

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: February 27, 2018

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **File No. 2245. 500 Alton Road & 1220 Sixth Street – Temporary Parking Lot - Progress Report**

RECOMMENDATION:

To discuss the report and include the possible setting of a revocation/modification hearing for the temporary parking lot.

BACKGROUND

April 23, 2013	The applicant obtained Conditional Use approval for a development known collectively as "600 Alton" consisting of a mixed use commercial and residential project that exceeded 50,000 square feet, as well as a mechanical parking garage on the 500, 600, and 700 Blocks of Alton Road (PB File No. 2094).
July 22, 2014	The "600 Alton" project was granted an extension of time to obtain a full building, extending the deadline until October 3, 2015.
May 26, 2015	The applicants, 500 Alton Road Ventures, LLC and 1220 Sixth, LLC, obtained a Conditional Use approval to operate a surface parking lot 24 hours a day, pursuant to Section 130, Article III. (PB File No. 2245).
May 5, 2016	A building permit was issued for the temporary parking lot.
May 26, 2016	A Temporary Certificate of Occupancy (TCO) was issued for the parking lot.
June 28, 2016	An application for the modification of the CUP was filed for the June 28, 2016 meeting. The applicant requested a continuance of this application at the June, July, and August meetings. The modification application is currently pending for the September 27, 2016 meeting.
August 23, 2016	This Progress Report was continued to a date certain of September 27, 2016 at the request of the applicant.
September 27, 2016	An application to modify the CUP was approved by the Board (PB0426-0009). The progress report was continued to a date certain of November 15, 2016 at the request of the applicant. The intent of the progress report was to update the Board on the status of the landscape installation on site.
November 15, 2016	The progress report was continued to a date certain of December 20, 2016 meeting at the request of the applicant.

December 20, 2016	The progress report was continued to a date certain of January 24, 2017 at the request of the applicant.
January 24, 2017	The progress report was continued to a date certain of February 28, 2017 at the request of the applicant.
February 28, 2017	A separate application for a modification of the CUP was filed for the February 28, 2017 meeting. This application as well as the progress report was continued to a date certain of March 28, 2017 at the request of the applicant.
March 28, 2017	This application as well as the modification of the CUP was continued to a date certain of May 23, 2017.
May 23, 2017	<p>The application for a modification of the CUP specific to the parking lot and landscaping was approved by the Board (PB 16-0088).</p> <p>The progress report was continued to a date certain of June 27, 2017, as requested by the City, in order to further review the requirement for a pump station and to also discuss the provision of a license plate reader at the entrance to the causeway.</p>
June 27, 2017	The progress report was continued to a date certain of July 25, 2017, as requested by the City, in order to further review the requirement for a pump station.
July 26, 2017	The progress report was continued to a date certain of September 26, 2017, as requested by the Applicant, in order to further review the requirement for a pump station.
September 26, 2017	The progress report was continued to a date certain of October 24, 2017, as requested by the City, in order to further review the requirement for a pump station and the license plate reader.
October 24, 2017	The progress report was continued to a date certain of November 21, 2017, as requested by the City, in order to further review the requirement for a pump station and the license plate reader.
November 21, 2017	The progress report was continued to a date certain of December 19, 2017, as requested by the City, in order to further review the requirement for a pump station, license plate reader and landscape Conditions for the perimeter of the site.
December 19, 2017	The progress report was continued to a date certain of January 23, 2018, as requested by the City, in order to further review the requirement for a pump station, license plate reader and landscape Conditions for the perimeter of the site.
January 23, 2018	The progress report was continued to a date certain of February 27, 2018, as requested by the Applicant, in order to further review the requirement for a pump station, the license plate reader and landscape Conditions for the perimeter of the site.

PROGRESS REPORT

The applicant is before the Board pursuant to Condition #1 of the CUP as follows:

1. The Planning Board shall maintain jurisdiction on this Conditional Use Permit. The applicant shall present a Progress Report to the Board within 90 days of the issuance of the Certificate of Occupancy (CO) or Business Tax Receipt (BTR) for the parking lot, whichever comes first. At the time of the first Progress Report, the applicant shall provide an update valet operational plan. If deemed necessary, at the request of the Planning Director or a Board member, the applicant shall present a progress report to the Board at a future date. The Board reserves the right to modify the Conditional Use approval at the time of the 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 Permit is also subject to modification or revocation under City Code Sec. 118-194 (c).

On May 23, 2017, the Board approved the requested modifications relating to the parking lot and landscaping on the site. The progress report was continued to a date certain of January 23, 2018, as requested by the City, in order to further review the requirement for a pump station, discuss the provision of a license plate reader at the entrance to the causeway and the landscape maintenance contract for the site.

The parking lot currently does not have an approved building permit. Permit BC1602352 (applied on 11/14/2016) is still under applied status and the applicant has not addressed the landscape comments.

Landscape Comments:

Sent: Wednesday, December 07, 2016 12:02 PM

As a follow up to my call, attached please find a copy of the latest modified Conditional Use Permit PB0416-0009 (file #2245) issued

Please note that the landscape conditions as approved by the Board have yet to be addressed on the most recently submitted and revised building permit #BC1602352, which is currently under review.

Green space areas facing 5th Street, Alton Rd and the landscape areas not facing the existing building on the north end of the site facing 6th Street shall be landscaped and irrigated as required by the Order and City Code. Street trees should be provided 20' o.c. and setback 6' from the edge of public sidewalk. The hedge should be provided following the periphery of the parking lot in order to open the landscape areas to public views. The construction fence within the Temporary Parking lot parcel shall be removed.

Note: The parking lot does not have a Business Tax Receipt (BTR) issued.

Please see Attached:

1. Final Order from the Design Review Board (DRB File No. 22959) from the May 5, 2015 meeting. Condition 4g notes the requirements for pump station improvements.
2. Final Order CUP (PB file No 2245) From May 26, 2015.
3. Final Order MCUP (PB 16-0088) From May 23, 2017.

STAFF RECOMMENDATION

In view of the foregoing analysis, staff recommends that the progress report be discussed including the possible setting of a revocation/modification hearing for the temporary parking lot.

TRM/MB/AG

F:\PLAN\PLB\2018\2-27-18\2245 - 500 Alton Rd & 1220 6th Progress RPT\2245 - 500 Alton Rd & 1220 6th Progress RPT.docx

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: May 05, 2015

FILE NO: 22959

PROPERTY: **600-700 Alton Rd– Waves**
(500-702 Alton Road, 501-651 West Avenue)

APPLICANT: South Beach Heights I, LLC., 500 Alton Road Ventures, LLC., and 1220 Sixth, LLC.

