



## Town of Surfside Commission Communication

**Agenda Date:** July 11, 2017

**Subject:** 228 89<sup>th</sup> Street

**From:** Guillermo Olmedillo, Town Manager  
Sarah Sinatra Gould, AICP, Town Planner

**Table of Contents:**

1. Development Impact Committee
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**REQUEST:**

Jerry Proctor, Esq. of Bilzin, Sumberg, agent for the applicant, Casa de Jesus, Inc. is proposing a childcare facility located at 228 89<sup>th</sup> Street.

The existing church facility is located at 228 89<sup>th</sup> Street. The proposed after school program will be an ancillary use to the existing church use. The applicant is proposing an after school care program to serve 30 children (ages 4 to 10). For the first year the after school program would allow 20 children with the ability to add an additional 10 children administratively. The applicant must prepare a traffic study which will demonstrate a de-minimus impact in order to be approved for the additional 10 children. The program would be held on weekdays between the hours of 3:00 p.m. to 8:00 p.m. A private shuttle van is proposed to pick up children from nearby schools and parents can also drop-off students. The applicant is also proposing to conclude the after school program at least one (1) hour before the start of any other events (such as worship service) on the property.

The applicant's traffic consultant has analyzed the possible traffic impacts and concluded that most trips will be generated before or after the afternoon peak hour traffic period. The traffic report indicates that the site has nine (9) parking spaces plus six (6) vehicles can be accommodated on the drive aisle next to the building. The traffic consultant concludes that a maximum stacking of two (2) vehicle will be needed and therefore will not be an issue for the proposed after school care program. In addition, the applicant is proposing that staff members of the after school program would park in the southern area of the parking lot on the property in order to allow for greater efficiency in the drop-off/pick-up area.

The zoning code permits public schools in this zoning category (H-30C), but a preschool or after care program is not specifically stated as a permitted use. Preschools and similar uses are often

ancillary uses to a religious institution. Section 90-37 of the zoning code states that in cases of uncertainty regarding whether or not a use is permitted, the classification of any use not specifically named in the regulations may be presented to the Planning and Zoning Board for a recommendation to the Town Commission for final action.

The Development Impact Committee (DIC) consisting of the Town Manager, Acting Assistant Town Manager, Town Attorney's Office, Town Planner, Building Official, Police Captain, Traffic Engineer, Public Works Director, and Parks and Recreation Director met in an open, advertised, televised session on February 7, 2017 to discuss this application.

The Planning and Zoning Board heard the request at their April 27, 2017 meeting. The board requested that the applicant provide more details on the traffic circulation and operations during pickup. The Board deferred the application to May 25, 2017 to allow the applicant to provide additional information. The applicant provided the additional information to the Planning and Zoning Board's satisfaction and the Board recommended approval of the application including Staff's conditions to the Town Commission.

### **STAFF RECOMMENDATION**

**Recommendation:** Staff recommends that the Town Commission approve the special exception application subject to the conditions in the Resolution.

**Budget Impact:** The addition of an after school program at Casa de Jesus Church is not intended to increase the need for Town services, specifically for the Police Department. However, after the first year of operation, the traffic impacts will be reviewed to determine if an additional 10 students could be permitted. During this review it will also be determined if there has be impacts on the Town Police Department that were not initial foreseen.

**Growth Impact:** The application is for an after school program with a maximum of 30 children (ages 4 to 10) at the existing Casa de Jesus Church. Staff has not identified any growth management impacts at this time.

**Staff Impact:** The applicant has funded the review through the cost recovery process.



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Sarah Sinatra Gould, AICP, Town Planner

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Guillermo Olmedillo, Town Manager

# **DEVELOPMENT IMPACT COMMITTEE REPORT**

## **DEVELOPMENT IMPACT COMMITTEE MEETING**

The Development Impact Committee (DIC)\* met on February 7, 2017 to discuss the application for the 228 89<sup>th</sup> Street ("the Project"). The DIC meeting was attended by the following:

Staff Attendees:           Guillermo Olmedillo, Town Manager  
                                  Randy Stokes, Public Works Director  
                                  Linda Miller, Town Attorney  
                                  Jane Graham, Assistant Town Attorney  
                                  Sarah Sinatra Gould, Town Planner  
                                  Chief Allen, Police  
                                  Ross Prieto, Building Official  
                                  Eric Czerniejewski, Traffic Engineer  
                                  Tim Millan, Parks and Recreation Director  
                                  Duncan Tavares, Acting Assistant Town Manager

Applicant Attendees:  
                                  Carter McDowell, Attorney, Bilzin Sumberg  
                                  Marcella Castillo, Applicant, Casa de Jesus  
                                  Joaquin Vargas, Traf Tech Engineering, Inc.  
                                  Ezequiel Fattore, Casa de Jesus Church Pastor

Citizen Attendees (who signed in): None

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**\*NOTE:** The DIC meetings are televised on the Town's Channel 77 and are well on the Town's website and posted on Town Hall.

The following was discussed at the meeting:

The applicant submitted a Special Exception Application for a 30 student (ages 4 to 10) after school program at the existing Casa de Jesus Church at 228 89<sup>th</sup> Street. The applicant's traffic consultant performed the traffic analysis based on all of the students being dropped off as well as picked up. The facility has indicated they will provide shuttle service to pick up the children from neighboring schools. The study showed that in worst case scenario (all students dropped off), there was a de minimus impact. The facility is proposing to offer aftercare from 3pm to 8pm, which extends typical pick up time and alleviates the traffic at peak hour.

Staff and the applicant's representatives discussed several possible conditions to be considered. The possible conditions include having the staff park in southernmost spaces on the site; the after school program should conclude an hour prior to other events at the church; the after school program should offer shuttle service to pick up students; and for the first year 20 students would be permitted as a trial run and if the test period is successful an additional 10 children could be added through an administrative request with an updated traffic and parking study being submitted.

# **APPLICATION AND LETTER OF INTENT**



SEP 01 02:32 PM

TOWN OF SURFSIDE

### TOWN OF SURFSIDE SPECIAL EXCEPTION APPLICATION

A complete submittal includes all items on the "Submission Checklist for Special Exception" document as well as completing this application in full. The owner and agent must sign the application with the appropriate supplemental documentation attached. Please print legibly in ink or type on this application form.

<b>PROJECT INFORMATION</b>	
OWNER'S NAME	Casa de Jesus.
PHONE / FAX	(305) 510 7571
AGENT'S NAME	Marcella Castillo
ADDRESS	228 89th st. Surfside, FL, 33154
PHONE / FAX	(305) 510 7571
PROPERTY ADDRESS	228 89th st. Surfside, FL, 33154
ZONING CATEGORY	
DESCRIPTION OF SPECIAL EXCEPTION (please use separate sheet)	Aftercare Program

<b>INTERNAL USE ONLY</b>	
Date Submitted	Project Number
Report Completed	Date
Comments	

**CRITERIA** (Please use separate sheet to respond to "a" or "b")

- a. Nonconforming uses as follows:
  - i. A nonconforming use now existing in any part of a building to be extended vertically or laterally to other portions of the building.
  - ii. To determine the existence of a nonconforming use.
  
- b. Other special use exceptions as follows:
  - i. To determine, in cases of uncertainty, the classification of any use not specifically named in these regulations; provided, however, such use shall be in keeping with uses specifically listed in the district.



[Signature]  
SIGNATURE OF OWNER

8/31/2016  
DATE

[Signature]  
SIGNATURE OF AGENT

8/31/2016  
DATE

## Creative Strategy

**Project** : Aftercare Program

**Objective** : Faith based organization to provide care for children focusing on their spiritual growth, learning process, and confidence.

