

**PLANNING BOARD
AGENDA
AFTER ACTION REPORT
FOR MEETING HELD
JUNE 24, 2003**

I. Old Business

- 1. Discussion - File No. 1613** - An Ordinance of the Mayor and City Commission of the City Of Miami Beach, Florida, Amending the Code of the City of Miami Beach, by amending Chapter 6 "Alcoholic Beverages," Section 6-4 "Location and Use Restriction," to include Restaurants Licensed as Alcoholic Beverage Establishments Operating after 2:00 A.M., which are also operating as Dance Halls or Entertainment Establishments; Amending Article II. "District Regulations," Section 142-272 "Main Permitted Uses" in the CD-1 Commercial, Low Intensity District; Section 142-302 "Main Permitted Uses" in the CD-2, Commercial, Medium Intensity District; Section 142-332 "Main Permitted Uses" in the CD-3 Commercial, High Intensity District, in order to clarify the Use Restrictions of Restaurants or Alcoholic Beverage Establishments operating after 2:00 A.M. which are also operating as Dance Halls or Entertainment Establishments and to make these uses subject to Distance Separation Regulations and Age Restriction Regulations; Amending Section 142-485 "Prohibited Uses" in the I-1 Light Industrial District in order to clarify the Prohibited Uses; Amending Section 142-693, "Permitted Uses," in the Performance Standard Districts by clarifying the Permitted Uses; Amending Division 6 "Entertainment Establishments," Section 142-1362 "Review Guidelines," in order to clarify that all After-Hours Dance Halls are subject to Conditional Use Approval; Amending Division 9, "Dance Halls," Section 142-1421 "Generally," in order to clarify the minimum distance separation. Providing for Repealer; Codification; Severability; and an Effective Date.

Discussion held with a number of suggestions from members of the public generally in the realm of how to address admission to those restaurants that become dance halls after 2:00 a.m. and how to deal with those under-age patrons that are in a restaurant at 2:00 a.m. Ordinance will be revised and brought back to the Planning Board for proper action.

III. New Business

- 1. Discussion** – Single Family Residential Review Board.

Discussed. Professor LeJeune stated that this Board has very little power and is not preventing the demolition of architectural significant single-family homes because of constraints within the Florida Building Code, flood elevations, etc. Mr. Gomez reported that the City Commission discussed this issue and instructed the Administration to contact the City's Federal Lobbyists to explore the feasibility of amending the legislation to allow architecturally significant homes that are not designated, to seek waivers from FEMA requirements.

2. **Discussion** - Starting time for future Planning Board meetings

Because of the length of the preliminary agenda for the July meeting, this meeting will start at 1:00 p.m. However, starting time of future meetings will be 3:00 p.m. unless otherwise determined by the Chairperson.

IV. Items for Withdrawal/continuance

1. **File No. 1605 – 1901 Collins Avenue – The Shore Club.** The applicant, Philips South Beach, LLC, d/b/a The Shore Club, is requesting a Conditional Use Permit in order to authorize the use of the pool and courtyard areas for outdoor entertainment including, but not limited to live entertainment and DJs. **(Modified application and mailed notice not done)**

Application withdrawn

2. **File No. 1618 – Altos del Mar** – The applicant, Altos del Mar, Ltd., is requesting to amend Section 142-107 (c) of the Land Development Regulations of the City Code in order to increase maximum permitted square footage of single-family homes in the RS-4 district in Altos del Mar from 2,500 square feet to 3,250 square feet. **(At the request of the applicant– unable to complete requested additional studies)**

Continued to the July 29, 2003 meeting

3. **File No. 1495 - 137 Collins Avenue Garage, LLC** – The Applicant, 137 Collins Avenue Garage, LLC, is requesting a modification to a previously approved Conditional Use Permit in order to incorporate strips of land that are now under the control of property owners and to unify the two parking lots. **(Applicant unable to complete mailed notice on time)**

Continued to the July 29, 2003 meeting

V. Public Hearings

A. Progress Reports/Revocations

1. **File No. 1428 - Breakwater Cafe- 940 Ocean Drive**

Come back for a progress report at the October meeting. The Board also requested that the Historic Preservation Board be informed that the Planning Board would like the HPBoard to seek a solution that is viable and historically appropriate with regard to fully operational windows so that entertainment can be moved inside.

