

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

**PROPERTY:** 125-151 Collins Avenue

**FILE NO:** 1495

**IN RE:** The application by Kaine Parking 125, LLC, requesting the modification of a previously approved Conditional Use approving the expansion of the existing permanent parking lot, approving the expanded lot to operate after midnight, and approving the change of the name to reflect the current property owner.

**LEGAL**

**DESCRIPTION:** Lots 12, 13, 14 and south ½ of lot 15, Ocean Beach Subdivision Block 2 according to the plat thereof as recorded in Plat Book 2 at page 38 of the Public Records of Miami Dade County, Florida

**MEETING DATE:** May 24, 2011

**MODIFIED CONDITIONAL USE PERMIT**

The applicant, Kaine Parking 125, LLC filed an application with the Planning Director for a Modification to a Conditional Use Permit pursuant to Section 118-195, "Amendment of an approved Conditional Use," of the City Code. Notice of the request for Conditional Use 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 record for this matter:

That the property in question is located in the RPS-3, Residential Performance Standard Medium-High Density.

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 Ordinance;

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 if the following conditions are met.

**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 recommendation, that the modification to the previously approved Conditional Use Permit as requested and set forth above be GRANTED, subject to the conditions below, which have been accepted by the applicants:

1. This Modified Conditional Use Permit is issued to Kaine Parking 125, LLC, the applicant, and owner of the subject lots. Any change of management or ownership shall require review by the Planning Board as a modification to this Modified Conditional Use Permit. Subsequent owners and managers shall be required to appear before the Board to affirm their understanding of the conditions listed herein.
2. The conditions of approval for this Modified Conditional Use Permit are binding on the applicant, the property owners, operators, and all successors in interest and assigns.
3. The Planning Board shall maintain jurisdiction of this Modified Conditional Use Permit. ~~The applicant shall come back to the Board within 60 days of the date of obtaining an Occupational License and provide a progress report.~~ If deemed necessary, at the request of the Planning Director, the applicant shall give a written progress report to the Board. The Board reserves the right to modify this Modified 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 Modified Conditional Use is also subject to modification or revocation under City Code Sec. 118-194 (c).
4. 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 policing 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).
5. ~~This Conditional Use Permit shall have a term limit of five (5) years from the date of a Certificate of Completion, Certificate of Occupancy, or Occupational License, whichever may be applicable for this project. The applicant shall apply to the Planning Board for an extension of time, should one be desired, before the expiration of the term limit.~~
6. ~~A building permit shall be obtained within one (1) year of this public hearing, and the project completed in accordance with the requirements of the South Florida Building Code.~~

7. ~~The operator shall be responsible for operating these facilities in an orderly, clean and quiet manner so that neighboring residents are not disturbed. The sounding of car alarms, automobile horns 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 (see attached examples), shall be posted on the site so they are plainly visible by users of the facility.~~
8. Pursuant to Section 130-70 of the City Code, one sign per street frontage shall be permitted. The maximum size of each sign shall not exceed five square feet per 50 feet of street frontage. The signs shall also include copy that indicates the name of the operator, the phone number of operator to report complaints, and who can use the parking facility; i.e., whether it is open to the general public, private, valet or self-parking.
9. Vehicular access to the parking lot through Ocean Court (the alley behind and east of the lot) shall be prohibited for queuing, parking, or waiting, by customers, employees, contractors, or anyone else under the direct or indirect control of the applicant. This shall be prevented by physical barriers, which shall be subject to review and approval by staff. Valet attendants shall regularly police Ocean Court and, if any vehicles are queued, parked, or waiting there, shall advise drivers that all such activities are prohibited there.
10. ~~A revised site plan shall be submitted; at a minimum, said plan shall incorporate the following: 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. that satisfies and substantiates the following requirements: At a minimum, such plan shall incorporate the following: The applicant shall submit a revised landscape plan that satisfy and substantiate the following requirements:~~
  - a. A landscape plan, prepared, signed and sealed by a Florida Registered Landscape Architect shall be required. The plan shall specify and quantify the plant material inclusive of mature shade trees, hedge material and ground cover and the use of mulch material that is other than cypress mulch.
  - b. ~~A ficus hedge five (5) feet in height at time of planting, and 24" O.C., shall be installed on the south, east and north sides of both parking lots.~~
  - c. ~~Two Coconut Palms of a resistant variety shall be planted on the front of both sites, replacing the proposed Silver Buttonwood; these Coconut Palms shall have a minimum of eight (8) feet of clear trunk.~~
  - d. ~~A perimeter metal picket fence, with a maximum height of five (5) feet shall be required; the design shall be reviewed and approved by the design review staff, and shall be installed on the south, east and north property lines of each site. A continuous curb shall be required around all the planting areas.~~

- ~~f. An irrigation plan shall be required; said plan shall also indicate the use of a rain sensor.~~
- ~~g. The height of the light poles shall be a maximum of fifteen (15) feet above grade, inclusive of light fixtures diffusing light downward.~~
- 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. At a minimum, such plan shall incorporate the following:
- i. 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.
  - ii. 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.
  - iii. Light poles proposed to be installed on site shall not exceed 15 feet from grade, in a manner to be reviewed and approved by staff.
  - iv. 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.
  - v. Concrete pavers shall be installed at the lot entrance/exit from Collins Avenue and within the required front setback 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.
  - vi. 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.
  - vii. 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.

