

**CITY OF MIAMI
CITY ATTORNEY'S OFFICE
MEMORANDUM**

TO: Members of the City Commission
FROM: *for* Alejandro Vilarello, City Attorney *Joel E. Powell*
DATE: April 29, 2004
RE: **Request for Legal Opinion: Pending Development Regulations and New Applications (MIA-0400005)**

This is in response to your request for a legal opinion wherein you asked, substantially, the following:

1. WHAT PROCEDURES ARE CURRENTLY AVAILABLE TO THE CITY TO DELAY THE ACCEPTANCE OF NEW DEVELOPMENT ORDER APPLICATIONS OR PROCESSING OF EXISTING DEVELOPMENT ORDER APPLICATIONS DURING THE PENDENCY OF NEW DEVELOPMENT REGULATIONS GERMANE TO SUCH APPLICATIONS?

Currently, Zoning Ordinance No. 11000, the Zoning Ordinance of the City of Miami, provides the following regarding the fate of pending applications for zoning approval pursuant to regulations undergoing a change:

Any property owner or lawful representative thereof, who, prior to the effective date of any legislation repealing or modifying regulations which allow the requested activity, has properly filed a complete application for a development permit(s) with the appropriate city department, is hereby authorized to proceed with such application(s) regardless of the subsequent repeal of regulations relevant to such requested activity, unless the contrary is specifically decreed. In no case shall an application be accepted subsequent to the effective date of an ordinance which precludes the approval or action applied for. Applicants for said development permits shall be allowed to make changes in their application(s) only when so required by the city as a result of its review of the application(s). The necessary building permit(s) or certificate(s) of use, whichever is first required, when reviewed under expired regulations, shall be obtained a) within one hundred eighty (180) days of the effective date of the expired regulations;

b) within one hundred eighty (180) days from the date of special permit approval by the appropriate department, or final public hearing approval, as the case may be. In the event an appeal is taken to the courts, said building permit(s) or certificate(s) shall be obtained within one hundred eighty (180) days from the date the final court decision is rendered, whichever provides the longer period of time.

Section 2105.4.1, Zoning Ordinance of the City of Miami. (Emphasis added).

Section 2502 of the Zoning Ordinance contains the following definition of a complete application.

An application for approval sought pursuant to the zoning ordinance of the City of Miami, as amended, shall be deemed complete if it is on a form approved by the city, and all applicable information is provided by the applicant on the form, or attachment(s), as necessary, at the time of its filing and it has been reviewed and signed by the appropriate official and if all required fees are paid.

Read together, the aforementioned provisions of the Zoning Ordinance provide that an applicant may continue to pursue development approvals pursuant to repealed provisions of the Zoning Ordinance if an application for such development under the repealed provisions was made prior to the effective date of legislation changing the regulation, and such application was “complete,” as defined above, “unless the contrary is specifically decreed.”

The word “decreed” is not defined in the Zoning Ordinance, but *Black’s Law Dictionary*, 5th Edition, defines “decree” as “the judgment of a court of equity or chancery, answering for most purposes to the judgments of a court of law.” Thus, it is possible, though not likely, that said provision was intended to acknowledge potential judicial intervention. On the other hand, courts have used the ordinary dictionary meaning of legislatively undefined words when clarification was necessary. See, e.g., *Mandlestam v. City Commission of South Miami*; 539 So.2d 1139 (Fla. 3rd DCA 1988), (holding that words not defined in a zoning ordinance should be interpreted in accordance with normal dictionary meaning). The word “decree” is defined in

the *American Heritage Dictionary* (New College Edition, 1976) as “an authoritative order having the force of law.” Consequently, this Office is of the opinion that the City Commission could, by ordinance, make a different determination regarding the fate of development applications seeking approval under zoning regulations pending amendment, than that provided by the current “complete application” scenario.

Such determinations and directives should be prospective, not retroactive, in nature due to the very serious “vesting rights” issues related to regulatory changes made subsequent to the filing of proper applications. But, clearly, under what is known as the “Red Flag Doctrine,” the City could halt the filing of any new applications. Incorporation of such direction into an applicable moratorium ordinance would be the ideal.

Also germane to this discussion is the potential for the City of Miami to adopt regulations precluding such development under the “Zoning in Progress” rationale. Under Zoning in Progress, applications for development orders contrary to “pending” zoning ordinance revisions could be delayed, provided the appropriate administrative department of the city is actively pursuing the zoning amendment. Additionally, there must be active and documented efforts on the part of those authorized to do the work which, in the normal course of municipal action, culminate in the requisite zoning change, and the City Commission or the Applicable Planning Board must be aware that these efforts are going forward. See, generally, *Smith v. City of Clearwater*, 383 So.2d 681 (Fla.2nd DCA 1980).

In order to preclude legal invalidation of any action by the City under the Zoning in Progress rationale, it would also be necessary to promulgate and adopt, by ordinance, requisite rules and procedures for implementation. Otherwise, we would only invite legal challenges and

judicial invalidation based upon unreasonableness, arbitrariness or other due process infirmities during the decision-making process.

Attached hereto for your information and perusal is a current compilation, prepared by the Planning Department, of the most recent (April 26, 2004) Large Scale Development Report of Major Muse Special Permit and applicable Class II and Special Exception projects.

Conclusion

The Zoning Ordinance currently authorizes a developer to proceed through the application and review process notwithstanding the repeal of zoning regulations under girding his original application if a proper application for the request development was on file with the city prior to the zoning ordinance revision's effective date. The City Commission may, however, adopt an ordinance delaying receipt of any new applications until the new provisions are in effect. Because of the significant vested rights issues related to stopping the review of properly filed applications, we do not recommend that such action be applied retroactively.

The doctrine of "Zoning in Progress" is also available to the City, but requires the promulgating and adoption of an ordinance setting forth procedures for such implementation.

Attachments

c: Joe Arriola, City Manager
Priscilla A. Thompson, City Clerk
Alicia Cuervo Schreiber, Chief of Neighborhood Services
Ana Gelabert-Sanchez, Director Planning and Zoning Department
Lourdes Slazyk, Assistant Director, Planning and Zoning Department
Francisco Garcia, Zoning Administrator

CITY OF MIAMI LARGE SCALE DEVELOPMENT REPORT: 1996 - PRESENT
 Citywide Major Use Special Permits (MUSP) and applicable Class II & Special Exception Projects
 Summation by Project Status

	Number	Res / Condo	Hotel	Office	Retail	Parking Spaces	Construction Cost (est.)
COMPLETED PROJECTS	21	3,983	1,184	826,135	138,962	9,681	\$1,269,007,971
UNDER CONSTRUCTION	24	7,623	491	721,551	400,635	13,408	\$1,954,170,215
APPROVED PROJECTS	55	15,302	300	2,180,074	1,403,010	30,416	\$5,128,757,018
APPLICATION PROJECTS	8	4,381	271	108,923	111,329	6,542	\$2,014,165,171
PRELIMINARY PROJECTS	70	11,427	730	165,819	1,376,522	26,109	\$576,627,100
CITY TOTAL	178	42,716	2,976	4,002,502	3,430,458	86,156	\$10,942,727,475
		Units		Square Footage			

(April 26, 2004)

ATTACHMENT

CITY OF MIAMI LARGE SCALE DEVELOPMENT REPORT: 1996-PRESENT								
Citywide Major Use Special Permits (MUSP) and applicable Class II & Special Exception Projects								
Totals by NET Areas								
	No.	Units			Sq Ft.		Cost (est.)	
		Res / Condo	Hotel	Office	Retail	Parking Spaces	Construction	
Allapattah	9	1,933	0	337,000	16,429	5,817	505,863,103	
Coral Way	20	2,657	0	832	58,151	4,226	283,178,836	
Downtown	58	22,862	2,601	2,922,853	2,035,552	45,500	7,696,886,021	
East Little Havana	13	1,643	0	22,000	32,318	2,241	114,091,770	
Flagami	6	3,223	125	9,500	24,556	5,986	141,367,100	
Little Haiti	2	98	0	25,216	42,515	181	11,900,000	
Model City	1	134	0	0	0	199	4,700,000	
NE Coconut Grove	15	1,235	250	0	14,845	2,406	531,054,670	
Overtown	3	470	0	353,849	12,424	1,169	47,900,000	
SW Coconut Grove	2	42	0	2,399	9,217	116	42,267,399	
Upper East Side	10	1,054	0	200,082	134,501	2,429	318,952,195	
West Little Havana	9	2,050	0	0	47,676	4,008	16,200,000	
Wynwood/Edgewater	30	5,315	0	128,771	1,002,274	11,878	1,228,384,381	
TOTAL	178	42,716	2,976	4,002,502	3,430,458	86,156	\$10,942,745,475	

