

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

PROPERTY: 4121 Indian Creek Drive through 5101 Collins Avenue
(Indian Creek Waterway from 41st Street to 51st Street)

FILE NO. PB0716-0038

IN RE: The applicant, Yachting Promotions, Inc. requested 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.

LEGAL DESCRIPTION: See 'Attachment A' attached

MEETING DATE: September 27, 2016

CONDITIONAL USE PERMIT

The applicant, Yachting Promotions, Inc., filed an application with the City of Miami Beach Planning Department for 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.

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:

That the property in question is located in the WD-1 Waterway District;

That the use is consistent with the Comprehensive Plan for the area in which the property is located;

That 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;

That structures and uses associated with the request are consistent with the Land Development Regulations;

That the public health, safety, morals, and general welfare will not be adversely affected;

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

IT IS THEREFORE ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which is adopted herein, including staff recommendations, as modified by the Planning Board, that a Conditional Use Permit as requested and set forth above, be GRANTED, subject to the following conditions to which the applicant has agreed:

1. The subject conditional use is approved for the 2017 Yacht Miami Beach event only, which shall commence with set up operations no earlier than January 19, 2017, shall be open to the public from February 16 through February 20, 2017, and shall complete removal of all equipment by March 3, 2017, as proposed by the applicant. Such approval is subject to the conditions below:
 - a. This approval is granted to Yachting Promotions, Inc., only, as the operator of the 2017 Yachts Miami Beach event; any change in the operator of the subject temporary docks shall not be permitted. Any change in operator shall be considered as a new application.
 - b. The applicant shall obtain a building permit for the installation of the temporary docks and pilings. The plan, design and construction shall meet the applicable Florida Building Code and Florida Accessibility Code Regulations and shall be approved by all the federal, state, county and municipal agencies that may have jurisdiction over this project, including but not limited to the U.S. Army Corps of Engineers, Miami-Dade County Department of Regulatory and Economic Resources (DERM) and the State of Florida Department of Environmental Protection (FDEP) as they may apply, prior to the issuance of a Building Permit.
 - c. The applicant shall obtain a Special Event Permit from the Department of Tourism & Cultural Development of the City of Miami Beach for the operation of the 2017 Yachts Miami Beach event. The Special Event Permit shall be a prerequisite to obtaining all permits that may be required.
 - d. The subject CUP for the Yachts Miami Beach event shall be limited to the area from the intersection of 41st Street and Indian Creek Drive to 5101 Collins Avenue as shown on the survey submitted by the applicant, and shall not extend further north or south of these limits.
 - e. The applicant shall provide a revised site plan, drawn to scale, showing the proposed set-up of all floating docks for the show, including revisions as may be specified by the Planning Board, prior to the issuance of a Building Permit for the temporary docks and mooring piles; the site plan shall be approved by the Planning Director or his designee. The navigable channel for the 2017 event shall be shown continuously at 80 ft. in width throughout the entire length of the channel. In the event the 80 ft. channel appears to be inadequate, the City Manager or his designee may require a wider channel at a width deemed necessary in consultation with the City's Marine Authority, DERM and

FDEP. Under no circumstances shall the 80 ft. wide channel be blocked by stationary marine vessels.

