



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)

F:\PLAN\PLB\2011\10-25-2011\2035 - 1211 Marseille Dr\2035 - 1211 Marseille Dr CUP.docx

#2035 - 1211 - 1219 Marseille Drive

4 of 4



CFN 2010R0307278
DR Bk 27276 Pgs 4065 - 4068 (4pgs)
RECORDED 05/07/2010 11:14:24
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

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

PROPERTY: 1211 - 1219 Marseille Drive.

FILE NO. 1820

IN RE: The Application by The Ben Gamla Charter School requesting a Modification to a previously approved Conditional Use Permit to operate a charter school from kindergarten to 5th grade.

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: April 27, 2010

MODIFIED CONDITIONAL USE PERMIT

The applicant, The Ben Gamla Charter School requested a modification to a previously approved Conditional Use approval pursuant to Section 118-193 of the Land Development Regulations of the Code of the City of Miami Beach, Florida. Notice of the request for a Conditional Use Permit 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 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 a modification to the 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. ~~Prior to the issuance of a building permit, or Certificate of Occupancy, whichever may occur first, the applicant shall participate in a Transportation Concurrency Management Area Plan (TCMA Plan), as deemed necessary, by paying its fair share cost, as determined by the Transportation/Concurrency Management Division.~~
3. The conditions of approval for this Conditional Use Permit are binding on the applicant, the property owners, operators, and all successors in interest and assigns.
4. ~~The co-applicants~~ 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 Certificate of Occupancy, a Modified Certificate of Use/Business Tax Receipt or an Occupational license (n/k/a Business Tax Receipt) whichever may apply.~~
5. ~~The co-applicants~~ 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 ~~Certificate of Completion or Certificate of Occupancy for the school, or a Modified Certificate of Use/Business Tax Receipt, or Occupational License (n/k/a Business Tax Receipt) whichever occurs first may apply.~~
6. This Modified Conditional Use Permit is issued to ~~Charter on the Beach Middle School to allow the sublease of premises to River Cities Community Charter School only~~ National Ben Gamla Charter School Foundation. Any change to the management or ownership of ~~Charter on the Beach Middle School~~ National Ben Gamla Charter School Foundation shall require review by the Planning Board as a modification to this Conditional Use Permit. Subsequent owners and managers shall be required to appear before the Board, in advance, to affirm their understanding of the conditions listed herein.
7. ~~The Modification to the Conditional Use Permit issued to Charter on the Beach Middle School shall be only to approve River Cities Community Charter School to be a sub-lessee during the 2008-2009 School Year. When school ends in June 2009, this Modification shall become null and void.~~
8. The maximum number of students in the facility shall be limited to 194 or any lesser number that may be approved as an occupant load by the Chief Fire Marshal.

9. The hours of operation of the school facility shall be as requested by the applicant, from ~~8:30 AM to 4:45 PM~~, 7:30 AM to 5:00 PM except for the administrative staff and in cases of emergency.
10. Any exterior business identification signs shall be submitted to staff for review and approval prior to approval of a building permit.
11. Any exterior modifications shall be submitted for design review and approval by staff under separate application.
12. The front yard shall not be used for recreational use; rather, it should remain as green space.
13. 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.
14. ~~The applicant shall provide documents verifying any agreements with the City's Parking Department to designate a no parking school load zone specifying the location where vehicles will be parked and the number of spaces. These documents shall be submitted to staff prior to the approval of a Certificate of Use or Occupational License, whichever occurs first.~~
15. The existing parking spaces on site shall be clearly marked "Staff Only." Access to these parking spaces shall only be before ~~8:00 a.m.~~ 7:30 AM to avoid conflict with student arrival time ~~at 8:30 a.m.~~
16. 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.
17. School security and administrative staff shall also ensure that student behavior (noise or loitering) does not become a nuisance to residents in the area.
18. 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.
19. 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.
20. 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 Modified Certificate of Use/Business Tax Receipt.

21. This Modified 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/Business Tax Receipt.
22. 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.
23. 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 5th day of May, 2010.

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 5th day of May, 2010, 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.

