

BEFORE THE ZONING BOARD OF ADJUSTMENT
OF THE CITY OF MIAMI BEACH, FLORIDA

IN RE: The application of
6060 REALTY CORPORATION

CASE NO: 1928

O R D E R

The applicant, 6060 REALTY CORPORATION, filed an application with the Director of the Planning and Zoning Department for variances to: 1) exceed by 4 ft. the maximum allowed projection of 6 ft. for platforms in order to construct a handicap ramp that projects 10 ft. into the front yard setback area; 2) exceed the maximum permitted lot coverage at the tower level; 3) exceed the maximum permitted slope of 12% for ramps that connect a parking level to the sidewalk in order to construct ramps to the subterranean and ground levels with a slope of 12.5%; 4) waive Section 8-1B.1. that allows only the projection of private balconies into a required yard, and instead, be permitted to construct common balconies, of a terrace that project 5 ft. into the required front and rear yard setbacks; and 5) waive 54 of the minimum required 75 off-street parking spaces.

6060 REALTY CORPORATION
6060 INDIAN CREEK DRIVE
LOTS 31, 32, 33 and 34; BLOCK 2
AMENDED SECOND OCEANFRONT
SUBDIVISION
PB 28/28

Notice of the request for variance was given as required by law and mailed to owners of property within a distance of 375 feet of the exterior limits of the property on which application was made. The Board finds that the property in question is located in the RM-125 Zoning District. The Board further finds:

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

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

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

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

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

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

IT IS THEREFORE ORDERED, by the Board, that the variances as requested and set forth above be:

APPROVED with the following conditions:

1. The applicant shall submit a landscape plan to the Planning and Zoning Department for review and approval prior to the issuance of a building permit and the landscape material shall be installed prior to the issuance of a Certificate of Occupancy. The landscaping shall emphasize a tropical environment, include a berm in the front yard to mitigate the impact of locating the handicap ramp in the required setback area and a berm on the north and south sides of the property to conceal the garage from view.
2. The plans shall be amended to reflect at least a 5 ft. rear yard setback between the eastern edge of the seawall to the pavement and/or structure of the parking garage, whichever results in a greater setback. The setback area shall be landscaped, the garage shall have planters at each level and varying finish materials and scoring to provide interest in order to mitigate the impact of locating a parking structure within close proximity to the seawall.
3. The applicant shall maintain a valet parking service with at least 54 parking spaces.
4. The project shall include boat dockage the full length of the property in accordance with the setback regulations established in the Zoning Ordinance. The applicant is advised that permits will be required from Dade County Department of Environmental Resource Management.
5. The Board has allowed Staff to replace the number of required parking spaces with valet parking should it become necessary in order to accommodate landscape berms and access to marine dockage.
6. Subterranean parking area shall be equipped with a storm drain system with a pumping system which will tie into the City's storm drain system and which is in accordance with City requirements.
7. The existing building shall be demolished by January 31, 1989.
8. A building permit for new construction shall be issued by April 7, 1989.
9. The project shall include a garbage room that is approved by the Building Department.

10. The seawall shall be in proper condition.

11. The applicant shall provide payment for necessary water and sewer connections.

12. On site drainage shall be provided which meets the Flood Hazard Ordinance criteria.

13. If necessary, remove and replace necessary curb and gutter along frontage.

PROVIDED, the applicant shall take all necessary steps to have permit issued by the Building Department within a period of two (2) years from the date of hearing (October 7, 1988), unless the Board specifies a more restrictive time limitation, otherwise this Order shall become null and void, unless the issuance of such permit is stayed by an appeal to the appropriate court. This Order does not constitute a permit, but upon presentation of this Order to the Planning and Zoning Department, a permit shall be approved and processed in accordance and pursuant to the ordinances of the City of Miami Beach.

Dated this 28 day of October, 1988.

