

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: July 26, 2016

FROM: Thomas R. Mooney, AICP  
Planning Director

SUBJECT: **PB0516-0022, f.k.a. PB File No. 2227. 1825 Collins Avenue – The Nautilus Hotel**

The applicant, Quadrum Miami Beach, LLC, is requesting a modification to a previously issued Conditional Use Permit, pursuant to Section 118, Article IV of the City Code. Specifically, the applicant is requesting a revision to increase the occupant content from previously approved 996 to 1098 persons, as per Fire Marshal's calculation.

#### **RECOMMENDATION**

Approval with conditions.

#### **BACKGROUND**

*February 13, 2008* The City's Historic Preservation Board (HPB) granted a Certificate of Appropriateness for the partial demolition of the lobby and the construction of a curved trellis (File No. 5643).

*April 10, 2012* The HPB granted a Certificate of Appropriateness for the partial demolition, renovation and restoration of the existing seven (7) story hotel, including the construction of a new porte-cochere, the installation of balconies, and the construction of a new single story cabana structure at the rear of the property (File No. 7308).

*July 9, 2012* The Board of Adjustment approved three variances to waive the required setbacks for a new addition at the rear of the property (File No. 3569).

*January 28, 2015* The Planning Board approved a Conditional Use Permit (CUP) for a Neighborhood Impact Establishment with an occupant content exceeding 300 persons, and for an Outdoor Entertainment Establishment (File No. 2227).

#### **ZONING / SITE DATA**

**Legal Description:** See Exhibit "A" in the application

**Zoning:** RM-3 (Residential Multi-Family, High Intensity)

**Future Land Use Designation:** RM-3 (Residential Multi-Family, High Intensity)

**Surrounding Uses:**

North and West:	Hotels, commercial uses, and residential uses
South and East:	Hotels, and the Atlantic Ocean

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

### **THE PROJECT**

The subject property currently contains a 250 room hotel and 524 seats in its food and beverage areas. The applicant submitted plans entitled “Nautilus – South Beach”, as prepared by Arquitectonica, dated December 23, 2016. As was previously approved by the Planning Board, the occupant content was projected to be approximately 996 persons or a lesser amount approved by the Fire Marshal. Attached to the application in the Board packages is the official fire occupant content that shows that the occupant content was found to be 1098 for the food and beverage areas included in CUP. The Letter of Intent (LOI) indicates that the applicant does not propose any other changes to the previously approved CUP.

### **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 would not result in an impact that would exceed the thresholds for the levels of service as set forth in the Comprehensive Plan.**

**Consistent**—Traf Tech Engineering, Inc. was retained by the applicant to conduct a Traffic Study. The Traffic Study concluded at the time of the original study that “the proposed Nautilus South Beach hotel will not have an adverse effect to the traffic conditions on Collins Ave.” See the attached Traffic Statement that states that since the seat count remains the same as the previous application, and that the Traffic Study contemplated seats and not occupancy, the previously approved Traffic Study would remain unchanged by this application.

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

**Consistent**—Neighborhood Impact Establishments are permitted as conditional uses in this zoning district. This comment 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.**

**Partially Consistent**—The proposed establishment may adversely affect the general welfare of nearby residents if traffic, noise and other issues are not controlled. Staff has recommended measures so that any resulting adverse impact is mitigated. The facility would have to comply with all applicable laws and regulations for licensure.

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

**Consistent**—The project does not have an off-street parking requirement, but operationally the applicant valets cars to an off-site parking garage as previously approved.

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

**Consistent**—Staff recommended conditions to mitigate any adverse impacts from traffic, noise, and other issues on the surrounding neighbors.

**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.**

**Partially Consistent**—There are multiple NIE's and entertainment venues in the area. There is a list of NIE's and entertainment venues approved in this area provided in the analysis.

**NEIGHBORHOOD IMPACT ESTABLISHMENT REVIEW GUIDELINES**

In accordance with Sec. 142-1362 of the Miami Beach City Code, in reviewing an application for an outdoor entertainment establishment, open air entertainment establishment or a neighborhood impact establishment, the Planning Board shall apply the following supplemental review guidelines criteria in addition to the standard review guidelines for conditional uses pursuant to chapter 118, article IV:

**(1) An operational/business plan which addresses hours of operation, number of employees, menu items, goals of business, and other operational characteristics pertinent to the application.**

The LOI submitted with the application details that there are not any proposed changes to the operation of the venue.

