



**Town of Surfside
DESIGN REVIEW BOARD/
PLANNING & ZONING BOARD
AGENDA**

December 7, 2017 – 6:00 p.m.

Town Hall Commission Chambers –
9293 Harding Ave, 2nd Floor, Surfside, FL 33154

Rule 7.05 Decorum. Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the commission shall be barred from further appearance before the commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the commission members present. No clapping, applauding, heckling or verbal outbursts in support or opposition to a speaker or his or her remarks shall be permitted. Signs or placards may be disallowed in the commission chamber by the presiding officer. Persons exiting the commission chambers shall do so quietly.

Any person who received compensation, remuneration or expenses for conducting lobbying activities is required to register as a lobbyist with the Town Clerk prior to engaging in lobbying activities per Town Code Sec. 2-235. "Lobbyist" specifically includes the principal, as defined in this section, as well as any agent, officer or employee of a principal, regardless of whether such lobbying activities fall within the normal scope of employment of such agent, officer or employee. The term "lobbyist" specifically excludes any person who only appears as a representative of a not-for-profit corporation or entity (such as charitable organization, a trade association or trade union), without special compensation or reimbursement for the appearance, whether direct, indirect, or contingent, to express support or opposition to any item.

Per Miami Dade County Fire Marshal, the Commission Chambers has a maximum capacity of 99 people. Once reached this capacity, people will be asked to watch the meeting from the first floor.

DESIGN REVIEW BOARD

1. Call to Order/Roll Call

2. Approval of Minutes – October 26, 2017

3. Design Review Board Applications:

A. 9072 Carlyle Avenue – Fence - The applicant is requesting fencing in the front yard. A 4.0-foot-high aluminum rail fence is proposed.

B. 1000 90th Street – Shingle Roof - The applicant is requesting replacing their existing asphalt shingle roof with new asphalt shingles.

C. 9541 Harding Avenue – Sign - The applicant is requesting one (1) illuminated wall sign for the Roni Shoes business.

D. 9538 Harding Avenue –Sign - The applicant is requesting one (1) illuminated wall sign for Green and Kahn P.L.

E. 8855 Collins Avenue –Sign - The applicant is requesting one (1) illuminated monument sign for existing Champlain Towers East Condominium.

F. 9481 Bay Drive – Addition - The applicant is requesting to add a 304.0 square foot addition on the rear of the house.

G. 8858 Dickens Avenue – New home - The applicant is requesting to demolish the existing structure and build a 3,762-square foot two-story new structure.

H. 8927 Byron Avenue – Renovation & Addition - The applicant is requesting to demolish a small portion of the existing house and substantially renovate and add a partial second floor.

4. Quasi-Judicial Application:

Please be advised that the following items on the Agenda are Quasi-Judicial in nature. If you wish to object or comment upon an item, please complete a Public Speaker's Card indicating the Agenda item number on which you would like to comment. You must be sworn in before addressing the Board and you may be subject to cross-examination. If you refuse to submit to cross-examination, the Board will not consider your comments in its final deliberation. Please also disclose any Ex-Parte communications you may have had with any Board member. Board members must also do the same.

A. Surf Club II 9133-9149 Collins Avenue Site Plan-& Conditional Use

5. Adjournment

PLANNING & ZONING BOARD

1. Call to Order/Roll Call

2. Town Commission Liaison Report – Commissioner Daniel Gielchinsky

3. Sustainability Subcommittee Liaison Report - Planning and Zoning Board Member

4. Approval of Minutes – October 26, 2017

5. Quasi-Judicial Application:

Please be advised that the following items on the Agenda are Quasi-Judicial in nature. If you wish to object or comment upon an item, please complete a Public Speaker's Card indicating the Agenda item number on which you would like to comment. You must be sworn in before addressing the Board and you may be subject to cross-examination. If you refuse to submit to cross-examination, the Board will not consider your comments in its final deliberation. Please also disclose any Ex-Parte communications you may have had with any Board member. Board members must also do the same.

A. Surf Club II 9133-9149 Collins Avenue Site Plan-& Conditional Use

6. Local Planning Agency Items:

A. Ground-Affixed Letter or Number Signs

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING ARTICLE VI “SIGNS” OF “CHAPTER 90 ZONING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO PROVIDE FOR GROUND-AFFIXED LETTER OR NUMBER SIGNS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

B. Roof Height Modification

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING,” SECTION 90-2 “DEFINITIONS,” TO REVISE THE MEASUREMENT OF ROOF HEIGHT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

C. Freeboard Modification

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 42 “FLOODS”, SECTION 42-92 “SPECIFIC STANDARDS” TO ADDRESS LOWEST FLOOR ELEVATION REQUIREMENTS FOR SINGLE FAMILY RESIDENTIAL STRUCTURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

D. Ordinance Providing for Medical Marijuana Dispensaries and Imposing Restrictions for Pharmacies and Medical Marijuana Dispensaries

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-2, “DEFINITIONS”; AND BY AMENDING SECTION 90-41, “REGULATED USES”, TO CHANGE THE LIST OF PERMITTED USES RELATED TO DRUG STORES AND MEDICAL MARIJUANA DISPENSARIES AND PROVIDE RELATED REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

E. Local Planning Agency (LPA) Review of the Comprehensive Plan EAR-Based Amendments

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN'S COMPREHENSIVE PLAN BY ADOPTING THE EVALUATION AND APPRAISAL BASED COMPREHENSIVE PLAN AMENDMENTS; AUTHORIZING TRANSMITTAL; PROVIDING FOR SEVERABILITY; CONFLICTS; AND FOR AN EFFECTIVE DATE.

7. Discussion Items:

A. Walkability Update (verbal)

B. Future Agenda Items

8. Adjournment

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS THAT ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-861-4863 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING.

IN ACCORDANCE WITH THE PROVISIONS OF SECTION 286.0105, FLORIDA STATUTES, ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE TOWN OF SURFSIDE COMMISSION, WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE TOWN CLERK, TOWN OF SURFSIDE TOWN HALL, 9293 HARDING AVENUE. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE TOWN CLERK AT 305-861-4863. A COMPLETE AGENDA PACKET IS ALSO AVAILABLE ON THE TOWN WEBSITE AT www.townofsufsidefl.gov.

TWO OR MORE MEMBERS OF TOWN COMMISSION OR OTHER TOWN BOARDS MAY ATTEND AND PARTICIPATE AT THIS MEETING.

THESE MEETINGS MAY BE CONDUCTED BY MEANS OF OR IN CONJUNCTION WITH COMMUNICATIONS MEDIA TECHNOLOGY, SPECIFICALLY, A TELEPHONE CONFERENCE CALL. THE LOCATION 9293 HARDING AVENUE, SURFSIDE, FL 33154, WHICH IS OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT FOR SUCH COMMUNICATION.



**Town of Surfside
DESIGN REVIEW BOARD/
PLANNING & ZONING BOARD
MINUTES**

October 26, 2017 – 7:00 p.m.

Town Hall Commission Chambers –
9293 Harding Ave, 2nd Floor, Surfside, FL 33154

DESIGN REVIEW BOARD

1. Call to Order/Roll Call

Chair Lindsay Lecour called the meeting to order at 7:03 p.m.

Deputy Clerk Elora Riera called the roll with the following members present: Chair Lindsay Lecour, Board Member Peter Glynn, Board Member Jorge Gutierrez, Board Member William Fleck and Board Member Brian Roller. Vice Chair Judith Frankel was absent for the roll call but arrived at 7:03 p.m.

New Board Member William Fleck introduced himself.

2. Approval of Minutes – September 28, 2017

Board Member Gutierrez made a motion to approve the minutes. The motion received a second from Board Member Glynn and all voted in favor.

3. Design Review Board Applications:

A. 1404 Biscaya Drive – Carport Conversion - The applicant is requesting to convert their carport to additional living space.

Town Planner Sarah Sinatra presented the item. The architect answered questions from the Board and provided additional details.

Board Member Gutierrez made a motion to approve. The motion received a second from Board Member Glynn and all voted in favor.

B. 9025 Dickens Avenue – Garage Conversion - The applicant is requesting to convert their garage to additional living space along with 118 square feet of additional living space.

Town Planner Sarah Sinatra presented the item.

Board Member Gutierrez made a motion to approve with the following condition:

1. Landscaping shall be placed in front of converted garage.

The motion received a second from Board Member Glynn and all voted in favor.

C. 9340 & 9348 Harding Avenue – Fence - The applicant is requesting after the fact approval for a four-foot-high decorative aluminum style fence along the front portion of the properties.

Town Planner Sarah Sinatra presented the item.

Board Member Gutierrez made a motion to approve. The motion received a second from Board Member Roller and all voted in favor.

4. Adjournment

There being no further business to come before the Design Review Board, Board Member Gutierrez made a motion to adjourn the meeting. The motion received a second from Board Member Glynn and all voted in favor. Meeting adjourned at 7:17 p.m.

The next meeting of the Design Review Board will be on December 7, 2017 and will begin at 6:00 p.m.

Accepted this ____ day of _____, 2017

Chair Lindsay Lecour

Attest:

Sandra Novoa, MMC
Town Clerk



MEMORANDUM

To: Design Review Board
Thru: Guillermo Olmedillo, Town Manager
From: Sarah Sinatra Gould, AICP, Town Planner
CC: Lillian Arango, Town Attorney
Date: December 7, 2017
Re: 9072 Carlyle Avenue - Fence

The property located at 9072 Carlyle Avenue is within the H30B zoning district. The applicant is requesting fencing in the front yard. A 4.0 foot high aluminum rail fence is proposed.



Staff has reviewed the current application for consideration by the Design Review Board. In this report Staff presents the following:

- Applicable Zoning Code regulations, along with the results of the review
- Staff Recommendation

STANDARDS / RESULTS

Town of Surfside Zoning Code, Applicable Requirements

Sec. 90.56 Fences, walls and hedges

	Required	Proposed
Fence	Fences in the front are only permitted with the Planning and Zoning Board's approval.	Aluminum rail fencing is proposed within the front setback.

Sec. 90-56.4 Front yard and corner yard fences and ornamental walls—Table.

Frontage	Maximum Height (Feet)	Maximum Opacity (Percent)	Proposed
50.0 feet	4.0 feet	All wall and fence surfaces above two (2) feet measured from grade shall maintain a maximum opacity of fifty (50) percent	4.0 foot aluminum rail fence is proposed. Maximum opacity is 50%

Recommendation

Staff recommends approval.



MEMORANDUM

To: Design Review Board
Thru: Guillermo Olmedillo, Town Manager
From: Sarah Sinatra Gould, AICP, Town Planner
CC: Lillian Arango, Town Attorney
Date: December 7, 2017
Re: 1000 90th Street

The property located at 1000 90th Street is within the H30B zoning district. The applicant is requesting replacing their existing asphalt shingle roof with new asphalt shingles. A roof permit was issued in 1994 for an asphalt shingle roof. The applicant has recently submitted a permit application to re-roof with asphalt shingles.

Subject Property



Staff has reviewed the current application for consideration by the Planning and Zoning Board. In this report Staff presents the following:

- Applicable Zoning Code regulations, along with the results of the review
- Applicable Design Guidelines standards, along with the results of the review
- Results of the review

Town of Surfside Zoning Code, Applicable Requirements

Sec. 90.50 Architecture and roof decks

	Required	Proposed
Roof Material	(a) Clay tile; (b) White concrete tile; (c) Solid color cement tile which color is impregnated with the same color intensity throughout, provided said color is granted approval by the Design Review Board; (d) Architecturally embellished metal if granted approval by the Design Review Board; or (e) Other Florida Building Code approved roof material(s) if granted approval by the Design Review Board.	Asphalt shingle, which meets the requirements in Section (e) Other Florida Building Code approved roof material if granted approval by the Design Review Board.

Town of Surfside Design Guidelines, Applicable Requirements

Roof Materials, Types, and Slopes

Required	Proposed
Restricted materials for roofs are pre-determined in the Town's Building Code, which restricts roofing materials to: 1. Clay tile; 2. White concrete tile; 3. Solid color cement tile which color is impregnated with the same color intensity throughout, provided said color is first approved by the planning and zoning board; and 4. Metal.	Asphalt shingle, which is not consistent with the design guidelines.

Results

Although shingles are not a permitted roof material under the design guidelines, the zoning code permits an applicant to request approval of a different roof material by the Design Review Board if said material is approved by the Florida Building Code. Therefore, the applicant is requesting consideration by the Design Review Board to install asphalt shingles, which have been the same roof material since at least 1994.



MEMORANDUM

To: Design Review Board
 Thru: Guillermo Olmedillo, Town Manager
 From: Sarah Sinatra Gould, AICP, Town Planner
 CC: Lillian Arango, Town Attorney
 Date: December 7, 2017
 Re: 9541 Harding Avenue – Roni Shoes

The subject property is located at 9541 Harding Avenue and is within the SD-B40 zoning district. The applicant is requesting one (1) illuminated wall sign for the Roni Shoes business. The applicant is proposing an Individual letter sign.

Staff has reviewed the current application for consideration by the Design Review Board. In this report, Staff presents the following:

- Applicable Zoning Code regulations, along with the results of the review
- Staff Recommendation

STANDARDS / RESULTS

Town of Surfside Zoning Code, Applicable Requirements

Sec. 90-73

Signs	Permitted	Proposed
Area	25 square feet	8.63 square feet
Approved word content	Signs may include the following: 1) Trade name of establishment 2) Logo of the establishment 3) Nature of business, services rendered or 4) Products sold on premises.	Sign consists of the trade name and nature of business
Prohibited Word Content	Signs may not include the following: 1) Phone numbers; 2) Any reference to price, except as provided in regards to “window sign.”	No phone number No reference to price



<p>Location</p>	<p>With the exception of theater marquees and V-box signs, no sign shall be erected so that any portion thereof shall project over a dedicated street or sidewalk or so that any portion thereof shall project more than five feet from any main building wall.</p>	<p>Sign does not project over the sidewalk or street.</p>
<p>Illumination</p>	<p>All signage, lettering, logos or trademarks shall be required to be lit with white illumination from dusk to dawn. The illumination may be either internal illumination or external illumination, however, all walls below the sign shall be illuminated with white wall wash LED lighting. It shall be located and directed solely at the sign. The light source shall not be visible from or cast into the right-of-way, or cause glare hazards to pedestrians, motorists, or adjacent properties.</p>	<p>Not clear – application states proposed “electric wall sign” but not detail of electric or lighting is given.</p>

RECOMMENDATION

Staff recommends approval subject to the following conditions:

- 1) Method of illumination for the proposed sign is not clear on the detail, but will be required to be added to the detail at Building Permit and light source must not be visible.
- 2) Proposed sign shall be off-set from the wall a minimum of one quarter inch to a maximum of two inches to permit rain water to flow down the wall face;
- 3) The wall face shall be reconditioned and painted as necessary;



MEMORANDUM

To: Design Review Board
 Thru: Guillermo Olmedillo, Town Manager
 From: Sarah Sinatra Gould, AICP, Town Planner
 CC: Lillian Arango, Town Attorney
 Date: December 7, 2017
 Re: 9538 Harding Avenue – Green and Kahn

The subject property is located at 9538 Harding Avenue and is within the SD-B40 zoning district. The applicant is requesting one (1) illuminated wall sign for Green and Kahn P.L. The applicant is proposing a push-through letter sign.

Staff has reviewed the current application for consideration by the Design Review Board. In this report, Staff presents the following:

- Applicable Zoning Code regulations, along with the results of the review
- Staff Recommendation

STANDARDS / RESULTS

Town of Surfside Zoning Code, Applicable Requirements

Sec. 90-73

Signs	Permitted	Proposed
Area	25 square feet	34.375 square feet
Approved word content	Signs may include the following: 1) Trade name of establishment 2) Logo of the establishment 3) Nature of business, services rendered or 4) Products sold on premises.	Sign consists of the trade name and nature of business
Prohibited Word Content	Signs may not include the following: 1) Phone numbers; 2) Any reference to price, except as provided in regards to “window sign.”	No phone number No reference to price



<p>Location</p>	<p>With the exception of theater marquees and V-box signs, no sign shall be erected so that any portion thereof shall project over a dedicated street or sidewalk or so that any portion thereof shall project more than five feet from any main building wall.</p>	<p>Sign does not project over the sidewalk or street.</p>
<p>Illumination</p>	<p>All signage, lettering, logos or trademarks shall be required to be lit with white illumination from dusk to dawn. The illumination may be either internal illumination or external illumination, however, all walls below the sign shall be illuminated with white wall wash LED lighting. It shall be located and directed solely at the sign. The light source shall not be visible from or cast into the right-of-way, or cause glare hazards to pedestrians, motorists, or adjacent properties.</p>	<p>Proposed sign utilize internal LED illumination.</p>

RECOMMENDATION

Staff recommends the Board consider the application.

- At time of application, the applicant was proposing a sign greater than the maximum 25 square feet allowed for the business. In addition, staff has requested clarification from the applicant that the proposed sign will qualify as a push-through illuminated sign. The sign size adjustment and information on type of sign was not received prior to the meeting. The applicant must supply the Board with information on these two items in order to proceed with an approval.



MEMORANDUM

To: Design Review Board
 Thru: Guillermo Olmedillo, Town Manager
 From: Sarah Sinatra Gould, AICP, Town Planner
 CC: Lillian Arango, Town Attorney
 Date: December 7, 2017
 Re: 8855 Collins Avenue – Champlain Towers sign

The subject property is located at 8855 Collins Avenue and is within the H120 zoning district. The applicant is requesting one (1) illuminated monument sign for existing Champlain Towers East Condominium.

Staff has reviewed the current application for consideration by the Design Review Board. In this report, Staff presents the following:

- Applicable Zoning Code regulations, along with the results of the review
- Staff Recommendation

STANDARDS / RESULTS

Town of Surfside Zoning Code, Applicable Requirements

Sec. 90-73

Signs	Permitted	Proposed
Area	25 square feet	22.5 square feet
Approved word content	Signs may include the following: 1) Trade name of establishment 2) Logo of the establishment 3) Nature of business, services rendered or 4) Products sold on premises.	Sign consists of the condo name and address
Maximum Height	Max 5 feet in height	4.5 feet in height
Setback	5 feet from all property lines	Greater than 5 feet from all property lines



Landscaping	Required at base	None shown
Illumination	Internally or externally illumination	Proposed sign utilize internal LED illumination.

RECOMMENDATION

Staff recommends approval subject to the following condition:

1. At time of building permit, landscaping is required to be supplied at the base of the sign.



MEMORANDUM

To: Design Review Board
Thru: Guillermo Olmedillo, Town Manager
From: Sarah Sinatra Gould, AICP, Town Planner
CC: Lillian Arango, Town Attorney
Date: December 7, 2017
Re: 9481 Bay Drive – Addition

The property is located at 9481 Bay Drive, within the H30B zoning. The applicant is requesting to add a 304.0 square foot addition on the rear of the house. Material selection and colors of the proposed addition have not been submitted prior to the meeting.



Staff has reviewed the current application for consideration by the Design Review Board. In this report Staff presents the following:

- Applicable Zoning Code regulations, along with the results of the review
- Applicable Design Guideline standards, along with the results of the review
- Staff Recommendation

STANDARDS / RESULTS

Town of Surfside Zoning Code, Applicable Requirements

Sec. 90.43 Maximum building heights

Height	Required Maximum	Proposed
H30B	30 feet	Less than 30 feet

Sec. 90-45. Setbacks

Setbacks	Required	Proposed
Primary Frontage	Minimum 20 feet	20 feet – existing
Interior side (lots equal to or less than 50 feet in width)	Minimum 5 feet	5.17 feet – proposed
Rear	Minimum 20 feet	20.0 feet – proposed

Sec. 90.49 Lot standards

Lot Standards H30B	Required	Proposed
Minimum Lot width	50 feet	50 feet
Minimum lot area	5,600 feet	5,625 square feet
Maximum lot coverage	40%	30.9%
Pervious area	35% (minimum)	>35%

Sec. 90.50 Architecture and roof decks

	Required	Proposed
Unique Elevation	A unique elevation from the main buildings of the adjacent two (2) homes shall be created through the modulation of at least three (3) of the following architectural features: (a)Length, width and massing of the structure; (b)Number of stories; (c)Façade materials; (d)Porches and other similar articulation of the front façade; (e)Number and location of doors and windows; and (f)Roof style and pitch.	The addition is on the rear of the house and has a flat roof which is different from the sloped roof of the main house. The applicant has not supplied color elevations or materials to clarify if similar materials and colors will be used to match the existing structure.
Wall openings	10% for all elevations	The north and east sides of the addition do not have any windows or wall openings.
Roof Material	(a) Clay Tile; (b) White concrete tile; (c) Solid color cement tile which color is impregnated with the same color intensity throughout, provided said color if granted	A flat roof is proposed for the addition.

	approval by the Design Review Board; (d) Architecturally embellished metal if granted approval by the Design Review Board; or (e) Other Florida Building Code approved roof material(s) if granted approval by the Design Review Board.	
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Sec. 90-77 Off-Street Parking Requirements

Required	Minimum Space Requirements	Proposed
Single-family	2 spaces	2 spaces are provided.

Town of Surfside Adopted Residential Design Guidelines

Building Massing

Required	Proposed
Building forms should be varied enough to avoid monotony and to avoid pyramidal massing and should be compatible with surrounding houses.	Consistent

Decorative Features

Required	Proposed
Decorative features should be stylistically consistent throughout the entire building.	Not Consistent. Color elevations and descriptions of materials have not been supplied to verify if similar materials and colors will be used throughout.

Overall Architectural Style

Required	Proposed
The overall style of each house should be consistent on all sides of the building, as well as among all portions of the roof.	Not Consistent. The rear addition is a different architectural style than the existing house. The existing roof structure is a sloped tile roof while a flat roof is proposed on the addition.

Wall Materials and Finishes

Required	Proposed
The same material should be used on all building elevations unless multiple materials are a legitimate expression of the particular style.	Not Consistent. Material and color consistency between the existing and proposed structure is not clear. Stucco appears to be being used on all sides but needs to be confirmed by applicant.

Roof Materials, Types, and Slopes

Required	Proposed
Roof types and slopes should be generally the same over all parts of a single building.	Not Consistent. Existing structure has a sloped tiled roof while the addition proposes to utilize a flat roof.
Restricted materials for roofs are pre-determined in the Town's Building Code, which restricts roofing materials to: <ol style="list-style-type: none"> 1. Clay tile; 2. White concrete tile; 3. Solid color cement tile which color is impregnated with the same color intensity throughout, provided said color is first approved by the planning and zoning board; and 4. Metal. 	A flat roof is proposed for new addition areas.

Windows and Trims

Required	Proposed
Window styles should always be consistent among all elevations of a building.	Not Consistent. It is not clear if the existing windows of the existing structure match the proposed French door of the addition.
Frame materials should never vary on a single building.	Not Consistent. It is not clear.
Window, door and eave trim should be consistent on all elevations of the house	Not Consistent. It is not clear.

RECOMMENDATION

Staff recommends the Board consider the application.

- At time of application, the submitted items did not include enough information related to proposed building colors and materials. The applicant must supply the Board with information regarding building materials and colors to verify if the proposed addition will be similar enough to the existing house.
- The addition is also missing wall openings/windows on the north and east side of the proposed addition. The applicant shall provide 10% wall openings per elevation.
- The FFE of the addition will need to be confirmed with the Building Department at time of Building Permit.



