

MIAMI BEACH
PLANNING DEPARTMENT
Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: June 27, 2023

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: **PB20-0362. 727, 741 77 Street, 7701, 7737 Tatum Waterway Drive and 7710, 7720 Dickens Avenue. 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 expand the operations to include the property located at 7720 Dickens Avenue without increasing the student enrollment, 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:	School (Biscayne Elementary)
East:	Residential multifamily

BACKGROUND

October 20, 1982 The City Commission approved certain additions and modifications to the Conditional Use through Commission Memorandum No. 696-82.

- March 6, 1985 The City Commission approved certain additions and modifications to the Conditional Use through Commission Memorandum No. 150-85.
- May 19, 2020 The Planning Board reviewed and transmitted to the City Commission with a favorable recommendation a proposed ordinance amendment (PB20-0354) that modifies the physical development regulations of school parcels within the North Beach National Register conservation District Overlay. The modified regulations pertain to building height, setbacks, lot width and minimum lot aggregation.
- July 29, 2020 The ordinance amendment was approved and adopted by the City Commission (Ordinance No. 2020-4347).
- July 07, 2020 The Design Review Board approved the construction of a new multistory addition to replace an existing one-story building and surface parking and other overall exterior site design modifications. (DRB20—0529).

THE PROJECT

The applicant has submitted plans entitled “*Lehrman Community Day School*”, as prepared by *NC-office architecture/urbanism*, dated May 1, 2023.

The applicant is proposing the construction of a new multistory addition to replace an existing one-story building and surface parking, as well as other exterior site design modifications. Currently, the maximum number of students permitted at the school is 548 students. The proposal does not seek to increase the student occupancy but rather to enhance the academic environment and improve the facilities.

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 result in an impact that will exceed the level of service (LOS) for the surrounding area below the thresholds that have been established. However, a Traffic Assessment 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 for educational institutions 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.**

Consistent – Per the recent approved North Beach Private and Public Schools District Overlay, there is no minimum parking requirements associated with the redevelopment of an existing school. Nevertheless, the school will continue providing the previous 29 spaces on site. The 11 spaces that were previously located at 7720 Dickens Avenue will now located at the reconfigured parking area located on the west of the property.

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. The applicant has submitted an operational plan that describes procedures to safeguard the students, professors, surrounding properties and neighborhood values. 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 modifications 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.**

Not satisfied

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

Not satisfied

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

Not satisfied

STAFF ANALYSIS

The applicant is proposing to construct a new multi-story addition to the existing Lehrman Community Day School, as well as other exterior site modifications. Located in the North Beach National Register Conservation District, the subject site contains six parcels along the southern end of the block, fronting 77th Street between Dickens Avenue and Tatum Waterway Drive. The northern portion of the block consists of multifamily residential buildings.

The architect is proposing a five-story structure facing Dickens Avenue that is sited on two parcels to the north of the existing three-story school building. The new addition includes a cafetorium on the ground floor, classrooms on the second floor, and a double height indoor gymnasium with associated rooms on the third and fourth floors. The principal entrance to the new structure will face Dickens Avenue.

In addition to the new structure, the applicant is proposing exterior site modifications that include a carpool lane, a covered walkway, a reconfigured playground area, and a reconfigured surface parking lot. A new curb cut on 77th Street, adjacent to the existing main entrance, brings the student drop-off lane into the site. The new 20' wide drop-off lane spans a length of 156' and will internalize most of the drop-off and pick-up on site by allowing cars to queue and pass within the site with exits back onto 77th Street or through a reconfigured and enhanced parking lot onto Tatum Waterway Drive. This modification should noticeably improve the vehicular drop off and pick up operations, which currently occur directly on the public right of way along 77th Street and opposite of Biscayne Elementary' s drop-off area.

The school's current student capacity is 548 and the applicant is not requesting an increase to the permitted number of students. The applicant is only enhancing and improving the property to better accommodate the maximum permitted enrollment of 548 students.

Parking

The site is located in Parking Tier 1. Per the recent approved North Beach Private and Public Schools District Overlay, there is no minimum parking requirement associated with the redevelopment of the existing school. The school will continue to provide the previous 29 spaces on site. The 11 spaces that were located at 7720 Dickens Avenue will be located within the reconfigured parking area on the west side of the property.

Drop-Off/Pick-up

Pedestrian Access is from the main entrance on 77th Street and the vehicular drop-off and pick-up will occur within the new internal driveway located off of 77th Street. The school currently has two (2) arrival periods and three (3) dismissal periods.

The first arrival period begins at 7:55 A.M. for kindergarten-5th grade students and the second arrival period begins at 8:10 A.M. for early childhood students. The full drop-off period takes place Monday through Friday from 7:55 A.M. to 8:45 A.M.

The first dismissal period begins at 12:50 P.M. for half day Turning Two, Toddler, and Nursery students. The second dismissal period begins at 2:40 P.M. for full day early childhood students. The third dismissal period begins at 3:05 P.M. for kindergarten-5th grade students. Student pick-up takes place from 12:50 P.M. to 1:10 P.M. and again from 2:40 P.M. to 3:30 P.M. Monday through Thursday; and from 1:50 P.M. to 3:00 P.M. on Fridays.

