

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: **PB19-0304 – 251 Washington Avenue – Private School.**

An application has been filed requesting a conditional use approval for an educational institution in an RPS-3 zoning district, pursuant to Chapter 118, Article IV and Chapter 142, Article II of the City Code.

RECOMMENDATION

Approval with Conditions

ZONING / SITE DATA

Legal Description: Lot 14 and 15, Block 8, of the Ocean Beach Fla., according to the plat thereof, recorded in Plat Book 2, Page 38 of the public records of Miami Dade County, Florida.

Zoning: RPS-3, Residential performance standard, medium-high density.

Future Land Use Designation: RPS-3, Residential performance standard, medium-high density.

Local Historic District: Ocean Beach

Surrounding Uses:

North:	Residential multifamily
West:	Residential multifamily
South:	Commercial and Hostel
East:	Residential multifamily

THE PROJECT

The applicant has submitted plans entitled “basecamp305”, as prepared by Touzet Studio Associates, dated July 25, 2019.

The plans show the proposed layout of a one story and mezzanine temporary structure (5,583 SF), with two (2) class rooms, learning kitchen, wellness area, a front porch, dining terrace, playground, and a butterfly garden. The applicant intends to start with a limited enrollment of forty (40) students between the ages of 4-7 years old.

The applicant is providing four (4) parking spaces and one (1) loading space in the onsite private and gated driveway and parking area facing Collins Court, 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 RPS-3 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 (4) 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.**

Consistent – There are no similar uses located nearby. The proposed small private school should not have 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.**
Consistent.
- (2) **Windows that are proposed to be replaced shall be hurricane proof impact windows.**
Consistent.
- (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.**
Consistent.
- (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.**
Consistent.
- (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..
- (10) **Where feasible and appropriate, water retention systems shall be provided.**
Consistent.

STAFF ANALYSIS

This small private school is proposed to be a temporary structure. 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 temporary smaller facility located at 420 Jefferson Avenue.

Staff has no objection to the proposed temporary structure. Additionally, staff is supportive of the temporary activation of the site which should have a positive impact on the surrounding historic district. Over time, the existing vacant lots have had an increasing negative impact on the developed urban context of Washington Avenue.

The applicant has made a separate request to the Historic Preservation Board for an after-the-fact Certificate of Appropriateness for demolition of the previous contributing structure on the southern lot and a request for a Certificate of Appropriateness for a temporary new structure for the school. These applications were both approved by the Historic Preservation Board on September 9, 2019.

The applicant anticipates an enrollment class of 40 students. The number of children is also regulated by the Florida Department of Children and Families. The applicant is estimating four (4) faculty; one (1) school administrator, one (1) staff member for food and snack distributions and one (1) janitorial staff for daily cleaning.

The subject property is surrounded by a residential building on the north, residential buildings on the west side, commercial and a hostel on the south side and residential buildings 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.

Drop-Off/Pick-up

The vehicular drop-off and pick-up will occur entirely within the private, gated driveway and parking area facing Collins court. 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 using the main entrance on Washington Avenue. The property will also have bicycle racks available.

Traffic

A Traffic assessment 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 40 students.

Security

All external access points will be secured during school hours. Staff will have secured access to the gates and temporary structure. The property 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



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, 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: 251 Washington Avenue – Traffic Impact Assessment

The Transportation Department has reviewed the subject Traffic Impact Assessment (TIA) submitted by the applicant as part of the Planning Board application for the proposed Elementary School at 251 Washington Avenue (Project). Kimley-Horn and Associates. prepared and submitted the TIA for this project.

Currently the Project site is a vacant lot. The proposed Project will consist of an Elementary School with a maximum student capacity of forty (40) students. The drop-off and pick-up operations will be performed from a dedicated driveway along the east side of the Project on Collins Court. The driveway has a stacking capacity of two (2) vehicles.

The trip generation analysis was determined based on information obtained from the Institute of Transportation Engineers' (ITE) Trip Generation Manual (10th Edition). According to the ITE manual, the most appropriate "land use" category for the proposed development was Land Use 520 – Elementary School. The proposed development is anticipated to generate approximately 22 net new trips during the typical AM peak hour and 11 net new trips during the typical PM peak hour. As agreed with the applicant's traffic engineer during the methodology meeting, a 20% multimodal reduction factor has been applied to the trip generation analysis to account for area residents walking their children to school.

As agreed in the methodology meeting, a queueing analysis was performed to determine if any impacts to the alley are expected as a result of the development. The queueing analysis was based on the methodology outlined in ITE's Transportation and Land Development publication. The maximum length of queue anticipated at the drop-off/pick-up area, at the required 95% confidence level, is one (1) vehicle during the AM peak hour and less than one (1) vehicle during the PM peak hour. Based on the queueing analysis, the stacking of vehicles can be contained within the proposed driveway.

The Project will provide for five (5) bicycle racks for school employees and parents. The Project will also provide four (4) parking spaces accessible from Collins Court for school employees and parents.

At this point, the Transportation Department has no further comments and approves the TIA for 251 Washington Avenue.

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: 251 Washington Avenue

FILE NO: PB 19-0304

IN RE: An application has been filed requesting a conditional use approval for an educational institution in an RPS-3 zoning district, pursuant to Chapter 118, Article IV and Chapter 142, Article II of the City Code.

LEGAL DESCRIPTION: Lot 14 and 15, Block 8, of the Ocean Beach Fla., according to the plat thereof, recorded in Plat Book 2, Page 38 of the public records of Miami Dade County, Florida.

MEETING DATE: September 24, 2019

CONDITIONAL USE PERMIT

The applicant, 251 Washington, 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 RPS-3, Residential performance standard, medium-high density 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 251 Washington, 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 (40 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

Filed with the Clerk of the Planning Board on ()