

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: July 26, 2022

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB22-0480. 1840 Alton Road. Mixed-use development.**

An application has been filed requesting a conditional use permit for a new five story development exceeding 50,000 square feet, pursuant to Chapter 118, Article IV of the City Code.

RECOMMENDATION

Approval with conditions.

ZONING / SITE DATA

Legal Description: *Lots 5 and 6, Block 12 of "ISLAND VIEW SUBDIVISION" of the Alton Beach Realty Company, according to the Plat thereof, as recorded in Plat Book 6, Page 115, of the Public Records of Miami-Dade County, Florida.*

Property Address: 1840 Alton Road.

Zoning: CD-2, Commercial medium intensity.

Future Land Use: Medium Intensity Commercial (CD-2).

Historic District: N/A

Lot Size: 16,000 Square Feet

Proposed FAR: 31,996 S.F. / (Max FAR = 2.0 = 32,000 S.F.), as represented by the applicant.

Gross Square Feet: 67,641 S.F.

Proposed Height: 5-stories / 75 feet

Prior Use: Gas station/car wash

Proposed Use: Office: 17,113 SF
Retail: 2,496 SF
Residential: 7,999 SF (one unit)

Surrounding Uses: See Zoning Site Map (Last Page of this Report)
North: Commercial Building
West: Parking lot
South: Commercial Building
East: Commercial Building

HISTORY

An Ordinance pertaining to the Sunset Harbour Development Overlay, including an increase in allowable building height for office uses, was approved by the City Commission at First Reading on July 8, 2022. Second Reading of the Ordinance is scheduled for July 20, 2022; staff will update the Planning Board as to the status of the Ordinance at the Planning Board meeting.

THE PROJECT

The applicant, "1840 Alton Partners, LLC", has submitted plans entitled "1840 Alton Road", as prepared by Kobi Karp, dated December 21, 2021. The applicant is requesting Conditional Use approval for a new 5-story Mixed-use building exceeding 50,000 SF.

The proposed development also takes advantage of the proposed height incentives included in the recently Ordinance. The applicant has submitted a hold-harmless agreement, acknowledging that the any approval herein is contingent upon the adoption of the incentive Ordinance by the City Commission.

The proposal is expected to be considered by the Design Review Board (DRB) on September 6, 2022 (DRB22-0788).

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, as the CD-2 future land use category allows for the commercial uses requested in this proposal.

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 proposed development is not expected to result in an impact that will exceed the thresholds for the level of service as set forth in the Comprehensive Plan. However, a concurrency analysis will be performed prior to the development obtaining a building permit.

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

Consistent – As proposed, it appears that the project would generally comply with the Land Development Regulations; however, a variance and a waiver will be requested for approval by the Design Review Board. These comments shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification prior to the issuance of a building permit.

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

Consistent – The proposed project should not adversely affect the general welfare of nearby residents and businesses as the proposed uses are compatible with the surrounding area.

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

Consistent – 44 Parking spaces are required for the project. The project satisfies the parking

requirements of chapter 130 of the LDR's. All parking will be self-parking. 8 parking spaces and 3 loading spaces will be provided at the ground floor level, and 36 spaces on the second floor. Additionally, the applicant is taking advantage of the alternative parking incentives by providing 20 Short-Term bicycle parking spaces.

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

Consistent – Given the nature of office uses, the proposed project is not expected to adversely affect surrounding property values; however, staff is recommending conditions to provide further safeguards.

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

Consistent – The proposed development contains office and commercial uses which are permitted as of right within the CD-2 zoning district. These uses are consistent with the character of the Alton Road corridor on which the project is located and are being encouraged by the City in an effort to transform the City's economy from an overreliance on tourism. No negative impacts are expected from a concentration of office and commercial uses along the corridor.

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.

