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May 10, 2021

VIA ELECTRONIC SUBMITTAL

Thomas Mooney, Planning Director
Planning Department
City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139

Re: Modification to Conditional Use Permit PB File No. 2035 to Reflect Change in Operator for the Property at 1211 Marseille Drive, Miami Beach

Dear Tom:

This law firm represents Miami Hebrew Activity Center, LLC (the "Applicant") lessor of the property at 1211 Marseille Drive in City of Miami Beach (the "City") and further identified by Folio No. 02-3210-012-0080 (the "Property"). The Applicant intends to take over operations of the existing day care center at the Property and relocate Gan Katan, an already successful day care center. In order to do so, the Applicant must modify Planning Board ("PB") File No. 2035 to reflect that the Applicant is the now the operator of the day care center.

Proposed Establishment. Gan Katan's mission is to create a loving learn-through-play based environment for their students. Gan Katan recognizes the power of play and its ability to foster proper social and emotional development, as well as the educational opportunities it presents. The curriculum is structured to provide children with a core base of knowledge that will serve as a foundation for their continued learning.

At Gan Katan, every student is treated as a unique individual and the goal is provide an environment where each child is given the opportunity to flourish in his or her own way and at their own pace. Blended learning groups are utilized to increase opportunities to engage in proper social behavior and to allow for Gan Katan's staff to give each student the attention they need to flourish.

The team behind Gan Katan is Kathy Horowitz and Sharon Eichberg. Kathy has been working in with pre-school children in classrooms and in synagogues for over 20 years. In 2011, she founded and co-directed Gan Katan in the City at 7055 Bonita Drive. Sharon has a master's degree in Psychology with a concentration in Mental Health Counseling and has been a pre-school teacher for almost 17 years. Sharon joined Gan Katan back in 2013. Together, they have successfully guided hundreds of students to the next phase of their educational journey and have made Gan Katan one of the City's premiere pre-schools.

Request. In 2011, the PB approved conditional use permit to operate a day care center of approximately 214 children at the Property (the "Approval"). Condition No. 2 of the Approval states that any subsequent manager or owner is required to go before the PB and affirm their understanding of all conditions listed in the Approval and to obtain a Modification to the Approval. See Exhibit A, PB File 2035. As such, the Applicant hereby requests that the Approval be modified to reflect that the Applicant is the operator.

The Applicant has thoroughly reviewed the Approval and affirms that Gan Katan will comply with all conditions of the Approval to ensure safe operation of the new day care center. The Applicant will comply with all licensing requirements of the State of Florida, Miami-Dade County and the City prior to the issuance of a Modified Certificate of Use or Business Tax Receipt. The maximum number of students will remain 214 and a request for a "substantial increase" as defined in the Approval shall be subject to approval by this Board. The hours of operation will remain 6:30 AM to 6:30 PM, except for the administrative staff who may work later as needed and in cases of emergency. The Applicant will submit modifications of exterior signs to staff for approval and any exterior modification will be submitted to the Design Review Board under a separate application. The front yard will remain green space, the plant hedge and ground cover materials along the existing fence at the rear of the Property will be maintained and parking will remain as detailed in the Approval. Further, staff will supervise drop-off and pick-up to ensure safety and proper traffic circulation.

Conclusion. Kathy and Sharon are excited to bring Gan Katan to this new Property. After over a year of stagnation due to the COVID-19 pandemic, children are finally able to return to school to play and learn with others—a crucial factor for their socialization and development. The City is finally in a position to approve projects such as Gan Katan that will bring children back to the fun, safe and loving classroom where they may flourish. The Applicant understands and affirms the Gan Katan team will comply with all conditions set forth in the Approval. Based on the foregoing, Applicant respectfully requests that its request to modify the Approval be granted. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to be 'MJM', with a stylized flourish extending to the right.

Michael J. Marrero

Enclosures

cc: Cecilia Torres-Toledo, Esq.



CFN 2011R0858089
 OR Bk 27937 Pgs 3054 - 3057; (4pgs)
 RECORDED 12/21/2011 16:02:14
 HARVEY RUVIN, CLERK OF COURT
 MIAMI-DADE COUNTY, FLORIDA

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

PROPERTY: 1211 Marseille Drive

FILE NO. 2035

IN RE: The Application by Kids Choice Learning Center requesting Conditional Use approval to operate a day care center approximately 214 children, on the site of a previously approved Charter School which is no longer operating.