[NOTARIAL SEAL]



Notary: [Signature]
Print Name: TERESA MARIA
Notary Public, State of Florida 12-2-13
My Commission Expires:
Commission Number: 928148

Approved As To Form:
Legal Department [Signature] 5-5-2010

F:\PLAN\PLB\2010\4-27-2010\1820 - 1211 Marseille Mod CUP\1820 - 1211-1219 Marseille Dr CUP.doc



CFN 20080829327
OR Bk 26605 Pgs 0336 - 339; (4pgs)
RECORDED 10/09/2008 13:53:41
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

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

PROPERTY: 1211 - 1219 Marseille Drive.

FILE NO. 1820

IN RE: The Application by Charter on the Beach Middle School and River Cities Community Charter School requesting a Modification to a previously approved Conditional Use Permit to authorize River Cities School to sublease space in the facilities of Charter on the Beach through the 2008 - 2009 academic year only.

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: September 23, 2008

MODIFIED CONDITIONAL USE PERMIT

The applicants, Charter on the Beach Middle School and River Cities Community Charter School requested a modification to previously approved Conditional Use approval pursuant to Section 118-193 of the Land Development Regulations of the Code of the City of Miami Beach, Florida. Notice of the request for a Conditional Use Permit 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 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 a modification to the Conditional Use Permit as requested and set forth above be GRANTED, subject to the conditions below, which have been accepted by the applicants: ~~Strikethroughs~~ mean deleted items; Underlining means new language.

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. ~~Prior to the issuance of a building permit, or Certificate of Occupancy, whichever may occur first, the applicant shall participate in a Transportation Concurrency Management Area Plan (TCMA Plan), as deemed necessary, by paying its fair share cost, as determined by the Transportation/Concurrency Management Division.~~
3. The co-applicants 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 ~~Certificate of Occupancy~~, Certificate of Use or an Occupational license (n/k/a Business Tax Receipt) ~~whichever may occur first~~ apply.
4. The co-applicants 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 Certificate of Completion or Certificate of Occupancy for the school, or a Certificate of Use, or Occupational License (n/k/a Business Tax Receipt) whichever occurs first~~ may apply.
5. This Modified Conditional Use Permit is issued to Charter on the Beach Middle School to allow the sublease of premises to River Cities Community Charter School only. Any change ~~of to the management or ownership of Charter on the Beach Middle School~~ shall require review by the Planning Board as a modification to this Conditional Use Permit. Subsequent owners and managers shall be required to appear before the Board, in advance, to affirm their understanding of the conditions listed herein.
6. The Modification to the Conditional Use Permit issued to Charter on the Beach Middle School shall be only to approve River Cities Community Charter School to be a sub-lessee during the 2008-2009 School Year. When school ends in June 2009, this Modification shall become null and void.
7. The maximum number of students in the facility shall be limited to 194 or any lesser number that may be approved as an occupant load by the Chief Fire Marshall.

8. The hours of operation of the school facility shall be as requested by the applicant, from 8:30 AM to 4:45 PM, except for the administrative staff and in cases of emergency.
9. Any exterior business identification signs shall be submitted to staff for review and approval prior to approval of a building permit.
10. Any exterior modifications shall be submitted for design review and approval by staff under separate application.
11. The front yard shall not be used for recreational use; rather, it should remain as green space.
12. The applicant shall obtain a full building permit 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.
13. The applicant shall provide documents verifying any agreements with the City's Parking Department to designate a no parking school load zone specifying the location where vehicles will be parked and the number of spaces. These documents shall be submitted to staff prior to the approval of a Certificate of Use or Occupational License, whichever occurs first.
14. The existing parking spaces on site shall be clearly marked "Staff Only." Access to these parking spaces shall only be before 8:00 a.m. to avoid conflict with student arrival time at 8:30 a.m.
15. 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.
16. School security and administrative staff shall also ensure that student behavior (noise or loitering) does not become a nuisance to residents in the area.
17. 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.
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.

19. 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.
20. This Modified 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.
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 Order shall also constitute a basis for consideration by the Planning Board for a revocation of this Conditional Use.

Dated this 7 day of October, 2008.