Partially Consistent – The applicant's operations plan provides characteristics of the proposed project. However, the applicant has not yet selected tenants and therefore an exact business operations plan has not been provided. Due to the limited quality of life impacts from office development and the proposed retail with one residential unit, the project is generally compatible with the surrounding neighborhood, which consist primarily of commercial 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 – Due to the small scale of the retail component and limited impacts of office uses within the proposed the development, mass delivery of merchandise is not expected. All deliveries, loading, and waste removal occurs on the ground floor loading area located on the western portion of the Property

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. The project takes advantage of proposed incentives that increase the height limit from 65 feet to 75 feet for projects located on the Sunset Harbour development overlay, specifically projects located on the west side of Alton Road and north of Dade Boulevard. The height of the proposed project is consistent with the Alton Road incentive ordinance which applies to the south of Dade Boulevard. However, the scale, massing, architecture, and compatibility issues will be further discussed at the Design Review Board 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.**

The proposed development requires 44 off-street parking which are being provided. Parking will be self-parking. Access to the parking is proposed via a traditional driveway with ramps located on the southeast corner of the project. The Driveway will be operated by two (2) vehicular gates, which will organize car queuing in and out of the second-floor parking garage, ground floor parking and loading area. The proposed parking meets the operational needs of the structure and proposed uses.

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

Consistent – Pedestrians will be able to access the site directly from Alton Road. Employees or customers driving the site will be able to access the building's uses from the parking areas located on the ground floor and second floor. Pedestrian queuing on public rights of way are not anticipated from the proposed uses.

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's operating plan provides security details. The applicant has indicated that cameras will be provided throughout the building, building staff and security personnel will always be available, and that the office uses will have security control cards or similar devices.

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.**

Partially Consistent – The applicant has provided details on the trip generation and traffic circulation of the project. See the attached Traffic Statement prepared by David Plumber & Associates. The Transportation Department has concerns with the approved driveway connection permit from FDOT and the sight triangle dimension per FDOT design manual. The Transportation Department has recommended conditions to ensure that this will be addressed during permit process.

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

Consistent – The applicant is not proposing entertainment uses or any uses that would create significant noise impacts. The limited number of deliveries is not expected to generate significant noise concerns and parking will be in enclosed structures.

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.**

Partially Consistent – The project will have an enclosed trash room at the ground level adjacent to the loading area. The applicant proposes that garbage disposal and sanitation needs would take place consistent with City Code and during daytime hours. Staff has additional recommendations regarding sanitation operations, including a limit on hours for pickups.

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 – There are other large structures along the Alton road corridor, however, proximity to these structures is not expected to create any adverse impacts, as this corridor is an appropriate location for such structures. The proposed project consists primarily of office uses which generally do not adversely impact residential uses.

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 are other buildings over 50,000 gross square feet in the area, adverse impacts are not expected from the geographic concentration of such uses if the impacts are properly controlled. 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 Regulations 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 – For the demolition associated with the existing structure, the Applicant will provide a recycling or salvage plan during the permitting phase of the project.

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

Satisfied

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

Satisfied – The terrace and balcony of the office levels will be operable and will allow

passive cooling system.

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

Satisfied – Landscaping will consist of 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 project has been designed to accommodate rising sea levels and the future raising of roads.

- (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 ground floor, driveways, and garage ramping will be adaptable to raising of the adjacent public rights-of-way, both for the minimal raising in the short-term and potential for significant raising in the future. The future first floor will be at 9 feet NGVD, where BFE is 8 feet. Also, the height of the first floor will be able to accommodate any future need to increase the height of the ground level. This will ensure continued use of the lobby and retail.

- (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.

- (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 – No habitable space will be located below BFE.

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

Partially Consistent – Per letter of Intent, the applicant shall explore the incorporating water retention systems through the permitting process.

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

Satisfied – Cool paving materials will be utilized.

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

Satisfied.

ANALYSIS

The applicant is requesting a Conditional Use Permit for a new building exceeding 50,000 square feet. The proposal consists of a new five (5) story Mixed-use building, which will contain 17,113 SF of office space, 2,496 SF of retail and commercial space and one 7,999 SF residential unit. Given the scale of the development, the proposed uses are not expected to have any significant quality of life impacts on nearby residential properties.

The retail bay will have direct access from the adjacent sidewalks on Alton Road. The ground floor will be raised and have a front terrace to access the building and the retail area.

The off-street parking for the development is located at the rear of the property and is self-parking; 8 parking spaces and 3 loading spaces will be provided at the ground level, and 36 parking spaces on the second floor. Access to the parking is proposed via a traditional driveway with ramps located on the southeast corner of the project. The Driveway will be operated by two (2) vehicular gates, which will organize car queuing in and out of the second-floor parking garage, ground floor parking and loading area. Additionally, the project will be providing 20 Short-Term bicycle parking.

