

COUNCIL WORKSHOP

BAL HARBOUR SHOPS EXPANSION PROJECT

WWW.BALHARBOURGOV.COM/SHOPSEXPANSION

February 2, 2015

BAL HARBOUR

INTRODUCTION

- Overview
- Existing Conditions
- Process
- Proposed Expansion
- Preliminary Analysis
- Traffic Study
- Public Comment

EXISTING CONDITIONS

- Overview
- **Existing Conditions**
- Process
- Proposed Expansion
- Preliminary Analysis
- Traffic Study
- Public Comment

EXISTING CONDITIONS

- BUILDING BULK ALLOWANCES
- OFF-STREET PARKING
- BUILDING HEIGHT
- SETBACKS
- HISTORY OF VILLAGE ZONING

PROCESS

- Overview
- Existing Conditions
- **Process**
- Proposed Expansion
- Preliminary Analysis
- Traffic Study
- Public Comment

PROCESS

- Schedule
- Special Meeting or Regularly Scheduled Meetings
- Timing of Public Hearings
- Review process
 - Text Amendment
 - Variances
- Historic Preservation

PROPOSED EXPANSION

- Overview
- Existing Conditions
- Process
- **Proposed Expansion**
- Preliminary Analysis
- Traffic Study
- Public Comment

PRELIMINARY ANALYSIS

- Overview
- Existing Conditions
- Process
- Proposed Expansion
- **Preliminary Analysis**
- Traffic Study
- Public Comment

PRELIMINARY ANALYSIS

- Church Location
- Setbacks
- Parking
- Floor Area
- Uses

TRAFFIC STUDY

- Overview
- Existing Conditions
- Process
- Proposed Expansion
- Preliminary Analysis
- **Traffic Study**
- Public Comment

TRAFFIC STUDY

- Scope of Work
 - Methodology
- Traffic Study Assumptions
 - Previous vs. Ours
- Purpose of a Traffic Study
- Questions or additional concerns regarding traffic analysis

PUBLIC COMMENT

- Overview
- Existing Conditions
- Process
- Proposed Expansion
- Preliminary Analysis
- Traffic Study
- **Public Comment**

EXISTING CONDITIONS

EXISTING BULK ALLOWANCES

GROSS FLOOR AREA

Calculated by measuring the total floor area from within the exterior surface of the walls of the Structure.

GROSS LEASABLE AREA

The GFA minus public restrooms, lobbies, service corridors, storage, back of house/offices, etc.

EXISTING GROSS FLOOR AREA (GFA)

The Zyscovich plans (5/30/14) existing Gross Floor Area (GFA):

Existing GFA	511,422 sq. ft.
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EXISTING GROSS LEASABLE AREA (GLA)

The Zyscovich plans (5/30/14) existing Gross Leasable Area (GLA):

Existing GFA	463,477 sq. ft.
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"Existing" Gross Leasable Area (GLA) (7/07/14) :

Ground Level	192,966 sq. ft.
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Middle Level	178,685 sq. ft.
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<u>Top Level</u>	<u>91,826 sq. ft.</u>
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TOTAL	463,477 sq. ft.
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BAL HARBOUR

EXISTING BULK ALLOWANCES

FLOOR AREA RATIO (FAR)

Total gross floor area divided by the lot area

SQUARE FOOT CONTENT

- Not included: Open Terraces; Porte-Cocheres; Carports; Garages either attached or detached; or Accessory Buildings.

MAXIMUM ALLOWABLE FAR

- .70 - For every 1 acre (43,560 sq. ft.) a maximum of 30,492 square feet is allowed

EXISTING FAR

- 15.79 acres / 687,812 sq. ft. (does not include CBTS site)\
- FAR of .70 would allow a maximum of 481,468 sq. ft. of gross floor area
 - Non-use variance granted in 1997 (Resolution #545) which allowed the Bal Harbour Shops to build at .76 FAR
 - FAR of .76 this would allow a maximum of 522,737 sq. ft. of gross floor area
- **NOTE:** The existing Church by the Sea site is 27,000 sq. ft. in size / .62 acres. According to the Miami-Dade Property Appraiser's website the church building includes 27,101 sq. ft. This would result in a FAR of 1.003.

