



City of North Miami Beach, Florida

Community Development Department – Planning & Zoning Division

PHONE: (305) 354-4456 - 17050 NE 19TH AVENUE 1ST FLOOR NORTH MIAMI BEACH, FLORIDA 33162

PLANNING AND ZONING BOARD

Meeting: 01/10/2022

File No: 21-10

Application Name: NMB Place

General Data:

Owner(s) of Property: NMBPLACE, LLC and TFH GRP, LLC

Agent: CFS, CORP. c/o Jeffrey Bercow, Esq.

Architect : Bermello Ajamil & Partners

Location: 1959-1999 NE 164th Street

Folios: 07-2216-001-0370; 07-2216-001-0360

Property Size: 81,163 SF (1.86 acres)

FLUM: Fulford Mixed-Use Town Center

Zoning: Fulford Mixed-Use Town Center District, Transition Sub-Area

Adjacent Zoning | Existing Land Use:

- o **North:** MU/TC | Office, Surface Parking, and Multifamily
- o **East:** MU/TC | Multifamily
- o **South:** MU/TC | Religious
- o **West:** MU/TC | Office

Existing Land Use: Store: Retail Outlet and Restaurant or Cafeteria: Retail Outlet

Proposed Land Use: Mixed-Use Development

Proposed Gross Floor Area: 1,219,643 SF

Location Map



Item before the Board:

The action before the Board is for the approval of a Site Plan application to redevelop the property located 1959-1999 NE 164th Street to construct a 1,219,643 gross square foot mixed-use development consisting of two (2) twenty-eight-story towers with a total height of 314'-0", with a combine total of 700 dwelling units, 11,540 square feet of retail, 6,810 square feet of office space, and 957 parking spaces with the following variances:

1. Non-use variance from ZLDC Section 24-58(K)(2)(b).(i.) to allow decorative screening of the parking garage fronting along NE 164 Street (primary frontage), where the code requires a 20-foot liner building; and
2. A non-use variance from ZLDC Section 24-58 (S)(3)(a.) Figure MU-8 to permit the east side of the east tower to have a 7'-7" to 11'-4" tower setback from the podium, where the code requires a minimum setback of 15'-0" feet; and
3. Non-use variance from ZLDC Section 24-58 (S)(3)(a.) Figure MU-8 to permit a 98.21% impervious area at the podium level, where the code permits a maximum impervious area of 90% at the podium level; and
4. A non-use variance from ZLDC Section 24-58.1(l)(1)(b.) Figure MU/TC-9 to permit a furnishings/green area with a width of 12'-6", where the code requires an 18"-0" width along the NE 19th Avenue greenway.

Optional Board Motions for Action Items:

1. Move to continue with direction.
2. **Move approval** of the Site Plan application (File #21-10) and four (4) non-use variances request for the NMB Place mixed-use development located 1959-1999 NE 164th Street by finding that the request is consistent with the Comprehensive Plan and meets criteria outlined in the Zoning and Land Development Regulations.

Project Planner:

Abraham Fogel
Senior Planner
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305-948-2966 Ext. 2136

Review Dates:

TRAD Meetings: 09/09/2021; 10/28/201
Planning & Zoning Board: 01/10/2022
City Commission (TBD)

Attachments

1. Draft Resolution
2. Application
3. Letter of Intent
4. Plans
5. Clarification Letter
6. Traffic Study

3. **Move denial** of the Site Plan application (File #21-10) and four (4) non-use variances request for NMB Place mixed-use development located 1959-1999 NE 164th Street by finding that the request is not consistent with the Comprehensive Plan and does not meet the criteria outlined in the Zoning and Land Development Regulations.

The Site:

According to the Miami-Dade Property Appraiser records, the building located at 1959 NE 164th Street was constructed in 1959 with a 17,751 square foot gross floor area. The building located at 1999 NE 164th Street was constructed in 1967 with a 1,773 square foot gross floor area. The total area of the site is approximately 81,163 SF (1.86 acres) including a portion of the alleyway that the applicant will request an abandonment.

Site Plan Analysis:

Compliance with the Zoning and Land Development Regulations:

Items identified in the Land Development Regulations shall be specifically addressed by the body taking final action on the site and development application/request.

Pursuant to ZLDC Sec. 24-58.1(A), **Purpose and Intent**, MU/TC Fulford Mixed-Use City Center District “The intent is to enable transit-oriented development that contributes to the creation of an urban downtown and the formation of a quality pedestrian-oriented, Mixed-use district. The objective is to shape development to create a "place," an exciting, enlivened social gathering point and a destination, which encourages the establishment of a wide mix of commercial and residential uses that offer the flexibility to meet a variety of market needs. The aim of these regulations is to create an environment that attracts day and evening activities so that the street is occupied by visitors, residents, business owners and operators who have a clear and vested interest in the vitality of the Fulford Mixed-Use Town Center District (MU/TC).”

Permitted Uses	Proposed Uses
Mixed Use, Residential and/or Nonresidential <ul style="list-style-type: none"> • Residential • Office • Retail 	Mixed-Use Development <ul style="list-style-type: none"> • Residential (700 Units) • Office Space (6,810 sq. ft.) • Retail Space (11,540 sq. ft.)

- The proposed mixed-use development contains residential, office, and retail uses permitted in accordance with Section 24-58.1(G)(2).

Pursuant to ZLDC Sec. 24-58(G) **Regulating Plans and Diagrams**. The mixed-use districts are governed by a series of regulating plans and diagrams. The Regulating Plans and Diagrams demonstrate development standards in both words and diagrams, and include maps designating the locations where the various standards apply. Unless otherwise noted, all development shall be in compliance with the Regulating Plans and Diagrams specified for each mixed-use district.

