



**Town of Surfside
Special Town Commission Meeting
Quasi-Judicial Hearing
AGENDA**

February 13, 2018

6:00 p.m.

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

Rule 7.05 Decorum. Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the commission shall be barred from further appearance before the commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the commission members present. No clapping, applauding, heckling or verbal outbursts in support or opposition to a speaker or his or her remarks shall be permitted. Signs or placards may be disallowed in the commission chamber by the presiding officer. Persons exiting the commission chambers shall do so quietly.

Any person who received compensation, remuneration or expenses for conducting lobbying activities is required to register as a lobbyist with the Town Clerk prior to engaging in lobbying activities per Town Code Sec. 2-235. "Lobbyist" specifically includes the principal, as defined in this section, as well as any agent, officer or employee of a principal, regardless of whether such lobbying activities fall within the normal scope of employment of such agent, officer or employee. The term "lobbyist" specifically excludes any person who only appears as a representative of a not-for-profit corporation or entity (such as charitable organization, a trade association or trade union), without special compensation or reimbursement for the appearance, whether direct, indirect, or contingent, to express support or opposition to any item.

Per Miami Dade County Fire Marshal, the Commission Chambers has a maximum capacity of 99 people. Once reached this capacity, people will be asked to watch the meeting from the first floor.

1. Opening

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

2. Quasi-Judicial Hearings

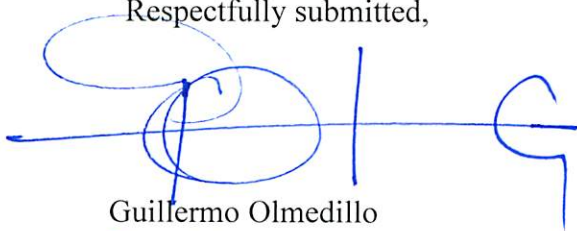
Please be advised that the following items on the Agenda are Quasi-Judicial in nature. If you wish to object or comment upon an item, please complete a Public Speaker 's Card indicating the agenda item number on which you would like to comment. You must be sworn before addressing the Town Commission 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. 9133-9149 Collins Avenue – Guillermo Olmedillo, Town Manager

**A RESOLUTION OF THE TOWN COMMISSION OF SURFSIDE, FLORIDA;
APPROVING A SITE PLAN APPLICATION FOR PROPERTY GENERALLY
LOCATED AT 9133-9149 COLLINS AVENUE, SURFSIDE, FL, FOR
DEVELOPMENT CONSISTING OF 48 CONDOMINIUM UNITS, 31 HOTEL
ROOMS, AND AN 1,100 SQUARE FOOT RESTAURANT AND LOUNGE; AND
PROVIDING CONDITIONAL USE APPROVAL FOR THE HOTEL
SWIMMING POOLS AND OUTDOOR DINING INCLUDED IN THE SITE
PLAN; AND PROVIDING FOR A SEVERABILITY CLAUSE AND AN
EFFECTIVE DATE.**

3. Adjournment

Respectfully submitted,



Guillermo Olmedillo
Town Manager

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS THAT ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-861-4863 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING.

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 Date: February 13, 2018

Subject: Surf Club II Site Plan
From: Guillermo Olmedillo, Town Manager
Sarah Sinatra Gould, AICP, Town Planner

Table of Contents:

1. Site Plan Report
2. Development Impact Committee Report
3. Office of Historic Preservation Approval
4. Conditional Use Report
5. Application and Letter of Intent
6. Site Plan Package

REQUEST:

The agent, Alexander Tachmes, Esq., for the owner, The Surf Club Apartments, Inc. and The Seaway Villas Condominium Association, Inc., is proposing a site plan to develop a 12 story tower located at 9133-9149 Collins Avenue. The proposed tower will include 46 new condominium units and 31 hotel rooms. The applicant is also proposing to renovate a historic structure known as Seaway Villas and incorporate the building into the site plan. The Seaway Villas portion of the property will include two additional dwelling units as well as a lounge and restaurant. The total number of condominium units will be 48.

The initial site plan application was submitted on August 12, 2015. The original application included 54 condominium units with no hotel component and was proposed to be an 11 story, 120 foot high building. Staff confirmed that the package was complete and scheduled a Development Review Group (DRG) meeting for September 4, 2015. The members of DRG include Planning, Engineering, Landscape Architecture, Survey, Traffic Engineering, Police, Town Administration and Building. Comments were provided to the applicant at this meeting and the applicant revised the site plan. A second DRG meeting was held on April 18, 2016. Comments were provided to the applicant at that time. The plans were resubmitted on June 13, 2016 and staff confirmed the plans met the technical comments. The Planning and Zoning Board heard the application on August 26, 2016 where it was unanimously recommended for approval.

Since that time, the applicant has added one floor to provide a 12 story building; however the height of 120 feet remains the same as the original application. The applicant also, through coordination with the Historic Preservation Board, is proposing to setback the existing façade to provide a drop off area and landscaping. The remainder of the changes affects the interior uses, which added 31 hotel rooms, reduced the historic structure's units from 16 to two, added a 1,100 square foot restaurant and lounge to the historic structure and reduced the new condominium units from 54 to 46.

The Development Impact Committee (DIC) met in an open, advertised, televised session on July 27, 2016 and again on September 28, 2017 to discuss this application. The applicant prepared an analysis of other Miami-Dade jurisdictions impact fees. The results of that analysis equaled an estimated fee of \$165,000, if the Town had impact fees. The applicant indicated they understood they are selling premium units and therefore would proffer more than \$165,000. The total proposed voluntary contribution by the applicant is \$250,000 for the project.

The total gross acreage of the site is 2.16 acres, which would permit 234 units. The code requires a 15% reduction in density for aggregated properties, meaning, if a property is split between more than one site and the owner wants the benefit of amalgamating that property, the property will be subject to a 15% overall density reduction. This results in the permitted density of 199 units. The applicant is requesting to add 46 new condominium units and 31 hotel rooms. The project also proposes to demolish 30 existing units at the Surf Club Apartments and to renovate and remove some units at the Seaway Villas. Currently, the Seaway Villas has 28 units and the renovations will result in two units on this portion of the site. The project requires no variances from Town Code requirements and with the demolition of the Surf Club apartments, renovation of Seaway Villas, the 12 story tower the total number of condominium units proposed is 48 units and 31 hotel rooms. The prior site contained 58 units.

