



# City of North Miami Beach, Florida

## Community Development Department – Planning & Zoning Division

17050 NE 19<sup>TH</sup> AVENUE  
1<sup>ST</sup> FLOOR  
NORTH MIAMI BEACH, FLORIDA 33162  
(305) 354-4456

### Planning & Zoning Staff Report

Meeting: 11/28/22

File No: 21-19

Application Name: Biscayne Office Complex

#### General Data:

**Property Owner:** Biscayne 18 Development, LLC

**Agent:** Ben J. Fernandez

**Architect:** Design Tech International Associates, Inc.

**Location:** 15801, 15805, 15807 Biscayne Boulevard

**Folio Number:** 07-2216-035-0010

**Property Size:** 152,239 (3.49 acres)

**FLUM:** General Business District

**Zoning:** General Business District (B-2)

#### Adjacent Zoning:

- **North:** B-2
- **South:** B-2
- **East:** B-2
- **West:** MU/EC

**Existing Land Use:** Commercial

**Proposed Land Use:** Commercial

**Proposed Gross Floor Area:** 149,231 SF



#### The item before the Board:

The item before the Planning & Zoning Board is a request for a Site Plan and Conditional Use Approval for the construction of an 18,000 gross square feet, three-story commercial building and 68,200 gross square feet, six-story parking garage structure with 248 spaces on a 3.49-acre parcel located at 15801, 15805, and 15807 Biscayne Boulevard.

#### Optional Board Motions:

1. Move to continue with direction.
2. **Move approval** of the Site Plan application (File# 21-19), Site Plan, and Conditional Use for the Biscayne Office Complex development located at 15801, 15805, and 15807 Biscayne Boulevard, by finding that the request is consistent with the Comprehensive Plan and meets the criteria set forth in the Zoning and Land Development Code.
3. **Move denial** of the Site Plan application (File# 21-19), Site Plan and Conditional Use for the Biscayne Office Complex development located at 15801, 15805, 15807 Biscayne Boulevard, by finding that the request is inconsistent with the Comprehensive Plan and does not meet the criteria set forth in the Zoning and Land Development Code.

#### Project Planner:

Daniel Lozandier  
Senior Planner

[Daniel.Lozaandier@citynmb.com](mailto:Daniel.Lozaandier@citynmb.com)  
305-948-2966

#### Review Dates:

Planning & Zoning Board: 11/28/2022  
City Commission (TBD)

#### Attachments

1. Letter of Intent
2. Boundary Survey
3. Warranty Deed
4. Site, Civil and Landscape Plans
5. Traffic Study
6. Draft Resolution

**Technical Notes:**

1. Prior to Certificate of Occupancy, the Applicant is required to submit a valet parking agreement and plan to conduct the valet services on the site, subject to review and approval by Public Works and the Community Development Departments.
2. Prior to building permit issuance, revise photometric plan sheet PH-1 to show the average illumination intensity of one (1) foot candle equal to one (1) lumen per square foot for the surface parking lot in accordance with ZLDC Section 24-93 (G)(2)(a).
3. Prior to building permit issuance, revise sheet PH-2 to show 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 for the parking garage structure in accordance with ZLDC Section 24-93 (G)(2)(b).
4. Prior to building permit issuance, provide revised sheet A4.1 showing architectural screening of the vehicles on the east elevation on all floors to match all other building elevations.
5. Prior to building permit issuance, provide architectural screening of the vehicles on the 6<sup>th</sup>-floor roof deck of the parking garage on all sides of the building.
6. Prior to building permit issuance, provide the Light Reflectance Value (LRV) of the building elevation colors shown on sheet A2.2 in accordance with ZLDC Section 24-79 (A).

