

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Historic Preservation Board

TO: Chairperson and Members  
Historic Preservation Board

DATE: November 8, 2016

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: HPB0716-0050, **801 Lincoln Road.**

The applicant, Dylan's Candy Bar Miami, is requesting a Certificate of Appropriateness for the introduction of a pass-through window along Meridian Avenue.

#### **STAFF RECOMMENDATION**

Denial of the Certificate of Appropriateness

#### **EXISTING STRUCTURE**

Local Historic District: Flamingo Park

Status: Contributing  
Original Architect: Russell Pancoast  
Construction Date: 1929

#### **ZONING / SITE DATA**

Legal Description: The east ½ of Lot 1, Block 36, Ameded Plat of Golf Course Subdivision, according to the Plat thereof, as recorded in Plat Book 6, at page 26 of the Public Records of Miami-Dade County, Florida.

Zoning: CD-3, Commercial, high intensity  
Future Land Use Designation: CD-3, Commercial, high intensity

#### **THE PROJECT**

The applicant is requesting a Certificate of Appropriateness for the introduction of a pass-through window along Meridian Avenue.

#### **COMPLIANCE WITH ZONING CODE**

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the City Code.

Chapter 82, Article III, Division 2 of the City Code requires the approval of a revocable permit in order for the awning to project into the right-of-way.

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.

#### **CONSISTENCY WITH 2025 COMPREHENSIVE PLAN**

A preliminary review of the project indicates that the **commercial** use appears to be **consistent** with the Future Land Use Map of the Comprehensive Plan.

#### **COMPLIANCE WITH CERTIFICATE OF APPROPRIATENESS CRITERIA**

A decision on an application for a Certificate of Appropriateness shall be based upon the following:

- I. Evaluation of the compatibility of the physical alteration or improvement with surrounding properties and where applicable, compliance with the following criteria pursuant to Section 118-564(a)(1) of the Miami Beach Code (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
  - a. The Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as revised from time to time.  
**Not Satisfied**  
**The pass through window is atypical of historic window configurations in Miami Beach.**
  - b. Other guidelines/policies/plans adopted or approved by Resolution or Ordinance by the City Commission.  
**Not Satisfied**  
**The queueing of customers within the sidewalk will impede pedestrian circulation and accessibility resulting in an undesirable and potentially unsafe condition.**
- II. In determining whether a particular application is compatible with surrounding properties, the Board shall consider the following criteria pursuant to Section 118-564(a)(2) of the Miami Beach Code (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
  - a. Exterior architectural features.  
**Not Satisfied**  
**The pass through window is atypical of historic window configurations in Miami Beach.**
  - b. General design, scale, massing and arrangement.  
**Not Satisfied**  
**The pass through window is atypical of historic window configurations in Miami Beach.**
  - c. Texture and material and color.

**Satisfied**

- d. The relationship of a, b, c, above, to other structures and features of the district.

**Not Satisfied**

**The pass through window is atypical of historic window configurations in Miami Beach.**

- e. The purpose for which the district was created.

**Satisfied**

- f. The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.

**Not Applicable**

- g. An historic resources report, containing all available data and historic documentation regarding the building, site or feature.

**Satisfied**

- h. The original architectural design or any subsequent modifications that have acquired significance.

**Not Satisfied**

**The pass through window is atypical of historic window configurations in Miami Beach.**

- III. The examination of architectural drawings for consistency with the criteria pursuant to Section 118-564(a)(3) of the Miami Beach Code and stated below, with regard to the aesthetics, appearances, safety, and function of any new or existing structure, public interior space and physical attributes of the project in relation to the site, adjacent structures and properties, and surrounding community. The criteria referenced above are as follows (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):

- a. 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**

**The queueing of customers within the sidewalk will impede pedestrian circulation and accessibility resulting in an undesirable and potentially unsafe condition.**

- b. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.

**Satisfied**

- c. The color, design, surface finishes and selection of landscape materials and architectural elements of the exterior of all buildings and structures and primary

public interior areas for developments requiring a building permit in areas of the city identified in section 118-503.

**Not Applicable**

- d. The proposed structure, and/or additions to an existing structure is appropriate to and compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties, or the purposes for which the district was created.

