

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: July 26, 2022

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: **PB22-0501, a.k.a. PB File No. 1402. 7902 Carlyle Avenue and 600 79 Street. School.**

An application has been filed requesting modifications to a previously issued conditional use permit for a School. Specifically, the applicant is requesting modifications to renovate the school and increase the student enrollment to 520 students and to expand the operations to include the property located at 600 79 Street that will provide housing for teachers and staff. pursuant to Chapter 118, Article IV and Chapter 142, Article II of the City Code.

RECOMMENDATION

Approval with conditions.

ZONING / SITE DATA

Legal Description:	See exhibit "A" at the end of this report.
Zoning:	RM-1 Residential multifamily, low Intensity.
Future Land Use Designation:	RM-1 Residential multifamily, low Density.
Overlay:	North Beach National Register Conservation Overlay District
Local Historic District:	N/A
National Historic District:	North Shore National Register Historic District
Surrounding Uses:	
North:	Residential multifamily
West:	Residential multifamily
South:	Residential multifamily
East:	Residential multifamily

BACKGROUND

On August 24, 1999, the Planning Board approved a Conditional Use Permit (CUP) for an educational institution (File No. 1402).

THE PROJECT

The applicant has submitted plans entitled “Yeshiva Elementary School”, as prepared by Zyscovich Architects, dated May 31, 2022.

The plans show the proposed renovation to add within the existing two-story assembly hall/gym space a new multipurpose space, classrooms, indoor play area, offices, bathrooms, teacher lounge and other amenities to improve the current facilities. In addition to this, the applicant is proposing to incorporate an adjacent building located at 600 79 street, to provide housing for teachers and staff utilizing the existing 6 residential units.

The Yeshiva Elementary School’s current student capacity is 357; the early childcare program has 105 students and grades K-6 have 250 students. With this proposal, the applicant will be able to increase the maximum student capacity to 520.

The site was originally developed in 1957 with a two-story Synagogue and school. On August 24, 1999, a CUP was obtained for the site to convert the synagogue portion to an educational use (File No. 1402).

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, as the City is a transportation concurrency exception area. However, a traffic study has been submitted that indicates how the transportation concerns will be addressed.

3. **Structures and uses associated with the request are consistent with this Ordinance.**

Consistent – The RM-1 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 renovation of this educational institution, is not expected adversely affect the general welfare of nearby residents if impacts are properly mitigated.

5. **Adequate off-street parking facilities will be provided.**

Partially Consistent – The 7902 Carlyle Avenue site was originally developed in 1957 with a two-story Synagogue and school. The CUP approved in 1999 indicated that the site had sufficient parking credits to meet the parking requirement for the school use. The applicant indicates that the site has sufficient parking credit from the prior synagogue use. Staff believes that the parking credits should be calculated based on the current use pursuant to section 130-161. A preliminary analysis indicates that the current gymnasium provides sufficient parking credits to meet the parking requirements for the increased number of classrooms. However, if it is determined that there is an additional parking requirement for the proposed school use, the remaining required parking spaces may be satisfied by participating in the parking impact fee program.

Furthermore, the property at 600 79th Street has no parking requirements pursuant to Section 130-32(6)(e) of the Code which exempts buildings in the North Beach National Register Conservation Overlay on lots that are less than 65 feet in width.

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 (See parking analysis below).

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

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, as the site has had a school since 1957. 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 other schools within the vicinity; however, given that this site has been operating as a school for a significant period of time, and the need for educational facilities within residential neighborhoods, the proposed school expansion 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.

- (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.**

Not Applicable.

- (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 August 24, 1999, the Planning Board approved a Conditional Use Permit (CUP) for an educational institution (File No. 1402). This application is for a proposed modification to the CUP to allow the renovation of the existing school and to increase the student capacity to 520 students. Additionally, the proposal includes incorporating the adjacent residential building to provide housing for teachers and staff.

While the applicant anticipates a class enrollment of 520 students, the number of students may be further restricted by the Florida Department of Children and Families. The applicant is estimating seventy (70) faculty, fifteen (15) staff, and five (5) maintenance workers. The additional students will be housed in new classrooms that are proposed to be created from a portion of the space that currently houses the school's gymnasium. Under the proposal the gym would still have sufficient space for student activities.

The subject property is surrounded by residential buildings on the north, south, west and east side. Given that the site has contained a school since 1957, negative impacts are not expected from the proposed student count expansion if properly controlled.

The renovations are primarily to the interior, so Design Review Board (DRB) approval may not be necessary for the proposed renovation.

Parking

The site is located in Parking District No. 1.

