



**Town of Surfside
Special Town Commission Meeting
Quasi-Judicial Hearing
AGENDA
June 24, 2014
7 p.m.**

Town Hall Commission Chambers - 9293 Harding Ave, 2nd Floor
Surfside, FL 33154

1. Opening

- A. Call to Order**
- B. Roll Call of Members**
- C. Pledge of Allegiance**

2. Quasi-Judicial Hearings

Please be advised that the following items on the Agenda are Quasi-Judicial in nature. If you wish to object or comment upon an item, please complete a Public Speaker's Card indicating the agenda item number on which you would like to comment. You must be sworn before addressing the Town Commission and you may be subject to cross-examination. If you refuse to submit to cross-examination, the Town Commission will not consider your comments in its final deliberation. Please also disclose any Ex-Parte communications you may have had with any members of the Town Commission. Town Commission members must also do the same.

- A. Shul – Michael P. Crotty, Town Manager *[This item will be deferred to a time certain to be determined at the June 24, 2014 Special Town Commission meeting]***

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A SITE PLAN APPLICATION, PURSUANT TO SECTION 90-41 ET SEQ. OF THE ZONING CODE, AND A SPECIAL EXCEPTION FOR A PRESCHOOL, PURSUANT TO SECTION 90-37 OF THE ZONING CODE TO PERMIT A 5,122.9 SQUARE FOOT MULTIPURPOSE ROOM AND A 51,850 SQUARE FOOT THREE STORY CLASSROOM FACILITY, INCLUDING AN EXPANSION OF THE EXISTING PRESCHOOL AND EXCLUDING A SCHOOL, AS SUBMITTED BY THE SHUL, SUBJECT TO CERTAIN CONDITIONS WHICH SHALL BE INCLUDED IN A RECORDED COVENANT RUNNING WITH THE LAND, AND PROVIDING FOR A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

3. Adjournment

Respectfully submitted,



Michael P. Crotty
Town Manager

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-893-6511 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING. HEARING IMPAIRED PERSONS MAY CONTACT THE TDD LINE AT 305-893-7936.

IN ACCORDANCE WITH THE PROVISIONS OF SECTION 286.0105, FLORIDA STATUTES, ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE TOWN OF SURFSIDE COMMISSION, WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE TOWN CLERK, TOWN OF SURFSIDE TOWN HALL, 9293 HARDING AVENUE. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE TOWN CLERK AT 305-861-4863. A COMPLETE AGENDA PACKET IS ALSO AVAILABLE ON THE TOWN WEBSITE AT www.townofsurfsidefl.gov

TWO OR MORE MEMBERS OF OTHER TOWN BOARDS MAY ATTEND THIS MEETING.

THESE MEETINGS MAY BE CONDUCTED BY MEANS OF OR IN CONJUNCTION WITH COMMUNICATIONS MEDIA TECHNOLOGY, SPECIFICALLY, A TELEPHONE CONFERENCE CALL. THE LOCATION 9293 HARDING AVENUE, SURFSIDE, FL 33154, WHICH IS OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT FOR SUCH COMMUNICATION.



Town of Surfside Commission Communication

Agenda # 2A
Agenda Date: June 24, 2014
Subject: The Shul Site Plan
From: Sarah Sinatra Gould, AICP, Town Planner

The review of the site plan and preparation of the final staff report have not yet been completed and we understand that the agenda item will be deferred.

Attached is the report that was presented to the Planning and Zoning Board on February 24, 2014.

Sarah Sinatra Gould, AICP, Town Planner

Michael Crotty, Town Manager



Town of Surfside Planning and Zoning Communication

Agenda Date: February 27, 2014

Subject: The Shul Site Plan

From: Michael Crotty, Town Manager
Sarah Sinatra Gould, AICP, Town Planner

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APPLICANT PROPOSAL:

The applicant, Jaime Shapiro, on behalf of The Shul, is proposing a 51,850 square foot addition to their existing Place of Public Assembly, located at 9540 Collins Avenue. The proposed development will consist of a 5,122.9 square foot social hall/multi-use space to be used for assembly, eight classrooms for a Montessori preschool, 16 classrooms for youth programs, multipurpose rooms, adult education and seven offices as well as an additional 27 parking spaces. The use of the buildings for a school, college or yeshiva shall be considered a material change that will require a site plan amendment, including review by the Town's Planning and Zoning Board and Town Commission.

The following is a breakdown of the existing Shul and the proposed addition:

Social Hall		Total
Existing	Addition	8,558.9 square feet
3,436 square feet	5,122.9 square feet	
Classrooms		Total

Existing	Addition	24
5 (Which will be removed to become part of the sanctuary)	24 (8 preschool classes)	
Offices		Total
Existing	Proposed	16
9	7	
Parking Spaces		
Existing	Proposed	102
75	27	(203 parking spaces are required; therefore the applicant is requesting to pay into the parking trust fund for the 101 deficient parking spaces.

The initial site plan application was submitted on July 27, 2012. Staff confirmed that the package was complete and held a Development Review Group (DRG) meeting for August 22, 2012. The members of DRG include Planning, Engineering, Landscape Architecture, Survey, Traffic Engineering and Building. Nearly 75 comments were provided to the applicant at this meeting. The applicant then revised the site plan and resubmitted a package on January 25, 2013 and a second DRG meeting was held on February 13, 2013. An additional 73 comments were provided to the applicant at that time. A third DRG meeting was held on March 28, 2013 and 26 outstanding comments remained. A final DRG meeting was held on July 18, 2013 to address all final comments.

The Development Impact Committee (DIC) consisting of the Town Manager, Town Attorney, Town Planner, Building Official, Traffic Engineer, Public Works Director and Parks and Recreation Director met in two advertised and televised sessions on October 17, 2013 and January 9, 2014 to discuss this application. Numerous conditions were discussed at the October 17, 2013, but the Town and the applicant did not resolve a number of the voluntary proffers. Therefore, a second DIC meeting was held on January 9, 2014 to address all outstanding conditions resulting in agreement on all unresolved issues, including the voluntary proffers. The conditions included in the Resolution are being recommended to the Planning and Zoning Board from the DIC. All of the conditions will become part of the covenant recorded with this project after the Town Commission's final determination.

Staff reviewed the traffic analysis based on the principle of "non-concurrent" uses. It is understood that all uses within the building will not occur at the same time. For instance, the sanctuary will not be used at the same time a social event is occurring or when the preschool is in session. The applicant's traffic study takes into account the utilization of the various uses. The most intense combination of concurrent uses is the social hall and the pre-school together. Based on that analysis, the applicant requires 203 parking spaces for the peak uses. They are proposing 102 parking spaces, which includes 75 existing parking spaces and 27 new parking spaces which result in a deficiency of 101 spaces.

