

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: May 22, 2018

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB 18-0192 aka PB16-0062 7118-7140 Collins Avenue and 7121-7145 Harding Avenue.**

The applicants, Collins and 72nd Developers, LLC, Casa Grande Shopping Center, LLC, and AHM Advisors, LLC, are requesting modifications to a previously issued Conditional Use approval for the construction of a new 11-story mixed-use development exceeding 50,000 square feet including a mechanical parking garage pursuant to Section 118, Article IV and Section 130, Article II of the City Code. Specifically, the applicants are requesting to expand the size of the previously approved hotel/residential tower, and associated changes to the site plan and parking garage.

RECOMMENDATION

Approval with conditions

ZONING / SITE DATA

Future Land Use: TC-1 – North Beach Town Center

Zoning: TC-1 – North Beach Town Center

Legal Description: Lots 1, 2, 3, 4, 9, 10, 11 and 12 in Block 8 of Normandy Beach South, according to the Plat thereof, as recorded in Plat Book 21, Page 54, of the Public Records of Miami-Dade County, Florida.

Land Uses: See Zoning/Site map at the end of this report.
North: City parking lot
South: Commercial uses
East: Multifamily building
West: Commercial uses

Lot Size: 49,890 SF

CUP

Previously approved CUP

Maximum FAR: 3.50 = 174,615 SF

2.75 = 137,197.5 SF

Proposed FAR: 174,200 SF*

129,337 SF

Maximum Height: 125' / 12 stories

Proposed Height: 124'-8" / 11 stories

Proposed Uses:	<u>CUP</u>	<u>Previously approved CUP</u>
Hotel:	187 units	179
Multifamily:	24 units	0
Retail:	15,797 SF, New Commercial area (spaces 1.1, 1.2, 2.1, 2.2, 3, 4, 5, & 6) And existing commercial (space 1)	
Parking required:	195 spaces	141
Parking provided:	140 spaces (55 parking spaces reduction)	141
Parking reduction In providing:	Long term bicycles: 141 = 28 parking spaces reduction Short term bicycles: 249 = 25 parking spaces reduction Scooters/motorcycles: 6 = 2 parking spaces reduction Subtotal: bicycles: 390 55 parking spaces reduction	
Required Bicycle Parking:	Long term bicycles: 32 Short term bicycles: 26 Subtotal: 58 Total bicycles: 448	23
Loading spaces provided:	6 (variance required)	5
Loading spaces required:	7 (4 hotel/ 3 retail)	

* As represented by the applicant.

HISTORY

Dec 20, 2016: This project previously obtained Conditional Use approval for the construction of a new 10-story mixed-use development exceeding 50,000 square feet including a mechanical parking garage.

January 3, 2017, The Design Review Board reviewed and approved a new 10-story hotel on an assemblage of parcels, pursuant to DRB16-0054. At the same meeting the Board approved variances to reduce the required setback for new FPL power lines.

THE PROJECT

The applicant has submitted revised plans entitled "72+ Collins Hotel", as prepared by Revuelta Architecture International, Luis O. Revuelta as registered Architect, dated March 23, 2018. The proposal consists of a new 11-story, mixed-use building with 187 hotel units, 24 residential units, 134 seats bar/lounge, 24,498 SF of ground floor and commercial space, the retention of the two existing 1-story commercial buildings, which are part of the development site and a mechanical parking garage on the second level. The applicants are proposing the construction of a new five-story wing and some changes on the space configuration on the floor plans to the previously approved project.

The proposal is scheduled to be considered by the Design Review Board on June 05, 2018 (File No. DRB18-0225.)

The following summarizes the most significant proposed design modifications as they impact the “block” of the hotel project:

- Installation of a one additional floor (11 total) within the same volume of the previously approved hotel tower;
- Extension of pool deck and parking pedestal to the corner of Collins Avenue and 72nd Street over the existing Denny's restaurant;
- New five story hotel annex tower with nine (9) hotel rooms per typical floor on top of the three story retail and parking podium;
- Reconfiguration of amenity deck;
- Placement of additional short-term bicycle racks at street level and additional long-term bicycle racks throughout project;
- Reconfiguration of ground entrance plaza and urban plaza;
- Continuous planting bed along sidewalk; and
- Alterations to the exterior architectural features of the elevations, including balconies replaced by small eyebrows on hotel floors with the exception of the suites rooms at the west, east and south end of the floorplate and balconies on condominium units.

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, as the TC-1 Category permits the following:

*Commercial uses; alcoholic beverage establishments pursuant to the regulations set forth in Chapter 6; **apartments**, apartment/hotels; **hotels**.*

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 proposal should not result in an impact that would exceed the thresholds for the levels of service as set forth in the Comprehensive Plan; however, 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 proposed project appears to comply with most zoning regulations; however, any inconsistencies must be corrected prior to obtaining a building permit. In addition, the Design Review Board application includes variances to reduce the required front setback for a monument sign and to exceed its maximum area, to exceed the maximum allowable projection in required yards and to eliminate the required distance separation from structural columns to the drive aisles.

It should also be noted that the applicant is proposing 6 loading spaces, where 7 spaces are required. This will require either a variance approval or a modification to the ground

floor plan to accommodate the required loading space, subject to review and approval from staff.

These comments shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Planning Department prior to the issuance of a Building Permit.