MEMORANDUM

To: Design Review Board
Thru: Guillermo Olmedillo, Town Manager
From: Sarah Sinatra Gould, AICP, Town Planner
CC: Lillian Arango, Town Attorney
Date: December 7, 2017
Re: 8858 Dickens Avenue – New Home

The property is located at 8858 Dickens Avenue, within the H30B zoning. The applicant is requesting to demolish the existing structure and build a 3,762 square foot two-story new structure. At the September 2017 Board meeting, the applicant requested and was approved for a two-story addition and remodel of the existing structure. The applicant has now decided to change plans and demolish the existing structure and build a new home.



Staff has reviewed the current application for consideration by the Design Review Board. In this report Staff presents the following:

- Applicable Zoning Code regulations, along with the results of the review
- Applicable Design Guideline standards, along with the results of the review
- Staff Recommendation

STANDARDS / RESULTS

Town of Surfside Zoning Code, Applicable Requirements

Sec. 90.43 Maximum building heights

Height	Required Maximum	Proposed
H30B	30 feet	30.0 feet

Sec. 90-45. Setbacks

<i>H30A</i> UPPER STORY FLOOR AREA IS LESS THAN 50% OF FIRST STORY FLOOR AREA	Required	Proposed 49.94%
<i>Maximum Lot Coverage</i>	40%	39%
FIRST STORY (Up to 15 feet in Height)		
Primary Frontage	Minimum 20 feet	20.0 feet
Interior side	Minimum 5 feet	North side 5.00 feet South side 6.5 feet
Rear	Minimum 20 feet	23.08 feet
UPPER STORY		
Primary frontage	Minimum 20 feet/Average 22.5 feet	> 22.5 feet
Interior side	Minimum 5 Feet/ Average n/a	North side 5.00 feet South side 6.5 feet
Rear	Minimum 20 feet/ Average n/a	33.25 feet

Sec. 90.49 Lot standards

Lot Standards H30B	Required	Proposed
Minimum Lot width	50 feet	50 feet
Minimum lot area	5,600 feet	5,625 square feet
Maximum lot coverage	40%	39.0%
Pervious area	35% (minimum)	47%

Sec. 90.50 Architecture and roof decks

	Required	Proposed
Unique Elevation	A unique elevation from the main buildings of the adjacent two (2) homes shall be created through the modulation of at least three (3) of the following architectural features: (a)Length, width and massing of the structure; (b)Number of stories; (c)Façade materials;	The second story addition is on the rear of the house which creates unique massing of the structure which is also different from the neighboring one-story homes. The entire house proposes to utilize similar materials and roof

	(d) Porches and other similar articulation of the front façade; (e) Number and location of doors and windows; and (f) Roof style and pitch.	materials. Roof pitch is different on first floor versus second floor which adds to the unique articulation of the proposed house.
Wall openings	10% for all elevations	Proposed addition includes windows and doors. All elevations are 10% or greater for wall openings.
Roof Material	(a) Clay Tile; (b) White concrete tile; (c) Solid color cement tile which color is impregnated with the same color intensity throughout, provided said color if granted approval by the Design Review Board; (d) Architecturally embellished metal if granted approval by the Design Review Board; or (e) Other Florida Building Code approved roof material(s) if granted approval by the Design Review Board.	Concrete tile roof is proposed.

Sec. 90-77 Off-Street Parking Requirements

Required	Minimum Space Requirements	Proposed
Single-family	2 spaces	2 spaces are provided.

***Town of Surfside Adopted Residential Design Guidelines
Building Massing***

Required	Proposed
Building forms should be varied enough to avoid monotony and to avoid pyramidal massing and should be compatible with surrounding houses.	Consistent

Decorative Features

Required	Proposed
Decorative features should be stylistically consistent throughout the entire building.	Consistent.

Overall Architectural Style

Required	Proposed
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The overall style of each house should be consistent on all sides of the building, as well as among all portions of the roof.	Consistent.
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Wall Materials and Finishes

Required	Proposed
The same material should be used on all building elevations unless multiple materials are a legitimate expression of the particular style.	Consistent

Roof Materials, Types, and Slopes

Required	Proposed
Roof types and slopes should be generally the same over all parts of a single building.	Consistent
Restricted materials for roofs are pre-determined in the Town's Building Code, which restricts roofing materials to: 1. Clay tile; 2. White concrete tile; 3. Solid color cement tile which color is impregnated with the same color intensity throughout, provided said color is first approved by the planning and zoning board; and 4. Metal.	A concrete tile roof is proposed

Windows and Trims

Required	Proposed
Window styles should always be consistent among all elevations of a building.	Consistent.
Frame materials should never vary on a single building.	No variation.
Window, door and eave trim should be consistent on all elevations of the house	Consistent.

RECOMMENDATION

Staff recommends approval subject to the following condition:

1. The crown of road spot elevations will need to be verified at time of Building Permit application.
2. At Building Permit, A Landscape Plan needs to be submitted that meets the requirements of Section 90-95 for a new single-family home.



MEMORANDUM

To: Design Review Board

Thru: Guillermo Olmedillo, Town Manager

From: Sarah Sinatra Gould, AICP, Town Planner

CC: Lillian Arango, Town Attorney

Date: December 7, 2017

Re: 8927 Byron Avenue– Renovation and Addition

The property is located at 8927 Byron Avenue, within the H30B zoning. The applicant is requesting to demolish a small portion of the existing house and substantially renovate and add a partial second floor. The proposed residence will be a 2,898 square foot structure. The applicant is also proposing a new driveway and rear terrace.



Staff has reviewed the current application for consideration by the Design Review Board. In this report Staff presents the following:

- Applicable Zoning Code regulations, along with the results of the review
- Applicable Design Guideline standards, along with the results of the review
- Staff Recommendation

STANDARDS / RESULTS

Town of Surfside Zoning Code, Applicable Requirements

Sec. 90.43 Maximum building heights

Height	Required Maximum	Proposed
H30B	30 feet	28.39 feet

Sec. 90-45. Setbacks

<i>H30A UPPER STORY FLOOR AREA IS LESS THAN 50% OF FIRST STORY FLOOR AREA</i>	Required	Proposed
		48.8%
<i>Maximum Lot Coverage</i>	40%	34.8%
FIRST STORY		
Primary Frontage	Minimum 20 feet	20.08 feet
Interior side (lots equal to or less than 50 feet in width)	Minimum 5 feet	5.08 feet
Rear	Minimum 20 feet	20.33 feet
UPPER STORY		
Primary frontage	Minimum 20 feet/Average 22.5 feet	32.58 feet
Interior side (lots equal to or less that 50 feet in width)	Minimum 5 feet) / Average n/a	5.08 feet
Rear	Minimum 20 feet/ Average n/a	35.0 feet

Sec. 90.49 Lot standards

Lot Standards H30B	Required	Proposed
Minimum Lot width	50 feet	50 feet
Minimum lot area	5,600 square feet	5,625 square feet
Maximum lot coverage	40%	34.8%
Pervious area	35% (minimum)	36.0%

Sec. 90.50 Architecture and roof decks

	Required	Proposed
Unique Elevation	A unique elevation from the main buildings of the adjacent two (2) homes shall be created through the modulation of at least three (3) of the following architectural features: (a)Length, width and massing of the structure;	The entire house will be renovated and a partial second floor will be added. A flat roof is proposed. The adjacent two (2) homes are one-story with angled or sloping roof lines. The

	(b)Number of stories; (c)Façade materials; (d)Porches and other similar articulation of the front façade; (e)Number and location of doors and windows; and (f)Roof style and pitch.	proposed modern architectural style and coral stone cladding is unique to the property.
Wall openings	10% for all elevations	Proposed renovation and addition includes windows and doors. All elevations are 10% or greater for wall openings.
Roof Material	(a) Clay Tile; (b) White concrete tile; (c) Solid color cement tile which color is impregnated with the same color intensity throughout, provided said color if granted approval by the Design Review Board; (d)Architecturally embellished metal if granted approval by the Design Review Board; or (e)Other Florida Building Code approved roof material(s) if granted approval by the Design Review Board.	A flat roof is proposed for the structure which must be approved by the Design Review Board

Sec. 90.61.1 Paving in front and rear yards in H30 and H40 Districts

Paving Yards	Required	Proposed
Front setback permeability	50% minimum	> 50%
Front yard landscaped	30% minimum	> 30%
Rear yard landscaped	20% minimum	> 20%
Number of Curb Cuts	One minimum	One
Curb Cut side set back	5 feet minimum	5 feet
Curb cut width	18 feet width maximum	18 feet
Driveway Materials	Limited to the following 1. Pavers 2. Color and texture treated concrete, including stamped concrete 3. Painted concrete shall not be permitted. 4. Asphalt shall not be permitted.	Concrete Panels

Sec. 90-77 Off-Street Parking Requirements

Required	Minimum Space Requirements	Proposed
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Single-family	2 spaces	2 spaces are provided.
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Town of Surfside Adopted Residential Design Guidelines

Building Massing

Required	Proposed
Building forms should be varied enough to avoid monotony and to avoid pyramidal massing and should be compatible with surrounding houses.	Consistent

Decorative Features

Required	Proposed
Decorative features should be stylistically consistent throughout the entire building.	Consistent.

Overall Architectural Style

Required	Proposed
The overall style of each house should be consistent on all sides of the building, as well as among all portions of the roof.	Consistent.

Wall Materials and Finishes

Required	Proposed
The same material should be used on all building elevations unless multiple materials are a legitimate expression of the particular style.	Consistent

Roof Materials, Types, and Slopes

Required	Proposed
Roof types and slopes should be generally the same over all parts of a single building.	Consistent
Restricted materials for roofs are pre-determined in the Town's Building Code, which restricts roofing materials to: 1. Clay tile; 2. White concrete tile; 3. Solid color cement tile which color is impregnated with the same color intensity throughout, provided said color is first approved by the planning and zoning board; and 4. Metal.	A flat roof is proposed for the structure which must be approved by the Design Review Board

Windows and Trims

Required	Proposed
----------	----------

Window styles should always be consistent among all elevations of a building.	Consistent.
Frame materials should never vary on a single building.	No variation.
Window, door and eave trim should be consistent on all elevations of the house	Consistent.

RECOMMENDATION

Staff recommends approval subject to the following conditions:

1. At time of Building Permit, the Crown of Road spot elevation needs to be verified on the property survey.
2. At time of Building Permit, the FFE will need to be verified and approved by the Building Official.

**SITE PLAN PACKAGE
BACKUP IS AVAILABLE IN
THE TOWN CLERK'S
OFFICE.**

THANK YOU.



Town of Surfside

Planning and Zoning Communication

Agenda Date: December 7, 2017

Subject: Surf Club II 9133-9149 Collins Avenue Site Plan & Conditional Use
From: Guillermo Olmedillo, Town Manager
Sarah Sinatra Gould, AICP, Town Planner

Table of Contents:

1. Site Plan Report
2. Development Impact Committee Report
3. Office of Historic Preservation Staff Report
4. Conditional Use Report
5. Application and Letter of Intent
6. Site Plan Package

REQUEST:

The agent, Alexander Tachmes, Esq., for the owner, The Surf Club Apartments, Inc. and The Seaway Villas Condominium Association, Inc., is proposing a site plan to develop a 12 story tower located at 9133-9149 Collins Avenue. The proposed tower will include 46 new condominium units and 31 hotel rooms. The applicant is also proposing to renovate a historic structure known as Seaway Villas and incorporate the building into the site plan. The Seaway Villas portion of the property will include two additional dwelling units as well as a lounge and restaurant. The total number of condominium units will be 48.

The initial site plan application was submitted on August 12, 2015. The original application included 54 condominium units with no hotel component and was proposed to be an 11 story, 120 foot high building. Staff confirmed that the package was complete and scheduled a Development Review Group (DRG) meeting for September 4, 2015. The members of DRG include Planning, Engineering, Landscape Architecture, Survey, Traffic Engineering, Police, Town Administration and Building. Comments were provided to the applicant at this meeting and the applicant revised the site plan. A second DRG meeting was held on April 18, 2016. Comments were provided to the applicant at that time. The plans were resubmitted on June 13, 2016 and staff confirmed the plans met the technical comments. The Planning and Zoning Board heard the application on August 26, 2016 where it was unanimously recommended for approval.

Since that time, the applicant has added one floor to provide a 12 story building; however the height of 120 feet remains the same as the original application. The applicant also, through coordination with the Historic Preservation Board, is proposing to setback the existing façade to provide a drop off area and landscaping. The remainder of the changes affects the interior uses, which added 31 hotel rooms, reduced the historic structure's units from 16 to two, added a 1,100 square foot restaurant and lounge to the historic structure and reduced the new condominium units from 54 to 46.

The Development Impact Committee (DIC) met in an open, advertised, televised session on July 27, 2016 and again on September 27, 2017 to discuss this application. The applicant prepared an analysis of other Miami-Dade jurisdictions impact fees. The results of that analysis equaled an estimated fee of \$165,000, if the Town had impact fees. The applicant indicated they understood they are selling premium units and therefore would proffer more than \$165,000. The total proposed voluntary contribution by the applicant is \$250,000 for the project.

The total gross acreage of the site is 2.16 acres, which would permit 234 units. The code requires a 15% reduction in density for aggregated properties, meaning, if a property is split between more than one site and the owner wants the benefit of amalgamating that property, the property will be subject to a 15% overall density reduction. This results in the permitted density of 199 units. The applicant is requesting to add 46 new condominium units and 31 hotel rooms. The project also proposes to demolish 30 existing units at the Surf Club Apartments and to renovate and remove some units at the Seaway Villas. Currently, the Seaway Villas has 28 units and the renovations will result in two units on this portion of the site. The project requires no variances from Town Code requirements and with the demolition of the Surf Club apartments, renovation of Seaway Villas, the 12 story tower the total number of condominium units proposed is 48 units and 31 hotel rooms. The prior site contained 58 units.

The proposed project replaces 60,641 square feet of residential, known as the Surf Club apartments, with 302,000 square feet of condominium and hotel units. The Seaway building is not included in this calculation as the square footage is being slightly reduced, but the building will remain.

It should be noted that this application was submitted prior to the code modification that required setbacks to be 10% of the frontage of the site. However, the applicant is providing setbacks for the proposed building that meet or exceed this requirement.

MIAMI DADE HISTORIC PRESERVATION BOARD

The Miami-Dade Historic Preservation Board heard the site plan application for the Surf Club II, including the Seaway Villas on September 21, 2016 and again on May 17, 2017. The Staff to the Miami-Dade Historic Preservation Board are recommending approval of the application due to the full restoration of the Seaway Villas including the landscaped courtyard, which is an integral feature of the historic building. The conditions imposed by the Miami-Dade Historic Preservation Board shall be incorporated by reference in the Town's proposed resolution.

STAFF RECOMMENDATION

Recommendation: Staff recommends that the Planning and Zoning Board recommend approval of the site plan application based on the acceptance of the Development Conditions.

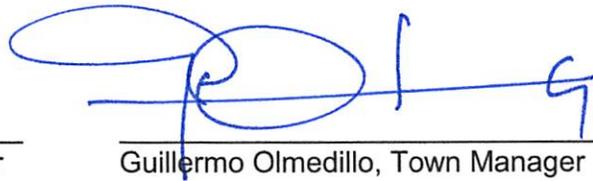
Budget Impact: The applicant is proposing a \$250,000, voluntary proffer to mitigate off-site impacts resulting from the project.

Growth Impact: The project includes 46 new condominium units and two renovated units for a total of 48 condominium units as well as 31 hotel rooms. The existing site has 58 units, resulting in a total of 10 more units than exist on site as well as 31 new hotel units. However, the property has a maximum density permitted of 199 units. Therefore, the traffic impacts are accounted for within the Comprehensive Plan. Other impacts could be offset by the voluntary proffer.

Staff Impact: The applicant has funded the review through the cost recovery process and the building permit review will be funded through the building permit fees.



Sarah Sinatra Gould, AICP, Town Planner



Guillermo Olmedillo, Town Manager

SITE PLAN REPORT

SITE PLAN INFORMATION:

Address	9139-9149 Collins Avenue
General Location	East side of Collins Avenue and 91 st Street.
Property Size	2.16 gross acres
Zoning District	H120
Adjacent Zoning Districts	H120 to the north and south, H40 to the west
Future Land Use	High Density Residential/Tourist
Density Permitted	109 units per acre X 2.16 acres =234 units reduced by 15% for aggregated lots TOTAL PERMITTED: 199
Number of units proposed	46 new dwelling units 2 existing dwelling units (historic building renovation) 31 hotel rooms TOTAL PROPOSED: 48 condominium units, 31 hotel rooms
Number of parking spaces	TOTAL Provided: 127 spaces TOTAL Required: 127 spaces

ZONING CODE, APPLICABLE REQUIREMENTS

Sec. 90.42

Minimum Unit Sizes	Minimum Required	Proposed	Number of Units
One-bedroom	800 square feet	1,100 square feet	31
Two-bedroom	950 square feet	1,300 square feet	4
Three-bedroom	1150 square feet	2,300 square feet	10
Four-bedroom	N/A	3,500 square feet	3
Total			48

Sec. 90.43

Maximum Building Heights	Maximum Required	Proposed
H120	120 feet maximum	120 feet

Sec. 90.44

Modification of Height	Maximum Permitted		Proposed	Must be of high architectural quality integral to the design of the building
H120	20ft	30% of roof area	20 feet	The mechanical equipment, rooftop decks and parapet walls meet these criteria.

Sec. 90.45(b)

Setbacks	Minimum Required		Proposed
H120	Front (Collins Avenue)	40 feet	42 feet, new building. 26 feet 9 inches, historic building
	Rear (Beach)	30feet	134 feet 9 inches
	Setback from platted bulkhead line	20 feet	21 feet 8 inches
	Side (south)	20 feet	25 feet
	Side (north)	10 feet	71 feet 8 inches

Sec. 90.47

Yards generally, allowable projections	Required	Proposed
H120 - Projections of balconies features into required yards	Maximum 8 feet for front, secondary and rear and 5 feet for interior side	Balconies do not encroach into setbacks.

Sec. 90.47.8

Cantilevered Canopy	Required	Proposed
Cantilevered canopy will be permitted in the required front yard, subject to the following	Must be completely supported (cantilevered) from the main structure	Complies
	Minimum 65% transparent	Complies
	Maximum frontage of 30 feet in width	30 feet proposed
	Maximum 20 foot extension into front setback	Extends 20 feet into setback
	Shall not extend into any side setback area	Does not extend into side setback area

Sec. 90.49

Lot Standards	Required	Proposed
Minimum Lot width	50 feet	250.34 feet
Minimum Pervious area	20%	46.6%

Sec. 90.50.1(2)

Architecture	Required	Proposed
All elevations for new structures and multi-story additions (additions greater than fifteen (15) feet in height)	Minimum of 10% wall openings including windows, doors or transitional spaces defined by porches, porticoes or colonnades.	Exceeds 10% wall openings
Roof materials are limited as follows:	<ul style="list-style-type: none"> a. Clay Tile; or b. White concrete tile; or c. Solid color cement tile which color is impregnated with the same color intensity throughout, provided said color if granted approval by the Design Review Board; d. Architecturally embellished metal if granted approval by the Design Review Board; or e. Other Florida Building Code approved roof material(s) if granted approval by the Design Review Board. 	A flat roof with a deck is proposed.

Sec. 90.50.2 (3)

Roof Deck Provisions	Required	Proposed
Roof Decks are limited to	a. Maximum 70% of the aggregate roof area;	70%
	b. Shall not exceed the maximum roof height required by any abutting property's zoning designation;	120 feet
	c. Minimum setback of 10 feet from the roofline on all sides	11 feet, 4 inches

Sec. 90.51(1)

Maximum frontage of buildings	Required	Proposed
H120	Continuous building wall frontages shall not exceed 150 feet	The proposed new building is 137 feet 10 inches.

Sec. 90.67.2

	Required	Proposed
Underground utilities	All utilities including telephone, cable, and electrical systems shall be installed underground.	The lines will be installed underground and have developed their landscaping plans accordingly.

Sec. 90.77(c)

	Minimum Required	Proposed
Off-Street Parking	(1.5 X 31- 1 bedroom) = 46.5 spaces (2.0 X 14- 2-3 bedroom) = 28 spaces (2.25 X 3- 4 bedroom) = 6.75 spaces Restaurant 1,100/100 = 11 spaces Hotel – 1 x 31 = 31 Total required: 124 Spaces	Total provided: 127 Spaces

Sec. 90.83

Off-Street Loading	Minimum Required	Proposed
Multifamily	1 space on site	1 space on site

Sec. 90.91

Vegetative Provisions	Minimum Required	Proposed
Xeriscape in pervious area	50%	73% on groundcover, 27% on sod

Sec. 90.91.2

Buffers	
Landscape buffer adjacent to streets and abutting properties	Application meets or exceeds all requirements.

Sec. 90.93

Open Space	
Landscaping along all buildings and structures, shrubs and trees required in open space	Application meets or exceeds all requirements.

DEVELOPMENT IMPACT COMMITTEE REPORT

DEVELOPMENT IMPACT COMMITTEE MEETING

The Development Impact Committee (DIC)* met on Wednesday, July 27, 2016 to discuss the application for the Surf Club II (“the Project”). The DIC meeting was attended by the following:

Staff Attendees: Guillermo Olmedillo, Town Manager
 Joe Kroll, Public Works Director
 Linda Miller, Town Attorney
 Jane Graham, Assistant Town Attorney
 Nancy Stroud, Consulting Attorney
 Sarah Sinatra Gould, Town Planner
 David Allen, Police Chief
 Duncan Tavares, TEDACS Director
 Ross Prieto, Building Official
 Bill Tesauro, Landscape

Applicant Attendees:
 Joe Benton, Fort Capital
 Mathieu Picard, Kobi Karp Architects
 Jason Nunez, Fernando Wong
 Alex Tachmes, Shutts and Bowen

Citizen Attendees (who signed in): None

The Development Impact Committee (DIC)* met again on September 27, 2017 to discuss the application for the Surf Club II (“the Project”). The DIC meeting was attended by the following:

Staff Attendees: Guillermo Olmedillo, Town Manager
 Randy Stokes, Public Works Director
 Kathy Mehaffey, Town Attorney’s Office
 Sarah Sinatra Gould, Town Planner
 David Allen, Police Chief
 Duncan Tavares, Assistant Town Manager
 Ross Prieto, Building Official
 Bill Tesauro, Landscape
 Eric Czerniejewski, Traffic Engineer

Applicant Attendees:
 Joe Benton, Fort Capital
 Mathieu Picard, Kobi Karp Architects
 Jason Nunez, Fernando Wong
 Maurizio Bravo, Kobi Karp Architects
 Alex Tachmes, Shutts and Bowen

Citizen Attendees (who signed in): None

No additional conditions were suggested as a part of this application.

***NOTE:** The DIC meetings are televised on the Town's Channel 77 and are well on the Town's website and posted on Town Hall.

