



City of North Miami Beach, Florida

Community Development Department

PLANNING AND ZONING BOARD STAFF REPORT

TO: Planning and Zoning Board

FROM: Justin Proffitt, AICP, Planning and Zoning Manager
Kimberly Marcellus, Assistant Planner

DATE: May 9, 2016

RE: ABC Fine Wine & Spirits Site Plan and Conditional Use Approval

P&Z ITEM # 16-011	ABC FINE WINE & SPIRITS
OWNER OF PROPERTY	EIP AT NMB, LLC
ADDRESS OF PROPERTY	14075 BISCAYNE BLVD
FOLIO NUMBER	07-2221-031-0010
LEGAL DESCRIPTION	(LENGTHY DESCRIPTION ATTACHED)
EXISTING ZONING	MU/C, ARCH CREEK MIXED-USE CORRIDOR DISTRICT, CORE SUB-AREA
EXISTING LAND USE	COMMERCIAL
FUTURE LAND USE DESIGNATION	MU/C, ARCH CREEK MIXED-USE CORRIDOR

BACKGROUND:

The applicant, Tracy R. Slavens, on behalf of the property owner EIP at NMB, LLC requests site plan and conditional use approval in order to construct a 12,900 square foot package liquor store outparcel on property currently used as surface parking for the existing Target Store.

SURROUNDING LAND USES:

Location	Zoning Designations	Existing Land Uses	Future Land Use Designations
North	City of North Miami	U.S. Post Office	City of North Miami

East	MU/C, Arch Creek Mixed-Use Corridor District	Target Store	MU/C, Arch Creek Mixed-Use Corridor
South	MU/C, Arch Creek Mixed-Use Corridor District	Commercial	MU/C, Arch Creek Mixed-Use Corridor
West	City of North Miami	Commercial	City of North Miami

THE SITE:

The subject site is an outparcel adjacent to the Target Store where surface parking is located. This area is comprised of 45,836 square feet (1.0523 acres).

THE PROJECT:

The project involves the construction of a 12,900 square foot package liquor store; the intended tenant is ABC Fine Wine & Spirits. Pursuant to the land use principles of the MU/C Zoning District, the proposed use is in accordance with the conditionally permitted uses.

Staff has reviewed the application for consideration by the Planning and Zoning Board; in this report, Staff presents the applicable Zoning and Land Development Code regulations with recommendations.

Sec. 24-58 MU, Mixed-Use District Provisions and Regulations

Required	Proposed	Recommendation/Comments
Vehicular access and circulation, parking and loading standards	<ul style="list-style-type: none"> ▪ Parking facility features shared access points ▪ Surface parking is located to the rear ▪ Loading is provided on-site 	<ul style="list-style-type: none"> ▪ Complied ▪ Complied ▪ Complied
Open space standards	N/A	N/A
Designated publically accessible urban greenways systems	N/A	N/A
Mechanical equipment and service utilities	<ul style="list-style-type: none"> ▪ Mechanical equipment is not visible from the public sidewalk and is located to the rear ▪ Utility connections and service boxes are not visible from any street 	<ul style="list-style-type: none"> ▪ Complied ▪ Complied

Fences, walls, and hedges	<ul style="list-style-type: none"> ▪ Screening of off-street loading, trash and service areas 	<ul style="list-style-type: none"> ▪ Complied
Height standards	<ul style="list-style-type: none"> ▪ Does not exceed maximum of the MU/C District ▪ Mezzanine area is not greater than the floor area in which it is in 	<ul style="list-style-type: none"> ▪ Complied ▪ Complied
Design standards	<ul style="list-style-type: none"> ▪ The maximum horizontal dimension of the building does not exceed 300 feet 	<ul style="list-style-type: none"> ▪ Complied

Sec. 24-58.4 MU/C, Arch Creek Mixed-Use Corridor District, Core Sub-Area, Flex Building Type Uses Permitted

Conditionally Permitted	Proposed	Recommendation/Comments
Package Liquor Store provided such use is located on primary street	Package Liquor Store	Permitted use through a conditional and site plan approval