The proposed project replaces 60,641 square feet of residential, known as the Surf Club apartments, with 302,000 square feet of condominium and hotel units. The Seaway building is not included in this calculation as the square footage is being slightly reduced, but the building will remain.

It should be noted that this application was submitted prior to the code modification that required setbacks to be 10% of the frontage of the site. However, the applicant is providing setbacks for the proposed building that meet or exceed this requirement.

The Planning and Zoning Board reviewed this application at their January 25, 2018 Planning and Zoning Board meeting and requested that the applicant revisit the driveway at the Seaway to see if it is possible to be removed. However, that would impact the traffic circulation. The Board also requested that the applicant consider adding additional valets if there are queuing issues on Collins Avenue.

MIAMI DADE HISTORIC PRESERVATION BOARD

The Miami-Dade Historic Preservation Board heard the site plan application for the Surf Club II, including the Seaway Villas on September 21, 2016 and again on May 17, 2017. The Staff to the Miami-Dade Historic Preservation Board are recommending approval of the application due to the full restoration of the Seaway Villas including the landscaped courtyard, which is an integral feature of the historic building. The conditions imposed by the Miami-Dade Historic Preservation Board shall be incorporated by reference in the Town's proposed resolution.

STAFF RECOMMENDATION

Recommendation: Staff recommends that the Town Commission approve the site plan and conditional use application based on the acceptance of the Development Conditions.

Budget Impact: The applicant is proposing a \$250,000, voluntary proffer to mitigate off-site impacts resulting from the project.

Growth Impact: The project includes 46 new condominium units and two renovated units for a total of 48 condominium units as well as 31 hotel rooms. The existing site has 58 units, resulting in a total of 10 more units than exist on site as well as 31 new hotel units. However, the property has a maximum density permitted of 199 units. Therefore, the traffic impacts are accounted for within the Comprehensive Plan. Other impacts could be offset by the voluntary proffer.

Staff Impact: The applicant has funded the review through the cost recovery process and the building permit review will be funded through the building permit fees.



Sarah Sinatra Gould, AICP, Town Planner



Guillermo Olmedillo, Town Manager

SITE PLAN REPORT

SITE PLAN INFORMATION:

Address	9139-9149 Collins Avenue
General Location	East side of Collins Avenue and 91 st Street.
Property Size	2.16 gross acres
Zoning District	H120
Adjacent Zoning Districts	H120 to the north and south, H40 to the west
Future Land Use	High Density Residential/Tourist
Density Permitted	109 units per acre X 2.16 acres =234 units reduced by 15% for aggregated lots TOTAL PERMITTED: 199
Number of units proposed	46 new dwelling units 2 existing dwelling units (historic building renovation) 31 hotel rooms TOTAL PROPOSED: 48 condominium units, 31 hotel rooms
Number of parking spaces	TOTAL Provided: 127 spaces TOTAL Required: 127 spaces

ZONING CODE, APPLICABLE REQUIREMENTS

Sec. 90.42

Minimum Unit Sizes	Minimum Required	Proposed	Number of Units
One-bedroom	800 square feet	1,100 square feet	31
Two-bedroom	950 square feet	1,300 square feet	4
Three-bedroom	1150 square feet	2,300 square feet	10
Four-bedroom	N/A	3,500 square feet	3
Total			48

Sec. 90.43

Maximum Building Heights	Maximum Required	Proposed
H120	120 feet maximum	120 feet

Sec. 90.44

Modification of Height	Maximum Permitted		Proposed	Must be of high architectural quality integral to the design of the building
H120	20ft	30% of roof area	20 feet	The mechanical equipment, rooftop decks and parapet walls meet these criteria.

Sec. 90.45(b)

Setbacks	Minimum Required		Proposed
H120	Front (Collins Avenue)	40 feet	42 feet, new building. 26 feet 9 inches, historic building
	Rear (Beach)	30feet	134 feet 9 inches
	Setback from platted bulkhead line	20 feet	21 feet 8 inches
	Side (south)	20 feet	25 feet
	Side (north)	10 feet	71 feet 8 inches

Sec. 90.47

Yards generally, allowable projections	Required	Proposed
H120 - Projections of balconies features into required yards	Maximum 8 feet for front, secondary and rear and 5 feet for interior side	Balconies do not encroach into setbacks.

Sec. 90.47.8

Cantilevered Canopy	Required	Proposed
Cantilevered canopy will be permitted in the required front yard, subject to the following	Must be completely supported (cantilevered) from the main structure	Complies
	Minimum 65% transparent	Complies
	Maximum frontage of 30 feet in width	30 feet proposed
	Maximum 20 foot extension into front setback	Extends 20 feet into setback
	Shall not extend into any side setback area	Does not extend into side setback area

Sec. 90.49

Lot Standards	Required	Proposed
Minimum Lot width	50 feet	250.34 feet
Minimum Pervious area	20%	46.6%

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.	Exceeds 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. 	A flat roof with a deck is proposed.

Sec. 90.50.2 (3)

Roof Deck Provisions	Required	Proposed
Roof Decks are limited to	a. Maximum 70% of the aggregate roof area;	70%
	b. Shall not exceed the maximum roof height required by any abutting property's zoning designation;	120 feet
	c. Minimum setback of 10 feet from the roofline on all sides	11 feet, 4 inches

Sec. 90.51(1)

Maximum frontage of buildings	Required	Proposed
H120	Continuous building wall frontages shall not exceed 150 feet	The proposed new building is 137 feet 10 inches.

Sec. 90.67.2

	Required	Proposed
Underground utilities	All utilities including telephone, cable, and electrical systems shall be installed underground.	The lines will be installed underground and have developed their landscaping plans accordingly.

