

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: December 6, 2016

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: DRB16-0081
540 West Avenue – Bentley Bay Towers

The applicant, Bentley Bay Towers, is requesting Design Review Approval for modifications to a previously approved paved palm court at the northeastern corner of the lot.

Recommendation:

Approval with conditions

LEGAL DESCRIPTION:

See 'Exhibit A'

HISTORY:

On June 9, 1998 the DRB approved the now Bentley Bay residential project, pursuant to DRB File No. 9802. On May 20, 2003, an application was approved to install a paved palm court at the northeastern corner of the site, pursuant to DRB File No. 17060.

SITE DATA:

Zoning: CPS-4
Future Land Use: CPS-4

EXISTING STRUCTURE:

Bentley Bay Towers (north and south) 25 and 26 stories (2005 Arquitectonica)

LAND USES:

East: Vacant
North: 33-story multifamily building (Floridian)
South: Alton Road flyover
West: Biscayne Bay

THE PROJECT:

The applicant has submitted a revised Site Plan, Planting Plan, Planting Notes and Details, and Landscape Lighting Plan for "Bentley Bay Entrance Enhancement" as prepared by design landscape architects **Davidson Design Studio, Inc.**, signed, sealed and dated 10/17/2016.

The applicant is proposing to modify the front plaza of the property, in order to add pervious landscape and create a new identity for the plaza area. In this regard, the former paver hardscape area has been removed for improved stormwater management, and in response to the City's street elevation changes along the West Avenue public right-of-way property frontage.

COMPLIANCE WITH ZONING CODE:

A preliminary review of the project indicates that the application, as proposed, appears to be consistent with the City Code. 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.
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.
Not Satisfied: See Staff Analysis
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 Applicable
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; See Staff Analysis
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 Applicable
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 Applicable
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.

Not Satisfied; See Staff Analysis

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.

Not Satisfied; See Staff Analysis

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; See Staff Analysis

10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.

Not Satisfied; See Staff Analysis

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 Applicable

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 Applicable

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.

Not Applicable

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.
Not Applicable
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:

The applicant is seeking approval for an enhanced urban landscape environment facing the street on the northeastern side of the lot. The proposed landscape would replace an existing palm court, which was reviewed and approved by the Design Review Board (DRB 17060) on May 20th, 2003, and subject to the following condition:

The proposed paving layout shall be redesigned to provide additional interest to the floor plane; paving bands and tree grates shall be incorporated with different colors of pavers and/or patterns which better reflect the architectural geometry of the towers, in a manner to be reviewed and approved by staff.

The original design featured a paved palm court that was integrated with the sidewalk. The applicant has expressed concerns that the seamless transition between sidewalk and private property has raised several issues, including liability and security concerns. The existing palm court is also a departure from what is typical of similar lots on West Ave, which all contain a clear delineation of the public right of way.

Staff understands the applicant's concerns and the need for a demarcation of private property. However, the revisions, as proposed, does not sufficiently engage the street in a pedestrian oriented manner. In this regard, that in keeping with the requirements of Sec. 126-6 of the City Code, native canopy street trees should be provided along the frontage abutting West Ave, in lieu of the Date Palms and small Silver Buttonwood trees.

The areas closest to the building are acceptable as proposed with the palms and understory plantings as shown, as is the elimination of the palm court. Un summary, staff recommends approval, with the minor modifications suggested herein.

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.

TRM/JGM/EN/CAM

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'Exhibit A'

LEGAL DESCRIPTION: THE BENTLEY BAY CONDO AQUARIUM SITE AMD PB 21-83 LOTS 24 THRU 27 & 25FT STRIP LYG SLY & LOTS 1 & 2 & OUTLOT BLK 1 OF AMP PLAT FLEETWOOD SUB PB 28-34 & PORTS LYG IN R/W PER RES 90-19880 LESS PORT KA COMMERCIAL TRS 1 2 & 3 NAU 02-4204-006-0150 ASA DESC IN DEC OR 23222-1234

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: December 6, 2016

FILE NO: DRB16-0081

PROPERTY: **540 West Avenue – Bentley Bay North**

APPLICANT: Bentley Bay Towers

LEGAL: See 'Exhibit A'

IN RE: An application for Design Review Approval for modifications to a previously approved paved palm court at the northeastern corner of the lot.

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 2, 4, 7, 8, 9, and 10, in Section 118-251 of the Miami Beach Code.
- C. The project would remain consistent with the criteria and requirements of Section 118-251 if the following conditions are met:
 - 1. Revised elevation and site plan drawings for 540 West Avenue shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - 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. 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.

2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
 - a. The landscape plan shall be modified to include large to medium size native canopy street trees along the frontage abutting West Ave, in lieu of the Date Palms and small Silver Buttonwood trees in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - b. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.
 - c. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventers and all other related devices and fixtures; such fixtures and devices shall not be permitted within any required yard or any area fronting a street or sidewalk. The location of backflow preventers, siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
 - d. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms; such transformers and vault rooms, and all other related devices and fixtures, shall not be permitted within any required yard or any area fronting a street or sidewalk. The location of any exterior transformers, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.

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

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. 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 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 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 "Bentley Bay Entrance Enhancement" as prepared by landscape architects **Davidson Design Studio, Inc.** signed, sealed and dated 4/5/2016, 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

'Exhibit A'

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