MIAMIBEACH
PLANNING DEPARTMENT
Staff Report & Recommendation Design Review Board

TO: DRB Chairperson and Members DATE: June 4, 2024

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: DRB23-0968
Citywide Digital Information Kiosks

An application has been filed requesting Design Review Approval for the design of Digital Information Kiosks to be installed within the right-of-way at the following approximate locations: Convention Center Drive & 19th Street~~, and Lincoln Rd. & Alton Rd~~.

RECOMMENDATION:
Approval

BACKGROUND
On August 25, 2021, the City received an unsolicited proposal from IKE Smart City to manufacture, install, maintain, and operate interactive digital media kiosks at certain sites throughout the City.

On January 20, 2022, the Mayor and City Commission approved Resolution 2022-31989 accepting the unsolicited proposal and authorizing the City to issue Request for Proposals (RFP) No. 2022-040-KB seeking proposals from other interested parties for the same project purpose as the unsolicited proposal. Subsequently, on April 12, 2022, the RFP was issued, and proposals were received on July 15, 2022.

On August 10, 2022, the Evaluation Committee appointed by the City Manager evaluated the proposals received in response to the RFP.

On December 14, 2022, via Resolution 2022-32422, the Mayor and City Commission authorized the Administration to enter into negotiations with IKE Smart City, the top-ranked proposer, and if unsuccessful, to negotiate with Smart City Media, the second-ranked proposer.

On June 28, 2023, the Mayor and City Commission approved the essential business terms for the Agreement with IKE Smart City to design, manufacture, install, maintain, and operate interactive digital media kiosks.

On December 11, 2023, this application was continued to a date certain of January 2, 2024. Subsequently, on January 2, 2024, this application was continued at the request of the applicant to a date certain of March 5, 2024.

This application was re-noticed for the April 2, 2024 meeting with approximate proposed kiosks locations. On April 2, 2024, the item was continued at the request of the applicant in

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order to ensure consistency with the companion Historic Preservation Board application.

On May 14, 2024, the Historic Preservation Board approved a Certificate of Appropriateness for the design of Digital Information Kiosks to be installed within the right-of-way at several locations in historic districts.

SITE DATA:
Zoning: CCC Civic and Convention Center District

THE PROJECT:
The applicant has submitted plans entitled "Convention Center Drive & 19th Street Interactive Digital Kiosk Deployment Project", as prepared by IKE Smart City, dated April 12, 2024.

Note: Since the application was submitted, the applicant has indicated that they are no longer seeking approval of locations #14 (Alton Rd & 5th Street), #15 (Collins Ave and South Pointe Dr.), and #6 (Lincoln Rd. and Alton Rd.) Only one location is specifically included in the request for approval, Location #5 (east side of Convention Center Drive).

COMPLIANCE WITH ZONING CODE:
A preliminary review of the project indicates that the application, as proposed, appears to be consistent with the City Code.

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, SECTION 2.5.3.1:
Design review encompasses the examination of architectural drawings for consistency with the criteria stated below, with regard to the aesthetics, appearance, safety, and function of any new or existing structure and physical attributes of the project in relation to the site, adjacent structures and surrounding community. The design review board and the planning department shall review plans based upon the below stated criteria, criteria listed in neighborhood plans, if applicable, and applicable design guidelines. Recommendations of the planning department may include, but not be limited to, comments from the building department and the public works department.

a. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.
Satisfied

b. 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.
Satisfied

c. 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.

Satisfied

d. 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 2.5.3.2.
Satisfied

e. 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.
Satisfied

f. 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.
Satisfied

g. 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

h. 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 Applicable

i. 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.
Satisfied

j. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.
Not Applicable

k. 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 Applicable

l. 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).
Not Applicable

m. 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 Applicable

n. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Not Applicable

o. 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).
Satisfied

p. 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.
Not Applicable

q. 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

r. 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

s. The structure and site complies with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.
Not Applicable

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 7.1.2.4(a)(i) of the Land Development Regulations 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) Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 4 of the Land Development Regulations.
Not Applicable

(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 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 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 Applicable

(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 Applicable

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

ANALYSIS:

DESIGN REVIEW

As noted in the Background section of this report, in 2022, the Mayor and City Commission authorized the issuance of a Request for Proposals (RFP) from interested parties for digital information kiosks. After a competitive bid process, the Mayor and City Commission awarded the applicant the RPF and subsequently approved an agreement for the installation maintenance and operation of the digital informational kiosks.

