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VIA HAND DELIVERY AND ELECTRONIC SUBMITTAL

May 10, 2021

Michael Belush, Planning and Zoning Manager
Planning Department
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

RE: **DRB21-0664** – Final Submittal Letter of Intent – Design Review
Approval with Regard to a Proposed New Tower at 3900-
4000 Alton Road, Miami Beach, Florida

Dear Michael:

This law firm represents M 4000 Alton Owner, LLCC (the "Applicant") in its application for a design review approval with regard to a new residential multi-family development located at 3900-4000 Alton Road. This letter serves as the required letter of intent for design review approval of the proposed development. Notably, this application seeks no waivers or variances.

Property and Existing Use Description. The subject property is uniquely located directly to the northwest of the intersection of Alton Road and 41st Street/Julia Tuttle Causeway. The subject property consists of three parcels: (1) 4000 Alton Road, which is further identified Miami-Dade County Folio No. 02-3222-011-0430 (the "Talmudic Parcel"), (2) the property identified by Miami-Dade County Folio No. 02-3222-011-0432 ("Developer Parcel"), and (3) a triangular parcel to the west of the Developer Parcel currently owned by the Florida Department of Transportation ("FDOT"),

which the Applicant has contracted to purchase (the "FDOT Parcel")¹ (collectively the "Property").

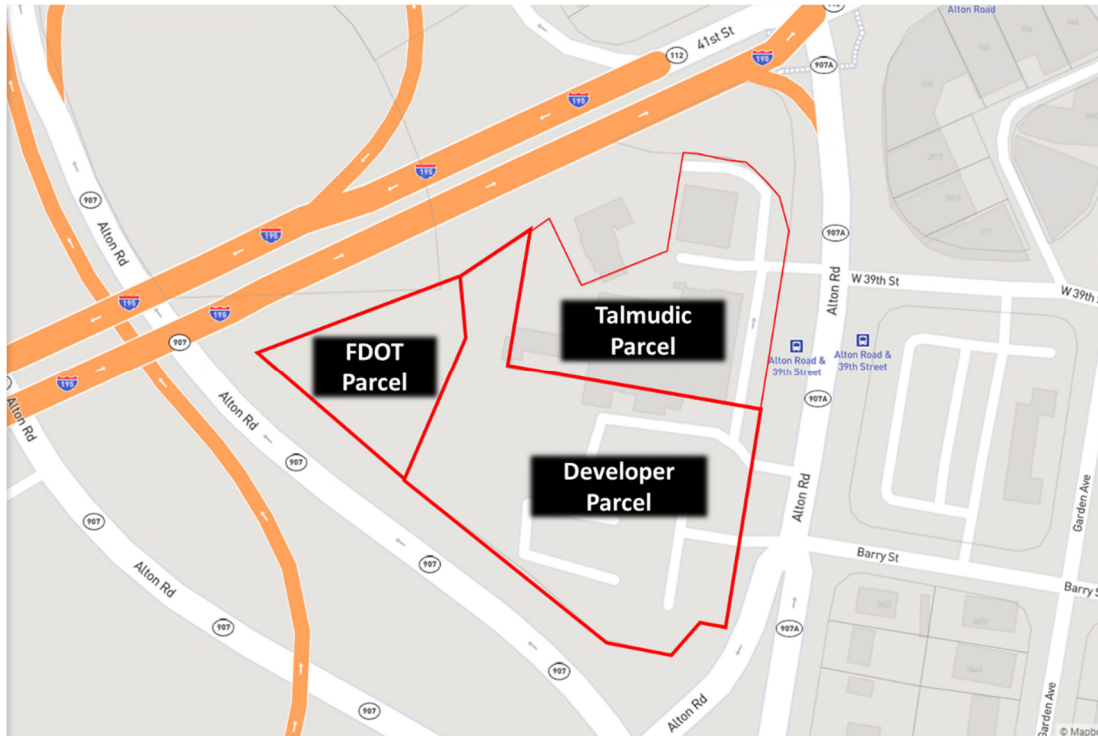


Figure 1, Aerial

It should be noted that the Developer Parcel and the Talmudic Parcel currently comprise a unified development site, pursuant to a Declaration of Restrictive Covenants in Lieu of Unity of Title, recorded in Official Record Book 29338, Page 3635 of the Public Records of Miami-Dade County (the "CIL"). See Exhibit A, Covenant in Lieu, attached. The Applicant intends to aggregate the Developer Parcel and the FDOT Parcel into the unified development site, and develop the project proposed by the application within the Developer Parcel and the FDOT Parcel (the "Project Site"). The Project Site is approximately 99,425 square feet (2.28 acres) in size, with the Developer Parcel comprising approximately 81,565 square feet, and the FDOT Parcel comprising approximately 17,860 square feet.

Currently, the Talmudic Parcel is used as Talmudic University and is improved with two (2) one-story buildings, a one-story structure, and an eight-story building. The Developer Parcel is currently improved with a temporary one-story sales center, and the FDOT parcel is currently vacant unimproved land.

Recent Legislation. The Property is impacted by several ordinances adopted on November 18, 2020. Ordinance 2020-4373 amended the Future Land Use Map Designation of the FDOT

¹ The FDOT Parcel is not currently assigned a Miami-Dade County Folio Number.

Parcel from "PF - Public Facilities Governmental Use" to "RM-2 - Residential Multifamily, Medium Intensity." See Exhibit B, Ordinance 2020-4373. Similarly, Ordinance 2020-4372 rezoned the FDOT Parcel from "GU – Governmental Use" to "RM-2 – Residential Multifamily, Medium Intensity." See Exhibit C, Ordinance 2020-4372.

Further, Ordinance 2020-4374, amended the RM-2 Zoning District regulations with respect to setbacks, liner requirements, and balcony projections for properties greater than 60,000 square feet in size that front the west side of Alton Road and 41st Street/Interstate 195. The Project Site is greater than 60,000 square feet in size, and is fronts the west side of Alton Road and 41st Street/Interstate 195. Accordingly, the setback regulations applicable to the Project Site are as follows:

Rear	Pedestal: 10 feet Tower: 15 feet
Side	Pedestal: 10 feet Tower: 15 feet

In addition, Ordinance 2020-4374 provides that, notwithstanding the regulations provided in Section 142-1132 of the Code, exterior unenclosed balconies may project a maximum of fifty percent (50%) of the required setback into any required yard. Lastly, Ordinance 2020-4374, exempts structures that are setback more than 50 feet from the east side of Alton Road from the liner requirements applicable to new construction under Section 142-219(1) of the Code. See Exhibit D, Ordinance 2020-4374.

Prior DRB Approvals and Current Status. Development Approval History. Please find a summary of development approvals for the Property available through Miami-Dade County's Official Records search:

- Planning Board ("PB") File No. 1718 – On June 28, 2005, the PB approved of a conditional use permit ("CUP") for a religious educational institution, inclusive of residential uses for faculty and students.
- Zoning Board of Adjustment ("ZBA") File No. 3105 – On May 6, 2005, the ZBA approved of several variances to permit the construction of a three (3) story building and six (6) story building.
- PB File No. 1718 – On February 6, 2014, the PB approved a modified CUP for the property, which permitted new five (5) and eight (8) story additions.

- PB File No. 2153 – On February 6, 2014, the PB approved of a division of land/lot split, which resulted in the current configuration of land that consists of the Talmudic and Mast Parcels.
- DRB File No. 23026. – On March 4, 2014, the DRB approved plans for the construction of a new five (5) story addition and an eight (8) story detached multi-family building. On September 1, 2015 the DRB consolidated all prior approvals and approved modifications plans and variances for the phased construction of a new five story addition to an existing building on the Talmudic Parcel and construction of a new eight-story detached multi-family building on the Mast Parcel. The eight-story multifamily residential tower contained 72 units. The approved development was never permitted or developed.
- ZBA File No. 3688 – On March 7, 2014, the ZBA approved several variances to allow the construction of a seven (7) story addition to the existing building constructed in two (2) phases.
- DRB File No. 17-0166 – On October 3, 2017, the DRB approved the replacement of an existing fence and installation of a new fence along portions of the property and a variance to exceed the maximum allowed height for a fence within required yards.

See, Composite Exhibit E, Prior Orders.

Covenant in Lieu of Unity of Title. The CIL provides that the Talmudic and Developer Parcels are a unified development site and should be developed substantially in accordance with the plans approved under DRB File No. 23026 or any other plans that may be approved by the City. Notably, the CIL expressly provides that the floor area on the property may be increased by the addition of land to the site. Any additional floor area created by the addition of land accrues only to the parcel to which the land is added. Modification, amendment, or release of the CIL requires approval of the Planning Director.

Proposed Development. The Applicant proposes a modern curvilinear eight-story residential tower on the Project Site ("3900 Alton Road"). 3900 Alton Road proposes 176 units, ample amenities, and covered parking. The proposed design responds appropriately to the unique site configuration between Alton Road and the Julia Tuttle Causeway by providing two wings on the east and west sides connected by a recessed central tower that breaks up the massing of the building and orients the spacious amenity deck towards the afternoon sun. The expressive curved façades of the two wings facilitate the flow of air and light around the building and serve to add variety and architectural interest to entrance of the 41st Street corridor.

For improved access to the site, the Applicant proposes a new right turn lane from the western portion of State Road 907/Alton Road, which will connect to an existing ingress egress driveway located on the east side of Alton Road. In addition, the existing central driveway between the Developer Parcel and the Talmudic Parcel will remain and service both developments, as provided in the CIL. Within the Project Site, internalized driveways lead to an elevated lobby and circulation area with an entrance/exit to the lobby level parking garage. A large terraced planter with abundant landscaping surrounds the elevated lobby area and vehicular ramps.

Vehicles enter and exit from the ground level parking garage via a driveway at the southeast corner of the site that connects to the east side of Alton Road. Along the north and south sides of the driveway along the east side of Alton Road, the proposed design provides pedestrian walkways that lead to the lobby level and ground floor bicycle storage, which serve to encourage pedestrianism and multimodal transport. The pedestrian walkway and lobby level will be lushly landscaped to provide screening of the lobby level ramps and improve the pedestrian experience approaching the building.

At level 1, 3900 Alton features a circular drop off area and residential elevated lobby, as well as the entrance to the residential parking garage. Level 2 features a spacious and lushly landscaped amenity deck that is oriented southwest to provide views of Biscayne Bay, as well as one, two, and three-bedroom units. Levels 3 through 8 contain the majority of the residential units, including one, two, and three-bedroom units between 575 and 1,440 square feet in size.

Notably, the proposed design does not require waivers or variances. 3900 Alton complies with the Code with respect to FAR, unit size, height, setbacks, and parking, as follows:

- Minimum unit size of 575 square feet where 550 square feet is permitted,
- Average unit size of 910 square feet where 800 square feet is permitted,
- Maximum height of 85 feet where 85 feet is permitted;
- 269 parking spaces where 241 parking spaces are required;²

With respect to FAR, 3900 Alton provides 197,780 square feet of floor area where 198,490 square feet is permitted. Further, the project complies with the setbacks provided in Ordinance 2020-4374, and exterior unenclosed balconies do not project more than 50% into any required

² The existing use of the Developer Parcel includes parking for the Talmudic University. Following development of 3900 Alton, 12 parking spaces will remain dedicated for use by the Talmudic University, while 257 parking spaces will service 3900 Alton Road. For clarity, the parking requirement of the Proposed Development alone is 194 spaces, while the parking requirement for the unified development site is 241 spaces (47 for Talmudic, 194 for 3900 Alton). 3900 Alton proposes 234 parking spaces in addition to the 35 existing spaces located on the Talmudic Parcel, for a total of 269 spaces.

yard. Lastly, the provided 50-foot setback from the east side of Alton Road exempts the project from the liner requirement of Section 142-219(1). Instead, abundant landscaping screens the ground floor garage structure, while vertical angled striping provides architectural interest to break up the massing of the ground floor garage structure. Overall, the proposed curvilinear U-shaped building design responds appropriately to the irregular shape of the Project Site, and the challenging conditions with respect to the "island" affect caused by the surrounding roadways.

Sea Level Rise and Resiliency Criteria. The proposed project advances the sea level rise and resiliency criteria in Section 133-50(a) as follows:

(1) A recycling or salvage plan for partial or total demolition shall be provided.