- The proposed mixed-use development has been designed in compliance with the Fulford Mixed-Use City Center (MU/TC) regulating plans and diagrams. The property is located within the Transition Sub-Area of the MU/TC, where Code permits a maximum of 25-stories/315 feet building height. The project consists of two (2) twenty-eight story towers with a total height of 314'-0". Per ZLDC Section 24-58.2 (Table MU/EC-2 (4)), the number of stories may be increased if the overall building height is not exceeded. The applicant has provided the massing and unit distribution details, demonstrating compliance with the minimum size and cumulative average permitted by Code, which does not increase density or intensity. The site's perimeter fronting existing primary and secondary streets enhances the visual character and ensures pedestrian connectivity in the MU/TC District.

Pursuant to ZLDC Sec. 24-58(J)(3)(d) **Street Furniture**. Street furniture includes but is not limited to outdoor benches, waste containers, planters, phone booths, bus shelters, bicycle racks, tree grates, decorative stamped concrete or stamped asphalt crosswalks, banners, water fountains, newspaper dispensers and bollards whether within or outside the public right-of-way. Street furniture provided on site shall be compatible with the architecture of the surrounding buildings, the character of the area and other elements of the streetscape. Consistency in the selection and location of the various elements of street furniture is critical for maximum effect and functional use. All street furniture shall be subject to the approval of the City.

- The plans provided show the location and details of the proposed street furniture, including but not limited to ground floor benches, receptacles, light pole fixtures, among others. A Condition of Approval has been included in the draft resolution stating that prior to the issuance of the master building permit, the applicant shall coordinate with Public Works to provide a final selection of street furniture in accordance with existing conditions or adopted corridor plans.

Pursuant to ZLDC Sec. 24-58(K)(2)(b) **Parking Garages**, Multi-level parking garage structures, whether stand-alone or part of a larger development, shall comply with the following standards:

- i. Except along an alley or a pedestrian passageway all levels of the garage shall be screened along all frontages by a Liner building containing a minimum depth of twenty (20) feet of habitable space. The requirement for a Liner building along the side and rear frontage may be waived by the Director of the Community Development Department or his/her designee if the applicant demonstrates compliance with the standards below:
 1. All architectural elements that face a street or a publicly accessible open space shall appear consistent and harmonious with that of habitable space.
 2. No vehicles parked within the garage shall be visible from the street.
- ii. Openings off any street shall not exceed two (2) lanes in width and twenty-four (24) feet maximum per entrance/exit. Entrances/exits on alleys are exempt from this requirement.
- iii. The garage shall be accessed from an alley or tertiary street, when possible. If the garage is accessed from a primary or secondary street, there shall be only one (1) point of access to the garage area.
- iv. All parking garages shall have direct pedestrian access to a public walkway.
- v. New stand-alone parking garages shall only be permitted if constructed, owned and/or operated by the City and/or CRA.
- vi. Electric car charging stations shall be encouraged to be located within parking structures.

- The applicant requested an administrative waiver from Section 24-58(K)(2)(b).(i.) to allow decorative screening of the parking garage fronting along NE 20th Avenue, where the code requires a 20-foot deep liner building for levels 2 through 8 along the east façade of the east tower. The ground floor contains active uses.
- The applicant requested a variance from Section 24-58(K)(2)(b).(i.) to allow decorative screening of the parking garage fronting along NE 164 Street (primary frontage), where the code requires a 200-foot deep liner building for levels 2 through 8 along the south façade of the east and west towers. The ground floor contains active uses.
- The parking garages for each tower will be accessed through a central motor court. The garage entrances shall not exceed two lanes and a width of 24'-0" (entrance/exit).
- The parking garage will have direct pedestrian access from the central motor court that connects to NE 164th Street and the alleyway.
- Electric car charging stations will be provided on each level of the parking garage as shown on plans, except for level 2.

Pursuant to ZLDC Sec. 24-58(L) **Landscape Standards**. The following standards shall apply in addition to any applicable standards in Article XI (Landscaping) not modified herein.

(1) Modified Standards.

- a. Tree specifications shall be as per Section 24-119 (Minimum Landscaping Requirements for All Zoning Districts) except for the following:
 - i. A maximum of twenty-five (25%) percent of all required trees shall be of a palm species.
- b. Utilization of berms to screen parking and/or vehicular use areas from public thoroughfares and adjacent residential uses shall be prohibited.
- c. Perimeter landscape requirements: The requirement of a continuous buffer strip of not less than five (5) feet in width, along the perimeter of a property adjacent to any street right-of-way only, shall not be required.

(2) Additional Standards.

- a. Building setback shall be adjusted to preserve existing native tree canopies, where feasible.
- b. Landscape strips shall only be placed between the sidewalk and the back of curb.
- c. Use of trees to provide shade, color, and interest, and use of vines, or trained plant materials is appropriate.
- d. Street Trees.
 - i. Street trees are required and shall be spaced at a maximum of thirty (30) feet on center.

- ii. Street trees shall not be required when colonnades are being provided along the street and the colonnade is placed at a maximum of five (5) feet from the back of curb.
- iii. When a landscape strip is not provided, street trees shall be placed in tree pits covered with ADA compliant grates. Tree grates shall be sized appropriately for each tree species at maturity. The use of tree grates is appropriate when on-street parking is provided. When no on-street parking is provided, landscape strips are preferred.
- iv. Adequate clearance to the building facade for uniform development of the street tree canopy shall be demonstrated for the type and species selected.

