

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: May 21, 2019

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **PB 18-0243, fka File No. 1676 – 14 Farrey Lane– Religious Institution**

An application has been filed requesting modifications to a previously issued conditional use permit for a religious institution in a RM-1 zoning district, which includes the demolition of the existing structure and the construction of a new 4-story building, pursuant to Chapter 118, Article IV and Chapter 142, Article II of the City Code.

#### **RECOMMENDATION**

Approval with conditions

#### **HISTORY**

The application was originally approved by the Planning Board on August 24, 2004 for the adaptive re-use of an existing single family home's conversion into a small scale religious institution.

On April 30, 2019, the application was continued to a date certain of May 21, 2019, at the request of the applicant.

#### **ZONING / SITE DATA**

**Future Land Use:** RM-1 – Multifamily Residential low intensity category

**Zoning:** RM-1 – Multifamily Residential low intensity zoning district

**Legal Description:** Lot 14 of Belle Isle Villas 2<sup>nd</sup> Section according to the Plat thereof as recorded in Plat Book 42 at Page 100 of the Public Records of Miami-Dade County, Florida.

**Land Uses:** See Zoning/Site map at the end of this report.

East: Multi-family use  
North: Single family residential use  
South: City park and multi-family use  
West: Single family residential use

#### **THE PROJECT**

The applicant has submitted plans entitled "Venetian Chabad Miami Synagogue" as prepared by Choeff, Levy, Fishman Architecture + Design, revised on February 27, 2019. The entire

project includes the new construction of a 5,750 SF religious institution with a small reception area on the 1<sup>st</sup> floor, a large assembly space on the 2<sup>nd</sup> floor, and offices and study rooms on the 3<sup>rd</sup> Floor.

As a point of clarification, this application includes a request for a required parking space waiver from the Planning Board pursuant to Section 130-32 (15) of the City's Land Development Regulations (LDR's.) Additionally, this project will also require the approval of the Design Review Board (DRB) and will be requesting several variances.

**COMPLIANCE WITH CONDITIONAL USE REVIEW GUIDELINES:**

In reviewing an application for a religious institution, the Planning Board shall apply the following review criteria:

- (1) **Whether a proposed operations plan has been provided, including hours of operation, number of employees, and other operational characteristics pertinent to the application, and that such plan will mitigate any adverse impacts to adjoining and nearby properties, and neighborhoods.**

**Partially Satisfied** – Details of the operation have been provided in the letter of intent provided with the application, however, due to the substantial increase in the occupancy of the facility, staff does have some concerns with added negative impacts on the adjacent single family homes along Farrey Lane.

- (2) **Whether a plan for the delivery of supplies has been provided, including the hours of operation for delivery trucks to come into and exit from the neighborhood and how such plan will mitigate any adverse impacts to adjoining and nearby properties, and neighborhoods.**

**Satisfied** – The Letter of Intent indicates that generally no more than two (2) deliveries per week are anticipated via the postal service or a third-party package delivery service.

- (3) **Whether the design of the proposed structure is permitted by the regulations in the zoning district in which the property is located, and complies with the regulations of an overlay district, if applicable.**

**Partially Consistent** – The proposed use is a conditional use in the RM-1, Residential Multi-Family Low Intensity zoning district. However, several variances have been requested (to be reviewed by the Design Review Board) in order to accommodate the project.

- (4) **Whether a proposed parking plan has been provided, including where and how the parking is located, utilized, and managed, that meets the required parking for the use in the zoning district in which the property is located.**



**Partially Consistent** – According to the applicant, the use requires 10 parking spaces. The applicant is proposing to provide four (4) of the required off-street parking spaces, and is requesting a waiver from the Board for the remaining spaces (6 spaces.)

- (5) **Whether an indoor and outdoor congregant/parishioner circulation plan has been provided that facilitates ingress and egress to the site and structure.**

**Partially Consistent** – The applicant has provided details on the ingress and egress to the building, however the project could have a detrimental impact on the surrounding property, persons, and neighborhood if adequate pedestrian facilities are not provided. All current pedestrian routes to this site from the other side of the Belle Isle, the other Venetian Islands, and the Sunset Harbour area are not the most conducive to safe pedestrian travel. In many areas there is no sidewalk, and pedestrians are forced into swale areas, driveways, construction sites and/or parking lots. Staff is recommending that a sidewalk be constructed along the south side of the property along with a crosswalk connection to the existing sidewalk along Venetian Way as a condition of approval.

- (6) **Whether a security plan for the establishment and supporting parking facility, if any, has been provided that addresses the safety of the institution and its users and minimizes impacts on the neighborhood.**

**Satisfied** – The applicant has indicated that an off-duty police officer is usually present for special events and religious holidays, and security equipment will be incorporated into the new structure.

- (7) **Whether a traffic circulation analysis and plan has been provided that details means of ingress and egress into and out of the neighborhood, addresses the impact of projected traffic on the immediate neighborhood, traffic circulation pattern for the neighborhood, traffic flow through immediate intersections and arterials, and how these impacts are to be mitigated.**

**Partially Satisfied** – Although the applicant has indicated that there would be no impact on traffic circulation in the area, there are holidays and events where driving is allowed. In addition to the limited parking on-site, congregants will be able to park in the parking lot located adjacent to the facility.

- (8) **Whether a noise attenuation plan has been provided that addresses how noise will be controlled in and around the institution, parking structures or areas, and delivery and sanitation areas, to minimize adverse impacts to adjoining and nearby properties.**

**Partially Satisfied** – The applicant has indicated that all services and activities will be held in the interior of the proposed new building, and no amplified sound devices will be used at any time on the property. However, noise from the use of the active roof-top may negatively impact the neighborhood if not properly mitigated.

- (9) **Whether a sanitation plan has been provided that addresses on-site facilities as well as off-premises issues resulting from the operation of the structure.**

**Partially Satisfied** – The applicant has indicated that a sanitation plan that complies with the City Code will be provided prior to the issuance of a building permit.

- (10) **Whether the proximity of the proposed structure to adjacent and nearby residential uses creates adverse impacts and how such impacts are to be mitigated.**

**Partially Consistent** – The proposed project is not compatible in intensity, mass and scale with the existing single-family residential character of the street in this neighborhood. The project could have a detrimental impact on the surrounding property, persons, and neighborhood values if adequate pedestrian facilities are not provided. All current pedestrian routes to this site from the other side of the Belle Isle, the other Venetian Islands, and the Sunset Harbour area are not the safest. In many areas there is not a sidewalk, and pedestrians are forced into swale areas, driveways, construction sites and/or parking lots. Staff is recommending that a sidewalk be constructed along the south side of the property along with a crosswalk connection to the existing sidewalk along Venetian Way as a condition of approval.

- (11) **Whether a cumulative effect from the proposed structure with adjacent and nearby structures arises, and how such cumulative effect will be addressed.**

**Consistent** – There are no other religious institutions on Belle Isle within the surrounding neighborhood.

#### **COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA**

Section 133-50(a) of the Land Development Regulations establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

- (1) A recycling or salvage plan for partial or total demolition shall be provided.  
**Consistent** Please note the LOI for details.
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.  
**Consistent** Please note the LOI for details.
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.  
**Consistent** Please note the LOI for details.
- (4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.  
**Consistent** Please note the LOI for details.

- (5) Whether adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact, including a study of land elevation and elevation of surrounding properties were considered.  
**Consistent** Please note the LOI for details.
- (6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land.  
**Consistent** Please note the LOI for details.
- (7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.  
**Consistent** Please note the LOI for details.
- (8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.  
**Consistent** Please note the LOI for details.
- (9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.  
**Consistent** Please note the LOI for details.
- (10) Where feasible and appropriate, water retention systems shall be provided.  
**Consistent** Please note the LOI for details.

### **ANALYSIS**

The site is located on the north side Belle Isle in a RM-1 zoning district. Currently, the site consists of a one-story single-family home which is used as a small scale religious institution. This lot is located at the entrance to a low-scale group of thirteen (13) single-family homes that ends in a cul-de-sac.

When the Planning Board approved the original Conditional Use to convert an existing single family home into a religious institution, the single family home was and still is in scale with the rest of the single family homes on the street. The small scale religious institution was limited to 18 persons for daily use and 30 persons for occasional large religious gatherings.

Even though the site is located on the north side of Belle Isle, which has a mixture of uses such as apartment buildings and a non-conforming hotel use, this particular street (Farrey Lane) has remained predominately single family. This particular lot is located at the beginning of Farrey Lane and is in a prominent visible location compared to others on the same street.

The land uses immediately surrounding this site are small and residential in character. While Belle Isle as a whole has RM-1 and RM-2 zoning, and this lot is zoned RM-1, this street's built environment and plotted parcels are much more in line with the RS-4 zoning district, a lower scale single-family zoning district. Additionally, the proposed project is located on a small and narrow lot. Although religious uses are allowed as a conditional use in RM-1 zoning, the character of the street is really that of a single-family district.



Staff is concerned about the added intensity that an expanded institutional use would have on this small enclave of single-family homes within the multi-family district. As shown on the aerial photograph in the set and the zoning site map on the last page of this report, this neighborhood is extremely tight for space. Staff is also concerned about pedestrian safety as there is not a continuous sidewalk path, or safe pedestrian access to the site. In order to address this concern, staff would recommend that a public sidewalk be constructed along the southern side of the property, and eastward in front of the adjacent parcel. This would provide a pedestrian connection to the continuous public sidewalk that is part of the permit plans for the 31 Venetian Way apartment complex, which is currently under construction. Additionally staff would recommend that a crosswalk be constructed across Island Avenue in order to connect to the existing sidewalk which runs along the Venetian Causeway. The Public Works Department has indicated support for this option; however it will require the review and approval of the County.

#### **PARKING**

The applicant is proposing to waive six (6) parking spaces, based on the indication that a majority of the patrons will walk to the facility from nearby residential uses. With the added pedestrian facilities noted above, congregants will be more likely to walk to the facility, even on days that driving is allowed. There is also public parking located along Island Avenue, however a residential parking permit is required for the majority of times the facility will be open.

#### **CONCLUSION**

Staff supports the concept of a low-scale religious institution that can blend in to the existing built environment; however, staff has concerns with the proposal to increase the intensity of the site by effectively doubling the capacity from the current CUP. The existing CUP allows a maximum capacity of 30 congregants during only 6 holidays per year. The applicant is requesting that this be raised to 60 and the 6 day limitation be removed. Staff recommends that the 6 day limitation be maintained, and that the cap be raised only if the added pedestrian facilities can be constructed. It should also be noted that the hours of use are quite limited, and with the exception of Friday evenings, most days the facility will be only open for about 3 hours. Further, staff is recommending that Special Events not be permitted.

#### **RECOMMENDATION**

In view of the foregoing analysis, staff recommends that the application for the Conditional Use Permit be approved, subject to the conditions enumerated in the attached draft Order, which address the inconsistencies with the aforementioned Conditional Use Review Criteria.

**ZONING/SITE MAP**



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

**PROPERTY:** 14 Farrey Lane  
Chabad Lubavitch of Venetian  
Causeway and Surrounding  
Islands, Inc.

**FILE NO:** 18-0243, f.k.a. PB File No. 1676

**IN RE:** The application by Chabad Lubavitch of Venetian Causeway and Surrounding Islands, Inc., requesting a modifications to a previously issued Conditional Use approval to convert a single family residence into a place of worship for a religious institution in a RM-1 zoning district, which includes the demolition of the existing structure and the construction of a new 4-story building.

**LEGAL DESCRIPTION:** Lot 14 of Belle Isle Villas 2<sup>nd</sup> Section according to the Plat thereof as recorded in Plat Book 42 at Page 100 of the Public Records of Miami-Dade County, Florida.

**MEETING DATE:** August 24, 2004, May 21, 2019

### **MODIFIED CONDITIONAL USE PERMIT**

The applicant, Chabad Lubavitch of Venetian Causeway and Surrounding Islands, Inc., filed an application with the Planning Director for a Conditional Use Permit pursuant to ~~Section 118-192~~ Chapter 118, Article IV and Chapter 142, Article II of the City Code. 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 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 record for this matter:

That the property in question is located in a single-family neighborhood within the RM-1, Low Intensity Multi-Family Residential Zoning District;

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 not consistent with the Land Development Regulations of the City Code, but would be consistent subject to the following conditions;



That the public health, safety, morals, and general welfare will not be adversely affected if the following conditions are in compliance;

That the necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values if the following conditions are met.

**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, the staff report and analysis, which is adopted herein, that a 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 Conditional Use Permit. The applicant shall come back to the Board within 90 days of the date of approval of this Conditional Use Permit, or Certificate of Use approval, whichever occurs later, to provide a progress report; mailed notice shall be provided to the residents on Farrey Lane at applicant's expense. 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 Conditional Use Permit is issued to Chabad Lubavitch of Venetian Causeway and Surrounding Islands, Inc., only. Any change of use or ownership shall require review and approval by the Planning Board as a new application.
3. The maximum occupancy for the Chabad Lubavitch of Venetian Causeway and Surrounding Islands, Inc., shall be as follows unless the Fire Marshall determines that the occupant content for the premises is lower than what is stipulated below:
  - ~~Fridays and Saturdays~~ – 18 25 persons
  - Saturdays – 45 persons
  - Sundays – 40 persons
  - Other days of the week – 45 20 persons
  - Except that there shall be a maximum of ~~30~~ 60 persons during six holidays (six 24-hour periods) a year.
4. The hours of operation shall be as follows:
  - Friday – sundown to midnight.
  - Saturday – 10:00 a.m. to 1:00 p.m.
  - Sunday – 9:30 a.m. to noon
  - Wednesday – 7:00 p.m. to 10:00 p.m.
  - High Holidays – 10:00 a.m. to 1:00 p.m.
5. As part of the Building Permit plans for the project, the applicant shall submit revised architectural drawings, which shall be subject to the review and approval of staff; at a minimum, such plans shall satisfy the following:
  - a. A public sidewalk, at the full expense of the applicant, shall be required along the southern portion of the site, including along the south side of the abutting parcel to

the west, and connecting to the public sidewalk approved as part of the construction of 31 Venetian Way, subject to the review of the Public Works Department and Planning Department.

- b. A crosswalk, at the expense of the applicant, shall be required in the immediate vicinity of the subject property, connecting the new public sidewalk along the subject property to the existing sidewalk along Venetian Way, in a manner to be reviewed and approved by the Public Works Department, Parking Department and Planning Department. Such crosswalk shall be reviewed and approved by the County, prior to the issuance of a building permit for the new structure.
- ~~6. The existing driveway shall be maintained and repaired as may be necessary; and the three parking spaces proposed by the applicant shall not be permitted. The applicant shall pay a fee in lieu of providing the required parking spaces.~~
- ~~7. The applicant shall make contractual arrangements with a valet parking operator for the convenience of the persons that may be arriving via private vehicles. The storage of vehicles shall be at a nearby location and not east of Biscayne Bay as originally proposed. Compliance with this condition shall be a pre-requisite to obtaining a Certificate of Use or Occupational License, whichever may apply. Any valet operation shall require the review and approval of the Planning Board as a modification to this Conditional Use Permit.~~
- ~~8. The main entrance to the Chabad Lubavitch of Venetian Causeway and Surrounding Islands shall be through the existing front door on the west elevation of the existing structure.~~
9. No signage shall be permitted.
- ~~10. A landscape plan shall be submitted to staff for review and approval. The front lawn (south side of property) shall be sodded and the existing landscaping maintained.~~
- ~~11. The accessibility ramp proposed on the front of the structure (west elevation) shall not be permitted. The accessibility ramp shall be located on the side or rear of the property with plans to be reviewed and approved by staff.~~
12. Exterior speakers, except those required to address Building and Life Safety Codes shall be strictly prohibited on the exterior of the building, including the rooftop.
13. Special events pursuant to the Miami Beach City Code, associated with the proposed establishment, may not be held on the premises and the applicant agrees that it will not seek or authorize applications for such permits.
14. Violation of the Miami-Dade County Code Section 21-28 (a/k/a "noise ordinance") shall be deemed a violation of this Conditional Use Permit and subject to the remedies as described in Sec. 118-194 of the City Code.
15. The Planning Board shall retain the right to call the Chabad Lubavitch of Venetian Causeway and Surrounding Islands back before them the Board and modify the hours of operation should there be repeat complaints about noise or non-compliance with any of the stated conditions.

16. The applicant shall participate in a Transportation Concurrency Management Area Plan (TCMA Plan), as deemed to be necessary, by paying its fair share cost as determined by the Transportation Concurrency section.
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. The applicant shall satisfy outstanding liens and past due City bills to the satisfaction of the City prior to the issuance of a certificate of use or an occupational license, whichever applies.
19. 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 Building Permit for the construction approved herein. ~~Certificate of Use or Occupational License, whichever may be required by City Code.~~
20. 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 114-8 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 Conditional Use.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

PLANNING BOARD OF THE  
CITY OF MIAMI BEACH, FLORIDA

BY:

\_\_\_\_\_  
Michael Belush, Chief of Planning and Zoning  
For The Chairman

STATE OF FLORIDA       )  
COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by Michael Belush, Chief of Planning and Zoning of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



[NOTARIAL SEAL]

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Notary:  
Print Name:  
Notary Public, State of Florida  
My Commission Expires:  
Commission Number:

Approved As To Form:  
Legal Department ( )

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

Underscore denotes new language  
~~Strikethrough~~ denotes removed language