

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

PROPERTY: 1719 LENOX AVENUE

FILE NO: 1563

IN RE: The applicant, Cuban Hebrew Congregation of Miami, requested a modification to a previously issued Conditional Use Permit, pursuant to Section 118, Article IV of the City Code. Specifically, the applicant requested to relocate students from a previously approved classroom addition to the main Synagogue building.

LEGAL DESCRIPTION: Lots 1, 3, 4, 5, 17, 18, 19, & 20 Block 19 of Palm View Subdivision according to the plat thereof as recorded in Plat Book 6, page 29 of the public records of Miami-Dade County, Florida

MEETING DATE: April 19, 2016

DRAFT - MODIFIED CONDITIONAL USE PERMIT

The applicant, Cuban Hebrew Congregation of Miami, filed an application with the Planning Director to modify a previously approved Conditional Use Permit pursuant to Section 118-195 of the Land Development Regulations of the Code of the City of Miami Beach, Florida. 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 RM-1, Residential Multi-Family 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 City Code;

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 recommendations which were amended by the Board, that the modification to the existing Conditional Use Permit as requested and set forth above be GRANTED, subject to the following conditions to which the applicant has agreed: (Underline denotes new language; ~~Strikethrough~~ denotes deleted language)

1. This Modified Conditional Use Permit is issued to the Cuban Hebrew Congregation of Miami to ~~add a classroom to the existing school~~ relocate students from a previously approved classroom addition to the main Synagogue building.
2. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. At the request of the Planning Director, if deemed necessary, the applicant shall give a written 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. The number of children in the facility shall be limited to a maximum of 95 children.
4. The applicant shall receive all necessary approvals and licenses from all applicable local, county and state government agencies for this facility prior to the issuance of a Certificate of Occupancy, Certificate of Use or Business Tax Receipt, whichever may apply.
5. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval.
6. The applicant, now and in the future, shall abide by all the documents and statements submitted with this application.
7. The hours of operation of the school facility shall be as requested by the applicant, from 8:00 AM to 6:00 PM, except for the administrative staff and in cases of emergency and late pick ups.
8. The applicant shall maintain existing staggered drop-off and pick-up times and implement new staggered times for the youngest group of children, as needed.
9. The applicant shall install a sign instructing parents to turn left only and travel north on Michigan Avenue as they exit the parking lot.
10. The applicant may use Lenox Avenue as the drop-off and pick-up point for up to 20 students, in a staggered manner.
11. The applicant shall return to the Board for a Progress Report within 30 days of the initial date of operation of the new expanded facility.

12. All outstanding City liens or bills related to the subject property and all outstanding City Code violations, if any, shall be satisfied prior to the issuance of a Certificate of Use.
13. The front porch and front yard shall not be used for recreational use. No fencing, additional paving or parking shall be permitted in the front yard. A hedge shall be allowed subject to the review and approval of staff.
14. No exterior signage for the project shall be permitted on the front (west) elevation of the subject property. A sign at the rear of the property, indicating the entrance to the center shall be allowed subject to staff review and approval.
15. School security and staff shall ensure that student or parent behavior (noise or loitering) does not become a nuisance to residents in the area.
16. The applicant shall be responsible for maintaining the areas adjacent to the facility, such as the sidewalk and the areas of the street adjacent to and around the property on all sides.
17. School buses shall not be parked in the street area adjacent to the site. School buses and private vehicles shall only be permitted to stand in the temple parking lot to the rear of the site for loading and unloading of children; no loading/unloading shall occur on either Lenox or Michigan Avenues.
18. A building permit or Business Tax Receipt shall be obtained within one (1) year of this public hearing and the project shall comply with the Florida Building Code and any other codes that may apply, including licensure from the State of Florida.
19. The existing garage door shall be retained. Any necessary work inside the house in order to convert the garage to usable classroom space shall not alter the exterior of the subject structure.
20. The executed Modified Conditional Use Permit shall be recorded in the Public Records of Miami Dade County, Florida at the expense of the applicant and returned to the Planning Department. No building permit, certificate of use, certificate of occupancy, certificate of completion or business tax receipt shall be issued until this requirement has been satisfied.
21. 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.
22. 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. 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 permit.

23. 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 this _____ day of _____, 2016

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: _____
Michael Belush, Planning and Zoning Manager
FOR THE CHAIRMAN

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by Michael Belush, Planning and Zoning Manager of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

{NOTARIAL SEAL]

Notary:
Print Name
Notary Public, State of Florida
My Commission Expires:
Commission Number:

Approved As To Form:
Legal Department ())