Traffic, Parking and Access

The applicant has provided a Traffic Statement prepared by David Plumber & Associates. Access to the parking areas is from Alton Road on the south corner of the property.

The Transportation Department has concerns with the approved driveway connection permit from FDOT and the 15-foot sight triangle dimension per FDOT design manual. The Transportation Department has recommended conditions to ensure that this will be addressed during permit process. See the Transportation Department Memo.

Noise and visibility

Given the proposed uses, significant noise is not expected to be generated from the project. The proposed parking and loading are enclosed within the structure and screened on the second floor facing Alton Road. As such they will not be visible from adjacent buildings and no noises are expected to be heard from outside of the buildings.

Delivery and Sanitation

Pursuant to section 130-101 of the LDRs, the proposed use requires three (3) loading spaces. That are provided within the structure on the ground floor. Given the nature of the proposed uses, the development is not expected to create significant demands for deliveries.

Refuse disposal will be accommodated via an enclosed trash room near the loading area. Staff is recommending that the hours for loading be limited to off-peak daytime hours in order to minimize traffic disruptions and for noise to negatively impact surrounding properties.

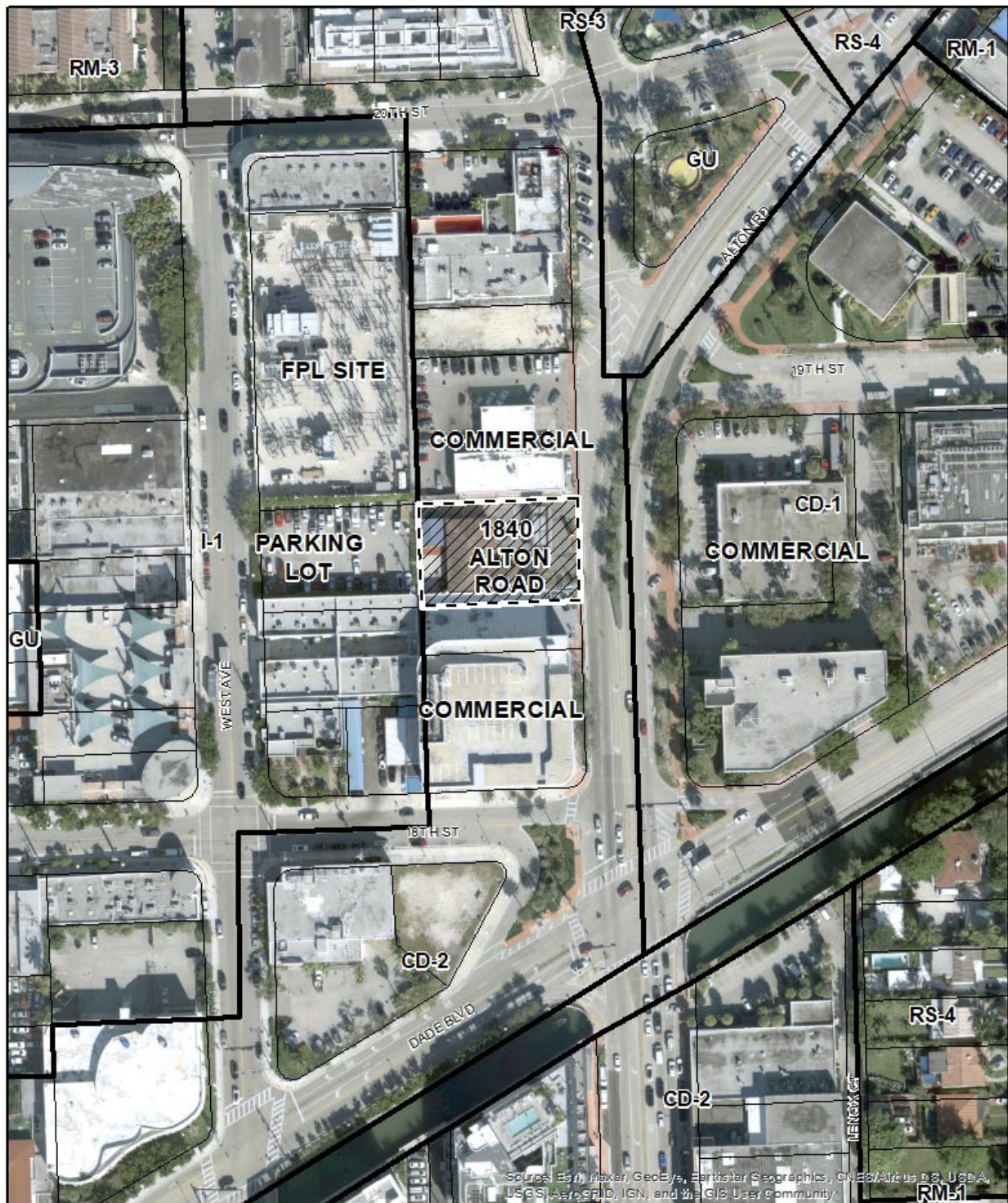
Voluntary Condition to prohibit Short-Term rentals at this project

