

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

**PROPERTY:** 1747 – 1759 Bay Road

**FILE NO.** 1991

**IN RE:** The application by 1747 Bay Road Properties, LLC requesting Conditional Use approval to redevelop an existing warehouse into restaurant/retail use with approximately 18 valet parking spaces, and a towing operation service, to include parking lifts for vehicle storage, with 54 towing storage spaces. Subject to the conditions set forth below, this Conditional Use Permit is issued for the operation of a towing service, a towing storage facility with mechanical lifts, a restaurant, retail stores, and associated valet parking.

**LEGAL  
DESCRIPTION:** See attached Exhibit "A"

**MEETING DATE:** December 13, 2011

**CONDITIONAL USE PERMIT**

The applicant, 1747 Bay Road Properties, LLC., filed an application with the Planning Director for a Conditional Use Permit pursuant to Sections 142-483, and 118-191 and 192, of the City Code. Notice of the request for Conditional Use 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 record for this matter:

That the property in question is located in the I-1, Urban Light Industrial zoning district;

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;

That structures and Uses associated with the request are consistent with the Ordinance;

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

That necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values if the following conditions are met.



**IT IS THEREFORE ORDERED**, based upon the foregoing findings of fact and the staff report and analysis, which are adopted herein, including the recommendations, that the Conditional Use Permit be approved as requested, upon the following conditions to which the applicant has agreed:

1. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. The applicant shall provide a progress report to the Board in 90 days after the Certificate of Use/Business Tax Receipt has been issued. The Board reserves the right to modify the Conditional Use approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address possible problems and to determine the timing and need for future progress reports. This Conditional Use is also subject to modification or revocation under City Code Sec. 118-194 (c).
2. This Conditional Use Permit is issued to 1747 Bay Road Properties, LLC as owner of the property, including for use by Tremont Towing, Inc. as a towing service in accordance with these conditions. Any change of owner/operator, including those of the proposed towing service and/or the proposed restaurant, shall require review and approval by the Planning Board as a modification to this conditional use permit. Subsequent owners/operators shall be required to appear before the Board to affirm their understanding of the conditions listed herein.
3. The conditions of approval for this Conditional Use Permit are binding on the applicant, the property owners, tenants, operators, and all successors in interest and assigns.
4. The applicant, and the operator, now and in the future, shall abide by all the plans and documents submitted with this application for a Conditional Use Permit and all statements made at the public hearings. Any 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.
5. Simultaneous to the issuance of any Certificate of Occupancy for the property, or Certificate of Use, Annual Fire Fee, and Business Tax Receipt to operate a towing/wrecker related service at the property, Tremont Towing, Inc., and/or its assigns or successors in interest or any subsidiary or affiliate thereof, shall irrevocably surrender and abandon the Conditional Use Permit granted to Tremont Towing, Inc., by the Planning Board on August 24, 2010, and any and all Certificate(s) of Use, Annual Fire Fee, and Business Tax Receipt(s) for a towing/wrecker related service or use and/or storage yard at 1861 Bay Road, including, but not limited to, Certificate of Use, Annual Fire Fee, and Business Tax Receipt number RL10001764, and all occupations listed thereunder. The surrender and abandonment of the Conditional Use Permit and Business Tax Receipt related to 1861 Bay Road shall not become effective until such time as the applicant and/or Tremont Towing, Inc., receives a Business Tax Receipt to operate a towing/wrecker related service at the property pursuant to this Conditional Use Permit, and said Business Tax Receipt becomes final and not appealable. At no time shall towing and wrecking operations occur at this property while towing operations occur at 1861 Bay Road.
6. Storage of vehicles by valet operators for off-site facilities shall not be permitted.

