



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: September 23, 2013

SUBJECT: **DISCUSSION OF THE REDEVELOPMENT OF THE TALMUDIC UNIVERSITY PROPERTY LOCATED AT 4000 ALTON ROAD**

HISTORY/BACKGROUND

On April 17, 2013, at the request of Commissioner Libbin, the City Commission referred a discussion item to the Land Use and Development Committee, regarding the redevelopment of the Talmudic University property located at 4000 Alton Road.

The Talmudic College at 4000 Alton Road is seeking to expand its current facilities, including the construction of new residential buildings, as well as the use of adjacent, surplus FDOT parcels for additional development.

ANALYSIS

The subject property at 4000 Alton Road is currently zoned RM-2, Multi-Family Medium Intensity. The existing school and associated residential are allowable uses within the RM-2 district both as of right, and through the Conditional Use process. Pursuant to Section 142-217 of the City Code, the maximum height limit for the property at 4000 Alton Road is 6 stories / 60 feet.

In order to accommodate a proposed expansion of the master plan for the University, the owners of the property are proposing the following:

1. A code amendment that would increase the maximum allowable height on the site from the current 6 stories / 60 feet to 8 stories / 80 feet.
2. A re-zoning of the adjacent surplus FDOT parcels from the current 'GU' to 'RM-2'.
3. A Comprehensive Plan Amendment to change the Future Land Use Designation for the adjacent surplus FDOT parcels from the current 'ROS' to 'RM-2'.

The expansion plan proposed by the Talmudic College appears to be consistent with all applicable regulations and requirements of the City Code and the Comprehensive Plan. Additionally, the proposed location of the new structures on the site would comply with the contemplated changes to the development regulations, currently pending before the Planning Board and endorsed by the Land Use Committee, which would create a significant buffer between the existing single family zone across Alton Road, to the

immediate east of the subject property.

Planning staff has met with the representatives of the University on a number of occasions and believe that the scale and form of the proposed expanded master plan is evolving in an appropriate direction. It should also be noted that any expansion of the master plan at the subject site, regardless of whether the amendments to the Code proposed herein move forward, would still require separate approvals from the Planning Board and the Design Review Board, as part of the development review process.

CONCLUSION

The Administration recommends that further policy direction on this issue be provided. If there is support among all affected stakeholders, the matter can be referred to the Planning Board, for consideration as an Ordinance Amendment.


JLM/JMU/RGL/TRM

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BERCOW RADELL & FERNANDEZ
ZONING, LAND USE AND ENVIRONMENTAL LAW

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VIA HAND DELIVERY & EMAIL

July 17, 2013

Richard Lorber, Director
Planning Department
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

Re: Talmudic University Property Located at 4000 Alton Road, Miami Beach, Florida
- Code Amendment, Rezoning and Redesignation for Additional Development

Dear Richard:

This firm represents Talmudic College 4000 Alton Road, Inc. ("Talmudic University"¹), and BH 4000 Alton, LLC ("Residential Partner"), owners and partners with respect to the property located at 4000 Alton Road ("Property"). This letter shall serve as the letter of intent in conjunction with a code amendment regarding height and the rezoning and redesignation of small, surplus FDOT parcels adjacent to the Property for the ultimate goal of additional development on the Property as further described below.

Talmudic University. Established in 1974, the Talmudic University provides a world-class Yeshiva for Jewish learning and education. Under the leadership of Rabbi Yitzchak Zweig, it also provides classes, lectures and study opportunities to the surrounding community. Previously located in South Beach, approximately 8 years ago the Talmudic University seized the opportunity to move to the Property and expand its school and outreach activities in the former Howard Johnson's hotel and restaurant and embrace the thriving Mid-Beach Jewish community, as well as be in a more prominent location.

