

# MIAMI BEACH

## PLANNING DEPARTMENT Staff Report & Recommendation

## PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: January 26, 2016

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **File No. 2295. 7145 Abbott Avenue – Auto Rental Agency**

The applicant, Six Rent A Car, LLC, is requesting Conditional Use approval for vehicles for rent or lease utilized in connection with the operation of an automobile rental agency not located within a substantially enclosed permanent building, pursuant to Chapter 118, Article IV, and Chapter 142, Article IV of the City Code.

### **RECOMMENDATION:**

Approval with conditions

### **ZONING/SITE DATA**

**Legal Description:** Lots 1, 2, 3, and 4, Block 7, of Normandy Beach South, according to the plat thereof, as recorded in Plat Book 21, Page 54, of the Public Records of Miami-Dade County, Florida.

**Zoning:** TC-1, North Beach Town Center Core Zoning District

**Land Uses:**  
North: GU City owned parking lot  
South: gas service station  
East: restaurant and parking lot uses  
West: office and retail uses

### **THE PROJECT**

The applicant submitted plans entitled "Sixt Rental Car Miami Beach", as prepared by JSK Architecture Group, dated November 25, 2015. As shown on the plans, the proposed rental car company and its attached parking lot have 9 parking spaces. The plans for the parking lot show an entrance from 72<sup>nd</sup> Street and two exit drives: one onto Abbott Avenue and one to the alley (Harding 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 rental car agency as a Conditional Use and its associated parking lot is consistent with the objectives of the Comprehensive Plan.

**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 surface parking lot that is accessory to a commercial main use on the same lot is allowed in the TC-1 zoning district. The exposure of vehicles for sale or lease in a surface parking which is not substantially enclosed is allowed through the Conditional Use process per City Code section 142-874 (see in analysis section).

**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, and the vehicles are screened from view with appropriate landscaping, 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.**

The required parking for the office onsite shall be five (5) spaces which are provided.

**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 property for a rental car facility 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 operation of an automobile rental agency when it is not substantially enclosed by a permanent structure:

**Sec. 142-874. - Required enclosures.**

(a)

*Store enclosures. In all use districts designated in these land development regulations, the sale, or exposure for sale or rent, of any personal property, including merchandise, groceries or perishable foods, such as vegetables and fruits, is prohibited, unless such sale, or exposure for sale, is made from a substantially enclosed, permanent building; provided, however, that nothing herein contained shall be deemed applicable to rooftop areas not visible from the right-of-way, filling stations, automobile service stations or repair shops; uses having revocable permits or beach*

*concessions operated or granted by the city, newsracks or newspaper stands, or displays at sidewalk cafes as permitted in subsection 82-384, wherever such uses are otherwise permissible. Vehicles for rent or lease utilized in connection with the operation of an automobile rental agency as defined in section 102-356, and not located within a substantially enclosed permanent building, shall require conditional use approval from the Planning Board, provided that the exposure of the vehicles is on the same site at which the automobile rental agency is located, and that such exposed vehicles are screened from view as seen from any right-of-way or adjoining property when viewed from five feet six inches (5'6") above grade, with appropriate landscaping not to exceed three (3') feet in height from grade."*

\* \* \*

### **Operation**

From the submitted Letter of Intent (LOI), the hours of operation are intended from 7:00 AM to 7:00PM daily. They expect to have 60 cars per day utilize the facility. There is parking for nine (9) cars, and driveway capacity for six (6) more, for a total of 15 cars.

The traffic circulation plan can be found on page A-102 in the submitted plans; to summarize, cars coming from the north and the south would enter from 72<sup>nd</sup> Street and either exit southbound on Abbott Avenue or northbound from the alley (Harding Court).

The plans do not address three areas of the city code that will have to be clarified at the time of the building permit, if the project is approved by the Board.

First, the code section above (142-874) requires "...that such exposed vehicles are screened from view as seen from any right-of-way or adjoining property when viewed from five feet six inches (5'6") above grade, with appropriate landscaping not to exceed three (3') feet in height from grade."

Secondly, section 142-737, the development regulations, "(i) Streetscape improvements. In all TC districts, the developer/property owner is required to construct all streetscape improvements substantially in accord with the NBTC design standards referenced in section 142-738 as part of any development or redevelopment project."

Thirdly, sec. 142-739, parking, "Bicycle parking. Short-term and long-term bicycle parking shall be provided for new construction or substantial rehabilitation over 1,000 square feet according to the minimum standards in the table below." It appears from the development plan that the project must have a minimum of one (1) bicycle rack, or two (2), depending if the Building Department deems the project a substantial re-development project or not.

### **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 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 auto rental agency, whichever comes first. 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 Six Rent A Car, LLC, as the operator of the facility. Subsequent owners and/or operators of the business 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. 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. The areas fronting a street shall be landscaped with a one canopy tree every 20 feet of frontage.
    - b. All landscaped areas shall utilize understory planted material.
    - c. A hedge shall be installed on the entire perimeter of the lot; hedges on street or alley frontages shall not exceed 36 inches in height at maturity.
    - d. 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.
    - e. 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.
    - f. 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.
    - g. Parking lines shall be painted white.
    - h. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the final revised landscape plan.
    - i. 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.
  4. 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.

5. Vehicles shall not be parked within the designated 22'-0" required back up area or drive aisles.
6. The operator shall instruct its employees not to use the car alarm system as a way of identifying the vehicle for pick up.
7. 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.
8. 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 employees) 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).
9. 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.
10. 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.
11. Compliance with the aforesaid conditions shall be a prerequisite to obtaining a Certificate of Occupancy/Business Tax Receipt.
12. 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.
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 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.
15. 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.

16. 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

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### ZONING/SITE MAP



City of Miami Beach Planning Board  
File No. 2295  
7145 Abbott Avenue



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