

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. 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

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: 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" (Requires a Variance of 3')

Proposed Uses:

Residential: 36 Units / 56,263 SF

Retail: 28,142 SF

Parking: 204 Spaces

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.

The proposal is scheduled before the Design Review Board for consideration on May 3, 2016 (DRB File No. 23214). The application includes numerous requests for setback variances as well as a height variance.

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.**

Insufficient Information – 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. The peer reviewer submitted comments to the applicant; however, the applicant did not respond to the peer reviewer's comments in a timely fashion in order to be considered for the writing of this report. See the Memorandum from the Transportation Department.

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

Inconsistent – As proposed, the project is inconsistent with numerous setback, and height requirements of the City Code and the applicant has applied for variances as part of the application to be reviewed by the Design Review Board. Additionally, there appears to be surplus parking, which would have to be counted as Floor Area. Lastly, the project does not appear to comply with the loading zone requirements, as the loading zone spaces have not been designed to accommodate the size of vehicles anticipated to service the building.

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 204 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 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 a 36 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. Additionally, the letter of intent indicates that there will be an on-street loading space to accommodate larger trucks; however, this is not depicted on the plans provided. 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 204 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. Additionally, the large retail bay that is intended for a grocery store will have pedestrian access from Alton Court alley. 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. The peer reviewer submitted comments to the applicant; however, the applicant did not respond to the peer reviewer's comments in a timely fashion in order to be considered for the writing of this report. 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; however, the applicant did not respond to the peer reviewer's comments in a timely fashion in order to be considered for the writing of this report. See the Memorandum from the Transportation Department, recommending a continuance of the application.

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 204 parking spaces. There are some discrepancies between the amount of parking that is stated will be provided and the floor plans that were submitted that must be corrected prior to the applicant acquiring a building permit.

A review of existing plans indicates that the maximum parking requirements for the building indicates that the grocery store would have a requirement for 55 spaces, the remaining retail would have a requirement of 49 spaces, and the residential would allow for up to 72 spaces, for a total of 176 spaces. If there is surplus parking located in a covered portion of the garage it would count against the maximum permitted FAR. The plans indicate that there are 13 spaces

that will not be located in a covered portion of the garage. As a result, there is the possibility that 15 spaces may count towards the FAR limitations of the site. If excess covered parking is provided, the plans will have to be modified in order to be consistent with the FAR limitations of the CD-2 zoning district.

The retail bays will be directly accessible from the sidewalk along either 17th Street or Alton Road. Additionally, the large retail bay that is intended for a grocery store will have pedestrian access from Alton Court alley. 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. 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 six (6) long-term bike racks and six (6) short-term bike racks on the ground floor, and an additional 15 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. Additionally, the letter of intent indicates that there will be an on-street loading space to accommodate larger trucks; however, this is not depicted on the plans provided, and staff is concerned with the minimal size of the loading spaces provided.

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, however the size of the loading spaces provided are only 20 feet in length. Staff would recommend that the loading spaces along Alton Court be increased to 30 feet in length, in order to accommodate the size of the vehicles that are anticipated to service the facility.

The applicant also indicates that larger trucks will be required, most likely to service the proposed grocery store, however no onsite loading for larger vehicles has been provided. The primary exterior wall of the ground floor of the project is proposed to be setback seven (7') feet from the alley along the west side of the alley for the majority of the length. However four (4) pairs of columns are also shown with a zero setback from the alley along the ground floor supporting the floors above. In order to fully accommodate a large delivery vehicle completely on-site, as required by the City Code, staff would recommend that a ten (10') foot clear setback be provided along the entire west side of the alley, with the exception of the area noted as 'Retail 2'.

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.

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, staff has some significant concerns, with the portion of the project proposed over the alley, which should be addressed prior to the approval of the Conditional Use Permit.

In this regard, having a vehicular ramp connect two (2) buildings over the alley does provide a more functional and urban sensitive way to provide the required parking. However, staff would recommend that the center portion of the project be modified by removing all parking spaces, deck space and amenities over the alley. Specifically, only open vehicular and open pedestal connections should be permitted to span the existing alley. Both the Planning and Public Works Departments have serious concerns with any other type of use being located over the alley.

