

# 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. 2327. 340 West 42<sup>nd</sup> Street, 301 Arthur Godfrey Road, 4100-4120 Pine Tree Drive**

The applicant, Caton Owner, LLC., is requesting Conditional Use approval for the construction of a new 7-story multifamily building exceeding 50,000 square feet including a mechanical parking garage, bank teller, and the retention of the existing 6-story office building, which is part of the development site, pursuant to Section 118, Article IV and Section 130, Article II.

### **RECOMMENDATION**

Continuance to June 28, 2016

### **ZONING / SITE DATA**

**Future Land Use:** CD-3 – Commercial, High Intensity District

**Zoning:** CD-3 – Commercial, High Intensity District

**Legal Description:** Lots 4, 5, 6, 7, 8 and 9, Block 3, Orchard Subdivision No. 4, according to the Plat thereof, as recorded in Plat Book 25, at Page 30 of the Public Records of Miami-Dade County, Florida.

**Land Uses:** See Zoning/Site map at the end of this report.  
North: Single Family District  
South: Commercial uses  
East: Multifamily building  
West: Municipal garage

**Lot Size:** 46,809 SF

**Maximum FAR:** 2.75 = 128,725 SF

**Proposed FAR:** 128,592 SF as represented by the applicant

**Maximum Height:** 75'-0" / 7 stories

**Proposed Height:** 75'-0" / 7 stories

**Proposed Uses:**

**Multifamily:** 49 units  
**Bank Teller:** 276 square feet

**Parking:** 131 spaces

**THE PROJECT**

The applicant has submitted revised plans entitled “340 West 42<sup>nd</sup> Street”, as prepared by Arquitectonica, Alfonso L Jurado as registered Architect, dated April 06, 2016. The proposal consists of a new 7-story, multifamily building with 49 units, a bank teller and the retention of the existing 6-story office building, which is part of the development site.

The proposal is scheduled to be considered by the Design Review Board on June 7, 2016 (File No. DRB 23265).

**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 request is consistent with the Comprehensive Plan, as the CD-3 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 will not result in an impact that will exceed the thresholds for the levels of service as set forth in the Comprehensive Plan**

**Consistent** – The proposal should not result in an impact that would exceed the thresholds for the levels of service as set forth in the Comprehensive Plan; however, a concurrency analysis will be performed at the time of building permit application. David Plumber & Associates 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 this Ordinance.**

**Partially Consistent** – The proposed project appears to comply with most zoning regulations; however, if there are any inconsistencies must be corrected prior to obtaining a building permit. In addition, the project is seeking a variance for the additional regulations for new construction in the CD-3 district pertaining to the requirement of having residential and commercial uses at the first level when there is parking on this level. These comments shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Planning Department prior to the issuance of a Building Permit.

The plans submitted for DRB review depict different setbacks from the plans presented to Planning Board. As a result, staff recommends a continuance to ensure consistency between the two submittals.

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

**Consistent** – The proposed project should not adversely affect the general welfare of nearby residents and businesses, as residential uses are compatible with the surrounding area.

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

**Partially Consistent** – The proposed residential uses require 106 parking spaces. Per the plans submitted by the applicant, 25 parking spaces are on the site for the existing commercial uses on the southern half of the lot. The proposed project will provide 131 spaces, which is consistent with the minimum parking requirements.

Staff review indicates that the proposed plans are deficient in the number of loading spaces and loading space location. Additionally, the plans submitted to the Design Review Board are inconsistent with the plans submitted to the Planning Board. Staff is recommending a continuance so that the inconsistencies can be reconciled.

**6. Necessary safeguards will 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 will not create a negative impact on the surrounding neighborhood. Geographic concentration of similar types of conditional uses should be discouraged.**

**Consistent** – The proposed uses for the project are permitted in the CD-3 zoning district. While there are other buildings over 50,000 SF, in the vicinity, adverse impacts are not expected from the geographic concentration of such uses if the impacts are properly controlled.

**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 applicant's letter of intent provides operations characteristics of the proposed project. The proposed project does not include any new non-residential uses, with the exception of the replacement of the existing bank teller drive through lanes. The letter indicates that the teller and drive through lanes will maintain normal operating hours (9:00 AM to 5:00 PM), See the Project Description. Since the proposal consists primarily of residential uses, and the commercial operations will be limited to normal business hours, the project is generally compatible with the surrounding neighborhood.

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 plans indicate that loading and trash collection will take place from a loading area that will be contained within the building (Note: DRB plans indicate the a revised location for loading spaces that are not on indicated in the Planning Board plans application). However, a review of the plans indicates that additional loading spaces will be required pursuant to the Land Development Regulations. Plans will have to be revised to demonstrate compliance with the loading requirements prior to obtaining a building permit. 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 and CD-3 zoning district allowable development. The multifamily residential use is compatible with the single family residential use on the north side of the subject property, however the scale, massing, architecture and compatibility issues will be further discussed at Design Review Board meeting. 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.**

**Partially Consistent** – The proposed 131 spaces satisfies the parking requirements for the existing and proposed development. The first floor of the parking garage is where the parking for the existing office building will be located. Residential unit owners would be parking on the second and third floors. The mechanical parking lifts are located on the third floor, and each lift will be assigned to a specific unit owner. However, since the site presently contains required parking for the adjacent commercial building, the applicant must address where the parking for these uses will be relocated during the construction phase. See Parking Analysis.

