

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: December 6, 2016

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: DRB0616-0068
1966 Biarritz Drive

The applicant, ACM GROUP LLC, is requesting Design Review Approval for the construction of a new four-story, residential building including variances to reduce the required width of a two-way drive width on a vacant site.

RECOMMENDATION:

Approval with conditions

Approval of the variances

LEGAL DESCRIPTION:

Lot 5, Block 3, Normandy Island According to the Plat Thereof, as Recorded in Plat Book 34, Page 80, of the Public Records of Miami-Dade County, Florida.

HISTORY:

On February 04, 2014, the DRB heard and approved a project consisting of a (5) five story, (6) six-unit residential building pursuant to DRB File No. 23027. On April 7, 2015, the DRB granted the same variances as requested within this application on the above mentioned structure. The applicant failed to obtain a building permit in the allocated timeframe; as such the Order expired. Prior to this in May of 2007, the DRB heard and approved a project consisting of a (5) five story, (6) six-unit residential building pursuant to DRB File No. 20424. That project also never came to fruition.

SITE DATA:

Zoning: RM-1
Future Land Use: RM
Lot Size: 6,662 SF
Proposed FAR: 1.19 SF / 7,955 SF as represented by the applicant
Maximum FAR: 1.25 / 8,327 SF
Proposed Height: 39'-4" feet / 4 stories
Maximum Height: 50'-0" / 5
CMB Grade **4.33 NGVD** (not verified) / BFE **9 NGVD**
Proposed Uses:
Residential Units: 5 residential units
Parking Spaces: 10 parking spaces

EXISTING STRUCTURE:

Vacant

LAND USES:

East: 2-story multi-family building
North: 2-story multi-family building

South: 2-story multi-family building
West: 1- and 2-story multi-family building

THE PROJECT:

The applicant has submitted plans entitled "New Construction for 1966 Biarritz Drive" as prepared by **3Design Architecture**, signed, sealed and dated October 13, 2016.

The applicant is proposing to construct a new (4) four-story, (6) six-unit project on a vacant lot.

The applicant is requesting the following variance(s):

1. A variance to reduce 6'-4" from the minimum required width of 22'-0" interior drive aisle for 90° parking in order to provide ten (10) parking spaces at 90° with a minimum interior drive aisle of 15'-8".
 - Variance requested from:

Sec. 130-63. Interior aisles.

*Interior aisles shall meet or exceed the following minimum dimensions permitted:
90° parking—22'-0", with columns parallel to the interior drive on each side of the required drive, set back an additional 1'-6", measured from the edge of the required interior drive to the face of the column.*

The ground level parking area provides the 10 required parking spaces for the five-unit multifamily building. The building is designed with setbacks parallel to the side property lines as well as the parking on the ground floor. However, the slightly tapered lot creates an uneven lot width condition that is reflected on the driveway width varying from approximately 15'-8" to 20'-3". The narrowest drive aisle of 15'-8" occurs along the lobby area entering the parking and increases toward the rear allowing for a larger back up space between columns, providing a minimum back-up space of 23'-0". Because the parking area is for 10 vehicles, staff believes that this is a reasonable request in order to achieve the proposed design.

2. A variance to reduce 10'-0" from the minimum required width of 22'-0" for a driveway entrance associated with a parking area containing 10 parking spaces, in order to have a driveway entrance of 12'-0" for (10) ten parking spaces.
 - Variance requested from:

Sec. 130-64. Drives.

Drives shall have a minimum width of 22 feet for two-way traffic and 11 feet for one-way traffic. For those grade level parking areas with less than ten parking spaces, inclusive of those parking areas underneath a building or structure, the curb-cut and driveway entrance shall have a minimum width of 12 feet.

