



Town of Surfside
Special Town Commission Meeting
AGENDA
Wednesday, October 12, 2022
5:30 PM
Commission Chambers

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.

Rule 6.06 (a)3 Agenda. The good and welfare portion of the agenda set for 8:15 p.m. shall be restricted to discussion on subjects not already specifically scheduled on the agenda for discussion and debate. In no event shall this portion of the agenda be allotted more than 45 minutes with each speaker to be given no more than three minutes, unless by vote of a majority of the members of the commission present, it is agreed to extend the time frames. Likewise, commission members shall be restricted to speaking three minutes each unless an extension is granted in the same manner as set forth in the prior sentence.

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 community-based organization for the purpose of requesting a grant without special compensation or reimbursement for the appearance; and any person who only appears as a representative of a neighborhood, homeowners or condominium association without compensation for the appearance, whether direct or indirect or contingent, to express support of or opposition to any item.

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

1. Opening

1A. Call to Order

1B. Roll Call of Members

1C. Pledge of Allegiance

2. Quasi-Judicial Hearing

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.

2A. The Shul Development Order - Andrew Hyatt, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; APPROVING AN AMENDMENT TO RESOLUTION NO. 14-Z-2269 FOR THE SHUL LOCATED AT 9540 COLLINS AVENUE, SURFSIDE, FL, TO AMEND CONDITION NO. 19 OF SECTION IV. REGARDING UNDERGROUNDING OF UTILITIES IN THE ALLEY; RATIFYING ALL OTHER REQUIREMENTS AND CONDITIONS OF THE ORIGINAL APPROVAL IN RESOLUTION NO. 14-Z-2269; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

[Resolution-Shul Amendment to Development Order.doc](#)

3. Mayor, Commission and Staff Communication

3A. Beach Chair Operations Direction - Andrew Hyatt, Town Manager

3B. Kayak Launches, Street Ends and Beach Ends - Vice Mayor Jeff Rose

3C. Downtown Walkability Design and Public Outreach Guidance - Andrew Hyatt, Town Manager

3D. Removal of Existing North Median Island on 94 Street and Abbott Avenue to Allow for Two-Way Vehicular Traffic - Commissioner Velasquez/Andrew Hyatt, Town Manager

[RES 2001-1632 A RESOLUTION GRANTING SPECIAL USE PERMIT FOR PROPERTY LEGALLY DESCRIBED AS UNNUMBERED LOT, LOTS 1 THROUGH 8 AND LOTS 26 THROUGH 32, BLOCK 5, ALTOS DEL MAR NO. 5, AND LOTS 12 AND 13.pdf](#)

4. Adjournment

Respectfully submitted,

Andrew Hayatt
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.townofsufsidefl.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.



MEMORANDUM

ITEM NO. 2A.

To: Honorable Mayor, Vice-Mayor and Members of the Town Commission
From: Andrew Hyatt, Town Manager
Date: October 12, 2022
Subject: **The Shul Development Order**

Town Administration recommends approval of the amended Shul development plan.

Condition 19 of the Shul development order is to underground the utilities in the alley. Since the development order was approved in October 2014, the Shul has investigated this requirement and it was determined that undergrounding was not possible by the private entity due to the need to obtain many easements. The Shul notified the Town of May 6, 2020, that Shul could not complete Condition 19.A. The Shul moved forward with the alternative detailed in Condition 19.A (a) & (b) in which the Shul would replace the wooden poles with concrete ones and provide the Town with \$350,000 towards undergrounding if the Town moved forward with undergrounding within ten (10) years the the development of order approval. \$150,000 was budgeted towards the alleyway hardening. A total of \$500,000 was budgeted towards undergrounding/hardening of the alleyway.

With the Town now moving forward with undergrounding of utilities throughout the Town, the Town notified the Shul shortly after the March 2022 vote of this intent and to cease with replacing of the wooded alleyway poles. As of the notification by the Town, the Shul had incurred expenses primarily paid to FPL in the amount of \$61,424. The budgeted balance for the undergrounding/hardening would be \$438,576.

This development order amendment revises the language of Section 19 to clearly list the payment to the Town in the amount of \$438,576 to be used towards undergrounding of utilities.

