

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Design Review Board

TO: DRB Chairperson and Members

DATE: June 7, 2016

FROM: Thomas R. Mooney, AICP  
Planning Director

SUBJECT: Design Review File No. 23064  
**Citywide Distributed Antenna System (DAS) Nodes: 100 Biscayne Street**

The applicant, Crown Castle NG East, Inc., is requesting a (1) one-year Extension of Time for a previously issued Design Review Approval for the installation of a Stealth Distributed Antenna System (DAS) node within the public right-of-way at the following approximate location outside of historic districts: **100 Biscayne Street (Inlet Blvd).**

**(ITEM WAS ORIGINALLY APPROVED AT THE August 5, 2014 MEETING)**

#### **RECOMMENDATION:**

Approval

#### **HISTORY:**

The application was approved by the Design Review Board on August 5, 2014 subject to the conditions set forth in the "Final Order". Since that time, the applicant has not yet obtained the required building permit for the reasons set forth in the submitted letter of intent.

Original Approval Date: August 5, 2014  
Order Expiration Date: February 5, 2016  
Proposed Expiration Date: February 5, 2017

At the May 3, 2016, the item was continued to the June 7, 2016 Design Review Board at the request of the applicant.

#### **THE PROJECT:**

The applicant, Crown Castle NG East, Inc., is requesting Design Review Approval for the installation of a Stealth Distributed Antenna System (DAS) node within the public right-of-way at the following approximate location outside of historic districts: **100 Biscayne Street (Inlet Blvd).** For this location, the applicant is proposing a stand-alone pole to be located in the grass landscaped strip along the northern edge of the parking lot of South Pointe Park, at the terminus of the easement along Continuum 1. In order to improve the coverage and capacity of the cellular devices data available within the City, staff recommends the request for an extension of time be approved to ensure that the permitting process commences.

#### **RECOMMENDATION:**

In view of the foregoing analysis, staff recommends the request for an extension of time be approved for a period not to exceed one (1) year from the expiration of the original approval as indicated in the Final Order for the project, subject to the conditions enumerated in the attached Draft Order.

TRM/JGM

**DESIGN REVIEW BOARD**  
**City of Miami Beach, Florida**

MEETING DATE: June 7, 2016

FILE NO: 23064

PROPERTY: **100 Biscayne Street (Inlet Boulevard)**

APPLICANT: Crown Castle NG East, Inc.

LEGAL: That portion of the south side of the right-of-way known as Biscayne Street located at LATITUDE: North 25°45'59.808", LONGITUDE: West 80°08'00.663"  
Florida State Plain Coordinates : X=941329.762, Y=521803.705

IN RE: The Application requesting a (1) one-year Extension of Time for a previously issued Design Review Approval for the installation of a Stealth Distributed Antenna System (DAS) node within the public right-of-way at the following approximate location outside of historic districts: **100 Biscayne Street (Inlet Blvd).**

**ORDER**

The City of Miami Beach Design Review Board makes the following FINDING 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:

The applicant submitted information establishing, among other things, that delays were encountered in permitting the project. The foregoing constitutes good cause for granting a one (1) year extension of time to the requirement that a Full Building Permit be obtained within eighteen (18) months of the original Design Review Approval.

IT IS HEREBY ORDERED, based upon the foregoing finding of fact and the staff report and analysis, which is adopted herein, including the recommendation, that a one (1) year extension of time to obtain a full building permit (which one [1] year period shall run from the expiration date of the original approval, which was on February 5, 2016) is granted for the above-referenced project conditioned upon the following, to which the applicant has agreed:

1. A full building permit, not a foundation or shell permit, for the project shall be obtained by February 5, 2017.
2. Construction shall commence and continue in accordance with the applicable Building Code.
3. This Extension of Time shall run concurrent with any other Extensions of Time that may be provided to the property owner as a result of actions of non-City authorities with jurisdiction over such matters.

4. 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.
5. 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.

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 and the Order for the August 5, 2014 approval 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 and the Final Order for the September 2, 2014 meeting. If the Full Building Permit is not issued by February 5, 2017, the Design Review Approval will expire and become null and void. 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  
FOR THE CHAIR

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

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.

\_\_\_\_\_  
NOTARY PUBLIC  
Miami-Dade County, Florida  
My commission expires: \_\_\_\_\_

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

Filed with the Clerk of the Design Review Board on \_\_\_\_\_ ( )

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