

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING, FOLLOWING A DULY NOTICED PUBLIC HEARING, THE GRANTING OF WAIVERS OF CERTAIN DEVELOPMENT REGULATIONS, BY A 5/7TH VOTE OF THE CITY COMMISSION, PURSUANT TO SECTION 142-425(D), OF THE CITY'S LAND DEVELOPMENT REGULATIONS (LDR), FOR INSTALLATION OF PARK MONUMENT SIGNS WITHIN THE BAYSHORE PARK PROPERTY; IN ORDER TO WAIVE THE REQUIREMENT OF SECTIONS: 138-4(3) AND 138-19 FOR SIGN SIZE, DESIGN AND LOCATION, IN ORDER TO INSTALL THE PROPOSED BANYAN TREE INSPIRED MONUMENT SIGNS AT THE FOUR KEY ENTRANCE LOCATIONS TO THE PARK.

WHEREAS, on December 9, 2015, the Mayor and City Commission adopted Resolution No. 2015-29234, authorizing the Administration to enter into negotiations and further authorizing the Mayor and City Clerk to execute a Professional Services Agreement with the firm of Savino Miller Design Studio, P.A. (Consultant), to provide professional services for the planning, design, bid, award and construction administration of the Bayshore Park (former Par 3), located at 2705 Prairie Avenue; and

WHEREAS, the project scope of the Park includes a central lake, open meadows and informal open play field areas, site grading, pavilion, tennis courts (6) with restroom facilities, children's playground, dog park, boardwalk and pathways, security lighting, vita course and fitness cluster, butterfly garden, linear water feature, and parking lot.; and

WHEREAS, this passive park will preserve landmark specimen trees and pastoral spaces; and

WHEREAS, on June 24, 2020, the Mayor and City Commission approved additional services for Bayshore Park, which included the design of the park identification signage; and

WHEREAS, the Consultant has prepared the design of four (4) monument signs for the new Bayshore Park; and

WHEREAS, the approximately 20-acre Bayshore Park is bordered by 28th Street to the north, Prairie Avenue to the west, and Pine Tree Drive to the east; and

WHEREAS, the monument signs will be placed at four (4) different access locations within the Park, as depicted on Exhibit A hereto; and

WHEREAS, the design concept for the monument signs, as depicted in Exhibit B hereto, is inspired by the existing Park site's banyan trees, and is in scale with the proposed Park characteristics and the surrounding neighborhood; and

WHEREAS, the Park's entrance monument signs are to be fabricated with a laser cut aluminum metal installed over a concrete base; and

WHEREAS, additionally, illumination will be placed in the back of the sign to create a dramatic silhouette and avoid light trespass towards the residential neighborhood; and

WHEREAS, the Bayshore Park property is zoned as Government Use (GU), and the Park site is predominantly surrounded by single-family residential (RS) zoning; and

WHEREAS, Section 142-425 of the City Code requires that the GU zoned properties utilize the average requirements contained in the surrounding zoning districts; and

WHEREAS, the surrounding district, the RS zoning district, is restrictive in the allowance of commercial signage or other identifying markers; and

WHEREAS, the three signs along the rights-of-way that abut the RS district to the north and west are not permitted as monument signs; and

WHEREAS, Section 138-4 of the City Code, allows for certain signs to be exempt regardless of the zoning district, such as traffic signs, historical markers, signs directing and guiding pedestrians, and traffic and parking signs on private property; and

WHEREAS, however, the size of the sign is limited to 2 square feet (SF); and

WHEREAS, the Park's entrance monument signs are unique and large in scale and in order to achieve the size of the sign resulting from the unique branded design, each of these three signs would require a variance from this section of the City Code, unless waived by the City Commission; and

WHEREAS, pursuant to Section 142-425(d) of the City Code, the City Commission may waive, by five sevenths vote (5/7ths), following a duly noticed public hearing advertised in the newspaper at least fifteen (15) days prior to the hearing, development regulations "pertaining to governmental owned or leased buildings, uses and sites which are wholly used by, open and accessible to the general public, or used by not-for-profit, educational, or cultural organizations, or for convention center hotels, or convention center hotel accessory, garages, or city utilized parking lots, provided they are continually used for such purposes; and

WHEREAS, in order to install these decorative park monument signs, waivers from the following Development Regulations are needed; and

WHEREAS, City Code Section 138-4 (3), signs directing and guiding pedestrians and traffic and parking on private property but bearing no advertising matter and not exceeding two (2) square feet in area; and

WHEREAS, the proposed size of the signs requires a waiver from Section 138-4(3) of the City Code and, as listed below, the requested waivers would allow construction of a large sign at three (3) of the four (4) key entrances to the Park:

- a. Park entrance monument Sign 1 Type A - the 5'-6" high sign with an area of 88 SF to be installed inside the park property with a 0' set back along Prairie Avenue (RS-4). LDR Section 138-4(3) allows for sign area of 2 SF. Waiver to exceed the sign area by 86 SF in sign area is needed;
- b. Park entrance monument Sign 2 Type B - the 9'-6" high sign with an area of 23.75 SF to be installed inside the park property with a 0' set back along Prairie Avenue (RS-4). LDR Section 138-4(3) allows for sign area of 2 SF. Waiver to exceed the sign area by 21.75 SF is needed; and
- c. Park entrance monument Sign 3 Type B, - the 9'-6" high sign with an area of 23.75 SF to be installed inside the park property with a 0' set back along 28th Street (RS-4). LDR Section 138-4(3) allows for sign area of 2 SF. Waiver to exceed the sign area by 21.75 SF. is needed; and

WHEREAS, the sign along Pine Tree Drive, designed in scale with the others, can be analyzed as a 'monument sign' which is permitted within the RM-1 zoning district, subject to setback and size restrictions; and

WHEREAS, therefore, the proposed design and location would require a waiver from Sec. 138-19 of the City Code that regulate detached signage throughout the City; the requested waiver would allow construction of Park entrance signage in the remaining fourth (4th) key access area to the Park; and

WHEREAS, LDR Section 138-19 (Detached Signs): Detached signs are signs not attached to or painted on a building, but which are affixed to the ground; and

WHEREAS, signs are not permitted within the RS zoning district; and

- a. Detached Park entrance monument Sign 4 Type B - the 9'-6" high sign with an area of 23.75 SF to be installed with a setback of 10'-3" inside the park property along Pine Tree Drive (RM-1). LDR Section 138-19 allows for sign area of 15 SF. Waiver to exceed the sign area by 8.75' SF is needed; and

WHEREAS, on July 29, 2020, the Mayor and City Commission approved Resolution No. 2020-31323, scheduling a public hearing to consider the waiver of certain land development regulations; pursuant to City Code Section 142-425(d) of the City Code, to consider waiver of City Code Section 138-4(3) and 138-19, pertaining to sign size, design, and location, in order to install the proposed banyan tree-inspired monument signs at the four key entrances to the Park; and

WHEREAS, the public hearing was held on for September 16, 2020; and

WHEREAS, the Administration recommends that the City Commission approve the Resolution.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA that the Mayor and City Commission hereby approve, following a duly noticed public hearing, the granting of waiver of certain land development regulations, by a 5/7th vote of the City Commission, pursuant to Section 142-425(D), of the City's Land Development Regulations (LDR), for installation of park monument signs within the Bayshore Park property; in order to waive the requirements of Sections: 138-4(3) and 138-19 for sign size, design and location, in order to install the proposed banyan tree inspired monument signs at the four key entrance locations to the Park.

PASSED and ADOPTED this _____ day of _____, 2020.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

R. Gelber 9-8-20
City Attorney Date