The Town Code allows an applicant to choose to meet required parking by paying into a parking trust fund, rather than constructing parking onsite. Section 90-77 (b) (4) states the following:

Parking trust fee. The off-street parking requirements may be complied with by paying into the downtown parking trust fund the sum of money that is the product of the number of parking spaces required but not provided, multiplied times the amount of the established fee per parking space. The parking fee amount shall be calculated on a "per parking space" standard, based upon a portion of the cost of the land, combined with the cost of design and construction, for a single structured off-street parking space. The established fee per parking space shall be determined by the town manager and approved by resolution of the town commission, as may be amended from time to time. All required parking fees shall be paid prior to the issuance of a building permit.

Based on the code provision above, the applicant is requesting to comply with the required parking by paying for 101 parking spaces into the parking trust fund consistent with the following provisions:

- A. Required Contribution: \$2,272,500 contribution (101 spaces X \$22,500 per space)
- B. Parking Trust Fund Terms: Applicant shall pay the required contribution by making 30 equal annual payments, each in the amount of 1/30th of the total amount.
- C. Payment Due: The first payment will be due when the Applicant requests a Certificate of Use from the Town. Subsequent payments shall be due on the same month and day of each following year.
- D. Payments shall be made until the total required contribution is met or until the Applicant and the Town (and such other parties as may join in the partnership) reach an agreement for a public-private partnership for the construction of a parking facility, which pursuant of a public-private partnership shall be in the sole discretion of the Town.

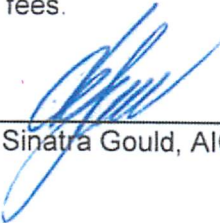

STAFF RECOMMENDATION

Recommendation: Staff recommends that the Planning and Zoning Board recommend approval of the Site Plan application and the Special Exception application to the Town Commission, based on the Applicant meeting minimum code requirement and acceptance of the Development Conditions.

Budget Impact: The building permit application requires the applicant to provide an estimated construction cost, which is verified by the Building Official. The applicant has indicated that the project will cost between \$10 million to \$11 million. Since the applicant has not submitted a building permit application at this point, the project cost has not been verified and the revenue is only an estimate based on the applicant's assumption. The estimated building permit fee of \$164,580 is projected for FY15. The annual water and sewer fee of \$1,884 is expected for FY16. This revenue will be used to mitigate the impacts on our new/renovated water/sewer/stormwater system. There will also be increases to our utility taxes and franchise fees. It is important to note that the applicant is proposing to pay into the Parking Trust for 101 parking spaces. This results in a contribution of \$2,272,500. Finally, the Applicant has agreed to contribute \$100,000 for the project cost for Phase II of the 95th Street Project for streetscape and landscaping improvements from Collins Avenue to Harding Avenue.

Growth Impact: Not applicable since there are no dwelling units associated with this application.

Staff Impact: There has been no impact to staff other than the significant amount of work necessary to review the project. The applicant has funded the review through the cost recovery process and the building permit review and inspection costs will be funded through the building permit fees.

Sarah Sinatra Gould, AICP, Town Planner



Michael Crotty, Town Manager

SITE PLAN STAFF ANALYSIS

SITE PLAN INFORMATION:

Address	9540 Collins Avenue
General Location	West side of Collins Avenue between 96 th and 95 th Street
Property Size	1.44 gross acres
Zoning District	H40
Adjacent Zoning Districts	H40 to the north Municipal to the south SD-B40 to the west H120 to the east
Future Land Use	Moderate Density Residential Tourist
Number of parking spaces	Existing Parking Spaces: 75 New Parking Spaces: 27 Total Parking Spaces Proposed: 102 Required Parking Spaces: 203 Total Parking Spaces Deficient: 101 The applicant is requesting to contribute to the Parking Trust Fund for the deficient spaces at a rate of \$22,500 per space, equaling a total contribution of \$2,272,500.

ZONING CODE, APPLICABLE REQUIREMENTS (applicable to the addition only)

Sec. 90.43

Maximum Building Heights	Maximum Required	Proposed
H40	40 feet maximum	40 feet

Sec. 90.44

Modification of Height	Maximum Permitted		Proposed	Must be of high architectural quality integral to the design of the building
H40	12 ft.	10% of roof area	12 feet	A dome and glass parapet are proposed, which are consistent with the building design.

Sec. 90.45(b)

Setbacks	Minimum Required		Proposed
H40	Front (Collins Avenue)	20 ft	20 ft
	Side	15ft	22 ft
	Rear (Alley)	10 ft	10 ft

Sec. 90.47

Yards generally, allowable projections	Required	Proposed
H40 – Projection of open, unenclosed building entrance porches, platforms, stairs or paved terraces. Every part of a required yard shall be open to the sky, except ordinary projections of sills, cornices, roof eaves and ornamental features may project not more than 24 inches into any required yard.	Maximum 6 feet and the encroachments shall not provide less than a 24-inch setback to the property line.	The stairs extend six feet into the front setback. The applicant is proposing a cantilevered glass box design feature to encroach two feet into the front setback.

Sec. 90.49

Lot Standards	Required	Proposed
Minimum Lot width	50 feet	175.41 feet (the total length of the existing and proposed is 400.30)
Minimum Pervious area	20%	40.3%

Sec. 90.50.1(2)

Architecture	Required	Proposed
All elevations for new structures and multi-story additions (additions greater than fifteen (15) feet in height)	Minimum of 10% wall openings including windows, doors or transitional spaces defined by porches, porticoes or colonnades.	Elevations exceed 10% wall openings

Roof materials are limited as follows:	<ul style="list-style-type: none"> a. Clay Tile; or b. White concrete tile; or c. Solid color cement tile which color is impregnated with the same color intensity throughout, provided said color if granted approval by the Design Review Board; d. Architecturally embellished metal if granted approval by the Design Review Board; or e. Other Florida Building Code approved roof material(s) if granted approval by the Design Review Board. 	Roof deck will consist of pavers and a green roof system. The deck will have a removable Sukkah to be used during Sukkot. This will be restricted to the week of the holiday, plus three days before and three days after for setup and removal.
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Sec. 90.50.2 (3)

Roof Deck Provisions	Required	Proposed
Roof Decks are limited to	a. Maximum 70% of the aggregate roof area;	23%
	b. Shall not exceed the maximum roof height required by any abutting property's zoning designation;	40 feet
	c. Minimum setback of 10 feet from the roofline on all sides	10 feet