The applicant is currently requesting Design Review Approval for the design of the digital kiosks. A companion application was reviewed and approved by the Historic Preservation Board for locations within an historic district on May 14, 2024. The kiosks are proposed to be installed within City rights-of-way along various commercial corridors, with a total of eleven kiosks proposed to be located within local historic districts, and two (2) located outside of the historic districts.

As noted in the project description of this report, since the application was submitted, the applicant has indicated that they are no longer seeking approval of locations #14 (Alton Rd & 5th Street), #15 (Collins Ave and South Pointe Dr.), and #6 (Lincoln Rd. and Alton Rd.). Only one location is specifically included in the request for design review approval, Location #5 (east side of Convention Center Drive).

Each kiosk stands approximately 8’-3.5” tall, 3’-3.5” wide and just over 1’-0.5” in depth. The kiosk housing is proposed to be finished in a gray color and will feature the street name at the top of the device and a wave pattern on the side. The main feature of the kiosk is the dual, 65” touch screens which can display a range of information based on user input. When not in use, the screens will display City messaging and advertisements. The kiosks will also feature free Wi-Fi connectivity, an emergency call system and will incorporate accessible design elements.

In summary, staff has no objection to the design of the proposed digital information kiosks and recommends approval as noted below.

RECOMMENDATION:

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

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: June 4, 2024

PROPERTY/FOLIO: **Digital Information Kiosks – Citywide**

FILE NO: DRB23-0968

IN RE: An application has been filed requesting Design Review Approval for the design of Digital Information Kiosks to be installed within the right-of-way at the following approximate locations: Convention Center Drive & 19th Street, and Lincoln Rd. & Alton Rd.

APPLICANT: IKE Smart City, LLC

O R D E R

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 2.1.3.1 of the Land Development Regulations. 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 consistent with Design Review Criteria in Section 2.5.3.1 of the Land Development Regulations.

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 consistent with Sea Level Rise Criteria in Section 7.1.2.4(a)(i) of the Land Development Regulations.

D. The project would remain consistent with the criteria and requirements 2.5.3.1 and/ or Section 7.1.2.4(a)(i) if the following conditions are met:

1. Revised elevation, site plan, and floor plan drawings for the proposed new home shall be submitted, at a minimum, such drawings shall incorporate the following:

    a. Locations #14 (Alton Rd & 5th Street), #15 (Collins Ave and South Pointe Dr.), and ‘Location #6’ (Lincoln Rd. and Alton Rd) shall not be part of this approval, as requested by the applicant.

b. The subject application is limited to the approval of 'Location #5' (east side of Convention Center Drive).

c. The final details including finishes and materials shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board and subject to the review and approval of the Transportation and Public Works Departments and all other applicable departments.

d. The method of installation including the specific location shall be subject to the review and approval of the Transportation and Public Works Departments and all other applicable departments, in order to avoid conflict with accessibility requirements, emergency access, easements, above and below grade utilities, and other applicable City and or other regulatory agency requirements.

In accordance with section 2.2.4.8 of the Land Development Regulations, the applicant, the City Manager, Miami Design Preservation League, Dade Heritage Trust, or an affected person may appeal a decision of the design review board for design review approval only to the city commission, except that orders granting or denying a request for rehearing shall not be reviewed by the commission.

II. Variance(s)

A. No variance(s) were filed as part of this application.

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. 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.

B. The applicant shall ensure that the contractor(s) observe good construction practices and prevent construction materials and debris from impacting the right-of-way.

C. The contractor(s) shall ensure that the street and the swale directly abutting the construction site remains free of debris and refuse at all times; at a minimum, the contractor(s) shall inspect and clear the street and swale areas before leaving at the end of each day.

D. This order shall be enforced by the Building, Planning, Parking and Code Compliance Departments.

E. 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.

F. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.

G. 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.

H. 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.

I. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.

J. 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 for Design Review approval 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 **"Convention Center Drive & 19th Street Interactive Digital Kiosk Deployment Project", as prepared by IKE Smart City, dated April 12, 2024**, 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 submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting

date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of Section 2.2.4.6 of the Land Development Regulations; the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project shall expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

In accordance with Chapter 2 of the Land Development Regulations, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this **Order** shall subject the application to Chapter 2 of the Land Development Regulations, for revocation or modification of the application.

Dated _____.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY:_____
Rogelio A. Madan, AICP
Development & Resiliency Officer
For Chairman

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of _____ 20___ by Rogelio A. Madan, Development & Resiliency Officer of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.

Notary:
Print Name
Notary Public, State of Florida
My Commission Expires:
{NOTARIAL SEAL] Commission Number:

Approved As To Form:
City Attorney's Office: _____ ( )

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