

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Planning Board

TO: Chairperson and Members  
Planning Board

DATE: January 26, 2016

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **File No. 2293. 1824 Alton Road**

The applicant, Saber 1800, LLC., is requesting Conditional Use approval for the construction of a new commercial building exceeding 50,000 square feet including a parking garage and a restaurant with an occupant content exceeding 100 persons, pursuant to Chapter 118, Article IV and Chapter 142 Article II of the City Code.

#### RECOMMENDATION

Continuance to February 23, 2016

#### ZONING / SITE DATA

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

**Zoning:** CD-2 – Commercial, Medium Intensity District

**Legal Description:** Lots 1, 2 and 3 of Block 12, of "Island View Subdivision", according to the Plat thereof, as recorded in Plat Book 6, page 115 of the public records of Miami-Dade County, Florida.

**Land Uses:** See Zoning/Site map at the end of this report.  
North: Commercial  
South: Vacant Land/Commercial  
East: Commercial  
West: Commercial

**Lot Size:** 24,000 SF

**Maximum FAR:** 1.5 or 2.0 for mixed-use projects

**Proposed FAR:** 1.5 – 35,861 SF Total Area as represented by the applicant

**Maximum Height:** 50'-0" / 5 stories

**Proposed Height:** 50'-0" / 4 stories

#### **Proposed Uses:**

<b>Restaurant:</b>	160 Seats/5,480 SF
<b>Retail:</b>	27,011 SF
<b>Parking:</b>	130 Spaces

### **THE PROJECT**

The applicant has submitted revised plans entitled "1824 Alton", as prepared by Kobi Karp Architecture and Interior Design, dated October 28, 2015. The proposal consists of a new 4-story, commercial building with a 160 seat/5,480 SF restaurant; 11,561 SF of ground floor retail use; 15,450 SF of second floor retail use; and 130 parking spaces on the upper levels.

An application has been filed with the Design Review Board, which is on hold, pending the review of the Planning Board.

### **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. The CD-2 future land use category allows new retail structures exceeding 50,000 SF and restaurants exceeding 100-person content as a Conditional Use.

*Uses which may be Permitted: Various types of commercial uses including business and professional offices, retail sales and service establishments, **eating and drinking establishments**; apartment residential uses; apartment hotels; and **hotels**.*

*Other uses which may be permitted are accessory uses specifically authorized in this land use category, as described in the Land Development Regulations, which are required to be subordinate to the main use; and **conditional uses specifically authorized in this land use category, as described in the Land Development Regulations**, which are required to go through a public hearing process as prescribed in the Land Development Regulations of the Code of the City of Miami Beach.*

- 2. 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**

**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. TrafTech Engineering, 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. However, as of the writing of this report the traffic study has not been finalized.

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

**Partially Consistent** – The proposed project appears to meet most zoning regulations with the exception of minimum parking and loading requirements. These aspects must be revised prior to obtaining a building permit. In addition, the project is seeking a Variance for the minimum rear setback. These comments shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

**4. Public health, safety, morals and general welfare will not be adversely affected.**

**Partially Consistent** – The proposed project may adversely affect the general welfare of nearby residents and businesses if delivery, waste removal, and other operations are not controlled. Staff is recommending conditions to mitigate the potential negative impacts. The entire project would have to comply with all applicable laws and regulations in order to obtain a building permit.

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

**Partially Consistent** – The proposed project is a commercial building outside of an historic district and must provide required parking for all the proposed uses. Staff review indicates that the proposed plans are deficient by one (1) space. However, because the property is in Parking District 5, some of the establishments may be eligible for a removal of minimum parking requirements. In addition, it is expected that many patrons will arrive by bicycle or on foot due to its proximity to residential areas.

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

**Partially Consistent** – Staff is recommending conditions to try to mitigate any adverse impacts on the surrounding neighbors.

**7. The concentration of similar types of uses will not create a negative impact on the surrounding neighborhood. Geographic concentration of similar types of conditional uses should be discouraged.**

**Consistent** – The proposed uses for the project are permitted in the CD-2 zoning district. While there are other buildings, both built and proposed, over 50,000 SF, and other large restaurants in the vicinity, no adverse impacts are expected from the geographic concentration of such uses if the impacts are properly controlled.

**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.**

**Consistent** – The proposed uses are for retail and a restaurant. The operations plan indicates that tenants have not yet been selected, and that it may therefore be amended at a later date. It indicates that the retail will be expected to close by 11:00 PM on Sunday through Thursday and by 12:00 AM on Friday and Saturday. The plan also indicates that the restaurant is expected to close by 2:00 AM on Sunday through Thursday and 5:00 AM on Friday and Saturday. The plan indicates that it is not possible to determine the staffing levels for the retail space and restaurant; however it estimates that the restaurant will require no less than ten (10) staff members. The plan also expects that the Fire Department

will allow a total occupant load of approximately 191 persons. The proposed uses are permissible in the CD-2 zoning district. The uses are compatible with the surrounding neighborhood. See the Project Description and Operations Analysis.