(April 26, 2004)

CITY OF MIAMI LARGE SCALE DEVELOPMENT REPORT 1996-PRESENT
Citywide Major Use Special Permits (MUSP) and applicable Class II & Special
STATUS DETAILS BY NET AREAS

	No.	Units		Sq Ft.		Parking Spaces	Cost (est.) Construction
		Res / Condo	Hotel	Office	Retail		
TOTAL	178	42,716	2,976	4,002,592	3,430,458	86,156	\$10,942,727,475
Midpattab	9	1,933	0	337,000	16,429	5,817	\$505,863,103
Completed	2	336	0	0	0	0	37,500,000
Under Construction	1	0	0	336,000	0	1,410	157,794,692
Approved	0	0	0	0	0	0	0
Application	1	1,073	0	0	5,000	1,721	296,508,411
Preliminary	5	524	0	1,000	11,429	1,380	14,060,000
Coral Way	20	2,657	0	832	58,151	4,226	\$283,178,836
Completed	3	600	0	0	16,897	748	38,400,500
Under Construction	3	546	0	0	5,732	888	88,000,000
Approved	6	750	0	832	19,110	1,316	142,778,334
Application	0	0	0	0	0	0	0
Preliminary	8	761	0	0	16,412	1,274	14,000,000
Downtown	58	22,862	2,601	2,922,853	2,035,552	45,500	\$7,696,868,021
Completed	13	2,415	934	826,135	116,181	6,260	876,046,327
Under Construction	13	5,392	491	357,947	346,495	8,754	1,357,823,604
Approved	17	9,615	300	1,509,936	1,157,262	20,511	3,672,076,588
Application	4	2,835	271	108,923	99,629	4,053	1,459,621,502
Preliminary	11	2,605	605	119,912	315,985	5,922	331,300,000
East Little Havana	13	1,643	0	22,000	32,318	2,241	\$114,091,770
Completed	0	0	0	0	0	0	0
Under Construction	1	160	0	0	0	80	0
Approved	4	870	0	0	9,400	1,313	111,791,770
Application	0	0	0	0	0	0	0
Preliminary	8	613	0	22,000	22,918	848	2,300,000
Hazami	6	3,223	125	9,500	24,556	5,986	\$141,367,100
Completed	0	0	0	0	0	0	0
Under Construction	0	0	0	0	0	0	0
Approved	1	602	0	0	0	1,004	63,900,000
Application	0	0	0	0	0	0	0
Preliminary	5	2,621	125	9,500	24,556	4,982	77,467,100
Little Haiti	2	98	0	25,216	42,515	181	\$11,900,000
Completed	0	0	0	0	0	0	0
Under Construction	0	0	0	0	0	0	0
Approved	2	98	0	25,216	42,515	181	11,900,000
Application	0	0	0	0	0	0	0
Preliminary	0	0	0	0	0	0	0
Model City	1	134	0	0	0	199	\$4,700,000
Completed	0	0	0	0	0	0	0
Under Construction	0	0	0	0	0	0	0
Approved	1	134	0	0	0	199	4,700,000
Application	0	0	0	0	0	0	0
Preliminary	0	0	0	0	0	0	0
NE Coconut Grove	15	1,235	250	0	14,845	2,406	\$531,054,670
Completed	3	632	250	0	5,884	1,367	317,061,144
Under Construction	1	60	0	0	0	63	2,003,040
Approved	7	343	0	0	2,700	663	209,190,486
Application	1	62	0	0	0	122	0
Preliminary	3	138	0	0	6,261	191	2,800,000
Overtown	3	470	0	353,849	12,424	1,169	\$47,900,000
Completed	0	0	0	0	0	0	0
Under Construction	0	0	0	0	0	0	0
Approved	3	470	0	353,849	12,424	1,169	47,900,000
Application	0	0	0	0	0	0	0
Preliminary	0	0	0	0	0	0	0
SW Coconut Grove	2	42	0	2,399	9,217	116	\$42,267,399
Completed	0	0	0	0	0	0	0
Under Construction	0	0	0	0	0	0	0
Approved	2	42	0	2,399	9,217	116	42,267,399
Application	0	0	0	0	0	0	0
Preliminary	0	0	0	0	0	0	0

(April 26, 2004)

	No.	Units		Sq. Ft.		Parking Spaces	Cost (est.)
		Res / Condo	Hotel	Office	Retail		Construction
Upper East Side	10	1,054	0	200,082	134,501	2,429	\$318,952,195
Completed	0	0	0	0	0	0	0
Under Construction	0	0	0	0	0	0	0
Approved	2	176	0	195,582	119,000	953	117,214,257
Application	1	293	0	0	6,700	476	180,237,938
Preliminary	7	585	0	4,500	8,801	1,000	21,500,000
West Little Havana	9	2,050	0	0	47,676	4,008	\$16,200,000
Completed	0	0	0	0	0	0	0
Under Construction	0	0	0	0	0	0	0
Approved	2	187	0	0	0	333	0
Application	0	0	0	0	0	0	0
Preliminary	7	1,863	0	0	47,676	3,675	16,200,000
Wynwood Edgewater	30	5,315	0	128,771	1,002,274	11,878	\$1,228,384,381
Completed	0	0	0	0	0	0	0
Under Construction	5	1,465	0	27,604	48,408	2,213	348,548,879
Approved	8	2,015	0	92,260	31,382	2,658	705,038,182
Application	1	118	0	0	0	170	77,797,320
Preliminary	16	1,717	0	8,907	922,484	6,837	97,000,000
TOTAL	178	42,716	2,976	4,002,502	3,430,458	86,156	\$10,942,727,475

(April 26, 2004)

CITY OF MIAMI LARGE SCALE DEVELOPMENT REPORT: 1996-Present
Citywide Major Use Special Permits (MUSP) and applicable Class II & Special Exception Projects
Completed Construction Projects
(Sorted Alphabetically)