<p><b>Who?</b></p>	<p>Children from the ages of 4 years to 10 years old.</p>
<p><b>Insight</b></p>	<p>We believe that children are the future of our country and we want to be part of their success. We would like to help children enjoy their learning experience, help with their spiritual growth and work on their confidence and self-esteem. It is very important for children to receive and individualize care that is systematically involved in their lives and that is the type of care we are interested in providing. The well being of child is our priority.</p>
<p><b>Principles</b></p>	<ol style="list-style-type: none"> <li>1. Safety of Children</li> <li>2. Work on the parent-child relationship</li> <li>3. Being a faith based organization we would like to provide the possibility for our congregation for their children to experience Spiritual growth</li> <li>4. Using Creativity, Fun activities, and positive parenting skills to help children with their conduct</li> <li>5. Teach coping skills and problem solving skills</li> <li>6. Reinforce compassion, love, and empathy for our neighbors</li> <li>7. Using Art and Music classes to promote their creativity</li> </ol>
<p><b>Schedule</b></p>	<p>The Aftercare program would be opened from 3pm, parents could drop them off and we would also provide picking up from school service and the end of the activity or pick-up time would be from 7:30pm to 8:00pm.</p>





## **SPECIAL EXCEPTION APPLICATION CHECKLIST**

### **FEE**

Single Family Residential:                 \$1,500

Multi-family or non-residential:         \$5,000

Application fee made payable to the Town of Surfside

### **APPLICATION**

A Special Exception Application shall be completed and submitted to the Town of Surfside Building Department located at the Town Hall. Town staff shall review the application and schedule the applicant for a Planning and Zoning Board meeting and Town Commission hearing.

### **ADVERTISING**

The applicant is responsible for all advertising, noticing and signage required. A public hearing shall be advertised at least once in a local newspaper of general circulation or publicly posted in the Town Hall at least ten (10) days prior to the public hearing. Written courtesy notices shall be sent by first class mail to affected property owners within a radius of three hundred (300) feet. Where practicable, such advertising shall contain, in addition to a legal description, a street address, together with the specific intended use in layman's language, i.e., "apartment house" rather than "multiple dwelling," "meat market" rather than "business zoning."

A notice, eighteen (18) inches by twenty-four (24) inches, shall be placed in a prominent place on the property by the applicant at his own expense denoting the following:

REQUEST FOR: \_\_\_\_\_

PLANNING AND ZONING MEETING             DATE AND TIME

TOWN COMMISSION MEETING:             DATE AND TIME

TOWN HALL  
9293 Harding Avenue  
Surfside, FL 33154

COMPLETE INFORMATION REGARDING THE APPLICATION IS AVAILABLE BY CONTACTING THE TOWN HALL AT \_\_\_\_\_.

## **CRITERIA**

1. The following are special exceptions which may be granted by resolution of the Town Commission receiving at least three affirmative votes:
  - a. Nonconforming uses as follows:
    - i. A nonconforming use now existing in any part of a building to be extended vertically or laterally to other portions of the building.
    - ii. To determine the existence of a nonconforming use.
  - b. Other special use exceptions as follows:
    - i. To determine, in cases of uncertainty, the classification of any use not specifically named in these regulations; provided, however, such use shall be in keeping with uses specifically listed in the district.

### **TOWN OF SURFSIDE TOWN HALL**

9293 Harding Avenue

Surfside, FL 33154

305-861-4863

### **TOWN OF SURFSIDE PLANNING & ZONING DEPARTMENT**

c/o Calvin, Giordano & Associates, Inc.

1800 Eller Drive, Suite 600

Fort Lauderdale, Florida 33316

954-921-7781

**Jerry B. Proctor**  
Tel 305-350-2361  
Fax 305-351-2250  
jproctor@bilzin.com

**November 1, 2016**

**Mr. Guillermo Olmedillo, Town Manager**  
c/o Building Department  
Town of Surfside  
9293 Harding Avenue  
Surfside, FL 33154

**Re: Proposed Childcare Facility**  
Applicant: Casa de Jesus, Inc.  
Property: 228 89<sup>th</sup> Street, Surfside, Florida  
Folio No. 14-2235-005-0300

**Dear Mr. Olmedillo:**

Please accept this letter of intent in conjunction with an Application for Public Hearing Approval for an After-School Program. In this Application, our firm represents Casa de Jesus, Inc., property owner ("Applicant") at 228 89<sup>th</sup> Street (the "Property"). The Property is located at the southeast corner of 89<sup>th</sup> Street and Harding Avenue.

The Property, which is 0.3 acres in size, houses an existing church in a 4,244 square foot two-story building. The Property is zoned H-30C.

The Applicant proposes an after school care program to serve 30 children from 4 to 10 years of age. The program would open at 3:00 p.m. on weekdays and end at 8:00 p.m. Accordingly, the bulk of the traffic movement to and from the Property would occur before and after, but not during, afternoon peak hour traffic periods. The required traffic statement authorizing these facts is contained in the attached letter from Traf Tech Engineering, Inc., dated August 26, 2016.

The proposed use of the Property is a customary, ancillary use to a religious facility and is addressed as such in the Town's Land Development Regulations. A religious facility is a place of public assembly, pursuant to Town Ordinance #07-1479, and the After-School Use will use the on-site church facilities and will operate with faith-based principles consistent with those of the church. Approval of this Application will create an additional option for child care in the community and an outlet for a safe play environment for children in accordance with the findings of the Surfside Charrette.

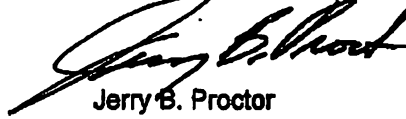
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Bilzin Sumberg Baena Price & Axelrod LLP | 1450 Brickell Avenue, 23rd Floor, Miami, Florida 33131-3456  
Tel 305.374.7580 | Fax 305.374.7593 | bilzin.com

November 1, 2016  
Page 2

Thank you for your consideration of this Application.

Sincerely,



Jerry B. Proctor

JBP/d

cc: Marcella Castillo

MIAMI 5173147.1 82648/49471

# **TRAFFIC MEMORANDUM**

December 22, 2016

Ms. Marcella Castillo  
228 Eighty Nine Street  
Surfside, Florida 33154

**Re: After School Program (Casa de Jesus) – Traffic Memorandum**

Dear Ms. Castillo:

Per your request, Traf Tech Engineering, Inc. conducted a traffic statement associated with a proposed after-school program for up to 30 students at the existing Casa de Jesus Church located at 228 Eighty Ninth Street in the Town of Surfside. The site plan is contained in Attachment A. This traffic memorandum addresses trip generation and projected vehicle accumulation on site as a result of the proposed school.

### **Proposed Program**

It is our understanding that a private shuttle van will pick up students from nearby schools for the afterschool program. Parents can also elect to drop-off their children after they are released from other schools. Hence, the inbound peak of the after-school program will occur sometime around 3:00 to 3:30 PM which is before the typical afternoon peak period. Likewise, the outbound peak will occur after 6:00 PM which will not coincide with the typical afternoon rush hour.