LEGAL: See attached - 'Exhibit A'

IN RE: The Application for Design Review Approval requesting modifications to a previously issued Design Review Approval for the construction of a new mixed-use residential and commercial project. Specifically, the applicants are requesting to increase the height of the plaza and exterior design changes to the elevations and are also requesting variances to waive the minimum required pedestal and tower setbacks, sum of side yards pedestal and tower setbacks, maximum building height and to exceed the maximum permitted balcony projections.

S U P P L E M E N T A L O R D E R

The applicant filed an application with the City of Miami Beach Planning Department for Design Review Approval and for one or more variances.

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 Approval

- A. 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 3, 4, 5, 6, 9, and 11 in Section 118-251 of the Miami Beach Code.

B. The project would be consistent with the criteria and requirements of section 118-251 if the following conditions are met:

1. All of the original conditions of approval by this Board shall be superseded by the conditions herein.
2. The applicant shall comply with all the conditions imposed by the Planning Board Order No. 2094.
3. The project may take place in two phases as a phased development project in accordance with the following phasing schedule:

Phase I shall consist of all proposed development north of 6th Street. A full building permit for the Phase I improvements shall be issued within thirty (30) months of the Board's original approval; and

Phase II shall consist of all proposed development south of 6th Street. A full building permit for the Phase II improvements shall be issued within twelve (12) months of the issuance of the final certificate of occupancy for the Phase I improvements.

4. Revised elevation, site plan and floor plan drawings shall be submitted to and in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board; at a minimum, such drawings shall incorporate the following:
 - a. The exterior elevations shall not be approved as designed. The proposed redesign of the exterior "skin" of the buildings located within the 600 Block including the proposed changes to the design, projection, materials and composition of the balconies shall be modified in order to break down the massing and the uninterrupted planar aspect of the design of the residential floors of the buildings along on Alton Road in a manner to be reviewed and approved by the Board. The Board directed this item to be continued to the June 02, 2015 meeting.
 - b. Further details of the railings and handrails shall be provided for all balconies in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board, and shall require a separate permit.
 - c. Annotated floor plans that clearly delineate all areas of the project counted in the total FAR for the project, as well as open space calculations, shall be provided.
 - d. A clear diagram in the form of a graphic illustration depicting the parking breakdown for the whole development site shall be submitted, showing

how the total number of parking spaces provided is 'required' and not 'excess' parking. Any of the enclosed parking spaces located aboveground determined to not be 'required' parking shall be counted towards FAR. The Applicant shall be required, prior to pulling any building permits to provide a lease and operating agreement, and authorization by the Floridian Condominium Association, located at 650 West Avenue, as to agreement to move the permanent parking location for the Floridian, from its existing location pursuant to the Planning Board CUP Order 1940, to the proposed temporary location, and to the proposed new, permanent location.

- e. All roofing shall contain, and be properly maintained to perpetuate, the proposed patterned design of the roof surfaces, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- f. The Applicant, as part of the "600 Alton Project", has requested and obtained approval from the City to close an alley located in the 500 block of Alton Road, and the parties have agreed amongst other things, for the city to provide a pedestrian connection across 5th Street, which shall require right-of-way improvements. Applicant has also agreed to work with Miami-Dade County as to the redevelopment of a bus stop at the 6th Street intersection, signal timing optimization, and development of a MOT (Maintenance of Traffic) for Public Works staff to review and approval prior to the issuance of a building permit, with the MOT to address traffic flow disruption due to the construction activities on the site.
- g. Owner hereby grants to the City a non-exclusive easement in, upon, over, under and through that portion of the Property along 6th street, for the sole and limited purpose of operating, using, maintaining, repairing and replacing the improvements more particularly described as the **Pump Station Improvements** – including: pumps needed for stormwater management for the area, and the Owner to provide the City with the Generator for the pump station, and access to and electrical services for the pump station for installation, operation, use, maintenance, repair and replacement of the Generator.
- h. Site plan approval is contingent upon meeting Public School Concurrency requirements. Applicant shall obtain a valid School Concurrency Determination Certificate (Certificate) issued by the Miami-Dade County Public Schools. The Certificate shall state the number of seats reserved at each school level. In the event sufficient seats are not available, a proportionate share mitigation plan shall be incorporated into a tri-party development agreement and duly executed prior to the issuance of a Building Permit.
- i. 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.

- 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.
5. 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. Live Oak trees at the street level facing West Avenue shall be replaced with more salt tolerant canopy shade trees, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - b. The use of retaining walls on the transitional areas along the periphery of the project shall be limited to retaining soil at the base and at the top of the grade change in order to maximize rooting space and soils volume for larger canopy shade trees, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - c. The overall ratio of green space vs hardscape shall remain the same as previously approved or be increased. Live Oak trees at the street level facing West Avenue shall be replaced with more salt tolerant canopy shade trees, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - d. The extent of the areas designated for green space shall be designed in a manner to expand rooting space and facilitate the installation of medium size to large size canopy shade trees, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - e. The overall ratio of canopy shade trees vs palms shall remain the same as previously approved or be increased, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - f. The two (2) proposed canopy shade trees flanking the vehicular access facing West Avenue shall satisfy line-of-sight clearance requirements. Also, the size of the tree pits is inadequate and shall be increased, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

- g. The proposed ADA ramp facing West Ave shall be integrated within the landscape transitional areas facing the public ROW, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- h. Provide detailed cross-sections and enlarged site plans for every different design schemes along the grade transitional areas facing West Av, 6th Street and Alton Rd.
- i. A minimum 30% of the proposed understory plant material shall be native.
- j. The applicant shall carefully evaluate the implications of the shadow study submitted with this application when selecting plant species for the proposed project to ensure that all plant materials selected will perform normally and well throughout the calendar year in the limited direct sunlight revealed by the shadow study, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- k. The landscape plaza at the southeastern corner of the site that connects directly to the overall pedestrian paseo, shall be further studied and refined with additional planters and details of the proposed water feature provided, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- l. All exterior walkways, not located on the structure, shall consist of decorative pavers, set in sand or other semi-pervious material, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- m. Further details regarding the re-routing of the north axis road need to be provided, particularly the egress of cars and loading trucks through the two sites, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- n. All landscape areas abutting driveways and parking areas shall be defined by decorative bollards, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- o. All plaza areas shall contain, and be properly maintained to perpetuate, the proposed patterned design of the ground surfaces as seen in sheets A-033.2-A and A-033.2-B, or a pattern of similar quality and construction, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- p. The landscape plaza at the south corner of the site shall be detailed to reflect the planting species shown on the rendering of sheets A0.33 and

