

MIAMI BEACH

PLANNING DEPARTMENT


Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: May 22, 2018

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB 18-0191. 191 N. Hibiscus Drive
CUP for a Mechanical Lift Parking System**

PB 18-0191. 191 N Hibiscus Drive. The applicant, Marc Laukien, is requesting Conditional Use approval to include mechanical parking lifts in the existing garage of this single family home, pursuant to Chapter 118, Article IV and Chapter 130, Article II of the City Code.

RECOMMENDATION

Approval with Conditions

ZONING / SITE DATA

Legal Description: THE EAST 40 FEET OF LOT 32 AND LOTS 33 THRU 35 INCLUSIVE, ALONG WITH A STRIP OF LAND LYING MOSTLY IN BISCAYNE BAY, BEING 20 FEET IN WIDTH AND HAVING ITS SOUTH LINE ABUTTING THE NORTH LINE OF BLOCK 2, ALL OF BLOCK 5, OF "HIBISCUS ISLAND", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8 AT PAGE 75 OF THE PUBLIC RECORDS OF MAIMIDADE COUNTY

Future Land Use: RS-3 (Single Family Residential Zoning District)

Zoning: RS-3 (Single Family Residential Zoning District)

Lot Size: 38,500 Square Feet

Unit size: 14,723 S.F. / 38.2% as represented by the applicant

Height: 28'-0" (DRB Waiver)

Existing Use: Single Family Residential

Proposed Use: Single Family Residential

Surrounding Uses: See Zoning Site Map (Last Page of this Report)
North: Biscayne Bay
West: Residential – Single Family Home
South: Residential – Single Family Home

East: Residential Single Family Home

BACKGROUND

The applicant has submitted plans entitled "Residence on Hibiscus Island", as prepared by Choeff Levy Fischman Architecture + Design, dated March 23, 2018.

The construction of a new two-story single family home including variances was approved by the Design Review Board on June 2, 2015 (DRB File No. 23150).

The applicant is requesting a Conditional Use Permit to incorporate the use of mechanical parking lifts within the existing garage.

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 use is consistent with the City's Comprehensive Plan.

2. **The intended Use or construction would not result in an impact that would exceed the thresholds for the levels of service as set forth in the Comprehensive Plan.**

Consistent – The proposal will have no effect on the use of the property.

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

Consistent – As currently proposed, the project is consistent with the applicable requirements of the Land Development Regulations of the City Code. However, this shall not be considered final zoning review or approval. This 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 would not be adversely affected.**

Consistent - The proposal is not expected to adversely affect the general welfare of nearby residents, since it will allow for additional on-site parking of vehicles.

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

Consistent – The existing single-family house satisfies the minimum parking requirements, this proposal would provide additional parking spaces on site.

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

Consistent - The proposed mechanical lift located within the garage structure is not expected to adversely affect the general welfare of nearby residents.

7. **The concentration of similar types of uses would not create a negative impact on the surrounding neighborhood. Geographic concentration of similar types of conditional uses should be discouraged.**

Consistent – The proposed project is not expected to create any negative impact on the surrounding neighborhood from concentration of uses.

REVIEW CRITERIA PURSUANT TO SECTION 130-38 (3) OF THE CITY CODE WHEN CONSIDERING AN APPLICATION FOR THE USE OF MECHANICAL 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 – the project was previously approved by DRB showing the required parking in a traditional, non-mechanical means (two parking spaces as per the requirements of the Code), this mechanical lift parking system is to supplement existing parking and will not be used to satisfy off-street parking requirements.

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 – A schematic drawing showing the required parking and the mechanical lift parking system was submitted. The mechanical parking version does not intensify the use.

The non-mechanical schematic drawings have been reviewed by planning staff and it has been concluded that they meet the requirements of the design standards of the City Code. Henceforth, the project may proceed to site plan approval based on the second set of plans, using mechanical parking.

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 mechanical lift parking system will be completely enclosed within the existing parking garage as previously approved by DRB ensuring context sensitive and harmonious relationship with adjacent areas.

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

Consistent – The mechanical lift parking system will be completely enclosed and it will not affect the previously approved design. The mechanical lifts will allow the owner to conceal their cars inside their private garage as opposed to parking in the driveway or on the right of way.

- (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 mechanical lift does not result in an increase in density or intensity over that which is currently permitted with conventional parking.

- (d) **Whether parking lifts or mechanisms are located inside, within a fully enclosed building, and not visible from exterior view;**

Consistent – The proposed parking lifts are entirely enclosed within the structure and will not be visible from the exterior.

- (e) **In cases where mechanical parking lifts are used for self-parking in multi-family residential buildings; whether the proper restrictive covenant limiting the use of each lift to the same unit owner has been provided;**

Not applicable – This mechanical lift is located in a single family house.

