

**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:

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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.

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- h. The utilization of root barriers and/or structural soil, as applicable, shall be clearly delineated on the revised landscape plan.
4. The subject parking lot shall be used exclusively for hotel guests of the Sherry Frontenac and the general public. Up to ten (10) Spaces may be used by the Sherry Frontenac valet operator.
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, to the extent authorized by the city Code, may be permitted, subject to the review and approval of staff.
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.

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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 4/24/2023 | 11:13 AM EDT

PLANNING BOARD OF THE  
CITY OF MIAMI BEACH, FLORIDA

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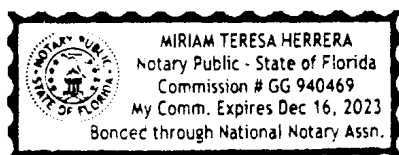


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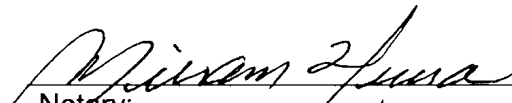
Michael Belush, AICP  
Planning & Design Officer  
For Chairman

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this 2 day of May, 2023, by Michael Belush, Planning & Design Officer for the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

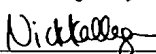


{NOTARIAL SEAL}

  
Notary:  
Print Name Miriam Herrera  
Notary Public, State of Florida  
My Commission Expires: 12-16-23  
Commission Number: 66940469

Approved As To Form:  
Legal Department

DocuSigned by:

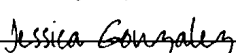


(4/11/2023 | 1:05 PM EDT )

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Filed with the Clerk of  
the Planning Board

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( 4/28/2023 | 4:06 PM EDT )

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