

RESOLUTION NO. 2023- 2970

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A SITE PLAN AMENDMENT APPLICATION FOR PROPERTY GENERALLY LOCATED AT 9100 COLLINS AVENUE, SURFSIDE, FLORIDA, TO MODIFY THE DESIGN AND USES APPROVED FOR 9100 COLLINS AVENUE PURSUANT TO RESOLUTION NOS. 13-Z-06 AND 17-Z-2458; RETAINING ALL OTHER ASPECTS OF THE PREVIOUS APPROVALS; PROVIDING FOR ADDITIONAL CONDITIONS; PROVIDING FOR VIOLATION OF CONDITIONS; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission of the Town of Surfside approved Resolution Nos. 13-Z-06 and 17-Z-2458 (the “Previous Approvals”) which approved an application for site plan and conditional use approval on the property generally located at 9011 and 9100 Collins Avenue, Surfside, Florida 33154 and legally described in the Application (as hereinafter defined), to allow for a unified hotel and condominium project; and

WHEREAS, the portion of the property located at 9100 Collins Avenue and legally described in Exhibit “A” attached hereto (the “Property”) was approved by the Previous Approvals to be developed with accessory uses to serve the condominium and hotel uses on the east side of Collins Avenue, including a gourmet specialty food product store, parking, recreational amenities, and office support amenities; and

WHEREAS, on November 4, 2022, SC West Condominiums, LLC (the “Applicant”), the owner of the Property, filed an application to amend the Previous Approvals with respect to the Property (the “Application”) in order to modify the design and uses to be developed on the Property; and

WHEREAS, the Application describes the uses as comprised of a 4,730 square foot ground-floor market with a full kitchen, gourmet food selections, and outdoor seating, as an accessory use to the first class hotel; and “additional ancillary, common area exclusively for resident and hotel use” including specifically: (a) 6,075 square feet of business center; (b) 18,490 square feet of administrative back-of-house space; and (c) 15,994 square feet of executive office space; with the Application further proposing: (d) a reduction in kitchen space from 2,600 square feet to 1,488 square feet; (e) replacement of above-grade parking with one level of 67 underground parking spaces; and (f) exterior design revisions; and

WHEREAS, the Town Planner and Consultant Planner have reviewed the Application and are satisfied that the proposed site plan amendment, uses and their incorporation into the proposed design are permitted under the Town Code; and

WHEREAS, the Application was reviewed by the Town's Design Review Group on October 17, 2022, and all Town officials or departments raised their concerns but had no objection to the Application going forward for consideration at public hearings provided adequate conditions were implemented; and

WHEREAS, on December 15, 2022, 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 the Town Zoning Code and the Application's consistency with the Town of Surfside Comprehensive Plan and recommended the Application for approval with staff conditions; and

WHEREAS, on February 14th, 2023, the Town Commission, at a duly noticed and televised quasi-judicial public hearing, reviewed the Application and heard from its professional staff, the Applicant, and members of the public, and considered the recommendation of the Planning & Zoning Board, the requirements of the Town Zoning Code, 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 adopted and 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. APPROVAL OF SITE PLAN AMENDMENT. The request to approve an amendment to the site plan approved by the Previous Approvals as set forth in the Application is hereby approved. Condition No. III.A of Resolution No. 17-Z-2458 is amended as follows:

1. The improvement shall be in compliance with the plans dated November 11, 2022, with the Building Department entitled "SurfClub" 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.

SECTION 3. RETAINING SITE PLAN AND CONDITIONAL USE APPROVALS, CONDITIONS, AND ALL OTHER ASPECTS OF THE PREVIOUS APPROVALS SET FORTH IN RESOLUTION NOS. 13-Z-06 AND 17-Z-2458. All other aspects of the Previous Approvals, including, but not limited to, the site plan approval, the conditional use approval, and their conditions of approval, continue in full force and effect.

