

RESOLUTION NO. 2024-Z-3338

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A SITE PLAN APPLICATION TO PERMIT THE DEVELOPMENT OF PROPERTY LOCATED AT 9300 COLLINS AVENUE, SURFSIDE, FLORIDA, FOR A MULTIFAMILY RESIDENTIAL DEVELOPMENT CONSISTING OF UP TO SEVENTY-FIVE (75) RESIDENTIAL DWELLING UNITS AND 137 PARKING SPACES (INCLUDING MECHANICAL LIFTS); PROVIDING FOR VIOLATION OF CONDITIONS; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, 9300 Collins Owner, LLC ("Applicant"), fee simple owner of the property located at 9300 Collins Avenue, Surfside, FL 33154 and legally described in **Exhibit "A"** attached hereto (the "Property"), entered into a Memorandum of Understanding ("MOU") with the Town of Surfside, Florida (the "Town") for a modification to a previously approved site plan (the "Application") made on August 30, 2024 to the Town for a seventy-five (75) dwelling unit multifamily residential development with 137 parking spaces (including mechanical lifts) (the "Project"), which was approved by Town Resolution 2024-3310; and

WHEREAS, the Property is largely vacant, except for a building with a façade at 9340 Collins Avenue (the "Historic Façade") designated historic by the Miami-Dade County Historic Preservation Board (the "Historic Preservation Board") on December 18, 2014, pursuant to Chapter 16A of the Miami-Dade County Code (the "Historic Preservation Ordinance"); and

WHEREAS, the Property is the subject of Resolution No. 2024-Z-3255 approving a site plan application to permit the development of eighty-seven (87) residential dwelling units and the termination of a covenant of restrictions affecting the Property ("Prior Project"); and

WHEREAS, the Applicant does not intend to construct the Prior Project, and now seeks to proceed with the Project and modified site plan, as reflected in the Application, the MOU, Town Resolution 2024-3310 and this Resolution; and

WHEREAS, the Application was reviewed by the Town's Design Review Group on September 11, 2024, 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 September 25, 2024, the Planning and 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's Zoning Code and the Application's consistency with the Town's Comprehensive Plan, and recommended the Application for approval; and

WHEREAS, on October 8, 2024, 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 and Zoning Board, the requirements of the Town Zoning Code, the Application's consistency with the Town'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.

A. All recitals set forth above are incorporated into the body of this Resolution and adopted as if same were fully set forth herein.

B. The Town Commission finds that the proposed Site Plan, as conditioned, complies with the requirements and criteria set forth in the Town's Code and its Comprehensive Plan.

SECTION 2. SITE PLAN APPROVAL. The request to approve a modification to a previously approved site plan is hereby approved based on the plans submitted to the Planning Department as part of the Application titled "9300 Collins Avenue" prepared by Jo Palma and Partners Corporation, Langan Engineering and Environmental Services, Inc., and Savino Miller Design Studio, dated September 13, 2024 or as set forth below, and consisting of the following sheets ("Site Plan"): G-001; G-002; G-003; G-004; G-005 (10/13/2023); G-007(10/13/2023); G-008; A-001; A-002; A-003; A-101; A-101M; A-102; A-103; A-104; A-201; A-202; A-203; A-204; A-251; A-252; A-501; L-01, as amended to include the use of environmentally friendly herbicide; L-02 (08/28/2024); L03 (08/28/2024); L-04 (08/28/2024); L-05 (08/28/2024); L-06 (08/28/2024); L-07 (08/28/2024); L-08 (08/28/2024); L-09 (08/28/2024); L-10 (08/28/2024); L-11 (08/28/2024); L-12 (08/28/2024); L-13 (08/28/2024); L-15 (08/28/2024); plans dated August 28, 2024 consisting of the following sheets: C-300; C-301; C-302; C-310; C-311; C-312; C-400; C-401; C-500; C-800; and C-801; and Survey dated 09/12/2024 (collectively, **Exhibit "B"**).

SECTION 3. CONDITIONS. The approval granted herein is subject to the following conditions:

- A. The Applicant shall comply with the requirements of Town Resolution 2024-Z-3255, except as modified by this Resolution and Town Resolution 2024-3310, incorporating the MOU attached thereto, which shall supersede Town Resolution 2024-Z-3255 in the event of any conflict.
- B. The following conditions of Resolution No. 2024-Z-3255 are hereby deleted as no longer being applicable:
 - a. Section 3.A.4.b. – The Town no longer allows building permit fees to be moved into the General Fund.
 - b. Section 3.A.4.i. – The revised development plan is no longer “mixed-use” and no covenant associated with the potential application of the Live Local Act is necessary.
 - c. Section 3.A.4.k. – These conditions relate to details of the prior plan and are no longer applicable.
 - d. Section 3.A.5.a. – The MOU requires the retention of the Historic Façade.
 - e. Section 3.A.7.h. – This condition relates to the loading dock in the former design, which is now internalized and, thus no longer necessary.
- C. The Applicant shall secure formal approval and permission from the Miami-Dade County Office of Historical Preservation and its Historical Preservation Board to preserve the portion of the Historic Façade on the Property that faces Collins Avenue and comply with all terms of the Historic Designation COA #2016-03-S. A plan for façade restoration and bracing shall be submitted prior to a partial demolition permit.
- D. The Applicant shall pay **\$4,500** for two trees and one palm tree, as a fee in lieu to the Town, to allow for three trees to be planted in an area of the Town as determined by the Town in its sole and absolute discretion. The payment will be in lieu of providing a total of 31 street trees along Collins Avenue. The Applicant shall plant a total of 28 street trees along Collins Avenue.
- E. Execute a covenant in lieu of unity of title to retain the Collins parcel combined with the Harding parcels as a single site for zoning purposes (“Covenant”). The Covenant shall require the Applicant to provide the Town with a payment of **\$28,500** for 19 required lot trees prior to the transfer of the Harding Parcel to the Town.
- F. That the new façade be modified to increase the radius and exaggerate the rounded corners that are directly adjacent to the Historic Façade at 9340 Collins Avenue.
- G. That no new palms may be installed in front of the Historic Façade (the two existing palms may remain). Any exhibit panels or exhibit panel placement shall require Design Review and Town Commission approval.

SECTION 4. VIOLATION OF CONDITIONS. Failure to adhere to the terms and conditions of this Resolution, its exhibits and anything referenced herein, 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 8th day of October, 2024.

Motion By: Commissioner Velasquez

Second By: Vice Mayor Paul

FINAL VOTE ON ADOPTION:

Commissioner Ruben A. Coto	<u>Yes</u>
Commissioner Nelly Velasquez	<u>Yes</u>
Commissioner Gerardo Vildostegui	<u>Yes</u>
Vice Mayor Tina Paul	<u>Yes</u>
Mayor Charles W. Burkett	<u>Yes</u>

ATTEST:

Sandra N. McCready, MMC, Town Clerk

Charles W. Burkett, Mayor

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

Mark Blumstein, Town Attorney

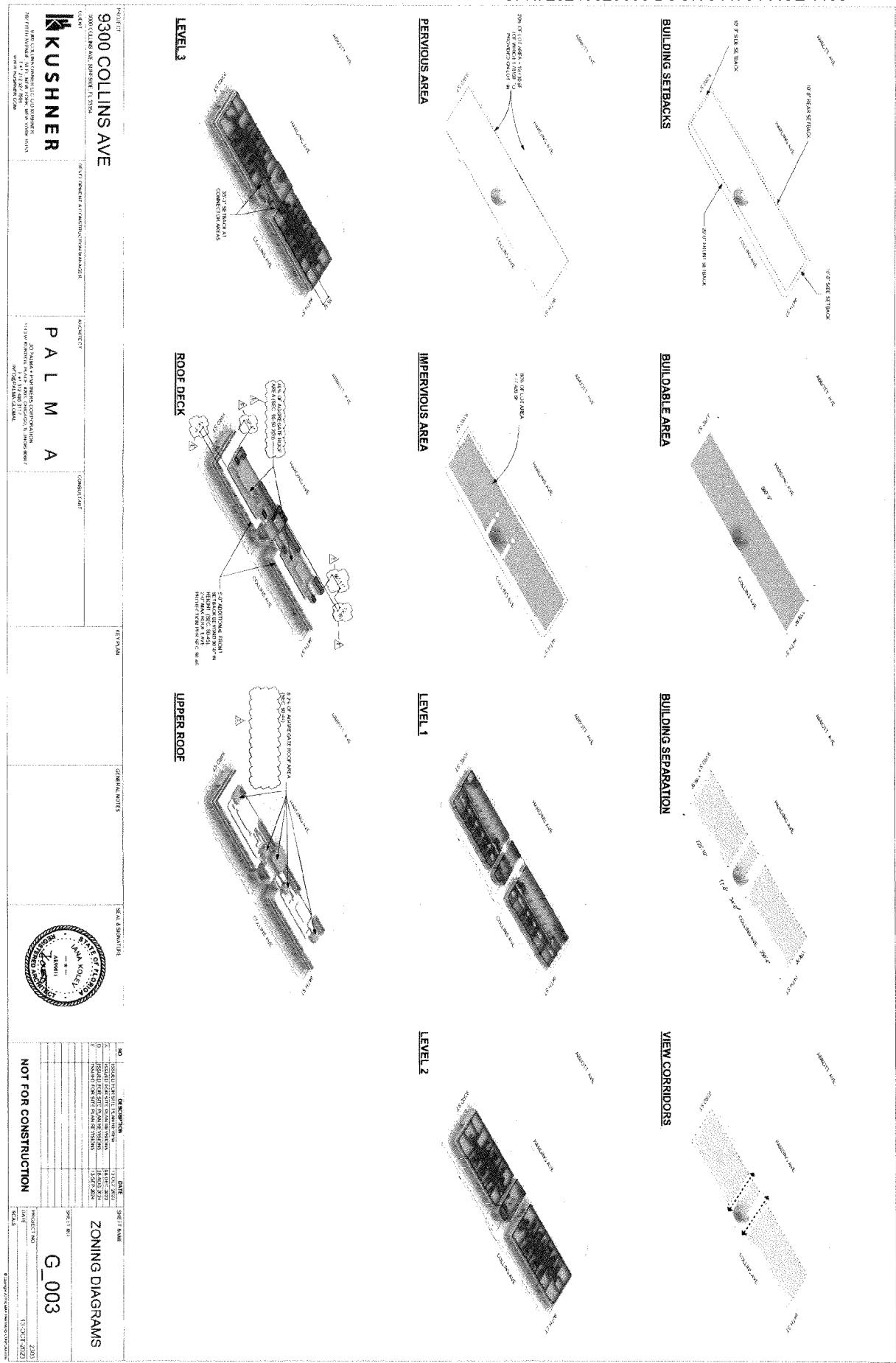
EXHIBIT "A"

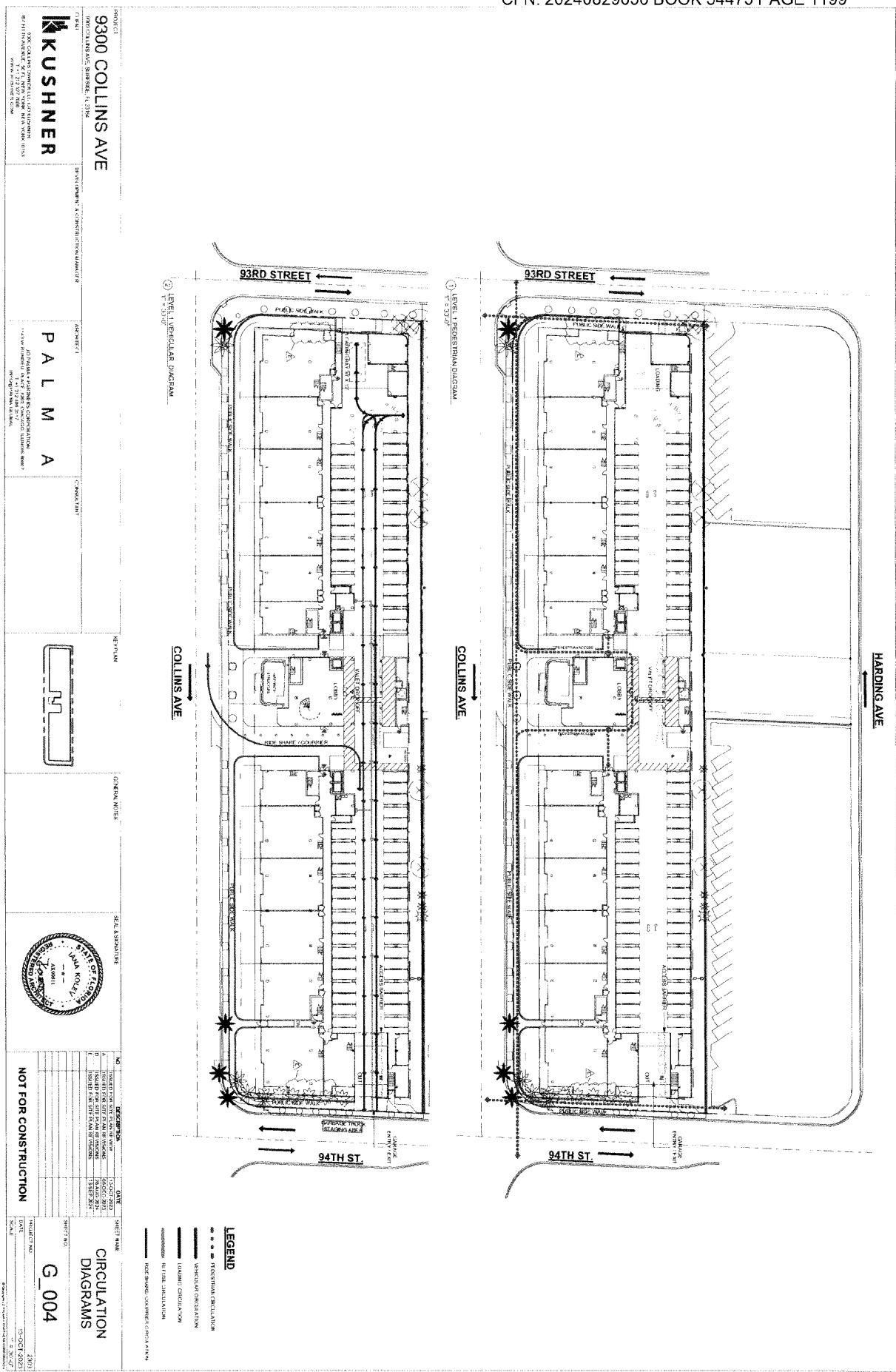
LEGAL DESCRIPTION OF PROPERTY

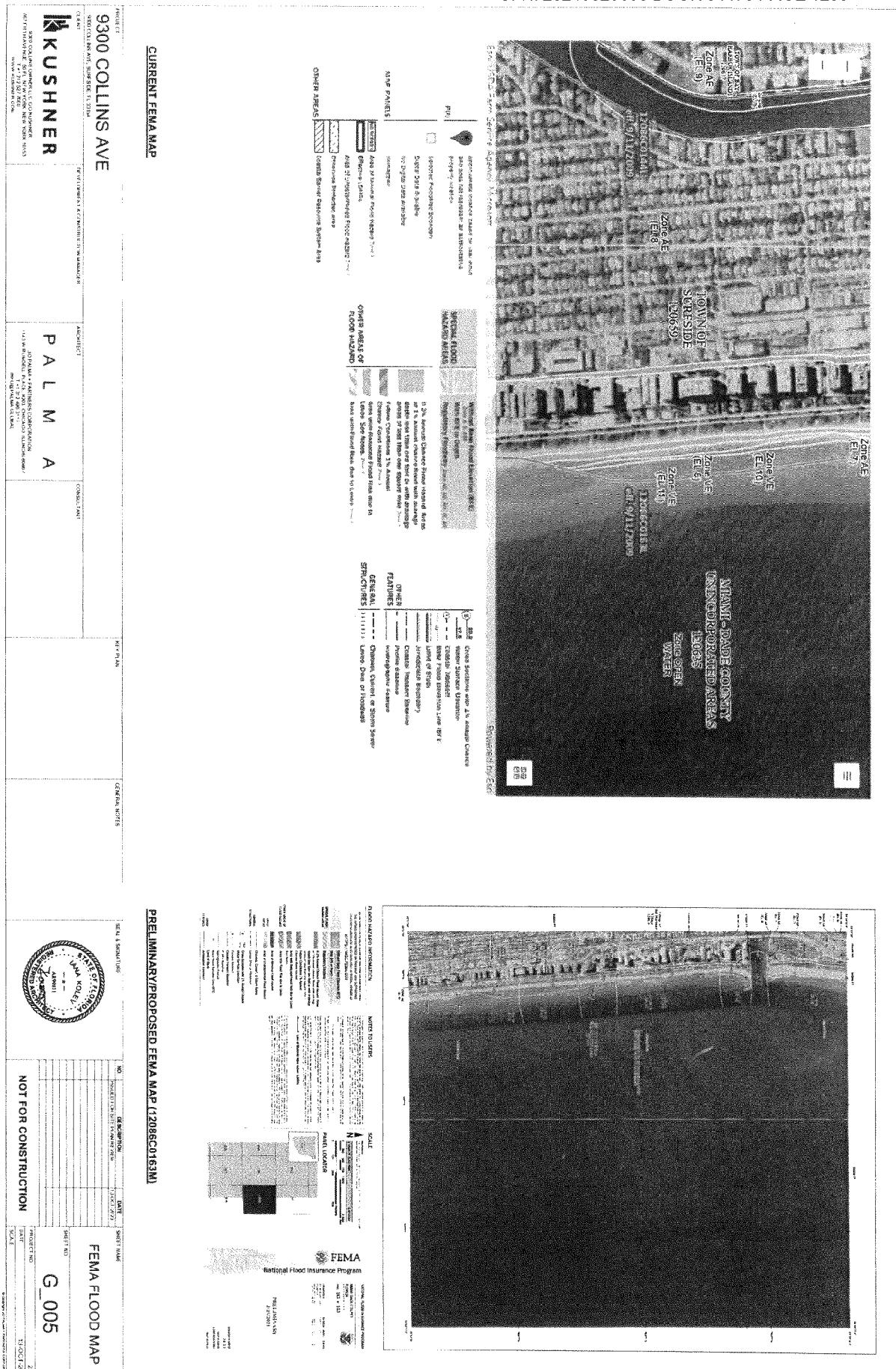
Lots 1-12, and Lot 19, Block 3 of the Altos Del Mar No. 5 Subdivision recorded in Plat Book 8, Page 92, of the Public Records of Miami-Dade County, Florida.

