

RESOLUTION NO. 17-Z- 2418

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A SITE PLAN TO PERMIT THE DEVELOPMENT OF PROPERTY LOCATED ON THE WEST SIDE OF COLLINS AVENUE BETWEEN 93RD STREET AND 94TH STREET WITH THE ADDRESSES OF 9300-9380 COLLINS AVENUE FOR 68 TOWNHOUSE UNITS WITH CONDITIONS OF APPROVAL; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

I. RECITALS.

WHEREAS, CATON REALTY HOLDING, LLC (“Applicant”), Manager of the properties located at 9300, 9316, 9322, 9340, 9348, 9364, 9372, 9380 Collins Avenue, Surfside, FL 33154, with a general location of the west side of Collins Avenue between 93th Street and 94th Street, Surfside, FL, (the “Property”) submitted an “Application” on February 17, 2016, requesting site plan approval from the Town of Surfside, Florida for a development of 68 townhouse units on behalf of multiple owners; and

WHEREAS, the Property is currently developed with 100 multifamily units which are proposed to be or have been demolished; and the building façade at 9340 Collins Avenue has been designated as historic by the Miami-Dade County Historic Preservation Board and it will remain and function as the lobby for the townhouse development; and

WHEREAS, plans are on file and may be examined in the Building Department entitled “9300-9380 Collins Avenue,” which plans may be modified at a public hearing (hereinafter referred to as the “Plans”) prepared by Arquitectonica consisting of Plan sheets A0.000, A0.101, A0.102, A0.103, A0.104, A0.105, A0.106, A1.100, A1.101, A1.102, A1.103, A1.104, A1.105, A2.101, A3.101, A4.101, R1.101, R1.102, R1.103, R1.104, R1.105, C-1, C-1, C-2, C-3, C-4, C-5, C-6, C-7, C-8, C-9, C-10, C-11, TD-1, L-1, L-2, L-3, L-4, L-5, L-6, L-7, L-8, IRR-1, IRR-2, IRR-3.

Legal Description: See attached Attachment “A” “Legal Description”

ADDRESS: 9300, 9316, 9322, 9340, 9348, 9364, 9372, 9380 Collins Avenue, Surfside, FL 33154

WHEREAS, on May 23, 2016, the Town’s Development Impact Committee, after notice posted on the Town’s website, met in a televised meeting, reviewed the Application and discussed the application and provided guidance to the Applicant regarding the criteria set forth in the Town’s Zoning Code; and

WHEREAS, on July 18, 2016, 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 the Town Zoning Code and the Application's consistency with the Town of Surfside Comprehensive Plan and recommended the Application for approval with conditions by the Town Commission; and

WHEREAS, on January 19, 2017 the Town Commission, at a duly noticed and televised quasi-judicial public hearing, reviewed the Application from its professional staff, the Applicant, and members of the public, and considering the recommendation of the Planning & Zoning Board, the requirements of the Town Zoning Code, the Application's consistency with the Town of Surfside's Comprehensive Plan, and the substantial competent evidence presented at the hearing.

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

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 Town Commission finds that the proposed Site Plan as conditioned is in compliance with the requirements and criteria set forth in the applicable Town Code and the Comprehensive Plan, and approves the Site Plan with conditions of approval as stated below.

III. APPROVAL AND CONDITIONS OF APPROVAL.

A. The Applicant's request for approval of the site plan, consisting of 68 townhouse units, is granted with conditions.

This approval incorporates the conditions of approval as provided in the staff report from the Miami-Dade County Office of Historic Preservation, attached as Attachment "B" hereto and made a part hereof.

B. The following are conditions of approval:

1. The Applicant, its successors and assigns shall comply with all Town laws, ordinances, and resolutions at the time of approval of the site plan.
2. A recorded covenant that states that the landscaping material and design approved per the site plan shall not be modified without a site plan amendment. Materials may be changed out due to maintenance, but shall be reinstalled with the same materials per the approved site plan.
3. The aluminum fence parallel to Collins Avenue approved on the site plan encroaching into the buffer shall not be modified without a site plan amendment.

