



Wesley J. Hevia

Akerman LLP
Three Brickell City Centre
98 Southeast Seventh Street
Suite 1100
Miami, FL 33131

T: 305 374 5600
F: 305 374 5095

August 17, 2020

Thomas Mooney
Planning and Zoning Director
City of Miami Beach
1700 Convention Center Drive
Miami Beach, FL 33131

Re: Letter of Intent – 1920 West Avenue (a/k/a Sunset Harbour Publix Store)
First Submittal – Design Review Board (DRB 20-0581)
Modifications to Entrance and Internal Circulation Features

Dear Mr. Mooney:

On behalf of Publix Super Markets, Inc. (the "Applicant"), we submit this application for the property located at 1920 West Avenue in the City of Miami Beach (the "Property"). The Property is improved with an approximately 57,000 square foot building owned and operated by Applicant as the Publix Sunset Harbour grocery store (the "Store").

Specifically, Applicant is requesting Design Review Board approval to (1) replace the Store's existing internal shopping cart conveyor belt feature with an aesthetically similar staircase feature; (2) add an up-and-down escalator and up-direction shopping conveyor from store level to the first parking deck; (3) perform modifications to the store entrance which will result in only minor changes to the Store's floor area; and (4) perform other minor modifications to the Store in order to accommodate the foregoing fundamental project elements (the "Project").

By way of background, shopping cart conveyor belt systems were previously installed in a limited number of Applicant's store locations, and Applicant is now phasing-out those antiquated systems and replacing them with superior, more easily maintainable systems, as part of an overall effort improve customer circulation efficiencies. The Project is consistent with those efforts.

Notably, In October 2018, the DRB approved a similar application for the Store under DRB18-0282 (the "Prior Approval"), however that project was not pursued. Applicant is confident that the current proposed Project is an *improvement* over the Prior Approval in several key respects. Indeed, the proposed Project requests no change to the Store's footprint, and therefore requires no modification to the existing setback variance for the Store (1996 BOA File No. 2532). Additionally, the proposed Project will result in far less new floor area as compared with the Prior Approval. Ultimately, Applicant believes that the proposed Project will result in a more functional and attractive result than the Prior Approval.

Section 133-50 of the City Code establishes twelve (12) criteria by which requests for board approvals are evaluated for compliance with the City's sea level rise and resiliency objectives. These criteria are listed below in underline text, with Applicant's response following each criteria in plain text.

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

Applicant will work with Staff to ensure that an adequate recycling plan is provided as part of the submittal for a demolition permit to the building department.

- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.

Hurricane proof impact windows, or the equivalent, are proposed.

- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.

The Project primarily affects a "lobby" area that is open to outside air – therefore, not applicable.

- (4) Resilient landscaping (salt tolerant, highly water-absorbent, native, or Florida-friendly plants) shall be provided, in accordance with chapter 126 of the city Code.

Applicant will work with Staff to ensure that this requirement is met..

- (5) The project applicant shall consider the 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. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.

According to the Site Plan and Survey, modifications proposed under the Project will be constructed at base flood elevation or higher, and, according to the Survey and Plans, Project elevations are well above road elevations.

- (6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-way and adjacent land, and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to three additional feet in height.

According to the Survey and Plans, Project elevations are well above road elevations.

- (7) As applicable to all new construction, all critical mechanical and electrical systems shall be located above base flood elevation. All redevelopment projects shall, whenever practicable and economically reasonable, include the relocation of all critical mechanical and electrical systems to a location above base flood elevation.

All critical mechanical and electrical systems are proposed to be located at or above base flood elevations.

- (8) Existing buildings shall, wherever reasonably feasible and economically appropriate, be elevated up to base flood elevation, plus City of Miami Beach Freeboard.

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 54 of the city Code.

Not Applicable.

- (10) As applicable to all new construction, stormwater retention systems shall be provided.

Although no significant impact on water retention at the Property is anticipated by virtue of the Project, Applicant will work with Staff to ensure that feasible and appropriate water retention systems are provided.

- (11) Cool pavement materials or porous pavement materials shall be utilized.

Not Applicable.

- (12) The design of each project shall minimize the potential for heat island effects on-site.

Not Applicable.

We respectfully request your favorable review. Please do not hesitate to contact us should you have any questions related to this matter. Thank you for your consideration.

Sincerely,

/s/ Wesley Hevia

Wesley J. Hevia, Esq.

cc: James Murphy
Michael Belush
Fernanda Sotelo
Jessica Gonzalez
Matthew Barnes, Akerman LLP
Neisen Kasdin, Akerman LLP

Enclosures

MIAMIBEACH

PLANNING DEPARTMENT

1700 Convention Center Drive, Miami Beach, Florida 33139; Tel: 305.673.7550; Web: www.miamibeachfl.gov/planning

LAND USE BOARD HEARING APPLICATION

The following application is submitted for review and consideration of the project described herein by the land use board selected below. A separate application must be completed for each board reviewing the proposed project.

Application Information			
FILE NUMBER DRB20-0581			
<input type="radio"/> Board of Adjustment <input type="checkbox"/> Variance from a provision of the Land Development Regulations <input type="checkbox"/> Appeal of an administrative decision		<input checked="" type="radio"/> Design Review Board <input checked="" type="checkbox"/> Design review approval <input type="checkbox"/> Variance	
<input type="radio"/> Planning Board <input type="checkbox"/> Conditional use permit <input type="checkbox"/> Lot split approval <input type="checkbox"/> Amendment to the Land Development Regulations or zoning map <input type="checkbox"/> Amendment to the Comprehensive Plan or future land use map		<input type="radio"/> Historic Preservation Board <input type="checkbox"/> Certificate of Appropriateness for design <input type="checkbox"/> Certificate of Appropriateness for demolition <input type="checkbox"/> Historic district/site designation <input type="checkbox"/> Variance	
<input type="checkbox"/> Other:			
Property Information - Please attach Legal Description as "Exhibit A"			
ADDRESS OF PROPERTY 1920 West Avenue			
FOLIO NUMBER(S) 02-3233-022-0110			
Property Owner Information			
PROPERTY OWNER NAME Publix Super Markets Inc.			
ADDRESS c/o Akerman LLP - 98 SE 3 ST		CITY Miami	STATE FL
BUSINESS PHONE 305-982-5525		CELL PHONE ZIPCODE 33131	
EMAIL ADDRESS wesley.hevia@akerman.com			
Applicant Information (if different than owner)			
APPLICANT NAME			
ADDRESS		CITY	STATE
BUSINESS PHONE		CELL PHONE	ZIPCODE
EMAIL ADDRESS			
Summary of Request			
PROVIDE A BRIEF SCOPE OF REQUEST DRB Approval for modifications to store entrance and customer circulation systems - see letter of intent for additional detail.			

Project Information			
Is there an existing building(s) on the site?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the project include interior or exterior demolition?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Provide the total floor area of the new construction.		See Plans	SQ. FT.
Provide the gross floor area of the new construction (including required parking and all usable area).		See Plans	SQ. FT.
Party responsible for project design			
NAME Fisher and Associates, LLC		<input checked="" type="checkbox"/> Architect <input type="checkbox"/> Contractor <input type="checkbox"/> Landscape Architect <input type="checkbox"/> Engineer <input type="checkbox"/> Tenant <input type="checkbox"/> Other _____	
ADDRESS		CITY	STATE ZIPCODE
BUSINESS PHONE 727-443-4436	CELL PHONE	EMAIL ADDRESS billf@fisherarchitects.com	
Authorized Representative(s) Information (if applicable)			
NAME Neisen Kasdin		<input checked="" type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS 98 SE 7TH ST, STE 1100		CITY Miami	STATE ZIPCODE FL 33131
BUSINESS PHONE 305-374-5600	CELL PHONE	EMAIL ADDRESS neisen.kasdin@akerman.com	
NAME Wesley Hevia		<input checked="" type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS 98 SE 7TH ST, STE 1100		CITY Miami	STATE ZIPCODE FL 33131
BUSINESS PHONE 305-982-5525	CELL PHONE	EMAIL ADDRESS wesley.hevia@akerman.com	
NAME		<input type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS		CITY	STATE ZIPCODE
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS	

Please note the following information:

- A separate disclosure of interest form must be submitted with this application if the applicant or owner is a corporation, partnership, limited partnership or trustee.
- All applicable affidavits must be completed and the property owner must complete and sign the "Power of Attorney" portion of the affidavit if they will not be present at the hearing, or if other persons are speaking on their behalf.
- To request this material in alternate format, sign language interpreter (five-day notice is required), information on access for persons with disabilities, and accommodation to review any document or participate in any City sponsored proceedings, call 305.604.2489 and select (1) for English or (2) for Spanish, then option 6; TTY users may call via 711 (Florida Relay Service).

Please read the following and acknowledge below:

- Applications for any board hearing(s) will not be accepted without payment of the required fees. All checks are to be made payable to the "City of Miami Beach".
- Public records notice – All documentation submitted for this application is considered a public record subject to Chapter 119 of the Florida Statutes and shall be disclosed upon request.
- In accordance with the requirements of Section 2-482 of the code of the City of Miami Beach, any individual or group that will be compensated to speak or refrain from speaking in favor or against an application being presented before any of the City's land use boards, shall fully disclose, prior to the public hearing, that they have been, or will be compensated. Such parties include: architects, engineers, landscape architects, contractors, or other persons responsible for project design, as well as authorized representatives attorneys or agents and contact persons who are representing or appearing on behalf of a third party; such individuals must register with the City Clerk prior to the hearing.
- In accordance with Section 118-31. – Disclosure Requirement. Each person or entity requesting approval, relief or other action from the Planning Board, Design Review Board, Historic Preservation Board or the Board of Adjustment shall disclose, at the commencement (or continuance) of the public hearing(s), any consideration provided or committed, directly or on its behalf, for an agreement to support or withhold objection to the requested approval, relief or action, excluding from this requirement consideration for legal or design professional service rendered or to be rendered. The disclosure shall: (I) be in writing, (II) indicate to whom the consideration has been provided or committed, (III) generally describe the nature of the consideration, and (IV) be read into the record by the requesting person or entity prior to submission to the secretary/clerk of the respective board. Upon determination by the applicable board that the forgoing disclosure requirement was not timely satisfied by the person or entity requesting approval, relief or other action as provided above, then (I) the application or order, as applicable, shall immediately be deemed null and void without further force or effect, and (II) no application form said person or entity for the subject property shall be reviewed or considered by the applicable board(s) until expiration of a period of one year after the nullification of the application or order. It shall be unlawful to employ any device, scheme or artifice to circumvent the disclosure requirements of this section and such circumvention shall be deemed a violation of the disclosure requirements of this section.
- When the applicable board reaches a decision a final order will be issued stating the board's decision and any conditions imposed therein. The final order will be recorded with the Miami-Dade Clerk of Courts. The original board order shall remain on file with the City of Miami Beach Planning Department. Under no circumstances will a building permit be issued by the City of Miami Beach without a copy of the recorded final order being included and made a part of the plans submitted for a building permit.

