



City of North Miami Beach, Florida

Community Development Department

17050 NE 19TH AVENUE

1ST FLOOR

NORTH MIAMI BEACH, FLORIDA 33162

PLANNING & ZONING DIVISION: (305) 354-4456

PLANNING & ZONING BOARD

Meeting: 06/13/2022

File No: 22-09

Application Name: McDonalds Site Plan Modification

General Data:

Applicant: Corporate Property Services, Inc

Architect : Purdy and Muroff Architecture, Inc

Location: 2239 NE 163 ST

PCN: 07-2216-004-0030

Property Size: 34,112 Sq.Ft

FLUM: Fulford Fulford Mixed Use Town Center (MU/TC)

Zoning: Fulford Mixed Use Town Center (MU/TC)

Adjacent Zoning:

- North: MU/TC
- East: MU/Tc
- South: MU/EC
- West: MU/TC

Existing Land Use: Restaurant Fast-food

Proposed Land Use: Restaurant Fast-Food

Proposed Gross Floor Area: 3,541 sq. ft



Item before the Board:

The action before the Board is for the approval of a Minor Site Plan modification for the McDonalds Fast-Food Restaurant located at the corner development pursuant to Ordinance (Ord.) Section 24-172 (G), 24-172 (H)(3), including the following:

- The site plan modification includes the updating of architectural elements, site improvements, and renovations to the fuel pump canopy for the McDonalds Restaurant located at 2239 NE 163 St.

Optional Board Motions for Action Items:

1. Move to continue with direction.
2. **Move approval** of the Site Plan application (File#22-09) for McDonalds Site Plan Modification, by finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Zoning and Land Development Regulations.
3. **Move denial** of the Site Plan application (File#22-09) for the McDonalds Site Plan Modification, by finding that the request is inconsistent with the Comprehensive Plan and does not meet the criteria set forth in the Zoning and Land Development Regulations.

1.

Summary:

The Applicant, Corporate Property Services, Inc, has submitted for review of a site plan modification for the McDonalds located at 2239 NE 163rd Street. The intent of this site plan is to modify the outdated architectural features. Due to the age of the current facility,

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Planner I

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Review Dates:

Planning & Zoning Board:
June 13, 2022
City Commission (TBD)

Attachments:

Draft Resolution
Application & Letter of Intent
Site Plan & Survey

this requested Site Plan Amendment involves the enhancement of the current building elevations, resealing and restriping the parking lot to comply with the code required parking stall sizes, and provide ADA access aisle striping and an FDOT crosswalk. The fuel pump canopy will not receive any modifications. The applicant is proposing planting new landscape to enhance the current conditions of the site.

Background:

The subject site is situated on the north side of NE 163rd Street and is operating as both a McDonalds and a Marathon gas station on the corner of West Dixie Highway (NE 22 Ave) and Ne 163rd street.

- According to the property appraiser this site was built in 1996.
- Pursuant to Resolution No. R96-26 this property was granted a conditional use approval to operate a fast food restaurant and service station
- This site was granted several variances according to Resolution 96-26. These variances include the minimum amount of pervious area, parking spaces, minimum landscape buffer, landscape buffer adjacent to parking, landscaped terminal aisle, and landscape buffers from vehicular use areas.

Site Plan Analysis:

Compliance with the Zoning and Land Development Regulations:

Items identified in the Land Development Regulations shall be specifically addressed by the body taking final action on the site and development application/request.

Pursuant to ZLDC Sec. 24-58.1(A), **Purpose and Intent**, MU/TC Fulford Mixed-Use City Center District “The intent is to enable transit-oriented development that contributes to the creation of an urban downtown and the formation of a quality pedestrian-oriented, Mixed-use district. The objective is to shape development to create a "place," an exciting, enlivened social gathering point and a destination, which encourages the establishment of a wide mix of commercial and residential uses that offer the flexibility to meet a variety of market needs. The aim of these regulations is to create an environment that attracts day and evening activities so that the street is occupied by visitors, residents, business owners and operators who have a clear and vested interest in the vitality of the Fulford Mixed-Use Town Center District (MU/TC).”

- McDonalds provides a commercial use that provides a use applicable to the needs of the residents within the city and more specifically the area. The McDonalds use is existing and already receives a significant amount of pedestrian traffic.