### **Trip Generation**

Even though a private shuttle van is available for the inbound peak period, in order to assess impacts with a conservative approach, it was assumed that all after-school students will be dropped off by their parents. Based on this assumption, a trip generation analysis was performed using the trip generation rates published in the Institute of Transportation Engineer's (ITE) *Trip Generation Manual* (9<sup>th</sup> Edition). The trip generation analysis was based on the following assumption:

#### PROPOSED AFTERSCHOOL PROGRAM

- Private School (up to 30 students)

According to ITE's *Trip Generation Manual* (9<sup>th</sup> Edition), the trip generation rates used for the proposed after-school program are:

#### PRIVATE SCHOOL (ITE Land Use 534)

*Inbound Peak Period*

T = 0.90 (X) (55% inbound and 45% outbound)

Where T = number of trips, X = number of students

*Outbound Peak Period*

T = 0.90 (X) (45% inbound and 55% outbound)

Where T = number of trips, X = number of students

Using the above-listed equations from the ITE document, a trip generation analysis was undertaken for the proposed afterschool program. The results of this effort are documented in Table 1.

TABLE 1 Trip Generation Analysis After School Program (Casa de Jesus)					
Land Use	Size	Daily Trips	Inbound Peak (Outbound Peak)		
			Ins	Out	Total
School	30 students	n/a	15 (12)	12 (15)	27 (27)

Source: ITE Trip Generation Manual (9<sup>th</sup> Edition).

As indicated in Table 1, the proposed after-school program is projected to generate approximately 27 trips during the inbound peak as well as during the outbound peak. Therefore, the proposed school is anticipated to have de-minimus traffic impacts to the surrounding street system (one new peak hour trip every two minutes and 13 seconds).

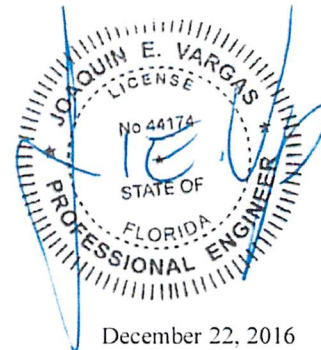
**Vehicle Accumulation**

A vehicle accumulation analyses was conducted for the proposed after-school program. The vehicle accumulation was based on results of vehicle stacking counts conducted by Traf Tech Engineering, Inc. at other South Florida schools. Based on vehicles counts conducted at other schools, the maximum vehicle accumulation was 17.05% of the student population (15 vehicles divided by 88 students – refer to Attachment C). Hence, up to six vehicles will be accumulated on site (including teachers/administration) and nine (9) parking spaces plus six (6) vehicles on the drive aisle next to the building can be accommodated on site. Additionally, a queuing analysis was undertaken based on ITE procedures (refer to Attachment B) indicating a maximum of two (2) vehicle stacking requirements, excluding parking for teachers/administration staff. Therefore, stacking is not anticipated to be a problem at the subject after-school facility.

Please give me a call if you have any questions.

**TRAF TECH ENGINEERING, INC.**

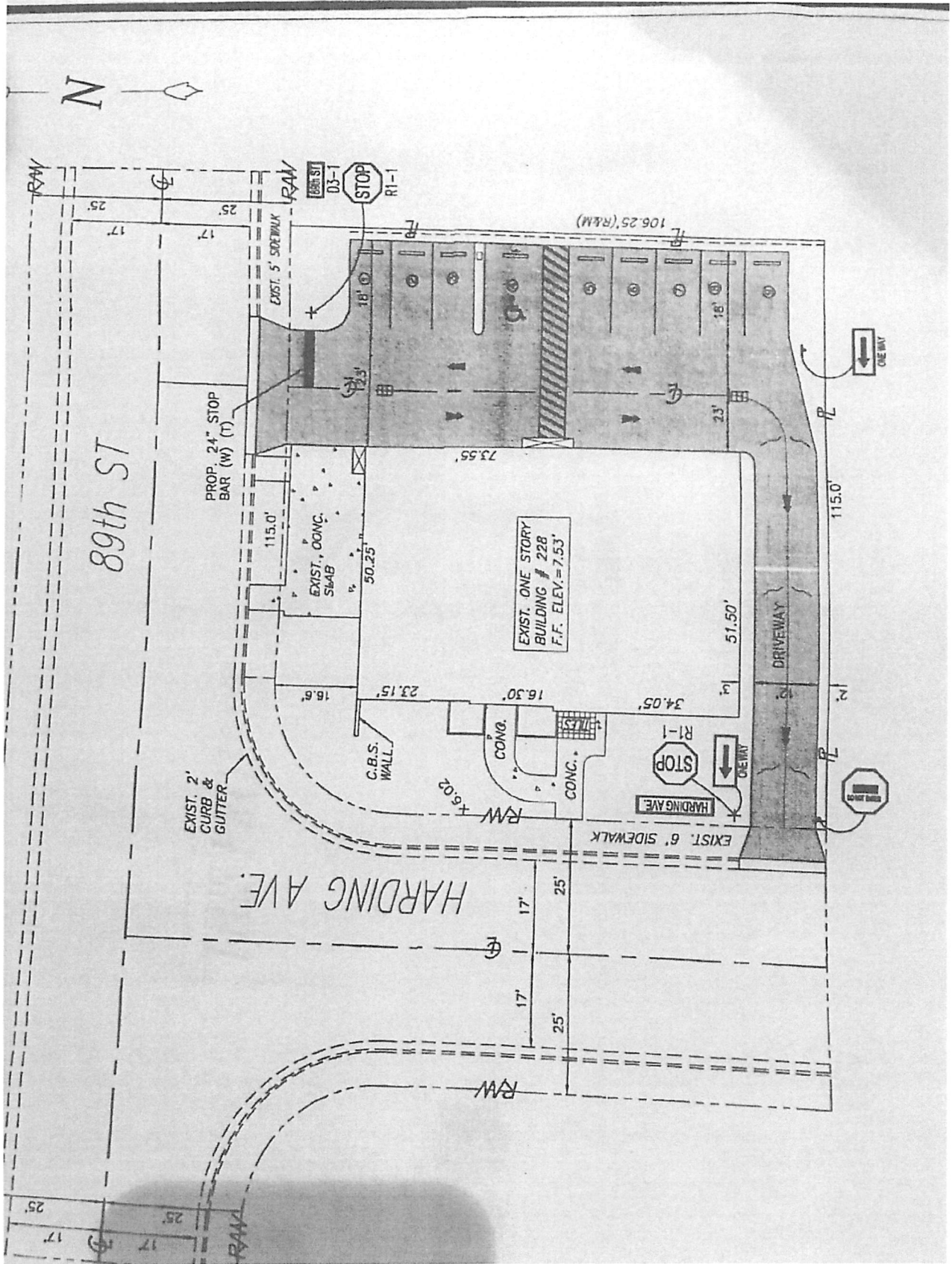
Joaquin E. Vargas, P.E.  
Senior Transportation Engineer

