

February 12, 2016

VIA HAND DELIVERY

Mr. Thomas Mooney, Director
Planning & Zoning Department
City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139

Re: *Application to the Design Review Board*
Property Address: 1844 W 23 Street, Miami Beach, FL

Dear Mr. Mooney:

Please accept this correspondence as our letter of explanation in support of the attached public hearing application to the Design Review Board (the "Board") for an extension of time to obtain a full building permit for the construction of a single family home located at 1844 W 23 Street, which is legally described as Lot 11, Block 3H, in accordance with the third revised Plat of Sunset Islands as recorded in Plat Book 40, Page 8, of the Public Records of Miami-Dade County, Florida (the "Property"). This law firm serves as special land use counsel to 1844 W 23RD, LLC, a Florida limited liability company, the owner of the Property (the "Applicant").

The attached application to the Board, which is submitted in accordance to Section 118-258(c), of the City of Miami Beach Code of Ordinances ("Code"), seeks an extension of time to obtain a full building permit for construction on the Property. The aforementioned Code section provides that, "Extensions for good cause, not to exceed a total of one year for all extensions, may be granted by the board, at its sole discretion, provided the applicant submits a request in writing to the planning director no later than 90 calendar days after the expiration of the original approval, showing good cause for such extension."

On September 2, 2014 the City of Miami Beach Design Review Board (the "Board") rendered and order granting approval of the Applicant's proposed project. Following Board approval, the Applicant has applied for the following permits:

1. Permit No. B1501254 for the replacement of the seawall at the Property has been APPROVED by the City of Miami Beach professional staff. The valuation of this permit at the time of issuance was \$100,000.00.
2. Permit No. B1501466 for a 180 foot temporary chain link fence with swing gate for the Property has a status of FINAL. This permit had a valuation of \$4,000.00 at the time of issuance.

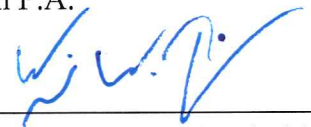
3. Permit No. B1504147 for a dock installation adjacent to the existing seawall at the Property has been APPROVED by the City of Miami Beach professional staff. This permit had a valuation of \$50,000.00 at the time of issuance.
4. Permit No. BD160123 for the demolition to the existing single main house and carport and partial demolition of the attached guest house has been APPLIED for and is currently pending review by the City of Miami Beach professional staff.
5. Permit No. B1601598 for site work and construction of a new single story single family home and renovation of an existing guest house has been APPLIED for and is currently pending review by the City of Miami Beach professional. This permit had a valuation of \$1,654,250.00.

Based on the foregoing and the supportive documentation attached hereto, we respectfully request your support for a one (1) year extension of time to complete the building permit review process and obtain a full building permit. Thank you for your consideration.

Very Truly Yours,

Gray Robinson P.A.

By: _____


William W. Riley, a Shareholder

MIAMI BEACH

PLANNING DEPARTMENT

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139

File No: _____
Date: _____
MCR No: _____
Amount: _____
Zoning Classification _____
(For Staff Use Only)

STANDARD APPLICATION FORM DEVELOPMENT REVIEW BOARD HEARING

1. The below listed applicant wishes to appear before the following City Development Review Board for a scheduled public hearing: NOTE: This application form must be completed separately for each applicable Board hearing a matter.

- ☐ BOARD OF ADJUSTMENT ☐ HISTORIC PRESERVATION BOARD
☒ DESIGN REVIEW BOARD ☐ PLANNING BOARD
☐ FLOOD PLAIN MANAGEMENT BOARD

NOTE: Applications to the Board of Adjustment will not be heard until such time as the Design Review Board, Historic Preservation Board and/or the Planning Board have rendered decisions on the subject project.

