

MIAMI BEACH

PLANNING DEPARTMENT, 1700 CONVENTION CENTER DRIVE, 2ND FLOOR
MIAMI BEACH, FLORIDA 33139, www.MIAMIBEACHFL.GOV
305-673-7550

LAND USE BOARD HEARING APPLICATION

THE FOLLOWING APPLICATION IS SUBMITTED FOR REVIEW AND CONSIDERATION OF THE PROJECT DESCRIBED HEREIN BY THE LAND USE BOARD SELECTED BELOW. A SEPARATE APPLICATION MUST BE COMPLETED FOR EACH BOARD REVIEWING THE PROPOSED PROJECT.

- BOARD OF ADJUSTMENT
 - VARIANCE FROM A PROVISION OF THE LAND DEVELOPMENT REGULATIONS
 - APPEAL OF AN ADMINISTRATIVE DECISION

- DESIGN REVIEW BOARD
 - DESIGN REVIEW APPROVAL
 - VARIANCE RELATED TO PROJECT BEING CONSIDERED OR APPROVED BY DRB.

- HISTORIC PRESERVATION BOARD
 - CERTIFICATE OF APPROPRIATENESS FOR DESIGN
 - CERTIFICATE OF APPROPRIATENESS TO DEMOLISH A STRUCTURE
 - HISTORIC DISTRICT / SITE DESIGNATION
 - VARIANCE RELATED TO PROJECT BEING CONSIDERED OR APPROVED BY HPB.

- PLANNING BOARD
 - CONDITIONAL USE PERMIT
 - LOT SPLIT APPROVAL
 - AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS OR ZONING MAP
 - AMENDMENT TO THE COMPREHENSIVE PLAN OR FUTURE LAND USE MAP

- FLOOD PLAIN MANAGEMENT BOARD
 - FLOOD PLAIN WAIVER

- OTHER _____

SUBJECT PROPERTY ADDRESS: 500 Alton Road and 1220 Sixth Street

LEGAL DESCRIPTION: PLEASE ATTACH LEGAL DESCRIPTION AS "EXHIBIT A"

FOLIO NUMBER (S) 02-4204-006-0010, 02-4204-006-0070

FILE NO. _____

1. APPLICANT: OWNER OF THE SUBJECT PROPERTY TENANT ARCHITECT LANDSCAPE ARCHITECT
 ENGINEER CONTRACTOR OTHER _____

NAME 500 Alton Road Ventures, LLC and 1220 Sixth, LLC
ADDRESS c/o Crescent Heights 2200 Biscayne Boulevard Miami, FL 33137
BUSINESS PHONE 305 374 5700 CELL PHONE See Rep.
E-MAIL ADDRESS rgalbut@crescentheights.com

OWNER IF DIFFERENT THAN APPLICANT:

NAME Same
ADDRESS _____
BUSINESS PHONE _____ CELL PHONE _____
E-MAIL ADDRESS _____

2. AUTHORIZED REPRESENTATIVE(S):

ATTORNEY:

NAME Graham Penn Bercow Radell & Fernandez
ADDRESS 200 S. Biscayne Blvd, Suite 850 Miami FL 33131
BUSINESS PHONE 305 374 5300 CELL PHONE 305 775 0340
E-MAIL ADDRESS gpenn@brzoninglaw.com

AGENT:

NAME _____
ADDRESS _____
BUSINESS PHONE _____ CELL PHONE _____
E-MAIL ADDRESS _____

CONTACT:

NAME Russell Galbut
ADDRESS c/o Crescent Heights 2200 Biscayne Boulevard Miami, FL 33137
BUSINESS PHONE 305 374 5700 CELL PHONE See Rep.
E-MAIL ADDRESS rgalbut@crescentheights.com

3. PARTY RESPONSIBLE FOR PROJECT DESIGN:

ARCHITECT LANDSCAPE ARCHITECT ENGINEER CONTRACTOR OTHER _____

NAME JJ Wood Urban Robot Associates
ADDRESS 420 Lincoln Road 6th Floor Miami Beach FL 33139
BUSINESS PHONE _____ CELL PHONE _____
E-MAIL ADDRESS _____

FILE NO. _____

4. SUMMARY OF APPLICATION - PROVIDE BRIEF SCOPE OF PROJECT:

Amendments to the CPS-2 zoning regulations and Section 114-1 related to Transit Hub developments. See attached.

