



**Town of Surfside  
Special Town Commission Meeting  
MINUTES**

**October 15, 2012**

**7 p.m.**

**Town Hall Commission Chambers - 9293 Harding Ave, 2<sup>nd</sup> Floor  
Surfside, FL 33154**

**1. Opening**

**A. Call to Order**

Mayor Dietch called the meeting to order at 7:04 P.M.

**B. Roll Call of Members**

Town Clerk, Sandra Novoa called the roll with the following members present: Mayor Dietch, Vice Mayor Karukin, Commissioner Kligman and Commissioner Graubart. Commissioner Olchyk was not in attendance.

**C. Pledge of Allegiance**

Chief of Police David Allen led the 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. Surf Club Site Plan and Conditional Use Application – Roger M. Carlton, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ("TOWN") APPROVING A SITE PLAN APPLICATION, PURSUANT TO SECTION 90-41 ET SEQ. OF THE ZONING CODE, TO PERMIT A 285 UNIT CONDOMINIUM/HOTEL INCLUDING A GOURMET SPECIALTY FOOD PRODUCT STORE, A FOUR STAR HOTEL WITH A FIRST CLASS QUALITY SPA, ROOF TOP DECKS, POOLS, 661 PARKING SPACES, TANDEM PARKING, AND 24 HOUR VALET PARKING CONSISTING OF THREE 12-STORY BUILDINGS ON THE EAST SIDE OF COLLINS AVENUE AND TWO 4-STORY BUILDINGS ON THE WEST SIDE OF COLLINS AVENUE, AND CONDITIONAL USES, PURSUANT TO SECTION 90-23-2 OF THE ZONING CODE, TO PERMIT THE DEVELOPMENT OF STRUCTURED PARKING, HOTEL SWIMMING**

**POOLS, JACUZZI, OUTDOOR DINING, LOUNGES/BARS, AND A ROOF TOP BAR, ALL WITH AN ADDRESS OF 9011 COLLINS AVENUE, SURFSIDE, FL, AS SUBMITTED BY SC PROPERTY ACQUISITION, LLC (THE "APPLICANT") 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.**

Special Counsel to the Town Miriam Maer spoke about the process and asked the Town Commission if anyone had ex-parte communications with the applicant or any objector.

Commissioner Kligman stated that she met with the applicant and attended the Surf Club public meetings where she did not participate, she just listened.

Commissioner Graubart stated that he was offered a meeting with the applicant and he declined. He attended one of the Surf Club public meetings hoping to see a model and since the model was not available he left. He reported that he spoke with residents in favor and against the project and he also received e-mails which he forwarded to the Town Clerk to be included as part of the record.

Vice Mayor Karukin stated that he met with the applicant on August 12, 2012 and he received emails that were circulated to all of the members of the Town Commission.

Mayor Dietch stated that he also met with the applicant and many residents in favor and against the project. He also received emails that were forwarded to the Town Clerk as part of the record.

Town Clerk, Sandra Novoa read the title of the resolution and swore in everyone wishing to speak in favor or against the item.

Town Planner Sarah Sinatra presented the project to the Town Commission with the staff recommendation.

Michael Mconaghan and Nadim Achi representing Fort Capital presented the redevelopment of the Surf Club project to the Town Commission. Kobi Karp, Project Architect presented the project to the Town Commission as well.

Eli Tourgeman was sworn in by the Town Clerk. Mr. Tourgeman spoke in favor of the project.

Barbara McLaughlin spoke in favor of the project and asked the developers and the Town Commission to try to maintain the beach entrance as accessible as possible throughout the project.

Mary Gilbert spoke in favor of the project.

Violet Storer stated that this project will affect her view but she is willing to sacrifice that for this project.

Meigor McDowgal stated that in her opinion this project will be fabulous and she really loves the new lifeguard stand.

Jose Gilibert spoke in favor of the project and seconded previous comments.