The two-way driveway entrance is required to be 22'-0" in width associated with the proposed 10 parking spaces. In this instance, since the lot is 50'-0" in width and has non-parallel side lot lines, providing the full 22'-0" driveway width entrance would also subtract the available resources to provide the required active residential liner fronting the street on the first floor, as required by Code. The applicant proposes a reduced 12'-0" wide driveway entrance that would be permitted for 9 parking spaces. This condition is more compatible with the residential character of the neighborhood and will provide for additional landscape area in the front. Staff

believes that this is a reasonable request that should not negatively impact the surrounding properties.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that also indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

- That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;
- That the special conditions and circumstances do not result from the action of the applicant;
- That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;
- That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;
- That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
- That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and
- That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

CONSISTENCY WITH COMPREHENSIVE PLAN:

A preliminary review of the project indicates that the proposed **residential use** is **consistent** with the Low Density Residential Future Land Use Map designation of the 2025 Comprehensive Plan.

COMPLIANCE WITH ZONING CODE:

The application, as proposed, is inconsistent with the following requirements of the City Code:

1. Shaded FAR drawings have not been provided and shall be required for all floor plans that clearly delineate the square footage of the project counted towards the total FAR.

The above noted comments shall not be considered final zoning review or approval. These and

all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

ACCESSIBILITY COMPLIANCE

Additional information will be required for a complete review for compliance with the Florida Building Code 2001 Edition, Section 11 (Florida Accessibility Code for Building Construction). These and all accessibility matters shall require final review and verification by the Building Department prior to the issuance of a Building Permit.

CONCURRENCY DETERMINATION:

In accordance with Chapter 122 of the Code of the City of Miami Beach, the Transportation and Concurrency Management Division has conducted a preliminary concurrency evaluation and determined that the project does not meet the City's concurrency requirements and level-of-service standards. However, the City's concurrency requirements can be achieved and satisfied through payment of mitigation fees or by entering into an enforceable development agreement with the City. The Transportation and Concurrency Management Division will make the determination of the project's fair-share mitigation cost.

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. Without exception, all concurrency fees shall be paid prior to the issuance of a Temporary Certificate of Occupancy or Certificate of Occupancy.

COMPLIANCE WITH DESIGN REVIEW CRITERIA:

Design Review encompasses the examination of architectural drawings for consistency with the criteria stated below with regard to the aesthetics, appearances, safety, and function of the structure or proposed structures in relation to the site, adjacent structures and surrounding community. Staff recommends that the following criteria is found to be satisfied, not satisfied or not applicable, as hereto indicated:

1. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.
Satisfied
2. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.
Satisfied
3. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.
Not Satisfied; variances are required as noted within this report
4. The color, design, selection of landscape materials and architectural elements of Exterior Building surfaces and primary public interior areas for Developments requiring a Building Permit in areas of the City identified in section 118-252.
Satisfied

5. The proposed site plan, and the location, appearance and design of new and existing Buildings and Structures are in conformity with the standards of this Ordinance and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the Design Review Board and Historic Preservation Boards, and all pertinent master plans.
Not Satisfied; variances are required as noted within this report
6. The proposed Structure, and/or additions or modifications to an existing structure, indicates a sensitivity to and is compatible with the environment and adjacent Structures, and enhances the appearance of the surrounding properties.
Satisfied
7. The design and layout of the proposed site plan, as well as all new and existing buildings shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on contiguous and adjacent Buildings and lands, pedestrian sight lines and view corridors.
Satisfied
8. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that all parking spaces are usable and are safely and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the Site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the Site.
Satisfied
9. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties. Lighting shall be reviewed to assure that it enhances the appearance of structures at night.
Satisfied
10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.
Satisfied
11. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.
Not Satisfied; a decorated 7' wall or other method should be introduced along the side and rear property lines to ensure minimal light spillage onto the neighboring multifamily buildings.
12. The proposed structure has an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).
Satisfied

13. The building has, where feasible, space in that part of the ground floor fronting a street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.
Satisfied
14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Satisfied
15. An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).
Not Applicable
16. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.
Satisfied
17. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.
Satisfied

STAFF ANALYSIS:

DESIGN REVIEW

The applicant is proposing a (4) four-story, (6) six-unit residential development with each unit configured with at least two stories of living space containing between 819sf—1,377sf of living space, in one, two and three bedroom offerings on a currently vacant site. The established residential context consists of mostly (2) two-story Post War buildings. As such, the relationship between the proposed new architecture and the established character of the neighborhood is critical. Staff has met with the applicant and architect on several occasions, and believes that the final design is responsive to the neighboring properties. Staff is excited to see development proposed as urban infill on one of the few remaining undeveloped parcels in a densely populated area.