The Applicant will provide a recycling or salvage plan during permitting.

(2) Windows that are proposed to be replaced shall be hurricane proof impact windows.

Hurricane proof impact windows are proposed for the entirety of 3900 Alton.

(3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.

The Applicant proposes to include operable windows where appropriate. In addition, the abundant landscaping and permeable materials contribute to passive cooling, which represents a significant improvement from the existing paved surface parking lot.

(4) Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 126 of the City Code.

The Applicant has worked with a landscape architect to provide landscaping that is appropriate for the Property, with plant species that are native, salt-tolerant, and Florida-friendly. The proposed plantings are appropriate for the area and specifically selected to increase flood resilience and improve stormwater drainage on the Property.

(5) The project applicant shall consider the adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact. The applicant

shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.

3900 Alton features no residentially habitable space below base flood elevation. Indeed, 3900 Alton provides an elevated lobby provides all residential units between levels 2 through 8, which are all significantly elevated.

(6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height up to three (3) additional feet in height.

Exterior improvements on the Property along Alton Road will take into consideration the raising of the public right-of-way and the proposed design details will be coordinated with the City.

(7) As applicable to all new construction, all critical mechanical and electrical systems shall be located above base flood elevation. All redevelopment projects shall, whenever practicable and economically reasonable, include the relocation of all critical mechanical and electrical systems to a location above base flood elevation.

Proper precautions will be taken to ensure the critical mechanical and electrical systems are located above base flood elevation.

(8) Existing buildings shall, wherever reasonably feasible and economically appropriate, be elevated up to base flood elevation, plus City of Miami Beach Freeboard.

It is not reasonably feasible to elevate the existing buildings.

(9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.

Proper precautions will be taken to protect the Property from potential floods. There are no habitable spaces proposed below base flood elevation plus City Freeboard.

(10) As applicable to all new construction, water retention systems shall be provided.

3900 Alton will retain all stormwater on site, and utilize abundant Florida-friendly and drought tolerant landscaping to augment water retention and drainage.

(11) Cool pavement material or porous pavement materials shall be utilized.

Cool and/or porous pavement material will be utilized where appropriate.

(12) The design of each project shall minimize the potential for heat island effects on-site.

The Applicant proposes cool pavement, a light-colored roof, and extensive landscaping that will minimize the heat island effect.

Conclusion. The proposed new residential tower will serve as a gateway to Mid-beach and revitalize the 41st Street Corridor. The design of 3900 Alton responds to unique and challenging site conditions in a manner that is fully compliant with the Code and appropriate for the existing "island" condition that characterizes the Property. In light of the above, we respectfully request your favorable review and recommendation. If you have any questions or comments, please call me at 305-377-6232.

Sincerely,



Michael W. Larkin

Enclosures:

CC: Camilo Miguel
Christina Cuervo
Andrew Guasch
Nicholas Rodriguez, Esq.



CFN 20140694982
OR Bk 29338 Pgs 3635 - 3646; (12pgs)
RECORDED 10/06/2014 15:36:11
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

This instrument prepared by:

Name: Matthew Amster, Esq.
Address: Bercow Radell & Fernandez, P.A.
200 S. Biscayne Boulevard, Suite 850
Miami, FL 33131

(Space reserved for Clerk)

**DECLARATION OF RESTRICTIVE COVENANTS
IN LIEU OF UNITY OF TITLE**

KNOW ALL BY THESE PRESENTS that the undersigned owner, Talmudic College 4000 Alton Road, Inc. (the "Owner"), hereby makes, declares and imposes on the land herein described, the easements and covenants running with the title to the land, which shall be binding on the Owner, its heirs, successors and assigns, personal representatives, mortgagees, lessees, and against all persons claiming by, through or under them; and

WHEREAS, Owner holds the fee simple title to the land in the City of Miami Beach, Florida (the "City") legally described on the attached Exhibit A, with the street address of 4000 Alton Road and hereinafter called the "**Property**"; and

WHEREAS, pursuant to the Division of Land/Lot Split Final Order of the Planning Board of the City of Miami Beach, Florida as a result of the meeting on February 6, 2014, PB File No. 2153, recorded at ORB 29324 Pages 3234 – 3237, the Owner has received approval to split the Property (the "**Lot Split**") into the northern portion of the Property (as more particularly described on Exhibit B attached hereto) (the "**Talmudic Site**") and the southern portion of the Property (as more particularly described on Exhibit C attached hereto) (the "**South Site**"); and

WHEREAS, one of the conditions of the Lot Split was that the Owner enter into this Declaration ("Declaration") and an Easement and Operating Agreement (as hereinafter defined); and

WHEREAS, the Owner received approval to improve the Property with regards to the Talmudic Site, a 5-story attached addition (the "**Approved Addition**") to the front of the existing 7-story building for accessory uses for the existing Talmudic University, a religious educational institution, and with regards to the South Site, an 8-story detached multifamily building for residential use; and

WHEREAS, the Owner intends that the Property be developed in two phases, with each phase developed in accordance with City's Land Development Regulations; and

WHEREAS, this instrument is executed in order to impose conditions, easements and limitations upon the Property so that the phased development or development of the Property by

future multiple ownership will not violate the City's existing or future Land Development Regulations.

NOW THEREFORE, in consideration of the premises, Owner hereby agrees as follows:

1. The Property will be developed as a unified development site in substantial accordance with the plans entitled "4000 Alton Road, Miami Beach, Florida – Design Review Board and Board of Adjustment Applications," as prepared by Zyscovich Architects, dated March 2014 and approved by the Miami Beach Design Review Board on March 4, 2014 (DRB File No. 23026) (hereinafter the "**Approved Plans**") or any other plans that may be approved by the City (hereinafter the "**Approved Amended Plans**"). Any modification to the Approved Plans or the Approved Amended Plans, as applicable, as pertains solely to the uses and improvements located solely on either portion of the Property may be effectuated without the consent of the then owner(s) of the other portion of the Property (i.e. a modification to a portion of the Approved Plans or the Approved Amended Plans, as applicable, relating solely to the uses and improvements on the South Site would not require the consent of the then owner(s) of the Talmudic Site and vice versa). However, no (a) modification to the "shared components" of the Approved Plans or the Approved Amended Plans, or (b) changes to the building(s) and/or amenity area(s) on the South Site that result in direct views from the south elevation of the building on the Talmudic Property to the pool deck on the South Site, shall be effectuated without the written consent of the then owner(s) of the Property, which consent shall not be unreasonably withheld, and the Director of the City's Planning Department; provided the Director or the Design Review Board, as appropriate, finds that the modification is in compliance with the City's Land Development Regulations. For purposes of this Declaration, the term "shared components" shall be limited to the main entrance and drive aisle through the center of the Property, including the drop off and loading area for the Talmudic Site, the basketball court and the fire lane and associated egress to Alton Road through the Talmudic Site, all as shown on the Approved Plans; provided, however, that in the event that the Approved Amended Plans incorporate two independent entry drives, the same shall no longer be considered "shared components"; provided, further, however, that for as long as the exterior stairs and the ingress and egress to the basement level parking of the building located on the Talmudic Site remain in the location existing on date of recordation of this Declaration in the Public Records of Miami-Dade County, Florida, then the owner of the South Site shall provide continued access thereto to and from Alton Road to the owner of the Talmudic Site pursuant to the terms of the Easement and Operating Agreement as hereinafter defined and recorded in the Public Records of Miami-Dade County, Florida. The owner of the South Site acknowledges and agrees that it shall provide the owner of the Talmudic Site with copies of any proposed modifications to the Approved Plans or any Approved Amended Plans that would result in direct views from the south elevation of the building on the Talmudic Site to living units on the South Site at least ten (10) days prior to the date the same are submitted to the City; it being the understanding of the owner of the Talmudic Site, however, that such proposed modifications are being provided in advance as a courtesy only and that the owner of the Talmudic Site has no right to consent to any such proposed modifications, except as provided herein.

2. As and to the extent that (a) the Owner constructs upon the Property in accordance with the Approved Plans or any Approved Amended Plans, and (b) the Approved Plans or the Approved Amended Plans, as applicable, require the creation or existence of an



emergency fire lane in the location shown on the Approved Plans, then: (x) the emergency fire lane shown on the Approved Plans on the Talmudic Site, more specifically connecting the paved area on the west side of the existing building (covering portions of the basketball court and the open area on the north side of the existing building) with the north parking area, shall remain unobstructed and clearly marked as an emergency fire lane, and (y) the ground materials used to construct the fire lane shall properly support emergency fire vehicles pursuant to the requirements of the State of Florida Fire Prevention Code. Access to and from the fire lane and the exit drive from the north parking area on Alton Road shall be required to be maintained and unobstructed.

3. In order to implement the Approved Plans, and any other Approved Amended Plans, the floor area on the Property shall be allocated between the Talmudic Site and the South Site as follows:

Talmudic Site: 98,184 square feet (based on land area of 49,092 square feet).
South Site: 163,088 square feet (based on land area of 81,544 square feet).

Based on the City's Land Development Regulations, there is no floor area that remains unallocated for development on the Property. This Declaration shall not be construed to allow any structure(s) to be permitted or constructed that would exceed the maximum floor area permitted on either portion of the Property pursuant to the City's Land Development Regulations. In the event that the City's Land Development Regulations are later amended so that the Property may be developed with additional floor area, the additional floor area shall be allocated 37.58% to the Talmudic Site and 62.42% to the South Site. The floor area permitted on the Property may also be increased by the addition of land to the Property. Any additional floor area created by the addition of land shall accrue only to the portion of the Property to which the land was added.

4. In the event of multiple ownerships subsequent to the recordation of this Declaration, each of the subsequent owners shall be bound by the terms, provisions and conditions of this Declaration.

5. Owner further agrees that it will not convey portions of the Property to such other parties unless and until the Owner and such other party or parties shall have executed and mutually delivered, in recordable form, an instrument to be known as an easement and operating agreement, or condominium documents as provided below (the "Easement and Operating Agreement"), which shall contain where appropriate, among other things:

- (i) Easements in the common area of each parcel for ingress to and egress from the other parcels;
- (ii) Easements in the common area of each parcel for the passage and parking of vehicles;
- (iii) Easements in the common area of each parcel for the passage and accommodation of pedestrians;
- (iv) Easements for access roads across the common area of each parcel to public and private roadways;



- (v) Easements for the installation, use, operation, maintenance, repair, replacement, relocation and removal of utility facilities in appropriate areas in each such parcel;
- (vi) Easements on each such parcel for construction of buildings and improvements in favor of each such other parcel;
- (vii) Easements upon each such parcel in favor of each adjoining parcel for the installation, use, maintenance, repair, replacement and removal of common construction improvements such as footings, supports and foundations;
- (viii) Easements on each parcel for attachment of buildings;
- (ix) Easements on each parcel for building overhangs and other overhangs and projections encroaching upon such parcel from the adjoining parcels such as, by way of example, marquees, canopies, lights, lighting devices, awnings, wing walls and the like;
- (x) Appropriate reservation of rights to grant easements to utility companies;
- (xi) Appropriate reservation of rights to road right-of-ways and curb cuts;
- (xii) Easements in favor of each such parcel for pedestrian and vehicular traffic over dedicated private ring roads and access roads; and
- (xiii) Appropriate agreements between the Owner of the several parcels as to the obligation to maintain and repair all private roadways, parking facilities, common areas and common facilities and the like.

If the Property is developed in a condominium form of ownership, the above easement provisions, if necessary, may be incorporated into a declaration of condominium rather than an easement and operating agreement if the declaration of condominium is accepted by the Planning Director and the City Attorney for such purpose. The easement provisions or portions thereof may be waived by the Director if they are not applicable to the Property (such as for conveyances to purchasers of individual condominium units). These provisions of the Easement and Operating Agreement or declaration of condominium shall not be amended without prior written approval of the City Attorney. In addition, such easement and operating agreement or condominium documents shall contain such other provisions with respect to the operation, maintenance and development of the Property as to which the parties thereto may agree, or the Director may require, all to the end that although the Property may have several Owners, it will be constructed, conveyed, maintained and operated in accordance with the Approved Plans or Approved Amended Plans.

