

**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 a modification to a previously issued conditional use permit for a day care/educational facility in an RM-2 zoning district, to expand the student capacity, pursuant to Section 118, Article IV and Section 142, Article II of the City Code.

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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 modification to the 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:

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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 75 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 75) or the number approved by the Department of Children and Families in accordance with their licensing requirements.
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.
A revised, more detailed operational plan shall be submitted for the review and approval of staff, which further addresses drop-off and pick-up procedures in order to minimize drop-off and pick-up times.
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:

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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.

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20. 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.

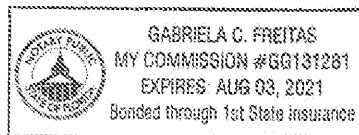
Dated this 14th day of January, 2020 ~~2019~~

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 14th day of January, 2020, 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)

Gabriela Freitas
Notary:
Print Name Gabriela Freitas
Notary Public, State of Florida
My Commission Expires: 8-3-21
Commission Number: #GG131281

Approved As To Form: Nick Kallegas 1/14/2020,
Legal Department

Filed with the Clerk of the Planning Board on Gabriela Freitas (1/14/2020)

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

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