Locational Information				Units										Sq Ft		Cost(s)		City Commission			Building Permits		
Name	Type of Permit	Address	Description	Net Area	Atlas Pg	Zoning District(s)	C.C. Dist.	Res / Condo	Hotel	Office	Retail	Parking Spaces	FAR (Bonus)	Construction	DRI (Y/N)	Approval Date	Resolution	Permit Date	Permit Number	C.O. Date	C.O. Number		
Jackson Memorial Hospital North Parking Garage	MUSP	1975 NW 12th Avenue	Hospital Parking Garage	Allapattah	24	SD-10	1	0	0	0	0	804		12,000,000			Completed						
Miami Stadium Apartments	MUSP	2301 NW 10th Avenue	Residential	Allapattah	20	R-3	1	336	0	0	0	502		25,500,000		26-Jul-01							
Coral View Residential (The Aston)	MUSP	3000 Coral Way 2960-3014 Coral Way 2963-3019 SW 22nd Terr	Residential/Mixed Use	Coral Way	42	C-1	4	226	0	0	16,897	429	2.20 Bonus	12,915,000		14-Dec-00	Approved						
La Maria		1643 Brickell Avenue	Residential w/boat slips	Coral Way	37	R-4	2	175								1997							
Metropolitan (Chateau Mirage)	MUSP	2475 Brickell Avenue	Residential	Coral Way	37	R-4	2	199	0	0	0	319		19,400,000				22-Jun-99	99-5009829	25-May-01			
American Airlines Arena	MUSP	601 Biscayne Boulevard	24,000-seat Multi-Purpose Arena for Miami Heat NBA Basketball team & other events	Downtown	36	PR	2	0	0	37,500	40,000	1,147		176,000,000	Y	1998							
Barclays Financial Center (including JW Marriott)	MUSP	1111 Brickell Avenue	Office & Hotel w/accessory commercial uses	Downtown	37	SD-5	2	0	302	540,000	27,550	1,321		172,000,000	Y	1999							
Brickell Bayfront Club (Fortune House)	MUSP	185 SE 14th Street	Mixed Use w/ accessory recreational uses including a health club	Downtown	37	SD-5	2	297	0	1,440	1,895	342		37,000,000	Y	13-Jul-95							
Children's Museum	MUSP	980 McArthur Causeway (Watson Island)	Children's Museum & Exhibition	Downtown	22	PR	2	0	0	0	0	142		13,500,000									
Four Seasons (Millennium Project)	MUSP	1435-1441 Brickell Avenue	Mixed-use: Residential, Retail & Hotel	Downtown	37	SD-5	2	186	305	243,656	11,716	911		279,000,000	Y	1998				0-5018094			
Mandarin Hotel	MUSP	500 Brickell Key Drive	Hotel with accessory commercial and recreational space	Downtown	37	SD-5	2	0	327	0	10,000	501		Information not given		2002							
Parrot Jungle	MUSP	901 McArthur Causeway (Watson Island)	Entertainment complex	Downtown	22	PR	2	0	0	0	0	588		46,000,000									
Summit Brickell (Brickell Grand)	MUSP	1010 South Miami Avenue	Mixed-use development project	Downtown	37	SD-7	2	427	0	3,539	20,415	405	4.35	70,246,327	Y	17-Feb-00	00-187						
Tequesta Point I	MUSP	888 Brickell Key Drive	Residential	Downtown	36	O, SD-5	2	289													1995		
Tequesta Point II	MUSP	808 Brickell Key Drive	Residential	Downtown	36	O, SD-5	2	268	0	0	0	438		Information not given							1999		
Tequesta Point III	MUSP	848 Brickell Key Drive	Residential	Downtown	36	O, SD-5	2	236						45,000,000				2-Jul-99	99-5010578	18-Oct-02			
The Mark (Yacht Club I at Brickell)	MUSP	1111 Brickell Bay Drive	Residential with accessory commercial and recreational uses	Downtown	37	O, SD-5	2	357													1998		
The Mark Club II (Homewood)	MUSP	1155 Brickell Bay Drive	Residential with accessory commercial and recreational uses	Downtown	37	O, SD-5	2	355	0	0	4,605	465		37,300,000	Y	1997				99-5002172	9-Oct-01		
Cloisters on the Bay	MUSP	3471-3571 Main Highway	Residential, Single Family Homes	NE Coconut Grove	46	R-1, SD-18	2	41	0	0	0	98	0.72 Bonus	36,487,729				8-Dec-98	11-Jul-00	0-5012812	7-Jun-02		
Ritz Carlton in Coconut Grove	MUSP	3300 SW 27 Avenue 2730 Tigertail Avenue	Accessory function and commercial/retail space	NE Coconut Grove	46	O, R-4, SD-19	2	208	250	0	500	564	2.49 Bonus	148,000,000							28-Apr-98		
The Mutiny Condominiums	MUSP	2951 South Bayside Drive 2989 McFarlane Road	Mixed Use, residential & retail	NE Coconut Grove	46	O, SD-2	2	383	0	0	5,384	705		132,573,415		1998		5-May-00	0-5008382	11-Jul-02			

CITY OF MIAMI LARGE SCALE DEVELOPMENT REPORT: 1996-Present
Citywide Major Use Special Permits (MUSP) and applicable Class II & Special Exception Projects
Projects Under Construction
(Sorted by Net Area > Alphabetically)

Locational Information				Units									Sq Ft.		Cost (est.)		City Commission		Building Permit	
Name	Type of Permit	Address	Description	Net Area	Atlas Pg	Zoning District(s)	C.C. Dist.	Res / Condo	Hotel	Office	Retail	Parking Spaces	FAR (Bonus)	Construction	DRI (Y/N)	Approval Date	Resolution	Permit Date	Permit Number	
Univ. of Miami Clinical Research Building & Parking	MUSP	1150 NW 14 ST	Clinical Research Office Building w/60,000 sf Wellness Center	Allapattah	24	G/I	1	0	0	336,000	0	1,410		157,794,692		1-May-03	03-344			
Brickell Bay Village Apartments (Skyline)	MUSP	2101-2105 Brickell Avenue	Residential tower to be located along Brickell Avenue fronting Biscayne Bay/ Includes recreational facilities	Coral Way	37	R-4	2	359	0	0	0	548		88,000,000		14-Dec-99	99-961			
<i>26-Jul-01 Modification approved (01-780) which reduced units and parking from 421 units and 632 spaces, respectively</i>																				
Coral Sea View	Class II	1401 Coral Way	Mixed-use project w/ accessory recreational uses	Coral Way	38	R-4	3	62	0	0	0	92				13-Nov-02	Approved			
Nordica (The Sterling)	Class II	2525 SW 3rd Avenue	Mixed Use: residential & retail	Coral Way	38	O	3	125	0	0	5,732	248	1.72	Information not given		3-Nov-03	Approved			
Brickell Emerald (Brickell Premiere All Suite Hotel)	MUSP	218 SE 14th Street	Residential (Originally 120-room hotel w/1,000 sq ft of accessory retail)	Downtown	37	SD-5	2	142	0	0	0	183		132,573,415			Approved Modified			
Brickell on the River	MUSP	27 SE 5th Street	Residential w/accessory retail & office	Downtown	36	SD-7	2	712	0	0	2,600	872		87,000,000		26-Jul-01 (Modified)	01-782			
<i>Original Approval on July 13, 1995 (Res. 95-597) with 508 units + 325 hotel rooms w/ 17,426 sf office and 39,729 sf retail</i>																13-Jul-95	95-597			
Brickell View	MUSP	1200 South Miami Avenue	Mixed Use: Residential & Retail	Downtown	37	SD-7	2	600	0	30,521	23,461	843		96,109,791	Y	8-Feb-01				
Espirito Santo Plaza	MUSP	1395 Brickell Avenue	Mixed Use development/accessory recreational uses including a health club/37 stories tall	Downtown	37	SD-5	2	119	203	213,021	37,682	956		106,000,000	Y	7-Apr-99	99-467			
Fortune Plaza	Class II	1421 South Miami Avenue	Commercial project	Downtown	37	O, SD-5	2	0	0	10,405	0	22			Y	7-Mar-03	Approved			
Mary Brickell Village (Brickell Main Street)	MUSP	900 South Miami Avenue	Mixed Use: retail, restaurant & hotel	Downtown	37	SD-7	2	382	288	0	197,380	1,040		110,528,438	Y	2000				
One Miami (Parcel A)	MUSP	205 South Biscayne Blvd.	Mixed Use: office, residential, commercial	Downtown	36	CBD	2	896	0	24,000	17,000	1,200		274,474,625	Y	26-Apr-01				
Park Place at Brickell	MUSP	1 SE 15th Road	Residential/Mixed Use development in 3 phases / park-like setting.	Downtown	37	SD-5	2	773	0	0	36,554	1,400		190,000,000	Y	15-Nov-01 Modified				
The Carbonell on Brickell Key	MUSP	901 Brickell Key Boulevard	Residential	Downtown	36	SD-19	2	299						43,366,670						
The Club at Brickell Bay (Brickell Bay Plaza)	MUSP	1201 Brickell Avenue	Residential w/accessory recreational and commercial & retail uses	Downtown	37	SD-5	2	641	0	80,000	12,601	786	5.68	154,770,665		1997			1-5007931	
The Jade (Bayshore Palms South)	MUSP	1201 Brickell Bay Drive	Residential w/accessory recreational and commercial/retail uses /Phase I has been renamed "The Jade"	Downtown	37	O, SD-5	2	676	0	0	16,955	1,254		Information not given	Y	1998				
The Performing Arts Center of Greater Miami	MUSP	1300 and 1301 Biscayne Blvd.	Entertainment complex w/4,595 seats	Downtown	23	SD-6	2	0	0	0	0	0		163,000,000	Y	28-Apr-98				
The Sail Residential project	Class II DWTR	170 SE 14th Street	Residential project	Downtown	37	SD-5	2	152	0	0	2,262	198				15-Nov-02	Approved			

