City of North Miami Beach, Florida

Community Development Department – Planning & Zoning Division

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

PLANNING & ZONING BOARD

Meeting: 10/24/2022	**File No:** 22-27	**Application Name:** BH-164

General Data:
Applicant: Matthew Amster. Esq.
Location: 2261 NE 164th Street
PCN: 07-2216-026-0010
Property Size: 1.95 acres
FLUM: Mixed-Use Fulford Town Center MU/TC)
Zoning: Mixed-Use Fulford Town Center (MU/TC)
Adjacent Zoning:

- **North**: CF
- **East**: General Business District (B-2)
- **South**: MU/TC
- **West**: MU/TC

Existing Land Use: Warehouse
Proposed Land Use: Mixed-Use building
Proposed Gross Floor Area: 400,576 SF
Floor area ratio: 4.69
Dwelling units per acre: 204 du/ac

The item before the Board:
The item before the Planning & Zoning Board is a request for Site Plan Approval and 10 non-use variances for the construction of a 32-Story, 400,576 gross square feet, mixed-use development with 400 residential units, 1,825 square feet of ground floor commercial space, and 587 parking spaces on a 1.95-acre parcel located at 2261 NE 164th Street.

Optional Board Motions:

1. **Move to continue** with direction.

2. **Move approval** of the Site Plan application (File# 22-27) and variance requests for the BH-164 mixed-use development located at 2261 NE 164th Street, 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# 22-27) and variance requests for the BH-164 mixed-use development located at 2261 NE 164th Street, 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.

Background:
The subject site is situated at the most eastern lot of NE 22nd Ave and NE 164th street. The following is a list of events relating to the property:

- According to the Miami-Dade County Property Appraiser records the existing warehouse was constructed in 1969 (15,966 sf) and an addition (19,542 sf) was constructed in 1984.

Project Planner:	**Review Dates:**	**Attachments**
Jethro Francois Planner 1 Jethro.Francois@citynmb.com 305-948-2966	Planning & Zoning Board: October 24, 2022 City Commission (TBD)	1. Draft Resolution 2. Application & Letter of Intent 3. Site, Civil and Landscape Plans 4. Traffic Study

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 Section 24-58.1(A) **Purpose and Intent**. *The purpose of these regulations is to implement policies that guide the design of development within the Fulford Mixed-Use Town Center District (MU/TC). 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).*

- The proposed 32-story mixed-use development complies with the purpose and intent of the Mixed-Use Fulford Town Center. The proposed development provides ground floor commercial spaces at the north and south sides of the building. The designated open spaces located on the property provide pedestrian circulation throughout the site, connecting pedestrians from NE 164th Street (Hanford Blvd) on the south to the Royal Glades canal on the north. The project provides bicycle parking spaces, green trails, wide sidewalks, and proximity to bus stops, which promotes multi-modal transportation options.

Pursuant to ZLDC Table MU/TC-1, residential and retail are listed as **permitted uses** by right in the MU/TC zoning district.

- The project proposes mixed-use development composed of residential dwelling units and commercial-use tenant space in accordance with ZLDC Table MU/TC-1.

Pursuant to Table MU/TC-2, note (2), Buildings higher than eight (8) stories shall only be developed per the Tower building Type standards.

- The building typology proposed for the BH-164 mixed-use development is a Tower building. The building design complies with Figure MU-8: Tower building design, by providing:
  - Tower floor plate calculation
    - The average shall be calculated as the total cumulative tower floorplate area divided by the number of tower stories. The maximum average floorplate is dependent on the tower's primary use as follows: Office of Mixed Use - average up to 35,000 square feet and a maximum of 45,000 square feet for any single tower floorplate; Residential or Hotel - average up to 20,000 square feet and a maximum of 30,000 square feet for any single tower floorplate. The total cumulative floorplate area at any given story shall not exceed the maximum permitted footprint.
      - The tower floorplate maximum for a single tower is 30,000 square feet and the average is 20,000 square feet. The applicant is proposing a 16,281 square feet tower floor plate.
  - Tower setbacks
    - The applicant is requesting a variance for the tower setback located in the southeast portion of the development. The required setback is 15 feet and the applicant is requesting to reduce their setback to 7'2" feet.
  - Tower Orientation towards primary and secondary streets, and along greenways and open spaces
  - Garage Screening (instead of linear use)

Site Development Standards:

The following table compares the project design to the minimum and maximum development standards for the MU/TC zoning district set forth in ZLDC Tables MU-1, MU-2, MU/TC-2, and MU/TC-4

Zoning MU/TC district	Required/ Allowed	Proposed
Lot Area (Min.)	N/A	1.95 acres
Impervious Area	90% (max)	53,966 sq. ft (65.25%)
Pervious Area (Min.)	10% (min)	28,752 sq. ft (34.75%)

Lot Width	**200' (min.), 250' (max**	**158***
Lot Depth		**518'4"**
Height (Max.)	**30 stories/375 feet**	**32 stories/347 feet**
Building Setbacks (Min.): **		
Front (South) Primary Street	**0 (min.), 20' (max)**	**140'7"**
Rear (North)	**5' (min), 15 (max.)**	**80'-7"**
Side Interior (East)	**0' (min)*, N/A (max.)**	**19'5"**
Side interior (West)	**0' (min.), N/A' (max.)**	**10'0"**
Podium Setback (Min.)	**Required**	**Provided**
Front (South)	**0'**	**3'10"**
Rear (North)	**15'**	**44'-2"**
Side Interior (East)	**15'**	**7'-2" ****
Side Interior (West)	**15'**	**40'-10"**

* Pursuant to Table MU-2, note (1), *The Planning Director shall have the authority to waive administratively the requirements for minimum lot coverage, pervious area, lot depth, and lot width*. The minimum lot width was waived due to the irregular shape of the site.

** A variance is being requested to reduce the podium setback on the front, rear, side interior, and side street of the West tower portions of the building from 15' feet to 7'2" feet. The variance request would be further analyzed later in the report.