The Applicant, in their sole discretion, is voluntarily proffering a condition to prohibit the short-term rental of apartment units on the Property.

RECOMMENDATION

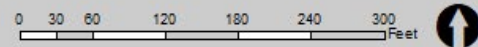
In view of the foregoing analysis, staff recommends the Conditional Use Permit be approved, subject to the conditions enumerated in the attached Draft Order.

ZONING/SITE MAP



MIAMI BEACH
PLANNING DEPARTMENT

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Analysis Summary from the Transportation & Mobility Department

1840 Alton Road TIS Summary

This new mixed-use redevelopment at 1840 Alton Road includes 17,181 SF of office space, 2,698 SF of retail space, and one residential unit. This replaces a 4,594 square foot gas station/convenience store. The results of the trip generation analysis show that the proposed development will generate 2,190 less daily trips, 28 less AM peak hour trips, and 33 less PM peak hour trips when compared to the existing use. Therefore, the effects of the project on the adjacent roadway network will be de minimis.

The proposed redevelopment project proposed to limit the site access to one right-in right-out driveway connection to State Road 907/Alton Road. This one driveway leads to a parking garage with ground floor parking and loading area as well as access to the upper level of the parking garage. The applicant met with FDOT to preliminarily discuss the proposed site access modification to the connection to State Road 907/Alton Road. The proposed mixed-use redevelopment provides covered bicycle parking which serves as a transportation demand management strategy.

1840 Alton Road Recommended Conditions of Approval

1. The applicant is required to comply with all FDOT requirements as outlined in the minutes from the 06/01/22 meeting related to the access connection to SR-907/Alton Road. The applicant is required to provide a copy of the final FDOT access management permit.
2. The applicant is required to provide an updated pavement, marking and signage plan that includes sight triangles that meet FDOT criteria per FDOT Design Manual Section 212.11.
3. The developer shall coordinate with the Transportation & Mobility Department to develop an acceptable Transportation Demand Management (TDM) Plan, prior to the issuance of a building permit.
4. The TDM plan shall at a minimum provide for the following services as deemed necessary
 - a. Miami-Dade Transit Corporate Discount Program
 - b. South Florida Commuter Services programs, such as vanpool, carpool
 - c. CitiBike Bicycle sharing program

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

PROPERTY: 1840 Alton Road

FILE NO. PB22-0480.

IN RE: A conditional use permit for a new five story development exceeding 50,000 square feet, pursuant to Chapter 118, Article IV of the City Code.

LEGAL DESCRIPTION: *Lots 5 and 6, Block 12 of "ISLAND VIEW SUBDIVISION" of the Alton Beach Realty Company, according to the Plat thereof, as recorded in Plat Book 6, Page 115, of the Public Records of Miami-Dade County, Florida*

MEETING DATE: Ju 26, 2022

CONDITIONAL USE PERMIT

The applicant, 1840 Alton Partners, LLC, requested a Conditional Use approval for the construction of a new 5-story development exceeding 50,000 square feet, pursuant to Chapter 118, Article IV 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:

The property in question is located in the CD-2, Commercial medium intensity district;

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

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;

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

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

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

IT IS THEREFORE ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which is adopted herein, including the staff recommendations, that the Conditional Use Permit be GRANTED, as provided below:

1. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. The 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 1840 Alton Partners, LLC (the applicant) and Alton Road Supreme Services, Inc. (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. This Conditional Use Permit is approved with the following mix and location of uses:
 - a. Ground Level: Parking (non-mechanical) and loading, as well as retail, personal service, food and beverage and similar, allowable commercial space.
 - b. Second Level: Parking (non-mechanical).
 - c. All Levels Above the Second Floor: Mix of office and residential.

