

RESOLUTION NO. 2021- 2782

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; APPROVING A SITE PLAN AMENDMENT APPLICATION FOR PROPERTY GENERALLY LOCATED AT 9133-9149 COLLINS AVENUE, SURFSIDE, FL, TO AMEND RESOLUTION NO. 2018-2489 TO REDUCE THE ALLOWED NUMBER OF UNITS FROM 48 CONDOMINIUM UNITS TO 29 CONDOMINIUM UNITS AND FROM 31 HOTEL ROOMS TO 26 HOTEL ROOMS, TO INCREASE THE FOOTPRINT OF THE UNDERGROUND GARAGE FROM 36,250 SQUARE FEET TO 58,242 SQUARE FEET, AND TO MODIFY BALCONIES ON LEVELS 2 THROUGH 12 OF THE TOWER; INCORPORATING THE CONDITIONAL USE APPROVAL, CONDITIONS, AND ALL OTHER ASPECTS OF THE ORIGINAL APPROVAL SET FORTH IN RESOLUTION NO. 2018-2489; ADDRESSING VIOLATIONS OF CONDITIONS; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission of the Town of Surfside approved Resolution No. 2018-2489 (the “Site Plan Approval”) which approved an application for site plan and conditional use approval on the property generally located at 9133-9149 Collins Avenue, Surfside, FL 33154 and legally described in the application (as hereinafter defined) and the Site Plan Approval (the “Property”), to allow the development of 48 condominium units, 31 hotel rooms, and an 1,100 square foot restaurant and lounge; together with hotel swimming pools, hotel lounge, and outdoor dining as incorporated in the site plan; and

WHEREAS, pursuant to Resolution No. 2020-2709, the Town Commission approved an extension of time of six (6) months to extend the expiration date for the Site Plan Approval to August 13, 2020; and

WHEREAS, Seaway Condo Acquisition, LLC (the “Applicant”), owner of the Property, notified the Town on July 30, 2020, of its intent to exercise the statutory tolling and extension of time available pursuant to Section No. 252.363, Florida Statutes, in connection with the Covid-19 declaration of emergency; and

WHEREAS, on the basis of the extension of time approved by the town and the tolling and extension available under Section No. 252.363, Florida Statutes, the Site Plan Approval remains in full force and effect; and

WHEREAS, the Applicant has submitted an application to amend the Site Plan Approval seeking to: (i) reduce the number of units by 24 total units (reduction from 48 approved condominium units to 29 condominium units and from 31 approved hotel rooms to 26 hotel rooms); (ii) increase the underground footprint for the parking garage from 36,250 square feet to 58,242 square feet; and (iii) alter the exterior balconies for levels 2 through 12 of the new tower (collectively, the “Application”); and

WHEREAS, the Miami-Dade Historic Preservation Board issued its approval as to the selective demolition, partial relocation, and restoration of the historically designated Seaway building subject to conditions on May 17, 2017, reference to which was made a part of the Site Plan Approval; and

WHEREAS, on February 9, 2021, the Town’s Development Review Group, pursuant to Section 90-20 of the Town Code, reviewed the Application, provided technical comments to the Applicant, and made recommendations to the Planning and Zoning Board in accordance with the criteria set forth in the Town Code; and

WHEREAS, on February 11, 2021, the Town Planner issued an updated recommendation of approval of the Application to the Planning and Zoning Board; and

WHEREAS, on February 11, 2021, the Planning & Zoning Board, at a duly noticed 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 the Town 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; and

WHEREAS, on April 13, 2021, the Town Commission, held a duly noticed quasi-judicial public hearing to review the Application, hear from its professional staff, the Applicant, and members of the public, and consider the recommendation of the Planning & Zoning Board, the requirements of the Town 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; and

WHEREAS, at the public hearing, the Applicant voluntarily withdrew the proposed balcony encroachments into the special 3:1 setback line set forth in Section 90-48.5 of the Town Code, clarified that no parking lifts were proposed by the Application, and agreed to condition the approval on a formal site plan amendment being required to approve parking lifts in the future.

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:

SECTION 1. RECITALS AND FINDINGS OF FACT.

1. All recitals set forth above are incorporated into the body of this Resolution as if same were fully set forth herein.
2. The Commission finds that the Application for the proposed site plan amendment is in compliance with the requirements of the Town Code for Site Plan Approval and the Application is consistent with the Town of Surfside's Comprehensive Plan.

SECTION 2. SITE PLAN AMENDMENT APPROVAL. The request to approve an amendment to the site plan as set forth in the Application to (i) reduce the number of units by 24 total units (reduction from 48 approved condominium units to 29 condominium units and from 31 approved hotel rooms to 26 hotel rooms); (ii) increase the underground footprint for the parking garage from 36,250 square feet to 58,242 square feet; and (iii) alter the exterior balconies for levels 2 through 12 of the new tower, is hereby granted subject to the following conditions:

1. The Property shall be developed in substantial compliance with the plans submitted to the Building Department on February 6, 2018, prepared by Kobi Karp Architecture and Interior Design, Inc. dated October 2017 and provided for the public hearing in connection with Resolution No. 2018-2489, except as modified by the plans provided for the public hearing on this Application consisting of sheets A0.00, A1.03, A1.04, A1.05, A3.02, A4.01, and A4.02, submitted to the Building Department on December 28, 2020, prepared by O'Donnell, Dannwolf and Partners Architects, Inc. dated December 2020, and sheet A3.00.1 submitted to the Town Planner on April 12, 2021, prepared by O'Donnell, Dannwolf and Partners Architects, Inc. dated April 12, 2021 and attached hereto as Exhibit "A," except as modifications are required by this approval or the Building Official.
2. The parking garage is approved as per the plan included as Exhibit "A" and does not authorize parking lifts. A formal site plan amendment shall be required if parking lifts are proposed in the future.

SECTION 3. CONDITIONAL USE APPROVAL, CONDITIONS, AND ALL OTHER ASPECTS OF THE ORIGINAL APPROVAL SET FORTH IN RESOLUTION NO. 2018-2489. The conditional use approval, 27 conditions, and all other aspects of Resolution No. 2018-2489 not expressly modified by this approval, continue in full force and effect and are incorporated into this approval by reference as if fully restated herein.

SECTION 4. VIOLATION OF CONDITIONS. Failure to adhere to the terms and

conditions of this Resolution and/or Resolution No. 2018-2489 shall be considered a violation of the Town Code and persons found violating the conditions shall be subject to the penalties prescribed by the Town Code, including but not limited to, the revocation of any of the approval(s) granted in this Resolution. The Applicant understands and acknowledges that it must comply with all other applicable requirements of the Town Code before it may commence construction or operation, and that the foregoing approval in this Resolution may be revoked by the Town at any time upon a determination by the Town Commission, following a public hearing, that the Applicant is in non-compliance with the Town Code or the conditions of this Approval and has failed to cure, or to provide an acceptable plan to timely cure, the non-compliance.

SECTION 5. 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.

SECTION 6. EFFECTIVE DATE. This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this 13th day of April, 2021.

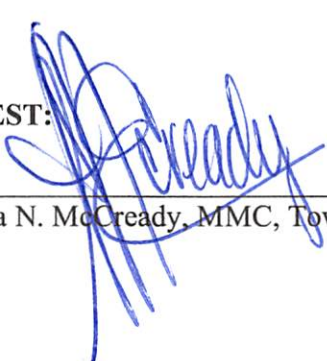
Motion by: Commissioner Velasquez

Second by: Vice Mayor Paul


FINAL VOTE ON ADOPTION

Commissioner Charles Kesl	<u>Yes</u>
Commissioner Eliana Salzhauer	<u>No</u>
Commissioner Nelly Velazquez	<u>Yes</u>
Vice Mayor Tina Paul	<u>Yes</u>
Mayor Charles Burkett	<u>Yes</u>

ATTEST:

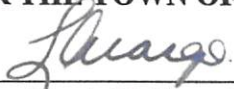


Sandra N. McCready, MMC, Town Clerk



Charles Burkett, Mayor

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

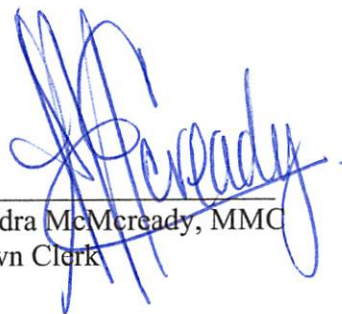


Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

I, Sandra McCready, 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. 2021-2782 adopted by the Town Commission at its meeting held on the 13th day of April, 2021.

Issued: 4/13/2021



Sandra McCready, MMC
Town Clerk

