

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: December 18, 2018

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB 18-0218 fka File No. 2127 – 1215 West Avenue. Mechanical Parking/Hotel.**

The Applicant, 1201 Chelsea, LLP, is requesting modifications to a previously issued conditional use approval pursuant to Chapter 118, Article IV and Chapter 130 Article I of the City Code. Specifically, the applicant is requesting the operation of the parking garage after midnight for off-site valet storage of vehicles.

RECOMMENDATION

Approval with conditions

HISTORY

The application was originally approved by the Planning Board on February 25, 2014, with the exception of the final review of the Traffic Impact Study, which was approved on April 22, 2014.

ZONING / SITE DATA

Future Land Use: RM-2 – Multifamily Residential medium intensity category

Zoning: RM-2 – Multifamily Residential medium intensity zoning district

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.

Land Uses: See Zoning/Site map at the end of this report.

East: Medical offices
North: Residential multifamily
South: Mixed use residential multifamily and parking garage
West: Residential multi-family

Proposed Uses:

Number of Units: 45 hotel units
Restaurant: 37 seats
Parking Spaces: 59 spaces

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. The RM-2 zoning district allows hotels as of right, and the use of mechanical parking as a conditional use.

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 – A Traffic Impact Study (TIS) commissioned by the City and paid by the applicant was conducted under the original application by The Corradino Group, Inc. Additionally, a comprehensive concurrency analysis was required at the time of the Building Permit in order to determine compliance with the Comprehensive Plan and the standards set forth in the City Code.

3. Structures and uses associated with the request are consistent with this Ordinance.

Consistent – The project was reviewed at the time of Building Permit to determine whether the project met zoning requirements. These comments shall not be considered final zoning review or approval.

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

Consistent – The proposed establishment may adversely affect the general welfare of nearby residents if traffic and operational issues are not controlled. The entire project had to comply with all applicable laws and regulations in order to obtain a building permit.

5. Adequate off-street parking facilities will be provided.

Consistent – The project includes a mechanical parking garage, which provides the required parking for the hotel and its accessory uses.

6. Necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.

Consistent – Staff has recommended conditions to try to mitigate any adverse impacts on the surrounding neighbors.

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 proposed uses for the project, hotel, and accessory use restaurant were allowed in the RM-2 zoning district when the project was initially approved by the Planning Board. Adverse impacts are not anticipated on the nearby uses as a result of this request.

SECTION 130-38 – MECHANICAL AND ROBOTIC PARKING SYSTEMS

Projects proposing to use mechanical parking devices, robotic parking systems and/or vehicle elevators to satisfy accessory off-street parking requirements shall prepare schematic floor plans prior to site plan review by the applicable land use board. Two sets of schematic floor plans shall be required:

1. One set of schematic plans sufficient to show the proposed development project with accessory off-street parking requirements satisfied by traditional, non-mechanical means, meeting all aspects of the design standards for parking spaces required in Article III of Chapter 130, and other provisions of these land development regulations, and requiring no variances from these provisions.

Consistent – A schematic drawing showing the required parking in a traditional, non-mechanical means was submitted showing 62 spaces at the time of the original application, as per the requirements of the Code as specified above.

2. A second set of schematic plans, sufficient to show the same proposed development project, utilizing mechanical parking devices, robotic parking systems and/or vehicle elevators to satisfy accessory off-street parking requirements.

Consistent – A schematic drawing showing the required parking by mechanical means was submitted showing 62 spaces at the time of the original Board application. The same number was shown in the traditional non-mechanical drawing. The mechanical parking version did not intensify the use.

The non-mechanical schematic drawings were reviewed by Planning Dept staff and it was concluded that they meet the requirements of the design standards of the city code. The allowable commercial density, and the intensity of the uses permitted for the project, do not exceed what would have been permitted using the number of parking spaces using conventional parking.

The Planning Board shall consider the following review criteria when considering each application for the use of mechanical parking systems:

- (a) Whether the scale of the proposed structure is compatible with the existing urban character of the surrounding neighborhood.

Consistent – The scale of the structure is six (6) stories in height. Although the buildings immediately surrounding are lower in scale, there are buildings across West Avenue that are 15 – 17 stories. Thus on average, the subject building's scale and massing is compatible with the neighborhood. The Design Review Board approved this project on December 13, 2013.

- (b) Whether the proposed use of mechanical parking results in an improvement of design characteristics and compatibility with the surrounding neighborhood.

Consistent – The use of mechanical parking, as previously approved, is compatible with design characteristics and compatibility of the surrounding neighborhood.

- (c) Whether the proposed use of mechanical parking does not result in an increase in density or intensity over what could be constructed with conventional parking.

Consistent – The use of mechanical parking does not result in an increase in the number of parking spaces over what could be constructed with conventional parking.

- (d) Whether parking lifts or mechanisms are located inside, within a fully enclosed building, and not visible from exterior view.

Consistent – The lifts are located within a fully enclosed building and are not visible from the exterior.

- (e) In cases where mechanical parking lifts are used for self-parking in multifamily residential buildings; whether approval is conditioned upon the proper restrictive covenant being provided limiting the use of each lift to the same unit owner.

