

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: June 28, 2016

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: **File No. PB 0416-0005, f.k.a. 2114. 1747 Bay Road – Tremont Towing**

The applicant, 1747 Bay Road Properties, LLC., is requesting a modification to conditions of approval for a previously issued Division of land/Lot Split. Specifically, the applicant is requesting to remove the condition regarding the prohibition of variances, pursuant to Section 118, Article IV of the City Code.

HISTORY

August 24, 2010 Tremont Towing, Inc. was approved by the Planning Board for Conditional Use Permit (CUP) for a vehicle towing yard in the I-1 Light Industrial zoning district (File No. 1961).

December 13, 2011 1747 Bay Road Properties, LLC was granted a CUP to redevelop an existing warehouse into restaurant/retail use with approximately 18 valet parking spaces, and a towing operation, to include parking lifts for vehicle storage with 54 towing storage spaces (File No. 1991).

March 6, 2012 The development project approved by the Planning Board on December 13, 2011 was approved by the Design Review Board (File No. 22846).

August 27, 2013 1747 Bay Road Properties, LLC and Cueto Miami, LLC, were approved for modifications to the previously issued CUP, including changing the names of the owners and modifying or removing several conditions (File No. 2114).

ZONING / SITE DATA

Legal Description: Lots 7, 8 and 9, Block 16A, of Island View Subdivision, according to the plat thereof, as recorded in Plat Book 6, page 115, of the Public Records of Miami-Dade County, Florida.

Future Land Use: I-1, Urban Light Industrial zoning district

Zoning: I-1, Urban Light Industrial zoning district

Lot Area: Parcel 'A' – (Lots 8 & 9) – 15,956 S.F.
Parcel 'B' – (Lot 7) – 7,893 S.F.

Total Combined - 23,849 S.F.

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

South: Industrial uses

East: Warehouse/Storage and a surface parking lot

West: Industrial, Commercial, and restaurant uses

North: Office and commercial uses

REVIEW CRITERIA

Pursuant to Section 118-321(d), in reviewing an application for the division of lot and lot split, the Planning Board shall apply the following criteria as previously approved:

1. **Whether the lots that would be created are divided in such a manner that they are in compliance with the regulations of these land development regulations.**

Partially Consistent – There are no minimum lot size requirements for properties in the I-1 zoning district.

2. **Whether the building site that would be created would be equal to or larger than the majority of the existing building sites, or the most common existing lot size, and of the same character as the surrounding area.**

Consistent – The two building sites proposed to be created, generally along the platted lots, Lot 7 of Block 16-A (Parcel 'B'), and Lots 8 and 9 of Block 16-A (Parcel 'A'), are consistent with the existing building sites in the surrounding area.

3. **Whether the scale of any proposed new construction is compatible with the as-built character of the surrounding area, or creates adverse impacts on the surrounding area; and if so, how the adverse impacts will be mitigated. To determine whether this criterion is satisfied, the applicant shall submit massing and scale studies reflecting structures and uses that would be permitted under the land development regulations as a result of the proposed lot split, even if the applicant presently has no specific plans for construction.**

Consistent – Because the buildings on the subject site, as combined, already meet or exceed the maximum permitted Floor Area Ratio (F.A.R.) for the subject site, no additional construction which would constitute additional F.A.R. is permitted. Item 6 on page 4 of the Easement and Operating Agreement between 1747 Bay Road Properties, LLC, and Cueto Miami, LLC, dated November 2012, indicates that *"The Parties agree that neither Parcel may be developed with a floor area that exceeds that permitted by the Land Development Regulations of the City of Miami Beach based on the Parcel's size"..."In the event it is determined that the existing development on Parcel B exceeds the maximum floor area ratio of 1.0, additional floor area will be assigned to Parcel B from Parcel A."..."Once the existing development on Parcel B is modified in any fashion to reduce its existing floor area, any floor area previously assigned shall return to Parcel A."*

4. **Whether the building site that would be created would result in existing structures becoming nonconforming as they relate to setbacks and other applicable regulations of these land development regulations, and how the resulting nonconformities will be mitigated.**

Consistent – See No. 3 above.

5. **Whether the building site that would be created would be free of encroachments from abutting buildable sites.**

Consistent – Based on the latest survey of the proposed divided lots, the existing buildings on each of the subject parcels would be free of encroachments from abutting buildable sites.

6. **Whether the proposed lot split adversely affects architecturally significant or historic homes, and if so, how the adverse effects will be mitigated. The Board shall have the authority to require the full or partial retention of structures constructed prior to 1942 and determined by the Planning Director or designee to be architecturally significant under section 142-108 (2).**

Not Applicable

ANALYSIS

Before the previously approved lot split, the subject property consisted of three platted lots at the southeast corner of Bay Road and 18th Street. The original building on the site was built in 1937 as a broadcasting station. The property is currently developed with the Tremont Towing operation on the southern two (2) lots and a commercial building located on the northern lot. The two (2) southern lots are owned by 1747 Bay Road Properties, LLC and the northern lot is owned by Cueto Miami, LLC. Additionally, the northern lot contains a cellular phone tower.

A CUP was approved by the Board on December 13, 2011 (File No. 1991) for a different development project. On March 6, 2012, the Design Review Board (DRB) approved a different project consisting of a towing operation and a retail/restaurant use on all three lots. The former project did not come to fruition and those development orders have expired.