2. THIS REQUEST IS FOR:

- a. ☐ A VARIANCE TO A PROVISION(S) OF THE LAND DEVELOPMENT REGULATIONS (ZONING) OF THE CODE
b. ☐ AN APPEAL FROM AN ADMINISTRATIVE DECISION
c. ☐ DESIGN REVIEW APPROVAL
d. ☐ A CERTIFICATE OF APPROPRIATENESS FOR DESIGN
e. ☐ A CERTIFICATE OF APPROPRIATENESS TO DEMOLISH A STRUCTURE
f. ☐ A CONDITIONAL USE PERMIT
g. ☐ A LOT SPLIT APPROVAL
h. ☐ AN HISTORIC DISTRICT/SITE DESIGNATION
i. ☐ AN AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS OR ZONING MAP
j. ☐ AN AMENDMENT TO THE COMPREHENSIVE PLAN OR FUTURE LAND USE MAP
k. ☐ TO REHAB, TO ADD TO AND / OR EXPAND A SINGLE FAMILY HOME
l. ☒ OTHER: Extension of Time / Board Order 23077

3. NAME & ADDRESS OF PROPERTY: 1844 W 23rd Street

LEGAL DESCRIPTION: Lot 11, Block 3H, Sunset Islands - No. 3, according to the plat thereof as recorded in Plat Book 40, Page 8, of
the Public Records of Miami-Dade County, Florida.

4. NAME OF APPLICANT 1844 W 23rd LLC, a Florida limited liability company

Note: If applicant is a corporation, partnership, limited partnership or trustee, a separate Disclosure of Interest Form (Pages 6-7) must be completed as part of this application.

4500 Biscayne Boulevard, Suite 200

Miami

FL

33137

ADDRESS OF APPLICANT

CITY

STATE

ZIP

BUSINESS PHONE # Not applicable

CELL PHONE # Not applicable

E-mail address: Not applicable

5. NAME OF PROPERTY OWNER (IF DIFFERENT FROM #4, OTHERWISE, WRITE "SAME") _____
SAME

If the owner of the property is not the applicant and will not be present at the hearing, the Owner/Power of Attorney Affidavit (Page 4) must be filled out and signed by the property owner. In addition, if the property owner is a corporation, partnership, limited partnership or trustee, a separate Disclosure of Interest Form (Pages 6 - 7) must be completed.

Not applicable

ADDRESS OF PROPERTY OWNER CITY STATE ZIP

BUSINESS PHONE # Not applicable CELL PHONE # Not applicable

E-mail address: Not applicable

6. NAME OF ARCHITECT, LANDSCAPE ARCHITECT, ENGINEER, CONTRACTOR OR OTHER PERSON RESPONSIBLE FOR PROJECT DESIGN

Shulman + Associates 100 NE 38th St., Space 2 Miami FL 33137
NAME (please circle one of the above) ADDRESS CITY STATE ZIP

BUSINESS PHONE # (305) 438-0609 CELL PHONE # Not applicable

E-mail address: _____

7. NAME OF AUTHORIZED REPRESENTATIVE(S), ATTORNEY(S), OR AGENT(S) AND/OR CONTACT PERSON:

a. William W. Riley, Esq. 333 SE 2nd Avenue, Suite 3200 Miami FL 33131
NAME ADDRESS CITY STATE ZIP

BUSINESS PHONE # (305) 416-6880 CELL PHONE # (786) 282-9899

E-mail address: William.Riley@gray-robinson.com

b. NAME ADDRESS CITY STATE ZIP

BUSINESS PHONE # CELL PHONE #

E-mail address: _____

c. NAME ADDRESS CITY STATE ZIP

BUSINESS PHONE # CELL PHONE #

E-mail address: _____

NOTE: ALL ARCHITECTS, LANDSCAPE ARCHITECTS, ENGINEERS, CONTRACTORS OR OTHER PERSONS RESPONSIBLE FOR PROJECT DESIGN, AS WELL AS AUTHORIZED REPRESENTATIVE(S), ATTORNEY(S), OR AGENT(S) AND/OR CONTACT PERSONS, WHO ARE REPRESENTING OR APPEARING ON BEHALF OF A THIRD PARTY, UNLESS SOLELY APPEARING AS AN EXPERT WITNESS, ARE REQUIRED TO REGISTER AS A LOBBYIST WITH THE CLERK, PRIOR TO THE SUBMISSION OF AN APPLICATION.

8. SUMMARY OF PROPOSAL:

Please see applicant's letter of explanation attached hereto and incorporated herein.

9. IS THERE AN EXISTING BUILDING(S) ON THE SITE? YES (X) NO ()

10. WILL ALL OR ANY PORTION OF THE BUILDING(S) INTERIOR AND/OR EXTERIOR, BE DEMOLISHED? [X] YES [] NO

11. TOTAL FLOOR AREA (FAR) OF NEW BUILDING (if applicable): _____ Not applicable _____ SQ. FT.

12. TOTAL GROSS FLOOR AREA OF NEW BUILDING (including required parking and all usable floor space) _____ Not applicable _____ SQ. FT.

