

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: February 25, 2020

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB 19-0303. 6948-6988 Abbott Avenue & 6957-6965 Byron Avenue.**

An application has been filed requesting a conditional use approval for a retail establishment over 25,000 SF, which is part of a new proposed 12-story mixed-use development in the TC-C zoning district, pursuant to Chapter 118, Article IV and Chapter 142, Article II of the City Code.

RECOMMENDATION

Continuance to April 21, 2020.

BACKGROUND

On November 14, 2018, the City Commission adopted the North Beach Town Center— Central Core Land Development Regulations. The ordinance was guided by a Master Plan and established a TC-C, Town Center – Central Core zoning district with a FAR of 3.5, and replaced the TC-1, TC-2, TC-3, and TC-3(c) districts within the boundaries of the area established by the FAR referendum. The TC-C is a balanced approach intended to spur sustainable development to revitalize North Beach.

Since the approval of the ordinance, there have been two (2) developments approved by the Design Review Board (DRB) and four (4) more are proposed at this time. This is the first development in the area to require Planning Board approval for a conditional use permit since it contains a retail establishment that is over 25,000 SF.

ZONING / SITE DATA

Legal Description: Lots 3, 4, 5, 6, 7, 8, 9, 10, Block 13, and lots 11 and 12, less the west 50 feet thereof, Block 13 of Normandy Beach South, according to the plat thereof, as recorded in Plat Book 21, page 54, of the public records of Miami-Dade County, Florida.

Zoning: TCC Town Center- Central Core

Future Land Use Designation: TCC Town Center- Central Core

Retail establishment area: 30,089 SF

Surrounding Uses: North: Parking lot and commercial uses
West: Commercial, Multifamily residential
Apartments and a parking lot

South: Multifamily residential apartments
and Commercial uses
East: Commercial and, Multifamily residential
Apartments

(See Zoning/Site map at the end of the report)

THE PROJECT

The applicant has submitted plans entitled "6988 Abbott Avenue" as prepared by Cube 3, LLC, dated December 30, 2019. The applicant is seeking a conditional use permit (CUP) in order to operate a retail establishment over 25,000 SF, which is part of a new building that will also contain residential uses.

The proposed retail use has an area of 30,089 SF and is primarily located on the ground floor facing 71st Street, Abbott Avenue, and the 70th street pedestrian paseo. There is also a proposed café component located on the second floor at the northeast side of the project. Parking access is from Byron Avenue and parking for the retail use will also be located on the second floor.

All back of house, delivery and trash operations are located on the ground floor with access from Byron Avenue.

COMPLIANCE WITH CONDITIONAL USE REVIEW GUIDELINES:

Conditional Uses may be approved in accordance with the procedures and standards set forth in the City Code Section 118, Article IV, Sec. 118-191 and Sec. 118-192 (a):

- 1. The use is consistent with the Comprehensive Plan or Neighborhood Plan if one exists for the area in which the property is located.**

Consistent – The request is consistent with the Comprehensive Plan. The TC-C future land use category allows for the proposed uses either as a main permitted use or a conditional use.

- 2. The intended use or construction will not result in an impact that will exceed the thresholds for the levels of service as set forth in the Comprehensive Plan.**

Consistent – The proposal should not result in an impact that would exceed the thresholds for the levels of service as set forth in the Comprehensive Plan.

- 3. Structures and uses associated with the request are consistent with this Ordinance.**

Consistent – The proposed 12-story mixed-use development is an allowable use and the retail establishment over 25,000 SF is permitted as a conditional use in the TC-C Zoning District and is consistent with the Land Development Regulations. These comments shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Planning Department prior to the issuance of a Certificate of Use (CU).

- 4. Public health, safety, morals and general welfare will not be adversely affected.**

Partially Consistent – The proposed project may adversely affect the general welfare of nearby residents and businesses if sound, delivery, waste removal, and other operations are not controlled. Staff is recommending conditions to mitigate the potential negative

impacts. The facility will have to comply with all applicable laws and regulations prior to the issuance of a Certificate of Use (CU).

5. Adequate off-street parking facilities will be provided.

Consistent –As per Parking District No 8, no parking is required for retail uses; however, parking can be provided up to the level required in Parking District No. 1 without counting towards the FAR limits. The proposed 54 spaces satisfy the parking requirements for the proposed commercial space without counting towards FAR.