**Not Applicable**

- e. The design and layout of the proposed site plan, as well as all new and existing buildings and public interior spaces 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 preserving historic character of the neighborhood and district, contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.

**Not Satisfied**

**The queueing of customers within the sidewalk will impede pedestrian circulation and accessibility resulting in an undesirable and potentially unsafe condition.**

- f. 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 any driveways and parking spaces are usable, safely and conveniently arranged and have a minimal impact on pedestrian circulation throughout the site. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with vehicular traffic flow on these roads and pedestrian movement onto and within the site, as well as permit both pedestrians and vehicles a safe ingress and egress to the site.

**Not Satisfied**

**The queueing of customers within the sidewalk will impede pedestrian circulation and accessibility resulting in an undesirable and potentially unsafe condition.**

- g. 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 and consistent with a City master plan, where applicable.

**Not Applicable**

- h. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.

**Not Applicable**

- i. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from Structures are adequately shielded from public view, adjacent properties and pedestrian areas.

**Not Applicable**

- j. Any proposed new structure shall have an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).

**Not Applicable**

- k. All buildings shall have, to the greatest extent possible, space in that part of the ground floor fronting a sidewalk, 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 sidewalk street, or streets shall have residential or commercial spaces, or shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of a parking structure from the surrounding area and is integrated with the overall appearance of the project.

**Satisfied**

- l. All buildings shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.

**Not Applicable**

- m. Any 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**

- n. All portions of a project fronting a street or sidewalk shall incorporate an amount of transparency at the first level necessary to achieve pedestrian compatibility.

**Satisfied**

- o. 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**

The applicant is proposing to install a new horizontal sliding window at the ground level facing Meridian Avenue. As indicated in the application, the applicant wishes to serve customers fountain soda items prepared in the store through this window.

Notwithstanding the applicants desire to provide additional service options, staff has significant concerns with regard to the proposed pass through window. In this regard, the overall design of the operable window is inconsistent with the architecture of the building.

Since the existing building extends to the property line, all customer queuing would occur within the sidewalk. Although the sidewalk width is not clearly indicated on the survey provided, staff has inspected the property and believes the sidewalk to be approximately 7'-0" in width. Staff would also note that the sidewalk contains a parking meter pay station, light pole and various City signs located within close proximity to the window. Due to the unique environment of this section of Meridian Avenue as not only a major vehicular corridor, but also a highly congested pedestrian connection to Lincoln Road, staff believes that any potential customer queueing will

result in an undesirable and potentially unsafe pedestrian experience and limit accessibility. Staff would also note that the City's Public Works Department shares the same concerns. Consequently, staff recommends the application be denied.

**RECOMMENDATION**

In view of the foregoing analysis, staff recommends the application be **denied**.

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

MEETING DATE: November 8, 2016

FILE NO: 7515

PROPERTY: 801 Lincoln Road

APPLICANT: Dylan's Candy Bar Miami

LEGAL: The east ½ of Lot 1, Block 36, Ameded Plat of Golf Course Subdivision, according to the Plat thereof, as recorded in Plat Book 6, at page 26 of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for a Certificate of Appropriateness for the introduction of a pass-through window along Meridian Avenue.

**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. The subject site is located within the Flamingo Park Local Historic District.
- 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:
  - 1. Is not consistent with the Certificate of Appropriateness Criteria 'a' & 'b' in Section 118-564(a)(1) of the Miami Beach Code.
  - 2. Is not consistent with Certificate of Appropriateness Criteria 'a', 'b', 'd' & 'h' in Section 118-564(a)(2) of the Miami Beach Code.
  - 3. Is not consistent with Certificate of Appropriateness Criteria 'a', 'e' & 'f' in Section 118-564(a)(3) of the Miami Beach Code.

**II. Variance(s)**

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

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 recommendation, that the application is DENIED for the above-referenced project.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.



HISTORIC PRESERVATION BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

BY: \_\_\_\_\_  
DEBORAH TACKETT  
PRESERVATION AND DESIGN MANAGER  
FOR THE CHAIR

[illegible]

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by Deborah Tackett, Preservation and Design 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 Historic Preservation Board on \_\_\_\_\_ ( )