



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

**CFN 20050747115**  
DR Bk 23584 Pgs 4082 - 4084 (3pgs)  
RECORDED 07/19/2005 11:29:54  
HARVEY RUVIN, CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

**PROPERTY:** 4000 Alton Road

**FILE NO:** 1718

**IN RE:** The application by Talmudic College 4000 Alton Road Inc. requesting conditional use approval for a religious educational institution inclusive of residential uses for faculty and university students to be located on a former hotel property.

**LEGAL**

**DESCRIPTION:** Lots 52, 53 and 54 in Block 1, of NAUTILUS SUBDIVISION, according to the plat thereof as recorded in Plat Book 8, at Page 95 of the Public Records of Miami-Dade County, Florida, less that part of Lot 54, described as follows: Beginning at the Southwest corner of said Lot 54; run thence East 63.9 feet along the South line of said Lot 54 to a point; run thence Northwest 76 feet to the West line of said Lot 54 at a point 37 feet North from the Southwest corner thereof; run thence South 37 feet along the West line of said Lot 54 to the point of beginning, all in Block 1, NAUTILUS SUBDIVISION, according to the Plat thereof as recorded in Plat Book 8, Page 95, of the Public Records of Miami-Dade County, Florida.

And Lot E, less the West 0.10 feet thereof; Re-subdivision of Lots 48,49,50 and 51 of Block 1, NAUTILUS SUBDIVISION, according to the Plat thereof as recorded in Plat Book 35, at Page 46 of the Public Records of Miami-Dade County, Florida.

**MEETING DATE:** June 28, 2005

**CONDITIONAL USE PERMIT**

The applicant, Talmudic College 4000 Alton Road, Inc., filed an application with the Planning Director for a Conditional Use Permit pursuant to Chapter 118, Article IV of the City Code. Notice of the request for Conditional Use was given as required by law and mailed out to owners of property within a distance of 375 feet of the exterior limits of the property, upon which the application was made.

The Planning Board of the City of Miami Beach makes the following FINDINGS OF FACT based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

That the property in question is located in the RM-2 Multi-Family, Medium Intensity Residential zoning district;

That the intended Use or construction will not result in an impact that will exceed the thresholds for the levels of service as set forth in the Comprehensive Plan;

That structures and Uses associated with the request would be consistent with the criteria and requirements of Section 118-192 if the conditions below are in compliance;

That the public health, safety, morals, and general welfare will not be adversely affected;

That necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values if the following conditions are met.

**IT IS THEREFORE ORDERED**, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which is adopted herein, including the staff recommendations, and accepted by the applicant, that a Conditional Use Permit as requested and set forth above be GRANTED, subject to the following conditions:

1. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. At the request of the Planning Director, the applicant shall provide a progress report to the Board if deemed necessary. The Board reserves the right to modify the Conditional Use approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address possible problems and to determine the timing and need for future progress reports. This Conditional Use is also subject to modification or revocation under City Code Sec. 118-194 (c).
2. This Conditional Use Permit is issued to Talmudic College 4000 Alton Road Inc. for an educational institution, details of which shall be substantially as provided as part of their application. Any change of operator or ownership shall require review and approval by the Planning Board as a modification to this Conditional Use Permit.
3. The applicant shall build the facility in accordance with the plans approved by the Design Review Board and the Board of Adjustment, and reviewed by the Planning Board. Any substantial change to the plans, such as, but not limited to changes in intensity of the educational use shall be reviewed and approved by the Planning Board. A building permit shall be obtained within the time limits imposed by the Design Review Board (File No. 18215) and the Board of Adjustment (File No. 3105). The conditions of approval of each Board are hereby adopted by reference. Should the approvals from the Design Review Board or the Board of Adjustment be rendered null and void, or a building permit is not obtained within the time limits set by these Boards, the applicant shall make a new application to the Planning Board for a Conditional Use approval.
4. The number and level of students at this facility shall not exceed 102 high school-level students and 51 undergraduate and graduate students.
5. The residential units located within the site shall only be leased or rented to parties directly affiliated with the Talmudic College and currently engaged in activities related to the primary purpose of education.
6. This order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.

7. The applicant shall satisfy outstanding liens and past due City bills to the satisfaction of the City prior to the issuance of an occupational license to operate an outdoor entertainment establishment.
8. This Conditional Use Permit shall be recorded in the Public Records of Miami-Dade County at the expense of the applicant, prior to the issuance of a modified certificate of use.
9. The establishment and operation of this Conditional Use shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the Code of the City of Miami Beach, Florida, and shall be subject to enforcement procedures set forth in Section 114-8 of said Code and such enforcement procedures as are otherwise available. Any failure by the applicant to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this Conditional Use.

Dated this 12TH day of JULY, 2005.

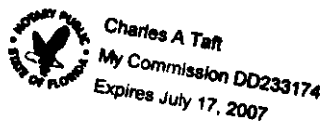
PLANNING BOARD OF THE  
CITY OF MIAMI BEACH, FLORIDA

BY: 

Jorge G. Gomez, AICP, Planning Director  
FOR THE CHAIRMAN

STATE OF FLORIDA       )  
COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this 12TH day of JULY, 2005, by Jorge G. Gomez, AICP, Planning Director of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



{NOTARIAL SEAL}

  
Notary:

Print Name CHARLES A. TAFT

Notary Public, State of Florida

My Commission Expires:

Commission Number:

Approved As To Form:  
Legal Department ( Speld 7-12-05 )

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**BEFORE THE  
BOARD OF ADJUSTMENT  
OF THE CITY OF MIAMI BEACH, FLORIDA**

CFN 2006R0139479  
DR Bk 24220 Pgs 0460 - 463; (4pgs)  
RECORDED 02/08/2006 13:02:07  
HARVEY RUVIN, CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

IN RE: The application of  
TALMUDIC COLLEGE 4000 ALTON ROAD, INC.  
4000 ALTON ROAD  
LOTS 52, 53 and 54; BLOCK 1; NAUTILUS SUB.  
PLAT BOOK 8-95; MIAMI-DADE COUNTY, FLORIDA  
and LOT E, LESS THE WEST 0.10 FT. THEREOF;  
RESUBDIVISION OF LOTS 48, 49, 50 and 51  
BLOCK 1; PLAT BOOK 35-46; MIAMI-DADE COUNTY, FLORIDA  
[full legal description on file in the City of Miami Beach Planning Dept.]

MEETING DATE: MAY 6, 2005  
FILE NO. 3105

**ORDER**

The applicant, Talmudic College 4000 Alton Road, Inc., filed an application with the Planning Department for variances in order to permit the conversion of an existing seven (7) story hotel to an institutional use (university), including the addition of new three (3) and six (6) story buildings with townhomes, dormitories, classrooms, and cafeteria among other accessory institutional uses, as follows:

1. A variance to waive a range of 13' – 0" and 15' – 0" of the minimum required 24' – 0" interior pedestal setback in order to permit the construction of a new three (3) and six (6) story buildings set back between 11' – 0" and 9' – 0" from the south interior property line.
2. A variance to waive a range of 29' – 0" and 31' – 0" of the minimum required 48' – 0" sum of the interior side yards pedestal setback in order to permit the construction of a new three (3) and six (6) story buildings with a sum of the side yards ranging between 19' – 0" and 7' – 0".
3. A variance to waive a range of 3' – 0" and 16' – 0" of the minimum required 25' – 0" interior tower setback in order to permit the construction of a new six (6) story building set back between 22' – 0" and 9' – 0" from the south interior property line.
4. A variance to exceed by 9' – 6" from the maximum permitted 60' – 0" building height in order to allow the construction of a new six (6) story building with a building height of 69' – 6" from grade as defined by code.

Notice of the request for variances was given as required by law and mailed to owners of property within a distance of 375 feet of the exterior limits of the property on which application was made.

**Board of Adjustment Order**  
**Meeting of May 6, 2005**  
**File No. 3105**  
**Miami Beach, Florida**

THE BOARD FINDS that the property in question is located in the RM-2 Zoning District.

THE BOARD FURTHER FINDS, based upon evidence, testimony, information and documentation presented to the Board, and portions of the staff report and recommendations, as applicable, which are incorporated herein by this reference, that with regard to the requested variances when conditioned as provided for in this Order:

*That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;*

*That the special conditions and circumstances do not result from the action of the applicant;*

*That granting the variances requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;*

*That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;*

*That the variances granted are the minimum variances that will make possible the reasonable use of the land, building or structure;*

*That the granting of the variances will be in harmony with the general intent and purpose of this Ordinance and that such variances will not be injurious to the area involved or otherwise detrimental to the public welfare; and*

*That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.*

IT IS THEREFORE ORDERED, by the Board, that the variances as requested and set forth above be APPROVED with the following conditions to which the applicant has agreed:

1. No portion of the building shall be leased to a third party for any purpose that would provide economic gain to the university.
2. No more than ninety-nine (99) students shall be allowed on the campus. If the students exceed that number, more parking will be required on site.
3. A landscape plan for the entire site shall be submitted to and approved by staff before a building permit is issued for construction of the addition.

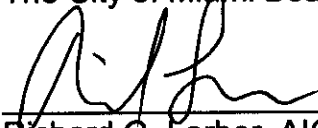
**Board of Adjustment Order**  
**Meeting of May 6, 2005**  
**File No. 3105**  
**Miami Beach, Florida**

4. The applicant shall comply with all conditions imposed by the Public Works Department.
5. The applicant shall obtain a building permit within eighteen (18) months of the date of this hearing. If the building permit is not obtained within the specified time limits, the applicant shall, prior to expiration of such period, apply to the Board for an extension of time. At the hearing on such application, the Board may deny or approve the request and modify the above conditions or impose additional conditions. Failure to comply with this order shall subject the variance to Section 118-356, City Code, for revocation or modification of the variance.
6. This order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.