- (f) **In cases where mechanical parking lifts are used for valet parking; whether the proper restrictive covenant stipulating that a valet service or operator shall be provided for such parking for so long as the use continues has been provided;**

Not applicable – The mechanical system will not be operated through valet parking.

- (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;**

Not applicable – This will serve a single family dwelling.

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

Not applicable – This will serve a single family dwelling and available for use at all hours.

- (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, are planned to address 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 is intended to serve a single family dwelling that 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 mechanical system will be located within the existing garage and will not create a negative impact on the neighboring single family residential use.

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

Consistent – There should not be a cumulative effect from the proposed facility.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 133-50(a) of the Land Development 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.**
Not applicable.
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.**
Not applicable.
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.**
Not applicable.
- (4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.**
Not applicable.
- (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.**
Not applicable.
- (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.**
As represented by the applicant, driveways and garage have been set at an elevation that is a minimum 1'2" higher than the existing surrounding grades. The Hibiscus Island Capital Improvements Program to raise the roadway was considered when selecting the elevations.

- (7) **Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.**
All critical mechanical and electrical systems will be located above the base flood elevation.
- (8) **Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.**
Not applicable.
- (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.**
Not applicable.
- (10) **Where feasible and appropriate, water retention systems shall be provided.**
Not applicable.

ANALYSIS

The applicant is requesting a Conditional Use Permit to incorporate the use of mechanical parking lifts within the existing garages. The self-operated mechanical lift system will park 6 cars at an upper level and 6 cars at ground level. The garages are at a single level, accessed from the existing motor courts.

The mechanical lifts system contains two tiers, one at grade, and one above. Access to the lifts is at grade, the parking will serve this single family house only. The mechanical parking system will be located entirely within an enclosed structure and will not be visible from surrounding properties.

Traffic and Circulation

The mechanical lifts will allow the applicant to conceal their cars inside their private garage as opposed to parking in the driveway or on the right of way.

Noise

Since the proposed parking lifts would be located completely within the interior of the structure, a sound study was not deemed necessary.

STAFF RECOMMENDATION

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

TRM/MAB/RAM

ZONING SITE MAP



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

PROPERTY: 191 North Hibiscus Drive

FILE NO. PB 18-0191

IN RE: The applicant Marc Laukien, is requesting Conditional Use approval to include mechanical parking lifts in the existing garage of this single family home, pursuant to Chapter 118, Article IV and Chapter 130, Article II of the City Code.

LEGAL DESCRIPTION: THE EAST 40 FEET OF LOT 32 AND LOTS 33 THRU 35 INCLUSIVE, ALONG WITH A STRIP OF LAND LYING MOSTLY IN BISCAYNE BAY, BEING 20 FEET IN WIDTH AND HAVING ITS SOUTH LINE ABUTTING THE NORTH LINE OF BLOCK 2, ALL OF BLOCK 5, OF "HIBISCUS ISLAND", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8 AT PAGE 75 OF THE PUBLIC RECORDS OF MAIMIDADE COUNTY

MEETING DATE: May 22, 2018

DRAFT CONDITIONAL USE PERMIT

The Applicant, Marc Laukien, requested Conditional Use approval for a mechanical lift parking system in the privately-owned parking garage, pursuant to Chapter 118, Article IV, and section 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:

That the property in question is located in the RS-3, Single Family Residential Zoning District; and

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

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; and

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

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

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 recommendations, as approved by the Planning Board, and accepted by the applicant, that a Conditional Use Permit as requested and set forth above be GRANTED, subject to the following conditions:

1. As part of the Building Permit plans for the project, the applicant shall submit revised architectural drawings, which shall be subject to the review and approval of staff; at a minimum, such plans shall satisfy the following:
 - a. The final details and plans for the proposed mechanical parking system shall be made part of the building permit plans for the project and shall be subject to the review and approval of staff. Such plans shall comply with all applicable regulations and requirements of the City Code.
2. The Planning Board shall retain the right to call the owner of the individual unit in which a mechanical lift is located, 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 Mechanical Parking System.
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 applicant shall resolve all outstanding violations and fines on the property, if any, prior to the issuance of a building permit for the project.
6. 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.
7. 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.

- Dated this _____ day of _____, 2018.

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“EXHIBIT A”

Legal Description: Lot 1 in Block 1, of "RIVO ALTO ", according to the Plat thereof, as recorded in Plat Book 7, at Page 74, of the Public Records of Miami-Dade County, Florida.
and 8 foot strip of land contiguous to the South boundary line of Lot 1 of Block 1 of RIVO ALTO according to the plat thereof recorded in Plat Book 7 ,at page 74 of the Public Record of Dade County, Florida, lying between the Southerly extension of the East and West boundary lines of Lot 1, Block 1
TOGETHER WITH all littoral, riparian and shore rights thereunto belonging or in and wise pertaining.