



**Town of Surfside
Special Town Commission Meeting
Quasi-Judicial Hearing
AGENDA**

October 10, 2017

5:30 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.

1. Opening

- A. Call to Order**
- B. Roll Call of Members**
- C. Pledge of Allegiance**

2. Quasi-Judicial Hearings

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 before addressing the Town Commission and you may be subject to cross-examination. If you refuse to submit to cross-examination, the Town Commission will not consider your comments in its final deliberation. Please also disclose any Ex-Parte communications you may have had with any members of the Town Commission. Town Commission members must also do the same.

- A. Beach Furniture Operator Permit Application Residence Inn by Marriott, 9200 Collins Avenue, Surfside, Fl – Guillermo Olmedillo, Town Manager**

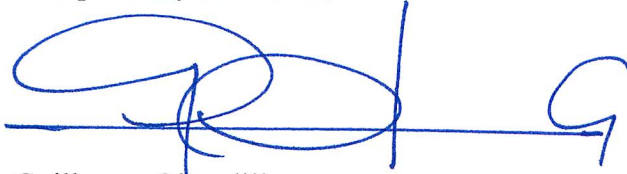
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA [APPROVING/ APPROVING WITH CONDITIONS/DENYING] A BEACH FURNITURE PERMIT APPLICATION PURSUANT TO SECTION 86-31 OF THE CODE OF ORDINANCES; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

- B. Surf Club NW Building - Guillermo Olmedillo, Town Manager**

A RESOLUTION OF THE TOWN COMMISSION OF SURFSIDE, FLORIDA; APPROVING A SITE PLAN AMENDMENT APPLICATION FOR PROPERTY GENERALLY LOCATED AT 9100 COLLINS AVENUE, SURFSIDE, FL, TO MODIFY THE DESIGN OF THE NORTHWEST BUILDING TO REDUCE RETAIL SPACE; REMOVE ALL RESIDENTIAL UNITS; ADD BACK-OF-HOUSE SPACE FOR THE HOTEL TO ADD OFFICE SPACE AND KITCHEN SPACE FOR THE RESTAURANT; INCREASE ON-SITE PARKING FROM 67 SPACES TO 161 SPACES; AND PERMIT MODIFICATION OF RELATED SITE IMPROVEMENTS; AND PROVIDING FOR A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

3. Adjournment

Respectfully submitted,



Guillermo Olmedillo
Town Manager

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.townofsurfsidefl.gov.

TWO OR MORE MEMBERS OF OTHER TOWN BOARDS MAY ATTEND 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 Commission Communication

Agenda Date: October 10, 2017

Subject: Beach Furniture Operator Permit Application
Residence Inn by Marriott, 9200 Collins Avenue, Surfside, FL

From: Guillermo Olmedillo, Town Manager

Table of Contents:

1. Summary of Applicant's Application
2. Beach Furniture Operator Permit Application
3. Certification Letter
3. Town Manager's Recommendation

1. Summary of Applicant's Application:

The Residence Inn by Marriott is a 175 unit hotel located on the west side of Collins Avenue. On August 14, 2017, the Residence Inn submitted to the Town a Beach Furniture Operator Permit Application together with the required permit application fee, insurance documentation, and Beach Furniture Operations Plan.

Their Beach Furniture Operations Plan provides information on the required plan components of set-up, storage, staffing, clean-up and evacuation.

The Residence Inn has provided the Town with a Certification Letter attesting to the mailing of a public notice as required by the Town's Beach Furniture Ordinance.

2. Beach Furniture Operator Permit Application:

See Exhibit "A" (attached).

3. Certification Letter:

See Exhibit “B” (attached)

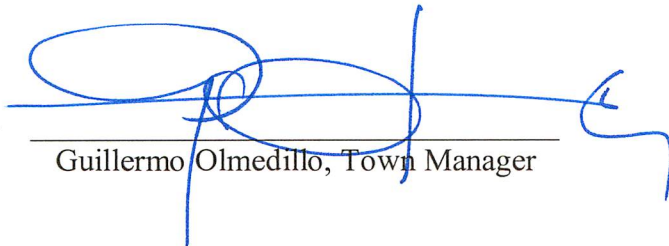
4. Town Manager’s Recommendation:

The Town Manager recommends that the Beach Furniture Operator Permit Application of the Residence Inn by Marriott be approved with the following conditions:

The issuance and validity of this permit is subject to the following administrative policies and directives of the Town, and by accepting this permit, the Beach Furniture Operator agrees to comply with and abide by the terms and conditions set forth in this permit.

1. The Beach Furniture Operator shall promptly pay to the Town an annual local business tax as prescribed by the Town Code of Ordinances, Section 70-41, for Beach Furniture Operation.
2. The Beach Furniture Operator shall promptly comply with all sections of the Town’s Beach Furniture Ordinance, Chapter 86 of the Town Code of Ordinances, as may be amended.
3. The Beach Furniture Operator shall promptly comply with all sections of the Town’s Administrative Policy regarding beach furniture operations, as may be amended.
4. The Town hereby authorizes the Beach Furniture Operator to pre-set a maximum of ten (10) beach chairs and umbrellas on the public beach, and may add beach chairs in groups of ten (10) beach chairs at a time plus umbrellas on an “on-demand” basis throughout the day. Unoccupied, vacated beach chairs must be re-stacked, and may not be allowed to remain un-occupied, vacated on the beach.
5. During sea turtle nesting season (May 1st through October 31st), the Beach Furniture Operator may not pre-set any beach furniture items on the beach prior to 9:00 a.m. each day.
6. The Beach Furniture Operator shall maintain a six (6) foot wide safety corridor that runs east to west from the water edge to the dune on the beach for every continuous fifty (50) feet of beach furniture operation, and no beach furniture shall be allowed at any time in this safety corridor.