A0.39 to the greatest extent possible, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

- q. The applicant shall submit a comprehensive design development study for the proposed water features at the north and south ends of the project which demonstrates the long term continued success of these features, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board. Alternatively, the applicant may replace one or both of the proposed water features with well designed dynamic landscaped green walls, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - r. All overhead utility lines facing a right-of-way shall be placed underground.
 - s. The applicant shall install street trees on all sides of the project consistent with the City's Street Tree Master Plan, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board, and root barriers shall be installed along the sidewalk in conjunction with structural soils.
 - t. A fully automatic irrigation system shall be required 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.
 - u. Backflow preventors and any other type of utility device shall not be permitted within any required yard or any area fronting a street or sidewalk. The location of backflow preventors, siamese pipes or FPL boxes, if any, and how they are screened with landscape material from the right-of-way, shall be indicated on the plans and shall be subject to the review and approval of staff.
- 6. All building signage shall be consistent in type, composed of flush mounted, non-plastic individual letters and shall require a separate permit.
 - 7. The final exterior surface color scheme, including color samples, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board, and shall require a separate permit.
 - 8. A traffic mitigation plan, which addresses all roadway Level of Service (LOS) deficiencies relative to the concurrency requirements of the City Code, if required, shall be submitted prior to the issuance of a Building Permit and the final building plans shall meet all other requirements of the Land Development Regulations of the City Code.

9. Manufacturer's drawings and Dade County product approval numbers for all new windows, doors and glass shall be required, prior to the issuance of a building permit.
10. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and shall be screened from view, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
11. All new and altered elements, spaces and areas shall meet the requirements of the Florida Accessibility Code (FAC).
12. The applicant shall meet with Planning Department and Public Works Department staff to determine if there is a way that a safe and convenient street level pedestrian crossing of 5th Street can be achieved west of Alton Road (beneath the flyover). If it is concluded that such street level pedestrian crossing can be designed and achieved, the applicant shall work seriously with the City in an effort to persuade FDOT to approve and permit this grade level pedestrian crossing.
13. The applicant may be required to submit a separate analysis for water and sewer requirements, at the discretion of the Public Works Director, or designee. Based on a preliminary review of the proposed project, the following may be required by the Public Works Department:
 - a. Remove/replace sidewalks, curbs and gutters on all street frontages, if applicable. Unless otherwise specified, the standard color for city sidewalks is red, and the standard curb and gutter color is gray.
 - b. Mill/resurface asphalt in rear alley along property, if applicable.
 - c. Provide underground utility service connections and on-site transformer location, if necessary.
 - d. Provide back-flow prevention devices on all water services.
 - e. Provide on-site, self-contained storm water drainage for the proposed development.
 - f. Meet water/sewer concurrency requirements including a hydraulic water model analysis and gravity sewer system capacity analysis as determined by the Department and the required upgrades to water and sewer mains servicing this project.
 - g. Payment of City utility impact fees for water meters/services.
 - h. Provide flood barrier ramps to underground parking or minimum slab elevation to be at highest adjacent crown road elevation plus 8".

- i. Right-of-way permit must be obtained from Public Works.
 - j. All right-of-way encroachments must be removed.
 - k. All planting/landscaping in the public right-of-way must be approved by the Public Works and Parks Departments.
14. The project shall comply with and effectuate any landscaping or other sidewalk/street improvement standards as may be prescribed by a relevant Urban Design Master Plan, prior to the completion of the project and the issuance of a Certificate of Occupancy.
15. 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.

In accordance with Section 118-262, the applicant, or the city manager on behalf of the city administration, or an affected person, Miami Design Preservation League or Dade Heritage Trust may seek review of any order of the Design Review Board by the city commission, except that orders granting or denying a request for rehearing shall not be reviewed by the commission.

II. Variance(s)

- A. The applicant filed an application with the Planning Department for the following variance(s):
- 1. A. A variance to waive 15'-6" of the minimum required pedestal front setback of 20'-0" in order to construct the parking at 4'-6" from the East property line facing Alton Road.
 - B. A variance to waive 6'-6" of the minimum required pedestal front setback of 20'-0" in order to construct the 2nd to 5th residential floors at 13'-6" from the East property line facing Alton Road.
 - 2. A variance to exceed by 12% (1'-8") the maximum allowable projection of 25% (3'-4") of the proposed pedestal front setback of 13'-6" in order to construct balconies with 37% (5'-0") of encroachment into the front yard, facing Alton Road.
 - 3. A. A variance to waive 18'-9" of the minimum required pedestal street side setback of 28'-9" in order to construct the parking at 10'-0" from the south property line facing 6th Street.
 - B. A variance to waive 13'-9" of the minimum required pedestal street side setback of 28'-9" in order to construct the residential uses at 15'-0" from the south property line facing 6th Street.

4. A variance to exceed by 8.3% (1'-3") the maximum allowable projection of 25% (3'-9") of the proposed setback of 15'-0" in order to construct balconies with 33.3% (5'-0") of encroachment into the street side yard, facing 6th Street.
 5. A variance to waive 14'-9" of the minimum required front pedestal setback of 20'-0" in order to construct the parking with a setback ranging from 5'-3" to 20'-0" from the West property line facing West Avenue.
 6. A variance to waive all of the minimum required pedestal interior side setback of 40'-9" in order to construct the parking up to the north property line.
 7. A variance to waive 21'-9" of the minimum required sum of the side yards of 81'-8" for the residential uses facing Alton Road in order to provide a sum of the side yards of 59'-11".
 8. A variance to exceed by 3'-0" the maximum building height of 50'-0" within the CD-2 District in order to construct a new 5 story residential development up to 53'-0" measured from elevation of 9.00 NGVD.
- 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.

The applicant has submitted plans and documents with the application that also indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

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.

- C. The Board hereby grants the requested variances and imposes the following conditions based on its authority in Section 118-354 of the City Code:
- a. 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.

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' noted above.