The 7902 Carlyle Avenue site was originally developed in 1957 with a two-story Synagogue and school. The CUP approved in 1999 indicated that the site had sufficient parking credits to meet the parking requirement for the school use. The applicant indicates that the site has sufficient parking credit from the prior synagogue use. Staff believes that the parking credits should be calculated based on the current use pursuant to section 130-161. A preliminary analysis indicates that the current gymnasium provides sufficient parking credits to meet the parking requirements for the increased number of classrooms. However, if it is determined that there is an additional parking requirement for the proposed school use, the remaining required parking spaces may be satisfied by participating in the parking impact fee program or locating spaces off-site as permitted by the LDRs.

Furthermore, the property at 600 79th Street has no parking requirements pursuant to Section 130-32(6)(e) of the Code, which exempts buildings in the North Beach National Register Conservation Overlay on lots that are less than 65 feet in width.

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

Pedestrian Access is from Carlyle Avenue. The vehicular drop-off and pick-up occur on Carlyle Avenue. Standard school drop of times are Monday - Friday 8:00 - 8:35 AM and pick up Monday - Friday 4:00 - 4:30 PM.

Traffic

A Traffic study was prepared by Kimley Horn & Associates, and a peer review was required. The traffic operational plan contemplated 520 students. See the attached memorandum from the Transportation Department and draft order for conditions to mitigate traffic concerns.

Security

During pick-up/drop-off times, a single entrance – a double door – is opened on the Carlyle Avenue side of the building. Students enter under the supervision of security/staff members. At all other times the main doors are locked, and visitors must enter through a secure entrance that leads to the office for check-in. An armed security guard is stationed outside the school from drop-off through pick-up and at all times when school is in session.

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



MIAMI BEACH
PLANNING DEPARTMENT

1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 P 305.673.7550 www.miamibeachfl.gov

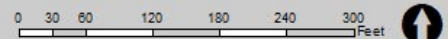


Exhibit A

All of Block 4 less the Northwesterly 2.5' feet,
in TATUM SUBDIVISION, according to the Plat
thereof as recorded in Plat Book 46, at page 2,
of the Public Records of Miami-Dade County, Florida.
AKA 7902 Carlyle Avenue, Miami Beach, FL

Address: 7902 Carlyle Avenue

Folio No.: 02-3202-002-0430

**Lot 12, Block 27, of Altos DEL MAR No. 3, according to the Plat thereof recorded in Plat Book 8,
Page 41, of the Public Records of Miami-Dade County, Florida.**

Parcel Identification Number: 02-3202-007-2310

Address: 600 79 Street

Folio No. 02-3202-007-2310

Analysis Summary from the Transportation & Mobility Department

7902 Carlyle Avenue (Yeshiva Elementary) TIS Summary

The existing Yeshiva Elementary School located at 7902 Carlyle Avenue proposes to renovate and expand by 163 additional students from existing maximum enrollment of 357 students to a new maximum enrollment of 520 students. The proposed net site trips generated is 97 net new AM peak hour trips and 58 net new PM peak hour trips.

The intersection capacity analysis indicates that all the studied intersections currently operate and are projected to continue to operate within the City's overall LOS standards during the AM and PM peak hours. The results of the intersection capacity analysis indicate that all approaches at the study intersections are expected to operate at level of service (LOS) B or better during the A.M. and school P.M. peak hours under all analysis scenarios. Carlyle Avenue operates as a two-way, two-lane undivided roadway between 79th Street and 80th Street. Signage at the intersection of Carlyle Avenue and 79th Street states this segment operates as a one-way southbound roadway during the school arrival period from 8:00 A.M. to 8:45 A.M. and during the school dismissal period from 3:45 P.M. to 4:30 P.M. The segment is maintained by the City of Miami Beach and has a posted speed limit of 25 MPH and a school zone speed limit of 15 MPH. Street parking is provided on either side of the segment. Exclusive turn lanes are not provided within the segment. Sidewalks are provided on either side of the segment and bike lanes are not provided.