7. All beach furniture and storage equipment shall at all times of the day and night be kept and set no less that twelve (12) feet seaward of the edge of the vegetation dune.
8. Storage of beach furniture items, both daytime and nighttime, shall be limited to forty (40) beach chairs neatly organized and secured to the ground.
9. All beach furniture items belonging to the Beach Furniture Operator shall be clearly identified as to their ownership by a unique and distinguishable color, design, or marking.
10. The Beach Furniture Operator shall staff and maintain their beach furniture operation area as approved by the Town.
11. The Beach Furniture Operator shall inspect and clean the area of beach furniture operation every two hours of the day for trash, litter and debris, and shall dispose of same in appropriate trash receptacles.
12. In the event of a declared state of emergency or in anticipation of a natural disaster (such as a tropical storm or hurricane), the Beach Furniture Operator, pursuant to its evacuation plan contained within the operations plan, shall timely remove all Beach Furniture from the public beach and store in an appropriate storage area, and shall not set-up or place Beach Furniture back on the beach until such time as the Town cleans and/or rakes the beach after the emergency or natural disaster and advises that Beach Furniture may be placed on the beach. The Town Manager or designee may issue a warning to the Beach Furniture Operator to remove and secure the Beach Furniture. If the Beach Furniture Operator fails to remove the beach furniture, the Town Manager or designee, at its option, may remove the Beach Furniture from the public beach. The Beach Furniture Operator shall be liable for all costs incurred by the Town for the removal and/or storage of the Beach Furniture in the event of an emergency or natural disaster.
13. The Beach Furniture Operator understands that this permit may be suspended or revoked for cause by the Town, including operating in violation of this Permit, the Town's Beach Furniture Ordinance, the Town's Beach Furniture and Equipment Administrative Policy, and any applicable local, County, State or Federal law. Upon said notification from the Town, the Beach Furniture Operator shall immediately cease all beach furniture operations.



Guillermo Olmedillo, Town Manager



Town of Surfside
9293 Harding Avenue, Surfside, FL 33154
Phone: (305) 861-4863 Fax: (305) 861-1302

Beach Furniture Permit Application
(\$500.00 Application Fee must accompany this form)

Applicant/Organization/Business Owner (Corporate Name): HDP TLD Partners LLC
DIBA Residence Inn by Marriott

Mailing Address: 9200 Collins Avenue

City: Surfside State: FL Zip Code: 33154

Daytime Phone: 305-514-3101 Daytime Fax: 305-514-3202

Name of Contact Person: Arthur Holman

E-mail Address: aholman@hoteleguities.com

Daytime Phone Number of Contact Person: 305-503-0980

Property Address of Beach Furniture: 9200 Collins Avenue, Surfside, FL

Terms and Conditions of the Approval

- 1) Beach furniture shall not inhibit reasonable access to the public beach, nor obstruct reasonable access on the beach for pedestrians and emergency vehicles, nor impact any native vegetation, nor affect sea turtle nesting areas or other wildlife.
- 2) A Beach Furniture Operator who provides beach furniture must obtain a permit from the Town of Surfside pursuant to the permit process described in Chapter 86 of the Town of Surfside (Attachment "A") and shall comply with the Town Manager's "Administrative Policy: Beach Furniture and Equipment" (Attachment "B").

3) All permit applications shall include:

- A. An application fee of \$500.00; and
- B. A Beach Furniture Operations Plan, including specifications on setup, storage, staffing and clean-up, and an evacuation plan in the event of a natural disaster such as a tropical storm or a hurricane, including a storage area during the natural disaster; and
- C. Compliance with indemnification and insurance requirements pursuant to Chapter 86 of the Town of Surfside Code.

4) A hotel Beach Furniture Operator must procure a Local Business Tax Receipt and comply with Section 70-41 of the Town of Surfside Code and all required licenses or permits from Miami-Dade County, the State of Florida, or federal entities.

5) By signing this Beach Furniture Permit Application, I affirm that I have read the above Terms and Conditions of Approval, Chapter 86 of the Town of Surfside Code (Attachment "A") and shall comply with the Town Manager's "Administrative Policy: Beach Furniture and Equipment" (Attachment "B"), and agree to follow and abide by same.

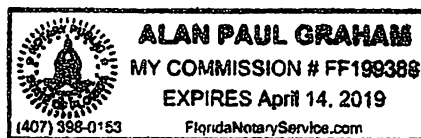
[Signature]
 Signature of Applicant for the
 Organization/Business Owner

8/17/17
 Date

Sworn to and subscribed before me this 14 day of August, 2017,
 by ANTHONY HOLMANS, who is personally known to me or who produced the
 following identification: _____

(Seal below)

[Signature]
 Notary Public, State of FLORIDA



For Office Use Only:

Approval: [] Yes [] No [] With Conditions
 Comments:

By: _____
 Guillermo Olmedillo, Town Manager

_____ Date

Form Created: January 2017
 Revised: May 2017

BEACH FURNITURE OPERATION PLAN

SETUP:

An organized pre-placement of hotel-owned beach furniture, not to exceed 40 chairs and not to exceed 20 umbrellas, shall be completed once the Florida Fish & Wildlife Conservation Commission has completed its monitoring of turtle nesting activity, and shall not occur before sunrise, whichever occurs first.

Beach furniture will not be placed directly in front of a lifeguard tower or within 10 feet of the perimeter of the lifeguard tower, or obstruct lifeguard or emergency personnel's view of the beach or ocean.

Beach furniture will not be placed in the area immediately adjacent to or directly seaward of the street end so as not to obstruct emergency vehicles or emergency personnel. Beach staff will use reasonable efforts to preset chairs to the north and to the south of the 9200 street end, so as to deploy in a manner to cause no obstruction to the general public's use of the beach.

Beach furniture shall be set at no less than 12 feet seaward of the edge of the vegetation line of the dune.