The aforementioned is acknowledged by:

☒ Owner of the subject property ☐ Authorized representative

Robert J McBarry
SIGNATURE

Robert J McBarry
PRINT NAME

8/12/2020

DATE SIGNED

SHERYL J. DAVIS
Commission # 0033257
Expires May 19, 2023
Board of Planning and Zoning



OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF _____

COUNTY OF _____

I, _____, being first duly sworn, depose and certify as follows: (1) I am the owner of the property that is the subject of this application. (2) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (3) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (4) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (5) I am responsible for remove this notice after the date of the hearing.

SIGNATURE

Sworn to and subscribed before me this _____ day of _____, 20____. The foregoing instrument was acknowledged before me by _____, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

NOTARY PUBLIC

My Commission Expires: _____

PRINT NAME**ALTERNATE OWNER AFFIDAVIT FOR CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY**STATE OF FloridaCOUNTY OF Polk

I, Robert J McGarrity, being first duly sworn, depose and certify as follows: (1) I am the vice president (print title) of PUBLIX (print name of corporate entity). (2) I am authorized to file this application on behalf of such entity. (3) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (4) The corporate entity named herein is the owner of the property that is the subject of this application. (5) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (6) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (7) I am responsible for remove this notice after the date of the hearing.

SIGNATURE

Sworn to and subscribed before me this 12 day of AUGUST, 2020. The foregoing instrument was acknowledged before me by Robert J McGarrity, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



SHELBY L. DAVIS
Commission # GG 335552
Expires May 19, 2023
Bonded thru Budget Notary Services

NOTARY PUBLICMy Commission Expires: 05/19/2023**PRINT NAME**

POWER OF ATTORNEY AFFIDAVITSTATE OF FloridaCOUNTY OF Polk

I, Robert J McGarrity being first duly sworn, depose and certify as follows: (1) I am the owner or representative of the owner of the real property that is the subject of this application. (2) I hereby authorize Neisen Kasdin & Wes Hevia to be my representative before the Design Review Board. (3) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (4) I am responsible for remove this notice after the date of the hearing.

Robert J McGarrity, VP**PRINT NAME (and Title, if applicable)**Robert J McGarrity**SIGNATURE**

Sworn to and subscribed before me this 12 day of August, 2020. The foregoing instrument was acknowledged before me by Robert J McGarrity who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



SHELBY L. DAVIS
Commission # GG 335552
Expires May 19, 2023
Bonded Thru Budget Notary Services

Shelby L Davis**NOTARY PUBLIC**My Commission Expires: 05/19/2023Shelby L Davis**PRINT NAME****CONTRACT FOR PURCHASE**

If the applicant is not the owner of the property, but the applicant is a party to a contract to purchase the property, whether or not such contract is contingent on this application, the applicant shall list the names of the contract purchasers below, including any and all principal officers, stockholders, beneficiaries or partners. If any of the contract purchasers are corporations, partnerships, limited liability companies, trusts, or other corporate entities, the applicant shall further disclose the identity of the individuals(s) (natural persons) having the ultimate ownership interest in the entity. If any contingency clause or contract terms involve additional individuals, corporations, partnerships, limited liability companies, trusts, or other corporate entities, list all individuals and/or corporate entities:

NAME**DATE OF CONTRACT****NAME, ADDRESS AND OFFICE****% OF STOCK**

In the event of any changes of ownership or changes in contracts for purchase, subsequent to the date that this application is filed, but prior to the date of a final public hearing, the applicant shall file a supplemental disclosure of interest.

**DISCLOSURE OF INTEREST
CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY**

If the property that is the subject of the application is owned or leased by a corporation, partnership or limited liability company, list ALL of the owners, shareholders, partners, managers and/or members, and the percentage of ownership held by each. If the owners consist of one or more corporations, partnerships, trusts, partnerships or other corporate entities, the applicant shall further disclose the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.

SEE ATTACHED EXHIBIT B

NAME OF CORPORATE ENTITY

NAME AND ADDRESS

% OF OWNERSHIP

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

NAME OF CORPORATE ENTITY

NAME AND ADDRESS

% OF OWNERSHIP

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

If there are additional corporate owners, list such owners, including corporate name and the name, address and percentage of ownership of each additional owner, on a separate page.

DISCLOSURE OF INTEREST
TRUSTEE

If the property that is the subject of the application is owned or leased by a trust, list any and all trustees and beneficiaries of the trust, and the percentage of interest held by each. If the owners consist of one or more corporations, partnerships, trusts, partnerships or other corporate entities, the applicant shall further disclose the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.

TRUST NAME	% INTEREST
NAME AND ADDRESS	

SHERRY L. DAVIS
Commission # GG 338235
Expires May 18, 2023
Batted Two Batters Away



COMPENSATED LOBBYIST

Pursuant to Section 2-482 of the Miami Beach City Code, all lobbyists shall, before engaging in any lobbying activities, register with the City Clerk. Please list below any and all persons or entities retained by the applicant to lobby City staff or any of the City's land development boards in support of this application.

NAME	ADDRESS	PHONE
Neisen Kasdin	98 SE 7TH ST, STE 1100, MIAMI, FL	305-374-5600
Wesley Hevia	98 SE 7TH ST, STE 1100, MIAMI, FL	305-982-5525

Additional names can be placed on a separate page attached to this application.

APPLICANT HEREBY ACKNOWLEDGES AND AGREES THAT (1) AN APPROVAL GRANTED BY A LAND DEVELOPMENT BOARD OF THE CITY SHALL BE SUBJECT TO ANY AND ALL CONDITIONS IMPOSED BY SUCH BOARD AND BY ANY OTHER BOARD HAVING JURISDICTION, AND (2) APPLICANT'S PROJECT SHALL COMPLY WITH THE CODE OF THE CITY OF MIAMI BEACH AND ALL OTHER APPLICABLE CITY, STATE AND FEDERAL LAWS.

APPLICANT AFFIDAVIT

STATE OF Florida

COUNTY OF Polk

I, Robert J. McBarrrity being first duly sworn, depose and certify as follows: (1) I am the applicant or representative of the applicant. (2) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief.

Robert J. McBarrrity
SIGNATURE

Sworn to and subscribed before me this 12 day of August, 2020. The foregoing instrument was acknowledged before me by Robert J. McBarrrity who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



SHELBY L. DAVIS
Commission # GG 335552
Expires May 19, 2023
Bonded Thru Budget Notary Services

Shelby L. Davis
NOTARY PUBLIC

My Commission Expires: 05/19/2023

Shelby L. Davis
PRINT NAME

EXHIBIT A

[LEGAL DESCRIPTION]

Lot 1 through 10, in Block 13A, of ISLAND VIEW ADDITION OF MIAMI BEACH
BAYSHORE COMPANY, according to the Plat thereof, as recorded in Plat Book 9, at
Page 144, of the Public Records of Dade County, Florida.

EXHIBIT B

[DISCLOSURE OF INTEREST]

There are only three shareholders that own or control more than five percent (5%) of the company's outstanding common stock as of February 4, 2020:

- Tina P. Johnson – 6.15%*
- Employee Stock Ownership Plan – 25.57%
- 401(k) Plan – 10.21%

*Ms. Johnson has sole voting and investment power over a portion of this stock and shared voting and shared investment power over a portion of this stock, and Ms. Johnson serves as the trustee or co-trustee of several trusts over which she has either sole voting and investment power or shared voting and shared investment power. For more information, refer to the proxy statement filed March 2, 2020 with the Securities and Exchange Commission by Publix Super Markets, Inc., available at: <https://www.publixstockholder.com/financial-information-and-filings/sec-filings>.

HOLD HARMLESS LETTER

WHEREAS, Publix Super Markets, Inc. _____ the
"Owner"), is the owner of the property legally described in Exhibit A, and located at
1920 West Avenue

in the City of Miami Beach, Florida (the "Property"); and

WHEREAS, the Owner has submitted an application for approval from the Design
Review Board (the "Board") pursuant to File No. **DRB20-0581** (the "Application");
and

WHEREAS, on March 12, 2020, the City Manager declared a State of Emergency
for the City of Miami Beach, as COVID-19 poses a health risk to the City's residents,
particularly elderly residents and those who are immunosuppressed or otherwise have
high risk of medical conditions, and the findings of which are hereby incorporated by
reference (the "State of Emergency"); and

WHEREAS, in response to the threats posed by COVID-19 to the health, safety
and welfare of the City's residents, since March 12, 2020, the City Manager has imposed
a number of temporary emergency measures to limit the inflow of leisure guests to the
City and require the closure of, and limit crowds in, public facilities, public property, and
places of public assemblage, as well as other restrictions on travel and gatherings of any
number of people, including imposition of a general curfew throughout the City, in order to
reduce community spread, relieve pressure on hospitals and healthcare personnel, protect
workers, and maintain social order; and

WHEREAS, on March 20, 2020, Governor Ron DeSantis issued Executive Order
20-69, (i) suspending any Florida Statute that requires a quorum to be present in person
or requires a local government body to meet at a specific public place, and (ii) permitting
local government bodies to utilize communications media technology, such as telephonic
and video conferencing, as provided in section 120.54(5)(b)2., Florida Statutes; and

WHEREAS, Section 120.54(5)(b)2., Florida Statutes, defines "communications
media technology" as "the electronic transmission of printed matter, audio, full-motion
video, freeze-frame video, compressed video, and digital video by any method available";
and

WHEREAS, public and private gatherings during this State of Emergency, such as
at local government meetings, pose a risk to the health, safety, and welfare of the people
of the City of Miami Beach; and

WHEREAS, Chapter 2 of the City Code, at Article VIII, establishes procedural

requirements for the conduct of quasi-judicial hearings, all of which may be observed during meetings conducted using communications media technology; and

WHEREAS, the City of Miami Beach (the "City") intends to make available communication media technology facilities at a physical location for applicants and members of the public who do not otherwise have access to a computer; and

WHEREAS, the City will accept written comments from the public at the physical location where communications media technology facilities are made available; and the City has additionally provided a means to submit comments electronically, all of which will become part of the public record; and

WHEREAS, social distancing guidelines imposed or recommended in order to curb the spread of COVID-19 will likely remain in place for an indefinite period of time; and

WHEREAS, until such guidelines are revised or lifted, the City has elected to provide applicants with a voluntary opportunity to present quasi-judicial applications filed pursuant to the Land Development Regulations, using communications media technology, so long as a physical location is provided for applicants and members of the public who do not have access to a computer.

