

MIAMI BEACH

PLANNING DEPARTMENT Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: December 15, 2015

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **File No. 2296. 426 Euclid Avenue – Temporary Parking Lot**

The applicant, Sunset Parking Systems, Inc., is requesting Planning Board approval for a two (2) year extension of time for the temporary parking lot, pursuant to Chapter 130, Article III of the City Code.

RECOMMENDATION:
Approval with conditions

HISTORY

September 2, 2012 The applicant obtained Business Tax Receipt (BTR) for a temporary parking lot at 426 Euclid Avenue pursuant to building permit no. B1205082. The lot was approved as a valet lot without service after midnight.

September 1, 2015 The initial three (3) years allowed for temporary lots without Planning Board approval expired.

ZONING/SITE DATA

Legal Description: Lot 3, block 56, of Ocean Beach Addition no. 3, according to the plat thereof, as recorded in Plat Book 2, Page 81, of the Public records of Miami-Dade County, Florida.

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

Land Uses: North: hotel and retail uses"
South: multifamily residential uses
East: office and restaurant uses
West: office and retail uses

THE PROJECT

The applicant submitted plans entitled "Existing Parking Lot", as prepared by Juan Rodriguez-Jomolca RA, dated October, 2015. As shown on the plans, the parking lot has 15 parking spaces. The plans for the parking lot show both of the entrance and exit drives from the alley (Euclid Court).

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 not allowed without 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.**

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

STAFF ANALYSIS

Below is the section of the code that governs the time periods that temporary parking lots are

allowed to exist:

Sec. 130-70. - *Temporary parking lot standards.*

* * *

7) *Temporary parking lots shall not be permitted to exist for a period of time greater than three years from the date of certificate of occupancy or occupational license (business tax receipt), whichever occurs first, regardless of ownership. At the end of this period, or such extensions that may be granted as contemplated herein, if the lot continues to be used for the purposes of parking, a permanent lot shall be constructed in conformity with these land development regulations; however, prior to expiration, or not later than 90 calendar days after the expiration of such approval, an applicant may request from the planning board one initial extension of time for a period not exceeding two years. In granting the initial extension of time, or considering an appeal from the planning director's decision regarding an extension of time (as provided below), the board shall consider, among other things, whether the applicant has complied with all of the applicable requirements of these land development regulations, and any conditions imposed by the planning board, if any, during its period of operation, as well as any landscaping on the property that may not be in compliance with the requirements listed below. The notice of public hearing requirements shall be as set forth in chapter 118, article IV. The applicant is seeking Conditional Use approval in order to operate a self parking and valet operation for a temporary parking lot after 12:00 AM (midnight) seven days a week.*

Operation

From the location plan and the photographs submitted, it appears that the cars parked in the lot have been parking in the two way drive aisles as well as the designated parking spaces. The wheel stops shown in photo ten (10) of the applicant submitted plans have not been approved and cannot be approved under the parking lot design standards of the code:

Sec. 130-63. - *Interior aisles.*

Interior aisles shall meet or exceed the following minimum dimensions permitted:

90° parking—22 feet, with columns parallel to the interior drive on each side of the required drive, set back an additional one foot six inches, measured from the edge of the required interior drive to the face of the column.

Other

As a point of reference, the applicant has not requested to use the lot after midnight pursuant to Section 130-69.5 of the City Code that requires any parking lot within 100 feet of a residential use or to obtain conditional use approval from the Planning Board before obtaining a building permit or business tax receipt.

Code Violations

Staff research of the City records found one open violation dated November 24, 2015 at the time of this writing. Below is the description:

*"E_Gov Service Request Number: 205844923614
700-746 5th St*

The parking lot used by rental car company Sixt is always full of trash from when they clean out the returned cars. There is a public trash can on the corner but the staff/customers never use it. They have no private trash collection despite the fact that they regularly clean out vehicles and

wash them in this lot as well. They have filed for an extension of their lease which is why I want the city to address the Trash on their property. There is not trash anywhere else in the neighborhood or the right of way, just on their private property.”

STAFF RECOMMENDATIONS

In view of the foregoing analysis, staff recommends the Conditional Use Permit be Approved with the following conditions, which would address the inconsistencies with the aforementioned Review Guidelines:

1. The approval herein shall be for the operation of a temporary parking lot until September 1, 2017.
2. 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 come 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).
3. This Conditional Use Permit is issued to Sofi Partner, LLC, as the owners of the property and Sunset Parking Systems, Inc, 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.
4. Prior to the issuance of a CO or BTR, 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. At a minimum, the plan shall indicate a five-foot wide, landscaped area bordering the surface area along all property lines.
 - b. The areas fronting a street shall be landscaped with a one canopy tree every 20 feet of frontage.
 - 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" raised curb 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' pervious overhand over a landscape area with a continued 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. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the final revised landscape plan.
 - j. 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.
5. 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.
 6. Vehicles shall be parked in marked spaces only without tandem parking. Vehicles shall not be parked within the designated 22'-0" required drive aisle.
 7. The valet operator shall instruct its employees not to use the car alarm system as a way of identifying the vehicle for pick up.
 8. 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.
 9. 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).
 10. 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.

11. 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.
12. Compliance with the aforesaid conditions shall be a prerequisite to obtaining a Certificate of Occupancy/Business Tax Receipt.
13. 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.
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.
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 permit.
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.
17. 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.

TRM/MB/TUI

ZONING/SITE MAP



City of Miami Beach Planning Board
File No. 2112
426 Euclid Ave

 The applicant Sunset Parking Systems, Inc. is Requesting Planning Board Approval for a two (2) year extension of time for the temporary parking lot, pursuant to Chapter 130, Article III of the City Code.

MIAMI BEACH
PLANNING DEPARTMENT

1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 P 305.673.7550 www.miamibeachfl.gov

