

**RESOLUTION NO. R2022-XX**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING THE SITE PLAN APPLICATION AND SIXTEEN (16) RELATED VARIANCES FROM THE ZONING AND LAND DEVELOPMENT CODE FOR THE CONSTRUCTION OF A 74,918 GROSS SQUARE FOOT, RELIGIOUS-EDUCATIONAL FACILITY, WHICH CONSISTS OF A ONE-STORY GYMNASIUM WITH A 22 SPACE SURFACE PARKING LOT, AND A FOUR-STORY EDUCATION BUILDING WITH 32 CLASSROOMS, KITCHEN, DINING ROOM, PRAYER, SPECIALTY SPACES, AND RECREATIONAL ROOF DECK, SITUATED ON LOTS 3, 4, AND 8 THROUGH 16, BLOCK 9 OF “MONTICELLO PARK UNIT 1”, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 40, PAGE 65, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LOCATED AT 16415 NE 11TH AVENUE, 1136 NE 165TH STREET, 1150 NE 165TH STREET; CONFIRMING EXPIRATION AND LIMITATION OF APPROVAL; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City of North Miami Beach (“City”) Code of Ordinances, Chapter 24, “Zoning and Land Development Code” (the “ZLDC”), Article XV, “Other Development Review Procedures,” Section 24-172, “Site Plan Review,” provides that site plan approval is required for new developments, for any significant shift in the type of land use that involves major interior alteration, and any change in required parking or other similar impact determined to be significant by the Community Development Director; and

WHEREAS, Matthew Amster, Esq., of Bercow Radell Fernandez Larkin + Tapanes (the Agent), on behalf of Toras Emes Development Company Inc., (“Applicant”), requests site plan approval and sixteen (16) non-use variances to develop a 74,918 gross sqft Religious-Educational Facility, which consists of a one-story Gymnasium with a 22 Space surface parking lot, and a four-story education building with 32 classrooms and kitchen, dining room, prayer room, specialty spaces, and a recreational roof deck, situated on Lots 3, 4, and 8 through 16, block 9 of “Monticello Park Unit 1”, according to the plat thereof as recorded in Plat Book 40, Page 65, of the public records of Miami- Dade County, Florida, located at 16415 NE 11th Avenue, 1136 NE 165th Street, 1150 NE 165th Street Florida, (“Property”), as legally described in Exhibit “A;” and

**RESOLUTION NO. R2022-XX**

**WHEREAS**, the Applicant requests a Non-Use Variance from Section 24-95(C) of the Code to allow for 22 parking spaces to be provided on site whereas a minimum 144 spaces are required; and

**WHEREAS**, the Applicant requests a Non-use Variance from Table MU/IB-2 to allow the ground floor height of the cafeteria to be 21'-2" and the ground floor height of the gymnasium to be 29'-5" whereas a maximum 20'-0" is allowed; and

**WHEREAS**, the Applicant requests a Non-use Variance from Section 24-58(P)(1) of the Code to allow a fence facing portions of perimeter streets whereas fences are only permitted in locations to screen mechanical equipment, off-street loading areas, trash and service enclosures, perimeter buffering and parking lots in the MU zoning district; and

**WHEREAS**, the Applicant requests a Non-use Variance from Section 24-58(S)(1) of the Code to allow for a maximum horizontal building dimension of 409'-4" whereas a maximum 300' is allowed; and

**WHEREAS**, the Applicant requests a Non-use Variance from Table MU/IB-5 to allow a setback of 62'-8" on the east side of the property whereas a maximum 20' is permitted; and

**WHEREAS**, the Applicant requests a Non-use Variance from Table MU/IB-5 to allow an existing 2-story building located on the West side of the Property to maintain a 32'-4" side setback whereas a minimum 10' and maximum 20' is allowed; and

**WHEREAS**, the Applicant requests a Non-use Variance from Section 24-58(J)(3)(c)(iv), to modify the design of Figure MU-2 to retain existing conditions on NE 11<sup>th</sup> Avenue; and

**WHEREAS**, the Applicant requests a Non-use Variance from Section 24-58(J)(3)(c)(iv), Figure MU-1 of the Code to propose modified design of NE 164 Street; and

**WHEREAS**, the Applicant requests a Non-use Variance from Section 24-58(J)(3)(c)(iv), Figure MU-3 of the Code to allow the reverse configuration of landscape strip and sidewalk with the landscape strip along NE 12 Avenue to be on private property; and

**WHEREAS**, the Applicant requests a Non-use Variance from Section 24-58(L)(2)d.iii of the Code to allow for trees along NE 12 Avenue to be planted within the property line while trees are required to be planted between the sidewalk and the travel lane; and

**WHEREAS**, the Applicant requests a Non-use Variance of lot width and lot depth requirement per Section 24-58 Figure MU-12 Lot Standards for Flex Building Type to allow for development on a lot with a width of 610'-8" whereas 200' is maximum permitted and a depth, which varies from approximately 75' to 150' whereas minimum 130' is permitted; and

**WHEREAS**, the Applicant requests a Non-use Variance from Section 24-58(S)(1)g.i.4 to permit transparent clear glazed area less than 70% of the façade area; and

**WHEREAS**, the Applicant requests a Non-use Variance from Section 24-58(S)(1)j.i, to permit less than 30% of all ground floor street walls fenestrated with windows; and

**WHEREAS**, the Applicant requests a Non-use Variance from Section 24-93(C)(2)(a) to permit the ADA parking spaces to be eighteen (18) feet in length whereas twenty (20) feet is required; and

**WHEREAS**, the Applicant requests a Non-Use Variance to permit a zero (0)-foot tower setback from the podium, where Section 24-58(S)(3) of the ZLDC requires a minimum setback of fifteen (15) feet; and

**WHEREAS**, the Applicant requests a Non-Use Variance from Section 24-58.1(M)(1)b, to allow no shower and changing facilities whereas one (1) shower and changing facility is required; and

**WHEREAS**, the Applicant requests a Non-Use Variance from Section 24-96(A)(1) to provide two (2) loading spaces in the pick-up and drop-off area whereas the specified area is not expressly allowed; and

**WHEREAS**, the Property is zoned Mixed-Use International Boulevard District ("MU/IB-W") which is intended to enable a pedestrian scaled, transit accessible pattern of mixed-use development along the NE 167th Street/NE 163rd Street Corridor, between North Miami Avenue east to NE 21st Avenue. Development patterns shall generally reflect planning and design principles such as walkable neighborhoods oriented around the five-minute walk, with a primary orientation towards the corridor, and strong consideration taken towards creating an identifiable sense of place that establishes this corridor as an attractive option for development that improves the City and provides additional options for residents to live, work and play; and

**WHEREAS**, after a duly noticed public hearing held on January 10, 2022, the Planning and Zoning Board by vote of 5 to 1, recommended approval of the Variances and Site Plan application, subject to the conditions set forth and included below in Section 2; and

**WHEREAS**, the City Commission conducted a duly noticed public hearing in accordance with the law; and

**WHEREAS**, the Mayor and City Commission find the proposed Site Plan application consistent with the North Miami Beach Comprehensive Plan and find that approval of the application furthers the purpose, goals, objectives and policies of the Comprehensive Plan, and is in the best interest of the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA:**

**Section 1. Recitals.** The foregoing recitals are confirmed, adopted, and incorporated herein and made a part hereof.

**Section 2. Decision.** Pursuant to Section 24-172 and Section 24-176 of the Zoning and Land Development Code, the following site plan, attached and incorporated by reference as Exhibit “B,” and the sixteen (16) related non-use variances (relief from Sections 24-95(C), Table MU/IB-2, 24-58(P)(1), 24-58(S)(1), Table MU/IB-5, 24-58(J)(3)(c)(iv), Figure MU-1, Figure MU-2, Figure MU-3, 24-58(L)(2)d.iii, Figure MU-12, 24-58(S)(1)g.i.4, 24-58(S)(1)j.i, 24-93(C)(2)(a), 24-58.1(M)(1)b, 24-96(A)(1), as specified herein and in the Application) for the proposed development, on a 1.719-acre site, legally described in Exhibit “A,” approved subject to the following conditions:

**Project Conditions:**

1. Unless otherwise provided, all the below mentioned conditions shall be completed and complied with prior to the issuance of the building permit.
2. To ensure safe and orderly special events, the Applicant agrees to the following conditions:
  - Maximum occupancy for an event at the gymnasium of 400 persons.
  - No event shall be permitted from 4:00 AM to 6:00 AM.
  - The Applicant shall provide a valet service on-site for parking and stacking vehicles, including in tandem configuration at the West Campus. The valet operator will use the school’s queuing lane, and drop-off and pick-up area and existing parking areas at the West Campus and East Campus.

