

MIAMIBEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: January 15, 2016

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: Design Review File No. 23040-e
1845 Bay Road – Extension of Time

The applicant, Santander La Marinera LLC, is requesting a (1) one-year Extension of Time for a previously issued Design Review Approval for the total demolition of an existing two-story building to construct a new two-story mixed use building.

(ITEM WAS APPROVED AT THE MAY 06, 2014 MEETING)

RECOMMENDATION:

Approval of the (1) one-year Extension of Time

LEGAL DESCRIPTION:

Lot 9 of Block 13 of Alton Beach Realty Co. Amended Plat, According to the Plat Thereof, as Recorded in Plat Book 9, Page 146, of the Public Records of Miami-Dade County, Florida.

HISTORY:

The application was approved by the Design Review Board on May 06, 2014 subject to the 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 intent.

Original Approval Date: May 06, 2014

Order Expiration Date: November 06, 2015

Proposed Expiration Date: November 06, 2016

SITE DATA:

Zoning:	I-1, Urban Light Industrial District
Future Zoning:	I-1
Lot Size:	8,000SF (50x160)
Proposed FAR:	0.99 / 7,990 SF as represented by the applicant
Permitted FAR:	1.0
Existing Height:	26' / (2) two-story
Proposed Height:	39'
Permitted Height:	40'-0" / 4 stories
Existing Uses:	Ground floor commercial / residential above
Proposed Uses:	
Retail/ Restaurant Area (first floor)	3,500 SF
Office Area (second floor)	4,490 SF

EXISTING STRUCTURE:

Year Constructed: 1939
Architect: Donald Smith
Use: (2) story residential building
Vacant: Ground floor commercial / residential above
Demolition Proposed: Full

LAND USES:

East: Two-story warehouses
North: One-story warehouse with surface lot
South: Two-story office building (Parking Department shop)
West: Sunset Harbor Shops and seven-story garage

THE PROJECT:

On May 06, 2014, the applicant obtained Design Review Approval for a new 2-story mixed use building with first floor retail/restaurant space and upper floor of office space.

COMPLIANCE WITH ZONING CODE:

Sec. 118-258. - Building permit application

No building permit, full building permit or phased development permit shall be issued for any plan subject to design review except in conformity with the approved plans. The applicant shall have up to 18 months, or such lesser time as may be specified by the board, from the date of the board meeting at which design review approval was granted to obtain a full building permit or a phased development permit. The foregoing 18-month time period includes the 20-day time period during which an appeal of the decision of the design review board may be filed. If the applicant fails to obtain a full building permit or a phased development permit within 18 months, or such lesser time as may be specified by the board, of the board meeting date at which design review approval was granted, and/or construction does not commence and proceed in accordance with said permit and the requirements of the applicable Florida Building Code, all staff and board approvals shall be deemed null and void. Extensions for good cause, not to exceed a total of one year for all extensions, may be granted by the board, at its sole discretion, provided the applicant submits a request in writing to the planning director no later than 90 calendar days after the expiration of the original approval, showing good cause for such an extension. At the discretion of the planning director, an applicant may have up to 30 days (not to extend beyond 30 months from the date of original approval) to complete the building permit review process and obtain a full building permit, provided that within the time provided by the board to obtain a full building permit a valid full building permit application and plans have been filed with the building department, a building permit process number has been issued and the planning department has reviewed the plans and provided initial comments. Notwithstanding the foregoing, in the event the original decision of the design review board is timely appealed, or there is an appeal of an approval from the board of adjustment and/or the planning board that is a requirement of the original decision of the design review board, and such appeal is filed within 20 days of the decision of the board of adjustment and/or the planning board, the applicant shall have 18 months, or such lesser time as may be specified by the design review board, from the date of final resolution of all administrative and/or court proceedings to obtain a full building permit or phased development permit. This tolling provision shall only be applicable to the original approval of the board and shall not apply to any subsequent requests for revisions or requests for extensions of time.

STAFF ANALYSIS:

A building permit (B1406410) was applied for on 09/22/14 and has been reviewed by the Planning Department on three occasions. In light of the delays encountered in permitting 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 analysis, staff recommends the request for an extension of time be approved for a period not to exceed one (1) year from the expiration of the original approval as indicated in the Final Order for the project, subject to the conditions enumerated in the attached Draft Order.

TRM/JGM/LC

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**DESIGN REVIEW BOARD
City of Miami Beach, Florida**

MEETING DATE: January 15, 2016

FILE NO: 23040

PROPERTY: **1845 Bay Road**

APPLICANT: Santander La Marinera LLC

LEGAL: Lot 9 of Block 13 of Alton Beach Realty Co. Amended Plat, According to the Plat Thereof, as Recorded in Plat Book 9, Page 146, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for a (1) one-year Extension of Time for a previously issued Design Review Approval for the total demolition of an existing two-story building to construct a new two-story mixed use building.

ORDER

The City of Miami Beach Design Review 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 submitted information establishing, among other things, that delays were encountered in permitting the project. 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 Design Review Approval.

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 [1] year period shall run from the expiration date of the original approval, which was on November 06, 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 or shell permit, for the project shall be obtained by November 06, 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. 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.
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.

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 May 06, 2014 approval have been met. The issuance of Design Review Approval 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 May 06, 2014 meeting. If the Full Building Permit is not issued by November 06, 2016, the Design Review Approval 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 Design Review Approval will expire and become null and void.

Dated this _____ day of _____, 20_____.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____

