

MOD.

PB 2223

MIAMIBEACH

PLANNING DEPARTMENT

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139

File No:	
Date:	2/10/16
MCR No:	
Amount:	
Zoning Classification:	
(For Staff Use Only)	

STANDARD APPLICATION FORM DEVELOPMENT REVIEW BOARD HEARING

1. The below listed applicant wishes to appear before the following City Development Review Board for a scheduled public hearing: NOTE: This application form must be completed separately for each applicable Board hearing a matter.

- | | |
|---|--|
| <input type="checkbox"/> BOARD OF ADJUSTMENT | <input type="checkbox"/> HISTORIC PRESERVATION BOARD |
| <input type="checkbox"/> DESIGN REVIEW BOARD | <input checked="" type="checkbox"/> PLANNING BOARD |
| <input type="checkbox"/> FLOOD PLAIN MANAGEMENT BOARD | |

NOTE: Applications to the Board of Adjustment will not be heard until such time as the Design Review Board, Historic Preservation Board and/or the Planning Board have rendered decisions on the subject project.

2. THIS REQUEST IS FOR:

- a. A VARIANCE TO A PROVISION(S) OF THE LAND DEVELOPMENT REGULATIONS (ZONING) OF THE CODE
- b. AN APPEAL FROM AN ADMINISTRATIVE DECISION
- c. DESIGN REVIEW APPROVAL
- d. A CERTIFICATE OF APPROPRIATENESS FOR DESIGN
- e. A CERTIFICATE OF APPROPRIATENESS TO DEMOLISH A STRUCTURE
- f. A CONDITIONAL USE PERMIT
- g. A LOT SPLIT APPROVAL
- h. AN HISTORIC DISTRICT/SITE DESIGNATION
- i. AN AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS OR ZONING MAP
- j. AN AMENDMENT TO THE COMPREHENSIVE PLAN OR FUTURE LAND USE MAP
- k. TO REHAB, TO ADD TO AND / OR EXPAND A SINGLE FAMILY HOME
- l. OTHER: Modification of Conditional Use Permit (Condition not allowing variances)

3. NAME & ADDRESS OF PROPERTY: 1030 15th Street, Miami Beach, Florida 33139 -- Folio Nos.: 02-4203-009-6965 & 02-4203-009-6980

LEGAL DESCRIPTION: Lots 1, 2, 3 and 4, Block 69 "Lincoln Subdivision" according to the plat thereof, as recorded in plat book 9, at page 69, of the public records of Miami-Dade County, Florida. // AND // That portion of the 20 foot alley, lying between said Lots 1 and 24, Block 93, Ocean Beach Addition No, 3, according to the Plat thereof, as recorded in Plat Book 2, Page 81, Public Records of Miami-Dade County, Florida.

4. NAME OF APPLICANT Shoma Lincoln Investment, LLC, c/o Felix Lasarte, Esq. The Lasarte Law Firm

Note: If applicant is a corporation, partnership, limited partnership or trustee, a separate Disclosure of Interest Form (Pages 6-7) must be completed as part of this application.

3250 NE First Avenue, Suite 334

Miami

FL 33137

ADDRESS OF APPLICANT

CITY

STATE ZIP

BUSINESS PHONE # 305.594.2877

CELL PHONE #

E-mail address: felix@lasartelaw.com

5. NAME OF PROPERTY OWNER (IF DIFFERENT FROM #4, OTHERWISE, WRITE "SAME") For Folio No.: 02-4203-009-6965 Same as #4
For Folio No.: 02-4203-009-6980: Bellsouth Telecommunications, LLC, a Georgia limited liability company d/b/a AT&T Florida

If the owner of the property is not the applicant and will not be present at the hearing, the Owner/Power of Attorney Affidavit (Page 4) must be filled out and signed by the property owner. In addition, if the property owner is a corporation, partnership, limited partnership or trustee, a separate Disclosure of Interest Form (Pages 6 - 7) must be completed.

