

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. 2287. 1787 Purdy Avenue – Tackle Box**

The applicant, TB Purdy Restaurant, LLC., is requesting a modification to a previously issued Conditional Use Permit to modify the plans and operational conditions previously approved by the Board, pursuant to Chapter 118, Article IV, and Chapter 142, Article II of the City Code.

RECOMMENDATION

Approval with conditions

HISTORY

December 15, 2016 The Planning Board approved a Conditional Use Permit (CUP) for the expansion of a restaurant with over 100 seats in the Sunset Harbor area.

January 15, 2016 An application to the Design Review Board for the rooftop area, the exterior staircase, and elevator was heard and was approved with some design modifications and operational conditions.

May 24, 2016 This application for modifications was continued to a date certain of June 28, 2016, as requested by the applicant.

ZONING / SITE DATA

Legal Description:

Western ½ of Lot 9 of Block 16, of "Island View Subdivision", according to Plat thereof as recorded in Plat Book 6, Page 115, of the Public Records of Miami-Dade County.

Zoning:

CD-2, Commercial Medium Intensity Zoning District

Future Land Use Designation:

CD-2, Commercial Medium Intensity Zoning District

Surrounding Uses:

North	Surface parking lot
East:	Restaurant
South:	Retail
West:	Surface parking lot (City Park)

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

THE PROJECT

The applicant, TB Purdy Restaurant, LLC, submitted plans entitled “Tackle Box Restaurant Renovation and Deck Addition”, as prepared by Sustainable Architecture Initiative LLC, revised April 6, 2016. The plans illustrate the modified proposed layout of a new expanded restaurant in an existing space, a modified restaurant seating area on the city sidewalk, a modified seating layout on the roof with an accessory outdoor bar counter. The layout reflects 84 seats on the first floor, 12 seats on the sidewalk, and 54 seats on the roof, for a total of 150 restaurant seats including the sidewalk seats. The restaurant is not proposing entertainment, but proposes ambient music within certain hours for the outdoor portions of the project. Sound system specifications were included in the package.

The main differences between the approved floor plan under the original CUP approved on December 15, 2016 and the new floor plan are the enclosure of the stairwell, the addition of a glass rollup door on the front façade at the first level, and the sidewalk café area being lower than the street and sidewalk.

COMPLIANCE WITH CONDITIONAL USE REVIEW GUIDELINES:

Conditional Uses may be approved in accordance with the procedures and standards set forth in the City Code Art. 4, Sec. 118-191 and Sec. 118-192:

1. **The Use is consistent with the Comprehensive Plan or Neighborhood Plan if one exists for the area in which the property is located.**

Consistent – The request is consistent with the Comprehensive Plan.

2. **The intended Use or construction will not result in an impact that will exceed the thresholds for the levels of service as set forth in the Comprehensive Plan**

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

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

Consistent – Restaurants with accessory outdoor bars are permitted in the CD-2 zoning district.

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

Partially Consistent – The submitted sound specification letter recommends certain controls to limit the acoustical impact of the outdoor areas on the neighbors. However, the proposed ambient music may adversely affect the general welfare of nearby residents if noise and other issues are not controlled. Staff is recommending measures so that any resulting adverse impact is mitigated.

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

Consistent – There is not any parking on site but public parking is available at the parking garage located a block to the north of the property. The applicant also proposes

to provide valet parking to its patrons. Furthermore, many patrons may walk, arrive by taxi, or hired car service.

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

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

7. The concentration of similar types of uses will not create a negative impact on the surrounding neighborhood. Geographic concentration of similar types of conditional uses should be discouraged.

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

STAFF ANALYSIS

The City Code requires that restaurants in the Sunset Harbour area with over 100 seats and an occupant content of more than 125 persons obtain a CUP. The subject property has had a 100 seat restaurant on the site since 1998, but the increase to 138 seats (not including the 12 sidewalk café seats, which although shown on the site plan, are subject to a Public Works annual sidewalk café application and could vary) requires CUP approval. Additionally, the projected occupant content for the project is 177 persons, as represented by the applicant. The section of the code that pertains to this requirement is below:

Sec. 142-303. - Conditional uses.

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

(1) Main use parking garages;

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

Operation

The applicant has proposed that the hours that the operable roll-up door on the front façade would be open shall be limited to the same hours the ambient music on the rooftop was previously authorized under the CUP.

Parking

The proposed project requires one (1) parking space for every four (4) seats which equals 35 parking spaces required by City Code Sec. 130-32 (based on 138 seats, because the sidewalk café seats do not have a parking requirement per City Code). Because the structure existed before 1989, the project would receive a credit of 14 parking spaces from the prior use, leaving a parking requirement of 21 spaces that will require a Parking in Lieu fee to be paid to the city.

Operationally, the project plans to provide valet parking with a ramp located on the east side of the street. In light of the fact that modification contained herein proposes only a eight (8) seat increase, staff did not require a modified traffic study. In order to verify the traffic study conclusion as it relates to the valet analysis, staff recommends that the applicant provide to the city an evaluation of the valet parking operation of the site after six (6) months of the opening date, as noted in the recommendation for approval.

Sound

Even though the project does not propose entertainment, the applicant proffered sound system specifications prepared by The Audio Bug, Inc for its outdoor sound system. The Audio Bug Inc specifications were designed to comply with the noise ordinance and not to allow for music to rise to the level of entertainment and interfere with a normal conversation. As a point of reference, there are residential buildings approximately 300 feet to the south and 245 feet to the northwest of the subject property.