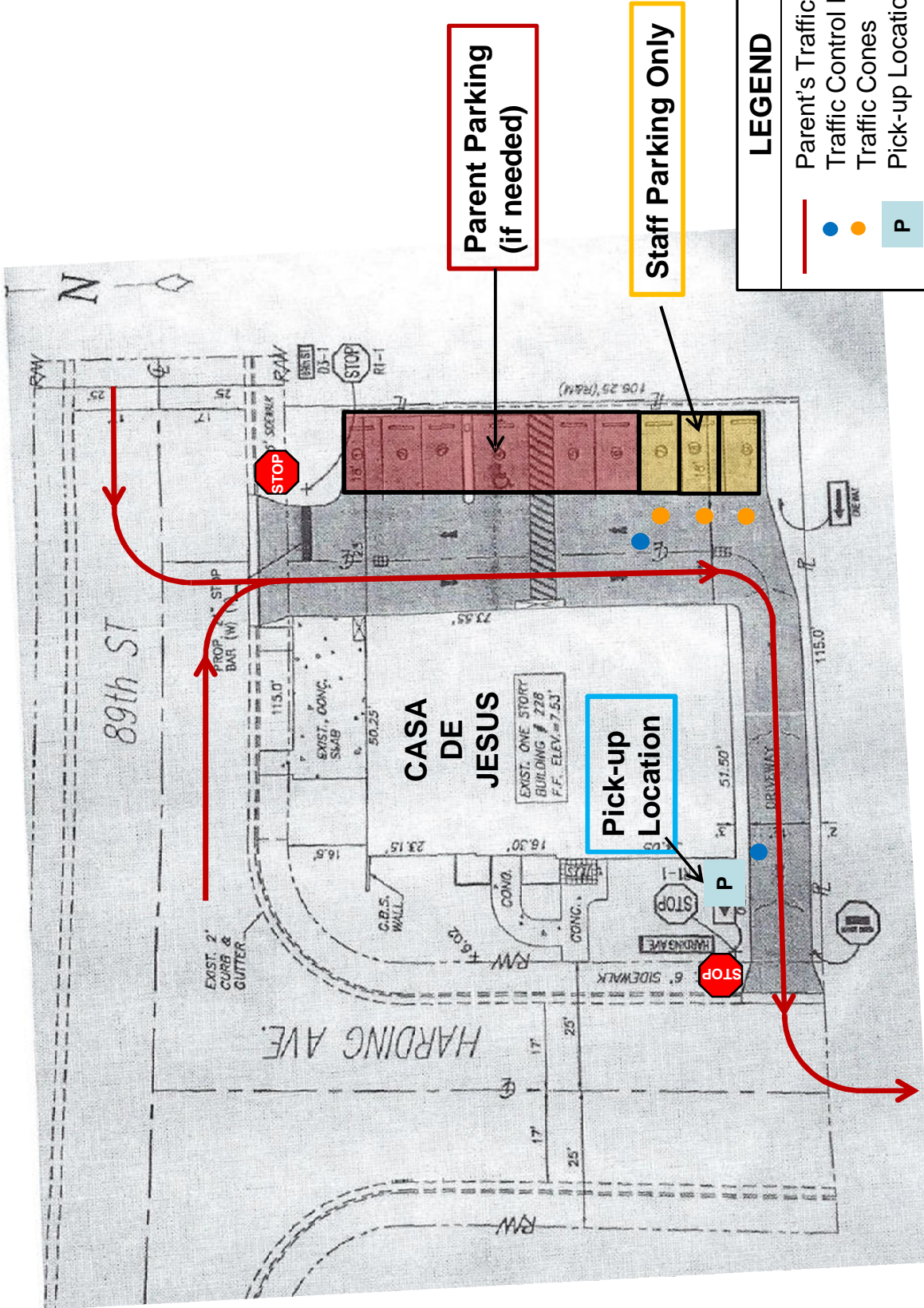
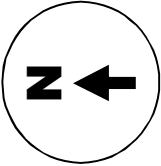


December 22, 2016

**ATTACHMENT A**  
**Site Plan**







**LEGEND**

- Parent's Traffic Flow
- Traffic Control Personnel
- Traffic Cones
- Pick-up Location

**FIGURE 1**  
 Casa de Jesus  
 Surfside, Florida

**TRAFFIC OPERATIONS PLAN**

## **ATTACHMENT B**

**Queuing Analysis and Processing Times  
Recorded at another School**

## Queuing Analysis based on ITE Procedures

$q = 15$  veh/hr (demand rate – Assume to arrive in 10 min)

$Q = 60$  veh/hr (service rate – refer to Table B-1, counts of processing times at another school)

$$p = \frac{q}{NQ} = 0.25 \quad (N = 1)$$

$$Q_M = 0.25$$

Using Acceptable Probability of 1% (99% Confidence Level)

$$M = \left[ \frac{\ln(x > M) - \ln(Q_M)}{\ln(p)} \right] - 1$$

$$M = \left[ \frac{\ln(0.01) - \ln(0.25)}{\ln(0.25)} \right] - 1$$

$$M = \left[ \frac{-4.6052 - (-1.3863)}{-1.3863} \right] - 1$$

$$M = 2.3 - 1 = 1.3, \text{ say } 2 \text{ vehicles}$$

TABLE B-1 Ransom Middle School at 2045 S. Bayshore Drive Recordation of Pick-up Operation Processing Time							
Time Period	Duration		Vehicles Discharged		Capacity of School's Pick-up Operation		
	Min	Sec	Cummulative	Per Period	Sec/veh	veh/hr	veh/min
3:26 PM	1	60	6	6	10.0	360	6
3:27 PM	1	60	13	7	8.6	420	7
3:28 PM	1	60	19	6	10.0	360	6
3:29 PM	1	60	25	6	10.0	360	6
3:30 PM	1	60	38	13	4.6	780	13
3:31 PM	1	60	45	7	8.6	420	7
<b>Total =</b>	<b>6</b>	<b>360</b>	<b>146</b>	<b>45</b>	<b>8.0</b>	<b>450</b>	<b>7.5</b>

SOURCE: Traf Tech Engineering, Inc. (December 15, 2016)

Use six (6) vehicles can be processed per minute. Hence, in 10 minutes 60 vehicles can be processed.

## **ATTACHMENT C**

**Example of Accumulation Study Done at  
an Existing Day Care Facility near  
Homestead, Florida**

# Traf Tech

ENGINEERING, INC.

Ms. Marilyn Ramirez  
Countryside Early Learning Center  
15395 SW 288<sup>th</sup> Street  
Homestead, Florida 33033

October 6, 2009

**Re: Vehicle Accumulation Study – Countryside Early Learning Center**

Dear Ms. Ramirez:

Per your request, Traf Tech Engineering, Inc. conducted a vehicle accumulation study at the existing Countryside Early Learning Center located at 15395 SW 288<sup>th</sup> Street in southwest Miami-Dade County, Florida. The vehicle accumulation study was conducted on Thursday, September 24, 2009 during the afternoon peak period.

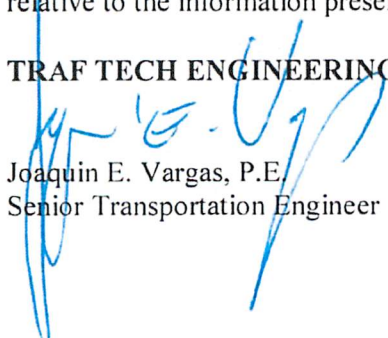
The Countryside Early Learning Center site has two access driveways off of SW 288<sup>th</sup> Street and a small parking lot with nine parking stalls. The west driveway functions as an inbound driveway and the east driveway operates as an egress driveway. The existing day-care facility has a capacity for 88 students. The facility is planning to expand its operation in order to accommodate approximately 140 students (approximately 60% increase in student capacity).

The number of vehicles accumulated at and near the site was recorded every 5-minute period between 3:30 PM and 5:30 PM. Table 1 summarizes the results of the vehicle accumulation study conducted on September 24, 2009. As documented in Table 1, the maximum vehicle accumulation occurred between 5:15 PM and 5:20 PM with 15 vehicles (all vehicles were inside the site).

By increasing the student capacity from 88 students to 140 students, the expansion project should have capacity to accommodate approximately 24 vehicles on site (refer to Miami-Dade County's Accumulation Assessment form attached to this letter). The proposed site plan is also enclosed.