- 4A IS THERE AN EXISTING BUILDING(S) ON THE SITE YES NO
- 4B DOES THE PROJECT INCLUDE INTERIOR OF EXTERIOR DEMOLITION YES NO
- 4C PROVIDE THE TOTAL FLOOR AREA OF THE NEW BUILDING (IF APPLICANT) _____ SQ. FT.
- 4D PROVIDE THE TOTAL GROSS FLOOR AREA OF THE NEW BUILDING (INCLUDING REQUIRED PARKING AND ALL USABLE FLOOR SPACE). _____ SQ. FT.

5. APPLICATION FEE (TO BE COMPLETED BY PLANNING STAFF) \$ _____

- A SEPARATE DISCLOSURE OF INTEREST FORM MUST BE SUBMITTED WITH THIS APPLICATION IF THE APPLICANT OR OWNER IS A CORPORATION, PARTNERSHIP, LIMITED PARTNERSHIP OR TRUSTEE.
- ALL APPLICABLE AFFIDAVITS MUST BE COMPLETED AND THE PROPERTY OWNER MUST COMPLETE AND SIGN THE "POWER OF ATTORNEY" PORTION OF THE AFFIDAVIT IF THEY WILL NOT BE PRESENT AT THE HEARING, OR IF OTHER PERSONS ARE SPEAKING ON THEIR BEHALF.
- TO REQUEST THIS MATERIAL IN ALTERNATE FORMAT, SIGN LANGUAGE INTERPRETER (FIVE-DAY NOTICE IS REQUIRED), INFORMATION ON ACCESS FOR PERSONS WITH DISABILITIES, AND ACCOMMODATION TO REVIEW ANY DOCUMENT OR PARTICIPATE IN ANY CITY-SPONSORED PROCEEDINGS, CALL 305.604.2489 AND SELECT (1) FOR ENGLISH OR (2) FOR SPANISH, THEN OPTION 6; TTY USERS MAY CALL VIA 711 (FLORIDA RELAY SERVICE).

PLEASE READ THE FOLLOWING AND ACKNOWLEDGE BELOW:

- APPLICATIONS FOR ANY BOARD HEARING(S) WILL NOT BE ACCEPTED WITHOUT PAYMENT OF THE REQUIRED FEE. ALL CHECKS ARE TO BE MADE PAYABLE TO THE "CITY OF MIAMI BEACH".
- PUBLIC RECORDS NOTICE – ALL DOCUMENTATION, SUBMITTED FOR THIS APPLICATION IS CONSIDERED A PUBLIC RECORD SUBJECT TO CHAPTER 119 OF THE FLORIDA STATUTES AND SHALL BE DISCLOSED UPON REQUEST.
- IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 2-482 OF THE CODE OF THE CITY OF MIAMI BEACH, ANY INDIVIDUAL OR GROUP THAT WILL BE COMPENSATED TO SPEAK OR REFRAIN FROM SPEAKING IN FAVOR OR AGAINST A PROJECT BEING PRESENTED BEFORE ANY OF THE CITY'S LAND USE BOARDS, SHALL FULLY DISCLOSE, PRIOR TO THE PUBLIC HEARING, THAT THEY HAVE BEEN, OR WILL BE COMPENSATED. SUCH PARTIES INCLUDE: ARCHITECTS, LANDSCAPE ARCHITECTS, ENGINEERS, CONTRACTORS, OR OTHER PERSONS RESPONSIBLE FOR PROJECT DESIGN, AS WELL AS AUTHORIZED REPRESENTATIVES ATTORNEYS OR AGENTS AND CONTACT PERSONS WHO ARE REPRESENTING OR APPEARING ON BEHALF OF A THIRD PARTY; SUCH INDIVIDUALS MUST REGISTER WITH THE CITY CLERK PRIOR TO THE HEARING.

