

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: May 22, 2018

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB 17-108 fka File No. 2032 – 1545 Collins Ave –The Royal Palm–
Progress Report**

RECOMMENDATION

Discuss and set a modification hearing

BACKGROUND

September 20, 2011 The applicant, RP Hotel Holding, LLC, was granted a conditional use to operate an aggregate of uses - a full service restaurant, a specialty restaurant and lounge, and hotel bar - open to the general public, as a neighborhood impact establishment located in the renovated Royal Palm/Shorecrest Hotel property.

January 28, 2015 The applicant, Patria Shorecrest, Inc., appeared before the Board to affirm their understanding of the conditions of approval in the previously issued conditional use permit, as the new operator of the neighborhood impact establishment, specifically the Byblos restaurant and lounge in the space previously occupied by the Catch restaurant.

March 24, 2015 The applicant, RP Hotel Holdings, LLC, appeared before the Board to affirm their understanding of the conditions of approval in the previously issued conditional use permit, including the introduction of a new hotel operator, HEI Hotel & Resorts.

February 2, 2017 The Planning Department sent a cure letter to the applicant, RP Hotel Holdings, LLC, in response to two (2) outstanding code violations. The cure letter advised the applicant that a progress report was scheduled for the February 28, 2017 meeting.

February 28, 2017 The Board set a public hearing to consider a revocation, modification, or imposition of additional or supplemental conditions to the existing CUP.

April 25, 2018 The Board made modification to the conditions of the CUP related to delivery, loading, and operations.

March 9, 2018 The Planning Department sent a cure letter to the applicant, RP Hotel Holdings, LLC, in response to an outstanding code violation and reoccurring complaints. The cure letter advised the applicant that a progress report was scheduled for the March 27, 2018 meeting.

March 27, 2018 The Board heard and discussed the progress report and the continued the progress report to the May 22, 2018 meeting.

PROGRESS REPORT

As of the writing of this report, there has been one (1) new violation issued to the operator for the failure to renew a business tax receipt (CC2018-05443), which was issued on May 2, 2018. This violation was been appealed to the Special Master (SMA2018-01204) on May 4, 2018.

Additionally, since the progress report at the March 27, 2018 Planning Board meeting, the violation for “Failure to operate your business in accordance with your conditional use permit (ZV2017-012)”, which was issued on July 18, 2017, as well as the related Special Master appeal (SMC2017-00629) were closed. This violation was in reference to Condition #26(d) of the CUP:

Paint a clear and brightly painted continuous yellow stripe running in an east-west direction in a location approximately 15 feet south of Royal Palm structure in the driveway shared with other adjoining properties.

STAFF ANALYSIS

Below are the conditions of the CUP that are related to the warnings, violations and open offenses:

1. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. Ninety days after the issuance of the Business Tax Receipt or after general commencement of operations, whichever comes later, the applicant shall provide a progress report to the Planning Board. 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. 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.
26. Deliveries and garbage and trash pickups shall be conducted
 - (A) from the private driveway which is located to the south of the property and to which applicant has access through agreements with the driveway's owners located to the south of the private driveway, and
 - (B) directly within the structures or private driveway and not on Collins Avenue; and
 - (C) be conducted, **to the greatest extent possible**, within the northern 15 feet of the shared driveway adjacent to the hotel's southern wall so as to minimize disruption of traffic within the shared driveway; and
 - (D) a clear and brightly-painted continuous yellow stripe, running in an east-west direction, shall be placed, maintained, and periodically repainted in a location approximately 15 feet south of the Royal Palm Hotel structure; and
 - (E) at the top of the ramp of the shared driveway, an arm gate, or two arm gates, one for each lane, but in either case, extending the entire width of the shared

driveway, shall, within sixty days of the modification of the CUP, be installed in a sound and workmanlike manner, using materials and equipment which are generally recognized as appropriate for high-quality commercial or residential buildings. Thereafter, the arm gate(s) shall, promptly and in the same manner, be maintained, repaired, periodically serviced, and replaced (all or in part) as may reasonably be needed from time to time.

Trash/garbage containers shall have rubber wheels and be maintained in a clean and fully operable condition.; Trash/garbage containers shall be kept in the trash room except during trash pick-up, after which the containers shall be promptly returned to the trash room. Deliveries and pickups shall be handled and managed by a dock master supervisor who shall be responsible for:

- (A) controlling hotel related deliveries and refuse pick up traffic in order to minimize disruption of traffic on Collins Avenue and in order to minimize interference with the business and resident traffic of the respective driveway's owners, and
- (B) enforcing the provisions of this condition relating to Deliveries and Pick-Ups.

A high-level trash/garbage compacting device shall be located in an air-conditioned trash/garbage holding room located on the south side of the south building; time of service for deliveries and best efforts used to have garbage and trash pickups shall be restricted to not before 9 A.M. and not after 6 P.M. On a 24-hour basis, applicant's management personnel shall regularly inspect the private driveway in order to determine whether it is being used for parking by any hotel guest, employee, or contractor, and shall promptly take appropriate action to remove any such vehicle.

33. 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 of the accessory uses proposed for the project should there be valid complaints about loud, excessive, unnecessary, or unusual noise, or amend other conditions or add new conditions. 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.

It appears that the shared driveway to the south of the property that provides access to the subject property's back of house area and two other properties' garage entrances (1501 Collins Avenue and 1500 Ocean Drive) has been obstructed by delivery and refuse collection operations for the various entities that share this driveway. This area has some inherent conflicts due to the built environment and the "shared" operation of the driveway.

One of the main objectives of the shared driveway's operation is to ensure that the traffic from this driveway does not cause a backup of vehicles on Collins Avenue. In order to ensure that there is not any backup on to Collins Avenue, the monitoring of the driveway's operations is the responsibility of the property stakeholders.

As the underscored portions of the above noted conditions, as well as the condition requiring a loadmaster, of the current CUP are somewhat ambiguous, staff believes that additional clarity through modifications would be appropriate in this particular instance. In this regard, if there are going to be conditions addressing the specificity of loading locations and on site operational management, they should be as clear and unambiguous as possible.

STAFF RECOMMENDATION

Staff recommends that the Planning Board discuss the issues raised herein, the progress that the operator has made in complying with the requirements of the CUP, and set a modification hearing in order to revise the conditions of the order to provide more clarity and eliminate any ambiguity.

TRM/MAB/TUI

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