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MIAMI BEACH
PLANNING DEPARTMENT

Staff Report & Recommendation — PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: May 28, 2024

FROM: Thomas R. Mooney, AICP
Planning Director

DS for TRM

SUBJECT: **PB23-0643 a.k.a. 2325. 1212 Lincoln Road 1600 - 1628 Alton Road. – Padel Courts.**

An application has been filed requesting a modification to a previously issued conditional use permit, for a five-story mixed use development exceeding 50,000 square feet. Specifically, the introduction of two accessory paddle courts on the rooftop, pursuant to Chapter 2, Article V, Section 2.5.2 of the Miami Beach Resiliency Code.

RECOMMENDATION
Approval with conditions.

BACKGROUND
On May 24, 2016, the Planning Board approved a Conditional Use Permit (CUP) for the construction of a new 5-story mixed-use development exceeding 50,000 square feet (Master CUP). On July 5, 2016, the Design Review Board approved the proposal and related variances.

On September 16, 2020 the City Commission adopted an ordinance with amendments (Ordinance No. 2020-4358) that created a framework for outdoor movie theatres on the west side of Alton Road. On December 14, 2020 the Planning Board approved a separate Conditional Use Permit (CUP), for an Open-Air Entertainment Establishment, an Outdoor Entertainment Establishment and a Neighborhood Impact Establishment, with an aggregate occupant content in excess of 200 persons, to accommodate an outdoor movie theater (PB20-0377).

This application came before the Board on April 25, 2024 and was continued to a date certain of May 28, 2024, at the request of the applicant.

ZONING/SITE DATA

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.
Zoning District:	CD-2 Commercial, Medium Intensity District
Future Land Use Designation:	Medium Intensity Commercial Category (CD-2)

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Surrounding Uses: See Zoning/Site map at the end of this report.

North:	Commercial Building
South:	Commercial Building
West:	Residential Multifamily
East:	Commercial Building

THE PROJECT

The applicant, ARRP 1600 Alton, LLC and 1212 Lincoln, LLC, c/o Crescent Heights has submitted plans entitled "1212 Lincoln Road Padel Courts". The proposal is to modify the previously approved conditional use permit (Master CUP) for the introduction of outdoor accessory padel courts. The proposed courts would be located on a portion of the rooftop of the existing five-story commercial building located at 1212 Lincoln Road.

One of the new tenants (Anatomy Fitness) located on the second level, desires to offer two padel courts for the use of its members and guests. The rooftop is currently developed with surplus parking and the Rooftop Cinema Club outdoor movie theater.

Page A1.02 of the plans, prepared by Built Form, LLC, dated February 20, 2024, provides the proposed floor plan for the rooftop. The plan proposes two padel courts located on the northeast corner of the roof, as well as an outdoor waiting area towards the center of the building near the elevators and lobby area.

On March 5, 2024 the Design Review Board approved the design modifications to the building associated with the padel courts (DRB23-0991).

COMPLIANCE WITH CONDITIONAL USE REVIEW GUIDELINES:

Conditional Uses may be approved in accordance with the procedures and standards set forth in the Miami Beach Resiliency Code Chapter 2, Article V, 2.5.2.2:

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

   Consistent – **T**he request is consistent with the permissible conditional uses in the Medium Intensity Commercial Category (CD-2) as designated on the Future Land Use Map within the Comprehensive Plan.

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**

   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.

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

   Consistent – The proposed modification requires a conditional use approval in this zoning district. This comment 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.

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4. **The public health, safety, morals and general welfare shall not be adversely affected.**

   Consistent – The proposed establishment may adversely affect the general welfare of nearby residents if noise and other issues are not controlled. The facility would have to comply with all applicable laws and regulations for licensure.

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

   Consistent –The plans and zoning data indicates that the existing building contains 337 parking spaces, there are 32 surplus parking spaces, with this proposal 26 spaces will be removed. Therefore, the development would continue to provide 6 surplus parking spaces.

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

   Consistent – Staff is recommending conditions to mitigate any adverse impacts from noise and other issues on the surrounding neighborhood.

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

   Consistent – This would be the only padel courts in the vicinity so a concentration of similar types of uses would not occur.

8. **The structure and site comply with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.**

   Consistent – This is an existing structure**,** see the sea level rise and resiliency review criteria below.

