

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: February 04, 2020

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: DRB19-0463
6080 Collins Avenue—Starbucks

DRB19-0463 (DRB23045), 6080 Collins Avenue. An application has been filed requesting Design Review Approval for the installation of an accessory sign including a variance to exceed the maximum number of signs permitted, and to exceed the maximum area permitted for a second sign.

RECOMMENDATION:

Approval with conditions

Approval of variances #1 and #2

LEGAL DESCRIPTION:

Lots 2 through 5 inclusive of the Lyle G. Hall Subdivision, According to the Plat Thereof, as Recorded in Plat Book 40, Page 5, of the Public Records of Miami-Dade County, Florida.

HISTORY:

On July 01, 2014, a new 6-story hotel project containing 73 hotel units on a vacant lot, was presented and approved by the Design Review Board.

SITE DATA:

Zoning: RM-2

Future Zoning: RM

Lot Size: 20,000 SF

FAR: 1.98 / 39,660 SF as represented by the applicant

Height: 59'-6" feet to roof slab – 6 stories / 68'-6" to non-habitable projection

Use: 6-story hotel

CMB Grade **7.38 NGVD** (not verified) / BFE **8 NGVD**

LAND USES:

East: (18) eighteen-story multifamily building Maison Grande (across Collins Avenue)

North: (3) three story historic Mt. Vernon building / North Beach Resort Historic District

South: (4) four-story multifamily building Terra Beachside Villas

West: (2) two-story residential buildings

THE PROJECT:

The applicant has submitted revised plans entitled "Starbucks 6080 Collins Avenue", as prepared by Hilton Displays, dated 11-13-16.

The applicant is proposing to construct two new signs at the ground floor of an existing hotel building, at the front of the building for a new accessory commercial use.

The applicant is requesting the following variance(s):

1. A variance to exceed the maximum number of one (1) sign allowed in the RM-2 zoning district for an accessory use, in order to install two (2) signs facing Collins Ave.
2. A variance to exceed by 3.1 SF the maximum sign area of zero (0) SF for a second sign in order to install a sign at the ground level with 3.1 SF for an accessory use facing Collins Avenue.

- Variances requested from:

Sec. 138-16. - Wall sign.

Maximum quantity per frontage, Wall Sign Design Standards per District, RM-2: One (1) wall, projecting or detached.

Accessory use, Maximum 75% of main use sign, or 20 sf, whichever is less.

For uses located in hotel and apt. buildings, must have direct access to street/sidewalk; follows same regulations as main permitted use.

The applicant is proposing two signs for the 36'-0" wide retail bay of an existing six-story hotel. RM-2 zoned properties are permitted to have one accessory use sign. The main wall sign reads "STARBUCKS" and complies with all zoning regulations pertaining to size, each letter is 20" and the total length of the copy measures 11'-8" for a total of 19.5 SF. The second sign is a hanging medallion sign, that contains the green and white Starbucks mermaid logo measuring 3.1 SF in area. The total aggregate area of the two signs is 22.6 SF; however, RM-2 accessory use signage allows only one sign per establishment, with a minimum of 20 sf and does not permit multiple signs for the same location. As proposed, a variance to install a second sign is requested (variance #1) and the increased area proposed for such sign is the subject of an additional request (variance #2).

Staff has no objections to the proposed signage as the retail is the only establishment within the front of the building and no other additional signs can be installed along the front that spans approximately 110'-0". Additionally, the total square footage of both signs would be allowed for multiple signs on similar hotel properties across the street on the east side of Collins Avenue located in the RM-3 zoning district, which allows multiple signs with a total area not exceeding the largest maximum permitted area for an individual sign. Staff is, however, concerned about the location of the sign adjacent to a window at a height lower than 7'-6", which may create a safety hazard. Staff recommends relocating the sign or reducing its size. In summary, the proposed signs are not expected to have a negative impact on the surrounding area and staff recommends approval of both variance requests.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

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 the requested variances if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicants have 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.
- The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.

COMPLIANCE WITH ZONING CODE

The application, as submitted, with the exception of the variances requested herein, appears to be consistent with the applicable requirements of the City Code. This shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

COMPLIANCE WITH DESIGN REVIEW CRITERIA:

Design Review encompasses the examination of architectural drawings for consistency with the criteria stated below with regard to the aesthetics, appearances, safety, and function of the structure or proposed structures in relation to the site, adjacent structures and surrounding community. Staff recommends that the following criteria is found to be satisfied, not satisfied or not applicable, as hereto indicated:

1. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.
Not Satisfied; the proposed signage program is the subject of a variance request to the Design Review Board.

2. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.
Not Satisfied; the proposed signage program is the subject of a variance request to the Design Review Board.
3. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.
Not Satisfied; the proposed signage program is the subject of a variance request to the Design Review Board.
4. The color, design, selection of landscape materials and architectural elements of Exterior Building surfaces and primary public interior areas for Developments requiring a Building Permit in areas of the City identified in section 118-252.
Not Satisfied; the proposed signage program is the subject of a variance request to the Design Review Board.
5. The proposed site plan, and the location, appearance and design of new and existing Buildings and Structures are in conformity with the standards of this Ordinance and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the Design Review Board and Historic Preservation Boards, and all pertinent master plans.
Not Satisfied; the proposed signage program requires a variance to be granted by the Design Review Board.
6. The proposed Structure, and/or additions or modifications to an existing structure, indicates a sensitivity to and is compatible with the environment and adjacent Structures, and enhances the appearance of the surrounding properties.
Not Satisfied; the proposed signage program is the subject of a variance request to the Design Review Board.
7. The design and layout of the proposed site plan, as well as all new and existing buildings shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on contiguous and adjacent Buildings and lands, pedestrian sight lines and view corridors.
Satisfied
8. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that all parking spaces are usable and are safely and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the Site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the Site.
Satisfied

9. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties. Lighting shall be reviewed to assure that it enhances the appearance of structures at night.
Not Satisfied; the proposed exterior lighting along certain retail bays of the building will make the building not uniform and disjointed in its nighttime lighting.
10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.
Not applicable
11. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.
Satisfied
12. The proposed structure has an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).
Satisfied
13. The building has, where feasible, space in that part of the ground floor fronting a street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.
Satisfied
14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Satisfied
15. An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).
Not Applicable
16. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.
Satisfied
17. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.
Not Applicable
18. In addition to the foregoing criteria, subsection [118-]104(6)(t) of the City Code shall apply to the design review board's review of any proposal to place, construct, modify or

maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.

Not Applicable

19. The structure and site complies with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.

Not Applicable

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 133-50(a) of the Land Development establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

- (1) A recycling or salvage plan for partial or total demolition shall be provided.
Not Applicable
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.
Not Applicable
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Not Applicable
- (4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.
Not Applicable
- (5) Whether adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact, including a study of land elevation and elevation of surrounding properties were considered.
Not Applicable
- (6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land.
Not Applicable
- (7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.
Not Applicable
- (8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.
Not Applicable
- (9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.
Not Applicable

- (10) In all new projects, water retention systems shall be provided.

Not Applicable

- (11) Cool pavement materials or porous pavement materials shall be utilized.

Not Applicable

- (12) The project design shall minimize the potential for a project causing a heat island effect on site.

Not Applicable

STAFF ANALYSIS:

DESIGN REVIEW

The subject parcel is located on the west side of Collins Avenue and just outside of the southern boundary of the North Beach Resort Historic District Local Historic District. The site contains a recently completed six-story hotel. Uses such as retail cafes are permissible accessory uses to the hotel. The retail bay is adjacent to the main lobby of the hotel and contains direct access to the sidewalk along Collins Avenue. The site is zoned RM-2, which has more restrictions on signage than typical commercial districts. The applicant is proposing the two traditional signs associated with Starbucks, the main use sign and the hanging medallion logo sign. Two variances are being requested as part of the application.

VARIANCE REVIEW

As previously analyzed under the 'Project' section of the recommendation, staff is supportive of the variances requested. The hotel building is in the RM-2 residential medium intensity district that allows 1 sign per main use and 1 sign for each accessory use. In this case, the retail is the only accessory use in the building that expands more than 100'-0" along Collins Ave. Multiple signs with a minimum of 20 sf would be permitted if several accessory uses to the hotel were facing the street. The building is setback 20'-0" from the front property line and due to existing low and high landscape, the retail façade does not have clear visibility for a business sign at the ground level. Staff finds that this existing condition creates practical difficulties that create the need for the installation of more than 1 sign.

The proposed size and location of the signs comply with the intended purpose of the signage code, which is "to permit signs that through their design, location, numeration, and construction, will optimize communication, promote a sound healthy environment for housing and commerce, as well as preserve the architectural character of the city."

In summary, staff recommends approval of the variances requested.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application be approved including the variance requests, subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review criteria, Sea Level Rise and Practical Difficulty and Hardship criteria.

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: February 4, 2020

FILE NO: DRB19-0463

PROPERTY: **6080 Collins Avenue**

APPLICANT: 6080 Collins, LLC

LEGAL: Lots 2 through 5 inclusive of the Lyle G. Hall Subdivision, According to the Plat Thereof, as Recorded in Plat Book 40, Page 5, of the Public Records of Miami-Dade County, Florida.

IN RE: An Application for the installation of an accessory sign including a variance to exceed the maximum number of signs permitted, and to exceed the maximum area permitted for a second sign.

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, 2, 3, 4, 5, 6, 9, 12, and 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, 10, 11 and 12 in Section 133-50(a) of the Miami Beach Code.
- D. The project would be 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 for the proposed new sign at 6080 Collins Avenue shall be submitted, at a minimum, such drawings shall incorporate the following:
 - a. The proposed signage **shall be** approved as proposed.

- b. The hanging/projecting sign location is not shown in relation to storefront (inside or outside). If outside, hanging/projecting sign shall maintain sufficient head clearance of 7'-6".
- 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.

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 exceed the maximum number of one (1) sign allowed in the RM-2 zoning district for an accessory use, in order to install two (2) signs facing Collins Ave.
 - 2. A variance to exceed by 3.1 sf the maximum sign area of zero (0) sf for a second sign in order to install a sign at the ground level with 3.1 sf for an accessory use facing Collins Avenue.
- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts as noted above 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.

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 as noted above:

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.

The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.

- C. The Board hereby **Approves** the variance request #1 and #2 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. Where one or more parcels are unified for a single development, the property owner shall execute and record an unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- B. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board, and shall be subject to all conditions of approval herein, unless otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.
- C. If applicable, 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. A recycling/salvage plan shall be provided as part of the submittal for a demolition/building permit, in a manner to be reviewed and approved by staff.

- E. All applicable FPL transformers or vault rooms and backflow prevention devices shall be located within the building envelope with the exception of the valve (PIV) which may be visible and accessible from the street.
- F. 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.
- G. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- H. 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.
- I. 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.
- J. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- K. 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 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 "420 South Hibiscus Design Review Board Final Submittal", as designed by **Starbucks 6080 Collins Avenue**", as prepared by Hilton Displays, dated 11-13-16, 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

Filed with the Clerk of the Design Review Board on _____ ()