

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: April 27, 2021

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **PB20-0341. 2901-2911 Indian Creek Drive – Mechanical Parking**

An application has been filed requesting a conditional use permit for a new residential multifamily development including the use of a mechanical parking, pursuant to Chapter 118, Article IV, and Chapter 130, Article II of the City Code.

#### **RECOMMENDATION**

Approval with conditions

#### **HISTORY**

In 2015 the owner's predecessor obtained approvals from both, the Historic Preservation Board (File No. 7518) and Planning Board (File No. 2246) for a project with robotic/mechanical parking system. That project did not move forward.

#### **ZONING / SITE DATA**

**Legal Description:** Lot 16 and 17, in Block 12, of Ocean Front Amended, according to the Plat thereof, as recorded in Plat Book 5, at pages 7 and 8, of the Public Records of Miami-Dade County, Florida.

**Future Land Use:** Medium Density Multifamily Residential Category (RM-2)

**Zoning:** RM-2, Residential Multifamily, Medium Intensity

**Historic District:** Collins Waterfront Historic District

**Lot Size:** 15,000 Square Feet

**Proposed FAR:** 29,999 S.F. / 2.0 (Max FAR = 2.0), as represented by the applicant

**Proposed Height:** 6-stories / 75 feet

**Prior Use:** Multifamily Residential

**Proposed Use:** Multifamily Residential

**Surrounding Uses:** See Zoning Site Map (Last Page of this Report)  
North: Hotel  
West: Indian Creek Drive/Vacant Waterfront Land  
South: 29<sup>th</sup> Street/Multifamily Residential  
East: Hotel

### **THE PROJECT**

The applicant has submitted plans entitled "29 Indian Creek", as prepared by Urban Robot Associates, dated November 30, 2020. The applicant is requesting Conditional Use approval for the mechanical parking.

The subject site is located in the Collins Waterfront Historic District. The proposal was approved by the Historic Preservation Board for a Certificate of Appropriateness and several Variances on January 12, 2021 (HPB20-0379).

### **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 request is consistent with 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** – Because the proposal reduces the number of residential units on the site from 32 units to 22 units, it is anticipated that there will be a reduced impact by the development and that level of service thresholds will not be exceeded.

3. **Structures and uses associated with the request are consistent with this Ordinance.**

**Partially Consistent** – As proposed, it appears that the project would comply with the Land Development Regulations, with the exception of several variances requested, to be reviewed by the Historic Preservation Board. These comments shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification prior to the issuance of a building permit.

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

**Consistent** – The proposed project should not adversely affect the general welfare of nearby residents and businesses as the proposed uses are compatible with the surrounding area.

5. **Adequate off-street parking facilities will be provided.**

**Consistent** – The project includes a mechanical lift system in the parking garage, which will provide the required parking for the project.

6. **Necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.**

**Consistent** - The proposed project is not expected to adversely affect surrounding values; however, staff is recommending conditions to provide further safeguards.

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 development is permitted in the RM-2 zoning district. The proposed project is not expected to create any negative impact on the surrounding neighborhood from concentration of uses.

#### **SECTION 130-38–MECHANICAL AND ROBOTIC PARKING SYSTEMS**

Projects proposing to use mechanical parking devices, robotic parking systems and/or vehicle elevators to satisfy accessory off-street parking requirements shall prepare schematic floor plans prior to site plan review by the applicable land use board. Two sets of schematic floor plans shall be required:

1. **One set of schematic plans sufficient to show the proposed development project with accessory off-street parking requirements satisfied by traditional, non-mechanical means, meeting all aspects of the design standards for parking spaces required in Article III of Chapter 130, and other provisions of these land development regulations, and requiring no variances from these provisions.**

**Consistent** – Schematic drawings showing the parking in a traditional, non-mechanical means was submitted showing 22 parking spaces for the project on-site.

2. **A second set of schematic plans, sufficient to show the same proposed development project, utilizing mechanical parking devices, robotic parking systems and/or vehicle elevators to satisfy accessory off-street parking requirements.**

**Consistent** – 22 parking spaces are required, a schematic drawing showing the parking for the project by mechanical means was submitted showing 22 spaces.

#### **PLANNING BOARD MECHANICAL PARKING REVIEW CRITERIA**

The Planning Board shall also consider the following review criteria when considering each application for the use of mechanical parking systems:

- (a) **Whether the scale of the proposed structure is compatible with the existing urban character of the surrounding neighborhood.**

**Consistent** – The scale of the project is compatible with the surrounding area, the project was approved by the Historic Preservation Board on January 12, 2021 (HPB20-0379).