9. **Appropriate consideration is given to the safety of and friendliness to pedestrian traffic, passageways through alleys is encouraged where feasible and driveways shall be minimized to the extent possible.**

   Consistent – This is an existing structure, the project does not have driveways on Alton Road, Appropriate consideration has been given to the safety of and friendliness to pedestrian traffic.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 7.1.2.4 o of the Land Development establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

1. **A recycling or salvage plan for partial or total demolition shall be provided.**

   Not applicable – Existing Building

2. **Windows that are proposed to be replaced shall be hurricane proof impact windows.**

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Not applicable – Existing Building and outdoor use.

3. **Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.**

   Not applicable – Existing Building and outdoor use.

4. **Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 4 in Land Development Regulations.**

   Not applicable – Existing Building.

5. **The project applicant shall consider the adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.**

   Satisfied- The existing structure took into consideration adopted sea level rise projections

6. **The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to 3 additional feet in height.**

   Not applicable – Existing Building.

7. **As applicable to all new construction, all critical mechanical and electrical systems shall be located above base flood elevation. All redevelopment projects shall, whenever practicable and economically reasonable, include the relocation of all critical mechanical and electrical systems to a location above base flood.**
   Not applicable – Existing Building.

8. **Existing buildings shall, wherever reasonably feasible and economically appropriate, be elevated up to base flood elevation.**

   Not Applicable - Existing Building.

9. **When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.**

   Not applicable – Existing Building.

10. **Where feasible and appropriate, water retention systems shall be provided.**

    Not applicable – Existing Building and outdoor use.

11. **Cool pavement materials or porous pavement materials shall be utilized.**

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Not Applicable- Existing building.

12. The design of each project shall minimize the potential for heat island effects on-site.

Not Applicable – Existing building.

ANALYSIS

Project Description and Operations
The applicant is proposing two (2) 35' x 66' padel courts on the rooftop at the northeast corner of the existing parking garage, which will replace the existing parking within this area. The fencing and lighting for the courts is setback approximate 12 feet from the eastern edge of the building. As proposed, the fencing is approximately 13 feet above the new court surface, with the lighting located at a height of approximately 17 feet above the court surface. The courts are setback approximately 94 feet from the west side of the property. These design features were approved by the Design Review Board on March 5, 2024.

Although the applicant has provided lighting fixture details, they will also be required to provide a photometric plan to ensure that there is no light spillage onto adjacent properties at time of building permit. While the courts will be located directly to the east of a surface city parking lot, there are residential multifamily buildings located to the north and south of this parking lot that could be impacted by noise and light from the proposed courts.

Due to the close proximity to residential uses, staff recommends that the hours of operation be limited to no earlier than 9:00 a.m. and no later than 9:00 p.m., seven days a week. Staff would also recommend that the applicant return to the Board for a 90-day progress report, once the courts are in operation, in order to evaluate the operation and any modifications that may be required, including hours of operation.

Noise
Due to the close proximity to residential uses, staff recommends that the hours of operation be limited to no earlier than 9:00 a.m. and no later than 9:00 p.m., seven days a week as mentioned above.

Deliveries and Sanitation
The operations plan indicates that all deliveries will be consistent with those required in the conditional use permit approved for the 5-story building.

Parking and Access
The plans and zoning data indicate that the existing building contains 337 parking spaces, including 32 surplus parking spaces. 26 surplus spaces are proposed to be removed as part of this proposal, leaving 6 surplus parking spaces. Patrons will have the option of using self-park or valet parking. Valet parking will be provided through the building's unified valet parking ramp on Alton Road that was approved as part of the building's conditional use permit. It is not expected that the use will generate additional parking as the courts are only open to members of the fitness center, nor access impacts beyond what was considered in the original CUP for the building. A Traffic study was not required for this application.

Security and Crowd Control
The operations plan indicates that security will be provided through the building's unified security system which includes 24/7 monitoring of the property and on-property security patrols. The

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security systems were initially approved as part of the original CUP for the building. The applicant has indicated that queues are not anticipated for this type of use.

Since the padel courts operations are managed by the tenant Anatomy Fitness, staff is recommending that at least one employee of the tenant be present to oversee security and customers when the padel courts are in use. In addition to this, security cameras should be available for the on-property security patrols as well as the tenant to monitor the courts and seating waiting areas.

STAFF RECOMMENDATION

In view of the foregoing analysis, staff recommends that the application be approved subject to the conditions enumerated in the attached Draft Order.

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ZONING/SITE MAP



MIAMIBEACH
PLANNING DEPARTMENT
1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 P 305.673.7550 www.miamibeachfl.gov

0 20 40 80 120 160 200 Feet

PLANNING BOARD
CITY OF MIAMI BEACH, FLORIDA

PROPERTY: 1212 LINCOLN ROAD - 1600 - 1628 ALTON ROAD.

