

The applicant is requesting the following variances:

1. A variance from the minimum required front setback of 20'-0" for a court play surface in order to construct a court surface at 4'-0" from the front property line.
2. A variance from the minimum required front setback of 20'-0 for a court fence in order to construct a tennis court fence at 4'-0" from the front property line.
3. A variance from the minimum required rear setback of 7'-6" for court play surface, in order to construct a court surface with one (1') setback from the rear property line.
4. A variance from the setback requirements for light poles in a required yard, in order to construct light poles with a maximum height of 20 feet.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that staff has concluded satisfy Article 1, Section 2 of the Related Special Acts.

Additionally, staff has concluded that the plans and documents with the application complies with the following hardship criteria, as they relate to the requirements of Section 118-353(d), Miami Beach City Code, only as related to variance #1 and #2:

- 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.
- The granting of the variance will result in a structure and site that complies with the

sea level rise and resiliency review criteria in chapter 133, article II, as applicable.

COMPLIANCE WITH ZONING CODE:

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following sections of the City Code:

- In a required front yard, the maximum height of fences shall be 10 feet.
- Accessory lighting fixtures, when customarily associated with the use of court games, shall be erected so as to direct light only on the premises on which they are located. The maximum height of light fixtures shall not exceed 10 feet when located in a required yard; otherwise, the maximum height shall not exceed 20 feet. Light is permitted to be cast on any public right-of-way.
- All chain-link fences shall be coated with green, brown or black materials.
- When fences are located in required yards, they shall be substantially screened from view from adjacent properties, public rights-of-way, and waterways by landscape materials.
- The play surface shall have a minimum setback of 7'-6" from the interior and rear lot line.
- A standard perpendicular parking space shall have a width of not less than eight and one-half feet and a length of not less than 18 feet, or when located outdoors, 16 feet with two feet of pervious area overhang, in place of wheel stops and defined by continuous concrete curb, for a total length of 18 feet.

The above noted comments shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

COMPLIANCE WITH DESIGN REVIEW CRITERIA, SECTION 2.5.3.1:

Design review encompasses the examination of architectural drawings for consistency with the criteria stated below, with regard to the aesthetics, appearance, safety, and function of any new or existing structure and physical attributes of the project in relation to the site, adjacent structures and surrounding community. The design review board and the planning department shall review plans based upon the below stated criteria, criteria listed in neighborhood plans, if applicable, and applicable design guidelines. Recommendations of the planning department may include, but not be limited to, comments from the building department and the public works department.

- a. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.
Satisfied
- b. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.
Satisfied
- c. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.

Partially Satisfied; the applicant is requesting variances to construct five paddle court that encroaches into the required front yard.

- d. The color, design, selection of landscape materials and architectural elements of Exterior Building surfaces and primary public interior areas for Developments requiring a Building Permit in areas of the City identified in section 118-252.
Partially Satisfied; Staff is recommending some modifications to the overall surface finishes and materials.
- e. The proposed site plan, and the location, appearance and design of new and existing Buildings and Structures are in conformity with the standards of this Ordinance and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the Design Review Board and Historic Preservation Boards, and all pertinent master plans.
Partially Satisfied; the applicant is requesting variances to construct five paddle court that encroaches into the required front and rear yards.
- f. The proposed Structure, and/or additions or modifications to an existing structure, indicates a sensitivity to and is compatible with the environment and adjacent Structures, and enhances the appearance of the surrounding properties.
Partially Satisfied; provided that the hours of operation are limited, the proposed use should not have a negative impact on surrounding properties.
- g. The design and layout of the proposed site plan, as well as all new and existing buildings shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on contiguous and adjacent Buildings and lands, pedestrian sight lines and view corridors.
Satisfied
- h. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that all parking spaces are usable and are safely and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the Site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the Site.
Satisfied
- i. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties. Lighting shall be reviewed to assure that it enhances the appearance of structures at night.
Not Satisfied; a lighting plan has not been submitted.
- j. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.
Partially satisfied; The existing heavy landscaping along the front and east side of the property mitigates impact on neighboring properties.