**Background:**

The subject site is located at 15801, 15805, and 15807 Biscayne Boulevard. The following is a list of events relating to the property:

- According to the Miami-Dade County Property Appraiser records the existing (9,808 sf) office/bank building was built in 2002. In 2013 the existing (17,432 sf) two-story office building was constructed, and in the year 2017, the existing (22,151 sf) three-story office building was constructed.
- On February 15, 2000, the City Commission approved a resolution 2000-1 granting site plan approval to construct an approximately 8,000 square foot, two (2) story bank with a drive-thru located at 15801 Biscayne Boulevard.
- On September 20, 2011, the City Commission approved resolution R2011-50, granting a site plan approval for the construction of three two-story office buildings totaling 45,258 square feet, and granting a variance to Section 24-97 to reduce the parking from 165 spaces required to 135 spaces provided; and granting a variance to 24-97 to reduce the number of required loading spaces from 2 required to 1 provided.
- On July 14, 2014, the City Commission approved resolution R2014-26, granting a site plan modification to resolution R2011-50, to allow one two-story building and one-three story building, in lieu of the previously approved three two-story buildings.
- On June 20, 2017, the City Commission approved and accepted an easement (resolution R2017-49) for the Biscayne 18 Development for water and sewer facilities.

**Site Plan Analysis:**

**Compliance with the Zoning and Land Development Regulations (ZLDC):**

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

Pursuant to ZLDC Section 24-52 (A) **Purpose and Intent.** *The purpose and intent of this district is to provide suitable sites for development of retail and service commercial uses of a general nature which serve the diverse consumer needs of the entire community, in areas consistent with the City's Comprehensive Plan Land Use Element.*

- The proposed three-story commercial building and six-story parking garage structure follows the purpose and intent of the General Business District by providing new retail, new office, and commercial space at the north and south region of the building on the ground floor adjacent towards the main entrance on Biscayne Boulevard. The proposed project improvements will also provide more efficient use of the property, while bringing additional active uses for consumer needs and providing additional parking spaces to the existing parcel.

The proposed parking structure will have adequate provisions for vehicular and pedestrian traffic movement, both internal to the use and in the area which will serve the use. The project provides ground floor parking spaces, sidewalks, pedestrian crosswalks, and signage to bus stops, which provide multi-modal transportation options.

Pursuant to ZLDC Section 24-52(B) – Uses Permitted, Office, Retail, and Restaurants are listed as **permitted uses** by right in the B-2 zoning district.

- The future development proposes a three-story commercial building consisting of 12,000 sf of office space, 4,500 sf of retail uses, and 1,500 sf for restaurant uses. The uses are permitted by right in accordance with ZLDC Section 24-52(B).

Pursuant to ZLDC Section 24-52(C)(11) – Uses Permitted Conditionally, Parking Garages are listed as **permitted conditionally** in the B-2 zoning district.

- The applicant intends to develop a six-story parking garage structure of approximately 68,200 square feet. The above listed use is permitted conditionally according to ZLDC Section 24-52(C). The proposed parking garage structure will provide additional parking spaces in an efficient manner. Approximately 266 new parking spaces will be added to the existing parking spaces of 150, which will exceed the total required amount of 232 total parking spaces.

**Site Development Standards:**

The following table compares the project design to the minimum and maximum development standards for the B-2 zoning district set forth in ZLDC Section 24-52(D) **Site Development Standards.**

<b><u>Zoning</u></b>	<b><u>Required/ Allowed</u></b>	<b><u>Proposed</u></b>
General Business District (B-2)		
Lot Area	3 Acres (min.)	3.49 Acres
Lot Width	100' (min.)	348.69' Feet
Lot Depth	N/A	515.24' Feet

Floor Area	1,000 SF (min)	12,000 Gross Sq. Ft (Proposed Office)  4,500 Gross Sq. Ft (Proposed Retail)  1,500 Gross Sq. Ft (Proposed Restaurant)
Pervious Area (Min.)	20% (min)	44,997 sf (29.53%)
Building Height (Max.)	15 Stories / 150' Feet	3 Stories / 58'-4" Feet (Office Building) 6 Stories / 72'-4" Feet (Parking Garage)
Building Setbacks (Min.):	<b>Required</b>	<b>Provided</b>
<b>Front</b> (West)	25'	25'
<b>Rear</b> (East)	20' 35'	58' – 6" (Office Building) 35' – 0" (Parking Garage)
<b>Interior Side</b>	0' 15'	8' – 0" (Office Building) 28' – 10" (Parking Garage)