Not applicable.

- (f) In cases where mechanical parking lifts are used for valet parking; whether approval is conditioned upon the proper restrictive covenant being provided stipulating that a valet service or operator must be provided for such parking for so long as the use continues.

Consistent – The applicant provided a restrictive covenant for the use of a valet operator at all times.

- (g) Whether a traffic study has been provided that details the ingress, egress and circulation within the mechanical parking facility, and the technical and staffing requirements necessary to ensure that the proposed mechanical parking system does not cause excessive stacking, waiting, or backups onto the public right-of-way.

Consistent – Ingress and egress for all vehicles is from the alley on the east side of the structure, Alton Court. The Traffic Impact Study was prepared by The Corradino Group Inc, selected by the City and paid by the applicant under the original application.

- (h) Whether a proposed operations plan, including hours of operation, number of employees, maintenance requirements, noise specifications, and emergency procedures, has been provided.

Consistent – The applicant submitted an operations plan for the garage with the original application that includes the hours, number of employees, service, maintenance and safety procedures, as well as manufacturer's information.

- (i) In cases where the proposed facility includes accessory uses in addition to the parking garage, whether the accessory uses are in proportion to the facility as a whole, and delivery of merchandise and removal of refuse, and any additional impacts upon the surrounding neighborhood created by the scale and intensity of the proposed accessory uses, are adequately addressed;

Partially Consistent – The applicant originally proposed one 76 seat accessory restaurant open to the public at the ground floor, but subsequently built and permitted a café on the site with 37 seats and has a smaller unused space built as a retail shell. An operational plan and delivery of merchandise and waste collection plan was submitted with the original application.

- (j) Whether the proximity of the proposed facility to similar size structures and to residential uses creates adverse impacts and how such impacts are mitigated;

Consistent – The project appears to be compatible with the surrounding neighborhood and it appears that it has not created any significant adverse impacts to the nearby residential

uses.

- (k) Whether a cumulative effect from the proposed facility with adjacent and nearby structures arises, and how such cumulative effect will be addressed;

Consistent – Although there are a few hotel uses that existed before the adopted ordinance restricting hotel uses in that area, currently there are no other hotels with mechanical parking in the immediate vicinity.

ANALYSIS

The applicant originally received a Conditional Use approval to build a valet-only parking garage with a total of 63 parking spaces, using mechanical lifts, to serve the hotel and accessory uses on-site. The original project included a new 6-story hotel containing 45 units with a roof top pool, and ground floor ancillary 4,076 SF restaurant with 76 seats.

During the building permit process, the intensity of the project was reduced. Currently there is a 45 room hotel, with a 37 seat café and 59 parking spaces. There is also a commercial retail space on the ground floor facing West Ave that has not yet been fully built out.

Mechanical Parking Operations

Entrance and exit to the garage is via the service alley, Alton Court, east of the property. The ground level has one (1) standard parking space and two loading spaces for hotel and restaurant use. Parking is by valet only. Access to parked vehicles from the ground floor is by two (2) vehicle scissor lifts, with a hydraulically operated system.

The garage operates 24 hours a day, seven days a week, 365 days a year for the hotel use on site. The applicant is proposing to use the underutilized and surplus parking (14 parking spaces, as of now) for valet storage for off-site uses. The applicant has submitted letters of interest from the medical office located directly east of the subject property and a restaurant two blocks away on 11th Street.

Valet Parking Operations

The applicant has submitted a valet operations plan for the proposed off-site restaurant. The medical use would not need a separate plan, because they could utilize the hotel's current valet stand without any changes. The operation's plan conclusion was that the applicant's current valet company could have two (2) attendants at the restaurant's off-street loading area and seamlessly park at the hotel without any back up of traffic on 11th or 12th Streets. Staff concurs with those assumptions and does not anticipate any potential negative impact on the neighboring properties by allowing off-site uses to utilize the limited number of parking spaces available in the hotel's garage.

As a point of clarification, although the applicant's Letter of Intent (LOI) makes an argument for the use of all of the parking spaces not being used by the hotel's guests for off-site uses, the Board can only authorize the use of the surplus and underutilized parking spaces. There are only 14 parking spaces available at this time, which is a combination of surplus (10) and underutilized parking spaces (4). The applicant cannot use the required spaces for the hotel (45.)

