

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: May 22, 2018

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **PB 18-0197 fka File No. 1495. 125-151 Collins Avenue – Change of Management.**

The applicant, Caribbean Parking Systems, Inc., is requesting a modification to a previously issued Modified Conditional Use Permit. Specifically, the applicant is requesting to change the manager of the permanent parking lots as stipulated in the final order, pursuant to Chapter 118, Article IV of the City Code.

#### **BACKGROUND**

*July 25, 2000*

The applicant, D. A. Mortgage, Inc., requested a Conditional Use Permit (CUP) for one parking lot on all of the lots in the range of 133 to 151 Collins Avenue (Lots 12 through 15) in order to provide parking for the Amnesia nightclub at 136 Collins Avenue.

*March 27, 2001*

The applicant, D.A. Mortgage, Inc was granted a Modified Conditional Use Permit (MCUP) to operate two permanent surface parking lots after midnight. The lots were approved for a term of five years with conditions that required certain improvements to the lots with an option to request an extension of time from the Planning Board.

*December 19, 2006*

The lots were approved by the Board for permanent use with a MCUP that stipulated further improvements to the lots.

*May 24, 2011*

The Board granted a MCUP to change the name of the owner from D.A. Mortgage, Inc. to Kaine Parking 125, LLC, to expand the area of the CUP to include an additional adjacent lot, and to operate the lots after midnight within 100 feet of a residential use.

*June 3, 2011*

The applicant, Kaine Parking 125, LLC, was granted five variances from the Board of Adjustment for the construction of the new configured parking lot.

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

##### **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

##### **Zoning:**

RPS-3, Residential Performance Standard Medium-High Density

**Land Uses:** North: Restaurant  
South: Vacant land  
East: Commercial, hotel, residential multifamily (separated from the site by an alley)  
West: Restaurant and Night Club

**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.

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.**

**Partially Consistent** – According to Section 142-693(e), commercial and noncommercial parking lots are permitted in the R-PS3 district as a conditional use. This project required setback and other variances.

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

**Consistent** – The parking lot as proposed is expected to enhance the immediate surroundings.

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.**

**Partially consistent** – Staff will recommend conditions to try to mitigate any adverse impacts on the surrounding neighborhood that may occur as a result of the continual use of the property as a parking lot.

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 parking lot on this site has been operating since March 2001 when it was granted conditional use approval. Given the number of restaurants, hotels and entertainment establishments nearby which need parking, it does not appear that the lot

would contribute to a concentration of parking, and therefore is not expected to negatively impact the neighborhood when properly controlled.

#### **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.  
**Not Applicable**
- (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.  
**Not Applicable**

#### **STAFF ANALYSIS**

When the project was initially approved, an operator for the parking lot was not identified in the MCUP. As per Condition No. 1 of the MCUP, a new owner or manager is required to appear before the board to modify the MCUP as well as affirm their understanding of the operational conditions.

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.*

Besides adding the new operators name to Condition No. 1 of the MCUP, other changes to the conditions of approval are not proposed (attached).



## ZONING/SITE MAP



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

**PROPERTY:** 125-151 Collins Avenue

**FILE NO:** PB18-0197 fka File No.1495

**IN RE:** The applicant, Caribbean Parking Systems, Inc., is requesting a modification to a previously issued Conditional Use Permit. Specifically, the applicant is requesting to change the manager of the permanent parking lots as stipulated in the final order, pursuant to Chapter 118, Article IV of the City Code.

**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 22, 2018

**MODIFIED CONDITIONAL USE PERMIT**

The applicant, Caribbean Parking Systems, Inc., 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; and Caribbean Parking Systems, Inc., the valet operator managing the 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. 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. 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.
6. 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.

7. 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. 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. 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.
8. 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.
9. 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.
10. 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.
11. Self-parking and hybrid/self parking, as proposed by the applicant, shall be permitted until 6:00 p.m. at all the 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.

12. The applicant shall resolve outstanding violations and fines, if any, prior to the issuance of a building permit for the parking facilities.
13. 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.
14. 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.
15. 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.
16. 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 \_\_\_\_\_, 2018.

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.

\_\_\_\_\_  
Notary:  
Print Name  
Notary Public, State of Florida  
My Commission Expires:  
{NOTARIAL SEAL} Commission Number:  
Approved As To Form:  
Legal Department ( )

Filed with the Clerk of the Planning Board on \_\_\_\_\_ ( )

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