

**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:

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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 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. Within 30 days, the applicant shall provide an updated traffic study approved by the Transportation Department.
3. 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.
4. 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 in a manner to be reviewed and approved by staff, as the current location obstructs the driveway sight visibility and the trunk diameters do not comply with FDOT Design Standard Index 546.
 - d. The "no parking zone" located 90 feet south of the proposed parking lot shall be retrofitted with a raised-curb bulb-out to increase driveway sight visibility and reinforce the no parking condition.
 - e. The developer shall present approval from the FDOT Traffic Operations Access Management Division as part of this permit application for the activation of the existing driveway, prior to the issuance of a building permit for the parking lot.
 - f. 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.

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- g. 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.
 - h. 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.
 - i. 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.
 - j. 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.
 - k. 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.
 - l. Parking stripes shall be painted white.
 - m. 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.
 - n. The utilization of root barriers and/or structural soil, as applicable, shall be clearly delineated on the revised landscape plan.
- 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 subject site shall be used exclusively for hotel guests of the subject operator and commercial vehicles related to the construction on properties owned by the applicant.
 - 7. Construction staging shall not be permitted on the site at any time.
 - 8. 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.
 - 9. 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.
 - 10. 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).

11. 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.
12. The applicant shall resolve outstanding violations and fines, if any, prior to the issuance of a Business Tax Receipt for this parking facility.
13. Compliance with the aforesaid conditions shall be a prerequisite to obtaining a Certificate of Occupancy/Business Tax Receipt.
14. 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.
15. 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.
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 permit.
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.
18. 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.

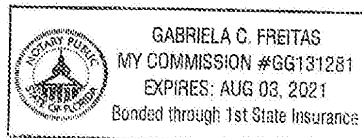
Dated this 28th day of DECEMBER, 2017.

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

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

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 28th day of December, 2017, 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: Gabriela Freitas
Print Name Gabriela Freitas
Notary Public, State of Florida
My Commission Expires: 8-3-21
Commission Number: GG131281

{NOTARIAL SEAL}

Approved As To Form:
Legal Department

Filed with the Clerk of the Planning Board on 12/24/17 (1/8/18)

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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.**

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