

**MIAMI BEACH**  
PLANNING DEPARTMENT  
Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: March 01, 2016

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: Design Review File No. 23233  
**1824 Alton Road**

The applicant, Saber 1800 Alton LLC, is requesting Design Review Approval for the construction of a new four-story commercial building including a variance to reduce the minimum required rear setback to replace a one-story gasoline and service station. This item will also require a Conditional Use application to be reviewed and approved by the Planning Board.

**RECOMMENDATION:**

Approval with conditions

Approval of the variance with conditions

**LEGAL DESCRIPTION:**

Lots 1-3 of Block 12 of the "Island View Subdivision", According to the Plat Thereof, as Recorded in Plat Book 6, Page 115, of the Public Records of Miami-Dade County, Florida.

**HISTORY:**

On January 26, 2015, the Planning Board approved an application for a Conditional Use Permit for the subject commercial building since the gross area of the building exceeds 50,000 SF (the structure is close to 110,000 gross square feet). [PB 2293]

**SITE DATA:**

Zoning:	CD-2 Commercial, Medium Intensity District
Future Land Use:	CD
Lot Size:	24,000 SF
Proposed FAR:	1.0 – 35,726 SF Total Area as represented by the applicant
Permitted FAR:	1.5 (36,000 SF)
Proposed Height:	50'-0"
Permitted Height:	50'-0"
Total SF:	37,562 SF
Proposed Uses:	
Café:	160 Seats
Retail:	27,011 SF
Parking Required:	131 Spaces
Parking Provided:	128 Spaces

**PARKING REQUIREMENTS:**

1 space per 4 seats: 40  
1 space per 300 SF: 91

Grade: +4.09' NGVD  
Future Grade: +5.5' NGVD  
Base Flood Elevation (BFE): +8.00' NGVD  
Difference: 3.91' NGVD  
Adjusted Grade: +6.05' NGVD  
Finished Floor Elevation: +6.0' NGVD

**LAND USES:**

East: Two-story Chase Bank / Walgreens  
North: One-story Animal Hospital  
South: Vacant / Future new two-story retail  
West: One-story hand car wash

**THE PROJECT:**

The applicant has submitted plans entitled "1824 Alton Road", as prepared by **Kobi Karp Architecture**, signed, sealed and dated November 13, 2015.

The proposed four-story building contains approximately 36,000 SF of commercial space distributed within two levels of retail and 128 parking spaces allocated on an additional two levels of structured parking to replace an existing one-story gasoline service center. All commercial uses are proposed to front Alton Road on the first and second floors and a glass continuous storefront system along 18<sup>th</sup> Street. Parking is proposed to be located on the third, fourth and the rooftop levels with all vehicular entry and egress, as well as a delivery, trash and service areas, accessed from 18<sup>th</sup> Street.

The applicant is requesting the following variance:

1. A variance to reduce by 5'-0" the minimum required rear setback of 5'-0" in order to construct a four (4) story commercial building at 0'-0" from the rear (west) property line.
  - Variance requested from:

**Sec. 142-307. - Setback requirements** *The setback requirements in the CD-2 commercial, medium intensity district are as follows: Rear 5'-0".*

The project proposes 0'-0" rear (west) setback for the 50'-0" high building. The footprint of the building has been developed with an increased front setback of 8'-0" where 0'-0" is required in order to create an enhanced pedestrian experience and wider sidewalk areas. Further, this increased front setback allows for greater landscape opportunities, additional room for bicycle racks, and overall wider sidewalks which would promote walkability from the neighboring residential areas and compensate for the reduced setback at the rear. In addition, the majority of the building includes parking spaces that also represent a design challenge in order to provide all required clearances and at the same time make a reasonable use of the land. Staff finds that these conditions create practical difficulties that justify the variance requested.

**PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA**

The applicant has submitted plans and documents with the application that staff has concluded satisfy Article 1, Section 2 of the Related Special Acts.

Additionally, staff has concluded that the plans and documents with the application comply with the following hardship criteria, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

- That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;
- That the special conditions and circumstances do not result from the action of the applicant;
- That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the

same zoning district;

- That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;
- That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
- That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and
- That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

#### **CONSISTENCY WITH COMPREHENSIVE PLAN**

A preliminary review of the project indicates that the proposed **commercial use** appears to be **consistent** with the Future Land Use Map of the 2025 Comprehensive Plan.