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

**Consistent** – Employees and visitors of the existing office building will park on the first floor of the parking garage and walk out of the garage through the provided opening in the south façade and use the walkway in-between the proposed building and the existing office building. The existing office building has a lobby that pedestrians can access from 41<sup>st</sup> Street and Pine Tree Drive.

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 applicant proposes to provide 24 hour security. There will be a doorman

in the lobby of the proposed building that will have access to security cameras located throughout the property, including the parking garage. The security company for the existing office building will utilize a closed circuit television (CCTV) system to monitor the drive through teller.

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.**

David Plumber & Associates 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 parking garage and loading areas are screened from the residential neighborhood to the north. Therefore, the applicant does not anticipate any significant noise from the operation.

The trash pick-up location is shielded from the residential neighborhood since it is located on the south side of the new building. Trash containers will utilize rubber wheels and the path for the trash containers will consist of a surface that reduces noise. The trash room shall be enclosed and air-conditioned with access from the south, away from residential neighborhood. Deliveries will occur on the southwest side of the project. The Letter of Intent (LOI) does not indicate hours during which deliveries can take place.

Staff is recommending conditions to minimize potential adverse impacts.

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** – Trash pick-up is proposed to occur via the trash and loading area contained within the proposed building on the south side with access to Sheridan Avenue. Trash pick-up times will be limited to between 8:00 AM and 7:00 PM. See the 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 project, as a seven (7) story multifamily residential project, would serve as an appropriate transition from the higher intensity commercial office and retail uses that face Arthur Godfrey Road/West 41<sup>st</sup> Street and the low-scale residential neighborhood to the north. The project has been designed so that the façade that faces the lower scale residential neighborhood to the north recesses as it rises in height. Therefore, adverse impacts are not expected from the proposed project due to proximity to similar size structures.

- 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-3 zoning district permits this scale of development. While there are other buildings of this scale in the surrounding vicinity, negative impacts from a cumulative effect are not expected. Notwithstanding, staff is recommending conditions to help reduce any potential impact.

## **SECTION 130-38–MECHANICAL AND ROBOTIC PARKING SYSTEMS**

Projects proposing to use mechanical parking devices, robotic parking systems and/or vehicle elevators to satisfy accessory off-street parking requirements shall prepare schematic floor plans prior to site plan review by the applicable land use board. Two sets of schematic floor plans shall be required:

- 1. One set of schematic plans sufficient to show the proposed development project with accessory off-street parking requirements satisfied by traditional, non-mechanical means, meeting all aspects of the design standards for parking spaces required in Article III of Chapter 130, and other provisions of these land development regulations, and requiring no variances from these provisions.**

**Consistent** – A schematic drawing showing the required parking in a traditional, non-mechanical means was submitted showing the 131 required parking spaces for the project on-site.

- 2. A second set of schematic plans, sufficient to show the same proposed development project, utilizing mechanical parking devices, robotic parking systems and/or vehicle elevators to satisfy accessory off-street parking requirements.**

**Consistent** – A schematic drawing showing the required parking for the project by traditional and mechanical means was submitted showing 131 spaces. The mechanical parking version does not increase the amount of spaces and is located on the 3<sup>rd</sup> level of the parking garage to serve residential units only.

The non-mechanical schematic drawings have been reviewed by Planning Department staff and they appear to meet the requirements of the design standards of the City Code. Subject to this data being provided, the project may proceed to site plan approval based on the set of plans using mechanical parking.

The Planning Board shall also consider the following review criteria when considering each application for the use of mechanical parking systems:

- (a) Whether the scale of the proposed structure is compatible with the existing urban character of the surrounding neighborhood.**

**Consistent** – The scale of the project is compatible with the surrounding area. The proposed height of approximately 72 feet is slightly less than the maximum permitted height of the CD-3 zoning district. The proposed structures steps back from the north property line as it rises in height. It is significantly shorter than the Tower 41 condominium across from the street on Pine Tree Drive. When the project is reviewed by the DRB the scale, massing, architecture and compatibility issues of the project will be further scrutinized.

- (b) **Whether the proposed use of mechanical parking results in an improvement of design characteristics and compatibility with the surrounding neighborhood.**

**Consistent** – The proposed garage and multifamily units are an improvement over the existing at-grade parking lot. The proposed use of mechanical parking appears to be compatible with design characteristics and with the surrounding neighborhood allowing the building to setback more as it rises on the north side which is the one that faces the single family residences. Subsequent to approval by the Planning Board, the project would have to go before the DRB where this aspect of the project would be further scrutinized.

- (c) **Whether the proposed use of mechanical parking does not result in an increase in density or intensity over what could be constructed with conventional parking.**

**Consistent** – The proposed use of mechanical parking does not result in an increase in density or intensity over what could be constructed with conventional parking.

