

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: September 20, 2022

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **PB22-0530, a.k.a. PB20-0341. 2901-2911 Indian Creek Drive – Mechanical Parking**

An application has been filed requesting is requesting a one (1) year Extension of Time to obtain a building permit for a previously issued Conditional Use Permit for the construction of a new residential multifamily development including the use of a mechanical parking, pursuant to Chapter 118, Article IV, and Chapter 130, Article II of the City Code.

#### **RECOMMENDATION**

Approval of the (1) one-year Extension of Time.

#### **HISTORY**

In 2015 the owner's predecessor obtained approvals from both, the Historic Preservation Board (File No.7518) and Planning Board (File No. 2246) for a project with robotic/mechanical parking system. That project did not move forward.

On April 27, 2021 the Planning Board approved a conditional use permit for a new residential multifamily building including the use of mechanical parking.

#### **ZONING / SITE DATA**

**Legal Description:** Lot 16 and 17, in Block 12, of Ocean Front Amended, according to the Plat thereof, as recorded in Plat Book 5, at pages 7 and 8, of the Public Records of Miami-Dade County, Florida.

**Future Land Use:** Medium Density Multifamily Residential Category (RM-2)

**Zoning:** RM-2, Residential Multifamily, Medium Intensity

**Historic District:** Collins Waterfront Historic District

**Lot Size:** 15,000 Square Feet

**Proposed FAR:** 29,999 S.F. / 2.0 (Max FAR = 2.0), as represented by the applicant

**Proposed Height:** 6-stories / 75 feet

**Prior Use:** Multifamily Residential

**Proposed Use:** Multifamily Residential

**Surrounding Uses:** See Zoning Site Map (Last Page of this Report)  
North: Hotel

West: Indian Creek Drive/Vacant Waterfront Land  
South: 29<sup>th</sup> Street/Multifamily Residential  
East: Hotel

### **THE PROJECT**

The applicant is requesting Conditional Use approval for the mechanical parking.

The subject site is located in the Collins Waterfront Historic District. The proposal was approved by the Historic Preservation Board for a Certificate of Appropriateness and several Variances on January 12, 2021 (HPB20-0379).

### **ANALYSIS**

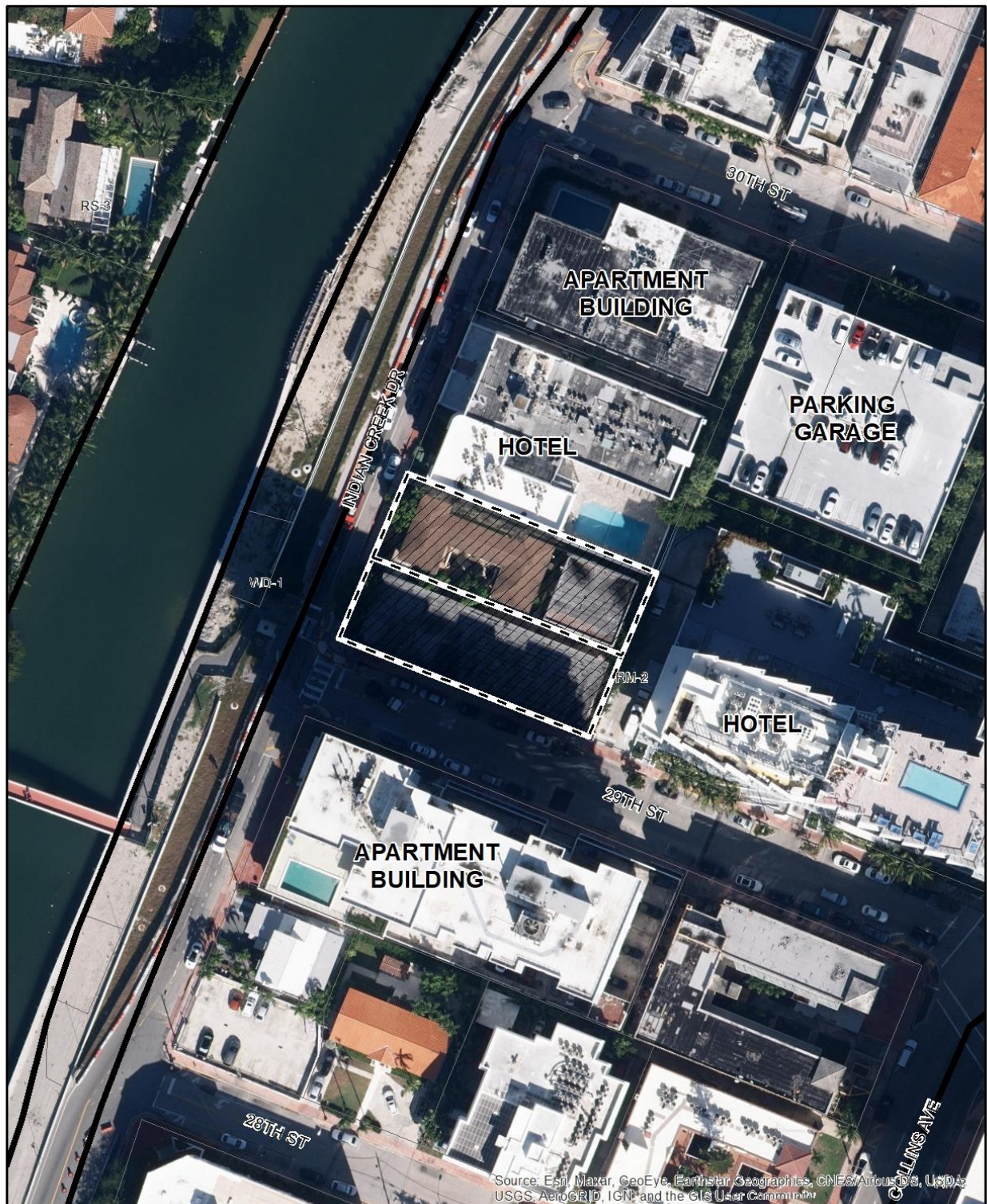
Since the original approval of the application, no changes to the Land Development Regulations of the Miami Beach Code have been recommended or approved which would preclude the construction of this project if were proposed today.