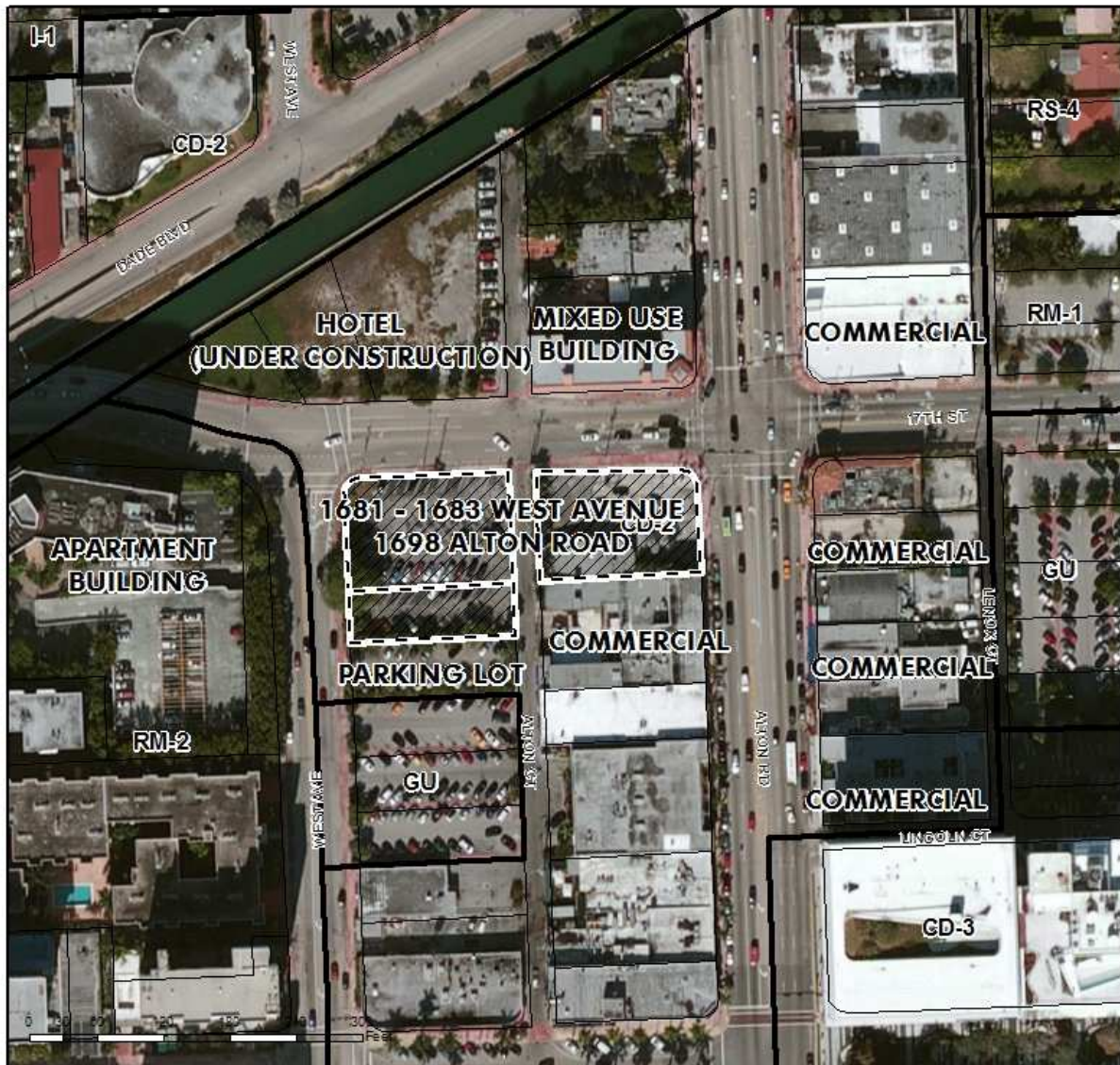
Staff also has a concern with the completeness of the Traffic Study. In this regard, as of this writing of this report, a timely response was not provided to the peer reviewer's comments. In conclusion, given the concerns with the Alton Court alley, staff is not comfortable recommending approval at this 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. 2284
 1681 - 1683 West Avenue
 1698 Alton Road



The applicant, 1681, 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.

MIAMI BEACH
 PLANNING DEPARTMENT

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

