

MIAMI BEACH
PLANNING DEPARTMENT
Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: May 02, 2017

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: DRB16-0100
501 72nd Street/7251 Collins Avenue – North Shore Park & Youth Center

The applicant, the City of Miami Beach, is requesting Design Review Approval for the construction of new restroom, concession and storage facilities, including a variance to reduce the required side facing street setback.

RECOMMENDATION:

Approval with conditions

Approval of the variance

LEGAL DESCRIPTION:

A portion of Lot 8, which was reserved for Coast Guard purposes by the President of the United States by proclamation No. 1589, of March 11, 1921, containing 21 Acres more or less, and which constitutes a part of original Lot 6, Section 2, Township 53 South, Range 42 East, Tallahassee Meridian, Florida, excepting that portion of Lot 8 granted to the City of Miami Beach, Florida, by the United States by Quitclaim Deed dated June 16, 1937, recorded in book 1821 of deed at page 461 of the land records of Dade County, Florida, but including the reversion in said portion reserved to the United States by such deed.

HISTORY:

This application was continued at the February 06, 2017 Design Review Board meeting at the request of the CIP Department, and continued again at the April 04, 2017 Design Review Board meeting.

SITE DATA:

Zoning:	GU, Government
Future Land Use:	GU, Recreation Open Space
Lot Size:	±400,000 SF (9 acres inclusive of parking lot and Bandshell Park)
Softball fields:	±130,000 SF (3 acres)
New Construction:	
Building and Walks	2,509 SF
Bike Rack	64 SF
Grade:	±4.65' NGVD
Flood:	+8.0' NGVD
Difference:	+3.35' NGVD
Finished Floor Elevation:	+9.0' NGVD

OPEN SPACE:

Existing Pervious Area: 133,057 SF
Existing Impervious Area: 4,471 SF
Proposed Pervious Area: 130,484 SF
Proposed Impervious Area: 7,044 SF

SURROUNDING PROPERTIES:

East: Surface Parking Lot
North: Two-story residential building
South: Two-story residential building
West: Indian Creek Canal

THE PROJECT:

The applicant has submitted revised plans entitled "New Restroom/Concession Facility for North Shore Park", as prepared by **Architektnics, Inc.**, dated, signed and sealed March 31, 2017.

The City of Miami Beach is proposing a new, one-story public restroom/concession and storage building in the northeast corner of the existing softball playing field in North Shore Park Youth Center, setback 20'-0" from the north property line along 73rd Street.

The applicant is requesting the following variance:

1. A variance to reduce by 9'-0" the minimum required side, facing a street, setback of 29'-0" in order to construct a single-story park facility setback 20'-0" from the property line facing 73rd Street.
 - Variance requested from:

Sec. 142-156. - Setback requirements.

(a) The setback requirements for the RM-1 residential multifamily, low density district are as follows:

Pedestal, Sum of the side yards shall equal 16% of lot width, Minimum - 7.5 feet or 8% of lot width, whichever is greater.

The required side facing a street setback for the proposed restroom/concession facility of 8% of the lot width is 29'-0", given that the width of the lot is 359'. Lots in the RM-1 neighborhood are historically platted with 50'-0" or 60'-0" wide lots, rendering shallower required setbacks along street (side) facing elevations. The proposal for a reduced setback is more compatible with the multi-family residential character of the neighborhood. Staff believes that the proposed 20'-0" setback is a reasonable request and a valid measurement for a lot width of 200'-0" and will not negatively impact the surrounding properties.

ACCESSIBILITY COMPLIANCE

Additional information will be required for a complete review for compliance with the Florida Building Code 2001 Edition, Section 11 (Florida Accessibility Code for Building Construction). These and all accessibility matters shall require final review and verification by the Building Department prior to the issuance of a Building Permit.

CONCURRENCY DETERMINATION:

A final concurrency determination shall be conducted prior to the issuance of a Building Permit. ~~Mitigation fees and concurrency administrative costs shall be paid prior to the project receiving any Building Permit.~~ Without exception, all concurrency fees shall be paid prior to the issuance of a Temporary Certificate of Occupancy or Certificate of Occupancy.

