

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

MEETING DATE: February 22, 2001

IN RE: The Application for Design Review Approval for the construction of a 5 story parking structure with accessory retail space.

PROPERTY: 901-963 West Avenue

FILE NO: 14084

ORDER

The applicant, Gumenick Family Investments #2, Ltd., filed an application with the City of Miami Beach Planning Department for Design Review approval.

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:

- A. 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 not consistent with the Design Review Criteria Nos. 2, 3, 4, 6, 7 & 8 in Section 118-251 of the Miami Beach Code.
- B. The project would be consistent with the above criteria and requirements if the following conditions are met:
 - 1. Revised elevation, site plan and floor plan drawings, in accordance with Exhibit "A" submitted at the meeting, shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. The proposed parking/ramp system shall be inverted so that the entrance to the speed ramp is from Tenth (10th) Street and the grade level parking area fronts Ninth (9th) Street. Access to the

relocated grade level parking area shall be from the alley, and not from the street along Ninth Street; retail space shall be extended eastward at the first level, along the south property line, to the stairwell, in a manner to be approved by staff.

- b. The elevations of the subject structure shall be further refined and developed, in a manner to be approved by staff.
- c. The proposed arches at the top part of the center of the west and east elevations shall be eliminated.
- d. All awnings shall consist of a woven fabric and shall incorporate a simple, rectangular pitch, with no side panels or valences.
- e. All garage entrance gates and service areas, fronting Tenth Street, shall be substantially opaque and the final details and design shall be subject to the review and approval of staff.
- f. All garage openings, on all elevations, shall incorporate screening panels, the design, details and dimensions of which shall be subject to the review and approval of staff.
- g. The center feature of the east and west elevations shall be increased to three (3) bays and the book-ends shall be increased to two (2) bays in order to better break down the scale and mass of the structure as it relates to the entire City block, in a manner consistent with Exhibit "A" submitted at the meeting, subject to the review and approval of staff.
- h. The six (6) remaining intermediate bays, flanking the new three (3) bay center feature on the east and west elevations, shall be in an alternating A, B format; alternatively an AA, BB format, or variations

thereof, may be utilized, in a manner consistent with Exhibit "A" submitted at the meeting, subject to the review and approval of staff.

- i. All molding throughout the proposed structure shall consist of pre-cast concrete or plaster; foam molding shall not be permitted.
 - j. Bike racks and other pedestrian furniture, as applicable, shall be required.
 - k. Clearly defined and developed entrance doors and stair doors shall be required at the center of the west elevation, in a manner to be approved by staff.
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. All exterior walkways shall consist of decorative pavers, set in sand or other semi-pervious material, subject to the review and approval of staff.
 - b. 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.

- c. The Royal Palms on the west side of the site shall be replaced with shade trees, in a manner to be approved by staff.
3. All building signage shall be consistent in type, composed of flush mounted, non-plastic individual letters and shall require a separate permit.
4. 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.
5. A traffic mitigation plan, which addresses all roadway Level of Service (LOS) deficiencies relative to the concurrency requirements of the City Code, if required, shall be submitted prior to the issuance of a Building Permit and the final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
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.
7. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and shall be screened from view, in a manner to be approved by staff.
8. All new and altered elements, spaces and areas shall meet the requirements of the Florida Accessibility Code (FAC).
9. The project shall comply with any landscaping or other sidewalk/street

improvement standards as may be prescribed by a relevant Urban Design Master Plan approved prior to the completion of the project and the issuance of a Certificate of Occupancy.

10. The applicant shall be required to obtain any and all variances from the Board of Adjustment, prior to the issuance of a Building Permit.

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 by the Board, that the Application for Design Review approval is granted for the above-referenced project subject to those certain conditions specified in paragraph B of the Findings of Fact hereof (conditions #1-10, inclusive), to which the applicant has agreed.

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, as well as annotated floor plans which clearly delineate the Floor Area Ratio (FAR) calculations for the project, shall be submitted to the Planning Department. 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 Full Building Permit is not issued within one (1) year of the meeting date at which Design Review Approval was granted and construction does not commence and continue in accordance with the requirements of the

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Meeting Date: February 22, 2001

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applicable Building Code, the Design Review approval will expire and become null and void.

Dated this _____ day of _____, 20_____.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
THOMAS R. MOONEY, AICP
DESIGN AND PRESERVATION MANAGER
FOR THE CHAIR

Approved As To Form:

Legal Department: _____ (_____)

Filed with the Clerk of the Design Review Board on _____ (_____)

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

MEETING DATE: MARCH 2, 2001
FILE NO. 2792

IN RE: The application of
GFI #2, LTD.
959 WEST AVENUE
LOTS 8 THROUGH 15 INCLUSIVE; BLOCK 3
AMENDED PLAT OF FLEETWOOD SUB., PB 28 - 24
MIAMI-DADE COUNTY, FLORIDA

ORDER

The applicant, GFI #2, Ltd., filed an application with the Planning Department for variances in order to construct a five story, 751 space commercial garage, with 21,400 sq. ft. of ground floor commercial spaces facing West Avenue, as follows:

1. A variance to waive 23.28' of the minimum required 31.28' side yard setbacks in order to construct the above garage 8' from the property line along 9th and 10th streets.
2. A variance to waive 7' of the minimum required 15' rear yard setback in order to construct the above garage 8' from the rear property line facing the alley.
3. A variance to exceed by 10' the maximum allowable depth of 40' for commercial spaces located in garages permitted as main uses in a residential zoning district, in order to provide commercial spaces 50' deep facing West Avenue.

