

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: June 21, 2022

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **PB22-0497, a.k.a. PB19-0304. 251 Washington Avenue – Private School.**

An application has been filed requesting modifications to a previously issued conditional use permit for an educational institution in an RPS-3 zoning district, specifically, the applicant is requesting modifications to the previously approved temporary structure to provide a new four-story permanent structure, pursuant to Chapter 118, Article IV and Chapter 142, Article II of the City Code.

#### **RECOMMENDATION**

Approval with conditions.

#### **ZONING / SITE DATA**

Legal Description:	Lot 14 and 15, Block 8, of the Ocean Beach Fla., according to the plat thereof, recorded in Plat Book 2, Page 38 of the public records of Miami Dade County, Florida.
Zoning:	RPS-3, Residential performance standard, medium-high density.
Future Land Use Designation:	Medium-High Density Residential Performance Standard (R-PS-3).
Local Historic District:	Ocean Beach Historic District.
Surrounding Uses:	
North:	Residential multifamily
West:	Residential multifamily
South:	Commercial
East:	Residential multifamily

#### **BACKGROUND**

On September 9, 2019, the Historic Preservation Board approved an after the fact Certificate of Appropriates (COA) for demolition of the structures previously located on the Property (File No. HPB19-0336) and a separate COA for the construction of a temporary structure to be used as a private school and variances to reduce required setbacks (File No. HPB19-0316).

On September 24, 2019, the Planning Board approved a Conditional Use Permit (CUP) for an educational institution (File No. PB19-0304).

### **THE PROJECT**

The applicant has submitted plans entitled “basecamp305”, as prepared by Arquitectonica, dated April 25, 2022.

The plans show the proposed layout of a four-story permanent structure (45,015 SF), with six (6) classrooms, playground, flex room, vegetable garden, kitchen, cafeteria, roof deck terrace and other amenities that complement the school. The applicant intends to start with a limited enrollment of forty (40) students as previously approved on the temporary structure. The age range of students will be between 8 and 13 years old.

The applicant is providing eighteen (18) parking spaces and no loading spaces per a requested variance. Vehicle access and parking will be from the rear on Collins Court. (see analysis).

### **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 RPS-3 zoning district allows an 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 if impacts are properly mitigate.
5. **Adequate off-street parking facilities will be provided.**

**Consistent** – The educational institution is located within the Ocean Beach Local Historic District, and the applicant is providing five (18) onsite parking spaces. At the time of building permit parking requirements will be reviewed, and depending on the final layout of the school, a fee in lieu of providing the required parking may be required.

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

**Partially Consistent** – The proposed project will 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. However, Staff has concerns regarding the potential noise that could be generated from the rear courtyard/playground that may impact the surrounding residential properties. Staff is recommending conditions to mitigate any adverse impacts on the surrounding neighbors.

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 no similar uses located nearby. The proposed school should not have a negative impact on the surrounding neighborhood.

#### **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.**

- (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 be resilient.

- (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.**

**Consistent.**

- (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.**

**Consistent.**

- (7) **Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.**

**Consistent.**

- (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.**

- (10) **Where feasible and appropriate, water retention systems shall be provided.**

**Consistent.**

- (11) **Cool pavement materials or porous pavement materials shall be utilized.**

**Consistent-** The applicant has indicated that such materials will be utilized.

- (12) **The design of each project shall minimize the potential for heat island effects on-site.**

**Consistent-** The applicant is proposing specific materials and landscaping to minimize the potential for heat island effects.

#### **STAFF ANALYSIS**

On September 24, 2019, the subject site received Conditional Use approval for a private school. The school approved in that CUP was intended to be temporary while a permanent structure was planned. This application is for a proposed modification to the CUP to allow for the construction

of a permanent four-story structure to house the private school. This applicant has also received a conditional use approval from the Planning Board for the operation of an educational facility at 224 2<sup>nd</sup> Street for lower grade levels.

The applicant has made a separate request to the Historic Preservation Board for a COA for the construction of the permanent structure. This application is expected to be considered on June 14, 2022.

