

**PLANNING BOARD
CITY OF MIAMI BEACH, FLORIDA****PROPERTY:** 1901 Alton Road**FILE NO.** PB23-0624**IN RE:** An application has been filed requesting a conditional use permit for a neighborhood impact structure (NIS) for the construction of a commercial development over 50,000 square feet, pursuant to Chapter 2, Article V, Section 2.5.2. and Chapter 7, Article II, Section 7.2.10. of the Miami Beach Resiliency Code.**LEGAL DESCRIPTION:** Lots 4 through 10, inclusive, of "Resubdivision of Block 11-A, of Island View Addition", according to the Plat thereof, as recorded in Plat Book 40, page 12 of the public records of Miami/Dade County, Florida**MEETING DATE:** March 26, 2024**CONDITIONAL USE PERMIT**

The applicant, 1901 Alton Property, LLC, requested a Conditional Use approval for the construction of a new 5-story development exceeding 50,000 square feet, pursuant to Chapter 2, Article V, Section 2.5.2. and Chapter 7, Article II, Section 7.2.10. of the Miami Beach Resiliency Code. Notice of the request was given as required by law and mailed out to owners of property within a distance of 375 feet of the exterior limits of the property upon which the application was made.

The Planning Board of the City of Miami Beach makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the of the record for this matter:

The property in question is located in the CD-1, Commercial Low Intensity District;

The use is consistent with the Comprehensive Plan for the area in which the property is located;

The intended use or construction will not result in an impact that will exceed the thresholds for the levels of service as set forth in the Comprehensive Plan;

The structures and uses associated with the request are consistent with the Land Development Regulations;

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

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

IT IS THEREFORE ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which is adopted herein, including the staff recommendations, that the Conditional Use Permit be GRANTED, as provided below:

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1. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. The Board reserves the right to modify the Conditional Use approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address possible problems and to determine the timing and need for future progress reports. This Conditional Use is also subject to modification or revocation under Miami Beach Resiliency Code Chapter 2, Article V Section 2.5.2.2.a, 2.5.2.2.b and Chapter 7, Article I, Section 7.1.2.4.
2. This Conditional Use Permit is issued to 1901 Alton Property, LLC, (the applicant) and Wells Fargo Bank (owner of the property). Any changes in ownership or 50% (fifty percent) or more stock ownership, or the equivalent, shall require the new owner to submit an affidavit, approved by City, to the City of Miami Beach Planning Department, transferring approval to the new owner and acknowledging acceptance of all conditions established herein prior to the issuance of a new Certificate of Use/Business Tax Receipt.
3. A progress report shall be scheduled before the Planning Board 90 days after obtaining a business tax receipt (BTR).
4. The Planning Board shall retain the right to call the owner or operator back before the Board and make modifications to this Conditional Use Permit should there be valid complaints, as determined by Code Compliance, about loud, excessive, unnecessary, or unusual noise. Nothing in this provision shall be deemed to limit the right of the Planning Board to call back the owner or operator for other reasons and for other modifications of this Conditional Use Permit.
5. The conditions of approval for this Conditional Use Permit are binding on the applicant, the property owners, operators, and all successors in interest and assigns.
6. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval.
7. Prior to the issuance of a building permit, the applicant shall revise the first level floor plan in accordance with the following:
 - a. The area for the FPL vault, utility room and refuse areas, as well as loading and driveways, shall be reduced in a manner to be approved by staff.
 - b. Pervious pavers, which are rated for traffic, will be added in front of the loading area to assist pedestrians with a continuous walking path, in a manner to be approved by staff.
 - c. Pedestrian lighting shall be provided along 19th Street in order to maximize pedestrian safety adjacent to loading areas and driveways, in a manner to be approved by staff.
 - d. The portion of the easternmost wall adjacent to the vehicular entrance driveway shall not be opaque in order to improve pedestrian visibility, in a manner to be reviewed by staff. A column could be considered an acceptable alternative.
 - e. The applicant shall coordinate with staff to locate vehicle exit gates close to the sidewalk in order to enhance pedestrian safety.

