



City of North Miami Beach, Florida

Community Development Department

PLANNING AND ZONING BOARD STAFF REPORT

TO: Planning and Zoning Board
FROM: Richard Lorber, AICP, Director of Community Development
DATE: April 11, 2016
RE: Toras Emes Development-Temporary Modular Buildings

P&Z ITEM # 16-003	ACQUA ON THE BAY
OWNER OF PROPERTY	TORAS EMES DEVELOPMENT CO INC
ADDRESS OF PROPERTY	16415 NE 11 Ave
FOLIO NUMBER	07-2217-013-1180
LEGAL DESCRIPTION	LOTS 8 THRU 16 BLK 9, OF "MONTICELLO PARK UNIT 1" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 40, PAGE 65, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.
EXISTING ZONING	CF, COMMUNITY FACILITY DISTRICT
EXISTING LAND USE	EDUCATIONAL
FUTURE LAND USE DESIGNATION	PUBLIC AND QUASI-PUBLIC

BACKGROUND:

The applicant, Toras Emes Development CO INC, requests site plan approval in order to construct a one story, 11,152 square foot modular building on a 68,935 square foot lot. The proposed project is located on 16415 NE 11 Avenue in the CF, Community Facility Zoning District. In addition to the site plan approval, the applicant requests a variance to waive eighteen (18) feet of the required 25'feet minimum required side (corner) setback.

SURROUNDING LAND USES:

Location	Zoning Designations	Existing Land Uses	Future Land Use Designations
North	RS-2, Residential Single-family	Single Family Residence	Residential Low Density

South	B-2, General Business District	Commercial	Business
East	CF, Community Facility	Public Facility (Educational)	Public and Quasi-Public
West	RS-2, Residential Single-family	Single Family Residence	Residential Low Density

THE SITE:

The subject site consist of an existing two (2) story building and playground that is located on the on the 68, 935 square feet (1.6 acre) lot. There are residential single family homes that abut the north and east side of the property however, the south side of the parcel is surrounded by commercial facilities. Adjacent to the west side of the property is the Toras Emes Academy that serves as an educational building.

THE PROJECT:

The project involves the construction of a one story, 11,152 square feet modular building. One variance is requested for the project which includes waiving eighteen (18) feet of the required minimum side (corner) setback. The proposed development is in accordance with the permitted uses of the CF, Community Facility District.

Staff has reviewed the application for consideration by the Planning and Zoning Board; in this report, Staff presents the applicable Zoning and Land Development Code regulations with recommendations.

Sec. 24-55, CF, Community Facility District

Uses Permitted

Permitted	Proposed	Recommendation/Comments
Community Facilities	School	Complied

Site Development Standards

Required	Proposed	Recommendation/Comments
Minimum lot area: 1 acres	68,935 square feet (1.6 acres)	Complied
Minimum lot width: 100 feet	100 feet	Complied
Minimum lot depth: N/A	600 feet	Complied
Maximum density: N/A	N/A	Complied
Max. lot coverage: N/A	≈30% (20,680sq.ft.)	Complied

<p>Minimum setbacks:</p> <ul style="list-style-type: none"> ▪ Front: 30 feet ▪ Rear: 20 feet ▪ Side: 15 feet ▪ Side (corner): 25 feet ▪ Adjacent Restrictive District: 25 feet 	<ul style="list-style-type: none"> ▪ Front: 24'-2" (existing) ▪ Rear: 307' ▪ Side (north side): 25' ▪ Side (corner/side facing the street): 7' ▪ Adjacent Restrictive District: 25' 	<ul style="list-style-type: none"> ▪ Complied ▪ Complied ▪ Complied ▪ Variance (South Side – facing street) ▪ Complied
<p>Maximum building height: 3 stories/35 feet</p>	<p>One Story/14 feet</p>	<ul style="list-style-type: none"> ▪ Complied
<p>Minimum open space area: N/A</p>	<p>N/A</p>	<ul style="list-style-type: none"> ▪ Complied
<p>Minimum pervious area: 25%</p>	<p>34,191 sq. ft.</p>	<ul style="list-style-type: none"> ▪ Complied
<p>Minimum space requirements: <u>Zoning and Land Development Code</u>: 1 per 4 students <u>State Requirement</u>: Student parking: 1 per 100 Staff parking: 1 per 4</p>	<p>72 parking spaces</p>	<ul style="list-style-type: none"> ▪ Complied

Article IX Off-Street Parking and Loading
Sec. 24-93 Parking Lot Design Standards

