

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

PROPERTY: 1901 Collins Ave

FILE NO. PB24-0705

IN RE: An application for conditional use approval for mechanical parking, pursuant to Chapter 2, Article V, Section 2.5.2; and Chapter 5, Article 2, Section 5.2.11.f of the Miami Beach Resiliency Code.

**LEGAL
DESCRIPTION:** See exhibit "A"

MEETING DATE: September 24, 2024

CONDITIONAL USE PERMIT

The applicant, Shore Club Land Trust, Trustee: Shore Club Trustee LLC c/o The Witkoff Group LLC, requested Conditional Use approval of a mechanical parking, pursuant to Chapter 2, Article V, Section 2.5.2; and Chapter 5, Article 2, Section 5.2.11.f of the Miami Beach Resiliency Code. Notice of the request was given as required by law and mailed out to owners of property within a distance of 375 feet of the exterior limits of the property upon which the application was made.

The Planning Board of the City of Miami Beach 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 of the record for this matter:

The property in question is located in the RM-3 Residential Multi-family, High Intensity District.

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

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;

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

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

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 the staff recommendations, that the Conditional Use Permit be GRANTED, as provided below:

1. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. The Board reserves the right to modify the Conditional Use approval at the time of a progress report in a

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non-substantive manner, to impose additional conditions to address possible problems and to determine the timing and need for future progress reports. This Conditional Use is also subject to modification or revocation under Chapter 2, Article V, Section 2.5.2.5.

2. This Conditional Use Permit is issued to Shore Club Land Trust, Trustee: Shore Club Trustee LLC c/o The Witkoff Group LLC, (the applicant/owner) of the property. Any changes in ownership or 50% (fifty percent) or more stock ownership, or the equivalent, shall require the new owner to submit an affidavit, approved by City, to the City of Miami Beach Planning Department, transferring approval to the new owner and acknowledging acceptance of all conditions established herein prior to the issuance of a new Certificate of Use/Business Tax Receipt.
3. The Applicant agrees to the following operational conditions for all permitted and accessory uses and shall bind itself, lessees, permittees, concessionaires, renters, guests, users, and successors and assigns and all successors in interest in whole or in part to comply with the following operational and noise attenuation requirements and/or limitations. The applicant shall ensure through appropriate contracts, assignments and management rules that these restrictions are enforced and the applicant agrees to include the rules and regulations set forth in these conditions in any contract or assignment:
 - a. Deliveries and waste collections may only occur between 8:00 AM and 4:00 PM each day
 - b. All trash rooms shall be large enough to accommodate sufficient trash capacity in order to minimize refuse pickups to a maximum of one pick up per day. All trash rooms shall be air conditioned and sound-proofed in a manner to be approved by staff. The doors to the trash rooms shall remain closed and secured when not in use and all trash dumpsters shall be closed at all times except when in use.
 - c. All trash containers shall utilize rubber wheels, as well as a path consisting of a surface finish that reduces noise, in a manner to be reviewed and approved by staff.
 - d. The property and adjacent rights-of-way be maintained clean and free from debris.
4. A progress report shall be scheduled before the Planning Board within six (6) months after obtaining a Certificate of Occupancy (CO) for the building.
5. In the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, subject to the review and approval of staff.
6. As part of the Building Permit plans for the project, the applicant shall submit mechanical lifts specifications and power emergency procedures.
7. The Planning Board shall retain the right to call the owner or operator back before the Board and make modifications to this Conditional Use Permit should there be valid complaints, as determined by Code Compliance, about loud, excessive, unnecessary, or unusual noise. Nothing in this provision shall be deemed to limit the right of the Planning Board to call back

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the owner or operator for other reasons and for other modifications of this Conditional Use Permit.

8. The conditions of approval for this Conditional Use Permit are binding on the applicant, the property owners, operators, and all successors in interest and assigns.
9. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval.
10. The applicant shall address the following Transportation, Mobility, Concurrency, Delivery, and Parking requirements:
 - a. All parking provided within the proposed building shall be for the sole use of the building tenants. Such parking shall not be utilized as shared parking, underutilized parking or for any other use not located on the subject property.
 - b. The applicant shall maintain one (1) dedicated parking space on the parking floor level of the project as permanently open and unoccupied, to function as temporary storage and staging for valet operations, and to prevent vehicles from entering City right-of-way to accommodate on-site maneuverability restrictions.
 - b. The applicant shall coordinate with the City of Miami Beach Transportation & Mobility Department to implement an acceptable Transportation Demand Management (TDM) Implementation Plan per the TDM strategies outlined in the most recent Traffic Impact Assessment, prior to the issuance of a building permit.
 - c. The applicant shall be required to provide a signed copy of the Valet Parking Agreement and Covenant between the applicant and the property owner at 237 20 Street, Miami, Beach, Florida, prior to the issuance of a building permit. This shall reflect the final allocation of the 100 parking spaces (4 on level 3, and 96 on level 4).
 - d. The applicant shall appoint a loading dockmaster to oversee movements into and out of the loading dock and ensure vehicular conflicts along 20 Street are limited. Loading Zone operations shall be restricted to non-peak period hours to ensure that vehicular conflict points along 20 Street are limited. The dockmaster shall also manage pedestrians crossing the loading driveway during loading operations, as needed, and work to minimize the daily impact of loading and trash removal and other required trips to fulfill the operational needs of the hotel and condominium property.
 - e. The applicant shall provide updated mechanical lift specifications/cut sheets to the City of Miami Beach for the final vendor for the semi-automatic puzzle mechanical lift parking technology, if different than the vendor used in the Valet Parking Operational Analysis.
 - f. The applicant shall submit a supplemental traffic memorandum, including an evaluation of the proposed valet operations, no later than six months from the date the Shore Club development is fully operational. A field queuing study of the valet operations shall include field data collection for one weekend day and one weekday including the identified peak

