

RESOLUTION NO. 16-Z- 2388

A RESOLUTION OF THE TOWN COMMISSION OF SURFSIDE, FLORIDA; APPROVING A SITE PLAN AMENDMENT APPLICATION, FOR THE PROPERTY LOCATED AT 9011 COLLINS AVENUE, SURFSIDE, FL 33154; PURSUANT TO SECTION 90-41 ET SEQ. OF THE ZONING CODE; TO PERMIT AN ADDITIONAL SWIMMING POOL AT THE REAR OF THE PROPERTY ON THE EAST SIDE OF COLLINS AVENUE AND TO PERMIT MODIFICATION OF THE LANDSCAPING ON THE PROPERTY ON THE EAST SIDE OF COLLINS AVENUE; AND PROVIDING FOR A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

**I. RECITALS.**

**WHEREAS**, FORT CAPITAL MANAGEMENT LLC, TRUSTEE FOR THE SURF CLUB LAND TRUST, owner of the property located at 9011 Collins Avenue, Surfside, FL 33154, with a general location of the east and west sides of Collins Avenue and 91<sup>st</sup> Street, Surfside, FL, (the “Property”) submitted an application to the Town of Surfside, Florida (the “Application”) on November 25, 2015, requesting an amendment to the Town approvals granted for the property by Resolution No. 12-Z-03, and Resolution 13-Z-06 which amendment requests an additional swimming pool to be located at the rear of the building located on the east side of Collins Avenue and modification of the landscape plan for the east side of Collins Avenue (“the Project”); and

Plans are on file and may be examined in the Building Department entitled “Surf Club” at 9011 Collins Avenue, Surfside, FL 33154, which plans may be modified at public hearing (hereinafter referred to as the “Plans”) prepared by Kobi Karp Architecture & Interior Design, consisting of Plan sheets A1.00,-A2.01, C100-C300, and L-002-L-813.

**Legal Description: See attached Exhibit “A” “Legal Description”**

**ADDRESS:** 9011 Collins Avenue, Surfside, FL 33154

**WHEREAS**, on February 11, 2016, the Town’s Development Impact Committee, after notice posted on the Town’s website, met in a televised meeting, reviewed the Application and made recommendation for approval to the Town’s Planning and Zoning Board in accordance with the criteria set forth in the Town’s Zoning Code; and

**WHEREAS**, on May 25, 2016, the Planning & Zoning Board, at a duly noticed and televised quasi-judicial public hearing, after reviewing the Application and hearing from its professional staff, the Applicant, and members of the public, considered the requirements of Section 90-49 “Lot Standards” and Section 90-89.2 et seq. related to landscaping and the Application’s consistency with the Town of Surfside’s Comprehensive Plan and recommended the Application for approval by the Town Commission; and

**WHEREAS**, on July 12, 2016, 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, considered the requirements of Section 90-49 “Lot Standards” and Section 90-89.2 et seq. related to landscaping 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:**

**II. INCORPORATION OF RECITALS AND FINDINGS OF FACT.**

- A. All recitals set forth above are incorporated into the body of this Resolution as if same were fully set forth herein.
- B. The Commission finds that the proposed amended site plan is in compliance with the requirements and criteria set forth in Section 90.41 “Regulated Uses,” Section 90-49 “Lot Standards,” and Section 90-89.2 of the Town of Surfside Zoning Code related to landscaping and the Application’s consistency with the Town of Surfside’s Comprehensive Plan.

**III. APPROVALS.**

The recommended approvals set forth in this Section III are subject to all of the conditions set forth in prior Resolutions applicable to the property, and the execution of all attendant agreements prior to the issuance of the Building Permit for the Project. Applicant shall modify the recorded covenant running with the land, subject to the Town Attorney’s approval, to include changes approved by this Resolution.

The Applicant’s request for approval of the Site Plan amendment, consisting of an additional pool at the rear of the building and modified landscaping, submitted for the east side of the property known as the

"Surf Club" located at 9011 Collins Avenue is granted.

- IV. **SEVERABILITY CLAUSE.** In the event any portion or section of this Resolution is determined to be invalid, illegal or unconstitutional by a court or agency of competent jurisdiction, such decision shall in no way affect the remaining portions of this Resolution, which shall remain full force and effect.
- V. **EFFECTIVE DATE.** This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this 12<sup>th</sup> day of July, 2016.

Motion by: Vice Mayor Cohen,

Second by: Commissioner Paul.