3470 NW 82nd Avenue, Suite 988, Doral FL 33122
ADDRESS OF PROPERTY OWNER CITY STATE ZIP

BUSINESS PHONE # 305.594.2877 CELL PHONE # _____

E-mail address: felix@lasartelaw.com

6. NAME OF ARCHITECT, LANDSCAPE ARCHITECT, ENGINEER, CONTRACTOR OR OTHER PERSON RESPONSIBLE FOR PROJECT DESIGN

Zyscovich Architects 100 N. Biscayne, Blvd. 27th Floor FL 33132
NAME (please circle one of the above) ADDRESS CITY STATE ZIP

BUSINESS PHONE # 305.372.5222 CELL PHONE # _____

E-mail address: suria@zyscovich.com

7. NAME OF AUTHORIZED REPRESENTATIVE(S), ATTORNEY(S), OR AGENT(S) AND/OR CONTACT PERSON:

a. Felix Lasarte, Esq. 3250 NE First Avenue, Suite 334 Miami FL 33137
NAME ADDRESS CITY STATE ZIP

BUSINESS PHONE # 305.594.2877 CELL PHONE # _____

E-mail address: felix@lasartelaw.comS

b. _____
NAME ADDRESS CITY STATE ZIP

BUSINESS PHONE # _____ CELL PHONE # _____

E-mail address: _____

c. _____
NAME ADDRESS CITY STATE ZIP

BUSINESS PHONE # _____ CELL PHONE # _____

E-mail address: _____

NOTE: ALL ARCHITECTS, LANDSCAPE ARCHITECTS, ENGINEERS, CONTRACTORS OR OTHER PERSONS RESPONSIBLE FOR PROJECT DESIGN, AS WELL AS AUTHORIZED REPRESENTATIVE(S), ATTORNEY(S), OR AGENT(S) AND/OR CONTACT PERSONS, WHO ARE REPRESENTING OR APPEARING ON BEHALF OF A THIRD PARTY, UNLESS SOLELY APPEARING AS AN EXPERT WITNESS, ARE REQUIRED TO REGISTER AS A LOBBYIST WITH THE CLERK, PRIOR TO THE SUBMISSION OF AN APPLICATION.

8. SUMMARY OF PROPOSAL: See Letter of Intent

9. IS THERE AN EXISTING BUILDING(S) ON THE SITE? YES () NO (X)

10. WILL ALL OR ANY PORTION OF THE BUILDING(S) INTERIOR AND/OR EXTERIOR, BE DEMOLISHED? [] YES [X] NO

11. TOTAL FLOOR AREA (FAR) OF NEW BUILDING (if applicable): 39,880 SQ. FT.

12. TOTAL GROSS FLOOR AREA OF NEW BUILDING (including required parking and all usable floor space) 39,737 SQ. FT.

13. TOTAL FEE: (to be completed by staff) \$ _____

PLEASE NOTE THE FOLLOWING:

- *Applications for any Board hearing(s) will not be accepted without payment of the required fee. All checks are to be made payable to: "City of Miami Beach."*
- *Public records notice: all documentation, application forms, maps, drawings, photographs, letters and exhibits will become a part of the public record maintained by the City of Miami Beach Planning Department and shall under Florida Statute, be disclosed upon proper request to any person or entity.*
- *In accordance with the requirements of Section 2-482 of the Code of the City of Miami Beach, any individual or group (Lobbyist) that has been, or will be, compensated to either speak in favor or against a project being presented before any of the City's Development Review Boards, shall be fully disclosed prior to the public hearing. All such individuals and/or groups must register with the City Clerk prior to the hearing.*
- *In accordance with Section 118-31 of the Code of the City of Miami Beach, all applicants shall, prior to the public hearing, fully disclose any consideration provided or committed, directly or on its behalf, for an agreement to support or withhold objection to the requested approval, relief or action (exclusive of all legal or professional design services). Such disclosure shall:*
 1. *Be in writing.*
 2. *Indicate to whom the consideration has been provided or committed.*
 3. *Generally describe the nature of the consideration.*
 4. *Be read into the record by the requesting person or entity prior to submission to the secretary/clerk of the respective board.*

In the event the applicable development review board determines that the foregoing disclosure requirement was not timely satisfied by the person or entity requesting approval, relief or other action as provided above, then the application or order, as applicable, shall immediately be deemed null and void without further force or effect, and no application from said person or entity for the subject property shall be reviewed or considered by the applicable board(s) until expiration of a period of one year after the nullification of the application or order. It shall be unlawful to employ any device, scheme or artifice to circumvent the disclosure requirements of this section and such circumvention shall be deemed a violation of the disclosure requirements of this section.

