

MIAMI SHORES PLANNING AND ZONING BOARD
Planning and Zoning Department Staff Report

Hearing Date	December 12, 2013	Meeting Time	7:00 P.M.
File Number	PZ-11-13-201364	Folio Number	11-3206-011-0040
Owner	Shore Square Property, LLC, 696 NE 125th St. N Miami, FL 33161		
Applicant	Burger King Holding Inc., 5505 Blue Lagoon Drive, Miami, FL 33126		
Agent	Carlos Cardoso, 14125 NW 80 th Avenue, Suite 303, Miami Lakes, FL 33126		
Property Address	9099 Biscayne Boulevard		
Legal Description	6 53 42 ASBURY PARK PB 4-110 BEG AT X OF E R/W/L BISC BLVD & S/R/W/L NE 91ST ST RUN E190.16FT S124.93FT W290.02FT NELY ALG E R/W/L BISC BLVD 160FT TO POB LOT SIZE 29994 SQUARE FEET COC 24432-4515 11 2005 4		
Property Sq. Ft.	29,994	Building Sq. Ft.	3,457
Flood Zone	X		
Zoning	B2	Future Land Use Designation	General Commercial
Existing Use	Free standing fast food restaurant.	Comprehensive Plan Consistency	Yes
Existing Structure	1-story; N/A bed/N/A bath	Year Built	1983
Subject	Pursuant to Articles IV, V and VI of Appendix A Zoning. Sec. 400 and Sec. 600. Site plan review and approval required. Commercial building, freestanding fast food restaurant, remodel and site improvements. Sec. 504 Signs and Sec. 600, Site plan review and approval required. Wall sign.		
Action Required	Approve, Approve with Conditions, or Deny the Application	Other Required Approvals	Village Building Permits DOH/HRS and DRER/EPRD
Staff Report	David A. Dacquisto, Director, Planning and Zoning	Report Date	November 19, 2013

January 23, 2014

Background New Information

The applicant has submitted new plans that take into account the discussion held at the December 12, 2014 Planning Board hearing. The following 8 issues were identified.

1. Lighted band at the top of the building.
2. The dark color of the tower features (archon).
3. Overall color of building and its elements is darker than usual color scheme in Miami Shores.
4. Actual color of metal used on building with sample.
5. Complete sign plan for business.
6. A lighting plan for parking lot.

New Plans Submitted

1. The lighted band at the top of the building has been removed.

2. The tower features (archon) are clad in metal. The metal is now Medium Bronze in color rather than the black previously proposed.
3. The colors used on the building remain the same with the exception of the tower features noted.
4. The metal mansard is shown as Zinc Cote in color.
5. The applicant has submitted a completed sign package for planning board review.
6. The applicant has provided a photometric lighting plan for their parking lot.

Analysis

New Plans Review

1. The applicant has removed the lighted band at the top of the building as a result of the previous discussion at the Planning Board hearing.
2. The tower features (archon) are clad in metal. The proposed metal is a dark brown in color listed as Medium Bronze in the color chart. This color has a reflective SRI 32 rating. Black absorbs all light and has a reflective rating of 0; white reflects all light and has a reflective rating of 100. Medium Brown has a reflective index that is relatively low in comparison to other available colors and may reduce glare from the reflected sun.

Medium Bronze is a better match to the other colors used on the Burger King than black and is lighter in color than the black previously proposed.

3. The majority of the building is colored Camel Tan with shades of brown accenting features. The medium Bronze proposed for the tower features blends more easily with the other building colors than did the black previously proposed.

The color scheme proposed is a better reflection of the Mediterranean color scheme generally utilized throughout the village.

4. The metal mansard is a dark grey shown as Zinc Cote on the color chart and is the same color as previously proposed. This color has a reflective SRI 61 rating. Black absorbs all light and has a reflective rating of 0; white reflects all light and has a reflective rating of 100. Zinc Cote has a reflective index that is relatively low in comparison to other available colors and may reduce glare from the reflected sun.
5. The building pad has 160 ft. of frontage along Biscayne Blvd. The B2 District allows 3 sq. ft. of signage for each 1 ft. of frontage. There is also a strip mall behind the building pad. If you divide the sign allocation between the front pad and rear strip mall the building pad would have a building sign allocation of 1.5 ft. / front foot.

The applicant is proposing 132 sq. ft. of signage.
The sign allocation is 1.5 X 160 f. of frontage = 240 sq. ft.

The proposed signage is within the sign allocation for the building pad based solely on the Biscayne Blvd. frontage.

The applicant is proposing 3 cabinet signs and 1 channel letter sign.

Cabinet Sign: 6 ft. X 6 ft. = 36 sq. ft. X 3 signs = 108 sq. ft.

Channel Letter sign: 1 ft. wide X 24 ft. long = 24 sq. ft.

