

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, APPROVING A REVOCABLE PERMIT REQUEST BY PPF 723 LINCOLN LANE NORTH, LLC, IN ORDER TO ALLOW THE INSTALLATION OF (1) A 15 SQUARE FOOT TENANT SIGN ON THE WEST FAÇADE OF THE BUILDING LOCATED AT 723 LINCOLN LANE NORTH, TO EXTEND APPROXIMATELY TWO (2) FEET INTO MERIDIAN AVENUE, (2) A 48 SQUARE FOOT TENANT SIGN ON THE WEST FAÇADE OF THE BUILDING TO EXTEND APPROXIMATELY THREE (3) FEET INTO MERIDIAN AVENUE; AND (3) A PEDESTRIAN CANOPY ON THE SOUTH FAÇADE OF THE BUILDING TO EXTEND APPROXIMATELY 8'11" OVER LINCOLN LANE NORTH, WHICH PERMIT IS CONSISTENT WITH THE CRITERIA OF SECTION 82-94, OF THE CITY CODE; AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE REVOCABLE PERMIT.

WHEREAS, PPF 723 Lincoln Lane, LLC (Applicant) is the owner of the building, located at 723 Lincoln Lane North, and is requesting a revocable permit for the installation of: (1) a 15 square foot tenant sign on the west façade of the building, which sign is to extend approximately two (2) feet into the public right-of-way, Meridian Avenue; (2) a 48 square foot tenant sign on the west façade of the building, which sign is to extend approximately three (3) feet into the public right-of-way, Meridian Avenue; and (3) a pedestrian canopy on the south façade extending approximately eight feet eleven inches (8'11") over the public right-of-way, Lincoln Lane North; and

WHEREAS, on May 3, 2016, the City's Design Review Board (DRB) has approved the design for the both the signs and the canopy through the final Order issued under File No. 23076; and

WHEREAS, the Applicant is requesting to encroach into the public rights-of-way and has applied for a revocable permit to allow the first sign to be installed at an elevation of 15 feet above finished floor elevation; the second sign to be installed at an elevation of 48 feet above finish floor elevation; and for the canopy to travel along Lincoln Lane North for approximately 205 feet, at a width of 12 feet, and a clearance of approximately 15 feet above the sidewalk; and

WHEREAS, at its May 17, 2017 meeting, pursuant to Section 82-93(a) of the City Code, the City Commission approved the Resolution on First Reading, and scheduled a public hearing to consider the request for a revocable permit; and

WHEREAS, 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; and

WHEREAS, Public Works has analyzed the criteria contained in Sections 82-94 and

believes the application to be consistent with the criteria therein and has provided the City Commission with a report analyzing the relevant criteria; and

WHEREAS, in accordance to Section 82-94, the City Commission is to review the application to determine whether the revocable permit shall be granted or denied based upon existence of the following criteria: (1) that the applicant's need is substantial; (2) that the applicant holds title to an abutting property; (3) that the proposed improvements comply with applicable codes, ordinances, regulations, neighborhood plans and laws; (4) that the grant of such application will have no adverse effect on governmental/utility easements and uses on the property; (5) Alternatively:

- a. That an unnecessary hardship exists that deprives the applicant of a reasonable use of the land, structure or building for which the revocable permit is sought arising out of special circumstances and conditions that exist and were not self-created and are peculiar to the land, structures or building involved and are not generally applicable to other lands, structures or buildings in the same zoning district and the grant of the application is the minimum that will allow reasonable use of the land, structures or building; or
- b. That the grant of the revocable permit will enhance the neighborhood and/or community by such amenities as, for example, enhanced landscaping, improved drainage, improved lighting, and improved security.

(6) that granting the revocable permit requested will not confer on the applicant any special privilege that is denied by this article to other owner of land, structures or buildings subject to similar conditions located in the same zoning district; and (7) that granting the revocable permit will be in harmony with the general intent and purpose of this article, and that such revocable permit will not be injurious to surrounding properties, the neighborhood, or otherwise detrimental to the public welfare. In order to grant a revocable permit, the city commission must make an affirmative finding with respect to each of the criteria set forth above. These findings may be made by one motion addressed to all findings or, at the request of any member of the Commission, a finding or findings shall be considered separately; and,

WHEREAS, the Public Works Department has reviewed the required criteria, and in the attached memorandum delineate the compliance with 82-94, of the City Code; and

WHEREAS, the Applicant has agreed to provide the City with the following public benefits: (a) the installation of Silva Cells in planters along Meridian Ave; (b) removal of the existing damaged Bulnesia located within a in tree planter on south side of property (Lincoln Ln.); (c) the installation of two (2) new Florida Grade #1 Bulnesia trees, with an overall height at planting of 14'-16', and (40) 3-gallon sized Green Island Ficus shrubs planted 24" on-center in a tree planter on south side of property (Lincoln Ln.); (d) the installation of a new 5'x5' planter on the SE corner of the applicant's property (Euclid Ave. & Lincoln Ln.) by removing a portion of the existing right-of-way concrete sidewalk; (e) by providing for irrigation, up lighting, and 70/30 planting soil in the new tree planter; (f) of installing one (1) new Florida Grade #1 Bulnesia tree, with an overall height at planting of 14'-16', and (12) 3-gallon sized Green Island Ficus shrubs planted 24" on-center in a new planter along the SE corner of applicant's property; and (g) the installation of irrigation and an irrigation meter, utilizing applicant's water line for the irrigation system.

WHEREAS, the conditions for the revocable permit comply with the requirements of Section 82-95, as it relates to the terms and conditions for the issuance of the permit, and conditions for its termination; and

WHEREAS, the City Manager and the Public Works Director Administration recommend approval of the revocable permit request.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission, following a duly noticed public hearing, as required pursuant to section 82-93 of the city code, approving a revocable permit request by PPF 723 Lincoln Lane North, LLC, in order to allow the installation of (1) a 15 square foot tenant sign on the west façade of the building located at 723 Lincoln Lane North, to extend approximately two (2) feet into meridian avenue; (2) a 48 square foot tenant sign on the west façade of the building to extend approximately three (3) feet into meridian avenue; and (3) a pedestrian canopy on the south façade of the building to extend approximately 8'11" over Lincoln Lane North, which permit is consistent with the criteria of section 82-94, of the City Code; and authorizing the Mayor and City Clerk to execute the revocable permit.

PASSED and ADOPTED this _____ day of _____.

ATTEST:

Philip Levine, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

J. L. O. F.
City Attorney

6/11/17
Date

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