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

Partially Consistent – The proposed project should not adversely affect the general welfare of nearby residents and businesses, provided protections are put in place to ensure that the newly proposed commercial uses do not have a negative impact on the adjacent residential uses.

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

Partially Consistent – The proposed uses require 140 spaces. Per plans submitted by applicant the proposed project will provide 140 spaces.

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

Consistent - The proposed project is not expected to adversely affect surrounding values provided appropriate safeguards are put in place to mitigate any potential negative impacts.

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.

Consistent – The proposed uses for the project are permitted in the TC-1 zoning district. While there are other buildings over 50,000 SF, in the vicinity, adverse impacts are not expected from the geographic concentration of such uses if the impacts are properly controlled.

**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.

Consistent – The applicant's letter of intent provides operations characteristics of the proposed project. The project is generally compatible with the surrounding neighborhood.

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 plans indicate that loading and trash collection will take place from a loading area that will be contained within the building. Plans will have to be revised to demonstrate compliance with the loading requirements prior to obtaining a building permit.

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 and the TC-1 zoning district's allowable development and consistent with the North Beach Master Plan. However the scale, massing, architecture and compatibility issues will be further discussed at Design Review Board meeting. 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.**

Partially Consistent – The proposed 140 spaces satisfies the parking requirements for the existing and proposed development. The first floor also provides access to the loading spaces, trash pick-up locations as well as access to the car elevators and one accessible space. The second floor is where all the remaining 139 spaces are located including four accessible spaces. See Parking Analysis.

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

Consistent – Access to the garage is by valet only, as the garage uses car elevators and mechanical parking. The parking is primarily use by hotel patrons and residents. Patrons of the ground floor will also be able to use the valet. Patrons from the Hotel and residential units can access the valet stand in front of the lobby on the first floor. Patrons going to the retail stores can walk around the property on the sidewalk. There is additional public parking across from 72nd street and a crosswalk located at the intersection of 72nd Street and Collins Avenue.

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.**

Not Consistent – Per applicant Letter of Intent specifics regarding security operations have not been detailed at this time.

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.**

Consistent – The parking garage on the second floor has minimal opening to the residential building on the east. Therefore, the applicant does not anticipate any significant noise from the operation. The trash pick-up and loading location are internal on the first floor. The trash room is enclosed and air-conditioned. Deliveries and sanitation are limited to 7:00 AM to 4:00 PM as stipulated by the prior CUP order. Trash containers will utilize rubber wheels in order to reduce noise. The applicant does not anticipate any significant noise from the operation.

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 – Trash pick-up is proposed to occur via the trash and loading area contained within the proposed building with access to Harding Avenue, sanitation is limited to 7:00 AM to 4:00 PM as stipulated by the prior CUP. There are separate garbage systems for the hotel, retail and condominium using the two separate trash rooms that are enclosed and air-conditioned.

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 project, as a 125-foot tall, eleven (11) story building, would serve as an appropriate transition from the taller multifamily uses (200 feet) on the east side of Collins Avenue to the rest of the Town Center district that is currently developed at varying heights. Therefore, adverse impacts are not expected from the proposed project due to proximity to similar structures.

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 TC-1 zoning district allows the scale of development proposed. While there are other buildings of this scale in the surrounding vicinity, negative impacts from a cumulative effect are not expected.

SECTION 130-38–MECHANICAL AND ROBOTIC PARKING SYSTEMS

Projects proposing to use mechanical parking devices, robotic parking systems and/or vehicle elevators to satisfy accessory off-street parking requirements shall prepare schematic floor plans prior to site plan review by the applicable land use board. Two sets of schematic floor plans shall be required:

1. **One set of schematic plans sufficient to show the proposed development project with accessory off-street parking requirements satisfied by traditional, non-mechanical means, meeting all aspects of the design standards for parking spaces required in**

Article III of Chapter 130, and other provisions of these land development regulations, and requiring no variances from these provisions.

Consistent – A schematic drawing showing the required parking in a traditional, non-mechanical means was submitted showing 140 parking spaces for the project on-site.

2. **A second set of schematic plans, sufficient to show the same proposed development project, utilizing mechanical parking devices, robotic parking systems and/or vehicle elevators to satisfy accessory off-street parking requirements.**

Consistent – A schematic drawing showing the required parking for the project by traditional and mechanical means was submitted showing 140 spaces. The mechanical parking version does not increase the amount of spaces and is located on the 2nd level of the building.

The non-mechanical schematic drawings have been reviewed by Planning Department staff and they appear to meet the requirements of the design standards of the City Code. Subject to this data being provided, the project may proceed to site plan approval based on the set of plans using mechanical parking.

The Planning Board shall also consider the following review criteria when considering each application for the use of mechanical parking systems:

- (a) **Whether the scale of the proposed structure is compatible with the existing urban character of the surrounding neighborhood.**

Consistent – The scale of the project is compatible with the surrounding area. The proposed height of approximately 125 feet is compliant of the TC-1 zoning district. When the project is reviewed by the Design Review Board the scale, massing, architecture and compatibility issues of the project will be further scrutinized.

