

# MIAMI BEACH

## PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members  
Planning Board

DATE: Sept 27, 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.

### **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:**

<b>Retail:</b>	10,248 SF
<b>Parking:</b>	82 Spaces
<b>Office:</b>	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 mix-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.

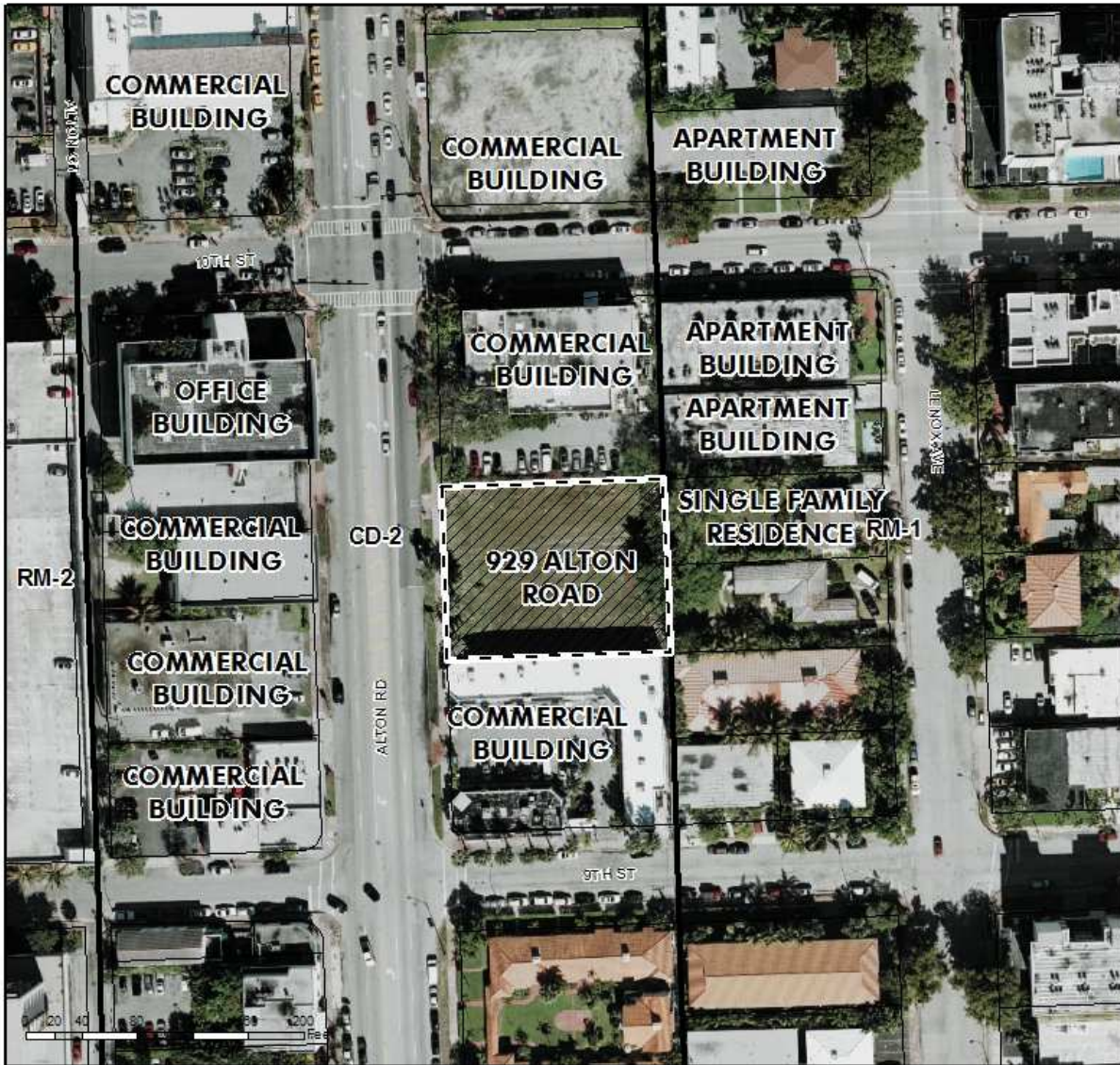
There are no details of which company is going to do the waste collection and hours and days for trash pickup.

### **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.

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