EXHIBIT "B"

SITEPLAN



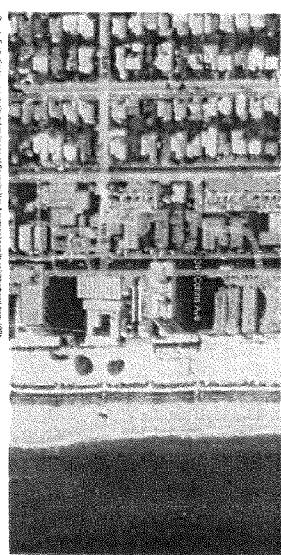
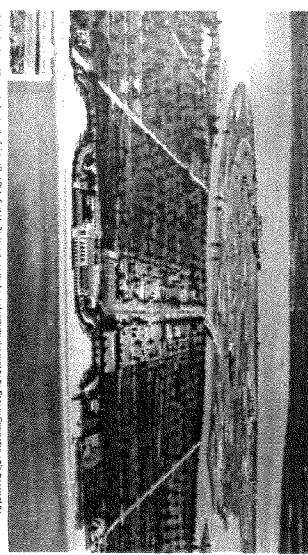
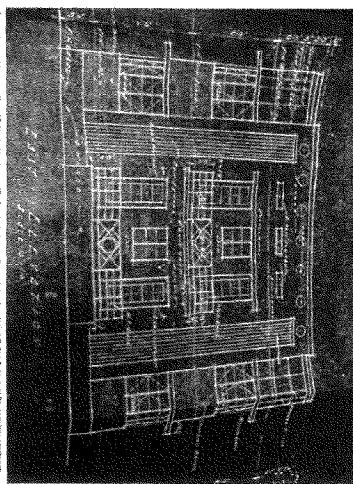
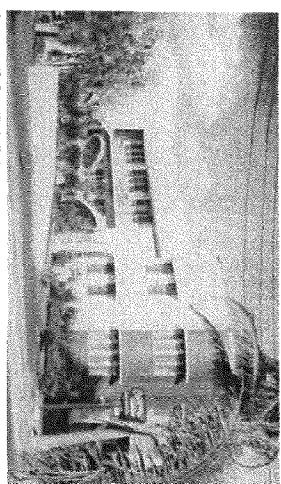
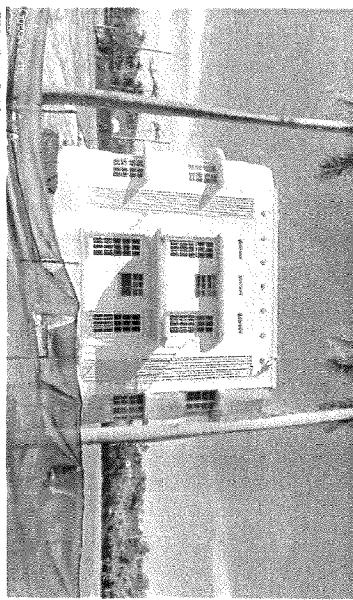
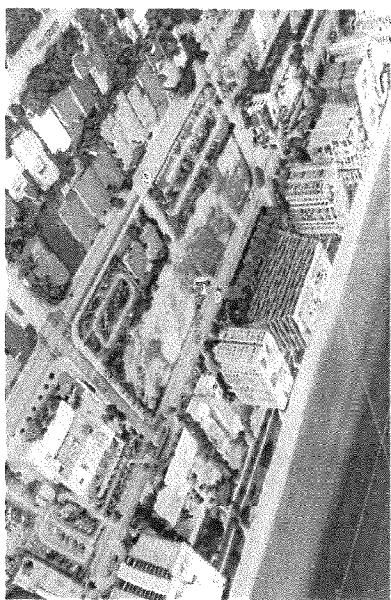




HISTORIC BUILDING: THE BOUGAINVILLEA APARTMENT

THE TWO STORY APARTMENT BUILDING, WHICH WAS BUILT IN 1946 HAS 21 UNITS. THE STRUCTURE HAS NOT BEEN EXPANDED SINCE 1946.

9140 COLLINS AVE., MIAMI BEACH, FLORIDA 33134



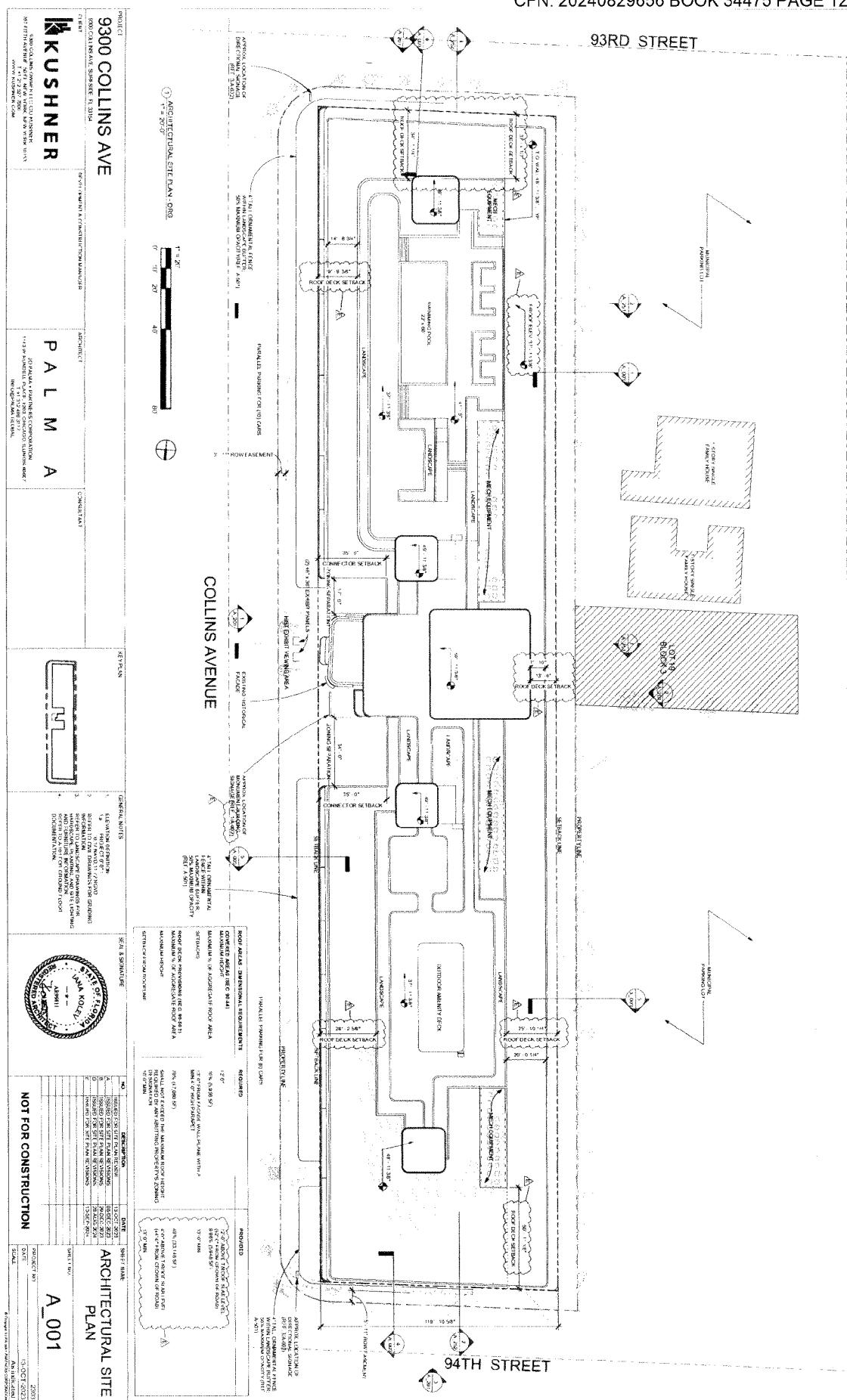


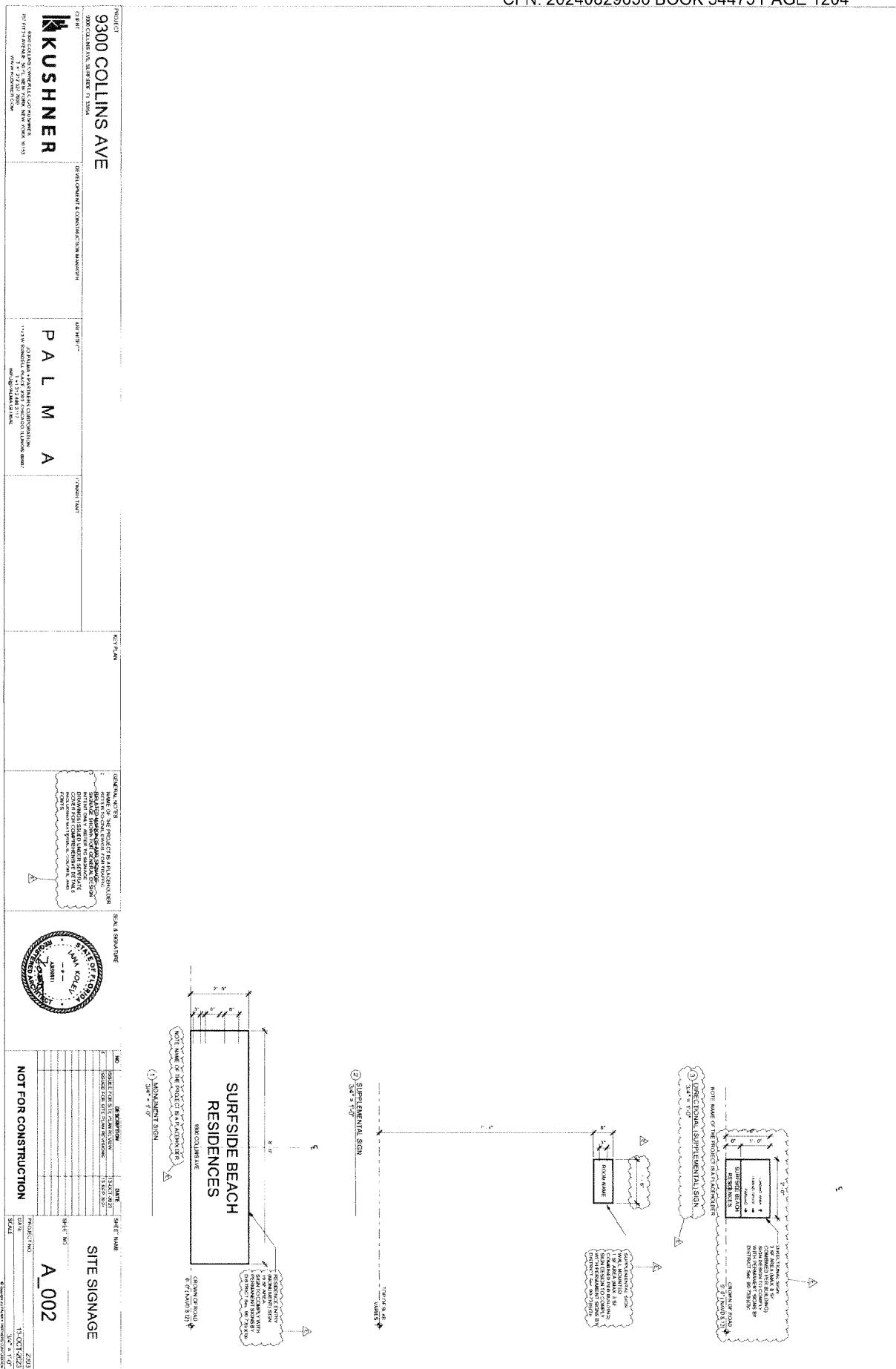
KUSHNER	
9300 COLLINS AVE	
MIAMI BEACH, FL 33141	
RENDERINGS	
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PRINTED BY: [Signature]	

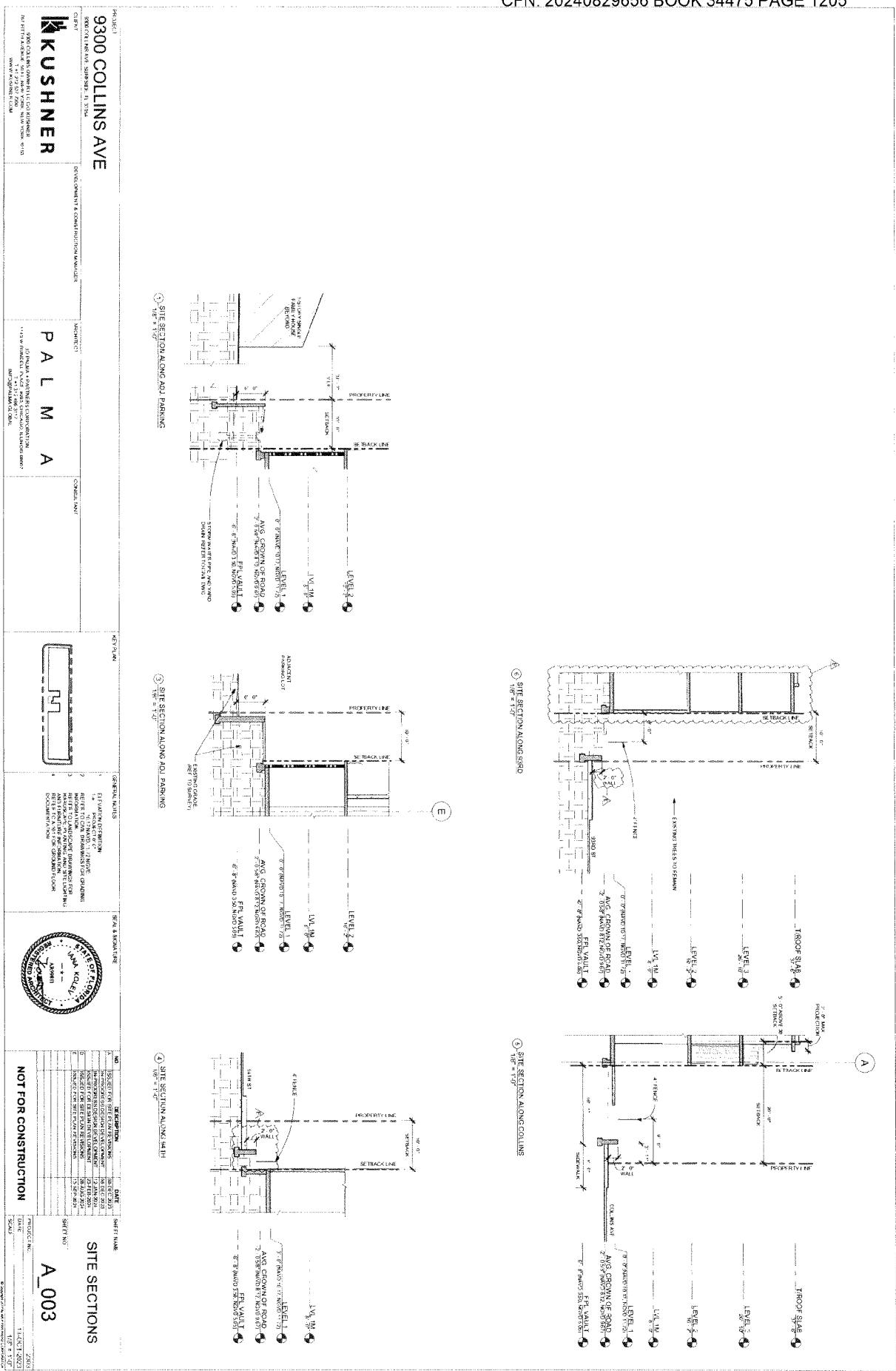
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93RD STREET