- (d) **Whether parking lifts or mechanisms are located inside, within a fully enclosed building, and not visible from exterior view.**

**Consistent** – The proposed lifts would be located within a fully enclosed building and would not be visible from the exterior.

- (e) **In cases where mechanical parking lifts are used for self-parking in multifamily residential buildings; whether approval is conditioned upon the proper restrictive covenant being provided limiting the use of each lift to the same unit applicant.**

**Partially Consistent** – Restrictive covenant must be provided that limit the use of each lift to the same unit owner.

- (f) **In cases where mechanical parking lifts are used for valet parking; whether approval is conditioned upon the proper restrictive covenant being provided stipulating that a valet service or operator must be provided for such parking for so long as the use continues.**

**Not Applicable.**

- (g) **Whether a traffic study has been provided that details the ingress, egress and circulation within the mechanical parking facility, and the technical and staffing requirements necessary to ensure that the proposed mechanical parking system does not cause excessive stacking, waiting, or backups onto the public right-of-way.**

The proposed ingress and egress for all vehicles would be from Sheridan Avenue. The traffic study, prepared by David Plumber & Associates and FTE, Inc. was selected by the City and paid by the applicant to conduct a peer review. See the attached Memorandum from the Transportation Department.

- (h) **Whether a proposed operations plan, including hours of operation, number of employees, maintenance requirements, noise specifications, and emergency procedures, has been provided.**

**Partially Consistent** – The LOI indicates that the exact type of lift has not yet been selected, therefore the operations plan has not yet been fully developed.

- (i) **In cases where the proposed facility includes accessory uses in addition to the parking garage, whether the accessory uses are in proportion to the facility as a whole, and delivery of merchandise and removal of refuse, and any additional impacts upon the surrounding neighborhood created by the scale and intensity of the proposed accessory uses, are adequately addressed.**

**Not Applicable** – The parking garage is accessory to residential and commercial uses, which are the primary uses.

- (j) **Whether the proximity of the proposed facility to similar size structures and to residential uses creates adverse impacts and how such impacts are mitigated.**

**Consistent** – The proposed project appears to be compatible with the surrounding neighborhood and it appears that it would not create any significant adverse impacts to the residential uses. Notwithstanding, staff is recommending conditions to minimize any potential negative impacts.

- (k) **Whether a cumulative effect from the proposed facility with adjacent and nearby structures arises, and how such cumulative effect shall be addressed.**

**Consistent** – No negative impact is anticipated from the cumulative effect from the proposed facility and nearby structures.

### **ANALYSIS**

The proposal consists of a new seven (7) story, multifamily building with 49 units, a parking garage with 131 spaces that provides the required parking for the existing office building and the proposed units at the multifamily building, a bank teller and the retention of the existing 6-story office building, which is part of the development site.

The square footage of the proposed project is approximately 128,592 SF as represented by the applicant. The proposed uses are permissible in the CD-3 zoning district and are compatible with the surrounding neighborhood. However, staff is recommending conditions to further minimize the impacts as outlined in the recommendation.

### **Parking and Access**

The proposed ingress and egress for all vehicles would be from Sheridan Avenue to the parking structure. The parking spaces on the third floor will have mechanical parking lifts, each space with mechanical parking will be assigned to one residential condominium unit, therefore valet parking is not required.

Access to the drive-thru teller is proposed to be from a semi-circular driveway from Pine Tree Drive. Staff has concerns over the width of the driveway and the impact to pedestrians. Staff is recommending conditions to reduce the width of the driveway in order to improve pedestrian safety.

The proposed residential uses require 106 parking spaces. Per the plans submitted by the applicant, 25 parking spaces are on the site for the existing commercial uses on the southern half of the lot. The proposed project will provide 131 spaces, which is consistent with the minimum parking requirements.

### **Delivery and Sanitation**



A loading and trash area that is fully contained inside of the building is proposed at the ground level on the south west side of the property with access from Sheridan Avenue. The applicant did not propose specific hours for deliveries. The applicant did propose limiting trash pickup to 8:00 AM and 7:00 PM. Staff is recommending conditions to limit the impact of deliveries to surrounding properties

**Security**

The LOI indicates that there will be 24-hour security. Additionally there will be a doorman in the lobby of the proposed building and will have access to security cameras from the parking garage, the security company for the existing office building will have a CCTV system to monitor the drive through teller of the project.

**Staff Conclusion**

The application should be continued until the plans presented to the DRB and the Planning Board are consistent, and loading requirements and operations for the existing office building are fully detailed for the Board and staff to review.

**RECOMMENDATION**

In view of the foregoing analysis, staff recommends that the application for a Conditional Use Permit be continued to a date certain of June 28, 2016. However, should the Board approve the application, the conditions in the attached draft order are recommended.

TRM/MAB/RAM/AG

### ZONING/SITE MAP



City of Miami Beach Planning Board  
 File No. 2327  
 340 West 42nd Street



The applicant, Caton Owner, LLC, is requesting Conditional Use approval for the construction of a new 7-story multifamily building exceeding 50,000 square feet including a mechanical parking garage, bank teller, and the retention of the existing 6-story office building, which is part of the development site, pursuant to Section 118, Article IV and Section 130, Article II.

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