

PLANNING BOARD CITY OF MIAMI BEACH, FLORIDA

PROPERTY: 6946 Rue Vendome 1021 Biarritz Drive and 997 Biarritz Drive.

FILE NO. PB0616-0051

IN RE: Le Petit Papillon Montessori School. The applicant, Damaris Zarling, is requesting a modification to a previously approved Conditional Use Permit, pursuant to Chapter 118, Article IX of the Miami Beach City Code. Specifically the applicant is requesting to expand the existing school located at 1021 Biarritz Dr. to the property located at 6946 Rue Vendome.

LEGAL

DESCRIPTION: Lots 7, 8, 9 and 10 in Block 7 of Ocean Side Section of the Isle of Normandy, according to the Plat thereof as recorded in Plat Book 25 at Page 60 of the Public Records of Miami-Dade County, Florida; Lots 10A and 10B Block 7 of Ocean Side Section of the Isle of Normandy, according to the plat thereof, as recorded in Plat Book 25, page 60 of the Public Records of Miami-Dade County, Florida; And lot 12, block 7 of Ocean Side Section of the Isle of Normandy, according to the plat thereof, as recorded in plat book 25 at page 60 of the Public Records of Miami-Dade County, Florida.

MEETING DATE: September 27, 2016

MODIFIED CONDITIONAL USE PERMIT

The applicant, Damaris Zarling, filed an application with the Planning Board for a modification to an existing Conditional Use Permit pursuant to Chapter 118, Article IX of the Miami Beach City Code. Notice of the request 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 of the record for this matter:

That the property in question is located in the RM-1, Residential Multifamily Low Intensity Zoning District;

That the use is consistent with the Comprehensive Plan for the area in which the property is located;

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 Land Development Regulations;

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.

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 a modified Conditional Use Permit as requested and set forth above be GRANTED, subject to the following conditions to which the applicant has agreed: Underlining denotes new language and ~~strikethrough~~ denotes stricken language from the previous Order.

1. The Planning Board shall maintain jurisdiction of this Modified Conditional Use Permit. If deemed necessary, at the request of the Planning Director, 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 Modified Conditional Use is also subject to modification or revocation under City Code Sec. 118-194 (c).
2. This Modified Conditional Use Permit is issued to Le Petite Papillon Montessori School. Subsequent owners and managers shall be required to appear before the Board, in advance, to affirm their understanding of the conditions listed herein.
3. The applicant shall receive all necessary approvals and licenses from the Department of Children and Families Child Care licensing office for this facility, and any other state and municipal agencies as may be required, prior to the issuance of a Modified Business Tax Receipt by the City of Miami Beach.
4. The maximum number of children in the facility shall be limited to the occupant load as may be set by the Chief Fire Marshall, but in no event shall the maximum number of children permitted exceed 250. Any increase in the number of children to be permitted in this facility shall come back to the Planning Board as a modification to this Modified Conditional Use Permit.
5. Any exterior modifications shall be submitted for the review and approval of staff under separate application.
6. Any business identification signs shall be submitted to staff for review and approval before installation.
7. Staff supervision shall be provided in the immediate surrounding area at the beginning and the end of the school day to control any possible traffic congestion and to ensure that student behavior (noise or loitering) does not become a nuisance to residents in the area. The applicant shall work with staff to properly address the drop off and pick up of the school children and provide a written implementation plan.
8. The conditions of approval for this Conditional Use Permit are binding on the applicant, the property owners, operators, and all successors in interest and assigns.

9. 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 on Biarritz Drive and Rue Versailles, as well as the area at the rear and east of the building abutting Biarritz Court and apartment buildings.
10. The Planning Board shall retain the right to call the owner or operator, both now and in the future, back before the Board and modify this Conditional Use Permit, including the hours of operation and/or the occupant load of the accessory restaurant, as well as modifications to the parking operations, should there be valid complaints or violations (as determined by Code Compliance) about loud, excessive, unnecessary, or unusual noise.
11. The applicant, operator and/or owner, both now and in the future, shall abide by all the documents and statements submitted with this application, as well as all conditions of this Order.
12. The applicant shall obtain a full building permit within 18 months from the date of the meeting, and the work shall proceed in accordance with the Florida Building Code. Extensions of time for good cause, not to exceed a total of one year for all extensions, may be granted by the Planning Board.
13. The applicant shall resolve all outstanding violations and fines on the property, if any, prior to the issuance of a building permit for the project.
14. A violation of Chapter 46, Article IV, "Noise," of the Code of the City of Miami Beach, Florida (a/k/a "noise ordinance"), as may be amended from time to time, shall be deemed a violation of this Conditional Use Permit and subject to the remedies as described in section 118-194, Code of the City of Miami Beach, Florida.
15. 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.
7. ~~A Modified Conditional Use Permit that lists the aforementioned conditions shall be recorded in the Public Records of Miami Dade County at the expense of the applicant, prior to the issuance of a Building Permit, Certificate of Occupancy, Certificate of Use, or Occupational License, whichever occurs first.~~
16. 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.
17. 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 _____, 2016.

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY:

Michael Belush, Planning and Zoning Manager
For Chairman

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

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

[NOTARIAL SEAL]

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

Approved As To Form:
Legal Department ()