- A. A Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of a Building Permit.
- B. Where one or more parcels are unified for a single development, the property owner shall execute and record an unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- C. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- D. The Supplemental Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- E. 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.
- F. The Supplemental 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.
- G. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.

H. 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 adopted by the Board, that the Application for Design Review approval is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans approved by the Design Review Board, as determined by staff, entitled "600 Alton" as prepared by Urban Robot, LLC, signed sealed and dated 03-30-2015, modified in accordance with the conditions set forth in this Order and staff review and approval.

No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance as set forth in this Order have been met. The issuance of Design Review 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 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 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 Design Review Approval was granted, the Design Review Approval will expire and become null and void, unless the applicant makes application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code; the granting of any such extension of time shall be at the discretion of the Board. At the hearing on any such application, the Board may deny or approve the request and modify the above conditions or impose additional conditions. If the Full Building Permit should 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 Design Review Approval will expire and become null and void.

Dated this _____ day of _____, 20_____.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
DEBORAH J. TACKETT
DESIGN AND PRESERVATION MANAGER

The foregoing instrument was acknowledged before me this _____ day of _____, 20____ by Deborah J. Tackett, Design and Preservation Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.

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

F:\PLAN\DRB\DRB15\05-05-2015\MAY Final Orders\DRB 22959 501-651 West.MAY15.fo.docx

EXHIBIT 'A'

LEGAL DESCRIPTION

PARCEL 1:

LOTS 2 THROUGH 10, INCLUSIVE, AND LOT 15, OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

PARCEL 2:

LOTS 1, 16, 17, 18 AND 19, OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE FOLLOWING DESCRIBED PARCELS:

BEGIN AT THE SOUTHWEST CORNER OF LOT 19 OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, RUN NORTH ALONG THE WEST LINE OF SAID LOT 19 FOR A DISTANCE OF 25.15 FEET TO THE POINT OF INTERSECTION WITH THE RIGHT-OF-WAY LINE OF STATE ROAD A-1-A; THENCE DEFLECTING 87°01'19" TO THE RIGHT, RUN ALONG THE RIGHT-OF-WAY LINE OF STATE ROAD A-1-A FOR A DISTANCE OF 37.88 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE RUN ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 65.5 FEET AND A CENTRAL ANGLE OF 87°00'49", FOR AN ARC DISTANCE OF 99.47 FEET TO THE POINT OF TANGENCY WITH THE EAST LINE OF SAID LOT 1, SAID POINT BEING 7.48 FEET SOUTH OF THE NORTHEAST CORNER OF SAID LOT 1; THENCE RUN SOUTH ALONG THE EAST LINE OF LOT 1, FOR A DISTANCE OF 28.72 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE RUN ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 63.80 FEET AND A CENTRAL ANGLE OF 89°59'30", FOR AN ARC DISTANCE OF 100.21 FEET TO A POINT OF TANGENCY WITH THE SOUTH LINE OF LOT 1, AT A DISTANCE OF 11.20 FEET FROM THE SOUTHWEST CORNER OF LOT 1; THENCE RUN WEST ALONG SOUTH LINE OF SAID LOTS 1 AND 19 FOR A DISTANCE OF 36.20 FEET TO THE POINT OF BEGINNING.

AND

BEGINNING AT THE SOUTHEAST CORNER OF LOT 18 OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, RUN WEST ALONG THE SOUTH LINE OF LOTS 18 AND 17 A DISTANCE OF 62.00 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE RUN ALONG THE ARC OF SAID CIRCULAR CURVE, HAVING A RADIUS OF 20.00 FEET AND A CENTRAL ANGLE OF 66°03'04", FOR AN ARC DISTANCE OF 23.06 FEET TO THE POINT OF TANGENCY WITH THE WESTERLY LINE OF SAID LOT 17; THENCE RUN NORTHWESTERLY ALONG SAID WESTERLY LINE OF LOT 17, A DISTANCE OF 27.39 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF A TANGENTIAL CIRCULAR CURVE TO THE LEFT, HAVING A RADIUS OF 29.30 FEET AND A CENTRAL ANGLE OF 46°06'19", FOR AN ARC DISTANCE OF 23.58 FEET TO A POINT; THENCE RUN EASTERLY ALONG A STRAIGHT LINE A DISTANCE OF 74.72 FEET TO A POINT ON THE EAST LINE OF SAID LOT 18, SAID POINT BEING 25.15 FEET NORTH OF THE SOUTHEAST CORNER OF LOT 18; THENCE RUN SOUTH ALONG SAID EAST LINE OF LOT 18, FOR A DISTANCE OF 25.15 FEET TO THE POINT OF BEGINNING.

PARCEL 3;

LOTS 13 AND 14, OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

LAND DESCRIPTION: (600-630 ALTON ROAD)

LOTS 1 THROUGH 7, INCLUSIVE AND LOTS 27 THROUGH 32, INCLUSIVE, BLOCK 2, "AMENDED PLAT FLEETWOOD SUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 28 AT PAGE 34, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; LESS AND EXCEPTING THOSE PORTIONS OF SAID LOTS 1 AND 2, OF BLOCK 2, OF SAID PLAT OF "AMENDED PLAT FLEETWOOD SUBDIVISION", MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 2; THENCE RUN SOUTH, ALONG THE WEST LINE OF SAID LOT 1 AND 2 FOR A DISTANCE OF 95.00 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHEASTERLY, ALONG THE ARC OF SAID CIRCULAR CURVE TO THE LEFT HAVING FOR ELEMENTS A RADIUS OF 15.00 FEET AND A CENTRAL ANGLE OF 90 DEGREES FOR AN ARC DISTANCE OF 23.56 FEET TO A POINT OF TANGENCY WITH THE SOUTH LINE OF SAID LOT 1; THENCE RUN EAST ALONG THE SAID SOUTH LINE OF LOT 1 FOR A DISTANCE OF 23.87 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF A CIRCULAR CURVE TO THE RIGHT, HAVING FOR ELEMENTS A RADIUS OF 15.00 FEET AND A CENTRAL ANGLE OF 73 DEGREES 36 MINUTES 39 SECONDS FOR AN ARC DISTANCE OF 19.27 FEET TO A POINT OF TANGENCY; THENCE RUN NORTH 16 DEGREES 23 MINUTES 21 SECONDS WEST FOR A DISTANCE OF 51.32 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1; THENCE RUN NORTH 11 DEGREES 18 MINUTES 35 SECONDS WEST FOR A DISTANCE OF 50.99 FEET TO THE POINT OF BEGINNING, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

