

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Design Review Board

TO: DRB Chairperson and Members

DATE: May 07, 2019

FROM: Thomas R. Mooney, AICP  
Planning Director

SUBJECT: DRB19-0372  
**1700 Purdy Avenue**

**DRB18-0372, 1700 Purdy Avenue—Maurice Gibb Memorial Park.** An application has been filed requesting Design Review Approval for substantial renovations and improvements to an existing City park including the installation of a signature playground equipment area, new walkways, shade structures, dog parks, fishing pier and Bay observation overlook.

**RECOMMENDATION:**  
Approval

**LEGAL DESCRIPTION:**  
See Exhibit 'A'

**BACKGROUND:**

The City is proposing to renovate the existing Maurice Gibb Park. On October 19, 2012, during the construction of the Sunset Harbor Pump Station Retrofit project, petroleum contamination was identified during excavation work in the southeast corner of the Maurice Gibb Park. Given that soil remediation is required over most of the surface of the park, a full renovation of the Park is necessary.

The City held several public meetings with residents from the communities adjacent to the park (Sunset Harbor, Sunset Islands, Lower North Bay Road, Belle Isle and West Avenue) to arrive at a master plan design and an artistic theme for the playground design. The proposed renovation to Maurice Gibb Park includes soil remediation, new plant material, earthwork, irrigation and walkways, the replacement of the playground equipment with a new signature playground area, new shade structures, a dog park, a fishing pier and a new Bay observation lookout. While the master plan includes a location for a new detached restroom facility, the renovation of the Marine/Fire Patrol Facility and new restrooms will be part of a future, separate project.

**SITE DATA:**

|                  |                            |
|------------------|----------------------------|
| Zoning:          | GU Government Use          |
| Future Land Use: | ROS, Recreation Open Space |
| Lot Size:        | ±145,115 SF (±3.4 acres)   |
| Grade:           | ±3.96 NGVD                 |
| Flood:           | +8.0' NGVD                 |
| Difference:      | +4.04' NGVD                |
| Adjusted Grade:  | +6.02' NGVD                |

**LAND USES:**

East: Multi-Family Residential, Commercial and vacant land  
DRB17-0198 (12-04-18 new five story mixed use building)  
North: Sunset Harbor South  
South: Venetian Way  
West: Biscayne Bay

**THE PROJECT:**

The applicant has submitted plans and renderings entitled "Maurice Gibb Memorial Park" by **Coastal Systems** dated March 25, 2019.

The applicant is proposing to soil remediation and substantial renovations and improvements to an existing City park including the installation of a signature playground equipment area, new walkways, shade structures, dog parks, fishing pier and Bay observation overlook

**COMPLIANCE WITH ZONING CODE:**

A preliminary review of the project indicates that the application, as proposed, appears to be consistent with the City Code. 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.

**CONSISTENCY WITH COMPREHENSIVE PLAN:**

A preliminary review of the project indicates that the proposed **park use** appears to be **consistent** with the Future Land Use Map designation of the **Recreation Open Space Element** of the 2025 Comprehensive Plan.

**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.  
**Satisfied**

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.  
**Satisfied**
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.  
**Not Applicable**
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.  
**Not Applicable**
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 Applicable**

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.  
**Not Applicable**
14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.  
**Not 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.  
**Not Applicable**
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.  
**Not Applicable**
18. In addition to the foregoing criteria, subsection [118-]104(6)(t) of the City Code shall apply to the design review board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.  
**Not Applicable**
19. The structure and site complies with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.  
**Satisfied**

#### **COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA**

Section 133-50(a) of the Land Development establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

- (1) A recycling or salvage plan for partial or total demolition shall be provided.

**Not Satisfied**; A recycling plan shall be provided as part of the submittal for a demolition/building permit to the building department.

- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.  
**Not Applicable**
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.  
**Not Applicable**
- (4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.  
**Satisfied**
- (5) Whether adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact, including a study of land elevation and elevation of surrounding properties were considered.  
**Satisfied**
- (6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land.  
**Satisfied**
- (7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.  
**Not Applicable**
- (8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.  
**Not Applicable**
- (9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.  
**Not Applicable**
- (10) Where feasible and appropriate, water retention systems shall be provided.  
**Satisfied**

**STAFF ANALYSIS:**

Maurice Gibb Memorial Park, formerly known as Island View Park, is located in the western portion of the Sunset Harbor neighborhood at the northwest corner of Purdy Avenue and Dade Boulevard/Venetian Causeway. The 3.42 acre site was initially developed as industrial boat yards, with its southernmost portion serving as a gas station. Operating as such for several decades the site was eventually abandoned and sold to the City of Miami Beach. By the mid-1980's, the City developed the waterfront site into a park with a Marine/Fire Patrol Facility and boat ramps at the northern end. The site has recently been improved with off-street parking, as well as shade and park playground elements. The waterfront park is enjoyed by many residents of Sunset Harbour, Belle Isle and the Sunset

and Venetian Islands. The future connection via pedestrian bridge (DRB18-0313) over the Collins Canal will further connect the area to the West Avenue neighborhood. The associated renovated surface parking lot, boat ramps and Marine/Fire Patrol Facility are to remain as existing.

The greenspace areas are conceived and programmed with increased open park areas, open air shaded structures for multiple uses, a dog park relocated towards the south end of the park with a landscape buffer from the adjacent streets, and a signature playground with thematic elements. Other improvements include a paved walkway around the perimeter, park furnishings, landscaping, a Bay overlook, fishing piers, and a new memorial to Maurice Gibb, the namesake of the park. The proposed Gibb memorial is sited facing the bay, in the same location as the existing memorial. It is composed of a central guitar sculpture that is bordered by a stone wall and bench, with seating that is finished in a motif that resembles piano keys. Two new fishing piers continue the axis of the memorial's angled walls and jut into the Bay, where they turn into curving piers that form a detached quarter circle. Located just south of the memorial and piers is a new Bay overlook that traverses an existing mangrove patch.

The commemoration to Maurice Gibb and his band—the Bee Gees—continues with the 'Monstrum' designed playground titled You Should Be Dancing, themed after the 1976 Bee Gees' song. The company is known in the industry for high-quality design and produces unique thematic playgrounds with a focus on artistic and architectural quality. The playground area features an assemblage of standard play equipment reimagined and designed in musical themes and instrument constraints, such as giant musical notes to climb, a drum set slide, obstacle courses comprised of keyboards and guitars, and a mountable fun dome formed to reflect a halfway sunken disco ball. Staff is supportive of the proposal for the signature playground element and recommends approval of the design.

**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 Sea Level Rise criteria.

TRM/JGM/FSC

"Exhibit A"

LEGAL DESCRIPTION:

LOTS 1, 2, 3, 4, 5, 6, 7, 8, AND 9, BLOCK 15, ISLAND VIEW SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 6, PAGE 115, OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA. CONTAINING 148,376 SQUARE FEET (3.41 ACRES) MORE OR LESS;

TOGETHER WITH:

A PARCEL OF SOVEREIGNTY LAND IN BISCAYNE BAY ABUTTING SECTION 33, TOWNSHIP 53 SOUTH, RANGE 42 EAST, DADE COUNTY, FLORIDA; MORE PARTICULARLY DESCRIBED IN THAT CERTAIN DEED NO. 25150 (2329-13) DATED OCTOBER 9, 1970 BETWEEN STATE OF FLORIDA BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND AND H. P. FORREST, AS TRUSTEE, UNDER THAT CERTAIN LAND TRUST AGREEMENT DATED APRIL 30, 1966, SAID DEED BEING RECORDED IN OFFICIAL RECORDS OF MIAMI DADE COUNTY, FLORIDA, AND ALL LITTORAL OR RIPARIAN RIGHTS WHICH MAY EXIST AS TO THE SUBJECT PROPERTIES.

SAID LANDS LYING IN THE CITY OF MIAMI BEACH, MIAMI DADE COUNTY, FLORIDA. CONTAINING 340,170 SQUARE FEET (7.81 ACRES) MORE OR LESS.

