

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: October 06, 2015

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: Design Review File No. 23075
1235 West Avenue

The applicant, 1235 West Investments, LLC, is requesting modifications to a previously issued Design Review Approval for the construction of a new six-story multi-family building to replace an existing two-story multi-family building. Specifically, the applicant is requesting variances to reduce the required tower front setback, to reduce the required clearance space from columns to a driveway, and to reduce the minimum driveway width.

RECOMMENDATION:

Approval with conditions

Approval of the variances with conditions.

LEGAL DESCRIPTION:

Lot 11 of Block 82 of the "Bay View Subdivision", According to the Plat Thereof, as Recorded in Plat Book 9, Page 110, of the Public Records of Miami-Dade County, Florida.

HISTORY:

On October 07, 2014, the Design Review Board approved a new six-story multi-family building for the site.

SITE DATA:

Zoning:	RM-2 (Multifamily, Medium Intensity)
Future Land Use:	RM-2 (Multifamily, Medium Intensity)
Lot Size:	7,500 SF (50x150)
Proposed FAR:	14,900 SF / 1.98 as represented by the applicant
Maximum FAR:	15,000 SF / 2
Proposed Height:	60'-0" feet / 6 stories
	84'-0" feet to highest projection
Maximum Height:	60'-0" / 6 stories
Proposed Use:	Multi-Family Residential
Residential Units:	5 units
Parking Spaces:	10 spaces (2@5 units)

EXISTING STRUCTURE:

Two-story multifamily building (Anton Skislewicz, 1940)

LAND USES:

East: Two-story retail / office building
North: Five-story multifamily building (1972)
South: Five-story multifamily building (1980)
West: Fourteen-story multifamily building

THE PROJECT:

The applicant has submitted plans entitled "West Avenue Apartments" as prepared by **Schapiro Associates** signed and sealed August 17, 2015.

The following variances are requested for the project:

1. A variance to reduce by 10'-0" the minimum required front tower setback of 30'-0" in order to construct a six-story residential building at 20'-0" from the front property line facing West Avenue.

- Variance requested from:

Sec. 142-218. Setback requirements.

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

Tower, Front: 20 feet +1 foot for every 1 foot increase in height above 50 feet, to a maximum of 50 feet, then shall remain constant.

The portion of the building exceeding 50'-0" in height shall be setback 20'-0" plus additional 10'-0" from the front. The required setback of 30'-0" is based on the overall building height of 60'-0" that includes the pool deck located toward the center and rear of the building. Because portions of the pool deck exceed the maximum three feet (3'-0") above the main roof line, the building height shall include the pool deck. The main roof of the building is proposed at 55'-0" from Base Flood Elevation and the front façade is perceived five feet (5'-0") lower than the 60'-0" portion located toward the center and rear. The applicant proposes to maintain the 20'-0" front setback on all floors. By providing the 30'-0" front setback the top unit would be reduced in size. The lot width is 50'-0" which additionally restricts the design flexibility to provide a reasonable use of the land. As such, staff is supportive of this variance request.

2. A variance to reduce the entirety of the required one foot six inch (1'-6") distance separation from the building structure to the interior driveway for 90° parking in order to construct the driveway for ten parking spaces up to the building structure for a new residential building.

- Variance requested from:

Sec. 130-63. Interior aisles.

Interior aisles shall meet or exceed the following minimum dimensions permitted: 90° parking—22 feet, with columns parallel to the interior drive on each side of the required drive, set back an additional one foot six inches, measured from the edge of the required interior drive to the face of the column.

With a lot width of 50'-0", the design for the required parking is limited. Most projects located in properties with similar lot width require variances for the parking. The project provides for 10 parking spaces with access thru the alley at the rear. The required residential component at the front is provided and the elimination of the additional one foot six inches (1'-6") for the building structure only affect two parking spaces adjacent to the stairs located at the center of the building. The rest of the parking spaces have the required clearance from the structure to the interior driveway. Based on the existing 50'-0" width of the lot and that the variance is only for a portion of the parking, staff has no objections to this request.

3. A variance to reduce three feet six inches (3'-6") from the minimum required width of 22'-0" interior drive aisle for 90° parking in order to provide ten (10) parking spaces at 90° with an interior drive aisle of 18'-6".

- Variance requested from:

Sec. 130-63. Interior aisles.

Interior aisles shall meet or exceed the following minimum dimensions permitted: 90° parking—22 feet, with columns parallel to the interior drive on each side of the required drive, set back an additional one foot six inches, measured from the edge of the required interior drive to the face of the column.

The interior driveway has a width of 18'-6" at the narrowest point within the building structure. Only one access/exit point for the parking is provided at the rear and 22' is required for two-way driveways. The variance request is for two areas of the parking where the driveway is reduced in width by the building structure, specifically at the stairs and columns at the rear. Because the lot is 50'-0" in width and the proposed parking area is for 10 cars, staff is supportive of the applicant's request.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that staff has concluded satisfy Article 1, Section 2 of the Related Special Acts.

