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VIA HAND DELIVERY & ELECTRONIC SUBMITTAL

March 14, 2022

Kent Walia
Director of Community Development
Community Development Department
City of North Miami Beach
17050 NE 19 Avenue
North Miami Beach, Florida 33162

Re: Letter of Intent for Site Plan Approval for Toras Emes Development Company Located at 1099 NE 164 Street, 16415 NE 11 Avenue, 1136-1150 NE 165 Street, North Miami Beach, Florida

Dear Mr. Walia:

This law firm represents Toras Emes Development Company, Inc. (the "Applicant"), which operates two private Jewish schools with over 36 years presence in North Miami Beach, with one campus on Miami Gardens Drive and another on North Miami Beach Boulevard. The Applicant seeks a phased site plan approval for an expansion of the existing campus on North Miami Beach Boulevard with a new four (4) story educational building that expands the campus footprint. Demand for high-quality education is at an all-time high and the school needs to expand in order to accommodate the growing student population. Please let the following serve as the required letter of intent in connection with the requests for approval of this Application.

Description of Property. The Applicant owns and operates the Toras Emes Academy (the "School") at 1099 NE 164 Street (the "West Campus"), as well as the irregularly-shaped property assemblage located across NE 11 Avenue at 16415 NE 11 Avenue and 1136-1150 NE 165 Street (the "East Campus"). The West Campus is approximately 135,419 square feet (approximately 3.1 acres) in size. The East Campus contains approximately 84,135 square feet (1.93 acres).

The East Campus contains a 2-story building already used for educational instruction. A paved area to the east of the existing

classroom building is used for playground and basketball activities for all students and also as a safely segregated parking area. Further, at the east end of the block is undeveloped open space used for student physical education activities.

Surrounding Area. The north portion of the block not part of the East Campus contains single-family homes, which the Applicant hopes to purchase in the future to further expand its school operation. The properties to the east of the Property are not within the City limits of North Miami Beach and contain the 163rd Street Mall and Home Depot. The properties to the south of the Property contain commercial uses, including offices, restaurants and retail establishments.

Land Use and Zoning. On March 16, 2021, the City Commission adopted Ordinances 2020-10 and 2020-11 which amended the City's Comprehensive Development Master Plan and the Zoning and Land Development Code respectively to, among other things, create the International Boulevard District—a new mixed-used district. See Exhibit A, Ordinance 2020-10 and 2020-11. The Property now has a land use designation of Mixed-Use International Boulevard West and an accompanying zoning designation of Mixed-Use International Boulevard West.

Prior Development. In 2011, the Applicant obtained approval for and completed construction of a comprehensive redevelopment of the West Campus. See Exhibit B, Resolution No. R2011-19 and approved site plan. That approval allowed for a future student population of 690 students for the West Campus. Notably, the West Campus, through the prior approval, contains all parking spaces for the entire campus, for the 690 students and staff. There are 69 standard-size parking spaces and 3 handicap spaces. The 2011 Approval included a variance for 101 parking spaces, allowing the 72 provided parking spaces to accommodate the maximum student enrollment of 690 students (the "Previous Parking Variance").

In 2018, the Applicant obtained approval for two (2) 1-story modular classroom buildings (a.k.a. portable classroom units) on the existing parking area on the northeast portion of the West Campus along NE 11^t Avenue. The modular buildings are approximately 840 square feet and 1,640 square feet, respectively. The buildings were installed across 9 parking spaces, effectively reducing the number of provided parking spaces on the West Campus from 72 to 63 parking spaces. To account for this, nine (9) parking spaces and one (1) handicap space were added to the center of the East Campus.

Importantly, the modular buildings did not increase student capacity. The purpose of the classrooms is for specialty, enrichment programs, such as art, therapy, science, special education, and computer lab. The modular buildings do not impede the substantial drop-off and pick-up areas provided on the West Campus and the School continues to manage the drop-off and pick-up activities to ensure minimal impacts in the surrounding area.

Description of Development Program. The unique shape and narrowness of the assemblage create a great challenge in development on the East Campus. However, the Applicant has effectively used the new mixed-use zoning regulations to provide a remarkable expansion of the School. As part of the next phase of redevelopment, the Applicant proposes to develop a new beautifully-designed four (4) story educational building in the Flex Building Typology on the East Campus. The proposed building will include 32 total classrooms, with 20 classrooms serving the elementary school students and 12 serving the middle school students. The proposed new development will also include a two (2) story tall, approximately 12,000 square feet gym at the east end. At the east end, twenty-two (22) parking spaces will be added.

Outdoor play areas are a critical component to the healthy education of the School's students and despite the limited space on this narrow East Campus, the Applicant proposes a basketball court and play space at the north area, with extensive landscaping along the perimeter to appropriately buffer these uses from the adjacent properties. Further, a concrete wall as required by Code will be located on the property line abutting residential properties. Additionally, similar to the rooftop basketball uses at the West Campus, two (2) basketball courts will be located on the roof the new classroom building. To screen the activity from the nearby residential uses, a translucent vinyl mesh will be installed in the rooftop fence facing north. These 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.

Notably, the Applicant does not propose any changes to the West Campus, including the modular buildings, or the existing 2-story classroom building on the East Campus, which will be used for enrichment programs only.

Phasing Request. The Applicant intends to develop the project together, however, it may be necessary to do in two phases. As such, the Applicant proposes the gym building and eastern parking area as Phase 1 and the classroom building as Phase 2. Phase 1 will go forward immediately upon approval and Phase 2 may follow within 1 to 3 years if not able to be developed concurrently.

School Operations and Parking. The expansion of the school campus onto the East Campus will allow the School to increase its enrollment and better serve its students. The School is currently subject to a student count of 690 students in association with the West Campus. The expansion of campus area and development of the proposed new education facilities in the East Campus will be accompanied by a request to allow a student count of 576 students. At this time, proposed building on the East Campus parcel will accommodate 360 elementary school students

and 216 middle school students. This yields a total student count of 1,266 students across both campuses. These students are served by approximately 156 staff members.

Drop-off/Pick-up, Relocation of Crosswalk. The designated student drop-off/pick-up area for the East Campus, which is separate and independent from the drop-off/pick-up for the West Campus, will be located at the southwest corner of the new classroom building. To maximize the ability for internal queuing and circulation, the entrance will be via a right-in driveway on NE 12 Avenue, with the queuing line following the north side of the new building and wrapping around the west side to the drop-off/pick-up area.¹ The exit will be via a two 1-way outbound driveways on NE 164 Street. Further, the Applicant has staggered drop-off and pick-up times for the elementary and middle school students. For example, in the East Campus middle school student drop-off runs from 7:45 am to 8:05 am, and elementary school student drop-off runs from 8:00 am to 8:35 am. As already occurs at the West Campus, to facilitate drop-off/pick-up circulation, multiple staff members equipped with walkie talkies, safety vests and whistles will help ensure traffic and pedestrian safety, keep parents focused, and quickly and safely pair students with their carpool, which is highly encouraged by the Applicant. Private security guards are also present to assist in these efforts, and are there before the first student arrives and leave only after the last student has departed. See Exhibits C and D, West Campus and East Campus Drop-off/Pick-up Diagrams, respectively.

Parking. The East Campus currently includes 10 parking spaces for the School. The proposed development will displace these parking spaces and provide 22 new parking spaces at the east end of the East Campus. Pursuant to the Code, which mandates 1 parking space per 4 students, the East Campus should provide 144 parking spaces on site. In this case, the City's parking rate does not reflect actual parking needs since it is based on the number of students and none of the elementary and middle school children will drive to and park at the School. The City's standard also does not account for meaningful alternative modes of transportation already in use for the West Campus, such as the School's expanded bus services, carpooling and County and City buses, many of which stop immediately to the east of the East Campus on NE 12 Avenue. According to the ITE Parking Generation Manual 5th Edition, the proposed School should provide 67 parking spaces. Further, based on the data collected on the West Campus, the calculated parking rate is 0.067 spaces per student. Based on this rate, East Campus should only require 39 parking spaces. See Traffic Statement by David Plummer and Associates included with the Application materials.

A way to more accurately measure the School's parking needs would be by number of staff members. As previously mentioned, the entire School will be served by 156 staff members;

¹ The entrance on NE 12 Avenue may also be used as a right-turn exit only outside of the drop-off and pick-up times.

72 for the West Campus and 84 for the East Campus. The West Campus effectively provides 63 parking spaces, with the potential to provide 72 parking spaces in the future when there is no longer a need for the modular classroom buildings. The East Campus will provide a total of 22 on-site parking spaces. This is a total of 85 on-site parking spaces, with the potential to increase to 94 parking spaces in the future. At worst, assuming each staff member arrives alone by car this means that 71 staff members would need to park off-site.

To provide the additional spaces, the Applicant has entered into an agreement with the 163rd Street Mall to lease parking spaces from them in the parking garage immediately across NE 12 Avenue to the east to allow staff to park. See Exhibit E, Lease Agreement. The agreement is presently a two-year contract where the Applicant is already leasing 50 parking spaces with the option to add up to 50 more for a total number of 100 parking spaces. Two years is the anticipated build-out date for at least Phase 1 of the Proposed Development. The Applicant intends to increase the number of leased parking spaces to the full 100 when the East Campus opens to provide sufficient parking for Staff members. To this end, the Applicant proffers conditions to show annual proof of the lease or seek appropriate modifications. See Exhibit F, Conditions of Approval, specifically nos. 8 and 10.

Importantly, the Applicant notes that not all 156 staff members need to park at the School. Like the students, a meaningful portion of the staff opt for carpooling and using the School's bus services and others use the County and/or City buses that stop very nearby.

The Applicant proposes to connect the leased off-site parking to the East Campus by relocating the existing cross-walk for NE 12 Avenue from NE 165 Street to a diagonal cross-walk that connects the southeast corner of the East Campus at NE 164 Street to the southwest corner of the 163rd Street Mall parking garage. Relocating the cross-walk will create less pedestrian interference with the proposed drop-off and pick-up circulation and allow for better pedestrian access to the bus bay on the east side of NE 12 Avenue, which is a stop for many different bus routes. The relocation requires coordination between the County, the City and the Applicant and, therefore, cannot be guaranteed. The plans with this Application include both conditions; however, Applicant believes the relocation is the safer option and will pursue during the building permit process.

Special Events. The Applicant proposes to use the new gymnasium for special events, such as weddings, and Bar and Bat Mitzvahs, after school hours and on weekends when the School is not in session. For these events, the School will provide valet parking that utilizes the same east entrance, internal queuing lane and drop-off/pick-up location at the southwest corner of the classroom. From there, the two entrances to the building leading to the gymnasium for the event are only a short walk away. Storage for vehicles will be at the West Campus, where

vehicles may be tandem parked to increase capacity, and also at the Mall parking garage immediately to the east of the gymnasium. Staff needed for the event will arrive early and self-park in the 22 spaces on the East Campus. See Exhibit G, Valet Operations Plans.

To ensure safe and orderly special events, the Applicant proffers conditions for operations. See again Exhibit F, Conditions of Approval, specifically no. 13.

Requests. In order to achieve the Proposed Development, the Applicant respectfully requests site plan approval, an administrative waiver, and non-use variances as follows:

Site Plan Approval:

- a) Site Plan Approval for the Property pursuant to the proposed development plan, including two phases – Phase 1 (gym building and eastern parking area) and Phase 2 (classroom building);

Non-Use Variances:

- b) 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 (the "Parking Variance");
- c) Non-use Variance from Section 24-58.8 Part II, (A)(4)b.i to allow the ground floor, specifically the cafeteria at 21'-2" and the gymnasium at 29'-5" where 20'-0" is the maximum allowed (the "Height Variance");
- d) Non-use Variance from Section 24-58(P)(1) of the Code to allow a fence facing portions of perimeter streets (the "Fence Variance");
- e) Non-use Variance from Section 24-58(S)(1) of the Code to allow a horizontal dimension of 409'-4" where 300' is the maximum (the "Building Length Variance");
- f) Non-use Variance from Table MU/IB-5 to allow a setback of 62'-8" where 20' is maximum permitted (the "East Setback Variance");
- g) Non-use Variance from Table MU/IB-5 to allow the existing 2-story building located on the West side of the Property to maintain the exiting setback of 32'-4" (the "West Setback Variance");
- h) 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" where 200' is maximum permitted and a depth, which varies from approximately 75' to 150' where 130' is the minimum (the "Lot Width/Depth Variance");
- i) 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 (the "Glazing Variance");
- j) 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 (the "Fenestration Variance");

- k) Non-use Variance from Section 24-93(C)(2)(a) to permit the ADA parking spaces to be eighteen (18) feet in length where twenty (20) feet is required (the "ADA Parking Space Variance");
- l) Non-use Variance from Section 24-58.1(M)(1)b to allow no shower and changing facility where one (1) shower and changing facility is to be provided (the "Shower and Changing Facility Variance"); and
- m) Non-use Variance from Section 24-96(A)(1) to provide two (2) loading spaces in area where not expressly allowed (the "Loading Space Variance").

n) Sidewalk Variances:

NE 11 Avenue

- Non-use Variances from Section 24-58(J)(3)(c)(iv), Figure MU-2 of the Code to retain existing conditions by allowing: (1) the reverse configuration of the landscape strip and sidewalk along NE 11 Avenue with the landscape strip on private property, when the landscape strip is to be located within the public right-of-way; and (2) foregoing any on-street parking on the east side of NE 11 Avenue (the "NE 11 Avenue Street Section Variances").

