



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

City Commission Staff Report

Meeting: 04/15/2025

File No: 24-29

Application Name: 317 NE 168th Street

General Data

Applicant: Ari Sklar

Property Owner: 13 Million 84 LLC

Property Address: 317 NE 168th Street

Folio Number: 07-2207-005-0170

Lot Size: 13,108 sq. ft (0.30 acres)

FLUM: Mixed-Use International Blvd West (MU/IB)

Zoning: Mixed-Use International Blvd District (MU/IB)

Adjacent Zoning Districts:

- **North:** RD
- **East:** CF
- **West:** MU/IB
- **South:** MU/IB

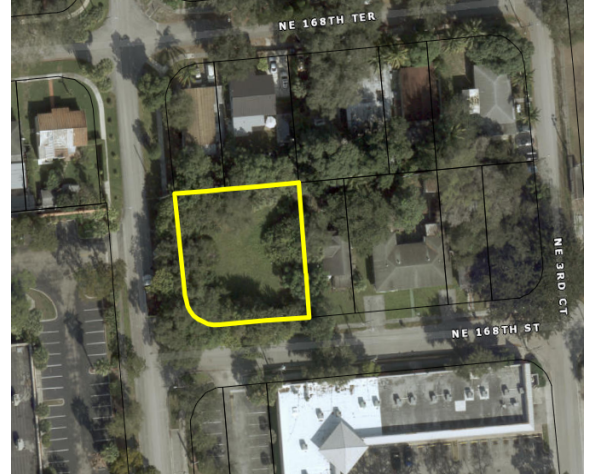
Existing Land Use: Vacant

Proposed Land Use: Residential

Proposed Building Area: 33,248 sq. ft.

The item before the Board:

The item before the Planning & Zoning Board is a request for Site Plan Approval with variances for the construction of a 12-unit residential development on a corner vacant lot.



Recommended Board Motion:

1. **Move to approval** of the Variances and Site Plan Application (File# 24-29) requested for the “317 NE 168th Street” 12-unit residential development located at 317 NE 168th 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.

Background:

The applicant proposes a 12-unit residential development to be built on a vacant corner lot. The existing vacant parcel lot size is 13,108 SF. The project will include a four-story building structure, 25 parking spaces, lush landscape design features and a modern building design with clean aesthetic. The total floor area will comprise of 33,248 square feet.

Project Planner:

City of North Miami Beach
Community Development
Department Planning & Zoning
Division

Review Dates:

Planning & Zoning Board:
November 18th, 2024

City Commission:
April 15th, 2025

Attachments

1. Draft Resolution
2. Letter of Intent
3. Survey
4. Site Plan
5. Elevation Drawings

The Property has a land use designation of Mixed-Use International Boulevard (MU/IB-W) on the City's Comprehensive Plan Future Land Use Map and is zoned MU/IB-W, and is located within the Edge-Sub-district. For the construction of the residential development, the applicant is seeking relief from ZLDC Table MU/IB-1, to allow for a reduction of public open space, and Table MU/IB-5, to allow for a reduction of the rear and side setbacks on the East and North sides of the property.

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.