Jim Lucchese president of the Surf Club stated that the Surf Club has been there for more than 80 years and they have spent a significant amount of money during the past two years due to the deterioration of the building. He stated that six companies presented projects to the board of trustees. He explained that this company was chosen because it provided the best terms and conditions that the Surf Club wanted but also because they had the Surf Club community in mind.

Gloria Acuna from Miami Dade County Community Council District 10 spoke in support of the Surf Club.

Anthony "Tony" Campos from Miami Dade County Community Council District 10 spoke in support of the project as a resident of Surfside.

W. Tucker Gibbs representing the Surf House Condominium Association stated that his clients met with the principal and their attorney as well as with representatives of the Surf Club. The Surf House reviewed the application and retained a professional Planner to evaluate the application's compliance with the Town Charter and provisions regarding intensity and density of development. After the review and discussion of the development, their concerns and issues were addressed and they are expressing their support for this project. Mr. Tucker also stated that the project could have been built under the Town's prior zoning code.

Robert Zarco member and General Counsel of the Surf Club spoke in favor of the project.

Aslan Palachi spoke in favor of the project.

Mayor Dietch asked the Town Clerk to acknowledge all of the letters and emails received in her office. Town Clerk Sandra Novoa stated that she received a total of eleven (11) letters and/ or emails, eight (8) of those in favor and three (3) in opposition to the project and these have been included as part of the record.

Mayor Dietch asked if anyone else wanted to speak either for or against the project. No one else wishing to speak on the item, Mayor Dietch closed the Public Hearing.

Commissioner Kligman stated that the historic preservation of the project was most exciting because historically the Surf Club was not open to a diverse group of citizens and it is very symbolic that the wall will be coming down. She expressed concerns on the traffic flow that will be created from this project and the gourmet mart as presented. Town Planner Sarah Sinatra explained that the gourmet mart is a permitted use under Hotels and it is allowed under the Town code. She asked if the developers had a commitment with any specific gourmet mart in particular and the response was that an operator had not yet been chosen. She stated her concerns regarding the impact that this gourmet mart will have on the Town's Downtown Commercial District and the potential of this opening to other commercial uses to come into the area near the Surf Club. She suggested that the applicant mitigate that impact and help overcome any adverse impact by participating in a Downtown Improvement Fund in the amount of \$400,000. Town Manager Roger M. Carlton explained that the wording will be worked out if the developers agreed to it but the concept will be to create a fund that could only be used for Downtown infrastructure improvements and that the applicant would pay \$200,000 on project contract award

and \$200,000 on project completion and it will include landscaping along both sides of the street, additional bus shelters, medjool palm trees and a plan will be brought back to the Town Commission for approval. The developers were in agreement with the mitigation amount suggested by Commissioner Kligman subject to working out the details with the Town Manager.

Commissioner Kligman also had some concerns regarding pedestrian access for 90<sup>th</sup> Street. Kobi Karp, Architect for the project stated that they will landscape and require the loading to be inside their property and completely hidden from the public view. The developers also stated that part of the conditions agreed to include \$400,000 to redo 90<sup>th</sup> Street from Collins Avenue to the beach.

Commissioner Kligman asked about the plans to install underground utilities along Surfside Boulevard. The developers stated that there has been some previous work done and that they agreed to contribute \$500,000 toward beautifying and continue with the rehabilitation of that entire boulevard. Town Manager Roger M. Carlton explained that the Town Commission authorized FPL to do a complete study of the Town to project the cost of placing the rest of the Town underground. The Town has received the report from FPL and during the next six (6) months the Commission will have to make a decision.

Commissioner Kligman also asked if they had a plan to alleviate the construction noise and traffic. Mr. Karp explained that they have a large site and they have the opportunity to spread the employees' parking on one side while they build on the other side. He stated that construction hours will be per the Town code. Paul Gioia, Building Official stated that the first activity will be demolition; the second will be work on the center building, then work on the cabanas. He explained that per the Town code the hours of construction starting on November 1<sup>st</sup> are from Monday through Saturday from 9:00 am – 5:00 pm, no work allowed on Sundays or holidays and after April 1<sup>st</sup> they could work till 8:30 pm.

Vice Mayor Karukin asked if the issue was discussed during the DIC meeting regarding the cutting into the main sewer lines so that applicant does not have to repave the road. Town Manager Roger M. Carlton explained that if they do per FDOT rules they will have to repave the entire section. He also added that the Town is ok with their water and sewer and storm drainage plans.

Vice Mayor Karukin asked a question about the various bonds. Town Manager Roger M. Carlton stated that the bonds were acceptable and they have been clarified and were added to the list of conditions.

Vice Mayor Karukin asked if there was a traffic study done for this project. Mr. Karp responded affirmatively. He asked if this traffic study will be provided to the consultants that are currently working on the Town wide traffic study. The answer was affirmative. Vice Mayor Karukin had a question for Donald Nelson, Finance Director and the Town Clerk Sandra Novoa swore him in. Vice Mayor asked how the money given to the Town by the developers will be accounted for. He

explained that the majority of the funds will be coming to the Town in the FY 13/14 year and will not affect the current FY 12/13 budget and the allocations will be in their appropriate funds and segregated for specific purposes. He stated that he would like to allocate the proffer for the Parks and Recreation Department to the second floor of the Community Center as a capital project. Town Manager Roger M. Carlton announced that the Parks and Recreation Committee met earlier that evening and were very excited to develop a plan on how to use the monies and what the priorities should be.

Vice Mayor Karukin thanked the developer for the new lifeguard stand. He also asked how would they prevent a gourmet mart to become a less than the highest quality and how would they keep it as what they envisioned to be. The applicant responded that there is a development order condition that indicates that it is supposed to be a gourmet market and has to belong to a special restaurant/gourmet market association. Miriam Maer, Special Counsel to the Town, referred the Town Commission to condition # 27.

Vice Mayor Karukin asked the Town Planner to explain more about the step back requirements from the Town code. She explained that because this is considered one building, the step back is only required on the north side of the building and not all individual buildings.

Commissioner Graubart spoke about his concerns of the deterioration of the historic building and what measures will be taken to ensure that there is no damage during construction. Mr. Kobi Karp explained that everything will be up to code and they will restore the original windows, doors and they would restore the cabanas as well.

Commissioner Graubart asked them to speak about the gourmet market. He stated that it is 7,000 sq. ft. and that approximately 2,500 were designated for the customers to shop. Mr. Karp stated that it is actually reversed; 2,500 sq. ft. will be the back of the house and the rest for the public and guests to use.

Commissioner Graubart asked if the cabanas would be available to the public to rent. The answer was affirmative.

Commissioner Graubart stated that he would like to see a presentation on how cars are going to go from the garage, coming around Harding Avenue, head southbound and turn east on 90<sup>th</sup> street. He also asked if they will be allowing wedding and special events and how many square feet are allocated for those meeting rooms. The applicant responded that there will be special events. Mr. Kobi Karp explained how the traffic flow will work in case of any special events and stated that he will provide a copy of the traffic study to the Town.

Commissioner Graubart also asked about the loading area and how would it work. Mr. Karp stated that all loading areas have been moved away from the street. Commissioner Graubart asked for more information on a four (4) star hotel, how many guests will be in the hotel during high season. The applicant stated that they

have used the model of The Setai Hotel and they hope to have an equal or better product. He stated that there are about 285 units and the owners have the options to place their unit with the hotel to rent. They hope that fifty to sixty percent of the owners will be in the program and the rest will be permanent residents. Commissioner Graubart asked Town Planner Sarah Sinatra if the twenty-nine (29) cabanas were part of the calculations for the parking calculations. Sarah Sinatra stated that the cabanas were not included because they are an accessory function of the hotel so they would not have to have a separate parking count for that.

Mayor Dietch spoke about condition # 1 that relates to the signage and he asked the applicant to explain how would they utilize signage to direct people to the drop offs. The applicant explained that they will have a signage package program where each building will have signage in which they are trying to make them as discrete as possible while still providing direction to visitors.

Mayor Dietch asked the applicant to give a description of what public access means. The applicant explained that there is currently a wall that will be removed. He explained that anyone could walk along the beach and if you decide to go and sit on the terrace or come inside the restaurant or walk straight through the property, this will all be allowed. The spa, restaurant, gourmet market and a lounge will be open to the public.

Mayor Dietch asked questions as to how a tractor trailer will do deliveries. The applicant explained that all unloading would be inside the building.

Mayor Dietch asked about the median on 91<sup>st</sup> Street between Collins and Harding Avenues that was presented in one of the renderings. Town Manager Roger M. Carlton explained that the street is one of the wider streets in Town and the median will improve the appearance greatly.

Mayor Dietch asked how long construction would last. The applicant stated that from the historic work to completion will be eighteen (18) to twenty four (24) months.

Mayor Dietch commended the staff for putting together the conditions for approval but he thinks that some of them do not give the Town the leverage that is needed. For example the lifeguard stand says that the applicant has a say on the location but it is not specific as to the aesthetics. He wants to make sure that the Applicant will do everything to the Town's satisfaction. Town Manager Roger M. Carlton explained that the discussion regarding the lifeguard stand was that it should be complimentary to the design of the Surf Club and it should be spectacular but the Town will have a say on the aesthetics because it has to go through the permit process.

Mayor Dietch asked the Town Planner to confirm that this project does not violate the height density and intensity requirements of the Comprehensive Plan and the zoning code. Town Planner Sarah Sinatra confirmed that the project has less density than allowed and meets the height requirements and explained how the height is measured.

Commissioner Kligman asked what other traffic issues would the Town expect to mitigate with the Applicant besides the traffic signal that the Town will wait on the warrant analysis and FDOT's reaction. Town Planner Sarah Sinatra stated that the Town is unable to do a full analysis until 91<sup>st</sup> Street is fully opened after the water/sewer/storm drainage project is completed. The Town included in the conditions that the applicant is obligated to pay for a traffic signal. If FDOT does not approve the 91<sup>st</sup> Street signal, the Town can always do some other traffic calming including a pedestrian signal.

Commissioner Graubart stated that in his experience in reviewing other plans the National Geodetic Vertical Data (NGVD) is usually one hundred and forty (140) ft., and in this project in the North Tower goes above slightly by about four (4) ft. Town Planner Sarah Sinatra explained that the NGVD is typically about eighteen (18) ft. and that will be considered zero. The State of Florida determines what is considered zero which is the base from where we start calculating. Every plan starts at about eighteen (18) ft. to twenty (20) ft. which is considered zero, then you start looking above that which is 120 ft. as habitable area and above that you can have up to twenty (20) ft. additional for your mechanical equipment. The entire project from the NGVD at eighteen (18) or twenty (20) should not exceed one hundred and forty (140) and does not per their review. Special Counsel to the Town Miriam Maer directed the Town Commission to look for relevant competent substantial evidence from the experts, traffic engineers and the application.

Commissioner Graubart asked everyone to go to page 25 of the booklet, condition # 16 where it talks about the resort tax payments received from the Surf Club for the twelve (12) month period prior to the date of Commission approval. He would like to get a calculation on the average for the last three (3) years instead of only twelve (12) months. Town Manager Roger M. Carlton explained that the resort tax payment has been minimal, the Surf Club rooms by no means are full and the numbers of parties and events have diminished over the years.

Commissioner Graubart stated that his major concern still remains not seeing a better traffic report, where cars will queue and drop off if there is a wedding or a big meeting. The Applicant presented Juan Espinosa, Traffic Engineer with David Plummer and Associates who spoke about the traffic study that was conducted.

