

**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 application 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.

**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;

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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.

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- 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.

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- 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. This Conditional Use Permit shall be recorded in the Public Records of Miami-Dade County at applicant's expense. 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.
5. The establishment and operation of this Conditional Use shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the Land Development Regulations of the Code of the City of Miami Beach, Florida, and shall be subject to enforcement procedures set forth in Section 114-8 of said Code and such enforcement procedures as are otherwise available. In addition to the above, any failure by

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the applicant to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this Conditional Use.

6. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

Dated this 4th day of OCTOBER, 2016

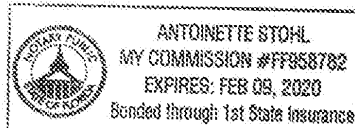
PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: Michael Belush
Michael Belush, Planning and Zoning Manager
For Chairman

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 4th day of OCTOBER, 2016, by Michael Belush, Planning and Zoning Manager of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

{NOTARIAL SEAL}



Notary: Antoinette Stohl
Print Name ANTOINETTE STOHL
Notary Public, State of Florida
My Commission Expires:
Commission Number:

Approved As To Form: [Signature] (10/4/16)
Legal Department on

Filed with the Clerk of the Planning Board on 10/4/16 ([Signature])

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ATTACHMENT A

**A PORTION OF INDIAN CREEK LYING IN
SECTION 23, TOWNSHIP 53 SOUTH, RANGE 42 EAST
DADE COUNTY, FLORIDA FOR: YACHTING PROMOTIONS, INC.**

Legal Description

(2017 Yachts Miami Beach)

A parcel of Submerged land in Indian Creek, being a portion of Section 23, Township 53 South, Range 42 East, Dade County, Florida, lying West of Collins Avenue, adjacent to Lot "A", and Lots 1 through 23, AMENDED PLAT OF THE INDIAN BEACH CORPORATION'S SUBDIVISION, according to the plat thereof, as recorded in Plat Book 8, Page 61, of the public records of Dade County, Florida, and adjacent to FIRST PINE TREE DRIVE SUBD, according to the plat thereof as recorded in Plat Book 6, Page 148, of the public records of Dade County, Florida, said Submerged Lands described as follows:

Commencing(1) at the intersection of the Easterly Right-of-way line of said Collins Avenue (131 feet right-of-way), and the South line of said Lot 13; thence North $80^{\circ}32'00''$ West on the Westerly extension of said South line of Lot 13, a distance of 136.74 feet, to a point on the Safe Upland Limits Line, being a point on the Wet face of an existing seawall cap and the Point of Beginning(1) of the herein described parcel; thence on said Upland Limits Line the following six (6) courses and distances; South $03^{\circ}52'06''$ West, a distance of 401.82 feet; thence South $08^{\circ}45'55''$ West, a distance of 28.44 feet; thence South $11^{\circ}21'11''$ West, a distance of 773.18 feet; thence South $11^{\circ}43'43''$ West, a distance of 904.32 feet; thence South $06^{\circ}29'34''$ West, a distance of 747.56 feet; thence South $18^{\circ}30'57''$ West, a distance of 189.31 feet to the point of termination of the said six (6) courses and distances; thence North $75^{\circ}40'45''$ West, a distance of 158.68 feet; thence Northerly on the East line of an 80.00 foot channel the following twenty six (26) courses and distances: North $11^{\circ}08'22''$ East, a distance of 396.67 feet; thence North $11^{\circ}52'53''$ West, a distance of 142.87 feet; thence North $06^{\circ}38'54''$ East, a distance of 228.98 feet; thence North $27^{\circ}36'20''$ East, a distance of 92.57 feet; thence North $10^{\circ}05'40''$ East, a