FILE NO. _____

OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF _____

COUNTY OF _____

_____, being first duly sworn, depose and certify as follows: (1) I am the owner of the property that is the subject of this application. (2) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (3) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (4) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (5) I am responsible for removing this notice after the date of the hearing.

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

SIGNATURE

NOTARY SEAL OR STAMP

NOTARY PUBLIC

My Commission Expires:

PRINT NAME

ALTERNATE OWNER AFFIDAVIT FOR CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY

(Circle one)

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, David Smith, being duly sworn, depose and certify as follows: (1) I am the Manager of KGM Equities, LLC, which is the Managing Member of 500 Alton Road Ventures, LLC and 1220 Sixth, LLC. (2) I am authorized to file this application on behalf of such entity. (3) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (4) The corporate entity named herein is the owner or tenant of the property that is the subject of this application. (5) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (6) I also hereby authorize the City of Miami Beach to enter the subject property for the sole purpose of posting a Notice of Public Hearing on the property, as required by law. (7) I am responsible for removing this notice after the date of the hearing.

Sworn to and subscribed before me this 15th day of April, 2016. The foregoing instrument was acknowledged before me by D. Smith, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

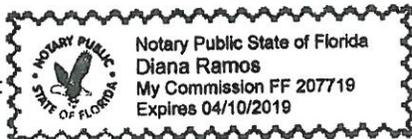
SIGNATURE

NOTARY SEAL OR STAMP

Diana Ramos

NOTARY PUBLIC

My Commission Expires:



David Smith, Manager

PRINT NAME

FILE NO. _____

POWER OF ATTORNEY AFFIDAVIT

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I David Smith, being duly sworn, depose and certify as follows: (1) I am the owner or representative of the owner of the real property that is the subject of this application. (2) I hereby authorize Bercow Radell & Fernandez to be my representative before the Planning Board. (3) I also hereby authorize the City of Miami Beach to enter the subject property for the sole purpose of posting a Notice of Public Hearing on the property, as required by law. (4) I am responsible for removing this notice after the date of the hearing.

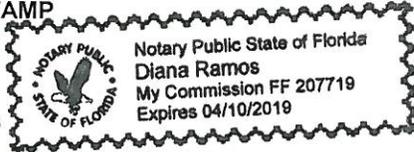
David Smith, Manager of KGM Equities, LLC
Print name (and Title, if applicable)

[Signature]
SIGNATURE

Sworn to and subscribed before me this 15th day of April, 2016. The foregoing instrument was acknowledged before me by D. Smith, of _____, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

[Signature]
NOTARY PUBLIC

NOTARY SEAL OR STAMP



My Commission Expires

Diana Ramos
PRINT NAME

CONTRACT FOR PURCHASE

If the applicant is not the owner of the property, but the applicant is a party to a contract to purchase the property, whether or not such contract is contingent on this application, the applicant shall list the names of the contract purchasers below, including any and all principal officers, stockholders, beneficiaries, or partners. If any of the contract purchasers are corporations, partnerships, limited liability companies, trusts, or other corporate entities, the applicant shall further disclose the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity. If any contingency clause or contract terms involve additional individuals, corporations, partnerships, limited liability companies, trusts, or other corporate entities, list all individuals and/or corporate entities.*

N/A
NAME

DATE OF CONTRACT

NAME, ADDRESS AND OFFICE

% OF STOCK

In the event of any changes of ownership or changes in contracts for purchase, subsequent to the date that this application is filed, but prior to the date of a final public hearing, the applicant shall file a supplemental disclosure of interest.