The applicant proffered \$250,000 to the Town to offset impacts from the project. The fee is based on their analysis of other Miami-Dade jurisdictions impact fees. This resulted in an average fee of \$165,000 for the buildings square footage and units. The applicant indicated it understood it was selling premium units and therefore would also proffer the additional amount from the average for a total voluntary contribution \$250,000 for the project.

OFFICE OF HISTORIC PRESERVATION STAFF REPORT



May 18, 2017

Seaway Condo Acquisitions LLC
176 NE 43 Street
Miami, FL 33137

RE: Seaway Villas, 9149 Collins Avenue, Surfside, Special COA #2017-09-S

Dear Property Owner:

On May 17, 2017, the Miami-Dade County Historic Preservation Board held a public hearing to review the Special Certificate of Appropriateness, COA #2017-09-S, for the restoration and redevelopment of Seaway Villas. The Board unanimously voted to approve the application, with the following conditions:

1. The owner shall submit a revised planting plan to staff that does not obscure the Collins Avenue façade. Staff shall provide an administrative review of the revised plan prior to construction.
2. The owner shall reconstruct the missing arched chimney cap.
3. New paving in the courtyard shall be an oolitic limestone that matches the character and color of the existing limestone.
4. The owner shall provide information on the paving material proposed for the vehicular drop-off area between Collins Avenue and the structure. Staff shall provide an administrative review of the proposed material prior to installation.
5. The open-air entry/lobby area of the building shall retain its existing terracotta-colored tile.
6. The proposed awnings for the third-story open-air terraces shall be a dark, solid color with white scallop detail edging, as documented in historic period photos. Staff shall provide an administrative review of the proposed awnings prior to installation.
7. The owner shall submit requests for COA amendments if any changes or alterations from what has been presented in this application are proposed at any time through project completion. Staff shall provide administrative reviews of any such amendment requests prior to the construction of any such proposed revision.

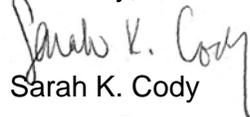
8. If the intent to relocate the three-story, Collins Avenue-fronting portion of the building eastward by 13 feet is altered from what was presented in this application, due to any reason, the applicant shall reappear before this Board with a request to amend the COA approval.
9. The project shall include a public space to interpret, or “tell the story,” of the history of Seaway Villas, particularly its context in the early history of Surfside.

The fee for the Special COA hearing is \$150. Please remit payment to the Office of Historic Preservation as soon as possible. Make the check payable to Regulatory and Economic Resources; in the memo line of the check, write HP25. Also please include a phone number on the check.

Please note that COA approval is valid for one year. If the approved scope of work has not begun within one year of the approval date, the applicant must contact the Office of Historic Preservation to request an extension. Additionally, approval of this application does not constitute approval or assurance that the proposed development satisfies applicable planning, zoning, subdivision, building, or other development regulations.

Please do not hesitate to contact our office with any questions.

Sincerely,



Sarah K. Cody

Historic Preservation Planner
Miami-Dade County

Cc: Mr. Joseph Benton, Fort Partners
Ms. Sarah Sinatra Gould, Town Planner, Town of Surfside
Mr. Ross Prieto, Building Official, Town of Surfside



RECEIVED
 FEB 28 2017
 MIAMI-DADE COUNTY
 OFFICE OF HISTORIC PRESERVATION

APPROVED
 MAY 17 2017
 Miami Dade County
 Office of Historic Preservation
 Authorized Signature *[Signature]*

OFFICE OF HISTORIC PRESERVATION
 111 NW 1st STREET, MAILBOX 114
 MIAMI, FL 33128
 (305) 375-4958

APPLICATION FOR A

CERTIFICATE OF APPROPRIATENESS (COA)

For Historically Designated Properties, or Properties within Historic Districts

I. PROPERTY INFORMATION INFORMACIÓN DE LA PROPIEDAD

ADDRESS 9149 Collins Avenue **CITY** Surfside **ZIP** 33154
 (Dirección) (Ciudad) (Zip)

SITE DESIGNATION NAME (if applicable) Seaway Villas
 (Nombre del Edificio)

DISTRICT NAME (if applicable)
 (Nombre del Distrito)

FOLIO NUMBER 14-2235-015-0001
 (Numero de Folio)

II. APPLICANT INFORMATION INFORMACIÓN DEL SOLICITANTE

NAME OF OWNER Seaway Condo Acquisition LLC **PHONE** (teléfono) 305-571-8228
 (Nombre de Dueño)

ADDRESS 176 NE 43rd St. Miami 33137 **EMAIL**
 (Dirección) (correo electrónico)

NAME OF APPLICANT (if other than owner) Attn: Joseph Benton
 (Nombre del Solicitante)

CONTACT PHONE 786-214-1344 **EMAIL** joe@fortpartners.com
 (Teléfono)

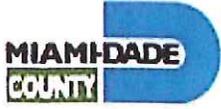
APPLICANT IS: **OWNER** **RENTER/LEASEE** **CONTRACTOR** **LEGAL AGENT**
 (Solicitante es:) (Dueño) (Inquilino) (Contratista) (Representante legal)

FOR OFFICE USE ONLY
 Solamente por uso de oficina

APPLICATION# 2017-09-S **DATE RECEIVED** 2/20/17 **STAFF INITIALS** SKC
 ("R" for Regular, "S" for Special)

APPROVED **APPROVAL DATE** 5/17/17
 DENIED

APPROVED WITH CONDITIONS **BOARD DATE** 3/15/17 5/17/17
 (see attached conditions sheet)



III. PROJECT TYPE TIPO DE PROYECTO

PLEASE CHECK ALL THAT APPLY:

(Por favor marque todos que aplican)

- | | |
|---|--|
| <input checked="" type="checkbox"/> New Construction <i>(construcción nueva)</i> | <input checked="" type="checkbox"/> Paint <i>(pintura)</i> |
| <input checked="" type="checkbox"/> Restoration/Rehabilitation <i>(restauración)</i> | <input checked="" type="checkbox"/> Repairing Existing <i>(reparación)</i> |
| <input checked="" type="checkbox"/> Relocation/Moving a Structure <i>(traslado)</i> | <input checked="" type="checkbox"/> Landscaping <i>(areas verdes)</i> |
| <input checked="" type="checkbox"/> Demolition <i>(demolición)</i> | <input type="checkbox"/> Interior Work Only
<i>(Únicamente el interior)</i> |
| <input checked="" type="checkbox"/> Excavation/
Ground Disturbing Activities <i>(excavación)</i> | |

IV. PROJECT DESCRIPTION DESCRIPCIÓN DE PROYECTO

Please describe in detail the proposed project, including any new construction, demolition, the removal or replacement of existing materials, and all other proposed changes to the current structure. Attach an additional sheet if necessary.

Por favor describa el proyecto en detalle. Adjuntar pagina adicional si es necesario. Por favor describir el proyecto en ingles.

Selective demolition of south building wing to accomodate connection to new hotel/residential 12-story building. Movement of 3-story building section on Collins Avenue to the east by 13-feet to achieve set-back closer to compliance with Town zoning code. Remove non-original additions at third floor terraces. Construct wood terrace at east end of building. Remodel courtyard hardscape/landscape. Modify select window/door openings at west side of north wing to provide access to a café which will provide public food/beverage service and will activate the courtyard.

CHECK ANY STRUCTURAL SYSTEMS OR ELEMENTS THAT WILL BE AFFECTED BY THIS PROJECT:

Marque el sistema estructural o componente que sera afectado por este proyecto:

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Roof
<i>(techo)</i> | <input checked="" type="checkbox"/> Foundation
<i>(cimiento)</i> | <input checked="" type="checkbox"/> Steps or Stairways
<i>(escaleras)</i> |
| <input checked="" type="checkbox"/> Windows
<i>(ventanas)</i> | <input type="checkbox"/> Porches or Porte Cochère
<i>(portal ó porche)</i> | <input checked="" type="checkbox"/> Painting/Finishes
<i>(pintura/acabado)</i> |
| <input checked="" type="checkbox"/> Doors
<i>(puertas)</i> | <input checked="" type="checkbox"/> Siding/Stucco/Façade Work
<i>(entablado de exteriores)</i> | <input checked="" type="checkbox"/> Walls/Structural
<i>(pared ó estructura)</i> |

V. CHECKLIST OF REQUIRED ATTACHMENTS

ALL APPLICATIONS MUST INCLUDE AT LEAST ONE COLOR PHOTO OF THE BUILDING

PAINTING YOUR BUILDING

- Color photos of each side of the building to be painted
- Paint Samples of the colors you wish to use (please indicate trim, wall, and accent colors)

FENCING, WALLS, NEW POOL, DRIVEWAYS, or LANDSCAPING

- Site plan showing exact location(s) of fence, wall, pool, driveway, or proposed landscaping
- Elevation drawings of fence, including height dimensions and material
- Color photographs of the proposed location for the fence, pool, driveway, or landscaping
- Description of landscaping, including type and placement (if applicable)

WINDOWS or DOORS

- A color photograph of each side of the house
- Existing elevations, which show the window placement, configuration, and material.
- Proposed elevations, which show the new window placement, style of window, and material, and include all proposed muntins, if any
- Manufacturer's brochure or a catalog picture of the requested window or door, and NOA

NEW ROOF

- Color photos of the front of the building and existing roof
- Manufacturer's brochure of requested roof showing color and material and NOA

RENOVATIONS/ADDITIONS or NEW CONSTRUCTION

- Color photos of each side of the building
- Site plan
- Landscape plan, including documentation of any proposed tree removal (if applicable)
- Elevations of all affected facades showing Existing Conditions (11"x17" set of plans)
- Elevations of all affected facades with Proposed Alterations or Additions (11"x17" set)
- Floor Plans
- Manufacturer's brochure or catalog pictures of any new or replacement materials being used in project

VI. OWNER ATTESTATION

I certify to the best of my knowledge that all the information provided within this application is correct and accurately portrays the proposed project.

Signature of Owner (Firma del Dueño) Date (Fecha)
 JOSEPH BENTON 2/27/17

Signature of Applicant (if other than owner) (Firma del Solicitante) Date (Fecha)

CONDITIONAL USE REPORT

CONDITIONAL USE

Section 90-23 of the zoning code provides standards of review for Conditional Uses. Conditional Uses are generally compatible with the other land uses permitted in a zoning district but, because of their unique characteristics or potential impacts on the surrounding neighborhood and the Town as a whole, require individual review as to their location, design, configuration, and/or operation for the particular use at the particular location proposed, as well as the imposition of individualized conditions in order to ensure that the use is compatible with the surrounding neighborhoods and appropriate at a particular location.

In addition to the standards set forth in this zoning code for the particular use, all proposed Conditional Uses shall meet each of the following standards. The responses to the criteria are in italics below:

- (1) The proposed use shall be consistent with the Comprehensive Plan and the Zoning Code;

The proposed uses, which include a hotel swimming pools and outdoor dining are consistent with the Comprehensive Plan and the Zoning Code. These uses are customary for a hotel use, which is permitted in the H120 zoning districts. The proposed hotel swimming pools consist of four rooftop pools and five ground level pools at the rear of the property. Setbacks as per code are proposed to limit the visual impact of the pool decks. The setbacks will be around the entire perimeter of the deck. The outdoor dining is proposed within the courtyard of the historic building. This concept is supported by the Historic Preservation staff as a means to activate the historic building.

- (2) The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare;

The restaurant will be located within the courtyard of the historic building and is not detrimental to the public. The pools allow for safe, pedestrian circulation and will not impact the public.

- (3) The proposed use shall be compatible with the community character of the immediate neighborhood. In addition to compatibility there must be congruity between the subject development and neighboring improvements and surroundings including but not limited to form, spacing, heights, setbacks, materials, color, rhythm and pattern of architectural or aesthetic interest or value as well as with any overlays and other development schemes or legislation.

The Miami-Dade Historic Preservation Board was presented the proposed site plan at their May 17, 2017 meeting. Please see Historic Preservation Board report attached. The proposed renovations and restaurant at the Seaway portion of the site are supported by the Board. The swimming pools are consistent with the character of the zoning district and neighboring properties.

- (4) Adequate provisions shall be included for safe traffic movement, both vehicular and pedestrian, both internal to the use and in the area which will serve the use;

The proposed renovations to the Seaway building include setting the building back from the original position to allow for a driveway. This results in a safer situation than the existing condition.

- (5) Adequate measures exist including landscaping or other buffering measures or shall be taken to mitigate any adverse effects of noise, light or other potential nuisances; and

The restaurant is located in a courtyard, buffered by the north and south portions of the Seaway building. The swimming pools are at the rear and on the south side, adjacent to the Surf Club property; however they have substantial setbacks as well as landscaping to mitigate any noise.

- (6) The establishment of the Conditional Use shall not impede the development of surrounding properties for uses permitted in the zoning district; and

The buildings are surrounded by existing uses; therefore the establishment of the Conditional Uses will not impede the development of permitted uses in surrounding properties. However, the proposed development adds value to the district and is not expected to restrict future development.

- (7) Any other condition imposed by the Design Review Board and/or the Development Impact Committee.

APPLICATION & LETTER OF INTENT

AUG11 15 04:41 PM

AUG 11 15 04:41 PM

TOWN OF SURFSIDE



DRB Meeting	___/___/20__
Application / Plans Due	___/___/20__

**TOWN OF SURFSIDE
MULTI-FAMILY AND NON-RESIDENTIAL SITE-PLAN APPLICATION**

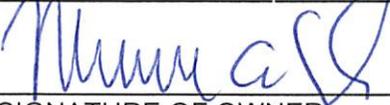
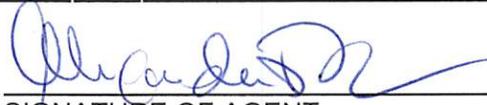
A complete submittal includes all items on the "Multifamily and Non-Residential Site-Plan Application Submission Checklist" document as well as completing this application in full. The owner and agent must sign the application with the appropriate supplemental documentation attached. Please print legibly in ink or type on this application form.

PROJECT INFORMATION	
OWNER'S NAME	The Surf Club Apartments, Inc. and The Seaway Villas Condominium Association, Inc.*
PHONE / FAX	305-571-8228
AGENT'S NAME	c/o Alexander I. Tachmes, Esq.
ADDRESS	Shutts & Bowen, LLP, 201 South Biscayne Boulevard, Suite 1500, Miami, FL 33131
PHONE / FAX	305-347-7341
PROPERTY ADDRESS	9133 Collins Avenue and 9149 Collins Avenue
ZONING CATEGORY	H-120
DESCRIPTION OF PROPOSED WORK	Redevelopment of property with a multi-family residential project and renovation of existing historic structure located at 9149 Collins Avenue. See attached letter of intent for additional details.

*The Seaway Villas Condominium Association, Inc. is the condominium association established to govern the existing condominium property known as The Seaway Villas Condominium.

INTERNAL USE ONLY			
Date Submitted	_____	Project Number	_____
Report Completed	_____	Date	_____
Fee Paid	\$ _____		

ZONING STANDARDS	Required			Provided		
Plot Size	not applicable			94,173 square feet (2.162 acres)		
Setbacks (F/R/S)	40'	30'	25'	44'10"	139'	64'3" / 39'9"
Lot Coverage	not applicable			33,214 square feet (35%)		
Height	120 feet			120 feet		
Pervious Area	20% minimum			37,645 square feet (40%)		

SIGNATURE OF OWNER _____ DATE 8/11/15
 SIGNATURE OF AGENT _____ DATE 8/11/15

Surf Club Apartments, INC. Town of Surfside - Multi-Family and Non-Residential Site Plan Application

Mmm G L

8-11-15

SIGNATURE OF OWNER

DATE

The Seaway Dallas
Condominium Ass, INC.



TOWN OF SURFSIDE
MULTI-FAMILY AND NON-RESIDENTIAL SITE-PLAN APPLICATION
PLANNING AND ZONING BOARD Rules and Procedures (June 2002)

The Planning and Zoning Board shall generally meet the last Thursday of each month at 7:00 pm. at Town Hall.

Plans and completed applications (including all supporting documentation) must be submitted to the Building Department at least 21 days prior to the meeting, with the payment of applicable fees (example: \$200.00 for Plan Review for Zoning), at which time they will be considered. Incomplete plans and applications will not be processed.

The applicant or duly authorized agent (per ownership affidavit) must be present at the meeting. If there are no applications for consideration by the Planning and Zoning Board, the monthly meeting may be cancelled at the discretion of the Chairman of the Board.

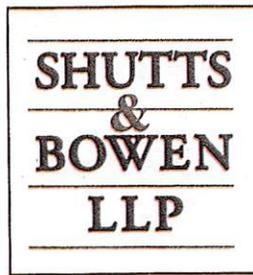
Please advise the name of the Representative who will attend the hearing on behalf of this application:

Alexander I. Tachmes, Esq.

8/11/15

NAME OF REPRESENTATIVE

DATE



Founded 1910

ALEXANDER I. TACHMES, ESQ.
PARTNER
(305) 347-7341 Direct Telephone
(305) 347-7754 Direct Facsimile

E-MAIL ADDRESS:
ATachmes@shutts.com

August 11, 2015

Sarah Sinatra, Planning Director
Town of Surfside
9293 Harding Avenue
Surfside, Florida 33154

RE: Letter of Intent – Surf Club Phase II

Dear Sarah:

We represent the owner of the former Surf Club Apartments property (the “SC Apartments”) and the condominium association pertaining to the Seaway property (the “Seaway”). (Collectively, the SC Apartments and the Seaway are referred to herein as the “Property.”) The SC Apartments and the Seaway are located at 9133 and 9149 Collins Avenue, respectively, and abut one another. We are hereby applying for site plan approval relating to the development of a 54 unit residential condominium project on the Property. We also are hereby applying for a flood waiver relating to the Seaway historic structure, which is below flood level.

The proposed project will be an extremely high-end and very low density residential condominium property. The SC Apartments and the Seaway currently consist of a total of 58 condominium units. Our project will consist of 54 units, which is a lower density than what is currently on-site. Further, all required parking will be provided on-site.

As part of the project, our client will be preserving the historically significant portions of the Seaway structure, which was built in 1936. We will be submitting an application to the County Historic Preservation Board as part of our site plan approval process.

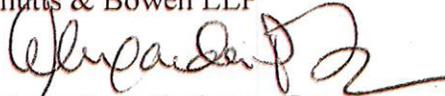
We also are requesting a flood waiver relating to the Seaway. The Seaway structure is below flood level. Elevating the structure to meet current flood level requirements would lead to the destruction of the historic building. Therefore, we are requesting a flood waiver in order to preserve the structure.

Sarah Sinatra, Planning Director
Town of Surfside
August 11, 2015
Page 2

We look forward to working with you on this project. If you have any questions, please contact us. Thank you.

Sincerely,

Shutts & Bowen LLP



Alexander I. Tachmes, Esq.

AIT/sm

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**OWNERSHIP AFFIDAVIT
FOR CORPORATION**

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Public Hearing No. _____

Before me, the undersigned authority, personally appeared Michael Conaghan, hereinafter the Affiant, who being first duly sworn by me, on oath, deposes and says:

1. Affiant is the President of The Surf Club Apartments, Inc. ("Applicant"), a Florida corporation with the following address: 9133 Collins Avenue, Surfside, FL 33154.
2. Applicant is the owner of the property which is the subject of the proposed hearing.
3. The subject property is legally described as:

See attached Exhibit A

4. Applicant is legally authorized to file this application for public hearing/or Affiant hereby authorizes Applicant to file this application for public hearing.
5. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing if any false statements are made.

Witnesses:

Signature
Michael KASHAN
Print Name

Signature
Nada green
Print Name

Affiant's Signature
Michael A. Conaghan
Print Name

Sworn to and subscribed before me on the 11 day of August, 2015. Affiant is personally known to me or has produced _____ as Identification.



VANESSA VIRGILIO
MY COMMISSION # FF 022448
EXPIRES: May 29, 2017
Bonded Thru Budget Notary Services

Notary (Stamp/Seal)
Commission Expires: May 29, 2017

EXHIBIT "A"

LEGAL DESCRIPTION:

Lots 1, 2 and 3, of Block 2, of ALTOS DEL MAR NO. 4, according the plat thereof, as recorded in Plat Book 10, Page 63, of the Public Records of Miami-Dade County, Florida.

TOGETHER WITH that portion of land lying East of said Lots 1, 2 and 3, of Block 2, of ALTOS DEL MAR NO. 4, according the plat thereof, as recorded in Plat Book 10, Page 63, of the Public Records of Miami-Dade County, Florida; bounded on the North by the easterly extension of the north line of said Lot 3; bounded on the East by the EROSION CONTROL LINE, according to the plat thereof as recorded in Plat Book 105, Page 62, of the Public Records of Miami-Dade County, Florida; bounded on the South by the easterly extension of the South line of said Lot 1; and bounded on the West by the East line of said Block 2.

**OWNERSHIP AFFIDAVIT
FOR NOT-FOR-PROFIT CORPORATION**

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Public Hearing No. _____

Before me, the undersigned authority, personally appeared Michael Conaghan, hereinafter the Affiant, who being first duly sworn by me, on oath, deposes and says:

1. Affiant is the Vice President of The Seaway Villas Condominium Association, Inc. ("Applicant"), a Florida not for profit corporation with the following address: 9149 Collins Avenue, Surfside, FL 33154.
2. Applicant is the condominium association established to govern the existing condominium property, commonly known as The Seaway Villas Condominium Association, Inc. (the "Condominium Property"), which is the subject of the proposed hearing.
3. The underlying legal description of the Condominium Property is legally described as:

See attached Exhibit A

4. Applicant is legally authorized to file this application for public hearing/or Affiant hereby authorizes Applicant to file this application for public hearing.
5. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing if any false statements are made.

Witnesses:

Signature

Michael Kasiraw
Print Name

Signature

Nada green
Print Name

Affiant's Signature

Michael A. Conaghan
Print Name

Sworn to and subscribed before me on the 11 day of August, 2015. Affiant is personally known to me or has produced _____ as Identification.



VANESSA VIRGILIO
MY COMMISSION # FF 022448
EXPIRES: May 29, 2017
Budget Thrift Budget Notary Services

Notary (Stamp/Seal)

Commission Expires: May 29, 2017

EXHIBIT "A"

LEGAL DESCRIPTION:

Lots 4 and 5, of Block 2 of ALTOS DEL MAR NO. 4, according the plat thereof, as recorded in Plat Book 10, Page 63, of the Public Records of Miami-Dade County, Florida.

TOGETHER WITH that portion of land lying East of said Lots 4 and 5, of Block 2, of ALTOS DEL MAR NO. 4, according the plat thereof, as recorded in Plat Book 10, Page 63, of the Public Records of Miami-Dade County, Florida; bounded on the North by the easterly extension of the north line of said Lot 5; bounded on the East by the EROSION CONTROL LINE, according to the plat thereof as recorded in Plat Book 105, Page 62, of the Public Records of Miami-Dade County, Florida; bounded on the South by the easterly extension of the South line of said Lot 4; and bounded on the West by the East line of said Block 2.

