

May 1, 2023

**VIA ELECTRONIC DELIVERY**

**City of Miami Beach Planning Board**  
c/o Mr. Thomas Mooney, Planning Director  
City of Miami Beach  
1700 Convention Center Drive  
Miami Beach, Florida 33139

**Re: Final Submittal PB20-0362 / Application for Modification of Conditional Use Permit (the “Application”) / Properties located at 727 and 741 77<sup>th</sup> Street, 7701 and 7737 Tatum Waterway Drive, 7710 and 7720 Dickens Avenue in Miami Beach, Florida (collectively, the “Property”)**

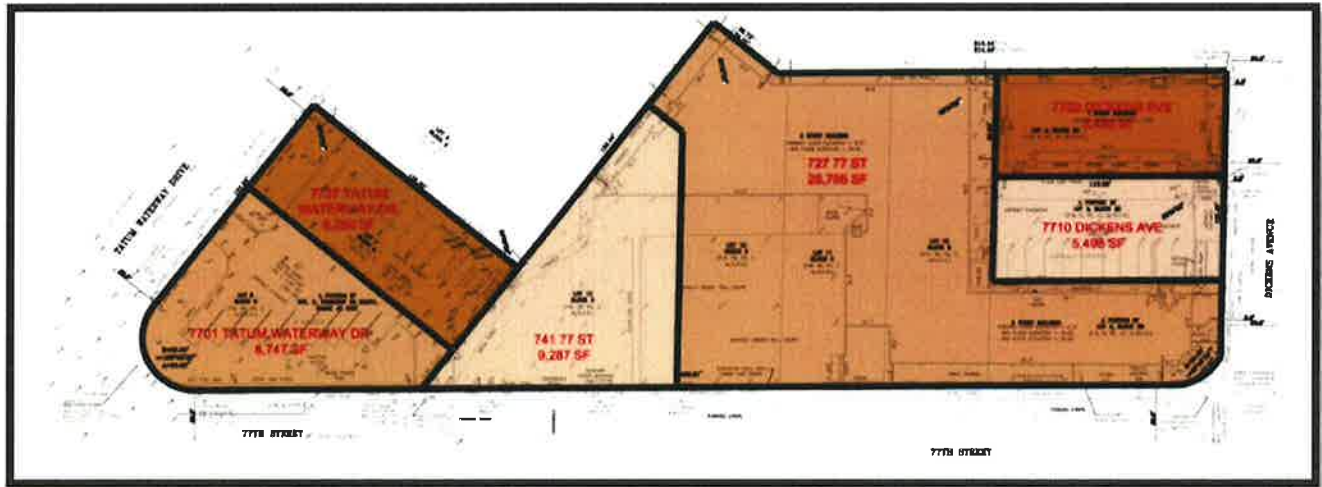
Dear Chairperson and Planning Board Members:

Our firm represents Lehrman Community Day School, Inc. (the “**Applicant**”), in connection with certain land use and zoning matters relating to the above referenced Property. Please accept this Letter of Intent as part of the enclosed Application requesting a modification of the previously approved Conditional Use Permit (“**CUP**”), to incorporate an additional lot located at 7720 Dickens Avenue (the “**New Parcel**”), as part of the Property boundaries and school use.

**I. The Property**

The Property is generally located North of 77<sup>th</sup> Street, East of Tatum Waterway Drive and West of Dickens Avenue and is the location of the Lehrman Day School. The Property is zoned RM-1 and is located within the North Beach Private and Public-School Overlay District. As mentioned above, the primary purpose of this Application is to incorporate the abutting New Parcel, located at 7720 Dickens Avenue, to the overall Property boundaries. As reflected in the survey image provided on the following page, the New Parcel is located on the northeastern portion of the Property.

Additionally, the Property (inclusive of the New Parcel) is unified under that certain Covenant in Lieu of Unity of Title, as recorded in Official Records Book 33060, at Page 749 of the Public Records of Miami-Dade County.



