

**DESIGN REVIEW BOARD**  
**City of Miami Beach, Florida**

MEETING DATE: November 1, 2016

FILE NO: DRB16-0062

PROPERTY: **1674 Meridian Avenue**

APPLICANT: IVY MBT Property LLC

LEGAL: North ½ of Lot 5 & North 5FT Lot 4 of Block 36 Golf Course Sibdivision Amended Plat, According to the Plat Thereof, as Recorded in Plat Book 6, Page 26, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review approval for exterior and interior design modifications to the first and second floor and alterations to the overall façade of an existing five-story office building including new window and door openings, new storefronts and new eyebrow canopy including signage variances from the maximum area allowed for projecting signs, to relocate projecting signs and a building identification sign, and to place a building identification sign as a projecting sign, in order to install multiple signs on the building.

**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 3-6, and 9 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, site plan and floor plan drawings for the proposed modification to 1674 Meridian Avenue shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:



- a. The proposed projecting sign located below the proposed metal awning facing Meridian Avenue (east) shall project above the proposed metal awning.
- b. The proposed projecting signage located below the proposed metal awning facing the parking lot (south) shall not be permitted as proposed. The proposed signage shall be relocated to be no higher than above the first floor retail space and align with the proposed projecting sign located above the proposed metal awning facing Meridian Avenue (east).
- c. The proposed new stair in Tenant 3 must be poured or created as a solid piece with no access to the underside of treads or area under structure must be counted towards FAR.
- d. The proposed new elevator in Tenant 3 must be included towards FAR
- e. All new roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and shall configured to be as close to the center of the roof(s) as possible and screened from view on all sides, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- f. A fully enclosed, air-conditioned trash room(s) shall be provided, which is sufficient to handle the maximum uses intended for the proposed structure. External dumpsters shall not be permitted.
- g. All electrical conduits, exterior lighting elements and sprinkler lines and sprinkler heads located within the proposed eyebrow shall be contained within the metal canopy structure and shall not be surface mounted wherever visible from the public right of way or wherever they may otherwise have an adverse aesthetic impact upon the design integrity the structure, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- h. All building signage shall require a separate permit. A uniform sign plan for the new building shall be required. Such sign plan shall be consistent in materials, method of illumination and sign location. All future signage shall be designed as individual reverse channel letters with a brushed aluminum finish that can may or may not be backlit with/out a color, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- i. If any signage is projecting above or suspended below the proposed eyebrow, the signage shall be composed of individual pin-mounted lettering and all electrical conduits and exterior lighting elements shall be hidden from view. No exterior raceways shall be permitted.
- j. All kitchen ventilation shall be chased through the interior of the building to the roof or through the rear of the building. No exhaust ducts or vents shall be permitted on the front or side elevations.



- k. The final details of all exterior surface finishes and materials, including samples, shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - l. All interior fixtures, including, but not limited to, shelving, partitions, and checkout counters, shall be setback a minimum of ten (10'-0") feet from the east wall and five (5'-0") from the south wall of the building on the first and second levels, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board. This shall not prohibit substantially transparent fixtures for display purposes only.
  - m. The final design and details of all exterior and interior lighting shall be provided, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board. Interior lighting shall be designed in a manner to not have an adverse overwhelming impact upon the surrounding area. No florescent or intensive 'white' lighting (or similar intensive lighting) visible from the adjacent public rights of way or adjacent properties shall be permitted.
  - n. Final details of all proposed storefront systems and associated details shall be provided for all of the structures on the project sites, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - o. 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.
  - p. 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. Street trees shall be required within the swale at the front of the property if not in conflict with existing utilities, in a manner to be reviewed and approved by the Public Works Department.
  - 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 install street trees on all sides of the project consistent with the City's Street Tree Master Plan, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board, and root barriers shall be installed along the sidewalk in conjunction with structural soils.
- d. The applicant shall install 6 bicycle racks alongside the sidewalk, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- e. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures. The location of backflow preventors, 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.
- f. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms. 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.
- g. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or the project architect shall verify, in writing, that the project is consistent with the site and landscape 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.

#### I. Variance(s)

- A. The applicant filed an application with the Planning Department for the following variance(s), which were either approved by the Board with modifications, or denied (Underlying denotes new language and ~~strikethrough~~ denotes stricken language:

- 1. A variance to exceed by 15 SF the maximum permitted area of 15 SF for a projecting sign for a business (Tenant 1) in order to allow the installation of a projecting sign on the south facade with a total of 30 SF.

2. ~~A variance to relocate an allowable projecting sign for a business (Tenant 1) on the south façade from the ground floor to the 2<sup>nd</sup> floor of a multistory commercial building. (Variance denied)~~
  3. A variance to relocate an allowable building identification sign from the parapet of the building facing Meridian Avenue to the eyebrow of the south façade of the building.
  4. ~~A variance to allow a projecting sign as a building identification sign in order to install a projecting sign on the eyebrow at the south side of the building.~~
  5. A variance to exceed by 15 SF the maximum permitted area of 15 SF for a projecting sign for a business (Tenant 2) in order to allow the installation of a projecting sign facing Meridian Avenue with a total of 30 SF.
  6. A variance to exceed by 45 SF the maximum permitted area of 15 SF for a projecting sign for a business (Tenant 2) in order to allow the installation of two (2) projecting signs on the south side with a total of 60 SF.
  7. ~~A variance to relocate two (2) allowable projecting signs for a business (Tenant 2) on the south façade from the ground floor to the 2<sup>nd</sup> floor of a multistory commercial building. (Variance denied)~~
- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, only as it relates to Variance(s) II.A.1, II.A.3, II.A.4, II.A.5, II.A.6, as noted above, 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, only as it relates to Variance(s) II.A.1, II.A.3, II.A.4, II.A.5, II.A.6, as noted above:

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 Denies the Variance requests as noted in II.A.2 and II.A.7 and Approves the requested variance, as noted in II.A.1, II.A.3, II.A.4, II.A.5, and II.A.6 and imposes the following conditions based on its authority in Section 118-354 of the Miami Beach City Code: and

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.
2. All signage shall be located no higher than above the first floor retail space.

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.

II. 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 for Design Review approval and Variance II.A.1, II.A.3, II.A.4, II.A.5, and II.A.6 as noted above, is GRANTED and that the Application for Variances II.A.2 and II.A.7, as noted above is DENIED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Finding of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "1674 Meridian Ave", as prepared by **Shulman + Associates**, dated, signed and sealed September 09, 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 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 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 shall 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 3<sup>rd</sup> day of November, 2016.

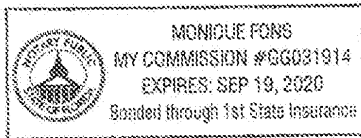
DESIGN REVIEW BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

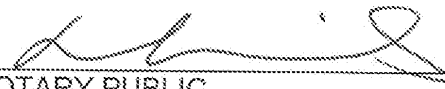


BY:   
DEBORAH J. TACKETT  
DESIGN AND PRESERVATION MANAGER  
FOR THE CHAIR

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

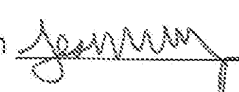
The foregoing instrument was acknowledged before me this 3rd day of  
November 2016 by Deborah J. Tackett, Design and Preservation Manager,  
Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf  
of the Corporation. He is personally known to me.



  
NOTARY PUBLIC  
Miami-Dade County, Florida  
My commission expires: 7/19/2020

Approved As To Form:

City Attorney's Office:  ( 11/2/16 )

Filed with the Clerk of the Design Review Board on  ( 11/3/16 )

