

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: September 24, 2019

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **PB 19-0299, aka PB17-0096. 1701 Washington Avenue.**

An application has been filed requesting a modification to a previously issued conditional use permit for a day care/educational facility in a RM-2 zoning district, to expand the student capacity, pursuant to Section 118, Article IV of the City Code.

#### **RECOMMENDATION**

Approval with Conditions

#### **BACKGROUND**

*July 25, 2006* Touro College, Inc. was approved for a Conditional Use to operate an adult education facility in a two-story classroom building at the Temple Emanu-El property (File No 1776).

*May 23, 2017* LEV Montessori (501c3) was approved for a Conditional Use to operate a day care/educational facility with approximately 25 students. (PB 17-0096).

*June 19, 2017* LEV Montessori was approved for variances to reduce the required front and side setbacks for at grade parking and to reduce the required width for a two-way driveway in order to construct a new parking area on the east side of the property facing James Avenue. (HPB17-0108).

#### **ZONING / SITE DATA**

##### **Legal Description:**

Lots 2, 3 and the south ½ of lot 4, together with lots 16, 17, 18, 19, and 20, all in block 26 of Alton Beach, according to the plat thereof, as recorded in plat book 2, at page 77, of the public records of Miami-Dade County, Florida

##### **Zoning:**

RM-2, Residential Multifamily Medium Intensity Zoning District

##### **Future Land Use Designation:**

RM-2, Residential Multifamily Medium Intensity Zoning District

##### **Surrounding Uses:**

North:	Parking lot and residential uses
West:	Convention Center
South:	Commercial and residential uses
East:	Residential uses

## **THE PROJECT**

The applicant has submitted a site plan entitled “Muss Montessori School”, as prepared by Giller and Giller, Inc., dated July 30, 2019.

The drawings show the existing layout of four (4) classrooms and nine (9) parking spaces. The applicant is requesting an additional capacity of 50 students in the existing facilities, for a total of 75 Students between the ages of 2-6.

As a point of clarification, although the legal address is 1701 Washington Avenue, the front of the day care/educational facility and the lot faces James Avenue. The main façade of the Synagogue faces the corner of 17<sup>th</sup> Street and Washington Ave, but the entrance to the day care and access to the parking lot are from James Avenue.

## **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 RM-2 zoning district allows religious institutions and schools as Conditional Uses. On June 19, 2017 the Historic Preservation Board granted variances to reduce the required front and side setbacks for at grade parking and to reduce the required width for a two-way driveway in order to construct a new parking area on the east side of the property facing James Avenue.

4. **The public health, safety, morals and general welfare will not be adversely affected.**

**Partially Consistent** –The proposed school may adversely affect the general welfare of nearby residents if noise and/or traffic or parking congestion occurs. However, the proposed project may be able to meet this objective if properly controlled.

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

**Consistent** – Temple Emanu-El is located within the Museum Local Historic District, and as such, it has no parking requirements; however, the applicant provides parking on-site for the employees.

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 not be out of character with the mixed-use immediate area and the existing religious facility.

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 no other educational institutions located within the immediate area of the subject property.

#### **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.**  
**Not Applicable.**
- (4) **Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.**  
**Not Applicable.**
- (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.**
- (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.**
- (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.**

**Consistent.** No habitable space is located below base flood elevation.

- (10) **Where feasible and appropriate, water retention systems shall be provided.**

**Not Applicable.**

### **STAFF ANALYSIS**

The applicant is proposing to expand student capacity of the previously approved day care located on the subject site, within approximately 5,000 square feet of space leased from Temple Emanuel. The applicant anticipates an enrollment class of additional 50 students for a total of 75 students. The number of children is also regulated by the Florida Department of Children and Families. The applicant is estimating five (5) full time teachers, one (1) full time teachers' assistant, three (3) full time school administrators and two (2) full time security staff. The proposed hours of operation are Monday through Friday 8:00 AM to 5:00 PM.

The subject property is located immediately adjacent to multi-family mid-rise and hi-rise apartment buildings. There is also a restaurant abutting on the south side and a new 7-story hotel project has been approved across 17<sup>th</sup> Street to the south. There are no other preschool or day care center facilities within close proximity of the site.

### **Operations:**

#### **Drop-Off/Pick-up**

The vehicular drop-off and pick-up area is a circular driveway located on the north east corner of the building abutting a parking lot. The existing drop off and pick up plan is currently operating as previously approved. The applicant is proposing modifications to the staggered drop-off and pick-up times to avoid stacking of cars on James Avenue with the proposed increase in students.

