MIAMIBEACH

PLANNING DEPARTMENT Staff Report & Recommendation

TO: DRB Chairperson and Members DATE: July 5, 2023

FROM: Thomas R. Mooney, AICP

Planning Director

SUBJECT: DRB23-0922

7921 Carlyle Ave

An application has been filed requesting Design Review Approval for the construction of a new three-story multifamily building, including one or more waivers, to replace an existing one-story structure.

For TRM

Design Review Board

RECOMMENDATION:

Approval with conditions.

LEGAL DESCRIPTION:

Lot 4, Block 19, Altos Del Mar No. 3, according to the plat thereof, as recorded in plat book 8, at page 41, of the public records of Miami-Dade County, Florida.

SITE DATA: Proposed Use: Multifamily

Zoning: RM-1 & North Beach National Residential

Register Conservation District Residential Units: 7 Units

overlay

Future Land Use: RM-1 Grade: +3'-8" NGVD Lot Size: 5.650 SF Flood: +8.00' NGVD

Proposed FAR: 5,650 SF F100d: +8.00 NGVD

First Finished Floor Elevation:

Maximum FAR: 7,062 SF/ 1.25 +19'-10" NGVD

*As represented by the applicant

Height: Surrounding Properties:

Proposed: ~26' to ~36'

Maximum: 45'-0"

Highest Projection: ~36'

South: 2-story 1946 Multifamily

North: 4-story Multifamily

South: 2-story Multifamily

Existing Use: Single family home West: 2-story 1957 School

THE PROJECT:

The applicants have submitted plans entitled "Denbora Bay" as prepared by **Ricardo J Muniz-Guillet**, dated 5/15/23.

The applicant is requesting the following waiver(s):

1. **Section 7.3.8.3(d)(i) Ground floor requirements.** A minimum height of twelve (12) feet shall be provided, as measured from base flood elevation plus minimum freeboard to the underside of the first floor slab. The design review board or historic preservation board, as applicable, may waive this height requirement by up to two (2) feet, in accordance with the design review or certificate of appropriateness

criteria, as applicable. The applicant is providing 10'-0" from BFE+ 1'-0" freeboard.

COMPLIANCE WITH ZONING CODE:

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following sections of the City Code:

- Section 7.3.8.6(e) The maximum curb cut is 10 feet.
- Section 7.3.8.5(d) New construction shall be designed to incorporate naturally landscaped areas at the ground level, in addition to the minimum setback requirements, which is equal to or greater than 5 percent (5%) of the total lot area.

The above noted <u>comments shall not be considered final zoning review</u> or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

COMPLIANCE WITH DESIGN REVIEW CRITERIA, SECTION 2.5.3.1:

Design review encompasses the examination of architectural drawings for consistency with the criteria stated below, with regard to the aesthetics, appearance, safety, and function of any new or existing structure and physical attributes of the project in relation to the site, adjacent structures and surrounding community. The design review board and the planning department shall review plans based upon the below stated criteria, criteria listed in neighborhood plans, if applicable, and applicable design guidelines. Recommendations of the planning department may include, but not be limited to, comments from the building department and the public works department.

- a. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.
 Satisfied
- The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.
 Satisfied
- c. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.
 Satisfied
- d. The color, design, selection of landscape materials and architectural elements of exterior building surfaces and primary public interior areas for developments requiring a building permit in areas of the city identified in section 2.5.3.2. Satisfied
- e. The proposed site plan, and the location, appearance and design of new and existing buildings and structures are in conformity with the standards of this article and other applicable ordinances, architectural and design guidelines as adopted and amended

periodically by the design review board and historic preservation board and all pertinent master plans.

Satisfied

f. The proposed structure, or additions or modifications to an existing structure, indicates a sensitivity to and is compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties.

Satisfied

g. The design and layout of the proposed site plan, as well as all new and existing buildings shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.

Satisfied

h. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that all parking spaces are usable and are safety and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the site.

Satisfied

i. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties. Lighting shall be reviewed to assure that it enhances the appearance of structures at night.

Not Satisfied; a lighting plan has not been submitted.

j. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.

Satisfied

k. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.

