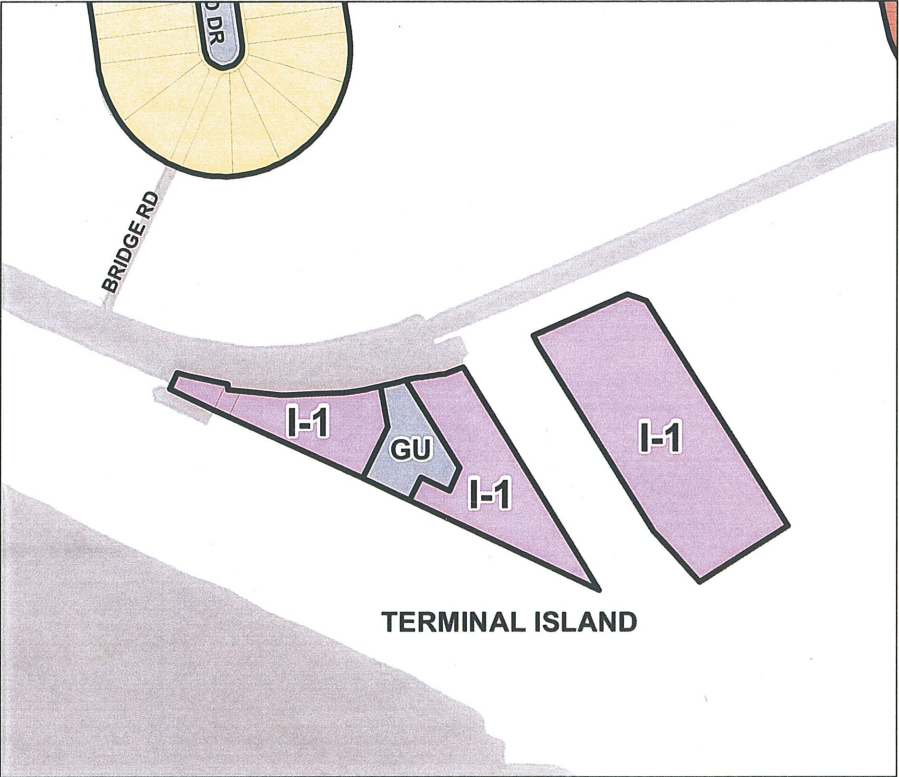
City Of Miami Islnd Dev Asset
Management Division
444 SW 2nd Ave Ste 325
Miami, FL 33130-1910

Miami Beach Port LLC
1300 Brickell Bay Dr Ste 400
Miami, FL 33131-3489

Fisher Isl Community Assn Inc
1 Fisher Island Dr
Miami Beach, FL 33109-0001

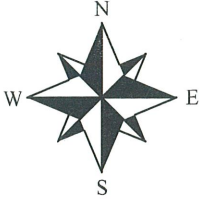
Florida Power & Light Co
Attn Property Tax Dept
700 Universe Blvd
North Palm Beach, FL 33408-2657

Order No. 170305
Location: 120 Macarthur Causeway
Total labels without repetition: 8