ZONING BOARD OF ADJUSTMENT OF
THE CITY OF MIAMI BEACH,
FLORIDA

BY: Russell Galbut

RUSSELL GALBUT
CHAIRMAN

STATE OF FLORIDA)
)SS
COUNTY OF DADE)

BEFORE ME personally appeared RUSSELL GALBUT to me well known and known to me to be the person described in and who executed the foregoing instrument, and acknowledged to and before me that he executed said instrument for the purpose therein expressed.

WITNESS my hand and official seal, this 28th day of

October A.D. 1988.

Reuth M. Gust
NOTARY PUBLIC
STATE OF FLORIDA

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXPI. FEB. 5, 1990
BONDED THRU GENERAL INS. VND.

My commission expires _____

Ron Rumbaugh, Public Services Director
Jud Kurlancheek, Planning & Zoning Director

RECORDED IN OFFICIAL RECORDS BOOK
OF DADE COUNTY, FLORIDA
RECORD VERIFIED
RICHARD P. BRINKER
CLERK CIRCUIT COURT

**BEFORE THE BOARD OF ADJUSTMENT
OF THE CITY OF MIAMI BEACH, FLORIDA**

IN RE: The application of
INDIAN CREEK HOTEL INVESTORS LTD.
6060 INDIAN CREEK DRIVE
LOTS 31-35; BLOCK 2
AMENDED PLAT OF SECOND OCEANFRONT SUB.
PB 28/28

MEETING DATE: **OCTOBER 10, 1997**
FILE NO. **2595**

ORDER

The applicant, Indian Creek Hotel Investors Ltd., filed an application with the Planning, Design and Historic Preservation Division for variances in order to add 14 new hotel rooms within an existing hotel building and install a business identification sign on the south side of the building, as follows:

1. A variance to waive Section 13-5B.1.a, of the zoning ordinance which prohibits an increase in the number of units in a nonconforming buildings and instead be permitted to create 14 new hotel rooms within an existing nonconforming hotel building.
2. A variance to exceed by 99 sq. ft. the maximum permitted size of 30 sq. ft. for flat wall signs in order to erect a 129 sq. ft. sign on an existing building with copy reading, "Holiday Inn" plus the star burst logo.
3. A variance to waive section 9-5A.4. which only permits signs fronting on a street or waterway and instead be permitted to install the above mentioned sign on the south elevation facing an interior lot.
4. A variance to waive Section 9-5B.2. that prohibits flat signs above the ground floor in order to install the above mentioned south facing sign on the top floor of the existing building.

Notice of the request for variance was given as required by law and mailed to owners of property within a distance of 375 feet of the exterior limits of the property on which application was made.

THE BOARD FINDS that the property in question is located in the RM-2 Zoning District. The Board further finds, based upon information and documentation presented to the Board, and upon the staff report and recommendations, which are incorporated herein by this reference, that with regard to the requested variances:

File No. 2595

Indian Creek Hotel Investors Ltd.

6060 Indian Creek Drive

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

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

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

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

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

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

IT IS THEREFORE ORDERED, by the Board, that the variances as requested and set forth above be APPROVED with the following conditions to which the applicant has agreed:

1. The new windows on the fifteenth floor's west wall shall align and match the existing windows.
2. The sign shall be comprised of reverse channel letters and a reverse channel logo, with opaque solid fronts and backlighting.
3. The color of the letters shall be dark green and the starburst orange and yellow.
4. The sign shall be maintained in an attractive condition and shall be kept in good working order.
5. The detail of the new solid panel to which the proposed sign is to be affixed shall be reviewed and approved by design review staff.
6. The existing sign on the east facing wall of the hotel (one of the two signs which was granted variances under Board of Adjustment File No. 2555) shall be removed contemporaneously with the installation of the new sign and the wall on which it was placed properly restored.

File No. 2595

Indian Creek Hotel Investors Ltd.