-
- k. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.
Satisfied.
- l. The proposed structure has an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).
Not Applicable
- m. The building has, where feasible, space in that part of the ground floor fronting a street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.
Not Applicable
- n. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Not Applicable
- o. An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).
Satisfied
- p. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.
Satisfied
- q. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.
Satisfied
- r. In addition to the foregoing criteria, subsection [118-]104(6)(t) of the city Code shall apply to the design review board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.
Not Applicable
- s. The structure and site complies with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.
Not Satisfied; see below.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 7.1.2.4(a)(i) 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.
Not Applicable
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.
Not Applicable
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Not Applicable
- (4) Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 4 of the Land Development Regulations.
Satisfied
- (5) The project applicant shall consider the 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. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.
Satisfied
- (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 and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to three (3) additional feet in height.
Not Applicable
- (7) In all new projects, all critical mechanical and electrical systems shall be located above base flood elevation. Due to flooding concerns, all redevelopment projects shall, whenever practicable, and economically reasonable, move all critical mechanical and electrical systems to a location above base flood elevation.
Satisfied
- (8) Existing buildings shall be, where reasonably feasible and economically appropriate, elevated up to base flood elevation, plus City of Miami Beach Freeboard.
Not Applicable
- (9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.
Not Applicable
- (10) In all new projects, water retention systems shall be provided.
Not Satisfied; additional information will be required at the time of building

permit in order to demonstrate compliance.

- (11) Cool pavement materials or porous pavement materials shall be utilized.
Not Satisfied; additional information will be required at the time of building permit in order to demonstrate compliance.
- (12) The project design shall minimize the potential for a project causing a heat island effect on site.
Not Satisfied; additional information will be required at the time of building permit in order to demonstrate compliance.

Staff ANALYSIS:
DESIGN REVIEW

The applicant is proposing the construction of five (5) padel courts, including variances from the setback requirements for play surfaces and fencing on a site containing three (3) existing buildings, to be retained. The subject property is located south of Normandy Drive and east of Verdun Court. Approximately one year ago the Board reviewed and approved the construction of a workforce housing development on the subject site. While this approval remains active it may be revised in the near future.

The applicant is proposing five (5) 33' x 66' padel courts as a recreational outdoor activity for the surrounding North Beach neighborhood. The existing bathroom, reception area, and storage facilities will remain while a new parking area will be located along the east side of the site. Additionally, the applicant is proposing to install artificial turf between the new courts and maintain the existing CBS wall and hedges along the front property lines for screening.

The west and north side of the site contain a portion of an existing chain link fence that is located in between the CBS wall. To enhance the appearance of the outdoor amenities, staff recommends that an aluminum gate be installed in place of the chain-link fence. Furthermore, staff is not opposed to the proposed artificial turf between the courts, provided it has a completely permeable subbase. Alternatively, permeable pavers could be utilized between the court areas. Regarding the proposed new parking area, staff would recommend a permeable surface, and parking spaces with a length of 16 feet and two feet of pervious area overhang, in place of wheel stops and defined by continuous concrete curb, for a total length of 18 feet.

Although the applicant has not provided details of the light poles that are displayed in the renderings, staff recommends they incorporate a silver finish as opposed to the bright green color shown in the provided renderings. In addition, the applicant will be required to provide a photometric plan to ensure that there is no light spillage onto adjacent properties. Given that the proposed courts are surrounded by multi-family buildings on the north and east side, staff recommends that the hours of operation be limited to no earlier than 8:00 a.m. and no later than 9:00 p.m., seven days a week. Staff would also recommend that the applicant return to the Board for 90-day progress report, once the courts are in operation, in order to evaluate the operation and any modifications that may be required, including hours of operation.

Overall, staff is supportive of the design of the padel courts for this location and recommends the approval of the design with the conditions noted in the draft order.

VARIANCE ANALYSIS

The project includes the following variance requests:

1. A variance from the minimum required front setback of 20'-0" for a court play surface in order to construct a court surface at 4'-0" from the front property line.
2. A variance from the minimum required front setback of 20'-0 for a court fence in order to construct a tennis court fence at 4'-0" from the front property line.
3. A variance from the minimum required rear setback of 7'-6" for court play surface, in order to construct a court surface with zero (0') setback from the rear property line.
4. A variance from the setback requirements for light fixtures in a required yard, in order to construct light poles with a maximum height of 20 feet.