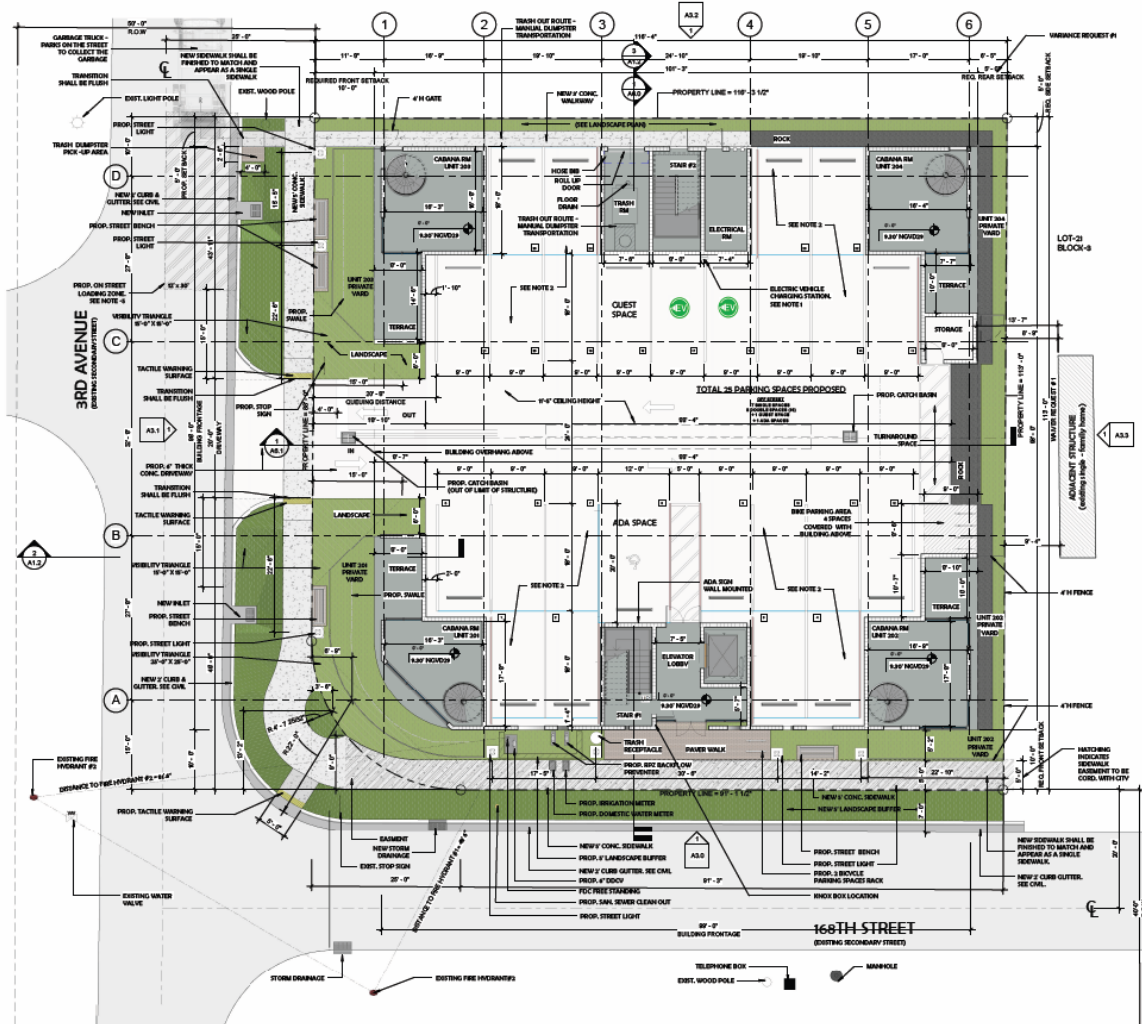
Pursuant to Section 24-58.8 **Purpose and Intent**. *The purpose of these regulations is to implement the standards and policies that guide the development of the International Boulevard District (MU-IB). The intent of these regulations is to enable a pedestrian scaled, transit accessible pattern of mixed-use development along the NE 167th Street/NE 163rd Street Corridor, between North Miami Avenue east to NE 21st Avenue. Development patterns shall generally reflect planning and design principles such as walkable neighborhoods oriented around the five-minute walk. Additionally, there shall be a primary orientation towards the corridor, with strong consideration taken towards creating an identifiable sense of place that establishes this corridor as an attractive option for development that improves the City and provides additional options for residents to live, work and play.*

- The proposed development complies with the purpose and intent of the MU/IB Zoning District by encouraging people to reside and work in the district. The applicant has also designed the proposed development to be pedestrian scaled through the use of sidewalks and open space areas.

Table MU/IB-4 lists the **permitted uses** in the MU/IB-W District.

- The project proposes a residential development consisting of 12 units and 25 parking spaces on a 13,008 square foot lot, which is in accordance with the list of permitted uses in ZLDC Table MU/IB-4.

Proposed Site Plan:



PLAN LEGEND

-  NEW CONCRETE SLAB ON GRADE. SEE STRUCTURAL.
-  NEW ASPHALT PARKING. COORDINATE WITH CIVIL.
-  NEW PAVER FLOOR. COORDINATE WITH CIVIL.
-  NEW ROCKS PATHWAYS. SEE L-1.
-  NEW LANDSCAPE. SEE L-1.
-  NEW LIGHTING POLE.
-  NEW PROPOSED BENCH.
-  MH. MANHOLE.
-  EXISTING TREE. SEE LANDSCAPING.
-  NEW TREE LANDSCAPE. SEE L-1.
-  CMU WALL.
-  HATCHING INDICATES SIDEWALK EASEMENT TO BE CORD. WITH CITY.
-  PROP. LOADING ZONE.

