

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

**PROPERTY:** 901 – 927 Lincoln Road

**FILE NO.** PB 19-0320

**IN RE:** An application for a conditional use approval for the construction of a new 7-story hotel addition to the existing structures, with new construction exceeding 50,000 square feet, pursuant to Chapter 118, Article IV, and Chapter 142, Article II, Division 5 of the City Code.

**LEGAL  
DESCRIPTION:**

LEGAL DESCRIPTION:

PARCEL 1:

Lots 2, 3, 4, Block 37, COMMERCIAL SUBDIVISION OF THE ALTON BEACH REALTY COMPANY, according to the Plat thereof, as recorded in Plat Book 6, Page 5, of the Public Records of MIAMI-DADE County, Florida.

AND

PARCEL 2:

Lots 5 and 6, Block 37, COMMERCIAL SUBDIVISION OF THE ALTON BEACH REALTY COMPANY, according to the Plat thereof, as recorded in Plat Book 6, Page 5, of the Public Records of MIAMI-DADE County, Florida.

**MEETING DATE:** December 17, 2019

**CONDITIONAL USE PERMIT**

The applicant, The Sterling Building Inc, requested Conditional Use approval for the construction of a new 7-story hotel addition to the existing structures exceeding 50,000 square feet, pursuant to Chapter 118, Article IV, and Chapter 142, Article II of the City 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 CD-3 – Commercial, 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;

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;

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

1. This Conditional Use Permit is issued to The Sterling Building Inc, to construct a 7-story hotel addition to the existing structures, with commercial spaces on the ground floor including. Any proposed change of use shall require the review and approval of the Planning Board.
2. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. The applicant shall appear before the Planning Board for a progress report within 180 days from the issuance of the BTR. The progress report shall include, but not be limited to, updated information on traffic conditions surrounding the site. 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).
3. This Conditional Use Permit is issued to The Sterling Building, 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 Business Tax Receipt.
4. The Planning Board shall retain the right to call the owner or operator back before them and make modifications to this Conditional Use Permit should there be valid complaints 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 the owner or operator for other reasons and for other modifications of this Conditional Use Permit.
5. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, shall require the applicant to return to the Board for approval.
6. The applicant, now and in the future, shall abide by all the documents and statements submitted with this application.
7. As part of the building permit plans for the project, the applicant shall submit revised architectural drawings, which shall be subject to the review and approval of staff; at a minimum, such plans shall satisfy the following:
  - a. The proposed five (5') foot wide sidewalk located to the south of the proposed covered drop off area on Lincoln Lane North shall be expanded westward to the west property line, and then return northward to the north property line in order to allow for a connection

MBS

- to a future sidewalk which could be constructed along the northern property line of the west abutting parcel, in a manner to be reviewed and approved by staff. This shall require the reconfiguration of the proposed Loading zones and area labeled as 'MEP'. Further, provided that all regulatory agencies having authority over Lincoln Lane North approve of such, a sidewalk shall also be constructed in the Lincoln Lane North alley, abutting the parcel located immediately to the west of the subject site, and connecting to Michigan Avenue.
- b. The proposed pick-up/ drop-off area on North Lincoln Lane may also incorporate a loading space.
  - c. The location of the 'public benefits space' shown on the submitted plans shall not be permitted as proposed. Such space shall be relocated to a significantly more visible, and publicly accessible location. This may include, but shall not be limited to, the abutting open courtyard, or in another suitably prominent location as determined by staff.
8. 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. All trash containers shall utilize rubber wheels, or the path for the trash containers shall consist of a surface finish that reduces noise, in a manner to be reviewed and approved by staff.
  - b. Adequate air-conditioned and noise baffled trash room space shall be provided, in a manner to be approved by the Planning staff. Doors shall remain closed and secured when not in active use.
  - c. Trash dumpster covers shall be closed at all times except when in active use.
  - d. Delivery trucks shall not be allowed to idle in the loading areas.
  - e. Delivery and trash trucks shall only be permitted to park in the designated loading bays.
  - f. Deliveries and trash pick-ups only may only take place between 6:00 AM and 12:00 PM.
  - g. Outdoor entertainment as defined by the City Code shall not be permitted, unless approved by the Planning Board.
9. The applicant shall address the following Concurrency and Traffic requirements, as applicable:
- a. A Method of Transportation (MOT) shall be submitted to Public Works Department staff for review and approval prior to the issuance of a building permit. The MOT shall address any traffic flow disruption due to construction activity on the site.

MB

- b. Prior to the issuance of a building permit, 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 as determined by the Concurrency Management Division.
  - c. A final concurrency determination shall be conducted prior to the issuance of a Building Permit. Mitigation fees and concurrency administrative costs, if required, shall be paid prior to the issuance of any Building Permit.
  - d. A revised operational plan shall be submitted to the City of Miami Beach Transportation Department 30 days and 120 days after opening showing updated valet and rideshare vehicle demand and whether the queuing is contained within the space provided. In the case that queuing exceeds the designated drop-off area, the supplemental study shall propose a mitigation plan for City review and approval.
10. All new construction over 7,000 square feet or ground floor additions (whether attached or detached) to existing structures that encompass over 10,000 square feet of additional floor area shall be required to be, at a minimum, certified as LEED Gold by USGBC. In lieu of achieving LEED Gold certification, properties can elect to pay a sustainability fee, pursuant to Chapter 133 of the City Code. This fee is set as a percentage of the cost of construction.
  11. 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.
  12. 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.
  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 Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
  15. 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 114-8 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.
  16. 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



December 17, 2019

PB 19-0320 -- 901 -- 927 Lincoln Road - CUP

Page 5 of 5

17. 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.

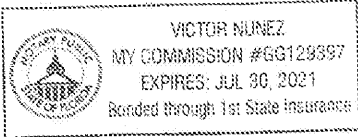
Dated this 12<sup>th</sup> day of FEBRUARY, 2020.

PLANNING BOARD OF THE  
CITY OF MIAMI BEACH, FLORIDA

BY: Michael Belush  
Michael Belush, AICP  
Chief of Planning & Zoning  
For Chairman

STATE OF FLORIDA        )  
COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of February, 2020, by Michael Belush, Chief of Planning & Zoning of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



{NOTARIAL SEAL}

Victor Nunez  
Notary:  
Print Name  
Notary Public, State of Florida  
My Commission Expires: Jul 30, 2021  
Commission Number: 66129397

Approved As To Form: Nick Allegro (2/11/2020)  
Legal Department

Filed with the Clerk of the Planning Board on Josie Gentry (2/12/2020)

MB