- *When the applicable Boards reach a decision, a Final Order will be issued stating the Board's decision and any conditions imposed therein. The Final Order must be recorded in the Office of the Recorder of Miami-Dade County; the original shall remain on file with the board clerk/secretary. Under no circumstances will a building permit be issued by the City of Miami Beach without a copy of the recorded Final Order being tendered along with the construction plans.*

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact 305-604-2489 (voice) or 305-673-7218 (TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

PLEASE COMPLETE ONE OR MORE OF THE FOLLOWING THREE AFFIDAVITS, AS APPLICABLE. NOTE: THE PROPERTY OWNER MUST FILL OUT AND SIGN THE "POWER OF ATTORNEY" PORTION IF THEY WILL NOT BE PRESENT AT THE HEARING, OR IS HAVING OTHER PERSONS SPEAK ON THEIR BEHALF.

OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF Florida

COUNTY OF _____

I, _____, being first duly sworn, depose and say that I am the owner of the property described and which is the subject matter of the proposed hearing; that all the answers to the questions in this application and all sketches data and other supplementary matter attached to and made a part of the application are true and correct to the best of my knowledge and belief. I understand this application must be completed and accurate before a hearing can be advertised. I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a NOTICE OF PUBLIC HEARING on my property as required by law and I take the responsibility of removing this notice after the date of hearing.

PRINT NAME

SIGNATURE

Sworn to and subscribed before me this _____ day of _____, 20____. The foregoing instrument was acknowledged before me by _____, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

NOTARY PUBLIC

My Commission Expires:

PRINT NAME

ALTERNATE OWNER AFFIDAVIT FOR CORPORATION or PARTNERSHIP

(Circle one)

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

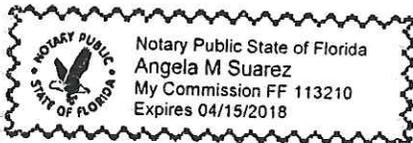
I, MASOUD SHOJAEE being duly sworn, depose and say that I am the authorized Manager of Shoma Lincoln Investment LLC and as such, have been authorized by such entity to file this application that all answers to the questions in the application and all sketches, data and other supplementary matter attached to and made a part of the application are true and correct to the best of our knowledge and belief; that the corporation is the owner/tenant of the property described herein and is the subject matter of the proposed hearing. We understand this application must be completed and accurate before a hearing can be advertised. I also hereby authorize the City of Miami Beach to enter the subject property for the sole purpose of posting a NOTICE OF PUBLIC HEARING on the property as required by law and I take the responsibility of removing this notice after the date of hearing.

Masoud Shojaee
PRINT NAME

[Signature]
SIGNATURE

Sworn to and subscribed before me this 2 day of FEB., 2014. The foregoing instrument was acknowledged before me by Masoud Shojaee, _____ of _____, on behalf of such entity, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP:



[Signature]

NOTARY PUBLIC
Angela Suarez
PRINT NAME

My Commission Expires:

POWER OF ATTORNEY AFFIDAVIT

STATE OF FLORIDA

COUNTY OF MIAMI DADE

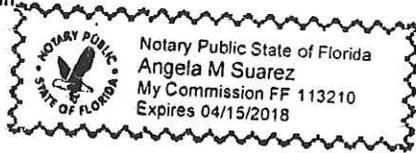
I, Masoud Shojae, being duly sworn and deposed say that I am the owner or representative of the owner of the described real property and that I am aware of the nature and effect of the request for modification of conditions relative to the subject property, which request is hereby made by me OR I am hereby authorizing FELIX CASARTE to be my representative before the Miami Beach Planning Board. I also hereby authorize the City of Miami Beach to enter the subject property for the sole purpose of posting a NOTICE OF PUBLIC HEARING on the property as required by law and I take the responsibility of removing this notice after the date of hearing.