6. The owner(s) of the Talmudic Site and South Site may each apply for and receive permits with respect to its portion of the Property without the necessity of joinder of the then owner(s) of the other portion of the Property. With regard to the phased approval of the Approved Plans, and any Approved Amended Plans, if either the owner(s) of the Talmudic Site or South Site secure a full building permit for one of the phases within the time limitations established by the City, then (x) such action shall preserve the other phase and allow the full building permit for the other phase to be issued at a reasonable time even after the expiration of the otherwise applicable time limitations, (y) the phase that obtained the full building permit shall be entitled to be constructed and obtain a Certificate of Occupancy, notwithstanding the failure of the other owner(s) to obtain the full building permit for the other phase, and (z) the

failure of the other owner(s) to obtain the full building permit for the other phase will not invalidate any prior approvals, or prevent subsequent associated approvals for the phase that secured the full building permit within the applicable time limitations.

7. In the event of a violation of this Declaration by the then owner(s) of the South Site or the Talmudic Site, in addition to any other remedies available, the City is hereby authorized to withhold any future permits with respect to the South Site (to the extent the violation is by the then owner(s) of the South Site) or the Talmudic Site (to the extent the violation is by the then owner(s) of the Talmudic Site), and refuse to make any inspections or grant any approval, until such time as this Declaration is complied with. Any violation or any other non-compliance with any applicable governmental codes, requirements or regulations by the then owner(s) of the South Site with respect to the South Site, any and all permits applied for, pending, active, expired or otherwise open or not properly closed with respect to the South Site, and any and all notices of violation with respect to the South Site, shall not affect the then owner(s) of the Talmudic Site or the Talmudic Site and shall not be the responsibility of the then owner(s) of the Talmudic Site. Any violation or any other non-compliance with any applicable governmental codes, requirements or regulations by the then owner(s) of the Talmudic Site with respect to the Talmudic Site, any and all permits applied for, pending, active, expired or otherwise open or not properly closed with respect to the Talmudic Site, and any and all notices of violation with respect to the Talmudic Site, shall not affect the then owner(s) of the South Site or the South Site and shall not be the responsibility of the then owner(s) of the South Site.

8. With regards to parking requirements under the City's existing or future Land Development Regulations, the Talmudic Site and the South Site shall each provide their required parking on their respective portions of the Property, unless otherwise permitted by the City.

9. The provisions of this Declaration shall become effective upon their recordation in the public records of Miami-Dade County, Florida, and shall continue in effect for a period of thirty (30) years after the date of such recordation, after which time they shall be extended automatically for successive periods of ten (10) years each, unless released in writing by the then owner(s) of the Property and the Director of the Department of Planning, acting for and on behalf of the City upon the demonstration and affirmative finding that the same is no longer necessary to preserve and protect the Property for the purposes herein intended.

10. The City and the State of Florida maintain an emergency operations and staging facility on Florida Department of Transportation property to the west of the Property, located south of the I-195/SR 112 ramp bound for Arthur Godfrey Road/41 Street, and north of the ramp bound for Alton Road, also known as Section #87004, State Road #112, Julia Tuttle Causeway. The Owner, on behalf of itself and all subsequent owners and successors in interest and assigns, hereby waives its rights to file any legal challenge to the existence or use of such facility, so long as such facility is operated and maintained in substantially the same fashion as it is being operated and maintained in the year preceding recordation of this Declaration in the Public Records of Miami-Dade County, Florida, and including without limitation emergency operations following a catastrophic event, such as a hurricane, on a temporary basis that may require 24-hour operations.



11. The provisions of this Declaration may be amended, modified or released by a written instrument executed by the then owner or owners of the Property, with joinders by all mortgagees, if any; provided, however, that in the event that any portion of the Property is submitted to the condominium form of ownership, then, in such event, the condominium association responsible for such portion of the Property shall execute any such amendment, modification or release in lieu of the then owners of that portion of the Property. Should this Declaration be so modified, amended or released, and the Director of the Department of Planning or his successor, approves, then such Director or successor shall forthwith execute a written instrument in recordable form effectuating and acknowledging such amendment, modification or release. No modification, amendment or release shall be effective without the Director's, or his successor's, approval.

12. Enforcement shall be by action against any parties or persons violating or attempting to violate this Declaration. The prevailing party to any action, suit or appeal pertaining to or arising out of this Declaration shall be entitled to recover, in addition to costs and disbursements, allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

13. Invalidity of any of these covenants by judgment of Court shall not affect any of the other provisions, which shall remain in full force and effect.

14. This Declaration shall be recorded in the Public Records of Miami-Dade County, Florida at the Owner's expense.

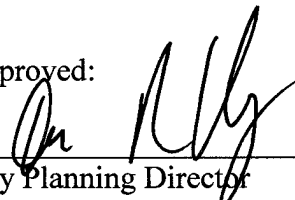
15. All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

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Signed, witnessed, executed and acknowledged on this 1st day of October,
2014.

Approved:


City Planning Director

10-1-2014
Date

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION


City Attorney

10-1-2014
Date

[Execution Pages Follow]



IN WITNESS WHEREOF, the Owner has caused these presents to be signed in its name by its proper officials.

Witnesses:

Cher Zip
Signature

Chana Zweig
Print Name

Rivka Greenberg
Signature

Rivka Greenberg
Print Name

Talmudic College 4000 Alton Road, Inc.
Address:
4000 Alton Road
Miami Beach, FL 33140

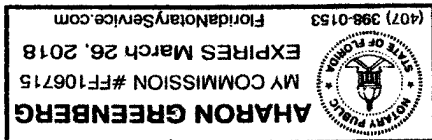
By [Signature]
Yitzchak Zweig, President

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by Yitzchak Zweig, President of Talmudic College 4000 Alton Road, Inc., on behalf of the corporation. He is personally known to me or has produced _____, as identification.

Witness my signature and official seal this 2 day of October, 2014, in the County and State aforesaid.



My Commission Expires:



Aharon Greenberg
Notary Public-State of Florida
Aharon Greenberg
Print Name

Exhibit "A"

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.

TOGETHER WITH

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.



Exhibit "B"

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:

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Exhibit "C"

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.

4000 Alton Road Expansion – FLUM / Comprehensive Plan Amendment

ORDINANCE NO. 2020-4373

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, PURSUANT TO THE PROCEDURES IN SECTION 163.3187, FLORIDA STATUTES, TO AMEND THE FUTURE LAND USE MAP OF THE MIAMI BEACH COMPREHENSIVE PLAN, BY CHANGING THE DESIGNATION FOR THE PARCEL LOCATED ABUTTING 4000 ALTON ROAD AND FRONTING 41st STREET/INTERSTATE 195, FROM THE CURRENT DESIGNATION OF PF, "PUBLIC FACILITY: GOVERNMENT USE," TO THE PROPOSED DESIGNATION OF RM-2, "RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY"; AND PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, on July 31, 2018, the Mayor's 41st Street Blue Ribbon Committee (the "Committee") discussed and recommended in favor of the 41st Street Urban Design Vision Plan, with proposed recommendations guided by core principles/strategies based upon resident feedback and the design team's analysis of the street; and

WHEREAS, the 41st Street Urban Design Vision Plan prioritizes the importance of 41st Street as a primary gateway to Mid-Beach and Miami Beach, as a whole; and

WHEREAS, the subject property has been determined to be "surplus property" by the Florida Department of Transportation (FDOT), and is therefore eligible to be conveyed to the owner of abutting property at 4000 Alton Road; and

WHEREAS, the conveyance of the subject property to private ownership makes it incompatible with the PF, Public Facility: Government Use designation; and

WHEREAS, the subject property and the abutting property at 4000 Alton Road are uniquely situated as an "island" of land fronting three major roadways (I-195/Julia Tuttle Causeway, 41st Street, and Alton Road) at the entrance to Miami Beach; and

WHEREAS, this amendment to the Comprehensive Plan is necessary to ensure the development of the subject property will be compatible with development on adjacent property; and

WHEREAS, by conforming development regulations for these adjacent and uniquely situated properties, this Ordinance will promote the health, safety, and welfare of the City; and

WHEREAS, the City of Miami Beach has determined that this Ordinance will ensure that new development is compatible and in scale with the built environment, is consistent with the 41st Street Urban Design Vision Plan, and is in the best interests of the City; and

WHEREAS, the amendment set forth below is necessary to accomplish all of the above objectives.

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

SECTION 1. COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT The following amendments to the designations for the properties described herein are hereby approved and adopted and the Planning Director is hereby directed to make the appropriate changes to the City's Future Land Use Map:

A parcel of land generally located adjacent to 4000 Alton Road and abutting 41 Street/Interstate 195 and described and depicted in Exhibit "A," is hereby changed from the current designation of PF, "Public Facility: Government Use" to the proposed designation of RM-2, "Residential Multifamily, Medium Intensity".

SECTION 2. REPEALER

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 3. SEVERABILITY

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 4. INCLUSION IN COMPREHENSIVE PLAN

It is the intention of the City Commission that the Comprehensive Plan's Future Land Use Map be amended in accordance with the provisions of this Ordinance.

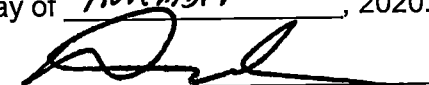
SECTION 5. TRANSMITTAL

The Planning Director is hereby directed to transmit this ordinance to the appropriate state, regional and county agencies as required by applicable law.

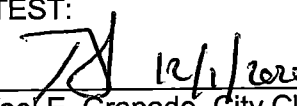
SECTION 6. EFFECTIVE DATE

This ordinance shall take effect 10 days after adoption.

PASSED AND ADOPTED this 18 day of November, 2020.


Dan Gelber, Mayor

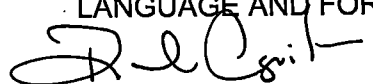
ATTEST:


Rafael E. Granado, City Clerk

First Reading: October 14, 2020
Second Reading: November 18, 2020

Verified by: 
Thomas R. Mooney, AICP
Planning Director



APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION

City Attorney NK Date 10/6/20

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Jimmy L. Morales, City Manager
DATE: November 18, 2020

5:02 p.m. Second Reading Public Hearing

SUBJECT: 4000 ALTON ROAD EXPANSION - FLUM / COMPREHENSIVE PLAN AMENDMENT

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, PURSUANT TO THE PROCEDURES IN SECTION 163.3187, FLORIDA STATUTES, TO AMEND THE FUTURE LAND USE MAP OF THE MIAMI BEACH COMPREHENSIVE PLAN, BY CHANGING THE DESIGNATION FOR THE PARCEL LOCATED ABUTTING 4000 ALTON ROAD AND FRONTING 41ST STREET/INTERSTATE 195, FROM THE CURRENT DESIGNATION OF PF, "PUBLIC FACILITY: GOVERNMENT USE," TO THE PROPOSED DESIGNATION OF RM-2, "RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY," PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

RECOMMENDATION

The administration recommends that the City Commission adopt the subject ordinance.

BACKGROUND/HISTORY

HISTORY

On October 16, 2019, at the request of Commissioners Michael Gongora and Ricky Arriola, the City Commission referred a discussion item to the Land Use and Development Committee (Item C4 T), pertaining to RM2 zoning regulations for 4000 Alton Road. The item was placed on the January 21, 2020 agenda of the newly created Land Use and Sustainability Committee (LUSC), and deferred to February 18, 2020, at the request of the proposer.

On February 18, 2020, the item was deferred to March 17, 2020, also at the request of the proposer. The March 17, 2020 LUSC meeting was postponed, and the item was moved to the May 6, 2020 LUSC agenda. On May 6, 2020 the LUSC discussed the proposal and recommended that the City Commission refer the attached ordinance to the Planning Board. On May 13, 2020, the City Commission referred the ordinance to the Planning Board (Item C4 C). After this referral, Commissioner Michael Gongora withdrew as a co-sponsor.

BACKGROUND

On March 5, 2014 the City Commission approved a request is to amend the Future Land Use

Map of the Comprehensive Plan and the Official Zoning District Map of the City of Miami Beach, for parcels of land adjacent to the "Talmudic University Site." Specifically, the Future Land Use Category for the subject parcels was changed from ROS, "Recreation and Open Space," to "RM-2, Residential Multifamily Medium Intensity" and the Zoning District Classification was changed from GU, "Government Use," to "RM-2, Residential Multifamily Medium Intensity". This action accommodated an acquisition of surplus properties from the Florida Department of Transportation (FDOT) by the Talmudic University.