The applicant anticipates an enrollment class of 40 students. The number of children is also regulated by the Florida Department of Children and Families. The applicant is estimating seven (7) faculty; two (2) school administrators, two (2) staff members for food and snack distributions and one (1) janitorial staff for daily cleaning.

The subject property is surrounded by a residential building on the north, west and east side, and commercial on the south side.

### **Parking**

The site is located in Parking District No. 1. The proposal complies with the required parking based on the expected number of students. However, these and all zoning matters shall require final review and verification of staff prior to the issuance of a Building Permit.

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

Access will be from Washington Avenue and Collins Court. The vehicular drop-off and pick-up will occur within the private parking area on the rear of the property via Collins court.

Pedestrian access will be available from either the front or rear of the property. Students will be permitted to arrive between 7:30 AM and 8:00 AM and pick up can occur between 2:00 PM and 3:00 PM. In addition, the applicant is expecting that a number of parents and guardians will walk to drop-off and pick-up the children. The property will also have bicycle racks available.

### **Traffic**

A Traffic study was prepared by Kimley Horn & Associates, and a peer review was required. The traffic operational plan contemplated 40 students. See the attached draft order for conditions to mitigate traffic concerns.

### **Security**

All external access points will be secured during school hours. Staff will have secured access to all entry gates. The property will be equipped with video surveillance throughout. Additionally, the school will hire an off-duty Miami Beach Police Department Officer or armed security guard during school hours.

### **Noise**

Staff has expressed concerns during the review of this application regarding the potential noise that could be generated from the covered courtyard/playground located at the rear of the property which may impact the surrounding residential properties.

The proposed courtyard is located on the first floor and is covered by a vegetable garden located on the third floor, this enclosure may direct the sound impact to the sides and rear where neighboring residential buildings are located.

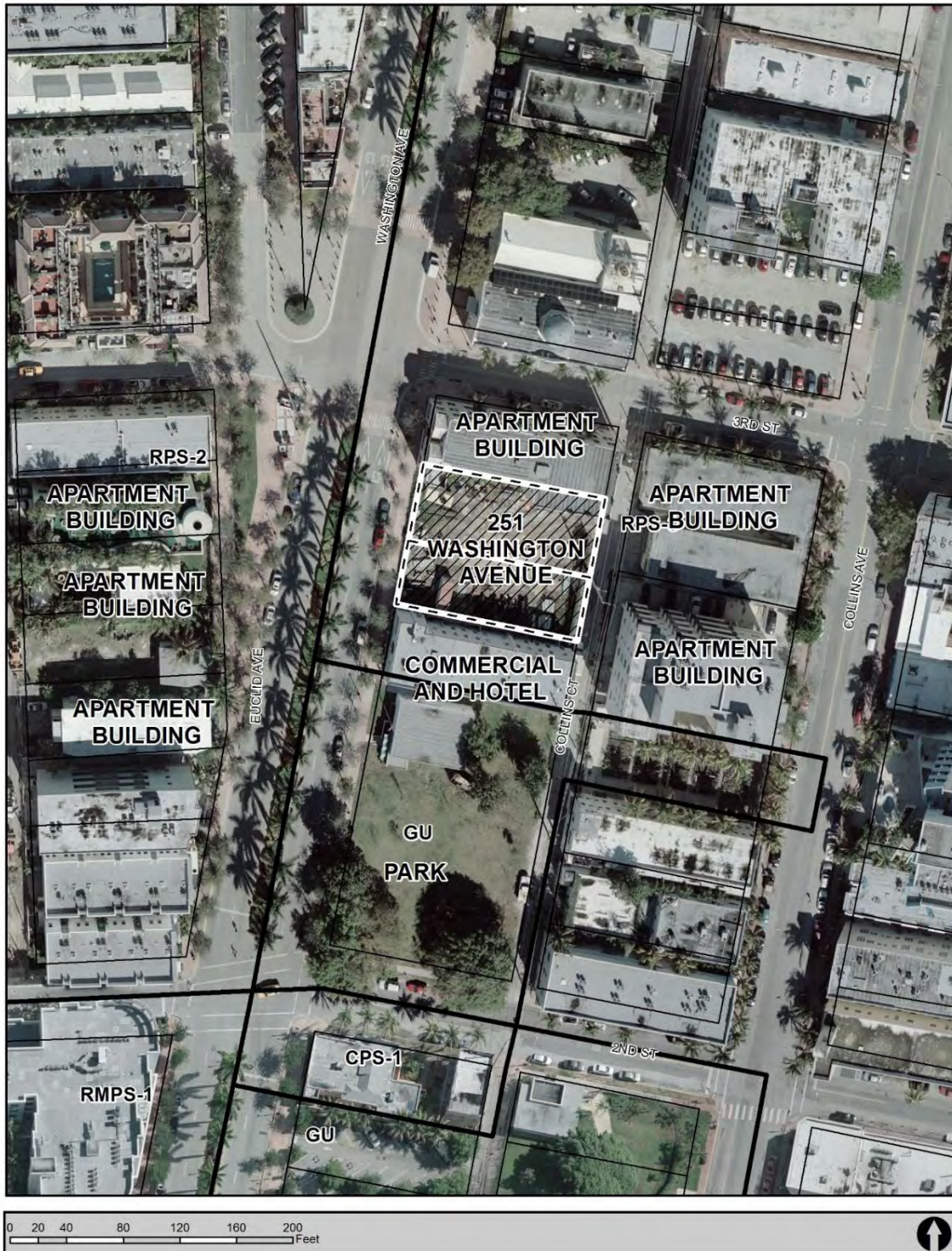
In order to minimize the potential sound, Staff is recommending a condition that would require that a decorative parapet wall with landscaping be built on the north, south and west sides of the proposed courtyard with a minimum height of seven (7) feet. The ceiling and walls shall also include sound attenuating materials to minimize the impact of noise on the residential buildings. Additionally, staff recommends that the use of this space be limited to the hours of 9:00 am to 3:00 pm.