SECTION 4. ADDITIONAL CONDITIONS. The approval granted herein is subject to the following conditions:

1. Prior to building permit:
 - a. Subject to FDOT review and approval, continue ongoing efforts with FDOT to finalize the signalization of the intersection of 91st Street and Collins, at a minimum to include full signalized pedestrian crossing.
 - b. Pay all cost recovery fees and costs prior to the issuance of a Building Permit, in accordance with Sections 90-11, 90-12 and 90-13 of the Town Code.
2. Prior to Temporary Certificate of Occupancy, or Permanent Certificate of Occupancy if a Temporary Certificate of Occupancy is not granted:
 - a. Applicant shall revise proposed offsite improvements along 91st Street to increase walkability and street landscape presence, subject to final design review and approval by the Town Manager. Such revisions shall not require a formal site plan amendment. Revisions to the landscape plan for the property in order to make it consistent with the right-of-way landscaping revisions shall be reviewed administratively. To the extent that pavers are installed in the right-of-way, the paver material is subject to the reasonable approval of the Public Works Director, and the Owner shall provide at least 500 square feet of replacement pavers to the Town for future maintenance.
 - b. Applicant shall post a bond in the amount and duration determined by the Town Manager or designee to ensure the survival of landscaping material installed in the right-of-way for five (5) years after the Certificate of Occupancy is issued.
 - c. Applicant shall obtain all approvals and execute and record all instruments necessary for connection (e.g. duct bank, chiller lines) to mechanical supply systems located at 9080 Collins Avenue, including without limitation right-of-way permit(s), easement(s), and other instruments acceptable to the Town Attorney, to confirm appropriate property rights and licenses are secured to ensure uninterrupted access to necessary mechanical systems. Owner shall: (a) acknowledge that it is not a utility; (b) provide appropriate insurance coverage acceptable to the Town Manager naming the Town as additional insured; (c) execute hold harmless and indemnities in favor of the Town acceptable to the Town Attorney; (d) agree to restore and/or improve affected right(s)-of-way following construction and in the event of a

mechanical failure; (e) assume maintenance responsibility over mechanical elements; (f) provide a performance bond or letter of credit to ensure right-of-way restoration for the duration of any permit to work within the right-of-way; and (g) employ appropriate safeguards such as a steel casing or sleeve, subject to the approval of the Town Manager or designee, to mitigate against a potential line break damaging the right-of-way.

3. Ongoing Conditions:

- a. Applicant shall at all times ensure that the uses provided on the Property may be accessed only from the inside of the structure. The office, back-of-house, and recreational uses shall be utilized only by employees, residents, club members, and registered hotel guests within the overall Surf Club project assemblage.

SECTION 5. VIOLATION OF CONDITIONS. Failure to adhere to the terms and conditions of this Resolution or the conditions of the Previous Approvals 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 6. 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 7. EFFECTIVE DATE. This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this 14th day of February, 2023.

Motion by: Vice Mayor Rose

Second by: Commissioner Meischeid

FINAL VOTE ON ADOPTION

Commissioner Fred Landsman	<u>Yes</u>
Commissioner Marianne Meischoid	<u>Yes</u>
Commissioner Nelly Velazquez	<u>Yes</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:

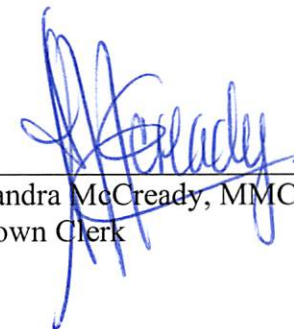


 Weiss Serota Helfman Cole & Bierman, P.L.
 Town Attorney

STATE OF FLORIDA)
 COUNTY OF MIAMI-DADE)

I, Sandra N. 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. 2023-2970 adopted by the Town Commission at its meeting held on the 14th day of February, 2023.

Issued: February 22, 2023



 Sandra McCready, MMC
 Town Clerk

EXHIBIT "A"

Lot U of Block 4 of the Amended Plat of Altos Del Mar No. 4, recorded in Plat Book 34, Page 7 of the Public Records of Miami-Dade County, Florida.