

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: March 28, 2017

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **File No. 2245. 500 Alton Road & 1220 Sixth Street – Temporary Parking Lot - Progress Report**

#### **RECOMMENDATION:**

Continue the progress report to April 25, 2016

#### **BACKGROUND**

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|--------------------|---|
| April 23, 2013     | The applicant obtained Conditional Use approval for a development known collectively as "600 Alton" consisting of a mixed use commercial and residential project that exceeded 50,000 square feet, as well as a mechanical parking garage on the 500, 600, and 700 Blocks of Alton Road (PB File No. 2094). |
| July 22, 2014      | The "600 Alton" project was granted an extension of time to obtain a full building, extending the deadline until October 3, 2015.   |
| May 26, 2015       | The applicants, 500 Alton Road Ventures, LLC and 1220 Sixth, LLC, obtained a Conditional Use approval to operate a surface parking lot 24 hours a day, pursuant to Section 130, Article III.  |
| May 5, 2016        | A building permit was issued for the temporary parking lot.   |
| May 26, 2016       | A Temporary Certificate of Occupancy (TCO) was issued for the parking lot.  |
| June 28, 2016      | An application for the modification of the CUP was filed for the June 28, 2016 meeting. The applicant requested a continuance of this application at the June, July, and August meetings. The modification application is currently pending for the September 27, 2016 meeting.                             |
| August 23, 2016    | This Progress Report was continued to a date certain of September 27, 2016 at the request of the applicant.   |
| September 27, 2016 | An application to modify the CUP was approved by the Board (attached). The progress report was continued to a date certain of November 15, 2016 at the request of the applicant. The intent of the progress report was to update the Board on the status of the landscape installation on site.             |
| November 15, 2016  | The progress report was continued to a date certain of December 20, 2016 meeting at the request of the applicant.   |
| December 20, 2016  | The progress report was continued to a date certain of January 24, 2017 at the request of the applicant.  |

- January 24, 2017      The progress report was continued to a date certain of February 28, 2017 at the request of the applicant.
- February 24, 2017      A separate application for a modification of the CUP was filed for the February 24, 2017 meeting. This application as well as the progress report was continued to a date certain of March 28, 2017 at the request of the applicant.

### **PROGRESS REPORT**

The applicant is before the Board pursuant to Condition #1 of the CUP as follows:

1.      The Planning Board shall maintain jurisdiction on this Conditional Use Permit. The applicant shall present a Progress Report to the Board within 90 days of the issuance of the Certificate of Occupancy (CO) or Business Tax Receipt (BTR) for the parking lot, whichever comes first. At the time of the first Progress Report, the applicant shall provide an update valet operational plan. If deemed necessary, at the request of the Planning Director or a Board member, the applicant shall present a progress report to the Board at a future date. The Board reserves the right to modify the 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 Conditional Use Permit is also subject to modification or revocation under City Code Sec. 118-194 (c).

As indicated above, a Temporary Certificate of Occupancy (TCO) was issued for the parking lot on May 26, 2016. A TCO, rather than a Final CO, was issued because the landscaping that was required as part of the permit was not installed. The landscaping was never installed, as indicated by the applicant, because modifications to the landscape plan were going to be made as part of a modification to the previously approved CUP. This application for a modification was on the Board's agenda since the June 28, 2016, and was finally approved on September 27, 2016.

Staff was supportive of the prior modification application, but was seriously concerned with the delay that occurred in the permitting and installation of landscaping on site. Since that time, the applicant has filed another application for further modifications, which if approved, would severely reduce the amount of landscaping on site compared to the landscape plan approved by the Board on September 27, 2016. This modification application is also scheduled to be reviewed by the Board at the March 28, 2017 meeting.

### **STAFF RECOMMENDATION**

In view of the foregoing analysis, and pending review and approval of the modification application, staff recommends that the progress report be continued to April 25, 2016.

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

**PROPERTY:** 500 Alton Road & 1220 Sixth Street

**FILE NO.** PB 0416-0009, f.k.a., File No. 2245

**IN RE:** The application for modifications to a previously issued Conditional Use Approval which allows the operation of the parking lot after midnight. Specifically, the applicants are requesting modifications to the previously approved site plan and landscape plan, pursuant to Section 118, Article IV of the City Code.

**LEGAL DESCRIPTION:** See Exhibit A and Exhibit B, attached

**MEETING DATE:** September 27, 2016

**MODIFIED CONDITIONAL USE PERMIT**

The applicants, 500 Alton Road Ventures, LLC and 1220 Sixth, LLC, requested modifications to a previously issued Conditional Use Approval which allows the operation of the parking lot after midnight. Specifically, the applicants are requesting modifications to the previously approved site plan and landscape plan, pursuant to Section 118, Article IV 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 CPS-2, Commercial Performance Standard zoning district; and

That the use is consistent with the Comprehensive Plan for the area in which the property is located; and

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; and

That structures and uses associated with the request are consistent with the Land Development Regulations; and

That the public health, safety, morals, and general welfare will not be adversely affected; and

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 the staff recommendations, as approved by the Planning Board, and accepted by the applicant, that a Conditional Use Permit as requested and set forth above be GRANTED, subject to the following conditions: ~~strikethrough~~ indicates stricken language and underline indicates added language from the original approval.

