

## RESOLUTION NO. 11-Z-2022

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 175 UNIT FOUR (4) STORY HOTEL WITH ACCESSORY USES, AND A CONDITIONAL USE APPLICATION PURSUANT TO SECTION 90-23 OF THE ZONING CODE TO PERMIT THE DEVELOPMENT OF A THREE (3) STORY STRUCTURED PARKING FACILITY AND HOTEL SWIMMING POOL AND JACUZZI, SUBMITTED BY TRANSACTA LANAI DEVELOPERS, LTD., (THE "APPLICANT"), ALL ON THE PROPERTY LOCATED AT 9200 COLLINS AVENUE, SUBJECT TO CERTAIN CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

### I. RECITALS.

WHEREAS, on April 4, 2011 Applicant submitted an application to the Town of Surfside, Florida ("the Application"), requesting the following:

- A. Pursuant to Section 90-41 et seq., of the Town Zoning Code, site plan approval a four-story hotel with 175 hotel rooms (including five conference suites); three-story parking garage with 190 parking spaces total; 24-hour valet service; roof top deck, including pool; monument signage proposed for corner of 92<sup>nd</sup> Street and Collins Avenue (Monument and wall signage to be applied for under separate permit to be reviewed by the Design Review Board); hotel pedestrian entrance fronting 92<sup>nd</sup> Street; vehicular entrance from 92<sup>nd</sup> Street with drop off interior to the parking garage (one-way in/one-way out); and loading entrance from Harding Avenue.
- B. Pursuant to Section 90-23 of the Town Zoning Code, conditional use approval for a three-story structured Parking Facility with 190 parking spaces and Hotel Swimming Pool and Jacuzzi as part of the redevelopment of the property at 9200 Collins Avenue, Surfside, Florida for a hotel with approximately 175 hotel rooms (including five conference suites) and related accessory uses.

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 April 4, 2011 consisting of 55 sheets total including "Cover Sheet and Index of Drawings" prepared by prepared by Revuelta Architecture International dated stamped received April 4, 2011 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 and A-15" prepared by Revuelta Architecture International dated stamped received April 4, 2011 consisting of

201 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 and E-12" prepared by Revulta Architecture International and JGP Engineering Group P.A. dated stamped received April 4, 2011 consisting of 12 sheets; and "Landscape L-01, L-02, L-03, L-04, L-05, L-06, L-07, L-08, L-09 and L-10" prepared by Revulta Architecture International and Rosenberg Gardner Design dated stamped received April 4, 2011 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 April 28, 2011, 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 additional conditions of approval attached here to and incorporated herein under Section IV. Conditions; and

**WHEREAS**, on May 10, 2011, 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 posted, 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 approval of the conditional use 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.

**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 92<sup>nd</sup> 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 a conditional use for swimming pool, Jacuzzi and a structured parking garage be, and the same 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. Agreed Upon Conditions**

1. All signage shall be submitted, reviewed and approved under a separate application for review by the Design Review Board prior to the issuance of a Certificate of Occupancy.
2. Rooftop Pool shall be limited to the following hours of operation: dawn to dusk.
3. Live, amplified music shall be prohibited. Recorded music no greater than 75 decibels is allowed from 11 am to dusk.
4. The gate at the 92<sup>nd</sup> Street entrance shall remain open between 7 am – 9 pm.
5. The service gate on Harding Avenue shall not open any earlier than 7am and later than 6pm.
6. Valet or self parking are options, however valet shall be available 24 hours per day, 7 days per week.
7. Self-parking spaces will not be permitted if the space is adjacent to a wall or other encumbrance. These spaces shall be valet only.
8. On street metered parking spaces parallel to the curb shall be provided along the north side of 92<sup>nd</sup> Street with the approval of Miami-Dade County. This will include

striping and signage. No more than one of these spaces shall be a taxi stand and subject to the approval of Miami-Dade County.

