

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: **PB 0416-0007, f.k.a. PB File No. 2332. 835-855 Alton Road.**

The applicant, DIT Global Inc., is requesting Conditional Use approval for a change of use from a residential building to a Neighborhood Impact Establishment with an occupant content of 300 or more persons, pursuant to Chapter 118, Article IV, and Chapter 142, Article V of the City Code.

RECOMMENDATION

Approval with conditions.

BACKGROUND

April 8, 2014

The Historic Preservation Board (HPB) granted a Certificate of Appropriateness for the partial demolition and renovation of the existing one (1) and two (2) story apartment complex including the new courtyard plan, as part of a new restaurant development (File No. 7423).

December 8, 2015

The HPB granted a one (1) year extension of time for the previously approved application (File No. 7423).

June 28, 2016

The application for Conditional Use approval came before the Board on June 28, 2016, and was continued to a date certain of July 26, 2016, in order to address concerns raised by the Board and to address transportation concerns.

EXISTING STRUCTURES

Local Historic District:	Flamingo Park
Status:	Contributing
Original Construction Date:	1940
Original Architect:	Anton Skislewicz

ZONING/SITE DATA

Future Land Use: CD-2, Commercial, Medium Intensity

Zoning: CD-2, Commercial, Medium Intensity

Legal Description: Lots 9 and 10 of Block 122 of the Lenox Manor Subdivision, according to the plat thereof, as recorded in Plat Book 7 at page 15 of the public records of Miami-Dade County, Florida.

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

North: Restaurant and retail uses
South: Residential uses
East: Residential uses
West: Alcoholic beverage establishment and surface parking lot

THE PROJECT

The applicant is proposing to adaptively reuse the existing residential structures on the site, known as the Phyllis Gardens Apartments, as a new commercial restaurant development.

The applicant has submitted plans entitled "Alton Rd Restaurants & Patio", as prepared by Jose Valero Drafting Services Inc., dated March 31, 2016. The proposed project has a total of 362 seats and an occupant content of approximately 847 persons as represented by the applicant.

The Letter of Intent (LOI) states that the project would have background music played at a volume that would not interfere with a normal conversation.

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.**

Partially 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. Kimley-Horn and Associates, Inc. was retained by the applicant to conduct a Traffic Impact Analysis and a Valet Operations Analysis. The Traffic Impact Analysis and a Valet Operations Analysis are included in the Board packages. FTE, Inc. was selected by the City and paid by the applicant to conduct a peer review. FTE indicated in the peer review memo that a condition be incorporated into the final order to address any outstanding transportation issues (see attached).

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

Consistent—Neighborhood Impact Establishments (NIE's) 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 is recommending measures so that any resulting adverse impact is mitigated.

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

Consistent—The project does not have any off-street parking requirements due to the year of construction of the buildings on site and because they are contributing structures in a local historic district. However, operationally, the applicant proposes to valet park vehicles with storage at an off-site parking garage. See the recommendations for the number of valet attendants in the Valet Operations Analysis prepared by Kimley-Horn and Associates, Inc.

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

Consistent—Staff is recommending 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.

Consistent—There is not a geographic concentration of similar types of conditional uses on this section of Alton Road.

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 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 the proposed operation of the venue. Also, see analysis in this report.

(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 would offer valet parking with the storage of vehicles in an off-site garage. See the LOI and the Valet Operations Analysis prepared by Kimley-Horn and Associates, Inc. for the full description of the valet operation. FTE indicated in the peer review memo that a condition be incorporated into the final order to address any outstanding issues with the valet operation (see attached).

(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 represents that the courtyard area is large enough to accommodate any guests queuing on the property and that restaurant staff will help prevent any queuing on the public sidewalk.

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

The applicant proposes to have security cameras and employ security personnel during the hours of operation of the restaurant. See the submitted operations plan contained in the Board packages for more details.

(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

See the attached Traffic Impact Analysis prepared by Kimley-Horn and Associates, Inc. for the full details. FTE indicated in the peer review memo that a condition be incorporated into the final order to address any outstanding traffic issues (see attached).