1. ~~The Planning Board shall maintain jurisdiction on this Conditional Use Permit. The applicant shall present a Progress Report to the Board within 90 days of the issuance of the Certificate of Occupancy (CO) or Business Tax Receipt (BTR) for the parking lot, whichever comes first. At the time of the first Progress Report, the applicant shall provide an update valet operational plan. If deemed necessary, at the request of the Planning Director or a Board member, the applicant shall present a progress report to the Board at a future date. The Board reserves the right to modify the 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 Conditional Use Permit is also subject to modification or revocation under City Code Sec. 118-194 (c).~~
2. This Conditional Use Permit is issued to 500 Alton Road Ventures, LLC and 1220 Sixth, LLC, as the owners of the property and M&G Sofi, LLC, as the operator. Subsequent owners and/or operators shall be required to appear before the Board within 90 days of the change of ownership or operator to affirm their understanding of the conditions listed herein and to obtain a Modification to this Conditional Use Permit.
3. If the Florida Department of Transportation (FDOT) does not approve the curb cuts on Alton Road, then the applicant shall appear before the board for a modification to the approved site plan. "Florida Department of Transportation (FDOT) has approved the Alton Road Curb as proposed".
4. The Applicant shall be required, prior to the issuance of ~~any building permits~~ a full building permit for the improvements north of 6<sup>th</sup> Street, to provide a lease and operating agreement, and authorization by the Floridian Condominium Association, located at 650 West Avenue, as to agreement to move the permanent parking location for the Floridian, from its existing location pursuant to the Planning Board CUP Order 1940, to the proposed temporary location, and to the proposed new, permanent location.
5. Owner hereby grants to the City a non-exclusive easement in, upon, over, under and through that portion of the Property along 6th street, for the ~~sole and limited purpose of~~ operating, using, maintaining, repairing and replacing the improvements more particularly described as the Pump Station Improvements – including: pumps needed for stormwater management for the area, and the Owner to provide the City with the Generator for the pump station, and access to and electrical services for the pump station for installation, operation, use, maintenance, repair and replacement of the Generator.
6. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. 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:



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- a. At a minimum, the plan shall indicate a five-foot wide, landscaped area bordering the surface area along a property line.
  - b. The areas fronting a street shall be landscaped with a one canopy tree every 20 feet of frontage with the exception of the area shown north of the existing building and along West Avenue.

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  - c. All landscaped areas shall utilize understory planted material.
  - d. A hedge that is at least 36 inches in height at the time of planting shall be installed on the entire perimeter of the lot; hedges on street or alley frontages shall not exceed 42 inches in height at maturity. The hedge material planted on any side of the lot that abuts the lot line of another property shall be at least 48 inches (four feet) in height at time of planting and shall not exceed 60 inches (five feet) at maturity.
  - e. A 6" curb or fence shall be provided to protect all landscape areas. Also, if utilizing wheel stops, they shall be placed at least 2½ feet from the edge of the paved area for every parking space.
  - f. The minimum parking dimension is 18' x 8.5'. In addition to the minimum required setbacks, parking spaces facing a landscape area shall be designed to be 16' in length with a 2' overhang over a landscape area with a continuous raised curb. Wheel stops are not required for this condition.
  - g. The applicant shall submit 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.
  - h. Parking lines shall be painted white.
  - i. Proposed access to the lot shall be approved by the Transportation Department prior to the Planning Department's approval.
  - j. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the final revised landscape plan.
  - k. 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.

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  7. Light baffling covers shall be installed to minimize light spillage onto the neighboring properties and still meet any State and County regulations for minimum lighting required for life safety, subject to the review and approval of staff.

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  8. Vehicles shall be parked in marked spaces only, ~~without tandem parking.~~
  9. The valet operator shall instruct its employees not to use the car alarm system as a way of identifying the vehicle for pick up.

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10. The conditions of approval for this Conditional Use Permit are binding on the applicant, the property owners, operators, and all successors in interest and assigns.
11. 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 removing 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).
12. The applicant shall install a sign indicating the name and phone number of the operator to report complaints, as well as the phone number for Code Compliance. The maximum size of such sign shall not exceed five square feet per 50 feet of street frontage, as permitted by the City Code.
13. The applicant shall resolve outstanding violations and fines, if any, prior to the issuance of a Business Tax Receipt/Certificate of Use for this parking facility.
14. Compliance with the aforesaid conditions shall be a prerequisite to obtaining a Certificate of Occupancy/Business Tax Receipt.
15. A Conditional Use Permit which lists the aforementioned conditions shall be recorded in the Public Records of Miami-Dade County at the expense of the applicant, prior to the issuance of a Business Tax Receipt /Certificate of Use, or Certificate of Occupancy, whichever may occur first.
16. 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.
17. 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 permit.
18. 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.
19. Within a reasonable period of time after receipt of the executed Conditional Use Permit, the applicant, at its sole expense, shall record it in the Public Records of Miami-Dade County, and return the recorded instrument to the Planning Department. No building permit, certificate of occupancy, or certificate of completion shall be issued until this requirement has been satisfied.