NOW THEREFORE; in consideration of the above premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Owner hereby agrees as follows:

1. Owner, for itself, its heirs, personal representatives, successors, and assigns voluntarily agrees to release, waive, discharge, relinquish, indemnify, and hold harmless the City of Miami Beach, Florida, from and against all claims, suits, causes of action, liability, damages, or losses, including the costs of any suits, attorney's fees, and other expenses in connection therewith, including trial and appeals therefrom, any of which may arise out of, or in connection with, the following: (i) Owner's voluntary decision to present the Application to the Board using communications media technology pursuant to Executive Order 20-69, as may be amended; (ii) the Board's use of communications media technology to approve, approve with conditions, deny, or continue the Application (including, without limitation, a procedural due process claim, claim of defective notice, or any other claim arising from the format, legal sufficiency, or technological specifications of the communications media technology used to conduct the Board meeting); (iii) the inability of the Board to conduct an in-person meeting while social distancing guidelines remain in place; or (iv) any third-party claim, challenge, appeal, or other suit arising from any of the events described in subsections (i) through (iii) (the "Covered Events").
2. Owner specifically understands that Owner hereby releases, discharges, and waives any claims or actions that Owner may have presently or in the future arising out of the Covered Events. Owner hereby agrees that under no circumstances will Owner, or anyone claiming through Owner, prosecute or present any claims against the City of Miami Beach, Florida, arising out of, or in connection with, the Covered Events.

IN WITNESS WHEREOF, the Owner does hereunto set its hand and seal this 17th day of August 2020.

Witnesses:

Signature _____
Print Name _____
Publix Super Markets, Inc.
(Name of Limited Liability Company)
a Florida corporation
Robert J. McGarrity
Signature (owner or authorized representative)

Signature _____
Print Name _____
By Robert J. McGarrity, VP
Print Name/Title

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE) SS

The foregoing instrument was acknowledged before me, the undersigned.
~~by means of~~ Robert J. McGarrity, VP of Publix Super Markets, INC., by means of
physical presence or _____ online notarization, sworn to (or affirmed) and subscribed
before me, this 17 day of August, 2020

Notary seal or stamp -

My commission expires: 05/19/2023 Shelby L. Davis

Notary public print name



SHELBY L. DAVIS
Commission # GG 335552
Expires May 19, 2023
Bonded Thru Budget Notary Services

Shelby L. Davis
Notary public signature

3. The individual signing below represents that he or she has authority to bind the Owner, as set forth herein.

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney

Date

City Planning Director

Date

[SIGNATURE PAGES TO FOLLOW]

2013 MAY 22 10:00 AM
CITY OF LOS ANGELES
CLERK OF THE SUPERIOR COURT
COUNTY OF LOS ANGELES



INVOICE (00235344)

BILLING CONTACT

wesley hevia
Akerman LLP
98 Se 7Th Street, Suite 1100
Miami, FL 33131

MIAMI BEACH

1700 Convention Center Drive
Miami Beach, Florida 33139
305.673.7000

INVOICE NUMBER	INVOICE DATE	INVOICE DUE DATE	INVOICE STATUS	INVOICE DESCRIPTION
00235344	08/11/2020	08/11/2020	Due	NONE

REFERENCE NUMBER	FEE NAME	TOTAL
DRB20-0581	New Application	\$2,573.00
1920 West Ave Miami Beach, FL 33139		SUB TOTAL \$2,573.00

TOTAL **\$2,573.00**

Any refund associated with this invoice will only be issued to the billing contact listed herein.

From: DoNotReply@miamibeachfl.gov <DoNotReply@miamibeachfl.gov>

Sent: Wednesday, August 12, 2020 1:33 PM

To: Perez-Gata, Diana (LAA-Mia) <diana.perez-gata@akerman.com>

Subject: City of Miami Beach Receipt

MIAMI BEACH

Order Number: 00235344

Amount Paid: \$2573.00

8/12/20 1:32 PM

Please allow up to 1 business day to process order number 00235344

Item	Amount
PL - New Application Fees	\$2573.00
<hr/>	
Total:	\$2573.00

City of Miami Beach

1700 Convention Center Drive

(305) 673-7000

Planning Department, 1700 Convention Center Drive 2nd Floor
Miami Beach, Florida 33139, www.miamibeachfl.gov
305.673.7550

Property address: 1920 West Avenue Board: DRB Date: 8/11/20

BOARD APPLICATION CHECK LIST

A Pre-Application meeting must be scheduled via CAP to obtain a plan case number and for board staff review of all submittals.
Pre-Application meetings for applications that do not require a traffic study are scheduled on a first come-first served basis and must occur no later than five(5) business days prior to CAP First submittal.
Applications requiring a traffic study must meet with Planning, Transportation, and peer reviewer sixty (60) days* prior to First submittal deadline to determine the methodology for the traffic impact study. This meeting is considered the "Pre-Application meeting" and must be scheduled via CAP to obtain a plan case number for review and payment of fees. Thirty (30) days before First submittal, applicant must provide the traffic study via CAP (see Transportation Department's requirements check list). The Transportation Department/Peer Reviewer will submit first round of comments 15 days prior to First submittal. Applicant must address comments and submit revised traffic study/plans for CAP First submittal deadline.
Incomplete, or submittals found to be insufficient will not be placed on a Board agenda.

ITEM #	FIRST SUBMITTAL (VIA CAP) ** To be uploaded online (CAP) by the applicant before 5:00 pm by First submittal deadline. ALL PLANS MUST BE DIMENSIONED AND LEGIBLE. INCLUDE A GRAPHIC SCALE.	Required
1	Application Fee and Peer review fees shall be paid after Pre-Application meeting and before the First submittal. It is the applicant's responsibility to make this payment, if an invoice is not generated by the CAP system, the applicant should contact staff prior to first submittal to be invoiced and make payment.	✓
2	Copy of signed and dated check list issued at Pre-Application meeting.	✓
3	Completed Board Application, Affidavits & Disclosures of Interest (original signatures).	✓
4	Signed and dated Letter of Intent. Letter must outline application details and identify hardships if Variances are requested. (see also Items # 42,43 and 44).	✓
5	Mailing Labels: Upload property owner's list and copy of original certified letter from provider. See #52 for submittal of Hard copy / originals of these items.	✓
6	Copies of all current or previously active Business Tax Receipts.	
7	School Concurrency Application for projects with a net increase in residential units (no SFH). Provide Planning Department - Miami Dade - School Concurrency Application for Transmittal	
8	Survey: Electronic version of original signed & sealed, dated no more than six months from date of application. Survey must provide: lot area, grade per Section 114-1 of the City Code. (If no sidewalk exists, provide the elevation of the crown of the road) and spot elevations.	✓
9	Architectural Plans and Exhibits (must be 11"x 17")	✓
a	Cover Sheet with bullet point scope of work, clearly labeled "First Submittal" and dated with First Submittal deadline date. Include copies of previous recorded board orders, if applicable.	✓
b	Copy of the original survey included in plan package. See No. 8 above for survey requirements	✓
c	All Applicable Zoning Information (Use Planning Department zoning data sheet format).	✓
d	Context Location Plan, Min 8.5"x11" Color Aerial 1/2 mile radius, identifying project and showing name of streets. (no Google images)	✓
e	Full legal description of the property if not included in survey (for lengthy legal descriptions, attach as a separate document - label clearly).	✓
f	Existing FAR Shaded Diagrams (Single Family Districts: Unit Size and Lot Coverage Shaded Diagrams), if applicable	✓
g	Proposed FAR Shaded Diagrams(Single Family Districts: Unit Size and Lot Coverage Shaded Diagrams), if applicable.	✓
h	Site Plan (fully dimensioned with setbacks, existing and proposed, including adjacent right-of-way widths).	✓

*** 60 day lead time for projects including traffic studies is necessary to ensure completion of review and required corrections by Final submittal deadline. Applications cannot be scheduled without evaluated and corrected traffic studies.**

Indicate N/A If Not Applicable

Initials: _____

Planning Department, 1700 Convention Center Drive 2nd Floor
Miami Beach, Florida 33139, www.miamibeachfl.gov
305.673.7550

Property address: 1920 West Avenue

i	Current color photographs, dated, Min 4"x 6" of project site and existing structures (no Google images)	✓
j	Current, color photographs, dated, Min 4"x6" of interior space (no Google images)	✓
k	Current color photographs, dated, Min 4"x 6" of context, corner to corner, across the street and surrounding properties with a key directional plan (no Google images)	✓
l	Existing Conditions Drawings (Floor Plans & Elevations with dimensions). Number of seats, furniture layout if applicable	✓
m	Demolition Plans (Floor Plans & Elevations with dimensions)	✓
n	Proposed Floor Plans and Roof Plan, including mechanical equipment plan and section marks. Plans shall indicate location of all property lines and setbacks.	✓
o	Proposed Elevations, materials & finishes noted (showing grade, base flood elevation, heights in NGVD values and free board if applicable)	✓
p	Proposed Section Drawings	✓
q	Color Renderings (elevations and three dimensional perspective drawings).	✓
10	Landscape Plans and Exhibits (must be 11"x 17")	✓
a	Landscape Plan - street and onsite - identifying existing, proposed landscape material, lighting, irrigation, raised curbs, tree survey and tree disposition plan, as well as underground and overhead utilities when street trees are required.	✓
b	Hardscape Plan, i.e. paving materials, pattern, etc.	✓
11	Copy of original Building Permit Card, & Microfilm, if available.	
12	Copy of previously approved building permits. (provide building permit number).	
13	Existing and Proposed detailed topographic survey depicting existing spot grades (NAVD) as well as all underground/overhead utilities and easements/agreements with recording data. See Part 1 / Section 1 / A. Surveying & Mapping Standards and submittal Requirements of the Public Works Manual. http://www.miamibeachfl.gov/publicworks/engineering/engineeringmanual.aspx?id=12920	
14	Vacant/Unoccupied structures or sites shall provide recent photographic evidence that the site and structure are secured and maintained. The applicant shall obtain and post a No Trespassing Sign from the City's Police Dept.	
15	Historic Resources Report (This report shall include, but not be limited to, copy of the original Building Permit Card and subsequent modifications, Microfilm records, existing condition analysis, photographic and written description of the history and evolution of the original building on the site, all available historic data including original plans, historic photographs and permit history of the structure and any other related information on the property.	
16	Contextual Elevation Line Drawings, corner to corner, across the street and surrounding properties (dated).	
17	Line of Sight studies.	
18	Structural Analysis of existing building including methodology for shoring and bracing.	
19	Proposed exterior and interior lighting plan, including photometric calculations.	
20	Exploded Axonometric Diagram (showing second floor in relationship to first floor).	
21	Neighborhood Context Study. (Planning will provide guidance if necessary for application.)	
22	Required yards open space calculations and shaded diagrams.	
23	Required yards section drawings.	
24	Variance and/or Waiver Diagram	
25	Schematic signage program	
26	Detailed sign(s) with dimensions and elevation drawings showing exact location.	
27	Elevation drawings showing area of building façade for sign calculation (Building ID signs).	
28	Daytime and nighttime renderings for illuminated signs.	