Satisfied

I. The proposed structure has an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).

Satisfied

m. The building has, where feasible, space in that part of the ground floor fronting a street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall

buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.

Satisfied

n. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.

Satisfied

o. An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).

Satisfied

p. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.

Satisfied

q. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.

Satisfied

r. In addition to the foregoing criteria, subsection 118-104-6(t) of the General Ordinances shall apply to the design review board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights- of-way.

Not Applicable

s. The structure and site comply with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.

Not Satisfied; see below

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 7.1.2.4(a)(i) of the Land Development Regulations establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

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

Not Satisfied

A recycling plan shall be provided as part of the submittal for a demolition/building permit to the building department.

- Windows that are proposed to be replaced shall be hurricane proof impact windows.Satisfied
- 3. Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.

Satisfied

4. Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 4 of the Land Development Regulations..

Satisfied

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.

Satisfied

6. The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land 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 (3) additional feet in height.

Satisfied

7. In all new projects, all critical mechanical and electrical systems shall be located above base flood elevation. Due to flooding concerns, all redevelopment projects shall, whenever practicable, and economically reasonable, move all critical mechanical and electrical systems to a location above base flood elevation.

Satisfied

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

Satisfied

9. When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.

Not Applicable

- In all new projects, water retention systems shall be provided.
 <u>Satisfied</u>; additional information will be required at the time of building permit in order to demonstrate compliance.
- 11. Cool pavement materials or porous pavement materials shall be utilized.

 <u>Satisfied</u>; additional information will be required at the time of building permit in order to demonstrate compliance.
- 12. The project design shall minimize the potential for a project causing a heat island effect on site.

<u>Satisfied</u>; additional information will be required at the time of building permit in order to demonstrate compliance.

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ANALYSIS: DESIGN REVIEW

The subject site is an interior block parcel located within the boundaries of the North Beach National Register Conservation District Overlay. A primary purpose of the overlay is to ensure that the scale and massing of new development is consistent with the established context of the existing residential neighborhoods and maintains the low-scale, as-built character of the surrounding neighborhoods. The overlay has a lower maximum building height limit compared to other RM-1 districts (45 feet vs 55 feet), but also has reduced building setbacks.

The applicant is proposing to construct what is predominately a modern 2-story building above ground level parking and a lobby. Seven (7) units are provided on the second and third floors and the roof deck contains amenities including a spa, bathroom, outdoor kitchen and seating areas. All units share common access through a centrally located stairwell stair well located behind the street fronting lobby. Four (4) parking spaces are provided at the rear of the site, and are accessed from a driveway location along the south side of the building.

The upper floors of the building are supported by angular structural columns and beams located along the north elevation of the ground floor. The upper floors are also detached from the lobby, allowing the building to 'float' above. This allows the ceiling of this understory level to be highly visible, and the design takes advantage of this visibility with a strikingly designed ceiling that plays off the angled structural side columns. The careful execution of the building's mass, combined with the use of board formed concrete, and exposed concrete, with wood and coral stone accents, results in a modern design that will elevate the character of the neighborhood.

The design waiver that the applicant is requesting pertains to the clearance of the garage from the base flood elevation plus minimum freeboard to the underside of the first-floor slab, where the code requires a minimum of 12'-0" height clearance. The first habitable floor of the building is designed at 19'-10" NGVD, which translates to a garage clearance height of 10'-0" above 9' NGVD in order to provide parking with a slab clearance that may accommodate elevation changes to the ground floor with future raising of roadways. The Design Review Board may waive this height requirement by up to 2'-0". Staff is supportive of the waiver for a clearance of 10'-0".

In summary, staff is very supportive of the application, which should be a welcome addition to the neighborhood. The attached draft order includes some minor conditions of approval, including screening of the parking, final review of understory ceiling electrical, mechanical, and plumbing, reduction of the vehicular curb cut, and site security.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application be **approved with conditions**, subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review and Sea Level Rise criteria.

DESIGN REVIEW BOARD City of Miami Beach, Florida

MEETING DATE: July 5, 2023

PROPERTY/FOLIO: **7921 Carlyle Ave 02-3202-007-1430**

FILE NO: DRB23-0922

IN RE: An application for Design Review Approval for the construction of a new

three-story multifamily building, including one or more waivers, to replace

an existing one-story structure.