CONSISTENCY WITH COMPREHENSIVE PLAN:

A preliminary review of the project indicates that the proposed **recreational use** appears to be **consistent** with the ROS designation of the Future Land Use Map of the 2025 Comprehensive Plan. The main permitted uses in the ROS, Recreation Open Space Element are recreation and open space facilities.

COMPLIANCE WITH ZONING CODE:

The application, as submitted, appears to be consistent with the applicable requirements of the City Code, aside from the requested variance as noted herein this application. 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 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.
Not Satisfied; the project requires additional landscaping to be installed
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; the project requires one (1) variance to be granted by the Design Review Board
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 Satisfied; the project requires one (1) variance to be granted by the Design Review Board
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 Satisfied; the project requires one (1) variance to be granted by the Design Review Board
6. The proposed Structure, and/or additions or modifications to an existing structure, indicates sensitivity to and is compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties.
Satisfied
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 Applicable
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.
Satisfied
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; a lighting plan has not been submitted
10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.
Not Satisfied
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 Satisfied
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).

Satisfied

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.

Satisfied

14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.

Not satisfied; a roof plan showing the location of mechanical equipment and details of the associated screening has not been provided

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.

Satisfied

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.

Satisfied

18. In addition to the foregoing criteria, subsection [118-]104(6)(t) of the City Code shall apply to the design review board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.

Not Applicable

STAFF ANALYSIS:

DESIGN REVIEW

The North Shore Park & Youth Center is a City-owned recreational facility that offers children, teens, adults and seniors a wide variety of activities and special events. Activities include educational and artistic programs, intramural sports, fitness classes, and afterschool and summer camp programs. Currently, there are no operable restrooms in the western portion of the Park to serve the users of the playing fields. The nearest restrooms are located within the Youth Center building and at the adjacent North Shore Park Tennis Center. The City is proposing a 3,000 SF restroom facility. The improvements will result in the relocation of 6 Sabal palms and removal and relocation of the existing batting cage.

The City has implemented the criterion of setting finish floor elevations above Base Flood Elevation for all new buildings. The proposed restroom/concession facility will be constructed to an elevation of BFE plus applicable 'Freeboard' of 1'-0". Located in the northeast quadrant of the Center's existing softball playing fields, the facility is accessed by stairs and ramp, with a landscape berm balancing the change in elevations.

The proposed design is a simple, modern, streamline style. The applicant will need to provide further details on the exterior color scheme, the selection and location of landscape materials, and on the design of the alluminum handrails. Some form of landscaping, in general, needs to be fully explored, and a natural buffer is needed along the building's north elevation to soften the austere side elevation fronting 73rd Street. Staff recommends that landscape design include the basic principles of Crime Prevention Through Environmental Design (CPTED) – Natural Surveillance, Natural Access Control, Territorial Reinforcement, and Maintenance and Management. Overall, staff is supportive of the proposed design and recommends approval.

VARIANCE REVIEW

A new restroom/concession building to serve the North Shore Park & Youth Center's playing fields is proposed on a site with a lot width of 359'-0". The applicant is requesting a variance in order to site and construct the new building with a 20'-0" setback from the property line fronting 73rd Street. The GU zoned park must adhere to the RM-1 setback regulations for improvements. In doing so, the sides facing street setback requirement is multifamily, residential buildings that comprise the neighboring area are historically platted with 50'-0' or 60'-0" wide lots, rendering shallow setbacks for side yards facing a street. As noted, staff finds the proposed 20'-0" setback to be more in line with the character of the neighborhood and that it would not negatively impact the surrounding properties.

Based on the documents and information provided by the applicant, staff has concluded that the variance request does meet the practical difficulties or hardship criteria of the Code.

Accordingly, staff recommends the **approval** of the variance as requested.

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 and Practical Difficulty and Hardship criteria.

TRM/JGM/FSC

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: May 02, 2017

FILE NO: DRB16-0100

PROPERTY: **501 72nd Street/7251 Collins Avenue**

APPLICANT: City of Miami Beach

LEGAL: See attached 'Exhibit A'

IN RE: The applicant, the City of Miami Beach, is requesting Design Review Approval for the construction of new restroom, concession and storage facilities, including a variance to reduce the required side facing street setback.

