

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: September 26, 2017

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB 17-0101. 4000 Collins Avenue.**

The applicant, Sukkah Miami Beach Acquisitions, LLC, is requesting Conditional Use Approval for the construction of a new (4) four story parking structure with a commercial/retail space on the ground floor including mechanical parking pursuant to section 118, Article IV and section 130, Article II of the City Code.

RECOMMENDATION

Continue to a future date

HISTORY

April 25, 2016: The application initially came before the Board and was continued to a date certain of June 27, 2017, in order to address concerns related to valet and traffic circulation.

June 27, 2017: The application was continued to a date certain of September 26, 2017 due to the lack of quorum.

ZONING / SITE DATA

Future Land Use: RM-2 Residential Multifamily Medium Intensity.

Zoning: RM-2 Residential Multifamily Medium Intensity.

Legal Description: THE CONTINENTAL COLLINS AV CONDO MIAMI BEACH IMPROVEMENT CO SUB PB 5-7 & 8 LOTS 10 THRU 15 BLK 34 LESS NE CR OF LOT 13 BOUNDED BY THE TANGENTS TO AN ARC OF A CURVE HAVING A C/A OF 90 DEG & A RAD OF 20FT GRANTED TO THE CITY OF M B.

Land Uses: See Zoning/Site map at the end of this report.

North: Multifamily building

South: Parking structure

East: Hotel

West: Multifamily buildings

Lot Size: 27,914 SF

Maximum FAR: 2.00 = 55,828 SF

Proposed FAR: 55,461 SF as represented by the applicant

Maximum Height: 75'-0"/ 8 stories

Proposed Height: 37'-9"/ 4 stories

Proposed Uses:

Hotel:	100 rooms (Existing building)
Retail:	7,859 square feet, new commercial space
Parking:	74 spaces

THE PROJECT

The applicant has submitted revised plans entitled "New Retail Expansion for: Continental Hotel", as prepared by Charles H. Benson as registered Architect, dated August 23, 2017 (Planning Board supplemental submittal pursuant to changes from HPB file HPB17-0097 approved on June 19, 2017.) The proposal consists of a new 4-story, parking structure including mechanical parking with commercial/retail uses on the ground floor as an addition to the existing 5-story building which is part of the development site.

The project was approved by the Historic Preservation Board on June 19, 2017 (File No. HPB17-0097).

COMPLIANCE WITH ZONING CODE

A preliminary review of the project indicates that the application, as proposed, is not consistent with the following City Code sections:

The application to the HPB includes variances to reduce the required pedestal front, rear, street side and sum of the side setbacks and to exceed the maximum allowed projection within required yards. Additionally, any excess parking which is covered must be included in the FAR calculations.

The above noted comments shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

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 request is consistent with the Comprehensive Plan, as the RM-2 Category permits the following:

Hotels and accessory uses related to the hotel use.

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**

Partially 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; however, a concurrency analysis will be performed at the time of building permit application. Traf Tech Engineering was retained by the applicant to conduct a traffic study. FTE, Inc. was selected by the City and paid by the applicant to conduct a peer review. See the Memorandum from the Transportation Department.

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

Not Consistent – The application to the HPB includes variances to reduce the required pedestal front, rear, street side and sum of the side setbacks and to exceed the maximum allowed projection within required yards.

These comments shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Planning Department prior to the issuance of a Building Permit.

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

Consistent – The proposed project should not adversely affect the general welfare of nearby residents and businesses, the proposed uses are compatible with the surrounding area.

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

Consistent – The existing and proposed uses require 55 parking spaces. Per the plans submitted by the applicant, the proposed project will provide 74 spaces (26 on the open roof that do not count towards FAR), which is consistent with the minimum parking requirements.

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

Consistent - The proposed project is not expected to adversely affect surrounding values; however, staff is recommending conditions to provide further safeguards.