See the attached memorandum from the Transportation and Mobility Department and the Traffic Study prepared by David Plumber and Associates.

6. Necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.

Partially Consistent – Staff is recommending conditions to mitigate any adverse impacts on the surrounding neighbors.

7. The concentration of similar types of uses will not create a negative impact on the surrounding neighborhood. Geographic concentration of similar types of conditional uses should be discouraged.

Consistent – The proposed uses for the project are permitted in the TC-C zoning district. However, the proposed retail use over 25,000 square feet is only allowed as conditional use; adverse impacts are not expected from the geographic concentration of such uses, if the impacts are properly controlled.

As there is no specific conditional use criteria listed for retail establishments over 25,000 square feet, staff has reviewed the application for consistency with the Conditional Use Criteria for new structures over 50,000 square feet.

COMPLIANCE WITH REVIEW GUIDELINES CRITERIA FOR NEW STRUCTURES 50,000 SQUARE FEET AND OVER

Pursuant to Section 118-192(b), in reviewing an application for conditional use for new structures 50,000 square feet and over, the Planning Board shall apply the following supplemental review guidelines criteria in addition to the standard review guidelines:

1. Whether the proposed business operations plan has been provided, including hours of operation, number of employees, goals of business, and other operational characteristics pertinent to the application, and that such plan is compatible with the neighborhood in which it is located.

Not Consistent – The applicant has not submitted an adequate business operations plan.

2. Whether a plan for the mass delivery of merchandise has been provided, including the hours of operation for delivery trucks to come into and exit from the neighborhood and how such plan shall mitigate any adverse impacts to adjoining and nearby properties, and neighborhood.

Partially Consistent– The plans indicate that loading will take place from the required six

(6) loading spaces contained within the building; three (3) of these spaces are located on the ground floor and are associated with the proposed retail space. The operational plan includes hours of operation for deliveries consistent with the TC-C regulations in City Code Section 142-745.a.12.

Two (2) of the required loading spaces for the residential units are located on the second floor and one (1) is located on the third floor. Staff is concerned about the location of the loading spaces on the second level; once a vehicle is parked, the loading/unloading of items will encroach and interrupt the drive isle traffic. Staff is recommending conditions to minimize potential adverse impacts.

Plans will need to be revised to demonstrate compliance with the loading requirements prior to obtaining a building permit. Staff is recommending conditions relative to the servicing of the proposed uses. See Delivery and Sanitation Analysis.

3. Whether the scale of the proposed use is compatible with the urban character of the surrounding area and creates adverse impacts on the surrounding area, and how the adverse impacts are proposed to be addressed.

Consistent – The scale of the proposed project is compatible with nearby buildings and the TC-C zoning district's allowable development. However, the scale, massing, architecture and compatibility issues will be further addressed by the Design Review Board. Staff is recommending conditions to minimize potential adverse impacts.

4. Whether the proposed parking plan has been provided, including where and how the parking is located, utilized, and managed, that meets the required parking and operational needs of the structure and proposed uses.

Consistent – Pursuant to the regulations for Parking District No. 8, no parking is required for retail uses; however, required parking can be provided up to the level required in Parking District No. 1 without counting against the project's maximum FAR. The proposed 54 spaces satisfy the parking requirements for the proposed commercial space, and do not count towards the project's FAR. Additionally, a retailer such as Target will draw customers from beyond the local area, so providing parking is advisable.

As proposed, Byron Avenue includes two (2) curb cuts; one provides access to the ground level trash room and commercial loading area, and the second provides vehicular access to parking on the second and third levels and residential loading areas on the second level.

5. Whether an indoor and outdoor customer circulation plan has been provided that facilitates ingress and egress to the site and structure.

Consistent – The plans indicate that the residential lobby at the ground floor will have a pedestrian access from Byron Avenue. The ground floor commercial space is located directly along 71st Street, Abbott Avenue and 70th street pedestrian paseo street frontages. The space will be directly accessed from the sidewalk. Automobile access to the parking level on the second and third floor is provided through the speed ramp located on Byron Avenue.

6. **Whether a security plan for the establishment and supporting parking facility has been provided that addresses the safety of the business and its users and minimizes impacts on the neighborhood.**

Partially Consistent – The applicant indicates that it will provide appropriate security measures associated with projects of similar size and scale, but no specific safety/security information has been provided for the parking facility for this commercial use, other than to identify the roll-up gate that will secure the loading area when not in use. Staff is recommending conditions to minimize potential adverse impacts.