- Prior to the first event, the Applicant shall provide a valet service contract and operations plan, including hours of operation and circulation plans detailing the area(s) designated for valet parking on-site and, as applicable, off-site, both subject to review and approval by Community Development Director and the City's Police Department.
  - The Applicant shall provide security personnel for special events held at night.
3. That new courts at ground and rooftop levels will cease operation at the end of the school day and any associated lighting, except as needed for life-safety, will likewise be turned off at the end of the school day.
  4. That Applicant provide a translucent vinyl mesh be installed on the north facing rooftop fence to screen activity from nearby residences.
  5. Subject to review and approval by Miami-Dade County and the City of North Miami Beach, the Applicant shall relocate the crosswalk on NE 12 Avenue from NE 165 Street to the intersection of NE 164 Street that connects the southeast corner of the East Campus to the area by the southwest corner of the 163rd Street Mall parking garage.
  6. That the Lots composing the East Campus be combined with a Unity of Title prior to Master Permit Issuance and platted if required by the City of North Miami Beach reviewing departments prior to Certificate of Occupancy.
  7. That the Applicant adhere to the pick-up and drop-off listed in the arrival/dismissal operations plan and circulation procedures listed in Exhibit "C."
  8. That if the Applicant were to remove the portables on the West Campus to provide additional parking spaces that a minor site plan modification be applied for.
  9. Prior to issuance of the Certificate of Use for the new building on the East Campus, the Applicant shall provide a revised lease for 100 spaces at the 163rd Street Mall and provide proof of the revised lease to the City. Annually in conjunction with renewal of the business tax receipt for the use the Applicant shall provide proof of the lease for 100 parking spaces off-site unless otherwise modified through applicable City approval.
  10. That the 100 parking spaces leased at the 163<sup>rd</sup> Street Mall Parking be designated for the use of the school.
  11. The Applicant shall mainly use the off-site parking for staff to maintain spaces available on-site for guests and visitors during the school day.
  12. The Applicant shall maintain a lease for 100 parking spaces off-site for the life of the use until such time as the Applicant can locate the parking on its own property or properties. Modifications to the lease and/or operations at the East or West Campus that impact parking, including but not limited to the intensity of the use, seeking alternative off-site locations for parking and/or locating parking on the Applicant's own property or properties shall require the Applicant to meet with Community Development Department staff to

discuss before making any changes and may result in the need to provide updated documentation and/or return to the City Commission for approval of modification to either site plan and/or traffic study.

13. The Applicant shall have staff members ride the buses that transport students to and from the Yeshiva so that those staff members do not have to drive to the Yeshiva.
14. That the Applicant provides shuttle services for the staff and guests parked at the 163<sup>rd</sup> Mall Parking garage to reduce the number of pedestrians walking along NE 164<sup>th</sup> and NE 165<sup>th</sup> Streets.
15. The Applicant shall work to encourage staff to carpool, ride buses or seek alternative transportation arrangements to and from the Yeshiva to reduce the number of single occupancy cars traveling to the Yeshiva.
16. That parking of vehicles be prohibited in the swales, on the streets (including cul-de-sac), and in internal drive-aisles.
17. That any improvements proposed to the existing West Campus are not within the scope of this approval and will require a separate site plan modification.
18. The Applicant shall submit design plans and permit package to Miami-Dade County DTPW Traffic Engineering Division for the marked pedestrian crosswalk with Rectangular Rapid Flashing Beacon pedestrian signal infrastructure along NE 12th Avenue.
19. Prior to issuance of the Master Building Permit, the Applicant shall submit signed and sealed pavement, marking and signage plans signed and sealed by a registered professional engineer in the State of Florida.
20. The Applicant shall design, permit and construct a turn lane extension for the eastbound left turn lane on NE 163rd Street at NE 10th Avenue prior to certificate of occupancy.
21. The Applicant shall provide a site queuing study within one year of the Certificate of Occupancy to confirm that the proposed traffic operational plan does not create traffic circulation concerns beyond what was identified in the current traffic impact study for review by Community Development Director and cost recovery review by the independent traffic consultant.
22. Prior to issuance of the Master Building Permit, the Applicant shall provide trash roof specifications, a 6' drain in the trash room, and a hose bib in the trash room.
23. The Applicant shall execute a Landscape Maintenance agreement and Pedestrian Easement Agreement with the City prior to Certificate of Occupancy.
24. Prior to issuance of the Master Building Permit, the Applicant shall demonstrate compliance with the ZLDC Section 24-133 Floodplain regulations.
25. Prior to issuance of the Master Building Permit, the Applicant shall provide a copy of the executed off-site parking agreement.

**General Conditions:**

1. The conditions of approval for this site plan are binding on the Applicant, the property owners, operators, and all successors in interest. Prior to issuance of any Master Building Permit, Applicant shall execute a covenant running with the land, binding upon its heirs, successors, and assigns, subject to the approval of the City Attorney, which shall be recorded in the public records of Miami-Dade County, Florida, at Applicant's sole expense, containing all of the conditions and provisions required by this Resolution. This recorded covenant may be amended from time to time and shall be re-recorded after each amendment at the Applicant's sole expense, subject to the approval of the City Attorney.
2. Construction of the proposed project shall be in conformance with the certified site plan as signed by the Community Development Director on file with the City of North Miami Beach Community Development Department Planning & Zoning Division with file number 20-18.
3. Substantial modifications to the plans submitted and approved as part of the application may require the Applicant to return to the Planning and Zoning Board and Mayor and City Commission for approval. Insubstantial changes shall include proportionate reductions in residential units and parking spaces by less than 5% of the total proposed project, changes that do not alter the project more than 5% of lot coverage, setbacks, height, density and intensity calculations so long as the proposed amendment does not cause an increase in the number of average daily trips; does not alter the location of any points of ingress, egress, access and vehicular and pedestrian patterns to the site; and does not violate any condition placed upon the site plan as originally approved. Insubstantial changes may be administratively approved by the City Manager or designee. Any de minimis amendments to the plans or site plans which cannot be resolved administratively shall be returned to the Mayor and City Commission for a formal review. However, under no circumstances, shall any plans, site plans, building, structure, or project be administratively altered by more than 5% lot coverage, setbacks, height limitations, as well as density or intensity calculations set forth in a previously approved site plan.
4. The Applicant shall remove all public hearing signage no later than 48 hours after the final public hearing for the development project.
5. The Applicant shall comply with all applicable conditions and permit requirements of the Miami-Dade County Fire Department, the Water and Sewer Department, and Department of Regulatory and Economic Resources; and the Florida Department of Environmental Protection (FDEP), the Florida Department of Transportation (FDOT) and any other applicable regulatory agency.
6. The words "Aventura," "Miami Beach," and "Sunny Isles Beach" shall not be used by the Applicant immediately preceding or following the Project name. The words "Aventura,"

"Miami Beach," and "Sunny Isles Beach" shall not be part of the website address for the Project. References in the marketing materials to nearby communities shall be limited to descriptions of entertainment, shopping or dining locations, or other landmarks; the Applicant shall identify the Project as being located in the City of North Miami Beach, Florida.

