

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: May 25, 2021

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB0616-0033 - 915-955 Washington Avenue - Moxy**

BACKGROUND

November 15, 2016 A Conditional Use Permit was granted by the Board, for the construction of a new seven (7) story hotel development exceeding 50,000 square feet including a parking garage, commercial uses, and a Neighborhood Impact Establishment with outdoor entertainment.

February 5, 2021 A Business Tax Receipt (BTR) was issued (BTR009560- 12-2020.)

PROGRESS REPORT

The applicant is before the Board pursuant to Condition #2 of the modified CUP (attached) as follows:

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 90 days from the issuance of the business tax receipt (BTR) for the proposed outdoor entertainment venue.

Condition #2 also has the following requirements:

When BTR's are issued for at least 75% of the building area, but no later than one (1) year from the issuance of the BTR for the proposed hotel use, the applicant shall appear before the Planning Board for a progress report specific to traffic, including providing a full revised traffic study outlining the actual transportation operations on-site and in the surrounding initial study area, and including valet operations and loading/servicing of the building.

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).

As of the writing of this report, no other BTR's for the commercial spaces of the building have been issued. As such, the applicant shall be required to appear before the Planning Board when the BTR's are issued for at least 75% of the building area or before **February 5, 2022** for a

progress report specific to traffic as required per condition #2.

As of the writing of this report, staff did not find any open violations specific to the operation of the facility' however one noise complaint was found:

NC2021-18487 Noise complaint – Case Status: Written warning Notice
Open date: 02/09/21 Close date: 02/09/2021

Description: Section 46-152: Inspection of the above premises this date has revealed that you are in violation of Section 46-152 of the Code of the City of Miami Beach by making, continuing, or causing to be made any unreasonably loud, excessive, unnecessary or unusual noise.

Arrival:3:47 PM - Departure: 4:55 PM - REF: Loud music.

Written warning issued.

STAFF RECOMMENDATION

Staff recommends that the Planning Board discuss the progress report and schedule a follow-up progress report at the January 2022 meeting, or within 90 days of BTR's being issued for 75% of the building area, whichever occurs first.