PROVIDED, the applicant shall build in accordance with the plans submitted as part of this file and as approved by the Board of Adjustment with any applicable modifications. The applicant shall have a building permit for the work contemplated herein issued by the Building Department on or before May 6, 2006 (within one year of the date of this hearing), otherwise this Order shall become null and void, unless the issuance of such permit is stayed by an appeal of this Order to a court of competent jurisdiction. This Order does not constitute a building permit, but upon presentation of a recorded copy of this Order to the Planning Department, a permit shall be processed and approved (subject to compliance with the conditions hereof) in accordance with and pursuant to the ordinances of the City of Miami Beach.

Board of Adjustment of  
The City of Miami Beach, Florida

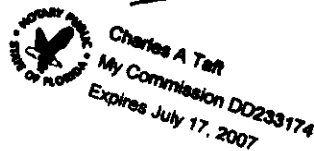
By: \_\_\_\_\_

  
Richard G. Lorber, AICP  
Planning & Zoning Manager  
City of Miami Beach  
1700 Convention Center Drive  
Miami Beach, Florida 33139

**Board of Adjustment Order**  
**Meeting of May 6, 2005**  
**File No. 3105**  
**Miami Beach, Florida**

STATE OF FLORIDA           )  
COUNTY OF MIAMI-DADE   )

The foregoing instrument was acknowledged before me this 6<sup>TH</sup> day of FEBRUARY, 2006, by Richard G. Lorber, Planning and Zoning Manager of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



*[Handwritten Signature]*

Notary:

Print Name: CHARLES A. TART

Notary Public, State of Florida

[NOTARIAL SEAL]  
My Commission Expires:

Approved As To Form:  
Legal Department ( gated 2-3-2006 )

Filed with the Clerk of the Board of Adjustment on 2/7/06 *[Signature]*

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CFN 20140669966  
DR Bk 29324 Pgs 3251 - 3255; (5pgs)  
RECORDED 09/25/2014 13:43:37  
HARVEY RUVIN, CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

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

**PROPERTY:** 4000 Alton Road

**FILE NO.** 1718

**IN RE:** The application for a modification to the existing Conditional Use Permit, pursuant to Article IV Section 118 of the Miami Beach City Code, to construct a new 5-story addition to the front of the existing building for accessory uses, and a new 8-story detached multifamily building on the south side of the property.

**LEGAL  
DESCRIPTION:** See attached Exhibit "A".

**MEETING DATE:** February 6, 2014

**MODIFIED CONDITIONAL USE PERMIT**

The applicant, Talmudic College 4000 Alton Road, Inc., filed an application with the Planning Director for a modification to a Conditional Use Permit.

The City of Miami Beach Planning Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

- A. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is consistent with Planning Board Conditional Use Review Guidelines in Section 118-192 of the Miami Beach Code.
- B. The project would remain consistent with the criteria and requirements of Section 118-192 subject to the modified conditions listed below indicated by underlining (new language) and strikethrough (deleted language):
  1. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. At the request of the Planning Director, the applicant shall provide a progress report to the Board if deemed necessary. The Board reserves the right to modify the Conditional Use approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address possible problems and to determine the timing and need for future progress reports. This Conditional Use is also subject to modification or revocation under City Code Sec. 118-194 (c).
  2. This Conditional Use Permit is issued to Talmudic College 4000 Alton Road Inc. for an educational institution, details of which shall be substantially as provided



as part of their application. Any change of operator or ownership shall require review and approval by the Planning Board as a modification to this Conditional Use Permit.

3. As part of the Building Permit plans for the project, the applicant shall submit revised architectural drawings, and landscape drawings, which shall be subject to the review and approval of staff; at a minimum, such plans shall satisfy the following:
  - a. Use of the loading zone shown at the south side of the site shall be restricted to trucks with a maximum wheelbase of 40 feet (WB-40). The applicant shall include these express regulations in the condominium documents for the multifamily residential building.
  - b. In order to make the bicycle storage area more accessible to cyclists, a second storage area shall be located at northeast corner of the proposed new residential building, in a manner to be reviewed and approved by staff.
  - c. Parking for scooters shall be provided, in a manner to be reviewed and approved by staff.
4. The applicant shall build the facility in accordance with the plans ~~approved by the Design Review Board and the Board of Adjustment, and reviewed by the Planning Board, the Design Review Board and Board of Adjustment.~~ Any substantial change to the plans, such as, but not limited to changes in intensity of the educational use shall be reviewed and approved by the Planning Board. A building permit shall be obtained within the time limits imposed by the Design Review Board (File No. ~~18215 23026~~) and the Board of Adjustment (File No. ~~3105 3688~~). ~~The conditions of approval of each Board are hereby adopted by reference.~~ Should the approvals from the Design Review Board or the Board of Adjustment be rendered null and void, or a building permit is not obtained within the time limits set by these Boards, the applicant shall make a new application to the Planning Board for a Conditional Use approval.
5. The number and level of students at this facility shall not exceed 102 high school-level students and 51 undergraduate and graduate students.
6. The residential units located within the site existing Talmudic College building, including within the proposed attached addition, shall only be leased or rented to parties directly affiliated with the Talmudic College and currently engaged in activities related to the primary purpose of education.
7. This order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.



8. The applicant shall satisfy outstanding liens and past due City bills to the satisfaction of the City prior to the issuance of an occupational license to operate an outdoor entertainment establishment.
9. This Conditional Use Permit shall be recorded in the Public Records of Miami-Dade County at the expense of the applicant, prior to the issuance of a modified certificate of use.
10. The establishment and operation of this Conditional Use shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the Code of the City of Miami Beach, Florida, and shall be subject to enforcement procedures set forth in Section 114-8 of said Code and such enforcement procedures as are otherwise available. Any failure by the applicant to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this Conditional Use.
11. This approval is subject to the formal conveyance from the Florida Department of Transportation (FDOT) to the applicant concerning the two adjacent portions of the property ("FDOT Parcels"), determined by FDOT as surplus land and presently in the process of being transferred to the applicant. No building permit for the proposed project shall issue until after the conveyance of the FDOT parcels to the applicant as confirmed by an updated Opinion of Title for lot split in a form to be reviewed and approved by staff and the City Attorney's Office.
12. The conditions of approval for this Conditional Use Permit are binding on the applicant, the property owners, operators, and all successors in interest and assigns.
13. Within a reasonable time after applicant's receipt of this Conditional Use Permit as signed and issued by the Planning Director, the applicant shall record it in the Public Records of Miami-Dade County at applicant's expense and then return the recorded instrument to the Planning Department. No building permit or certificate of completion shall be issued until this requirement has been satisfied.
14. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which is adopted herein, including staff recommendations, as modified by the Planning Board, that the Application for Conditional Use approval is GRANTED for the above-referenced project, subject to those certain conditions specified in Paragraph B of the Findings of Fact (Condition Nos. 1-14, inclusive) hereof, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans approved by the Planning Board, as determined by staff, entitled "4000 Alton Road", as prepared by Zyscovich



Architects, dated November 12, 2013, modified in accordance with the conditions set forth in this Order and staff review and approval.

No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance as set forth in this Order have been met. The issuance of Conditional Use Approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

Dated this 19<sup>th</sup> day of MARCH, 2014.

PLANNING BOARD OF THE  
CITY OF MIAMI BEACH, FLORIDA

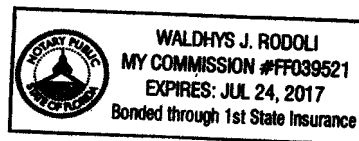
BY:

Thomas R. Mooney, AICP, Acting Planning Director  
For The Chairman

STATE OF FLORIDA       )  
COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of March, 2014, by Thomas R. Mooney, AICP, Acting Planning Director of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

[NOTARIAL SEAL]



Waldhys J. Rodoli

Notary:

Print Name: Waldhys J. Rodoli

Notary Public, State of Florida

My Commission Expires: 7-24-17

Commission Number: FF039521

Approved As To Form:

Legal Department ( gated 3-17-14 )

Filed with the Clerk of the Planning Board on 03/20/14 [Signature]

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EXHIBIT A

LEGAL DESCRIPTION:

PROPOSED TRACT "A"

A portion of Lot 52, Block 1 of NAUTILUS SUBDIVISION, according to the plat thereof as recorded in Plat Book 8 at Page 95, and a portion of Lots D and E of RE-SUBDIVISION OF LOTS 48, 49, 50 AND 51 OF BLOCK 1, NAUTILUS SUBDIVISION, according to the plat thereof, as recorded in Plat Book 35 at Page 46, both of the Public Records of Miami-Dade County, Florida, being a portion of Sections 22 and 27 in Township 53 South, Range 42 East, City of Miami Beach, Miami-Dade County, Florida, and being more particularly described as follows:

Commence at the Southeast corner of Lot 54 of said Block 1 of NAUTILUS SUBDIVISION; thence North 09°11'22" East along the Easterly line of said Block 1 and also being the Westerly Right-of-Way line of Altan Road (State Road 907) as shown on Florida Department of Transportation Right-of-Way Map, Section 87090-2402, Sheet 16 of 18, dated 12-2009, for 228.03 feet to the Point of Beginning of the hereinafter described parcel; thence North 80°48'38" West for 269.11 feet; thence North 09°11'22" East for 144.42 feet; thence North 55°48'22" East along the Southeasterly Right-of-Way line of the Julia Tuttle Causeway, also known as State Road 112 and I-195, as shown on said Florida Department of Transportation Right-of-Way Map Section 87090-2402, Sheet 16 of 18, for 24.15 feet; the following three (3) courses being along the exterior boundary of a pump station; (1) thence South 25°20'17" East for 78.82 feet; (2) thence North 67°28'20" East for 95.34 feet; (3) thence North 09°05'09" East along a line 0.10 feet Easterly and parallel with the West line of said Lot "E" for 106.04 feet; the following four (4) courses being along the Southerly Right-of-Way line of said Julia Tuttle Causeway and the Westerly Right-of-Way line of said Altan Road (State Road 907); (1) thence South 89°46'36" East for 32.92 feet to a point of curvature; (2) thence Southeasterly along a 78.80 foot radius curve leading to the right, through a central angle of 93°40'27" for an arc distance of 128.83 feet to a point of compound curvature; (3) thence Southerly along a 622.07 foot radius curve leading to the right, through a central angle of 05°19'22" for an arc distance of 57.79 feet to a point of tangency; (4) thence South 09°11'22" West for 129.15 feet to the Point of Beginning.