FILE NO: PB23-0643 a.k.a PB File No. 2325.

IN RE: An application for a modification to a previously issued conditional use permit, for a five-story mixed use development exceeding 50,000 square feet. Specifically, the introduction of two accessory padel courts on the rooftop, pursuant to Chapter 2, Article V, Section 2.5.2 of the Miami Beach Resiliency Code.

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..

MEETING DATE: May 24, 2016; April 25, 2024

MODIFIED CONDITIONAL USE PERMIT

The applicants, 1600 ARRP Alton LLC, 1212 Lincoln, LLC, c/o Crescent Heights, requested a modification for a previously issued Conditional Use Permit approval for a five-story mixed use development exceeding 50,000 square feet, pursuant to ~~Section 118, Article IV of the City Code~~ Chapter 2, Article V, Section 2.5.2 of the Miami Beach Resiliency Code. Notice of the request for Conditional Use was given as required by law and mailed out to owners of property within a distance of 375 feet of the exterior limits of the property, upon which the application was made.

The Planning Board of the City of Miami Beach makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

That the property in question is located in the CD-2 Commercial, Medium Intensity District

That 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;

That structures and Uses associated with the request are consistent with the City Code;

That the public health, safety, morals, and general welfare will not be adversely affected;

That necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values if the following conditions are met.

IT IS THEREFORE ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which is adopted herein, including the staff recommendations which were amended by the Board, that the Conditional Use Permit as requested and set forth above be GRANTED, subject to the following conditions to which the applicant has agreed:

1. This Conditional Use Permit is issued to 1600 ARRP Miami LLC, 1212 Lincoln, LLC, c/o Crescent Heights and Wells Fargo Bank., as the applicants and owners of the property. Any change of operator or 50% (fifty percent) or more stock ownership, partnership interest, or the equivalent, shall require review and approval by the Planning Board as a modification to this Conditional Use Permit. Subsequent owners and operators shall be required to appear before the Board to affirm their understanding of the conditions listed herein. This shall not apply to owners of individual residential condominium units.

2. A Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of a Building Permit.

3. Prior to the issuance of a building permit for the project, the applicant shall submit an operational plan and narrative for the operation the parking garage. This operational plan and narrative shall be subject to the review and approval of staff and, at a minimum, shall satisfy the following:

    a) There shall be security personnel of at least one person, on-site, monitoring the garage during all hours of operation.

    b) Warning signs prohibiting horn honking or car alarm sounding shall be posted prominently in a location, subject to the review and approval of staff.

    c) Signs to minimize vehicle conflict in the driveways in and out of the property shall be posted in appropriate locations.

    d) Sound baffling walls shall be constructed on the western façade adjacent to exposed parking and ramping areas in order to reduce the impact of noise on surrounding residential uses, in a manner to be reviewed and approved by staff.

    e) Valet operations shall be limited to on-site uses.

4. The following shall apply to the operation of the entire facility:

    a) All trash containers shall utilize rubber wheels, or the path for the trash containers shall consist of a surface finish that reduces noise, in a manner to be reviewed and approved by staff.

    b) Adequate air-conditioned and noise baffled trash room space shall be provided, in a manner to be approved by the Planning staff. Doors shall remain closed and secured when not in active use.

    c) Trash dumpster covers shall be closed at all times except when in active use.

d) Trash pickups shall take place at least three (3) times per week between 8:00 AM and 6:00 PM on weekdays and no earlier than 10:00 AM on weekends.

e) Prior to obtaining a building permit, the plans shall be revised to ensure that doors or other objects do not obstruct the passage of vehicles in loading areas.

f) Delivery trucks shall not be allowed to idle in loading areas.

g) Delivery trucks shall only be permitted to park in the designated on-site loading bays.

h) Large scale deliveries (larger than a van) shall take place between 8:00 AM and 6:00 PM on weekdays and no earlier than 10:00 AM on weekends. Small scale deliveries (a van or smaller) may take place Monday-Friday between 6:00 AM and 8:00 AM, provided such deliveries are made within the enclosed loading area.

i) Except as may be required for security, fire or building code/Life Safety Code purposes, no speakers affixed to or otherwise located on the exterior of the building shall be played volume at a volume that is plainly audible from other properties and which interferes with normal conversation.

j) Except as may be required for security, fire or building code/Life Safety Code purposes, no speakers affixed to or otherwise located on the exterior of the building may be played between the hours of 10PM and 9AM. However, speakers playing ambient background music at the 2nd level dining terrace fronting Alton Road may be permitted until 2:00 AM.

k) The rooftop pool and pool deck shall be closed daily from Midnight to 7am.

l) The padel courts shall be closed daily from 9:00 PM to 9:00 AM.

m) Security cameras shall be incorporated into the padel court area which shall be available for the on -property security patrols and the tenant to monitor the courts and seating waiting area, in a manner to be reviewed and approved by staff.

n) The applicant shall appear before the Planning Board for a progress report within 90 days from the issuance of the BTR for the padel courts.