LEGAL: Lot 4, Block 19, Altos Del Mar No. 3, according to the plat thereof, as

recorded in plat book 8, at page 41, of the public records of Miami-Dade

County, Florida.

APPLICANT: Denbora Bay LLC

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 2.1.3.1 of the Land Development Regulations. 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 i and s in Section 2.5.3.1 of the Land Development Regulations.
- 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 7.1.2.4(a)(i) of the Land Development Regulations.
- D. The project would be consistent with the criteria and requirements 2.5.3.1 and/ or Section 7.1.2.4(a)(i) if the following conditions are met:

- 1. Revised elevation, site plan, and floor plan drawings for the proposed new multifamily building at 7921 Carlyle Ave shall be submitted, at a minimum, such drawings shall incorporate the following:
 - a. A 7'-0 tall perimeter site wall/solid fence shall be required along the rear property line, and the portions of the north and south side property line located eastward of the stair well, in order to screen parking and vehicular lights from neighboring properties, in a manner to be reviewed and approved by staff. Such fence/wall shall be design with foundations that do not inhibit root growth of the proposed landscaping.
 - b. The final design and details of the understory ceiling, including electrical, mechanical, and plumbing, shall be integrated into the ceiling design in order to minimize visibility from the exterior, subject to the review and approval of staff.
 - c. The final design and details of understory lighting shall be provided and shall minimize to the greatest extent possible visibility of direct light sources from neighboring properties, subject to the review and approval of staff.
 - d. Rooftop lighting, with the exception of lighting which may be integrated into the outdoor kitchen trellis, shall be located no higher than 42 inches above the finished roof deck, subject to the review and approval of staff.
 - e. The design and details of any site/garage fencing/gates, if proposed, shall be subject to the review and approval of staff.
 - f. The vehicular curb cut shall be reduced to 10 feet in width, subject to the review and approval of staff.
 - g. The final design details of the exterior materials and finishes shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - h. URBAN HEAT ISLAND ORDINANCE Section 7.5.3.2(g)(iv) Driveways and parking areas that are open to the sky within any required yard shall be composed of porous pavement or shall have a high albedo surface consisting of a durable material or sealant, as defined in Section 1.2.1 of this Code, and (v) Driveways and parking areas composed of asphalt that does not have a high albedo surface, as defined in Section 1.2.1, shall be prohibited.
 - i. 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 shall be prepared by and bear the seal of a Landscape Architect licensed to practice in the State of Florida. The corresponding landscape plans shall be submitted to and approved by staff. At a minimum, landscape plans shall comply with Chapter 46 Tree Preservation and Protection Ordinance of the City Code and Chapter 2, Landscape Requirements of the Land Development

Regulations and shall incorporate the following:

- a. Prior to the issuance of a building permit, the applicant shall submit a tree survey and tree disposition plan that includes the approved tree protection fencing detail for existing mature trees and palms to remain. Such plans shall be subject to the review and approval of staff. A tree work permit shall be obtained prior to the removal of any existing trees and palms according to the Chapter 46 Ordinance.
- b. In addition to the tree survey and tree disposition plan, a Tree Resource Evaluation Report prepared by an ISA Certified Arborist shall be submitted for the subject property. Every effort shall be made to protect and preserve existing mature trees on site. Architectural and site design shall be developed in such a way to protect, preserve, and retain existing specimen trees in their current location.
- c. In new construction projects, street trees are required within the public right of way. Street trees are in addition to the required lot trees according to the Chapter 2 Landscape Ordinance. All proposed street tree plantings shall be reviewed and approved by the Public Works Department and a right of way permit shall be obtained prior to any plantings in the right of way.
- d. Suspended paver systems such as Silva Cells or equal shall be installed where street trees are planted in right of way sidewalk and other hardscape areas in a manner to be reviewed and approved by staff. Suspended paver systems shall be clearly delineated in the landscape plans. Structural soils may be considered where proposed trees are located immediately adjacent to large open space areas.
- e. Root guards or barriers shall be installed to protect utilities and structures within close proximity of proposed tree plantings. The root guards shall be clearly delineated in the landscape plans and shall be reviewed and approved by staff.
- f. Irrigation systems shall be designed and installed corresponding to the water requirements of the proposed plantings and as required in the Chapter 2 Landscape Ordinance. The irrigation system shall be extended into the public right of way. A rain shut off device is required to be installed as part of the irrigation system.
- a. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures. The location of backflow preventors, 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.
- b. 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 wall shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.