- (b) **Whether the proposed use of mechanical parking results in an improvement of design characteristics and compatibility with the surrounding neighborhood.**

**Consistent** – The reduced scale of the proposed parking pedestal, which is possible via the proposed mechanical parking system, results in reduction in the scale and mass of the parking pedestal. This will create a much more context sensitive and harmonious relationship with the surrounding area.

- (c) **Whether the proposed use of mechanical parking does not result in an increase in density or intensity over what could be constructed with conventional parking.**

**Consistent** – The proposed garage does not result in an increase in density or intensity over that which is currently permitted with conventional parking as shown by the two submitted schematics.

- (d) **Whether parking lifts or mechanisms are located inside, within a fully enclosed building,**

**and not visible from exterior view.**

**Partially Consistent** – The proposed parking lifts are enclosed within the structure; however, per the floor plan submitted (A-34), there is no gate at the entrance of the garage and a screen/wall at the north end of the garage. Staff is recommending conditions to mitigate this.

- (e) **In cases where mechanical parking lifts are used for self-parking in multifamily residential buildings; whether approval is conditioned upon the proper restrictive covenant being provided limiting the use of each lift to the same unit applicant.**

**Consistent** – Not applicable; as per the letter of intent, the mechanical parking lifts will be managed by a valet parking operator.

- (f) **In cases where mechanical parking lifts are used for valet parking; whether approval is conditioned upon the proper restrictive covenant being provided stipulating that a valet service or operator must be provided for such parking for so long as the use continues.**

**Consistent** – The proper restricted covenant shall be provided prior to the issuance of building permit.

- (g) **Whether a traffic study has been provided that details the ingress, egress and circulation within the mechanical parking facility, and the technical and staffing requirements necessary to ensure that the proposed mechanical parking system does not cause excessive stacking, waiting, or backups onto the public right-of-way.**

**Consistent** – Traf Tech Engineering. was retained by the applicant to do a traffic assessment, please see Transportation Department Memo.

- (h) **Whether a proposed operations plan, including hours of operation, number of employees, maintenance requirements, noise specifications, and emergency procedures, has been provided.**

**Consistent** – Per the letter of intent, the parking will be available 24 hours per day and operated at all times by valet service. The proposed lifts have minimal noise impacts and will be enclosed in the building. It is indicated that inspections and maintenance will occur at least twice per year and that building staff will be trained in emergency procedures. The letter indicates that a generator will be provided for emergency power outages

- (i) **In cases where the proposed facility includes accessory uses in addition to the parking garage, whether the accessory uses are in proportion to the facility as a whole, and delivery of merchandise and removal of refuse, and any additional impacts upon the surrounding neighborhood created by the scale and intensity of the proposed accessory uses, are adequately addressed.**

**Not Applicable** – This parking garage is intended to serve residential uses and has no accessory uses.

- (j) **Whether the proximity of the proposed facility to similar size structures and to residential uses creates adverse impacts and how such impacts are mitigated.**

**Consistent** – The proposed project appears to be compatible with the surrounding neighborhood and it appears that it would not create any significant adverse impacts to the

surrounding uses.

- (k) **Whether a cumulative effect from the proposed facility with adjacent and nearby structures arises, and how such cumulative effect shall be addressed.**

**Consistent** – No negative impact is anticipated from the cumulative effect from the proposed facility and nearby structures.

**COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA**

Section 133-50(a) of the Land Development Regulations establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

- (1) A recycling or salvage plan for partial or total demolition shall be provided.  
**Satisfied** – The applicant will provide a recycling or salvage plan during permitting.
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.  
**Satisfied**
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.  
**Satisfied**  
Where appropriate, the proposed new windows will be operable.
- (4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.  
**Satisfied** – All new landscaping will consist of Florida friendly plants.
- (5) Whether adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact, including a study of land elevation and elevation of surrounding properties were considered.  
**Satisfied**
- (6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land.  
**Satisfied**
- (7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.  
**Satisfied** – All critical mechanical and electrical systems will be located above BFE.
- (8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.  
**Satisfied**
- (9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.  
**Satisfied**
- (10) Where feasible and appropriate, water retention systems shall be provided.

**Satisfied** – Per letter of Intent, a water retention system will be provided.

(11) Cool pavement materials or porous pavement materials shall be utilized.

