

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: March 26, 2024

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB23-0624. 1901 Alton Road. Whole Foods & Wells Fargo.**

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.

RECOMMENDATION

Approval with conditions.

ZONING / SITE DATA

Legal Description: Lot's 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

Zoning: CD-1 – Commercial, Low Intensity District

Lot Size: 55,377 SF

Proposed FAR: 0.96 – 53,191 SF Total Area as represented by the applicant on zoning data*

Maximum FAR: 1.0 - 55,377 SF

Proposed Height: 45'-0"

Maximum Height: 45'-0"

Proposed Use:

Financial Institution:	3,908 SF
Café:	60 Seats
Grocery Store:	34,953 SF
Parking:	271 Spaces

Surrounding Uses: See Zoning Site Map at the end of this report
North: Hotel
West: Commercial Building
South: Residential Building and commercial
East: Residential buildings

HISTORY

On May 26, 2015 meeting the Planning Board approved a conditional use for a similar project at the site (PB file 2215). A building permit was never obtained for the development and the CUP expired.

THE PROJECT

The applicant has submitted plans entitled “1901 Alton Road”, as prepared by Studio MC+G Architecture and Oppenheim Architecture and Design, dated January 28, 2024. The revised proposal consists of a new 4-story, commercial building, composed of the following:

- A 3,908 square foot financial institution.
- A 34,953 square foot retail grocery store.
- A 60 seat café.
- 271 enclosed parking spaces.

A separate application for review of the proposed design of the project is pending before the Design Review Board (DRB23-0956). The DRB application is expected to be considered on April 2, 2024.

COMPLIANCE WITH CONDITIONAL USE REVIEW GUIDELINES:

Conditional Uses may be approved in accordance with the procedures and standards set forth in the Miami Beach Resiliency Code Chapter 2, Article V , Section 2.5.2.2.a:

1. The use is consistent with the Comprehensive Plan or Neighborhood Plan if one exists for the area in which the property is located.

Consistent – The request is consistent with the Comprehensive Plan. The CD-1 future land use category allows new retail structures exceeding 50,000 SF as a conditional use, as well as the proposed uses inside the building.

2. 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

Consistent – The proposal should not result in an impact that would exceed the thresholds for the levels of service as set forth in the Comprehensive Plan.

3. Structures and uses associated with the request are consistent with this Ordinance.

Consistent – developments exceeding 50,000 square feet, is permitted as conditional use in this zoning district. This comment shall not be considered final zoning review or approval. This and all zoning matters shall require final review and verification prior to the issuance of a Building Permit.

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

Partially Consistent – The proposed project may adversely affect the general welfare of nearby residents if delivery, waste removal, and other operations are not properly controlled. The entire project would have to comply with all applicable laws and regulations in order to obtain a building permit.

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

Consistent – The proposed project is a commercial building providing required parking for all the proposed uses, as well as some surplus parking, which does not count towards the maximum floor area ratio (FAR) because it is located on the rooftop.

6. Necessary safeguards will be provided for the protection of surrounding property,

persons, and neighborhood values.

Consistent – Staff is recommending conditions to try to mitigate any adverse impacts on the surrounding neighbors.

- 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.**

Consistent – The proposed uses for the project are permitted in the CD-1 zoning district. While there is another grocery store just south of the site, no adverse impact from geographic concentration is anticipated on the nearby uses as a result of this request.

- 8. The structure and site comply with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.**

Consistent – see below, sea level rise and resiliency review criteria provided in Code Section 7.1.2.4.

- 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.**

Not Consistent – The project provides pedestrian safety and activation along the Alton Road frontage, as well as the western portion of 19th Street. However, the proposed driveways, loading, trash pickup, and utility areas along the eastern portion of 19th Street, as proposed, create several conflict points with pedestrians, as well as negatively impact the aesthetics and visual interest in the street. The present design of the 19th Street frontage also creates an adverse environment for pedestrian safety and friendliness. There are residential building on the east side of this block whose residents utilize this sidewalk to get to the Sunset Harbour neighborhood. Additionally, staff expects that the use of the sidewalk will increase as a result of the proposed project as many patrons will likely walk to the site. Staff is recommending conditions to mitigate this condition; see analysis below.