The site has 863 linear feet of right-of-way along NE 164th Street, NE 19th Avenue, and NE 20th Avenue, and is required to have 29 trees in accordance with code section. The landscape plans provided show twenty-five (25) trees between the streets rights-of-way and the sidewalks, six (6) existing Live Oaks of varying heights (20' to 25'), six (6) Quercus Virginiana Live Oaks (24'), eleven (11) Gumbo Limbos, and two (2) clusters of palm trees with three (3) each of varying heights (15' to 25'). An Addapave Tree Pit System or approved equivalent, in lieu of the tree grates is the preference from Public Works for the tree bases. The applicant requested an administrative waiver from Section 24-58(L)(2)(d).(i.) to allow twelve (12) trees, were the Code requires nineteen (19) trees spaced at a maximum of thirty (30) feet on center, along NE 164th Street, due to a conflict with a force main abutting the property. A Condition of Approval has been included in the draft resolution stating that clusters of three (3) palms trees used to constitute one (1) required tree, shall have a minimum height of 16 feet per Section 21-119 (A)(5). As indicated on sheet LA-01, the equivalent cost of 7 trees that cannot be planted along NE 164th Street as a result of the force main will be donated to the City Landscape Account as mitigation prior to permit issuance.

Pursuant to Ord. Sec. 24-121 **Tree Removal**, an existing tree on site having a trunk diameter of three (3) inches or greater shall not be removed or relocated without a permit from the Community Development Department of the City.

- The tree disposition plan and table (sheets LT-01 & LT-02) provided indicates that 4,848.95 square feet of tree canopy will be removed, and sheet LA-01 indicates that 4,900 sf of canopy will be provided.
- The City currently uses the Miami-Dade County Chapter 18A code for calculating tree mitigation per ZLDC Section 24-121. The applicant will provide 10 trees towards mitigation requirements. To note, a tree removal permit will be required before the issuance of a demolition permit.

Pursuant to ZLDC Sec. 24-58(R) **Height Standards**. The height of buildings shall be measured in stories and in feet. The maximum overall building height shall not exceed the maximum building height allowed for the district. Additionally, the following shall apply:

Required	Proposed
Building Height Max. 25-Stories / 315-feet	28-Stories* / 314-feet (East and West Towers)
Maximum Ceiling Height on Ground Floor: 20-feet Second Level Max. Ceiling Height 20-feet	Levels Height (East and West Towers) <ul style="list-style-type: none"> ▪ Ground Floor: 20'-0" ▪ Levels 2 through 7: 10'-0" ▪ Level 8: 12'-0" ▪ Level 9: (Rec. Deck): 12'-0" ▪ Levels 10 through 27: 10'-0" ▪ Level 28: 14'-0" ▪ Rooftop: 16'-0"
Special amenity story: 20-feet and 14-feet each additional level	

* Per ZLDC Section 24-58.2 (Table MU/EC-2 (4)), the number of stories may be increased if the overall building height is not exceeded. The applicant has requested two (2) 28-story towers, that do not increase the intensity of the development. The applicant has provided the massing and unit distribution details, demonstrating compliance with the minimum size and cumulative average permitted by Code, which does not increase density or intensity.

The following table compare the project deign to the design standards for the MU/TC zoning district set forth in ZLDC Section 24-58(S):

Required/Permitted	Provided
Maximum Building Length 300-feet	East Tower: 242'-6" West Tower: 260'-6"
Minimum Dwelling Unit Size: 550 square feet	East Tower: 561 sq. ft. – 1,200 sq. ft. West Tower: 551 sq. ft. – 1,200 sq. ft.
Minimum Dwelling Units Cumulative Average 800 square feet	East Tower: 800.58 sq. ft. West Tower: 818.74 sq. ft.

Required/Permitted	Proposed
Building Typology	Tower Building (MU-8)
Lot Width (Min.) Min. 200' – Max. 250'	137.60' – 160' *
Lot Depth Min. 200' – Max. (N/A)	561'-0"
Lot Area (N/A)	81,163 sq. ft. (1.86 Acres)
Impervious Area: Max. 90% = 73,046.7 sq. ft.	98.21% (79,710 sq. ft.) **
Pervious area: Min. 10% = 8,116.3 sq. ft.	10.84% (8,795 sq. ft.)

* The applicant requested an administrative waiver from ZLDC Section 24-58 Table MU-2 to permit a lot width of 137.60 to 160 feet, where the Code requires a minimum width of 200 feet.

**A non-use variance from ZLDC Section 24-58 (S)(3)(a.) Figure MU-8 to permit a 98.21% impervious area at the podium level, where the code permits a maximum impervious area of 90% at the podium level was requested by the applicant. See clarification letter provided by the applicant for a breakdown of impervious/pervious calculations.

A Condition of Approval has been included in the draft resolution stating that product-data sheets highlighting the permeability of the artificial turf shall be submitted prior to the issuance of the master building permit.

The following table demonstrates the project's compliance with the minimum and maximum setbacks per building typology and street frontage:

Required/Permitted Minimum – Maximum Setbacks	Proposed
<ul style="list-style-type: none"> ▪ Front Primary A (NE 164th Street) Min. 0 ft – Max. 20 ft 	0'-0" (East and West Towers)
<ul style="list-style-type: none"> ▪ Front Primary A (NE 19th Avenue) Min. 0 ft – Max. 20 ft 	8'-1" (West Tower)
<ul style="list-style-type: none"> ▪ Front Secondary Street (NE 20th Avenue) Min. 10 ft – Max. 20 ft 	10'-0" (East Tower)
<ul style="list-style-type: none"> ▪ Rear setback: 0 ft. (30' min. when abutting townhouse, zero lot lines and existing single family and an alley is not existing or proposed) 	East Tower: 1'-11" West Tower: 5'-0" abutting alleyway
<ul style="list-style-type: none"> ▪ Tower Setback: 15 ft. (from podium) 	East Tower: 15'-0" (NE 164 th St) and 7'-7" to 11'-14" (NE 20 th Ave) *

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West Tower: 15'-0" (NE 164th St and NE 19th Ave)

**The applicant request a non-use variance from Section 24-58(S)(3) Figure MU-8 of the Zoning and Land Development Code, to permit the east side of the east tower to have a 7'-7" to 11'-14" tower setback from the podium, where the Code requires a minimum setback of 15'-0".