**FINAL VOTE ON ADOPTION**

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

Absent  
Absent  
yes  
yes  
yes

  
\_\_\_\_\_  
Daniel Dietch, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Sandra Novoa, MMC, Town Clerk

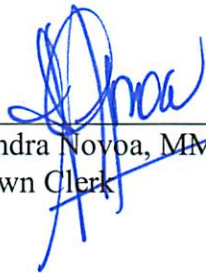
**APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
FOR THE TOWN OF SURFSIDE ONLY:**

  
\_\_\_\_\_  
Linda Miller, Town Attorney

STATE OF FLORIDA                    )  
COUNTY OF MIAMI-DADE         )

I, Sandra Novoa, Town Clerk of the Town of Surfside, Florida, do hereby certify that the above and foregoing is a true and correct copy of Resolution No. 16-Z-~~2388~~ adopted by the Town Commission at its meeting held on the 10<sup>th</sup> day of July, 2016.

Issued: 7/25/2016

  
\_\_\_\_\_  
Sandra Novoa, MMC  
Town Clerk

**Exhibit A**  
**Legal Description**

**PARCEL 1:**

Lot "B", of AMENDED PLAT OF A PORTION OF ALTOS DEL MAR NO. 4, according to the Plat thereof, as recorded in Plat Book 34, Page 7, of the Public Records of Miami - Dade County, Florida.

**PARCEL 2:**

Lot "U", of AMENDED PLAT OF A PORTION OF ALTOS DEL MAR NO. 4, according to the Plat thereof, as recorded in Plat Book 34, Page 7, of the Public Records of Miami - Dade County, Florida.

LESS AND EXCEPT All of SURF CLUB CONDOMINIUM, a condominium according to the Declaration of Condominium thereof, as recorded in Official Records Book 29040, Page 3186, of the Public Records of Miami - Dade County, Florida.

**PARCEL 3:**

Lot "A", and Lots 1 through 9, inclusive, Block 1, of ALTOS DEL MAR NO. 4, according to the Plat thereof, as recorded in Plat Book 10, Page 63, of the Public Records of Miami - Dade County, Florida.

TOGETHER WITH that portion of land lying East of said Lot "A", and Lots 1 through 9, inclusive, Block 1, of ALTOS DEL MAR NO. 4, according to the Plat thereof, as recorded in Plat Book 10, Page 63, of the Public Records of Miami - Dade County, Florida; bounded on the North by the Easterly extension of the North line of said Lot "A", Block 1; bounded on the East by the EROSION CONTROL LINE, according to the Plat thereof, as recorded in Plat Book 105, Page 62, of the Public Records of Miami - Dade County, Florida; bounded on the South by the Easterly extension of the South line of said Lot 1, Block 1; bounded on the West by the East line of said Lot "A", and Lots 1 through 9, inclusive, Block 1.

LESS AND EXCEPT a portion of Lots 1 and 2, Block 1 of ALTOS DEL MAR NO. 4, according to the Plat thereof, as recorded in Plat Book 10, Page 63, of the Public Records of Miami - Dade County, Florida, more particularly described as follows:

Commence at the intersection of the Southerly extension of the West line of said Block 1 with the Westerly extension of the South line of said Block 1; thence run Northerly, along the West line of said Block 1 and its Southerly extension, for a distance of 84.53 feet to the point of curvature of a circular curve concave to the Northeast, said point of curvature also being the POINT OF BEGINNING of the parcel herein described; thence run Southerly and Southeasterly, along the arc of said circular curve concave to the Northeast, having a radius of 229.18 feet, through a central angle of 19° 41' 36", for an arc distance of 78.77 feet, to a point of compound curvature of a circular curve concave to the Northeast; thence run Southeasterly to Easterly, along the arc of the last mentioned curve, having a radius of 13.00 feet, through a central angle of 67° 18' 51", for an arc distance of 15.27 feet, to the point of tangency with the aforementioned South line of said Block 1; thence run Westerly, along the South line of said Block 1, for a distance of 1.26 feet, to the point of curvature of a circular curve to the right; thence run Easterly to Northwesterly along the arc of said circular curve to the right, having a radius of 25.00 feet, through a central angle of 87° 00' 27", for an arc distance of 37.96 feet, to the point of tangency with the West line of said Block 1; thence run Northerly, along the West line of said Block 1, for a distance of 60.79 feet to the POINT OF BEGINNING.

**ALSO LESS AND EXCEPT All of SURF CLUB CONDOMINIUM, a condominium according to the Declaration of Condominium thereof, as recorded in Official Records Book 29040, Page 3186, of the Public Records of Miami - Dade County, Florida.**

**PARCEL 4:**

**All of SURF CLUB CONDOMINIUM, a condominium according to the Declaration of Condominium thereof, as recorded in Official Records Book 29040, Page 3186, of the Public Records of Miami - Dade County, Florida.**