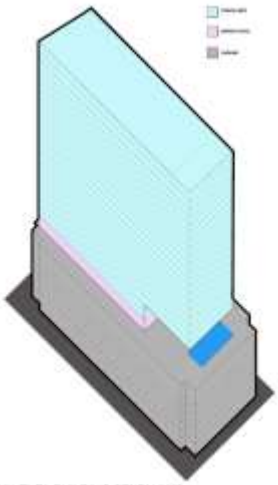
Pursuant to ZLDC Section 24-113 (C)(5)(c), **Flood Resistant Development**, for construction of new mixed-use buildings in mixed-used districts defined in the Future Land Use Element of the City's Comprehensive Plan, the minimum lowest floor elevation (or height of dry floodproofing of nonresidential portions of mixed-use buildings) shall be the higher of the following: I. The elevation required by the Florida Building Code if located in a special flood hazard area; ii. The elevation of the back of the adjacent sidewalk; iii. If there is no sidewalk, the elevation of the highest crown of road or street abutting the building site; iv. If the road has no crown, the highest edge of the road cross-section.

- The subject site is located partially in the FEMA AE-7 (Special Flood Hazard Area). Sheet C-2 mentions that the finish floor will be at +9.50 (NGVD), and the lowest equipment room floor at +9.50 (NGVD). The elevation of the back of the adjacent sidewalk consisted of an elevation +7.79 and the elevation of the crown of the road was +7.47. The applicant has met compliance with the elevation required in the code by choosing the highest elevation.

Pursuant to ZLDC Section 24-58 (R)(1), **Building height** is the vertical distance above the centerline of the adjacent fronting road to the highest point of the building, or in the case of pitched roofs, to the average height between the bottom of the eave and the peak of the roof. In a Special Flood Hazard Area (SFHA) the building height shall be measured from the minimum finished flood elevation required in the SFHA. Only accessory structures permitted elsewhere in these regulations to extend beyond the height of the building are exempt from the maximum allowable building height requirements.

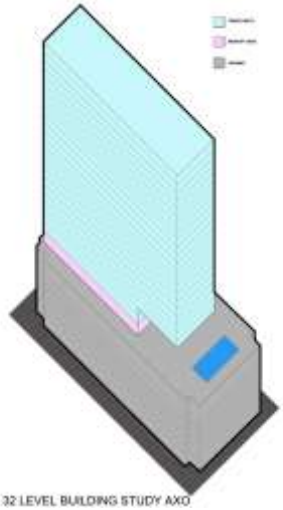
- The plans provided show the height measured from the ground floor elevation to the top of the flat roof is 331'8" at 32 stories. The development included an accessory structure on the top of the building that proposes a height of 347'10'. The minimum finish floor elevation has been reviewed for compliance with ZLDC Section 24-113 (C)(5)(c). The proposed development exceeds the maximum allowed stories but is below the allowable height in the core sub-district. The applicant provided a massing diagram to display the intensity of the structure. According to Table MU/TC-2, The number of stories may be increased provided the overall building height is not exceeded. The Applicant shall demonstrate that the resulting intensity does not exceed the intensity that would otherwise be accommodated in the maximum number of stories permitted.

- **30 Level Story**



UNIT TYPE	SQUARE FOOTAGE
UNIT S1 (STUDIO)	550
UNIT A1 (1BD/1BA)	610
UNIT A2 (1BD/1BA)	665
UNIT A3 (1BD/1BA)	670
UNIT A4 (1BD/1BA)	680
UNIT B1 (2BD/2BA)	1045
UNIT B2 (2BD/2BA)	1050

- **32 Level Story**



UNIT TYPE	SQUARE FOOTAGE
UNIT S1 (STUDIO)	550
UNIT A1 (1BD/1BA)	610
UNIT A2 (1BD/1BA)	665
UNIT A3 (1BD/1BA)	670
UNIT A4 (1BD/1BA)	680
UNIT B1 (2BD/2BA)	1045
UNIT B2 (2BD/2BA)	1050

The applicant has increased the stories of the proposed development but is still in compliance with the height standards and is not increasing the gross horizontal area of all floors which would impact the gross floor area. The total amount of residential square footage is 320,790 in both the 30-story and 32-story building.

Pursuant to ZLDC Section 24-58 (S)(1) g. i.**, Ground Floor Active Use**. Storefronts are active uses located along the ground floor of a building. Storefronts shall be provided in compliance with the following standards in subsections 1 through 6.

- Active use means a use within an enclosed building designed for human occupation with a direct view to adjacent streets or publicly accessible open space. Ground floor active uses generally include, but are not limited to, retail, other commercial, restaurants, coffee shops, libraries, institutions, educational and cultural facilities, residential, and entrance lobbies. The plans provided show retail use in the front of the building on the ground floor and commercial space in the rear of the property which abuts both designated public open spaces. The active uses are both directly accessible from a public open space.

Pursuant to ZLDC Section 24-58 (S)(1)(n)., **Dwelling Units**. Dwelling units shall not be less than five hundred fifty (550) square feet. In multiple dwelling unit buildings, the cumulative average of all dwelling units shall not be less than eight hundred (800) square feet.

- Sheet SP-1 shows a breakdown of the dwelling units and indicates that the average cumulative unit area provided is 802 square feet which exceeds the minimum 800 sf required, thus demonstrating compliance

Pursuant to ZLDC Section 24-58 (S)(1.)p., **Rooftop Terraces**. are intended to guide the non-habitable use of rooftops for buildings built to the maximum story height limit to allow rooftop terraces. Rooftop terraces and rooftop amenities, such as roof gardens, observation decks, swimming pools, and running tracks, are encouraged to create unique gathering spaces to aid in the reduction of the urban heat index in the mixed-use district area and to add aesthetic value to the buildings. Rooftop terraces are not intended to add additional story

height for uses that could otherwise occupy space within the building, such as, but are not limited to, fitness centers, restaurants, locker rooms, and other similar amenities.