In 2013, the owners submitted an application to modify the previously issued CUP and divide the lots into two (2) separate parcels: Parcel 'A' (Lots 8 & 9), consists of approximately 15,956 S.F., and Parcel 'B' (Lot 7) consists of approximately 7,893 S.F. There are no minimum lot size requirements in the I-1, Light Industrial zoning district.

At the time the modified CUP was issued for the lot split, the standard condition which does not allow future variances on the resulting lots was included in the staff recommendation and approved by the Board. The applicant is seeking to remove that condition, as well as obtain a new CUP for a new main-use parking garage exceeding 50,000 square feet on the south parcel. The application for the new development project is scheduled to be heard at the June 28th, 2016 Planning Board hearing in conjunction with this modification of the lot split final order, so that when the project appears before the DRB, it can pursue a variance for height.

Staff does not object to the removal of the condition restricting variances because the new

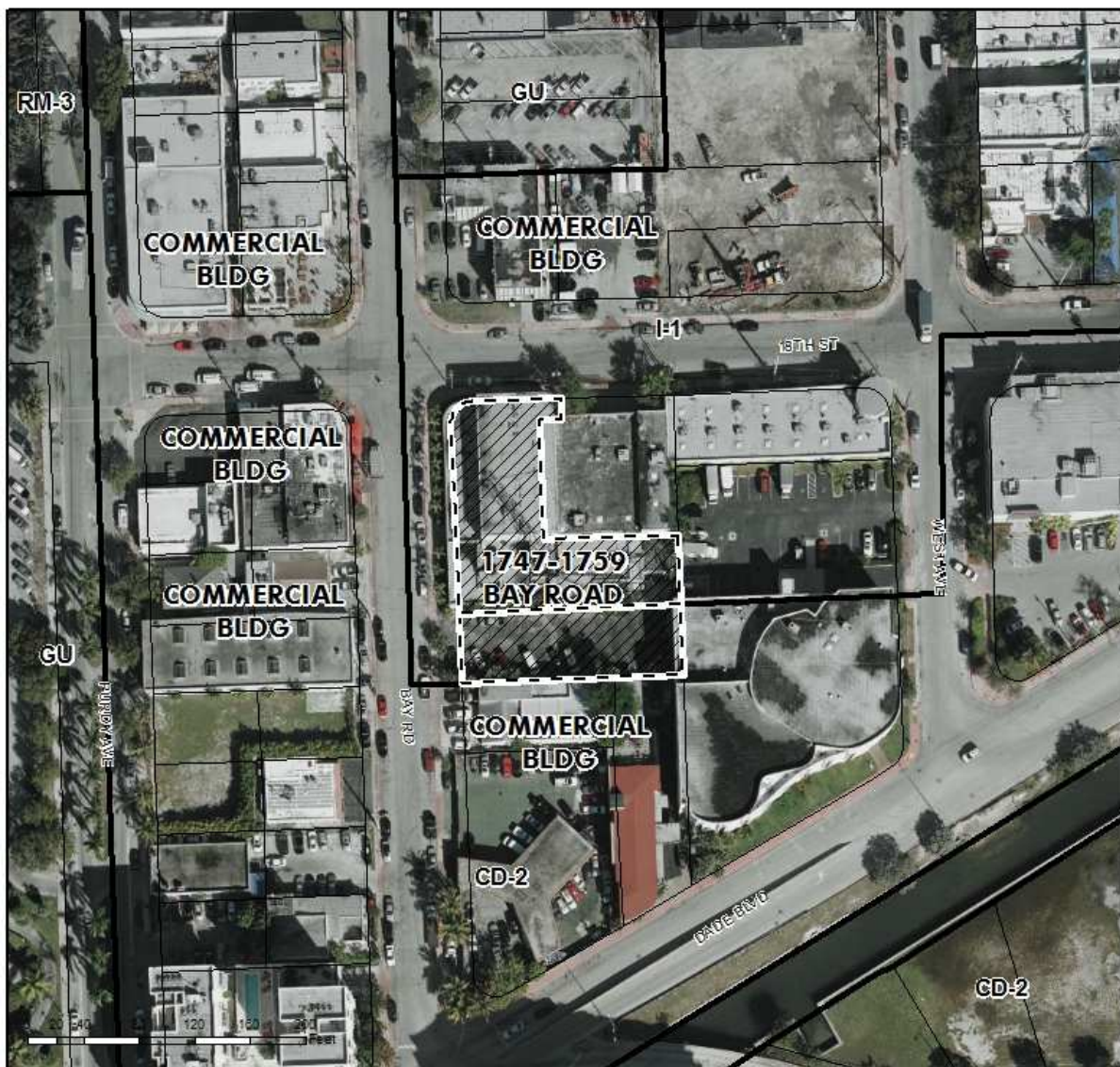
development plan seeks the internalization of the tow truck operations. The elimination of a surface tow truck yard in the I-1 district would be beneficial to the aesthetics of the Sunset Harbour neighborhood and enhance the urban fabric of Miami Beach.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the modification be approved, subject to the conditions enumerated in the attached draft order, which shall be applicable to each newly created building site:

TRM/MAB/TUI

ZONING/SITE PLAN



City of Miami Beach Planning Board
PB 0416-0005, f.k.a., File No. 2114.
1747-1759 Bay Road



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