FILE NO. _____

CITY OF MIAMI BEACH
DEVELOPMENT REVIEW BOARD APPLICATION

DISCLOSURE OF INTEREST

1. CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY

If the property that is the subject of the application is owned or leased by a corporation, partnership, or limited liability company, list ALL of the owners, shareholders, partners, managers, and/or members, and the percentage of ownership held by each. If the owners consist of one or more corporations, partnerships, trusts, partnerships, or other corporate entities, the applicant shall further disclose the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.*

500 Alton Road Ventures, LLC and 1220 Sixth, LLC
NAME OF CORPORATE ENTITY

NAME AND ADDRESS	% OF OWNERSHIP
<u>See attached</u>	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

N/A
NAME OF CORPORATE ENTITY

NAME AND ADDRESS	% OF OWNERSHIP
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

IF THERE ARE ADDITIONAL CORPORATE OWNERS, LIST ALL SUCH OWNERS, INCLUDING CORPORATE NAMES AND THE NAME, ADDRESS, AND PERCENTAGE OF OWNERSHIP OF EACH ADDITIONAL OWNER, ON A SEPARATE PAGE.

NOTE: Notarized signature required on page 9

FILE NO. _____

CITY OF MIAMI BEACH
DEVELOPMENT REVIEW BOARD APPLICATION
DISCLOSURE OF INTEREST

2. TRUSTEE

If the property that is the subject of this application is owned or leased by a trust, list any and all trustees and beneficiaries of the trust, and the percentage of interest held by each. If the owners consist of one or more corporations, partnerships, trusts, partnerships, or other corporate entities, the applicant shall further disclose the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.*

N/A
TRUST NAME

NAME AND ADDRESS

% OF INTEREST

NOTE: Notarized signature required on page 9

FILE NO. _____

4. COMPENSATED LOBBYIST:

Pursuant to Section 2-482 of the Miami Beach City Code, all lobbyists shall, before engaging in any lobbying activities, register with the City Clerk. Please list below any and all persons or entities retained by the applicant to lobby City staff or any of the City's land development boards in support of this application.

NAME	ADDRESS	PHONE #
a. Michael Larkin, Esq.	200 S Biscayne Blvd #850 Miami FL 33131	305 374 5300
b. Graham Penn, Esq.	200 S Biscayne Blvd #850 Miami FL 33131	305 374 5300
c. JJ Wood	420 Lincoln Road Miami Beach FL 33139	

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

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

APPLICANT HEREBY ACKNOWLEDGES AND AGREES THAT (1) ANY APPROVAL GRANTED BY A LAND DEVELOPMENT BOARD OF THE CITY SHALL BE SUBJECT TO ANY AND ALL CONDITIONS IMPOSED BY SUCH BOARD AND BY ANY OTHER BOARD HAVING JURISDICTION, AND (2) APPLICANT'S PROJECT SHALL COMPLY WITH THE CODE OF THE CITY OF MIAMI BEACH AND ALL OTHER APPLICABLE CITY, STATE, AND FEDERAL LAWS.

APPLICANT AFFIDAVIT

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

David Smith, Manager of KGM Equities, LLC, being duly sworn, depose and certify as follows: (1) I am the applicant, or the representative of the applicant. (2) This application and all information submitted in support of this application, including disclosures, sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief.

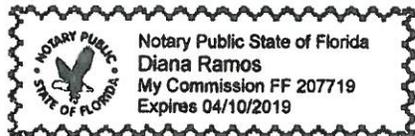
SIGNATURE

Manager of KGM Equities, LLC, which is the Managing Member of 500 Alton Road Ventures, LLC and 12220 Sixth, LLC

Sworn to and subscribed before me this 15th day of April, 2016. The foregoing instrument was acknowledged before me by D. SMITH, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY PUBLIC

NOTARY SEAL OR STAMP



My Commission Expires:

Diana Ramos

PRINT NAME

FILE NO. _____

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 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.

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.

SUPPLEMENTARY DISCLOSURE OF INTEREST

Interests in 500 Alton Road Ventures, LLC

	Percentage of Interest
KGM Equities, LLC 2200 Biscayne Blvd. Miami FL 33137	100%

Interests in 1220 Sixth, LLC

	Percentage of Interest
KGM Equities, LLC 2200 Biscayne Blvd. Miami FL 33137	100%

Interests in KGM Equities, LLC

	Percentage of Interest
Sonny Kahn 2004 Irrevocable Trust 2200 Biscayne Blvd. Miami FL 33137	37%
Russell W. Galbut 2004 Irrevocable Trust 2200 Biscayne Blvd. Miami FL 33137	37%
Bruce A. Menin 2004 Irrevocable Trust 2200 Biscayne Blvd. Miami FL 33137	26%