LEGAL DESCRIPTION (Continuation):

PROPOSED TRACT "B"

All of Lot 53 and a portion of Lots 52, 54 and 55, Block 1 of NAUTILUS SUBDIVISION, according to the plat thereof as recorded in Plat Book 8 at Page 95, and a portion of Lot D of RE-SUBDIVISION OF LOTS 48, 49, 50 AND 51 OF BLOCK 1, NAUTILUS SUBDIVISION, according to the plat thereof, as recorded in Plat Book 35 at Page 46 of the Public Records of Miami-Dade County, Florida, and a portion of Sections 22 and 27 in Township 53 South, Range 42 East, City of Miami Beach, Miami-Dade County, Florida, and being more particularly described as follows:

Begin at the Southeast corner of said Lot 54 of Block 1 of NAUTILUS SUBDIVISION; thence North 09°11'22" East along the Easterly line of said Lots 52, 53 and 54, also being the Westerly Right-of-Way line of Altan Road (State Road 907) as shown on the Florida Department of Transportation Right-of-Way Map Section 87090-2402 dated 12-2009, Sheet 16 of 18, for 228.03 feet; thence North 80°48'38" West for 269.11 feet; thence North 09°11'22" East for 144.42 feet; thence South 55°48'22" West along the Southeasterly Right-of-Way line of the Julia Tuttle Causeway per State Road 112/I-195 of said Florida Department of Transportation Right-of-Way Map Section No. 87090-2402, Sheet 16 of 18, for 90.82 feet; thence South 05°59'58" East for 62.09 feet; thence South 23°11'59" West for 161.81 feet; the following two (2) courses being along the Northern boundary of Altan Road



CFN 20140669963  
DR Bk 29324 Pgs 3234 - 3237 (4pgs)  
RECORDED 09/25/2014 13:43:37  
HARVEY RUVIN, CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

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

**PROPERTY:** 4000 Alton Road

**FILE NO.** 2153

**IN RE:** The application for a division of land/lot split, pursuant to Article VII, Section 118 of the Miami Beach City Code, to create two buildable lots.

**LEGAL  
DESCRIPTION:** See attached Exhibit "A".

**MEETING DATE:** February 6, 2014

**DIVISION OF LAND/LOT SPLIT  
FINAL ORDER**

The applicant, Talmudic College 4000 Alton Road, Inc., filed an application with the Planning Director for a division of land/lot split, pursuant to Article VII, Section 118 of the Miami Beach City Code, to create two buildable lots.

The City of Miami Beach Planning Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

- A. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is consistent with Planning Board "Division of Land/Division of Land/Lot Split" criteria in Section 118-321.B of the Miami Beach Code.
- B. The project would remain consistent with the criteria and requirements of Section 118-321.B subject to the subject to the following conditions, to which the Applicant has agreed:
  - 1. The two (2) lots created pursuant to this lot split application at 4000 Alton Road, shall comply with the following:
    - a. The building parcels created by this lot split shall be as depicted on the signed and sealed surveys by Fortin, Leavy, Skiles, Inc., dated 11/19/13.
    - b. The applicant shall comply with City Code section 118-5 by executing and recording in the public records a unity of title or covenant in lieu, subject to the approval of the City Attorney, combining the lots comprising the subject property, prior to the issuance of a Building Permit.

- c. Individual underground utility, water, sewer, electric, telephone and cable connections, payment, as well as the payment of any applicable impact fees, shall be the responsibility of the owners of each respective lot.
  - d. If required, the removal and replacement of all or portions of the sidewalk, curb and gutter along all portions of each lot shall be the responsibility of the applicant.
- 2. The applicant and/or owner, for each lot created herein, both now and in the future, shall abide by all the documents and statements submitted with this application for Division of Land/Lot Split, as well as all conditions of this Order. The conditions of approval for this Lot Split are binding on the applicant, the property owners, and all successors in interest and assigns.
- 3. The Planning Board shall maintain jurisdiction of this Lot Split approval. If deemed necessary, at the request of the Planning Director, the applicant shall provide a progress report to the Board. The Board reserves the right to modify the Lot Split approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address problems and to determine the timing and need for future progress reports. This Lot Split is also subject to modification or revocation under City Code Sec. 118-323.
- 4. The applicant and/or owner of each property shall resolve all outstanding violations and fines on each respective property, if any, prior to the issuance of a building permit for any home proposed.
- 5. This order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
- 6. Within a reasonable period of time after receipt of the executed Order for the Division of Land/Lot Split approved herein, the applicant or owner, at its sole expense, shall record it in the Public Records of Miami-Dade County, and return the recorded instrument to the Planning Department. No building permit, certificate of occupancy, or certificate of completion shall be issued until this requirement has been satisfied.
- 7. The Lot Split approval approved herein shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the City Code, and shall be subject to enforcement procedures set forth in Section 114-8 of the Code and such other enforcement procedures as are permitted by law. Any failure by the applicant to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this approval.



8. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which is adopted herein, including staff recommendations, as modified by the Planning Board that the Division of Land/Lot Split as requested and set forth above be GRANTED, subject to those certain conditions specified in Paragraph B of the Findings of Fact (Condition Nos. 1-8, inclusive) hereof, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans approved by the Planning Board, as determined by staff, entitled "4000 Alton Road, Planning Board Lot Split", as prepared by Zyscovich Architects, dated November 12, 2013, modified in accordance with the conditions set forth in this Order and staff review and approval.

Dated this 19<sup>th</sup> day of MARCH, 2014.

PLANNING BOARD OF THE  
CITY OF MIAMI BEACH, FLORIDA

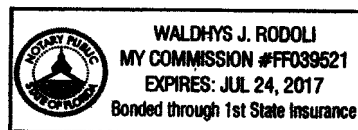
BY:

Thomas R. Mooney, AICP, Acting Planning Director  
For The Chairman

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of March, 2014, by Thomas R. Mooney, AICP, Acting Planning Director of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

[NOTARIAL SEAL]



Waldhys J. Rodoli

Notary:

Print Name: Waldhys J. Rodoli

Notary Public, State of Florida

My Commission Expires: 7-24-17

Commission Number: FF039521

Approved As To Form:

Legal Department ( gHed 3-17-14 )

Filed with the Clerk of the Planning Board on 03/20/2014 ( AS )  
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EXHIBIT A

LEGAL DESCRIPTION:

PROPOSED TRACT "A"

A portion of Lot 52, Block 1 of NAUTILUS SUBDIVISION, according to the plat thereof as recorded in Plat Book 6 at Page 95, and a portion of Lots D and E of RE-SUBDIVISION OF LOTS 48, 49, 50 AND 51 OF BLOCK 1, NAUTILUS SUBDIVISION, according to the plat thereof, as recorded in Plat Book 35 at Page 46, both of the Public Records of Miami-Dade County, Florida, being a portion of Sections 22 and 27 in Township 53 South, Range 42 East, City of Miami Beach, Miami-Dade County, Florida, and being more particularly described as follows:

Commence at the Southeast corner of Lot 54 of said Block 1 of NAUTILUS SUBDIVISION; thence North 09°11'22" East along the Easterly line of said Block 1 and also being the Westerly Right-of-Way line of Alton Road (State Road 907) as shown on Florida Department of Transportation Right-of-Way Map, Section 87090-2402, Sheet 16 of 18, dated 12-2009, for 228.03 feet to the Point of Beginning of the hereinafter described parcel; thence North 80°48'38" West for 269.11 feet; thence North 09°11'22" East for 144.42 feet; thence North 55°48'22" East along the Southeasterly Right-of-Way line of the Julia Tuttle Causeway, also known as State Road 112 and I-195, as shown on said Florida Department of Transportation Right-of-Way Map Section 87090-2402, Sheet 16 of 18, for 24.15 feet; the following three (3) courses being along the exterior boundary of a pump station: (1) thence South 25°20'17" East for 78.82 feet; (2) thence North 67°28'20" East for 95.34 feet; (3) thence North 09°05'09" East along a line 0.10 feet Easterly and parallel with the West line of said Lot "E" for 106.04 feet; the following four (4) courses being along the Southerly Right-of-Way line of said Julia Tuttle Causeway and the Westerly Right-of-Way line of said Alton Road (State Road 907): (1) thence South 89°46'36" East for 32.92 feet to a point of curvature; (2) thence Southeasterly along a 78.80 foot radius curve leading to the right, through a central angle of 93°40'27" for an arc distance of 128.83 feet to a point of compound curvature; (3) thence Southerly along a 622.07 foot radius curve leading to the right, through a central angle of 05°19'22" for an arc distance of 57.79 feet to a point of tangency; (4) thence South 09°11'22" West for 129.15 feet to the Point of Beginning.