As Indicated by the applicant, parents will have the option to choose their preferred time slot for drop-off and pick-up. Once the time slot is full, parents will have to choose an alternate time slot. The security guards will ensure that the system is followed.

The applicant maintains that some parents will arrive by foot or bicycle. Drop-off begins at 7:45 AM and ends at approximately 9:30 AM.

Approximately fifteen (15) students enrolled in the half-day program will be picked-up between 12:15 PM and 12:45 PM, and regular pick-up will occur from 2:00 PM and 2:45 PM.

### **Traffic**

A traffic assessment was prepared by Kimley Horn, and the peer review was conducted by the Transportation Department. The Transportation Department will provide a separate memorandum.

### **Conclusion**

As noted in the attached memo from the Transportation Department, there are concerns with the drop-off/pick-up, queuing and stacking of cars on James Avenue, which may result from the expansion from 25 to 75 students. For this reason, staff is recommending that a maximum of 60 students be approved initially, and when this number is reached the applicant perform a traffic and queuing analysis showing how the traffic drop-off/pick-up operations are working and

extrapolate the feasibility to add the remainder 15 students, including any modification to the operations. This analysis should be submitted to the Transportation Department and Planning Department and if acceptable, the additional 15 students for a total capacity of 75 students, may be approved administratively. See conditions in the Final Order.

**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**



# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

## TRANSPORTATION DEPARTMENT

## MEMORANDUM

TO: Michael Belush, AICP, Planning and Zoning Manager

FROM: Jose R. Gonzalez, PE, Director

DATE: September 9, 2019

SUBJECT: 1701 Washington Avenue – Traffic Impact Memorandum

The Transportation Department has reviewed the Traffic Impact Assessment (TIA) for 1701 Washington Avenue – Temple Emanu-El Daycare Facility (Project) submitted by the applicant as part of a Planning Board application requesting an increase to the allowed enrollment from 25 children to 75 children. Kimley-Horn and Associates prepared and submitted the TIA for this project. Florida Transportation Engineering, Inc. (FTE) was retained by the City to peer review the TIA for the Project.

Currently, the site has an approximate floor area of 3,194 square feet containing four (4) classrooms and one (1) multipurpose room. The drop-off and pick-up operations are performed at a dedicated driveway on the east side of the Property (James Avenue). The one-lane driveway has stacking capacity for approximately four (4) vehicles (80 feet).

Based on the methodology meeting, the applicant was requested to perform an existing and future queueing study for the drop-off/pick-up operations. The applicant's traffic engineer was requested to determine the service time from actual field observations during the summer school period. Based on the field observations, the average drop-off time during the AM peak period was calculated to be 1 minute and 20 seconds while the average pick-up time during PM peak period was calculated to be 1 minute and 53 seconds. The anticipated demand used for the queueing analysis calculations was based on information obtained from the Institute of Transportation Engineers' (ITE) Trip Generation Manual (10th Edition) for land use code 565 – Day Care Center. As indicated in Table 1 of the TIS report, the proposed development is anticipated to generate approximately 26 net new trips during the typical morning peak hour and 28 net new trips during the typical afternoon peak hour. The resulting number of trips include a 20% multimodal reduction factor.

The queueing operations analysis was based on the methodology outlined in ITE's Transportation and Land Development publication. According to the calculations, the maximum length of queue anticipated at the drop-off/pick-up area, at the required 95% confidence level, with the expansion to 75 students would be seven (7) vehicles during the PM peak hour. This queue length exceeds the storage capacity of the existing driveway of the school. To mitigate the shortage in storage capacity, the applicant proposed an operations plan consisting of utilizing the three (3) parking spaces directly in front of the school to be assigned for the school during operation hours with daycare staff attending to the pick-up/drop off operations. Further, the operations plan proposed by the applicant includes a stacking space north of the entrance driveway controlled by daycare security to avoid blocking of the sidewalk and street.

Following review of the operations plan, City staff met with the applicant to discuss concerns with the efficiency and safety of the operations plan. City staff has visited other schools with on-street queueing spaces similar to the proposed operations plan. It has been observed that parents tend to park at these spaces rather than follow a rolling drop-off/pick-up operation. This has shown to affect the efficiency of these type of operations plans and cause queueing. In addition, the plan proposes that daycare staff will assist in walking the children from the sidewalk queueing area to the daycare entrance. In order to access the daycare entrance, staff will have to walk with children on the driveway while vehicles are using the driveway for drop-off/pick-up. City staff has concerns with possible conflicts between moving vehicles and pedestrians while sharing the driveway.