The same project was reviewed and approved by the Design Review Board on February 04, 2014. The building permit B1406587 was applied for on 09/30/14 and while not approved yet, it has been reviewed by the Planning Department three times, most recently on 12/18/15. Due to time constraints and delays of the ownership, the applicant was unable to obtain a full permit within the allowable 18 month timeframe of the original final order. Additionally, the applicant failed to apply for a one-year extension of time, thus requiring re-review of the project. The project reflects the plans submitted as part of the permit application which addresses many of the Board's 2014 design and zoning concerns.

Staff recommends approval of the development as proposed.

VARIANCE REVIEW

The design of the new building was approved by the Design Review Board on February 4, 2014. At that time, several conditions were imposed, requiring modifications to the project as enumerated in the final order. The number of parking spaces and the design of the parking was required to be modified. The applicant is proposing a modification that changes the original number of units from six to five and consequently reduces the required parking spaces from 11 to 10. However, variances to construct the parking are necessary as the driveway width and driveway entrance do not meet the minimum required width. On April 7, 2015, the DRB granted the same variances as requested within this application on the above mentioned structure.

As part of the modifications, a concrete wall on both sides of the parking spaces is proposed to mitigate noise and light spillage onto the neighboring properties. However, staff recommends that the fence also be located along the parking facing the rear as well. The proposed wheel stops should be replaced with a continuous concrete curb to provide for additional pervious landscaped areas. A continuous concrete curb along the back up area is also recommended in order to prevent vehicles from encroaching into and damaging the landscape area.

The existing lot width is 50'-0" and has non-parallel side property lines. This condition and the need to incorporate residential uses on the first floor, elevator, stairwells and trash area impose additional challenges to design the required parking with the minimum dimensions. The variance for the driveway entrance width would not be necessary if less than 10 parking spaces were provided. The reduction of the curb-cut entrance is reasonable to allow larger residential uses along the street, which is a more desirable component at street level.

In summary, staff has no objection to the applicant's request and recommends approval of the variances # 1 and # 2 as proposed.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application be **approved** subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review criteria and Practical Difficulty and Hardship criteria.

TRM/JGM

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DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: December 6, 2016

FILE NO: DRB16-0068

PROPERTY: 1966 Biarritz Drive

LEGAL: Lot 5, Block 3, Normandy Island According to the Plat Thereof, as Recorded in Plat Book 34, Page 80, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval for the construction of a new (4) four-story, (6) six-unit residential building on a vacant site.

ORDER

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:

I. Design Review

- A. The Board has jurisdiction pursuant to Section 118-252(a) of the Miami Beach Code. The property is not located within a designated local historic district and is not an individually designated historic site.
- B. 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 inconsistent with Design Review Criteria 3, 4, and 5 in Section 118-251 of the Miami Beach Code.
- C. The project would remain 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. A well-designed four (4') foot high wall and continuous hedge material shall be introduced along the east and west property lines of the site (with a 20 foot setback from Biarritz), in order to ensure that headlights from the unit owners' vehicles do not shine into the neighboring properties, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

- b. A continuous soffit shall be lowered from the second level to a height of 7'-6" above the parking level in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - c. The final design and details, including materials, exterior finishes, glazing, railings, and any architectural projections and features, shall be provided in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - d. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and shall be screened from view, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - e. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
 - f. 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 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. Prior to the issuance of a building permit, the applicant shall submit a tree protection plan for all trees to be retained on site. Such plan shall be subject to the review and approval of staff, and shall include, but not be limited to a sturdy tree protection fence installed at the dripline of the trees prior to any construction.
 - b. In order to identify, protect and preserve mature trees on site, which are suitable for retention and relocation, a Tree Report prepared by a Certified Tree Arborist shall be submitted for the mature trees on site.
 - c. Any tree identified to be in good overall condition shall be retained, and protected in their current location if they are not in conflict with the proposed home, or they shall be relocated on site, if determined feasible, subject to the review and approval of staff. A tree care and watering plan also prepared by a Certified Arborist shall be submitted prior to the issuance of a Building Permit or Tree Removal/Relocation Permit. Subsequent to any approved relocation, a monthly report prepared by a

Certified Arborist shall be provided to staff describing the overall tree performance and adjustments to the maintenance plan in order to ensure survivability, such report shall continue for a period of 18 months unless determined otherwise by staff.