Please give me a call if you have any questions or if you need additional clarifications relative to the information presented herein.

**TRAF TECH ENGINEERING, INC.**

  
Joaquin E. Vargas, P.E.  
Senior Transportation Engineer

8400 North University Drive, Suite 309, Tamarac, Florida 33321  
Tel: (954) 582-0988 Fax: (954) 582-0989

<b>TABLE 1</b>			
<b>Countryside Early Learning Center</b>			
<b>Vehicle Accumulation Study</b>			
<b>Time Period</b>	<b>Number of Vehicles Accumulated at:</b>		
	<b>On Site<sup>1</sup></b>	<b>Off Site</b>	<b>Total</b>
3:30 PM – 3:35 PM	10	0	10
3:35 PM – 3:40 PM	11	0	11
3:40 PM – 3:45 PM	11	0	11
3:45 PM – 3:50 PM	9	0	9
3:50 PM – 3:55 PM	10	0	10
3:55 PM – 4:00 PM	10	0	10
4:00 PM – 4:05 PM	9	0	9
4:05 PM – 4:10 PM	12	0	12
4:10 PM – 4:15 PM	13	0	13
4:15 PM – 4:20 PM	14	0	14
4:20 PM – 4:25 PM	11	0	11
4:25 PM – 4:30 PM	11	0	11
4:30 PM – 4:35 PM	10	0	10
4:35 PM – 4:40 PM	7	0	7
4:40 PM – 4:45 PM	8	0	8
4:45 PM – 4:50 PM	10	0	10
4:50 PM – 4:55 PM	7	0	7
4:55 PM – 5:00 PM	6	0	6
5:00 PM – 5:05 PM	7	0	7
5:05 PM – 5:10 PM	12	0	12
5:10 PM – 5:15 PM	14	0	14
<b>5:15 PM – 5:20 PM</b>	<b>15</b>	<b>0</b>	<b>15</b>
5:20 PM – 5:25 PM	14	0	14
5:25 PM – 5:30 PM	12	0	12
5:30 PM – 5:35 PM	10	0	10

Source: Traf Tech Engineering, Inc. (September 24, 2009)

<sup>1</sup> Vehicles parked on parking stalls and parking aisles/driveways.



# **RESOLUTION**

**RESOLUTION NO. 17-Z-0 \_\_\_\_\_**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A SPECIAL EXCEPTION WITH CONDITIONS TO PERMIT AN AFTER SCHOOL PROGRAM AT CASA DE JESUS, LOCATED AT 228 89<sup>TH</sup> STREET IN THE TOWN OF SURFSIDE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.**

**I. RECITALS.**

**WHEREAS**, CASA DE JESUS, INC. (“Applicant”), owner of the church property located at 228 89<sup>th</sup> Street, Surfside, FL 33154, with a Folio number of 14-2235-05-0300 and general location of the southeast corner of 89<sup>th</sup> Street and Harding Avenue Surfside, FL, (the “Property”) submitted an Application on November 1, 2016, requesting approval from the Town of Surfside, Florida for the use of the Property for an after school care program to serve 30 children ages 4-10; and

**WHEREAS**, the Property is zoned as H-30C but a preschool or after day care program is not specifically listed as a permitted use in the zoning district; and

**WHEREAS**, Section 90-37 of the zoning code provides that a use not specifically listed in the zoning regulations may be approved as a special exception by the Town Commission after recommendation by the Planning and Zoning Board; and

**WHEREAS**, the legal description of the Property is as follows in Attachment “A” “Legal Description”, incorporated herein; and

**WHEREAS**, on February 7, 2017, the Town’s Development Impact Committee, after notice posted on the Town’s website, met in a televised meeting, reviewed and discussed the Application and provided guidance to the Applicant regarding the criteria set forth in the Town’s Zoning Code; and

**WHEREAS**, on May 25, 2017, the Planning & Zoning Board, at a duly noticed and televised quasi-judicial public hearing, after reviewing the Application and hearing from its professional staff, the Applicant, and members of the public, considered the requirements of the Town Zoning Code and the Application’s consistency with the Town of Surfside Comprehensive Plan and recommended the Application for approval with conditions by the Town Commission; and

**WHEREAS**, on July 11, 2017 the Town Commission, at a duly noticed and televised quasi-judicial public hearing, reviewed the Application from its professional staff, the Applicant, and members of the public, and considering the recommendation of the Planning & Zoning Board, the requirements of the Town Zoning Code, the Application’s consistency with the Town of Surfside’s Comprehensive Plan, and the substantial competent evidence presented at the hearing.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPLICABLE TO APPLICANT, ITS SUCCESSORS AND/OR ASSIGNS, AS FOLLOWS:**

**I. INCORPORATION OF RECITALS AND FINDINGS OF FACT.**

**A.** All recitals set forth above are incorporated into the body of this Resolution as if same were fully set forth herein.

**B.** The Town Commission finds that the proposed after school program, as conditioned herein, is in compliance with the requirements and criteria set forth in the applicable Town Code and the Comprehensive Plan, and approves the after school program with a maximum of 30 children at the existing Casa de Jesus Church as a special exception use.

**III. APPROVAL AND CONDITIONS OF APPROVAL.**

**A.** The Applicant's request for approval of the after school program, with a maximum of 30 children at the existing Casa de Jesus Church, is granted as a special exception with conditions.

**B.** The following are conditions of approval:

1. The Applicant shall ensure that staff members of the after-school program shall park in the southern area of the parking lot on the Property, as indicated on the attached plans (Attachment B), to keep other spaces open and to allow for greater efficiency (less turnover) in the drop-off/pick-up area.
2. The Applicant shall ensure that the after-school program shall conclude in the evenings at least one (1) hour before the start of any other events (such as worship services) on the Property.
3. The Applicant shall offer a shuttle service to pick up students for the after-school program.
4. In order to demonstrate that the Property can accommodate the after-school program, for the first 12 months of operation following approval of the use by the Town, a maximum of 20 students shall be permitted. At any time after the first 12 months of operation, the Applicant may apply to the Town Manager for administrative approval of up to 10 additional students, for a maximum total of 30 students. The Applicant's application for additional students shall include a traffic study demonstrating there is sufficient parking and stacking to accommodate the requested increased enrollment, and the Town Manager must approve and accept the results of that study prior to approving any requested increase in student enrollment.

**IV. SEVERABILITY CLAUSE.**

In the event any portion or section of this Resolution is determined to be invalid, illegal or unconstitutional by a court or agency of competent jurisdiction, such decision shall in no way affect the remaining portions of this Resolution, which shall remain full force and effect.