[Resolution-Shul Amendment to Development Order.doc](#)

RESOLUTION NO. 2022- _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; APPROVING AN AMENDMENT TO RESOLUTION NO. 14-Z-2269 FOR THE SHUL LOCATED AT 9540 COLLINS AVENUE, SURFSIDE, FL, TO AMEND CONDITION NO. 19 OF SECTION IV. REGARDING UNDERGROUNDING OF UTILITIES IN THE ALLEY; RATIFYING ALL OTHER REQUIREMENTS AND CONDITIONS OF THE ORIGINAL APPROVAL IN RESOLUTION NO. 14-Z-2269; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission of the Town of Surfside adopted Resolution No. 2014-Z-2269 (“Original Approval Resolution”) which approved a site plan application and special exception with conditions by The Shul (“Applicant”) for development of the property located at 9540 Collins Avenue, Surfside, FL 33154 (the “Property”), to allow the development of a preschool and related uses; and

WHEREAS, Condition No. 19, of Section IV., of the Original Approval Resolution required that the Applicant take certain steps and make payments towards undergrounding of electrical and other utilities in the Alley behind the Property; and

WHEREAS, since the development order was approved in October 2014, The Shul has investigated this requirement and it was determined that undergrounding of utilities in the Alley was not feasible by a private entity due to the nature of the plat and ownership of the Alley, and the need to obtain numerous easements and approvals; and

WHEREAS, The Shul notified the Town on May 6, 2020, that it could not complete Condition 19, and moved forward with the alternative detailed in Condition 19.A (a) & (b) in which The Shul would replace the wooden poles with concrete ones and provide the Town with \$350,000 towards undergrounding if the Town moved forward with undergrounding within ten (10) years of the development order approval, with \$150,000 budgeted towards the Alley hardening and a total of \$500,000 budgeted towards undergrounding/hardening of the Alley; and

WHEREAS, as the Town is now moving forward with a Town-wide undergrounding of utilities project approved by voter referendum, the Town notified The Shul shortly after the March 2022 referendum vote of this intent and to cease the replacement/hardening of the wooden poles located in the Alley; and

WHEREAS, as of the notification by the Town, The Shul had incurred expenses primarily paid to FPL in the amount of \$61,424 towards the obligations in Condition No. 19, with a remaining budgeted balance for the undergrounding of \$438,576; and

WHEREAS, at the request and initiation of the Town, this amendment revises condition No. 19 of the Original Approval Resolution to modify The Shul's obligations and clearly provide for the payment due the Town in the amount of \$438,576 to be used towards the Town-wide undergrounding of utilities project; and

WHEREAS, the Town of Surfside Commission and Administration wish to amend Condition No. 19 as herein provided and to amend the obligations and payments due from The Shul in light of the Town-wide undergrounding utilities project; and

WHEREAS, on October 12, 2022, the Town Commission, at a duly noticed quasi-judicial public hearing, reviewed the matter and hearing from its professional staff, the Applicant, and members of the public, the requirements of the Town Code and consistency with the Town of Surfside's Comprehensive Plan, and substantial competent evidence presented at the hearing.

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

SECTION 1. RECITALS AND FINDINGS OF FACT.

1. All recitals set forth above are incorporated into the body of this Resolution as if same were fully set forth herein.
2. The Town Commission finds that the Town-initiated request to amend Condition No. 19, of Section IV., of the Original Approval Resolution, regarding undergrounding of utilities in the Alley behind the Property has no impact on the development and Site Plan and Special Exception approved in the Original Approval Resolution.

SECTION 2. APPROVAL OF AMENDMENT TO CONDITION NO. 19, SECTION IV, UNDERGROUNDING OF UTILITIES IN THE ALLEY.

The Town-initiated request to approve an amendment to Condition No. 19, Section IV., of the Original Approval Resolution, regarding undergrounding of utilities in the Alley behind the Property is hereby approved to: (i) amend the requirement that the Applicant undertake undergrounding of utilities in the Alley and/or remove/harden wooden poles and replace with concrete poles, and (ii) provide for a payment by the Applicant to the Town in the amount of \$438,576 (which equals \$500,000 less a credit for the sum of costs in the amount of \$61,424 previously incurred by the Applicant primarily to FPL for undergrounding of electrical utilities in the Alley), for the Town-wide utilities undergrounding project. Condition No. 19, Section IV., of the Original Approval Resolution, is hereby amended as follows:

19. A. It is the intent of the Town and agreed to by The Shul that the utilities in the alley shall be undergrounded. Undergrounding of utilities, including but not limited to phone, cable, electric and street lighting conductor, including providing any necessary easements on the Alley and/or the Property (under the control and ownership of the Applicant) to place the transformers where necessary. The Applicant shall be responsible for improvements that serve its pProperty, but shall not be responsible for the connections and securing easements for those connections from all properties on the east and west side of the alley on properties the Applicant does not own or control at the time of site plan approval. The Applicant will allocate a sum not exceeding \$500,000 for this project.