UNDER CONSTRUCTION																			
Location/Information				Units								Sq Ft		Cost (est.)		City Commission		Building Permit	
Name	Type of Permit	Address	Description	Net Area	Atlas Pg	Zoning District(s)	C.C. Dist.	Res / Condo	Hotel	Office	Retail	Parking Spaces	FAR	Construction	DRI (Y/N)	Approval Date	Resolution	Permit Date	Permit Number
Brisas del Mar	Class II	556 West Flagler Street	Residential project w/ accessory recreational uses	East Little Havana	36	C-1	3	160	0	0	0	80		Information not given					
Coconut Grove Courtyards		2630 SW 28th Street	Residential w/accessory recreational uses	NE Coconut Grove	45	R-1	2	60	0	0	0	63		2,003,040				7-Mar-02	2-5004566
Biscayne Tower (Biscayne Plaza)	Class II 2003-150	1800 Biscayne Boulevard	Residential & Retail	Wynwood/ Edgewater	23	C-1, SD-20	2	175	0	0	24,136	291		Information not given					
Blue Condominium (Biscayne Bay Tower)	MUSP (Modified)	501 NE 36 th Street	Residential tower to be located along NE 36 th Street fronting a City park along Biscayne Bay	Wynwood/ Edgewater	15	R-4, SD-20	2	343	0	0	0	480		72,000,000		27-Feb-03	03-136		
The 1800 Club	MUSP	1800 North Baysshore Drive	Mixed-use development project / with accessory recreational uses	Wynwood/ Edgewater	23	R-4, SD-6	2	450	0	27,604	4,872	670	5.39	154,125,502		11-Dec-01		9-Jul-03	3-5013010
The Village on Baysshore Drive (Finger Development)	MUSP	1901 Biscayne Blvd 2010 North Baysshore Drive	Mixed Use: residential & retail	Wynwood/ Edgewater	23	SD-6	2	435	0	0	19,400	701		122,423,377					
The Yorker	Class II	444 NE 30th Street	Residential	Wynwood/ Edgewater	21	R-4	2	62	0	0	0	71		Information not given		16-Jul-02	Approved		

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CITY OF MIAMI LARGE SCALE DEVELOPMENT REPORT: 1996-Present
Citywide Major Use Special Permits (MUSP) and applicable Class II & Special Exception Projects
Approved Projects
(Sorted by Net Area > Alphabetical)

Locational Information				Units								Sq Ft		Cost (est.)		City Commission	
Name	Type of Permit	Address	Description	Net Area	Atlas Pg	Zoning District(s)	C.C. Dist.	Res / Condo	Hotel	Office	Retail	Parking Spaces	FAR (Bonus)	Construction	DRI (Y/N)	Approval Date	Resolution
Blue at Coral Way	MUSP	3170 Coral Way, 3163, 3165, 3175 SW 22nd Ter.	Residential & Retail	Coral Way	42	C-1, R-2, SD-23	4	190	0	0	4,135	331		22,000,000		3/25/2004	03-0423
Cables Marquis	MUSP	3202, 3232 Coral Way	Mixed Use: Residential & Retail	Coral Way	42	C-1, R-2	4	177	0	0	5,000	335	2.49 Bonus	81,588,336		23-Oct-03	03-0047
Keystone Villas of Coral Way	Class II 2004-003	3590 Coral Way	Mixed Use: Residential & Retail	Coral Way	42	C-1, SD-23	4	60	0	832	775	110	1.69	Information not given		18-Feb-04	Approved
Midtown Lofts	MUSP	3179, 3181, 3185 SW 22 Terrace 3178, 3180 Coral Way	Mixed-use residential project	Coral Way	42	C-1, R-2	4	85	0	0	2,800	131	2.21 Bonus	7,190,000		25-Sep-03	03-521
The Roads Condominium	Class II 2003-285	2021 SW 3rd Avenue	Residential	Coral Way	37	O, SD-23	3	57	0	0	0	102		Information not given		21-Nov-03	Approved
Tower Twenty-Seven	MUSP	2700, 2730, 2742, 2744, 2746 SW 27th Avenue 2701 SW 27th Court	Residential & Retail	Coral Way	42	C-1	2	181	0	0	6,400	307		32,000,000		26-Feb-04	Approved
1060 Brickell Option "A"	MUSP	1060 Brickell Avenue	Mixed-use project, residential development in two phases with accessory commercial uses. Option "B" which was also approved included offices for the Dominican Republic Consulate to complement its 619 units; 5,000 sq. ft. of Office; 25,000 sq. ft. of Retail and 1,207 parking spaces (\$270,357,783 Construction and \$4,032,929 Ad Valorem taxes)	Downtown	37	SD-5	2	605	0	0	25,000	1,022	7.05 Bonus	243,269,993	Y	14-Dec-00	00-1134
1451 Brickell	Class II 2004-072	1451 Brickell Avenue	Commercial Building	Downtown	37	SD-5	2	0	0	0	15,527	18	3.25	970,000		22-Mar-04	Approved
Beacon @ Brickell (The Beacon Brickell Village)	MUSP	30 SE 8 th Street	Residential project /with accessory recreational uses	Downtown	37	SD-7	2	260	0	0	5,745	364		26,700,000	Y	15-Nov-01	01-1232
Bay Parc Plaza (Miramar Centre Phase II+III)	MUSP	1744-56 N. Bayshore Drive	Mixed Use: Residential, Office & Recreation	Downtown	23	SD-6	2	635	0	92,260	18,112	763		217,841,343	Y	2001	Approved
Brickell Commons	MUSP	750 S. Miami Avenue	Mixed Use Development Project with 5,000 seat movie theater	Downtown	36	SD-7	2	1,700	0	0	585,938	3,241	8.00	649,896,708	Y	23-Mar-00	Approved
Brickell Square Phase II	DRI	851 Brickell Avenue	Mixed-use, office-retail DRI	Downtown	37	SD-5	2	440	0	0	16,350	644				27-Jan-00	Approved
Brickell Square Phase III	DRI	901 Brickell Avenue	Mixed-use, office-retail DRI (Option B for Phase II is 560 units with 793 parking spaces)	Downtown	37	SD-5	2	0	0	500,000	18,650	1,101				27-Jan-00	Approved
Brickell Station Towers	MUSP	92 SW 11th Street	Mixed Use: residential & retail	Downtown	37	SD-7	2	718	0	0	17,550	1,346		254,514,604		24-May-01	Approved 01-515 Ext 9-23-02
Columbus Office Tower	MUSP	50 Biscayne Blvd.	Commercial Office, Retail, and Parking Garage	Downtown	36	CBD	2	0	0	661,393	29,508	1,260		160,000,000		26-Feb-04	Approved