Masoud Shojae
PRINT NAME (and Title, if applicable)

[Signature]
SIGNATURE

Sworn to and subscribed before me this 2 day of Feb., 2016. The foregoing instrument was acknowledged before me by Masoud Shojae of _____ who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



[Signature]
ANGELA SUAREZ
NOTARY PUBLIC
PRINT NAME

My Commission Expires:

CONTRACT FOR PURCHASE

If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether the purchaser is a corporation, trustee or partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries or partners. Where the principal officers, stockholders, beneficiaries or partners consist of another corporation, trust, partnership or other similar entity, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity. If any contingency clause or contract terms involve additional individuals, corporations, partnerships or trusts, list all individuals and/or complete the appropriate disclosure clause above.*

NAME
NAME, ADDRESS, AND OFFICE

DATE OF CONTRACT
% OF STOCK

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the dates of final public hearing, a supplemental disclosure of interest shall be filed.

**CITY OF MIAMI BEACH
DEVELOPMENT REVIEW BOARD APPLICATION**

DISCLOSURE OF INTEREST

1. CORPORATION

If the property which is the subject of the application is owned or leased by a CORPORATION, list ALL of the stockholders, and the percentage of stock owned by each. Where the stockholders consist of another corporation(s), trustee(s), partnership(s) or other similar entity, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.*

Shoma Lincoln Investment, LLC

CORPORATION NAME

NAME AND ADDRESS	% OF STOCK
Masoud Shojaee and Maria Shojaee 3470 NW 82 Avenue, 988 Doral, Florida 33122 _____ _____ _____ _____ _____	50% - 50% _____ _____ _____ _____ _____

Bellsouth Telecommunications, LLC, a Georgia limited liability company d/b/a AT&T Florida

CORPORATION NAME

NAME AND ADDRESS	% OF STOCK
Publicly held corporation _____ _____ _____ _____ _____	_____ _____ _____ _____ _____

IF THERE ARE ADDITIONAL CORPORATIONS, LIST OTHERS, INCLUDING CORP. NAME(S) AND EACH INDIVIDUAL STOCKHOLDER'S NAME, ADDRESS, OFFICE AND PERCENTAGE OF STOCK, ON A SEPARATE PAGE.

NOTE: Notarized signature required on page 8

**CITY OF MIAMI BEACH
DEVELOPMENT REVIEW BOARD APPLICATION**

DISCLOSURE OF INTEREST

2. TRUSTEE

If the property which is the subject of the application is owned or leased by a TRUSTEE, list the beneficiaries of the trust and the percentage of interest held by each. Where the beneficiary/beneficiaries consist of corporations(s), another trust(s), partnership(s) or other similar entity, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.*

TRUST NAME	
NAME AND ADDRESS	% OF STOCK
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

3. PARTNERSHIP/LIMITED PARTNERSHIP

If the property which is the subject of the application is owned or leased by a PARTNERSHIP or LIMITED PARTNERSHIP, list the principals of the partnership, including general and limited partners. Where the partner(s) consist of another partnership(s), corporation(s), trust(s) or other similar entity, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.*

PARTNERSHIP or LIMITED PARTNERSHIP NAME	
NAME AND ADDRESS	% OF STOCK
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

NOTE: Notarized signature required on page 8

4. COMPENSATED LOBBYIST:

The City of Miami Beach Code sub-section 118-31 requires the disclosure of any individual or group which has been, or will be, compensated to either speak in favor of or against a project being presented before any of the City's Development Review Boards, or not to speak at all. Please list below all persons or entities encompassed by this section.

	NAME	ADDRESS	PHONE #
a.	Felix Lasarte, Esq.	3250 NE First Avenue, 334	305.594.2877
b.	_____	_____	_____
c.	_____	_____	_____

Additional names can be placed on a separate page attached to this form.

