

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 17-0104 121 Collins Avenue – Permanent Parking Lot**

The applicant, Asta Parking, Inc. is requesting a Conditional Use Permit to operate a permanent parking lot, including after midnight, pursuant to Chapter 118, Article IV and Chapter 130, Article III of the City Code.

RECOMMENDATION:

Denial

ZONING/SITE DATA:

Legal Description: LOT 11, BLOCK 2, OCEAN BEACH FLORIDA SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT 2, PAGE 38, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Zoning:	RPS-3
Lot Size:	6,500 SF
Existing Use:	Vacant lot
Proposed Parking Spaces:	13 Total (1 ADA)
Proposed Open Green Space:	1,500SF of green space (23%)

Land Uses: North: Parking lot
South: Two-story residential building
East: Fourteen-story residential building
West: Hotel

THE PROJECT:

The applicant has submitted plans entitled "Asta Parking" as prepared by Beilinson Gomez signed sealed and dated 08/03/17.

The applicant is proposing a surface parking lot with new landscaping on an existing vacant lot. As proposed by the applicant, 13 spaces will be provided with an entrance and exit drive from both Collins Avenue and Ocean Court (the alley).

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 RPS-3 zoning district, but because of the proximity to residential uses, the use of the parking lot after midnight is only allowed through the Conditional Use process.

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

Not Consistent–The hours of operation proposed for the parking may affect adversely 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.**

Not Consistent – As proposed, this self-parking lot operating after midnight does not provide the necessary safeguards for the protection of surrounding property, persons, and neighborhood values. The applicant has not provided tangible protective measures to address the impact of the proposal on the adjacent residential uses.

- 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.**

Partially Consistent– The proposed use of this parking lot and the existing parking lots abutting the property to the north, also operating after midnight, could constitute a

concentration of uses that may negatively affect the neighborhood, and most specifically the residential building abutting the subject property.

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
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.
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 permanent parking lot at the subject location after midnight. As the subject property is also located within the Ocean Beach Local Historic District, the review and approval of the Historic Preservation Board is also required, regardless of the hours of operation.

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. It is particularly concerning in this location due to the existing parking lots already in operation on the four (4) lots abutting this parcel to the north.

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 currently permitted within the RPS-3 zoning district. Staff would also note that the subject property has been vacant for over 25 years. The subject parcel directly abuts a 2-story multifamily residential building to the south, and multifamily residential buildings are also located directly to the east across the alley.

As proposed by the applicant, the lot will be self-parking, which raises concerns relative to noise from patrons utilizing the lot, especially late at night, and the impact this will have on the neighboring residential buildings. In addition to the noise from patrons, staff is concerned with the noise generated from vehicles entering and exiting the property late at night. Further, due to lighting requirements for such a lot, illumination of the parking lot could become a nuisance to the nearby residential buildings.

In light of the concerns expressed herein, staff would recommend that the conditional use application to operate the parking lot after midnight be denied. The applicant still has the ability to apply for a Certificate of Appropriateness from the Historic Preservation Board to construct a parking lot at the subject site, and cease operation of the lot no later than midnight.

Code Violations

There are not open violations at the time of this writing related to the subject property.

STAFF RECOMMENDATIONS

In view of the foregoing analysis and the inconsistencies with the aforementioned Conditional Use Guidelines, staff recommends the Conditional Use Permit be DENIED. Should the Board move to approve the application, staff recommends that such approval be subject to the conditions enumerated in the attached Draft Order, which could address the inconsistencies with the aforementioned Review Guidelines.

TRM/MB/AG

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ZONING/SITE MAP



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

PROPERTY: 121 Collins Avenue

FILE NO. PB 17-0104

IN RE: The applicant, Asta Parking, Inc. requested a Conditional Use Permit to operate a permanent parking lot, including after midnight, pursuant to Chapter 118, Article IV and Chapter 130, Article III of the City Code..

LEGAL DESCRIPTION: LOT 11, BLOCK 2, OCEAN BEACH FLORIDA SUBDIVISION. ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT 2, PAGE 38, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

MEETING DATE: September 26, 2017

DRAFT CONDITIONAL USE PERMIT

The applicant, Asta Parking, Inc., requested a Conditional Use approval for a permanent parking lot which is located within 100 feet of a residential use or district to operate after midnight, pursuant to Chapter 118, Article IV, and Chapter 130, Article III 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 RPS-3 Residential Performance Standard, Medium high Density 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 update valet operational plan. 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 Asta Parking, Inc., 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. The landscape facing Collins Avenue shall be increased by 8'-6", removing one of the proposed spaces.
 - c. A solid wall/fence, seven (7') feet high shall be required along the south side of the property, subject to the review and approval of staff.
 - d. The applicant shall provide an architectural screening / physical topiary structure, CMU wall or similar material, along the west side of the property, in a manner to be approved by staff. Such wall or topiary shall include movement, as well as variations in height. The final design details, location, materials and dimensions of such wall or topiary shall be subject to the review and approval of staff.
 - e. 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.
 - f. Light poles proposed to be installed on site shall not exceed 15 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.

- g. 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.
 - h. All Ingress and egress shall be limited to the alley.
 - i. Concrete pavers shall be installed at the lot entrance/exit from the alley in a manner to be approved by staff. Pavers color shall complement the standard 'Miami Beach Red' sidewalk color required by the Public Works Department. An 8" concrete band shall be provided around the periphery in order to better contain and define the paver area, subject to the review and approval of staff.
 - j. 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.
 - k. 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.
 - l. 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.
 - m. Parking stripes shall be painted white.
 - n. 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.
 - o. The utilization of root barriers and/or structural soil, as applicable, shall be clearly delineated on the revised landscape plan.
4. Self-parking shall be permitted until 6:00 p.m.; after 6:00 p.m. the lot shall be operated as "valet only." The valet operator shall keep control of all vehicles at all times. No patrons shall be allowed to drive vehicles within the lot after 6:00 PM.
 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. 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.
 7. 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).
8. 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.
 9. The applicant shall resolve outstanding violations and fines, if any, prior to the issuance of a Business Tax Receipt/Certificate of Use for this parking facility.
 10. Compliance with the aforesaid conditions shall be a prerequisite to obtaining a Certificate of Occupancy/Business Tax Receipt.
 11. 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 /Certificate of Use, or Certificate of Occupancy, whichever may occur first.
 12. 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.
 13. 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.
 14. 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.
 15. 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
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 on _____ ())