Required	Proposed	Recommendation
<p>Paving and Drainage:</p> <ul style="list-style-type: none"> ▪ Surfaced w/6 inch rolled rock and 1 inch weatherproof pavement ▪ Proper drainage 	<ul style="list-style-type: none"> ▪ Concrete ▪ Drainage plans not provided 	<ul style="list-style-type: none"> ▪ Complied ▪ Plans need to show drainage
<p>Minimum parking space sizes</p> <ul style="list-style-type: none"> ▪ Standard 9' x 18' ▪ Handicapped 12' x 18 plus 5' access ramp 	<ul style="list-style-type: none"> ▪ 9' x 18' ▪ 12' 18' 	<ul style="list-style-type: none"> ▪ Complied ▪ Complied
<p>Traffic Study</p>	<p>N/A</p>	<ul style="list-style-type: none"> ▪ Complied

Article XI. Landscaping
Sec. 24-122

Required	Proposed	Recommendation
<p>Site landscape plan</p>	<p>Provided</p>	<p>Complied</p>

Article X Subdivision and Floodplain Standards

Sec. 24-106(E)(2)(a)(2)

Required	Proposed	Recommendation
Zone X	N/A	Complied

Variations requested as follows:

1. Request variance from Section 24-55(D)(3) – Minimum Yard Setbacks – Site Development Standards:
 - To waive 18 feet of the required minimum 25 feet rear setback, where a side (corner) setback of 7 feet is proposed.

Sec. 24-176 (C) Variance Review Standards

<p>Are the requested variances contrary to the public interest?</p> <ol style="list-style-type: none"> 1. The applicant had complied with the adjacent restrictive setback that borders the residential single family homes to the north. 2. The proposed use of the facility serves as an educational component of the existing Toras Emes Academy for the community. 3. The variance protects the welfare and well-being of the residential district by locating the building in close proximity to businesses on the south side. 	No
<p>Are the requested variances detrimental to the community?</p> <ol style="list-style-type: none"> 1. There is no variance being requested for the side (interior) setback that abuts residential single-family homes. 2. The applicant is installing a new modular building to meet current student demands for the community. 3. The proposed building offers a good amount of open and green space. 	No
<p>Are the requested variances compatible with the surrounding land uses?</p> <ol style="list-style-type: none"> 1. The proposed building is compatible with the existing two-story educational building that is located on site. 2. The proposed curriculum serves as an extension to the existing Toras Emes Academy. 3. The side (corner) setback is located closer to commercial properties to protect the privacy of the residential area to the north and east side. 	Yes
<p>Do the requested variances maintain the basic intent and purpose of the zoning and land use regulations?</p> <p>The requested variance maintains the basic intent to provide suitable sites for the development of community facilities of both a public and quasi-public nature to serve surrounding residential neighborhoods in areas consistent with the City's Comprehensive Plan</p>	Yes

PLANNING AND ZONING DEPARTMENT ANALYSIS:

The intent of the CF, Community Facility District is to support suitable sites for the development of community facilities that provide a high range of public and private schools, churches, public utility installations, as well as public parks and playgrounds. The application is consistent with the City's Future Land Use Element in the Comprehensive Plan. Staff finds that the proposed modular building is in accordance with the overall purpose of the district through its classification as a permitted use and its compliance in regards to density.

The request for the installation of the modular buildings is to accommodate the permanent phase of the school improvement project. This includes placing the classrooms in the existing asphalt area of the Boy Building Campus (elementary school). Normally, a traffic impact analyzes the effects that a particular development's traffic will have on the transportation network in the community. These studies vary in their range of detail and complexity depending on the type, size and location of the development. Since the current students will use the twelve classrooms for the purpose of additional computer labs, lunchrooms, and separate gender divisions, there will be no traffic impact or adverse effects in the community as there is no increase in the existing student count. In 2011, the school was approved for 690 students however, the current population has not exceeded the maximum number of student capacity and is currently approximately 600 students. In addition, the number of inbound and outbound vehicle trips that are expected to be generated by the development during an average day or during peak hour traffic will not accumulate since the Academy is expecting to maintain the same number of students.

Through Resolution No. 2011-19, City Council approved to waive 101 of the required 173 parking spaces for Phase II of the project. According to State requirements for educational facilities, 26 spaces are required for the entire Academy. This includes 1 space per 100 students and 1 space per 4 staff members as oppose to the City's minimum parking space requirement of 1 per 4 students. Due to the fact that the State approved the Academy for 690 students, the regulatory parking count is 26 spaces. As a result, the existing 72 parking spaces are sufficient to meet the mandatory State requirement and at the same time, accommodate the new facility.