7. The Applicant shall post a sign on-site providing contact information in case of any complaint or concern during construction. The sign shall be removed upon the earlier of the City's issuance of a temporary or full Certificate of Occupancy.
8. The Applicant must join the NMBPD Trespass After Warning Program, provide the NMBPD with access to the property at all times, and a safety plan.
9. All water and sewer service installations are the responsibility of the Applicant and must be permitted through the NMB Water Department.
10. The Applicant, its successors, and assigns shall comply with all City ordinances applicable to development and permit approvals at the time of adoption of the Resolution, and in the event the Master Building Permit expires, all approvals and prior fees paid shall be subject to forfeiture. This shall not be applied to the City of North Miami Beach impact fees paid, which would not be refunded but would be credited to the property for any subsequent development.
11. All above-ground utilities on-site and adjacent public right of ways shall be relocated underground pursuant to Section 24-62(F) of the City's Code of Ordinances, contingent on phasing due to FPL's objection to incremental undergrounding. The Applicant shall install conduits for future undergrounding of overhead utilities.
12. All City impact fees shall be paid prior to the issuance of a Master Building Permit. In the event the Master Building Permit expires, all approvals and prior fees paid, shall be subject to forfeiture. This shall not be applied to impact fees paid to the City of North Miami Beach, which would not be refunded, but credited to the property for any subsequent development.
13. Prior to the issuance of a Master Building Permit, the City Manager or designee and the City Attorney, may refer any application for review by engineering, planning, legal, technical, environmental, or professional consultant(s) as deemed necessary. The City shall be reimbursed by Applicant for reasonable fees and charges made by such consultant(s) or professional(s) within thirty (30) days of submission of a City voucher. These fees and charges are in addition to any and all other fees required by the City.
14. Prior to the issuance of the Master Building Permit, the Applicant shall meet all requirements of the Department of Public Works Solid Waste Division and ensure that the solid waste container storage area be visually screened from the ground view of surrounding and adjacent properties.



15. Prior to the issuance of the Master Building Permit, the Applicant shall submit a Site Management Plan and a Temporary Construction Fencing plan pursuant to Section 16-5 of the North Miami Beach Code of Ordinances.
16. Prior to issuance of a Certificate of Occupancy, the Applicant shall have the registered landscape architect, or a certified arborist certify that the landscaping, tree removal, and tree mitigation have been completed in accordance with the landscape plan and tree removal permit.
17. Prior to the issuance of a Temporary Certificate of Occupancy, the Applicant shall request and complete the address assignment process for the common areas and residential units as required, with the U.S. Postal Service, Miami-Dade County Fire Rescue, and the Miami-Dade County Property Appraisers. This Resolution shall be made part of any condominium declaration and other applicable condominium documents if so established.
18. Upon issuance of a hurricane warning by the National Weather Service or similar agency, all removable items from pool decks, roof decks and other outdoor spaces shall be immediately removed and secured.
19. “No Dumping – Drains to Stream” signage/markers must be installed along the right-of-way.

**Section 3. Findings of Fact.** The Mayor and City Commission make the following FINDINGS OF FACT based upon the substantial competent evidence provided:

The requested site plan meets the applicable Site Plan Review Standards provided for in Section 24-172 of the Code of Ordinances of the City of North Miami Beach. The requested site plan approval is not contrary to the public interest or detrimental to the community and is compatible with the surrounding land uses while maintaining the basic intent and purpose of the zoning and land use regulations.

**Section 4. Non-use Variance from Section 24-95(C).** The Mayor and City Commission make the following FINDINGS OF FACTS from Section 24-176(B) based on the substantial competent evidence provided:

The requested Non-use Variance from Section 24-95(C) of the Code to allow for 22 parking spaces to be provided on site when 144 are required, maintains the basic intent and purpose of the applicable zoning, subdivision and other land use regulations. Moreover, the requested variance is not contrary or detrimental to the public interest because the proposed use and design is compatible with the surrounding land uses and is in keeping with the surrounding properties.

**Section 5. Non-use Variance from Table MU/IB-2.** The Mayor and City Commission make the following FINDINGS OF FACTS from Section 24-176(B) based on the substantial competent evidence provided:

The requested non-use variance from Table MU/IB-2 to allow the ground floor height of the cafeteria to be 21'-2" and the ground floor height of the gymnasium to be 29'-5" whereas a maximum 20'-0" is allowed, maintains the basic intent and purpose of the applicable zoning, subdivision and other land use regulations. Moreover, the requested variance is not contrary or detrimental to the public interest because the proposed use and design is compatible with the surrounding land uses and is in keeping with the surrounding properties.

**Section 6. Non-use Variance from Section 24-58(P)(1).** The Mayor and City Commission make the following FINDINGS OF FACTS from Section 24-176(B) based on the substantial competent evidence provided:

The requested Non-Use Variance from Section 24-58(P)(1) of the Code to allow a fence facing portions of perimeter streets whereas fences are only permitted in locations to screen mechanical equipment, off-street loading areas, trash and service enclosures, perimeter buffering and parking lots in the MU zoning district, maintains the basic intent and purpose of the applicable zoning, subdivision and other land use regulations. Moreover, the requested variance is not contrary or detrimental to the public interest because the proposed use and design is compatible with the surrounding land uses and is in keeping with the surrounding properties.

**Section 7. Non-Use Variance from Section 24-58(S)(1).** The Mayor and City Commission make the following FINDINGS OF FACTS from Section 24-176(B) based on the substantial competent evidence provided:

The requested Non-Use Variance from Section 24-58(S)(1) of the Code to allow for a maximum horizontal building dimension of 409'- 4" whereas a maximum 300' is allowed, maintains the basic intent and purpose of the applicable zoning, subdivision and other land use regulations. Moreover, the requested variance is not contrary or detrimental to the public interest because the proposed use and design is compatible with the surrounding land uses and is in keeping with the surrounding properties.

**Section 8. Non-Use Variance from Table MU/IB-5.** The Mayor and City Commission make the following FINDINGS OF FACTS from Section 24-176(B) based on the substantial competent evidence provided:

The requested Non-Use Variance from Table MU/IB-5 to allow a setback of 62'-8" on the east side of the property whereas a maximum 20' is permitted, maintains the basic intent and

purpose of the applicable zoning, subdivision and other land use regulations. Moreover, the requested variance is not contrary or detrimental to the public interest because the proposed use and design is compatible with the surrounding land uses and is in keeping with the surrounding properties.

**Section 9.** **Non-Use Variance from Table MU/IB-5.** The Mayor and City Commission make the following FINDINGS OF FACTS from Section 24-176(B) based on the substantial competent evidence provided:

The requested Non-Use Variance from Table MU/IB-5 to allow an existing 2-story building located on the West side of the Property to maintain a 32'-4" side setback whereas a minimum 10' and maximum 20' is allowed, maintains the basic intent and purpose of the applicable zoning, subdivision and other land use regulations. Moreover, the requested variance is not contrary or detrimental to the public interest because the proposed use and design is compatible with the surrounding land uses and is in keeping with the surrounding properties.

**Section 10.** **Non-Use Variance from Figure MU-2.** The Mayor and City Commission make the following FINDINGS OF FACTS from Section 24-176(B) based on the substantial competent evidence provided:

The requested Non-Use Variance from Section 24-58(J)(3)(c)(iv), to modify the design of Figure MU-2 to retain existing conditions on NE 11th Avenue, maintains the basic intent and purpose of the applicable zoning, subdivision and other land use regulations. Moreover, the requested variance is not contrary or detrimental to the public interest because the proposed use and design is compatible with the surrounding land uses and is in keeping with the surrounding properties.

**Section 11.** **Non-Use Variance from Figure MU-1.** The Mayor and City Commission make the following FINDINGS OF FACTS from Section 24-176(B) based on the substantial competent evidence provided:

The requested Non-Use Variance from Section 24-58(J)(3)(c)(iv), Figure MU-1 of the Code to propose a modified design of NE 164 Street, maintains the basic intent and purpose of the applicable zoning, subdivision and other land use regulations. Moreover, the requested variance is not contrary or detrimental to the public interest because the proposed use and design is compatible with the surrounding land uses and is in keeping with the surrounding properties.

