

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

PROPERTY: 224 2nd Street

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 2nd 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:

mb

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 - twenty (20) - or the number approved by the Department of Children and Families in accordance with their licensing requirements. However, subject to the submittal of a revised operations plan, which shall include a revised traffic operations analysis, the maximum number of children may be increased up to forty (40), provided that the analysis substantiates that the drop-off and pick-up on 2nd street will not result in queuing within the travel lanes, and subject to the review and approval of the Planning Department and Transportation Department.
5. Children arriving or leaving by car from the drop-off and pick-up area designated along 2nd Street, shall be escorted by school staff.
6. The hours of operation shall be as proposed by the applicant, school days from 7:00 AM to 3:00 PM.
7. Any substantive change in the operation or increase in students above forty (40) shall require review and approval by the Planning Board as a modification to this Conditional Use Permit.
8. 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. Pick up and drop off procedures shall be included in instructional materials provided to parents.
9. 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.
10. 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

MB

ROW or as part of a green roof system prior to pursuing options as provided by CMB Landscape Code 126-7.

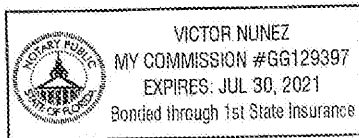
- B. The use of a City pre-approved suspended paving system shall be incorporated as part of the project for street trees and lot trees with limited green space subject to the review and approval of the City of Miami Beach Urban Forester.
11. Any business identification signs shall be submitted to staff for review and approval before installation.
 12. 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.
 13. 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.
 14. 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.
 15. 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.
 16. 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.
 17. 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.
 18. 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.

MB

June 25, 2019

PB 19-0259, 224 2nd Street
Page 4 of 4Dated this 11th day of July, 2019.PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDABY: Michael Belush
Michael Belush, AICP,
Chief of Planning and Zoning
FOR THE CHAIRMANSTATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 11th day of JULY, 2019, by Michael Belush, AICP, 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}

V. Nunez
Notary:
Print Name
Notary Public, State of Florida
My Commission Expires: July 30, 2021
Commission Number: 06129397

Approved As To Form:
Legal Department

(Dick Kallegas) 7/9/2019
Filed with the Clerk of the Planning Board on Josson Gentry 7/11/19)