

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

PROPERTY: 1470 16th Street

FILE NO. PB 19-0334

IN RE: An application for a conditional use permit for non-medical office and personal service uses located on the ground floor of the existing multifamily building, pursuant to Chapter 118, Article IV, and Chapter 142, Article II, Division 3, Subdivision IV of the City Code

LEGAL DESCRIPTION: Parcel 1: Tract A, Villagio Bay I, according to the Plat thereof as recorded in Plat book 166 at page 56 of the public Records of Miami-Dade County, Florida, Less the west 6.00 Feet.
Parcel 2: Tract B, Villagio Bay II, according to the Plat thereof as recorded in Plat book 166 at page 57 of the public Records of Miami-Dade County, Florida, Less the west 6.00 Feet.

MEETING DATE: June 29, 2020

CONDITIONAL USE PERMIT

The applicant, Krzysztof Gojdz, requested a Conditional Use Permit, pursuant to Chapter 118, Articles IV, to operate a massage clinic with non-medical office and personal service uses. 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.

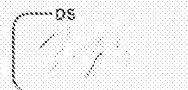
The Planning Board of the City of Miami Beach makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

That the property in question is located in the RM-2, Residential Multifamily Medium Intensity zoning district; and

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

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; and

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

DS


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

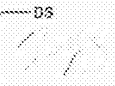
That necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.

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, as approved by the Planning Board, and accepted by the applicant, that a Conditional Use Permit as requested and set forth above be GRANTED, subject to the following conditions:

1. This Conditional Use Permit is issued to Krzysztof Gojdź, as owner/operator of Revive Clinic. Any change of operator or fifty percent (50%) or more 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 owners and/or operators and acknowledging acceptance of all conditions established herein, prior to the issuance of a new Business Tax Receipt.
2. The Board hereby imposes and the Applicant agrees to the following operational conditions for all permitted and accessory uses, and the applicant 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. The applicant shall submit a revised business/operation plan, removing any and all references to "medical" services, subject to the review and approval of staff.
 - b. Medical uses shall be prohibited.
 - c. Hours of operation shall be limited to 9:00 AM to 8:00 PM daily.
 - d. Deliveries may only occur between 8:00 AM and 5:00 PM, daily.
 - e. Exterior speakers may only be permitted for fire or life safety purposes.
 - f. Street flyers and handouts shall not be permitted, including handbills from third-party promotions.
 - g. The Operator shall be responsible for maintaining the areas adjacent to the facility, such as the boardwalk, sidewalks, curb and gutter and around the perimeter of the property in excellent condition, keeping these areas in a clean condition, free of all refuse, at all times.

DS
[Signature]

3. The Planning Board shall retain the right to call the owner or operator, both now and in the future, back before the Board and modify this Conditional Use Permit, including the hours of operation, should there be valid complaints or violations (as determined by Code Compliance) about loud, excessive, unnecessary, or unusual noise.
4. The applicant shall address the following Concurrency and Parking requirements, as applicable:
 - a. 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.
 - b. Prior to the issuance of a Building Permit, calculations for required parking for the project shall be determined by the Planning Department. A final determination for the required parking shall be conducted prior to the issuance of a Certificate of Occupancy or Business Tax Receipt, whichever comes first. If required, a one-time fee in lieu of providing the required parking on site, as determined by staff, shall be paid prior to the issuance of the Certificate of Occupancy.
5. 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 section 118-194, Code of the City of Miami Beach, Florida.
6. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. The applicant shall appear before the Planning Board for a progress report within 90 days from the issuance of the BTR. 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).
7. 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.
8. 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.
9. The applicant, now and in the future, shall abide by all the documents and statements submitted with this application.
10. 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.
11. The executed Conditional Use Permit shall be recorded in the Public Records of Miami-Dade County, Florida, at the expense of the applicant and returned to the Planning

DS


Department. No building permit, certificate of occupancy, or certificate of completion shall be issued until this requirement has been satisfied.

12. 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.
13. 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.
14. The applicant agrees and shall be required to provide access to areas subject to this Conditional Use Permit (not private residences or hotel rooms) 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.

7/13/2020 | 2:43 PM EDT

Dated this _____ day of _____, 2020.

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

DocuSigned by:

BY: _____

Michael Belush, AICP
Chief of Planning and Zoning
for Chairman

DEC3ECF2EB68404...

STATE

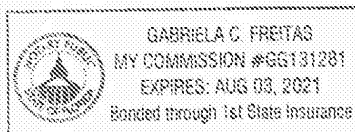
OF

FLORIDA

)

COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 13th day of July, 2020, by Michael Belush, Chief of Planning & Zoning 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: Gabriela Freitas
Notary Public, State of Florida

My Commission Expires: Aug. 3, 2021

Commission Number: gg131281

Approved As To Form: _____

Legal Department _____

(7/13/2020 | 1:59 PM EDT)

Filed with the Clerk of the Planning Board on _____

_____ (8/3/20)

05