

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

PROPERTY: 337 71st Street & 7125 Abbott Avenue

FILE NO. 2174

IN RE: The applicant, PW Global Services, Inc, dba PW Auto Services, requested a Conditional Use Permit, pursuant to Section 118, Article IX of the Miami Beach City Code, in order to add a convenience store and a car wash to the existing automotive service station.

LEGAL

DESCRIPTION: Lots 9-11, Block 7, of "Normandy Beach South", according to the plat thereof, as recorded in Plat Book 21, page 54, of the Public Records of Miami-Dade County, Florida.

and

Lots 5-8, Block 7, of "Normandy Beach South", according to the plat thereof, as recorded in Plat Book 21, page 54, of the Public Records of Miami-Dade County, Florida.

MEETING DATE: July 26, 2016

DRAFT - CONDITIONAL USE PERMIT

The applicant, PW Global Services, Inc, dba PW Auto Services, requested a Conditional Use Permit, pursuant to Section 118, Article IX of the Miami Beach City Code, in order to add a convenience store and a car wash to the existing automotive service station.

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 CD-2 – Commercial Medium Intensity zoning district;

That the use is consistent with the Comprehensive Plan for the area in which the property is located;

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 Land Development Regulations;

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.

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 staff recommendations, as may have been modified by the Planning Board, that a Conditional Use Permit as requested and set forth above, be GRANTED subject to the following conditions to which the applicant has agreed:

1. The Planning Board shall maintain jurisdiction on this Conditional Use Permit. If deemed necessary, at the request of the Planning Director or a Board member, the applicant shall present a progress report to the Board. 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 is also subject to modification or revocation under City Code Sec. 118-194 (c).
2. This Conditional Use Permit is issued to PW Global Services, Inc, dba PW Auto Services, as owner of the automotive service station, consisting of two gas stations, a convenience store, and a carwash. Any change of operator or 50% (fifty percent) or more stock ownership, partnership interest, or the equivalent, shall require review and approval by the Planning Board as a modification to this Conditional Use Permit.
3. 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 policing all trash from the site not less than twice daily. The sounding of car alarms, automobile horns, playing of radios or any kind of audio system and screeching of tires shall be prohibited. A warning sign (see attached) shall be posted on the property.
4. 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.
5. The applicant, operator and/or owner, both now and in the future, shall abide by all the documents and statements submitted with this application, as well as all conditions of this Order.
6. The Planning Board shall retain the right to call the owner or operator, both now and in the future, back before the Board and modify this Conditional Use should there be valid complaints or violations (as determined by Code Compliance) about loud, excessive, unnecessary, or unusual noise, as related to the operation of the car wash.
7. The applicant shall resolve all outstanding violations and fines on the property, if any, prior to the issuance of a building permit for the project.
8. The applicant shall obtain a full building permit within 18 months from the date of approval of this Conditional Use Permit, 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.
9. The amount of existing paving within the property shall be reduced to an absolute minimum by increasing the landscaped areas in order to enhance the property while still allowing adequate

access, parking and services to be provided. A revised site plan, and landscape plan, inclusive of uplighting and irrigation providing 100% coverage shall be submitted for the review and approval of staff and the work shall be completed prior to the issuance of a building permit. The landscape plan shall also include street trees to be provided in public property as per the City of Miami Beach Master Street Tree Plan.

10. Any substantial modifications to the plans submitted and approved as part of this application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans.
11. The executed Conditional Use Permit shall be recorded in the Public Records of Miami-Dade County, Florida, at the expense of the applicant and returned to the Planning Department. No building permit, certificate of occupancy, or certificate of completion shall be issued until this requirement has been satisfied.
12. 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.
13. The establishment and operation of this Conditional Use Permit 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.
14. 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}

Approved As To Form:

Legal Department ()

Notary:

Print Name

Notary Public, State of Florida

My Commission Expires:

Commission Number:

Filed with the Clerk of the Planning Board on _____ ()