

CFM 2014R0180803
DR Bk 29063 Pgs 4719 - 47241 (6pgs)
RECORDED 03/12/2014 11:15:22
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

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

PROPERTY: 1215 West Avenue

FILE NO. 2127

IN RE: The application by 1201 Chelsea, LLP, requesting Conditional Use approval, pursuant to Chapter 130, Article II of the Miami Beach City Code, for a mechanical parking system, in association with the construction of a new 6-story hotel.

LEGAL DESCRIPTION: Bay View Subdivision, Lots 13 and 14 of Block 82 according to Plat thereof as recorded in Plat Book 9, Page 110 of the Public Records of Miami-Dade County, Florida.

MEETING DATE: February 25, 2014

CONDITIONAL USE PERMIT

The applicant, 1201 Chelsea, LLP, filed an application with the Planning Director requesting Conditional Use approval pursuant to Chapter 130, Article II of the Miami Beach 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 – Multifamily Residential 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 staff

recommendations, as may have been modified by the Planning Board, that a Conditional Use Permit as requested and set forth above, be GRANTED subject to the following conditions to which the applicant has agreed:

1. This Conditional Use Permit is issued to 1201 Chelsea LLP, to construct a 6-story building including a parking garage with a mechanical lift system, hotel units, and an accessory restaurant on the ground floor of the building.
2. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. If deemed necessary, at the request of the Planning Director, the applicant shall appear before the Planning Board for a progress report. The Board reserves the right to modify the Conditional Use approval at the time of a 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 is also subject to modification or revocation under City Code Sec. 118-194 (c).
3. The conditions of approval for this Conditional Use Permit are binding on the applicant, the property applicants, operators, and all successors in interest and assigns. Any change of operator or 50% (fifty percent) or more stock ownership, partnership interest or equivalent, shall require review and approval by the Planning Board as a modification to this Conditional Use Permit. Subsequent owners and operators shall be required to appear before the Board, in advance, to affirm their understanding of the conditions listed herein.
4. The Planning Board shall retain the right to call the owner or operator back before them and make modifications to this Conditional Use Permit should there be valid complaints about loud, excessive, unnecessary, or unusual noise. Nothing in this provision shall be deemed to limit the right of the Planning Board to call back the owner or operator for other reasons and for other modifications of this Conditional Use Permit.
5. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval.
6. The applicant shall come back to the April 22, 2014 Planning Board meeting for a review of the complete Traffic Impact Study.
7. The applicant shall submit a complete Traffic Study for the review and approval of staff within 60 days from approval of this Conditional Use or no later than the filing for a building permit application.
8. The following shall apply to the construction and operation of the proposed mechanical parking system:
 - a. The noise or vibration from the operation of mechanical parking lifts, car elevators, or robotic parking systems shall not be plainly audible to or felt by any individual standing outside an apartment or hotel unit at any adjacent or nearby property. In addition, noise and vibration barriers shall be utilized to ensure that surrounding walls decrease sound and vibration emissions outside of the parking garage;
 - b. For mechanical lifts, the parking lift platform must be fully load bearing, and must be sealed and of a sufficient width and length to prevent dripping liquids or debris onto the vehicle below;
 - c. All free-standing mechanical parking lifts must be designed so that power is required to

lift the car, but that no power is required to lower the car, in order to ensure that the lift can be lowered and the top vehicle can be accessed in the event of a power outage; vehicle elevators must have backup generators sufficient to power the system;

- d. All mechanical lifts must be designed to prevent lowering of the lift when a vehicle is parked below the lift;
 - e. The ceiling heights of any parking level with parking lifts within the parking garage shall be a minimum of 11 feet by six inches;
 - f. All mechanical parking systems, including lifts, elevators and robotic systems, must be inspected and certified as safe and in good working order by a licensed mechanical engineer at least once per year and the findings of the inspection shall be summarized in a report signed by the same licensed mechanical engineer or firm. Such report shall be furnished to the Planning Director and the Building Official; and;
 - g. All parking lifts shall be maintained and kept in good working order.
 - h. Parking operation shall be by valet attendants only. A contract with a valet operator shall be submitted to staff for review and approval prior to a final Certificate of Occupancy or Business Tax Receipt, whichever occurs first.
 - i. Valet storage of vehicles by valet operators shall be exclusively for hotel and restaurant use, as proposed. Valet storage for off-site facilities shall not be permitted.
 - j. The final number of valet parking attendants shall be subject to the recommendations of the Valet Operations Analysis in the Traffic Impact Study, in a manner to be reviewed and approved by staff, before the issuance of a TCO, CO, or CC, whichever comes first.
 - k. There shall be security personnel of at least one person, on-site, monitoring the garage operation during hours of operation seven days a week. The structure, operation, procedures, maintenance, service response procedures, remote technical service team, local, on-site service team, and spare parts inventory shall be in accordance with the requirements of the manufacturer.
 - l. Signs prohibiting tire-screaming and unnecessary horn-honking shall be posted at the garage entrance (see attached).
9. The following shall apply to the operation of the entire facility:
- a. A maximum of 20 seats shall be permitted on the outdoor terrace area fronting West Avenue.
 - b. The applicant shall submit to Planning staff for review and approval a delivery plan and waste removal plan, including the hours of operation, prior to the issuance of a building permit.
 - c. All trash containers shall utilize rubber wheels, or the path for the trash containers shall consist of a surface finish that reduces noise, in a manner to be reviewed and approved by staff.
 - d. Adequate trash room space, air conditioned and noise baffled, shall be provided, in a manner to be approved by the Planning and Public Works Departments. Doors shall remain closed and secured when not in active use.
 - e. Garbage dumpster covers shall be closed at all times except when in active use and garbage pickups and service deliveries shall not take place after 7:00 PM or before 8:00 AM.