**Section 12. Non-Use Variance from Figure MU-3.** The Mayor and City Commission make the following FINDINGS OF FACTS from Section 24-176(B) based on the substantial competent evidence provided:

The requested Non-Use Variance from Section 24-58(J)(3)(c)(iv), Figure MU-3 of the Code to allow the reverse configuration of landscape strip and sidewalk with the landscape strip along NE 12 Avenue to be on private property, maintains the basic intent and purpose of the applicable zoning, subdivision and other land use regulations. Moreover, the requested variance is not contrary or detrimental to the public interest because the proposed use and design is compatible with the surrounding land uses and is in keeping with the surrounding properties.

**Section 13. Non-Use Variance from Section 24-58(L)(2)d.iii.** The Mayor and City Commission make the following FINDINGS OF FACTS from Section 24-176(B) based on the substantial competent evidence provided:

The requested Non-Use Variance from Section 24-58(L)(2)d.iii of the Code to allow for trees along NE 12 Avenue to be planted within the property line while trees are required to be planted between the sidewalk and the travel lane, maintains the basic intent and purpose of the applicable zoning, subdivision and other land use regulations. Moreover, the requested variance is not contrary or detrimental to the public interest because the proposed use and design is compatible with the surrounding land uses and is in keeping with the surrounding properties.

**Section 14. Non-Use Variance from Figure MU-12.** The Mayor and City Commission make the following FINDINGS OF FACTS from Section 24-176(B) based on the substantial competent evidence provided:

The requested Non-Use Variance of lot width and lot depth requirement per Section 24-58 Figure MU-12 Lot Standards for Flex Building Type to allow for development on a lot with a width of 610'-8" whereas 200' is maximum permitted and a depth, which varies from approximately 75' to 150' whereas minimum 130' is permitted, maintains the basic intent and purpose of the applicable zoning, subdivision and other land use regulations. Moreover, the requested variance is not contrary or detrimental to the public interest because the proposed use and design is compatible with the surrounding land uses and is in keeping with the surrounding properties.

**Section 15. Non-Use Variance from Section 24-58(S)(1)g.i.4.** The Mayor and City Commission make the following FINDINGS OF FACTS from Section 24-176(B) based on the substantial competent evidence provided:

The requested Non-use Variance from Section 24-58(S)(1)g.i.4 to permit transparent clear glazed area less than 70% of the façade area, maintains the basic intent and purpose of the applicable zoning, subdivision and other land use regulations. Moreover, the requested variance is not contrary or detrimental to the public interest because the proposed use and design is compatible with the surrounding land uses and is in keeping with the surrounding properties.

**Section 16. Non-Use Variance from Section 24-58(S)(1)j.i.** The Mayor and City Commission make the following FINDINGS OF FACTS from Section 24-176(B) based on the substantial competent evidence provided:

The requested Non-use Variance from Section 24-58(S)(1)j.i, to permit less than 30% of all ground floor street walls fenestrated with windows, maintains the basic intent and purpose of the applicable zoning, subdivision and other land use regulations. Moreover, the requested variance is not contrary or detrimental to the public interest because the proposed use and design is compatible with the surrounding land uses and is in keeping with the surrounding properties.

**Section 17. Non-Use Variance from Section 24-93(C)(2)(a).** The Mayor and City Commission make the following FINDINGS OF FACTS from Section 24-176(B) based on the substantial competent evidence provided:

The requested Non-use Variance from Section 24-93(C)(2)(a) to permit the ADA parking spaces to be eighteen (18) feet in length whereas twenty (20) feet is required, maintains the basic intent and purpose of the applicable zoning, subdivision and other land use regulations. Moreover, the requested variance is not contrary or detrimental to the public interest because the proposed use and design is compatible with the surrounding land uses and is in keeping with the surrounding properties.

**Section 18. Non-Use Variance from Section 24-58(S)(3).** The Mayor and City Commission make the following FINDINGS OF FACTS from Section 24-176(B) based on the substantial competent evidence provided:

The requested Non-use Variance from Section 24-58(S)(3) to permit a zero (0)-foot tower setback from the podium whereas the code requires a minimum setback of fifteen (15) feet, maintains the basic intent and purpose of the applicable zoning, subdivision and other land use regulations. Moreover, the requested variance is not contrary or detrimental to the public interest because the proposed use and design is compatible with the surrounding land uses and is in keeping with the surrounding properties.

**Section 19. Non-Use Variance from Section 24-58.1(M)(1)b.** The Mayor and City Commission make the following FINDINGS OF FACTS from Section 24-176(B) based on the substantial competent evidence provided:

The requested Non-use Variance from Section 24-58.1(M)(1)b, to allow no shower and changing facilities whereas one (1) shower and changing facility is required, maintains the basic intent and purpose of the applicable zoning, subdivision and other land use regulations. Moreover, the requested variance is not contrary or detrimental to the public interest because the proposed use and design is compatible with the surrounding land uses and is in keeping with the surrounding properties.

**Section 20. Non-Use Variance from Section 24-96(A)(1).** The Mayor and City Commission make the following FINDINGS OF FACTS from Section 24-176(B) based on the substantial competent evidence provided:

The requested Non-use Variance from Section 24-58.1(M)(1)b, from Section 24-96(A)(1) to provide two (2) loading spaces in the pick-up and drop-off area whereas the specified area is not expressly allowed, maintains the basic intent and purpose of the applicable zoning, subdivision and other land use regulations. Moreover, the requested variance is not contrary or detrimental to the public interest because the proposed use and design is compatible with the surrounding land uses and is in keeping with the surrounding properties.

**Section 21. Time for Building Permit.** Pursuant to Section 24-172(I) of the Code of Ordinances of the City of North Miami Beach, the Applicant must apply for a master building permit from the City within one (1) year of the date of this Resolution or the granted site plan approval and variances shall be deemed null and void, and the Applicant shall be required to reinstate the site plan review process unless the term is extended administratively or by the City Commission prior to its expiration.

**Section 22. Limitation of Approval.** The issuance of this development permit does not in any way create a vested right(s) on the part of the Applicant to obtain a permit from a county, state or federal agency, and does not create any liability on the part of the municipality for issuance of the permit if the Applicant fails to obtain requisite approvals or does not fulfill the obligations imposed by a county, state or federal agency or undertakes actions that result in a violation of county, state, or federal law.

**Section 23. Conflicts.** All resolutions or parts of resolutions in conflict with this Resolution are repealed to the extent of such conflict.

**Section 24.** **Effective Date.** This Resolution shall be in force and take effect immediately upon its passage and adoption.

**APPROVED AND ADOPTED** by the City Commission of the City of North Miami Beach, Florida, at regular meeting assembled this \_\_\_ **the day of** \_\_\_\_\_, **2022**.