5. Prior to the issuance of any Building Permit for the project, the applicant shall address the following Concurrency, Traffic and Parking requirements:

a) Prior to obtaining a building permit, the plans shall be revised to ensure compliance with bicycle parking requirements of the Land Development Regulations.

b) In order to encourage non-automobile modes of transportation, the hotel shall provide information relative to public transportation and bike share options in an

informational kiosk in the hotel lobby that is visible to guests.

c) A mountable curb shall be utilized for vehicles to enter the building to improve pedestrian flow along 16th Street, in a manner to be reviewed and approved by staff.

d) A Method of Transportation (MOT), as applicable, shall be submitted to Public Works Department staff for review and approval prior to the issuance of a building permit. The MOT shall address any traffic flow disruption due to construction activity on the site.

e) If applicable, the applicant shall participate in a Transportation Concurrency Management Area Plan (TCMA Plan), if deemed necessary, by paying its fair share cost, as may be determined as determined by the Concurrency Management Division.

f) A final concurrency determination shall be conducted prior to the issuance of a Building Permit. Mitigation fees and concurrency administrative costs, if required, shall be paid prior to the issuance of any Building Permit.

g) Prior to the issuance of a Building Permit, calculations for required parking for the project shall be determined by the Planning Department. A final determination for the required parking shall be conducted prior to the issuance of a Certificate of Occupancy or Business Tax Receipt, whichever comes first. If required, a one-time fee in lieu of providing the required parking on site or in combination with an annual fee, as determined by staff, shall be paid prior to the issuance of the Certificate of Occupancy.

6. As voluntarily proffered by the applicant, if a structured parking garage is constructed at 1625 West Avenue (currently a City parking lot), the applicant shall allow the construction of a pedestrian connection across the alley from the subject site to a parking structure at 1625 West Ave.

7. The Planning Board shall retain the right to call the owner or operator, both now and in the future, back before the Board and modify this Conditional Use should there be valid complaints or violations (as determined by Code Compliance) about loud, excessive, unnecessary, or unusual noise related to parking or loading operations.

8. The applicant, operator and/or owner, both now and in the future, shall abide by all the documents and statements submitted with this application, as well as all conditions of this Order.

9. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. The conditions of approval for this Conditional Use Permit are binding on the applicant, the property owners, operators, and all successors in interest and assigns. Any substantial modifications to the plans submitted and approved as part of this application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans.

10. The applicant shall resolve all outstanding violations and fines on the property, if any,

prior to the issuance of a building permit for the project.

11. A violation of Chapter 46, Article IV, "Noise," of the Code of the City of Miami Beach, Florida (a/k/a "noise ordinance"), as may be amended from time to time, shall be deemed a violation of this Conditional Use Permit and subject to the remedies as described in section 2.5.2.5, Code of the City of Miami Beach, Florida.

12. The applicant shall obtain a full building permit within 18 months from the date of approval of this Conditional Use Permit, and the work shall proceed in accordance with the Florida Building Code. Extensions of time for good cause, not to exceed a total of one year for all extensions, may be granted by the Planning Board.

13. This order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.

14. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.

15. The establishment and operation of this Conditional Use shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the Code of the City of Miami Beach, Florida, and shall be subject to enforcement procedures set forth in Chapter 1, Article III, 1.3.8 of said Miami Beach Resiliency Code and such other enforcement procedures as are permitted by law. Any failure by the applicant to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this Conditional Use.

16. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

Dated this _____ day of _____, 2024.

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: _____
Michael Belush, AICP
Planning and Design Officer
For the Chair

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by Michael Belush, Planning and Design Officer for the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

_____
Notary:
Print Name
Notary Public, State of Florida
My Commission Expires:
Commission Number:

{NOTARIAL SEAL]

Approved As To Form:
Legal Department: _____ ( )

Filed with the Clerk of the
Planning Board on: _____ ( )