TOGETHER WITH:

LOTS 23 THROUGH 26, INCLUSIVE, BLOCK 2, "AMENDED PLAT FLEETWOOD SUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 28 AT PAGE 34, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

LAND DESCRIPTION: (1220 6TH STREET)

LOTS 11 AND 12, OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

LAND DESCRIPTION: (659, 701, 703, 711, 721, 723, 727, 737 WEST AVENUE)
FLEETWOOD SUB PB 28-34

LOTS 1 THRU 4 LESS ST & LOTS 5 THRU 14 & LOTS 23 THRU 32 BLK 2
& PROP INT IN & TO COMMON ELEMENTS NOT DEDICATED TO PUBLIC
AQUARIUM SITE AND PB 21-83
LOT 1 & LOT 19 LESS OFF ST RD 5 & LOTS 2 THRU 8 LESS W14.21FT OF
N20FT OF LOT 8 FOR R/W & LOTS 9 & 10 LESS W14.21FT FOR R/W

&

LOTS 11 & 12 & PORT OF 15FT ALLEY DESC AS BEG NE COR OF LOT 1 TH S 89 DEG W 125.12FT
N 00 DEG W 170.01FT N 89 DEG E 15FT S 00 DEG E 155.01FT N 89 DEG E
110.12FT S 00 DEG E 15FT TO POB & LOT 13 LESS N20FT FOR R/W

&

LOTS 14 THRU 18 LESS OFF ST RD 5 500 THRU 650 ALTON RD 517-737 WEST AVE
1220 6 ST

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

PROPERTY: 500 Alton Road & 1220 Sixth Street
FILE NO. 2245
IN RE: The application for Conditional Use approval to operate a surface parking lot 24 hours a day, pursuant to Section 130, Article III.
LEGAL DESCRIPTION: See Exhibit "A" attached
MEETING DATE: May 26, 2015

CONDITIONAL USE PERMIT

The applicants, 500 Alton Road Ventures, LLC and 1220 Sixth, LLC, requested Conditional Use approval to operate a surface parking lot 24 hours a day, pursuant to Section 130, Article III. 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 CPS-2, Commercial Performance Standard 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

mg

a Conditional Use Permit as requested and set forth above be GRANTED, subject to the following conditions:

1. The Planning Board shall maintain jurisdiction on this Conditional Use Permit. The applicant shall present a Progress Report to the Board within 90 days of the issuance of the Certificate of Occupancy (CO) or Business Tax Receipt (BTR) for the parking lot, whichever comes first. At the time of the first Progress Report, the applicant shall provide an update valet operational plan. If deemed necessary, at the request of the Planning Director or a Board member, the applicant shall present a progress report to the Board at a future date. The Board reserves the right to modify the Conditional Use approval at the time of the 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 Permit is also subject to modification or revocation under City Code Sec. 118-194 (c).
2. This Conditional Use Permit is issued to 500 Alton Road Ventures, LLC and 1220 Sixth, LLC, as the owners of the property and M&G Sofi, LLC, as the operator. Subsequent owners and/or operators shall be required to appear before the Board within 90 days of the change of ownership or operator to affirm their understanding of the conditions listed herein and to obtain a Modification to this Conditional Use Permit.
3. If the Florida Department of Transportation (FDOT) does not approve the curb cuts on Alton Road, then the applicant shall appear before the board for a modification to the approved site plan.
4. The Applicant shall be required, prior to the issuance of any building permits, to provide a lease and operating agreement, and authorization by the Floridian Condominium Association, located at 650 West Avenue, as to agreement to move the permanent parking location for the Floridian, from its existing location pursuant to the Planning Board CUP Order 1940, to the proposed temporary location, and to the proposed new, permanent location.
5. Owner hereby grants to the City a non-exclusive easement in, upon, over, under and through that portion of the Property along 6th street, for the sole and limited purpose of operating, using, maintaining, repairing and replacing the improvements more particularly described as the Pump Station Improvements – including: pumps needed for stormwater management for the area, and the Owner to provide the City with the Generator for the pump station, and access to and electrical services for the pump station for installation, operation, use, maintenance, repair and replacement of the Generator.
6. 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. At a minimum, the plan shall indicate a five-foot wide, landscaped area bordering the surface area along a property line.
 - b. The areas fronting a street shall be landscaped with a one canopy tree every 20 feet of frontage.

valet attendants) and screeching of tires shall be prohibited. Two signs, one addressing City Code provisions regarding car alarms, and one prohibiting the screeching of tires and sounding of horns, shall be posted on the site so they are plainly visible by, and legible to, users of the facility (see attached examples).

12. The applicant shall install a sign indicating the name and phone number of the operator to report complaints, as well as the phone number for Code Compliance. The maximum size of such sign shall not exceed five square feet per 50 feet of street frontage, as permitted by the City Code.
13. The applicant shall resolve outstanding violations and fines, if any, prior to the issuance of a Business Tax Receipt/Certificate of Use for this parking facility.
14. Compliance with the aforesaid conditions shall be a prerequisite to obtaining a Certificate of Occupancy/Business Tax Receipt.
15. A Conditional Use Permit which lists the aforementioned conditions shall be recorded in the Public Records of Miami-Dade County at the expense of the applicant, prior to the issuance of a Business Tax Receipt /Certificate of Use, or Certificate of Occupancy, whichever may occur first.
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 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 permit.
18. 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.
19. Within a reasonable period of time after receipt of the executed Conditional Use Permit, the applicant, at its sole expense, shall record it in the Public Records of Miami-Dade County, and return the recorded instrument to the Planning Department. No building permit, certificate of occupancy, or certificate of completion shall be issued until this requirement has been satisfied.

Dated this 19th day of JUNE, 2015.