Pursuant to ZLDC Sec. 24-58.1(E)(1) **Sub-areas Regulating Plan**, The Sub-areas Regulating Plan, which divides the MU/TC into three (3) Sub-areas: Core, Transition and Edge. The highest density and intensity within the MU/TC shall be allocated to the Core Sub-area, a mixed-use area in the heart of the district. The densities and intensities shall then gradually decrease from the Core to the Transition Sub-area where mixed-uses are still permitted and **then further decrease to the Edge Sub-area which is characterized by single uses**, including low density residential adjacent to existing low density residential. The property located 16635 NE 19th Avenue is permitted to operate as a single use because it is within the Edge Sub-area of the Fulford Mixed Use Town Center (MU/TC)

This property is within the transition area of the MU/TC and is a nonconforming structure and use. The applicant is seeking to make architectural changes in order to modernize the McDonalds and correcting some of the outdated architecture that remains since the time it was built. The applicant is not expanding any of the building footprints but will only modifying the structure to be more consistent with the current McDonalds Fast food restaurant architecture.

Permitted Uses	Proposed Use(s)
Fast-Food Restaurant (Conditional use)	Fast-food Restaurant (3,541sq. ft.)

Pursuant to ZLDC Sec. 24-58(R) **Height Standards**. The height of buildings shall be measured in stories and in feet. The maximum overall building height shall not exceed the maximum building height allowed for the district. Additionally, the following shall apply:

Required		Existing
Building Height Max. 15-Stories / 195-feet		1-Stories* / 19 feet 4 inches
Setbacks	Required	Proposed setback (in feet)
Front(s):	0ft (Min) – 20ft (Max)	116.8'
Rear(n):	0 feet	21.3'
Side(w):	0 feet	39.4'
Side(e):	0 feet	61.5'

Site Development Standards:

Special Regulations:

Pursuant to Ord. Section 24-52 (D)(7)(c), **Lighting:** All necessary lighting shall be so oriented as to prevent any direct glare or nuisance of any kind on or to adjacent properties or public right-of-way.

- The applicant is not replacing any of the lights, but the illumination of the site will remain existing.

Supplemental Regulations:

Pursuant to Ord. Section 24-79 (A) **Paint Colors**, all buildings located in commercial Zoning Districts (B-1, B-2, B-3, B-4, B-5, and FCC) are required to obtain a permit to paint building exteriors. Allowable paint colors are as follows: (1) Base: Must have a light reflectance value (LRV) of 35 or greater. (2) Trim: May be any solid color.

- The base color for the proposed modification is Winterwood BM-145486 with an LRV 50.55. The second color that will be utilized is Iron mountain 2134-30. The base color has an LRV of greater than 35 and is therefore in compliance with this code section.

Pursuant to Ord. Section 24-81 (A)(2) **Setback Encroachments**, (2) Awnings and canopies, which are attached to a principal building and well-maintained, may extend into any required yard setback area, provided that any such extension shall not exceed five (5) feet or one-third (1/3) the width of the required setback, whichever is less.

- The structure being modified is an existing non-conforming structure. The fuel pump canopy does not encroach into any of the required setback and maintains a minimum of 23 feet of clearance as indicated in the plans.

Off-Street Parking Requirements:

The following table demonstrates the project's compliance with the parking requirements listed in Ord. Section 24-95, 24-97 and 24-99:

Use	Formula	Required	Provided
Restaurant	20 spaces for each 1,000 sq. ft gfa (min) spaces for each 1,000 sq. ft. gfa (max)	$(3,541/1000 \times 20) = 57^*$	
Total		57* Parking spaces required	36 Parking Spaces*

* Resolution No. 96-26 granted a variance from Section 24-95 CB> of the Code of Ordinances of the City of North Miami Beach to waive twenty-eight (28) of the minimum required fifty-seven (57) vehicular parking spaces, a waiver of forty-nine (49) percent, where a provision of twenty-nine vehicular parking spaces is proposed

Pursuant to Ord. Section 24-93 (G) **illumination**. All off-street parking facilities, except those which serve single-family or two-family residential dwellings, shall be illuminated according to the standards contained herein.(1)For the purpose herein, open off-street parking facilities shall include the surface of open-to-the-sky parking spaces, driveways and accessways. (2) Intensity of illumination:(a) Open parking facilities shall provide an average illumination intensity of one (1) foot candle equal to one (1) lumen per square foot and shall be well distributed on the pavement areas.