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APPROVED																		
Locational Information				Units								Sq Ft.		Cost (est.)		City Commission		
Name	Type of Permit	Address	Description	Net Area	Atlas Pg	Zoning District(s)	C.C. Dist.	Res / Condo	Hotel	Office	Retail	Parking Spaces	FAR (Bonus)	Construction	DRI (Y/N)	Approval Date	Resolution	
Coral Station at Brickell Way Village	MUSP	1470 SW 1st CT, 101 SW 15th RD, 104 SW 13th ST	Mixed Use: Residential, Retail and accessory recreational uses	Downtown	37	SD-7	3	481	0	0	40,606	1,016		233,583,668	Y	14-Oct-03	Approved	
<i>Modified 14-Oct-03 from Res 02-748 (27-June-02) of 201,400 Off; 62,333 Res; 186 Hotel; 204 Residential Units and 1,094 parking spaces</i>																		
Everglades on the Bay	MUSP	244 Biscayne Boulevard	Mixed Use: Residential & Retail	Downtown	36	CBD	2	870	0	0	65,549	1,146		376,767,008		3/25/2004	04-00196	
Latitude on the River (River Place)	MUSP	615 SW 2nd Avenue	Residential, Office, & Retail	Downtown	36	SD-7	3	455	0	225,000	20,000	1,006	5.06	215,057,272		18-Dec-03	Approved	
Metropolitan Miami (Parcels B, C, D)	MUSP	205 Biscayne Blvd.	Mixed Use: residential, retail & entertainment	Downtown	36	CBD	2	1,500	300	9,000	218,623	4,284	5.38	688,306,558	Y	26-Apr-03	Approved Modified	
Miami River Village	MUSP	300, 312, 316, 330, 340, 350 South Miami Avenue	Mixed Use: residential, retail, office & restaurant	Downtown	36	CBD, SD-6	2	1,304	0	92,043	32,532	1,992		235,000,000	Y	18-Dec-03	Approved	
Neo Verika (Neo Loft)	MUSP	690 SW 1st Avenue	Mixed Use: residential & retail	Downtown	36	SD-4	3	443	0	0	24,676	575		158,189,810	Y	17-Jul-03	03-520	
South Bayshore Tower	MUSP	1390 Brickell Bay Drive	Mixed Use: Residential & Retail	Downtown	37	R-4, SD-5	2	347	0	0	11,888	514	6.70 Bonus	102,873,438	Y	6-Sep-02	Approved Modified 9/23/03	
The Mist	MUSP	888 Biscayne Boulevard	Mixed Use: Residential & Retail	Downtown	23	SD-6	2	516	0	10,700	29,300	803		147,247,529	Y	23-Oct-03	03-0058	
<i>30-Mar-04 Revision to reduce office square footage from 22,500 sq ft to 10,700 sq ft and increase parking from 800 to 803 spaces</i>																		
Watson Island Visitor & Aviation Center	MUSP	Watson Island (South Side)	Transportation & Information Center	Downtown	22	PR	2	0	0	0	0	180	0.17	6,400,000		25-Apr-02	Approved	
Brickell By The Roads (Brickell West)	MUSP	529, 537, 545, 551 SW 11th Street	Residential	East Little Havana	37	R-3	3	40	0	0	0	72		1,850,000		22-Feb-01	Approved (2-01-85)	
Oron	Class II 2003-331	420 SW 12th Avenue	Residential	East Little Havana	35	C-1, SD-14	3	60	0	0	0	112		4,800,000		24-Dec-03	Approved	
Roads End Village	MUSP	928 SW 10th Street SW 11th Street	Residential townhomes	East Little Havana	38	R-2	3	26	0	0	0	56	0.72 Bonus	22,622,270		25-Nov-03	Approved	
Royal Atlantic	MUSP	1001 NW 7th Street	Residential & Retail	East Little Havana	24	C-1	3	744	0	0	9,400	1,073		82,519,500		26-Feb-04	Approved	
Blue Lagoon Apartments	MUSP	4909 NW 8th St.	2 phases	Flagami	28	R-4	1	602	0	0	0	1,004	2.48 Bonus	63,900,000		16-Nov-00	Approved	
Ann	Class II	90 NE 41st Street	Mixed-use: Residential, Retail & Showroom	Little Haiti	16	SD-8	5	78	0	0	7,500					2003	Approved	
Millmax Development Corp.	Class II	155 NE 38th Street	Mixed-use: Showroom, Retail, Warehouse, Office & Residential	Little Haiti	16	C-1, SD-8	5	20	0	25,216	35,015	181		11,900,000		13-Dec-02	Approved Modified	
Northwestern Estates	PUD	800 NW 69th Street	Residential: Single Family Homes	Model City	12	R-3	5	134	0	0	0	199		4,700,000		27-Jan-97	Approved	
Grove Enclave	Class II 2003-334	3024 McDonald Street	Residential	NE Coconut Grove	46	R-2	2	22	0	0	0	44		Information not given		22-Jan-04	Approved	
Governor (Naval Reserve Property)	MUSP	2610 Tigertail Avenue	Residential project	NE Coconut Grove	45	G/I	2	192	0	0	0	455	2.49 Bonus	178,919,466		22-May-03	03-077	
Lofts in the Grove (Grovehouse)	Class II 2003-057	2694 Inagua Avenue	Residential	NE Coconut Grove	45	O, SD-13	2	20	0	0	0	21		Information not given			Approved	
Rice 3333	Class II 2004-061	3333 Rice Street	Mixed Use: residential & retail	NE Coconut Grove	46	SD-2	2	9	0	0	2,700	18		Information not given		5-Mar-04	Approved	
Royal Bay Estates	MUSP	South Bayshore Drive in Coconut Grove just north of 17th Avenue (1641 South Bayshore Drive and 1640 Micanopy Avenue)	Single family residential PUD / one unit is a rehab of the existing historic structure along South Bayshore Drive	NE Coconut Grove	44	R-1, SD-18	2	3	0	0	0	6	0.80 (%) PUD			15-Nov-01	Approved	
Silver Bluff Harbor	MUSP	1660 South Bayshore Court	Residential project	NE Coconut Grove	44	R-3	2	11	0	0	0			Information not given		2-1999	Approved	

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APPROVED																	
Locational Information				Units										Cost (est.)		City Commission	
Name	Type of Permit	Address	Description	Net Area	Atlas Pg	Zoning District(s)	C.C. Dist.	Res / Condo	Hotel	Office	Retail	Parking Spaces	FAR (Bonus)	Construction	DRJ (V/N)	Approval Date	Resolution
Villaggio in the Grove	MUSP	2740-54 SW 28 Terrace	Residential	NE Coconut Grove	42	SD-19	2	86	0	0	0	119		30,271,020		25-Nov-03	Approved
Lyric Village & Lyric Oaks	MUSP SEOPW	West side of NW 2nd Avenue between NW 9th-10th Streets (Village) and NW 8th-9th Streets (Oaks)	Residential Condos Townhomes	Overtown	23	R-3, SD-16	5	96	0	0	0	66		5,200,000		1998	Approved
Overtown Transit Village	MUSP SEOPW	Overtown Arena Metrorail Station	Office/Retail	Overtown	23	RT	2	0	0	353,849	12,424	588				2002	Approved
Tuscan Place	MUSP	501 NW 7th Avenue, and NW 5th and 6th Streets	Residential project w/ accessory recreational uses	Overtown	36	C-2	5	374	0	0	0	515		42,700,000		22-Jan-04	03-0413
3305 Holding Company, LLC	Class II 2004-001	3305 SW 37th Avenue	Office Building	SW Coconut Grove	46	SD-2	2	0	0	2,399	0	10		Information not given		22-Mar-04	Approved
Grove Garden (The Taurus)	MUSP	3540 Main Highway	Mixed-Use Project, ground floor restaurant and and retail. Utilizing Taurus historic structure.	SW Coconut Grove	46	R-1	2	42	0	0	9,217	106	1.39 Bonus	42,267,399		23-Jan-03	02-991
4300 Biscayne Boulevard	Class II 2004-040	4300 Biscayne Boulevard	Mixed Use: residential, retail & office	Upper East Side	15	C-1, SD-9	2	176	0	27,582	4,000	289		Information not given			Approved
Tuttle Street Project	MUSP	3720, 3750, 3780 Biscayne Blvd 399 NE 38th Street 293 NE 37th Street	Mixed-use project	Upper East Side	15	C-1, SD-8	2	0	0	168,000	115,000	664	2.45 Bonus	117,214,257		24-Jan-02	Approved
2120 Property LLC	Class II 2003-286	2120 W. Flagler Street	Residential	West Little Havana	34	C-1	3	13	0	0	0	19		Information not given		17-Dec-03	Approved
River Run South	Special Exception	2415 NW 16th Street Road	Residential	West Little Havana	25	R-3	1	174	0	0	0	314		Information not given		2003	Approved
Ice (Edgewater Tower)	Class II 2002-005	701 NE 31st Street	Residential project w/ accessory recreational uses	Wynwood/ Edgewater	21	SD-6	2	100	0	0	0	120		Information not given		10-Apr-02	Approved
Quantum on the Bay (Metropolis at Bayshore)	MUSP	1900 North Bayshore Drive	Mixed Use: residential, retail & Restaurant	Wynwood/ Edgewater	23	SD-6	2	752	0	0	8,470	845		328,532,563		24-Jul-03	03-602
<i>10-Feb-04 Non-Substantial Modification in Preliminary Stage: 698 units; 1,900 sf Office; 5,920 sf Restaurant; 2,057 sf Retail; 978 parking spaces</i>																	
Rosabella Lofts	MUSP	421,425,447 NE 22 St.; 418,442 446 NE 22 Ter.; 2221 NE 4 Ave	Residential & 4,200 sq. ft. Place of Worship with 11 parking spaces	Wynwood/ Edgewater	21	R-4, SD-20	2	258	0	0	0	470	2.49 Bonus	42,000,000		18-Dec-03	03-0294
Sky Residence Project (34th Street Tower)	MUSP	640 NE 34th Street	Residential	Wynwood/ Edgewater	21	SD-20	2	36	0	0	0	71		24,887,305		29-Oct-02	Approved
Star Lofts (Bay 25)	MUSP	704-712 NE 25th Street	19 story residential complex	Wynwood/ Edgewater	21	R-4, SD-20	2	55	0	0	0	75		40,744,027		19-Nov-02	Approved
<i>23-Dec-03 Modification in Preliminary Stage</i>																	
The Platinum Condominium	MUSP	480 NE 30th Street	Residential project w/ accessory recreational uses	Wynwood/ Edgewater	21	R-4, SD-20	2	116	0	0	0	195	2.30 Bonus	51,032,944		22-May-03	03-432
Uptown Lofts	Class II 2003-152	301 NE 23rd Street	Mixed Use: Residential & Retail	Wynwood/ Edgewater	21	C-1, SD-20	2	63	0	0	4,800	119		Information not given		19-Dec-03	Approved

