



**TOWN OF SURFSIDE  
PLANNING AND ZONING BOARD  
AGENDA  
APRIL 3, 2013  
7:00 PM**

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. APPROVAL OF MINUTES:           JANUARY 31, 2013 (DEFERRED)  
  FEBRUARY 28, 2013 (ATTACHED)**

**4. 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 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. The Surf Club, Inc. Site Plan Amendment:**

The Surf Club, Inc., ("Applicant") is proposing a site plan amendment for a 285 room condominium/hotel at 9011 Collins Avenue which was approved by the Town Commission on October 15, 2012. The amended site plan modifies the elevations of the building on the east side of Collins Avenue. No changes are proposed for the two building on the west side of Collins Avenue.

**5. PLANNING AND ZONING APPLICATIONS:**

**A. Request of the Tenant of Property located at 9531 Harding Avenue**

The applicant is requesting to install a new sign with illuminated channel lettering.

**B. Request of the Tenant of Property located at 9477 Harding Avenue**

The applicant is requesting to install a new sign with illuminated channel lettering.

**6. PLANNING AND ZONING ORDINANCES:**

**A. Outdoor Dining Ordinance [Proposed Ordinance Attached]:**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING", ARTICLE IV "DISTRICT REGULATIONS" AND SPECIFICALLY AMENDING SECTION 90-41 "REGULATED USES" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES ADDING OUTDOOR DINING AS A PERMITTED USE IN THE SD-B40 ZONING DISTRICT; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE**

**7. PLANNING AND ZONING DISCUSSION ITEMS:**

**A. Building massing related to new construction.**

**B. Parking Feasibility Study**

**(1) Access from Abbott lot to Harding Avenue**

**8. REPORT OF PERMITS ISSUED/REVENUE REPORT FOR FEBRUARY 2013.**

**9. ADJOURNMENT**

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-893-6511 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING. HEARING IMPAIRED PERSONS MAY CONTACT THE TDD LINE AT 305-893-7936.

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.

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  
PLANNING AND ZONING BOARD  
MINUTES  
FEBRUARY 28, 2013  
7:00 P.M

**1. CALL TO ORDER**

Chair Lindsay Lecour the called meeting to order at 7:00 P.M.

**2. ROLL CALL**

Recording Clerk Anastacia Deleon called the roll with the following members present: Chair Lindsay Lecour, Member Armando Castellanos, Member Carli Koshal and Member Jennifer Dray. Vice Chair Peter Glynn was absent.

Also in attendance: Town Manager Roger Carlton; Interim Town Attorney Linda Miller and Building Official Edward Rojas,

Chair Lindsay Lecour recommended a motion to defer Item 7 PLANNING AND ZONING DISCUSSION ITEMS (*Building massing related to new construction*) to the next Planning and Zoning Meeting.

- Member Jennifer Dray made a motion to defer Item 7 to the next Planning and Zoning Meeting. Member Carli Koshal seconded the motion. All members present voted in favor and there was no opposition.

**3. APPROVAL OF MINUTES**

Minutes of January 31, 2013 were deferred to the next Planning and Zoning Meeting.

**4. UPDATE ON THE PLANNING AND ZONING BOARD PROCESS AND REVIEW OF VARIANCE CRITERIA**

Town Planner Sarah Sinatra Sinatra explained the licensing requirements for an architect to serve on the board, and further mentioned that at this time the Town does not have a vacancy for a new member. Sarah Sinatra also explained the variance criteria of the Town of Surfside.

## 5. PLANNING AND ZONING APPLICATIONS

### A. Request of the Owner of Property located at 8939 Abbott Avenue

*The applicant is requesting converting their carport to a garage and adding a privacy wall.*

Richard Cannone of CGA advised that the request met all the criteria.

Lillian Pratz, 6422 Collins Avenue #1203, spoke on behalf of Applicant and mentioned that the Applicant was requesting a privacy wall and a garage.

Member Armando Castellanos made a motion to approve the request of converting the carport to a garage and adding a privacy wall with the condition that the plans be revised and the landscaping be addressed. Member Jennifer Dray seconded the motion. All members present voted in favor and there was no opposition.

### B. Request of the Owner of Property located at 1452 Biscaya Drive

*The applicant is requesting to re-roof a portion of their existing single family home.*

Richard Cannone of CGA recommended denial of the Applicant's request to re-roof a portion of their existing single family home based on an inspection report made by a roofing company and given to the Town Building Official Edward Rojas. The reason was the use of asphalt shingles which are prohibited.

Applicant Donna Jefferson located at 1452 Biscaya Drive spoke of the confusion of the two types of roof finishes on her roof.

Town Manager Roger Carlton suggested the Board approve the re-roof in order for the owner to repair the roof before the rainy season. Clarification was made that asphalt shingle roofs are not allowed in the Town. The Board asked the Applicant if she was willing to do the entire roof portion with white concrete flat tiles rather than asphalt shingles. In that case the Applicant would not need to come before the Board and must only obtain a roofing permit.

The Applicant stated that she was willing to repair the portion of the roof with concrete flat tile.

All agreed that this was sufficient and the Board's approval was not necessary.

- C. Request of the Owner of Property located at 9592 Harding Avenue**  
*The applicant is requesting to redesign the existing building façade.*

Member Armando Castellanos made a motion to approve the request to redesign the existing building façade and provide a description of the material being used and screening of air conditioning. Member Jennifer Dray seconded the motion. All members present voted in favor and there was no opposition.

- D. Request of the Owner of Property located at 9390 Bay Drive**  
*The applicant is requesting to build a two-story single family residence.*

Member Carli Koshal made a motion to approve a request a new two-story single family residence. Member Armando Castellanos seconded the motion. All members present voted in favor and there was no opposition.

There was also discussion of the Town's commitment to provide landscaping to screen the new storm sewer lift station. The Town Manager stated that the Town was committed to do this and a reasonable plan would be worked out with the Applicant.

**6. ZONING HEARINGS ARE QUASI-JUDICIAL PUBLIC HEARINGS**

**Request of Owner of Property located at 1233 Biscaya Drive**

*The applicant at 1233 Biscaya Drive is requesting a side setback variance.*

**A RESOLUTION OF THE TOWN OF SURFSIDE,  
FLORIDA PLANNING & ZONING BOARD  
CONSIDERING THE APPLICATION OF 1233 BISCAYA  
DRIVE, TO PERMIT A SIDE SETBACK VARIANCE  
FROM THE REQUIREMENTS OF SECTION 90-45 OF  
THE TOWN OF SURFSIDE CODE OF ORDINANCES TO  
ALLOW THE EXISTING SINGLE FAMILY HOME TO  
REPLACE THE EXISTING DECK WITH A NEW  
CONCRETE DECK; PROVIDING FOR AN EFFECTIVE  
DATE.**

Member Carli Koshal made a motion to approve the request for a side set back variance. Member Jennifer Dray seconded the motion. All members present voted in favor and there was no opposition.

There was also discussion of the need to have an engineer analyze the wind load capacity of the shade structure. The Applicant agreed to have this done and no building permit for the deck would be issued until the shade structure wind load was resolved.

**7. PLANNING AND ZONING DISCUSSION ITEMS:**

*A. Building massing related to new construction.*

Item 7 deferred to the next Planning & Zoning Meeting

**8. PERMITS ISSUED/REVENUE REPORT**

Building Official Edward Rojas prepared a new graph for the year's trend dated February 2012 to January 2013 rather than the old single month report. A total of 931 permits were issued.

**8. ADJOURNMENT**

Member Jennifer Dray made a motion to adjourn. Member Carli Koshal seconded the motion. All members present voted in favor and there was no opposition. The meeting adjourned at 9:12 pm.

Accepted this \_\_\_\_ day of \_\_\_\_\_, 2013

\_\_\_\_\_  
Lindsay Lecour, Chairperson

Attest:

\_\_\_\_\_  
Recording Clerk



## Town of Surfside

# Planning and Zoning Communication

**Agenda Item #: 4A**

**Agenda Date:** April 3, 2013

**Subject:** Surf Club Site Plan Amendment

**From:** Roger M. Carlton, Town Manager  
Shelley Eichner, AICP, Town Planner

**Table of Contents:**

1. Request
2. Ownership Information
3. Site Plan Report
4. Development Impact Committee Report
5. Resolution
6. Exhibits:
  - a. Historic Preservation Board Staff Report and Conditions of Approval
  - b. Site Plan Package

**REQUEST:**

The applicant, SC Property Acquisition Inc., or its successors, on behalf of the Surf Club, is proposing a site plan amendment for the condominium/hotel at 9011 Collins Avenue, which was approved by the Town Commission on October 15, 2012. The applicant has engaged architect Richard Meier to modify the overall look of the building towers. This includes instituting the architect's signature glass "see-through" appearance. The modified design increases the visibility of the historic Surf Club structure and provides greater space between the historic building and the south tower. The separation between the center and south towers has been increased by approximately twenty-five feet. Two stories have been eliminated from the bottom of the center tower to increase the clearance between the historic building and the new structure. The width of the southern portion of the south tower has been reduced to facilitate better ocean views for the property to the south. The revised design modifies the location of the

cabanas to both the north and south sides of the property which is more consistent with the historic oceanfront perspective of The Surf Club. The proposed changes are applicable to the property on the east side of Collins Avenue only. No changes are proposed for the two buildings on the west side of Collins Avenue and there is no change in the total number of units. The changes include the following:

1. A reduction of the north side of the south tower by approximately 20 feet to provide a greater view corridor to the ocean.
2. A reduction of the rear (oceanside) of the north tower by approximately 20 feet to accommodate the cabanas.
3. Separating the cabanas into two sections, a north and a south section.
4. An additional 7 parking spaces bringing the overall count to 668.
5. A reduction in pervious area from 45.5% to 41.9%.
6. A change to the south edge of the south tower abutting 91<sup>st</sup> Street from an articulated wall plane to a straight wall.
7. An increase in xeriscape materials from 87% to 91.4%.

The Development Impact Committee (DIC) met in an open, advertised, televised session on March 4, 2013 to discuss this application. All of the original conditions and voluntary proffers associated with the original site plan approval, with the exception of the requirement for the Applicant to host a public informational forum at the Surf Club which already took place, remain in effect.

The following report identifies how the project meets the Town of Surfside Code requirements.

### **STAFF RECOMMENDATION**

**Recommendation:** Staff recommends that the Planning and Zoning Board recommend approval of the site plan amendment application including all of the original conditions, with the exception of the one enumerated above, and voluntary proffers associated with the original site plan approval on October 15, 2012 with the addition of the granting of an easement to the Town for the area commonly known as the hardpack. There is a new condition which clarifies that the Applicant can withdraw from this site plan amendment up until 5 days after the expiration of the appeal period. Should the Applicant choose to withdraw from this site plan amendment, then the original Resolution 12-Z-03 shall remain in effect. Should the Applicant choose to proceed with this site plan amendment, then Resolution 12-Z-03 shall become null and void. This application will be heard by the Town Commission on Tuesday, April 23, 2013.

**Budget Impact:** An estimated \$1,457,500 will be generated in annual ad valorem taxes beginning in FY15/16 and \$1,200,000 in annual resort and food and beverage taxes directly to the Town of Surfside beginning also in FY14/15. It is also estimated that food and beverage taxes generated in the downtown area will increase by \$50,000 per year. The building permit fee of \$2,300,000 is projected for FY13/14. The water and sewer fee of \$200,000 is expected for FY13/14. This revenue will be used to mitigate the impacts on our new/renovated water and sewer system. Finally, there is \$1,910,000 in voluntary proffers to mitigate off-site impacts including the following:



1. A \$25,000 contribution to the construction cost of a lifeguard stand. Then \$30,000 at the issuance of the TCO, \$20,000 the second year thereafter and \$10,000 the third year thereafter towards the operational cost.
2. A \$25,000 contribution for Tennis Center improvements at the issuance of the TCO.
3. A \$500,000 contribution for the undergrounding of utilities and associated landscape and streetscape improvements along 91st Street from Harding Avenue to Bay Drive.
4. A total not to exceed \$400,000 for the 90<sup>th</sup> Street street end project that includes landscape and streetscape improvements from Collins Avenue to the 90<sup>th</sup> Street beach access point.
5. A \$500,000 contribution for the Park and Recreation Capital Infrastructure Program which could include a second story of the Community Center subject to direction from the Town Commission.
6. A \$400,000 contribution to the Downtown Improvement Fund which will be added to the \$250,000 contribution committed by the Chateau project.

**Growth Impact:** The *Five Year Financial Forecast* and the Town's adopted Comprehensive Plan both encourage the new development of hotels on the Collins Avenue. Therefore, the growth is in line with the Town Commission's direction and goals.

**Staff Impact:** There has been no impact to staff other than the significant amount of work necessary to review the project. The applicant has funded the review through the cost recovery process and the building permit review will be funded through the building permit fees.



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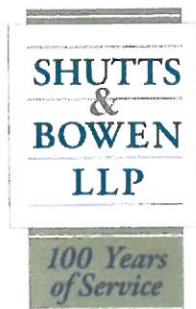
Shelley Eichner, AICP, Town Planner



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Roger M. Carlton, Town Manager

# OWNERSHIP INFORMATION



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

E-MAIL ADDRESS:  
ATachmes@shutts.com

March 26, 2013

Town of Surfside  
c/o Roger M. Carlton, Town Manager  
9293 Harding Avenue  
Surfside, FL 33154

**Re: Surf Club**

Dear Roger:

We represent SC Property Acquisition, LLC ("SCPA"), the applicant of that certain site plan application that was approved by the Town Commission on October 15, 2012 pursuant to Resolution No. 12-Z-03 ("Resolution"). In accordance with Condition No. 56 of the Resolution, SCPA is obligated to disclose any change in the ownership of SCPA greater than 20%.

As you may know, SCPA recently acquired an ownership interest in The Surf Club, Inc., the owner of The Surf Club. The relationship between The Surf Club, Inc., and SCPA is as follows: The Surf Club, Inc., is wholly owned by SC Property Acquisition Sub Two LLC, which entity is wholly owned by SC Property Acquisition One LLC, which entity is wholly owned by SCPA. While there has been no change in the ownership of SCPA greater than 20%, we wanted to update you on the new ownership's structure.

If you have any questions, please don't hesitate to contact me.

