

# MIAMI BEACH

## PLANNING DEPARTMENT

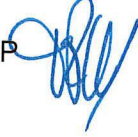
### Staff Report & Recommendation

### Design Review Board

TO: DRB Chairperson and Members

DATE: September 05, 2017

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: DRB17-0125  
**2300 Pine Tree Drive/2795 Prairie Avenue – Community Park**

The applicant, the City of Miami Beach, is requesting Design Review Approval for the substantial improvements of a former golf course into a community park including the installation of a lake, dog park areas, tennis courts, a restroom and storage facility, and parking area, in addition to other features.

**Recommendation:**

Approval with conditions

**LEGAL DESCRIPTION:** See EXHIBIT 'A'

**BACKGROUND:**

The subject Community Park is proposed on the site of the former 9-hole Bayshore Municipal Par 3 Golf Course. The subject site has been slated for renovation by the City of Miami Beach since 2009. As the renovation project has progressed, the City Commission added and modified items from the original scope.

The City's Planning Department was tasked with developing a conceptual design for the newly designated park project. Representatives from the Planning Department presented their conceptual design to the Parks and Recreation Facilities Advisory Board, Neighborhoods and Community Affairs Committee (NCAC), and City Commission. Additionally, a community meeting was held to gain additional public input. The City Commission approved the concept and the issuance of a Request for Qualifications (RFQ) on Sept 2, 2015.

As part of the project due diligence, the design team had a Phase II Environmental Site Assessment conducted to assess the potential presence of arsenic and other related chemicals of concern in the soil and groundwater on the site, which may have resulted from the historic use of the property as a golf course. The results of the assessment concluded the presence of contaminants at the site. Miami-Dade County responded with a letter to the City recommending that a temporary engineering control be installed around two areas where the soil sample results indicated elevated levels of contaminants. As such, temporary fencing has been installed to prevent access to these areas by the public and reduce potential exposure. These areas will be remediated during the construction of Community Park.

On January 12, 2017, the Parks and Recreation Facilities Advisory Board reviewed the

initial design and requested modifications that included the reduction of a proposed free form lake to approximately 1 acre and an increase in flat green space.

**HISTORY:**

Bayshore Municipal Park Golf Course was designed in 1940 by Bruce Devlin. After the war, most of the land was set aside for City of Miami Beach building projects and the old northern part of the course was used to build the Miami Beach Par 3 Golf Course, a 9-hole executive style course.

Located in the Central Bayshore neighborhood of Miami Beach, the site contains approximately 49.4 acres that are nestled within the single family residences along Prairie Avenue and West 29<sup>th</sup> Street; Miami Beach High and the Hebrew Academy; the City of Miami Beach Public Work Yards, multi-family residences along Pine Tree Drive and the Scott Rakow Youth Center.

**SITE DATA:**

Zoning: GU  
Future Land Use: ROS, Recreation Open Space

Lot Size: ±845,064 SF (±19 acres)  
Grade: ±4.23' NGVD  
Flood: +8.0' NGVD  
Difference: +3.77' NGVD  
Adjusted Grade: +6.12' NGVD

Existing Pervious Area: 844,656 SF | 19.39 acres  
Existing Impervious Area: 408 SF (Pump Station)  
Proposed Pervious Area: 628,494 SF | 14.43 acres  
Proposed Impervious Area: 144,696 SF | 3.32 acres  
Proposed Lake: 71,874 SF | 1.65 acres  
Proposed Tennis Building: 2,367 SF  
Parking: 75 spaces

**LAND USES:**

East: Single Family Residential and Multi-Family Residential  
North: Single Family Residential  
South: GU, Miami Beach High and Hebrew Academy  
West: Single Family Residential

**THE PROJECT:**

The applicant has submitted plans and renderings entitled "Community Park Improvements, City of Miami Beach, Florida, Design Review Application – Final Submittal" by **Savino & Miller Design Studio**, dated, signed sealed March 20, 2017.

The applicant is proposing to develop the 19.4 acre former PAR 3 Golf Course located at 2300 Pine Tree Drive/2795 Prairie Avenue as a natural, passive public park with a central lake, open playing fields, tennis courts and facility, dog park, pathways, vita course and a parking lot for approximately 90 cars.

