

RESOLUTION NO. 10-Z-01

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, (“TOWN”) APPROVING THE SITE PLAN APPLICATION SUBMITTED BY TRANSACTA LANAI DEVELOPERS, LTD., (THE “APPLICANT”), FOR A SITE PLAN APPROVAL PURSUANT TO SECTION 90-41 ET. SEQ. OF THE ZONING CODE, TO PERMIT THE DEVELOPMENT OF “PROPOSED SURFSIDE HOTEL”, A FOUR (4) STORY, 178 HOTEL ROOM AND FIVE (5) SUITE HOTEL PROJECT, ON THE PROPERTY LOCATED AT 9200 COLLINS AVENUE, SUBJECT TO CERTAIN CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

I. RECITALS.

WHEREAS, on December 29, 2009, Applicant submitted an application to the Town of Surfside, Florida (“the Application”) (Z2010-1), requesting the following:

1. Pursuant to Section 90-41 of the Town of Surfside ZONING CODE, the applicant is requesting a site approval for a four (4) story, 178 hotel and five suite-hotel room project with a three (3) story parking garage with 200 spaces, tandem parking, 24 hour valet service roof top deck pool with an entrance on 92nd street and loading entrance on Collins Avenue.
2. Monument signage proposed for the corner of 92nd Street and Collins Avenue and wall signage to be applied for under separate permit.

Plans are on file and may be examined in the Building Department entitled “Proposed Surfside Hotel”, prepared by Revuelta Architecture International PA, dated stamped received February 26, 2010 consisting of 55 sheets total including “Cover Sheet and Index of Drawings” prepared by prepared by Revulta Architecture International dated stamped received February 26, 2010 consisting of 2 sheets; “Boundary Survey” prepared by Florida International Land Surveyors, Inc. dated stamped received February 26, 2010 consisting of 1 sheet; “Civil Sheets C-0, C-1, C-2, C-3, C-4, C-5, C-6, C-7, C-8, and C-9” prepared by V.S.N. Engineering, Inc. dated stamped received February 26, 2010 consisting of 10 sheets; “Architecture Sheets A-01, A-01.1, A-01.2, A-02, A-03, A-04, A-05, A-06, A-07, A-08, A-08.1, A-08.2, A-09, A-09.1, A-09.2, A-10, A-11, A-12, A-13, A-14” prepared by Revulta Architecture International dated stamped received February 26, 2010 consisting of 20 sheets; “Electrical Sheets E-01, E-02, E-03, E-04, E-05, E-06, E-07, E-08, E-09, E-10, E-11, E-12” prepared by Revulta Architecture International and JGP Engineering Group P.A. dated stamped received February 26, 2010 consisting of 12 sheets; and “Landscape L-01, L-02, L-03, L-04, L-05, L-06, L-07, L-08, L-09, L-10” prepared by Revulta Architecture International and Rosenberg Gardner Design dated stamped received February 26, 2010 consisting of 10 sheets; Plans may be modified at public hearing (hereinafter referred to as the “Plans”).

Legal: Lots 1-6 and Lots 20-24 in Block 4 of Altos Del Mar” No. 5 according to the Plat thereof, as recorded in Plat Book 8, Page 92 of the Public Records of Miami-Dade County, Florida.

ADDRESS: 9200 Collins Avenue

WHEREAS, on February 25, 2010, the Design Review Board and the Planning & Zoning Board heard and reviewed this Application and referred this Application for approval by the Town Commission with the conditions of approval attached here to and incorporated herein under Section IV. Conditions; and

WHEREAS, on March 9, 2010, the Town Commission conducted a public hearing on the Application as modified by the Applicant per the conditions of approval; and

WHEREAS, the public hearing of the Town Commission was advertised and held as required by law, all interested parties concerned in the matter were heard, and due and proper consideration was given to the matter and to the positive recommendation contained in the joint memorandum from the Planning and Zoning Administrator and the Planning Consultant; and

WHEREAS, notice was provided to all interested parties regarding the Application; and

WHEREAS, the Town Commission reviewed the Application, the written and oral recommendations of the Town Planners and other consultants who render reports with respect to the Application, including the recommended conditions, and found substantial competent evidence to support a showing by the Applicant that the requests for the transfer of development rights and for site plan approval are in compliance with the ZONING CODE and the Comprehensive Master Plan of the Town and maintain the basic intent and purpose of the zoning, subdivision or other land use regulations, which is 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, subject to all of the conditions set forth in this Resolution and the execution of any attendant agreements including but not limited to the tandem parking agreement.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPLICABLE TO APPLICANT, ITS SUCCESSORS OR ASSIGNS, AS FOLLOWS:

II. INCORPORATION OF RECITALS.

All recitals are incorporated into the body of this Resolution as if same were fully set forth herein.

III. APPROVALS.

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 Building Permit for the Project.

- A. The Applicant's request for approval of the site plan submitted for the Proposed Surfside Hotel located at 92nd Street and Collins Avenue 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 a denial of this Application.

- B. The Applicant's request for approval of 34% tandem parking, other than handicapped parking (100% tandem parking permitted) is hereby granted subject to conditions of approval and the execution of a tandem parking agreement which shall be recorded to run with the land.

IV. CONDITIONS.

A. Conditions to be completed before grade or building permits are issued.

1. Applicant shall enter into an agreement, recorded in the public records at the expense of the owner, which shall run with the land and shall bind the heirs, successors, and assigns of said owner, which requires all developments having any tandem parking spaces to provide twenty-four (24) hour valet parking service.
2. New sidewalk and curb and gutter along Collins Avenue and Harding Avenue must be approved and permitted by FDOT. New sidewalk and curb and gutter along 92nd Avenue must be approved and permitted by Miami-Dade County.
3. All pedestrian features shall comply with the Americans with Disabilities Act, 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.
4. All restrictions of vehicle sizes and heights and signage on requested signing and pavement marking plan shall be provided.
5. Prior to construction approvals, applicant must meet with Town Public Works Department and reach a written agreement allowing landscaping to be placed in the new water main easement on the north side of the proposed hotel.
6. Per the survey, FEMA base flood elevation is 8.0 NGVD. Per Code Section 42-92 applicant must flood proof building to one foot above the FEMA base flood elevation and certified flood proofed by a registered professional engineer or architect using a FEMA Flood proofing Certificate.
7. Proof of an FDOT permit for closing the existing driveways, utility construction, and other work on SR A1A shall be required prior to any work being performed within the Right-of-way.
8. Proof of vacation of the onsite Bellsouth easement must be provided prior to commencement of construction.
9. Applicant shall have provided copies of approvals from MD-DERM for storm water and sanitary sewer, MD Public Health UNIT for water.
10. An irrigation plan for the planters to be placed on the eyebrows of the parking garage shall have been provided and approved by the Town.
11. The site plan shall conform to the survey in the following ways: a) legal description; b) the site boundaries shall conform with the angles and distances reflected on the survey; c) the site plan shall show section, township and range with adjacent property owners on its location sketch.

12. Survey needs an owner affidavit that no changes have occurred since the survey.
- B.** That upon the submittal of an application for a building permit, the plans submitted shall meet with the approval of the Planning Consultants and shall be consistent with the modified Site Plan approved by the Town Commission. Plans shall include all the required elements of the Site Plan pursuant to the Town's Zoning Code and recommendations and these conditions.
 - C.** That the Property be developed substantially in accordance with the modified plan for the March 9, 2010 public hearing and the Plans.
 - D.** That the Applicant shall submit a Declaration of Restrictive Covenants (the "Declaration") in recordable form acceptable to the TOWN, prior to issuance of a building permit relating to tandem parking in perpetuity as well as the provision of twenty-four (24) hour valet parking services for owners and their guests which shall be included in such Declaration.
 - E.** That the Applicant comply with all conditions and permit requirements of the Department of Environmental Resource and Management (DERM), the Miami-Dade County Fire Department (MDFD), Water and Sewer Department, Department of Environmental Protection (DEP), Florida Department of Transportation (FDOT).
 - F.** That 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 debris. The Applicant will comply regulations of the Code of the Town of Surfside relating to construction site operations including construction fencing. The Applicant will use its efforts to minimize vibration and noise during the construction of the project.
 - G.** That the Applicant has submitted all documents required under this Resolution and all impact fees, and professional fees (cost recovery) incurred in the review and processing of this Application and permitting.
 - H.** No building permits shall be issued (except for demolition and sales trailers) unless the Applicant has submitted all documents required under this approval and shall have paid all professional and other fees required by the Code of the Town of Surfside (including but not limited to, the connection and development fees in accordance with Section 78-83 of the Code of the Town of Surfside) are paid.
 - I.** Applicant shall present evidence of parking plan pr agreement for the provision of off-street parking for construction workers during the period of construction of the approved project.
 - J.** Applicant agrees to attempt to secure approval for signalization for 92nd Street and Collins Avenue with FDOT.

Conditions to be completed before any Certificate of Occupancy is issued:

- (1) That the Applicant demonstrates that it is in compliance with all terms and conditions under this approval.

The Town Manager and /or his/her designee in review of any application, may refer any such application presented to it to such engineering, planning, legal, technical, or environmental consultant or professional(s) employed by the Town as the Manager shall deem reasonably necessary to enable him/her to review such application as required by law. Charges made by such consultants or professionals shall be in accord with the charges customarily made for such services in Miami Dade County, and pursuant to an existing contractual agreement by and between the Town and such consultant. Charges made by the Town shall be in accord with the hourly rates charges by such consultants or hourly rates of employed professionals and shall be paid within 30 days on submission of Town voucher.

That Applicant shall furnish payment and performance bond in an amount determined by the Building Official to ensure Applicant's performance of public improvements required pursuant to site plan approval and in accordance with recommendations of the Building Official after review of construction plans submitted based on development approval granted herein. 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 provide that "this bond may not be cancelled or allowed to lapse until 30 days after receipt by the TOWN, by certified mail, return receipt requested, of written notice from the issuer of the bond of intent to cancel or not to renew". As improvements are made the TOWN, within its 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.

- (2) That paving within the front setback shall consist of pavers or other decorative materials approved by the Building Official. Under no circumstances shall asphalt concrete or plain concrete be utilized as paving in the front setback.

Other Conditions:

- (1) That the Applicant shall obtain a Certificate of Occupancy and a Certificate of Use from the Town upon compliance with all terms and conditions. The Certificate of Occupancy and Certificate of Use shall be subject to cancellation upon violation of any of the conditions.
- (2) That the approved site plan shall remain valid for a period of 24-months from the date of approval. 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.


- (3) That the Applicant shall comply with all Town Ordinances applicable to development and permit approvals and in the event the Applicant does not commence construction within six (6) months from the date the a permit issued, it shall be required to comply with Section 14.55 of the Surfside Code in effect at the time of the passage of this Resolution, as may be amended from time to time, including the posting of a bond to defray the cost of the Town having to perform these tasks, if necessary, and as may be required by the Building Official.
- (4) Applicant agrees to the condition subsequent of this approval to achieve a minimum of LEED Silver designation from the U.S. Green Building Council, and to qualify for the Florida Green Lodging Program, which is administered by the Florida Department of Environmental Protection. Failure to so achieve one of both of these designations within six (6) months of the issuance of the Certificate of Occupancy could subject this Property to revocation of said Certificate of Occupancy.

PASSED and ADOPTED this 9th day of March, 2010.

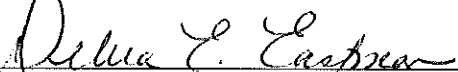
TOWN OF SURFSIDE, FLORIDA

By its Town Commission


By: _____


Mark Imberman, Vice Mayor

Attest:


Debra E. Eastman, MMC
Town Clerk

Approved as to form and legality for the use
and benefit of the Town of Surfside only:


Lynn M. Dannheisser
Town Attorney

Moved: Commissioner S. Levine.
Second: Vice Mayor Imberman


Vote:

Mayor Burkett	yes _____	no <input checked="" type="checkbox"/>
Vice Mayor Imberman	yes <input checked="" type="checkbox"/>	no _____
Commissioner Calderon	yes <input checked="" type="checkbox"/>	no _____
Commissioner Levine	yes <input checked="" type="checkbox"/>	no _____
Commissioner Weinberg	yes <input checked="" type="checkbox"/>	no _____

STATE OF FLORIDA)
)ss:
COUNTY OF DADE)

I, Debra Eastman, 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. 10-Z-01 adopted by the Town Commission at its meeting held on the 9th day of March, 2010.

Issued: 3/25/10


Debra Eastman, Town Clerk