



MIAMIBEACH

PLANNING DEPARTMENT

PLANNING BOARD After Action August 26, 2008

After Action report – July 22, 2008 meeting

Motion: Stolar/Kuper. Vote: 5-0 (Weisburd and Appel absent). After Action adopted as modified

File No. 1884. 1155 Collins Avenue. The applicant, Margules properties, Inc., is requesting Conditional Use approval to build a 4-story mechanical parking garage inclusive of roof-top parking, and approximately 5,131 square feet of retail space and two residential units that will clad portions of the structure fronting on Collins Avenue and 12th Street. The applicant is also requesting approval to operate the parking structure after midnight.

Motion: Fryd/Kuperman. Vote: 5-0 (Weisburd and Appel absent). Continue to the September meeting.

File No. 1796. File No. 1796. 4100 & 4120 Pinetree Drive and 340 W. 42nd Street (collectively referred to as 301 41st Street). The applicants, City National Bank of Florida, as Trustee, CABI 301 Commercial LLLP and CABI 301 Residential LLLP are requesting an extension of time, not to exceed two and half (2 ½) years from the date of the original approval to June 27, 2009, in order to obtain a full building permit. The Conditional Use Permit was approved on February 27, 2007 for the construction of a structure larger than 50,000 square feet consisting of 35 condominium dwelling units situated above a three-story garage with 138 parking spaces concealed at ground level by 7 townhouse units for a total of 42 residential units.

Motion: Kuperman/Fryd. Vote: 5-0 (Weisburd and Appel absent). Continue to the September meeting.

File No. 1840 - 2301 Collins Avenue (a/k/a 2377 Collins Avenue), Gansevoort Hotel. Revocation public hearing for violation issued for noise during the operation of the rooftop pool and bar.

Verbal progress report provided. Revocation/modification hearing scheduled for the September meeting as previously agreed upon.

File No. 1647. 1775 Collins Avenue - Raleigh Hotel outdoor/NIE - progress report.

Motion: Kuper/Kuperman. Vote: 4-2 (Weisburd absent; Fryd and Stolar opposed). Direct staff to send cure-period letter so formal revocation/modification process can start; and find the 2008 source of complaints.

File No. 1873 – 1849 Purdy Avenue. Purdy Partners, LLC, is requesting a Conditional Use Permit to operate a provisional parking lot to create additional neighborhood parking. **(clarification of whether valet storage is permitted.)**

Applicant was not present; no action was taken.

File No. 1880 – 2200 Verdun Drive. The applicant, Casa dei Bambini Montessori School, Inc., is requesting a Conditional Use permit to open a second campus in a single family home for an estimated group of 30 students, including toddlers and pre-K age children.

Motion: Fryd/Stolar. Vote: 5-0 (Weisburd and Appel absent). Approve subject to staff recommendations.

File No. 1882 - 1333 18th Street - Lot Split. The applicant, Midland Trading II, Inc., is requesting to divide and L-shaped parcel of land consisting of two platted lots into two separate parcels in order to develop a new The Fresh Market grocery store with two levels of parking. This lot split is required in order to separate a parcel that is not included in The Fresh Market development.

Motion: Fryd/Appel. Vote: 6-0 (Weisburd absent). Approve subject to staff recommendations and subject to the opinion of title being reviewed and approved by the City Attorney

File No. 1874 – 1800 West Avenue. The Fresh Market, Inc. is requesting a Conditional Use Permit to redevelop the site into a quality grocery store greater than 50,000 gross square feet.

Motion: Kuperman/Fryd. Vote: 6-0 (Weisburd absent). Approve subject to staff recommendation and as modified at the meeting to include establishing a loading zone from 5:00 AM to 6:00 PM on the east side of West Avenue; 18-wheelers to be at the loading dock no later than 10:00 AM; positioning a flagman while trucks are unloading to warn incoming traffic; and completed security and sanitation plans to be submitted to staff for review and approval.

File No. 1872 – 6876 Collins Avenue. The applicant, Publix Supermarkets, Inc. is requesting a Conditional Use approval to redevelop the property where it is currently located into a new state-of-the-art, hurricane-proof store greater than 50,000 gross square feet.

Motion: Fryd/Stolar. Vote: 5-1 (Weisburd absent; Kuperman opposed). Approve subject to staff recommendation and as modified at the meeting to include widening the sidewalk on Collins Avenue to a minimum of 8 feet between 69th Street and the main entrance to the store with a physical barrier; provide bicycle racks as per Public Works Transportation staff recommendations; provide an adequately sized parking sign to alert drivers of entrance on Collins Avenue; deliveries limited to 5:00 AM to 11:00 PM; allow left in and left out on 69th Street; and security and sanitation plans to be submitted to staff for review and approval.