4. The underground utilities on the approved site plan shall be installed per the plans on file and any change requires Town Commission approval. The Applicant shall demonstrate that the underground utilities will be accommodated in the configuration proposed prior to a foundation permit.
5. The Applicant shall install a plaque on the exterior of the historic building notifying the public of the historic designated building.
6. Applicant shall meet with the neighboring property owners and provide a place to locate seismic monitors at their neighbors' properties to measure the impact of construction on neighboring properties.
7. Applicant shall provide prominence to the historic building with paint treatments, landscaping and applicable fencing and utilize site triangles to improve the visual exposure of the historic structure.
8. Applicant shall emphasize articulation for the entire façade with the application of a revised contrasting paint scheme.
9. Applicant shall provide samples of glass, wood and materials to be used in this project prior to the Town Commission meeting.
10. Applicant shall provide updated perspective renderings which include the project and the location of neighboring properties for the Town Commission meeting.
11. Applicant shall improve the public sidewalks with pavers with the design approved by the Town Manager or designee. Applicant shall provide a suitable transition between public and private sidewalks. Applicant shall plant the shade trees closer to the sidewalk for the purpose of providing shade.
12. Applicant shall explore options for air flow from the ocean and through the building length.
13. The Applicant offers the following voluntary proffers to the Town, and the Town accepts the proffers, to be paid prior to the issuance of the foundation permit for the construction of the Project:
 - i. Replacement of two police vehicles at \$35,000 each for a total of \$70,000.
 - ii. Big Belly Solar trash receptacles, total of \$22,500.
 - iii. One new dog station at the Paws Up Dog Park, total of \$8,000.
 - iv. The Town may reallocate up to \$30,500 from the voluntary proffers as identified in Condition 13(i-iii) herein to Parks and Recreation or the Community Center.
 - v. Applicant proffers an additional \$30,500 to be used for Parks and

Recreation or the Community Center.

vi. Applicant proffers an additional \$141,000 to be used at the Town Manager's discretion.

14. All voluntary proffers and commitments made to the Town of Surfside pursuant to the Resolution, including but not limited to those described in 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 site plan approval were granted.
15. In the event the Applicant obtains a building permit and the permit expires, 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.
16. The Applicant for this purpose 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 the construction site in the event construction is abandoned, or ceases prior to completion.
17. A bond or equivalent amount of cash, in an amount not to exceed five percent of the construction cost, shall be posted to repair or 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 foundation permit. The bonding requirements of this condition and the immediately preceding condition may be satisfied by posting one bond that covers both conditions.
18. 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. The website URL will be advertised by the Applicant to Town residents.
19. The Applicant shall comply with calculating the cost of construction and auditing procedures pursuant to Town of Surfside Ordinance No. 16-1656.

- 20.** 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. A bond in the amount and duration determined by the Town Manager or designee shall be posted to ensure the survival of landscaping material for one or more years after the Certificate of Occupancy is issued.
- 21.** The Applicant agrees to design the project to be LEED silver certifiable.
- 22.** 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. Applicant and/or its contractors will assign personnel during construction to minimize sand, dust and debris from vehicles entering Collins Avenue and/or Harding Avenue from the construction site. Applicant shall ensure that contractors swing no heavy loads off property.
- 23.** 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.
- 24.** The Applicant shall provide a structured or engineered construction fence with portals or windows, as required by the Town Code. The windscreen shall display a rendering of the project and be maintained in good condition throughout the construction process until the Certificate of Occupancy is issued.
- 25.** 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.
- 26.** The Applicant shall meet all requirements of the Department of Public Works and Miami-Dade County for storm drainage services.
- 27.** The Applicant shall present evidence of a Construction Parking Plan for the provision of off-street parking outside of Town limits or on Applicant's property within the Town, for construction workers during the period of construction of the approved project prior to the issuance of a building permit. The Applicant and the Applicant's general contractor shall direct all workers not to park their vehicles in residential neighborhoods or lease parking spaces from Town residents or park in Town parking lots and Town parking metered

spaces. The Construction Parking Plan shall be reviewed and if found satisfactory and approved by the Town Manager prior to the issuance of a building permit.

28. The Applicant and the Applicant's contractors are responsible to enforce the Construction Parking Plan with all employees, contractors and subcontractors. The Applicant shall be fined five hundred dollars (\$500) for the first parking ticket and one thousand dollars (\$1,000) for each subsequent parking ticket issued to construction workers for parking in residential neighborhoods or Town public parking while working on the construction site (limit of one fine per vehicle per day). The construction parking plan shall provide the following:

(a) 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 or designee within 45 days of the effective date of this Resolution.

(b) Applicant shall provide monthly reports to the Town Manager of any problems or complaints with regard to workers parking their vehicles in residential neighborhoods.