- f. The applicant shall coordinate installation of pilings and supply of power to the site with Florida Power and Light Company (FPL).
- g. The project shall include the installation of electric lights at the north and south ends of the temporary dock and navigational reflectors on the perimeter mooring piles. Said electric lights shall be installed with a natural light sensor switch to ensure their illumination during the dusk to dawn hours of darkness. The appropriate location of the lights and reflectors shall be indicated on the site plan prior to the issuance of a Building Permit.
- h. The applicant shall remove and replace any concrete or asphalt surfaces damaged during show set-up and break-down; said repairs shall occur within thirty (30) days after the dismantling of the event.
- i. Subject to Coast Guard approval, operation of the 63rd Street bridge shall be restricted from its normal "on demand" opening schedule. During the set-up and breakdown periods of the event, the 63rd Street Bridge shall open on signal from 10:00 am to 2:30 p.m. on weekdays and 9:00 a.m. to 3:00 p.m. on weekends from Wednesday, February 8 through Wednesday February 15, 2016 during the set-up; and from Tuesday, February 21 through Thursday, February 22, 2016 during the break-down. The draw bridge shall only open on the hour for a maximum period of 10 minutes at a time. The applicant shall strive to bring yachts into and out of the Yachts Miami Beach docking areas in the early morning hours. The applicant shall adhere to the incoming and outgoing boat traffic schedule, as set forth by the Marine Patrol.
- j. The 2017 Yacht Miami Beach event schedule for Land Closure and Bascule Bridge Opening, submitted by the applicant, is attached to this Conditional Use Permit and made part of this Condition.
- k. The applicant shall install, at its expense, two (2) temporary electronic signs at key roadway intersections (including the 41st Street area) informing the public of the 63rd Street Bridge operations; said installation shall be made at least 24 hours prior to commencing set-up and 24 hours prior to commencing break-down. An advertisement shall be placed in the Miami Herald newspaper informing the public of same.
- l. Marine vessels participating in the Yacht Miami Beach event shall abide by all applicable marine regulations, including, but not limited to, speed limits, wake area restrictions, right-of-way courtesy, etc, especially in the area of the Miami Beach Rowing Club at 65th Street and Indian Creek Drive. The applicant shall inform, in writing, all participating captains of this requirement. Failure to comply with this provision will be automatic grounds for revocation of this Conditional Use approval.
- m. No vessel shall come in or leave when the Marine Patrol is not present to regulate the boat speed/wake to ensure wakes do not adversely impact owners/residents' property and vessels. Arrival and departure of all vessels shall be strictly coordinated with the City of Miami Beach Marine Patrol.
- n. Large yachts with a draft greater than 4 ft. participating in the event shall not leave their temporary mooring during the event days of February 16 through February 20, 2017

and shall only arrive during set-up and depart during break-down of the event at high tide. The applicant shall coordinate with the arrival and departure of vessels with the City of Miami Beach Marine Patrol at least 15 days prior to set-up.

- o. All participating show boats shall travel to and from the temporary marine docks at idle speed.
 - p. The applicant shall staff the site with professional security officers to provide security 24-hours per day throughout the immediate surrounding area of the event, especially for the private existing docks and properties along the western seawall of the Indian Creek Waterway, beginning with move-in through move-out. Security guards shall be supplemented with off duty Miami Beach Police Department officers as determined through consultation with and guidance from Police Department officials.
 - q. The applicant will coordinate and obtain approval from the Florida Department of Transportation (FDOT), with consultation and guidance from the Miami Beach Police and Fire Departments, to provide for safe operations on Collins Avenue during event activities. Traffic control cones or other methods approved by FDOT shall be used to isolate the breakdown lane from traffic. The breakdown lane will be used for loading and unloading required for event activities and emergency vehicle access. These areas will be clearly identified and access to them rigidly enforced to minimize traffic delays. No private vehicle parking will be authorized in the breakdown lane.
 - r. The applicant or any other participant in the event shall not offer for sale any new yacht, pleasure boat or any other marine vessel on that portion of the site which is the upland City property (parking lot at 46th Street and Collins Avenue).
 - s. The applicant shall be required to remove all trash and debris from the surrounding area and in the water daily during the event and upon completion of the removal of the temporary docks and pilings.
 - t. The applicant is required to comply with procedures identified in the document entitled "2017 Yachts Miami Beach Mitigation Procedures".
 - u. No less than 40 percent of the docks shall be encapsulated to prevent bare polystyrene foam (Styrofoam) from being exposed to the water.
- 2. The Planning Board shall maintain jurisdiction of this Conditional Use Permit.
 - 3. Within a reasonable time after applicant's receipt of this Conditional Use Permit as signed and issued by the Planning Director, the applicant shall record it in the Public Records of Miami-Dade County at applicant's expense and then return the recorded instrument to the Planning Department. No building permit, certificate of use, certificate of occupancy, certificate of completion, or occupational license shall be issued until this requirement is satisfied.
 - 4. This 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.

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