

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, SETTING A PUBLIC HEARING TO CONSIDER GRANTING TWO (2) WAIVERS OF CERTAIN DEVELOPMENT REGULATIONS, BY A 5/7TH VOTE OF THE CITY COMMISSION, AFTER PUBLIC HEARING, PURSUANT TO SECTION 142-425(d), OF THE CITY'S CODE, FOR THE PARKING GARAGE TO BE CONSTRUCTED AT THE P-16 SURFACE PARKING LOT, LOCATED AT 13TH STREET AND COLLINS AVENUE, WITHIN THE OCEAN DRIVE/COLLINS AVENUE HISTORIC DISTRICT: (1) A WAIVER OF SECTION 142-547(A), OF THE CITY CODE, REDUCING THE MINIMUM FRONT SETBACK (EAST SIDE) FROM TEN (10) FEET TO EIGHT (8) FEET NINE (9) INCHES; AN ADDITIONAL REDUCTION TO TWO (2) FEET FIVE (5) INCHES REDUCING THE MINIMUM FRONT SETBACK AT THE VERTICAL CIRCULATION TOWER; AND REDUCING THE SIDE SETBACK (NORTH SIDE), FACING A STREET, FROM FIVE (5) FEET TO ZERO (0) FEET; AND (2) A WAIVER OF SECTION 142-545, OF THE CITY CODE, IN ORDER TO INCREASE THE MAXIMUM BUILDING HEIGHT FROM 50 FEET TO 75 FEET.**

**WHEREAS**, on April 13, 2016, the Mayor and City Commission approved the issuance of Request for Qualifications No. 2016-124-KB (RFQ) for Architectural and Engineering Design Criteria Professional Services for mixed use parking garages; and

**WHEREAS**, the RFQ was issued on April 20, 2016, and on June 8, 2016, the City Commission approved Resolution No. 2016-29425 authorizing the City to negotiate with DESMAN, INC. (Consultant); negotiations were successful, and an agreement was executed with the Consultant; and

**WHEREAS**, the construction of a parking garage at the P-16 Surface Parking Lot was approved in the FY 2015-16 Capital Budget as part of the City's initiative to expand municipal parking garages; and

**WHEREAS**, a Design Criteria Package (DCP) is being prepared by the Consultant and will be provided to the Design Build Team for design development and subsequent construction of a new parking garage; and

**WHEREAS**, the proposed parking garage will be constructed on the property currently occupied by surface parking lot P-16 located at the southwest corner of the intersection of 13<sup>th</sup> Street and Collins Avenue and the ground level of the proposed structure could provide approximately 4,600 sq. ft. of retail space, while the upper five (5) levels of the parking garage could accommodate approximately 207 parking spaces; and

**WHEREAS**, the P-16 Surface Parking Lot is zoned Government Use (GU) and, as per Section 142-425(d) of the City Code, the City Commission may waive by five sevenths vote (5/7ths), following a duly noticed public hearing advertised in the newspaper at least fifteen (15) days prior to the hearing, development regulations "pertaining to governmental owned or leased buildings, uses and sites which are wholly used by, open and accessible to the general public, or used by not-for-profit, educational, or cultural organizations, or for convention center hotels, or convention center hotel accessory garages, or city utilized parking lots, provided they are continually used for such purposes; and

**WHEREAS**, the Project is requesting the following development regulation waivers:

1. **A.** 142-547(A), to reduce the required front setback (east side) from ten (10) feet to eight (8) feet nine (9) inches;  
**B.** An additional reduction to two (2) feet five (5) inches of the minimum front setback (east side) at the vertical circulation tower exclusively;  
**C.** Reducing the side setback (north side), facing a street, from five (5) feet to zero (0) feet;
2. 142-545, to increase the maximum building height from fifty (50) feet to seventy five (75) feet. The required building height, necessary to accommodate the retail spaces and upper parking levels, takes into account sufficient clearance for vans, mechanical services, and future modifications to accommodate sea level rise.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA** that the Mayor and City Commission set a Public Hearing to consider granting two (2) waivers of certain development regulations, by a 5/7th vote of the City Commission, after public hearing, pursuant to section 142-425(d), of the City's code, for the parking garage to be constructed at the P-16 Surface Parking Lot, located at 13th Street and Collins Avenue, within the Ocean Drive/Collins Avenue Historic District: (1) a waiver of section 142-547(a), of the City code, reducing the minimum front setback (east side) from ten (10) feet to eight (8) feet nine (9) inches; an additional reduction to two (2) feet five (5) inches reducing the minimum front setback at the vertical circulation tower; and reducing the side setback (north side), facing a street, from five (5) feet to zero (0) feet; and (2) a waiver of section 142-545, of the City code increasing the maximum building height from 50 feet to 75 feet.

**PASSED and ADOPTED** this \_\_\_\_day of \_\_\_\_\_, 2017.

**ATTEST:**

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**PHILIP LEVINE, MAYOR**

\_\_\_\_\_  
**RAFAEL E. GRANADO, CITY CLERK**

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

2-2-17      2-3-17  
\_\_\_\_\_  
City Attorney      Date