

**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.

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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 Basecamp305 Jr, 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

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Order shall also constitute a basis for consideration by the Planning Board for a revocation of this Conditional Use.

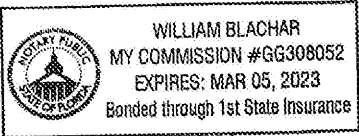
- 14. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

Dated this 26th day of July, 2019.

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA
BY: Michael Belush
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 26th day of July, 2019, 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.



{NOTARIAL SEAL}

William Blachar
Notary:
Print Name
Notary Public, State of Florida
My Commission Expires: March 5th, 2023
Commission Number:

Approved As To Form:
Legal Department (Nick Gallegos) 7/25/2019
Filed with the Clerk of the Planning Board on Jessie Guelly (7/26/19)

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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

AND

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

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