

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Planning Board

TO: Chairperson and Members  
Planning Board

DATE: May 24, 2016

FROM: Thomas R. Mooney, AICP  
Planning Director

SUBJECT: **File No. 2325. 1212 Lincoln Road  
CUP for the construction of a new five-story mixed-use development  
exceeding 50,000 square feet.**

#### **REQUEST**

The applicants, ARRP Miami LLC, 1212 Lincoln, LLC, and Wells Fargo Bank., are requesting Conditional Use approval for the construction of a new 5-story mixed-use development exceeding 50,000 square feet, pursuant to Section 118, Article IV of the City Code.

#### **RECOMMENDATION**

Continue to June 28, 2016

#### **ZONING / SITE DATA**

**Future Land Use:** Medium Intensity Commercial Category (CD-2)

**Zoning:** CD-2 Commercial, Medium Intensity District

**Legal Description:** SURVEY OF LOTS 1-9, BLOCK 45, OF COMMERCIAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 6, PAGE 5, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

**Surrounding Uses:** See Zoning/Site map at the end of this report.  
North: (Lincoln Road) Commercial  
South: (16<sup>th</sup> Street) Commercial  
East: (Alton Road) Commercial  
West: (Alton Court) Public Parking/Multifamily Residential

**Lot Size:** 70,666 SF / 1.62 AC

**Maximum FAR:** 2.0 – 141,332 SF

**Proposed FAR:** 2.0 – 141,215 SF Total Area as represented by the applicant

**Maximum Height:** 60'-0"

**Proposed Height:** 60'-0"

**Proposed Uses:**

<b>Hotel:</b>	100 Units / 44,938 SF
<b>Retail:</b>	92,725 SF
<b>Parking:</b>	447 Spaces

**BACKGROUND**

On September 23, 2014, the Planning Board approved File Number 2207, granting a Conditional Use Permit (CUP) for the construction of a commercial development exceeding 50,000 square feet. That CUP encompassed lots 3 through 9 of the subject block. The applicant has since acquired the remaining lots on the block (lots 1 and 2) and is therefore requesting approval for a new CUP that encompasses the entire block.

The proposal is scheduled to be considered by the Design Review Board on July 5, 2016 (File No. DRB0416-0015). The application includes numerous requests for variances as well.

**COMPLIANCE WITH CONDITIONAL USE REVIEW GUIDELINES:**

Conditional Uses may be approved in accordance with the procedures and standards set forth in the City Code Art. 4, Sec. 118-191 and Sec. 118-192:

1. **The Use is consistent with the Comprehensive Plan or Neighborhood Plan if one exists for the area in which the property is located.**

**Consistent** – The use is consistent with the City's Comprehensive Plan, as the CD-2 Category permits the following:

*Uses which may be Permitted: Various types of commercial uses including business and professional offices, **retail sales and service establishments**, eating and drinking establishments; apartment residential uses; apartment hotels; and **hotels**.*

2. **The intended Use or construction would not result in an impact that would exceed the thresholds for the levels of service as set forth in the Comprehensive Plan.**

**Partially Consistent** – A concurrency analysis will be performed at the time of building permit application. Traf Tech Engineering, Inc. was retained by the applicant to conduct a traffic study. FTE, Inc. was selected by the City and paid by the applicant to conduct a peer review. See the Memorandum from the Transportation Department.

3. **Structures and uses associated with the request are consistent with these Land Development Regulations.**

**Partially Consistent** – As proposed, the project is inconsistent with numerous setback requirements of the Land Development Regulations and the applicant has applied for variances as part of the application to be reviewed by the Design Review Board. This shall not be considered final zoning review or approval. This and all zoning matters shall require final review and verification prior to the issuance of a Building Permit.

4. **Public health, safety, morals and general welfare would not be adversely affected.**

**Consistent** - The proposal is not expected to adversely affect the general welfare of nearby residents, since it is surrounded primarily by commercial and mixed uses.