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8. Prior to the issuance of a building permit, the applicant shall revise plans in accordance with the following: The wire mesh design elements on Levels 2 through 4 shall be extended to the maximum permitted by the Florida Building Code along the north and eastern elevations of the building in a manner to be reviewed and approved by Planning staff after consultation with the New World Symphony (adjacent owner). Any remaining stucco sections shall be evenly distributed along the north and eastern elevations. The mesh screening shall be consistent with the building's mesh design, however at a greater density to avoid headlights from the parking garage impacting the adjacent parcels to the east and north.
9. The following shall apply to the operation of the proposed parking garage:
 - a. There shall be personnel on-site monitoring the garage during all hours of operation.
 - b. Signs prohibiting tire-screaching and unnecessary horn-honking shall be posted at the garage entrance.
 - c. Signs to minimize vehicle conflict in the driveways in and out of the property shall be posted in appropriate locations.
 - d. Surplus and under-utilized parking spaces located on the site may not be utilized for uses located at other sites.
10. The following shall apply to the operation of the entire facility:
 - a. All trash containers shall utilize rubber wheels, as well as a path consisting of a surface finish that reduces noise, in a manner to be reviewed and approved by staff.
 - b. Adequate air conditioned and noise baffled trash room space shall be provided, in a manner to be approved by the Planning Department staff. Doors shall remain closed and secured when not in active use.
 - c. Trash dumpster covers shall be closed at all times except when in active use.
 - d. Trash compactor rooms shall not be required to be air-conditioned if the compactor is a fully sealed and self-contained design. All trash compactor rooms must be noise baffled in a manner to be approved by Planning Department staff. Doors must be closed and secured when not in active use.
 - e. A dock master shall be present when trash compactors are being removed and replaced; the dock master shall oversee deliveries and loading operations of the site.
 - f. Delivery trucks shall not be allowed to idle in the loading areas.
 - g. Delivery trucks shall only be permitted to park in the designated loading bays within the southeast portion of the site as indicated in the plans provided by the applicant or designated loading zones within the building.
 - h. Trash pick-ups, including the trash compactors shall take place as follows:

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- 6:00 AM to 7:30 AM, 9:30 AM to 4:00 PM, and 6:30 PM to 12:00 AM on weekdays; and
 - Between 9:30 AM and 12:00 AM on weekends.
- i. Deliveries shall take place as follows: 7 AM to 10 PM daily.
 - j. Loading doors shall be provided and shall remain closed at all times except during the vehicle maneuvering into and out of the loading spaces and during active loading.
 - k. There shall be no queuing of delivery, garbage, or moving trucks in the public right of way.
 - l. Delivery trucks shall not be allowed to idle in loading areas or driveways.
 - m. The property and adjacent rights-of-way be maintained clean and free from debris.
11. Except as may be required for Fire, Building, or Life Safety Code purposes, no speakers or televisions of any kind shall be affixed to, installed, or otherwise located on the exterior of the premises within the boundaries of the project.
12. The applicant shall comply with the following Transportation, Mobility, Concurrency, Delivery, and Parking requirements:
- a. The applicant shall pay all impact, mobility, and concurrency fees due prior to obtaining a Building Permit, Certificate of Occupancy, or Business Tax Receipt, whichever occurs first, and any other fair share cost that may be due and owing.
 - b. The applicant shall submit an MOT (Maintenance of Traffic) plan to Public Works Department and Transportation Department staff for review and approval prior to the issuance of a building permit. The MOT shall address any traffic flow disruption due to construction activity on the site.
 - c. The applicant shall coordinate with the City of Miami Beach Transportation & Mobility Department to implement an acceptable Transportation Demand Management (TDM) Implementation Plan per the TDM strategies outlined in the most recent Traffic Impact Analysis, prior to the issuance of a building permit.
 - d. The applicant shall provide on-site bicycle parking facilities to accommodate a minimum of 4 short-term bicycle parking spaces and 16 long-term bicycle parking spaces.
 - e. Warning signs prohibiting horn honking, tire-screaming, or car alarm sounding shall be posted prominently by the applicant in the parking area.
 - f. A signage and marking plan shall be reviewed and approved by the Transportation and Mobility Department prior to the issuance of a Building Permit.
 - g. There shall be a physical control mechanism in all vehicle exit lanes onto 19th Street, such as a gate arm or similar device. The location and details of such control mechanism shall be made part of the building permit plans and subject to the review and approval of the