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CITY OF MIAMI LARGE SCALE DEVELOPMENT REPORT: 1996-Present
Citywide Major Use Special Permits (MUSP) and applicable Class II & Special Exception Projects
Projects in Application Stage
(Sorted by Net Area > Alphabetical)

Locational Information				Units			Sq Ft			Cost (est.)		Review					
Name	Type of Permit	Address	Description	Net Area	Atlas Pg	Zoning District(s)	C.C. Dist.	Res / Condo	Hotel	Office	Retail	Parking Spaces	FAR (Bonus)	Construction	DRI (Y/N)	Date	Status
Hurricane Cove	MUSP	1818 & 1884 NW N. River Drive	Residential with 130-slip Marinas, remodel existing bldg to restaurant & retail	Allapattah	25	C-1, R-4	1	1,073	0	0	5,000	1,721	2.45 Bonus	296,508,411		7-Jan-04	Application
Dupont Towers (Dupont Plaza)	MUSP	300 Biscayne Boulevard Way	Mixed Use: Residential, Retail, Restaurant, Condo/Hotel	Downtown	36	CBD	2	1,228	62	0	38,000	1,481		767,054,570		6-Feb-04	Application
Infinity at Brickell (Coral Way Development)	MUSP	34, 40, 60 SW 13th Street 37, 45 SW 14th Street	Mixed Use: Residential, Retail, Office, Restaurant	Downtown	37	SD-7	2	426	0	46,386	4,654	585	9.95	89,800,000		6-Feb-04	Application
River House Lofts	Class II 2003-071	1 SW North River Drive	Residential & Retail	Downtown	36	C-1	5	182	0	62,537	22,000	513	1.72	Information not given		3-Feb-04	Application Modified
Villa Magna (Bayshore Palms North)	MUSP	1201 Brickell Bay Drive	Mixed Use: Residential, Retail, Restaurant, & Hotel	Downtown	37	SD-5	2	999	209	0	34,975	1,474	7.24	602,766,932		12-Jan-04	Application
The Tower at Grand Bay	Class II 2003-009	2675 South Bayshore Drive	Condo addition to Grand Bay Hotel	NE Coconut Grove	45	SD-17	2	62	0	0	0	122		Information not given		9-Jan-03	Application
Kubik at Morningside	MUSP	5600-5780 Biscayne Boulevard	Mixed Use: residential, retail & restaurant	Upper East Side	14	C-1, O, SD-9	2	293	0	0	6,700	476	1.88 Bonus	180,237,938		10-Feb-04	Application Modified
Onyx (Biscayne Bay Lofts)	MUSP	665 and 721 N.E. 25th Street and 720 N.E. 26th Street	Residential project w/ accessory recreational uses	Wynwood/ Edgewater	21	R-4, SD-20	2	118	0	0	0	170		77,797,320		7-Nov-03	Application

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CITY OF MIAMI LARGE SCALE DEVELOPMENT REPORT: 1996-Present
Citywide Major Use Special Permits (MUSP) and applicable Class II & Special Exception Projects
Projects in Preliminary Stage
(Sorted by Net Area > Alphabetical)

Locational Information				Units									Sq Ft		Cost (est.)		Review	
Name	Type of Permit	Address	Description	Net Area	Atlas Pg	Zoning District(s)	C.C. Dist.	Res / Condo	Hotel	Office	Retail	Parking Spaces	FAR (Bonus)	Construction	DRI (Y/N)	Date	Status	
Aguaclara	MUSP	1960-70 NW 27th Avenue	Residential, Retail, & Office	Allapattah	26	C-2	1	185	0	1,000	2,700	374		14,060,000		28-Oct-03	Prelim.	
Allapattah Project	MUSP	NW 36th Street/ 37th Avenue	Mixed Use: Residential & Retail	Allapattah	18	C-2	1	119	0	0	8,729	213		Information not given		25-Nov-03	Prelim.	
City View Apartments	Class II	NW 14th Street and NW 15th Avenue	Residential	Allapattah	24	R-4	1	130	0	0	0	141		Information not given		3-Jun-03	Prelim.	
Miami Jackson Senior High-State School "SSS"	MUSP	1751 NE 36th Street	Replacement of existing High School campus w/821-seat auditorium and 2,088-seat gymnasium	Allapattah	17	G/I	5	0	0	0	0	537		Information not given		23-Mar-04	Prelim.	
Riverview Apts.	Class II	NW 25th Court/NW N. River Drive	Residential	Allapattah	25	R-2	1	90	0	0	0	115		Information not given		28-Apr-03	Prelim.	
Century Towers	Class II	SW 17th Road & SW 2nd Court	Residential	Coral Way	37	C-1, O	3	129	0	0	0	145		Information not given		27-May-03	Prelim.	
Coral Palace	Class II	Coral Way between SW 12th Ave and SW 13th Ave	Residential	Coral Way	38	R-4, SD-14	3	56	0	0	0	101		Information not given		6-Apr-04	Prelim.	
El Palmar	MUSP	903 SW 13th Court	Residential	Coral Way	38	C-1, SD-14	3	20	0	0	0	21		Information not given		30-Jun-03	Prelim.	
Emerald Plaza	MUSP	3410 Coral Way	Residential	Coral Way	42	C-1, R-2	4	63	0	0	0	70		Information not given		3-Jun-03	Prelim.	
Keystone Villas II (Keystone Square)	Class II	3538 Coral Way	Mixed Use: Residential & Retail	Coral Way	42	C-1, R-2	4	75	0	0	3,053	166	1.67	5,900,000		13-Apr-04	Prelim.	
Le Club (Coral 17 Condominium)	Class II	1726-40 Coral Way	Mixed Use: Residential & Retail	Coral Way	43	C-1, R-4	4	35	0	0	1,159	65	1.72	4,000,000		6-Apr-04	Prelim.	
The Belmont (Lofts on the Way)	MUSP	Coral Way and SW 32nd Avenue	Mixed Use: Residential & Retail	Coral Way	42	C-1	4	177	0	0	12,200	377		Information not given		23-May-01	Prelim.	
The Residence at Douglas	MUSP	2263 SW 37th Avenue	Residential	Coral Way	42	C-1	4	206	0	0	0	329		Information not given		8-Jul-03	Prelim.	
500 Brickell	MUSP	500 Brickell Avenue	Mixed Use: residential & retail	Downtown	36	SD-5, SD-7	2	633	0	0	20,497	864	8.55 Bonus	96,300,000		8-Mar-04	Prelim.	
900 Biscayne	MUSP	900 Biscayne Boulevard	Mixed Use: residential w/accessory recreation; retail & office	Downtown	23	SD-6	2	516	0	30,000	11,900	599		Information not given		17-Feb-04	Prelim.	
Brickell Bay Tower/Related	Class II	170-186 SE 12th Terrace	Residential project	Downtown	37	R-4, SD-5	2	138	0	0	0	155		Information not given		30-Apr-02	Prelim.	
Brickell Bay Yacht Club at the Four Ambassadors (Tower V)	MUSP	801 Brickell Bay Drive	Residential: Additional Tower w/residential & retail (Originally built 1968)	Downtown	37	SD-5	2	275	0	0	8,000	458				23-Dec-03	Prelim.	