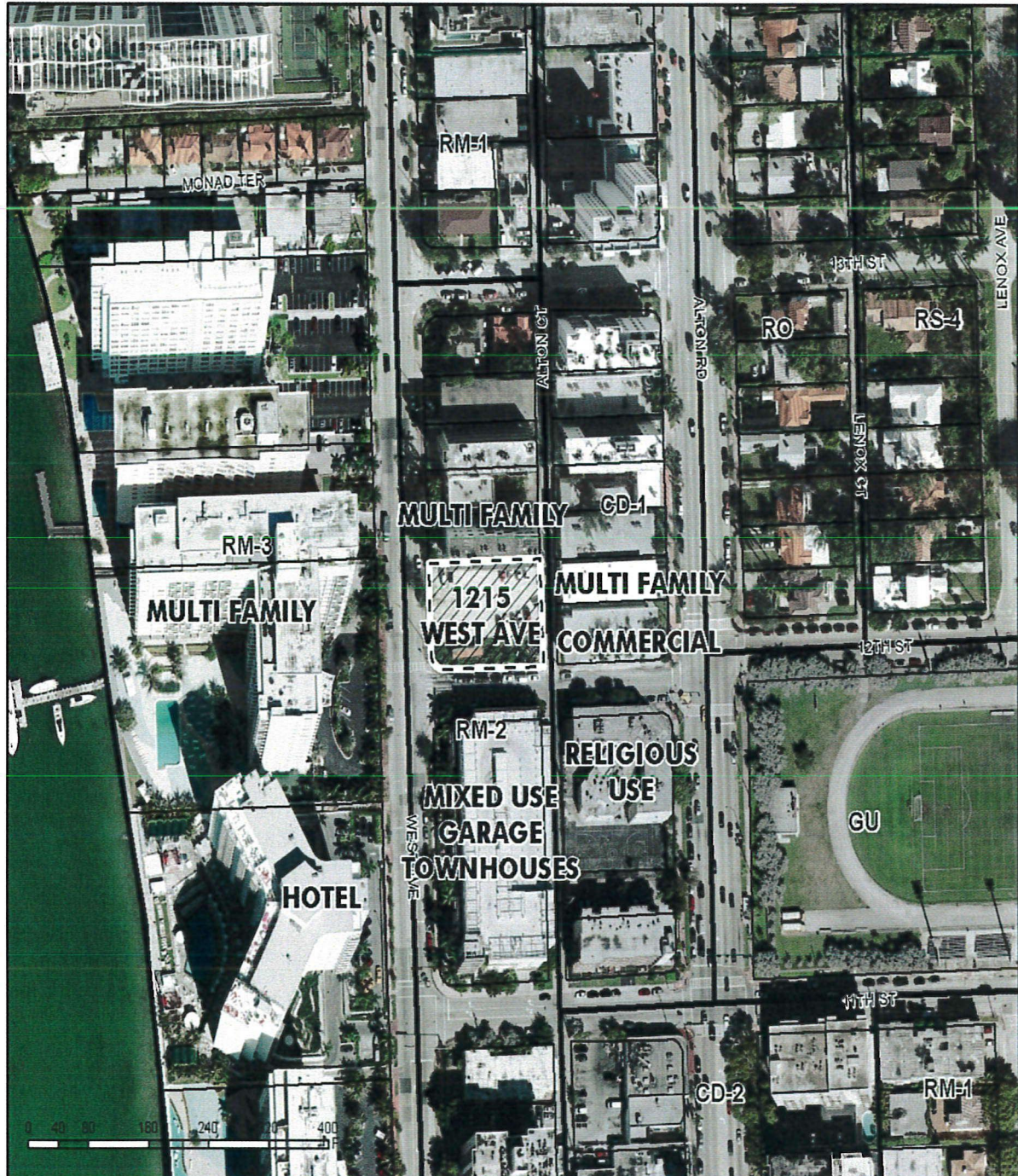
Per the Land Use Regulations (LDR's), underutilized parking spaces are the required spaces for a use that is closed for business during the times being requested by another user. A classic example is a bank that closes at 5:00 PM and has a parking lot that goes largely unused during

example is a bank that closes at 5:00 PM and has a parking lot that goes largely unused during non-business hours. A parking operator could use that lot for nighttime uses that do not conflict with the hours of the bank. At this location, the 45 required spaces for the hotel cannot be used for off-site uses because the hotel is open 24 hours. Also, the underutilized parking spaces cannot be used to satisfy an off-site uses' required parking. So in this instance, while the medical office can use the spaces, only the surplus spaces could be encumbered by any future agreements regarding the medical office's parking deficiency.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the application for a Conditional Use Permit be granted, subject to the conditions enumerated in the attached draft Order, which address the inconsistencies noted in the aforementioned Conditional Use review criteria.

ZONING/SITE MAP



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

PROPERTY: 1215 West Avenue

FILE NO. PB 18-0218 fka 2127

IN RE: The Applicant, 1201 Chelsea, LLP, requested modifications to a previously issued conditional use approval pursuant to Chapter 118, Article IV and Chapter 130 Article I of the City Code. Specifically, the applicant is requesting the operation of the parking garage after midnight for off-site valet storage of vehicles.

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, December 18, 2018

MODIFIED CONDITIONAL USE PERMIT

The applicant, 1201 Chelsea, LLP, filed an application with the Planning Director requesting a modified 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 and retail use 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. the new owners or operators to submit an affidavit, approved by City, to the City of Miami Beach Planning Department transferring approval to the new owners and/or operators and acknowledging acceptance of all conditions established herein, prior to the issuance of a new Business Tax Receipt.
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-screaching 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

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- 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 and retail 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 _____ day of _____, 2018.

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: _____
Michael Belush,
Chief of Planning & 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 _____ ()