

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: April 8, 2025

FROM: Thomas R. Mooney, AICP
Planning Director

^{DS}
 For TRM

SUBJECT: **PB File No. 2046. 455 Lincoln Road– 400 Collins Avenue – Parking Lot.**
Progress report due to code violations.

RECOMMENDATION

Review the issues of non-compliance and continue the progress report to May 6, 2025.

BACKGROUND

May 22, 2007: A Conditional Use Permit (CUP) was issued to Sunset Parking Systems, Inc, to operate an existing parking lot after midnight as valet and self-parking.

January 24, 2012: A Modified CUP to operate a parking lot after midnight was issued to a new owner, Savoy Hotel Partners, LLC, on January 24, 2012.

February 27, 2025: A violation was issued (ZV2025-0572) regarding failure to maintain the parking lot in accordance with the conditions of the CUP.

March 19, 2025: A cure letter was sent to “Savoy Hotel Partner, LLC”, the applicant for the CUP that was last modified by the Planning Board on January 24, 2012. The cure letter requested that the applicant appear before the Planning Board on June 25, 2024, for a progress report.

STAFF ANALYSIS

On March 19, 2025, the attached cure letter was sent to “Savoy Hotel Partners, LLC”, the applicant for the CUP that was last modified by the Planning Board on January 24, 2012. The cure letter requested that the applicant appear before the Planning Board on April 8, 2025, for a progress report.

The following violation is showing in the City’s records as of this writing:

1. Case No. **ZV2025-0572** 2/27/2025

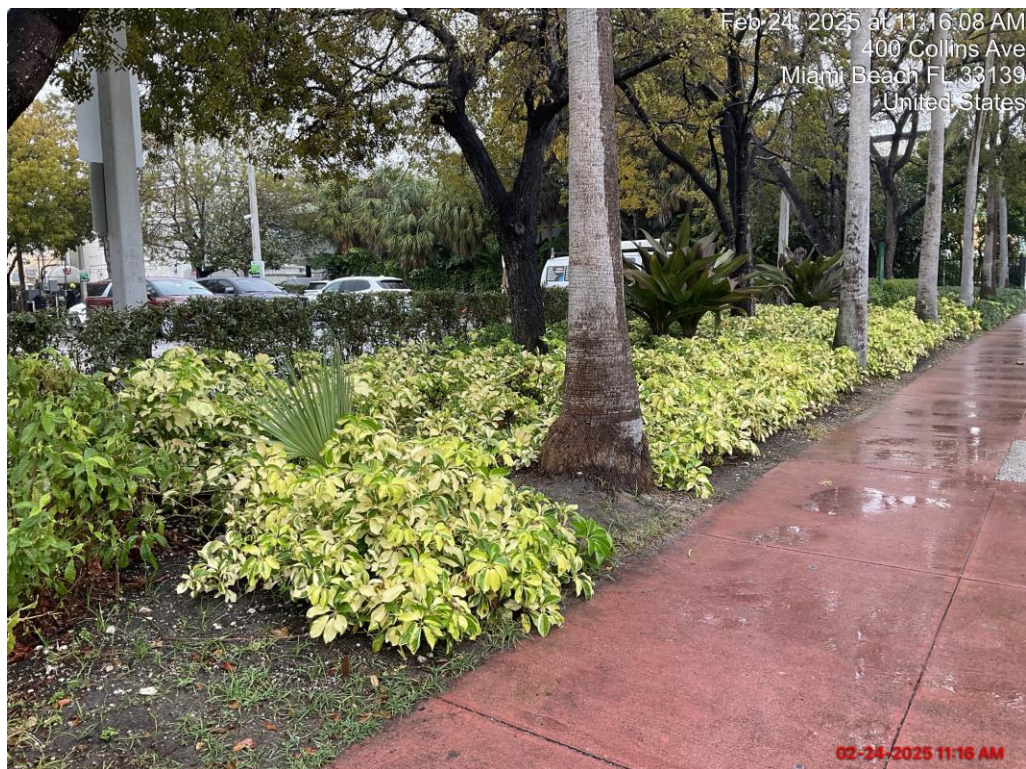
Failure to operate your business in accordance with your conditional use permit.

Not complying with conditions 4 through 9 from the conditional use permit related to landscaping and irrigation. The following photos were taken on 2/24/2025 and are part of the code case file:



PB File No. 2046. 400 Collins Ave - Progress Report.
April 8, 2025

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The following conditions of approval contained in the Conditional Use Permit are applicable to the above noted violations and warnings:

1. The Planning Board shall maintain jurisdiction on this Conditional Use Permit. The applicant shall come back to the Board within 60 days of the date of approval of a Business Tax Receipt and provide a progress report that substantiates the status of compliance with conditions enumerated below. 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).
4. All landscaping on the lot shall be maintained in good condition so as to present a healthy, neat and orderly appearance. A landscape maintenance plan showing the irrigation system with a recurring maintenance schedule, as required by Code, shall be submitted to staff for review and approval prior to the issuance of a modified Business Tax Receipt. The recurring maintenance schedule shall include, but not be limited to, cleaning the lot, clipping of hedge material, removal and replacement of dead plant material, fertilization, irrigation, and reapplication and maintenance of a 3" layer of mulch, (Cypress mulch and red-colored mulch are not permitted) shall be submitted to the Planning Department for review and approval, before the issuance of a Building Permit or Modified Business Tax Receipt, whichever comes first.

5. A fully automatic irrigation system with 100% coverage and an automatic rain sensor, in order to render the system inoperative in the event of rain, shall be installed. Right-of-way areas adjacent to the property shall also be incorporated as part of the irrigation system. The irrigation system shall be placed underground and be subject to staff approval and inspection subsequent to implementation to ensure its adequacy. The approved plan shall be implemented fully and made functional. The plan shall be filed with the Planning Department to ensure viability and regular maintenance. Non-compliance with this condition shall be deemed a violation of the Permit and subject to the remedies as described in Sec. 118-194 of the City Code.
6. All Ficus hedges are infested with white fly, performing poorly; therefore, they shall be replaced with a native species. Minimum height of new hedges at time of installation shall be as per Code requirements, subject to the review and approval of staff.
7. The planting areas within the required setback facing Collins Avenue, inclusive of the public ROW, shall be further developed with a variety of plant species in order to enhance the range of textures and colors. The tallest material (hedge) shall be placed closest to the parking lot in order to open up the landscape surface to the street. Understory planting shall extend from the parking lot surface to the edge of public sidewalk, subject to the review and approval of staff.
8. Existing sod areas dominated by weeds shall be replaced with new St. Augustine 'Floritam' sod subject to the review and approval of staff.
9. A 6" raised curb shall be built at each corner to prevent vehicles from parking in these landscaped areas subject to the review and approval of staff.

Should the Planning Board consider setting a public hearing for the purpose of examining the noncompliance issues noted herein, and initiate modification/revocation proceedings, this matter may be placed on the June 10, 2025 agenda of the Board as a modification/revocation hearing. If a future public hearing is set, the board may consider the issue of noncompliance and the possible modification or revocation of the approval. Based on substantial competent evidence, the board may consider revoking the approval, modifying the conditions thereof, or imposing additional or supplemental conditions.

At this time, staff recommends that the Board hear testimony from the applicant, and continue the progress report to May 6, 2025, in order to give the applicant time to come into compliance with the landscape requirements of the CUP.

STAFF RECOMMENDATION

Staff recommends that the Board hear testimony from the applicant and the public, and continue the progress report to May 6, 2025.

MIAMIBEACH

PLANNING DEPARTMENT

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139

Tel: (305) 673-7550

March 19, 2025

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Savoy Hotel Partners, LLC
COGENCY GLOBAL INC.
115 North Calhoun St.
Suite 4
Tallahassee, FL 32301

Re: **Planning Board File No. 2046 –400 Collins Avenue**

Dear Sir/Madam:

A Conditional Use Permit (CUP) to operate a parking lot after midnight was issued to Savoy Hotel Partners, LLC, on January 24, 2012. It has come to the Planning Department's attention that a violation has been issued by the Code Compliance Department regarding the maintenance of the lot. The following violation is showing in the City's records as of this writing:

1. Case No. **ZV2025-0572** 2/27/2025
Failure to operate your business in accordance with your conditional use permit.

Not complying with conditions 4 through 9 from the conditional use permit related to landscaping and irrigation.

The following conditions of approval contained in the Conditional Use Permit are applicable to the above noted violations:

1. The Planning Board shall maintain jurisdiction on this Conditional Use Permit. The applicant shall come back to the Board within 60 days of the date of approval of a Business Tax Receipt and provide a progress report that substantiates the status of compliance with conditions enumerated below. 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).
4. All landscaping on the lot shall be maintained in good condition so as to present a healthy, neat and orderly appearance. A landscape maintenance plan showing the irrigation system with a recurring maintenance schedule, as required by Code, shall be submitted to staff for review and approval prior to the issuance of a modified Business Tax Receipt. The recurring maintenance schedule shall include, but not be limited to, cleaning the lot, clipping of hedge material, removal and replacement of dead plant material, fertilization, irrigation, and reapplication and maintenance of a 3" layer of mulch, (Cypress mulch and red-colored mulch are not permitted) shall be submitted to the Planning Department for review and approval, before the issuance of a Building Permit or Modified Business Tax Receipt, whichever comes first.
5. A fully automatic irrigation system with 100% coverage and an automatic rain sensor, in order to render the system inoperative in the event of rain, shall be installed. Right-of-way areas adjacent to the property shall also be incorporated as part of the irrigation system. The

File No. 2046 -- Cure Letter, 400 Collins Avenue
March 19, 2025

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- irrigation system shall be placed underground and be subject to staff approval and inspection subsequent to implementation to ensure its adequacy. The approved plan shall be implemented fully and made functional. The plan shall be filed with the Planning Department to ensure viability and regular maintenance. Non-compliance with this condition shall be deemed a violation of the Permit and subject to the remedies as described in Sec. 118-194 of the City Code.
6. All Ficus hedges are infested with white fly, performing poorly; therefore, they shall be replaced with a native species. Minimum height of new hedges at time of installation shall be as per Code requirements, subject to the review and approval of staff.
 7. The planting areas within the required setback facing Collins Avenue, inclusive of the public ROW, shall be further developed with a variety of plant species in order to enhance the range of textures and colors. The tallest material (hedge) shall be placed closest to the parking lot in order to open up the landscape surface to the street. Understory planting shall extend from the parking lot surface to the edge of public sidewalk, subject to the review and approval of staff.
 8. Existing sod areas dominated by weeds shall be replaced with new St. Augustine 'Floritam' sod subject to the review and approval of staff.
 9. A 6" raised curb shall be built at each corner to prevent vehicles from parking in these landscaped areas subject to the review and approval of staff.

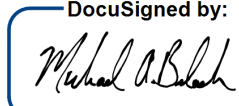
In accordance with Condition No. 1 of the CUP, **you are requested to appear at the April 8, 2025 Planning Board hearing** for a verbal progress report.

Please be advised that at the time of the progress report, in accordance with the provisions of Section 2.5.2.5 of the Land Development Regulations of the City Code (LDR's), the Planning Board may consider setting a public hearing for the purpose of examining the noncompliance issues and initiate modification/revocation proceedings.

Should the Planning Board consider setting a public hearing for the purpose of examining the noncompliance issues noted herein, and initiate modification/revocation proceedings, this matter may be placed on the June 10, 2025 agenda of the Board as a modification/revocation hearing. If a future public hearing is set, the board may consider the issue of noncompliance and the possible modification or revocation of the approval. Based on substantial competent evidence, the board may consider revoking the approval, modifying the conditions thereof, or imposing additional or supplemental conditions.

If you have any questions, please do not hesitate to contact Michael Belush at (305) 673-7000 ext. 26258 or via email at MichaelBelush@MiamiBeachFL.gov.

Sincerely,

DocuSigned by: For TRM

DEC3ECF2EB68404
Thomas R. Mooney, AICP
Planning Director

TRM\MB

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**PLANNING BOARD
CITY OF MIAMI BEACH, FLORIDA
MODIFIED CONDITIONAL USE PERMIT**

PLANNING BOARD CITY OF MIAMI BEACH, FLORIDA

PROPERTY: 400 Collins Avenue
Parking Lot

FILE NO. 4824 2046

IN RE: The application by ~~Sunset Parking Systems, Inc., Savoy Hotel Partners, LLC~~, requesting a conditional use permit to operate an existing surface parking lot after midnight as valet and self parking. The parking lot is located in the CPS2 zoning district. a Modification to a Conditional Use Permit pursuant to City Code Section 118-195, "Amendment of an Approved Conditional Use," for an existing surface parking lot operating after midnight as a valet and self-parking facility to change the name of the operator.

LEGAL DESCRIPTION: Lots 5, 6 and 7 less W 56 feet Block 6 of Ocean Beach FLA Addition according to the plat thereof as recorded in Plat Book 2 at page 38 of the Public Records of Miami Dade County, Florida.

MEETING DATE: ~~May 22, 2007~~ January 24, 2012

MODIFIED CONDITIONAL USE PERMIT

The applicant, ~~Sunset Parking Systems, Inc., Savoy Hotel Partners, LLC~~, is requesting Modification to a Conditional Use Permit pursuant to Section 118-195 of the Land Development Regulations of the Code of the City of Miami Beach, Florida. 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:

That the property in question is located in the CPS-2, Commercial General Mixed Use 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 Land Development Regulations;

That the public health, safety, morals, and general welfare will not be adversely affected if the applicant complies with the conditions stated herein

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 the Modification to 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 on this Conditional Use Permit. The applicant shall come back to the Board within 60 days of the date of approval of a modified ~~Occupational License~~ Business Tax Receipt and provide a progress report that substantiates the status of compliance with conditions enumerated below. 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 Modified Conditional Use approval is issued to ~~Sunset Parking Systems, Inc., Savoy Hotel Partners, LLC~~ as operator of the temporary parking lot at 400 Collins Avenue, as identified in the documents provided as part of this application. Any change of operator shall require review and approval by the Planning Board as a modification to this Conditional Use Permit.
3. The self-parking at this surface parking facility shall terminate at 10:00 p.m. and only valet parking shall be permitted until 7:00 a.m. A parking attendant shall be present at all times while the lot is operational; otherwise this parking facility shall be chained and closed.
4. All landscaping on the lot shall be maintained in good condition so as to present a healthy, neat and orderly appearance. A landscape maintenance plan showing the irrigation system with a recurring maintenance schedule, as required by Code, shall be submitted to staff for review and approval prior to the issuance of a modified ~~Occupational License~~ Business Tax Receipt. The recurring maintenance schedule shall include, but not be limited to, cleaning the lot, clipping of hedge material, removal and replacement of dead plant material, fertilization, and irrigation, and reapplication and maintenance of a 3" layer of mulch, (Cypress mulch and red-colored mulch are not permitted) shall be submitted to the Planning Department for review and approval, before the issuance of a Building Permit or Modified Business Tax Receipt, whichever comes first.
5. A fully automatic irrigation system with 100% coverage and an automatic rain sensor, in order to render the system inoperative in the event of rain, shall be installed. Right-of-way areas adjacent to the property shall also be incorporated as part of the irrigation

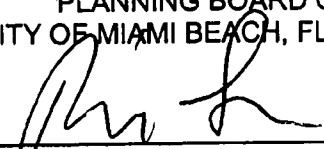
system. The irrigation system shall be placed underground and be subject to staff approval and inspection subsequent to implementation to ensure its adequacy. The approved plan shall be implemented fully and made functional. The plan shall be filed with the Planning Department to ensure viability and regular maintenance. Non-compliance with this condition shall be deemed a violation of the Permit and subject to the remedies as described in Sec. 118-194 of the City Code.

6. All Ficus hedges are infested with white fly, performing poorly; therefore, they shall be replaced with a native species. Minimum height of new hedges at time of installation shall be as per Code requirements, subject to the review and approval of staff.
7. The planting areas within the required setback facing Collins Avenue, inclusive of the public ROW, shall be further developed with a variety of plant species in order to enhance the range of textures and colors. The tallest material (hedge) shall be placed closest to the parking lot in order to open up the landscape surface to the street. Understory planting shall extend from the parking lot surface to the edge of public sidewalk, subject to the review and approval of staff.
8. Existing sod areas dominated by weeds shall be replaced with new St. Augustine 'Floritam' sod subject to the review and approval of staff.
9. A 6" raised curb shall be built at each corner to prevent vehicles from parking in these landscaped areas subject to the review and approval of staff.
10. Any new light poles proposed to be installed on site shall not exceed 15 feet from grade, in a manner to be reviewed and approved by staff. Light poles must also be shown on Landscape Plan and their placement must be coordinated with the proposed tree location.
11. The applicant shall ensure that trash, whether originating from this site or any other site, is removed and properly discarded no less than twice daily 365 days a year, for as long as the lot is in operation.
12. Parking stripes shall be painted white.
13. The applicant shall be responsible for operating this facility in an orderly, clean and quiet manner so that neighbors are not disturbed during the hours of operation. Screeching of tires or the sounding of car alarms, automobile horns, playing of radios or any kind of audio system (including by the valet attendants) shall be prohibited. Two signs, one addressing City Code provisions regarding car alarms, and one prohibiting the screeching tires and sounding of horns shall be posted on the site so they are plainly visible by, and legible to, users of the facility. (See attached examples).
14. ~~The existing illegal signs on the property shall be removed prior to the approval of a Modified Occupational Licence.~~
15. Pursuant to Section 130-70 of the City Code, one sign per street frontage shall be permitted. The maximum size of each sign shall not exceed five square feet per 50 feet of street frontage. This sign shall also include copy that indicates the name of the

- operator, the phone number of operator to report complaints, the phone number of Code Compliance, and who can use the parking facility; i.e., whether it is open to the general public, private, valet or self-parking, subject to the review and approval of staff.
16. The applicant shall resolve outstanding violations and fines, if any, prior to the issuance of a modified ~~Occupational License~~ Business Tax Receipt.
 17. 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.
 18. ~~This Conditional Use Permit shall be recorded in the Public Records of Miami-Dade County at the expense of the applicant, prior to the issuance of a modified Occupational License. Within a reasonable time after applicant's receipt of this Modified Conditional Use Permit as signed and issued by the Planning Director, the applicant shall record it in the Public Records of Miami-Dade County at applicant's expense and then return the recorded instrument to the Planning Department. No building permit or certificate of completion shall be issued until this requirement has been satisfied.~~
 19. The establishment and operation of this Modified 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 Modified Conditional Use permit.
 20. 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.

Dated this 31st day of January, 2012.

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: 

Richard G. Lorber, Acting Planning Director
For Chairman

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 31st day of January, 2012, 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]

Teresa Maria

Notary:

Print Name: *Teresa Maria*

Notary Public, State of Florida

My Commission Expires: *12-2-13*

Commission Number: *DD 928148*

Approved As To Form:
Legal Department

(gld 1-30-2012)

NOTICE

**NO
HORN
HONKING
-or-
TIRE
SCREECHING**

NOTICE
Section 46-161
of the Code of
the City of
Miami Beach
permits your
car to be towed
or
fines imposed
if your car
alarm system is
activated
improperly.