OFF-STREET PARKING

- When a structure is enlarged, which increases parking requirement, required parking must be provided
- Required parking for mixed use must equal the sum of the requirements of the various uses
- Fractional calculation shall be counted as an additional parking space
- Business uses must provide 4 spaces per 1,000 sq ft of leasable floor area or 90% of GFA, whichever is the greater
 - except for churches / government uses
- Tandem parking permitted provided it is not more than two stalls in depth, full-time parking attendants required, and no self-parking permitted.

EXISTING OFF-STREET PARKING ANALYSIS

- The Zyscovich plans (5/30/14) include the following:

Criteria	Required	Existing	+/-
4 per 1000	1,854/ 1,841		
3.6 per1000	1,669	1,679	+10

- **Note:** On 1/21/97 the Village granted a non-use variance to the BHS (Resolution #545) allowing them to use off street parking calculations of 3.6 spaces per each 1,000 sq. ft. of "leasable area" and 3.69 spaces per 1,000 sq. ft. of "gross building area".

BUILDING HEIGHT

Grade

- the average level of the natural ground adjacent to the exterior walls of a Building and measured in feet above the finished grade of the center of the street on which the Lot fronts

Height of a Building or Structure

- the vertical distance from the average Street Grade to the highest point of the coping of a flat roof or to the average height of the highest gable of a pitch or hip roof

Story

- the portion of a Building included between the upper surface of any floor and the upper surface of the floor next above
- No Building or Structure in the B Business District shall exceed 56 feet or three Stories in Height, whichever is less. No Parking Structure shall exceed 56 feet or five Stories above the surface parking level in Height, whichever is less.
- A "Story" of a Structure shall be considered to be no greater than 19 feet in Height and a "Story" of a Parking Structure shall be considered to be no greater than 11 feet six inches in Height.

EXISTING BUILDING HEIGHTS

- The Zyscovich plans (5/30/14) include the following Building Height:
 - 56 feet from the average crown of adjoining roads / 3 stories - Retail Areas
 - 36+/- feet / 3 stories – Parking Garages

BAL HARBOUR

SETBACKS

- **Setback** means the minimum horizontal distance between the street line and the front line of the Building
- **Setback Requirements:**
 - From Collins and Harding Avenues:
 - 50' for services or retail.
 - 100' for parking structures
 - 96th Street - 7.5' for all structures
 - Bal Bay Drive - 20' for all structures
 - Park Drive - 100' for all structures
 - Bal Cross Drive - 50' for all structures
 - Interior, side and rear Yards - 7.5' for all structures

EXISTING SETBACKS

<u>ROADWAY</u>	<u>REQUIRED</u>	<u>PROVIDED</u>
Bal Bay Drive	20'	80'+
Bal Cross Drive	50'	200'+
Park Drive	100'	50' Garage per Variance 100' Upper Areas
Collins Avenue	50' Buildings 100' Parking Garage	100' Most Areas 7'- 21' per Variance
96th Street	7.6'	0' per Variance
Interior	7.6'	0' (Predates Code)

- **Variances:** The Village Council approved several non-use variances, including setbacks variances via Resolution No. 545 adopted January 21st, 1997 for portions of buildings along Collins Avenue and 96th Street. In addition, Village Council approved a non-use variances for a setback reduction via Resolution No. 577 adopted April 21st, 1998 for portions of buildings along Park Drive.

HISTORY OF VILLAGE ZONING

- Zoning laws in US established in 1920s (DU size / adequate light and ventilation / access / sanitation)
- Land development activities began in the Village in the late 1940s
- Development Master Plan was created / infrastructure was built (water / sewer / roads) and sites sold
- Until late 1950s – early 1960s most cities did not have any zoning or land development regulations
- Miami-Dade County and a few other early cities began to adopt basic zoning laws
- It was common for developers to “create” their own zoning laws by the use of private Covenants, Conditions and Regulations (CCRs), commonly referred to as “Deed Restrictions” and plat notations
- First Zoning Code for the Village was adopted in 1974 via Ord. 169. Over the years updates to the Zoning Code and other Land Development Regulations have occurred, some due to state mandates and some due to local concerns to control development
- The Whitman’s purchased the land where the Bal Harbour Shops exist today between 1955 -1957
- The Original mall opened in 1965 with about 121,000 sq. ft. of buildings
- In 1973-74 Neiman Marcus was added increasing the mall size to about 205,000 sq. ft.
- All of the above development occurred before the Village adopted its Zoning Code in 1974
- Several additions were added over the years which had to comply with the Village’s Zoning Code or variances were requested
- The existing Code provisions appear to be crafted for what existed at the mall at the time they were written.