Sec. 90.51(1)

Maximum frontage of buildings	Required	Proposed
H40	For every 75 feet, a minimum 6 foot change in wall plane	After 70 feet there is a 17 foot horizontal change in wall plane

Sec. 90.61.1

Paving in front and rear yards in H40 Districts	Required	Proposed
Front setbacks, amount that may be paved with any type of material that is not readily permeable by rainwater and groundwater.	Maximum 50% paved	22% paved
Front Yard Landscaping	Minimum 30%	78% landscaped
Rear Yard Landscaping	Minimum 20%	54% landscaped

Sec. 90.67.2

	Required	Proposed
Underground utilities	All utilities including telephone, cable, and electrical systems shall be installed underground.	<p>The Applicant will fund and perform the necessary engineering studies for the following improvements:</p> <p>A. Undergrounding of utilities, including but not limited to phone, cable, electric and street light conductor, including providing any necessary easements to place the transformers where necessary.</p>

		<p>B. Potentially relocating utilities, including water and gas lines as necessary to accommodate the undergrounding project.</p> <p>C. Performing a drainage analysis and implement the necessary drainage improvements.</p> <p>D. Performing a pavement analysis and implement the necessary pavement improvements.</p> <p>E. Analyzing the water line in the alley and determine if line needs to be repaired, replaced or upsized.</p> <p>F. Providing street lighting.</p> <p>G. Providing a traffic evaluation of operations in the alley (including a no left turn sign).</p>
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Sec. 90.77(c)

	Minimum Required	Proposed
Off-Street Parking	203 Spaces	<p>102 Spaces, of which 20 are tandem.</p> <p>101 Spaces are proposed to be paid into the Parking Trust Fund</p>

Sec. 90.83

Off-Street Loading	Minimum Required	Proposed
10,000 -60,000 square feet	1 spaces on site	1 space on site

Sec. 90.91

Vegetative Provisions	Minimum Required	Proposed
Xeriscape in pervious area	50%	74%

Sec. 90.91.2

Buffers	
Landscape buffer adjacent to streets and abutting properties	Application meets or exceeds all requirements.

Sec. 90.93

Open Space	
Landscaping along all buildings and structures, shrubs and trees required in open space	Application meets or exceeds all requirements.

SPECIAL EXCEPTION

SPECIAL EXCEPTION

Section 90-37 of the zoning code states that in cases of uncertainty regarding whether or not a use is permitted, the classification of any use not specifically named in the regulations may be presented to the Planning and Zoning Board for a recommendation to the Commission for final action.

The existing facility has a preschool component. The application includes an expansion of the preschool for a total number of 225 students. The zoning code permits public schools in this zoning category, but a preschool is not specifically stated as a permitted use. Preschools are often ancillary uses to a religious institution. Staff has researched the approval process for the existing facility and cannot determine the procedure in which the existing preschool was permitted.

The Planning and Zoning Board shall provide a recommendation to the Commission to determine if the preschool should be considered a permitted use.

DEVELOPMENT IMPACT COMMITTEE SUMMARY

DEVELOPMENT IMPACT COMMITTEE MEETING

The Development Impact Committee (DIC)* met on October 17, 2013 and January 9, 2014 to discuss the application for The Shul ("the Project"). The DIC meetings were attended by the following:

Staff Attendees: Michael Crotty, Town Manager
Joe Kroll, Public Works
Linda Miller, Town Attorney
Sarah Johnston, Assistant Town Attorney
Nancy Stroud, Consulting Attorney
Tim Milian, Parks and Recreation
Ross Prieto, Building Official
Sarah Sinatra Gould, Town Planner
Donald Nelson, Finance Director
David Allen, Chief of Police

Applicant Attendees: Stan Price, Bilzin, Sumberg
Rabbi Lipskar, Shul
Mitch Feldman, President, Shul
Yankie Andrusier, Owners Representative, Shul
Marc Sheridan, Shul

Citizen Attendees (who signed in): None

The purpose of the DIC meeting is to discuss impacts of the projects and any mitigation efforts offered by the property owner. The following outlines the discussion items, however, as the conditions have been finalized, there have been changes and modifications to the items below. The following items are intended to act as minutes for the meeting. Numbers 15-18 are voluntary proffers that were initially discussed at the October 17, 2013 meeting. A resolution was not met at the October 17, 2013 meeting as to the conditions relating to these three proffers. Therefore, a second DIC meeting was held on January 9, 2014. The outstanding proffers were discussed and finalized. Also discussed at this meeting were specific concerns relating to deadlines for completion of tasks or submittal of requirements. Staff and the applicant came to an agreement on appropriate timeframes, which is reflected in the Resolution. The final negotiated proffers are also provided in the Resolution.

- 1. Applicant indicated they will have an agreement with Bay Harbor Islands to provide parking for special events at the Shul. Staff stated that the code permits off-site parking within a 300 foot radius. The off-site parking in Bay Harbor Islands is not within this radius, but the Applicant indicated they will be utilizing shuttles. Shul stated they will be paying a portion of the off-site requirement into the parking fund and utilizing the Bal Harbour shops to meet the 300 feet requirement. This was the first time Staff heard this scenario and will need to investigate. Staff did notify the applicant that if this scenario were permitted, confirmation from Bay Harbor Islands of the off-site parking would need to be submitted to the Town.*

