

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, FOLLOWING A DULY NOTICED PUBLIC HEARING, AS REQUIRED PURSUANT TO SECTION 82-93(b), OF THE CITY CODE, FINDING THAT THE CRITERIA SET FORTH IN SECTION 82-94, OF THE CITY CODE, HAS BEEN SATISFIED, AND APPROVING A REVOCABLE PERMIT REQUEST BY MAC 1045 5TH ST, LLC, FOR THE UNIFIED SITE LOCATED AT 1031 5TH STREET, 1045 5TH STREET, 527 LENOX AVENUE, AND 543 LENOX AVENUE, IN ORDER TO ALLOW THE PARTIAL ENCROACHMENT OF THE CITY'S RIGHT-OF-WAY BY: (1) BUILDING EYEBROWS, FINS, BUILDING WALL SIGNAGE, PROJECTING SIGNAGE, AND ROOF OVERHANG EXTENDING 1'-11", 2'-4 1/2", 3", 2'-3 1/2" AND 2'-4 1/2", RESPECTIVELY, AND WITH A MAXIMUM OF 2'-4 1/2", INTO THE LENOX AVENUE PUBLIC RIGHT-OF-WAY; AND (2) BUILDING EYEBROWS STRETCHING 11 1/2" INTO THE ADJACENT PUBLIC ALLEY WAY, MICHIGAN COURT; AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE REVOCABLE PERMIT.

WHEREAS, MAC 1045 5th ST, LLC (the "Applicant"), the owner of the properties located at 1045 5th Street, 1031 5th Street, 527 Lenox Avenue, and 543 Lenox Avenue, is requesting a revocable permit to allow the partial encroachment of the City's right-of-way by (1) building eyebrows, fins, building wall signage, projecting signage, and roof overhang, extending 1'-11", 2'-4 1/2", 3", 2'-3 1/2", and 2'-4 1/2", respectively, with a maximum of 2'-4 1/2" into the Lenox Avenue public right-of-way; and (2) building eyebrows stretching 11 1/2" into the adjacent public alley way known as Michigan Court; and

WHEREAS, on November 15, 2016, the City's Planning Board approved a Conditional Use Permit (CUP) for the construction of the new 4-story commercial building exceeding 50,000 square feet through the final order issued under PB File No.: 16-0053; and

WHEREAS, on September 26, 2017, the Planning Board (PB) modified the CUP under final order issued under PB File No.: 17-0152; and

WHEREAS, on December 13, 2016, the City's Historic Preservation Board (HPB) approved the design for the new 4-story commercial building through the final order issued under HPB File No.: 16-0059; and

WHEREAS, on December 11, 2018, the HPB will hear the Applicant's request for a master signage plan for the approved project under HPB File No.: 18-0245; and

WHEREAS, the design approved under the CUP and by the HPB allows an encroachment over the public rights-of-way, which requires a revocable permit; and

WHEREAS, the Applicant is requesting to encroach into the public right-of-way and has applied for a revocable permit to allow for: 1) building eyebrows, fins, building wall and projecting signage, and roof overhang, that begin at an elevation of 8'-5" (one wall sign), 10'-1" (seven projecting signs), 15'-1/2" or higher (eyebrows, fins, other signage and roof overhang) above the ground level and extend no more than 2'-4 1/2" into the Lenox Avenue public right-of-

way; and 2) building eyebrows that begin at an elevation of 15'-½" or higher above the ground level and extend no more than 11 ½" into the adjacent public alley way known as Michigan Court; and

WHEREAS, as additional benefit the Applicant is proposing to install additional trees along with colorful groundcover and shrubs subject to the approval of the Public Works Department; and

WHEREAS, pursuant to Section 82-93(a), of the City Code, on September 12, 2018, the City Commission scheduled the public hearing for October 17, 2018, to consider the request for a revocable permit and, additionally, in accordance with Section 82-93(b), of the City Code, to mail notice of the public hearing to owners of land lying within 375 feet of the existing permit area at least 15 days prior to the public hearing; and

WHEREAS, the City Commission open and continued the item to the November 17, 2018 City Commission meeting; and

WHEREAS, on November 17, 2018, the City Commission opened and continued the item to the December 12, 2018 City Commission meeting; and

WHEREAS, pursuant to Section 82-94, of the City Code, the City Commission shall review the revocable permit request; following which the City Commission, following public hearing, shall determine whether the request shall be granted or denied; and

WHEREAS, the City Administration's review and recommendation to grant the permit request is set forth on the Commission Memorandum accompanying this Resolution, which Memorandum is incorporated by reference herein.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, the Mayor and City Commission hereby, following a duly noticed public hearing, as required pursuant to Section 82-93(b), of the City Code, finding that the criteria set forth in Section 82-94, of the City Code, has been satisfied, and approve a revocable permit request by MAC 1045 5th St, LLC, for the unified site located at 1031 5th Street, 1045 5th Street, 527 Lenox Avenue, and 543 Lenox Avenue, in order to allow the partial encroachment of the City's right-of-way by: (1) building eyebrows, fins, building wall signage, projecting signage, and roof overhang extending 1'-11", 2'-4 1/2", 3", 2'-3 1/2" and 2'-4 1/2", respectively, and with a maximum of 2'-4 1/2", into the Lenox Avenue public right-of-way; and (2) building eyebrows stretching 11 1/2" into the adjacent public alley way, Michigan Court, which permit is consistent with the criteria of Section 82-94, of the City Code; and authorize the Mayor and City Clerk to execute the revocable permit.

PASSED and ADOPTED this 12th day of December, 2018.

ATTEST:

Rafael E. Granado, City Clerk

Dan Gelber, Mayor

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

Rafael E. Granado 12-6-18
City Attorney Date