

R7 D A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING PURSUANT TO SECTION 7.2.16.3 OF THE CITY'S RESILIENCY CODE THE WAIVER OF CERTAIN LAND DEVELOPMENT REGULATIONS APPLICABLE TO THE CITY-OWNED COLLINS PARK GARAGE, LOCATED AT 340 23RD STREET, MIAMI BEACH, FLORIDA, WHICH IS LOCATED IN A GU (GOVERNMENT USE) DISTRICT; WAIVING BY A 5/7TH VOTE OF THE CITY COMMISSION, FOLLOWING A PUBLIC HEARING, THE DEVELOPMENT REGULATIONS IN CHAPTER 6 OF THE RESILIENCY CODE PERTAINING TO TEMPORARY CONSTRUCTION SIGNS, IN ORDER TO WAIVE THE REQUIREMENTS AND REVIEW CRITERIA RELATING TO TEMPORARY CONSTRUCTION SIGNAGE AND AUTHORIZE THE INSTALLATION OF A TEMPORARY ARTISTIC STOREFRONT WINDOW COVERING THAT HIGHLIGHTS MIAMI NEW DRAMA, INC., A NOT-FOR-PROFIT CORPORATION, WHICH IS THE LESSEE OF THE FUTURE COLLINS PARK CULTURAL ARTS FACILITY, LOCATED ON THE GROUND FLOOR OF THE COLLINS PARK GARAGE.

Applicable Area:



**COMMISSION MEMORANDUM**

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: November 20, 2024 1:30 p.m. Public Hearing

TITLE: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING PURSUANT TO SECTION 7.2.16.3 OF THE CITY'S RESILIENCY CODE THE WAIVER OF CERTAIN LAND DEVELOPMENT REGULATIONS APPLICABLE TO THE CITY-OWNED COLLINS PARK GARAGE, LOCATED AT 340 23RD STREET, MIAMI BEACH, FLORIDA, WHICH IS LOCATED IN A GU (GOVERNMENT USE) DISTRICT; WAIVING BY A 5/7TH VOTE OF THE CITY COMMISSION, FOLLOWING A PUBLIC HEARING, THE DEVELOPMENT REGULATIONS IN CHAPTER 6 OF THE RESILIENCY CODE PERTAINING TO TEMPORARY CONSTRUCTION SIGNS, IN ORDER TO WAIVE THE REQUIREMENTS AND REVIEW CRITERIA RELATING TO TEMPORARY CONSTRUCTION SIGNAGE AND AUTHORIZE THE INSTALLATION OF A TEMPORARY ARTISTIC STOREFRONT WINDOW COVERING THAT HIGHLIGHTS MIAMI NEW DRAMA, INC., A NOT-FOR-PROFIT CORPORATION, WHICH IS THE LESSEE OF THE FUTURE COLLINS PARK CULTURAL ARTS FACILITY, LOCATED ON THE GROUND FLOOR OF THE COLLINS PARK GARAGE.

**RECOMMENDATION**

The Administration recommends that the Mayor and City Commission conduct a public hearing and adopt the Resolution, by a 5/7ths vote, to approve a waiver of the Government Use (GU) district development regulations, allowing the installation of a temporary artistic storefront window covering at the ground floor of the Collins Park Garage. The artistic display will highlight Miami New Drama, Inc., and the future Collins Park Cultural Arts Facility.

**BACKGROUND/HISTORY**

On January 27, 2021, the Mayor and City Commission waived competitive bidding to accept an unsolicited proposal from Miami New Drama, Inc. (MiND) for a lease of approximately 16,000 square feet of ground-floor interior and exterior space at the City-owned Collins Park Garage at 340 23rd Street. MiND's proposal outlined a vision for the space as their primary performance venue and headquarters, encompassing a black box theater, rehearsal space, dressing rooms, administrative offices, and a standalone restaurant/café.

Subsequently, on October 27, 2021, the Mayor and City Commission approved a Lease Agreement (Resolution No. 2021-31914) with MiND, designating that MiND would fund and deliver the design and architectural services for the space, while the City would finance and manage the construction. The Lease was formally executed on April 18, 2022.

Following Miami Beach residents' approval of the General Obligation Bond for Arts and Culture (GOBAC) program on November 8, 2022, the City Commission allocated \$7.67 million toward the facility's buildout on July 26, 2023 (Resolution No. 2023-32713).