**Supplemental Regulations:**

Pursuant to ZLDC Section 24-79 (A), **Paint Colors**, *All buildings located in commercial Zoning Districts (B-1, B-2, B-3, B-4, B-5, and FCC) are required to obtain a permit to paint building exteriors. Allowable paint colors are as follows: (1) Base: Must have a light reflectance value (LRV) of 35 or greater. (2) Trim: May be any solid color.*

- The proposed three-story commercial building hasn't provided a light reflectance value (LRV) value greater than 35 however, the paint colors were indicated on Sheet A-2.2, Color Elevations. The proposed colors will consist of Greek Villa, Reflective White, Techno Gray, and Breakwater. A note has been added to the report requiring the plans to be adjusted prior to permit issuance to comply with the code section.

Pursuant to ZLDC Section 24-81 (A), **Setback Encroachments**, *Every part of every required front, side and rear yard setback shall be open and unobstructed from finished grade to the sky except as herein provided in subsection (1) through (11).*

- Elevation sheets A2.0 and A2.1 show exterior features such as awnings, roof overhangs, and balconies with railings. None of the exterior features encroach into the setbacks beyond the maximum limits allowed in Section 24-81 (A), thus demonstrating compliance with the code section.

Pursuant to Ord. Section 24-82 (A)(2), **Vision Clearance**, *Intersection of an alley or accessway with a public street: As defined above, except that the two (2) equal sides of the triangular area shall be fifteen (15) feet in length.*

- On sheet C-300 pavement marking plan depicts a 25' triangular vision clearance area near the public street entrances. The plans provided demonstrate compliance with the above code section requirement of 15' feet in length.

Pursuant to ZLDC Section 24-89, S.R. 826 and **Biscayne Boulevard Frontage**, Notwithstanding the provisions of Section 24-34 of this Code, no tract zoned B-2 or B-3 with frontage on these two (2) arterials shall be further subdivided if the tract already equals or exceeds the minimum specified, (B) Biscayne Boulevard—Three (3) acres.

- The subject site is a 3.49-acre unified parcel located at 15801, 15805, 15807 Biscayne Blvd, in compliance with the code section. However, it is important to note that the site cannot be subdivided under 3 acres, pursuant to the code section.

**Parking Regulations:**

The following table demonstrates the project's compliance with the parking requirements listed in ZLDC Section 24-95 – Minimum Space Requirements by use:

- Sheet SP-1.0 indicates that 150 existing parking spaces are provided, 7 existing ADA spaces, and 248+ additional spaces will be provided by the proposed parking garage structure. The site plan illustrates standard parking spaces at the minimum 9' width required in accordance with ZLDC Section 24-93 (D), thus, the proposed parking spaces are consistent with the code. The minimum parking space required is 232 spaces. The proposed commercial uses include retail, restaurant, and office. The total number of required parking spaces are 82. In addition to, the proposed 6-story parking garage structure provides a total of 266 parking spaces to serve the additional commercial uses and existing businesses on site. To conclude the future development, provide Bicycle Racks and Bicycle Storage for its patrons.