Site Development Standards:

The following tables compare the development's compliance with the development standards Sec 24-58.8: project design to the minimum and maximum development standards for the MU/IB-W zoning district.

REQ'D/ALLOWED	REQUIRED	PROPOSED
HEIGHT:	4 STORIES	4 STORIES = 44'- 0" + 8'- 0" (ROOF TOP)
LOT SIZE:	N/A	(BAD13,108) 13,008 SF
LOT WIDTH:	MIN= 75' / MAX= 200'	113'- 0"
DENSITY:	40 DU/AC - 40DU/0.2986 = 11.94 UNITS	12 UNITS
TOTAL BUILDING SQ. FT.	N/A	33,248 SF (GROSS AREA)
LOT COVERAGE	N/A	9,514 SF
OPEN SPACE	N/A	26.94 % = 3,505 SF
IMPERVIOUS AREA	90%	79.31% = 10,396 SF
PERVIOUS AREA	10% = 1,310.8 SF.	32.03 % = 4,199 SF (GROUND & 2ND FLOOR + ROOF TOP)
BUILDING FRONTAGE 168TH STREET	MIN 60% = 69'- 5"	85.34% = 99'- 2" OF 116' - 4".
BUILDING FRONTAGE 3RD AVENUE	MIN 60% = 67'- 8"	86.73% = 98'- 0" OF 113' - 0".
SETBACKS		
FRONT - 168TH STREET (SOUTH)	10'-0" - 20'-0"	10'-0"
FRONT - NE 3RD AVE (WEST)	10'-0" - 20'-0"	10'-0"
SIDE	0'-0"	5'-0" *
REAR (NORTH & EAST)	0'-0"	5'-0" *
RESIDENTIAL UNITS		
12 UNITS	MIN 550 SF	
AVERAGE UNIT SIZE	MIN 800 SF	APPROX 1,660 SF
PARKING		
12 UNITS 3 BEDROOMS	1.5 SPACES / 3BR UNIT 1SPACE / 20 UNITS (GUEST PARKING) 12 UNITS X 1.5 SPACE = 18 SPACES 1 GUEST SPACE	7 SINGLE SPACES 8 TANDEM SPACES (16) + 1 GUEST SPACE +1 ADA SPACE
TOTALS	19 PARKING SPACES REQUIRED	25 PARKING SPACES PROPOSED
VARIANCE/WAIVER		
# 1. VARIANCE FOR REAR EAST SETBACK.	FOR THE FLEX BUILDING TYPOLOGY - 30 FT. INTERIOR SIDE AND REAR SETBACK REQUIREMENT WHEN ABUTTING AN EXISTING SINGLE - FAMILY HOME.	REQUESTED VARIANCE #1 NEW REAR EAST SETBACK = 5' - 0".
# 2. VARIANCE FOR SIDE NORTH SETBACK.	FOR THE FLEX BUILDING TYPOLOGY - 30 FT. INTERIOR SIDE AND REAR SETBACK REQUIREMENT WHEN ABUTTING AN EXISTING SINGLE - FAMILY HOME.	REQUESTED VARIANCE #2 NEW SIDE NORTH SETBACK = 5' - 0".
# 1 WAIVER FOR NEW LOT DEPTH	FOR THE FLEX BUILDING TYPOLOGY - LOT DOES NOT MEET THE MINIMUM LOT DEPTH OF 130 FT.	REQUESTED WAIVER #1 NEW LOT DEPTH = 113' - 0"

Flood Resistant Development Standards

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.

Findings: Complies. The subject site complies with the elevation required by the Florida Building Code. The applicant will be required to demonstrate compliance with the Finished Floor Elevation requirements for developments inside of the SHHA during the building permit review process.

Building Height Standards

Pursuant to ZLDC Section 24-52 (D)(4) **Height Standards**. The height of buildings shall be measured in stories and in feet. The maximum overall building height shall not exceed the maximum building height allowed for the district. Additionally, the following shall apply (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.