The sound system specification letter does not contemplate the interior configuration of the sound system in relation to the new proposed roll up door at the first floor, but staff has made recommendations that the interior sound system have the same specifications as the outdoor sound system at all times that the roll up door is open.

Loading and Garbage

The lot does not have any off-street loading areas or access to an alley. The applicant proposes to have small vehicles use the valet parking space since most deliveries will take place when the business is not open. Subject to the approval of the Parking Department, two parking spaces on the east side of the street on the south side of the building could be used at the valet and loading spaces for the building.

Conclusion

After reviewing the request, staff does not have an objection to the exterior modification of the property at the front facade, the additional restaurant capacity proposed, nor the applicant's proposed physical modifications to the stairwell. However, staff believes the proposed valet drop-off and delivery plan shall require the review and approval of the Parking Department. Staff has proposed a number of conditions to address these issues and help ensure the successful operation of the restaurant.

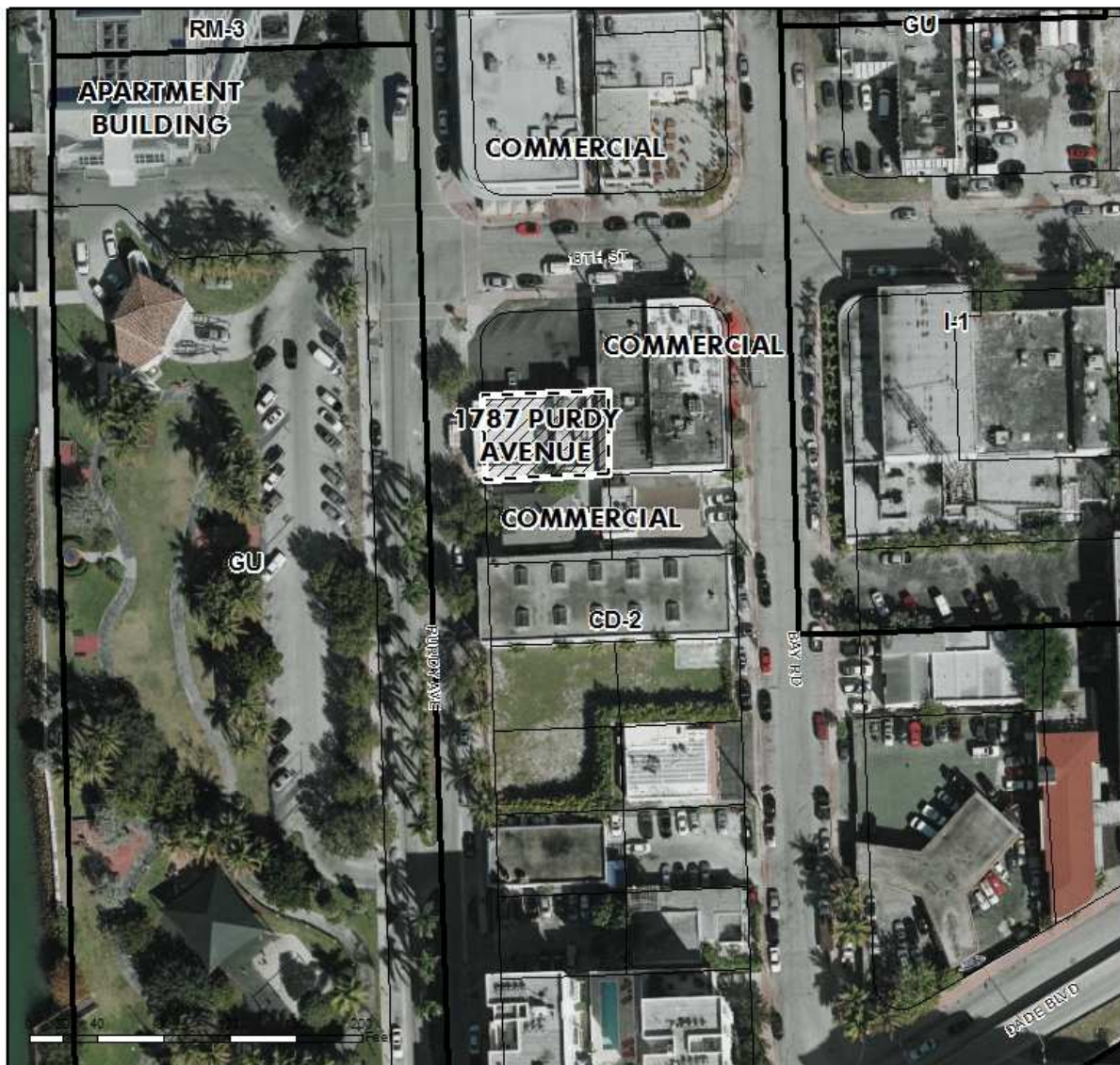
RECOMMENDATION:

In view of the forgoing analysis, staff recommends approval of the modified Conditional Use Permit, in accordance with the conditions in the attached draft MCUP order.

TRM/MB/TUI

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ZONING AND LOCATION MAP



City of Miami Beach Planning Board
 File No. 2287
 1787 Purdy Avenue



The applicant, TB Purdy Restaurant, LLC., is requesting Conditional Use approval to permit the expansion of an existing restaurant with an occupant content exceeding 100 persons, pursuant to Chapter 118, Article IV, and Chapter 142, Article V of the Land Development Regulations of the City Code.

MIAMI BEACH
 PLANNING DEPARTMENT

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