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 1, 2, 3, 5, 9, 10, 11, and 14 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 elevations, site plan, and floor plans shall be submitted to and approved by staff; at a minimum such drawings shall incorporate the following:
 - a. The final design, including materials and finishes, for proposed exterior railings shall be provided, subject to the review and approval of staff.
 - b. The final exterior surface color scheme, including color samples, shall be subject to the review and approval of staff and shall require a separate permit.
 - c. The final Design details of the exterior materials and finishes 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.
 - d. All roof-top fixtures, air-conditioning units and mechanical devices shall

be clearly noted on a new roof plan. All mechanical fixtures shall be located as close to the center of the roof as possible and screened on all sides from view, in a manner to be approved by staff.

- e. 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.
 - f. 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. Prior to the issuance of a building permit, the applicant shall submit a revised landscape plan, which includes the basic principles of Crime Prevention Through Environmental Design (CPTED) – Natural Surveillance, Natural Access Control, Territorial Reinforcement, and Maintenance and Management.
 - b. Prior to the issuance of a building permit, the applicant shall submit a tree protection plan for all trees to be retained on site. Such plan shall be subject to the review and approval of staff, and shall include, but not be limited to a sturdy tree protection fence installed at the dripline of the trees prior to any construction.
 - c. In order to identify, protect and preserve mature trees on site, which are suitable for retention and relocation, a Tree Report prepared by a Certified Tree Arborist shall be submitted for the mature trees on site.
 - d. Any tree identified to be in good overall condition shall be retained, and protected in their current location if they are not in conflict with the proposed home, or they shall be relocated on site, if determined feasible, subject to the review and approval of staff. A tree care and watering plan also prepared by a Certified Arborist shall be submitted prior to the issuance of a Building Permit or Tree Removal/Relocation Permit. Subsequent to any approved relocation, a monthly report prepared by a Certified Arborist shall be provided to staff describing the overall tree performance and adjustments to the maintenance plan in order to ensure survivability, such report shall continue for a period of 18 months unless determined otherwise by staff.
 - e. The architect shall introduce some form of landscaping, along the building's north elevation to soften the austere side elevation fronting 73rd Street and serve as a natural buffer and shall be clearly indicated on the

site and landscape plans and shall be subject to the review and approval of staff.

- f. Existing trees to be retained on site shall be protected from all types of construction disturbance. Root cutting, storage of soil or construction materials, movement of heavy vehicles, change in drainage patterns, and wash of concrete or other materials shall be prohibited.
- g. 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.
- h. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- i. 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. 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.
- j. 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 wall shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- k. 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.

II. Variance(s)

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

- 1. A variance to reduce the minimum required side facing a street setback in order to construct a facility setback 15'-0" 20'-0" from the side property line, facing 73rd Street.

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 Variance request(s), and imposes the following conditions 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. Design Review Approval and II. Variances' noted above.

- A. All new construction over 7,000 square feet shall be required to be, at a minimum, certified as LEED Gold by USGBC. In lieu of achieving LEED Gold certification, properties can elect to pay a sustainability fee, pursuant to Chapter 133 of the City Code. This fee is set as a percentage of the cost of construction.

- B. 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.
- C. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- D. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- E. 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.
- F. 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.
- G. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- H. Nothing in this order authorizes a violation of 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 Finding of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "New Restroom/Concession Facility for North Shore Park", as prepared by Architektnics, Inc., dated, signed and sealed March 31, 2017, 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 _____ day of _____, 20____.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
JAMES G. MURPHY
CHIEF OF URBAN DESIGN
FOR THE CHAIR

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

The foregoing instrument was acknowledged before me this _____ day of _____, 20____ by James G. Murphy, Chief of Urban Design, 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 Design Review Board on _____ ()

'Exhibit A'

A portion of Lot 8, which was reserved for Coast Guard purposes by the President of the United States by proclamation No. 1589, of March 11, 1921, containing 21 Acres more or less, and which constitutes a part of original Lot 6, Section 2, Township 53 South, Range 42 East, Tallahassee Meridian, Florida, excepting that portion of Lot 8 granted to the City of Miami Beach, Florida, by the United States by Quitclaim Deed dated June 16, 1937, recorded in book 1821 of deed at page 461 of the land records of Dade County, Florida, but including the reversion in said portion reserved to the United States by such deed.

DRAFT