The after-school program dismisses at 4:30 P.M. and 5:30 P.M. on Mondays and Wednesdays and at 4:30 P.M. on Tuesdays and Thursdays.

Access & Security

Per the operational plan, all external access points are secured during school hours and monitored via access control and video surveillance. The school has a secured perimeter fence along the entire property. There are two access control gates for vehicular access on Tatum Waterway Drive and two on 77th Street.

Vehicle access to the parking lot will be from 77th Street. School employees have assigned staff parking spaces with access control to the parking lot and a separate controlled access entrance on Tatum Waterway Drive.

All visitors, new families, employees, and staff must enter via the main entry at the Welcome Center. At the Welcome Center visitors are registered, and passes are handed out. All employees and visitors are required to carry ID badges.

The school is equipped with key-card access for all gates, doors, and elevators. The school is also equipped with video surveillance. Security is handled by the Director of Security and coordinated with onsite personnel and armed security officers. The school retains the services of off-duty Miami Beach Police Department Officer during school hours.

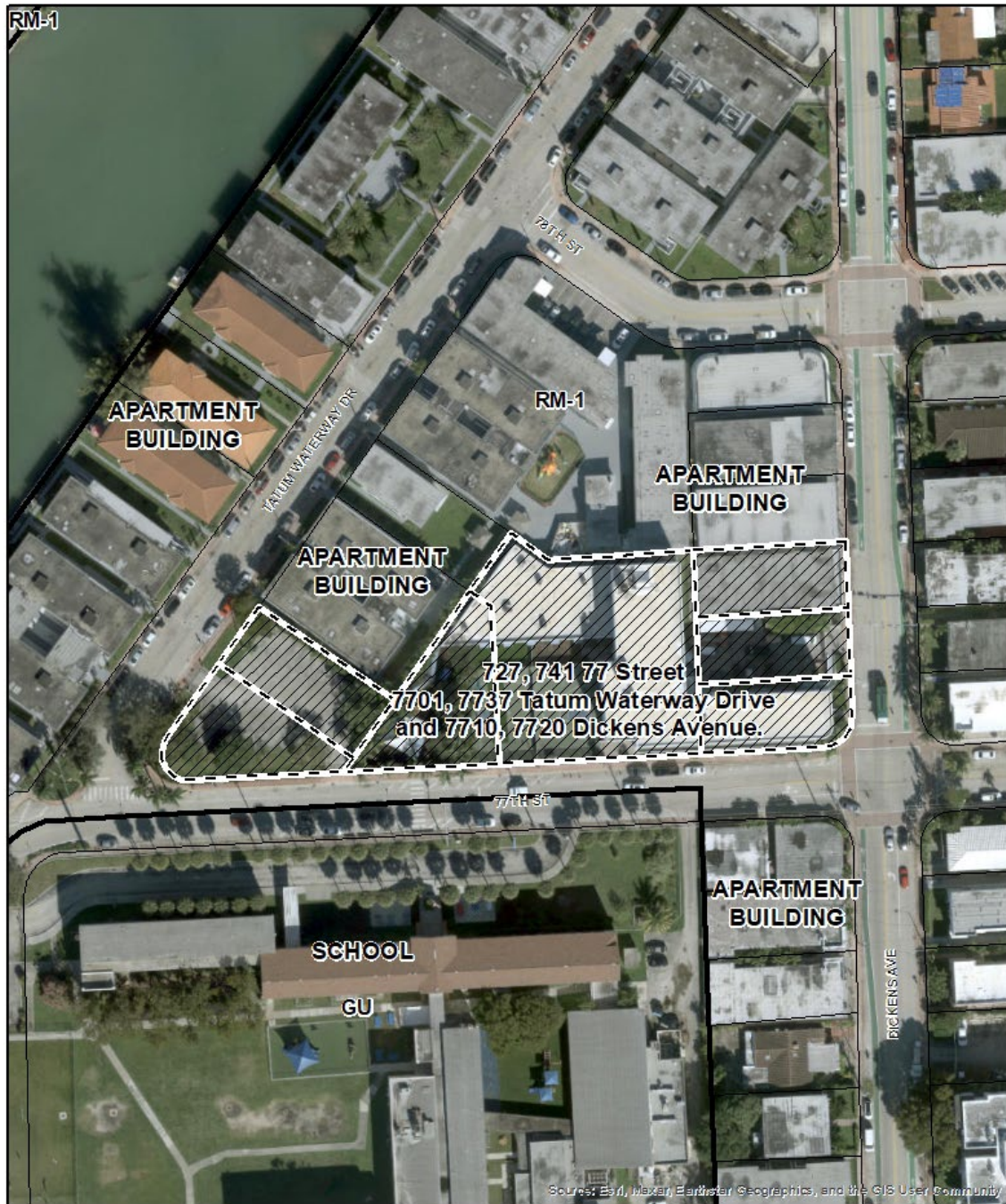
Traffic

A Traffic assessment was prepared by Kimley Horn & Associates and was reviewed by Transportation Department as part of the DRB application. Per the traffic assessment, access modifications will allow student drop-off and pick-up operations to be completely internal to the site. There is a proposed drop-off/pick-up area within the site that allows for stacking of cars, to improve site circulation. This is expected to significantly improve traffic flow in the vicinity.

