

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: July 10, 2018

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: HPB18-0201, **709 Alton Road - Baptist Health South Florida**

The applicant, Alton Road Development, LLC, is requesting variances to relocate an allowable wall sign at the ground level to the second floor of the building and to relocate a building identification sign from a street façade to a non-street façade.

STAFF RECOMMENDATION

Approval of the variances

BACKGROUND

On February 6, 2014, the Planning Board approved a Conditional use permit for the construction of a commercial building exceeding 50,000 sf of area under PB file no.2151.

On February 11, 2014, the Board approved a Certificate of Appropriateness for the construction of a commercial building under HPB file no. 7395.

On July 28, 2015, the Planning Board approved modifications to the CUP to allow the use of the building for medical offices and related uses, and to change the name of the owner of the property.

EXISTING STRUCTURE

Local Historic District:
Structure:

Flamingo Park
Under construction

ZONING / SITE DATA

Legal Description:

Lots 9, 10, 11, 12, 13, and 14, Block 106 of "Ocean Beach Florida Addition No. 3", according to the plat thereof as recorded in plat book 2, page 81 of the Public Records of Miami-Dade County, Florida.

Zoning -
Future Land Use Designation -

CD-2 (Commercial District, Medium Intensity)
CD-2 (Commercial District, Medium Intensity)

THE PROJECT

The applicant has submitted plans prepared by Graphplex Signs, dated March 13, 2018.

The applicant is proposing the installation of two (2) signs on the north and south side of the building including variances for the relocation of a wall sign to the second floor and to relocate a building identification sign from a street façade to a non-street façade.

The applicant is requesting the following variances:

1. A variance to relocate an allowable flat sign from the ground floor to the 2nd floor of a commercial building facing 7th Street.

- Variance requested from:

Sec. 138-16. Wall sign.

Wall signs are signs 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. Such signs shall be governed by the following chart:

Height restrictions, Wall Sign Design Standards per District, CD-2: Shall not be located above the ground floor.

Signs located above the first floor are only allowed as building identification signs. The sign program for the building does not include this type of sign on 7th street, and rather proposes one wall sign with 58.5 sf of area attached to the second floor projecting slab. Based on the length of the building on this façade, up to 100 sf of sign area would be allowed at the ground level without a variance, in addition to a building identification sign located at the top of the building. The proposed sign should not have a negative impact on the surrounding properties, as the letters are reverse channel type and the sign is not facing a residential property. The location at the second floor would help to increase visibility of this medical facility by drivers traveling northbound off the fly-over. The identification of the building is essential considering that it will provide primary and urgent care services. Because the sign proposed is less than what could be constructed on the south façade, and it has been designed in a manner that is compatible with the architecture, staff is not opposed to the variance. Staff finds that the location and size of the property create practical difficulties that result in the variance requested.

2. A variance to relocate a building identification sign from the Alton Road façade to the north façade.

- Variance requested from:

Section 138-13. General sign requirements and design standards.

The following standards shall apply to all signs unless otherwise exempted in this chapter or these land development regulations:

(2) Signs shall front a street or waterway. Signs may be permitted to front alleys where the alley frontage provides a means of public entrance, or is adjacent to a parking lot or garage.

Sec. 138-16. Wall sign.

Wall signs are signs 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. Such signs shall be governed by the following chart:

Supplemental standards, Wall Sign Design Standards per District, CD-2: Hotels, apartments-hotels, and commercial buildings two stories or higher may be permitted one building identification sign above the roofline, with an area not to exceed one percent of the wall area on which it is placed. The placement and design of the sign shall be subject to approval through the design review process.

This variance is related to a non-illuminated sign, showing the Baptist's pineapple logo located at the top of the building on the north side. Signs, similar to the one proposed, are not allowed as of right on non-street facades. As the property is located on Alton Road with both north and south bound traffic, the applicant is seeking higher visibility of the building by relocating a building identification sign that would be allowed on the Alton Road façade to the north side. Staff has no objection to this proposal as the sign is not illuminated and it is of less size than what could be installed on the Alton Road side. The proposed sign is compatible with the mass of the building and its architecture. Staff finds that the size, location and the proposed medical use of the building creates practical difficulties that satisfy the criteria for the granting of variance #2.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

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

Additionally, staff has concluded that the plans and documents with the application partially satisfy 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

The application as submitted appears to be consistent with the requirements of the City Code. 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 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 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) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.
Not Applicable
- (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.
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.
Not Applicable
- (7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.
Not Applicable
- (8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.
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) Where feasible and appropriate, water retention systems shall be provided.

Not Applicable

VARIANCE ANALYSIS

The subject property is located on the corner of Alton Road and 7th Street and is finalizing construction of a multistory medical office building with an accessible roof deck. The project was previously approved by the Historic Preservation Board and Planning Board. The subject application includes the installation of two (2) signs for which two (2) variances are requested. In addition to the signs herein proposed, a wall sign at the ground level facing Alton Road has been approved under building permit BC1806944.

Variance #1 is for the relocation of a wall sign which is allowed at the ground level to the second floor on the south side of the building. Variance #2 consists of the relocation of a building identification sign allowed on the street side to the top of the building on the northwest side of the building. Both signs are well below the maximum sign area that is allowed for the building. As the property is located on a corner, signage is allowed along both streets and could potentially have up to 100 s.f of sign area in addition to building identification signs up to 1% on each street side façade.

The location of the signs proposed would be beneficial to the general public in locating the facility as viewed from the surrounding area. Although variances are required for the proposed signs, the location and size is consistent with 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."

Staff finds that the applicant's requests meet the requirements of the practical difficulties criteria; therefore staff has no objection to the variances requested.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the application for variances be **approved**, subject to the conditions enumerated in the attached draft Order, which address the inconsistencies with the aforementioned Practical Difficulty and Hardship criteria, as applicable.

**HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida**

MEETING DATE: July 10, 2018

FILE NO: HPB18-0201

PROPERTY: 709 Alton Road

APPLICANT: Alton Road Development, LLC

LEGAL: Lots 9, 10, 11, 12, 13, and 14, Block 106 of "Ocean Beach Florida Addition No. 3", according to the plat thereof as recorded in plat book 2, page 81, of the Public Records of Miami-Dade County, Florida.

IN RE: The application for variances to relocate an allowable wall sign at the ground level to the second floor of the building and to relocate a building identification sign from a street façade to a non-street façade.

ORDER

The City of Miami Beach Historic Preservation 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. Certificate of Appropriateness

A. Certificate of Appropriateness has not been requested as part of this application.

II. Variance(s)

A. The applicant filed an application with the Planning Department for the following variance(s):

1. A variance to relocate an allowable flat sign from the ground floor to the 2nd floor of a commercial building facing 7th Street.
2. A variance to relocate a building identification sign from the Alton Road façade to the north façade.

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 **Approves** the requested variance(s) and imposes the following condition 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. Certificate of Appropriateness' and 'II. Variances' noted above.

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

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 prepared by Graphplex Signs, dated March 13, 2018, as approved by the Historic Preservation 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__.

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
DEBORAH TACKETT
CHIEF OF HISTORIC PRESERVATION
FOR THE CHAIR

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

The foregoing instrument was acknowledged before me this _____ day of _____ 20__ by Deborah Tackett, Chief of Historic Preservation, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. She 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 Historic Preservation Board on _____ ()