

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: June 23, 2020

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB20-0345 - 1200 Ocean Drive - Pink Taco**

An application has been filed requesting a conditional use permit to add outdoor/open-air entertainment to the existing restaurant operation, pursuant to Chapter 118, Article IV, and Chapter 142, Article V, Division 6 of the City Code.

RECOMMENDATION

Approval with conditions

HISTORY

This application was initially scheduled for the May 19, 2020 Planning Board meeting. Due to the COVID-19 pandemic, the meeting was cancelled and the application was automatically continued to the next available meeting date.

ZONING/SITE DATA

Legal Description: LOT 8, Block 17, of OCEAN BEACH FLA., ADDITION No. 2, according to the Plat thereof, as recorded in Plat book 2, at Page 56, of the Public Records of Miami-Dade County.

Zoning District: MXE (Mixed-Use Entertainment)

Future Land Use Designation: MXE (Mixed-Use Entertainment)

Surrounding Uses:

North:	Hotel
South:	Hotel and restaurant
West:	Mixed-Use
East:	Lummus Park
Above:	24 short-term rental apartments

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

THE PROJECT

The applicant, PT OPCO, LLC, has submitted plans entitled "Pink Taco". The proposed addition for open air/ outdoor entertainment is for the existing restaurant that occupies the ground floor of the existing three-story mixed-use building.

Page A-1.0 of the plans, prepared by Daniel A. Torres Architect, provides the site plan / ground floor plan with 140 interior dining seats and 32 outdoor seats under the covered terrace, and a proposed occupancy load of 183.

floor plan with 140 interior dining seats and 32 outdoor seats under the covered terrace, and a proposed occupancy load of 183.

The restaurant is currently operating as an alcoholic beverage establishment and dance hall with indoor entertainment, which is allowed by City Code and does not require a Conditional use permit, provided that the occupancy load is less than 199.

There is currently a sliding glass storefront along the majority of the east facing elevation of the restaurant. Operating with any kind of entertainment within the interior with the sliding glass doors open would be defined as open air entertainment, and requires a conditional use permit from the Planning Board, and the applicant is requesting approval for such. The proposal includes the addition of outdoor speakers on the patio area that faces Ocean Drive, with the volume of the speakers limited to ambient background music as required by the City Code.

COMPLIANCE WITH CONDITIONAL USE REVIEW GUIDELINES:

Conditional Uses may be approved in accordance with the procedures and standards set forth in the City Code Art. 4, Sec. 118-191 and Sec. 118-192:

- 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 permissible uses in the MXE (Mixed-Use Entertainment) Zoning District as designated on the Future Land Use Map within the Comprehensive Plan.

- 2. The intended Use or construction would not result in an impact that would 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 these Land Development Regulations.**

Consistent – Outdoor and open air Entertainment are permitted as conditional uses in the (MXE) Zoning District. 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 Business Tax Receipt (BTR).

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

Consistent – The proposed establishment may adversely affect the general welfare of nearby residents if noise and other issues are not controlled. The facility would have to comply with all applicable laws and regulations for licensure.

- 5. Adequate off-street parking facilities would be provided.**

Consistent – There is no parking on-site, and no parking is required. Parking for patrons of the venue will be self-parking, or patrons can also use valet ramps nearby.

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

Consistent – Staff is recommending conditions to mitigate any adverse impacts from noise and other issues on the surrounding neighbors.

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

Partially Consistent – The proposed use is permitted in the MXE Zoning District as a conditional use. There are other establishments within the vicinity, with open air/outdoor entertainment. If not carefully controlled, such concentration could negatively impact the surrounding neighborhood.

OUTDOOR/OPEN AIR ENTERTAINMENT ESTABLISHMENT REVIEW GUIDELINES

In accordance with Sec. 142-1362 of the Miami Beach City Code, in reviewing an application for an outdoor entertainment establishment, open air entertainment establishment or a neighborhood impact establishment, the Planning Board shall apply the following supplemental review guidelines criteria in addition to the standard review guidelines for conditional uses pursuant to chapter 118, article IV:

1. **An operational/business plan which addresses hours of operation, number of employees, menu items, goals of business, and other operational characteristics pertinent to the application.**

Consistent - The operational plan was submitted with the application and details hours for deliveries, hours of operation, number of employees, and other procedures.

