

**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 Sec. 2.5.2.5 of the land development regulations.
 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 to this Conditional Use Permit.
 5. School 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 staff and parents not to 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 constitute a basis for the Planning Board to modify or revoke 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 returned to the Board for reconsideration as to whether the order meets the criteria for

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approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.

- 11. 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.
- 12. 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 constitute a basis for the Planning Board to modify or revoke this Conditional Use.
- 13. 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 7/7/2023 | 8:51 PM EDT

PLANNING BOARD OF THE CITY OF MIAMI BEACH, FLORIDA

DocuSigned by:
Rogelio Madan
 BY: _____
 Rogelio A. Madan, AICP
 Development and Resiliency Officer
 for Chairman

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 10 day of July, 2023, by Rogelio A. Madan, Chief of Community Planning and Sustainability for the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



Miriam Herrera
 Notary:
 Print Name: Miriam Herrera
 Notary Public, State of Florida
 My Commission Expires: 12-16-23
 Commission Number: GG 940469

Approved As To Form: _____
 Legal Department _____ (7/7/2023 | 7:09 PM EDT)

Filed with the Clerk of the Planning Board on _____ (7/10/2023 | 8:23 AM EDT)

DS
RM

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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

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