BAL HARBOUR

HISTORY OF BAL HARBOUR SHOPS ZONING

- 1955-57 Whitman's purchased interest in the land where the Bal Harbour Shops exist today
- 1965 Original mall opened with about 121,000 sq. ft. of buildings / 905 parking spaces.
- 1974 Purchased Sinclair Gas Station sites.
- 1973-74 Neiman Marcus added increasing mall size to 205,000 sq. ft. / 882 parking spaces
- 1976 Saks Fifth Avenue added increasing mall size to 291,300 sq. ft. / 1,147 parking spaces
- 1981 Bonwitt Teller added increasing mall size to 351,400 sq. ft. / 1,593 parking spaces
- 1981 Mall addition increasing the mall size to 410,600 sq. ft. / 1,780 parking spaces
- 1983 Third Floor addition / rooftop parking was added
- 1988 Saks Fifth Avenue addition increasing mall size to 436,800 sq. ft. / 1,759 parking spaces
- 1991-2012 Various enhancements to parking areas, landscaping and entrances was added

PROCESS

APPLICATION

- Applications received
- Village is legally required to process the applications
- Different minimum procedures for each type of application
- Each process requires notice(s) of some type
- All Council notices will be provided pursuant to Section 21-52 which complies with state law
- Each process involves, at various points, input from the public

REVIEW OF APPLICATIONS GENERALLY

- Applications are reviewed based on specific Code criteria and, where applicable, the totality of their impacts including:
 - An evaluation of all the impacts created by the changes (traffic, congestion, etc.)
 - An evaluation of how the project mitigates – provides mechanisms to reduce - those impacts
 - Mitigation may include:
 - *screening, buffering, landscaping, limitations on manner, scope, and extent of operation(s), changes in proposed construction, location or design of buildings, relocation of proposed open space or alteration of use of such space, changes in traffic circulation or signalization, and any other matter reasonably calculated to address potential impacts to Adjacent Development and the surrounding neighborhood. (Sec. 21-322(f)(4)).*

REVIEW OF APPLICATIONS GENERALLY

- Applications are reviewed based on specific Code criteria and, where applicable, the totality of their impacts including:
 - An evaluation of whether any of the impacts, as mitigated, change levels of service
 - An evaluation of whether any changes in level of service, as mitigated, create an actual deterioration in the level of service below acceptable levels
 - In any given approval, the Village Council can impose such conditions to address potential incompatibility, to better address the applicable criteria, or to mitigate other impacts to surrounding properties

BAL HARBOUR SHOPS APPLICATIONS: PROCESS SUMMARY

- ARB Hearing: Aesthetic review of major site plan
- Local Planning Agency (Village Council sits as LPA) to review:
 - FLUM
 - Text amendments and/or variances
- Village Council (First Reading) to review:
 - Development Agreement (with Major Site Plan)
 - FLUM
 - Text amendments and/or variances
- Village Council (Second Reading) to review:
 - Development Agreement
 - FLUM
 - Text amendments and/or variances
 - Conditional Use
 - Major Site Plan

BAL HARBOUR SHOPS APPLICATIONS

- Future Land Use Map Amendment for Relocation of Church;
- Conditional Use Approval for Relocation of the Church; and
- Major Site Plan Approval;
- Variances or Text Amendments

FUTURE LAND USE MAP AMENDMENT FOR RELOCATION OF CHURCH

- Village Council/Local Planning Agency - First Reading/Public Hearing
 - 15 days prior to meeting:
 - Newspaper Ad
 - Mailed notice to property owners within 300'
 - Based on caselaw and statutes, application must provide a reasonable basis to support approval, serve the public health, safety and welfare, and be consistent with the Comprehensive Plan.
- Village Council Adoption Public Hearing/Second Reading
 - 15 days prior to meeting:
 - Newspaper Ad
 - Mailed notice to property owners within 300'

CONDITIONAL USE FOR THE CHURCH

- Village Council Public Hearing
 - 15 days prior to meeting:
 - Newspaper Ad
 - Mailed notice to property owners within 300'
- Required as part of site plan for the new church location
- Application must meet the Code criteria (Same as for site plan – (Sec. 21-322(f)):
 - Compatibility with and avoidance of depreciation of adjacent developments and surrounding neighborhood;
 - Will not create excessive noise, traffic, illumination or other adverse impacts;
 - Safe, efficient, convenient and harmonious relationships of structures, internal and external spaces and uses and structural and architectural features within the site; and
 - Public safety and welfare secured, without tending to create fire or other hazard or provoke excessive overcrowding or concentration of people or population.