13. TOTAL FEE: (to be completed by staff) \$ _____

PLEASE NOTE THE FOLLOWING:

- *Applications for any Board hearing(s) will not be accepted without payment of the required fee. All checks are to be made payable to: "City of Miami Beach."*
- *Public records notice: all documentation, application forms, maps, drawings, photographs, letters and exhibits will become a part of the public record maintained by the City of Miami Beach Planning Department and shall under Florida Statute, be disclosed upon proper request to any person or entity.*
- *In accordance with the requirements of Section 2-482 of the Code of the City of Miami Beach, any individual or group (Lobbyist) that has been, or will be, compensated to either speak in favor or against a project being presented before any of the City's Development Review Boards, shall be fully disclosed prior to the public hearing. All such individuals and/or groups must register with the City Clerk prior to the hearing.*
- *In accordance with Section 118-31 of the Code of the City of Miami Beach, all applicants shall, prior to the public hearing, fully disclose any consideration provided or committed, directly or on its behalf, for an agreement to support or withhold objection to the requested approval, relief or action (exclusive of all legal or professional design services). Such disclosure shall:*
 1. *Be in writing.*
 2. *Indicate to whom the consideration has been provided or committed.*
 3. *Generally describe the nature of the consideration.*
 4. *Be read into the record by the requesting person or entity prior to submission to the secretary/clerk of the respective board.*

In the event the applicable development review board determines that the foregoing disclosure requirement was not timely satisfied by the person or entity requesting approval, relief or other action as provided above, then the application or order, as applicable, shall immediately be deemed null and void without further force or effect, and no application from said person or entity for the subject property shall be reviewed or considered by the applicable board(s) until expiration of a period of one year after the nullification of the application or order. It shall be unlawful to employ any device, scheme or artifice to circumvent the disclosure requirements of this section and such circumvention shall be deemed a violation of the disclosure requirements of this section.

- *When the applicable Boards reach a decision, a Final Order will be issued stating the Board's decision and any conditions imposed therein. The Final Order must be recorded in the Office of the Recorder of Miami-Dade County; the original shall remain on file with the board clerk/secretary. Under no circumstances will a building permit be issued by the City of Miami Beach without a copy of the recorded Final Order being tendered along with the construction plans.*

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact 305-604-2489 (voice) or 305-673-7218 (TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

PLEASE COMPLETE ONE OR MORE OF THE FOLLOWING THREE AFFIDAVITS, AS APPLICABLE. NOTE: THE PROPERTY OWNER MUST FILL OUT AND SIGN THE "POWER OF ATTORNEY" PORTION IF THEY WILL NOT BE PRESENT AT THE HEARING, OR IS HAVING OTHER PERSONS SPEAK ON THEIR BEHALF.

OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF _____

COUNTY OF _____

I, _____, being first duly sworn, depose and say that I am the owner of the property described and which is the subject matter of the proposed hearing; that all the answers to the questions in this application and all sketches data and other supplementary matter attached to and made a part of the application are true and correct to the best of my knowledge and belief. I understand this application must be completed and accurate before a hearing can be advertised. I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a NOTICE OF PUBLIC HEARING on my property as required by law and I take the responsibility of removing this notice after the date of hearing.

PRINT NAME

SIGNATURE

Sworn to and subscribed before me this _____ day of _____, 20____. The foregoing instrument was acknowledged before me by _____, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

NOTARY PUBLIC

PRINT NAME

My Commission Expires: _____

**ALTERNATE OWNER AFFIDAVIT FOR
CORPORATION or PARTNERSHIP**

(Circle one)

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, George L. Lindemann, Jr. being duly sworn, depose and say that I am the Manager of 1844 W 23rd LLC, a Florida limited liability company and as such, have been authorized by such entity to file this application that all answers to the questions in the application and all sketches, data and other supplementary matter attached to and made a part of the application are true and correct to the best of our knowledge and belief; that the corporation is the owner/tenant of the property described herein and is the subject matter of the proposed hearing. We understand this application must be completed and accurate before a hearing can be advertised. I also hereby authorize the City of Miami Beach to enter the subject property for the sole purpose of posting a NOTICE OF PUBLIC HEARING on the property as required by law and I take the responsibility of removing this notice after the date of hearing.

