



**PLANNING BOARD
AFTER ACTION REPORT
FOR MEETING HELD
OCTOBER 28, 2003**

CITY COMMISSION CHAMBERS

2:30 P.M. – Discussion of Planning Issues

- Restaurants and clubs

Staff was directed to examine regulations regarding nightclubs which operate within restaurants, in areas where stand-alone nightclubs would not otherwise be permitted.

3:00 P.M. – Regular Planning Board Meeting

I. Items for continuance / withdrawal/

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. (At staff's request)

Deferred – will re-notice when it is ready to come back after all legal issues with the properties are resolved.

2. **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. (At the request of the applicant).

Continued to the December 2, 2003 meeting at the request of the applicant.

3. **File No. 1630 – Golf Course Fence Ordinance.** An Ordinance of the Mayor and City Commission of the City of Miami Beach, Florida, Amending the Miami Beach City Code, Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," Division 8, "GC Golf Course District," Section 142-395, "Development Regulations," to revise the fence and landscaping restrictions applicable to private golf courses, and

Chapter 142, Article IV, "Supplementary District Regulations," Division 4, "Supplementary Yard Regulations," Section 142-1132, "Allowable Encroachments," Subsections (h), "Fences, Walls, And Gates," And (i), "Hedges," to revise the fence and landscaping restrictions applicable to public and private golf courses, and abutting properties, Providing For Codification, Repealer, Severability, And An Effective Date.
(At staff's request)

Continued to the January 27, 2004 meeting.

II. Old Business

- Free Trade Area of the Americas (FTAA) will be having their conference here November 17 – 21, 2003. The Administration and the Police Department will be making a presentation on the FTAA to every board and committee in the City.

Presentation made.

- **Planning Board by-laws** – adoption of proposed amendments

Item not discussed. Will be re-scheduled for the 12/2/03 meeting.

IV. New Business

- None

Professor Lejeune brought up an issue that he requested be placed as a discussion item at the next meeting (12/2/03). He stated that of the Single Family Residential Review Board (SFRRB) is not working and has little power to stop the demolition of these homes that are architectural significant. He also stated that he has resigned from the SFRR Board .

V. Public Hearings

A. Progress Reports

1. **File No. 1556** - Loving Care Residence – 6891 Bay Drive

Mr. Jose Luis Alvarez, principal owner of Loving Care Residence, licensed as an ALF, reported in a letter handed to staff that he will no longer continue the operation of the ALF and has put the property up for sale.

2. **File No. 1629 – 1901 Collins Avenue** – SkyBar at the Shore Club.

The applicant presented a report prepared by Civil Works, Inc., a traffic engineer, explaining why the entrance to SkyBar from Collins Avenue does not work, and requested a modification of the Condition Use Permit that would permit them to have the entrance again on 20th Street. The Board advised the applicant that such modification could not be made at

this time for lack of proper notice and that an application must be filed with Planning staff.

B. Previously Continued Items

1. **Discussion - File No. 1614 - Alcohol & Nudity** – An Ordinance Amending Chapter 6, “Alcoholic Beverages,” Of The Code Of The City Of Miami Beach, Florida, By Amending Sections 6-40 And 6-41 “Total Nudity And Sexual Conduct Prohibited,” And “Provisions Pertaining To Establishments Permitting Partial Or Total Nudity,” To Allow Establishments Licensed As Alcoholic Beverage Establishments To Offer Partial And Total Nude Adult Entertainment; Providing For Codification, Repealer, Severability, And An Effective Date.

After a lengthy discussion a motion was made to make a recommendation to the City Commission that although the Board is in favor of permitting the sale of alcoholic beverages in totally nude adult entertainment establishments, it strongly recommends against adoption of the proposed ordinance at this time; instead, the Board recommends that the ordinance be continued so that staff can address a number of issues:

- **Should the sale of alcoholic beverages in totally nude adult establishments happen only in very large venues or smaller venues that may be easier to regulate.**
- **What kind of amenities would be offered.**
- **How many – concentration within an area – strict standards on concentration. There is a need to develop objective criteria with greater flexibility in terms of type of establishment and strong restrictions as to location and concentration.**
- **Compatibility within underlying zoning and adjacent residential neighborhoods and schools.**
- **What will the clubs look like – presentation and make the facilities better looking.**
- **Legal has new material that should be carefully evaluated to create a stronger legal base for any ordinance the City may adopt.**
- **Address issue of sex parity in the treatment of female and male performers.**

Motion was approved 5-0, two members absent.