7. The hours of operation of the towing facility shall be as proposed by the applicant, seven days a week 24 hours a day, pursuant to the towing permit agreement with the City.
8. The maximum number of towed vehicles permitted to be stored in the facility shall be 54. The towing storage lot shall consist of 18 single vehicle spaces, 4 scooter spaces and 36 vehicle spaces in the building containing parking lifts.
9. A mechanical parking plan, indicating specifications, maintenance requirements, noise specifications, and emergency procedures for the mechanical parking lifts, shall be submitted to the Planning Department for review and approval by staff prior to the approval of any building permit or certificate of use.
10. The proposed accessory use restaurant on the site shall be limited to the ground floor only as proposed. The restaurant seating shall be restricted to no more than 64 seats and an occupant load that shall not exceed 100 persons or any lesser number as may be determined by the Chief Fire Marshal. All required parking shall be located on the subject property.
11. "Entertainment," as defined in the City Code is prohibited. Use of the rooftop area for commercial use shall also be prohibited.
12. There shall be security personnel of at least one person on site monitoring the garage operation 24 hours a day, seven days a week. Security personnel shall take measures to keep noise disturbances and vehicles blocking the driveway and street to a minimum.
13. A Closed Circuit TV system facing the street that maintains video surveillance at all times shall be installed prior to the issuance of a Certificate of Use/Business Tax receipt.
14. For all uses and operations authorized by this Conditional Use Permit, deliveries and trash and garbage pickups shall be conducted directly on site and not on the street. The trash/garbage container shall have rubber wheels and shall not be permitted to be wheeled to curbside for pick-up.
15. The applicant shall submit an MOT (Method of Transportation) to Public Works Department staff for review and approval prior to the issuance of a building permit. The MOT shall address any traffic flow disruption due to construction activity on the site.
16. The applicant shall be responsible for maintaining the adjacent areas fronting Bay Road and 18th Street and all around the property in excellent condition, keeping these areas clean and free of all refuse at all times.
17. No vehicle tow trucks, towed vehicles, other vehicles shall ever be staged or parked on the right of way or the sidewalk. All tow trucks shall be stored on the site and not on the right-of-way or the sidewalk.
18. Tow trucks shall be prohibited from traveling on Purdy Ave and 20<sup>th</sup> Street [Purdy to Alton] at all times, unless the towing call is located on that street, or in cases of obstruction of the normal approved paths.
19. At no time shall tow trucks be staged or parked in the right of way or blocking the flow of traffic on 18th Street or Bay Road.

20. Tow trucks and all vehicles shall be strictly prohibited from backing into or out of the property.
21. The noise or vibration from the operation of the proposed mechanical parking lifts shall not be plainly audible to nearby residents. Noise and vibration barriers shall be utilized to ensure that surrounding walls decrease sound and vibration emissions outside of the enclosed building;
22. The parking lift platform of the mechanical lifts must be sealed and of a sufficient width and length (minimum of eight feet by 16 feet) to completely cover the bottom of the vehicle on the platform to prevent dripping liquids or debris onto the vehicle below;
23. The mechanical parking lifts must be designed so that power is required to lift the car, but that no power is required to lower the car, in order to ensure that the lift can be lowered and the top vehicle can be accessed in the event of a power outage;
24. The mechanical lifts must be designed to prevent lowering of the lift when a vehicle is parked below the lift;
25. The ceiling heights of any building containing parking lifts shall be a minimum of 11 feet, six inches;
26. All parking lifts shall only be operated using a spring loaded underwriters laboratories (UL) approved key switch control. No push button is allowed;
27. All electrical components of the lifts shall be underwriters laboratories (UL) approved;
28. All mechanical parking lifts must be inspected and serviced at least once per year with an annual safety report signed by a licensed mechanical engineer; and
29. All parking lifts shall be maintained and kept in good working order.
30. All car alarms and other such devices shall be disabled or be prevented from sounding within the lot or operational area.
31. All business operations of the towing operator shall be conducted on private property. Use of the right-of-way or the sidewalk by the towing operator is prohibited, except for sidewalk café as may be approved by the Public Works Department. There shall not be a walk up window that allows people to congregate on the sidewalk. All transactions with towing customers shall occur within the towing office.
32. The areas containing towing service operations shall be fenced off in such a way so as to obscure the operations from the street. A new metal gate shall be provided with a solid metal shield on the back in order to completely block views of the business operation from the public right-of-way subject to the review and approval of Design Review Board staff.
33. Prior to the issuance of a building permit, the applicant shall participate in a Transportation Concurrency Management Area Plan (TCMA Plan), if deemed necessary, by paying its fair share cost, as may be determined as determined by the Concurrency Management Division.