It is estimated that beach furniture shall be preset no later than 10:00am, and preset beach furniture will be placed in as relatively consistent manner as possible from day to day, subject to the general public's occupation of the beach. Beach furniture, not to exceed 40 chairs, will be preset seven days a week, weather permitting, until approximately no later than sunset. Additional chairs will be placed on a demand-only basis.

STORAGE:

The overnight placement of furniture on the beach will consist of stacked chairs, secured with a locked cable to prohibit the removal of chairs by unauthorized parties. Chairs left overnight will be stacked east of the dune and neatly organized.

STAFFING:

An adequate number of hotel staff, approximately one to four individuals, shall be present during the setup, use, and take down periods. Staffing levels will fluctuate throughout the day depending on break periods, weather conditions, and hotel guest demand.

Staff will be identified by hotel uniforms, and they will occupy an area within the approved beach furniture area to stage their administrative materials, towels, water, cleaning supplies, etc.

CLEAN-UP:

Staff will make reasonable efforts to remain vigilant in keeping the beach furniture area free of trash during the setup, use, and take down periods. Trash will either be placed in the existing Town of Surfside beach waste receptacles or removed from the beach and disposed of with the



CERTIFICATION LETTER

Town of Surfside

Date: September 26, 2017

Applicant: HDP TDL Partners, LLC dba Residence Inn by Marriott

Legal Description: Lots Lot 1 thru 6 and Lots 20 thru 24 Block 4 of Altos Del Mar No. 5 Plat Book 8 Page 92 of the Public Records of Miami-Dade County, Florida.

Address or General Location: 9200 Collins Avenue

Type of Application: Beach Furniture Operator Permit Application

This letter certifies that the attached list of property owners was prepared using the latest tax folio rolls supplied by the Miami-Dade County Property Appraisers Office as of August 17, 2017. This list includes all properties within 300 feet from each property line of the subject site in compliance with the Town of Surfside notification regulations.


This letter also certifies that the attached notification was sent to the persons on the list of property owners. The notice was mailed September 25, 2017.

Finally, this letter certifies that the site was posted with one sign that meets the Town of Surfside notification regulations. The sign was posted September 26, 2017.

Thank You,

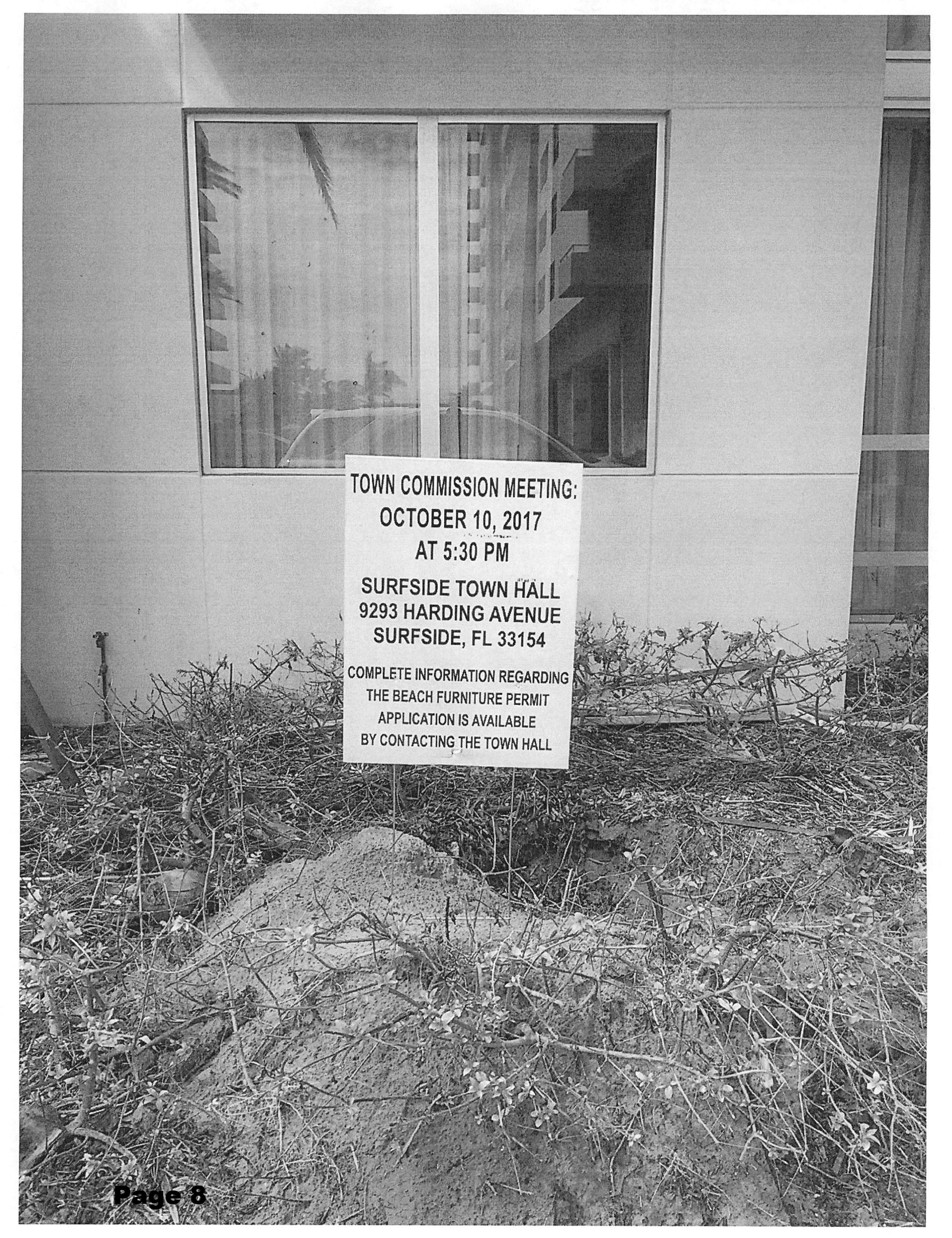

Christina Mathews

Sworn and subscribed before me this 26th day of September, 2017. She is personally known to me.