File No. 1877 - Ordinance Codifying the Planning Director's Interpretation of the City Code. An Ordinance of the Mayor and City Commission of the City Of Miami Beach, Florida, amending the Miami Beach City Code, Part B Land Development Regulations, Chapter 142, "Zoning Districts and Regulations," by amending Division 2, "RS-1, RS-2, RS-3 and RS-4 Single-Family Residential Districts," by amending Section 142-905, "Permitted Accessory Uses in Single-Family Districts," by adding new Subsection (B)(5) Limiting Leases of Single Family Homes to a Minimum of Six Months and One Day, to codify the Planning Director's Interpretation of the City Code; Providing for Repealer, Severability, Codification and an Effective Date.

Motion: Stolar/Appel. Vote: 6-0 (Weisburd absent). Consider the short-term/seasonal rental of single-family ordinance rather than the codification of the Planning Director's interpretation.

File No. 1878 - Ordinance - Seasonal rental of single-family homes. An Ordinance of the Mayor and City Commission of the City Of Miami Beach, Florida, amending Chapter 142 of the City Code, "Zoning Districts and Regulations," by amending Division 2, "RS-1, RS-2, RS-3 and RS-4 Single-Family Residential Districts," by adding new Section 142-110 to be entitled "Seasonal Rentals of Single Family Homes;" Providing for Repealer, Nonseverability, Codification, and an Effective Date.

Motion: Stolar/Appel. Vote: 3-3 (Weisburd absent). Recommend maximum of twice per year rentals with a minimum of 90 days rental. Motion failed.

Motion: Appel/Kuperman. Vote: 5-1 (Weisburd absent; Fryd against) Recommend maximum of three times a year rentals with a minimum period of 90 days; to be applied citywide.

Proposed amendments to the Planning Board By-Laws.

To be placed on the September agenda, first item on the agenda

File No. 1881- Lot Split Review Criteria. An Ordinance of the Mayor and City Commission of the City of Miami Beach amending City Code Chapter 118, "Administration and Review Procedures," Article VII, "Division of Land/Lot Split," Section 118-321, "Purpose, Standards And Procedures," by clarifying the Review Criteria for requests for a Division of Land/Lot Split to require an applicant to submit massing and scale studies of possible structures and uses on the lot or lots proposed to result from Lot Splits; Providing for Repealer, Severability, Codification and an Effective Date.

Motion: Kuperman/Appel. Vote: 5-0 (Weisburd and Fryd absent). Continue to the October meeting

File No. 1879 – 1228 West Avenue. The applicant, Bayview Terrace Association, is requesting Conditional Use approval to rebuild in the same location as it existed in the past a boat dock consisting of 5 slips and 12 mooring piles projecting a total of 71 feet waterward from the existing seawall, for the exclusive use of the unit owners.

Motion: Stolar/Kuper. Vote: 5-0 (Weisburd and Fryd absent). Approve subject to staff recommendation and as modified at the meeting by adding the following:

- e) The applicant shall not, at any time, take any action which will impair public access in perpetuity to the public baywalk or to the section.
 - f) The applicant shall assist the City in securing permits for the public baywalk westward of the seawall to the extent the applicant's consent, approval or support is reasonably required for the approval or processing of permits.
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File No. 1794. 49-53 Collins Avenue. File No. 1794. 49-53 Collins Avenue. The applicant, Southpointe Heights, LLC, is requesting an extension of time, not to exceed two and half (2 ½) years from the date of the original approval to April 24, 2009, in order to obtain a full building permit. The Conditional Use Permit was approved on October 24, 2006 to construct a 7-story structure consisting of 12 condominium hotel units above commercial and retail spaces on the ground floor. The proposed structure is larger than 50,000 square feet and is located in a C-PS1, Commercial Limited Mixed Use zoning district.

No quorum for this item; automatically continued to the September meeting (Weisburd and Fryd absent; Kuper recused)

File No. 1885. 1437 Collins Avenue - The applicant, DeSoleil Management, LLC d/b/a Hotel De Soleil South Beach, is requesting Conditional Use approval to operate the underutilized parking spaces in the hotel garage for valet storage after midnight.

Motion: Stolar/Kuperman. Vote: 5-0. Approve subject to staff recommendation.

File No. 1883. 1650 James Avenue - Ice Bar at the Albion Hotel. The applicant, Kaamos, LLC is requesting Conditional Use approval to operate a Neighborhood Impact Establishment consisting of a restaurant and accessory outdoor bar counter in the courtyard, terrace level, a portion of the hotel lobby and lobby bar of the Albion Hotel

Motion: Stolar/Kuperman. Vote: 5-0 (Weisburd and Fryd absent). Approve subject to staff recommendations and modifications made at the meeting to include: installing and testing the audio system as per the requirements of the Audio Bug Inc. report prior to the issuance of an occupational license; the applicant is to come back to the Board 90 days after the start of operations for a progress report; completed sanitation and security plans to be submitted to staff for review and approval; and the modifications to condition 7 made by City Attorney Held.