**(2) A parking plan which fully describes where and how the parking is to be provided and utilized, e.g., valet, self-park, shared parking, after-hour metered spaces and the manner in which it is to be managed.**

The project offers valet parking with storage of the vehicles in an off-site garage as previously approved.

**(3) An indoor/outdoor crowd control plan which addresses how large groups of people waiting to gain entry into the establishment, or already on the premises would be controlled.**

The applicant maintains that due to the physical layout of the building, all queuing can be contained within the building. Due to the lack of code compliance complaints since its original approval, it appears that the crowd control plan has been effective.

**(4) A security plan for the establishment and any parking facility, including enforcement of patron age restrictions.**

The applicant proposed in the original application to employ seven security staff members and two supervisors. The security staff would assist the valet staff in traffic control at the front of the property in the driveway area, crowd control on the entire property, enforce the maximum occupant content for life safety, and enforce the patron age restrictions.

**(5) A traffic circulation analysis and plan which details the impact of projected traffic on the immediate neighborhood and how this impact is to be mitigated**

Traf Tech Engineering, Inc. was retained by the applicant to conduct a Traffic Study. The Traffic Study concluded at the time of the original study that “the proposed Nautilus South Beach hotel will not have an adverse effect to the traffic conditions on Collins Ave.” See the attached Traffic Statement that states that since the seat count is proposed to remain the same, and that the Traffic Study contemplated seats and not occupancy, the previously approved Traffic Study would remain unchanged by this application.

**(6) A sanitation plan which addresses on-site facilities as well as off-premises issues resulting from the operation of the establishment.**

The applicant proposed in the original application that trash pick-up would take place from 7:00 AM -2:00 PM from an air-conditioned trash room located at the north side of the building. See the architectural drawings for the exact location.

**(7) A noise attenuation plan which addresses how noise would be controlled to meet the requirements of the noise ordinance.**

The applicant provided a Sound Study prepared by the Audio Bug, Inc and a peer review from Edward Dugger and Associates, PA, at the original Planning Board hearing. There does not appear to be any code compliance violations for noises issued since its original approval.

**(8) Proximity of proposed establishment to residential uses.**

The proposed venue is mainly surrounded by other hotels and commercial uses. There is one residential tower to southwest of the property across Collins Avenue. Due to the proximity to a residential use, staff recommended conditions to mitigate any potential negative impacts from the operations of this proposed project on surrounding properties in the original final order.

**(9) Cumulative effect of proposed establishment and adjacent pre-existing uses.**

There are multiple NIE’s on Collins Avenue within blocks of this property, including a NIE adjacent to the property to the north and to the south. There is a list of NIE’s and entertainment venues approved in this area provided in the analysis. Staff recommended conditions to mitigate any adverse impacts from traffic, noise, and other issues on the surrounding neighbors in the original final order.

**STAFF ANALYSIS**

**Operation**

The original proposal was for a total of approximately 524 seats and 996 occupants in the hotel’s food and beverage areas. The original breakdown of the areas, the number of seats, the occupancy, the proposed hours, and whether or not entertainment proposed are below (the actual occupant content as determined by the Fire Marshal are listed in parenthesis below the projected number in the chart):

Venue	Location	Seating	Occupancy	Hours	Entertainment
Lobby Lounge	West Lobby	106	119 (146)	7:00am to 11:00am for continental breakfast	
				11:00am to 5:00am for bar/lounge operation	yes
Signature Restaurant	East Lobby and Patio	209 total	306 (294) total	7:00am to 4:00 breakfast/lunch	
		100 inside	138 (109) inside	7:00pm to 2:00am for dinner	
		109 outside	168 (185) outside		
Pool Deck	Outdoor	142	359 (403) total	7:00am to 2:00am	yes
Patio Bar	Outdoor	67	75(139)	9:00am to 2:00am	yes
Garden/Green Space	Outdoor	N/A	137(116)	9:00am to 2:00am, depending on use	yes

### Sound

The original Letter of Intent (LOI) indicated that the applicant proposed entertainment in the lobby lounge area only. All other venues in the hotel would play background music, but because the applicant proposed that a DJ ,which is considered entertainment at whatever volumn level, would be playing the background music in the outdoor areas, the applicant included an outdoor entertainment establishment in the CUP request.