Total signage = 132 sq. ft.

6. The applicant has provided an existing conditions photometric lighting plan for their parking lot.

The parking lot has an illumination of from a high of 16 foot-candle on the parking surface to a low of 0 foot-candle on the parking surface.

The highest illumination is around existing light poles. The lowest illumination is in the areas of greatest concern; the parking lot entrances and exits, and portions of the drive through.

The applicant will be required to meet or exceed the minimum illumination standard for parking lots of not less than 1 foot-candle on the parking surface.

New Recommendation

In acting on a site plan, the Planning Board must make a finding that the proposed improvements comply with the regulations and are harmonious with the community, as required in Articles IV, V and VI of Appendix A Zoning, Sec. 400, Sec. 504 and Sec. 600, of the Code of Ordinances, and, in that regard, may add further conditions or delete or modify staff recommended conditions, deny the application, or continue the item for future consideration.

Planning and Zoning staff recommends APPROVAL of the site plan to remodel an existing Burger King and for new signage, with a finding that it is consistent with the technical provisions of the Code.

Should the board find that the applicant merits approval, staff recommends that the following conditions apply:

- 1) Approval is granted as shown on the plans submitted and made a part of this approval to remodel an existing Burger King.

- 2) Approval is granted for the color scheme planned for the structure as shown on Plan Sheet A-3 submitted and made a part of this approval to remodel an existing Burger King including the Medium Zinc metal cladding on the tower features (archon).
- 3) Approval is granted for a Zinc Cote metal mansard roof as shown on Plan Sheet A-3 submitted and made a part of this approval.
- 4) Applicant to submit a lighting plan to the building official for parking lot illumination that meets or exceeds the illumination standard for parking lots of not less than 1 foot-candle on the parking surface and shall install the required lighting fixtures to implement the illumination plan.
- 5) Approval is granted for 132 sq. ft. of signage as shown on the sign plans submitted and made a part of this approval to remodel an existing Burger King.
- 6) Applicant to obtain all required building permits before beginning work.
- 7) Applicant to obtain all required permits from outside agencies.
- 8) Applicant to meet all applicable code provisions at the time of permitting.
- 9) This zoning permit will lapse and become invalid unless the work for which it was approved is started within one (1) year of the signing of the development order by the board chair, or if the work authorized by it is suspended or abandoned for a period of at least one (1) year.

December 12, 2013

Background

The applicant is proposing a restaurant remodel to reflect a new corporate look.

The exterior will include dark brown brick banding on the lower section with dark beige stucco above. The towers are black stucco.

The existing store has a mansard clay tile roof in keeping with the general theme of the shopping center and community. The remodel removes the mansard look and leaves a flat roof.

The north elevation has aluminum siding above the windows. There is additional aluminum banding on the walls and at the top of the parapet.

The interior will be remodeled within the existing building envelope.

The site will remain substantially as it is with a change to move 2 parking spaces for handicap parking closer to the restaurant door to comply with ADA requirements.

Analysis

The addition updates the existing structure with the new corporate identity.

The remodel is not consistent with the architecture of the shopping center.

The TD Bank on the same shopping center property is not consistent with the architecture of the shopping center and was approved based on a corporate design.

The aluminum siding and banding may be permitted under the code if the board finds that they are non-structural architectural features.

The TD Bank is white while the proposed Burger King will be dark brown and black. The significant use of black is different from the normally accepted color palette for Miami Shores.

The board may ask the developer to provide optional colors that are more in keeping with Miami Shores and compatible with the neighborhood and community.

The proposal is consistent with the technical provisions of the Zoning Code except as noted for harmony and consistency with the neighborhood and community.

Recommendation

In acting on a site plan, the Planning Board must make a finding that the proposed improvements comply with the regulations and are harmonious with the community, as required in Articles IV, V and VI of Appendix A Zoning, Sec. 400 and Sec. 600, of the Code of Ordinances, and, in that regard, may add further conditions or delete or modify staff recommended conditions, deny the application, or continue the item for future consideration.

Planning and Zoning staff recommends APPROVAL of the site plan to remodel an existing Burger King, with a finding that it is consistent with the technical provisions of the Code.

Should the board find that the applicant merits approval, staff recommends that the following conditions apply:

- 1) Approval is granted as shown on the plans submitted and made a part of this approval to remodel an existing Burger King.
- 2) Applicant to obtain all required building permits before beginning work.
- 3) Applicant to obtain all required permits from outside agencies.
- 4) Applicant to meet all applicable code provisions at the time of permitting.
- 5) This zoning permit will lapse and become invalid unless the work for which it was approved is started within one (1) year of the signing of the development order by the board chair, or if the work authorized by it is suspended or abandoned for a period of at least one (1) year.