Sec. 90.77(c)

	Minimum Required	Proposed
Off-Street Parking	(1.5 X 31- 1 bedroom) = 46.5 spaces (2.0 X 14- 2-3 bedroom) = 28 spaces (2.25 X 3- 4 bedroom) = 6.75 spaces Restaurant 1,100/100 = 11 spaces Hotel – 1 x 31 = 31 Total required: 124 Spaces	Total provided: 127 Spaces

Sec. 90.83

Off-Street Loading	Minimum Required	Proposed
Multifamily	1 space on site	1 space on site

Sec. 90.91

Vegetative Provisions	Minimum Required	Proposed
Xeriscape in pervious area	50%	73% on groundcover, 27% on sod

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.

DEVELOPMENT IMPACT COMMITTEE REPORT

DEVELOPMENT IMPACT COMMITTEE MEETING

The Development Impact Committee (DIC)* met on Wednesday, July 27, 2016 to discuss the application for the Surf Club II ("the Project"). The DIC meeting was attended by the following:

Staff Attendees: Guillermo Olmedillo, Town Manager
 Joe Kroll, Public Works Director
 Linda Miller, Town Attorney
 Jane Graham, Assistant Town Attorney
 Nancy Stroud, Consulting Attorney
 Sarah Sinatra Gould, Town Planner
 David Allen, Police Chief
 Duncan Tavares, TEDACS Director
 Ross Prieto, Building Official
 Bill Tesauro, Landscape

Applicant Attendees:
 Joe Benton, Fort Capital
 Mathieu Picard, Kobi Karp Architects
 Jason Nunez, Fernando Wong
 Alex Tachmes, Shutts and Bowen

Citizen Attendees (who signed in): None

The Development Impact Committee (DIC)* met again on September 27, 2017 to discuss the application for the Surf Club II ("the Project"). The DIC meeting was attended by the following:

Staff Attendees: Guillermo Olmedillo, Town Manager
 Randy Stokes, Public Works Director
 Kathy Mehaffey, Town Attorney's Office
 Sarah Sinatra Gould, Town Planner
 David Allen, Police Chief
 Duncan Tavares, Assistant Town Manager
 Ross Prieto, Building Official
 Bill Tesauro, Landscape
 Eric Czerniejewski, Traffic Engineer

Applicant Attendees:
 Joe Benton, Fort Capital
 Mathieu Picard, Kobi Karp Architects
 Jason Nunez, Fernando Wong
 Maurizio Bravo, Kobi Karp Architects
 Alex Tachmes, Shutts and Bowen

Citizen Attendees (who signed in): None

No additional conditions were suggested as a part of this application.

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

The applicant proffered \$250,000 to the Town to offset impacts from the project. The fee is based on their analysis of other Miami-Dade jurisdictions impact fees. This resulted in an average fee of \$165,000 for the buildings square footage and units. The applicant indicated it understood it was selling premium units and therefore would also proffer the additional amount from the average for a total voluntary contribution \$250,000 for the project.

OFFICE OF HISTORIC PRESERVATION APPROVAL

May 18, 2017

Seaway Condo Acquisitions LLC
176 NE 43 Street
Miami, FL 33137

RE: Seaway Villas, 9149 Collins Avenue, Surfside, Special COA #2017-09-S

Dear Property Owner:

On May 17, 2017, the Miami-Dade County Historic Preservation Board held a public hearing to review the Special Certificate of Appropriateness, COA #2017-09-S, for the restoration and redevelopment of Seaway Villas. The Board unanimously voted to approve the application, with the following conditions:

1. The owner shall submit a revised planting plan to staff that does not obscure the Collins Avenue façade. Staff shall provide an administrative review of the revised plan prior to construction.
2. The owner shall reconstruct the missing arched chimney cap.
3. New paving in the courtyard shall be an oolitic limestone that matches the character and color of the existing limestone.
4. The owner shall provide information on the paving material proposed for the vehicular drop-off area between Collins Avenue and the structure. Staff shall provide an administrative review of the proposed material prior to installation.
5. The open-air entry/lobby area of the building shall retain its existing terracotta-colored tile.
6. The proposed awnings for the third-story open-air terraces shall be a dark, solid color with white scallop detail edging, as documented in historic period photos. Staff shall provide an administrative review of the proposed awnings prior to installation.
7. The owner shall submit requests for COA amendments if any changes or alterations from what has been presented in this application are proposed at any time through project completion. Staff shall provide administrative reviews of any such amendment requests prior to the construction of any such proposed revision.

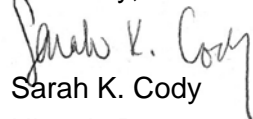
8. If the intent to relocate the three-story, Collins Avenue-fronting portion of the building eastward by 13 feet is altered from what was presented in this application, due to any reason, the applicant shall reappear before this Board with a request to amend the COA approval.
9. The project shall include a public space to interpret, or “tell the story,” of the history of Seaway Villas, particularly its context in the early history of Surfside.

The fee for the Special COA hearing is \$150. Please remit payment to the Office of Historic Preservation as soon as possible. Make the check payable to Regulatory and Economic Resources; in the memo line of the check, write HP25. Also please include a phone number on the check.

Please note that COA approval is valid for one year. If the approved scope of work has not begun within one year of the approval date, the applicant must contact the Office of Historic Preservation to request an extension. Additionally, approval of this application does not constitute approval or assurance that the proposed development satisfies applicable planning, zoning, subdivision, building, or other development regulations.

Please do not hesitate to contact our office with any questions.