7. **Whether a traffic circulation analysis and plan has been provided that details means of ingress and egress into and out of the neighborhood, addresses the impact of projected traffic on the immediate neighborhood, traffic circulation pattern for the neighborhood, traffic flow through immediate intersections and arterials, and how these impacts are to be mitigated.**

Consistent – David Plumber and Associates was retained by the applicant to conduct a traffic study. FTE, Inc. was selected by the City and paid by the applicant to conduct a peer review. See the Memorandum from the Transportation Department for additional information.

8. **Whether a noise attenuation plan has been provided that addresses how noise shall be controlled in the loading zone, parking structures and delivery and sanitation areas, to minimize adverse impacts to adjoining and nearby properties.**

Consistent – The loading and sanitation areas are located internally on the first floor, and are subject to the time restrictions set forth in the City Code. The parking area for this commercial use is located on the second floor where an architectural screen is proposed facing Abbott Avenue. Staff is recommending conditions to minimize potential adverse impacts. See Sound Analysis

9. **Whether a sanitation plan has been provided that addresses on-site facilities as well as off-premises issues resulting from the operation of the structure.**

Consistent – Trash pick-up is proposed to occur via the trash and loading area contained within the proposed building with access from Byron Avenue. Sanitation services will take place between 10:00 AM and 6:00 PM on Mondays through Fridays; and 10:00 AM and 6:00 PM on Saturdays and Sundays. The trash room is enclosed and air-conditioned. See the Delivery and Sanitation analysis.

10. **Whether the proximity of the proposed structure to similar size structures and to residential uses create adverse impacts and how such impacts are mitigated.**

Partially Consistent – The proposed project, which includes a 149-foot tall, twelve (12) story building with ground floor commercial uses, is consistent with the intent of the Town Center Ordinance, which encourages this type of development. However, there are residential multifamily buildings located to the south and west of the site and there may be adverse impacts from the proposed project due to this close proximity. Staff is recommending conditions to minimize potential adverse impacts. (See sound analysis)

11. Whether a cumulative effect from the proposed structure with adjacent and nearby structures arises, and how such cumulative effect shall be addressed.

Consistent – The TC-C zoning district allows the scale of development proposed. While there are no other buildings of this scale yet in the surrounding vicinity, a cumulative negative impact is not expected.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 133-50(a) of the Land Development establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

(1) A recycling or salvage plan for partial or total demolition shall be provided.

Consistent- The applicant has indicated that a recycling and salvage plan will be provided at permitting.

(2) Windows that are proposed to be replaced shall be hurricane proof impact windows.

Consistent- The applicant has indicated that hurricane proof impact windows will be provided.

(3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.

Consistent- The applicant has indicated that passive cooling systems will be provided where feasible and appropriate.

(4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.

Consistent- Resilient landscaping will be provided.

(5) The project applicant shall consider the adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.

Partially Consistent- The applicant has indicated that sea level rise projections were considered.

(6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land.

Consistent- The ground floor of the development will be adaptable to the raising of public rights-of-way and adjacent land.

(7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.

Consistent- Electrical and mechanical systems will be located above base flood elevation. Any mechanical and electrical systems located below base floor elevation will be floodproofed in accordance with Florida Building Code requirements.

- (8) **Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.**

Not Applicable- The subject site currently consists of surface parking lots.

- (9) **When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.**

Consistent- When habitable space is located below base flood elevation, wet or dry flood proofing systems will be provided.

- (10) **Where feasible and appropriate, water retention systems shall be provided.**

Partially Consistent- Per the LOI, the applicant will study various water retention systems for the Project.

- (11) **Cool pavement materials or porous pavement materials shall be utilized.**

Consistent- The applicant has indicated that such materials will be utilized.

- (12) **The design of each project shall minimize the potential for heat island effects on-site.**

Not Consistent- The applicant has provided no information regarding any efforts to minimize heat island effects.

ANALYSIS

The Proposal

The applicant, North Beach Town Center Development, LLC, submitted an application for a Conditional Use Permit (CUP) to allow a retail establishment over 25,000 SF, that is located on the ground floor facing 71st Street, Abbott Avenue, and the 70th street pedestrian paseo. Vehicular access is proposed from Byron Avenue. Parking spaces for this use will be located on the second floor.