Use	Formula	Required	Provided
Existing Office / Bank Building	3 spaces per 1,000 sf (min)	30 spaces (min)	30 spaces
Existing Commercial Building #1	3 spaces per 1,000 sf (min)	30 spaces (min)	53 spaces
Existing Commercial Building #2	3 spaces per 1,000 sf (min)	30 spaces (min)	67 spaces
<b>Total Number of Existing Parking Spaces</b>		150 spaces	<u>150 spaces</u>
Proposed Restaurant	15 spaces per 1,000 sf (min)	15 spaces	23 spaces
Proposed Retail	5 spaces per 1,000 sf (min)	5 spaces	23 spaces
Proposed Office	3 spaces per 1,000 sf (min)	12 spaces	36 spaces
<b>Total Number of Proposed Parking Spaces</b>		32 spaces	<u>82 spaces</u>
<b>Total Parking Spaces (Including (7) Existing ADA Spaces and (6) Tandem Valet Spaces)</b>		232 spaces	<u>266 spaces</u>
<b>Surplus</b>		N/A	<u>34 spaces</u>

Use	Required	Provided
Bicycle Racks (Office/Bank/Retail/Restaurant)	N/A	24 spaces

Pursuant to ZLDC Section 24-93 (C)(1), **Parking Requirements for the Handicapped**, A minimum of one (1) parking space specifically designated for automobiles occupied by handicapped persons shall be provided for each twenty-five (25) spaces up to one hundred (100) spaces and an additional one (1) space shall be provided for each additional one hundred (100) or any part thereof, required parking spaces in all developments of commercial, recreational, institutional, or a community facilities nature regardless of the zoning district in which these uses may occur plus multifamily residential where deemed appropriate at site plan review.

- In accordance with code Section 24-93(C), ADA spaces are required for the proposed uses. The plans provided show 4 non-conforming ADA parking spaces that measure 12'x16' and provides 3 new 12'x20' ADA parking spaces located on the ground level parking lot. The new ADA spaces demonstrate compliance with Section 24-93(C).

Pursuant to ZLDC Section 24-93, **Parking Spaces** shall meet the minimum criteria listed in accordance with subsections (D), (E), and (F).

- The parking spaces indicated on site plan sheet number SP-1.0 displays the existing nonconforming parking spaces at 9'x16' and existing standard spaces displayed at 9'x18' which is required by code. The additional new parking spaces displayed on the existing surface parking lot and proposed 6-story parking garage structure demonstrated compliance with the minimum parking lot design standards in ZLDC Section 24-93. Space dimensions, markings and wheel stops were added to enhance parking configuration. The proposed parking garage structure offers a total of 266 parking spaces to serve the additional commercial uses and existing businesses on site.

Pursuant to ZLDC Section 24-93 (G), **Illumination Intensity**.

- Per ZLDC Section 24-93 (G)(2), face parking lots shall provide an average lamination of 1 foot candle per square foot. Sheet PH-1 shows average 1.82-foot candles provided, in excess of the average requirement. A note has been added to the report requiring the plans to be adjusted prior to permit issuance to comply with the code section.
- Per ZLDC Section (G)(2)(b), an average 50-foot candles (fc) shall be provided at the entrance, 10-foot candles provided in the traffic lands, and 5-foot candles at the parking areas. Sheet PH-2 shows an average of 53.62 (fc) provided on the 1<sup>st</sup> floor bottom left entrance, 63.15 top left entrance, and 70.26 at the top right entrance, above the average 50 fc allowed. Furthermore, the plan shows an average 13.07 fc on the first floor, 10.46 on floors two through five, and the sixth floor shows 10.07 fc. Lastly, the plan shows 12.06 fc provide for the vehicle parking area on the first floor, 10.57 fc on levels two through five, and 10.83 fc on level six. A note has been added to the staff report requiring the foot candles to be adjusted on the plans to comply with the code prior permit issuance.

The following table demonstrates the project's compliance with the loading space regulations listed in ZLDC Sections 24-97 Minimum Loading Space Requirements.

- Pursuant to ZLDC Section 24-96 (B), An off-street loading space shall include an area of at least twelve (12) feet wide by thirty (30) feet long with fourteen and one-half (14½) feet vertical clearance. Combined or joint off-street loading spaces for two (2) or more uses may be collectively provided if off-street loading facilities are equal in size and capacity to the combined requirements of the several uses and are so located and arranged as to be useable by all. The applicant demonstrates compliance with the above code section by providing a total of three loading spaces instead of the required amount of two as shown on Sheet SP-1.0.



