

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: September 01, 2020

PROPERTY/FOLIO: 2300 Pine Tree Drive/2795 Prairie Avenue – 02-3227-000-0100

FILE NO: DRB20-0563

IN RE: An application requesting Design Review Approval for the substantial improvements of a former golf course into a community park including the excavation of a lake, dog park areas, tennis courts, a restroom and storage facility, and parking area, in addition to other features including new signage. This project was previously approved on September 05, 2017. This project will require GU waivers from the sign regulations to be approved by City Commission

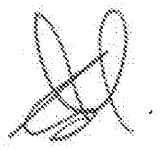
LEGAL: See attached 'Exhibit A'

ORDER

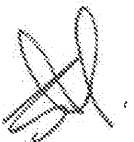
The City of Miami Beach Design Review Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

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. The design of park signage shall be approved as proposed and shall be subject to the GU waiver process for approval by the City Commission.

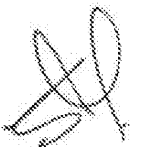


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- b. Additional design development and material selection for the exterior elevations of the tennis pavilion structure shall be explored; this may include further articulation along the elevations to break up featureless walls, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - c. 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.
 - d. 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.
 - e. 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.
 - f. 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.
 - g. 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.
 - h. 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.
 - i. 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.
 - j. The final design and details of the park lighting systems shall be provided, in a manner to be reviewed and approved by staff.
 - k. 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.
 - l. 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.

- m. 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.
 - n. 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 of way or adjacent properties shall be permitted.
 - o. 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.
 - p. 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.

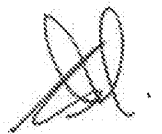
PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "Community Park Improvements, City of Miami Beach, Florida, Design Review Application – Final Submittal" by Savino & Miller Design Studio; dated, signed sealed March 20, 2017, and as approved by the Design Review 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.



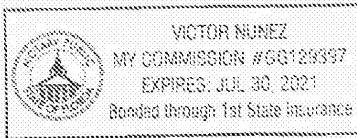
Dated this 03 day of September, 2020.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: *James G. Murphy*
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 03 day of September, 2020 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.



Victor Nunez
NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: July 30, 2021

Approved As To Form: _____
City Attorney's Office: *Nick Callegre* (9/2/2020 | 11:51 PM EDT)
Filed with the Clerk of the Design Review Board on *James G. Murphy* (9/17/20)

[Handwritten mark]

'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 28TH 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.