Notice of the request for variances 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 RM-2 Zoning District.

AT THE HEARING, Variance Request No. 1 was modified as follows:

1. A variance to waive ~~23.28'~~ 15.28' of the minimum required 31.28' side yard setbacks in order to construct the above garage 8' from the property line along 9th Street and 8' 16' from the property line along 10th Street.

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File No. 2792

GFI #2, Ltd.

959 West Avenue

THE BOARD FURTHER FINDS, based upon evidence, testimony, information and documentation presented to the Board, and portions of the staff report and recommendations, as applicable, 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 variances 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 variances granted are the minimum variances that will make possible the reasonable use of the land, building or structure;

That the granting of the variances will be in harmony with the general intent and purpose of this Ordinance and that such variances 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.

IT IS THEREFORE ORDERED, by the Board, that the Variance Nos. 2 and 3, as requested and set forth above, and Variance No. 1, as modified above, be APPROVED with the following conditions to which the applicant has agreed:

1. The applicant shall comply with all of the conditions imposed by the Design Review Board.
2. The applicant shall comply with all of the conditions imposed by the Planning Board.

File No. 2792
GFI #2, Ltd.
959 West Avenue

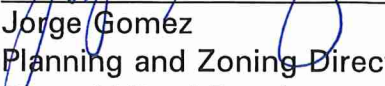
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REC. 19636PC3281

3. The applicant shall resolve any outstanding City Liens or violations prior to obtaining a Building Permit.
4. The parking garage shall serve only residential uses with the exception of any commercial space within the garage.
5. Retail space on the ground floor shall be limited to a depth of 50 ft.
6. The applicant shall comply with all conditions imposed by the Public Works Department.
7. The applicant shall obtain a building permit within one (1) year of the date of this hearing. If the building permit is not issued within one year of the date of this hearing or the building permit lapses after the one-year period, this variance shall become null and void.

PROVIDED, the applicant shall build in accordance with the plans submitted as part of this file and as approved by the Board of Adjustment with any applicable modifications. The applicant shall have a building permit for the work contemplated herein issued by the Building Department on or before March 2, 2002 (within one year of the date of this hearing), 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 Department, a permit shall be processed and approved (subject to compliance with the conditions hereof) in accordance with and pursuant to the ordinances of the City of Miami Beach.

Board of Adjustment of
The City of Miami Beach, Florida

By: _____


Jorge Gomez
Planning and Zoning Director
City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139

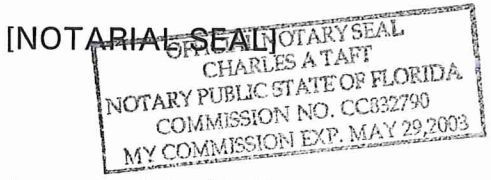
File No. 2792
GFI #2, Ltd.
959 West Avenue

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 20TH day of APRIL, 2001, by Jorge Gomez, Planning and Zoning Director of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

[Handwritten Signature]

Notary:
Print Name: CHARLES A. TAFF
Notary Public, State of Florida
My Commission Expires:
Commission Number:



Approved As To Form:
Legal Department (gfd/4-17-01)

Filed with the Clerk of the Board of Adjustment on 4/24/01 (AT)

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

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

IN RE: The application of
GUMENICK FAMILY INVESTMENTS #2, LTD.
a/k/a THE SHOPPES AT WEST AVENUE
959 WEST AVENUE
LOTS 8 THRU 15 INCLUSIVE; BLOCK 3
AMENDED PLAT OF FLEETWOOD SUBDIVISION
PLAT BOOK 28-34; MIAMI-DADE COUNTY, FLORIDA



CFN 2004R1064159
DR Bk 22843 Pgs 3770 - 3772; (3pgs)
RECORDED 12/01/2004 13:20:35
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

**MEETING DATE: NOVEMBER 5, 2004
FILE NO. 3051**

ORDER

The applicant, Gumenick Family Investments #2, Ltd., filed an application with the Planning Department for a variance in order to illuminate and exceed the maximum permitted size of non-illuminated signs for each of the allowed accessory uses of an existing parking garage, as follows:

1. A variance to exceed the maximum permitted accessory use non-illuminated sign area of 10 square feet by 10 square feet in order to permit a maximum of 20 square feet illuminated signs (backlit only) for each of the permitted accessory uses in the garage.