The current owner of the vacant parcel on the south side of the site, "M 4000 Alton Owner LLC c/o M-4000 Alton MGR, LLC" (aka MAST Capital) is in the process of acquiring an additional 0.406 acres of surplus land from the Florida Department of Transportation (FDOT). The proposed surplus parcel is located at the NW corner of the triangular block fronting Alton Road and south side of the Julia Tuttle Causeway, and abuts the existing parcel owned by Mast Capital. In order to accommodate this additional property and combine it with the existing site, MAST Capital is seeking the following land use amendments:

1. A re-zoning of the current FDOT parcel from GU, "Government Use" to RM-2, "Residential Multifamily, Medium Intensity".
2. A companion Future Land Use Map (FLUM) amendment to change the future land use designation of the FDOT parcel from the current Public Facilities: Government Use (PF) category to the Residential Multifamily Medium Intensity (RM-2) category.
3. An LDR amendment that would create specific development regulations pertaining to setbacks and parking garage liner requirements for the area abutting the west side of Alton Road and the south side of 41st Street/Interstate 195.

ANALYSIS

PLANNING ANALYSIS

The proposed map amendment is consistent with PRINCIPLE 1: DEVELOPING A RESILIENT FUTURE of the Resilient Land Use Element of the Comprehensive Plan which states the following:

The City shall encourage redevelopment that contributes to community resiliency by meeting all required peril of flood mitigation and storm hazard standards for on-site development and shall also prioritize energy efficient development that provides stormwater mitigation, and co-benefit features that contribute to the City's resiliency as a whole.

The proposed FLUM amendment will also allow for the parcel to be combined with the abutting RM-2 parcel and form a unified development site. This is important because absent the combination with the abutting parcel, access to the site would be exceedingly difficult, and introduce more problems to an already congested access point from Alton Road to west bound I-195.

The proposed ordinance does not contain or represent an increase in maximum allowable density or intensity, since the PF category allows a higher FAR than the RM-2 district, and its maximum density is the average of surrounding districts, which in this case is equivalent to RM-2. The subject parcel (17,680 SF) would allow for up to an additional 35,360 square feet of

FAR, based on a maximum FAR of 2.0. The maximum density for the parcel is 41 units, based upon a density of 100 units per acre.

COMPREHENSIVE PLANNING REVIEW PROCESS

The total land area involved in this application is 0.406 acres. Under Section 163.3187 F.S., land use map amendments of less than 10 acres in size may be considered "small-scale" amendments, which require only one public hearing before the City Commission, which shall be an adoption hearing. Upon adoption, the local government shall send a copy of the adopted small-scale amendment to the State Land Planning Agency so that the Agency can maintain a complete and up-to-date copy of the City's Comprehensive Plan.

PLANNING BOARD REVIEW

The item was noticed for the June 23, 2020 Planning Board agenda; at the request of MAST Capital, the item was continued to the July 27, 2020 Planning Board meeting. On July 27, 2020, also at the request of MAST Capital, the item was continued to the August 25, 2020 Planning Board meeting.

On August 25, 2020 the Planning Board held a public hearing and transmitted the FLUM Amendment ordinance to the City Commission with an unfavorable recommendation by a vote of 6-0. The Planning Board members expressed concern with the increase in density and intensity on the larger site that would likely result with the FLUM Amendment.

SUMMARY

Pursuant to the attached letter from FDOT, dated August 27, 2020, MAST Capital has received confirmation that the purchase of the subject parcel has been approved. MAST has also represented to the City that they are in active negotiations to finalize the purchase of the property and are working toward setting a closing date. The effective date of the proposed rezoning amendment, if adopted, will be predicated upon the completion of this transaction, and MAST obtaining full title to the parcel.

The administration understands the concerns of the Planning Board regarding the potential increase in density associated with the inclusion of the FDOT surplus parcel into a larger property assemblage. However, given the extreme difficulties in accessing this parcel, as well as its relatively small size and awkward geometry, the best available option from a planning and land use standpoint would be to combine it with the abutting development site.

In this regard, the density that would be generated by the addition of the parcel is not likely to exceed 30 units, and it could be less, depending upon the eventual floor plan layout. Also, access to the parcel, as well as the existing site, would be well buffered from Alton Road, and is not expected to create traffic back up issues due to the overall depth of the parcel and the location of vehicular entrance and drop-off areas toward the back of the site. As part of the development review process these circulation issues will be closely evaluated.

In view of the foregoing, the administration is supportive of the proposed rezoning amendment and recommends approval.

UPDATE

The subject ordinance was approved at first reading on October 14, 2020, with no changes. Additionally, the City Commission referred this item, as well as the companion Rezoning and LDR amendments, to the Planning Board for an advisory recommendation prior to second

reading.

On October 27, 2020, the Planning Board reviewed the rezoning, FLUM and amended LDR ordinances. The Planning Board made the following recommendations to the City Commission:

1. By a vote of 6-1, the Board recommended that all 3 ordinances be adopted at second reading.

2. By acclamation, the Board recommended that the developers transportation engineer work with City staff, as part of any future DRB application, to develop an effective traffic mitigation plan that will address all traffic and circulation issues at the site.

CONCLUSION

The administration recommends that the City Commission adopt the subject ordinance.

Applicable Area

Middle Beach

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Yes

Does this item utilize G.O. Bond Funds?

No

Legislative Tracking

Planning

Sponsor

Commissioner Ricky Arriola

ATTACHMENTS:

Description

- ☐ FLUM - MAP
- ☐ FDOT Purchase Letter
- ☐ Ordinance
- ☐ Ad

Aerial



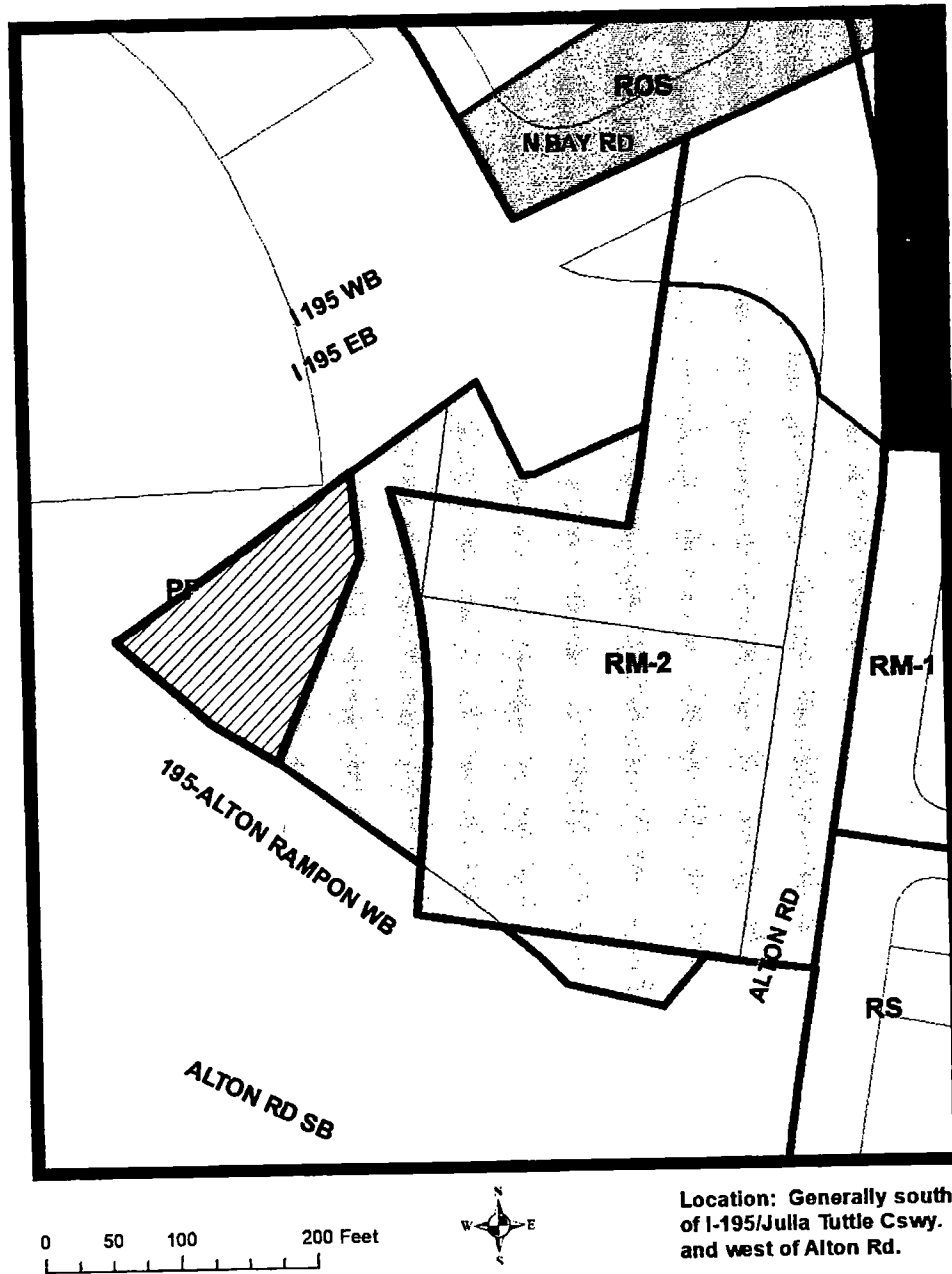
Source: Esri, DigitalGlobe, GeoEye, Earthstar (United States),
 CNES/Airbus DS, USDA, AeroGRID, IGN, and the GIS User Community

0 50 100 200 Feet

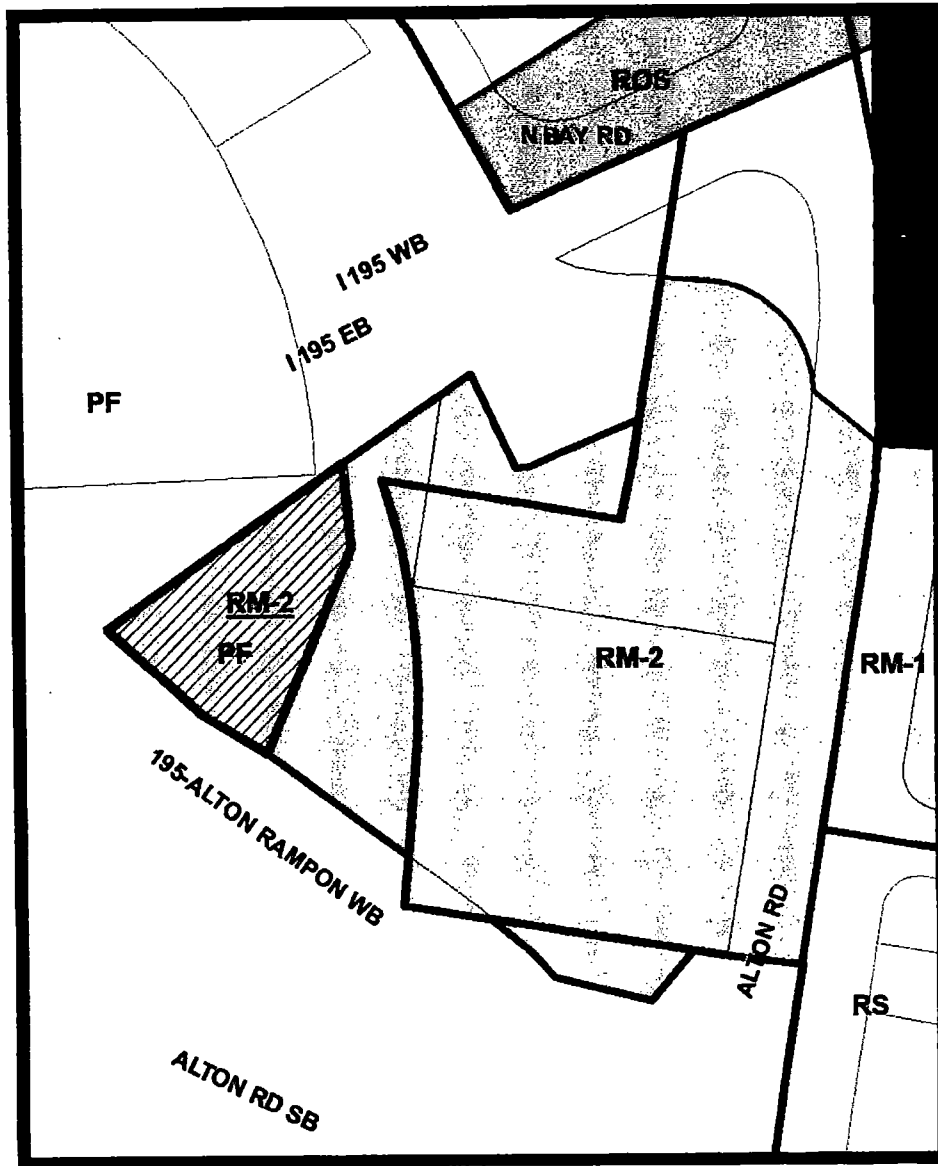


Location: Generally south
 of I-195/Julia Tuttle Cswy.
 and west of Alton Rd.

