

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

IN RE: The Application of

**TALMUDIC UNIVERSITY OF FLORIDA
CONDITIONAL USE PERMIT**

File No.: 1402

On the 7th day of June, 1999, the applicant, Talmudic University of Florida, filed an application with the Director of Planning and Zoning for a Conditional Use Permit pursuant to Section 118-193 of the Land Development Regulations of the Code of the City of Miami Beach, Florida. The Miami Beach Planning Board held a public hearing on August 24, 1999 and voted to approve the following:

REQUEST: The Applicant, Talmudic University of Florida, Requests Conditional Use Approval in Order to Operate a School.

ADDRESS: 7902 Carlyle Avenue, Miami Beach, Florida.

LEGAL DESCRIPTION: Block 4, Tatum Waterway Subdivision, Plat Book 46, Page 2, of the Public Records of Miami-Dade County, Florida.

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 Board finds that the property in question is located in the RM-2 Residential Multifamily Medium Intensity Zoning District. The Board further finds, based upon the evidence, testimony, information and documentation presented at the public hearing, the staff report, inclusive of the staff recommendations, all of which are incorporated herein:

That the Use is consistent with the Comprehensive Plan for the area in which the property is located;

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 are consistent with the Ordinance;

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.

IT IS THEREFORE ORDERED, by the Board, that a Conditional Use Permit as requested and set forth above be granted, upon the following conditions that the applicant has agreed to:

1. The Planning Board shall maintain jurisdiction on this Conditional Use Permit; if deemed necessary, at the request of the Director of Planning and Zoning, the applicant shall give a written progress report to the Board within 60 days of the issuance of a Certificate of Use for the subject property. At that time, the Board shall determine if further progress reports are necessary.
2. This Conditional Use approval is for Talmudic University of Florida, only. Any substantive change in the operation from a elementary school facility or change of operator shall require review and approval by the Planning Board as an amendment to this Conditional Use Permit.
3. The maximum allowable number of students shall be capped at three hundred and fifty-seven (357) children, or in the case of modifications to the floor plan which reduces classroom area, the maximum allowable number of students shall be one (1) student per thirty-six (30) square feet of total classroom area. This figure shall be subject to approval by the Fire Department which may decrease the number of total students as deemed necessary without further Planning Board action. Any increase in the number of students in excess of three hundred and fifty-seven (357) shall require approval by the Planning Board as an amendment to this Conditional Use approval.
4. The project shall be approved by the Fire Department prior to the issuance of a Building Permit or Certificate of Use for the project, whichever occurs first.
5. The project shall comply with all applicable South Florida Building Code and Florida Accessibility Code regulations.
6. Revised elevation plans shall be submitted to Design and Preservation staff for review and approval; said plans shall, at a minimum, show the following corrections:
 - i. The existing transom windows and doors shall remain in the existing configuration, and they shall be clear glass.
 - ii. The existing storefront-type windows shall be blocked up and the area of said windows shall be covered with a stone veneer which will recall the original configuration, including the vertical divisions of the original windows.
7. On-site drainage shall be provided.
8. The applicant shall remove and replace sidewalks and asphalt on all surrounding streets if damaged during construction.
9. The expanded loading/drop-off area shall be reviewed and approved by the Parking Department for circulation adequacy and to ensure a minimum of vehicular conflict.

10. If determined to be necessary by Planning Department staff, the applicant shall satisfy the required parking space shortfall by paying the appropriate Parking Impact Fee or by providing any additional required parking within 500 feet of the subject site, prior to the issuance of a building permit for the project.
11. All outstanding City liens or bills related to the subject property and all outstanding City Code violations, if any, shall be resolved prior to the issuance of a Certificate of Use for the school.
12. The applicant shall work with the City of Miami Beach Parks Department to ensure that the proposed basketball court within the facility is made available to the neighboring community during non-school hours.
13. The project shall be completed within twelve (12) months from the date of the issuance of a building permit.
14. A Conditional Use Permit which lists the aforementioned conditions shall be recorded in the Public Records of Dade County at the expense of the applicant.
15. 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 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 permit.

PROVIDED, the applicant shall build in accordance with the plans submitted as part of this file and as approved by the Planning Board with any applicable modifications. The applicant shall take all necessary steps to have a building permit issued by the City within a period of six (6) months from the date of the public hearing, and the work completed within twelve (12) months from the date of the issuance of a building permit, 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 building permit shall be approved (subject to compliance with the conditions hereof) and processed in accordance with and pursuant to the ordinances of the City of Miami Beach.

Dated this 31st day of AUGUST, 1999.

OFF. REC. 1880271362

PLANNING BOARD OF THE CITY
MIAMI BEACH, FLORIDA

BY:

Jorge G. Gomez
JORGE G. GOMEZ
FOR CHAIRMAN

STATE OF FLORIDA)
)SS
COUNTY OF DADE).

RECORDED IN OFFICIAL RECORDS BOOK
OF DADE COUNTY, FLORIDA.
RECORD VERIFIED
HARVEY RUVIN
CLERK CIRCUIT COURT

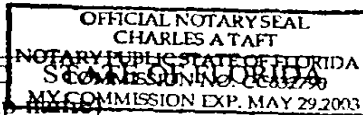
The foregoing instrument was acknowledged before me this 31st day of AUGUST,
1999, by JORGE GOMEZ, who is personally known to me as the Director of
Planning and Zoning of the City of Miami Beach and ex-officio member of the Planning Board.

Charles A. Taft
NOTARY PUBLIC (signature)

CHARLES A. TAFT

My commission expires:

NOTARY PUBLIC
(type, print or stamp name)



Approved as to form:

8-30-99
OFFICE OF THE CITY ATTORNEY (initials/date)