distance of 182.46 feet; thence North 25°57'56" East, a distance of 47.93 feet; thence North 09°51'14" East, a distance of 81.25 feet; thence North 16°04'03" West, a distance of 78.64 feet; thence North 15°44'23" East, a distance of 129.09 feet; thence North 35°30'16" East, a distance of 52.43 feet; thence North 10°15'26" East, a distance of 420.25 feet; thence North 04°50'54" West, a distance of 195.30 feet; thence North 03°40'45" East, a distance of 102.62 feet; thence North 04°11'31" West, a distance of 128.18 feet; thence North 01°55'47" West, a distance of 84.77 feet; thence North 10°11'45" West, a distance of 238.41 feet; thence North 01°34'44" West, a distance of 354.52 feet; thence North 10°27'15" East, a distance of 321.91 feet; thence North 25°06'07" East, a distance of 77.33 feet; thence North 17°45'41" East, a distance of 82.85 feet; thence North 09°34'54" East, a distance of 74.07 feet; thence North 17°45'41" East, a distance of 44.75 feet; thence North 27°00'41" East, a distance of 269.00 feet; thence North 15°35'36" East, a distance of 180.35 feet; thence North 21°32'52" East, a distance of 281.00 feet; thence North 11°50'02" East, a distance of 542.28 feet to the point of termination of the said twenty six (26) courses and distances; thence South 78°09'58" East, a distance of 218.60 feet to a point Reference Point "A" and to a point of curve and on the Safe Uplands Limits line, and being a point on the West face of an existing seawall cap; thence Southerly on said curve to the right, whose tangent bearing is South 07°08'18" West, with a radius of 1593.85 feet, a central angle of 04°41'43", an arc distance of 130.61 feet; thence South 11°50'01" West, a distance of 486.76 feet; thence South 10°27'15" West, a distance of 1034.62 feet; thence South 03°52'06" West, a distance of 69.76 feet to the point termination of the said five courses and distances, and to the Point of Beginning(1).

Said lands situate, lying and being in Dade County, Florida, and containing 1,249,644 square feet, or 28.6649 acres more or less.

TOGETHER WITH:

Commencing(2) at the aforementioned Reference Point "A"; on the Safe Uplands Limits line, and being a point on the West face of an existing seawall cap; thence North 78°09'58" West, a distance of 218.60 feet; thence South 11°50'01" West, a distance of 58.24 feet to the Point of Beginning(2); thence continue South 11°50'01" West, a distance of 229.54 feet; thence North 00°05'49" West, a distance of 762.22 feet; thence North 12°02'55" West, a distance of 253.88;

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feet; thence North $82^{\circ}00'33''$ East, a distance of 279.49 feet to a point of curve and on the Safe Uplands Limits line, and being a point on the Wet face of an existing seawall cap; thence South $44^{\circ}04'52''$ East, a distance of 149.77 feet; thence South $82^{\circ}00'33''$ West, on said non-tangent line, a distance of 181.45 feet; thence South $09^{\circ}07'02''$ East, a distance of 114.96 feet; thence South $89^{\circ}04'26''$ West, a distance of 19.46 feet; thence South $04^{\circ}27'36''$ East, a distance of 205.37 feet; thence South $10^{\circ}15'59''$ West, a distance of 335.57 feet; thence South $79^{\circ}44'01''$ East, a distance of 20.90 feet; thence South $11^{\circ}50'01''$ West, a distance of 229.54 feet to the Point of Beginning(3).

Said lands situate, lying and being in Miami-Dade County, Florida and containing 82,284 square feet or 2.1185 acres, more or less.

ALSO TOGETHER WITH:

Beginning(3) at the aforementioned Reference Point "A"; on the Safe Uplands Limits line, and being a point on the Wet face of an existing seawall cap; thence Northerly on said curve to the left, whose tangent bearing is North $07^{\circ}08'18''$ East, with a radius of 2329.27 feet, a central angle of $03^{\circ}28'19''$, an arc distance of 141.15 feet to a point of compound curve; thence Northeasterly on said curve to the left, with a radius of 2079.29 feet, a central angle of $14^{\circ}32'20''$, an arc distance of 527.62 feet to a point on a non-tangent line; thence South $82^{\circ}00'33''$ West, on said non-tangent line, a distance of 181.45 feet; thence South $09^{\circ}07'02''$ East, a distance of 114.96 feet; thence South $89^{\circ}04'26''$ West, a distance of 19.46 feet; thence South $04^{\circ}27'36''$ East, a distance of 205.37 feet; thence South $10^{\circ}15'59''$ West, a distance of 335.57 feet; thence South $79^{\circ}44'01''$ East, a distance of 20.90 feet; thence North $11^{\circ}50'01''$ East, a distance of 58.24 feet; thence South $78^{\circ}09'58''$ East, a distance of 218.60 feet to the Point of Beginning(3).

Said lands situate, lying and being in Miami-Dade County, Florida and containing 133,898 square feet or 3.0738 acres, more or less.

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All Said lands situate, lying and being in Miami-Dade County, Florida and containing 1,475,821 square feet or 33.8802 acres total lease area.

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