6060 Indian Creek Drive

7. The building shall be re-painted in sections, as determined necessary by staff, to address the construction of the new hotel rooms, the relocation of the subject sign and the general repair of certain areas in need of repainting.
8. The landscape plan for the parking lot shall be subject to review and approval by design review staff.
9. The parking lot shall have continuous concrete curbing to define the asphalt areas and each space shall have a wheel stop.
10. The parking lot shall have lighting, of a design approved by staff; such lighting shall be properly shielded so as not to cast light beyond the property's perimeter.
11. The applicant shall comply with the conditions recommended by the Public Works Director, including:
 - a. removal and replacement of necessary sections of sidewalk, curb and gutter along Indian Creek Drive; FDOT permit required.
 - b. removal and replacement of asphalt surfaces as required; and
 - c. provide on-site self-contained drainage in the parking lot.
12. The project shall be completed, inclusive of compliance with the conditions prescribed, herein, within twelve (12) months of the date of this hearing.

PROVIDED, the applicant shall build in accordance with the plans submitted as part of this file and as approved by the Zoning Board of Adjustment with any applicable modifications. The applicant shall have a building permit for the work contemplated herein issued by the Building Department within a period of six (6) months from the date of hearing (October 10, 1997), otherwise this Order shall become null and void, unless the issuance of such permit is stayed by an appeal of this Order to a court of competent jurisdiction. This Order does not constitute a building permit, but upon presentation of a recorded copy of this Order to the Planning, Design and Historic Preservation Division, a permit shall be processed and approved (subject to compliance with the conditions hereof) in accordance and pursuant to the ordinances of the City of Miami Beach.

File No. 2595
Indian Creek Hotel Investors Ltd.
6060 Indian Creek Drive

Dated this 7th day of November, 1997.

**BOARD OF ADJUSTMENT OF
THE CITY OF MIAMI BEACH, FLORIDA**

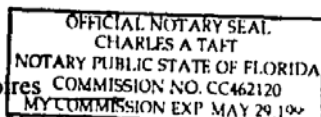
BY:

DEAN J. GRANDIN, JR.
PLANNING AND ZONING DIRECTOR

STATE OF FLORIDA))SS
COUNTY OF DADE)

The foregoing instrument was acknowledged before me this 27th day of NOVEMBER, 1997 by DEAN J. GRANDIN, JR., who is personally known to me or who has produced _____ as identification and who did/did not take an oath. [Signature]

My commission exp



NOTARY PUBLIC (signature)

CHARLES A. TART

NOTARY PUBLIC
STATE OF FLORIDA
(type, print or stamp name)

Approved As To Form:
Legal Department

F:\PLANSZBA\FINALORD\2595 ORD

RECORDS IN OFFICIAL RECORDS SECTION
OF EACH COUNTY, FURNISH
RECORDS VERIFIED
HARVEY RUVIN
GLENN UNIVERSITY LIBRARY

BEFORE THE BOARD OF ADJUSTMENT
OF THE CITY OF MIAMI BEACH, FLORIDA

MEETING DATE; FEBRUARY 7, 1997

FILE NO. 2555

IN RE: The application of
INDIAN CREEK HOTEL INVESTORS LTD.
6060 INDIAN CREEK DRIVE
LOTS 31 - 35; BLOCK 2 AMENDED PLAT
OF SECOND OCEANFRONT SUB. PB 28/28

97R135754 1997 MAR 21 09:23

ORDER

The applicant, **INDIAN CREEK HOTEL INVESTORS LTD.**, filed an application with the Planning, Design and Historic Preservation Division for variances in order to install two signs for an existing building that is being rehabilitated into a hotel:

1. A variance to exceed by 102.73 sq. ft. the maximum permitted size of 30 sq. ft. for flat wall signs in order to erect a 132.73 sq. ft. sign (for reference: 0.79 % of the wall area), on the east facade of the existing building facing Indian Creek Drive, with copy reading, "Holiday Inn" plus the star burst logo.
2. A variance to exceed by 101.23 sq. ft. the maximum permitted size of 30 sq. ft. for flat wall signs in order to erect a 131.23 sq. ft. sign (for reference: 1.62 % of the wall area), on the north facade of the existing building facing 63rd Street, with copy reading, "Holiday Inn" plus the star burst logo.
3. A variance to waive Section 9-5B.2. that prohibits flat signs above the ground floor in order to install:
 - a. A 132.73 sq. ft. flat sign, on the parapet facing Indian Creek Drive.
 - b. A 131.23 sq. ft. flat sign, on the parapet, facing 63rd Street.

