

RESOLUTION NO. 17-Z- 2458

A RESOLUTION OF THE TOWN COMMISSION OF SURFSIDE, FLORIDA; APPROVING A SITE PLAN AMENDMENT APPLICATION FOR PROPERTY GENERALLY LOCATED AT 9100 COLLINS AVENUE, SURFSIDE, FL, TO MODIFY THE DESIGN OF THE NORTHWEST BUILDING TO REDUCE RETAIL SPACE; REMOVE ALL RESIDENTIAL UNITS; ADD BACK-OF-HOUSE SPACE FOR THE HOTEL TO ADD OFFICE SPACE AND KITCHEN SPACE FOR THE RESTAURANT; INCREASE ON-SITE PARKING FROM 67 SPACES TO 161 SPACES; AND PERMIT MODIFICATION OF RELATED SITE IMPROVEMENTS; AND PROVIDING FOR A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, The Surf Club, Inc. (the “Applicant”), a Florida corporation, 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 91st Street, Surfside, FL, (the “Property”) submitted an application to the Town of Surfside, Florida (the “Application”), requesting an amendment to Town approvals granted for the property by Resolution No. 12-Z-03 and amended by Resolution No. 13-Z-06 and Resolution No. 16-Z-2388, which current application requests certain design changes to the original approval as set forth below:

- A. Pursuant to Section 90-20.1 and Section 90-41 et seq., of the Town Zoning Code, site plan amendment to modify the northwest building to reduce retail space, remove all residential units, add back-of-house space for the hotel to add office space and kitchen space, increase the number of on-site parking from 67 spaces to 161 spaces, and permit modification of related site improvements including a mural and outdoor seating for the property generally known as “The Surf Club”, located at 9100 and 9011 Collins Avenue.
- B. Plans submitted September 28, 2017, are on file and may be examined in the Building Department entitled “Surf Club” 9011 Collins Avenue, Surfside, FL 33154, (Site Plan Amendment Package) NW BUILDING (BUILDING #3), which plans may be modified at public hearing (hereinafter referred to as the “Plans”) prepared by Richard Meier & Partners Architects, LLP and Kobi Karp Architecture & Interior Design.
- C. **Legal Description:** See attached Exhibit “A” “Legal Description”
Address: 9011 Collins Avenue, Surfside, FL 33154

WHEREAS, on May 11, 2017, the Town’s Development Review Group, pursuant to the Town’s Zoning Code Section 90.20, 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 June 1, 2017, and during the televised meeting, reviewed the Application and made recommendations to the Town’s Planning and Zoning Board in accordance with the criteria set forth in the Town’s Zoning Code Section 90.20. Conditions, if any, imposed by the Planning and Zoning Board are incorporated herein under Section III. Conditions, shall be accepted by the Applicant and owner of the Property and their heirs, successors and/or assigns, and shall be made part of a recorded covenant running with the land; and

WHEREAS, on August 31, 2017, 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 90-20 and Section 90-41 et seq. of the Town Zoning Code for Site Plan 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 all of the conditions recommended by the Development Impact Committee and the additional conditions of approval incorporated herein under Section III. Conditions; and

WHEREAS, on October 10, 2017, 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 90-20.1 “Site Plan Amendments,” and Section 90-41 et seq. of the Town Zoning Code for Site Plan 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:

I. 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 90-20.1 “Site Plan Amendments,” and Section 90-41 et seq. of the Town Zoning Code for Site Plan Approval and the Application’s consistency with the Town of Surfside’s Comprehensive Plan.

II. APPROVALS.

The recommended approvals set forth in this Section II 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 as necessary, subject to the Town Attorney's approval, to reflect changes approved by this Resolution.

The Applicant's request for approval of the Site Plan amendment, consisting of modification of the design of the northwest building to reduce retail space, remove all residential units, add back-of-house space for the hotel to add office space and kitchen space for the restaurant, increase on-site parking from 67 spaces to 161 spaces, and permit modification of related site improvements for property located at 9011 Collins Avenue, known as "Surf Club" is granted.

III. CONDITIONS. The APPROVAL granted herein is subject to the following conditions:

- A. The improvement shall be in compliance with the plans submitted September 28, 2017, with the Building Department entitled "Surf Club" 9011 Collins Avenue, Surfside, FL 33154, (Site Plan Amendment Package) NW BUILDING (BUILDING #3), except as may be modified herein or by the building official.
- B. The applicant shall re-evaluate the sidewalk widths and make efforts to provide five (5) foot sidewalks wherever possible;
- C. To the extent feasible, the applicant shall provide shade structures or canopies over sidewalks;
- D. The applicant shall continue to work with the state to obtain a a crosswalk and light crossing Collins Avenue;
- E. The applicant shall provide that the garage rooftop areas are screened; and
- F. Tennis court hours shall be limited and in no event shall extend prior to or after the hours of the Town Tennis Court. The applicant shall indemnify and hold the Town harmless for any public hazard by tennis balls created by operation of the tennis court. Such indemnification and hold harmless shall be submitted in a form acceptable to the Town Manager and Town Attorney.
- G. The applicant shall not utilize Round-Up, but shall use more environmentally friendly products as part of their landscaping plan.
- H. The applicant shall work with Town staff to identify potential alternatives acceptable to both the applicant and the Town which could potentially permit storage of vehicles by Town Parking Permit holders or by the Town of Surfside in the parking garage during declared emergencies.
- I. All applicable state and federal permits must be obtained before commencement of the development.
- J. Issuance of this development permit by the Town does not in any way create any right on the part of the applicant to obtain a permit from a state or federal agency and does

does not create any liability on the part of the Town for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

- 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 10th day of October, 2017.

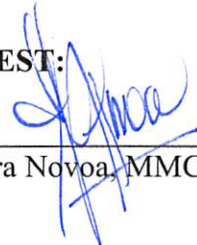
Motion by: Commissioner Gielchinsky
Second by: Commissioner Karukin.

FINAL VOTE ON ADOPTION


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



Daniel Dietch, Mayor

ATTEST:


Sandra Novoa, MMC, Town Clerk

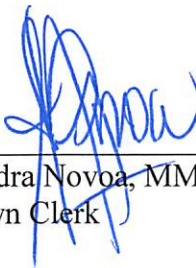
**APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE TOWN OF SURFSIDE ONLY:**


Weiss Serota Helfman Cole & Bierman
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. 17-Z 2458 adopted by the Town Commission at its meeting held on the 10th day of October, 2017.

Issued: 10/23/2017



Sandra Novoa, MMC
Town Clerk