

MIAMI BEACH
PLANNING DEPARTMENT
Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: May 3, 2016

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: Design Review File No. 23076
723 North Lincoln Lane

The applicant, PPF 723 Lincoln Lane, LLC., is requesting modifications to a previously issued Design Review Approval for the construction of a new three-story commercial building, including variances to exceed the maximum area allowed for signs, to relocate a projecting sign and building identification signs and a variance to install a projecting sign as a building identification sign, in order to install multiple signs on the building.

(ITEM WAS ORIGINALLY APPROVED AT THE September 2, 2014 MEETING)

RECOMMENDATION:

Approval of the design modifications

Approval of the variances with modifications.

LEGAL DESCRIPTION:

Lot 3 and southern 37 ½ ft of Lot 4 and portion of Bridle Path of same Block 35 Golf Course Subdivision Amended Plat, According to the Plat Thereof, as Recorded in Plat Book 6, Page 26, of the Public Records of Miami-Dade County, Florida.

HISTORY:

On September 2, 2014, the Design Review Board approved a new commercial building.

SITE DATA:

Zoning:	CD-3
Future Land Use:	CD-3
Lot Size:	19,912 SF
Approved FAR:	2.249 44,792 SF as represented by the applicant
Permitted FAR:	2.25 44,802 SF
Approved Height:	61'-76" 3-stories 71'-0" to greatest projection
Permitted Height:	75'-0" 7-stories

LAND USES:

East: Five-story City parking garage
North: Two-story Macy's department store
South: Two-story building
West: Surface parking lot

THE PROJECT:

The applicant has submitted plans entitled "723 Lincoln Lane North", as prepared by **Shulman + Associates**, dated signed and sealed March 11, 2016.

The applicant is proposing design modifications to the exterior of the previously approved three-story commercial building and to install multiple signs requiring numerous variances. Specifically, the variances pertain to four signs and include requests to exceed the maximum area allowed for signs, to relocate a projecting sign and building identification signs and to install a projecting sign as a building identification sign. The applicant is requesting a total of seven variances pertaining to the signage, all of which are supported by staff.

The following variances (#1, #2) pertain to the lower 'Marshalls' projecting signage (sign 1A and 2A) facing (1A) Meridian Avenue and perpendicular to (2A) said right-of-way:

1. A variance to exceed by 15 SF the maximum permitted area of 15 SF for a projecting sign in order to allow the installation of two projecting signs facing Meridian Avenue with a total of 30 SF.
 - Variance requested from:

Section 138-172. Schedule of sign regulations for principal and accessory use signs.
Zoning District, CD-3 – Projecting: 15 SF

The applicant is proposing to install two projecting signs for the ground floor retail component of 'Marshalls'. The total aggregate sign area including both projecting signs is 30 SF where the Code limits the area to 15 SF. Since the projecting signs are assigned to 'Marshalls' (the tenant with the largest space in the building) that will occupy the entirety of the second floor of the new building and a portion of the ground, it seems appropriate for the main sign of this tenant to not be located at the ground level as reflected in sign 2A. Further, 'Marshalls' does contain a ground floor retail component, albeit programmed with the vertical circulation elements unlike the other future ground floor tenants, a lower projecting sign that is consistent with the signage program of the building that illustrates all ground floor retailers' signs to be mounted below the soffit. Individually, both projecting signs comply with the maximum permitted area allowed for a projecting sign (15 SF).

Sign 1A will contain reverse channel letters individually mounted and projected from below the soffit on the ground floor and will be consistent in type and style as the other ground floor retailers, while sign 2A will contain blue open faced channel letters with neon tubing mounted vertically to the face of a white frosted glass backing panel projecting off the face of the building as a blade sign. The building façade facing Meridian Avenue is the façade with the higher exposure to potential customers along Lincoln Road and Meridian Avenue. The façade is not fully visible from Lincoln Road and the additional projecting sign, perpendicular to the building and located above the first floor would allow a higher exposure of the retail. Staff finds that the location of the building creates practical difficulties to develop a successful sign program. Staff recommends approval of the requested variances as they are compatible with the building architecture and comply with the intent of the sign ordinance.

2. A variance to relocate an allowable projecting sign from the ground floor to the 2nd through 3rd levels of a multistory commercial building, perpendicular to Meridian Avenue.
 - Variance requested from:

Sec. 138-171. General provisions.

(g) Signs located above the ground floor shall be limited to the name of the building or the

use that encompasses the largest amount of floor area on the building.