**ACCESSIBILITY COMPLIANCE**

Additional information will be required for a complete review for compliance with the Florida Building Code 2001 Edition, Section 11 (Florida Accessibility Code for Building Construction). These and all accessibility matters shall require final review and verification by the Building Department prior to the issuance of a Building Permit.

**CONCURRENCY DETERMINATION:**

A final concurrency determination shall be conducted prior to the issuance of a Building Permit. Mitigation fees and concurrency administrative costs, if required, shall be paid prior to the project receiving any Building Permit.

**CONSISTENCY WITH COMPREHENSIVE PLAN:**

A preliminary review of the project indicates that the proposed **recreational use** appears to be **consistent** with the ROS designation of the Future Land Use Map of the 2025 Comprehensive Plan. The main permitted uses in the ROS, Recreation Open Space Element are recreation and open space facilities.

**COMPLIANCE WITH ZONING CODE:**

A preliminary review of the project indicates that the application, as proposed, appears to be consistent with the City Code. The above noted comments shall not be considered final zoning review 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:**

Design Review encompasses the examination of architectural drawings for consistency with the criteria stated below with regard to the aesthetics, appearances, safety, and function of the structure or proposed structures in relation to the site, adjacent structures and surrounding community. Staff recommends that the following criteria is found to be satisfied, not satisfied or not applicable, as hereto indicated:

1. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.  
**Satisfied**
2. 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**
3. 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**

4. 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 118-252.  
**Satisfied**
5. 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 Ordinance and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the Design Review Board and Historic Preservation Boards, and all pertinent master plans.  
**Satisfied**
6. The proposed Structure, and/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.  
**Not Applicable**
7. 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**
8. 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 safely 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.  
**Not Applicable**
9. 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.  
**Satisfied**
10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.  
**Not Satisfied**
11. 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.  
**Not Applicable**

12. 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**
13. 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.  
**Not Applicable**
14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.  
**Not satisfied**
15. 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).  
**Not Applicable**
16. 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.  
**Not Applicable**
17. 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.  
**Not Applicable**
18. In addition to the foregoing criteria, subsection [118-]104(6)(t) of the City Code 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**
19. The structure and site complies with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.  
**Not Satisfied; see below**

**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.  
**Not Satisfied**  
**A recycling plan shall be provided as part of the submittal for a demolition/building permit to the building department**
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.  
**Not Applicable**
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.  
**Not Satisfied**  
**Window drawings and schedules shall be included as part of the construction document submittal for a demolition/building permit to the Building Department.**
- (4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.  
**Satisfied**
- (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.  
**Not Satisfied**  
**Sea Level Rise projections were not taken into account.**
- (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.  
**Satisfied**
- (7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.  
**Satisfied**
- (8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.  
**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 of 54 of the City Code.  
**Satisfied**

(10) Where feasible and appropriate, water retention systems shall be provided.

**Satisfied**

**STAFF ANALYSIS:**

The key components of the concept design for the future Community Park include the development of an appropriate range of spaces and facilities for general and passive recreation, such as, open play areas, walking paths, lakes, landscape areas and tennis courts; maintaining certain elements of the existing topography; and providing accessibility to the neighboring community. Planning Department staff utilized examples of park elements from well-known parks throughout the country and incorporated these elements into the conceptual design. City staff also worked closely with representatives from the Police Department to ensure that the design contemplated security elements that would ensure safety for park visitors and the neighboring community.

The Community Park is conceived and programmed as a predominantly passive park, designed as an undulant landscape interspersed with plains of open, green areas, and a central, one acre amorphous- shaped lake. The main entrance plaza to the park is sited on Pine Tree Drive, programmed with parking for 75 vehicles. Adjacent to the plaza is a pedestrian axis, flanking a linear water feature, which pierces through the park and terminates at the central lake as an overlook. Six tennis courts with a tennis facility and bathroom, and a new surface lot parking are sited south of the axis. To the north and east of the main entrance the remainder of the program, which includes a dog park, an amphitheater, meadows, open green areas, an ADA children's playground and a vita course, are proposed along meandering walkways and bridges that encircle the lake.