Sincerely,

SHUTTS & BOWEN LLP

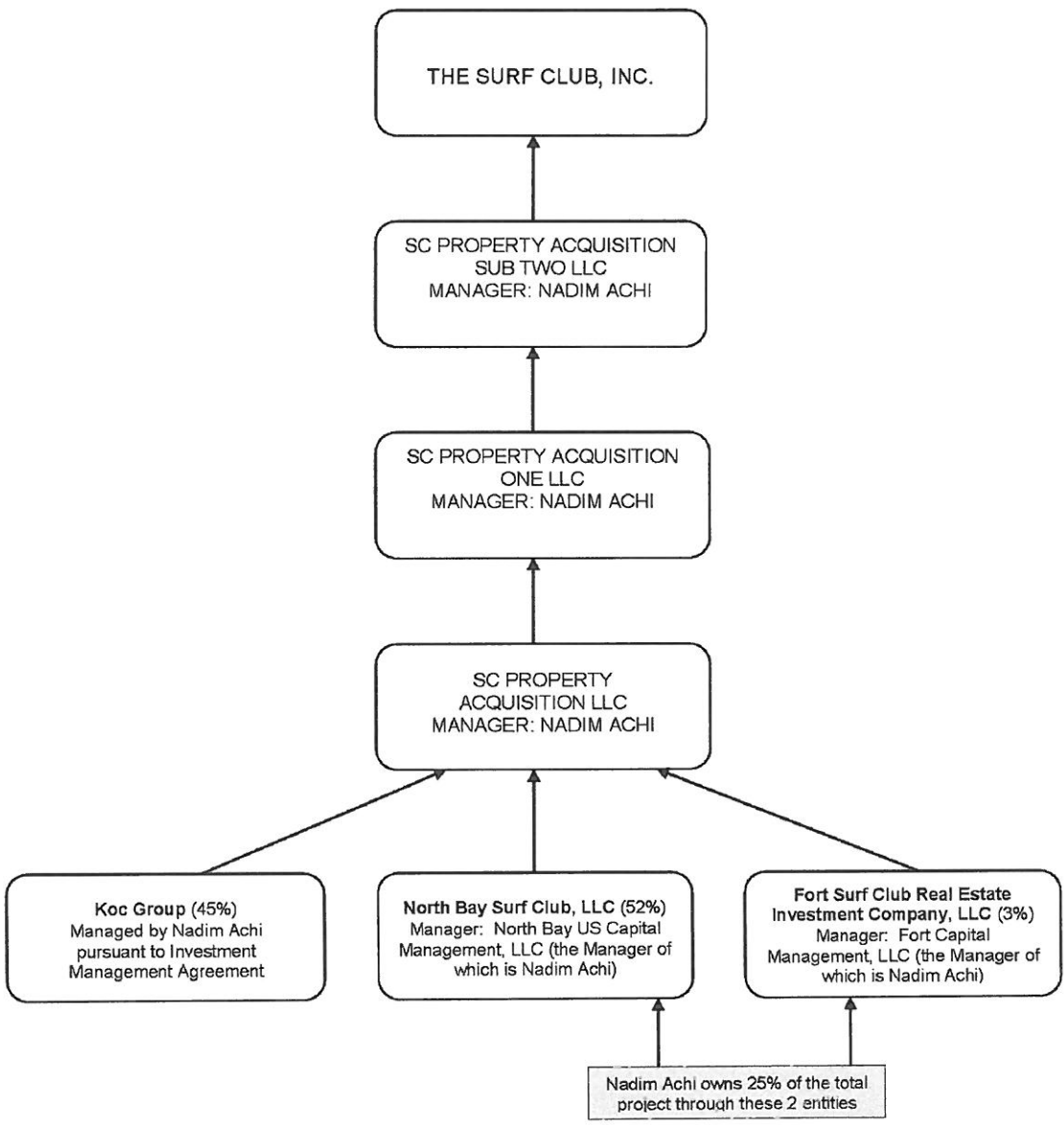
Alexander I. Tachmes, Esq.

MIADOCs 7329055 1

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MIAMI FORT LAUDERDALE WEST PALM BEACH ORLANDO TAMPA TALLAHASSEE AMSTERDAM

### Ownership Declaration (as of March 27, 2013)



MIADOCs 7423617 1

# SITE PLAN REPORT

**SITE PLAN INFORMATION:**

Address	9011 Collins Avenue
General Location of amendment	East side of Collins Avenue and 91 <sup>st</sup> Street.
Property Size	East Parcel: 6.96 gross acres Northwest Parcel: .87 gross acres Southwest Parcel: .87 gross acres TOTAL: 8.7 gross acres
Zoning District	East Parcel: H120  West Parcels (Not included in this amendment): H40 (H40 is the zoning district on the east side of Harding Avenue as well as the west side of Collins Avenue)
Adjacent Zoning Districts	East Parcel: H120 to the north and south, H40 to the west  West Parcels (Not included in this amendment): H40 & H30 to the north, H40 & H30 to the south, H30 to the west and H120 to the east
Future Land Use	East Parcel: High Density Residential/Tourist  West Parcels (Not included in this amendment): Moderate Density Residential/Tourist
Density Permitted	East Parcel: 109 units per acre  West Parcel (Not included in this amendment) : 79 units per acre
Number of units proposed	East Parcel: 257 rooms  West Parcels (Not included in this amendment): Northwest Building: 28 Units Southwest Building: 0 Units (parking facility only) TOTAL: 285 units
Number of parking spaces	East Parcel: 171 spaces  West Parcels (Not included in this amendment): Northwest Building: 60 spaces Southwest Building: 427 spaces

	TOTAL Provided: 668 spaces
	TOTAL Required: 624 spaces

### **ZONING CODE, APPLICABLE REQUIREMENTS**

#### **Sec. 90.42**

<b>Minimum Unit Sizes</b>	<b>Minimum Required</b>	<b>Proposed</b>
Hotel Suite	525 square feet	604 square feet
One-bedroom	800 square feet	815 square feet
Two-bedroom	950 square feet	1,444 square feet
Three-bedroom	1150 square feet	2,499 square feet
Four-bedroom	N/A	3,933 square feet

#### **Sec. 90.43**

<b>Maximum Building Heights</b>	<b>Maximum Required</b>	<b>Proposed</b>
H120	120 feet maximum	120 feet

#### **Sec. 90.44**

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

#### **Sec. 90.45(b)**

<b>Setbacks</b>	<b>Minimum Required</b>		<b>Proposed</b>
H120	Front (Collins Avenue)	40 ft	40 ft (north tower) 56 ft (south tower)
	Rear (Beach)	30ft	144 ft (north tower) 133 ft (south tower)
	Setback from platted bulkhead line	20 ft	20 ft
	Side (south)	20 ft	20 ft
	Side (north)	10 ft	10 ft

**Sec. 90.47**

<b>Yards generally, allowable projections</b>	<b>Required</b>	<b>Proposed</b>
H120 - Projections of balconies features into required yards	Maximum 8 feet for front, secondary and rear and 5 feet for interior side	Proposed does not exceed the maximum.

**Sec. 90.47.8**

<b>Cantilevered Canopy</b>	<b>Required</b>	<b>Proposed</b>
Cantilevered canopy will be permitted in the required front yard, subject to the following	Must be completely supported (cantilevered) from the main structure	Supported (cantilevered) from main structure. The Historic Preservation Board (HPB) has requested to assist in the design of the canopy for the historic building. Town Staff will confirm that the proposed design preferred by the HPB meets the Town's requirements.
	Minimum 65% transparent	Canopy is more than 65% transparent
	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**

<b>Lot Standards</b>	<b>Required</b>	<b>Proposed</b>
Minimum Lot width	50 feet	East Parcel: 732.17 ft
Minimum Pervious area	20%	East Parcel: 41.9%

**Sec. 90.50.1(2)**

<b>Architecture</b>	<b>Required</b>	<b>Proposed</b>
All elevations for new structures and multi-story additions (additions greater than fifteen (15) feet in	Minimum of 10% wall openings including windows, doors or transitional spaces defined by porches, porticoes or colonnades.	Project meets or exceed 10% wall openings



height)		
Roof materials are limited as follows:	<ul style="list-style-type: none"> <li>a. Clay Tile; or</li> <li>b. White concrete tile; or</li> <li>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;</li> <li>d. Architecturally embellished metal if granted approval by the Design Review Board; or</li> <li>e. Other Florida Building Code approved roof material(s) if granted approval by the Design Review Board.</li> </ul>	Roof decks will be composed of brick pavers, landscaping and pools. The northwest building will not have a roof deck. The south west building will provide rooftop parking with landscaping. The historic Surf Club building will maintain the terracotta clay roof tiles.

**Sec. 90.50.2 (3)**

Roof Deck Provisions	Required	Proposed
Roof Decks are limited to	a. Maximum 70% of the aggregate roof area;	56%
	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	10 feet

**Sec. 90.51(1)**

Maximum frontage of buildings	Required	Proposed
H120	For every 100 feet, a minimum 6 foot change in wall plane	After 100 feet there is a 6 foot horizontal change in wall plane

**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)**

Off-Street Parking	Minimum Required	Proposed
	624 Spaces	East Parcel: 181

		West Parcel: 487
		TOTAL: 668

**Sec. 90.83**

<b>Off-Street Loading</b>	<b>Minimum Required</b>	<b>Proposed</b>
Hotel, Greater than 100,000 sq ft	2 spaces on site	4 spaces on site

**Sec. 90.91**

<b>Vegetative Provisions</b>	<b>Minimum Required</b>	<b>Proposed</b>
Xeriscape in pervious area	50%	91.43%

**Sec. 90.91.2**

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

**Sec. 90.93**

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

## COMPARISON BETWEEN APPROVED SITE PLAN AND PROPOSED AMENDED SITE PLAN

	APPROVED	PROPOSED	CHANGE
NUMBER OF UNITS			
Hotel suites	50	60	+10
One bedroom	34	24	-10
Two bedroom	64	64	0
Three bedroom	128	128	0
Four bedroom	9	9	0
Total number of units	285	285	0
Required parking spaces	626	624	-2
Provided parking spaces	661	668	+7
Overall building area	1,252,049 S.F.	1,063,802 S.F.	-188,247 S.F.
Pervious area (east side)	138,217 S.F. (45.5%)	128,563 S.F. (42.3%)	-9,654 S.F. (-3.2%)
SETBACKS			
North Tower			
Front	40'10"	40'1"	-9"
Back	125'8"	144'2"	+19'6"
Side (north)	10'	10'	0
Side (south)	427'6"	427'4"	-2"
South Tower			
Front	48'11"	56'3"	+7'4"
Back	131'2"	133'0"	+1'10"
Side (north)	417'4"	437'8"	+20'4"
Side (south)	20'7"	20'6"	-1"
Building Separation	41'4"	64'6"	+23'2"

# **DEVELOPMENT IMPACT COMMITTEE REPORT**

## DEVELOPMENT IMPACT COMMITTEE MEETING

The Development Impact Committee (DIC)\* met on March 4, 2013 to discuss the amended application for the Surf Club ("the Project"). The DIC meeting was attended by the following:

Staff Attendees: Roger M. Carlton, Town Manager  
Linda Miller, Interim Town Attorney  
Sarah Johnston, Interim Assistant Town Attorney  
Eddie Rojas, Building Official  
Nancy Stroud, Consulting Attorney  
Shelley Eichner, Town Planner  
Bill Tesauro, Landscape Reviewer  
Tim Milian, Parks and Recreation

Applicant Attendees:  
Joe Benton, Fort Capital  
Michael McConaghan, Fort Capital  
Jay Khoriaty, Fort Capital  
Kobi Karp, Kobi Karp Architects  
Mathieu Picard, Kobi Karp Architects  
Eduardo Gomez, Kobi Karp Architects  
Robert Micsak, EDSA  
Alexander Tachmes, Shutts & Bowen  
David Coviello, Shutts & Bowen  
Walter Lugo, Ocean Engineering

Citizen Attendees (who signed in): None however, public input was heard from residents in attendance.

The applicant identified the architectural changes to the approved site plan and explained the rationale and the effects of those changes. All terms of the original approval remain in effect including all of the conditions and voluntary proffers. The Town Manager requested that the applicant provide an easement for the hardpack.

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**\*NOTE:** The DIC meetings are televised on the Town's Channel 77 and are well publicized on the Town's website and advertised in the Miami Herald Neighbors edition for the Surfside area.

# RESOLUTION

**RESOLUTION NO. 13-Z-0\_\_**

**A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA, PLANNING AND ZONING BOARD, RECOMMENDING APPROVAL OF A SITE PLAN APPLICATION, PURSUANT TO SECTION 90-41 ET SEQ. OF THE ZONING CODE, TO PERMIT A 285 UNIT CONDOMINIUM/HOTEL INCLUDING A GOURMET SPECIALTY FOOD PRODUCT STORE, A FOUR STAR HOTEL WITH A FIRST CLASS QUALITY SPA, ROOF TOP DECKS, POOLS, 668 PARKING SPACES, TANDEM PARKING, AND 24 HOUR VALET PARKING CONSISTING OF THREE 12-STORY BUILDINGS ON THE EAST SIDE OF COLLINS AVENUE AND TWO 4-STORY BUILDINGS ON THE WEST SIDE OF COLLINS AVENUE, AND CONDITIONAL USES, PURSUANT TO SECTION 90-23-2 OF THE ZONING CODE, TO PERMIT THE DEVELOPMENT OF STRUCTURED PARKING, HOTEL SWIMMING POOLS, JACUZZI, OUTDOOR DINING, LOUNGES/BARS, AND A ROOF TOP BAR, ALL WITH AN ADDRESS OF 9011 COLLINS AVENUE, SURFSIDE, FL, AS SUBMITTED BY THE SURF CLUB, INC., SUBJECT TO CERTAIN CONDITIONS WHICH SHALL BE INCLUDED IN A RECORDED COVENANT RUNNING WITH THE LAND, AND PROVIDING FOR A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.**

**I. RECITALS.**

**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 91<sup>st</sup> Street, Surfside, FL, (the “Property”) submitted an application to the Town of Surfside, Florida (the “Application”) on February 15, 2013, requesting an amendment to the Town approvals granted for the property by Resolution No. 12-Z-03, which amendment requests certain design changes to the original approval as set forth below:

- A. Pursuant to Section 90-41 et seq., of the Town Zoning Code, site plan approval of a 285 unit condominium/hotel development to be known as “The Surf Club”, including a gourmet specialty food product store, a four star hotel with a first class quality spa, roof top decks, pools, 668 parking spaces, tandem parking, and 24 hour valet parking consisting of three 12-story buildings on the east side of Collins Avenue and two 4-story buildings on the west side of Collins Avenue.

- B. Pursuant to Section 90-23-2 of the Town Zoning Code, conditional use approval for structured parking, hotel swimming pools, Jacuzzi, outdoor dining, lounges/bars and a rooftop bar as part of the restoration and redevelopment of the property at 9011 Collins Avenue, Surfside, Florida for a condominium/hotel with 285 hotel rooms and related uses.

