

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: October 13, 2015

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: HPB File No. 7393, **929 Alton Road.**

The applicant, Alton Sobe, LLC, is requesting a one (1) year Extension of Time for a previously approved Certificate of Appropriateness for the construction a new 5-story mixed-use building on an existing vacant lot.

STAFF RECOMMENDATION

Approval with conditions

BACKGROUND

The application was approved by the Board on March 11, 2014 subject to conditions set forth in the Final Order. Since that time, the applicant has not yet obtained the required building permit for the reasons set forth in the submitted letter of request.

Original Approval date: March 11, 2014
Order expiration date: September 11, 2015
New expiration date: September 11, 2016

THE PROJECT

As part of a new mixed-use development, the applicant is proposing to construct a five (5) story structure on the subject site, including approximately 8,618 SF of ground floor commercial space and 19 residential units on the upper four (4) floors, with parking, including mechanical parking located fully in a basement level. No active use is proposed for the upper roof, however private terraces for the four (4) units at the second level facing east are proposed above the parking level below.

ANALYSIS

Since the original approval of the application, no changes to the Land Development Regulations of the Miami Beach Code have been recommended or approved which would preclude the construction of this project if it were proposed today. In light of the fact that the applicant has encountered delays in the permitting of the project, it is suggested that the request for an extension of time, to ensure that the permitting process consummates, would be appropriate.

RECOMMENDATION

In view of the foregoing, staff recommends the request for an extension of time be **approved** for a period not to exceed one (1) year from the original approval, which expired on September 11, 2015, subject to the conditions enumerated in the attached draft Order, which address the inconsistencies with the aforementioned Certificate of Appropriateness criteria and Practical Difficulty and Hardship criteria, as applicable.

**HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida**

MEETING DATE: October 13, 2015

FILE NO: 7393

PROPERTY: 929 Alton Road

APPLICANT: Alton Sobe, LLC

LEGAL: Lots 9 and 10, Block 123 "Lenox Manor", according to the Plat thereof recorded in Plat Book 7, page 15 of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for a one (1) year Extension of Time for a previously approved Certificate of Appropriateness for the construction a new 5-story mixed-use building on an existing vacant lot.

ORDER

The applicant filed an application with the City of Miami Beach Planning Department for a Certificate of Appropriateness.

The City of Miami Beach's Historic Preservation Board makes the following FINDING OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

The applicant stated, among other things, that there were delays encountered in the permitting process. The foregoing constitutes good cause for granting a one (1) year extension of time to the requirement that a Full Building Permit be obtained within eighteen (18) months of the original Certificate of Appropriateness.

IT IS HEREBY ORDERED, based upon the foregoing finding of fact and the staff report and analysis, which is adopted herein, including the recommendation, that a one (1) year extension of time to obtain a full building permit (which one year period shall run from the expiration date of the original approval, which is September 11, 2015) is GRANTED for the above-referenced

project conditioned upon the following, to which the applicant has agreed:

1. A full building permit, not a foundation, shell permit or phased building permit, for the project shall be obtained by September 11, 2016.
2. Construction shall commence and continue in accordance with the applicable Building Code.
3. This extension of time shall run concurrent with any other extensions of time that may be provided to the property owner as a result of actions of non-City authorities with jurisdiction over such matters.
4. The subject site and existing site shall be maintained in good, clean, and secure conditions at all times.
5. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
6. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.
7. Where one or more parcels are unified for a single development, the property owner shall execute and record an unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.

No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance as set forth in this Order and the Order for the March 11, 2014, approval have been met. The issuance of a Certificate of Appropriateness does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order and the Final Order for the March 11, 2014 meeting. If the Full Building Permit is not issued by September 11, 2016, the Certificate of Appropriateness will expire and become null and void. If the Full Building Permit should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the Certificate of Appropriateness will expire and become null and void.

Dated this _____ day of _____, 20____.

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
DEBORAH TACKETT
PRESERVATION AND DESIGN MANAGER
FOR THE CHAIR

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of _____ 20__ by Deborah Tackett, Preservation and Design Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: _____

Approved As To Form:
City Attorney's Office: _____ ()

Filed with the Clerk of the Historic Preservation Board on _____ ()