#### **COMPLIANCE WITH ZONING CODE:**

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following sections of the City Code, in addition to the requested variance(s):

1. The area calculations used to determine required parking shall be clearly identified.
2. The signage illustrated in the renderings and elevations will require multiple variance(s).
3. Loading area(s) at the ground floor shall count in the FAR calculations.
4. All backflow preventors shall not be visible from either right-of-way and shall be contained within the building envelope.
5. 131 spaces [Parking District No.5] are required; the applicant is only providing 128 parking spaces.
6. For each retail store, department store, restaurant, wholesale house, warehouse, repair, general service, manufacturing or industrial establishment, or similar use, which has an aggregate floor area in square feet of over 20,000 but not over 40,000: **3 off-street loading spaces (min. 10'x20') are required.**
7. Sec. 90-98(g). All new restaurants and all restaurants undergoing substantial rehabilitation, or construction of an addition or additions, shall have air conditioned garbage storage facilities approved by the city's planning department, public works department, and building department, as to location, size and such other criteria as required by applicable laws
8. All roof top mechanical equipment shall be screened from view.

The above noted comments shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

**COMPLIANCE WITH DESIGN REVIEW CRITERIA:**

Design Review encompasses the examination of architectural drawings for consistency with the criteria stated below with regard to the aesthetics, appearances, safety, and function of the structure or proposed structures in relation to the site, adjacent structures and surrounding community. Staff recommends that the following criteria is found to be satisfied, not satisfied or not applicable, as hereto indicated:

1. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.  
**Satisfied**
2. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.  
**Not Satisfied; a variance is required.**
3. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.  
**Not Satisfied; a variance is required.**
4. The color, design, selection of landscape materials and architectural elements of Exterior Building surfaces and primary public interior areas for Developments requiring a Building Permit in areas of the City identified in section 118-252.  
**Satisfied**
5. The proposed site plan, and the location, appearance and design of new and existing Buildings and Structures are in conformity with the standards of this Ordinance and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the Design Review Board and Historic Preservation Boards, and all pertinent master plans.  
**Not Satisfied; a variance is required.**
6. The proposed Structure, and/or additions or modifications to an existing structure, indicates a sensitivity to and is compatible with the environment and adjacent Structures, and enhances the appearance of the surrounding properties.  
**Satisfied**
7. The design and layout of the proposed site plan, as well as all new and existing buildings shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on contiguous and adjacent Buildings and lands, pedestrian sight lines and view corridors.  
**Satisfied**

8. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that all parking spaces are usable and are safely and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the Site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the Site.  
**Partially Satisfied; although 40 bicycle racks have been provided on site (within the upper levels of the garage, no racks have been configured at the ground floor.**
9. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties. Lighting shall be reviewed to assure that it enhances the appearance of structures at night.  
**Partially Satisfied; additional design details of the exterior ground floor up-lights and light bollards shall be required for further review.**
10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.  
**Satisfied**
11. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.  
**Not Satisfied; further design details of the painted aluminum brise soleil or other screening method shall be required along the elevations to ensure minimal light spillage onto the adjacent properties and abutting right-of-ways.**
12. The proposed structure has an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).  
**Satisfied**
13. The building has, where feasible, space in that part of the ground floor fronting a street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.  
**Satisfied**
14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.  
**Not Satisfied; a roof plan showing the location of mechanical equipment and details of the associated screening have not been provided.**
15. An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).  
**Not Applicable**

16. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.

**Satisfied**

17. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.

**Satisfied; the location of all of the required loading spaces and delivery of goods have been arranged along 18<sup>th</sup> Street and internal to the building envelope.**

## **ANALYSIS**

### **DESIGN REVIEW**

On January 26, 2015, the Planning Board approved an application for a Conditional Use Permit for the subject commercial building since the gross area of the building exceeds 50,000 SF (the structure is close to 110,000 gross square feet). The Planning Board considered important issues related to the traffic and operational concerns of the project, including parking, traffic, deliveries, sanitation and security. The proposal herein is a modern design with rich exterior finishes that will be a great addition to this corner parcel. While generally supportive of the scale and massing of the proposed project, staff would suggest some minor modifications.

Staff's primary design concerns pertain to the proposed elevations. The building's façades have been designed with four varying and contrasting materials (glass, stone tile, brise soleil framing, and ceramic wood tile) and visual interest in depth of the elevations due to the varying depths of the architectural elements along each elevation. The execution and quality of the brise soleil, wood tile, and stone choice will be critical to the successful execution of the proposed design.

Staff has some concerns with the second floor as it pertains to the relationship between the elevations and the corresponding floor plans. In this regard, the front cover and elevations depict approximately 50'-0" of 16'-0" high glass second floor storefront along the southwest portion of the elevation that, in plan view, is identified as 'back of house'. This traditionally translates to areas designated for stock rooms, mechanical areas, and employee lounges which commonly are not open or transparent spaces to pedestrians. In this regard, staff would recommend reorganizing the second floor spatial program to ensure none of these areas are configured flush with the glass and will eliminate the potential for the installation of inappropriate visual blocking elements at a later time.

