

MIAMI BEACH
PLANNING DEPARTMENT
Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: November 19, 2019

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB 19-0323 - 6605 Collins Avenue – Temporary Parking Lot**

An application has been filed requesting a conditional use approval for a surface parking lot in a residential zoning district pursuant to Chapter 118, Article IV and Chapter 130, Article III of the City Code, including 24-hour operations.

RECOMMENDATION:

Approval with conditions

ZONING/SITE DATA:

Legal Description:

Lot 43, Block 1, AMENDED PLAT OF SECOND OCEAN FRONT SUBDIVISION, according to the plat thereof as recorded in Plat Book 28, Page 28, of the public records of Miami-Dade County, Florida.

Zoning District:

RM-3 Residential multifamily, high intensity

Future Land Use Designation:

RM-3 Residential multifamily, high intensity

Surrounding Uses:

North:	Commercial and Hotel
West:	Commercial
South:	Hotel

(See Zoning/Site map at the end of the report)

THE PROJECT:

The applicant has submitted plans entitled "6605 Collins Avenue" as prepared by Jose L. Gomez, dated 09/20/19.

The applicant is proposing a new temporary surface parking lot with new landscaping on an existing vacant lot. The former building on the site, the Forde Apartments was recently demolished at the beginning of this year. The subject site was excluded from the boundaries of the nearby North Beach Resort Historic District when the district was designated in 2004 and, as such, the proposed temporary parking lot, including any variances, is scheduled to be reviewed by the Design Review Board on December 13, 2019 (DRB19-0465).

As proposed by the applicant, 57 spaces will be provided with an entrance and exit drive from Collins Avenue. It is important to note that number of parking spaces shown on the plans for this

application (61), has been reduced to 57 spaces in the Design Review Board application, in order to meet the use requirements of the City Code for Oceanfront parcels. The applicant is also requesting a variance from the surface material requirements. (see analysis).

As per Section 142-243 of the City Code, commercial and noncommercial parking lots and garages are a conditional use in the RM- 3 residential zoning district.

COMPLIANCE WITH CONDITIONAL USE REVIEW GUIDELINES

Conditional Uses may be approved in accordance with the procedures and standards set forth in the City Code Art. 4, Sec. 118-191 and Sec. 118-192:

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 proposed parking lot is not prohibited within the RM03 district.

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 proposed use is not anticipated to degrade the LOS for the surrounding area below the thresholds that have been established.

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

Partially Consistent – A parking lot is allowed in the RM-3 zoning district, through the Conditional Use process. A variance from the required surface material requirements has been requested as part of the Design Review Board application.

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

Partially Consistent–The parking lot, as proposed, will adversely impact the health, safety, and general welfare of the adjacent hotel uses. Staff is recommending that the Design Review Board deny the variance requests and require design changes.

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

Not Applicable

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

Consistent – As proposed, this temporary parking lot, and its use after midnight, provides the necessary safeguards for the protection of surrounding property, persons, and neighborhood values.

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 use of this parking does not constitute a concentration of uses that may negatively affect the surrounding neighborhood.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 133-50(a) of the Land Development Regulations 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:

- (1) A recycling or salvage plan for partial or total demolition shall be provided.
Not Applicable
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.
Not Applicable
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Not Applicable
- (4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.
Satisfied
All new landscaping will consist of Florida friendly plants.
- (5) Whether 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, including a study of land elevation and elevation of surrounding properties were considered.
Not Applicable
- (6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land.
Not Applicable
- (7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.
Satisfied
- (8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.
Not Applicable
- (9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.
Not Applicable
- (10) Where feasible and appropriate, water retention systems shall be provided.
Not Satisfied
- (11) Cool pavement materials or porous pavement materials shall be utilized.
Not Satisfied – The applicant has requested a variance from required surface material requirements.

- (12) The project design shall minimize the potential for a project causing a heat island effect on site.

Not Satisfied -The applicant has requested a variance from required surface material requirements, which would otherwise reduce the heat island effect on the site.

STAFF ANALYSIS

The applicant is seeking conditional use approval in order to operate a temporary parking lot at the subject location and to also operate the lot after midnight.

In general, a surface parking lot is an undesirable use for a property, such as the subject site. Over the long term, vehicular storage lots, such as this, have an adverse impact on the developed context of the surrounding area and can become an eyesore to the neighborhood. The temporary parking lot use proposed for this lot is for the adjacent Sherry Frontenac Hotel, as well as the general public.

Staff believes that a more appropriate use of the property would be a well-designed residential or hotel structure. However, under the current code, the proposed use is a conditional use within the RM-3 residential zoning district, and the application is for the temporary use of the lot. The subject site abuts the Sherry Frontenac to the south, which is also owned by the applicant, and the abandoned Deauville Hotel to the north. The solid blank wall, approximately 3-stories in height, of the abutting Deauville Hotel buffers the visibility and any impacts from the subject site. There are no residential apartment uses that would be directly impacted by the subject parking lot.

