

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

**PROPERTY:** 1747-1759 Bay Road

**FILE NO.** **PB 0416-0005, FKA 2114**

**IN RE:** The applicant, 1747 Bay Road Properties, LLC., requested a modification to conditions of approval for a previously issued Division of land/Lot Split. Specifically, the applicant requested to remove the condition regarding the prohibition of variances, pursuant to Section 118, Article IV of the City Code.

**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:** June 28, 2016

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

The applicants, 1747 Bay Road Properties, LLC filed an application for a modification to a previously approved "Division of Land/Division of Land/Lot Split" with the Planning Director pursuant to Article VII 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 \_\_\_\_\_ day of \_\_\_\_\_, 2016.

PLANNING BOARD OF THE  
CITY OF MIAMI BEACH, FLORIDA

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

STATE OF FLORIDA        )  
COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, 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.

{NOTARIAL SEAL}

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

Approved As To Form:  
Legal Department ( )

Filed with the Clerk of the Planning Board on \_\_\_\_\_ ( )

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