- f. Daily garbage collection shall be required.
 - g. Delivery trucks shall not be allowed to idle in the loading zone area adjacent to the hotel or within the garage floor area.
 - h. Delivery trucks to service the hotel shall be limited to hotel products, food, beverages, coffee and typical mail/package delivery.
 - i. Delivery trucks shall only be permitted to park in the designated loading area on the ground floor inside the Property.
 - j. The applicant shall not seek to obtain a Conditional Use Permit for a Neighborhood Impact Establishment (NIE) on the Property.
 - k. Except as may be required for fire or building code/Life Safety Code purposes, no speakers shall be affixed to or otherwise located on the exterior of the premises. Small speakers, within the landscape areas or at floor level, may be permitted on the rooftop, and in the outdoor area of the restaurant, but only for ambient, background music, which does not interfere with normal conversation.
 - l. The installation plan for the sound system, including the location of all the speakers and sound system controls shall be submitted to staff for review and approval prior to obtaining a building permit.
10. The applicant shall satisfy the following:
- a. Notwithstanding the occupancy and seat counts shown on the plans submitted, calculations for required parking and concurrency for the project shall be determined by the Planning Department prior to approval of a building permit. Such parking and traffic calculations shall be based upon both the number of hotel rooms, and, additionally, the intensity of the proposed accessory restaurant as measured by the number of seats in dining areas, and by the square footage of the liquor service areas not included in the areas for which seats are calculated as provided for in this subparagraph.
 - b. The City's concurrency requirements can be achieved and satisfied through payment of mitigation fees or by entering into an enforceable development agreement with the City. The Transportation and Concurrency Management Division shall make the determination of the project's fair-share mitigation cost. A final concurrency determination shall be conducted prior to the issuance of a Building Permit. Mitigation fees and concurrency administrative costs shall be paid prior to the project receiving any Building Permit. Without exception, all concurrency fees shall be paid prior to the issuance of a Temporary Certificate of Occupancy or Certificate of Occupancy.
 - c. The applicant shall submit an MOT (Management of Transportation) to Public Works Department staff for review and approval prior to the issuance of a building permit. The MOT shall address any traffic flow disruption due to construction activity on the site.
11. The applicant shall satisfy outstanding liens and past due City bills, if any, to the satisfaction of the City prior to the issuance of a Business Tax Receipt to operate this entertainment establishment.

12. The applicant shall obtain a full building permit within 18 months from the date of the meeting, and the work shall proceed in accordance with the Florida Building Code. Extensions of time for good cause, not to exceed a total of one year for all extensions, may be granted by the Planning Board.
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. The executed Conditional Use Permit shall be recorded in the Public Records of Miami-Dade County, Florida, at the expense of the applicant, and returned to the Planning Department. No building permit, certificate of occupancy, or certificate of completion shall be issued until this requirement has been satisfied.
15. 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.
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 6th day of March, 2014

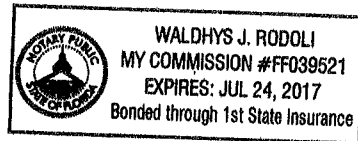
PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]
Thomas R. Mooney, AICP,
Acting Planning Director
For Chairman

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 6th day of March, 2014, by Thomas R. Mooney, 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]



Waldhys J. Rodoli
Notary: Waldhys J. Rodoli
Print Name:
Notary Public, State of Florida
My Commission Expires: 7/24/17
Commission Number: FF039521

Approved As To Form: [Signature] (3-6-14)
Legal Department

Filed with the Clerk of the Planning Board on 3/11/14 [Signature]

F:\PLAN\PLB\2014\02-25-14\2127 - 1215 West Avenue\2127 CUP.docx

[Signature]