In addition to the many community benefits that the proposed park offers, it is also an excellent example of implementing nature-based design solutions to City projects. With a hydrological analysis conducted by City, the lake is designed to improve storm water quality for the surrounding neighborhood before it is discharged into the Indian Creek.

In summary, staff is supportive of the proposal for the Community Park and recommends approval of the design.

**RECOMMENDATION:**

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

TRM/JGM/FSC

**EXHIBIT 'A'**

**LEGAL DESCRIPTION**

A PARCEL OF LAND BEING A PORTION OF SECTION 27, TOWNSHIP 53 SOUTH, RANGE 42 EAST IN THE CITY OF MIAMI BEACH, DADE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:  
BEGIN AT THE NORTHWEST CORNER OF TRACT A-B-C-D-E-F-G-H-I-J-A AS SHOWN AND DESCRIBED AS "RESERVED PROPERTY" IN THE DEED FROM THE CITY OF MIAMI BEACH, FLORIDA TO THE BOARD OF PUBLIC INSTRUCTION OF DADE COUNTY, FLORIDA, AS RECORDED IN OFFICIAL RECORDS BOOK 976 AT PAGE 566 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; THENCE N06°13'57"E ALONG THE EASTERLY RIGHT-OF-WAY LINE OF PRAIRIE AVENUE FOR 298.87 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE SOUTHEAST; THENCE NORTHEASTERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF PRAIRIE AVENUE AND ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 300.00 FEET AND A CENTRAL ANGLE OF 32°20'25" FOR 169.33 FEET TO THE POINT OF TANGENCY; THENCE N38°34'22"E ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF PRAIRIE AVENUE FOR 149.01 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE SOUTHEAST; THENCE NORTHEASTERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF PRAIRIE AVENUE AND THE ARC OF SAID CURVE HAVING A RADIUS OF 200.00 FEET AND A CENTRAL ANGLE OF 35°39'00" FOR 124.44 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST 28<sup>TH</sup> STREET AND THE POINT OF TANGENCY; THENCE N74°13'22"E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF WEST 28<sup>TH</sup> STREET FOR 986.95 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE SOUTHWEST; THENCE SOUTHEASTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF WEST 28<sup>TH</sup> STREET AND THE ARC OF SAID CURVE HAVING A RADIUS OF 48.50 FEET AND A CENTRAL ANGLE OF 90°46'31" FOR 76.84 FEET TO A POINT OF NON-TANGENTIAL INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF PINE TREE DRIVE, WITH SAID POINT OF NON-TANGENTIAL INTERSECTION BEARING N74°59'35"E FROM THE CENTER OF SAID CURVE; THENCE S8°25'34"W ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF PINE TREE DRIVE FOR 616.81 FEET; THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE OF PINE TREE DRIVE, N81°34'26"W FOR 168.00 FEET; THENCE S08°25'34"W FOR 80.00 FEET; THENCE S81°34'26"E FOR 168.00 FEET TO A POINT OF INTERSECTION WITH SAID WESTERLY RIGHT-OF-WAY OF PINE TREE DRIVE; THENCE S08°25'34"W ALONG SAID WESTERLY RIGHT-OF-WAY DRIVE OF PINE TREE DRIVE FOR 527.00 FEET TO A POINT OF INTERSECTION WITH THE EASTERLY PROJECTION OF THE NORTHERLY LINE OF THE GREATER MIAMI HEBREW ACADEMY PROPERTY AS DESCRIBED IN THE DEED FROM THE CITY OF MIAMI BEACH, FLORIDA TO SAID GREATER MIAMI HEBREW ACADEMY AS RECORDED IN OFFICIAL RECORDS BOOK 2241 AT PAGE 185 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; THENCE N81°34'26"W ALONG SAID EASTERLY PROJECTION OF THE NORTHERLY LINE AND THE NORTHERLY LINE OF SAID GREATER MIAMI HEBREW ACADEMY FOR 349.03 FEET TO THE MOST NORTHERLY CORNER OF SAID GREATER MIAMI HEBREW ACADEMY PROPERTY; THENCE S34°36'34"W ALONG THE WESTERLY LINE OF SAID GREATER MIAMI HEBREW ACADEMY PROPERTY AND ITS SOUTHWESTERLY PROJECTION THEREOF, FOR 84.95 FEET; THENCE N14°17'58"W FOR 173.21 FEET; THENCE N64°26'06"W FOR 139.79 FEET; THENCE N 38°50'06"W FOR 98.61 FEET TO A POINT OF INTERSECTIONS WITH THE NORTHERLY LINE OF SAID TRACT A-B-C-D-E-F-G-H-I-J-A; THENCE N83°46'03"W ALONG SAID NORTHERLY LINE OF TRACT A-B-C-D-E-F-G-H-I-J-A FOR 500.21 FEET TO THE POINT OF BEGINNING.