Current Future Land Use



Proposed Future Land Use



0 50 100 200 Feet



Location: Generally south
of I-195/Julia Tuttle Cswy.
and west of Alton Rd.



Florida Department of Transportation

RON DESANTIS
GOVERNOR

1000 NW 111th Avenue
Miami, FL 33172-5800

KEVIN J. THIBAUT
SECRETARY

August 27, 2020

Mast Capital, Inc.
2601 S Bayshore Dr.
Suite 850
Coconut Grove, FL 33133

Subject: Request to Surplus FDOT Land – Approved

Applicant	:	Mast Capital
Item/Seg. No.	:	4152301
Sect/Job No.	:	87090-2402
S. R. No.	:	907/I-1-95 (Julia Tuttle Cswy)
County	:	Miami-Dade
Parcel No.	:	6836

Dear Christina Cuervo:

This letter is to inform you that your request to purchase FDOT land at 4000 Alton Rd., Miami Beach has been approved. The approved parcel measures approximately 17,680sqft.

In accordance with our Guidelines for the Purchase or Lease of FDOT land, upon notification by FDOT, the applicant must provide, at their own expense:

1. Sketch and Legal description of the parcel to be acquired. Two (2) original Signed and Sealed copies prepared by a Florida Licensed Surveyor in compliance with FDOT guidelines. (See Attached)
2. A property appraisal for the area to be conveyed to Mast Capital, Inc. The appraisal must be prepared by a qualified appraiser and the appraisal must comply with USPAP. FDOT will review and reserves the right to reject the appraisal. If FDOT does not accept the appraisal, the applicant will not be reimbursed for this cost. FDOT may have its own appraisal prepared for the property.
3. Property Owner Affidavit whereby you declare you are the abutting property owner. Please review the Property Owner Affidavit, sign, and witness and notarize and return original to my attention. (See Attached)

Mast Capital Inc.
August 27, 2020
Page Two

Once the above documents have been approved and a negotiated sale price agreed upon, we can proceed with the closing. Buyer to provide wire transfer in the amount of the negotiated purchase price along with cashier's check for the associated documentary stamps and recording fees.

FDOT conveys property via a quit claim deed and does not conduct a title search. It may be in Mast Capital, Inc.'s best interest to conduct one. In addition, pursuant to Section 270.11, F.S. FDOT reserves mineral rights to the properties it conveys. If you wish for the Department to release mineral rights, you will need to provide us with a letter/petition requesting a release and justification for the release.

Should you have any questions, please do not hesitate to contact me at (305) 470-5245 or via email at cindy.ramos-leal@dot.state.fl.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Cindy B. Ramos-Leal". The signature is fluid and cursive, with the first name "Cindy" and last name "Ramos-Leal" clearly distinguishable.

Cindy B. Ramos-Leal
Right of Way Agent

Encl: Guidelines for Purchase or Lease, Sketch & Legal Description, Property Owner Affidavit

MIAMIBEACH

CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS

ORDINANCES AMENDING: 1) THE ZONING DISTRICT CLASSIFICATION; 2) THE FUTURE LAND USE MAP (FLUM) OF THE MIAMI BEACH COMPREHENSIVE PLAN; AND 3) THE LAND DEVELOPMENT REGULATIONS (LDR) FOR PROPERTIES THAT FRONT THE WEST SIDE OF ALTON ROAD AND THE JULIA TUTTLE CAUSEWAY FOR THE 4000 ALTON ROAD EXPANSION

(4000 ALTON ROAD, FRONTING 41ST STREET/I-195)
NOVEMBER 18, 2020 CITY COMMISSION MEETING

As society returns to a "new-normal," the City of Miami Beach will host a hybrid Commission meeting on November 18, 2020. The Mayor and at least four Commissioners will be physically present in a socially distanced manner at the Commission Chamber, Third Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida. (Note that this location is subject to change, please contact the Office of the City Clerk for possible updates.) Members of the public may comment on any item on the agenda using the Zoom platform. Members of the public wanting to participate virtually may do so via video conferencing. To participate or provide comments virtually, the public may join the City Commission Meeting at: <https://miamibeachfl-gov.zoom.us/j/86076255237> or via telephone at: 1.301.715.8592 (U.S.) or 877.853.5257 (Toll Free). The Webinar ID is: 86076255237#. Members of the public wanting to virtually speak on an item during the City Commission Meeting, must click the "raise hand" icon if using the Zoom app or press *9 on the telephone to raise their hand.

NOTICE IS HEREBY GIVEN that the following Second Readings/Public Hearings will be heard by the Mayor and City Commissioners of the City of Miami Beach, Florida, on November 18, 2020 at the following times, or as soon thereafter as the matter can be heard:

5:01 p.m. Second Reading Public Hearing

4000 ALTON ROAD EXPANSION - REZONING

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE OFFICIAL ZONING DISTRICT MAP, REFERENCED IN SECTION 142-72 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL LOCATED ABUTTING 4000 ALTON ROAD AND FRONTING 41ST STREET/INTERSTATE 195, FROM THE CURRENT ZONING CLASSIFICATION OF GU, "GOVERNMENTAL USE," TO THE PROPOSED ZONING CLASSIFICATION OF RM-2, "RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY," AND PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE. *This Ordinance is being heard pursuant to Section 118-164 of the City's Land Development Code. Inquiries may be directed to the Planning Department at 305.673.7550.*

5:02 p.m. Second Reading Public Hearing

4000 ALTON ROAD EXPANSION - FLUM / COMPREHENSIVE PLAN AMENDMENT

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, PURSUANT TO THE PROCEDURES IN SECTION 163.3187, FLORIDA STATUTES, TO AMEND THE FUTURE LAND USE MAP OF THE MIAMI BEACH COMPREHENSIVE PLAN, BY CHANGING THE DESIGNATION FOR THE PARCEL LOCATED ABUTTING 4000 ALTON ROAD AND FRONTING 41ST STREET/INTERSTATE 195, FROM THE CURRENT DESIGNATION OF PF, "PUBLIC FACILITY: GOVERNMENT USE," TO THE PROPOSED DESIGNATION OF RM-2, "RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY," PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE. *This Ordinance is being heard pursuant to Section 118-166 of the City's Land Development Code. Inquiries may be directed to the Planning Department at 305.673.7550.*

5:03 p.m. Second Reading Public Hearing

4000 ALTON ROAD - LDR AMENDMENTS

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, AT SUBPART B, ENTITLED, "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 142 OF THE CITY CODE, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," DIVISION 3, ENTITLED "RESIDENTIAL MULTIFAMILY DISTRICTS," SUB-DIVISION IV, ENTITLED "RM-2 RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY," CREATING SECTION 142-220, ENTITLED, "ADDITIONAL REGULATIONS FOR PROPERTIES THAT FRONT THE WEST SIDE OF ALTON ROAD AND THE JULIA TUTTLE CAUSEWAY," TO CREATE ZONING REGULATIONS FOR PROPERTIES LOCATED WITHIN SUCH AREA; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE. *This Ordinance is being heard pursuant to Section 118-164 of the City's Land Development Code. Inquiries may be directed to the Planning Department at 305.673.7550.*

INTERESTED PARTIES are invited to take part in this meeting or be represented by an agent. The public may submit written comments by sending an email to: CityClerk@miamibeachfl.gov by 5:00 p.m. the day before the City Commission Meeting. Please identify the Agenda Item Number in the email subject line. Emails received will be forwarded to the Mayor and Commissioners and will be included as a part of the meeting record.

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Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

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Rafael E. Granado, City Clerk
City of Miami Beach
CityClerk@miamibeachfl.gov
305.673.7411

Ad 11182020-01

4000 Alton Road Expansion - Rezoning

ORDINANCE NO. 2020-4372

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE OFFICIAL ZONING DISTRICT MAP, REFERENCED IN SECTION 142-72 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL LOCATED ABUTTING 4000 ALTON ROAD AND FRONTING 41st STREET/INTERSTATE 195, FROM THE CURRENT ZONING CLASSIFICATION OF GU, "GOVERNMENTAL USE," TO THE PROPOSED ZONING CLASSIFICATION OF RM-2, "RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY"; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, on July 31, 2018, the Mayor's 41st Street Blue Ribbon Committee (the "Committee") discussed and recommended in favor of the 41st Street Urban Design Vision Plan, with proposed recommendations guided by core principles/strategies based upon resident feedback and the design team's analysis of the street; and

WHEREAS, the 41st Street Urban Design Vision Plan prioritizes the importance of 41st Street as a primary gateway to Mid-Beach and Miami Beach, as a whole; and

WHEREAS, the subject property has been determined to be "surplus property" by the Florida Department of Transportation (FDOT), and is therefore eligible to be conveyed to the owner of abutting property at 4000 Alton Road; and

WHEREAS, the conveyance of the subject property to private ownership makes it incompatible with the GU, Government Use zoning classification; and

WHEREAS, the subject property and the abutting property at 4000 Alton Road are uniquely situated as an "island" of land fronting three major roadways (I-195/Julia Tuttle Causeway, 41st Street, and Alton Road) at the entrance to Miami Beach; and

WHEREAS, changing the zoning classification of the subject property as provided herein is necessary to ensure the development of the subject property will be compatible with development on adjacent property; and

WHEREAS, by conforming development regulations for these adjacent and uniquely situated properties, this Ordinance will promote the health, safety, and welfare of the City; and

WHEREAS, the City of Miami Beach has determined that this Ordinance will ensure that new development is compatible and in scale with the built environment, is consistent with the 41st Street Urban Design Vision Plan, and is in the best interests of the City; and

WHEREAS, the amendment set forth below is necessary to accomplish all of the above objectives.

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

SECTION 1. ZONING MAP AMENDMENT The following amendments to the City's zoning map designation for the property described herein are hereby approved and adopted, and the Planning Director is hereby directed to make the appropriate changes to the zoning map of the City:

A parcel of land generally located adjacent to 4000 Alton Road and abutting 41st Street/Interstate 195 and described and depicted in Exhibit "A," is hereby changed from the current zoning classification of GU: Government Use, to the proposed zoning classification of RM-2 "Residential Multifamily, Medium Intensity."

SECTION 2. REPEALER

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 3. SEVERABILITY

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 4. CODIFICATION

It is the intention of the City Commission that the Official Zoning District Map, referenced in Section 142-72 of the Code of the City of Miami Beach, Florida, be amended in accordance with the provisions of this Ordinance.

SECTION 5. EFFECTIVE DATE

This ordinance shall take effect 31 days after adoption, consistent with the effective date of the amendment to the Future Land Use Map of the City's Comprehensive Plan.

PASSED AND ADOPTED this 18 day of November, 2020.

ATTEST:

12/1/2020
Rafael E. Granado, City Clerk



[Signature]
Dan Gelber, Mayor

First Reading: October 14, 2020
Second Reading: November 18, 2020

Verified by: [Signature]
Thomas R. Mooney, AICP
Planning Director

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION

[Signature] 10-6-20
City Attorney NK Date

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Jimmy L. Morales, City Manager
DATE: November 18, 2020

5:01 p.m. Second Reading Public Hearing

SUBJECT: 4000 ALTON ROAD EXPANSION - REZONING
AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE OFFICIAL ZONING DISTRICT MAP, REFERENCED IN SECTION 142-72 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL LOCATED ABUTTING 4000 ALTON ROAD AND FRONTING 41ST STREET/INTERSTATE 195, FROM THE CURRENT ZONING CLASSIFICATION OF GU, "GOVERNMENTAL USE," TO THE PROPOSED ZONING CLASSIFICATION OF RM-2, "RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY;" AND PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

RECOMMENDATION

The administration recommends that the City Commission adopt the subject ordinance.