g. Prior to the issuance of a Certificate of Occupancy, the Project Landscape 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 2.2.4.8 of the Land Development Regulations, the applicant, the City Manager, Miami Design Preservation League, Dade Heritage Trust, or an affected person may appeal a decision of the design review board for design review approval only to 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 variances were filed as part of the application.

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. Site plan approval is contingent upon meeting Public School Concurrency requirements. Applicant shall obtain a valid School Concurrency Determination Certificate (Certificate) issued by the Miami-Dade County Public Schools. The Certificate shall state the number of seats reserved at each school level. In the event sufficient seats are not available, a proportionate share mitigation plan shall be incorporated into a tri-party development agreement and duly executed prior to the issuance of a Building Permit
 - B. All new construction over 7,000 square feet shall be required to be, at a minimum, certified as LEED Gold by USGBC. In lieu of achieving LEED Gold certification, properties can elect to pay a sustainability fee, pursuant Section 7.1.3.2 of the Land Development Regulations. This fee is set as a percentage of the cost of construction.
 - C. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board and shall be subject to all conditions of approval herein, unless otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.
 - D. During construction work, the applicant shall maintain gravel at the front of the construction site within the first 15'-0" of the required front yard and including the swale (subject to the review and approval of Public Works), to mitigate disturbance of soil and mud by related personal vehicles exiting and entering the site. All construction materials, including

- dumpsters and portable toilets, shall be located behind the construction fence and not visible from the right-of-way.
- E. During the course of construction, all vehicles, including, but not limited to all personal vehicles, shall park within the confines of the private property, the swale directly abutting the construction site, or at alternate overflow parking sites that are not on-street metered spaces and not zoned RS. Additionally, parking of any vehicles shall be prohibited in the travel lanes of all streets.
- F. The building and parking departments shall approve a construction parking plan prior to the issuance of any building permit, including applicable demolition permits for the project.
- G. The applicant shall ensure that the contractor(s) observe good construction practices and prevent construction materials and debris from impacting the right-of-way.
- H. The contractor(s) shall ensure that the street and the swale directly abutting the construction site remains free of debris and refuse at all times; at a minimum, the contractor(s) shall inspect and clear the street and swale areas before leaving at the end of each day.
- I. This order shall be enforced by the Building, Planning, Parking and Code Compliance Departments.
- J. A recycling/salvage plan shall be provided as part of the submittal for a demolition/building permit, in a manner to be reviewed and approved by staff.
- K. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit and shall be located immediately after the front cover page of the permit plans.
- L. The Final Order shall be recorded in the Public Records of Miami-Dade County, <u>prior</u> to the issuance of a Building Permit.
- M. 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.
- N. 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.
- O. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- P. Nothing in this order authorizes a violation of the 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 revised plans, entitled "Denbora Bay" as prepared by **Ricardo J Muniz-Guillet**, dated 5/15/23, 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 Section 2.2.4.6 of the Land Development Regulations; 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 2 of the Land Development Regulations, 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 2 of the Land Development Regulations, for revocation or modification of the application.

Dated		
Dateu		

DESIGN REVIEW BOARD THE CITY OF MIAMI BEACH, FLORIDA

	BY: Michael Belush, AICP Planning & Design Officer For Chairman	
STATE OF FLORIDA)	
COUNTY OF MIAMI-DADE	SS)	
	was acknowledged before me this day 0 by Michael Belush, Planning & Design Officer of the City	
	da Municipal Corporation, on behalf of the Corporation. He	
(NOTADIAL OFAL)	Notary: Print Name Notary Public, State of Florida My Commission Expires:	
(NOTARIAL SEAL)	Commission Number:	
Approved As To Form: City Attorney's Office:	()
Filed with the Clerk of the	(١