[SIGNATURE PAGE TO FOLLOW]

ATTEST:

\_\_\_\_\_  
ANDRISE BERNARD  
CITY CLERK

\_\_\_\_\_  
ANTHONY F. DEFILLIPO  
MAYOR

(CITY SEAL)

APPROVED AS TO FORM &  
LANGUAGE & FOR EXECUTION

\_\_\_\_\_  
HANS OTTINOT  
INTERIM CITY ATTORNEY

SPONSORED BY: Mayor and City Commission

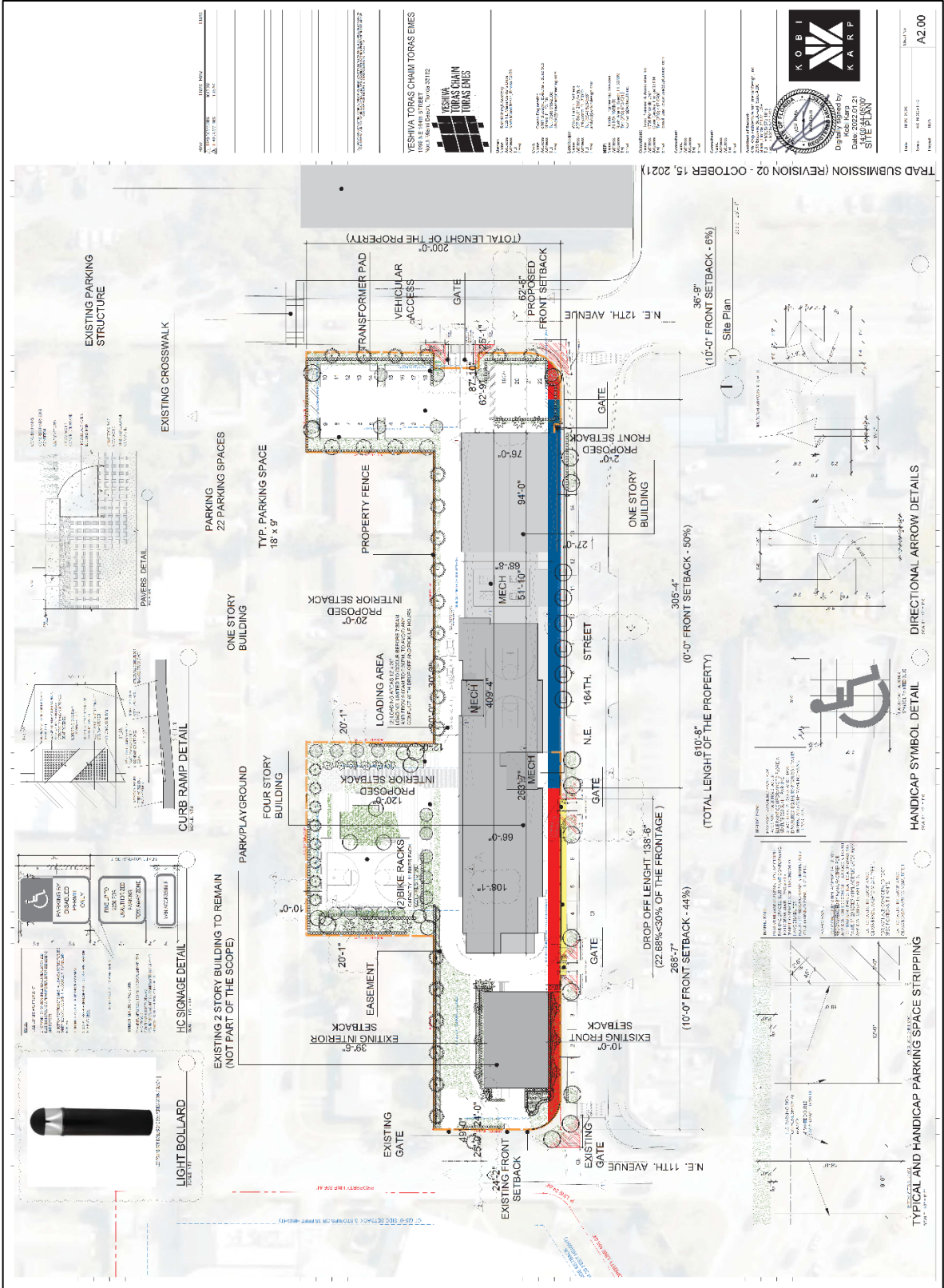
	YES	NO	ABSTAIN	ABSENT
Commissioners				
Mayor Anthony DeFillipo				
Vice-Mayor Fortuna Smukler				
Commissioner McKenzie Fleurimond				
Commissioner Barbara Kramer				
Commissioner Michael Joseph				
Commissioner Paule Villard				
Commissioner Daniela Jean				



**Exhibit “A”**  
**LEGAL DESCRIPTION**

Lots 1 through 8, Block 8 and Lots 9 through 13, Block 6 of “Monticello Park Unit 1”, according to the plat thereof as recorded in Plat Book 40, at Page 65, of the Public Records of Miami-Dade County, Florida, LESS that portion of Lot 1, in Block 8, lying West of the following described line: Commence at the Northeast corner of said Lot 1 and run West along the North line of said Lot 1 for 125.70 feet to the Point of Beginning of said line; Thence deflect 89°47’00” to the left, and run 61.91 feet more or less to a point on the Southwesterly line of said Lot 1, said point being the termination of the aforescribed line.

# Exhibit "B" SITE PLAN



**YESHIVA TORAS CHAIM TORAS ENIM**  
 1000 E 164TH STREET  
 North Miami Beach, Florida 33152

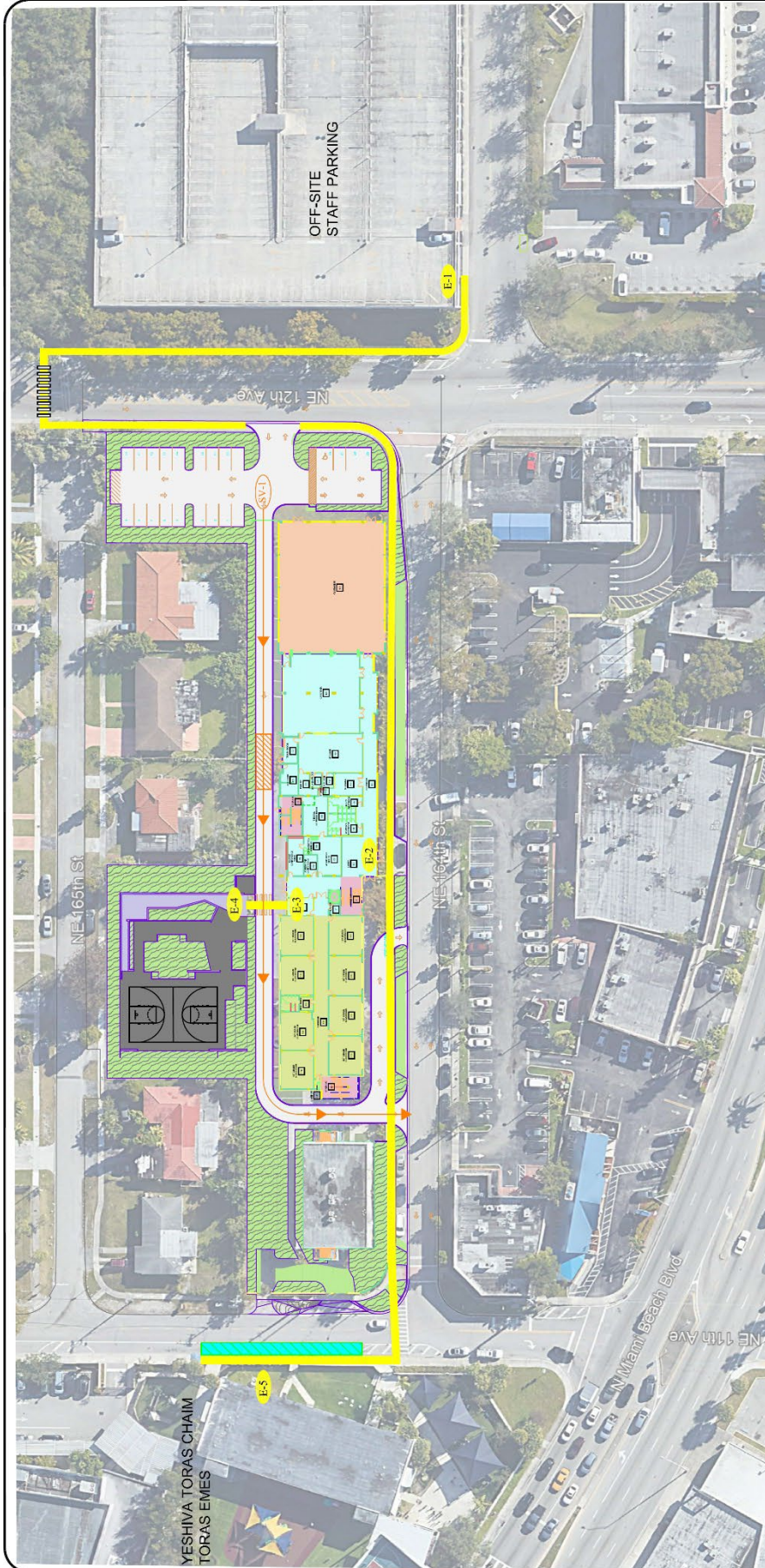
**YESHIVA TORAS CHAIM TORAS ENIM**


**K O B I K A R P**

TRAFFIC ENGINEER  
 2009 N.W. 11TH AVE., SUITE 100  
 MIAMI, FL 33136  
 P: 305.866.8600  
 F: 305.866.8601  
 E: INFO@KOBIKARP.COM  
 WWW.KOBIKARP.COM

DATE: 02/15/2021  
 PROJECT: YESHIVA TORAS CHAIM TORAS ENIM  
 SHEET NO.: A2.00





 N.T.S.

