

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: September 05, 2017

FILE NO: DRB16-0092

PROPERTY: **North Shore Open Space Park**

APPLICANT: City of Miami Beach

LEGAL: See attached 'Exhibit A'

IN RE: The Application for Design Review Approval for the substantial improvements of North Shore Open Space Park.

S U P P L E M E N T A L O R D E R

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 and 5 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. All of the original conditions of approval by this Board, as reflected in the Final Order dated March 07, 2017, pursuant to DRB16-0092, shall remain in effect except as modified and approved herein
 2. 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. The final equipment style and location for the childrens' playground area of the Park shall be approved as proposed in Option 2: New playground to be installed westward of the existing location, away from the adjacent landscape cluster and restroom building.
- Option 1: New playground to remain within the existing playground limits
 - Option 2: New playground to be installed westward of the existing location, away from the adjacent landscape cluster and restroom building

The approval of Option 2 is subject to available funding. In the instance that funding is insufficient; the final location and type of equipment design in Option 1 can be reviewed and approved by staff.

- b. The design, location and type of fencing proposed along the western edge of the Park, along Collins Avenue, including any gateway entrance designs, landscaping and height of any fencing/edge condition shall be approved as proposed in Option 5: Replace existing fence panels with 30" Oolite limestone knee-wall..
- Option 1: Paint and repair existing fence
 - Option 2: Paint and repair existing fence, add planting
 - Option 3: Reduce existing fence panels to 42" height and add hedge plantings
 - Option 4: Replace existing fence panels with hedge plantings
 - Option 5: Replace existing fence panels with 30" Oolite limestone knee-wall

The approval of Option 5 is subject to available funding. In the instance that funding is insufficient, Options 1 through 4 can be reviewed and approved by staff.

- c. The design, location and type of all lighting design requested herein shall be approved as proposed in Option 2: Replace existing light fixtures with turtle friendly Olivio fixtures.
- Option 1: Existing light fixtures to remain
 - Option 2: Replace existing light fixtures with turtle friendly Olivio fixtures

The approval of Option 2 is subject to available funding. In the instance that funding is insufficient; the final location and type of lighting design in Option 1 can be reviewed and approved by staff.

- d. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may



require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.

- e. 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.
- f. 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.

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 Supplemental 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 Supplemental 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 "North Shore Open Space Park – DRB Presentation Update", and as approved by the Design Review Board, as determined by staff.

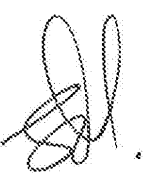
When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

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 14th day of September, 2017.

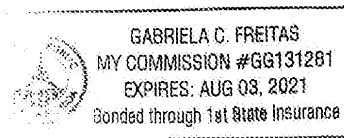


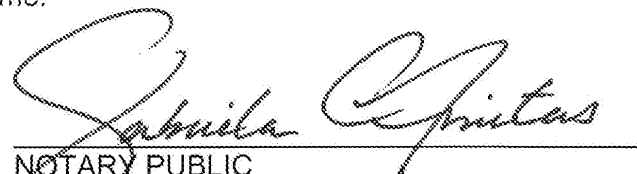
DESIGN REVIEW BOARD
 THE CITY OF MIAMI BEACH, FLORIDA

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

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

The foregoing instrument was acknowledged before me this 14th day of September 2017 by James G. Murphy, Chief of Urban Design, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.




 NOTARY PUBLIC
 Miami-Dade County, Florida
 My commission expires: 08-03-2021

Approved As To Form: _____
 City Attorney's Office: Frederick Sant (9/14/17)

Filed with the Clerk of the Design Review Board on James Murphy (9-18-17)



'Exhibit A'


LEGAL DESCRIPTION:

All of Blocks 1, 2, 3 and 4 lying West of the Miami-Dade County Erosion Control Line (ECL) as established within this area, Together With all of Blocks 13, 14, 15 and 16, Together With all the rights-of-way lying North of the North right-of-way line of 79th Street, lying South of the North right-of-way line of 83rd Street and lying East of the East right-of-way line of Collins Avenue (S.R. A-1-A), all of the CORRECTED PLAT OF ALTOS DEL MAR NO. 1, according to the plat thereof as recorded in Plat Book 31, Page 40, of the Public Records of Miami-Dade County Florida.

TOGETHER WITH:

All of Blocks 2, 3, 4 and 5 lying West of the Miami-Dade County Erosion Control Line (ECL) as established within this area, Together With all of Blocks 6, 7, 8 and 9, Together With all the rights-of-way lying North of the North right-of-way line of 83rd Street, lying South of the South right-of-way line of 87th Street and lying East of the East right-of-way line of Collins Avenue (S.R. A-1-A), all of ALTOS DEL MAR SUBDIVISION NO. 2, according to the plat thereof as recorded in Plat Book 4, Page 162, of the Public Records of Miami-Dade County Florida.

Said lands situate within the City of Miami Beach, Miami-Dade County, Florida.

A handwritten signature in black ink, located in the bottom right corner of the page. The signature is stylized and appears to consist of two main parts, possibly initials or a name, written in a cursive-like fashion.