

9. PB24-0680. 2201 Collins Avenue – The W Condo Hotel.

PROGRESS REPORT 1

MIAMI BEACH
Land Use Boards

Planning Board

TO: Planning Board
FROM: Thomas Mooney, Director
DATE: May 6, 2025
TITLE: PB24-0680. 2201 COLLINS AVENUE – THE W CONDO HOTEL.

PROPERTY

2201 Collins Avenue – The W Condo Hotel.

FILE NO.

PB24-0680

APPLICANT

Sobe Hotel Owner, LLC

IN RE:

Progress report as required by the CUP, due to change of owner / operator.

PRIOR ORDER NUMBER:

Applicable Area

South Beach

**Is this a “Residents Right to Know” item,
pursuant to City Code Section 2-14?**

Yes

**Does this item utilize G.O. Bond
Funds?**

No

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: May 6, 2025

FROM: Thomas R. Mooney, AICP
Planning Director

DS


For TRM

SUBJECT: **PB24-0680. 2201 Collins Avenue – The W Condo Hotel.** Progress report as required by the CUP, due to change of owner / operator.

RECOMMENDATION

Hear testimony from the applicant and continue the progress report to a date certain of June 10, 2025.

BACKGROUND

April 1, 2009: The Planning Board approved a Conditional Use Permit for the W Hotel to operate a Neighborhood Impact Establishment (NIE).

May 26, 2009. The Planning Board approved a modification to the previously approved Conditional Use Permit to clarify Condition No. 9 (b) (1), which deals with the Hotel's events and functions that are incidental and customarily associated with a hotel and to clarify the use of the sound systems.

July 30, 2024: The Planning Board approved a modification to the previously approved Conditional Use Permit to allow any future change of owners or operators to submit an affidavit.

November 25, 2024: Affidavit submitted for the change of ownership from 2201 Collins Fee, LLC, to 2201 Collins Propco LLC.

STAFF ANALYSIS

On July 30, 2024, the Planning Board approved a modification to the previously approved Conditional Use Permit to allow any future change of owners or operators to submit an affidavit. The CUP requires that the applicant appear before the Board for a progress report after the submission and acceptance of the affidavit by the city.

As part of the progress report review, the Board is advised of any citations and complaints issued by the Code Compliance Department regarding the operation of the venue. At the time of the writing of this report (4/29/2025), the following violations have been issued to the property since the affidavit was submitted:

1. 12/8/2024 - NC2024-29194: LOUD MUSIC

Arrival Time: 10:26 PM

Departure Time: 2:05 AM

I received a call from dispatched in reference to a of loud music complainant coming from the pool area at 2201 Collins Ave, with the complainant located at 2301 Collins. The complainant declined to meet. I began my investigation by investigating for loud music in the area around the complainant's address. Loud music was heard while at the east side of the complainant's address. I then proceeded south in the area of 2100 Collins, near the intersection, and confirmed the music was still audible coming from 2201 Collins. I approached 2201 Collins and engaged with Brandon from the security personnel, who led me to the pool area where an event was taking place. On arrival at the pool area the music stopped. I then spoke with Ken and Will from the security management team, advising them of the excessive volume of their music, which was heard from multiple locations outside the property. They presented their special event permit and inquired about the identity of the complainant, to which I recommended they file a public records request. Noise warnings NC2024-29192 and NC2024-29194 were issued, along with violation CC2024-19065 for violating their special event permit terms. ACCA Mclean assisted me in presenting the violations. Will, the security director, acknowledged the warnings and the violation notice. The service was rendered successfully.

Ref: Loud music and bass playing from DJ at the pool area of the establishment

Complainant did not want to meet

Music was loud and excessive

Written warning issued

**2. 12/8/2024 – CC2024-19065 – Appealed to Special Magistrate – 12/10/2025 hearing
See above case notes – Violating Terms of Special Event Permit**

At the time of the progress report, in accordance with the provisions of Section 2.5.2.5 of the Land Development Regulations of the City Code (LDR's), the Planning Board may consider setting a public hearing for the purpose of examining the noncompliance issues and initiate modification/revocation proceedings.

STAFF RECOMMENDATION

Staff recommends that the Board hear testimony from the applicant and the public, and due to the violations issued, continue the progress report to a date certain of June 10, 2025.