Signature of Notary



1025 Yale Drive
Hollywood, Florida 33021
954-920-2205
Email: cutroplanning@yahoo.com



**TOWN COMMISSION MEETING:
OCTOBER 10, 2017
AT 5:30 PM**

**SURFSIDE TOWN HALL
9293 HARDING AVENUE
SURFSIDE, FL 33154**

**COMPLETE INFORMATION REGARDING
THE BEACH FURNITURE PERMIT
APPLICATION IS AVAILABLE
BY CONTACTING THE TOWN HALL**

TOWN OF SURFSIDE- CODE COMPLIANCE DIVISION
Courtesy notice to affected property owners
Regarding Beach Furniture Operator Permit Application

SEPTEMBER 19, 2017

VIA FIRST CLASS MAIL

TO: CURRENT PROPERTY OWNER

HDP TDL Partners LLC D/B/A Residence Inn by Marriott, has applied for a Beach Furniture Operator Permit Application for the property located at 9200 Collins Avenue. Per Town Ordinance the Town Commission is required to hold a public hearing regarding the application. Based on the Miami Dade Property Appraiser's records you are an affected property owner within 300 feet of the subject property and are entitled to receive this notice.

The Town Commission will hold the public hearing on the following date:

October 10, 2017
Town of Surfside
Commission Chambers
9293 Harding Avenue
Surfside, FL 33154
at 5:30 PM

Complete information regarding the Beach Furniture Permit Application is available by contacting the Town Clerk's Office at (305) 861-4863.

Sincerely,



Alan P. Graham
Code Compliance Director

RESOLUTION NO. 17 - _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA [APPROVING/ APPROVING WITH CONDITIONS/DENYING] A BEACH FURNITURE PERMIT APPLICATION PURSUANT TO SECTION 86-31 OF THE CODE OF ORDINANCES; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 86-31 of the Town of Surfside Code of Ordinances provides for Beach Furniture Permits; and

WHEREAS, a Beach Permit Furniture Operator Application (the “Application”), together with the required permit application fee, insurance documentation, and Beach Furniture Operations Plan, has been submitted by Residence Inn by Marriott, located at 9200 Collins Avenue, Surfside, FL; and

WHEREAS, beach furniture permit applications for hotels located on the west side of Collins Avenue must be approved by the Town Commission; and

WHEREAS, the Town Commission has reviewed the Application and the proposed Beach Furniture Operations Plan and finds that the proposal, as presented or conditioned herein, [*does/does not*] adequately comply with the requirements of the Town’s Administrative Policy and with the requirements of the Town Code; and

WHEREAS, it is in the best interest of the Town to [*approve/approve with conditions/deny*] the Beach Permit Furniture Operator Application presented by Residence Inn by Marriott.

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

Section 1. Recitals. The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Approval and Authorization. The Town Commission hereby [*approves/approves with conditions/denies*] the Beach Furniture Operator Permit Application and Beach Furniture Operations Plan submitted on August 14, 2017 by Residence Inn by Marriott, located at 9200 Collins Avenue, Surfside, FL and [*authorizes/denies*] the issuance of the Beach Furniture Permit as provided in the attached Exhibit 1.

Section 3. Conditions. The approval granted herein is subject to the conditions provided below.

1. The Beach Furniture Operator shall promptly pay to the Town an annual local business tax as prescribed by the Town Code of Ordinances, Section 70-41, for Beach Furniture Operation.
2. The Beach Furniture Operator shall promptly comply with all sections of the Town's Beach Furniture Ordinance, Chapter 86 of the Town Code of Ordinances, as may be amended.
3. The Beach Furniture Operator shall promptly comply with all sections of the Town's Administrative Policy regarding beach furniture operations, as may be amended.
4. The Town hereby authorizes the Beach Furniture Operator to pre-set a maximum of ten (10) beach chairs and umbrellas on the public beach, and may add beach chairs in groups of ten (10) beach chairs at a time plus umbrellas on an "on-demand" basis throughout the day. Unoccupied, vacated beach chairs must be re-stacked, and may not be allowed to remain un-occupied, vacated on the beach.
5. During sea turtle nesting season (May 1st through October 31st), the Beach Furniture Operator may not pre-set any beach furniture items on the beach prior to 9:00 a.m. each day.
6. The Beach Furniture Operator shall maintain a six (6) foot wide safety corridor that runs north to south from the water edge to the dune on the beach for every continuous fifty (50) feet of beach furniture operation, and no beach furniture shall be allowed at any time in this safety corridor.
7. All beach furniture and storage equipment shall at all times of the day and night be kept and set no less that twelve (12) feet seaward of the edge of the vegetation dune.
8. Storage of beach furniture items, both daytime and nighttime, shall be limited to forty (40) beach chairs neatly organized and secured to the ground.
9. All beach furniture items belonging to the Beach Furniture Operator shall be clearly identified as to their ownership by a unique and distinguishable color, design, or marking.
10. The Beach Furniture Operator shall staff and maintain their beach furniture operation area as approved by the Town.
11. The Beach Furniture Operator shall inspect and clean the area of beach furniture operation every two hours of the day for trash, litter and debris, and shall dispose of same in appropriate trash receptacles.
12. In the event of a declared state of emergency or in anticipation of a natural disaster

(such as a tropical storm or hurricane), the Beach Furniture Operator, pursuant to its evacuation plan contained within the operations plan, shall timely remove all Beach Furniture from the public beach and store in an appropriate storage area, and shall not set-up or place Beach Furniture back on the beach until such time as the Town cleans and/or rakes the beach after the emergency or natural disaster and advises that Beach Furniture may be placed on the beach. The Town Manager or designee may issue a warning to the Beach Furniture Operator to remove and secure the Beach Furniture. If the Beach Furniture Operator fails to remove the Beach Furniture, the Town Manager or designee, at its option, may remove the Beach Furniture from the public beach. The Beach Furniture Operator shall be liable for all costs incurred by the Town for the removal and/or storage of the Beach Furniture in the event of an emergency or natural disaster.