2. *The Town referenced a parking study completed by the Village Bal Harbour, which indicates there is not excess parking to meet the off-site needs of the Shul. The applicant indicated the report is incorrect and does not effectively reflect their request.*
3. *Prior to application for the initial building permit the Applicant agreed to submit a construction parking plan providing off-street parking for construction workers during the period of construction of the Shul Project to the Town manager for review and approval.*
4. *Staff indicated that the preschool is not an expressed use in the Town code and therefore would require a Special Exception for the Town Commission to confirm if the use is appropriate. The Applicant indicated that under RLUIPA, a preschool would also fall under a place of public assembly. Staff indicated they would research the issue further.*
5. *The Applicant agreed to provide a transportation operational plan to be adopted prior to Building Permit for drop off and pick up for children approved by Police Chief during the construction of the addition.*
6. *The Applicant agreed to provide valets when the parking garage is in use.*
7. *The Applicant agreed to provide a wall between hotel and the Shul prior to construction. This wall shall be the first construction element.*
8. *The Applicant was notified that the Town will request the Shul to design the addition with all of the energy requirements necessary to obtain the equivalency of LEED Certification, at the time the plans are submitted for building permit. The Town shall provide similar language utilized in the Chateau's condition of approval to the Shul for their review.*
9. *The Applicant agreed to cap the student enrollment at the preschool to 225 students.*
10. *Staff indicated the following improvements will be required for the alley*
 - a. *Undergrounding of utilities, including providing any necessary easements to place the transformers where necessary.*
 - b. *Potentially relocating utilities, including water and gas lines as necessary to accommodate the undergrounding project*
 - c. *Perform a drainage analysis and complete the necessary improvements*
 - d. *Perform a pavement analysis and complete the necessary improvements*
 - e. *Analyze the water line in the alley and determine if line needs to be repaired, replaced or upsized*
 - f. *Provide street lighting*
 - g. *Traffic evaluation of operations in the alley (no left turn sign).*
11. *The Applicant agreed to provide a construction plan describing how the water line will remain operable for the businesses throughout the alley during construction.*
12. *Timing of the signal at 95th Street was discussed. FDOT will need to be including in discussions of modifications to the timing of the signal for better traffic flow.*
13. *The Applicant shall provide an off-duty police officer during construction for events and pre-school drop off.*
14. *The Applicant indicated there would be an 18 month construction schedule.*
15. *A PILOT for resort tax was discussed. The Town offered to review the last 3 years of catering fees and base the PILOT on those amounts. This would require an annually reviewed agreement. The PILOT will apply to outside catering facility agreements (not Shul functions), which would be based on affidavits provided yearly basis. The Applicant discussed having the caterer set aside 2% to the Town instead as part of the agreement. This needs further analysis from both Staff and the Applicant.*

16. \$250,000 to underground utilities in the alley – No agreement finalized. The overall alley improvements include a requirement to underground the utilities.
17. \$175,000 for Phase II of the 95th Street Project – No agreement finalized. The Applicant wants a budget for 95th Street improvements to determine if the \$175,000 is their proportionate fair share and what other developers paid for their contributions. They asked if they can phase in their payments and to discuss a fair phasing plan.
18. \$100,000 for Downtown beautification – No agreement finalized. The Applicant does not feel that the improvements to downtown will directly benefit the Shul and asked to see if beautification funds can be a direct benefit to the Town and Shul alike, such as paying for beautification on Collins Avenue.

There have been discussions and revisions to the above conditions, which have been included in the attached resolution. If the resolution is recommended by the Planning and Zoning Board to the Town Commission, it will become a covenant running with the property as part of the Development Order. The Planning and Zoning Board and the Town Commission may modify any of the conditions and/or request additional conditions to be included in the Development Order.

***NOTE:** The DIC meetings are televised on the Town's Channel 77 and are publicized on the Town's website and Town Hall.

RESOLUTION

RESOLUTION NO. 14-Z-0__

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A SITE PLAN APPLICATION, PURSUANT TO SECTION 90-41 ET SEQ. OF THE ZONING CODE, AND A SPECIAL EXCEPTION FOR A PRESCHOOL, PURSUANT TO SECTION 90-37 OF THE ZONING CODE TO PERMIT A 5,122.9 SQUARE FOOT MULTIPURPOSE ROOM AND A 51,850 SQUARE FOOT THREE STORY CLASSROOM FACILITY, INCLUDING AN EXPANSION OF THE EXISTING PRESCHOOL AND EXCLUDING A SCHOOL, AS SUBMITTED BY THE SHUL, SUBJECT TO CERTAIN CONDITIONS WHICH SHALL BE INCLUDED IN A RECORDED COVENANT RUNNING WITH THE LAND, AND PROVIDING FOR A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

I. RECITALS.

WHEREAS, The Shul, (the “Applicant”), owner of the property located at 9540 Collins Avenue, Surfside, FL 33154, with a general location of the west side of Collins Avenue and 95st Street, Surfside, FL, (the “Property”) submitted an application to the Town of Surfside, Florida (the “Application”) on July 27, 2012 requesting approvals for the development of the Property, consisting of an application for site plan approval and an application for special exception approval (the development hereinafter “the Project”) as set forth below:

A. Pursuant to Section 90-41 et seq., of the Town Zoning Code, site plan approval of a 5,122.9 square foot multipurpose room and a three story classroom facility, including an expansion of the existing preschool.

B. Pursuant to Section 90-37(2) of the Town Zoning Code, special exception approval for a preschool up to a maximum capacity of 225 students.

Plans are on file and may be examined in the Building Department entitled The Shul, which plans may be modified at public hearing (hereinafter referred to as the “Plans”), prepared by Shapiro Associates submitted on January 22, 2014 and consisting of a set of sheets including the following:

Architecture sheets: A1.0 Ground/Site Plan, A1.01 Site Plan Pervious Area, A2.0 Parking Level, A2.01 Parking Level, A3.0 Ground Floor, A3.01 Ground Floor, A3.02 Existing Atrium Plans, A4.0 Existing Second Floor, A4.01 Second Floor, A5.0 Third Floor, A6.0 Roof Plan, A7.0 Exterior Elevations, A7.01 West Elevation, A8.0 Exterior Lighting Plan, A.01 The Shul Northeast View from Collins Avenue, A.02 Pictures, A.03 Pictures.

Prepared by: Jaime Shapiro of Shapiro and Associates.

Survey sheet: Revised field work, January 8, 2013
Prepared by: Jose A. Perez of Continental Land Surveyors, Inc.

Civil sheets C-1 Preliminary Grading & Drainage Upper Level Plan, C-2 Preliminary Grading & Drainage Lower Level Plan, C-3 Preliminary Water & Sewer Plan
Prepared by: Susan Holland of Holland Engineering, Inc.

Landscape architecture sheets L-1 Tree Survey & Disposition Plan, L-2 Plant List & Landscape Requirements, L-2.1 Planting Details, L-3 Planting Details, IR-1 Irrigation Plan, IR-2 Roof Level Irrigation Plan
Prepared by: Rhett Roy Landscape Architecture Planning, P.A.