Due to the highly transparent nature of the design, staff would recommend that all interior retail and restaurant lighting be designed in a manner so as not to have an overwhelming impact upon the streets and consist of indirect lighting elements with a soft, neutral color. Additionally, staff would recommend that displays and merchandising not be placed directly against the storefront fenestration and be arranged to provide clearance from the storefront windows at the first and second levels. Finally, a uniform sign plan should be designed to be consistent in materials, method of illumination and sign location.

In summary, staff is confident the project architect can successfully address the concerns raised herein, as well as the additional concerns enumerated in the attached draft order, and would recommend that the application be approved.

### **VARIANCE ANALYSIS**

Staff recommends approval of the rear setback variance based on satisfying the hardship criteria and its minor impact upon the abutting property. Should any new development occur on the abutting hand car wash site to the immediate west, the adjacent property line would be treated as an interior side setback with a required side setback of zero feet (0'-0") — which is what this applicant is requesting today. Staff would note that the architect has provided increased setbacks along Alton Road and 18<sup>th</sup> Street which responds well to the built environment. The approval of the variance will continue a consistent streetscape, as the new building will enhance pedestrian mobility in the neighborhood, assist in greening our streets, and further emphasize the important view corridor of Alton Road. In summary, staff finds that practical difficulties exist that justify the variance requested.

