

RESOLUTION NO. 2020- 2709

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A REQUEST TO EXTEND SITE PLAN AND CONDITIONAL USE APPROVAL GRANTED BY RESOLUTION NO. 18-2489 FOR THE PROPERTY LOCATED AT 9133-9149 COLLINS AVENUE, SURFSIDE, FLORIDA (THE “PROPERTY”); CLARIFYING EFFECTIVENESS OF ORIGINAL TERMS AND CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Resolution No. 18-2489 (the “Resolution”) adopted on February 13, 2018, Surf Club Apartments, Inc. and the Seaway Villas Condominium, Inc. (collectively, the “Owners”) received site plan and conditional use approval for a development consisting of 48 condominium units, 31 hotel rooms, and an 1,100 square foot restaurant and lounge (the “Site Plan Approval”) effective February 13, 2018; and

WHEREAS, pursuant to Section 90-20.3 of the Town of Surfside (“Town”) Code of Ordinances (“Code”), the failure to obtain a building permit for a principal building approved by a site plan approval within 24 months of the effective date of site plan approval, renders the approval null and void; and

WHEREAS, Section 90-20.3(1) of the Town Code provides that “extensions for good cause, not to exceed one year for all extensions, may be granted by the Town Commission, at its sole discretion, provided the applicant submits a request in writing to the Town Manager or designee in advance of the expiration date of the original site plan approval, setting forth good cause for such an extension;” and

WHEREAS, in connection with conditional use approvals, Section 90-23.5 of the Town Code, provides “the Town Commission, at its discretion, may grant one or more extensions for a period of up to a total of six months for good cause shown by the applicant;”

WHEREAS, pursuant to Section 90-35(a)(9) of the Town Code, both site plan and conditional use approvals may be granted multiple extensions “for a period of up to a total of six months” by the Town Commission “for good cause shown by the applicant;” and

WHEREAS, prior to the expiration of 24 months from the effective date of the Site Plan Approval, by letter dated February 12, 2020, the Owners through their counsel, John Shubin and Ian DeMello of Shubin Bass, formally requested a one-year extension of time pursuant to Section

90-20.3 of the Town Code asserting “good cause” based on the following “assertions: substitution of architect; market conditions; and site plan changes/parking and program changes” (the “Request for Extension”); and

WHEREAS, in a letter dated May 21, 2020, the Owners through their counsel requested the placement of the Request for Extension on a Town Commission agenda for consideration and asserted the same reasons for good cause advanced previously together with an additional reason based on “various Executive Orders and States of Emergency related to natural disasters;” and

WHEREAS, the May 21, 2020 letter referenced a number of State of Florida and Miami-Dade County Emergency Orders that pre-date the expiration date of the Site Plan Approval, including those for Red Tide, Hurricane Maria, and Hurricane Florence, as well as executive orders relating to COVID-19 that were issued after the original expiration date of the Site Plan Approval; and

WHEREAS, the Town Staff reviewed the Request for Extension and recommended the Town Commission consider the extension of the Site Plan Approval to February 13, 2021; and

WHEREAS, on July 14, 2020 and July 28, 2020, the Town Commission conducted public hearings on the Application for which a hearing was noticed, 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

WHEREAS, the Town Commission, having reviewed the Request for Extension, the written and oral findings of Town staff, and all other relevant testimony and evidence, finds that good cause has been shown.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AS FOLLOWS:

Section 1. **Recitals.** The above-stated recitals are true and correct and are incorporated herein by this reference.

Section 2. **Extension Approval.** That the requested extension of the Site Plan and Conditional Use Approval pursuant to Section 90-20.3 of the Town Code is hereby approved for a period of six (6) months to August 13, 2020.

Section 3. **Original Terms and Conditions.** This determination relates solely to an extension of time to the original expiration date of the Site Plan and Conditional Use Approval

and does not in any way affect any aspect of the Site Plan Approval or the Resolution, which terms remain unchanged from the original approval.

Section 4. Effective Date. This Resolution shall become effective immediately upon adoption.


PASSED AND ADOPTED on this 28th day of July, 2020.

FINAL VOTE ON ADOPTION

Motion By: Commissioner Velasquez
Second By: Vice Mayor Paul

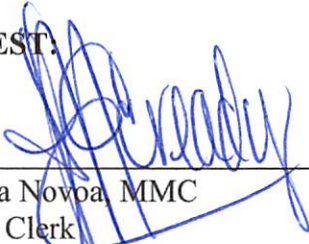
FINAL VOTE ON ADOPTION:

Commissioner Charles Kesl Yes
Commissioner Eliana R. Salzhauer No
Commissioner Nelly Velasquez Yes
Vice Mayor Tina Paul Yes
Mayor Charles W. Burkett Yes




Charles W. Burkett, Mayor

ATTEST:



Sandra Novoa, MMC
Town Clerk

APPROVED AS TO FORM AND LEGALITY FOR THE USE AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:



Weiss Serota Heffman Cole & Bierman, P.L.
Town Attorney