

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: **2000 Convention Center Drive. Miami Beach Botanical Garden.**
PB 0716-0039

Review of a Waiver of Development Regulations in a CCC (Convention Center) District. The Applicant, Miami Beach Garden Conservatory, Inc., is requesting a recommendation to the City Commission to waive the requirements for a Neighborhood Impact 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).

June 28, 2016

The Planning Board approved two similar waivers for the North Beach Bandshell and the Shane Watersports Center.

ZONING / SITE DATA

Future Land Use: PF (CCC) – Public Facility Convention Center

Zoning: CCC – Convention Center Zoning District

Legal Description: See attached Exhibit A

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

North: Dade Canal and residential uses
South: Convention Center parking lot (future park)
East: Convention Center
West: Holocaust memorial park and residential uses

BACKGROUND

Miami Beach Garden Conservatory, Inc., is a non for profit organization located at 2000 Convention Center Drive in the Miami Beach Botanical Garden. The Miami Beach Garden Conservatory, Inc., has a management agreement with the City since 1997 to manage and maintain the garden. The garden is free and open to the public. It also hosts many community oriented events, workshops and classes. One of its funding sources is the ability to rent the facility as a hall for hire. They currently have a Business Tax Receipt (BTR) for hall for hire (BTR000827-05-2016). Primarily, the type of events that are hosted in the hall for hire areas are weddings, social events, fundraisers and meetings.

In order for the Miami Beach Garden Conservatory, Inc., to formalize its licensing requirements for its current operation, add to their Business Tax Receipt (BTR) dance and entertainment, and apply for an alcoholic beverage license from the State, they must seek a waiver of the Land Development Regulations (LDR's) from the City Commission for being a Neighborhood Impact Establishment (NIE) and an outdoor entertainment establishment pursuant to Section 142-425(d) of the City Code.

The location is zoned Convention Center District (CCC) and, as per Section 142-362 and 142-367 of the City Code, 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 Miami Beach Garden Conservatory Inc was designed, built and constructed as a recreation and event space. The purpose of the Banyan Room was to accommodate events and meeting. The Miami Beach Garden Conservatory is only formalizing its current operations and not requesting any expansion to its current programming. The purpose of the proposed waiver of the zoning requirements for an NIE and outdoor entertainment establishment is able to obtain a BTR for all of the services covered in the normal operation of a hall for hire: catering, equipment rental, alcoholic beverages service, and dance and entertainment.

The Miami Beach Botanical Garden meets the threshold criteria of an NIE, as the capacity of the facility exceeds 200 persons with dance and entertainment. The facility has two different sized meeting rooms, a covered patio area, and the great lawn as part of its event space. The occupant content for the two meeting rooms is included in your Board packages.

The City Commission can waive the conditional use requirements for CCC properties pursuant to Section 142-362 and 142-367 of the City Code.

For more information about the Miami Beach Botanical Garden's current operations, please see the submitted documents accompanying their application. At the time of the writing of this report, 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