

MIAMI BEACH

PLANNING DEPARTMENT
Staff Report & Recommendation

Design Review Board

TO: Chairperson and Members
Design Review Board

DATE: February 2, 2021

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: **DRB20-0602**
6348 Collins Avenue

DRB20-0602, 6348 Collins Avenue. An application has been filed requesting Design Review Approval for the construction of new additions and design modifications to an existing one-story service station including one or more variances from the required setbacks for parking and to exceed the maximum allowable projection in required yards.

RECOMMENDATION:

Approval of the design with conditions
Approval of the variances with conditions

LEGAL DESCRIPTION:

The north 50 feet of Lot 1, Lot 2 and Lot 3, Block 7 of amended plat of "Second Oceanfront Subdivision", according to the Plat thereof, as recorded in Plat Book 28, at Page 28, and Plat Book 8, at page 125 of the Public Records of Miami-Dade County, Florida.

BACKGROUND:

This application came before the Board on January 5, 2021 and was continued to a date certain of February 2, 2021 at the request of the applicant, with no discussion on the details of the application.

SITE DATA:

Zoning:	RM-2	Existing Use:	Gas Station/Retail
Future Land Use:	RM-2	Proposed Use:	Same
Lot Size:	20,698 SF	Required Parking:	17 Spaces
Existing FAR:	3,058 SF/ 0.147*	Provided Parking:	12 Spaces
Proposed FAR:	5,473 SF/ 0.26*	Loading spaces:	1 space
Maximum FAR:	41,396 SF/ 2.0		

*As represented by the applicant

Height:

Existing:	29'-6" (from 8.25' NGVD)
Proposed:	Same
Maximum:	60'-0"

SURROUNDING PROPERTIES:

North: 6-story Residential Building
South: 2-story Hotel
West: 6-story Residential building
East: 7-story hotel

THE PROJECT:

The applicant has submitted plans entitled "Armando's Service Station", as designed by **Beilinson Gomez Architects**, dated January 11, 2021.

The applicant is requesting the following variance(s):

1. A variance to reduce up to 14'-8" the minimum required front setback of 20'-0" for at grade parking in order to construct parking spaces at 14'-10" from the front property line and a driveway at 5'-4" from the front property line facing Collins Avenue.
2. A variance to reduce by 9'-0" the minimum required interior side setback of 14'-0" for at grade parking in order to construct parking spaces at 5'-0" from the north side property line.
3. A variance to reduce by 7'-3" the minimum required interior side setback of 14'-0" for at grade parking in order to construct parking spaces at 6'-9" from the south side property line.

- Variances requested from:

Sec. 142-218. Setback requirements.

The setback requirements in the RM-2 residential multifamily, medium intensity district are as follows:

At-grade parking lot on the same lot except where (c) below is applicable, Front: 20 feet

At-grade parking lot on the same lot except where (c) below is applicable, Side Interior: Single lots less than 65 feet in width: 5 feet, otherwise 10 feet, or 8% of lot width, whichever is greater

The project proposes improvements to the existing non-conforming gas station including the relocation of the generator to the roof, new floor area, a new roof and the reconfiguration and replacement of the parking area. Three (3) variances from the front, and both side setbacks for parking pavement are being requested. Staff would note that the retention and improvements proposed, including the variances requested, are conditioned to providing a generator or similar equipment that would keep the non-conforming gas station operational, pursuant to the approval by the Planning Board.

In reference to requested variances 1 – 3, as presently configured, staff does not object to the setbacks proposed, as they are consistent with the existing setbacks. However, staff would recommend that the parking spaces be composed of pavers set in sand instead of poured concrete and that the width of the two curb cuts be reduced to the minimum required for truck maneuvering on the site.

In addition, since the improvements are subject to the emergency equipment installation, staff would recommend that the generator be relocated from the roof to an enclosed room, with maximum noise buffering, as the noise may impose a negative impact on the surrounding properties, especially on the west residential building. The applicant has not changed the location of the generator and details have not been provided on how the noise will be addressed. Staff strongly recommends that an enclosed generator room be provided as the most appropriate way to address any potential noise issues. However, if the Board approves the generator as proposed, staff recommends that any noise issues in the future be address by the applicant, subject to the review and recommendations of an acoustical engineer.

In summary, given the practical difficulties associated with the location of the existing building, as well as the configuration of the site, staff recommends approval of variances 1-3.

4. A variance to exceed by 48.3% (9'-8") the maximum allowable projection of 25% (5'-0") into the front yard of 20'-0" in order to replace the existing roof of a gas station and encroach up to 73.3% (14'-8") into the front yard facing Collins Avenue.

Sec. 142-1132. Allowable encroachments within required yards.

(o) Projections. In all districts, every part of a required yard shall be open to the sky, except as authorized by these land development regulations. The following may project into a required yard for a distance not to exceed 25 percent of the required yard up to a maximum projection of six feet, unless otherwise noted.

(7) Roof overhangs.

The existing front structure of the service station is proposed to be replaced with new columns and a new roof that extend beyond the maximum 25% projection into the front yard. The proposed encroachment exceeds the existing roof overhang that substantially complies with the maximum projection. However, this structure does not provide adequate weather protection to the current gas pumps. Due to the low scale nature of the site improvements, and the fact that such structure should not negatively impact any new landscaping on the site, staff has no objection to this variance. Relocation of the pumps in order to provided adequate weather protection while complying with the code requirements for canopy structures is a practical difficulty that justifies the variance.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that staff has concluded satisfy Article 1, Section 2 of the Related Special Acts.

