

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: January 26, 2021

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB20-0352. 120 MacArthur Causeway.**

An application has been filed requesting a conditional use permit for a new 5-story office development exceeding 50,000 gross square feet, pursuant to Chapter 118, Article IV and Chapter 142, Article II of the City Code.

RECOMMENDATION

Approval with conditions

ZONING/SITE DATA

Legal Description: See Exhibit "A"

Zoning District: I-1 Light Industrial District

Future Land Use Designation: Urban Light Industrial (I-1)

Surrounding Uses: See Zoning/Site Map at the end of this report.

North: Fisher Island Garage/MacArthur Causeway
South: Biscayne Bay/Government Cut
West: Miami Beach Fleet Management/FPL
East: Biscayne Bay/Coast Guard Station Miami

Lot Size: 161,716 SF (3.71 AC)

Maximum FAR: 1.0 (161,716 SF)

Proposed FAR: 161,716 SF

Gross Floor Area: 260,570 SF

BACKGROUND

On December 9, 2020, the City Commission approved, at First Reading, an increase in allowable building height for Terminal Island. The Ordinance was adopted at Second Reading on January

13, 2021.

THE PROJECT

The applicant, Miami Beach Port, LLC, has submitted plans entitled "One Island Park," prepared by Arquitectonica. The proposal is for a five-story office development with a rooftop restaurant located at 120 MacArthur Causeway, which is on Terminal Island. The Design Review Board (DRB) is expected to consider the project for design review approval on February 2, 2021 (File No. DRB20-0530). Additionally, the project is required to be approved by the Miami-Dade County Biscayne Bay Shoreline Development Review Committee prior to obtaining a building permit.

The development site is approximately 161,716 square feet in size. According to the submitted plans, the proposed building will have 161,716 square feet of floor area, with 123,087 square feet of office space. The building will be divided into two blocks - block A on the west and block B on the east. The rooftop of the block A building is proposed to have a 120-seat outdoor restaurant and the rooftop of the block B building will have an outdoor amenity space. The site will provide 338 vehicle parking spaces, five (5) loading bays, 160 short-term bicycle spaces, and 165 long-term bicycle parking spaces. Seven (7) existing marina wet slips will remain. The site fronts the Government Cut portion of Biscayne Bay and will provide public access areas to the waterway.

Since the lot size for the proposal is 161,716 square feet and the gross floor area of the proposed building is 260,570 square feet, conditional use approval is required from the Planning Board for lot sizes exceeding 20,000 square feet and development exceeding 50,000 gross square feet in the I-1 district.

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 Comprehensive Plan. The I-1 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, as it is within the intensity limits provided for the I-1 future land use category.

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

Consistent – Structures exceeding 50,000 square feet in the I-1 district are a conditional use. 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 – The development will be providing 338 off-street vehicle parking spaces, consistent with the requirements of parking district no. 1. Additionally, the project will be providing 160 short-term bicycle spaces, and 165 long-term bicycle parking spaces. These spaces should meet the demand for parking for the site. Additionally, the site is served by several Metrobus routes which cross the MacArthur Causeway, including routes S, M, and 120.

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

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 – While there are other buildings over 50,000 gross square feet in the area, there are not significant office buildings in the area, as such adverse impacts are not expected from the geographic concentration of such uses, if the impacts are properly controlled.

**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.

Consistent – The applicant's operations plan provides characteristics of the proposed project. It indicates that the primary hours of operation for the office shall be between 7 AM and 6 PM on Monday to Friday. The maximum occupant content is expected to be 1,425 people, however, no more than 233 employees per floor are expected. The restaurant is proposed to operate between 7 AM and 3 AM Sunday through Saturday. It will have 120 seats and a maximum occupant content of 299 people. It is expected that there will be 50 employees per shift. The marina will operate 24 hours a day and have approximately 10 employees. The project is generally compatible with the surrounding neighborhood, which consist primarily of military, industrial, and utility uses.

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.**

Consistent– The operations plan indicates that loading will take place via loading zone docks that are enclosed in the ground floor parking areas. Five (5) docks will be provided which complies with the loading requirements in section 130-101. The plan indicates that deliveries, loading, and trash removal will only occur during non-peak business hours, or 10 AM to 4 PM. Because the loading is internal to the property, significant adverse impacts are not expected.

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 I-1 zoning district's allowable development. The building is surrounded by industrial and utility uses that would not be negatively impacted by the scale of the proposed building. However, the scale, massing, architecture and compatibility issues will be further discussed at the DRB meeting.