LEGAL DESCRIPTION (Continuation):

PROPOSED TRACT "B"

All of Lot 53 and a portion of Lots 52, 54 and 55, Block 1 of NAUTILUS SUBDIVISION, according to the plat thereof as recorded in Plat Book 6 at Page 95, and a portion of Lot D of RE-SUBDIVISION OF LOTS 48, 49, 50 AND 51 OF BLOCK 1, NAUTILUS SUBDIVISION, according to the plat thereof, as recorded in Plat Book 35 at Page 46 of the Public Records of Miami-Dade County, Florida, and a portion of Sections 22 and 27 in Township 53 South, Range 42 East, City of Miami Beach, Miami-Dade County, Florida, and being more particularly described as follows:

Begin at the Southeast corner of said Lot 54 of Block 1 of NAUTILUS SUBDIVISION; thence North 09°11'22" East along the Easterly line of said Lots 52, 53 and 54, also being the Westerly Right-of-Way line of Alton Road (State Road 907) as shown on the Florida Department of Transportation Right-of-Way Map Section 87090-2402 dated 12-2009, Sheet 16 of 18, for 228.03 feet; thence North 80°48'38" West for 269.11 feet; thence North 09°11'22" East for 144.42 feet; thence South 55°48'22" West along the Southeasterly Right-of-Way line of the Julia Tuttle Causeway per State Road 112/I-195 of said Florida Department of Transportation Right-of-Way Map Section No. 87090-2402, Sheet 16 of 18, for 90.82 feet; thence South 05°59'58" East for 62.09 feet; thence South 23°11'59" West for 161.81 feet; the following two (2) courses being along the Northern boundary of Alton Road





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RECORDED 09/25/2014 13:43:37  
HARVEY RUVIN, CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

**DESIGN REVIEW BOARD**  
City of Miami Beach, Florida

MEETING DATE: March 04, 2014

FILE NO: 23026

PROPERTY: 4000 Alton Road

LEGAL: See Exhibit "A" attached

IN RE: The Application for Design Review Approval for the construction of a new 5-story addition to the front of the existing building for accessory uses, and a new 8-story detached multifamily building on the south side of the property. This project is proposed to take place in two (2) phases as a phased development project.

**CERTIFICATION**  
THIS IS TO CERTIFY THAT THE ATTACHED DOCUMENT  
IS A TRUE AND ACCURATE COPY OF THE ORIGINAL ON  
FILE IN THE OFFICE OF THE PLANNING DEPARTMENT.  
CITY OF MIAMI BEACH  
*[Signature]* 3/17/14  
(Signature of Planning Director or Designee) (Date)  
Personally known to me or Produced ID:  
*[Signature]*  
Notary Public, State of Florida at Large  
Printed Name: *Teresa Maria*  
My Commission Expires: (Seal) 12-2-17  
This document contains 7 pages.

TERESA MARIA  
MY COMMISSION # FF 042188  
EXPIRES: December 2, 2017  
Bonded Title Budget Notary Services



**ORDER**

The applicant, Talmudic College 4000 Alton Road, Inc, filed an application with the City of Miami Beach Planning Department for Design Review Approval.

The City of Miami Beach Design Review Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

- A. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Design Review Criteria 2, 3, 5, 8, 11, 14, 15, and 17 in Section 118-251 of the Miami Beach Code.
- B. The project would remain consistent with the criteria and requirements of section 118-251 if the following conditions are met:
  1. Revised elevation, site plan and floor plan drawings shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
    - a. Prior to the issuance of a building permit for any work approved by the Design Review Board, as it relates to the subject development project, the applicant shall enter into and record a restrictive Maintenance Agreement and Covenant running with the land, form approved by the Miami Beach City Attorney and Planning Director and Public Works Director, which runs with the land, confirming the



- applicant's agreement to design, permit, construct and maintain the proposed meandering sidewalk, in perpetuity, and confirming public access to such meandering sidewalk, in accordance with the conditions herein. The restrictive covenant shall be recorded in the public records, at the expense of the applicant.
- b. Material samples for all exterior finishes shall be submitted, including the proposed green stone veneer, the anodized aluminum mesh, the treated wood veneer, railings, gates, paving materials and any other special materials used on the exterior of the structure, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - c. All exterior railings and window frames shall be clear anodized aluminum, or equivalent, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - d. A sample of proposed green tinted glazing shall be the minimum tint required by the energy code and shall be provided in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - e. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
  - f. The final design and detailing of all exterior lighting shall be provided, and all exterior light fixtures shall be designed so as to preclude the spillage of lighting off the subject site, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - g. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and shall be screened from view, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - h. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.
2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
- a. All exterior walkways and driveways shall consist of decorative pavers, set in sand or other equally semi-pervious material, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

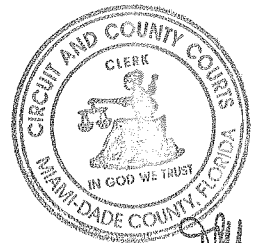


- b. The final design and details, including materials, colors, finishes, of any perimeter gate, wall or fence, shall be provided, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - c. If technically feasible, all overhead utility lines shall be placed underground.
  - d. Street trees shall be required within the swale at the front of the property if not in conflict with existing utilities, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - e. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow prevention devices. Backflow prevention devices shall not be permitted within any required yard or any area fronting a street or sidewalk, unless otherwise permitted by the Land Development Regulations. The location of all backflow prevention devices, and how they are screened from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff. The fire department shall require a post-indicator valve (PIV) visible and accessible from the street. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all post-indicator valves (PIV), fire department connections (FDC) and all other related devices and fixtures, which shall be clearly indicated on the site and landscape plans.
  - f. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms; such transformers and vault rooms, and all other related devices and fixtures, shall not be permitted within any required yard or any area fronting a street or sidewalk. The location of any exterior transformers, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - g. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect for the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.
3. Site plan approval is contingent upon meeting Public School Concurrency requirements. Applicant shall obtain a valid School Concurrency Determination Certificate (Certificate) issued by the Miami-Dade County Public Schools. The Certificate shall state the number of seats reserved at each school level. In the event sufficient seats are not available, a proportionate share mitigation plan shall be incorporated into a tri-party development agreement and duly executed prior to the issuance of a Building Permit.
4. This approval is subject to the formal conveyance from the Florida Department of Transportation (FDOT) to the Applicant concerning the two adjacent portions of the Property ("FDOT Parcels"), determined by FDOT as surplus land and presently in the process of being transferred to the Applicant. No building permit for the proposed project shall issue until after the conveyance of the FDOT Parcels to the Applicant as



confirmed by an updated opinion of title for lot split in a form to be reviewed and approved by staff and the City Attorney's Office.

5. All building signage shall be consistent in type, composed of flush mounted, non-plastic individual letters and shall require a separate permit.
6. The final exterior surface color scheme, including color samples, shall be subject to the review and approval of staff and shall require a separate permit.
7. A traffic mitigation plan, which addresses all roadway Level of Service (LOS) deficiencies relative to the concurrency requirements of the City Code, if required, shall be submitted prior to the issuance of a Building Permit and the final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
8. The applicant may be required to submit a separate analysis for water and sewer requirements, at the discretion of the Public Works Director, or designee. Based on a preliminary review of the proposed project, the following may be required by the Public Works Department:
  - a. A traffic and neighborhood impact study shall be conducted as a means to measure a proposed development's impact on transportation and neighborhoods. The study shall address all roadway Level of Service (LOS) deficiencies relative to the concurrency requirements of the City Code, and if required, shall be submitted prior to the issuance of a Building Permit. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code. The developer shall refer to the most recent City of Miami Beach's Traffic and Neighborhood Impact Methodology as issued by the Public Works Department.
  - b. Remove/replace sidewalks, curbs and gutters on all street frontages, if applicable. Unless otherwise specified, the standard color for city sidewalks is red, and the standard curb and gutter color is gray.
  - c. Mill/resurface asphalt in rear alley along property, if applicable.
  - d. Provide underground utility service connections and on-site transformer location, if necessary.
  - e. Provide back-flow prevention devices on all water services.
  - f. Provide on-site, self-contained storm water drainage for the proposed development.
  - g. Meet water/sewer concurrency requirements including a hydraulic water model analysis and gravity sewer system capacity analysis as determined by the Department and the required upgrades to water and sewer mains servicing this project.
  - h. Payment of City utility impact fees for water meters/services.

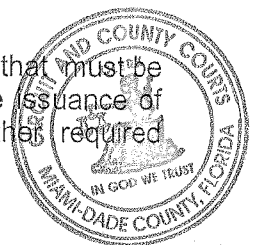


- i. Provide flood barrier ramps to underground parking or minimum slab elevation to be at highest adjacent crown road elevation plus 8".
  - j. Right-of-way permit must be obtained from Public Works.
  - k. All right-of-way encroachments must be removed.
  - l. All planting/landscaping in the public right-of-way must be approved by the Public Works and Parks Departments.
9. The project shall comply with any landscaping or other sidewalk/street improvement standards as may be prescribed by a relevant Urban Design Master Plan approved prior to the completion of the project and the issuance of a Certificate of Occupancy.
  10. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
  11. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
  12. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
  13. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
  14. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations which were adopted by the Board, that the Application for Design Review approval is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph B of the Findings of Fact (Condition Nos. 1-14, inclusive) hereof, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans approved by the Design Review Board, as determined by staff, entitled "4000 Alton Road" as prepared by **Zyscovich Architects** dated 11/12/13 and revised sheets submitted at the March 04, 2014 Design Review Board meeting, modified in accordance with the conditions set forth in this Order and staff review and approval.