**V. EFFECTIVE DATE.**

This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Motion by \_\_\_\_\_

Second by \_\_\_\_\_

**FINAL VOTE ON ADOPTION**

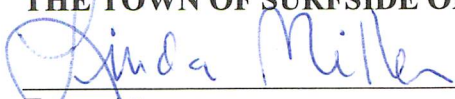
Commissioner Daniel Gielchinsky	_____
Commissioner Michael Karukin	_____
Commissioner Tina Paul	_____
Vice Mayor Barry Cohen	_____
Mayor Daniel Dietch	_____

\_\_\_\_\_  
Daniel Dietch, Mayor

**ATTEST:**

\_\_\_\_\_  
Sandra Novoa, MMC  
Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE TOWN OF SURFSIDE ONLY:**

  
\_\_\_\_\_  
Town Attorney

STATE OF FLORIDA                    )  
COUNTY OF MIAMI-DADE            )

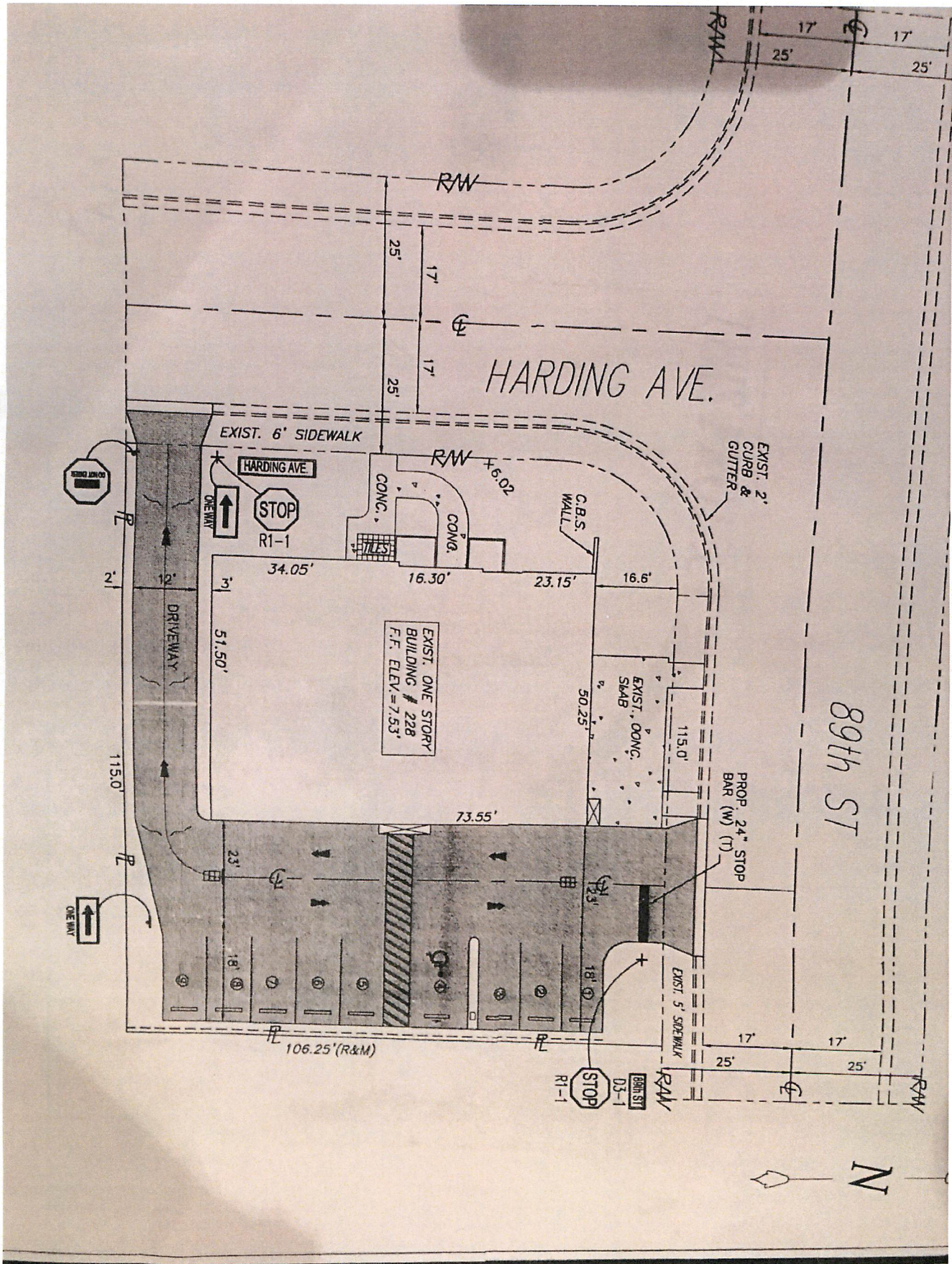
I, Sandra Novoa, MMC, Town Clerk of the Town of Surfside, Florida, do hereby certify that the above and foregoing is a true and correct copy of Resolution No.17-Z-\_\_\_\_\_ adopted by the Town Commission at its meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Issued: \_\_\_\_\_

\_\_\_\_\_  
Sandra Novoa, MMC  
Town Clerk

**Attachment "A"**

**Legal Description –SECOND AMENDED PLAT OF NORMANDY BEACH, PB  
16-44, LOT 1 & LOT 2 LESS S.5FT THEREOF BLK 3**





## Town of Surfside Commission Communication

**Agenda Item:** 2B  
**Agenda Date:** July 11, 2017  
**Subject:** Appeal of the Town Manager's Administrative Decision  
**From:** Sarah Sinatra Gould, AICP, Town Planner

**Background:** On May 15, 2017, the Town received a letter of intent from Richard Cortes, PA on behalf of Mr. Donald Kahn, property owner of 9509-9511 Harding Avenue. The applicant is proposing to approximately 792 square feet of commercial uses to the existing building. The code requires that new construction provide parking, or pay into the parking fund. This application would require three additional parking spaces to accommodate the use. The applicant has the choice to construct the parking, pay into the parking trust fund or request an administrative reduction of up to three parking spaces.

Section 90-77 (b)(3) of the Code of Ordinances states the following:

*Modification of parking requirements. In tandem with the use of options (2)c—e to satisfy parking requirements, requests may be made for a reduction in the minimum parking requirements which may be considered by the town upon receipt of an application from the owner of the site seeking a reduction as follows:*

*a. Minor reductions. Requests for a reduction of one to three required parking spaces may be approved by the town manager in consultation with the town planner as a de minimus reduction upon a finding that the applicant has utilized the options available in subsection 90-77(b)2) above, to the greatest extent feasible. If the request is denied*



*by the town manager, that decision may be appealed to the town commission.*

**Request:** The Applicant does not have available land to construct the three parking spaces and has requested that the Town Manager grant an administrative modification of the parking requirements.

The Applicant has submitted a letter of intent indicating that the subject property is within a half block of a parking lot with over 300 spaces to accommodate the proposed site plan which results in a need for three additional parking spaces.

**Findings:** The code indicates requests for reduction may be approved, in whole or in part, upon a finding that there is sufficient available parking that is open to the public and is judged adequate to accommodate the parking reduction request within 300 feet of the subject property along a practical and usable pedestrian route. The Town Manager has opined that the parking study issued in March of 2013 indicated there is a 303 space parking deficiency.

To date, the Town has issued one administrative reduction of three parking spaces in January 2013 relating to Starbucks. The tenant improvements required five additional parking spaces. The applicant requested an administrative reduction for three of the spaces and paid into the Parking Fund for the two remaining spaces. It is important to note that this administrative reduction was approved prior to the parking study of March 2013 which identified the parking deficiency.

Based on the parking study, the Town Manager has denied the request for an administrative reduction of three parking spaces.

**Budget Impact:** The Parking Fund has established a parking space to be a cost of \$38,000. The proposed construction would result in a payment of \$114,000 to the Parking Fund. If the appeal is granted, \$114,000 would be not be received by the Town. However, if the appeal is granted, the applicant could construct the proposed addition, which would generate a building permit fee.

**Growth Impact:** The applicant is proposing a 752 square foot addition.

**Staff Impact:** Town Staff have reviewed the request and rendered an opinion.

**Staff Recommendation:** Review the request of the applicant and determine if the Commission agrees with the Town Manager's decision or wishes to grant the appeal and permit the administrative reduction of three parking spaces.