Beneficiaries of Sonny Kahn 2004 Irrevocable Trust

	Percentage of Interest
Child of Sonny Kahn 2200 Biscayne Blvd. Miami FL 33137	20%

Child of Sonny Kahn 2200 Biscayne Blvd. Miami FL 33137	20%
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Child of Sonny Kahn 2200 Biscayne Blvd. Miami FL 33137	20%
--	-----

Child of Sonny Kahn 2200 Biscayne Blvd. Miami FL 33137	20%
--	-----

Child of Sonny Kahn 2200 Biscayne Blvd. Miami FL 33137	20%
--	-----

Beneficiaries of Russell W. Galbut 2004 Irrevocable Trust

	Percentage of Interest
Child of Russell Galbut 2200 Biscayne Blvd. Miami FL 33137	50%
Child of Russell Galbut 2200 Biscayne Blvd. Miami FL 33137	50%

Beneficiaries of Bruce A. Menin 2004 Irrevocable Trust

	Percentage of Interest
Child of Bruce Menin 2200 Biscayne Blvd. Miami FL 33137	33.33%
Child of Bruce Menin 2200 Biscayne Blvd. Miami FL 33137	33.33%
Child of Bruce Menin 2200 Biscayne Blvd. Miami FL 33137	33.33%



DIRECT LINE: (305) 377-6229
E-Mail: gpenn@BRZoningLaw.com

VIA HAND DELIVERY

April 15, 2016

Thomas Mooney
Director □
Planning Department □
City of Miami Beach □
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

Re: Letter of Intent for Land Development Regulation/Comprehensive Plan Revisions - CPS-2 Transit Hubs.

Dear Tom:

This firm represents 500 Alton Road Ventures, LLC, and 1220 Sixth, LLC (collectively the "Applicant"), the applicants and owners of the property located in the 500 block of Alton Road (the "Property"). Please consider this letter the Applicant's letter of intent in support of text amendments to the Land Development Regulations and the City's Comprehensive Plan necessary to encourage the development of a City transit hub on the Property.

Description of the Property. The Property is currently developed with a parking lot, designed to temporarily serve while development on the north side of 6th Street commences and "7-11" retail store at the far northwest corner. The Property is zoned CPS-2.

The Property is located at a crucial location as it is the only largely undeveloped site at the important intersection of the McArthur Causeway/5th Street and the Alton Road/West Avenue corridors. As such, the Property is impact by three of the City's major corridors as defined by the City's recently adopted Transportation Master Plan Final Report. The Property also sits at or near the expected terminus of the "Bay Link"

project that, as currently proposed, would tie the mainland and the City together with a light rail system. The Property is also adjacent to existing County bus and South Beach local bus routes. In sum, the Property is at the intersection of multiple major existing and planned transportation modes.

Need for Transfer Locations. As explained by the City's Transportation Master Plan Final Report, one of the "most critical aspects of a successful transit environment is how to manage and operate transfers." The Master Plan notes that effective transfer centers are of critical importance because they reduce the friction that would cause potential transit patrons to avoid using public transit. The Master Plan notes that transit centers are difficult to site and that the City could consider developing transfer stations jointly with other types of projects.

Proposed Comprehensive Plan Amendment. The current text of the City's Comprehensive Plan Land Use Element does not contemplate the development of City transit facilities in the "General Mixed Use Commercial 'Performance Standard' Category (C-PS2). The attached ordinance would allow transit facilities as a main permitted use in the designation.

Proposed Ordinance. The attached ordinance proposes incentivize the provision of significant sized transfer stations, described in the ordinance as transit hubs in the CPS-2 zone. As drafted, the ordinance would allow for height and setback changes for private development that incorporates an area for a City transit hub of at least 20,000 square feet. The ordinance would further provide that the transit hub area would not be considered floor area of the private development, in order to ensure that providing the public amenity would not result in a reduction of a parcel's development rights.

