

## **PLANNING BOARD CITY OF MIAMI BEACH, FLORIDA**

**PROPERTY:** 1681-1683 WEST AVENUE – 1698 ALTON ROAD

**FILE NO:** 2284

**IN RE:** The applicant, 1681 Ventures, LLC, requested 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.

**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.

**MEETING DATE:** April 19, 2016

### **CONDITIONAL USE PERMIT**

The applicant, 1681 Ventures, LLC, filed an application with the Planning Director for a Conditional Use Permit pursuant to Section 118, Article IV, Section 142, Article II of the Land Development Regulations of the Code of the City of Miami Beach, Florida. 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 1681 Ventures, LLC, as the applicant and owner 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. The Conditional Use permit is subject to the approval of air rights for the use of Alton Court by the City Commission.
4. The plans shall be revised to ensure compliance with the Land Development Regulations prior to obtaining a building permit.
5. Prior to the issuance of a Building Permit, the applicant shall revise any floor plans and elevations to remove all parking spaces, decks and amenities over the Alton Court alley. Any physical construction over Alton Court shall be limited to open vehicular and open pedestal connections only.
6. 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) That the garage shall be in operation 24 hours per day, seven days a week, as proposed by the applicant.
  - b) There shall be monitoring of the garage during all hours of operation.
  - c) Warning signs prohibiting horn honking or car alarm sounding shall be posted prominently in a location, subject to the review and approval of staff.
7. 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) Prior to obtaining a building permit, the plans shall be revised in order to comply with the minimum loading requirements pursuant to the Land Development Regulations. This shall include enlargement of the two (2) loading spaces shown on the east side of the site to a minimum dimension of 10'x30', and the creation of a new loading area on the west side of the alley with a minimum width of 10 feet and a length sufficient to accommodate the largest delivery vehicle that is anticipated to service the site.
  - e) Delivery trucks shall not be allowed to idle in loading areas.
  - f) Delivery trucks shall only be permitted to park in the designated on-site loading bays.
  - g) Trash pick-ups shall only take place between 7:00 AM and 9:00 AM on Mondays through Saturdays.
  - h) Use of the rooftop pool deck shall be limited to the exclusive use of building residents and their guests.
  - 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 on the ground floor may be played between the hours of 11:00 PM and 9:00 AM
8. 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 applicant shall submit a revised traffic report that addresses the deficiencies the project will create by exceeding the existing storage at all applicable turn lanes.
  - b) The applicant shall provide additional background traffic information prior to obtaining a building permit as may be required by the City's Peer Review (FTE, Inc.). This may include, but shall not be limited to, information used and provided

for adjacent developments, as well as other developments in the area that were not included within the analysis.

- c) The applicant shall comply with mitigation measures as may be deemed necessary by the City as a result of the traffic study peer review process, prior to any retail tenant obtaining a Business Tax Receipt.
  - d) In order to encourage non-automobile modes of transportation, the residence shall provide information relative to public transportation and bike share options in an informational kiosk in the residential lobby that is visible to residents.
  - e) A mountable curb shall be utilized for vehicles to enter the building to improve pedestrian flow along West Avenue, in a manner to be reviewed and approved by staff.
  - f) 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.
  - g) 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.
  - h) 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.
  - i) 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.
9. 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.
10. 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.
11. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. The applicant shall appear before the Planning Board for a progress report within 180 days from the time 75% of the commercial space is in operation or no later than 180 days

after the issuance of a BTR for the proposed grocery store, whichever occurs first. The progress report shall include, but not be limited to, updated information on traffic conditions surrounding the site. The Board reserves the right to modify the Conditional Use approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address possible problems and to determine the timing and need for future progress reports. This Conditional Use is also subject to modification or revocation under City Code Sec. 118-194 (c).

12. 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.
13. 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.
14. 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 118-194, of the City Code.
15. 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.
16. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
17. 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 City Code, and shall be subject to enforcement procedures set forth in Section 114-8 of the 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.
18. 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 \_\_\_\_\_, 2016.

PLANNING BOARD OF THE  
CITY OF MIAMI BEACH, FLORIDA

BY: \_\_\_\_\_

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE )

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

Approved As To Form:  
Legal Department ( )

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