

MIAMIBEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: December 15, 2015

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **File No. 2302 – 7645 Carlyle Avenue
CUP for a Mechanical Parking System**

REQUEST

The Applicant Carlyle 77 Investments, LLC., is requesting Conditional Use approval for a mechanical lift parking system for a new 3-story Townhouse building, pursuant to Chapter 118, Article IV, and Chapter 130, Article II of the City Code.

RECOMMENDATION

Approval with Conditions

ZONING / SITE DATA

Legal Description: Lot 1, Block 22, Altos Del Mar No. 3, according to the Plat thereof, as recorded in Plat Book 8, at page 41 of the Public Records of Miami-Dade County, Florida.

Future Land Use: RM-1 (Residential Low-Intensity Zoning District)

Zoning: RM-1 (Residential Low-Intensity Zoning District)

Lot Size: 5,497 Square Feet

Proposed FAR: 6,863.84 S.F. / 1.24 (Max FAR = 1.25), as represented by the applicant

Proposed Height: 3-stories / 30'

Prior Use: Vacant Parcel

Proposed Use: Town houses (6 units)

Surrounding Uses: See Zoning Site Map (Last Page of this Report)

North: Residential Multifamily

West: Residential Multifamily

South: Residential Single Family Home

East: Residential Multifamily

BACKGROUND

The applicant has submitted plans entitled “Carlyle Terrazzo”, as prepared by Gustavo J. Ramos Architecture, Planning, Interiors”, dated October 26, 2015.

The proposal was approved by the Design Review Board on December 1, 2015 (DRB File No. 23221), for the construction of a new three-story (42'-0 high) six-unit townhome project on a vacant parcel including variances from the minimum lot size area requirements, to reduce the required front, side facing a street, sum of the sides and rear pedestal setbacks, to exceed the maximum allowed projection into the front and side facing a street yards, and to exceed the maximum height for stair railings facing a street.

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 with 6 townhouses rather than a traditional apartment building with more units and a higher structure will result in a comparatively less impact than a traditional apartment building.

- 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 on-site parking of vehicles, as opposed to relying on on-street parking as is currently necessary.

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

Consistent – The proposal would provide 9 parking spaces on site, which satisfies the minimum parking requirements for the proposed residential use. The existing residential uses on the site provide no off-street parking.

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

Consistent - The proposed project 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 development is permitted in the RM-1 zoning district. 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 – A schematic drawing showing the required parking in a traditional, non-mechanical means was submitted showing 9 parking spaces on the ground floor for a traditional apartment building with 6 units as per the requirements of the Code.

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 by mechanical means was submitted showing 9 spaces. 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. The allowable residential density for the proposed project will not exceed that which would have been permitted using the number of parking spaces noted on the set of plans using traditional parking.

PLANNING BOARD MECHANICAL PARKING REVIEW CRITERIA

The Planning Board shall consider the following review criteria when considering each application for the use of mechanical parking devices, robotic parking systems and/or vehicle elevators:

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

Consistent – The mechanical parking system allows the project to be a 3-story townhouse rather than a traditional 4 story apartment building. This will create a much more 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 reduced scale of the proposed townhouses, which is possible via the proposed mechanical parking system, results in reduction in the scale and mass. 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;**

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;**

Consistent – A restrictive covenant is a required condition of approval

- (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 – Due to the minimal number of units and proposal for only 3 lifts.

- (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 – The lifts will be controlled by individual unit owners 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 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 mechanical system will be screened from view of the surrounding right of way and properties.

- (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.

ANALYSIS

The applicant is requesting a Conditional Use Permit for a parking garage with a self-operated mechanical lift system to park 6 cars, and 3 cars in traditional parking spaces for a total of 9 spaces. The parking garage is a single level at grade, accessed from a 2-way drive aisle from 77th Street.

The mechanical lifts system contains two tiers, one at grade, and one above. Access to the lifts is at grade. The parking will serve the townhouses - 6 units.

The proposed Interior driveway is 26'-6" in width from the required 22' which will aid the required maneuver inside the garage.

Compared to the traditional parking garage, as indicated in the plans submitted, the use of parking lifts will result in a smaller parking area and more space to access the townhomes on the ground level. The mechanical parking system will be located entirely within an enclosed structure and will not be visible from surrounding properties.

Traffic and Circulation

The driveway entrance conflicts with the existing bus stop on 77th Street and will require the approval of the Transportation Department.

Sanitation

Refuse disposal will be accommodated via an enclosed trash room, given the relatively low intensity of the project (6 residential units) this is not expected to be an issue.

Noise

Since the proposed parking lifts would be located completely within the interior of the structure, a sound study was not deemed necessary. Nevertheless, staff is recommending conditions to mitigate any potential impact on the neighbors.

CONCLUSION

Staff supports this application as it complies with one of the original intentions of the mechanical parking Ordinance. With only 6 residential units, staff believes the overall project will enhance the quality and character of the surrounding neighborhood. Staff has only noted a few minor concerns, which can be easily addressed, as indicated in the recommendation for approval below.

STAFF RECOMMENDATION

In view of the foregoing analysis, staff recommends that the application be approved, subject to the following conditions:

1. This Conditional Use Permit is issued Carlyle 77 Investments, LLC., as the applicant and owner of the property. Any change of operator or 50% (fifty percent) or more stock ownership, partnership interest, or the equivalent, shall require review and approval by the Planning Board as a modification to this Conditional Use Permit. Subsequent owners and operators shall be required to appear before the Board to affirm their understanding of the conditions listed herein. This shall not apply to owners of individual residential condominium units.
2. A Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of a Building Permit.
3. The subject parking garage shall consist of 9 spaces, as proposed. Prior to the issuance of a building permit for the project, the applicant shall submit an operational plan and narrative for the operation of the mechanical parking system and the parking garage area as a whole. This operational plan and narrative shall be subject to the review and approval of staff and, at a minimum, shall satisfy the following:
 - a) That the garage shall be in operation 24 hours per day, seven days a week, as proposed by the applicant.
 - b) The structure, operation, procedures, maintenance, service response procedures, emergency response procedures, remote technical service team, on-site service team, and spare parts inventory shall be in accordance with manufacturer's specifications, and as detailed in the operations plan.
 - c) The facility shall maintain adequate backup generators sufficient to power the vehicle lifts. The generators shall be maintained in proper operating condition. The location of the generators shall be as indicated in the submitted site plan. The generators shall be installed in accordance with Code requirements regarding minimum flood plain criteria.
 - d) Warning signs prohibiting horn honking or car alarm sounding shall be posted prominently in a location, subject to the review and approval of staff.

- e) No visitor parking shall be allowed inside the complex. A sign shall be posted at the entrance indicating this.
4. 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.
 - b) A gate shall be installed at the driveway, subject to the review and approval of staff.
 - c) The applicant shall install any sound attenuating design devices that may be required, throughout the property, in order to minimize any spillover of sound to adjacent properties, which may be generated by the mechanical parking system, in a manner consistent with the requirements of the City Code and subject to the review and approval of staff.
 5. The Planning Board shall retain the right to call the owner or operator, 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, as well as the entire parking operation as a whole.
 6. The applicant shall address the following Concurrency and Parking requirements, as applicable:
 - a) 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.

7. 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.
8. 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).
9. 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.
10. 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.
11. 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.
12. 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.
13. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
14. 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.
15. 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.

ZONING SITE MAP



City of Miami Beach Planning Board
File No. 2302
7645 Carlyle Avenue

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PLANNING DEPARTMENT

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