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

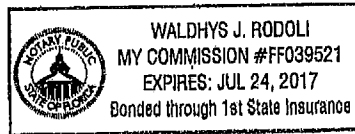
mb

- c. All landscaped areas shall utilize understory planted material.
 - d. A hedge that is at least 36 inches in height at the time of planting shall be installed on the entire perimeter of the lot; hedges on street or alley frontages shall not exceed 42 inches in height at maturity. The hedge material planted on any side of the lot that abuts the lot line of another property shall be at least 48 inches (four feet) in height at time of planting and shall not exceed 60 inches (five feet) at maturity.
 - e. A 6" curb shall be provided to protect all landscape areas. Also, if utilizing wheel stops, they shall be placed at least 2½ feet from the edge of the paved area for every parking space.
 - f. The minimum parking dimension is 18' x 8.5'. In addition to the minimum required setbacks, parking spaces facing a landscape area shall be designed to be 16' in length with a 2' overhand over a landscape area with a continued raised curb. Wheel stops are not required for this condition.
 - g. The applicant shall submit a plan for a recurring maintenance schedule that includes, but is not limited to, cleaning the lot, clipping of hedge material, removing and replacement of dead plant material, fertilization and irrigation.
 - h. Parking lines shall be painted white.
 - i. Proposed access to the lot shall be approved by the Transportation Department prior to the Planning Department's approval.
 - j. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the final revised landscape plan.
 - k. 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.
- 7. Light baffling covers shall be installed to minimize light spillage onto the neighboring properties and still meet any State and County regulations for minimum lighting required for life safety, subject to the review and approval of staff.
 - 8. Vehicles shall be parked in marked spaces only without tandem parking.
 - 9. The valet operator shall instruct its employees not to use the car alarm system as a way of identifying the vehicle for pick up.
 - 10. 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.
 - 11. The applicant shall be responsible for operating this facility in an orderly, clean and quiet manner so that neighboring residents are not disturbed during the hours of operation. This shall include removing all trash from the lot not less than twice daily. The sounding of car alarms, automobile horns, playing of radios or any kind of audio system (including by the

mb

BY: Michael BelushMichael Belush, Planning and Zoning Manager
For ChairmanSTATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 19th day of June, 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 to me.

Waldhys J. Rodoli

Notary:

Print Name Waldhys J. Rodoli

Notary Public, State of Florida

My Commission Expires: 7-24-2017Commission Number: FF039521

[NOTARIAL SEAL]

Approved As To Form:
Legal Department [Signature]Filed with the Clerk of the Planning Board on 06/19/2015 [Signature]

F:\PLAN\PLB\2015\5-26-15\2245 - 500 Alton Road & 1120 Sixth Street\2245- CUP.docx

MB

A

LEGAL DESCRIPTION

PARCEL 1:

LOTS 2 THROUGH 10, INCLUSIVE, AND LOT 15, OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

PARCEL 2:

LOTS 1, 16, 17, 18 AND 19, OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE FOLLOWING DESCRIBED PARCELS:

BEGIN AT THE SOUTHWEST CORNER OF LOT 19 OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, RUN NORTH ALONG THE WEST LINE OF SAID LOT 19 FOR A DISTANCE OF 25.15 FEET TO THE POINT OF INTERSECTION WITH THE RIGHT-OF-WAY LINE OF STATE ROAD A-1-A; THENCE DEFLECTING $87^{\circ}01'19''$ TO THE RIGHT, RUN ALONG THE RIGHT-OF-WAY LINE OF STATE ROAD A-1-A FOR A DISTANCE OF 37.88 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE RUN ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 65.5 FEET AND A CENTRAL ANGLE OF $87^{\circ}00'49''$, FOR AN ARC DISTANCE OF 99.47 FEET TO THE POINT OF TANGENCY WITH THE EAST LINE OF SAID LOT 1, SAID POINT BEING 7.48 FEET SOUTH OF THE NORTHEAST CORNER OF SAID LOT 1; THENCE RUN SOUTH ALONG THE EAST LINE OF LOT 1, FOR A DISTANCE OF 28.72 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE RUN ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 63.80 FEET AND A CENTRAL ANGLE OF $89^{\circ}59'30''$, FOR AN ARC DISTANCE OF 100.21 FEET TO A POINT OF TANGENCY WITH THE SOUTH LINE OF LOT 1, AT A DISTANCE OF 11.20 FEET FROM THE SOUTHWEST CORNER OF LOT 1; THENCE RUN WEST ALONG SOUTH LINE OF SAID LOTS 1 AND 19 FOR A DISTANCE OF 36.20 FEET TO THE POINT OF BEGINNING.

AND

BEGINNING AT THE SOUTHEAST CORNER OF LOT 18 OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, RUN WEST ALONG THE SOUTH LINE OF LOTS 18 AND 17 A DISTANCE OF 62.00 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE RUN ALONG THE ARC OF SAID CIRCULAR CURVE, HAVING A RADIUS OF 20.00 FEET AND A CENTRAL ANGLE OF $66^{\circ}03'04''$, FOR AN ARC

DISTANCE OF 23.06 FEET TO THE POINT OF TANGENCY WITH THE WESTERLY LINE OF SAID LOT 17; THENCE RUN NORTHWESTERLY ALONG SAID WESTERLY LINE OF LOT 17, A DISTANCE OF 27.39 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF A TANGENTIAL CIRCULAR CURVE TO THE LEFT, HAVING A RADIUS OF 29.30 FEET AND A CENTRAL ANGLE OF 46°06'19", FOR AN ARC DISTANCE OF 23.58 FEET TO A POINT; THENCE RUN EASTERLY ALONG A STRAIGHT LINE A DISTANCE OF 74.72 FEET TO A POINT ON THE EAST LINE OF SAID LOT 18, SAID POINT BEING 25.15 FEET NORTH OF THE SOUTHEAST CORNER OF LOT 18; THENCE RUN SOUTH ALONG SAID EAST LINE OF LOT 18, FOR A DISTANCE OF 25.15 FEET TO THE POINT OF BEGINNING.

PARCEL 3;

LOTS 13 AND 14, OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

LAND DESCRIPTION: (600-630 ALTON ROAD)

LOTS 1 THROUGH 7, INCLUSIVE AND LOTS 27 THROUGH 32, INCLUSIVE, BLOCK 2, "AMENDED PLAT FLEETWOOD SUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 28 AT PAGE 34, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; LESS AND EXCEPTING THOSE PORTIONS OF SAID LOTS 1 AND 2, OF BLOCK 2, OF SAID PLAT OF "AMENDED PLAT FLEETWOOD SUBDIVISION", MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 2; THENCE RUN SOUTH, ALONG THE WEST LINE OF SAID LOT 1 AND 2 FOR A DISTANCE OF 95.00 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHEASTERLY, ALONG THE ARC OF SAID CIRCULAR CURVE TO THE LEFT HAVING FOR ELEMENTS A RADIUS OF 15.00 FEET AND A CENTRAL ANGLE OF 90 DEGREES FOR AN ARC DISTANCE OF 23.56 FEET TO A POINT OF TANGENCY WITH THE SOUTH LINE OF SAID LOT 1; THENCE RUN EAST ALONG THE SAID SOUTH LINE OF LOT 1 FOR A DISTANCE OF 23.87 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF A CIRCULAR CURVE TO THE RIGHT, HAVING FOR ELEMENTS A RADIUS OF 15.00 FEET AND A CENTRAL ANGLE OF 73 DEGREES 36 MINUTES 39 SECONDS FOR AN ARC DISTANCE OF 19.27 FEET TO A POINT OF TANGENCY; THENCE RUN NORTH 16 DEGREES 23 MINUTES 21 SECONDS WEST FOR A DISTANCE OF 51.32 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1; THENCE RUN NORTH 11 DEGREES 18 MINUTES 35 SECONDS WEST FOR A DISTANCE OF 50.99 FEET TO THE POINT OF BEGINNING, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