Also, the following are NIE's and other related Conditional Uses on Collins Avenue near the subject site:

Address	Name	File #	Occupants
1701 Collins Ave	SLS Hotel	2051	1467
1775 Collins Ave	Raleigh Hotel	1647	1116
1801 Collins Ave	The Shelbourne Hotel	1734	1629
1901 Collins Ave	The Shore Club	1629	1250
1900 Collins Ave	Greystone Hotel	2093	676
1905 Collins Ave	Rok, LLC	1481-B	150
1908 Collins Ave	Baoli	1988	293
1921 Collins Ave	Club Mynt	1481-A	470

### Sanitation and Deliveries

Waste and recycling collection and deliveries take place from the front of the building and an air-conditioned trash room is located on the north side of the property.

### **Parking**

The project offers valet parking that stores the vehicles in an off-site garage.

### **Traffic**

Traf Tech Engineering, Inc. was retained by the applicant to conduct a Traffic Study. The Traffic Study concluded at the time of the original study that “the proposed Nautilus South Beach hotel will not have an adverse effect to the traffic conditions on Collins Ave.” See the attached Traffic Statement that states that since the seat count is not changing, and that the Traffic Study contemplated seats and not occupancy, the previously approved Traffic Study would remain unchanged by this application.

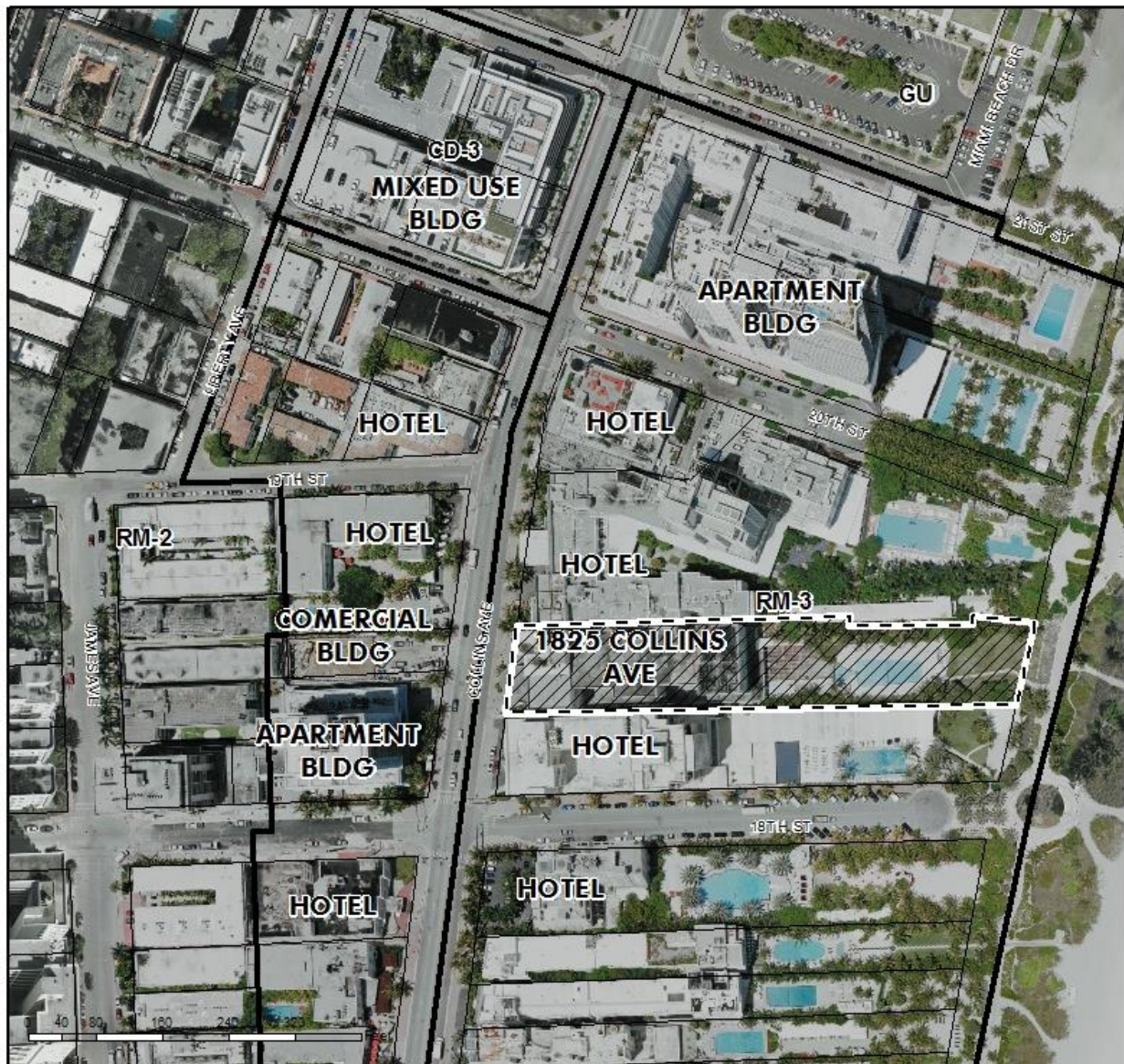
### **STAFF RECOMMENDATION**

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

TRM/MB/TUI



## ZONING SITE MAP



City of Miami Beach Planning Board  
File No. PB 0516-0022  
1825 Collins Ave



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**MIAMI BEACH**  
PLANNING DEPARTMENT

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**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

Parcel "A":

Lots 3, 4, 11 and 12, Block 1 of FISHER'S FIRST SUBDIVISION OF ALTON BEACH, according to the Plat thereof, as recorded in Plat Book 2, at Page 77, of the Public Records of Miami Dade County, Florida, excepting there from that part of said Lot 4 described as follows:

Begin at the Northeast of Lot 4, of Block 1 of FISHER'S FIRST SUB DIVISION OF ALTON BEACH, according to the Plat thereof, as recorded in Plat Book 2, at Page 77, of the Public Records of Miami-Dade County, Florida; thence run Southerly along the Easterly line of said Lot 4 a distance of 10.14 feet; thence Westerly parallel to the Northerly line of said Lot 4 a distance of 75 feet; thence Northerly parallel to the Easterly line of said Lot 4 a distance of 10.14 feet to a point on the Northerly line of said Lot 4, said point being 75 feet Westerly from the Point of Beginning; thence Easterly along the Northerly line of said Lot 4 a distance of 75 feet to the Point of Beginning.