2. **A parking plan which fully describes where and how the parking is to be provided and utilized, e.g., valet, self-park, shared parking, after-hour metered spaces and the manner in which it is to be managed.**

Consistent - There is no parking on site, and no parking is required. Parking for the patrons of the venue will be by self-parking on the public and private parking lots and garages nearby.

3. **An indoor/outdoor crowd control plan which addresses how large groups of people waiting to gain entry into the establishment, or already on the premises would be controlled.**

Consistent - The applicant will utilize an online pager queuing system (OpenTable), messaging patrons via SMS so they can walk the neighborhood while waiting for seating. As a result of the foregoing, there will be no queuing at the venue.

4. **A security plan for the establishment and any parking facility, including enforcement of patron age restrictions.**

Partially Consistent - The applicant has indicated that staff will enforce patron age restrictions. There are security cameras throughout the venue and the applicant intends to share a security guard with the building and hire three armed off-duty Police officers from 9 pm through 3 am for special events, subject to availability.

5. **A traffic circulation analysis and plan which details the impact of projected traffic on the immediate neighborhood and how this impact is to be mitigated.**

Consistent - A transportation demand management plan was not required. There are no parking requirements for this site per City Code.

6. **A sanitation plan which addresses on-site facilities as well as off-premises issues resulting from the operation of the establishment.**

Consistent - The applicant's operations plan indicates how trash pickups are handled. Pickups will occur daily.

7. **A noise attenuation plan which addresses how noise would be controlled to meet the requirements of the noise ordinance.**

Partially Consistent - The applicant provided a sound study prepared by Acoustic Sonic Inc., and a peer review was performed by Arpeggio Acoustic Consulting, LLC. See attached report and analysis.

8. **Proximity of proposed establishment to residential uses.**

Partially Consistent - The restaurant is located on the ground floor of an existing building that contains residential/short term rental units on the second and third floors. Staff is recommending conditions to mitigate any potential negative impacts from the operations of this venue on surrounding neighbors.

9. **Cumulative effect of proposed establishment and adjacent pre-existing uses.**

Partially Consistent – There are multiple Open air/Outdoor Entertainment Establishments within the vicinity. Staff is recommending conditions to mitigate any adverse impacts from noise and other issues on the surrounding neighbors.

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.
Not Applicable. No demolition is proposed.
2. Windows that are proposed to be replaced shall be hurricane proof impact windows.
Not Applicable. Existing structure.
3. Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Not Applicable.
4. Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.
Not Applicable.

5. Whether 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, including a study of land elevation and elevation of surrounding properties were considered.
Not Applicable.
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.
Not Applicable.
7. Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.
Not Applicable.
8. Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.
Not Applicable.
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.
Not Applicable.
10. Where feasible and appropriate, water retention systems shall be provided.
Not Applicable.

ANALYSIS

Project Description and Operations

The restaurant is currently operating as an alcoholic beverage establishment and dance hall with indoor entertainment, which is allowed by City Code and does not require a Conditional use permit, provided that the occupancy load is less than 199.

The restaurant is located on the ground floor of a three -story building at the corner of Ocean Drive and 12th Street, formerly occupied by Palace Bar. It is currently operating as a dance hall with indoor entertainment and alcohol service, with an occupant content of 183 and an outdoor sidewalk café area which is in the process of expanding.

There is currently a sliding glass storefront along the majority of the east facing elevation of the restaurant. Operating with any kind of entertainment within the interior with the sliding glass doors open would be defined as open air entertainment, and requires a conditional use permit from the Planning Board, and the applicant is requesting approval for such. The proposal includes the addition of outdoor speakers on the patio area that faces Ocean Drive, with the volume of the speakers limited to ambient background music as required by the City Code.

