



200 S. Biscayne Boulevard
Suite 300, Miami, FL 33131

www.brzoninglaw.com

305.377.6229 office

305.377.6222 fax

gpenn@brzoninglaw.com

VIA ELECTRONIC AND HARD-COPY SUBMITTAL

January 28, 2024

Rogelio A. Madan, AICP
Chief of Community Planning & Sustainability
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

Re: **PB23-0624** – Conditional Use Permit Approval for the
Property Located at 1901 Alton Road, Miami Beach, Florida

Dear Mr. Madan:

This law firm represents 1901 Alton Property, LLC and Wells Fargo Bank (collectively the "Applicant"), regarding the redevelopment of the property located at 1901 Alton Road (the "Property") within the City of Miami Beach (the "City"). Please consider this letter the Applicant's letter of intent in support of an application for Conditional Use Permit approval for new construction greater than 50,000 square feet in order to develop an innovative commercial project on the site. The instant application is very similar to that approved under File No. 2215 in 2015. The Applicant has submitted a concurrent Design Review Board Application for the design of the new building.

Property Description. The Property is located at the intersection of Alton Road and 19 Street. See Figure 1 below, Aerial. The Miami-Dade County Property Appraiser's Office identifies the Property with Folio No. 02-3234-001-0030. See Exhibit A, Property Appraiser Summary Report. The Property is developed with a single story bank building and accessory surface parking lot. The Miami-Dade County Property Appraiser records list the adjusted floor area of the building as 6,694 square feet.

The Property is not located within a historic district and there are no historic resources on the land. Additionally,

the Property is zoned Commercial Low Intensity (CD-1) under the City's land development regulations.



Figure 1, Aerial

Proposed Development. The Applicant proposes to develop the Property with an innovative commercial building and associated structured parking (the "Project"). The Applicant's goal for this urban infill project, is to make more productive uses of the Property. The Applicant seeks to locate bank and retail uses on the first floor, addressing active frontages both Alton Road and 19 Street Road. It is currently anticipated that the uses will be retail/service in nature, which would result in a total retail floor area of just approximately 53,391 square feet. The proposed gross square footage of new construction is just over 200,000 square feet. In order to be consistent with the 2015 approval and based on the irregular shape of the lot, the Applicant is seeking a waiver from the Design Review Board pursuant to Section 7.1.2.2.e.ii of the Resiliency Code. Specifically, the design waiver relates to the additional regulations for new construction with nonresidential uses on the ground floor on frontages with a width greater than 150 feet ("Long Frontage Standards"). The Applicant is not seeking any variances.

Retail and bank will be located on the first level and mezzanine level. The next two levels and rooftop will be devoted to parking. Care has been taken in the design to orient

the activity in the building toward 19 Street and Alton Road, and away from the residential uses to the north and east. The building has been designed and oriented to create larger pedestrian areas along both streets.

The Project includes 271 parking spaces within the building envelope, which is 106 more spaces than is required for the proposed uses. Parking is proposed to be a “self-parking” operation for patrons of the new businesses.

Operational Details. Customer vehicular access to the building will be exclusively from a garage entrance on 19 Street. The proposed curb cut on 19 Street is the minimum necessary for the proposed operation. Pedestrian access will be available from Alton Road and 19 Street. Thanks to its central location, customers will be able to access the building easily from all areas of the City. A dedicated loading and service area has also been located along 19 Street. The loading and service area is the minimum necessary for the proposed operation. As you know, the adjacent Publix and Walgreens uses have also located their “back of house” areas along 19 Street. The proposed loading area is generous enough to accommodate deliveries by tractor-trailer trucks – completely within the building. Locating both the garage entrance and loading areas along 19 Street will limit any potential negative impact on the surrounding uses and allow an uninterrupted pedestrian experience on Alton Road.

The proposed uses – a retail supermarket and bank – do not keep “late night” hours, further limiting any potential impact on neighboring properties. Care has been taken to internalize as much of the activity within the building envelope in order to reduce noise impacts on adjacent properties to the north and east. For example, the enclosure of the parking will help reduce noise as compared to the current open parking lot located just north of the bank.

Hours of Operation and Employees. The proposed supermarket will keep typical hours for that type of use. The adjacent Publix supermarket’s hours are 7:00 AM to 11:00 PM. The proposed use will keep similar hours. The supermarket plans to create approximately 250 permanent jobs. The delivery and trash pick-up hours will run from 6:00 AM to 12:00 AM. The delivery and trash areas are completely located within the building and shielded from adjacent residential uses with solid walls. It is expected that delivery and trash vehicles will approach the site from the east, back into the loading area, and thereafter exit the site to the west. The bank use is expected to keep its current 9:00 AM to 6:00 PM hours of operation.

