

MIAMIBEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: Nov 15, 2016

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB 16-0051. 929 Alton Road - CUP for a + 50,000 SF development**

REQUEST

The applicant, Alton Sobe, LLC, is requesting Conditional Use approval for the construction of a new 4-story commercial development exceeding 50,000 square feet, including a parking garage, pursuant to Chapter 142, Article II and Chapter 118, Article IV of the City Code.

RECOMMENDATION

Approval with conditions

HISTORY:

A similar application was approved by the Board on February 25, 2014 for Conditional Use approval of a mixed-use project with mechanical lifts (Planning Board File 2130). A full building permit was never obtained for that project. Although similar in design to the prior project, the mechanical lifts and the residential units are no longer part of the current proposal.

On September 27, 2016, the application was continued as requested by the applicant to allow time to meet with the Flamingo Park neighborhood association.

ZONING / SITE DATA

Future Land Use: Medium Intensity Commercial Category (CD-2)

Zoning: CD-2 Commercial, Medium Intensity District

Legal Description: Lots 9 and 10, Block 123 "Lenox Manor", according to the Plat thereof recorded in Plat Book 7, page 15 of the Public Records of Miami-Dade County, Florida.

Surrounding Uses: See Zoning/Site map at the end of this report.
North: Commercial Office (Miami AD School)
South: Commercial Strip Mall
East: Multifamily and Single Family
West: Commercial

Lot Size: 20,000 SF

Maximum FAR: 1.5 – 30,000 SF

Proposed FAR: 29,566 (68,606 Total Gross Area as represented by the applicant)

Maximum Height: 50'-0"

Proposed Height: 50'-0" from BFE+6"

Proposed Uses:

Retail:	10,248 SF
Parking:	82 Spaces
Office:	11,062 SF

THE PROJECT

The applicant has submitted plans entitled "Mixed-Use Building", as prepared by IDEA International Design, dated 08-03-16. Although labeled 'mixed-use', the project is not classified as such because there are no residential or hotel units. The proposal consist of a new 5-story commercial development with a ground floor commercial space, 3 split levels of parking and office space on the top level. Because the gross area of the building exceeds 50,000 SF, Conditional Use Approval from the Board is required prior to the review of the Historic Preservation Board. Additionally, the applicant will be requesting a variance to waive the requirement for off-street loading spaces. Based upon the proposed program, three (3) loading spaces are required.

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 use is consistent with the City's 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 – Caltran Engineering Group Inc, 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. The peer reviewer submitted comments to the applicant; See separate memo from the peer reviewer and memo from the Transportation Department.

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

Inconsistent – As currently proposed, the project will require a variance from the loading zone requirements. Three (3) loading spaces are required on site, and the applicant is proposing to place a loading zone along Alton Road. The prior application for a mixed-use project did receive a variance in order to place the required loading space on Alton Road.

This 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 project should not adversely affect the general welfare of nearby residents if traffic and noise concerns are controlled. Staff is recommend conditions to mitigate adverse impacts.

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

Consistent – The project will provide all of the required parking on site.

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

Consistent - The proposed project is not expected to adversely affect surrounding values; however, staff is recommending conditions to provide further safeguards.

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 – The proposed use is a typically permitted use in the CD-2 zoning district. The Conditional Use Permit is required because the scale of building exceeds 50,000 square feet. The immediate area is already characterized by a predominance of commercial structures along Alton Road; therefore, the proposed project is not expected to create any negative impact on the surrounding neighborhood due to a concentration of uses.

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.

Partially Consistent –. The applicant's letter of intent indicates that the office use will be in operation during the day, roughly from 8:00 AM to 6:00pm, and this use is compatible with the activities of the neighborhood, and should not have an adverse impact. After Business hours the parking dedicated to the office space will be made available to the community. Commercial tenants for the building have not yet been determined.

Staff is recommending additional conditions regarding the operations to minimize the impact to surrounding residents.

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.**

Consistent – The applicant will be requesting a variance to waive the required on-site loading zones, and is proposing to utilize on-street loading in its place. See Delivery and Sanitation Analysis.