Site Development Standards

Required	Proposed	Recommendation/Comments
Minimum lot area: N/A	45,835 square feet	Complied
Minimum lot width: 75 feet (200' max.)	199.29 feet	Complied
Minimum lot depth: 130 feet	277.71	Complied
Minimum setbacks: <ul style="list-style-type: none"> ▪ Interior side setback: 0' (30' min. when abutting townhouse, zero lot lines and existing single family and an alley is not existing or proposed) ▪ Rear setback: 0' (30' min. when abutting townhouse, zero lot lines and existing single family) 	<ul style="list-style-type: none"> ▪ Interior side setback: 32.77' (south) 23.21' (north) ▪ Rear setback: 109.49' 	<ul style="list-style-type: none"> ▪ Complied ▪ Complied

and an alley is not existing or proposed) <ul style="list-style-type: none"> Front primary street Biscayne Blvd: 15' (30' max.) (70% building frontage) 	<ul style="list-style-type: none"> Front primary street Biscayne Blvd: 23.21' 	<ul style="list-style-type: none"> Complied
Maximum building height: 15 stories/195 feet (number of stories may be increased provided the overall building height is not exceeded)	One story/22'-8"	Complied
Minimum pervious area: 10%	21.6%	Complied
Minimum Parking space requirements: <ul style="list-style-type: none"> 2 spaces per 1,000 sq.ft. (retail): 26 required + 1 handicap space 1 bike rack per 15 spaces: 2 required 	<ul style="list-style-type: none"> 38 spaces + 2 handicap 2 bike racks 	<ul style="list-style-type: none"> Complied Complied

Article IX Off-Street Parking and Loading
Sec. 24-93 Parking Lot Design Standards

Required	Proposed	Recommendation
Paving and Drainage: <ul style="list-style-type: none"> Surfaced w/6 inch rolled rock and 1 inch weatherproof pavement Proper drainage 	<ul style="list-style-type: none"> Concrete Drainage plan provided 	<ul style="list-style-type: none"> Complied Complied
Minimum parking space sizes <ul style="list-style-type: none"> Standard 9' x 18' Handicapped 12' x 18' plus 5' access ramp 	<ul style="list-style-type: none"> 9' x 18' 12' x 18' with 5' access ramp 	<ul style="list-style-type: none"> Complied Complied
Traffic Control	Traffic Analysis by McMahon Transportation Engineers & Planners	Complied

Article XI. Landscaping
Sec. 24-122 and Sec. 24-58

Required	Proposed	Recommendation
Site landscape plan	Landscape plan provided	Complied

Maximum of 25% of all required trees shall be of a palm species	▪ 3 Alexander Palms and 3 Florida Royal Palms	Complied
One tree per 30' along urban greenways; 70% of frontage to provide continuous shade: 7 trees	7 trees	Complied
One tree per 30' along all perimeters of vehicular use areas: 10 trees	10 trees	Complied
One tree per terminal island with at least one tree per 100 sq.ft. of said terminal island: 16 trees	16 trees	Complied
One tree per interior island : 7 trees	7 trees	Complied
Trees mitigated at 1:1 ratio	11 trees to be removed and replaced	Complied

Article X Subdivision and Floodplain Standards

Sec. 24-106(E)(2)(a)(2)

Flood Elevation	Special Flood Hazard Area (SFHA)	SFHA Requirements
Zone X (Area of minimal flood hazard)	No	N/A

PLANNING AND ZONING DEPARTMENT ANALYSIS:

The intent of the MU/C, Arch Creek Mixed-Use Corridor District is to support a balanced mix of land uses characterized by compactness, pedestrian friendly design, neighborhood-scale and framed by architecture and landscape design appropriate to local history and the natural environment. The proposed package liquor store is in accordance with the intent of the district through its classification as a conditionally permitted use and complies with the objective of ensuring high quality development, stimulating retail activities, and encouraging new development to enhance the visual character of Biscayne Boulevard.

Intended tenant, ABC Fine Wine & Spirits is a high quality retailer that will complement the uses surrounding the area including the Target Store. Currently, the ABC retailer is located at 16355 Biscayne Boulevard, this proposal would serve as the relocation site in order to enhance the possibility of future development in the Southern Mixed-Use Waterfront District. Based upon the traffic analysis prepared by McMahon Transportation Engineers & Planners, provisions for vehicular and pedestrian traffic movement indicates an acceptable level of service where the circulation systems and parking facilities are designed and located to ensure safe and efficient

ingress/egress and parking. The outparcel property is accessible from multiple points within the Target Store parcel to allow free movement within the proposed development and provide compatibility within the existing circulation system.