Commissioner Graubart stated that if there are 425 cars garage across the street and the people who are on the northwest building will be served by parking on the sixteen (16) spots available on that side and by Town code fifty (50) of the total spaces are dedicated to the residences, he remains to be concerned about valet and pedestrians going back and forth across Collins Avenue. Traffic Engineer Juan Espinosa elaborated more on the traffic study conducted and how the traffic will be divided between the three different drop-off areas.

Mayor Dietch asked to go over specific provisions of the development order; Page 24, Condition # 12 – He would like to make sure that the Surf Club marketing materials will state that the property is located in Surfside. The Applicant concurred.

Page 25, Condition # 17 – He would like to find out if the applicant would consider reallocating that money if the signal is not required to some other traffic related improvement not to exceed \$400,000. The Applicant agreed.

Mayor Dietch spoke about the demolition and how the Applicant is targeting LEED certification and he knows that the Town will require a demolition plan 60 days prior to requesting a demolition permit. He requested that the Applicant achieve 80 percent recycling recovery of the construction demolition debris. The Applicant agreed.

Mayor Dietch also would like for the Applicant to achieve certification with the Florida Green Lodging Program run by the Florida Environmental Protection. The Applicant agreed.

Mayor Dietch also would like for the Applicant to develop a program to avoid construction workers and staff after opening parking in the single family neighborhood. The Applicant agreed to develop an education program for construction workers and staff and he also mentioned that there is a development condition that they could be contacted 24/7 with any construction issues and they will address them promptly.

Town Manager Roger M. Carlton expressed that if the Commission wishes they will include a more specific language in the conditions that states that there will be no parking allowed in the single family neighborhood. The Applicant stated that they intend to use their site for parking and they could review this on a monthly basis and if it becomes a problem they will develop a plan to take solve the issue.

Commissioner Graubart asked if the parking garage is a conditional use. Town Planner Sarah Sinatra responded affirmatively. Commissioner Graubart asked what the major conditions for a parking garage are. Town Planner Sarah Sinatra stated that when staff reviewed the proposal, they required that the Applicant make the garage look like a residential building and the only operational issue they reviewed had to do with the gate and the hours of operation and that the landscape has to be kept in first class condition. Commissioner Graubart asked if there will be a security guard booth built there for someone to operate 24 hours a day. Town Planner Sarah Sinatra responded in the negative and read from the condition that the parking garage gate will be open till at least 10:00 pm each night and then reopen the next day at 6:00 am. Mr. Karp representing the Applicant stated that the parking garage will have 24/7 cameras and security and the parking garage will have an arm gate during the day that will be accessed with a key access card and in the evenings there will be a roll down gate and the valet will have to activate both to get in.

Vice Mayor Karukin made a motion to approve the project subject to the conditions added. Special Counsel to the Town Miriam Maer read the conditions into the record:

- Contribution of \$400,000 to the Downtown Improvement Fund, \$200,000 to be paid on contract award and \$200,000 on project completion.



- Condition with regards to demolition, that 80 percent of the material debris goes toward recycling.
- The Applicant receives certification for Florida Green Lodging.
- A program to prevent construction and then regular staff workers from parking in residential neighborhoods
- Submit monthly reports and if there are issues, they will meet with Town Manager to come up with a plan.
- Language that the Surf Club is located in the Town of Surfside (existing condition # 12)
- \$400,000 allocated in its entirety if not used completely for signalization, then it will be used to provide traffic mitigation with regards to traffic circulation and pedestrian safety Town wide (existing condition #17)

The motion received a second from Commissioner Kligman. The motion passed unanimously 4-0.

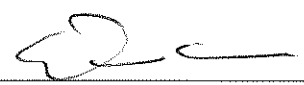
### 3. Adjournment

There being no further business to come before the Commission, the meeting adjourned at 10:25 p.m.

Accepted this 13<sup>th</sup> day of November, 2012

Attest:

  
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Sandra Nowoa, CMC  
Town Clerk

  
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Daniel Dietch, Mayor