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TOWN OF SURFSIDE
SUBMISSION CHECKLIST
MULTI-FAMILY AND NON-RESIDENTIAL SITE-PLAN APPLICATION

Project Name Surf Club Phase II Project Number _____

SUBMITTAL REQUIREMENTS FOR REVIEW:

- Completed "Multi-Family and Non-Residential Site Plan Application" form
- Application fee: \$12,000 made out to "Town of Surfside"
- Ownership Affidavit
- Recent photographs of the subject property and all abutting, diagonal and fronting properties visible from the street (to be provided prior to Design Review Board Meeting)

FOR THE FOLLOWING PLEASE PROVIDE:

- Two (2) full sized sets (24" x 36" sheets) of complete design development drawings signed and sealed
- One (1) CD, with site plan in PDF format, or other common windows based format.
- Provided prior to Design Review Board Meeting - Fifteen (15) reduced sized sets (11" x 17" sheets) of the complete design development drawings
- Site Plan (Minimum scale of 1" = 20').
Please show / provide the following:
 - A legal description, including the section, township, and range or subdivision lot and block.
 - Site boundaries clearly identified, and ties-to-section corners
 - Proposed uses
 - Location and height of all structures and total floor area with dimensions to lot lines, and designations of use
 - Building separations
 - Vehicular circulation system for cars, bicycles, and other required vehicle types, with indication of connection to public rights-of-way
 - Location of all parking and loading areas
 - All adjacent rights-of-way, with indication of ultimate right-of-way line, center line, width, paving width, existing median cuts and intersections, street light poles, and other utility facilities and easements
 - Location of all cross streets and driveways within three hundred fifty (350) feet of property limits
 - Pedestrian circulation system
 - Provider of water and wastewater facilities
 - Existing and proposed fire hydrant location
 - The following computations:
 - o Gross acreage
 - o Net acreage

Cont.



- Gross acreage covered by the property excluding road easements and rights-of-way, if any
 - Number of dwelling units and density for residential uses only
 - Square footage of ground covered by buildings or structures and designation of use.
 - Required number of parking spaces
 - Number of parking spaces provided
 - Pervious, impervious and paved surface, in square footage and percentage
 - Site Plan location sketch, including section, township, and range, showing adjacent property owners
 - Geometry of all paved areas including centerlines, dimensions, radii, and elevations
 - Location of trash and garbage disposal system and provisions for accessibility to garbage trucks
 - Loading areas and provisions for accessibility to vehicles of the required type
 - Areas for emergency vehicles and fire engines, and provisions for accessibility to vehicles of the required type
 - Number of sets required shall be determined by Town Staff.
 - Other such information as required by the Town.
- Survey. A survey less than one (1) year old (including owner's affidavit that no changes have occurred since the date of the survey). The survey shall be prepared by a Florida registered land surveyor, certified as to meeting the requirements of the applicable Section of the Florida Administrative Code, reflecting existing natural features, such as topography, vegetation, existing paving, existing structures, and water bodies
- Landscape Plan and Irrigation Plan
Please show / provide the following:
- landscape calculations (required and provided)
 - existing tree survey with indication of existing native vegetation that will be preserved
 - proposed and existing landscaping
- Lighting Plan
Please show / provide the following:
- photometric measurements
 - Lighting details and spillage onto adjacent properties and rights-of-way
- Sign Plan for all signs which will be on site
Please show / provide the following:
- Show dimensioned locations and mounting details of signs on building elevations and locations of signs on site plan
 - Note colors, materials, lighting and dimensions
 - Show dimensions and square footages (proposed and existing)
 - Identify materials and colors – background, trim/border, and copy
 - Show fonts and graphics
- Pavement markings and traffic signing plan
- Schematic water and sewer plan
Please show / provide the following:
- Location and size of all mains and lift stations



Cont.

- Paving and drainage plans
Please show / provide the following:
 - location of all drainage features and retention areas, if any

- Architectural Elevations (Minimum scale of 1/8" = 1')
Please show / provide the following:
 - Separate elevations of all sides of existing and proposed buildings with all dimensions, including height.
 - Label exterior materials, color, texture and trim, roof material, Roof color and pitch, windows, doors, screens, skylights and all exposed mechanical equipment and screening
 - Provide color elevations, showing all material finishes, textures and landscaping for all elevations of the proposed building(s) and structure(s), which should include at a minimum:
 - All exterior materials, colors and finishes, keyed to samples provided
 - Roof slopes and materials including specifications and color
 - Detail of doors, windows, garage doors
 - Dimensions of structure(s) - height, width, and length
 - Deck, railing, stairs details including materials, colors, finishes, and decorative details
 - Exposed foundation treatment
 - Gutters and eaves

- Provide samples of colors and/or materials mounted on a display board (to be provided prior to Design Review Board Meeting)

- Such additional data, maps, plans, or statements as the Town may require to fully describe and evaluate the particular proposed plan



ALEXANDER I. TACHMES, ESQ.
Shutts & Bowen LLP
200 South Biscayne Boulevard
Suite 4100
Miami, Florida 33131
DIRECT (305) 347-7341
FAX (305) 347-7754
EMAIL ATachmes@shutts.com

November 1, 2017

Town of Surfside
c/o Guillermo Olmedillo, Town Manager
9293 Harding Avenue
Surfside, Florida 33154

**RE: The Seaway Hotel and Residences – Site Plan Application
Revised Letter of Intent**

Dear Guillermo:

As you know, we represent The Surf Club Apartments, Inc. and The Seaway Villas Condominium Association, Inc. (collectively, the “Applicant”) in connection with the Applicant’s proposed site plan application to restore and renovate the historically significant portions of the existing Seaway structure and construct new improvements on the property located at 9133 and 9149 Collins Avenue (collectively, the “Property”). After the submission of our original site plan application, the development program was modified to address the demand for hotel units in the highly successful Four Seasons Surf Club project immediately to the south. While the exterior design and massing of the project remains the same, it will now consist of 48 residential units, 31 hotel units, and ancillary uses (collectively, the “Project”) compared to 54 residential units in the prior program. The modifications are reflected in the revised architectural plans prepared by Kobi Karp and submitted with the revised site plan application (collectively, the “Site Plan”).

Consistent with the Four Seasons Surf Club project, the Project will be extremely high-end. The Project is compatible with the surrounding areas in terms of massing and density. While the size of the Property permits the Applicant to develop approximately 235 units, the Applicant is proposing only 79 units, which is only marginally higher than the 59 residential units currently on the Property. The Project is also fully consistent with the High Density Residential/Tourist designation under the Town’s Comprehensive Plan and the H-120 Zoning District under the Town’s Zoning Code.

Town of Surfside
c/o Guillermo Olmedillo, Town Manager
November 1, 2017
Page 2

Since our original submission, the Applicant has obtained approval of the Project from the Miami-Dade County Historic Preservation Board (“HPB”). Specifically, the HPB unanimously approved a Special Certificate of Appropriateness for the Project on May 17, 2017. The Project will not only protect and enhance existing historic features, but also restore certain other original features that were altered over the years.

We look forward to working with you on this Project, and presenting it to the Town Commission. If you have any questions, please contact us. Thank you.

Sincerely,

Shutts & Bowen LLP



Alexander I. Tachmes, Esq.

cc: Ms. Sarah Sinatra Gould, AICP

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TOWN OF SURFSIDE
CONDITIONAL USE APPLICATION

Approval of such conditional use(s) shall only be granted where it has been clearly shown that the public health, safety, morals, and general welfare will not be adversely affected; that adequate off-street parking facilities, in accordance with this chapter, will be provided; and that necessary safeguards will be provided for the protection of surrounding property.

A complete submittal includes all items on the "Submission Checklist for Conditional Use Application" document as well as completing this application in full. The owner and agent must sign the application with the appropriate supplemental documentation attached. Please print legibly in ink or type on this application form.

<u>PROJECT INFORMATION</u>	
OWNER'S NAME	The Surf Club Apartments, Inc. and The Seaway Villas Condominium Association, Inc.*
PHONE / FAX	305-347-7341
AGENT'S NAME	c/o Alexander I. Tachmes, Esq.
ADDRESS	Shutts & Bowen, LLP, 200 S. Biscayne Boulevard, Suite 4100, Miami, FL 33131
PHONE / FAX	305-347-7341
PROPERTY ADDRESS	9133 Collins Avenue and 9149 Collins Avenue, Surfside, FL 33154
ZONING CATEGORY	H-120
DESCRIPTION OF CONDITIONAL USE REQUESTED (please use separate sheet if necessary)	Hotel Swimming Pools and a Hotel Bar/Lounge, and Outdoor Dining Facilities; all pursuant to Section 90-41 of the Surfside Code of Ordinances.

*The Seaway Villas Condominium Association, Inc. is the condominium association established to govern the existing condominium property known as The Seaway Condominium.

<u>INTERNAL USE ONLY</u>	
Date Submitted	Project Number
Report Completed	Date
Comments	

SIGNATURE OF OWNER 10/10/17
 DATE

SIGNATURE OF AGENT 11/1/17
 DATE

SIGNATURE OF OWNER 10/10/17
 DATE

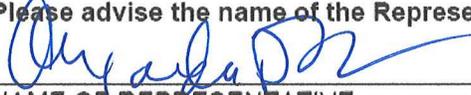
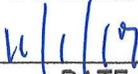


TOWN OF SURFSIDE
CONDITIONAL USE APPLICATION
PLANNING AND ZONING BOARD RULES AND PROCEDURES (JUNE 2002)

The Planning and Zoning Board shall generally meet the last **Thursday** of each month at 7:00 pm. at Town Hall.

Plans and completed applications (including all supporting documentation) must be submitted to the Building Department at least 21 days prior to the meeting, with the payment of applicable fees (example: \$200.00 for Plan Review for Zoning), at which time they will be considered. Incomplete plans and applications will not be processed.

The applicant or duly authorized agent (per ownership affidavit) must be present at the meeting. If there are no applications for consideration by the Planning and Zoning Board, the monthly meeting may be cancelled at the discretion of the Chairman of the Board.

Please advise the name of the Representative who will attend the hearing on behalf of this application:	
	
NAME OF REPRESENTATIVE	DATE



ALEXANDER I. TACHMES, ESQ.
Shutts & Bowen LLP
200 South Biscayne Boulevard
Suite 4100
Miami, Florida 33131
DIRECT (305) 347-7341
FAX (305) 347-7754
EMAIL ATachmes@shutts.com

November 1, 2017

Town of Surfside
c/o Guillermo Olmedillo, Town Manager
9293 Harding Avenue
Surfside, FL 33154

Re: The Seaway Hotel and Residences – Conditional Use Application

Dear Guillermo:

Our clients, The Surf Club Apartments, Inc. and The Seaway Villas Condominium Association, Inc. (collectively, the “Applicant”), have filed a site plan application with the Town of Surfside (the “Town”) for restoration and renovation of the historically significant portions of the existing Seaway structure, and for the construction of new improvements on the property located at 9133 and 9149 Collins Avenue (collectively, the “Property”). The project will consist of 48 residential units, 31 hotel units, and ancillary uses, within an 12-story structure (collectively, the “Project”). The Project is more particularly shown on the architectural plans prepared by Kobi Karp and submitted with the site plan application (collectively, the “Site Plan”).

The Town Code provides that certain uses are considered “conditional uses” and require conditional use approval in accordance with the Code’s criteria. Hotel swimming pools, lounges and outdoor dining areas are all considered conditional uses. Accordingly, we hereby apply for conditional use approval for the following:

Hotel Swimming Pools: As shown on Sheet A3.01 of the Site Plan, the Project contains five (5) ground level swimming pools on the Property. There are also four (4) swimming pools on the rooftop as shown on Sheet A3.08 of the Site Plan. All of the aforementioned swimming pools are private pools utilized by residents only. However, because certain residential units may be rented in the future as part of a hotel program, we are requesting conditional use approval for all swimming pools on the Property in an abundance of caution to ensure technical compliance with the requirement in the future.

Hotel Lounge: The Project contains a hotel lounge located on the ground level within the northwest portion of the historic structure as shown on Sheet A3.01 of the Site Plan.

Outdoor Dining: The Project incorporates outdoor dining in the historic courtyard on the ground level and adjacent to the restaurant on the 3rd level terrace as shown on Sheet A.3.01 of the Site Plan.

As outlined below, the conditional uses proposed by the Applicant satisfy all of the review criteria in Section 90-23.2 of the Town's Zoning Code ("Code").

- (1) *The proposed use shall be consistent with the Comprehensive Plan and the Zoning Code:*

The requested conditional uses are all customary elements of a hotel and consistent with the Town's Comprehensive Plan and the Code, including the High Density Residential/Tourist Future Land Use designation under the Comprehensive Plan and the H-120 Zoning District under the Code.

- (2) *The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare:*

As a result of careful planning and attention to detail in the design, the proposed conditional uses will not be detrimental to or endanger the public health, safety, or general welfare. As more fully addressed in the other criteria below, the form, spacing, height, setbacks and architecture were all considered in order to respect the neighborhood. Safe circulation of vehicles and pedestrians, including loading, was also carefully studied in the design. Finally, the placement of uses within the interior of the Project or adjacent to other similar uses will minimize any adverse effects on the neighborhood.

- (3) *The proposed use shall be compatible with the community character of the immediate neighborhood. In addition to compatibility there must be congruity between the subject development and neighboring improvements and surroundings including but not limited to form, spacing, heights, setbacks, materials, color, rhythm and pattern of architectural or aesthetic interest or value as well as with any overlays and other development schemes or legislation.*

The proposed conditional uses are compatible with the character of the immediate neighborhood. Consistent with the Surf Club project immediately to the south, the Project was designed to respect the neighboring improvements in terms of

form, spacing, height, setbacks and architectural design. While the size of the Property permits the Applicant to develop approximately 235 units, the Applicant is sensitive to the character of the community and is proposing only 79 units. The Project also will not require any setback variances and is completely contained within the allowable building envelope under the Code.

- (4) *Adequate provisions shall be included for parking and safe traffic movement, both vehicular and pedestrian, both internal to the use and in the area which will serve the use;*

Parking for the Project will be provided in an underground parking garage, and all parking will be valet only. To avoid congestion and prevent queuing, two drop-off areas are proposed; a south drop-off area will serve residents only, and a north drop-off will serve hotel guests and patrons, including patrons of the restaurant and lounge. A queuing analysis prepared by David Plummer & Associates was submitted with the Site Plan, which concluded no adverse issues with traffic movement. To avoid conflict with larger vehicles, the loading area is also safely located on the south side of the Property away from pedestrian circulation points.

- (5) *Adequate measures exist including landscaping or other buffering measures or shall be taken to mitigate any adverse effects of noise, light or other potential nuisances; and*

The Project has been designed to mitigate any adverse effects of noise, light or other potential nuisances. The active hotel uses are located interior to the Property or adjacent to other compatible uses. Specifically, the hotel lounge opens to the interior courtyard, and the primary swimming pool is located on the south side of the Property adjacent to another hotel, the Four Seasons Surf Club. Additionally, the Project includes lush landscaping that will create a natural sound and visibility buffer. As such, there will be minimal to no spillage of noise or light to the neighboring properties.

- (6) *The establishment of the conditional use shall not impede the development of surrounding properties for uses permitted in the zoning district; and*

As stated above, the conditional uses are consistent with the Town's Comprehensive Plan and the Code. The Project has also been designed to be compatible with the character of the immediate neighborhood and mitigate any adverse effects on the neighboring properties. As such, the Project will not

Town of Surfside
c/o Guillermo Olmedillo, Town Manager
November 1, 2017
Page 4

impede the development of surrounding properties for uses permitted in the zoning district.

- (7) *Any other condition imposed by the design review board and/or the development impact committee.*

Not applicable.

We look forward to answering any questions you might have and to presenting our outstanding project to the Town in more detail. Thank you.

Sincerely,

SHUTTS & BOWEN LLP

A handwritten signature in blue ink, appearing to read 'ATachmes' with a flourish at the end.

Alexander I. Tachmes, Esq.

cc: Ms. Sarah Sinatra Gould, AICP

MIADOCS 15432231 1



TOWN OF SURFSIDE
CONDITIONAL USE APPLICATION

Approval of such conditional use(s) shall only be granted where it has been clearly shown that the public health, safety, morals, and general welfare will not be adversely affected; that adequate off-street parking facilities, in accordance with this chapter, will be provided; and that necessary safeguards will be provided for the protection of surrounding property.

A complete submittal includes all items on the "Submission Checklist for Conditional Use Application" document as well as completing this application in full. The owner and agent must sign the application with the appropriate supplemental documentation attached. Please print legibly in ink or type on this application form.

<u>PROJECT INFORMATION</u>	
OWNER'S NAME	The Surf Club Apartments, Inc. and The Seaway Villas Condominium Association, Inc.*
PHONE / FAX	305-347-7341
AGENT'S NAME	c/o Alexander I. Tachmes, Esq.
ADDRESS	Shutts & Bowen, LLP, 200 S. Biscayne Boulevard, Suite 4100, Miami, FL 33131
PHONE / FAX	305-347-7341
PROPERTY ADDRESS	9133 Collins Avenue and 9149 Collins Avenue, Surfside, FL 33154
ZONING CATEGORY	H-120
DESCRIPTION OF CONDITIONAL USE REQUESTED (please use separate sheet if necessary)	Hotel Swimming Pools and a Hotel Bar/Lounge, and Outdoor Dining Facilities; all pursuant to Section 90-41 of the Surfside Code of Ordinances.

*The Seaway Villas Condominium Association, Inc. is the condominium association established to govern the existing condominium property known as The Seaway Condominium.

<u>INTERNAL USE ONLY</u>	
Date Submitted _____	Project Number _____
Report Completed _____	Date _____
Comments _____	

SIGNATURE OF OWNER _____ 10/10/17
DATE

SIGNATURE OF AGENT _____ 11/1/17
DATE

SIGNATURE OF OWNER _____ 10/10/17
DATE



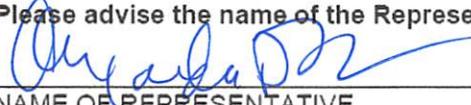
TOWN OF SURFSIDE
CONDITIONAL USE APPLICATION
PLANNING AND ZONING BOARD RULES AND PROCEDURES (JUNE 2002)

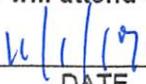
The Planning and Zoning Board shall generally meet the last **Thursday** of each month at 7:00 pm. at Town Hall.

Plans and completed applications (including all supporting documentation) must be submitted to the Building Department at least 21 days prior to the meeting, with the payment of applicable fees (example: \$200.00 for Plan Review for Zoning), at which time they will be considered. Incomplete plans and applications will not be processed.

The applicant or duly authorized agent (per ownership affidavit) must be present at the meeting. If there are no applications for consideration by the Planning and Zoning Board, the monthly meeting may be cancelled at the discretion of the Chairman of the Board.

Please advise the name of the Representative who will attend the hearing on behalf of this application:


NAME OF REPRESENTATIVE


DATE

PLANNING & ZONING BOARD

1. Call to Order/Roll Call

Chair Lindsay Lecour called the meeting to order at 7:18 p.m.

Deputy Clerk Elora Riera called the roll with the following members present: Chair Lindsay Lecour, Board Member Peter Glynn, Board Member Brian Roller and Vice Chair Judith Frankel.

2. Commissioner Daniel Gielchinsky- Town Commission Liaison Report

Commissioner Gielchinsky was not present.

3. Planning and Zoning Board Member – Sustainability Subcommittee Liaison Report

Vice Chair Frankel gave an update. PEM technology was discussed and the possibility of a pilot program and its cost. Beach restoration was also discussed.

Board Member Glynn made a motion to recommend the PEM Pilot Program to the Town Commission. The motion received a second from Vice Chair Frankel and all voted in favor.

Board Member Brian Roller will tentatively attend the next Sustainability Subcommittee meeting.

4. Approval of Minutes – September 28, 2017

Vice Chair Frankel made a motion to approve the minutes. The motion received a second from Board Member Glynn and all voted in favor. Chair Lecour requested the minutes reflect more explanation of discussion items.

5. Dune Crossover Ordinance

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, SECTION 90-37 “SPECIAL EXCEPTIONS,” TO PROVIDE A SPECIAL EXCEPTION APPROVAL PROCESS AND RELATED CRITERIA FOR DUNE CROSSOVERS; AND BY AMENDING SECTION 90-60 “CONSTRUCTION ADJACENT TO BULKHEAD LINES” TO PERMIT DUNE CROSSOVERS ONLY IF APPROVED BY SPECIAL EXCEPTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Deputy Clerk Elora Riera read the title of the ordinance.

Town Planner Sarah Sinatra presented the item.

There was discussion regarding crossovers and it was suggested to add into 90-160 (6) to provide a whereas clause such as a belief that crossovers have been established and are sufficient and recommend a prohibition. There was much discussion along these lines and the Board believes to recommend prohibition.

Board Member Roller made a motion to change the language from special exception to prohibition. The motion received a second from Board Member Glynn and all voted in favor.

6. Discussion Items:

A. Driveway Modification

Town Planner Sarah Sinatra presented the item and an ordinance will be prepared. The Board is in favor.

B. Maximum Building Length & Parking

Town Planner Sarah Sinatra presented the item and gave an update. The Board discussed the parking and enforcement of the construction worker issue and suggested to re-evaluate the item after most construction is over. Planner Sinatra explained that they are looking at FAR (floor area ratios) for evaluating the square footage on multiple family developments. Also presented was the maximum building length (a diagram was provided).

C. Sea Level Rise (Verbal)

Town Planner Sarah Sinatra presented the item and gave an update of two components presented to the Town Commission one being modification to the ordinance on freeboard and how to measure height. The second being a higher freeboard and possibly a referendum to bring to the community. Chair Lecour presented her views on the item and how important this information is to her personally as she is planning on building a new home. There was some discussion on how to measure the height.

D. Pedestrian Walkability (Verbal)

Town Planner Sarah Sinatra presented the item. Town Manager Olmedillo spoke about the cost and options for a shade structure. There will be an image rendering for the December meeting. Undergrounding and lighting was discussed and placing street signs to get feedback from the community regarding what they are doing.

E. Future Agenda Items

On hold category: trellis, average side setback, satellite dishes, wind turbines, final zoning inspection, tree canopy, and parapet.

Keep and move up: green walls (add to building lengths), architectural significance, landscape plans, breaks in buildings.

7. Adjournment

There being no further business to come before the Planning and Zoning Board, Board Member Glynn made a motion to adjourn the meeting. The motion received a second from Board Member Roller and all were in favor. The meeting adjourned at 8:56 pm.

Accepted this ____ day of _____, 2017

Chair Lindsay Lecour

Attest:

Sandra Novoa, MMC



Town of Surfside

Planning and Zoning Communication

Agenda Date: December 7, 2017

Subject: Surf Club II 9133-9149 Collins Avenue Site Plan & Conditional Use
From: Guillermo Olmedillo, Town Manager
Sarah Sinatra Gould, AICP, Town Planner

Table of Contents:

1. Site Plan Report
2. Development Impact Committee Report
3. Office of Historic Preservation Staff Report
4. Conditional Use Report
5. Application and Letter of Intent
6. Site Plan Package

REQUEST:

The agent, Alexander Tachmes, Esq., for the owner, The Surf Club Apartments, Inc. and The Seaway Villas Condominium Association, Inc., is proposing a site plan to develop a 12 story tower located at 9133-9149 Collins Avenue. The proposed tower will include 46 new condominium units and 31 hotel rooms. The applicant is also proposing to renovate a historic structure known as Seaway Villas and incorporate the building into the site plan. The Seaway Villas portion of the property will include two additional dwelling units as well as a lounge and restaurant. The total number of condominium units will be 48.