- Variances requested from:

Sec. 7.5.3.4 Tennis courts and similar court games

- a. In a required front yard the maximum height of fences shall be 10 feet and the fences shall be set back at least 20 feet from the front property line.
- b. In a required side and required rear yard the maximum height of fences shall be 10 feet and the fences shall be set back at least 7 feet 6 inches from the interior side or rear property line. When the fence faces a street, the maximum height shall be 10 feet and the fence shall be set back at least 15 feet from the property line. For oceanfront properties, the rear lot line shall be the old city bulkhead line.
- c. Accessory lighting fixtures, when customarily associated with the use of court games, shall be erected so as to direct light only on the premises on which they are located. The maximum height of light fixtures shall not exceed 10 feet when located in a required yard; otherwise, the maximum height shall not exceed 20 feet. Light is permitted to be cast on any public right-of-way.
- d. All chainlink fences shall be coated with green, brown or black materials.
- e. When fences are located in required yards, they shall be substantially screened from view from adjacent properties, public rights-of-way, and waterways by landscape materials.
- f. Any play surface, whether paved or unpaved, when associated with such court games, shall have the following minimum required yards:

front—20 feet;

interior side—7 feet and 6 inches;

any side facing on a street—15 feet;

rear—7 feet and 6 inches.

As part of the site improvements, five padel courts are being introduced on the property, which also contains three facilities for a bathroom, reception area, and storage. The applicant is requesting a variance to provide five playing surfaces for the padel courts at a setback of 4'-0" where 20'-0" is required. Similarly, the applicant is also requesting a variance to reduce the required 20' setback to 16' to allow a fence at 4' from the front lot property line. A rear setback variance is also requested to place the play surface and lighting with a 1'-0" setback from the

rear property line, where 7'-6" is required. Lastly, for portions of the light fixtures that are at the front and rear of the property, the application includes a variance request from the setback requirements in order to allow light poles up to twenty (20') feet in height.

The property, which is in the CD-1 district and contains a lot area of 25,711 square feet with a maximum FAR of approximately 5,000 square feet (.19), which is well below the maximum square footage allowed (1.25). Pursuant to sec. 7.2.10.3 of the Resiliency Code, a structure is allowed to be constructed with a 0' pedestal setback along the front property line in this commercial zoning district. However, for fences, light poles or other accessory structures associated with court games, the required front setback is 20'. The subject property is surrounded by adjacent commercial properties on the west and south sides that are compatible with the low intensity commercial uses that serve the surrounding multi-family districts. Staff finds that the proposed fence and paved surface for the court is a less intense use than a permanent structure that is allowed at a 0' setback from the front property line. Given the practical difficulties associated with the minimum playing surface dimensions required for padel courts, staff finds that the granting of the requested variances would not result in a negative impact on the adjacent properties and is harmonious with the intent of the commercial low intensity district.

In summary, staff recommends the approval of all variances requested, as the hardship criteria has been satisfied and practical difficulties have been demonstrated.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application be **approved**, including the requested variances, subject to the conditions enumerated in the attached Draft Order which address the inconsistencies with the aforementioned Design Review Criteria and Practical Difficulty and Hardship criteria, as applicable.

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: December 11, 2023

PROPERTY/FOLIO: **1960 Normandy Dr / 02-3210-011-0370**

FILE NO: DRB23-0963

IN RE: An application for Design Review Approval for the construction of five (5) padel courts, including variances from the setback requirements for play surfaces, lighting and fencing, on a site containing three (3) existing buildings, to be retained.

LEGAL: Lots 1 through 9, Block 36, of Miami View Section-Part 3-Isle of Normandy, According to the Plat Thereof, as recorded in Plat Book 40, Page 33, of the Public Records of Miami-Dade County, Florida.