13. The Beach Furniture Operator understands that this permit may be suspended or revoked for cause by the Town, including, but not limited, to operating in violation of this Permit, the Town’s Beach Furniture Ordinance, the Town’s Beach Furniture and Equipment Administrative Policy, and any applicable local, County, State or Federal law. Upon said notification from the Town, the Beach Furniture Operator shall immediately cease all beach furniture operation.

Section 4. Violation of Conditions. Failure to adhere to the conditions imposed herein or to requirements of the Town’s Administrative Policy on Beach Furniture and Equipment, as may be amended from time to time, shall be considered a violation of the Town Code and persons found violating the conditions shall be subject to the penalties prescribed by the Town Code, including but not limited to, the revocation of any of the approval(s) granted in this Resolution. The Applicant understands and acknowledges that it must comply with all other applicable requirements of the Town Code before it may commence operation, and that the foregoing approval in this Resolution may be revoked by the Town at any time upon a determination that the Applicant is in non-compliance with the Town Code or the conditions of this Approval.

Section 5. Implementation. The Town Manager is hereby authorized to take any and all action necessary to implement this Resolution.

Section 6. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 10th day of October, 2017.

Motion by _____,

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
LEGAL SUFFICIENCY FOR THE TOWN OF SURFSIDE ONLY:**

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



Town of Surfside Commission Communication

Agenda Date: October 10, 2017

Subject: Surf Club NW Building Site Plan Amendment

From: Guillermo Olmedillo, Town Manager
Sarah Sinatra Gould, AICP, Town Planner

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1. Request
2. Site Plan Report
3. Development Impact Committee Report
4. Resolution
5. Exhibits:
 - a. Application and Letter of Intent
 - b. Site Plan Package

REQUEST:

Alexander Tachmes of Shutts & Bowen, on behalf of The Surf Club, Inc. submitted a site plan amendment for the condominium/hotel at 9011 Collins Avenue, which was initially approved by the Town Commission on October 15, 2012 and also subject to site plan amendments approved on April 23, 2013 and July 12, 2016. The proposed changes included in this site plan amendment are applicable to the property on the North West corner of Collins Avenue and 91st Street only. No changes included are proposed for the lot on the east or the building on the South West corner of Collins Avenue and 91st Street. The changes include the following:

1. Removing the 28 residential units from the NW building.
2. Modifying the façade by changing the design from the originally approved plans.
3. Adding a mural.
4. Adding a 10,835 square foot office.
5. Adding a 2,648 square foot kitchen.
6. Adding a 24 seat terrace.
7. Adding a tennis court to the south west side of the roof.

The original application proposed a Gourmet Specialty Food Product store on the ground floor of the Northwest building, as defined by the following: a retail store that sells gourmet specialty food products. This type of facility may not offer money orders and wire services, dry cleaning/laundry, photo processing, banking, ATM machines and pharmaceutical services. There shall be no sales permitted through an open window to any street, driveway or sidewalk, however, outdoor dining is proposed at this location which shall be accessed only through the interior of the store. This is being modified to be known as a "Market Hall." The proposed restaurant on the east parcel will have a specialty restaurant. The Market Hall is intended to support the restaurant by offering high quality foods to be used in the restaurant as well as available to be purchased by the public.

The proposed garage elevations are being modified to add landscaping, a decorative block façade and headlight screening to mitigate any lighting spillover out of the parking garage. Height is measured by the average adjacent grade of the street serving the property, which is interpreted as Collins Avenue being the front of the property. The height of the garage is the same as the prior approval as well as the number of stories. The code has been modified per the most recent amendment to Section Four of the Charter limited the number of stories to the maximum number in the 2004 zoning code, however this application was originally approved prior to this last Charter amendment. Therefore, the approval of the number of stories in the site plan is applicable to this site plan amendment.

The site plan amendment was submitted in July 2015. The application was then revised and resubmitted in April 2016. Staff has held four development review meetings with the applicant to address numerous comments. The technical comments were addressed in May 2017, which allowed the application to proceed to the Development Impact Committee (DIC). DIC met in an open, advertised, televised session on June 1, 2017 to discuss this application. No additional conditions were included for this review. The original conditions and voluntary proffers associated with the approved plan and any subsequent site plan amendment remain in effect and this approval does not extend the dates for those proffers.

The Planning and Zoning Board heard this application on August 31, 2017. It was unanimously recommended for approval to the Town Commission.

STAFF RECOMMENDATION

Recommendation: Staff recommends that the Town Commission approve the site plan amendment application.

Budget Impact: The modification relates to façade and use changes within the interior of the building. The project is required to obtain all required permits which will result in a permit fee to the Town.

Growth Impact: The residential units have been reduced by removing 28 units from this building. This application reduces the density for the site.

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	9011 Collins Avenue
General Location of amendment	North West corner of Collins Avenue and 91 st Street.
Subject Property Size	Northwest Parcel: .87 gross acres
Zoning District	H40
Adjacent Zoning Districts	H30C to the north, H40 to the south, H30B to the west and H120 to the east
Future Land Use	Moderate Density Residential/Tourist
Density Permitted	79 units per acre
Units proposed	0
Number of parking spaces	161 Total Spaces = 92 Valet Spaces and 69 Self-Parking Spaces

ZONING CODE, APPLICABLE REQUIREMENTS

Sec. 90.43

Maximum Building Heights	Maximum Required	Proposed
H40	40 feet maximum	40 feet

Sec. 90.44

Modification of Height	Maximum Permitted		Proposed	Must be of high architectural quality integral to the design of the building
H40	12 ft.	10% of roof area	8.4% of roof	The mechanical equipment, rooftop decks, tennis court and parapet walls meet these criteria.