Indicate N/A If Not Applicable

Initials: _____

Planning Department, 1700 Convention Center Drive 2nd Floor
Miami Beach, Florida 33139, www.miamibeachfl.gov
305.673.7550

Property address: 1920 West Avenue

29	Floor Plan Indicating area where alcoholic beverages will be displayed.	
30	Survey showing width of the canal (Dimension shall be certified by a surveyor)	
31	Site Plan showing total projection of structures from seawall, location and dimension of all structures inclusive of dock, mooring piles, boat lift, etc.	
32	DERM recommendation/preliminary approval. Docks or any structures shall have approval stamp from DERM or other regulatory agency before submitting for a variance. A letter from DERM or other agency, explaining specific requirements for the project is recommended.	
33	Technical specifications of the boat lift and/ or boat, ship of vessel to be docked or moored.	
34	Survey shall include spot elevations in rear yard and elevation points on the dune adjacent to the property. Provide highest elevation point on the due within the property. Erosion control line and Bulkhead line shall be indicated if present.	
35	Scaled, signed, sealed and dated specific purpose survey (Alcohol License/Distance Separation) distance shown on survey with a straight line.	
36	Proposed Operational Plan: Include deliveries and trash pickup times, hours of operations, number of employees, security and restaurant menu (if applicable).	
37	Maneuvering plan for loading within the existing/proposed conditions, delivery and garbage trucks size (length and width).	
38	Traffic Study, Site plan(s) : Revised version addressing first round of comments from Transportation Department and peer review. (See Transportation Department check list for requirements.)	
39	Sound Study report (Hard copy) with 1 CD.	
40	Site Plan (Identify streets and alleys)	
a	Identify: setbacks _____ Height _____ Drive aisle widths _____ Streets and sidewalks widths _____	
b	# parking spaces & dimensions _____ Loading spaces locations & dimensions _____	
c	# of bicycle parking spaces _____	
d	Interior and loading area location & dimensions _____	
e	Street level trash room location and dimensions _____	
f	Delivery route _____ Sanitation operation _____ Valet drop-off & pick-up _____ Valet route in and out _____	
g	Valet route to and from _____ auto-turn analysis for delivery and sanitation vehicles _____	
h	Indicate any backflow preventer and FPL vault if applicable	
i	Indicate location of the area included in the application if applicable	
j	Preliminary on-street loading plan	
41	Floor Plan (dimensioned)	
a	Total floor area	
b	Identify # seats indoors _____ outdoors _____ seating in public right of way _____ Total _____	
c	Occupancy load indoors and outdoors per venue _____ Total when applicable _____	
42	The letter of Intent shall include and respond to all sea level rise and resiliency review criteria per section 133-50 of the City Code.	✓
43	The Letter of Intent for Variances shall include and respond to all review guidelines in the code as follows:	
a	Section 118-353 (d) of the City Code for each Variance.	
44	The Letter of Intent for Planning Board shall include and respond to all review guidelines in the code as follows:	
a	For Conditional Use -Section 118-192 (a)(1)-(7)	
b	CU -Entertainment Establishments - Section 142-1362 (a)(1)-(9)	
c	CU - Mechanical Parking - Section 130-38 (3)(c)(i)(1)-(2) & (4)(a)-(k)	
d	CU - Structures over 50,000 SQ.FT. - Section 118-192 (b) (1)-(11)	
e	CU - Religious Institutions - Section 118-192 (c) (1)-(11)	

Indicate N/A If Not Applicable

Initials: _____

Planning Department, 1700 Convention Center Drive 2nd Floor
 Miami Beach, Florida 33139, www.miamibeachfl.gov
 305.673.7550

Property Address: 1920 West Avenue

f	For Lot Splits - Section 118-321 (B) (1)-(6). Also see application instructions	
	<i>Notes: The applicant is responsible for checking above referenced sections of the Code. If not applicable write N/A</i>	

****ADDITIONAL INFORMATION AS MAY BE REQUIRED AT THE PRE-APPLICATION MEETING**

ITEM #	FINAL SUBMITTAL (via CAP) Revised and/or supplemented documents and drawings to address staff comments. Plans should be clearly labeled "Final Submittal" and dated with Final Submittal deadline date. Upload documents online (via CAP) before 5:00 pm on final submittal deadline. Staff will review and issue a notice to proceed to Paper Final submittal or to continue submittal to a future meeting if the application is found incomplete.	
45	Traffic Study, Site plan(s): This is the final traffic study including any modifications required to address comments from the City's Transportation Department. City's required permit by FDOT should be obtained prior to Final submittal (via CAP).	

ITEM #	PAPER FINAL SUBMITTAL:	Required
46	Original application with all signed and notarized applicable affidavits and disclosures.	
47	Original of all applicable items.	
48	One (1) signed and sealed 11"X17" bound, collated set of all the required documents.	
49	14 collated copies of all required documents	
50	One (1) CD/DVD with electronic copy of entire final application package (plans, application, Letter of Intent, traffic/sound study, etc.) see CD/DVD formatting attached, for instructions.	
51	Traffic Study (Hard copy)	
52	Mailing Labels -2 sets of gummed labels and a CD including: Property owner's list and Original certified letter from provider.	

ADDITIONAL INFORMATION AND ACKNOWLEDGEMENTS

- A.** Other information/documentation required for First submittal will be identified during Pre-Application meeting but may be modified based on further analysis.
- B.** It is the responsibility of the applicant to confirm that documents submitted via CAP, Paper Submittal sets (14 copies), and electronic version on CD are consistent with each other and legible.
- C.** Plan revisions and supplemental documentation will not be accepted after the Final Submittal deadline
- D.** All documents required for Board applications must be submitted in an electronic format (PDF) via CD in the manner prescribed herein. The CD is considered the "Formal Submission", and must include the electronic version of all hard copy documents associated with the application. A new Updated CD will be required if any modifications are made before or after hearing. Failure to comply with the aforementioned may result in a rehearing before the applicable board at the applicant's expense.
- E.** Please note that the applicant will be required to submit revised plans pursuant to applicable Board Conditions no later than 60 days after Board Approval. (If applicable)

 Applicant's or designee's signature

 Date

8/11/20

Indicate N/A If Not Applicable

Initials: _____

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.
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
- (4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.
- (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.
- (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.
- (7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.
- (8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.
- (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.
- (10) Where feasible and appropriate, water retention systems shall be provided.

MIAMIBEACH

PLANNING DEPARTMENT

1700 Convention Center Drive, Miami Beach, Florida 33139; Tel: 305.673.7550; Web: www.miamibeachfl.gov/planning

DESIGN REVIEW BOARD CAP SUBMITTAL FILE NAMING

All PDF files must be named with the submittal deadline date and the type of document in the following format 'MM-DD-YYYY Document Name'. For example, if the deadline for first submittal is October 29, 2017 the file name would be '10-29-2017 Application'. Use this naming format for first and final CAP submittals. The uploaded file retains the name as it has been saved on your computer. The file name cannot be changed and the file cannot be deleted once it is uploaded.

Please use names for the most common types of files. If the document type is not listed below, please use a document name that clearly identifies the file.

Document Name	Description
Application	Completed Land Use Board Application form including Exhibit A
LOI	Letter of Intent
Checklist	Pre-application Checklist
Labels	Mailing Labels, List of Property Owners, Certified Letter and Map
BTR	Copies of Previous Business Tax Receipts
Survey	Recent Signed and Sealed Survey
Plans	Architectural Plans and Exhibits
Landscape	Landscaping Plans and Exhibits
Microfilm	Building Card and Microfilm
Traffic	Traffic Study
Sound	Sound Study

All pages of a document must be uploaded in one PDF file. Do not upload individual pages of a document. Documents that have not been revised from first to final submittal do not have to be re-uploaded.

BEFORE THE BOARD OF ADJUSTMENT
OF THE CITY OF MIAMI BEACH, FLORIDA

MEETING DATE: NOVEMBER 1, 1996
FILE NO. 2532

IN RE: The application of
PUBLIX SUPERMARKETS, INC.
1920 WEST AVENUE
LOTS 1 THROUGH 10; BLOCK 13-A
ISLAND VIEW ADDITION OF
MIAMI BEACH BAYSHORE CO.
PB 9/144

96R527509 1996 NOV 18 13:52

ORDER

The applicant, Publix Supermarkets, Inc., filed an application with the Planning, Design and Historic Preservation Division for a variance in order to construct a new full service supermarket (Publix) on the subject property, as follows:

1. A variance to waive all of the required 10'-0" side yard facing a street setback in to construct the above mentioned project with portions of the building located on the north property line.

Notice of the request for variance was given as required by law and mailed to owners of property within a distance of 375 feet of the exterior limits of the property on which application was made.

THE BOARD FINDS that the property in question is located in the I-1 Zoning District. The Board further finds, based upon information and documentation presented to the Board, and upon the staff report and recommendations, which are incorporated herein by this reference, that with regard to the requested variances:

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

That the special conditions and circumstances do not result from the action of the applicant;

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

File No. 2532

OFF. REC. **17431** PC **1051**

Publix Supermarkets, Inc.
1920 West Avenue

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

IT IS THEREFORE ORDERED, by the Board, that the variance as requested and set forth above be APPROVED with the following conditions to which the applicant has agreed:

1. The applicant shall adhere to these conditions imposed by the Design Review Board, including:
 - a. Revised elevation drawings shall be submitted to and approved by staff; at a minimum, said drawings shall incorporate the following:
 - i. The solid stucco wall on the west elevation shall be further enhanced visually in the form of different surface finishes, scoring and the creation of recessed planes and shadow lines.
 - ii. The proposed parking ramp system and garage entrance shall be accentuated with the same metal panel system utilized on the front elevation in a manner which breaks-up the monotony created by the solid stucco walls.
 - iii. The solid walls on the south, east and west sides of the parking level shall be increased in order to form a more solid screening of the parking areas, in a manner to be approved by staff; this may include smaller punched openings or geometric grill work.
 - b. A revised landscape plan, and corresponding site plan, prepared by a Professional, 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, said plan shall incorporate the following:
 - i. All exterior walkways shall consist of decorative pavers, set in sand, or decorative concrete, and the entire area in front of the main entry and extending to the edge of the sidewalk shall be decoratively paved as a plaza area in order to accommodate diverse and extensive pedestrian circulation.
 - ii. All landscape areas which abut vehicular drives shall be defined by continuous concrete curb.