Height Allowed	Height Proposed	Notes
4 Stories	4 Stories	Complies

Parking Regulations

The following table demonstrates the project's compliance with the parking requirements listed in ZLDC Sec. 24-95 (B) Minimum Space Requirements:

Use	Formulas	Required	Provided
Multifamily: 12 Units - 3BR	1.5 spaces per 3-bedroom unit	18 Spaces	23 Spaces / 1 ADA Space
Guest Spaces	1 for every 20 parking spaces	1 Space	1 Space

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.

- **Findings:** Complies. The applicant has demonstrated compliance with the required 15' ft sight visibility triangles for all public streets, alleys, and access ways that intersect another public street, fence, sign, wall, or landscaping element. For more information, refer to *Site Plan Sheet A1.0*.

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-5, titled "Pavement Marking & Signage Plan" provided as part of the Civil Plans demonstrates compliance with the traffic control regulations in the code. The applicant has provided the signage and marking necessary for traffic control in the parking areas. 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 were reviewed against ZLDC Article XI Section 24-119. The following standards shall apply in addition to any applicable standards in Article XI(Landscaping) not modified herein.

a. Tree specifications shall be as per Section 24-119 (Minimum Landscaping Requirements for All Zoning Districts)

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.

- The applicant's tree disposition plan and schedule (Sheet TD-1) shows that the applicant is proposing to remove 3,545 square feet of existing canopy and provide 5,600 square feet of new canopy.
- The applicant is complying with the required number of trees by proposing:

Plant List						
Sym	Qty	Botanical Name	Common Name	Size	Native	Drought Tolerance
Trees/ Palms						
MF	10	Myrcianthes fragrans	Simpson's Stopper	12" Ht x 5" Spr, 3" dbh, single trunk	Yes	High
CG	6	Caesalpinia granadillo	Bridalveil	12" Ht x 5" Spr, 3" dbh	No	High
VM	8	Veitchia montgomeryana	Montgomery Palm	16' OAHt., 6' CW/min	No	High
Shrubs/ Groundcovers						
IX	16	Ixora 'Petite'	Red Taiwan Dwarf Ixora	18" x 18", 18" O.C.	No	High
PM	106	Podocarpus macrophyllus	Podocarpus	24" x 24", 24" O.C.	No	Medium
PL	34	Psychotria ligustrifolia	Dwarf Wild Coffee	18" x 18", 24" O.C.	Yes	High
MD	6	Monstera deliciosa	Swiss Cheese Plant	24" x 24"	No	High
NF	58	Nephrolepis falcata	Macho Fern	24" x 24", 24" O.C.	No	High
LM	204	Liriope muscari 'Evergreen Giant'	Giant Lily Turf	12" x 12", 18" O.C.	No	High
Sod			St. Augustine			
Mulch			Shredded Melaleuca or Eucalyptus			

- **Findings:** Complies. The Applicant's landscape plans were determined to be in compliance with ZLDC Article XI. Additional review of landscaping will be required at building permitting, and a certified landscape architect or certified arborist to report the landscape plan installation was completed in accordance with the approved plans.

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.

- **Findings:** Complies. The City Engineer provided TRAD signoff for the project indicating that the plans provided at the time of TRAD comply with storm water 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.

- **Findings:** Complies. The applicant's tree disposition plan and schedule (Sheet TD-1) shows that the applicant is proposing to remove 3,545 square feet of existing canopy and provide 5,600 square feet of new canopy. The applicant shall coordinate with the City's Public Works Department for off-site tree removals (if required).

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).

- **Findings:** Complies. Vehicular circulation for emergency, trash, and passenger vehicles complies with the street regulating diagrams and city code requirements.

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 Consumption	-	5,400 gpd
Potable Water Flow	-	-
Sanitary Sewer	-	5,400 gpd
Solid Waste	-	144 lbs
Traffic	Refer to Report	Refer to Report

- **Findings:** Complies. The Utilities Department provided TRAD signoff for the project indicating that the plans provided at the time of TRAD comply with Section 24-172 (G)(4).

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:

- 1) 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 contemplates minimal impacts of the proposed development on the surrounding neighborhood. The applicant seeks to be consistent with the scale of the neighborhood. A shadow study was provided by the applicant demonstrating minimal impact of the proposed building heights against the neighboring properties.

