

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. 2284. 1681-1683 West Avenue & 1698 Alton Road
CUP for the construction of a new five story mixed-use building exceeding 50,000 square feet, including a parking garage and construction above the adjacent alley.**

REQUEST

The applicant, 1681 Ventures, LLC, is requesting Conditional Use approval for the construction of a new five story mixed-use building exceeding 50,000 square feet, including a parking garage and construction above the adjacent alley, pursuant to Section 118, Article IV, Section 142, Article II of the City Code.

RECOMMENDATION

Approval with conditions

ZONING / SITE DATA

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

Zoning: CD-2 Commercial, Medium Intensity District

Legal Description: Lots 9 and 10, Block 40, FIRST ADDITION TO COMMERCIAL SUBDIVISION, according to the Plat thereof, recorded in Plat Book 6, Page 30, of the Public Records of Miami-Dade County, Florida.

AND

Lots 12, 13, and 14, inclusive, Block 40, ALTON BEACH REALTY COMPANY SUBDIVISION, according to the Plat thereof, recorded in Plat Book 6, Page 165, of the Public Records of Miami-Dade County, Florida.

Surrounding Uses: See Zoning/Site map at the end of this report.
North: (17th Street) Hotel/Mixed-Use
South: Parking Lot/Commercial
East: (Alton Road) Commercial
West: (West Avenue) Multifamily Residential

Lot Size: 39,318 SF / 0.9026 AC

Maximum FAR: 2.0 – 78,636 SF

Proposed FAR: 2.0 – 78,620 SF Total Area as represented by the applicant

Maximum Height: 60'-0"

Proposed Height: 63'-0" (Variance of 3' granted by DRB)

Proposed Uses:

Residential:	35 Units / 48,614 SF
Retail:	28,009 SF
Parking:	191 Spaces (187 Required)

BACKGROUND

The project as proposed would span over the Alton Court alley in order to be constructed as a single, unified site. This will require a vacation of the alley, and acquisition of air-rights, both of which will require City Commission approval.

On January 20, 2016, the Land Use and Development Committee (LUDC) discussed the proposed alley vacation and continued the item to March 30, 2016, and recommended that the City Commission refer the item to the Finance and Citywide Projects Committee. On March 30, 2016, the LUDC continued the item to May 18, 2016, and the Finance and Citywide Projects Committee is reviewing appraisals of the alley.

On April 19, 2016, the Planning Board discussed the proposal and continued the item to May 24, 2016.

The proposal was approved by the Design Review Board on May 3, 2016 (DRB File No. 23214). The approval included numerous setback variances as well as a height variance.

UPDATE

The applicant submitted revised plans from the version reviewed by the Planning Board on April 19, 2016. The revisions include the removal of residential units and parking over the section of the project that spans Alton Court. Additionally the number of parking spaces provided was revised to be consistent with the requirements of the Land Development Regulations. The revisions address many of staff's concerns.

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. 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 project was granted several variances for setbacks and height by the Design Review Board; therefore, project appears to be consistent with the Land Development Regulations. 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 surrounding primarily by commercial and mixed uses.

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

Consistent – The proposal would provide 191 parking spaces on site, which satisfies the minimum parking requirements for the proposed retail and residential uses pursuant to the regulations of Parking District 1 and 6. It is expected that four (4) 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.**

Partially Consistent – The proposed uses are 35 residential units and 28,142 square feet of retail. The applicant's letter of intent indicates that there will be a main grocery store and five additional retail bays. The letter indicates that the smaller retail bays do not have tenants selected, however the retail will operate with hours consistent with existing regulations. In addition, the grocery store is expected to operate between 8 a.m. and 10 p.m. 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 three (3) loading spaces pursuant to the City Code. The plans depict two (2) off-street loading berths that are accessed through the Alton Court alley. An additional off-street loading berth is located in the southwest corner of the second floor of the parking garage. 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 191 spaces would satisfy required parking. In addition, the Traffic Study provides an analysis of parking operations.