Property Description. The County plat records from 1923 and 1930 indicate that the Property originally contained residential lots with west property lines adjacent to Biscayne Bay and the east and north property lines abutting Alton Road and North Bay Road respectively. When the Julia Tuttle Causeway was constructed in the early 1960s

¹ Also known as Talmudic College.

connecting the mainland to Arthur Godfrey Road, a great deal of fill was added west of the Property. This new land forever changed the nature of the Property, creating a landlocked situation where although no longer located on the water, the Property is for all intents and purposes an island entirely surrounded by the multiple interchange ramps and Florida Department of Transportation (FDOT) retention areas of I-195, the terminus of the Causeway at Arthur Godfrey Road, and Alton Road.

The 2.28 acres comprising the Property became a new focal point for entry to Miami Beach and in 1965 the prior owners completed construction a Howard Johnson's hotel and restaurant on the northern portion of the Property. The building is approximately 75' tall containing 7 stories. The Talmudic University moved in about 8 years ago and converted the building into classrooms and dormitory residences for the Yeshiva students and their families. The southern portion of the Property contains a paved parking area that is mostly surplus parking for the existing structure.

The Property is adjacent to Alton Road in the east and a small parcel owned by the City in the northeast, which abuts Arthur Godfrey Road. The rest of the Property abuts land owned by FDOT. The Talmudic University presently leases abutting land comprising approximately 20,763 square feet (0.48 acres) from FDOT adjacent to the north and west sides of the Property and uses this land for recreation and open space, including a playground.

Land Use and Zoning. The Property is located in the RM-2, Residential Multifamily, Medium Intensity future land use category ("RM-2 Future Land Use") and RM-2, Residential Multifamily, Medium Intensity zoning district ("RM-2 Zoning District"). Policy 1.2 of the Future Land Use Element of the Comprehensive Plan of the City describes the permitted uses in RM-2 Future Land Use as single family detached dwellings, single family attached dwellings, townhouse dwellings, multiple family dwellings, apartment hotels and hotels, with a density limit of 100 dwelling units per acre and a maximum floor area ratio (FAR) of 2.0.

In accordance with 142-212 of the Code of the City of Miami Beach ("Code"), the main permitted uses in the RM-2 Zoning District are single-family detached dwellings; townhomes; apartments; apartment-hotels; and hotels. There are other uses permitted in this zoning district provided that a property owner obtains a conditional use approval from the City's Planning Board (PB) at a public hearing, most notably religious institutions. Accessory neighborhood impact establishments, accessory outdoor entertainment establishments, accessory open air entertainment establishments, and accessory outdoor bar counters are expressly prohibited in the RM-2 Zoning District.

The surrounding FDOT land, including the portion leased by the Talmudic University, is located in the ROS, Recreation and Open Space future land use category and zoned GU, Government Use. Policy 1.2 of the Future Land Use Element describes the permitted uses as recreation and open space facilities, including waterways. Section 142-422 of the Code states that the main permitted uses in the GU district are government buildings and uses, including but not limited to parking lots and garages; parks and associated parking; schools; performing arts and cultural facilities; monuments and memorials. Any use not listed shall only be approved after the City Commission holds a public hearing. The development regulations for GU zones assume the attributes of the adjacent zoning districts, which in this case is the RM-2 Zoning District.

Description of Proposed Additional Development. From day one at its new location, Rabbi Zweig always intended to expand the Talmudic University on the Property. In 2005, the Talmudic University obtained a conditional use permit from the Planning Board (PB) to operate as a religious institution, and the Design Review Board (DRB) and Board of Adjustment (BOA) granted approvals, including variances, for new development on the southern portion of the Property that would contain townhouses, multifamily units and ancillary areas for the Talmudic University, such as a sanctuary, library, gym and offices. See PB Order No. 1718, DRB Order No. 18215 and BOA Order No. 3105.² In particular, the BOA granted a height variance to exceed by 9 feet 6 inches from the maximum permitted 60 feet building height in order to allow the construction of a new 7-story building with a building height of 69 feet, 6 inches from grade as defined by Code.³

Caught in the real estate and housing crises of the mid to late 2000s, the Talmudic University was only able to renovate the existing building; it never constructed the additional structures. The Talmudic University has continued to grow, but no longer has adequate space for its programs.