- (b) **Whether the proposed use of mechanical parking results in an improvement of design characteristics and compatibility with the surrounding neighborhood.**

Consistent – The proposed garage and the mixed-use building are an improvement over the existing vacant lots and one story structures on the current site. The proposed use of mechanical parking appears to be compatible with design characteristics and with the surrounding neighborhood allowing the building to have one story less of parking than what would be otherwise be required without the use of mechanical parking. Subsequent to approval by the Planning Board, the project will be reviewed by the DRB, where this aspect of the project would be further scrutinized.

- (c) **Whether the proposed use of mechanical parking does not result in an increase in density or intensity over what could be constructed with conventional parking.**

Consistent – The proposed use of mechanical parking does not result in an increase in density or intensity over what could be constructed with conventional parking.

- (d) **Whether parking lifts or mechanisms are located inside, within a fully enclosed building, and not visible from exterior view.**

Consistent – The proposed lifts would be located on the second floor and are screened from view from the exterior by decorative screening. It will be important at the time of

building permit to verify that the proposed garage screening fully screens all visibility of the lifts from any point and at any height along the exterior of the premises.

- (e) **In cases where mechanical parking lifts are used for self-parking in multifamily residential buildings; whether approval is conditioned upon the proper restrictive covenant being provided limiting the use of each lift to the same unit applicant.**

Nor Applicable – no self-parking is allowed.

- (f) **In cases where mechanical parking lifts are used for valet parking; whether approval is conditioned upon the proper restrictive covenant being provided stipulating that a valet service or operator must be provided for such parking for so long as the use continues.**

Consistent – The proper restricted covenant shall be provided prior to the issuance of building permit.

- (g) **Whether a traffic study has been provided that details the ingress, egress and circulation within the mechanical parking facility, and the technical and staffing requirements necessary to ensure that the proposed mechanical parking system does not cause excessive stacking, waiting, or backups onto the public right-of-way.**

The proposed ingress and egress for all vehicles would be from Harding Avenue. The traffic study, prepared by David Plumber & Associates and FTE, Inc. was selected by the City and paid by the applicant to conduct a peer review. See the attached Memorandum from the Transportation Department.

- (h) **Whether a proposed operations plan, including hours of operation, number of employees, maintenance requirements, noise specifications, and emergency procedures, has been provided.**

Partially Consistent – The LOI indicates the schedule of all operations except the security plan. Exhibit A on the LOI provides specifications on the mechanical systems.

- (i) **In cases where the proposed facility includes accessory uses in addition to the parking garage, whether the accessory uses are in proportion to the facility as a whole, and delivery of merchandise and removal of refuse, and any additional impacts upon the surrounding neighborhood created by the scale and intensity of the proposed accessory uses, are adequately addressed.**

Consistent – The primary uses of the project is a hotel, multifamily and ground floor retail. The accessory uses for the hotel such as bar lounge, meeting rooms are in proportion to the scale of the hotel. The deliveries of merchandise and trash removal for all the components of the project will be handled via loading docks and trash rooms that are internal to the building.

- (j) **Whether the proximity of the proposed facility to similar size structures and to residential uses creates adverse impacts and how such impacts are mitigated.**

Consistent – The proposed project appears to be compatible with the surrounding neighborhood and it appears that it would not create any significant adverse impacts to the residential uses. Notwithstanding, staff is recommending conditions to minimize any potential negative impacts.

- (k) **Whether a cumulative effect from the proposed facility with adjacent and nearby structures arises, and how such cumulative effect shall be addressed.**

Consistent – No negative impact is anticipated from the cumulative effect from the proposed facility and nearby structures.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 133-50(a) 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.**
A recycling plan will be provided as part of the submittal for a demolition permit to the building department.
- (2) **Windows that are proposed to be replaced shall be hurricane proof impact windows.**
All windows in the proposed building will be hurricane proof impact windows.
- (3) **Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.**
The windows for the hotel and residential units will be operable.
- (4) **Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.**
All new landscaping will consist of Florida friendly plants.
- (5) **Whether 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, including a study of land elevation and elevation of surrounding properties were considered.**
The Southeast Florida Regional Climate Action Plan projects that sea level will rise 6 to 10 inches by 2030, 14 to 26 inches by 2060, and 31 to 61 inches by 2100 above the 1992 mean sea level. This represents NGVD elevations of 1.10' to 1.43' by 2030, 1.77' to 2.77' by 2060, and 3.18' to 5.68' by 2100 at Mean Sea Level. At Mean High Water this represents NGVD elevations of 2.31' to 2.64' by 2030, 2.98' to 3.98' by 2060, and 4.39' to 6.89' by 2100.

According to the survey, the ground varies in elevation from approximately 5' NGVD along Harding Avenue to 6' NGVD along Collins Avenue. The first floor of the building is proposed to be at an elevation of 6' NGVD and the building is designed such that the first floor has a 15' clear height from the base flood elevation plus the minimum freeboard, which is 9' NGVD, and an overall height of 18'. This will allow for the raising of the finished floor of the ground floor retail uses in the future if the surrounding roads are raised. The Project is therefore not anticipated to be excessively impacted by Sea Level Rise in the timeframe included in the Sea Level Rise projection..

- (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.**
There are no ramps in the parking garage because it uses car elevators instead. The configuration of the driveways with the streets allows for the raising of the streets and the driveways will still work with slight ramps downward into the vehicular use areas if necessary.

(7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.

All critical mechanical and electrical systems will be located above base flood elevation and on roofs when available.