The Design Review Board will be reviewing issues such as landscaping, setbacks, and the requested variance from the surface material requirements.

Operation

The proposed parking lot will be self-parking with a pay station; no valet services are proposed. The applicant has indicated that employees will be on the site on a daily basis to ensure that the property is maintained free from debris and will monitor the operation of the site.

Traffic Circulation

A Traffic Statement was provided, as prepared by Traf Tech Engineering, Inc, Transportation Department reviewed, see attached Transportation Memorandum.

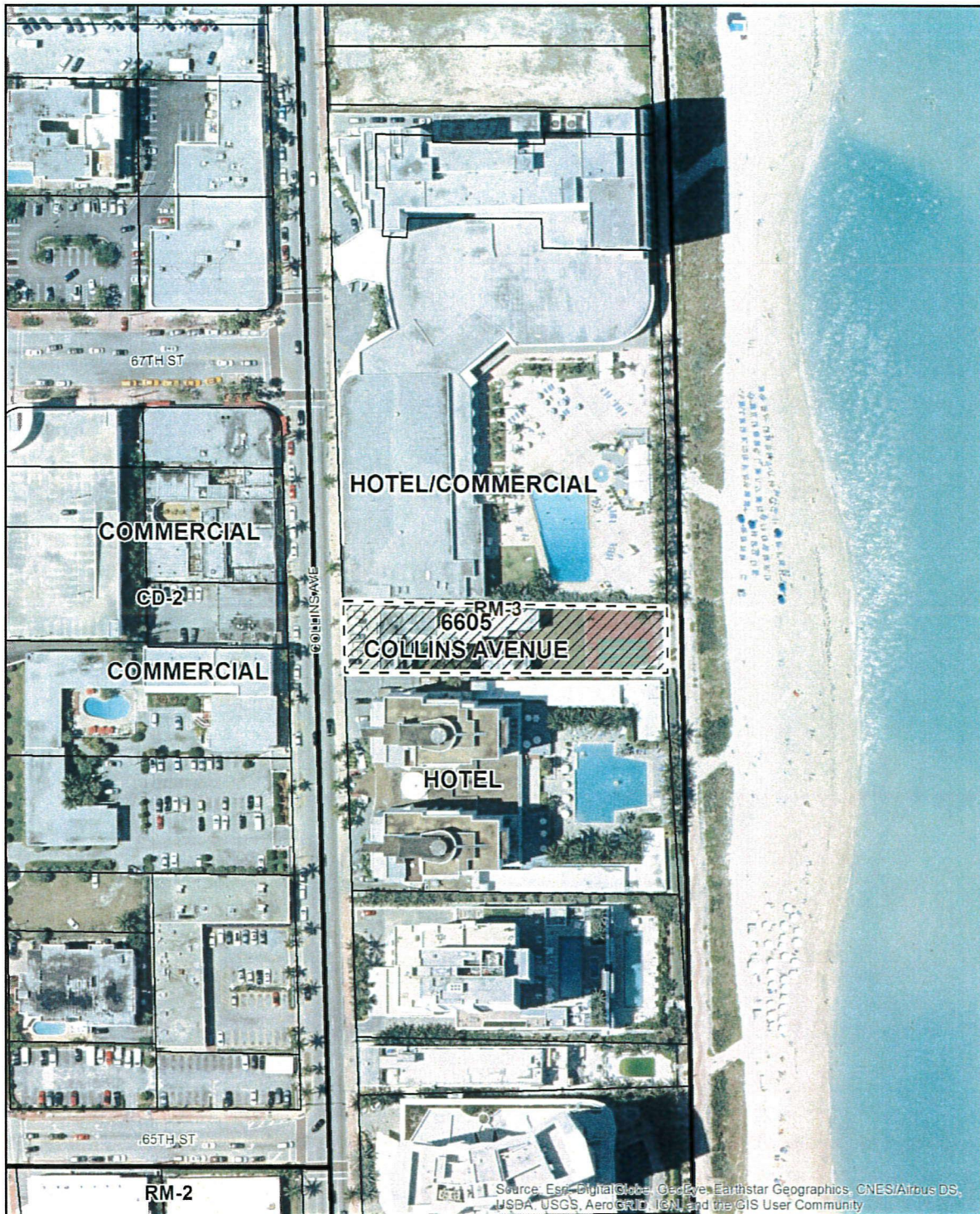
Code Violations

As of the writing of this report there are no open violations related to the subject property.

STAFF RECOMMENDATION

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

ZONING/SITE MAP



**PLANNING BOARD
CITY OF MIAMI BEACH, FLORIDA**

PROPERTY: 6605 Collins Avenue

FILE NO. PB 19-0323

IN RE: An application has been filed requesting a conditional use approval for a temporary surface parking lot in a residential zoning district pursuant to Chapter 118, Article IV and Chapter 130, Article III of the City Code, including 24-hour operations.