As per the plans, letter of intent and operational plan, the breakdown of the areas, the occupancy, the proposed hours, and whether entertainment is happening or proposed are as follows:

LOCATION	SEATS	HOURS OF OPERATION	ENTERTAINMENT	OCC. LOAD
Indoor bar and dinning area	140	9:00 AM to 5:00 AM	YES (existing)	
Covered patio - terrace	32	9:00 AM to 5:00 AM	YES (proposed) Background sound only played at a volume that does not interfere with normal conversation	
TOTAL:		172		183

Operation

Open Air and Outdoor Entertainment is permitted as a conditional use within the MXE (Mixed Use Entertainment) zoning district. The restaurant must also follow the Ocean Drive Requirements per section 142-546 (b)(1) of the City Code.

Sec. 142-546. - Additional restrictions for lots fronting on Ocean Drive, Ocean Terrace and Collins Avenue.

(b) Speaker regulations for lots fronting on Ocean Drive.

(1) Commercial establishments fronting on Ocean Drive, except retail establishments, may only place or install outdoor speakers within 20 feet of the property boundary facing Ocean Drive or a side street, if such speakers are played at ambient levels.

The operations plan indicates that the air-conditioned trash room contains ample space for dumpsters sufficient to accommodate the restaurant's operational needs and trash pickups are handled from the Alley (Ocean Court). Pickups will occur daily.

All deliveries will be made from Ocean Court and from the approved loading zone along 12th Street. All deliveries will be completed no later than 1 p.m. in the loading area along 12' Street, and no later than 4 p.m. in the alleyway behind the premises.

Staff has recommended conditions in the attached draft order to ensure that the impacts of the operations are minimized.

Occupancy Load and number of seats:

The current Business Tax Receipt (BTR) is approved for 140 seats and the Fire Department Certificate of occupancy has a maximum occupant content of 172.

The plans show a proposed maximum occupant content of 183 with 140 interior seats and 32 seats on the patio for a total of 172. The Fire Department Occupancy load and BTR must be revised to include the proposed increase. Further, the proposed additional seats may require a Mobility and Concurrency fee payment.

Sound

The Sound Study prepared by Acoustic Sonic Inc. states the following:

"The sound levels due to the proposed outdoor speakers are expected to be minimized by the sound control design features which are incorporated into the building. An acoustical analysis was conducted which accounts for the sound control design features which are included in the facility.

The acoustical engineering analysis indicates that the expected sound level at the 2nd floor balcony above the outdoor dining area will be maintained within the existing background sound levels due to the beneficial properties of the proposed mitigation features, such as level limiters on the speaker systems.

Based on this analysis, it is the opinion of ASI that with a reasonable degree of engineering certainty the proposed outdoor speakers will have no negative impact on nearby residences or lodging accommodations."

The peer reviewer, Arpeggio Acoustic Consulting, LLC, concluded "While we generally agree with the need to have a sound mitigation program focused on having sound level limiters on the installed sound system, we recommend that (1) proposed limits be reduced to allow for normal conversation without requiring extra vocal effort for patrons on the terrace and (2) that a limit in dBC, in lieu of dBA, be set that is commensurate with achieving a sound level of 40 dBC (which is the ambient sound level within unit 210) or lower within unit 210."

Staff is recommending that on on-site analysis be performed with City staff prior to the issuance of a BTR for the expanded operation, in order to ensure that sound levels along the abutting sidewalks does not exceed a level that would interfere with normal conversation. Should the applicant desire to increase the sound levels in the interior beyond a point that would comply with this condition, the sliding doors could be closed.

Security and Crowd Control

The applicant will utilize an online pager queuing system (OpenTable), messaging patrons via SMS so they can walk the neighborhood while waiting for seating. As a result of the foregoing, there will be no queuing allowed at the venue. The applicant has also indicated the intent to hire and share a security guard with the building and hire three armed off-duty police officers from 9 pm through 3 am for special events subject to availability. There are also security cameras throughout the venue and the applicant has indicated that staff will enforce patron age restrictions.

STAFF RECOMMENDATION

In view of the foregoing analysis, staff recommends that the application be approved subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies in the aforementioned conditional use review criteria.