(8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.

The only existing building to remain, the Denny's building at 7140 Collins Avenue, will remain with its first floor elevation at 6.2' NGVD. However, as with the rest of the first floor retail, the first floor will be 18' tall, which allows for the future raising of the first floor retail if the surrounding streets are raised.

(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.

The building will provide dry flood proofing systems for the habitable spaces located below the base flood elevation.

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

The Project site's stormwater management system has been designed to retain all runoff (i.e., stormwater) generated from the site in accordance with the design criteria set forth by the FDEP/South Florida Water Management District and Miami-Dade County. The runoff will be retained for treatment, as applicable, and then discharged into deep injection drainage wells.

ANALYSIS

The latest proposal consists of a new 11-story, mixed-use building with 187 hotel units, 24 residential units, 134 seats bar/lounge, 24,498 SF of ground floor and commercial space, the retention of the two existing 1-story commercial buildings, which are part of the development site and a mechanical parking garage on the second level. The applicants are proposing the construction of a new five-story wing and some changes on the space configuration on the floor plans to the previously approved project. For a more thorough description of the changes now proposed, please refer to 'The Project' description at the beginning of this report, as well as the 'Zoning/Site Data' for a more technical comparison between the latest proposal and the prior application.

The building volume (with the exception of the new annex tower wing), architectural style, orientation and location of the previously approved project remains the same—the predominant difference is that with the approval of the referendum to increase the allowable FAR for TC Town Center Districts up to 3.5, the architect has increased the square footage of the program by about 40,000 square feet. The Planning Board approved the original Conditional Use Permit (CUP) proposal that included the use of mechanical parking and contained a structure greater than 50,000SF in area, on December 20, 2016 (PB16-0062). The modified Design Review Board proposal is scheduled to be considered by the DRB on June 5, 2018.

The square footage of the proposed project is approximately 174,200 SF as represented by the applicant. The proposed uses are permissible in the TC-1 zoning district and are compatible with the surrounding neighborhood. No outdoor entertainment establishment or neighborhood impact establishment as defined by the City Code is part of this application.

The outdoor bar and outdoor areas located on the third and eight levels are required to comply with the requirements of section 142-736 (a) (3) of the City Code:

(3) The accessory uses in the TC-1 district are those uses permitted in article IV, division 2 of this chapter; alcoholic beverage establishments and accessory outdoor bar counters pursuant to the regulations set forth in chapter 6; provided that the accessory outdoor bar counter is not operated or utilized between midnight and 8:00 a.m.; however, accessory outdoor bar counters located within 100 feet of an apartment unit may not be operated or utilized between 8:00 p.m. and 8:00 a.m.

Traffic, Parking and Access

The proposed ingress and egress for all vehicles would be from Harding Avenue, including the valet station, passenger drop-off/pick up areas, one accessible parking space and two car elevators which provides access to the parking spaces on the second floor where the mechanical parking lifts are located. No self-parking will be allowed. The proposed project will provide 140 spaces, which is consistent with the minimum parking requirements.

Based upon the revised traffic study submitted, the proposed project will create an additional 292 peak hour vehicle trips (an increase of 91 compared to the project previously approved). The project includes two vehicular elevators and a combination of double and triple stacked vehicle lifts on the second level. The traffic study indicates that the average weighted time to park or retrieve each vehicle is about 3 minutes and 30 seconds, and 19 valet attendants would be able to handle the peak hour trips, which is the same number of valet attendants noted as required in the initial application.

It should also be noted that although the number of hotel and residential units has increased in this application, the applicant is taking advantage of the alternative parking incentives allowed, in order to reduce the number of parking spaces required, resulting in no increase of parking provided on site compared to the previously approved project. The majority of this parking reduction will be accommodated with a substantial increase in the overall number of bicycle facilities. 56 bicycle parking spaces are required in the TC-1 district, and 448 will be provided, resulting in a reduction of 55 required spaces. Staff is further recommending that the Hotel actually provide a substantial number of bicycles for use by hotel guests and employees, which the applicant has agreed to. This shared bicycle program can be managed by the hotel, to include providing easy access to bicycles for hotel guests. Such bicycles would be substantially stored within the garage, with a sufficient number of bicycles located within the lobby or other readily accessible location. The hotel would manage the retrieval and parking of the bicycles to ensure that there was always a supply located in a convenient and accessible location for hotel guests.

For further information on the traffic study, please refer to the memo provide by the Transportation Department (attached).