**5. Adequate off-street parking facilities would be provided.**

**Consistent** – The proposal would provide 447 parking spaces on site, which satisfies the minimum parking requirements for the proposed retail and residential uses pursuant to the regulations of Parking District 6. It is expected that surplus parking spaces will be provided according to the proposed plan. See Parking and Access Analysis.

**6. Necessary safeguards would be provided for the protection of surrounding property, persons, and neighborhood values.**

**Consistent** - The proposed project is not expected to adversely affect surrounding values; however, staff is recommending conditions to provide further safeguards.

**7. The concentration of similar types of uses would not create a negative impact on the surrounding neighborhood. Geographic concentration of similar types of conditional uses should be discouraged.**

**Consistent** – The proposed use is a typically permitted use in the CD-2 zoning district. The Conditional Use Permit is required because the scale of building exceeds 50,000 square feet. Therefore, the proposed project is not expected to create any negative impact on the surrounding neighborhood due to a concentration of uses.

**COMPLIANCE WITH REVIEW GUIDELINES CRITERIA FOR NEW STRUCTURES  
50,000 SQUARE FEET AND OVER**

Pursuant to Section 118-192(b), in reviewing an application for conditional use for new structures 50,000 square feet and over, the planning board shall apply the following supplemental review guidelines criteria in addition to the standard review guidelines:

**1. Whether the proposed business operations plan has been provided, including hours of operation, number of employees, goals of business, and other operational characteristics pertinent to the application, and that such plan is compatible with the neighborhood in which it is located.**

**Consistent** – The proposed uses are a 100-room hotel and 92,725 square feet of retail. The Operations Details indicates that the hotel will operate 24 hours a day, 7 days a week; and the retail will keep normal business hours depending on the use. There will be approximately 50 employees for the hotel and estimates up to 150 employees for the remainder of the project. Staff is recommending additional conditions regarding the operations to minimize the impact to surrounding residents.

**2. Whether a plan for the mass delivery of merchandise has been provided, including the hours of operation for delivery trucks to come into and exit from the neighborhood and how such plan shall mitigate any adverse impacts to adjoining and nearby properties, and neighborhood.**

**Partially Consistent** – The proposed project would require two (2) loading spaces for the hotel component and five (5) spaces for the retail component pursuant to the Land Development Regulations. The plans depict two (2) off-street loading berths and nine (9) parallel loading areas that are accessed from and adjacent to the Alton Court alley. Staff has some concerns with doors that open into the loading areas which may inhibit the ability of trucks to access the loading areas or for cargo to be brought into the building from the loading areas. Additionally, staff has some concerns with noise which may emanate from the open air loading areas. Staff is recommending conditions relative to the servicing of the proposed uses. See Delivery and Sanitation Analysis.

3. **Whether the scale of the proposed use is compatible with the urban character of the surrounding area and creates adverse impacts on the surrounding area, and how the adverse impacts are proposed to be addressed.**

**Consistent** – The scale of the proposed project is compatible with nearby buildings. There are several buildings, both built and under-construction, within the vicinity of a similar scale. Staff is recommending conditions to minimize potential adverse impacts.

4. **Whether the proposed parking plan has been provided, including where and how the parking is located, utilized, and managed, that meets the required parking and operational needs of the structure and proposed uses.**

**Consistent** – The proposed uses would require 360 parking spaces, therefore the proposed 447 spaces parking garage would more than satisfy parking needs of the building. The plan indicates that the garage would only be accessed from 16<sup>th</sup> Street to the south, which would limit the project's impacts to pedestrians.

5. **Whether an indoor and outdoor customer circulation plan has been provided that facilitates ingress and egress to the site and structure.**

**Consistent** – The plans indicate that pedestrian customers will have direct access to the retail areas from the City's sidewalk along either 16<sup>th</sup> Street or Alton Road. Pedestrian access to the hotel will be from Lincoln road. Additionally there will be direct elevator access from the parking garage into the retail areas. Within the retail areas there will be a central public circulation area that allows access into the various market and retail areas. See Parking and Access Analysis.

