


CFN 2015R0107124
 OR Bk 29506 Pgs 1574 - 1580; (7pgs)
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 HARVEY RUVIN, CLERK OF COURT
 MIAMI-DADE COUNTY, FLORIDA

PLANNING BOARD
CITY OF MIAMI BEACH, FLORIDA

PROPERTY: 1501 Collins Avenue – Meats on the Beach, LLC

FILE NO. 2219

IN RE: The applicant, Meats on the Beach, LLC, is requesting Conditional Use approval for a Neighborhood Impact Establishment with an occupant content in excess of 300 persons, pursuant to Section 142, Article V.

LEGAL DESCRIPTION: See “Exhibit A” attached

MEETING DATE: January 28, 2015

CONDITIONAL USE PERMIT

The applicant, Meats on the Beach, LLC, is requesting a Conditional Use Permit pursuant Chapter 118, Article IV, “Conditional Use Procedure,” of the Land Development Regulations of the Code of the City of Miami Beach, Florida. Notice of the request for a Conditional Use Permit 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 MXE, Mixed Use Entertainment 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 Ordinance;

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 recommendation, that a Conditional Use Permit as requested and set forth above be **GRANTED**, subject to the conditions below, which have been accepted by the applicants:



1. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. The applicant shall appear before the Planning Board for a progress report within 60 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).
2. This Conditional Use Permit is issued to Meats on the Beach, LLC, as owner of Quality Meats, for a Neighborhood Impact Establishment consisting of restaurant without entertainment. Any change of operator or ownership shall require review and approval by the Planning Board as a modification to this Conditional Use Permit.
3. 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.
4. 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.
5. The applicant, now and in the future, shall abide by all the documents and statements submitted with this application.
6. 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. As proposed by the applicant, the project authorized by this Conditional Use Permit includes the creation and operation of the proposed 322 seat restaurant with the criteria listed below:
 - i. The restaurant shall have a maximum occupant content of 425 persons or any lesser such occupant content as determined by the Fire Marshal.
 - ii. The indoor portion and the entire patio area of the restaurant shall close by 12:00 AM Sundays thru Wednesday and by 1:00 AM Thursdays thru Saturdays.
 - iii. On the south patio area, alcohol may only be served with meals.
 - iv. The indoor and outdoor areas associated with this venue shall not have music, whether live or recorded, whether amplified or non-amplified, which is played at a volume that is defined as entertainment, i.e., louder than ambient



background music (defined as a sound level that does not interfere with normal conversation).

- v. The house sound system shall be installed and set in such a manner as to contain sound levels completely within the facility at all times. The equipment and installation plan for the sound system, including the location of all speakers and sound level controls shall be submitted for the review and approval of the Planning Department. Ninety days after opening, the sound systems in the facility shall be tested by a qualified acoustic professional, and a report shall be submitted to the Planning Department for review.
- b. Delivery trucks shall only be permitted to park within the loading area on the north side of the building within the ground floor parking area. The loading area shall be clearly marked and shall not include the alleyway north of the building's north elevation line. All deliveries are permitted only between 9:00 am and 3:00 pm, Monday through Saturday.
- c. Delivery trucks shall not be allowed to idle in the loading zone area.
- d. Equipment and supplies shall not be stored in areas visible from streets, alleys or nearby buildings.
- e. Trash collections may occur daily between 9:00 AM and 6:00 PM.
- 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.
- f. Adequate trash room space, air conditioned and noise baffled, shall be provided, in a manner to be approved by the Planning and Public Works Departments. Sufficient interior space must be provided so that doors can remain closed while trash and trash bags are being deposited in dumpsters. Doors shall remain closed and secured when not in active use.
- g. Trash room(s)/garbage room(s) shall be large enough, or sufficient in number to accommodate enough dumpsters so that more than one pick up of garbage per day will not be necessary. A high-level trash/garbage compacting device shall be located in an air-conditioned trash/garbage holding room within the facility.
- h. Garbage dumpster covers shall be closed at all times except when in active use.
- i. Restaurant personnel shall take measures to enforce the Patron Age Restriction of the City Code during the hours of operation of all alcoholic beverage establishments.
- j. No patrons shall be allowed to queue on public rights-of-way, or anywhere on the exterior premises of the subject property.
- k. The number of valet runners shall be sufficient to ensure that there is not any double parking of vehicles or any other queuing of vehicles in the right of way on 15th