- viii. 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.
  - ix. Parking stripes shall be painted white.
  - x. 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.
  - xi. The utilization of root barriers and/or structural soil, as applicable, shall be clearly delineated on the revised landscape plan.
5. ~~Improvements shall be made and a maintenance plan shall be implemented prior to the issuance of an occupational license or certificate of use as follows:~~
- a. ~~The wheel stops shall all be consistent in color and material and placed evenly on each parking stall; missing ones shall be replaced.~~
  - b. ~~Newly planted areas shall be watered twice daily to ensure viability of the landscaping.~~
  - c. ~~The existing trellis fence located at the front of the parking facilities shall be removed.~~
  - d. ~~A plan for a recurring maintenance schedule that includes, but is not limited to, cleaning the lot, clipping of hedge material, removal and replacement of dead plant material, fertilization and irrigation and removal of debris and trash on a regular basis. This landscape maintenance plan shall be approved by Planning staff prior to the issuance of an occupational license or a certificate of use and shall be adhered to by the applicant.~~
6. ~~Two curb cuts, as necessary for ingress and egress for the proposed parking lots shall be permitted on Collins Avenue. The remaining existing curb cuts shall be eliminated and the sidewalk, curb and gutter shall be repaired and restored.~~
7. ~~The surface of the ingress/egress ramp(s) to the parking lots shall be differentiated from the paving material used on the entire lots. Pavers set on sand, in a color variation that will mark the entrance shall be used~~
11. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures; such fixtures and devices shall not be permitted within any required yard or any area fronting a street or sidewalk. The location of backflow preventors, siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.

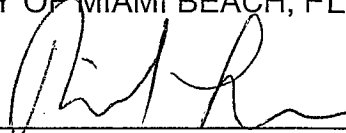
12. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms; such transformers and vault rooms, and all other related devices and fixtures, shall not be permitted within any required yard or any area fronting a street or sidewalk. The location of any exterior transformers, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
13. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect for the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.
14. Self-parking and hybrid/self parking, as proposed by the applicant, shall be permitted until 6:00 p.m. at all the two parking facilities approved under this Modified Conditional Use Permit; after 6:00 p.m. these facilities 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 p.m., except to enter and exit the lot.
15. The applicant shall resolve outstanding violations and fines, if any, prior to the issuance of a building permit for the parking facilities.
- ~~16. The two parking facilities approved under this Conditional Use Permit, shall be maintained clean and litter free at all times. Trash and litter shall be picked up periodically, as necessary.~~
17. 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.
- ~~18. This Modified 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 Certificate of Use, Certificate of Occupancy or Occupational License, whichever occurs first; compliance with the aforesaid conditions shall be a prerequisite to obtaining a Certificate of Occupancy.~~
19. Within a reasonable time after receipt of this Modified Conditional Use Permit, as signed and issued by the Planning Director, the applicant shall record it in the Public Records of Miami-Dade County at the expense of the applicant and return it to the Planning Department. No building permit or certificate of completion shall be issued until this requirement has been satisfied.
20. The establishment and operation of this Modified 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 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 Modified Conditional Use permit.

21. 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 17 day of June, 2011.

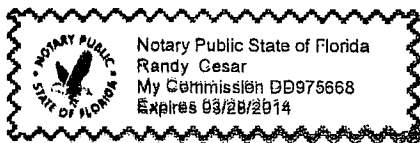
PLANNING BOARD OF THE  
CITY OF MIAMI BEACH, FLORIDA

BY: 

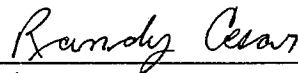
Richard G. Lorber AICP, LEED AP Acting  
Planning Director for the Chairman

STATE OF FLORIDA       )  
COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this 17 day of June, 2011, by Richard G. Lorber, AICP, LEED AP Acting Planning Director of 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 Randy Cesar

Notary Public, State of Florida

My Commission Expires: 3/28/2014

Commission Number:

Approved As To Form:

Legal Department (JHed 6-7-2011)

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**NOTICE**

**NO  
HORN  
HONKING  
-or-  
TIRE  
SCREECHING**

# **NOTICE**

**Section 46-161  
of the Code of  
the City of  
Miami Beach  
permits your  
car to be towed  
or  
fines imposed  
if your car  
alarm system is  
activated  
improperly.**