

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

## PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: December 19, 2017

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **PB 17-0137 6372-6382 Collins Avenue, and 6375 Indian Creek Drive –Temporary Parking Lot**

The applicant, 6372, LLC, is requesting a Conditional Use Permit to operate a temporary parking lot, including after midnight, pursuant to Chapter 118, Article IV, Chapter 130, Article III, and Chapter 142, Article II of the City Code.

#### **RECOMMENDATION:**

Continue the item to the January 23, 2018 Planning Board meeting.

#### **ZONING/SITE DATA:**

##### **Legal Description:**

See Exhibit "A"

##### **Zoning District:**

RM-2 Residential multifamily, medium intensity

##### **Future Land Use Designation:**

RM-2 Residential multifamily, medium intensity

##### **Surrounding Uses:**

North:	Residential building
West:	Public park and residential uses
South:	Residential uses
East:	Office and retail uses

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

#### **THE PROJECT:**

The applicant has submitted plans entitled "6372 LLC" as prepared by One DO Studio, LLC and dated 10/26/17.

The applicant is proposing a new temporary surface parking lot with new landscaping on an existing vacant lot. As proposed by the applicant, 34 spaces will be provided with an entrance and exit drive from Collins Avenue.

As per Section 142-213 of the City Code, commercial and noncommercial parking lots and garages shall be considered as a conditional use in the RM- 2 residential zoning district.

Further, pursuant to Section 130-69.5 of the City Code, in addition to any other requirements regarding parking garages and parking lots contained herein, and except where a parking garage or lot is accessory to a residential use and located on the same lot, all parking garages

and lots located within 100 feet of a residential use or district that intend to operate after midnight, shall obtain conditional use approval from the Planning Board before obtaining a building permit or business tax receipt.

### **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 consistent with the objectives of the Comprehensive Plan in providing additional off-street parking in the City.

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.**

**Consistent** – A parking lot is allowed in the RM-2 zoning district through the conditional use process, and due to the proximity to residential uses, the use of the parking lot after midnight is also required to be reviewed through the conditional use process.

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

**Consistent**—The parking lot will not affect the health, safety, and general welfare of the adjacent residential uses.

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**  
Adequate information has not been provided.

**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 vehicle storage for construction workers, mini-vans for the transportation of workers on a construction site and employees of a hotel property nearby, as well as self-parking for hotel guests.

While staff believes that a more appropriate use of the property would be a well-designed residential or hotel structure (commercial structures are not permitted), the proposed use is a conditional use within the RM-2 residential zoning district, and the application is for the temporary use of the lot. Staff would also note that the subject property has been vacant for some time. The subject parcel also directly abuts a multifamily residential building to the south. The proposed design of the lot incorporates a generous landscape buffer to the south.

### **Traffic Circulation**

The Traffic Study provided, as prepared by Traf Tech Engineering, Inc, was peer reviewed by the Transportation Department, and as of the writing of this report, has many outstanding comments outlined in the attached Transportation Memorandum. As such, based on the outstanding comments, the Transportation Department is recommending that this item be continued to the January 23, 2018 Planning Board meeting.

### **Code Violations**

As of the writing of this report, there is one notice of violation related to the subject property.

**PM2017-01190**      6/21/2017      Property Maintenance Violation: Overgrowth and trash throughout property. Vacant Lot /Lot Clearance Case

### **STAFF RECOMMENDATION**

In view of the foregoing analysis, staff recommends the Conditional Use Permit be continued to the January 23, 2018 Planning Board meeting. If the Planning Board chooses to approve the temporary lot at this time, staff has prepared the attached draft order with recommended conditions.

TRM/MAB/TUI

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## ZONING/SITE MAP



# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

## TRANSPORTATION DEPARTMENT

## MEMORANDUM

TO: Michael Belush, AICP, Planning and Zoning Manager

FROM: Jose R. Gonzalez, PE, Director

DATE: December 6, 2017

SUBJECT: 6372 Collins Avenue – Traffic Impact Study

The Transportation Department has reviewed the subject traffic impact study submitted by the applicant as part of the Planning Board conditional use permit application for the proposed temporary parking lot on the vacant land located at 6372 Collins Avenue (Project). Traftech Engineering, Inc. prepared and submitted the traffic statement for this project.

