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LTC NO. 288-2011

CITY CLERK'S OFFICE
LETTER TO COMMISSION

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: November 14, 2011

SUBJECT: **Planned Tree and Landscape Work within Flamingo Park**

The purpose of this Letter to Commission is to provide you with information on tree and landscaping work that is occurring at the north fence area of Flamingo Park and adjacent to the Flamingo Park Tennis Center, in the event you receive any inquiries.

During the November 12, 2008 meeting of the Historic Preservation Board, the review of proposed plans for the Flamingo Park Tennis Center Project resulted in the attached compliance order (File Number 6088). Section 2a of this document states that "Tall hedge material, either existing or proposed, shall not be permitted along Meridian Avenue or 11th Street." This stipulation necessitates the removal of a tall existing border hedge of 53 Podocarpus trees (*Podocarpus macrophylla*), presently growing along Meridian Avenue. These trees have grown quite large over the years and are too valuable to simply cut down.

In addition, along the northeast property line of Flamingo Park there is an existing row of 64 large Australian Pines (*Casuarina equisetifolia*). As you know, this species is considered to be an invasive exotic; therefore, these trees are required to be removed during the construction phase of Flamingo Park as a component of the park renovation. Additionally, the close proximity of the Australian Pines to overhead power lines has resulted in the need to severely prune them on a regular basis. This type of pruning decreases the structural soundness of the trees, making them even more susceptible to failure. Although deemed invasive exotics, the trees currently provide visual screening and noise abatement for the homes adjacent to the park on Espanola Way.

Due to the requirement to remove both the tennis center Podocarpus trees and the Australian Pine trees, a resolution to address both situations in the best possible manner has been identified. The Podocarpus trees from the tennis center will be relocated to the same general location from where the Australian Pines will be removed. With this action, the above referenced compliance order will be satisfied, and the relocated Podocarpus trees will provide for an attractive and acceptable vegetative screen along the north border of the park.

The Greenspace Management Division issued a Request for Proposals and selected one of their in-house full service landscape contractors to remove the Australian Pine trees growing under the power lines and relocate the Podocarpus trees, as described above. This work is funded as part of the Flamingo Park Project budget. The work is scheduled to be completed before mid-December.

Please advise if you have any questions or concerns.

JMG/HMF/KS/JO/

C: Hilda M. Fernandez, Assistant City Manager
Kevin Smith, Parks & Recreation Director
John Oldenburg, Assistant Parks & Recreation Director

**HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida**

MEETING DATE: November 12, 2008

FILE NO: 6088

PROPERTY: 1200 Meridian Avenue – Flamingo Park Tennis Center

LEGAL: SW ¼ of Section 34, Township 53, South Range 42 East, NW ¼ of Section 3, Township 54 South Range 42 East, Situated in the City of Miami Beach, County of Miami-Dade, State of Florida.

IN RE: The Application for a Certificate of Appropriateness for the demolition of the existing single story tennis facility and single story restroom building, and the construction of a new single story tennis facility and associated tennis courts.

ORDER

The applicant, the City of Miami Beach, filed an application with the City of Miami Beach Planning Department for a Certificate of Appropriateness.

The City of Miami Beach Historic Preservation 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. The subject structure is classified as 'Contributing' in the Miami Beach Historic Properties Database and is located within the Flamingo Park Local Historic District and the National Register Architectural District.
- 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 consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code, is consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(2) of the Miami Beach Code, is not consistent with Certificate of Appropriateness Criteria 'b' in Section 118-564(a)(3) of the Miami Beach Code, and is not consistent with Certificate of Appropriateness for Demolition Evaluation Criteria 'a-e' in Section 118-564(a)(3) of the Miami Beach Code.
- C. The project would be consistent with the criteria and requirements of section 118-564 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 proposed practice wall shall not be permitted at the southwest corner of the tennis facility, as proposed. A practice wall may be re-located in a location to be reviewed and approved by staff.
 - b. The proposed public walkway in the middle of the tennis courts shall be removed and the entire tennis facility shall be secured and enclosed.
 - c. The three (3) large canopy trees within the project area shall be retained and preserved.
 - d. No 'mesh' or other opaque fencing material shall be permitted at the ends of the three tennis court access corridors.
 - e. The applicant shall identify and utilize a tennis court fencing 'mesh' material that has the highest level of transparency acceptable for its intended purposes, subject to staff review and approval, for all fences.
 - f. The final design details, materials and colors of the proposed 'Mosaic Tile' walls shall be subject to the review and approval of staff. A material sample of the proposed mosaic tile shall be provided, subject to the review and approval of staff.
 - g. Bike racks shall be required.
 - h. The vending machines proposed for the tennis center shall be relocated so as to create a clear site line through the building, in a manner to be approved by staff.
 - i. All new exterior handrails and support posts shall consist of an aluminum finish with a flat profile, subject to the review and approval of staff; no tubular railings shall be permitted. All returns on all exterior handrails shall terminate at the ground, in a manner to be reviewed and approved by staff.
 - j. Manufacturers drawings and Dade County product approval numbers for all new windows, doors and glass shall be required.
 - k. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and shall be screened from view, in a manner to be approved by staff.
 - l. 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. Tall hedge type material, either existing or proposed, shall not be permitted along Meridian Avenue or 11th Street. A low hedge, that will not grow to exceed 42" in height, or appropriate ground cover, may be installed in this area, subject to staff review and approval.
 - b. 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.
 - c. The utilization of root barriers and/or structural soil, as applicable, shall be clearly delineated on the revised landscape plan.
 - d. 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.
 - e. 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.
 - f. 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.
3. All building signage shall be consistent in type, composed of flush mounted, non-plastic, individual letters and shall require a separate permit.
 4. The final exterior surface color scheme, including color samples, shall be subject to the review and approval of staff and shall require a separate permit.
 5. A traffic mitigation plan, which addresses all roadway Level of Service (LOS) deficiencies relative to the concurrency requirements of the City Code, if required, shall be submitted prior to the issuance of a Building Permit and the final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
 6. All new and altered elements, spaces and areas shall meet the requirements of the Florida Accessibility Code (FAC).
 7. The applicant may be required to submit a separate analysis for water and sewer requirements, at the discretion of the Public Works Director, or designee. Based on a preliminary review of the proposed project, the following may be required by the Public Works Department:



- a. A traffic and neighborhood impact study shall be conducted as a means to measure a proposed development's impact on transportation and neighborhoods. The study shall address all roadway Level of Service (LOS) deficiencies relative to the concurrency requirements of the City Code, and if required, shall be submitted prior to the issuance of a Building Permit. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code. The developer shall refer to the most recent City of Miami Beach's Traffic and Neighborhood Impact Methodology as issued by the Public Works Department.
 - b. Remove/replace sidewalks, curbs and gutters on all street frontages, if applicable. Unless otherwise specified, the standard color for city sidewalks is red, and the standard curb and gutter color is gray.
 - c. Mill/resurface asphalt in rear alley along property, if applicable.
 - d. Provide underground utility service connections and on-site transformer location, if necessary.
 - e. Provide back-flow prevention devices on all water services.
 - f. Provide on-site, self-contained storm water drainage for the proposed development.
 - g. Meet water/sewer concurrency requirements including a hydraulic water model analysis and gravity sewer system capacity analysis as determined by the Department and the required upgrades to water and sewer mains servicing this project.
 - h. Payment of City utility impact fees for water meters/services.
 - i. Provide flood barrier ramps to underground parking or minimum slab elevation to be at highest adjacent crown road elevation plus 8".
 - j. Right-of-way permit must be obtained from Public Works.
 - k. All right-of-way encroachments must be removed.
 - l. All planting/landscaping in the public right-of-way must be approved by the Public Works and Parks Departments.
8. At the time of completion of the project, only a **Final** Certificate of Occupancy (CO) or **Final** Certificate of Completion (CC) may be applied for; the staging and scheduling of the construction on site shall take this into account. All work on site must be completed in accordance with the plans approved herein, as well as by the Building, Fire, Planning, CIP and Public Works Departments, inclusive of all conditions imposed herein, and by other Development Review Boards, and any modifications required pursuant to field inspections, prior to the issuance of a CO or CC. This shall not prohibit the issuance of a Partial or Temporary CO, or a Partial or Temporary CC.
9. 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

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approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.

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 by the Board, that the Certificate of Appropriateness is GRANTED for the above-referenced project subject to those certain conditions specified in paragraph C of the Findings of Fact (Condition Nos. 1-9, inclusive) hereof, to which the applicant has agreed.

No building permit shall be approved unless and until all conditions of approval as set forth herein have been met. The issuance of a Certificate of Appropriateness does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including zoning approval. If adequate handicapped access is not provided, this approval does not mean that such handicapped access is not required or that the Board supports an applicant's effort to seek waivers relating to handicapped accessibility requirements.

When requesting a building permit, three (3) sets of plans approved by the Board, modified in accordance with the above conditions, as well as annotated floor plans which clearly delineate the Floor Area Ratio (FAR) calculations for the project, shall be submitted to the Planning Department. If all of the above-specified conditions are satisfactorily addressed, the plans will be reviewed for building permit approval. Two (2) sets will be returned to you for submission for a building permit and one (1) set will be retained for the Historic Preservation Board's file.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original Certificate of Appropriateness was granted, and construction does not commence and continue in accordance with the requirements of the applicable Building Code, the Certificate of Appropriateness 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.

Failure to comply with this **Order** shall subject the Certificate of Appropriateness to Section 118-564, City Code, for revocation or modification of the Certificate of Appropriateness.

Dated this 24 day of November, 2008.

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: 

THOMAS R. MOONEY, AICP
DESIGN AND PRESERVATION MANAGER
FOR THE CHAIR

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