Use Category	Formula	Required	Provided
Office	20,000 —100,000 Sq. Ft	1 loading spaces	3 loading spaces
Retail	3,000—10,000 Sq. Ft	1 loading space	
Total		2 loading spaces	3 loading spaces

Pursuant to ZLDC Section 24-93 (B), **Traffic Control**. Traffic-control signs and pavement markings shall be used as necessary to insure safe and efficient circulation within off-street parking areas. All traffic control measures shall be approved by the Director and be based upon the Manual on Traffic Control Devices.

- Sheet SP-1.4 provided demonstrates compliance with the traffic control regulations in the code. Furthermore, the proposed plans have been reviewed by the City's independent traffic consultant and met compliance.

Pursuant to ZLDC Section 24-98 (A)(1), **Access Points**, All projects shall have access to a public right-of-way. The number of access points shall be as follows: Nonresidential, <300 required parking spaces, 1 access point

- The subject site has two access points more than the minimum required amount. Since the site was previously approved with two access points, the access points will remain and are considered Legally Non-Conforming to the existing site.

Pursuant to ZLDC Section 24-113 (C)(5)(a), **Flood Resistant Development**, for buildings located in special flood hazard areas, the minimum lowest floor elevation (or height of dry floodproofing of nonresidential buildings) shall be at or above the higher of the following: i. The elevation required by the Florida Building Code; or ii. Twelve (12) inches (one- and two-family dwellings) or six (6) inches (all other buildings) above: a. The elevation of back of adjacent sidewalk; b. If there is no sidewalk, the elevation of highest crown of road or street abutting building site; c. If road has no crown, the highest edge of road cross section.

- The subject site is located in the FEMA Zone AE-8 (Special Flood Hazard Area). On Sheet C-200, illustrate the finish floor of 9.25' (NGVD) for the proposed building, which is higher than the required amount. The proposed plans demonstrate compliance with the City's municipal code of ordinance minimum lowest floor elevation requirement.

#### **Landscape Compliance:**

The following table analyzes the landscape plans provided for compliance with ZLDC Sections 24-122:

Landscape Code Requirements				
Description	Application	Calculation	Qty. Required	Qty. Provided
Right of Way Perimeter	1 tree/ 25 LF	348.69' / 25'	14	17
East Perimeter	1 tree/ 30 LF	225' / 30'	8	8
South Perimeter	1 tree/ 30 LF	320 s/ / 30'	11	11
Parking Islands		Terminal Islands 14	14	14
		Interior Islands 5	5	5
Parking Medians	1 tree/ 25 LF	54' + 54' + 125' / 25	9	9
Total Trees			52	52
Maximum Palms Allowed	25% of required site trees	25% of 52 =	13	14 = 4 trees (3:1)
				Veitchia palms clustered
				Royal palms individual
Foliage trees	75% of required site trees	75% of 52 =	39	27+ 21 existing

## Landscape Code Requirements

Water Use Zone	Percent of Total Landscaped Area	Plant and Turf Description
High Water Use Zone	30%	See plant list
Moderate Water Use Zone	20%	See plant list
Low Water Use Zone	50%	See plant list

- The trees, palms and shrubs selected on sheet L-1 consist of drought tolerant, low maintenance native and Florida Friendly plant varieties. The tree sizes specified comply with the minimum requirements listed in the code.

Pursuant to Ord. 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 City Engineer provided TRAD signoff for the project indicating that the plans provided at the time of TRAD comply with Stormwater regulations.