Operational Security. The Applicant will incorporate a Property-wide security system, including multiple security cameras with recording abilities. Security personnel will also monitor the Property 24-hours a day, including all portions of the garage.

Compliance with Relevant Code Standards. The Project is consistent with all of the relevant criteria of the City's Land Development Regulations.

Conditional Use Criteria. Every conditional use permit application requires the Planning Board to determine the application's consistency with eight (8) criteria. The Applicant's satisfaction of the conditional use permit criteria, codified in Section 2.5.2.2.a. of the Resiliency Code, is outlined below.

1. The use shall be consistent with the comprehensive plan or neighborhood plan if one exists for the area in which the property is located.

The proposed commercial development for the Property is consistent with the policies of the City's Comprehensive Plan. Specifically, pursuant to Policy RLU 1.1.8, the purpose of the Low Intensity Commercial District is to provide development opportunities for and to enhance the desirability and quality of existing and/or new low intensity commercial areas which primarily serve surrounding residential neighborhoods. A bank and grocer, within a modest structure, are the exact uses that will serve the nearby residents. Also, enhancing the streetscape will directly enhance the quality of the pedestrian experience on Alton Road and 19 Street.

2. The intended use or construction shall not result in an impact that will exceed the thresholds for the levels of service as set forth in the comprehensive plan.

Based on the preliminary concurrency analysis and the Applicant's traffic study, which analyzes existing and proposed development in the vicinity, the Application will not result in an impact that exceeds any levels of service. Rather, the Project proposes to reduce vehicle trips with quality retail in close proximity to residential.

3. Structures and uses associated with the request shall be consistent with these land development regulations.

The proposed structure and the uses are consistent with the CD-1 zoning regulations.

4. The public health, safety, morals, and general welfare will not be adversely affected.

The proposed development will have no impact on the public's health, safety or welfare. The pattern of area development is consistent with a mix of residential and commercial uses.

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

The Project proposes to construct more than sufficient parking to serve all of the uses within the building. This ensures the requested off-street parking is satisfied as well as the anticipated parking demand.

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

Care has been taken in the design of the proposed improvements to limit the impact on adjacent parcels. The proposed development is consistent with the pattern of uses on Alton Road, the City's most active commercial corridor.

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

The proposed uses are not a of a type that would create a negative impact through concentration. There are light commercial and multi-family in close proximity and the Property is located on Alton Road, a major right-of-way in this part of the City.

8. The structure and site comply with the sea level rise and resiliency review criteria in Chapter 7, Article I, as applicable.

The structure and site comply with the sea level rise and resiliency review criteria. Further explanations of same are provided below.

9. Appropriate consideration is given to the safety of and friendliness to pedestrian traffic; passageways through alleys is encouraged where feasible and driveways shall be minimized to the extent possible.

The intricate design ensures appropriate consideration has been given to the safety of and friendliness to pedestrian traffic. Vehicular access has been centralized to a single entry and exit side. This minimizes interactions between pedestrians and vehicles. The other facades are improved and beautified with doors and windows, landscaping, and lighting.

Supplemental Standards for New Structures Exceeding 50,000 Square Feet.

Pursuant to Section 2.5.2.2.b. of the Resiliency Code, there are supplemental standards that must be addressed when seeking approval of a structure exceeding 50,000 square feet. The Applicant's satisfaction of the additional criteria is outlined below.

- 1. Whether the proposed business operations plan has been provided, including hours of operation, number of employees, goals of business, and other operational characteristics pertinent to the application, and that such plan is compatible with the neighborhood in which it is located.**

The Operations Plan has been included in the application materials. The Project, which will include approximately 50,655 square feet of commercial space, will not create a negative impact on the surrounding area. The proposed uses – a grocer and bank – are recognized as being limited impact uses, especially as all loading will be accommodated within the building envelope. The Low Intensity Commercial District is the ideal location, on major roadways, for these community service type uses.

- 2. Whether a plan for the mass delivery of merchandise has been provided, including the hours of operation for delivery trucks to come into and exit from the neighborhood and how such plan will mitigate any adverse impacts to adjoining and nearby properties, and neighborhood.**

The Project provides an enclosed delivery and garbage pick-up area accessible from 19 Street. The loading area is large enough to accommodate multiple largest delivery trucks at once – completely within the Property. This will limit neighborhood impacts and it will reduce the potential for trucks to idle on the public roadways.