*Survey Image of Property*

## **II. Project History**

By way of background, the Lehrman Day School is a longstanding, community institution that has been operating and serving Miami Beach residents/children since 1960. Since that time, the City has approved various modifications for the conditional use/school operations at the Property. Based on City of Miami Beach records, the City Commission approved certain additions and modifications to the Lehrman Day School conditional use through Commission Memorandum No. 696-82 on October 20, 1982 and Commission Memorandum No 150-85 on March 6, 1985. In the 1980's the City Commission was the entity that approved conditional use permits and since that period Lehrman Day School has not amended the CUP. Then on May 19, 2020 the Planning Board reviewed and forwarded with a positive recommendation the North Beach Private and Public School Overlay district. The North Beach Private and Public School Overlay district adopted on July 29, 2020 is now found in Chapter 142, Article III, Division 14 of the MB Code. More recently, on July 7, 2020, the Design Review Board approved exterior site design modifications and a new multi-story addition at the Property under DRB File No. DRB20-0529 (the "**DRB Approval**"). The DRB Approval and corresponding plans included the construction of a new building that would house additional school facilities with a portion of the new building located on the New Parcel. The Project has gone on to obtain a phase permit in which the improvements to the driveways were commenced first and the second phase would be the construction of the project as approved by the DRB Approval.

## **III. Conditional Use Permit**

As mentioned above, the Applicant requests a CUP modification to incorporate the New Parcel within the scope of the CUP and in accordance with the DRB Approval for continued school operations at the Property. As reflected in the enclosed Operations Plan, the existing school is permitted a maximum enrollment of 548 students. This Application does not include a request to increase the permitted number of students or capacity for the school operations at the Property. The Application is only enhancing and improving the Property to better accommodate the maximum enrollment of 548 students. Therefore, the Application request is simply to modify the

CUP for the expansion of the property boundaries to include the New Parcel.

It is important to note that the DRB Approval and corresponding plans (as approved), including the Property configuration, satisfy all zoning requirements applicable under the RM-1 and North Beach Private and Public-School Overlay District regulations. Specifically, the inclusion of the New Parcel as part of the Property, amounts to nine (9) aggregated lots for the school use and is therefore in compliance with Section 142-870 of the Land Development Regulations (North Beach Private and Public-School Overlay District).

Please refer to the enclosed Operations Plan for more information regarding specific school operations including but not limited to arrival/dismissal, access, security and staffing at the Property. In addition, the Application satisfies the CUP review guidelines under Sec. 118-192 (a) of the Land Development Regulations:

- a. *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 school has been an existing use for over 60 years and complies with the RM-1 regulations as provided in the City’s Comprehensive Plan.
- b. *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 continued school use will not result in an impact that will exceed the thresholds for the levels of service. In fact, a majority of the drop off/pick up programming are internal to the Property so as to minimize any impacts on the abutting roadways.
- c. *Structures and uses associated with the request are consistent with these land development regulations.*  
Consistent – The school has been an existing use for over 60 years and the continued school use complies with the RM-1 regulations and the North Beach Private and Public-School Overlay District regulations.
- d. *The public health, safety, morals, and general welfare will not be adversely affected.*  
Consistent – The school has been an existing use for over 60 years and will not adversely affect the health, safety, morals and general welfare.
- e. *Adequate off-street parking facilities will be provided.*  
Consistent – The school has been an existing use for over 60 years and maintains adequate off-street parking per the applicable Land Development Regulations.
- f. *Necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.*  
Consistent – Please refer to the enclosed Operations Plan that details the existing school operations, including vehicular circulation, security measures and access that seek to provide protection to the students and employees – but also serves to

complement the surrounding properties and neighborhood values.

- g. *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.*

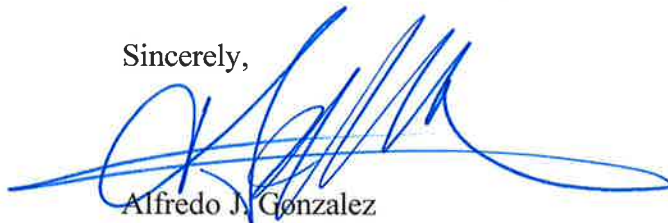
Consistent – The existing school use will not create a negative impact on the surrounding neighborhood as the existing school use has several operational procedures in place to minimize any impact on the surrounding neighborhood.

#### **IV. Sea Level Rise and Resiliency**

Section 133-50(a) provides review criteria for compliance with the City's sea level rise and resiliency criteria. As mentioned above, the school design and corresponding plans, including applicable sea level and sustainability conditions, were previously approved with conditions under DRB20-0529. Please refer to the enclosed DRB report for the applicable conditions and responses.

Based on the foregoing, we respectfully request your favorable consideration of this Application.

Sincerely,



Alfredo J. Gonzalez