### 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 Ord. 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).

- The plans provided demonstrate vehicular circulation from the main entrance on Biscayne Blvd and north-east region towards the 6-story parking garage structure. The ground level valet parking is located approximately 200-feet from the main entrance will provide valet services to customers, reduce traffic, and provide additional automobiles in the parking garage. The 6-story parking garage will be screened with architectural aluminum screening that will not create any incompatible visual relationships (compliance with subsection c). Lastly, sheet SP-1.0 displays pedestrian crosswalks, and pedestrian signage which is compatible and functional with circulation systems outside the development. The plans were also reviewed by the City's independent traffic consultant for compliance.

Pursuant to Ord. 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.

- Prior to City Commission review staff will review the concurrency for level of service compliance.

Pursuant to Ord. 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:

- 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 site plan development proposes a three-story commercial building and six-story parking garage structure with architectural features that are similar in height, and scale and will enhance the surrounding properties. The proposed three-story building will be compatible with the currently developed parcel which contains a two-story office building of approximately 17,423 square feet in size, a three-story commercial building of approximately 22,151 square feet and a bank and office building of approximately 9,808 square feet. The modern building style proposes similar architectural facades, window fixtures, balconies, and varying shades of grey and white colors. The proposed parking garage will be located at the southeast corner of the property, and along the existing curb cut pattern to provide for minimal interruption to the pedestrian connectivity throughout the project.
- b) Maximum privacy should be incorporated into the design of any individual residential units and related outdoor patio and living areas.
  - Although this is not a residential development, maximum privacy has been incorporated into the design of the outdoor patio areas proposed.
- c) Building location and other site features shall be reviewed in the context of any proposed road widenings, particularly the Biscayne Boulevard frontage.
  - No additional roadway widening has been indicated for US-1.
- 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 existing parcel is located within Zone AE. The finish floor elevation is 9.25' demonstrating rate compliance with flood requirements.
- e) Proposed buildings and site shall be compliant with the Americans with Disabilities Act (ADA) and Miami-Dade County Code of Ordinances.
  - Proposed buildings will be reviewed for Americans with Disabilities Act (ADA) and Miami-Dade County Code of Ordinances during permit review and shall demonstrate compliance.
- f) Proposed buildings shall be compliant with the **Fair Housing Act** as required.
  - The proposal will be reviewed in accordance with the Fair Housing Act during permit review.

Pursuant to Ord. 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, and use of digital security cameras, especially in parking areas and other common areas, including ingress and egress areas. City staff from the Police Department reviewed for compliance during TRAD review.

**Conditional Use Review Standards:**

Pursuant to ZLDC Section 24-175 (B)(1)-(9) list the conditional use review standards. The following is the staff analysis of the project in accordance with these standards:

- 1) The proposed use is compatible with the existing natural environmental and other properties within the neighborhood;
  - The proposed six-story parking garage is compatible with the existing natural environment and other properties in the area. Biscayne Boulevard is an arterial road abutting a mix of commercial and retail uses.

