

# 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: HPB16-0065, **2360 Collins Avenue – Continental Restaurant**

The applicant, Miami Weiss LLC., is requesting modifications to a previously approved variance to exceed the maximum size of a sign.

### **STAFF RECOMENDATION**

Approval with conditions

### **EXISTING STRUCTURE**

Local Historic District:	Collins Waterfront
Status:	Contributing
Original Construction Date:	1954
Original Architect:	Dan Reiff and M. Fellman

### **ZONING / SITE DATA**

Legal Description:	Block 3 of the "Amended Plat of the Ocean Front Property of the Miami Beach Improvement Company's Subdivision", according to the Plat Thereof, as Recorded in Plat Book 5, Page 7, of the Public Records of Miami-Dade County, Florida.
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Zoning:	CD-3, Commercial, high intensity
Future Land Use Designation:	CD-3, Commercial, high intensity
Existing Use/Condition:	Hotel / Restaurant
Proposed Use:	Hotel / Restaurant

### **BACKGROUND**

On November 14, 2014, the Board approved a Certificate of Appropriateness for the partial demolition, renovation and restoration of the existing 16-story hotel building, including the total demolition of the 1955 south addition, and the construction of a new 16-story detached ground level addition, as part of a new residential development.

On December 5, 2014, the Board of Adjustment granted a variance to exceed the maximum permitted size for the 'Continental' sign (BOA File No. 3760).

### **THE PROJECT**

The applicant has submitted plans entitled "2360 Collins Ave. Restaurant" as prepared by STA Architectural Group, signed, sealed and dated September 23, 2016.

### **The applicant is requesting modifications to a previously approved variance to exceed the maximum permitted size of a sign.**

The following variances are requested/modified/granted for the project:

1. A variance to exceed by ~~46.25~~ 63.25 s.f. the maximum permitted area of 15 s.f. for a projecting sign in order to permit one sign on the roof fascia facing Collins Avenue with ~~61.25~~ 78.25 s.f. (Variance granted by the Board of Adjustment on December 5, 2014 and modified as noted herein).

- Variance requested from:

#### **Section 138-172. Schedule of sign regulations for principal and accessory use signs.**

*CD-3 – Number: One sign per street frontage for each licensed principal and licensed accessory use, however, multiple signs for the same licensed establishment may be permitted through the design review procedure if the aggregate sign area does not exceed the maximum size permitted under this subsection.  
Projecting sign: 15 square feet.*

The restaurant occupies a portion of the existing 'Contributing' structure located at the southeast portion of the site, facing Collins Avenue. The 'Continental' sign was previously approved as a projecting sign with a variance to exceed the maximum area allowed. Due to the location of the restaurant sign, closer to Collins Avenue, customers of the Aloft hotel are confusing the restaurants' name with the hotel located behind the restaurant, as noted by the applicant in the letter of intent. The applicant is proposing to add the words "restaurant & lounge", to the 'Continental' sign. The proposed additional copy is consistent with the size and character of the building's original signage as seen in early photographs and complements the existing Post War Modern style architecture.

Staff would note that the front façade of the subject structure is significantly set back from the street and is partially obscured by the existing landscape along the west side of Collins Avenue. These unique conditions greatly reduce the visibility of any sign placed below the roof. In addition, the architecture of the historic building features a large glass storefront that also limits the solid area to place a flat sign. Based on these existing conditions and the retention of the historic front facade, staff finds that there are practical difficulties that justify the variance modification request. The location of the sign is compatible with the building's mass and will enhance the historic character of the structure, which originally contained a similar sign element in this location.

### **PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA**

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.

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

The application, as submitted, appears to be consistent with the applicable requirements of the City Code, with the exception of the variance(s) requests herein. 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.

#### **ANALYSIS**

On September 12, 2013, the Historic Preservation Board reviewed and approved the partial demolition and restoration of the Ankara Hotel built in 1954 along with the construction of a new 8-story ground level addition as part of a new hotel and restaurant development. The approved project is completed and the restaurant located on the original lobby of the historic structure has been operating for some time.

The applicant is requesting the increase in size of the original sign for the 'Continental' restaurant, approved by the Board of Adjustment. As the variance approval process changed, this modification is now under the jurisdiction of the Historic Preservation Board and will be subject to the Board's review and approval. Staff finds that the applicant's requests satisfy the

practical difficulties that justify the variances requested, as noted under the Project Description section of this report.

**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 Certificate of Appropriateness criteria and Practical Difficulty and Hardship criteria, as applicable.

TRM:DJT:MB:IV  
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**HISTORIC PRESERVATION BOARD**  
**City of Miami Beach, Florida**

MEETING DATE: November 8, 2016

FILE NO: HPB16-0065

PROPERTY: 2360 Collins Avenue

APPLICANT: Miami Weiss LLC.

LEGAL: Block 3 of the "Amended Plat of the Ocean Front Property of the Miami Beach Improvement Company's Subdivision", according to the Plat Thereof, as Recorded in Plat Book 5, Page 7, of the Public Records of Miami-Dade County, Florida.

IN RE: The application for modifications to a previously approved variance to exceed the maximum size of a sign.

**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 Collins Waterfront 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 consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code.
  2. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(2) of the Miami Beach Code.
  3. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(3) of the Miami Beach Code.
- C. The project would remain consistent with the criteria and requirements of section 118-564 if the following conditions are met:
  1. Revised elevation, site plan and floor plan drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:
    - a. Final design and details of the proposed signage shall be provided, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

## II. Variance(s)

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

1. A variance to exceed by 63.25 s.f. the maximum permitted area of 15 s.f. for a projecting sign in order to permit one sign on the roof fascia facing Collins Avenue with 78.25 s.f.

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 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.

**III. General Terms and Conditions applying to both 'I. Certificate of Appropriateness' and 'II. Variances' noted above.**

- A. 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.
- B. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- C. 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.
- D. 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.
- E. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- F. 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 "2360 Collins Ave. Restaurant" as prepared by STA Architectural Group, signed, sealed and dated September 23, 2016, and 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.

Meeting Date: November 8, 2016

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  
PRESERVATION AND DESIGN 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 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 \_\_\_\_\_ ( )

DRAFT