Delivery and Sanitation

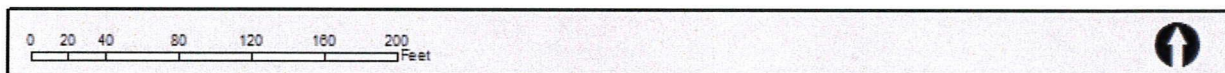
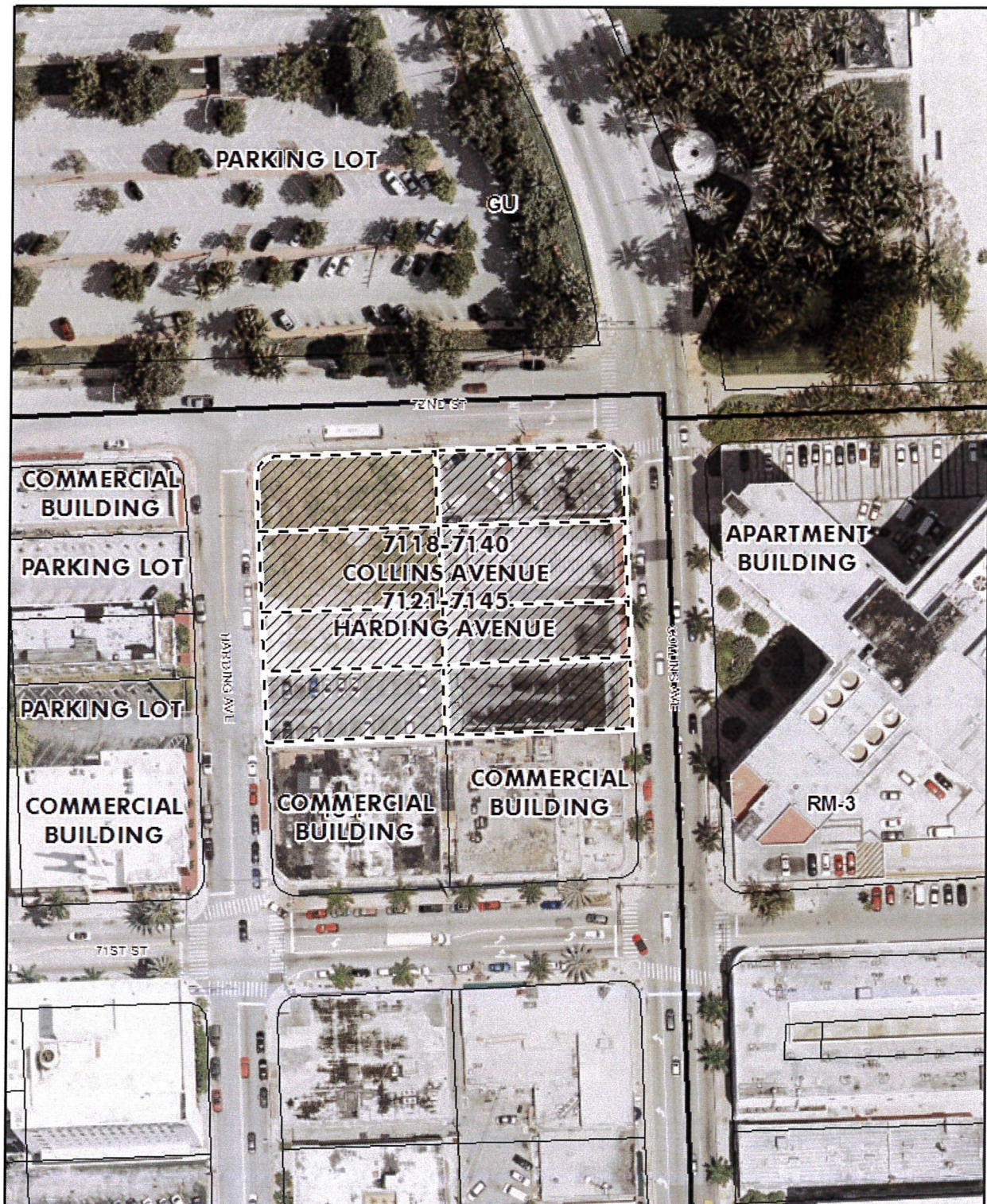
A loading and trash area that is fully contained inside of the building is proposed at the ground level on the south west side of the property with access from Harding Avenue. As previously approved by the initial CUP, deliveries and waste collection is limited to between 7AM and 4PM daily.

RECOMMENDATION

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

TRM/MAB/AG

ZONING/SITE MAP



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

PROPERTY: 7116-7140 Collins Avenue and 7117-7145 Harding Avenue.

FILE NO. PB18-0192

IN RE: The applicants, Collins and 72nd Developers, LLC, Casa Grande Shopping Center, LLC, and AHM Advisors, LLC, requested modifications to a previously issued Conditional Use approval for the construction of a new 11-story mixed-use development exceeding 50,000 square feet including a mechanical parking garage pursuant to Section 118, Article IV and Section 130, Article II of the City Code. Specifically, the applicants requested to expand the size of the previously approved hotel/residential tower, and associated changes to the site plan and parking garage.

LEGAL DESCRIPTION: Lots 1, 2, 3, 4, 9, 10, 11 and 12 in Block 8 of Normandy Beach South, according to the Plat thereof, as recorded in Plat Book 21, Page 54, of the Public Records of Miami- Dade County, Florida.

MEETING DATE: May 22, 2018

CONDITIONAL USE PERMIT

The applicant, Collins and 72nd Developers, LLC, Casa Grande Shopping Center, LLC, and AHM Advisors, LLC, requested modifications to a previously issued Conditional Use approval for the construction of a new 11-story mixed-use development exceeding 50,000 square feet including a mechanical parking garage pursuant to Section 118, Article IV and Section 130, Article II of the City Code. Specifically, the applicants are requesting to expand the size of the previously approved hotel/residential tower, and associated changes to the site plan and parking garage. Notice of the request 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 of the record for this matter:

The property in question is located in the TC-1 town center core district.