Plans are on file and may be examined in the Building Department entitled "Surf Club" at 9011 Collins Avenue, Surfside, FL 33154, 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, submitted March 11, 2013 consisting of a set of sheets including the following:

A1.00 COVER March 11, 2013

**Survey by Fortin, Leavy, Skiles, Inc.**

1 OF 2 SURVEY SHEET 1 July 12, 2012; 2 OF 2 SURVEY SHEET 2 July 12, 2012

**Architecture by Kobi Karp Architecture & Interior Design**

A1.01 SHEET INDEX March 11, 2013; A1.01A SCHEMATIC DEMOLITION DIAGRAM March 11, 2013; A1.01B PERVIOUS AREA DIAGRAM March 11,2013; A1.01 CUSABLE ROOF DIAGRAM March 11, 2013; A1.02 AERIAL IMAGES SEPT 18,2012; A1.03 PROPOSED - STREET VIEW – RENDERING March 11, 2013; A1.03 COMMISSION APPROVED - STREET VIEW – RENDERING SEPT 18, 2012; A1.04PROPOSED - COLLINS BIRD'S EYE – RENDERING March 11, 2013; A1.04 COMMISSION APPROVED - COLLINS BIRD'S EYE – RENDER SEPT 18, 2012; A1.05 PROPOSED - 90TH BIRD'S EYE VIEW - RENDERING March 11, 2013; A1.05 COMMISSION APPROVED - 90TH BIRD'S EYE VIEW – RENDER SEPT 18, 2012 A1.06 PROPOSED - BEACH VIEW - RENDERING March 11, 2013; A1.06 COMMISSION APPROVED - BEACH VIEW - RENDERING SEPT 18, 2012; A1.07 PROPOSED - BEACH VIEW – RENDERING March 11, 2013; A1.07 COMMISSION APPROVED - BEACH VIEW – RENDERING SEPT 18, 2012; A1.08 PROPOSED - STREET VIEW – RENDERING March 11, 2013; A1.08 COMMISSION APPROVED - STREET VIEW – RENDERING SEPT 18, 2012; A1.09 SHEET REMOVED (DUPLICATE RENDERING); A1.10 STREET VIEW – RENDERING SEPT 18, 2012; A1.11 STREET VIEW – RENDERING SEPT 18, 2012; A1.12 STREET VIEW – RENDERING SEPT 18, 2012; A1.13 COLLINS VIEW - RENDERING SEPT 18, 2012; A2.00 ZONING INFORMATION March 11, 2013; EX-A ELEVATION



COMPARISONS March 11, 2013; EX-B SITE COMPARISONS March 11, 2013; EX-C PROPOSED ROOF COMPARISON PLAN March 11, 2013; A2.01 SITE PLAN March 11, 2013; A3.00 SERVICE LEVEL FLOOR PLAN March 11, 2013; A3.01 GROUND LEVEL FLOOR PLAN March 11, 2013; A3.02 200 LEVEL FLOOR PLAN March 11, 2013; A3.03 300 LEVEL FLOOR PLAN March 11, 2013; A3.04 400 LEVEL FLOOR PLAN March 11, 2013; A3.05 500 LEVEL FLOOR PLAN March 11, 2013; A3.06 600 LEVEL FLOOR PLAN March 11, 2013; A3.07 700-800 LEVEL FLOOR PLAN March 11, 2013; A3.08 900 LEVEL FLOOR PLAN March 11, 2013; A3.09 1000 LEVEL FLOOR PLAN March 11, 2013; A3.10 1100 LEVEL FLOOR PLAN March 11, 2013; A3.11 1200 LEVEL FLOOR PLAN March 11, 2013; A3.12 ROOF LEVEL FLOOR PLAN March 11, 2013; A3.13 ROOF CANOPY PLAN March 11, 2013; A4.00 EAST BUILDINGS ELEVATIONS March 11, 2013; A4.01 EAST BUILDINGS ELEVATIONS March 11, 2013; A4.02 NW BUILDING ELEVATIONS SEPT 18, 2012; A4.03 NW BUILDING; ELEVATIONS SEPT 18, 2012; A4.04 SW BUILDING ELEVATIONS SEPT 18, 2012; A4.05 SW BUILDING ELEVATIONS SEPT 18, 2012; A4.06 EAST BUILDINGS RENDERED ELEVATIONS March 11, 2013; A4.07 EAST BUILDINGS RENDERED ELEVATIONS 15 Febr, 2013; A4.08 WEST BUILDINGS RENDERED ELEVATIONS SEPT 18, 2012; A4.09 WEST BUILDINGS RENDERED ELEVATIONS SEPT 18, 2012; A5.00 SITE SECTIONS March 11, 2013; A5.00A SOUTH TOWER LONGITUDINAL SECTION 15 Febr, 2013; A5.01 SOUTH TOWER CROSS SECTION 15 Febr, 2013; A5.02 NORTH TOWER LONGITUDINAL SECTION March 11, 2013; A5.03 NORTH TOWER CROSS SECTION 15 Febr, 2013; A5.04 NW BUILDING LONGITUDINAL SECTIONS SEPT 18, 2012; A5.05 SW BUILDING SECTIONS SEPT 18, 2012; A5.06 NORTH TOWER CROSS SECTION 15 Febr, 2013; A5.07 NORTH TOWER CROSS SECTION March 11, 2013; A5.08 NORTH TOWER CROSS SECTION 15 Febr, 2013

#### **Civil Engineering by Ocean Engineering**

C100 SCHEMATIC PAVING, GRADING & DRAINAGE PLAN 15 Febr, 2013; C200 SCHEMATIC WATER & SEWER PLAN 15 Febr, 2013; C300 SCHEMATIC SIGNAGE & STRIPING PLAN 15 Febr, 2013

#### **Landscape by EDSA**

L-000 COVER SHEET March 11, 2013; L-001 SHEET REMOVED; L-002 LANDSCAPE CALCULATIONS March 11, 2013; L-100 OVERALL SITE PLAN March 11, 2013; L-101 SITE PLAN March 11, 2013; L-102 SITE

PLAN March 11, 2013; L-103 SITE PLAN OCTOBER 4, 2012; L-200 OVERALL LAYOUT AND DIMENSIONING PLAN March 11, 2013; L-201 LAYOUT AND DIMENSIONING PLAN March 11, 2013; L-202 LAYOUT AND DIMENSIONING PLAN March 11, 2013; L-203 LAYOUT AND DIMENSIONING PLAN OCTOBER 4, 2012; L-400 OVERALL GRADING PLAN March 11, 2013; L-401 GRADING PLAN March 11, 2013; L-402 GRADING PLAN March 11, 2013; L-403 GRADING PLAN OCTOBER 4, 2012; L-500 PLANTING NOTES March 11, 2013; L-501.00 TREE PLANTING SCHEDULE March 11, 2013; L-501.00 SHRUB PLANTING SCHEDULE March 11, 2013; L-502.00 OVERALL TREE REMOVAL AND RELOCATION PLAN OCTOBER 4, 2012; L-502.01 TREE REMOVAL AND RELOCATION PLAN OCTOBER 4, 2012; L-502.02 TREE REMOVAL AND RELOCATION PLAN OCTOBER 4, 2012; L-502.03 TREE REMOVAL AND RELOCATION PLAN OCTOBER 4, 2012; L-502.04 OVERALL TREE REMOVAL AND RELOCATION CHART OCTOBER 4, 2012; L-510.00 OVERALL TREE PLAN March 11, 2013; L-510.01 TREE PLAN March 11, 2013; L-510.02 TREE PLAN March 11, 2013; L-510.03 TREE PLAN OCTOBER 4, 2012; L-510.04 ROOF PLAN March 11, 2013; L-510.05 ROOF PLAN March 11, 2013; L-510.06 ROOF PLAN OCTOBER 4, 2012; L-520.00 OVERALL SHRUB PLAN March 11, 2013; L-520.01 SHRUB PLAN March 11, 2013; L-520.02 SHRUB PLAN March 11, 2013; L-520.03 SHRUB PLAN OCTOBER 4, 2012 L-520.04 SHRUB PLAN ROOF March 11,2013; L-520.05 SHRUB PLAN ROOF March 11, 2013; L-520.06 SHRUB PLAN ROOF OCTOBER 4, 2012; L-520.07 SHRUB TYPICAL GARAGE LEVEL OCTOBER 4, 2012; L-520.08 SHRUB GARAGE DETAILS OCTOBER 4, 2012; L-700 SHEET REMOVED; L-701 SHEET REMOVED; L-702 SHEET REMOVED; L-703 SHEET REMOVED; L-971.00 SHEET REMOVED; L-971.01 SHEET REMOVED; L-950.00 PLANTING NOTES OCTOBER 4, 2012; L-950.01 PLANTING DETAILS OCTOBER 4, 2012; L-950.02 PLANTING DETAILS OCTOBER 4, 2012; L-950.03 PLANTING DETAILS OCTOBER 4, 2012; L-950.04 PLANTING DETAILS OCTOBER 4, 2012; L-950.05 PLANTING DETAILS OCTOBER 4, 2012; L-950.06 PLANTING DETAILS OCTOBER 4, 2012; L-420.00 OVERALL IRRIGATION PLAN March 11, 2013; L-420.01 IRRIGATION PLAN March 11, 2013; L-420.02 IRRIGATION PLAN March 11, 2013; L-420.03 IRRIGATION PLAN OCTOBER 4, 2012; L-420.04 IRRIGATION LEGEND AND NOTES FEBRUARY 24, 2013; L-420.05 IRRIGATION DETAILS FEBRUARY 24, 2013; L-420.06 IRRIGATION DETAILS FEBRUARY 24, 2013; L-420.07; IRRIGATION DETAILS FEBRUARY 24, 2013

**Photometric Drawings by Steven Feller P.E.**

SE3.00 SERVICE LEVEL March 11, 2013; SE3.01 GROUND LEVEL  
March 11, 2013; SE4.00 SHEET REMOVED; SE4.00 SHEET REMOVED

**Legal Description:** See attached Exhibit "A" "Legal Description"

**ADDRESS:** 9011 Collins Avenue, Surfside, FL 33154

**WHEREAS**, on March 4, 2013, 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 March 4, 2013, 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. Its recommendations for approval, subject to certain conditions set out in the Development Impact Committee Report, are incorporated herein under Section IV. Conditions, and, together with all other conditions imposed by the Planning and Zoning Board and the Town Commission, 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 April 3, 2013, 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 90-41 et seq. of the Town Zoning Code for Site Plan Approval and Section 90-23-2 of the Town Zoning Code for Conditional Use 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 IV. Conditions; and

**WHEREAS**, on \_\_\_\_\_, the Town Commission, at a duly noticed and televised quasi-judicial public hearing, after reviewing the Application, the recommended conditions, and all accompanying documentation, including written reports from its Town Planner and other consultants, and hearing from its professional staff, the Applicant, and members of the public, found substantial competent evidence that the Applicant's requests for site plan

approval and approval of the conditional uses are in compliance with the Zoning Code and the Comprehensive Plan of the Town and maintain the basic intent and purpose of the zoning, subdivision or other land use regulations, which are to protect the general welfare of the public, particularly as it affects the stability and appearance of the community; and, further, found that said requests should be granted, per plans on file, and subject to all of the conditions set forth in this Resolution, which shall be binding upon the Applicant, its heirs, successors and/or assigns, and the execution of any attendant agreements, including a covenant running with the land in a form approved by the Town Attorney, and with a time limitation of twenty-four (24) months in which to obtain a building permit, subject to extensions as provided in Condition No. 53 of this Resolution.

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

**II. 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 Planning and Zoning Board finds that the proposed Site Plan, with the conditions as recommended herein, is in compliance with the requirements and criteria set forth in sections 90.41 "Regulated Uses" and 90.23 "Conditional Uses" of the Zoning Code of the Town of Surfside and recommends to the Town Commission that the Application be approved subject to the conditions, as set forth below.

**III. APPROVALS.**

The recommended approvals set forth in this Section III are subject to all of the conditions set forth in this Resolution and the execution of all attendant agreements prior to the issuance of the Building Permit for the Project.

- A. The Applicant's request for approval of the site plan submitted for the property known as the "Surf Club" located at 9011 Collins Avenue, with a general location of the east and west sides of Collins Avenue and 91<sup>st</sup> Street be granted and said site plan approved, subject to all of the conditions provided in this Resolution. The failure of performance of any of these conditions shall be deemed grounds for revocation of the approval.
- B. The Applicant's request for approval of conditional uses for a 285 unit condominium/hotel development to be known as "The Surf Club", including a gourmet specialty food product store, a four star hotel with a first class quality

spa, roof top decks, pools, 668 parking spaces, tandem parking, and 24 hour valet parking consisting of three 12-story buildings on the east side of Collins Avenue and two 4-story buildings on the west side of Collins Avenue be granted subject to all of the conditions of approval.

#### IV. CONDITIONS.

##### AGREED UPON CONDITIONS:

1. All signage, including signage for the accessory uses, shall be submitted, reviewed and approved under a separate application for review by the Town prior to the issuance of a Temporary Certificate of Occupancy.
2. The Rooftop common area pool on the roof of the center building on the east side of Collins Avenue shall be limited to the following hours of operation: dawn to 9 p.m.
3. Live, amplified music shall be prohibited outdoors. Recorded music no greater than 75 decibels shall be allowed outdoors from 11:00 a.m. to dusk. This shall be reviewed through the Conditional Use annual review.
4. A bond or equivalent amount of cash shall be posted to replace public property damaged during the construction of the project, pursuant to the terms of Section 14.30 of the Town Code. The final determination regarding what property shall be replaced will be in the reasonable determination of the Director of Public Works. The Director of Public Works and the Building Official shall determine the amount jointly. The bond or cash equivalent shall be posted prior to the issuance of the building permit.
5. The Applicant shall provide a chain link construction fence with a windscreen, as required by the Town Code. The windscreen shall display a rendering of the project.
6. Prior to consideration of the application by the Town Commission, the Applicant's counsel shall provide a legal opinion that the application does not violate the terms of Section 4 of the Town Charter, the Town's Comprehensive Plan and the Town's Zoning Code or in lieu thereof provide an agreement from Applicant in a form sufficient and acceptable to the Town Attorney to defend and hold harmless/covenant not to sue the Town against any suits, claims or demands arising from approval of the application for conditional use approval and site plan approval.
7. The Applicant shall meet all requirements of the Department of Public Works for the location and design of trash containers prior to the issuance of a building permit. All service roll gates shall be at least 15 feet high and shall be of a decorative design to enhance the aesthetics of the building.