Since February 2024, the Administration has engaged in discussions with MiND regarding the project's future, culminating in a September 11, 2024 City Commission referral to the Finance and

Economic Resiliency Committee to consider amending the lease terms to reflect a proposed update to responsibilities in managing and constructing the space. On November 8, 2024, the FERC discussed MiND's proposed Lease modifications and supported the delegation of construction management responsibilities to MiND as long as the amendment of the Lease provides for significant City oversight throughout all stages of the development process. The Committee also recommended a grant agreement associated with the GOBAC funds.

Currently, the ground floor of the Collins Park Garage remains an unimproved, vacant space behind a glass window storefront. This current configuration is not befitting of the future facility, envisioned as a cultural amenity that will enhance the cultural fabric of the Collins Park neighborhood. The City Code dictates that vacant commercial spaces throughout Miami Beach should be screened from public view. To promote this goal, the City's Vacant Storefront Cover Program uses attractive designs approved by the Planning Department to wrap empty storefront windows citywide, at no cost to tenants and property owners.

In this case, the Administration approached MiND with the opportunity to design window covers that would highlight the not-for-profit theater company and its upcoming presence in the neighborhood as future tenant of the premises. In the event that MiND was unable to timely prepare an artistic design that complies with the City Code's signage criteria in historic districts, the City was prepared to install window covers, for example, using the Vacant Storefront Cover Program's pre-approved designs.

The Administration determined that MiND's initial design iterations did not meet the Resiliency Code's guidelines on commercial type graphics and signage size limits; for example, the restriction of text in temporary signs to 25% of the total storefront window area. Although the Administration suggested modifications to explore compliant design options, MiND's shared that further revisions to the current design could compromise its artistic integrity and conflict with union guidelines concerning the MiND performers depicted in the graphics. **(Attachment 1: Proposed Window Cover Design)**

## **ANALYSIS**

The Administration collaborated with representatives from MiND and the Collins Park Neighborhood Association (CPNA) to devise a plan that accommodates MiND's artistic vision while complying with City Code standards. The plan entails:

1. **Special Event Permit:** A short-term permit for initial display in advance of Art Week Miami Beach 2024, processed through the Tourism and Culture Department's Special Events Office.
2. **Development Regulation Waiver:** The proposed Resolution seeks City Commission approval to waive certain GU district regulations pertaining to temporary construction signage under Chapter 6 of the Resiliency Code. This waiver would permit MiND's artistic storefront display for a temporary but extended duration during the facility's buildout.

As authorized in Section 7.2.16.3 of the Resiliency Code, the Mayor and City Commission may waive, by a 5/7ths vote and following a public hearing, certain land development regulations for City-owned properties used by not-for-profit, educational, or cultural organizations. In compliance with public hearing requirements of Section 7.2.16.3, the City has ensured proper notice through newspaper, mail notice to the owners of land lying within 375 feet of the property, and on-site posting. A 5/7ths vote of the City Commission is required to approve a waiver or use that is considered under this regulation.

The design was shared at the Collins Park Neighborhood Association's (CPNA) October 15, 2024 membership meeting. According to leadership from CPNA's board of directors, more than 50 residents of Collins Park attended, and feedback was overwhelmingly supportive of MiND's proposed artistic display, suggesting favorable community support for this neighborhood enhancement.

## **FISCAL IMPACT STATEMENT**

Window coverings, administered via the City's Vacant Storefront Program, are installed through a pre-approved, registered vendor, with a per square foot cost for the design and installation of colored window graphics. The cost for the Collins Park Garage window covering, estimated at approximately \$18,000, will be borne by the City via the Economic Development Department.

## **Does this Ordinance require a Business Impact Estimate?**

(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on:

See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

## **FINANCIAL INFORMATION**

Click or tap here to enter text.

## **CONCLUSION**

The temporary artistic covering for the Collins Park Garage will elevate the appearance of the unoccupied space and conceal the interior while being designed, furnished, and equipped by the future tenant, MiND. Moreover, the window covering design will generate anticipation and excitement around the Collins Park Cultural Arts Facility while promoting the City's tenant and cultural anchor.