BACKGROUND/HISTORY

HISTORY

On October 16, 2019, at the request of Commissioners Michael Gongora and Ricky Arriola, the City Commission referred a discussion item to the Land Use and Development Committee (Item C4 T), pertaining to RM2 zoning regulations for 4000 Alton Road. The item was placed on the January 21, 2020 agenda of the newly created Land Use and Sustainability Committee (LUSC), and deferred to February 18, 2020, at the request of the proposer.

On February 18, 2020, the item was deferred to March 17, 2020, also at the request of the proposer. The March 17, 2020 LUSC meeting was postponed, and the item was moved to the May 6, 2020 LUSC agenda. On May 6, 2020 the LUSC discussed the proposal and recommended that the City Commission refer the attached ordinance to the Planning Board. On May 13, 2020, the City Commission referred the ordinance to the Planning Board (Item C4 C). After this referral, Commissioner Michael Gongora withdrew as a co-sponsor.

BACKGROUND

On March 5, 2014 the City Commission approved a request is to amend the Future Land Use Map of the Comprehensive Plan and the Official Zoning District Map of the City of Miami

Beach, for parcels of land adjacent to the "Talmudic University Site." Specifically, the Future Land Use Category for the subject parcels was changed from ROS, "Recreation and Open Space," to "RM-2, Residential Multifamily Medium Intensity" and the Zoning District Classification was changed from GU, "Government Use," to "RM-2, Residential Multifamily Medium Intensity". This action accommodated an acquisition of surplus properties from the Florida Department of Transportation (FDOT) by the Talmudic University.

The current owner of the vacant parcel on the south side of the site, "M 4000 Alton Owner LLC c/o M-4000 Alton MGR, LLC" (aka MAST Capital) is in the process of acquiring an additional 0.406 acres of surplus land from the Florida Department of Transportation (FDOT). The proposed surplus parcel is located at the NW corner of the triangular block fronting Alton Road and south side of the Julia Tuttle Causeway.

In order to accommodate this additional property and combine it with the existing site, MAST Capital is seeking the following land use amendments:

1. A re-zoning of the current FDOT parcel from GU, "Government Use" to RM-2, "Residential Multifamily, Medium Intensity".
2. A companion Future Land Use Map (FLUM) amendment to change the future land use designation of the FDOT parcel from the current Public Facilities: Government Use (PF) category to the Residential Multifamily Medium Intensity (RM-2) category.
3. An LDR amendment that would create specific development regulations pertaining to setbacks and parking garage liner requirements for the area abutting the west side of Alton Road and the south side of 41st Street/Interstate 195.

ANALYSIS

PLANNING ANALYSIS

The proposed re-zoning amendment will allow for the subject parcel to be combined with the abutting RM-2 parcel and form a unified development site. This is important because absent the combination with the abutting parcel, access to the site would be exceedingly difficult, and introduce more problems to an already congested access point from Alton Road to west bound I-195.

The proposed ordinance does not include or represent an increase in maximum allowable density or intensity, since the development regulations of the GU district are based on the surrounding districts, which in this case is RM-2. The subject parcel (17,680 SF) would allow for up to an additional 35,360 square feet of FAR, based on a maximum FAR of 2.0. The maximum density for the parcel is 41 units, based upon a density of 100 units per acre.

CITY CHARTER ANALYSIS

The request for changing the Zoning Map of the City, as well as the Future Land Use Map of the City's Comprehensive Plan is affected by the following City Charter provision: Sections 1.03 (c), which partially states:

The floor area ratio of any property or street end within the City of Miami Beach shall not be increased by zoning, transfer, or any other means from its current zone floor area ratio as it

exists on the date of adoption of this Charter Amendment (November 7, 2001), including any limitations on floor area ratios which are in effect by virtue of development agreements through the full term of such agreements, unless such increase in zone floor area ratio for any such property shall first be approved by a vote of the electors of the City of Miami Beach.

In review of the floor area ratio limitation on the subject parcels, which are currently zoned GU (Government Use), the following applies:

Sec. 142-425 (a). Development regulations.

The development regulations (setbacks, floor area ratio, signs, parking, etc.) in the GU government use district shall be the average of the requirements contained in the surrounding zoning districts as determined by the planning and zoning director, which shall be approved by the city commission.

The abutting zoning of the subject parcels, which is used to calculate the FAR of the subject parcel, is RM-2 and has a maximum FAR of 2.0. As the proposed rezoning to RM-2 does not increase the maximum allowable FAR for the subject parcel, the requested amendment complies with the requirements of the referenced Charter provision.

INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING

The 2005 Florida Legislature adopted laws which are incorporated in the Florida Statutes, requiring each local government to adopt an intergovernmental coordination element as part of their comprehensive plan, as well as a statutory mandate to implement public school concurrency. The RM-2 future land use category allows a density of 100 units per acre. The lot area of the affected by the proposed change is 0.406 acres. Based upon this data, the maximum number of units that could be developed for this area is 40.6 units. The maximum density in the PF district, is based on the surrounding districts, therefore, this does not represent a density increase.

Once a development proposal is submitted, final site plan approval is contingent upon meeting Public School Concurrency requirements and the applicant will be required to obtain a valid School Concurrency Determination Certificate (Certificate) issued by the Miami-Dade County Public Schools prior to the development obtaining final site plan approval. Such Certificate will 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.

PLANNING BOARD REVIEW

The item was noticed for the June 23, 2020 Planning Board agenda; at the request of MAST Capital, the item was continued to the July 27, 2020 Planning Board meeting. On July 27, 2020, also at the request of MAST Capital, the item was continued to the August 25, 2020 Planning Board meeting.

On August 25, 2020 the Planning Board held a public hearing and transmitted the rezoning ordinance to the City Commission with an unfavorable recommendation by a vote of 6-0. The Planning Board members expressed concern with the increase in density and intensity on the larger site that would likely result with the Rezoning Amendment.

SUMMARY

Pursuant to the attached letter from FDOT, dated August 27, 2020, MAST Capital has received confirmation that the purchase of the subject parcel has been approved. MAST has also represented to the City that they are in active negotiations to finalize the purchase of the property and are working toward setting a closing date. The effective date of the proposed rezoning amendment, if adopted, will be predicated upon the completion of this transaction, and MAST obtaining full title to the parcel.

The administration understands the concerns of the Planning Board regarding the potential increase in density associated with the inclusion of the FDOT surplus parcel into a larger property assemblage. However, given the extreme difficulties in accessing this parcel, as well as its relatively small size and awkward geometry, the best available option from a planning and land use standpoint would be to combine it with the abutting development site.

In this regard, the density that would be generated by the addition of the parcel is not likely to exceed 30 units, and it could be less, depending upon the eventual floor plan layout. Also, access to the parcel, as well as the existing site, would be well buffered from Alton Road, and is not expected to create traffic back up issues due to the overall depth of the parcel and the location of vehicular entrance and drop-off areas toward the back of the site. As part of the development review process these circulation issues will be closely evaluated.

In view of the foregoing, the administration is supportive of the proposed rezoning amendment and recommends approval.

UPDATE

The subject ordinance was approved at first reading on October 14, 2020, with no changes. Additionally, the City Commission referred this item, as well as the companion FLUM and LDR amendments, to the Planning Board for an advisory recommendation prior to second reading.

On October 27, 2020, the Planning Board reviewed the rezoning, FLUM and amended LDR ordinances. The Planning Board made the following recommendations to the City Commission:

1. By a vote of 6-1, the Board recommended that all 3 ordinances be adopted at second reading.
2. By acclamation, the Board recommended that the developers transportation engineer work with City staff, as part of any future DRB application, to develop an effective traffic mitigation plan that will address all traffic and circulation issues at the site.

CONCLUSION

The administration recommends that the City Commission adopt the subject ordinance.

Applicable Area

Middle Beach

Is this a "Residents Right

Does this item utilize G.O.

**to Know" item, pursuant to
City Code Section 2-14?**

Yes

Bond Funds?

No

Legislative Tracking

Planning

Sponsor

Commissioner Ricky Arriola

ATTACHMENTS:

Description

- ☐ FDOT Purchase Letter
- ☐ Ordinance
- ☐ Ex parte communications
- ☐ Ad



Florida Department of Transportation

RON DESANTIS
GOVERNOR

1000 NW 111th Avenue
Miami, FL 33172-5800

KEVIN J. THIBAUT
SECRETARY

August 27, 2020

Mast Capital, Inc.
2601 S Bayshore Dr.
Suite 850
Coconut Grove, FL 33133

Subject: Request to Surplus FDOT Land – Approved

Applicant	:	Mast Capital
Item/Seg. No.	:	4152301
Sect/Job No.	:	87090-2402
S. R. No.	:	907/I-1-95 (Julia Tuttle Cswy)
County	:	Miami-Dade
Parcel No.	:	6836

Dear Christina Cuervo:

This letter is to inform you that your request to purchase FDOT land at 4000 Alton Rd., Miami Beach has been approved. The approved parcel measures approximately 17,680sqft.

In accordance with our Guidelines for the Purchase or Lease of FDOT land, upon notification by FDOT, the applicant must provide, at their own expense:

1. Sketch and Legal description of the parcel to be acquired. Two (2) original Signed and Sealed copies prepared by a Florida Licensed Surveyor in compliance with FDOT guidelines. (See Attached)
2. A property appraisal for the area to be conveyed to Mast Capital, Inc. The appraisal must be prepared by a qualified appraiser and the appraisal must comply with USPAP. FDOT will review and reserves the right to reject the appraisal. If FDOT does not accept the appraisal, the applicant will not be reimbursed for this cost. FDOT may have its own appraisal prepared for the property.
3. Property Owner Affidavit whereby you declare you are the abutting property owner. Please review the Property Owner Affidavit, sign, and witness and notarize and return original to my attention. (See Attached)

Mast Capital Inc.
August 27, 2020
Page Two

Once the above documents have been approved and a negotiated sale price agreed upon, we can proceed with the closing. Buyer to provide wire transfer in the amount of the negotiated purchase price along with cashier's check for the associated documentary stamps and recording fees.

FDOT conveys property via a quit claim deed and does not conduct a title search. It may be in Mast Capital, Inc.'s best interest to conduct one. In addition, pursuant to Section 270.11, F.S. FDOT reserves mineral rights to the properties it conveys. If you wish for the Department to release mineral rights, you will need to provide us with a letter/petition requesting a release and justification for the release.

Should you have any questions, please do not hesitate to contact me at (305) 470-5245 or via email at cindy.ramos-leal@dot.state.fl.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Cindy B. Ramos-Leal". The signature is fluid and cursive, with the first name "Cindy" and last name "Ramos-Leal" clearly distinguishable.

Cindy B. Ramos-Leal
Right of Way Agent

Encl: Guidelines for Purchase or Lease, Sketch & Legal Description, Property Owner Affidavit

MIAMI BEACH

CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS

ORDINANCES AMENDING: 1) THE ZONING DISTRICT CLASSIFICATION; 2) THE FUTURE LAND USE MAP (FLUM) OF THE MIAMI BEACH COMPREHENSIVE PLAN; AND 3) THE LAND DEVELOPMENT REGULATIONS (LDR) FOR PROPERTIES THAT FRONT THE WEST SIDE OF ALTON ROAD AND THE JULIA TUTTLE CAUSEWAY FOR THE 4000 ALTON ROAD EXPANSION

**(4000 ALTON ROAD, FRONTING 41ST STREET/I-195)
NOVEMBER 18, 2020 CITY COMMISSION MEETING**

As society returns to a "new-normal," the City of Miami Beach will host a hybrid Commission meeting on November 18, 2020. The Mayor and at least four Commissioners will be physically present in a socially distanced manner at the Commission Chamber, Third Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida. (Note that this location is subject to change, please contact the Office of the City Clerk for possible updates.) Members of the public may comment on any item on the agenda using the Zoom platform. Members of the public wanting to participate virtually may do so via video conferencing. To participate or provide comments virtually, the public may join the City Commission Meeting at: <https://miamibeachfl-gov.zoom.us/j/86076255237> or via telephone at: 1.301.715.8592 (U.S.) or 877.853.5257 (Toll Free). The Webinar ID is: 86076255237. Members of the public wanting to virtually speak on an item during the City Commission Meeting, must click the "raise hand" icon if using the Zoom app or press "9" on the telephone to raise their hand.