* Disclosure shall not be required of any entity, the equity interest in which are regularly traded on an established securities market in the United States or other country, or of any entity, the ownership interests of which are held in a limited partnership or other entity consisting of more than 5,000 separate interests and where no one person or entity holds more than a total of 5% of the ownership interests in the limited partnership or other entity.

APPLICANT HEREBY ACKNOWLEDGES THAT ANY APPROVAL GRANTED BY THE BOARD SO APPLIED TO, SHALL BE SUBJECT TO ANY AND ALL CONDITIONS IMPOSED BY SUCH BOARD AND BY ANY OTHER BOARD HAVING JURISDICTION, AND THAT THE PROJECT MUST ALSO COMPLY WITH THE CODE OF THE CITY OF MIAMI BEACH AND ALL OTHER APPLICABLE LAW.

APPLICANT AFFIDAVIT

STATE OF Florida

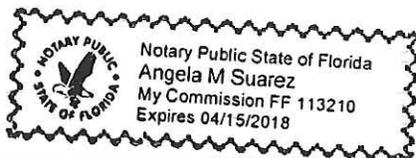
COUNTY OF Miami-Dade

I, Masoud Shojae, authorized manager of Shoma Lincoln Investments, LLC, (list name of corporation and office designation as applicable) being first duly sworn, depose and say that I am the applicant, or the representative of the applicant, for the subject matter of the proposed hearing; that all the answers to the questions in this application and all sketches, data and other supplementary matter attached to and made a part of the application and the disclosure information listed on this application is a full disclosure of all parties of interest in this application are true and correct to the best of my knowledge and belief.

SIGNATURE

Sworn to and subscribed before me this 2 day of FEB., 2016. The foregoing instrument was acknowledged before me by Masoud Shojae, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



My Commission Expires:

NOTARY PUBLIC
Angela Suarez
PRINT NAME



P. 305.594.2877
F. 305.594.2878

The Lasarte Law Firm
3250 N.E. First Avenue
Suite 334
Miami, FL 33137
www.lasartelaw.com

Felix M. Lasarte, Esq.
felix@lasartelaw.com

February 23, 2016

VIA HAND DELIVERY

Mr. Thomas Mooney
Planning Director
Planning Department
City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139

Re: First Amended Letter of Intent / Request for Modification of Conditional Use Application / Property located 1030 15 Street, City of Miami Beach / Folio No. 02-4203-009-6965 (the "Property")

Dear Mr. Mooney:

Please accept this first amended letter of intent regarding a modification of conditional use for the above referenced Property. Our firm represents Shoma Lincoln Investments, LLC, a Delaware Limited Liability Company, ("Shoma"), the applicant.

Shoma intends to build eleven luxury townhome units on the Property. In light of the roadwork currently being done in the surrounding streets, Shoma must now increase the "freeboard" from base flood elevation to finish floor from one foot (1') to 2 feet-four inches (2'4"). To this end Shoma must obtain from the Historic Preservation Board a non-use variance in order meet new height requirements due to the elevated roadways. In order to properly make said variance request Shoma respectfully submits this application to the Planning Board for a modification of condition not allowing variances in order proceed.

The modified conditional use permit will be consistent and in compliance with the City of Miami Beach's review criteria, identified in Section 118-192(a)(1-7) of the Miami Beach Code, for conditional use applications as follows:

- (1) The modification will comply with a public necessity, which is to raise the height of streets which are prone to flooding and will make the lot even more consistent with the comprehensive plan and character of the area;
- (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;
- (3) There is no new construction on the Property, other than what is currently approved. The use will remain the same as the proposed use, and will remain

consistent with the current land development regulations. The height variance is triggered by a public necessity;

- (4) The public health, safety, morals, and general welfare will not be adversely affected and in fact, are protected by raising the level of flood prone areas;
- (5) There will be no need for off-street parking facilities as a result of the modification;
- (6) Necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values;
- (7) The previous use of this Property was a parking lot for a utility, which is more out of character with the area than the proposed townhomes.