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periods. This field review should include review and observation of traffic circulation along 20th Street including interaction with nearby driveways at the Setai Ocean Suites and on-street parking. The supplemental traffic memorandum shall also establish new and site-specific valet/rideshare percentage at each valet/drop off pick-up area for the Shore Club. The additional field reviews shall verify the processing time assumptions used in the valet analysis for the on-site seven space puzzle parking system as provided by the vendor. This supplemental memorandum shall be submitted for review by the Board as part of the six (6) months progress report, required in Condition No. 4. Above.

11. The development shall comply with the "Green Buildings" requirements in 7.1.3.2 of the Resiliency Code.
12. The applicant shall satisfy outstanding liens and past due City bills, if any, to the satisfaction of the City prior to the issuance of a Building permit.
13. The applicant, operator and/or owner, both now and in the future, shall abide by all the documents and statements submitted with this application, as well as all conditions of this Order.
14. The applicant shall resolve all outstanding violations and fines on the property, if any, prior to the issuance of a building permit for the project.
15. A violation of Chapter 46, Article IV, "Noise," of the Code of the City of Miami Beach, Florida (a/k/a "noise ordinance"), as may be amended from time to time, shall be deemed a violation of this Conditional Use Permit and subject to the remedies as described in Chapter 2, Article V, Section 2.5.2.5 of the Miami Beach Resiliency Code.
16. The applicant shall obtain a full building permit within 18 months from the date of approval of this Conditional Use Permit, and the work shall proceed in accordance with the Florida Building Code. Extensions of time for good cause, not to exceed a total of one year for all extensions, may be granted by the Planning Board
17. 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.
18. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
19. 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 Code of the City of Miami Beach, Florida, and shall be subject to enforcement procedures set forth in Section 1.3.7 of the Land Development Regulations (LDRs), entitled "ENFORCEMENT", and such enforcement procedures as are otherwise available. Any failure by the owner, applicant or operators 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 permit.

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20. 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.

21. The applicant agrees and shall be required to provide access to areas subject to this Conditional Use Permit for inspection by the City (i.e. Planning Department, Code Compliance Department, Building Department, and Fire Department staff), to ensure compliance with the terms and conditions of this Conditional Use Permit. Failure to provide access may result in revocation of the Conditional Use Permit.

Dated 12/6/2024 | 10:11 AM EST

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

DocuSigned by:



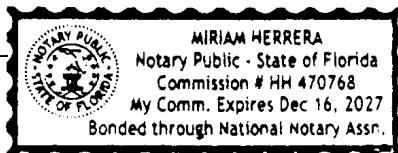
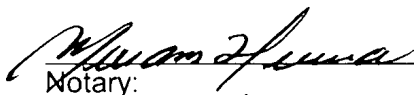
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Michael Belush, AICP
Planning and Design Officer
for the Chair

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 11 day of December, 2024, by Michael Belush, Planning and Design Officer for the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

[NOTARIAL SEAL]

Notary:

Print Name: Miriam Herrera

Notary Public, State of Florida

My Commission Expires: 12-16-27

Commission Number: HH 470768

Approved As To Form:

Legal Department

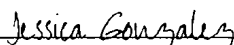


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Filed with the Clerk of the
Planning Board on

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(12/6/2024 | 10:26 AM EST)

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Exhibit A "Legal Description"
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EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