- LEGEND**
- SV-1 SERVICE VEHICLE ROUTE
  - E-1 PEDESTRIAN ACCESS POINTS
  - PEDESTRIAN WALKING PATH
  - EXISTING PEDESTRIAN CROSSWALK
  - EXISTING BUS STAGING

**YESHIVA TORAS CHAIM CAMPUS**

ELEMENTARY CLASSROOMS	20	360 STUDENTS
MIDDLE CLASSROOMS	12	216 STUDENTS
TOTAL CLASSROOMS	32	576 STUDENTS

**ARRIVAL \ DISMISSAL SCHEDULE**

KES	8:30am - 4:00pm
RMS	8:30am - 4:45pm

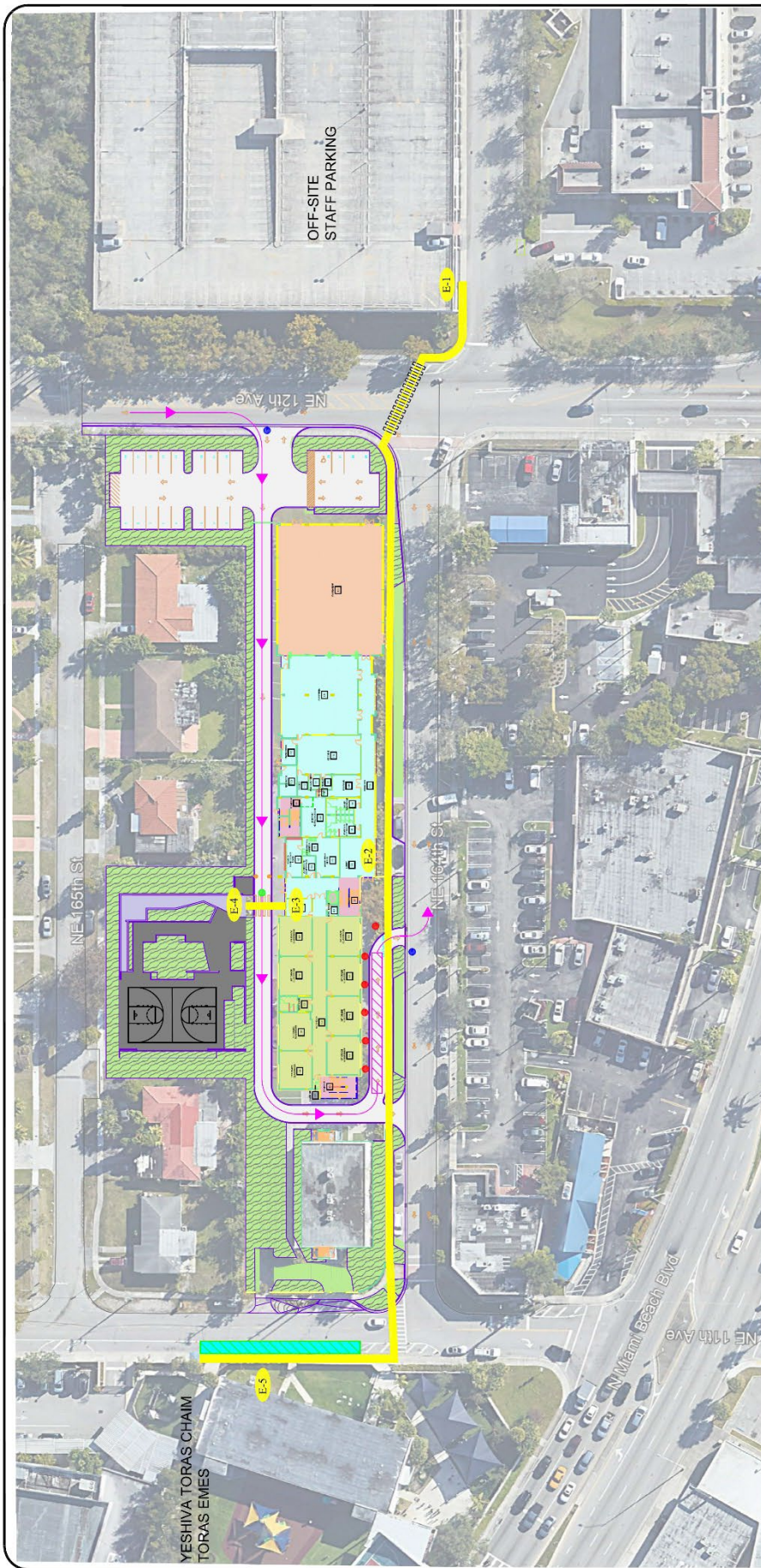
**ARRIVAL \ DISMISSAL OPERATION PLAN ALTERNATE 1**

**YESHIVA TORAS CHAIM**

**DAVID PLUMMER & ASSOCIATES, INC.**  
 TRAFFIC ENGINEERING • CIVIL ENGINEERING • TRANSPORTATION PLANNING  
 CORAL GABLES, FL 33134 TELEPHONE (305) 447-9900  
 1700 BOWNE ST. SUITE 200, CORAL GABLES, FL 33134 TELEPHONE (305) 447-9900  
 CERTIFICATE OF AUTHORIZATION EB 3004

**dpe**

DATE	10/27/20	SCALE	N/A
DRAWN		DATE	10/18/24
CHECKED		PROJECT NO.	2
APPROVED			



N.T.S.

**LEGEND**

- DROP-OFF / PICK-UP ROUTE
- DROP-OFF / PICK-UP QUEUE
- SECURITY GAUARD (2)
- TEACHER / ASSISTANT (4-5)
- CROSSING GAUARD (1)
- CONES
- OFF-SITE STAFF PARKING
- WALKING PATH
- RELOCATE PEDESTRIAN CROSSWALK
- EXISTING BUS STAGING