The following table demonstrates the project's compliance with the minimum and maximum projections and encroachments:

Building Element	Min. Vertical Clearance from the Sidewalk Elevation	Min./Max. Horizontal Projection	Max. Horizontal Encroachment	Proposed
Architectural Feature	N/A	N/A	2'-0"	Stucco: 2'-0" Horizontal Encroachment on Tower Setback Garage Screening: 5" to 1'-10" Horizontal Encroachment on Tower Setback
Balcony	N/A	3'-0" (Min.)	5'-0"	1'-10" to 2'-0"
Canopy	10'-0"	8'-0" (Min.)/20'-0" (Max.)	12'-0"	20'-0" Vertical Clearance from the Sidewalk Elevation 9'-10" to 10'-3" Horizontal Projection 1'-9" to 10'-0" Horizontal Encroachment on Property Line

* Prior to the City Commission Meeting, the plans shall be revised to provide a minimum required balcony depth of 3 feet.

The following table demonstrates the project's compliance with the minimum building frontage per street type:

Minimum Building Frontage Required for Secondary Streets	Proposed
NE 164 th Street: Min. 90% Min. 70% Glazed Area	90% Building Frontage/83% Glazed Area
NE 19 th Avenue: Min. 90% Min. 70% Glazed Area	97% Building Frontage/82% Glazed Area
NE 20 th Avenue: Min. 80% Min. 70% Glazed Area	84% Building Frontage/79% Glazed Area

The following table demonstrate compliance with the minimum and maximum parking requirements by use listed in ZLDC Section 24-58.1 Table MU/TC-5:

East Tower			
Use	Formula	Required	Provided
Residential	<ul style="list-style-type: none"> ▪ Min: 1 per unit, plus 1 per 20 units for guest parking: 350 + 18 = 368 Spaces ▪ Max: 2 per unit, plus 1 per 20 units for guest parking: 	Min. 368 – Max. 718 Spaces	453 Spaces

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	700 + 18 = 718 Spaces		
Retail, Restaurant or Commercial	<ul style="list-style-type: none"> ▪ Min. 2 per 1,000 sq ft. ▪ Max.4 per 1,000 sq ft. 	Min. 20 Spaces Max. 40 Spaces	28 Spaces
		TOTAL: Min. 388 – Max. 758 Spaces	481 Spaces
ADA Spaces	Min: 1 for each 25, plus 1 per 100 parking spaces	7 ADA spaces	7 ADA spaces

West Tower			
Use	Formula	Required	Provided
Residential	<ul style="list-style-type: none"> ▪ Min: 1 per unit, plus 1 per 20 units for guest parking: 350 + 18 = 368 Spaces ▪ Max: 2 per unit, plus 1 per 20 units for guest parking: 700 + 18 = 718 Spaces 	Min. 368 – Max. 718 Spaces	428 Spaces
Office	<ul style="list-style-type: none"> ▪ Min: 2.5 spaces per 1,000 sq. ft. ▪ Max: 4 spaces per 1,000 sq. ft. 	Min. 18 Spaces Max. 28 Spaces	21 Spaces
Retail, Restaurant or Commercial	<ul style="list-style-type: none"> ▪ Min. 2 per 1,000 sq ft. ▪ Max.4 per 1,000 sq ft. 	Min. 24 Spaces Max. 47 Spaces	27 Spaces
		TOTAL: Min. 410 – Max. 793 Spaces	476 Spaces
ADA Spaces	<ul style="list-style-type: none"> ▪ Min: 1 for each 25, plus 1 per 100 parking spaces 	7 ADA spaces	7 ADA spaces

- Sheets A-101 through A-107 show the location of the proposed handicap parking spaces. Sheet A-004 provides the standard parking space dimensions (9'x18') and the ADA space dimensions (12'x20') demonstrating compliance with ZLDC Section 24-93 (C)(2)(a).
- Of the 957 parking spaces provided for the site 943 will be standard spaces and 14 spaces will be handicap spaces. These spaces are located near public elevator and entrances in accordance with ZLDC Section 24-93(C)(2)(b). Sheet A-011 provides a breakdown of the parking calculations.

Pursuant to ZLDC Sec. 24-58.1(M)(2) **Bicycle Racks and Bicycle Storage Standards**. Bicycle racks and storage shall be required as follows:

- (1) *Bicycle racks and bicycle storage for commercial uses*. Commercial developments, excluding hotel uses, shall provide:
 - a. Secure bike racks and/or storage at a ratio of one (1) bicycle parking space per every fifteen (15) required parking spaces; and
 - b. A minimum of one (1) shower and changing facility shall be provided to be available for all tenants and shall be located within the building, or within two hundred (200) feet of the building entrance, for developments greater than fifty thousand (50,000) square feet in gross building area.
- (2) *Bicycle racks and bicycle storage for residential uses*. One (1) bicycle parking space shall be provided per every fifteen (15) required parking spaces. Required residential bicycle parking spaces shall be provided in a secured area, covered from the elements.
- (3) *Mixed-use developments*. Mixed-use developments shall provide secure bicycle parking spaces for both the commercial and residential components of the development as calculated separately pursuant to the requirements of this section.