Any proposed change to the location and types of uses approved in this Conditional Use Permit, as more specifically noted above, shall require the review and approval of the Planning Board.

4. The following shall apply to the operation of the entire project:
 - a. 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.
 - b. 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.
 - c. In the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, subject to the review and approval of staff.
 - d. The property and adjacent rights-of-way be maintained clean and free from debris
 - e. Except as may be required for Fire, Building, or Life Safety Code purposes, no speakers or televisions 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, which may not be played louder than at an ambient volume level (i.e. at a volume that does not interfere with normal conversation), subject to the review and approval of staff.
 - f. No patrons shall be allowed to queue on public rights-of-way.

- g. No exterior bars or accessory outdoor bar counters shall be permitted anywhere on the premises.
 - h. Establishments with outdoor cafes or sidewalk café permits shall only serve alcoholic beverages at sidewalk cafes during hours when food is served in the restaurant and shall not be permitted to have outdoor speakers.
 - i. Commercial uses on the rooftop are prohibited.
 - j. Use of the Terrace located on level 3 shall be limited to building tenants and their guests.
 - k. No residential unit within the property shall be leased or rented for a period of less than six months and a day.
- 5. A progress report shall be scheduled before the Planning Board 90 days after obtaining a business tax receipt (BTR).
 - 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, Delivery, 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.
 - 1. The developer shall coordinate with the Transportation and Mobility Department to develop an acceptable Transportation Demand Management (TDM) Plan, prior to the

issuance of a building permit. The TDM plan shall at a minimum consider the following services as may deemed necessary:

- I. Miami-Dade Transit Corporate Discount Program
- II. South Florida Commuter Services programs, such as vanpool, carpool
- III. CitiBike Bicycle sharing program

- d. Backing into or out of the site shall not be permitted.
 - e. 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.
 - f. Scheduled trash pick-up and commercial deliveries shall only be permitted on-property between 9:30 AM and 4:00 PM.
 - g. There shall be no queuing of delivery, garbage, or moving trucks in the public right of way.
 - h. Delivery trucks shall not be allowed to idle in loading areas or driveways.
 - i. Warning signs prohibiting horn honking, tire-screeching, or car alarm sounding shall be posted prominently by the applicant in the parking area.
 - j. A signage and marking plan shall be submitted during the plans review cycle for Transportation and Mobility Department staff.
 - k. Parking for uses not located on-site shall not be permitted.
 - l. The applicant shall submit the following to the Transportation and Mobility Department prior to obtaining a Building Permit:
 - 1. The applicant is required to comply with all Florida Department of Transportation (FDOT) requirements as outlined in the minutes from the 06/01/22 meeting related to the access connection to SR-907/Alton Road. The applicant is required to provide a copy of the final FDOT access management permit.
 - 2. The applicant is required to provide an updated pavement, marking and signage plan that includes sight triangles that meet FDOT criteria per FDOT Design Manual Section 212.11.
10. The development shall comply with the "Green Buildings" requirements in Chapter 133, Article I of the City Code.
11. The applicant shall satisfy outstanding liens and past due City bills, if any, to the satisfaction of the City prior to the issuance of a Building permit.
12. The applicant, operator and/or owner, both now and in the future, shall abide by all the documents and statements submitted with this application, as well as all conditions of this Order.

13. The applicant shall resolve all outstanding violations and fines on the property, if any, prior to the issuance of a building permit for the project.
14. 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
15. The applicant shall obtain a full building permit within 18 months from the date of approval of this Conditional Use Permit, and the work shall proceed in accordance with the Florida Building Code. Extensions of time for good cause, not to exceed a total of one year for all extensions, may be granted by the Planning Board.
16. 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.
17. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
18. 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.
19. 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.
20. The applicant agrees and shall be required to provide access to areas subject to this Conditional Use Permit 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 _____

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