Legal Description: See attached Exhibit “A” “Legal Description”

ADDRESS: 9540 Collins Avenue, Surfside, FL 33154

WHEREAS, on August 22, 2012, February 13, 2013, March 28, 2013 and July 18, 2013, the Town’s Development Review Group, pursuant to the Town’s Zoning Code Section 90.20, met to review the site plan application and provide technical comments to the Town staff and to the Applicant; and

WHEREAS, the Town’s Development Impact Committee, after advertised notice and notice posted on the Town’s website, met on October 17, 2013 and January 9, 2014 and during the televised meeting, reviewed the Application and made recommendations to the Town’s Planning and Zoning Board in accordance with the criteria set forth in the Town’s Zoning Code Section 90.20. Its recommendations for approval, subject to certain conditions set out in the Development Impact Committee Report, are incorporated herein under Section IV. Conditions, and, together with all other conditions imposed by the Planning and Zoning Board and the Town Commission, shall be accepted by the Applicant and owner of the Property and their heirs, successors and/or assigns, and shall be made part of a recorded covenant running with the land; and

WHEREAS, on February 27, 2014, the Planning & Zoning Board, at a duly noticed and televised quasi-judicial public hearing, after reviewing the Application and hearing from its professional staff, the Applicant, and members of the public, considered the requirements of Section 90-41 et seq. of the Town Zoning Code for Site Plan Approval and Section 90-37(2) of the Town Zoning Code for Special Exception Approval and the Application’s consistency with the Town of Surfside’s Comprehensive Plan and recommended the Application for approval by the Town Commission, subject to all of the conditions recommended by the Development Impact Committee and the additional conditions of approval incorporated herein under Section IV. Conditions; and

WHEREAS, on _____, the Town Commission, at a duly noticed and televised quasi-judicial public hearing, after reviewing the Application, the recommended conditions, and all accompanying documentation, including written reports from its Town Planner and other consultants, and hearing from its professional staff, the Applicant, and

members of the public, found substantial competent evidence that the Applicant's requests for site plan approval and approval of the special exception is in compliance with the Zoning Code and the Comprehensive Plan of the Town and maintain the basic intent and purpose of the zoning, subdivision or other land use regulations, which are to protect the general welfare of the public, particularly as it affects the stability and appearance of the community; and, further, found that said requests should be granted, per plans on file, and subject to all of the conditions set forth in this Resolution, which shall be binding upon the Applicant, its heirs, successors and/or assigns, and the execution of any attendant agreements, including a covenant running with the land in a form approved by the Town Attorney, and with a time limitation of twenty-four (24) months in which to obtain a building permit, subject to extensions as provided in Condition No. 36 of this Resolution.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPLICABLE TO APPLICANT, ITS SUCCESSORS AND/OR ASSIGNS, RECOMMENDS APPROVAL TO THE TOWN COMMISSION AS FOLLOWS:

II. INCORPORATION OF RECITALS AND FINDINGS OF FACT.

A. All recitals set forth above are incorporated into the body of this Resolution as if same were fully set forth herein.

B. The Town Commission, after review finds that the proposed Site Plan, with the conditions as recommended herein, is in compliance with the requirements and criteria set forth in sections 90.41 et seq., of the Zoning Code of the Town of Surfside.

C. The Town Commission finds that the proposed Special Exception, with the conditions as recommended herein, is an accessory use to The Shul and is in keeping with uses specifically listed in the district as required by Section 90-37 "Special Exceptions" of the Zoning Code of the Town of Surfside.

III. APPROVALS.

A. The approvals set forth in this Section III are subject to all of the conditions set forth in this Resolution and the execution of all attendant agreements prior to the issuance of the initial building permit for the Project.

B. The Applicant's request for approval of the site plan submitted for the property known as the "The Shul" located at 9540 Collins Avenue, with a general location of the west side of Collins Avenue and 95th Street be, and the same is, hereby granted and said site plan is hereby approved, subject to all of the conditions provided in this Resolution. The failure of performance of any of these conditions shall be deemed grounds for revocation of this approval.

C. The Applicant's request for approval of a special exception use for a preschool up to a maximum capacity of 225 students as an accessory use to The Shul on the west side of Collins Avenue and 95th Street be, and the same is, hereby granted subject to all of the conditions of approval related to the preschool use as provided in this Resolution.

IV. CONDITIONS.

AGREED UPON CONDITIONS:

1. Prior to consideration of the application by the Town Commission, the Applicant's counsel shall provide a legal opinion that the application does not violate the terms of Section 4 of the Town Charter, the Town's Comprehensive Plan and the Town's Zoning Code or in lieu thereof provide an agreement from Applicant in a form sufficient and acceptable to the Town Attorney to defend and hold harmless/covenant not to sue the Town against any suits, claims or demands arising from approval of the application for special exception approval and site plan approval. The hold harmless/covenant not to sue shall be to the benefit of the Town and not to any third party.
2. The Applicant shall provide the Town with a detailed estimated schedule for the construction of the Project (the "Construction Schedule"), including but not limited to all improvements to the alley, within sixty (60) days of approval of the Application by the Town Commission. Failure to meet the estimated achievement dates stated on the Construction Schedule shall not excuse any delay in making the mandatory payments by the dates required by the dates set forth in this Resolution. Further, the Applicant shall provide, prior to issuance of the initial building permit, a transportation plan for access to The Shul during construction. This plan must include a specific operations plan for the arrival and dismissal of students. Said transportation plan shall be approved by the Chief of Police in his sole discretion. The plan shall be modified as necessary during construction to provide for continued safe access subject to approval of the Chief of Police.
3. Within ninety (90) days of approval of the Application, the Applicant shall submit a clause for the approval of the Town Manager and Town Attorney, which clause shall be included in all contractor and subcontractor agreements applicable to this development and which states that all construction workers are prohibited from parking on residential streets or public parking lots. Prior to application for the initial building permit the Applicant shall submit a construction parking plan providing off-street parking for construction workers during the period of construction of The Shul Project to the Town Manager for review and approval. The construction parking plan shall provide: (a) Applicant's general contractor shall direct all workers to park at off street sites; (b) no workers shall park their vehicles in residential neighborhoods; (c) no workers shall park their vehicles in public parking lots and d) Applicant shall provide monthly reports to the Town Manager of any problems or complaints with regard to workers parking their vehicles off site and in residential neighborhoods and, as the Town Manager may

deem necessary, shall provide more frequent reports and develop additional preventive measures to protect the residential neighborhoods.