As part of the study, a vehicle accumulation analysis was completed during arrival and dismissal to determine the back of queues at the studied intersections. The vehicle accumulation during the school arrival and dismissal periods after the proposed expansion was evaluated based on vehicle queuing observations and accumulation data at the existing school. **Queues are expected to be accommodated within the school drop-off/pick-up area during the school arrival period and exceed the provided storage during the school dismissal period after the proposed expansion and renovation.** School dismissal queues are expected to accumulate along the segments they currently extend to and further along Byron Avenue just north of 80th Street and 80th Street just east of Byron Avenue. The peak dismissal queue along Byron Avenue north of 80th Street is expected to extend across the intersection of Tatum Waterway Drive and Byron Avenue. Therefore, it is proposed that school queues upstream of the intersection of Byron Avenue and 80th Street are restricted to 80th Street east of Byron Avenue. In this scenario, queues would extend across the intersection of Abbott Avenue and 80th Street which is unsignalized. Note that the peak queue in the existing condition occurred between 4:00 P.M. and 4:02 P.M. and was cleared to four (4) vehicles by 4:18 P.M. Therefore, based on the queue length multiplier of 1.46 applied to the four (4) vehicles, the future queue is expected to clear to six (6) vehicles and is not anticipated to impact the adjacent intersections and roadway segments after 4:18 P.M.

The school provides bicycle parking and has at least one bus that operates during arrival and dismissal. The school is willing to expand the number of buses in order to reduce the overall number of vehicles during arrival and dismissal. These are the Transportation Demand strategies for this school. The school has offered to provide additional crossing guards as traffic mitigation to facilitate dismissal operations and ensure there are no blocked intersections within the studied intersections.

PLANNING BOARD CITY OF MIAMI BEACH, FLORIDA

PROPERTY: 7902 Carlyle Avenue and 600 79 Street.

FILE NO: PB22-0501, a.k.a. PB File No. 1402.

IN RE: Modifications to a previously issued conditional use permit for a School. Specifically, to renovate the school and increase the student enrollment to 520 students and to expand the operations to include the property located at 600 79 Street that will provide housing for teachers and staff. pursuant to Chapter 118, Article IV and Chapter 142, Article II of the City Code.

LEGAL

DESCRIPTION: See exhibit "A" at the end of this Order.

MEETING DATE: July 26, 2022 ~~August 24, 1999~~

MODIFIED CONDITIONAL USE PERMIT

The applicant, Talmudic College of Florida, Inc. f/k/a Talmudic College of Florida NER Tamid Property, Inc., and YES Properties 600 79th Inc., 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 RM-1 Residential multifamily, low Intensity 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 Talmudic College of Florida, Inc. f/k/a Talmudic College of Florida NER Tamid Property, Inc. and YES Properties 600 79th 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 (520 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 regular hours of operation shall be as proposed by the applicant:

Monday – Thursday: 8:30 AM to 4:00 PM
Friday: 8:30 AM to 2:00 PM.
6. The property located at 600 79 Street shall only be used to provide housing for teachers and staff.
7. School staff personnel shall ensure that student or parent behavior (noise or loitering) does not become a nuisance to residents in the area.
8. Any business identification signs shall be submitted to staff for review and approval before installation.
9. The applicant shall address the following Transportation and Mobility requirements:
 - A. The applicant shall be responsible to instruct the staff and the parents to not double-park or block the street, sidewalks and the driveways.
 - B. The applicant shall pay all impact, mobility, and concurrency fees due prior to obtaining a Building Permit, Certificate of Occupancy, or Business Tax Receipt, whichever may occur first, and any other fair share cost that may be due and owing.
 - C. A Method of Transportation (MOT) shall be submitted to Public Works Department staff for review and approval prior to the issuance of a building permit. The MOT shall address any traffic flow disruption due to construction activity on the site.
 - D. The developer shall coordinate with the Transportation and Mobility Department to develop an acceptable Transportation Demand Management (TDM) Plan, prior to the issuance of a building permit.

- E. The applicant shall provide the following for review and approval to the Transportation and Mobility Department prior to obtaining a building permit:
- I. The applicant is required to submit and maintain a detailed school arrival and drop off traffic operational and mitigation plan. This plan should include an exhibit that depicts the location of the planned on-site and off-site staff that will be positioned at the drop off loop to ensure adequate internal and external road network traffic circulation.
 - II. The applicant shall meet with the Transportation & Mobility Department and provide a detailed traffic operational plan and mitigation plan to the department review and approval. The traffic operational plan should note whether bus service will be provided for students. The traffic operational plan shall include a staffing plan including the number of Traffic Enforcement personnel and crossing guards stationed at these impacted intersections.
 - III. The applicant is required to submit a supplemental traffic memorandum including a queuing analysis of the arrival and dismissal period by no later than six months from the date when the student enrollment expansion comes into effect. The City of Miami Beach will review and determine if any changes to the traffic operational plan are necessary to mitigate traffic congestion caused by the school pick-up and/or drop-off operations.
10. 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.
 11. 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.
 12. 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.
 13. 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.
 14. 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.
 15. 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.

Filed with the Clerk of the Planning Board on _____ ()