Notice of the request for variance was given as required by law and mailed to owners of property within a distance of 375 feet of the exterior limits of the property on which application was made.

THE BOARD FINDS that the property in question is located in the RM-3 Zoning District. The Board further finds, based upon information and documentation presented to the Board, and upon the staff report and recommendations, which are incorporated herein by this reference, that with regard to the requested variances:

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

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

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

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

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

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

IT IS THEREFORE ORDERED, by the Board, that the variances as requested and set forth above be APPROVED with the following conditions to which the applicant has agreed:

1. The sign on the east facade shall be reconfigured to be the same format as shown on the north facade; said sign shall also be lowered on the blank wall of said facade to match the elevation on the north facade.
2. The signs shall be comprised of reverse channel letter and logo, with opaque solid fronts; said signs may have backlighting.
3. The color of the letters and starburst logo shall be subject to review and approval of staff, but may include the corporation's standard colors (which or dark green letters and an orange/yellow starburst).
4. The signs shall be maintained in an attractive condition and shall be kept in good working order.
5. The two existing wall signs, below, shall be removed either before or simultaneously with the installation of these new signs.
6. A small directional sign or signs (no greater than two square feet) may be maintained at ground level directing traffic to the entrance and the garage; although exempt, the design of these signs shall be subject to review and approval by staff.
7. The project, inclusive of compliance with the conditions prescribed, herein, shall be completed within three (3) months from the date of this hearing.

PROVIDED, the applicant shall build in accordance with the plans submitted as part of this file and as approved by the Zoning Board of Adjustment with any applicable modifications. The applicant shall have a building permit for the work contemplated herein issued by the Building Department within a period of three (3) months from the date of hearing (February 7, 1997), otherwise this Order shall become null and void, unless the issuance of such permit is stayed by an appeal of this

Order to a court of competent jurisdiction. This Order does not constitute a building permit, but upon presentation of a recorded copy of this Order to the Planning, Design and Historic Preservation Division, a permit shall be processed and approved (subject to compliance with the conditions hereof) in accordance and pursuant to the ordinances of the City of Miami Beach.

Dated this 25th day of March, 1997.

BOARD OF ADJUSTMENT OF
THE CITY OF MIAMI BEACH, FLORIDA

BY:

DEAN J. GRANDIN, JR.
PLANNING AND ZONING DIRECTOR

STATE OF FLORIDA))SS
COUNTY OF DADE)

The foregoing instrument was acknowledged before me this 25TH day of MARCH 1997 by DEAN J. GRANOW, JR. who is personally known to me or who has produced as identification and who did/did not take an oath.

OFFICIAL NOTARY SEAL
CHARLES A TAFT
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC462120
MY COMMISSION EXP. MAY 29, 1999

My commission expires ~~MY~~

NOTARY PUBLIC (signature)

CHARLES A. TAYLOR
NOTARY PUBLIC
STATE OF FLORIDA
(type, print or stamp name)

Approved As To Form:
Legal Department

DJG/cat
F:\PLAN\5ALL\TEMP\2555.ORD

RECORDED IN FEDERAL RECORDS ROOM
OF DADE COUNTY CLERK'S OFFICE
RECORD NUMBER:
HARVEY RUVIN
CLERK CIRCUIT COURT

BEFORE THE PLANNING BOARD
OF THE CITY OF MIAMI BEACH, FLORIDA

RECEIVED

JUN 17 1992

IN RE: The Application of

6060 REALTY CORPORATION

PLANNING & ZONING DEPT.
CITY OF MIAMI BEACH

CONDITIONAL USE PERMIT

File No.: 1110

On the 15th day of April, 1992; the applicant, 6060 Realty Corporation, filed an application with the Director of the Planning and Zoning Department for a Conditional Use Permit pursuant to Sections 6-4, A.3 and 17-4 of Miami Beach Zoning Ordinance No. 89-2665, Supplementary Use Regulations. The Miami Beach Planning Board held a public hearing on May 26, 1992 and voted to approve the following:

Address: 6060 Indian Creek Drive

Legal Description: Lots 31, 32, 33 and 34, Block 2, Amended Second Oceanfront Subdivision; PB 28/28

Conditional Use: A 120 bed Adult Congregate Living Facility

Notice of the request for Conditional Use 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 application was made. The Board finds that the property in question is located in the RM-3, Multiple-Family High Intensity District and further finds:

That the application is consistent with the Comprehensive Plan;

That structures and uses associated with the request are consistent with the Ordinance;

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

That adequate off-street parking facilities will be provided;

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

That the intended use or construction does not place a burden upon City services.

IT IS THEREFORE ORDERED, by the Board, that a Conditional Use Permit as requested and set forth above be granted, upon the following conditions that the applicant has agreed to:

1. Prior to the issuance of a building permit, the applicant shall receive Design Review Board approval.
2. The applicant shall pay the amount necessary into the Parking Impact Fee prior to the issuance of a building permit.
3. Two of the parking spaces shall be re-designed and dedicated for loading space use.
4. A detailed landscape plan for the perimeter of the outdoor parking area shall be submitted for review and approval by the Planning and Zoning Department.
5. All bedrooms, dining and indoor recreation areas shall be heated and air conditioned.
6. Each bedroom and bathroom shall have emergency call buttons; each bedroom shall also have a smoke detector.
7. The facility shall provide proper garbage facility, grease interceptor and on site drainage.

PROVIDED, the applicant shall take all necessary steps to have a building permit issued by the City within a period of nine (9) months from the date hereof, and a Certificate of Occupancy, Certificate of Completion or an Occupational License issued within one (1) year after the Building Permit is issued. This Order and the Conditional Use shall become null and void if these time periods are not met by the applicant. If there are extenuating circumstances or compelling reasons that prevent the applicant from complying with the above stated conditions within these time periods, the applicant may submit a request to the Planning Board for one extension of time, as prescribed by the Zoning Ordinance. This Order does not constitute a permit, but upon presentation of this Order to the Director of the Planning and Zoning Department, a permit shall be processed in accordance with and pursuant to the ordinances of the City of Miami Beach.

This document shall be recorded, by applicant, on the public records of Dade County, Florida.

Dated this 3rd day of June, 1992.

PLANNING BOARD OF THE CITY OF
MIAMI BEACH, FLORIDA

BY: Dean Grandin, Jr.
DEAN GRANDIN, JR.
FOR CHAIRMAN

STATE OF FLORIDA)) SS
COUNTY OF DADE)

The foregoing instrument was acknowledged before me this June 3, 1992 by Dean J. Grantin, Jr., who is personally known to me as the Director of the Planning and Zoning Department of the City of Miami Beach and ex-officio member of the Planning Board.

Janene L. Mulvihill
NOTARY PUBLIC (signature)

My commission expires:

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. MAR. 6, 1993
BONDED THRU GENERAL INS. CO.

Janine L. Milinski
NOTARY PUBLIC
STATE OF FLORIDA
(type, print or stamp name)

RECORDED IN OFFICIAL RECORDS BOOK
OF DADE COUNTY, FLORIDA.
RECORD VERIFIED
Clerk of Circuit & County
Courts

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH FLORIDA 33139



DEPARTMENT OF
HISTORIC PRESERVATION & URBAN DESIGN

CITY HALL
1700 CONVENTION CENTER DRIVE
TELEPHONE: (305) 673-7819

TO: Design Review Board

FROM: Jud Kurlancheek, ^(JC) Director
Historic Preservation and Urban Design Department

DATE: June 2, 1992

RE: Design Review File No. 3041
6060 Indian Creek Drive - ACLF Conversion

The applicant is requesting Design Review approval for the conversion of an existing apartment building to an Adult Congregate Living Facility (ACLF). The project includes alterations to the existing building and development of an adjacent vacant lot into a 15 space parking lot. This project was deferred at the May 13, 1992 meeting for submission of additional details. The applicant was requested to provide a complete landscape plan for the entire site (existing and proposed plant materials), demolition plans/floor plans which indicate demolition and new construction, and architectural details for new construction (see attached letter).