File No. 2532

**Publix Supermarkets, Inc.
1920 West Avenue**

- iii. 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.
 - iv. Dwarf Glaucescens shall replace the Standard Bambusa glaucescens on the north side of the property as the 11' overhang will not be able to accommodate plant material which will reach a height of 20' - 25', thus growing into the underside of the 11' overhang. The dwarf variety maintains a height of 10'.
 - v. The entire area south of the sidewalk, on the north side of the subject property, shall be sodded in order to eliminate the need for the proposed tree grates.
 - vi. The revised landscape plan shall comport with the revised site plan, in a manner to be approved by staff.
 - c. All zoning related matters shall be resolved by means of changes to the plans or obtaining variances from the Board of Adjustment, prior to the issuance of a building permit.
 - d. The final paint scheme, including color samples, shall be subject to the review and approval of staff and shall require a separate permit.
 - e. Final building plans shall meet the concurrency requirements of Section 22 of the Zoning Ordinance and shall meet all other Zoning Ordinance requirements.
 - f. Manufacturers drawings and Dade County product approval numbers for all new windows, doors and glass shall be required, prior to the issuance of a building permit.
- 2. As recommended by the Engineering and Construction Management Department, no encroachments shall be permitted in the public right-of-way, unless approved through due process.
 - 3. Any subsequent additions to the structure in the east and west sides shall be deemed as a modification to this application and shall be reheard by this Board as a modification.
 - 4. The project, inclusive of compliance with the conditions herein, shall be completed within thirty (30) months of the date of this hearing.

File No. 2532

Publix Supermarkets, Inc.
1920 West Avenue

OFF. REC. 17431 PG 1053

PROVIDED, the applicant shall build in accordance with the plans submitted as part of this file and as approved by the Zoning Board of Adjustment with any applicable modifications. The applicant shall have a building permit for the work contemplated herein issued by the Building Department within a period of six (6) months from the date of hearing (November 1, 1996), otherwise this Order shall become null and void, unless the issuance of such permit is stayed by an appeal of this Order to a court of competent jurisdiction. This Order does not constitute a permit, but upon presentation of a recorded copy of this Order to the Planning, Design and Historic Preservation Division, a permit shall be processed and approved (subject to compliance with the conditions hereof) in accordance and pursuant to the ordinances of the City of Miami Beach.

Dated this 18th day of November, 1996.

RECORDED IN OFFICIAL RECORDS BOOK
OF DADE COUNTY, FLORIDA
RECORD VERIFIED
HARVEY RUVIN
CLERK CIRCUIT COURT

BOARD OF ADJUSTMENT OF
THE CITY OF MIAMI BEACH, FLORIDA

BY:

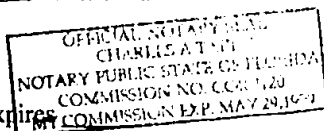
Dean J. Grandin, Jr.
DEAN J. GRANDIN, JR.
PLANNING AND ZONING DIRECTOR

STATE OF FLORIDA)

)SS

COUNTY OF DADE)

The foregoing instrument was acknowledged before me this 18th day of NOVEMBER, 1996 by DEAN J. GRANDIN, JR., who is personally known to me or who has produced _____ as identification and who did/did not take an oath.



My commission expires

Charles A. Tate
NOTARY PUBLIC (signature)

CHARLES A. TATE
NOTARY PUBLIC
STATE OF FLORIDA
(type, print or stamp name)

Approved As To Form:

Legal Department Deft 11/19/96

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**BEFORE THE BOARD OF ADJUSTMENT
OF THE CITY OF MIAMI BEACH, FLORIDA**

MEETING DATE: FEBRUARY 6, 1998

FILE NO. 2613

IN RE: The application of

**PUBLIX SUPERMARKETS, INC.
1920 WEST AVENUE
LOTS 1 THRU 10; BLOCK 13-A
ISLAND VIEW ADDITION
PB 9/144**

ORDER

The applicant, Publix Supermarkets Inc., filed an application with the Planning, Design and Historic Preservation Division for variances in order to enable the installation of two signs for a new supermarket currently under construction at the subject property, as follows:

1. A variance to exceed by 41.6 sq. ft. the maximum permitted size of a building identification sign, for the subject building, of 125.1 sq. ft. in order to install a 166.7 sq. ft. "PUBLIX" sign on the parapet facing 20th Street.
2. A variance to waive Section 9-5B.3. which allows building identification signs only on the parapet of a building in order to install a 78.6 sq. ft. vertical "PUBLIX" sign on the west elevation facing West Avenue.

Notice of the request for variance was given as required by law and mailed to owners of property within a distance of 375 feet of the exterior limits of the property on which application was made.

THE BOARD FINDS that the property in question is located in the I-1 (GU) Zoning District. The Board further finds, based upon information and documentation presented to the Board, and upon the staff report and recommendations, which are incorporated herein by this reference, that with regard to the requested variances:

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

That the special conditions and circumstances do not result from the action of the applicant;

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

File No.2613
Publix Supermarkets, Inc.
1920 West Avenue

*That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance
and would work unnecessary and undue hardship on the applicant;*

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

IT IS THEREFORE ORDERED, by the Board, that the variances as requested and set forth above be APPROVED with the following conditions to which the applicant has agreed:

1. The letters for the signs shall be backlighted with opaque solid fronts; the letters shall be either neutral brushed aluminum with the backlighting in green neon, or painted green with the backlighting in white neon.
2. The lighting on the north facade sign shall be turned off no later than midnight.
3. If a building identification sign is placed on the west elevation, it shall be the same general design as that which is to be placed on the north elevation, also with opaque letters and backlighting; the lighting for said sign shall also be turned off no later than midnight.
4. All exterior signage on the property shall be regularly maintained in a clean, attractive and operating condition.
5. The applicant shall comply with those conditions imposed by the Design Review Board in the approval of the overall project.
6. The project, inclusive of compliance with the conditions prescribed, herein, shall be completed within twelve (12) months of the date of this hearing.

PROVIDED, the applicant shall build in accordance with the plans submitted as part of this file and as approved by the Zoning Board of Adjustment with any applicable modifications. The applicant shall have a building permit for the work contemplated herein issued by the Building Department within a period of six (6) months from the date of hearing (February 6, 1998), otherwise this Order shall become null and void, unless the issuance of such permit is stayed by an appeal of this Order to a court of competent jurisdiction. This Order does not constitute a building permit, but upon presentation of a recorded copy of this Order to the Planning, Design and Historic Preservation Division, a permit shall be processed and approved (subject to compliance with the conditions hereof) in accordance and pursuant to the ordinances of the City of Miami Beach.

File No.2613
Publix Supermarkets, Inc.
1920 West Avenue

Dated this _____ day of _____,
1998.

BOARD OF ADJUSTMENT OF
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
DEAN J. GRANDIN, JR.
PLANNING AND ZONING DIRECTOR

STATE OF FLORIDA)
)SS
COUNTY OF DADE)

_____ personally appeared before me and
subscribed as the person who has executed said instrument for the purposes therein expressed.

Sworn and subscribed this _____ day of _____ 19__.

NOTARY PUBLIC
Miami-Dade County, Florida

My commission expires:

DJG/as

Approved As To Form:
Legal Department ()

F:\PLAN\SZBA\FINALORD\2613.ORD

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: October 1, 1996

IN RE: The Application for Design Review Approval for the construction of a three (3) level supermarket (29' to the top of the roof and 49'-6" to the highest architectural projection), composed of two (2) levels of parking over one floor of shopping space.

PROPERTY: 20th Street between Bay Road and West Avenue

FILE NO: 7948

O R D E R

The applicant, Publix Supermarkets, Inc., filed an application with the City of Miami Beach's Planning, Design & Historic Preservation Division for Design Review approval.

The City of Miami Beach's Design Review Board makes the following FINDINGS OF FACT:

1. 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, Design and Historic Preservation Division Staff Report, the project as submitted is not consistent with the Design Review Criteria Nos. 2, 4, 10, 11, 12 & 13 in Subsection 18-2 of Zoning Ordinance No. 89-2665.
2. The project would be consistent with the afore-stated criteria and requirements if the following conditions are met:
 1. Revised elevation drawings shall be submitted to and approved by staff; at a minimum, said drawings shall incorporate the following:
 - a. The solid stucco wall on the west elevation shall be further enhanced visually in the form of different surface finishes, scoring and the creation of recessed planes and shadow lines.
 - b. The proposed parking ramp system and garage entrance shall be accentuated with the same metal panel system utilized on the front elevation in a manner which breaks-up the monotony created by the solid stucco walls.

- c. The solid walls on the south, east and west sides of the parking level shall be increased in order to form a more solid screening of the parking areas, in a manner to be approved by staff; this may include smaller punched openings or geometric grill work.
- 2. A revised landscape plan, and corresponding site plan, prepared by a Professional, 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, said plan shall incorporate the following:
 - a. All exterior walkways shall consist of decorative pavers, set in sand, or decorative concrete, and the entire area in front of the main entry and extending to the edge of the sidewalk shall be decoratively paved as a plaza area in order to accommodate diverse and extensive pedestrian circulation.
 - b. All landscape areas which abut vehicular drives shall be defined by continuous concrete curb.
 - c. 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.
 - d. Dwarf Glaucescens shall replace the Standard Bambusa glaucescens on the north side of the property as the 11' overhang will not be able to accommodate plant material which will reach a height of 20'-25', thus growing into the underside of the 11' overhang. The dwarf variety maintains a height of 10'.
 - e. The entire area south of the sidewalk, on the north side of the subject property, shall be sodded in order to eliminate the need for the proposed tree grates.
 - f. The revised landscape plan shall comport with the revised site plan, in a manner to be approved by staff.
- 3. All zoning related matters shall be resolved by means of changes to the plans or obtaining variances from the Board of Adjustment, prior to the issuance of a building permit.
- 4. The final paint scheme, including color samples, shall be subject to the review and approval of staff and shall

require a separate permit.

5. Final building plans shall meet the concurrency requirements of Section 22 of the Zoning Ordinance and shall meet all other Zoning Ordinance requirements.
6. Manufacturers drawings and Dade County product approval numbers for all new windows, doors and glass shall be required, prior to the issuance of a building permit.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact and the staff report and analysis, which is adopted herein including the recommendations as amended, that the Application for Design Review approval is granted for the above-referenced project conditioned upon the following, to which the applicant has agreed:

1. Revised elevation drawings shall be submitted to and approved by staff; at a minimum, said drawings shall incorporate the following:
 - a. The solid stucco wall on the west elevation shall be further enhanced visually in the form of different surface finishes, scoring and the creation of recessed planes and shadow lines.
 - b. The proposed parking ramp system and garage entrance shall be accentuated with the same metal panel system utilized on the front elevation in a manner which breaks-up the monotony created by the solid stucco walls.
 - c. The solid walls on the south, east and west sides of the parking level shall be increased in order to form a more solid screening of the parking areas, in a manner to be approved by staff; this may include smaller punched openings or geometric grill work.
2. A revised landscape plan, and corresponding site plan, prepared by a Professional, 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, said plan shall incorporate the following:
 - a. All exterior walkways shall consist of decorative pavers, set in sand, or decorative concrete, and the

entire area in front of the main entry and extending to the edge of the sidewalk shall be decoratively paved as a plaza area in order to accommodate diverse and extensive pedestrian circulation.

