

**PLANNING BOARD**  
**AFTER ACTION REPORT**  
**JULY 29, 2003**

**1:00 P.M. – CITY COMMISSION CHAMBERS**

**I. Administration**

- After Action report – June 24, 2003 meeting

**II. Items for Withdrawal/continuance**

- 1. **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.

**Continued to the August 2003 meeting**

**III. Old Business**

- 1. Planning Board by-laws – adoption of proposed amendments

**Continued to the August 2003 meeting. Board members will send suggested changes to be incorporated into the by-laws**

**IV. New Business**

**V. Public Hearings**

**A. Previously Continued Items**

- 1. **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.

**Approved subject to the following amendments: 3,250 sq. ft. to be allowed as long as no more than 35% of structure is on second floor; a minimum of 5 ft. setback from Atlantic Way; no setback or other variances from these provisions. Otherwise, the maximum square footage remains at 2,500 sq. ft.**

2. **File No. 1422 – 340 23<sup>rd</sup> 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.

**Approve subject to staff recommendations and the following additional conditions: 1. a perimeter hedge of no less than 36” high at time of planting; 2. entire parking lot, including all the landscape areas shall be receive regular maintenance, including trimming of hedges and trees.**

**B. New Applications**

1. **File No. 1495 - 137 Collins Avenue – Parking lot** – 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.

**Continued to the October meeting – not properly before the Board at this time.**

2. **File No. 1620.** The applicant, 4360 Collins, LLC is requesting an amendment to the Land Development Regulations of the City Code in order to allow apartment buildings in an RM-2 zoning district that faces an RM-3 zoning district to have commercial, retail or restaurant uses located in ground floor spaces with direct access to the street.

**Continued to the August meeting at the request of the applicant.**

3. **File No. 1623 – 1415 Washington Avenue – Tropical on the Beach.** The applicant, Mairely Rodriguez, is requesting a Conditional Use Permit in order to operate a Neighborhood Impact Establishment with an occupancy load in excess of 200 persons.

**Continued to the August meeting. Applicant to meet with staff to go over the information contained in the Police Report.**

4. **File No. 1624 – 4360 Collins Avenue LLC – Temporary Parking Lot.** The applicant, 4360 Collins, LLC is requesting a Conditional Use Permit in order to construct a temporary parking lot that would serve surrounding hotels and construction projects in the area and operate the lot on a 24-hour basis.

**Approved subject to staff recommendations, including the following additional conditions: coconut palms shall be 5' clear trunk, planted at 20' on center; should a fence be desired, it shall be metal picket fence and installed 2 ft. setback from the property line to allow the hedge material to be visible and enhance the property.**

5. **File No. 1625 – 1740-1750 Normandy Drive – Lot split.** The applicant, Milton Cubas, is requesting approval to separate the existing parcel containing two structures, into to separate lots.

**Motion to approve the request failed – request denied**

6. **File No. 1367 – 900 Ocean Drive – Mango's Tropical Café.** The applicant, Mango's Tropical Café, is requesting a modification to an existing Conditional Use Permit in order to convert the existing art galleries on the second floor into dance areas without an increase in the occupancy load; and to remove Condition No. 7, which requires that sidewalk tables and chairs be brought in at night.

**Approve subject to staff recommendation and the following additional conditions: the VIP rooms shall remain enclosed – should at a future date the applicant desired to remove the partitions to the catwalk, it should come back to the Board as a modification of the Conditional Use; and the existing windows in the VIP rooms remain fixed and not operable.**

7. **File No. 1626.** An Ordinance of the Mayor and City Commission of the City of Miami Beach amending Division 7. CCC Civic and Convention Center District of the Land Development Regulations of the City Code in order to allow waivers of development regulations by a five-sevenths vote of the city commission for developments 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 to amend the public notice requirements for such waivers. Providing for Codification, Repealer, Severability and Effective Date.

**The Board believes it is not good planning to confer upon the City Commission the right to waive all development regulations as a general matter and should even reconsider doing it in the GU district. As a general policy, it is not good planning to do it that way and it is better to look at waivers of development regulations and variances on a case by case basis and based on the merits of the specific project.**

**The recommendation to the City Commission is that they not adopt this ordinance based on the Board's belief that it is not good planning to grant to the City Commission the mechanism to waive development regulations across the board. The Board believes it is better to use the existing procedures to consider necessary variances on a case-by-case basis.**

8. **File No. 1611 - Fences.** 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 142, "Zoning Districts And

Regulations," Division 4, "Allowable Encroachments", by Amending Section 142-1132 to Establish Revised Standards for the Installation of Fences in Residential Districts; Providing For Repealer, Codification, Severability and an Effective Date.

**Continue to the August meeting for input from the Historic Preservation Board. The Board suggested that the ordinance be modified to include that the fences may be reviewed and approved at the administrative level.**

9. **File No. 1619 – Concurrency for small businesses.** An Ordinance of the Mayor and City Commission of the City of Miami Beach, Florida, amending the City Code, Chapter 122, "Concurrency Management," Section 122-8, "Determination of Concurrency," to allow for the adoption of programs or policies by the City Commission allowing exemptions from transportation concurrency requirements, such as for small businesses whose impacts have been determined to be minor to the existing roadway level of service; providing for Repealer, Codification, Severability and an Effective Date.

**Recommend to the City Commission to approve as presented and include a definition for small business as incorporated into the criteria in the staff report and send a strong message to the Commission that Concurrency needs to be looked at in a more comprehensive manner.**

**Second motion made that the Board should have a workshop on Concurrency in September, and if not possible, then include in the September agenda a status report as to when and what is available for presentation.**

**VI. Meetings Reminder**

\*\*\* Next Month's Regular Meeting: TUESDAY, AUGUST 26, 2003