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 project is compatible with the surrounding area. The height of the building adjacent the abutting RM-1 (low intensity residential) district, has been limited to three (3) stories with a required rear setback of 25 feet, with the massing of the upper two (2) floors located farther to the east with a required rear setback of 60 feet conforming with the Alton Road Historic District Buffer Overlay. When the applicant goes before the Historic Preservation Board, the scale, massing, and compatibility issues will be further reviewed.

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.**

Consistent – The proposed 82 spaces would satisfy required parking. In addition, the Traffic Study provides an analysis of parking operations.

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 ground floor commercial uses would be from the public sidewalks along Alton Road.

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.**

Partially Consistent – The letter of intent indicates that there will be video cameras monitoring the entire premises. Staff is recommending conditions to ensure the security of patrons and surrounding areas, including an access gate for the proposed passageway along the south side of the property.

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.

Caltran Engineering Group Inc, 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. The peer reviewer submitted comments to the applicant; See separate memo from the peer reviewer, and memo 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.**

Partially Consistent – The letter of intent indicates that all deliveries will be done from Alton Road, so the applicant does not anticipate any significant noise from these operations to the residential neighborhood located to the east of the property. Staff is recommending conditions to help reduce any potential impact from noise.

- 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.**

Partially Consistent – The plans provided do indicate a trash room adjacent to the lobby area at the north side of the property, and the letter of intent indicates that the trash will be taken from the trash room through the lobby opening up to Alton Road for curb side collection. The detailed operations of this facility have not been provided.

- 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 scale of the project is compatible with the surrounding area. The height of the building adjacent the abutting RM-1 (low intensity residential) district, has been limited to three (3) stories with a required rear setback of 25 feet, with the massing of the upper two (2) floors located farther to the east with a required rear setback of 60 feet conforming to the Alton Road Historic District Buffer Overlay, however detailed operations of the commercial uses and parking facility are required in order to ensure any adverse impacts are identified and addressed. Staff is recommending conditions to minimize that potential.

- 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 CD-2 zoning district permits development such as that proposed. While there are other residential and commercial uses in the surrounding vicinity, no negative impacts from a cumulative effect are expected, provided sufficient safeguards are put in place.

ANALYSIS

Project Description

It is important to note that the subject site, zoned CD-2, is located on the east side of Alton Road, within the westward portion of the Flamingo Park Local Historic District. A completely unrelated mixed-use development on the subject site was initially reviewed and approved by the

Design Review Board (prior to the expansion of the Historic District) on February 7, 2006 (DRB File No. 18871). One of the goals in expanding the Flamingo Park Historic District was to protect the character of the adjacent National Register Historic District as well as the historically significant properties along this stretch of Alton Road. It should be noted that in most areas of the City, commercial zoning districts are separated from residential districts by a street or an alley.

In this particular stretch of Alton Road, there is no alley separating the rear of the commercial properties from the abutting RM-1 residential zoning district. Further, as the RM-1 district also includes historic single family homes, one of the concerns is the compatibility of commercial uses to the residential areas that are in close proximity, as well as the traffic, parking and the noise that may be generated by such uses along Alton Road. Although it was never constructed, concerns with the 2006 plans for this site led to the proposal for an Alton Road historic Buffer Overlay District.

The applicant is proposing to construct a five (5) story commercial development on the subject site, with a ground floor commercial space of 10,248 SF, 3 split levels of parking and 11,062 SF office space in the top level. No active use is proposed for the upper roof. Because the gross area of the building exceeds 50,000 SF, Conditional Use Approval from the Board is required prior to the review of the Historic Preservation Board.

Although the project proposed as part of this current application does comply with the setback requirements outlined in the Ordinance, staff is concerned with the open parking deck proposed at the rear of the site on the third level. This area contains 13 spaces open to the sky along the eastern side of the building. The prior application for a mixed-use project included private terraces at this level along with perimeter landscaping. Even with that plan, the Board and neighbors expressed concerns with possible noise issues arising from these roof-top terraces. In order to minimize impacts from light and noise from this open parking deck on to the adjacent homes to the east, staff recommends that the 13 eastern parking spaces be removed, and replaced with a passive green roof. The drive aisle and parking located to the east side of these 13 spaces would remain.