DEED NO. 25150 (2329-13):

A PARCEL OF SOVEREIGNTY LAND IN BISCAYNE BAY ABUTTING SECTION 33, TOWNSHIP 53 SOUTH, RANGE 42 EAST, DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF FRACTIONAL SECTION 33, TOWNSHIP 53 SOUTH, RANGE 42 EAST, DADE COUNTY, FLORIDA; THENCE DUE SOUTH, ALONG THE EAST LINE OF SAID SECTION 33 FOR A DISTANCE OF 836.7 FEET TO A POINT ON THE NORTH LINE OF ISLAND VIEW SUBDIVISION, PLAT BOOK 6 AT PAGE 115 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, THENCE SOUTH 89°58'15" WEST, ALONG THE NORTH LINE OF THE SAID ISLAND VIEW SUBDIVISION, FOR A DISTANCE OF 830.1 FEET TO THE WEST RIGHT OF WAY LINE OF PURDY AVENUE, AS THE SAME IS SHOWN ON THE SAID PLAT OF ISLAND VIEW SUBDIVISION; THENCE DUE SOUTH, ALONG THE WEST RIGHT OF WAY LINE OF SAID PURDY AVENUE, FOR A DISTANCE OF 290 FEET TO THE NORTHEAST CORNER OF LOT 9, BLOCK 15 OF THE SAID ISLAND VIEW SUBDIVISION; THENCE SOUTH 89°58'15" WEST, ALONG THE NORTH LINE OF THE SAID LOT 9 FOR A DISTANCE OF 187.96 FEET TO THE NORTHWEST CORNER OF THE SAID LOT 9, THE SAME BEING A POINT ON THE DADE COUNTY BULKHEAD LINE, A POINT ON THE MEAN HIGH WATER LINE OF BISCAYNE BAY AND THE POINT OF BEGINNING; THENCE SOUTH 36°37'16" WEST, ALONG THE SAID DADE COUNTY BULKHEAD LINE, FOR A DISTANCE OF 16.07 FEET; THENCE SOUTH 73°10'29" WEST, ALONG THE DADE COUNTY BULKHEAD LINE FOR A DISTANCE OF 190.25 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE; THENCE ALONG THE DADE COUNTY BULKHEAD LINE AND SOUTHWESTERLY ALONG SAID CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 150 FEET THROUGH A CENTRAL ANGLE OF 73°06'15" FOR AN ARC DISTANCE OF 191.39 FEET TO THE END OF SAID CURVE; THENCE SOUTH 00°04'14" WEST, TANGENT TO THE LAST DESCRIBED CURVE AND ALONG THE DADE COUNTY BULKHEAD LINE FOR A DISTANCE OF 218.80 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE; THENCE SOUTHEASTERLY ALONG THE DADE COUNTY BULKHEAD LINE AND ALONG THE SAID CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 300 FEET THROUGH A CENTRAL ANGLE OF 36°55'20" FOR AN ARC DISTANCE OF 193.33 FEET TO A POINT OF REVERSE CURVE; THENCE SOUTHEASTERLY ALONG THE DADE COUNTY BULKHEAD LINE AND ALONG A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 2,739.05 FEET THROUGH A CENTRAL ANGLE OF 4°43'52" FOR AN ARC DISTANCE OF 226.17 FEET TO ITS POINT OF INTERSECTION WITH THE PROLONGATION WEST OF THE SOUTH LINE OF LOT 1, BLOCK 15 OF THE SAID ISLAND VIEW SUBDIVISION; THENCE NORTH 89°58'15" EAST, ALONG THE PROLONGATION WEST OF THE SOUTH LINE OF THE SAID LOT 1, FOR A DISTANCE OF 109.59 FEET TO THE SOUTHWEST CORNER OF THE SAID LOT 1 AND A POINT ON THE MEAN HIGH WATER LINE OF BISCAYNE BAY; THENCE NORTH 00°04'14" EAST, ALONG THE WEST LINE OF LOTS 1 THROUGH 9, BOTH INCLUSIVE, BLOCK 15 OF THE SAID ISLAND VIEW SUBDIVISION, AND ALONG THE MEAN HIGH WATER LINE OF BISCAYNE BAY FOR A DISTANCE OF 796.76 FEET TO THE POINT OF BEGINNING. CONTAINING 4.4026 ACRES, MORE OR LESS, AND LYING AND BEING IN THE COUNTY OF DADE, IN THE STATE OF FLORIDA.

**DESIGN REVIEW BOARD**  
**City of Miami Beach, Florida**

MEETING DATE: May 07, 2019

FILE NO: DRB19-0372

PROPERTY: **1700 Purdy Avenue - Maurice Gibb Memorial Park**

APPLICANT: The City of Miami Beach

LEGAL: See Exhibit 'A'

IN RE: The Application for Design Review Approval for substantial renovations and improvements to an existing City park including the installation of a signature playground equipment area, new walkways, shade structures, dog parks, fishing pier and Bay observation overlook.