The uses are consistent with the Comprehensive Plan for the area in which the property is located;

The intended uses 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;

The structures and uses associated with the request are consistent with the Land Development Regulations;

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

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

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, that the Conditional Use Permit be GRANTED, as provided below:

1. This Conditional Use Permit is issued to Collins and 72nd Developers, LLC, Casa Grande Shopping Center, LLC, and AHM Advisors, LLC, to construct a ~~ten-(10)~~ eleven (11) story mixed-use hotel project, with retail space on the first floor, parking on the 2nd floor, and food and beverage areas located on the roof of the second floor (3rd level) and on the 8th level. Any proposed change to the uses approved in this Conditional Use shall require the review and approval of the Planning Board.
2. 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 issuance of the business tax receipt (BTR) for the hotel. When BTR's are issued for at least 75% of the building area, but no later than one (1) year from the issuance of the BTR for the proposed hotel use, the applicant shall appear before the Planning Board for a progress report specific to traffic, including providing a full revised traffic study outlining the actual transportation operations on-site and in the surrounding initial study area, and including valet operations and loading/servicing of the building.

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).

3. The conditions of approval for this Conditional Use Permit are binding on the applicant, the property applicants, operators, and all successors in interest and assigns. Any change of operator or 50% (fifty percent) or more stock ownership, partnership interest or 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, in advance, to affirm their understanding of the conditions listed herein.
4. The Planning Board shall retain the right to call the owner or operator back before them and make modifications to this Conditional Use Permit should there be valid complaints about loud, excessive, unnecessary, or unusual noise. Nothing in this provision shall be deemed to limit the right of the Planning Board to call back the owner or operator for other reasons and for other modifications of this Conditional Use Permit.
5. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval.
6. The applicant, now and in the future, shall abide by all the documents and statements submitted with this application.

7. All existing overhead utilities, excluding the high voltage transmission line, shall be placed underground at the sole expense of the applicant.
8. The following shall apply to the operation of the proposed parking garage:
 - a. There shall be security personnel of at least one person, on-site, monitoring the garage during all hours of operation.
 - b. Signs prohibiting tire-screeching and unnecessary horn-honking shall be posted at the garage entrance.
 - c. Signs to minimize vehicle conflict in the driveways in and out of the property shall be posted in appropriate locations.
 - d. The parking lift platforms must be fully load bearing, and must be sealed and of a sufficient width and length to prevent dripping liquids or debris onto the vehicle below.
 - e. All free-standing mechanical parking lifts must be designed so that power is required to lift the car, but that no power is required to lower the car, in order to ensure that the lift can be lowered and the top vehicle can be accessed in the event of a power outage.
 - f. All mechanical lifts must be designed to prevent lowering of the lift when a vehicle is parked below the lift.
 - g. The ceiling heights of any parking level with parking lifts within the parking garage shall be a minimum of 11 feet by six inches.
 - h. All mechanical parking lifts must be inspected and certified as safe and in good working order by a licensed mechanical engineer at least once per year and the findings of the inspection shall be summarized in a report signed by the same licensed mechanical engineer or firm. Such report shall be furnished to the Planning Director and the Building Official.
 - i. All parking lifts shall be maintained and kept in good working order.
 - j. Parking operation shall be by valet attendants only. A contract with a valet operator shall be submitted to staff for review and approval prior to a final Certificate of Occupancy or Business Tax Receipt, whichever occurs first.
 - k. A permanent generator sufficient to power the vehicular elevators shall be required, in a manner to be reviewed and approved by staff.
9. The Applicant agrees to the following operational conditions for all permitted and accessory uses and shall bind itself, lessees, permittees, concessionaires, renters, guests, users, and successors and assigns and all successors in interest in whole or in part to comply with the following operational and noise attenuation requirements and/or limitations. The applicant shall ensure through appropriate contracts, assignments and management rules that these restrictions are enforced and the applicant agrees to

include the rules and regulations set forth in these conditions in any contract or assignment:

- a. As proposed by the applicant, the project authorized by this Conditional Use Permit includes the creation and operation of the proposed outdoor bar and pool areas located on the roof of the second floor (3rd level) with the criteria listed below:
 - i. The outdoor rooftop venues shall close by 10:00 pm Sunday through Thursday and 12:00 am Friday and Saturday nights. The outdoor bar counters shall close by 8:00pm daily.
 - ii. Ground floor restaurants and cafes shall close by 2:00 am daily.
- b. Shared Bicycle Management Plan: A shared bicycle parking management plan shall be provided, including the provision that the hotel shall provide a minimum of 200 bicycles for the free use of hotel guests and employees, subject to the review and approval of staff
- c. Delivery trucks shall only be permitted to make deliveries from the designated loading spaces contained within the property.
- d. Delivery trucks shall not be allowed to idle in the loading areas.
- e. Equipment and supplies shall not be stored in areas visible from streets, alleys or nearby buildings.
- e. Deliveries and waste collections may occur daily between 7:00 AM and 4:00 PM.
- f. 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.
- g. Adequate trash room space, air conditioned and noise baffled, shall be provided, in a manner to be approved by the Planning and Public Works Departments. Sufficient interior space must be provided so that doors can remain closed while trash and trash bags are being deposited in dumpsters. Doors shall remain closed and secured when not in active use.
- h. Trash room(s)/garbage room(s) shall be large enough, or sufficient in number to accommodate enough dumpsters so that more than one pick up of garbage per day will not be necessary. A high-level trash/garbage compacting device shall be located in an air-conditioned trash/garbage holding room within the facility.
- i. Garbage dumpster covers shall be closed at all times except when in active use.
- j. Restaurant personnel shall take measures to enforce the Patron Age Restriction of the City Code during the hours of operation of all alcoholic beverage establishments.

