

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: June 27, 2017

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **File No. 1356a – 320 Lincoln Road - Set Night Club**

The applicant, Mr. Jones Management LLC, is appearing before the Board to affirm their understanding of the conditions of approval of a previously issued Conditional Use Permit, as the new operator of the Neighborhood Impact Establishment.

RECOMMENDATION

No action required

ANALYSIS

The applicant is appearing before the Board in advance of obtaining a new Business Tax Receipt (BTR) to affirm their understanding of the conditions in the previously issued Conditional Use Permit (attached with the request) as required by Condition No. 1 of the final order as follows:

“The Planning Board shall maintain jurisdiction on this Conditional Use Permit; if deemed necessary by the Planning Board or at the request of the Director of Planning and Zoning, the applicant shall give a written progress report to the Board. At that time, the Board shall determine if further progress reports are necessary. Subsequent owners and operators shall be required to appear before the Board, in advance, to affirm their understanding of the conditions listed, herein.”

The applicant intends to operate a nightclub in the same space previously occupied by the nightclub known as “Set.” It is unclear if the name of the establishment will change or not. The applicant maintains that the occupant content noted in Condition No. 3 of the CUP will remain the same. Staff has advised the applicant that in accordance with Condition No. 2 of the final order, if any substantive change in the operation from a nightclub/restaurant is proposed, it shall require review and approval by the Planning Board as an amendment to this Conditional Use Permit.

Disclosures of all of the parties involved in the ownership of the management company are outlined in the letter requesting the appearance before the Board that is attached.

A review of Code Compliance violations shows that there are not any open notice of violations.

TRM/MAB/TUI

GRAY | ROBINSON
ATTORNEYS AT LAW

333 S.E. 2ND AVENUE
SUITE 3200
MIAMI, FLORIDA 33131
TEL 305-416-6880
FAX 305-416-6887

BOCA RATON
FORT LAUDERDALE
GAINESVILLE
JACKSONVILLE
KEY WEST
LAKE LAND
MELBOURNE
MIAMI
NAPLES
ORLANDO
TALLAHASSEE
TAMPA

305-416-6880

VALERIE.HABER@GRAY-ROBINSON.COM

May 24, 2017

VIA EMAIL: TUIMUNDAY@MIAMIBEACHFL.GOV

Tui Munday, Senior Planner
Planning Department - City of Miami Beach
1700 Convention Center Drive, Miami Beach, FL 33139

Re: Planning Board file 1356a – SET 320 Lincoln - BTR APPLICATION & CUP FOR MR JONES MANAGEMENT LLC d/b/a MR JONES (320 Lincoln Road)

Dear Ms. Munday:

As I mentioned in my May 8th, 2017 email, attached for your reference, GrayRobinson, P.A. represents MR JONES MANAGEMENT LLC (“MR JONES”), the lessee of the real property located at 320 Lincoln Road, Miami Beach, Florida 33139 (the “Property”). MR JONES intends to continue to use the Property as a nightclub, and has filed a Business Tax Receipt application with the City of Miami Beach to that effect.

The Property was previously the subject of a Conditional Use Permit granted by the Planning Board on September 17, 1998 and modified on March 9th, 2000 by 320 Associates, Inc.

Pursuant to condition one of the Conditional Use Permit (attached for your reference), “Subsequent owners and operators shall be required to appear before the Board, in advance, to affirm their understanding of the conditions listed, herein.” Accordingly, subsequent owner MR JONES MANAGEMENT LLC d/b/a MR JONES hereby requests that you schedule it to appear before the Planning Board to affirm the conditions listed in the Conditional Use Permit. Note that no substantive changes to the use are proposed, and MR JONES MANAGEMENT LLC does not intend to change any of the conditions set forth in the Conditional Use Permit.

The ownership structure of MR JONES MANAGEMENT LLC is as follows:

- 20.40%: Jetset Ventures Inc. (wholly owned by Alireza Kalantar)
- 20.40%: Tanja Inc. (wholly owned by Gerald Bouhana)
- 20%: Roman Jones Companies Inc. (wholly owned by Roman Jones)
- 39.20%: Abel and Baker LLC (50% membership interest by Antoun Karam, and 50% membership interest by Issam Freiha)


Tui Munday, Senior Planner

May 24, 2017

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Additional information is available upon request. Please do not hesitate to contact me with any questions or comments, and please advise when MR JONES will be scheduled for appearance before the Planning Board.

Sincerely

A handwritten signature in black ink that reads "Valerie Haber, Esq." The signature is written in a cursive, flowing style.

Valerie Haber
Attorney At Law

Encl.

CC: Gerald Bouhana via e-mail

2437597 v1



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

PLANNING DEPARTMENT

Tel: 305-673-7550 Fax: 305-673-7559

Letter to File

May 29, 2013

Subject: Planning Board File No. 1356a – Set 320 Lincoln Road

On January 22, 2013, SFX-320 Lincoln Operating LLC ("SFX") was approved for a proposed change of ownership in relation to the Amended Conditional Use Permit issued under Planning Board File No. 1356a ("CUP"). Having been advised by SFX the contract was canceled and the transaction did not close, the CUP order was reverted to the original form and re-executed on April 26, 2013 for recording in the Public Records of Miami-Dade County, Florida, to replace the CUP order bearing date the 30th day of January, 2013, recorded in Official Records Book 28540, Pages 1444-1448, in the Public Records of Miami-Dade County, Florida.

Sincerely,

Richard G. Lorber, AICP
Acting Planning Director

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

IN RE: The Application of

**320 ASSOCIATES, INC.
AMENDED CONDITIONAL USE PERMIT**

File No.: 1356a

On the 9th day of March, 2000, the applicant, 320 Associates, Inc., filed an application with the Director of Planning and Zoning for a Modification of a Conditional Use Permit originally granted by the Planning Board on September 17, 1998 pursuant to Sections 118-193 and 142-1361 of the Land Development Regulations of the Code of the City of Miami Beach, Florida. The Miami Beach Planning Board held a public hearing on March 28, 2000 and voted to approve the new owner of the subject establishment, South Beach OAO II, LLC, and voted to approve the following modification to the Conditional Use permit:

REQUEST:	The Applicant, 320 Associates, Inc., requests Modification of a Conditional Use approval, originally approved by the Planning Board on September 17, 1998, in Order to Operate a Neighborhood Impact Establishment with an Occupant Content in excess of Three-Hundred (300) Persons at 320 Lincoln Road.
ADDRESS:	320 Lincoln Road, Miami Beach, Florida.
LEGAL DESCRIPTION:	The west forty feet of Lot 13, and all of Lot 14, and the east half of lot 15, Block 54, FISHER'S FIRST SUBDIVISION OF ALTON BEACH, according to the plat thereof, as recorded in Plat Book 2 at Page 77 of the Public Records of Dade County, Florida.

Notice of the request for Conditional Use 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 Board finds that the property in question is located in the CD-3 Commercial High Intensity Zoning District. The Board further finds, based upon the evidence, testimony, information and documentation presented at the public hearing, the staff report, inclusive of the staff recommendations, all of which are incorporated herein:

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, by the Board, that a Conditional Use Permit as requested and set forth above be granted, upon the following conditions that the applicant has agreed to:

1. The Planning Board shall maintain jurisdiction on this Conditional Use Permit; if deemed necessary by the Planning Board or at the request of the Director of Planning and Zoning,

the applicant shall give a written progress report to the Board. At that time, the Board shall determine if further progress reports are necessary. Subsequent owners and operators shall be required to appear before the Board, in advance, to affirm their understanding of the conditions listed, herein.

2. Any substantive change in the operation from a nightclub/restaurant shall require review and approval by the Planning Board as an amendment to this Conditional Use Permit.
3. The occupant content of the establishment is hereby approved at a maximum total of 540 occupants. This figure shall be subject to approval by the Fire Department which may decrease the number of total occupants, as deemed necessary, without further Planning Board action. The Board reserves the right to decrease the occupant content of the subject property at the time of the progress report, to impose additional conditions to address operational concerns and to determine the timing and need for further progress reports.
4. The project shall comply with the Florida Accessibility Code, Life Safety Code and the South Florida Building Code for alterations and a change of use.
5. The exterior and interior of the building shall be rehabilitated in accordance with adopted Design Review Board guidelines, and shall be subject to approval by Design Review staff; however, if the renovations are deemed significant or any demolition is required, the said work shall require, in advance, Joint Design Review/Historic Preservation Board approval and a Certificate of Appropriateness, as applicable.
6. The applicant shall be responsible for maintaining the frontage and exterior of the building and the property in excellent condition, including keeping the sidewalk, curb and gutter in front of the building in a clean and sanitary condition, free of all refuse, at all times.
7. Prior to the issuance of a building permit, the applicant shall agree to participate in a proposed traffic mitigation plan, primarily involving traffic signalization, as proposed by Planning staff; said mitigation plan must be also approved by the appropriate authorities and reported to the City Commission, prior to the applicant obtaining a building permit. Any building permit obtained for work contemplated, hereunder, shall be contingent upon the terms and provisions for effectuating the proposed traffic mitigation plan and the documentation and acceptance of a corresponding mitigation agreement, as applicable, which shall be the applicant's responsibility.
8. Special "teen night" promotions and "all-ages" events shall be prohibited. As stated in the applicant's operational plan, a strict "age 23 and over" door policy (as proposed by original applicant) shall be enforced during hours of operations.
9. The applicant shall satisfy all outstanding liens and past due City bills to the satisfaction of the City prior to the issuance of a building permit for the improvements to said facility.
10. This Conditional Use Permit shall be recorded in the Public Records of Dade County at the expense of the applicant, prior to the issuance of a Building Permit; compliance with the aforesaid conditions shall be a prerequisite to obtain a Certificate of Occupancy.
11. Unless a building permit is issued within six (6) months and a Certificate of Occupancy is issued for the nightclub including compliance with all of the above conditions, within two (2) years of the date of this approval, this Conditional Use Permit shall become null and void.

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 114-7 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.

PROVIDED, the applicant shall build in accordance with the plans submitted as part of this file and as approved by the Planning Board with any applicable modifications. The applicant shall take all necessary steps to have a building permit issued by the City within a period of six (6) months from the date of the public hearing, and the work completed within two (2) years from the date of the public hearing, otherwise this order shall become null and void, unless the issuance of such permit is stayed by an appeal of this Order to a court of competent jurisdiction. This Order does not constitute a building permit, but upon presentation of a recorded copy of this Order to the Planning Department, a building permit shall be approved (subject to compliance with the conditions hereof) and processed in accordance with and pursuant to the ordinances of the City of Miami Beach.

Dated this 4/26/13 day of APRIL, 2013
26th

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]

Richard G. Lorber, AICP, LEED AP
Acting Planning Director
For Chairman

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 26th day of APRIL, 2013, by Richard G. Lorber, Acting Planning Director of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



TERESA MARIA
MY COMMISSION # DD 928148
EXPIRES: December 2, 2013
Bonded Thru Budget Notary Services

[NOTARIAL SEAL]

[Signature]
Notary:
Print Name: TERESA MARIA
Notary Public, State of Florida
My Commission Expires: 12-2-13
Commission Number: DD928148

Approved As To Form:
Legal Department (9/26/13)