Additionally, staff has concluded that the plans and documents with the application comply with the following hardship criteria, 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:

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following sections of the City Code, in addition to the requested variances:

1. Section 118-395(7). Approval from the Planning Board is required.
2. Section 142-218. The proposed building does not comply with the required pedestal sides and rear setbacks. The project shall be revised to comply with the setbacks at the time of the building permit.
3. Section 142-1132. The backflow preventer located in the front yard shall be relocated away from the front yard.
4. Section 142-874 Required enclosures: Mechanical equipment. All mechanical equipment located above the roof deck shall be enclosed or screened from public view.
5. Sec. 130-69. URBAN HEAT ISLAND ORDINANCE. - Commercial and noncommercial parking lots. 3) Open- air parking lots, open to the sky, shall be constructed with (i) a high albedo surface consisting of a durable material or sealant in order to minimize the urban heat island effect, or ii) porous pavement. The provisions of this paragraph shall apply to all parking areas, and all drive lanes and ramps.
6. Chapter 138. Details of all proposed signs shall be provided at the time of the building permit. The existing monument sign shall be replaced with a conforming monument sign.
7. Chapter 130. Parking calculation shall be revised at the time of the building permit. Any required/permitted fees will apply at the time of the building permit.

The above noted comments 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 are 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; proposed curbs and drives onto Collins Avenue not supported and application is requesting variances
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; proposed curbs and drives onto Collins Avenue not supported and application is requesting variances
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; proposed curbs and drives onto Collins Avenue not supported and application is requesting variances
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.
Satisfied
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; proposed curbs and drives onto Collins Avenue not supported and application is requesting variances
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; proposed curbs and drives onto Collins Avenue not supported and application is requesting variances
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.

Not satisfied; proposed curbs and drives onto Collins Avenue not supported and application is requesting variances

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.

Not satisfied; proposed curbs and drives onto Collins Avenue not supported and application is requesting variances

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; a lighting plan has not been submitted.

10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.

Not satisfied; proposed curbs and drives onto Collins Avenue not supported and application is requesting variances

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.

Not satisfied; proposed curbs and drives onto Collins Avenue not supported and application is requesting variances

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.

Not satisfied; proposed curbs and drives onto Collins Avenue not supported and application is requesting variances

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 Satisfied; see below

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 Satisfied
A recycling plan shall be provided as part of the submittal for a demolition/building permit to the building department.
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.
Satisfied
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Satisfied
- (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.

Satisfied

- (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.

Not Satisfied

- (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 of up to three (3) additional feet in height.

Not Satisfied

- (7) In all new projects, all critical mechanical and electrical systems shall be located above base flood elevation. Due to flooding concerns, all redevelopment projects shall, whenever practicable, and economically reasonable, move all critical mechanical and electrical systems to a location above base flood elevation.

Not Satisfied

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

Not Satisfied

- (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.

Satisfied

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

Not Satisfied

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

Not Satisfied

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

Not Satisfied

ANALYSIS:

Design Review

The applicant is proposing an addition and improvements to an existing, non-conforming gas station that is located on the west side of Collins Avenue, just north of 63rd Street. The surrounding neighborhood is comprised of a mix of commercial, hotel and multifamily residential uses. The design proposes significant exterior improvements to the 1968 service station, originally designed by the architect Joseph E. Phillips in a mid-century modern style.

The design proposes additions at the ends of the existing rectangular shaped building – a one-story space dedicated to storage and trash sited at its south end, and a two-story addition to the north that houses restrooms and storage; and features a second floor cantilever over a ground level loading space. The architect proposes to modernize the exterior facades by constructing a flat-profiled parapet around the perimeter of the roof that will conceal the existing sloped, gabled-end roof. Additionally, the design opens up the main interior space along the front elevation with bronze metal, floor to ceiling storefronts that are contrasted with metal corrugated cladding. Lastly, the design features a new, slim trapezoidal-shaped canopy that projects over the pumps.

Staff is supportive of the proposed design modifications, but does have concerns with the site plan, and specifically with the curb cuts that the property currently has on Collins Avenue and that the new proposal maintains, as well as the excessive use of concrete for the driveway and parking areas. The south access drive is located along a curve on Collins Avenue, rendering it a blind spot. Staff recommends the architect further investigate the location of the curb cuts and reduce their width, as well as replace the poured concrete proposed in the driveway and parking areas with pavers set in sand. The City's Transportation and Mobility Department have been successfully working together to resolve concerns with onsite maneuverability. Subsequently, staff recommends the approval the design with the noted modifications, including the recommended changes to the curb cuts and hardscape.

VARIANCE ANALYSIS

As noted in the project portion of the recommendation, staff has concerns with the approval of variances #1 thru #4, due to the present configuration of curb cuts and material finishes. In order to properly mitigate these variance requests, it is recommended that the parking areas consist of pavers set in sand, the maximum reduction of the curb-cuts, and the enclosure of the generator.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application, including variances be **approved** with conditions noted, which address the inconsistencies with the aforementioned Certificate of Appropriateness criteria and Practical Difficulty and Hardship criteria, as applicable.