2. **File No. 1610 - Aqua docks – 250 West 63rd Street.** The applicant, 63rd Street Associates, Ltd., is requesting Conditional Use approval in order to construct boat docks exceeding a projection of 40 feet from the seawall.

Application approved subject to conditions in staff report, modifying condition #2 to say that applicant shall make application for the sign piles at the 25% waterway width line and no further; that any lights be at the minimum height as permitted by the U.S. Coast Guard, and if visible from the 63rd Street Bridge, no raising of boat on D1 and D2 without coming back to the Board.

3. **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.

Recommendation of approval to the City Commission with the following modifications to the ordinance:

- 1) signage for commercial/retail to be subject to appropriateness review;**
 - 2) cross reference Section 130-131 so that it is clear that all required parking will be provided.**
-

C. New Applications

- 1. File No. 1633 – 7915 Hawthorne Avenue - Day Care Center.** The applicant, Children Around the World, Inc. is requesting a Conditional Use Permit in order to operate a children's day care center.

Approved subject to staff recommendations and the following modifications: 1) Status report in 90 days after opening. 2) Number of children shall not exceed 15. 3) The front yard shall be fenced from the backyard and the front shall not be used for recreational purposes. The rear yard shall have a hedge surrounding the perimeter of the yard. 4) No signage. 5) Hours no earlier than 7 a.m. and center to close at 6 p.m. allowing for children pick up no later than 6:30 p.m.

- 2. File No. 1634 – 4016-18 Royal Palm Avenue – Religious Institution.** The applicant, Bukharian Sephardic Jewish Center of Miami, Inc. is requesting a Conditional Use Permit in order to convert two units of a four-unit vacant commercial building into a Jewish Synagogue.

Approved subject to staff recommendation and amending condition #4 to say that maximum occupancy at any time shall not exceed 48 persons.

- 3. File No. 1635 – 1031 North Shore Drive – Dock and terminal platform.** The applicants, Antonio and Olga Pelaez, are requesting a Conditional Use Permit in order to construct a dock with terminal platform that projects 50 feet from the existing seawall.

Approved subject to staff recommendation and the following modification: 1) terminal platform shall be reduced to 4' in width rather than 8' for a total dimension of 4' x 15'. 2) lighting shall be the minimum height required to meet DERM and U.S. Coast Guard regulations.

- 4. File No. 1637 – 1901 Convention Center Drive – Approval of a 2-day Show – June 5-6, 2004 - at the Miami Beach Convention Center involving adult materials.** The request by the Gay Erotic Expo at the Miami Beach Convention Center to conduct a two-day Gay Erotic Expo at the Miami Beach Convention Center – a venue that is located within 2,500 feet of Miami Beach Senior High School. This application is necessary due to the provisions of s. 847.0134, Florida Statutes, which prohibits adult entertainment establishments that display, sell, or distribute materials harmful to minors within 2,500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school unless the county or municipality approves the location under proceedings as provided in s. 125.66(4) for counties or s. 166.041(3)(c) for municipalities,

which is the same procedures as a zoning map change, requiring two public hearings before the City of Miami Beach City Commission and a recommendation from the Planning Board, also under the public hearing process.

The Planning Board recommends the City Commission approve the location of the Convention Center to permit this type event, but with a limitation of no more than 2 per year and that each application for this type of event come before the Planning Board for review to discuss the actual programming under the procedure set by State Statutes. In addition, the Board also recommends that the City Commission set the hours of operation for this type of event at the Convention Center to no earlier than 9 a.m. and no later than 2 a.m. (5-0, two members absent).

VI. Meetings Reminder

*** Next Month's Regular Meeting: TUESDAY, December 2, 2002- 2:30 p.m. for discussion items; 3:00 p.m. for regular meeting unless otherwise changed in consultation with the Chairperson depending on the length of the agenda. Please mark your calendars and inform staff immediately if you have a schedule conflict.

VII. 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.

F:\PLAN\PLB\2003\oct03\agenda 10-28-03.doc