34. A final concurrency determination shall be conducted prior to the issuance of a Building Permit. Mitigation fees and concurrency administrative costs shall be paid prior to the project receiving any Building Permit.
35. A landscape plan for the entire site, prepared by a Professional Landscape Architect, inclusive of street trees as per the City of Miami Beach Master Street Tree Plan, shall be submitted to and approved by staff before a building permit is issued for construction.
36. The applicant shall obtain a full building permit within 18 months from the date of the meeting, and the work shall proceed in accordance with the Florida Building Code. Extensions of time for good cause, not to exceed a total of one year for all extensions, may be granted by the Planning Board.
37. The applicant shall satisfy outstanding liens and past due City bills, if any, to the satisfaction of the City prior to the issuance of a Building Permit.
38. Without limiting the generality or the applicability of the other provisions of this Conditional Use Permit, the Planning Board shall retain the right to call the owner or operator back before them and modify the hours of operation or the occupant load of the restaurant or other conditions of this Conditional Use Permit should there be valid complaints about loud, excessive, unnecessary, or unusual noise or violations issued concerning the towing operation.
39. Without limiting the generality or the applicability of the other provisions of this Conditional Use Permit, a violation of Chapter 46, Article IV, "Noise," of the Code of the City of Miami Beach, Florida (a/k/a "noise ordinance"), as may be amended from time to time, shall be deemed a violation of this Conditional Use Permit and subject to the remedies as described in section 118-194, Code of the City of Miami Beach, Florida.
40. A violation of any of these conditions shall subject the applicant to an immediate call back before the Board for a Progress Report and possible setting for modification or revocation hearing.
41. 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.
42. Within a reasonable time after applicant's receipt of this Conditional Use Permit as signed and issued by the Planning Director, the applicant shall record it in the Public Records of Miami-Dade County at applicant's expense and then return the recorded instrument to the Planning Department. No building permit or certificate of completion certificate of use, certificate of occupancy, certificate of completion or occupational license shall be issued until this requirement has been satisfied.
43. 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



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.

44. 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.
45. This Conditional Use Permit shall not vest or become effective until the final resolution of all pending administrative and court proceedings, however, this shall not toll the thirty day period for the filing of a Petition for Writ of Certiorari with respect to this Permit that may be filed by an aggrieved party, if any. No building permit, or certificate of occupancy, or Business Tax Receipt, dependent upon this Conditional Use shall be issued until the final resolution of all administrative and court proceedings related to use of the property as permitted in this Conditional Use, as certified by the City Attorney.

Dated this 27<sup>th</sup> day of February, 2012.

PLANNING BOARD OF THE  
CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]  
Richard G. Lorber, AICP, LEED AP Acting Planning  
Director FOR THE CHAIRMAN

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of February, 2012, by Richard G Lorber, AICP, LEED AP Acting Planning Director of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



TERESA MARIA  
MY COMMISSION # DD 928148  
EXPIRES: December 2, 2013  
Bonded Thru Budget Notary Services

{NOTARIAL SEAL}

Notary: [Signature]  
Print Name: TERESA MARIA  
Notary Public, State of Florida  
My Commission Expires: 12-2-13  
Commission Number: DD 928148

Approved As To Form:

Legal Department

[Signature] 9-9-2012

STATE OF FLORIDA, COUNTY OF DADE  
I HEREBY CERTIFY THIS IS A TRUE COPY OF THE  
ORIGINAL FILED IN THE OFFICE OF THE  
CLERK OF THE COUNTY OF DADE

MAR 06 2012

WITNESS MY HAND AND SEAL OF OFFICE  
HARVEY BLUM, CLERK OF THE COUNTY OF DADE  
By [Signature]



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**CERTIFICATION**

THIS IS TO CERTIFY THAT THE ATTACHED DOCUMENT  
IS A TRUE AND ACCURATE COPY OF THE ORIGINAL ON  
FILE IN THE OFFICE OF THE PLANNING DEPARTMENT,  
CITY OF MIAMI BEACH

*[Signature]* 3-13-12  
(Signature of Planning Director or Designee) (Date)  
Personally known to me or Produced ID:

*[Signature]*  
Notary Public, State of Florida at Large

Printed Name: \_\_\_\_\_  
My Commission Expires: (Month) \_\_\_\_\_

This document contains 6 pages



TERESA MARIA  
MY COMMISSION # DD 928148  
EXPIRES: December 2, 2013  
Bonded Thru Budget Notary Services

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

MEETING DATE: March 6, 2012

FILE NO: 22846

PROPERTY: 1747-1759 Bay Road

LEGAL: Lots 7, 8, & 9, Block 16A, Island View Subdivision, According to the Plat Thereof, as recorded in Plat Book 6 at Page 115, of the Public Records of Miami-Dade County, Florida.