No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance as set forth in this Order have been met. The issuance of Design Review Approval does not relieve the applicant from obtaining all other required



*[Handwritten signature]*

Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original Design Review Approval was granted, the Design Review Approval will expire and become null and void, unless the applicant makes application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code; the granting of any such extension of time shall be at the discretion of the Board. At the hearing on any such application, the Board may deny or approve the request and modify the above conditions or impose additional conditions. If the Full Building Permit should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the Design Review Approval will expire and become null and void.

In accordance with Section 118-264 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code.

Dated this 10<sup>th</sup> day of March, 2014.

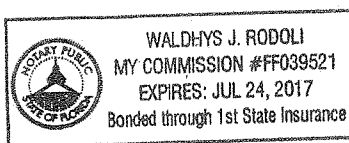
DESIGN REVIEW BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

BY:

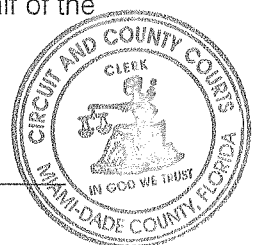
  
THOMAS R. MOONEY, AICP  
ACTING PLANNING DIRECTOR  
FOR THE CHAIR

STATE OF FLORIDA                     )  
  )SS  
COUNTY OF MIAMI-DADE         )

The foregoing instrument was acknowledged before me this 10<sup>th</sup> day of March, 2014 by Thomas R. Mooney, Acting Planning Director, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.









NOTARY PUBLIC  
Miami-Dade County, Florida  
My commission expires: 7/24/2017

Approved As To Form:

Legal Department: *J. Helt* ( 3-10-2014 )

Filed with the Clerk of the Design Review Board on 3-10-2014 ( WJR )

F:\PLAN\DRB\DRB14\Feb14\DRB 23026 4000 Alton Rd.Mar14.fo.docx

STATE OF FLORIDA, COUNTY OF DADE

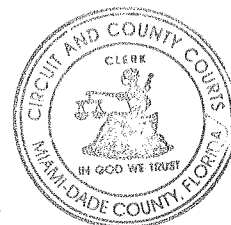
HEREBY CERTIFY that this is a true copy of the  
original filed in this office on 3-10-2014 day of  
March, A.D. 2014

WITNESS my hand and Official Seal.

HARVEY KIDEN, CLERK of Circuit and County Courts

By *Loretta Marshall*

LORETTA MARSHALL #208068



*THM*

**DESIGN REVIEW BOARD**  
**City of Miami Beach, Florida**

MEETING DATE: September 01, 2015

FILE NO: 23026

PROPERTY: **4000 Alton Road**

APPLICANT(S): Talmudic University and M-4000 Alton Owner, LLC.

LEGAL: See Exhibit "A" attached.

IN RE: The Application for Design Review Approval for modifications to a previous Design Review Approval for the construction of a new five-story addition to the front of the existing building for accessory uses, and a new eight-story detached multifamily building on the south side of the property. This project is proposed to take place in two (2) phases as a phased development project. Specifically, design modifications to the new 8-story detached multifamily building including modifications to previously approved variances and the addition of a new variance to exceed the maximum permitted building height. This project had previously obtained approval for multiple variances from the Board of Adjustment.

**CONSOLIDATED ORDER**

The City of Miami Beach Design Review Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

**I. Design Review**

- A. The Board has jurisdiction pursuant to Section 118-252(a) of the Miami Beach Code. The property is not located within a designated local historic district and is not a individually designated historic site.
- B. Based on the plans and documents submitted with the application, testimony and





information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Design Review Criteria 1, 3, 5, 6, 9, 11, 12, 14 and 17 in Section 118-251 of the Miami Beach Code.

C. The project would be consistent with the criteria and requirements of section 118-251 if the following conditions are met:

1. The applicant shall comply with all the conditions imposed by the Planning Board Final Orders No. 1718 and No. 2153.
2. The project may take place in two phases as a phased development project in accordance with the following phasing schedule:

**Phase I** The first phase will consist of the new eight-story residential tower and site work including the demolition of two (1) one-story detached accessory buildings. A full building permit for the Phase I improvements shall be issued within thirty (30) months of the Board's original approval; and

**Phase II** will consist of the demolition of another one-story existing building in order to accommodate the new five-story addition to the Talmudic University building. A full building permit for the Phase II improvements shall be issued within twelve (12) months of the issuance of the final certificate of occupancy for the Phase I improvements.

3. Revised elevation, site plan and floor plan drawings shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
  - a. Prior to the issuance of a building permit for any work approved by the Design Review Board, as it relates to the subject development project, the applicant shall enter into and record a restrictive Maintenance Agreement and Covenant running with the land, form approved by the Miami Beach City Attorney and Planning Director and Public Works Director, which runs with the land, confirming the applicant's agreement to design, permit, construct and maintain the proposed meandering sidewalk, in perpetuity, and confirming public access to such meandering sidewalk, in accordance with the conditions herein. The restrictive covenant shall be recorded in the public records, at the expense of the applicant.
  - b. At time of permitting the applicant shall supply clear plans and FAR diagrams showing that the projecting balconies on the South façade are not enclosed on three sides and therefore can be excluded from FAR calculations, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - c. At time of building permit the applicant shall supply a clear parking break down showing the required parking spaces are provided on site in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - d. The active roof deck shall not exceed 50% of the enclosed floor area immediately one floor below, below in a manner to be reviewed and



approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

- e. Hardwired speakers shall not be permitted on the roof deck.
- f. All roof top lighting shall be located below the parapet level, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- g. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and shall configured to be as close to the center of the roof as possible and screened from view on all sides, in a manner to be approved by staff.
- h. Material samples for all exterior finishes shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- i. All exterior railings and window frames shall be clear anodized aluminum, or equivalent, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- j. An automatic overhead or sliding garage gate, which is consistent with the overall design and architectural vocabulary of the main structure shall be required for the parking garage, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- k. All internal garage lighting shall be shielded to buffer views of all direct light sources from outside of the structure, as well as on the roof deck, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- l. All electrical conduits, interior lighting elements and sprinkler lines and sprinkler heads located within the proposed parking garage levels shall be contained within the concrete structure of the building and shall not be surface mounted wherever visible from the public right of way or wherever they may otherwise have an adverse aesthetic impact upon the design integrity the structure, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- m. Bicycle racks shall be provided and shall be easily accessible to pedestrians, in a manner to be reviewed and approved by staff.
- n. The recycling and trash system, consisting of separate chutes for trash and recyclables, shall be located in a centralized location that is easily accessible for garbage pick-up, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.



- 
- A handwritten signature in black ink, appearing to be "R".

- g. The final design and details, including materials, colors, finishes, of any perimeter gate, wall or fence, shall be provided, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- h. The final design and detailing of all exterior lighting shall be provided, and all exterior light fixtures shall be designed so as to preclude the spillage of lighting off the subject site and shall comply with the Code with regards to setbacks and height limits, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- i. All landscape areas abutting driveways and parking areas shall be defined by decorative bollards or curbs, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- j. Sufficient depth of soil shall be provided for all proposed pool deck landscaping to ensure the proper health and growth of all landscape materials, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- k. A fully automatic irrigation system with 100% coverage and an automatic rain sensor will be required in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.
- l. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- m. If technically feasible, all overhead utility lines shall be placed underground.
- n. Street trees shall be required within the swale at the front of the property if not in conflict with existing utilities, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- o. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow prevention devices. Backflow prevention devices shall not be permitted within any required yard or any area fronting a street or sidewalk, unless otherwise permitted by the Land Development Regulations. The location of all backflow prevention devices, and how they are screened from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff. The fire department shall require a post-indicator valve (PIV) visible and accessible from the street. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all post-indicator valves (PIV), fire department connections (FDC) and all other related devices and fixtures, which shall be clearly indicated on the site and landscape plans.



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- p. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms; such transformers and vault rooms, and all other related devices and fixtures, shall not be permitted within any required yard or any area fronting a street or sidewalk. The location of any exterior transformers, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - q. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect for the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.
- 3. Site plan approval is contingent upon meeting Public School Concurrency requirements. Applicant shall obtain a valid School Concurrency Determination Certificate (Certificate) issued by the Miami-Dade County Public Schools. The Certificate shall state the number of seats reserved at each school level. In the event sufficient seats are not available, a proportionate share mitigation plan shall be incorporated into a tri-party development agreement and duly executed prior to the issuance of a Building Permit.
  - 4. This approval is subject to the formal conveyance from the Florida Department of Transportation (FDOT) to the Applicant concerning the two adjacent portions of the Property ("FDOT Parcels"), determined by FDOT as surplus land and presently in the process of being transferred to the Applicant. No building permit for the proposed project shall issue until after the conveyance of the FDOT Parcels to the Applicant as confirmed by an updated opinion of title for lot split in a form to be reviewed and approved by staff and the City Attorney's Office.
  - 5. All building signage shall be consistent in type, composed of flush mounted, non-plastic individual letters and shall require a separate permit.
  - 6. The final exterior surface color scheme, including color samples, shall be subject to the review and approval of staff and shall require a separate permit.
  - 7. A traffic mitigation plan, which addresses all roadway Level of Service (LOS) deficiencies relative to the concurrency requirements of the City Code, if required, shall be submitted prior to the issuance of a Building Permit and the final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
  - 8. The applicant may be required to submit a separate analysis for water and sewer requirements, at the discretion of the Public Works Director, or designee. Based on a preliminary review of the proposed project, the following may be required by the Public Works Department:
    - a. A traffic and neighborhood impact study shall be conducted as a means to measure a proposed development's impact on transportation and neighborhoods. The study shall address all roadway Level of Service



(LOS) deficiencies relative to the concurrency requirements of the City Code, and if required, shall be submitted prior to the issuance of a Building Permit. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code. The developer shall refer to the most recent City of Miami Beach's Traffic and Neighborhood Impact Methodology as issued by the Public Works Department.

