

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Planning Board

TO: Chairperson and Members  
Planning Board

DATE: June 28, 2016

FROM: Thomas R. Mooney, AICP  
Planning Director

SUBJECT: **7251 Collins Avenue North Shore Bandshell.**  
PB 0516-0019, f.k.a., File No. 2336.  
Review of a Waiver of Development Regulations in a GU (Government Use) District. The Applicant, Rhythm Foundation, is requesting a recommendation to the City Commission to waive the requirements for a Neighborhood Impact Establishment and Outdoor Entertainment Establishment.

### **RECOMMENDATION**

Transmit the proposed Waiver of Development Regulations to the City Commission with a favorable recommendation.

### **HISTORY**

*October 14, 2015* The Mayor and the City Commission referred an item to the Land Use and Development Committee (LUDC) regarding a land use amendment to permit the selling of alcoholic beverages at the following locations: North Shore Bandshell, Shane Rowing Center, and the Miami Beach Botanical Garden (Sponsored By Commissioner Michael Grieco, Item C4G).

*January 20, 2016* The LUDC recommended that the City Commission consider four waivers regarding alcoholic beverage regulations for the North Shore Bandshell, Shane Rowing Center, Botanical Garden, and North Shore Oceanfront Center.

*February 10, 2016* The City Commission referred the waiver contained herein to the Planning Board for review, pursuant to Section 142-425(d) of the City Code (Sponsored By Commissioner Michael Grieco, Item C4H).

### **ZONING / SITE DATA**

**Future Land Use:** ROS – Recreation and Open Space

**Zoning:** GU – Government Use Zoning District

**Legal Description:** Lot 8 Being a Portion of Orig Govt Lot 6 Lot Size 500.000 X 359 the Plat thereof, as recorded in Plat Book 105, page 62 of the Public Records of Miami-Dade County, Florida.

**Land Uses:** See Zoning/Site map at the end of this report.

North: Commercial and residential uses  
South: Public park and residential mixed uses  
East: Atlantic Ocean, public park and beach area  
West: Surface parking lot

### **BACKGROUND**

The Bandshell was designed, built and constructed as an outdoor entertainment space in 1961 and is located in the North Shore National Register District. Between 2011 and 2014 the Bandshell and surrounding park underwent significant renovations. In 2014, there was a recommendation, from the now sunsetted Mayor's Blue Ribbon Panel on North Beach to issue an RFP for the management of the North Shore Bandshell. The Rhythm Foundation was awarded the management agreement for the facility.

In order for The Rhythm Foundation to formalize its licensing requirements for the operation of the North Shore Bandshell and obtain a Business Tax Receipt (BTR) for a hall for hire with dance and entertainment establishment, and apply for an alcoholic beverage license from the State, it must seek a waiver for a Neighborhood Impact Establishment (NIE) and Outdoor/Open Air Entertainment from the City Commission pursuant to Section 142-425(d) of the City Code.

Section 142-425(d) of the City Code, sets forth a provision that the City Commission may waive by five sevenths vote, following a public hearing, development regulations "pertaining to governmental owned or leased buildings, uses and sites which are wholly used by, open and accessible to the general public, or used by not-for-profit, educational, or cultural organizations, or for convention center hotels, or convention center hotel accessory garages, or city utilized parking lots, provided they are continually used for such purposes."

The aforementioned section further requires Planning Board review prior to approval by the City Commission.

### **ANALYSIS**

The Rhythm Foundation is not requesting any expansion of its current programming. In the past, the musical events staged at the Bandshell were authorized through the Special Events process which allowed the City Manager to waive the zoning requirements for each event. The purpose of the proposed waiver of the zoning requirements for an NIE and Outdoor/Open Air Entertainment is to formalize the operation of the Bandshell through a BTR for a hall for hire and all the services covered in the normal operation of a hall for hire: catering, equipment rental, alcoholic beverages service, and dance and entertainment instead of obtaining special event permit for each event.

The Bandshell meets the threshold of an NIE, as the capacity of the facility exceeds 200 persons, and also is an outdoor open air entertainment establishment. The City Commission can waive the conditional use requirements for GU properties pursuant to Section 142-425 (d).

For more information about the Bandshell's current operations, please see the submitted documents accompanying their application. At the time of this writing there are not any open code violations on record.

**RECOMMENDATION**

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed waiver to the City Commission with a favorable recommendation.

TRM/MAB/TUI

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City of Miami Beach Planning Board  
PB 0516-0019, f.k.a., File No. 2336. 7251 Collins Avenue  
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