MAJOR SITE PLAN APPLICATION REVIEW – ARCHITECTURAL REVIEW BOARD (ARB)

- Architectural Review Board Meeting
 - Notice posted on property at least 7 days prior to meeting
- Application must meet the Code criteria for ARB review (Sec. 21-322(d)(1)):
 - Attractive and cohesive architectural character;
 - Compatibility with streetscape, adjacent buildings and structures; maintain important view corridors;
 - Cohesive landscaping/paving plan;
 - Noise and light buffering;
 - Color compatibility; and
 - Conduciveness of materials and usage to maintenance and durability.

MAJOR SITE PLAN APPLICATION REVIEW – ARCHITECTURAL REVIEW BOARD (ARB)

- Village Council Public Hearing
 - 15 days prior to meeting:
 - Newspaper Ad
 - Mailed notice to property owners within 300'
- Application must meet the Code criteria for Council review (Sec. 21-322(f)(1)-(4)):
 - Compatibility with and avoidance of depreciation of adjacent developments and surrounding neighborhood;
 - Will not create excessive noise, traffic, illumination or other adverse impacts;
 - Safe, efficient, convenient and harmonious relationships of structures, internal and external spaces and uses and structural and architectural features within the site; and
 - Public safety and welfare secured, without tending to create fire or other hazard or provoke excessive overcrowding or concentration of people or population.

VARIANCES VS. TEXT AMENDMENTS

- Proposed site plan does not comply with Village Code
- To achieve compliance of proposed site plan with Village Code, applicant has proposed that the Village Council consider either:
 - Variances OR
 - Zoning Code Text Amendments
- It is also possible to decide to make some changes by one method, and some by the other

WHAT IS A VARIANCE?

- A site specific, one-time Village Council approval allowing a development (and only that development) to do something in a manner different than what the Village Code provides.

VARIANCE APPLICATION REVIEW

- Village Council Public Hearing
 - 15 days prior to meeting:
 - Newspaper Ad
 - Mailed notice to property owners within 300'
- Application must meet the code criteria (Sec. 21-53(a))
 - Maintain the basic intent and purpose of the zoning and other land use regulations.
 - Compatible with the surrounding land uses and not detrimental to the community as a whole.
 - Substantial justice to the applicant as well as other property owners in the district.
 - Public safety and welfare secured, without tending to create fire or other hazard or provoke excessive overcrowding or concentration of people or population.
 - **Practical difficulty** so as to prevent the Owner from using the Property for a permitted purpose or render compliance unreasonably burdensome. [Not hardship]

WHAT IS A ZONING CODE TEXT AMENDMENT?

- A permanent revision of the Village Code which is, from that point on, applicable to everyone.

ZONING CODE TEXT AMENDMENT

- Village Council First Reading
- Village Council Second Reading/Public Hearing
 - Newspaper Ad 15 days prior to second reading:
- Based on caselaw and statute, application must provide a reasonable basis to support approval, serve the public health, safety and welfare, and be consistent with the Comprehensive Plan.

EXAMPLE – PARKING DIMENSIONAL STANDARDS

- *Code requirement* – parking stalls must be at specific angles of parking, including *60 degree* and *90 degree* angled parking.

OFF-STREET PARKING CHART

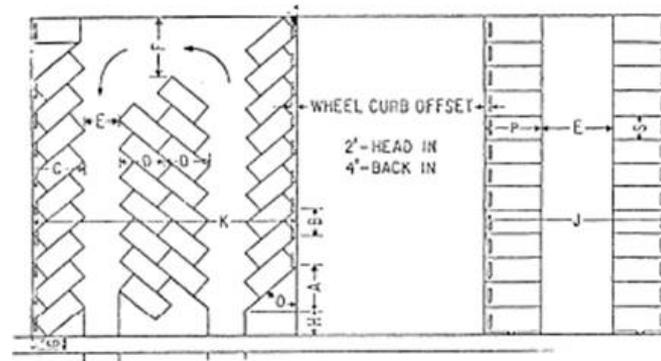


TABLE OF DIMENSIONS (IN FEET)