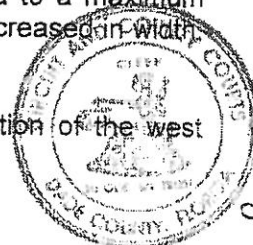
IN RE: The Application for Design Review Approval for modifications associated with the conversion of an existing 2-story warehouse into a 3-story valet parking structure with mechanical lifts, the conversion of an existing single story office structure into a restaurant and towing office, and the construction of a new 2-story parking garage with mechanical lifts and new surface parking lot associated with a towing facility, on a site containing an existing one and two story building and an existing surface parking lot.

**ORDER**

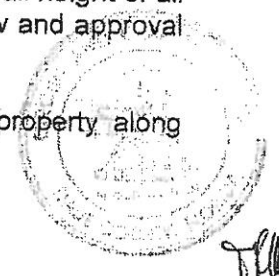
The applicant, 1747 Bay Road Properties, LLC, filed an application with the City of Miami Beach Planning Department for Design Review Approval.

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:

- 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 not consistent with Design Review Criteria No. 1 & 3 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. Revised elevation, site plan and floor plan drawings shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
    - a. The single vehicle entry on 18<sup>th</sup> Street shall be reduced to a maximum width of thirteen (13') feet and the flanking retail space increased in width in a manner to be approved by staff.
    - b. The applicant shall provide uplighting for the tower portion of the west elevation, in a manner to be approved by staff.



- c. On the west elevation, facing Bay Road, a flush stucco band, or similar finish, with a minimum of 6" in height, shall be inserted between the existing horizontal ribbon windows and the proposed new vertical storefronts below, in a manner to be approved by staff.
  - d. The storefront windows and doors on the north elevation of tenant spaces 01 & 02 shall be refined and simplified; specifically, these spaces shall utilize a storefront mullion and muntin configuration that is different than the single story restaurant space facing Bay Road, in a manner to be approved by staff.
  - e. The applicant shall provide a masonry or pre-cast perimeter wall along the west side of the property, between the south property line and the drive-way, in order to further the urban street wall established by the one (1) story structure facing Bay Road. The dimensions, material, location and design details of such wall shall be subject to the review and approval of staff.
  - f. The final design and details of the proposed signage canopies shall be provided, subject to the review and approval of the Public Works Department and Planning staff.
  - g. Bicycle parking shall be provided on a revised site and floor plan. Such bicycle parking may include, but not be limited to, bicycle racks or bicycle lockers, the quantity, design, location and design of which shall be subject to the review and approval of staff.
  - h. The final design and details of the proposed trash structure and drive-thru canopy shall be provided, in a manner to be reviewed and approved by staff.
  - i. Manufacturers drawings and Dade County product approval numbers for all new windows, doors and glass shall be required.
  - j. All roof-top fixtures, air-conditioning units and mechanical devices, both existing and proposed, shall be clearly noted on a revised roof plan and shall be screened from view, in a manner to be approved by staff.
  - k. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.
2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted. 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. If technically feasible, all overhead utilities abutting the property along Bay Road and 18<sup>th</sup> Street shall be placed underground.