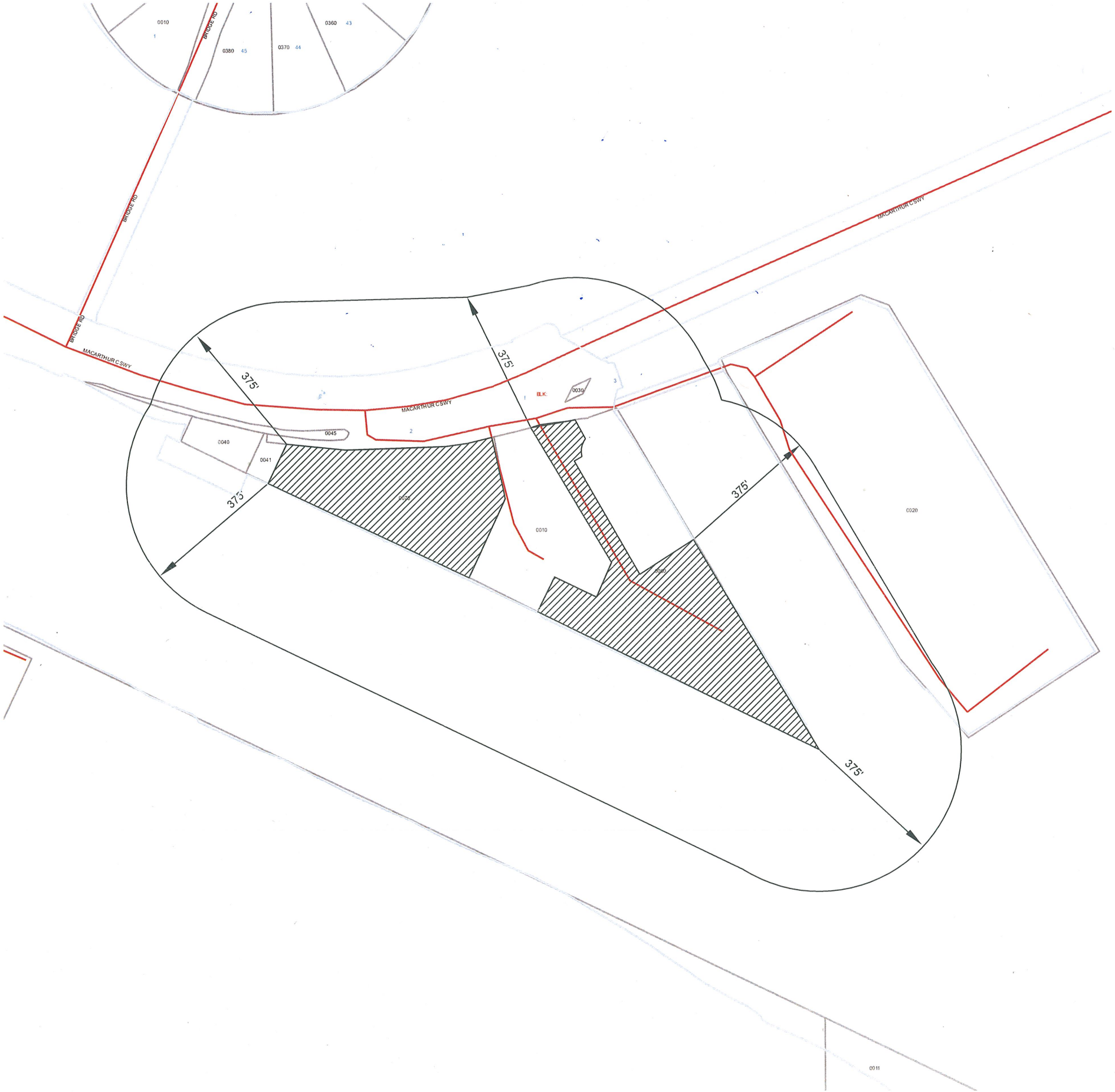


LEGAL DESCRIPTION:
Portion of Section 4, Township 54 South, Range 42 East, Miami-Dade County, Florida.

ADDRESS: 120 Macarthur Causeway, Miami Beach, FL 33139
FOLIO NO. 02-4202-000-0060 and -0070
PREPARED FOR: HOLLAND & KNIGHT, LLP
Order: 170305
DATE: March 13, 2017




SCALE: 1"= 300'



 **The Zoning Specialists Group, Inc.**
7729 NW 146th Street
Miami Lakes FL 33016
Ph: (305)828-1210
www.thezoningspecialistsgroup.com

I HEREBY CERTIFY: That all the properties shown herein are lying within a 375-foot radius from all boundary lines of the subject property.

BY: 
JOSE F. LOPEZ, P.S.M.
Professional Surveyor & Mapper
No. 3086, State of Florida.

NOTE:
NOT VALID UNLESS SEALED WITH
THE SIGNING SURVEYOR'S SEAL