	O	S	P	A	B	C	D	E	F	G	H	J	K

60°	9.0	19.0	12.1	10.4	21.0	18.8	17.0	15.0	2.6	12.0	59.0	113.6	
	9.5	19.0	12.3	11.0	21.3	18.9	15.5	15.0	2.8	11.5	58.1	111.4	
	10.0	19.0	12.4	11.5	21.5	19.0	14.0	15.0	2.9	11.0	57.0	109.0	
90°	9.0	19.0	0.0	9.0	19.0	19.0	25.0	20.0	0.0	0.0	63.0	126.0	
	9.5	19.0	0.0	9.5	19.0	19.0	24.0	20.0	0.0	0.0	62.0	124.0	
	10.0	19.0	0.0	10.0	19.0	19.0	23.0	20.0	0.0	0.0	61.0	122.0	

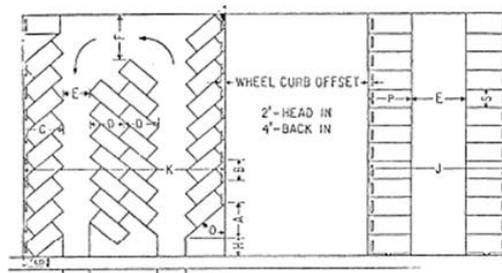
EXAMPLE – VARIANCE

- *Variance request* – to permit angled parking at 75 degrees, with related parking stall lengths.
- Additional Standards applicable only to applicant:

O	S	P	A	B	C	D	E	F	G	H	J	K
75°	9.0	**	**	**	**	**	**	**	**	**	**	**
	9.5	**	**	**	**	**	**	**	**	**	**	**
	10.0	**	**	**	**	**	**	**	**	**	**	**

- Standards which remain in Code:

OFF-STREET PARKING CHART

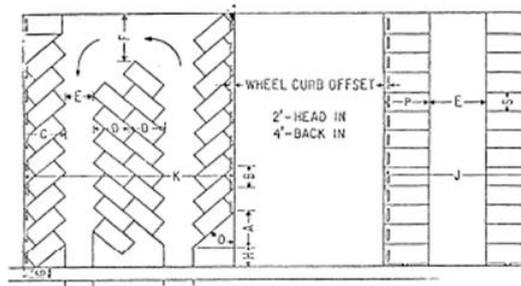


O	S	P	A	B	C	D	E	F	G	H	J	K
60°	9.0	19.0	12.1	10.4	21.0	18.8	17.0	15.0	2.6	12.0	59.0	113.6
	9.5	19.0	12.3	11.0	21.3	18.9	15.5	15.0	2.8	11.5	58.1	111.4
	10.0	19.0	12.4	11.5	21.5	19.0	14.0	15.0	2.9	11.0	57.0	109.0
90°	9.0	19.0	0.0	9.0	19.0	19.0	25.0	20.0	0.0	0.0	63.0	126.0
	9.5	19.0	0.0	9.5	19.0	19.0	24.0	20.0	0.0	0.0	62.0	124.0
	10.0	19.0	0.0	10.0	19.0	19.0	23.0	20.0	0.0	0.0	61.0	122.0

EXAMPLE – TEXT AMENDMENT

- *Text Amendment request* – to revise (*amend*) the Code to provide *permanent* language allowing angled parking at *75 degrees*, with related parking stall lengths.
 - No special standards for applicant
 - New standards in Code, applicable to everyone:

OFF-STREET PARKING CHART



O	S	P	A	B	C	D	E	F	G	H	J	K
60°	9.0	19.0	12.1	10.4	21.0	18.8	17.0	15.0	2.6	12.0	59.0	113.6
	9.5	19.0	12.3	11.0	21.3	18.9	15.5	15.0	2.8	11.5	58.1	111.4
	10.0	19.0	12.4	11.5	21.5	19.0	14.0	15.0	2.9	11.0	57.0	109.0
75°	9.0	**	**	**	**	**	**	**	**	**	**	**
	9.5	**	**	**	**	**	**	**	**	**	**	**
	10.0	**	**	**	**	**	**	**	**	**	**	**
90°	9.0	19.0	0.0	9.0	19.0	19.0	25.0	20.0	0.0	0.0	63.0	126.0
	9.5	19.0	0.0	9.5	19.0	19.0	24.0	20.0	0.0	0.0	62.0	124.0
	10.0	19.0	0.0	10.0	19.0	19.0	23.0	20.0	0.0	0.0	61.0	122.0

