

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, FOLLOWING A DULY NOTICED PUBLIC HEARING, AS REQUIRED PURSUANT TO SECTION 82-93(B) OF THE CITY CODE, FINDING THAT THE CRITERIA FOR GRANTING A REVOCABLE PERMIT PURSUANT TO SECTION 82-94 OF THE CITY CODE HAS BEEN SATISFIED, FOLLOWING THE PUBLIC WORKS DEPARTMENT'S REVIEW AND RECOMMENDATION TO GRANT THE REVOCABLE PERMIT REQUEST AS SET FORTH IN THE COMMISSION MEMORANDUM ACCOMPANYING THIS RESOLUTION, AND HEREBY APPROVING A REVOCABLE PERMIT REQUEST BY 224 2ND STREET, LLC FOR THE PROPERTY LOCATED AT 224 2ND STREET, MIAMI, FOR THE INSTALLATION OF A RAISED SIDEWALK ALONG 2ND STREET BETWEEN WASHINGTON AVENUE AND COLLINS COURT WITHIN THE CITY'S RIGHT-OF-WAY, CONTAINING APPROXIMATELY 948 SQUARE FEET (9.6' X 98.3'), AND TO ADD HANDRAILS AND TWO SETS OF STEPS FROM GRADE TO THE RAISED SIDEWALK ELEVATION FOR MID-BLOCK PEDESTRIAN ACCESS TO THE MAIN ENTRANCE; AND FURTHER, AUTHORIZING THE CITY MANAGER TO EXECUTE THE REVOCABLE PERMIT.

WHEREAS, 224 2nd Street, LLC. ("Applicant") is requesting a revocable permit, in connection with the property located at 224 2nd Street, Miami Beach ("Property"), to allow the installation of a raised sidewalk along 2nd Street between Washington Avenue and Collins Court within the City's right-of-way, containing approximately 948 square feet (9.6' x 98.3') which sidewalk slopes up to the finished floor elevation of the property's main entrance, and to add handrails and two sets of steps from grade to the raised sidewalk elevation for mid-block pedestrian access to the main entrance; and

WHEREAS, the Property is located in the southeast corner of the intersection of Washington Avenue and 2nd Street; and

WHEREAS, the Miami-Dade County Property Appraiser identifies the property with Folio No. 02-4203-003-1250; and

WHEREAS, the lot area is approximately 6,500 square feet (0.15 acres) in size; and

WHEREAS, the Property is zoned as Limited Mixed-Use Commercial "C-PS1", and is also located within the Ocean Beach Local Historic District; and

WHEREAS, the surrounding uses include: a residential apartment to the west across Washington Avenue, a Washington Park located to the north across 2nd Street, a City-owned dog park to the east across the alley, and a City-owned surface parking lot is adjacent to the property to the south; and

WHEREAS, pursuant to Section 82-93(a) of the City Code, the City's Public Works Department set a date for a public hearing on the request notices of the public hearing and have mailed notices to owners of land lying within 375 feet of the existing permit area at least 15 days prior to the public hearing; and

WHEREAS, pursuant to Section 82-94 of the City Code, the City Commission shall review the revocable permit requests and determine whether the request shall be granted or denied following the public hearing; and

WHEREAS, in order to grant a revocable permit, the Mayor and City Commission shall make an affirmative finding with respect to each of the criteria set forth below:

1. That the applicant's need is substantial;
2. That the applicant holds title to the abutting property;
3. That the proposed improvements comply with applicable codes, ordinances, regulations, neighborhood plans and laws;
4. That the grant of such permit will have no adverse effect on governmental/utility easements and uses on the city property;
5. That the grant of the revocable permit will enhance the neighborhood and/or community with such amenities as, for example, but without limiting the foregoing, enhanced landscaping, improved drainage, improved lighting, improved security, and/or public benefits proffered by the applicant;
6. That granting the revocable permit requested will not confer on the applicant any special privilege that is denied by this article to other owner of land, structures or buildings subject to similar conditions located in the same zoning district; and
7. That granting the revocable permit will be in harmony with the general intent and purpose of this article, and that such revocable permit will not be injurious to surrounding properties, the neighborhood, or otherwise detrimental to the public welfare; and

WHEREAS, the City's Public Works Department has analyzed the criteria contained in Sections 82-94; a summary of the Public Works Department's review and recommendation to grant the revocable permit request is set forth in the Commission Memorandum accompanying this Resolution, which Memorandum is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, following a duly noticed public hearing, as required pursuant to Section 82-93(b) of the City Code, finding that the criteria for granting a revocable permit pursuant to Section 82-94 of the City Code has been satisfied, following the Public Works Department's review and recommendation to grant the revocable permit request as set forth in the Commission Memorandum accompanying this Resolution, the Mayor and City Commission hereby approve a revocable permit request by 224 2nd Street, LLC for the property located at 224 2nd Street, Miami, for the installation of a raised sidewalk along 2nd Street between Washington Avenue and Collins Court within the City's right-of-way, containing approximately 948 square feet (9.6' x 98.3'), and to add handrails and two sets of steps from grade to the raised sidewalk elevation for mid-block pedestrian access to the main entrance; and further, authorizing the City Manager to execute the revocable permit.

PASSED and ADOPTED this _____ day of _____, 2021.

DAN GELBER, MAYOR

ATTEST:

RAFAEL E. GRANADO, CITY CLERK

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

  7-23-21
City Attorney Date