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

MEETING DATE: September 05, 2017

FILE NO: DRB17-0125

PROPERTY: **2300 Pine Tree Drive/2795 Prairie Avenue – Community Park**

APPLICANT: City of Miami Beach

LEGAL: See attached 'Exhibit A'

IN RE: The Application for Design Review Approval for the substantial improvements of a former golf course into a community park including the installation of a lake, dog park areas, tennis courts, a restroom and storage facility, and parking area, in addition to other features.

**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 19 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, 3, and 5 in Section 133-50(a) of the Miami Beach Code
- D. The project would remain 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 to and approved by staff; at a minimum, such drawings shall incorporate the following:
    - a. Additional design development and material selection for the exterior elevations of the tennis pavilion structure shall be explored; this may include further articulation along the elevations to break up featureless walls, 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 final design details of the proposed fences and gates, interior to and surrounding the Park, including style, dimensions, and type, 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.
- c. The final design details of the proposed linear water entrance feature and overlook, including materials, finishes, dimensions, and type, 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.
- d. The final design details of the proposed pavilions, including materials, finishes, dimensions, and type, 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 final equipment style and location for the childrens' playground area of the Park 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.
- f. The final equipment style and location for the vita exercise course equipment area of the Park 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.
- g. 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.
- h. The final design and details of all exterior paving systems, including samples, shall be provided, in a manner to be reviewed and approved by staff.
- i. The final design and details of the park lighting systems shall be provided, in a manner to be reviewed and approved by staff.
- j. The final design and details of the proposed seating walls around the proposed amphitheatre shall be provided including materials and finishes, subject to the review and approval of staff.
- k. 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.
- l. Any roof-top fixtures, air-conditioning units and mechanical devices shall be

clearly noted on a revised plans and shall be screened from view, in a manner to be approved by staff.

- m. The final design and details of all exterior and interior lighting for the tennis pavilion and courts 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. Interior lighting shall be designed in a manner to not have an adverse overwhelming impact upon the surrounding area. No florescent or intensive 'white' lighting (or similar intensive lighting) visible from the adjacent public rights or way or adjacent properties shall be permitted.
  - n. 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.
  - o. 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. Parking areas shall be substantially screened from view from within the park, in a manner to be reviewed and approve by staff.
  - b. All landscape areas abutting driveways and parking areas shall be defined by decorative bollards.
  - c. All pathway pavers and concrete banding shall be utilized for the entire impervious area, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - d. 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.
  - e. The utilization of root barriers and/or structural soil, as applicable, shall be clearly delineated on the revised landscape plan.
  - f. 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; such fixtures and devices shall not be permitted within any required yard or any area fronting a street or sidewalk. 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.

- g. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms; such transformers and vault rooms, and all other related devices and fixtures, shall not be permitted within any required yard or any area fronting a street or sidewalk. 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.
- h. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect for 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. A Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of a Building Permit.
- B. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- C. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- D. 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.
- E. 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.

- F. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- G. 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 "Community Park Improvements, City of Miami Beach, Florida, Design Review Application – Final Submittal" by **Savino & Miller Design Studio**; dated, signed sealed March 20, 2017, 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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.