The initial site plan application was submitted on August 12, 2015. The original application included 54 condominium units with no hotel component and was proposed to be an 11 story, 120 foot high building. Staff confirmed that the package was complete and scheduled a Development Review Group (DRG) meeting for September 4, 2015. The members of DRG include Planning, Engineering, Landscape Architecture, Survey, Traffic Engineering, Police, Town Administration and Building. Comments were provided to the applicant at this meeting and the applicant revised the site plan. A second DRG meeting was held on April 18, 2016. Comments were provided to the applicant at that time. The plans were resubmitted on June 13, 2016 and staff confirmed the plans met the technical comments. The Planning and Zoning Board heard the application on August 26, 2016 where it was unanimously recommended for approval.

Since that time, the applicant has added one floor to provide a 12 story building; however the height of 120 feet remains the same as the original application. The applicant also, through coordination with the Historic Preservation Board, is proposing to setback the existing façade to provide a drop off area and landscaping. The remainder of the changes affects the interior uses, which added 31 hotel rooms, reduced the historic structure's units from 16 to two, added a 1,100 square foot restaurant and lounge to the historic structure and reduced the new condominium units from 54 to 46.

The Development Impact Committee (DIC) met in an open, advertised, televised session on July 27, 2016 and again on September 27, 2017 to discuss this application. The applicant prepared an analysis of other Miami-Dade jurisdictions impact fees. The results of that analysis equaled an estimated fee of \$165,000, if the Town had impact fees. The applicant indicated they understood they are selling premium units and therefore would proffer more than \$165,000. The total proposed voluntary contribution by the applicant is \$250,000 for the project.

The total gross acreage of the site is 2.16 acres, which would permit 234 units. The code requires a 15% reduction in density for aggregated properties, meaning, if a property is split between more than one site and the owner wants the benefit of amalgamating that property, the property will be subject to a 15% overall density reduction. This results in the permitted density of 199 units. The applicant is requesting to add 46 new condominium units and 31 hotel rooms. The project also proposes to demolish 30 existing units at the Surf Club Apartments and to renovate and remove some units at the Seaway Villas. Currently, the Seaway Villas has 28 units and the renovations will result in two units on this portion of the site. The project requires no variances from Town Code requirements and with the demolition of the Surf Club apartments, renovation of Seaway Villas, the 12 story tower the total number of condominium units proposed is 48 units and 31 hotel rooms. The prior site contained 58 units.

The proposed project replaces 60,641 square feet of residential, known as the Surf Club apartments, with 302,000 square feet of condominium and hotel units. The Seaway building is not included in this calculation as the square footage is being slightly reduced, but the building will remain.

It should be noted that this application was submitted prior to the code modification that required setbacks to be 10% of the frontage of the site. However, the applicant is providing setbacks for the proposed building that meet or exceed this requirement.

MIAMI DADE HISTORIC PRESERVATION BOARD

The Miami-Dade Historic Preservation Board heard the site plan application for the Surf Club II, including the Seaway Villas on September 21, 2016 and again on May 17, 2017. The Staff to the Miami-Dade Historic Preservation Board are recommending approval of the application due to the full restoration of the Seaway Villas including the landscaped courtyard, which is an integral feature of the historic building. The conditions imposed by the Miami-Dade Historic Preservation Board shall be incorporated by reference in the Town's proposed resolution.

STAFF RECOMMENDATION

Recommendation: Staff recommends that the Planning and Zoning Board recommend approval of the site plan application based on the acceptance of the Development Conditions.

Budget Impact: The applicant is proposing a \$250,000, voluntary proffer to mitigate off-site impacts resulting from the project.

Growth Impact: The project includes 46 new condominium units and two renovated units for a total of 48 condominium units as well as 31 hotel rooms. The existing site has 58 units, resulting in a total of 10 more units than exist on site as well as 31 new hotel units. However, the property has a maximum density permitted of 199 units. Therefore, the traffic impacts are accounted for within the Comprehensive Plan. Other impacts could be offset by the voluntary proffer.

Staff Impact: The applicant has funded the review through the cost recovery process and the building permit review will be funded through the building permit fees.



Sarah Sinatra Gould, AICP, Town Planner



Guillermo Olmedillo, Town Manager

SITE PLAN REPORT

SITE PLAN INFORMATION:

Address	9139-9149 Collins Avenue
General Location	East side of Collins Avenue and 91 st Street.
Property Size	2.16 gross acres
Zoning District	H120
Adjacent Zoning Districts	H120 to the north and south, H40 to the west
Future Land Use	High Density Residential/Tourist
Density Permitted	109 units per acre X 2.16 acres =234 units reduced by 15% for aggregated lots TOTAL PERMITTED: 199
Number of units proposed	46 new dwelling units 2 existing dwelling units (historic building renovation) 31 hotel rooms TOTAL PROPOSED: 48 condominium units, 31 hotel rooms
Number of parking spaces	TOTAL Provided: 127 spaces TOTAL Required: 127 spaces

ZONING CODE, APPLICABLE REQUIREMENTS

Sec. 90.42

Minimum Unit Sizes	Minimum Required	Proposed	Number of Units
One-bedroom	800 square feet	1,100 square feet	31
Two-bedroom	950 square feet	1,300 square feet	4
Three-bedroom	1150 square feet	2,300 square feet	10
Four-bedroom	N/A	3,500 square feet	3
Total			48

Sec. 90.43

Maximum Building Heights	Maximum Required	Proposed
H120	120 feet maximum	120 feet

Sec. 90.44

Modification of Height	Maximum Permitted		Proposed	Must be of high architectural quality integral to the design of the building
H120	20ft	30% of roof area	20 feet	The mechanical equipment, rooftop decks and parapet walls meet these criteria.

Sec. 90.45(b)

Setbacks	Minimum Required		Proposed
H120	Front (Collins Avenue)	40 feet	42 feet, new building. 26 feet 9 inches, historic building
	Rear (Beach)	30feet	134 feet 9 inches
	Setback from platted bulkhead line	20 feet	21 feet 8 inches
	Side (south)	20 feet	25 feet
	Side (north)	10 feet	71 feet 8 inches

Sec. 90.47

Yards generally, allowable projections	Required	Proposed
H120 - Projections of balconies features into required yards	Maximum 8 feet for front, secondary and rear and 5 feet for interior side	Balconies do not encroach into setbacks.

Sec. 90.47.8

Cantilevered Canopy	Required	Proposed
Cantilevered canopy will be permitted in the required front yard, subject to the following	Must be completely supported (cantilevered) from the main structure	Complies
	Minimum 65% transparent	Complies
	Maximum frontage of 30 feet in width	30 feet proposed
	Maximum 20 foot extension into front setback	Extends 20 feet into setback
	Shall not extend into any side setback area	Does not extend into side setback area

Sec. 90.49

Lot Standards	Required	Proposed
Minimum Lot width	50 feet	250.34 feet
Minimum Pervious area	20%	46.6%

Sec. 90.50.1(2)

Architecture	Required	Proposed
All elevations for new structures and multi-story additions (additions greater than fifteen (15) feet in height)	Minimum of 10% wall openings including windows, doors or transitional spaces defined by porches, porticoes or colonnades.	Exceeds 10% wall openings
Roof materials are limited as follows:	<ul style="list-style-type: none"> a. Clay Tile; or b. White concrete tile; or c. Solid color cement tile which color is impregnated with the same color intensity throughout, provided said color if granted approval by the Design Review Board; d. Architecturally embellished metal if granted approval by the Design Review Board; or e. Other Florida Building Code approved roof material(s) if granted approval by the Design Review Board. 	A flat roof with a deck is proposed.

Sec. 90.50.2 (3)

Roof Deck Provisions	Required	Proposed
Roof Decks are limited to	a. Maximum 70% of the aggregate roof area;	70%
	b. Shall not exceed the maximum roof height required by any abutting property's zoning designation;	120 feet
	c. Minimum setback of 10 feet from the roofline on all sides	11 feet, 4 inches

Sec. 90.51(1)

Maximum frontage of buildings	Required	Proposed
H120	Continuous building wall frontages shall not exceed 150 feet	The proposed new building is 137 feet 10 inches.

Sec. 90.67.2

	Required	Proposed
Underground utilities	All utilities including telephone, cable, and electrical systems shall be installed underground.	The lines will be installed underground and have developed their landscaping plans accordingly.

Sec. 90.77(c)

	Minimum Required	Proposed
Off-Street Parking	(1.5 X 31- 1 bedroom) = 46.5 spaces (2.0 X 14- 2-3 bedroom) = 28 spaces (2.25 X 3- 4 bedroom) = 6.75 spaces Restaurant 1,100/100 = 11 spaces Hotel – 1 x 31 = 31 Total required: 124 Spaces	Total provided: 127 Spaces

Sec. 90.83

Off-Street Loading	Minimum Required	Proposed
Multifamily	1 space on site	1 space on site

Sec. 90.91

Vegetative Provisions	Minimum Required	Proposed
Xeriscape in pervious area	50%	73% on groundcover, 27% on sod

Sec. 90.91.2

Buffers	
Landscape buffer adjacent to streets and abutting properties	Application meets or exceeds all requirements.

Sec. 90.93

Open Space	
Landscaping along all buildings and structures, shrubs and trees required in open space	Application meets or exceeds all requirements.

DEVELOPMENT IMPACT COMMITTEE REPORT

DEVELOPMENT IMPACT COMMITTEE MEETING

The Development Impact Committee (DIC)* met on Wednesday, July 27, 2016 to discuss the application for the Surf Club II ("the Project"). The DIC meeting was attended by the following:

Staff Attendees: Guillermo Olmedillo, Town Manager
 Joe Kroll, Public Works Director
 Linda Miller, Town Attorney
 Jane Graham, Assistant Town Attorney
 Nancy Stroud, Consulting Attorney
 Sarah Sinatra Gould, Town Planner
 David Allen, Police Chief
 Duncan Tavares, TEDACS Director
 Ross Prieto, Building Official
 Bill Tesauro, Landscape

Applicant Attendees:
 Joe Benton, Fort Capital
 Mathieu Picard, Kobi Karp Architects
 Jason Nunez, Fernando Wong
 Alex Tachmes, Shutts and Bowen

Citizen Attendees (who signed in): None

The Development Impact Committee (DIC)* met again on September 27, 2017 to discuss the application for the Surf Club II ("the Project"). The DIC meeting was attended by the following:

Staff Attendees: Guillermo Olmedillo, Town Manager
 Randy Stokes, Public Works Director
 Kathy Mehaffey, Town Attorney's Office
 Sarah Sinatra Gould, Town Planner
 David Allen, Police Chief
 Duncan Tavares, Assistant Town Manager
 Ross Prieto, Building Official
 Bill Tesauro, Landscape
 Eric Czerniejewski, Traffic Engineer

Applicant Attendees:
 Joe Benton, Fort Capital
 Mathieu Picard, Kobi Karp Architects
 Jason Nunez, Fernando Wong
 Maurizio Bravo, Kobi Karp Architects
 Alex Tachmes, Shutts and Bowen

Citizen Attendees (who signed in): None

No additional conditions were suggested as a part of this application.

***NOTE:** The DIC meetings are televised on the Town's Channel 77 and are well on the Town's website and posted on Town Hall.

The applicant proffered \$250,000 to the Town to offset impacts from the project. The fee is based on their analysis of other Miami-Dade jurisdictions impact fees. This resulted in an average fee of \$165,000 for the buildings square footage and units. The applicant indicated it understood it was selling premium units and therefore would also proffer the additional amount from the average for a total voluntary contribution \$250,000 for the project.

OFFICE OF HISTORIC PRESERVATION STAFF REPORT

May 18, 2017

Seaway Condo Acquisitions LLC
176 NE 43 Street
Miami, FL 33137

RE: Seaway Villas, 9149 Collins Avenue, Surfside, Special COA #2017-09-S

Dear Property Owner:

On May 17, 2017, the Miami-Dade County Historic Preservation Board held a public hearing to review the Special Certificate of Appropriateness, COA #2017-09-S, for the restoration and redevelopment of Seaway Villas. The Board unanimously voted to approve the application, with the following conditions:

1. The owner shall submit a revised planting plan to staff that does not obscure the Collins Avenue façade. Staff shall provide an administrative review of the revised plan prior to construction.
2. The owner shall reconstruct the missing arched chimney cap.
3. New paving in the courtyard shall be an oolitic limestone that matches the character and color of the existing limestone.
4. The owner shall provide information on the paving material proposed for the vehicular drop-off area between Collins Avenue and the structure. Staff shall provide an administrative review of the proposed material prior to installation.
5. The open-air entry/lobby area of the building shall retain its existing terracotta-colored tile.
6. The proposed awnings for the third-story open-air terraces shall be a dark, solid color with white scallop detail edging, as documented in historic period photos. Staff shall provide an administrative review of the proposed awnings prior to installation.
7. The owner shall submit requests for COA amendments if any changes or alterations from what has been presented in this application are proposed at any time through project completion. Staff shall provide administrative reviews of any such amendment requests prior to the construction of any such proposed revision.

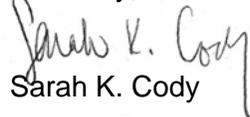
8. If the intent to relocate the three-story, Collins Avenue-fronting portion of the building eastward by 13 feet is altered from what was presented in this application, due to any reason, the applicant shall reappear before this Board with a request to amend the COA approval.
9. The project shall include a public space to interpret, or “tell the story,” of the history of Seaway Villas, particularly its context in the early history of Surfside.

The fee for the Special COA hearing is \$150. Please remit payment to the Office of Historic Preservation as soon as possible. Make the check payable to Regulatory and Economic Resources; in the memo line of the check, write HP25. Also please include a phone number on the check.

Please note that COA approval is valid for one year. If the approved scope of work has not begun within one year of the approval date, the applicant must contact the Office of Historic Preservation to request an extension. Additionally, approval of this application does not constitute approval or assurance that the proposed development satisfies applicable planning, zoning, subdivision, building, or other development regulations.

Please do not hesitate to contact our office with any questions.

Sincerely,



Sarah K. Cody

Historic Preservation Planner
Miami-Dade County

Cc: Mr. Joseph Benton, Fort Partners
Ms. Sarah Sinatra Gould, Town Planner, Town of Surfside
Mr. Ross Prieto, Building Official, Town of Surfside



RECEIVED
 FEB 28 2017
 MIAMI-DADE COUNTY
 OFFICE OF HISTORIC PRESERVATION

APPROVED
 MAY 17 2017
 Miami Dade County
 Office of Historic Preservation
 Authorized Signature *[Signature]*

OFFICE OF HISTORIC PRESERVATION
 111 NW 1st STREET, MAILBOX 114
 MIAMI, FL 33128
 (305) 375-4958

APPLICATION FOR A

CERTIFICATE OF APPROPRIATENESS (COA)

For Historically Designated Properties, or Properties within Historic Districts

I. PROPERTY INFORMATION INFORMACIÓN DE LA PROPIEDAD

ADDRESS 9149 Collins Avenue CITY Surfside ZIP 33154
 (Dirección) (Ciudad) (Zip)

SITE DESIGNATION NAME (if applicable) Seaway Villas
 (Nombre del Edificio)

DISTRICT NAME (if applicable)
 (Nombre del Distrito)

FOLIO NUMBER 14-2235-015-0001
 (Numero de Folio)

II. APPLICANT INFORMATION INFORMACIÓN DEL SOLICITANTE

NAME OF OWNER Seaway Condo Acquisition LLC PHONE (teléfono) 305-571-8228
 (Nombre de Dueño)

ADDRESS 176 NE 43rd St. Miami 33137 EMAIL
 (Dirección) (correo electrónico)

NAME OF APPLICANT (if other than owner) Attn: Joseph Benton
 (Nombre del Solicitante)

CONTACT PHONE 786-214-1344 EMAIL joe@fortpartners.com
 (Teléfono)

APPLICANT IS: OWNER RENTER/LEASEE CONTRACTOR LEGAL AGENT
 (Solicitante es:) (Dueño) (Inquilino) (Contratista) (Representante legal)

FOR OFFICE USE ONLY
 Solamente por uso de oficina

APPLICATION# 2017-09-S DATE RECEIVED 2/20/17 STAFF INITIALS SJC
 ("R" for Regular, "S" for Special)

APPROVED APPROVAL DATE 5/17/17
 DENIED

APPROVED WITH CONDITIONS BOARD DATE ~~3/15/17~~ 5/17/17
 (see attached conditions sheet)



III. PROJECT TYPE TIPO DE PROYECTO

PLEASE CHECK ALL THAT APPLY:

(Por favor marque todos que aplican)

- | | |
|---|--|
| <input checked="" type="checkbox"/> New Construction <i>(construcción nueva)</i> | <input checked="" type="checkbox"/> Paint <i>(pintura)</i> |
| <input checked="" type="checkbox"/> Restoration/Rehabilitation <i>(restauración)</i> | <input checked="" type="checkbox"/> Repairing Existing <i>(reparación)</i> |
| <input checked="" type="checkbox"/> Relocation/Moving a Structure <i>(traslado)</i> | <input checked="" type="checkbox"/> Landscaping <i>(areas verdes)</i> |
| <input checked="" type="checkbox"/> Demolition <i>(demolición)</i> | <input type="checkbox"/> Interior Work Only
<i>(Únicamente el interior)</i> |
| <input checked="" type="checkbox"/> Excavation/
Ground Disturbing Activities <i>(excavación)</i> | |

IV. PROJECT DESCRIPTION DESCRIPCIÓN DE PROYECTO

Please describe in detail the proposed project, including any new construction, demolition, the removal or replacement of existing materials, and all other proposed changes to the current structure. Attach an additional sheet if necessary.

Por favor describa el proyecto en detalle. Adjuntar pagina adicional si es necesario. Por favor describir el proyecto en ingles.

Selective demolition of south building wing to accomodate connection to new hotel/residential 12-story building. Movement of 3-story building section on Collins Avenue to the east by 13-feet to achieve set-back closer to compliance with Town zoning code. Remove non-original additions at third floor terraces. Construct wood terrace at east end of building. Remodel courtyard hardscape/landscape. Modify select window/door openings at west side of north wing to provide access to a café which will provide public food/beverage service and will activate the courtyard.

CHECK ANY STRUCTURAL SYSTEMS OR ELEMENTS THAT WILL BE AFFECTED BY THIS PROJECT:

Marque el sistema estructural o componente que sera afectado por este proyecto:

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Roof
<i>(techo)</i> | <input checked="" type="checkbox"/> Foundation
<i>(cimiento)</i> | <input checked="" type="checkbox"/> Steps or Stairways
<i>(escaleras)</i> |
| <input checked="" type="checkbox"/> Windows
<i>(ventanas)</i> | <input type="checkbox"/> Porches or Porte Cochère
<i>(portal ó porche)</i> | <input checked="" type="checkbox"/> Painting/Finishes
<i>(pintura/acabado)</i> |
| <input checked="" type="checkbox"/> Doors
<i>(puertas)</i> | <input checked="" type="checkbox"/> Siding/Stucco/Façade Work
<i>(entablado de exteriores)</i> | <input checked="" type="checkbox"/> Walls/Structural
<i>(pared ó estructura)</i> |

CONDITIONAL USE REPORT

CONDITIONAL USE

Section 90-23 of the zoning code provides standards of review for Conditional Uses. Conditional Uses are generally compatible with the other land uses permitted in a zoning district but, because of their unique characteristics or potential impacts on the surrounding neighborhood and the Town as a whole, require individual review as to their location, design, configuration, and/or operation for the particular use at the particular location proposed, as well as the imposition of individualized conditions in order to ensure that the use is compatible with the surrounding neighborhoods and appropriate at a particular location.

In addition to the standards set forth in this zoning code for the particular use, all proposed Conditional Uses shall meet each of the following standards. The responses to the criteria are in italics below:

- (1) The proposed use shall be consistent with the Comprehensive Plan and the Zoning Code;

The proposed uses, which include a hotel swimming pools and outdoor dining are consistent with the Comprehensive Plan and the Zoning Code. These uses are customary for a hotel use, which is permitted in the H120 zoning districts. The proposed hotel swimming pools consist of four rooftop pools and five ground level pools at the rear of the property. Setbacks as per code are proposed to limit the visual impact of the pool decks. The setbacks will be around the entire perimeter of the deck. The outdoor dining is proposed within the courtyard of the historic building. This concept is supported by the Historic Preservation staff as a means to activate the historic building.

- (2) The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare;

The restaurant will be located within the courtyard of the historic building and is not detrimental to the public. The pools allow for safe, pedestrian circulation and will not impact the public.

- (3) The proposed use shall be compatible with the community character of the immediate neighborhood. In addition to compatibility there must be congruity between the subject development and neighboring improvements and surroundings including but not limited to form, spacing, heights, setbacks, materials, color, rhythm and pattern of architectural or aesthetic interest or value as well as with any overlays and other development schemes or legislation.

The Miami-Dade Historic Preservation Board was presented the proposed site plan at their May 17, 2017 meeting. Please see Historic Preservation Board report attached. The proposed renovations and restaurant at the Seaway portion of the site are supported by the Board. The swimming pools are consistent with the character of the zoning district and neighboring properties.

- (4) Adequate provisions shall be included for safe traffic movement, both vehicular and pedestrian, both internal to the use and in the area which will serve the use;

The proposed renovations to the Seaway building include setting the building back from the original position to allow for a driveway. This results in a safer situation than the existing condition.

- (5) Adequate measures exist including landscaping or other buffering measures or shall be taken to mitigate any adverse effects of noise, light or other potential nuisances; and

The restaurant is located in a courtyard, buffered by the north and south portions of the Seaway building. The swimming pools are at the rear and on the south side, adjacent to the Surf Club property; however they have substantial setbacks as well as landscaping to mitigate any noise.

- (6) The establishment of the Conditional Use shall not impede the development of surrounding properties for uses permitted in the zoning district; and

The buildings are surrounded by existing uses; therefore the establishment of the Conditional Uses will not impede the development of permitted uses in surrounding properties. However, the proposed development adds value to the district and is not expected to restrict future development.

- (7) Any other condition imposed by the Design Review Board and/or the Development Impact Committee.

APPLICATION & LETTER OF INTENT

AUG11 15 04:41 PM

AUG 11 15 04:41 PM

TOWN OF SURFSIDE



DRB Meeting	___/___/20__
Application / Plans Due	___/___/20__

**TOWN OF SURFSIDE
MULTI-FAMILY AND NON-RESIDENTIAL SITE-PLAN APPLICATION**

A complete submittal includes all items on the "Multifamily and Non-Residential Site-Plan Application Submission Checklist" document as well as completing this application in full. The owner and agent must sign the application with the appropriate supplemental documentation attached. Please print legibly in ink or type on this application form.

<u>PROJECT INFORMATION</u>	
OWNER'S NAME	The Surf Club Apartments, Inc. and The Seaway Villas Condominium Association, Inc.*
PHONE / FAX	305-571-8228
AGENT'S NAME	c/o Alexander I. Tachmes, Esq.
ADDRESS	Shutts & Bowen, LLP, 201 South Biscayne Boulevard, Suite 1500, Miami, FL 33131
PHONE / FAX	305-347-7341
PROPERTY ADDRESS	9133 Collins Avenue and 9149 Collins Avenue
ZONING CATEGORY	H-120
DESCRIPTION OF PROPOSED WORK	Redevelopment of property with a multi-family residential project and renovation of existing historic structure located at 9149 Collins Avenue. See attached letter of intent for additional details.