LEGAL DESCRIPTION: Lot 43, Block 1, AMENDED PLAT OF SECOND OCEAN FRONT SUBDIVISION, according to the plat thereof as recorded in Plat Book 28, Page 28, of the public records of Miami-Dade County, Florida.

MEETING DATE: November 19, 2019

CONDITIONAL USE PERMIT

The applicant, S.F. Land, LLC requested a Conditional Use approval for a temporary parking lot in a RM-3 residential zoning district, including operation of the parking lot after midnight, which is located within 100 feet of a residential use or district pursuant to Chapter 118, Article IV, Chapter 130, Article III, and Chapter 142, Article II of the City 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:

That the property in question is located in the RM-3 Residential Multifamily Medium Intensity Zoning District;

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

That 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;

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

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

That 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 applicant shall present a Progress Report to the Board within 90 days of the issuance of the Certificate of Occupancy (CO) or Business Tax Receipt (BTR) for the parking lot, whichever comes first. If deemed necessary, at the request of the Planning Director or at the request of the Board, the applicant shall present a progress report to the Board at a future date.

The Board reserves the right to modify the Conditional Use approval at the time of the 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 Permit is also subject to modification or revocation under City Code Sec. 118-194 (c).

2. This Conditional Use Permit is issued to S.L. Land, LLC, as the owners of the property. Subsequent owners and/or operators shall be required to appear before the Board within 90 days of the change of ownership or operator to affirm their understanding of the conditions listed herein and to obtain a Modification to this Conditional Use Permit.
3. Before the issuance of a building permit, the applicant shall submit a revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan to staff for review and approval. At a minimum, such plan shall incorporate the following:
 - a. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff.
 - b. A lighting plan that satisfies the City and the Building Codes. Pursuant to Section 142-1132(k) all light from light poles shall be contained on-site or on any public right-of-way as required by the City Code.
 - c. A plan for a recurring maintenance schedule that includes, but is not limited to, cleaning the lot, clipping of hedge material, removing and replacement of dead plant material, fertilization and irrigation shall be submitted to the Planning Department for review and approval, prior to the issuance of a Business Tax Receipt.
 - d. A 6" raised curb around the periphery of the entire lot and landscape areas shall be provided in order to protect landscape areas, in a manner to be reviewed and approved by staff.
 - e. Chain link fences shall not be permitted. Any fence that may be proposed for the subject site shall be a metal picket fence, subject to the review and approval of staff.
 - f. Parking stripes shall be painted white.
 - g. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.

- h. The utilization of root barriers and/or structural soil, as applicable, shall be clearly delineated on the revised landscape plan.
- 4. Use of the site by valet operators shall not be permitted. The subject parking lot shall be used exclusively for hotel guests of the Sherry Frontenac and the general public.
- 5. Vehicles shall be parked in marked spaces only without tandem parking. Vehicles shall not be parked within the designated 22'-0" required drive aisle.
- 6. Construction staging shall not be permitted on the site at any time.
- 7. Signage shall be provided at the entrance to the lot and within the site indicating that the lot is private and only for the use of authorized vehicles.
- 8. 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.
- 9. The applicant shall be responsible for operating this facility in an orderly, clean and quiet manner so that neighboring residents are not disturbed during the hours of operation. This shall include removing all trash from the lot not less than twice daily. The sounding of car alarms, automobile horns, playing of radios or any kind of audio system and screeching of tires shall be prohibited. Two signs, one addressing City Code provisions regarding car alarms, and one prohibiting the screeching of tires and sounding of horns, shall be posted on the site so they are plainly visible by, and legible to, users of the facility.
- 10. The applicant shall install a sign, plainly visible from the street, indicating the name and phone number of the operator to report complaints, as well as the phone number for Code Compliance. The maximum size of such sign shall not exceed five square feet per 50 feet of street frontage, as permitted by the City Code.
- 11. The applicant shall resolve outstanding violations and fines, if any, prior to the issuance of a Business Tax Receipt for this parking facility.
- 12. Compliance with the aforesaid conditions shall be a prerequisite to obtaining a Certificate of Occupancy/Business Tax Receipt.
- 13. A Conditional Use Permit which lists the aforementioned conditions shall be recorded in the Public Records of Miami-Dade County at the expense of the applicant, prior to the issuance of a Business Tax Receipt, or Certificate of Occupancy, whichever may occur first.
- 14. 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.
- 15. 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 permit.

16. 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.
17. This Conditional Use Permit shall be recorded in the Public Records of Miami-Dade County at the expense of the applicant, prior to the issuance of a Business Tax Receipt.

Dated this _____ day of _____, 2019.

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: _____
Michael Belush, AICP
Chief of Planning and Zoning
For Chairman

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by Michael Belush, Chief of Planning and Zoning for the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

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

{NOTARIAL SEAL}

Approved As To Form:
Legal Department _____ (

Filed with the Clerk of the Planning Board _____ ()