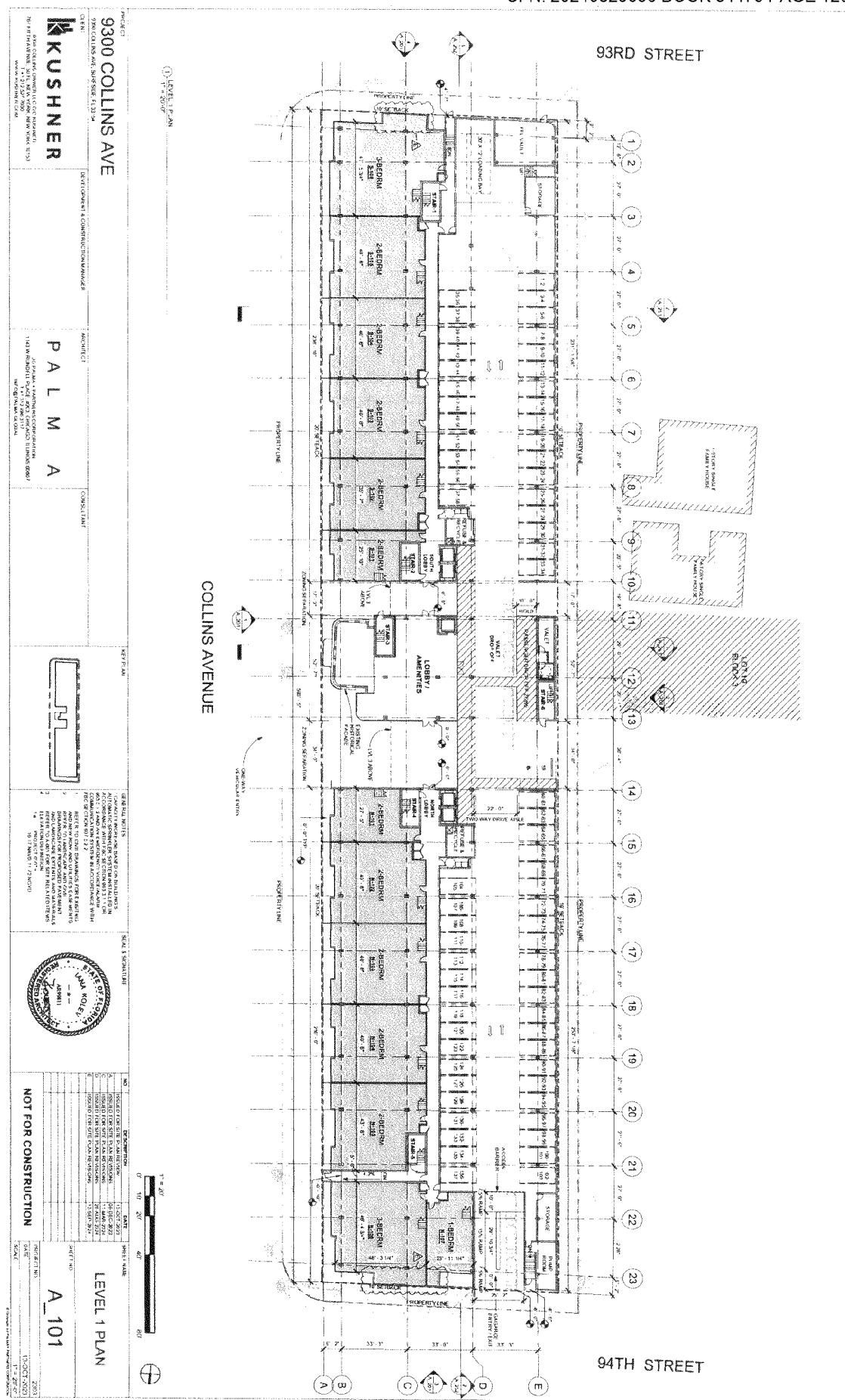
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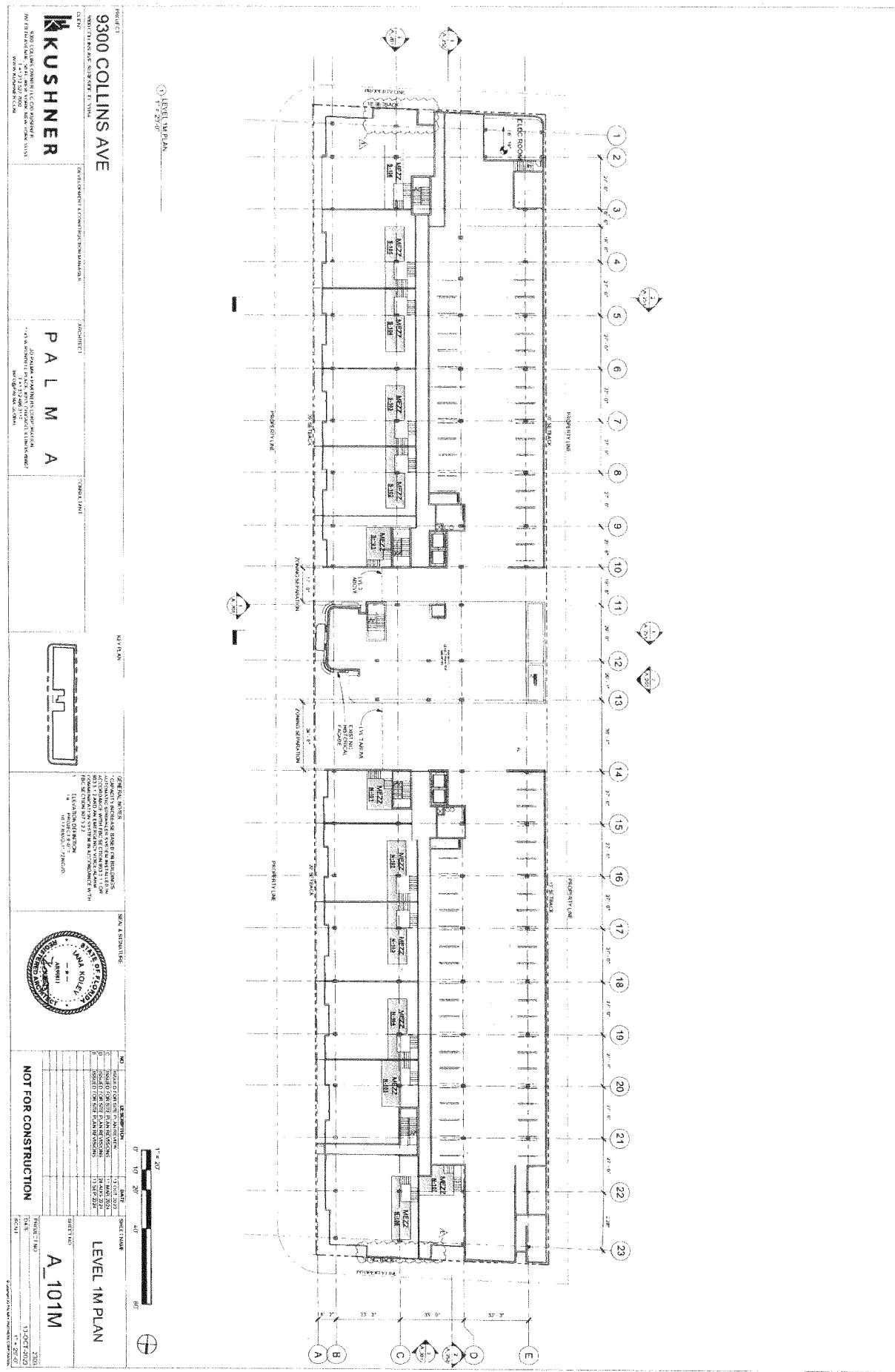


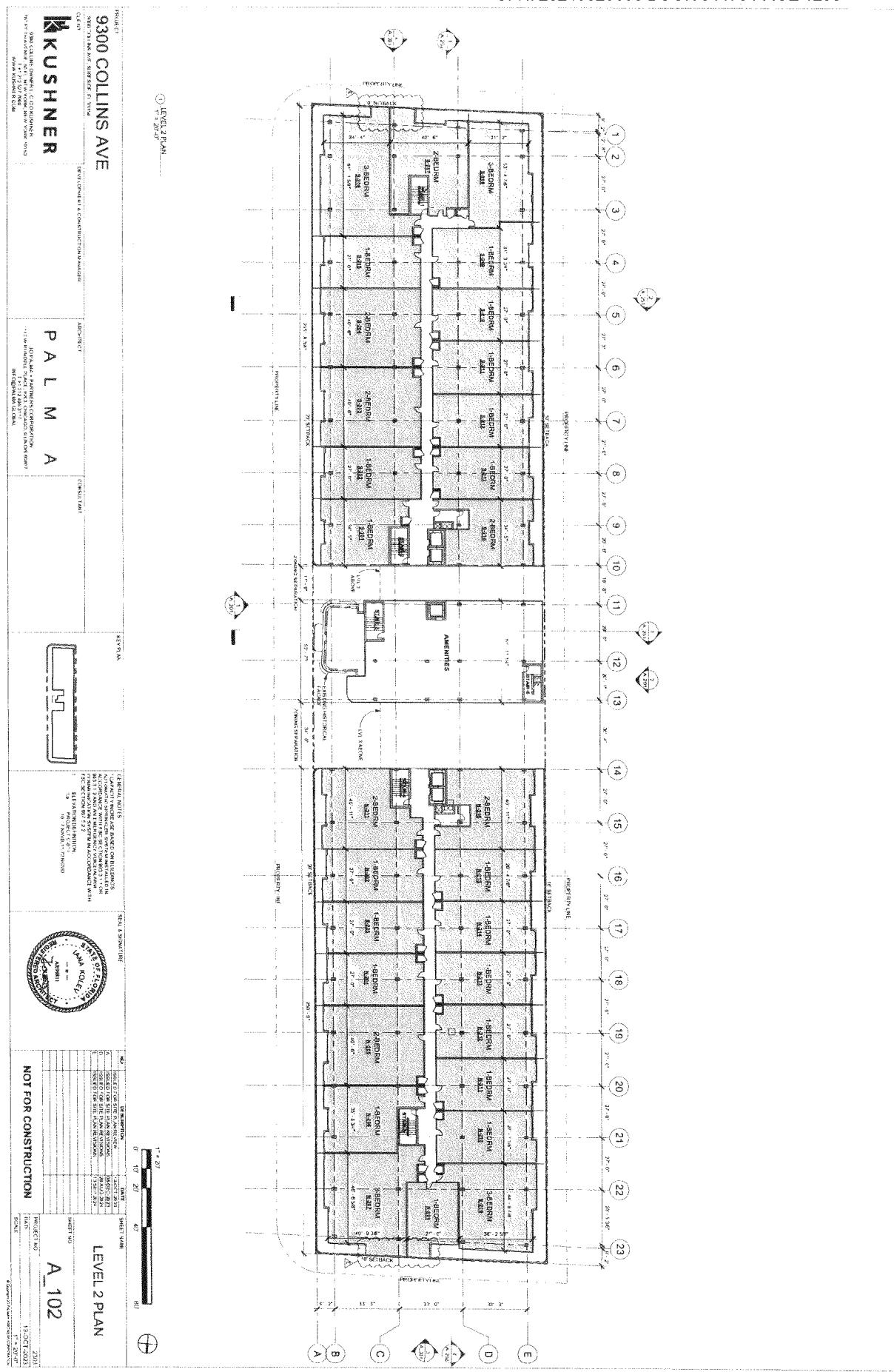


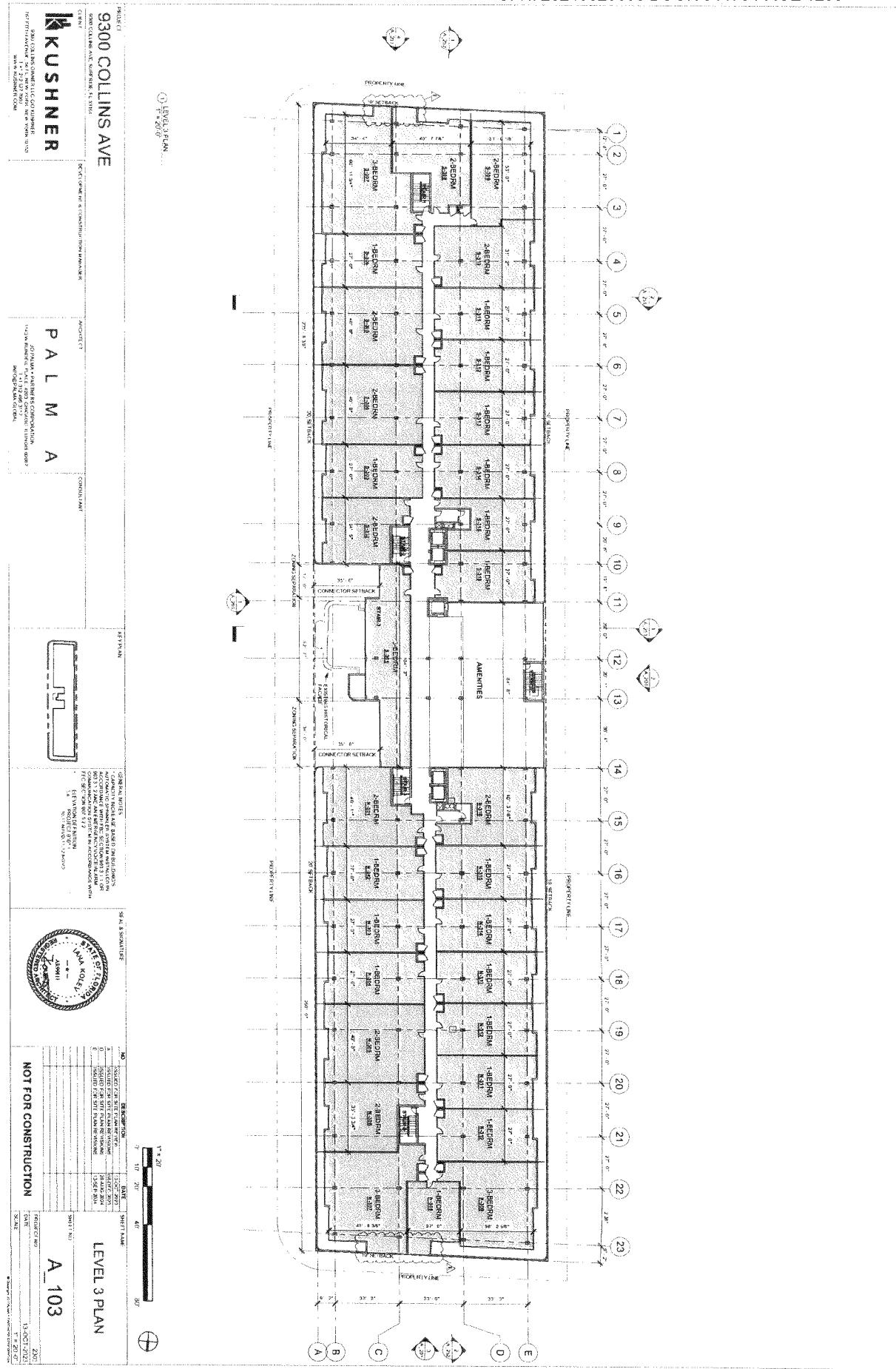


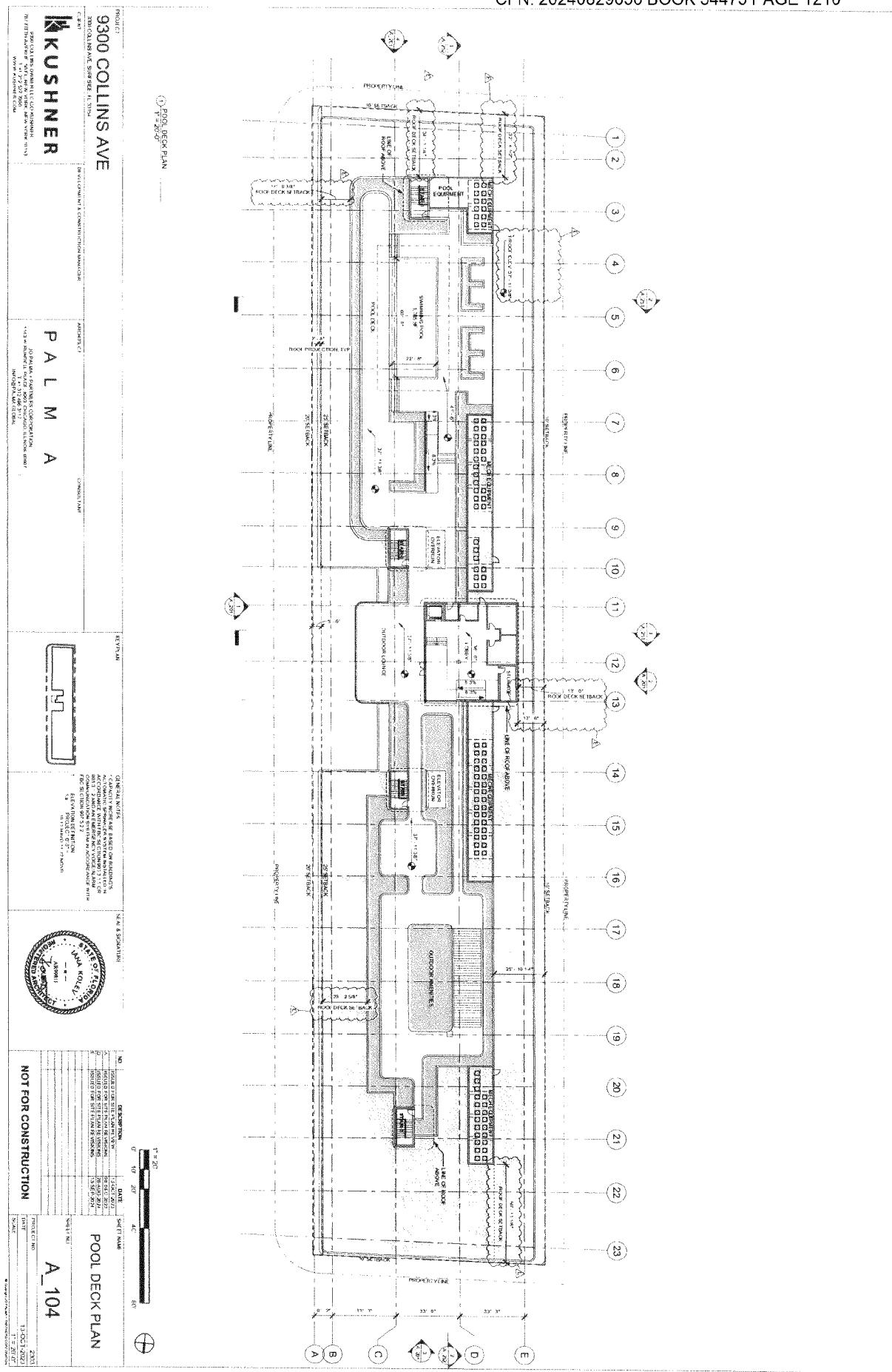
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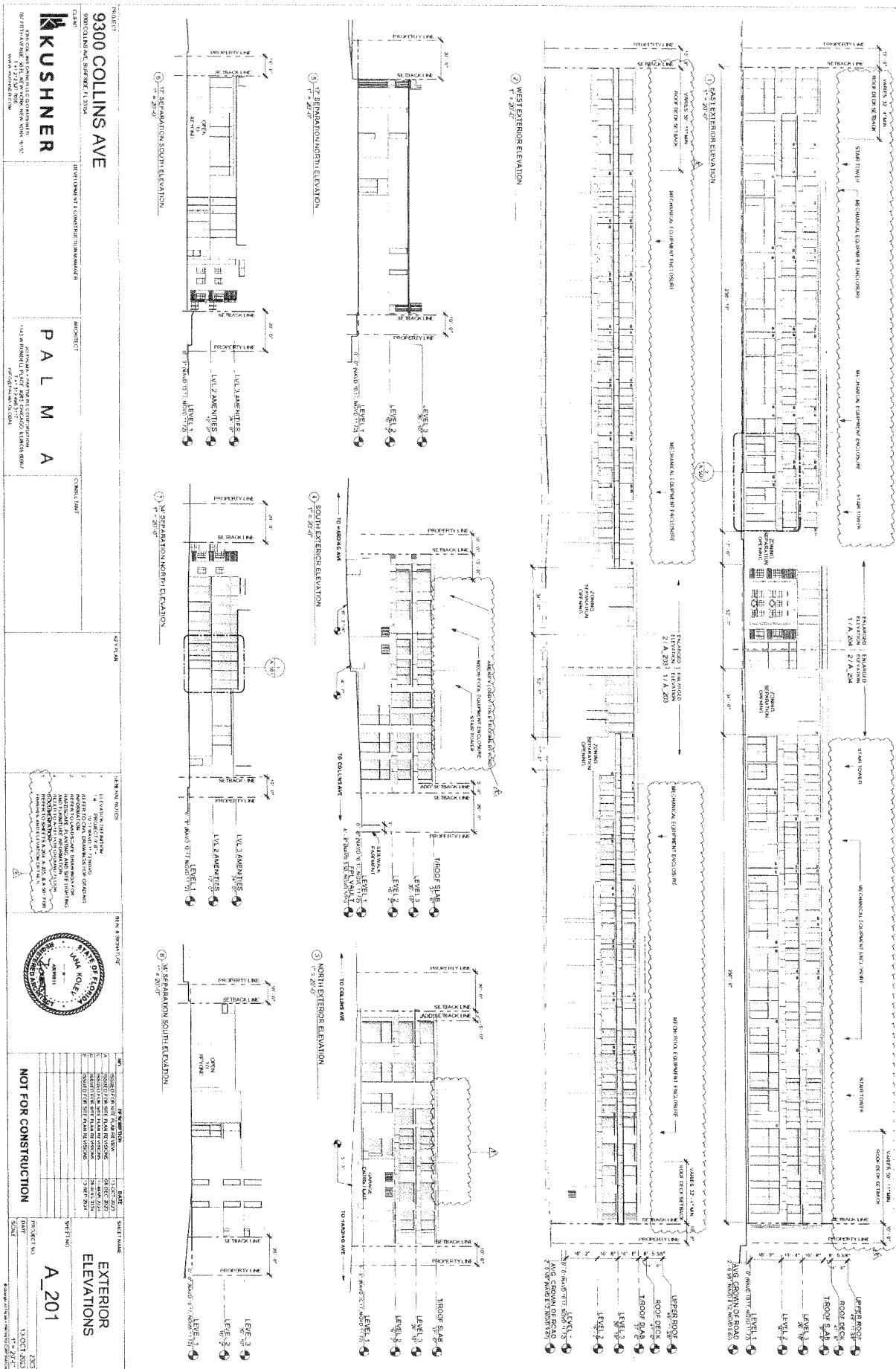