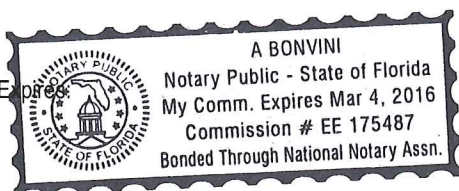
George Lindemann
PRINT NAME

[Signature]
SIGNATURE

Sworn to and subscribed before me this 11 day of February, 2016. The foregoing instrument was acknowledged before me by _____ of _____, on behalf of such entity, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP:

My Commission Expires: _____



[Signature]
NOTARY PUBLIC
ANA Alexis BONVINI
PRINT NAME

POWER OF ATTORNEY AFFIDAVIT

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

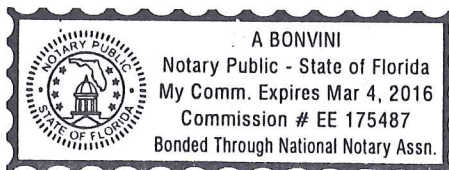
I, George L. Lindemann, Jr., being duly sworn and depose say that I am the owner or representative of the owner of the described real property and that I am aware of the nature and effect of the request for design review board approval relative to the subject property, which request is hereby made by me OR I am hereby authorizing William W. Riley, Jr., shareholder at GrayRobinson P.A. to be my representative before the Design Review Board. I also hereby authorize the City of Miami Beach to enter the subject property for the sole purpose of posting a NOTICE OF PUBLIC HEARING on the property as required by law and I take the responsibility of removing this notice after the date of hearing.

George Lindemann
PRINT NAME (and Title, if applicable)

[Signature]
SIGNATURE

Sworn to and subscribed before me this 11 day of February, 2016. The foregoing instrument was acknowledged before me by _____ of _____ who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



My Commission Expires:

[Signature]
ANA Alexis Bonvini NOTARY PUBLIC
PRINT NAME

CONTRACT FOR PURCHASE

If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether the purchaser is a corporation, trustee or partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries or partners. Where the principal officers, stockholders, beneficiaries or partners consist of another corporation, trust, partnership or other similar entity, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity. If any contingency clause or contract terms involve additional individuals, corporations, partnerships or trusts, list all individuals and/or complete the appropriate disclosure clause above.*

Not applicable

NAME

NAME, ADDRESS, AND OFFICE

DATE OF CONTRACT

% OF STOCK

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the dates of final public hearing, a supplemental disclosure of interest shall be filed.

**CITY OF MIAMI BEACH
DEVELOPMENT REVIEW BOARD APPLICATION**

DISCLOSURE OF INTEREST

1. CORPORATION

If the property which is the subject of the application is owned or leased by a CORPORATION, list ALL of the stockholders, and the percentage of stock owned by each. Where the stockholders consist of another corporation(s), trustee(s), partnership(s) or other similar entity, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.*

| | |
|--|--------------|
| <u>1844 W 23rd LLC. a Florida limited liability company</u> CORPORATION NAME | |
| | |
| NAME AND ADDRESS | % OF STOCK |
| <u>BC Property II, LC</u> <u>4500 Biscayne Boulevard, Suite 200 , Miami, Florida 33137</u> | <u>100%</u> |
| <u>BC Property II, LC, a Florida limited liability company</u> CORPORATION NAME | |
| <u>George Lindemann Family Limited Partnership, Series 4</u> <u>4500 Biscayne Boulevard, Suite 200 , Miami, Florida 33137</u> | <u>90.8%</u> |
| <u>Jud Laird</u> <u>4500, Biscayne Boulevard, Suite 200, Miami, Florida 33137</u> | |
| <u>Lindemann Investment Corp., a Delaware corporation</u> CORPORATION NAME | <u>9.2%</u> |
| | |
| NAME AND ADDRESS | % OF STOCK |
| <u>George Lindemann, Jr.</u> <u>4500 Biscayne Boulevard, Suite 200, Miami, Florida 33137</u> | <u>100%</u> |
| <u> </u> | |
| <u> </u> | |
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IF THERE ARE ADDITIONAL CORPORATIONS, LIST OTHERS, INCLUDING CORP. NAME(S) AND EACH INDIVIDUAL STOCKHOLDER'S NAME, ADDRESS, OFFICE AND PERCENTAGE OF STOCK, ON A SEPARATE PAGE.