- 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 plans show a loading and trash collection area from a loading area that is contained within the building. The loading area as accessed from 18<sup>th</sup> Street. The designated area would be able to accommodate two (2) trucks of all sizes within the building envelope. However, a review of the plans indicates that based on the scale of proposed uses that a minimum of three (3) loading spaces are required pursuant to the land development regulations. Plans will have to indicate compliance with the loading requirements prior to obtaining a building permit. Staff is recommending conditions relative to the servicing of the proposed uses. 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.**

**Partially Consistent** – The scale of the proposed project is compatible with nearby buildings and CD-2 zoning district allowable development. Staff is recommending conditions to minimize potential adverse impacts.

- 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.**

**Partially Consistent** – The proposed 130 spaces is short of providing the required parking for the development by one (1) space. However, the development is in Parking District 5, so some of the commercial uses may be eligible for removal of the minimum parking requirement. The applicant must provide plans that indicate the required parking is being met prior to obtaining a building permit. See Parking Analysis.

- 5. Whether an indoor and outdoor customer circulation plan has been provided that facilitates ingress and egress to the site and structure.**

**Consistent** – Pedestrians entering the property will have access directly from the public sidewalk along Alton Road and 18<sup>th</sup> Street. Customers arriving in automobiles will be able to access the businesses directly from the parking garage. See Parking and Access Analysis.

- 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 applicant proposes to provide a security camera on-site and ample lighting. Staff is recommending conditions to provide for additional safety to businesses and users of the building.

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.**

Traf Tech Engineering, 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. However, as of the writing of this report, the traffic study and review have not been finalized.

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.**

**Consistent** – The parking and loading is located within the structure, so the applicant does not anticipate any significant noise from it. Additionally, all primary uses will be contained inside of the building; therefore, sound is not expected to permeate outside. Notwithstanding, 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 Applicant indicates that trash would be transported through an interior corridor to an internal trash collection area. They would contract with a waste collection company. Trash pick-up would occur via the trash and loading area contained within the building along the 18<sup>th</sup> Street frontage. They expect that trash collection will not occur less than three (3) times per week. See Delivery and Sanitation Analysis.

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 no adverse impacts are expected due to proximity of similar sized structure. No adverse impacts are expected on residential uses since the structure is buffered from residential uses by other commercial buildings. Notwithstanding, staff is recommending conditions to help reduce any potential impact.

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 buildings of this scale in the surrounding vicinity, no negative impacts from a cumulative effect are expected. Notwithstanding, staff is recommending conditions to help reduce any potential impact.

## **ANALYSIS**

### **Project Description and Operations**

The 4-story commercial building with 32,491 SF of commercial uses and 130 accessory parking spaces is proposed to be built on a site that presently contains a Chevron gas station. The proposed commercial uses include a 160 seat/5,480 SF restaurant on the ground floor. The remaining 27,011 SF would be for retail use. The retail uses would be split with 11,561 SF located

on the ground floor and 15,450 located on the second floor. The parking will be located on the third floor through the rooftop. The gross square footage of the project is 109,368 SF.

The proposed uses are for retail and a restaurant. The operations plan indicates that tenants have not yet been selected, and that it may therefore be amended at a later date. It indicates that the retail is expected to close by 11:00 PM on Sunday through Thursday and by 12:00 AM on Friday and Saturday. The plan also indicates that the restaurant is expected to close by 2:00 AM on Sunday through Thursday and 5:00 AM on Friday and Saturday. The plan indicates that it is not possible to determine the staffing levels for the retail space and restaurant; however it estimates that the restaurant will require no less than ten (10) staff members. The plan also expects that the Fire Department will allow a total occupant load of approximately 191 persons. The uses are permissible in the CD-2 zoning district and are compatible with the surrounding neighborhood. However, staff is recommending conditions to further minimize the impacts as outlined in the recommendation for approval.

### **Parking and Access**

Ingress and egress into the parking garage would be from 18<sup>th</sup> Street. The proposed ramp would be located at the western end of the building.