2. **File No. 1556 - Loving Care Residence – 6891 Bay Drive** - As provided by Section 118-194(c)(2), the Planning Board will hold a public hearing to consider the issue of noncompliance with the approved Conditional Use Permit and based on substantial competent evidence, the board may revoke the approval, modify the conditions thereof, or impose additional or supplemental conditions.

A motion to revoke the Conditional Use Permit was made, but failed due to a lack of second.

A motion to modify the existing Condition Use Permit was approved subject to the conditions in the staff report and other modifications as follows: (1) the facility shall operate according to state standards; (2) staff of the facility be approved by the appropriate State licensing body; (3) staff shall be individually licensed if required by State; (4) facility shall have 24-hour staffing; (5) facility shall not house individuals who need full time nursing care; (6) facility shall not house residents with chronic psychiatric problems; (7) facility shall not house people under the supervision of the Department of Corrections.

B. Previously Continued Items

1. **File No. 1589 – 4300-4332 Collins Avenue – Parking Garage.** The applicants, FRU Management, Inc., is requesting a modification to the conditional use permit granted by the Planning Board on January 28, 2003 in order eliminate the expiration date of May 31, 2003 for the use of an existing surface parking lot.

No action necessary – applicant accepted the recommendation of staff to abandon the Conditional Use Permit for the parking garage.

2. **File No. 1615 – 653-663 Alton Road.** The applicant, South Shore Hospital Foundation, Inc., is requesting a two-year extension of time for a temporary parking lot pursuant to Section 130-70 (8) of the City Code.

Approved subject to staff recommendation and modified to include that plant material shall be irrigated as necessary to keep landscaping alive.

3. **File No. 1616 – 1230 Stillwater Drive - Boat dock.** The applicant, Dominic Cavagnuolo, is requesting Conditional Use approval in order to construct a dock projecting 81 feet seaward from the existing sea wall, inclusive of a terminal platform.

Approved subject to staff recommendation and modified to include language in Condition #4 that the dock shall not be used for servicing personal watercrafts and that any floating docks would have to be approved by DERM.

4. **File No. 1422 – 340 23rd Street – Temporary parking lot.** The applicants, American Riviera Real Estate Company is requesting a two-year extension of time for a temporary parking lot pursuant to Section 130-70 (8) of the City Code. The subject parking facility received a Conditional Use Permit on November 22, 1999 in order to operate a commercial parking lot, for valet and self parking, operating after midnight.

Continued to the July 29, 2003 meeting at the request of the applicant

C. New Applications

1. **File No. 1621 - 5530 LaGorce Drive – Lot split.** The applicant, Telesco Associates, Inc., is requesting approval to separate the existing parcel into two separate buildable lots.

Approved subject to staff recommendation and modified to include a condition that new construction on each lot shall not exceed 3000 adjusted square feet; that no storage of automobiles shall be permitted at any time and that the applicant shall repair the sidewalk within 10 days of the date of the hearing.

2. **File No. 1622 – 7625 Byron Avenue - Daycare center.** The applicant, Barbara Pombar, is requesting a Conditional Use Permit in order to operate a daycare center at this address.

Approved subject to staff recommendation and modified to include: (1) operating hours are 6:30 a.m. to 6:30 p.m. except for staff and administrative personnel and emergencies; (2) no animals (petting zoo) shall be permitted; (3) remove the existing Brazilian pepper tree and replace with an appropriate tree; (4) front yard shall be kept as green space.

3. **File No. 1602 - Nonconforming Buildings.** An Ordinance Of The Mayor And City Commission Of The City Of Miami Beach, Florida Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article IX, "Nonconformances," By Amending Section 118-395 To Clarify And Update Certain Terms And Descriptions, And To Provide More Defined Parameters For What Constitutes A Nonconforming Structure; By Amending Section 118-398 To Clarify And Update Certain Terms And Descriptions; And By Amending Section 118-399 To Clarify And Update Certain Terms And Descriptions; Amending Chapter 130, "Off Street Parking", Article VI, "Parking Credit System" By Amending Section 130-161, To Establish Revised Standards For Non-Conforming Structures; Providing For Repealer, Codification, Severability And An Effective Date.

Not ready for a recommendation. Revise and bring back.

VI. Meetings Reminder

*** Next Month's Regular Meeting: TUESDAY, July 29, 2002- 1:00 P.M.