



## PLANNING DEPARTMENT

### PLANNING BOARD AFTER-ACTION

#### MEETING OF NOVEMBER 22, 2005

##### I. Administration

Discussion items for December: Traffic issues – specific list of enumerated items in the MMP-review of actual design of the projects; and traffic signalization priorities as announced by the County Mayor-update.

Address the concepts previously presented for the Collins Park area (entertainment ordinance) to be placed on the January 2006 agenda.

If Public Works, FDOT and Miami-Dade Traffic are not ready for the discussion in December because of other priorities due to the damages caused by Hurricane Wilma, then switch the items around – Entertainment in December and Traffic in January.

February meeting: Maintenance of major tourist corridors including North Beach and Middle Beach, of City services and responsibility and enforcement of property owners in maintaining the streets. Input from Public Works, Property Management, and Police.

##### II. Items for Continuance/Withdrawal

1. **File No. 1740 – 530 Meridian Avenue – Institutional Use/Adult Congregate Living Facility.** The applicant, Sunsouth Place, Inc., is requesting Conditional Use approval to operate a 70-unit institutional use/adult congregate living facility providing on-site personal services to residents such as social workers and other support personnel.

Motion: Sanchez/Courtney. Vote: 6-0 (Malakoff absent) - Continued to the December 2005 meeting

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2. **File No. 1738 – 999 Washington Avenue - Neighborhood Impact Establishment (NIE).** The applicant, 999 Washington Avenue, LLC is requesting Conditional Use approval to operate a club, an alcoholic beverage establishment with dance and entertainment, with an occupant load in excess of 200 persons, at the above address until 5:00 a.m.

Motion: Berman/Courtney. Vote: 5-0 (Leff recused; Malakoff absent) – Continued to the December 2005 meeting.

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### III. Public Hearings

#### A. **NOVEMBER 22, 2005 AGENDA**

3. **File No. 1743 – 1833 Bay Road.** The City of Miami Beach is requesting approval of a land swap of three parcels of lands consisting of 24,000 square feet collectively known as 1833 Bay Road located in the I-1, Light Industrial Zoning District for up to four equivalent parcels plus improvements, also within the I-1, Light Industrial Zoning District between the City of Miami Beach and Goldwater Realty. The request is being made pursuant to the Charter of the City of Miami Beach Section 1.03(b)3., wherein the sale, exchange, conveyance or lease of ten years or longer of City-owned property requires approval by a majority vote (4/7) of all members of the Planning Board and five-sevenths vote of all members of the City Commission.

Motion: Sanchez/Leff. Approve the land swap. Vote: 6-1 (Malakoff against)

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4. **Revocation hearing - File No. 1676 – 14 Farrey Lane – Chabad Lubavitch of Venetian Causeway and Surrounding Islands, Inc.** Consideration by the Planning Board to revoke or modify the Conditional Use Permit approved for this institution on August 24, 2004 because of non-compliance with conditions of approval.

Motion: Sanchez/Leff. Accept staff recommendation not to revoke the Conditional Use Permit. Vote: 7-0.

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5. **Revocation hearing - File No. 1495 – 133 and 141 Collins Avenue – Parking Lot.**

Motion: Malakoff/Kupperman. Vote: 7-0. Continue the revocation hearing to the January meeting as recommended by staff.

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6. **Progress report - File No. 1629 – SkyBar at The Shore Club – 1901 Collins Avenue.** Entrance to SkyBar via 20<sup>th</sup> Street.

Progress report given by applicant. No action necessary

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7. **File No. 1745 – 1116 Ocean Drive, Casa Casuarina – Banquet Hall.** The applicant, Casa Casuarina, LLC is requesting Conditional Use to operate a banquet hall using the courtyard, dining area and pool area for various types of events including dining, dancing and entertainment.

Motion: Kuperman/Courtney. Vote: 7-0. Approve subject to staff recommendation and modifying Conditions #7 to say that the front gate should remain “unlocked during operation of banquet facility,” and #8 by adding to the condition that applicant shall be required to maintain valet parking services for the banquet facility.

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8. **File No. 1746 – 101 Ocean Drive, Bentley Beach Hotel – Parking Garage.** The applicant, Double Park, LLC is requesting Conditional

Use approval for the use of underutilized parking spaces on a 24-hour basis. The underutilized spaces will be used to accommodate patrons of nearby restaurants.