Required	Formula	Provided East Tower	Proposed West Tower
1 bike rack space per every 15 parking spaces	<u>East Tower</u> Residential: 368/15 = 25 Retail: 20/15 = 2 <u>West Tower</u> Residential: 368/15 = 25 Retail: 24/15 = 2 Office: 18/15 = 2	27 Bicycle Racks	29 Bicycle Racks

- Sheets A-100.1 shows the location of the bicycle storage and shower facilities at the ground floor of the east and west towers.

Pursuant to ZLDC Section 24-96 (A)(1) **Loading Spaces**. At the time of the erection of any multifamily use of fifty (50) dwelling units or more, mixed uses, nonresidential use or, at the time any nonresidential use is altered, enlarged or increased in capacity by adding floor area, there shall be space provided and maintained for the loading and unloading of materials, goods, or supplies, and for delivery and shipping so that vehicles for these services may use this space without encroaching on or interfering with the public use of streets, parking facilities and alleys by pedestrians and other vehicles.

Required	Formula	Provided East Tower	Proposed West Tower
Loading Over 200 du: 3 spaces Retail 3,000-10,000 sq. ft.: 1 Space Office 5,000-20,000 sq. ft.: 1 Space	<u>East Tower</u> Residential (350 du): 3 Spaces Retail (9,923 sq. ft.): 1 Space <u>West Tower</u> Residential (350 du): 3 Spaces Retail (11,540 sq. ft.): 1 Space Office (6,810 sq. ft.): 1 Space	4 Loading Spaces	5 Loading Spaces

- Mixed use buildings shall provide the number of loading spaces as determined by the combined calculation of dwelling units and gross floor area as listed in ZLDC Section 24-97. ZLDC Section 24-96 (B) requires that loading spaces shall be at least twelve (12) feet wide by thirty (30) feet long and have at least fourteen and one-half (14½) feet vertical clearance. Sheet A-100.1 shows the location of the off-street loading spaces in accordance with these requirements.

Pursuant to ZLDC Section 24-93 (G) **Illumination**. Enclosed parking facilities shall provide an average illumination intensity of fifty (50) foot candles at the entrance, ten (10) foot candles in traffic lanes and five (5) foot candles in vehicle storage areas.

- Sheet A-010.1 shows the ground floor photometric plan and sheet A-010.3 provides the amenity/pool deck photometric plan. Sheet A-010.2 provides a typical garage photometric plan. Prior to issuing the master building permit, the applicant shall have the registered engineer provide a photometric plan for each parking level and certify that the illumination of the enclosed parking facilities has been designed and will be operating according to Section 24-93(G). On-site lighting must not exceed 1.0 foot-candle beyond all property lines.

Pursuant to ZLDC Section 24-130 **On-Site Stormwater Runoff**. The first one (1) inch of rainfall shall be retained on-site through the use of swales, trench drains, retention ponds and other techniques acceptable to the City Engineer.

- The Public Works department reviewed the project for compliance. The plans must comply with all required drainage requirements at time of building permit.

Site Plan Review Standards:

Review Standards. The following standards shall be utilized by all applicable individuals and departments involved in the review and evaluation of required plans and exhibits:

Pursuant to ZLDC Section 24-172 (G)(1), **Natural environment:** All proposed development shall be designed in such a manner as to preserve, perpetuate and improve the existing natural character of the site. Existing trees and other landscape features shall, to the maximum extent possible, be preserved in their natural state and additional landscape features shall be provided to enhance architectural features, to relate structural design to the site, and to conceal unattractive areas and uses. Special attention shall be devoted to natural vegetation along waterfronts.

- o The applicant provided a Tree Disposition Plan (sheet LT-01) showing the condition of existing trees. The project's scope and design proposes to remove most of the existing trees (6 Live Oaks will remain) and to replaced them with new Live Oaks, Gumbo Limbos, and a variety of palms as depicted on sheet LA-01.

Pursuant to ZLDC Section 24-172 (G)(2), **Open space:** Adequate open space shall be provided which meets the particular needs and demands of the proposed development and all specific zoning requirements. The type and distribution of all open space shall be determined by the character, intensity and anticipated residential or user composition of the proposed development.

- o The development plan shows publicly accessible open space on the southwest corner of NE 164th Street and NE 19th Avenue for a plaza. Urban greenways are also provided along the NE 19th Avenue and NE 20th Avenue.
- o The applicant is requesting a non-use variance from Section 24-58.1(I)(1)(b.) Figure MU/TC-9 Section to permit a furnishings/green area with a width of 12'-6", where the code requires an eighteen (18) foot width along the NE 19th Avenue greenway. Please refer to the variance analysis portion of this report for more details.
- o Additionally, a private open space is found on the 9th level of the podium (Recreational/Pool Deck).

Pursuant to ZLDC Sec. 24-58(M)(4) **Open Space Type Configuration and Design.** New designated publicly accessible open spaces and new semi-public open spaces shall be developed in the form of greens, plazas or squares.

b. Plazas.

- i. Plazas shall have more than fifty (50%) percent of their property lines surrounded by nonresidential uses.
- ii. Exclusive of dedicated rights-of-way, the minimum impervious surface area is fifty (50%) percent and the maximum impervious surface area is seventy-five (75%) percent. The pervious surface areas shall consist primarily of sod, trees that are regularly spaced, and garden structures. The impervious surfaces shall consist of paved areas, permanent architecture such as archways, statues and gazebos or water-oriented features.

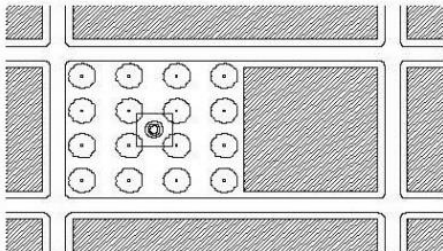


Figure MU-6: Plaza

- o In accordance with Figure MUTC-3, the applicant has proposed a publicly accessible open space on the southwest corner of NE 164th Street and NE 19th Avenue. A plaza design was selected, as depicted on sheets A-004, A-100.1, A-100, LA-00, and LA-01. Of the 4,900 square feet of plaza provided, 3,567 square feet or 72.8% will be impervious whereas the maximum impervious allowed is 75%. These calculations are provided on sheet LA-00.

