

**Condensed Title:**

A resolution setting a public hearing, pursuant to Section 118-262 of the City Code, to review the Design Review Board order relative to DRB File No. 22894 rendered on March 13, 2012, requested by the City Manager on behalf of the City Administration, as the project applicant.

**Key Intended Outcome Supported:**

Increase community satisfaction with recreational programs

**Supporting Data (Surveys, Environmental Scan, etc.):** Miami Beach Customer Survey results indicate 84.9% of residents rated the City's recreation programs either excellent or good.

**Issue:**

Shall the Mayor and City Commission adopt the resolution?

**Item Summary/Recommendation:**

Pursuant to City Code Section 118-262, the City Manager of the City of Miami Beach, Florida, on behalf of the City Administration, as the project applicant, is requesting a review of the Design Review Board decision rendered on March 13, 2012 (DRB File No. 22894) pertaining to design review approval for a hedge for a City Commission designated off-leash dog area within the western portion of South Pointe Park.

The Administration recommends setting the public hearing on May 9, 2012 to review the order of the Design Review Board pertaining to DRB File No. 22894 1 Washington Avenue – South Pointe Park.

**Advisory Board Recommendation:**


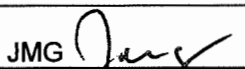
**Financial Information:**

Source of Funds:	Amount		Account
	1	2	
<div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div> OBPI	3		
	Total		

**Financial Impact Summary:**

**City Clerk's Office Legislative Tracking:**

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
KS	 HMF	 JMG

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# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

## COMMISSION MEMORANDUM

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

FROM: Jorge M. Gonzalez, City Manager

DATE: April 11, 2012

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, SETTING A PUBLIC HEARING, PURSUANT TO SECTION 118-262 OF THE CITY CODE, FOR THE CITY MANAGER'S APPEAL OF THE DESIGN REVIEW BOARD'S ORDER RELATIVE TO DRB FILE NO. 22894 FOR THE PROPERTY LOCATED AT 1 WASHINGTON AVENUE – SOUTH POINTE PARK, AND SETTING SAID PUBLIC HEARING FOR THE CITY COMMISSION MEETING OF MAY 9, 2012.**

### ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

### KEY INTENDED OUTCOME SUPPORTED

Increase community satisfaction with recreational programs

### ANALYSIS

Pursuant to City Code Section 118-262, Jorge M. Gonzalez, the City Manager of the City of Miami Beach, Florida, on behalf of the City Administration, as the project applicant, is requesting a review of the Design Review Board decision rendered on March 13, 2012 (DRB File No. 22894) pertaining to design review approval for a hedge for a City Commission designated off-leash dog area within the western portion of South Pointe Park.

The Miami Beach City Code allows, inter alia, the applicant, or the City Manager on behalf of the city administration, or others to seek a review of any Design Review Board order by the City Commission.

Pursuant to Section 118-262 of the Miami Beach Code, the review by the City Commission is not a "de novo" hearing. It must be based upon the record of the hearing before the Design Review Board. Furthermore, Section 118-262 (b) states the following:

In order to reverse, or remand for amendment, modification or rehearing any decision of the Design Review Board, the City Commission shall find that the Design Review Board did not do one of the following:

- 1) provide procedural due process;
- 2) observe essential requirements of law; or
- 3) base its decision upon substantial, competent evidence.

In order to reverse or remand a decision of the DRB, a 5/7<sup>th</sup> vote of the City Commission is required.

**CONCLUSION**

The Administration recommends setting the public hearing on May 9, 2012 to review a decision of the Design Review Board pertaining to DRB File No. 22894 1 Washington Avenue – South Pointe Park.

JMG/HMF/KS

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RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, SETTING A PUBLIC HEARING, PURSUANT TO SECTION 118-262 OF THE CITY CODE, FOR THE CITY MANAGER'S APPEAL OF THE DESIGN REVIEW BOARD'S ORDER RELATIVE TO DRB FILE NO. 22894 FOR THE PROPERTY LOCATED AT 1 WASHINGTON AVENUE – SOUTH POINTE PARK AND SETTING SAID PUBLIC HEARING FOR THE CITY COMMISSION MEETING ON MAY 9, 2012.**

**WHEREAS**, a process for review by the Mayor and City Commission of decisions rendered by the Design Review Board when requested by an applicant or any affected person has been established under Section 118-262 of the Miami Beach City Code; and

**WHEREAS**, the City Administration was the applicant for the proposed approval of a hedge for a City Commission designated off-leash dog area within the western portion of South Pointe Park (DRB File No. 22894, 1 Washington Avenue – South Pointe Park); and

**WHEREAS**, City Manager Jorge M. Gonzalez, on behalf of the City Administration, has requested review of the Design Review Board order rendered on March 13, 2012, pertaining to the proposed hedge for an off-leash dog area within the western portion of South Pointe Park (DRB File No. 22894, 1 Washington Avenue – South Pointe Park).

**NOW, THEREFORE, BE IT DULY RESOLVED THAT THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby authorize the setting of a public hearing on May 9, 2012 to consider the City Manager's appeal of the Design Review Board's Order relative to DRB File No. 22894 for the property located at 1 Washington Avenue – South Pointe Park.

**PASSED and ADOPTED** this \_\_\_\_\_ day of April, 2012.

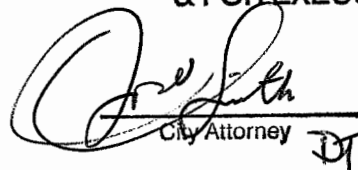
**ATTEST:**

\_\_\_\_\_  
MATTI HERRERA BOWER  
MAYOR

\_\_\_\_\_  
ROBERT PARCHER, CITY CLERK

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APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney      DT      3-30-12  
Date