Sincerely,



Sarah K. Cody

Historic Preservation Planner
Miami-Dade County

Cc: Mr. Joseph Benton, Fort Partners
Ms. Sarah Sinatra Gould, Town Planner, Town of Surfside
Mr. Ross Prieto, Building Official, Town of Surfside



RECEIVED
 FEB 28 2017
 MIAMI-DADE COUNTY
 OFFICE OF HISTORIC PRESERVATION

APPROVED
 MAY 17 2017
 Miami Dade County
 Office of Historic Preservation
 Authorized Signature *[Signature]*

OFFICE OF HISTORIC PRESERVATION
 111 NW 1st STREET, MAILBOX 114
 MIAMI, FL 33128
 (305) 375-4958

APPLICATION FOR A

CERTIFICATE OF APPROPRIATENESS (COA)

For Historically Designated Properties, or Properties within Historic Districts

I. PROPERTY INFORMATION INFORMACIÓN DE LA PROPIEDAD

ADDRESS 9149 Collins Avenue CITY Surfside ZIP 33154
 (Dirección) (Ciudad) (Zip)

SITE DESIGNATION NAME (if applicable) Seaway Villas
 (Nombre del Edificio)

DISTRICT NAME (if applicable)
 (Nombre del Distrito)

FOLIO NUMBER 14-2235-015-0001
 (Numero de Folio)

II. APPLICANT INFORMATION INFORMACIÓN DEL SOLICITANTE

NAME OF OWNER Seaway Condo Acquisition LLC PHONE (teléfono) 305-571-8228
 (Nombre de Dueño)

ADDRESS 176 NE 43rd St. Miami 33137 EMAIL
 (Dirección) (correo electrónico)

NAME OF APPLICANT (if other than owner) Attn: Joseph Benton
 (Nombre del Solicitante)

CONTACT PHONE 786-214-1344 EMAIL joe@fortpartners.com
 (Teléfono)

APPLICANT IS: OWNER RENTER/LEASEE CONTRACTOR LEGAL AGENT
 (Solicitante es:) (Dueño) (Inquilino) (Contratista) (Representante legal)

FOR OFFICE USE ONLY
 Solamente por uso de oficina

APPLICATION# 2017-09-S DATE RECEIVED 2/20/17 STAFF INITIALS SUC
 ("R" for Regular, "S" for Special)

APPROVED APPROVAL DATE 5/17/17
 DENIED

APPROVED WITH CONDITIONS BOARD DATE ~~3/15/17~~ 5/17/17
 (see attached conditions sheet)



III. PROJECT TYPE TIPO DE PROYECTO

PLEASE CHECK ALL THAT APPLY:

(Por favor marque todos que aplican)

- | | |
|---|--|
| <input checked="" type="checkbox"/> New Construction <i>(construcción nueva)</i> | <input checked="" type="checkbox"/> Paint <i>(pintura)</i> |
| <input checked="" type="checkbox"/> Restoration/Rehabilitation <i>(restauración)</i> | <input checked="" type="checkbox"/> Repairing Existing <i>(reparación)</i> |
| <input checked="" type="checkbox"/> Relocation/Moving a Structure <i>(traslado)</i> | <input checked="" type="checkbox"/> Landscaping <i>(areas verdes)</i> |
| <input checked="" type="checkbox"/> Demolition <i>(demolición)</i> | <input type="checkbox"/> Interior Work Only
<i>(Únicamente el interior)</i> |
| <input checked="" type="checkbox"/> Excavation/
Ground Disturbing Activities <i>(excavación)</i> | |

IV. PROJECT DESCRIPTION DESCRIPCIÓN DE PROYECTO

Please describe in detail the proposed project, including any new construction, demolition, the removal or replacement of existing materials, and all other proposed changes to the current structure. Attach an additional sheet if necessary.

Por favor describa el proyecto en detalle. Adjuntar pagina adicional si es necesario. Por favor describir el proyecto en ingles.

Selective demolition of south building wing to accomodate connection to new hotel/residential 12-story building. Movement of 3-story building section on Collins Avenue to the east by 13-feet to achieve set-back closer to compliance with Town zoning code. Remove non-original additions at third floor terraces. Construct wood terrace at east end of building. Remodel courtyard hardscape/landscape. Modify select window/door openings at west side of north wing to provide access to a café which will provide public food/beverage service and will activate the courtyard.

CHECK ANY STRUCTURAL SYSTEMS OR ELEMENTS THAT WILL BE AFFECTED BY THIS PROJECT:

Marque el sistema estructural o componente que sera afectado por este proyecto:

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Roof
<i>(techo)</i> | <input checked="" type="checkbox"/> Foundation
<i>(cimiento)</i> | <input checked="" type="checkbox"/> Steps or Stairways
<i>(escaleras)</i> |
| <input checked="" type="checkbox"/> Windows
<i>(ventanas)</i> | <input type="checkbox"/> Porches or Porte Cochère
<i>(portal ó porche)</i> | <input checked="" type="checkbox"/> Painting/Finishes
<i>(pintura/acabado)</i> |
| <input checked="" type="checkbox"/> Doors
<i>(puertas)</i> | <input checked="" type="checkbox"/> Siding/Stucco/Façade Work
<i>(entablado de exteriores)</i> | <input checked="" type="checkbox"/> Walls/Structural
<i>(pared óestructura)</i> |

V. CHECKLIST OF REQUIRED ATTACHMENTS

ALL APPLICATIONS MUST INCLUDE AT LEAST ONE COLOR PHOTO OF THE BUILDING

PAINTING YOUR BUILDING

- ___ Color photos of each side of the building to be painted
- ___ Paint Samples of the colors you wish to use (please indicate trim, wall, and accent colors)

FENCING, WALLS, NEW POOL, DRIVEWAYS, or LANDSCAPING

- ___ Site plan showing exact location(s) of fence, wall, pool, driveway, or proposed landscaping
- ___ Elevation drawings of fence, including height dimensions and material
- ___ Color photographs of the proposed location for the fence, pool, driveway, or landscaping
- ___ Description of landscaping, including type and placement (if applicable)

WINDOWS or DOORS

- ___ A color photograph of each side of the house
- ___ Existing elevations, which show the window placement, configuration, and material.
- ___ Proposed elevations, which show the new window placement, style of window, and material, and include all proposed muntins, if any
- ___ Manufacturer's brochure or a catalog picture of the requested window or door, and NOA

NEW ROOF


- ___ Color photos of the front of the building and existing roof
- ___ Manufacturer's brochure of requested roof showing color and material and NOA

RENOVATIONS/ADDITIONS or NEW CONSTRUCTION

- ___ Color photos of each side of the building
- ___ Site plan
- ___ Landscape plan, including documentation of any proposed tree removal (if applicable)
- ___ Elevations of all affected facades showing Existing Conditions (11"x17" set of plans)
- ___ Elevations of all affected facades with Proposed Alterations or Additions (11"x17" set)
- ___ Floor Plans
- ___ Manufacturer's brochure or catalog pictures of any new or replacement materials being used in project

VI. OWNER ATTESTATION

I certify to the best of my knowledge that all the information provided within this application is correct and accurately portrays the proposed project.

