

MIAMI BEACH

PLANNING DEPARTMENT

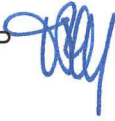
Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: July 11, 2017

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: HPB17-0121, **3101 Indian Creek Drive.**

The applicant, R B Green Inc., is requesting a waiver of the off-street parking requirements and a variance from the minimum required unit size for hotel units.

STAFF RECOMMENDATION

Approval of the waiver and variance with conditions

EXISTING STRUCTURE

Local Historic District:	Collins Waterfront
Status:	Contributing
Construction Date:	1940
Architect:	L. Murray Dixon

ZONING / SITE DATA

Legal Description:	Lots 7, 8, 10, 13 & 14, Block 16 & out lots opposite Lots 13 & 14, Block 16, According to the Plat Thereof, as Recorded in Plat Book 5, Pages 7-8, of the Public Records of Miami-Dade County, Florida.
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Zoning:	RM-2, Residential Multifamily, medium intensity
Future Land Use Designation:	RM-2, Residential Multifamily, medium intensity
Existing Use/Condition:	Multifamily residential
Proposed Use:	Hotel

THE PROJECT

The applicant has submitted plans entitled "Greenbrier Hotel" as prepared by McG Architecture + Planning, dated April 25, 2017.

The applicant, R B Green Inc., is requesting a waiver of the off-street parking requirements and a variance from the minimum required unit size for hotel units.

The applicant is requesting the following variance:

1. A variance from the minimum required hotel unit size: 15% of the hotel units shall be between 300-335 s.f. and 85% of units shall be 335 s.f. or larger, in order to permit 31

hotel units (44.2%) at less than 300 s.f. (the smallest at 225 s.f.), 9 hotel units between 300 s.f. and 335 s.f. (12.8% of the units) and 30 hotel units exceeding 335 s.f. (42.8% of units).

- Variance requested from:

Sec. 142-217. - Area requirements.

The area requirements in the RM-2 residential multifamily, medium intensity district are as follows:

Minimum Unit Size (Square Feet): Hotel units: 15%: 300 — 335, 85%: 335+.

The applicant is proposing renovations to the building to convert apartment units with kitchen to hotel rooms without kitchens. As noted in the original construction plans, the majority of the units had multiple rooms with individual bathrooms and access doors from the main corridor, which would allow the rent of the room, as an individual hotel room. The original hotel rooms will not be altered in size and the new reconfigured rooms at the fourth floor comply with the unit size required. Changes to the main partition walls to increase the size of the rooms may result in conflict with the exterior windows and the alteration of the plumbing and electrical systems. Staff finds that the retention of the contributing building with its original room sizes create the practical difficulties that justify the variance for the minimum hotel room area required. As the building will not be increased in size, staff believes that the granting of the variance would not have a negative impact on the historic structure or the adjacent properties.

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. **In this case the requested variance is necessary in order to satisfy the Certificate of Appropriateness criteria and to not adversely impact the existing contributing building.**

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

A preliminary review of the project indicates that the application, as proposed, with the exception of the variance and waiver requested herein, 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.

CONSISTENCY WITH 2025 COMPREHENSIVE PLAN

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

STAFF ANALYSIS

The 4-story Greenbrier Hotel was constructed in 1940 and designed by L. Murray Dixon in the Streamline Moderne style of architecture. In 1992 the structure was converted to multifamily residential use. At that time, portions of the original public lobby space were converted into residential units. Staff would note that the Collins Waterfront Historic District was not designated until January 31, 2001. Staff is pleased with the overall concept of the proposed project which will remove the existing residential apartments within the original lobby.

As a part of the renovation and conversion back to a hotel use, the applicant is requesting a waiver of the off-street loading space requirement. A hotel with a unit count over 50 units but not more than 100 units is required to provide two off-street loading spaces. On February 10, 2016 the City Commission adopted amendments to the off-street loading regulations allowing for the Historic Preservation Board to waive the requirements for off-street loading spaces for properties containing a contributing structure, provided that a detailed plan delineating on-street loading is approved by the Parking Department. The applicant has preliminarily met with the Parking Department and will submit an on-street loading plan as required. Consequently, staff recommends approval of the waiver.