COMPLIANCE WITH REVIEW GUIDELINES CRITERIA FOR NEW STRUCTURES 50,000 SQUARE FEET AND OVER

Pursuant to the Miami Beach Resiliency Code Chapter 2, Article V, Section 2.5.2.2.b. in reviewing an application for conditional use for new structures 50,000 square feet and over, the planning board shall apply the following supplemental review guidelines criteria in addition to the standard review guidelines:

- 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.**

Consistent – The operational plan has been provided. The proposed uses are for a retail supermarket and bank. It is expected that the supermarket will create approximately 250 permanent jobs. Hours of operation for the supermarket will be from 8:00 AM to 11:00 PM. The bank is expected to operate from 9:00 AM to 6:00 PM. The proposed uses are permissible in the CD-1 zoning district. See Operations Analysis. The uses are compatible with the surrounding neighborhood.

- 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 shall mitigate any adverse impacts to adjoining and nearby properties, and neighborhood.**

Consistent – The plans show loading and trash collection areas that are contained within the building. There are two large loading spaces on the ground floor that are able to accommodate trucks of all sizes within the building envelope. There is a third loading space located on the second floor. Staff is recommending conditions relative to the servicing of the proposed uses. See Delivery and Sanitation Analysis.

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

Partially Consistent – The scale of the proposed project is compatible with nearby buildings and with the urban character. However, the scale, massing, architecture and compatibility issues will be further discussed at the Design Review Board meeting.

- 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.**

Consistent – The proposed 271 spaces would satisfy required parking, as well as provide some surplus parking within the structure. See Parking Analysis.

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

Consistent – Pedestrians entering the property will have access directly from the public sidewalk along Alton Road away from vehicular entrances to limit vehicular conflicts. Customers arriving in automobiles will be able to access the businesses directly from the parking garage. See Parking and Access Analysis.

- 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.**

Consistent – The applicant proposes to incorporate a property-wide security system, including multiple security cameras with recording abilities. It is also proposed that security personnel will monitor the property 24 hours a day, including all portions of the garage.

- 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.**

Consistent – The applicant has provided a Traffic Study prepared by TrafTech Engineering, INC. and Associates; See attached memorandum from the Transportation Department.

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

Consistent – The parking and loading is located within the structure, so the applicant does not anticipate any significant noise from it. Notwithstanding, staff is recommending conditions to help reduce any potential impact from noise.

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.**

Consistent – Trash will be centralized in two single-unit conditioned compactors located near the loading area contained within the building along 19th street, Servicing the trash will involve removal of the compactors from the site and replacement of the compactors once emptied. See Delivery and Sanitation Analysis.

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

Partially Consistent – The proposed structure could create some negative impacts on the multi-family residential building surrounding the site to the north and east if not properly controlled. Staff is recommending conditions to minimize that potential.

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

Consistent – The CD-1 zoning district permits development such as that proposed. While there are other grocery stores and financial institutions in the surrounding vicinity, no negative impacts from a cumulative effect are expected.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 7.1.2.4.a.1. of the Resiliency Code establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

- A. A recycling or salvage plan for partial or total demolition shall be provided.

Satisfied – The applicant will provide a recycling or salvage plan during the permitting phase of the project.

- B. Windows that are proposed to be replaced shall be hurricane proof impact windows.

Satisfied – The applicant has indicated that all windows will be hurricane proof impact windows.

- C. Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.

Satisfied – Passive cooling systems, such as shading elements, may be installed as appropriate.

- D. Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided in accordance with Chapter 4 in Land Development Regulations.

Satisfied – Landscaping with Chapter 4 of the resiliency code.

- E. 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.

Satisfied – The project has been designed to accommodate rising sea levels and the future raising of roads.

- F. 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 of up to 3 additional feet in height.

