

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

PROPERTY: 709, 721, & 745 Alton Road

FILE NO. PB 19-0309, aka File No 2151

IN RE: The applicant, Baptist Health South Florida, Inc., requested a modification of conditions for a previously issued Conditional Use Permit to expand medical related uses, pursuant to Section 118, Article IV of the City Code.

LEGAL DESCRIPTION: Lots 9, 10, 11, 12, 13, and 14, Block 106 of "OCEAN BEACH, FLA ADDITION NO. 3", according to the plat thereof as recorded in plat book 2, page 81 of the public records of Miami-Dade County, FL

MEETING DATE: September 24, 2019

MODIFIED CONDITIONAL USE PERMIT

The applicants, Baptist Health South Florida, Inc., requested a modification of conditions for a previously issued Conditional Use Permit for a modification of conditions to expand medical related uses, pursuant to Section 118, Article IV of the City Code. Notice of the request for a Conditional Use Permit modification 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 Ordinance;

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

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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 the modifications to the Conditional Use Permit as requested and set forth above be GRANTED, subject to the conditions below, which have been accepted by the applicants: Strikethrough denotes language stricken from the original Conditional Use Permit; underlining denotes new language:

1. This Modified Conditional Use Permit is issued to Alton Road Development, LLC to construct a 5-story building with retail/restaurant, office space, medical offices including an urgent care facility, a rooftop deck, and a self-park garage.
2. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. If deemed necessary, at the request of the Planning Director, the applicant shall appear before the Planning Board for a progress report. The applicant shall appear before the Planning Board for a progress report within six (6) months from the issuance of the BTR. The progress report shall include, but not be limited to, updated information on traffic conditions surrounding the site. 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, including traffic mitigation measures, 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 operator 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. Subsequent owners and operators shall be required to appear before the Board, in advance, to affirm their understanding of the conditions listed herein.
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. The applicant, now and in the future, shall abide by all the documents and statements submitted with this application.
6. The maximum floor area shall be limited to 63,500 square feet.
7. In addition to retail and/or restaurant uses, the operation of medical office and medical uses shall be permitted at the ground level, including, but not limited to an urgent care facility, ambulatory outpatient surgical center for gastroenterology procedures Class II medical uses as defined in Section 142-1253 only, rehabilitation center and diagnostics. Retail uses for the subject building exceeding 10,000 square feet per tenant shall require Conditional Use approval.

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8. Outdoor entertainment establishments, open air establishments, and neighborhood impact establishments shall be prohibited at the subject location.
9. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and elevation drawings and shall be screened from view, and include sound baffling, in a manner to be reviewed and approved by staff.

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.

10. The following shall apply to the operation of any medical uses within the facility:
 - a. The hours of operation shall be from 6:00 am until 11:00 pm, seven (7) days a week, or such lesser time as may be determined by the operator.
 - b. No overnight stays or boarding shall be permitted.
 - c. No emergency room, as defined by Florida Statutes, shall be allowed.
 - d. Patients shall not be brought to the facility by emergency vehicles.
 - e. ~~Gastroenterology shall be at~~ The only ambulatory surgical services permitted in the facility shall be Class II medical uses as defined in Section 142-1253.
 - f. A revised Operational Plan shall be submitted prior to the issuance of a building permit addressing the recommendations of the "Health Care Operational Plan Review for 709 Alton Road" report prepared by the Innova Group and dated July 17, 2015, subject to the review and approval of staff. At a minimum, such plan shall include the following:
 - i. updated delivery schedules including café food and beverage deliveries;
 - ii. more specific scheduling on frequency and timing for medical supplies and linen delivery and pick-up;
 - iii. more specific space planning to optimize flexibility for waste storage in the support services areas;
 - iv. scheduling for emergency generator testing;
 - v. additional facility security monitoring, including additional CCTV coverage for the building perimeter, staircase entrances and exits, and the elevator lobby.
11. The following shall apply to the operation of the entire facility:
 - a. Any change of use of the office space located above the ground floor to retail or restaurant use shall require the review and approval of the Planning Board as a modification to this Conditional Use Permit.

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- b. Commercial use and events or activities open to the general public shall be prohibited on the rooftop areas. This shall not prohibit the passive use of the rooftop by employees or customers of the commercial uses within the building.
- c. Special events shall not be permitted on the rooftop areas.
- d. The applicant shall submit to staff for review and approval a final delivery plan and waste removal plan, including days and hours of operation, prior to the issuance of a TCO or CO.
- e. 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.
- f. Adequate trash room space, air conditioned and noise baffled, shall be provided, in a manner to be approved by the Planning and Public Works Departments. Doors shall remain closed and secured when not in active use.
- g. Garbage pickups and service deliveries shall not take place earlier than 8:00 AM or later than 6:00 PM on weekdays.
- h. Delivery trucks shall only be permitted to park within the loading area in the ground floor loading spaces or the designated loading zone for the Property.
- i. Delivery trucks shall not be allowed to idle in the loading zone area adjacent to the alley or within the garage floor area.
- j. The garage shall be monitored by an on-site security staff 24 hours/day, 7 days/ week.
- k. No commercial use shall have music, whether live, recorded, amplified or non-amplified, which is played at a volume louder than ambient, background music (defined in the Code as volume that does not interfere with normal conversation).
- l. The rooftop deck shall be closed between 8:00 PM and 8:00 AM seven days a week.
- m. Except as may be required for fire or building code/Life Safety Code purposes, no speakers shall be affixed to or otherwise located on the exterior of the premises.
- n. In the event the Code Compliance Department receives complaints about 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.