As the real estate and housing markets have improved, Rabbi Zweig conducted a careful selection process to team up with a like-minded developer to expand the Talmudic University. Through this process, Rabbi Zweig has partnered with BH 4000 Alton, LLC, the Residential Partner, to redevelop the Property in a manner that respects the undertakings of the Talmudic University.

² The Talmudic University presently operates under the PB Order, but since the new structures were never built, the DRB and BOA Orders expired and are null and void.

³ Note that such a height variance approval is no longer possible because, after the BOA approval, the Charter of the City was amended to restrict height variances to a maximum of 3 feet to address floodplain issues.

Specifically, a 7-story attached addition will be constructed on the east side of the existing building in the place of the 1-story former restaurant that now serves as the cafeteria for the Talmudic University. This addition will house all the ancillary social and meeting areas for the Talmudic University, including a sanctuary, cafeteria, library, gym and offices. The Residential Partner will also construct a detached 7-story building on the southern portion of the Property with a total of 70 residential units. Townhouses will be located at the east and west ends of the first two floors, with parking located between and multifamily residential units will be located on floors 3 through 7. The new residential building will cater to the surrounding Jewish community, in a similar fashion as Tower Forty-One located at the east end of Arthur Godfrey. The units will contain kosher kitchens and the building will have a Shabbat elevator.

Privacy for the dormitory residents at the Talmudic University, as well as the residents of the new building, is of paramount importance and has been designed into the proposed project. Rather than providing a double-loaded corridor in the new residential building, where units would face directly at the dormitory residences, the architect has designed a single-loaded corridor so that no new residential units face the dormitory residences. Further, the pool and associate deck will be located on the south side of the new building at the third level; again being completely out of sight of the dormitory residences.

A joint entrance to the Property will be located between the two buildings utilizing an existing entrance from Alton Road. The Residential Partner will provide a lushly landscaped linear park that will surround the public sidewalk on the west side of Alton Road for the entire length of the Property.

The Residential Partner has also engaged in extension discussions with FDOT regarding purchase of the abutting lands already leased by the Talmudic University, as well as two additional small landlocked parcels, one west of the lease area and one adjacent to the south property line, containing a total of 11,319 square feet (0.26 acres). FDOT determined that all these lands are surplus and upon the completion of the sale, they will become part of the Property. While part of these areas will be used for the new building, most of the areas will be used for recreation, including a basketball court and playground, and extensive landscaping.

Proposed Code Amendment. To accomplish the necessary privacy, the new building will need to be constructed to approximately 75', which matches the majority of the height to the roof of the existing building, which also has portions that extend to 94'. Notably, the increase in height is not being used as a means to increase the number of units in the development program. Under the present Charter regulations, the BOA

no longer has the authority to approve the proposed structure exceeding the 60' maximum height for the Property. An amendment to the RM-2 Zoning District height regulations is necessary to permit taller buildings on the Property.

While the maximum height for properties located in the RM-2 Zoning District is 60' in the Code, the height regulations for the Property have undergone numerous and significant changes over time. See Exhibit A. In 1964 when the existing building was being constructed, the maximum height was 160'. In 1989, the City eliminated the height restriction all together for all RM-2 properties. The City reinstituted maximum heights in 1997 and for this Property it was 140'. In 1998, the City again revised the height regulations, creating 6 height categories, with maximum heights ranging from as little as 50' to as much as 140'. The result for this, Property, which remains in effect today, is 60'.

The Talmudic University and Residential Partner request an amendment to the RM-2 Zoning District regarding maximum height in order to permit construction up to 75'. See Exhibit B. The proposed development is compatible with the height of the existing building and will not adversely impact the surrounding area because the Property is minimally located over 100 feet from the nearest neighboring private properties and the majority of the Property is surrounded by the Causeway and the multitude of interchange ramps for I-195. Further, the new height allows the new development to be sensitive to the significant privacy concerns of the Talmudic University and the dormitory residents.

Redesignation and Rezoning of the FDOT Parcels. The present land use and zoning of the adjacent FDOT parcels will not permit multifamily residential development. To achieve the proposed project, the FDOT parcels require redesignation and rezoning from the current ROS future land use and GU zoning to RM-2 for both. Redesignating and rezoning these small parcels, which combine for a total of 32,082 square feet (0.74 acres), is completely compatible with the surrounding area because they are only adjacent to the Property and significantly separated from all other private properties.