- k. No patrons shall be allowed to queue on public rights-of-way, or anywhere on the exterior premises of the subject property.
 - l. The owner/operator shall be responsible for maintaining the areas adjacent to the facility, including the sidewalk, and all areas around the perimeter of the property. These areas shall be kept free of trash, debris and odor, and shall be swept and hosed down at the end of each business day
 - m. Street flyers and handouts shall not be permitted, including handbills from third-party promotions.
 - n. Special Events are limited to six (6), one day events per year on the premises, subject to City Ordinances, rules or regulations existing at the time, and may exceed the occupancy loads specified herein, if permitted by the Fire Marshal, subject to the review and approval of staff.
10. The applicant shall address the following Concurrency and Traffic requirements, as applicable:
- a. A Method of Transportation (MOT) 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.
 - b. Prior to the issuance of a building permit, 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.
 - c. 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.
 - d. A bicycle parking plan shall be submitted for staff review and approval prior to the issuance of a Business Tax Receipt.
 - e. Valet or loading activities shall not block Harding Avenue at any time.
 - f. A Signal Warrant Analysis and an All-Way Stop Warrant Analysis for the intersection at Harding Avenue/72nd Street Shall be conducted by the applicant. The warrant analyses shall include pedestrian warrants. Based on the findings and recommendations of the warrant analyses, the recommended intersection control for this intersection shall be funded by the Developer for implementation by the City of Miami Beach or Miami-Dade County Department of Transportation and Public Works. If the warrant studies determine that neither of the two intersection controls is warranted, the developer shall, at a minimum, fund the installation of an enhanced north-south crosswalk at this intersection to improve pedestrian safety and connectivity consistent with the goals and objectives of the City's Adopted Transportation Master Plan.

- g. A parking evaluation and occupancy study shall be performed three (3) months (but no later than six (6) months) after the issuance of a TCO for the hotel and at least 50% of the commercial uses are in operation. Based upon the evaluation, recommended measures identified in the parking evaluation shall be implemented. Such measures may include smart parking technologies, wayfinding to alternative parking locations, and incentives for retail patrons to utilize the valet services of the hotel, subject to the review and approval of the Transportation Department.
11. All new construction over 7,000 square feet or ground floor additions (whether attached or detached) to existing structures that encompass over 10,000 square feet of additional floor area shall be required to be, at a minimum, certified as LEED Gold by USGBC. In lieu of achieving LEED Gold certification, properties can elect to pay a sustainability fee, pursuant to Chapter 133 of the City Code. This fee is set as a percentage of the cost of construction.
12. The applicant shall satisfy outstanding liens and past due City bills, if any, to the satisfaction of the City prior to the issuance of a Building permit.
13. 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.
14. 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.
15. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
16. 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 Section 114-8 of said Code and such enforcement procedures as are otherwise available. 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.
17. 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 _____, 2018.

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: _____

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

TRANSPORTATION DEPARTMENT

MEMORANDUM

TO: Michael Belush, AICP, Planning and Zoning Manager

FROM: Jose R. Gonzalez, PE, Director

DATE: May 7, 2018

SUBJECT: 7140 Collins Avenue – Traffic Impact Study

The Transportation Department has reviewed the subject Traffic Impact Study (TIS) submitted by the applicant as part of the Planning Board application for the proposed mixed use development located at 7140 Collins Avenue (Project). David Plummer & Associates, Inc. prepared and submitted the TIS for this project. Florida Transportation Engineering, Inc. (FTE) was retained by the City to perform a peer review of the TIS for the Project.

The Project site currently consists of 12,043 square-feet of retail and a vacant lot. The proposed development will consist of 18,520 square-feet of retail, a 187 room hotel, and 24 residential units. It is important to note that the Project includes renovations of the Denny's Restaurant, however, no change of use or additions are being proposed with this application. The Project is anticipated to be completed by 2020.

TRAFFIC ANALYSIS

As requested by the City, turning movement counts (TMC) were collected at the following intersections:

1. Abbott Avenue and 72nd Street (Signalized)
2. Abbott Avenue and 71st Street (Signalized)
3. Collins Avenue and 72nd Street (Signalized)
4. Collins Avenue and 71st Street (Signalized)
5. Harding Avenue and 72nd Street (Unsignalized)
6. Indian Creek Drive and 71st Street (Signalized)

The trip generation for the Project was based on information obtained from the Institute of Transportation Engineers' (ITE) Trip Generation Manual (10th Edition). According to the ITE manual, the most appropriate "land use" categories for the proposed development are:

- Land Use 221 – Multifamily Housing (Mid-Rise)
- Land Use 820 – Shopping Center
- Land Use 310 – Hotel

As indicated in Exhibit 8 of the TIS report, the proposed development is anticipated to generate approximately 122 net new trips (63 inbound and 59 outbound) during the typical PM peak hour. Since the Project is generating a significantly higher number of trips during PM peak period in

comparison to the AM peak period, for a conservative analysis the PM peak period is taken into consideration.

