

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: October 02, 2018

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **DRB18-0311**(aka Design Review File No. 0716-0043)
8127 Crespi Boulevard

The applicant, Brickland 1 LLC, is requesting a (1) one year Extension of Time for a previously issued Design Review Approval for the construction of a new (3) three-story, four-unit townhouse building on a vacant site, including variances. (ITEM WAS APPROVED AT THE November 01, 2016 DRB MEETING).

RECOMMENDATION:

Approval of the (1) one-year Extension of Time

LEGAL:

See Exhibit 'A'

HISTORY:

The application was approved by the Design Review Board on November 01, 2016 subject to the conditions set forth in the "Final Order", pursuant to DRB File No. 0716-0043. Since that time, the applicant has not yet applied for the required building permit.

A building permit was applied for on December 15, 2015 pursuant to B1601284, but was never reviewed through completion and became void in status.

On February 4, 2014, the Design Review Board approved the same application, pursuant to DRB File No. 23018. On May 2, 2014, the Board of Adjustment granted the same variances as requested within this application on the above mentioned structure, pursuant to BOA File No. 3704. The applicant failed to obtain a building permit in the allocated timeframe; as such both Land Use Board orders expired.

Prior to this, in 2005, a previous project was also approved by the Design Review Board (DRB File No. 18743) and obtained variances (BOA File No. 3111) and again all approvals expired and the project was never started.

Original Approval Date:	November 01, 2016
Order Expiration Date:	May 01, 2018
90 Day Threshold:	August 01, 2018
Proposed Expiration Date:	May 01, 2019

THE PROJECT:

In preparation of the Design Review Board application for an extension of time, the applicant met with City staff. At the meeting, the applicant expressed their need for the extension of time, as well as stated that they were in the process of developing the construction documents in hopes of submitting for a building permit if/when the Design Review Board granted the

extension. Since no building permit has been applied for at this time, staff has some hesitations in granting the extension of time, specifically due to substantial modifications to the zoning regulations and underlying jurisdiction of the subject property.

Since the original approval in 2016, the RM-1 zoned subject property now falls within the recently adopted North Beach National Register Conservation (NBNRC) District Overlay, which was adopted on April 11, 2018. The NBNRC is composed of area specific regulations that are intended to incentivize the retention of existing 'Contributing' buildings, as well as ensure that new infill buildings are compatible with their surroundings. Further, on May 16, 2018, the City Commission adopted the Tatum Waterway expansion of the North Shore Local Historic District, which among many other things, means the development would be under the jurisdiction of the Historic Preservation Board as opposed to the Design Review Board.

In analyzing the project's history, staff requested as part of the DRB application that the owner provide information concerning the development company, background information of the project, as well as a timeline of project milestones to better understand the intent of the owner/developer. The requested documentation was not submitted as part of the application's original letter of intent for the extension of time. However, the applicant did submit to staff a supplemental Letter of Intent, dated August 28, 2018, that outlines the history of the project under its new ownership, as well as milestone dates for the production of construction documents and obtainment of a building permit.

Having reviewed the provided supplemental information, Staff recommends the applicant's request for an extension of time be approved

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the request for an extension of time be approved.

TRM/JGM/FSC

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Exhibit 'A'

Biscayne Beach Sub PB 44-67, Northerly 1/2 of Lot 19 Blk 9 Description beginning at NW corner of lot 19 South 27 feet, thence Southeast 122.26 feet, thence North 68.5 feet, thence West 115 feet to point of beginning

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: October 02, 2018

FILE NO: DRB18-0311(a.k.a. DRB0716-0043)

PROPERTY: **8127 Crespi Boulevard**

APPLICANT: Brickland 1 LLC

LEGAL: See Exhibit 'A'

IN RE: The Application for a (1) one year Extension of Time for a previously issued Design Review Approval for the construction of a new (3) three-story, four-unit townhouse building on a vacant site, including variances.

ORDER

The City of Miami Beach Design Review Board makes the following FINDING 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:

The applicant submitted information establishing, among other things, that delays were encountered in permitting the project. The foregoing constitutes good cause for granting a one (1) year extension of time to the requirement that a Full Building Permit be obtained within eighteen (18) months of the original Design Review Approval.

IT IS HEREBY ORDERED, based upon the foregoing finding of fact and the staff report and analysis, which is adopted herein, including the recommendation, that a one (1) year extension of time to obtain a full building permit (which one [1] year period shall run from the expiration date of the original approval, which was on November 01, 2016) is granted for the above-referenced project conditioned upon the following, to which the applicant has agreed:

1. A full building permit, not a foundation or shell permit, for the project shall be obtained by September May 01, 2019.
2. Construction shall commence and continue in accordance with the applicable Building Code.
3. This Extension of Time shall run concurrent with any other Extensions of Time that may be provided to the property owner as a result of actions of non-City authorities with jurisdiction over such matters.
4. 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.
5. 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.

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 and the Order for the January 15, 2016 approval have been met. The issuance of Design Review Approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including 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 and the Final Order for the January 15, 2016 meeting. If the Full Building Permit is not issued by July 15, 2018, the Design Review Approval will expire and become null and void. If the Full Building Permit 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 Design Review Approval will expire and become null and void.

Dated this _____ day of _____, 20_____.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

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

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)SS

The foregoing instrument was acknowledged before me this _____ day of _____, 20____ 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:

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

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