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 – The proposed development will be providing 338 vehicle parking spaces which is consistent with the requirements of parking district no. 1 and meets the needs of the development. The operations plan indicates that 61 parking spaces will be reserved for valet parking, and that valet drop-off and pickup will be in the drop-off zone between the two blocks and will not block access to the parking areas.

The site can also be accessed by alternative modes of transportation. The development will provide 160 short-term bicycle spaces, and 165 long-term bicycle parking spaces. The site is also served by Metrobus routes S, M, and 120.

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

Consistent – Customers will access the site through the ground floor lobbies. Access is provided to the lobby for pedestrians via a walkway from the Terminal Island access road and walkways are provided from the vehicle and bicycle parking areas.

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.**

Consistent – The applicant has indicated that there will be security personnel on-site to monitor the garage. Video surveillance will be provided to monitor the office building and the remainder of the property. Staff has recommendations to improve the security of the property.

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 – The applicant has provided a traffic impact analysis prepared by David Plummer & Associates. See the traffic study and memorandum prepared by the Transportation Department.

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.**

Partially Consistent – The applicant is not proposing entertainment uses or any uses that would create significant noise impacts. Additionally, the site is located on Terminal Island which consists primarily of industrial and utility uses which are not significantly impacted by noise. The buildings are more than 1,400 feet from the nearest residential homes on Star Island and 1,900 feet from residential buildings in the areas of the City along West Avenue and Alton Road. However, staff has recommendations to further minimize potential sound impacts from the development.

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 – The project will have an enclosed air conditioned trash room at the ground level of each of the blocks adjacent to the loading areas. The applicant proposes that garbage disposal and sanitation pickup would occur during non-peak business hours (10 AM to 4 PM). Staff has additional recommendations regarding sanitation operations.

- 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.**

Consistent – Proximity to similar sized structures is not expected to create adverse impacts. The property is located at over 1,400 feet from the nearest residential use and should not create negative impacts. Due to the small scale of the commercial operations, adverse impacts are not expected from the proximity to those buildings. However, staff is recommending conditions to mitigate any adverse impacts from noise and other issues on the surrounding neighbors.

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

Consistent – While there may be one other building over 50,000 gross square feet in the area, adverse impacts are not expected from the cumulative effect of concentration of such uses. However, 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.**

Satisfied – The property is primarily vacant, however, the applicant has indicated that a recycling or salvage plan will be provided.

- 2. Windows that are proposed to be replaced shall be hurricane proof impact windows.**

Satisfied – Windows will be hurricane proof impact windows.

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

Satisfied – Operable windows will be provided where feasible and appropriate.

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

Satisfied – Per letter of intent, all landscaping will consist of salt tolerant, highly water-absorbent, native, or Florida friendly plants.

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.**

Satisfied – The applicant has indicated that projections were taken into account and the development is designed with future sea level rise in mind.

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.**

Satisfied – The building has sufficient clearances where the ground floor and parking areas can be adapted if adjacent public rights-of-way are raised.

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

Satisfied – All critical mechanical and electrical systems will be located above BFE.

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

Not Applicable – The site is primarily vacant.

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.**

Satisfied – Uses on the ground floor located below the base flood elevation plus City of Miami Beach Freeboard will be dry flood proofed in accordance with Chapter 54 of the City Code.

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

Consistent – The applicant has indicated that water retention systems will be provided where feasible and appropriate.

11. **Cool pavement materials or porous pavement materials shall be utilized.**

Satisfied – The applicant indicated that cool or porous pavement materials shall be utilized.

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

Partially Satisfied – The applicant will have to address the requirements of the urban

heat island ordinance prior to obtaining a building permit.

ANALYSIS

The Proposal

The applicant, Miami Beach Port, LLC, submitted an application for Conditional Use approval for a new 5-story office development exceeding 50,000 gross square feet. Section 142-483 (5) of the City Code requires that the Conditional Use be reviewed by the Planning Board prior to consideration by the DRB.

Parking and Access

Access to the site is via the Terminal Island access road. A driveway will connect the parking garage and valet/passenger drop-off area to the access road and the MacArthur Causeway. The passenger and valet drop-off will be located adjacent to the buildings on private property. Access will also be provided for pedestrians using alternative modes of transportation and bicycles. Office employees and restaurant patrons will access the rooftop from the building lobbies on the ground level.