*The Seaway Villas Condominium Association, Inc. is the condominium association established to govern the existing condominium property known as The Seaway Villas Condominium.

<u>INTERNAL USE ONLY</u>			
Date Submitted	_____	Project Number	_____
Report Completed	_____	Date	_____
Fee Paid	\$ _____		

<u>ZONING STANDARDS</u>	Required	Provided
Plot Size	not applicable	94,173 square feet (2.162 acres)
Setbacks (F/R/S)	40' 30' 25'	44'10" 139' 64'3" / 39'9"
Lot Coverage	not applicable	33,214 square feet (35%)
Height	120 feet	120 feet
Pervious Area	20% minimum	37,645 square feet (40%)

[Signature]

 SIGNATURE OF OWNER 8/11/15 DATE
 Surf Club Apartments, INC.

[Signature]

 SIGNATURE OF AGENT 8/11/15 DATE

Mmm G L

8-11-15

SIGNATURE OF OWNER

DATE

The Seaway Dallas
Condominium Ass, INC.



TOWN OF SURFSIDE
MULTI-FAMILY AND NON-RESIDENTIAL SITE-PLAN APPLICATION
PLANNING AND ZONING BOARD Rules and Procedures (June 2002)

The Planning and Zoning Board shall generally meet the last Thursday of each month at 7:00 pm. at Town Hall.

Plans and completed applications (including all supporting documentation) must be submitted to the Building Department at least 21 days prior to the meeting, with the payment of applicable fees (example: \$200.00 for Plan Review for Zoning), at which time they will be considered. Incomplete plans and applications will not be processed.

The applicant or duly authorized agent (per ownership affidavit) must be present at the meeting. If there are no applications for consideration by the Planning and Zoning Board, the monthly meeting may be cancelled at the discretion of the Chairman of the Board.

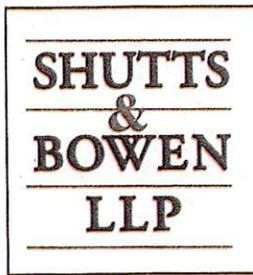
Please advise the name of the Representative who will attend the hearing on behalf of this application:

Alexander I. Tachmes, Esq.

8/11/15

NAME OF REPRESENTATIVE

DATE



Founded 1910

ALEXANDER I. TACHMES, ESQ.
PARTNER
(305) 347-7341 Direct Telephone
(305) 347-7754 Direct Facsimile

E-MAIL ADDRESS:
ATachmes@shutts.com

August 11, 2015

Sarah Sinatra, Planning Director
Town of Surfside
9293 Harding Avenue
Surfside, Florida 33154

RE: Letter of Intent – Surf Club Phase II

Dear Sarah:

We represent the owner of the former Surf Club Apartments property (the “SC Apartments”) and the condominium association pertaining to the Seaway property (the “Seaway”). (Collectively, the SC Apartments and the Seaway are referred to herein as the “Property.”) The SC Apartments and the Seaway are located at 9133 and 9149 Collins Avenue, respectively, and abut one another. We are hereby applying for site plan approval relating to the development of a 54 unit residential condominium project on the Property. We also are hereby applying for a flood waiver relating to the Seaway historic structure, which is below flood level.

The proposed project will be an extremely high-end and very low density residential condominium property. The SC Apartments and the Seaway currently consist of a total of 58 condominium units. Our project will consist of 54 units, which is a lower density than what is currently on-site. Further, all required parking will be provided on-site.

As part of the project, our client will be preserving the historically significant portions of the Seaway structure, which was built in 1936. We will be submitting an application to the County Historic Preservation Board as part of our site plan approval process.

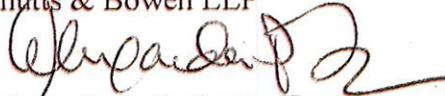
We also are requesting a flood waiver relating to the Seaway. The Seaway structure is below flood level. Elevating the structure to meet current flood level requirements would lead to the destruction of the historic building. Therefore, we are requesting a flood waiver in order to preserve the structure.

Sarah Sinatra, Planning Director
Town of Surfside
August 11, 2015
Page 2

We look forward to working with you on this project. If you have any questions, please contact us. Thank you.

Sincerely,

Shutts & Bowen LLP



Alexander I. Tachmes, Esq.

AIT/sm

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**OWNERSHIP AFFIDAVIT
FOR CORPORATION**

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Public Hearing No. _____

Before me, the undersigned authority, personally appeared Michael Conaghan, hereinafter the Affiant, who being first duly sworn by me, on oath, deposes and says:

1. Affiant is the President of The Surf Club Apartments, Inc. ("Applicant"), a Florida corporation with the following address: 9133 Collins Avenue, Surfside, FL 33154.
2. Applicant is the owner of the property which is the subject of the proposed hearing.
3. The subject property is legally described as:

See attached Exhibit A

4. Applicant is legally authorized to file this application for public hearing/or Affiant hereby authorizes Applicant to file this application for public hearing.
5. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing if any false statements are made.

Witnesses:

Signature
Michael KASHAN
Print Name

Signature
Nada green
Print Name

Affiant's Signature
Michael A. Conaghan
Print Name

Sworn to and subscribed before me on the 11 day of August, 2015. Affiant is personally known to me or has produced _____ as Identification.



VANESSA VIRGILIO
MY COMMISSION # FF 022448
EXPIRES: May 29, 2017
Bonded Thru Budget Notary Services

Notary (Stamp/Seal)
Commission Expires: May 29, 2017

EXHIBIT "A"

LEGAL DESCRIPTION:

Lots 1, 2 and 3, of Block 2, of ALTOS DEL MAR NO. 4, according the plat thereof, as recorded in Plat Book 10, Page 63, of the Public Records of Miami-Dade County, Florida.

TOGETHER WITH that portion of land lying East of said Lots 1, 2 and 3, of Block 2, of ALTOS DEL MAR NO. 4, according the plat thereof, as recorded in Plat Book 10, Page 63, of the Public Records of Miami-Dade County, Florida; bounded on the North by the easterly extension of the north line of said Lot 3; bounded on the East by the EROSION CONTROL LINE, according to the plat thereof as recorded in Plat Book 105, Page 62, of the Public Records of Miami-Dade County, Florida; bounded on the South by the easterly extension of the South line of said Lot 1; and bounded on the West by the East line of said Block 2.

**OWNERSHIP AFFIDAVIT
FOR NOT-FOR-PROFIT CORPORATION**

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Public Hearing No. _____

Before me, the undersigned authority, personally appeared Michael Conaghan, hereinafter the Affiant, who being first duly sworn by me, on oath, deposes and says:

1. Affiant is the Vice President of The Seaway Villas Condominium Association, Inc. ("Applicant"), a Florida not for profit corporation with the following address: 9149 Collins Avenue, Surfside, FL 33154.
2. Applicant is the condominium association established to govern the existing condominium property, commonly known as The Seaway Villas Condominium Association, Inc. (the "Condominium Property"), which is the subject of the proposed hearing.
3. The underlying legal description of the Condominium Property is legally described as:

See attached Exhibit A

4. Applicant is legally authorized to file this application for public hearing/or Affiant hereby authorizes Applicant to file this application for public hearing.
5. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing if any false statements are made.

Witnesses:

Signature

Michael Kasiraw
Print Name

Signature

Nada green
Print Name

Affiant's Signature

Michael A. Conaghan
Print Name

Sworn to and subscribed before me on the 11 day of August, 2015. Affiant is personally known to me or has produced _____ as Identification.



VANESSA VIRGILIO
MY COMMISSION # FF 022448
EXPIRES: May 29, 2017
Budget Thrift Budget Notary Services

Notary (Stamp/Seal)

Commission Expires: May 29, 2017

EXHIBIT "A"

LEGAL DESCRIPTION:

Lots 4 and 5, of Block 2 of ALTOS DEL MAR NO. 4, according the plat thereof, as recorded in Plat Book 10, Page 63, of the Public Records of Miami-Dade County, Florida.

TOGETHER WITH that portion of land lying East of said Lots 4 and 5, of Block 2, of ALTOS DEL MAR NO. 4, according the plat thereof, as recorded in Plat Book 10, Page 63, of the Public Records of Miami-Dade County, Florida; bounded on the North by the easterly extension of the north line of said Lot 5; bounded on the East by the EROSION CONTROL LINE, according to the plat thereof as recorded in Plat Book 105, Page 62, of the Public Records of Miami-Dade County, Florida; bounded on the South by the easterly extension of the South line of said Lot 4; and bounded on the West by the East line of said Block 2.

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TOWN OF SURFSIDE
SUBMISSION CHECKLIST
MULTI-FAMILY AND NON-RESIDENTIAL SITE-PLAN APPLICATION

Project Name Surf Club Phase II Project Number _____

SUBMITTAL REQUIREMENTS FOR REVIEW:

- Completed "Multi-Family and Non-Residential Site Plan Application" form
- Application fee: \$12,000 made out to "Town of Surfside"
- Ownership Affidavit
- Recent photographs of the subject property and all abutting, diagonal and fronting properties visible from the street (to be provided prior to Design Review Board Meeting)

FOR THE FOLLOWING PLEASE PROVIDE:

- Two (2) full sized sets (24" x 36" sheets) of complete design development drawings signed and sealed
- One (1) CD, with site plan in PDF format, or other common windows based format.
- Provided prior to Design Review Board Meeting - Fifteen (15) reduced sized sets (11" x 17" sheets) of the complete design development drawings
- Site Plan (Minimum scale of 1" = 20').
Please show / provide the following:
 - A legal description, including the section, township, and range or subdivision lot and block.
 - Site boundaries clearly identified, and ties-to-section corners
 - Proposed uses
 - Location and height of all structures and total floor area with dimensions to lot lines, and designations of use
 - Building separations
 - Vehicular circulation system for cars, bicycles, and other required vehicle types, with indication of connection to public rights-of-way
 - Location of all parking and loading areas
 - All adjacent rights-of-way, with indication of ultimate right-of-way line, center line, width, paving width, existing median cuts and intersections, street light poles, and other utility facilities and easements
 - Location of all cross streets and driveways within three hundred fifty (350) feet of property limits
 - Pedestrian circulation system
 - Provider of water and wastewater facilities
 - Existing and proposed fire hydrant location
 - The following computations:
 - o Gross acreage
 - o Net acreage

Cont.



- Gross acreage covered by the property excluding road easements and rights-of-way, if any
 - Number of dwelling units and density for residential uses only
 - Square footage of ground covered by buildings or structures and designation of use.
 - Required number of parking spaces
 - Number of parking spaces provided
 - Pervious, impervious and paved surface, in square footage and percentage
 - Site Plan location sketch, including section, township, and range, showing adjacent property owners
 - Geometry of all paved areas including centerlines, dimensions, radii, and elevations
 - Location of trash and garbage disposal system and provisions for accessibility to garbage trucks
 - Loading areas and provisions for accessibility to vehicles of the required type
 - Areas for emergency vehicles and fire engines, and provisions for accessibility to vehicles of the required type
 - Number of sets required shall be determined by Town Staff.
 - Other such information as required by the Town.
- Survey. A survey less than one (1) year old (including owner's affidavit that no changes have occurred since the date of the survey). The survey shall be prepared by a Florida registered land surveyor, certified as to meeting the requirements of the applicable Section of the Florida Administrative Code, reflecting existing natural features, such as topography, vegetation, existing paving, existing structures, and water bodies
- Landscape Plan and Irrigation Plan
Please show / provide the following:
- landscape calculations (required and provided)
 - existing tree survey with indication of existing native vegetation that will be preserved
 - proposed and existing landscaping
- Lighting Plan
Please show / provide the following:
- photometric measurements
 - Lighting details and spillage onto adjacent properties and rights-of-way
- Sign Plan for all signs which will be on site
Please show / provide the following:
- Show dimensioned locations and mounting details of signs on building elevations and locations of signs on site plan
 - Note colors, materials, lighting and dimensions
 - Show dimensions and square footages (proposed and existing)
 - Identify materials and colors – background, trim/border, and copy
 - Show fonts and graphics
- Pavement markings and traffic signing plan
- Schematic water and sewer plan
Please show / provide the following:
- Location and size of all mains and lift stations



Cont.

- Paving and drainage plans
Please show / provide the following:
 - location of all drainage features and retention areas, if any

- Architectural Elevations (Minimum scale of 1/8" = 1')
Please show / provide the following:
 - Separate elevations of all sides of existing and proposed buildings with all dimensions, including height.
 - Label exterior materials, color, texture and trim, roof material, Roof color and pitch, windows, doors, screens, skylights and all exposed mechanical equipment and screening
 - Provide color elevations, showing all material finishes, textures and landscaping for all elevations of the proposed building(s) and structure(s), which should include at a minimum:
 - All exterior materials, colors and finishes, keyed to samples provided
 - Roof slopes and materials including specifications and color
 - Detail of doors, windows, garage doors
 - Dimensions of structure(s) - height, width, and length
 - Deck, railing, stairs details including materials, colors, finishes, and decorative details
 - Exposed foundation treatment
 - Gutters and eaves

- Provide samples of colors and/or materials mounted on a display board (to be provided prior to Design Review Board Meeting)

- Such additional data, maps, plans, or statements as the Town may require to fully describe and evaluate the particular proposed plan



ALEXANDER I. TACHMES, ESQ.
Shutts & Bowen LLP
200 South Biscayne Boulevard
Suite 4100
Miami, Florida 33131
DIRECT (305) 347-7341
FAX (305) 347-7754
EMAIL ATachmes@shutts.com

November 1, 2017

Town of Surfside
c/o Guillermo Olmedillo, Town Manager
9293 Harding Avenue
Surfside, Florida 33154

**RE: The Seaway Hotel and Residences – Site Plan Application
Revised Letter of Intent**

Dear Guillermo:

As you know, we represent The Surf Club Apartments, Inc. and The Seaway Villas Condominium Association, Inc. (collectively, the “Applicant”) in connection with the Applicant’s proposed site plan application to restore and renovate the historically significant portions of the existing Seaway structure and construct new improvements on the property located at 9133 and 9149 Collins Avenue (collectively, the “Property”). After the submission of our original site plan application, the development program was modified to address the demand for hotel units in the highly successful Four Seasons Surf Club project immediately to the south. While the exterior design and massing of the project remains the same, it will now consist of 48 residential units, 31 hotel units, and ancillary uses (collectively, the “Project”) compared to 54 residential units in the prior program. The modifications are reflected in the revised architectural plans prepared by Kobi Karp and submitted with the revised site plan application (collectively, the “Site Plan”).

Consistent with the Four Seasons Surf Club project, the Project will be extremely high-end. The Project is compatible with the surrounding areas in terms of massing and density. While the size of the Property permits the Applicant to develop approximately 235 units, the Applicant is proposing only 79 units, which is only marginally higher than the 59 residential units currently on the Property. The Project is also fully consistent with the High Density Residential/Tourist designation under the Town’s Comprehensive Plan and the H-120 Zoning District under the Town’s Zoning Code.

Town of Surfside
c/o Guillermo Olmedillo, Town Manager
November 1, 2017
Page 2

Since our original submission, the Applicant has obtained approval of the Project from the Miami-Dade County Historic Preservation Board (“HPB”). Specifically, the HPB unanimously approved a Special Certificate of Appropriateness for the Project on May 17, 2017. The Project will not only protect and enhance existing historic features, but also restore certain other original features that were altered over the years.

We look forward to working with you on this Project, and presenting it to the Town Commission. If you have any questions, please contact us. Thank you.

Sincerely,

Shutts & Bowen LLP



Alexander I. Tachmes, Esq.

cc: Ms. Sarah Sinatra Gould, AICP

MIADOCS 11398511 2



TOWN OF SURFSIDE
CONDITIONAL USE APPLICATION

Approval of such conditional use(s) shall only be granted where it has been clearly shown that the public health, safety, morals, and general welfare will not be adversely affected; that adequate off-street parking facilities, in accordance with this chapter, will be provided; and that necessary safeguards will be provided for the protection of surrounding property.

A complete submittal includes all items on the "Submission Checklist for Conditional Use Application" document as well as completing this application in full. The owner and agent must sign the application with the appropriate supplemental documentation attached. Please print legibly in ink or type on this application form.

<u>PROJECT INFORMATION</u>	
OWNER'S NAME	The Surf Club Apartments, Inc. and The Seaway Villas Condominium Association, Inc.*
PHONE / FAX	305-347-7341
AGENT'S NAME	c/o Alexander I. Tachmes, Esq.
ADDRESS	Shutts & Bowen, LLP, 200 S. Biscayne Boulevard, Suite 4100, Miami, FL 33131
PHONE / FAX	305-347-7341
PROPERTY ADDRESS	9133 Collins Avenue and 9149 Collins Avenue, Surfside, FL 33154
ZONING CATEGORY	H-120
DESCRIPTION OF CONDITIONAL USE REQUESTED (please use separate sheet if necessary)	Hotel Swimming Pools and a Hotel Bar/Lounge, and Outdoor Dining Facilities; all pursuant to Section 90-41 of the Surfside Code of Ordinances.

*The Seaway Villas Condominium Association, Inc. is the condominium association established to govern the existing condominium property known as The Seaway Condominium.

<u>INTERNAL USE ONLY</u>	
Date Submitted	Project Number
Report Completed	Date
Comments	

SIGNATURE OF OWNER 10/10/17
 DATE

SIGNATURE OF AGENT 11/1/17
 DATE

SIGNATURE OF OWNER 10/10/17
 DATE

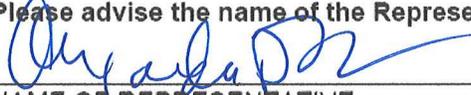
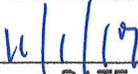


TOWN OF SURFSIDE
CONDITIONAL USE APPLICATION
PLANNING AND ZONING BOARD RULES AND PROCEDURES (JUNE 2002)

The Planning and Zoning Board shall generally meet the last **Thursday** of each month at 7:00 pm. at Town Hall.

Plans and completed applications (including all supporting documentation) must be submitted to the Building Department at least 21 days prior to the meeting, with the payment of applicable fees (example: \$200.00 for Plan Review for Zoning), at which time they will be considered. Incomplete plans and applications will not be processed.

The applicant or duly authorized agent (per ownership affidavit) must be present at the meeting. If there are no applications for consideration by the Planning and Zoning Board, the monthly meeting may be cancelled at the discretion of the Chairman of the Board.

Please advise the name of the Representative who will attend the hearing on behalf of this application:	
	
NAME OF REPRESENTATIVE	DATE



ALEXANDER I. TACHMES, ESQ.
Shutts & Bowen LLP
200 South Biscayne Boulevard
Suite 4100
Miami, Florida 33131
DIRECT (305) 347-7341
FAX (305) 347-7754
EMAIL ATachmes@shutts.com

November 1, 2017

Town of Surfside
c/o Guillermo Olmedillo, Town Manager
9293 Harding Avenue
Surfside, FL 33154

Re: The Seaway Hotel and Residences – Conditional Use Application

Dear Guillermo:

Our clients, The Surf Club Apartments, Inc. and The Seaway Villas Condominium Association, Inc. (collectively, the “Applicant”), have filed a site plan application with the Town of Surfside (the “Town”) for restoration and renovation of the historically significant portions of the existing Seaway structure, and for the construction of new improvements on the property located at 9133 and 9149 Collins Avenue (collectively, the “Property”). The project will consist of 48 residential units, 31 hotel units, and ancillary uses, within an 12-story structure (collectively, the “Project”). The Project is more particularly shown on the architectural plans prepared by Kobi Karp and submitted with the site plan application (collectively, the “Site Plan”).

The Town Code provides that certain uses are considered “conditional uses” and require conditional use approval in accordance with the Code’s criteria. Hotel swimming pools, lounges and outdoor dining areas are all considered conditional uses. Accordingly, we hereby apply for conditional use approval for the following:

Hotel Swimming Pools: As shown on Sheet A3.01 of the Site Plan, the Project contains five (5) ground level swimming pools on the Property. There are also four (4) swimming pools on the rooftop as shown on Sheet A3.08 of the Site Plan. All of the aforementioned swimming pools are private pools utilized by residents only. However, because certain residential units may be rented in the future as part of a hotel program, we are requesting conditional use approval for all swimming pools on the Property in an abundance of caution to ensure technical compliance with the requirement in the future.

Hotel Lounge: The Project contains a hotel lounge located on the ground level within the northwest portion of the historic structure as shown on Sheet A3.01 of the Site Plan.

Outdoor Dining: The Project incorporates outdoor dining in the historic courtyard on the ground level and adjacent to the restaurant on the 3rd level terrace as shown on Sheet A.3.01 of the Site Plan.

As outlined below, the conditional uses proposed by the Applicant satisfy all of the review criteria in Section 90-23.2 of the Town’s Zoning Code (“Code”).

- (1) *The proposed use shall be consistent with the Comprehensive Plan and the Zoning Code:*

The requested conditional uses are all customary elements of a hotel and consistent with the Town’s Comprehensive Plan and the Code, including the High Density Residential/Tourist Future Land Use designation under the Comprehensive Plan and the H-120 Zoning District under the Code.

- (2) *The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare:*

As a result of careful planning and attention to detail in the design, the proposed conditional uses will not be detrimental to or endanger the public health, safety, or general welfare. As more fully addressed in the other criteria below, the form, spacing, height, setbacks and architecture were all considered in order to respect the neighborhood. Safe circulation of vehicles and pedestrians, including loading, was also carefully studied in the design. Finally, the placement of uses within the interior of the Project or adjacent to other similar uses will minimize any adverse effects on the neighborhood.

- (3) *The proposed use shall be compatible with the community character of the immediate neighborhood. In addition to compatibility there must be congruity between the subject development and neighboring improvements and surroundings including but not limited to form, spacing, heights, setbacks, materials, color, rhythm and pattern of architectural or aesthetic interest or value as well as with any overlays and other development schemes or legislation.*

The proposed conditional uses are compatible with the character of the immediate neighborhood. Consistent with the Surf Club project immediately to the south, the Project was designed to respect the neighboring improvements in terms of

form, spacing, height, setbacks and architectural design. While the size of the Property permits the Applicant to develop approximately 235 units, the Applicant is sensitive to the character of the community and is proposing only 79 units. The Project also will not require any setback variances and is completely contained within the allowable building envelope under the Code.

- (4) *Adequate provisions shall be included for parking and safe traffic movement, both vehicular and pedestrian, both internal to the use and in the area which will serve the use;*

Parking for the Project will be provided in an underground parking garage, and all parking will be valet only. To avoid congestion and prevent queuing, two drop-off areas are proposed; a south drop-off area will serve residents only, and a north drop-off will serve hotel guests and patrons, including patrons of the restaurant and lounge. A queuing analysis prepared by David Plummer & Associates was submitted with the Site Plan, which concluded no adverse issues with traffic movement. To avoid conflict with larger vehicles, the loading area is also safely located on the south side of the Property away from pedestrian circulation points.