- d. Existing trees to be retained on site shall be protected from all types of construction disturbance. Root cutting, storage of soil or construction materials, movement of heavy vehicles, change in drainage patterns, and wash of concrete or other materials shall be prohibited.
- e. The amount of paving within the required front yard shall not be greater than 50% of the required front yard.
- f. The architect shall substantially increase the amount of native canopy shade trees within the site, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- g. The proposed and existing trees located within the swale shall be subject to the review and approval of Green Space and CIP.
- h. Street trees shall be required within the swale at the front of the property if not in conflict with existing utilities, in a manner to be reviewed and approved by the Public Works Department.
- i. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
- j. 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.
- k. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- l. 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. 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.
- m. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms. The location of any exterior transformers and how they are screened with landscape material from the right of wall shall be clearly indicated on the

site and landscape plans and shall be subject to the review and approval of staff.

- n. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or 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

In accordance with Section 118-262, the applicant, or the city manager on behalf of the City Administration, or an affected person, Miami Design Preservation League or Dade Heritage Trust may seek review of any order of the Design Review Board by the City Commission, except that orders granting or denying a request for rehearing shall not be reviewed by the Commission.

II. Variance(s)

- A. The applicant filed an application with the Planning Department for the following variance(s):

1. A variance to reduce 6'-4" from the minimum required width of 22'-0" interior drive aisle for 90° parking in order to provide ten (10) parking spaces at 90° with a minimum interior drive aisle of 15'-8.
2. A variance to reduce 10'-0" from the minimum required width of 22'-0" for a driveway entrance associated with a parking area containing 10 parking spaces, in order to have a driveway entrance of 12'-0" for (10) ten parking spaces

- B. The applicant has submitted plans and documents with the application that satisfies Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that the Board has concluded comply with the following hardship criteria, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

That the special conditions and circumstances do not result from the action of the applicant;

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

That literal interpretation of the provisions of this Ordinance would deprive the applicant

of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

C. The Board hereby **Approves** the Variance request(s), and imposes the following conditions based on its authority in Section 118-354 of the Miami Beach City Code:

1. 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, even if the modifications do not affect variances approved by the Board.

The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

III. General Terms and Conditions applying to both 'I. Design Review Approval and 'II. Variances' noted above.

- A. During construction of the new home, the Applicant will maintain gravel at the front of the construction site within the first 15'-0" of the required front yard to mitigate disturbance of soil and mud by related personal vehicles exiting and entering the site, and with an 8'-0" high fence with a wind resistant green mesh material along the front property line. All construction materials, including dumpsters and portable toilets, shall be located behind the construction fence and not visible from the right-of-way. All construction vehicles shall either park on the private property or at alternate overflow parking sites with a shuttle service to and from the property. The Applicant shall ensure that the contractor(s) observe good construction practices and prevent construction materials and debris from impacting the right-of-way.
- B. Site plan approval is contingent upon meeting Public School Concurrency requirements. Applicant shall obtain a valid School Concurrency Determination Certificate (Certificate) issued by the Miami-Dade County Public Schools. The Certificate shall state the number of seats reserved at each school level. In the event sufficient seats are not available, a proportionate share mitigation plan shall be incorporated into a tri-party development agreement and duly executed prior to the issuance of a Building Permit

- C. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- D. The Supplemental Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- E. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- F. The Supplemental 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.
- G. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- H. 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 I, II, III of the Findings of Fact, 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 "New Construction for 1966 Biarritz Drive" as prepared by **3Design Architecture**, signed, sealed and dated October 13, 2016, modified in accordance with the conditions set forth in this Order and staff review and approval.

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