Satisfied – The ground floor will be located at 9 feet NGVD and will have sufficient elevation to be able to accommodate future roadway increases.

- G. 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.

Satisfied – All critical mechanical and electrical systems will be located above base flood elevation (BFE).

- H. Existing buildings shall, where reasonably feasible and economically appropriate, be elevated up to the base flood elevation, plus City of Miami Beach Freeboard.

Not applicable.

- I. 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 in the General Ordinances.

Not applicable.

- J. As applicable to all new construction, stormwater retention systems will be provided.

Consistent – Water retention systems as applicable will be provided for the Project.

- K. Cool pavement materials or porous pavement materials shall be utilized.

Satisfied – Cool paving materials will be utilized.

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

Satisfied. – The project will reduce heat island effects by incorporating white roofing materials, shade structures at the roof, window eyebrows, low heat emission glass, partially shaded plaza and cool paving material.

ANALYSIS

Project Description and Operations

The 4-story building contains a total of 38,861 square feet of commercial uses and 271 parking spaces. The commercial uses will consist of a supermarket (Whole Foods) with a 60-seat café area in the ground floor mezzanine, as well as a separate a 3,908 square foot financial institution (Wells Fargo). The building has a gross floor area of 200,774 square feet.

The subject parcel is irregular shape and presently contains a 6,159 square foot Wells Fargo Bank branch, with a 63-space surface parking lot. All commercial uses are proposed to front Alton Road and 19th Street on the first and second floors, and parking is proposed to be located on the second through the fourth floors.

The hours of operation for the supermarket will be from 8:00 a.m. to 11:00 p.m. and the bank is expected to operate from 9:00 a.m. to 6:00 p.m. As the site currently has a bank, and there are other supermarkets in the vicinity, the proposed uses are compatible with the surrounding area.

Parking and Access

Ingress and egress into the parking garage would be from 19th Street. The proposed driveway ramp would be located at the eastern end of the building fronting 19th Street.

Parking would be located on levels 2 through 4 (the rooftop). The total number of parking spaces proposed is 271, and the required parking for the proposed uses is 165 spaces; a surplus of 106 spaces is proposed. Staff is recommending that the surplus spaces not be available to surrounding uses to minimize potential traffic impacts to Alton Road. The surplus spaces are located on the rooftop and therefore do not count towards FAR limits. The breakdown of parking spaces by level is as follows:

Level 2:	78
Level 3:	90
Level 4:	103
Total:	271

The proposed parking plan would provide a net increase of 208 spaces over the existing 63-space surface lot. The applicant proposes a self-parking operation.

The zoning data on the plans indicates that the applicant is proposing 20 short term bike spaces and 40 long term bike spaces. However, it is not clear on the plans where the spaces will be located and staff is recommending conditions to clarify the location of these bike spaces.

Access for pedestrians to both the bank and grocery store will be from the public sidewalks along Alton Road. Staff is concerned with the proposed long stretch of driveways and loading areas on 19th street, and their collective impact on pedestrian mobility. Specifically, the proposed configuration of driveways for the garbage pickup, loading, and garage access provide no intermediate pedestrian refuge, which could create an adverse environment for pedestrians using the 19th Street sidewalk to access the store and the Sunset Harbour neighborhood.