NE 164 Street

- Non-use Variances from Section 24-58(J)(3)(c)(iv), Figure MU-1 of the Code to allow: (1) 4'-5" tree grates in the public right-of-way and 7" on private property along central portion of NE 164 Street to provide the full 5' required tree grates (the "NE 164 Street Tree Grate Variance"); (2) the landscape strip along eastern and western portions of NE 164 Street to be on private property, when the landscape strip is to be located within the public right-of-way; (3) no landscape strip at the drop-off/pick-up area and at the gym building; (4) the existing substandard sidewalk in the right-of-way east of the drop-off area to have a width ranging from 4'-5" to 4'-9" where 5' required; and (5) to have at least the 5' minimum sidewalk in portions of the western half of the street located on private property (the "NE 164 Street Section Variances").

NE 12 Avenue

- Non-use Variance from Section 24-58(J)(3)(c)(iv), Figure MU-3 of the Code to allow: (1) the reverse configuration of landscape strip and sidewalk with the landscape strip along NE 12 Avenue to be on private property, when the landscape strip is to be located within the public right-of-way; and (2) foregoing any on street parking on the west side of NE 12 Avenue (the "NE 12 Avenue Street Section Variances").

- Similar to (1) above, 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 when trees are required to be planted between the sidewalk and the travel lane (the "NE 12 Avenue Tree Grate Variance").

Analysis of Site Plan Approval.

- a) Site Plan. The Proposed Plan is the best design for this irregularly shaped assemblage. Before the Covid-19 pandemic, the School had great demand for new students and began planning the expansion. Now more than ever, parents are eager to get their children back to school where they are provided with caring attention from teachers and staff and exposed to social interactions that are pivotal for becoming fully integrated members of society. The East Campus is needed in order to accommodate the increased demand. The East Campus was thoughtfully laid out to incentivize both learning and play. The Applicant has provided sufficient buffering to the residential homes to the north in order to minimize any impacts. In the future, the Applicant hopes to own the entire block and further expand its school operation. This will further cement Yeshiva Toras Chaim Toras Emes as a top-notch institution for religiously integrated education, bringing families to live, visit and spend their money in the City for many years. Accordingly, we respectfully request Site Plan Approval.

Non-Use Variance Analysis. The Applicant respectfully requests the Non-Use Variances in order to effectuate the best development for the Property. The requested non-use variances meet the criteria laid out in Section 24-176(C) of the Code for granting non-use variances:

- (1) *The non-use variance maintains the basic intent and purpose of the zoning, subdivision, and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community. The non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community*
- b) Parking Variance. The East Campus will host 576 elementary and middle school students. The Code requires that parking be provided at a rate of 1 parking space per every 4 students, yielding a parking requirement of 144 parking spaces. As previously discussed, the City's parking rate is not an appropriate measure to reflect parking needs for the school. Calculating parking based on student count is not ideal when, in reality, none of the students are capable of driving and in need to park at the School. Further, the Code does not account for other impactful alternative modes of

transportation, such as carpooling and bus services, of which many students and staff utilize today. This was recognized by the City in 2011 when it granted a 101 parking space variance to the West Campus.

The basic intent of the Code is to ensure that adequate parking facilities are available for the school use. Here, the Applicant will assure that adequate parking facilities for the school are provided both on and off-site.

Yeshiva Toras Emes is an elementary and middle school and **none** of the students drive. However, the City Code requirement is based on the number of students. 576 new students for east side expansion area requires 144 parking spaces. The Applicant proposes 22 spaces on site and a lease with the 163rd Street Mall immediately across 12 Ave in the east for 100 spaces. Combined this is 122 spaces. The Applicant has proffered conditions to ensure that the parking spaces are provided or modified by working with the City through the appropriate process. See again Exhibit F, Conditions of Approval, specifically nos. 8 and 10.

While the combined 122 spaces may appear to be short, it is not. The Applicant has provided a detailed traffic study that indicates a much lower number is required that was vetted by the City's consultants. From a reasonable standpoint, a good measure is the number of staff as the actual potential drivers. For the entire campus – existing at west side and proposed expansion at east side – the parking as worst case is if each and every staff person drives themselves, which is **not** the case.

STAFF

West Campus = 72 staff

East Campus = 84 staff

Total = 156 spaces

PROVIDED SPACES

West Campus = 63

East Campus = 22

Least at Mall = 100

Total = 185

This represents a **surplus of 29 spaces**, which can be used for guests and visitors.

We note that the Applicant is already making good use of the leased parking at the Mall. Approximately 20 – 30 staff members from the West Campus are parking in the Mall to alleviate congestion.

Also as mentioned, the above is worst case. Not all staff drive to the school. Today approximately 13 staff members are bus monitors for the West Campus, which means they ride the same buses that transport students, and another approximately 7 staff carpool for a total of 20 that do not drive to the Yeshiva. The Applicant anticipates the same situation for the East Campus when it opens, 13 bus monitors and 7 carpools for another 20 that will not drive to the Yeshiva. These alleviate the need for actual parking spaces, whether on-site or through the lease.

Moreover, the Yeshiva has recently purchased other very nearby properties that they will incorporate into the campus over the next year (through appropriate City processes) and can be used to provide parking, especially the commercial properties to the immediate south of the East Campus.

In conclusion, the Yeshiva is providing a comprehensive program for addressing parking needs and the proffered conditions make that enforceable. See again Exhibit F, Conditions of Approval, specifically nos. 8 – 12. Moreover, the Applicant is actively seeking to provide parking on their own nearby properties in the near future.

- c) Height Variance. The Applicant requests the Height Variance to allow ground floor, specifically the cafeteria at 21'-2" and the gymnasium at 29'-5" where 20'-0" is the maximum allowed. The basic intent of this Code section is to reduce building massing to ensure consistency with the maximum allowable heights for the zoning district. The Applicant's requested Height Variance is consistent with the intent of the Code.

First, according to the Buildings Heights Regulating plan, the Property could be developed with maximum 4-story buildings. However, the cafeteria and gymnasium buildings do not maximize permitted height and are proposed as single-story buildings. Further, the Code allows for the ground floor and second floors to be a maximum of 20 feet, which combined are 40 feet. At 21'-2" and 29'-5" respectively, the cafeteria and gymnasium buildings do not approach the contemplated 40 feet maximum. Additionally, the 4-story classroom building also does not maximize allowable ground floor and second floor heights. Instead it is proposed with uniform 14 feet high levels which effectively reduces the scale and massing of the 4-story classroom building and the development as a whole. The end product is a development with a height and massing that is consistent with the intent of the Code.

- d) Fence Variance. The Applicant requests the Fence Variance to allow fencing along portions of the Property fronting perimeter streets. Section 24-58(P)(1) of the Code states fences in non-residential and mixed-use buildings shall only be permitted when used in conjunction with (1) screening of mechanical equipment, (2) screening of off-street loading, trash and service areas, (3) required perimeter buffer, and (4) screen of off-street parking lots. The Applicant's use of the property is an educational facility for young Jewish children and the safety and security of these children is of paramount importance. The fence in areas not permitted serves this grave safety concern. The Applicant's proposed fence is more than functional; it is a well-designed, aesthetically pleasing fence that accentuates the development while ensuring the safety and security of the students, faculty and staff, and visitors from the vehicular traffic on surrounding streets. Further, the fence will serve as a buffer between the two egress driveways.
- e) Building Length Variance. The Applicant requests the Building Length Variance to allow a horizontal dimension of 409'-4" where 300' is the maximum allowed. Section 24-58(S)(1) of the Code states the maximum horizontal dimension of a building shall be 300 feet. The Applicant proposes a horizontal dimension of 409'-4" because the Property is a long, narrow, irregularly shaped lot that provides challenges in regard to building placement. Further, the proposed horizontal dimension is separated into a four-story building that is only 263'-7" in length, and if not connected in compliance, and a one-story structure that is 145'-10" in length. As a result, the variety in height helps reduce the massing of the school to meet the intent of the Code provision. Further, the proposed horizontal dimension fulfills the school's needs as classrooms and the gymnasium will be located within the structure.
- f) East Setback Variance. The irregular shape of the Property poses a challenge in locating buildings and the associated queuing lane and parking. The proposed design, with centrally located buildings encircled by the queuing and parking at the east side, takes this into account and provides the most efficient use of the Property, including providing the maximum amount of parking and segregating it from the educational uses. Placing a building at 20' would disrupt the queuing operation and parking field and also create an unsafe condition for the young students and all people using this portion of the campus. In addition, the eastern portion of the property sits across from the Parking Garage at the 163rd Street Mall, and therefore the proposal is compatible with the surrounding area.

- g) West Setback Variance. If applicable, the Applicant requests a variance to maintain the existing setback of 34'-2" for the 2-story structure on the west portion of the Property. This structure was built and approved many decades prior to the implementation of the MU/IB district and the Applicant proposes to retain the building as-is for educational purposes. As a result of this long-standing condition, the structure may be deemed legally conforming, and we request a variance is needed to confirm this condition through the redevelopment of the Property.
- h) Lot Width/Depth Variance. Educational campuses are not the norm for the mixed-use district and yet large areas are needed for appropriate layout of buildings and associated uses and operations, including safe queuing and parking areas. The Property, while considerably irregular in shape, allows for efficient and safe arrangement of necessary structures and uses. The main, long but narrow portion suitable is for development of the classroom building and gym, along with retention of the existing educational building at the west side. The two northern portions are small and not conducive to any large structure, especially when the need for queuing and pedestrian safety are taken into account, but are ideal for outdoor play areas in the center of the Property and placing off-street parking at the east end to maximize available parking and keep away from the student areas. In specific, the width of the Property is 610'-8" fronting NE 164 Street where under flex type building typology standards only a maximum of 200' is allowed, and the depth of the Property varies from 75' to 150', the latter in the two portions that span the block north to south, which are compliant. The building is compatible in scale with the surrounding uses and notably is oriented to the south away from the residential in the north. As a result, the longer and slightly narrower Property properly accommodates uses without detriment to the surrounding area.
- i) Glazing Variance. The Applicant requests the Glazing Variance for south and east ground level elevations for the protection and privacy of the students and teachers within the classrooms and gymnasium building. Section 24-58(S)(1)g.i.4 is intended to apply to storefronts where pedestrians walk by and look into the store and displays. A school is not a typical commercial use that has a maximum of transparency. Classrooms and other school related facilities are not meant to be wholly transparent. Notably, where glass storefronts are provided, except for minimal framing, they are effectively 100% transparent.
- j) Fenestration Variance. The Applicant requests the Fenestration Variance for the south and east ground level elevations for similar reasons discussed above. Section 24-58(S)(1)j.i is intended create transparent storefronts where pedestrians and passersby

can look into the store and accompanying displays. A school is not a typical commercial use that has a maximum of transparency. Classrooms and other school related facilities are not meant to be wholly transparent. Notably, the design provides a large amount of fenestration that by itself falls a little short of the minimum requirement. However, when combined with the storefronts the design achieves the 30% minimum for both south and east ground level elevations.

- k) ADA Parking Space Variance. The Applicant requests the ADA Parking Space Variance because (1) a 20' parking space would impede appropriate maneuverability for the queuing lane and parking area and (2) reduce landscaping at the east side. First, including a 20' ADA parking space will result in reduced maneuverability due to the turning radii of cars and lack of access to the parking space itself and potential impacts to the queuing lane. Second, as shown on Sheet A3.01, extending the parking spaces westward by two (2) feet more will result in irregularly shaped landscaping and impede successful plantings in that area that screen the parking area and soften the pedestrian experience on NE 12 Avenue.
- l) Shower and Changing Facility Variance. The Applicant requests the Shower and Changing Facility Variance because the project is a private Jewish school that primarily serves elementary students and most elementary schools do not provide shower facilities. The project is not a typical commercial use, and as a Jewish instruction providing showers and a changing facility will be problematic. Currently, the Applicant's west campus does not have showers and there are no issues.
- m) Loading Space Variance. The Applicant requests the Loading Space Variance because the Applicant proposes the two (2) loading spaces in the drive-aisle that serves as the queuing lane for drop-off and pick-up. This drive-aisle can achieve the intent of Section 24-96(A)(1), which is to provide space for the loading and unloading of goods because the queuing only happens at limited times during the day. The school is not a typical commercial facility that will have frequent deliveries. The school will have very few and most-likely services by smaller vehicles, such as vans and trucks, that will deliver small amounts of goods and supplies quickly. Operationally, these small deliveries will be easy to manage and will not be during peak morning and afternoon drop-off and pick-up hours. Specifically, deliveries can occur before 7:30 AM and from 9:00 AM to 2:30 PM, to avoid any conflict with drop-off and pick-up.
- n) Sidewalk Variances.

NE 11 Avenue

The Applicant requests the NE 11 Avenue Street Section Variances to maintain existing conditions, specifically to allow for the landscape strip to be located on private property, where the landscape strip is to be located in the public right-of-way, and to forego on-street parking on the east side. Due to existing conditions, safety concerns, and the presence of the existing building, the Applicant proposes preserving the reverse configuration for the landscaping located on NE 11 Avenue. Despite not being located within the public right-of-way, the proposed landscape strip is nearly double what is required under the Code. The Code provides that the landscape strip is to be a minimum of 5'-0" and the Applicant is providing a landscape strip 9'-0" in width. Overall, the Applicant's proposed reverse configuration meets the intent of the Code because the proposed landscape strip provides a great buffer for students, teachers, and parents, thus providing more safety, provides more green space, and is necessary due to the existing conditions of the sidewalk and existing building.

NE 164 Street

The Applicant requests the NE 164 Street Tree Grate Variance to allow for the tree grates in the public right-of-way along NE 164 Street to be 4'-5" with the additional 7" on private property when 5' is required, only at the location of the required tree grates for the street trees. The Applicant requests the NE 164 Street Section Variances due to the existing conditions at the site, including the narrowness of the assemblage on the western half, because the Applicant cannot provide a continuous 5-foot sidewalk in the public right-of-way while still complying with other Code provision regarding required street trees and tree grates. Additionally, the proposed plan allows the Applicant to maintain the maximum number of on-street parking spaces along NE 164 Street. The NE 164 Street Section Variances are requested because of the prominence of the gymnasium building located on the eastern half of the frontage along NE 164 Street. The gymnasium is meant to be a prominent and easily accessible building from the streetscape, and this variance helps achieve that goal. Further, the gymnasium building faces the commercial uses to the south. The NE 164 Street Section Variances align with the building's location as the variance will help keep the gymnasium building away from the residential uses to the north.