The development will be providing 338 vehicle parking spaces which is consistent with the requirements of parking district no. 1 and meets the needs of the development. The operations plan indicates that 61 parking spaces will be reserved for valet parking, and that valet drop-off and pickup will be in the drop-off zone between the two blocks and will not block access to the parking areas. The development will provide 160 short-term bicycle spaces, and 165 long-term bicycle parking spaces. The site is also served by Metrobus routes S, M, and 120.

Rooftop Operations

As previously mentioned, the development consists of two building blocks - block A on the west and block B on the east.

The rooftop on block A is proposed to contain an outdoor restaurant, with 120 seats and an occupant content of 299 persons. The operations plan indicates that there will be a staff of approximately 50 employees and that the restaurant will be open between 7 AM and 3 AM. Since it is in the I-1 district, accessory outdoor bar counters, bars, dance halls, entertainment establishments, outdoor entertainment establishments, neighborhood impact establishments, and open air entertainment establishments are prohibited uses. The only sound that would be permitted is from a radio, receiver or recorded device played at ambient background levels. Because the nearest residential uses are 1,400 feet away, significant impacts from the ambient noise and people talking and eating would likely not be perceived by residents. As a result, significant noise impacts are not expected from the restaurant operations are not expected if properly controlled. Staff is proposing conditions to minimize the impacts of noise to surrounding areas, including a requirement for a progress report to the Planning Board 90 days after it obtains a business tax receipt (BTR).

The applicant did not provide an operations plan for the rooftop of Block B. According to the plans, it appears as an amenity deck for tenants of the office building. Staff is recommending conditions to ensure that any potential impacts are properly controlled.

Deliveries and Sanitation

The operations plan indicates that deliveries, loading, and trash removal will only occur during non-peak business hours, or 10 AM to 4 PM to minimize traffic impacts. Loading will take place via loading zone docks that are enclosed in the ground floor parking areas. Five (5) docks will be provided which complies with the loading requirements in section 130-101. The applicant has indicated that trash rooms will be enclosed and air conditioned. Because the loading is internal to the property, significant adverse impacts are not expected. Staff also recommends a condition to ensure that the property and adjacent rights-of-way be maintained clean and free from debris.

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.

ZONING/SITE MAP



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

PROPERTY: 120 MacArthur Causeway

FILE NO. PB20-0352

IN RE: A conditional use permit for a new 5-story office development exceeding 50,000 gross square feet, pursuant to Chapter 118, Article IV and Chapter 142, Article II of the City Code.

LEGAL DESCRIPTION: See Exhibit "A"

MEETING DATE: January 26, 2021

CONDITIONAL USE PERMIT

The applicant, Miami Beach Port, LLC, requested a Conditional Use Permit, pursuant to Chapter 118, Articles IV and V, for a for a new 5-story office development exceeding 50,000 gross square feet, 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 I-1 Light Industrial District 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 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 Miami Beach Port, LLC (collectively the applicant) and owner of the property. 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 Certificate of Use/Business Tax Receipt.
3. The following shall apply to the operation of the entire project:
 - a. Warning signs prohibiting horn honking, tire-screeching, or car alarm sounding shall be posted prominently by the applicant in the parking area.
 - b. 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.
 - c. Deliveries and trash collection shall take place only at the designated areas proposed by the applicant as shown in the plans.
 - d. Deliveries or trash pick-up shall only be permitted between 10:00 AM and 4:00 PM.
 - e. All trash containers shall utilize rubber wheels, as well as a path consisting of a surface finish that reduces noise, in a manner to be reviewed and approved by staff.
 - f. All trash rooms shall be air conditioned and sound-proofed in a manner to be approved by staff. The doors to the trash rooms shall remain closed and secured when not in use and all trash dumpsters shall be closed at all times except when in use.
 - g. Delivery trucks shall not be allowed to idle in loading areas or driveways.
 - h. There shall be no queuing of delivery, garbage, or moving trucks in the public right of way.
 - i. The property and adjacent rights-of-way be maintained clean and free from debris
 - j. No patrons shall be allowed to queue on public rights-of-way.
 - k. Video surveillance shall be provided throughout the premises. The video surveillance shall be monitored during all hours in which the building is open.
 - l. Except as may be required for Fire, Building, or Life Safety Code purposes, no speakers of any kind shall be affixed to, installed, or otherwise located on the exterior of the