6. **Whether a security plan for the establishment and supporting parking facility has been provided that addresses the safety of the business and its users and minimizes impacts on the neighborhood.**

**Consistent** – The operational details indicates that there will be multiple security cameras located throughout the property with DVR recording. Additionally, it is indicated that security personnel will monitor the property 24 hours a day, including the garage. camera monitoring the property and covering all areas of the parking garage. Staff is recommending conditions to ensure the security of patrons and surrounding areas.

7. **Whether a traffic circulation analysis and plan has been provided that details means of ingress and egress into and out of the neighborhood, addresses the**

**impact of projected traffic on the immediate neighborhood, traffic circulation pattern for the neighborhood, traffic flow through immediate intersections and arterials, and how these impacts are to be mitigated.**

Traf Tech Engineering, Inc. was retained by the applicant to conduct a traffic study. FTE, Inc. was selected by the City and paid by the applicant to conduct a peer review. See the Memorandum from the Transportation Department.

8. **Whether a noise attenuation plan has been provided that addresses how noise shall be controlled in the loading zone, parking structures and delivery and sanitation areas, to minimize adverse impacts to adjoining and nearby properties.**

**Partially Consistent** – The Operations Details indicate that there will be no entertainment and that all music will be ambient. The letter of intent indicates that parking areas will be buffered from the rear of the property so the impact of noise from the parking will be minimal. However, staff has some concerns with the potential for noise to emanate from exposed areas of the garage. Additionally the letter indicates that there will be more than adequate loading for the project, limiting the need for stacking, which reduces the impact of noise. Staff has some concerns about the potential impact of noise from the loading and parking areas, and is recommending conditions to reduce any potential impact from noise.

9. **Whether a sanitation plan has been provided that addresses on-site facilities as well as off-premises issues resulting from the operation of the structure.**

**Consistent** – The letter of intent indicates that the applicant would contract with a waste collection company. Trash pick-up would occur via the trash and loading area contained within the building. It is indicated that trash pickup could occur 7-days a week between the hours of 8:00 AM and 6:00 PM. See Delivery and Sanitation Analysis.

10. **Whether the proximity of the proposed structure to similar size structures and to residential uses create adverse impacts and how such impacts are mitigated.**

**Consistent** – The proposed structure is primarily surrounding by commercial uses, however it could create some negative impacts on the multi-family residential uses to the west. Staff is recommending conditions to minimize that potential.

11. **Whether a cumulative effect from the proposed structure with adjacent and nearby structures arises, and how such cumulative effect shall be addressed.**

**Consistent** – The CD-2 zoning district permits development such as that proposed. While there are other residential and commercial uses in the surrounding vicinity, no negative impacts from a cumulative effect are expected.

### **ANALYSIS**

The applicant is requesting a Conditional Use Permit for the construction of a new mixed-use development exceeding 50,000 square feet. The site presently contains a Wells Fargo Bank and several single-story multi-tenant retail buildings.

The proposed building is across the street from the 6-story Lincoln Center. Just north of the Lincoln Center is the seven (7) story 1111 Lincoln Road Garage. To the west of the proposed building is the five (5)-story Lincoln West Gardens apartment building. The proposed building would be five (5) stories with an open-air roof deck and parking. This scale is compatible with the surrounding built environment.

As presented by the applicant, the structure will contain 92,725 square feet of retail space on the ground and second floors. The retail will consist of a 4,482 square foot Wells Fargo retail bay, with the rest for tenants that have yet to be identified. The building would also contain 100 hotel rooms; the third floor will contain 32 rooms and the fourth and fifth floors will each contain 34 rooms. The parking garage will contain 447 spaces. The garage is to be located on the third through sixth floors. The sixth floor will consist of 87 open-air surplus parking spaces.

### **Traffic and Circulation**

Traf Tech Engineering, Inc. was retained by the applicant to conduct a traffic study. FTE, Inc. was selected by the City and paid by the applicant to conduct a peer review. See the Memorandum from the Transportation Department.