The proposal contains wide sidewalks on the private property immediately abutting the sidewalk on the public right-of-way, which collectively ensures a minimum of 5' of unobstructed area in the sidewalk are provided. In fact, the sidewalk areas are quite wide on the Property and in most places effectively double the required minimum. Notably, the Applicant is providing a 6'-2" sidewalk in the public right-of-way along NE 12 Avenue which is 1'-2" more than required by Code. To ensure that adequate sidewalks are provided for use of the public, the Applicant agrees that in the narrow areas of the public right-of-way an unobstructed additional 2'-6" feet needed to meet the required 5 feet will be provided on the private property. Accordingly, when

the public right-of-way and the private property are combined, sufficiently wide sidewalks along NE 164 Street are provided and granting the requested variance meets the full intent of the Code and causes no detriment to the community.

Further, the Applicant is requesting the NE 164 Street Sidewalk Variances to address the non-compliant sidewalk on the western half of the frontage along NE 164 Street. Due to existing conditions and safety concerns, the Applicant proposes a reverse configuration for the landscaping located on NE 164 Street. As proposed, the landscape strip is located within private property, when the landscape strip is to be located within the public right-of-way. This reverse configuration is necessary because of the existing sidewalk. Further, the NE 164 Street Sidewalk Variances are necessary because of the pick-up and drop-off pullover located along NE 164 Street. The landscape strip provides a buffer for students, parents, staff and teachers when coordinating before and after school transportation.

NE 12 Avenue

Further, the Applicant is requesting the NE 12 Avenue Sidewalk Variances due to existing conditions of the sidewalk and safety concerns. The Applicant proposes a reverse configuration for the landscaping located on NE 12 Avenue. Despite not being located within the public right-of-way, the proposed landscape strip is nearly double what is required under the Code. The Code provides that the landscape strip is to be a minimum of 5'-0" and the Applicant is providing a landscape strip that is 10'-4 1/2" in width. Overall, the Applicant's proposed reverse configuration meets the intent of the Code because the proposed landscape strip provides a great buffer for students, teachers and parents, thus providing more safety, provides more green space, and is necessary due to the existing conditions of the sidewalk.

The Applicant requests the NE 12 Avenue Tree Grate Variance to allow the trees along NE 12 Avenue to be planted within the property line when trees must be planted between the sidewalk and the travel lane area. Section 25-58(L)(2)d.iii provides that when a landscape strip is not provided, street trees shall be placed in tree pits covered with ADA compliant grates. Due to the location of on-street parking and that this area is the main entrance to the Yeshiva that services children, for safety the trees have been placed adjacent to the on-street parking.

- (2) *Appropriate conditions and safeguards, in conformity with the Code, may be prescribed as a condition of the granting the variance, and violation of such conditions shall be deemed a violation of this Code.*

The School is committing to a structured approach to account for the operations associated with pick-up and drop-off and use of the off-site parking. The West Campus and East Campus Operations Plans, see again Exhibits C and D, respectively, outline the conditions and safeguards being taken by the School.

- (3) *The nonconforming use of adjacent lands, structures, or buildings shall not be considered grounds for the authorization of a variance.*

The School is not accounting for any nonconforming use of adjacent lands for the variance. The School is utilizing excess parking in the immediate area to satisfy all parking demand that will be associated with the School's operations.

Conditions of Approval. Working with the City to ensure proper implementation and regulation of the Proposed Development, the Applicant has proffered conditions of approval, which are attached as Exhibit F.

Conclusion. The Applicant proposes a beautifully-designed new classroom building and gym for its growing School. The granting of the requested phased site plan approval and non-use variances will be in harmony with the intent and purpose of the City Code, and compatible with the surrounding area. We respectfully request your recommendation of approval of the Applicant's requests. If you have any questions or comments with regard to the application, please give me a call at (305) 377-6236.

Sincerely,

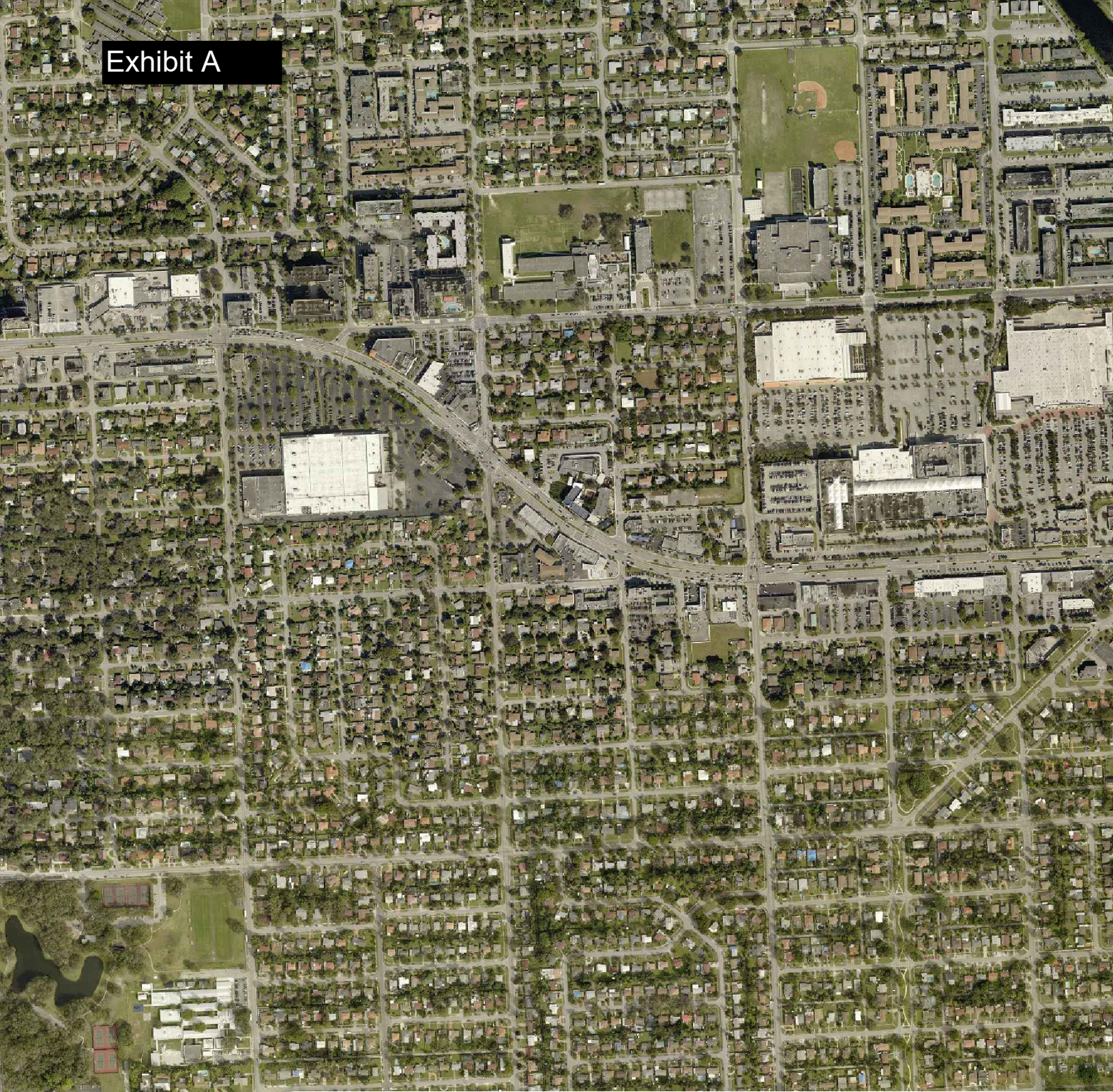


Matthew Amster

Attachments

cc: Rabbi Harayl Askotzky
Rabbi Yisroel Niman
David Butter, Esq.

Exhibit A



CITY OF NORTH MIAMI BEACH

Section 24-58.XX

International Boulevard District (MU/IB)

PART I. INTRODUCTION

(A) *Purpose and Intent.* The purpose of these regulations is to implement the standards and policies that guide the development of the International Boulevard District (MU-IB). The intent of these regulations is 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. Additionally, there shall be a primary orientation towards the corridor, with 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. This purpose will be fulfilled by:

- (1) Ensuring high quality, architecturally compatible, consistently landscaped development throughout the District;
- (2) Ensuring that new development or redevelopment projects enhance the visual character of the NE 167th / 163rd Street Corridor in terms of massing and scale;
- (3) Stimulating neighborhood commercial and retail activities with an emphasis on the development of mixed-use nodes at highly trafficked/accessible locations, which are connected by improved development along the corridor;
- (4) Encouraging people to reside and work in the district;
- (5) Encouraging the landscaped beautification and pedestrianization of the thoroughfares;
- (6) Ensuring new publicly accessible open spaces; and
- (7) Ensuring the appropriate screening and transition to reduce the impact on any surrounding single-family neighborhoods and low density residential districts.
- (8) Encouraging the creation of multi-cultural or business districts, such as a "Chinatown."

(B) *District Boundaries.* The development standards shall be utilized for properties located within the Mixed-Use International Boulevard District (MU-IB), FIGURE MU/IB- 1.

