

CITY OF MIAMI CLASS II SPECIAL PERMIT COURTESY NOTICE

NOTIFICATION TO:

ABUTTING OWNER	Peter
OWNER ADDRESS	
CITY, STATE CODE	Miami, FL 331

RE: Class II Special Permit No.: 2012-0054

APPLICANT	Wal-Mart Stores East, LP, a Delaware Limited Partner
APPLICANT ADDRESS	7725 NW 48 Street
CITY, STATE CODE	Doral, FL 33166

You are hereby notified that the application submitted by the above to the Director of the City of Miami Planning & Zoning Department for a Class II Special Permit has been approved for the following proposal:

PROPERTY AFFECTED	NE 31 Street & N. Miami Ave
ZONING DESIGNATION	SD 27.2 (Midtown Miami West)
NATURE OF APPLICATION	A 184,370 sq. ft. Walmart store is proposed that would incorporate traditional general retail merchandise sales with full grocery store and garden. The retail store will be located on the first floor with a parking garage and related uses located on the second and third floors of the structure.

The subject Class II Special Permit was approved on

August	12	2013
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The enclosed copy of the final decision contains the findings made by the Planning Department.

Article 18 of Zoning Ordinance 11000 allows any person or persons jointly, or any board, agency or officer of the City of Miami aggrieved by the decision of the Director of the Planning & Zoning Department on an application for a Class II Special Permit to seek review of such decision by the Planning, Zoning and Appeals Board. To do this, within fifteen (15) calendar days of the date the decision was rendered, an appeal must be filed with an appropriate fee paid to Hearing Boards located at 444 SW 2nd Avenue on the 3rd Floor. For an appointment to appeal, please call 305-416-2030.

The petition and supporting documents for this Class II Special Permit are on file at the Planning Department located at 444 SW 2nd Avenue on the 3rd Floor, Miami, Florida 33130 and are available for public review during regular working hours. Please call (305) 416-1400 for an appointment to review the documents.

CITY OF MIAMI • PLANNING DEPARTMENT	
444 SW 2 ND AVENUE, 3 RD FLOOR, MIAMI, FL. 33130	PHONE: (305) 416-1400

**CITY OF MIAMI
CLASS II SPECIAL PERMIT
FINAL DECISION**

File No. 12-0054

To: Wal-Mart Stores East, LP, a Delaware L.P.
c/o Alfredo L. Gonzalez
Genovese Joblove & Battista P.A.
100 Southeast Second Street 44th Floor
Miami, FL 33131

From: Francisco J. Garcia, Director
Planning and Zoning Department

PLEASE TAKE NOTICE THAT AN FINAL DECISION HAS BEEN REACHED ON THE FOLLOWING MATTER:

Title: New Construction (Wal-Mart Store)
Address: 3055 N. Miami Avenue, Miami, Fl. Wynwood Net (Allapattah NET Office)

Final Decision:

- Approval
 Approval with conditions
 Denial

FINDINGS AND CONDITIONS:

1. The subject proposal has been reviewed for a Class II Special Permit pursuant to Sections 609.3, and 1512 of Zoning Ordinance 11000 and Miami 21 Code, Appendix C: Midtown Overlay District 6.27.2, Midtown Miami West, as amended, the Zoning Ordinance of the City of Miami, Florida.
2. Section 6.27.2.3 requires a Class II Special Permit prior to approval of any permit for the construction of a new building.
3. Pursuant to Section 1301.2 of ZO 11000, as applicable, the Planning and Zoning Department has made referrals to the following Departments and Boards:
 - Zoning Section of the Planning & Zoning Department
 - Department of Public Works
 - Office of Transportation
 - Wynwood NET Office, Neighborhood Enhancement Team
 - Urban Development Review Board

Comments and recommendations received from Departments and Boards have been duly considered in this final decision. In reviewing this application, pursuant to Section 1305 of ZO 11000, as applicable, and Miami 21 Code Appendix C: Midtown Overlay District 6.27.2 Midtown Miami West the following findings have been made:

FINDINGS

- The proposed new construction project consists of 203,277 square foot building which includes a 158,322 sq. ft. Wal-Mart store containing general retail, full service grocery and vision center. The building will also include double volume retail liner use space fronting Midtown Boulevard and liner space for retail support or other permitted uses on North Miami Avenue. The project will also provide approximately 577 new off-street parking spaces above the second and third level of the ground-floor retail.
- The proposed project will be beneficial to the surrounding area by providing new retail and service facilities while creating jobs for the area
- The proposed project, as presented reflects revisions and refinements made based on comments from reviewing Departments and the Urban Development Review Board, and is appropriate in scale and size pursuant to the Section 1305 and the Midtown Overlay District 6.27.2 Midtown Miami West.
- The proposed project is in compliance with the Miami Comprehensive Neighborhood Plan in that it promotes good urban infill and is consistent with the Buena Vista East Regional Activity Center (RAC), designation as applied to this property.
- This application has been reviewed pursuant to Section 1305 of ZO 11,000 and the Miami 21 Code, Appendix C: Midtown Overlay District 6.27.2 Midtown Miami West and found to be sufficient.