The applicant is requesting a variance to relocate an allowable projecting sign (2A) to portions of the building where signage would not be otherwise permitted. In order to obtain a higher exposure of the business, the sign is proposed in a vertical position, which extends more than one floor above the ground floor where a typical projecting sign is allowed. The installation of a projecting blade sign is a strategic marketing tool for increasing the visibility to potential customers on Lincoln Road. Staff finds that the location of the store one block away from Lincoln Road and the fact that its main façade is parallel to the street reduce the store visibility from the surrounding commercial district and create the practical difficulties that justify the variance requested.

The following variances (#3, #4, #5) pertain to the 'Marshalls' projecting id sign (sign 3A) perpendicular to Meridian Avenue:

3. A variance to exceed by 21 SF the maximum area allowed of 27 SF for a building identification sign facing Meridian Avenue in order to install a sign with an area of 48 SF.
 - Variance requested from:

Sec. 138-172. Schedule of sign regulations for principal use signs.

Zoning District: CD-3: One building identification sign for buildings two stories or higher, located on the parapet facing a street, is permitted with an area not to exceed 1% of the wall area on which it is placed.

A corner sign perpendicular to the façade facing Meridian Avenue is proposed for "Marshalls". Building identification signs are allowed on the top parapet of the building with a maximum of 1% of the surface where they are located. The west façade of the building has variation in planes and the sign is proposed on the larger surface closer to the street. This surface area allows for a building id sign up to 27 SF. The other recessed areas of the west facade cannot count in the calculations. The building could have been designed with a single continuous unbroken façade, which would have permitted a sign with an area of 48 SF approximately, as proposed. The size of the sign is compatible with the building's architecture and does not endanger the health, safety and general welfare of the public or the appearance of the city. Again the site location one block away from Lincoln Road and its main façade parallel to the street reduce the store visibility from the surrounding commercial district and create the practical difficulties that justify the variance requested.

4. A variance to relocate an allowable building identification sign from the parapet of the building to the building walls in order to install a vertical projecting sign facing Meridian Avenue.
 - Variance requested from:

Sec. 138-172. Schedule of sign regulations for principal use signs.

Zoning District: CD-3, Flat: ...however one building identification sign for buildings two stories or higher, located on the parapet facing a street, is permitted with an area not to exceed 1% of the wall area on which it is placed.

Sec. 138-171. - General provisions.

(g) Signs located above the ground floor shall be limited to the name of the building or the use that encompasses the largest amount of floor area on the building.

This variance is associated with variance number 4, as it pertains to the same sign. The building id sign is allowed only on the parapet of the building, as a flat sign. The relocation of the sign to the building walls and perpendicular to the walls seeks to increase visibility of the store to the surrounding commercial area. Again the location of the building and its main façade parallel to the street, limit its visibility from the Lincoln Road area which creates the practical difficulties that lead to the variance requested. Staff has no objections to this request as the sign is appropriate for the building and it is not injurious to the adjacent properties, as noted in variance #4.

5. A variance to allow a projecting sign as a building identification sign in order to install a vertical projecting sign on the upper levels of the building facing Meridian Avenue.

- Variance requested from:

Sec. 138-172. Schedule of sign regulations for principal use signs.

Zoning District: CD-3, Flat: ...however one building identification sign for buildings two stories or higher, located on the parapet facing a street, is permitted with an area not to exceed 1% of the wall area on which it is placed.

Sec. 114-1. - Definitions.

Flat Sign means any sign attached to, and erected parallel to, the face of, or erected or painted on the outside wall of a building and supported throughout its length by such wall or building and not extending more than 12 inches from the building wall.

Projecting Sign means a sign which is attached to and projects more than 12 inches from the face of a wall of a building.

This variance is associated with variance #3, #4 and #5, as it pertains to the same sign. The building id sign is allowed only on the parapet of the building, as a flat sign not exceeding 12 inches from the wall. The proposed sign is considered a projecting sign as it extends more than 12 inches from the building walls and also because its location. The curtain wall skin of the building has been designed with projecting aluminum fins positioned at regular intervals, which presents certain installation (and aesthetic) challenges when it comes to practically incorporating and installing building signage. In this regard, the slender vertical blade is the best solution to seamlessly attach a building id sign without compromising the design of the building.

The sign will be installed at the southwest corner of the building attached to the structural steel corner posts and not disrupt the glazing of the building. Further, as the majority of the traffic occurs along Meridian Avenue, the applicant is proposing the sign beginning at the top of the parapet and hanging down vertically at that level as a projecting sign in order to obtain higher visibility. Again the site location one block away from Lincoln Road and its main façade parallel to the street reduce the store visibility from the surrounding commercial district and create the practical difficulties that justify the variance requested.