Pursuant to ZLDC Section 24-172 (G)(3), **Circulation and parking:** All circulation systems and parking facilities shall be designed and located in such a manner as to comply with subsection (a)-(d).

- Schematic civil plans have been provided. The applicant shall provide detailed paving, grading, and circulation plans as part of the application for a building permit.
- The site has a main access point on NE 164th Street through a central motor court and one access point on the alleyway that also connects to the central motor court and NE 20th Avenue.
- The development does not include living units on the ground floor.
- All parking is screened within the parking garage and will be naturally ventilated.

Pursuant to ZLDC Section 24-172 (G)(4), **Community services and utilities:** All proposed developments shall be designed and located in such a manner as to ensure the adequate provision, use and compatibility of necessary community services and utilities.

- The applicant provided a Concurrency Review Application estimating the service demand. Staff reviewed the site plan and concurrency requirements for potable water, sanitary sewer, solid waste, parks and recreation, and public schools and determined that the service levels will be adequately maintained and serve the project.

Pursuant to ZLDC Section 24-172 (G)(5), **Building and structures:** All buildings and structures proposed to be located within a development shall be oriented and designed in such a manner as to enhance, rather than detract, from the overall quality of the environment. The following guidelines shall be followed in the review and evaluation of all buildings and structures:

- a) Proposed buildings and structures should be related harmoniously to the terrain, other buildings, and the surrounding neighborhood, and should not create through their location, scale, style, color or texture incompatible physical or visual relationships.
 - The proposed development's tower and podium comply with the building orientation and design requirements in the MU/TC and MU Ordinances. These ordinances regulate orientation, height, location, scale, density/intensity of buildings and their physical or visual relationships.
 - The proposed mixed-use development complies with the district's purpose of ensuring high quality and architecturally compatible development, stimulating active uses on the ground floor, and encouraging people to reside in the MU/TC District.
- b) Maximum privacy should be incorporated into the design of any individual residential units and related outdoor patio and living areas.
 - The residential units have private living areas as well as open private space provided on the recreational/pool deck. Several units include private terraces or balconies.
- c) Building location and other site features shall be reviewed in the context of any proposed road widenings, particularly the NE 164th Street, NE 19th Avenue, and NE 20th Avenue frontage.
 - No additional roadway widening has been indicated at this time for NE 164th Street, NE 19th Avenue, and NE 20th Avenue.
- d) Proposed buildings located in Special Flood Hazard Areas as identified on flood insurance rate maps (FIRM) prepared by the Federal Emergency Management Agency (FEMA) shall have the lowest floor elevated no lower than the level of the base flood elevation.
 - The property is located within the AE Flood Zone. Before issuing the master building permit, the applicant shall demonstrate compliance with the City's Floodplain Higher Regulatory Standards.
- e) Proposed buildings and site shall be compliant with the Americans with Disabilities Act (ADA) and Miami-Dade County Code of Ordinances.
 - The proposed building and site shall comply with the Americans with Disabilities Act (ADA) and Miami-Dade County Code of Ordinances. ADA accessibility to the building and parking is laid out on the plans and will be further detailed in the building permit phase of the development.
- f) Proposed buildings shall be compliant with the **Fair Housing Act** as required.

- The development will comply with the Fair Housing Act as required during permitting.

Pursuant to ZLDC Section 24-172 (G)(7), **Crime Prevention Through Environmental Design (CPTED)**: All proposed development shall be designed to discourage and reduce the possibility of nuisance and criminal activity.

- The police department has reviewed the plans throughout the TRAD process for location, traffic, visibility, windows and doors, security lighting, parking lot lighting, use of digital security cameras, access control entry to offices, lobbies, and elevators with cards, key fobs, or other devices for off-hour access. A condition of approval requires the developer enter into the NMBPD Trespass After Warning Program, provide the NMBPD with access to the property at all times, and provide a safety plan.

Sec. 24-176 Variance Review Standards & City Staff Analysis

Pursuant to ZLDC Section 24-176 (B), variance request is reviewed in accordance with the following standards:

- 1) A non-use variance to the terms of this Code that will not be contrary to the public interest may be recommended by the Planning and Zoning Board, and except as provided in Section 24-176.1, granted by the City Commission in compliance with the requirements of the City Charter in this Code, upon a showing by the applicant that the nonuse variance maintains
 - The intent and purpose of the zoning, subdivision and other land use regulations is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community.
 - No showing of unnecessary hardship to the land is required. For the purpose of this subsection, the term "non-use variances" involves matters such as setback lines, frontage requirements, subdivision regulations, height limitations, lot size restrictions, yard requirements and other variances which have no relation to change of use of the property in question.

- 2) Appropriate conditions and safeguards, in conformity with the Code, may be prescribed as a condition of the granting of the variance, and violation of such conditions shall be deemed a violation of this Code.

- 3) The nonconforming use of adjacent lands, structures, or buildings shall not be considered grounds for the authorization of a variance.

Variance # 1: Non-use variance to allow decorative screening of the parking garage fronting along NE 164 Street (primary frontage) instead of the liner building required per Section 24-58(K)(2)(b).(i.).

