

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: January 12, 2016

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: **File No. 7596, 1450 Collins Avenue.**

The applicant, Senor Frogs Miami, LLC, is requesting variances to exceed the maximum area for projecting signs and to exceed the maximum aggregate area permitted for signage.

STAFF RECOMMENDATION

Approval of the variances with conditions

EXISTING STRUCTURE

Local Historic District:	Ocean Drive/Collins Avenue
Status:	Contributing
Original Construction Date:	1940
Original Architect:	Henry Hohausser

ZONING / SITE DATA

Legal Description:	Lots 1 and 2, less the Southerly 8.65 feet thereof, Block 2A of "Espanola Villas", according to the plat thereof recorded in Plat Book 7, Page 145 of the public records of Miami Dade County, Florida.
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Zoning:	MXE, Mixed Use Entertainment
Future Land Use Designation:	MXE, Mixed Use Entertainment
Lot Size:	10,411 S.F. (Approximately)
Existing Use/Condition:	Restaurant w/ entertainment (Neighborhood Impact Establishment)

THE PROJECT

The applicant has submitted plans entitled "Senor Frogs", dated November 23, 2015.

The applicant is requesting variances to exceed the maximum area for projecting signs and to exceed the maximum aggregate area permitted for signage.

The applicant is requesting the following variance(s):

1. A variance to exceed by 50 square feet the maximum 15 square feet allowed for projecting signs in order to install a sign at the corner of the building with an area of 35 square feet and two (2) 15 square feet projecting signs on the south side of the building facing Espanola Way for a total of 65 square feet.

- Variance requested from:

Section 138-172. Schedule of sign regulations for principal and accessory use signs.

MXE – Projecting: 15 square feet.

The project includes the replacement of the existing 15 square foot projecting sign at the corner of the building with a 35 square foot sign with the same design style. The current sign is 12” in height and the proposed sign is 24” in height. The corner location at the main entrance is consistent with the location of the historic signage. Additionally, the applicant is proposing to install a double sided sign on the projecting architectural element along the south façade facing Espanola Way. The maximum area for this sign is 15 square feet. The total area for the proposed projecting sign is 30 square feet; 15 square feet for each side. The applicant is requesting a variance to exceed the maximum permitted area for all three signs by 50 square feet in total.

The building’s entrance and most significant architectural features are located at the corner. The corner sign and the vertical signs proposed are consistent in style and size to the original and previous signs installed in the building. However, as the corner sign follows the profile of the round eyebrow, full visibility of the sign is lost while traveling along the intersecting streets. In addition, the existing palm trees along Espanola Way and Collins Avenue obstruct views to the sign. Further, staff would note that the proposed signage is consistent in size and location of the signage originally designed by architect Henry Houhouser, as shown in the original microfilm plans. Staff is supportive of the requested variance which will allow for the most appropriate signage for the building.

Staff finds that the ‘Contributing’ building and the existing site conditions satisfy the practical difficulties criteria for the granting of this variance request. The height, area and location of these signs is consistent with the original design of the structure. In summary, staff finds that the hardship criteria is met to grant this variance request.

2. A variance to exceed by 20 square feet the maximum sign area of 60 square feet for a licensed establishment in order to install 4 signs with an overall area of 80 square feet.

- Variance requested from:

Section 138-172. Schedule of sign regulations for principal and accessory use signs.

MXE – Number: One sign per street frontage for each licensed principal and licensed accessory use, however, multiple signs for the same licensed establishment may be permitted through the design review procedure if the aggregate sign area does not exceed the maximum size permitted under this subsection.

Flat: 20 square feet for the first 25 feet of linear frontage, plus one square foot for every three feet of linear frontage over 25 feet up to a maximum of 30 square feet; however

one building identification sign for buildings two stories or higher, located on the parapet facing a street, is permitted with an area not to exceed one percent of the wall area on which it is placed. Corner buildings may provide one combined sign instead of the two permitted signs. This sign shall be located on the corner of the building visible from both streets and shall have a maximum size of 40 square feet

The maximum sign area allowed by the Code for a licensed establishment in the MXE zoning district is for flat signs. A sign up to 30 square feet based on the building frontage is allowed on each street side for a maximum of 60 square feet on corner buildings. Multiple signs for the same business are also allowed up to the maximum sign area. In this case, the applicant is proposing a 35 square feet projecting sign at the corner, 30 square feet for two projecting vertical signs on the south side and a 15 square feet flat sign on the building walls facing Collins Avenue. The total area of the four signs is 80 square feet and because only one licensed business occupies the building a variance to exceed the maximum sign area is required.

The existing building has more than 73 feet of frontage on Collins Avenue and more than 120 feet in length along Espanola Way. If the building were divided in multiple licensed establishments with 25 feet of frontage, each could install a 20 square feet sign for a total sign area that would exceed 50 square feet along Collins Avenue and more than 100 square feet along Espanola Way. The proposed signs are a reduction in size compared to what would be permitted based on the length of the building. Staff finds that the retention of the historic building with the main entrance in the corner, the existing trees along both streets, the addition of signs that enhance its historic character, the extended length of the building, and the fact that only one business occupies the building are practical difficulties that create the request for this variance to increase the maximum sign area allowed.

Staff finds that the application satisfies the hardship criteria for the granting of this variance,

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.

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

The application appears to be consistent with the applicable requirements of the City Code, with the exception of the variance(s) requests herein. 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.

STAFF ANALYSIS

The subject site contains one 'Contributing' structure, constructed in 1940 and designed by Henry Hohausser in the nautical style of Art Deco style of architecture. The existing building is situated at the corner of Espanola Way and Collins Avenue with no setbacks from the street property lines. The structure has not been considerably altered throughout the years and its use has been mainly limited to restaurants and night clubs. The current use is a restaurant with entertainment, considered a neighborhood impact establishment because its occupancy exceeds 200 persons. The business has a Conditional Use Permit (CUP 2192) approved by the Planning Board on August 26, 2014. A progress report was presented to the Planning Board on July 28, 2015 after obtaining the business license.

The applicant is proposing to increase the size of the existing sign located at the corner of the building and install additional signs along Collins Avenue and Espanola Way. The proposed signs also exceed the overall sign area permitted for the property. The corner sign and the vertical signs are illuminated channel letters with neon lighting. The sign facing Collins Avenue is a reverse channel backlit to mitigate light spillage on to the residential building across the street. Staff has a concern with the dimensions of the supporting brackets for the 24" high sign at the corner and its placement along the round corner which may have a negative impact on the building's architecture. Staff recommends that they be reduced in height to minimize visibility and confusion with the main letters.

Staff would note that variances for larger projecting signs, similar to the proposed signs were approved by the Board of Adjustment in 2001. The proposed projecting signs are compatible with the building's historic signs; however, due to the special site conditions, visibility of the signs is hampered. Due to high volumes of both vehicular and pedestrian traffic around this intersection, visible identification for the establishment is critical, as indicated by the applicant.

Staff finds that practical difficulty standard has been met for the variance request number 1 and number 2, as outlined in the variance analysis.

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 Practical Difficulty and Hardship criteria, as applicable.