8. The Applicant shall meet all requirements of the Department of Public Works and Miami-Dade County for storm drainage services.
9. The Applicant shall fund the cost of litter receptacles along Collins Avenue and litter receptacles along 91<sup>st</sup> Street and Harding Avenue in a quantity, design and location reasonably acceptable to the Department of Public Works. The design of the litter receptacles shall be determined by the Department of Public Works in cooperation with the Applicant and the installation shall occur before issuance of the final certificate of occupancy.
10. The Applicant shall maintain all landscaping materials on site in good condition, replacing diseased, dying or dead plant material as necessary so as to present a healthy and orderly appearance at all times.
11. The Applicant agrees to design the project as required by the LEED process upon final approval of the site plan by the Town Commission so that the project will be LEED Silver Certifiable. Determination that the building has achieved LEED Silver certification shall be made by LEED at the appropriate time, which the Town realizes may not be issued prior to issuance of a Certificate of Occupancy. Applicant shall make necessary changes during the course of its construction and prior to final determination by LEED to ensure that LEED Silver Certification is achieved but should the cost for such changes become excessive (defined as a cost which is 0.5% greater than the original permitted value plus any change orders), the Applicant shall not be required to make changes beyond this amount and the Applicant may apply for its Certificate of Occupancy at the completion of its construction. Subject to the above, the Applicant will continue to construct and commission the building otherwise in accordance with its LEED certifiable design. Should the cost become excessive as defined above and Applicant opts not to carry out further changes, the Applicant will pay any balance remaining out of the defined amount not already spent on changes during construction or commissioning, required to ensure the building remains LEED Silver certifiable into a Town fund to be used for Town-wide energy conservation programs. In the event LEED certification is not available for the southwest parking garage on the west side of Collins Avenue, then Applicant commits to use its best efforts (not to exceed \$500,000) to maximize environmentally friendly construction practices by controlling construction pollution, utilizing building materials that originated within 500 miles of the site, maximizing water efficiency by implementing an efficient irrigation system, and by landscaping with native plants, recycling of existing asphalt, and installing energy efficient lighting, heating, ventilation and air conditioning systems to optimize the energy performance of the southwest parking garage.
12. The words "Surfside" shall be included in marketing materials. The details shall be formulated six months prior to issuance of the Certificate of

Temporary Occupancy. The Town of Surfside and the Applicant shall cooperate in the annual determination of marketing programs utilizing resort tax revenues. The word "Surfside" shall be used to describe the address and location of the Surf Club. The words "Miami Beach Surf Club" "located in Miami Beach" "Bal Harbour Village" and "located in Bal Harbour Village" shall not be used immediately preceding or following the words "Surf Club". The words "Miami Beach", and "Bal Harbour Village" shall not be part of the website address for the Surf Club.

13. The Applicant shall feature businesses located in the downtown area of the Town of Surfside as a part of marketing information about the property in any room directory, concierge program or similar information provided to guests.
14. The Ownership Declaration dated March 27, 2013, attached hereto as Exhibit "C", provides the percentage equity for all members/partners owning more than twenty percent interest in Applicant as of said dates. The Ownership Declaration shall be updated pursuant to Condition No. 56 of these Conditions.
15. The Applicant shall provide the Town with a detailed estimated schedule for the construction of the project (the "Construction Schedule") within thirty (30) days of approval of the Application by the Town Commission. Failure to meet the estimated achievement dates stated on the Construction Schedule shall not excuse any delay in making the mandatory payments set forth in Condition No. 17 (Traffic Signal Warrant) No. 20 (Tennis Center), Condition No. 21 (91<sup>st</sup> Street underground and beautification) and Condition No. 23 (Community Center/Parks and Recreation Capital infrastructure) which dates are set forth in the Construction Schedule described herein and shall govern regardless of any time delay in performance.
16. The average monthly resort tax payments received from The Surf Club for the twelve (12) month period prior to the date of the Town Commission's approval of the Resolution shall continue to be paid to the Town monthly from the time the Surf Club ceases to operate until the issuance of a Temporary Certificate of Occupancy.
17. The Applicant shall contribute \$400,000 for traffic mitigation Townwide prior to the issuance of the Temporary Certificate of Occupancy (the "Traffic Mitigation") in the following manner: Applicant shall provide a detailed traffic signal warrant analysis within sixty (60) days of the reopening of 91<sup>st</sup> Street, and, based on the outcome of this analysis, fund an amount not to exceed \$400,000, if necessary, for a traffic signal at 91<sup>st</sup> Street and Collins Avenue. In the event a traffic signal at 91<sup>st</sup> Street and Collins Avenue is not approved, the Applicant shall contribute the difference between the cost of the traffic signal warrant analysis and the sum of \$400,000 to provide a pedestrian crossing signal or to otherwise enhance pedestrian safety when crossing

Collins Avenue between 90<sup>th</sup> Street and 91<sup>st</sup> Street, subject to approval by FDOT and all other applicable traffic regulatory agencies. If neither the traffic signal nor the pedestrian signal is approved by the traffic regulatory agencies, including FDOT, or if there are any funds remaining after the installation of the traffic signal or the pedestrian signal, the funds may be used for traffic mitigation Townwide, as recommended by the Town Manager and approved by the Town Commission.

18. All voluntary proffers and commitments made to the Town of Surfside pursuant to the Resolution and these Conditions shall be binding upon Applicant, its heirs, successors and assigns, and, as to payments, shall be due and payable, or in the event of an action, shall be performed, in strict compliance with the manner and within the time frames set forth in these Conditions and any change in ownership, or modification of the site plan or design, whether substantial or minor in nature, shall not excuse the performance or the payments, all of which are part of the Conditions subject to which the Applicant's request for conditional use approval and site plan approval were granted.
19. The Applicant shall design and build a lifeguard stand, subject to the review and approval of the Town, to be located east of the Surf Club in a mutually acceptable location and shall be completed no later than the issuance of the Temporary Certificate of Occupancy. The Applicant agrees to contribute \$30,000 to the Town of Surfside at the issuance of the Temporary Certificate of Occupancy, \$20,000 twelve months thereafter and \$10,000 twelve additional months thereafter towards the operational cost.
20. The Applicant shall contribute \$25,000 to the Town of Surfside for improvements to the public Tennis Center prior to issuance of the Temporary Certificate of Occupancy. Privileges will be provided to the Surf Club residents and guests as shall be determined by future agreement subject to Town Commission approval.
21. The Applicant shall contribute a total of \$500,000 towards the cost of the undergrounding of utilities and the installation of associated landscape, including Medjool palms, and construction of streetscape improvements, along 91st Street from Harding Avenue to Bay Drive (the "91st Street Project"). Upon award of the construction contract by the Town, Applicant shall pay \$250,000; when the 91st Street Project is fifty percent (50%) complete, Applicant shall pay \$125,000 and the remaining \$125,000 shall be paid when the 91st Street Project is complete. Notwithstanding the foregoing schedule of payments, the entire amount of \$500,000 shall be paid to the Town no later than the date of issuance of the Temporary Certificate of Occupancy for the Surf Club, and said funds must be deposited in an account to be used solely for capital improvements. Applicant's obligation to construct 91st Street between Collins Avenue and Harding Avenue, as



required in the Site Plan approved by the Town Commission, is not a part of this obligation to contribute \$500,000 to the 91st Street Project.

22. The Applicant shall fund a total not to exceed \$400,000 for the 90<sup>th</sup> Street End Project (the 90<sup>th</sup> Street End Project”) that includes landscape and streetscape improvements from Collins Avenue to the 90<sup>th</sup> Street beach access point east of the hard pack. This 90<sup>th</sup> Street End Project shall be completed prior to the issuance of the Temporary Certificate of Occupancy. Applicant may contribute the \$400,000 either in cash or by performing the work or by a combination of cash and performing the work. If Applicant elects to contribute the \$400,000 wholly in cash, the funds shall be due upon award of the 90<sup>th</sup> Street End Project construction contract by the Town Commission. Applicant shall advise Town of its decision whether to pay the cash, or perform the work or provide a combination of cash and work no later than: ninety (90) days after the date of issuance of the Building Permit for the Surf Club.
23. The Applicant shall contribute \$500,000 for the Town’s Parks and Recreation Capital Infrastructure Program. Use of the funds shall be determined by the development and approval of a Parks and Recreation Capital Infrastructure Master Plan. Upon adoption of said plan, and determination by the Town Commission of which projects shall be funded in whole or in part by the Applicant’s voluntary proffer, \$250,000 shall be paid to the Town’s Parks and Recreation Capital Infrastructure Program. Six months thereafter, \$125,000 shall be paid to the Town’s Parks and Recreation Capital Infrastructure Program, and six months thereafter, the remaining \$125,000 shall be paid. Notwithstanding the preceding payment schedule, the entire \$500,000 contribution shall be paid in full prior to the issuance of the first Temporary Certificate of Occupancy for the first new construction building completed.
24. The Applicant shall comply with all requirements contained in the Special COA No. 2012-25-S issued by the Miami-Dade County Historic Preservation Board on March 20, 2013, as the same may be amended from time to time. A copy of the March 20, 2013 letter from the Miami-Dade County Office of Historic Preservation approving the issuance of the Special Certificate of Appropriateness subject to the twelve (12) conditions set forth therein is attached and made a part of this list of conditions as Exhibit “B” to the Resolution.
25. The Applicant shall provide a bond not to exceed five percent of the construction cost, as required by the Building Official. These funds shall be used to secure property and construction site in the event construction is abandoned, or ceases prior to completion, or to repair public infrastructure damaged by construction, and to maintain site during abandonment.

26. The Applicant shall reimburse the Town for any work performed by the Town resulting from the Applicant's need to provide water and sewer service along Collins Avenue, 91<sup>st</sup> Street and Harding Avenue. Any work necessary within the FDOT ROW shall comply with FDOT regulations.
27. The proposed market shall be a Gourmet Specialty Food Product Store, as defined by the following: a retail store that sells gourmet specialty food products. It may not offer money order and wire services, dry cleaning/laundry, photo processing, banking, ATM machines and pharmaceutical services. A Gourmet Specialty Food Product Store must be a member of the National Association for the Specialty Food Trade or its successors in interest within two years of opening the store. Gourmet Specialty Food Products are defined as foods and beverages that exemplify quality, innovation and style in their category. Their specialty nature derives from some or all of the following characteristics: their originality, authenticity, ethnic or cultural origin, specific processing, ingredients, limited supply, distinctive use, extraordinary packaging or specific channel of distribution or sale. By virtue of their differentiation in these categories, such products maintain a high perceived value and often command a premium price. No sales of any type, including food service shall be made through an open window to any street or sidewalk. There shall be no direct pedestrian access to the Gourmet Specialty Food Product Store from any street or sidewalk.
28. The proposed spa shall be a first class quality spa and part of a Four Star Hotel. In the event the Four Star Hotel Rating is lost for any reason, the Applicant shall have two years to regain said rating. If no cure is obtained during the two-year term, the Applicant must then appear before the Town Commission for an extension or an adjustment to this requirement.
29. In the event that the municipal resort tax authorized under Chapter 67-930, Laws of Florida, as amended by Chapter 83-363, Laws of Florida, is further amended to make sales of spa treatments, services and products subject to the resort tax, or, in the event the State of Florida otherwise provides for collection of resort tax on sales of spa treatments, services and products, the Applicant agrees to collect and remit this tax.
30. During peak hours defined as 10 a.m. to 6 p.m., there shall be a sufficient number of valet attendants to assure no queuing exists on Collins and Harding Avenues and 91<sup>st</sup> Street. Should there be special events, sufficient additional valet attendants shall be added to minimize the impact on traffic. Three months prior to issuance of the Temporary Certificate of Occupancy, Applicant shall submit for review and approval by the Town Manager an operating plan for ingress/egress to each parking facility.

31. All gates shall be of a decorative design to enhance the aesthetics of the buildings.
32. Prior to issuance of any building permit, Applicant shall execute a recordable covenant running with the land, binding upon its heirs, successors and assigns, subject to the approval of the Town Attorney, which shall be recorded in the public records of Miami-Dade County, FL at Applicant's sole expense, which shall include, in addition to all of the other conditions and provisions required by this Resolution to be included in a recorded covenant, a provision that any building containing any tandem parking spaces shall provide twenty-four (24) hour valet parking service. This recorded covenant may be amended from time to time and shall be re-recorded at the Applicant's sole expense after approval by the Town Attorney. Such amendments shall occur each time any modifications or changes are made to this Resolution. If minor changes are made to the original site plan, the covenant shall be amended as set forth above if, in the opinion of the Town Manager or the Town Attorney, such changes require changes to the recorded covenant.
33. All pedestrian features shall comply with the Americans With Disabilities Act (ADA), including but not limited to detectable warning features at driveway locations and be identified with details of ADA conforming handicapped ramps at the time of engineering permit.
34. The new sidewalk, curbs, and gutter along Collins Avenue and Harding Avenue must be approved and permitted by FDOT.
35. The Applicant shall comply with all applicable conditions and permit requirements of Miami-Dade County's Department of Regulatory and Environmental Resources, the Miami-Dade County Fire/Rescue Department, the Water and Sewer Department, Florida Department of Environmental Protection (FDEP), the Florida Department of Transportation (FDOT) and all other applicable regulatory agencies.
36. The Applicant shall submit plans for the construction of an appropriate barrier between the construction site and adjoining properties in order to minimize blowing of sand and dust and construction debris. The Applicant shall comply with the regulations of the Code of the Town of Surfside relating to construction site operations including construction hours and fencing. The Applicant will use its good faith efforts to minimize vibration and noise during construction of the project.
37. No building permits shall be issued (except for demolition, temporary power and construction trailers) unless the Applicant has submitted all documents required under this approval as of that date, in form and content subject to the approval of the Town Attorney and Town Manager, and shall have paid all professional and other payments required by the Code of the Town of Surfside

to be paid as of that date, including but not limited to, the connection and development fees in accordance with Section 78-83 of the Code of the Town of Surfside, entitled "development fee imposed; time of payment" are paid. The Town acknowledges that the work, including issuance of building permits required for preserving the original Surf Club structure and/or the historic cabanas, may be initiated earlier than the new construction. Should this occur, the cost of permits for that work shall be calculated separately and paid prior to initiation of work.