TOGETHER WITH Parcel "B":

A portion of the 30 foot wide right-of-way as shown on said FISHER'S FIRST SUB DIVISION OF ALTON BEACH, according to the plat there of, as recorded in Plat Book 2 at Page 77 of said Public Records of Miami Dade County, Florida, said 30 foot right-of-way vacated referred in O.R.B. 22398, at Page 1784 of said Public Records, said right-of-way adjoins the East line of said Lots 3 and 4 and bounded on the North by the Easterly extension of the Eastern most North line of said Parcel I as described above and produced Easterly and bounded on the South by the Easterly extension of the South line of said Lot 3.

TOGETHER WITH Parcel "C":

A Parcel of land which adjoins the East line of said 30 foot wide vacated right-of-way referred in O.R.B. 22398, at Page 1784 of said Public Records and bounded on the North by the Easterly extension of the Eastern most North line of said Parcel I as described above and bounded on the South by the Easterly extension of the South line of said Lot 3 and bounded on the East by the Erosion Control Line as recorded in Plat Book 105 at Page 62 of said Public Records of Miami Dade County, Florida.

ALL OF THE ABOVE being more particularly described as follows:

Begin at the Northwest corner of said Lot 11, said point lying on the Easterly right-of-way line of Collins Avenue, also known as State Road A-1-A; thence North 88°04'53" East along the North line of said Lots 11 and 4 for 325.00 feet to a point on said North line of Lot 4 being 75.00 feet Westerly from the Northeast corner of said Lot 4, as measured along said North line; thence South 07°34'45" West along a line parallel with the Easterly line of said Lot 4 for 10.14 feet; thence North 88°04'53" East along a line parallel with the Northerly line of said Lot 4 and the Easterly extension thereof for 324.48 feet to a point on the Erosion Control Line as recorded in Plat Book 105, Page 62 of said Public Records of Miami-Dade County, Florida; thence South 09°22'27" West along said Erosion Control Line for 91.61 feet; thence South 88°04'53" West along the South line of said lots 3 and 12 and the Easterly extension thereof for 646.57 feet to a point on said Easterly right-of-way line of Collins Avenue, also known as State Road A-1-A; thence North 07°34'45" East along said Easterly right-of-way line for 101.23 feet to the Point of Beginning.