ZONING/SITE MAP



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

PROPERTY: 1200 Ocean Drive

FILE NO. PB 20-0345

IN RE: An application for a conditional use permit to add outdoor/open-air entertainment to an existing restaurant operation, pursuant to Chapter 118, Article IV, and Chapter 142, Article V, Division 6 of the City Code.

LEGAL DESCRIPTION: LOT 8, Block 17, of OCEAN BEACH FLA., ADDITION No. 2, according to the Plat thereof, as recorded in Plat book 2, at Page 56, of the Public Records of Miami-Dade County.

MEETING DATE: June 23, 2020

CONDITIONAL USE PERMIT

The applicant, PT OPCO, LLC, requested a Conditional Use Permit, pursuant to Chapter 118, Articles IV and V, for the addition of outdoor/open air entertainment. with a combined maximum occupant content of 199 persons, pursuant to Section 142, Article V. 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 MXE, Mixed-Use Entertainment zoning district; and

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

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

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

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, as approved by the Planning Board, and accepted by the applicant, that a Conditional Use Permit as requested and set forth above be GRANTED, subject to the following conditions:

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 for the addition of open-air entertainment. The Board reserves the right to modify the Conditional Use approval at the time of a progress report in a non-substantive manner, 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 PT OPCO, LLC, as owner/operator of Pink Taco for the addition to outdoor/open air entertainment, consisting of food service establishment with open air entertainment, and a maximum occupancy load of 199. Any change of operator or 50% (fifty percent) or more stock ownership shall require review and approval by the Planning Board as a modification to this Conditional Use Permit.
3. The Board hereby imposes and the Applicant agrees to the following operational conditions for all permitted and accessory uses, and the applicant shall bind itself, lessees, permittees, concessionaires, renters, guests, users, and successors and assigns and all successors in interest in whole or in part to comply with the following operational and noise attenuation requirements and/or limitations. The applicant shall ensure through appropriate contracts, assignments and management rules that these restrictions are enforced and the applicant agrees to include the rules and regulations set forth in these conditions in any contract or assignment:
 - a. As proposed by the applicant, the project authorized by this Conditional Use Permit includes operation of the proposed 172 seat restaurant, plus a sidewalk café, with the criteria listed below:
 - i. The maximum occupancy load shall not exceed 199 or such lesser number as determined by the Fire Marshal.
 - ii. The restaurant may operate until 5:00 AM daily as proposed.
 - iii. Any performances, including a DJ, shall be strictly prohibited directly on the outdoor porch and/or the sidewalk café area in the front of the building. Any such performance, including a DJ shall be located only within the interior of the building, and the exterior doors/windows may remain open, provided that that the sound levels along the abutting sidewalks do not exceed a level that would interfere with normal conversation.
 - iv. A sound field test shall be performed before commencement of business operations with staff present to demonstrate that the anticipated audio levels

proposed by the applicant with the doors of the venue open and the music played at the proposed levels shall not interfere with normal conversation on the exterior public sidewalks abutting the property.

- v. The house sound system shall be installed and set in such a manner as to limit the acoustical output of the system and have password protected security on all controls at all times. The equipment and installation plan for the sound system, including the location of all speakers and sound level controls shall be submitted for the review and approval of the Planning Department. 60 days after opening, the sound systems in the facility shall be tested by a qualified acoustic professional, and a report shall be submitted to the Planning Department for review, to verify that it is operating as designed.
 - vi. The restaurant shall comply with the Ocean Drive requirements, per section 142-546 (b) of the City Code, which regulate the requirements for both indoors and outdoor speakers.
 - vii. A full menu shall be made available during all hours of operation.
 - viii. The venue shall not become a stand-alone bar or stand-alone entertainment establishment.
 - ix. Televisions, and projectors shall not be located anywhere in the exterior areas of the property.
 - x. After normal operating hours the establishment shall remain closed and no patrons or other persons, other than those employed by the establishment, shall remain therein between the establishment's closing time and 7:00 AM.
- b. Deliveries may only occur between 8:00 AM and 4:00 PM, daily.
 - c. Delivery trucks shall only be permitted to load and unload from (Ocean Court) and in the designated loading zones along 12th Street.
 - d. Delivery trucks shall not be allowed to idle in loading zones.
 - e. Equipment and supplies shall not be stored in areas visible from streets, alleys or nearby buildings.
 - f. Trash collections may occur daily between 8:00 AM and 5:00 PM..
 - g. 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.
 - h. Trash room(s)/garbage room(s) shall be large enough, or sufficient in number to accommodate enough dumpsters so that more than one pick-up of garbage per day will not be necessary. A high-level trash/garbage compacting device shall be located in an air-conditioned trash/garbage holding room within the facility.