38. The Applicant agrees that all contractor and subcontractor agreements applicable to this development shall include a separate clause prohibiting construction workers from parking on residential streets or public parking lots and that Applicant shall submit the proposed clause for the approval of the Town Manager and the Town Attorney within 60 days of the effective date of this resolution. The Applicant shall present evidence of a construction parking plan for the provision of off-street parking for construction workers during the period of construction of the approved project prior to the issuance of a building permit. The construction parking plan shall be subject to the review and approval of the Town Manager. The construction parking plan shall provide that all workers shall park on the site and that (a) Applicant's general contractor shall direct all workers to park their vehicles on the Surf Club site during work hours; (b) no workers shall park their vehicles in residential neighborhoods, and (c) Applicant shall provide monthly reports to the Town Manager of any problems or complaints with regard to workers parking their vehicles off site and in residential neighborhoods and, as the Town Manager may deem necessary, shall provide more frequent reports and develop additional preventive measures to protect the residential neighborhoods.
39. The Applicant shall maintain an interactive website during construction and provide for a maximum of 24 hour response complaint/response mechanism for nearby property owners.
40. The Town Manager and/or his/her designee, in review of any application prior to the issuance of a building permit, or thereafter, if there are any material amendments to the site plan approval, may refer any such application presented to such engineering, planning, legal, technical or environmental consultant or professional(s) employed by the Town as the Town Manager shall deem reasonably necessary to enable him/her to review such application as required by law. Charges made by the Town shall be in accord with reasonable hourly rates made by such consultants or the hourly rates of employed professionals and shall be paid within thirty (30) days of submission of Town voucher. Determination of whether a change is considered material or minor shall be in the sole discretion of the Town Manager in the absence of controlling language in the Town's Zoning Code. A material change shall be processed in the same manner as the original site plan. A minor change shall be reviewed and approved by the Town Manager

or, in his sole discretion, may be referred to the Town Commission for review and approval in the same manner as the original site plan.

41. The Applicant shall furnish payment and performance bond, cash or letter of credit issued in a form and by a bank reasonably acceptable to the Town to ensure Applicant's performance of the public improvements pursuant to the site plan approval, including the street end at 90 Street to the hardpack and 91 Street between Collins and Harding if work is done by the Applicant. Any such bond shall be issued by a surety having a minimum rating of A-1 in the Best's Key Rating Guide, Property/Casualty edition, shall be subject to the approval of the Town and shall include this legend: "This bond may not be cancelled or allowed to lapse until 30 days after receipt by the Town, by certified mail, returned receipt requested, addressed to: "Town Manager with a copy to: Town Attorney, both addressed to: Town of Surfside, 9293 Harding Avenue, Surfside, FL 33154-309" of written notice from the issuer of the bond of its intent to cancel or to not renew." As improvements are made, the Town, within its reasonable discretion, may reduce or eliminate the bond amount. These rights reserved by the Town with respect to any construction bond established pursuant to this section are in addition to all other rights and remedies the Town may have under this Resolution, in law or in equity.
42. Proof of an FDOT permit shall be required prior to any work being performed within the Collins Avenue and Harding Avenue rights-of-way.
43. Applicant shall have provided copies of approvals from Miami-Dade County for sanitary sewer, and from the Miami-Dade Public Health Unit for water.
44. An irrigation plan shall have been approved by the Town within thirty (30) days from the date of approval of this Resolution by the Town Commission.
45. The Applicant shall provide detailed civil sheets with typicals and calculations on the wells and exfiltration within thirty (30) days from the date of approval of this Resolution by the Town Commission.
46. The Applicant acknowledges the Florida Department of Environmental Protection's Beach Erosion Control Plan, and that there will be a lease between the Florida Department of Environmental Protection and Miami-Dade County and a management agreement between Miami-Dade County and the Town of Surfside, the terms of which will be binding on Applicant, its heirs, successors and assigns, to the extent that it applies.
47. The Applicant shall provide a unity of title in a form acceptable to the Town Attorney for all parcels prior to issuance of the Building Permit. The unity of title shall be recorded in the Public Records of Miami-Dade County, FL, at the sole expense of the Applicant.

48. The Applicant shall provide water/sewer fees to the Town of Surfside in the amount prescribed in the Code Section 78-83 and calculated using all fixtures in the buildings. Said fee shall be paid at the issuance of the Building Permit. There shall be no off-set for existing fixtures if such off set is prohibited by law.
49. Applicant shall comply with all requirements of the Florida Department of Environmental Protection, Miami-Dade County, and any other applicable regulatory agency, including but not limited to construction of a bulkhead. Applicant shall provide Town Manager with a copy of the exemption from construction of the bulkhead, or with the Florida Department of Environmental Protection approved plans for the bulkhead, at the time of Building Permit Application.

**Other Conditions:**

50. In the event of a hurricane warning, all removable items from the beach, pool decks, roof decks and other outdoor spaces shall be removed and secured.
51. There shall be no service of glass or aluminum containers, and to the extent feasible, biodegradable straws shall be used on the beach by Applicant, and Applicant shall use good faith efforts to ensure that there shall be no service of plastic straws on the beach.
52. The Applicant shall obtain a certificate of occupancy and certificate of use from the Town upon compliance with all terms and Conditions. The certificate of occupancy and certificate of use shall be subject to cancellation upon violation of any of the Conditions, in accordance with the law.
53. The site plan shall remain valid for a period of 24-months from the date of approval of this Resolution by the Town Commission. If no building permit is issued within the 24-month time period, the site plan shall be considered null and void and of no force and effect unless extensions of time are requested and obtained pursuant to law but subject to Condition No. 15 which states in pertinent part: "Failure to meet the achievement dates stated on the construction schedule shall not excuse any delay in making the mandatory payments set forth in Condition No. 17 (Traffic Signal Warrant) No. 20 (Tennis Center), Condition No. 21 (91<sup>st</sup> Street underground and beautification) and Condition No. 23 (Community Center/Parks and Recreation Capital infrastructure)." Neither the expiration of permits or expiration of the site plan and conditional use approval, nor the obtaining or failure to obtain extensions of time shall excuse or delay the obligation of the Applicant, its heirs, successors and/or assigns to make the mandatory payments as set forth in these Conditions.

54. The Applicant, its successors and assigns shall comply with all Town ordinances applicable to development and permit approvals at the time of approval of the site plan and in the event the Applicant does not commence construction within six (6) months from the date a permit is issued, it shall be required to comply with Section 14.55 entitled "Vacant lots or buildings" of the Town of Surfside Code, including but not limited to the posting of a bond to defray the cost the Town may incur if required to secure and maintain the site, if necessary, and as may be required by the Building Official.
55. The Applicant shall collect and remit the Town's Resort Tax on all hotel room stays, including stays that are booked through an online third party travel agent.
56. Any change in the ownership of the current owner, The Surf Club, Inc., greater than twenty percent (20%) shall be fully disclosed in writing to the Town Manager and Town Attorney immediately upon said change occurring. Said change of ownership shall not extend or modify any of the dates for payment or performance included in this Resolution or in any related agreements referenced in this Resolution nor shall any change of ownership modify or excuse or extend any of the payment obligations contained in this Resolution or in any related agreements referenced in this Resolution. All payment obligations and performance obligations of any kind set forth in this Resolution and in these Conditions are binding on the Applicant, its heirs, successors and assigns.
57. Hours of service and delivery using the 90th Street entry into the Southeast Building on the site (the "90<sup>th</sup> Street Entry") shall be limited to the following hours: Monday through Friday: between the hours of 9 a.m. and 4 p.m.; Saturday: between 9 a.m. and 12 p.m. (Noon). No service or delivery using the 90<sup>th</sup> Street Entry shall be made on Sundays or before or after the above stated hours on any other day. This schedule applies to, by way of example and not limitation, garbage trucks, recycling collectors, other waste haulers, and moving vans, This requirement shall be included in any Condominium Documents recorded on the property, as the same may be amended from time to time and shall become part of the covenant running with the land to be recorded in the Public Records of Miami-Dade County, Florida.
58. Prior to the Application being placed on an agenda for Town Commission approval, an unexecuted perpetual, irrevocable easement in favor of the public encumbering the eastern area of the Property, including the area commonly referred to as the "hardpack" ("the "Easement"), subject to the approval of the Town Manager and the Town Attorney, shall be delivered to the Town and shall be attached to the Town Commission resolution of approval. The Easement shall be executed by the Applicant prior to the Town Commission approval of the Application and held in escrow by Shutts & Bowen, LLP. Upon the Applicant's election to proceed under the approval of the

Application pursuant to section 66 herein, the Easement shall be released from escrow and recorded by the Applicant in the Public Records of Miami-Dade County.

59. The Applicant agrees to develop a job-training program designed to provide employment opportunities for Surfside residents who meet the requirements of the hotel and related services. The program will be provided to the Town Manager for review three months prior to the issuance of the Temporary Certificate of Occupancy. The Applicant agrees to the use of local vendors as reasonably possible.

60. Applicant shall comply with the following landscaping condition prior to issuance of Building Permit:

Coordinate with Public Works and the Town's landscape reviewer to relocate any utility/service lines and structures interfering with the landscaping to an area that will not be in conflict with the anticipated landscaping.

61. Sixty days prior to submittal of its request for a demolition permit, Applicant shall submit a demolition plan to Town Manager and Town Building Official that meets all Federal, State, and local requirements and that recycles a minimum of eighty percent (80%) of the demolition material.

62. The sum of \$400,000 shall be contributed by the Applicant to the "Town of Surfside Downtown Improvement Fund" prior to the issuance of the Certificate of Occupancy for the Surf Club, in the following manner: \$200,000 shall be paid within thirty (30) days of Applicant's receipt of written notice from the Town of the award by the Town of capital construction project(s) benefitting the Downtown (the "Project"), and the remaining \$200,000 shall be paid at the time of capital construction Project(s) contract completion as determined by the acceptance of any final change order by the Town Commission closing out the Project(s). Notwithstanding the foregoing schedule, the entire \$400,000 shall be paid to the Town prior to the issuance of the Certificate of Occupancy for the Surf Club with the condition that this amount shall be earmarked in a special account to be used solely for the capital Project.

63. Applicant shall obtain and maintain designation as a member of the State of Florida Department of Environmental Protection's (DEP) *Green Lodging* program, a designation for best practices in water, energy, and waste efficiency standards. Proof that the designation has been obtained shall be submitted to the Town Manager within twelve months of the issuance of the Temporary Certificate of Occupancy for the project and proof of its continuing participation in the program shall be submitted to the Town Manager annually thereafter.



- 64. Applicant shall prohibit all employees of the Surf Club from parking in the residential neighborhoods while working at the Surf Club. Such prohibition shall be incorporated into a plan approved by the Town Manager prior to issuance of the Temporary Certificate of Occupancy.
- 65. Applicant agrees that, to the extent cabanas are not fully occupied by hotel guests and /or residents, they shall be open to the public for rental.
- 66. No later than five business days after the expiration of the period to appeal the approval of the Application by the Town Commission, or if no appeal is filed of said approval within the required time frame, Applicant shall notify (by US Mail certified receipt) the Town Manager whether it chooses to proceed under said approval or under Resolution 12-Z-03. Should the Applicant choose to proceed under said approval, then Resolution 12-Z-03 immediately shall become null and void. Should the Applicant instead choose to proceed under Resolution 12-Z-03, then this approval of the Application shall become null and void.

V. **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.

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

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2013

Motion by Planning and Zoning Board Member \_\_\_\_\_,

Second by Planning and Zoning Board Member \_\_\_\_\_

FINAL VOTE ADOPTION

Member, Armando Castellanos \_\_\_\_\_

Member, Jennifer Dray \_\_\_\_\_

Member, Carli Koshal \_\_\_\_\_

Vice Chair, Peter Glynn \_\_\_\_\_


Chair, Lindsay Lecour \_\_\_\_\_

\_\_\_\_\_  
Lindsay Lecour, Chair

**ATTEST:**

\_\_\_\_\_  
Sandra Novoa  
Town Clerk

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

  
\_\_\_\_\_  
Linda Miller, Interim Town Attorney

Lot B, Block 3 and Lot U, Block 4, AMENDED PLAT 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 right of way.

AND:

Lot A, and Lots 1 to 9, inclusive, Block 1, 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, Less right of way.

AND:

That portion of land lying East of said Lot A, and Lots 1 to 9, inclusive, Block 1, ALTOS DEL MAR NO. 4; 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 to 9, inclusive, Block 1.



miamidade.gov

March 20, 2013

Joseph N. Benton  
Fort Capital Management  
176 NE 43rd Street  
Miami, Florida 33137

Dear Mr. Benton:

Please be advised that on March 6, 2013, the Miami-Dade County Historic Preservation Board voted to approve Special Certificate of Appropriateness #2013-06-S for revisions to the previously approved restoration, relocation, and new construction plans for the Surf Club, located at 9011 Collins Avenue in Surfside, FL.

The votes for each board member were the following:

Ruth Campbell	yes
Adriana Cantillo	yes
Rick Cohen	absent
Paul George	absent
Robert McKinney	yes
Mitch S. Novick	yes
JoEllen Phillips	yes
Edmundo Perez	yes
Enid Pinkney	yes
Ronda Vangates	absent

Please note that the approval included several conditions, which are as follows:

1. The upper two stories for the new southern building shall be designed so that they recede away from the front façade, as the original proposed building did, to minimize the visibility from the street. Staff approval shall be sufficient without the need to return to the Board.
2. The treatment of the column/support system at the ground level of the north end of the southern tower shall be clearly detailed, with approvals to be finalized by county staff, so as to not create a large expanse of plain ceiling or wall that would be visible from the street, and shall be designed so that it does not look so disproportional as to create a feeling of top-heaviness. Staff approval shall be sufficient without the need to return to the Board.
3. The southern portion of the north tower complex shall not be located any closer to the historic club than was originally approved.

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4. Staff will continue to be apprised of the progress of the historic restoration, with monthly progress reports provided to staff once the demolition phase has begun.
5. The developer shall work with a local contractor experienced in moving historic structures and having documented experience with local historic preservation projects for the relocation and restoration of the wooden cabanas. Additionally, if the cabana structures get damaged beyond repair because of the move, they are to be reconstructed on the sites of the proposed cabana locations.
6. The relocated cabanas shall include one cabana that is used as the Winston Churchill cabana and will be a replication of the cabana as he may have used it, including the use of Surf Club artifacts and memorabilia.
7. Original and/or historic furniture, fixtures, paintings or other items from the Surf Club that are uncovered throughout the restoration process will be utilized within the new design and spaces.
8. Cleaning and construction methods that would be detrimental to historic materials, such as sandblasting, shall not be utilized in the restoration of the historic club.
9. At least one area of publically accessible space within the historic surf club will display historical photographs, explanatory text and other memorabilia, either in display cases or on the walls that describe the historic architectural features, uses and functions of the club throughout its history. (Similar to the way they have a wall of that at The Breakers.)
10. Photographic documentation shall be made of the Surf Club portions that are to be demolished. Copies of photographic documentation shall be provided to the County's Office of Historic Preservation for record-keeping.
11. Contractor and/or construction manager shall refer to the historic preservation consultant on the architect's staff, and to the County's Office of Historic Preservation, if during the course of construction, historic elements are uncovered that were not previously identified to determine the best way to save, restore and/or document those elements.
12. Every attempt shall be made to preserve any original materials including windows, doors, columns, brackets, braces, flooring, tile work or other elements original to the Surf Club.