The total number of existing parking spaces for the entire Target Store site is 611; 506 spaces will remain after the package liquor store is built. By removing 65 spaces and allocating 40 to the proposed development, the Target Store, in accordance with the parking requirements of Section 24-58.4, will exceed the minimum number of spaces required. 299 spaces is the minimum based upon the 149,548 square footage; the site provides an additional 207 spaces solely for the Target Store.

The site is designed in a manner to ensure life safety and fire prevention as well as to discourage and reduce the possibility of nuisance and criminal activity through its location and visibility, proposed traffic circulation, location of windows and doors, security lighting, and parking lot lighting.

In the MU/C District, a Package Liquor Store is permitted as a Conditional Use. As per Section 24-175 of the City Code, Conditional Use applications shall be reviewed for the following standards:

- (1) The proposed use will be compatible with the existing natural environment and other properties within the neighborhood;
The use is compatible with the commercial character of Biscayne Boulevard and complements the surrounding properties.
- (2) The proposed use will create no substantial detrimental effects on neighborhood property values;
The use is not expected to create any negative effects on surrounding neighborhood property values, as the retailer is high quality and can encourage additional economic development in the area.
- (3) The proposed use can be accommodated by adequate community facilities such as schools, streets, parks, and utilities;
The proposed package liquor store is well served by the roadway network and numerous transit lines service the area to further alleviate any potential traffic concerns.
- (4) The proposed use will have adequate provisions for vehicular and pedestrian traffic movement, both internal to the use and in the area that will serve the use;
Adequate parking, above the minimum requirement, is provided. The approved traffic analysis indicates an acceptable level of service for the circulation and parking of the site. Traffic destined to the outparcel is not expected to extend and queue back onto the adjacent roadway network.

- (5) The proposed use will have adequate drainage systems to service the use with particular attention to the necessity for on-site retention systems to alleviate runoff and pollution problems;
The drainage plan submitted is adequate and meets City standards.
- (6) The proposed use will have adequate setbacks, buffering, and general amenities in order to control any adverse effects of noise, light, dust, and other nuisances;
The site plan submitted complies with the required setbacks and buffering to control adverse effects.
- (7) The proposed use will be located on property which is sufficient, appropriate and adequate for any reasonably anticipated expansion thereof;
The use is located on an outparcel within the extensive parking lot area of the Target Store. If any expansion is requested, applicable review would be required.
- (8) Any other conditions as may be stipulated and made a requirement in granting any conditional uses, when it is considered necessary to further the intent and general welfare, including, but not limited to:
- (a) Limitations on the hours of commercial or industrial operations.
Hours of operation will be from
 - *Monday to Thursday - 9 AM to 9 PM*
 - *Friday and Saturday - 9 AM to 10 PM*
 - *Sunday - 1 PM to 8 PM*
 - (b) Limitations on the number of occupants of any building at any one time.
Both the Building Department, through use of the Florida Building Code, and the Miami-Dade County Fire Department limit the maximum occupancy of a structure.

PLANNING AND ZONING DEPARTMENT RECOMMENDATION:

The attached draft Resolution contains the conditions of approval recommended for this project, including the following highlights:

- The City Council shall maintain jurisdiction of this Conditional Use Permit. If deemed necessary, at the request of the City Manager, the applicant shall appear before the City Council for a progress report. The Council 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.
- The City Council shall retain the right to call the owner, applicant, and/or operator back before them and modify the hours of operation or the occupant load proposed for the project should there be valid complaints about loud, excessive, unnecessary, or unusual noise, as determined by the Code Compliance Department, or if code violations have been issued to the property. Nothing in this provision shall be deemed to limit the right of the City Council

to call back the owner, applicant and/or operator for other reasons and for other modifications of this Conditional Use Permit.

- 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.
- Any substantial modifications to the plans submitted and approved as part of the application, as determined by the City Manager or designee, may require the applicant to return to the City Council for approval.
- The applicant, owner and/or operator, 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 Conditional Use Permit.
- The Applicant shall obtain a certificate of occupancy and certificate of use from the City upon compliance with all terms and conditions. The certificate of use shall be subject to review upon violation of any of the conditions, in accordance with the law.
- The words "Aventura", "Miami Beach," and "Sunny Isles Beach" shall not be used by the applicant immediately preceding or following the Project name. The words "Aventura", "Miami Beach" and "Sunny Isles Beach" shall not be part of the website address for the Project. References in the marketing materials to nearby communities shall be limited to descriptions of entertainment, shopping or dining locations, or other landmarks; the Applicant shall identify the Project as being located in the City of North Miami Beach, Florida.
- Decorative bollards shall be installed where standard bollards are indicated on the site plan.
- Light poles shall not exceed an overall height of 17.5 feet above grade.
- Lighting bollards shall be installed within the plaza area to provide illumination. Location of said lighting bollards shall be determined at the time of building permit.
- Hours of operation will be from:
 - Monday to Thursday - 9 AM to 9 PM
 - Friday and Saturday - 9 AM to 10 PM
 - Sunday - 1 PM to 8 PM

The Planning and Zoning Department recommends **approval** of this project subject to the conditions contained in the attached draft Resolution.

SUBMITTAL HISTORY:

TRAD (April 14, 2016)

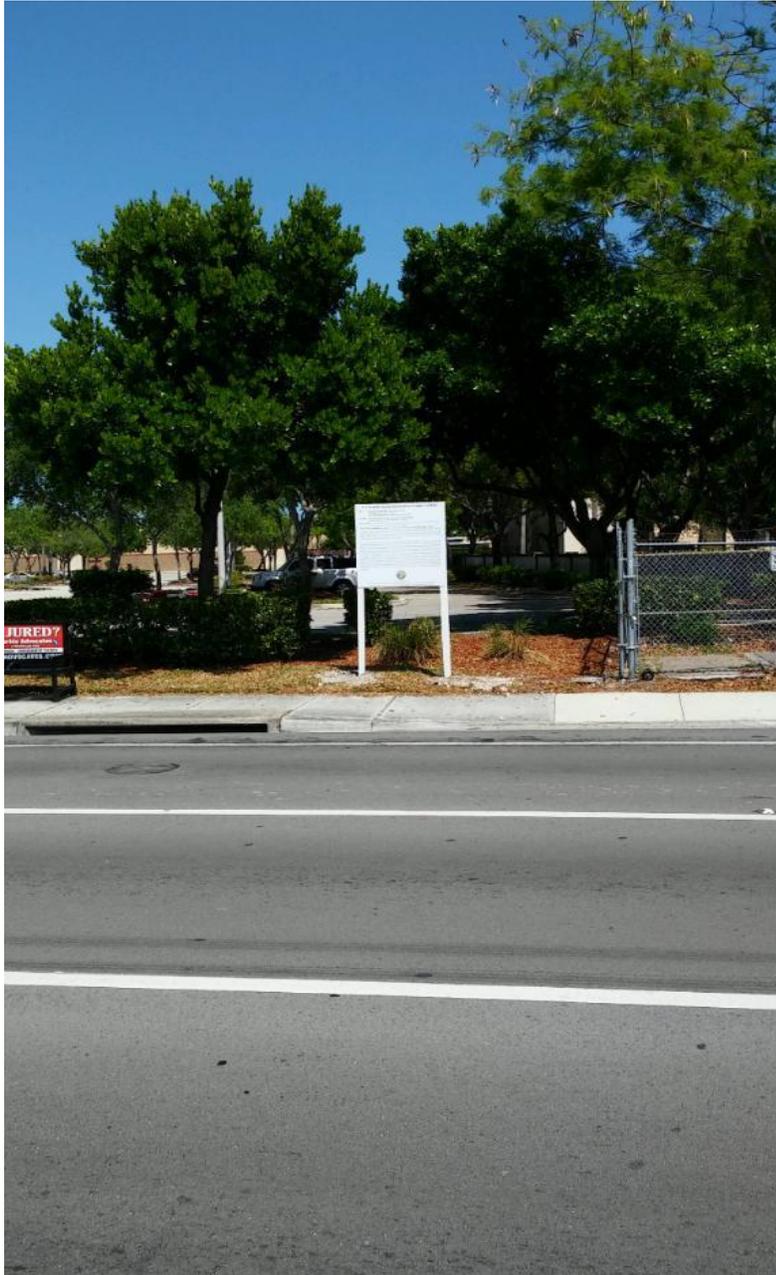
PLANNING & ZONING BOARD (May 9, 2016)

CITY COUNCIL (June 7, 2016)

LOCATION AND ZONING MAP



ADVERTISEMENT HISTORY:



4/28/2016

**Title:**

CITY OF NORTH MIAMI BEACH
NOTICE OF PUBLIC HEARING

Category: Hearings FL**Adnumber:** 0000107169-01

DATE/TIME: Monday, May 9, 2016, 6:00 P.M.

LOCATION: North Miami Beach City Hall, 2nd Floor, City Council Chambers 17011 NE 19th Avenue, North Miami Beach, FL 33162 PUBLIC NOTICE is hereby given that the City of North Miami Beach Local Planning Agency/Planning and Zoning Board shall consider the following public hearing item:

Site Plan and Conditional Use Approval - 14075 Biscayne Boulevard, North Miami Beach, Florida:

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING CONDITIONAL USE AND SITE PLAN APPROVAL IN ACCORDANCE WITH SECTION 24-58.4 OF THE NORTH MIAMI BEACH CODE OF ORDINANCES FOR THE OPERATION OF AN OUTPARCEL PACKAGE LIQUOR STORE; AS PROPOSED, IN THE ARCH CREEK MIXED-USE CORRIDOR DISTRICT AND LOCATED AT 14075 BISCAYNE BOULEVARD, NORTH MIAMI BEACH, FLORIDA.

All interested parties are invited to attend and participate in the Public Hearing(s). The items are on file and available for examination at the Community Development Department, 17050 N.E. 19 Avenue, North Miami Beach, Florida 33162-3194, Monday through Friday 8:00AM-5:00PM. Questions and written comments can be directed via email to nmbcomdev@citynmb.com, FAX - 305.957.3517, or mail to the above address or by calling 305.948.2966. Upon recommendation by the Board, the items will be scheduled for City Council consideration. Any person who receives compensation, remuneration or expenses for conducting lobbying activities is required to register as a Lobbyist with the City Clerk prior to engaging in lobbying activities before City Boards, Committees, or the City Council. Should any person desire to appeal any decision of the Board with respect to any matter considered at this meeting, that person must insure that a verbatim record of the proceedings is made, including all testimony and evidence upon which any appeal may be based (See Florida Statutes 286.0105). In accordance with the Americans with Disabilities Act, persons needing special accommodation to participate in this proceeding should contact the City Clerk no later than two (2) days prior to the proceeding. Telephone 305.787.6001 for assistance, if hearing impaired, telephone our TDD line 305.948.2909 for assistance.

4/28 16-108/0000107169M

ATTACHMENT "A"
LEGAL DESCRIPTION

A PORTION OF TRACT "A", ""ANNA LOUISA KAY SUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 149, PAGE 53, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE MOST WESTERLY SOUTHWEST CORNER OF SAID TRACT "A", A POINT ON THE EASTERLY RIGHT-OF-WAY LIMIT OF BISCAIYNE BOULEVARD (U.S. HIGHWAY NO. 1) (STATE ROAD NO. 5), A POINT ON THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, THE RADIUS POINT OF WHICH BEARS NORTH 75°48'03" WEST; THENCE NORTHERLY ON SAID EASTERLY RIGHT-OF-WAY LIMIT AND ON THE ARC OF SAID CURVE, WITH A RADIUS OF 5,548.40 FEET, A CENTRAL ANGLE OF 02°03'29", FOR AN ARC DISTANCE OF 199.29 FEET; THENCE SOUTH 79°26'20" EAST 37.84 FEET; THENCE NORTH 88°12'56" EAST 186.42 FEET; THENCE SOUTH 02°41'57" EAST 180.03 FEET TO THE INTERSECTION WITH A SOUTH LINE OF SAID TRACT "A"; THENCE SOUTH 87°18'03" WEST ON SAID SOUTH LINE 277.71 FEET TO THE POINT OF BEGINNING.