VARIANCE ANALYSIS

The applicant is proposing renovations to the 4-story contributing building for a 70-room hotel operation. The improvements to the property include the installation of new impact windows, replacement of the through-wall air conditioning units with a central HVAC system, removal of all kitchens and restoration of the original lobby. The original use of the building was

apartment/hotel, but was later converted to all residential multifamily use. As part of the renovations, the majority of the original hotel rooms are proposed to be retained and used individually for hotel use. However, since the entire building was not originally constructed as a hotel, the benefit to retain undersized units does not apply to the proposed project and a variance is required. The Code allows the retention of original hotel units with a minimum of 200 s.f. of area located within a contributing building. In this case the minimum room size is 225 s.f. because the use of the non-conforming units should not have a negative impact in the historic district or on the adjacent properties; staff is supportive of the granting of the variance.

Staff finds that the variance requested is the minimum necessary to make renovations to the building and retain its historic character. Changes to the size of the existing rooms would negatively impact the contributing structure, as other building elements such as windows, electrical and plumbing systems will be affected. In summary, staff recommends that the variance request be approved.

RECOMMENDATION

In view of the foregoing analysis, staff recommends the application be **approved** as to the waiver and variance request, subject to the conditions enumerated in the attached draft Order, which address the inconsistencies with the Practical Difficulty and Hardship criteria.

TRM:DJT:MB:JS:IV

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

MEETING DATE: July 11, 2017

FILE NO: HPB17-0121

PROPERTY: 3101 Indian Creek Drive

APPLICANT: R B Green Inc.

LEGAL: Lots 7, 8, 10, 13 & 14, Block 16 & out lots opposite Lots 13 & 14, Block 16, According to the Plat Thereof, as Recorded in Plat Book 5, Pages 7-8, of the Public Records of Miami-Dade County, Florida.

IN RE: The application for a waiver of the off-street parking requirements and a variance from the minimum required unit size for hotel units.

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. No request for a Certificate of Appropriateness has been filed as a part of this application.

In accordance with Section 118-537, the applicant, the owner(s) of the subject property, the City Manager, Miami Design Preservation League, Dade Heritage Trust, or an affected person may appeal the Board's decision on a Certificate of Appropriateness to a special master appointed by the City Commission.

II. Variance(s)

- A. The applicant filed an application with the Planning Department for the following variance(s):
1. A variance to from the minimum required hotel unit size: 15% of the hotel units shall be between 300-335 s.f. and 85% of units shall be 335 s.f. or larger, in order to permit 31 hotel units (44.2%) at less than 300 s.f. (the smallest at 225 s.f.), 9 hotel units between 300 s.f. and 335 s.f. (12.8% of the units) and 30 hotel units exceeding 335 s.f. (42.8% of units)..
- 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.

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. Certificate of Appropriateness' and 'II. Variances' noted above.

- A. In accordance with Section 130-101(d) of the City Code, the requirement pertaining to providing off-street loading spaces, is hereby waived, provided that a detailed plan delineating on-street loading is approved by the Parking Department.

- B. Where one or more parcels are unified for a single development, the property owner shall execute and record a unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- C. Applicant agrees that in the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- D. All applicable FPL transformers or vault rooms and backflow prevention devices shall be located within the building envelope with the exception of the valve (PIV) which may be visible and accessible from the street.
- 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. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- G. 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.
- H. 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.
- I. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- J. 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 "Greenbrier Hotel" as prepared by McG Architecture + Planning, dated May 11, 2017, 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.

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
CHIEF OF HISTORIC PRESERVATION
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, Chief of Historic Preservation,

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HPB17-0121
Meeting Date: July 11, 2017

Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. She 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 _____ ()

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