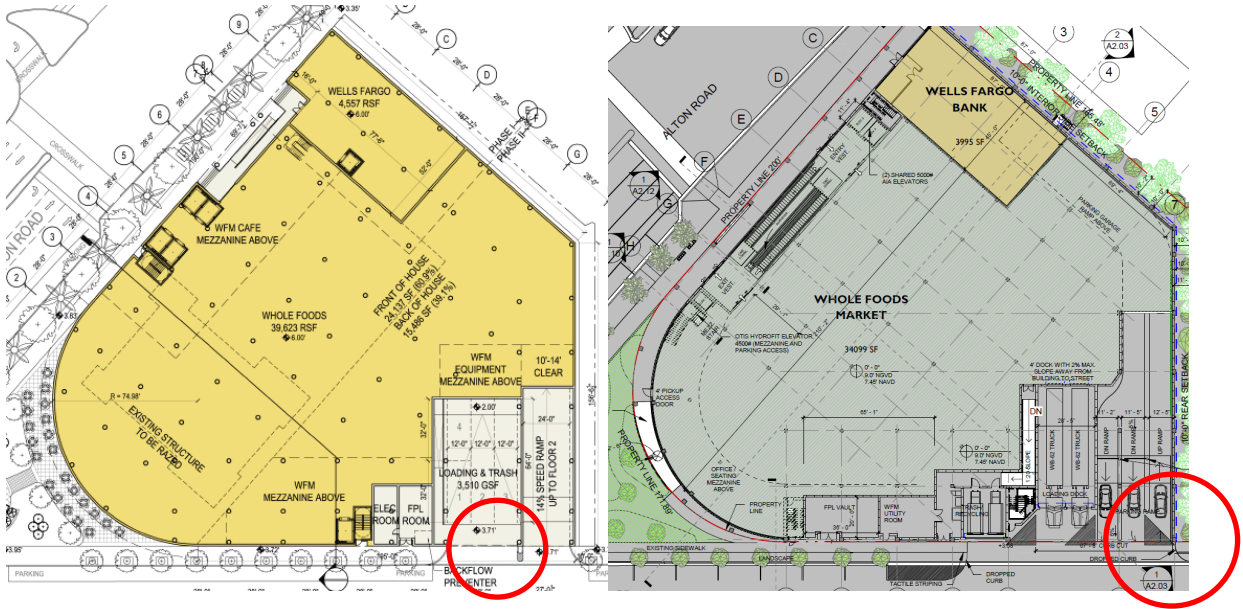
19th Street is an important pedestrian route for residents in the apartment buildings to the east, including the New World Symphony dorms, as well as pedestrians heading from further east, to

access the Sunset Harbour neighborhood. Furthermore, staff expects pedestrian activity to increase with the opening of the supermarket as well as other proposed projects in the neighborhood.

Staff compared the proposed site plan with the plan approved in 2015, and the following is noted:

2015 Approval:
2 Car driveways
3 Loading driveways

Current proposal:
3 car driveways
2 Loading driveways
2 Trash compactors driveways



During the pre-application process, staff expressed serious reservations to the applicant regarding the driveway configuration proposed in comparison to the configuration approved in 2015 and recommended the removal of one of the car exit driveways, as well as reductions in the loading and trash compactor areas, to improve the pedestrian experience along 19th Street. Since the applicant has a surplus of parking on levels 3 to 4, double driveways could be accommodated on the second level to prevent queuing when exiting.

Prior to the Planning Board meeting, staff had a very productive discussion with the applicant regarding delivery, loading and refuse operations, traffic circulation within the building, as well as access from the driveways. The applicant believes that a 2-vehicle exit drive is critical for operations, given their expected traffic volume. In this regard, an important component of the proposed driveway and loading access points is pedestrian visibility for cars entering and exiting the drive and loading lanes. In this regard, the use of control gate arms in the proposed driveway exit lanes is paramount to providing safe pedestrian movement on the sidewalk, as they significantly slow exiting vehicles.

To accommodate control gate arms, the applicant believes a 2-lane exit option is needed in case there is a malfunction with one of the gate arms, or other delay. Although staff believes a one lane driveway exit is a better option, the 2-lane option proposed by the applicant, as part of other modifications to the 19th Street portion of the building, would be acceptable. Staff has included specific conditions in the attached draft order regarding an automatic gate arm and other control mechanisms at the exit to slow vehicles as they exit the garage.

Delivery and Sanitation

A loading and trash area that is fully contained inside of the building is proposed at the ground level

on the southeastern side of the property facing 19th Street. This area has two loading bays and will be able to accommodate delivery trucks of all sizes. Additionally, the overhead door will be closed when these areas are not in use.

The applicant is proposing to have the trash centralized in two air-conditioned compactors units, which will be fully enclosed with an overhead door when not in use. Servicing the trash will involve removal of the compactors from the site onto the street and the replacement of the compactor once emptied. Access to the compactors will be from 19th Street and according to the operational plan the removal and replacement of the compactors will take approximately 5 to 10 minutes. The compactors will reduce the schedule for trash collection on the site and a dock master is proposed to be present for these operations. The applicant is proposing that the trash compactors be collected no more than two times a week, and only Monday through Friday on the following periods of the day: 6:00 a.m. to 7:00 a.m., 10:00 a.m. to 3:00 p.m., and 7:00 p.m. to 12:00 a.m.

Deliveries are proposed from 6:00 a.m. to 12:00 a.m. during the week. However, staff is recommending deliveries and trash collection times be on off-peak hours, to minimize impacts, as more specifically outlined in the draft order. Given the proximity to residential uses, staff is recommending that deliveries on weekends and national holidays not occur before 9:30 a.m.

Finally, staff is recommending that the on-street loading areas on 19th Street be removed and all loading take place internal to the building.

Security

The applicant proposes to incorporate a property-wide security system, including multiple security cameras with recording abilities. Additionally, security personnel will monitor the property 24 hours a day, including all portions of the parking levels.

Traffic

Traf Tech Engineering Inc. was retained by the applicant to conduct a traffic study in connection with the proposed development. Please see the attached memorandum from the Transportation Department regarding the review of this study.

SUMMARY

In recent weeks, and after the final submittal of the proposal, the project team has met with planning staff to go over modifications that would improve the 19th Street side of the project. The following is a summary of the changes that the applicant has indicated agreement with, and which the applicant has indicated they intend to show to the board as part of their presentation:

- The area for the FPL vault, utilities, refuse, as well as loading and driveways, will be reduced.
- Pervious pavers, that are rated for traffic, will be added in front of the loading area to assist pedestrians with a continuous walking path.
- Roll-down doors will be incorporated into the loading area.
- Additional louvers will be included over the FPL/utility area and more glazing will be applied to the west of the FPL/utility area.

While the 19th Street portion of the project is not ideal in terms of pedestrian activation, given the significant constraints of the site, this Street is the only feasible location for the required back of house and utility components. With the modifications proposed by the applicant, as well as those recommended by staff, all of which are included in the attached draft order, staff believes that the

project is ready to move forward and recommends approval.

RECOMMENDATION

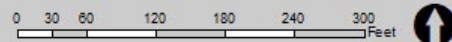
In view of the foregoing analysis, staff recommends the Conditional Use Permit be approved, subject to the conditions enumerated in the attached Draft Order.

ZONING/SITE MAP



MIAMI BEACH
PLANNING DEPARTMENT

1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 P 305.673.7550 www.miamibeachfl.gov



**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: Lot's 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:

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.
8. 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-screeching 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.
9. 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 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 be air-conditioned.
 - 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. Deliveries and trash pick-ups, including the trash compactors shall take place as follows:
 - 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. Loading doors shall be provided and shall remain closed at all times except for during the actual vehicle maneuvering into and out of the loading spaces.
 - j. There shall be no queuing of delivery, garbage, or moving trucks in the public right of way.
 - k. Delivery trucks shall not be allowed to idle in loading areas or driveways.
 - l. The property and adjacent rights-of-way be maintained clean and free from debris.
 10. 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.
 11. 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-screeching, 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 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.
12. 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.
13. The development shall comply with the “Green Building” requirements in section 7.1.3.2 of the Resiliency Code.
 14. 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.
 15. 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.
 16. 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.
 17. 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 118-194, of the City Code
 18. 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.
 19. 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 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.
 20. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
 21. 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 Section 114-8 of said 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.
 22. 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.
 23. 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.

Dated _____

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

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 _____ day of _____, _____, 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.

[NOTARIAL SEAL]

Notary:
Print Name:
Notary Public, State of Florida
My Commission Expires:
Commission Number:

Approved As To Form:
Legal Department _____ ()

Filed with the Clerk of the Planning Board on _____ ()