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- i. Garbage dumpster covers shall be closed at all times except when in active use.
 - j. Outdoor cooking anywhere on the premises is prohibited. Kitchen and other cooking odors shall be contained within the premises. Owner agrees to install an exhaust system, if required by code, for the kitchens on the premise that will substantially reduce grease and smoke that would otherwise escape to the surrounding area. This may include the installation of a fan in connection with kitchen exhaust systems within the interior of the building in order to reduce noise levels at the exhaust outlet substantially in compliance with the plans as approved or in the alternative any such exhaust system shall be located along the west side of the property not directly adjacent to the southernmost or northernmost property lines.
 - k. Exterior speakers for fire and life safety purposes, and background ambient music played at a volume that does not interfere with normal conversation may be permitted.
 - l. Street flyers and handouts shall not be permitted, including handbills from third-party promotions.
 - m. An off-duty police officer (subject to availability), shall be hired to monitor the operations during 'high impact weekend', as defined in the City Code and as may be designated by the City Manager and/or City Commission.
 - n. The applicant shall dedicate at least one staff person to monitor security, patron circulation, queuing and crowd control/occupancy levels in order to adjust crowds according to occupant loads.
 - o. Patrons shall not be allowed to queue on any public rights-of-way or on the exterior of the premises. At least one security staff shall be required to be onsite during hours of operation to monitor the crowds to ensure that they do not interfere with the free flow of pedestrians on the public sidewalk.
 - p. The Operator shall be responsible for maintaining the areas adjacent to the facility, such as the sidewalks, curb and gutter and around the perimeter of the property in excellent condition, keeping these areas in a clean condition, free of all refuse, at all times.
- 4. The Applicant shall coordinate with the Transportation Department to submit a comprehensive Transportation Demand Management (TDM) Plan to the Transportation Department for review and approval prior to receiving a new BTR with the inclusion of open air entertainment.
 - 5. The Applicant shall assign personnel to manage loading operations to reduce potential conflicts with pedestrians in crosswalks.
 - 6. The Planning Board shall retain the right to call the owner or operator, both now and in the future, back before the Board and modify this Conditional Use Permit, including the hours of operation and/or the occupant load of the restaurant, as well as modifications to the parking operations, should there be valid complaints or violations (as determined by Code Compliance) about valet operations and loud, excessive, unnecessary, or unusual noise.

7. The applicant shall address the following Concurrency and Parking requirements, as applicable:
 - a. A final concurrency determination shall be conducted prior to the issuance of a Building Permit. Mitigation fees and concurrency administrative costs, if required, shall be paid prior to the issuance of any Building Permit.
8. 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.
9. 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.
10. 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.
11. The applicant, now and in the future, shall abide by all the documents and statements submitted with this application.
12. 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.
13. The executed Conditional Use Permit shall be recorded in the Public Records of Miami-Dade County, Florida, at the expense of the applicant. No building permit, certificate of occupancy, or certificate of completion shall be issued until this requirement has been satisfied.
14. 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.
15. 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.
16. The applicant agrees and shall be required to provide access to areas subject to this Conditional Use Permit (not private residences or hotel rooms) for inspection by the City (i.e. Planning Department, Code Compliance Department, Building Department, and Fire Department staff), to ensure compliance with the terms and conditions of this Conditional Use Permit. Failure to provide access may result in revocation of the Conditional Use Permit.

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 & Zoning for 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 _____ ()