The variance that is being requested pertains to the proposed 7' feet side (corner) setback as opposed to the required minimum setback of 25' feet. The requested variance should not create a negative impact on the surrounding community since the proposed development complies with the required side (interior) and rear setback that is adjacent to a residential district. By decreasing the side (corner) setback, the placement of the building is structured to front commercial properties instead of residential. The side (corner) setback variance does not perceive to be contrary or unfavorable to the public interest. The project sustains the basic purpose and intent of the district while able to maintain a harmonious relationship with the surrounding land uses.

PLANNING AND ZONING DEPARTMENT RECOMMENDATION:

The attached draft Resolution contains the conditions of approval recommended for this project, including the following highlights:

- This Site Plan and Variance Approval is conditioned on the Applicant executing an Agreement, prior to the issuance of any permits for the proposed project, providing that all parties shall be bound by Conditions of approved Resolution No. R2016-___. Failure to execute the Agreement within sixty (60) days of approval of Resolution No. R2016-___ shall deem this approval null and void.
- Prior to issuance of any Master Building Permit, Applicant shall provide the City Manager or designee with a draft schedule for the construction of the Project, (the "Construction Schedule").
- Construction workers are prohibited from parking on residential streets or public parking lots. Prior to application for the Master Building Permit, the Applicant shall submit a construction parking plan providing off-street parking for construction workers during the period of construction to the City Manager or designee 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; and (c) Applicant shall provide reports as needed to the City Manager or designee detailing any problems and complaints regarding the parking.
- Prior to the issuance of the Master Building Permit, 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 dust and construction debris. Applicant shall comply with the regulations of the Code of Ordinances the City of North Miami Beach relating to construction site operations, including but not limited to the installation of a chain link construction fence with a windscreen displaying a rendering of the Project. Applicant shall use its good faith efforts to minimize vibration and noise during construction of the Project.
- The Applicant shall post a sign on-site providing contact information in case of any complaint or concern during construction. The sign shall be removed upon the earlier of the City's issuance of a temporary or full certificate of occupancy.
- The site plan and variance approvals shall remain valid for a period of 12-months from the date of adoption of the Resolution by the City Council. If no building permit is applied for within the 12-month time period, the approvals shall be considered null and void and of no force and effect unless extensions of time are obtained pursuant to applicable law.
- The applicant shall follow the guidance provided on March 10, 2016 from the City's TRAD staff review (see attachment).

The Planning and Zoning Department recommends **approval** of this project subject to the conditions contained in the attached draft Resolution.

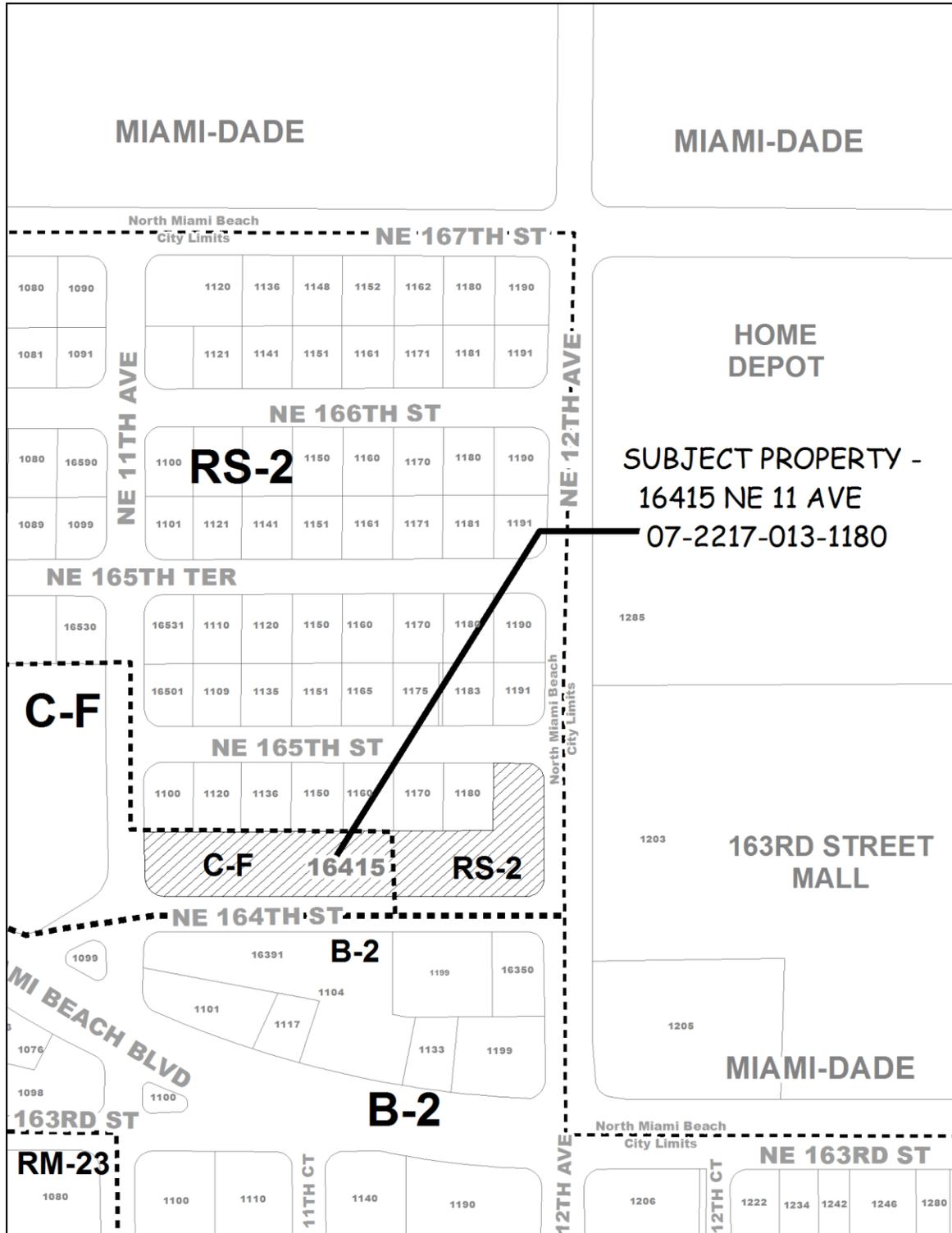
SUBMITTAL HISTORY:

TRAD (March 10, 2016)

PLANNING & ZONING BOARD (April 11, 2016)

CITY COUNCIL (TBA)

LOCATION AND ZONING MAP



ADVERTISEMENT HISTORY:

SECTIONS

dbr DAILY BUSINESS REVIEW

3/31/2016



Title:

CITY OF NORTH MIAMI BEACH
NOTICE OF PUBLIC HEARING

Category: Hearings FL

Adnumber: 0000096729-01

DATE/TIME: Monday, April 11, 2016, 6:00 P.M.

LOCATION: North Miami Beach City Hall, 2nd Floor, City

Council Chambers 17011 NE 19th Avenue, North Miami Beach, FL 33162

PUBLIC NOTICE is hereby given that the City of North Miami Beach Local Planning Agency/Planning and Zoning Board shall consider the following public hearing item:

Site Plan Approval and Variance 16415 NE 11 Avenue, North Miami Beach, Florida:

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING SITE PLAN APPROVAL, TO CONSTRUCT A NEW 11,152 SQUARE FOOT ONE-STORY, MODULAR BUILDING ON A 68,935 SQUARE FOOT LOT, AS PROPOSED; AND GRANTING A VARIANCE FROM SECTION 24-55 (D)(3) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE EIGHTEEN FEET (18') OF THE MINIMUM REQUIRED SIDE (CORNER) YARD SETBACK OF TWENTY-FIVE FEET (25'); IN THE CF DISTRICT, LOCATED AT 16415 NE 11 AVE, NORTH MIAMI BEACH, FLORIDA. All interested parties are invited to attend and participate in the Public Hearing(s). The items are on file and available for examination at the Community Development Department, 17050 N.E. 19 Avenue, North Miami Beach, Florida 33162-3194, Monday through Friday 8:00AM-5:00PM. Questions and written comments can be directed via email to nmbcomdev@citynmb.com, FAX - 305.957.3517, or mail to the above address or by calling 305.948.2966. Upon recommendation by the Board, the items will be scheduled for City Council consideration. Any person who receives compensation, remuneration or expenses for conducting lobbying activities is required to register as a Lobbyist with the City Clerk prior to engaging in lobbying activities before City Boards, Committees, or the City Council. Should any person desire to appeal any decision of the Board with respect to any matter considered at this meeting, that person must insure that a verbatim record of the proceedings is made, including all testimony and evidence upon which any appeal may be based (See Florida Statutes 286.0105). In accordance with the Americans with Disabilities Act, persons needing special accommodation to participate in this proceeding should contact the City Clerk no later than two (2) days prior to the proceeding. Telephone 305.787.6001 for assistance, if hearing impaired, telephone our TDD line 305.948.2909 for assistance.

3/31 16-106/0000096729M