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 retail use is only allowed as an accessory use to the hotel in the RM-2 zoning district, adverse impacts are not expected from the geographic concentration of such uses.

SECTION 130-38–MECHANICAL AND ROBOTIC PARKING SYSTEMS

Projects proposing to use mechanical parking devices, robotic parking systems and/or vehicle elevators to satisfy accessory off-street parking requirements shall prepare schematic floor plans prior to site plan review by the applicable land use board. Two sets of schematic floor plans shall be required:

1. One set of schematic plans sufficient to show the proposed development project with accessory off-street parking requirements satisfied by traditional, non-mechanical means, meeting all aspects of the design standards for parking spaces required in Article III of Chapter 130, and other provisions of these land development regulations, and requiring no variances from these provisions.

Consistent – A schematic drawing showing the required parking in a traditional, non-mechanical means was submitted showing the 55 required parking spaces for the project on-site.

2. **A second set of schematic plans, sufficient to show the same proposed development project, utilizing mechanical parking devices, robotic parking systems and/or vehicle elevators to satisfy accessory off-street parking requirements.**

Consistent – A schematic drawing showing the required parking for the project by mechanical means was submitted showing 74 spaces. The mechanical parking version increase the amount of spaces, these additional spaces are located on the roof and does not count towards FAR.

The non-mechanical schematic drawings have been reviewed by Planning Department staff and they appear to meet the requirements of the design standards of the City Code. Subject to this data being provided, the project may proceed to site plan approval based on the set of plans using mechanical parking.

The Planning Board shall also consider the following review criteria when considering each application for the use of mechanical parking systems:

- (a) **Whether the scale of the proposed structure is compatible with the existing urban character of the surrounding neighborhood.**

Consistent – The scale of the project is compatible with the surrounding area. The proposed height of approximately 37' feet is compliant with the maximum permitted height of the RM-2 zoning district. When the project is reviewed by the HPB, the scale, massing, architecture and compatibility issues of the project will be further scrutinized.

- (b) **Whether the proposed use of mechanical parking results in an improvement of design characteristics and compatibility with the surrounding neighborhood.**

Consistent – The proposed garage structure is an improvement over the existing parking lot. The proposed design of the mechanical parking appears to be compatible with design characteristics and with the surrounding neighborhood allowing the building to have three stories less of parking than what would otherwise be required without the use of mechanical parking. The design of the project will be reviewed by the HPB, where this aspect of the project will be further scrutinized.

- (c) **Whether the proposed use of mechanical parking does not result in an increase in density or intensity over what could be constructed with conventional parking.**

Consistent – The proposed use of mechanical parking does not result in an increase in density or intensity over what could be constructed with conventional parking.

- (d) **Whether parking lifts or mechanisms are located inside, within a fully enclosed building, and not visible from exterior view.**

Consistent – The proposed parking elevators would be located inside the proposed structure and the parking area is screened from view from the exterior by decorative screening facade.

- (e) **In cases where mechanical parking lifts are used for self-parking in multifamily residential buildings; whether approval is conditioned upon the proper restrictive covenant being provided limiting the use of each lift to the same unit applicant.**

Not Applicable – The project is not a multifamily building and no self-parking will be allowed.

- (f) **In cases where mechanical parking lifts are used for valet parking; whether approval is conditioned upon the proper restrictive covenant being provided stipulating that a valet service or operator must be provided for such parking for so long as the use continues.**

Consistent – The proper restricted covenant shall be provided prior to the issuance of building permit.

- (g) **Whether a traffic study has been provided that details the ingress, egress and circulation within the mechanical parking facility, and the technical and staffing requirements necessary to ensure that the proposed mechanical parking system does not cause excessive stacking, waiting, or backups onto the public right-of-way.**

The proposed ingress and egress for all vehicles will be from 41st. Street. The traffic study, prepared by Traf Tech engineering, Inc. and FTE, Inc. was selected by the City and paid by the applicant to conduct a peer review. See the attached Memorandum from the Transportation Department.