Additionally, staff has concluded that the plans and documents with the application comply with the following hardship criteria, 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.

CONSISTENCY WITH COMPREHENSIVE PLAN

A preliminary review of the project indicates that the proposed **residential use** appears to be **consistent** with the Future Land Use Map of the 2025 Comprehensive Plan.

COMPLIANCE WITH ZONING CODE:

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following sections of the City Code, in addition to the requested variance(s):

1. An 'Auto-Turn Analysis' for the accessible space shall be submitted for review and approval by the city's transportation department.
2. Backflow preventor and FDC connection shall be relocated out of the required front yard in a manner to be approved by staff.

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 is 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; variances are needed.

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; variances are needed.
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.
Satisfied
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; variances are needed.
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.
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.
Satisfied
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.
Satisfied
10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.
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.
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, all mechanical equipment located above the roof deck shall be enclosed or screened from public view.
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

STAFF ANALYSIS:

VARIANCE ANALYSIS:

Staff recommends approval of variance #1 based on its minor impact upon the surrounding properties. The proposed building frontage is compatible with the adjacent five-story multifamily buildings to the north and south, and is a much lower scale than the multistory buildings across the street. The approval of the variance will continue a consistent streetscape, as the new building will further align with the front façades of neighboring multistory buildings.

Staff has no objection to the requested variances # 2 and #3 for the parking based on the

existing lot width of 50'-0". This condition has contributed to the request for similar variances in many properties with the same lot width. Considering the existing site conditions, staff believes that the variance requested is the minimum necessary to make a reasonable use of the land. Additionally, the approval of the variances will be self-contained within the site, and will not negatively affect any abutting properties.

In summary, staff recommends approval of all variances as proposed.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application for modification be **approved**, subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review criteria and/or Practical Difficulty and Hardship criteria.

TRM/JGM/IV

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DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: October 06, 2015

FILE NO.: 23075

PROPERTY: **1235 West Avenue**

APPLICANTS: 1235 West Investments, LLC

LEGAL: Lot 11 of Block 82 of the "Bay View Subdivision", According to the Plat Thereof, as Recorded in Plat Book 9, Page 110, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval for modifications to a previously issued Design Review Approval for the construction of a new six-story multi-family building to replace an existing two-story multi-family building. Specifically, the applicant is requesting variances to reduce the required tower front setback, to reduce the required clearance space from columns to a driveway, and to reduce the minimum driveway width.

S U P P L E M E N T A L O R D E R

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, 5, 6, 9, 11 and 12 in Section 118-251 of the Miami Beach Code.
- C. The project would be consistent with the criteria and requirements of Section 118-251 if the following conditions are met:
1. All conditions enumerated within the original Final Order dated October 07, 2014 shall remain in full force and effect except as herein modified pertaining to the schedule of the phased development project.
 2. Revised elevation, site plan, and floor plan drawings for the proposed new building at 1235 West Avenue shall be submitted, at a minimum, such drawings shall incorporate the following:
 - a. 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.
 - b. 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.
 - c. 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.

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 by 10'-0" the minimum required front tower setback of 30'-0" in order to construct a six-story residential building at 20'-0" from the front property line facing West Avenue.

2. A variance to reduce all required 1'-6" distance separation from the building structure to the interior driveway for 90° parking in order to construct the driveway for ten parking spaces up to the building structure for a new residential building.
 3. A variance to reduce 3'-6" from the minimum required width of 22'- 0" interior drive aisle for 90° parking in order to provide ten (10) parking spaces at 90° with an interior drive aisle of 18'-6".
- 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 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.

2. Revised elevation, site plan and floor plan drawings shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. The backflow preventor and Fire Department Connection (FDC) shall be relocated out of the required front yard in a manner to be reviewed and approved by staff.
 - b. An 'Auto-Turn Analysis for the proposed accessible space shall be submitted for review and approval by the City's transportation department.
 - c. Opaque fence, concrete fence, or other type of barrier with 7 feet height shall be provided along all parking facing the sides and rear in order to mitigate noise and light spillage onto the adjacent properties, in a manner to be reviewed and approved by staff.

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 Supplemental 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 Supplemental 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 City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.
- H. A traffic mitigation plan, which addresses all roadway Level of Service (LOS) deficiencies relative to the concurrency requirements of the City Code, if required, shall be submitted prior to the issuance of a Building Permit and the final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- I. The project shall comply with any landscaping or other sidewalk/street improvement standards as may be prescribed by a relevant Urban Design Master Plan approved prior to the completion of the project and the issuance of a Certificate of Occupancy.

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 "West Avenue Apartment", as prepared by **Schapiro Associates** signed, sealed and dated August 17, 2015, 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: _____
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 _____ day of _____, 20____ 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: _____