### **Parking and Access**

The proposed project is in Parking District 6. However, the applicant is not seeking any of the parking reduction available through Parking District 6. The proposed development program requires 50 parking spaces for the hotel and 310 parking spaces for the retail. The proposed garage contains 447 parking spaces. This provides for a surplus of 87 spaces, which are provided on the rooftop, so as to not count against the permitted FAR.

The retail areas will be directly accessible from the sidewalk along either 16<sup>th</sup> Street or Alton Road, and there is potential for access from Lincoln Road. There will be direct elevator access from the parking garage into the retail areas. Pedestrian access to the hotel will be from Lincoln Road, with the main lobby being located on the second floor.

Pursuant to the requirements of Parking District 6, the project is proposing ten (10) long-term bike racks and ten (10) short-term bike racks on the ground floor for the retail areas, and an additional 11 short-term bike racks for the hotel. The plans indicate that long term bike parking has yet to be determined for the hotel. Pursuant to Section 130-33 of the Land Development Regulations, one (1) long-term bike parking space is required per ten (10) percent of employees. The operations details indicates that the hotel will have approximately 50 employees, therefore an additional five (5) long-term bicycle parking spaces will be required.

### **Delivery and Sanitation**

The proposed project would require two (2) loading spaces for the hotel component and five (5) spaces for the retail component pursuant to the Land Development Regulations. The plans depict two (2) off-street loading berths and nine (9) parallel loading areas that are accessed from and adjacent to the Alton Court alley. This more than satisfies the minimum requirement.

Staff has some concerns with doors that open into the loading areas which may inhibit the ability of trucks to access the loading areas or for cargo to be brought into the building from the loading areas. Staff is recommending conditions to ensure that the loading areas remain unimpeded.

Additionally, staff has some concerns with noise which may emanate from the open air loading areas. Staff is recommending conditions relative to the servicing of the proposed uses to limit the impact of noise to the surrounding areas.

The letter of intent indicates that the applicant would contract with a waste collection company. Trash pick-up would occur via the trash and loading area contained within the building. It is indicated that trash pickup could occur 7-days a week between the hours of 8:00 AM and 6:00 PM. Staff is recommending conditions to limit the impact of trash facilities and trash pickup on surrounding properties.

### **Noise**

The plans indicate that parking spaces are located within the structure and the applicant does not anticipate significant noise from the operations. However, it appears in the plans that certain portions of the garage and its ramps will be exposed towards the west. Staff has some concerns that noise will emanate from these areas impacting nearby residential uses.

The loading areas will be located adjacent to the alley in an open-air area. This creates potential for noise to impact adjacent residential buildings. Review of the plans also seems to indicate that garbage will be taken to an outdoor loading area for pickup. Staff is recommending conditions to help reduce any potential impact from noise due to loading and garbage pickup.

The proposed building contains a rooftop deck and pool for the exclusive use of hotel guests. As the potential exists for noise to emanate from these areas to the residential areas to the west, staff is recommending conditions to reduce the potential impact.

### **Staff Conclusion**

In general, the application is consistent with the intentions of the CD-2 zoning district and with additional modifications should fit within the context of the surrounding neighborhood. Staff believes the overall project has the potential to enhance the quality and character of the surrounding area. However, the City's Transportation Peer Reviewer has several outstanding comments related to the Traffic Study that should be addressed before the CUP is approved.

In conclusion, given the concerns with the Alton Court alley, staff is not comfortable recommending approval at this time, and would strongly recommend that the application be continued to a future date.