- 2) 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 in the design of the proposed development through the use of private open space areas for residents.
- 3) Building location and other site features shall be reviewed in the context of any proposed road widening, particularly the Biscayne Boulevard frontage.
 - No road widening proposed.
- 4) 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 subject site complies with the elevation required by the Florida Building Code. The applicant will be required to demonstrate compliance with the Finished Floor Elevation requirements for developments inside of the SHHA during the building permit review process.
- 5) 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 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 building permit review and shall demonstrate compliance.
- 6) 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 (if required).

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.

Variances 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 non-use 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: Rear Setback Variance (East)

Pursuant to Table MU/IB-5 A rear setback of 30 feet is required for flex building typologies when abutting an existing single-family home.

The Applicant is seeking a non-use variance to permit the allowance of a rear setback of 5 feet in lieu of the required 30 feet.

- **Staff Recommendation:** Staff finds no objections to the rear setback variance. 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: Side Setback Variance (North)

Pursuant to Table MU/IB-5 A side setback of 30 feet is required for flex building typologies when abutting an existing single-family home.

The Applicant is seeking a non-use variance to permit the allowance of a side setback of 5 feet in lieu of the required 30 feet.

- **Staff Recommendation:** Staff finds no objections to the side setback variance. Granting the variance will allow for the applicant to use the property as it has been platted. 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 #3: Public Open Space Variance

Pursuant to Table MU/IB-1 One public open space should have a minimum area of 4,052 square feet.

The Applicant is seeking a non-use variance to permit the allowance of a 1,113 square foot open space in lieu of the 4,052 square feet required.

- **Staff Recommendation:** Staff finds no objections to the public open space variance. Granting the variance will allow for the applicant to use the property as it has been platted. 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.

Project Conditions

Based on the plans proposed during the City's TRAD meeting, the following conditions apply:

1. The applicant will dedicate the necessary easement for the sidewalk along the southwest portion of the property to allow for pedestrian access and ensure adherence to the City's prescribed right-of-way design.

Traffic and Concurrency Regulations:

Included in the site plan review is the Traffic Methodology Letter prepared by Thomas A. Hall Inc., for the applicant, dated July 09th, 2024. The study evaluates the traffic impacts resulting from the proposed development. The analysis evaluates the existing traffic conditions 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
- Queue Analysis

The Traffic Study determined:

- The proposed development will generate 54 net daily trips, 4 net A.M. peak hour trips and 5 net P.M. peak hour trips. Based on the findings of this report, the surrounding roadway network will continue to meet acceptable Level of Service standards inclusive of the proposed development.

The City's concurrency and traffic engineering consultant the Corradino Group reviewed the Applicant's Site Plan Traffic Assessment based on the updated development plan. 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. The Applicant proposing to dedicate the necessary easement for the sidewalk along the southwest portion of the property to allow for pedestrian access, and ensure adherence to the City's prescribed right-of-way design is consistent with and furthers the following policies of the North Miami Beach Comprehensive Plan listed below in the Future Land Use Element.

Future Land Use Element

Policy 1.1.4: The Land Development Regulations shall continue to specify that no development permit shall be issued unless assurance is given that the public facilities necessitated by the project in order to meet adopted level of service standards will be in place within the required time period. A concurrency management system shall be included that specifies the latest DCA criteria for what constitutes assurance other than budgeted projects or signed development agreements.

Policy 1.1.2: Continue using the established Technical Review Board (TRB) process for reviewing development applications in order to minimize delay and assure quality control.

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 1.8.2: The following land use densities, intensities and approaches shall be incorporated in the Land Development Code. Building height is defined as the vertical distance above the centerline of the adjacent fronting road to the highest point of the building, except that in a Special Flood Hazard Area (SFHA) the building height shall be measured from the minimum finished flood elevation required in the SFHA, less those structures permitted elsewhere in these regulations to extend beyond the height of the building. Home occupation uses are conditionally allowed in all residential categories.

Public Hearing Notices:

- ✓ Public notice was posted to the property by **April 4th, 2025**, at least 10 days prior to the meeting.
- ✓ Courtesy notices were mailed to property owners within a 500-foot radius by **April 4th, 2025**, at least 10 days before the meeting date.
- ✓ The agenda was posted to the City's website by **April 8th, 2025**, at least 7 days prior to the meeting date.
- ✓ Public notice was posted in the main lobby at City Hall by **April 8th, 2025**, at least 7 days prior to the meeting date.
- ✓ The project was advertised in the newspaper on **April 4th, 2025**.