



MIAMIBEACH

PLANNING DEPARTMENT

DESIGN REVIEW BOARD STAFF REPORT

FROM: Jorge G. Gomez, Director *offn for JGG*
Planning Department

DATE: June 2, 2009 Meeting

RE: Design Review File No. 20640
7140 Abbott Avenue

The applicant, Aqua-Vista Holding, Inc., is requesting a one (1) year Extension of Time to obtain a Full Building Permit for a previously issued Design Review Approval for modifications to the existing 2-story structure, including the installation of new storefronts.

HISTORY:

The application was approved by the Board on August 7, 2007, subject to conditions set forth in the Corrected Final Order. Since that time, the applicant has not yet obtained the required building permit for the reasons set forth in the submitted letter of request.

The request for a one (1) year Extension of Time came before the Board on May 5, 2009, and was continued to a date certain of June 2, 2009 by the Board.

THE PROJECT:

The applicant is proposing several modifications to the existing 2-story building, including introducing new openings with storefronts along the first floor of the 72nd Street elevation, and also expanding the floor area by converting an existing carport into a retail space. The remaining parking will also be reconfigured with access from the alley. A new trash room will also be constructed abutting the alley.

ANALYSIS:

Since the original approval of the application, no changes to the Land Development Regulations of the Miami Beach Code have been recommended or approved which would preclude the construction of this project if it were proposed today. In light of the delays encountered in the permitting process, it is suggested that the request for an extension of time to ensure that the permitting process consummates would be appropriate.

RECOMMENDATION:

In view of the foregoing, staff recommends the request for an extension of time be approved for a period not to exceed one (1) year from the approval as indicated in the Final Order for the project, which expired on February 7, 2009, subject to the following conditions:

1. A full building permit, not a foundation or shell permit, for the project shall be obtained by February 7, 2010.
2. Construction shall commence and continue in accordance with the applicable Building Code.
3. The 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.