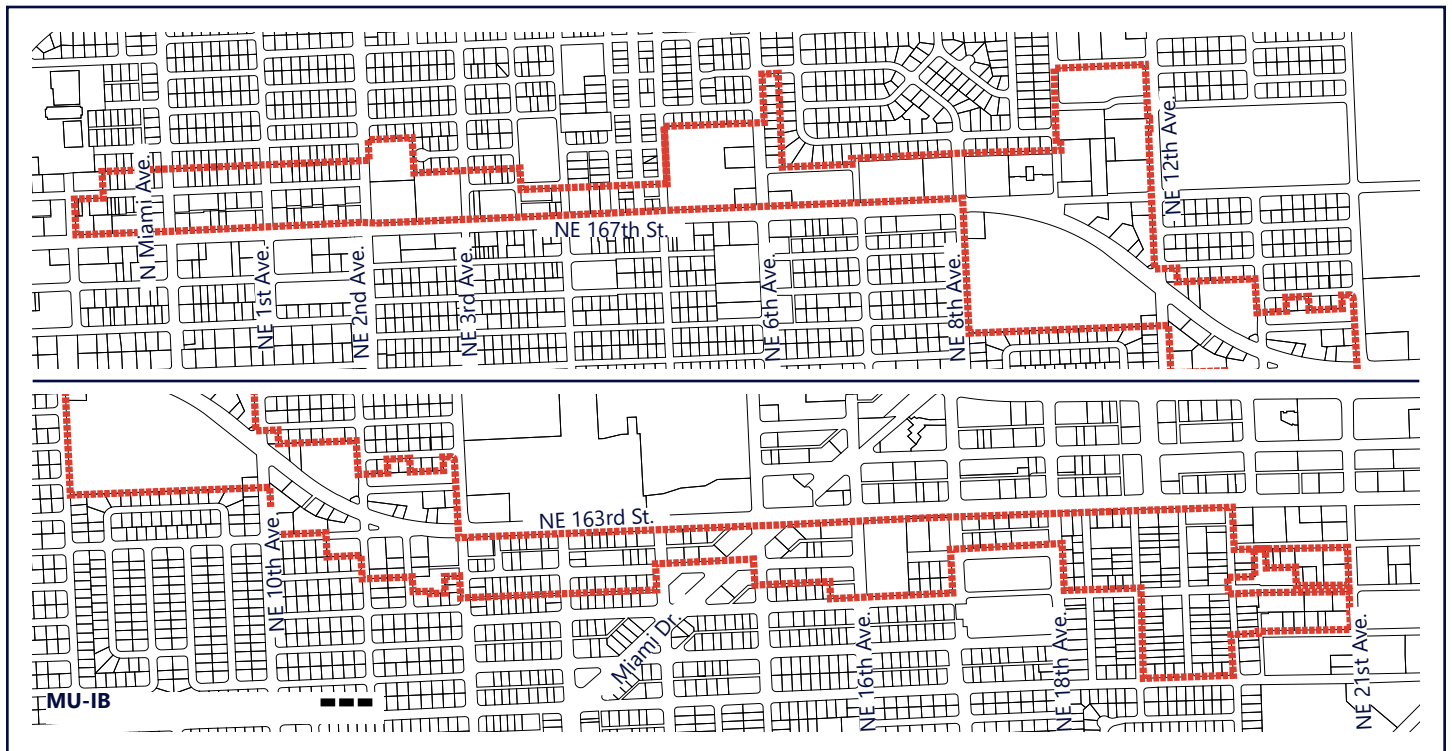


FIGURE MU/IB- 1. Mixed-Use International Boulevard Boundary

- (C) *Administration.* In order to maintain predictability in development, Planned Unit Developments (PUDs) shall be prohibited. Variances from the dimensional requirements or waivers from any other criterion may be approved by the applicable review board for projects, provided that the applicant meets the standards pertaining to such variance or waiver. The applicable board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Director of the Community Development Department or his/her designee in the enforcement of these development regulations.
- (D) *General Development Standards.*
- (1) In addition to the standards contained herein, Section 24-58 Mixed-Use (MU) district standards shall be applicable to development within the Mixed-Use International Boulevard (MU-IB). The applicable regulations contained in Articles IV, VIII, IX, X, XI, XII, XIII, and XIV shall also apply, except as modified herein and may be further modified by the City Manager or his/her designee to meet the purpose and intent of the Mixed-Use International Boulevard (MU-IB).
 - (2) The provisions of the MU/IB code, when in conflict, shall take precedence over the existing zoning and land development regulations.
 - (3) The provisions of the building code, when in conflict, shall take precedence over the provisions of the MU/IB code.
 - (4) Existing buildings may be destroyed or removed, however they must be replaced according to the MU/IB regulations. Existing buildings may not be destroyed or removed unless they are to be replaced according to MU/IB regulations and only after a building permit is issued.
 - (5) Existing buildings and uses within the MU/IB area, which are legally established but do not conform to provisions of the MU/IB regulations as of the effective date of these regulations shall be considered nonconforming and may not be replaced, restored, or modified, except in conformity with the regulation for nonconformities contained in Article IV of this chapter. When a nonconforming structure is destroyed by windstorm, flood, or nature disaster, it may be replaced by a new structure of the same or lesser size, and reoccupied by the same use, if construction of such structure is commenced within eighteen (18) months of destruction.
 - a. Projects approved in 2019 or later, prior to the adoption of these regulations shall be exempt from the above regulation and shall be permitted to be reconstructed, as permitted in the previous zoning and as approved in the original site plan.
 - (6) Proposed development with site plan approved under the previous zoning regulations shall commence construction within the time frame allotted in the development order or site plan approval letter. If commencement of construction does not occur within the allotted time frame, the site plan approval shall automatically expire without further action by the City.
- (E) *Assessments.*
- (1) Public Infrastructure and Streetscape Assessment and Fund.
 - a. All new development, or renovation or remodeling of existing buildings within the MU/IB, where total vertical construction costs of the development, renovation or remodeling is equal to or greater than five hundred thousand (\$500,000.00) dollars, shall pay a public infrastructure and streetscape assessment per dwelling unit or square foot to receive any allowable tax incentive, which may be available from the North Miami Beach Community Redevelopment Agency, if any. Such public infrastructure and streetscape assessment shall be paid prior to issuance of a building permit for the development, renovation or remodeling. All public infrastructure and streetscape assessments shall be deposited into the public infrastructure and streetscape fund.
 - b. Ordinary property maintenance is exempt from the public infrastructure and streetscape assessment. Repairs and restoration resulting from fire, flood, windstorm or other natural disaster, as determined by the building official, are exempt from the public infrastructure and streetscape assessment.
 - c. The amount of the public infrastructure and streetscape assessment shall be established by resolution of the City Commission and may be adjusted from time to time.
 - d. A separate public infrastructure and streetscape fund shall be established by the City. All public

infrastructure and streetscape assessment payments from new development, or renovation or remodeling of existing buildings within the MU/IB shall be deposited into this fund and the funds shall be kept separate from any other City funds. The public infrastructure and streetscape fund shall be used by the City for improvement to and maintenance of the public infrastructure and streets in the MU/IB. Use of such funds shall be determined by the City Commission. Any monies not expended in the fund in any fiscal year shall be carried over in the fund into the following year. Any interest earned on the funds shall be retained in the fund.

(2) *Public Open Space Assessment and Fund.*

- a. All new development, or renovation or remodeling of existing buildings within the MU/IB, where total vertical construction costs of the development, renovation or remodeling is equal to or greater than five hundred thousand (\$500,000.00) dollars shall pay a public open space assessment per dwelling unit or square foot to receive any allowable tax incentive, which may be available from the North Miami Beach Community Redevelopment Agency, if any. Such public open space assessment shall be paid prior to issuance of a building permit for the development, renovation or remodeling. All public open space assessments shall be deposited into the public open space fund.
- b. Ordinary property maintenance is exempt from the public open space assessment. Repairs and restoration resulting from fire, flood, windstorm or other natural disaster, as determined by the building official, are exempt from the public open space assessment.
- c. The amount of the public open space assessment shall be established by resolution of the City Commission and may be adjusted from time to time.
- d. A separate public open space fund shall be established by the City. All public open space assessment payments from new development, or renovation or remodeling of existing buildings within the MU/IB shall be deposited into this fund and the funds shall be kept separate from any other City funds. The public open space fund shall be used by the City for improvement to and maintenance of the Snake Creek Canal Greenway, public parks, public open spaces and recreational areas and facilities in the MU/IB. Use of such funds shall be determined by the City Commission. Any monies not expended in the fund in any fiscal year shall be carried over in the fund into the following year. Any interest earned on the funds shall be retained in the fund.

(3) *Public Art Assessment and Fund.*

- a. All new development, or renovation or remodeling of existing buildings within the MU/IB, where total vertical construction costs of the development, renovation or remodeling is equal to or greater than five hundred thousand (\$500,000.00) dollars shall pay a public art assessment to receive any allowable tax incentive, which may be available from the North Miami Beach Community Redevelopment Agency, if any. Such public art assessment shall be paid prior to issuance of a building permit for the development, renovation or remodeling. All public art assessments shall be deposited into the public art fund.
- b. Ordinary property maintenance is exempt from the public art assessment. Repairs and restoration resulting from fire, flood, windstorm or other natural disaster, as determined by the building official, are exempt from the public art assessment.
- c. The amount of the public art assessment shall be established by resolution of the City Commission and may be adjusted from time to time.
- d. A separate public art fund shall be established by the City. All public art assessment payments from new development, or renovation or remodeling of existing buildings within the MU/IB shall be deposited into this fund and the funds shall be kept separate from any other City funds. The public art fund shall be used by the City for the construction of, improvement to and maintenance of public art. Use of such funds shall be determined by the City Commission. Any monies not expended in the fund in any fiscal year shall be carried over in the fund into the following year. Any interest earned on the funds shall be retained in the fund. Such public art assessment shall be paid prior to issuance of a building permit for the development, renovation or remodeling. All public art assessments shall be deposited into the public art fund.

(F) *Public Benefits Program.* **The Public Benefits Program is established in this section to allow bonus Building Height**

(additional stories) in addition to what is permitted by right in the Core and Transition Sub-District areas within the MU-IB. The additional Building Height shall be provided in exchange for the developer's contribution to specified areas that provide benefits to the public.

- (1) Upon providing a binding commitment for the specified public benefits as provided below, the proposed development project shall be allowed to build additional development (bonus stories no greater than maximum permitted floor plate size) subject to the standards provided in the MU-IB, up to the maximum number of stories with bonus height. The only square footage accommodated above the maximum permitted height is that achieved through the bonus program.
- (G) *Public Benefits Fund.* The City of North Miami Beach shall create and operate the City of North Miami Beach Mixed-Use International Boulevard District Public Benefits Fund for contributions that benefit the public. The contributions to this fund shall be distributed to improve the quality, quantity and character of landscape, streetscape and public urban greenway facilities within the MU/IB, as well as the construction and maintenance of public open spaces. This fund shall also be used to improve the pedestrian mobility experience within the MU/IB, including the installation of street furnishings, uniquely branded transit refuge structures, pedestrian and bicycle facilities.
- (H) *Bonus Opportunities.* The following Bonus Opportunities shall be offered to developers in exchange for contributions that benefit the public in the MU/IB District:
- (1) *Cash Contributions.* For a cash contribution, the development project shall be allowed additional Floor Area up to the bonus height maximum. The cash contribution shall be determined based on a percentage of the market value of the per square foot price being charged for units at projects within the market area, where the proposed project seeking the bonus is located. The calculation assumes a land value per saleable square foot within the market area to equate to between ten (10) to fifteen (15) percent of market area's weighted average sales price per square foot. The cash contributions may be adjusted on an annual basis to reflect market conditions effective October 1st of every year.
 - (2) *Dedication of Public Open Space.* For each square foot of dedicated public park or open space provided on-site, and accessible directly from public right-of-way, the development shall be allowed an equivalent amount of development floor area up to the bonus height maximum. The location and design of the dedicated public open space shall be approved by the Planning Director.
 - (3) *Dedication of Public Schools Space.* For each square foot of dedicated land or building area provided on-site for the use of Public Schools, and accessible directly from public right-of-way, the development shall be allowed an equivalent amount of development floor area up to the bonus height maximum. The location and design of the dedicated area shall be approved by the Planning Director.

PART II. REGULATORY FRAMEWORK

(A) *Regulating Plans and Diagrams.* The MU/IB is governed by a series of regulating plans and diagrams. The Regulating Plans and Diagrams demonstrate MU/IB development standards in both words and diagrams, and include maps designating the locations where the various standards apply. Unless otherwise noted, all development shall be in compliance with the Regulating Plans and Diagrams contained herein and with the Building Typology and Placement Regulating Diagrams in Section 24-58 Mixed-Use (MU) district. The Regulating Plans and Diagrams for the MU/IB include the following:

- (1) *The Sub-Areas Regulating Plan.* Divides the MU/IB into three (3) Sub-areas: Core, Transition and Edge. The highest density and intensity within the MU/IB shall be allocated to the Core Sub-area, a mixed-use area at the heart of the district. The densities and intensities shall then gradually decrease from the Core to the Transition Sub-area where mixed-uses are still permitted and then further decrease to the Edge Sub-area which is characterized by single uses, including lower density residential adjacent to existing low density residential. The Sub-areas Regulating Plan is shown in FIGURE MU/IB- 2. The maximum density permitted within each of the sub-districts is listed in the table below.



FIGURE MU/IB- 2. Sub-Areas Regulating Plan

MAX. RESIDENTIAL DENSITY BY SUB-DISTRICT	
Sub-District	Maximum Residential Density
Core	125 du/acre
Transition	80 du/acre
Edge	40 du/acre

- (2) *Street Network Connectivity Plan.* Shows the approximate location of existing and required new streets needed to create the prescribed network of streets within the MU/IB. This Plan also establishes the hierarchy of the streets as shown in FIGURE MU/IB- 3. The street standards specified in Section 24-58 (J) Mixed-Use District shall apply except as modified herein. All streets shall be located according to the Street Network Connectivity Plan for the MU/IB.

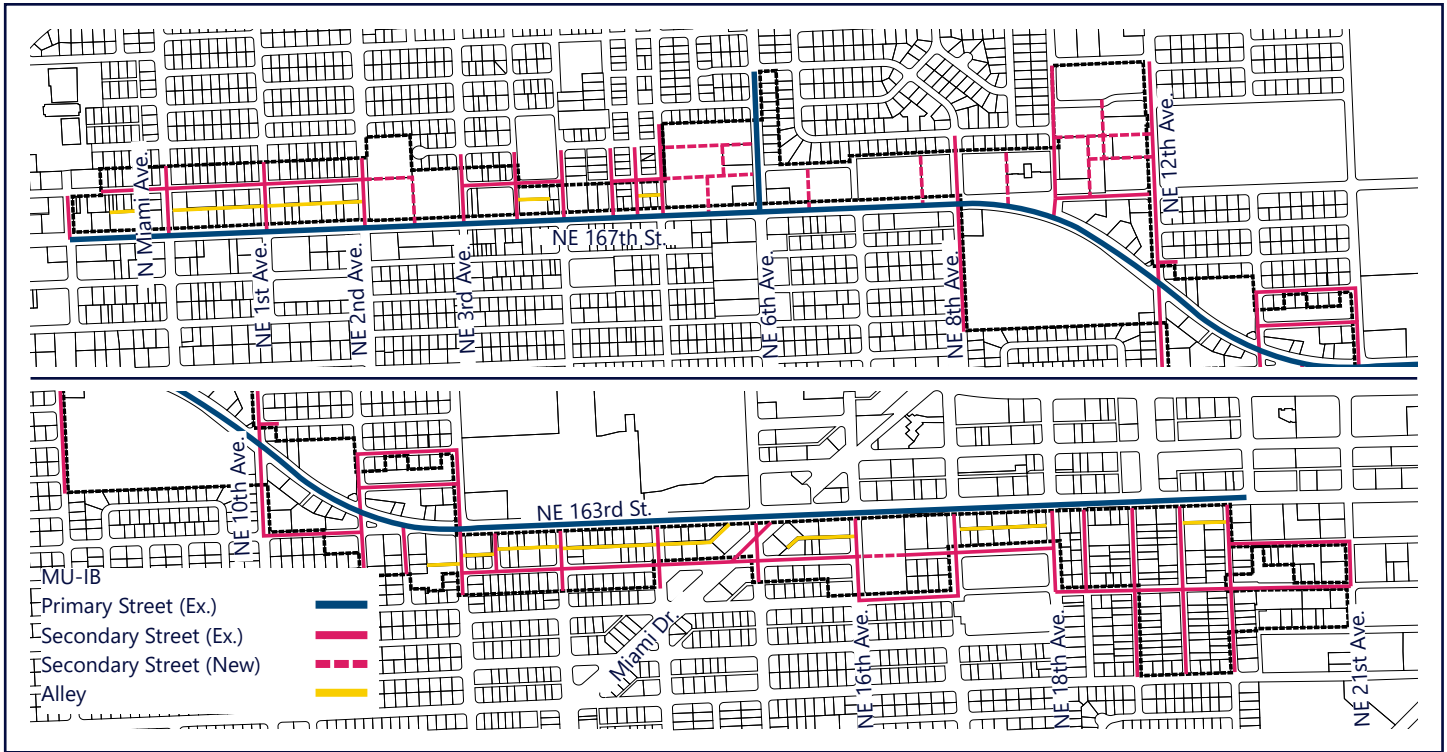


FIGURE MU/IB- 3. Street Network Connectivity Plan

- a. All streets shall be located according to the Street Network Connectivity Plan for the MU/IB.
- b. The design of new streets and modification of existing streets shall comply with Section 24-58(J) unless otherwise detailed below.
- c. All Primary and Secondary Streets shall be required in the same general locations as shown on the Street Network Connectivity Plan and may be modified with respect to alignment. No Primary or Secondary Streets shall be deleted or otherwise vacated or removed.
 - i. All streets are encouraged to promote connectivity and accessibility between multiple modes of transportation including pedestrians, vehicles and/or mass transit systems.
- d. Secondary Streets shown on the Street Network Connectivity Plan are required to promote connectivity and establish an improved street network and block system within the MU/IB.
 - i. Certain New Secondary Streets are proposed to break up the potential for super blocks and demonstrate compliance with maximum block length requirements.
 - ii. Secondary Streets, where located in a core/transition sub-area, street section shall include on-street parking, at a minimum.
- e. Existing Alleys may be vacated only for the purpose of assembling parcels.