- The plans provide show an amenity deck terrace on the 8th and the 9th story which is below the maximum permitted 30 stories and 375' feet required by Section 24-58.1 Table MU/TC-2. The roof terraces provide adequate landscaping, amenity rooms, and shaded seating areas. The applicant is proposing an amenity deck that consists of a SPA, pool, outdoor bar, and gym.

Pursuant to ZLDC Section 24-58 (S)(1.) q. i., **Covered structures** above the maximum allowable building height are permitted to cover a maximum area of thirty (30%) percent of the gross rooftop area. To calculate the maximum area, the term "covered structures" shall not include enclosures for screening mechanical systems.

- The plans provided show the roof terraces below the maximum allowable roof height, therefore the maximum 30% covered structure requirement does not apply to this project.

Urban Greenway Regulations:

Pursuant to ZLDC Section 24.58.5 (H), **Designated Publicly Accessible Open Spaces and Urban Greenway Systems Regulating Plan**. The designated publicly accessible waterfront promenade shall be the following type as shown in the Designated publicly Accessible Open Spaces and Urban Greenways Systems Regulating Plan.

- The MU/TC designates three (3) required open spaces for the Property. The first is a large open space at the front of the property abutting NE 164 Street the primary street. The second open space is a 10-foot wide landscape buffer on the entire east side of the Property. The third is a triangular open space at the north abutting the canal, along with the associated CG 2 canal greenway. The applicant has requested a non-use variance from Section 24-58.1(K)(2) Table MU/TC-4 to allow for a setback of 12'- 7" to 80'-4" from the Canal Greenway Type CG 2 where fifteen (15') feet is the maximum. The applicant has met compliance with the code by proving all three of the designated open spaces.

Parking Regulations:

The following table demonstrates the project's compliance with the parking requirements listed in ZLDC Table MU/TC-5 Minimum and Maximum Parking Requirements by use:

Use	Formula	Required	Provided
Level 1 Retail, Restaurant, or Commercial	2 spaces per 1,000 sf (min) 4 spaces per 1,000 sf (max)	4 spaces (min) 7 spaces (max)	5 spaces
Level 1 Public			5 spaces
Residential	1 per unit plus 1 per 20 units for guest parking (min) 2 per unit plus 1 per 20 units for guest parking (max)	420 spaces (min) 820 spaces (max)	577 spaces
Total Single Spaces			577 spaces
Total		420 (min), 820 (max)	587 Spaces

Use	Formula	Required	Provided
ADA Parking	1 ADA space for Each 25 required spaces 1 ADA space for each 100 required spaces	9 spaces	9 spaces
Bicycle Racks	1 space for each 15 required parking spots	28 spaces	34 spaces

- Sheet A1.8 shows that a total of 587 parking spaces will be provided. Off-street parking will take place in the parking garage located on levels 1 through 7 of the Proposed Development. 1 space per unit plus 1 parking space per 20 units for guest parking is the minimum requirement for the MU/TC. The applicant has provided 587 parking spaces and has exceeded the minimum required parking spaces. In addition, the applicant has designated 10 parking spaces on the ground floor retail and public parking for the public open space. There are 5 spaces designated for the public open spaces and the other 5 designated for retail spaces. The applicant was constrained to build the parking garage

as such with this circulation because of the shape of the buildable area for this site. Due to the FPL easements and the required public open spaces, the applicant found difficulty providing more parking than the 587 parking spaces proposed. However, the parking provided still exceeds the required minimum. The applicant provides 577 spaces for 400 units (there are 587 total spaces with 5 for retail and 5 for public), having a ratio of 1.44 spaces/unit. Furthermore, the applicant is proposing 238 one-bedroom units and 162 two-bedroom units. For 1 space for each of the one-bedroom units (238) and 2 spaces for each of the two-bedroom units (324) is 562 spaces and the applicant has proposed providing 577.

Pursuant to ZLDC Section 24-58 (K)(2) b., **Multi-level parking garage structures**, whether stand-alone or part of a larger development, shall comply with the following standards listed in subsections i. through vi.

- Subsection I states "*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*" if it complies with subsections 1. and 2.

- Overall, the Applicant provides 587 spaces, thus exceeding the minimum parking requirement. Off-street parking will take place in the parking garage located on levels 1 through 7 of the Proposed Development.

- The LOI and plans provided request an Administrative Waiver of the active liner requirement per Section 24-58(K)(2)b.i. for levels 2-7 of the parking garage fronting on Biscayne Boulevard (side frontage), Royal Glades Canal (rear frontage) and NE 164 Street (primary frontage) and approval of the alternative liner (the "Parking Liner Waiver").

- The applicant has also requested a Non-use variance to allow decorative screening of the parking garage fronting along NE164 Street (primary frontage) instead of the liner building required per Section 24-58(K)(2)b.i. (the "Parking Liner Variance");

- The screening includes decorative screen panels, aluminum architectural louvers, and a concrete canopy. This screening is proposed to ensure that no parked vehicles are visible from the street while increasing the aesthetic to the tower.

The following table demonstrates the project's compliance with the loading space regulations listed in ZLDC Sections 24-58 (K)(3) and 24-96.

Category	Formula	Required	Provided
Multifamily	3 spaces over 200 du	3	3
Retail	2 spaces for 10,000 - 40,000 sf	0	0
Total		3 spaces	3 spaces

- 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 has provided 3 loading spaces and has clearly provided their locations on the ground floor of the building. The loading zones provided comply with Section 24-96(B) of the ZLDC.

Pursuant to ZLDC Section 24-58 (K), **Vehicular Access and Circulation**. Vehicular access and circulation developed in compliance with the standards in Article IX (Off-Street Parking and Loading) a required, with the following modifications listed in subsections a. and b.