- b. Remove/replace sidewalks, curbs and gutters on all street frontages, if applicable. Unless otherwise specified, the standard color for city sidewalks is red, and the standard curb and gutter color is gray.
  - c. Mill/resurface asphalt in rear alley along property, if applicable.
  - d. Provide underground utility service connections and on-site transformer location, if necessary.
  - e. Provide back-flow prevention devices on all water services.
  - f. Provide on-site, self-contained storm water drainage for the proposed development.
  - g. Meet water/sewer concurrency requirements including a hydraulic water model analysis and gravity sewer system capacity analysis as determined by the Department and the required upgrades to water and sewer mains servicing this project.
  - h. Payment of City utility impact fees for water meters/services.
  - i. Provide flood barrier ramps to underground parking or minimum slab elevation to be at highest adjacent crown road elevation plus 8".
  - j. Right-of-way permit must be obtained from Public Works.
  - k. All right-of-way encroachments must be removed.
  - l. All planting/landscaping in the public right-of-way must be approved by the Public Works and Parks Departments.
9. The project shall comply with any landscaping or other sidewalk/street improvement standards as may be prescribed by a relevant Urban Design Master Plan approved prior to the completion of the project and the issuance of a Certificate of Occupancy.
10. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
11. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.

12. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
13. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
14. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

**In accordance with Section 118-262, the applicant, or the city manager on behalf of the city administration, or an affected person, Miami Design Preservation League or Dade Heritage Trust may seek review of any order of the Design Review Board by the city commission, except that orders granting or denying a request for rehearing shall not be reviewed by the commission.**

## **II. Variance(s)**

- A. The applicant filed an application with the Planning Department for the following variance(s):
  1.
    - A. A variance to reduce 25'-9" of the minimum required pedestal interior side setback of 36'-8" in order to construct a new 8 story multifamily building which at the narrowest point would be no less than 10'-11" from the south property line.
    - B. A variance to waive 3'-9" of the minimum required pedestal interior side setback of 36'-8" in order to build a new 7 story addition to the existing 7 story building at 32'-11" from the north property line.
  2.
    - A. A variance to reduce 27'-6" of the minimum required tower interior side setback of 40'-2" in order to build a new 8 story multifamily building at 12'-8" from the south property line.
    - B. A variance to waive 6'-0" of the minimum required tower interior side setback of 38'-11" in order to build a new 7 story addition to the existing 7 story building at 32'-11" from the north property line.
  3. A variance to waive 29'-5" of the minimum required sum of the side yards of 73'-3" in order to provide a sum of the side yards of 43'-10".
  4. A variance to waive 13'-10" of the minimum required rear pedestal setback of 33'-10" in order to build a new 8-story multifamily building at 20'-0" from the rear property line.
  5. A variance to waive 30'-9" of the minimum required rear tower setback of 50'-9" in order to build a new 8-story multifamily building at 20'-0" from the rear property line.

6. A variance to exceed by 5% (1'-0") the maximum allowable projection of 25% (5'-0") of the proposed rear yard of 20'-0" in order to construct unenclosed private balconies for a new 8-story multifamily building with a total projection of 30% (6'-0").
  7. A variance to waive the minimum required front setback of 20'-0" for at grade parking spaces in order to retain existing parking spaces up to the front property line facing Alton Road.
  8. A variance to waive all of the minimum required side setback of 22'-11" for at grade parking area in order to build the drive aisle up to the north property line.
  9. A variance to exceed by 3'-0" the maximum building height of 85'-0" in order to construct a new detached 8-story multifamily building up to 88'-0" in height measured from flood elevation of 8.00' NGVD.
- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that also indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

That the special conditions and circumstances do not result from the action of the applicant;

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.





C. The Board hereby grants the requested variance(s) and imposes the following conditions based on its authority in Section 118-354 of the Miami Beach City Code:

1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.

**The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.**

**III. General Terms and Conditions applying to both 'I. Design Review Approval' and 'II. Variances' noted above.**

- A. This Final Order consolidates all conditions and requirements for Design Review Approval as same are contained herein, in the original Order dated March 4, 2014 and consolidates all conditions and requirements contained in the Board of Adjustment original Order dated March 7, 2014. Accordingly, this Order shall serve as the Final Order for the proposed project and, in the event of conflict between the provisions hereof and those of the March 4, 2014 Order and March 7, 2014 Order, the provisions hereof shall control.
- B. A Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of a Building Permit.
- C. Where one or more parcels are unified for a single development, the property owner shall execute and record an unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- D. A traffic mitigation plan, which addresses all roadway Level of Service (LOS) deficiencies relative to the concurrency requirements of the City Code, if required, shall be submitted prior to the issuance of a Building Permit and the final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- E. The project shall comply with any landscaping or other sidewalk/street improvement standards as may be prescribed by a relevant Urban Design Master Plan approved prior to the completion of the project and the issuance of a Certificate of Occupancy
- F. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- G. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- H. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.

- I. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
- J. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- K. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the March 4, 2014, March 7, 2014 and September 1, 2015 meetings, which are part of the record for this matter, and the staff reports and analysis, from the March 4, 2014, March 7, 2014 and September 1, 2015, which are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the **application** is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "4000 Alton Road" as prepared by **Zyscovich Architects** dated 11/12/13 and revised sheets submitted at the March 04, 2014 Design Review Board meeting, and the plans entitled "4000 Alton Road", as prepared by **Zyscovich Architects**, dated January 31, 2014 and the plans submitted to the Board at the September 1, 2015 meeting entitled "4000 Alton Road Miami Beach, Florida" as prepared by **Ricardo Bofill Taller de Arquitectura**, signed, sealed and dated July 13, 2015, as approved by the Design Review Board, as determined by staff.

This Final Order consolidates all conditions and requirements for the application approval as same as are contained herein and in the original Orders of March 4, 2014 and March 7, 2014. Accordingly, this Order shall serve as the Final Order for the proposed project and, in the event of conflict between the provisions hereof and those of the March 4, 2014 and March 7, 2014, the provisions hereof shall control.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order. No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

The issuance of the approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required. When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and



void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code; the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

In accordance with Chapter 118 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this Order shall subject the application to Chapter 118 of the City Code, for revocation or modification of the Order.

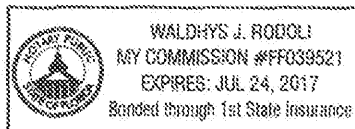
Dated this 3<sup>rd</sup> day of September, 2015.

DESIGN REVIEW BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]  
DEBORAH J. TACKETT  
DESIGN AND PRESERVATION MANAGER  
FOR THE CHAIR

STATE OF FLORIDA )  
 )SS  
COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this 3<sup>rd</sup> day of September, 2015, by Deborah J. Tackett, Design and Preservation Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.



Waldhys J. Rodoli  
NOTARY PUBLIC  
Miami-Dade County, Florida  
My commission expires: 7/24/2017

Approved As To Form: [Signature] (9/3/2015)  
City Attorney's Office:

Filed with the Clerk of the Design Review Board on [Signature] (9-3-15)

[Signature]



CFN 2014R0669964  
OR Bk 29324 Pgs 3238 - 3243; (6pgs)  
RECORDED 09/25/2014 13:43:37  
HARVEY RUVIN, CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

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

**PROPERTY:** 4000 Alton Road

**FILE NO.** 3688

**IN RE:** The application for the following variances: a variance to waive the minimum required pedestal side setback, a variance to waive the minimum required tower side setback, a variance to waive the minimum required sum of the side yards, a variance to waive the minimum required pedestal rear setback, a variance to waive the minimum required tower rear setback, a variance to exceed the maximum projection into required side yards, a variance to exceed the maximum projection into the required rear yard, a variance to waive the minimum required front setback for parking at grade, and a variance to waive the minimum required side setback for parking at grade in order to build a new 8-story detached multifamily building on the south side of the property and a new 7-story addition to the existing building to be constructed in two (2) phases.

**LEGAL  
DESCRIPTION:** See attached exhibit A

**MEETING DATE:** March 7, 2014

**ORDER**

The applicant, Talmudic College 4000 Alton Road, Inc., filed an application with the Planning Department for the following variances in order to build a new 8-story detached multifamily building on the south side of the property and a new 7-story addition to the existing building to be constructed in two (2) phases:

1. A. A variance to waive 25'-9" of the minimum required pedestal interior side setback of 36'-8" in order to build a new 8 story multifamily building at 10'-11" from the south property line.  
  
B. A variance to waive 3'-9" of the minimum required pedestal interior side setback of 36'-8" in order to build a new 7 story addition to the existing 7 story building at 32'-11" from the north property line.
2. A. A variance to waive 29'-3" of the minimum required tower interior side setback of 40'-2" in order to build a new 8 story multifamily building at 10'-11" from the south property line.  
  
B. A variance to waive 6'-0" of the minimum required tower interior side setback of 38'-11" in order to build a new 7 story addition to the existing 7 story building at 32'-11" from the north property line.
3. A variance to waive 29'-5" of the minimum required sum of the side yards of 73'-3" in order to provide a sum of the side yards of 43'-10".

