

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

PROPERTY: 1155 Collins Avenue

FILE NO. PB18-0223 fka. File No. 2052

IN RE: The Applicant, 1155 Collins LLC, 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 requested the operation of the garage after midnight for off-site valet storage of vehicles.

LEGAL DESCRIPTION: Lot 13 and 14, Block 16, Ocean Beach Addition no. 2 according to the Plat thereof, recorded in Plat Book 2, Page 56 of the Public Records of Miami-Dade County, Florida.

MEETING DATE: October 23, 2018

MODIFIED CONDITIONAL USE PERMIT

The applicant, 1155 Collins LLC, filed an application with the Planning Director requesting modification to certain conditions in the existing Conditional Use Permit to allow the operation of the garage after midnight, pursuant to Chapter 118, Article IV and Chapter 130 Article I 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 MXE, Mixed Use Entertainment 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.

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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 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. Underlining denotes new language and ~~strike through~~ denotes stricken language from the previous Order dated May 5, 2014:

1. 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 provide a progress report to the Board. 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 Modified Conditional Use is also subject to modification or revocation under City Code Sec. 118-194 (c).
2. This Modified Conditional Use Permit is issued to ~~E.D.Y.~~ 1155 Collins LLC, Inc, as owner of the property. Subsequent owners and operators shall be required to appear before the Board to affirm their understanding of the conditions listed herein.
3. 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 of the modified plans.
4. 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.
5. The garage will be in operation 24 hours per day, seven days a week, as proposed by the applicant. The facility shall be equipped with closed circuit recording monitors to assure the safety and security of the public. There shall be security personnel of at least one person on site monitoring the garage operation 24 hours a day, seven days a week. The installation, operation, procedures, maintenance, service response procedures and spare parts inventory shall be in accordance with Bramalea Elevator Ltd's specifications, and with Klaus Auto Park-systeme's specifications, the manufacturer of the lifts, included as Exhibit D – F in the application.
6. After retail hours, including after midnight, parking spaces required for the retail use may be used for commercial parking. The surplus spaces may be used by the public and for valet storage for the neighboring properties. Prior to the issuance of a building permit for the project, the applicant shall submit an operational plan and narrative for the operation of the mechanical parking system and the parking garage area as a whole. This operational plan and narrative shall be subject to the review and approval of staff and, at a minimum, shall satisfy the following:
 - 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 (minimum of eight feet by 16 feet) to completely cover the bottom of the vehicle on the platform to prevent dripping liquids or debris onto the vehicle below, where applicable.
- 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; robotic garages and vehicle elevators must have backup generators sufficient to power the system, where applicable.
- d) All mechanical lifts must be designed to prevent lowering of the lift when a vehicle is parked below the lift, where applicable.
- 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, where applicable.
- f) All parking lifts shall only be operated using a spring loaded underwriters laboratories (UL) approved key switch control. No push button is allowed, where applicable.
- g) All electrical components of the lifts shall be underwriters laboratories (UL) approved, where applicable.
- h) All mechanical parking systems, including lifts, elevators and robotic systems must be inspected and serviced at least once per year with an annual safety report signed by a licensed mechanical engineer.
- i) As proposed by the applicant, the garage facility shall be operated as valet only. No self parking shall be permitted.
- j) With the exception of the parking spaces required for the commercial uses in the building, storage of vehicles by valet operators for off-site facilities shall be permitted. After the closing of the commercial uses, including after midnight, the parking spaces required for such uses may be used for storage of vehicles by valet operators for off-site facilities. A copy of the agreement with the valet operator shall be submitted to Planning Department staff for review and approval prior to the issuance of a Certificate of Occupancy, or Business Tax Receipt, whichever occurs first.
- k) The design of the exterior walls of the garage shall prevent car headlights from shining through and disturbing the neighbors, as proposed by applicant.
- l) All vehicle elevators shall be maintained and kept in good working order.
- m) All vehicle elevators must be inspected and serviced at least once per year with an annual safety report signed by a Licensed Mechanical Engineer submitted to Planning Department staff.
- n) The backup generators shall be maintained in proper operating condition. The location of the generators shall be submitted for the review and approval by staff to ensure than any negative impacts associated with the operation or testing of the

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equipment are minimized. The generators shall be installed in accordance with Code requirements regarding minimum flood plain criteria.

- o) As per Section 130-251 of the City Code a declaration of restrictive covenant running with the land stipulating that a valet operator shall be provided for such parking for so long as the use continues, in a form acceptable to the City Attorney and the Planning Director, and recorded in the official records of Miami Dade County, shall be submitted to staff prior to the issuance of a building permit.
 - p) Delivery trucks and garbage pickup shall be conducted directly on site and not on the street. The trash/garbage container shall have rubber wheels and shall be permitted to be wheeled to the alley for pick-up. A detailed sanitation operation plan, including a schedule of pick-ups, shall be submitted to staff for review and approval prior to the issuance of a Certificate of Occupancy, or Business Tax Receipt, whichever occurs first.
 - q) Deliveries and garbage pickup shall only be allowed between 9:00 AM and 4:00 PM Monday through Friday.
- 7. The applicant shall provide bicycle parking as proposed.
- 8. The applicant shall submit an MOT (Method 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.
- 9. Prior to the issuance of a building permit, the applicant shall participate in a Transportation Concurrency Management Area Plan (TCMA Plan), if deemed necessary, by paying its fair share cost, as may be determined as determined by the Concurrency Management Division.
- 10. 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.
- 11. The applicant shall obtain a full building permit within 30 months from the original date of approval, on April 24, 2012, and the work shall proceed in accordance with the Florida Building Code.
- 12. The applicant shall resolve outstanding violations and fines, if any, prior to the issuance of a building permit for the parking facility.
- 13. A violation of Chapter 46, Article IV, "Noise," of the Code of the City of Miami Beach, Florida (a/k/a "noise ordinance"), as may be amended from time to time, shall be deemed a violation of this Modified Conditional Use Permit and subject to the remedies as described in section 118-194, Code of the City of Miami Beach, Florida.
- 14. 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.

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15. The executed Modified 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, certificate of completion, or business tax receipt shall be issued until this requirement has been satisfied.
16. 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 114-8 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 Modified 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.

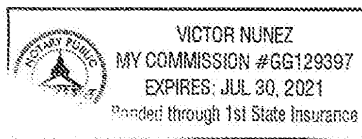
Dated this 1st day of NOVEMBER, 2018.

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 1 day of November, 2018, by Michael Belush, Chief of Planning and Zoning of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



{NOTARIAL SEAL}

Victor Nunez
Notary:
Print Name:
Notary Public, State of Florida
My Commission Expires:
Commission Number:

Approved As To Form:
Legal Department

Filed with the Clerk of the Planning Board on 11/1/18

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