This instrument was prepared by:
James E. Rauh, Esq.
Greenspoon Marder LLP
600 Brickell Avenue, Suite 3600
Miami, Florida 3313

(Space reserved for Clerk)

**COVENANT AND AFFIDAVIT RELATING TO CHANGE OF OWNER TO
UNDERLYING PLANNING BOARD APPROVAL**

WHEREAS, the property located at 2201 Collins Avenue bearing folio number 02-3234-218-0001 ("Property") and the following legal description identified in attached Exhibit A hereto, was previously owned by 2201 Collins Fee LLC ("Prior Owner"), whose principal address is 375 Park Avenue, Floor 10, New York, New York 10152.

WHEREAS, on May 26, 2009, the Planning Board approved a Conditional Use Permit under File Number 1922, to allow Prior Owner, to operate the property located at 2201 Collins Avenue, Miami Beach, Florida, as a Neighborhood Impact Establishment ("Order").

WHEREAS, the Order was recorded in the public records of Miami Dade County at Book 27172 and Page(s) 3579 through 3586; and

WHEREAS, Condition 1 of the Order states that the Planning Board shall retain jurisdiction of this file; and

WHEREAS, Condition 2 of the Order states that and all subsequent owners shall be required to comply with the terms and conditions of the Order; and

WHEREAS, on July 30, 2024, Condition 2 of the Order was modified by the Planning Board under Planning Board File No. PB24-0680 f.k.a PB File No. 1922 ("Modified Order") to read, in pertinent part, as follows: "...Any change of operator or fifty percent (50%) or more of stock ownership, shall require the new owners or operators to submit an affidavit, approved by the City, to the City of Miami Beach Planning Department, transferring approval to the new operators or owners and acknowledging acceptance of all conditions established herein, prior to the issuance of a new Certificate of Use/Business Tax receipt. A progress report shall be scheduled within 60 days following the submission and acceptance of the affidavit." A copy of the Modified Order is attached hereto as Exhibit B.

WHEREAS, the Modified Order was recorded in the public records of Miami Dade County at Book 34382 and Page(s) 2321 through 2328; and

WHEREAS, 2201 Collins Propco LLC, a Delaware limited liability company ("Owner") purchased the Property and pursuant to Condition 2 of the Modified Order is submitting this Covenant and Affidavit to transfer the approval to Owner as the new owner/operator and acknowledge Owner's acceptance of all conditions established contained therein.

WHEREAS, Owner has submitted the required disclosure of interest to the Planning Department and records this covenant and affidavit to ensure that the new Owner complies with the underlying Modified Order recorded in the public records of Miami Dade County.

NOW THEREFORE, in consideration of the premises, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Owner hereby freely, voluntarily and without duress covenant and agrees as follows:

1. The above Whereas Clauses are incorporated by reference herein.
2. 2201 Collins Propco LLC, a Delaware limited liability company, hereby acknowledges and accepts all conditions of the Modified Order, and agrees to be bound by and comply with the terms and conditions of said Modified Order.
3. As a further part of this Covenant, it is hereby understood and agreed that any official inspector of the City of Miami Beach, or its agents duly authorized, may have the privilege at any reasonable time of entering and investigating the use of the Property to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.
4. The provisions of this Covenant shall become effective upon their recordation in the public records of Miami-Dade County, Florida, and shall continue in effect for a period of thirty (30) years after the date of such recordation, after which time they shall be extended automatically for successive periods of ten (10) years each, unless released in accordance with the provisions of Paragraph 5 below.
5. The provisions of this Covenant may be released, amended, or modified from time to time by recorded instrument executed by the then owner of the Property, with joinders by any mortgagees, provided that the same is also approved by the Planning Director of the City of Miami Beach, or his or her successor, or a City board if such has jurisdiction of the matter at the time of the request.
6. Should this Covenant be released, amended, or modified in accordance with Paragraph 5 hereof, the Planning Director, or his or her successor, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.
7. Enforcement shall be by action against any parties or persons violating or attempting to violate any of these covenants. The prevailing party in any action or suit arising out of or pertaining to this Covenant shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may determine to be reasonable for the services of its attorney. This enforcement provision is in addition to any other remedy at law, in equity or both.