NOTE: Notarized signature required on page 8

**CITY OF MIAMI BEACH
DEVELOPMENT REVIEW BOARD APPLICATION**

DISCLOSURE OF INTEREST

2. TRUSTEE

If the property which is the subject of the application is owned or leased by a TRUSTEE, list the beneficiaries of the trust and the percentage of interest held by each. Where the beneficiary/beneficiaries consist of corporations(s), another trust(s), partnership(s) or other similar entity, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.*

| <u>Not Applicable</u> | |
|-----------------------|------------|
| TRUST NAME | |
| NAME AND ADDRESS | % OF STOCK |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

3. PARTNERSHIP/LIMITED PARTNERSHIP

If the property which is the subject of the application is owned or leased by a PARTNERSHIP or LIMITED PARTNERSHIP, list the principals of the partnership, including general and limited partners. Where the partner(s) consist of another partnership(s), corporation(s), trust(s) or other similar entity, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.*

| <u>George Lindemann Family Limited Partnership, Series 4</u> | |
|--|------------|
| PARTNERSHIP or LIMITED PARTNERSHIP NAME | |
| NAME AND ADDRESS | % OF STOCK |
| Lindemann Investment Corp., a Delaware corporation | 1% |
| 4500 Biscayne Boulevard, Suite 200, Miami, Florida 33137 | |
| | |
| | |
| George L. Lindemann, Jr. | |
| 4500 Biscayne Boulevard, Suite 200, Miami, Florida 33137 | 99% |
| | |
| | |

NOTE: Notarized signature required on page 8

4. COMPENSATED LOBBYIST:

The City of Miami Beach Code sub-section 118-31 requires the disclosure of any individual or group which has been, or will be, compensated to either speak in favor of or against a project being presented before any of the City's Development Review Boards, or not to speak at all. Please list below all persons or entities encompassed by this section.

| NAME | ADDRESS | PHONE # |
|---|--|----------------|
| a. William W. Riley, Jr., GrayRobinson P.A. | 333 SE 2nd Avenue, Suite 3200, Miami, FL 33131 | (305) 416-6880 |
| b. _____ | _____ | _____ |
| c. _____ | _____ | _____ |

Additional names can be placed on a separate page attached to this form.

* Disclosure shall not be required of any entity, the equity interest in which are regularly traded on an established securities market in the United States or other country, or of any entity, the ownership interests of which are held in a limited partnership or other entity consisting of more than 5,000 separate interests and where no one person or entity holds more than a total of 5% of the ownership interests in the limited partnership or other entity.

APPLICANT HEREBY ACKNOWLEDGES THAT ANY APPROVAL GRANTED BY THE BOARD SO APPLIED TO, SHALL BE SUBJECT TO ANY AND ALL CONDITIONS IMPOSED BY SUCH BOARD AND BY ANY OTHER BOARD HAVING JURISDICTION, AND THAT THE PROJECT MUST ALSO COMPLY WITH THE CODE OF THE CITY OF MIAMI BEACH AND ALL OTHER APPLICABLE LAW.

APPLICANT AFFIDAVIT

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

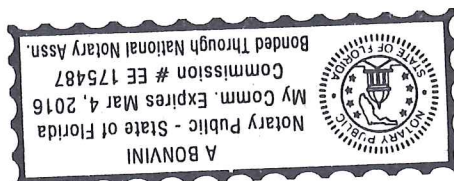
I, George L. Lindemann, Jr., (list name of corporation and office designation as applicable) being first duly sworn, depose and say that I am the applicant, or the representative of the applicant, for the subject matter of the proposed hearing; that all the answers to the questions in this application and all sketches, data and other supplementary matter attached to and made a part of the application and the disclosure information listed on this application is a full disclosure of all parties of interest in this application are true and correct to the best of my knowledge and belief.