- b. All landscape areas which abut vehicular drives shall be defined by continuous concrete curb.
 - c. 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.
 - d. Dwarf Glaucescens shall replace the Standard Bambusa glaucescens on the north side of the property as the 11' overhang will not be able to accommodate plant material which will reach a height of 20'-25', thus growing into the underside of the 11' overhang. The dwarf variety maintains a height of 10'.
 - e. The entire area south of the sidewalk, on the north side of the subject property, shall be sodded in order to eliminate the need for the proposed tree grates.
 - f. The revised landscape plan shall comport with the revised site plan, in a manner to be approved by staff.
- 3. All zoning related matters shall be resolved by means of changes to the plans or obtaining variances from the Board of Adjustment, prior to the issuance of a building permit.
 - 4. The final paint scheme, including color samples, shall be subject to the review and approval of staff and shall require a separate permit.
 - 5. Final building plans shall meet the concurrency requirements of Section 22 of the Zoning Ordinance and shall meet all other Zoning Ordinance requirements.
 - 6. Manufacturers drawings and Dade County product approval numbers for all new windows, doors and glass shall be required, prior to the issuance of a building permit.

No building permit may be issued unless and until all conditions of approval as set forth herein have been met. The issuance of Design Review approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including zoning approval. If adequate handicapped access is not

provided, this approval does not mean that such handicapped access is not required or that the Board supports an applicant's effort to seek waivers relating to handicapped accessibility requirements.

When requesting a building permit, three (3) sets of plans approved by the Board, modified in accordance with the above conditions, shall be submitted to the Planning, Design and Historic Preservation Division.

If all of the above-specified conditions are satisfactorily addressed, the plans will be reviewed for building permit approval. Two (2) sets will be returned to you for submission for a building permit and one (1) set will be retained for the Design Review Board's file. If the building permit is not issued within one (1) year of the meeting date and construction does not commence within two (2) years of the meeting date, the Design Review approval will expire and become null and void.

Dated this _____ day of _____, 1996.

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

By: _____
Chairperson

Approved _____ as _____ to _____ Form:

Office of the City Attorney
(Initials/Date)

F:\PLAN\DRB\DRB96\OCTDRB96\7948.FO

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT TO PURCHASE REAL ESTATE BETWEEN THE CITY AND PUBLIX SUPERMARKETS, INC. FOR THE SALE OF THE CITY-OWNED PROPERTY LOCATED AT 1920 WEST AVENUE AND 1923 BAY ROAD, FOR DEVELOPMENT OF A PUBLIX GROCERY SUPERMARKET, PURSUANT TO THE TERMS AND CONDITIONS OF RFP NO. 139-94/95; FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ANY AND ALL NECESSARY CLOSING DOCUMENTS SUBJECT TO REVIEW OF SAME BY THE ADMINISTRATION AND CITY ATTORNEY'S OFFICE.

WHEREAS, in response to the need expressed by the Miami Beach community for a new, first-rate supermarket that would serve the residents and visitors to the City, the Mayor and City Commission have deemed that a public purpose exists, and that the public interest would be served in the City's purchase and development of a new supermarket in the South Beach area; and

WHEREAS, on November 2, 1994, the Mayor and City Commission approved Resolution No. 94-21397, authorizing the Mayor and City Clerk to execute a Purchase and Sale Agreement between the City and Florida Power and Light Company (FPL) for purchase of an FPL-owned site located at 1920 West Avenue and 1923 Bay Road, Miami Beach, Florida (Subject Property) in the amount of \$1,500,000.00, such property to be used for the development of a new supermarket which would serve the needs of the residents and visitors to the City; and

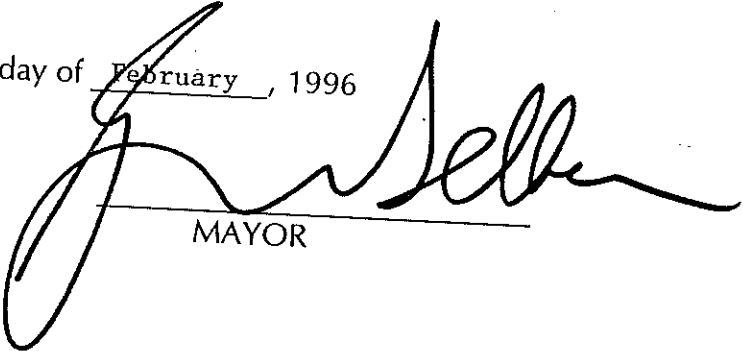
WHEREAS, in conjunction with the City's purchase of the Subject Property, the Mayor and City Commission approved Request for Proposal 139-94/95, to submit proposals for the purchase or lease of the Subject Property, for the purpose of building and operating a full service supermarket facility, including required parking; and

WHEREAS, at its regular meeting on November 22, 1995, the Mayor and City Commission accepted the recommendation of the selection committee convened on November 17, 1995 and selected the proposal submitted by Public Supermarkets, Inc. (Publix); and

WHEREAS, pursuant to its negotiations with Publix, the Administration and City Attorney's Office has negotiated the attached Agreement to Purchase Real Estate, wherein Publix proposes to purchase, and the City desires to sell the Subject Property for the sum of \$2.4 million, such property to be used for the construction and operation of a Publix Grocery supermarket containing approximately 47,955 square feet.

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 herein authorize the Mayor and City Clerk to execute the attached Agreement to Purchase Real Estate between the City and Publix Supermarkets, Inc. for the sale of the City-owned property located at 1920 West Avenue and 1923 Bay Road to Publix, for development of a Publix Grocery supermarket, pursuant to the terms and conditions of RFP No. 139-94/95; and further authorizing the Mayor and City Clerk to execute any and all necessary closing documents subject to review of same by the Administration and City Attorney's Office.

PASSED AND ADOPTED this 20th day of February, 1996


MAYOR

ATTEST:

Robert Parker
CITY CLERK

CA\WPWIN60\WPDOCS\RESOLUTN\PUBLIX.PUR

FORM APPROVED

LEGAL DEPT.

By M. Adell

Date 2/14/96

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: October 02, 2018

FILE NO: DRB18-0282

PROPERTY: **1920 West Avenue—Publix**

APPLICANT: Publix Super Markets Inc

LEGAL: Lots 1 through 10 of BLK 13-A of the Island View Addition, according to Plat thereof as recorded in Plat Book 9, Page 144 of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval for the construction of a new three-story addition to an existing three-story supermarket including a modification to a previously approved variance to reduce the required side street setback.

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 inconsistent with Design Review Criteria 2, 3, and 5 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 consistent with the Sea Level Rise Criteria 6 and 7 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 for the proposed new addition at 1920 West Avenue shall be submitted, at a minimum, such drawings shall incorporate the following:
 - a. The relocation or removal of the existing bus stop located in front of the property on 20th Street must be approved by the City of Miami Beach's Transportation Department and by Miami-Dade Transit. Any bus shelter



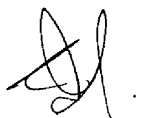
shall only be relocated within the same 'bus bay' and the final location may affect relocation of other street furniture. The costs associated with the relocation or removal of the bus stop will be the responsibility of the developer in a manner to be determined by staff.

- b. All new exterior handrails and support posts shall incorporate a flat profile. The final design details, dimensions material and color of all exterior handrails shall be made part of the building permit plans and shall be subject to the review and approval of staff consistent with the Design Review Criteria and/or the directions from the Board.
 - c. 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.
 - d. 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.
 - e. 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 site plan, 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 plan shall incorporate the following:
- a. 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.
 - b. 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.
 - c. 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 proposal, 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.

- d. A landscape plan for the entire site prepared by a licensed Landscape Architect registered in the State of Florida shall be submitted as part of the building permit for the project. The landscape plan shall further enhance current landscape conditions while reducing non-conformity related to landscape code requirements as prescribed by CMB Chapter 126, particularly as it relates to native tree and shrub requirements subject, to the review and approval of staff.
- e. Canopy shade trees as currently required by City code shall be provided in tree pits within the public sidewalk in conjunction with the City's standard tree grate system, and a suspended paving system (Silva Cells or approved equal) along the public right-of-way facing 20th Street. Streetscape furniture, bike racks and light poles may be subject to relocation in an attempt to maximize the number of street trees within the public ROW subject to the review and approval of the Public Works, Urban Forestry and Planning staff.
- f. The required canopy shade trees identified in Condition 2e may be relocated to the western green area along 20th Street and Bay Road, and along the green space and sidewalk area along Bay Road, subject to the review and approval of the Public Works, Urban Forestry and Planning staff.
- 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 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.
- i. 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.
- j. 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. The applicant filed an application with the Planning Department for the following variance(s):

1. A variance from the minimum required street setback of 10'-0" in order to continue the new addition along the previously approved reduced street setback line along 20th Street.

B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that also indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

That the special conditions and circumstances do not result from the action of the applicant;

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and



That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

- C. The Board hereby **Approves** the Variance request as noted and imposes the following conditions based on its authority in Section 118-354 of the Miami Beach City Code:

1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.

The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

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

- A. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- B. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- C. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy, a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- D. 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.
- E. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- F. 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 Finding of Fact, to which the applicant has agreed.



PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "PUBLIX Store No. 0621" as prepared by **Atkins** signed sealed and dated August 17, 2018, 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 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 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 shall 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 4th day of October, 2018.

DESIGN REVIEW BOARD
 THE CITY OF MIAMI BEACH, FLORIDA

BY: 
 JAMES G. MURPHY
 CHIEF OF URBAN DESIGN
 FOR THE CHAIR

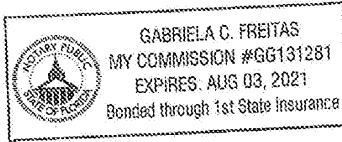
STATE OF FLORIDA)
)SS
 COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 4th day of October, 2018 by James G. Murphy, Chief of Urban Design, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the



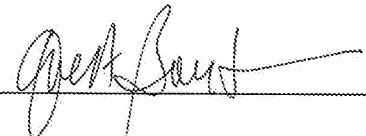
Page 7 of 7
DRB18-0282—1920 West Avenue
October 02, 2018


Corporation. He is personally known to me.

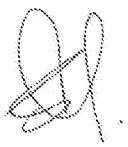




NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: 8-3-21

Approved As To Form: _____
City Attorney's Office:  (10/4/18)

Filed with the Clerk of the Design Review Board on  (10/4/18)





Fisher and Associates, LLC

Architects | Planners | Interior Designers | LEED Professionals
AA26001738

September 4, 2020

DRB20-0581 – 1920 West Avenue - Publix

Response to Staff First Submittal Comments – Design Review Board

Response to Deficiencies in Architectural Presentation

Miami Beach Design Review Board,

Below you will find our response to the 08/28/20 first submittal review comments, regarding the Publix Super Market vertical circulation renovation project at 1920 West Avenue. The comments are in plain type, the response in **bold** type.