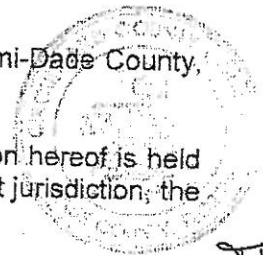




- b. The sidewalks along both Bay Road and 18<sup>th</sup> Street shall be widened to meet the existing buildings, using the same standard sidewalk color and scoring pattern throughout, in a manner to be approved by staff.
  - c. If technically feasible, canopy street trees or large palm trees, shall be located within the right-of-way. The species selected shall be determined based on the feasibility of placing the existing overhead utilities underground.
  - d. 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.
  - e. The utilization of root barriers and/or structural soil, as applicable, shall be clearly delineated on the revised landscape plan.
  - f. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures; such fixtures and devices shall not be permitted within any required yard or any area fronting a street or sidewalk. The location of backflow preventors, siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
  - g. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms; such transformers and vault rooms, and all other related devices and fixtures, shall not be permitted within any required yard or any area fronting a street or sidewalk. The location of any exterior transformers, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
  - h. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect for the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.
- 3. The final exterior surface color scheme, including color samples, shall be subject to the review and approval of staff and shall require a separate permit.
  - 4. 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.
  - 5. All new and altered elements, spaces and areas shall meet the requirements of the Florida Accessibility Code (FAC).



6. 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. A traffic and neighborhood impact study shall be conducted as a means to measure a proposed development's impact on transportation and neighborhoods. The study shall address all roadway Level of Service (LOS) deficiencies relative to the concurrency requirements of the City Code, and if required, shall be submitted prior to the issuance of a Building Permit. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code. The developer shall refer to the most recent City of Miami Beach's Traffic and Neighborhood Impact Methodology as issued by the Public Works Department.
  - b. 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.
  - c. Mill/resurface asphalt in rear alley along property, if applicable.
  - d. Provide underground utility service connections and on-site transformer location, if necessary.
  - e. Provide back-flow prevention devices on all water services.
  - f. Provide on-site, self-contained storm water drainage for the proposed development.
  - g. 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.
  - h. Payment of City utility impact fees for water meters/services.
  - i. Provide flood barrier ramps to underground parking or minimum slab elevation to be at highest adjacent crown road elevation plus 8".
  - j. Right-of-way permit must be obtained from Public Works.
  - k. All right-of-way encroachments must be removed.
  - l. All planting/landscaping in the public right-of-way must be approved by the Public Works and Parks Departments.
7. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
8. 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.

9. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
10. 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 B of the Findings of Fact (Condition Nos. 1-10, inclusive) hereof, to which the applicant has agreed.

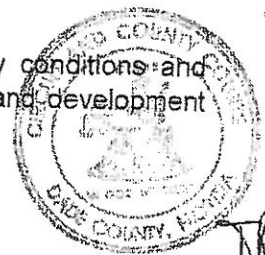
PROVIDED, the applicant shall build substantially in accordance with the plans approved by the Design Review Board, as determined by staff, entitled "1747-1759 Bay Road", as prepared by ADD Inc., Architecture + Design, dated 12-10-2010.

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.

In accordance with Section 118-264 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code.



Dated this 9<sup>th</sup> day of MARCH, 2012.

DESIGN REVIEW BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]  
THOMAS R. MOONEY, AICP  
DESIGN AND PRESERVATION MANAGER  
FOR THE CHAIR

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

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of  
MARCH 2012 by Thomas R. Mooney, 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  
STATE OF FLORIDA  
TERESA MARIA  
MY COMMISSION # 60 928148  
EXPIRES: December 2, 2013  
Bonded Thru Budget Notary Services

[Signature]  
NOTARY PUBLIC  
Miami-Dade County, Florida  
My commission expires: 12-2-13

Approved As To Form:  
Legal Department: [Signature] ( 3-9-2012 )

Filed with the Clerk of the Design Review Board on 3-9-2012 ( RC )

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STATE OF FLORIDA, COUNTY OF DADE  
I HEREBY CERTIFY that this is a true copy of the  
original filed in my office on

MAR 20 2012

Witness my hand and seal of said  
HARVEY H. HARRIS, Clerk of Circuit and County Courts

[Signature] 16657



[Signature]



CFN 2013R0997227  
DR Bk 28960 Pgs 2763 - 2766 (4pgs)  
RECORDED 12/20/2013 10:06:05  
HARVEY RUVIN, CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

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

**PROPERTY:** 1747-1759 Bay Road

**FILE NO.** 2114

**IN RE:** The application by 1747 Bay Road Properties, LLC and Cueto Miami, LLC, requesting approval for a division of land/lot split, pursuant to Chapter 118, Article VII, of the Miami Beach City Code, to divide the existing single property, into two separate parcels.