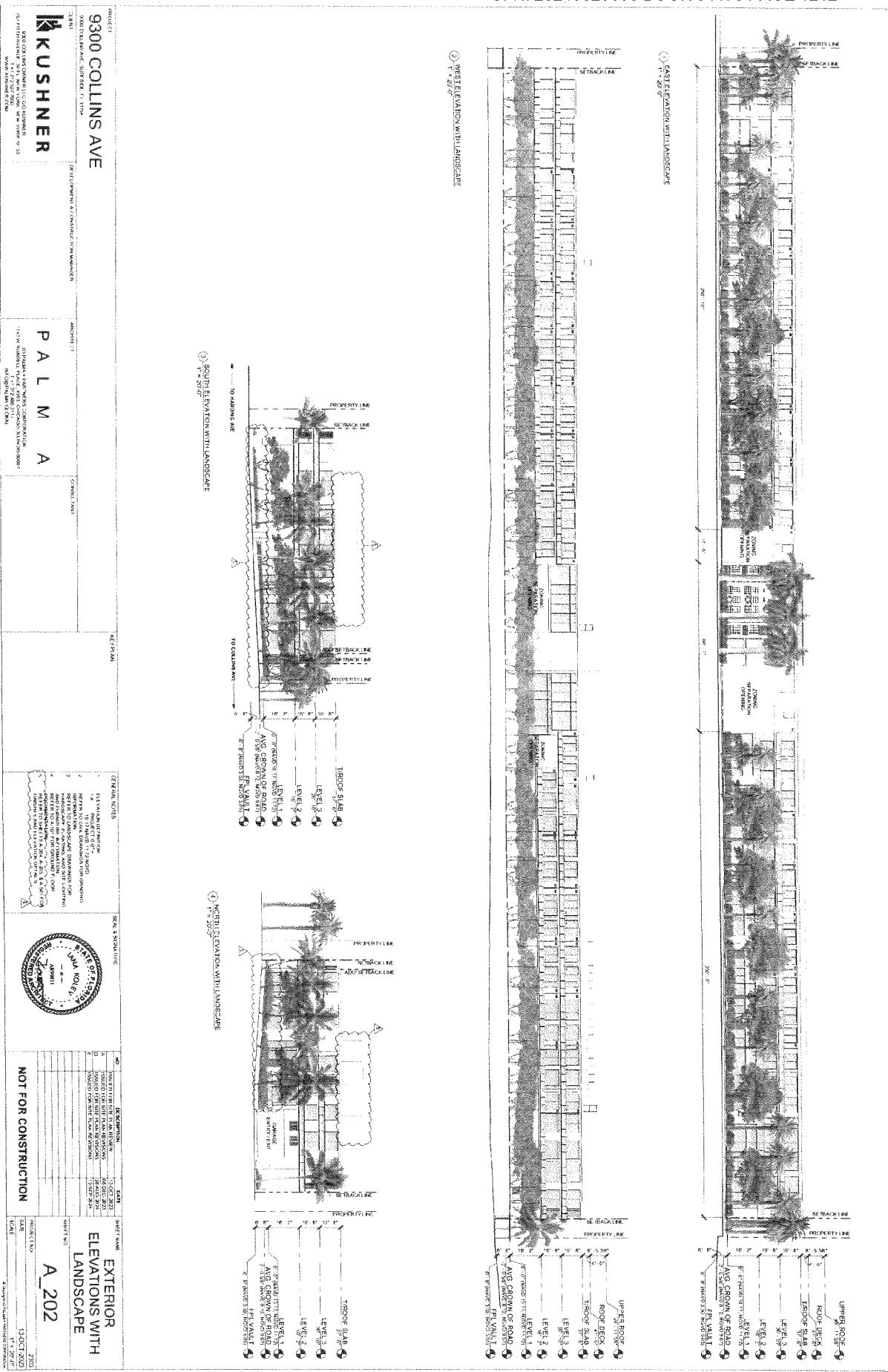


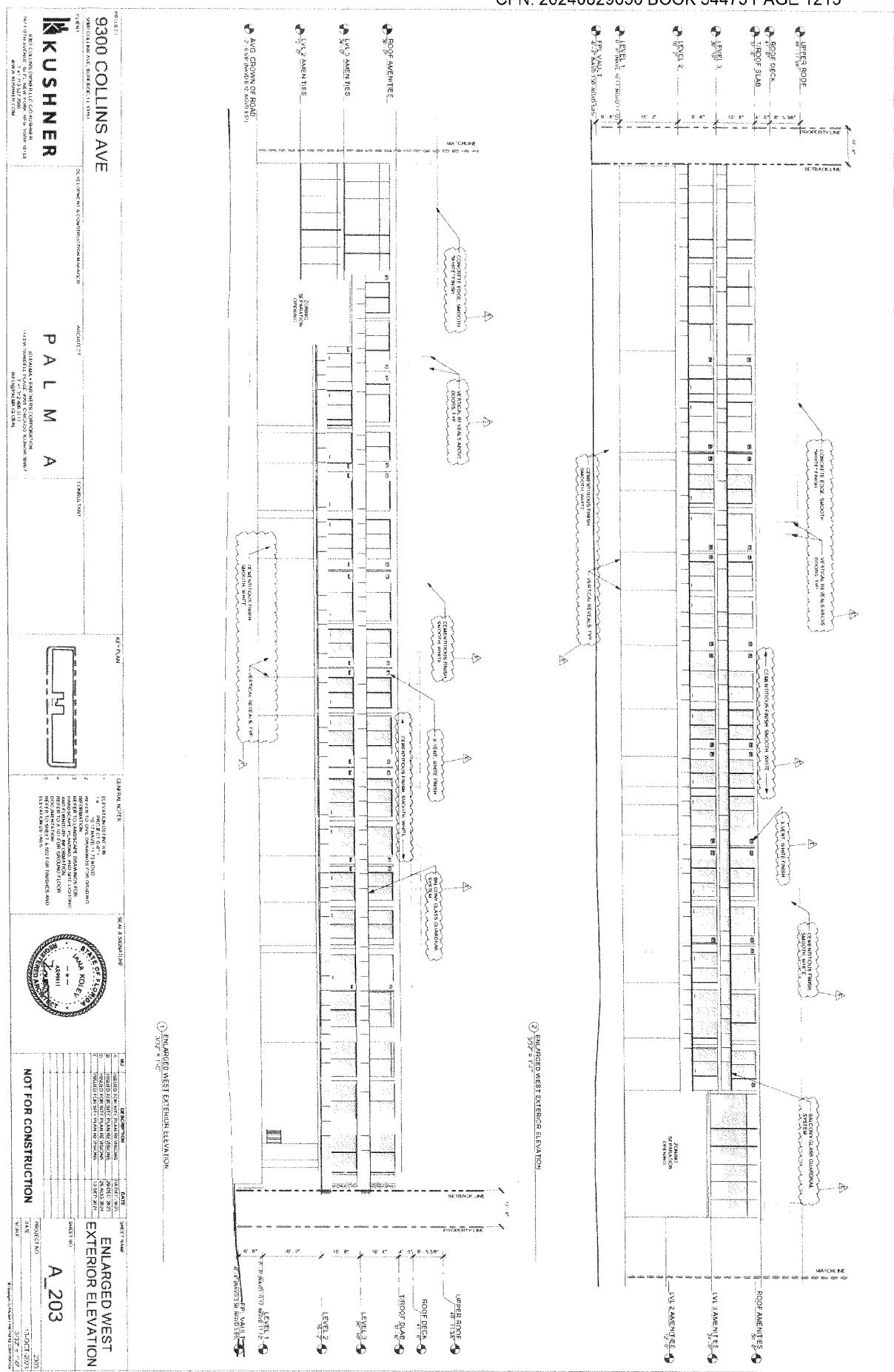


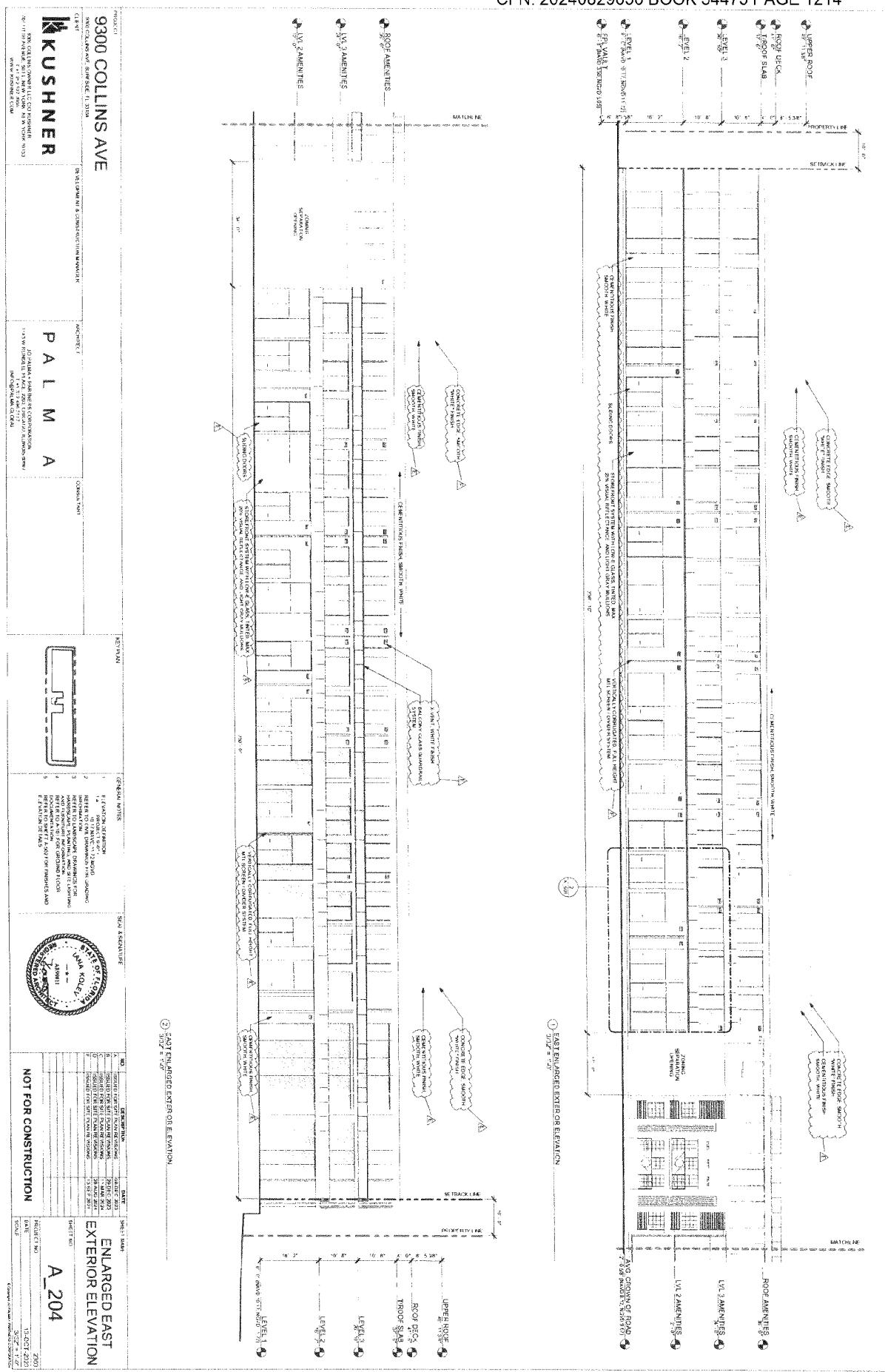


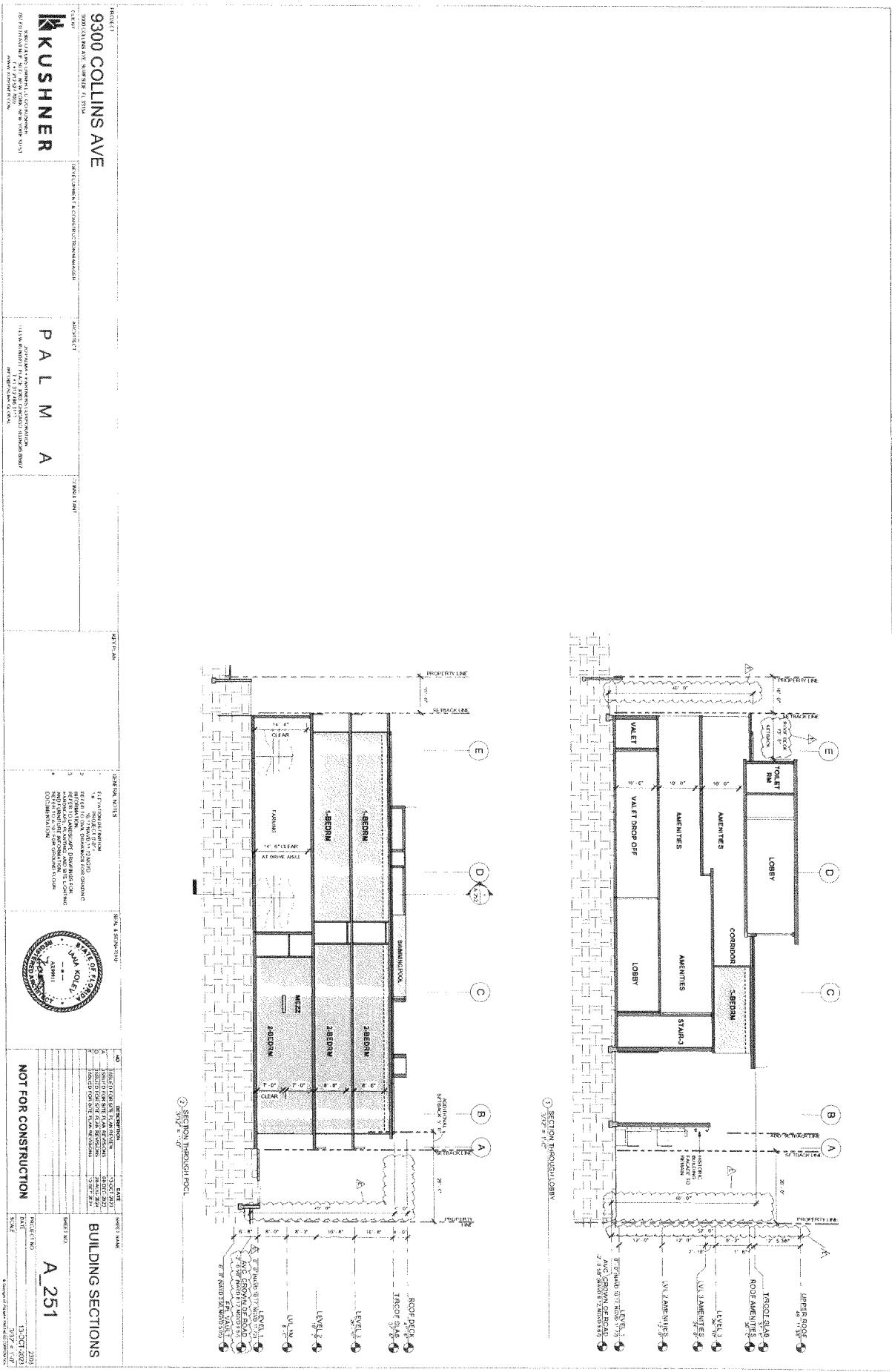


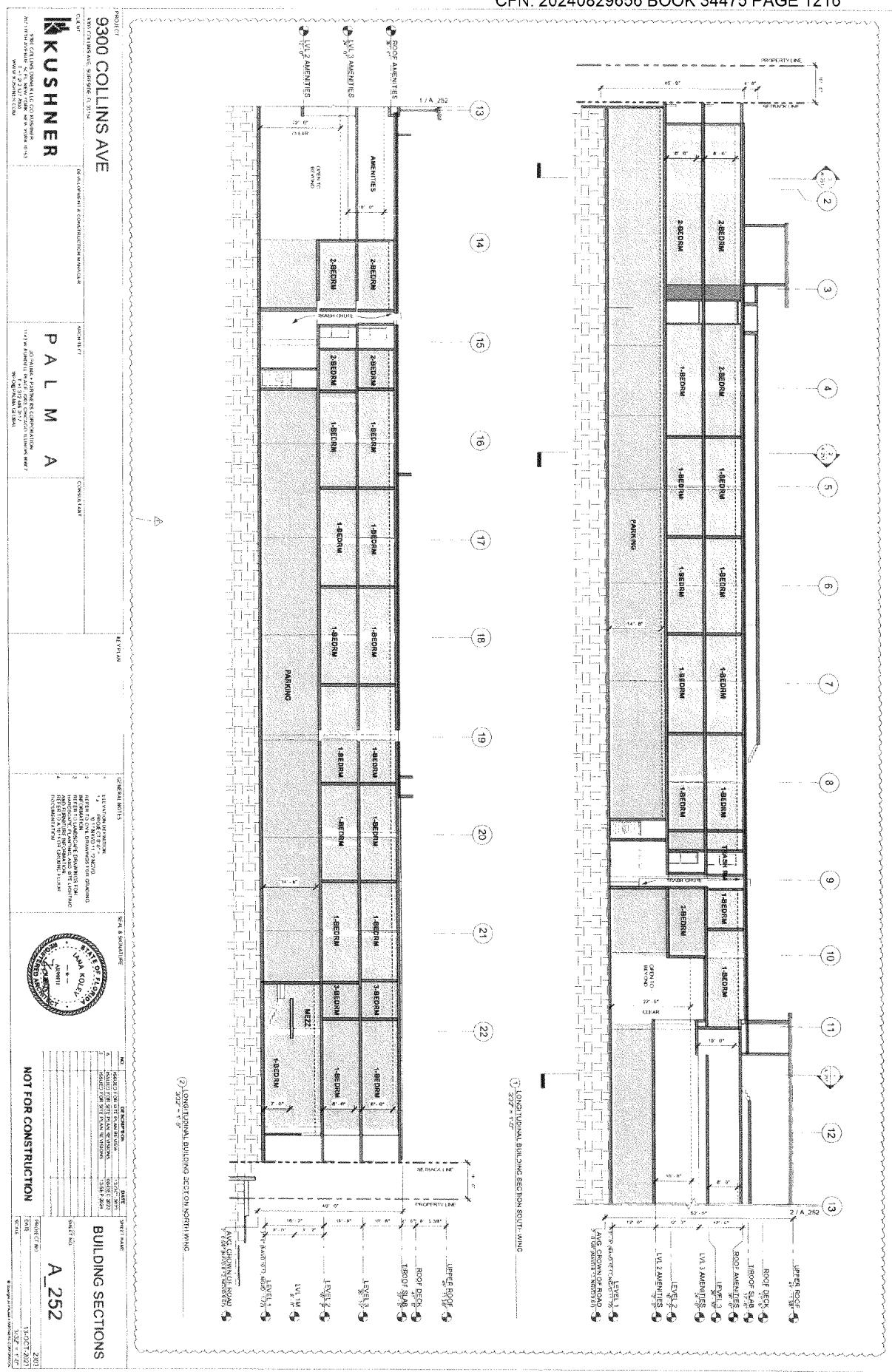


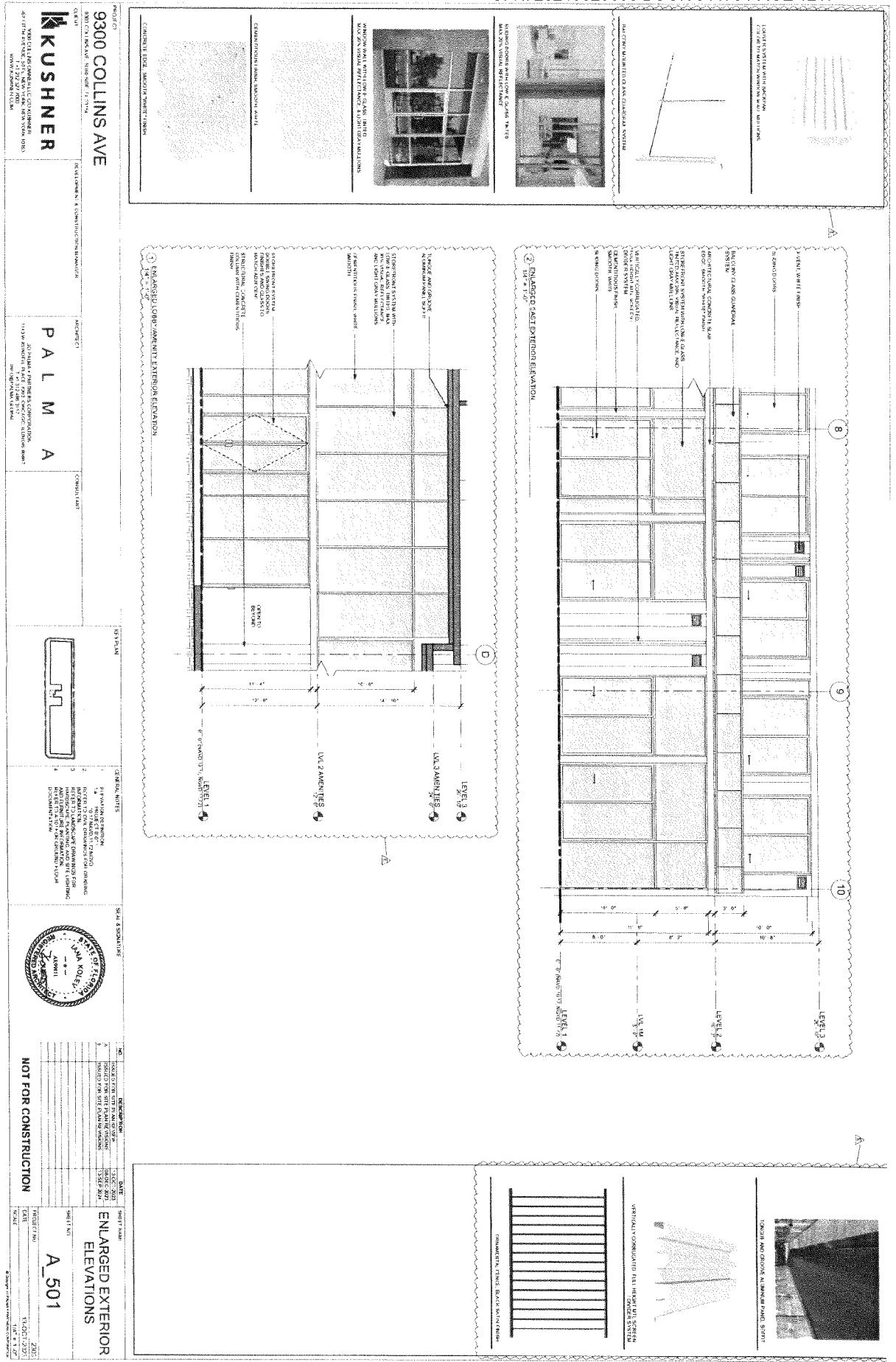


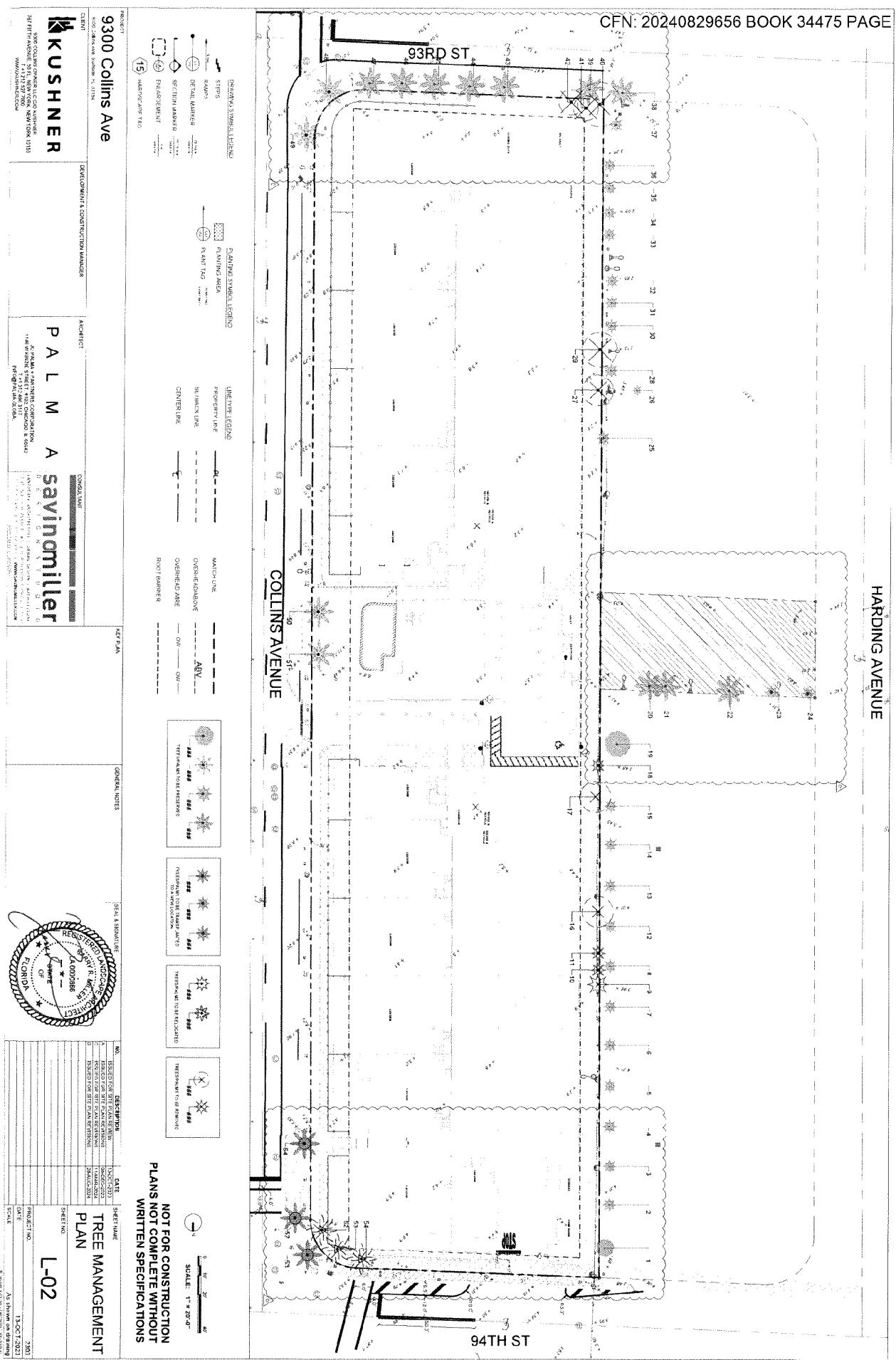


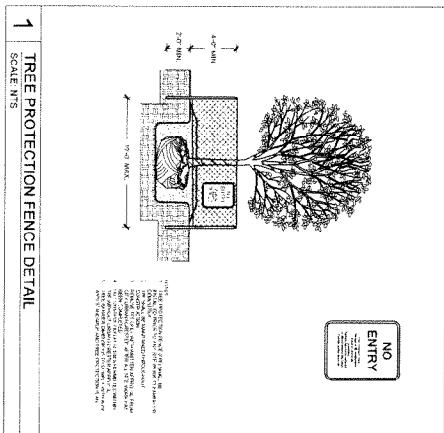












SCALE: NTS

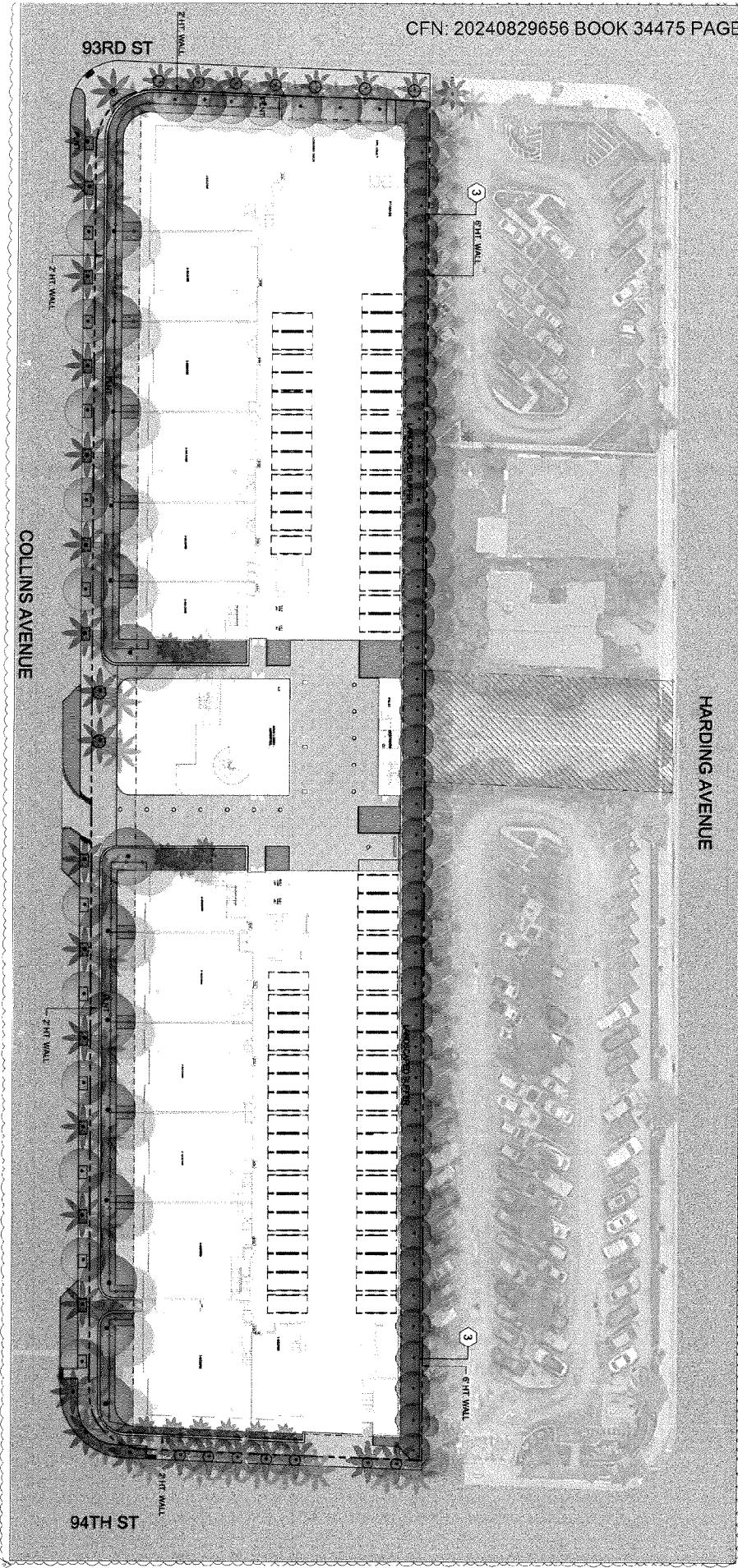
**NOT FOR CONSTRUCTION
PLANS NOT COMPLETE WITHOUT
WRITTEN SPECIFICATIONS**

 KUSHNER <small>900 CHAMBERS COMPANY 167 FIFTH AVENUE NEW YORK, NEW YORK 10019 WATERSIDE PLAZA</small>	DEVELOPMENT & CONSTRUCTION MANAGER <hr/> PALM <small>1144 N. PARK AVENUE • PORT HURON, MICHIGAN P.O. BOX 1117 • 810-982-1117</small>
CUSHNER	ANCHORED

CONSULTANT
SAVIN MILLER
DEALER
MANUFACTURER - DISTRIBUTOR
TELEPHONE 415-362-1000
FAX 415-362-1001
WWW.SAVINMILLER.COM

CANOPY (sq ft) of Trees to Mitigate
CANOPY (sq ft) of Palms to Mitigate
TOTAL CANOPY TO MITIGATE

HARDING AVENUE



NOT FOR CONSTRUCTION
PLANS NOT COMPLETE WITHOUT
WRITTEN SPECIFICATIONS

SCALE: 1" = 20'-0"

9300 Collins Ave

CHEM

KUSHNER

DEVELOPMENT & CONSTRUCTION MANAGER

ARCHITECT

PALM SAVINAMILLER

9300 COLLINS AVE • SUITE 200 • MIAMI, FL 33132
786.477.7700 • FAX: 786.477.7701 • E-MAIL: info@kushner.com
WWW.KUSHNER.COM