Signature of Owner (Firma del Dueño) Date (Fecha)
 JOSEPH BENTON 2/27/17

Signature of Applicant (if other than owner) (Firma del Solicitante) Date (Fecha)



January 22, 2018

Mr. David J. Coviello
Shutts & Bowen LLP
200 South Biscayne Boulevard
Suite 4100
Miami, FL 33131

RE: Seaway Villas, 9149 Collins Avenue, Surfside, Special COA #2017-09-S

Dear Mr. Coviello:

The Miami-Dade County Office of Historic Preservation is in receipt of your request to extend the expiration of Special COA #2017-09-S under section 252.363(1)(a)1, Florida Statutes. In accordance with the statute, and the state of emergency declared related to the Zika Virus, the new expiration date of Special COA #2017-10-S is April 25, 2020.

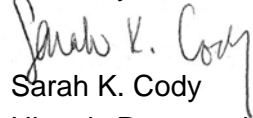
The following conditions remain a requirement of the approval, regardless of the new expiration date:

1. The owner shall submit a revised planting plan to staff that does not obscure the Collins Avenue façade. Staff shall provide an administrative review of the revised plan prior to construction.
2. The owner shall reconstruct the missing arched chimney cap.
3. New paving in the courtyard shall be an oolitic limestone that matches the character and color of the existing limestone.
4. The owner shall provide information on the paving material proposed for the vehicular drop-off area between Collins Avenue and the structure. Staff shall provide an administrative review of the proposed material prior to installation.
5. The open-air entry/lobby area of the building shall retain its existing terracotta-colored tile.
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8. If the intent to relocate the three-story, Collins Avenue-fronting portion of the building eastward by 13 feet is altered from what was presented in this application, due to any reason, the applicant shall reappear before this Board with a request to amend the COA approval.
9. The project shall include a public space to interpret, or “tell the story,” of the history of Seaway Villas, particularly its context in the early history of Surfside.

Please do not hesitate to contact our office with any questions.

Sincerely,



Sarah K. Cody

Historic Preservation Planner
Miami-Dade County

Cc: Mr. Joseph Benton, Fort Partners
Ms. Sarah Sinatra Gould, Town Planner, Town of Surfside
Mr. Ross Prieto, Building Official, Town of Surfside

CONDITIONAL USE REPORT

CONDITIONAL USE

Section 90-23 of the zoning code provides standards of review for Conditional Uses. Conditional Uses are generally compatible with the other land uses permitted in a zoning district but, because of their unique characteristics or potential impacts on the surrounding neighborhood and the Town as a whole, require individual review as to their location, design, configuration, and/or operation for the particular use at the particular location proposed, as well as the imposition of individualized conditions in order to ensure that the use is compatible with the surrounding neighborhoods and appropriate at a particular location.

In addition to the standards set forth in this zoning code for the particular use, all proposed Conditional Uses shall meet each of the following standards. The responses to the criteria are in italics below:

- (1) The proposed use shall be consistent with the Comprehensive Plan and the Zoning Code;

The proposed uses, which include a hotel swimming pools and outdoor dining are consistent with the Comprehensive Plan and the Zoning Code. These uses are customary for a hotel use, which is permitted in the H120 zoning districts. The proposed hotel swimming pools consist of four rooftop pools and five ground level pools at the rear of the property. Setbacks as per code are proposed to limit the visual impact of the pool decks. The setbacks will be around the entire perimeter of the deck. The outdoor dining is proposed within the courtyard of the historic building. This concept is supported by the Historic Preservation staff as a means to activate the historic building.

- (2) The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare;

The restaurant will be located within the courtyard of the historic building and is not detrimental to the public. The pools allow for safe, pedestrian circulation and will not impact the public.

- (3) The proposed use shall be compatible with the community character of the immediate neighborhood. In addition to compatibility there must be congruity between the subject development and neighboring improvements and surroundings including but not limited to form, spacing, heights, setbacks, materials, color, rhythm and pattern of architectural or aesthetic interest or value as well as with any overlays and other development schemes or legislation.

The Miami-Dade Historic Preservation Board was presented the proposed site plan at their May 17, 2017 meeting. Please see Historic Preservation Board report attached. The proposed renovations and restaurant at the Seaway portion of the site are supported by the Board. The swimming pools are consistent with the character of the zoning district and neighboring properties.

- (4) Adequate provisions shall be included for safe traffic movement, both vehicular and pedestrian, both internal to the use and in the area which will serve the use;

The proposed renovations to the Seaway building include setting the building back from the original position to allow for a driveway. This results in a safer situation than the existing condition.

- (5) Adequate measures exist including landscaping or other buffering measures or shall be taken to mitigate any adverse effects of noise, light or other potential nuisances; and

The restaurant is located in a courtyard, buffered by the north and south portions of the Seaway building. The swimming pools are at the rear and on the south side, adjacent to the Surf Club property; however they have substantial setbacks as well as landscaping to mitigate any noise.

- (6) The establishment of the Conditional Use shall not impede the development of surrounding properties for uses permitted in the zoning district; and

The buildings are surrounded by existing uses; therefore the establishment of the Conditional Uses will not impede the development of permitted uses in surrounding properties. However, the proposed development adds value to the district and is not expected to restrict future development.

- (7) Any other condition imposed by the Design Review Board and/or the Development Impact Committee.

APPLICATION & LETTER OF INTENT



ALEXANDER I. TACHMES, ESQ.
Shutts & Bowen LLP
200 South Biscayne Boulevard
Suite 4100
Miami, Florida 33131
DIRECT (305) 347-7341
FAX (305) 347-7754
EMAIL ATachmes@shutts.com

November 1, 2017

Town of Surfside
c/o Guillermo Olmedillo, Town Manager
9293 Harding Avenue
Surfside, FL 33154

Re: The Seaway Hotel and Residences – Conditional Use Application

Dear Guillermo:

Our clients, The Surf Club Apartments, Inc. and The Seaway Villas Condominium Association, Inc. (collectively, the “Applicant”), have filed a site plan application with the Town of Surfside (the “Town”) for restoration and renovation of the historically significant portions of the existing Seaway structure, and for the construction of new improvements on the property located at 9133 and 9149 Collins Avenue (collectively, the “Property”). The project will consist of 48 residential units, 31 hotel units, and ancillary uses, within an 12-story structure (collectively, the “Project”). The Project is more particularly shown on the architectural plans prepared by Kobi Karp and submitted with the site plan application (collectively, the “Site Plan”).

The Town Code provides that certain uses are considered “conditional uses” and require conditional use approval in accordance with the Code’s criteria. Hotel swimming pools, lounges and outdoor dining areas are all considered conditional uses. Accordingly, we hereby apply for conditional use approval for the following:

Hotel Swimming Pools: As shown on Sheet A3.01 of the Site Plan, the Project contains five (5) ground level swimming pools on the Property. There are also four (4) swimming pools on the rooftop as shown on Sheet A3.08 of the Site Plan. All of the aforementioned swimming pools are private pools utilized by residents only. However, because certain residential units may be rented in the future as part of a hotel program, we are requesting conditional use approval for all swimming pools on the Property in an abundance of caution to ensure technical compliance with the requirement in the future.

Hotel Lounge: The Project contains a hotel lounge located on the ground level within the northwest portion of the historic structure as shown on Sheet A3.01 of the Site Plan.

Outdoor Dining: The Project incorporates outdoor dining in the historic courtyard on the ground level and adjacent to the restaurant on the 3rd level terrace as shown on Sheet A.3.01 of the Site Plan.

As outlined below, the conditional uses proposed by the Applicant satisfy all of the review criteria in Section 90-23.2 of the Town's Zoning Code ("Code").

- (1) *The proposed use shall be consistent with the Comprehensive Plan and the Zoning Code:*

The requested conditional uses are all customary elements of a hotel and consistent with the Town's Comprehensive Plan and the Code, including the High Density Residential/Tourist Future Land Use designation under the Comprehensive Plan and the H-120 Zoning District under the Code.

- (2) *The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare:*

As a result of careful planning and attention to detail in the design, the proposed conditional uses will not be detrimental to or endanger the public health, safety, or general welfare. As more fully addressed in the other criteria below, the form, spacing, height, setbacks and architecture were all considered in order to respect the neighborhood. Safe circulation of vehicles and pedestrians, including loading, was also carefully studied in the design. Finally, the placement of uses within the interior of the Project or adjacent to other similar uses will minimize any adverse effects on the neighborhood.

- (3) *The proposed use shall be compatible with the community character of the immediate neighborhood. In addition to compatibility there must be congruity between the subject development and neighboring improvements and surroundings including but not limited to form, spacing, heights, setbacks, materials, color, rhythm and pattern of architectural or aesthetic interest or value as well as with any overlays and other development schemes or legislation.*

The proposed conditional uses are compatible with the character of the immediate neighborhood. Consistent with the Surf Club project immediately to the south, the Project was designed to respect the neighboring improvements in terms of

form, spacing, height, setbacks and architectural design. While the size of the Property permits the Applicant to develop approximately 235 units, the Applicant is sensitive to the character of the community and is proposing only 79 units. The Project also will not require any setback variances and is completely contained within the allowable building envelope under the Code.

- (4) *Adequate provisions shall be included for parking and safe traffic movement, both vehicular and pedestrian, both internal to the use and in the area which will serve the use;*

Parking for the Project will be provided in an underground parking garage, and all parking will be valet only. To avoid congestion and prevent queuing, two drop-off areas are proposed; a south drop-off area will serve residents only, and a north drop-off will serve hotel guests and patrons, including patrons of the restaurant and lounge. A queuing analysis prepared by David Plummer & Associates was submitted with the Site Plan, which concluded no adverse issues with traffic movement. To avoid conflict with larger vehicles, the loading area is also safely located on the south side of the Property away from pedestrian circulation points.

- (5) *Adequate measures exist including landscaping or other buffering measures or shall be taken to mitigate any adverse effects of noise, light or other potential nuisances; and*

The Project has been designed to mitigate any adverse effects of noise, light or other potential nuisances. The active hotel uses are located interior to the Property or adjacent to other compatible uses. Specifically, the hotel lounge opens to the interior courtyard, and the primary swimming pool is located on the south side of the Property adjacent to another hotel, the Four Seasons Surf Club. Additionally, the Project includes lush landscaping that will create a natural sound and visibility buffer. As such, there will be minimal to no spillage of noise or light to the neighboring properties.

- (6) *The establishment of the conditional use shall not impede the development of surrounding properties for uses permitted in the zoning district; and*

As stated above, the conditional uses are consistent with the Town's Comprehensive Plan and the Code. The Project has also been designed to be compatible with the character of the immediate neighborhood and mitigate any adverse effects on the neighboring properties. As such, the Project will not

Town of Surfside
c/o Guillermo Olmedillo, Town Manager
November 1, 2017
Page 4

impede the development of surrounding properties for uses permitted in the zoning district.

- (7) *Any other condition imposed by the design review board and/or the development impact committee.*

Not applicable.

We look forward to answering any questions you might have and to presenting our outstanding project to the Town in more detail. Thank you.

Sincerely,

SHUTTS & BOWEN LLP

A handwritten signature in blue ink, appearing to read 'ATachmes' with a flourish at the end.

Alexander I. Tachmes, Esq.

cc: Ms. Sarah Sinatra Gould, AICP

MIADOCS 15432231 1



TOWN OF SURFSIDE
CONDITIONAL USE APPLICATION

Approval of such conditional use(s) shall only be granted where it has been clearly shown that the public health, safety, morals, and general welfare will not be adversely affected; that adequate off-street parking facilities, in accordance with this chapter, will be provided; and that necessary safeguards will be provided for the protection of surrounding property.

A complete submittal includes all items on the "Submission Checklist for Conditional Use Application" 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 Surf Club Apartments, Inc. and The Seaway Villas Condominium Association, Inc.*
PHONE / FAX	305-347-7341
AGENT'S NAME	c/o Alexander I. Tachmes, Esq.
ADDRESS	Shutts & Bowen, LLP, 200 S. Biscayne Boulevard, Suite 4100, Miami, FL 33131
PHONE / FAX	305-347-7341
PROPERTY ADDRESS	9133 Collins Avenue and 9149 Collins Avenue, Surfside, FL 33154
ZONING CATEGORY	H-120
DESCRIPTION OF CONDITIONAL USE REQUESTED (please use separate sheet if necessary)	Hotel Swimming Pools and a Hotel Bar/Lounge, and Outdoor Dining Facilities; all pursuant to Section 90-41 of the Surfside Code of Ordinances.

*The Seaway Villas Condominium Association, Inc. is the condominium association established to govern the existing condominium property known as The Seaway Condominium.

<u>INTERNAL USE ONLY</u>	
Date Submitted _____	Project Number _____
Report Completed _____	Date _____
Comments _____	

SIGNATURE OF OWNER _____ 10/10/17
DATE

SIGNATURE OF AGENT _____ 11/1/17
DATE

SIGNATURE OF OWNER _____ 10/10/17
DATE

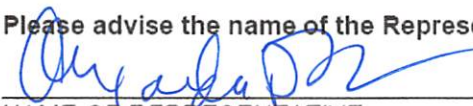
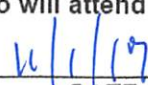


TOWN OF SURFSIDE
CONDITIONAL USE APPLICATION
PLANNING AND ZONING BOARD RULES AND PROCEDURES (JUNE 2002)

The Planning and Zoning Board shall generally meet the last **Thursday** of each month at 7:00 pm. at Town Hall.

Plans and completed applications (including all supporting documentation) must be submitted to the Building Department at least 21 days prior to the meeting, with the payment of applicable fees (example: \$200.00 for Plan Review for Zoning), at which time they will be considered. Incomplete plans and applications will not be processed.

The applicant or duly authorized agent (per ownership affidavit) must be present at the meeting. If there are no applications for consideration by the Planning and Zoning Board, the monthly meeting may be cancelled at the discretion of the Chairman of the Board.

Please advise the name of the Representative who will attend the hearing on behalf of this application:	
	
NAME OF REPRESENTATIVE	DATE

RESOLUTION NO. 18- _____

A RESOLUTION OF THE TOWN COMMISSION OF SURFSIDE, FLORIDA; APPROVING A SITE PLAN APPLICATION FOR PROPERTY GENERALLY LOCATED AT 9133-9149 COLLINS AVENUE, SURFSIDE, FL, FOR DEVELOPMENT CONSISTING OF 48 CONDOMINIUM UNITS, 31 HOTEL ROOMS, AND AN 1,100 SQUARE FOOT RESTAURANT AND LOUNGE; AND PROVIDING CONDITIONAL USE APPROVAL FOR THE HOTEL SWIMMING POOLS AND OUTDOOR DINING INCLUDED IN THE SITE PLAN; AND PROVIDING FOR A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, The Surf Club Apartments, Inc. and The Seaway Villas Condominium Association, Inc. (together, the “Applicant”), owner of the property generally located at 9133-9149 Collins Avenue, Surfside, FL 33154 and legally described as provided on Exhibit “A” attached hereto (the “Property”), submitted an application to the Town of Surfside, Florida (the “Application”), requesting site plan approval for the development of 48 condominium units, 31 hotel rooms, and an 1,100 square foot restaurant and lounge; and requesting conditional use approval for the hotel swimming pools and outdoor dining incorporated in the site plan.

WHEREAS, the Miami-Dade Historic Preservation Board reviewed the site plan application on September 21, 2016 and, with final revisions, on May 17, 2017 and recommended approval of the application with conditions which the Town desires to include as conditions of this approval; and

WHEREAS, on September 4, 2015, April 18, 2016, and September 28, 2017 the Town’s Development Review Group, pursuant to Section 90.20 of the Town Code, 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 July 27, 2016 and September 28, 2017, and during the televised meetings, reviewed the Application and made recommendations to the Planning and Zoning Board in accordance with the criteria set forth in the Town Code; and

WHEREAS, on January 25, 2018, 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 the Town Code for Site Plan and Conditional Use 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 the conditions of approval incorporated herein under Section IV. Conditions and with the request to revisit the driveway at the Seaway and consider removing it and that the applicant add additional valets if queuing issues arise on Collins Avenue; and

WHEREAS, on February 13, 2018, the Town Commission, at a duly noticed and televised quasi-judicial public hearing, reviewed the Application and hearing from its professional staff, the Applicant, and members of the public, and considering the recommendation of the Planning & Zoning Board, the requirements of the Town Code for Site Plan and Conditional Use Approval and the Application’s consistency with the Town of Surfside’s Comprehensive Plan, and the substantial competent evidence presented at the hearing.

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:

SECTION 1. RECITALS AND FINDINGS OF FACT.

1. All recitals set forth above are incorporated into the body of this Resolution as if same were fully set forth herein.
2. The Commission finds that the proposed site plan and conditional uses are in compliance with the requirements of the Town Code for Site Plan and Conditional Use Approval and the Application is consistent with the Town of Surfside’s Comprehensive Plan.

SECTION 2. SITE PLAN APPROVAL. The request to approve a site plan is hereby granted as shown on the site plan submitted to the Building Department on February 6, 2018 by Kobi Karp Architecture and Interior Design, Inc. dated October 2017 and provided for the public hearing, except as modifications are required by this approval or the Building Official.

SECTION 3. CONDITIONAL USE APPROVAL. The conditional use of the property for 4 rooftop hotel pools and 5 ground level hotel pools and for outdoor dining, as shown on the site plan approved herein, is hereby granted.

SECTION 4. CONDITIONS. The APPROVALS granted herein are subject to the following conditions:

1. The construction and uses shall be in accordance with the submitted plans for the hearing entitled “The Seaway Hotel and Residences” and dated October 2017, as submitted to the Building Department on February 6, 2018 and incorporated into this document as Exhibit “B” except as modifications may be required by this approval and any changes required by the Building Official.

