

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

PROPERTY: 1600 Washington Avenue and 1601 Drexel Avenue

FILE NO: PB17-0138

IN RE: The applicant, 420 Lincoln Road Development, LLC, requested a Conditional Use approval for the construction of a new 10-story mixed-use building exceeding 50,000 square feet, including residential units and commercial space on the ground floor, with the required parking provided in the existing adjacent parking structure which is part of the development site, pursuant to Chapter 118, Article IV and Chapter 142, Article II of the City Code.

**LEGAL
DESCRIPTION:** See Exhibit A

MEETING DATE: May 22, 2018

CONDITIONAL USE PERMIT

The applicants, 420 Lincoln Road Development, LLC filed an application for Conditional Use approval for the construction of a new 10-story residential mixed use development exceeding 50,000 square feet, pursuant to Chapter 142, Article II and Chapter 118, Article IV of the City Code. Notice of the request for Conditional Use 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 Commercial High Intensity Zoning District, (CD-3);

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 City Code;

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 if the following conditions are met.

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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 Conditional Use Permit as requested and set forth above be GRANTED, subject to the following conditions to which the applicant has agreed:

1. This Conditional Use Permit is issued to 420 Lincoln Road Development, LLC as the applicant and owner of the property. 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. Subsequent owners and operators shall be required to appear before the Board to affirm their understanding of the conditions listed herein.
2. Upon the issuance of a Full Building Permit for the project approved herein, the CUP approved herein, including all conditions, shall supplant the MCUP approved under PB File No. 17-0113 for the previously approved main use parking garage and greater than 50,000 square foot building, and shall thereafter control. Additionally, upon the issuance of a Full Building Permit for the project approved herein, the Neighborhood Impact Establishment (NIE) approved under PB 17-0113 will remain in place, as a separate MCUP Order under PB 17-0113, inclusive of all conditions applicable to the NIE. In the event the project approved herein expires, does not move forward, is abandoned or vacated, after a Full Building Permit is issued, the applicant shall be required to submit a new application for a main use garage and greater than 50,000 square foot building for the existing garage at 1601 Drexel Avenue.
3. Prior to the issuance of any building permit for the project approved herein, the property owner shall execute and record a unity of title or a covenant in lieu of unity of title for the entire unified development site approved herein, in a form acceptable to the City Attorney.
4. A Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of a Building Permit.
5. The plans shall be revised to ensure compliance with the Land Development Regulations prior to obtaining a building permit unless otherwise authorized by the Historic Preservation Board (HPB) through the variance process.
6. Prior to the issuance of a building permit for the ground floor commercial space, the applicant shall submit an operational plan and narrative for the operation the proposed business. This operational plan and narrative shall be subject to the review and approval of staff and, at a minimum, shall satisfy the following:
 - a. Any retail establishment with a door along 16th Street shall close by 10:00 PM, seven days per week.
 - b. Any restaurant space with a door along 16th Street shall close by 10:00 PM, Sunday-Thursday and 12:00 AM, Friday-Saturday.

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- c. Any restaurant with primary ingress and egress on Washington Avenue shall close by 11:00 PM, Sunday-Thursday and 2:00 AM, Friday-Saturday.
 - d. There shall not be any entertainment in the commercial and residential amenity areas.
 - e. Vehicles greater than a standard 35 feet long single unit truck shall not utilize the loading zone. The applicant shall install signage at the entrance of the loading area indicating such truck size restriction.
7. The following shall apply to the operation of the entire facility:
- a. The pool deck area shall close by 10:00 PM, Sunday-Wednesday and 12:00 AM, Thursday-Saturday
 - b. All trash containers shall utilize rubber wheels, or the path for the trash containers shall consist of a surface finish that reduces noise, in a manner to be reviewed and approved by staff.
 - c. Adequate air-conditioned and noise baffled trash room space shall be provided, in a manner to be approved by the Planning staff. Doors shall remain closed and secured when not in active use.
 - d. Trash dumpster covers shall be closed at all times except when in active use.
 - e. Delivery trucks shall not be allowed to idle in loading areas or in the alley.
 - f. Deliveries and moving trucks shall only take place between 8:00 AM and 5:00 PM, Mondays through Fridays
 - g. Waste removal shall be allowed between 8:00 AM and 5:00 PM, daily.
 - h. There shall not be in queuing of delivery, garbage, or moving trucks in the public right of way.
 - i. Except as may be required for security, fire or building code/Life Safety Code purposes, no speakers affixed to or otherwise located on the exterior of the building shall be permitted.
8. Prior to the issuance of any building permit for the project, the applicant shall address the following Concurrency, Traffic, and Parking requirements:
- a. The applicant shall comply with mitigation measures as may be deemed necessary by the City as a result of the traffic study peer review process.
 - b. A Method of Transportation (MOT), as applicable, shall be submitted to Public Works Department staff for review and approval prior to the issuance of a building permit. The MOT shall address any traffic flow disruption due to

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construction activity on the site.