**Not Satisfied. No information was provided.**

(12) The design of each project shall minimize the potential for heat island effects on-site

**Not Satisfied. No information was provided.**

### **ANALYSIS**

The proposal consists of a new six (6) story residential building that will replace two existing buildings, as well as the renovation, restoration, and relocation of one existing building. The applicant is requesting a Conditional Use Permit for a parking garage with mechanical lifts to park 21 cars and 1 traditional parking space for a total of 22 spaces. The proposed mechanical lifts consist of a three-level system.

The ground floor of the new tower contains the parking garage with the mechanical lifts that will provide parking for the entire project. The proposal contains 22 units, a small lobby, mail room, bicycle room, trash room and, electrical room.

Compared to the traditional parking garage, as indicated in the plans submitted, the use of parking lifts will result in a narrower parking pedestal and more open space on the site since ramping structures are not necessary. The mechanical parking system will be located entirely within an enclosed structure and will not be visible from surrounding properties. Due to the low intensity of the site, impacts on the adjacent structures and surrounding neighborhood should be minimal.

### **Traffic, Parking and Access**

Traf Tech Engineering was retained by the applicant to conduct a traffic assessment and maneuverability analysis. Please refer to the separate memo provided by the Transportation Department.

### **Noise and visibility**

The proposed parking lifts are enclosed within the structure; however, per the floor plan submitted (A-34), there is no gate at the entrance of the garage and no screen or wall at the north end of the garage. Staff is concerned that the mechanical lifts would be visible from the street and that noise and light can spillover to the northern property (The Alden Hotel). As such, staff is requesting a gate by the garage entrance on the south side and a screen or wall at the north end.

### **Delivery and Sanitation**

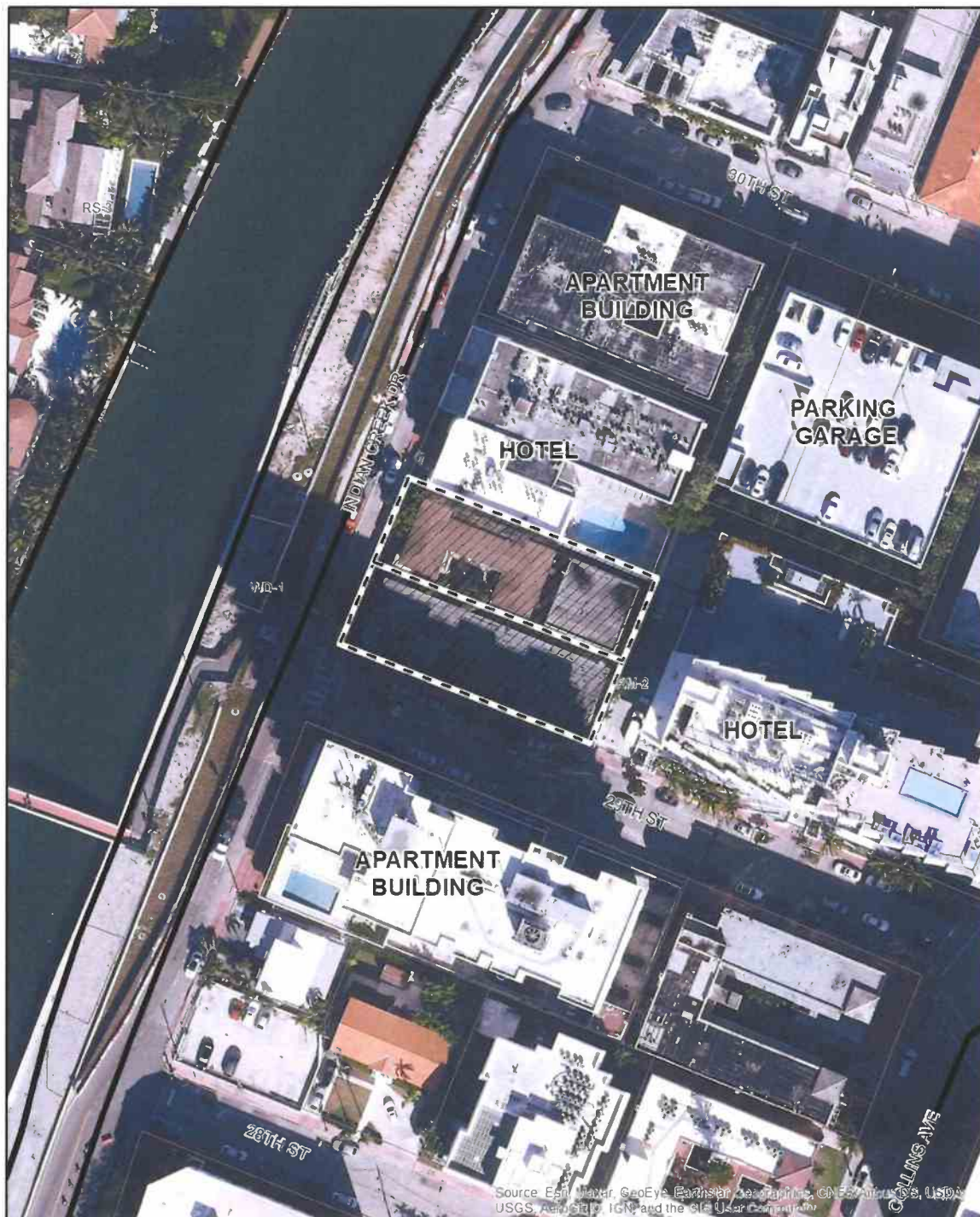
Refuse disposal will be accommodated via an enclosed trash room, in the residential tower. All sanitation and deliveries will be done from the 29<sup>th</sup> Street, given the relatively low intensity of the project (22 residential units) this is not expected to be an issue.