**'Exhibit A'**

**LEGAL DESCRIPTION:**

A PARCEL OF LAND BEING A PORTION OF SECTION 27, TOWNSHIP 53 SOUTH, RANGE 42 EAST IN THE CITY OF MIAMI BEACH, DADE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: BEGIN AT THE NORTHWEST CORNER OF TRACT A-B-C-D-E-F-G-H-I-J-A AS SHOWN AND DESCRIBED AS "RESERVED PROPERTY" IN THE DEED FROM THE CITY OF MIAMI BEACH, FLORIDA TO THE BOARD OF PUBLIC INSTRUCTION OF DADE COUNTY, FLORIDA, AS RECORDED IN OFFICIAL RECORDS BOOK 976 AT PAGE 566 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; THENCE N06°13'57"E ALONG THE EASTERLY RIGHT-OF-WAY LINE OF PRAIRIE AVENUE FOR 298.87 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE SOUTHEAST; THENCE NORTHEASTERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF PRAIRIE AVENUE AND ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 300.00 FEET AND A CENTRAL ANGLE OF 32°20'25" FOR 169.33 FEET TO THE POINT OF TANGENCY; THENCE N38°34'22"E ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF PRAIRIE AVENUE FOR 149.01 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE SOUTHEAST; THENCE NORTHEASTERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF PRAIRIE AVENUE AND THE ARC OF SAID CURVE HAVING A RADIUS OF 200.00 FEET AND A CENTRAL ANGLE OF 35°39'00" FOR 124.44 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST 28<sup>TH</sup> STREET AND THE POINT OF TANGENCY; THENCE N74°13'22"E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF WEST 28TH STREET FOR 986.95 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE SOUTHWEST; THENCE SOUTHEASTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF WEST 28TH STREET AND THE ARC OF SAID CURVE HAVING A RADIUS OF 48.50 FEET AND A CENTRAL ANGLE OF 90°46'31" FOR 76.84 FEET TO A POINT OF NON-TANGENTIAL INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF PINE TREE DRIVE, WITH SAID POINT OF NON-TANGENTIAL INTERSECTION BEARING N74°59'35"E FROM THE CENTER OF SAID CURVE; THENCE S8°25'34"W ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF PINE TREE DRIVE FOR 616.81 FEET; THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE OF PINE TREE DRIVE, N81°34'26"W FOR 168.00 FEET; THENCE S08°25'34"W FOR 80.00 FEET; THENCE S81°34'26"E FOR 168.00 FEET TO A POINT OF INTERSECTION WITH SAID WESTERLY RIGHT-OF-WAY OF PINE TREE DRIVE; THENCE S08°25'34"W ALONG SAID WESTERLY RIGHT-OF-WAY DRIVE OF PINE TREE DRIVE FOR 527.00 FEET TO A POINT OF INTERSECTION WITH THE EASTERLY PROJECTION OF THE NORTHERLY LINE OF THE GREATER MIAMI HEBREW ACADEMY PROPERTY AS DESCRIBED IN THE DEED FROM THE CITY OF MIAMI BEACH, FLORIDA TO SAID GREATER MIAMI HEBREW ACADEMY AS RECORDED IN OFFICIAL RECORDS BOOK 2241 AT PAGE 185 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; THENCE N81°34'26"W ALONG SAID EASTERLY PROJECTION OF THE NORTHERLY LINE AND THE NORTHERLY LINE OF SAID GREATER MIAMI HEBREW ACADEMY FOR 349.03 FEET TO THE MOST NORTHERLY CORNER OF SAID GREATER MIAMI HEBREW ACADEMY PROPERTY; THENCE S34°36'34"W ALONG THE WESTERLY LINE OF SAID GREATER MIAMI HEBREW ACADEMY PROPERTY AND ITS SOUTHWESTERLY PROJECTION THEREOF, FOR 84.95 FEET; THENCE N14°17'58"W FOR 173.21 FEET; THENCE N64°26'06"W FOR 139.79 FEET; THENCE N 38°50'06"W FOR 98.61 FEET TO A POINT OF INTERSECTIONS WITH THE NORTHERLY LINE OF SAID TRACT A-B-C-D-E-F-G-H-I-J-A; THENCE N83°46'03"W ALONG SAID NORTHERLY LINE OF TRACT A-B-C-D-E-F-G-H-I-J-A FOR 500.21 FEET TO THE POINT OF BEGINNING.