NOTICE IS HEREBY GIVEN that the following Second Readings/Public Hearings will be heard by the Mayor and City Commissioners of the City of Miami Beach, Florida, on November 18, 2020 at the following times, or as soon thereafter as the matter can be heard:

5:01 p.m. Second Reading Public Hearing

4000 ALTON ROAD EXPANSION - REZONING

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE OFFICIAL ZONING DISTRICT MAP, REFERENCED IN SECTION 142-72 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL LOCATED ABUTTING 4000 ALTON ROAD AND FRONTING 41ST STREET/INTERSTATE 195, FROM THE CURRENT ZONING CLASSIFICATION OF GU, "GOVERNMENTAL USE," TO THE PROPOSED ZONING CLASSIFICATION OF RM-2, "RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY;" AND PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE. *This Ordinance is being heard pursuant to Section 118-164 of the City's Land Development Code. Inquiries may be directed to the Planning Department at 305.673.7550.*

5:02 p.m. Second Reading Public Hearing

4000 ALTON ROAD EXPANSION - FLUM / COMPREHENSIVE PLAN AMENDMENT

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INTERESTED PARTIES are invited to take part in this meeting or be represented by an agent. The public may submit written comments by sending an email to: CityClerk@miamibeachfl.gov by 5:00 p.m. the day before the City Commission Meeting. Please identify the Agenda Item Number in the email subject line. Emails received will be forwarded to the Mayor and Commissioners and will be included as a part of the meeting record.

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Rafael E. Granado, City Clerk
City of Miami Beach
CityClerk@miamibeachfl.gov
305.673.7411

Ad 11182020-01

4000 Alton Road – LDR Amendments

ORDINANCE NO. 2020-4374

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, AT SUBPART B, ENTITLED, "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 142 OF THE CITY CODE, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," DIVISION 3, ENTITLED "RESIDENTIAL MULTIFAMILY DISTRICTS," SUB-DIVISION IV, ENTITLED "RM-2 RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY," CREATING SECTION 142-220, ENTITLED "ADDITIONAL REGULATIONS FOR PROPERTIES THAT FRONT THE WEST SIDE OF ALTON ROAD AND THE JULIA TUTTLE CAUSEWAY," TO CREATE ZONING REGULATIONS FOR PROPERTIES LOCATED WITHIN SUCH AREA; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

WHEREAS, on or about March 7, 2018, the Mayor's 41st Street Blue Ribbon Committee (the "Committee") was formed; and

WHEREAS, on March 23, 2018, the Committee discussed and recommended goals and objectives for the 41st Street corridor, including improving the quality of life through multi-modal transportation design, community engagement, an overall vision for 41st Street as the main entrance/gateway to Mid-Beach, storefront revitalization and façade incentives, assessment of current public works, infrastructure improvements, and a focus on key opportunities and challenges; and

WHEREAS, on July 31, 2018, the Committee discussed and recommended in favor of the 41st Street Urban Design Vision Plan, with proposed recommendations guided by core principles/strategies based upon resident feedback and the design team's analysis of the street; and

WHEREAS, the 41st Street Urban Design Vision Plan prioritizes the importance of 41st Street as a primary gateway to Mid-Beach and Miami Beach, as a whole; and

WHEREAS, the area of the City subject to this Ordinance is uniquely situated as an "island" of land, at the crossroads of three major roadways (I-195/Julia Tuttle Causeway, 41st Street, and Alton Road), and at the entrance to Miami Beach; and

WHEREAS, the proposed zoning regulations include modified setback regulations to reflect the unique nature of the subject area; and

WHEREAS, the proposed zoning regulations will incentivize development that is set back from neighboring residents, and located more closely towards the Interstate 195/Julia Tuttle Causeway entrance to Miami Beach; and

WHEREAS, the amendments set forth below are necessary to accomplish all of the above objectives.

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

SECTION 1. Chapter 142, "Zoning Districts and Regulations," at Article II, entitled "District Regulations," at Division 3, entitled "Residential Multifamily Districts," of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

**CHAPTER 142
ZONING DISTRICTS AND REGULATIONS**

* * *
**ARTICLE II
DISTRICT REGULATIONS**

* * *
**DIVISION 3
RESIDENTIAL MULTIFAMILY DISTRICTS**

* * *
**SUBDIVISION IV
RM-2 RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY**

* * *

Sec. 142-220- Additional regulations for properties that front the West Side of Alton Road and the Julia Tuttle Causeway.

The following regulations shall apply to properties that front the west side of Alton Road and that front 41st Street/Interstate 195. In the event of a conflict within this division, the following regulations shall control:

(1) The setback requirements shall be as follows:

<u>Rear</u>	<u>Pedestal: 10 feet*</u> <u>Tower: 15 feet*</u>
<u>Side</u>	<u>Pedestal: 10 feet*</u> <u>Tower: 15 feet*</u>
<u>*Notwithstanding the allowable projection regulations in Section 142-1132, exterior unenclosed private balconies and ornamental features may project 50% into a required yard.</u>	

(2) The regulations for new construction provided in Section 142-219(1) shall only apply to the eastern frontage of a building, along Alton Road. However, the requirement provided in Section 142-219(1) for the eastern frontage along Alton Road shall not apply to a structure that is set back 50 feet or more from Alton Road.

(3) The regulations set forth in this section shall only apply to those properties that are larger than 60,000 square feet in size as of the effective date of this Ordinance.

SECTION 2. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

SECTION 3. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

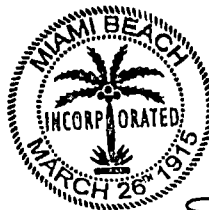
This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this 18 day of November, 2020.

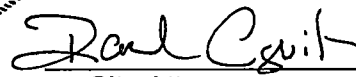

Dan Gelber, Mayor

ATTEST:

 12/1/2020
Rafael E. Granado, City Clerk



APPROVED AS TO FORM
AND LANGUAGE
AND FOR EXECUTION

 10-6-20
City Attorney NK Date

First Reading: October 14, 2020
Second Reading: November 18, 2020

Verified by: 
Thomas R. Mooney, AICP
Planning Director

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Jimmy L. Morales, City Manager
DATE: November 18, 2020

5:03 p.m. Second Reading Public Hearing

SUBJECT: 4000 ALTON ROAD – LDR AMENDMENTS

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, AT SUBPART B, ENTITLED, "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 142 OF THE CITY CODE, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," DIVISION 3, ENTITLED "RESIDENTIAL MULTIFAMILY DISTRICTS," SUB-DIVISION IV, ENTITLED "RM-2 RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY," CREATING SECTION 142-220, ENTITLED, "ADDITIONAL REGULATIONS FOR PROPERTIES THAT FRONT THE WEST SIDE OF ALTON ROAD AND THE JULIA TUTTLE CAUSEWAY," TO CREATE ZONING REGULATIONS FOR PROPERTIES LOCATED WITHIN SUCH AREA; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

RECOMMENDATION

The administration recommends that the City Commission adopt the subject ordinance.

BACKGROUND/HISTORY

HISTORY

On October 16, 2019, at the request of Commissioners Michael Gongora and Ricky Arriola, the City Commission referred a discussion item to the Land Use and Development Committee (Item C4 T), pertaining to RM2 zoning regulations for 4000 Alton Road. The item was placed on the January 21, 2020 agenda of the newly created Land Use and Sustainability Committee (LUSC), and deferred to February 18, 2020, at the request of the proposer.

On February 18, 2020, the item was deferred to March 17, 2020, also at the request of the proposer. The March 17, 2020 LUSC meeting was postponed, and the item was moved to the May 6, 2020 LUSC agenda. On May 6, 2020 the LUSC discussed the proposal and recommended that the City Commission refer the attached ordinance to the Planning Board. On May 13, 2020, the City Commission referred the ordinance to the Planning Board (Item C4 C). After this referral, Commissioner Michael Gongora withdrew as a co-sponsor.

BACKGROUND

On March 5, 2014 the City Commission approved a request is to amend the Future Land Use Map of the Comprehensive Plan and the Official Zoning District Map of the City of Miami Beach, for parcels of land adjacent to the "Talmudic University Site." Specifically, the Future Land Use Category for the subject parcels was changed from ROS, "Recreation and Open Space," to "RM-2, Residential Multifamily Medium Intensity" and the Zoning District Classification was changed from GU, "Government Use," to "RM-2, Residential Multifamily Medium Intensity". This action accommodated an acquisition of surplus properties from the Florida Department of Transportation (FDOT) by the Talmudic University.

On February 12, 2014, the City Commission adopted ordinance 2014-3839, which increased the height limit from 60 feet to 85 feet for the area fronting the west side of Alton Road between Arthur Godfrey Road and West 34th Street (Talmudic University site). This was a companion to the aforementioned future land use map and zoning map amendments and was intended to facilitate the development of a vacant area on the Talmudic University site, as well as to fund improvements to the site. On March 4, 2014, the Design Review Board (DRB) approved the development of an 8-story, 72-unit, residential building; this project was never constructed.

In 2015, a private application was filed by the current proposer, to increase the maximum allowable height on the site from the existing 8 stories / 85 feet to 15 stories / 150 feet. The Planning Board did not recommend in favor of this height increase and the administration recommended denial when the proposal came before the City Commission. The applicant subsequently withdrew the application and it did not move forward.

The current owner of the vacant parcel on the south side of the site, "M 4000 Alton Owner LLC c/o M-4000 Alton MGR, LLC" (aka MAST Capital) is in the process of acquiring an additional 0.406 acres of surplus land from the Florida Department of Transportation (FDOT). The proposed surplus parcel is located at the NW corner of the triangular block fronting Alton Road and south side of the Julia Tuttle Causeway.

In order to accommodate this additional property and combine it with the existing site, MAST Capital is seeking the following land use amendments:

1. A re-zoning of the current FDOT parcel from GU, "Government Use" to RM-2, "Residential Multifamily, Medium Intensity".
2. A companion Future Land Use Map (FLUM) amendment to change the future land use designation of the FDOT parcel from the current Public Facilities: Government Use (PF) category to the Residential Multifamily Medium Intensity (RM-2) category.
3. An LDR amendment that would create specific development regulations pertaining to setbacks and parking garage liner requirements for the area abutting the west side of Alton Road and the south side of 41st Street/Interstate 195.

ANALYSIS

PLANNING BOARD REVIEW

Pursuant to the referral of the item by the City Commission on May 13, 2020, the following is a summary of the proposed LDR amendments considered by the Planning Board on August 25, 2020:

1. Increase the maximum building height from 85 feet to 140 feet.
2. Increase the height of allowable height exceptions from 20 feet to 30 feet.
3. Structures exceeding 85 feet in height will have a minimum setback of 100 feet from Alton Road.
4. Establish rear and side setbacks of 10 feet; however, habitable encroachments and decorative features may encroach into the setback up to 5 feet, above a height of 15 feet.
5. Establish a maximum floor plate size for the tower portion of the building of 30,000 square feet; however, the Design Review Board (DRB) may increase to 45,000 square feet in accordance with design review criteria
6. Provide that the residential liner requirement for floors containing parking only apply to the frontage facing Alton Road.
7. Require that new development install green infrastructure, such as bioswales, permeable pavements, and native vegetation to manage stormwater. It also requires that 100 percent of its own irrigation be through the installation of a cistern or other best practices.
8. Provide that the benefits of the ordinance only be available on sites that are over 60,000 square feet as of the adoption date of the ordinance.

The item was first noticed for the June 23, 2020 Planning Board agenda; at the request of MAST Capital, the item was continued to the July 27, 2020 Planning Board meeting. On July 27, 2020, also at the request of MAST Capital, the item was continued to the August 25, 2020 Planning Board meeting.

On August 25, 2020 the Planning Board held a public hearing and transmitted the LDR Amendments ordinance to the City Commission with an unfavorable recommendation by a vote of 6-0. The Planning Board members expressed concern with the proposed increase in height, and the lack of compatibility with the immediate area.