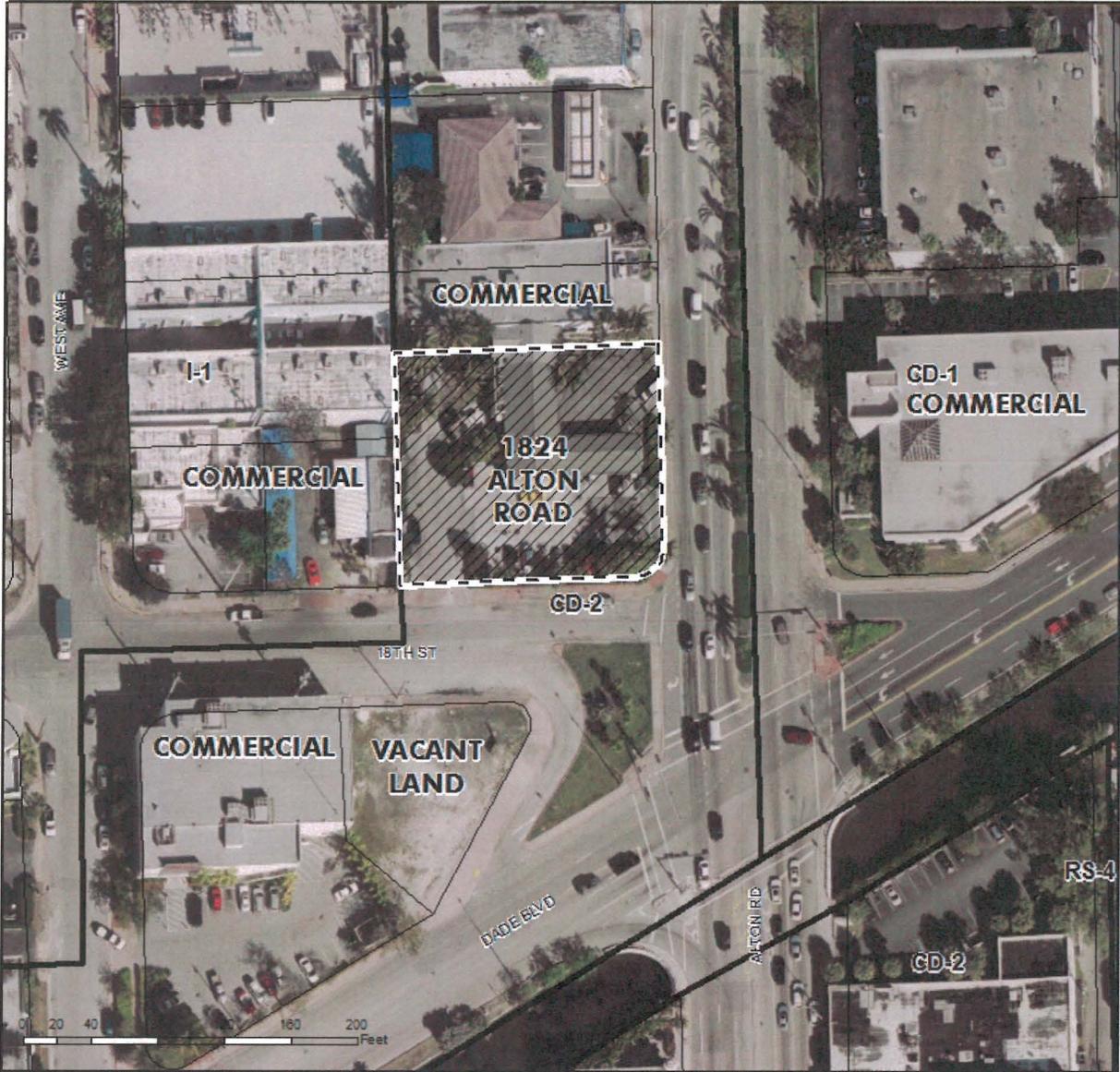
### **RECOMMENDATION:**

In view of the foregoing analysis, staff recommends the application be **approved**, subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review criteria and Practical Difficulty and Hardship criteria.

TRM/JGM

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**ZONING/SITE MAP**



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

MEETING DATE: March 01, 2016

FILE NO: 23233

PROPERTY: **1824 Alton Road**

APPLICANT: Saber 1800 Alton LLC

LEGAL: Lots 1-3 of Block 12, of "Island View Subdivision", according to Plat thereof as recorded in Plat Book 6, Page 115, of the Public Records of Miami-Dade County.

IN RE: The Application for Design Review Board approval for the construction of a new four-story commercial building including a variance to reduce the minimum required rear setback to replace a one-story gasoline and service station. This item will also require a Conditional Use application to be reviewed and approved by the Planning Board.

**ORDER**

The City of Miami Beach Design Review Board makes the following FINDINGS 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:

**I. Design Review**

- A. The Board has jurisdiction pursuant to Section 118-252(a) of the Miami Beach Code. The property is not located within a designated local historic district and is not a individually designated historic site.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Design Review Criteria 2, 3, 5, 8, 9, 11, 14, and 17 contained in Section 118-251 of the Miami Beach Code.

C. The project would be consistent with the criteria and requirements contained in section 118-251 if the following conditions are met:

1. Revised elevation, site plan and floor plan drawings for the proposed commercial building at 1824 Alton Road shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
  - a. The design for the proposed aluminum brise soleil screen shall be further detailed, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - b. All window frames shall be composed of brushed anodized aluminum frames. All windows shall consist of clear glass and incorporate the minimum tint required by the energy code, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - c. The stone cladding proposed along the façades of the building shall consist of a natural stone, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - d. Final details of all exterior surface finishes and materials shall be required, including the aluminum brise soleil screen, stone wall cladding and architectural ceramic tile wall finishes, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - e. All interior fixtures, including, but not limited to, shelving, partitions, and checkout counters, if parallel to the exterior wall, shall be setback a minimum of ten (10') feet from the east and south walls of the building on the first and second levels, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board. This shall not prohibit substantially transparent fixtures for display purposes; however, shelving, partitions, and checkout counters, or similar objects, shall not be permitted to be flush to the east and south walls of the building on the first and second levels.
  - f. The final design and details of all exterior and interior lighting shall be provided, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board. Interior lighting shall be designed in a manner to not have an adverse overwhelming impact upon the surrounding area. No florescent or intensive 'white' lighting (or similar intensive lighting) visible from the adjacent public rights of way or adjacent properties shall be permitted.
  - g. Any future kitchen ventilation shall be chased through the interior of the building to the roof. No exhaust ducts or vents shall be permitted on any building elevations.

- h. All internal garage lighting shall be shielded to buffer views of all direct light sources from outside of the structure, as well as on the roof deck, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- i. The rooftop light poles located along the perimeter of the building edge shall be eliminated or replaced with a lighting fixture that is affixed to, and no higher than, the rooftop parapet wall. All rooftop light poles shall be limited to a maximum height of 10'-0". All roof-top lighting fixtures shall be designed to preclude light from spilling over to adjacent properties, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- j. All exterior handrails and support posts shall incorporate a flat profile. The final design details, dimensions material and color of all exterior handrails shall be made part of the building permit plans and shall be subject to the review and approval of staff.
- k. The interior walls of the first level of the parking garage entrance, ramps and loading areas, shall be fully detailed on revised plans. Such interior areas shall consist of high quality, non-stucco surface materials which have a well finished appearance commensurate with the primary façade of the building, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- l. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and shall configured to be as close to the center of the roof as possible and screened from view on all sides, in a manner to be approved by staff.
- m. All building signage shall require a separate permit. A uniform sign plan for the new building shall be required. Such sign plan shall be consistent in materials, method of illumination and sign location, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- n. Final details of all proposed storefront systems and associated details shall be provided for all of the structures on the project site, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- o. A fully enclosed, air-conditioned trash room shall be provided, which is sufficient to handle the maximum uses intended for the proposed structure. External dumpsters shall not be permitted.
- p. A high quality finish for the loading area roll-down door shall be required which shall remain in the closed position except when delivery is in service; the location of all housing, as well as the dimensions of the door shall be subject to the review and approval of staff.

