

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

PROPERTY: 5775 Collins Avenue

FILE NO. PB 18-0184

IN RE: The applicant, Miami Beach Associates, LLC, requested Conditional Use approval for modifications to the parking garage of a multifamily project, previously approved by the Design Review Board (DRB 17-0131), in order to include mechanical parking, pursuant to Chapter 118, Article IV and Chapter 130, Article II of the City Code.

LEGAL DESCRIPTION: LOTS 10, 11, AND 12, BLOCK 1, AMENDED PLAT OF SECOND OCEAN FRONT SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 28 AT PAGE 28, OF THE PUBLIC RECORDS OF MAIMI-DADE COUNTY, FLORIDA

MEETING DATE: May 22, 2018

CONDITIONAL USE PERMIT

The Applicant, Miami Beach Associates, LLC, 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 RM-3 Residential Multifamily, High Intensity 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.

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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 shall maintain the mechanical lift parking in good working order, and shall have the parking inspected annually by a certified mechanical engineer.
4. 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.
5. 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.
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. ~~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.~~
8. 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.

9. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
10. 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 City Code, and shall be subject to enforcement procedures set forth in Section 114-8 of the Code and such other enforcement procedures as are permitted by law. 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.
11. 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.

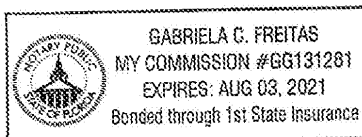
Dated this 14th day of AUGUST, 2018.

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: Michael Belush
Michael Belush, Chief of Planning and Zoning
For Chairman

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 14th day of August, 2018, by Michael Belush, Planning and Zoning Manager of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



Gabriela Freitas
Notary:
Print Name Gabriela Freitas
Notary Public, State of Florida
My Commission Expires: 8-3-21
Commission Number: GG131281

[NOTARIAL SEAL]

Approved As To Form:
Legal Department

Filed with the Clerk of the Planning Board on 8/14/18 Jessie G. Gubler (8/14/18)

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