Motion: Sanchez/Kuperman. Vote: 7-0. Approve subject to staff recommendation, except only for 6 months; before expiration, the applicant may request an extension from the Board and one additional condition: "This Conditional Use approval may not be used until the Planning Director and the City Attorney's Office are satisfied that the applicant has exclusive rights to use the spaces as proposed."

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9. **File No. 1747 - Ordinance - Parking Pedestal Design Requirements.** 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 Chapter 142, "Zoning Districts and Regulations", Article II, "District Regulations", by Amending Division 3, "Residential Multifamily Districts", Subdivision II, "RM-1 Residential Multifamily Low Intensity", Section 142-156 to modify the requirements for new construction to require residential uses in front of certain portions of a parking lot or pedestal; by amending Subdivision IV, "RM-2 Residential Multifamily Medium Intensity", to add a new section specifying requirements for residential uses in front of certain portions of a parking lot or pedestal; by amending Subdivision V, "RM-3 Residential Multifamily High Intensity", to add a new section specifying requirements for residential uses in front of certain portions of a parking lot or pedestal; by amending Division 13, "MXE Mixed Use Entertainment District", to add a new section specifying requirements for residential uses or commercial space in front of certain portions of a parking lot or pedestal; by amending Division 18, "Performance Standard District", Section 142-695, to add new requirements for residential uses or commercial space in front of certain portions of a parking lot or pedestal; Providing for Repealer, Codification, Severability and an Effective Date.

Motion: Malakoff/Berman. Vote: 7-0. Recommend approval with the following modifications:

1. Residential or commercial uses, as applicable, shall be required at the first level along every facade facing a street, sidewalk or waterway.
  2. Residential or commercial uses, as applicable, shall be required above the first level along every facade facing a waterway.
  3. All facades above the first level, facing a street or sidewalk, shall include residential or commercial uses, the total amount of which shall be subject to the Design Review or Historic Preservation Board, as applicable.
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10. **File No. 1748 - Ordinance. DRB Scope and Exemptions.** 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 VI, "Design Review Procedures" by clarifying the scope of review of the Design Review Board as it pertains to Single Family Homes and Townhomes; Providing for Repealer, Codification, Severability and an Effective Date.

Motion: Berman/Sanchez. Vote: 7-0. Recommend approval of the ordinance to the City Commission.

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**B. OCTOBER 25, 2005 AGENDA – STARTING NOT BEFORE 3:00 P.M.**

1. **File No. 1741 – Miami City Ballet.** The City of Miami Beach is requesting approval of a lease between the City and Miami City Ballet pursuant to the Charter of the City of Miami Beach Section 1.03(b)3., wherein the sale, exchange, conveyance or lease of ten years or longer of City-owned property requires approval by a majority vote (4/7) of all members of the Planning Board and five-sevenths vote of all members of the City Commission.

Motion: Malakoff/Leff. Vote: 7-0. Continued to the December 2005 meeting.

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2. **Revocation Hearing - File No. 1712 – 1201 Collins Avenue - Temporary Parking lot.** Consideration by the Planning Board to revoke or modify the two year extension of time approved for this Temporary surface parking lot for non-compliance with the conditions of approval imposed by the Board.

Motion: Courtney/Berman. Vote: 7-0. No action with respect to the revocation.

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3. **File No. 1728 – 110 First San Marino Terrace – Lot Split.** The applicant, Plaxico, LLC, is requesting approval for a division of land/lot split of the parcel located at 110 First San Marino Terrace, Sand Marino Island into three buildable lots.

Motion to approve made by Mr. Sanchez, but motion died for lack of a second.

Motion: Kuperman/Berman. Deny the request for the lot split. Vote: 5-2 (Courtney & Sanchez against the motion). Denial based on: 1) Interior lots in San Marino Island have small homes; 2) Most of the homes on the interior lots are one story and as proposed, the new homes would be incompatible with the number of stories and square footage; 3) Parcel developed as one site; two additional homes on the site would compete with existing historic home; not good site planning; 4) no studies have been conducted to determine the capacity of the infrastructure; i.e. water pressure, sewer, electricity; 5) as depicted, driveways into new homes have obstructed views where placed on San Marino Drive, because of the curvature of the property.

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4. **AFTER 5:00 P.M. File No. 1736 – 8540 Harding Avenue – Institutional Use/Adult Congregate Living Facility.** The applicant, Harding Village Ltd., is requesting Conditional Use approval to operate a residential supportive housing facility for formerly homeless individuals providing on-site case management and personal services.