TOGETHER WITH:

DR BK 29324 PG 0393
Last Page

LOTS 23 THROUGH 26, INCLUSIVE, BLOCK 2, "AMENDED PLAT FLEETWOOD SUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 28 AT PAGE 34, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

LAND DESCRIPTION: (1220 6TH STREET)

LOTS 11 AND 12, OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

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

PROPERTY: 500 Alton Road & 1220 Sixth Street

FILE NO. PB 16-0088 f.k.a. PB 0416-0009 and PB 2245.

IN RE: The applicants, 500 Alton Road Ventures, LLC and 120 Sixth, LLC., requested modifications to a previously issued Conditional Use Approval. Specifically, the applicants requested modifications to the previously approved site plan and landscape plan, pursuant to Chapter 118, Article IV of the City Code.

LEGAL DESCRIPTION: See Exhibit A and Exhibit B, attached

MEETING DATE: May 23, 2017

MODIFIED CONDITIONAL USE PERMIT

The applicants, 500 Alton Road Ventures, LLC and 1220 Sixth, LLC, requested modifications to a previously issued Conditional Use Approval which allows the operation of the parking lot after midnight. Specifically, the applicants requested modifications to the previously approved site plan and landscape plan, pursuant to Section 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:

That the property in question is located in the CPS-2, Commercial Performance Standard 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.

MB

PB16-0088, f.k.a. PB 0416-0009 and PB 2245 – 500 Alton Road
 May 23, 2017
 Page 2 of 5

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: ~~strikethrough~~ indicates stricken language and underline indicates added language from the original approval.

1. The Planning Board shall maintain jurisdiction on this Conditional Use Permit. The applicant shall present a Progress Report to the Board within 90 days of the issuance of the Certificate of Occupancy (CO) or Business Tax Receipt (BTR) for the parking lot, whichever comes first. At the time of the first Progress Report, the applicant shall provide an update valet operational plan. If deemed necessary, at the request of the Planning Director or a Board member, the applicant shall present a progress report to the Board at a future date. The Board reserves the right to modify the Conditional Use approval at the time of the 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 Permit is also subject to modification or revocation under City Code Sec. 118-194 (c).
2. This Conditional Use Permit is issued to 500 Alton Road Ventures, LLC and 1220 Sixth, LLC, as the owners of the property and M&G Sofi, LLC, as the operator. Subsequent owners and/or operators shall be required to appear before the Board within 90 days of the change of ownership or operator to affirm their understanding of the conditions listed herein and to obtain a Modification to this Conditional Use Permit.
3. If the Florida Department of Transportation (FDOT) does not approve the curb cuts on Alton Road, then the applicant shall appear before the board for a modification to the approved site plan. *"Florida Department of Transportation (FDOT) has approved the Alton Road Curb as proposed"*.
4. The Applicant shall be required, prior to the issuance of a full building permit for the improvements north of 6th Street, to provide a lease and operating agreement, and authorization by the Floridian Condominium Association, located at 650 West Avenue, as to agreement to move the permanent parking location for the Floridian, from its existing location pursuant to the Planning Board CUP Order 1940, to the proposed temporary location, and to the proposed new, permanent location.
5. Owner hereby grants to the City a non-exclusive easement in, upon, over, under and through that portion of the Property along 6th street, for the sole and limited purpose of operating, using, maintaining, repairing and replacing the improvements more particularly described as the Pump Station Improvements – including: pumps needed for stormwater management for the area, and the Owner to provide the City with the Generator for the pump station, and access to and electrical services for the pump station for installation, operation, use, maintenance, repair and replacement of the Generator.
6. 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:

MB

-
- ~~a. At a minimum, the plan shall indicate a five-foot wide, landscaped area bordering the surface area along a property line.~~
 - ~~b. The areas fronting a street shall be landscaped with a one canopy tree every 20 feet of frontage with the exception of the area shown north of the existing building and along West Avenue.~~
 - ~~c. All landscaped areas shall utilize understory planted material.~~
 - ~~d. A hedge that is at least 36 inches in height at the time of planting shall be installed on the entire perimeter of the lot; hedges on street or alley frontages shall not exceed 42 inches in height at maturity. The hedge material planted on any side of the lot that abuts the lot line of another property shall be at least 48 inches (four feet) in height at time of planting and shall not exceed 60 inches (five feet) at maturity.~~
 - b. A 6" curb or Fence shall be provided to protect all landscape areas. Also, A construction fence may be provided within the interior of the parking lot not facing a landscape area. If utilizing wheel stops, they shall be placed at least 2½ feet from the edge of the paved area for every parking space.
 - c. The minimum parking dimension is 18' x 8.5'. In addition to the minimum required setbacks, parking spaces facing a landscape area shall be designed to be 16' in length with a 2' overhand over a landscape area with a continued raised curb. Wheel stops are not required for this condition.
 - d. The applicant shall submit a plan for a recurring maintenance schedule that includes, but is not limited to, cleaning the lot, clipping of hedge material, removing and replacement of dead plant material, fertilization and irrigation.
 - ~~e. Parking lines shall be painted white.~~
 - f. Proposed access to the lot shall be approved by the Transportation Department prior to the Planning Department's approval.
 - g. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the final revised landscape plan.
 - h. 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.
 - i. Landscaping shall be maintained for the duration of the temporary parking lot use.
7. Light baffling covers shall be installed to minimize light spillage onto the neighboring properties and still meet any State and County regulations for minimum lighting required for life safety, subject to the review and approval of staff.
8. Vehicles shall be parked in marked spaces only.
- MB