Code Standards. Section 118-163(3) sets forth a series of standards to be applied by the Planning Board in reviewing any application seeking an amendment to the City's Land Development Regulations. Below are the relevant criteria along with a discussion of this application's consistency with each standard:

- a. Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.

The proposed changes are consistent with the policies of the City's comprehensive plan and the goals of the City's Transportation Master Plan.

- b. Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.

Aside from the transit hub use, the proposed ordinance would not change the uses or intensity of development. The proposed modified height is consistent with the height of surrounding sites.

- c. Whether the change suggested is out of scale with the needs of the neighborhood or the city.

The City is in desperate need for adequate space for transit facilities, especially a transit hub of 20,000 square feet in South Beach.

- d. Whether the proposed change would tax the existing load on public facilities and infrastructure.

The proposed change would reduce impacts on public facilities by providing an area for multi-modal transit transfers.

- e. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

The proposed change is not related to a district boundary.

- f. Whether changed or changing conditions make the passage of the proposed change necessary.

The City has become aware of the need for adequate transit facilities, most recently through the passage of the City's Transportation Master Plan.

- g. Whether the proposed change will adversely influence living conditions in the neighborhood.

The proposed change will enhance the local neighborhood while limiting the impacts of a transit hub.

- h. Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.

The development of a transit hub would reduce traffic congestion.

- i. Whether the proposed change will seriously reduce light and air to adjacent areas.

The design of any development under the ordinance would still be subject to Design Review and Planning Board review. Moreover, the proposed height would not be inconsistent with that of neighboring buildings.

- j. Whether the proposed change will adversely affect property values in the adjacent area.

The proposed change would enhance neighboring property values by bringing high quality transit to the area in a manner without significant impacts.

- k. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.

The provision of a transit hub in this area would encourage redevelopment.

- l. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.

This ordinance represents an improvement to the local area; it does not involve proposed changes in use.

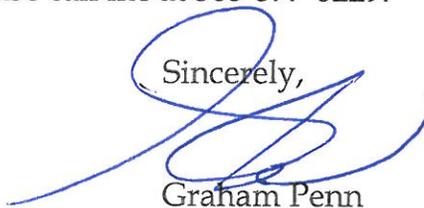
- m. Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.

This ordinance does not propose a change in use but will be the first effort to expressly encourage transit hubs in the City.

Thomas Mooney, Director
April 27, 2016
Page 5

We believe that this ordinance represents a clear benefit to the public and is consistent with the City's transit and transportation policies. If you have any questions or comments, please call me at 305-377-6229.

Sincerely,



Graham Penn

cc: Russell Galbut
Michael Larkin, Esq.

**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

MB

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.

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- 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

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- 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.

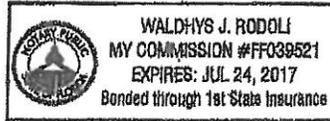
PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

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

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 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: 7-24-2017
Commission Number: FF039521

[NOTARIAL SEAL]

Approved As To Form: [Signature]) 6/19/2015
Legal Department

Filed with the Clerk of the Planning Board on 06/19/2015 [Signature]

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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:

OR 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.

CPS-2 Transit Hubs

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," DIVISION 18 "PS PERFORMANCE STANDARD DISTRICT" AND CHAPTER 114, "GENERAL PROVISIONS," BY AMENDING SECTIONS 142-698 AND 142-699 REGARDING MAXIMUM BUILDING HEIGHT AND SETBACKS REQUIREMENTS FOR THE CPS-2 DISTRICT; AMENDING SECTION 114-1 REGARDING DEFINITIONS; PROVIDING FOR CODIFICATION; REPEALER;; SEVERABILITY; AN EFFECTIVE DATE; AND A SUNSET DATE.

WHEREAS, the Mayor and City Commission have recognized the need to encourage the development of transit infrastructure in the City, especially in southern areas of the City; and

WHEREAS, the Mayor and City Commission desire to encourage innovative and compatible redevelopment that provides public benefits in the form of significant transit improvements;

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. Chapter 142 of the City Code, entitled "Zoning Districts and Regulations," Article II, "Zoning Districts and Regulations," Division 18 "Performance Standard District", Section 142-698 is hereby amended as follows:

Sec. 142-698. Commercial performance standard area requirements.