4. A variance to waive 13'-10" of the minimum required rear pedestal setback of 33'-10" in order to build a new 8-story multifamily building at 20'-0" from the rear property line.
5. A variance to waive 30'-9" of the minimum required rear tower setback of 50'-9" in order to build a new 8-story multifamily building at 20'-0" from the rear property line.
6. A variance to exceed by 25% (5'-0") the maximum allowable projection of 25% (5'-0") of the proposed rear yard of 20'-0" and to exceed by 4'-0" the maximum projection of 6'-0" in order to build the unenclosed private balconies for a new 8-story multifamily building with a total projection of 10'-0" into the proposed rear yard.
7. A variance to exceed by 60.4% (6'-7") the maximum allowable projection of 25% (2'-9") of the proposed south side yard of 10'-11" and to exceed by 3'-4" the maximum projection of 6'-0" in order to build the unenclosed private balconies for a new 8-story multifamily building with a total projection of 9'-4" into the proposed side yard.
8. A variance to waive the minimum required front setback of 20'-0" for at grade parking spaces in order to retain existing parking spaces up to the front property line facing Alton Road.
9. A variance to waive all of the minimum required side setback of 22'-11" for at grade parking area in order to build the drive aisle up to the north property line.

The City of Miami Beach Board of Adjustment makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

- A. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the Planning Department Staff Report, the project as submitted satisfies the requirements of Section 118-353(d) of the Miami Beach Code. Accordingly, the Board of Adjustment has determined the following:

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

That the special conditions and circumstances do not result from the action of the applicant;

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;



That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

B. The Board imposes the following conditions based on its authority in Section 118-354 of the Miami Beach City Code:

1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.
2. The applicant shall comply with all conditions imposed by the Planning Board (CUP No. 1718 and File No. 2153) and the Design Review Board. (DRB File No. 23026).
3. Revised elevation, site plan and floor plan drawings shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
  - a. Building height measured from grade as defined in the City Code.
  - b. Dimensions of the one way drive aisle on the north side.
  - c. The angled parking along the front of the property facing Alton Road shall be reconfigured to provide a minimum setback of 4'-0".
4. A covenant in lieu of unity of title and an easement and operating agreement for operation of the property as a unified development shall be executed and approved for legal form and sufficiency by the city attorney, which shall run with the land and be binding upon the owner's heirs, successors, personal representatives and assigns, and upon all mortgagees and lessees and others presently or in the future having any interest in the property.
5. The tandem parking spaces proposed within the parking area shall have a restrictive covenant, approved as to form by the city attorney's office and recorded in the public records of the county as a covenant running with the land, limiting the use of each pair of tandem parking spaces to the same unit owner.
6. This approval is subject to the formal conveyance from the Florida Department of Transportation (FDOT) to the Applicant concerning the two adjacent portions of the Property ("FDOT Parcels"), determined by FDOT as surplus land and presently in the process of being transferred to the Applicant. No building permit for the proposed project shall issue until after the conveyance of the FDOT Parcels to the Applicant as confirmed by an updated opinion of title for lot split in a form to be reviewed and approved by staff and the City Attorney's Office.



7. The applicant shall comply with all conditions imposed by the Public Works Department.
8. The conditions on this Order are binding on the applicant, the property's owners and all successors in interest and assigns.
9. This order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
10. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code, except to the extent of the variance granted herein.
11. This Order shall be recorded, at the expense of the applicant, in the Public Records of Miami-Dade County; the original or a certified copy shall be provided to the Planning Department prior to the issuance of a Building Permit.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including staff recommendations, as modified by the Board of Adjustment, that the application for Variance Approval is GRANTED for the above-referenced project, subject to those certain conditions specified in Paragraph B (Condition Nos. 1-11, inclusive) hereof, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans approved by the Board of Adjustment, as determined by staff, entitled "4000 Alton Road", as prepared by Zyscovich Architects, dated January 31, 2014, modified in accordance with the conditions set forth in this Order and staff review and approval.

No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance as set forth in this Order have been met. The issuance of this Order does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original Variance Approval was granted, the subject Approval will expire and become null and void, unless the applicant makes application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code; the granting of any such extension of time shall be at the discretion of the Board. At the hearing on any such application, the Board may deny or approve the request and modify the above conditions



or impose additional conditions. If the Full Building Permit should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), and not reinstated by the Building Official or designee, the Variance Approval will expire and become null and void.

Dated this 15<sup>th</sup> day of April, 2014.

BOARD OF ADJUSTMENT  
CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]  
Thomas R. Mooney, AICP  
Acting Planning Director  
For the Chair

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of April, 2014, by Thomas R. Mooney, Acting Planning Director of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

[Signature]  
Notary:  
Print Name: Teresa Maria  
Notary Public, State of Florida  
My Commission Expires: 12-2-17  
Commission Number: FF042188

[NOTARIAL SEAL]



TERESA MARIA  
MY COMMISSION # FF 042188  
EXPIRES: December 2, 2017  
Bonded Thru Budget Notary Services

Approved As To Form:  
City Attorney's Office ( gated 4-15-14 )

Filed with the Clerk of the Board of Adjustment on 04/16/14 ( JS )

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EXHIBIT A

**LEGAL DESCRIPTION:**

**PROPOSED TRACT "A"**

A portion of Lot 52, Block 1 of NAUTILUS SUBDIVISION, according to the plat thereof as recorded in Plat Book 8 at Page 95, and a portion of Lots D and E of RE-SUBDIVISION OF LOTS 48, 49, 50 AND 51 OF BLOCK 1, NAUTILUS SUBDIVISION, according to the plat thereof, as recorded in Plat Book 35 at Page 46, both of the Public Records of Miami-Dade County, Florida, being a portion of Sections 22 and 27 in Township 53 South, Range 42 East, City of Miami Beach, Miami-Dade County, Florida, and being more particularly described as follows:

Commence at the Southeast corner of Lot 54 of said Block 1 of NAUTILUS SUBDIVISION; thence North 09°11'22" East along the Easterly line of said Block 1 and also being the Westerly Right-of-Way line of Alton Road (State Road 907) as shown on Florida Department of Transportation Right-of-Way Map, Section 87090-2402, Sheet 16 of 18, dated 12-2009, for 228.03 feet to the Point of Beginning of the hereinafter described parcel; thence North 80°48'38" West for 269.11 feet; thence North 09°11'22" East for 144.42 feet; thence North 55°48'22" East along the Southeasterly Right-of-Way line of the Julia Tuttle Causeway, also known as State Road 112 and I-195, as shown on said Florida Department of Transportation Right-of-Way Map Section 87090-2402, Sheet 16 of 18, for 24.15 feet; the following three (3) courses being along the exterior boundary of a pump station; (1) thence South 25°20'17" East for 78.82 feet; (2) thence North 67°28'20" East for 95.34 feet; (3) thence North 09°05'09" East along a line 0.10 feet Easterly and parallel with the West line of said Lot "E" for 106.04 feet; the following four (4) courses being along the Southerly Right-of-Way line of said Julia Tuttle Causeway and the Westerly Right-of-Way line of said Alton Road (State Road 907); (1) thence South 89°48'36" East for 32.92 feet to a point of curvature; (2) thence Southeasterly along a 78.80 foot radius curve leading to the right, through a central angle of 93°40'27" for an arc distance of 128.83 feet to a point of compound curvature; (3) thence Southerly along a 622.07 foot radius curve leading to the right, through a central angle of 05°19'22" for an arc distance of 57.79 feet to a point of tangency; (4) thence South 09°11'22" West for 129.15 feet to the Point of Beginning.

**LEGAL DESCRIPTION (Continuation):**

**PROPOSED TRACT "B"**

All of Lot 53 and a portion of Lots 52, 54 and 55, Block 1 of NAUTILUS SUBDIVISION, according to the plat thereof as recorded in Plat Book 8 at Page 95, and a portion of Lot D of RE-SUBDIVISION OF LOTS 48, 49, 50 AND 51 OF BLOCK 1, NAUTILUS SUBDIVISION, according to the plat thereof, as recorded in Plat Book 35 at Page 46 of the Public Records of Miami-Dade County, Florida, and a portion of Sections 22 and 27 in Township 53 South, Range 42 East, City of Miami Beach, Miami-Dade County, Florida, and being more particularly described as follows:

Begin at the Southeast corner of said Lot 54 of Block 1 of NAUTILUS SUBDIVISION; thence North 09°11'22" East along the Easterly line of said Lots 52, 53 and 54, also being the Westerly Right-of-Way line of Alton Road (State Road 907) as shown on the Florida Department of Transportation Right-of-Way Map Section 87090-2402 dated 12-2009, Sheet 16 of 18, for 228.03 feet; thence North 80°48'38" West for 269.11 feet; thence North 09°11'22" East for 144.42 feet; thence South 55°48'22" West along the Southeasterly Right-of-Way line of the Julia Tuttle Causeway per State Road 112/I-195 of said Florida Department of Transportation Right-of-Way Map Section No. 87090-2402, Sheet 16 of 18, for 90.82 feet; thence South 05°59'58" East for 62.09 feet; thence South 23°11'59" West for 161.81 feet; the following two (2) courses being along the Northerly boundary of Alton Road (State Road No. 25), as shown on said Florida Department of Transportation Right-of-Way Map; (1) South 54°07'39" East for 162.79 feet to a point on a circular curve; (2) thence Southeasterly along a 600.92 foot radius curve leading to the right, through a central angle of 09°57'10" for an arc distance of 104.39 feet; thence South 76°03'16" East for 72.65 feet; thence North 41°11'22" East along the existing Limited Access Right-of-Way line of the Westerly Right-of-Way line of said Alton Road (State Road 907) as shown on said Right-of-Way Map Section 87090-2402 for 48.00 feet; thence South 80°48'38" East along the Southerly line of said Lot 54 for 26.00 feet to the Point of Beginning.