JUDICIAL STANDARDS OF REVIEW

- Variance – “Competent Substantial Evidence”
 - Whether procedural due process was accorded;
 - Whether the essential requirements of the law were observed; and
 - Whether the decision is supported by competent substantive evidence.
- Zoning Code Text Amendment – “Fairly Debatable”
 - Whether there was a reasonable basis to support the Village’s action

HISTORIC PRESERVATION

MIAMI-DADE COUNTY

- MDC Historic Preservation Code (Chapter 16-A) sets procedures / criteria for the M-D Historic Preservation Board to identify specific sites as historic
 - MDC has jurisdiction countywide, except for those few cities that have their own HPB
 - MDC has sole authority over the Village
- MDCHPB must conclude that subject site is significant in MDC history or architecture
- Certain sites (cemeteries, birthplaces, religious purposes) are not normally considered, unless the religious property derives primary significance from architecture or artistic distinction of historic importance
- Procedure
 - Upon recommendation by staff / petition, Board authorizes a designation report to be prepared
 - Property owner / local building official must be notified 15 days prior to the public hearing by certified mail
 - Notification published in newspaper
 - Owners are given the opportunity to object at the MDCHPB public hearing
 - Within 7 days after public hearing Board issues Resolution stating intentions (approve / deny / amend)
 - If a site is designated, a moratorium is applied to the site to stop demolition, alterations and renovations until such time a final administrative order is issued.

VILLAGE SURVEY 2009

- As part of last Comprehensive Plan EAR, a historic structure survey was performed (2009)
- Study limited to residential structures built before 1963 (50+ years)
- Florida Bureau of Historic Preservation provided 50% grant to fund the study (prepared by Janus Research)
- 138 historic resources were identified – filed in Florida Master Site File (FMSF) records

