

MIAMI BEACH
PLANNING DEPARTMENT
Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: October 09 2015

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **File No. 1629 – 1901 Collins Avenue – Shoreclub Modification to Conditional Use Permit Neighborhood Impact Establishment**

The applicant, Shore Club Property Owner, LLC, is requesting a Modification to a previously issued Modified Conditional Use Permit to change the name of the owner/operator from Philips South Beach, LLC., to Shore Club Property Owner, LLC., pursuant to Section 118, Article IV.

RECOMMENDATION

Approval with Conditions.

ZONING / SITE DATA

Legal Description: See Attachment "A"

Zoning: RM-3, Residential Multifamily high intensity zoning district

Land Uses: Town House Hotel to the north and across the street on 20th is the Setai
Dorchester Hotel to the west, as well as Collins Avenue
Beach and Ocean to the east
Nautilus Hotel to the south

BACKGROUND

August 26, 2003 Approval of a Conditional Use Permit (CUP) for a neighborhood impact establishment consisting for those lounges and bars at SkyBar, an outdoor venue surrounding the pool deck and courtyard at the Shore Club hotel, which have an occupancy content greater than 300 persons.

One of the conditions of approval prohibited the entrance to SkyBar from 20th street.

December 2, 2003 Applicant requested a modification to the condition mentioned above and the Board allowed the applicant to use 20th Street entrance for one year.

November 23, 2004 Approval of a Modified Conditional Use Permit (CUP) for a neighborhood impact establishment consisting for those lounges and bars at SkyBar, an outdoor venue surrounding the pool deck and courtyard at the Shore Club hotel, which have an occupancy content greater than 300 persons allowing the entrance to Skybar via 20th Street rather than from Collins Avenue.

STAFF ANALYSIS

The applicant, Shore Club Property Owner, LLC., is requesting a Modification to a previously issued Modified Conditional Use Permit to change the name of the owner/operator from Philips South Beach, LLC.

No other changes are proposed to the conditions of approval, as previously approved by the Board.

The applicant is in the process of substantially renovating the entire property and has received various approvals from the Historic Preservation Board, including for the construction of additions, and substantial modifications to the site plan. Prior to obtaining building permits for venues that collectively constitute a neighborhood impact establishment, the applicant will have to make an application to the Board for a modification of this existing Conditional Use Permit.

STAFF RECOMMENDATIONS

In view of the foregoing analysis, staff recommends that this application for modification to a previously issued Conditional Use Permit be approved subject to the following conditions: Double Underlining denotes new language and ~~double strikethrough~~ denotes stricken language from the previous Order.

1. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. If deemed necessary, at the request of the Planning Director, the applicant shall provide a progress report to the Board. 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).
2. The applicant shall resolve outstanding violations and fines, if any, prior to the issuance of a Certificate of Use.
3. This Modified Conditional Use approval is issued to ~~Philips South Beach LLC~~, Shore Club Property Owner, LLC, as operator of the SkyBar at The Shore Club, for the outdoor/open air area of the courtyard and pool deck as identified in the documents provided as part of this application. Any change of operator shall require review and approval by the Planning Board as a modification to this Conditional Use Permit. Subsequent owners and operators shall be required to appear before the Board, in advance, to affirm their understanding of the conditions listed herein.

4. Entrance to SkyBar from 20th Street shall be permitted. The Board reserves the right to revisit the entrance location at the time of a progress report. In the event that there is queuing of people on sidewalk restricting the free-flow of pedestrians on the sidewalk, the operator shall be required to have staff take action to remove such crowds from the sidewalk and shall not permit the crowd to spill uncontrolled into the street area.
5. The valet drop off and pick up area for SkyBar patrons shall be at the entrance of The Shore Club on Collins Avenue. Valet drop off and pick up for SkyBar patrons shall be prohibited on 20th Street. The valet operator and hotel security personnel shall monitor the area to ensure queuing of cars will not interfere with street traffic on Collins Avenue. Additional security, such as off-duty police officers shall be contracted when necessary to monitor adequate traffic circulation.
6. No live music shall be permitted outdoors. All music shall be played as background music only, at a level that will not interfere with normal conversation. The volume of music shall be controlled by the hotel management only; DJs shall be prohibited from manipulating volume controls. Non-compliance with this condition shall be deemed a violation of the Permit and subject to the remedies as described in Sec. 118-194 of the City Code.
7. Special "teen night" promotions, "all-ages" events, "wet T-shirt," or "thong" contests shall be prohibited. The applicant shall be responsible for enforcing the patron-age restriction of 21 years of age and over by not allowing the admission of under-age patrons.
8. The hours of operation shall be from 10:00 a.m. to 3:00 a.m. A dedicated dance area shall be prohibited anywhere in the outdoor areas of SkyBar.
9. Violation of the Miami-Dade County Code Section 21-28 (a/k/a "noise ordinance") shall be deemed a violation of this Conditional Use Permit and subject to the remedies as described in Sec. 118-194 of the City Code.
10. The applicant shall participate in a Transportation Concurrency Management Area Plan (TCMA Plan), if required, by paying its fair share cost, as determined by the Transportation/Concurrency Management Division.
11. The applicant shall be responsible for maintaining the areas adjacent to the facility, such as the area of the street end of 20th Street and the beach area to the east of the facility, in excellent condition, keeping these areas in a clean condition, free of all refuse, at all times.
12. This Modified Conditional Use Permit shall be recorded in the Public Records of Miami-Dade County, Florida at the expense of the applicant.
13. 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.

14. 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 said 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.

15. 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.

ZONING / SITE MAP



City of Miami Beach Planning Board
File No. 1629
1901 Collins Ave



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