- (3) *Designated Publicly Accessible Open Spaces and Urban Greenway Systems Plan.* Designates the approximate location of the required Publicly accessible open spaces and urban greenway system as shown in FIGURE MU/IB- 4.



FIGURE MU/IB- 4. Designated Publicly Accessible Open Spaces and Urban Greenways Systems Plan

- a. The Designated Publicly Accessible Open Spaces identified within FIGURE MU/IB- 4 shall be provided with the minimum areas as identified in TABLE MU/IB- 1.

- i. So long as publicly designated open space size and general proportion is provided as indicated in the regulating plan (FIGURE MU/IB- 4), the precise location of the public open space may be shifted/rotated to provide flexibility for specific design concept.

- b. *Urban Greenways.*

- i. Type UG-1 shall run parallel to the corridor along the north side of NE 167th Street and be composed as described below and in FIGURE MU/IB- 5.

- The total width of the urban greenway shall be no less than fourteen (14) feet and be measured from the back of curb (including existing sidewalk), to the facade of the building.
- A minimum six (6) feet of sidewalk shall be added parallel to the ROW line and abutting the existing sidewalk, to equal a total width of fourteen (14) feet of sidewalk, measured from the back of curb along the corridor.
- The new sidewalk shall be finished to match and appear as a single sidewalk.
- Street Trees shall be planted providing minimum distance from the curb, as specified by FDOT

TABLE MU/IB- 1. PUBLIC OPEN SPACE SIZES	
#	Area (min.)
1	4,052 SF
2	3,600 SF
3	3,600 SF
4	12,000 SF
5	4,875 SF
6	2,500 SF
7	2,500 SF
8	20,000 SF
9	11,500 SF
10	2,875 SF
11	2,500 SF
12	5,300 SF
13	3,000SF
14	3,000 SF
15	1,660 SF
16	1,660 SF

and within tree grates a minimum of six (6) feet by six (6) feet, within this zone.

- ii. Type UG-2 (FIGURE MU/IB- 6) may be provided within private properties as indicated in the locations depicted in FIGURE MU/IB- 4. The City of North Miami Beach Transportation Master Plan has identified improvements to both NE 6th and NE 10th Avenue to include bicycle improvements, which include dedicated bicycle lanes.

1. Should any redevelopment wish to provide these bicycle lanes along the street frontage within their development parcel, for public use, additional bonus' shall be permitted as indicated in Public Benefits Program.
2. The total width of the UG-2 shall be no less than fourteen (24) feet and be measured from the back of curb (including existing sidewalk), to the facade of the building.
3. UG-2 shall be composed of the existing sidewalk, a five (5') foot minimum bicycle track, with five (5') foot landscape bicycle buffer and minimum eight (8' min.) sidewalk along the building frontage.

- c. The designated public urban greenways system shall be designed to enhance the visual character of specific streets along the urban greenways with the following:

- i. Street Trees shall provide a continuous canopy coverage over the pedestrian zone, for the length of the greenway's frontage.
 1. Street trees shall not be in conflict with overhead wires. Where overhead wires are present, street trees shall be in compliance with FPL guidelines for street trees.
 2. The maximum spacing of the street trees shall be average thirty (30) feet on center for the length of the property frontage.
 3. All street trees within the ROW shall be planted with Silva Cell, or method of equal intent, from back of curb to face of building to promote root growth and health of trees.
- ii. Street furnishings such as benches, trash receptacles, bike racks, drinking water fountains, etc. shall be provided.
 1. All details and specifications, with photos/drawings, for selections shall be included in the Site Plan submission for review.
- iii. A landscape plan illustrating a coherent design with significant tree species along the urban greenways that are distinguishably different from the other streets along the property in terms of color, type and shape shall be provided.
- iv. No plant material other than trees shall be higher than twenty-four (24) inches within the urban greenway.
- v. Tree specifications shall be as per Section 24-58(L).

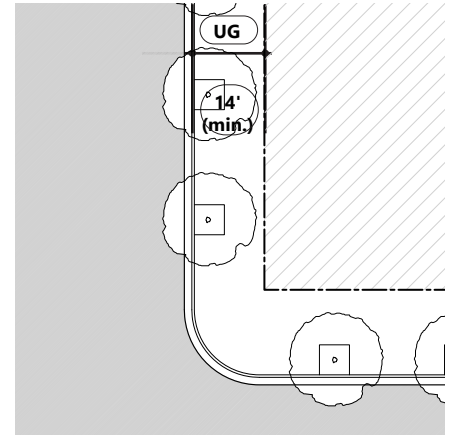


FIGURE MU/IB- 5. UG-1 Dimension

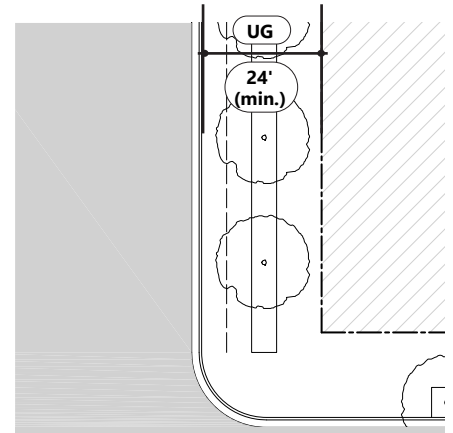


FIGURE MU/IB- 6. UG-2 Dimension

(4) *Building Heights Plan.* Establishes the maximum building height with and without bonus' as shown in FIGURE MU/IB- 7.



FIGURE MU/IB- 7. Building Heights Plan

- i. Where maximum height is designated as six (6) stories maximum, development shall be limited to six stories for a minimum of 90 feet, measured from the property line, in order to provide adequate transition of building height from lower adjacent development.
 - ii. Where maximum height is designated as six (6) stories maximum, development shall be limited to six stories for a minimum of 90 feet, measured from the property line, in order to provide adequate transition of building height from lower adjacent development.
 - iii. Where maximum height is designated as five (5) stories, development shall be limited to five stories for a minimum of 50 feet, measured from the property line, in order to provide adequate transition of building height from lower adjacent development.
- a. All new development shall comply with the standards illustrated within FIGURE MU/IB- 7. A summary of the heights permitted in the MU/IB is provided in TABLE MU/IB- 2. This table is only a summary of maximum heights in the district. Further breakdown of heights shall be prescribed in FIGURE MU/IB- 7.
- i. Ground level stories shall be permitted a maximum height of twenty (20) feet.
 - ii. Second level stories shall be permitted a maximum height of twenty (20) feet.
 - iii. Each story, above the second story, shall be permitted a maximum height of fourteen (14) feet.

- iv. Every building shall be permitted a single (1) specialty amenity story above the third story and above the fourteen (14) feet limit, for a maximum of twenty (20) feet.

Area	# of Stories (1)	
	By Right (not to exceed)	with Bonus Floors (not to exceed)
MU/IB		
Core	15 Stories	20 stories
Transition	8 Stories	10 stories
Edge	4 Stories	N/A
Maximum height per story	Floor to Floor Height	
	Ground Story	Second Story
	20 feet (max.)	20 feet (max.)
	Stories 3+	Specialty Amenity Story
	14 feet (max.)	20 feet (max.)

(1) Buildings higher than 8 stories shall only be developed per the Tower Building type standards.

(B) Permitted Uses.

(1) *Land Use Principles.*

- a. The MU/IB District shall be developed as an identifiable place and shall act as an important destination for living, working, shopping and entertainment. The mix of uses within the District, the streets and the architectural character of individual buildings shall blend together to contribute to a coherent identity and sense of place. Thematic areas, are permitted to maintain their own unique architectural identity, provided that their massing, orientation and frontage meet the requirements of this code.
- b. Building frontage along NE 167th/163rd Street shall be developed as non-residential at the ground level.
- c. At a minimum, the building facades along NE 167th/163rd street shall contain active use along the first level.
 - i. On all other levels, both non-residential and residential uses shall be permitted. To support transit, residential uses are encouraged and shall be permitted to be vertically or horizontally integrated.
- d. All parking garage structures within the MU/IB are required to be fully screened on all sides with an active use liner building, unless otherwise noted. Where a waiver of an active use liner building is sought, parking structures shall be screened at a minimum on the 2nd Floor and above by a uniquely designed architectural screen. All methods of screening shall meet applicable requirements for ventilation of the parking structure.

(2) Permitted Use Table TABLE MU/IB- 4 includes the principal uses permitted in the MU/IB along with any required restrictions on such uses, for each of the sub-areas. Principal uses not included in TABLE MU/IB- 4 are not permitted in the MU/IB. The MU/IB shall be subject to the Supplemental Regulations as provided for in Article VIII unless modified herein. Uses which are similar in nature to the uses permitted herein, but not enumerated in higher density use areas, shall be permitted upon a finding by the Community Development Director that the characteristics of, and activities associated with the use are substantially similar to one (1) or more of the listed uses, and will not involve greater impacts than the uses listed in the district and the use will be consistent with the purposes of the applicable zoning district and use areas.

(3) Special Limited Conditional Uses. See Section 24-177

TABLE MU/IB- 4. PERMITTED USES IN THE MU/IB DISTRICT				
P Permitted by Right	C Conditional Uses	NP Not Permitted		
Residential		Core	Transition	Edge
Residential, in multi-family context;		P	P	P
Residential, townhouses (per building typology diagram)		P	P	P
Group Homes		P	P	P
Community Residential Home as defined in Article II and with a review process in conformance with Chapter 89-372 FAS		P	P	P
Community care facilities (as defined in Article II), provided that: (a) There is reasonable proximity to bus lines; (b) There is no existing community care facilities within one thousand (1,000) feet; (c) The facility is licensed by DCF; (d) The clients either meet the requirements of a community residential home or at least sixty (60) years of age.		C	C	C
Eating and Drinking Establishments		Core	Transition	Edge
Barbeque restaurants (open air)		C	C	NP
Bars and lounges provided that any such use shall not be located within 500 feet of the real property that comprises a public or private elementary school, middle school or secondary school (Pursuant to § 562.45(2)(a) Florida Statutes).		P	P	C
Microbrewery, winery or distillery		P	P	C
Restaurants including fast food, excluding drive through, including outdoor dining		P	P	C
Restaurant fast food with drive through provided drive through is inside parking garage		C	C	NP
General Business		Core	Transition	Edge
Animal hospitals and kennels; provided that all activities relating to any such uses are conducted entirely within an air conditioned, soundproofed building and that no such use shall be located less than 300 feet from any residential district.		C	C	P
Automotive sales and rental uses		C	C	NP
Banks and financial institutions, excluding drive-through.		P	P	NP
Daycare Center and nurseries provided that all outdoor activity areas shall be effectively screened from adjacent residential properties.		P	P	C
Funeral homes		C	C	NP
Movie theaters		P	P	NP
Night clubs and discotheques (Ord. No. 2006-1 § 12, 12/21/2006)		C	C	NP
Parking garages as principal use, provided that parked vehicles shall not be visible from surrounding properties or public street rights-of-way and structure shall be well landscaped.		C	C	NP
Recording studios and radio stations, provided that any such use shall be located entirely within an air conditioned, soundproofed building		P	P	NP
Surface parking lot as principal use, CRA or City-owned and operated only		P	P	C
Veterinary services with no overnight stay.		P	P	C
Vocational schools and trade: Airline, business, cosmetology, secretarial and similar.		P	P	NP
Office		Core	Transition	Edge
Office, business and professional uses		P	P	P
Retail/Personal Services		Core	Transition	Edge
Bonding companies (bail)		C	C	NP
Check cashing/cash advance/money wire; providing such use shall not be located on Biscayne Boulevard, State Road 826, or Northeast 164 Street or within two hundred (200) feet of any residential use or zone;		NP	NP	NP

Drug/alcohol rehabilitation service, including residential detoxification service	C	C	NP
Laundries/self-serve coin operated, provided that no such use be located on Biscayne Boulevard, State Road 826 or N.E. 164 Street, or within two hundred (200) feet of residential use or zone;	NP	NP	NP
Pain management clinic	C	C	NP
Personal Services uses.	P	P	P
Studio schools: Art, dance, music, drama, sculpture and similar instruction	P	P	P
Retail/Retail Services	Core	Transition	Edge
Medical marijuana dispensaries/medical marijuana treatment centers	C	C	C
Package liquor store: Provided that any such use shall not be located within five hundred (500') feet of any other bar, lounge or package liquor store	C	C	NP
Pharmacies	C	C	C
Retail uses (general retail)	P	P	P
Social service agencies	C	C	NP
Lodging Accommodations	Core	Transition	Edge
Hotels	C	C	NP
Institutional	Core	Transition	Edge
Museums and art galleries	P	P	P
Places of public assembly	P	P	C
Schools (Public/Private)(K-12)	P	P	P
Utility facilities, light, public and private	P	P	P
Recreation and Open Space (Private and Public)	Core	Transition	Edge
Game rooms, sports and amusement facilities.	P	P	C
Public parks and playgrounds, plazas, squares	P	P	P
Urban market gardens	P	P	P

PART III. URBAN DESIGN STANDARDS

(A) Lot Dimensions and Building Standards.