### **RECOMMENDATION**

In view of the foregoing analysis, staff recommends the Conditional Use Permit be approved, subject to the conditions enumerated in the attached Draft Order.



**ZONING/SITE MAP**



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

**PROPERTY:** 2901-2911 Indian Creek Drive

**FILE NO.** PB20-0341

**IN RE:** An application has been filed requesting a conditional use permit for a new residential multifamily development including the use of a mechanical parking, pursuant to Chapter 118, Article IV, and Chapter 130, Article II of the City Code.

**LEGAL DESCRIPTION:** 16 and 17, in Block 12, of Ocean Front Amended, according to the Plat thereof, as recorded in Plat Book 5, at pages 7 and 8, of the Public Records of Miami-Dade County, Florida.

**MEETING DATE:** April 27, 2021

**CONDITIONAL USE PERMIT**

The applicant, 29 ICD, LLC, requested a Conditional Use approval for the construction of a new residential multifamily development including the use of a mechanical parking, pursuant to Chapter 118, Article IV and Chapter 130, Article II 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:

The property in question is located in the RM-2, Residential Multifamily, Medium Intensity Zoning District;

The use is consistent with the Comprehensive Plan for the area in which the property is located;

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;

The structures and uses associated with the request are consistent with the Land Development Regulations;

The public health, safety, morals, and general welfare will not be adversely affected;

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, that the Conditional Use Permit be GRANTED, as provided below:

1. This Conditional Use Permit is issued to 29 ICD, LLC, as owner/operator of the property, Any change of operator or fifty percent (50%) or more stock ownership shall require the new owners or operators to submit an affidavit, approved by City, to the City of Miami Beach Planning Department transferring approval to the new owners and/or operators and acknowledging acceptance of all conditions established herein, prior to the issuance of a new Business Tax Receipt.
2. Prior to the issuance of any building permit associated with the construction approved herein, a Unity of Title or a covenant in lieu for lots 16 and 17 shall be submitted in a format acceptable to the City Attorney.
3. The applicant, and/or owner of any property containing a mechanical lift, 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.
4. The conditions of approval for this Conditional Use Permit are binding on the applicant, the property owners of any property containing a mechanical lift, operators, and all successors in interest and assigns. 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.
5. The Planning Board shall retain the right to call the owner or operator back before them and make modifications to this Conditional Use Permit should there be valid complaints about loud, excessive, unnecessary, or unusual noise. Nothing in this provision shall be deemed to limit the right of the Planning Board to call back the owner or operator for other reasons and for other modifications of this Conditional Use Permit.
6. As part of the Building Permit plans for the project, the applicant shall submit revised architectural drawings, and landscape drawings, which shall be subject to the review and approval of staff; at a minimum, such plans shall satisfy the following:
  - a. A retractable door shall be installed to screen parking garage and lifts from exterior view. The gate shall remain closed between the hours of 10 PM and 7 AM, except when a vehicle is entering or leaving the garage.
  - b. A wall or fence that is at least 50% solid with screening materials shall be located at the opening in the northern end of the garage, to minimize the impact of noise and light on the neighboring property.
7. All new construction over 7,000 square feet or ground floor additions (whether attached or detached) to existing structures that encompass over 10,000 square feet of additional floor area shall be required to be, at a minimum, certified as LEED Gold by USGBC. In lieu of achieving LEED Gold certification, properties can elect to pay a sustainability fee, pursuant to Chapter 133 of the City Code. This fee is set as a percentage of the cost of construction.
8. The Applicant agrees to the following operational conditions for all permitted and

