

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: April 19, 2016

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **File No. 2318. 1854 Bay Road – Naiyara Restaurant**

The applicant, Aiyara, LLC, is requesting a Conditional Use for a restaurant exceeding 100 seats, pursuant to Section 142-303 (b) and 118, Article IV of the City Code.

RECOMMENDATION

Approval with conditions

ZONING / SITE DATA

Legal Description:

Purdy Ave Commercial Condo Island View Subdivision
Plat Book 6-115 Lots 5 Thru 8 Block 14 & All of Lot 1 & 2
Less N4Ft Of The E 1/2 of Lot 2 Block 14 A of Plat Book 9-
144 Island View Addition As Described In Declaration

Zoning:

CD-2, Commercial Medium Intensity Zoning District

Future Land Use Designation:

CD-2, Commercial Medium Intensity Zoning District

Surrounding Uses:

North	Office, retail and restaurant uses
East:	Industrial and retail uses
South:	Multifamily and office uses
West:	Multifamily and office uses

(See Zoning/Site map at the end of the report)

THE PROJECT

The applicant, Aiyara, LLC, submitted plans entitled "NaiYara Thai Restaurant", as prepared by Telesco Associates, dated March 6, 2016. The plans illustrate the layout of the existing restaurant in the existing space and the proposed new restaurant seating. The layout reflects 101 seats in the interior and 30 seats on private property in the breezeway area for a total of 131 seats on private property. As a reference, the applicant also shows the sidewalk café seats on public property, but those seats are not part of the application for this Conditional Use Permit (CUP). The restaurant is not proposing entertainment.

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.

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 proposed use is not anticipated to degrade the Levels of Service (LOS) for the surrounding area below the thresholds that have been established.

3. **Structures and uses associated with the request are consistent with this Ordinance.**

Consistent – Restaurants with 100 seats or more are permitted in the CD-2 zoning district as a Conditional Use.

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

Partially Consistent – The proposed establishment may adversely affect the general welfare of nearby residents if noise and other issues are not controlled. Staff is recommending measures so that any resulting adverse impact is mitigated.

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

Consistent – The required parking for a 131 seat restaurant has been provided on site in the attached garage. The applicant also proposes valet parking to be provided to its patrons. Furthermore, many patrons may walk, arrive by taxi, or hired car service.

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

Consistent – Staff will recommend conditions to mitigate any adverse impacts on the surrounding neighbors.

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.**

Partially Consistent – There are several restaurants with bars in the area. Adverse impacts are not anticipated.

STAFF ANALYSIS

The City Code requires that restaurants in the Sunset Harbour Neighborhood with over 100 seats and an occupant content of more than 125 persons, but less than 199 persons and a floor area in excess of 3,500 square feet obtain a CUP. The subject property has had a 100 seat

restaurant on the site since December 2015, but the increase to 131 seats requires CUP approval. Additionally, the current occupant content for the project is 121 persons, and an increase in the occupant content is not proposed. The section of the code that pertains to this requirement is below:

Sec. 142-303. - Conditional uses.

(b) Sunset Harbour Neighborhood. In addition to the conditional uses specified in section 142-303(a), and subject to the conditional use criteria in section 118-192(a), conditional uses in the CD-2 commercial medium intensity district in the Sunset Harbour neighborhood, generally bounded by Purdy Avenue, 20th Street, Alton Road and Dade Boulevard shall also include the following:

- (1) Main use parking garages;*
- (2) Restaurants with alcoholic beverage licenses (alcoholic beverage establishments) with more than 100 seats or an occupancy content (as determined by the fire marshal) in excess of 125, but less than 199 persons and a floor area in excess of 3,500 square feet.*

Parking

The proposed project requires one (1) parking space for every four (4) seats which equals 33 parking spaces required by City Code Sec. 130-32 (based on 131 seats, because the sidewalk café seats do not have a parking requirement per City Code). The required parking has been provided on site in the attached garage. The applicant also proposes valet parking to be provided to its patrons. Furthermore, many patrons may walk, arrive by taxi, or hired car service.

Security and Queuing

The applicant did not mention security details in the Letter of Intent (LOI).

Loading and Garbage

The building that the restaurant is located in is a main use garage. The off-street loading areas are accessed through the ramp at the northeast side of the building. The location of the loading docks and trash rooms are shown on page DSK-16 REV 2 in the application.

Conclusion

After reviewing the request, staff does not have an objection to the additional restaurant capacity proposed at this location. Additionally, the proposed valet operation requires the review and approval of the Parking Department. Staff has proposed a number of conditions to address these issues and help ensure the successful operation of the restaurant.

STAFF RECOMMENDATIONS

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


TRM/MB/TUI

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ZONING AND LOCATION MAP



City of Miami Beach Planning Board
File No. 2318
1854 Bay Road

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