- (1) *Setbacks and Building Frontage.* Front and Side setbacks are determined based on the street that the building fronts. TABLE MU/IB- 5 lists the setbacks and building frontage occupation required for each street type within the MU/IB. The interior and rear setbacks, as well as the lot standards shall be as specified per building type in Section 24-58 Mixed-Use District.

Frontage Location (Podium)	Setback (min.)	Setback (max.)	Building Frontage
Primary (NE 167th/163rd St.)	6'	20'	70% (min.)
Primary (other)	0'	20'	70% (min.)
Secondary	10' (1)	20'	60% (min.) (2)
Alley	10'	N/A	N/A

Notes: (1) For Schools located on Secondary Streets with lot depth of one-hundred (100ft) feet or less, minimum setback along the front of the property shall be zero (0').
 (2) For Schools located on Secondary Streets with lot depth of one-hundred (100ft) feet or less, and frontages on two (2) or more streets, the minimum Building Frontage percent shall only be required to be met along the front of the property.

- (2) *Building Typologies.* All new buildings shall conform to one (1) of the permitted building typologies as demonstrated in the Building Typology and Placement Regulating Diagrams in Section 24-58 Mixed-use District. The diagrams provide a schematic representation of the various building typologies and demonstrate the required setbacks, lot standards, and profiles of structures. Existing buildings which do not fit a prescribed typology, shall follow the standards required for the Flex building typology. Not all building typologies are permitted in each Mixed-use district. The building typologies permitted in the MU/IB are listed below in TABLE MU/IB- 6:

Typology	● Permitted by Right			— Not Permitted			
	Core	Transition	Edge	Lot Dimensions (2)			
				Width		Depth	
				Min.	Max.	Min.	Max.
Tower Building Type	●	●	●	150'	300'	200'	N/A
Liner Building Type	●	●	●	125'	300'	170'	N/A
Courtyard A Building Type	●	●	●	150'	200'	160'	N/A
Courtyard B Building Type	●	●	●	150'	200'	160'	N/A
Flex Building Type (3)	●	●	●	75'	200'	100'	N/A
Townhouse 1 Building Type	—	—	●	24'	36'	100'	110'
Townhouse 2 Building Type	●	●	●	24'	36'	70'	85'
Zero Lot Line Courtyard Housing Type	—	—	●	40'	50'	100'	110'
Zero Lot Line Sideyard Housing Type	—	—	●	50'	60'	100'	110'
Single Family Detached Housing Type	— (1)	— (1)	— (1)	50'	60'	100'	110'

Notes: (1) Existing single-family and multi-family dwellings that were legally established on or before the adoption of these regulations shall be considered legal nonconforming.
 (2) The Planning Director shall have the authority to waive administratively the requirements for minimum lot coverage, pervious area, lot depth and lot width.
 (3) For Flex Building Type, a reduction to 20 feet minimum interior side and rear setback for Schools 4 stories or less the when abutting townhouses, zero-lot lines and/or existing single family residential, and an alley is not existing or proposed.

- a. Residential components of multi-family residential uses shall be any combination of the following dwelling units, and illustrated in FIGURE MU/IB- 8.
 - i. *Flat*. A single (1) story dwelling unit, occupied by one (1) household.
 - ii. *Loft*. A double-story height dwelling unit, with or without mezzanine, occupied by one (1) household.
 - iii. *Rowhouse*. A two (2) or more story dwelling unit, occupied by one (1) household.

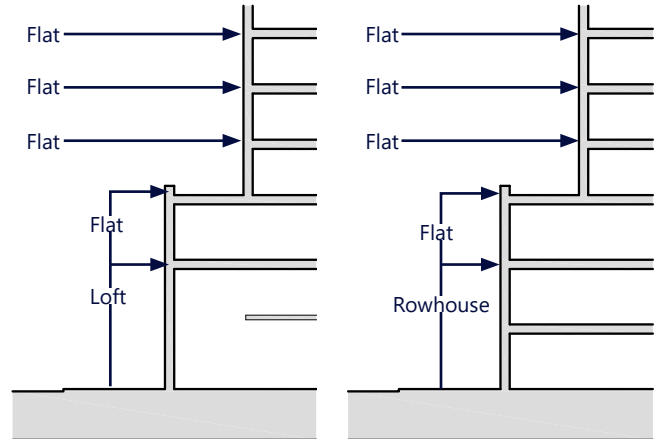


FIGURE MU/IB- 8. Residential Unit Types

(B) Access Standards.

- (1) Where an alley is present, all vehicular access to development shall occur from the alley. FIGURE MU/IB- 9
- (2) Where no alley is present, vehicular access shall occur from the secondary street frontage. FIGURE MU/IB- 10
- (3) Shared access between adjacent properties via a cross-access agreement is encouraged to reduce curb cuts along the street frontage and provide consolidated parking areas. FIGURE MU/IB- 11
- (4) The main pedestrian access to the building shall occur from the parcel's primary frontage.
- (5) For all mixed-use/multi-family development, the main access to the units on floors 2+ shall occur from a ground level lobby/courtyard accessed from the parcel's primary frontage.
- (6) For Schools, queuing and drop-off/pick-up lanes may be located within required building setback areas for a maximum of thirty (30%) percent of the overall length of the School property.

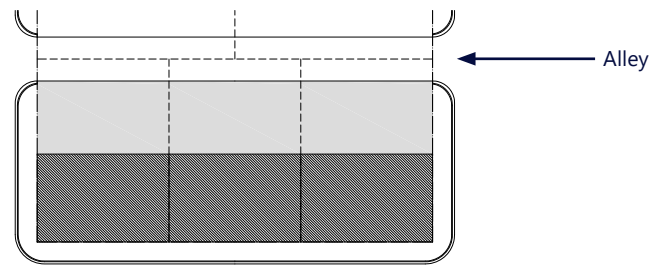


FIGURE MU/IB- 9. Access Via Alley

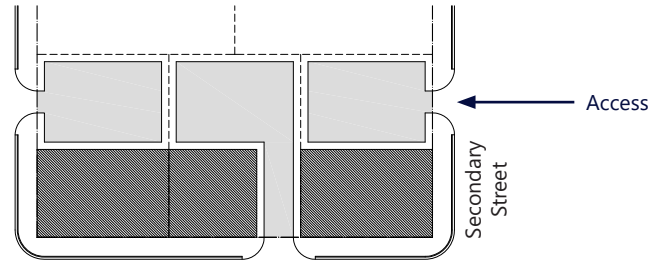


FIGURE MU/IB- 10. Access Access Via Street Frontage

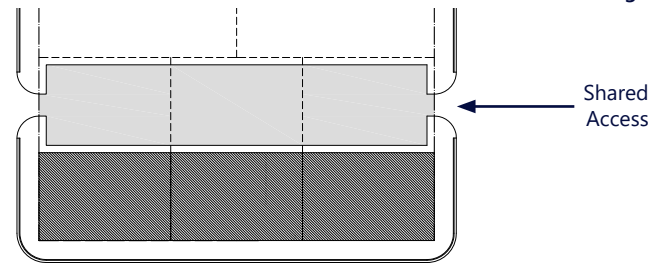


FIGURE MU/IB- 11. Shared Access

(C) On-Site Parking Standards.

- (1) *Vehicular Parking.*
 - a. All parking within the MU/IB shall comply with the Access, Circulation, Parking and Loading Standards specified in Section 24-58 Mixed-Use District.
 - b. On-site parking shall comply with TABLE MU/IB- 7. Uses not listed herein shall comply with the parking requirements specified in Article IX.
 - c. Guest parking shall comply with TABLE MU/IB- 7. Guest parking shall be designated and prominently marked on-site as "Guest Parking" with signage and shall not be restricted in any manner to use by a single tenant, owner, unit, or other user.

Uses	Parking Spaces (min.)	Parking Spaces (max.)
Retail, Restaurant or Commercial	2 / 1,000SF	4 / 1,000SF
Office	2.5 / 1,000SF	4 / 1,000SF
Hotel and Motel; Hotel and Motel Limited	1 / 4 rooms and; 1 / 800 sf (restaurant, public meeting areas) and; 1 / 15 rooms for staff	1 / 4 rooms and; 1 / 800 sf (restaurant, public meeting areas) and; 1 / 15 rooms for staff
Residential (multi-family)	1 / 1BR and 2 BR unit; 1.5 / 3BR unit 1 / 20 units (guest parking)	2 / 1BR and 2 BR unit; 3 / 3BR unit 1 / 20 units (guest parking)

(2) *Bicycle Racks and Bicycle Storage Standards.* Bicycle racks and storage shall be required as follows:

a. *For Commercial Uses (except hotel uses).*

- i. Secure bike racks and/or storage at a ratio of one (1) bicycle parking space for every fifteen (15) required parking spaces and;
- ii. A minimum of one (1) shower and changing facility shall be provided to be available for all tenants and shall be located within the building, or within two hundred (200) feet of the building entrance, for developments greater than fifty thousand (50,000) square feet in gross building area.

b. *For Residential Uses.* One (1) bicycle parking space shall be provided for every fifteen (15) required parking spaces. Required residential bicycle parking spaces shall be provided in a secured area, covered from the elements.

c. *For Mixed-Use Developments.* Mixed-Use developments shall provide secure bicycle parking spaces for both the commercial and residential components of the development as calculated separately pursuant to the requirements of this section.

(D) Services Standards.

(1) All loading and service areas shall be located along the rear of the parcel. Where parcel has frontage on multiple streets, the loading and service area shall be located along the lowest ranking street.

- a. All loading and service areas shall be prohibited from being placed adjacent to a primary street.
- b. Where no alley is present, all loading and service areas shall be placed along secondary/tertiary streets, which ever frontage is lowest ranking.

(E) Signage Standards. Signage shall comply with the standards in Article XIII except as modified herein.

(1) Signs affixed to the exterior of a building shall be architecturally compatible with the style, composition, materials, colors, and details of the building, as well as with other signs used on the building or its vicinity.

a. All signage shall be prohibited on any facade directly fronting the canal frontage and within view of the residential areas to the north.

(2) Signs shall fit within the existing facade features, shall be confined to signable areas, and shall not interfere with door and window openings, conceal architectural details or obscure the composition of the facade where they are located.

(3) Whenever possible, signs located on buildings within the same block-face shall be placed at the same height in order to create a unified sign band.

(4) Wood and painted metal are the preferred materials for under-awning, hanging signs. Flat signs should be framed with raised edges. Wood signs shall use only high-quality exterior grade wood with suitable grade finishes.

(5) Sign colors should be compatible with the colors of the building façade. A dull or matte finish is recommended for reduction of glare and enhancement of legibility.

- (6) Signs shall be either spot- or backlit with a diffused light source. Spotlighting shall require complete shielding of all light sources, shall be contained within the sign frame, and shall not significantly spill over to other portions of the building or site. Backlighting shall illuminate the letters, characters, or graphics on the sign, but not its background. Warm fluorescent bulbs may be used to illuminate the interior of display cases. Neon signs placed inside the display case shall insure low intensity colors.
 - a. Signage containing any light source shall be prohibited on any frontage along the canal and visible by existing single-family residential uses outside of the MU/IB
 - (7) Signs shall be mounted so that the method of installation is concealed. Signs applied to masonry surfaces should be mechanically fastened to mortar joints only and not directly into brick or stone. Drilling to provide electrical service should also follow the same rule.
 - (8) Billboards are prohibited.
 - (9) A Projecting Sign, generally two-sided and mounted with a decorative support or projecting building feature, and perpendicular to the building's facade shall be permitted within the MU/IB, provided it does not exceed a maximum area of one-hundred (100) square feet.
- (F) **Development Permit Review Procedures. The following development permit review procedure will apply to this district:**
- (1) The review procedures set out in Article XV and Section 24-171 (Concurrency) will apply within this district.
 - (2) Preapplication Conference: For those development permit requests that require a Pre-Application Conference, the Applicant must address with staff:
 - a. The submittal requirements in Article XV and Section 24-171 (Concurrency) and the required plans submitted for review shall demonstrate the Applicant's general approach to comply with the requirements noted above and shown on the MU/NC District's:
 1. Sub-Areas Regulating Plan.
 2. Street Network and Connectivity Regulating Plan.
 3. Designated Publicly Accessible Open Spaces and Urban Greenways Regulating Plan.
 4. Building Heights Regulating Plan.
 5. Building Typology.
 - (3) Applications that include a development agreement shall be subject to the additional notice and hearings set forth in Article XIX.

(Ord. No. 2015-5 , § 2(Exh. A), 3-17-15; Ord. No. 2016-6 , § 2, 7-5-16; Ord. No. 2017-12 , § 3, 1-16-18; Ord. No. 2018-6 , § 2, 5-24-18; Ord. No. 2018-7 , § 3, 6-19-18)

Editor's note— Ord. No. 2015-5 , § 2(Exh. A), adopted March 17, 2015, repealed the former § 24-58.3, and enacted a new § 24-58.3 as set out herein. The former § 24-58.3 pertained to site design, and derived from Ord. No. 2002-20, § 2, adopted Nov. 19, 2002; Ord. No. 2006-3, § 2, adopted March 21, 2006; and Ord. No. 2008-4, § 2, adopted March 4, 2008.