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PRELIMINARY																	
Locational Information				Units										Cost (est.)		Review	
Name	Type of Permit	Address	Description	Net Area	Atlas Pg	Zoning District(s)	C.C. Dist.	Res / Condo	Hotel	Office	Retail	Parking Spaces	FAR (Bonus)	Construction	DRI (Y/N)	Date	Status
Commodore Bay Phase II	MUSP	1402 Brickell Bay Drive	Addition of adjacent 26-story building with nine 1-floor penthouses on top of	Downtown	37	R-4	2	9	0	0	0	68		Information not given		13-Apr-04	Prelim.
Florida Grand Opera (Anderson Opera Center)	Class II	235-245 NE 14th Street	Production rehearsal 527-seat hall, theater, w/ retail, office, and apartment units	Downtown	23	SD-6	2	22	0	16,200	4,000	304		Information not given		3-Feb-04	Prelim.
Island Gardens	MUSP	950 MacArthur Causeway 1050 MacArthur Causeway	Mega-Yacht 50-berth Marina, Hotels, Residential, Retail, Restaurant	Downtown	22	C-1, PR	2	0	605	0	221,000	1,740		235,000,000		17-Feb-04	Prelim.
Miacentralis Tower I+II	Class II	50 SE 2nd Street	Mixed Use: residential & retail	Downtown	36	CBD	2	404	0	0	22,760	471		Information not given		25-Jan-01	Prelim.
Office Building	MUSP SEOPW	27 NE 9th Street	Office Building	Downtown	23	C-1	2	0	0	60,000	0	300	1.72	Information not given		16-Dec-03	Prelim.
Opus	MUSP	Biscayne Blvd & NE 13th Street	Residential project	Downtown	23	SD-6	2	408	0	0	17,160	568		Information not given		23-Mar-04	Prelim.
Ten Museum Park (Core)	MUSP	1040 Biscayne Boulevard	Mixed Use: residential, commercial & office	Downtown	23	CBD, SD-6	2	200	0	13,712	10,668	395	4.72	Information not given		9-Jul-03	Prelim.
735 Condominium	MUSP	735-745 SW 2nd Street	Residential	East Little Havana	35	R-3	3	22	0	0	0	33	0.75	2,300,000		28-Oct-03	Prelim.
Brickell Vista (Brickell View/The Astor)	MUSP	800 SW 9th Avenue	Residential	East Little Havana	38	C-1, SD-25	3	107	0	0	3,787			Information not given		21-Oct-03	Prelim.
Chanticleer Bayview Condominium	MUSP	606 West Flagler Street	Residential, Retail, Restaurant, Office	East Little Havana	36	C-1	3	233	0	22,000	11,000	497	2.49 Bonus	Information not given		18-Nov-03	Prelim.
Havana Tower	Class II	1430 SW 1st Street	Residential & Retail	East Little Havana	35	C-1, SD-14	3	66	0	0	672	75		Information not given		30-Sep-03	Prelim.
La Palma	Class II	1040 SW 1st Street	Residential	East Little Havana	35	C-1	3	91	0	0	0	103		Information not given		3-Jun-03	Prelim.
Little Havana Condominiums	Class II	1534 SW 3rd Street	Residential	East Little Havana	35	R-3, SD 14.1	3	20	0	0	0	31		Information not given		4-Feb-03	Prelim.
Little Town	Class II	1215 SW 7th Street	Mixed-use project w/ accessory recreational uses	East Little Havana	35	C-1, SD-14	3	42	0	0	6,028	67		Information not given		31-Dec-02	Prelim.
Villa Godoy Condominiums	Class II	1455-79 W. Flagler Street	Mixed Use: residential & retail	East Little Havana	35	C-1, SD-14	3	32	0	0	1,431	42		Information not given		3-Dec-02	Prelim.
Best Western Inn Hotel	Class II 2004-149	4101 NW 11 Street	Hotel	Flagami	27	C-2, SD-19	1	0	125	0	0	83	1.98	7,467,100		6-Apr-04	Prelim.
Keystone Park Condominium	MUSP	NW Corner of Le Jeune Road & NW 1st Street	Mixed Use: residential & retail	Flagami	32	C-1	4	298	0	9,500	14,128	687		Information not given		24-Feb-04	Prelim.
Mediterranea	MUSP	117 NW Le Jeune Road	Mixed Use: Residential & Retail	Flagami	32	C-1, R-4	4	185	0	0	8,428	362	1.72	18,000,000		10-Feb-04	Prelim.
Ocean Palace (Le Jeune Gardens)	MUSP	850 N.W. Le Jeune Road	Residential & Retail	Flagami	27	C-2	1	492	0	0	2,000	1,012		52,000,000		27-Jan-04	Prelim.
The Towers at Blue Lagoon	MUSP	4865 NW 7th Street	Residential	Flagami	28	C-1, R-2	1	1,646	0	0	0	2,838		Information not given		27-Jan-04	Prelim.
Grove Lofts	MUSP	3001 SW 27 Avenue	Mixed Use: Residential & Retail	NE Coconut Grove	45	SD-13	2	30	0	0	2,761	61		2,800,000		16-Mar-04	Prelim.
Lofts at Mayfair I & II	MUSP	3339 Virginia Street	Mixed Use: Residential & Retail	NE Coconut Grove	46	SD-2	2	98	0	0	3,500	110	1.91 Bonus	Information not given		6-Apr-04	Prelim.

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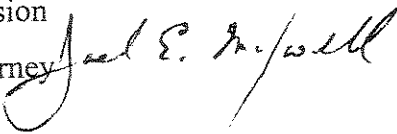
PRELIMINARY																	
Locational Information				Units								Sq Ft.		Cost (est.)		Review	
Name	Type of Permit	Address	Description	Net Area	Atlas Pg	Zoning District(s)	C.C. Dist.	Res / Condo	Hotel	Office	Retail	Parking Spaces	FAR (Bonus)	Construction	DRI (Y/N)	Date	Status
Oak Park Village	Class II	SE Corner of Oak Avenue & McDonald Avenue	Residential	NE Coconut Grove	46	R-1	2	10	0	0	0	20		Information not given		7-Oct-03	Prelim.
39th Street Project	MUSP	Biscayne Boulevard and 39th Street	Residential Units w/ recreational amenities	Upper East Side	15	SD-8	2	146	0	0	0	265		Information not given		10-Dec-02	Prelim.
5101 Biscayne Boulevard	Class II	5101 Biscayne Boulevard	Residential	Upper East Side	15	SD-9	2	98	0	0	0	124		Information not given		25-Nov-03	Prelim.
5225 Biscayne Boulevard	Class II	5225 Biscayne Boulevard	Residential	Upper East Side	15	SD-9	2	92	0	0	0	122		Information not given		25-Nov-03	Prelim.
6789 Biscayne Boulevard	Class II	6789 Biscayne Boulevard	Mixed Use: Residential & Retail	Upper East Side	14	C-1, R-1	2	10	0	0	1,701	33	1.72	Information not given		6-Apr-04	Prelim.
8699 Biscayne Boulevard	Class II	8699 Biscayne Boulevard	Mixed Use: Residential, Retail & Office	Upper East Side	9	C-1, R-3, SD-9	2	38	0	4,500	4,700	102		9,500,000		2-Mar-04	Prelim.
Nirvana (Banyan Bay Apartments)	MUSP	Biscayne Boulevard & NE 63rd Street	Residential tower to be located along Brickell Avenue fronting Biscayne Bay/ Includes recreational facilities	Upper East Side	14	C-1, R-3	2	114	0	0	0	216		Information not given		2-Mar-04	Prelim.
<i>2-Mar-04 Modification submitted for addition of 15-story building to the existing 5-building, 375 unit, 468-parking space complex. Demolition of 12 units and 42 parking spaces to be replaced by 146 units and 258 parking spaces (509 units & 684 parking spaces new total).</i>																	
Trilogy (7460 Biscayne Boulevard)	Class II 2004-156, 157	7460 Biscayne Boulevard	Mixed Use: Residential & Retail	Upper East Side	9	C-1, SD-9	2	67	0	0	2,400	138		12,000,000		13-Apr-04	Prelim.
1800 Pointe	Class II	1800 SW 8th Street	Mixed Use: Residential & Retail	West Little Havana	39	C-1, R-4	3	53	0	0	2,775	99	1.68	Information not given		6-Apr-04	Prelim.
Ayestera Towers		700-790 SW 27th Avenue	Mixed Use: Residential & Retail	West Little Havana	33	C-1	4	141	0	0	14,000	334		Information not given			Prelim.
Brisas Del Rio	MUSP	SE Corner of NW 24th Avenue & NW 16th Street Road	Residential	West Little Havana	25	C-1, R-3, SD-4	1	831	0	0	0	1,824		Information not given		27-Jan-04	Prelim.
Renaissance Pointe	MUSP	SW 8th Street & SW 19th Avenue	Mixed Use: Residential & Retail	West Little Havana	39	C-1, R-4	3	374	0	0	19,030	663		6,200,000		16-Dec-03	Prelim.
Renaissance Pointe West	Class II	2000 SW 8th Street	Mixed Use: Residential & Retail	West Little Havana	39	C-1, R-4	3	42	0	0	900	64	1.71	Information not given		6-Apr-04	Prelim.
Terrazas River Park Village (Terrazas de Miami River)	Class II	1861 NW South River Drive	Residential	West Little Havana	25	R-4	1	324	0	0	4,800	519	2.48 Bonus	Information not given		9-Mar-04	Prelim.
Urbana (Windsor at Douglas)	MUSP	1523 SW 37th Avenue	Mixed Use: Residential & Retail	West Little Havana	40	C-1, R-2	4	98	0	0	6,171	172		10,000,000		23-Mar-04	Prelim.
5th Avenue Lofts (Le Lofts)	MUSP	NE 35th Terrace and NE 5th Avenue	Residential	Wynwood/ Edgewater	21	R-4, SD-20	2	42	0	0	0	72	2.49 Bonus	Information not given		24-Feb-04	Prelim.
36th Street	MUSP	SW Corner of NW 36th Street and NW 3rd Avenue	Mixed Use: Residential & Retail	Wynwood/ Edgewater	21	C-2	5	112	0	0	9,456	253		9,000,000		30-Mar-04	Prelim.
Avant	MUSP	238-274 NE 34th Street	Mixed Use: residential & commercial	Wynwood/ Edgewater	21	C-1, SD-20	2	101	0	0	12,000	184		10,000,000		27-Jan-04	Prelim.