- In accordance with the regulating plans included in the MU/TC this site has provided the new Streets. The Applicant seeks modifications to ensure appropriate access and safety on site. The applicant modified the Secondary Street at the southwest side of the building, rather than cutting through the site and providing the roundabout in the rear around the public open space. The applicant has provided a roundabout at the front entrance which allows for vehicular and pedestrian circulation and access to the north area of the Property by using an easement through the ground-level garage to five public parking spaces. The applicant has one entrance for the parking garage, and an additional access

gate for the residents that live in the building to continue up to the second floor. The proposed parking garage also complies with the code regulations by providing a 24-foot aisle.

Pursuant to ZLDC Section 24-58 (S)(4), **Projections and encroachments** including, but not limited to, architectural features; awnings; balconies; canopies; colonnades; porches; decorative roofs; covered structures; parapets; mechanical rooms and swimming pools shall comply with Table MU-3. The following table demonstrates the building's architectural features for compliance with the code.

- The plans provided show architectural elements such as balconies, canopies, and cornices in compliance with the minimum and maximum projections listed in Table MU-3. Furthermore, the parapets, roof canopies, and architectural features are all below the maximum 375' height allowed in the district, so there is no vertical projection encroaching on the maximum height allowed. Please note that none of the balconies or the front porte-cochere project into the required setbacks. The applicant will provide the actual dimensions prior to the City Commission meeting.

Supplemental Regulations:

Pursuant to Ord. Section 24-82 (A)(2) **Vision Clearance**, when a public street, alley or accessway intersects another public street, all fences, signs, walls, or landscaping elements within the triangular areas created by such intersections as defined below shall provide unobstructed vision clearance at an elevation of from three (3) to six (6) feet in height from the finished grade of the abutting roadways.

- The plans provided show 15 x 15 vision clearance triangles at each of the two access points of the property, this demonstrates compliance with the code.

The following table demonstrates the proposed **Swimming Pool** compliance with the regulations set forth in Ord. Sections 24-85:

Setback From	Min. Required	Provided
Rear lot line	7'-6"	93'2" (Approximately)
Structure	5'	5ft
Side (East)	7'-6"	49'11 (Approximately)
Side (West)	7'-6"	45'1" (Approximately)

- The pool shown demonstrates compliance with most of the regulations. Additional pool compliance will be reviewed for compliance with the Florida Building Code during permit review.

Pursuant to ZLDC Section 24-93 (B), **Traffic Control**. Traffic-control signs and pavement markings shall be used as necessary to ensure 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 C-3 provided demonstrates compliance with the traffic control regulations in the code. The applicate has provided the signage and marking necessary for traffic control in the parking areas. Furthermore, the plans have been reviewed by the City's independent traffic consultant and a do not enter sign was requested for the intersection of the garage entrance and the roundabout near the front entrance of the building. The applicant complied with the comments from the City's traffic consultant and exhibited all of the necessary signage to meet compliance.

Landscape Regulations:

Plans provided by the applicant must comply with ZLDC Section 24-58(L)

(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:*
    a. *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.*

Pursuant to Ord. Section 24-121 **Tree Removal**, an existing tree on the 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.

- Sheet LA.00 shows that 17 Trees and 3,000 square feet of the canopy are to be removed. Sheet LA.00 shows that a total of 56 trees are proposed as mitigation to replace the canopy that has been removed. The applicant has asserted on the plans that all required trees shall comply with section 24-119(A)(2)

- All required trees shall be field grown and have a minimum caliper or diameter at breast height (D.B.H) of three (3) inches and be a minimum of twelve (12) feet in height and five (5) feet in spread at the time of planting. A list of approved required trees is available from the Director of the Community Development Department.

- The applicant is proposing 19 qualifying palm trees and 50 lot trees on the property. Pursuant to Section 24-119(A)(5) Three (3) palm trees shall be clustered to equal one (1) required tree: the three (3) palm trees in the cluster shall be of differing heights, with a minimum two (2) foot stagger between adjacent palms, but, in no case smaller than sixteen (16) feet in height. 19 palm trees bring the total amount of palm trees to 6 making the total number of 56 trees on site.

TREES & PALMS

ABV.	QTY	BOTANICAL NAMES	COMMON NAMES	SIZE	
MJ	13	PHOENIX MEDJOOL	MEDJOOL PALM	18' CT 25'HT OA (LARGE PALM)	
CR	9	CLUSIA ROSEA	CLUSIA TREE	18' HT 5"CAL 8'SP	NATIVE
PP	15	COCCOLOBA DIVERSIFOLIA	PIGEON PLUM	12' HT 2"CAL 8'SP	NATIVE
PP*	11	COCCOLOBA DIVERSIFOLIA	PIGEON PLUM (TALL)	18' HT 5"CAL 10'SP	NATIVE
BS	10	BURSERA SIMARUBA	GUMBO LIMBO	18' HT 5"CAL 10'SP	NATIVE
SF	3	CEIBA SPECIOSA	SILKFLOSS CEIBA	18' HT 8"CAL 8'SP	
CC	3	COCCOLOBA UVIFERA	SEA GRAPE	18' HT 5"CAL 8'SP MULTI	NATIVE
YWT	6	TABEBUIA CHRYSOTRICHA	YELLOW TABEBUIA	18' HT 5"CAL 8'SP SINGLE	
OK	7	QUERCUS VIRGINIANA	LIVE OAK	18' HT 5" CALIPER 8'SP SINGLE	NATIVE
SP*	6	SABAL PALMETTO	SABAL PALM	10' CT SINGLE TRUNK 6 OF THEM ARE 25'HT AND 16'CT	NATIVE
SP	6	SABAL PALMETTO	SABAL PALM	10' CT SINGLE TRUNK 6 OF THEM ARE 25'HT AND 16'CT	NATIVE
ALE	3	ARCHONTOPHOENIX ALEXANDRAE	TRIPLE ALEXANDER PALM	10' CT 15'HT TRIPLE TRUNK	
TAB	3	TABEBUIA ROSEA	PINK TABEBUIA	18' HT 5"CAL 8'SP	
TP	7	RAVENALA MADAGASCARIENSIS	TRAVELER PALM	10' HT MULTI 10'SP	
FR	2	PLUMERIA RUBRA	FRANGIPANI	10' HT 2"DBH 8'SP	
CAG	1	CAESALPINIA GRANADILLO	BRIDALVEIL TREE	18' HT 5"CAL 8'SP	
CN	3	COCOS NUCIFERA	COCONUT PALM	10'-16' CT 20'HT SINGLE TRUNK	
BAO	1	ADANSONIA DIGITATA	BAOBAB TREE	16' HT 12"DBH 12'SP SPECIMEN	
PS	1	PHOENIX SYLVESTRIS	TRIPLE SYLVESTRIS	20' HT 12'SP MULTI SPECIMEN	
CMY	10	LAGERSTROEMIA INDICA	CRAPE MYRTLE	12' HT 2.5" DBH MULTI 8'SP	