8. Invalidation of any one of these covenants, by judgment of Court, in no way shall affect any of the other provisions, which shall remain in full force and effect. All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

[EXECUTION PAGES TO FOLLOW]

Agreed to by Owner:

2201 Collins Propco LLC, a Delaware limited liability company

By: 2201 Collins Mezzanine LLC, its Sole Member

By: 2201 Collins Investco LLC, its Sole Member

By: [Signature]
Eric Orenstein, Manager

STATE OF New York)
COUNTY OF New York) ss

The foregoing instrument was sworn to, subscribed to and acknowledged before me this 22 day of October, 2024, by Eric S. Orenstein, who appeared by means of ☒ physical presence or ☐ online notarization, at the time of notarization, and who is ☒ personally known to me or who has produced _____ as identification.

Puni Samaroo
Notary Public State of New York
No: 01SA6369251
Qualified In Queens County
My Commission Expires January 02, 2026

[Signature]

NOTARY PUBLIC, State of New York at Large

Approved as to form on this ____ day of 11/25/2024 | 11:11 AM EST, 2024:

City of Miami Beach City Attorney's Office:

By: [Signature]
Name: Nick Kattergis
Title: Chief Deputy City Attorney

Approved as to form on this ____ day of 11/25/2024 | 11:16 AM EST, 2024:

City of Miami Beach Planning Department:

By: [Signature]
Name: Thomas Moorey
Title: Planning Director

EXHIBIT "A"

LEGAL DESCRIPTION:

A Tract of land situated in the City of Miami Beach, Florida, bounded as follows: bounded on the North by the South line of Atlantic Avenue (now generally known as 23rd Street); bounded on the West by the East line of Collins Avenue; bounded on the South by the North line of Ocean Avenue (now generally known as 22nd Street) and bounded on the East by the Low Water Line of the Atlantic Ocean, as the same is shown, marked and designated on the AMENDED PLAT OR MAP OF THE OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY, which map is recorded in Plat Book 5, at Page 7 and 8 of the Public Records of Miami-Dade County, Florida. (said East line now bounded by the Erosion Control Line of the Atlantic Ocean, recorded in Plat Book 105, at Page 62, of the Public Records of Miami-Dade County, Florida.)

ABOVE DESCRIBED LAND (TRACT) BEING COMMONLY KNOWN AS THE CASINO BLOCK.

ALSO

PARCEL "B", OFFICIAL RECORDS BOOK 5886, AT PAGE 688, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

A Tract of land situated in the City of Miami Beach, Florida, beginning (P.O.B.) at the Southeast corner of Atlantic Avenue (now generally known as 23rd Street.) now vacated and Collins Avenue; thence extending Northerly along the East line of Collins Avenue produced across Atlantic Avenue (now generally known as 23rd Street), now vacated, 50.00 feet; thence Easterly on a line North of, and parallel with, the South boundary line of Atlantic Avenue (now generally known as 23rd Street), now vacated, to the Atlantic Ocean; thence Southerly meandering the Atlantic Ocean, to a point where same intersects the South boundary line of Atlantic Avenue (now generally known as 23rd Street), now vacated, produced Easterly (now bounded on the East by the Erosion Control Line of the Atlantic Ocean, recorded in Plat Book 105, at Page 62, of the Public Records of Miami-Dade County, Florida); thence Westerly along said South Boundary line of Atlantic Avenue (now generally known as 23rd Street), now vacated; produced Easterly and continuing the said South boundary line to the Point of Beginning (P.O.B.)

THE EXTERIOR LINES OF ALL THE ABOVE DESCRIBED PROPERTY IS DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Begin (P.O.B.) at the Northeasterly corner of 22nd Street (formerly known as Ocean Avenue) and Collins Avenue, as said Street and Avenue are shown on the AMENDED MAP OF THE OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY'S SUBDIVISION, recorded in Plat Book 5, at Pages 7 and 8, of the Public Records of Miami-Dade County, Florida; and run South 70°02'49.4" East along the Northerly right-of-way line of 22nd Street, a distance of 564.715 feet to a point on the Erosion Control Line of the Atlantic Ocean, recorded in Plat Book 105, at Page 62, of the Public Records of Miami-Dade County, Florida; thence North 18°28'10.4" East along the said Erosion Control Line, a distance of 240.081 feet to a point; thence continue along the Erosion Control line North 19°20'59.4" East a distance of 60.003 feet; thence run North 70°02'49.4" West along the Northerly property line, a distance of 557.868 feet to a point on the Easterly right-of-way line of Collins Avenue; thence South 19°57'10.6" West along the Easterly right-of-way line of Collins Avenue, a distance of 300.00 feet to the Point of Beginning (P.O.B.)