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

Partially Consistent – The plans indicate that retail bays will be directly accessible from the sidewalk along either 17th Street or Alton Road. There will be direct elevator access from the parking garage into the large retail bay. There will also be an elevator lobby on the eastern side of the building fronting on the 17th Street frontage to allow access from the sidewalk to the parking garage for other customers. 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.**

Partially Consistent – The letter of intent indicates that there will be on-site security personnel operated by third party contractors. The letter states that the community association and retailers will determine the hours of operation for security personnel. Additionally the letter indicates that there will be video 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.**

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 letter of intent indicates that parking and the majority of the loading spaces are located within the structure, so the applicant does not anticipate any significant noise from these operations. Review of the plans indicates that garbage will be taken outside of the trash area and into the alley for pickup. Staff is recommending conditions to help 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 would occur 6-days a week between the hours of 7:00 AM and 9:00 AM. 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 formerly contained a Shell gas station and a privately owned public parking lot.

The site is presently divided by the Alton Court alley. The applicant has petitioned the City Commission to acquire air rights from the City, in order to allow the building to span the alley, while maintaining full vehicular access through the alley. As of the writing of this report, the City Commission has not yet formally discussed or approved the transfer of air rights.

Presently there is a 5-story Marriot hotel under construction and an existing 6-story mixed-use building on the north side of 17th Street. The subject building is proposed to be 5-stories with a rooftop pool deck. As presently designed, the structure will contain 28,142 square feet of retail space on the ground floor, of which 13,722 square feet is expected to be used as a grocery store. The building would also contain 36 residential units, of which 16 are to be located on the fourth floor and 20 on the fifth floor. Parking for the building is to be located on the second, third, and fourth floors.

Traffic and Circulation

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. The peer reviewer submitted comments to the applicant. See the Memorandum from the Transportation Department.

Parking and Access

The proposed project spans the boundary of Parking Districts 1 and 6. However, the applicant is not seeking any of the parking reduction available through Parking District 6. The proposed garage contains 191 parking spaces.

The retail bays will be directly accessible from the sidewalk along either 17th Street or Alton Road. There will be direct elevator access from the parking garage into the large retail bay intended for a grocery store on the west side of the property. There will also be an elevator lobby on the eastern side of the building fronting on the 17th Street frontage to allow access from the sidewalk to the parking garage for other customers. Residents will be able to access the building through the residential lobby on the ground floor or through the parking garage.

Additionally, the project is proposing 21 long-term bike racks and six (6) short-term bike racks on the fourth floor.

Delivery and Sanitation

The proposed project would require three (3) loading spaces pursuant to the City Code. The plans depict two (2) off-street loading berths that are accessed through the Alton Court alley. An additional off-street loading berth is located in the southwest corner of the second floor of the parking garage. While the project complies with the minimum loading requirements, staff is concerned with the minimal size of the loading spaces provided should larger trucks be making deliveries to the proposed grocery store.

Section 130-103 of the City Code requires the following:

Off-street loading design standards shall be as follows:

- (1) *Size and location. For the purpose of these regulations a loading space is a space within the main building or on the same lot, logically and conveniently located for bulk pick-ups and deliveries, scaled to delivery vehicles expected to be used but not less than ten feet by 20 feet, and accessible to such vehicles when required off-street parking spaces are filled.*

The traffic study provided by the applicant indicates that the size of delivery trucks would be typical 30 foot long trucks with a 20-foot wheelbase. The applicant has also indicated that larger trucks will be required, most likely to service the proposed grocery store, however no onsite loading for larger vehicles has been provided. In order to fully accommodate a large delivery vehicle completely on-site, as required by the City Code, staff recommends that an adequate loading area be provided to ensure that vehicles can safely pass through the alley while larger trucks are making deliveries.

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 would occur 6-days a week between the hours of 7:00 AM and 9:00 AM. Staff is recommending conditions to limit the impact of trash facilities and trash pickup on surrounding properties.