PROPOSED EXPANSION

Presentation from the Bal Harbour Shops Team

PRELIMINARY ANALYSIS

PROPOSED SITE PLAN



BAL HARBOUR

CHURCH LOCATION



PREFERRED CHURCH LOCATION



SETBACKS



ENHANCED PEDESTRIAN EXPERIENCE



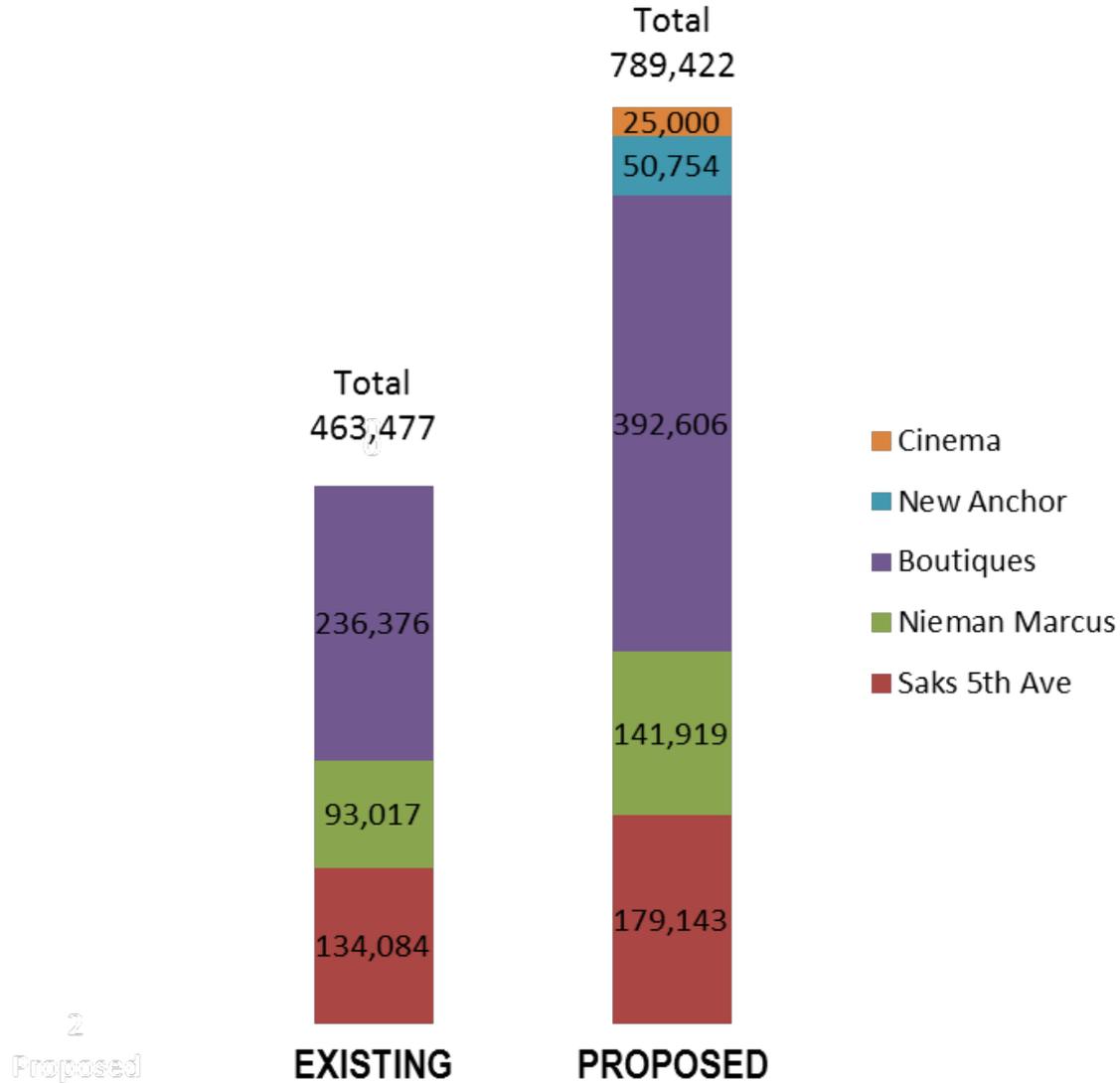
PARKING

Facility	Existing	Proposed	Flex Plan
Surface Parking	418	182	182
Neiman Marcus Parking		334	448
96th St. Garage	1,261	2,060	2,410
TOTAL	1,679	2,576	3,040

All data from Walker Parking Study, November 2014

Over 250 parking spaces for employees provided off-site

FLOOR AREA



USES



TRAFFIC ANALYSIS

SCOPE OF WORK (METHODOLOGY)

- Conduct Traffic Impact Study (Bal Harbour Shops Expansion Project)
- Collected Traffic Counts between Thanksgiving & Christmas
 - Day / Time selected based on conversations with the Police Department, Village Staff & Residents
- Committed Development Trips near the project area to be included
- Traffic Analysis to be conducted for the nearby intersections
 - Analysis scenarios to be included for year 2014 (existing) vs. year 2020 (proposed project completion)
- Traffic study to address any anticipated impacts onto the existing roadway system
- If needed, Mitigation Strategies will be provided
- Traffic Study results will be compared to the previously submitted traffic study (Developer)
 - Difference in assumptions and results will be highlighted

TRAFFIC STUDY ASSUMPTIONS

Assumptions	Previous Study (Developer)	New Study (Corradino)
Data Collection	February 2014	December 2014
ITE Trip Rates	Lower trip rates are used for the study retail mall (based on data collected)	Average of trips used in the study and general retail mall (includes eating and drinking establishments)

The average trip rate will be reflective of a more conservative assumption that takes into account future changes in market conditions that could result in more intense uses for the purposes of traffic generation.

PURPOSE OF TRAFFIC STUDY

- Forecast additional traffic associated with new development based on accepted practices
- Determine the improvements that are necessary to accommodate the new development
- Assist in allocating scarce resources to areas which need improvements
- Identify potential problems with the proposed development which may influence the developer's decision to pursue it
- Allow the community to assess the impacts that a proposed development may have
- Help to ensure safe and reasonable traffic conditions on streets after the development is complete
- Reduce the negative impacts created by developments by helping to ensure that the transportation network can accommodate the development
- Provide direction to community decision makers and developers of expected impacts.

PUBLIC COMMENTS

- Opportunity for public to express concerns & issues
 - Feedback is important
 - Feedback / comments can be taken into account as we prepare the analysis
- ❖ For more information and related documents, go to:
www.balharbour.gov.com/shopsexpansion