**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:** 251 Washington Avenue

**FILE NO:** PB22-0497, a.k.a. PB 19-0304

**IN RE:** An application has been filed requesting modifications to a previously issued conditional use permit for an educational institution in an RPS-3 zoning district, specifically, the applicant is requesting modifications to the previously approved temporary structure to provide a new four-story permanent structure, pursuant to Chapter 118, Article IV and Chapter 142, Article II of the City Code.

**LEGAL DESCRIPTION:** Lot 14 and 15, Block 8, of the Ocean Beach Fla., according to the plat thereof, recorded in Plat Book 2, Page 38 of the public records of Miami Dade County, Florida.

**MEETING DATE:** June 21, 2022 ~~September 24, 2019~~

## **MODIFIED CONDITIONAL USE PERMIT**

The applicant, BaseCamp305, Inc., 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 RPS-3, Residential performance standard, medium-high density 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 BaseCamp305, Inc. 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 of the number of students authorized by this CUP (40 students), or the number of students approved by the Department of Children and Families in accordance with applicable 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. The courtyard use shall be limited to school days from 9:00 am to 3:00 pm.
7. The applicant shall be responsible to instruct the staff and the parents to not double-park or block the street, sidewalks and the driveways.
8. School staff personnel shall ensure that student or parent behavior (noise or loitering) does not become a nuisance to residents in the area.
9. The rear courtyard shall incorporate a decorative parapet wall with landscape to be built on the north, south and west sides with a minimum height of seven (7) feet, subject to the review and approval of staff. The ceiling and walls shall include sound attenuating materials to minimize the impact of noise on the residential buildings, subject to the review and approval of staff.
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 satisfy outstanding liens and past due City bills, if any, to the satisfaction of the City prior to the issuance of a business tax receipt.
13. 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

Approved As To Form:  
Legal Department \_\_\_\_\_ (

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