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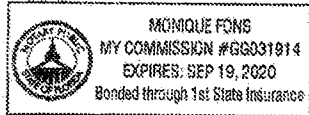
Dated this 3<sup>rd</sup> day of OCTOBER, 2016.

PLANNING BOARD OF THE  
CITY OF MIAMI BEACH, FLORIDA

BY: Michael Belush  
Michael Belush, Planning and Zoning Manager  
For Chairman

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this 3<sup>rd</sup> day of October, 2016, by Michael Belush, Planning and Zoning Manager of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



Monique Fons

Notary: MONIQUE FONS  
Print Name  
Notary Public, State of Florida  
My Commission Expires:  
Commission Number:

[NOTARIAL SEAL]

Approved As To Form:  
Legal Department (F. A. ...) (10/3/16)

Filed with the Clerk of the Planning Board on Jennifer ... (10/3/16)

*MBS*

## EXHIBIT A.

LAND DESCRIPTION: (500 ALTON ROAD)

## PARCEL 1:

LOTS 2 THROUGH 10, INCLUSIVE, AND LOT 15, OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

## PARCEL 2:

LOTS 1, 16, 17, 18 AND 19, OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE FOLLOWING DESCRIBED PARCELS:

BEGIN AT THE SOUTHWEST CORNER OF LOT 19 OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, RUN NORTH ALONG THE WEST LINE OF SAID LOT 19 FOR A DISTANCE OF 25.15 FEET TO THE POINT OF INTERSECTION WITH THE RIGHT-OF-WAY LINE OF STATE ROAD A-1-A; THENCE DEFLECTING 87°01'19" TO THE RIGHT, RUN ALONG THE RIGHT-OF-WAY LINE OF STATE ROAD A-1-A FOR A DISTANCE OF 37.88 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE RUN ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 65.5 FEET AND A CENTRAL ANGLE OF 87°00'49", FOR AN ARC DISTANCE OF 99.47 FEET TO THE POINT OF TANGENCY WITH THE EAST LINE OF SAID LOT 1, SAID POINT BEING 7.48 FEET SOUTH OF THE NORTHEAST CORNER OF SAID LOT 1; THENCE RUN SOUTH ALONG THE EAST LINE OF LOT 1, FOR A DISTANCE OF 28.72 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE RUN ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 63.80 FEET AND A CENTRAL ANGLE OF 89°59'30", FOR AN ARC DISTANCE OF 100.21 FEET TO A POINT OF TANGENCY WITH THE SOUTH LINE OF LOT 1, AT A DISTANCE OF 11.20 FEET FROM THE SOUTHWEST CORNER OF LOT 1; THENCE RUN WEST ALONG SOUTH LINE OF SAID LOTS 1 AND 19 FOR A DISTANCE OF 36.20 FEET TO THE POINT OF BEGINNING.

AND

BEGINNING AT THE SOUTHEAST CORNER OF LOT 18 OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, RUN WEST ALONG THE SOUTH LINE OF LOTS 18 AND 17 A DISTANCE OF 62.00 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE RUN ALONG THE ARC OF SAID CIRCULAR CURVE, HAVING A RADIUS OF 20.00 FEET AND A CENTRAL ANGLE OF 66°03'04", FOR AN ARC DISTANCE OF 23.06 FEET TO THE POINT OF TANGENCY WITH THE WESTERLY LINE OF SAID LOT 17; THENCE RUN NORTHWESTERLY ALONG SAID WESTERLY LINE OF LOT 17, A DISTANCE OF 27.39 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF A TANGENTIAL CIRCULAR CURVE TO THE LEFT, HAVING A RADIUS OF 29.30 FEET AND A CENTRAL ANGLE OF 46°06'19", FOR AN ARC DISTANCE OF 23.58 FEET TO A POINT; THENCE RUN EASTERLY ALONG A STRAIGHT LINE A DISTANCE OF 74.72 FEET TO A POINT ON THE EAST LINE OF SAID LOT 18, SAID POINT BEING 25.15 FEET NORTH OF THE SOUTHEAST CORNER OF LOT 18; THENCE RUN SOUTH ALONG SAID EAST LINE OF LOT 18, FOR A DISTANCE OF 25.15 FEET TO THE POINT OF BEGINNING.

## PARCEL 3:

LOTS 13 AND 14, OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.



**EXHIBIT B**

**LAND DESCRIPTION: (1220 SIXTH PROPERTY)**

PARCEL 4;

LOTS 11 AND 12, OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", ACCORDING TO THE  
PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-  
DADE COUNTY, FLORIDA.