The subject site is currently a vacant land. The temporary parking lot will serve as self-parking to hotel patrons staying at the hotel located at 6084 Collins Avenue. The temporary parking lot will also serve two (2) to five (5) vans, transporting construction workers to the construction site located at 6755 Collins Avenue. The temporary parking lot will have a total of 34 parking spaces.

### **PROPOSED ACCESS**

The proposed ingress and egress will occur from an existing driveway on Collins Avenue. Since the property is currently vacant, there is no vehicular activity occurring at the existing driveway. This proposed access will not be gated.

### **TRAFFIC ANALYSIS**

Turning movement counts (TMC) were collected at the following intersections:

1. Indian Creek Road & 63<sup>rd</sup> Street (Signalized)
2. Indian Creek Road & 65<sup>th</sup> Street (Signalized)
3. Collins Avenue & 63<sup>rd</sup> Street (Signalized)
4. Collins Avenue & 65<sup>th</sup> Street (Signalized)

The intersection turning movement counts were collected on Friday, August 4, 2017 during the typical weekday's AM peak period of 7:00 AM to 9:00 AM and PM peak period of 4:00 PM to 6:00 PM. Subsequently, the peak hour volumes were adjusted for seasonal variations by utilizing the Florida Department of Transportation Seasonal Factors.

The trip generation for the Project was based on information obtained from the Institute of Transportation Engineers' (ITE) Trip Generation Manual (9th Edition). Given that the proposed parking lot will be used for self-parking by the hotel patrons, the trip generation calculations code must be consistent with the anticipated use. As such, the trip generation calculations were based on Land Use 310– Hotel.

As indicated in Table 1 of the TIS report, the existing hotel is anticipated to generate approximately 874 daily trips, of which approximately 47 are AM peak hour trips (27 inbound and



20 outbound) during the typical AM peak hour and approximately 69 are PM peak hour trips (34 inbound and 35 outbound) during the typical PM peak hour. The trips generated by vanpools carrying construction workers were assumed to provide five (5) AM peak hour trips.

Intersection capacity/level of service analyses were conducted for the four (4) study intersections and the parking lot driveway. The analyses were undertaken following the capacity/level of service procedures outlined in the Highway Capacity Manual (HCM) and utilizing the SYNCHRO 9 software.

Based on the analysis, the existing conditions scenario showed that all study intersections operate accurately with the exception of SRA1A/Indian Creek Drive and 63<sup>rd</sup> Street which currently operates at Level of Service (LOS) F. Staff provided comments to the Traffic Engineer on the TIS on November 2, 2017 and November 9, 2017. The responses to the comments were received by staff on November 13, 2017; however, the updated Synchro files were provided on November 22, 2017, which did not provide sufficient time for staff review.

Based on staff's review of the updated documents, the following comment are still outstanding:

1) Signal Timing:

- a) Signal timing at 65<sup>th</sup> Street and Collins Avenue intersection for the future typical PM peak hour does not match existing conditions signal timing and no indication of model optimization has been provided.
- b) Signal timing at 65<sup>th</sup> Street and Indian Creek Drive intersection for the future conditions of the typical PM peak hour does not match existing conditions signal timings and no indication of model optimization has been provided.

2) Volume Balancing:

There are discrepancies in the volumes shown in the November 2017 TIS and the Synchro Files provided November 22, 2017 for the intersection of Indian Creek Drive and 65<sup>th</sup> Street. While the report shows 4 eastbound vehicles during the afternoon peak hour, the Synchro files show 37 vehicles. The LOS also needs to be revised.

3) Stopping Sight Distance:

The Transportation Department has expressed concerns regarding the limited stopping sight distance (SSD) and drive-way sight distance due to the curvature of the roadway. The SSD calculations and sight distance calculations provided in the report do not demonstrate that the access is safe for operation under the current conditions. In addition, staff has performed a crash analysis between 63rd Street and the entrance of proposed parking lot access. In the most recent 3 years of data, 33 crashes occurred, in which 8 crashes can be attributed to driveway and Stopping Sight Distance limitations. Based on the data collected and field observations, it is anticipated that the activation of a drive-way at the proposed location under the existing conditions will increase the likelihood of rear-end collisions and angled collisions. As such, the following mitigation measures/conditions are being recommended by staff.