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]
Jorge G. Gomez, Planning Director
For Chairman

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 7 day of October, 2008, by Jorge G. Gomez, Planning Director of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

Randy Cesar

Notary:

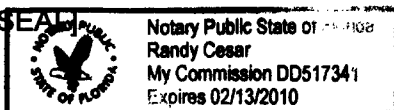
Print Name: Randy Cesar

Notary Public, State of Florida

My Commission Expires: 2-13-2010

Commission Number:

[NOTARIAL SEAL]



Approved As To Form:

Legal Department (8/26/10-3-08)

F:\PLAN\PLB\2008\09-23-08\1820 - 1211-1219 Marseille Dr CU.doc



CFN 20070473636
OR Bk 25607 Pgs 2589 - 25921 (4pgs)
RECORDED 05/10/2007 10:00:46
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

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

PROPERTY: 1211 - 1219 Marseille Drive.

FILE NO. 1820

IN RE: The Application by Charter on the Beach Middle School, Inc., requesting Conditional Use approval to operate a charter middle school to include 7th and 8th grades.

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: April 24, 2007

CONDITIONAL USE PERMIT

The applicant, Charter on the Beach Middle School, Inc., is requesting Conditional Use approval pursuant to Section 118-193 of the Land Development Regulations of the Code of the City of Miami Beach, Florida. Notice of the request for a Conditional Use Permit 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 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 a 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. Prior to the issuance of a building permit, or Certificate of Occupancy, whichever may occur first, the applicant shall participate in a Transportation Concurrency Management Area Plan (TCMA Plan), as deemed necessary, by paying its fair share cost, as determined by the Transportation/Concurrency Management Division.
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 Certificate of Occupancy, Certificate of Use or an Occupational license whichever may occur first.
4. The applicant shall comply with all the licensing requirements of the State of Florida, Miami-Dade County, Miami-Dade Public School System and the City of Miami Beach including approval by the Miami Beach Fire Department prior to the issuance of a Certificate of Completion or Certificate of Occupancy for the school, or a Certificate of Use, whichever occurs first.
5. This Conditional Use Permit is issued to Charter on the Beach Middle School. Any change of management or ownership shall require review by the Planning Board as a modification to this Conditional Use Permit. Subsequent owners and managers shall be required to appear before the Board, in advance, to affirm their understanding of the conditions listed herein.
6. The maximum number of students in the facility shall be limited to 194 or any lesser number that may be approved as an occupant load by the Chief Fire Marshall.
7. The hours of operation of the school facility shall be as requested by the applicant, from 8:30 AM to 4:45 PM, except for the administrative staff and in cases of emergency. However, the applicant shall be permitted to open one night a month until 9:00 p.m. to allow for parent-teacher conferences.
8. Any exterior business identification signs shall be submitted to staff for review and approval prior to approval of a building permit.
9. Any exterior modifications shall be submitted for design review and approval by staff under separate application.

10. The applicant shall obtain a full building permit 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 applicant shall provide documents verifying any agreements with the City's Parking Department to designate a no parking school load zone specifying the location where vehicles will be parked and the number of spaces. These documents shall be submitted to staff prior to the approval of a Certificate of Use or Occupational License, whichever occurs first.
12. The existing parking spaces on site shall be clearly marked "Staff Only." Access to these parking spaces shall only be before 8:00 a.m. to avoid conflict with student arrival time at 8:30 a.m.
13. 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.
14. In order to improve the drop-off/pick-up, the applicant shall explore the removal of the existing bump-outs with the pertinent City departments. In addition, there shall be a security guard posted in the area during drop-off/pick-up time in order ensure that traffic flows smoothly and there are no back up of vehicles on the streets.
15. School security and administrative staff shall also ensure that student behavior (noise or loitering) does not become a nuisance to residents in the area.
16. 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.
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, if any, to the satisfaction of the City prior to the issuance of a Certificate of Use.
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 modified certificate of use.

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 3rd day of MAY, 2007.

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]
Jorge G. Gomez, Planning Director
For Chairman

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 3rd day of MAY, 2007, by Jorge G. Gomez, Planning Director of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

[NOTARIAL SEAL]



Notary: [Signature]
Print Name: CHARLES A. TAFT
Notary Public, State of Florida
My Commission Expires:
Commission Number:

Approved As To Form:
Legal Department (8645-3-07)

F:\PLAN\PLB\2007\04-24-07\1820- 1211 Marseille Dr CU.doc