The following variances (#6, #7) pertain to the 'Marshalls' flat id sign (sign 4A) facing Meridian Court:

6. A variance to exceed by 21SF the maximum area allowed of 27 SF for a building identification sign facing Meridian Court in order to install a sign with an area of 48 SF.

- Variance requested from:

Sec. 138-172. Schedule of sign regulations for principal use signs.

Zoning District: CD-3: ...however one building identification sign for buildings two stories or higher, located on the parapet facing a street, is permitted with an area not to exceed 1% of the wall area on which it is placed. Proposed 48SF | Permitted 27SF

A building id sign for “Marshalls” is proposed on the facade fronting Meridian Court. Building identification signs are allowed on the top parapet of the building with a maximum of 1% of the surface where they are located. The east façade of the building is similar to the west façade with variation in planes. The sign is proposed on the larger surface closer to the street. This surface area allows for a building id sign up to 27 SF. The other recessed areas of the west facade cannot count in the calculations. The building could have been designed with a single continuous unbroken façade, which would have permitted a sign with an area of 48 SF approximately, as proposed. The size of the sign is compatible with the building’s architecture and does not endanger the health, safety and general welfare of the public or the appearance of the city. This façade is located at a street end and closed to the service alley on the south side. The location of the building in this street end away from the majority of the pedestrian traffic reduce the store visibility from the surrounding commercial district and create the practical difficulties that justify the variance requested.

7. A variance to relocate an allowable building identification sign from the parapet of the building to the building walls in order to install a vertical sign facing Meridian Court.

- Variance requested from:

Sec. 138-172. Schedule of sign regulations for principal use signs.

Zoning District: CD-3: however one building identification sign for buildings two stories or higher, located on the parapet facing a street, is permitted with an area not to exceed one percent of the wall area on which it is placed.

Sec. 138-171. - General provisions.

(g) Signs located above the ground floor shall be limited to the name of the building or the use that encompasses the largest amount of floor area on the building.

The applicant is requesting to relocate building identification sign that otherwise would be permissible on the parapet of the building without a variance to extend from the parapet down the face of the building at the upper level. The Code specifies that building identification signs are allowed to be flat signs on the parapet of the building, with a maximum size of 1% of the façade on which it is placed. As previously mentioned, the curtain wall skin of the building has been designed with projecting aluminum fins positioned at regular intervals, which presents certain installation (and aesthetic) challenges when it comes to practically incorporating and installing building signage. In this regard, a rotated 90 degree wall sign positioned within one bay of windows is another solution for a building id sign that does not compromise the design of the building. The sign will be installed vertically at the southeast corner of the building attached to the edge of the building to the first aluminum fin. A sign at the proposed location would be beneficial to the general public in locating the facility as viewed from the multistory City parking

garage across Meridian Court. Considering the location of the store in reference to the Lincoln Road Mall and the disadvantage in visibility due to the building's design elements on the façade, staff finds that practical difficulties exist which create the need for this variance request.

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 submitted 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.

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, aside from the requested variances pertaining to the proposed signage as noted herein this application:

- The signs encroaching into the public right of way may require approval from the Public Works Department and City Commission.

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.
Satisfied
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.
Satisfied
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 requires multiple 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.
Not Satisfied; the proposed signage requires multiple variances.
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 requires multiple 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.
Satisfied; the proposed signage is in scale with similar retailers.
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; a lighting plan has not been provided.

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.

Not Applicable

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.

STAFF ANALYSIS:
DESIGN REVIEW

On September 2, 2014, the Design Review Board approved a new highly transparent commercial building on a prominent corner location. The proposed structure contained multiple, smaller retail bays on the first floor with a larger retail tenant occupying the double height second and third floors, with a grand atrium spanning from the ground floor lobby area. The applicant is seeking design modifications to the exterior of the previously approved three-story commercial building.