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

The applicant proposes that sanitation pick-up would take place on northeastern corner of the property facing 9th Street in the same location used today by the apartment building. The collection of waste and recyclables are proposed to take place daily and are from an air-conditioned trash room. See the architectural drawings for the exact location shown on Page A-1.

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

The Letter of Intent (LOI) only proposes background music played at a volume that would not interfere with a normal conversation, therefore a sound study was not required.

(8) Proximity of proposed establishment to residential uses.

The proposed venue is surrounded on two sides by residential uses except on the north which is a low-scale shopping center with restaurant and retail uses and the west side which contains a bar and a surface parking lot. Due to the proximity to residential uses, staff is recommending conditions to mitigate any potential negative impacts from the operations of this proposed project on surrounding properties.

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

Staff is recommending conditions to mitigate any adverse impacts from traffic, noise, and other issues on the surrounding neighbors.

STAFF ANALYSIS

Operation

The subject restaurant proposes a total of approximately 362 seats and 847 occupants. The main entry to the venue faces Alton Road and there are approximately 32 seats proposed on private property in front of the courtyard area along Alton Road. All the other outdoor seating is proposed for the courtyard area situated in the center of the property buffered on three sides by the structures on the site. The total of outdoor seating proposed is 136 seats out of the total of 362 seats.

The LOI describes the requested hours as Sunday–Thursday closing at 1:00 AM and Friday and Saturday closing at 2:00 AM for the indoors and Sunday–Thursday closing at 11:00 AM and Friday and Saturday closing at 12:00 AM for the outdoor areas.

Sound

The Letter of Intent (LOI) proposes background music played at a volume that would not interfere with a normal conversation therefore a sound study was not required.

Sanitation and Deliveries

Waste and recycling collection and deliveries would take place from the northeastern corner of the property facing 9th Street in the same location used today by the apartment building. The collection of waste and recyclables are proposed to take place daily and are from an air-conditioned trash room. See the architectural drawings for the exact location shown on Page A-1.

Deliveries are proposed from a future loading zone on 9th Street at the north east corner. Both sanitation and deliveries are proposed between the hours of 7:00 AM and 5:00 PM.

Parking

For the adaptive re-use of an existing structure built prior to October 1, 1993 and the outdoor café associated with structures that are contributing within a local historic district, there is not an off-street parking requirement. However, operationally, the venue plans to offer valet parking with storage in a nearby parking garage. See the LOI and the recommendations for the number of valet attendants in the Valet Operations Analysis prepared by Kimley-Horn and Associates, Inc.

The submitted plans show 42 bicycle parking spaces for employees and visitors. Six (6) of the bicycle spaces are for long term parking, presumably for employees. Staff is recommending a condition to ensure that the bicycle parking shall be provided on the building permit plans.

Traffic

The Traffic Study prepared by Kimley-Horn indicates that the project is anticipated to generate 78 valet trips during the weekday PM peak hour and 87 valet trips during the weekend (Saturday) peak hour. Valet parking is proposed from 9th Street, with valet parking located in the Fifth and Alton parking garage. During peak hours, 12 valet attendants would be required, and during typical demand conditions, four valet attendants would be required. The Traffic Impact Analysis and a Valet Operations Analysis are included in the Board packages.