Staff review of the current submission indicates:

1. A complete landscape plan has been submitted. The parking lot area does not include sufficient number of trees to meet the landscape requirements of the Zoning Ordinance. Staff also recommends that Coconut Palms being relocated from the front of the building be replaced with shade trees (for pedestrian scale and comfort) rather than Washingtonia Palms. The landscape plan shall note a 100% coverage irrigation system. The project shall also include a parking lot lighting plan with metal halide fixtures not exceeding 14 feet in overall height.
2. The applicant has submitted demolition plans, but not floor plans indicating new construction.
3. As of the date of mailing, the applicant has not submitted the architectural details requested by the Board. The applicant has informed staff that window shop drawings will be submitted at the meeting.

JK:RR:ml

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH FLORIDA 33139



DEPARTMENT OF
HISTORIC PRESERVATION & URBAN DESIGN

CITY HALL
1700 CONVENTION CENTER DRIVE
TELEPHONE: (305) 673-7819

June 12, 1992

6060 Realty Corp.
c/o 407 Lincoln Road
Penthouse S.E.
Miami Beach, FL 33139

RE: Design Review File No. 3041
6060 Indian Creek Drive - ACLF Conversion

Dear Sirs:

We are pleased to advise you that at the June 9, 1992 meeting the Design Review Board granted Design Review approval of the above noted project subject to the following conditions:

1. The five coconut palms on the east edge of the parking lot shall be replaced with shade trees. The landscape plan shall meet all other regulations of the Zoning Ordinance. The landscape plan shall note a 100% coverage irrigation system. The project shall also include a parking lot lighting plan with metal halide fixtures not exceeding 14 feet in overall height.
2. The new glass addition (walls and roof) shall be of green tinted glass, not reflective glass.

Please be advised that Design Review Board approval does not relieve the applicant from obtaining all other required Municipal, County, and/or State reviews and permits including zoning. If handicapped access is not provided, this approval does not mean that handicapped access is not required or that the Board supports an applicant's efforts to seek waivers relating to handicapped accessibility requirements.

When you are prepared to request a building permit, please modify the plans and submit three (3) sets to the Historic Preservation and Urban Design Department. If all of the specified conditions are addressed, the plans will be stamped approved. Two (2) sets

6060 Realty Corp.
June 12, 1992
Page 2

will be returned to you for submission for a building permit. One (1) set will be retained for the Design Review Board's file. If the building permit is not issued within one (1) year of the meeting date, the Design Review approval will become void. If you have any questions, please do not hesitate to call us.

Sincerely,

A handwritten signature in cursive script, reading "Jud Kurlancheek".

Jud Kurlancheek, Director
Historic Preservation & Urban Design

JK:ml

cc: Moshe Coshicher, Architect
Judge Howard Gross

**BEFORE THE
BOARD OF ADJUSTMENT
OF THE CITY OF MIAMI BEACH, FLORIDA**



CFN 2007R0164182
DR Bk 25369 Pgs 0745 - 748 (4pgs)
RECORDED 02/15/2007 09:45:50
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

IN RE: The application of
INDIAN CREEK HOTEL INVESTORS, LTD
6060 INDIAN CREEK DRIVE
LOTS 31 - 34, BLOCK 2 AMENDED PLAT OF SECOND
OCEAN FRONT SUBDIVISION
PLAT BOOK 28, PG 28;
MIAMI-DADE COUNTY, FLORIDA

MEETING DATE: SEPTEMBER 8, 2006
FILE NO. 3235

ORDER

The applicant, Indian Creek Hotel Investors, Ltd, filed an application with the Planning Department for variances associated with the relocation of allowable business signage and to exceed their maximum permitted size, as follows:

1. A variance to permit the relocation of an allowed ground level main use flat business sign from the permitted ground floor location to the upper level of the building, facing Indian Creek Drive.
2. A variance to exceed by ~~96~~ 50 square feet the maximum permitted size of a flat business sign of 30 square feet in order to provide a flat business sign of ~~426~~ 80 square feet on the east façade of the building, facing Indian Creek Drive.
3. A variance to permit the relocation of an allowed ground level main use flat business sign from the permitted ground floor location facing the waterway, to the upper level of the building, facing an interior lot, to the north.
4. A variance to exceed by ~~96~~ 70 square feet the maximum permitted size of a flat business sign of 30 square feet in order to provide a flat business sign of ~~426~~ 100 square feet on the north façade of the building, facing an interior lot.

