

MIAMI BEACH

PLANNING DEPARTMENT

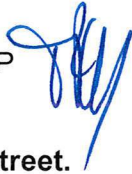
Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: October 23, 2018

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB 18-0224. 756 84th Street.**

The applicant, Diva Estate, LLC, is requesting Conditional Use approval to include mechanical parking lifts for a proposed multifamily building, pursuant to Chapter 118, Article IV and Chapter 130, Article II of the City Code.

RECOMMENDATION

Approval with conditions

HISTORY

July 3, 2018 The project was approved by the Design Review Board on July 3, 2018 (DRB18-0259).

ZONING / SITE DATA

Legal Description: Lot 7, Block 7, of Biscayne Beach Subdivision, according to the Plat thereof as recorded in Plat Book 44, Page 67 of the Public Records of Miami-Dade County, Florida.

Zoning District: RM-1, Residential Multifamily Low Intensity.

Future Land Use: RM-1, Residential Multifamily Low Intensity.

Surrounding Uses: See Zoning/Site map at the end of this report.

North: Multifamily building

South: Multifamily building

East: Multifamily building

West: Multifamily building

Lot Size: 5,600 SF

Maximum FAR: 1.25 = 7,031 SF

Proposed FAR: 7,028 SF as represented by the applicant

Maximum Height: 50'-0"

Proposed Height: 50'-0"

Proposed Uses: Residential:4 Units

THE PROJECT

The applicant has submitted plans entitled "The Eighty 4" as prepared by CDS Architecture and Planning, dated August 23, 2018. The applicant is requesting Conditional Use approval for the construction of a new 5-story Multifamily building including mechanical parking, pursuant to Chapter 118, Article IV and Chapter 130, Article II of the City Code.

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, as the RM-1 Category permits residential multifamily use.

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 proposal should not result in an impact that would exceed the thresholds for the levels of service as set forth in the Comprehensive Plan; however, a concurrency analysis will be performed at the time of building permit application.

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 (1) one variance granted by DRB. 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 would provide the required parking for the project. No Parking is required, however the City Code does allow up to two parking spaces per residential unit without impacting the FAR Calculations.

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 – There are not any accessory mechanical parking garages nearby. The

project's proposed uses are allowed in the RM-1 zoning district. Adverse impacts are not anticipated on the surrounding neighborhood as a result of this request.

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 – Although no parking is required, schematic drawing showing the parking in a traditional, non-mechanical means was submitted showing 8 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 – A schematic drawing showing the parking for the project by mechanical means was submitted showing 8 spaces.

The non-mechanical schematic drawings have been reviewed by Planning Department staff and they appear to meet the requirements of the design standards of the City Code. Subject to this data being provided, the project may proceed to site plan approval based on the set of plans using mechanical parking.

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 proposed height of approximately 55' feet is compliant with the maximum permitted height of the RM-1 zoning district. When the project was approved by the Design Review Board on July 3, 2018 (DRB18-0259), the design characteristics and compatibility issues of the project were evaluated.

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

Consistent – The proposed garage structure is an improvement over the existing vacant lot. The proposed design of the mechanical parking appears to be compatible with design characteristics and with the surrounding neighborhood. When the project was approved by the Design Review Board on July 8, 2018, the design characteristics and compatibility issues of the project were evaluated.

- (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 use of mechanical parking does not result in an increase in density or intensity over what could be constructed 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 would be located inside the proposed structure and the parking area is screened from view from the exterior.

- (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 – Per letter of intent, the proposed project will be self-parking only, the applicant will proffer a declaration of restrictions that ties use of each lift to one unit owner.

- (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.**

Not Applicable – Due to the low intensity of the site (4 residential units).

- (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 – Due to the low intensity of the site.

- (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

- (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

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

ANALYSIS

The proposal consists of a new five (5) story, four (4) unit Multi-family building on an existing vacant lot. The subject site is zoned RM-1, Residential Multifamily, low intensity, and is located on the south side of 84th Street, bordered on all sides by low scale residential buildings. All of the immediate neighbors are residential apartment buildings.

The parking garage will provide parking for the proposed project through the use of mechanical lifts, although no parking is required. Due to the low intensity of the site, with only four residential units, impacts on the adjacent structures and surroundings neighborhood should be minimal.

Traffic, Parking and Access

The proposed ingress and egress for all vehicles is from 84th Street, The proposed project will provide eight (8) spaces, which is consistent with the maximum number of parking spaces that may be provided for the four (4) residential units.

Delivery and Sanitation

Because there is not an alleyway behind this property nor a side street, all sanitation and deliveries would be required to use the walkway and driveway at the front of the property from 84th Street.

An enclosed trash area is located on the west side of the site. A loading space was not required by the City Code because the number of units is less than thirty six (36). Delivery trucks would need to park in the drive aisle. The coordination of deliveries, moving trucks and trash collection would have to be done with the management company of the building.

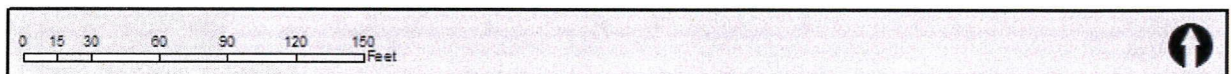
RECOMMENDATION

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

TRM/MAB/AG

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ZONING/SITE MAP



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

PROPERTY: 756 84th Street.

FILE NO. PB 18-0224

IN RE: The applicant, Diva Estate, LLC, requested Conditional Use approval to include mechanical parking lifts for a proposed multifamily building, pursuant to Chapter 118, Article IV and Chapter 130, Article II of the City Code.

LEGAL

DESCRIPTION: The east 100 ft of Lots 7 & 8, Block 74, Ocean Beach Addition No. 3, According to the Plat Thereof, as Recorded in Plat Book 2, Page 81, of the Public Records of Miami-Dade County, Florida.

MEETING DATE: October 23, 2018

DRAFT CONDITIONAL USE PERMIT

The applicant, Diva Estate, LLC, requested a Conditional Use approval for the construction of a new 5-story multifamily building including mechanical parking lifts, 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-1 – Residential Multifamily Low Intensity 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 Diva Estate, LLC, to construct a five (5) story multifamily building including mechanical parking lifts.
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 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. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval.
7. 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.
8. 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. 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.
9. 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.

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10. 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. 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.
 - b. Garbage dumpster covers shall be closed at all times except when in active use.
 - c. 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.
 11. 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.
 12. 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.
 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 Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
 15. 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.
 16. 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 _____ day of _____, 2018.

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: _____
Michael Belush, AICP
Chief of Planning and Zoning
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 _____(_____)