To further estimate the optimal enrollment capacity, Transportation Department staff and the City's peer reviewer conducted reverse queueing calculations to determine how many students can be accommodated during drop-off/pick-up times at the existing driveway based on the current queueing capacity of four (4) vehicles. Based on this analysis, it was determined, at the required 95% confidence level, that the maximum enrollment that can be accommodated at this time is 60 students.

#### CONDITION

Prior to submission of the first progress report, the applicant shall conduct an updated queueing analysis based on actual processing times for drop-off/pick-up for 60 students and provide an operations plan demonstrating that the desired enrollment of up to 75 students can be accommodated without impacting travel lanes. Prior to commencement of the updated analysis, the Applicant's Traffic Engineer shall coordinate the methodology of the analysis with the Transportation Department.

If the progress report and updated operations plan recommends the utilization of the on-street parking spaces to allow for the desired enrollment of up to 75 students, the applicant shall create an exclusive pedestrian entry gate and safe travel path to allow for the students to enter the school.

Please feel free to contact me if you have any questions on the above.

cc: Josiel Ferrer-Diaz, P.E., Assistant Transportation Director  
Firat Akcay, Transportation Analyst



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

**PROPERTY:** 1701 Washington Avenue

**FILE NO:** PB 19-0299, aka PB 17-0096

**IN RE:** The applicant, LEV Montessori (501c3), requested conditional use approval for a day care/educational facility with approximately 25 students in a RM-2 zoning district, pursuant to Section 118, Article IV and Section 142, Article II.

**LEGAL**

**DESCRIPTION:** Lots 2, 3 and the south ½ of lot 4, together with lots 16, 17, 18, 19, and 20, all in block 26 of Alton Beach, according to the plat thereof, as recorded in plat book 2, at page 77, of the public records of Miami-Dade County, Florida.

**MEETING DATE:** May 23, 2017; September 24, 2019

**MODIFIED CONDITIONAL USE PERMIT**

The applicant, LEV Montessori (501c3), filed an application with the Planning Director for a Conditional Use Permit to operate a day care at the facilities of Temple Emanu-El. 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-2, Residential Multifamily Medium 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 day care and nighty (90) days after the issuance of a new Certificate of Occupancy (CO) for the parking lot.~~ within 60 days after the capacity of the facility reaches 60 students. 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 LEV Montessori (501c3). Any change of management or ~~ownership shall require review by the Planning Board as a modification to this Conditional Use Permit.~~ any changes in ownership of 50% (fifty percent) or more stock ownership, or the equivalent, shall require the new owner to submit an affidavit, approved by City, to the City of Miami Beach Planning Department transferring approval to the new owner and acknowledging acceptance of all conditions established herein prior to the issuance of a new Business Tax Receipt.
4. The maximum number of children in the facility shall be limited to the lesser number of this MCUP (25 60) or the number approved by the Department of Children and Families in accordance with their licensing requirements. When this capacity is reached, the applicant shall submit a new traffic drop-off/pick-up operations analysis, and subject to the review and approval of the Planning and Transportation departments, the number of students may be increased up to 75.
5. The hours of operation shall be as proposed by the applicant, Monday through Friday 8:00 AM to 5:00 PM.
6. Any substantive change in the operation or increase in students shall require review and approval by the Planning Board as a modification to this Conditional Use Permit.
7. Should the applicant not be approved for the parking spaces proposed, the applicant shall come back to the Board with a revised parking plan as a modification to this Conditional Use Permit.
8. The applicant shall be responsible to instruct the security guard and the parents to not double park or block the street, sidewalks and the driveways.
9. School security and staff shall ensure that student or parent behavior (noise or loitering) does not become a nuisance to residents in the area.
10. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:

A. A landscape plan should be further developed to document existing understory plant material to remain. New understory plant material should be provided along the South interior side of the Temple facing 17th Street and within the proposed parking lot.

B. Existing landscape uplighting should be repaired and further enhanced to highlight large canopy shade trees and palms facing the street.

C. Gravel in landscaped areas should be removed and replaced with shade tolerant plants and/or sod.

11. No exterior signage for the project shall be permitted on the Washington Avenue elevation of the subject property. A sign at the rear of the property, indicating the entrance to the day care shall be allowed subject to staff review and approval
12. Any business identification signs shall be submitted to staff for review and approval before installation.
13. The applicant shall provide documents verifying any agreements with the City's Parking Department and/or a private lot operator specifying the locations where vehicles will be parked and the number of spaces. These documents shall be submitted to staff prior to the approval of a Certificate of Use or Occupational License, whichever is required.
14. 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.
15. 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 the property clean and free of debris.
16. 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.
17. 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.
18. 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.
19. 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.

- Underlining denotes new language  
~~Strikethrough~~ denotes stricken language from the previous Order.