

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: September 27, 2016

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: **Planning Board File PB 0716-0038. 4121 Indian Creek Drive through 5101 Collins Avenue. (Indian Creek Waterway from 41st Street to 51st Street) – Yachts Miami Beach.**

The applicant, Yachting Promotions, Inc. is requesting Conditional Use approval 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 4 floating refreshment barges, food and beverage concessions, and temporary restroom trailers for the 2017 Yachts Miami Beach scheduled for February 16-20, 2017, pursuant to Section 118, Article IV., Section 118, Article III., and Section 66-113.

RECOMMENDATION

Approval with conditions

BACKGROUND

For the last several years that the Yachts Miami Beach (FKA Yacht and Brokerage Show) event 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, in the WD-1 zoning district.

On January 26, 2016, the Planning Board held an unscheduled discussion item on water pollution related to the 2016 Yacht Show, in particular issues related to pieces of polystyrene breaking off the floating docks were discussed. On April 19, 2016, the Planning Board was provided with a progress report related to the 2016 Yacht Show and violations that had occurred as part of the event. The Planning Board passed a motion requiring that details of dock transition plans and mitigation plans be made part of the CUP application for the 2017 event.

ZONING/SITE DATA

Section 66-113 of the City Code specifies that if mooring piles are to be placed greater than 40' from the bulkhead, Conditional Use approval is required from the Planning Board.

Legal Description: Various

Zoning: The subject property is located in the WD-1 Waterway District, facing zoning districts RM-2, RM-3 and GU to the east and RM-3, RS-1, RS-2

and GU on the west side of the waterway.

Land Uses: The uses along the Waterway district include the rental and charter of pleasure boats. East of the site are residential multi-family buildings, large scale hotels and public parking. To the west of the property, across Indian Creek Waterway, are detached, single family residences with private docks mostly, and one high rise condominium building on 41 Street.

CONDITIONAL USE REVIEW PROCEDURES

Conditional Uses may be approved in accordance with the procedures and standards set forth in the City Code Art. 4, Sec. 118-191 and Sec. 118-192:

1. **The Use is consistent with the Comprehensive Plan or Neighborhood Plan if one exists for the area in which the property is located.**

Consistent - Temporary wet dockage of watercraft is consistent with the Conservation and Coastal Management Element. No Comprehensive Plan Amendment is required for this application.

2. **The intended Use or construction will not result in an impact that will exceed the thresholds for the levels of service as set forth in the Comprehensive Plan.**

Partially Consistent - Although the proposed temporary use will increase the demand on the Level of Service (LOS) for the surrounding area to a higher than normal level with regard to traffic, this is temporary only and is proposed to be mitigated to the maximum extent possible by the use of shuttle buses for off-site parking.

3. **Structures and Uses associated with the request are consistent with this Ordinance.**

Consistent - The proposed temporary use will not require any variances.

4. **The public health, safety, morals, and general welfare will not be adversely affected.**

Consistent – Over the years, Planning Department staff has been recommending conditions which seek to address previously raised concerns regarding boat traffic safety and environmental issues. The project will also be required to obtain a Special Event Permit prior to the use of the municipal property at 4600 Collins Avenue and the municipal parking lot across the street, immediately north of the Eden Roc Hotel. The operation of this event must be performed in a safe and environmentally acceptable manner. In addition, staff is recommending a condition that requires compliance with the mitigation plan that was presented, requiring the encapsulation of a minimum of 40 percent of the floating dock inventory to prevent polystyrene from being exposed to the water.

5. **Adequate off-street parking facilities will be provided.**

Consistent - The applicant contracts with the City to utilize large municipal parking lots at 4601 Collins Avenue, 5301 Collins Avenue, and to incorporate the use of a shuttle service to transport patrons to and from the event from other municipal lots at 67th, 71st, 79th, 81st and 84th Streets. Shuttle buses will run from all the parking lots to the show site and also to and from the Convention Center starting one hour before and one hour after the show's operating hours, during all five days.

6. Necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.

Consistent - The temporary docks (and all other temporary construction associated with the request) will be constructed in accordance with all applicable Building Codes and should not cause any long-term or permanent adverse effects to the surrounding area and bay bottom due to the temporary nature of the request. It will be the responsibility of the applicant to correct any deficiencies to the existing marine structures located on the site. The applicant will also be required to clean-up all trash and debris on the land and in the water during and after the event. Additionally, staff is recommending conditions requiring compliance with the provided mitigation plan.

7. The concentration of similar types of uses will not create a negative impact on the surrounding neighborhood. Geographic concentration of similar types of conditional uses should be discouraged.

Consistent - The temporary docks are a once-a-year event.

STAFF ANALYSIS

The request to construct temporary floating docks for the Boat Show has been a yearly event before the Board for over 20 years. This request is a similar application, and represents the same area, as previously approved. The proposed project consists of the installation of floating dock units attached to temporary pilings and temporary ramps. The temporary docks will extend along the out lots of Indian Creek Drive from the intersection of 41st Street and Collins Avenue, through 51st Street and Collins Avenue.

