

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

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

FILE NO: PB 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 2nd 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;

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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 commencement of operation of the new facility approved herein ~~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 and Sundays– 45 persons
 - Other days of the week – 15 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. ~~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.~~

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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 east, 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. Pedestrian access to the project shall only be from a sidewalk on private property connecting to the new public sidewalk on Island Avenue. Pedestrian access to the project from the public right-of-way along Farrey Lane shall not be permitted.
 - b. A crosswalk, at the expense of the applicant, shall be required, subject to Miami Dade County approval (if applicable), 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 Certificate of Occupancy for the new structure.
6. ~~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.~~
7. ~~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.~~
8. ~~7.~~ No signage shall be permitted.
9. ~~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.~~
10. ~~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.~~
8. 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.
9. 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.
10. A revised Transportation Demand Management plan which addresses both vehicular and pedestrian circulation and parking shall be submitted for review and approval of the

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Transportation Department and Planning Department, and which at a minimum shows a parking plan for six (6) off-street spaces on Sundays and ten (10) off-street parking spaces during up to six (6) holidays per year, during which the maximum occupancy is increased up to 60.

11. This approval does not include a day care or a school. Any such addition shall require the review and approval of the Planning Board as a modification to this Conditional Use Permit.
12. Pedestrian queuing outside the facility shall not be permitted.
13. An attendant shall be required during the times of operation to ensure compliance with the requirements of this Conditional Use Permit.
14. With the exception of the parking spaces approved on-site, there shall be no parking along Farrey Lane.
44. 15. 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.
42. 16. 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.
43. 17. 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.
44. 18. 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.
45. 19. 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.
46. 20. 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.
47. 21. 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

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Order shall also constitute a basis for consideration by the Planning Board for a revocation of this Conditional Use.

22. The applicant agrees and shall be required to provide access to areas subject to this Conditional Use Permit 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 Conditional Use Permit. Failure to provide access may result in revocation of the Conditional Use Permit.

Dated this 26th day of July, 2019.

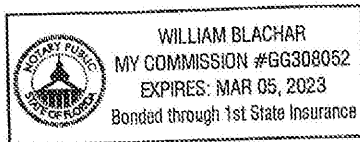
PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: Michael Belush

Michael Belush, AICP
Chief of Planning and Zoning
For The Chairman

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 26th day of July, 2019, 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.



William Blachar

Notary:
Print Name:
Notary Public, State of Florida
My Commission Expires: March 5th, 2023
Commission Number:

[NOTARIAL SEAL]

Approved As To Form:

Legal Department

(Nick Allegio) 7/25/2019

Filed with the Clerk of the Planning Board on

Jessie Gmeling (7/26/19)

Underscore denotes new language

Strikethrough denotes removed language

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