As agreed with the applicant's traffic engineer during the methodology meeting, the following trip reduction factors and percentages have been applied to the trip generation analysis:

- 10% multimodal reduction factor;
- Internal capture rates for proposed land uses:
 - 7.5% during PM peak hour
- Pass-by trip capture rate:
 - 34.0% during PM peak hour for Shopping Center

Intersection capacity/level of service analyses were conducted for the six (6) study intersections and the proposed garage driveway. The analyses were undertaken following the capacity/level of service procedures outlined in the Highway Capacity Manual (HCM) using the SYNCHRO Volume 10 software. The intersection capacity analyses results for existing conditions are summarized in Exhibit 7 and future conditions with project are summarized in Exhibit 15 of the TIS. The results of the analysis indicate all study intersections, except for Indian Creek Drive and 71st Street, are currently operating adequately and will continue to operate at an acceptable level of service in the year 2020 with the Project in place. However, the analysis concluded that in future conditions with Project in place, a significant increase in vehicle delay and queue length in the northbound approach at the intersection of Harding Avenue and 72nd Street is anticipated to occur. The queueing of vehicles on the northbound approach (Harding Avenue) to this intersection during PM peak hours is exceeding the length of the roadway segment of Harding Avenue from 71st Street to 72nd Street.

SITE ACCESS, PARKING & VALET OPERATIONS, LOADING ZONES

The access to the Project will be via two driveways along Harding Avenue; one inbound only and one inbound/outbound. The inbound only driveway will be utilized for valet and rideshare drop-off and pick-up operations. On-site parking will be provided on the second level of the Project. This level will be accessible via two (2) car elevators. There will be 138 parking spaces, including 16 standard parking spaces and 122 spaces operated by mechanical lifts. All resident trips will utilize the valet service, while 70% of hotel trips were estimated to rely on the valet service. The reduction in hotel valet demand is associated to the common use of rideshare vehicles when arriving and departing the hotel. The reduction factor was based on a recent study made for the Cadillac Hotel and it was observed that 42.6% of hotel patrons were using ride-share vehicles for their travels. For a conservative analysis, 30% reduction was utilized for the 7140 Collins Hotel study. In addition to hotel and residential trips, 20% of retail patrons have been accounted to utilize the valet service. The remainder of the retail parking has been assigned to the surface parking lot directly north of the Project, which is accessible via a driveway on 72nd Street and Harding Avenue intersection.

The ground level provides spaces for trash and delivery operations. The spaces designated for delivery and trash pick-up are situated further behind the valet drop-off and pick-up locations and car elevators in order not to interfere with the parking operations. Trash pick-up and delivery operations shall be limited to 7:00 AM to 4:00 PM during weekdays.

The Applicant's traffic engineer has performed a valet queueing analysis. The valet queueing operations analysis was based on the methodology outlined in ITE's Transportation and Land Development publication. The valet operations analysis was conducted as a three (3) step process. First step: the valet runners will pick-up or drop-off vehicles at the car elevators. This will

require seven (7) valet attendants in order not to exceed the proposed drop-off and pick-up area accommodation of three (3) vehicles. Second step: involves the elevator operation of the valeted vehicles which will be supervised by two (2) valet attendants. Third step: the valet attendants will park or retrieve the vehicles. This will require nine (9) valet attendants. The maximum length of queue anticipated at the valet drop-off/pick-up area, at the required 95% confidence level, is one (1) vehicle during the PM peak hour of a weekday.

CONDITION

Based on the results of the TIS, a Signal Warrant Analysis and an All-Way Stop Warrant Analysis for the intersection at Harding Avenue/72nd Street shall be conducted by the applicant. The warrant analyses shall also include pedestrian warrants. The warrant analyses shall be conducted after 3 months and 6 months of opening. Based on the findings and recommendations of the warrant analyses, the recommended intersection control for this intersection shall be funded by the Developer for implementation by the City of Miami Beach or Miami-Dade County Department of Transportation and Public Works. If the warrant studies determine that neither of the two intersection controls are warranted, the developer shall, at a minimum, fund the installation of an enhanced north-south crosswalk at this intersection to improve pedestrian safety and connectivity consistent with the goals and objectives of the City's Adopted Transportation Master Plan.

The Developer's Traffic Engineer assumed that the majority of retail trips will park at the parking lot at 72nd Street between Collins Avenue and Harding Avenue. Based on this assumption, it is anticipated that at certain times there will not be sufficient parking at the surface lot to accommodate the development's parking demand. To further assess the impact, the developer shall conduct a parking evaluation and occupancy study after three (3) months but before six (6) months of Project opening. Based on the outcome of the evaluation, the developer shall commit to implementing any recommended measures identified in the parking evaluation. Such mitigation measures may include implementing smart parking technologies warning drivers of the occupancy of the surface parking lot, providing wayfinding signs to alternative parking locations, and providing incentives to retail patrons to utilize valet service for shopping at this location.

CONCLUSION

The Transportation Department approves the Traffic Impact Study with the aforementioned conditions for the 7140 Collins Hotel.

Please feel free to contact me if you have any questions on the above.

cc: Josiel Ferrer-Diaz, E.I., Transportation Manager
Firat Akcay, Transportation Analyst