



Morningside Civic Association

Commissioner Ken Russell
Commissioner Keon Hardemon
3500 Pan American Drive
Miami, FL 33133

September 27th, 2018

RE: Magic City SAP & TUP – PZ.11, PZ.12, & PZ.13

Dear Commissioners and City Staff:

The Morningside Civic Association provides this letter and respectfully requests that the City Commission defer the above noted PZ Items being heard before you for First Reading, until the matters outlined in this letter are better addressed.

Please note that the MCA attended the PZAB hearing on Magic City and voiced its concern with traffic and noise associated with the Magic City proposal. With this letter, we now add our concern with density and height. Since the PZAB hearing, the MCA met with Magic City's development team on 9/17/18, and we now have more detail about their development plans which include:

- 7.2 Million square feet of new developed Office, Residential and other Commercial Space.
- 13-17 Towers between 20 and 25 stories in height.
- 2670 Apartment Units
- 6000+ Parking Spaces in 13 Garages

The MCA is not opposed to the development concept of Magic City, which is to create a live/work and associated food & beverage destination that has its focus on innovation. Miami is a vibrant, growing Major Global City, and the redevelopment of underperforming and underutilized commercial and industrial areas such as this can be beneficial to citizens and visitors alike. However, Morningside is only 1000 feet away from the Magic City site, and it's impacts, both positive and negative will have implications to our neighborhood.

To Summarize our Position and Request of the City Commission:

1. We request that the City Commission work to protect the surrounding neighborhoods by requiring the developer to revise its development proposal to reduce height and density by at least half of what is currently proposed (max. T6-8 Transect Zone)
2. We object to the creation of an entertainment and nightclub zone that will result from the issuance of 5am and 3am liquor licenses. We ask that the City restrict licenses to 2am, and further restrict outdoor alcohol sales to no later than 12am Sunday through Thursday, and 1am on Friday and Saturday. A noise attenuation plan, determined by experts in this field, should be made part of any City Commission approval.
3. The City Commission should seek a pro-rata contribution from Magic City, to fund necessary traffic/roadway improvements on Biscayne Boulevard, as well as other neighborhood improvements that are outside the specific boundary of Magic City.
4. We object to the issuance of a TUP until a specific and detailed plan for this use is provided, including a noise attenuation plan.

Detail of our Concerns:

1. Development Intensity

- a. As presented to the MCA, Magic City proposes a project with heights and density that represents an astonishing intensity of development and supersedes anything contemplated in the Upper East Side by a wide margin.
- b. We believe the Applicants development plan is significantly out of scale with the adjacent neighborhoods and should be limited to T6-8 transect zone regulations, with its height located in the center of the site area and transitioning down on all four sides to meet the adjacent two-story neighborhoods that surround it.
- c. We believe this proposal sets a precedent which serves to exploit the purpose of the SAP provision in Miami 21, to the point that there is call from some Miami citizens to abolish the SAP process, a position that the MCA does not currently subscribe to.
- d. And while we are supportive of a healthy SAP process to seek reasonable and appropriate rezoning initiatives, we question whether City Staff has adhered the codified provisions of Miami 21 and the SAP guidelines in its review and support of Magic City's proposed neighborhood of 20 and 25 story buildings, which are surrounded by existing two-story neighborhoods.

Miami 21 section 3.9.1.h.10. reads: A Special Area Plan may include:

Flexible allocation of development capacity and Height, excluding Density on individual sites within the Special Area Plan shall be allowed so long as the capacity or Height distribution does not result in development that is out of Scale or character with the surrounding area, and provides for appropriate transitions.

2. 5am and 3am Liquor Licenses

- a. As detailed in our PZAB record statement and letter, we object to the issuance of 5am and 3am liquors licenses. We believe this will create exactly what is intended with licensed establishments that are open all night.
 - i. The creation of an all-night entertainment and nightclub district.
 - ii. Drunken driving and unruly behavior beyond the Magic City site.
 - iii. Unacceptable levels of noise that place the burden of enforcement on the adjacent neighborhoods. That burden of enforcement must be dealt with now, at the entitlement stage.

3. Traffic

- a. The new traffic trips generated by Magic City are over 2600 at peak hours. While not inconsequential, it is just a percentage of the significant traffic increases that face the Upper East Side arterial roadway systems – all of which are operating at F levels according to FDOT.
- b. Magic City is but one of several SAP's that are being contemplated in the Upper East Side. The City Commission must ask its Planning and Traffic Staff to complete a more regional traffic study of the overall and future impact of both SAP and non-SAP (as-of-right) large-scale development projects that will impact Upper East Side roadways. That study should begin at NE 14th St, to the City Limits at NE 87th St, from Biscayne Blvd., to N. Miami Ave.
- c. We are unclear what contributions/improvements Magic City is making to the arterial roadways beyond their site borders, but feel strongly a development of this size should be contributing significant improvement dollars/installations to help improve the failing roadways and streetscapes that will be traversed by their new residents, office workers and visitor alike.

4. Temporary Use Permit

- a. We remain unclear on the full proposal for the TUP, other than it will be a 2-3-year outdoor use that include a series of indoor and outdoor entertainment venues with associated alcohol sales. Morningside needs more information to take a position on this, and until it is provided to the City Commission and Morningside with enough detail, we object to the issuance of a TUP at this time.

Sincerely,

Morningside Civic Association

CC Francisco Garcia, City of Miami Planning Director
Commissioner Wilfredo Gort
Commissioner Joe Carollo
Commissioner Manolo Reyes
Mayor Francis Suarez