

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: May 23, 2017

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB 17-0096. 1701 Washington Avenue.**

The applicant, LEV Montessori (501c3), is requesting 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.

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).

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 plans entitled "Muss Montessori School", as prepared by BRGE Consulting Engineering, dated December 07, 2017.

The drawings show the proposed layout of four (4) classrooms and nine (9) parking spaces. The applicant anticipates that 25 students will be enrolled between the ages of 2-6.

As a point of clarification, although the legal address is 1701 Washington Avenue, the front of the proposed day care and the lot faces James Avenue. The main façade of the Synagogue faces the corner of 17th 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.**

Partially Consistent – The RM-2 zoning district allows religious institutions and schools as Conditional Uses, but the paving of the parking lot does not appear to meet the design standards, minimum sizes, nor the setbacks for at-grade parking lots set forth in Chapter 130 and 142 of the City Code. A separate application has been filed with the Historic Preservation Board (HPB) for these associated variances.

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 proposes to provide 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 be consistent with the mixed-use character of the immediate area and the existing church 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.

STAFF ANALYSIS

The applicant is proposing to operate a small day care on the subject site in approximately 5,000 square feet of space leased from Temple Emanu-El. The applicant anticipates an enrollment class of 25 students this school year. The number of children is also regulated by the Florida Department of Children and Families. The applicant is estimating eight (8) faculty and three (3) staff members. 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 bank across 17th 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 proposed drop off and pick up plan is included in the Letter of Intent (LOI) provided in the board packages. As indicated by the applicant, parents are instructed to stay in their cars and allow school personnel to escort the children into the building. The school proposes to employ a security guard.

The security guard will be instructed to prevent parents from double parking or blocking the street or the driveways. The applicant maintains that some parents will arrive by foot or bicycle. Drop-off begins at 8:15 AM and ends at approximately 9:15 AM. Pick-up times are staggered depending on the age group and parental needs.

Parking Lot

With regard to parking needs, because the subject site is within the Museum Local Historic district, there are no parking requirements. Additionally, the parking credit from prior educational uses by Temple Emanue-El is applicable to the proposed use. The applicant proposes nine (9) parking spaces on the subject property to accommodate the staff and those who choose to park and walk their children into the building.

The parking spaces shown on the plans will require the approval of variance by the Historic Preservation Board (HPB.)

Traffic

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

Landscaping

There are opportunities for more landscaping, especially at the front of the property. Staff recommends conditions, as outlined in the draft CUP

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.

TM/MAB/TUI

ZONING/SITE MAP



City of Miami Beach Planning Board
PB 17-0096
1701 Washington Ave



The applicant, LEV Montessori (501c3), is requesting 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 of the City Code.

MIAMI BEACH
PLANNING DEPARTMENT

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

PROPERTY: 1701 Washington Avenue

FILE NO: 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

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 ninety (90) days after the issuance of a new Certificate of Occupancy (CO) for the parking lot. 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.
4. The maximum number of children in the facility shall be limited to the lesser number of this MCUP (25) 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.
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.
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 _____ day of _____, 2017.

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: _____
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 _____ day of _____, _____, 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.

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

{NOTARIAL SEAL}

Approved As To Form:
Legal Department ()

Filed with the Clerk of the Planning Board on _____ ()

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