ALL LOT 1 AND A PORTION OF LOTS 2 AND 3, BLOCK "B", OF THE OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 5, AT PAGE 7, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA AND ALL OF LOTS 5, 6, 8, 9 AND 10 AND A PORTION OF LOTS 4 AND 7, BLOCK 1, FISHER'S FIRST SUBDIVISION OF ALTON BEACH, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, AT PAGE 77, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND A PORTION OF LAND LYING EAST OF AND CONTIGUOUS TO THE EAST LINE OF SAID BLOCKS B AND 1 (ONE) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID BLOCK B, THENCE RUN SOUTH 70° 04'39" EAST, ALONG THE NORTH LINE OF SAID BLOCK B AND ALONG THE SOUTH RIGHT-OF-WAY LINE OF 20TH STREET, FOR A DISTANCE OF 190.50 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE CONTINUE, SOUTH 70° 04'39" EAST, ALONG SAID NORTH LINE AND ALONG SAID RIGHT-OF-WAY LINE, FOR A DISTANCE OF 450.09 FEET TO THE EROSION CONTROL LINE OF THE ATLANTIC OCEAN AS SHOWN ON THE PLAT THEREOF, RECORDED IN PLAT BOOK 105, AT PAGE 62, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE RUN SOUTH 09° 26'43" WEST, ALONG SAID EROSION CONTROL LINE, FOR A DISTANCE OF 114.40 FEET TO A POINT ON A LINE 10.14 FEET SOUTHERLY, AS MEASURED ALONG A LINE PARALLEL WITH THE EASTERLY LINE OF SAID LOT 4 BLOCK 1, OF THE EASTERLY PROJECTION OF THE NORTH LINE OF SAID LOT 4, BLOCK 1; THENCE RUN SOUTH 87° 58'58" WEST, ALONG SAID LINE PARALLEL WITH SAID NORTH LINE OF LOT 4, FOR A DISTANCE OF 324.39 FEET; THENCE RUN NORTH 07° 36'11" EAST, PARALLEL WITH THE EAST LINE OF SAID LOTS 4 AND 5, BLOCK 1, FOR A DISTANCE OF 10.14 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 5; THENCE RUN SOUTH 87° 58'58" WEST, ALONG THE SOUTHERLY LINE OF SAID LOTS 5 AND 10, BLOCK 1, FOR A DISTANCE OF 325.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF COLLINS AVENUE; THENCE RUN NORTH 07° 36'11" EAST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 200.00 FEET; THENCE RUN SOUTH 70° 08'36" EAST FOR A DISTANCE OF 19.36 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOTS 2 AND 3, BLOCK B; THENCE RUN NORTH 87° 59'00" EAST, ALONG SAID SOUTHERLY LINE, FOR A DISTANCE OF 101.32 FEET TO A POINT ON A LINE 112.00 FEET SOUTH OF AND PARALLEL WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID 20TH STREET; THENCE RUN SOUTH 70° 04'39" EAST, PARALLEL WITH SAID SOUTH RIGHT-OF-WAY LINE, FOR A DISTANCE OF 56.16 FEET; THENCE RUN NORTH 19° 55'21" EAST, AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, FOR A DISTANCE OF 2.00 FEET; THENCE RUN SOUTH 70° 04'39" EAST, ALONG A LINE 110.00 FEET SOUTH OF AND PARALLEL WITH SAID SOUTH RIGHT-OF-WAY LINE AND AT RIGHT ANGLES TO THE PREVIOUS AND NEXT COURSES, FOR A DISTANCE OF 7.00 FEET; THENCE RUN NORTH 19° 55'21" EAST FOR A DISTANCE OF 110.00 FEET TO THE POINT OF BEGINNING.

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TOGETHER WITH ANY OR ALL RIPARIAN RIGHTS THAT MAY BE APPURTENANT TO SAID LANDS THAT MAY BE VESTED IN THE OWNER OF THE FEET TITLE TOGETHER WITH EASEMENT IN COMMON WITH PERSONS FOR THE LIKE RIGHT TO USE AS SET FORTH IN DEED RECORDED IN DEED BOOK 2482, PAGE 526, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, IN AND OVER THE FOLLOWING DESCRIBED PROPERTY:

BEGIN AT A POINT LOCATED ON THE NORTHERLY LINE OF LOT 2, BLOCK B OF THE AMENDED MAP OF OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 5, AT PAGES 7 AND 8, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; SAID POINT BEING 190.50 FEET DISTANT FROM THE NORTHWEST CORNER OF LOT 3, BLOCK B, OF SAID PLAT; THENCE SOUTHERLY AT RIGHT ANGLES TO THE NORTHERLY LINE OF SAID LOT 2, BLOCK B A DISTANCE OF 110.00 FEET TO A POINT; THENCE WESTERLY PARALLEL TO THE NORTHERLY LINE OF SAID LOT 2, BLOCK B A DISTANCE OF 7.00 FEET TO A POINT; THENCE SOUTHERLY AT RIGHT ANGLES TO THE LAST MENTIONED COURSE, A DISTANCE OF 2.00 FEET TO A POINT; THENCE WESTERLY PARALLEL TO THE NORTHERLY LINE OF SAID LOT 2, BLOCK B A DISTANCE OF 10.00 FEET TO A POINT; THENCE NORTHERLY AT RIGHT ANGLE TO THE LAST MENTIONED COURSE A DISTANCE OF 112.00 FEET TO A POINT LOCATED ON THE NORTHERLY LINE OF SAID LOT 2, BLOCK B; THENCE EASTERLY ALONG THE NORTHERLY LINE OF SAID LOT 2, BLOCK B, A DISTANCE OF 17.00 FEET TO THE POINT OF BEGINNING.