

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: February 23, 2016

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **File No. 2255. 875 71st Street – Gasoline Service Station- Progress Report**

BACKGROUND

October 9, 2015

The applicant, Sunshine Gasoline Distributors, Inc., was approved for a Conditional Use Permit for the expansion of an existing convenience store for a gasoline service station, pursuant to Section 118, Article IX

PROGRESS REPORT

The applicant is before the Board pursuant to Condition #2 of the CUP as follows:

2. The Planning Board shall maintain jurisdiction on this Conditional Use Permit. If deemed necessary, at the request of the Planning Director or a Board member, the applicant shall present a progress report to the Board. The applicant shall appear before the Planning Board for a progress report within two (2) months from the issuance of the Conditional Use Permit. 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 is also subject to modification or revocation under City Code Sec. 118-194 (c).

As of the writing of this report, staff did not find any open violations at the subject site related to the conditions of the CUP. Attached you will find an update from the applicant as to the progress on the building permit plans.

STAFF RECOMMENDATION

Staff recommends that further Progress Reports are not required unless noise violations or violations for operating the car wash or vacuums outside the hours approved on the CUP are issued.

TRM/MB/TUI



January 29, 2016

City of Miami Beach
Planning Department
1700 Convention Center Drive
Miami Beach, FL 33139

Re: Progress Report
Planning Board
(A Conditional Use Permit)
Sunshine Gasoline Distributors
875 71 Street
Miami Beach, FL 33141

Dear Planning Board,

The architectural drawings have been completed and currently the mechanical, electrical and structural engineers are working on their respective disciplines.

The complete set of construction plans will be submitted for building permit upon completion of engineering which should take approximately six weeks.

Should you have any questions or need any additional information, please do not hesitate to contact me.

Sincerely yours,

Alex Boksiner
Project Manager

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Planning Department
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Miami, FL 33145

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

PROPERTY: 875 71st Street

FILE NO. 2255

IN RE: The applicant, Sunshine Gasoline Distributors, Inc., requested a Conditional Use Permit for the expansion of an existing convenience store for a gasoline service station, pursuant to Section 118, Article IX

LEGAL DESCRIPTION: Lots 9, 10, 11 & 12 in Block 28 of Fishers First Sub of Alton Beach, as recorded in Plat Book 2, page 77, of Public Records of Miami-Dade County, Florida.

MEETING DATES: October 9, 2015

ORDER

The applicant, Sunshine Gasoline Distributors, Inc., filed an application with the Planning Director for a Conditional Use Permit.

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 CD-2 Commercial Medium intensity 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.

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 recommendation, that the Conditional Use Permit as requested and set forth above be GRANTED, subject to the conditions below, which have been accepted by the applicants:

1. This Conditional Use Permit is issued to Sunshine Gasoline Distributors, Inc., as owner of the gasoline station, care wash and convenience store. Subsequent owners shall be required to appear before the Board to affirm their understanding of the conditions listed herein.
2. The Planning Board shall maintain jurisdiction on this Conditional Use Permit. If deemed necessary, at the request of the Planning Director or a Board member, the applicant shall present a progress report to the Board. The applicant shall appear before the Planning Board for a progress report within two (2) months from the issuance of the Conditional Use Permit. 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 is also subject to modification or revocation under City Code Sec. 118-194 (c).
3. The Applicant agrees to the following operational conditions for all permitted and accessory uses and shall bind itself, and successors and assigns and all successors in interest in whole or in part to comply with the following operational and noise attenuation requirements and/or limitations. The applicant shall ensure through appropriate contracts, assignments and management rules that these restrictions are enforced and the applicant agrees to include the rules and regulations set forth in these conditions in any contract or assignment:
 - a. 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.
 - b. The car wash and vacuums shall not be permitted to operate between the hours of 7:00 PM and 9:00 AM, seven (7) days per week.
 - c. There shall not be any pressure washing of the facilities between 7:00 PM and 9:00 AM, seven (7) days per week.
 - d. The operator shall ensure that all trash is picked up from and around site not less than twice daily.
 - e. The sounding of car alarms, automobile horns, playing of radios or any kind of audio system and screeching of tires shall be prohibited. A warning sign (see attached) shall be posted on the property.
4. The applicant, operator and/or owner, both now and in the future, shall abide by all the documents and statements submitted with this application, as well as all conditions of this Order.

5. The Planning Board shall retain the right to call the owner or operator, both now and in the future, back before the Board and modify this Conditional Use should there be valid complaints or violations (as determined by Code Compliance) about loud, excessive, unnecessary, or unusual noise, as related to the operation of the car wash, or any violation of a condition of this order.
6. The applicant shall resolve all outstanding violations and fines on the property, if any, prior to the issuance of a building permit for the project.
7. The amount of existing paving within the property shall be reduced by increasing the landscaped areas while still allowing adequate access, parking and services to be provided. A revised site plan, and landscape plan, inclusive of uplighting and irrigation providing 100% coverage shall be submitted for the review and approval of staff and the work shall be completed prior to the issuance of a building permit. The landscape plan shall also include street trees to be provided in public property as per the City of Miami Beach Master Street Tree Plan. Additional dense landscaping shall also be placed between the parking area and the waterway, in a manner to be reviewed and approved by staff.
8. A qualified sound engineer shall analyze the acoustic properties of the vacuums and car wash operation and provide recommendations to mitigate sound transmission to neighboring properties, which may include the relocation of the vacuums.
9. The existing vacuums shall be replaced with new, relocated vacuums and a seven (7) foot solid wall along the eastern side of the vacuums shall be provided, that incorporates sound absorbing materials and sound reducing measures recommended by a qualified sound engineer subject to the review and approval of staff. Such vacuum relocation and sound reducing measures shall be approved, permitted and installed prior to the issuance of a full Building Permit for the convenience store build-out.
10. The applicant shall install a Right Turn Only and a Stop sign at each of the two (2) driveways on 71st Street, for traffic exiting the project site. Additionally, the applicant shall install a Right Turn Only and Stop sign at the driveway on Bay Drive, for traffic exiting the project site. Such signs shall be required prior to the issuance of a full Building Permit for the project.
11. Any substantial modifications to the plans submitted and approved as part of this application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans.
12. 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. A building permit, certificate of occupancy, or certificate of completion shall not be issued until this requirement has been satisfied.
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 Permit 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.

PROVIDED, the applicant shall build substantially in accordance with the plans approved by the Planning Board, as determined by staff, entitled "Sunshine Gasoline Distributors, Proposed Convenience Stores Remodeling", prepared by OA Architecture, dated 4-02-15, modified in accordance with the conditions set forth in this Order and staff review and approval.

No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance as set forth in this Order and the Conditional Use Permit for the October 9, 2015 approval have been met. The issuance of Conditional Use Approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

Dated this _____ day of _____, 2016.

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY:

Michael Belush, Planning and Zoning Manager For
The Chairman