The entire marine structure, including the mooring piles, will measure approximately 4,900 linear feet with a proposed 412 ft. (approximate) maximum projection into the waterway. The docked pleasure crafts will not extend beyond the mooring piles. The channel clearance between these temporarily moored vessels and a point approximately 20 ft. (at its narrowest point) water ward of the west seawall of Indian Creek is proposed to be approximately 80 feet continuously along the show area. The large vessels will be brought in via the Indian Creek Waterway, and subject to U.S. Coast Guard approval, operations of the 63rd Street bridge will be restricted from its normal "on demand" opening schedule during set-up and breakdown of the event. Additionally, during setup and breakdown, the two western lanes on Indian Creek Drive/Collins Avenue will have to be closed for the safe operation of cranes, trucks, etc. See the Lane Closure & Bascule Bridge Opening Schedule included with the application.

As previously indicated, the show will take place from February 16 through February 20, 2017. Installation of equipment will begin January 19, 2017 and removal is expected to be complete by March 3, 2017. Parking will be provided at the municipal parking lots located at 4601 Collins Avenue, 5301 Collins Avenue, as well as at Collins Avenue and 67th, 71st, 79th, 81st and 84th Streets. Shuttle bus service will transport patrons to and from the event from these municipal parking lots and they will also pick up patrons from the Convention Center. Shuttle buses will

run from all the parking lots to the show site starting one hour before and one hour after the show's operating hours, during all five days.

There has been concerns with pieces of polystyrene breaking off from the floating docks and polluting waterways and waterfront parcels. As a result, at the Progress Report on April 19, 2016, the Planning Board required the applicant to submit a mitigation plan that addresses this issue. The applicant has provided a mitigation plan as part of the submittal. The plan states that for the 2017 event, 40% of the floating docks will have the Styrofoam replaced with plastic encased Styrofoam which will reduce the amount of debris in the water. It is expected that the full inventory of docks will be encased for the 2018 event. Additionally the plan states cleanup crews and boats will be located throughout the site, along with containment booms to prevent any debris from escaping the event area. Staff is recommending conditions to ensure compliance with the mitigation procedures.

The Marine and Waterfront Protection Authority Committee approved the 2017 event on July 12, 2016. Staff has asked a representative of the Marine Patrol to be present at the September 27, 2016 meeting.

STAFF RECOMMENDATION

In view of the foregoing analysis, staff recommends that the application for a Conditional Use Permit be granted, subject to the conditions enumerated in the attached draft Order.

TRM/MAB/RAM

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An aerial photograph of a residential neighborhood with various zoning districts labeled. The map includes streets such as W 57th St, W 56th St, W 55th St, W 54th St, W 53rd St, W 52nd St, W 51st St, W 50th St, W 49th St, W 48th St, W 47th St, W 46th St, W 45th St, W 44th St, W 43rd St, W 42nd St, W 41st St, W 40th St, W 39th St, W 38th St, W 37th St, W 36th St, W 35th St, W 34th St, W 33rd St, W 32nd St, W 31st St, W 30th St, W 29th St, W 28th St, W 27th St, W 26th St, W 25th St, W 24th St, W 23rd St, W 22nd St, W 21st St, W 20th St, W 19th St, W 18th St, W 17th St, W 16th St, W 15th St, W 14th St, W 13th St, W 12th St, W 11th St, W 10th St, W 9th St, W 8th St, W 7th St, W 6th St, W 5th St, W 4th St, W 3rd St, W 2nd St, W 1st St. A dashed white line runs along the right side of the map, indicating a boundary or project limit. A black dot marks the intersection of Indian Creek Dr. and Collins Ave., with a label pointing to it: "4121 INDIAN CREEK DR- 5101 COLLINS AVE". Zoning districts shown include RS-1, RS-2, RS-3, RS-4, RM-1, RM-2, RM-3, GU, CD-1, CD-3, CD-4, CD-5, CD-6, CD-7, CD-8, CD-9, CD-10, CD-11, CD-12, CD-13, CD-14, CD-15, CD-16, CD-17, CD-18, CD-19, CD-20, CD-21, CD-22, CD-23, CD-24, CD-25, CD-26, CD-27, CD-28, CD-29, CD-30, CD-31, CD-32, CD-33, CD-34, CD-35, CD-36, CD-37, CD-38, CD-39, CD-40, CD-41, CD-42, CD-43, CD-44, CD-45, CD-46, CD-47, CD-48, CD-49, CD-50, CD-51, CD-52, CD-53, CD-54, CD-55, CD-56, CD-57, CD-58, CD-59, CD-60, CD-61, CD-62, CD-63, CD-64, CD-65, CD-66, CD-67, CD-68, CD-69, CD-70, CD-71, CD-72, CD-73, CD-74, CD-75, CD-76, CD-77, CD-78, CD-79, CD-80, CD-81, CD-82, CD-83, CD-84, CD-85, CD-86, CD-87, CD-88, CD-89, CD-90, CD-91, CD-92, CD-93, CD-94, CD-95, CD-96, CD-97, CD-98, CD-99, CD-100.

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