Sec. 90.45(b)

Minimum Required Setbacks		Proposed
Front (Collins Avenue)	20 ft	20 ft 6 in
Side	10ft	10 ft 2 in
Interior Side (90 th Street)	10ft	10ft 2 in

Rear (Harding Avenue)	10 ft	10 ft 2 in
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Sec. 90.47.1 Yards generally, allowable projections

Required	Proposed
Every part of a required yard shall be open to the sky, except ordinary projections of sills, cornices, roof eaves and ornamental features may project not more than 24 inches into any required yard.	Projections meet these requirements

Sec. 90.49

Lot Standards	Required	Proposed
Minimum Lot width	50 feet	119 Feet
Minimum Pervious area	20%	23.9%

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.	Project meets or exceed 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 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. 	Roof deck includes a tennis court, green roof, roof top parking with a canopy and mechanical equipment

Sec. 90.50.2 (3)

Roof Deck Provisions	Required	Proposed
Roof Decks are limited to	a. Maximum 70% of the aggregate roof area;	26.9 % for the tennis court, however no roof deck is proposed

	b. Shall not exceed the maximum roof height required by any abutting property's zoning designation;	40 feet
	c. Minimum setback of 10 feet from the roofline on all sides	A roof deck is not proposed

Sec. 90.51(1)

Maximum frontage of buildings	Required	Proposed
H40	For every 75 feet, a minimum 6 foot change in wall plane.	After 75 feet there is a 6 foot horizontal change in wall plane

Sec. 90.61.1

Paving in front and rear yards in H30 & H40 Districts	Required	Proposed
Front setbacks, amount that may be paved with any type of material that is not readily permeable by rainwater and groundwater.	Maximum 50% paved	48%
Front Yard Landscaping	Minimum 30%	51%
Rear Yard Landscaping	Minimum 20%	97%

Sec. 90.67.2

Underground utilities	Required	Proposed
	All utilities including telephone, cable, and electrical systems shall be installed underground.	The lines will be installed underground.

Sec. 90.77(c)

Off-Street Parking	Minimum Required	Proposed
	568 Spaces	663 Total Spaces 161 are proposed for the NW building including 92 valet spaces and 69 self-parking spaces

Sec. 90.83

Off-Street Loading
Multiple loading spaces are provided throughout the project, one space (12X20) is proposed on this site.

Sec. 90.91

Vegetative Provisions	Minimum Required	Proposed
Xeriscape in pervious area	40%	15% of the sod 85% of the shrubs and groundcover

Sec. 90.91.2

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

Sec. 90.93

Open Space	Application meets or exceeds all requirements.
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DEVELOPMENT IMPACT COMMITTEE REPORT

DEVELOPMENT IMPACT COMMITTEE MEETING

The Development Impact Committee (DIC)* met on June 1, 2017 to discuss the application for the Surf Club NW Building Site Plan Amendment ("the Project"). The DIC meeting was attended by the following:

Staff Attendees: Guillermo Olmedillo, Town Manager
 Duncan Tavares, Assistant Town Manager
 Edwin Morrow, Tourism Director
 Ross Prieto, Building Official
 Randy Stokes, Public Works Director
 Linda Miller, Town Attorney
 Sarah Sinatra Gould, Town Planner
 Julio Yero, Police Captain
 Tim Millan, Parks and Recreation Director

Applicant Attendees: Alex Tachmes, Shutts & Bowen
 Jay Khoriaty, Fort Partners

Citizen Attendees: Victor May

No additional conditions were suggested as a part of this application as this was only an amendment to the approved site plan.

***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 original conditions and voluntary proffers associated with the approved plan and any subsequent site plan amendment remain in effect and this approval does not extend the dates for those proffers.

RESOLUTION

RESOLUTION NO. 17-Z- _____

A RESOLUTION OF THE TOWN COMMISSION OF SURFSIDE, FLORIDA; APPROVING A SITE PLAN AMENDMENT APPLICATION FOR PROPERTY GENERALLY LOCATED AT 9100 COLLINS AVENUE, SURFSIDE, FL, TO MODIFY THE DESIGN OF THE NORTHWEST BUILDING TO REDUCE RETAIL SPACE; REMOVE ALL RESIDENTIAL UNITS; ADD BACK-OF-HOUSE SPACE FOR THE HOTEL TO ADD OFFICE SPACE AND KITCHEN SPACE FOR THE RESTAURANT; INCREASE ON-SITE PARKING FROM 67 SPACES TO 161 SPACES; AND PERMIT MODIFICATION OF RELATED SITE IMPROVEMENTS; AND PROVIDING FOR A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, The Surf Club, Inc. (the “Applicant”), a Florida corporation, owner of the property located at 9011 Collins Avenue, Surfside, FL 33154, with a general location of the east and west sides of Collins Avenue and 91st Street, Surfside, FL, (the “Property”) submitted an application to the Town of Surfside, Florida (the “Application”), requesting an amendment to Town approvals granted for the property by Resolution No. 12-Z-03 and amended by Resolution No. 13-Z-06 and Resolution No. 16-Z-2388, which current application requests certain design changes to the original approval as set forth below:

- A. Pursuant to Section 90-20.1 and Section 90-41 et seq., of the Town Zoning Code, site plan amendment to modify the northwest building to reduce retail space, remove all residential units, add back-of-house space for the hotel to add office space and kitchen space, increase the number of on-site parking from 67 spaces to 161 spaces, and permit modification of related site improvements including a mural and outdoor seating for the property generally known as “The Surf Club”, located at 9100 and 9011 Collins Avenue.
- B. Plans submitted September 28, 2017, are on file and may be examined in the Building Department entitled “Surf Club” 9011 Collins Avenue, Surfside, FL 33154, (Site Plan Amendment Package) NW BUILDING (BUILDING #3), which plans may be modified at public hearing (hereinafter referred to as the “Plans”) prepared by Richard Meier & Partners Architects, LLP and Kobi Karp Architecture & Interior Design.
- C. **Legal Description:** See attached Exhibit “A” “Legal Description”
Address: 9011 Collins Avenue, Surfside, FL 33154

WHEREAS, on May 11, 2017, the Town’s Development Review Group, pursuant to the Town’s Zoning Code Section 90.20, met to review the site plan application and provide technical comments to the Town staff and to the Applicant; and

WHEREAS, the Town’s Development Impact Committee, after advertised notice and notice posted on the Town’s website, met on June 1, 2017, and during the televised meeting, reviewed the Application and made recommendations to the Town’s Planning and Zoning Board in accordance with the criteria set forth in the Town’s Zoning Code Section 90.20. Conditions, if any, imposed by the Planning and Zoning Board are incorporated herein under Section III. Conditions, shall be accepted by the Applicant and owner of the Property and their heirs, successors and/or assigns, and shall be made part of a recorded covenant running with the land; and

WHEREAS, on August 31, 2017, the Planning & Zoning Board, at a duly noticed and televised quasi-judicial public hearing, after reviewing the Application and hearing from its professional staff, the Applicant, and members of the public, considered the requirements of Section 90-20 and Section 90-41 et seq. of the Town Zoning Code for Site Plan Approval and the Application’s consistency with the Town of Surfside’s Comprehensive Plan and recommended the Application for approval by the Town Commission, subject to all of the conditions recommended by the Development Impact Committee and the additional conditions of approval incorporated herein under Section III. Conditions; and

WHEREAS, on October 10, 2017, the Town Commission, at a duly noticed and televised quasi-judicial public hearing, reviewed the Application and hearing from its professional staff, the Applicant, and members of the public, and considering the recommendation of the Planning & Zoning Board, considered the requirements of Section 90-20.1 “Site Plan Amendments,” and Section 90-41 et seq. of the Town Zoning Code for Site Plan Approval and the Application’s consistency with the Town of Surfside’s Comprehensive Plan, and the substantial competent evidence presented at the hearing.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPLICABLE TO APPLICANT, ITS SUCCESSORS AND/OR ASSIGNS, AS FOLLOWS:

I. INCORPORATION OF RECITALS AND FINDINGS OF FACT.

- A. All recitals set forth above are incorporated into the body of this Resolution as if same were fully set forth herein.
- B. The Commission finds that the proposed amended site plan is in compliance with the requirements and criteria set forth in Section 90-20.1 “Site Plan Amendments,” and Section 90-41 et seq. of the Town Zoning Code for Site Plan Approval and the Application’s consistency with the Town of Surfside’s Comprehensive Plan.

II. APPROVALS.

The recommended approvals set forth in this Section II are subject to all of the conditions set forth in prior Resolutions applicable to the property, and the execution of all attendant agreements prior to the issuance of the Building Permit for the Project.

Applicant shall modify the recorded covenant running with the land as necessary, subject to the Town Attorney's approval, to reflect changes approved by this Resolution.

The Applicant's request for approval of the Site Plan amendment, consisting of modification of the design of the northwest building to reduce retail space, remove all residential units, add back-of-house space for the hotel to add office space and kitchen space for the restaurant, increase on-site parking from 67 spaces to 161 spaces, and permit modification of related site improvements for property located at 9011 Collins Avenue, known as "Surf Club" is granted.

III. CONDITIONS. The APPROVAL granted herein is subject to the following conditions:

- A. The improvement shall be in compliance with the plans submitted September 28, 2017, with the Building Department entitled "Surf Club" 9011 Collins Avenue, Surfside, FL 33154, (Site Plan Amendment Package) NW BUILDING (BUILDING #3), except as may be modified herein or by the building official.
- B. The applicant shall re-evaluate the sidewalk widths and make efforts to provide five (5) foot sidewalks wherever possible;
- C. To the extent feasible, the applicant shall provide shade structures or canopies over sidewalks;
- D. The applicant shall continue to work with the state to obtain a a crosswalk and light crossing Collins Avenue;
- E. The applicant shall provide that the garage rooftop areas are screened; and
- F. Tennis court hours shall be limited and in no event shall extend prior to or after the hours of the Town Tennis Court.
- G. All applicable state and federal permits must be obtained before commencement of the development.
- H. Issuance of this development permit by the Town does not in any way create any right on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the Town for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

IV. SEVERABILITY CLAUSE. In the event any portion or section of this Resolution is determined to be invalid, illegal or unconstitutional by a court or agency of competent jurisdiction, such decision shall in no way affect the remaining portions of this Resolution, which shall remain full force and effect.

V. **EFFECTIVE DATE.** This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this 10th day of October, 2017.

Motion by: _____,

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 LEGAL SUFFICIENCY
FOR THE TOWN OF SURFSIDE ONLY:**

Weiss Serota Helfman Cole & Bierman
Town Attorney

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

I, Sandra Novoa, Town Clerk of the Town of Surfside, Florida, do hereby certify that the above and foregoing is a true and correct copy of Resolution No. 17-Z____ adopted by the Town Commission at its meeting held on the ____ day of _____, 2017.

Issued: _____

Sandra Novoa, MMC
Town Clerk

APPLICATION



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.