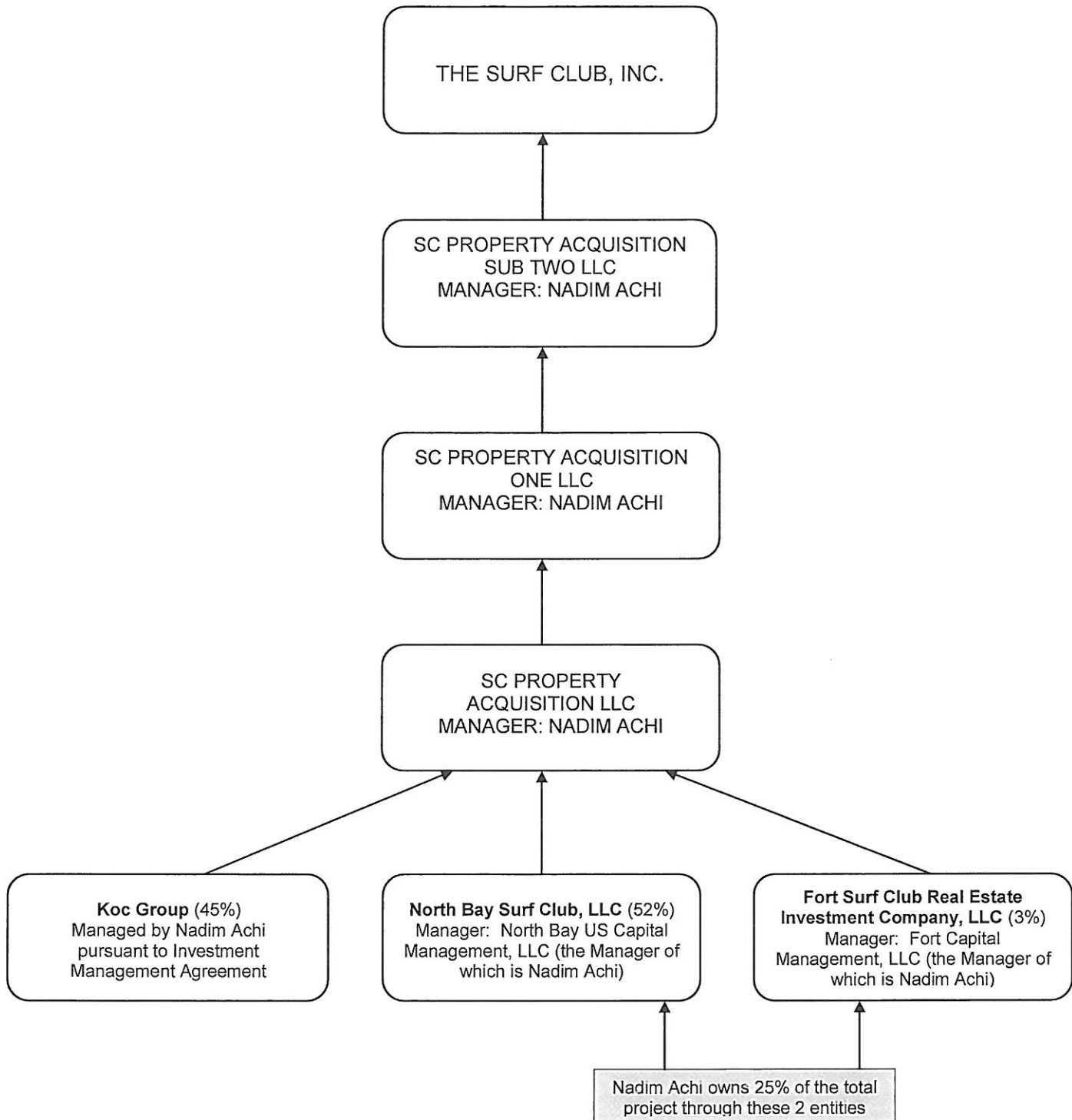
Should you have any questions regarding this matter, please do not hesitate to contact our office and we will be happy to assist you.

Sincerely,



Kathleen Kauffman  
Preservation Chief

# Ownership Declaration (as of March 27, 2013)



# **HISTORIC PRESERVATION BOARD STAFF REPORT**

**STAFF REPORT  
MIAMI-DADE COUNTY  
HISTORIC PRESERVATION BOARD**

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*Miami-Dade County, Florida*

*Office of Historic and Archaeological Resources*

**APPLICATION  
TYPE**

Special COA #2013-06-S  
Restoration of Existing Historic Structure, Relocation of Historic Structures, and New Construction

**NAME**

The Surf Club

**ADDRESS**

9011 Collins Avenue, Surfside, FL

**DATE OF  
CONSTRUCTION**

1930

**ARCHITECT**

Russel T. Pancoast

**BACKGROUND**

The Surf Club, located in the Town of Surfside, was designated by the County's Historic Preservation Board on May 19, 2010 and consists of four acres of ocean front property, with buildings that encompass 109,300 square feet in total.

The historic designation applies to the main club building, a sprawling complex of one and two story structures with barrel tile roofs that have endured several additions and alterations over the years. The designation also included the wooden cabanas that still remain on the south side of the main building (the cabanas that were to the north of the building were demolished some time ago.)

The legal description that was used for designation purposes was as follows:

*All of Lots 1 to 9, and S. 201.18' of Lot A, Block 1, Altos Del Mar No. 4 subdivision.*

It is important to note that only the southern 201.18' of Lot A was designated and does not include the L-shaped condominium building that is attached by a corridor to the historic structure.

**ITEM # IVA  
March 6, 2013**



## **PROJECT DESCRIPTION**

A large-scale redevelopment project that includes the full restoration of the original, historic Surf Club, the relocation and the restoration of the wooden cabanas, the construction of a new hotel/condominium building to the south of the club, and the construction of a new hotel/condominium building to the south of the club, was approved by the County's Historic Preservation Board on September 19, 2012.

This application is for modifications to the previously approved project. While the basic premise of the project is maintained (the proposed new buildings are all remaining,) the requested revisions are substantial enough that it warrants review by the Historic Preservation Board.

The application's letter of intent lays out a number of reasons for requesting the modifications. These include:

1. The revised design will substantially increase the visibility of the historic structure, the original Surf Club building.
2. The revised design will provide greater space between the historic building and the south tower.
3. The width of the south tower at the far end (towards the south) has been reduced to lessen the visual impacts to the neighbors to the south.
4. A portion of the cabanas (which are to be restored) will be moved to the north end of the property, thus more accurately replicating the original cabana locations.

## **THE HISTORIC RESTORATION**

The proposed project that was approved on September 19, 2012 included a full restoration of the historic portion of the Surf Club's original structures. The restoration work shall remain the same with this new proposal and has not changed. Restoration work will include the removal of subsequent additions that were not done in keeping with the historic integrity of the original buildings, and all proposed work will be done in accordance with the Secretary of the Interior's Standards for Rehabilitation.

**ITEM # IVA  
March 6, 2013**

## THE NEW CONSTRUCTION

The proposed new construction includes two condominium/hotel tower/buildings to the north side of the property and a condominium/hotel tower to the south side of the property. The proposed 285 units is below the maximum that is currently allowed by local codes.

### SOUTH TOWER

The previous approval featured a southern tower that was curvilinear in plan

Please refer to sheet A3.00 for the ground floor plan.

The ground floor footprint has been slightly reduced from the previously one that was approved, which was intended to provide additional space between the historic building and the new building.

The previously approved building was curvilinear in plan, with an emphasis on an uninterrupted horizontal movement with the placement of two of the upper floors projecting further from the lower eight floors. This allowed for the upper two stories of glass to be set back from the main façade and minimizing the visual height of the glass building.

The new proposed south tower eliminates the curvilinear design into a more angular one. The emphasis on the horizontal lineage has been replaced with sections of glass that served to break up the long façade and provide for instances of visual egress. Because the top floor is now supported from underneath by a recessed wall of glass, the bottom side of the top floor is visible from underneath.

The building is still characterized by all glass walls. However, at the southern façade, there are no longer any protruding balconies.

At the northern end of the building, where new meets the historic portion, the new building now features a large cutout of the first couple of floors with the upper floors being supported (at least visually) by a beam or column.

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The proposed east elevation can be seen on Sheet A4.00. At least in elevation, this column that is supporting the rest of the building seems to be very slight, and has the potential to make the building look very top heavy at this end.

#### THE CABANAS

The cabanas are in need of a complete restoration, including bringing them into compliance with Florida Building Code standards. The previous approval saw the relocation of the cabanas more eastward towards the ocean front. The new proposal moves a portion of them northward so that they are between the ocean and the new northern buildings. Because the cabanas historically were on the northern and southern portion, staff does not have any issue with this proposal.

#### THE NORTH TOWERS

The two towers that make up the northern section of the development are essentially identical to the previous plan with the following two exceptions. (Please refer to the renderings and to Sheet A4.03.)

The first difference is that the new tower (the northern tower of the two) no longer has the external structure which had given some horizontal or vertical emphasis. The new proposed is simplified, all glass, with balconies on seven of the floors that replicate in length and protrusion.

The second difference is how the second tower (the southern of the two) is “lifted” and supported from the ground floor. The new proposal accomplishes this by a central glass tower that is more centrally column-like than in the original proposal.

Staff has no issue with this treatment, except for the fact that in the renderings, the view from the ocean-side indicates that the tower is actually closer to the historic towers, seemingly almost on top of it.

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**SECRETARY  
OF THE INTERIOR'S  
STANDARDS**

As with the previous approved project, this proposal necessitates adherence to a number of the Standards for Rehabilitation, including:

**Standard 1: A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.**

The Surf Club was originally an exclusive, members-only facility that provided oceanfront accessibility, ballrooms, meeting space and restaurant/gathering spaces. With this meticulous historical restoration, the original spaces are being brought back to their full splendor and many of the functions will remain the same. More positively, the Surf Club will actually become publically accessible through some of the restaurants and hotel areas.

**Standard 2: The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.**

All aspects of the historic restoration of the original club are being done to the highest standards of preservation practices, and all aspects of the restoration and the details therein are being monitored closely by County historic preservation staff. The removal of features and spaces are those that were non-historic, later additions, which did not acquire significance in their own right.

**Standard 5: Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.**

This is being complied with as detailed in the architectural drawings.

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**Standard 6: Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.**

Original drawings of floor plans, sections, elevations and details are accessible as are historical photographic evidence of exterior conditions, original fixtures, even furniture. The original materials, doors, windows, arches, columns and other features are being preserved where possible. New elements are being custom fabricated to replicate the originals.

**Standard 9: New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.**

As with the original approval, this is the one standard where the project does not fully comply.

The new addition does not destroy any historical materials or interferes with the original structure, and is definitely differentiated from the old. However, it is not compatible with the massing, size or scale of the historical building.

At the September 2012 Historic Preservation Board meeting, the case was made for approval by considering the preface of the Secretary of the Interior's Standards, which states that the Standards are to be applied in a reasonable manner, taking into consideration economic and technical feasibility. Because this project includes the full blown restoration of the historic building, and if the architects are willing to comply with Staff's recommendations, and because the historic building will now be publically accessible where once it was not, for these reasons Staff

**ITEM # IVA  
March 6, 2013**

believes the standard which speaks to size, scale and mass has been addressed as best it can be for the situation this particular parcel presents.

However, because of the immense size of these buildings relative to the historic building, every effort should be made to minimize the visual impact of the new buildings, whether through material selection, design or configuration.

**Standard 10: New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.**

The new construction will not negatively impact the historic buildings physically and, theoretically, if ever removed in the future would not harm the historical fabric.

**STAFF  
RECOMMENDATION**

Staff recommends that the COA for the restoration and rehabilitation of the historic Surf Club and the construction of the new buildings be **approved, with the following conditions:**

1. The upper one or two stories for the southern building be designed so that they recede away from the front façade, as the original proposed building did, to minimize the visibility from the street. Staff approval shall be sufficient without the need to return to the Board.
2. The treatment of the column/support system at the ground level of the north end of the southern tower shall be clearly detailed, with approvals by county staff, so as to not create a large expanse of plain ceiling or wall visible from the street, and shall be designed so that it does not look so disproportional as to create a feeling of top-heaviness.

**ITEM # IVA**

**March 6, 2013**

3. The southern portion of the north tower complex shall not be located any closer to the historic club than originally approved.
4. Staff will continue to be apprised of the progress of the historic restoration, with monthly progress reports provided to staff once the demolition phase has begun.
5. The developer shall work with a local contractor experienced in moving historic structures and having documented experience with local historic preservation projects for the relocation and restoration of the wooden cabanas. Additionally, if the cabana structures get damaged beyond repair because of the move, they are to be reconstructed on the sites of the proposed cabana locations.
6. The relocated cabanas shall include one cabana that is used as the Winston Churchill cabana and will be a replication of the cabana as he may have used it, including the use of Surf Club artifacts and memorabilia.
7. Original and/or historic furniture, fixtures, paintings or other items from the Surf Club that are uncovered throughout the restoration process will be utilized within the new design and spaces.
8. Cleaning and construction methods that would be detrimental to historic materials, such as sandblasting, shall not be utilized in the restoration of the historic club.
9. At least one area of publically accessible space within the historic surf club will display historical photographs, explanatory text and other memorabilia, either in display cases or on the walls that describe the historic architectural features, uses and functions of the club throughout its history. (Similar to the way they have a wall of that at The Breakers.)
10. Photographic documentation shall be made of the Surf Club portions that are to be demolished. Copies of photographic documentation shall be provided to the County's Office of Historic Preservation for record-keeping.

**ITEM # IVA  
March 6, 2013**

11. Contractor and/or construction manager shall refer to the historic preservation consultant on the architect's staff, and to the County's Office of Historic Preservation, if during the course of construction, historic elements are uncovered that were not previously identified to determine the best way to save, restore and/or document those elements.
12. Every attempt shall be made to preserve any original materials including windows, doors, columns, brackets, braces, flooring, tile work or other elements original to the Surf Club.

**ITEM # IVA  
March 6, 2013**



# **HISTORIC PRESERVATION BOARD CONDITIONS OF APPROVAL**



miamidade.gov  
Joseph N. Benton  
Fort Capital Management  
176 NE 43rd Street  
Miami, Florida 33137

111 NW 1st Street - 12th Floor

Dear Mr. Benton:

Please be advised that on March 6, 2013, the Miami-Dade County Historic Preservation Board voted to approve Special Certificate of Appropriateness #2013-06-S for revisions to the previously approved restoration, relocation, and new construction plans for the Surf Club, located at 9011 Collins Avenue in Surfside, FL.