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 RM-2 Zoning District.

THE BOARD FURTHER FINDS, based upon evidence, testimony, information and documentation presented to the Board, and portions of the staff report and recommendations, as applicable, which are incorporated herein by this reference, that with regard to the requested variance when conditioned as provided for in this Order:

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;



Board of Adjustment Order
Meeting of November 5, 2004
File No. 3051: Gumenick Family Investments #2, Ltd.
959 West Avenue Miami Beach, Florida

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.

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 signage design and layout shall be consistent with the Design Review Board Approval for the project. Only individual reverse illuminated channel letters shall be permitted and all accessory use signage pertaining to this application shall be equipped with an automatic timer set to shut off by 11:00 pm 7 days a week.
2. A landscape plan for the entire site shall be submitted to and approved by staff before a building permit is issued for construction of the addition.
3. The applicant shall comply with all conditions imposed by the Public Works Department.
4. The applicant shall obtain a building permit within one (1) year of the date of this hearing and complete the project within two (2) years of the date of the hearing. If the building permit is not obtained or construction is not completed within the specified time limits, the applicant shall, prior to expiration of such period, apply to the Board for an extension of time. At the hearing on such application, the Board may deny or approve the request and modify the above conditions or impose additional conditions. Failure to comply with this order shall subject the variance to Section 118-356, City Code, for revocation or modification of the variance.
5. This order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.

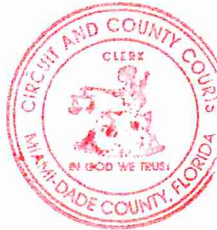


Board of Adjustment Order
Meeting of November 5, 2004
File No. 3051: Gumenick Family Investments #2, Ltd.
959 West Avenue Miami Beach, Florida

PROVIDED, the applicant shall build in accordance with the plans submitted as part of this file and as approved by the Board of Adjustment with any applicable modifications. The applicant shall have a building permit for the work contemplated herein issued by the Building Department on or before November 5, 2005 (within one year of the date of this hearing), 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 Department, a permit shall be processed and approved (subject to compliance with the conditions hereof) in accordance with and pursuant to the ordinances of the City of Miami Beach.

Board of Adjustment of
The City of Miami Beach, Florida

STATE OF FLORIDA, COUNTY OF DADE
HEREBY CERTIFY that this is a true copy of the
original filed in this office on 1st day of
Dec, A.D. 2004
WITNESS my hand and Official Seal
HARVEY RUVIN, CLERK, of Circuit and County Courts
By [Signature] D.C.



By:

[Signature]
Jorge G. Gomez, AICP
Planning and Zoning Director
City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 18th day of NOVEMBER, 2004, by Jorge Gomez, Planning and Zoning Director of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

Charles A. Tarr
My Commission DD233174
Expires July 17, 2007



[Signature]
Notary:
Print Name: CHARLES A. TARR
Notary Public, State of Florida

[NOTARIAL SEAL]
My Commission Expires:

Approved As To Form:
Legal Department (Filed 11-24-04)

Filed with the Clerk of the Board of Adjustment on 11/29/04 (AT)

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

MEETING DATE: August 19, 2003
IN RE: The Application for Design Review Approval for new signage.
FILE NO: 17198
PROPERTY: 959 West Avenue

ORDER

The applicant, Gumenick Family Investments #2, Ltd., filed an application with the City of Miami Beach Planning Department for Design Review Approval.

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:

- A. 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 not consistent with Design Review Criteria 2, 4, and 6 in Section 118-251 of the Miami Beach Code.
- B. The project would be consistent with the criteria and requirements of section 118-251 if the following conditions are met:
 - 1. Revised elevation, site plan and floor plan drawings shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. All tenant signage shall be uniform throughout the building , in a manner to be reviewed and approved by staff.
 - b. The ends of each word on each sign shall be closed, subject to the review and approval of staff.
 - c. The raceway shall be painted to match the color of the wall, subject to the review and approval of staff.
 - 2. The project shall comply with any landscaping or other sidewalk/street improvement standards as may be prescribed by a relevant Urban Design Master Plan approved prior to the completion of the project and the issuance of a Certificate of Occupancy.
 - 3. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.

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 by the Board, that the Application for Design Review approval is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph B of the Findings of Fact (Condition Nos. 1-3, inclusive) hereof, to which the applicant has agreed.

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 Department. 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 Full Building Permit is not issued within eighteen (18) months of the meeting date at which this Design Review Approval was granted and construction does not commence and continue in accordance with the requirements of the applicable Building Code, the Design Review Approval will expire and become null and void.

Dated this 21 day of AUGUST, 2003.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: Thomas R. Mooney
THOMAS R. MOONEY, AICP
DESIGN AND PRESERVATION MANAGER
FOR THE CHAIR

Approved As To Form: galea
Legal Department: _____ (8-21-03)

Filed with the Clerk of the Design Review Board on 8/22/03 (act)

JAM