

# MIAMI BEACH

## PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

DATE: January 6, 2026

TO: Chairperson and Members  
Planning Board

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: PB25-0764 a.k.a. PB20-0345, **1200 Ocean Drive.**

An application has been filed requesting modifications to a previously issued Conditional Use Permit for outdoor/open-air entertainment within an existing restaurant. Specifically, the applicant is requesting to change the owner/operator, pursuant to Chapter 2, Article V, Section 2.5.2 of the Miami Beach Resiliency Code.

### **RECOMMENDATION**

Approval of the modifications to the previously granted conditional use permit with conditions.

### **BACKGROUND**

On June 29, 2020, the applicant PT OPCO, LLC, was granted a conditional use permit for open air/outdoor entertainment for an existing restaurant located at the ground floor of the existing 3-story building.

### **SITE DATA**

Folio: 02-3234-008-0420

Legal Description: Lot 8, Block 17 of the Ocean Beach Addition No. 2 Subdivision, as recorded in Plat Book 2, Page 56, of the Public Records of Miami-Dade County, Florida.

### **STAFF ANALYSIS**

The applicant, Core Ocean Drive, LLC, C/O Apple Core Holdings, LLC, is requesting to modify the conditions of approval for an existing Conditional Use Permit in order to change the ownership/operator. The existing CUP was issued in 2020 to PT OPCO, LLC for outdoor/open-air entertainment within an existing restaurant. Should this request be approved, Condition 2 would be amended as follows:

2. This Modified Conditional Use Permit is issued to PT OPCO, LLC Core Ocean Drive, LLC, C/O Apple Core Holdings, LLC, as owner/operator of Pink Taco the property for the addition to outdoor/open air entertainment, consisting of inclusive of a ground level food service establishment with outdoor/open air entertainment, and a maximum occupancy load of 199. Any change of operator or 50% (fifty percent) or more stock ownership shall require review and approval by the Planning Board as a modification to this Conditional

Use Permit. Any change of owners or operator or 50% (fifty percent) or more stock ownership, partnership interest, or the equivalent, shall require the new operator or owner to submit an affidavit, approved by City, to the City of Miami Beach Planning Department, transferring approval to the new operator or owner and acknowledging acceptance of all conditions established herein prior to the issuance of a new Certificate of Use/Business Tax Receipt. A progress report shall be scheduled within 60 days followed by the submission and acceptance of the affidavit. Subsequent owners and operators shall be required to appear before the Board to affirm their understanding of the conditions listed herein.

### **Code Complaints/Violations**

The applicant received a Business Tax Receipt to operate the restaurant on November 14, 2025. However, staff would note that a noise complaint for the subject property was investigated by the Code Compliance Department on October 31, 2025 as outlined below:

1. **10/31/2025 – NC2025-30627**: Noise complaint. No violation observed.

*Notes indicate: Arrival: 4:18 PM, Departure: 4:43 PM An inspection, prompted from a complaint routed via dispatch revealed the following: Upon my arrival to the location, 1200 Ocean Dr., there is no loud noise or loud music at the property. I conduct a circuit around the property, no loud noise is heard. Body worn camera footage captured of the investigation. No violation issued, no loud music upon arrival.*

Based upon the notes, it is not clear what the source of the sound could have been but it is unlikely to be from the subject restaurant as it was not licensed to operate at the time.

In summary, staff has no objection to the modification, which includes language that is consistent with recently approved CUPs requiring the submission of an affidavit and subsequent progress report in lieu of a full modification application to change the owner/operator. This revised condition has been incorporated into the attached draft Modified CUP. As such, staff recommends approval as noted below.

### **STAFF RECOMMENDATION**

In view of the foregoing analysis, staff recommends that the application be approved subject to the conditions enumerated in the attached Draft Order.

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

MEETING DATE: January 6, 2026

PROPERTY/FOLIO: 1200 Ocean Drive / 02-3234-008-0420

FILE NO: PB25-0764 a.k.a. PB20-0345

APPLICANT: Core Ocean Drive, LLC, C/O Apple Core Holdings, LLC

IN RE: An application has been filed requesting modifications to a previously issued Conditional Use Permit for outdoor/open-air entertainment within an existing restaurant. Specifically, the applicant is requesting to change the owner/operator, pursuant to Chapter 2, Article V, Section 2.5.2 of the Miami Beach Resiliency Code.

LEGAL: Lot 8, Block 17 of the Ocean Beach Addition No. 2 Subdivision, as recorded in Plat Book 2, Page 56, of the Public Records of Miami-Dade County, Florida.

**MODIFIED CONDITIONAL USE PERMIT**

The applicant is requesting modifications to a previously issued Conditional Use Permit for outdoor/open-air entertainment within an existing restaurant, pursuant to Chapter 2, Article V, Section 2.5.2 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:

That the property in question is located in the MXE 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;

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 recommendations, as approved by the Planning Board, and accepted by the applicant, that a Modified Conditional Use Permit as requested and set forth above be GRANTED, subject to the following conditions:

1. The Planning Board shall maintain jurisdiction of this Modified Conditional Use Permit (MCUP). ~~The applicant shall appear before the Planning Board for a progress report within 90 days from the issuance of the BTR for the addition of open air entertainment.~~ The Board reserves the right to modify the Modified 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 Modified Conditional Use Permit is also subject to modification or revocation under ~~City Code Sec. 118-194 (c) Section 2.5.2.5 of the Land Development Regulations of the City Code.~~ The applicant shall be required to provide a letter to the Planning Department subsequent to the initial progress report and on an annual basis thereafter attesting to the applicant's compliance with all conditions of the MCUP. The Planning Director shall include a copy of all such letters on the next available meeting agenda of the Planning Board for informational purposes. Following receipt of an applicant's annual letter, the Planning Board may elect to schedule a progress report before the Board at its next available meeting. Failure to provide such letter on an annual basis shall constitute a violation of the MCUP and a progress report shall be scheduled. In addition to all enforcement provisions herein, the Board reserves the right to schedule a modification / revocation hearing if determined necessary when reviewing any annual progress report.
2. This Modified Conditional Use Permit is issued to PTOPCO, LLC Core Ocean Drive, LLC, C/O Apple Core Holdings, LLC, as owner/operator of ~~Pink Taco~~ the property for the addition to outdoor/open air entertainment, consisting of inclusive of a ground level food service establishment with outdoor/open air entertainment, and a maximum occupancy load of 199. Any change of operator or 50% (fifty percent) or more stock ownership shall require review and approval by the Planning Board as a modification to this Conditional Use Permit. Any change of owners or operator or 50% (fifty percent) or more stock ownership, partnership interest, or the equivalent, shall require the new operator or owner to submit an affidavit, approved by City, to the City of Miami Beach Planning Department, transferring approval to the new operator or owner and acknowledging acceptance of all conditions established herein prior to the issuance of a new Certificate of Use/Business Tax Receipt. A progress report shall be scheduled within 60 days followed by the submission and acceptance of the affidavit. Subsequent owners and operators shall be required to appear before the Board to affirm their understanding of the conditions listed herein.
2. The Board hereby imposes and the applicant agrees to the following operational conditions for all permitted and accessory uses, and the applicant 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:

- a. As proposed by the applicant, the project authorized by this Modified Conditional Use Permit includes operation of the proposed 172 seat restaurant, plus a sidewalk café, with the criteria listed below:
  - i. The maximum occupancy load shall not exceed 199 or such lesser number as determined by the Fire Marshal.
  - ii. The restaurant may operate until 5:00 AM daily as proposed.
  - iii. Entertainment, including but not limited to a live show, live performance, or a DJ, shall be strictly prohibited directly on the outdoor porch and/or the sidewalk café area in the front of the building. All such entertainment shall be located only within the interior of the building, and the exterior doors/windows may remain open, provided that that the sound levels along the abutting sidewalks do not exceed a level that would interfere with normal conversation.
  - iv. Notwithstanding 3.a.iii above, all sliding glass doors shall be closed by 11:00 PM nightly. Ingress and egress for patrons and staff shall be limited to the existing swing doors.
  - v. All sliding glass doors shall be closed anytime that sound levels in the interior exceed a level that would interfere with normal conversation.
  - vi. A sound field test shall be performed before commencement of business operations with staff present to demonstrate that the anticipated audio levels proposed by the applicant with the doors of the venue open and the music played at the proposed levels shall not interfere with normal conversation on the exterior public sidewalks abutting the property.
  - vii. The house sound system shall be installed and set in such a manner as to limit the acoustical output of the system and have password protected security on all controls at all times. The equipment and installation plan for the sound system, including the location of all speakers and sound level controls shall be submitted for the review and approval of the Planning Department. 60 days after opening, the sound systems in the facility shall be tested by a qualified acoustic professional, and a report shall be submitted to the Planning Department for review, to verify that it is operating as designed.
  - viii. The restaurant shall comply with the Ocean Drive requirements, per ~~section 142-546 (b) of the City Code~~ Section 7.2.13.2.f.2 of the Land Development Regulations of the City Code, which regulate the requirements for both indoors and outdoor speakers.
  - ix. A full menu shall be made available during all hours of operation.
  - x. The venue shall not become a stand-alone bar or stand-alone entertainment establishment.
  - xi. Televisions and projectors shall not be located anywhere in the exterior areas of the property.

- xii. After normal operating hours the establishment shall remain closed and no patrons or other persons, other than those employed by the establishment, shall remain therein between the establishment's closing time and 7:00 AM.
- b. Deliveries may only occur between 8:00 AM and 4:00 PM, daily.
- c. Delivery trucks shall only be permitted to load and unload from (Ocean Court) and in the designated loading zones along 12<sup>th</sup> Street.
- d. Delivery trucks shall not be allowed to idle in loading zones.
- e. Equipment and supplies shall not be stored in areas visible from streets, alleys or nearby buildings.
- f. Trash collections may occur daily between 8:00 AM and 5:00 PM.
- g. Adequate trash room space, air conditioned and noise baffled, shall be provided, in a manner to be approved by the Planning and Public Works Departments. Sufficient interior space must be provided so that doors can remain closed while trash and trash bags are being deposited in dumpsters. Doors shall remain closed and secured when not in active use.
- h. Trash room(s)/garbage room(s) shall be large enough, or sufficient in number to accommodate enough dumpsters so that more than one pick-up of garbage per day will not be necessary. A high-level trash/garbage compacting device shall be located in an air-conditioned trash/garbage holding room within the facility.
- i. Garbage dumpster covers shall be closed at all times except when in active use.
- j. Outdoor cooking anywhere on the premises is prohibited. Kitchen and other cooking odors shall be contained within the premises. Owner agrees to install an exhaust system, if required by code, for the kitchens on the premise that will substantially reduce grease and smoke that would otherwise escape to the surrounding area. This may include the installation of a fan in connection with kitchen exhaust systems within the interior of the building in order to reduce noise levels at the exhaust outlet substantially in compliance with the plans as approved or in the alternative any such exhaust system shall be located along the west side of the property not directly adjacent to the southernmost or northernmost property lines.
- k. Exterior speakers for fire and life safety purposes, and background ambient music played at a volume that does not interfere with normal conversation may be-permitted.
- l. Street flyers and handouts shall not be permitted, including handbills from third-party promotions.
- m. An off-duty police officer (subject to availability) shall be hired to monitor the operations during 'high impact weekend', as defined in the City Code and as may be designated by the City Manager and/or City Commission.

- n. The applicant shall dedicate at least one staff person to monitor security, patron circulation, queuing and crowd control/occupancy levels in order to adjust crowds according to occupant loads.
  - o. Patrons shall not be allowed to queue on any public rights-of-way or on the exterior of the premises. At least one security staff shall be required to be onsite during hours of operation to monitor the crowds to ensure that they do not interfere with the free flow of pedestrians on the public sidewalk.
  - p. The Operator shall be responsible for maintaining the areas adjacent to the facility, such as the sidewalks, curb and gutter and around the perimeter of the property in excellent condition, keeping these areas in a clean condition, free of all refuse, at all times.
3. The Applicant shall coordinate with the Transportation Department to submit a comprehensive Transportation Demand Management (TDM) Plan to the Transportation Department for review and approval prior to receiving a new BTR with the inclusion of open air entertainment.
  4. The Applicant shall assign personnel to manage loading operations to reduce potential conflicts with pedestrians in crosswalks.
  5. The Planning Board shall retain the right to call the owner or operator, both now and in the future, back before the Board and modify this Modified Conditional Use Permit, including the hours of operation and/or the occupant load of the restaurant, as well as modifications to the parking operations, should there be valid complaints or violations (as determined by Code Compliance) about valet operations and loud, excessive, unnecessary, or unusual noise.
  6. ~~The applicant shall address the following Concurrency and Parking requirements, as applicable:~~
    - a. ~~A final concurrency determination shall be conducted prior to the issuance of a Building Permit. Mitigation fees and concurrency administrative costs, if required, shall be paid prior to the issuance of any Building Permit.~~  
For any increase in intensity, the applicant shall pay all impact, mobility, and concurrency fees due prior to obtaining a Building Permit, Certificate of Occupancy, or Business Tax Receipt, whichever may occur first, and any other fair share cost that may be due and owing.
  7. 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 Modified Conditional Use Permit and subject to the remedies as described in ~~section 118-194, Code of the City of Miami Beach, Florida~~ Section 2.5.2.5 of the Land Development Regulations of the City Code.
  8. The conditions of approval for this Modified Conditional Use Permit are binding on the applicant, the property owners, operators, and all successors in interest and assigns.

9. 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.
10. The applicant, now and in the future, shall abide by all the documents and statements submitted with this application.
11. 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.
12. The executed Modified Conditional Use Permit shall be recorded in the Public Records of Miami-Dade County, Florida, at the expense of the applicant. ~~No building permit, certificate of occupancy, or certificate of completion shall be issued until this requirement has been satisfied.~~
13. 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~~ Section 1.3.7 of the Land Development Regulations of the City 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.
14. 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.
15. The applicant agrees and shall be required to provide access to areas subject to this Modified Conditional Use Permit (not private residences or hotel rooms) for inspection by the City (i.e. Planning Department, Code Compliance Department, Building Department, and Fire Department staff), to ensure compliance with the terms and conditions of this Modified Conditional Use Permit. Failure to provide access may result in revocation of the Modified Conditional Use Permit.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

PLANNING BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

BY: \_\_\_\_\_  
DEBORAH TACKETT  
HISTORIC PRESERVATION & ARCHITECTURE OFFICER  
FOR THE CHAIR

STATE OF FLORIDA )

COUNTY OF MIAMI-DADE )SS  
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The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_ by Deborah Tackett, Historic Preservation & Architecture Officer, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. She is personally known to me.

\_\_\_\_\_  
NOTARY PUBLIC  
Miami-Dade County, Florida  
My commission expires: \_\_\_\_\_

Approved As To Form:  
City Attorney's Office: \_\_\_\_\_ ( )

Filed with the Clerk of the Planning Board on \_\_\_\_\_ ( )

~~Strike Thru~~ denotes language deleted by the Board on January 6, 2026  
Underscore denotes language added by the Board on January 6, 2026

