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VIA ELECTRONIC SUBMITTAL

November 9, 2020

James G. Murphy, Chief of Urban Design
Planning Department
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

Re: DRB20-0602 – Design Review Board Approval for Property Located at 6348 Collins Avenue, Miami Beach, Florida

Dear James:

This firm represents Ivelise Daily, Trustees a/k/a Armando's Service Station, Inc. (the "Applicant"), the Applicant and owner of the property located at 6348 Collins Avenue (the "Property"). Please consider this the Applicant's letter of intent in connection with a request to the Design Review Board ("DRB") for design review and variances for the Modification of existing self-service station.

Property. The Property is a rectangular shaped lot comprised of approximately 20,740 square feet, and is identified by Miami-Dade County Folio No. 02-3211-007-1510. It is within the RM-2 Residential Multifamily, Medium Intensity Zoning District. The Property is located on the west side of Collins Avenue just north of 63rd Street. The surrounding neighborhood is comprised of a mix of commercial, multifamily residential and hotel uses. The existing use on the Property is a gasoline service station that contains an accessory convenience store with food service.

Description of Proposed Development. The Applicant proposes to modify an existing service station on the Property. Pursuant to Section 118-395(b)(7), a nonconforming gasoline service station that provides a generator or other suitable equipment that will keep the station operational, may add new floor area (other than floor area strictly necessary to house an emergency electrical generator and related

facilities), or convert existing floor area or land, to add new accessory uses, such as a convenience sales area or a car wash, subject to conditional use approval (“CUP”, notwithstanding the nonconforming status of the gasoline service station. In addition to the current application, the Applicant is submitting a CUP application to the Planning Board to comply with Section 118-395(b)(7).

The Applicant proposes to construct additional area to include a convenience sales area and back-of-house space in order to provide a higher quality of food and service to its customers. The proposal features an elegant canopy over the existing gas pumps with two small additions on either side of the existing structure. The additions will be smooth stucco finish with decorative aluminum panels and metal accent aluminum louvers framing the numerous large glass windows and doors that comprise the majority of the structure. The proposed buildings will feature a renovated storefront and façade details such as new parapet projection throughout the front facing façade. In addition, the proposal includes a reconfiguration of the parking spaces by removing three (3) of the eight (8) encroaching parking spaces on the north side.

The proposed structure complies with the City of Miami Beach Code (the “Code”) requirements for pedestal setbacks, square footage, height and parking. The size of the proposed structure is approximately 4,928 square feet, 1,920 square feet of which is made up of the new ground floor addition. The proposed structure provides larger than required setbacks. It satisfies the 20’ front setback for the main structure providing 48’11’ for the new addition on the South side and 67’ to the rest of the structure. In addition, the Applicant is proposing to increase the south side setback from 5’1” to 6’6”. The existing parking spaces do not meet the current requirements for setbacks, and due to a minor reconfiguration of the spaces, we will need three variances for the front and side setbacks for at grade parking, and one variance for the overhang projection.

Variance requests. The Project substantially complies with the City Code. The requested Variances are necessary to preserve the existing historical character of the Property, provide a public space, and provide an urbanistic design.

- 1) A variance of City Code Section 142-218, to reduce the minimum required side setback for at grade parking on the North side;
- 2) A variance of City Code Section 142-218, to reduce the minimum required front setback for at grade parking; and
- 3) A variance of City Code Section 142-218, to reduce the minimum required setback side setback for at grade parking on the South side.

- 4) A variance of City Code to exceed the 25% maximum projection for roof overhang.

Practical Difficulty. Pursuant to Article 1, Section 2 of the Related Special Acts, where there are practical difficulties, the DRB has the power to vary or modify regulations or provisions relating to the use so that the spirit of the Zoning Ordinance shall be observed, public safety and welfare secured, and substantial justice done. The Applicant adjusting to today's regulations while preserving the existing nature of the Property and working with the location of the existing parking spaces represents a practical difficulty.

Setback Variances – Hardship Standard. Pursuant to Section 142-218, the setbacks for a side and front for at grade parking in the RM-2 district must be feet 13'6" and 20' respectively. The Applicant seeks a variance of this section of the City Code to permit eight (8) existing parking spaces to remain on the north and south sides of the Property. As previously indicated, the Applicant seeks to create additional floor area through Section 118-395(b)(7), in order to introduce additional convenience area and high-quality food sales that will contribute positively to the neighborhood. The Applicant would face significant practical difficulty incorporating new construction around the existing structures while maintaining the required amount of parking. Moreover, in order to have a smooth operation of the service establishment, it is vitally important to have sufficient areas for egress, ingress and movement throughout. Utilizing the existing location of the parking spaces and encroaching into the side setback will allow for the Applicant to provide sufficient vehicular spaces while providing sufficient landscape buffers.

Overhang Variance – Hardship Standard. Pursuant to Section-142-1132(O)(7), the allowable encroachments within required yards for overhang projection must not exceed 25% of the required yard. The Applicant seeks a variance of this section of the City Code to permit a new canopy to exceed the allowed 25% projection of the setback by 6". The existing canopy is too low for the safe circulation of delivery and emergency vehicles. In order to address fire safety concerns and protect the patrons of the service station from weather, the Applicant proposes a roof canopy that will be higher than the existing height. The Applicant would face significant practical difficulty incorporating a canopy that is raised to allow safe passage of emergency vehicles while still protecting the patrons from weather. By increasing the height, the canopy must project further out to be safely installed as well as provide adequate rain protection.