Per applicants Letter of Intent, the progress on the project has been slowed due to litigation regarding the property, which has now concluded in the owner's favor. The end to the litigation will permit the permit applications to be filed. Given the litigation-imposed delay and the complexity of the project, the applicant is requesting an additional year to obtain a full building permit.

### **RECOMMENDATION**

In view of the foregoing analysis, staff recommends the request for an extension of time be approved for a period not to exceed one (1) year from the expiration of the original approval which expires on October 27, 2022, subject to the conditions enumerated in the attached Draft Order.

**ZONING/SITE MAP**



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

0 15 30 60 90 120 150 Feet



# **PLANNING BOARD CITY OF MIAMI BEACH, FLORIDA**

**PROPERTY:** 2901-2911 Indian Creek Drive

**FILE NO.** PB22-0530, a.k.a. PB20-0341

**IN RE:** The Application for a one (1) year Extension of Time to obtain a Full Building Permit for a previously issued Conditional Use Permit, pursuant to Chapter 118, Article IV, and Chapter 130, Article II of the City Code. To build a new residential multifamily development including the use of a mechanical parking.

**LEGAL DESCRIPTION:** Lot 16 and 17, in Block 12, of Ocean Front Amended, according to the Plat thereof, as recorded in Plat Book 5, at pages 7 and 8, of the Public Records of Miami-Dade County, Florida.

**MEETING DATES:** September 20, 2022

## **ORDER**

The applicant, 29 ICD, LLC., filed an application with the Planning Director for an Extension of Time to a previously issued Conditional Use Permit.

The City of Miami Beach Planning Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

The applicant submitted information establishing, among other things, that additional time is required due to litigation regarding the property. The foregoing constitutes good cause for granting a one (1) year extension of time to the requirement that a Full Building Permit be obtained within eighteen (18) months of the original Conditional Use Permit Approval.

IT IS HEREBY ORDERED, based upon the foregoing finding of fact and the staff report and analysis, which is adopted herein, including the recommendation, that a one (1) year extension of time to obtain a full building permit (which one [1] year period shall run from the expiration date of the original approval, which is October 27, 2022, is granted for the above-referenced project conditioned upon the following, to which the applicant has agreed:

1. A full building permit, not a foundation or shell permit, for the project shall be obtained by October 27, 2023.
2. Construction shall commence and continue in accordance with the applicable Building Code.
3. This extension of time shall run concurrent with any other extensions of time that may be provided to the property owner as a result of actions of non-City authorities with jurisdiction over such matters.

4. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.
5. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.

No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance as set forth in this Order and the Conditional Use Permit for the April 27, 2021 approval have been met. The issuance of Conditional Use Approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

Dated \_\_\_\_\_

PLANNING BOARD OF THE  
CITY OF MIAMI BEACH, FLORIDA

BY: \_\_\_\_\_  
Rogelio A. Madan, AICP  
Chief of Community Planning and Sustainability  
for Chairman

STATE OF FLORIDA           )  
COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by Rogelio A. Madan, Chief of Community Planning and Sustainability for the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

[NOTARIAL SEAL]

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Notary:  
Print Name:  
Notary Public, State of Florida  
My Commission Expires:  
Commission Number:

Approved As To Form:  
Legal Department \_\_\_\_\_ ( )

Filed with the Clerk of the Planning Board on \_\_\_\_\_ ( )