~~The Applicant took will take all necessary steps to secure the approval from Florida Power and Light ("FP&L") to underground utilities in the Alley and will provided the Town with copies of all applications and written communications with FP&L. The Applicant itself was not able to secure approval to underground all utilities in the Alley. The Town and FPL have entered into agreements for a Town-wide project to underground electrical utilities, as approved by the Town Commission at the June 14, 2022 Commission meeting. Upon written authorization of the undergrounding by FP&L and the Town, within ten (10) days, the Applicant shall deposit the sum of \$150,000 with the Town which shall be exclusively utilized by the Town for all costs and expenses for the future utility connections to all properties within the alley bordered by 95th Street and 96th Street between AIA and Harding Avenue, which are not owned or controlled by the Applicant at the time of site plan approval. Within 30 days of approval of this amendment to Resolution No. 14-Z-2269, Applicant shall remit the sum of \$438,576 to the Town (which equals \$500,000 less a credit for the sum of costs in the amount of \$61,424 previously incurred by the Applicant primarily to FPL for undergrounding of electrical utilities in the Alley), for the Town-wide utilities undergrounding project.~~

~~In the event that the undergrounding of utilities is not approved by FP&L within twelve (12) months, or a longer period agreed to by The Shul and the Town, of the Applicant receiving its first vertical building permit:~~

- ~~a. The Applicant will set aside in an interest bearing escrow account the sum of \$350,000 for the Town to underground utilities no later than ten (10) years from the date of Resolution approval. If the Town does not decide to underground utilities within that time, the \$350,000 shall be used by The Shul to prepay The Shul's obligation to the Parking Trust Fund pursuant to paragraph 30 herein.~~
- ~~b. The Applicant shall remove all existing wooden poles from the alley and replace same with concrete poles which meet the specifications of FP&L and the Town Manager. The Applicant will take all appropriate steps to insure a clean and aesthetic appearance for the concrete poles and associated infrastructure within the alley. It is anticipated that upwards of \$150,000 will be expended to construct and engineer the proposed concrete poles.~~

- ~~B. Potentially relocating utilities, including water and gas lines as necessary to accommodate the undergrounding project.~~
- ~~C. Performing a drainage analysis and implement the necessary drainage improvements.~~
- ~~D. Performing a pavement analysis and implement the necessary pavement improvements.~~
- ~~E. Analyzing the water line in the alley and determine if line needs to be repaired, replaced or upsized.~~
- ~~F. Providing street lighting.~~
- G. Providing a traffic evaluation of operations in the alley (including a no left turn sign).

SECTION 3. ALL OTHER REQUIREMENTS AND CONDITIONS OF THE ORIGINAL APPROVAL SET FORTH IN RESOLUTION NO. 14-Z-2269 RATIFIED AND IN FULL FORCE AND EFFECT.

All requirements and conditions of the Original Approval Resolution, and all other aspects of Resolution No. 14-Z-2269 not expressly modified or amended by this Resolution, are hereby ratified and continue in full force and effect and are incorporated into this approval by reference as if fully restated herein.

SECTION 4. VIOLATION OF CONDITIONS.

Failure to adhere to the terms and conditions of this Resolution and/or the Original Approval Resolution 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 and the Original Approval Resolution. The Applicant understands and acknowledges that the foregoing approval in this Resolution may be revoked by the Town at any time upon a determination by the Town Commission, following a public hearing, that the Applicant is in non-compliance with the Town Code or the conditions of this Approval and has failed to cure, or to provide an acceptable plan to timely cure, the non-compliance.

SECTION 5. SEVERABILITY CLAUSE.

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

SECTION 6. EFFECTIVE DATE.

This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this 12th day of October, 2022.

Motion by: _____,

Second by: _____.

FINAL VOTE ON ADOPTION

Commissioner Fred Landsman _____
Commissioner Marianne Meisheid _____
Commissioner Nelly Velasquez _____
Vice Mayor Jeffrey Rose _____
Mayor Shlomo Danzinger _____

Shlomo Danzinger, Mayor

ATTEST:

Sandra McCready, MMC, Town Clerk

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

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

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

I, Sandra McCready, Town Clerk of the Town of Surfside, Florida, do hereby certify that the above and foregoing is a true and correct copy of Resolution No. 2022-____ adopted by the Town Commission at its meeting held on the ____ day of _____, 2022.

Issued: _____

Sandra McCready, MMC
Town Clerk



**Town of Surfside
Special Town Commission Meeting
October 12, 2022**

DISCUSSION ITEM MEMORANDUM

Agenda #: 3A.

Date: October 12, 2022

From: Andrew Hyatt, Town Manager

Subject: Beach Chair Operations Direction

Suggested Action: – Commission to provide direction on Beach Chair Operations.