- The no parking zone located 90 feet south of the proposed parking lot entrance must be retrofitted with a raised-curb bulb-out to increase driveway sight visibility and reinforce the no parking condition. The bulb-out can only be landscaped in accordance with Index 546 of the Florida Department of Transportation (FDOT) Design Standards.

- The two palm trees on the bulb-out directly south of the entrance of the proposed parking lot shall be removed or relocated as the current location obstructs driveway sight visibility and the trunk diameters do not comply with FDOT Design Standard Index 546.
- 4) The developer is required to present approval from the FDOT Traffic Operations Access Management Division as part of its permit application for activation of the existing driveway.

Based on the outstanding comments, the Transportation Department is recommending that this item be continued to the January 23, 2018 Planning Board Meeting.

Please feel free to contact me if you have any questions on the above.

cc: Josiel Ferrer-Diaz, E.I., Transportation Manager  
Firat Akcay, Transportation Analyst



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

**PROPERTY:** 6372-6382 Collins Avenue, and 6375 Indian Creek Drive

**FILE NO.** PB 17-0137

**IN RE:** The applicant, 6372, LLC, is requesting a Conditional Use Permit to operate a temporary parking lot, including after midnight, pursuant to Chapter 118, Article IV, Chapter 130, Article III, and Chapter 142, Article II of the City Code.

**LEGAL  
DESCRIPTION:** See Exhibit "A"

**MEETING DATE:** December 19, 2017

**CONDITIONAL USE PERMIT**

The applicant, 6372, LLC requested a Conditional Use approval for a temporary parking lot in a RM-2 residential zoning district and 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-2 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. At the time of the first Progress Report, the applicant shall provide an updated traffic study approved by the Transportation Department. If deemed necessary, at the request of the Planning Director or a Board member, 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 6372, 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 required 5'-0" side setback with an extra 2'-0" pervious overhang.
  - b. 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.
  - c. The two palm trees on the bulb-out south of the entrance of the proposed parking lot shall be removed or relocated as the current location obstructs the driveway sight visibility and the trunk diameters do not comply with FDOT Design Standard Index 546.
  - d. 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.
  - e. Light poles proposed to be installed on site shall not exceed 10 feet from grade. Light baffling covers shall be installed to minimize light spillage onto the neighboring properties and still meet any State and County regulations for minimum lighting required for life safety, subject to the review and approval of staff.
  - f. 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.

- g. 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.
  - h. Chain link fences shall not be permitted facing a right of way. Any fence that may be proposed for the subject site facing a right of way shall be a metal picket fence, subject to the review and approval of staff.
  - i. The planting areas within the required front setback shall be further developed with a variety of plant species in order to enhance the range of textures and colors.
  - j. Parking stripes shall be painted white.
  - k. 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.
  - l. The utilization of root barriers and/or structural soil, as applicable, shall be clearly delineated on the revised landscape plan.
- 4. Vehicles shall be parked in marked spaces only without tandem parking. Vehicles shall not be parked within the designated 22'-0" required drive aisle.
  - 5. 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.
  - 6. 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 (including by the valet attendants) 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 (see attached examples).
  - 7. 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.
  - 8. The applicant shall resolve outstanding violations and fines, if any, prior to the issuance of a Business Tax Receipt for this parking facility.
  - 9. Compliance with the aforesaid conditions shall be a prerequisite to obtaining a Certificate of Occupancy/Business Tax Receipt.

10. 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.
11. 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.
12. 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.
13. 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.
14. 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 \_\_\_\_\_, 2017.

PLANNING BOARD OF THE  
CITY OF MIAMI BEACH, FLORIDA

BY: \_\_\_\_\_  
Michael Belush, 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

{NOTARIAL SEAL}

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 \_\_\_\_\_ ( )

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## Exhibit A

### **PARCEL 1**

**Lots 5 & 6, Block 7, 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**

### **PARCEL 2**

**Lot 60 less the Westerly 15 feet, Block 7, 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.**

# MIAMI BEACH

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Firat Akcay, Transportation Analyst