The applicant has also submitted an application to the Design Review Board (DRB) requesting design review approval for the construction of a new multistory mixed-use residential and retail development. The DRB application includes requests for multiple waivers and variances. The DRB application (DRB19-0424) is currently scheduled for April 7, 2020.

The project will be located at 6948-6988 Abbott Avenue & 6957-6965 Byron Avenue. The site consists of a group of existing surface parking lots that will be demolished and replaced by a new 12-story mixed-use development with 170 residential units above the subject retail space, and two levels of parking. The building will have a trash and loading area contained within the building envelope. Parking for the retail use will be located on the second level with 54 spaces, and residential parking is also provided on the second floor, segregated from the retail parking. The third level contains only residential parking for a total of 179 residential parking spaces. Parking

and trash/loading have separate access from Byron Avenue.

Operations

The proposed retail establishment is 30,089 SF in size and, although the Letter of Intent, indicates that it will operate similar to the Target recently constructed at the corner of 5th Street and Lenox Avenue, no specific information has been provided regarding the number of employees, hours of operation, and loading operations. Because the tenants were unknown for that project when it was reviewed by the Planning Board, no operations plans was provided for staff to review. Further, there have been problems with the large sizes of trucks used for loading on that site, which have exceeded the limitations of the provided loading area. Staff would strongly recommend that a complete, detailed operations plan be provided by Target. Such plan should include all of the types of trucks required to service Target, as well as a plan to manage deliveries. Relying on statements from the developer alone in this instance is not sufficient.

Additionally, should a pharmacy be proposed, the project would be required to comply with the minimum distance separation between pharmacies. (Note: there is an existing pharmacy in operation at the corner of 71st Street and Indian Creek Drive).

Staff is recommending the following schedule for the retail store and café area:
8:00 AM to 11:00 PM seven days a week.

Security: As noted in the CUP review criteria, little details was provided regarding security operations. Staff would recommend that 24-hour security be provided for the entire project including the parking and retail space, with a combination of security personnel and security cameras.

Sound

The proximity of the proposed structure to the residential multifamily building located at the southwest portion of the project may create adverse impacts. The second floor plan indicates that there will be a condenser farm of mechanical equipment located adjacent to this residential building, and staff is concerned with the potential noise generated in this area. Sufficient detail was not provided in the plans to ensure that it would not become a nuisance.

To mitigate this potential impact staff is recommending the following condition:

As part of the Building Permit plans for the project, the applicant shall submit revised architectural drawings, which shall be subject to the review and approval of staff; at a minimum, such plans shall satisfy the following:

Detailed elevations and section drawings of the mechanical equipment area located on the second floor shall be provided. This area shall be screened from view from the adjacent building and from the pedestrian paseo, and an additional wall with sound attenuating material shall be provided, subject to the review and approval of staff.

Additional details shall be provided for the south and west wall abutting the existing residential building. The garage structure shall be enclosed along these elevations to ensure that lighting and vehicular noise is contained within the building, in a manner to be reviewed and approved by staff.

Loading, deliveries and sanitation

The applicant has indicated that refuse collection and loading will take place between 10:00 AM

and 6:00 PM on Mondays through Fridays; and 10:00 AM and 6:00 PM on Saturdays and Sundays.

The loading of refuse is proposed to occur via the trash and loading area contained within the proposed building with access from Byron Avenue.

The applicant has indicated that cleaning and maintenance staff will maintain the property and adjacent rights-of-way clean and free from debris.

Staff is concerned about the location of the loading spaces on the second level; once a vehicle is parked, the loading/unloading of items will encroach and interrupt the drive isle traffic. To eliminate this conflict staff is recommending the following condition:

The location of the proposed loading bays on the second floor shall be revised by relocating and reconfiguring the adjacent parking spaces; loading spaces shall have enough space for loading and unloading without encroaching into the drive isles, subject to the review and approval of staff.

RECOMMENDATION

In view of the foregoing analysis, and inconsistencies with the Conditional Use review criteria, staff recommends that the application for a Conditional Use Permit be continued to a future date; however, should the Board determine that the CUP review criteria have been satisfied, staff recommend that any approval be subject to the conditions enumerated in the attached draft order.

ZONING/SITE PLAN



**'PLANNING BOARD
CITY OF MIAMI BEACH, FLORIDA**

PROPERTY: 6948-6988 Abbott Avenue & 6957-6965 Byron Avenue

FILE NO. PB 19-0303

IN RE: A conditional use permit for a retail establishment over 25,000 SF, which is part of a new proposed 12-story mixed-use development in the TC-C zoning district, pursuant to Chapter 118, Article IV and Chapter 142, Article II of the City Code.