(c) If the Town Manager deems necessary, the Applicant shall provide more frequent reports and develop additional preventive measures to protect the residential neighborhoods.

29. Any change in ownership of the current property owner, up to and including the turnover of ownership to the condominium association, greater than twenty percent (20%) shall be fully disclosed in writing to the Town Manager and Town Attorney immediately upon said change occurring. Any change of ownership of the project 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.

30. The Applicant shall only apply for a Certificate of Occupancy from the Town once compliance with all terms and conditions of this Development Order are met and documented. The Certificate of Occupancy shall be subject to cancellation upon violation of any of the Conditions, in accordance with the law.

31. The applicant shall provide a Unity of Title in a form acceptable to the Town Attorney for all parcels included in the site plan to the Town prior to the issuance of the first foundation permit.
32. The Applicant shall provide water/sewer fees to the Town of Surfside in the amount prescribed in Town Code Section 78-83 and calculated using all fixtures in the buildings. Said fee shall be paid at the issuance of a Building Permit and there shall be no offset for existing fixtures if such offset is prohibited by law. The Applicant shall ensure the Town's water/sewer infrastructure is ready to receive the approved utility connections referenced in Condition 4. At the option of the Town, the Town may allow the Applicant to construct improvements to the Town water/sewer infrastructure and provide a partial credit to the Applicant on the basis of one-half the reasonable cost of improvements.
33. The Applicant shall provide the Town with a detailed schedule for the construction of the project (the "Construction Schedule") within sixty (60) days of approval of the Application by the Town Commission. Any modification shall be submitted in the same manner.
34. Applicant shall use its own lot for staging of construction to minimize lane closures.

IV. SEVERABILITY CLAUSE.

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

V. EFFECTIVE DATE.

This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this 19th day of January, 2017.

Motion by Commissioner Guelchensky
Second by Vice Mayor Cohen

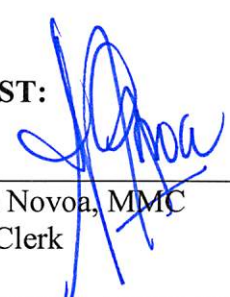
FINAL VOTE ON ADOPTION

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

yes
no
no
yes
yes


Daniel Dietch, Mayor

ATTEST:



Sandra Novoa, MMC
Town Clerk

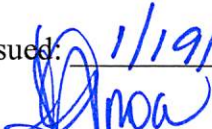
**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR
THE TOWN OF SURFSIDE ONLY:**



Linda Miller, Town Attorney

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

I, Sandra Novoa, MMC, Town Clerk of the Town of Surfside, Florida, do hereby certify that the above and foregoing is a true and correct copy of Resolution No.17-Z- 2418 adopted by the Town Commission at its meeting held on the 19th day of January, 2017.

Issued: 1/19/2017


Sandra Novoa, MMC
Town Clerk

Attachment "A"

Legal Description:

LOTS 1 THROUGH 12 AND LOT 19, INCLUSIVE, BLOCK 3, "ALTOS DEL MAR NO 5", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 92, OR THE PUBLIC RECORDS OF MIAMI/DADE COUNTY, FLORIDA.

Attachment "B"



miamidade.gov

Regulatory and Economic Resources Department
Office of Historic Preservation
111 NW 1st Street, Mailbox 114 • 12th Floor
Miami, Florida 33128
T 305-375-4958

February 26, 2016

9340 Collins Avenue LLC
3921 Alton Road, Suite 138
Miami Beach, FL 33140

RE: Renovation of Bougainvillea Apartments, Special COA #2016-03-S

Dear Property Owner:

On February 24, 2016, the Miami-Dade County Historic Preservation Board approved the Special Certificate of Appropriateness (COA) application for the renovation and incorporation of Bougainvillea Apartments, located at 9340 Collins Avenue, Surfside, FL, into a new development, provided the following conditions are met:

1. The Property Owner shall, in collaboration with County Historic Preservation Staff, produce a high-quality heritage tourism brochure focused on the history of the Town of Surfside, to be completed and available for distribution prior to the final Certificate of Occupancy of the development.
2. The Property owner shall provide a publically accessible gallery and interpretive exhibit space, either within the 9340 building or at another suitable, publically accessible space within the Town, including Town Hall or the Community Center. Exhibits shall include historical photographs, memorabilia, timelines, and other materials to adequately educate residents and visitors on Surfside's history and development. Property Owner shall collaborate with County Historic Preservation Staff as to the content of the exhibit.
3. If any discrepancy exists between the plans and the elevations or renderings, actual construction shall defer to the plans.
4. Project layout shall provide a minimum of 8 feet, and preferably 10 feet, between the outermost north and south edges of the historic structure and the enclosed forecourts/patios.