- 3. Whether the scale of the proposed use is compatible with the urban character of the surrounding area and create adverse impacts on the surrounding area, and how the adverse impacts are proposed to be addressed.**

The scale of the proposed development is compatible to the development on surrounding properties. To the south are similarly situated commercial uses. This Project addresses any adverse impacts because parking and loading will be internalized and the streetscape is enhanced.

4. Whether the proposed parking plan has been provided, including where and how the parking is located, utilized, and managed, that meets the required parking and operational needs of the structure and proposed uses.

The proposed parking plan has been provided. The Project accommodates all of the development's parking needs on-site.

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

A customer circulation plan has been provided. Customers visiting the uses on the Property will have access directly from the City's sidewalks, with the focus on Alton Road, away from the 19 Street parking entrance/exit and loading area. Please see Operations Plan for additional details.

6. Whether a security plan for the establishment and supporting parking facility has been provided that addresses the safety of the business and its users and minimizes impacts on the neighborhood.

The Applicant has included security details and requirements in the Operations Plan. All of the parking spaces designated for the uses will be located within the building envelope. Please see Operations Plan for additional details.

7. Whether a traffic circulation analysis and plan has been provided that details means of ingress and egress into and out of the neighborhood, addresses the impact of projected traffic on the immediate neighborhood, traffic circulation pattern for the neighborhood, traffic flow through immediate intersections and arterials, and how these impacts are to be mitigated.

The Applicant has submitted a traffic circulation analysis and traffic study. Further, the Applicant is collecting new traffic data to ensure an impacts are appropriately mitigated.

8. Whether a noise attenuation plan has been provided that addresses how noise will be controlled in the loading zone, parking structures and delivery and sanitation areas, to minimize adverse impacts to adjoining and nearby properties.

The parking and loading areas will be buffered within the structure, and therefore, will have a limited noise impact. The trash room area will be air conditioned and closed when not in active use. The loading areas fronting 19 Street will provide more than adequate loading area for the project, further reducing any potential noise impacts.

9. Whether a sanitation plan has been provided that addresses on-site facilities as well as off-premises issues resulting from the operation of the structure.

The sanitation for the development will be handled through a centralized trash room. There will be no off-site sanitation issues created by the operation of the proposed development.

10. Whether the proximity of the proposed structure to similar size structures and to residential uses creates adverse impacts and how such impacts are mitigated.

The proposed development is of a scale that is consistent and compatible with the surrounding neighborhood. The Project is an improved condition from the surrounding retail and commercial uses with centralized facilities, structured parking, and pedestrian improvements.

11. Whether a cumulative effect from the proposed structure with adjacent and nearby structures arises, and how such cumulative effect will be addressed.

The proposed development includes uses that are typical for the surrounding area. Banks and grocers are not nuisance types that would create a negative impact through concentration.

Sea Level Rise and Resiliency Criteria. The proposed project advances the sea level rise and resiliency criteria provided in Section 133-50(a) of the Code as follows:

(1) A recycling or salvage plan for partial or total demolition shall be provided.

A recycling or salvage plan for the partial demolition of the existing structure will be provided at permit.

(2) Windows that are proposed to be replaced shall be hurricane proof impact windows.

All new windows will be hurricane proof impact windows.

(3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.

Where feasible, passive cooling systems will be provided.

(4) Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 126 of the City Code.

Resilient, Florida-friendly landscaping will be provided.

(5) The project applicant shall consider the adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.

The Applicant has considered the adopted sea level rise projections and the land elevations of the subject property and surrounding properties.

(6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height up to three (3) additional feet in height.

The proposed designs will be adaptable to the raising of public rights-of-ways and adjacent land.

(7) As applicable to all new construction, all critical mechanical and electrical systems shall be located above base flood elevation. All redevelopment projects shall, whenever practicable and economically reasonable, include the relocation of all critical mechanical and electrical systems to a location above base flood elevation.

Critical mechanical and electrical systems for the new construction will be located above base flood elevation.

(8) Existing buildings shall, wherever reasonably feasible and economically appropriate, be elevated up to base flood elevation, plus City of Miami Beach Freeboard.

New construction will be elevated up to base floor elevation, plus Freeboard. The proposed new homes will feature beautifully designed understories.

(9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.

Habitable space will be located above base flood elevation plus Freeboard.

(10) As applicable to all new construction, stormwater retention systems shall be provided.

Stormwater retention systems will be provided where feasible.

(11) Cool pavement material or porous pavement materials shall be utilized.