- The applicant is not replacing any of the lights, but the illumination of the site will remain existing. The applicant has provided the photometric plans. The average illumination of the gas canopy on the site was calculated at 2.22 and the average illumination for the paved areas was calculated at 6.84. The illumination of the property is existing and will not be changed by the modification.

Pursuant to Ord. Section 24-96 (A)(1), **Loading Spaces**, At the time of the erection of any multifamily use of fifty (50) dwelling units or more, mixed uses, nonresidential use or, at the time any nonresidential use is altered, enlarged or increased in capacity by adding floor area, there shall be space provided and maintained for the loading and unloading of materials, goods, or supplies, and for delivery and shipping so that vehicles for these services may use this space without encroaching on or interfering with the public use of streets, parking facilities and alleys by pedestrians and other vehicles.

- (B) Space Dimensions. An off-street loading space shall include an area of at least twelve (12) feet wide by thirty (30) feet long. The applicant must provide a loading space when they are executing the restriping of the parking lot.

Landscape Regulations:

Pursuant to Ord. Section 24-122 (A)(1), **Perimeter Landscape Requirements**: Adjacent to any street right-of-way plus along the perimeter of all vehicular use areas there shall be a continuous buffer strip of not less than five (5) feet in width. These buffer strips shall include at least one (1) tree for each thirty (25) linear feet, or portion thereof, of perimeter. Where these buffer strips abut a vehicular use area, there shall be installed a hedge, berm, or other durable landscaped visual barrier, of not less than three (3) feet in height within one (1) year of planting.

- The landscape plans provided shows that no trees are being removed. In order to be consistent with the modification of the site, the applicant is proposing new trees in order to update the landscape on site. The applicant has proposed 9 crepe myrtles on site.

Pursuant to Ord. Section 24-121 **Tree Removal**, an existing tree on the site having a trunk diameter of three (3) inches or greater shall not be removed or relocated without a permit from the Community Development Department of the City.

- There aren't any trees being removed on the property, sheet L-2 shows that all existing trees will remain on site.

Pursuant to Ord. Section 24-130 **On-Site Stormwater Runoff**, the first one (1) inch of rainfall shall be retained on-site through the use of swales, trench drains, retention ponds and other techniques acceptable to the City Engineer.

- The City Engineer provided TRAD signoff for the project indicating that the plans must comply with all required drainage requirements at time of building permit.

Site Plan Review Standards:

Review Standards. The following standards shall be utilized by all applicable individuals and departments involved in the review and evaluation of required plans and exhibits:

Pursuant to Ord. Section 24-172 (G)(1), **Natural environment**: All proposed development shall be designed in such a manner as to preserve, perpetuate and improve the existing natural character of the site. Existing trees and other landscape features shall, to the maximum extent possible, be preserved in their natural state and additional landscape features shall be provided to enhance architectural features, to relate structural design to the site, and to conceal unattractive areas and uses. Special attention shall be devoted to natural vegetation along waterfronts.

- The landscape sheet L-1 and L-2 shows that there will be no trees removed and there will be additional trees planted to beautify the site.

Pursuant to Ord. Section 24-172 (G)(3), **Circulation and parking**: All circulation systems and parking facilities shall be designed and located in such a manner as to comply with subsection (a)-(d).

- The plans provided displays that the applicant will restripe and repave the parking lot and update the ADA parking stall size to 12 x 20 feet in order to be accordance with Ord. Section 24-95.

Pursuant to Ord. Section 24-172 (G)(4), **Community services and utilities**: All proposed developments shall be designed and located in such a manner as to ensure the adequate provision, use and compatibility of necessary community services and utilities.

- Staff reviewed the site plan and concurrency requirements for potable water, sanitary sewer, solid waste, parks and recreation, and public schools and determined that the levels of service will be adequately maintained and serve the project. The amount of services and utilities are not increasing because of the project but will remain existing.

Pursuant to Ord. Section 24-172 (G)(5), **Building and structures**: All buildings and structures proposed to be located within a development shall be oriented and designed in such a manner as to enhance, rather than detract, from the overall quality of the environment. The following guidelines shall be followed in the review and evaluation of all buildings and structures:

- a) Proposed buildings and structures should be related harmoniously to the terrain, other buildings, and the surrounding neighborhood, and should not create through their location, scale, style, color or texture incompatible physical or visual relationships.