3. DEFICIENCIES IN ARCHITECTURAL PRESENTATION

- a. Cover, scope 6 City of Miami BEACH.

Response: The Scope of Work note #6 has been reworded, eliminating the need to add the word “BEACH”.

- b. 2 - Use CMB zoning legend (emailed).

Response: The emailed CMB zoning legend now replaces the previous legend. The exhibits have been renumbered and the exhibit can now be found on sheet A-1.

- c. Survey needs to be updated – recent survey signed w/in 6 months.

Response: The Surveys have been updated and can be found on Sheets, Survey 1of2 & Survey 2of2.

- d. 7-8-9 - Graphically improve (color with transparency) areas included towards FAR.

Response: The floor plan area calculations for the first, second, and third floors have been articulated to depict the “existing” FAR area in green, and the “Proposed” added FAR in red. These exhibits have been renumbered to sheets A-4, A-5, & A-6. The entire lobby is included within the “existing” FAR therefore no additional area has been added to the first floor. The only area added to the building is 160sf on the second floor accommodating the escalator landing. The overall proposed FAR has been increased from 0.686 to 0.688, below the allowable 1.0 max FAR for the L-1 Light Industrial District.

- e. 19 - Add existing footprint and proposed footprint (extend of stair/ramp vs proposed stair/escalators).

Response: Both the existing and proposed footprints have been articulated within enlarged floor plans. The first floor plans are depicted on exhibit A-10, and the second floor plans are depicted on exhibit A-11.

DRB20-0581 – 1920 West Avenue - Publix
Response to Staff First Submittal Comments – Design Review Board
Response to Deficiencies in Architectural Presentation
September 4, 2020
Page 2 of 3

- f. Add sheet enlarged existing and proposed ground floor (area of work/lobby).
Response: As references within item “e” above, the existing and proposed footprints have been articulated on enlarged floor plans within sheets A-10, and A-11.
- g. Add sheet of details of new handrails. Note accessibility rail to return to floor (not upon itself as shown sheet 14 and 23).
Response: Sheet A-14 has been added providing supplemental stair details.
- h. Add ground floor elevation (proposed). Add note: existing Publix Lobby signage to be reinstalled.
Response: Sheet A-13 has been added providing the existing and proposed front (North) building elevations. The Publix Lobby sign note has been added as suggested.
- i. L2 – Landscaping plan shows previous building. Highlight area of “improved enhanced landscaping per 2018 agreement.”
Response: Sheets L-1 and L-2 have been highlighted to better depict the proposed improved landscaping. We do not propose alteration to the existing building perimeter therefore the perimeter edge of building will not change.
- j. Provide 2018 agreement for landscape between Publix and City of Miami Beach.
Response: Scope of Work item #6 has been more accurately restated to read “Enhanced the landscaping consistent with the landscaping previously proposed under DRB 18-0282, which was approved by the DRB on October 2, 2018 with comments.”
- k. Add “FINAL SUBMITTAL” to front cover title for heightened clarity of reference for next deadline. Also drawings need to be dated.
Response: Confirmed, “FINAL SUBMITTAL” has been added to the Cover Sheet, and each sheet has been re-dated.
- l. Add narrative response sheet.
Response: A narrative response sheet is included within the Akerman LLP application response.

DRB20-0581 – 1920 West Avenue - Publix
Response to Staff First Submittal Comments – Design Review Board
Response to Deficiencies in Architectural Presentation
September 4, 2020
Page 3 of 3

4. DESIGN COMMENTS

- a. Identify up/down escalator direction.

Response: Up / down directional arrows have been added to articulate the proposed design.

- b. New entry sequence appears as though this may result in pedestrian conflict at lobby doors and vertical circulation elements (new escalators and elevator). Can new escalators “start” at second floor earlier to provide a lobby entrance not flanked by two elements.

Response: The proposed escalators have been positioned as far east (plan left) as possible without the escalators hovering over the monumental stair. The proposed up / down sequence has been articulated so the patrons will not have to “weave” as they approach / depart the separated in / out lobby doors.

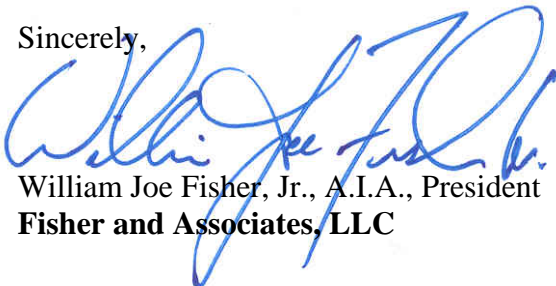
4. ZONING COMMENTS

- a. The FAR does not appear to be increased, but decreased.

Response: The entire lobby of the existing building is included within the “existing” FAR therefor the only area added to the building is 160 square feet on the second floor to accommodate the escalator landing. The overall proposed FAR has been increased from 0.686 to 0.688. These calculations are provided on Sheets A-4, A-5, and A-6 of the exhibits.

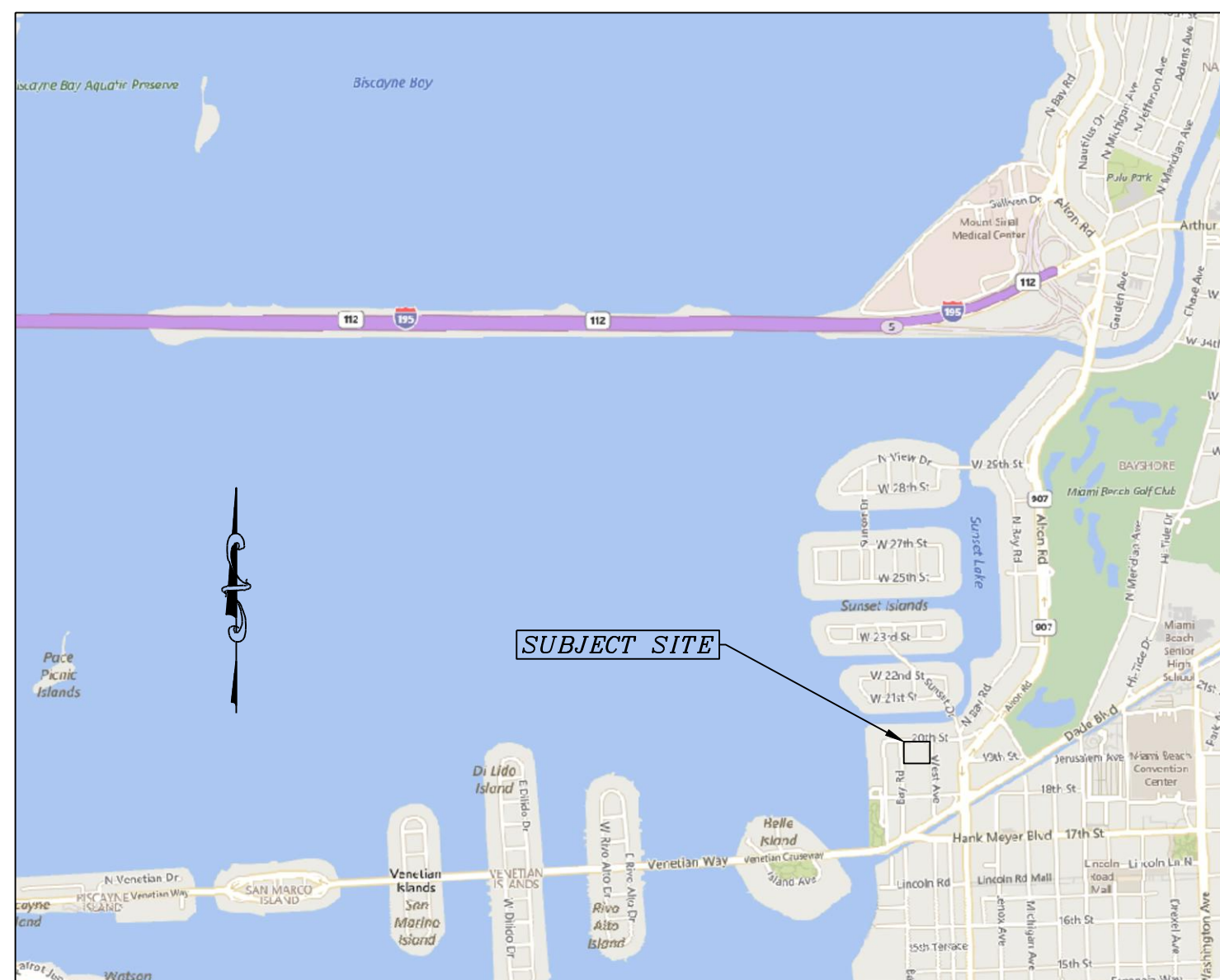
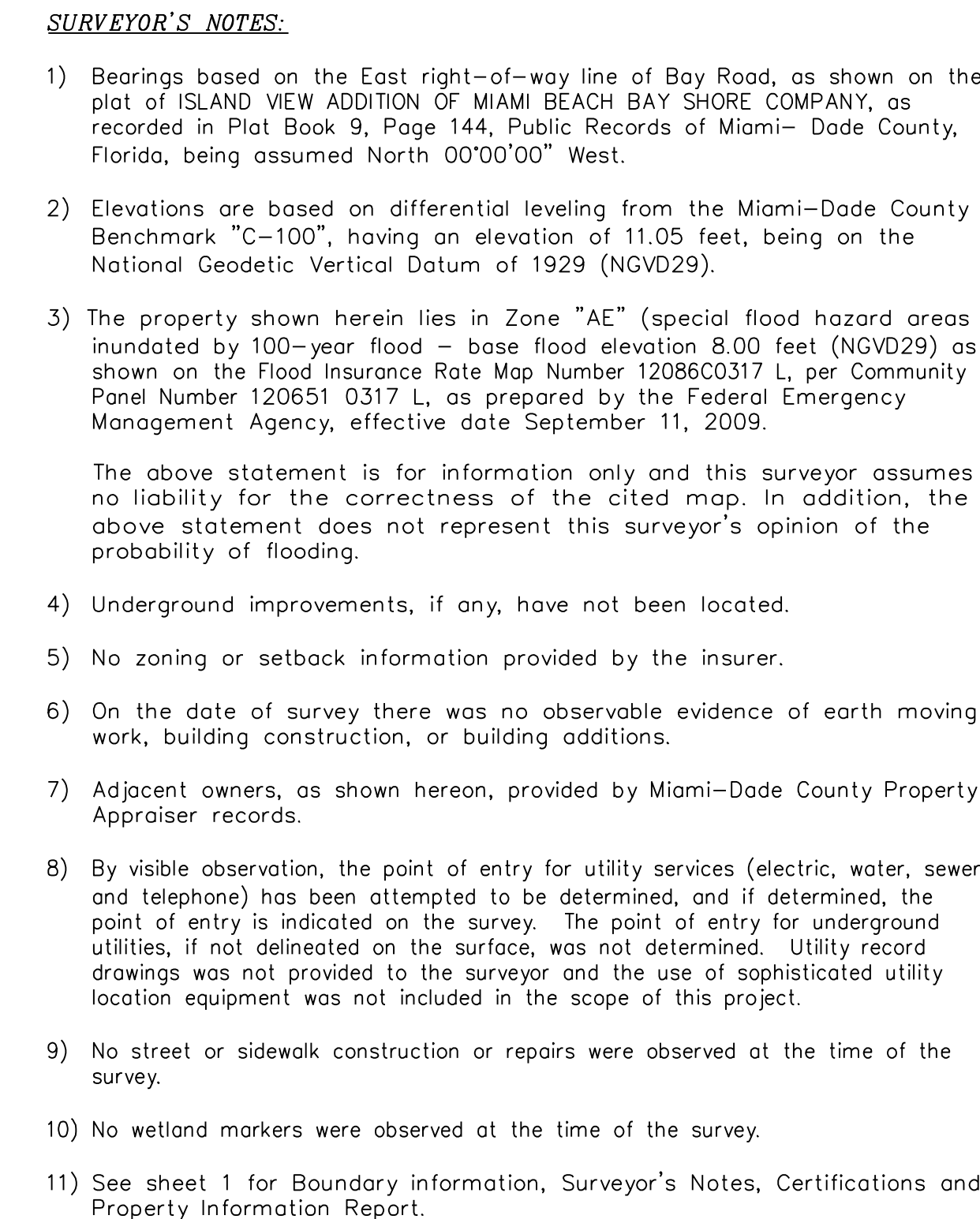
Thank you for your comments and consideration. Please let me know if you need any additional clarifications.