- (h) **Whether a proposed operations plan, including hours of operation, number of employees, maintenance requirements, noise specifications, and emergency procedures, has been provided.**

Partially Consistent – The Operations plan indicates the schedules for all operations, security and emergency procedures except number of employees for the retail area.

- (i) **In cases where the proposed facility includes accessory uses in addition to the parking garage, whether the accessory uses are in proportion to the facility as a whole, and delivery of merchandise and removal of refuse, and any additional impacts upon the surrounding neighborhood created by the scale and intensity of the proposed accessory uses, are adequately addressed.**

Partially Consistent – The main use of the site is a hotel, and the proposed addition contains the accessory use on the ground floor (retail) and the required parking above. This proposed addition is in proportion to the scale of the hotel. The deliveries of merchandise and trash removal for all components of the project which are substantially open on the west side of the site may have a negative impact on the adjacent multifamily buildings if such operations are not substantially enclosed.

- (j) **Whether the proximity of the proposed facility to similar size structures and to residential uses creates adverse impacts and how such impacts are mitigated.**

Partially Consistent – The proposed project appears to be compatible with the surrounding neighborhood and it appears that it would not create any significant adverse impacts to the residential uses, provided the loading and service drive are substantially enclosed. Notwithstanding, staff is recommending conditions to minimize any potential negative impacts.

- (k) **Whether a cumulative effect from the proposed facility with adjacent and nearby structures arises, and how such cumulative effect shall be addressed.**

Consistent – No negative impact is anticipated from the cumulative effect from the proposed facility and nearby structures.

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 Satisfied

Such plan has not been submitted for the demolition of the parking lot.

- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.

Satisfied

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

Not Satisfied

The proposed new windows are not operable

- (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.

Satisfied

- (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.

Satisfied

- (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.

Satisfied

- (10) Where feasible and appropriate, water retention systems shall be provided.

Not Satisfied

Adequate information has not been provided.

ANALYSIS

The proposal consists of a new four (4) story structure with a retail use on the ground floor which is an accessory use to the existing hotel, and 74 parking spaces on the upper floors, all accessed by two (2) vehicular elevators. The parking garage provides the required parking for the existing hotel and the proposed retail use. The existing five (5) story hotel located on Collins Avenue and 40th Street, which is part of the development site, will be renovated and restored.

The square footage of the proposed addition is approximately 11,141 SF, not including the parking spaces, as represented by the applicant. The proposed retail use is only allowed as an accessory to the hotel use in the RM-2 zoning district. Staff is recommending conditions to minimize negative impacts on the surrounding neighborhood and to ensure that any use complies with the accessory use requirements of the City Code, as outlined in the recommendation.

Traffic, Parking and Access

The proposed ingress and egress for all valeted vehicles is from 41st Street, with the valet station located adjacent to the hotel on 40th Street. No self-parking will be allowed. The proposed project will provide 74 spaces, which is consistent with the minimum parking requirements.

Based upon the traffic study submitted, the proposed project will create an additional 114 peak hour vehicle trips and 1,406 daily trips. The study also indicated that the intersections of 41st Street and Indian Creek Drive, and the intersection of 41st Street and Collins Avenue currently operate at Level of Service (LOS) F, and will continue at a deficient LOS with the project in place. The proposed new garage driveway will operate at LOS A, as projected by the traffic study. The study also indicates that the average weighted time to park each vehicle is about 7 minutes and nine (9) valet attendants would be able to handle a maximum of 81 vehicles in a one-hour period. 53 vehicles are projected to arrive during the peak hour.

The traffic study indicates that all vehicles will exit the driveway onto 41st Street and head eastward to Collins Avenue. Staff would recommend that at a minimum, signage be included which prohibits left turns from the driveway onto 41st street, and additional signage to ensure that only delivery vehicles and valet operators may utilize the driveway. Because the driveway will only be accessed by delivery/trash vehicles and cars operated by valet runners, compliance with the right turn only should not be a problem.