Staff believes this additional landscaping is also warranted due to the reduced area of landscaping provided at the ground level caused by a 10 foot wide concrete path adjacent to the building which provides access to the FPL Vault and generator room. Further, staff is also recommending that at least 50% of the main roof-top deck be designed as a passive green roof.

Traffic and Circulation

Caltran Engineering Group Inc, 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. The peer reviewer submitted comments to the applicant; See separate memo from the peer reviewer and the Transportation Department.

Parking and Access

The proposed project is part of Parking District No. 6. The proposed garage contains 82 parking spaces. 63 spaces are required and the surplus parking located in a covered portion of the garage has been included in the FAR calculations. (Seven spaces per FAR diagrams)

The retail bays will be directly accessible from the sidewalk along Alton Road. Additionally, the parking garage and offices will have pedestrian access on the ground floor from the elevator lobby located on the north side of the property facing Alton Road.

Additionally, the project is proposing bike (6) six racks on the ground floor in the rear of the building. Staff recommends that this parking be relocated to a more visible location within the building envelope, in addition to providing bicycle parking for the public at the front of the building.

Delivery and Sanitation

A trash room is proposed at the north side of the property, the trash will be taken from the trash room through the lobby opening up to Alton Road for curb side collection.

Deliveries to the commercial uses would also take place within this on-street loading zone on Alton Road. The applicant will be requesting a variance to waive the required on-site loading spaces.

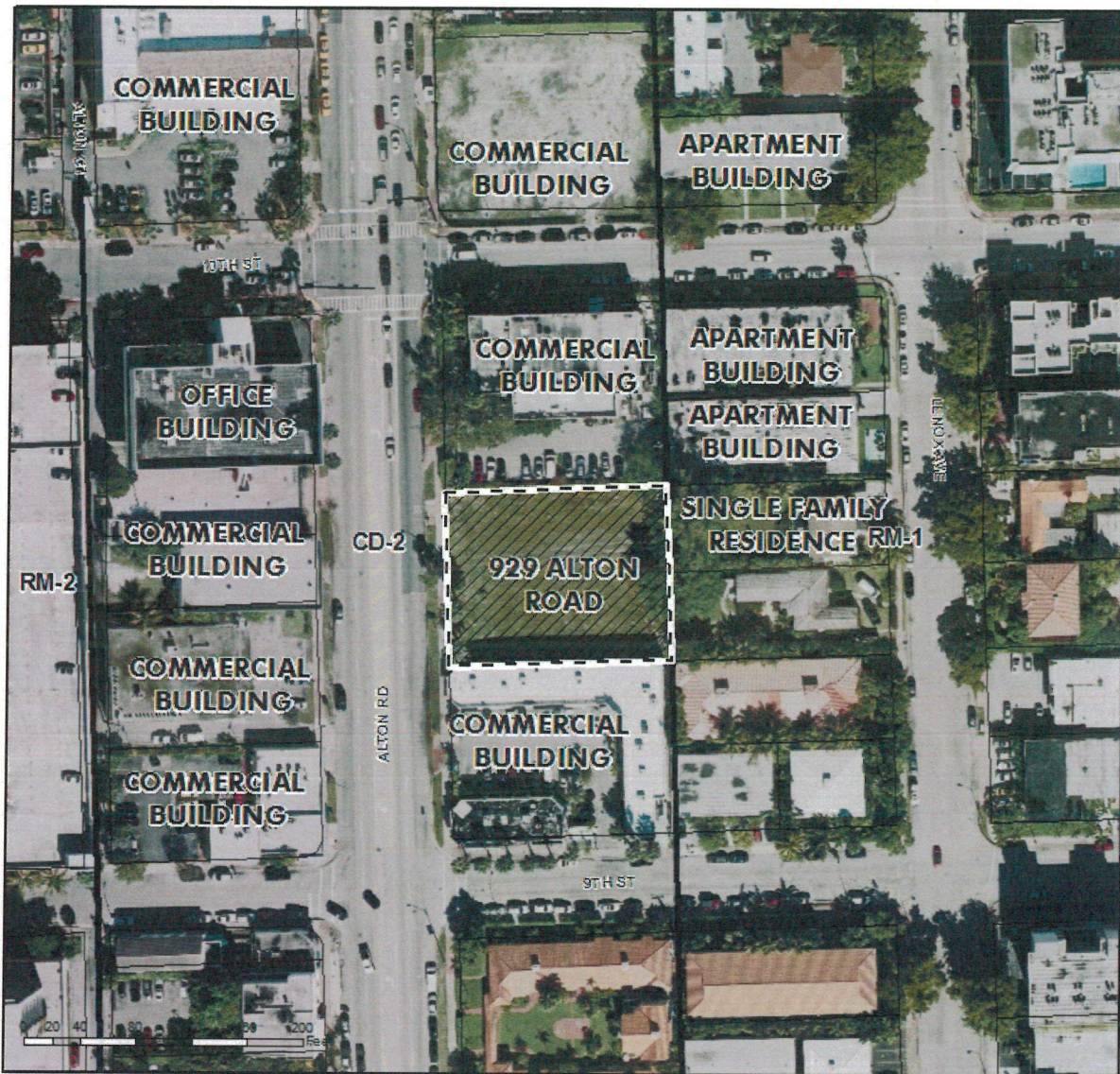
There are no details of which company is going to do the waste collection and hours and days for trash pickup.