* * *

b) The commercial performance standard area requirements are as follows:

Commercial Subdistricts				
Performance Standard	CPS-1	CPS-2	CPS-3	CPS-4
Minimum lot area	6,000 square feet	6,000 square feet	6,000 square feet	6,000 square feet
Minimum lot width	50 feet	50 feet	50 feet	50 feet
Maximum building height	40 feet; 75 feet for the Block 51 Properties, the Block 51 Swap Property, Block 52 Properties; Block 1 Properties	50 – East of Lenox Avenue 75 – West of Lenox Avenue <u>300 – Developments west of Alton Road that</u>	Non-oceanfront – 80 Oceanfront – 100	150

		<u>incorporate a City transit hub as defined by Section 114-1</u>		
Maximum Number of Stories	4; 8 for the Block 51 Properties, the Block 51 Swap Property, Block 52 Properties; Block 1 Properties	5 – East of Lenox Avenue 7 – West of Lenox Avenue 30 – <u>Developments west of Alton Road incorporate a City transit hub as defined by Section 114-1</u>	Non-oceanfront – 8 Oceanfront – 11	16
Maximum floor area ratio	1.0; 1.5 for the Block 51 Properties, the Block 51 Swap Property, Block 52 Properties; and 2.0 for the Block 1 Properties	2.0	2.5	2.5
Residential and/or hotel development	Pursuant to all R-PS2 district regulations, except maximum building height for residential and mixed use buildings shall be 75 feet.	Pursuant to all R-PS3 district regulations, except maximum building height for residential and mixed use buildings shall be 75 feet. <u>Developments west of Alton Road that incorporate a City transit hub as defined by Section 114-1 may be developed as provided by the CPS-2 district regulations.</u>	Pursuant to all R-PS4 district regulations except maximum floor area ratio shall be 2.5; on the Goodman Terrace and Hinson Parcels, the FAR shall be that necessary to achieve 305,500 sq. ft. (estimated at 3.2 FAR), 30 stories and 300 ft. height maximum for the Goodman Terrace and Hinson Parcels, and open space ratio 0.60 measured at or above grade	Pursuant to all R-PS4 district regulations, except maximum floor area ratio shall be 2.5, and open space ratio 0.60 measured at or above grade.

Minimum apartment unit size (square feet)	New construction -- 650 Rehabilitated buildings -- 400	New construction -- 600 Rehabilitated buildings -- 400	New construction -- 550 Rehabilitated buildings -- 400	New construction -- 550 Rehabilitated buildings -- 400
Average apartment unit size (square feet)	New construction—900 Rehabilitated buildings —550	New construction—850 Rehabilitated buildings —550	New construction—800 Rehabilitated buildings —550	New construction—800 Rehabilitated buildings —550
Minimum floor area per hotel unit (square feet)	15% = 300—335 square feet; 85% = 335 + square feet in all districts.			
Minimum parking requirements	Pursuant to chapter 130 and section 142-702 requirement.			
Minimum off-street loading	Pursuant to chapter 130			
Signs	Pursuant to chapter 138			

* * *

SECTION 2. Chapter 142 of the City Code, entitled “Zoning Districts and Regulations,” Article II, “Zoning Districts and Regulations,” Division 18 “Performance Standard District”, Section 142-699 is hereby amended as follows:

Sec. 142-699. Setback requirements in the C-PS1, 2, 3, 4 districts.

a) The setback requirements in the C-PS1, 2, 3, 4 districts are as follows:

