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CFN: 20240639713 BOOK 34373 PAGE 1776
DATE:08/21/2024 03:14:10 PM
JUAN FERNANDEZ-BARQUIN
CLERK OF THE COURT & COMPTROLLER
MIAMI-DADE COUNTY, FL

PLANNING BOARD
CITY OF MIAMI BEACH, FLORIDA

PROPERTY:	**1333 Dade Boulevard**
FILE NO.	**PB23-0641**
IN RE:	An application for conditional use approval for a Mechanical parking garage, pursuant to Chapter 1, Article II, Section 1.2.2.4; Chapter 2, Article V, Section 2.5.2; Chapter 5, Article II, Section 5.2.11 of the Miami Beach Resiliency Code.
LEGAL DESCRIPTION:	See Exhibit "A" at the end of this order.
MEETING DATE:	May 28, 2024

CONDITIONAL USE PERMIT

The applicant, Qriar Office, LLC requested a Conditional Use approval of a mechanical parking, pursuant to Chapter 1, Article II, Section 1.2.2.4; Chapter 2, Article V, Section 2.5.2; Chapter 5, Article II, Section 5.2.11; Chapter 7, Article V, Section 7.5.5.4. of the Miami Beach Resiliency 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:

The property in question is located in the CD-2 Medium Intensity Commercial District, Performance Standard General Mixed Use Commercial District:

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

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;

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

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

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:

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1. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. 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 Chapter 2, Article V, Section 2.5.2.5.

2. This Conditional Use Permit is issued to Qriar Office, LLC, (the applicant/owner) of the property. 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 Certificate of Use/Business Tax Receipt.

3. 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:

4. The following shall apply to the operation of the entire project:

    a. Deliveries and waste collections may occur between 7:00 AM and 5:00 PM each day.

    b. All trash rooms shall be large enough to accommodate sufficient trash capacity in order to minimize refuse pickups to a maximum of one pick up per day. All trash rooms shall be air conditioned and sound-proofed in a manner to be approved by staff. The doors to the trash rooms shall remain closed and secured when not in use and all trash dumpsters shall be closed at all times except when in use.

    c. All trash containers shall utilize rubber wheels, as well as a path consisting of a surface finish that reduces noise, in a manner to be reviewed and approved by staff.

    d. The property and adjacent rights-of-way be maintained clean and free from debris.

    e. Except as may be required for Fire, Building, or Life Safety Code purposes, no speakers or televisions of any kind shall be affixed to, installed, or otherwise located on the exterior of the premises within the boundaries of the project.

    f. Special event permits shall be prohibited.

    g. No exterior bars or accessory outdoor bar counters shall be permitted anywhere on the premises.

    h. Commercial uses on the rooftop shall be prohibited

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i. Use of the rooftop shall be limited to residential unit tenants and their invited guests.

5. A progress report shall be scheduled before the Planning Board 90 days after obtaining a Certificate of Occupancy (CO) for the building.

6. In the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, subject to the review and approval of staff.

7. As part of the Building Permit plans for the project, the applicant shall submit mechanical lifts specifications and power emergency procedures.

8. The Planning Board shall retain the right to call the owner or operator back before the Board and make modifications to this Conditional Use Permit should there be valid complaints, as determined by Code Compliance, 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

9. 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.

10. 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.

11. The project shall contain up to 13 parking spaces, with one additional space utilized for maneuvering, in a manner to be reviewed and approved by staff.

12. The applicant shall address the following Transportation, Mobility, Concurrency, Delivery, and Parking requirements:

a. All parking provided within the proposed building shall be for the sole use of the building tenants. Such parking shall not be utilized as shared parking, underutilized parking or for any other use not located on the subject property.

b. The applicant shall coordinate with the Transportation & Mobility Department to implement an acceptable Transportation Demand Management (TDM) Implementation Plan per the TDM strategies outlined in the most recent Traffic Impact Analysis, prior to the issuance of a building permit.

c. The applicant shall maintain one (1) dedicated parking space on the ground floor level of the project as permanently open and unoccupied, to function as temporary storage and staging for valet operations, and to prevent vehicles from entering City right-of-way to accommodate on-site maneuverability restrictions.

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d. Bicycle parking, protected from the elements to the extent possible, shall be provided on the site, in a manner to be reviewed and approved by staff.

13. The development shall comply with the "Green Buildings" requirements in 7.1.3.2 of the Resiliency Code.

14. 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.

15. The applicant, operator and/or owner, both now and in the future, shall abide by all the documents and statements submitted with this application, as well as all conditions of this Order.

16. The applicant shall resolve all outstanding violations and fines on the property, if any, prior to the issuance of a building permit for the project.

17. 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 Chapter 2, Article V, Section 2.5.2.5 of the Miami Beach Resiliency Code.

18. 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.

19. 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.

20. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.

21. 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.

22. 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.

23. The applicant agrees and shall be required to provide access to areas subject to this Conditional Use Permit for inspection by the City (i.e. Planning Department, Code

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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.

Dated 8/19/2024 | 5:39 PM EDT

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

DocuSigned by:

BY: DEC3ECF2EB68404...

Michael A. Belush, AICP
Planning and Design Officer
for the Chair

STATE OF FLORIDA
)

COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 21 day of August, 2024, by Michael Belush, Planning and Design Officer for the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

[NOTARIAL SEAL]

MIRIAM HERRERA
Notary Public - State of Florida
Commission # HH 470768
My Comm. Expires Dec 16, 2027
Bonded through National Notary Assn.

Notary:
Print Name: Miriam Herrera
Notary Public, State of Florida
My Commission Expires: 12-16-27
Commission Number: HH 470768

Approved As To Form:
Legal Department

DocuSigned by:

(8/19/2024 | 12:50 PM EDT)

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Filed with the Clerk of the
Planning Board on

DocuSigned by:

(8/20/2024 | 10:47 AM EDT)

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Exhibit A "Legal Description"
1333 Dade Blvd

All of Lot 13, in Block 16-A of ISLAND VIEW SUBDIVISION, according to the plat thereof, as recorded in Plat Book 6, Page 115, of the Public Records of Miami-Dade County, Florida; and beginning at the Northwest corner of Lot 13, in Block 16-A of ISLAND VIEW SUBDIVISION, according to the plat thereof, as recorded in Plat Book 6, Page 115, of the Public Records of Miami-Dade County, Florida, run Northerly along a prolongation of the West line of said Lot 13, a distance of 50 feet more or less, to a point in the North line of Lot 10 in said Block 16-A of said subdivision; thence run Easterly along the said North line of said Lot 10 to the Northeast corner of said Lot 10; thence run Southerly along the East line of said Lot 10, which is the same as the East line of said Lot 13 projected Northerly for a distance of 50 Feet more or less, to the Southeast corner of said Lot 10, which said point is the same as the Northeast corner of said Lot 13; thence run Westerly along the South line of said Lot 10, which is the same as the North line of said Lot 13, to the point of beginning.

Parcel Identification Number: 02-3233-012-0671

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