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- Transportation and Planning Departments. Additionally, such control mechanism shall remain in place at all times.
- h. Speed bumps shall be installed in all vehicle exit lanes onto 19th Street. The location and details of the speed bumps shall be made part of the building permit plans and subject to the review and approval of the Transportation and Planning Departments.
 - i. The on-street loading zone proposed on the north side of 19th Street shall be removed. All loading shall take place within the loading area located in the building.
 - j. The applicant shall not utilize any on-street parking spaces for the purpose of curbside grocery pick-up. All customer grocery pick-up operations must be fully enclosed on private property.
 - k. Prior to the issuance of a building permit, a revised operational plan for trash operations for the supermarket shall be submitted and approved by the Transportation and Planning Departments. At a minimum, such plan shall minimize the obstruction of the sidewalk and/or travel lanes during the trash pick-up and drop-off operations.
 - l. The applicant shall maintain at least 60 inches of clear sidewalk path around the project site when bicycles are parked at the proposed bicycle racks.
13. Except as may be required for fire or building code/Life Safety Code purposes, no speakers shall be affixed to or otherwise located on the exterior of the premises.
14. The development shall comply with the "Green Building" requirements in section 7.1.3.2 of the Resiliency Code.
15. The applicant shall satisfy outstanding liens and past due City bills, if any, to the satisfaction of the City prior to the issuance of a Building permit.
16. The applicant, operator and/or owner, both now and in the future, shall abide by all the documents and statements submitted with this application, as well as all conditions of this Order.
17. The applicant shall resolve all outstanding violations and fines on the property, if any, prior to the issuance of a building permit for the project.
18. A violation of Chapter 46, Article IV, "Noise," of the Code of the City of Miami Beach, Florida (a/k/a "noise ordinance"), as may be amended from time to time, shall be deemed a violation of this Conditional Use Permit and subject to the remedies as described in section 2.5.2.5, Code of the City of Miami Beach, Florida.
19. The applicant shall obtain a full building permit within 18 months from the date of approval of this Conditional Use Permit, and the work shall proceed in accordance with the Florida Building Code. Extensions of time for good cause, not to exceed a total of one year for all extensions, may be granted by the Planning Board.
20. This order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be

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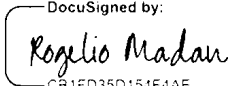
returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.

21. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
22. The establishment and operation of this Conditional Use shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the Code of the City of Miami Beach, Florida, and shall be subject to enforcement procedures set forth in Chapter 1, Article III, 1.3.8 of said Miami Beach Resiliency Code and such enforcement procedures as are otherwise available. Any failure by the applicant to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this Conditional Use.
23. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.
24. The applicant agrees and shall be required to provide access to areas subject to this Conditional Use Permit for inspection by the City (i.e. Planning Department, Code Compliance Department, Building Department, and Fire Department staff), to ensure compliance with the terms and conditions of this Conditional Use Permit. Failure to provide access may result in revocation of the Conditional Use Permit.

4/18/2024 | 9:27 AM EDT

Dated _____

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

DocuSigned by:

BY: _____
Rogelio A. Madan, AICP
Development & Resiliency Officer
for Chairman

STATE _____ OF _____ FLORIDA
)

COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 24 day of April, 2024, by Rogelio A. Madan, Development & Resiliency Officer for the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

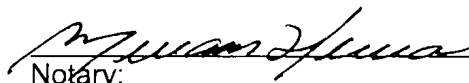
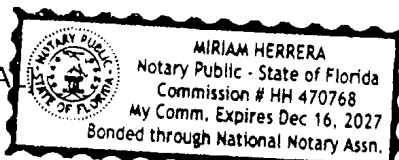
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RM

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[NOTARIAL SEAL]


Notary: _____Print Name: Miriam Herrera

Notary Public, State of Florida

My Commission Expires: 12-16-27Commission Number: HH470768Approved As To Form:
Legal Department _____

DocuSigned by:



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(4/18/2024 | 9:35 AM EDT

Filed with the Clerk of the Planning Board on _____

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