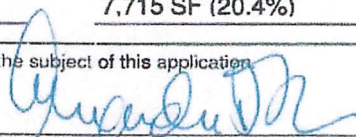
PROJECT INFORMATION	
OWNER'S NAME	SC Trust Florida LLC, Trustee for The Surf Club Land Trust
PHONE / FAX	c/o Joseph Benton, ph: (786) 214-1344
AGENT'S NAME	Alexander I. Tachmes, Esq.
ADDRESS	200 S. Biscayne Blvd., Suite 4100, Miami, Florida 33131
PHONE / FAX	Ph: (305) 347-7341
PROPERTY ADDRESS	9011 and 9100 Collins Avenue, Surfside, Florida 33154
ZONING CATEGORY	H120 and H40
DESCRIPTION OF PROPOSED WORK	Site plan amendment to modify design of Northwest Building to reduce retail space; remove all residential units; add back-of-house space for hotel; increase on-site parking; and permit modification of related site improvements.

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

ZONING STANDARDS*	Required			Provided		
Plot Size	N/A (no min. lot size)			37,829 SF		
Setbacks (F/R/S)	20 feet	10 feet	10 feet	20'6"	10'2"	10'2"
Lot Coverage	N/A			26,650 SF (70%)		
Height	40 ft / 52 ft for arch. elements			40 ft / 52 ft for arch. elements		
Pervious Area	Min. 20%			7,715 SF (20.4%)		

* Zoning Standards provided for the Northwest Building only (zoned H40), which is the subject of this application.


 SIGNATURE OF OWNER 8/23/17
 DATE


 SIGNATURE OF AGENT 8/22/17
 DATE



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:


NAME OF REPRESENTATIVE

8/22/17
DATE

**OWNERSHIP AFFIDAVIT
FOR CORPORATION**

STATE OF FLORIDA
COUNTY OF Miami - Dade

Public Hearing No. _____

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

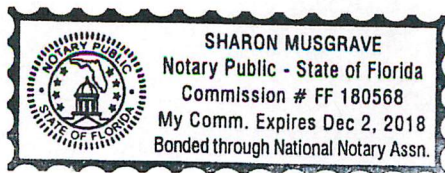
1. Affiant is the Managing Member of SC Trust Florida LLC, a Delaware limited liability company with the following address: 500 W. Cypress Creek Road, Suite 770, Fort Lauderdale, Florida 33309.
2. SC Trust Florida LLC serves as trustee for The Surf Club Land Trust, owner of the property which is the 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]
Signature
LORTA TO RESTIVO
Print Name
[Signature]
Signature
SHIRLEY INONI
Print Name

[Signature]
Affiant's Signature
Nadim Ashi
Print Name

Sworn to and subscribed before me on the 25th day of August, 2017. Affiant is personally known to me or has produced _____ as Identification.



[Signature]
Notary (Stamp/Seal)
Commission Expires: December 2, 2018

EXHIBIT A

PARCEL 1: Lot "B", of AMENDED PLAT OF A PORTION OF ALTOS DEL MAR NO. 4, according to the Plat thereof, as recorded in Plat Book 34, Page 7, of the Public Records of Miami-Dade County, Florida.

PARCEL 2: Lot "U", of AMENDED PLAT OF A PORTION OF ALTOS DEL MAR NO. 4, according to the Plat thereof, as recorded in Plat Book 34, Page 7, of the Public Records of Miami-Dade County, Florida.

LESS AND EXCEPT all of SURF CLUB CONDOMINIUM, a condominium according to the Declaration of Condominium thereof, as recorded in Official Records Book 29040, Page 3186, of the Public Records of Miami-Dade County, Florida.

PARCEL 3: Lot "A", and Lots 1 through 9, inclusive, Block 1, of ALTOS DEL MAR NO. 4, according to 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 Lot "A", and Lots 1 through 9, inclusive, Block 1, of ALTOS DEL MAR NO. 4, according to 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 "A", Block 1; 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, Block 1; bounded on the West by the East line of said Lot "A", and Lots 1 through 9, inclusive, Block 1.

LESS AND EXCEPT a portion of Lots 1 and 2, Block 1 of ALTOS DEL MAR NO. 4, according to the Plat thereof, as recorded in Plat Book 10, Page 63, of the Public Records of Miami-Dade County, Florida, more particularly described as follows:

Commence at the intersection of the Southerly extension of the West line of said Block 1 with the Westerly extension of the South line of said Block 1; thence run Northerly, along the West line of said Block 1 and its Southerly extension, for a distance of 84.53 feet to the point of curvature of a circular curve concave to the Northeast, said point of curvature also being the POINT OF BEGINNING of the parcel herein described; thence run Southerly and Southeasterly, along the arc of said circular curve concave to the Northeast, having a radius of 229.18 feet, through a central angle of 19°41'36", for an arc distance of 78.77 feet, to a point of compound curvature of a circular curve concave to the Northeast; thence run Southeasterly to Easterly, along the arc of the last mentioned curve, having a radius of 13.00 feet, through a central angle of 67°18'51", for an arc distance of 15.27 feet, to the point of tangency with the aforementioned South line of said Block 1; thence run Westerly, along the South line of Said Block 1, for a distance of 1.26 feet, to the point of curvature of a circular curve to the right; thence run Easterly to Northwesterly along the arc of said circular curve to the right, having a radius of 25.00 feet, through a central angle of 87°00'27", for an arc distance of 37.96 feet, to the point of tangency with the West line of said Block 1; thence run Northerly, along the West line of said Block 1, for a distance of 60.79 feet to the POINT OF BEGINNING.

ALSO LESS AND EXCEPT all of SURF CLUB CONDOMINIUM, a condominium according to the Declaration of Condominium thereof, as recorded in Official Records Book 29040, Page 3186, of the Public Records of Miami-Dade County, Florida.

PARCEL 4: All of SURF CLUB CONDOMINIUM, a condominium according to the Declaration of Condominium thereof, as recorded in Official Records Book 29040, Page 3186, of the Public Records of Miami-Dade County, Florida.

SITE PLAN PACKAGE