APPLICANT: Padel Point Miami, LLC

ORDER

The City of Miami Beach Design Review Board 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 record for this matter:

I. Design Review

- A. The Board has jurisdiction pursuant to Section 2.1.3.1 of the Land Development Regulations. The property is not located within a designated local historic district and is not an individually designated historic site.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Design Review Criteria i and s in Section 2.5.3.1 of the Land Development Regulations.
- C. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Sea Level Rise Criteria 10, 11 & 12 in Section 7.1.2.4(a)(i) of the Land Development Regulations
- D. The project would be consistent with the criteria and requirements 2.5.3.1 and/ or Section 7.1.2.4(a)(i) if the following conditions are met:

1. Revised elevation, site plan and floor plan drawings for the proposed construction shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. The proposed artificial turf shall be subject to the review and approval of staff, and shall contain a permeable subbase, in a manner to be reviewed and approved by staff. Alternatively, decorative pavers on a permeable sand base may be utilized in place of the artificial turf, subject to the review and approval of staff.
 - b. The new parking area and drive aisle shall consist of decorative pavers with concrete banding, in a manner to be reviewed and approved by staff.
 - c. The parking spaces shall be 16 feet deep with 2-foot of pervious overhang area, with a continuous curb, in place of wheel stops, subject to the review and approval of staff.
 - d. The existing chainlink gate on the north and west sides of the property shall be replaced with aluminum gates, in a manner to be reviewed and approved by staff.
 - e. A photometric plan shall be required, demonstrating that there is no light spillage onto neighboring properties.
 - f. All light poles shall consist of downward facing light fixtures, and the finish of such fixtures shall be white or silver, subject to the review and approval of staff.
 - g. Only chainlink fencing associated with the actual courts shall be permitted, and shall consist of a black vinyl coated finish.
 - h. The final details of all exterior surface finishes and materials, including samples, shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - i. The final design details and pattern of the hardscape and exterior walkways shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - j. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.
2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding plans shall be submitted to and approved by staff. The species, type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the

review and approval of the Board. At a minimum, such plans shall comply with Chapter 4-Landscape Requirements of the Miami Beach Code and shall incorporate the following:

- a. Prior to the issuance of a building permit, the applicant shall submit a tree protection plan for all trees to be retained on site. Such plan shall be subject to the review and approval of staff, and shall include, but not be limited to a sturdy tree protection fence installed at the dripline of the trees prior to any construction.
- b. Any necessary root and tree branch pruning with a diameter at breast height (DBH) of 2" or greater shall be approved by the City Urban Forester prior to any tree work.
- c. The proposed and existing trees located within the right of way shall be subject to the review and approval of Green Space and CIP.
- d. Any proposed new street trees shall be of a planting species consistent or similar with existing street trees in the immediate area or consistent with any master street tree plan for the area, subject to the review and approval of the City Urban Forester.
- e. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
- f. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.
- g. The utilization of root barriers and Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- h. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures. The location of backflow preventors, Siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans, and shall be subject to the review and approval of staff.
- i. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms. The location of any exterior transformers and how they are screened with landscape material from the right of wall shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- j. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or the project architect shall verify, in writing, that the project is

consistent with the site and landscape plans approved by the Planning Department for Building Permit.

In accordance with section 2.2.4.8 of the Land Development Regulations, the applicant, the City Manager, Miami Design Preservation League, Dade Heritage Trust, or an affected person may appeal a decision of the design review board for design review approval only to the city commission, except that orders granting or denying a request for rehearing shall not be reviewed by the commission.

II. Variance(s) and Waiver(s)

- A. The applicant filed an application with the Planning Department for the following variance(s):
1. A variance from the minimum required front setback of 20'-0" for a court play surface in order to construct a court surface at 4'-0" from the front property line.
 2. A variance from the minimum required front setback of 20'-0 for a court fence in order to construct a tennis court fence at 4'-0" from the front property line.
 3. A variance from the minimum required rear setback of 7'-6" for court play surface, in order to construct a court surface with zero (0') setback from the rear property line.
 4. A variance from the setback requirements for light fixtures in a required yard, in order to construct light poles with a maximum height of 20 feet.
- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

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.

The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.

