

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: November 1, 2016

FILE NO: DRB0716-0043

PROPERTY: **8127 Crespi Boulevard – Townhouses**

APPLICANT: Brickland 1 LLC,

LEGAL: BISCAYNE BEACH SUB PB 44-67, Northerly 1/2 OF LOT 19 BLK 9
DESC BEG NW Corner of LOT 19 S27FT SE122.26FT, N68.5FT
W115FT TO POB

Folio: 02-3202-008-2160

IN RE: The Application for Design Review Approval for the construction of a new (3) three-story, four-unit townhouse building on a vacant site, including variances from the required lot size and lot width, from the minimum rear pedestal setback, from the required area for parking spaces, from the required width for an interior drive aisle, from the required clearance from columns to driveway and from the required side setback for parking.

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 1-5 and 10 in Section 118-251 of the Miami Beach Code.
- C. The project would remain consistent with the criteria and requirements of Section 118-251 if the following conditions are met:
 1. Revised elevation, site plan, and floor plan drawings for the proposed new home at 8127 Crespi Boulevard shall be submitted, at a minimum, such drawings shall incorporate the following:

- a. All plans, elevations, and rendering shall be drawn accurately to consistent scales and shall be further developed and corrected to be made consistent in the design for the proposed building and shall clearly show and dimension all heights and setbacks, 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 elevation and plan drawings shall be made consistent with the design~~ shown in the perspective views drawings presented to the Board subject to any conditions imposed by the Board, 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 design of the screening of the parking from the neighboring properties and waterway shall be further developed and detailed, 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 proposed location of the air-conditioning units and mechanical devices shall not be permitted. All air-conditioning units and mechanical devices shall be clearly noted and located on a revised roof plan. All mechanical fixtures shall be located as close to the center of the roof as possible and screened on all sides from view, in a manner to be approved by staff
- e. The amount of decking and structures proposed within the required rear yard shall be reduced and shall not occupy more than 30% of the area of the required rear yard and provided it is not located closer than seven and one-half feet to a rear or interior side lot line.
- f. The north and south side elevations of the proposed building shall be further studied and substantially refined to incorporate additional fenestration, changes in plane, recesses or projections, or other design device(s) to create additional architectural interest, 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 elevations shall match as closely as possible the rendered elevations and renderings, and not the non-rendered line elevation drawings, ~~submitted as part of the final set of plans entitled "4-Townhouse Units Building Sealand"~~ as prepared by **Fermin Martinez PE**, dated September 8, 2016.
- h. Complete railing details, including materials and finishes, 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.
- i. A high quality wood shall be required for all exterior paneling and louvers, such as Ipe or an equivalent manufactured exterior wood product, in a

manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

- j. The security door/gate located at the front of the property in the required north side yard shall be further studied and refined in design, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - k. A properly architecturally designed automatic overhead garage gate shall be required for the parking garage, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - l. The final design and details, including materials, exterior finishes, glazing, railings, and any architectural projections and features, 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.
 - m. The trash containers located in the sideyard shall not be permitted. An enclosed and screened trash container area shall be provided at the northwest corner of the building in the area currently labeled "planter", in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - n. The applicant shall further explore the introduction of more planters, low walls for landscape purposes, or other architectural details, to better define and secure the individual entrances to the three townhouse units in the rear, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - o. An exterior lighting plan shall be designed and shall demonstrate that all site lighting shall be contained within the subject property and that none shall shine into the neighboring properties, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - p. 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.
 - q. 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. Street trees shall be required within the swale at the front of the property if not in conflict with existing utilities, 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 overall square footage of hardscape shall be reduced and foundation landscape areas increased at the ground level subject to the review and approval of staff. Also, those portions of the walkways located within the rear and interior side yards, which are not intended to provide a single access to the trash room, shall be eliminated and replaced with understory plant material.
- c. The architect shall install an additional landscape along the north and south side property lines in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- d. All exterior walkways shall consist of decorative pavers, set in sand or other semi-pervious material, subject to the review and approval of staff.
- e. 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.
- f. The utilization of root barriers and/or Sivla Cells as applicable, shall be clearly delineated on the revised landscape plan.
- g. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow prevention devices. Backflow prevention devices shall not be permitted within any required yard or any area fronting a street or sidewalk, unless otherwise permitted by the Land Development Regulations. The location of all backflow prevention devices, and how they are screened 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. The fire department shall require a post-indicator valve (PIV) visible and accessible from the street. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all post-indicator valves (PIV), fire department connections (FDC) and all other related devices and fixtures, which shall be clearly indicated on the site and landscape plans.
- h. 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, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