- premises within the boundaries of the project, except for a distributed sound system, subject to the review and approval of staff.
- m. No exterior bar counters or accessory outdoor bar counters shall be permitted anywhere on the premises.
 - n. The rooftop on the eastern building (identified as Block B in the approved plans) shall be subject to the following:
 - i. Use of the rooftop shall be limited to tenants and their invited guests.
 - ii. Recorded background music shall only be permitted at ambient levels that do not interfere with normal conversation, and shall cease by midnight and commence no earlier than 10 AM.
 - o. A restaurant shall only be permitted on the rooftop of the western building (identified as Block A in the approved plans) subject to the following:
 - i. The restaurant shall be limited to 120 seats.
 - ii. The restaurant shall have a maximum occupant content of 299 persons.
 - iii. The restaurant shall only serve alcoholic beverages during hours when food is served.
 - iv. Recorded background music shall only be permitted at ambient levels that do not interfere with normal conversation, and shall cease by midnight on Sunday through Thursday and 3 AM on Friday through Saturday. Music shall commence no earlier than 10 AM.
 - v. The restaurant may only operate between 7 AM and 3 AM.
 - vi. The restaurant operator shall be return to the Planning Board for a progress report 90 days after obtaining a business tax receipt (BTR).
 - p. Entertainment shall be prohibited on the premises.
- 4. The development shall obtain approval from the Miami-Dade County Biscayne Bay Shoreline Development Review Committee prior to obtaining a building permit.
 - 5. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. If deemed necessary, at the request of the Planning Director, the applicant shall appear before the Planning Board for a progress report. 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).
 - 6. The Planning Board shall retain the right to call the owner or operator back before the Board and make modifications to this Conditional Use Permit should there be valid complaints, as determined by Code Compliance, 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.

7. 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.
8. 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.
9. The applicant shall address the following Transportation, Mobility, Concurrency and Parking requirements:
 - a. 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.
 - b. Property managers and business operators for all residential and commercial uses shall ensure that deliveries are made as approved in this Conditional Use Permit. At no time shall delivery trucks block traffic flow on the public right-of-way.
 - c. The applicant shall submit an MOT (Maintenance of Traffic) plan to Public Works Department and Transportation Department staff for review and approval prior to the issuance of a building permit. The MOT shall address any traffic flow disruption due to construction activity on the site.
 - d. The developer shall coordinate with the Transportation Department to develop an acceptable Transportation Demand Management Plan, prior to the issuance of a building permit.
 - e. The applicant shall provide on-site bicycle parking facilities to accommodate a minimum of 160 short-term bicycle parking spaces and 165 long-term bicycle parking spaces.
10. The development shall comply with the "Green Buildings" requirements in Chapter 133, Article I of the City Code.
11. 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, of the City Code.
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 Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a building permit.

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 City Code, and shall be subject to enforcement procedures set forth in Section 114-8 of the Code and such other enforcement procedures as are permitted by law. 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. 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.
16. 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 _____

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: _____
Rogelio A. Madan, 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 Rogelio A. Madan, Chief of Community Planning & Sustainability 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 _____ ()

EXHIBIT "A"

LEGAL DESCRIPTION

COMMENCING AT A POINT 1580 FEET NORTH AND 2015 FEET WEST FROM THE SOUTHEAST CORNER OF SECTION 4, TOWNSHIP 54 SOUTH, RANGE 42 EAST, SAID POINT BEING AT THE INTERSECTION OF THE CENTERLINE OF THE ROADWAY OF THE ORIGINAL MIAMI COUNTY CAUSEWAY VIADUCT AND THE FACE OF THE WEST BRIDGE ABUTMENT, RUN SOUTH 67 DEGREES 05 MINUTES 00 SECONDS WEST, ALONG THE CENTERLINE OF SAID ROADWAY PRODUCED, A DISTANCE OF 58.70 FEET TO A POINT; THENCE RUN SOUTH 31 DEGREES 43 MINUTES 00 SECONDS EAST A DISTANCE OF 64.75 FEET TO A POINT, SAID BEING THE POINT OF BEGINNING (1); THENCE RUN SOUTH 67 DEGREES 05 MINUTES 00 SECONDS WEST, ALONG THE SOUTHERLY LINE OF THE MIAMI COUNTY CAUSEWAY, A DISTANCE OF 117.78 FEET TO THE POINT OF BEGINNING OF CUT-OUT PARCEL OF LAND HEREIN DESCRIBED,