1140 HARDING STREET • CHICAGO, IL 60601
312.222.7700 • FAX: 312.222.7701
E-MAIL: info@palm-sav.com
WWW.PALM-SAV.COM

KEY PLAN

GENERAL NOTES

SEAL & SIGNATURE

REGISTERED ARCHITECTS & ENGINEERS BOARD OF FLORIDA

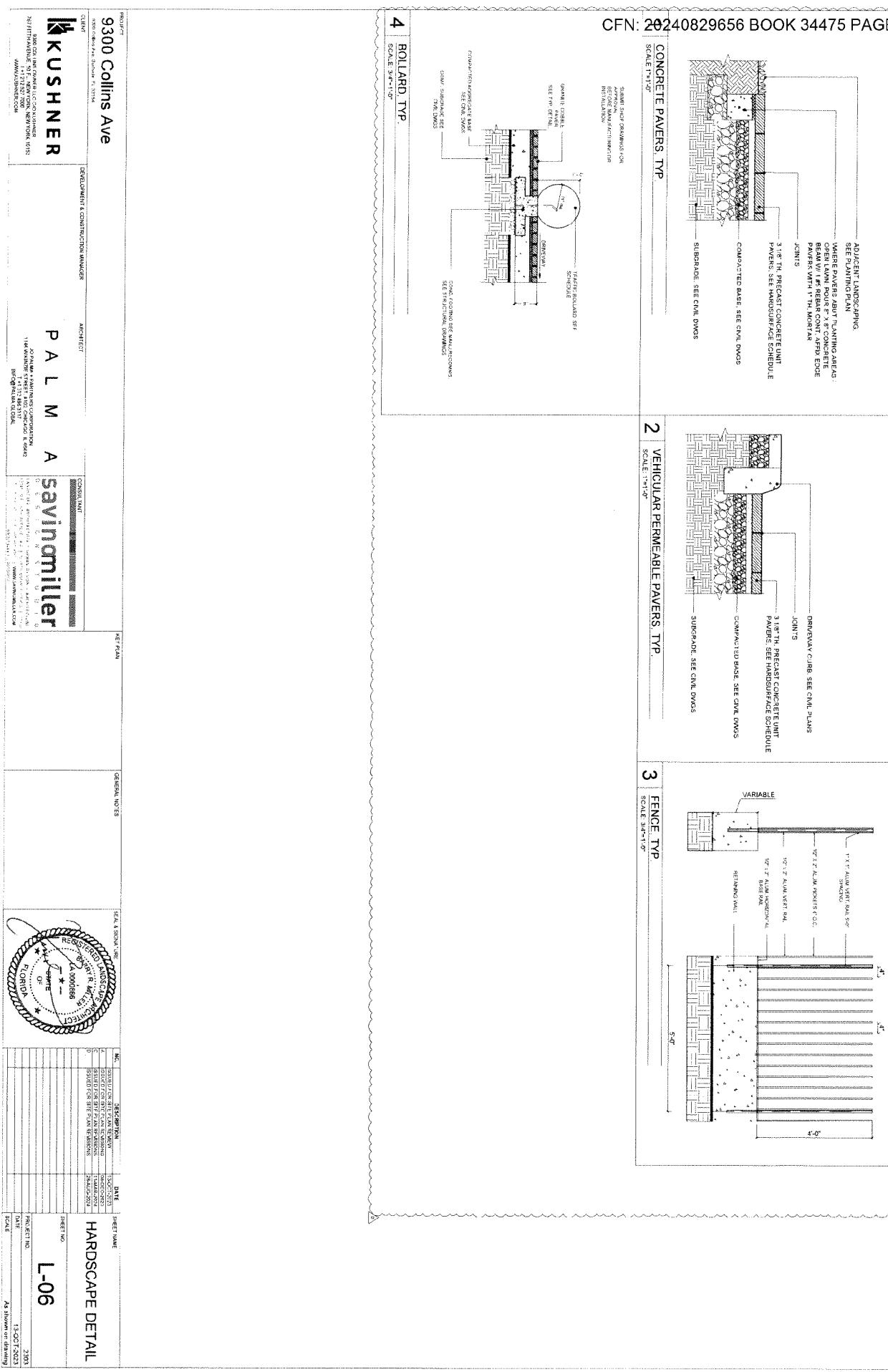
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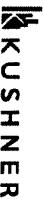
SITE PLAN

L-04

OWNER: **PALM SAVINAMILLER**
PROJECT NO.: **2001**
DATE: **13-OCT-2001**

AS SHOWN ON DRAWING





9300 Collins Ave

9300 Collins Ave, Sunny Isles Beach, FL 33160

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AGE SHADE TREES

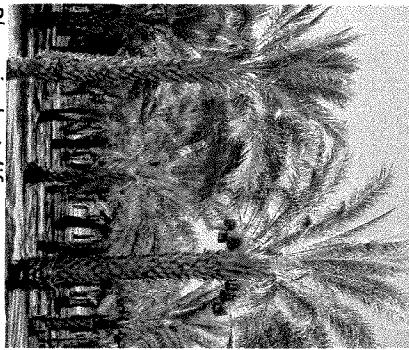


Lysimachia Wild Tamarind

STREET PALMS



Comocarpus ericinus
Green Buttonwood



Phoenix dactylifera
Date Palms



Cocos nucifera
Coconut Palms



Roystonea elata
Florida Royal Palm



Cossia surattensis
Glossy Shower Tree



Cassia bakeriana
Pink Shower Tree

Phoenix dactylifera
Date Palms

Cocos nucifera
Coconut Palms

Roystonea elata
Florida Royal Palm

Dypsis lutescens
Areca Palms

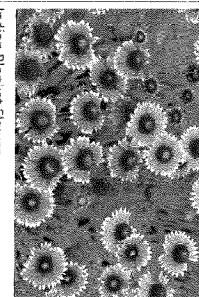
AG
TTER SHRUBS

CEN: 202408291650100K-175



24 *Magnolia fragrans*

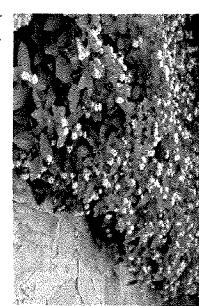
FLOWERING SHRUBS



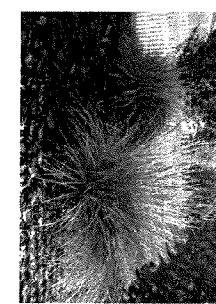
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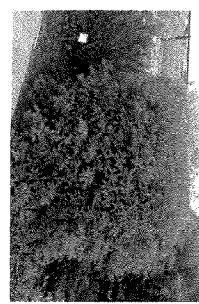
Canella winterana



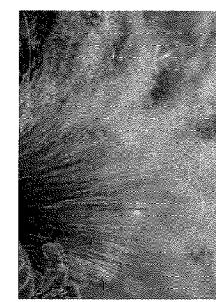
Canella winterana



Tripsacum dactyloides



Tripsacum dactyloides



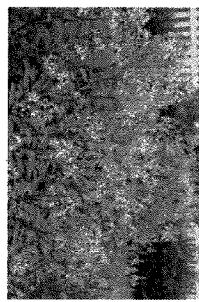
Muhlenbergia capillaris



Muhlenbergia capillaris



Chrysobalanus icaco "horizontalis"

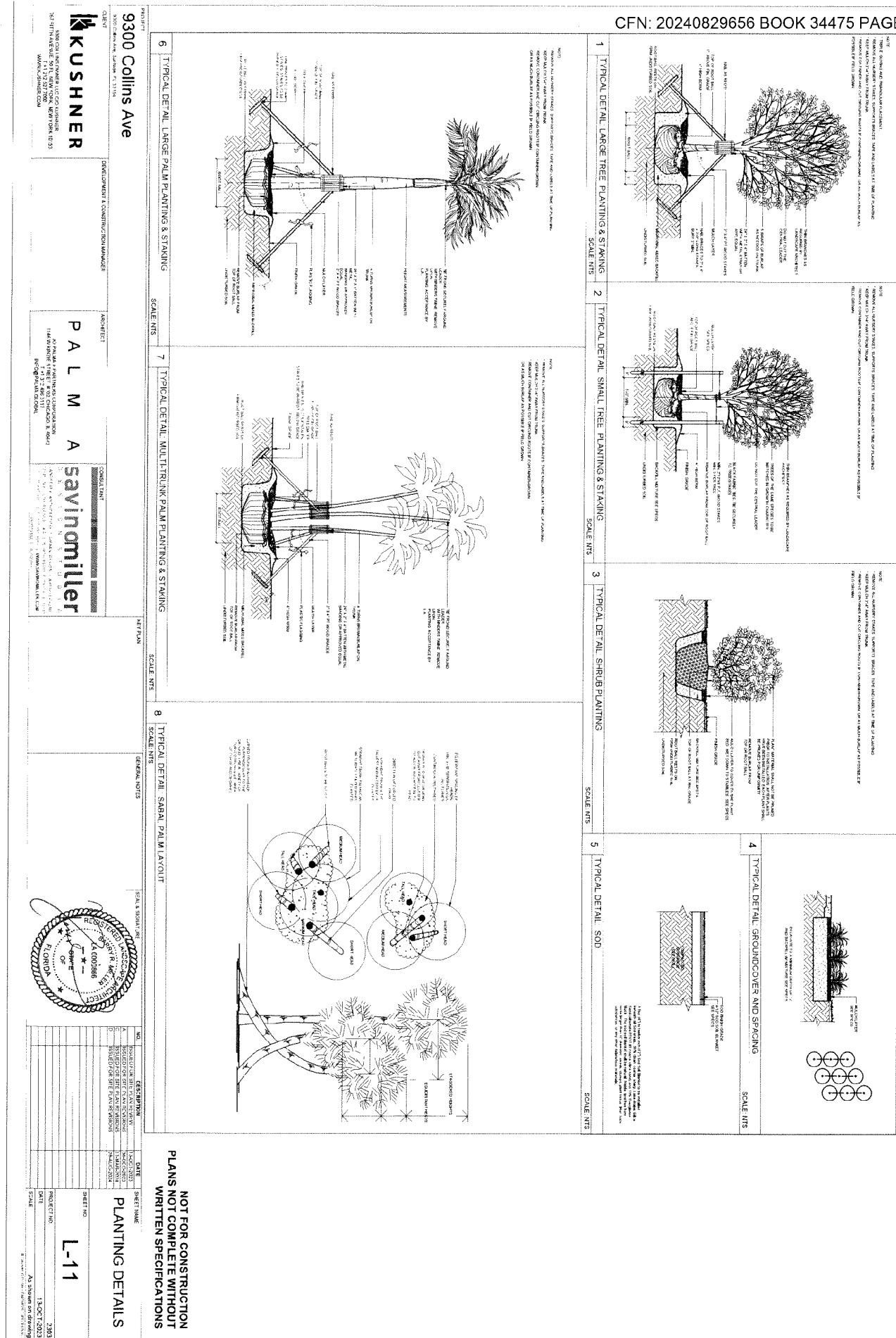


Chrysobalanus icaco 'horizontalis'

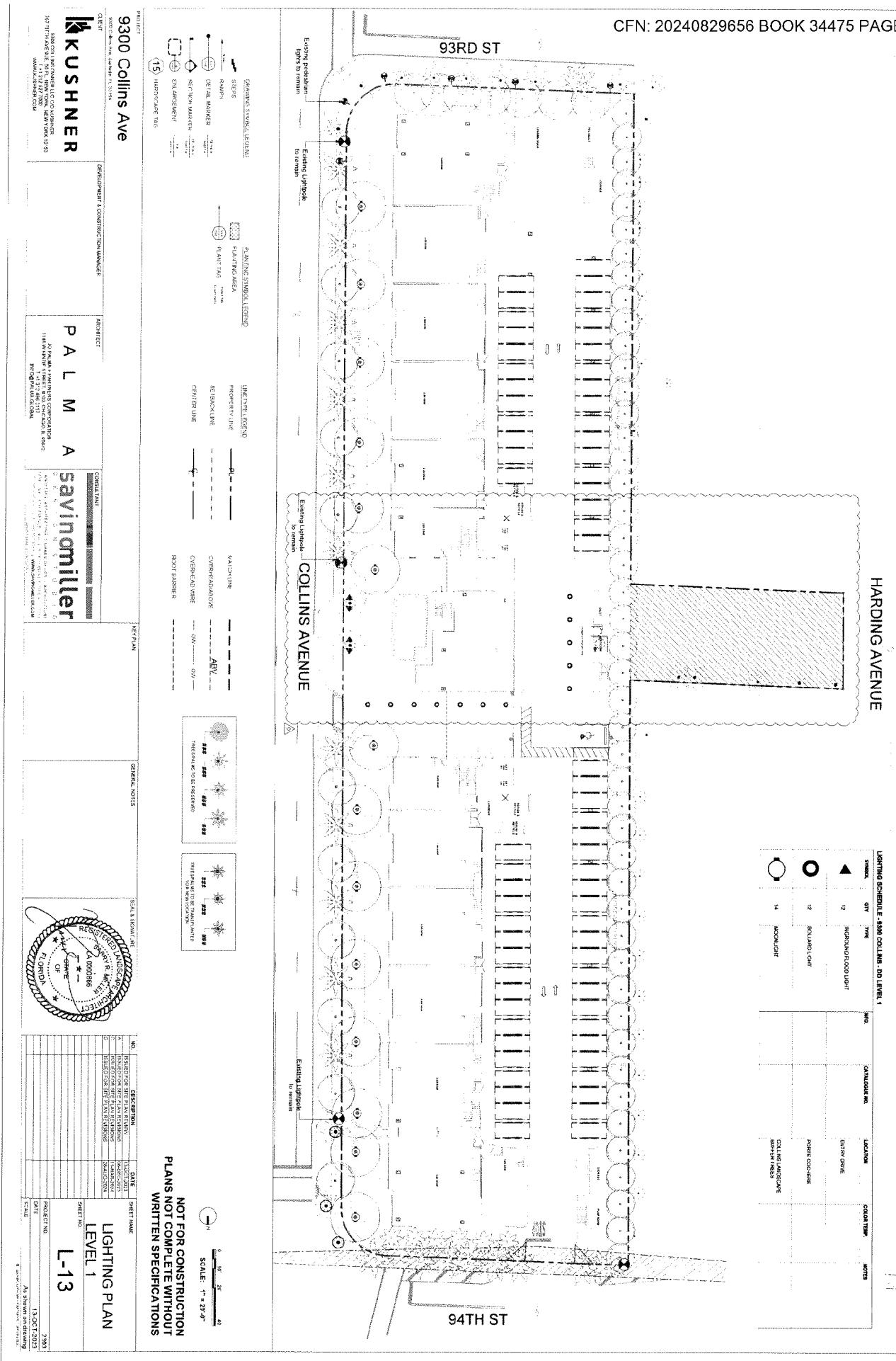


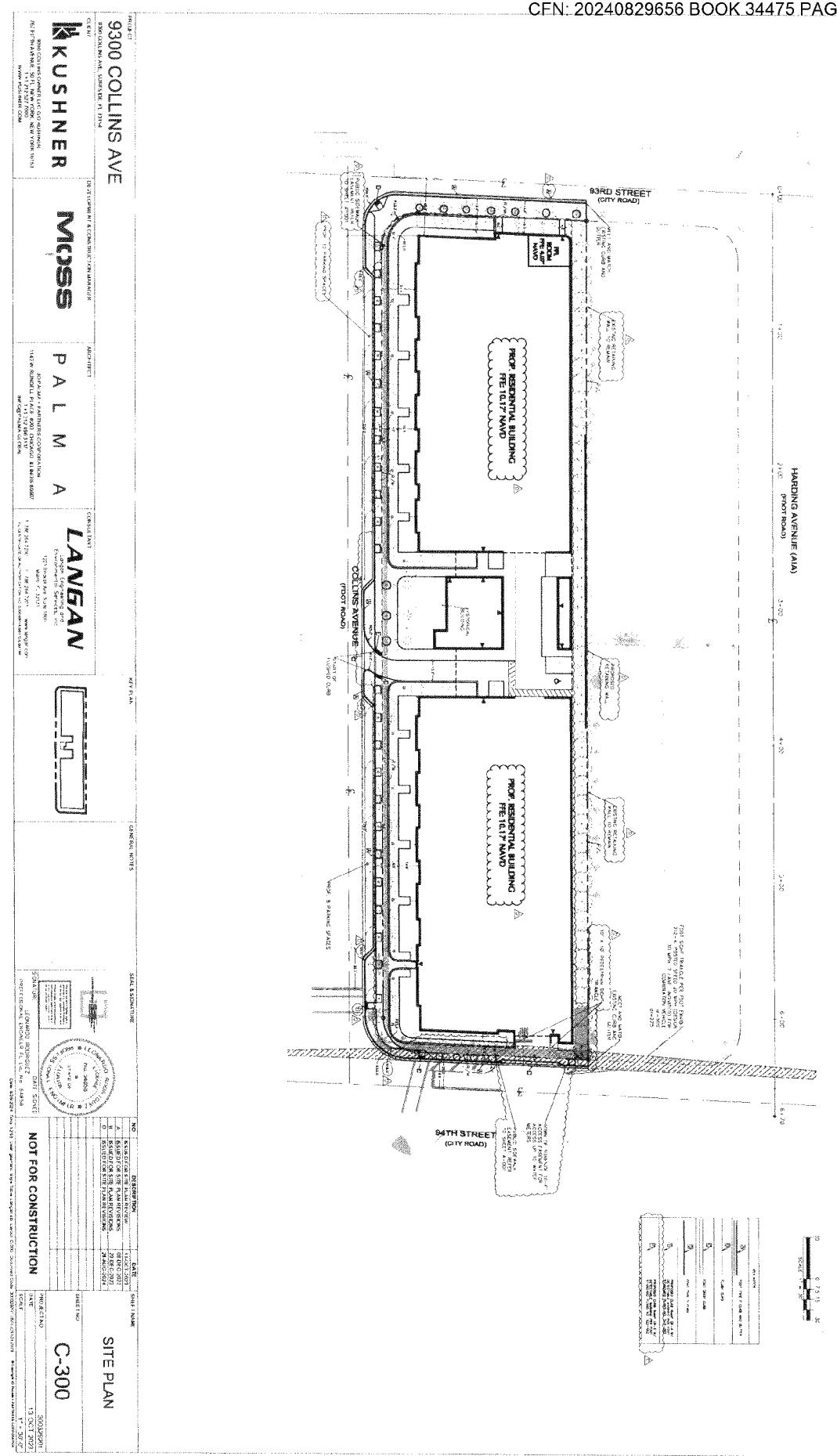
Serenoa repens

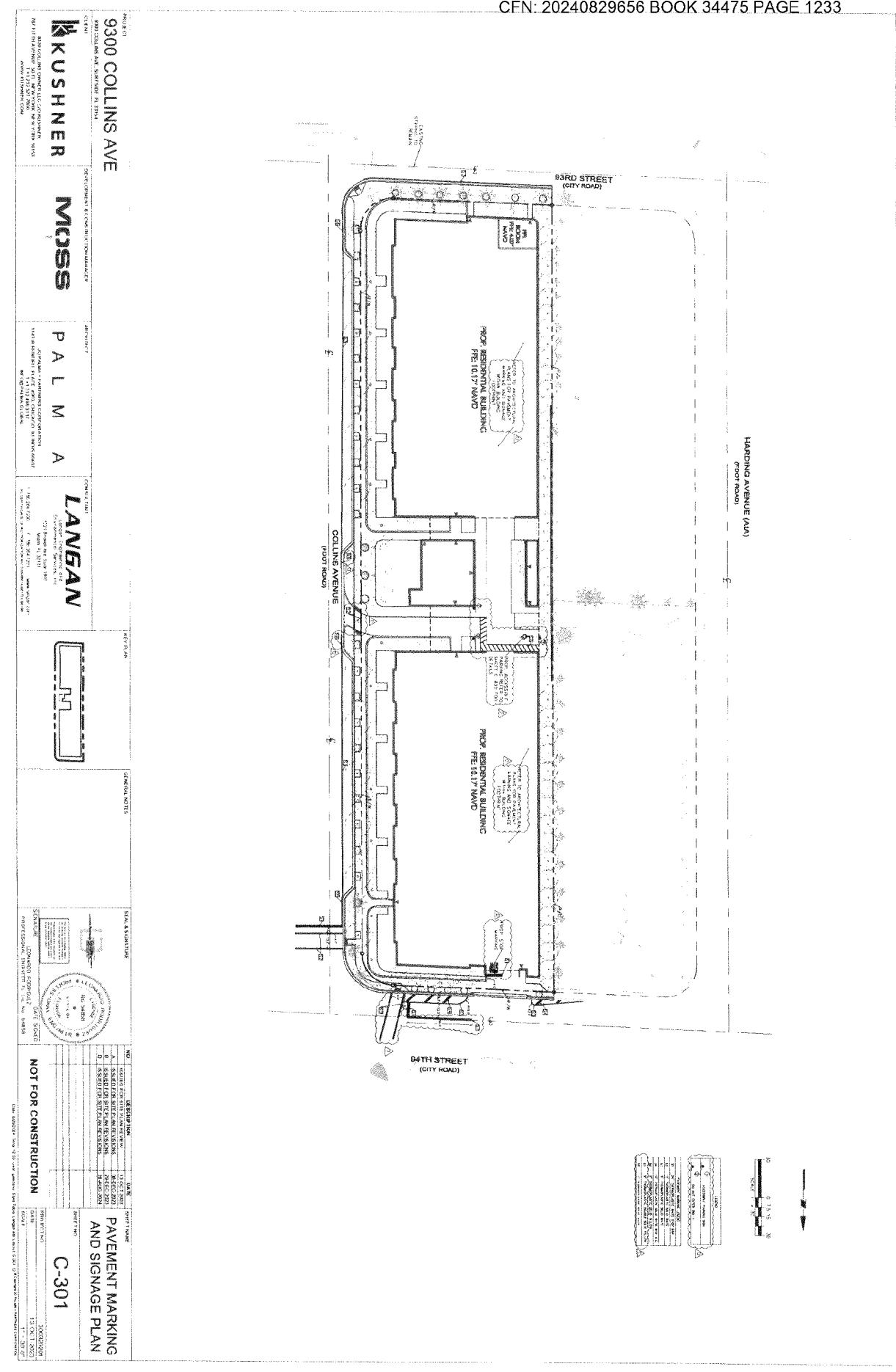
KUSHNER		DEVELOPMENT & CONSTRUCTION MANAGER	
3000 CALLE DE LA COSTA, SUITE 100 MIAMI, FLORIDA 33173 TEL: 305-592-27700 FAX: 305-592-27701 WWW.KUSHNER.COM		CLIENT SUPPORT F.L.T.I.S.A.	
		ARCHITECT	
		CONSULTANT	
PALM A Savinomiller		PLANTING IMAGES UNDERSTORY	
<p>2000 CALLE DE LA COSTA, SUITE 1000 MIAMI, FLORIDA 33173 TEL: 305-592-27700 FAX: 305-592-27701 WWW.PALMARCHITECTS.COM</p> <p>301 PARK AVENUE, SUITE 1000 NEW YORK, NY 10016 TEL: 212-930-1000 FAX: 212-930-1002 WWW.SAVINOMILLER.COM</p>		<p>REGISTERED LANDSCAPE ARCHITECTURE FLORIDA 998568 LAWRENCE R. MILLER P.E.</p> <p>PROJECT NO. L-10 DATE 10-27-2023 AS DRAWN BY DRAFTER</p>	

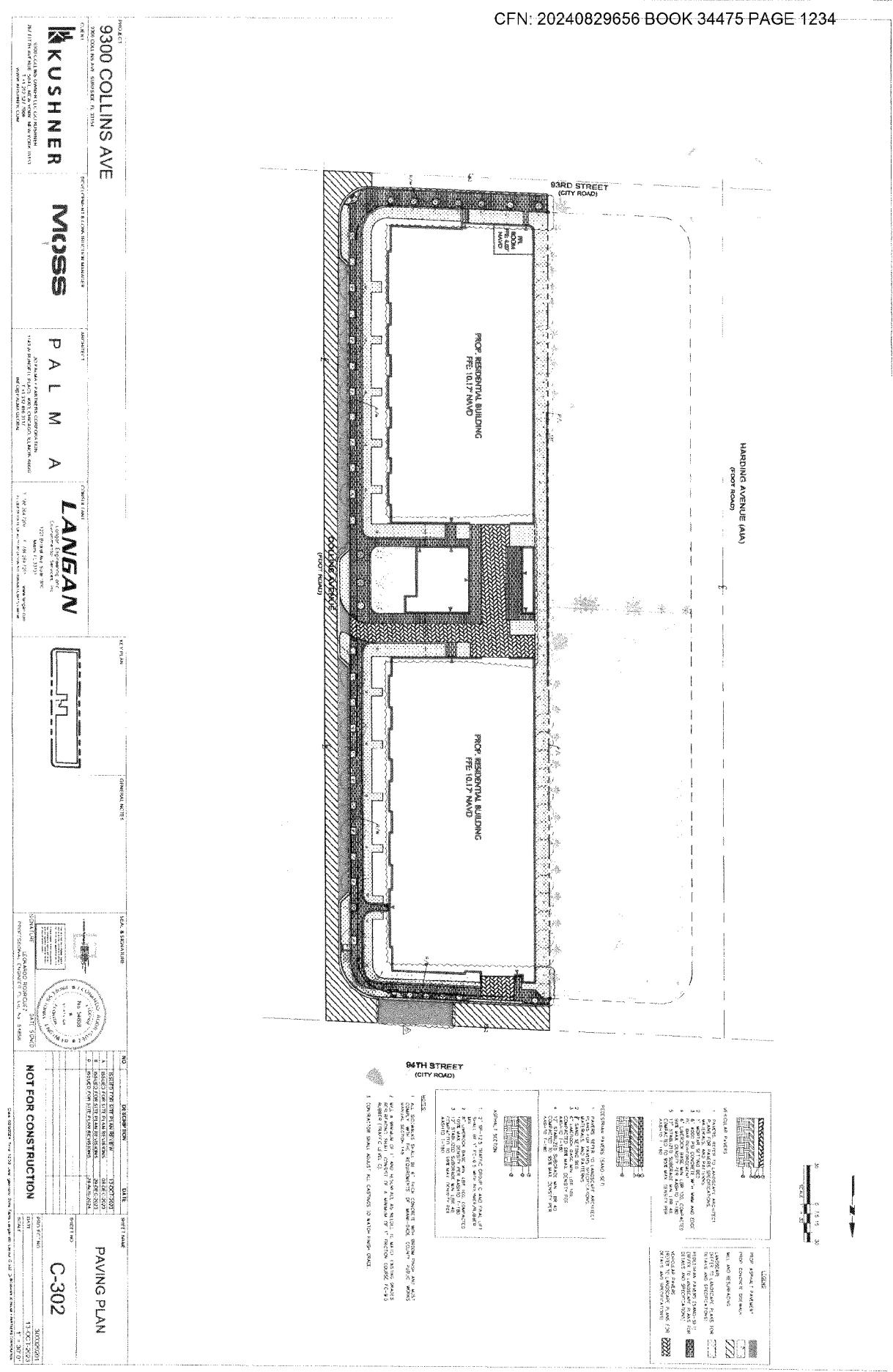


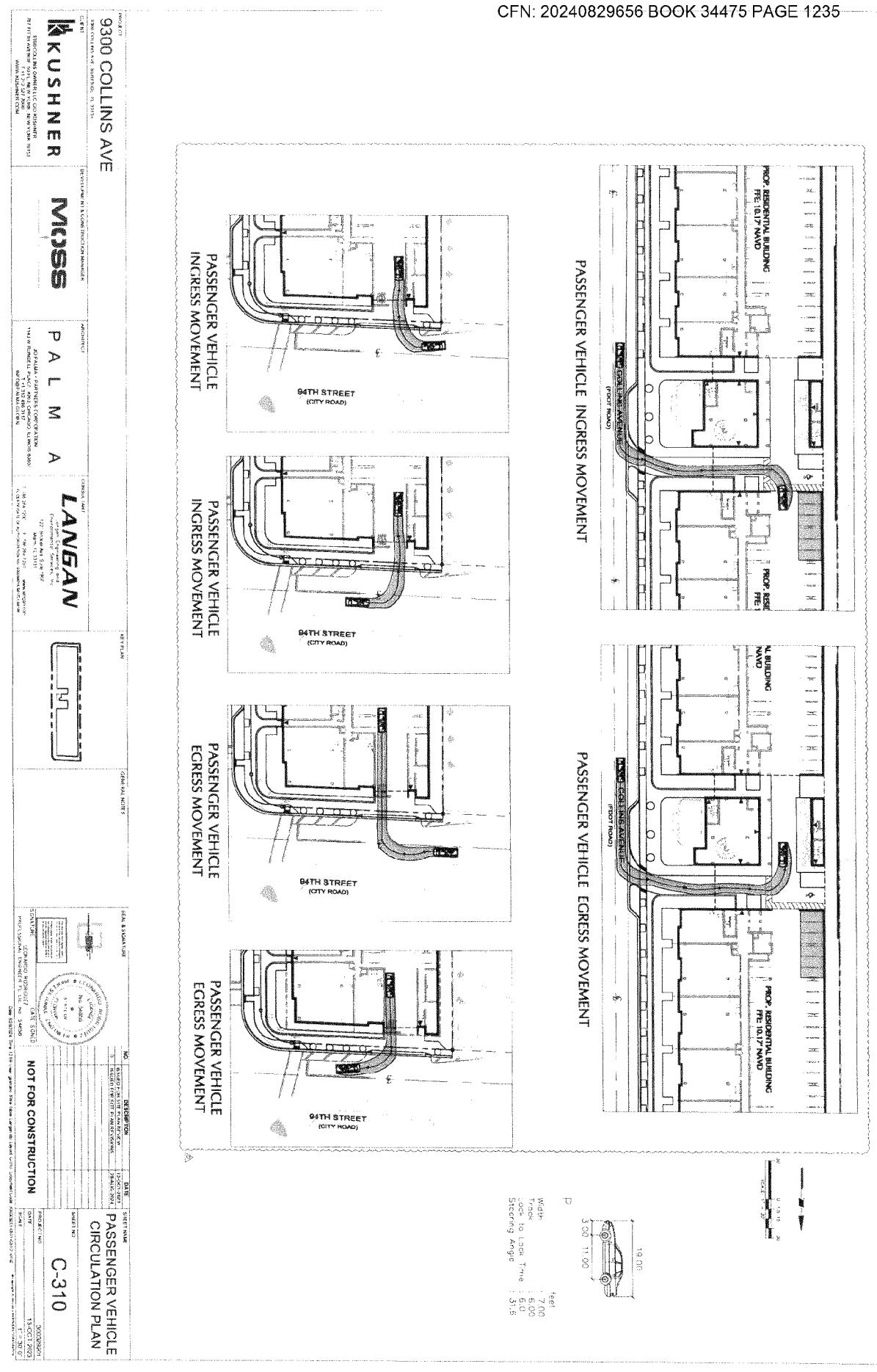
HARDING AVENUE

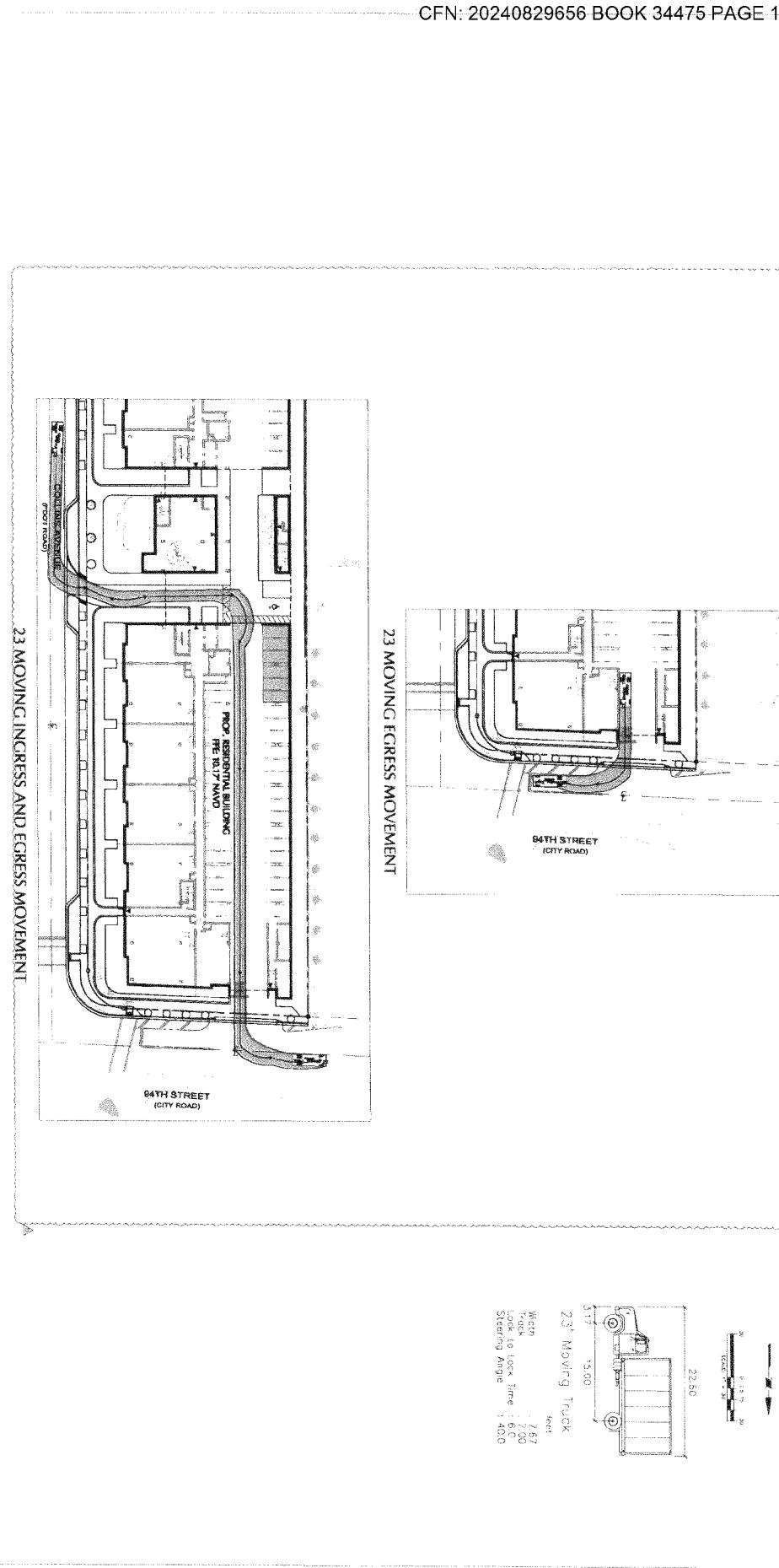












PROJECT
9300 COLLINS AVE
MULTI-FAMILY RESIDENTIAL

KUSHNER
MOSS
PALM
LANGAN

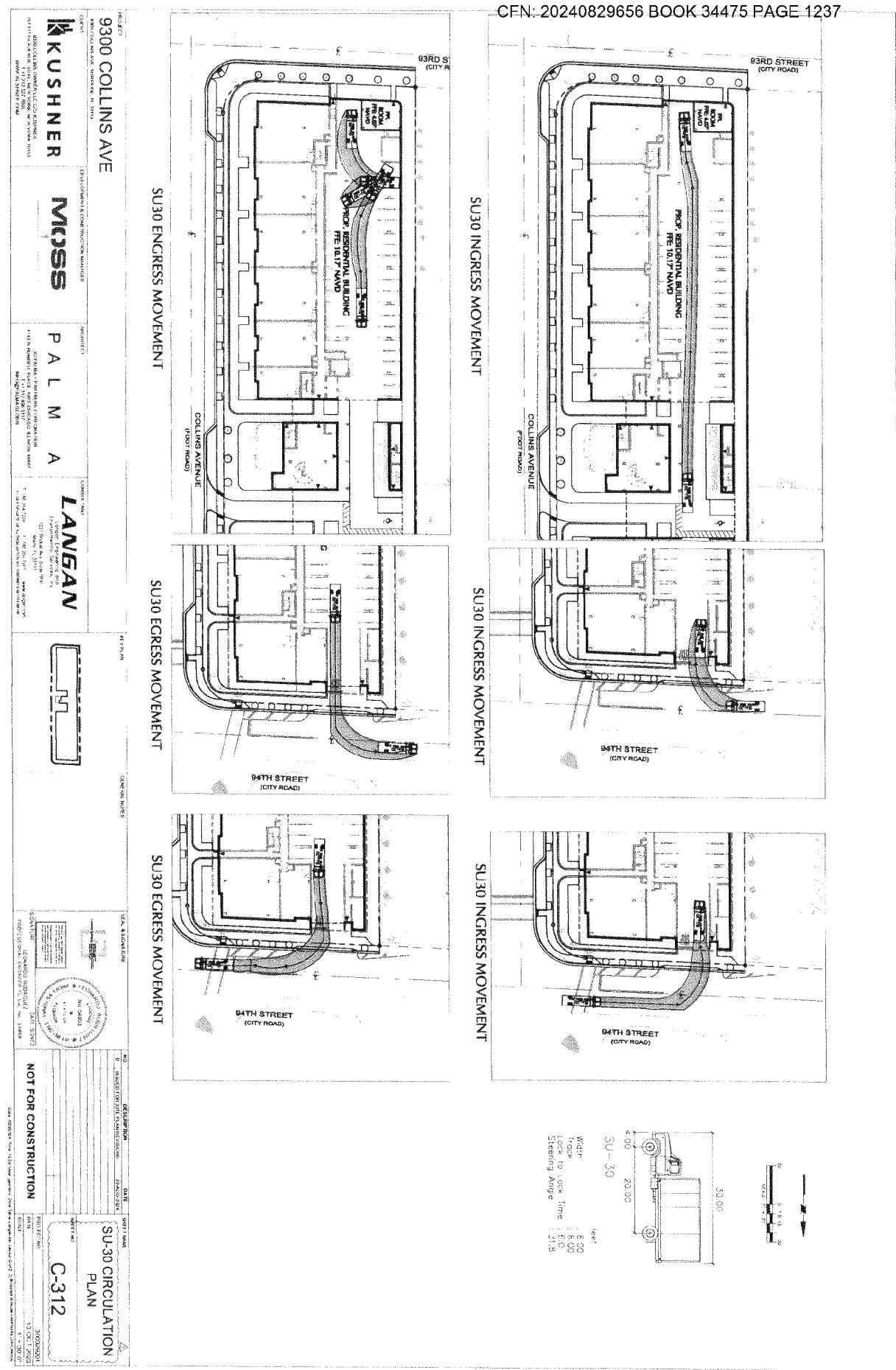
GENERAL NOTES

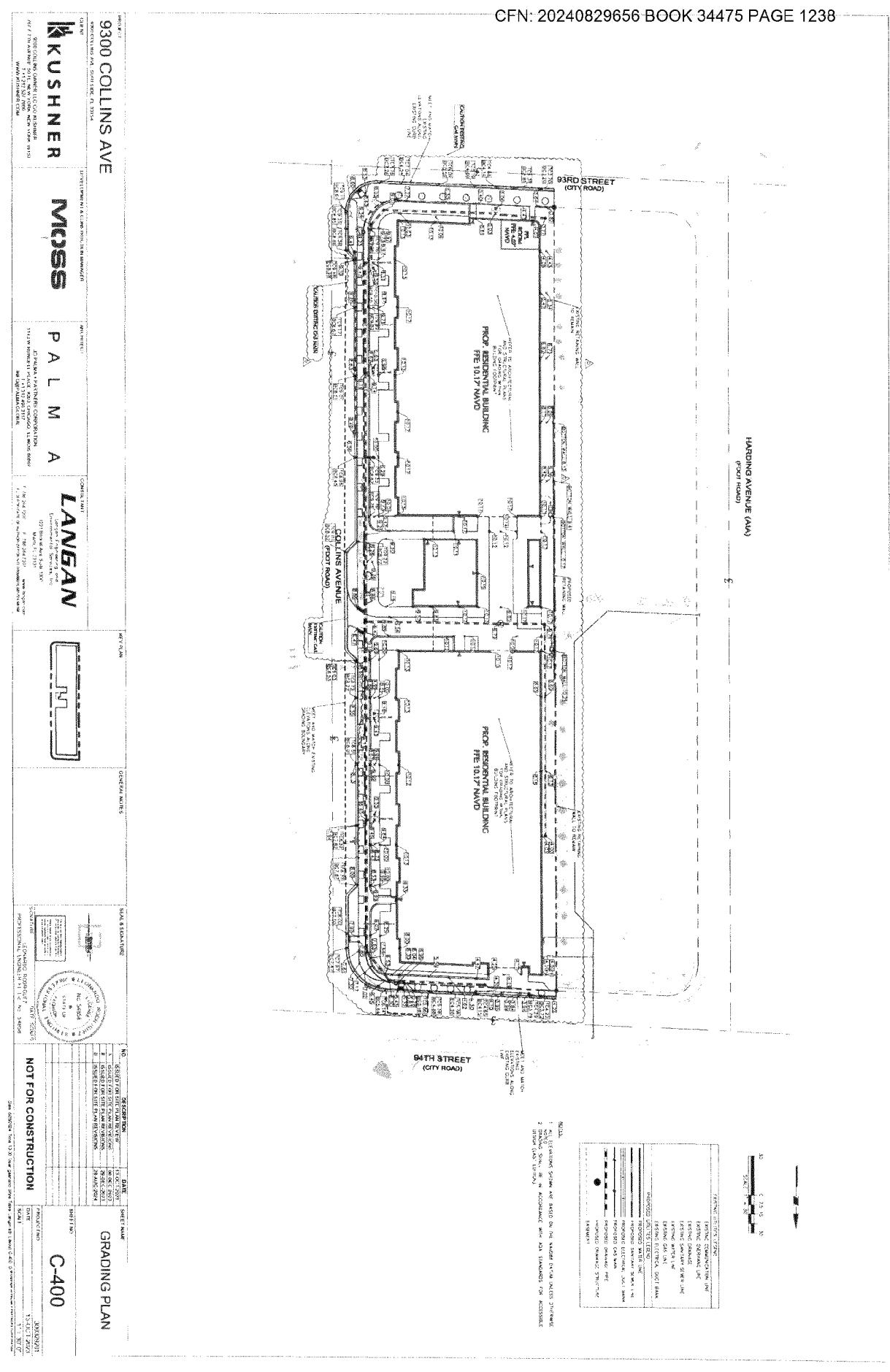
EXPLANATION

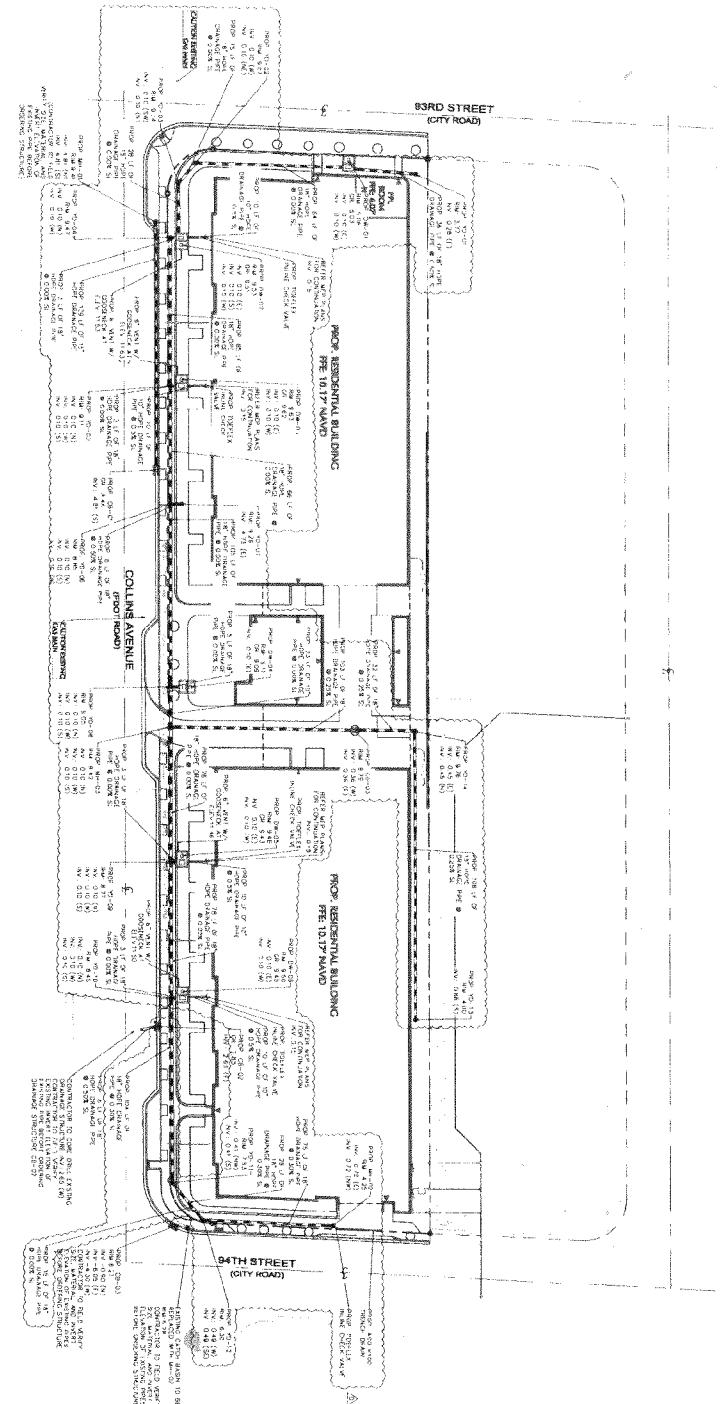
NOTES

NOT FOR CONSTRUCTION

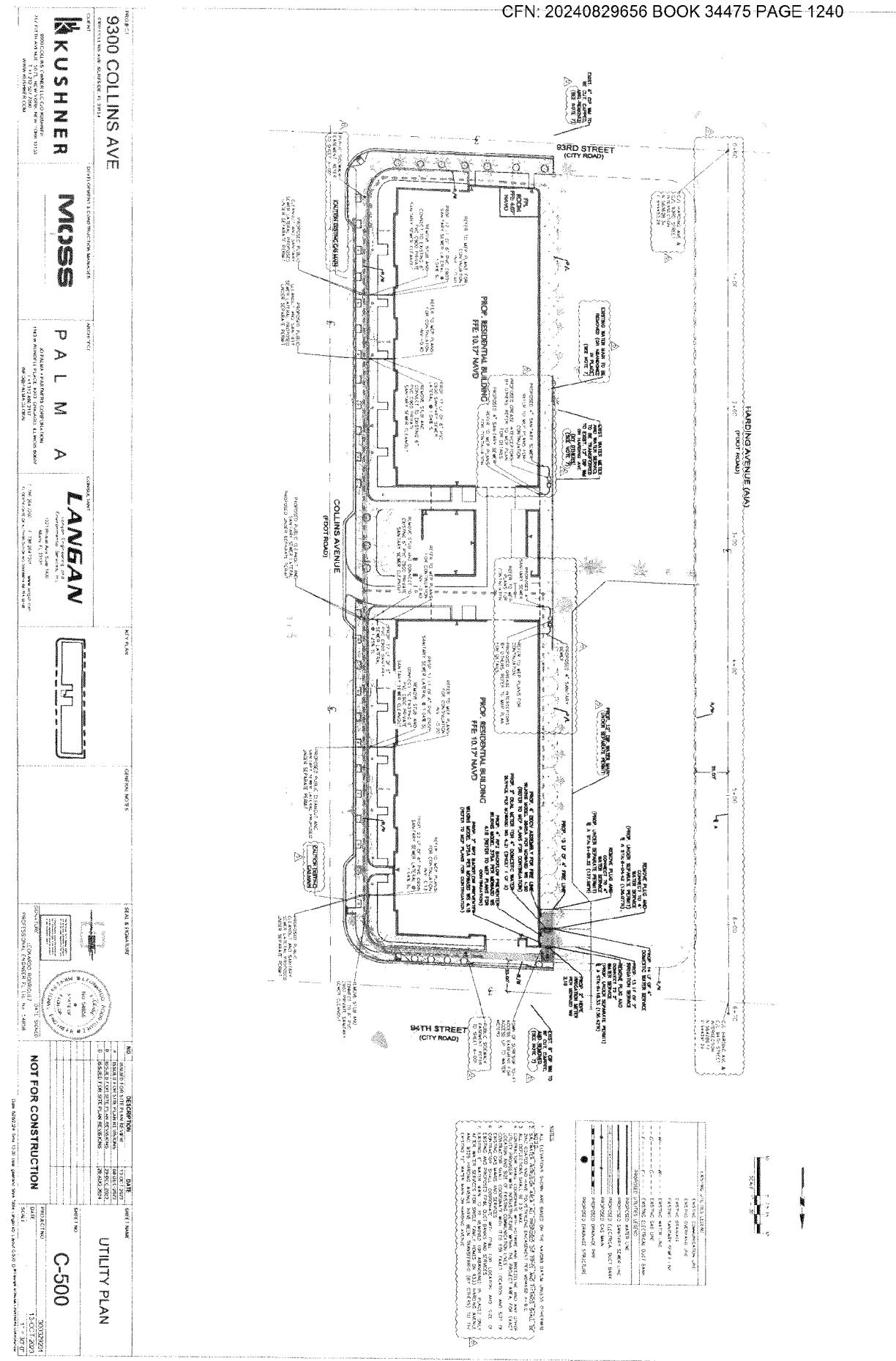
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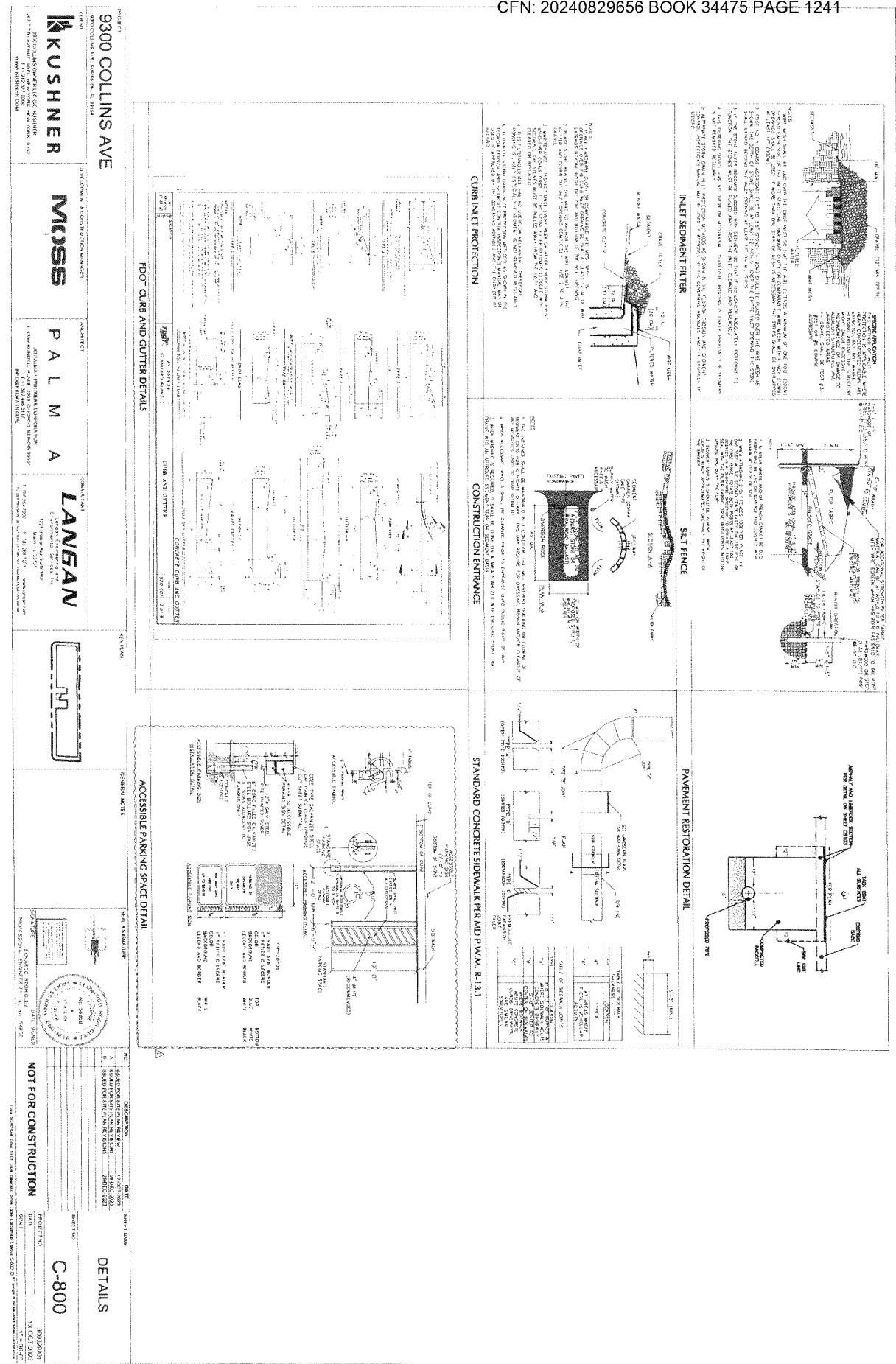






PROJECT		9300 COLLINS AVE	
THE CROWN, 9300 COLLINS AVE		9300 COLLINS AVE	
ARCHITECTURAL & CONSTRUCTION DRAWINGS			
DRAWING NO.		C-401	
DATE ISSUED		13 AUG 2023	
DRAFTER		JAMES H. LEE	
REVISOR		JAMES H. LEE	
CHECKER		JAMES H. LEE	
SUPERVISOR		JAMES H. LEE	
OWNER		KUSHNER MOSS PALM A LANGAN	
ADDRESS		ATTN: JAMES H. LEE, CLOUD 1000, NEW YORK, NY 10001	
PHONE		(212) 729-0100	
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Moss

PALM A

LANGAN

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The site plan shows a rectangular building footprint on a plot bounded by property lines. Several drainage wells are indicated with labels like DW-30, DW-31, DW-32, DW-33, DW-34, DW-35, DW-36, DW-37, DW-38, DW-39, DW-40, DW-41, DW-42, DW-43, DW-44, DW-45, DW-46, and DW-47. Each well has a detailed cross-section diagram below it, showing dimensions, pipe sizes, and venting requirements. The plan also includes a north arrow and a scale bar.