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

PROPERTY: 2201 Collins Avenue – The W Condo/Hotel

FILE NO. PB24-0680 f.k.a. PB File No. 1922

IN RE: An application for a modification to a previously Conditional Use Permit for a Neighborhood Impact Establishment, pursuant to Chapter 2, Article V, Section 2.5.2. of the Miami Beach Resiliency Code.

LEGAL DESCRIPTION: See Exhibit "A"

MEETING DATE: May 26, 2009; July 30, 2024

MODIFIED CONDITIONAL USE PERMIT

The applicant, 2201 Collins Fee LLC, filed an application with the Planning Director for a Modification to a previously issued Conditional Use Permit for a Neighborhood Impact Establishment. Specifically, the applicants are requesting to change the name of the owner/operator, pursuant to Chapter 2, Article V, Section 2.5.2 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:

That the property in question is located in the RM-3, Residential High Intensity Zoning 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 when the following conditions are in compliance;

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 when the conditions below are compliant;

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

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2201 Collins Avenue

July 30, 2024

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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 recommendation, that the modification to the Conditional Use Permit as requested and set forth above be GRANTED, subject to the following conditions to which the applicant has agreed: Underlining denotes new language and ~~strikethrough~~ denotes stricken language from the previous order, dated May 26, 2009:

1. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. ~~The applicant shall provide a progress report to the Board in approximately 90 days after the Business Tax Receipt has been issued.~~ The Board reserves the right to modify the Conditional Use approval at the time of a progress report in a 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 City Code Sec. 118-194 (c). The staff report to be issued in connection with the applicant's progress report shall include a tabulation and copies of all noise and other complaints.
2. This Modified Conditional Use approval is issued to 2201 Collins Fee LLC, as the owner/operator of the venues constituting a Neighborhood Impact Establishment. ~~are located. Subsequent owners shall be required to appear before the Board to affirm their understanding of the conditions listed herein.~~ Any change of operator or fifty percent (50%) or more of stock ownership, shall require the new owners or operators to submit an affidavit, approved by City, to the City of Miami Beach Planning Department, transferring approval to the new operators or owners and acknowledging acceptance of all conditions established herein, prior to the issuance of a new Certificate of Use/Business Tax Receipt. A progress report shall be scheduled within 60 days following by the submission and acceptance of the affidavit.
3. The conditions of approval for this Conditional Use Permit are binding on the applicant, the property owners, and all successors in interest and assigns.
4. The applicant, now and in the future, shall abide by all the documents and statements submitted with this application for a Neighborhood Impact Establishment Conditional Use Permit.
5. The hours of operations shall be as proposed by the applicant, subject to applicable restrictions under the City Code, including the provisions of Code Section 142-244(4) concerning accessory outdoor bar counters:
 - a. Mr. Chow Restaurant: 5:00 p.m. to 2:00 a.m. seven days a week and may open for lunch at 10:00 a.m. in the future without any further Board action.
 - b. The three-meal Restaurant: 6:00 a.m. until 2:00 a.m. seven days per week; however, this restaurant may provide 24-hour room service to hotel guests.
 - c. Bar/Lounge: 10:00 a.m. until 3:00 a.m. seven days a week
 - d. Nightclub: 9:00 p.m. until 5:00 a.m.