Background/Analysis: – During the Fiscal Year 2023 Budget development process, direction was given to staff to include a new beach chair operation as part of the new budget. In May/June 2022, staff meet with representatives of the vendor with the government contract for the City of Miami Beach. This meeting was to better understand how a beach chair operation would work and to request pricing based on the City of Miami Beach contract. This information was used to prepare a budget estimate for Commission consideration. Town Administration planned on "piggy backing" off the City of Miami Beach contract based on the Commission desire to expedite the process and begin operations as soon as possible.

During a budget workshop, the Commission has expressed concern for the cost and to see if better pricing could be found. Based on this concern, the Town began to prepare a Request for Proposals (RFP) based on the Town Purchasing Code. A draft RFP was prepared by the Town Attorney's office on September 27, 2022. Pending work still includes the preparation of the contract, RFP evaluation criteria, scoring, scope of services, etc. Town Administration and Town Attorney are currently working on these pending items.

At the September 28, 2022 Special Commission meeting, the Commission expressed concern that the beach chair operation had not started. Town administration would like direction whether to continue with the RFP process, utilize the City of Beach contract, or to waive procurement to contract with a specific firm.



**Town of Surfside
Special Town Commission Meeting
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DISCUSSION ITEM MEMORANDUM

Agenda #: 3B.

Date: October 12, 2022

From: Vice Mayor Jeff Rose

Subject: Kayak Launches, Street Ends and Beach Ends

Suggested Action: – For the Town Commission to discuss what can be done at these locations.

Background/Analysis: – Town of Surfside residents have been asking for years to have different activities/amenities on street ends and beach ends. I would like to discuss with the Commission what can be done at these locations.



**Town of Surfside
Special Town Commission Meeting
October 12, 2022**

DISCUSSION ITEM MEMORANDUM

Agenda #: 3C.

Date: October 12, 2022

From: Andrew Hyatt, Town Manager

Subject: Downtown Walkability Design and Public Outreach Guidance

Suggested Action: – Town Administration requests further guidance on Downtown Walkability design and public outreach

Background/Analysis: – Town Administration is requesting guidance on whether the "Option 1 - Parklets" design recommendations should come from a public outreach initiative, through DVAC, or directly from the Commission.



MEMORANDUM

ITEM NO. 3D.

To: Honorable Mayor, Vice-Mayor and Members of the Town Commission

From: Commissioner Velasquez/Andrew Hyatt, Town Manager

Date: October 12, 2022

Subject: **Removal of Existing North Median Island on 94 Street and Abbott Avenue to Allow for Two-Way Vehicular Traffic**

Open the currently closed west bound traffic lane on 94th Street and Abbott Avenue intersection in order to coordinate with traffic signalization on 94th Street and Harding Avenue as well as alleviate traffic in other areas currently impacted by closure.

In 2001, as part of the Publix Neighborhood Development Project, various traffic modifications were made to the intersection of Abbott Avenue and 94th Street. These modifications included closing Abbott Avenue both ways on 94th Street to install a Dead End and closing west bound lane on 94th Street with the goal of limiting commercial vehicle intrusion into the residential area. Since traffic modification implementations, it has been since determined that Publix commercial route for daily deliveries is primarily along the Abbott Avenue and State Road corridors and the traffic patterns impede, primarily residential local traffic. In re-opening the West bound closure on Abbott Avenue, other areas such as 95th Street will be relieved. This was briefly discussed at the September 28 Special Meeting.

[RES 2001-1632 A RESOLUTION GRANTING SPECIAL USE PERMIT FOR PROPERTY LEGALLY DESCRIBED AS UNNUMBERED LOT, LOTS 1 THROUGH 8 AND LOTS 26 THROUGH 32, BLOCK 5, ALTOS DEL MAR NO. 5, AND LOTS 12 AND 13.pdf](#)

RESOLUTION NO. 1632

A RESOLUTION GRANTING SPECIAL USE PERMIT FOR PROPERTY LEGALLY DESCRIBED AS UNNUMBERED LOT, LOTS 1 THROUGH 8 AND LOTS 26 THROUGH 32, BLOCK 5, ALTOS DEL MAR NO. 5, AND LOTS 12 AND 13, BLOCK 6, ALTOS DEL MAR NO. 5, ALSO KNOWN AS 9400 HARDING AVENUE.