PLANNING ANALYSIS

Since the review of the proposal by the Planning Board on August 25, 2020, MAST has re-studied and substantially modified the proposed LDR amendments, including the removal of the proposed increase in building height. The revised proposal is now limited to revised setback, balcony encroachment and parking liner regulations for properties that front the west side of Alton Road, as well as the Julia Tuttle Causeway. The following is a summary of the revised scope of the proposed LDR amendments:

Setbacks

- Rear Pedestal: 10 feet*
- Rear Tower: 15 feet*
- Side Pedestal: 10 feet*
- Side Tower: 15 feet*

Allowable Encroachments

- Exterior unenclosed private balconies and ornamental features may project up to 50% into the required yard.

Parking Liner

- There shall be no parking liner requirement along the rear and sides of the building.
- The liner requirement for the eastern frontage along Alton Road shall not apply to a structure that is setback 50 feet or more from Alton Road.

The proposed LDR amendments are consistent with previously issued variances for the project and reflect the unique configuration of the property. Additionally, these amendments allow for the new building to achieve better separation from the existing Talmudic University structure and provide improved internal circulation within the property. In view of the foregoing, the administration is supportive of the proposed LDR amendment and recommends adoption.

UPDATE

The subject ordinance was approved at first reading on October 14, 2020, with no changes. Additionally, the City Commission referred this item, as well as the companion FLUM and Rezoning amendments, to the Planning Board for an advisory recommendation prior to second reading.

On October 27, 2020, the Planning Board reviewed the rezoning, FLUM and amended LDR ordinances. The Planning Board made the following recommendations to the City Commission:

1. By a vote of 6-1, the Board recommended that all 3 ordinances be adopted at second reading.
2. By acclamation, the Board recommended that the developers transportation engineer work with City staff, as part of any future DRB application, to develop an effective traffic mitigation plan that will address all traffic and circulation issues at the site.

CONCLUSION

The administration recommends that the City Commission adopt the subject ordinance.

Applicable Area

Middle Beach

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Yes

Does this item utilize G.O. Bond Funds?

No

Legislative Tracking

Planning

Sponsor

Commissioner Ricky Arriola

ATTACHMENTS:

Description

- ▢ Ordinance
- ▢ Ad

MIAMI BEACH

CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS

ORDINANCES AMENDING: 1) THE ZONING DISTRICT CLASSIFICATION; 2) THE FUTURE LAND USE MAP (FLUM) OF THE MIAMI BEACH COMPREHENSIVE PLAN; AND 3) THE LAND DEVELOPMENT REGULATIONS (LDR) FOR PROPERTIES THAT FRONT THE WEST SIDE OF ALTON ROAD AND THE JULIA TUTTLE CAUSEWAY FOR THE 4000 ALTON ROAD EXPANSION

(4000 ALTON ROAD, FRONTING 41ST STREET/I-195)
NOVEMBER 18, 2020 CITY COMMISSION MEETING

As society returns to a "new-normal," the City of Miami Beach will host a hybrid Commission meeting on November 18, 2020. The Mayor and at least four Commissioners will be physically present in a socially distanced manner at the Commission Chamber, Third Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida. (Note that this location is subject to change, please contact the Office of the City Clerk for possible updates.) Members of the public may comment on any item on the agenda using the Zoom platform. Members of the public wanting to participate virtually may do so via video conferencing. To participate or provide comments virtually, the public may join the City Commission Meeting at: <https://miamibeachfl-gov.zoom.us/j/86076255237> or via telephone at: 1.301.715.8592 (U.S.) or 877.853.5257 (Toll Free). The Webinar ID is: 86076255237#. Members of the public wanting to virtually speak on an item during the City Commission Meeting, must click the "raise hand" icon if using the Zoom app or press *9 on the telephone to raise their hand.

NOTICE IS HEREBY GIVEN that the following Second Readings/Public Hearings will be heard by the Mayor and City Commissioners of the City of Miami Beach, Florida, on November 18, 2020 at the following times, or as soon thereafter as the matter can be heard:

5:01 p.m. Second Reading Public Hearing

4000 ALTON ROAD EXPANSION - REZONING

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE OFFICIAL ZONING DISTRICT MAP, REFERENCED IN SECTION 142-72 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL LOCATED ABUTTING 4000 ALTON ROAD AND FRONTING 41ST STREET/INTERSTATE 195, FROM THE CURRENT ZONING CLASSIFICATION OF GU, "GOVERNMENTAL USE," TO THE PROPOSED ZONING CLASSIFICATION OF RM-2, "RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY;" AND PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE. *This Ordinance is being heard pursuant to Section 118-164 of the City's Land Development Code. Inquiries may be directed to the Planning Department at 305.673.7550.*

5:02 p.m. Second Reading Public Hearing

4000 ALTON ROAD EXPANSION - FLUM / COMPREHENSIVE PLAN AMENDMENT

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, PURSUANT TO THE PROCEDURES IN SECTION 163.3187, FLORIDA STATUTES, TO AMEND THE FUTURE LAND USE MAP OF THE MIAMI BEACH COMPREHENSIVE PLAN, BY CHANGING THE DESIGNATION FOR THE PARCEL LOCATED ABUTTING 4000 ALTON ROAD AND FRONTING 41ST STREET/INTERSTATE 195, FROM THE CURRENT DESIGNATION OF PF, "PUBLIC FACILITY: GOVERNMENT USE," TO THE PROPOSED DESIGNATION OF RM-2, "RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY;" PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE. *This Ordinance is being heard pursuant to Section 118-166 of the City's Land Development Code. Inquiries may be directed to the Planning Department at 305.673.7550.*

5:03 p.m. Second Reading Public Hearing

4000 ALTON ROAD - LDR AMENDMENTS

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, AT SUBPART B, ENTITLED, "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 142 OF THE CITY CODE, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," DIVISION 3, ENTITLED "RESIDENTIAL MULTIFAMILY DISTRICTS," SUB-DIVISION IV, ENTITLED "RM-2 RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY," CREATING SECTION 142-220, ENTITLED, "ADDITIONAL REGULATIONS FOR PROPERTIES THAT FRONT THE WEST SIDE OF ALTON ROAD AND THE JULIA TUTTLE CAUSEWAY," TO CREATE ZONING REGULATIONS FOR PROPERTIES LOCATED WITHIN SUCH AREA; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE. *This Ordinance is being heard pursuant to Section 118-164 of the City's Land Development Code. Inquiries may be directed to the Planning Department at 305.673.7550.*

INTERESTED PARTIES are invited to take part in this meeting or be represented by an agent. The public may submit written comments by sending an email to: CityClerk@miamibeachfl.gov by 5:00 p.m. the day before the City Commission Meeting. Please identify the Agenda Item Number in the email subject line. Emails received will be forwarded to the Mayor and Commissioners and will be included as a part of the meeting record.

Copies of Agenda Items are available for public inspection at: <https://www.miamibeachfl.gov/city-hall/city-clerk/agenda-archive-main-page-2/>. This meeting, or any item therein, may be continued, and under such circumstances, additional legal notice need not be provided.

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in alternate format, sign language interpreter (five-day notice required), information on access for persons with disabilities, and/or any accommodation to review any document or participate in any City-sponsored proceedings, call 305.604.2489 and select 1 for English or 2 for Spanish, then option 6; TTY users may call via 711 (Florida Relay Service).

The City Commission Meeting will be broadcast live on Miami Beach TV (MBTV), viewable on the City's website at <https://www.miamibeachfl.gov/government/mbtv/>, as well as on Atlantic Broadband Cable channel 660, AT&T U-verse channel 99, Hotwire Communications channel 395, and Roku device on PEG-TV channel, and on social media at <https://www.facebook.com/cityofmiamibeach>.

Rafael E. Granado, City Clerk
City of Miami Beach
CityClerk@miamibeachfl.gov
305.673.7411

Ad 11182020-01



**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.

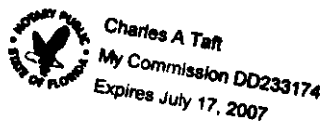
PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

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 (Filed 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.

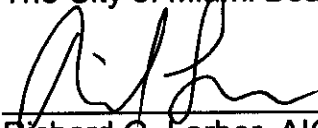
Board of Adjustment Order
Meeting of May 6, 2005
File No. 3105
Miami Beach, Florida

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

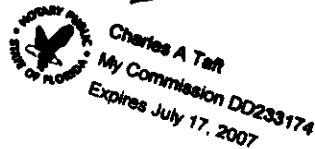
By: _____


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 6TH 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.



[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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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 19th day of MARCH, 2014.

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

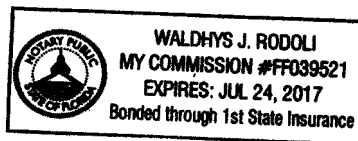
BY:

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 19th 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



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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 19th day of MARCH, 2014.

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

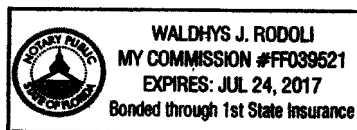
BY: 

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 19th 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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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:

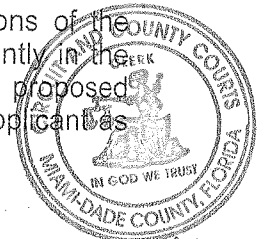
- A. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Design Review Criteria 2, 3, 5, 8, 11, 14, 15, and 17 in Section 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.

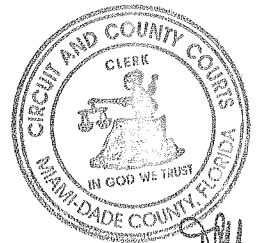


- b. The final design and details, including materials, colors, finishes, of any perimeter gate, wall or fence, shall be provided, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - c. If technically feasible, all overhead 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



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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 10th day of March, 2014.

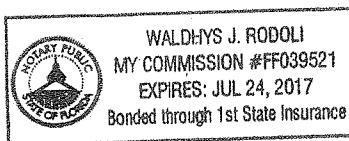
DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____

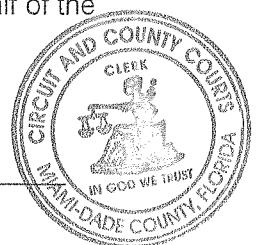
THOMAS R. MOONEY, AICP
ACTING PLANNING DIRECTOR
FOR THE CHAIR

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

The foregoing instrument was acknowledged before me this 10th 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.



Waldhys J. Rodoli



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

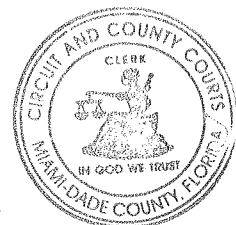
Approved As To Form:

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 3-15-2014 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.



DRB File No. 23026

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- 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.

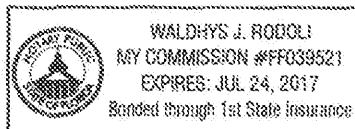
Dated this 3rd day of September, 2015.

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 3rd 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]



**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 15th 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 15th 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.

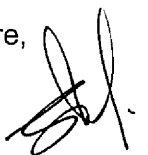
In accordance with Section 118-262, the applicant, or the city manager on behalf of the city administration, or an affected person, Miami Design Preservation League or Dade Heritage Trust may seek review of any order of the Design Review Board by the City Commission, except that orders granting or denying 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.

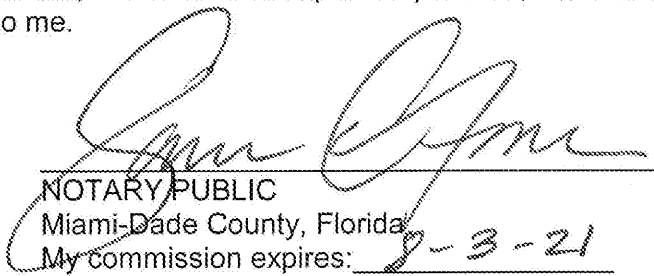
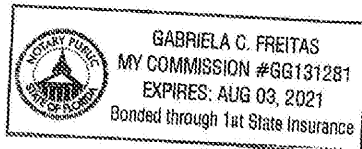
When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

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.


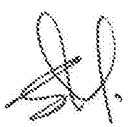
If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with 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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