Street, and this operation will be further evaluated at the time of the 60 day progress report. Quality Meats shall secure 50 parking spaces within the parking garage at 1501 Collins Avenue for the exclusive use of their patrons and at least 30 spaces in the Il Villaggio commercial parking garage for valet parking.

- i. The owner/operator shall be responsible for maintaining the areas adjacent to the facility, including the sidewalk, and all areas around the perimeter of the property. These areas shall be kept free of trash, debris and odor, and shall be swept and hosed down at the end of each business day
 - m. Street flyers and handouts shall not be permitted, including handbills from third-party promotions.
 - n. Special Events may occur on the premises, subject to City ordinances, rules or regulations existing at the time, and may exceed the hours of operation and occupancy loads specified herein, if permitted by the Fire Marshal, subject to the review and approval of staff. Simultaneous with the submission of an application for such special event to the appropriate department of the City of Miami Beach, the applicant shall send a copy of such application with a notice of the time and purpose of such special event to management office of 1500 Ocean Drive Condominium, Il Villaggio Condominium and The Drake.
 - o. The applicant will take such action as may be necessary to prevent the parking of vehicles by its patrons, employees, suppliers, and independent contractors in the east-west driveway which is located north of the building where the restaurant is located. The applicant will arrange for the prompt and expeditious removal of any such vehicle associated with the applicant's business which is parked in said driveway.
7. The final details of all exterior umbrellas, drapes, curtains, and any other treatments, including materials, dimensions and finishes, shall be subject to the review and approval of staff.
8. The applicant shall address the following Concurrency and Parking 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.
 - 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.



9. A bicycle parking plan shall be submitted for staff review and approval prior to the issuance of a Building Permit.
10. The applicant shall satisfy outstanding liens and past due City bills, if any, to the satisfaction of the City prior to the issuance of an occupational license to operate this entertainment establishment.
11. The applicant shall obtain a full building permit within 18 months from the date of the meeting, 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.
12. The Planning Board shall retain the right to call the owner or operator back before them and modify the hours of operation or the occupant load 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.
13. 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.
14. 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.
15. 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 Department. No building permit, certificate of occupancy, or certificate of completion shall be issued until this requirement has been satisfied.
16. 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.
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.

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Dated this 18th day of February, 2015

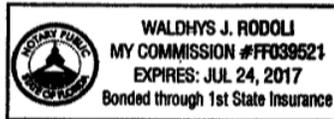
PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: Michael Belush
Michael Belush, Planning and Zoning
Manager
For Chairman

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 18th day of February, 2015, by Michael Belush, Planning and Zoning Manager of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

[NOTARIAL SEAL]



Waldhys J. Rodoli
Notary:
Print Name: Waldhys J. Rodoli
Notary Public, State of Florida
My Commission Expires: 7-24-17
Commission Number: FF039521

Approved As To Form:
Legal Department [Signature]) 2/18/2015

Filed with the Clerk of the Planning Board on 2/18/2015 ([Signature])

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EXHIBIT "A"

1501 OCEAN STEPS CONDO, ALTON BEACH 1ST SUB PB 2-77, LOTS 18 THRU 20 & S1/2 OF LOT 17, & S1/2 OF LOT 4 & LOTS 1 THRU 3, LESS PORT DESC INOR 18368-1130, AS DESC IN DEC OR 22895-2861.

Units CU-100, CU-201 and CU-202 as described in that certain Declaration of Condominium of 1501 Ocean Steps Condominium, recorded on December 10, 2004 in Official Records Book 22895 at Page 2861, as amended.

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