4. Applicant agrees to provide a construction plan describing how the water line will remain operable for the businesses adjacent to the alley during construction of the
5. The Applicant shall furnish payment and performance bond, cash or letter of credit issued in a form and by a bank reasonably acceptable to the Town and not to exceed five percent of the construction cost, as required by the Building Official. These funds shall be used to secure property and construction site in the event construction is abandoned, or ceases prior to completion, or to repair public infrastructure damaged by construction, and to maintain the site during abandonment. The bond or cash equivalent shall be posted prior to the issuance of the initial building permit. The final determination regarding what property shall be replaced will be in the reasonable determination of the Director of Public Works. The Director of Public Works and the Building Official shall determine the amount jointly. Any such bond shall be issued by a surety having a minimum rating of A-1 in the Best's Key Rating Guide, Property/Casualty edition, shall be subject to the approval of the Town and shall include this legend: "This bond may not be cancelled or allowed to lapse until 30 days after receipt by the Town, by certified mail, returned receipt requested, addressed to: "Town Manager with a copy to: Town Attorney, both addressed to: Town of Surfside, 9293 Harding Avenue, Surfside, FL 33154-309" of written notice from the issuer of the bond of its intent to cancel or to not renew." As improvements are made, the Town, within its reasonable discretion, may reduce or eliminate the bond amount. These rights reserved by the Town with respect to any construction bond established pursuant to this section are in addition to all other rights and remedies the Town may have under this Resolution, in law or in equity.
6. The Applicant shall submit plans for the construction of an appropriate barrier between the construction site and adjoining properties in order to minimize blowing of sand and dust and construction debris. The Applicant shall comply with the regulations of the Code of the Town of Surfside relating to construction site operations including construction hours and fencing. The Applicant will use its good faith efforts to minimize vibration and noise during construction of the project.
7. The Applicant shall provide a construction fence with a windscreen, as required by the Town Code. The windscreen shall display a rendering of the project.
8. An irrigation plan shall have been approved by the Town prior to issuance of the first building permit.
9. The Applicant shall design The Shul Project with all of the energy requirements that are equivalent to LEED Silver Certification, as certified by Applicant to the satisfaction of the Town Building Official at the time the plans are submitted for

the initial building permit. The Shul shall provide a letter to the Town from its design professional stating how the design meets the criteria equivalent to LEED Silver Certification. Applicant acknowledges and agrees that the Town Manager, at his sole discretion, may retain a consultant to certify that compliance with the plans as submitted shall match or exceed all of the energy requirements necessary to obtain the equivalency of LEED Silver Certification, and that Applicant shall reimburse the Town for the reasonable charges of the consultant.

10. The Applicant shall meet all requirements of the Department of Public Works for the location and design of trash containers prior to the issuance of the initial building permit. A recycling plan shall be submitted prior to the issuance of the initial building permit. Sixty days prior to submittal of its request for a demolition permit, Applicant shall submit a demolition plan to Town Manager and Town Building Official that meets all Federal, State, and local requirements and that recycles a minimum of eighty percent (80%) of the demolition material.
11. Applicant agrees to provide a wall or opaque fence between hotel and the Shul prior to construction. This wall shall be the first construction element.
12. All pedestrian features shall comply with the Americans With Disabilities Act (ADA), including but not limited to detectable warning features at driveway locations and be identified with details of ADA conforming handicapped ramps at the time of engineering permit.
13. Any new sidewalk, curbs, and gutter along Collins Avenue must be approved and permitted by the Florida Department of Transportation ("FDOT"). Proof of a FDOT permit shall be required prior to any work being performed within the Collins Avenue right-of-way. Any new sidewalk and curb and gutter along 95th Street must be approved and permitted by Miami-Dade County.
14. The Applicant shall discuss the timing of the signal at 95th Street with FDOT, including discussion of modifying the timing of the signal for better traffic flow.
15. The Applicant shall reimburse the Town for any work performed by the Town resulting from the Applicant's need to provide water and sewer service along Collins Avenue, 95th and 96th Streets, and Harding Avenue. Any work necessary within the FDOT ROW shall comply with FDOT regulations.
16. The Applicant shall provide utility fees to the Town of Surfside in the amount prescribed in the Code Section 78-83 and calculated using all fixtures in the buildings. Said fee shall be paid at the issuance of the Building Permit. There shall be no off-set for existing fixtures to the extent provided by Town Code.
17. The Applicant shall meet all requirements of the Department of Public Works and Miami-Dade County for water, sewer, and storm drainage services.

18. The Applicant shall comply with all applicable conditions and permit requirements of Miami-Dade County's Department Regulatory and Environmental Resources, the Miami-Dade County Fire/Rescue Department, the Miami-Dade County Water and Sewer Department, Florida Department of Environmental Protection (FDEP), the FDOT and all other applicable regulatory agencies. Applicant shall provide copies of approvals from Miami Dade County's Department Regulatory and Environmental Resources for storm water, FDEP for storm drainage well, and FDOT for Driveway / Drainage Connection(s) permit prior to any construction taking place. Applicant shall pay all applicable fees prior to building permit.
19. The Applicant will fund and perform the necessary engineering studies within thirty (30) days of approval of this Resolution for the following improvements. Prior to undertaking any engineering studies, the Applicant shall provide a scope of the study to the Town for its approval. Subject to Town approval of the engineering studies and plan for implementing the improvements, Applicant shall implement at its cost the following improvements for the alley to accommodate the Project.
 - A. Undergrounding of utilities, including but not limited to phone, cable, electric and street light conductor, including providing any necessary easements to place the transformers where necessary.
 - B. Potentially relocating utilities, including water and gas lines as necessary to accommodate the undergrounding project.
 - C. Performing a drainage analysis and implement the necessary drainage improvements.
 - D. Performing a pavement analysis and implement the necessary pavement improvements.
 - E. Analyzing the water line in the alley and determine if line needs to be repaired, replaced or upsized.
 - F. Providing street lighting.
 - G. Providing a traffic evaluation of operations in the alley (including a no left turn sign).
20. The Applicant shall maintain an interactive website during construction and provide for a maximum of 24 hour response complaint/response mechanism for nearby property owners.
21. The Applicant shall provide an off-duty police officer during construction, preschool drop-off and events at the Shul as warranted in the opinion of the Town Manager.
22. The Applicant agrees to cap the student enrollment at the preschool to 225 students.

23. The Project shall provide valet parking service for all special events requiring parking in excess of the spaces provided in The Shul's parking garage.
24. The Applicant shall obtain permits required by the Code for special or holiday events. The Applicant shall provide an annual calendar and monthly calendars of such events to the Town and coordinate such events through the Parks and Recreation Department. The use of a removable Sukkah the roof deck will be restricted to the week of the holiday, plus three days before and three days after for setup and removal.
25. Within 5 days of each event at which catering services are provided, the Applicant shall provide to the Town the name and contact information of the caterer and the date of the event. The Applicant shall ensure that the caterer remits payment of the Town resort tax to the Town by requiring as a condition to any contract for catering services that the caterer remit payment of the resort tax directly to the Town within 30 days of the event.
26. The Applicant shall provide educational tours for the community. The Applicant will control the times and number of such event. The Town will coordinate these events with the Applicant.
27. The Applicant shall replace any dead or dying plant material within 30 days of the first indication that the plant material is dying.
28. All stationery and Temple references shall be to The Shul and not to The Shul of Bal Harbour.
29. The Applicant shall contribute \$100,000 of the project cost for Phase II of the 95th Street Project from Collins Avenue to Harding Avenue. The 95th Street Project includes but is not limited to landscaping and streetscape improvements along 95th Street from Harding Avenue to Bay Drive. Upon award of the construction contract by the Town, Applicant shall pay one-half of the total contribution, with the remaining contribution amount to be paid when the 95th Street Project is complete.
30. The Applicant will purchase one hundred and one (101) parking spaces from the Town at a cost of \$22,500, per parking space, for a total contribution to the Parking Trust Fund of \$2,272,500, as follows:
 - A. Parking Trust Fund Cost: one hundred and one (101) spaces x cost of \$22,500
 - B. Required Contribution: \$2,272,500 contribution
 - C. Parking Trust Fund Terms: Applicant shall pay the required contribution by making 30 equal annual payments, each in the amount of 1/30th of the total amount.