- Pursuant to MU/58(L)(1)(a)(i) A maximum of twenty-five (25%) percent of all required trees shall be of a palm species. The applicant has met compliance with this code section by providing 19 trees in all that count for 6 trees according to 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)(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, relate the structural design to the site, and conceal unattractive areas and use. Special attention shall be devoted to natural vegetation along waterfronts.

- Sheet number LA.00 shows that 17 trees out of the 30 on-site are to be removed. An additional 6 trees are to be relocated to another location on site and 7 black olive trees are to remain. The proposed landscape plans provided

show that the new canopy provided would exceed the square footage of the canopy removed. The applicant has proposed 87 trees to serve as mitigation to the property. A tree removal permit will be required prior to the demolition of the existing site.

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 depict vehicular circulation from the access points on NE 164th street ground floor parking garage and 7 parking levels, demonstrating compliance with subsection (a). Sheet C-3 shows pavement markings and signage to control traffic and reduce speed. The plans show the residential units starting at level 9, facing the residential streets and not along the ground level. The 7-story parking garage is screened with architectural screening that will not create any incompatible visual relationships. Lastly, sheet C-3 shows adequate vehicular access and circulation of fire trucks throughout the site on the ground level. The plans were also reviewed by the City's independent traffic consultant for compliance. The city consultant requested that a one-way sign be included near the intersection of the parking garage entrance and the roundabout near the entrance. The applicant complied with the comments from the City's traffic consultant and exhibited all of the necessary signage to meet 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.

-

Use	Current Use	Proposed Use
Potable Water	3,891 GPD	62,433
Sanitary Sewer	569 GPD	50,783
Solid Waste	389 lbs.	3,109 lbs.
Parks	N/A	2 Acres
Fire Flow	1,000 GPM	1,000 GPM

*GPD - gallons per day
*LBS – Pounds

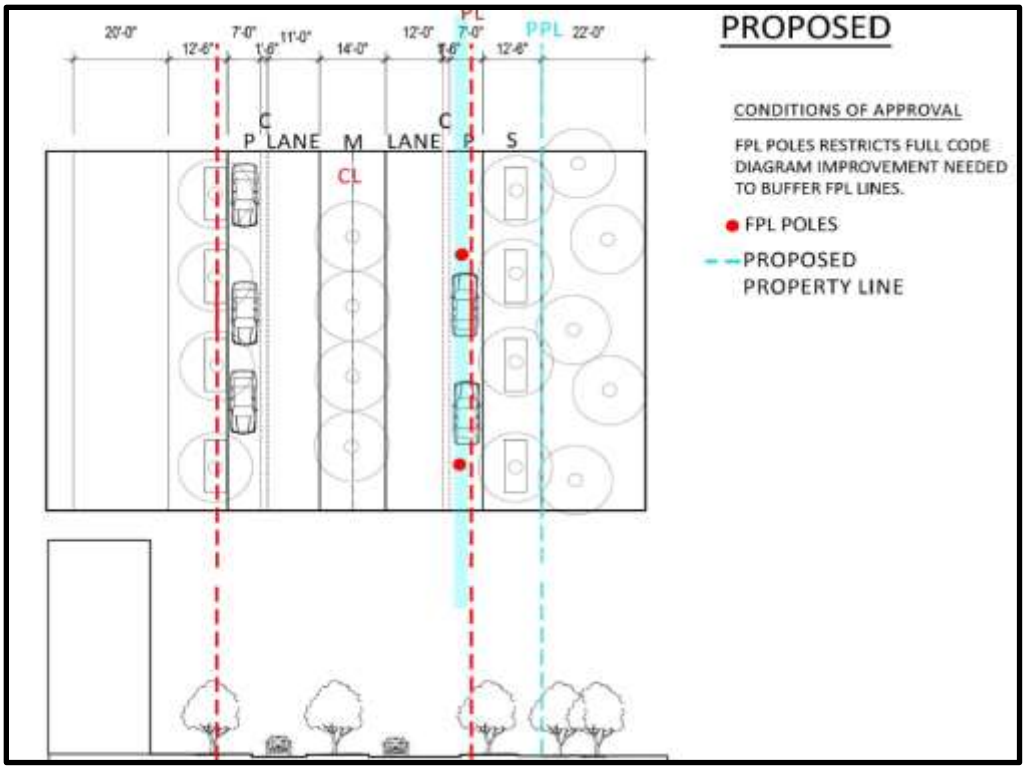
Pursuant to Ord. Section 24-172 (G)(5), **Building and structures**: All buildings and structures proposed to be located within a development shall be oriented and designed in such a manner as to enhance, rather than detract, from the overall quality of the environment. The following guidelines shall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