File No. 1833 – 15 and 21 E. San Marino Drive. Lot Split. The applicants, 15-21 San Marino, LLC, and Michael and Layne H. Stern are requesting a Division of Land/Lot Split to divide one parcel consisting of two platted lots where a single-family home, a tennis court and other improvements are located.

Motion: Stolar/Appel. Vote: 5-0 (Weisburd and Fryd absent). Continue to the September meeting with a request that the Opinion of Title be updated and reviewed and approved by the City Attorney.

File No. 1886. 1111 and 1119 Collins Avenue - Tudor Hotel and Palmer House - Neighborhood Impact Establishment. TBS Realty, LLD; Tudor South Beach Resort Condominium, Inc., and Tudor South Beach Resort-North Condominium, Ind., are requesting Conditional Use approval to operate a ground floor restaurant and rooftop lounge, which will be accessed via an elevator to the roof of the Palmer House and then via a rooftop bridge connection from the Palmer House to the Tudor rooftop lounge.

Motion: Stolar/Appel. Vote: 5-0 (Weisburd and Fryd absent). Continue to the September meeting with a request to submit a revised sound study in sufficient time to enable staff to review.

File No. 1887. FLUM Amendment. An application by South Beach Heights I, LLC, requesting to amend the Future Land Use Map of the Comprehensive Plan of the City of Miami Beach.

An Ordinance of the Mayor and City Commission of the City of Miami Beach, Florida, amending the Future Land Use Map (FLUM) of the Comprehensive Plan by changing the Future Land Use Category for the Parcel known as the "South Shore Hospital," more particularly described in the Legal Description attached as Exhibit "A" hereto from the current PF-RHO, "Public Facility (Religious, Hospital, Other)," to the Future Land Use Category of CD-2, "Commercial, Medium Intensity;" with a restriction limiting the property to Commercial Uses Only, and no Residential Uses Permitted; Providing for inclusion in the Comprehensive Plan, Transmittal, Repealer, Severability and an Effective Date.

Motion: Stolar/Appel. Vote: 4-0 (Weisburd and Fryd absent; Kuper recused). Recommend approval to the City Commission.

File No. 1888. Zoning Map Change. An application by South Beach Heights I, LLC requesting to amend the Official Zoning District Map of the Code of the City of Miami Beach, Florida.

An Ordinance of the Mayor and City Commission of the City of Miami Beach, Florida, amending the Official Zoning District Map, referenced in Section 142-72 of the Code of the City of Miami Beach, Florida, by changing the Zoning District Classification for the Parcel known as the "South Shore Hospital," more particularly described in the Legal Description attached as Exhibit "A" from the current HD, "Hospital District," to the proposed Zoning Classification CD-2, "Commercial, Medium Intensity;" with a restriction limiting the property to Commercial Uses only and no Residential Uses Permitted; Providing for Codification, Repealer, Severability and an Effective Date.

Motion: Stolar/Appel. Vote: 4-0 (Weisburd and Fryd absent; Kuper recused). Recommend approval to the City Commission.

File No. 1889. Amendment to the Land Development Regulations of the City Code. An application by South Beach Heights I, LLC requesting amendments to the text of the Land Development Regulations of the City Code.

An Ordinance of the Mayor and City Commission of the City of Miami Beach, Florida, amending the Code of the City of Miami Beach, Florida, by Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 5, CD-2 "Commercial, Medium Intensity District," Section 142-303, "Conditional Uses," by providing for "Warehouses" as an additional Conditional Use in this Zoning District; and amending Section 142-302, "Permitted Uses," by prohibiting Residential Uses in the CD-2, "Medium Intensity District," solely on property known as "The South Shore Hospital Site;" Providing for Repealer, Severability, Codification and an Effective Date.

Motion: Stolar/Kuperman. Vote: 4-0 (Weisburd and Fryd absent; Kuper recused). Recommend approval to the City Commission.

IV. Meetings Reminder / New Business

*** Next Month's Regular Meeting: TUESDAY, September 23, 2008 at 1:30 p.m. for discussion of Planning issues and 3:00 for the regular agenda, unless otherwise changed in consultation with the Chairperson depending on the length of the agenda. Please mark your calendars and inform staff if you have a schedule conflict.

V. Adjournment

Planning Board members: Remember to save the plans and backup materials from items that were continued or deferred; the Planning Department does not have any additional copies.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, PERSONS NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE BOARD'S ADMINISTRATOR NO LATER THAN FOUR DAYS PRIOR TO THE PROCEEDING. TELEPHONE (305) 673-7550 FOR ASSISTANCE; IF HEARING IMPAIRED, TELEPHONE THE FLORIDA RELAY SERVICE NUMBERS, (800) 955-8771 (TDD) *-OR (800) 955-8770 (VOICE), FOR ASSISTANCE.