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2201 Collins Avenue

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- e. Pool Deck Venue: 10:00 a.m. until 2:00 a.m. seven days per week, except during City-approved Special Event Permits, when the hours shall be governed by such permits.
6. The floor plan for the pool deck venue shall be modified by the applicant, in order to limit the Fire Marshal-determined occupancy load to no more than 525 patrons. This modified floor plan shall be submitted to the Planning Department staff for review and approval prior to any Certificate of Occupancy for the pool deck venue. Fire Department staff shall make a final inspection of the pool deck venue premises to validate the patron occupant load, prior to the approval of any Certificate of Occupancy or Certificate of Use for the pool deck venue.
7. The applicant shall not have the right to use the rooftop tennis and basketball courts for live music, entertainment, or special events.
8. The applicant may apply for City approved special events pursuant to Section 12-5 of the City Code, including having live music, and entertainment as defined in the City Code, and adhere to the conditions stated herein with regard to these special event permits. In these cases, in addition to all applicable notice requirements under Code provisions governing special event applications, the applicant shall notify the neighboring homeowners associations, condominiums associations and neighborhood associations in the area in writing. The application shall include a list of the names and addresses of each association to which such written notice was sent. The applicant shall use reasonable diligent and appropriate measures to ascertain each such association and its current address.

Such written notice shall:

- a. be sent to each such association which has any part of any of its respective boundary lines located within 375 feet of any boundary line of the applicant's entire property;
 - b. include the same notice as is required by the Special Event process;
 - c. include a request that each such association furnish informative and timely notice of the application to its respective member; and
 - d. be sent at the same time as required by the Code.
9. The pool deck venue shall have the following restrictions:
 - a. Day-to-day operation of the pool deck venue, open to the public:
 - (1) Maximum occupant load not to exceed 525 persons
 - (2) Hours of operation: 10:00 a.m. to 2:00 a.m.
 - (3) Only the hotel sound system shall be used. No extraneous sound systems may be brought in by DJs, promoters, performers, etc.
 - (4) Hotel security personnel must monitor the capacity at all access points to ensure that maximum occupant load is not exceeded.

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- b. Hotel events and functions that are incidental and customarily associated with a hotel, such as but not limited to weddings, receptions, private cocktail parties for hotel guests or clients, when located in the outdoor pool venue:
- (1) Only the hotel sound system shall be used except, when needed for a small event or a medium to large event, a portable sound system may be used, subject to compliance with all of the following conditions:
 - (a) For purposes of this condition, a "small event" is an event with between 1 and 120 guests, and a "medium to large event" is an event with between 121 and 525 guests.
 - (b) The portable sound system shall be used only as approved by the Planning Department.
 - (c) The portable sound system shall only be installed within the Customary Use staging area of the pool venue as shown in dark green on Drawing No. 3, dated February 24, 2009, by Nichols Brosch Wurst Wolfe & Associates, Inc. submitted for the Planning Board meeting of May 26, 2009.
 - (d) The portable sound system shall be as described in the "Small Group" and "Medium to Large Group" specifications as shown in the document prepared by Pro Sound & Video, located in Miami, Florida, which provides for the Small Group system to use equipment furnished by dbx Professional Products, located in Sandy, Utah, and the Medium to Large Group system to use equipment furnished by Meyer Sound Laboratories Inc., located in Berkeley, California, all as submitted for the Planning Board meeting of May 26, 2009.
 - (e) The Audio Bug, Inc.'s letter dated April 18, 2009 shall be amended to verify and state that both the "Small Group" and the "Medium to Large Group" systems, as identified in sub-paragraph d above, are designed to fully comply with local noise ordinances.
 - (f) The requirements of Condition No. 12 of the Conditional Use Permit granted by the Planning Board on April 1, 2009 (generally concerning the installation, testing, and operation of the previously-approved outdoor sound systems) shall also apply in all respects to the two portable sound systems identified in sub-paragraph (d) above."
 - (2) Access to the pool deck shall be closed to the general public. Guests of the event/function shall access the venue only through the hotel lobby, and access shall be monitored by hotel security.
 - (3) Hours of operation to be determined by the event/function, but not to extend later than 2:00 a.m.
 - (4) Live music may be permitted.