- D. **Payment Due:** The first payment will be due when the Applicant requests a Certificate of Use from the Town. Subsequent payments shall be due on the same month and day of each following year.
 - E. Payments shall be made until the total required contribution is met or until the Applicant and the Town (and such other parties as may join in the partnership) reach an agreement for a public-private partnership for the construction of a parking facility, which pursuit of a public-private partnership shall be in the sole discretion of the Town.
31. All voluntary proffers and commitments made to the Town of Surfside pursuant to the Resolution and these Conditions shall be binding upon Applicant, its heirs, successors and assigns, and, as to payments, shall be due and payable, or in the event of an action, shall be performed, in strict compliance with the manner and within the time frames set forth in these Conditions and any change in ownership, or modification of the site plan or design, whether substantial or minor in nature, shall not excuse the performance or the payments, all of which are part of the Conditions subject to which the Applicant's request for site plan approval and special exception approval were granted.
32. No building permits shall be issued (except for demolition, temporary power and construction trailers) unless the Applicant has submitted all documents required under this approval as of that date, in form and content subject to the approval of the Town Attorney and Town Manager, and shall have paid all professional and other payments required by the Code of the Town of Surfside to be paid as of that date, including but not limited to, the connection and development fees in accordance with Section 78-83 of the Code of the Town of Surfside, entitled "development fee imposed; time of payment" are paid.
33. The Town Manager or his designee, in review of any application prior to the issuance of a building permit or thereafter, if there are any material amendments to the site plan approval, may refer any such application presented to such engineering, planning, legal, technical or environmental consultant or professional(s) employed by the Town as the Town Manager shall deem reasonably necessary to enable him to review such application as required by law. Charges made by the Town shall be in accord with reasonable hourly rates made by such consultants or the hourly rates of employed professionals and shall be paid by Applicant within thirty (30) days of submission of a Town voucher to Applicant. Determination of whether a change is considered material or minor shall be in the sole discretion of the Town Manager in the absence of controlling language in the Town's Zoning Code. The use of the buildings for a school, college or yeshiva shall be considered a material change and require a site plan amendment. A material change shall be processed in the same manner as the original site plan. A minor change shall be reviewed and approved by the Town Manager or, in his sole discretion, may be referred to the Town Commission for review and approval in the same manner as the original site plan.

34. Prior to issuance of the initial building permit, Applicant shall execute a recordable covenant running with the land, binding upon its heirs, successors and assigns, subject to the approval of the Town Attorney, which shall be recorded in the public records of Miami-Dade County, Florida at Applicant's sole expense, which shall include all of the conditions and provisions required by this Resolution. This recorded covenant may be amended from time to time and shall be re-recorded at the Applicant's sole expense after approval by the Town Attorney. Such amendments shall occur each time any modifications or changes are made to this Resolution. If minor changes are made to the original site plan, the covenant shall be amended as set forth above if, in the opinion of the Town Manager or the Town Attorney, such changes require changes to the recorded covenant.
35. The applicant shall complete a parking and traffic study to be completed by the Shul when the preschool enrollment reaches 200 students. This traffic study shall be reviewed by Town staff. If the analysis demonstrates a negative impact to the Town's adopted level of service standards or to the safety of traffic flow on or near the Shul property, the applicant shall present mitigation strategies to the Town Commission for its approval.
36. The applicant shall explore an option of adding a second entrance to the parking lot, which entrance shall be analyzed by the Town's traffic engineer.

Other Conditions:

37. The Applicant shall obtain a Certificate of Occupancy and Certificate of Use from the Town upon compliance with all terms and conditions of this Resolution. The Certificate of Occupancy and Certificate of Use shall be subject to cancellation upon violation of any of the conditions of this Resolution, in accordance with the law.
 38. The site plan shall remain valid for a period of 24-months from the date of approval of this Resolution by the Town Commission. If no building permit is issued within the 24-month time period, the site plan shall be considered null and void and of no force and effect unless extensions of time are requested and obtained pursuant to law.
- IV. SEVERABILITY CLAUSE.** In the event any portion or section of this Resolution is determined to be invalid, illegal or unconstitutional by a court or agency of competent jurisdiction, such decision shall in no way affect the remaining portions of this Resolution, which shall remain full force and effect.
- V. EFFECTIVE DATE.** This Resolution shall become effective upon adoption.

PASSED and ADOPTED on this ____ day of _____ 2014.

PASSED AND ADOPTED this ____ day of _____ 2014.

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION

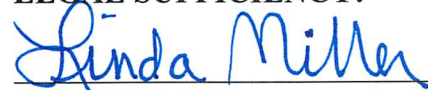
Commissioner Barry Cohen _____
Commissioner Michael Karukin _____
Commissioner Marta Olchyk _____
Vice Mayor Eli Tourgeman _____
Mayor Daniel Dietch _____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC, Town Clerk
Town Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**



Linda Miller, Town Attorney

STATE OF FLORIDA)

COUNTY OF MIAMI-DADE)

I, Sandra Novoa, CMC, Town Clerk of the Town of Surfside, Florida, do hereby certify that the above and foregoing is a true and correct copy of Resolution No. __-Z-____ adopted by the Town Commission at its meeting held on the _____ day of _____, 2014.

Issued: _____

Sandra Nova, CMC
Town Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

**LOT 2, 3, 4, 5, 6, 7, 8 and 9 BLOCK 3
SUBDIVISION ALTOS DEL MAR NO. 6
ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAY BOOK 8 AT PAGE 106
OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA
9512-9524-9532-9540-9550 AND 9560 COLLINS AVENUE
SURFSIDE, FL 33154**

APPLICATIONS AND LETTERS OF INTENT



TOWN OF SURFSIDE
MULTI-FAMILY AND NON-RESIDENTIAL DESIGN REVIEW APPLICATION
 (Signs, awnings, store fronts, fences, and walls etc)

A complete submittal includes all items on the "Multi-family and Non-Residential Design Review Application Submission Checklist" document as well as completing this application in full. The owner and agent must sign the application with the appropriate supplemental documentation attached. Please print legibly in ink or type on this application form.