Based on the above findings and the considered advice of the officers and agencies consulted on this matter and pursuant to Section 1306 of Zoning Ordinance 11000, as applicable, and the Miami 21 Code Appendix C: Midtown Overlay District 6.27.2 Midtown Miami West, the subject application is hereby approved subject to the plans and supplementary materials submitted by the applicant and on file with the Planning and Zoning Department and the conditions listed in Exhibit "A" (attached hereto and made a part thereof) entitled "Class II Special Permit No. 12-0054 DEVELOPMENT ORDER."

NOTICE

The final decision of the Director may be appealed to the Planning Zoning and Appeals Board by any aggrieved party, within fifteen (15) days of the date of issuance by filing a written appeal and appropriate fee with the Hearing Boards Section of the Planning and Zoning Department located at 444 S.S. 2nd Avenue, 3rd Floor, Miami, Fl. 33130. Telephone number (305) 416-2030

Signature


Francisco J. Garcia, Director
Planning and Zoning Department

Date

12 AUGUST 2013

EXHIBIT "A"

Class II Special Permit
No. 12-0054
DEVELOPMENT ORDER

PROJECT DESCRIPTION:

The proposed new construction project ("PROJECT") consists of 203,277 square foot building which includes a 158,322 sq. ft. Wal-Mart store containing general retail, full service grocery and vision center. Additionally, the building will include double volume retail liner use space fronting Midtown Boulevard and liner space on the second level for retail support or other permitted uses on North Miami Avenue. The project also provides approximately 577 new off-street parking spaces above the second and third level of the ground-floor retail.

The PROJECT shall be constructed substantially in accordance with plans and design schematics on file prepared by Gensler, Kimley-Horn and Associates, Inc., and Zyschovich Architects, dated 3/14/13; all modifications shall be subject to the review and approval of the Director of the Department of Planning and Zoning prior to the issuance of any building permit.

FINDINGS:

The PROJECT conforms to the requirements of Section 1305 of ZO 11000, as applicable, and Miami 21 Code Appendix C: Midtown Overlay District 6.27.2 Midtown Miami. The existing comprehensive plan future land use designation on the subject property allows the proposed uses.

The PROJECT, proposed by the APPLICANT, complies with the Miami Comprehensive Neighborhood Plan, is consistent with the orderly development and goals of the City of Miami, and complies with local land development regulations.

Pursuant to Section 1305 of Zoning Ordinance 11000, as applicable, and the Miami 21 Code Appendix C: Midtown Overlay District 6.27.2 Midtown Miami West, the specific site plan aspects of the PROJECT have been considered and will be further considered administratively during the process of issuing individual building permits and certificates of occupancy, as may be required.

CONDITIONS:

1. Final construction plans prior to issuance of any building permit
2. Review and approve relocation, or mitigation of any trees that may be in conflict with the proposed development.
3. Use of NE 31st right turn exit shall be limited to visitors. No commercial delivery vehicles shall be permitted a right turn on NE 31st Street to access Midtown Boulevard. Install sign and headache bar at exit ramp on NE 31st Street advising "No Right Turn on 31st Street" for delivery vehicles.

4. Install sign and headache bar at entrance and exit on North Miami Avenue to prevent ingress and egress by commercial delivery vehicles.
5. Compliance with approved adjustments to design standards concerning the maximum width of driveway approaches. (February 15, 2013 Public Works Approval).
6. Prior to the issuance of any Certificate of Use for the liner building portion of the project subject to this Class II Special Permit and its corresponding Development Order it is required that all visible areas of unimproved interiors of the liner building facing Midtown Boulevard shall be covered with non-commercial graphics, as approved by the Director of Planning & Zoning until initial build-out and occupancy of the liner building space(s).
7. Prior to issuance of any Temporary Certificate of Occupancy or Certificate of Occupancy, for the liner space, submit revised "Zyscovich" floor plan and detail floor plan for liner units on the east side of the project to show an internalized delivery corridor from the loading elevator. Compliance with this condition is the responsibility of the owner/tenant of the liner building facing Midtown Boulevard and shall not prevent the owners/tenant of the large scale retailer facing Miami Avenue from obtaining building permits, Temporary Certificates of Occupancy and Certificates of Occupancy as required to build-out and occupy the large scale retail space.