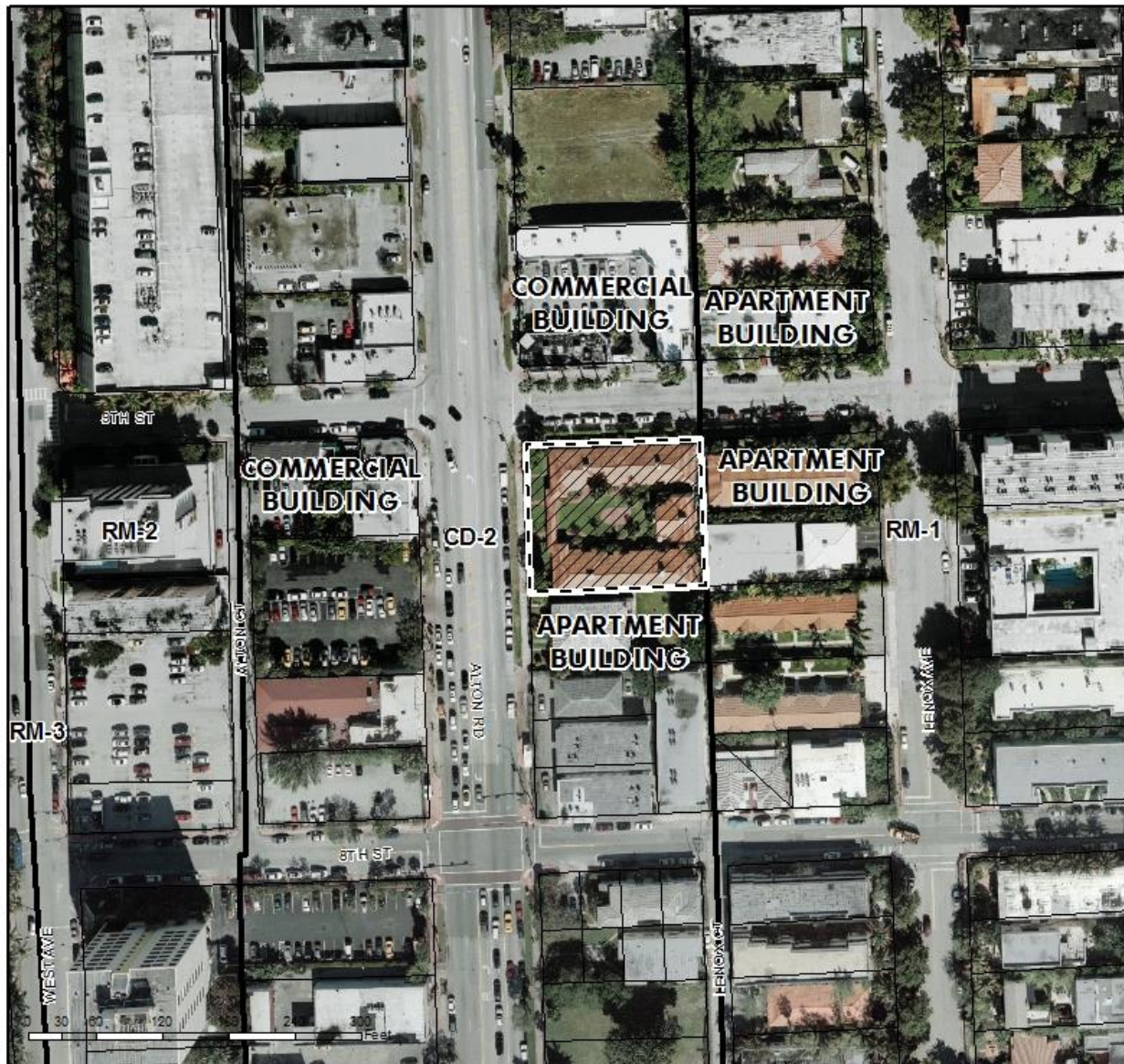
FTE, Inc. was selected by the City and paid by the applicant to conduct a peer review. FTE indicated in the peer review memo that a condition be incorporated into the final order to address any outstanding issues with the valet operation (see attached).

STAFF RECOMMENDATION

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

TRM/MAB/TUI

ZONING SITE MAP



City of Miami Beach Planning Board
PB 0416-0007, f.k.a., File No. 2332
835-855 Alton Road.



The applicant, DIT Global Inc., is requesting Conditional Use Approval for a change of use from a residential building to a Neighborhood Impact Establishment with an occupancy exceeding 299 persons, pursuant to Section 118, Article IV and Section 142, Article V of the City Code.

MIAMI BEACH
PLANNING DEPARTMENT

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