**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 consistent with Design Review Criteria in Section 118-251 of the Miami Beach Code.
- C. 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 Sea Level Rise Criteria 1 in Section 133-50(a) of the Miami Beach Code.
- D. The project would be consistent with the criteria and requirements of Section 118-251 and/or Section 133-50(a) if the following conditions are met:
  - 1. Revised elevation, site plan and floor plan drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:
    - a. The final design and details of associated exterior lighting 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.



- b. The equipment style and location for the children's playground area shall be approved as proposed. The final location and type of equipment design requested herein shall be submitted 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 location of equipment for the dog park shall be provided, in a in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- d. The final design and placement and model/type of all park furniture and fixtures, shall be reviewed and approved by the Planning Department and the Police Department
- e. The design, location and type of fencing and gateway entrance design, where applicable, 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.
- f. The final exterior surface color scheme, including color samples, shall be subject to the review and approval of staff and shall require a separate permit.
- g. The final details of all exterior surface finishes and materials, including samples, shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- h. The final design and details of the proposed overlook deck, including materials and finishes, shall be provided, subject to the review and approval of staff.
- i. The final design and details of the proposed fishing piers, including materials and finishes, shall be provided, subject to the review and approval of staff.
- j. The pier deck finish materials may alternatively be of a durable composite material designed for marine use, subject to the review and approval of staff.
- k. 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.
- l. 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 plans 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 plans shall comply with Chapter 26-Landscape Requirements of the Miami Beach Code and shall incorporate the following:
  - a. Native ground cover and shrub plant species shall be included in landscape design along pedestrian ramps and landings, to be review and approved by staff.
  - b. 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.
  - c. 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.
  - d. 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.
  - e. 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.
  - 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. 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.

- h. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- i. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventers and all other related devices and fixtures. The location of backflow preventers, 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.
- j. 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-way shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- k. 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. No variance(s) were filed as part of this application.

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

- A. The project shall comply with any landscaping or other site improvement and environmental standards as may be prescribed by a relevant analysis by the Environment and Sustainability Department prior to the completion of the project.
- B. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- C. 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.

- D. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- E. Nothing in this order authorizes a violation of 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 amended and adopted by the Board, that the **application** 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 entitled "Maurice Gibb Memorial Park" by **Coastal Systems** dated March 25, 2019, and as approved by the Design Review Board, as determined by staff.

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. 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 the 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 approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code; the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

In accordance with Chapter 118 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this **Order** shall subject the application to Chapter 118 of the City Code, for revocation or modification of the application.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

DESIGN REVIEW BOARD

Filed with the Clerk of the Design Review Board on \_\_\_\_\_ ( )

Exhibit 'A'

LEGAL DESCRIPTION:

LOTS 1, 2, 3, 4, 5, 6, 7, 8, AND 9, BLOCK 15, ISLAND VIEW SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 6, PAGE 115, OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA. CONTAINING 148,376 SQUARE FEET (3.41 ACRES) MORE OR LESS;

TOGETHER WITH:

A PARCEL OF SOVEREIGNTY LAND IN BISCAYNE BAY ABUTTING SECTION 33, TOWNSHIP 53 SOUTH, RANGE 42 EAST, DADE COUNTY, FLORIDA; MORE PARTICULARLY DESCRIBED IN THAT CERTAIN DEED NO. 25150 (2329-13) DATED OCTOBER 9, 1970 BETWEEN STATE OF FLORIDA BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND AND H. P. FORREST, AS TRUSTEE, UNDER THAT CERTAIN LAND TRUST AGREEMENT DATED APRIL 30, 1966, SAID DEED BEING RECORDED IN OFFICIAL RECORDS OF MIAMI DADE COUNTY, FLORIDA, AND ALL LITTORAL OR RIPARIAN RIGHTS WHICH MAY EXIST AS TO THE SUBJECT PROPERTIES.

SAID LANDS LYING IN THE CITY OF MIAMI BEACH, MIAMI DADE COUNTY, FLORIDA. CONTAINING 340,170 SQUARE FEET (7.81 ACRES) MORE OR LESS.

