

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: May 3, 2022

FILE NO: DRB22-0805

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

APPLICANT: The City of Miami Beach

LEGAL: See Exhibit 'A'

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

ORDER

The City of Miami Beach Design Review Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

I. Design Review

- A. The Board has jurisdiction pursuant to Section 118-252(a) of the Miami Beach Code. The property is not located within a designated local historic district and is not an individually designated historic site.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is consistent with Design Review Criteria in Section 118-251 of the Miami Beach Code.
- C. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Sea Level Rise Criteria 1 in Section 133-50(a) of the Miami Beach Code.
- D. The project would be consistent with the criteria and requirements of Section 118-251 and/or Section 133-50(a) if the following conditions are met:
 1. Revised elevation, site plan and floor plan drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:
 - a. The final design and details of associated exterior lighting shall be provided, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

- b. The exterior material finish of the landscaped walls within the park shall consist of natural stone, the final design details and color selection of the stone shall be submitted, in a manner to be reviewed and approved by staff.
- c. The extent of shade covering and the final location of the shade canopy within the children's playground area shall be subject to the review and approval of staff.
- d. The equipment style and location for the children's playground area shall be approved as proposed. The final location and type of equipment design requested herein shall be submitted in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- e. The terrain of the dog park area shall be a natural ground cover material. The final design and location of the equipment for the dog park shall be provided, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- f. The final design and placement and model/type of all park furniture and fixtures, shall be reviewed and approved by the Planning Department and the Police Department
- g. The design, location and type of fencing and gateway entrance design, where applicable, shall be provided, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- h. 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.
- i. The final details of all exterior surface finishes and materials, including samples, shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- j. The final design and details of the proposed overlook deck, including materials and finishes, shall be provided, subject to the review and approval of staff.
- k. The final design and details of the proposed fishing piers, including materials and finishes, shall be provided, subject to the review and approval of staff.
- l. The pier deck finish materials may alternatively be of a durable composite material designed for marine use, subject to the review and approval of staff.
- m. 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.

- n. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.
2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding plans shall be submitted to and approved by staff. The species, type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plans shall comply with Chapter 26-Landscape Requirements of the Miami Beach Code and shall incorporate the following:
- a. Native ground cover and shrub plant species shall be included in landscape design along pedestrian ramps and landings, to be review and approved by staff.
 - b. Prior to the issuance of a building permit, the applicant shall submit a tree protection plan for all trees to be retained on site. Such plan shall be subject to the review and approval of staff, and shall include, but not be limited to a sturdy tree protection fence installed at the dripline of the trees prior to any construction.
 - c. In order to identify, protect and preserve mature trees on site, which are suitable for retention and relocation, a Tree Report prepared by a Certified Tree Arborist shall be submitted for the mature trees on site.
 - d. Any tree identified to be in good overall condition shall be retained and protected in their current location if they are not in conflict with the proposed home, or they shall be relocated on site, if determined feasible, subject to the review and approval of staff. A tree care and watering plan also prepared by a Certified Arborist shall be submitted prior to the issuance of a Building Permit or Tree Removal/Relocation Permit. Subsequent to any approved relocation, a monthly report prepared by a Certified Arborist shall be provided to staff describing the overall tree performance and adjustments to the maintenance plan in order to ensure survivability, such report shall continue for a period of 18 months unless determined otherwise by staff.
 - e. Existing trees to be retained on site shall be protected from all types of construction disturbance. Root cutting, storage of soil or construction materials, movement of heavy vehicles, change in drainage patterns, and wash of concrete or other materials shall be prohibited.
 - f. The architect shall substantially increase the amount of native canopy shade trees within the site, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

- g. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.
- h. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- i. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventers and all other related devices and fixtures. The location of backflow preventers, Siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans, and shall be subject to the review and approval of staff.
- j. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms. The location of any exterior transformers and how they are screened with landscape material from the right-of-way shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- k. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.

In accordance with Section 118-262, the applicant, or the city manager on behalf of the City Administration, or an affected person, Miami Design Preservation League or Dade Heritage Trust may seek review of any order of the Design Review Board by the City Commission, except that orders granting or denying a request for rehearing shall not be reviewed by the Commission.

II. Variance(s)

- A. No variance(s) were filed as part of this application.

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

- A. The project shall comply with any landscaping or other site improvement and environmental standards as may be prescribed by a relevant analysis by the Environment and Sustainability Department prior to the completion of the project.
- B. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- C. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.

- D. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- E. Nothing in this order authorizes a violation of City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the **application** is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I,II,III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans entitled "Maurice Gibb Memorial Park" by **Coastal Systems** dated March 25, 2019, and as approved by the Design Review Board, as determined by staff.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order. No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

The issuance of the approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required. When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code; the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

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

Dated _____.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
Michael Belush, AICP
Chief of Planning and Zoning
For Chairman

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

The foregoing instrument was acknowledged before me this _____ day of _____ 20__ by Michael Belush, Chief of Planning and Zoning of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.

Notary:
Print Name
Notary Public, State of Florida
My Commission Expires:
Commission Number:

{NOTARIAL SEAL}

Approved As To Form:
City Attorney's Office: _____ (_____)

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

Exhibit 'A'

LEGAL DESCRIPTION:

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

TOGETHER WITH:

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

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

DEED NO. 25150 (2329-13):

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

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