The intent of this site plan is to modify the outdated architectural features. Due to the age of the current facility, this requested Site Plan Amendment involves the enhancement of the current building elevations, resealing and restriping the parking lot to comply with the code required parking stall sizes, and provide ADA access aisle striping and an FDOT crosswalk. The proposed modification includes new paint colors such as Winterwood BM-145486 with an LRV 50.55. The second color that will be utilized is Iron mountain 2134-30. The base color has an LRV of greater than 35 and is therefore in compliance with this code section

- b) Building location and other site features shall be reviewed in the context of any proposed road widenings, particularly the Biscayne Boulevard frontage.

- No additional roadway widening is anticipated by FDOT for 826 east or west.

- c) Proposed buildings located in Special Flood Hazard Areas as identified on flood insurance rate maps (FIRM) prepared by the Federal Emergency Management Agency (FEMA) shall have the lowest floor elevated no lower than the level of the base flood elevation.

- Property is located within Zone X. The proposed finish floor is existing and will not be changed by the applicant. Only the exterior elevations will be updated by the applicant. The current elevation is 8'.79 NGVD.

- d) Proposed buildings and site shall be compliant with the Americans with Disabilities Act (ADA) and Miami-Dade County Code of Ordinances.

- Proposed buildings and site shall be compliant with the Americans with Disabilities Act (ADA) and Miami-Dade County Code of Ordinances. The applicant is updating the handicapped stall in order to be consistent with ADA regulations.

- e) Proposed buildings shall be compliant with the **Fair Housing Act** as required.

- The proposed project is commercial; thus, the regulation is not applicable.

Pursuant to Ord. Section 24-172 (G)(7), **Crime Prevention Through Environmental Design (CPTED)**: All proposed development shall be designed to discourage and reduce the possibility of nuisance and criminal activity.

The police department has reviewed the plans throughout the TRAD process for location, traffic, visibility, windows and doors, security lighting, parking lot lighting, use of digital security cameras, especially in

parking areas and other common areas, including ingress and egress areas, and has determined that project demonstrates acceptable design standards to reduce crime.

Traffic & Concurrency

- The site plan modification does not require a Traffic impact analysis. The existing structure and use is remaining and will not be altered to add an gross floor area to the building.

Comprehensive Plan Consistency:

The City's Comprehensive Plan and the Florida Statutes establish that a development order and development approved by the City is consistent with the adopted comprehensive plan if the land uses, densities or intensities, capacity or size, timing, and other aspects of development permitted by such order or approval are compatible with and further the objectives, policies, land uses, and densities or intensities established in the comprehensive plan and land development regulations. This project is most consistent with and furthers the following policies of the North Miami Beach Comprehensive Plan:

Future Land Use Element

Policy 1.1.9: Development, development orders, and permits issued by the City must be specifically conditioned on the availability of facilities and services necessary to serve the proposed development.

Policy 1.2.8: The City shall encourage development and redevelopment of appropriate scale and type in areas adjacent to established residential neighborhoods. Appropriate scale and type shall be determined by reviewing the compatibility of proposed development and redevelopment with the adjacent residential uses

Policy 1.2.11: All redevelopment shall be sensitive to the community character and should seek to promote transit and pedestrian friendliness through features such as: interconnected sidewalks; transit shelters; an interesting pedestrian environment, and; shade from shade trees, awnings, or canopies.

Transportation Element

Policy 1.2.8: The City will ensure that the design of new and redevelopment mixed use projects are conducive to pedestrian, bicycle and transit use. At a minimum other new development and redevelopment projects will address development intensity and mix of land uses, building and parking lot orientation, bicycle storage, connectivity of pedestrian and bicycle infrastructure, and pedestrian amenities to enhance multimodal transportation alternatives.

- The proposed modification improves the restriping of the parking. The applicant will be installing new FDOT cross walks on site for pedestrians. This sidewalk is connected to the ADA access aisle which is connected directly to the public sidewalk. This provides for public access via walking and through bicycles.

Public Notices:

- ✓ Public Notice was posted at the property by **June 3, 2022**, at least 10 days prior to the meeting.
- ✓ Courtesy notices were mailed to property owners within a 500-foot radius on **June 3, 2022**, at least ten days before the meeting date.
- ✓ The agenda was posted to the City's website by **June 6, 2022**, at least 7 days prior to the meeting date
- ✓ Public Notice was posted in the main lobby at City Hall by **June 3, 2022**, at least 10 days prior to the meeting date.