If any additional fees are due based on the information requested in this letter, please let us know. As always, should you have any questions or concerns, please do not hesitate to contact our office.

Sincerely,

THE LASARTE LAW FIRM



Felix M. Lasarte

cc: Carmen Sanchez, Deputy Planning Director
Michael Belush, Planning and Zoning Manager



CFM 2015R0238417
OR Bk 29577 Pgs 0301 - 3051 (5pgs)
RECORDED 04/14/2015 13:16:38
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

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

PROPERTY: 1030 15th Street

FILE NO. 2223

IN RE: The application for a division of land/lot split to divide the existing site into two buildable lots, pursuant to Section 118, Article VII.

LEGAL DESCRIPTION: See Exhibit A

MEETING DATE: February 24, 2015

CONDITIONAL USE PERMIT

The applicant, BellSouth Telecommunications LLC, d/b/a/ AT&T Florida, requested a division of land/lot split to divide the existing site into two buildable lots, pursuant to Section 118, Article VII. Notice of the request was given as required by law and mailed out to owners of property within a distance of 375 feet of the exterior limits of the property upon which the application was made.

The Planning Board of the City of Miami Beach makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the of the record for this matter:

That the property in question is located in the RM-1, Residential Low Intensity zoning district; and

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

That the intended use or construction will not result in an impact that will exceed the thresholds for the levels of service as set forth in the Comprehensive Plan; and

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

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



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

IT IS THEREFORE ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which is adopted herein, including the staff recommendations, as approved by the Planning Board, and accepted by the applicant, that a Conditional Use Permit as requested and set forth above be GRANTED, subject to the following conditions:

1. Within 180 days from the approval of this lot split application a Covenant in Lieu of Unity of Title shall be submitted in a format acceptable to the City Attorney, and a transition plan detailing how the north half of the parking lot will be modified, or this approval shall be deemed null and void.
2. The two (2) lots modified pursuant to this lot split application at 1030 15th Street, North Lot & South Lot, shall comply with the following:
 - a. The building parcels shall be as depicted on the signed and sealed surveys by Miguel Espinosa Land Surveying Inc., dated 6/06/2014.
 - b. The existing parking lot on the South Lot shall be upgraded to meet all the minimum parking lot standards set forth in the State, County, and City of Miami Beach zoning code, in a manner to be reviewed and approved by staff, prior to the issuance of a building permit for the proposed new residential construction on the North Lot.
 - c. No variances from the regulations of Chapter 142, Article II, Division 2, of the City Code, shall be permitted for either parcel (North Lot & South Lot).
 - d. If not already existing, individual underground utility, water, sewer, electric, telephone and cable connections, as well as the payment of any applicable impact fees, shall be the responsibility of the owners of each respective lot.
3. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, 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 staff. At a minimum, such plan shall incorporate the following:
 - a. A raised concrete curb shall be provided along the base of the existing concrete wall facing the alley in order to retain soils and drainage on site.
 - b. The existing Inkberry shrub (*Scaevola plumieri*) in the public ROW facing Lenox Ave shall be removed and replaced with sod. The existing Royal Palm in conflict with the overhead utility lines facing Lenox Ave shall be removed and replaced with a small size canopy shade tree subject to the review and approval of Staff.
 - c. All landscape areas covered with white gravel shall be removed and replaced with salt tolerant native plant material.



- d. The proposed Boston Fern (*Neprolepsis exaltata*) facing both Lenox and Michigan Ave shall be replaced with a hardier and easier to maintain plant material that would naturally not exceed 24" in height at maturity and would not require periodic pruning in order to maintain such height.
 - e. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the final revised landscape plan.
 - 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.
4. The applicant and/or owner, for each lot created herein, both now and in the future, shall abide by all the documents and statements submitted with this application for Division of Land/Lot Split, as well as all conditions of this Order. The conditions of approval for this Lot Split are binding on the applicant, the property owners, and all successors in interest and assigns.
 5. The Planning Board shall maintain jurisdiction of this Lot Split approval. The applicant shall provide a progress report to the Board 90 days after the Historic Preservation Board has issued a Certificate of Appropriateness for the proposed project on the North Lot. The Board reserves the right to modify the Lot Split approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address problems and to determine the timing and need for future progress reports. This Lot Split is also subject to modification or revocation under City Code Sec. 118-323.
 6. 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.
 7. The executed Order for the Division of Land/Lot Split shall be recorded in the Public Records of Miami-Dade County, Florida, at the expense of the applicant and returned to the Planning Department. No building permit, certificate of occupancy, or certificate of completion shall be issued until this requirement has been satisfied.
 8. The Lot Split approval approved herein shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the City Code, and shall be subject to enforcement procedures set forth in Section 114-8 of the Code and such other enforcement procedures as are permitted by law. Any failure by the applicant to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this approval.
 9. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