LEGAL DESCRIPTION: Lots 7b and 7c Block 8 of "Second Revised Plat of Portions of Ocean Side Section and Trouville Section of isle of Normandy", according to the plat thereof, as recorded in PB 40, page 35 of the public records of Miami-Dade County, Florida

MEETING DATE: October 25, 2011

CONDITIONAL USE PERMIT

The applicant, Kids Choice Learning Center, is requesting a Conditional Use Permit pursuant to Section 118-193 of the Land Development Regulations of the Code of the City of Miami Beach, Florida. 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 record for this matter:

That the property in question is located in the RM-1 Residential Multifamily Low Intensity 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 if the applicant complies with the conditions stated herein;

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 recommendation, that the modification to the previously approved Conditional Use Permit as requested and set forth above be GRANTED, subject to the conditions below, which have been accepted by the applicants:

1. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. 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 Modified Conditional Use Permit is issued to ~~National Ben Gamla Charter School Foundation~~ Kids Choice Learning Center. Any change of management or ownership shall require review by the Planning Board as a modification to this Conditional Use Permit. Subsequent owners and operators shall be required to appear before the Board to affirm their understanding of the conditions listed herein and to obtain a Modification to this Conditional Use Permit.
3. The applicant shall receive all necessary approvals and licenses from all pertinent local, regional and state government agencies for this facility prior to the issuance of a Modified Certificate of Use or Business Tax Receipt whichever may apply.
4. The applicant shall comply with all the licensing requirements of the State of Florida, Miami-Dade County, ~~Miami-Dade County Public Schools System~~ and the City of Miami Beach including approval by the Miami Beach Fire Department-prior to the issuance of a Modified Certificate of Use or Business Tax Receipt, whichever occurs first may apply.
5. The maximum number of students in the facility shall be limited to 214 or any lesser number that may be approved as an occupant load by the Chief Fire Marshall or by DCF, whichever is less. A request for a substantial increase in the number of students shall be subject to approval by the Planning Board as a modification of this Conditional Permit. For the purpose of this condition, the term "substantial increase" shall be deemed to be 10 or more additional children.
6. The hours of operation of the ~~school day care~~ facility shall be as requested by the applicant, from ~~7:30 AM to 5:00 PM~~ 6:30 AM to 6:30 PM, except for the administrative staff who may work later as needed, and in cases of emergency.
7. Any exterior business identification signs shall be submitted to staff for review and approval prior to approval of a Certificate of Use/Business Tax Receipt.
8. Any exterior modifications shall be submitted for design review and approval by staff under separate application.
9. The front yard shall not be used for recreational use; rather, it should remain as green space.

10. The applicant shall obtain a full building permit, if applicable, within 18 months from the date of the meeting, and work proceed in accordance with the Florida Building Code. Extensions of time for good cause, not to exceed a total of one year for all extensions, may be granted by the Planning Board, provided a request in writing is submitted to the Planning Director in advance of the expiration of the original approval. In the event a proposed Code amendment renders a project with a Conditional Use approval non-conforming, as more specifically set forth in sections 118-168 and 118-169 of the City Code, then such a project shall not be eligible to receive an extension of time for any reason.
11. The existing parking spaces on site shall be clearly marked "Staff Only." Access to the "Staff Only" parking spaces in front of the facility shall only be before ~~7:30 AM~~ 8:00 AM and after 6:30 PM to avoid conflict with arrival and departure times.
12. The applicant shall ensure that ~~school security and/or~~ staff supervision shall be provided particularly at the beginning and the end of the school day to control traffic congestion. The drop-off/pick-up area shall be parallel to the front of the school. ~~School security and~~ Administrative staff shall ensure that vehicles dropping off or picking up students do not try to access the staff parking spaces as a precaution for the general safety and welfare of the students.
13. School staff shall also ensure that children and parent behavior (noise or loitering) does not become a nuisance to residents in the area.
14. 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 and around the property on Marseille Drive and in the rear of the property along the canal.
15. The applicant shall install and maintain a plant hedge and ground cover materials along the existing five foot fence vertical picket fence in the rear of the property, as proffered, to provide an additional physical buffer for the additional safety and security of the children.
16. 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.
17. The applicant shall satisfy outstanding liens and past due City bills, if any, to the satisfaction of the City prior to the issuance of a Certificate of Use.
18. Within a reasonable time after receipt of this Modified Conditional Use Permit, as signed and issued by the Planning Director, it shall be recorded in the Public Records of Miami-Dade County at the expense of the applicant and return it to the Planning Department. No building permit, certificate of use, certificate of occupancy, certificate of completion or business tax receipt, as applicable, shall be issued until this requirement has been satisfied.
19. 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.

- 20. 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.

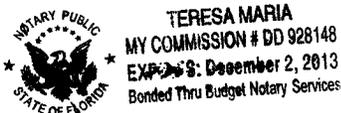
Dated this 18th day of November, 2011.

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]
Richard G. Lorber, AICP, LEED AP Acting Planning
Director FOR THE CHAIRMAN

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 18th day of November, 2011, by Richard G Lorber, AICP, LEED AP Acting Planning Director of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



[Signature]

Notary: Teresa Maria
Print Name Teresa Maria
Notary Public, State of Florida
My Commission Expires: 12/2/13
Commission Number: DD 928148

{NOTARIAL SEAL}

Approved As To Form:
Legal Department (gheed 11-14-2011)