LEGAL DESCRIPTION: Lots 3, 4, 5, 6, 7, 8, 9,10, Block 13, and lots 11 and 12, less the west 50 feet thereof, Block 13 of Normandy Beach South, according to the plat thereof, as recorded in Plat Book 21, page 54, of the public records of Miami-Dade County, Florida.

MEETING DATE: February 25, 2020

CONDITIONAL USE PERMIT

The applicant, North Beach Town Center Development, LLC, filed an application with the Planning Director requesting a Conditional Use approval for a retail establishment over 25,000 SF. Pursuant to Chapter 118, Article IV and Chapter 142, Article II of the City Code. Notice of the request was given as required by law and mailed out to owners of property within a distance of 375 feet of the exterior limits of the property upon which the application was made.

The Planning Board of the City of Miami Beach 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 of the record for this matter:

That the property in question is located in the TC-C Town Center- Central Core Zoning District;

That the use is consistent with the Comprehensive Plan for the area in which the property is located;

That the intended use or construction will not result in an impact that will exceed the thresholds for the levels of service as set forth in the Comprehensive Plan;

That structures and uses associated with the request are consistent with the Land Development Regulations;

That the public health, safety, morals, and general welfare will not be adversely affected;

That necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.

IT IS THEREFORE 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 is adopted herein, including the staff recommendations, that the Conditional Use Permit be GRANTED, as provided below:

1. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. The applicant shall appear before the Planning Board for a progress report within 90 days from the issuance of the BTR. The Board reserves the right to modify the Conditional Use approval at the time of a progress report in a non-substantive manner, including modification to the hours of operation, to impose additional conditions to address possible problems and to determine the timing and need for future progress reports. This Conditional Use is also subject to modification or revocation under City Code Sec. 118-194 (c).
2. This Conditional Use Permit is issued to North Beach Town Center Development, LLC, any changes in ownership or 50% (fifty percent) or more stock ownership, or the equivalent, shall require the new owner to submit an affidavit, approved by City, to the City of Miami Beach Planning Department transferring approval to the new owner and acknowledging acceptance of all conditions established herein prior to the issuance of a new Business Tax Receipt.
3. The conditions of approval for this Conditional Use Permit are binding on the applicant, the property owners, operators, and all successors in interest and assigns.
4. 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.
5. The applicant, now and in the future, shall abide by all the documents and statements submitted with this application.
6. As part of the Building Permit plans for the project, the applicant shall submit revised architectural drawings, which shall be subject to the review and approval of staff; at a minimum, such plans shall satisfy the following:
 - a. The location of the proposed loading bays on the second floor shall be revised by relocating and reconfiguring the adjacent parking spaces; loading spaces shall have enough space for loading and unloading without encroaching into the drive isles, subject to the review and approval of staff.
 - b. Detailed elevations and section drawings of the mechanical equipment area located on the second floor shall be provided. This area shall be screened from view from the adjacent building and from the pedestrian paseo, and an additional wall with sound attenuating material shall be provided, subject to the review and approval of staff.
 - c. Additional details shall be provided for the south and west wall abutting the existing residential building. The garage structure shall be enclosed along these elevations to ensure that lighting and vehicular noise is contained within the building, in a manner to be reviewed and approved by staff.