STAFF RECOMMENDATION

In view of the foregoing analysis, staff recommends that the application be approved subject to the conditions enumerated in the attached draft Order.

TRM/MAB/AG

ZONING SITE MAP



City of Miami Beach Planning Board
File No. PB 16-0051
929 Alton Road



The applicant, Alton Sobe, LLC, is requesting Conditional Use approval for the construction of a new 4-story commercial development exceeding 50,000 square feet, including a parking garage, pursuant to Chapter 142, Article II and Chapter 118, Article IV of the City Code.

MIAMI BEACH
PLANNING DEPARTMENT

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

PROPERTY: 929 Alton Road

FILE NO. PB0616-0051

IN RE: The application for a Conditional Use Permit for the construction of a new 4-story commercial development exceeding 50,000 square feet, including a parking garage, pursuant to Chapter 142, Article II and Chapter 118, Article IV of the City Code.

LEGAL DESCRIPTION: Lots 9 and 10, Block 123 "Lenox Manor", according to the Plat thereof recorded in Plat Book 7, page 15 of the Public Records of Miami-Dade County, Florida.

MEETING DATE: November 15, 2016

CONDITIONAL USE PERMIT

The applicant, Alton Sobe, LLC, filed an application with the Planning Board for a Conditional Use Permit pursuant to Chapter 142, Article II and Chapter 118, Article IV of the City Code. 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:

That the property in question is located in the CD-2, Commercial Medium Intensity zoning district;

That the use is consistent with the Comprehensive Plan for the area in which the property is located;

That 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;

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

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

That 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 recommendation, that a

Conditional Use Permit as requested and set forth above be GRANTED, subject to the following conditions to which the applicant has agreed:

1. This Conditional Use Permit is issued to Alton SoBe, LLC, to construct a five (5) story commercial project, inclusive of an accessory parking garage. Any proposed change to the uses approved in this Conditional Use shall require the review and approval of the Planning Board.
2. 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 first BTR, 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 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 owner 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.
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 subject parking garage shall consist of the minimum number of parking spaces to fully satisfy the parking requirements of the project, in accordance with the requirements of Parking District No. 6.
7. As part of the Building Permit plans for the project, the applicant shall submit revised architectural drawings, and landscape drawings, which shall be subject to the review and approval of staff; at a minimum, such plans shall satisfy the following:
 - a. At a minimum, 50% of the main roof area shall be designed to be a green roof inclusive of irrigation subject to the review and approval of staff.