The votes for each board member were the following:

Ruth Campbell	yes
Adriana Cantillo	yes
Rick Cohen	absent
Paul George	absent
Robert McKinney	yes
Mitch S. Novick	yes
JoEllen Phillips	yes
Edmundo Perez	yes
Enid Pinkney	yes
Ronda Vangates	absent

Please note that the approval included several conditions, which are as follows:

1. The upper two stories for the new southern building shall be designed so that they recede away from the front façade, as the original proposed building did, to minimize the visibility from the street. Staff approval shall be sufficient without the need to return to the Board.
2. The treatment of the column/support system at the ground level of the north end of the southern tower shall be clearly detailed, with approvals to be finalized by county staff, so as to not create a large expanse of plain ceiling or wall that would be visible from the street, and shall be designed so that it does not look so disproportional as to create a feeling of top-heaviness. Staff approval shall be sufficient without the need to return to the Board.
3. The southern portion of the north tower complex shall not be located any closer to the historic club than was originally approved.

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4. Staff will continue to be apprised of the progress of the historic restoration, with monthly progress reports provided to staff once the demolition phase has begun.

5. The developer shall work with a local contractor experienced in moving historic structures and having documented experience with local historic preservation projects for the relocation and restoration of the wooden cabanas. Additionally, if the cabana structures get damaged beyond repair because of the move, they are to be reconstructed on the sites of the proposed cabana locations.

6. The relocated cabanas shall include one cabana that is used as the Winston Churchill cabana and will be a replication of the cabana as he may have used it, including the use of Surf Club artifacts and memorabilia.

7. Original and/or historic furniture, fixtures, paintings or other items from the Surf Club that are uncovered throughout the restoration process will be utilized within the new design and spaces.

8. Cleaning and construction methods that would be detrimental to historic materials, such as sandblasting, shall not be utilized in the restoration of the historic club.

9. At least one area of publically accessible space within the historic surf club will display historical photographs, explanatory text and other memorabilia, either in display cases or on the walls that describe the historic architectural features, uses and functions of the club throughout its history. (Similar to the way they have a wall of that at The Breakers.)

10. Photographic documentation shall be made of the Surf Club portions that are to be demolished. Copies of photographic documentation shall be provided to the County's Office of Historic Preservation for record-keeping.

11. Contractor and/or construction manager shall refer to the historic preservation consultant on the architect's staff, and to the County's Office of Historic Preservation, if during the course of construction, historic elements are uncovered that were not previously identified to determine the best way to save, restore and/or document those elements.

12. Every attempt shall be made to preserve any original materials including windows, doors, columns, brackets, braces, flooring, tile work or other elements original to the Surf Club.

Should you have any questions regarding this matter, please do not hesitate to contact our office and we will be happy to assist you.

Sincerely,

  
Kathleen Kauffman

Preservation Chief

# **SITE PLAN PACKAGE**



## MEMORANDUM

To: Planning and Zoning Board  
Thru: Roger M. Carlton, Town Manager  
From: Richard Cannone, Planning Administrator  
CC: Linda Miller, Interim Town Attorney  
Date: April 3, 2013  
Re: 9531 Harding Avenue, New Wall Sign, DiMilesi Hair & Wigs

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The property is located at 9531 Harding Avenue, within the SD-B40 zoning district. The applicant is requesting to install a new sign with illuminated channel lettering.

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
- Staff Recommendation

### Existing storefront:





## STANDARDS / RESULTS

### Town of Surfside Zoning Code, Applicable Requirements

#### **Sec. 90.41(c)**

Regulated Uses	Permitted	Proposed
SD-B40	Beauty and personal services	Beauty and personal services

#### **Sec. 90-71.1**

Signs	Permitted	Proposed
<b>Area</b>	25 square feet	20 square feet
<b>Approved word content</b>	Signs may include the following: 1) Trade name of establishment 2) Nature of business, services rendered or products sold on premises.	Name of establishment "DiMilesi Hair & Wigs"
<b>Location</b>	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.	Sign does not project over the sidewalk or street.

## RECOMMENDATION

Staff recommends approval with the following conditions:

1. Replace or recover existing awning.
2. No electric conduit shall be visible on the façade.
3. Paint façade with compatible color if necessary, as determined by the Planning Director.
4. Tone down bright red color to be more compatible with contiguous buildings as determined by Planning Director.



## MEMORANDUM

To: Planning and Zoning Board  
 Thru: Roger M. Carlton, Town Manager  
 From: Richard Cannone, Planning Administrator  
 CC: Linda Miller, Interim Town Attorney  
 Date: April 3, 2013  
 Re: 9477 Harding Avenue, New Wall Sign, Kosh

The property is located at 9477 Harding Avenue, within the SD-B40 zoning district. The applicant is requesting to install a new wall sign with illuminated channel lettering at the top of the parapet wall along with eight (8) vinyl window signs. The vinyl window signs are proposed to cover the logos which were etched into the glass of the windows and doors by a previous tenant. (See below.)

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
- Staff Recommendation

### Existing signage:



### Existing window and door etching:







## STANDARDS / RESULTS

### Town of Surfside Zoning Code, Applicable Requirements

#### Sec. 90.41(c)

Regulated Uses	Permitted	Proposed
SD-B40	Restaurant provided that no sales shall be made through an open window to any street, alley, driveway or sidewalk.	Restaurant. No indication of sales to be made through an open window.

#### Sec. 90-71.1

Signs	Permitted	Proposed
Area	34 square feet	30 square feet
Wall Sign Approved Word Content	Signs may include the following: 1) Trade name of establishment 2) Nature of business, services rendered or products sold on premises.	Name of establishment-"Kosh"
Wall Sign Location	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.	Sign does not project over the sidewalk or street.
Window Signs	1) Lettering does not exceed eight inches in height.  2) Only the name of the establishment and the nature of the business may be provided.  3) Signs shall not exceed 20 percent of the area of the glass window or door in which they are displayed.  4) Not more than one primary sign may be displayed in any one window.	1) Lettering is less than eight inches.  2) Name of establishment and nature of the business- "Kosh Steakhouse Tapas Sushi Bistro"  3) Signs make up 18.6% percent of the area.  4) Only one sign proposed per window, 8 total.



## RECOMMENDATION

Staff recommends deferral with the following conditions:

1. The vinyl window signs shall not exceed one half (1/2) inch around the existing window etching. NOTE: The applicant has attempted to remove the etchings. This process is not possible and will require the replacement of all glass in the front of the restaurant.
2. Lettering shall only appear on the vinyl window signs on two alternating windows on the north side of the building and on the doors. The other vinyl window signs must be blank with the same color as the background as the signs with the lettering.
3. Raceway shall match the wall color.
4. No air conditioning unit or electric conduit shall be visible on the façade.
5. Entire façade should be gray.



## Town of Surfside Planning and Zoning Communication

**Agenda Item #:** 3A  
**Agenda Date:** April 3, 2013  
**Subject:** Outdoor Dining  
**From:** Roger M. Carlton, Town Manager  
Shelley Eichner, AICP, Town Planner

**Background:** Currently, outdoor dining is classified as a Conditional Use in the SD-B40 zoning district. Conditional Use applications require additional review by Town staff, the Planning and Zoning Board, and the Town Commission. This is not consistent with the recently adopted Outdoor Café ordinance which sets very detailed rules and requirements for open air cafes but does not require review by the Planning and Zoning Board and/or Town Commission. In order to create a lively Downtown environment and to encourage outdoor dining opportunities, an amendment to the zoning code to classify outdoor dining on private property as a permitted use has been proposed.

**Analysis:** Applications for approval of a Conditional Use are heard by the Planning and Zoning board and the Planning and Zoning Board report may contain recommendations to the Town Commission in approving the Conditional Use. The Town Commission may establish these and/or additional conditions. The permit dictates hours of activity and other conditions necessary to provide compatibility with the surrounding neighborhood.

The proposed ordinance (Attachment 1) changes outdoor dining on private property in the SD-B40 zoning district from a Conditional Use to a permitted use, subject to all applicable zoning requirements. Language was also added to refer applicants for outdoor dining facilities on public right of way to Section 18-80 of the Town Code which has existing requirements and standards for outdoor dining cafés. Outdoor dining facilities relating to multi-family residential and hotels in

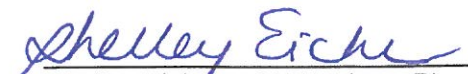
SD-B40 zoning district are not included in this ordinance and will continue to be reviewed as Conditional Uses.

**Recommendation:** This item was heard by the Town Commission at their March 12, 2013 meeting on first reading. It is recommended that the Planning and Zoning Board recommend approval to the Town Commission, which will be heard by the Commission in May, 2013 for second reading.

**Budget Impact:** N/A

**Growth Impact:** Facilitating new businesses by easing the process for outdoor dining opportunities.

**Staff Impact:** N/A



Shelley Eichner, AICP, Town Planner



Roger M. Carlton, Town Manager

ORDINANCE NO. 13- \_\_\_\_\_

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING", ARTICLE IV "DISTRICT REGULATIONS" AND SPECIFICALLY AMENDING SECTION 90-41 "REGULATED USES" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES ADDING OUTDOOR DINING AS A PERMITTED USE IN THE SD-B40 ZONING DISTRICT; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the Town of Surfside ("Town") proposes to amend its Code of Ordinances to classify outdoor dining as a permitted use; and

**WHEREAS**, Section 90-41(d)(1)(b) "Regulated Uses" provides that uses not specifically authorized are prohibited and in an effort to ensure consistency with the recently adopted Outdoor Café Ordinance the Town has added outdoor dining as a permitted use in the SD-B40 Zoning District; and

**WHEREAS**, The Town Commission held its first public reading on March 12, 2013 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

**WHEREAS**, the Planning and Zoning Board, as the local planning agency for the Town, held its hearing on the proposed amendments to the regulated uses on April 3, 2013 with due public notice and input; and

Ordinance No. \_\_\_\_\_

WHEREAS, The Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on April 9, 2013 and further finds the proposed change to the Code necessary and in the best interest of the community.

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.** The code of the Town of Surfside, Florida is hereby amended as follows:

**Sec. 90-41. - Regulated uses.**

Applicability and validity of tables. Nothing shall be used to misconstrue or reinterpret the provisions, limitations and allowances made here in.

(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.*

	H30A	H30B	H30C	H40	H120	SD-B40
Outdoor dining facilities						CUP (24)

\*\*\*

(24) Outdoor dining facilities on private property shall be permitted subject to all applicable zoning code requirements. Outdoor dining facilities that are on public right of

Ordinance No. \_\_\_\_\_

way shall be solely subject to the open air café requirements provided in Chapter 18 of this Code of Ordinances.

**Section 3. 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 4. Conflict.** All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

**Section 5. Inclusion in the Code of Ordinances.** 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 6. Effective Date.** This Ordinance shall be effective ten (10) days after adoption on second reading.

PASSED and ADOPTED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

PASSED and ADOPTED on second reading this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Daniel Dietch, Mayor

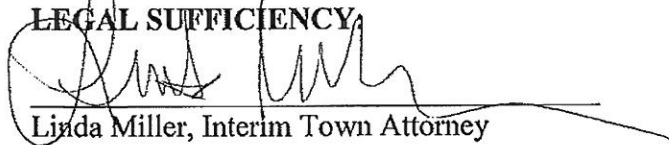
Attest:

\_\_\_\_\_

Sandra Novoa, Town Clerk

Ordinance No. \_\_\_\_\_

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY**

  
Linda Miller, Interim Town Attorney

On First Reading Moved by: \_\_\_\_\_

On Second Reading Seconded by: \_\_\_\_\_

**VOTE ON ADOPTION:**

Commissioner Joseph Graubart	yes	_____	no	_____
Commissioner Michelle Kligman	yes	_____	no	_____
Commissioner Marta Olchyk	yes	_____	no	_____
Vice Mayor Michael Karukin	yes	_____	no	_____
Mayor Daniel Dietch	yes	_____	no	_____

Ordinance No. \_\_\_\_\_





## MEMORANDUM

To: Planning and Zoning Board  
 From: Roger M. Carlton, Town Manager  
 Shelley Eichner, AICP, Town Planner  
 Date: April 3, 2013  
 Re: Massing and Zoning Discussion

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Vice Mayor Karukin requested discussion of a number of topics regarding building massing related to new construction. Provided below are questions to the Planning and Zoning Board to help guide Staff's analysis and the discussion amongst the Board.

Of particular concern are the following:

- Which zoning districts to analyze? H120, H40 and H30C? (Attachment 1: Zoning Map)
- Property aggregations
- Setbacks
- Stepbacks
- Parking
- Maximum frontage
- Minimum floor area ratio
- Efficiency units
- Net vs. Gross density

### Property Aggregation

The key question in regard to property aggregation is, ***“In anticipation of more property aggregation, what can be done to prevent a 700-unit building or a building that does not have breaks in the façade (other than articulation) from being erected?”***

The Comprehensive Plan states the following densities for the future land use designations. (Attachment 2: Future Land Use Map)



Future Land Use Designation	Density
Moderate Density Residential/Tourist	<ul style="list-style-type: none"> <li>• up to 58 residential dwelling units per acre or up</li> <li>• to 108 hotel units per acre</li> </ul>
Moderate-High Density Residential	<ul style="list-style-type: none"> <li>• Up to 79 residential dwelling units per acre or up to</li> <li>• 108 hotel units per acre</li> </ul>
High Density Residential/Tourist:	<ul style="list-style-type: none"> <li>• up to 109 dwelling or hotel units per acre</li> </ul>

Sec. 90-45.1 of the zoning code addresses aggregation of lots and the related density. The code states the following:

*“(1) For all lots aggregated in the H30C, H40 and H120 zoning districts after the effective date of this ordinance [Ord. No. 1572], the maximum permitted density shall be limited to 85 percent of the total gross density permitted by the Comprehensive Plan when lots are aggregated.”*

### **Setbacks**

The question to the Planning and Zoning Board is the following: ***Whether setbacks should be increased if buildings have 150 feet or more of frontage?*** The current interior side setback for the interior side is 10 feet in the H120 district and 7 feet in the H40 district. There is already a requirement in the H30C district for the setback to be 10% of the building frontage. The Town may consider increasing the interior setback to 20 feet in the H120 district to provide more open space and reduce overall massing, but it may be too limiting in the other districts due to the height limitations.

### **Stepbacks**

The question posed to the Planning and Zoning Board is the following: ***Should setback requirements be applied to interior structures on the same parcel of land?*** Stepback requirements are often applied to enhance the pedestrian experience for residents and visitors walking past the front of buildings. They are not typically considered for interior buildings.

Per Section 90-48.5 of the zoning code, in the H120 district, when a building exceeds a height of 30 feet, the width of each side yard (or stepback) shall be increased by one foot for every three feet of building height above 30 feet, provided however, on a corner lot the minimum width of the side yard adjoining a street need not exceed 20 feet.

The Town may wish to consider including setback requirements along the right-of-way.



Additional setback requirements would reduce the overall mass of buildings. Additional design considerations may be needed with respect to the pyramidal effect the current code may have on taller structures.

### Parking

The first question to the Planning and Zoning Board is the following: ***Whether applications should be permitted to reduce on-site parking requirements by paying into a parking fund?*** Per the code, "off-street parking requirements may be complied with by paying into the Downtown Parking Trust fund the sum of money that is the product of the number of parking spaces required but not provided, multiplied times the amount of the established fee per parking space. The parking fee amount shall be calculated on a "per parking space" standard, based upon a portion of the cost of the land, combined with the cost of design and construction, for a single structured off-street parking space."

Currently, only applicants in the commercial district and the places of public assembly overlay (Attachment 3) may pay the downtown parking trust fund in lieu of providing parking. This option does not apply to residential development including condominiums or hotels. The second question to the Planning and Zoning Board is the following: ***Whether schools and places of public assembly should be able to reduce their on-site parking requirement by paying into a parking fund?***

### Maximum Frontage

Section 90-51 was amended in December 2012 to provide a maximum frontage requirement. The section states that continuous wall frontage shall be not exceed 270 feet and articulated as follows:

- (1) H40: For every seventy-five (75) feet, a minimum six foot change in wall plane.
- (3) H120: For every 100 feet, a minimum six-foot change in wall planes. The change shall be either vertical or horizontal.

The question to the Planning and Zoning Board is: ***Whether to further reduce the maximum frontage to 250 feet in order to reduce overall building mass with a greater setback for building with over 150 feet of frontage in either the H40 or H30C districts?***

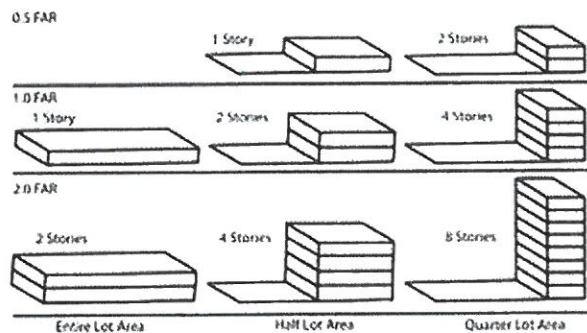
### Minimum Floor Area

Currently, only non-residential buildings have an FAR limitation. The question to the Planning and Zoning Board is: ***Should there be a floor area ratio (FAR) for multi-family and hotels?*** Building massing can be controlled by either floor area ratio or a combination of building height and lot coverage. Utilizing a floor area ratio allows greater amounts of open space for higher buildings, but lesser amounts for shorter



buildings.

The following graphic depicts floor area ratio:



If a building on the east side of Collins Avenue maximizes their possible buildable area (assuming a maximum frontage of 250 feet for the first 4 floors and 4 foot setbacks per level assuming 10 foot high levels) then the total buildable square footage would be 422,400 square feet. It is important to note that with the exception of the Surf Club, the larger properties have a frontage of approximately 200 feet, not the 290 feet needed to max out the base of the building at 250 foot maximum frontage+ 20 foot side setback + 20 foot side setback=290 total frontage).

Assuming that the lot to accommodate this building exists, it would have a lot area of approximately 69,600 square feet (290 feet wide x 240 feet deep) which would equate to an FAR of 6.07 (422,400/69,600).

If the desire of the Town Commission is to reduce the FAR by 25%, then the FAR would need to be 4.55.

Below are some massing examples for the east side of Collins Avenue to attain a 4.55 FAR:

- If you add a stepped setback similar to the sides on either the front **or** the back (one side only), then the maximum buildable square footage would be reduced by 35,880 to 386,520 square feet with an FAR of 5.55 (386,520/69,600).
- If you add a stepped setback similar to the sides on **both** the front and the back (2 sides), then the maximum building square footage would be reduced by 71,760 to 350,640 square feet with an FAR of 5.04 (350,640/69,600).
- In order to reduce the FAR to 4.55 with a maximum building square footage of 316,680 square feet the impact on the building mass would be as follows:
  - If the building is to remain at 12 stories, then it will essentially have greater ground floor setbacks (approximately 65 foot front setback, 25 foot side setback) and 3 sides would have to stepback after the 4<sup>th</sup> floor.



- If the building were to extend the footprint to the setback lines, then it will lose one or potentially two stories.

### **Efficiency Units**

The question to the Planning and Zoning Board is: ***Should there be a limit to the number of efficiency units permitted in multifamily dwelling units?*** A 20,000 square foot building could potentially have 33 efficiencies, or 25 one bedroom units, or 21 two bedroom units based on the minimum unit size requirement. However, the density limitations in the Comprehensive Plan will limit the total number of units permitted.

The following table shows the minimum unit sizes.

<b>Minimum Unit Sizes</b>	<b>Minimum Required</b>
Efficiencies	600 square feet
Hotel Suite	525 square feet
One-bedroom	800 square feet
Two-bedroom	950 square feet
Three-bedroom	1150 square feet
Four-bedroom	N/A

The parking requirements for efficiencies is the same as for a one bedroom dwelling unit (1.5 spaces).

### **Net vs. Gross**

Density and gross acreage are defined as follows in the zoning code:

*Density: The number of dwelling units per gross acre of land.*

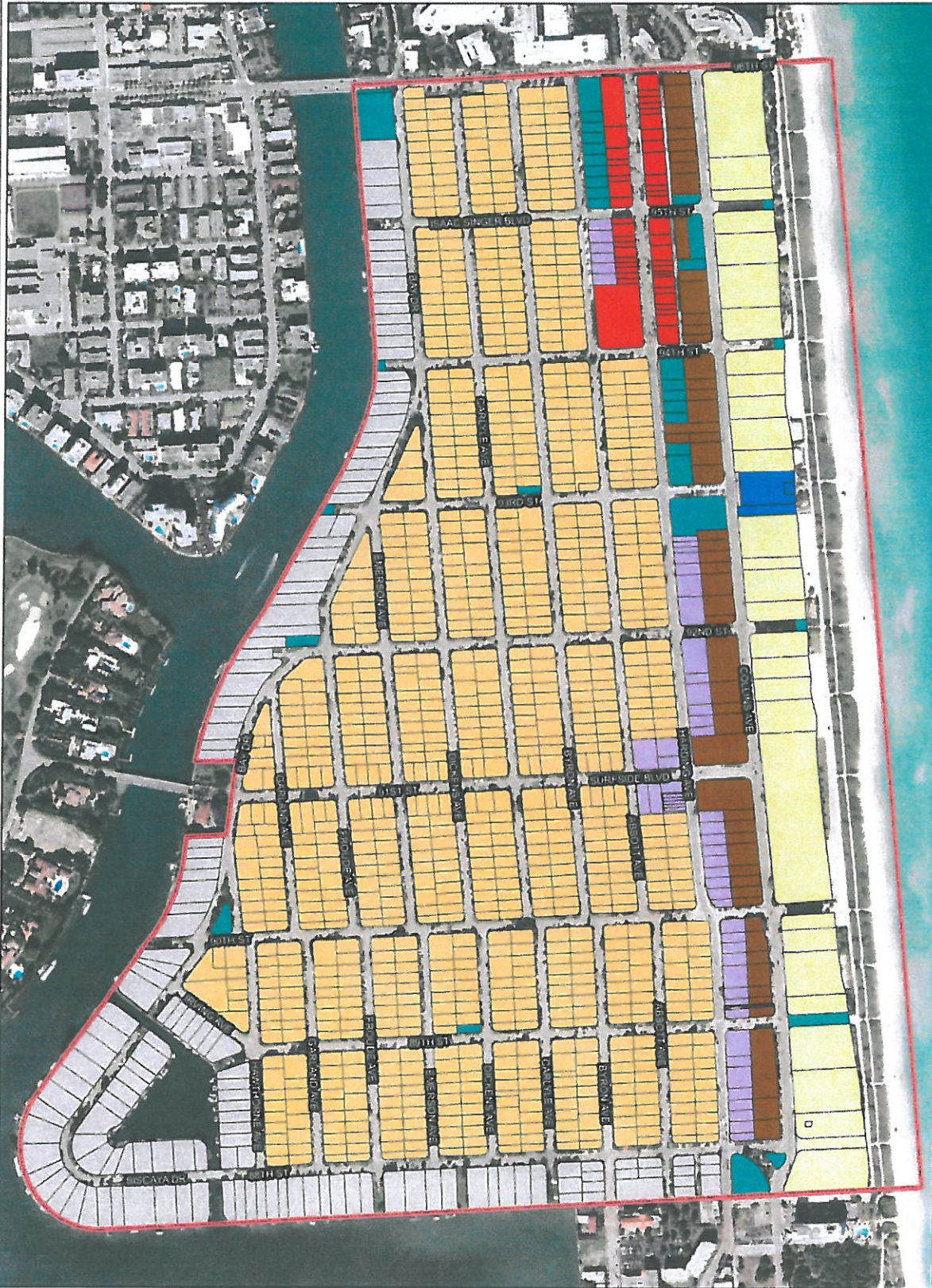
*Gross acre: The acreage within the perimeter of a lot plus one-half the right-of-way of adjacent streets and alleys. For properties east of Collins Avenue, the calculation of gross acreage shall also include the area up to the erosion control line.*

The State of Florida requires zoning to conform to the Comprehensive Plan. Currently, the Comprehensive Plan utilizes gross acres for density purposes. Any change in how acreage is calculated would require a Comprehensive Plan amendment. The question to the Planning and Zoning Board is: ***Do you wish to modify the Comprehensive Plan to utilize Net acres, which would be a reduction in the density calculation?***

# **ATTACHMENT 1**



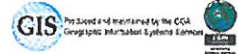
# Town of Surfside Zoning



Legend	
	City Boundary
	Community Facilities (CF)
	Height Restriction 30ft (H30A)
	Height Restriction 30ft (H30B)
	Height Restriction 30ft (H30C)
	Height Restriction 40ft (H40)
	Height Restriction 120ft (H120)
	Special District - Height Restriction 40ft (SD-B40)
	Municipal Use (MU)



Update : February 2013

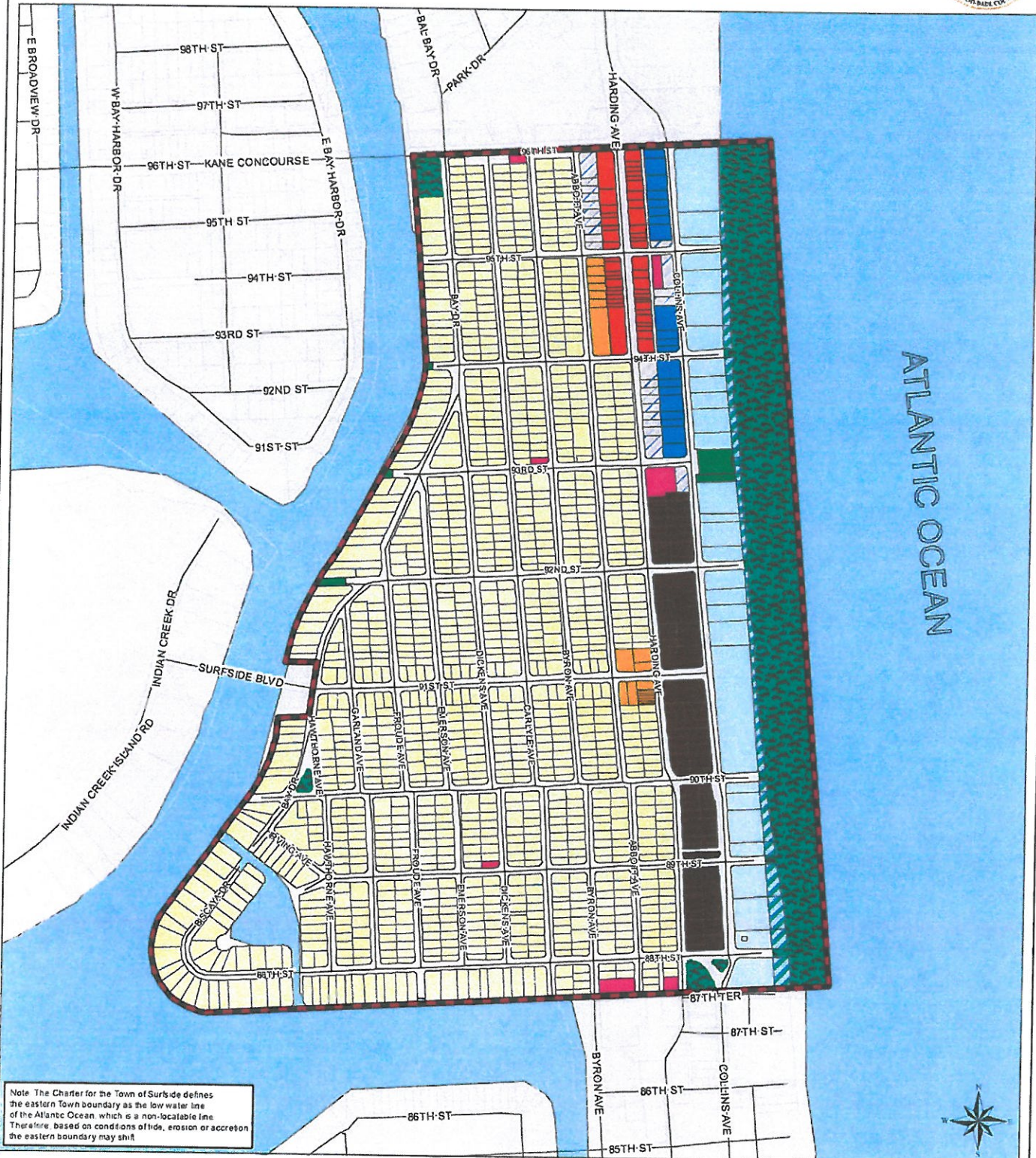


## **ATTACHMENT 2**



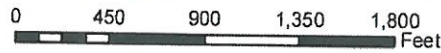


# Future Land Use (2030)



Note: The Charter for the Town of Surfside defines the eastern Town boundary as the low water line of the Atlantic Ocean, which is a non-locatable line. Therefore, based on conditions of tides, erosion or accretion the eastern boundary may shift.

- Legend**
- Surfside Boundary
  - Surfside Streets
  - Low Density Residential
  - Moderate Low Density Residential
  - Moderate Density Residential / Tourist
  - General Retail / Services
  - Community Facility
  - Moderate High Density Residential
  - High Density Residential / Tourist
  - Low Density Residential
  - Public Buildings
  - Moderate High Density Residential
  - Parking
  - Private Recreation
  - Public Recreation



Map Number : FLU 7  
 Print Date : November 2008  
 Source : Calvin Giordano and Associates

Calvin Giordano & Associates, Inc.  
 PROFESSIONAL SURVEYORS



### Permits Issued/Revenue Report