DEED NO. 25150 (2329-13):

A PARCEL OF SOVEREIGNTY LAND IN BISCAYNE BAY ABUTTING SECTION 33, TOWNSHIP 53 SOUTH, RANGE 42 EAST, DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF FRACTIONAL SECTION 33, TOWNSHIP 53 SOUTH, RANGE 42 EAST, DADE COUNTY, FLORIDA; THENCE DUE SOUTH, ALONG THE EAST LINE OF SAID SECTION 33 FOR A DISTANCE OF 836.7 FEET TO A POINT ON THE NORTH LINE OF ISLAND VIEW SUBDIVISION, PLAT BOOK 6 AT PAGE 115 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, THENCE SOUTH 89°58'15" WEST, ALONG THE NORTH LINE OF THE SAID ISLAND VIEW SUBDIVISION, FOR A DISTANCE OF 830.1 FEET TO THE WEST RIGHT OF WAY LINE OF PURDY AVENUE, AS THE SAME IS SHOWN ON THE SAID PLAT OF ISLAND VIEW SUBDIVISION; THENCE DUE SOUTH, ALONG THE WEST RIGHT OF WAY LINE OF SAID PURDY AVENUE, FOR A DISTANCE OF 290 FEET TO THE NORTHEAST CORNER OF LOT 9, BLOCK 15 OF THE SAID ISLAND VIEW SUBDIVISION; THENCE SOUTH 89°58'15" WEST, ALONG THE NORTH LINE OF THE SAID LOT 9 FOR A DISTANCE OF 187.96 FEET TO THE NORTHWEST CORNER OF THE SAID LOT 9, THE SAME BEING A POINT ON THE DADE COUNTY BULKHEAD LINE, A POINT ON THE MEAN HIGH WATER LINE OF BISCAYNE BAY AND THE POINT OF BEGINNING; THENCE SOUTH 36°37'16" WEST, ALONG THE SAID DADE COUNTY BULKHEAD LINE, FOR A DISTANCE OF 16.07 FEET; THENCE SOUTH 73°10'29" WEST, ALONG THE DADE COUNTY BULKHEAD LINE FOR A DISTANCE OF 190.25 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE; THENCE ALONG THE DADE COUNTY BULKHEAD LINE AND SOUTHWESTERLY ALONG SAID CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 150 FEET THROUGH A CENTRAL ANGLE OF 73°06'15" FOR AN ARC DISTANCE OF 191.39 FEET TO THE END OF SAID CURVE; THENCE SOUTH 00°04'14" WEST, TANGENT TO THE LAST DESCRIBED CURVE AND ALONG THE DADE COUNTY BULKHEAD LINE FOR A DISTANCE OF 218.80 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE; THENCE SOUTHEASTERLY ALONG THE DADE COUNTY BULKHEAD LINE AND ALONG THE SAID CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 300 FEET THROUGH A CENTRAL ANGLE OF 365°20" FOR AN ARC DISTANCE OF 193.33 FEET TO A POINT OF REVERSE CURVE; THENCE SOUTHEASTERLY ALONG THE DADE COUNTY BULKHEAD LINE AND ALONG A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 2,739.05 FEET THROUGH A CENTRAL ANGLE OF 4°43'52" FOR AN ARC DISTANCE OF 226.17 FEET TO ITS POINT OF INTERSECTION WITH THE PROLONGATION WEST OF THE SOUTH LINE OF LOT 1, BLOCK 15 OF THE SAID ISLAND VIEW SUBDIVISION; THENCE NORTH 89°58'15" EAST, ALONG THE PROLONGATION WEST OF THE SOUTH LINE OF THE SAID LOT 1, FOR A DISTANCE OF 109.59 FEET TO THE SOUTHWEST CORNER OF THE SAID LOT 1 AND A POINT ON THE MEAN HIGH WATER LINE OF BISCAYNE BAY; THENCE NORTH 00°04'14" EAST, ALONG THE WEST LINE OF LOTS 1 THROUGH 9, BOTH INCLUSIVE, BLOCK 15 OF THE SAID ISLAND VIEW SUBDIVISION, AND ALONG THE MEAN HIGH WATER LINE OF BISCAYNE BAY FOR A DISTANCE OF 796.76 FEET TO THE POINT OF BEGINNING. CONTAINING 4.4026 ACRES, MORE OR LESS, AND LYING AND BEING IN THE COUNTY OF DADE, IN THE STATE OF FLORIDA.