	Front	Side-Interior	Side, Facing a Street	Rear
Subterranean	0 feet	0 feet	0 feet	0 feet
Pedestal and tower (non-oceanfront)	0 feet; for residential, 5 feet; 20 feet from adjacent streets above the first 40 feet in height for the Block 1 Properties, Block 51 Properties (except lots 11 and 12), Block 51 Swap Property and	7.5 feet when abutting a residential district, otherwise none. Residential uses shall follow the R-PS1, 2, 3, 4 setbacks (See section 142-697), <u>10 feet for developments west of Alton Road that incorporate a City transit hub as</u>	0 feet Residential uses shall follow the R-PS1, 2, 3, 4 setbacks (See section 142-697) <u>10 feet for developments that incorporate a City transit hub as defined by Section 114-1</u>	10 feet when abutting a residential district, otherwise—5 feet; 3.5 feet for the Block 1 Properties, Block 51 Properties (except lots 11 and 12), Block 51 Swap Property and Block 52 Properties; unless separated

	Block 52 Properties 0 feet for developments that incorporate a City transit hub as defined by Section 114-1	<u>defined by Section 114-1</u>		by a waterway—None
Pedestal and tower (oceanfront)	Pedestal—15 feet Tower—20 feet plus one foot for every one foot increase in height above 50 feet, to a maximum of 50 feet, then shall remain constant	Commercial uses—10 feet Residential uses shall follow the R-PS1, 2, 3, 4 setbacks (See section 142-697)	Commercial uses—10 feet Residential uses shall follow the R-PS1, 2, 3, 4 setbacks (See section 142-697)	25% of lot depth, 75 feet minimum
Parking lots and garages	If located on the same lot as the main structure the above setbacks shall apply, if primary use the setbacks are listed in section 142-1132(n)			

- b) All required setbacks shall be considered as minimum requirements except for the pedestal front yard setback and the pedestal side yard facing a street setback, which shall be considered as both a minimum and maximum requirements, except for the Goodman Terrace and Hinson Parcels and developments west of Alton Road that incorporate a City transit hub as defined by Section 114-1
- c) For lots greater than 100 feet in width the front setback shall be extended to include at least one open court with a minimum area of three square feet for every linear foot of lot frontage, except for those properties located in the C-PS1 district described in section 142-698(a) and developments west of Alton Road that incorporate a City transit hub as defined by Section 114-1.

SECTION 3. Chapter 142 of the City Code, entitled “Zoning Districts and Regulations,” Article II, “Zoning Districts and Regulations,” Division 18 “Performance Standard District”, Section 142-695 is hereby amended as follows:

Sec. 142-695. Performance standard regulations generally.

* * *

- c) In the C-PS districts, all floors of a building containing parking spaces shall incorporate the following:
 - (1) Residential or commercial uses, as applicable, at the first level along every facade facing a street, sidewalk or waterway. For properties not having access to an alley, the required residential space shall accommodate entrance and exit drives. Developments that incorporate a City transit hub as defined by Section 114-1 are not required to incorporate residential or

commercial uses but shall incorporate other architectural elements to create a pedestrian scale at the first level.

- (2) Residential or commercial uses above the first level along every facade facing a waterway.
- (3) For properties less than 60 feet in width, the total amount of commercial space at the first level along a street side shall be determined by the design review or historic preservation board, as applicable. All facades above the first level, facing a street or sidewalk, shall include a substantial portion of residential or commercial uses; the total amount of residential or commercial space shall be determined by the design review or historic preservation board, as applicable, based upon their respective criteria.

* * * *

SECTION 4. Chapter 114 of the City Code, entitled "General Provisions," Section 114-1 is hereby amended as follows:

Sec. 114-1. Definitions.

* * *

Developments that incorporate a City transit hub means a private development that has dedicated, following City Commission approval, an area of at least 20,000 square feet in size at no cost to the public to accommodate the City's development of facilities for passenger boarding and transfer for one or more transit modes, including, but not limited to, bus, trolley, streetcar, or train.

* * * *

SECTION 5. CODIFICATION. It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 6. REPEALER. All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

SECTION 7. SEVERABILITY. If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 8. EFFECTIVE DATE. This Ordinance shall take effect ten days following adoption.

SECTION 9. SUNSET PROVISION. Unless otherwise extended, this Ordinance shall be of no effect three (3) years from its effective date.

PASSED and ADOPTED this ____ day of _____, 20__.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney

Date

First Reading:
Second Reading:

Verified by: _____
Thomas Mooney, AICP
Planning Director

Underscore denotes new language

Draft