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 site plan application proposes a 32-story building with architectural features that are similar to the height and scale of the surrounding properties. The building is compatible in scale with the 23-story project located east of the subject property across from Biscayne Blvd. The modern building style proposes a street vista with its secondary street, decorative screen panels, architectural louvers, concrete canopy, and varying grey and white colors

b) Maximum privacy should be incorporated into the design of any individual residential units and related outdoor patios and living areas.
   - Maximum privacy has been incorporated into the design of the outdoor patio areas proposed. The outdoor patio area is located on the amenity deck. The amenity deck is private from the public and is only accessible to the residents that live within the building.

c) Building location and other site features shall be reviewed in the context of any proposed road widening, particularly the Biscayne Boulevard frontage.
   - Additional roadway widening has been indicated for the Primary street NE 164th street. Figure MU/TC-5 requires a 78-foot-wide right-of-way composed of travel lanes, 1.5 feet wide curb and gutter, 7 feet-wide on-street parking space, 12.5 feet wide sidewalk. The property is currently located in the MU/TC. To provide the adequate minimum required right-of-way, the applicant has agreed to a street dedication to comply with the street standards in the code. Furthermore, the City will be requesting a maintenance agreement in the resolution for the applicant to

provide maintenance for the sidewalk, landscape buffer, and public open spaces on site. Lastly, the City will be requesting a public access easement for the secondary roadway required per Figure MU/TC-5. Below is the applicant's proposed roadway for the primary street (NE 164th). The applicant has modified part of the primary street design standard due to the restrictions set forth by the FPL poles. The applicant has agreed to contact FPL to request the relocation of the utility poles and the relocation of the overhead utilities underground.



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 proposed development complies with the Flood regulations outlined in the code.

e) Proposed buildings and sites shall be compliant with the Americans with Disabilities Act (ADA) and the Miami-Dade County Code of Ordinances.
   - During the TRAD review process, the applicant proposed building structures and parking structures that met ADA compliance. The proposed buildings will be reviewed for the 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. The Police department approved the plans and agreed that the applicant satisfied all of their comments.

Waiver Review Analysis

Pursuant to ZLDC Section 24-176.1, The purpose of this section is to provide a procedure for property owners of existing developments to obtain minor administrative "non-use waivers" of regulations pertaining to dimensional development standards such as setback lines, frontage requirements, height limitations, lot size restrictions, and other minor waivers, provided that the specified standards of this section are met. The Director or designee shall review the following standards listed in ZLDC Section 24-176.1 (F) when considering granting an administrative waiver.

Waiver request #1 - Active Liner (Side and Rear Frontages)

Pursuant to ZLDC Section 25-58 (K)(2) b.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
    - Administrative Waiver of the active liner requirement per Section 24-58(K)(2)b.i. for levels 2-7 of the parking garage fronting on Biscayne Boulevard (side frontage) and Royal Glades Canal (rear frontage). The applicant has requested a non-use variance for the front of the parking garage fronting the primary street (NE 164th street). The Proposed Development provides for artistic screening of the garage with varying and interesting architectural elements that are consistent and harmonious with that of habitable space. The screening includes decorative screen panels, architectural louvers, and a concrete canopy. This screening is sufficient so that no parked vehicles are visible from the street at any angle and the varying decorative architectural elements increase the towers' aesthetic and better the pedestrian experience.

Waiver request #2 – Lot Width

Pursuant to ZLDC Section 24-58 Table MU-2, note (1), t (1) The Planning Director shall have the authority to waive administratively the requirements for minimum lot coverage, pervious area, lot depth, and lot width.

- Administrative Waiver of lot width requirement per Section 24-58 Figure MU-8 Lot Standards for Tower Building Type to allow for a tower development on a lot with a width of 173 feet when 200 feet minimum is required. The lot width of the Property varies at 158 feet fronting NE 164 Street and 173 in the Royal Glades Canal. The Code requires that any structure above 8 stories is developed as a tower. The building typology standards pursuant to Section 24-58 of the Code require a minimum lot width of 200' for a tower typology. The Property is located within the Core Sub-Area subdistrict of the MU/TC District and is designated to allow for up to 30 stories and 375 feet in height. The Applicant seeks to develop the Property pursuant to the allotted density and intensity in accordance with and encouraged by the MU/TC District regulations. The existing layout of the Property makes it so that compliance with the lot width standard cannot be reasonably achieved.

Variance Review Analysis

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

- 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, 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 basic 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.

- 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.

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

Variance #1 Active Liner (Primary Frontage) NE 164th Street

Pursuant to ZLDC Section 24-58 (K)(2)(b)(i), 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:

- The LOI provided requests a waiver for the active liner uses on levels 2 through 7 along Biscayne Boulevard (side frontage), Royal Glades Canal (rear frontage), and NE 164 Street (primary frontage) façades in accordance with ZLDC Section 24-52 (K)(2)(b)(i). The code section allows the Director to waive the liner use requirement on the side and rear frontages only. A variance has been requested for the primary frontage facing NE 164th street and publicly accessible open space which cannot be waived by the Director. Due to the irregular lot shape and the lot constraints such as the FPL easement and lot width, an active liner cannot be provided on the side frontage, rear frontage, or primary frontage. The Proposed Development provides for artistic screening of the garage with varying and interesting architectural elements that are consistent and harmonious with that of habitable space. The proposed screening is sufficient so that no parked vehicles are visible from the street at any angle.

If granted, the proposed non-use variance does not appear to affect the stability and appearance of the community or create any incompatibility with the surrounding land uses.

Variance #2 Tower Setbacks

Pursuant to ZLDC Section 24-58(S)(3)a. The minimum setback for the tower shall be 15 feet from the podium. Where the portion of the tower is at the end of a street vista, the minimum setback shall be 0 feet from the podium.