According to the plans submitted by the applicant, parking would be located on levels 3, 4, and the rooftop. The total number of parking spaces proposed is 130. According to the applicant, the required parking for the proposed uses is 130 spaces. However staff review indicates that 131 spaces would be required. As a result, prior to obtaining a building permit, the applicant would have the option to provide an additional space, slightly reduce the retail floor area or restaurant seats. Additionally, since the project is located in Parking District 5, some of the individual establishments of the project may be eligible for a the removal of minimum parking requirements; however, if this reduction is applied, it may affect the Floor Area Ratio (FAR) of the project due to the potential of surplus parking counting against the allowable floor area. The breakdown of the location of parking spaces according to the submitted plans is as follows: Level 3: 40 spaces; Level 4: 43 spaces; and Rooftop: 47 spaces.

The proposed parking plan would provide a net increase of 120 spaces over the existing 10-space surface lot. The applicant proposes a self-parking operation, and in addition, 42 bicycle parking spaces will be placed throughout the parking garage. Access for pedestrians will be from the City's sidewalks along Alton Road and 18<sup>th</sup> Street.

### **Delivery and Sanitation**

A loading and trash area that is fully contained inside of the building is proposed at the ground level on the southwestern side of the property. This area has two bays and is able to accommodate trash and delivery trucks of all sizes. However, the land development regulations would require that there be three loading docks based on the size of the development. Prior to obtaining a building permit, the applicant must provide an additional loading dock.

The applicant is proposing that deliveries only take place between 7:00 AM to 5:00 PM, or as deemed appropriate by the Parking Department for the area, in order to minimize impacts to nearby residents. Staff is recommending that deliveries take place no earlier than 9:00 AM on weekends in order to further minimize negative impacts on nearby residents. In addition, staff is recommending that trash pickup be limited to the same hours.

### **Security**

The applicant proposes to incorporate a security camera and ample lighting to provide a safe environment for businesses and users. Staff is recommending additional condition to improve the

safety of the building.

### **Traffic**

Traf Tech Engineering Inc. was retained by the applicant to conduct a traffic study in connection with the proposed development. The study addresses trip generation, the traffic impacts created by the proposed project on the nearby transportation network, internal site circulation, and queuing. FTE, Inc. served as the traffic study peer reviewer for this project. However, as of the writing of this report, the traffic study and final review are still incomplete.

### **RECOMMENDATION**

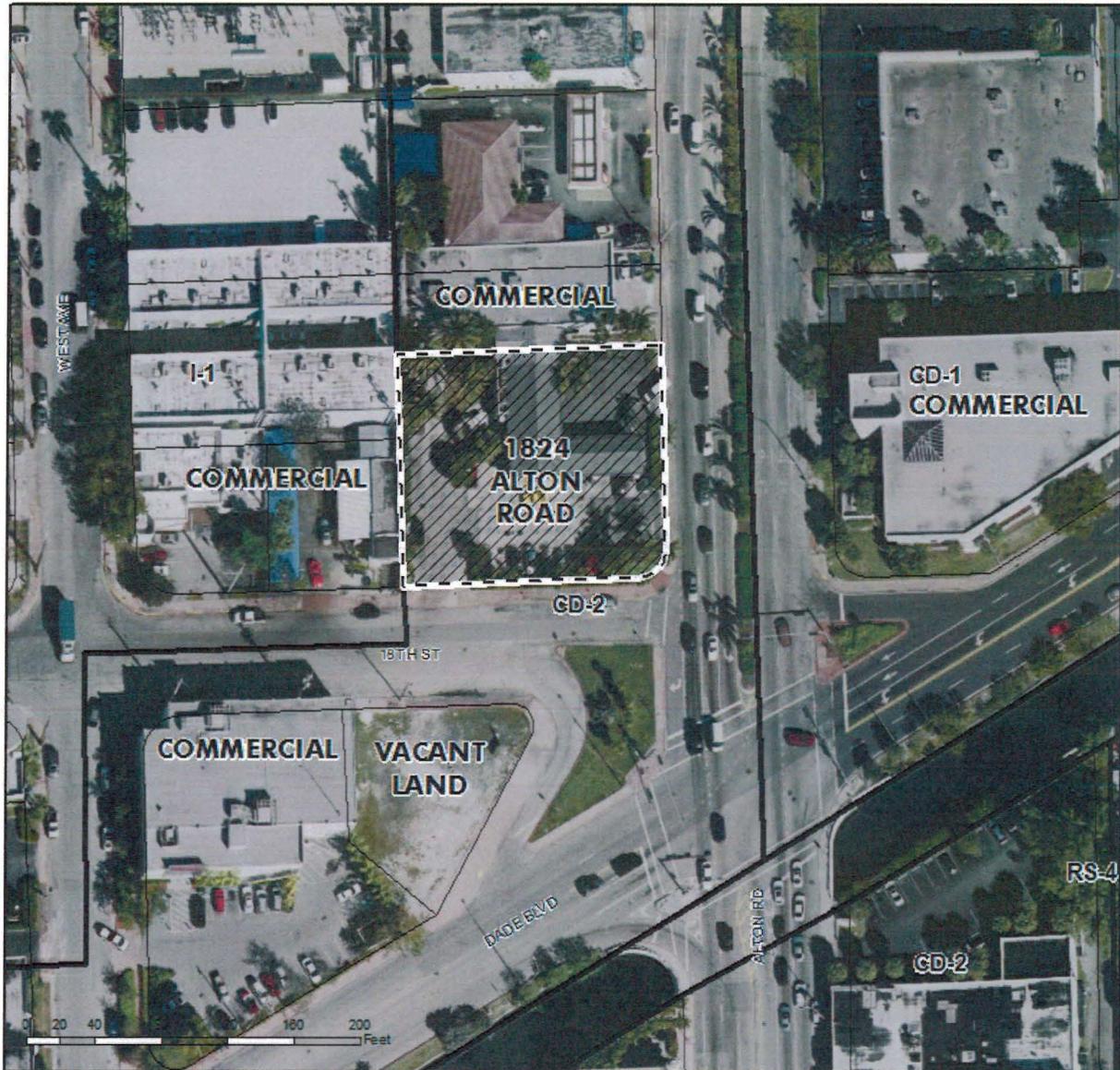
In view of the foregoing analysis, staff recommends that the application for a Conditional Use Permit be continued to a future date in order to address the following concerns:

1. This Conditional Use Permit is issued to Saber 1800, LLC. to construct a 4-story commercial building including a parking garage, with a 160 seat restaurant and retail space on the first floor, retail space on the 2<sup>nd</sup> floor, and parking on the 3<sup>rd</sup> floor, 4<sup>th</sup> floor, and rooftop. Any proposed change of use shall require the review and approval of the Planning Board.
2. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. The applicant shall appear before the Planning Board for a progress report within 90 days 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 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.
6. The applicant, now and in the future, shall abide by all the documents and statements submitted with this application.
7. The following shall apply to the operation of the proposed parking garage:
  - a. There shall be security personnel of at least one person, on-site, monitoring the garage during all hours of operation.

- b. Signs prohibiting tire-screeching and unnecessary horn-honking shall be posted at the garage entrance.
  - c. Signs to minimize vehicle conflict in the driveways in and out of the property shall be posted in appropriate locations.
  - d. The minimum parking required by the land development regulations shall be provided.
8. The Applicant agrees to the following operational conditions for all permitted and accessory 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. As proposed by the applicant, the project authorized by this Conditional Use Permit includes the creation and operation of the proposed 160 seat restaurant.
  - b. 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.
  - c. Adequate air-conditioned and noise baffled trash room space shall be provided, in a manner to be approved by the Planning staff. Doors shall remain closed and secured when not in active use.
  - d. Trash dumpster covers shall be closed at all times except when in active use.
  - e. Delivery trucks shall not be allowed to idle in the loading areas.
  - f. Delivery and trash trucks shall only be permitted to park in the designated loading bays.
  - g. Deliveries and trash pick-ups only shall take place between 7:00 AM and 5:00 PM on weekdays and no earlier than 9:00 AM on weekends.
  - h. The number of loading spaces required by the land development regulations shall be provided.
  - i. Loading doors shall be provided and shall remain closed at all times except for during the actual vehicle maneuvering into and out of the loading spaces.
9. A mountable curb shall be utilized for vehicles to enter the garage and loading and trash areas to improve pedestrian flow along 18<sup>th</sup> Street, in a manner to be reviewed and approved by staff.
10. 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.
11. The applicant shall address the following Concurrency and Traffic 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. The applicant shall coordinate with the Miami-Dade County Traffic Engineering Department and the City of Miami Beach to develop a strategy in order to provide modified and acceptable signal timing plans for the intersections at Alton Road and Dade Boulevard and Alton Road and Michigan Avenue within 90 days from the issuance of a BTR (Business Tax Receipt).
12. The applicant shall satisfy outstanding liens and past due City bills, if any, to the satisfaction of the City prior to the issuance of a Building permit.
  13. The applicant shall obtain a full building permit within 18 months from the date of approval of this Conditional Use Permit, 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.
  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. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
  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.
  17. 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.
  18. A unity of title or covenant in lieu of unity of title shall be required prior to obtaining a building permit.

**ZONING/SITE MAP**



City of Miami Beach Planning Board  
File No. 2293  
1824 Alton Road



The applicant, Saber 1800, LLC., is requesting Conditional Use approval for the construction of a new commercial building exceeding 50,000 square feet including a parking garage and a restaurant with an occupant content exceeding 100 persons, pursuant to Chapter 118, Article IV and Chapter 142 Article II of the City Code.

**MIAMI BEACH**  
PLANNING DEPARTMENT

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