

MIAMI BEACH PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: July 23, 2019

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB19-0291 – 420 Jefferson Avenue – Private School.**

An application has been filed requesting a conditional use approval for an educational institution in a CPS-2 zoning district south of Fifth Street 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"
Zoning:	CPS-2, Commercial performance standard, general mixed-use
Future Land Use Designation:	CPS-2, Commercial performance standard, general mixed-use
Local Historic District:	Ocean Beach
Surrounding Uses:	
North:	Commercial
West:	Commercial and residential
South:	Residential
East:	Commercial and residential

THE PROJECT

The applicant has submitted plans entitled "420 Jefferson Avenue", as prepared by Shulman Associates, dated May 24, 2019.

The plans show the proposed layout of a playground area on the ground floor (1,885 SF) and, on the third level, a wellness space, quiet space, lunch room, tech room, arts and crafts storage and work room, a common space, a library, kitchenette, and administrative office spaces. The applicant intends to start with a limited enrollment of ten (10) to fifteen (15) students between the ages of 4-6 years old.

The applicant is providing five (5) parking spaces in the onsite private and gated parking lot, which can be used for drop-off and pick-up purposes (see analysis).

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.

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

Consistent – The CPS-2 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, relatively small educational institution, is not expected adversely affect the general welfare of nearby residents.

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

Consistent – The educational institution is located within the Ocean Beach Local Historic District, and the applicant is providing five (5) onsite parking spaces. 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.

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

Consistent – The proposed project would have to 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. The operation of this facility would be consistent with the mixed-use character of the immediate area.

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.**

Partially Consistent – South Pointe Elementary School is located nearby, however the proposed small private school will not create 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.**
Not Applicable. No substantial demolition is proposed.
- (2) **Windows that are proposed to be replaced shall be hurricane proof impact windows.**
Not Applicable. No windows are proposed to be replaced.
- (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. All new landscaping will be resilient.
- (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.**
Not Applicable. Existing office building.
- (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.**
Not Applicable. Existing office building.
- (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. Existing office building.
- (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.**
Consistent. No habitable space is located below base flood elevation.
- (10) **Where feasible and appropriate, water retention systems shall be provided.**
Consistent.

STAFF ANALYSIS

This small private school is proposed to be located on the third floor of an existing five-story office building. The applicant has indicated that this location will function as a temporary site while a permanent location is constructed. The applicant has recently received a conditional use approval from the Planning Board for the operation of an educational facility at 224 2nd Street, and an application for a smaller facility with a larger green space has been filed for 251 Washington Avenue.

The applicant anticipates an enrollment class of 10-15 students for this school year. The number of children is also regulated by the Florida Department of Children and Families. The applicant is estimating two (2) faculty, one (1) school administrator and one to two (1-2) staff members. The proposed hours of operation are Monday through Friday 7:00 AM to 3:00 PM.

The subject property is surrounded by a commercial building on the north, commercial and apartments on the west side, apartments on the south side and commercial and apartment uses on the east side.

Operations:

Parking

It appears that the applicant is complying with the parking requirements for this project based on the proposed use and number of students. The existing office use will be converted to the proposed educational use.

Drop-Off/Pick-up

The vehicular drop-off and pick-up will occur entirely within the private, gated parking lot. Users will have the option to drop-off and pick-up the students under the existing structure or park in one of the on-site parking spaces and walk the children to the third floor. Students will be permitted to arrive between 7:00 AM and 9:00 AM and pick up will be at 1:00 PM. In addition, the applicant is expecting that a number of parents and guardians will walk to drop-off and pick-up the children. If all of the parking spaces are taken school staff should be available to assist during the drop-off/pick up times at the ground level.

Traffic

A Traffic operational plan was prepared by Kimley Horn & Associates, and a peer review was not required. The Transportation Department will provide a separate memorandum. The traffic operational plan was done contemplating only 10 students.

Security

Access to the third-floor will be restricted during school hours and limited to the stairs and lobby entrance area. Access is monitored at the ground floor lobby. Staff will have secured access between the main common area and lobby area with a keycard or fingerprint, as well as to the play area on the ground floor. The third-floor and ground floor play area will be equipped with video surveillance throughout.

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



EXHIBIT A

LEGAL DESCRIPTION:

THE EAST 95 FEET, LESS THE NORTH 5 FEET, OF LOT 3, ALL OF LOT 4, BLOCK 83, OF OCEAN BEACH ADDITION NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 81, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Folio: 02-4203-009-6070.

AND

THE WEST 50 FEET OF THE EAST 100 FEET OF LOTS 5 AND 6, BLOCK 83, OF OCEAN BEACH ADDITION NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 81, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Folio: 02-4203-009-6110

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THE EAST 50 FEET OF LOTS 5 AND 6, BLOCK 83, OF OCEAN BEACH ADDITION NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 81, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Folio: 02-4203-009-6120

CONTAINING MORE OR LESS 21,275 SQ.FT. OR ±0.488 ACRES.

PROPERTY ADDRESS:

420 JEFFERSON AVENUE,
MIAMI BEACH, FLORIDA 33139

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

PROPERTY: 420 Jefferson Avenue

FILE NO: PB 19-0291

IN RE: An application for a conditional use approval for an educational institution in a CPS- 2 zoning district south of Fifth Street pursuant to Chapter 118, Article IV and Chapter 142, Article II of the City Code.

LEGAL DESCRIPTION: See exhibit "A"

MEETING DATE: July 23, 2019

CONDITIONAL USE PERMIT

The applicant, 224 2nd Street LLC, 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 the CPS-2, Commercial performance standard, limited mixed-use 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 224 2nd Street LLC. 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 (15 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 hours of operation shall be as proposed by the applicant, school days from 7:00 AM to 3:00 PM.
6. The applicant shall be responsible to instruct the staff and the parents to not double-park or block the street, sidewalks and the driveways.
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. 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.
10. The applicant shall satisfy outstanding liens and past due City bills, if any, to the satisfaction of the City prior to the issuance of an occupational license.
11. 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.
12. 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.
13. 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.

- 14. 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 _____, 2019.

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: _____
Michael Belush, AICP,
Chief of Planning and Zoning
FOR THE CHAIRMAN

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

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

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

{NOTARIAL SEAL}

Approved As To Form:
Legal Department (_____)

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

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Dated this _____ day of _____, 2019.

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: _____
Michael Belush, AICP,
Chief of Planning and Zoning
FOR THE CHAIRMAN

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

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

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

{NOTARIAL SEAL}

Approved As To Form:
Legal Department ())

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

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