FROM SAID POINT OF BEGINNING; THENCE RUN SOUTH 67 DEGREES 05 MINUTES 00 SECONDS WEST, ALONG THE SAID SOUTHERLY LINE OF THE MIAMI COUNTY CAUSEWAY, A DISTANCE OF 40.43 FEET; THENCE RUN ALONG THE ARC OF A CIRCULAR CURVE DEFLECTING TO THE RIGHT, HAVING FOR ITS ELEMENTS A CENTRAL ANGLE OF 06 DEGREES 15 MINUTES 30 SECONDS AND A RADIUS OF 243.86 FEET, A DISTANCE OF 26.64 FEET TO A POINT; SAID POINT BEING THE POINT OF COMPOUND CURVATURE OF A CIRCULAR CURVE; THENCE RUN ALONG THE ARC OF A CIRCULAR CURVE DEFLECTING TO THE RIGHT, AND HAVING FOR ITS ELEMENTS A CENTRAL ANGLE OF 01 DEGREES 25 MINUTES 44 SECONDS AND A RADIUS OF 1,566.95 FEET, A DISTANCE OF 39.08 FEET TO A POINT; THENCE RUN SOUTH 31 DEGREES 43 MINUTES 00 SECONDS EAST A DISTANCE OF 403.80 FEET TO A POINT; THENCE RUN SOUTH 25 DEGREES 29 MINUTES 00 SECONDS WEST A DISTANCE OF 97.46 FEET TO A POINT; THENCE RUN NORTH 64 DEGREES 31 MINUTES 00 SECONDS WEST A DISTANCE OF 120.00 FEET TO A POINT; THENCE RUN SOUTH 25 DEGREES 29 MINUTES 00 SECONDS WEST A DISTANCE OF 100.00 FEET TO A POINT; THENCE RUN SOUTH 64 DEGREES 31 MINUTES 00 SECONDS EAST, ALONG A LINE PARALLEL TO THE MUNICIPAL CHANNEL A DISTANCE OF 832.55 FEET (RECORD AND LEGAL DESCRIPTION) 832.55 FEET (CALCULATE) TO A POINT; THENCE RUN NORTH 31 DEGREES 43 MINUTES 00 SECONDS WEST A DISTANCE OF 583.57 FEET; THENCE SOUTH 58 DEGREES 17 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 175.85 FEET; THENCE NORTH 32 DEGREES 27 MINUTES 12 SECONDS WEST FOR A DISTANCE OF 59.61 FEET; THENCE NORTH 32 DEGREES 00 MINUTES 10 SECONDS WEST FOR A DISTANCE OF 61.22 FEET; THENCE NORTH 31 DEGREES 57 MINUTES 07 SECONDS WEST FOR A DISTANCE OF 59.87 FEET; THENCE NORTH 31 DEGREES 45 MINUTES 47 SECONDS WEST FOR A DISTANCE OF 99.47 FEET; THENCE NORTH 32 DEGREES 00 MINUTES 04 SECONDS WEST FOR A DISTANCE OF 109.79 FEET; THENCE NORTH 58 DEGREES 01 MINUTES 56 SECONDS EAST FOR A DISTANCE OF 19.00 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES NORTH 87 DEGREES 07 MINUTES 46 SECONDS EAST, A RADIAL DISTANCE OF 71.65 FEET; THENCE NORTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 43 DEGREES 56 MINUTES 24 SECONDS, A DISTANCE OF 54.95 FEET; THENCE NORTH 31 DEGREES 06 MINUTES 33 SECONDS WEST FOR A DISTANCE OF 10.00 FEET, TO THE SOUTHEASTERLY CORNER OF AN EXISTING ONE-STORY C.B.S. BUILDING; THENCE CONTINUE NORTH 31 DEGREES 06 MINUTES 33 SECONDS WEST, NORTHWESTERLY ALONG THE FACE OF THE SAID EXISTING C.B.S. BUILDING LINE, A DISTANCE OF 39.60 FEET, TO THE NORTHEASTERLY CORNER OF SAID EXISTING ONE-STORY C.B.S. BUILDING; THENCE CONTINUE NORTHWESTERLY, NORTH 31 DEGREES 06 MINUTES 33 SECONDS WEST, FOR A DISTANCE OF 30.28 FEET, TO THE POINT OF BEGINNING OF THE CUT OUT PARCEL OF LAND.

CONTAINING 161,716 SQUARE FEET OR 3.71 ACRES, MORE OR LESS.

LYING AND BEING IN SECTION 4, TOWNSHIP 54 SOUTH, RANGE 42 EAST, CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA.