

RESOLUTION NO. 14-Z-2269

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 51,850 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 October 28, 2014, 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. 40 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, 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 in the Town of Surfside. 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; and (c) 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 all utilities will remain operable for the businesses adjacent to the alley during construction of the Project. Any interruption of service during construction shall be coordinated with the Town.
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" 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 Section 90-56 of the Town Code. The windscreen shall display a rendering of the project.
8. An irrigation plan shall have been approved by the Town within sixty (60) days from the date of approval of the Resolution by the Town Commission.

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 construction fence between hotel and The Shul prior to construction. This wall shall be the first construction element, and shall comply with Section 90-56 of the Town Code.
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. The sidewalk shall be made of Crimson Red concrete.
14. The Applicant shall reimburse the Town for the value of three lost metered parking spaces located on the north side of 95th Street and Harding Avenue and the alley located to the west of The Shul, which spaces shall be eliminated. The value of the metered spaces for 12 years is calculated to be \$60,000 which amount the Applicant shall pay to the Town prior to the issuance of the first building permit. The Applicant shall at its sole cost also a) remove the small channelized island at the east end of those parking spaces, b) restripe the area of the removed parking spaces to provide two lanes of traffic at the westbound approach to Harding Avenue (one through lane and one left turn lane), and c) modify the traffic signal at 95th Street and Harding Avenue to facilitate a southbound left turn movement. Plans for these changes will require the review and approval of

both FDOT and Miami-Dade County Transportation Department, and shall be coordinated with the Town Manager.

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 Right of Way 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 of 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 of 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. It is the intent of the Town and agreed to by The Shul that the utilities in the alley shall be undergrounded. Undergrounding of utilities, including but not limited to phone, cable, electric and street lighting conductor, including providing any necessary easements (under the control and ownership of the Applicant) to place the transformers where necessary. The Applicant shall be responsible for improvements that serve its property, but shall not be responsible for the connections and securing easements for those connections from all properties on the east and west side of the alley on properties the Applicant does not own or control at the time of site plan approval. The Applicant will allocate a sum not exceeding \$500,000 for this project.

The Applicant will take all necessary steps to secure the approval from Florida Power and Light (“FP&L”) and will provide the Town with copies of all applications and written communications with FP&L. Upon written authorization of the undergrounding by FP&L and the Town, within ten (10) days, the Applicant shall deposit the sum of \$150,000 with the Town which shall be exclusively utilized by the Town for all costs and expenses for the future utility connections to all properties within the alley bordered by 95th Street and 96th Street between A1A and Harding Avenue, which are not owned or controlled by the Applicant at the time of site plan approval.

In the event that the undergrounding of utilities is not approved by FP&L within twelve (12) months, or a longer period agreed to by The Shul and the Town, of the Applicant receiving its first vertical building permit:

- (a) The Applicant will set aside in an interest bearing escrow account the sum of \$350,000 for the Town to underground utilities no later than ten (10) years from the date of Resolution approval. If the Town does not decide to underground utilities within that time, the \$350,000 shall be used by The Shul to prepay The Shul’s obligation to the Parking Trust Fund pursuant to paragraph 30 herein.
 - (b) The Applicant shall remove all existing wooden poles from the alley and replace same with concrete poles which meet the specifications of FP&L and the Town Manager. The Applicant will take all appropriate steps to insure a clean and aesthetic appearance for the concrete poles and associated infrastructure within the alley. It is anticipated that upwards of \$150,000 will be expended to construct and engineer the proposed concrete poles.
- 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

Town residents. The Applicant shall report complaints weekly to the Town, including their resolution and associated time to resolve them.

21. The Applicant shall provide an off-duty police officer during construction for events and preschool drop-off. The Applicant shall coordinate with the Police Chief for all events and preschool drop off and pickup.
22. The Applicant agrees to cap the student enrollment at the preschool to 225 students. Preschool students shall be defined as age five (5) or younger at the time of enrollment. No later than September 30 of each year, and quarterly thereafter, the Applicant shall report the preschool student enrollment as of the 15th of the month in which the quarterly report is submitted to the Town Manager.
23. The Project shall provide valet parking service for all events requiring the use of the tandem spaces in The Shul's parking garage. The Shul shall provide valet services whenever the tandem spaces are used.
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 on the roof deck will be restricted to the week of the holiday, plus three days before and three business 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. The caterer shall be subject to audits by the Town. Any caterer shall have a current and valid Town occupational license prior to 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, Temple, and related 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 25 equal annual payments, each in the amount of 1/25th of the total amount, except that the Applicant may choose to prepay all or part of the contribution at any time prior to the due date.
 - 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.
 - F. Pursuant to paragraph 19.A, if The Shul shall not be required to underground utilities, it shall provide the Town \$350,000 to be paid into the Parking Trust Fund under Paragraph 19 herein.

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 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.
36. Dismissal times of the preschool shall be staggered so that no more than 100 students are dismissed during any half hour period. Applicant shall maintain a radio or intercom system that operates between the office and the pick up and drop off areas.
37. Off duty Town Police shall be retained and compensated by the Applicant during dismissal times of the preschool to either manually operate the traffic signal or manually direct traffic at the intersection of Harding Avenue and 95th Street. The

implementation of this condition shall be coordinated with both Miami-Dade County and the Florida Department of Transportation.

- 38. Off duty Town Police shall be retained and compensated by the Applicant to direct traffic during preschool dismissal times at the intersection of 95th Street and the alley located to the west of The Shul.
- 39. The Applicant shall complete a parking and traffic study 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.
- 40. 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 28th day of October 2014.

Motion by Vice Mayor Eli Tourgeman,
Second by Commissioner Marta Olchyk

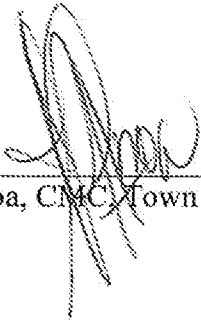
VOTE ON ADOPTION:

Commissioner Barry R. Cohen	yes	_____	no	_____	(absent)
Commissioner Michael Karukin	yes	_____	no	_____	(absent)
Commissioner Marta Olchyk	yes	<u> x </u>	no	_____	
Vice Mayor Eli Tourgeman	yes	<u> x </u>	no	_____	
Mayor Daniel Dietch	yes	<u> x </u>	no	_____	



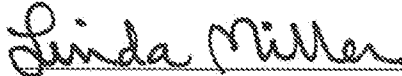
Daniel Dietch, Mayor

ATTEST:



Sandra Novoa, CMC, Town Clerk

**APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**



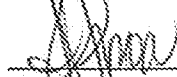
Linda Miller, Town Attorney

STATE OF FLORIDA)

COUNTY OF MIAMI-DADE)

I, Sandra Novoa, 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. 14-Z--2269 adopted by the Town Commission at its meeting held on the 28th day of October, 2014.

Issued: November 6, 2014



Sandra Novoa, CMC
Town Clerk

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**