The following summarizes the proposed modifications:

- Exterior façade modifications to the north (Macys) elevation, including painted and scored stucco detailing in a colorful patterning.
- Exterior façade modifications to south (North Lincoln Lane) elevation, including the installation of colored aluminum fins.
- Installation of multiple signs including projecting blade signs and main identification signs, requiring variances. (See 'Project' and 'Variance Review')

With regards to proposed exterior façade modifications to the north (and east, west and south) elevation (No. 1) staff has no objections to the proposed design. The architect has responded insightfully and creatively to the imposed condition C.2.e. of the Final Order which stated: *'Additional design development of the north elevation shall be required; this may include further articulation along the elevation to break up the solid featureless masonry wall that projects over the neighboring Macy's department store in order to create a stronger visual interest...'* The architect has adorned the masonry wall with scored and painted stucco with colorful vertical bands that will project over the multi-roofed Macys' building. This banding will also continue and wrap around the vertical elevator/ stair tower circulation core component of the building along all the other three façades, and will address C.2.d. of the Final Order which stated: *'The stairwell bulkhead that faces Meridian Avenue shall be further articulated...'*

With regards to proposed exterior façade modifications to the south elevation (No. 2) staff has no objections to the proposed design. The architect has responded equally well to addressing further concerns pertaining to the design details of the proposed aluminum fins along the south (North Lincoln Lane) façade. The installation of colored aluminum fins will create a memorable and distinctive retail identifier for the building.

The redevelopment of the building is integral in achieving the desired objective of the City of Miami Beach to both enliven and improve the pedestrian experience along North Lincoln Lane and Meridian Avenue and also to expand the Lincoln Road Mall experience into the Lincoln Road District, per recently adopted master plan. Staff believes that the proposed design modifications greatly improve upon the prior approved design. Since the Code allows for multiple signs for the same licensed establishment to be permitted through the Design Review procedure, staff has reviewed the proposal in accordance to the Design Review Criteria and finds that the all of the signs individually complement the signage program envisioned for the

building and are not excessive in size or composition and the proposed placement and appearance, will not result in "visual clutter."

VARIANCE REVIEW

Since the original approval of the project on September 2, 2014, the applicant has realized and designed a signage program proposed for the highly transparent commercial building including the retail build out of a national chain, specifically in terms of the size of and number of sign variances. As identified under the "Project" description, the seven variances have been analyzed for the site. With the success of the closed-off pedestrianized section of Lincoln Road, the installation of projecting signs are a more strategic marketing tool for increased visibility to pedestrian shoppers on the intersecting side streets. Blade signs are the appropriate signage intervention on the west and south side of the building while a flush mounted sign on the east wall will work best. The proposed projecting signs will allow the retailer to be seen from Lincoln Road which is approximately 215'-0" to the south.

Staff would note that the purpose of the signage ordinance, as stated in section 138-1 of the City Code, is "to permit signs that will not by their size, location, construction, number or manner of display, endanger the health, safety and general welfare of the public or the appearance of the city. It is also the purpose of this chapter to encourage signs that are architecturally aesthetic and compatible with the buildings they are placed on, to reduce traffic hazards and to preserve the right of free speech exercised through the use of signs."

Article 1, Section 2 of the Related Special Acts authorizes the granting of variances by the Board where there are practical difficulties in the way of carrying out the strict letter of the zoning Ordinance, to modify the regulations so that the spirit of the zoning Ordinance is observed, public safety and welfare secured, and substantial justice done. Due to the size and location of the building, staff believes that the variances requested are consistent with the spirit of the signage ordinance and that practical difficulties exist that justify the variance requests.

RECOMMENDATION:

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

TRM/JGM

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DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: May 3, 2016

FILE NO: 23076

PROPERTY: **723 North Lincoln Lane**

APPLICANT: PPF 723 Lincoln Lane, LLC

LEGAL: Lot 3 and southern 37 ½ ft of Lot 4 and portion of Bridle Path of same Block 35 Golf Course Subdivision Amended Plat, According to the Plat Thereof, as Recorded in Plat Book 6, Page 26, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval for modifications to a previously issued Design Review Approval for the construction of a new three-story commercial building, including variances to exceed the maximum area allowed for signs, to relocate a projecting sign and building identification signs and a variance to install a projecting sign as a building identification sign, in order to install multiple signs on the building.

MODIFIED 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 Approval

- 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 3, 4, 5, and 9 in Section 118-251 of the Miami Beach Code.
- C. The project would be consistent with the criteria and requirements of section 118-251 if the following conditions are met:
 - 1. This approval shall supersede the prior Final Order dated September 2, 2014 for DRB File No. 23076 as modified herein.
 - 2. The proposed projecting signs that extend above and encroach within the City sidewalk may require revocable right-of way permit(s) to be obtained from the Public Works Department and approved by the City Commission