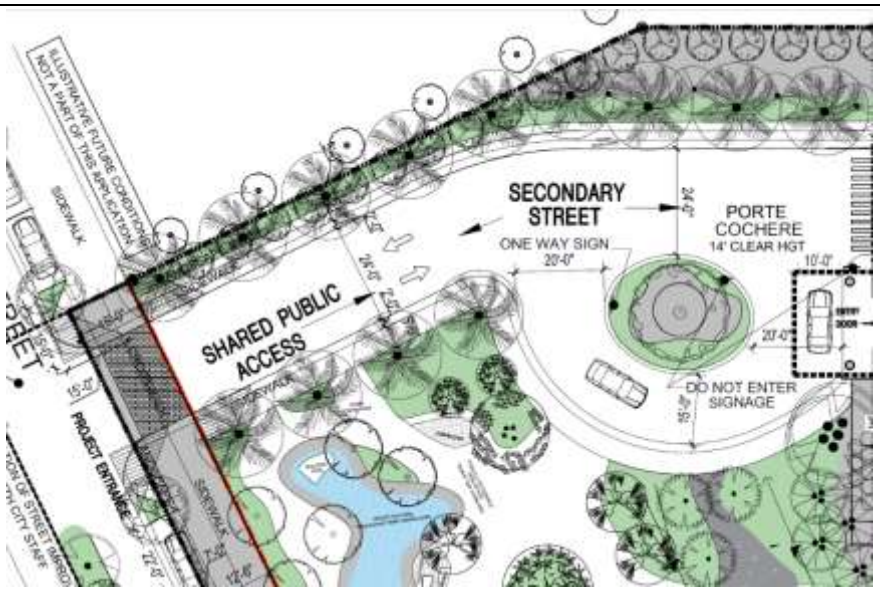
- The Letter of Intent (LOI) provided requests seeks a non-use variance to waive 7'10" of the tower setback from the podium at the southeast corner only where 15 feet are required per Section 24-58 figure MU-8 of the Code, to permit a setback of 7'2". The building's setback is over 140 feet from NE 164th street, which is the primary street. The tower complies with the intent of the code as the tower is set back from the podium at various depths and locations. Development of the building was constrained due to the narrow width of the lot, the 52-foot FPL easement, and its three (3) designated open spaces. This made it difficult to provide the 15-foot setback at the southeast corner of the tower.

- If granted, the proposed non-use variance does not appear to affect the stability and appearance of the community or create any incompatibility with the surrounding land uses and will allow for additional open space at the southeast corner of the property.

Variance #3 Secondary Street Variance Landscape Requirement

The regulating plans found in Figure MU/TC-2 requires a secondary street on the west side of the property. Pursuant to Section 24-58.1(H)(4) All new Secondary Streets are encouraged to promote connectivity and accessibility between multiple modes of transportation including vehicles, mass transit, and/or rail systems. All new Secondary Streets may be modified or deleted for the purpose of assembling parcels for development and no mass transit and/or rail systems are in place.

- The applicant is requesting a variance to reverse the configuration of the landscape strip and sidewalk requirement per Section 24-58(J)(3)(c) Figure MU-3 to permit a Secondary Street with a sidewalk adjacent to the drive lanes on both sides. The Applicant proposes the same layout on the east side for symmetry of the streetscape and to allow for more expansive open space, otherwise, the sidewalk would break up the required open space. The sidewalk will provide access to the walkway network that connects to the south and north open spaces and canal, thus meeting the intent of the Code.



If granted, the proposed non-use variance does not appear to affect the stability and appearance of the community or create any incompatibility with the surrounding land uses.

Variance #4 Handicapped Parking Space Variance

Pursuant to ZLDC Section 24-93(C)(2)(a)Size: A parking space designated for handicapped persons shall be a minimum of twelve (12) feet in width and twenty (20) feet in length.

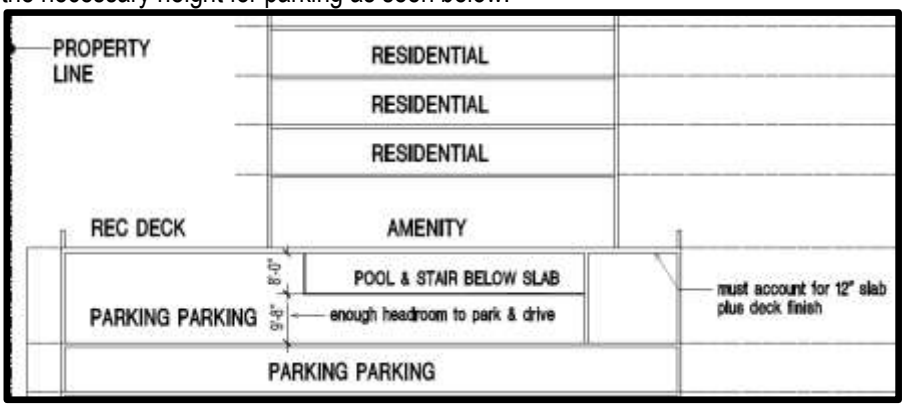
- The code requires 9 x 18 feet for a standard parking space and 12 x 20 feet for handicapped parking spaces. The applicant is requesting a variance to reduce the ADA 20-foot length stall to match the standard length of 18' feet. The 20-foot length required by the code would result in difficult circulation within the parking lot because of the narrow width of this irregular lot. The variance promotes a more consistent design of the parking lot because of the equal length of every stall, The Handicapped Parking Variance meets the intent and purpose of the Code because the Applicant still provides all the necessary ADA parking spaces, just at a length in context with the standard space length

If granted, the proposed non-use variance does not appear to affect the stability and appearance of the community or create any incompatibility with the surrounding land uses.

Variance #5 7th Level Height Variance

Pursuant to ZLDC Section 24-58(R)(2)(c) Each story above the second story shall be a maximum height of fourteen (14) feet.

- The Applicant requests a non-use variance to permit an additional 4'8" feet to the 7th floor of the building to equal a height of 18'8" where a maximum of 14 feet is allowed. Above the 7th floor is the amenity deck which contains the outdoor pool and outdoor seating area. The bottom of the pool sinks to the 7th floor and is visible in the 7th-level parking garage. Therefore, the applicant is seeking additional height in order to accommodate the sunken pool. The proposed additional height allows for the necessary height for parking as seen below:



If granted, the proposed non-use variance does not appear to affect the stability and appearance of the community or create any incompatibility with the surrounding land uses.