7. The Applicant agrees to the following operational conditions for the entire facility:
- a. The garage shall be in operation 24 hours per day, seven days a week, as proposed by the applicant. There shall be security personnel of at least one person on-site monitoring the garage operation 24 hours a day, seven days a week.
 - b. Warning signs prohibiting horn honking, tire-screeching, or car alarm sounding shall be posted prominently by the applicant or valet operator, and valet attendants shall be instructed to observe them strictly.
 - c. A delivery and refuse plan, including all delivery access points and routes, as well as the location of all trash and refuse areas, shall be provided and shall be subject to the review and approval of staff.
 - d. Deliveries and trash collection shall take place only at the designated areas proposed by the applicant as shown in the plans.
 - f. Deliveries or trash pick-up shall only be permitted between 10:00 AM and 6:00 PM on Mondays through Fridays; and 10:00 AM and 6:00 PM on Saturdays and Sundays. The trash room is enclosed and air-conditioned.
 - e. Delivery trucks shall not be allowed to idle in the loading zone.
 - f. Equipment and supplies shall not be stored in areas visible from streets, alleys or nearby buildings.
 - g. Deliveries and waste collections may occur daily between 9:00 AM and 3:00 PM and 6:00 PM to 8:00 PM on Monday to Friday; and 9:00 AM to 4:00 PM Saturday and Sunday.
 - h. All trash containers shall utilize rubber wheels, or the path for the trash containers shall consist of a surface finish that reduces noise, in a manner to be reviewed and approved by staff.
 - i. Adequate trash room space, air conditioned and noise baffled, shall be provided, in a manner to be approved by the Planning and Public Works Departments. Sufficient interior space must be provided so that doors can remain closed while trash and trash bags are being deposited in dumpsters. Doors shall remain closed and secured when not in active use.
 - j. An air conditioned trash room(s)/garbage room(s) shall be large enough, or sufficient in number to accommodate enough dumpsters so that no more than one pick up of garbage per day will be necessary.
 - k. Garbage dumpster covers shall be closed at all times except when in active use.
 - l. The owner/operator shall be responsible for maintaining the areas adjacent to the facility, including the sidewalk, and all areas around the perimeter of the property. These areas shall be kept free of trash, debris and odor, and shall be swept and

hosed down at the end of each business day.

- m. Street flyers and handouts shall not be permitted, including handbills from third-party promotions.
8. The applicant shall pay all impact, mobility, and concurrency fees due prior to obtaining a Building Permit, Certificate of Occupancy, or Business Tax Receipt, whichever may occur first, and any other fair share cost that may be due and owing.
 9. A Traffic Demand Management (TDM) plan shall be submitted, reviewed and approved by the Transportation Department within 90 days, prior to the issuance of a BTR for the addition of entertainment and include the following:
 - a. The applicant shall identify locations, acceptable to the Transportation Department, for bicycle racks to be installed in the public right-of-way and within the proposed development. The applicant shall provide the location of short-term and long-term bicycle parking, consistent with the requirements for each type of bicycle parking, as defined in Section 114-1 of the City Code. The applicant shall furnish and install the bicycle racks in accordance with the standards outlined in the City of Miami Beach Public Works Manual.
 - b. The applicant shall coordinate with the South Florida Commuter Services in participating in the transit subsidy program.
 10. The applicant shall satisfy outstanding liens and past due City bills, if any, to the satisfaction of the City prior to the issuance of an occupational license with entertainment.
 11. The applicant shall obtain a full building permit within 18 months from the date of the meeting, and the work shall proceed in accordance with the Florida Building Code. Extensions of time for good cause, not to exceed a total of one year for all extensions, may be granted by the Planning Board.
 12. The Planning Board shall retain the right to call the owner or operator back before the Board and modify the hours of operation or the occupant load should there be valid complaints about loud, excessive, unnecessary, or unusual noise. Nothing in this provision shall be deemed to limit the right of the Planning Board to call back the owner or operator for other reasons and for other modifications of this Conditional Use Permit.
 13. A violation of Chapter 46, Article IV, "Noise," of the Code of the City of Miami Beach, Florida (a/k/a "noise ordinance"), as may be amended from time to time, shall be deemed a violation of this Conditional Use Permit and subject to the remedies as described in section 118-194, Code of the City of Miami Beach, Florida.
 14. This 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.

- 15. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- 16. The establishment and operation of this Conditional Use shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the Code of the City of Miami Beach, Florida, and shall be subject to enforcement procedures set forth in Section 114-8 of said Code and such enforcement procedures as are otherwise available. Any failure by the applicant to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this Conditional Use.
- 17. The applicant agrees and shall be required to provide access to areas subject to this CUP (not including private residences) for inspection by the City (i.e.: Planning, Code Compliance, Building Department, Fire Safety), to ensure compliance with the terms and conditions of this CUP.
- 18. 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.

Dated this _____ day of _____, 2020.

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: _____
Michael Belush, AICP
Chief of Planning and Zoning
For Chairman

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by Michael Belush, Chief of Planning and Zoning of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

{NOTARIAL SEAL}

Notary:
Print Name
Notary Public, State of Florida
My Commission Expires:
Commission Number:

Approved As To Form:
Legal Department _____ (_____)

Filed with the Clerk of the Planning Board on _____ (_____)