

MIAMI BEACH

MEMO # PLANNING DEPARTMENT
Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: February 23, 2015

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **File No. 2305. 6529 Indian Creek Drive – Permanent Parking Lot**

The applicant, The Mimosa, LLC, is requesting Conditional Use approval for a permanent parking lot which is located within 100 feet of a residential use or district to operate after midnight, pursuant to Chapter 118, Article IV, and Chapter 130, Article III of the City Code.

RECOMMENDATION:

Approval with conditions

HISTORY

October 2, 2009 The applicant obtained approval from the Board of Adjustment for variances related to the temporary parking lot at the subject location (BOA File No. 3436).

November 03, 2011 BCO12026: Site was inspected and approved for CO for a temporary parking lot which combined two existing parking lots by unity of title into one parking lot (6529 Indian Creek Drive and 6526 Collins Avenue) for a total parking spaces of 55 spaces with an approved landscaping and irrigation plan.

ZONING/SITE DATA:

Legal Description: Lot 44 and southern 8 feet of Lot 43 of Block 7 of the "2nd Ocean Front Subdivision" according to Plat thereof as recorded in Plat Book 28, Page 28 of the Public Records of Miami-Dade County, Florida.

Zoning:	CD-2, Commercial Medium intensity
Lot Size:	10,083 SF
Existing Parking Spaces:	27 Total (3 ADA)
Proposed Parking Spaces:	22 Total (3 ADA)
Existing Open Green Space:	2,512SF of green space (24.91%)
Proposed Open Green Space:	2,820SF of green space (26.77%)

Land Uses:

North:	Five-story residential building
South:	Three-story residential building
East:	Temporary parking lot
West:	Miami Beach Rowing Club

THE PROJECT:

The applicant has submitted plans entitled "Proposed Permanent Parking Lot" as prepared by Rahimuddin Rahimi PE signed sealed and dated 12/23/15.

The applicant is proposing improvements to an existing surface parking lot. Scope of work includes resurfacing and installing new landscaping and new solar light fixtures.

The proposed parking lot has 22 spaces and the entrance and exit drive from 65th Street.

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 CD-2 zoning district, but because of the proximity to residential uses, the use of the parking lot after midnight is only allowed through the Conditional Use process.

- 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– The proposed use of this parking lot would not constitute a concentration of uses that would negatively affect the neighborhood.

STAFF ANALYSIS

On February 10, 2015, Historic Preservation Board approved a Certificate of Appropriateness for the partial demolition and renovation of the existing Mimosa Hotel located across the street at 6525 Collins Avenue, and the construction of a 1-story rooftop addition and 5-story ground level addition at the rear of the property.

Based on the plans approved by the HPB, the required parking for the addition to the Mimosa Hotel is 17 spaces. Within a local historic district, the City Code allows the option of providing the parking on site, paying a one-time fee in lieu of providing the parking on site, or providing parking within 1200 feet of the subject property when located in an historic district. The applicant has chosen the later in order to satisfy the parking requirements, by constructing a permanent parking lot at 6529 Indian Creek Drive.

The applicant is proposing improvements to the western half of an existing temporary surface parking lot converting the lot from “temporary” to “permanent” status in order to satisfy the required parking component as outlined above. On February 2, 2016, the Design Review Board approved the permanent construction of the parking lot.

In general, a surface parking lot is an undesirable use for a highly visible, urban corner property, such as the subject site. Over the long term, vehicular storage lots, such as this, have an adverse impact on the developed context of the surrounding area and can become an eyesore to the neighborhood. While staff believes that a more appropriate use of the property would be a well-designed mixed used, residential or commercial structure, the proposed use is permitted within the CD-2 zoning district. Staff would also note that the subject property has been vacant for over 50 years.

Because the subject parking lot will be operated on a 24 hour basis and is located within 100 feet of a residential property, review and approval from the Planning Board is required. The subject property is located within a busy commercial corridor between Collins Avenue and Indian Creek, and thus noise from vehicles using the lot should not be noticeably greater than existing surrounding traffic noise. The lot will be operated solely by valet for the use of the Mimosa property, which eliminates any noise concerns from loud patrons within the parking lot late at night. Because the parking is for the hotel use, it is not anticipated to generate a high turn-over of users in a manner that a late night restaurant operation might generate. With increased landscaping, as proposed, the visual impact of the parking from the surrounding neighborhood and immediate neighbors will also be improved. Staff would also note that the closest residential building to the property, which is the immediate neighbor to the north, has parking no residential units at the ground level.

Provided that the parking lot is operated in accordance with the conditions recommended below, staff believes the use should not be detrimental to the neighborhood, and will provide needed parking for the renovation and addition to the existing historic Mimosa Hotel property. Included in this recommendation is an updated valet analysis within 90 days of the issuance of a BTR for the parking lot.