- i. ~~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. The applicant filed an application with the Planning Department for the following variance(s):
 1. A variance to reduce 109 SF of the minimum required lot size of 5,600 SF in the RM-1 zoning district in order to construct a new residential building on a lot containing 5,491 SF.
 2. A variance to reduce by 15'-8" the minimum required lot width of 50'-0" in order to construct a new residential building on a lot with a width of 34'-4".
 3. A variance to reduce by 3'-6" the minimum required rear pedestal setback of 11'-6" in order to construct a new residential building at 8'-0" from the rear property line.
 4. A variance to reduce by 0'-6" the minimum required width of 8'-6" for a standard off-street parking space in order to have six (6) parking spaces with an area of 8'-0" by 18'-0" for a new residential building.
 5. A variance to reduce by 2'-0" the minimum required width of 22'-0" interior drive aisle for 90° parking in order to have six (6) parking spaces with an interior drive aisle of 20'-0".
 6. A variance to reduce all required 1'-6" distance separation from the columns to the interior driveway for 90° parking in order to construct the driveway for six parking spaces up to the building columns.

7. A variance to reduce 1'-4" from the minimum required interior side setback of 5'-0" for at grade parking in order to construct parking at 3'-8" from the north property line.
 - B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.
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The applicant has submitted plans and documents with the application that also indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

That the special conditions and circumstances do not result from the action of the applicant;

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare, and

That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

- C. The Board hereby **Approves** the requested variance(s), and imposes the following conditions based on its authority in Section 118-354 of the Miami Beach City Code:
 1. 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.

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. The applicant shall pay to the City all applicable Concurrency Mitigation Fees prior to obtaining a Building Permit or the issuance of the Certificate of Use or Business Tax Receipt, whichever comes first.
- C. 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.
- D. In the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, subject to the review and approval of staff based upon the design review or appropriateness criteria, and/or directions received from the Board.
- E. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- F. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- G. 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.
- H. 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.

- I. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- J. 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 adopted by the Board, that the Application for Design Review approval is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "4-Townhouse Units Building Sealand" as prepared by **Fermin Martinez PE**, dated September 8, 2016, 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 set forth in this Order. 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, 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 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.

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 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 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 3rd day of November, 2016

DESIGN REVIEW BOARD

THE CITY OF MIAMI BEACH, FLORIDA

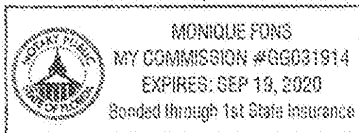
BY: 
DEBORAH J. TACKETT
DESIGN AND PRESERVATION MANAGER
FOR THE CHAIR


STATE OF FLORIDA)

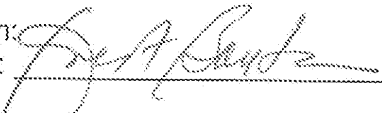
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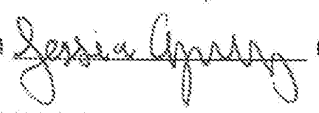
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 3rd day of
November 2016 by Deborah J. Tackett, Design and Preservation Manager,
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: 9/19/2020

Approved As To Form:
City Attorney's Office:  (11/2/16)

Filed with the Clerk of the Design Review Board on  (11/3/16)

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