

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: February 28, 2017

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **File No. 2012 – 444 West 40th Street – Religious Institution Progress Report**

BACKGROUND

June 28, 2011

The applicant, Congregation Anshei Gezah V'Chasidey Lubavitch, Inc., (aka Bais Menachem), obtained approval for a Conditional Use Permit (see Attached) to operate a religious institution located in the new 40th Street Overlay District, which has been operating there as a nonconforming use for many years.

January 24, 2017

The Board discussed the progress report and continued the Item to a date certain of February 28, 2017.

PROGRESS REPORT

The Religious Institution approved in the CUP was subsequently approved under TCO0916-0055 on September 19, 2016. The applicant is before the Board pursuant to Condition #1 of the CUP as follows:

1. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. The applicant shall come back to the Board, at the discretion of the Planning Director, following the issuance of a notice of violation related to this conditional use permit and provide a progress report. 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).

There is an approved permit (BCO716-1175) for a 5 foot wall issued on August 3, 2016. However per CUP condition # 8:

1. The applicant shall construct a 7 foot concrete wall and get the necessary variances in order to minimize any negative impact to the neighbor to the west at 3771 Royal Palm Avenue.

A site inspection was performed and a recent signed and sealed survey was provided indicating that the top of the wall in question along the property line is at 8.87' and the side walk elevation (Center of the lot) is at 3.94' resulting in a total height of 4.93', which is less than the 7 foot height required by the CUP.

In order to enhance the buffer between the properties, staff would recommend that a hedge and/or a dense landscape buffer consisting of preferably native species specified to be 8' in height minimum at the time of installation, be provided subject to the review and approval of staff. For the A/C equipment Staff recommends the implementation of an acoustic shield and additional landscaping to reduce the noise impact on neighboring properties.

As of the writing of this report, staff did not find any open violations specific to the subject property; however noise complaints have been received, including noise generated from air conditioning units.

STAFF RECOMMENDATION

Staff recommends that the Board discuss the progress report and schedule a follow-up progress report if necessary.

TRM/MB/AG

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