**YESHIVA TORAS CHAIM CAMPUS**

ELEMENTARY CLASSROOMS	20	260 STUDENTS
MIDDLE CLASSROOMS	12	216 STUDENTS
TOTAL CLASSROOMS	32	576 STUDENTS

**ARRIVAL / DISMISSAL SCHEDULE**

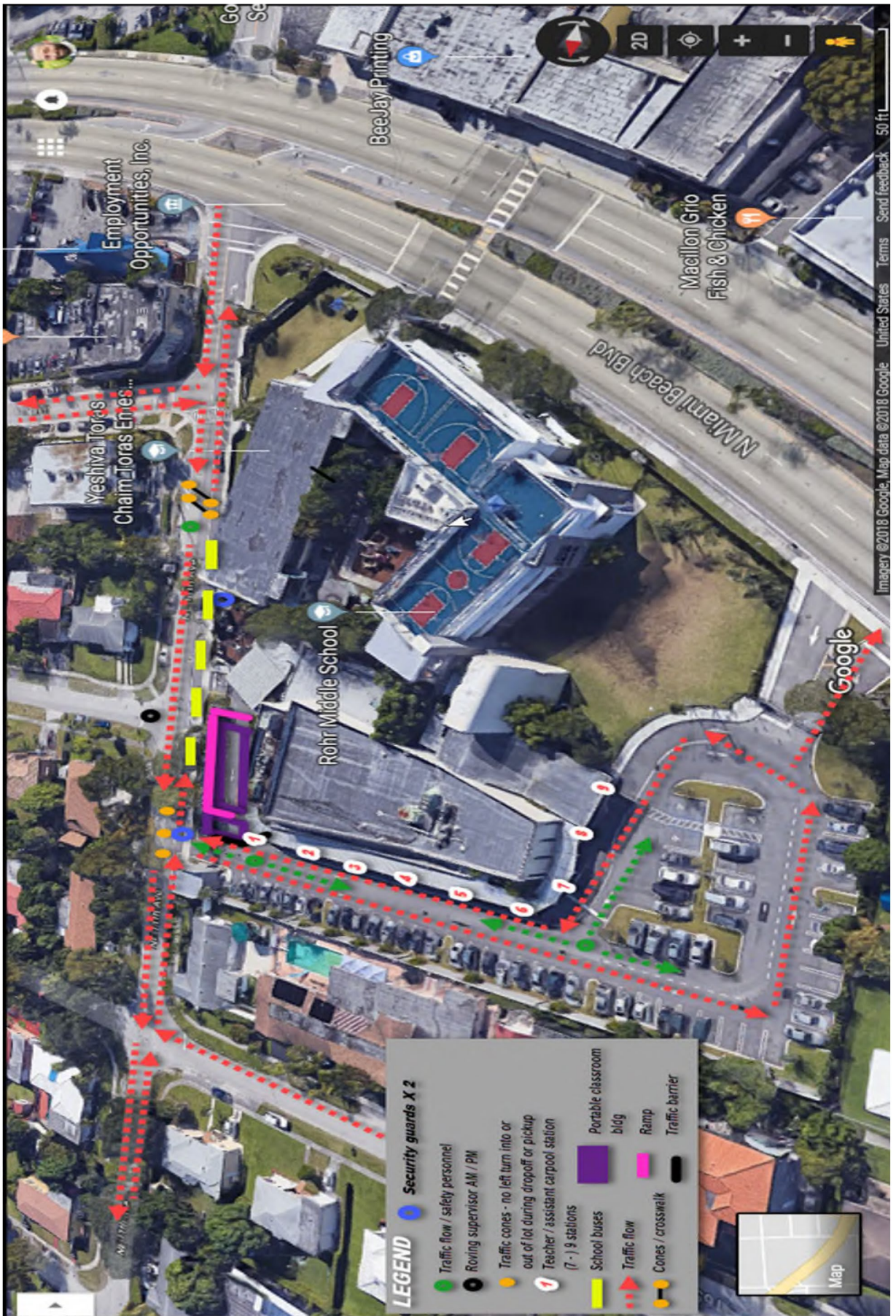
KEYS	8:30am - 4:00pm
RMS	8:30am - 4:45pm

**REVISIONS:**

NO.	DATE	DESCRIPTION

**DAVID PILUMMER & ASSOCIATES, INC.**  
 TRAFFIC ENGINEERING • CIVIL ENGINEERING • TRANSPORTATION PLANNING  
 CORAL GABLES, FL 33134 TELEPHONE (305) 441-1986  
 1155 FORCE DE LOUVRE BLVD., SUITE 1000, MIAMI, FL 33134

<b>PROJECT:</b> YESHIVA TORAS CHAIM	<b>TITLE:</b> ARRIVAL / DISMISSAL OPERATION PLAN ALTERNATE 2												
<table border="1" style="width: 100%;"> <tr> <td>DATE</td> <td>10/27/20</td> <td>PROJECT NO.</td> <td>13154</td> </tr> <tr> <td>DRAWN</td> <td></td> <td>SHEET NO.</td> <td>3</td> </tr> <tr> <td>CHECKED</td> <td></td> <td>APPROVED</td> <td></td> </tr> </table>		DATE	10/27/20	PROJECT NO.	13154	DRAWN		SHEET NO.	3	CHECKED		APPROVED	
DATE	10/27/20	PROJECT NO.	13154										
DRAWN		SHEET NO.	3										
CHECKED		APPROVED											



**RESOLUTION NO. R2022-XX**

## Yeshiva Toras Emes carpool and pickup procedures 2018-19

### Morning drop-off

Before drop-off begins at 8:00AM each morning, three dedicated employee / volunteers will be deployed for traffic safety and to keep all vehicles moving smoothly. One is deployed inside the lot near 11th Ave, another inside the parking lot at the back of the parking area (roundabout), and a third deployed on NE 11th Ave. All three begin at 7:55am until 8:45am (10 minutes past the official end of dropoff). They ensure traffic keeps moving, drivers are paying attention, that children exit vehicles curbside only, that there are no dropoffs allowed on NE 11th Ave., and to keep all vehicles from parking anywhere they should not: on the carpool line itself, on NE 11th Ave., or the neighbors' swale.

A lead security guard is posted up at the main pedestrian entrance on NE 11th Ave. A second, roving security guard, is posted up at the main drive-in gate during morning drop-off. Their main function is to scan for anyone or anything threatening. Their secondary, instructed purpose is to keep traffic moving safely, disallow them from turning left into or out of the NE 11th Ave exit gate, and keep anyone from parking in the bus lane on NE 11th ave.

The past school year, appx 4 - 5 teachers or teachers' assistants from Early Childhood and from Elementary division have been curbside during dropoff to quickly & safely help children out of vehicles and keep things moving. For 2018 - 19 school year we aim to increase this number to (7 -) 9 adults safely receiving kids. Another improvement we have planned is that each will be assigned a specific, numbered dropoff station as per diagram.

All students making their way across NE 11th from drop-off are crossed / watched by (3) separate personnel: a dedicated crossing guard, the NE 11th Ave morning traffic safety person, under the watch of the main entrance security guard. Children are never allowed to cross the road by themselves.

### Afternoon pick-up

Afternoon pick-up happens in three separate phases.

Afternoon pick-up begins with Early Childhood division at 2:45pm (- 3:15) each day. It is staffed, curbside, by ECE teachers and teachers' assistants who are equipped with walkie talkies. As cars arrive at front gate, their carpool number, posted in windshield, is immediately relayed by them to staff inside (one teacher per class) via walkie who immediately send out students to the carpool line. ECE staff then walk students to their cars and ensure safe load-in.

Klurman Elementary School carpool begins at 4:00pm (- 4:30) each day. KES pick-up runs similarly to ECE pick-up, only with much greater numbers of staff, assistants, principals, and students. Carpool numbers are called out by an ECE carpool worker via



walkie to the main desk secretary, who then announces on universal P.A. system to all classrooms / all students. All students who are coming from Boys Bldg., on east side on NE 11th Ave., are safely walked across by a dedicated crossing guard who works the entire afternoon carpool. They cross only in small groups, never en masse. As their carpool arrives, they are called.