Dated this 14th day of APRIL, 2015.



PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: Michael Belush
Michael Belush, Planning and Zoning Manager
For Chairman

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 14th day of April, 2015, by Michael Belush, Planning and Zoning Manager of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known



[NOTARIAL SEAL]

Steven Greene

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

Approved As To Form:
Legal Department

Jeff A. Santini 4/13/2015

Filed with the Clerk of the Planning Board on

04/14/15 (MB)



MB

Exhibit A

Lots 1,2,3, and 4, Block 69 "Lincoln Subdivision", According to the Plat Thereof, as Recorded in Plat Book 9, At Page 69, of the Public Records of Miami-Dade County, Florida.

And

Lots 1 and 24 and 20 feet of Alley Lying Between Lots 1 and 24, Block 93, Ocean Beach FLA Addition No. 3, According to the Plat Thereof, as Recorded in Plat Book 2, At Page 81, of the Public Records of Miami-Dade County, Florida.

New legal description for the modified conditional use permit is:

Lots 1 and 24 and 20 feet of Alley Lying Between Lots 1 and 24, Block 93, Ocean Beach FLA Addition No. 3, According to the Plat Thereof, as Recorded in Plat Book 2, At Page 81, of the Public Records of Miami-Dade County, Florida, And a 3 Foot Proposed Reservation Easement Along the Southern Boundary of Lots 1,2,3, and 4, Block 69 "Lincoln Subdivision", According to the Plat Thereof, as Recorded in Plat Book 9, At Page 69, of the Public Records of Miami-Dade County, Florida.

STATE OF FLORIDA, COUNTY OF DADE
I HEREBY CERTIFY that this is a true copy of the
original filed in this office on 14 day of
April, A.D. 2015
WITNESS my hand and Official Seal.
HARVEY RUVIN, CLERK, of Circuit and County Courts
By [Signature] #001341 D.C.



MBS

Type of Payment

Cash: Credit Card: Cashiers' Check/Money Order: Check: 133

Date: 2/24/16 Amount: \$ 987.20

Name: SHOMA LINCOLN INVESTMENTS LLC

Address: 3470 N.W. 82 AVE SUITE 988 DORAL FL 33122

Account Number: 011.8000.369.985 Amount Allocated to Account: \$ 987.20

Account Number: N/A Amount Allocated to Account: _____

Property Address: 1030-15TH ST.

Payment For: PB FILE (MINOR MOD. \$540.00
2223 } 217 LABELS X \$1.60 EA = \$347.20

Permit/Process Number: N/A Prepared By: ANTOINETTE

\$100.00 RECORDING FEE

ORIGINAL DOCUMENT PRINTED ON CHEMICAL REACTIVE PAPER WITH MICROPRINTED BORDER

SHOMA LINCOLN INVESTMENTS, LLC
3470 NW 82 STE 988
DORAL, FL 33122

FLORIDA COMMUNITY BANK

133

63-1676/660

Pay: *****Nine hundred eighty-seven dollars and 20 cents

DATE

CHECK NO.

AMOUNT

February 10, 2016

133 \$*****987.20

City of Miami Beach

TO THE
ORDER
OF

THIS DOCUMENT CONTAINS HEAT SENSITIVE INK. TOUCH OR PRESS HERE. RED INK WILL BE DISAPPEARS WITH HEAT.

Details on back



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