**DESIGN REVIEW BOARD**  
**City of Miami Beach, Florida**

MEETING DATE: October 03, 2017

FILE NO: DRB17-0166

PROPERTY: **4000 Alton Road: Talmudic University School Fence**

APPLICANT: M-4000 Alton Owner, LLC and Talmudic Coll 4000 Alton Rd, Inc.

LEGAL: See Attachment "A"

IN RE: The Application for Design Review Approval for the replacement of the existing fence and installation of a new fence along portions of the perimeter of the property including a variance to exceed the maximum allowed height for a fence within required yards.

**ORDER**

The City of Miami Beach Design Review Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

**I. Design Review**

- A. The Board has jurisdiction pursuant to Section 118-252(a) of the Miami Beach Code. The property is not located within a designated local historic district and is not an individually designated historic site.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Design Review Criteria 2, 3, and 5 in Section 118-251 of the Miami Beach Code.
- C. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Sea Level Rise Criteria 1, 5, and 10 in Section 133-50(a) of the Miami Beach Code.
- D. The project would be consistent with the criteria and requirements of Section 118-251 and/ or Section 133-50(a) if the following conditions are met
  - 1. Revised elevation, site plan and floor plan drawings for the proposed fencing at 4000 Alton Road shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
    - a. The final finished color of the fence shall be limited to natural aluminum or silver or grey.



- b. Final details of all fencing shall be required, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- c. The proposed 'curly' detailing at the top of the fence shall be removed and substituted with a standard picket detail, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- d. No 'points' or 'spearheads' shall be permitted on top of the vertical pickets.
- e. Any new exterior handrails and support posts shall incorporate a flat profile. The final design details, dimensions material and color of all exterior handrails shall be made part of the building permit plans and shall be subject to the review and approval of staff.
- f. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
- g. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.

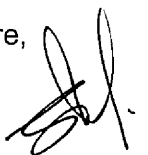
**In accordance with Section 118-262, the applicant, or the city manager on behalf of the city administration, or an affected person, Miami Design Preservation League or Dade Heritage Trust may seek review of any order of the Design Review Board by the City Commission, except that orders granting or denying a request for rehearing shall not be reviewed by the Commission.**

**I. Variance(s)**

- A. The applicant filed an application with the Planning Department for the following variance(s):
  - 1. A variance to exceed by 3'-11" the maximum allowed height of 5'-0" for a fence located adjacent to the front property line in order to construct a fence and gates up to 8'-11" (12.73' NGVD) in height measured from grade of 3.83' NGVD facing a street.
- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, as it relates to Variances II.A.1A and II.A1B allowing the granting of the variances if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that also indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code, as it relates to the variances as noted above:

That special conditions and circumstances exist which are peculiar to the land, structure,



or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

That the special conditions and circumstances do not result from the action of the applicant;

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

- C. The Board hereby **Approves** the Variance request(s), and imposes the following conditions based on its authority in Section 118-354 of the Miami Beach City Code:
1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.

**The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.**

**III. General Terms and Conditions applying to both 'I. Design Review Approval and 'II. Variances' noted above.**

- A. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- B. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- C. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.



- D. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
- E. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- F. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the **application** is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Finding of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "Talmudic University property located at 4100 Alton Road", as prepared by **Cesar I. Castillo, P. E.** dated, signed, and sealed August 4, 2017, and as approved by the Design Review Board, as determined by staff.

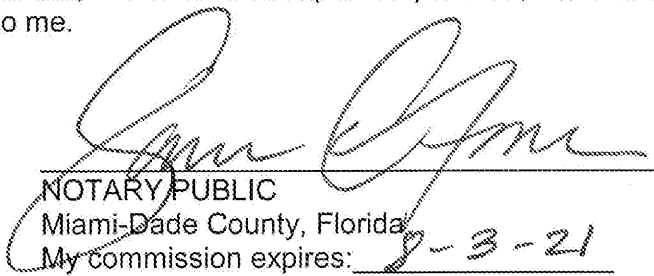
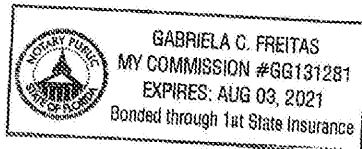
When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

The issuance of the approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board approved plans, this approval does not mean that such handicapped access is not required. When requesting Building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.


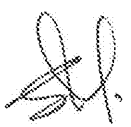
If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code, the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project shall expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

In accordance with Chapter 118 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this **Order** shall subject the application to Chapter 118 of the City Code, for revocation or modification of the application.



Dated this 06 day of October, 2017.DESIGN REVIEW BOARD  
THE CITY OF MIAMI BEACH, FLORIDABY: JAMES G. MURPHY  
CHIEF OF URBAN DESIGN  
FOR THE CHAIRSTATE OF FLORIDA           )  
  )SS  
COUNTY OF MIAMI-DADE   )The foregoing instrument was acknowledged before me this 6 day of October, 2017 by James G. Murphy, Chief of Urban Design, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.  
NOTARY PUBLIC  
Miami-Dade County, Florida  
My commission expires: 8-3-21

Approved As To Form:

City Attorney's Office:  (10/6/17)Filed with the Clerk of the Design Review Board on Jason G. Murphy 10/6/17 )

**Attachment A:****Full Legal Description for 4000 Alton Road:**

NAUTILUS SUB PB 8-95  
LOTS 52-53-54 LESS R/W BLK 1 &  
LOT E PER PB 35-46  
& PORT OF LOT 55 BLK 1 DESC AS  
BEG 26FTW IN SE COR OF LOT 54  
BLK 1 CONT N 80 DEG W 149.93FT  
SELY AD 62.62FT S 76 DEG E  
72.65FT N 41 DEG E 48FT TO POB &  
COMM SE COR OF LOT 54 BLK 1 TH  
N 80 DEG W 175.93FT NWLY AD  
41.77FT N 54 DEG W 34.06FT FOR  
POB CONT N 54 DEG W 128.73FT N  
23 DEG E 161.81FT N 05 DEG W  
62.09FT N 55 DEG E 45.03FT S 05  
DEG E 146.08FT S 00 DEG W  
101.19FT S 04 DEG W 64.92FT TO  
POB & COMM SE COR OF LOT 54  
BLK 1 TH N 80 DEG W 175.93FT  
NWLY AD 41.77FT N 54 DEG W  
34.06FT N 04 DEG E 64.92FT N 00  
DEG E 101.19FT N 05 DEG W  
103.61FT FOR POB TH N 05 DEG W  
42.47FT N 55 DEG E 69.95FT S 25  
DEG E 78.82FT N 67 DEG E 95.22FT  
S 09 DEG W 74.16FT N 80 DEG W  
165.54FT TO POB & LESS BEG SE  
COR OF LOT 54 TH N 09 DEG E  
228.03FT N 80 DEG W 269.11FT N  
09 DEG E 144.42FT S 55 DEG W  
90.82FT S 05 DEG E 62.09FT S 23  
DEG W 161.81FT S 54 DEG E  
162.79FT SELY AD 104.39FT S 76  
DEG E 72.65FT N 41 DEG E 48FT  
S 80 DEG E 26FT TO POB  
LOT SIZE 49085 SQ FT M/L



**Full Legal Description for 3900 Alton Road:****OVERALL PARCEL - SOUTH SITE:**

All of Lot 53 and a portion of Lots 52, 54 and 55, Block 1 of NAUTILUS SUBDIVISION, according to the Plat thereof as recorded in Plat Book 8 at Page 95, and a portion of Lot D of RE-SUBDIVISION OF LOTS 48, 49, 50 AND 51 OF BLOCK 1, NAUTILUS SUBDIVISION, according to the Plat thereof as recorded in Plat Book 35 at Page 46 of the Public Records of Miami - Dade County, Florida, and a portion of Sections 22 and 27 in Township 53 South, Range 42 East, City of Miami Beach, Miami-Dade County, Florida, and being more particularly described as follows:

Begin at the Southeast corner of said Lot 54 of Block 1 of NAUTILUS SUBDIVISION; thence North 09° 11' 22" East along the Easterly line of said Lots 52, 53 and 54, also being the Westerly Right-of-Way line of Alton Road (State Road 907) as shown on the Florida Department of Transportation Right-of-Way Map Section 87090-2402 dated 12-2009, Sheet 16 of 18, for 228.03 feet; thence North 80° 48' 38" West for 269.11 feet; thence North 09° 11' 22" East for 144.42 feet; thence South 55° 48' 22" West along the Southeasterly Right-of-Way line of the Julia Tuttle Causeway per State Road 112/1-195 of said Florida Department of Transportation Right-of-Way Map Section No. 87090-2402, Sheet 16 of 18, for 90.82 feet; thence South 05° 59' 58" East for 62.09 feet; thence South 23° 11' 59" West for 161.81 feet; the following two (2) courses being along the Northerly boundary of Alton Road (State Road No. 25), as shown on said Florida Department of Transportation Right-of-Way Map; (1) South 54° 07' 39" East for 162.79 feet to a point on a circular curve; (2) thence Southeasterly along a 600.92 foot radius curve leading to the right, through a central angle of 09° 57' 10" for an arc distance of 104.39 feet; thence South 76° 03' 15" East for 72.65 feet; thence North 41° 11' 22" East along the existing Limited Access Right-of-Way line of the Westerly Right-of-Way line of said Alton Road (State Road 907) as shown on said Right-of-Way Map Section 87090-2402 for 48.00 feet; thence South 80° 48' 38" East along the Southerly line of said Lot 54 for 26.00 feet to the Point of Beginning.

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