- 2) The proposed use will create no substantial detrimental effects on neighborhood property values;
  - If the proposed use were to be approved and built this will actually be the first parking garage along Biscayne Blvd. The location for the proposed parking garage will be placed internal to the site, screened from the public eye, and will serve patrons from the new office, retail, and restaurant business. The proposed use will create no detrimental effects on the neighborhood.
- 3) The proposed use can be accommodated by adequate community facilities such as schools, streets, parks, and utilities
  - N/A
- 4) The proposed use will have adequate provisions for vehicular and pedestrian traffic movement;
  - The parcel configuration including entrance points, ADA spaces, and existing parking will remain as existing. The proposed parking garage will provide sufficient vehicular and pedestrian traffic movement, both internal to the use and the area that will serve the uses on site. Bike racks, additional signage and pedestrian crosswalks were added to the site for more efficient vehicular and pedestrian circulation. A traffic study has been provided and will be reviewed for compliance prior to the City Commission hearing.
- 5) The proposed use will have adequate drainage systems;
  - The proposed six-story parking garage will be situated on an existing drainage system. The property contains existing storm drains, gutters, and catch basin which can be fully accommodated on site and will provide proper drainage of water. Future site improvements will include new storm pipes, additional catch basins, and storm manholes. City staff from the Public Works Department reviewed for compliance during TRAD review.
- 6) The proposed use will have adequate setbacks and amenities, to control adverse effects; and
  - On sheet SP-1.0, indicate that the six-story parking garage structure has a 35' rear setback, 28' side setback and front setback in excess of the required amount. The proposed garage structure demonstrate compliance with the setback requirements indicated in ZLDC Section 24-52(D) Site Development Standards.
- 7) The proposed use will be located on property, which is sufficient, appropriate and adequate for any reasonable expansion.
  - If the conditional use is approved, the garage will be located on a 3.49-acre site which provides adequate space for the current and proposed uses.
- 8) Any other conditions as may be stipulated and made a requirement in granting any conditional uses, when it is considered necessary to further the intent and general welfare, including, but not limited to:
  - (a) Limitations on the hours of commercial or industrial operations.
  - (b) Limitations on the number of occupants of any building at any one time.
  - The proposed parking garage structure will be utilized during the regular hours that businesses are in operation and will included automated devices to control the lights in the parking garage. Pursuant to ZLDC Section 24-93(G)(4); All required illumination shall be controlled by automatic devices.
- 9) Medical marijuana dispensary/medical marijuana treatment centers. No medical marijuana dispensaries/medical marijuana treatment centers shall be located within five hundred (500') feet of the real property that compromise a public or private elementary school, middle school, or secondary school.
  - N/A

### Traffic and Concurrency Regulations:

Included in the site plan modification is a Traffic Impacted Study prepared for the applicant dated September 2, 2021. The study evaluates the traffic impacts resulting from the proposed development. The analysis evaluates the existing traffic condition and future conditions with and without project traffic during the adjacent roadway's AM and PM peak hours.

The study included a review of the following:

- Trip Generation Analysis
- Proposed Traffic Methodology

TABLE 2 Trip Generation Summary (Proposed Uses) Biscayne 18 Development								
Land Use	Size	Daily Trips	AM Peak Hour			PM Peak Hour		
			Total Trips	Inbound	Outbound	Total Trips	Inbound	Outbound
Existing Buildings 1-3	49,391							
New Building	18,000							
Restaurant	1,500							
Retail	4,500							
Office	12,000							
Exist + Prop (LUC 710)	67,391	823	59	52	7	120	20	100
<b>Gross Trips</b>		<b>823</b>	<b>59</b>	<b>52</b>	<b>7</b>	<b>120</b>	<b>20</b>	<b>100</b>

Source: ITE Trip Generation Manual (11th Edition)

The Traffic Impact Study concluded:

The trip generation calculations yielded the commercial development consisting of restaurant, retail, and office is projected to generate approximately 823 daily trips, approximately 59 AM peak hours trips (52 inbound and 7 outbound) and approximately 120 trips during the afternoon peak hour (20 inbound and 100 outbound).

- Based on the analyses documented in this report, the subject project will not have a negative traffic impact on the study area. The studied intersections will maintain the same Level of Service of the proposed future condition without the project while the adjacent roadways with the additional project trips will meet the City's adopted Level of Service. Therefore, it is fair to conclude that sufficient roadway capacity exists to support the proposed redevelopment. The City's concurrency and traffic engineering consultant the Corradino Group reviewed the Applicant's Traffic Impact Study. They determined that all traffic-related comments were satisfactorily addressed.

### Concurrency Standards and Procedures

Pursuant to ZLDC Section 24-161 (A), Level of Service Standards. New development shall not be approved unless there is sufficient available design capacity to sustain the following levels of service as established in the North Miami Beach Comprehensive Plan: (1) Streets: "F"-I-95, Biscayne Boulevard, North Miami Beach Boulevard, and N.E. Sixth Avenue, "D" all other Arterials and Collectors, "B" all local streets.