- D. The Board hereby **Approves** the Variance request(s), and imposes the following conditions based on its authority in Section 118-354 of the Miami Beach City Code:
1. 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 of the modified plans, even if the modifications do not affect variances approved by the Board.
 2. The hours of operation shall be limited from 9:00 am to 9:00 pm, 7 days a week. All associated court lighting shall be turned off by 9:00 pm nightly, and all use of the facilities shall cease no later than 9:00 pm.
 3. The applicant shall return to the Board for a progress report within 90 days of commencement of operations, at which time the Board may modify the conditions in a non-substantive matter, including hours of operation.

The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

III. General Terms and Conditions applying to both 'I. Design Review Approval and 'II. Variances and Waivers' noted above.

- A. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board and shall be subject to all conditions of approval herein, unless otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.
- B. All allowable construction signage shall be in accordance with Section 6.3.2 of the Land Development Regulations.
- C. The applicant shall ensure that the contractor(s) observe good construction practices and prevent construction materials and debris from impacting the right-of-way.
- D. The contractor(s) shall ensure that the street and the alley directly abutting the construction site remains free of debris and refuse at all times; at a minimum, the

contractor(s) shall inspect and clear the street and alley areas before leaving at the end of each day.

- E. This order shall be enforced by the Building, Planning, Parking and Code Compliance Departments.
- F. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit and shall be located immediately after the front cover page of the permit plans.
- G. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- H. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- I. The Final 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.
- J. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- K. 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.

IT IS HEREBY 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 are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the **application** is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Finding of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "Padel Point Miami, LLC.", as designed by **Tupack Rhea, P.E.**, signed, sealed, and dated September 10th, 2023, and as approved by the Design Review Board, as determined by staff.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

The issuance of the approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board approved plans, this approval does not mean that such handicapped access is not required. When requesting Building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by

the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of Section 2.2.4.6 of the Land Development Regulations; the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project shall expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

In accordance with Chapter 2 of the Land Development Regulations, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this **Order** shall subject the application to Chapter 2 of the Land Development Regulations, for revocation or modification of the application.

Dated _____.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
Michael Belush, AICP
Planning & Design Officer
For Chairman

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of _____ 20__ by Michael Belush, Chief of Planning and Zoning of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.

Notary:
Print Name
Notary Public, State of Florida
My Commission Expires:
Commission Number:

{NOTARIAL SEAL}

Approved As To Form:
City Attorney's Office: _____ ()

Filed with the Clerk of
the Design Review Board on _____ ()

“Exhibit A”

Legal Description per Survey

Main Parcel

FOLIO: 02-3234-017-0160

LOTS 2 AND 3, BLOCK 40, OF FIRST ADDITION TO COMMERCIAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 30, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND,

FOLIO: 02-3234-017-0170

LOTS 4 AND 5, BLOCK 40, OF FIRST ADDITION TO COMMERCIAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 30, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND,

FOLIO: 02-3234-017-0180

LOT 6, BLOCK 40, OF FIRST ADDITION TO COMMERCIAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 30, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND,

FOLIO: 02-3233-017-0050

LOT 15, BLOCK 40, OF THE ALTON BEACH REALTY COMPANY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 165, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND,

FOLIO: 02-3234-017-0190

LOTS 7 AND 8, BLOCK 40, OF FIRST ADDITION TO COMMERCIAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 30, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND,

North Parcel

FOLIO: 02-3233-017-0040

LOT 14, BLOCK 40, OF THE ALTON BEACH REALTY COMPANY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 165, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND,

FOLIO: 02-3233-017-0030

LOTS 12 AND 13, AND THE 20 FEET OF ALLEY LYG. & E ADJ. CLOSED PER RES #2016-26489, BLOCK 40, OF THE ALTON BEACH REALTY COMPANY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 165, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND,

FOLIO: 02-3234-017-0200

LOTS 9 AND 10, BLOCK 40, OF FIRST ADDITION TO COMMERCIAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 30, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND,

South Parcel

FOLIO: 02-3233-017-0100

LOTS 20 AND 21, BLOCK 40, OF THE ALTON BEACH REALTY COMPANY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 165, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND,