

MIAMI BEACH  
PLANNING DEPARTMENT  
Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: June 25, 2019

FROM: Thomas R. Mooney, AICP  
Planning Director

SUBJECT: **PB19-0259 - 224 2nd St - School.**

An application has been filed requesting a conditional use approval for an educational institution in a CPS-1 zoning district south of Fifth Street pursuant to Chapter 118, Article IV and Chapter 142, Article II of the City Code.

**RECOMMENDATION**

Approval with Conditions

**BACKGROUND**

*July 11, 2017*

The Historic Preservation Board approved a Certificate of Appropriateness for the partial demolition and renovation of the existing 1 and 2-story buildings on the site and the construction of an attached 1-story addition. (HPB 17-0122).

*April 30, 2019*

The applicant requested that the application be continued to the June 25, 2019 Planning Board hearing, in order to incorporate an addition of approximately 900 S.F. to the proposed school.

**ZONING / SITE DATA**

Legal Description:

Lot 16, Block 9, of the Ocean Beach Subdivision, According to the Plat Thereof, as Recorded in Plat Book 2, Page 38, of the Public Records of Miami-Dade County, Florida.

Zoning:

CPS-1, Commercial performance standard, limited mixed-use

Future Land Use Designation:

CPS-1, Commercial performance standard, limited mixed-use

Local Historic District:

Ocean Beach

Surrounding Uses:

North:

Park

West:

Commercial and residential uses

South:

Parking lot

East:

Park

**THE PROJECT**

The applicant has submitted plans entitled "224 2<sup>ND</sup> ST", as prepared by Shulman Associates, dated April 26, 2019.

The drawings show the proposed layout of one (1) classroom / open collaboration project space, a courtyard and a recreation room on the ground floor, and two classrooms and a terrace on the second floor. The applicant intends to start with approximately twenty (20) students

between the ages of 3-5 years old, and gradually increase to a maximum of forty (40) students in three years as a pre-kindergarten.

There is no parking requirement for this project. The drop-off and pick-up is proposed to occur within the four (4) on-street parking spaces along 2<sup>nd</sup> Street, abutting the subject property.

**COMPLIANCE WITH CONDITIONAL USE REVIEW GUIDELINES:**

Conditional Uses may be approved in accordance with the procedures and standards set forth in the City Code Art. 4, Sec. 118-191 and Sec. 118-192:

1. **The Use is consistent with the Comprehensive Plan or Neighborhood Plan if one exists for the area in which the property is located.**

**Consistent** – The project is consistent with the Comprehensive Plan and will not require an amendment to the Future Land Use Map.

2. **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.**

**Consistent** – The proposed use is not anticipated to degrade the LOS for the surrounding area below the thresholds that have been established.

3. **Structures and uses associated with the request are consistent with this Ordinance.**

**Consistent** – The CPS-1 zoning district allows educational institution as Conditional Use.

4. **The public health, safety, morals and general welfare will not be adversely affected.**

**Consistent** – The proposed, relatively small educational institution, is not expected adversely affect the general welfare of nearby residents.

5. **Adequate off-street parking facilities will be provided.**

**Consistent** – The Educational institution is located within the Ocean Beach Local Historic District, within an existing contributing building, and as such, does not have a parking requirement.

6. **Necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.**

**Consistent** – The proposed project would have to be operated in compliance with all applicable State, County and City codes and regulations and with proper controls and safeguards. This use is not expected to have a detrimental impact on the surrounding properties or neighborhood values. The operation of this facility would be consistent with the mixed-use character of the immediate area. Further, the primary structure was originally utilized as a school when it was first constructed in 1917.

7. **The concentration of similar types of uses will not create a negative impact on the surrounding neighborhood. Geographic concentration of similar types of conditional uses should be discouraged.**

**Consistent** – There are not any other educational institutions located within the immediate area of the subject property.

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

Section 133-50(a) of the Land Development 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.** A recycling plan will be provided as part of the submittal for a demolition permit to the building department.
- (2) **Windows that are proposed to be replaced shall be hurricane proof impact windows.**  
**Consistent.**
- (3) **Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.**  
**Consistent.**
- (4) **Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.**  
**Consistent.** All new landscaping will consist of Florida friendly plants.
- (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.**  
**Not Applicable.** Existing Historic structure.
- (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.**  
**Not Applicable.** Existing Historic structure.
- (7) **Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.**  
**Consistent.** All critical mechanical and electrical systems will be located above base flood elevation and on roofs when available.
- (8) **Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.**  
**Not applicable.**
- (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.** No habitable space is located below base flood elevation.
- (10) **Where feasible and appropriate, water retention systems shall be provided.**  
**Consistent.**

**STAFF ANALYSIS**

When the renovation and restoration of the existing structures was reviewed and approved by the Historic Preservation Board in 2017, a new 104 seat restaurant was proposed for the site. A new owner has since purchased the property and is now proposing to change the use to a relatively small private school. When originally constructed in 1917, available historic documentation indicated that the use was a private school. Over the years the uses have varied from a rooming house, apartments, restaurant, and most recently a medical office which included renovations in 1985 that were not compatible with the original architecture. These renovations were done prior to the designation of the historic district in 1996. The design most recently reviewed and approved by the Historic Preservation Board is more contemporary in nature. With the change of use to a school, only minor changes to the overall architecture are proposed, including a small addition, which will be reviewed by the Historic Preservation Board.

The applicant anticipates an enrollment class of 20 students for this school year. The number of children is also regulated by the Florida Department of Children and Families. The applicant is estimating two (2) faculty and two (2) staff members. The proposed hours of operation are Monday through Friday 7:00 AM to 3:00 PM.

The subject property is located immediately adjacent to a park on the north side, a park on the east side, a parking lot on the south side, and a mixed-use multi-family mid-rise apartment building on the west side. There are no other preschool or day care center facilities within close proximity of the site.

### **Operations:**

#### **Drop-Off/Pick-up**

The vehicular drop-off and pick-up will occur on 2<sup>nd</sup> street within the four (4) on-street parking spaces abutting the property on school days between 7:00 AM and 3:00 PM. It is expected that a number of parents and guardians will walk from the nearby residences to drop-off and pick-up the children.

Staff is concerned about the potential traffic impact if there is not a security person or staff present during the drop-off/pick up times, parents should be instructed to stay in their cars and allow school personnel to escort the children into the building, instead of double parking and walking them into the facility.

The security personnel or staff should be instructed to prevent parents from double parking or blocking the street. Staggered drop-off and pick-up times could also be utilized depending on the age group and parental needs.

#### **Traffic**

A Traffic Assessment was prepared by Kimley Horn & Associates, and a peer review was conducted by the City's Transportation Department. The Transportation Department will provide a separate memorandum. The traffic assessment was done contemplating only 20 students.

#### **Security**

Staff will have secured access between the main classroom, courtyard and lobby area with a key card or fingerprint. The property will be equipped with video surveillance throughout.

#### **Landscaping**

There are opportunities for more landscaping. Staff is recommending conditions to address this,, as outlined in the draft CUP.

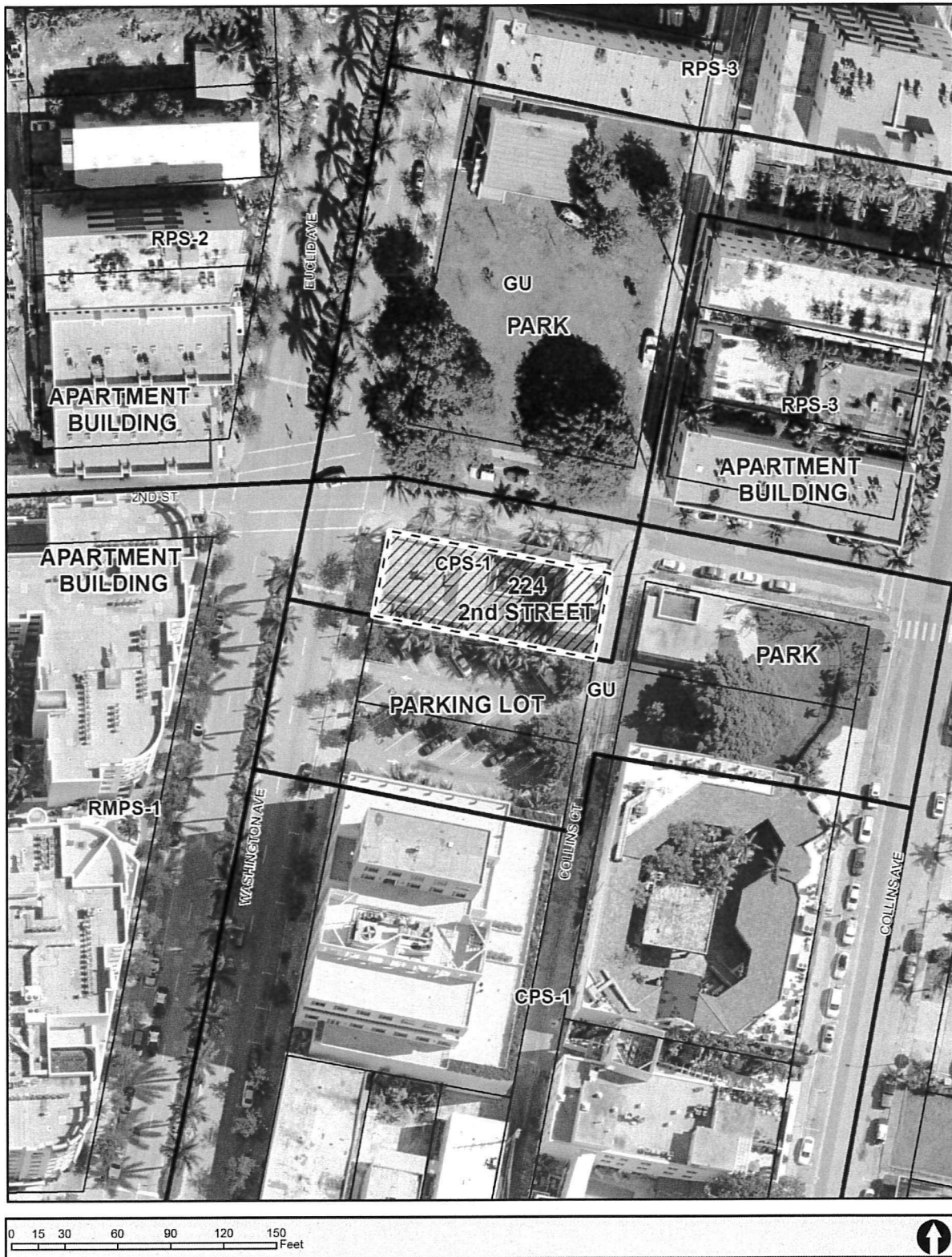
### **Summary**

Staff is very supportive of the application, which will restore the original educational use to the site. The relatively small size of the facility is not anticipated to negatively impact the surrounding neighborhood. Further, compared to the previously approved restaurant, the school will have a lesser impact in terms of traffic and noise on the neighborhood.

### **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.

**ZONING/SITE MAP**



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

**PROPERTY:** 224 2nd St

**FILE NO:** PB 19-0259

**IN RE:** An application for a conditional use approval for an educational institution in a CPS-1 zoning district south of Fifth Street pursuant to Chapter 118, Article IV and Chapter 142, Article II of the City Code.

**LEGAL**

**DESCRIPTION:** Lot 16, Block 9, of the Ocean Beach Subdivision, According to the Plat Thereof, as Recorded in Plat Book 2, Page 38, of the Public Records of Miami-Dade County, Florida.

**MEETING DATE:** June 25, 2019

### **CONDITIONAL USE PERMIT**

The applicant, 224 2<sup>nd</sup> Street LLC, filed an application with the Planning Director for a Conditional Use Permit to operate an Educational institution. 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 the CPS-1, Commercial performance standard, limited mixed-use 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 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 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, and the staff report and analysis, which is adopted herein, including the staff recommendation, that the Conditional Use Permit as requested and set forth above be GRANTED, subject to the conditions listed below:

1. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. The applicant shall give a written Progress Report to the Board six (6) months from the date of the issuance of a Certificate of Use for the school and at that time, the Board shall determine if further Progress Reports are necessary.
2. At the request of the Planning Director, if deemed necessary, the applicant shall provide a progress report to the Board. 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).
3. This Conditional Use Permit is issued to 224 2nd Street LLC. Any change of management or ownership shall require review by the Planning Board as a modification to this Conditional Use Permit.
4. The maximum number of children in the facility shall be limited to the lesser number of this CUP (20) or the number approved by the Department of Children and Families in accordance with their licensing requirements. Any increase of this number shall require a modification of this Conditional Use Permit.
5. The hours of operation shall be as proposed by the applicant, school days from 7:00 AM to 3:00 PM.
6. Any substantive change in the operation or increase in students shall require review and approval by the Planning Board as a modification to this Conditional Use Permit.
7. The applicant shall be responsible to instruct the security personnel or staff and the parents to not double park or block the street, sidewalks and the driveways.
8. School security personnel and staff shall ensure that student or parent behavior (noise or loitering) does not become a nuisance to residents in the area.
9. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
  - A. If the project is determined to be a 'substantial renovation' by the Building official, then full compliance with the CMB Landscape Code as prescribed by Chapter 126 is required to be satisfied prior to the issuance of a building permit. Every effort shall be made, in order to satisfy minimum landscape code requirements with the installation of the required plant material on site, in the adjunct public ROW or as part of a green roof system prior to pursuing options as provided by CMB Landscape Code 126-7.
  - B. The use of a City pre-approved suspended paving system shall be incorporated as part of the project for street trees and lot trees with limited green space subject to the review and approval of the City of Miami Beach Urban Forester.



- C. The use of a City pre-approved suspended paving system shall be incorporated as part of the project for street trees and lot trees with limited green space subject to the review and approval of the City of Miami Beach Urban Forester.
10. Any business identification signs shall be submitted to staff for review and approval before installation.
  11. 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.
  12. The applicant shall be responsible for maintaining the areas adjacent to the facility, such as the sidewalk and the areas of the street adjacent to the property clean and free of debris.
  13. The applicant shall satisfy outstanding liens and past due City bills, if any, to the satisfaction of the City prior to the issuance of an occupational license.
  14. 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.
  15. 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 certificate of use.
  16. 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.
  17. 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.

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