- q. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
  - r. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.
2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
- a. Pavers and concrete banding shall be utilized for the entire entry drive and loading zone area, including alternate colors of concrete banding in place of painted striping, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - b. The applicant shall install an additional six (6) bicycle racks to be distributed along Alton Road subject to review and approval of FDOT and the Public Works and Planning Department, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - c. The applicant shall install an additional six bicycle racks on the ground floor at the northeast portion of the site, proximate to the entry vestibule and northernmost elevator, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - d. Street trees shall be required within the swale at the front of the property if not in conflict with existing utilities, or in conflict with ADA requirements, in a manner to be reviewed and approved by the Public Works Department.
  - e. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.
  - f. The utilization of Silva Cells shall be used along both street frontages for all plantings and clearly delineated on a revised landscape plan.
  - g. The applicant shall install street trees on all sides of the project consistent with the City's Street Tree Master Plan, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board, and root barriers shall be installed along the sidewalk in conjunction with structural soils.

- h. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures. The location of backflow preventors, siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- i. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms. The location of any exterior transformers, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- j. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.

**In accordance with Section 118-262, the applicant, or the city manager on behalf of the city administration, or an affected person, Miami Design Preservation League or Dade Heritage Trust may seek review of any order of the Design Review Board by the City Commission, except that orders granting or denying a request for rehearing shall not be reviewed by the Commission.**

## **II. Variance(s)**

- A. The applicant filed an application with the Planning Department for the following variance(s):
  - 1. A variance to reduce by 5'-0" the minimum required rear setback of 5'-0" in order to construct a four (4) story commercial building at 0'-0" from the rear (west) property line.
- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that also indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

That the special conditions and circumstances do not result from the action of the applicant;

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

- C. The Board hereby grants the requested variance and imposes the following conditions based on its authority in Section 118-354 of the Miami Beach City Code:
1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.
  2. Revised plans shall be submitted to clearly indicate the area counted in the required parking calculations.

**The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.**

**III. General Terms and Conditions applying to both 'I. Design Review Approval and 'II. Variances' noted above.**

- A. Site plan approval is contingent upon meeting Public School Concurrency requirements. Applicant shall obtain a valid School Concurrency Determination Certificate (Certificate) issued by the Miami-Dade County Public Schools. The Certificate shall state the number of seats reserved at each school level. In the event sufficient seats are not available, a proportionate share mitigation plan shall be incorporated into a tri-party development agreement and duly executed prior to the issuance of a Building Permit.
- B. In the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, subject to the review and approval of staff based upon the design review or appropriateness criteria, and/or directions received from the Board.

- C. Vacant or unoccupied structures shall provide recent photographic evidence that the site and structure are secured and maintained. The applicant shall obtain and post a No Trespassing Sign obtained from the City's Police Department.
- D. Where one or more parcels are unified for a single development, the property owner shall execute and record a unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney
- E. A Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of a Building Permit.
- F. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- G. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- H. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- I. 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.
- J. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- K. 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.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the **application** is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "1824 Alton Road", as prepared by **Kobi Karp Architecture**, signed, sealed and dated November 13, 2015, and as approved by the Design Review Board, as determined by staff.

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. 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,

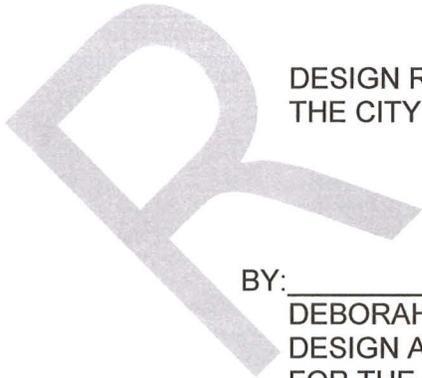
have been met.

The issuance of the 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.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code; the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project 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 application will expire and become null and void.

In accordance with Chapter 118 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this **Order** shall subject the application to Chapter 118 of the City Code, for revocation or modification of the application.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.



DESIGN REVIEW BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

BY: \_\_\_\_\_  
DEBORAH J. TACKETT  
DESIGN AND PRESERVATION 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 J. Tackett, Design and Preservation 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