[Signature]
SIGNATURE

Sworn to and subscribed before me this 11 day of February, 2016. The foregoing instrument was acknowledged before me by _____, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

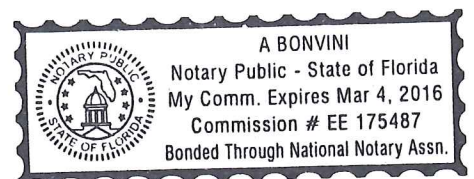
NOTARY SEAL OR STAMP

My Commission Expires:



[Signature]
NOTARY PUBLIC
ANA Alexis Bonvini
PRINT NAME

F:\PLAN\SALL\FORMS\DEVELOPMENT REVIEW BOARD APPLICATION JUL 2013.DOCX



DESIGN REVIEW BOARD
City of Miami Beach, Florida

CFN 2016R0068982
OR BK 29949 Pgs 1513-1517 5 Pgs
RECORDED 02/03/2016 15:40:46
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

MEETING DATE: September 02, 2014

FILE NO: 23077

PROPERTY: 1844 West 23rd Street

LEGAL: Lot 11, Block 3-H, of Island No. 3 of Sunset Islands, as Recorded in Plat Book 40, Page 8, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval for the construction of a new one-story single family home to replace an existing pre-1942 architecturally significant two-story home, to be demolished.

ORDER

The applicant, 1844 W 23rd LLC, filed an application with the City of Miami Beach Planning Department for Design Review Approval.

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:

- A. 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 consistent with Design Review Criteria in Section 118-251 of the Miami Beach Code.
- B. 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 shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. If an accessible habitable roof deck is proposed in the future, Design Review Board review and approval would be required.

CERTIFICATION

THIS IS TO CERTIFY THAT THE ATTACHED DOCUMENT
IS A TRUE AND ACCURATE COPY OF THE ORIGINAL ON
FILE IN THE OFFICE OF THE PLANNING DEPARTMENT.

[Signature] *9-10-14*
(Signature of Planning Director or Designee) (Date)

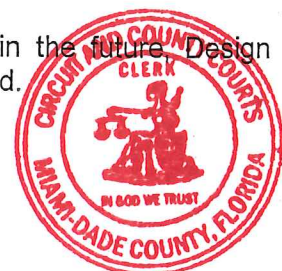
Personally known to me or Produced ID: _____

[Signature]
Notary Public, State of Florida at Large
Printed Name: *TERESA MARIA*
My Commission Expires: (Seal)

This document contains 5 pages.



TERESA MARIA
MY COMMISSION # FF 042188
EXPIRES: December 2, 2017
Bonded Three Budget Notary Services



- b. As proffered by the applicant, the proposed AC units shall be relocated to be adjacent to the existing one-story structure to be retained.
 - c. 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.
 - d. 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, 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. Any landscaping proposed within the required rear yard of the property shall be limited to a maximum height of approximately 10 feet, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - b. 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.
 - c. Any fence or gate at the front of the property shall be designed in a manner consistent with the home's architecture, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - d. Any existing plant material within the public right-of-way may be required to be removed, at the discretion 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 Silva 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 preventors and all other related devices and fixtures. 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.



- h. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms. 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.
 - i. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or 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.
3. The final design details and material sample of the exterior oolitic limestone 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.
4. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
5. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
6. 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.
7. 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.
8. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
9. 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 B of the Findings of Fact (Condition Nos. 1-9, inclusive) hereof, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans approved by the Design Review Board, as determined by staff, entitled "1844 W 23rd Street", as prepared by **Shulman + Associates** dated June 26, 2014, modified in accordance with the conditions set forth in this Order and staff review and approval.



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 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.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original Design Review Approval was granted, the Design Review Approval will expire and become null and void, unless the applicant makes 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. At the hearing on any such application, the Board may deny or approve the request and modify the above conditions or impose additional conditions. 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.

In accordance with Section 118-264 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.

Dated this 7th day of SEPTEMBER, 2014.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: 
THOMAS R. MOONEY, AICP
PLANNING DIRECTOR
FOR THE CHAIR



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

The foregoing instrument was acknowledged before me this 7th day of September, 2014 by Thomas R. Mooney, Planning Director, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.



TERESA MARIA
MY COMMISSION # FF 042122
EXPIRES: December 2, 2017
Bonded Thru Budget Notary Service





NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: 12-2-2017

Approved As To Form:
City Attorney's Office: J. Held 9-5-14)

Filed with the Clerk of the Design Review Board on J. Held 9-9-14)

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STATE OF FLORIDA, COUNTY OF DADE

I HEREBY CERTIFY that this is a true copy of the
original filed in this office on _____ day of

FEB 03 2016, A.D. 20____

WITNESS my hand and Official Seal.

HARVEY RUVIN, CLERK of Circuit and County Courts

By Nicole Davis D.C.

NICOLE DAVIS #79943



TPL