Cool pavement material and porous pavement materials will be utilized.

(12) The design of each project shall minimize the potential for heat island effects on-site.

The Project will minimize the potential for heat island effects on site with interior parking, cooler and more efficient mechanical and a/c systems, as well as ample and lush greenspace and landscaping.

Conclusion. Approval of the application will permit urban infill and allow additional neighborhood serving uses within the centralized commercial district of the City. All parking and operations will be internalized and shielded from the abutting multi-family units. Based on these reasons, the Applicant respectfully requests your favorable review and recommendation of this Application. If you have any questions or comments, please call me at 305-377-6229.

Sincerely,

A handwritten signature in black ink, appearing to read 'G. Penn', written in a cursive style.

Graham Penn

Enclosures

cc: Emily K. Balter, Esq.



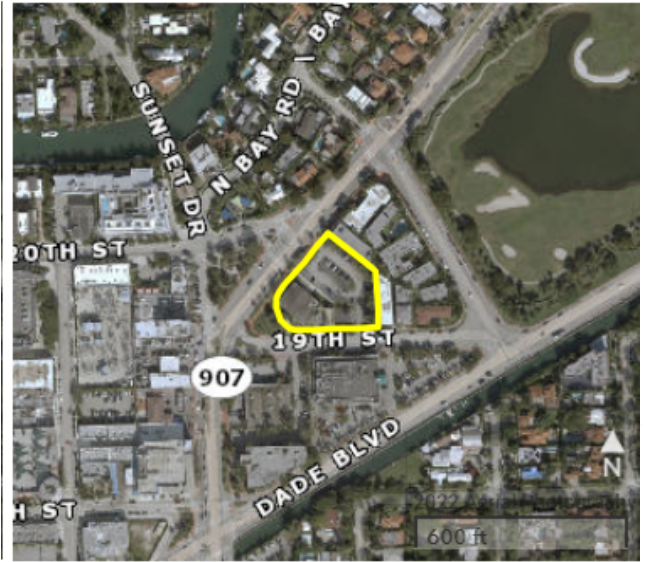
EXHIBIT A

OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On: 08/27/2023

PROPERTY INFORMATION	
Folio	02-3234-001-0030
Property Address	1901 ALTON RD MIAMI BEACH, FL 33139-1506
Owner	WELLS FARGO BANK
Mailing Address	1901 ALTON RD MIAMI BEACH, FL 33139
Primary Zone	6100 COMMERCIAL - NEIGHBORHOOD
Primary Land Use	2313 FINANCIAL INSTITUTION : OFFICE BUILDING
Beds / Baths /Half	0 / 0 / 0
Floors	1
Living Units	0
Actual Area	
Living Area	
Adjusted Area	6,654 Sq.Ft
Lot Size	58,511 Sq.Ft
Year Built	1986



ASSESSMENT INFORMATION			
Year	2023	2022	2021
Land Value	\$13,164,975	\$13,164,975	\$13,164,975
Building Value	\$10,000	\$10,000	\$10,000
Extra Feature Value	\$0	\$0	\$0
Market Value	\$13,174,975	\$13,174,975	\$13,174,975
Assessed Value	\$13,174,975	\$13,174,975	\$13,131,943

BENEFITS INFORMATION				
Benefit	Type	2023	2022	2021
Non-Homestead Cap	Assessment Reduction			\$43,032

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

SHORT LEGAL DESCRIPTION
ISLAND VIEW ADDN RE-SUB PB 40-12
LOTS 4 THRU 10 LESS DESC BEG
NW COR OF LOT 11 S15.29FT
N 32 DEG W 27.32FT S 48 DEG E
13.10FT N 65 DEG E 4.10FT

TAXABLE VALUE INFORMATION			
Year	2023	2022	2021
COUNTY			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$13,174,975	\$13,174,975	\$13,131,943
SCHOOL BOARD			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$13,174,975	\$13,174,975	\$13,174,975
CITY			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$13,174,975	\$13,174,975	\$13,131,943
REGIONAL			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$13,174,975	\$13,174,975	\$13,131,943

SALES INFORMATION			
Previous Sale	Price	OR Book-Page	Qualification Description
05/11/2011	\$0	27686-3558	Corrective, tax or QCD; min consideration
07/01/1998	\$1,559,300	18197-2696	Other disqualified
04/01/1985	\$1,500,000	12467-2054	Deeds that include more than one parcel
02/01/1985	\$1,127,400	12442-0317	Deeds that include more than one parcel

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidadade.gov/info/disclaimer.asp>