Code Violations

There are not open violations at the time of this writing related to the subject property.

STAFF RECOMMENDATIONS

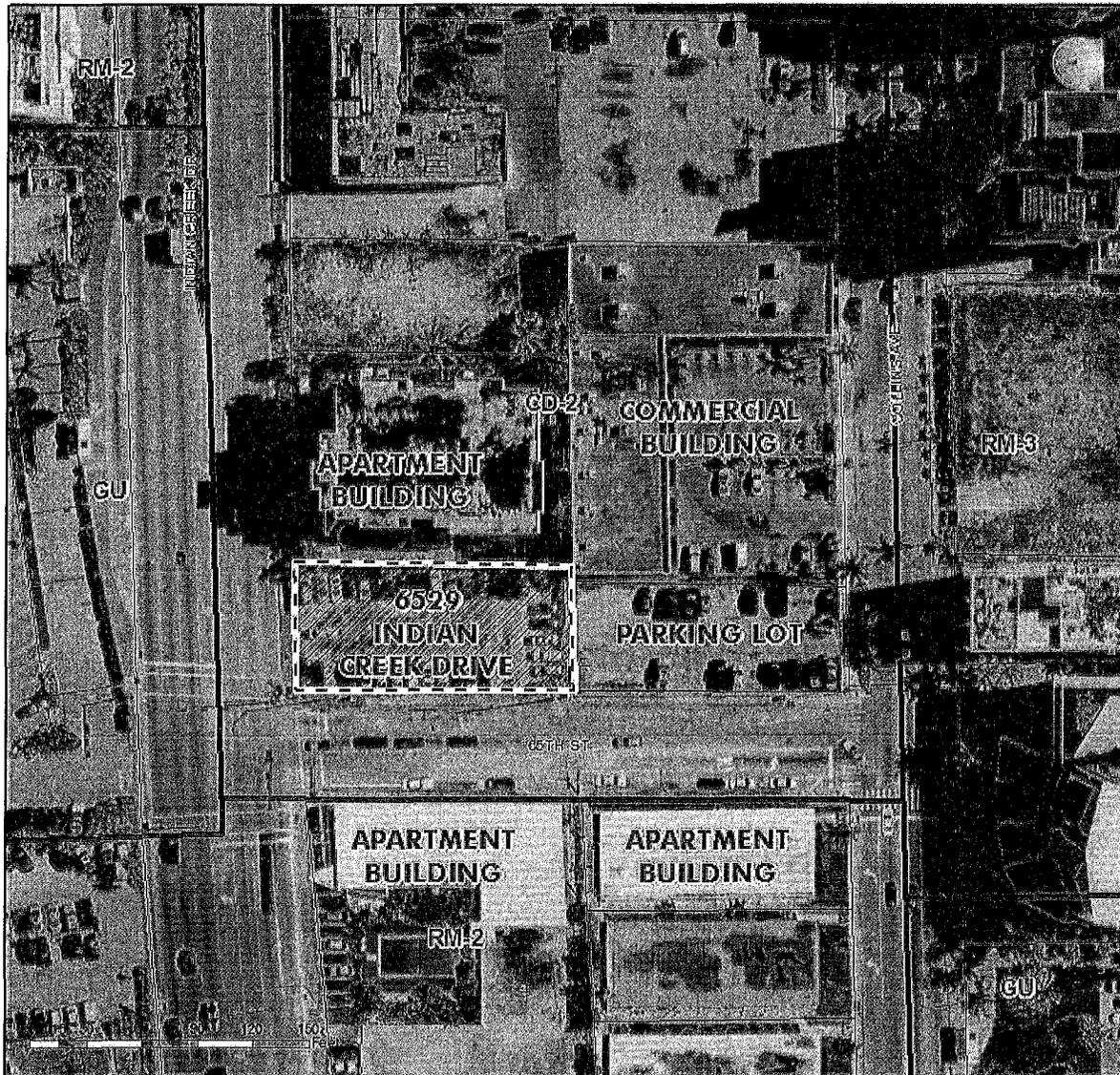
In view of the foregoing analysis, staff recommends the Conditional Use Permit be Approved with the following conditions, which would address the inconsistencies with the aforementioned Review Guidelines:

1. The 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).
2. This Conditional Use Permit is issued to The Mimosa, LLC, as the owners of the property. 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. 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 landscape and irrigation plans shall reflect all the conditions by the Design Review Board Final Order approved on February 2, 2016 (DRB File No. 23239).
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 be parked in marked spaces only without tandem parking. Vehicles shall not be parked within the designated 22'-0" required drive aisle.
6. The parking lot shall be operated solely on a valet basis at all times. Self-parking shall not be permitted. The valet 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 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).
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/AG/TUI

ZONING/SITE MAP



City of Miami Beach Planning Board
File No. 2305
6529 Indian Creek Drive



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