



**PLANNING BOARD**  
After Action for meeting of  
**JANUARY 27, 2004**

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

- Vesting of rights under conditional use permits.

Discussion held – following language suggested: New conditional use language for the Order, per the Board:

"Rights under this conditional use permit to operate under the approval granted shall not vest until the Planning Director certifies that the conditions of this permit have been satisfied. Failure to satisfy the following material conditions numbered \_\_\_\_, \_\_\_\_, \_\_\_\_, will render this conditional use permit null and void."

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**I. Administration**

- After Action report – December 2, 2003
- **Change of April meeting date to April 20, 2004** – Board members were notified and asked to change their calendars to reflect the new date.

**II. Items for Withdrawal/continuance**

1. **File No. 1639 – 3924 Collins Avenue and 228 40th Street – Crown Parking Garage.** The applicant, Howard Cohen, is requesting a Conditional Use Permit in order to construct a parking structure with ground floor retail at the above-captioned location.

Continued to the February 24, 2004 meeting

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**III. Old Business**

- Planning Board by-laws – adoption of proposed amendments

Board requested that this item be placed as the discussion item at 2:30 p.m.

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**IV. New Business**

- Single Family Residential Review Board (SFRRB) – at the request of Professor LeJeune

Staff to work on suggested modifications to this process. Professor LeJeune re-appointed to this Board while the current ordinance is being studied.

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- Neighborhood Conservation Overlay District Concept and Enabling Ordinance.

Public hearing at the February 24, 2004 meeting

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There were several issues brought up by the Board during discussion:

- Apparent violation by SkyBar of Conditional Use Permit and would like clarification on the following issues.
  - amplified music not ambient; volume could be heard outside
  - representations made at progress report in December 2003 were flawed.
  - Alex Tachmes, one of the attorneys for SkyBar was present on an unrelated issue and stated that he would discuss with the managers of SkyBar and report back.
- Show Management – Brokerage Yacht Show – not living up to the representations made during the Planning Board meeting with regard to the Shane Watersport Center. Would like to bring them in for a progress report at the March meeting.
- Review the requirement of temporary parking lots to raise standards perhaps looking at where they are located. Planning staff to look at this issue and bring it back to the Board in 60 days.
- The Board would like to have a summary of responses to public notices at the opening of each item.
- Staff was questioned as to why the alcohol and nudity ordinance had not come back to the Board before the City Commission had first reading. The Board feels there are issues that had been raised and not finally addressed. The Board made a motion to ask the City Commission, knowing that although the Commission has already acted on first reading to address the issues raised by the Board. Otherwise delay action on approving the ordinance, and if the Commission so wishes, the Board will address and finalize those items not addressed.

## V. Public Hearings

### A. Progress Reports

**File No. 1422 – 340 23rd Street – Temporary Parking Lot**

Progress report in 60 days – March 23, 2004 meeting.

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### B. Previously Continued Items

1. **File No. 1274 – 600 Washington Avenue – Parking Lot.** The applicant, Quick Park of Florida LLC, is requesting a modification to the previously granted Conditional Use Permit in order to allow self-parking where valet-only parking was approved.

#### **Request denied**

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2. **File No. 1641 – Ordinance. Creation of a Brownfield Signage District.** 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 138, entitled "Signs," amending Article V, entitled "Sign Regulations by District," amending Section 138-172 to clarify and expand the requirements for signage on buildings within designated Brownfield Areas, and by creating Section 138-173 to establish a Brownfield Signage District; Providing for inclusion in the City Code, Repealer, Severability and an Effective Date.

**Continued to the February 24, 2004 meeting – the Board requested refinements to the ordinance; inclusion of guidelines; look at other municipalities to see what has been done; i.e., Beverly Hills, Santa Monica**

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3. **File No. 1643 – Rooftop additions in the North Beach Resort Historic District.** An Ordinance Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Amending The Land Development Regulations Of The Miami Beach City Code; Amending Chapter 142, "Zoning Districts And Regulations"; Amending Section 142-1161, "Height Regulation Exceptions"; Amending Section 142-1161(D), "Rooftop Additions" By Modifying The Prohibition Of Rooftop Additions Of More Than One Story In The North Beach Resort Historic District; Providing For Codification, Repealer, Severability, And An Effective Date.

**Recommended approval as follows: For those structures greater than 6 floors, which are deemed eligible by the Historic Preservation Board, a rooftop addition of one floor with a maximum 16' floor-to-ceiling height may be permitted. The rooftop addition shall be placed in its entirety atop the portion of the structure that is 6 stories or greater.**

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4. **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. Look into unintended consequences, and continue studying the issue. Bring back to the Board when ready.**

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**C. New Applications**

1. **File No. 1528 - 5401 Collins Avenue - Kabbalah Center** - The applicant, Kabbalah Center of Florida, is requesting an extension of time to a previously approved Conditional Use Permit to operate a religious institution with educational facilities in a condominium building.

**Approved extension of time to 7/31/04. Board not inclined to grant any further extensions. Report status of relocation in 60 days.**

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2. **File No. 1644 – Ordinance.** The applicant, GREC Conversions IV, Ltd., the owner of units in Aquasol, located at 6770 Indian Creek Drive, Miami Beach, is requesting to amend Section 142-902 “Permitted Accessory Uses” of the Land Development Regulations of the City Code in order to allow “light office use” in apartment buildings situated on lots of at least 50,000 square feet in the RM-2 district north of 63<sup>rd</sup> street.

**Continued to the February 24, 2004 meeting at the request of the applicant**

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3. **File No. 1632. – Ordinance.** An Ordinance of the Mayor and City Commission of the City of Miami Beach Amending the Land Development Regulations of the City Code by Amending Chapter 142, “Zoning Districts And Regulations,” of the City Code; Division 13, “MXE, Mixed Use Entertainment District,” Section 142-542, “Conditional Uses,” to include public and private cultural institutions open to the public and banquet facilities as Conditional Uses in this zoning district; Providing For Codification, Repealer, Severability and Effective Date.

**Continued to the February 24, 2004 meeting in order to seek the input of the Ocean Drive Association**

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4. **File No. 1645. Ordinance - Board of Adjustment membership.** 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 118, “Administration and Review Procedures,” Article II, “Boards,” Division 5, “Board of Adjustment,” Section 118-131, “Membership,” amending the membership of the Board of Adjustment to conform to the recently adopted Charter Amendment expanding the Board from five to seven regular voting members and removing Ex-Officio Members from the Board; and Section 118-136, “Powers And Duties,” amending the voting requirement to approve matters coming before the Board from 4/5 To 5/7; Providing for Repealer, Severability, Codification and an Effective Date.

**Recommended approval to the City Commission**

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VI. **Meetings Reminder**

\*\*\* Next Month's Regular Meeting: TUESDAY, February 24, 2004 at 3:00 p.m., 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.

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.**