At the previous meeting many concerns were expressed regarding the valet operation, with valet vehicles entering the garage with a left turn from 41st Street, and the possible delays in traffic that this would cause along 41st Street and Collins Avenue. The Board discussed possible modification of the valet route in order to route vehicles farther to the north, then southward along Indian Creek Drive, then left onto 41st Street, then right into the garage. However, currently a left turn from Indian Creek Drive to 41st Street is prohibited. As FDOT would have to review and authorize changes to the signal timing and modifications to the allowable turns, staff would recommend that the application be continued until such time that FDOT has reviewed and approved changes to the intersection of Indian Creek Dr. and 41st Street.

Should the suggested modifications noted above not be approved, substantial changes to the proposed new building may be required. In this regard, staff would suggest that the applicant consider alternate options to providing parking storage on site.

Delivery and Sanitation

As indicated by the applicant, deliveries for the entire property will occur within the proposed site, including within the garage structure. A loading and trash area on the west side of the site is shown to be substantially open. An open air vehicular entrance and loading area along the western portion of the property would have adverse visual and noise impacts on the residential properties adjacent to the west. The Historic Preservation Board, as part of their review and approval of the project, required that this area be completely enclosed. The applicant did not propose specific hours for deliveries and trash pick-up. Staff is recommending conditions to limit the impact of deliveries to surrounding properties.

RECOMMENDATION

In view of the foregoing analysis, and in particular the unresolved issues pertaining to traffic circulation and valet access, staff recommends that the application be continued to a future date. Should the Board approve the application staff would recommend that such approval be granted subject to the conditions enumerated in the attached Draft Order.


TRM/MAB/AG

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ZONING/SITE MAP

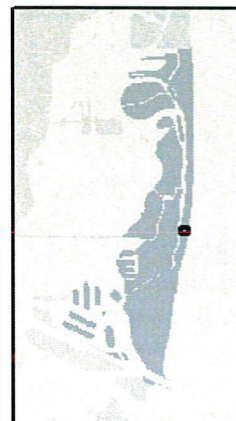


City of Miami Beach Planning Board
PB 17-0101
4000 COLLINS AVENUE

 The applicant, Sukkah Miami Beach Acquisitions, LLC, is requesting Conditional Use Approval for the construction of a new four stories parking structure with a commercial/retail space on the ground floor including mechanical parking pursuant to section 118, Article IV and section 130, Article II of the City Code.

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: 4000 Collins Avenue.

FILE NO. PB 17-0101

IN RE: The applicant, Sukkah Miami Beach Acquisitions, LLC, requested Conditional Use Approval for the construction of a new four story parking structure with a commercial/retail space on the ground floor including mechanical parking pursuant to section 118, Article IV and section 130, Article II of the City Code.

LEGAL

DESCRIPTION: THE CONTINENTAL COLLINS AV CONDO MIAMI BEACH IMPROVEMENT CO SUB PB 5-7 & 8 LOTS 10 THRU 15 BLK 34 LESS NE CR OF LOT 13 BOUNDED BY THE TANGENTS TO AN ARC OF A CURVE HAVING A C/A OF 90 DEG & A RAD OF 20FT GRANTED TO THE CITY OF M B.

MEETING DATE: September 26, 2017

DRAFT CONDITIONAL USE PERMIT

The applicant, Sukkah Miami Beach Acquisitions, LLC, requested a Conditional Use approval for the construction of a new (4) four story parking structure with a commercial/retail space on the ground floor including mechanical parking pursuant to section 118, Article IV and section 130, 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:

The property in question is located in the RM-2 – Residential, Medium Intensity Zoning 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. This Conditional Use Permit is issued to Sukkah Miami Beach Acquisitions, LLC, to construct a four (4) story parking structure with a commercial/retail space on the ground floor including mechanical parking. Any proposed change to the uses approved in this Conditional Use shall require the review and approval of the Planning Board.
2. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. The applicant shall appear before the Planning Board for a progress report within 180 days from the issuance of the business tax receipt (BTR) for the hotel and the accessory use construction approved as part of this CUP, which shall include providing a full revised traffic study outlining the actual transportation operations on-site and in the surrounding initial study area, and including valet operations and loading/servicing of the building.

