

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

DATE: October 16, 2025

TO: Chairperson and Members
Planning Board

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: PB21-0441, **2038 Collins Avenue – Ziva Miami Restaurant**.

Progress report for a change of owner/operator, as required by the Modified Conditional Use Permit for a Neighborhood Impact Establishment with entertainment and an occupant content in excess of 200 persons.

RECOMMENDATION

Hear testimony from the applicant and the public and conclude the progress report.

BACKGROUND

February 27, 2001

Just Around the Corner, LLC was granted a Conditional Use Permit (CUP), File No. 1493, for a multi-level parking garage with retail on the ground floor. This approval included a condition that states: "Nightclubs, dance halls, bars or any kind of neighborhood impact establishment shall not be permitted."

April 30, 2003

Just Around the Corner, LLC and POP Development, LLC requested a substantial amendment to the existing CUP (PB 1493) with a new File No. 1609 which was approved by the Board (PB 1609 superseded the previous order). The substantial amendment consisted of an extension of the valet parking garage to the east along 20th Street and introducing a residential component above ground level commercial spaces facing Collins Avenue and 21st Streets.

June 22, 2004

Just Around the Corner, LLC and POP Development, LLC applied for a modification to the previously granted CUP which was approved Modified CUP (MCUP) PB 1609. The modification included the following language: Condition # 3 "*Dance halls, bars or any kind of neighborhood impact establishment shall only be permitted along Collins Avenue. Any entertainment establishment that may be proposed for this property, regardless of occupant load shall be reviewed by the Planning Board for conditional use approval as agreed by the applicant.*"

- July 24, 2007* A subsequent applicant, Park Place Development, LLC requested a modification to the MCUP to, among other things, create two new restaurant spaces, which was approved by the Board.
- February 28, 2012* Park Place Development, LLC requested a modification to the MCUP to add a lounge use on 20th Street. There was a long discussion that included the intensity of the restaurants (number of seats), traffic, parking and the location of the various venues. The MCUP retained the previous condition but reworded and moved to condition #11 *“Any additional dance hall, bar, or entertainment establishment that may be proposed for this property, regardless of occupant load shall be reviewed by the Planning Board for conditional use approval as agreed by the applicant, and shall only be permitted, if permitted, along Collins Avenue or 20th Street.”*
- August 28, 2012* Park Place Development, LLC was granted a modification to the MCUP to add a restaurant and reconfigure the previously approved restaurant spaces. In order to streamline the process and allow for future reconfigurations without returning to the Planning Board, the Board approved the following process and # 12. *“Notwithstanding Condition No. 11 above, Parc Place Development, LLC, as owner of the property, shall be enabled to allocate, divide or sub-divide the commercial spaces within the property for different uses to either retail, eating and drinking establishments, or other commercial spaces such as a spa, gym, or similar, and re-allocate parking spaces according to need without having to amend the Permit every time one of these re-allocations, divisions or sub-divisions of spaces takes place, as long as it is not one of the uses specified in the Permit that require Planning Board approval. Any re-allocation, division or subdivision of the commercial spaces shall be limited to the number of parking spaces provided within the garage and shall be submitted to Planning Department staff for review and re-certification that enough parking spaces remain available for all uses within the building.”*
- December 15, 2015* Bagatelle Miami, LLC located at 2038 Collins Avenue, was granted a CUP (PB 2277) by the Planning Board for an entertainment establishment, pursuant to the requirements of the Master Conditional Use Permit for the property (PB 1609). The CUP was approved with conditions.
- June 22, 2021* The Planning Board granted a modification to the previously issued CUP (PB 2277) approving a change in operator of the establishment to Raspoutine Miami, LLC, located at 2038 Collins Avenue (PB21-0441).

STAFF ANALYSIS

On June 22, 2021, a Modified Conditional Use Permit (MCUP) was issued to a new operator, Raspoutine Miami, LLC, for a 155-seat restaurant, inclusive of an alcoholic beverage and entertainment establishment within the subject tenant space.

In accordance with Condition 3 of the MCUP, any change of operator or 50% or more stock ownership requires the new owner/operator to submit an affidavit to the City, transferring approval to the new owner/operator and acknowledging acceptance of all conditions, prior to the issuance of a new Certificate of Use (CU) or Business Tax Receipt (BTR). Additionally, a progress report

to the Planning Board shall be scheduled for 60 days after the acceptance of the affidavit by the Planning Department.

The new operator, KAD Hospitality, LLC submitted the required affidavit which was subsequently approved by the Planning Department on May 28, 2025. Due to the high volume of applications placed on the September 9, 2025 agenda, the subject progress report was moved to the October agenda. As part of the progress report review, the Board is advised of any complaints that have been received and any violations that have been issued by the Code Compliance Department regarding the operation of the venue.

At the time of the writing of this report, no complaints have been received, and no violations have been issued to the property since the current MCUP was issued on June 22, 2021. Accordingly, staff recommends that the progress report be concluded.

STAFF RECOMMENDATION

Staff recommends that the Board hear testimony from the applicant and the public and conclude the progress report.