\_\_\_\_\_  
Sarah Sinatra Gould, AICP, Town Planner

\_\_\_\_\_  
Guillermo Olmedillo, Town Manager

**RICHARD CORTES, PA  
AA # 26002753  
7700 SW 115 STREET  
PINECREST, FL 33156  
(305) 233-0858**

May 15, 2017

Mrs. Sarah Sinatra Gould  
Planning Department Director  
Planning Department  
Calvin, Giordano & Associates, Inc  
1800 Eller Drive Suite 600  
Ft. Lauderdale, FL 33316

Re: Tenant Improvements For:  
Mr. Donald Kahn  
9509-9511  
Surfside, Florida 33154

LETTER OF INTENT

Dear Mrs. Sinatra Gould,

The intent of this application is to permit the removal of the three required parking spaces of a proposed addition of approximately 792 square feet at the property mentioned above; please refer to the proposed Floor Plan.

The immediate area provides municipal Parking on Abbott Avenue between 95 & 96 Street and another Municipal Parking on Collins & 95 street both of which are only ½ a block away from the subject property with over 300 spaces to suit which was the intent of use for this property and neighboring properties not to mention the numerous on street parking on along Harding Avenue, Collins Avenue and Abbott Avenue and the side streets.

The property with the proposed layout and proposed no parking is in similar to most of the surrounding business and providing even one space would be a hazardous situation as one could only back up to the alley with little to no view and thus the more reason not to provide any onsite parking; please refer to the proposed Site Plan.

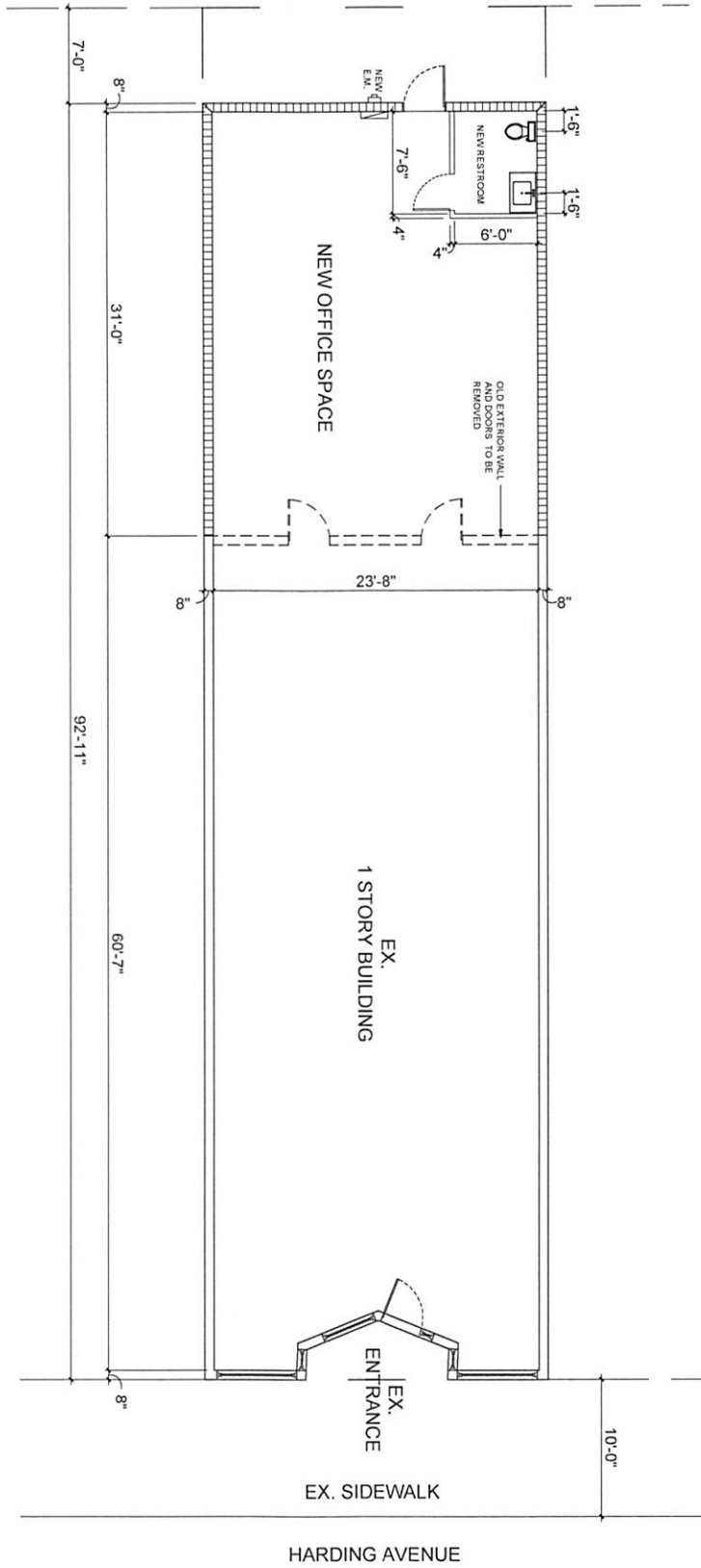
With these issues brought before you we can only expect an approval from your department.

If you have any questions, please do not hesitate to contact my office.

Respectfully,

---

Richard Cortes, Architect



PROPOSED PLAN

1/4"=1'-0"

	<b>RICHARD CORTES, P.A.</b> ARCHITECTS 447 S. BOULEVARD FLOOR 10 PINECREST, FL 33156 TEL 305 251-5054 FAX 305 231-6458 richard@rcpa.com
	<b>RICHARD CORTES, P.A.</b> ARCHITECTS 447 S. BOULEVARD FLOOR 10 PINECREST, FL 33156 TEL 305 251-5054 FAX 305 231-6458 richard@rcpa.com

EXTERIOR ADDITION FOR:

**MR. DONALD KAHN**  
 9511 HARDING AVENUE  
 SURFSIDE, FL. 33154

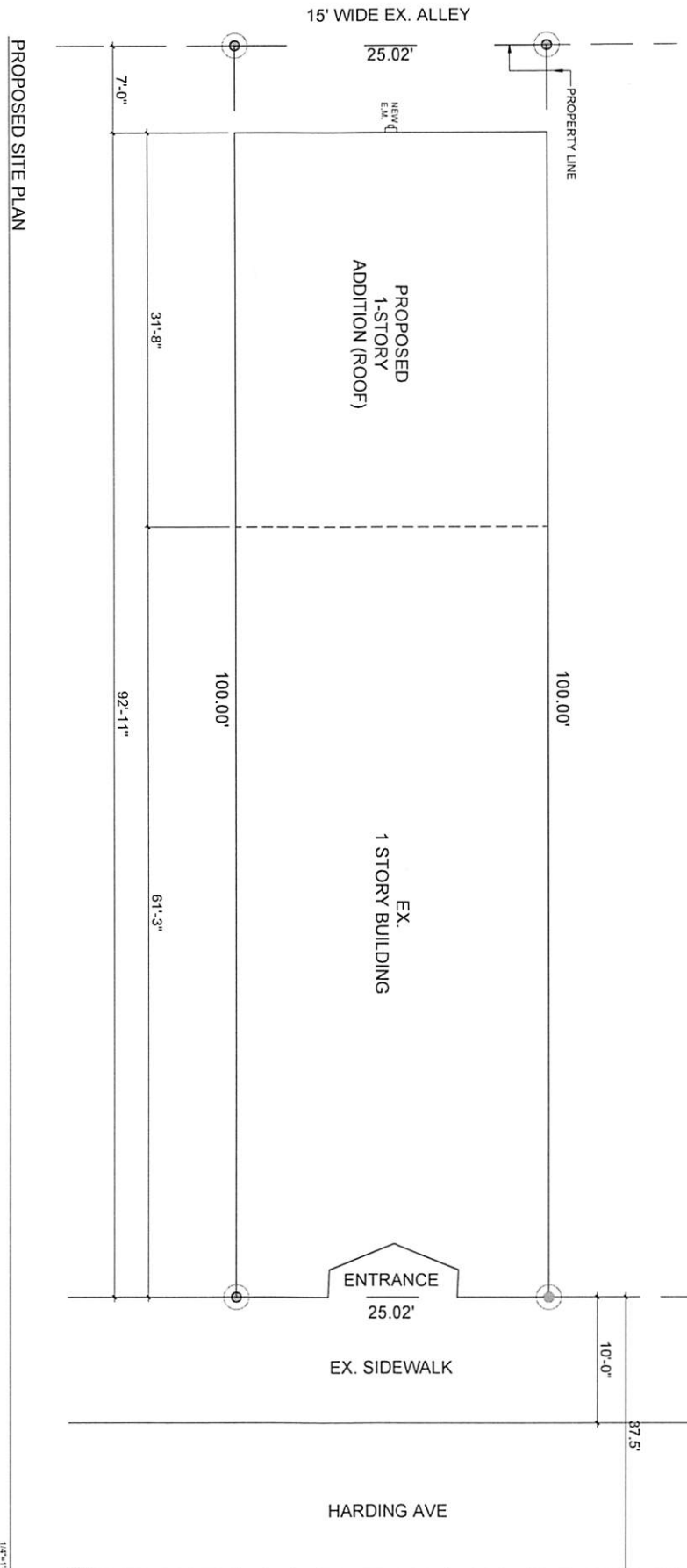
SHEET NAME: \_\_\_\_\_

PROPOSED PLAN

DATE:	05-14-10
DRAWN BY:	RC
SCALE:	AS NOTED
PROJECT N°:	

1/4"=1'-0"

Page 36



PROPOSED SITE PLAN

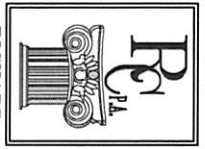
1/4" = 1'-0"

EXTERIOR ADDITION FOR:  
 MR. DONALD KAHN  
 9511 HARDING AVENUE  
 SURFSIDE, FL. 33154

SEAL

RICHARD CORTES ARCHITECTS AIA 0014256

RICHARD CORTES, P.A.  
 ARCHITECTS  
 AIA 25062753  
 7700 SW 118 ST  
 MIAMI, FL 33156  
 PH: 305 235-6811 FAX: 305 235-6154  
 richard@rcpl.com



SHEET NAME: PROPOSED SITE PLAN

NO.	DATE	BY	CHKD	REVISION
1	05-16-11	AS	AS	NOTED

DATE: 05-16-11  
 DRAWN BY: AS  
 CHECKED BY: AS  
 PROJECT NO.: SP-1  
 SHEET NO.

**RESOLUTION NO. 17-Z-0\_\_**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING/DENYING AN APPEAL OF THE ADMINISTRATIVE DECISION DENYING A REDUCTION OF THREE PARKING SPACES FOR PROPERTY LOCATED AT 9509-9511 HARDING AVENUE IN THE TOWN OF SURFSIDE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.**

**I. RECITALS.**

**WHEREAS**, DONALD KAHN (“Applicant”), owner of the property located at 9509-9511 Harding Avenue, Surfside, FL 33154, (the “Property”) submitted a Letter of Intent (“Application”) on May 15, 2017, requesting approval from the Town Manager of Surfside, Florida for an administrative reduction of three parking spaces for the planned expansion of commercial uses in the existing building; and

**WHEREAS**, the Property is legally described as ALTOS DEL MAR NO 6 PB 8-106 LOT 30 BLK 3, LOT SIZE 25.000 X 100, OR 13010-2625 0986 2, incorporated herein; and

**WHEREAS**, the Applicant proposes to add approximately 792 square feet of commercial use to the existing building on the Property; and

**WHEREAS**, the Town zoning code requires that new construction provide adequate parking, or pay into the Town parking fund; and

**WHEREAS**, Section 90-77(b) of the zoning code provides that requests for a reduction of one to three required parking spaces may be approved by the town manager in consultation with the town planner as a de minimus reduction upon a finding that there is sufficient available parking within 300 feet of the subject property, along a practical and usable pedestrian route, that is open to the public and adequate to accommodate the request; further if the request is denied by the Town Manager, that decision may be appealed to the Town Commission; and

**WHEREAS**, the Town Manager denied the request for administrative reduction, finding that the parking study issued in March of 2013 indicates there is a 303 parking space deficiency; and

**WHEREAS**, on July 11, 2017 the Town Commission, at a duly noticed and televised quasi-judicial public hearing, reviewed the Application, considering the recommendation of the Town Staff, and members of the public, and the testimony of the Applicant, the requirements of the Town Zoning Code, the Application’s consistency with the Town of Surfside’s Comprehensive Plan, and the substantial competent evidence presented at the hearing.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPLICABLE TO APPLICANT, ITS SUCCESSORS AND/OR ASSIGNS, AS FOLLOWS:**

**II. INCORPORATION OF RECITALS AND FINDINGS OF FACT.**

**A.** All recitals set forth above are incorporated into the body of this Resolution as if same were fully set forth herein.

**B.** The Town Commission finds that the Application, is in compliance/not in compliance with the requirements and criteria set forth in the applicable Town Code and the Comprehensive Plan, and approves/denies the appeal.

**III. APPROVAL/DENIAL.**

**A.** The Applicant’s appeal of the Town Manager’s administrative denial is approved/denied.

**IV. SEVERABILITY CLAUSE.**

In the event any portion or section of this Resolution is determined to be invalid, illegal or unconstitutional by a court or agency of competent jurisdiction, such decision shall in no way affect the remaining portions of this Resolution, which shall remain full force and effect.

**V. EFFECTIVE DATE.**

This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Motion by \_\_\_\_\_

Second by \_\_\_\_\_

**FINAL VOTE ON ADOPTION**

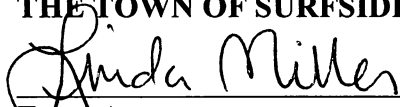
Commissioner Daniel Gielchinsky \_\_\_\_\_  
Commissioner Michael Karukin \_\_\_\_\_  
Commissioner Tina Paul \_\_\_\_\_  
Vice Mayor Barry Cohen \_\_\_\_\_  
Mayor Daniel Dietch \_\_\_\_\_

\_\_\_\_\_  
Daniel Dietch, Mayor

**ATTEST:**

\_\_\_\_\_  
Sandra Novoa, MMC  
Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR  
THE TOWN OF SURFSIDE ONLY:**

  
\_\_\_\_\_  
Town Attorney

STATE OF FLORIDA                    )  
COUNTY OF MIAMI-DADE         )

I, Sandra Novoa, MMC, Town Clerk of the Town of Surfside, Florida, do hereby certify that the above and foregoing is a true and correct copy of Resolution No.17-Z-\_\_\_\_\_ adopted by the Town Commission at its meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Issued: \_\_\_\_\_

\_\_\_\_\_  
Sandra Novoa, MMC  
Town Clerk