- b. All parking spaces at the third level along the east side of the building shall be removed and replaced with a passive green roof, in a manner to be reviewed and approved by staff.
 - c. The width of concrete walkway in rear yard shall be reduced and landscape area increased, in a manner to be reviewed and approved by staff. The FPL vault room shall be relocated to the SE corner of the building in order to facilitate access and minimize the need for hardscape, in a manner to be reviewed and approved by staff.
 - d. Bike racks shall be located in the front of the building or within enclosed area of the building. Such bike racks shall be located within those areas of the property that are easily accessible, safe, and secure. The final design details, dimensions, location and quantity of exterior bike racks shall be subject to the review and approval of staff. Such plans shall also comply with all applicable regulations and requirements of the City Code.
 - e. An access gate for the proposed passageway along the south side of the property shall be provided, in order to secure the site, subject to the review and approval of staff.
8. The Applicant agrees to the following operational conditions for all permitted 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. The hours of operations for any commercial use shall not exceed the following:
 - Sunday – Thursday: 8 a.m. – 11:00 p.m.
 - Friday – Saturday and Holidays: 8 a.m. – 12:00 a.m.
 - b. Any off-site valet operation use shall require the review and approval of the Planning Board as a modification to this Conditional Use Permit.
 - c. Deliveries and pickups shall be managed to ensure no disruption of traffic on Alton Road and the surrounding neighborhood.
 - d. 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.
 - e. Adequate trash room space, air conditioned and noise baffled, and sufficient in size to accommodate enough dumpsters so that no more than one pick up of garbage per day will be necessary, 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.

- f. Commercial outdoor cooking anywhere on the premises is prohibited. Kitchen and other cooking odors will be contained within the premises. All commercial kitchens and other venting shall be chased to the highest roof and venting systems shall be employed as necessary to minimize or dissipate smoke, fumes and odors.
 - g. Equipment and supplies shall not be stored in areas visible from streets, alleys or nearby buildings.
 - h. The Operator shall be responsible for maintaining the areas adjacent to the facility, such as the sidewalks, curb and gutter on Commerce Street and around the perimeter of the property in excellent condition, keeping these areas in a clean condition, free of all refuse, at all times.
 - i. "Entertainment," as defined in the City Code shall be prohibited within the site, including the rooftop and any outdoor area.
 - j. No commercial uses shall be permitted to use any roof-top portions of the site.
 - k. Street flyers and handouts shall not be permitted, including handbills from third-party promotions.
 - l. The applicant shall obtain a Certificate of Occupancy or a Certificate of Completion prior to the issuance of a Business Tax Receipt.
 - m. The applicant shall satisfy outstanding liens and past due City bills, if any, as well as any outstanding code and building violations, including any fines, to the satisfaction of the City prior to the issuance of an occupational license to operate the proposed restaurant.
 - n. "In the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, subject to the review and approval of staff based upon the design review or appropriateness criteria, and/or directions received from the board."
9. The applicant shall address the following Concurrency and Parking 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. Prior to the issuance of a Building Permit, calculations for required parking for the project shall be determined by the Planning Department. A final determination for the required parking shall be conducted prior to the issuance of a Certificate of Occupancy or Business Tax Receipt, whichever comes first. If required, a one-time fee in lieu of providing the required parking on site or in combination with an annual fee, as determined by staff, shall be paid prior to the issuance of the Certificate of Occupancy.
- 10. The applicant, operator and/or owner, both now and in the future, shall abide by all the documents and statements submitted with this application, as well as all conditions of this Order.
 - 11. Any substantial modifications to the plans submitted and approved as part of this application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans.
 - 12. The applicant shall obtain a full building permit within 18 months from the date of the meeting, 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.
 - 13. The applicant shall resolve all outstanding violations and fines on the property, if any, prior to the issuance of a building permit for the project.
 - 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. Within a reasonable time after applicant's receipt of this Conditional Use Permit as signed and issued by the Planning Director, the applicant shall record it in the Public Records of Miami-Dade County at applicant's expense and then return the recorded instrument to the Planning Department. No building permit, certificate of use, certificate of occupancy, certificate of completion, or occupational license shall be issued until this requirement is satisfied.
 - 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.

- Dated this _____ day of _____, 2016.

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