Sincerely,

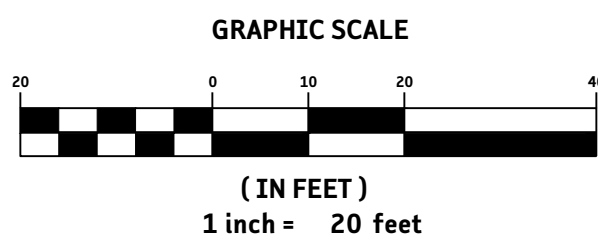


William Joe Fisher, Jr., A.I.A., President
Fisher and Associates, LLC

FIELD BOOK 844 PAGES 20-21




APPENDIX		Legend	
ACC	As a Controlling Line	BDP	Reinforced Concrete Beam
ACB	As a Controlled Line	REC	Reinforced Concrete
BC	Beam	REL	Reinforced Concrete Slab
BOC	Beam of Core	ROD	Reinforcing Rod
BR	Beam	S	Slab
C	Column	S-1	Slab 1
CC	Cast-in-place Concrete	S-2	Slab 2
CB	Cast-in-place Concrete	S-3	Slab 3
CC	Cast-in-place Concrete	S-4	Slab 4
CC	Cast-in-place Concrete	S-5	Slab 5
CC	Cast-in-place Concrete	S-6	Slab 6
CC	Cast-in-place Concrete	S-7	Slab 7
CC	Cast-in-place Concrete	S-8	Slab 8
CC	Cast-in-place Concrete	S-9	Slab 9
CC	Cast-in-place Concrete	S-10	Slab 10
CC	Cast-in-place Concrete	S-11	Slab 11
CC	Cast-in-place Concrete	S-12	Slab 12
CC	Cast-in-place Concrete	S-13	Slab 13
CC	Cast-in-place Concrete	S-14	Slab 14
CC	Cast-in-place Concrete	S-15	Slab 15
CC	Cast-in-place Concrete	S-16	Slab 16
CC	Cast-in-place Concrete	S-17	Slab 17
CC	Cast-in-place Concrete	S-18	Slab 18
CC	Cast-in-place Concrete	S-19	Slab 19
CC	Cast-in-place Concrete	S-20	Slab 20
CC	Cast-in-place Concrete	S-21	Slab 21
CC	Cast-in-place Concrete	S-22	Slab 22
CC	Cast-in-place Concrete	S-23	Slab 23
CC	Cast-in-place Concrete	S-24	Slab 24
CC	Cast-in-place Concrete	S-25	Slab 25
CC	Cast-in-place Concrete	S-26	Slab 26
CC	Cast-in-place Concrete	S-27	Slab 27
CC	Cast-in-place Concrete	S-28	Slab 28
CC	Cast-in-place Concrete	S-29	Slab 29
CC	Cast-in-place Concrete	S-30	Slab 30
CC	Cast-in-place Concrete	S-31	Slab 31
CC	Cast-in-place Concrete	S-32	Slab 32
CC	Cast-in-place Concrete	S-33	Slab 33
CC	Cast-in-place Concrete	S-34	Slab 34
CC	Cast-in-place Concrete	S-35	Slab 35
CC	Cast-in-place Concrete	S-36	Slab 36
CC	Cast-in-place Concrete	S-37	Slab 37
CC	Cast-in-place Concrete	S-38	Slab 38
CC	Cast-in-place Concrete	S-39	Slab 39
CC	Cast-in-place Concrete	S-40	Slab 40
CC	Cast-in-place Concrete	S-41	Slab 41
CC	Cast-in-place Concrete	S-42	Slab 42
CC	Cast-in-place Concrete	S-43	Slab 43
CC	Cast-in-place Concrete	S-44	Slab 44
CC	Cast-in-place Concrete	S-45	Slab 45
CC	Cast-in-place Concrete	S-46	Slab 46
CC	Cast-in-place Concrete	S-47	Slab 47
CC	Cast-in-place Concrete	S-48	Slab 48
CC	Cast-in-place Concrete	S-49	Slab 49
CC	Cast-in-place Concrete	S-50	Slab 50
CC	Cast-in-place Concrete	S-51	Slab 51
CC	Cast-in-place Concrete	S-52	Slab 52
CC	Cast-in-place Concrete	S-53	Slab 53
CC	Cast-in-place Concrete	S-54	Slab 54
CC	Cast-in-place Concrete	S-55	Slab 55
CC	Cast-in-place Concrete	S-56	Slab 56
CC	Cast-in-place Concrete	S-57	Slab 57
CC	Cast-in-place Concrete	S-58	Slab 58
CC	Cast-in-place Concrete	S-59	Slab 59
CC	Cast-in-place Concrete	S-60	Slab 60
CC	Cast-in-place Concrete	S-61	Slab 61
CC	Cast-in-place Concrete	S-62	Slab 62
CC	Cast-in-place Concrete	S-63	Slab 63
CC	Cast-in-place Concrete	S-64	Slab 64
CC	Cast-in-place Concrete	S-65	Slab 65
CC	Cast-in-place Concrete	S-66	Slab 66
CC	Cast-in-place Concrete	S-67	Slab 67
CC	Cast-in-place Concrete	S-68	Slab 68
CC	Cast-in-place Concrete	S-69	Slab 69
CC	Cast-in-place Concrete	S-70	Slab 70
CC	Cast-in-place Concrete	S-71	Slab 71
CC	Cast-in-place Concrete	S-72	Slab 72
CC	Cast-in-place Concrete	S-73	Slab 73
CC	Cast-in-place Concrete	S-74	Slab 74
CC	Cast-in-place Concrete	S-75	Slab 75
CC	Cast-in-place Concrete	S-76	Slab 76
CC	Cast-in-place Concrete	S-77	Slab 77
CC	Cast-in-place Concrete	S-78	Slab 78
CC	Cast-in-place Concrete	S-79	Slab 79
CC	Cast-in-place Concrete	S-80	Slab 80
CC	Cast-in-place Concrete	S-81	Slab 81
CC	Cast-in-place Concrete	S-82	Slab 82
CC	Cast-in-place Concrete	S-83	Slab 83
CC	Cast-in-place Concrete	S-84	Slab 84
CC	Cast-in-place Concrete	S-85	Slab 85
CC	Cast-in-place Concrete	S-86	Slab 86
CC	Cast-in-place Concrete	S-87	Slab 87
CC	Cast-in-place Concrete	S-88	Slab 88



SURVEYOR'S NOTES:

- 1) Bearings based on the East right-of-way line of Bay Road, as shown on the plat of ISLAND VIEW ADDITION OF MIAMI BEACH BAY SHORE COMPANY, as recorded in Plat Book 9, Page 144, Public Records of Miami- Dade County, Florida, being assumed North 00°00'00" West.
 - 2) Elevations are based on differential leveling from the Miami-Dade County Benchmark "C-100", having an elevation of 11.05 feet, being on the National Geodetic Vertical Datum of 1929 (NGVD29).
 - 3) The property shown herein lies in Zone "A2" (special flood hazard areas inundated by 100-year flood - base flood elevation 8.00 feet (NGVD29) as shown on the Flood Insurance Rate Map Number 12086C0317 L, per Community Panel Number 120651 0317 L, as prepared by the Federal Emergency Management Agency, effective date September 11, 2005.
- The above statement is for information only and this surveyor assumes no liability for the correctness of the cited map. In addition, the above statement does not represent this surveyor's opinion of the probability of flooding.
- 4) Underground improvements, if any, have not been located.
 - 5) No zoning or setback information provided by the insurer.
 - 6) On the date of survey there was no observable evidence of earth moving work, building construction, or building additions.
 - 7) Adjacent owners, as shown herein, provided by Miami-Dade County Property Appraiser records.
 - 8) By visible observation, the point of entry for utility services (electric, water, sewer and telephone) has been attempted to be determined, and if determined, the point of entry is indicated on the survey. The point of entry for underground utilities, if not delineated on the surface, was not determined. Utility record drawings was not provided to the surveyor and the use of sophisticated utility location equipment was not included in the scope of this project.
 - 9) No street or sidewalk construction or repairs were observed at the time of the survey.
 - 10) No wetland markers were observed at the time of the survey.
 - 11) See sheet 1 for Boundary information, Surveyor's Notes, Certifications and Property Information Report.

 CHASTAIN SKILLMAN CSI FILE NO.: 9353.75C	Publix Super Markets, Inc. REAL ESTATE DEPARTMENT MAIN OFFICE & WAREHOUSE BOX 407, LAKELAND, FLORIDA 33802 PHONE (863) 688-1188	
	STORE NAME: PUBLIX ON THE BAY	STORE NO.: 0621
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	DATE FLOWN: N/A	SECTION, TOWNSHIP, RANGE: 33 53S 42E