<u>PROJECT INFORMATION</u>	
OWNER'S NAME	THE SHUL OF BAY HARBOR INC.
PHONE / FAX	P. 305.868.1411 F. 305.861.2426
AGENT'S NAME	JAMIE SHAPIRO AIA
ADDRESS	1150 KANE CONCOURSE, BAY HARBOR FL. 33154
PHONE / FAX	PH. 305.866.7374 F. 305.866.7474
PROPERTY ADDRESS	9540 COLLINS AVE. SURFSIDE FL. 33154
ZONING CATEGORY	
DESCRIPTION OF PROPOSED WORK	NEW MULTIPURPOSE GLASS ATRIUM AND JOINING LEARNING CENTER (3 STORIES)

<u>INTERNAL USE ONLY</u>			
Date Submitted	_____	Project Number	_____
Report Completed	_____	Date	_____
Fee Paid	\$ _____		

<u>ZONING STANDARDS</u>	Required	Provided
Sign Area (if applicable)	_____	_____
Awning Size (if applicable)	_____	_____
Fence Height (if applicable)	_____	_____
Wall Height (if applicable)	_____	_____

JCC AS OWNERS REP

 SIGNATURE OF OWNER DATE 7-20-12

[Signature]

 SIGNATURE OF AGENT DATE 7.20.12



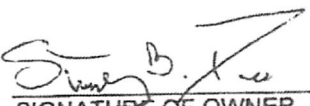
TOWN OF SURFSIDE
SPECIAL EXCEPTION APPLICATION

A complete submittal includes all items on the "Submission Checklist for Special Exception" document as well as completing this application in full. The owner and agent must sign the application with the appropriate supplemental documentation attached. Please print legibly in link or type on this application form.

PROJECT INFORMATION	
OWNER'S NAME	Shul of Bal Harbor, Inc., a Florida non-profit corporation
PHONE/FAX	305-350-7234
AGENT'S NAME	Eric Stein
ADDRESS	9540 Collins Ave.
PHONE/FAX	305-350-7234
PROPERTY ADDRESS	9540 Collins Ave.
ZONING CATEGORY	H-40
DESCRIPTION OF SPECIAL EXCEPTION (please use separate sheet)	Special Exception to permit a pre-school as an ancillary use to a religious facility.

INTERNAL USE ONLY			
Date Submitted	_____	Project Number	_____
Report Completed	_____	Date	_____
Comments	_____		

CRITERIA (Please use separate sheet to respond to "a" or "b")	
a.	Nonconforming uses as follows:
i.	A nonconforming use now existing in any part of a building to be extended vertically or laterally to other portions of the building.
ii.	To determine the existence of a nonconforming use.
b.	Other special use exceptions as follows:
i.	To determine, in cases of uncertainty, the classification of any use not specifically named in these regulations; provided, however, such use shall be in keeping with uses specifically listed in the district.



SIGNATURE OF OWNER
ATTORNEY IN
FACT

2/4/14

DATE



SIGNATURE OF AGENT

2/4/14

DATE

MIAMI 3969767.1 80299/42345

Stanley B. Price
Tel: 305-350-7234
Fax: 305-351-2218
sprice@bilzin.com

February 4, 2014

VIA EMAIL

Ms. Sarah Sinatra Gould, AICP
Planning Department Manager
Planning and Zoning Department
Town of Surfside
9293 Harding Avenue
Surfside, FL 33154

*Re: Shul of Bal Harbour, Inc., a Florida non-profit corporation
Property Location: 9450 Collins Avenue, Surfside, Florida*

LETTER OF INTENT

Dear Ms. Gould:

Please accept this correspondence to our formal Letter of Intent in connection with your Department's rules and regulations for filing a Special Exception application ("Application"). This firm represents Shul of Bal Harbour, Inc, a Florida non-profit corporation (hereinafter the "Applicant"), the owner of approximately 0.46± acres of land located at 9450 Collins Avenue (collectively referred to hereinafter as the "Property").¹

The existing synagogue is proposing an expansion consisting of additional parking spaces, a multi-purpose room, adult classroom spaces and pre-school classroom spaces for biblical study which are all ancillary to the existing religious facility. In accordance with the land development code the Applicant respectfully requests a special exception to permit a pre-school as an ancillary use to an existing religious facility on the Property. A religious school has been operating on this property for many years; religious schools are ancillary uses to houses of worship.

Since the Town of Surfside's ("Town") land development regulations do not address pre-school uses, it has been determined by the Town's attorney that since the proposed use is not specifically named in the regulations the Applicant is require to request a special exception for the pre-school

¹ For a more particular description of the Property, please refer to the legal description attached hereto and incorporated herein as Applicants Exhibit "A".

Ms. Sarah Gould
Page 2
February 4, 2014

use. However, a school is a place of public assembly as define in the Town's Code of Ordinances and should not be subject to a Special Exception Application.

Pursuant to Section 90-37(2) of the code, in order to authorize a special exception use from the terms of these land development regulations, the Town commission may granted said use when finding that:

(2) Other special use exception as follows;

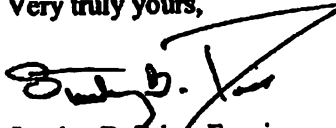
- i. To determine, in the cases of uncertainty, the classification of any use not specifically named in these regulations; provided, however, such use shall be in keeping with the uses specifically listed in the district.

Private educational facilities are not address in the town's code, the pre-school use in keeping with the uses specifically listed for the district. The town's Comprehensive Master Plan and the Land Development Regulations under Section 90-41 permits public schools in the same district (H-40) in which the Applicant is proposing the pre-school. It is safe to say that a public school is a more intense use than the use being proposed in this application.

The proposed pre-school will be an ancillary use that serves to address both the need of the congregation as well as servicing the immediate neighborhood, which is primarily comprised of middle class families residing in single-family and multifamily developments. The pre-school will provide parents with an option that would further their children's religious and secular educational needs.

Based on the foregoing, we respectfully request a departmental recommendation supporting the Application. As always, we want to answer any questions or provide any additional information or documentation that you might find helpful. If we can be of assistance, please do not hesitate to contact me at (305) 375-6139. Thank you for your consideration.

Very truly yours,



Stanley B. Price, Esquire

3972835.1 80299/42345