9. The applicant shall perform a traffic signal analysis to determine if a light is warranted at Harding Avenue and 92<sup>nd</sup> Street. If a signal is warranted by FDOT and Miami-Dade County standards, the applicant shall fund 25% of the first \$50,000 and 50% of everything above that for the installation of the required signal prior to six months of issuance of the Certificate of Occupancy.
10. A bond shall be posted to replace public property damaged during the construction of the hotel or currently in need of replacement. The final determination regarding what property shall be replaced will be the sole determination of the Director of Public Works. The amount of the bond shall be determined jointly by the Director of Public Works and the Building Official. The bond shall be posted prior to the issuance of the building permit.
11. The applicant shall pay a contribution to upgrade the public beach access at the street end at 92<sup>nd</sup> Street and the ocean bulkhead: \$7,500. This amount shall be paid 90 days prior to the expected date of issuance of the Certificate of Occupancy.
12. The applicant acknowledges that FDOT will repave Collins Avenue during the time of construction for the project and commits to funding the cost of improvements necessary for the FDOT project to include paving, curb, gutter, and striping, but not to include subsurface improvements for areas disturbed by the construction of the hotel.
13. The applicant shall pay for the repaving and any related work (including curb, gutter and striping, but not to include subsurface improvements) to the north side of 92<sup>nd</sup> Street and the Town shall pay for repaving any related work to the south side of 92<sup>nd</sup> Street between Collins Avenue and Harding Avenue. This project shall be completed prior to the issuance of a Certificate of Occupancy. Applicant will be responsible for completing design plans and obtaining any necessary permits from Miami-Dade County and/or other maintaining agencies, if necessary.
14. The applicant shall underground the utilities on 92<sup>nd</sup> Street. This project shall be completed prior to the repaving of 92<sup>nd</sup> Street.
15. The applicant shall meet all requirements of the Department of Public Works for trash containers prior to the issuance of a building permit. The service roll gate shall be at least 15 ft. high.
16. The applicant shall meet all requirements of the Department of Public Works for water, sewer and storm drainage services.
17. The applicant shall fund the cost of two litter receptacles along Collins Avenue and two litter receptacles along Harding Avenue in a design acceptable to the Department

of Public Works. Cost and the design of the litter receptacles shall be determined by the Department of Public Works before issuance of the final certificate of occupancy.

18. The applicant shall fund a contribution of \$25,000 to the Town's Tennis Center for refurbishment of the tennis courts and other needs within six (6) months after issuance of the building permit for the hotel. Provisions to accommodate hotel guests shall be developed by the Parks and Recreation Director subject to review by the Parks and Recreation Board.
19. Remove the proposed steps along the parking garage façade on Harding Avenue and 92<sup>nd</sup> Street and replace with groundcover.
20. Provide planters with landscaping on every level of the parking garage to help to achieve the required landscape coverage on the parking garage.

**B. 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 92<sup>nd</sup> 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.
  - C. 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.
  - D. That the Property be developed substantially in accordance with the modified plan for the May 10, 2011 public hearing and the Plans.
  - E. 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.
  - F. 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).
  - G. 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.

- H. 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.
- I. 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.
- J. Applicant shall present evidence of parking plan per agreement for the provision of off-street parking for construction workers during the period of construction of the approved project.
- K. Applicant agrees to attempt to secure approval for signalization for 92<sup>nd</sup> 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** on this 10<sup>th</sup> day of May, 2011.

Motion by Commissioner Kopelman, second by Commissioner Olchuk.

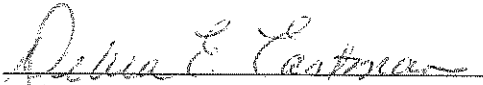


**FINAL VOTE ON ADOPTION**

Commissioner Michael Karukin	<i>absent</i>
Commissioner Edward Kopelman	<i>yes</i>
Commissioner Marta Olchyk	<i>yes</i>
Vice Mayor Joseph Graubart	<i>no</i>
Mayor Daniel Dietch	<i>absent</i>

  
 Daniel Dietch, Mayor

**ATTEST:**

  
 Debra E. Eastman, MMC  
 Town Clerk

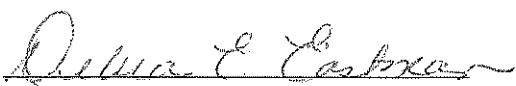
**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY FOR THE TOWN OF SURFSIDE ONLY:**

  
 Lynn M. Dannheisser, Town Attorney

STATE OF FLORIDA                    )  
   )ss:  
 COUNTY OF MIAMI- 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. 11-Z-~~2022~~ adopted by the Town Commission at its meeting held on the 10<sup>th</sup> day of May, 2011.

Issued: May 17, 2011

  
 Debra E. Eastman, M.M.C.  
 Town Clerk