RESOLUTION NO. R2011-19

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING SITE PLAN APPROVAL, IN ORDER TO CONSTRUCT A 19,680 SQUARE FOOT, TWO-STORY CLASSROOM ADDITION TO AN EXISTING SCHOOL CAMPUS ON A 129,106 SQUARE FOOT (2.96 ACRE) LOT, AS PROPOSED; AND

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM SECTION 24-55(D))(3) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE SEVENTEEN FEET AND FOUR INCHES (17'4") OF THE MINIMUM REQUIRED FRONT YARD SETBACK OF THIRTY FEET (30'), WHERE FRONT YARD SETBACK OF TWELVE FEET AND EIGHT INCHES (12'8") IS PROPOSED; AND

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM SECTION 24-55(D)(4) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO EXCEED BY FOUR FEET (4') THE MAXIMUM PERMITTED BUILDING HEIGHT OF THIRTY-FIVE FEET (35'), WHERE BUILDING HEIGHT OF THIRTY-NINE FEET (39') IS PROPOSED; AND

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING A VARIANCE FROM SECTION 24-95(C) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE 101 OF THE MINIMUM REQUIRED 173 VEHICULAR PARKING SPACES, WHERE PROVISION OF 72 VEHICULAR PARKING SPACES IS PROPOSED, ON PROPERTY LEGALLY DESCRIBED AS:

(LENGTHY LEGAL - SEE ATTACHED EXHIBIT ("A"))

A/K/A

**1051 North Miami Beach Boulevard
North Miami Beach, Florida**

(P&Z Item No. 10-482 of March 14, 2011)

WHEREAS, the property described herein is zoned CF, Community Facility District; and

WHEREAS, the applicant requests site plan approval and variances in order to construct a 19,680 square foot, two-story classroom addition to an existing school campus on a 129,106 square foot (2.96 acre) lot located at 1051 North Miami Beach Boulevard; and

WHEREAS, the Planning and Zoning Board on March 14, 2011 recommended approval of the site plan and related variances, subject to the following conditions:

1. Plans submitted for building permit(s) shall substantially comply with those as currently submitted, including the following:

- Survey, Sheet SU-100, by J.H. Manucy, Inc., dated 10/1/1993, revised 8/26/2009;
- Paving, Grading & Drainage Plan, Sheet C-100, by Zyscovich Architects, dated 11/18/2009, revised 12/12/2009;
- Planting Plan, Sheet L1.0, by Zyscovich Architects, dated 11/6/2009, revised 12/12/2009;
- Alternate Planting Plan Notes and Details, Sheet L1.1, by Zyscovich Architects, dated 11/6/2009, revised 12/12/2009;
- Tree Disposition Plan, Sheet TD-1.0, by Zyscovich Architects, dated 11/6/2009, revised 11/12/2009;
- Demolition Site Plan, Sheet D-100, by Zyscovich Architects, dated 2/18/2011;
- Proposed Master Site Plan, Sheet MS-100, by Zyscovich Architects, dated 2/18/2011;
- Site Plan Phase, Sheet A-101, by Zyscovich Architects, dated 2/18/2011;
- First Floor Site Plan, Sheet A-211, by Zyscovich Architects, dated 2/18/2011;
- Second Floor Plan, Sheet A-221, by Zyscovich Architects, dated 2/18/2011;
- Third Floor Plan, Sheet A-231, by Zyscovich Architects, dated 2/18/2011;
- Elevations, Sheet A-501, by Zysocvich Archetects, dated 2/18/2011;
- Elevations, Sheet A-502, by Zysocvich Architects, dated 2/18/2011;
- Elevations, Sheet A-503, by Zysocvich Architects, dated 2/18/2011;
- Site Plan Photometric Electrical, Sheet E-101, by Zyscovich Architects, dated 2/18/2011.

2. All utilities, including but not limited to electrical, cable television and telephone must be located underground. The manner of locating these utilities, as well as the location of the transformer(s) must be submitted to and approved by the Community Development Director. Transformers and other above ground equipment must be screened with landscaping.

3. Project must be in complete conformity with the Americans with Disabilities Act (ADA) in accordance with State and Federal laws.
4. Building materials and color samples must be submitted to, and approved by, the Public Services Director prior to the issuance of a building permit for this project.
5. A lighting plan for the entire property shall be submitted by a qualified lighting professional. Said plan shall include the entire property, and, if necessary, the adjacent swale areas, and shall include decorative facade lighting in addition to that provided for safety and security needs. All exterior lighting shall be white lighting only. Lighting shall be contained on-site only and, in particular, not bleed into adjacent residential properties.
6. A revised landscape and irrigation plan, signed and sealed by a Florida registered Landscape Architect, shall be submitted to, and approved by, the City Forester. The plan shall be approved prior to the issuance of a building permit, and the installed materials inspected and approved prior to the issuance of a Certificate of Occupancy. This plan shall include all adjacent swale areas.
7. The design, dimensions, materials, quantity and location of all outdoor accessory features, including but not limited to security bollards, trash cans, light poles and street furniture must be submitted to and approved by the Public Services Director.
8. Garbage dumpsters shall be constructed of CBS, with roll up over-head doors, be large enough to encompass recycling materials and be equipped with air conditioning, running water, hose hook-up and a floor drain.
9. All modular structures must be removed prior to the issuance of a certificate of occupancy for the proposed classrooms.
10. If the City elects to dispose of the City's property located adjacent to the southeast corner of the subject property, it must be done in a manner approved by the City Attorney.
11. A unity-of-title must be created joining all parcels of the subject property. Said unity-of-title must be reviewed and approved by the City Attorney prior to the issuance of building permit(s) for this project.
12. When plans are submitted for building permit, a cover sheet must be included incorporating the final Resolution approving this project, including all conditions related to said approval.

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of North Miami Beach, Florida.

Section 1. Site plan approval in order to construct a 19,680 square foot, two story classroom addition, to an existing school campus on a 129,106 square foot (2.96 acre) lot, on property legally described as:

(LENGTHY LEGAL - SEE ATTACHED EXHIBIT "A")

A/K/A

**1051 North Miami Beach Boulevard
North Miami Beach, Florida**

(P&Z Item No. 10-482 of March 14, 2011)

is hereby granted subject to the following conditions:

1. Plans submitted for building permit(s) shall substantially comply with those as currently submitted, including the following:

- Survey, Sheet SU-100, by J.H. Manucy, Inc., dated 10/1/1993, revised 8/26/2009;
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- Site Plan Photometric Electrical, Sheet E-101, by Zyscovich Architects, dated 2/18/2011.

2. All utilities, including but not limited to electrical, cable television and telephone must be located underground. The manner of locating these utilities, as well as the location of the transformer(s) must be submitted to and approved by the Community Development Director. Transformers and other above ground equipment must be screened with landscaping.

4. Project must be in complete conformity with the Americans with Disabilities Act (ADA) in accordance with State and Federal laws.

4. Building materials and color samples must be submitted to, and approved by, the Public Services Director prior to the issuance of a building permit for this project.

5. A lighting plan for the entire property shall be submitted by a qualified lighting professional. Said plan shall include the entire property, and, if necessary, the adjacent swale areas, and shall include decorative facade lighting in addition to that provided for safety and security needs. All exterior lighting shall be white lighting only. Lighting shall be contained on-site only and, in particular, not bleed into adjacent residential properties.

6. A revised landscape and irrigation plan, signed and sealed by a Florida registered Landscape Architect, shall be submitted to, and approved by, the City Forester. The plan shall be approved prior to the issuance of a building permit, and the installed materials inspected and approved prior to the issuance of a Certificate of Occupancy. This plan shall include all adjacent swale areas.

7. The design, dimensions, materials, quantity and location of all outdoor accessory features, including but not limited to security bollards, trash cans, light poles and street furniture must be submitted to and approved by the Public Services Director.

8. Garbage dumpsters shall be constructed of CBS, with roll up over-head doors, be large enough to encompass recycling materials and be equipped with air conditioning, running water, hose hook-up and a floor drain.

9. All modular structures must be removed prior to the issuance of a certificate of occupancy for the proposed classrooms.

10. If the City elects to dispose of the City's property located adjacent to the southeast corner of the subject property, it must be done in a manner approved by the City Attorney.

11. A unity-of-title must be created joining all parcels of the subject property. Said unity-of-title must be reviewed and approved by the City Attorney prior to the issuance of building permit(s) for this project.

12. Upon the commencement of construction, the North Miami Beach Boulevard Street frontage shall be treated in an attractive and decorative manner consistent with importance of the street as a main commercial entry into the City. A solution could include, but not be limited to, a decorative graphic on the construction fence wind screen.

13. The fence atop the rooftop basketball courts shall be of a “shepherd’s crook” type with a curved top facing in to the courts.

14. A performance assurance must be provided to the City to guarantee that the required off-site improvements be installed. The type and amount of the assurance and the manner of disbursement must be approved by the City Manager prior to the issuance of any building permit for the proposed project.

15. When plans are submitted for building permit, a cover sheet must be included incorporating the final Resolution approving this project, including all conditions related to said approval.

Section 2. A variance from Section 24-55(D)(3) to waive seventeen feet and four inches (17'4") of the minimum required front yard setback of thirty feet (30'), where front yard setback of twelve feet eight inches (12'8") is proposed, on property legally described as aforesaid, is hereby granted subject to the aforementioned conditions.

Section 3. A variance from Section 24-55(D)(4) to exceed by four feet (4') the maximum permitted building height of thirty-five feet (35'), where building height of thirty-nine feet (39') is proposed, on property legally described as aforesaid, is hereby granted subject to the aforementioned conditions.

Section 4. A variance from Section 24-95(C) to waive 101 of the minimum required 173 vehicular parking spaces, where provision of 72 vehicular parking spaces is proposed, on property legally described as aforesaid, is hereby granted subject to the aforementioned conditions.

Section 5. Pursuant to Section 24-172(I) of the Code of Ordinances of the City of North Miami Beach, the applicant must obtain a master building permit from the City within six (6)

months of the date of this Resolution or the site plan approval granted 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 Council prior to its expiration.

Section 6. Pursuant to Section 24-176(C)(4) of the Code of Ordinances of the City of North Miami Beach, any variance granted shall automatically expire if a permit has not been issued within six (6) months from the date of this Resolution or, if the permit is issued, expires or is revoked pursuant to the Florida Building Code.

APPROVED AND ADOPTED by the City Council of the City of North Miami Beach, Florida at regular meeting assembled this **26th day of April, 2011**.

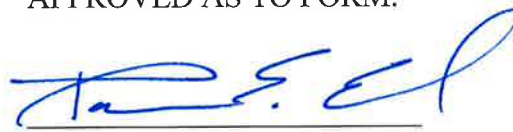
ATTEST:


PAMELA L. LATIMORE
CITY CLERK


MYRON ROSNER
MAYOR

(CITY SEAL)

APPROVED AS TO FORM:


DARCEE S. SIEGEL
CITY ATTORNEY

SPONSORED BY: Mayor and City Council

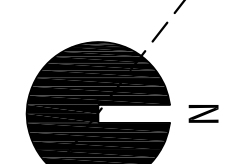
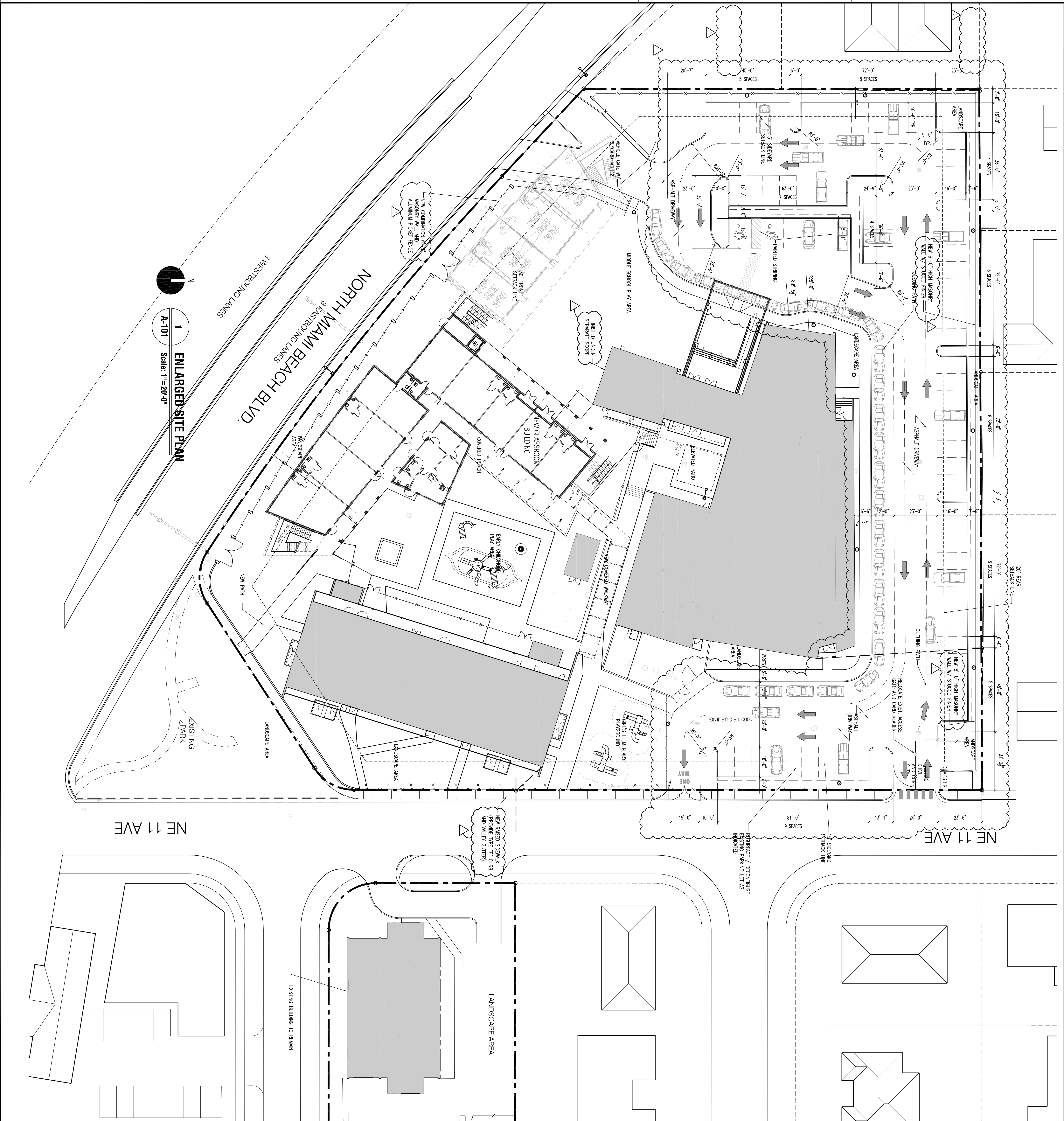
COUNCILPERSON	YES	NO	ABSTAIN	ABSENT
Mayor Myron Rosner	X			
Councilman Philippe Derose	X			
Councilman McKenzie	X			
Vice-Mayor Barbara Kramer	X			
Councilman Frantz Pierre	X			
Councilwoman Phyllis Smith	X			
Councilwoman Beth Spiegel	X			

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.