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- o. Signage for the retail and café uses shall be located on the exterior of the building in a manner to be reviewed and approved by staff.
 - p. No less than 3000 SF of ground floor shall consist of retail uses open to the public which are visible from the street, including the café,
12. The following shall apply to access, traffic, parking, and concurrency:
- a. Access and configuration of the Alton road entrance to the garage shall be reviewed and approved by the Florida Department of Transportation (FDOT), in consultation with the Public Works Department, to ensure that access for traffic coming from the flyover satisfies FDOT driveway safety standards. This provision is subject to progress reports at the discretion of the Planning Board.
 - b. The vehicular exit along Lenox Court shall be modified to physically prevent vehicles from turning south in a manner to be reviewed and approved by staff.
 - c. Signage shall be required, subject to the review and approval of the Planning and Transportation Departments, to restrict vehicles from the following movements:
 - i. Turning left from the project driveway onto Alton Road.
 - ii. Turning right from the project driveway onto Lenox Court.
 - iii. Restricting left turns onto the site from Alton Road.
 - iv. Prohibiting southbound traffic along Lenox Court.
 - d. At least one additional exterior door shall be installed within the southern 150 feet of the Alton Road frontage.
 - e. As long as the majority of the building is utilized for medical purposes, the owner shall designate one hundred (100) spaces during weekdays, 9:00 AM to 5:00 PM, to be used solely by patients, customers and invitees of the businesses operating in the building. Such spaces shall be identified with appropriate signage. Employees of the facility shall be provided adequate parking either on site or by means of leased parking spaces adequate to meet the needs of such employees and staff in nearby parking facilities. Employees shall not be permitted to park in the designated spaces during such hours and days.
 - f. The headlights of cars in the garage shall not be visible to residents on the east side of Lenox Court from any parking level, in a manner to be reviewed and approved by staff.
 - g. Calculations for required parking and concurrency for the project shall be determined by the Planning Department prior to approval of a building permit.
 - h. The City's concurrency requirements can be achieved and satisfied through payment of mitigation fees or by entering into an enforceable development agreement with the

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- City. The Transportation and Concurrency Management Division shall make the determination of the project's fair-share mitigation cost. A final concurrency determination shall be conducted prior to the issuance of a Building Permit. Mitigation fees and concurrency administrative costs shall be paid prior to the project receiving any Building Permit. Without exception, all concurrency fees shall be paid prior to the issuance of a Temporary Certificate of Occupancy or Certificate of Occupancy.
- i. The applicant shall obtain final approval from the Public Works Department on the proposed traffic circulation onto Lenox Court from and to the project site before the issuance of a Building Permit. This shall include any input from the Parking Department on the proposed five loading spaces contiguous to the site on Lenox Court.
 - j. The applicant shall submit an MOT (Maintenance of Traffic) to the 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.
- 13. The width of the sidewalk shall be expanded to the back side of curb in order to provide a total 10' wide sidewalk facing 7th Street. Small canopy shade trees shall be provided in tree pits with a maximum spacing of 18' o.c. which shall include the standard City of Miami Beach tree grate system. At a minimum, the tree grate system shall include: bound aggregate, landscape up-lighting (two fixtures per tree), and root wells with irrigation. The selected tree species shall be salt tolerant and preferably native subject to the review and approval of Planning staff, and Public Works Greenspace Division.
 - 14. A solid plywood construction fence with an artistic graphic surrounding the entire property, subject to the review and approval of staff, shall be required prior to the issuance of a full Building Permit for the project.
 - 15. The applicant shall comply with all the conditions in the HPB Final Order No. 7395.
 - 16. The applicant shall satisfy outstanding liens and past due City bills, if any, to the satisfaction of the City prior to the issuance of an occupational license to operate this entertainment establishment.
 - 17. 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.
 - 18. 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.

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19. The executed Modified Conditional Use Permit shall be recorded in the Public Records of Miami-Dade County, Florida, at the expense of the applicant, and returned to the Planning Department. No building permit, certificate of occupancy, or certificate of completion shall be issued until this requirement has been satisfied.
20. 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.
21. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

Dated this 26th day of September, 2019.

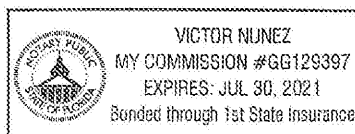
PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: Michael Belush
Michael Belush, Chief of Planning and Zoning
For Chairman

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 26 day of September, 2019, by Michael Belush, Planning and Zoning Manager of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

[NOTARIAL SEAL]



Notary:

Print Name: Victor Nunez

Notary Public, State of Florida

My Commission Expires: July 30, 2021Commission Number: 66129397

Approved As To Form:
Legal Department

Nick Kallergis 9/24/2019

Filed with the Clerk of the Planning Board on Jessie G. Gentry (9/27/19)

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