

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: March 28, 2016

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **PB 16-0088 f.k.a. PB0416-009 and PB 2245. 500 Alton Road & 1220 Sixth Street – Temporary Parking Lot.**

The applicants, 500 Alton Road Ventures, LLC and 120 Sixth, LLC., are requesting modifications to a previously issued Conditional Use Approval. Specifically, the applicants are requesting modifications to the previously approved site plan and landscape plan, pursuant to Chapter 118, Article IV of the City Code.

#### **RECOMMENDATION:**

Approval with conditions

#### **HISTORY**

- |                 |   |
|-----------------|---|
| 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. (PB File No. 2245).  |
| June 28, 2016   | The applicant requested modifications to the previously issued Conditional Use Approval to allow the operation of the parking lot after midnight. Specifically the applicants requested modification to the previously approved site plan and landscape plan. This application was continued to a date certain of July 26, 2016 at the request of the applicant. (PB File PB0416-009 f.k.a. PB 2245). |
| July 26, 2016   | This application was continued to a date certain of August 23, 2016 at the request of the applicant. (PB File PB0416-009).  |
| August 23, 2016 | This application was continued to a date certain of September 27, 2016 at the request of the applicant. (PB File PB0416-009).   |

- Sept. 27, 2016      The applicant obtained a Modified Conditional Use approval (PB File PB0416-009).
- February 28, 2017      The applicant is requesting modifications to a previously issued Conditional Use Approval (PB 16-0088). This application was continued to a date certain of March 28, 2016 at the request of the applicant.

### **ZONING/SITE DATA**

#### **Legal**

**Description:**              See Exhibit A and Exhibit B, attached

**Zoning:**                      CPS-2, Commercial Performance Standard General Mixed-use  
Commercial Zoning District

**Land Uses:**                North: construction site for “600 Alton”  
                                     South: multifamily residential uses  
                                     West: multifamily residential uses  
                                     East: shopping center

### **THE PROJECT**

The applicant submitted plans entitled “500 Alton Parking Lot”, as prepared by Urban Robot Associates, dated January 05, 2017. As shown on the plans, the number of parking spaces will be reduced from the previously approved 175 parking spaces to 76 spaces that will only be operated by valet. Around the parking area, the applicant is proposing construction staging areas, and as a result, the landscape areas previously proposed will be substantially reduced from the previously approved plan. There are three entrance and exit drives; one from Alton Road; one on 6<sup>th</sup> Street; and one from West Avenue.

The subject lot is a primarily vacant site with a stand-alone building on a portion of the site (former 7-Eleven). The proposed parking lot site is 64,459 SF without counting the former 7-Eleven portion of the site. Until recently, the site has been used as a construction staging area by FDOT for the Alton Road project.

### **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 proposed parking lot is consistent with the objectives of the Comprehensive Plan in providing additional off-street parking in the City.

- 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.**

**Consistent**—A parking lot is allowed in the CPS-2 zoning district, but because of the proximity to residential uses, the use of the parking lot after midnight is subject to a conditional use.

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

**Partially Consistent**—If adequate landscaping and drainage are constructed and the lighting is limited to the minimum required for life safety, the hours of operation proposed for the parking lot should not affect adversely the health, safety, and general welfare of the adjacent residential uses.

**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.**

**Consistent**—The applicant has provided protective measures to address the impact of the proposal on the adjacent residential uses.

**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.**

**Partially Consistent**—Although there are several other parking lots in the vicinity, the proposed use of this parking lot after midnight would not constitute a concentration of uses that would negatively affect the neighborhood.

**STAFF ANALYSIS**

The applicants are requesting 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.

The applicant obtained a Conditional Use for a temporary parking lot on the “500” block of Alton Road, which is the southern portion of the “600 Alton” project. The subject site is a whole city block bounded by Alton Road to the east, 5<sup>th</sup> Street to the south, West Avenue to the west, and 6<sup>th</sup> street to the north. Currently, there is a building that houses an office and a vacant retail establishment on the site (former 7-Eleven).

The applicant has indicated that the subject site will be developed as the second phase of a two phase project. In the meantime, the applicant wishes to use the site to temporarily park 76 cars during the construction of Phase One on the 600 and 700 block of Alton Road.