The first level of the podium (east of west towers) along NE 164th Street, features active retail uses. The applicant is seeking a variance to waive the 20-foot liner building requirement for levels 2 to 8 where the parking garage is located on the east and west towers. Perforated metal panels with punched openings transition the garage façades to a fully louvered skin. According to the applicant, the intent of the two cladding systems is to animate the façade and reduce the scale of the parking garage with a distinct combination of materials. The proposed architectural screening meets the intent and purpose of the Code by ensuring that parked vehicles are not visible from the street from any angle and by providing varying interesting architectural treatments that create an aesthetically pleasing design. Appropriate conditions have been prescribed, and staff finds that the request complies with variance review standards.

Variance # 2: A non-use variance from Section 24-58(S)(3) Figure MU-8 of the Zoning and Land Development Code, to permit the east side of the east tower to have a 7'-7" to 11'-14" tower setback from the podium, where the code requires a minimum setback of 15'-0" feet.

The tower setback variance requested allows for the east tower to be built closer to the east property line. The narrow lot and its varying dimensions create a challenge for laying out the units while providing the required setback. The design provides a 11'-4" setback at the north portion and a 7'-7" setback at the south portion of east side of the east tower. The applicant contends that the intent of the Code provision is to break up the massing of the structure thorough articulation and movement that distinguish the podium from the tower. The east tower complies with the intent of the Code as the tower is setback from the podium at various

depths and the design incorporates varying treatments on the façades which effectively break up the building's massing. Appropriate conditions have been prescribed, and staff finds that the request complies with variance review standards.

Variance #3: A non-use variance from Section 24-58 (S)(3)(a.) Figure MU-8 of the Zoning and Land Development Code, to permit a 98.21% impervious area at the podium level, where the code permits a maximum impervious area of 90% at the podium level.

The requested variance will allow an increase in the impervious area at the ground level to 98.21%. The applicant states that plentiful landscaping on the amenity level, 9.04% (7,342 SF) can be used as a factor when calculating pervious surface area, and when included with the pervious amount on the ground floor achieves compliance with 10% minimum and meets the intent of the Code with respect to the impervious areas. Appropriate conditions have been prescribed, and staff finds that the request complies with variance review standards.

Variance #4: A non-use variance from Section 24-58.1(l)(1)(b.) Figure MU/TC-9 Section to permit a furnishings/green area with a width of 12'-6", where the code requires an eighteen (18) foot width along the NE 19th Avenue greenway.

The requested variance will allow a furnishings/greenway with a reduced width of 12'-6" along the NE 19th Avenue greenway. The applicant contends that due to existing conditions the required width of 18'-0" cannot be provided in the public right-of-way. Appropriate conditions have been prescribed, and staff finds that the request complies with variance review standards.

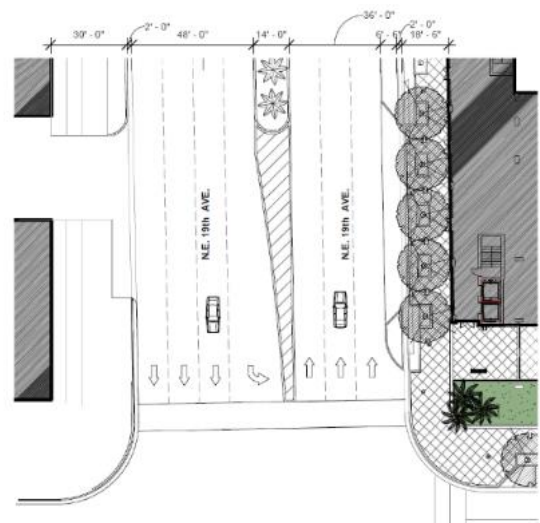
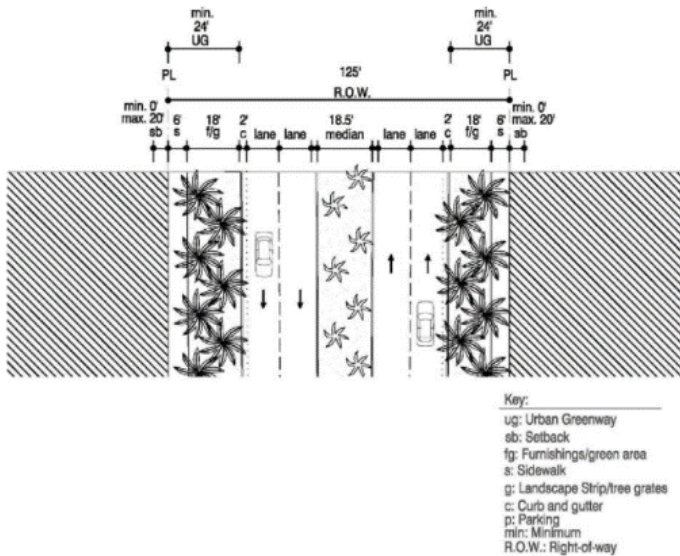


Figure MU/TC-9.

Proposed NE 19th Avenue Greenway.

Comprehensive Plan Consistency:

The City's Comprehensive Plan and the Florida Statutes establish that a development order and development approved by the City is consistent with the adopted comprehensive plan if the land uses, densities or intensities, capacity or size, timing, and other aspects of development permitted by such order or approval are compatible with and further the objectives, policies, land uses, and densities or intensities established in the comprehensive plan and land development regulations. This project is most consistent with and furthers the following policies of the North Miami Beach Comprehensive Plan:

Future Land Use Element

Policy 1.1.9: Development, development orders, and permits issued by the City must be specifically conditioned on the availability of facilities and services necessary to serve the proposed development.

Policy 1.2.8: The City shall encourage development and redevelopment of appropriate scale and type in areas adjacent to established residential neighborhoods. Appropriate scale and type shall be determined by reviewing the compatibility of proposed development and redevelopment with the adjacent residential uses

Policy 1.2.11: All redevelopment shall be sensitive to the community character, and should seek to promote transit and pedestrian friendliness through features such as: interconnected sidewalks; transit shelters; an interesting pedestrian environment, and; shade from shade trees, awnings, or canopies.