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



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

0 20 40 80 120 160 200 Feet

Exhibit A

LEGAL DESCRIPTION:

SUBJECT: 727 Lehrman Drive (77 Street), Miami Beach, FL 33141

FOLIO NUMBER: 02-3202-002-0640

LEGAL DESCRIPTION: 2 53 42 TATUM WATERWAY SUB PB 46-2 LOTS 10-11 & 12 BLK 6
& LOT 6 LESS E2.5FT BLK 28 OF ALTOS DEL MAR NO 3 PB 8-41

SUBJECT: 741 Lehrman Drive (77 Street), Miami Beach, FL 33141

FOLIO NUMBER: 02-3202-002-0670

LEGAL DESCRIPTION: TATUM WATERWAY SUB PB 46-2 LOT 13 BLK 6

SUBJECT: 7701 Tatum Waterway Drive, Miami Beach, FL 33141

FOLIO NUMBER: 02-3202-002-0620

LEGAL DESCRIPTION: TATUM WATERWAY SUB PB 46-2 LOT 8 BLK 6

SUBJECT: 7737 Tatum Waterway Drive, Miami Beach, FL 33141

FOLIO NUMBER: 02-3202-002-0610

LEGAL DESCRIPTION: TATUM WATERWAY SUB PB 46-2 LOT 7 BLK 6

SUBJECT: 7710 Dickens Avenue, Miami Beach, FL 33141

FOLIO NUMBER: 02-3202-007-2360

LEGAL DESCRIPTION: ALTOS DEL MAR NO 3 PB 8-41 LOT 5 LESS E2.5FT BLK 28

SUBJECT: 7720 Dickens Avenue, Miami Beach, FL 33141

FOLIO NUMBER: 02-3202-007-2350

LEGAL DESCRIPTION: 2 53 42 ALTOS DEL MAR NO 3 PB 8-41 LOT 4 LESS E2.5FT BLK 28

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

PROPERTY: 727, 741 77 Street, 7701, 7737 Tatum Waterway Drive and 7710, 7720 Dickens Avenue.

FILE NO: PB20-0362.

IN RE: Modifications to a previously issued conditional use permit for a School. Specifically, the applicant is requesting modifications to renovate the school and expand the operations to include the property located at 7720 Dickens Avenue without increasing the student enrollment, 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: June 27, 2023

MODIFIED CONDITIONAL USE PERMIT

The applicant, Lehrman Community Day School 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 Lehrman Community Day School 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 (548 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. School staff personnel shall ensure that student or parent behavior (noise or loitering) does not become a nuisance to residents in the area.
 6. Any business identification signs shall be submitted to staff for review and approval before installation.
 7. 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.
 8. 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.
 9. 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.
 10. 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

Exhibit A

LEGAL DESCRIPTION:

SUBJECT: 727 Lehrman Drive (77 Street), Miami Beach, FL 33141

FOLIO NUMBER: 02-3202-002-0640

LEGAL DESCRIPTION: 2 53 42 TATUM WATERWAY SUB PB 46-2 LOTS 10-11 & 12 BLK 6
& LOT 6 LESS E2.5FT BLK 28 OF ALTOS DEL MAR NO 3 PB 8-41

SUBJECT: 741 Lehrman Drive (77 Street), Miami Beach, FL 33141

FOLIO NUMBER: 02-3202-002-0670

LEGAL DESCRIPTION: TATUM WATERWAY SUB PB 46-2 LOT 13 BLK 6

SUBJECT: 7701 Tatum Waterway Drive, Miami Beach, FL 33141

FOLIO NUMBER: 02-3202-002-0620

LEGAL DESCRIPTION: TATUM WATERWAY SUB PB 46-2 LOT 8 BLK 6

SUBJECT: 7737 Tatum Waterway Drive, Miami Beach, FL 33141

FOLIO NUMBER: 02-3202-002-0610

LEGAL DESCRIPTION: TATUM WATERWAY SUB PB 46-2 LOT 7 BLK 6

SUBJECT: 7710 Dickens Avenue, Miami Beach, FL 33141

FOLIO NUMBER: 02-3202-007-2360

LEGAL DESCRIPTION: ALTOS DEL MAR NO 3 PB 8-41 LOT 5 LESS E2.5FT BLK 28

SUBJECT: 7720 Dickens Avenue, Miami Beach, FL 33141

FOLIO NUMBER: 02-3202-007-2350

LEGAL DESCRIPTION: 2 53 42 ALTOS DEL MAR NO 3 PB 8-41 LOT 4 LESS E2.5FT BLK 28