Noise

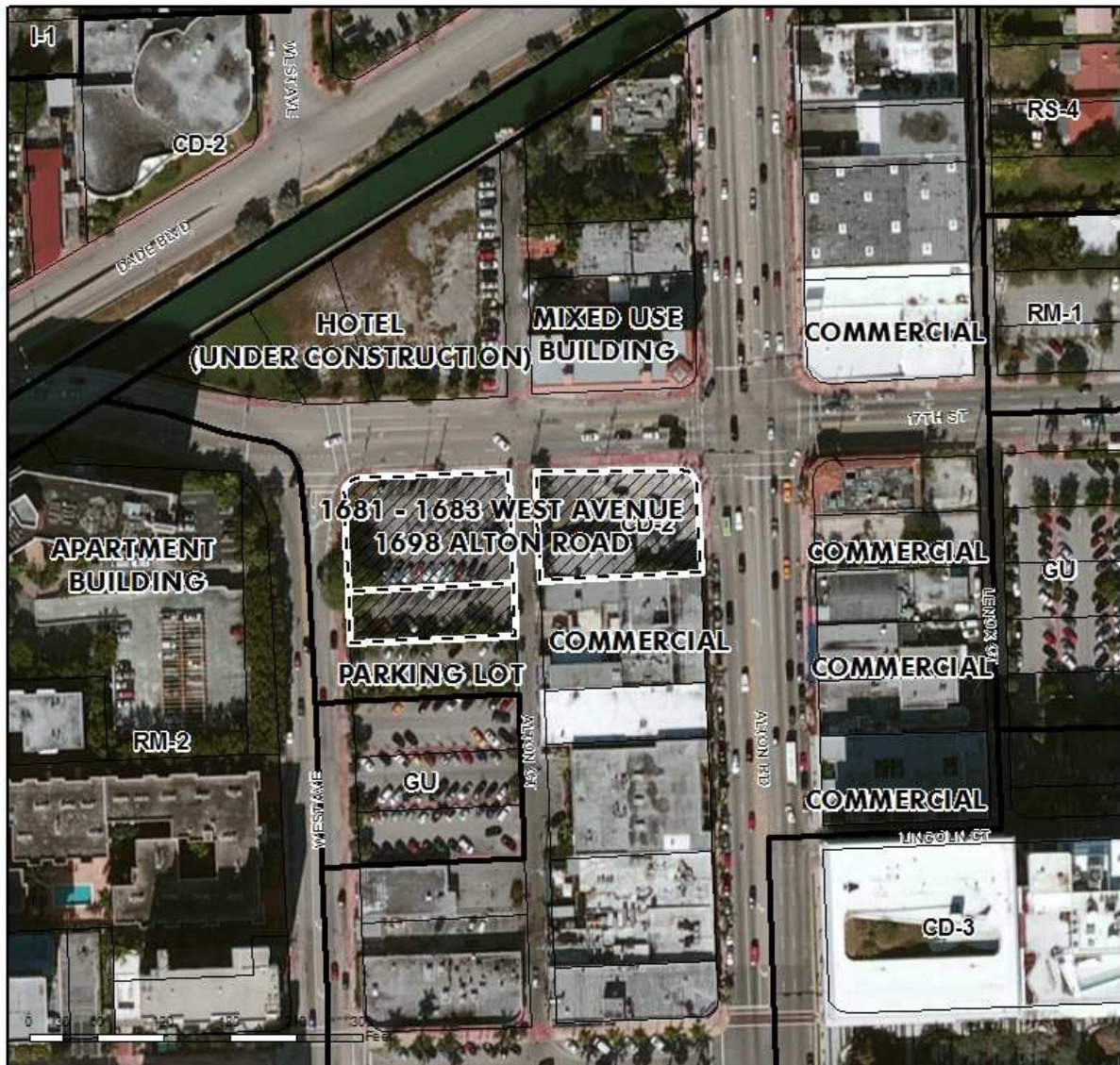
The plans indicate that parking and the majority of the loading spaces are located within the structure, so the applicant does not anticipate any significant noise from these operations. However, the letter of intent indicates that there will be an on-street loading space for larger vehicles. The on-street loading creates potential for noise so staff is recommending conditions to minimize this impact. Review of the plans seems to indicate that garbage will be taken outside of the trash area and into the alley for pickup. Staff is recommending conditions to help reduce any potential impact from noise.

STAFF RECOMMENDATION

In view of the foregoing analysis, staff recommends that the application for a Conditional Use Permit be granted, subject to the conditions enumerated in the attached draft Order.

TRM/MAB/RAM

ZONING SITE MAP



City of Miami Beach Planning Board
File No. 2284
1681 - 1683 West Avenue
1698 Alton Road



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