

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: January 26, 2016

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **File No. 2304 – 25-135 N Shore Drive
CUP for a Mechanical Parking System**

REQUEST

The applicant, Normandy Ventures, LLC, is requesting Conditional Use approval for a mechanical lift parking system in the privately-owned parking garages in up to 43 townhomes, pursuant to Chapter 118, Article IV, and Chapter 130, Article II of the City Code.

RECOMMENDATION

Approval with Conditions

ZONING / SITE DATA

Legal Description: Lots 8 & 9, Block 57, Normandy Golf Course Subdivision, According to the Plat Thereof, as Recorded in Plat Book 44, Page 62, and Tract B of Normandy Isle of Normandy Golf Course Subdivision, According to the Plat Thereof, as recorded in Plat Book 40, Page 36 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: 82,263 Square Feet

Proposed FAR: 102,761 SF / 1.25 (Max FAR = 1.25), as represented by the applicant

Proposed Height: 4 stories / ~ 48'-0" (Max Height = 5 stories / 50'-0")

Prior Use: Vacant Parcel

Proposed Use: Multifamily Residential Townhomes (43 Units)

Surrounding Uses: See Zoning Site Map (Last Page of this Report)
North: Residential Multifamily - Townhomes
West: Waterway
South: Waterway
East: Public park

BACKGROUND

The applicant has submitted plans entitled “Normandy Ventures”, as prepared by Beilinson-Gomez Architects, P.A, dated November 30, 2015.

The project was initially approved by the Design Review Board on August 8, 2005 (DRB File 18464). However, in 2009 construction stopped and subsequently all building permits expired. All of the buildings on site were partially constructed at various stages of completion. The applicant acquired the property and obtained re-approval of the project by the Design Review Board on November 6, 2012 (DRB File No.22929), in order to recommence construction.

Multiple variances were obtained on November 2, 2012 (BOA File No. 3607) and on September 9, 2013 (BOA File No. 3654). The buildings are nearly complete. The project was required to provide a continuous pedestrian path to connect the units, accessibility ramps and also entry steps and handrails to mitigate the high difference between flood and the existing grade. The applicant requested multiple variances associated with the location of these elements, these variances were obtained on June 06, 2014 (BOA File 3717).

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 accommodate additional parking spaces inside each private garage.

- 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 additional parking spaces in excess of the city zoning requirements.

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 – the project was previously approved by DRB and BOA showing the required parking in a traditional, non-mechanical means (two parking spaces per unit 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.

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 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 lift parking system will be completely enclosed within the existing parking garages as previously approved by DRB and BOA 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 residents to conceal their cars inside their private garages 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 parking system will 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;**

Consistent – The mechanical lift parking system will be located within the individual privately owned two car garages contained within the respective townhome owned by the respective townhomes owner's.

- (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 – Staff has determined that the traffic study is not required since there will not be any stacking or backup onto a public right-of-way, nor any increase in density or intensity.

- (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 Conditional Use approval for a mechanical lift parking system in the privately-owned parking garages in up to 43 townhomes.

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

The mechanical lifts system contains two tiers, one at grade, and one above. Access to the lifts is at grade.

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 residents to conceal their cars inside their private garages 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 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 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.
3. 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.
4. 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.
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.
8. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.

9. 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.
10. 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.

TRM/MAB/AG

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