accessory uses and shall bind itself, lessees, permittees, concessionaires, renters, guests, users, 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. That the garage shall be in operation 24 hours per day, seven days a week, as proposed by the applicant.
  - b. Valet parking shall be provided 24 hours per day, seven days a week. A sufficient number of valet attendants shall be provided on site to ensure that queuing onto 29<sup>th</sup> Street does not occur at any time.
  - c. The facility shall maintain adequate backup generators sufficient to power the vehicle lifts. The generators shall be maintained in proper operating condition. The generators shall be installed in accordance with Code requirements regarding minimum flood plain criteria.
  - d. All trash containers shall utilize rubber wheels, or the path for the trash containers shall consist of a surface finish that reduces noise, in a manner to be reviewed and approved by staff.
  - e. Garbage dumpster covers shall be closed at all times except when in active use.
  - f. In the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, subject to the review and approval of staff.
  - g. Backing into or out of the site shall not be permitted.
9. The applicant shall satisfy outstanding liens and past due City bills, if any, to the satisfaction of the City prior to the issuance of a Building permit.
  10. The applicant shall address the following Concurrency and Parking requirements, as applicable:
    - a) Method of Transportation (MOT) shall be submitted to Public Works Department staff for review and approval prior to the issuance of a building permit. The MOT shall address any traffic flow disruption due to construction activity on the site.
    - b) Prior to the issuance of a building permit, the applicant shall participate in a Transportation Concurrency Management Area Plan (TCMA Plan), if deemed necessary, by paying its fair share cost, as may be determined as determined by the Concurrency Management Division.

- c) A final concurrency determination shall be conducted prior to the issuance of a Building Permit. Mitigation fees and concurrency administrative costs, if required, shall be paid prior to the issuance of any Building Permit.
  - d) Prior to the issuance of a Building Permit, calculations for required parking for the project shall be determined by the Planning Department. A final determination for the required parking shall be conducted prior to the issuance of a Certificate of Occupancy or Business Tax Receipt, whichever comes first. If required, a one-time fee in lieu of providing the required parking on site or in combination with an annual fee, as determined by staff, shall be paid prior to the issuance of the Certificate of Occupancy.
11. 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.
  12. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. If deemed necessary, at the request of the Planning Director, the applicant shall provide a progress report to the Board. The Board reserves the right to modify the Conditional Use approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address 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).
  13. 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. 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.
  14. 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.
  15. A violation of Chapter 46, Article IV, "Noise," of the Code of the City of Miami Beach, Florida (a/k/a "noise ordinance"), as may be amended from time to time, shall be deemed a violation of this Conditional Use Permit and subject to the remedies as described in section 118-194, of the City Code
  16. The applicant shall obtain a full building permit within 18 months from the date of approval of this Conditional Use Permit, and the work shall proceed in accordance with the Florida Building Code. Extensions of time for good cause, not to exceed a total of one year for all extensions, may be granted by the Planning Board.
  17. 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.
  18. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.

19. 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.
20. 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.
21. The applicant agrees and shall be required to provide access to areas subject to this Conditional Use Permit for inspection by the City (i.e. Planning Department, Code Compliance Department, Building Department, and Fire Department staff), to ensure compliance with the terms and conditions of this Conditional Use Permit. Failure to provide access may result in revocation of the Conditional Use Permit.

Dated \_\_\_\_\_

PLANNING BOARD OF THE  
CITY OF MIAMI BEACH, FLORIDA

BY: \_\_\_\_\_

Rogelio Madan, AICP

Chief of Chief of Community Planning & Sustainability  
For Chairman

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by Michael Belush, Chief of Planning and Zoning for the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

Notary:  
Print Name  
Notary Public, State of Florida  
My Commission Expires:  
Commission Number:

{NOTARIAL SEAL}

Approved As To Form:  
Legal Department \_\_\_\_\_ (

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