- (5) *Adequate measures exist including landscaping or other buffering measures or shall be taken to mitigate any adverse effects of noise, light or other potential nuisances; and*

The Project has been designed to mitigate any adverse effects of noise, light or other potential nuisances. The active hotel uses are located interior to the Property or adjacent to other compatible uses. Specifically, the hotel lounge opens to the interior courtyard, and the primary swimming pool is located on the south side of the Property adjacent to another hotel, the Four Seasons Surf Club. Additionally, the Project includes lush landscaping that will create a natural sound and visibility buffer. As such, there will be minimal to no spillage of noise or light to the neighboring properties.

- (6) *The establishment of the conditional use shall not impede the development of surrounding properties for uses permitted in the zoning district; and*

As stated above, the conditional uses are consistent with the Town's Comprehensive Plan and the Code. The Project has also been designed to be compatible with the character of the immediate neighborhood and mitigate any adverse effects on the neighboring properties. As such, the Project will not

Town of Surfside
c/o Guillermo Olmedillo, Town Manager
November 1, 2017
Page 4

impede the development of surrounding properties for uses permitted in the zoning district.

(7) *Any other condition imposed by the design review board and/or the development impact committee.*

Not applicable.

We look forward to answering any questions you might have and to presenting our outstanding project to the Town in more detail. Thank you.

Sincerely,

SHUTTS & BOWEN LLP

A handwritten signature in blue ink, appearing to read "ATachmes" with a flourish at the end.

Alexander I. Tachmes, Esq.

cc: Ms. Sarah Sinatra Gould, AICP

MIADOCS 15432231 1



TOWN OF SURFSIDE
CONDITIONAL USE APPLICATION

Approval of such conditional use(s) shall only be granted where it has been clearly shown that the public health, safety, morals, and general welfare will not be adversely affected; that adequate off-street parking facilities, in accordance with this chapter, will be provided; and that necessary safeguards will be provided for the protection of surrounding property.

A complete submittal includes all items on the "Submission Checklist for Conditional Use Application" document as well as completing this application in full. The owner and agent must sign the application with the appropriate supplemental documentation attached. Please print legibly in ink or type on this application form.

<u>PROJECT INFORMATION</u>	
OWNER'S NAME	The Surf Club Apartments, Inc. and The Seaway Villas Condominium Association, Inc.*
PHONE / FAX	305-347-7341
AGENT'S NAME	c/o Alexander I. Tachmes, Esq.
ADDRESS	Shutts & Bowen, LLP, 200 S. Biscayne Boulevard, Suite 4100, Miami, FL 33131
PHONE / FAX	305-347-7341
PROPERTY ADDRESS	9133 Collins Avenue and 9149 Collins Avenue, Surfside, FL 33154
ZONING CATEGORY	H-120
DESCRIPTION OF CONDITIONAL USE REQUESTED (please use separate sheet if necessary)	Hotel Swimming Pools and a Hotel Bar/Lounge, and Outdoor Dining Facilities; all pursuant to Section 90-41 of the Surfside Code of Ordinances.

*The Seaway Villas Condominium Association, Inc. is the condominium association established to govern the existing condominium property known as The Seaway Condominium.

<u>INTERNAL USE ONLY</u>	
Date Submitted _____	Project Number _____
Report Completed _____	Date _____
Comments _____	

SIGNATURE OF OWNER _____ 10/10/17
DATE

SIGNATURE OF AGENT _____ 11/1/17
DATE

SIGNATURE OF OWNER _____ 10/10/17
DATE

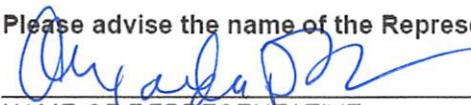
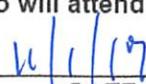


TOWN OF SURFSIDE
CONDITIONAL USE APPLICATION
PLANNING AND ZONING BOARD RULES AND PROCEDURES (JUNE 2002)

The Planning and Zoning Board shall generally meet the last **Thursday** of each month at 7:00 pm. at Town Hall.

Plans and completed applications (including all supporting documentation) must be submitted to the Building Department at least 21 days prior to the meeting, with the payment of applicable fees (example: \$200.00 for Plan Review for Zoning), at which time they will be considered. Incomplete plans and applications will not be processed.

The applicant or duly authorized agent (per ownership affidavit) must be present at the meeting. If there are no applications for consideration by the Planning and Zoning Board, the monthly meeting may be cancelled at the discretion of the Chairman of the Board.

Please advise the name of the Representative who will attend the hearing on behalf of this application:	
	
NAME OF REPRESENTATIVE	DATE



Town of Surfside Planning & Zoning Communication

Agenda Date: December 7, 2017

Subject: Ground-Affixed Letter or Number Signs

From: Sarah Sinatra Gould, AICP, Town Planner

Background: The owner of the Four Seasons Surf Club has submitted a zoning code text amendment to Chapter 90, Article VI of the Code. The amendment will allow hotels and multi-family residences within the H30C, H40 and H120 zoning districts the ability to erect free-standing ground-affixed letter or number signs on the street frontage of their property. The proposed amendment neither materially alters nor significantly expands current height and overall area requirements in the Code. Rather, it solely allows property owners the flexibility to install a new type of sign not currently addressed in the Code.

Request: The proposed text amendment to the Code creates a definition for the new category of sign as well as provides standards relating to height and overall area requirements.

The code currently permits monument signs with a total surface area of 25 square feet and a maximum height of 5 feet from the ground. The proposed amendment includes a maximum total area of 20 square feet for all letters and numbers comprising the sign, a maximum height of 5 feet from the ground and a maximum depth of 1 foot.

The major change in the code is that when the area of a monument sign is measured, a "box" is drawn around the text of the sign to determine the area. The proposed amendment allows for a different sign design that does not have a support structure and instead allows for individual letters or numbers, resulting in a sign with less mass than a monument style sign. Therefore, the proposed amendment results in a sign with less square footage than the current maximum area in the code.

Staff Recommendation: Approval



Sarah Sinatra Gould, AICP, Town Planner



Guillermo Olmedillo, Town Manager

ORDINANCE NO. 17 - _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING ARTICLE VI “SIGNS” OF “CHAPTER 90 ZONING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO PROVIDE FOR GROUND-AFFIXED LETTER OR NUMBER SIGNS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

1 **WHEREAS**, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida
2 Statutes, provide municipalities the authority to exercise any power for municipal purposes,
3 except where prohibited by law, and to adopt ordinances in furtherance of such authority; and

4 **WHEREAS**, a request has been submitted to consider the revision of the Sign Code to
5 permit ground-affixed letter or number signs subject to certain requirements; and

6 **WHEREAS**, the Town Commission does not wish to censor speech, but rather to provide for
7 the public welfare by regulating signage in the Town in a manner that enhances the aesthetics of
8 the community, reduces visual pollution, provides clear information and minimizes distractions to
9 drivers in the interests of traffic safety; and

10 **WHEREAS**, sign regulation to advance the governmental purpose of aesthetics has long been
11 upheld by the state and federal courts; and

12 **WHEREAS**, Article II, Section 7 of the Florida Constitution provides that “[i]t shall be the
13 policy of the state to conserve and protect its natural resources and scenic beauty. . . .” A beautiful
14 environment preserves and enhances the desirability of the Town as a place to live and to do business
15 and implementing the Florida Constitution is a compelling governmental interest; and

16 **WHEREAS**, Florida law requires local governments to adopt comprehensive plans and
17 implement them through land development regulations (also known as zoning regulations) and
18 approval of development orders that are consistent with the comprehensive plan. See Part II of
19 Chapter 163, Florida Statutes. Florida law specifically requires that the Town adopt sign regulations.
20 See Section 163.3202(2)(f), Florida Statutes and the Town finds that complying with state law is a
21 compelling governmental interest; and

¹Additions to the text are shown in underline. Deletions are shown in ~~strikethrough~~.

22 **WHEREAS**, the Town’s Comprehensive Plan has numerous provisions that require the Town
23 to ensure the aesthetic character of the Town and to ensure traffic safety on roads within the Town
24 through the regulation of signs and implementing the Town Comprehensive Plan is a compelling
25 governmental interest; and

26 **WHEREAS**, the Town Commission finds that the proposed request creates an aesthetically
27 pleasing format and display conducive to the wayfinding needs of the community; and

28 **WHEREAS**, the Planning and Zoning Board, as the local planning agency for the Town,
29 held its hearing on the proposed amendment on _____, 2017 with due public notice and
30 input; and

31 **WHEREAS**, the Town Commission held its first public hearing on November 14, 2017 of
32 the proposed amendments to the Code of Ordinances having complied with the notice
33 requirements by the Florida Statutes; and

34 **WHEREAS**, the Town Commission has conducted a second duly noticed public hearing on
35 these regulations on _____, 2017 as required by law on and further finds the
36 proposed change is consistent with the Comprehensive Plan and in the best interest of the
37 community.

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39 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF**
40 **THE TOWN OF SURFSIDE, FLORIDA¹:**

41
42 **Section 1. Recitals.** The above Recitals are true and correct and are incorporated herein by
43 this reference:

44
45 **Section 2. Town Code Amended.** Section 90-2. – “Definitions” of the Surfside Town
46 Code of Ordinances is hereby amended and shall read as follows¹:

47 **ARTICLE VI. – SIGNS**

48
49 * * *

50
51 **Sec. 90-69. Definitions**

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53 Words and terms not defined shall be interpreted in accord with the normal dictionary meaning
54 and the customary usage of the word shall apply.

55
56 *Area: The entire perimeter of a sign which encloses visually communicative copy such as*

¹ Additions to the text are shown in underline. Deletions to the text are shown in ~~strike through~~.

57 *letters, symbols, or logos, including the advertising surface and any framing, trim, or molding*
58 *including the supporting structure.*

59 *Area of a ground-affixed letter or number sign: The square footage of a ground-affixed letter*
60 *or number sign shall be the aggregate surface area of all letters and numbers comprising the*
61 *sign, based only on the principal surface of the sign and excluding any supporting structure.*
62 *No fictional border or frame shall be imputed to the area size.*

63 * * *

64 *Ground-affixed letter or number sign: A sign using letters and/or numbers in which each letter*
65 *or number is affixed to the ground and which has no frame or border surrounding the letters or*
66 *numbers.*

67 * * *

68 **Sec. 90-73. - Permanent signs by district.**

69 * * *

70 (b) *H30C, H40, MU and H120 zoning districts.*

71 (1) Signage on the outside of a hotel, multifamily building, or other similar structure
72 which identifies a secondary business within the same structure is prohibited.
73 Supplemental signs as permitted in this subsection shall be exempt from this
74 requirement.

75 (2) *Content.* Commercial signs may only include the trade name, logo of the
76 establishment, the nature of business or services rendered, or the products sold on the
77 premises, except as otherwise provided in this Code. Signs may not include any
78 reference to rates.

79 (3) *Permitted signs.*

80 a. *Individually-mounted letter sign.* Permitted as under the requirements of [section](#)
81 [90-73\(a\)\(3\)b.](#), except total sign area for multi-family dwellings within the H30C
82 and H40 districts shall not exceed 75 square feet.

83 b. *Monument sign.* One monument sign shall be permitted per street frontage. The
84 maximum sign area shall not exceed 25 square feet. The maximum height shall
85 not exceed five feet from the ground. Signs shall maintain a five-foot setback
86 from all property lines and no portion shall be permitted to project within this
87 five-foot setback area. Signs are required to be landscaped at the base. Signs may
88 be internally or externally illuminated.

89 c. *Supplemental sign.* A sign for any establishment reading "Office," "Vacancy,"
90 "Private Beach," "Swimming Pool," "Cabanas," "Coffee Shop," "Restaurant," or

91 other such wording shall be considered a supplemental sign. Such signs shall be
92 limited to three square feet in size; except in the H120 district, a hotel with a
93 restaurant may display an individual sign not to exceed five square feet in size
94 containing the name of the restaurant. The total combined square footage of
95 individual supplemental signs shall not exceed eight square feet per main
96 building. Such signs shall not be included in calculating the total maximum sign
97 area for the lot. Signs shall be dignified in character and shall be restricted to the
98 wording described above.

99 d. *Parking sign.* Parking signs not over four square feet in size may be erected at
100 each exit or entrance of parking lots serving buildings in these zoning districts.
101 Such signs may be illuminated by indirect lighting only. Lettering on these signs
102 shall be limited to the name and address of the primary business, multifamily
103 building or hotel, and the words "Entrance" or "Entrance Only," "Exit" or "Exit
104 Only," "Parking," "Resident Parking," "Guest Parking," "Visitor Parking,"
105 "Private Parking," "Valet Parking," or "Customer Parking."

106 e. *Emergency address sign.* Buildings on the east side of Collins Avenue abutting
107 the beach walking path shall be required to provide an emergency address sign
108 identifying the name and address of the building. Sign shall be mounted on a free-
109 standing post not to exceed 18 inches in height and 24 inches in width. Address
110 letters and numbers shall not exceed two inches in height and name shall not
111 exceed one inch in height. Sign material shall be weatherproof and reflective so
112 as to be clearly visible at night.

113 f. *Electric vehicle charging station sign.* A sign shall be posted at the electric
114 vehicle charging station stating "Electric Vehicle Charging Station." Signs shall
115 be no greater than 24 inches wide by 18 inches high. Color and letter size
116 specifications shall meet the Manual on Uniform Traffic Control Devices
117 (MUTCD) requirements for sign designation (electric vehicle charging).

118 g. *Ground-affixed letter or number sign.* The total area of each ground-affixed
119 letter or number sign shall not exceed 20 square feet. The height of each sign
120 shall not exceed five feet from the ground. The depth of each sign shall not
121 exceed one foot. The total area of all such signs for each property shall not
122 exceed 20 square feet.

123 **Section 3. Severability.** If any section, sentence, clause or phrase of this ordinance is
124 held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding
125 shall in no way affect the validity of the remaining portions of this ordinance.

126 **Section 4. Inclusion in the Code.** It is the intention of the Town Commission, and it is
127 hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of
128 Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to
129 accomplish such intentions; and the word "Ordinance" may be changed to "Section" or other
130 appropriate word.

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Section 5. Conflicts. Any and all Ordinances and Resolutions or parts of Ordinances or Resolutions in conflict herewith are hereby repealed.

Section 6. Effective Date. This ordinance shall become effective upon adoption.

PASSED and ADOPTED on first reading this 14th day of November, 2017.

PASSED and ADOPTED on second reading this _____ day of _____, 2017.

On Final Reading Moved by: _____

On Final Reading Second by: _____

FINAL VOTE ON ADOPTION:

- Commissioner Daniel Gielchinsky _____
- Commissioner Michael Karukin _____
- Commissioner Tina Paul _____
- Vice Mayor Barry Cohen _____
- Mayor Daniel Dietch _____

Daniel Dietch, 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 Helfman Cole and Bierman, P.A.
Town Attorney



Town of Surfside Planning & Zoning Communication

Agenda Date: December 7, 2017
Subject: Roof Height modification
From: Sarah Sinatra Gould, AICP, Town Planner

Background: One of the Planning & Zoning Board's (Board) top priorities is to prepare and plan for sea level rise. The existing code measures height from crown of the road to the top of the structure and in the single family zoning districts, this is a maximum of 30 feet in height. This can accommodate a two story structure. As properties are being redeveloped, the Board has been concerned with structures having the ability to be elevated to accommodate sea level rise. The board has asked staff to analyze utilizing Finished Floor Elevation (FFE), plus an additional one to five feet of built up ground rather than crown of the road as the measurement of height. The additional one to five feet of built up ground is called "freeboard."

This concept was presented at the May and August Commission meetings. The Town Commission requested that staff provide graphics demonstrating if a two story structure could be developed by increasing the freeboard by one foot, but not increasing the height. This change, if adopted, would not result in the need for a referendum.

This was further discussed at the October 26, 2017 Planning and Zoning Board meeting. The board requested staff to analyze whether measuring from crown of the road to the mean height of the roof was providing the same treatment to pitch roofed houses as flat roof houses, which are allowed to have a parapet. The Board requested staff to consider measuring from crown of the road to the top of the roof beam, suggesting that the difference between the mean height and the roof beam would provide the equal treatment for these two roof types.

Staff is proposing the measurement for pitched roofs to be from grade to the top of the roof beam.

Staff Recommendation: To recommend approval to the Town Commission allowing an alternative measurement for pitched roofed homes.



Sarah Sinatra Gould, AICP, Town Planner



Guillermo Olmedillo, Town Manager

ORDINANCE NO. 17-_____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING," SECTION 90-2 "DEFINITIONS," TO REVISE THE MEASUREMENT OF ROOF HEIGHT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside ("Town") recognizes that changes to the adopted Code of Ordinances are periodically necessary in order to ensure that the Town's regulations are current and consistent with the Town's planning and regulatory needs; and

WHEREAS, the Town has researched and evaluated mechanisms available to encourage pitched roof design for residential structures to maintain a more consistent architectural scheme; and

WHEREAS, the Town recognizes that a pitched roof does not obscure the entire visual plane, but rather takes up only a portion of the spatial volume between the top beam and the roof peak; and

WHEREAS, the Town desires to revise the methodology for measuring the height of pitched roofs to recognize the reduced visual impact and encourage the use of pitched roofs; and

WHEREAS, the Town Commission held its first public hearing on December 13, 2017 having complied with the notice requirements required by Florida Statutes; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, held its hearing on the proposed amendment on _____, 2017 with due public notice and input; and

WHEREAS, the Town Commission conducted a second duly noticed public hearing on these regulations as required by law on _____, 2017; and

WHEREAS, the Town Commission hereby finds and declares that adoption of this Ordinance is in the best interest of the Town.

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

Section 1. Recitals. The foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

Section 2. Code Amendment. Section 90-2 “Definitions,” of Chapter 90, “Zoning” of the code of the Town of Surfside, Florida is hereby amended as follows:

Sec. 90-2. - Definitions.

For the purpose of this chapter, certain terms and words are hereby defined. For convenience, all defined words and terms are set out in different type.

* * *

Height:

- (1) Flat Roofs: The vertical distance from ~~the grade, which is~~ the average datum or elevation of the crown of the road fronting upon the street serving the lot or building site, to the highest point of the roof.
- (2) Pitched Roofs. The vertical distance from the average datum or elevation of the crown of the road fronting the lot or building site, to the top of the tie beam. A pitched roof shall have a maximum pitch of 4/12.

* * *

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

Section 4. Inclusion in the Code. It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word “Ordinance” may be changed to “Section” or other appropriate word.

Section 5. Conflicts. Any and all Ordinances and Resolutions or parts of Ordinances or Resolutions in conflict herewith are hereby repealed.

Section 6. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND ADOPTED on first reading this 13th day of December, 2017.

PASSED AND ADOPTED on second reading this __ day of _____, 2017.

On Final Reading Moved by: _____

On Final Reading Second by: _____

FINAL VOTE ON ADOPTION:

Commissioner Daniel Gielchinsky _____
Commissioner Michael Karukin _____
Commissioner Tina Paul _____
Vice Mayor Barry Cohen _____
Mayor Daniel Dietch _____

Daniel Dietch, 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 Helfman Cole & Bierman, P.L.,
Town Attorney



Town of Surfside Planning & Zoning Communication

Agenda Date: December 7, 2017
Subject: Freeboard Modification
From: Sarah Sinatra Gould, AICP, Town Planner

Background: One of the Planning & Zoning Board's (Board) top priorities is to prepare and plan for sea level rise. As properties are being redeveloped, the Board has been concerned with structures having the ability to be elevated to accommodate sea level rise. The board has asked staff to analyze utilizing Finished Floor Elevation (FFE), plus an additional one foot of built up ground. The additional one foot of built up ground is called "freeboard."

This concept was presented at the May and August Commission meetings. The Town Commission requested that staff provide graphics demonstrating if a two story structure could be developed by increasing the freeboard by one foot, but not increasing the height. This change, if adopted, would not result in the need for a referendum.

This was further discussed at the October 26, 2017 Planning and Zoning Board meeting. The Board requested staff to consider measuring from crown of the road to the top of the roof beam, suggesting that the difference between the mean height and the roof beam would provide the equal treatment for these two roof types.

Staff is proposing to add one foot of freeboard to new construction and substantial improvements.

Staff Recommendation: To recommend approval to the Town Commission requiring one additional foot of freeboard.

Sarah Sinatra Gould, AICP, Town Planner

Guillermo Olmedillo, Town Manager

ORDINANCE NO. 17-_____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 42 "FLOODS", SECTION 42-92 "SPECIFIC STANDARDS" TO ADDRESS LOWEST FLOOR ELEVATION REQUIREMENTS FOR SINGLE FAMILY RESIDENTIAL STRUCTURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

1 **WHEREAS**, the Town of Surfside ("Town") recognizes that changes to the adopted
2 Code of Ordinances are periodically necessary in order to ensure that the Town's regulations are
3 current and consistent with the Town's planning and regulatory needs; and

4 **WHEREAS**, the Federal Emergency Management Agency ("FEMA") has identified
5 special flood hazard areas within the boundaries of the Town and such areas may be subject to
6 periodic flooding/inundation which may result in the loss of life and property, health and safety
7 hazards; and

8 **WHEREAS**, the Sustainability Committee and Planning and Zoning Board researched
9 and evaluated the impact of rising sea levels and the necessity and ability to increase the lowest
10 floor elevation requirements to reduce flooding of residential structures; and

11 **WHEREAS**, the Town Commission agrees with the recommendations of the
12 Sustainability Committee and Planning and Zoning Board and finds there is a critical need to
13 increase base flood elevations, particularly for single family residential properties, to the extent
14 feasible within the current height limitations of the Town Charter; and

15 **WHEREAS**, the Town Commission held its first public hearing on December 13, 2017
16 having complied with the notice requirements required by Florida Statutes; and

17 **WHEREAS**, the Planning and Zoning Board, as the local planning agency for the
18 Town, held its hearing on the proposed amendment on _____, 2017 with due public
19 notice and input; and

20 **WHEREAS**, the Town Commission conducted a second duly noticed public hearing on
21 these regulations as required by law on _____, 2017; and

22 **WHEREAS**, the Town Commission hereby finds and declares that adoption of this
23 Ordinance is in the best interest of the Town.
24

25 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF**
26 **THE TOWN OF SURFSIDE, FLORIDA AS FOLLOWS:**

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PASSED AND ADOPTED on first reading this 13th day of December , 2017.

PASSED AND ADOPTED on second reading this ___ day of _____, 2017.

On Final Reading Moved by: _____

On Final Reading Second by: _____

FINAL VOTE ON ADOPTION:

- Commissioner Daniel Gielchinsky _____
- Commissioner Michael Karukin _____
- Commissioner Tina Paul _____
- Vice Mayor Barry Cohen _____
- Mayor Daniel Dietch _____

Daniel Dietch, 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 Helfman Cole & Bierman, P.L.,
Town Attorney



Town of Surfside Planning & Zoning Communication

Agenda Date: December 7, 2017

Subject: Ordinance providing for medical marijuana dispensaries and imposing restrictions for pharmacies and medical marijuana dispensaries

From: Kathy Mehaffey, Town Attorney

Background: At the October 10, 2017 Commission meeting, the Town Commission evaluated options for regulating medical marijuana dispensaries. Staff was directed to draft an amendment to the Code to permit medical marijuana dispensaries and to regulate the location of drug stores and medical marijuana dispensaries. The proposed ordinance implements that direction.

First the ordinance provides definitions related to medical marijuana dispensaries.

Sec. 90-2. Definitions

Marijuana. Any strain of cannabis or marijuana, in any form, that is authorized by state law to be dispensed or sold in the State of Florida. Also referred to as "Medical Marijuana."

* * *

Medical Marijuana Dispensary. A retail establishment, licensed by the Florida Department of Health as a "medical marijuana treatment facility," "medical marijuana treatment center," "dispensing organization," "dispensing organization facility" or similar use, that sells and dispenses medical marijuana.

* * *

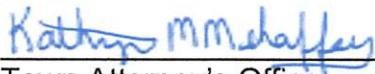
Second the ordinance adds "Medical Marijuana Dispensary" to the list of permitted uses in the SD-B40 zoning district. The ordinance also separates "Drug Stores" and

“Sundries” into separate line items. Finally, the code revisions require drug stores to be located 850 feet from other drugstores within the Town limits and medical marijuana dispensaries to be located 850 feet from any other medical marijuana dispensary within the Town limit.

Budget Impact: N/A at this time.

Staff Impact: N/A at this time.

Recommendation: Conduct first reading and first public hearing on the Ordinance



Town Attorney's Office



Town Manager

ORDINANCE NO. 17 - _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-2, "DEFINITIONS"; AND BY AMENDING SECTION 90-41, "REGULATED USES", TO CHANGE THE LIST OF PERMITTED USES RELATED TO DRUG STORES AND MEDICAL MARIJUANA DISPENSARIES AND PROVIDE RELATED REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

1 **WHEREAS**, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida
2 Statutes, provide municipalities the authority to exercise any power for municipal purposes,
3 except where prohibited by law, and to adopt ordinances in furtherance of such authority; and

4 **WHEREAS**, the Town Commission of the Town of Surfside ("Town Commission") finds it
5 periodically necessary to amend its Code of Ordinances and Land Development Code ("Code") in
6 order to update regulations and procedures for maintain consistency with state law and to
7 implement municipal goals and objectives; and

8 **WHEREAS**, Marijuana (Cannabis) is a Schedule I drug under the federal Controlled
9 Substances Act, 21 U.S.C. §811; and

10 **WHEREAS**, according to the Controlled Substances Act, Marijuana has a high potential for
11 abuse and has no currently accepted medical use for treatment in the United States; and

12 **WHEREAS**, notwithstanding federal law, the 2014 Florida Legislature approved and later
13 amended legislation providing for the growing, processing, and distributing of specific forms of
14 low-THC (non-euphoric) Cannabis to be supplied to qualified patients and their caregivers for the
15 treatment of listed medical conditions; and

16 **WHEREAS**, in November 2016 the Florida voters approved a ballot initiative amending the
17 Florida Constitution to allow for broader sale and use of marijuana for medical purposes within
18 the State of Florida; and

19 **WHEREAS**, to implement the Constitutional provisions for medical marijuana the state
20 legislature adopted Senate Bill 8A during its 2017 Special Session which provides a framework
21 for local government regulation of the dispensing of medical marijuana, allowing a local
¹Additions to the text are shown in underline. Deletions are shown in ~~strikethrough~~.

22 government to either ban medical marijuana retail centers or to regulate them similar to
23 pharmacies; and

24 **WHEREAS**, Senate Bill 8A was signed by the Governor on June 23, 2017; and

25 **WHEREAS**, the Planning and Zoning Board, as the local planning agency for the Town,
26 held its hearing on the proposed amendment on _____, 2017 with due public notice and
27 input; and

28 **WHEREAS**, the Town Commission held its first public hearing on November 14, 2017 and
29 recommended approval of the proposed amendments to the Code of Ordinances having complied
30 with the notice requirements by the Florida Statutes; and

31 **WHEREAS**, the Town Commission has conducted a second duly noticed public hearing on
32 these regulations as required by law on _____, 2017 and further finds the proposed
33 change to the Code necessary and in the best interest of the community.

34

35 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF**
36 **THE TOWN OF SURFSIDE, FLORIDA¹:**

37

38 **Section 1. Recitals.** The above Recitals are true and correct and are incorporated herein by
39 this reference:

40

41 **Section 2. Town Code Amended.** Section 90-2. – “Definitions” of the Surfside Town
42 Code of Ordinances is hereby amended and shall read as follows¹:

43 **Sec. 90-2. Definitions**

44

45 For the purpose of this chapter, certain terms and words are hereby defined. For convenience,
46 all defined words and terms are set out in different type.

47

48 * * *

49

50 **Marijuana.** Any strain of cannabis or marijuana, in any form, that is authorized by state law to
51 be dispensed or sold in the State of Florida. Also referred to as “Medical Marijuana.”

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53 * * *

54

55 **Medical Marijuana Dispensary.** A retail establishment, licensed by the Florida Department of
56 Health as a “medical marijuana treatment facility,” “medical marijuana treatment center,”
57 “dispensing organization,” “dispensing organization facility” or similar use, that sells and
58 dispenses medical marijuana.

¹ Additions to the text are shown in underline. Deletions to the text are shown in ~~strikethrough~~.

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Section 3. Town Code Amended. Section 90-41. – “Regulated Uses” of the Surfside Town Code of Ordinances is hereby amended and shall read as follows¹:

Sec. 90-41. Regulated uses.

- (a) *Purpose.* Permitted uses are considered to be fundamentally appropriate within the district in which they are located and are deemed to be consistent with the comprehensive plan. These uses are permitted as of right, subject to the required permits and procedures described in this section. Permitted uses require final site plan review and approval for compliance with the standards applicable to a particular permitted use as provided in this zoning code.
- (b) *Permits required.* Except as explicitly provided herein, no use designated as a permitted use in this chapter shall be established until after the person proposing such use has applied for and received all required development permits.
- (c) Table—Regulated uses.

* * *

<i>Office Uses and Professional Services</i>	<i>SB-B40</i>
Drug stores and sundries	<u>P(30)</u>
* * *	* * *
<u>Medical Marijuana Dispensary</u>	<u>P(30)</u>
* * *	* * *
<u>Sundries</u>	<u>P</u>
* * *	* * *

Key: P: Permitted Blank: Not Permitted (#): Refer to Notes CU: Conditional Use

* * *

(d) *Uses table notes.*

* * *

(30) The following uses shall be separated from similar existing uses, or similar approved but unbuilt uses, within the Town limits, by the minimum distances specified below, measured from front door to front door:

83 (a) For purposes of this calculation, front door shall mean the primary public
84 access to the business which shall not include any alley, rear or secondary
85 access point.

86 (b) Medical Marijuana Dispensary: Eight hundred fifty (850) feet.

87 (c) Drug stores: Eight hundred fifty (850) feet.

88 **Section 4. Severability.** If any section, sentence, clause or phrase of this ordinance is
89 held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding
90 shall in no way affect the validity of the remaining portions of this ordinance.

91 **Section 5. Inclusion in the Code.** It is the intention of the Town Commission, and it is
92 hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of
93 Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to
94 accomplish such intentions; and the word "Ordinance" may be changed to "Section" or other
95 appropriate word.

96
97 **Section 6. Conflicts.** Any and all Ordinances and Resolutions or parts of Ordinances or
98 Resolutions in conflict herewith are hereby repealed.

99
100 **Section 7. Effective Date.** This ordinance shall become effective upon adoption.

101
102 **PASSED and ADOPTED** on first reading this 14th day of November, 2017.

103
104 **PASSED and ADOPTED** on second reading this _____ day of December, 2017.

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107 On Final Reading Moved by: _____

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109 On Final Reading Second by: _____

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112 **FINAL VOTE ON ADOPTION:**

113 Commissioner Daniel Gielchinsky _____
114 Commissioner Michael Karukin _____
115 Commissioner Tina Paul _____
116 Vice Mayor Barry Cohen _____
117 Mayor Daniel Dietch _____

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Daniel Dietch, Mayor

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123 **ATTEST:**

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126 Sandra Novoa, MMC, Town Clerk

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

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132 Weiss Serota Helfman Cole and Bierman, P.A.
133 Town Attorney



Town of Surfside Planning & Zoning Communication

Agenda Date: December 7, 2017

Subject: Local Planning Agency (LPA) review of the Comprehensive Plan EAR-Based Amendments

From: Sarah Sinatra Gould, AICP, Town Planner

Background:

As a result of the repealing of Florida Administrative Code Rule 9J-5 and changes to Florida Statutes in 2011, local governments have more discretion in determining whether they need to update their local Comprehensive Plan. As such, local governments no longer need to submit an Evaluation and Appraisal Report (EAR) to the Department of Economic Opportunity (DEO) for a sufficiency determination.

Instead, local governments must follow these new provisions:

1. At least every seven years, pursuant to Rule Chapter 73C-49, Florida Administrative Code, determine whether the need exists to amend the Comprehensive Plan to reflect changes in state requirements since the last time the Comprehensive Plan was updated.
2. Notify the State Land Planning Agency (DEO) by letter of this determination.
3. If the local government determines amendments to the Comprehensive Plan are necessary, the local government shall prepare and transmit the proposed amendments to the State Land Planning Agency within one year of such determination.
4. Any local government failing to timely submit a notification letter or proposed amendments within one year of notification may not amend its Comprehensive Plan until it complies with the requirements.
5. The Evaluation and Appraisal should address changes in state requirements since the last update of the Comprehensive Plan and update the plan based on changes to local conditions.

The Town of Surfside Evaluation and Appraisal Letter of Determination was due on January 1, 2017 and the Town notified the state at that time that changes were needed to its Comprehensive Plan to update the goals, objectives, policies and data, inventory, analysis of



each element to be consistent with Florida Statutes. In addition, the Town wanted to review utilization of net versus gross density; review hotel densities; consider implementation of FAR for residential land use categories; and consider and expand on climate change, sea level rise, and sustainability discussions and Goals, Objectives, and Policies within in each Plan Element.

As part of the process, a Comprehensive Plan Update Workshop was held on March 1, 2017 to discuss the update process and gather input from the Commission, various Town Boards and the public. In addition the Sustainability Committee, at their April 2017 meeting, discussed, reviewed and recommended changes and additions to the Goals, Objectives, and Policies of each Plan Element in regards to climate change, sea level rise, resiliency and sustainability. These recommendations have been added to the Comprehensive Plan.

Other than the changes discussed above, the majority of the remaining updates are essentially “clean-up” items that included references that were out of date or no longer relevant and updates to data that were out of date to the latest available data as of July 2017. Outlined below is a summary of the updates made for each element:

Future Land Use Element

- Updated population, population projections, and data (including existing and future land use) based on latest available information;
- Updated text on existing and future land uses, public facilities, and historic and natural resources;
- Updated Objectives and Policies as needed;
- Added Policies about studying the use of net density versus gross density; and studying the possibility of implementing FAR for residential land use categories;
- Updated the hotel allowed density in the Moderate Density Residential and Moderate-High Density Residential Land Use Categories to match the allowed residential dwelling unit densities.
- Added Objective 13 and associated Policies related to climate change and Objective 12 and associated Policies related to community resiliency;
- Updated Existing and Future Land Use and Natural Resources Maps as needed.

Transportation Element

- Updated transportation data based on latest available information;
- Updated text as needed based on latest available information;
- Updated Maps, Objectives and Policies as needed.

Housing Element

- Updated Housing data and population information based on latest available data; from the U.S. Census Bureau and the State of Florida.



Infrastructure Element

- Updated text and data related to current infrastructure situations;
- Updated Objectives and Policies as needed.

Coastal Management Element

- Updated text, Objectives and Policies as needed;
- Added Objective 12 related to sea level rise.

Conservation Element

- Updated text, data and tables based on latest available information;
- Updated Objectives and Policies as needed including Objective 6 with associated Policies related to community resiliency.

Recreation and Open Space Element

- Updated park and recreation facilities information and acreage based on latest available information;
- Updated Park and Open Space LOS projections table based on latest available population information;
- Updated Objectives and Policies as needed including Objective 5 related to Community Resiliency.

Intergovernmental Coordination Element

- Updated text and information as needed;
- Added Goal 2 and associated Objectives and Policies related to Community Resiliency through coordination and cooperation with regional partners.

Capital Improvement Element

- Updated data and text based on information for FY 16-17;
- Updated tables based on information for FY 16-17;
- Updated Objectives and Policies as needed including items related to climate change.

Public School Facilities Element

- Updated Goals, Objectives and Policies as needed;
- Updated County School Board District Facility Maps.



Staff Recommendation: The Planning and Zoning Board, sitting as the Local Planning Agency (LPA), should review the amendment package and recommend approval to the Town Commission of the amendments and transmittal to the Florida Department of Economic Opportunity and other review agencies.

Exhibits:

1. Exhibit A. EAR-based Amendments Package

Sarah Sinatra Gould, AICP, Town Planner

Guillermo Olmedillo, Town Manager

ORDINANCE NO. 17 - _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN'S COMPREHENSIVE PLAN BY ADOPTING THE EVALUATION AND APPRAISAL BASED COMPREHENSIVE PLAN AMENDMENTS; AUTHORIZING TRANSMITTAL; PROVIDING FOR SEVERABILITY; CONFLICTS; AND FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 163.3191, Florida Statutes, directs local governments to periodically complete an Evaluation and Appraisal of the adopted comprehensive plan to determine if amendments are necessary to reflect changes in state law requirements; and

WHEREAS, the Town has reviewed its Comprehensive Plan and has prepared the Evaluation and Appraisal Review ("EAR") based Comprehensive Plan amendments necessary to reflect changes in state law requirements and to also address current conditions within the Town; and

WHEREAS, the Planning and Zoning Board as the local planning agency for the Town held its hearing on the proposed Comprehensive Plan Amendments on December 7, 2017, with due public notice; and

WHEREAS, the Town Commission held the required transmittal hearing on December 13, 2017, with due public notice; and

WHEREAS, the Town Commission hereby finds and determines that this Ordinance is in the best interest of the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA:

Section 1. Recitals. The foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

Section 2. Amendments to the Comprehensive Plan. The Comprehensive Plan Amendments, attached as Exhibit "A," are hereby approved on first reading for transmittal and review as provided herein.

Section 3. Transmittal. The Town's Planning Consultant is hereby directed to transmit the Town of Surfside EAR Based Comprehensive Plan Amendments to the Florida

Department of Economic Opportunity in accordance with Florida Statute 163.3191 and all other units of local government or governmental agencies required by law for review after a vote on first reading of the Ordinance.

Section 4. Adoption of Comprehensive Plan Amendments. Having reviewed and addressed the comments and recommendations from the Florida Department of Economic Opportunity and other reviewing agencies, the Town Commission, on _____, 2017, adopts on second reading, the amendments to the Town of Surfside Comprehensive Plan, Attached as Exhibit A to this Ordinance.

Section 5. Severability. If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 6. Repeal of Conflicting Provisions. All ordinances, or parts of ordinances in conflict herewith be, and the same, are hereby repealed.

Section 7. Inclusion in the Comprehensive Plan. It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Comprehensive Plan; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word “Ordinance” shall be changed to “Section” of other appropriate word.

Section 8. Effective Date. This Ordinance shall become effective, if the amendment is not timely challenged, on the date the state land planning agency posts a notice of intent determining that this amendment is in compliance. If timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the State Land Planning Agency.

PASSED AND ADOPTED on first reading this 13th day of December, 2017.

PASSED AND ADOPTED on second reading this ___ day of _____, 2017.

On Final Reading Moved by: _____

On Final Reading Second by: _____

FINAL VOTE ON ADOPTION:

Commissioner Daniel Gielchinsky	_____
Commissioner Michael Karukin	_____
Commissioner Tina Paul	_____
Vice Mayor Barry Cohen	_____
Mayor Daniel Dietch	_____

Daniel Dietch, 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 Helfman Cole & Bierman, P.L.,
Town Attorney

ITEM	OUTCOME	NEXT STEPS	TENTATIVE SCHEDULE	COMPLETE
FUTURE PZ DISCUSSION ITEMS				
Limitation on building length in H40 & H30C	Revisit building limitations as well as green walls to soften the breaks in the building.	Discuss with PZ – Bring back prior graphics	January PZ	
West Side of Collins H40, H30 & SDB40 Architecturally Significant ordinance	Discussion on amenities permitted Review with PZ options for architecturally significant ordinance for other zoning districts.	Discuss with PZ PZ discussion	January PZ February PZ	
Stepback discussion	Commission has requested the PZ board analyze this requirement	Prepare visual and calculation of volume, how much square footage does this equate to	February PZ	
Requiring larger sidewalks on east side of Collins	Discussion item for PZ from the Town Commission to require setback of walls and fences on Collins to provide larger sidewalks		Future PZ	
Impact fee discussion			Future PZ	
Ways to increase pervious area of lots	Place on PZ agenda for discussion. Provide PZ with current standards		Future PZ	
Landscape Plans	Require landscape plans for large scale renovations (renovations affecting more than 50% of the square footage of the house)	Future PZ	Future PZ	
Fences & Hedges in the front of single family residences	Discussion on hedge height in the front		Future PZ	
ON UPCOMING COMMISSION AGENDA				
Roof Pitch of Single Family	Modify ordinance to include roof pitch above top of the truss as an architectural feature	Provide side by side elevation in current code to the top of the flat roof to demonstrate it is 3 feet	December Commission	Trying to give a foot, get a foot.

			above the top of a pitched roof.			
Circulation pattern	PZ discussion on pedestrian safety and walkability		Pilot project	Ongoing		Ongoing
Give a foot, get a foot relating Sea Level Rise	Place on agenda for discussion on referendum		Prepare visuals, timeline and cross section.	December Commission		
- Flat Roof vs. Pitch roof						
Driveway	Prepare code modification that limits a driveway so that it does not exceed the front plane of the home.			January Commission		
ON FUTURE COMMISSION AGENDA						
Commercial waste and recycling	Screening for containers, green screen, vegetation, include pictures from Commissioner Kligman		Draft code amendment			Did not move forward
Driveway material regulations	Modify code to allow stamped concrete and concrete slabs with decorative rock or grass in between		Draft code amendment			Did not move forward
Painting _____ of commercial structures	Town Staff to prepare ordinance		Prepare ordinance for commission			Did not move forward
COMPLETED						
Trellis	Review if a trellis attached to the house is considered an accessory structure.	This has not been a reoccurring issue. Provide direction if this is necessary.	Trellis	Review if a trellis attached to the house _____ is considered _____ an accessory structure.		This has not been a reoccurring issue. P
Average side setback /Massing	Modify ordinance for additional side setbacks on upper floors for single family homes	Direction if this is necessary. The Town has already modified the code to prohibit covered	Average side setback /Massing	Modify ordinance for additional side setbacks on upper floors for		The Town has already modified the code to prohibit

		balconies counted towards setbacks.		single-family homes	covered balconies counted towards setbacks.
Satellite dishes	Further review by staff	Direction if this is necessary. This issue has not come up as a problem and it is not clear if this is still desired to be regulated.	Satellite dishes	Further review by staff	This issue has not come up as a problem and it is not clear if this is still desired to be regulated.
Residential or commercial wind turbine regulations	Prepare ordinance regulating wind turbines including hurricane precautions, noise regulations, insurance considerations	Direction if this is necessary. This issue has not come up as a problem and it is not clear if this is still desired to be regulated.	Residential or commercial wind turbine regulations	Prepare ordinance regulating wind turbines including hurricane precautions, noise regulations, insurance considerations	This issue has not come up as a problem and it is not clear if this is still desired to be regulated.
Setback for parapet above 30 feet on single family homes	Prepare ordinance to require additional setback	Direction if this is still necessary as the code could be modified to encourage pitched roofs.	Setback for parapet above 30 feet on single family homes	Prepare ordinance to require additional setback	Direction if this is still necessary as the code could be modified to encourage pitched roofs.
Final Zoning Inspections	Town Manager will analyze	Building performs inspections based	Final Zoning Inspections	Town Manager will analyze	Building performs inspections

			on conditions on the plans. Need direction if anything further is necessary			inspections based on conditions on the plans.
Requiring noticing for demolition of houses	Research option and place on agenda for discussion					Yes
Sign Definitions	Modify sign definitions for monument and sign area		Drafted code amendment			
Carpets	Require improved surface on frame		Addressed in Code		September PZ	Yes
Provide summary on construction hours and noise ordinance	Place update on PZ agenda.				September PZ	Yes
Workforce housing update					September PZ	Yes
Add requirement for licensed architect for DRB submittals	Reviewing entire section relating to DRB		Draft code amendment			May Commission Agenda
Corridor Analysis	Study corridor between Collins & Harding		Prepare code amendments	Work authorization to be approved in NOVEMBER	January Commission	Complete
Single Family Paint Colors	Discussion with the Planning & Zoning Board to determine if a color palette is appropriate for single family homes and what colors/criteria should be included		Place on future Planning and Zoning agenda for discussion	In contract	Will add to Joint Meeting with PZ/Commission.	Complete
Parking Trust Fund	Discussion with the Planning & Zoning Board to provide a cap for payment into the fund		Ordinance on July PZ agenda	In contract	July Commission for 1 st reading, July PZ August Commission for 2 nd reading	Complete
Turtle Lighting	Town Staff to prepare review		No ordinance	COMPLETE	Turtle Lighting	Town Staff to

Downtown Color Palette	Discussion with the Planning & Zoning Board to determine if a color palette is appropriate and what colors/criteria should be included	Place on future Planning and Zoning agenda for discussion	In-contract	Replaced with repainting of structures.	Complete
Bay Drive & 96 th Street	Open Bay Drive off 96 th Street	Staff will research	Police and Building to research	No change. Police Chief cited safety concerns	COMPLETE
Sign/awning code	Discussed at Joint Meeting	Staff beginning to work on draft	Work Authorization approved	July Commission August Commission	COMPLETE
As-built reviews for residential projects	Discuss increasing canopy in town, street trees, what can be planted in ROW	Research and prepare report for discussion and possible code amendment	In-contract	March PZ	COMPLETE Added a program modification to FY2015 budget
Interpretation of base flood elevation for the H120 district	No change	No further action needed		N/A	COMPLETE
Solar panel regulations	Prepare ordinance regulating solar panels	Draft code amendment	In-contract	March PZ	COMPLETE
Car charging station regulations	Prepare ordinance regulating car charging stations requiring them in new multi-family, research what other communities are doing	Draft code amendment	In-contract	December PZ	COMPLETE
Pyramiding effects of stepbacks in the H120 district	No action necessary since Planning and Zoning Board currently reviewing stepbacks as part of wall frontage modifications			N/A	
Garage door	Modify code to remove	Draft code	In-contract	November PZ	COMPLETE

clarification	requirement for two separate garage doors	amendment	In-contract	June PZ	November Commission for first reading Yes
10% window opening requirement per story	Discussion with the Planning & Zoning Board	Prepare ordinance for commission	In-contract	June PZ	November Commission for first reading Yes
Landscaping in front of converted garage	Determine if landscaping planter is sufficient versus requiring landscaping.	Reviewed code and determined that planter is only permitted in cases where the driveway would be too short.	In-contract	No further modification necessary	Yes
Sheds	Modify ordinance to increase square footage, but reduce height and add landscape requirements.	Draft code amendment	In-contract	Discussed at March meeting.	Commission 1st reading in May. PZ in May