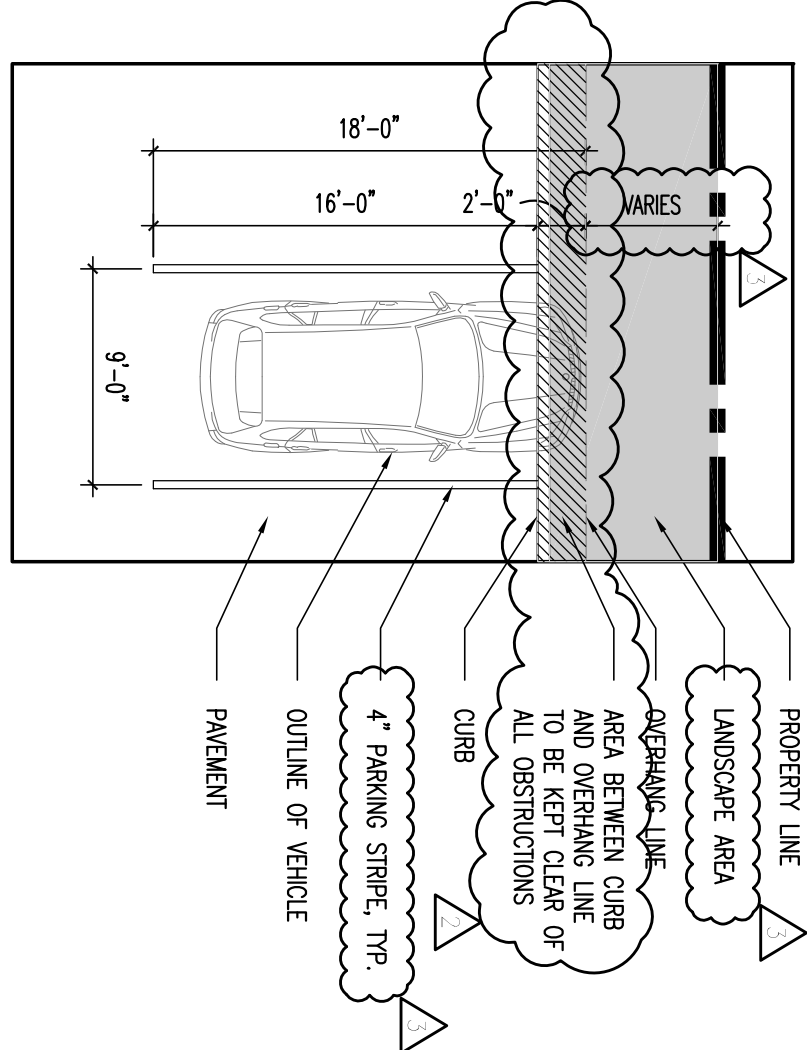
Together With: That portion of N.E. 165th. Street from the West Right-of-Way Line of N.E. 11th. Avenue, running West 375.07 feet to the East line of Lot 14, in Block 6, projected South (the said N.E. 165th. Street Right-of-Way being bounded on the North by Lots 9 through 13, in Block 6, and being bounded on the South by Lots 1 through 4, in Block 8, of said plat 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.



1 ENLARGED SITE PLAN
Scale: 1" = 20'-0"

NE 11 AVE

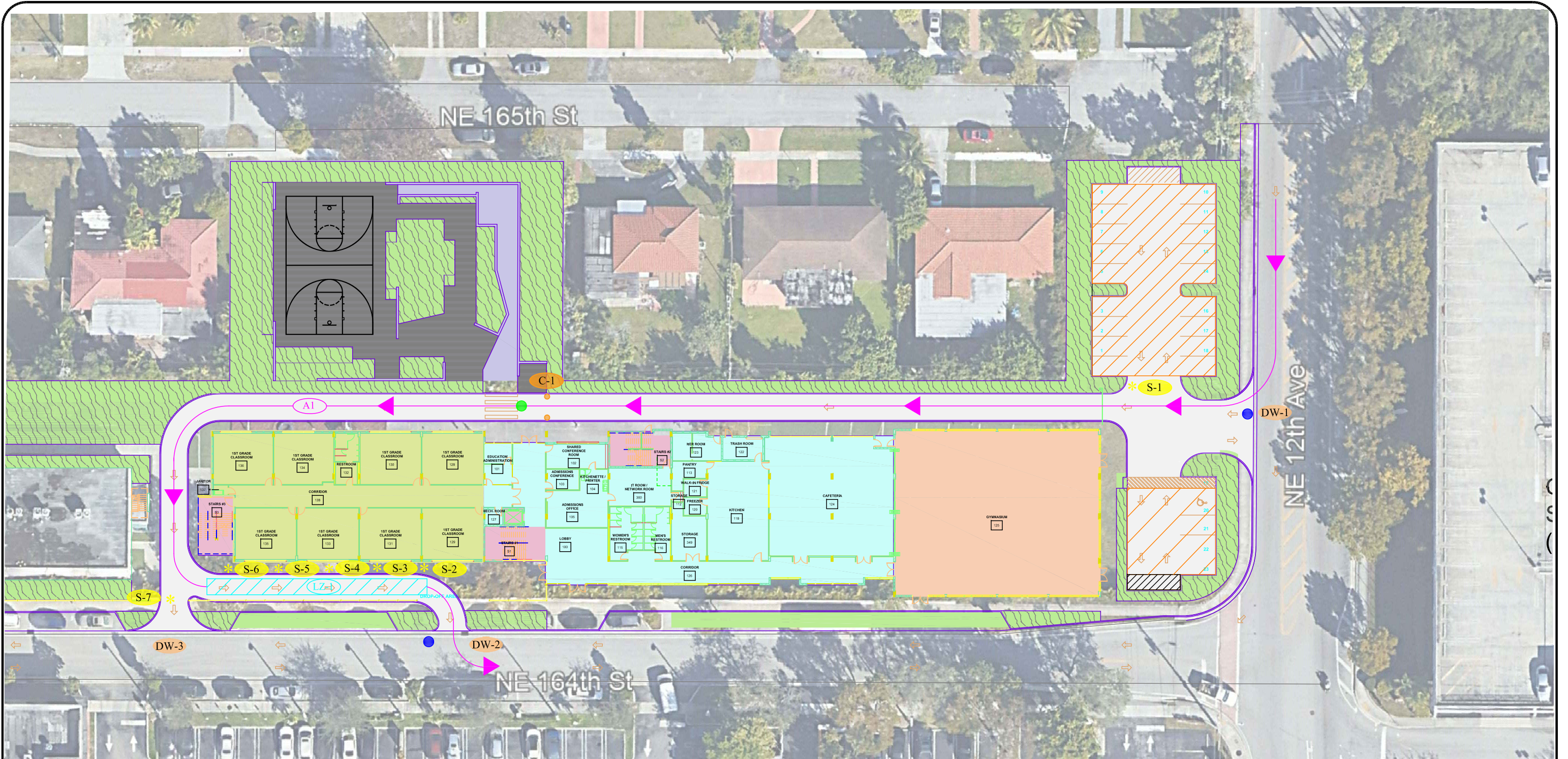
2 TYPICAL ENLARGED PARKING STALL
Scale: 1/8" = 1'-0"



SITE PLAN INFORMATION	
OWNER / Applicant	MAAMI
ARCHITECTS	100 N. BISCAYNE BLVD, 27TH FLOOR MIAMI, FL 33132
LEGAL DESCRIPTION	SEE SURVEY FOR LEGAL DESCRIPTION PROVIDED HEREIN.
SITE DATA	<ul style="list-style-type: none"> FUTURE LAND USE: PUBLIC & QUASI-PUBLIC SITE AREA: 197,156 SQ. FT. (4.52 ACRES) ZONING DISTRICT: SF (COMMUNITY FACILITY)
SETBACK REQUIREMENTS	<ul style="list-style-type: none"> REQUIREMENTS AS SET FORTH BY SEC. 24-83 FOR HEIGHT EXCEPTIONS REQUIREMENTS AS SET FORTH BY SEC. 24-85 OF THE NORTH MIAMI BEACH ZONING AND LAND DEVELOPMENT CODE
BUILDING HEIGHT REQUIREMENTS	<ul style="list-style-type: none"> REQUIREMENTS AS SET FORTH BY SEC. 24-85 OF THE NORTH MIAMI BEACH ZONING AND LAND DEVELOPMENT CODE REQUIREMENTS AS SET FORTH BY SEC. 24-83 FOR HEIGHT EXCEPTIONS
ZONING DATA	<ul style="list-style-type: none"> LOT AREA: 197,156 SF EXISTING BUILDING #1: 1ST FLOOR, 18,811 SF EXISTING BUILDING #2: 2ND FLOOR, 6,914 SF EXISTING BUILDING #3: 1ST FLOOR, 4,947 SF EXISTING BUILDING #4: 2ND FLOOR, 4,947 SF PROPOSED BUILDING #1: 1ST FLOOR, 3,348 SF PROPOSED BUILDING #2: 2ND FLOOR, 8,340 SF TOTAL EXISTING & PROPOSED BUILDINGS: 45,929 SF TOTAL EXISTING & PROPOSED BUILDINGS: 21,352 SF MAX. PERMITS AREA, 25% OF TOTAL LOT AREA: 49,289 SF EXISTING: 56,343 SF PROPOSED: 43,911 SF
LOT COVERAGE + BLDG AREA (ZONING CODE)	<ul style="list-style-type: none"> LOT AREA: 197,156 SF EXISTING BLDG AREA: 18,811 SF PROPOSED BLDG AREA: 11,689 SF TOTAL BLDG AREA: 30,500 SF PERCENTAGE OF LOT AREA: 15.47%
Other Data	<ul style="list-style-type: none"> EXISTING STAFF POPULATION: 510 EXISTING STAFF POPULATION: 688 (+180) EXISTING STAFF POPULATION: 73 (14) EXISTING STAFF POPULATION: 52 (94 + 2 N/A) EXISTING STAFF POPULATION: 72 (70 + 2 N/A) EXISTING STAFF POPULATION: 72 (70 + 2 N/A) EXISTING STAFF POPULATION: 47

APPLICATION FOR PUBLIC HEARING - NOT FOR CONSTRUCTION

<p>Seal JOSE MURGUIDO</p>	<p>Architect ZYSCOVICH ARCHITECTS 100 N Biscayne Blvd, 27th Fl Miami, FL 33132, 2504 t 305.372.5222 f 305.577.4521 info@zyscovich.com www.zyscovich.com</p>	<p>Project TORAS EMES ACADEMY OF MIAMI ELEMENTARY AND MIDDLE SCHOOL 1051 NORTH MIAMI BEACH BLVD NORTH MIAMI BEACH, FLORIDA 33162</p>	<p>Client YESHIVA TORAS CHAIM Bat Meirah Zichron Ezra TORAS EMES ACADEMY OF MIAMI Samuel Abo & Shol Klurman Elementary School</p>	<p>Civil Engineers ROSS ENGINEERING, Inc. 3325 S. University Drive, Suite 111 Davie, Florida 33328 Phone: (954) 918-8254 Fax: (954) 958-0190 Landscape Architecture STUDIO 512 ARCHITECTURE DESIGN STUDIO, INC. 3250 Mary Street, Suite 301 Coconut Grove, Florida 33133 (305) 442-1774</p>
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YESHIVA TORAS CHAIM CAMPUS

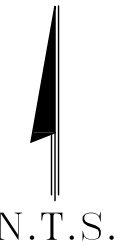
ELEMENTARY CLASSROOMS	20	360 STUDENTS
MIDDLE CLASSROOMS	12	216 STUDENTS
TOTAL CLASSROOMS	32	576 STUDENTS

ARRIVAL \ DISMISSAL SCHEDULE

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

LEGEND

- A1 ROUTE NUMBER
- DROP-OFF \ PICK-UP ROUTE
- DROP-OFF \ PICK-UP QUEUE
- DW-1 ACCESS DRIVEWAYS
- * S-1 STAFF TRAFFIC CONTROL
- LZ-1 LOADING ZONE
- STAFF PARKING
- SECURITY GAURD (2)
- CROSSING GAURD (1)
- C-1 CONES



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DAVID PLUMMER & ASSOCIATES, INC.
 TRAFFIC ENGINEERING • CIVIL ENGINEERING • TRANSPORTATION PLANNING
 CORAL GABLES FORT MYERS
 1750 PONCE DE LEON BLVD. CORAL GABLES FL 33134 TELEPHONE (305) 447-0900
 CERTIFICATE OF AUTHORIZATION EB 2690

REVISIONS:	
CONTRACTOR SHALL VERIFY ALL DIMENSIONS & LOCATE ALL UTILITIES BEFORE COMMENCING WITH PROJECT.	

PROJECT: **YESHIVA TORAS CHAIM**

TITLE: **ARRIVAL \ DISMISSAL OPERATION PLAN**

DATE	10/27/20	PROJECT NO.	19194
DRAWN		SHEET NO.	1
CHECKED			
APPROVED			