Transportation Element

Policy 1.2.8: The City will ensure that the design of new and redevelopment mixed use projects are conducive to pedestrian, bicycle and transit use. At a minimum other new development and redevelopment projects will address development intensity and mix of land uses, building and parking lot orientation, bicycle storage, connectivity of pedestrian and bicycle infrastructure, and pedestrian amenities to enhance multimodal transportation alternatives.

Traffic & Concurrency:

The applicant's traffic engineer, David Plummer & Associates, prepared a Traffic Study Methodology. The City's traffic engineering consultant, The Corradino Group, reviewed the methodology during the TRAD process and provided recommendations. A traffic study was developed that includes the following details:

- *An assessment of the traffic impacts associated with the project was performed in accordance with the requirements of the City of North Miami Beach. The results of the roadway capacity analysis show that the NE 163rd Street and NE 164th Street roadway segments currently operate and will continue to operate within the FDOT established capacity and the City of North Miami Beach adopted level of service (LOS) standards.*
- *The results of the intersection analysis indicate that the all of the studied intersections are projected to continue to operate within the overall City's LOS standards during the AM and PM peak hours and adequate operations at the project driveways.*
- *For future without project and future with project conditions, the northbound approach of the NE 22nd Avenue / NE 163rd Street intersection experiences delays during the AM and PM peak hours and delays at the southbound approach during the PM peak hour. The Biscayne Boulevard / NE 163rd Street intersection experiences delays at the westbound approach during the PM peak hour. Signal timing improvements are recommended to improve approach delays at these intersections.*
- *The roadway segments of NE 163rd Street from NE 19th Avenue and Biscayne Boulevard and NE 164th Street from NE 19th Avenue to NE 22nd Avenue were evaluated based on Policy 1.1.2 and Policy 1.1.3 of the Transportation Element of the North Miami Beach Comprehensive Plan. The analysis shows that this segment of NE 163rd Street meets the LOS and capacity standards established in Policy 1.1.2 at existing, future without project, and future with project conditions. The project also meets the transit proximity requirement standard for SIS facilities established in Policy 1.1.3. Therefore, the project qualifies for a transportation concurrency exception.*
- *The project area is currently served by the City of North Miami Beach shuttle and Miami-Dade Transit bus routes 3, 75, 93, 105, 210, and 108. The project is located in an area that is conducive for pedestrian activities providing ample sidewalks and pedestrian crosswalks. Pedestrian mobility, within and around the site, is also encouraged by providing on-site bicycle storage. The availability of transit and the existing pedestrian / bicyclist infrastructure will encourage the use of other modes of transportation and will reduce the project's vehicular impacts on the roadway network.*

Community Development Department:

The Planning and Zoning staff has reviewed the application for consideration by the Planning and Zoning Board; in this report, staff confirmed compliance with the applicable Zoning and Land Development Code regulations with conditions of approval for the consideration of the Planning and Zoning Board and City Commission.

Conditions of Approval (Draft Resolution):

1. Prior to the issuance of the master building permit, the applicant shall coordinate with Public Works to provide a final selection of street furniture in accordance with existing conditions or adopted corridor plans.
2. Prior to the issuance of a master building permit, the applicant shall revise the landscape plans to ensure clusters of three (3) palms trees used to constitute one (1) required tree, shall have a minimum height of 16 feet per Section 21-119 (A)(5).
3. Prior to the issuance of demolition permit, a tree removal permit shall be reviewed and approved.
4. Prior to the issuance of demolition permit, product-data sheets highlighting the permeability of the artificial turf shall be submitted.

5. Prior to issuing the master building permit, the applicant shall have the registered engineer provide a photometric plan for each parking level and certify that the illumination of the enclosed parking facilities has been designed and will be operating according to Section 24-93(G). On-site lighting must not exceed 1.0 Foot-candle beyond all property lines.
6. The alley vacation by the City in favor of the applicant must be approved by the City Commission, any conditions provided for the approval of the alley vacation are incorporated by reference and a part of the site plan approval.

Technical Items to be addressed prior to City Commission Meeting:

1. Revise balcony projections to have a minimum horizontal projection of 3 feet as required by ZLDC Section 24-58(S)(3)(c).(4) Table MU-3.
2. On sheet A-100.1, update note to indicate a 5' sidewalk easement instead of 5' alley greenway along the alley.
3. On sheet A-202, provide property lines and setbacks as depicted on other elevation sheets.
4. On sheet A-100.1, note the easements along the urban greenways, NE 19th and NE 20th Avenues.
5. On sheets A-100.1, update the garage opening width to 24'-0" to be consistent with sheet A-121.
6. On Sheet A-003, update "provided" setback information for NE 20th Avenue to be consistent with the variance being requested (e. g. 7'-7" to 11'-14" tower setback).
7. On sheet A-003, update "provided" setback information for NE 19th Avenue and show the setback measurement for the podium setback on the plan sheets.
8. On sheet A-003, update "provided" setback information for NE 164th Street.
9. On sheet A-300, update the "provided" lot depth information.

Public Notices:

- ✓ Public Notice was posted at the property by **December 30, 2021**, at least 10 days prior to the meeting.
- ✓ Courtesy notices were mailed to property owners within a 500-foot radius by **December 30, 2021**, at least ten days before the meeting date.
- ✓ The agenda was posted to the City's website by **January 3, 2022**, at least 7 days prior to the meeting date
- ✓ Public Notice was posted in the main lobby at City Hall on **December 30, 2021**, at least 10 days prior to the meeting date.