The temporary parking lot will fulfill part of the Floridian Condominium's (650 West Ave) required parking while its current surface lot (659-737 West Ave) is redeveloped into a parking garage with retail on the first floor as part of the “600 Alton” project. Eventually, the required parking for the Floridian Condominium will be moved back onto its current site once the new structure is completed.

Other than the Floridian Condominium's parking needs, the applicant proposes to use the site for construction staging. The applicant is also requesting modifications or deletions to condition 6 related to the landscape plan from the approved conditional Use Permit issued in September 27, 2016 (PB 0416-009).

Although supportive of modifications to the application, staff has concerns with the delay that has occurred in the permitting and installation of required landscaping on site. A progress report regarding this application is also on the February 28, 2017 agenda.

Staff is also very concerned with the overall appearance of this site. In light of the extensive delays in finalizing a development program for the site, a sub-standard streetscape still exists at the primary southern gateway to the City. This is an entire City block fronting two major arteries where thousands of residents and visitors traverse each day.

The site has remained derelict for several years, and while transitioning to provide temporary storage, well needed parking and eventually construction staging, staff strongly believes that the current streetscape conditions should be enhanced as part of the latest round of proposed change by retaining a green edge facing the street. The green edge should include canopy shade trees or palms and understory plant material that would be located within a minimum ten foot green setback along the site periphery facing West Ave, 5th Street and Alton Road. The enhanced green buffer should remain in place until construction at 500 Alton Road is ready to commence.

The temporary landscaping recommended by staff will buffer the site and create a better neighborhood aesthetic. A temporary construction fence on the property line is not sufficient to address these concerns especially when there has been so little progress on an actual development program for this site.

#### **STAFF RECOMMENDATIONS**

In view of the foregoing analysis, staff recommends that the application be approved, subject to the conditions enumerated in the attached draft Order.

TRM/MB/RG/AG



## ZONING/SITE MAP



City of Miami Beach Planning Board  
PB 0416-0009, f.k.a., File No. 2245  
500 Alton Road & 1220 Sixth Street



The applicants, 500 Alton Road Ventures, LLC and 120 Sixth, LLC., are requesting 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.

**MIAMI BEACH**  
PLANNING DEPARTMENT

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

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

**FILE NO.** PB 16-0088 f.k.a. PB 0416-0009 and PB 2245.

**IN RE:** The applicants, 500 Alton Road Ventures, LLC and 120 Sixth, LLC., are requesting modifications to a previously issued Conditional Use Approval. Specifically, the applicants are requesting modifications to the previously approved site plan and landscape plan, pursuant to Chapter 118, Article IV of the City Code.

**LEGAL**

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

**MEETING DATE:** March 28, 2017

**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.

**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 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:



- a. A minimum 10' landscape setback shall be provided facing Alton Rd, 5th Street and those portions of West Av not facing the parking lot, and those portions of 6th Street not facing the existing former 7-Eleven building. The existing landscape setback between the parking lot and West Avenue may remain. Canopy shade trees or palm trees, preferably native, shall be introduced within the landscape setback, spaced 20' on center with a continuous hedge and sod or ground cover subject to the review and approval of staff.
- ~~b. At a minimum, the plan shall indicate a five-foot wide, landscaped area bordering the surface area along a property line.~~
- ~~c. 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.~~
- ~~d. All landscaped areas shall utilize understory planted material.~~
- ~~e. 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.~~
- b. A 6" curb or Fence shall be provided to protect all landscape areas. Also, A construction fence may be provided within the interior of the parking lot not facing a landscape area. If utilizing wheel stops, they shall be placed at least 2½ feet from the edge of the paved area for every parking space.
- c. 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' overhand over a landscape area with a continued raised curb. Wheel stops are not required for this condition.
- d. 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.
- e. Parking lines shall be painted white.
- f. Proposed access to the lot shall be approved by the Transportation Department prior to the Planning Department's approval.
- g. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the final revised landscape plan.
- h. 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.



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.
8. Vehicles shall be parked in marked spaces only.
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.
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.

- Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

BY: \_\_\_\_\_  
Michael Belush, AICP  
Chief of Planning and Zoning  
For Chairman

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, 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.

Approved As To Form:  
Legal Department ( )

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