WHEREAS, Section 90-153 of the Code of the Town of Surfside, NCS-0 Neighborhood Commercial Services Overlay District, requires a special use permit; and

WHEREAS, the owner of the property legally described as unnumbered Lot, Lots 1 through 8 and Lots 26 through 32, Block 5, ALTOS DEL MAR NO. 5, and Lots 12 and 13, Block 6, ALTOS DEL MAR NO. 5, also known as 9400 Harding Avenue, has made application for such special use permit; and

WHEREAS, on October 30, 2001 the Planning and Zoning Board recommended in favor of such special use permit; and

WHEREAS, the Town Commission of the Town of Surfside believes that a special use permit should be issued for said property in accordance with said section and as provided in Section 90-94, Special Use Permits.

NOW, THEREFORE, THE COMMISSION OF THE TOWN OF SURFSIDE HEREBY RESOLVES:

Section 1. That the above and foregoing recitals are true and correct.

Section 2. That the Town Commission makes the following findings and determinations:

A. The proposed use of the subject property is consistent with the purpose and intent of the Town of Surfside's Comprehensive Plan, and the proposed use is one which is permitted to be established within the district in which the subject property is located, subject to this special permit.

B. The location, type, character and size of the use and of any building or other structure in connection therewith will be in harmony with the appropriate and orderly development of the Town and the neighborhood and will not hinder or discourage the appropriate development and use of adjacent property.

C. The proposed use will not depreciate adjacent property values and the size and height of all proposed buildings and the extent of all proposed site improvements will both be such as to harmonize with the existing character of the neighborhood in which such use is to be established.

D. The nature and location of the proposed use and of any building or other structure therewith will be such that there is adequate access to it for the purpose of fire protection, police protection and other emergency equipment.

E. The streets serving the proposed use are adequate to carry all prospective traffic; adequate provision is made for entering and leaving the subject site in such a manner that no undue hazard to traffic or undue traffic congestion will be created; adequate off-street parking and loading facilities are

provided as required by Article IX and Article X of Chapter 18 of the Code of the Town of Surfside; and the development of the subject site provides for the continuation and appropriate improvement of adjacent streets and alleys.

F. The site on which the proposed use is to be located will be suitably landscaped to protect the neighborhood and adjacent property and the proposed use of the subject property will not result in the loss of any existing buffering between the subject site and adjacent single-family residentially zoned properties.

G. The subject site has adequate water and sewerage systems to service the proposed use. Adequate provision for storm water drainage can be provided without adversely affecting neighboring properties or adjacent public drainage systems, adequate provision has been provided for enclosed on-site storage of all trash and garbage and the proposed use will not adversely impact existing community facilities. In addition to meeting the other conditions described herein, the proposed use and the arrangement of all proposed buildings, structures, facilities and other site improvements will comply with all applicable provisions of the Town of Surfside Zoning Regulations.

Section 3. That a special use permit for the above-described property is hereby granted and issued, strictly in accordance with the application therefor, including all plans, reports, other information, exhibits or documents as may have accompanied said application or as may be on file with reference to said

application. The special use permit is also granted and issued subject to the following conditions:

A. That the special use permit does not require any variances, special exceptions or special uses, nor will any be required or sought in the future.

B. The south parking lot shall be for employee parking only and shall be strictly controlled for such purpose.

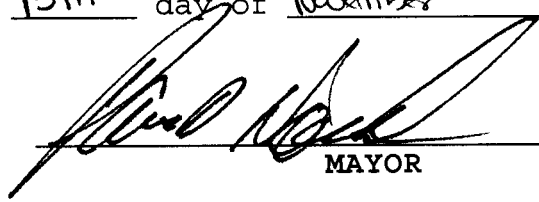
C. The grocery supermarket shall be open for business only from 7:00 A.M. to 11:00 P.M.

D. Traffic at 94th Street and Abbott Avenue will become one-way eastbound. At the south intersection, Abbott Avenue and 94th Street will be closed to all traffic with a landscaped cul-de-sac or other method. Right turns on red from Harding Avenue onto 94th Street shall be prohibited.

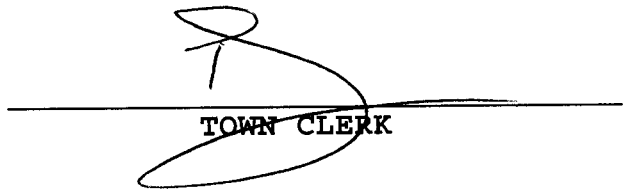
E. Delivery trucks and other vehicles shall not park, sit, stand or idle on Abbott Avenue at any time.

Section 4. That if substantial construction has not begun on a building or structure within one year from the date hereof, this special use permit shall automatically become null and void.

PASSED AND ADOPTED this 13th day of November, 2001.


MAYOR

Attest:


TOWN CLERK

Adopted 11/13/01

Approved as to form and legal
sufficiency:



TOWN ATTORNEY