Given the codified policy promoting window coverings and the neighborhood's support of this specific design, the Administration recommends that the City Commission adopt the Resolution following the duly noticed public hearing, thereby approving the waiver for a temporary installation.

## **Applicable Area**

South Beach

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?**

Yes

**Is this item related to a G.O. Bond Project?**

Yes

**Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying?** Yes

If so, specify the name of lobbyist(s) and principal(s): Miami New Drama, Inc. / Nick Richberg

## **Department**

Economic Development

## **Sponsor(s)**

## **Co-sponsor(s)**

**Condensed Title**

1:30 p.m. PH, Waive LDRs for Temporary Signage at Collins Park Garage - Miami New Drama.  
ED 5/7



@miaminewdrama



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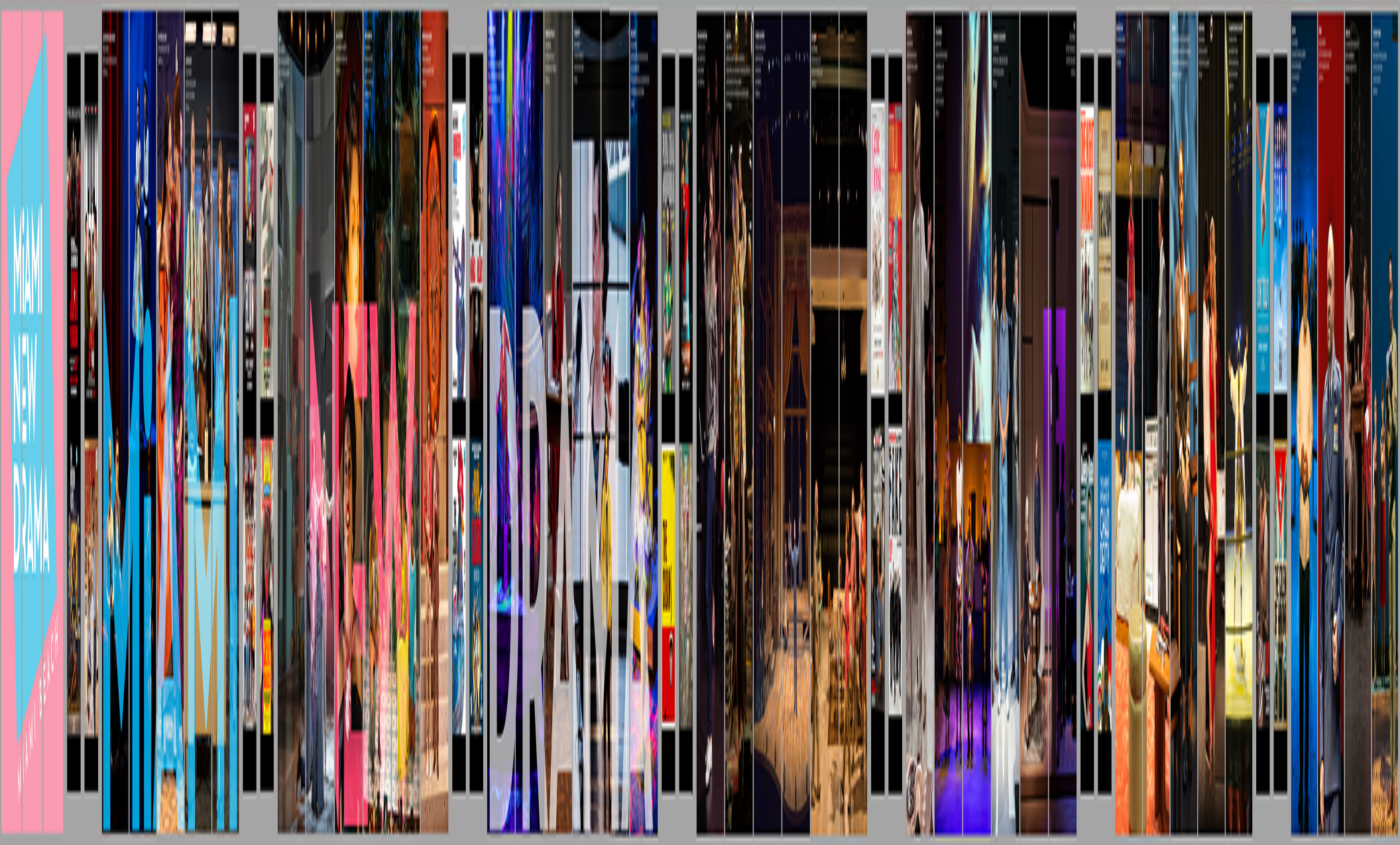