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 City Code Sec. 118-194 (c).

3. The conditions of approval for this Conditional Use Permit are binding on the applicant, the property applicants, operators, and all successors in interest and assigns. Any change of operator or 50% (fifty percent) or more stock ownership, partnership interest or equivalent, shall require review and approval by the Planning Board as a modification to this Conditional Use Permit. Subsequent owners and operators shall be required to appear before the Board, in advance, to affirm their understanding of the conditions listed herein.
4. The Planning Board shall retain the right to call the owner or operator back before them and make modifications to this Conditional Use Permit should there be valid complaints 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. 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.
6. The applicant, now and in the future, shall abide by all the documents and statements submitted with this application.
7. As part of the Building Permit plans for the project, the applicant shall submit revised architectural drawings, and landscape drawings, which shall be subject to the review and approval of staff; at a minimum, such plans shall satisfy the following:
 - a. Bike racks shall be located in the front of the building or within enclosed area of the building. Such bike racks shall be located within those areas of the property that are easily accessible, safe, and secure. The final design details, dimensions, location and quantity of exterior bike racks shall be subject to the review and approval of

- staff. Such plans shall also comply with all applicable regulations and requirements of the City Code.
- b. An access gate for the proposed passageway along the south side of the property shall be provided, in order to secure the site, subject to the review and approval of staff.
 - c. The floor of the garage shall be designed and constructed to minimize tire noise, in a manner to be approved and certified by a qualified acoustic engineer, subject to the review and approval of staff.
 - d. A permanent generator sufficient to power the vehicular elevators shall be required, in a manner to be reviewed and approved by staff.
 - e. All existing overhead utilities shall be placed underground at the sole expense of the applicant.
8. All new construction over 7,000 square feet or ground floor additions (whether attached or detached) to existing structures that encompass over 10,000 square feet of additional floor area shall be required to be, at a minimum, certified as LEED Gold by USGBC. In lieu of achieving LEED Gold certification, properties can elect to pay a sustainability fee, pursuant to Chapter 133 of the City Code. This fee is set as a percentage of the cost of construction.
9. The following shall apply to the operation of the proposed parking garage:
- a. There shall be security personnel of at least one person, on-site, monitoring the garage during all hours of operation.
 - b. Signs prohibiting tire-screaming 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. All mechanical parking lifts must be inspected and certified as safe and in good working order by a licensed mechanical engineer at least once per year and the findings of the inspection shall be summarized in a report signed by the same licensed mechanical engineer or firm. Such report shall be furnished to the Planning Director and the Building Official.
 - e. All parking lifts shall be maintained and kept in good working order.
 - f. Parking operation shall be by valet attendants only. A contract with a valet operator shall be submitted to staff for review and approval prior to a final Certificate of Occupancy or Business Tax Receipt, whichever occurs first.
 - g. Any off-site valet operation use shall require the review and approval of the Planning Board as a modification to this Conditional Use Permit.
10. The Applicant agrees to the following operational conditions for all permitted and

accessory uses and shall bind itself, lessees, permittees, concessionaires, renters, guests, users, and successors and assigns and all successors in interest in whole or in part to comply with the following operational and noise attenuation requirements and/or limitations. The applicant shall ensure through appropriate contracts, assignments and management rules that these restrictions are enforced and the applicant agrees to include the rules and regulations set forth in these conditions in any contract or assignment:

- a. As the proposed commercial use within this RM-2 district is only permitted as an accessory use that is incidental to the main permitted hotel use, the following shall apply to the proposed new structure:
 1. A Temporary Certificate of Occupancy (TCO) or a Certificate of Occupancy (CO) for the proposed new accessory structure, shall not be issued prior to the issuance of a CO or Business Tax Receipt (BTR) for the main permitted hotel use on the site.
 2. The accessory structure shall not be operated or utilized at any time while the main permitted hotel use is closed or non-operational.
 3. The physical connection between the existing hotel lobby and the new accessory use shall remain open and operable at all times that the accessory use is open to the public.
- b. As proposed by the applicant, the project authorized by this Conditional Use Permit includes the creation and operation of the proposed retail area located on the ground floor with the criteria listed below:
 - i. Hours of operation: 7:00 AM to 10:00 PM.
- c. Delivery trucks shall only be permitted to make deliveries from the designated loading spaces contained within the property.
- d. Delivery trucks shall not be allowed to idle in the loading areas.
- e. The size of all delivery/service vehicles shall be limited to the size of the loading zones provided on-site.
- f. Equipment and supplies shall not be stored in areas visible from streets, alleys or nearby buildings.
- a. Deliveries and waste collections may occur daily between 8:00 AM and 4:00 PM.
- f. All trash containers shall utilize rubber wheels, or the path for the trash containers shall consist of a surface finish that reduces noise, in a manner to be reviewed and approved by staff.
- g. Adequate trash room space, air conditioned and noise baffled, shall be provided, in a manner to be approved by the Planning and Public Works Departments. Sufficient interior space must be provided so that doors can remain closed while

trash and trash bags are being deposited in dumpsters. Doors shall remain closed and secured when not in active use.

- h. Trash room(s)/garbage room(s) shall be large enough, or sufficient in number to accommodate enough dumpsters so that more than one pick up of garbage per day will not be necessary. A high-level trash/garbage compacting device shall be located in an air-conditioned trash/garbage holding room within the facility.
 - i. Garbage dumpster covers shall be closed at all times except when in active use.
 - j. The owner/operator shall be responsible for maintaining the areas adjacent to the facility, including the sidewalk, and all areas around the perimeter of the property. These areas shall be kept free of trash, debris and odor, and shall be swept and hosed down at the end of each business day
 - k. Street flyers and handouts shall not be permitted, including handbills from third-party promotions.
 - l. In the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, subject to the review and approval of staff.
 - m. Special Events shall not be permitted.
11. The applicant shall address the following Concurrency and Traffic requirements, as applicable:
- a. Ingress into the garage shall be limited to right turn in only from 41st Street and egress from the garage shall be limited to right turn only onto 41st Street. Ingress and Egress shall be subject to approval from FDOT (Florida Department of Transportation for modifications to the intersection of 41st Street and Indian Creek Drive, including the elimination of the current prohibition on left turns from Indian Creek Drive to 41st Street. Should such modifications to the intersection not be granted by FDOT, the project shall require the further review of the Planning Board prior to the issuance of any building permit for the proposed addition.
 - b. A Method of Transportation (MOT) shall be submitted to Public Works 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. Prior to the issuance of a building permit, the applicant shall participate in a Transportation Concurrency Management Area Plan (TCMA Plan), if deemed necessary, by paying its fair share cost, as may be determined as determined by the Concurrency Management Division.

- d. A final concurrency determination shall be conducted prior to the issuance of a Building Permit. Mitigation fees and concurrency administrative costs, if required, shall be paid prior to the issuance of any Building Permit.
 - e. A bicycle parking plan shall be submitted for staff review and approval prior to the issuance of a Business Tax Receipt.
 - f. Valet or loading activities shall not block 41st Street, or surrounding streets at any time.
12. 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.
 13. 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.
 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 Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
 16. 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.
 17. 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.

Dated this _____ day of _____, 2017.

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.

{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 _____ ()