Notice of the request for variance was given as required by law and mailed to owners of property within a distance of 375 feet of the exterior limits of the property on which application was made.

THE BOARD FINDS that the property in question is located in the RM-2 Zoning District.

THE BOARD FURTHER FINDS, based upon evidence, testimony, information and documentation presented to the Board, and portions of the staff report and recommendations, as applicable, which are incorporated herein by this reference, that with regard to the requested variance when conditioned as provided for in this Order:

Board of Adjustment Order: Meeting of September 8, 2006

File No. 3235: Indian Creek Hotel Investors, Ltd

6060 Indian Creek Drive, Miami Beach, Florida

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

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

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

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

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

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

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

IT IS THEREFORE ORDERED, by the Board, that the variances as modified herein and set forth above be APPROVED with the following conditions to which the applicant has agreed:

1. All letters shall be flush, individually mounted. No exterior raceway or exterior disconnect switches shall be allowed. Any required electric switchbox shall be placed inside the structure not visible from the right-of-way.
2. A landscape plan prepared by a Professional Landscape Architect, for the entire site, inclusive of street trees as per the City of Miami Beach Master Street Tree Plan, shall be submitted to and approved by staff. The approved landscaping material shall be planted on the site prior to a permit being issued for the placement of the sign.
3. The applicant shall comply with all conditions imposed by the Public Works Department.
4. The applicant shall obtain a building permit within eighteen (18) months of the date of this hearing. If the building permit is not obtained within the specified time limits, the applicant shall, prior to expiration of such period, apply to the Board for an extension of time. At the hearing on such application, the Board may deny or approve the request and modify the above conditions or impose additional

Board of Adjustment Order: Meeting of September 8, 2006

File No. 3235: Indian Creek Hotel Investors, Ltd

6060 Indian Creek Drive, Miami Beach, Florida


conditions. Failure to comply with this order shall subject the variance to Section 118-356, City Code, for revocation or modification of the variance.

5. 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.

PROVIDED, the applicant shall build in accordance with the plans submitted as part of this file and as approved by the Board of Adjustment with any applicable modifications. The applicant shall have a building permit for the work contemplated herein issued by the Building Department on or before March 8, 2008 (within eighteen months of the date of this hearing), otherwise this Order shall become null and void, unless the issuance of such permit is stayed by an appeal of this Order to a court of competent jurisdiction. This Order does not constitute a building permit, but upon presentation of a recorded copy of this Order to the Planning Department, a permit shall be processed and approved (subject to compliance with the conditions hereof) in accordance with and pursuant to the ordinances of the City of Miami Beach.

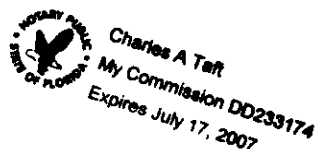
Board of Adjustment of
The City of Miami Beach, Florida

By:


Richard G. Lorber, AICP
Planning & Zoning Manager
City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 5TH day of DECEMBER, 2006, by Richard G. Lorber, Planning and Zoning Manager of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



[NOTARIAL SEAL]
My Commission Expires:

Notary:

Print Name: CHARLES A. TAFT
Notary Public, State of Florida

Board of Adjustment Order: Meeting of September 8, 2006
File No. 3235: Indian Creek Hotel Investors, Ltd
6060 Indian Creek Drive, Miami Beach, Florida

Approved As To Form:

Legal Department (Jed 12-5-06)

Filed with the Clerk of the Board of Adjustment on

12/06/06 JST

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