Variance #6 Secondary Street Setback Variance

Pursuant to ZLDC Section 24-58.1(k)(2) Table MU/TC-4 the minimum required setback for a secondary street is 10 feet with a maximum of 20 feet.

- The applicant is requesting non-use variance from section 24-58.1(K)(2) table MU/TC-4 to reduce the required 10 feet setback of the secondary street to a setback of zero (0'). The Applicant cannot provide the required 10' setback from the new Secondary Street as that will further reduce the developable area. The property is narrowly shaped and consists of a 52' wide FPL easement at the front of the property, there are 3 designated open spaces required by the code, and the code also requires the secondary street to be located on the western portion of the property. The applicant is providing everything that is required by code although there are difficulties because of the irregularly shaped lot.

If granted, the proposed non-use variance does not appear to affect the stability and appearance of the community or create any incompatibility with the surrounding land uses.

Variance #7 Primary Street Setback Variance

Pursuant to ZLDC Section 24-581(k)(2) Table MU/TC-4 the minimum required setback for the primary street (NE 164th Street) is 0 feet with a maximum of 20 feet.

- The applicant is requesting a non-use variance from section 24-58.1(K)(2) table MU/TC-4 allowing for a setback of 125'-7" from the primary street). The code requires a maximum 20 feet setback for the building however this is too difficult of a task to develop because of the designated open space that is required to be in the front of the property. The code also requires the secondary street that is currently proposed in the applicant's plans, the FPL easement is also restricting the applicant from meeting the setback required by Section 24-581(K)(2) table MU/TC-4. The Applicant's building locates the building as close to the Primary Street as possible and creates a street vista at the north end of the Secondary Street.

  If granted, the proposed non-use variance does not appear to affect the stability and appearance of the community or create any incompatibility with the surrounding land uses

Variance #8 Primary Street Frontage Variance

Pursuant to Section 24-58.1(K)(2) Table MU/TC-4 ninety (90%) percent frontage is required along the primary street (NE 164th Street)

- The applicant is requesting a non-use variance from section 24-58.1(K)(2) Table MU/TC-4 to reduce the required ninety percent (90%) frontage and allow seventy-seven (77%) percent of frontage along the primary street. building for maximum frontage within the constraints of the setback at the west, FPL easement, and the required open spaces.

  If granted, the proposed non-use variance does not appear to affect the stability and appearance of the community or create any incompatibility with the surrounding land uses

Variance #9 Canal Greenway Frontage Variance

Pursuant to Section 24-58.1(K)(2) Table MU/TC-4 ninety (90%) percent frontage is required along the canal greenway Type CG 2.

- The applicant is requesting a non-use variance from Section 24-58.1(K)(2) Table MU/TC-4 to reduce the required ninety percent (90%) frontage and allow seventy-one (71%) percent of frontage along the Canal Greenway.

  If granted, the proposed non-use variance does not appear to affect the stability and appearance of the community or create any incompatibility with the surrounding land uses

Variance #10 Canal Greenway Setback Variance

Pursuant to Section 24-58.1(K)(2) Table MU/TC-4 a maximum setback of 15 feet is allowed along Canal Greenway Type CG 2.

- The applicant is requesting a non-use variance from section 24-58.1(K)(2) table MU/TC-4 to increase the required setback of fifteen (15) feet to 80'7" of the Canal Greenway Type CG-2. The regulating plans in the code require three (3) open spaces, including one open space in the rear on the north side of the property facing the canal large open space on the south side of the Property.

If granted, the proposed non-use variance does not appear to affect the stability and appearance of the community or create any incompatibility with the surrounding land uses

Traffic and Concurrency Regulations:
Included in the site plan review is a Traffic Impacted Study prepared for the applicant dated May 10, 2022. The study evaluates the traffic impacts resulting from the proposed development. The analysis d 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

The Traffic Impact Study concluded:

- The trip generation calculations yielded that the 400-unit residential development with retail use and public parking is projected to generate approximately 2,205 daily trips, approximately 121 AM peak hour trips (44 inbound and 77 outbound), and approximately 149 trips during the typical afternoon peak hour (82 inbound and 67 outbound.

TABLE 1
Trip Generation Summary
2261 SW 64th Street

Land Use	Size	Daily Trips	AM Peak Hour			PM Peak Hour		
			Total Trips	Inbound	Outbound	Total Trips	Inbound	Outbound
High Rise Units (LUC 222)	400 units	1,881	107	36	71	127	71	56
Retail (LUC 822)	900 sq.ft.	268	6	4	2	14	7	7
Public Spaces (4 stalls) *	4 spaces	56	8	4	4	8	4	4
External Trips		**2,205**	**121**	**44**	**77**	**149**	**82**	**67**

- 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 as 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.

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 1.2.3: The City shall continue to seek federal, state, and local funds for redeveloping the S.R. 826 (NW 163 and 167 Street) Corridor and ensure the redevelopment of said corridor encourages a strong regional commercial atmosphere.

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.

- The main sidewalk connects NE 164th street to the front entrance of the building. The sidewalk is interconnected to the meandering walkway that goes throughout the front public open space. The applicant is proposing 50 shade trees on the property. The open spaces located in the front and the rear include shade trees and a meandering walkway so that pedestrians can experience a comfortable walk underneath the shade. The proposed project also includes outdoor seating under trees, concrete seating steps facing the canal, and benches along the canal greenway facing the canal.

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 proposed development has incorporated multi-modal transportation by incorporating bicycle storage within the facility. The applicant has interconnected sidewalks and provides connectivity from the public right of way to the subject property. Therefore, pedestrians can utilize different methods of transportation to access the development 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, 2021**, at least ten days before the meeting date.
- ✓ The agenda was posted to the City's website by **November 4, 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.