

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: June 05, 2018

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: DRB18-0242 (aka DRB File No. 23089)
22 Star Island Drive – Single Family Home

The applicant, Twenty-Two Star Island LLC, is requesting exterior design modifications to a previously issued Design Review Approval dated April 07, 2015 for a new two-story single-family home including a variance to exceed the maximum height for an elevator bulkhead.

RECOMMENDATION:

Approval with conditions.

Approval of the variance.

LEGAL DESCRIPTION:

Lot 22 of STAR ISLAND, according to Plat thereof, recorded in Plat Book 5, at Page 52, Public Records of Miami-Dade County, Florida, and CORRECTED PLAT OF STAR ISLAND recorded in Plat Book 31, at Page 60, Public Records of Miami-Dade County, Florida, together with riparian rights, if any, appurtenant to said land, and that part of Lot 46 of STAR ISLAND, according to Plat Book 5, at Page 52, Public Records of Miami-Dade County, Florida, and Corrected Plat of STAR ISLAND, according to Plat Book 31, Page 60, Public Records of Miami-Dade County, Florida.

HISTORY:

- March 03, 2015—The design and relocation of the existing pre-1942 architectural home was approved. At this time the variances were not approved due to lack of vote quorum.
- April 07, 2015—Modifications to the garage design and the variances were approved by the Board.
- September 01, 2015 Modifications to allow an increased elevation for the relocated pre-1942 architecturally significant two-story accessory structure were approved by the Board.

SITE DATA:

Zoning:	RS-1
Future Land Use:	RS
Lot Size:	58,906 SF
Lot Coverage:	
Approved/Permit:	14,687 SF / 24.9%
Proposed:	13,204 SF / 22.5 %
Maximum:	17,672 SF / 30
Unit size:	
Approved/Permit:	24,801 SF / 41.1%
Proposed:	23,500 SF / 39.9%
Maximum:	29,453 SF / 50

Grade:	+5.51' NGVD
Flood:	+10.00' NGVD
Difference:	4.49'
Adjusted Grade:	+7.76' NGVD
Finish Floor:	+12.00 NGVD

Height:
Approved (new): 31'-0" flat roof*
*PRIOR VARIANCE GRANTED

EXISTING STRUCTURE:

Year Constructed: 1928
Architect: Kiehnel + Elliot
Vacant: No
Demolition Proposed: Partial

Surrounding Properties:

East: Two-story 1973 residence
North: Biscayne Bay
South: Star Island Park
West: Two-story 1923 residence

BACKGROUND:

The original structure was constructed on the then-known Star Island Yacht Club site which included parcels 46, 21, and 22 of Star Island. The Yacht Club was purchased by Colonel Edward Howland Robinson Green in the early 1920s.

The original home was constructed in 1924 (lot 46, adjacent site to the west) by prominent Miami Beach architect Martin Hampton. In 1928, Col. Green commissioned the Pittsburgh firm Kiehnel and Elliott to design an accessory structure, which is part of this application, in a Mediterranean-Revival style of architecture. A breezeway addition connected the structure to the main estate in 1931. That addition was removed sometime in the 1950s; yet the accessory structure has retained all of its original and magnificent architectural features such as the original projecting balconies with their decorative columns, the original arched windows and window grills, the cross-hipped roof and decorative friezes.

THE PROJECT:

The applicant has submitted plans entitled "Star 22", as prepared by **DOMO Architecture + Design** signed and sealed April 06, 2018.

The applicant is requesting the following variance(s):

1. A variance to exceed by 3'-0" the maximum height allowed of 10'-0" feet above the roofline in order to construct an elevator bulkhead up to 13'-0" above the roofline.
 - Variance requested from:

Sec. 142-105. - Development regulations and area requirements.

(b) The development regulations for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:

(7) Height exceptions. The height regulation exceptions contained in section 142-1161 shall not apply to the RS-1, RS-2, RS-3 and RS-4 zoning districts. The following exceptions shall apply, and unless otherwise specified in terms of height and location, shall not exceed 10'-0" above the roofline of the structure.

f. Elevator bulkheads shall be located as close to the center of the roof as possible and be visually recessive such that they do not become vertical extensions of exterior building elevations.

The project includes one 13'-0" high elevator to service a 23,500 SF house. The bulkhead is located close to 250'-0" feet from the street front and is visually recessive within the perimeter of the roof. The additional 3'-0" in height requested is based on the size and type of elevator associated with the project which is more in line with a commercially sized elevator bulkhead, which is not atypical to associate with a residential property of this size on a lot that contains nearly 60,000 SF of lot area. Staff is supportive of this requested height increase since the applicant is not raising the height of the finished first floor to the

maximum amount of freeboard, 5'-0"; if raised to BFE + 5'-0" it would result in a more voluminous height of the residence which then the applicant could place an elevator 10'-0" above the adjusted main roofline. Staff has no objections to this request as the increase in height is not detrimental to the surrounding properties and is hidden from view with landscaping. Staff finds that the expansive residence creates the practical difficulties for the variance requested.

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 variance(s):

1. Chapter 126 of the Land Development Regulations of the City Code, "**permits for demolition require a landscape survey to insure that valuable existing trees are not damaged or destroyed. Trees that have a trunk diameter of eight or more inches shall not be removed without the approval of the Planning and Zoning Director.**"

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; applicant is seeking one variance.
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; applicant is seeking one variance.
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; applicant is seeking one variance.
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; applicant is seeking one variance.