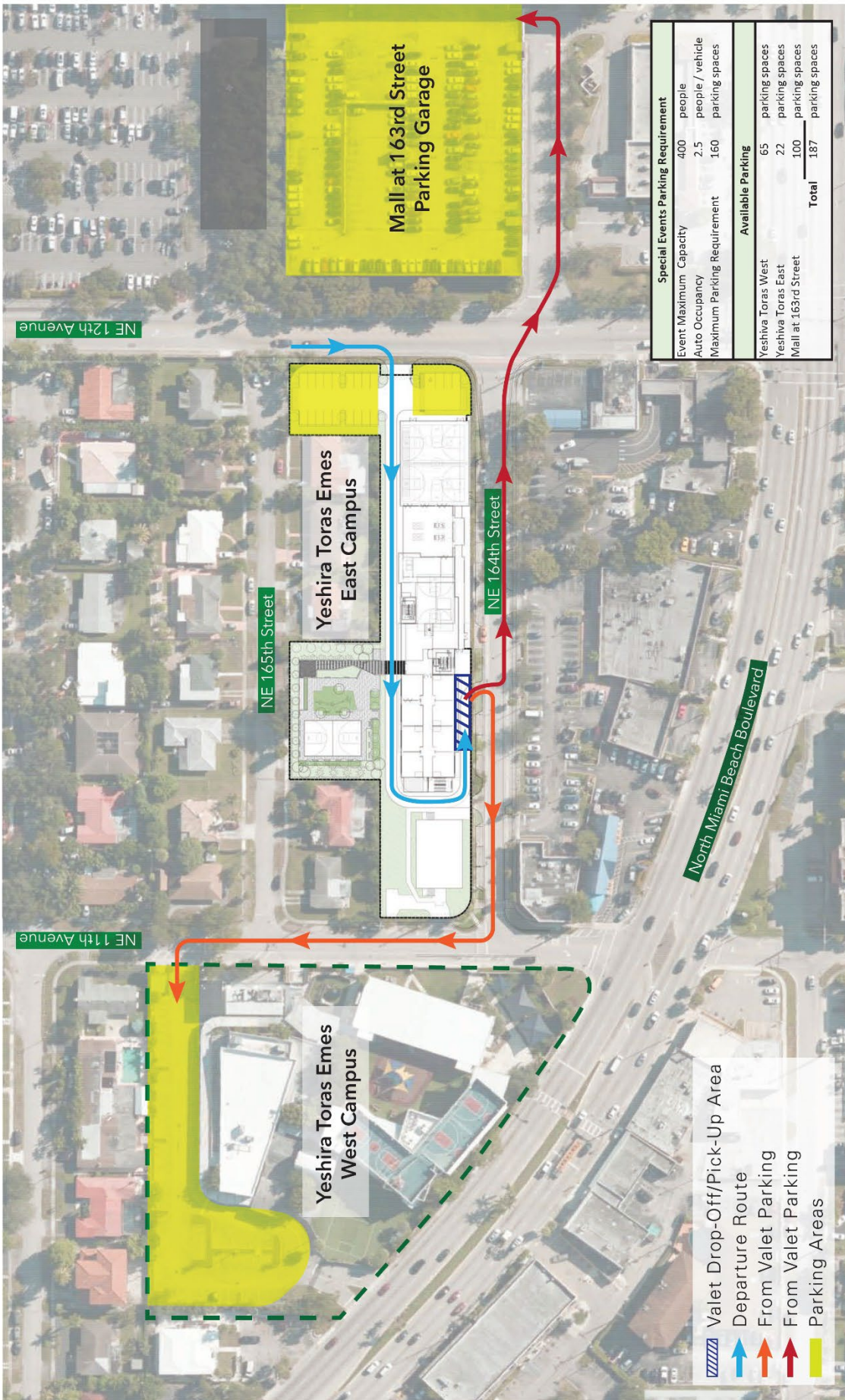
Rohr Middle School dismissal happens much later beginning at 4:45pm. By that time, with ECE and KES already dismissed, the traffic is far lighter. Nevertheless, RMS principals, teachers, and staff are present with walkies to receive all parents, relay carpool numbers, and ensure students safely make their way to their vehicle pickup, curbside only.

A lead security guard is posted up at the main pedestrian entrance on NE 11th Ave. A second, roving security guard, is posted up at the main drive-in gate during afternoon pick-up. Their main function is to scan for anyone or anything threatening. Their secondary, instructed purpose is to keep traffic moving safely, disallow them from turning left into or out of the NE 11th Ave exit gate, and keep anyone from parking in the bus lane on NE 11th ave. A security guard is present until at least 5:30pm, sometimes later.

As with AM drop-off, all principals, teachers, staff, traffic safety personnel and the (2) security guards are all working to prevent parents from parking on street, in bus lanes, or on the neighbors' swales.

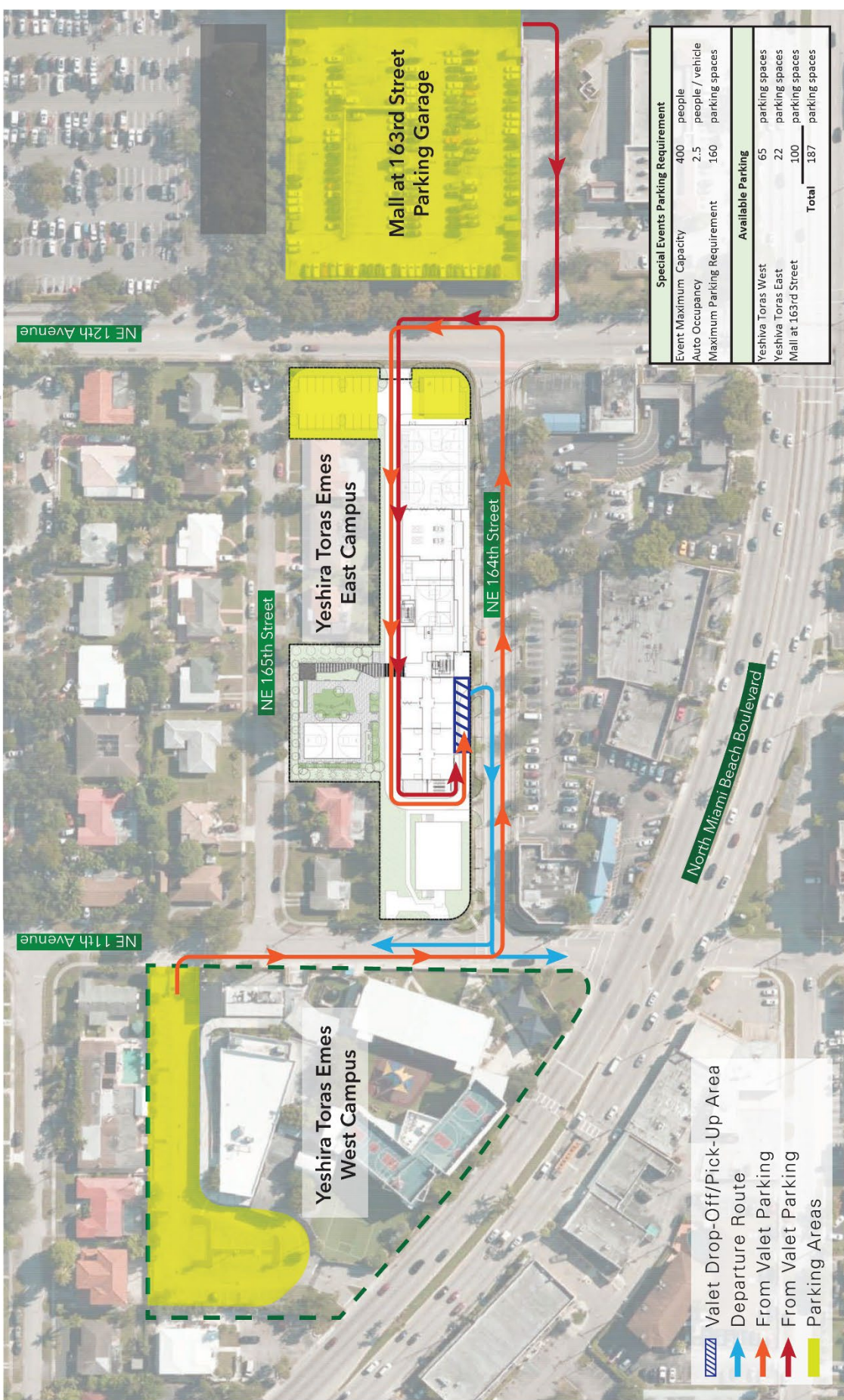


**Yeshiva Toras Emes  
Special Events Circulation Plan**



**Exhibit 1**  
Valet Operations Arrival

**Yeshiva Toras Emes  
Special Events Circulation Plan**



**Exhibit 1**  
Valet Operations Departure