- c. If applicable, the applicant shall participate in a Transportation Concurrency Management Area Plan (TCMA Plan), if deemed necessary, by paying its fair share cost, as may be determined as determined by the Concurrency Management Division.
 - d. A final concurrency determination shall be conducted prior to the issuance of a building permit. Mitigation fees and concurrency administrative costs, if required, shall be paid prior to the issuance of any building permit.
 - e. Prior to the issuance of a building permit, calculations for required parking for the project shall be determined by the Planning Department. A final determination for the required parking shall be conducted prior to the issuance of a Certificate of Occupancy or Business Tax Receipt, whichever comes first. If required, a one-time fee in lieu of providing the required parking on site or in combination with an annual fee, as determined by staff, shall be paid prior to the issuance of the Certificate of Occupancy.
 - f. The applicant shall provide 40 short-term bicycle parking spaces on the site that are available to residents, customers, employees on the site, in a manner to be reviewed and approved by staff.
 - g. The applicant shall provide 20 long term bicycle storage spaces for residents and employees on site, in a manner to be reviewed and approved by staff.
 - h. The applicant shall provide transit information to the public, including route schedules and maps within the lobby of the building in a manner to be reviewed and approved by the Transportation Department.
- 9. 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 related to parking or loading operations.
 - 10. 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.
 - 11. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. The applicant shall appear before the Planning Board for a progress report within 180 days from the time 75% of the commercial space is in operation. The progress report shall include, but not be limited to, updated information on traffic conditions surrounding the site. The Board reserves the right to modify the Conditional Use approval at the time of a 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).

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12. 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. 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.
13. Driveway control plans for garage access shall be submitted to staff for review and approval when more than usual driveway usage, such as but not limited to New World Symphony functions or other special events is to occur.
14. Storage of vehicles by valet operators for off-site facilities shall be permitted.
15. The off-street parking requirements for the commercial/retail spaces, inclusive of any restaurant that may be located on the premises shall be satisfied only within the garage. Required parking for off-site venues, with the exception of 175 spaces that will fulfill the required parking for the New World Symphony expansion, shall not be satisfied at this garage, except for required parking for any use on the same block.
16. The garage operation will be 24 hours per day, seven days a week. Accessibility for public use, including the valet parking shall be available at all times. The facility shall be equipped with a security system and personnel on-site 24 hours per day, seven days a week monitoring the garage operation to assure the safety and security of individuals and vehicles, as well as compliance with this Conditional Use Permit.
17. The required security plan shall be submitted to staff for review and approval prior to the issuance of a Business Tax Receipt.
18. 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.
19. A violation of Chapter 46, Article IV, "Noise," of the Code of the City of Miami Beach, Florida (a/k/a "noise ordinance"), as may be amended from time to time, shall be deemed a violation of this Conditional Use Permit and subject to the remedies as described in section 118-194, of the City Code.
20. 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.
21. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
22. The establishment and operation of this Conditional Use 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

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for consideration by the Planning Board for a revocation of this Conditional Use.

23. 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 31st day of MAY, 2018.

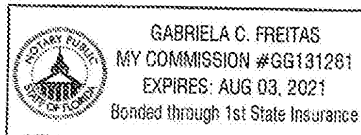
PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: Michael Belush

Michael Belush, AICP
Chief of Planning and Zoning
For Chairman

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 31st day of May, 2018, by Michael Belush, Chief of Planning and Zoning of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



[NOTARIAL SEAL]

Gabriela C. Freitas
Notary:

Print Name Gabriela C. Freitas

Notary Public, State of Florida

My Commission Expires: 8-3-21

Commission Number: GG131281

Approved As To Form:
Legal Department

[Signature], 5/29/18

Filed with the Clerk of the Planning Board on [Signature] (5/31/18)

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Exhibit A

SUBJECT: 1601 Drexel Avenue, Miami Beach, FL 33139

FOLIO NUMBER: 02-3234-006-0040

LEGAL DESCRIPTION: PINE RIDGE SUB PB 6-34 LOT 5 LESS N20FT & ALL OF LOTS 6
THRU 10 BLK 53

SUBJECT: 1600 Washington Avenue, Miami Beach, FL 33139

FOLIO NUMBER: 02-3234-006-0010

LEGAL DESCRIPTION: PINE RIDGE SUB PB 6-34 LOT 1 BLK 53

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