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; applicant is seeking one variance.
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; applicant is seeking one variance.
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 submitted
10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.
Satisfied
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; a lighting plan has not been provided
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).
Not Satisfied; applicant is seeking one variance.

13. The building has, where feasible, space in that part of the ground floor fronting a street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.
Satisfied
14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Satisfied
15. An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).
Not Applicable
16. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.
Satisfied
17. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.
Not Applicable
18. In addition to the foregoing criteria, subsection [118-]104(6)(t) of the City Code shall apply to the design review board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.
Not Applicable
19. The structure and site complies with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.
Not Satisfied

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 will be provided for permitting
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. Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.
Satisfied
5. Whether adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact, including a study of land elevation and elevation of surrounding properties were considered.
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.
Satisfied
7. Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.
Satisfied
8. Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.
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.
Not Applicable
10. Where feasible and appropriate, water retention systems shall be provided.
Not Satisfied

STAFF ANALYSIS:
DESIGN REVIEW

The original project was approved by the Board on March 03, 2015, and April 07, 2015, for the construction of a new two-story home on the subject property and to relocate the historic 1928 two-story architecturally significant home. The applicant is constructing a new two-story residence on the western side of Star Island. The approved plans consist of a 23,500 SF contemporary waterfront estate on a lot with nearly 60, 000 SF of land. The applicant is proposing slight modifications to the floor plan of the principal structure under construction resulting in exterior design modifications. The modifications to the plans result in one variance request.

The applicant is proposing to enclose a central courtyard to the main residence with a glass skylight. The proposed skylight will have no visual impact from the rights-of-way. The skylight complies with all regulations pertaining to such, and the enclosed area was previously calculated towards lot coverage. Staff is fully supportive of the modification.

VARIANCE REVIEW

Regarding the variance to exceed the maximum height for an elevator in a single family district. A property of this size would require a commercial elevator to have the ability to freely and safely move larger objects, furniture and large scale artwork, in the vast 24,000 SF home. The commercial elevator codes make no distinction in residential or commercial use. It does require additional height at the roof and depth of the ground floor clearance for the cab. The elevator is configured centrally within the floor plan and is setback nearly 250'-0" from the street and over 150'-0" from the water. Further, the 3'-0" height increase at these distances will have zero effect on the overall appearance or impact to the surrounding area. As such, staff supports approval of the variance.

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: June 05, 2018

FILE NO: DRB17-0242

PROPERTY: **22 Star Island Drive**

APPLICANT: Twenty-Two Star Island LLC

LEGAL: Lot 22 of STAR ISLAND, according to Plat thereof, recorded in Plat Book 5, at Page 52, Public Records of Miami-Dade County, Florida, and CORRECTED PLAT OF STAR ISLAND recorded in Plat Book 31, at Page 60, Public Records of Miami-Dade County, Florida, together with riparian rights, if any, appurtenant to said land, and that part of Lot 46 of STAR ISLAND, according to Plat Book 5, at Page 52, Public Records of Miami-Dade County, Florida, and Corrected Plat of STAR ISLAND, according to Plat Book 31, Page 60, Public Records of Miami-Dade County, Florida.

IN RE: The Application for exterior design modifications to a previously issued Design Review Approval dated April 07, 2015 for a new two-story single-family home including a variance to exceed the maximum height for an elevator bulkhead

ORDER

The City of Miami Beach Design Review Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

I. Design Review

- A. The Board has jurisdiction pursuant to Section 118-252(a) of the Miami Beach Code. The property is not located within a designated local historic district and is not an individually designated historic site.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Design Review Criteria 1, 2, 3, 4, 5, 6, 9, 11, 12, and 19 in Section 118-251 of the Miami Beach Code.
- C. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is consistent with Sea Level Rise Criteria 1, 5, and 10 in Section 133-50(a) of the Miami Beach Code.

D. The project would remain consistent with the criteria and requirements of Section 118-251 if the following conditions are met:

1. Revised elevation, site plan, and floor plan drawings for the proposed new home at 22 Star Island Drive shall be submitted, at a minimum, such drawings shall incorporate the following:
 - a. The skylight shall be approved as proposed.
 - b. 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.
 - c. 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 3'-0" the maximum height allowed of 10'-0" feet above the roofline in order to construct an elevator bulkhead up to 13'-0" above the roofline.

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 hereby grants approval for the requested variances and 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. During construction of the new home, the Applicant will maintain gravel at the front of the construction site within the first 15'-0" of the required front yard to mitigate disturbance of soil and mud by related personal vehicles exiting and entering the site, and with an 8'-0" high fence with a wind resistant green mesh material along the front property line. All construction materials, including dumpsters and portable toilets, shall be located behind the construction fence and not visible from the right-of-way. All construction vehicles shall either park on the private property or at alternate overflow parking sites with a shuttle service to and from the property. The Applicant shall ensure that the contractor(s) observe good construction practices and prevent construction materials and debris from impacting the right-of-way.
- B. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- C. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a revised Building Permit.
- D. 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.

- E. 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.
- F. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- G. 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 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 Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "Star 22", as prepared by **DOMO Architecture + Design** signed and sealed April 06, 2018, and as approved by the Design Review Board, as determined by staff.

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 Design Review 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. 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.