**LEGAL**

**DESCRIPTION:** Lots 7, 8 and 9, Block 16A, of Island View Subdivision, according to the plat thereof, as recorded in Plat Book 6, page 115, of the Public Records of Miami-Dade County, Florida.

**MEETING DATE:** August 27, 2013

**DIVISION OF LAND/LOT SPLIT  
FINAL ORDER**

The applicants, 1747 Bay Road Properties, LLC and Cueto Miami, LLC, filed an application with the Planning Director pursuant to Article VII, "Division of Land/Division of Land/Lot Split" of the Land Development Regulations of the Code of the City of Miami Beach, Florida. 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 record for this matter:

That the property in question is located in the I-1, Urban Light Industrial zoning district;

That the lots that would be created are divided in such a manner that they are in compliance with the regulations of the land development regulations of the City Code;

That the building site that would be created would be equal to the most common existing lot size, and of the same character as the surrounding area;

That the scale of any proposed new construction is compatible with the as-built character of the surrounding area;

That the building site that would be created is free of encroachments from abutting buildable sites;

That the proposed Division of Land/Lot Split does not adversely affect architecturally significant or historic homes;

**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 which were amended by the Board, that the Division of Land/Lot Split as requested and set forth above be GRANTED, subject to the following conditions to which the Applicant has agreed:

1. The two (2) lots created pursuant to this lot split application at 1747-1759 Bay Road, shall comply with the following:
  - a. The building parcels created by this lot split shall be as depicted on the signed and sealed surveys by Exacta Commercial Land Surveyors, dated July 1, 2013, amended to continue the southern boundary of Parcel B westward for 80 feet, or the width of lot 7, rather than 55.06 feet as proposed, in order to reduce the irregularity of the property boundary between Parcels A and B.
  - b. As indicated in the Easement and Operating Agreement between 1747 Bay Road Properties, LLC, and Cueto Miami, LLC, dated November 2012, "The Parties agree that neither Parcel may be developed with a floor area that exceeds that permitted by the Land Development Regulations of the City of Miami Beach based on the Parcel's size"... "In the event it is determined that the existing development on Parcel B exceeds the maximum floor area ratio of 1.0, additional floor area will be assigned to Parcel B from Parcel A."... "Once the existing development on Parcel B is modified in any fashion to reduce its existing floor area, any floor area previously assigned shall return to Parcel A."
  - c. No variances from the regulations of Chapter 142, Article II, Division 2, of the City Code, shall be permitted for either parcel.
  - d. Individual underground utility, water, sewer, electric, telephone and cable connections, payment, as well as the payment of any applicable impact fees, shall be the responsibility of the owners of each respective lot.
  - e. If required, the removal and replacement of all or portions of the sidewalk, curb and gutter along all portions of each lot shall be the responsibility of the applicant.
2. 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.
3. The Planning Board shall maintain jurisdiction of this Lot Split approval. If deemed necessary, at the request of the Planning Director, the applicant shall provide a progress report to the Board. 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.
4. The applicant and/or owner of each property shall resolve all outstanding violations and fines on each respective property, if any, prior to the issuance of a building permit.

5. 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.
6. Within a reasonable period of time after receipt of the executed Order for the Division of Land/Lot Split approved herein, the applicant or owner, 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.
7. 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.
8. 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.

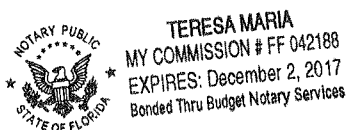
Dated this 4th day of December, 2013.

PLANNING BOARD OF THE  
CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]  
Richard G. Lorber, AICP, LEED AP Acting Planning  
Director FOR THE CHAIRMAN

STATE OF FLORIDA            )  
COUNTY OF MIAMI-DADE    )

The foregoing instrument was acknowledged before me this 4th day of December, 2013, by Richard G Lorber, AICP, LEED AP Acting Planning Director of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



{NOTARIAL SEAL}

[Signature]  
Notary:  
Print Name Teresa Maria  
Notary Public, State of Florida  
My Commission Expires: 12-2-17  
Commission Number: FF042188

Approved As To Form:  
Legal Department ( *gfiled 11-13-13* )

Filed with the Clerk of the Planning Board on 12/10/2013 ( *JL* )

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