As mentioned previously, a large portion of these areas will continue to be used for recreation and open space purposes. In recognition of these changes, the Residential Partner is working closely with the City Administration to determine appropriate locations for enhancements of City parks, such as nearby Polo Park, to be funded by the Residential Partner.

Richard Lorber, Director
July 17, 2013
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Conclusion. The Talmudic University has partnered with a respectable developer that will assist with the long-awaited expansion of the Talmudic University at the Property. The proposed development is compatible with the existing building and the surrounding area, and especially sensitive to the privacy needs of the dormitory students. To achieve this vision, we request a reasonable height amendment and redesignation and rezoning of a small part of the adjacent land. We look forward to your favorable recommendation. If you have any questions or comments, please call me at 305-377-6231.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Larkin", with a long horizontal line extending to the right.

Michael W. Larkin

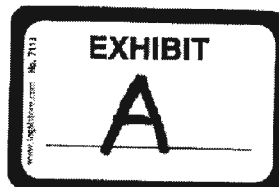
Attachments

cc: Joe Jimenez, Assistant City Manager
Matthew Amster, Esq.

RM-2 Height History

RM-2 Area	Height (feet) based on year of change			
	1964*	1989	1997	1998 & Current
All lots	160	None	n/a	n/a
Historic District	n/a	n/a	50	50
Area bounded by Indian Creek Dr, Collins Ave, 26 th St & 44 th St	n/a	n/a	n/a	75
Area fronting west side of Collins Ave btwn 76 th St & 79 th St	n/a	n/a	n/a	75
Otherwise	n/a	n/a	100	60
Lots fronting Biscayne Bay less than 45,000 sq.ft.	n/a	n/a	n/a	100
Lots fronting Atlantic Ocean over 100,000 sq.ft.	n/a	n/a	n/a	140
For lots outside a Historic District and over 45,000 sq.ft.	n/a	n/a	140	n/a

* In 1964, the year before the building card indicates construction of the existing building, the property at 4000 Alton Road was zoned RE, Multiple-Family District.



Code Amendment to RM-2

Sec. 142-217. – Area requirements

The area requirements in the RM-2 residential multifamily, medium intensity district are as follows:

Maximum Building Height (Feet)

Historic district—50 (except as provided in section 142-1161
Area bounded by Indian Creek Dr., Collins Ave., 26th St., and 44th St.—75
Area fronting west side of Collins Ave. btwn. 76th St. and 79th St.—75
Area fronting west side of Alton Rd. btwn Arthur Godfrey Rd. and W 34th St. —75
Otherwise—60
Lots fronting Biscayne Bay less than 45,000 sq. ft.—100
Lots fronting Biscayne Bay over 45,000 sq. ft.—140
Lots fronting Atlantic Ocean over 100,000 sq. ft.—140

Maximum Number of Stories

Historic district—5 (except as provided in section 142-1161
Area bounded by Indian Creek Dr., Collins Ave., 26th St., and 44th St.—8
Area fronting west side of Collins Ave. btwn. 76th St. and 79th St.—8
Area fronting west side of Alton Rd. btwn Arthur Godfrey Rd. and W 34th St. —8
Otherwise—6
Lots fronting Biscayne Bay less than 45,000 sq. ft.—11
Lots fronting Biscayne Bay over 45,000 sq. ft.—15
Lots fronting Atlantic Ocean over 100,000 sq. ft.—15





MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jimmy Morales, City Manager
FROM: Jerry Libbin, Commissioner
DATE: April 10, 2013 *JL/er*
SUBJECT: Referral item for the April 17, 2013 Commission meeting;

Please place on the April 17th Commission agenda, a referral to the Land Use and Development Committee regarding the redevelopment of the Talmudic University property located at 4000 Alton Road.

Please contact my office at ext. 7106 if you have any questions.

JL/er

We are committed to providing excellent public service and safety to all who live, work, and play in our city.

Agenda Item C4J
Date 4-17-13