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# MIAMI NEW DRAMA

## MIAMI BEACH

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## LEGAL NOTICE PUBLIC HEARING

### COMPREHENSIVE PLAN LAND USE MAP AMENDMENT

On Wednesday, November 13<sup>th</sup>, 2024, at 6:00 P.M. in the 3<sup>rd</sup> floor Council Chambers of City Hall at 501 Palm Avenue, the Hialeah Planning and Zoning Board, the Local Planning Agency, will hold a Public Hearing on One (1) owner-initiated amendment to the Hialeah Comprehensive Plan, which is a Small-Scale Amendments in accordance with Section 98-102 of the Code of Ordinances of the City of Hialeah, and Chapters 163.3184 and 163.3187, Florida Statutes.

The purpose of this hearing is to give the applicant an opportunity to justify their requests, the Planning Division of the Community Development Department to present a recommendation on the application, and to provide an opportunity for the public to ask questions and make comments regarding the amendment.

|   |   |   |
|---|---|---|
| 1 | Small Scale Map Amendment from Low-Density Residential to Medium-Density Residential. | Location: 4955 East 8 <sup>th</sup> Avenue, Hialeah, Florida.<br>Zoned: R-1 (One-Family District) |
|---|---|---|

Information on the application can be obtained at the Hialeah Planning & Zoning Division, 2nd Floor - Hialeah City Hall, 501 Palm Avenue, or by calling (305) 883-8075 or (305) 883-8008 between 7:30 A.M. - 11:30 A.M. and 12:30 P.M. - 3:30 P.M., Monday through Friday.

AT THE CONCLUSION OF THE ITEM, A RECOMMENDATION FOR APPROVAL OR DENIAL WILL BE MADE AND FORWARDED TO THE HIALEAH CITY COUNCIL FOR CONSIDERATION AT ITS PUBLIC MEETINGS OF TUESDAY, DECEMBER 10<sup>th</sup>, 2024, AND TUESDAY, JANUARY 14<sup>th</sup>, 2025.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, PERSONS NEEDING A SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE PLANNING DIVISION BETWEEN 7:30 - 11:30 A.M. AND 12:30 P.M. - 3:30 P.M., MONDAY THROUGH FRIDAY, NO LATER THAN SEVEN DAYS PRIOR TO THE PROCEEDING. TELEPHONE (305) 883-8075 FOR ASSISTANCE; IF HEARING IMPAIRED, TELEPHONE THE FLORIDA RELAY SERVICE NUMBERS, (800) 955-8771 (TDD) OR (800) 955-8770 (VOICE), FOR ASSISTANCE.

HIALEAH PLANNING & ZONING DIVISION

## CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARING

**RESOLUTION AUTHORIZING WAIVER OF CERTAIN LAND DEVELOPMENT REGULATIONS APPLICABLE TO COLLINS PARK GARAGE, 340 23RD ST, LOCATED IN A GU (GOVERNMENT USE) DISTRICT; WAIVING THE DEVELOPMENT REGULATIONS PERTAINING TO TEMPORARY CONSTRUCTION SIGNS TO WAIVE THE REQUIREMENTS AND REVIEW CRITERIA RELATING TO TEMPORARY CONSTRUCTION SIGNAGE AND AUTHORIZE THE INSTALLATION OF A TEMPORARY ARTISTIC STOREFRONT WINDOW COVERING THAT HIGHLIGHTS MIAMI NEW DRAMA, INC., THE LESSEE.**

