

RESOLUTION NO. 2022- 2895

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; APPROVING A SITE PLAN AMENDMENT APPLICATION FOR PROPERTY GENERALLY LOCATED AT 8995 COLLINS AVENUE, SURFSIDE, FL, TO AMEND RESOLUTION NO. 19-2661 TO REDUCE THE ALLOWED NUMBER OF UNITS FROM 34 CONDOMINIUM UNITS TO 19 CONDOMINIUM UNITS, TO ALTER APPROVED FACADES, AND TO REDUCE PARKING FROM 70 PARKING SPACES TO 39 PARKING SPACES; INCORPORATING THE CONDITIONS, AND ALL OTHER ASPECTS OF THE ORIGINAL APPROVAL SET FORTH IN RESOLUTION NO. 19-2661, EXCEPT AS MODIFIED HEREIN; ADDING NEW CONDITIONS; ADDRESSING VIOLATIONS OF CONDITIONS; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission of the Town of Surfside (the “Town”) approved Resolution No. 19-2661 (the “Site Plan Approval”) which approved an application for site plan approval from Surfhouse Ocean Views, LLC (the “Applicant”), owner of the Property, on the property generally located at 8995 Collins Avenue, Surfside, FL 33154 and legally described in the application (as hereinafter defined) and the Site Plan Approval (the “Property”) pursuant to Section 90-33(3) of the Town Code of Ordinances (the “Code”), to allow for the renovation and addition to an existing nine-story building, to add three additional stories and provide for 34 condominium units and 70 parking spaces; and

WHEREAS, the Site Plan Approval has been tolled and extended pursuant to Section 252.363, Florida Statutes in connection with the Covid-19 declaration of emergency by Governor Ron Desantis, and is currently 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 from 34 condominium units to 19 condominium units; (ii) alter the approved building facades; and (iii) reduce the number of parking spaces from 70 spaces to 39 parking spaces (collectively, the “Application”); and

WHEREAS, on May 20, 2022, 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 May 26, 2022, the Town Planner issued an updated recommendation of approval of the Application to the Planning and Zoning Board; and

WHEREAS, on May 26, 2022, 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 subject to existing conditions as modified by the Town Planner's recommendation; and

WHEREAS, on June 16, 2022, 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.

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 from 34 condominium units to 19 condominium units; (ii) alter the approved building facades; and (iii) reduce the number of parking spaces from 70 spaces to 39 spaces, is hereby granted, subject to the conditions set forth in Section 3 of this Resolution.

SECTION 3. MODIFICATION OF CONDITIONS, AND RATIFICATION OF ALL OTHER ASPECTS OF THE ORIGINAL APPROVAL SET FORTH IN RESOLUTION NO. 19-2661; ADDITION OF NEW CONDITIONS. Except as modified below, the 32 conditions, and all other aspects of Resolution No. 19-2661 not expressly modified by this approval, are ratified and continue in full force and effect and are incorporated into this

approval by reference as if fully restated herein.

The following conditions of Resolution No. 19-2661 are modified:

1. ~~The construction and uses shall be in accordance with the submitted plans for the hearing as detailed in Section 2 herein above, and incorporated into this document as Exhibit "B" except as modifications may be required by this approval and any changes required by the Building Official.~~ The Property shall be developed in substantial compliance with the plans dated April 22, 2022, prepared by Kobi Karp Architecture and Interior Design, Inc. (the "Plans") provided in support of the Application, except as modifications are required by this approval or the Town Building Official.
4. The Applicant shall contribute to the Town and fund in cash \$626,050.00 for Town-wide infrastructure improvements, which may include, at the Town's discretion, beautifying 90th Street from Harding Avenue east to the street end or beach, sidewalk improvements between Harding and Collins Avenues, landscaping, dune enhancements 88th to 90th streets, traffic improvements, an enhanced promenade at the beach entry, a planted coral stone gateway with signage, benches and a shower (the "90th Street Improvements"). The funds shall be due to the Town on or before the issuance of the foundation permit for the project. Any excess funds not utilized by the Town for the 90th Street Improvements or any other Town-wide capital improvements shall be transferred to the Town's Resiliency Fund and utilized for such purposes.

The following conditions are hereby added to the 32 conditions of Resolution No. 19-2661, as modified by this approval:

33. In constructing the building, the Applicant shall preserve a portion of the existing north and west facades sufficient to meet the intent and requirements of Section 90-33(3) as determined in consultation with the Town Building Official and Town Planner prior to obtaining a demolition permit. Appropriate safeguards for preservation of the retained portions are required during construction.
34. The landscape plans shall be revised to include two (2) additional street trees and ten (10) additional buffer trees in order to mitigate the impacts of the nonconforming setbacks.
35. The dimensions of the rooftop planters should be increased to an appropriate size to accommodate the proposed ten-foot buttonwoods with four-foot spread. Alternatively, an approximately equivalent replacement species may be proposed to fit within the planters depicted in the Plans, subject to Town Planner approval.
36. All invasive plants found throughout any portion of the Property shall be removed prior to Certificate of Occupancy.

37. Improvements to the rights-of-way depicted on the Plans, including but not limited to Page L200-A, are demonstrative only and not a part of this approval. Final design details of improvements to the rights-of-way are subject to Town approval based on its public space priorities and applicable regulations and requirements. The right-of-way improvements shall maintain sufficient width of street pavement to serve emergency, utility, and maintenance.
38. A reduction in the total number of units, with no other exterior or operational changes, shall not require formal amendment of this site plan approval.

SECTION 4. VIOLATION OF CONDITIONS. Failure to adhere to the terms and conditions of this Resolution and/or Resolution No. 19-2661 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 16 day of June, 2022.


Motion by: Vice Mayor Rose

Second by: Commissioner Meischeid.

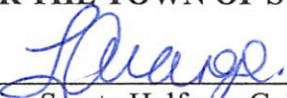
Commissioner Fred Landsman	<u>Yes</u>
Commissioner Marianne Meischeid	<u>Yes</u>
Commissioner Nelly Velazquez	<u>Absent</u>
Vice Mayor Jeffrey Rose	<u>Yes</u>
Mayor Shlomo Danzinger	<u>Yes</u>


Shlomo Danzinger, Mayor

ATTEST:


Sandra N. McCready, MMC
Town Clerk

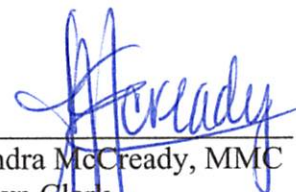
**APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE TOWN OF SURFSIDE ONLY:**


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. 2022-2895 adopted by the Town Commission at its meeting held on the 16th day of June, 2022.

Issued: 7/21/2022


Sandra McCready, MMC
Town Clerk