Satisfaction of Hardship Criteria. Section 118-353(d) of the City's Code sets forth the hardship criteria for a variance request. The Applicant's request satisfies all hardship criteria as follows:

- (1) 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;**

The variances for the at grade parking setbacks within the side and front yards are requested due to the existing legally non-conforming characteristics of the Property. The requested variances are necessary in order for the Applicant to restore the existing service station while allowing for the development the new structure in a manner that does not interrupt the existing fabric of the neighborhood. The encroaching parking spaces are currently existing. However, the Applicant seeks to improve the condition through the use of landscaping and renovated overall design of the structure, and a more efficient configuration of the spaces.

The variance for canopy projection is requested due to fire safety regulations. The existing canopy does not allow sufficient height for the safe circulation of emergency vehicles.

- (2) The special conditions and circumstances do not result from the action of the applicant;**

The existing nature of the Property, including legal non-conforming status, non-conforming fire safety regulations and the existing parking are not special conditions which result from any action taken by the Applicant. Rather, the conditions on the Property are existing and the Applicant is making every effort to renovate and improve the site with minimum impact to the Property.

- (3) Granting the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district;**

The Code allows other similarly situated property owners to seek similar variances to accommodate forward-thinking and sensitive development. There are numerous structures in the area, many of which are being renovated and preserved in a similar fashion. The Code allows other similarly situated property owners to seek similar variances to accommodate the preservation of non-conforming or historic structures and updating of their facilities. Therefore, granting the variances will not confer any special privilege on the Applicant.

- (4) Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land**

development regulations and would work unnecessary and undue hardship on the applicant;

A literal interpretation of the provisions of these land development regulations would work an unnecessary and undue hardship on the Applicant. The variances are being requested in order to maintain and preserve the existing parking spaces that are legally non-conforming and effectuate the restoration of the Property in a way that maintains the character of the neighborhood while meeting all fire and life safety regulations. The variances enable the Applicant to accommodate and improve the site while not impacting the existing structures or the parking spaces within the side yard that cannot be accommodated through other ways. The Applicant seeks to update the Property while not materially disrupting the fabric of the Property and surrounding neighborhood. Without the variances, updating the Property would require significant modifications to the existing structures and present an unnecessary and undue hardship on the Applicant.

(5) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

The side and front at grade parking setback and the overhang projection requests are the minimum amount that will make use of the Property while providing sufficient buffering and access throughout the site. Additional setbacks would require significant modification of the existing utilities, gas pumps, and parking spaces which the Applicant is seeking to maintain.

(6) The granting of the variance will be in harmony with the general intent and purpose of these land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

These variances will not be injurious to the area or otherwise detrimental to the public welfare. In fact, these variances will facilitate preservation and utilization of an existing structure and the character of the Property while responsibly updating the Property.

(7) 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 planning and zoning director may require applicants to submit documentation to support this requirement prior to the scheduling of a public hearing or anytime prior to the board of adjustment voting on the applicant's request.

These variances requests are consistent with the City's comprehensive plan and do not reduce the levels of service as set forth in the plan.

Sea Level Rise and Resiliency Criteria. The proposed project advances the sea level rise and resiliency criteria in Section 133-50(a) as follows:

(1) A recycling or salvage plan for partial or total demolition shall be provided.

The Applicant will provide a recycling or salvage plan during permitting.

(2) Windows that are proposed to be replaced shall be hurricane proof impact windows.

The windows will be hurricane-impact.

(3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.

Operable windows will be provided on the proposed structure.

(4) Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 126 of the City Code.

The Applicant's proposed landscape plan is resilient as it will be comprised of native and Florida-friendly plants, including trees and shrubs that are compatible with the area.

(5) The project applicant shall consider the 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. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.

The Applicant proposes 8' BFE.

(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 and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height up to three (3) additional feet in height

The Applicant proposes a finished floor elevation of 8 feet NGVD.

(7) As applicable to all new construction, all critical mechanical and electrical systems shall be located above base flood elevation. All redevelopment projects shall, whenever practicable and economically reasonable, include the relocation of all critical mechanical and electrical systems to a location above base flood elevation.

All critical mechanical and electrical systems will be located above BFE.

(8) Existing buildings shall, wherever reasonably feasible and economically appropriate, be elevated up to base flood elevation, plus City of Miami Beach Freeboard.

All structures located at BFE.

(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.

No habitable space is located below BFE.

(10) As applicable to all new construction, stormwater retention systems shall be provided.

An appropriate stormwater retention system will be implemented at time of permitting.

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

The Applicant proposes a pervious driveway.

(12) The design of each project shall minimize the potential for heat island effects on-site.

The Applicant proposes cool pavement, a light-colored roof and extensive landscaping that will minimize the potential for heat island effects.

Conclusion. Granting this design review approval and the associated variances will permit the development of a beautifully-designed service station that is compatible with the surrounding neighborhood. The design renovates the existing structure on the

James G. Murphy, Chief of Urban Design
November 9, 2020
Page 8

Property, and integrates great architectural interest that embraces the intent and purpose of the Code to improve an existing use that benefits the area. We look forward to your favorable review of the application. If you have any questions or comments in the interim, please do not hesitate to contact me at 305-377-6238.

Sincerely,



Michael J. Marrero

cc: Robert Behar, Esq.