Motion: Leff/Courtney. Vote: 6-0 (Berman absent/recused) – Approve subject to staff recommendation and modifications as follows:

1. Cond. #3 – existing building permit shall be modified to reflect up to 92 ACLF units with kitchens.
2. Cond. #5 – applicant shall provide staffing on site 24/7; Security plan shall include monitored CCTV system on all public areas within the perimeter of the property with digital video recording;
3. Cond. #6 – personal services shall only be provided to residents of the facility. Any substantive changes to the list of services, as determined by the Planning Director, to be reviewed by the Planning Board as modification to this Conditional Use Permit.
4. Cond. #8 – which refers to loitering is deleted
5. Cond. #1 – progress report in 120 days after C.O.
6. Cond. #5 – eliminate meeting with the neighborhood & St. Joseph's

New conditions:

1. Try to eliminate up to 4 parking spaces if permitted by Code to provide additional recreational facilities including a covered pavilion structure in the north parking lot area.
2. Cond. #4 – proposed fence at the perimeter of the property be redesigned in a manner to include either a wall or decorative block wall or solid surface to be reviewed and approved by staff.
3. The proposed interior Space plan for all common areas to be reviewed and approved by staff.
4. Location of dumpster properly shielded and located to be reviewed and approved by staff. Dumpster shall be covered and of sufficient capacity and pick up at sufficient intervals to avoid garbage spills.
5. No current user of illegal controlled substances shall be allowed to reside at Harding Village.
6. Applicant shall satisfy Planning Director and City Attorney that no additional license other than Occ. Lic. is required under federal, state or local laws.
7. Prior to progress report, the applicant is requested to use best efforts to meet with neighborhood with respect to the Conditional Use Permit.

Counsel for the neighborhood submitted a list of conditions which were discussed; however some had already been incorporated during the course of the Board discussion. Others were not.

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5. **File No. 1739 – 4360 - 4370 Collins Avenue – Parking garage with residential and accessory commercial units.** The applicant, Fontainebleau Florida Hotel, LLC is requesting Conditional Use approval to construct and operate a non-commercial parking garage with residential units facing Indian Creek Drive and commercial/retail uses facing Collins Avenue.

Motion: Courtney/Kuperman. Vote: 7-0. Approve subject to staff recommendation.

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6. **File No. 1733 - 86-88 La Gorce Circle – Lot Split.** The applicant, Lilian A. Gregory, is requesting a Division of Land/Lot Split of one buildable parcel of land consisting of two lots into two separate buildable parcels.

Motion: Kuperman/Courtney. Vote 5-0 (Diaz recused) – Deferred indefinitely at the request of the applicant

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7. **File No. 1735 – 1732 James Avenue – surface parking facility.** The applicant, Park West Parking, LLC, is requesting Conditional Use approval to operate a parking lot in the RM-2, Residential Multifamily Medium Intensity district on a 24-hour basis.

Motion: Berman/Sanchez. Vote: 6-1 (Diaz against). Approved subject to staff recommendation and modified to restrict remote storage service for hotels and restaurants only and drive-up parking with attendant parking the vehicle.

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8. **For discussion only. Evaluation of Older Buildings.** An ordinance of the Mayor and City Commission of the City of Miami Beach, Florida amending the Building Regulations of the Code of the City of Miami Beach, by amending Chapter 14, Part II, Article II “Construction Standards,” to include the examination and evaluation of older buildings which will pertain to buildings that are in existence for forty (40) years or longer and for subsequent evaluation in five (5) year intervals; Providing for Repealer, Severability, Codification and an Effective Date.

Motion: Leff/Courtney. Vote: 7-0. Continued to the December 2005 meeting.

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9. **File No. 1742 – PODS.** 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", Article IV, "Supplementary District Regulations", Division 3, "Supplementary Use Regulations," by adding Section 142-1110, entitled “Mobile Storage Containers”, to regulate storage containers; Providing for Repealer, Codification, Severability and an Effective Date.

Motion: Leff/Courtney. Vote: 7-0. Continued to the December 2005 meeting.

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#### **IV. Meetings Reminder / New Business**

\*\*\* Next Month's Regular Meeting: TUESDAY December 20, 2005 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.

**Meeting adjourned at 9:37 p.m.**