2. Pursuant to Section 90-20.3, the applicant shall secure a building permit for the project no later than January 25, 2020.
3. The applicant shall comply with the conditions imposed by the Miami-Dade Historic Preservation Board on May 17, 2017, as provided with the staff report, which conditions are incorporated herein as part of this approval.
4. The underground utilities on the approved site plan shall be installed without alternatives. The Applicant shall demonstrate the underground utilities will be accommodated in the configuration proposed prior to a foundation permit.
5. The Applicant shall install a plaque on the exterior of the historic building notifying the public of the historic designated building, subject to approval by the Miami Dade County Historic Preservation Board.
6. All voluntary proffers and commitments made to the Town of Surfside pursuant to the Resolution, including but not limited to those described in 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 were granted.
7. The Applicant has voluntarily proffered \$250,000 to the Town to address the impacts of the development, which shall be paid 90 days after approval of this development order. Upon obtaining the first building permit inspection, this payment shall be non-refundable.
8. The Applicant shall provide a bond not to exceed five percent of the construction cost, as required by the Building Official. These funds shall be used to secure property and the 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.
9. 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. The website URL will be advertised to Town residents.

10. The applicant agrees to design the project to be LEED silver certifiable.
11. 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.
12. 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 and be maintained in good condition throughout the construction process.
13. 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 a building permit. All service roll gates shall be at least 15 feet high and shall be of a decorative design to enhance the aesthetics of the building.
14. The Applicant shall present evidence of a Construction Parking Plan for the provision of off-street parking outside of Town limits or on Applicant's property within the Town, for construction workers during the period of construction of the approved project prior to the issuance of a building permit. The Applicant and the Applicant's general contractor shall direct all workers not to park their vehicles in residential neighborhoods or lease parking spaces from Town residents or park in Town parking lots and Town parking metered spaces. The Construction Parking Plan shall be reviewed and approved by the Town Manager prior to the issuance of a building permit.
15. The Applicant and the Applicant's general contractor are responsible to enforce the Construction Parking Plan with all employees, contractors and subcontractors. The Applicant shall be fined five hundred dollars (\$500) for each parking ticket issued to construction workers for parking in residential neighborhoods or Town public parking while working on the construction site (limit of one fine per vehicle per day). The construction parking plan shall provide the following:
 - (a) No workers shall park their vehicles in residential neighborhoods or Town public parking spaces; and
 - (b) Applicant shall provide monthly reports to the Town Manager of any problems or complaints with regard to workers parking their vehicles in residential neighborhoods; and

- (c) If the Town Manager deems necessary, the Applicant shall provide more frequent reports and develop additional preventive measures to protect the residential neighborhoods.
16. The Applicant agrees that all contractor and subcontractor agreements applicable to this development shall include a separate clause prohibiting construction workers from parking on residential streets or public parking lots and that Applicant shall submit the proposed clause for the approval of the Town Manager or Town Manager Designee within 45 days of the effective date of this Resolution.
17. Any change in ownership of the current property owner, up to and including the turnover of ownership to the condominium association, greater than twenty percent (20%) shall be fully disclosed in writing to the Town Manager and Town Attorney immediately upon said change occurring. Any change of ownership of the project shall not extend or modify any of the dates for payment or performance included in this Resolution or in any related agreements referenced in this Resolution nor shall any change of ownership modify or excuse or extend any of the payment obligations contained in this Resolution or in any related agreements referenced in this Resolution. All payment obligations and performance obligations of any kind set forth in this Resolution and in these Conditions are binding on the Applicant, its heirs, successors and assigns.
18. Pursuant to Section 90-60.1(5) of the Town Code, the Applicant shall provide a perpetual, irrevocable, hardpack access easement agreement, in a form acceptable to the town manager and approved as to legal sufficiency by the town attorney, with consideration given to the Planning and Zoning Board recommendation that the location of the easement provide public access up to the Erosion Control Line which includes the beach walking path and the dune. The Easement shall be executed, recorded and submitted to the Town by the Applicant within 60 days of this approval.
19. The applicant shall provide a Unity of Title in a form acceptable to the Town Attorney for all parcels included in the site plan to the Town prior to the issuance of the first building permit.
20. The Applicant shall ensure the Town's water/sewer infrastructure is ready to receive the approved utility connections referenced in Condition 1 above. At the option of the Town, the Town may allow the Applicant to construct improvements to the Town water/sewer infrastructure and provide a credit to the Applicant on the basis of one-half the reasonable cost of improvements.

21. The Applicant shall provide the Town with a detailed schedule for the construction of the project (the "Construction Schedule") within sixty (60) days of approval of the Application by the Town Commission.
22. The approved site plan does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Town for issuance of the approval if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that result in a violation of federal or state law.
23. All applicable state and federal permits shall be obtained before commencement of construction.

SECTION 5. VIOLATION OF CONDITIONS. Failure to adhere to the terms and conditions of this Resolution shall be considered a violation of the Town Code and persons found violating the conditions shall be subject to the penalties prescribed by the Town Code, including but not limited to, the revocation of any of the approval(s) granted in this Resolution. The Applicant understands and acknowledges that it must comply with all other applicable requirements of the Town Code before it may commence construction or operation, and that the foregoing approval in this Resolution may be revoked by the Town at any time upon a determination that the Applicant is in non-compliance with the Town Code or the conditions of this Approval.

SECTION 6. 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.

SECTION 7. EFFECTIVE DATE. This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this 13th day of February, 2018.

Motion by: _____,

Second by: _____.

FINAL VOTE ON ADOPTION

Commissioner Daniel Gielchinsky _____
Commissioner Michael Karukin _____
Commissioner Tina Paul _____
Vice Mayor Barry Cohen _____
Mayor Daniel Dietch _____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, MMC, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE TOWN OF SURFSIDE ONLY:**

Weiss Serota Helfman Cole & Bierman, P.L.
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. 18-____ adopted by the Town Commission at its meeting held on the ____ day of _____, 2018.

Issued: _____

Sandra Novoa, MMC
Town Clerk