- The City's consultants are pending final approval for the Level of Service Standards. Prior to the Planning & Zoning board hearing, an updated Concurrency Service Form was submitted for review to determine compliance.

Pursuant to ZLDC Section 24-160 (A)(2), Sanitary sewer: The City collection system shall accommodate an average daily flow of at least eighty-five (85) gallons per person (total City population) per day in the service area. The County treatment and disposal system shall operate with a design capacity of two (2) percent above the daily flow of the preceding year. Otherwise, septic tanks shall be the level of service, subject to County approval of site suitability.

- The City's concurrency and traffic engineering consultant the Corradino Group reviewed the Applicant's Traffic Impact Study. They determined that all traffic-related comments were satisfactorily addressed.

Pursuant to ZLDC Section 24-160 (A)(3), Drainage: Adequately accommodate stormwater runoff from a twenty-four (24) hour, ten (10) year frequency storm.

- City staff from the Public Works Department are pending final approval for the adequacy to accommodate the stormwater runoff can only be determined from Drainage Calculations for Water quality and Water quantity. The submission must specify design criteria and include all maps, charts, tables, and sources to support parameters used in calculations.

Pursuant to ZLDC Section 24-160 (A)(4), Water: The City's water system shall provide at least one hundred fifty (150) gallons per person per day at a pressure of at least forty (40) pounds per square inch.

- City staff from the NMB Water Department determined that proposed site improvements were satisfactory. The existing portable water consumption is currently listed at 4,939 gpd, and proposed use at 6,050 gpd. The proposed development will accommodate adequate water services for the new structures.

Pursuant to ZLDC Section 24-160 (A)(5), Solid waste: City trucks and the County disposal system shall be able to accommodate 5.5 pounds per capita per day.

- City staff from the Solid Waste department reviewed for compliance and provided final TRAD signoff for the future development. Furthermore, the Solid Waste Program Manager indicated that *Coastal Waste and Recycling, Inc.* will be utilized for the site disposal system and shall be able to accommodate 5.5 pounds per capita per day.

#### **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 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 1.2.11:** 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.

**Policy 1.2.6:** The City will continue to use the development plan review process to control roadway access points, on-site traffic flow and parking. The City will coordinate reviews with FDOT District VI and/or Miami-Dade County, as required.

**Policy 1.2.14:** The Community Redevelopment Agency should seek to strengthen businesses in the redevelopment areas.

- The future project improvements will make more efficient use of the property while bringing additional active uses to the Biscayne Boulevard frontage and adding parking to the project. The plan meets the applicable B-2 General Business zoning standards and surrounding community characteristics which are primarily surrounded by commercial uses.

### **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.

**Policy 1.4.9:** The City will cooperate with MDTA in the development of multi-modal transit facilities along the Biscayne Boulevard/ U.S. 1 and/or NMB corridors by ensuring that the City's Future Land Use Element and land development regulations encourage development of appropriate design, intensity, urban context, and mix of uses which will support usage of, and complement, these facilities. This policy shall be implemented in part through FLUE Policy 1.8.1 and Transportation Policy 1.1.3.

- The future development anticipates enhancing multi-modal transportation alternatives by providing new bicycle spaces on site which will encourage pedestrians to utilize different methods of transportation.  
 Furthermore, along Biscayne Blvd near the vicinity of the parcel consist of bus stops and sidewalk connectivity. Patrons will have the ability to walk, bike, or utilize public transit to access the site and its public open spaces.

### **Public Notices:**

- ✓ Public Notice was posted at the property by **November 4, 2022**, at least 10 days prior to the meeting.
- ✓ Courtesy notices were mailed to property owners within a 500-foot radius by **November 4, 2022**, at least 10 days before the meeting date.
- ✓ The agenda was posted to the City's website by **November 7, 2022**, at least 7 days prior to the meeting date.
- ✓ Public Notice was posted in the main lobby at City Hall by **November 4, 2022**, at least 10 days prior to the meeting date.