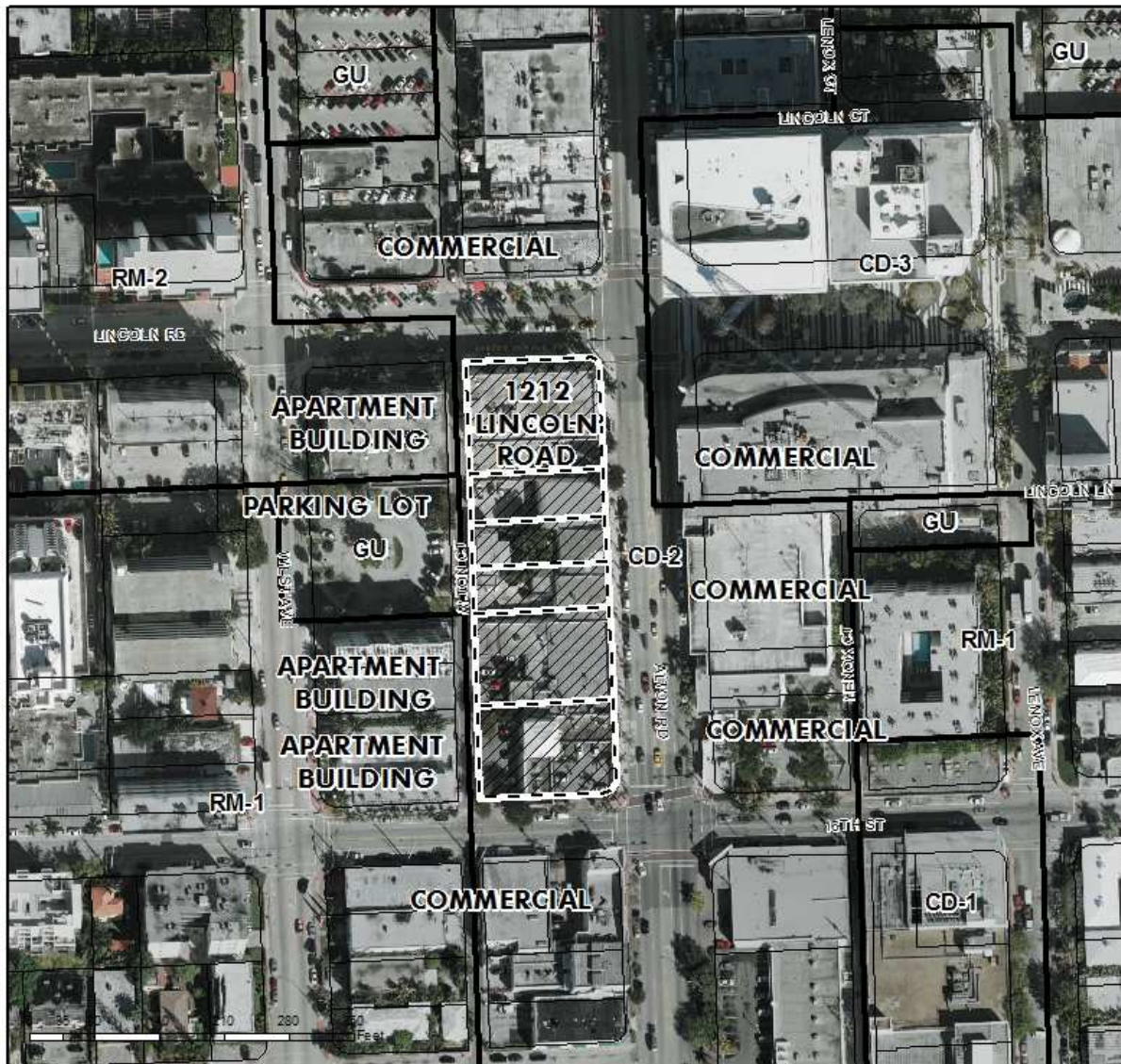
### **STAFF RECOMMENDATION**

In view of the foregoing analysis, and inconsistencies with the aforementioned Conditional Use Review Guidelines, staff recommends that the application be continued to a date certain of June 28, 2016. However, should the Planning Board move to approve the application, staff recommends that any approval be subject to the conditions enumerated in the attached draft Order.

TRM/MAB/RAM



## ZONING SITE MAP



City of Miami Beach Planning Board  
File No. 2325  
1212 Lincoln Road



The applicants, ARR P Miami LLC, 1212 Lincoln, LLC, and Wells Fargo Bank., are requesting Conditional Use approval for the construction of a new 5-story mixed-use development exceeding 50,000 square feet, pursuant to Section 118, Article IV of the City Code.

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