

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: April 19, 2016

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: **File No. 2275 – 4121 Indian Creek Drive through 5101 Collins Avenue. (Indian Creek Waterway from 41st Street to 51st Street)– Progress Report**

BACKGROUND

On October 9, 2015, the Planning Board approved a CUP to install temporary floating docks, temporary pilings and temporary ramps adjacent to the existing seawall of the Indian Creek Waterway from 41st Street to 51st Street; also to install 3 floating refreshment barges, food and beverage concessions, and temporary restroom trailers for the 2016 Yacht and Brokerage Show scheduled for February 11-15, 2016.

On January 26, 2016, the Planning Board held an unscheduled discussion item on water pollution related to the 2016 Yacht Show.

PROGRESS REPORT

Staff research found that the following open violations, that occurred during operation of the 2016 Yacht Show timeframe, in the City's records as of the writing of this report:

1. **CE16001382** "*Violation of section 46-92B. By throwing discarding placing or depositing litter in any manner or amount what so ever in any beach, park or boat ramp with the city, 3rd offense \$3500.00.*" The case has been referred to a Special Master **JA16000090**.
2. **CE16001380** "*Failing to comply with the special event conditions and guidelines as required by sec. 12-5, 3rd offense \$5000.00*". The case has been referred to a Special Master **JA16000089**.
3. **CE16001347** "*Violation of section 12-5, Failing to comply with the Special Event permit conditions and guidelines as required by Section 12-5, Second Offense-2500.00 fine.*" The case has been referred to a Special Master **JC16000094**.
4. **CE16001345** "*Violation of section 46-92.*" The case has been referred to a Special Master **JA16000093**.
5. **CE16001312** "*Failing to remove all styrofoam pieces and debris as agreed by the Commission. Special Event permit # 20161403, 1st offense \$ 1,000.00.*" The case has been referred to a Special Master **JA16000092**.

STAFF ANALYSIS

For the last several years that the Yacht and Brokerage Show has been coming to Miami Beach, the show has been taking place at the same location on Collins Avenue/Indian Creek

Drive from approximately 41st Street to 51st Street. The Yacht and Brokerage Show operates under a Special Event Permit from the City, but requires a yearly Conditional Use Permit (CUP) because the temporary docks and pilings project more than 40 feet from the seawall.

Due to concerns with the impact of polystyrene breaking off of the docks and getting into waterways, the Planning Board incorporated condition (1)(t) upon approving CUP which is below:

A progress report to the Board shall be required in April 2016, at which time the submission of a long-term (5 year) mitigation plan shall be provided to mitigate the impact of the polystyrene docks, providing for the eventual replacement/removal of all polystyrene foam in 5 years.

Staff has found five open code violations issued to the Yacht Show. The violations all relate to litter found in surrounding waterways. The source of the litter was primarily from polystyrene that was breaking off the floating docks.

The applicant is expected to present a mitigation plan that will provide for the encapsulation of the floating docks, so that the problem does not occur in the future. Since, the 2016 Yacht Show has passed, staff recommends that a mitigation plan be incorporated into future CUP's related to the Yacht Show.

STAFF RECOMMENDATION

Staff recommends that the Board hear a verbal update from the applicant and discuss the item. If the Board is satisfied with the applicant's mitigation plan, staff recommends that the Board direct staff to incorporate the mitigation plan into future Yacht Show Conditional Use Permits and that there be no further progress reports at this time.

TRM/MAB/RAM