3. Revised elevation, site plan and floor plan drawings shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
- a. ~~The proposed plans shall be revised to fully satisfy the FAR requirements of the City Code.~~
 - b. ~~The proposed plans shall be revised to fully satisfy the required amount of loading zone spaces.~~
 - c. ~~Any future commercial use on the roof top may require Conditional Use Permit approval from the Planning Board.~~
 - d. ~~The stairwell bulkhead that faces Meridian Avenue shall be further articulated in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.~~
 - e. ~~Additional design development of the north elevation shall be required; this may include further articulation along the elevation to break up the solid featureless masonry wall that projects over the neighboring Macy's department store, in order to create a stronger visual interest, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.~~
 - f. The rooftop mechanical equipment shall be reduced to the greatest extent possible. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and shall be configured to be as close to the center of the roof as possible and screened from view, and located in a manner to be approved by staff. In the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, subject to the review and approval of staff based upon the design review or appropriateness criteria, and/or directions received from the board.
 - g. The final details of all exterior surface finishes and materials, including samples, 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.
 - h. **The final color scheme paint selection, 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.**
 - i. **The final color scheme selection for the aluminum vertical fins, 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.**

- j.
- k. The final details of all proposed storefront systems and associated details shall be provided for all of the structures on the project site, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board
- l. All interior fixtures, including, but not limited to, shelving, partitions, and checkout counters, shall be setback a minimum of ten (10') feet from the north and east walls of the building on the first and second levels, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board. This shall not prohibit substantially transparent fixtures for display purposes only.
- m. The final design and details of all exterior and interior lighting shall be provided, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board. Interior lighting shall be designed in a manner to not have an adverse overwhelming impact upon the surrounding area. No florescent or intensive 'white' lighting (or similar intensive lighting) visible from the adjacent public rights of way or adjacent properties shall be permitted.
- n. All building signage shall require a separate permit. ~~A uniform sign plan for the new building shall be required. Such sign plan shall be consistent in materials, method of illumination and sign location, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.~~ The uniform signage plan for the building shall be approved as proposed. All building signage shall require a separate permit.
- o. All ground floor projecting signs shall be consistent in materials, method of illumination and sign location. All storefront signs shall be designed as individual reverse channel letters with a brushed aluminum finish that can may or may not be backlit with/out a color, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board. If any signage is projecting below the soffit, the signage shall be composed of individual pin-mounted lettering and all electrical conduits and exterior lighting elements shall be hidden from view. No exterior raceways shall be permitted.
- p. All kitchen ventilation shall be chased through the interior of the building to the roof. No exhaust ducts or vents shall be permitted on any building elevations.
- q. A fully enclosed, air-conditioned trash room shall be provided, which is sufficient to handle the maximum uses intended for the proposed structure. External dumpsters shall not be permitted.

- r. 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.
- s. 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 by 15 SF the maximum permitted area of 15 SF for a projecting sign in order to allow the installation of two projecting signs facing Meridian Avenue with a total of 30 SF.
 - 2. A variance to relocate an allowable projecting sign from the ground floor to the 2nd through 3rd levels of a multistory commercial building, perpendicular to Meridian Avenue.
 - 3. A variance to exceed by 21 SF the maximum area allowed of 27 SF for a building identification sign facing Meridian Avenue in order to install a sign with an area of 48 SF.
 - 4. A variance to relocate an allowable building identification sign from the parapet of the building to the building walls in order to install a vertical projecting sign facing Meridian Avenue.
 - 5. A variance to allow a projecting sign as a building identification sign in order to install a vertical projecting sign on the upper levels of the building facing Meridian Avenue.
 - 6. A variance to exceed by 21SF the maximum area allowed of 27 SF for a building identification sign facing Meridian Court in order to install a sign with an area of 48 SF.
 - 7. A variance to relocate an allowable building identification sign from the parapet of the building to the building walls in order to install a vertical sign facing Meridian Court.
- B. 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 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:

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.

C. The Board 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. 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.
- B. Where one or more parcels are unified for a single development, the property owner shall execute and record a unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- C. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- D. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- E. 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.
- F. 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.
- G. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- H. 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 Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "723 Lincoln Lane North", as prepared by **Shulman + Associates**, dated signed and sealed March 11, 2016, 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 set forth in this Order. No building permit may be issued unless and until all 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 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 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 Chapter 118 of the City Code; the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project should 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 118 of the City Code, 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 118 of the City Code, for revocation or modification of the application.

Dated this _____ day of _____, 20_____.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
DEBORAH J. TACKETT
DESIGN AND PRESERVATION MANAGER
FOR THE CHAIR

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

The foregoing instrument was acknowledged before me this _____ day of _____, 20____ by Deborah J. Tackett, Design and Preservation Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.

NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: _____

Approved As To Form:

City Attorney's Office: _____ ()

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

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