

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: August 23, 2016

FROM: Thomas R. Mooney, AICP  
Planning Director

SUBJECT: **File No. 2255. 875 71st Street – Gasoline Service Station- Progress Report**

#### **BACKGROUND**

October 9, 2015 The applicant, Sunshine Gasoline Distributors, Inc., was approved for a Conditional Use Permit for the expansion of an existing convenience store for a gasoline service station, pursuant to Section 118, Article IX of the City Code.

February 23, 2016 The applicant came before the Board for a progress report and indicated that the building permit plans were in the process of being prepared, and that a sound study was going to be commissioned as required by the CUP. The progress report was continued to a date certain of March 22, 2016

March 22, 2016 The progress report was continued to a date certain of April 19, 2016.

April 19, 2016 The progress report was continued to a date certain of June 28, 2016.

June 28, 2016 The progress report was discussed and continued to a date certain of August 23, 2016.

#### **PROGRESS REPORT**

The applicant is before the Board pursuant to Condition #2 of the CUP as follows:

2. The Planning Board shall maintain jurisdiction on this Conditional Use Permit. If deemed necessary, at the request of the Planning Director or a Board member, the applicant shall present a progress report to the Board. The applicant shall appear before the Planning Board for a progress report within two (2) months from the issuance of the Conditional Use Permit. The Board reserves the right to modify the Conditional Use approval at the time of the progress report in a non-substantive manner, to impose additional conditions to address possible problems, and to determine the timing and need for future progress reports. This Conditional Use is also subject to modification or revocation under City Code Sec. 118-194 (c).

The applicant has retained the services of Audio Bug Inc., in order to prepare an acoustic study as required by Condition 7 of the Conditional Use Permit:

7. *The applicant shall relocate the vacuums and provide a seven (7) foot solid wall along the eastern side of the vacuums that incorporates sound absorbing materials and sound reducing measures recommended by a qualified sound engineer subject to the review and approval of staff. Such vacuum relocation and sound reducing measures shall be approved, permitted and installed prior to the issuance of a full Building Permit for the convenience store build-out.*

The referenced acoustic study has still not been submitted to staff. On July 8, 2016 a Building Permit application (BCO716-0970) was submitted for the work approved by the Board on October 9, 2015.

As of the writing of this report, staff did not find any open violations or noise complaints at the subject site related to the conditions of the CUP. Staff recommends that the applicant provide an update as to the status of the acoustic study, and continue the progress report to the October 14, 2016 meeting.

**STAFF RECOMMENDATION**

Staff recommends that the Board discuss the item and continue the progress report to a date certain of October 14, 2016.

TRM/MB

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