9. The valet operator shall instruct its employees not to use the car alarm system as a way of identifying the vehicle for pick up.
10. 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.
11. The applicant shall be responsible for operating this facility in an orderly, clean and quiet manner so that neighboring residents are not disturbed during the hours of operation. This shall include removing all trash from the lot not less than twice daily. The sounding of car alarms, automobile horns, playing of radios or any kind of audio system (including by the valet attendants) and screeching of tires shall be prohibited. Two signs, one addressing City Code provisions regarding car alarms, and one prohibiting the screeching of tires and sounding of horns, shall be posted on the site so they are plainly visible by, and legible to, users of the facility (see attached examples).
12. The applicant shall install a sign indicating the name and phone number of the operator to report complaints, as well as the phone number for Code Compliance. The maximum size of such sign shall not exceed five square feet per 50 feet of street frontage, as permitted by the City Code.
13. The applicant shall resolve outstanding violations and fines, if any, prior to the issuance of a Business Tax Receipt/Certificate of Use for this parking facility.
14. Compliance with the aforesaid conditions shall be a prerequisite to obtaining a Certificate of Occupancy/Business Tax Receipt.
15. A Conditional Use Permit which lists the aforementioned conditions shall be recorded in the Public Records of Miami-Dade County at the expense of the applicant, prior to the issuance of a Business Tax Receipt /Certificate of Use, or Certificate of Occupancy, whichever may occur first.
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 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 permit.
18. 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.
19. Within a reasonable period of time after receipt of the executed Conditional Use Permit, the applicant, at its sole expense, shall record it in the Public Records of Miami-Dade

PB16-0088, f.k.a. PB 0416-0009 and PB 2245 - 500 Alton Road

May 23, 2017

Page 5 of 5

County, and return the recorded instrument to the Planning Department. No building permit, certificate of occupancy, or certificate of completion shall be issued until this requirement has been satisfied.

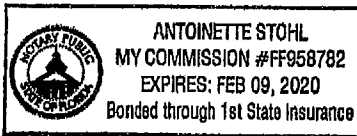
Dated this 25th day of MAY, 2017.

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: Michael Belush
Michael Belush, AICP
Chief of Planning and Zoning
For Chairman

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 25 day of MAY, 2017, by Michael Belush, Chief of Planning and Zoning for the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



Antoinette Stohl
Notary: ANTOINETTE STOHL
Print Name
Notary Public, State of Florida
My Commission Expires:
Commission Number:

[NOTARIAL SEAL]

Approved As To Form:
Legal Department [Signature] 5/25/17

Filed with the Clerk of the Planning Board on 5/25/2017 [Signature]

F:\PLAN\PLB\2017\5-23-17\PB 16-0088 - 500 Alton Road & 1220 Sixth St\PB16-0088 fka PB0416-0009 and PB 2245 - 500 Alton Rd & 1220 6th St FINAL MOD CUP.docx

MS

EXHIBIT A**LAND DESCRIPTION: (500 ALTON ROAD)****PARCEL 1:**

LOTS 2 THROUGH 10, INCLUSIVE, AND LOT 15, OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

PARCEL 2:

LOTS 1, 16, 17, 18 AND 19, OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE FOLLOWING DESCRIBED PARCELS:

BEGIN AT THE SOUTHWEST CORNER OF LOT 19 OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, RUN NORTH ALONG THE WEST LINE OF SAID LOT 19 FOR A DISTANCE OF 25.15 FEET TO THE POINT OF INTERSECTION WITH THE RIGHT-OF-WAY LINE OF STATE ROAD A-1-A; THENCE DEFLECTING 87°01'19" TO THE RIGHT, RUN ALONG THE RIGHT-OF-WAY LINE OF STATE ROAD A-1-A FOR A DISTANCE OF 37.88 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE RUN ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 68.5 FEET AND A CENTRAL ANGLE OF 87°00'49", FOR AN ARC DISTANCE OF 99.47 FEET TO THE POINT OF TANGENCY WITH THE EAST LINE OF SAID LOT 1, SAID POINT BEING 7.48 FEET SOUTH OF THE NORTHEAST CORNER OF SAID LOT 1; THENCE RUN SOUTH ALONG THE EAST LINE OF LOT 1, FOR A DISTANCE OF 28.72 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE RUN ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 63.80 FEET AND A CENTRAL ANGLE OF 89°59'30", FOR AN ARC DISTANCE OF 100.21 FEET TO A POINT OF TANGENCY WITH THE SOUTH LINE OF LOT 1, AT A DISTANCE OF 11.20 FEET FROM THE SOUTHWEST CORNER OF LOT 1; THENCE RUN WEST ALONG SOUTH LINE OF SAID LOTS 1 AND 19 FOR A DISTANCE OF 36.20 FEET TO THE POINT OF BEGINNING.

AND

BEGINNING AT THE SOUTHEAST CORNER OF LOT 18 OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, RUN WEST ALONG THE SOUTH LINE OF LOTS 18 AND 17 A DISTANCE OF 62.00 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE RUN ALONG THE ARC OF SAID CIRCULAR CURVE, HAVING A RADIUS OF 20.00 FEET AND A CENTRAL ANGLE OF 66°03'04", FOR AN ARC DISTANCE OF 23.06 FEET TO THE POINT OF TANGENCY WITH THE WESTERLY LINE OF SAID LOT 17; THENCE RUN NORTHWESTERLY ALONG SAID WESTERLY LINE OF LOT 17, A DISTANCE OF 27.39 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF A TANGENTIAL CIRCULAR CURVE TO THE LEFT, HAVING A RADIUS OF 29.30 FEET AND A CENTRAL ANGLE OF 46°06'19", FOR AN ARC DISTANCE OF 23.58 FEET TO A POINT; THENCE RUN EASTERLY ALONG A STRAIGHT LINE A DISTANCE OF 74.72 FEET TO A POINT ON THE EAST LINE OF SAID LOT 18, SAID POINT BEING 25.15 FEET NORTH OF THE SOUTHEAST CORNER OF LOT 18; THENCE RUN SOUTH ALONG SAID EAST LINE OF LOT 18, FOR A DISTANCE OF 25.15 FEET TO THE POINT OF BEGINNING.

PARCEL 3:

LOTS 13 AND 14, OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

nmh

EXHIBIT B

LAND DESCRIPTION: (1220 SIXTH PROPERTY)

PARCEL 4;

LOTS 11 AND 12, OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

MB