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July 30, 2024

- c. City-approved special events:
- (1) Occupant load to be determined by the Fire Marshal/Building Official.
 - (2) Entertainment, including live music, concerts and the like may be permitted according to the restrictions imposed by the Special Event Permit approval.
10. 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, inclusive of violations which occur during either City-approved special events or private events/functions shall be deemed a violation of this Conditional Use Permit and subject to the remedies as described in section 118-194, Code of the City of Miami Beach, Florida.
 11. The installation plan for the sound system, including the location of all the speakers and sound system controls shall be submitted to staff for review and approval prior to obtaining a building permit.
 12. The sound system for all outdoor areas shall be installed and operated in compliance with the requirements and recommendations of The Audio Bug, Inc. included in the W South Beach Hotel Sound Study dated March 13, 2009. When the sound system is completely installed, but before the Business Tax Receipt has been issued and before operations begin, it shall be tested under the supervision of Mr. Donald J. Washburn, president of The Audio Bug, Inc., or if not available, another sound engineer acceptable to staff, to ensure that all aspects of the system's performance comply with the requirements and recommendations of the Sound Study. Operations shall not begin until staff has received and approved in writing a final report issued by Mr. Washburn or if not available, another sound engineer acceptable to staff, which states that as tested, the system complies with the requirements and recommendations of the Sound Study.
 13. Hotel security personnel and other hotel staff shall take measures to enforce the Patron Age Restriction of the City Code during the hours of operation of all alcoholic beverage establishments.
 14. Prior to the issuance of a Certificate of Occupancy, the applicant shall participate in a Transportation Concurrency Management Area Plan (TCMA Plan), if deemed necessary, by paying its fair share cost, as may be determined. A final concurrency determination shall be conducted prior to the issuance of a Certificate of Occupancy. Mitigation fees and concurrency administrative costs shall be paid prior to the project receiving the Business Tax Receipt.
 15. Final calculation of the parking requirement for the project and payment of the fee in lieu of providing all the required parking shall be made prior to the issuance of the Certificate of Occupancy or Business Tax Receipt.
 16. The applicant shall only be permitted to request to bag on-street parking meters or parking meters in the Collins Park surface lot during City-approved special events.
 17. Street flyers and handouts shall not be permitted, including handbills from third-party promotions.

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18. The Planning Board shall retain the right to call the operators back before them without the requirement of a modification hearing as provided for in Section 118-194(c) and modify the hours of operation, other noise conditions, or the occupant load should there be issuance of written warnings and/or notices of violation (as determined by Code Compliance) about loud, excessive, unnecessary, or unusual late night noise.
19. As determined by the City of Miami Beach Public Works Transportation Division and applicable Miami-Dade County agency, any signal timing improvement identified in the Traffic Impact Study submitted with this application shall be completed within six months of the approval date of this Conditional Use Permit.
20. This Conditional Use Permit shall be recorded in the Public Records of Miami-Dade County, Florida at the expense of the applicant.
21. 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.
22. 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 114-7 of the Code and such enforcement procedures as are otherwise available. Any failure by 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 permit.
23. The applicant agrees and shall be required to provide access to areas subject to this CUP (not including private residences) for inspection by the City (i.e.: Planning, Code Compliance, Building Department, Fire Safety), to ensure compliance with the terms and conditions of this CUP.

Dated: 8/27/2024 | 10:34 AM EDT


PLANNING BOARD OF THE
 CITY OF MIAMI BEACH, FLORIDA

DocuSigned by:



BY: DEC3ECF2EB68404..

Michael A. Belush, AICP
 Planning & Design Officer
 for the Chairman

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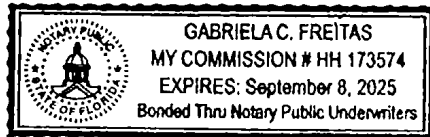
2201 Collins Avenue

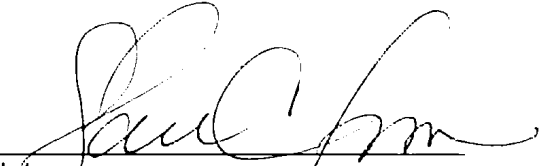
July 30, 2024

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STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 27 day of August, 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.




Notary:
Print Name Gabriela C. Freitas
Notary Public, State of Florida
My Commission Expires: 9-8-25
Commission Number: HH 173574

{NOTARIAL SEAL}

Approved As To Form: _____
Legal Department: _____
DocuSigned by: Nick Talley (8/27/2024 | 9:16 AM EDT)
8D8CB88CCAB8460

Filed with the Clerk of the _____
Planning Board on: _____
DocuSigned by: Jessica Gonzalez (8/27/2024 | 10:40 AM EDT)
0FC3F3E9D654A5

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