**NOVEMBER 20, 2024  
CITY COMMISSION MEETING**

NOTICE IS HEREBY GIVEN that on **November 20, 2024**, at 1:30 p.m., or as soon thereafter as the matter can be heard, the Mayor and City Commissioners of the City of Miami Beach will hold a **Public Hearing** on the following proposed Resolution:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING PURSUANT TO SECTION 7.2.16.3 OF THE CITY'S RESILIENCY CODE THE WAIVER OF CERTAIN LAND DEVELOPMENT REGULATIONS APPLICABLE TO THE CITY-OWNED COLLINS PARK GARAGE, LOCATED AT 340 23RD STREET, MIAMI BEACH, FLORIDA, WHICH IS LOCATED IN A GU (GOVERNMENT USE) DISTRICT; WAIVING BY A 5/7TH VOTE OF THE CITY COMMISSION, FOLLOWING A PUBLIC HEARING, THE DEVELOPMENT REGULATIONS IN CHAPTER 6 OF THE RESILIENCY CODE PERTAINING TO TEMPORARY CONSTRUCTION SIGNS, IN ORDER TO WAIVE THE REQUIREMENTS AND REVIEW CRITERIA RELATING TO TEMPORARY CONSTRUCTION SIGNAGE AND AUTHORIZE THE INSTALLATION OF A TEMPORARY ARTISTIC STOREFRONT WINDOW COVERING THAT HIGHLIGHTS MIAMI NEW DRAMA, INC., A NOT-FOR-PROFIT CORPORATION, WHICH IS THE LESSEE OF THE COLLINS PARK CULTURAL ARTS FACILITY, LOCATED ON THE GROUND FLOOR OF THE COLLINS PARK GARAGE. This Ordinance is being heard pursuant to Chapter 2, Article IV of the Resiliency Code, Section 2.05 of the City Charter, and §166.041 F.S. Inquiries may be directed to the Economic Development Department at 305.673.7572.

During the **November 20, 2024**, Commission Meeting, the City of Miami Beach will host a Hybrid Commission Meeting. During the Hybrid Commission Meeting, the City Commission will be physically present in the **Commission Chamber**, located at 1700 Convention Center Drive, 3<sup>rd</sup> Floor, Miami Beach, Florida 33139.

Members of the public who wish to attend this Commission Meeting or provide public comment in person may appear at the Commission Chamber. Applicants and members of the public who wish to participate or provide comment virtually during the Commission Meeting may join the webinar at: <https://miami-beach-fla.zoom.us/j/81392857671> or via telephone at: 1.305.224.1988 (U.S.) or 888.475.4499 (Toll-Free). Webinar ID: 81392857671. Members of the public wanting to speak virtually on an item during the meeting must click the "raise hand" icon if using the Zoom app or press \*9 on the telephone to raise their hand.

INTERESTED PARTIES are invited to take part in this meeting or be represented by an agent. The public may submit written comments on Commission Meeting items by either submitting an eComment through the agenda page at <https://www.miamibeachfl.gov/city-hall/city-clerk/agenda> and clicking the comment bubble icon in the "Current and Upcoming Meetings" section or by emailing [CityClerk@miamibeachfl.gov](mailto:CityClerk@miamibeachfl.gov) with the Agenda Item Number in the subject line. Comments received, in either format, will be accepted until 5:00 p.m. the day before the meeting. All submissions will be forwarded to the Mayor and Commissioners and included in the meeting record.

Copies of Agenda Items are available for public inspection at: <https://www.miamibeachfl.gov/city-hall/city-clerk/agenda>. This meeting, or any item therein, may be continued, and under such circumstances, additional legal notice need not be provided.

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that if a person decides to appeal any decision made by the City Commission concerning any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in an alternate format, a sign language interpreter (five-day notice required), information on access for persons with disabilities, and/or any accommodation to review any document or participate in any City-sponsored proceedings, call 305.604.2ADA (2232) and select 1 for English or 2 for Spanish; TTY users may call via 711 (Florida Relay Service).

The City Commission Meeting will be broadcast live on Miami Beach TV (MBTV), viewable on the City's website at <https://www.miamibeachfl.gov/government/mbtv/>, as well as on BreezeLine Cable channel 660 or 2004 (HD), AT&T U-verse channel 99, Hotwire Communications channel 395, and ROKU device on PEG.TV channel, and on social media at <https://www.facebook.com/cityofmiamibeach>.

### Parking

Meeting attendees can park at the City Hall Garage, 1755 Meridian Avenue, Miami Beach, FL 33139.

Rafael E. Granado, City Clerk  
City of Miami Beach  
[CityClerk@miamibeachfl.gov](mailto:CityClerk@miamibeachfl.gov)  
305.673.7411

MIAMI BEACH

AD: 11202024-03