(April 26, 2004)

PRELIMINARY																	
Locational Information				Units								Sq Ft.		Cost (est.)		Review	
Name	Type of Permit	Address	Description	Net Area	Atlas Pg	Zoning District(s)	C.C. Dist.	Res / Condo	Hotel	Office	Retail	Parking Spaces	FAR (Bonus)	Construction	DR1 (Y/N)	Date	Status
Bayview Market	MUSP	NW Corner of NE 17th Street & NE 2nd Avenue	Mixed Use: Big Box Retail with residential liner	Wynwood/ Edgewater	23	C-2	2	26	0	0	536,072	2,330	1.85	Information not given		13-Apr-04	Prelim.
Cynergi	Class II	2700 N. Miami Avenue	Residential & Retail	Wynwood/ Edgewater	21	C-2	2	100	0	0	4,624	256		Information not given		2-Sep-03	Prelim.
Gallery Art Condominium	MUSP	NE corner of Biscayne Blvd. and NE 24th Street	Residential	Wynwood/ Edgewater	21	R-4, SD-20, C-1	2	152	0	8,967	0	212		Information not given		30-Mar-04	Prelim.
Ice 2	Class II	630 NE 31st Street	Residential	Wynwood/ Edgewater	21	R-4, SD-20	2	100	0	0	0	228		Information not given		23-Mar-04	Prelim.
Moon Bay	Class II	500, 510, 520 NE 29th Street	Residential	Wynwood/ Edgewater	21	R-4, SD-20	2	61	0	0	0	70		Information not given		3-Feb-04	Prelim.
New Wave	Class II	725 NE 22nd Street	Residential	Wynwood/ Edgewater	21	R-4	2	78	0	0	0	90		10,000,000		19-Aug-03	Prelim.
Onyx 2	MUSP	NE 28th Street & N. Baysshore Drive	Residential	Wynwood/ Edgewater	21	R-4, SD-20	2	122	0	0	0	165		Information not given		23-Mar-04	Prelim.
Puerto Bahia	Special Exception	501 NW 36th Street	Residential	Wynwood/ Edgewater	21	C-2	5	199	0	0	0	397		16,000,000		10-Feb-04	Prelim.
Soho	MUSP	601-615 NE 23rd Street	Mixed Use: Residential & Retail	Wynwood/ Edgewater	21	R-4, SD-20	2	95	0	0	0	142		12,000,000		6-Apr-04	Prelim.
The Shops at Midtown Miami North Block - Parcel A	Class II	N Miami Avenue between NE 34th Street & NE 36th Street	Mixed Use: Residential & Retail	Wynwood/ Edgewater	21	I, SD-27	2	42	0	0	324,884	1,795	0.81	Information not given		2-Mar-04	Prelim.
The Steps on the Boulevard	Class II	SE corner of Biscayne Boulevard and NE 24th Street	Mixed Use: Residential & Retail	Wynwood/ Edgewater	21	C-1, SD-20.1	2	120	0	0	19,320	200		Information not given		17-Feb-04	Prelim.
Two Midtown Miami (Buena Vista Phase II)	Class II	NE 35th Street & Florida East Coast Railway	Mixed Use: Residential & Retail	Wynwood/ Edgewater	21	I, SD-27	2	331	0	0	16,128	403		40,000,000		13-Nov-03	Prelim.
Wynwood Lofts	Class II	250 NW 23rd Street	Residential	Wynwood/ Edgewater	21	C-2	2	36	0	0	0	40		Information not given		26-Nov-02	Prelim.

(April 26, 2004)

**CITY OF MIAMI
CITY ATTORNEY'S OFFICE
MEMORANDUM**

TO: Members of the City Commission
FROM: Alejandro Vilarello, City Attorney 
DATE: April 29 2004
RE: Notice Provisions of Moratoria: SW 27TH Avenue Corridor; Upper Eastside Biscayne Boulevard Corridor

CONFIDENTIAL: THIS DOCUMENT IS NOT SUBJECT TO DISCLOSURE AS A PUBLIC RECORD UNTIL SO NOTIFIED TO THE CONTRARY BY THE CITY ATTORNEY'S OFFICE. This document was prepared by the Miami City Attorney to reflect mental impressions, conclusions, and litigation strategy in anticipation of imminent civil litigation or adversarial administrative proceedings. This document is exempt from Public Records disclosure as an attorney work-product until such time as all such litigation and administrative proceedings have been concluded. [Section 119.07(3)(1)(1), Florida Statutes (2003)].

As you are aware from comments made by the public during last Thursday's public hearing on the S.W. 27th Avenue Building Moratorium Ordinances' First Reading, the public notice given for said moratorium was solely a published advertisement in *The Miami Herald*. Other notice was not provided because staff was of the opinion that notice of the moratorium was more on the order of a "temporary text change," and not in and of itself, a "rezoning."

There is, arguably, significant logic in the aforementioned position. However, as this Office has often advised, case law, specifically *Sanibel v. Buntrock*, 409 So.2d 1023 (Fla. 2d DCA 1981), **mandates that we enact development moratoria ordinances utilizing the notice and hearing procedures that govern zonings and rezonings before a person is prohibited from building upon his property even temporarily.**

Florida Statutes' Section 166.041(3)(c) also requires publication of a "geographic location map" with certain published notices, but waives such requirement when mail notice is provided to property owners within the area covered by the ordinance. As you are aware, mail notice is normally provided with all rezonings involving less than 5% of the City pursuant to City Code. But as discussed above, was not provided in the subject instances. Consequently, it is quite

possible that a court would invalidate, from inception, both moratoria (Upper Eastside and the Southwest 27th Avenue Corridor) if such became the subject of legal challenges.

Proper notice for the May 6th Second Reading of the Southwest 27th Avenue Corridor ordinance, notwithstanding, the infirmities of its First Reading and related Planning Advisory Board (PAB) hearing, remain. The following is suggested as remedial action:

- (a) Although the Southwest 27th Avenue moratorium Commission actions could be corrected by making the May 6th reading its First Reading and bringing it back for a Second Reading at the following scheduled Commission meeting, the matter of the lack of proper notice for the PAB remains. Thus, full notice and review may be the best solution, with resubmittal to the PAB and two new Commission hearings.
- (b) The Upper Eastside Biscayne Corridor moratoriums may be sent back through the full PAB and Commission adoption process, or repealed concurrent with the adoption of the new SD-9 Biscayne Boulevard North Overlay District. Concurrent repeal is the most effective and practicable solution. Especially, if the new SD-9 general regulations, which related study and pendency, were the basis for said moratorium, are adopted on April 29, 2004.

c: Mayor Manuel A. Diaz
Joe Arriola, City Manager
Priscilla A. Thompson, City Clerk
Alicia Cuervo Schreiber, Chief of Neighborhood Services
Ana Gelabert-Sanchez, Director Planning and Zoning Department
Lourdes Slazyk, Assistant Director, Planning and Zoning Department
Teresita L. Fernandez, Executive Secretary, Hearing Boards Office