The Miami-Dade County Office of Historic Preservation thanks you for your submittal of the required COA application. COA approvals are valid for one year. If the work approved in this COA has not begun by February 24, 2017, contact our office to apply for an extension. Please do not hesitate to contact us with any additional questions.

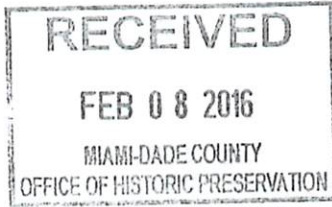
Sincerely,

A handwritten signature in black ink that reads "Sarah K. Cody". The signature is written in a cursive, flowing style.

Sarah K. Cody

Historic Preservation Planner
Miami-Dade County

Cc: Mr. Matthew A. Barnes, AICP, Akerman LLP
Sarah Sinatra Gould, Town Planner, Surfside



OFFICE OF HISTORIC AND ARCHAEOLOGICAL RESOURCES
111 NW 1ST STREET, MAILBOX 695
MIAMI, FL 33128
(305) 375-4958

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS (COA)

For Historically Designated Properties, or Properties within Historic Districts

I. PROPERTY INFORMATION INFORMACIÓN DE LA PROPIEDAD

ADDRESS 9340 Collins Avenue CITY Surfside ZIP 33154
(Dirección) *(Ciudad)* *(Zip)*

SITE DESIGNATION NAME (if applicable) Bougainvillea Apartments
(Nombre del Edificio)

DISTRICT NAME (if applicable) not applicable
(Nombre del Distrito)

FOLIO NUMBER 14-2235-006-0260
(Numero de Folio)



II. APPLICANT INFORMATION INFORMACIÓN DEL SOLICITANTE

NAME OF OWNER 9340 Collins Ave, LLC PHONE (teléfono) 786-802-7980
(Nombre de Dueño)

ADDRESS 3921 Alton Road, Suite 138 EMAIL mboymelgreen@gmail.com
(Dirección) *(correo electrónico)* Miami Beach, FL 33140

NAME OF APPLICANT (if other than owner) Akerman, LLP - Neisen Kasdin
(Nombre del Solicitante)

CONTACT PHONE 305-374-5600 EMAIL neisen.kasdin@akerman.com
(Teléfono)

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

FOR OFFICE USE ONLY		
<i>Solamente por uso de oficina</i>		
APPLICATION# <u>2016-03-S</u>	DATE RECEIVED <u>2/18/16</u>	STAFF INITIALS <u>SKC</u>
<i>("R" for Regular, "S" for Special)</i>		
<input type="checkbox"/> APPROVED	APPROVAL DATE <u>2/24/16</u>	
<input type="checkbox"/> DENIED	BOARD DATE <u>2/24/16</u>	
<input checked="" type="checkbox"/> APPROVED WITH CONDITIONS (see attached conditions sheet)		



III. PROJECT TYPE TIPO DE PROYECTO

PLEASE CHECK ALL THAT APPLY:

(Por favor marque todos que aplican)

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

IV. PROJECT DESCRIPTION DESCRIPCIÓN DE PROYECTO

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

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

See enclosed cover letter.

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

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

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



V. CHECKLIST OF REQUIRED ATTACHMENTS

NOTE: ALL APPLICATIONS MUST BE ACCOMPANIED BY AT LEAST ONE COLOR PHOTO OF THE BUILDING

PAINTING YOUR BUILDING

- Color photos of each side of the building
- Sample Paint Chips of Desired Colors

NEW FENCING/WALLS/POOL/LANDSCAPING

- Site plan showing exact location(s) of fence, wall, pool or proposed landscaping
- Elevation drawings of fence, including height dimensions
- Color photographs of where fence, pool or landscaping is to go
- Description of landscaping, including type and placement (if applicable)

NEW WINDOWS OR DOORS

- A color photo of each side of the house
- An existing elevation of each side of the house that will have doors or windows replaced
- Elevations showing proposed changes. Be sure to draw the window configurations exactly as they will appear, include all proposed mullions
- Manufacturer's brochure or a catalog picture of the requested window or door and NOA #

NEW ROOF

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

RENOVATIONS/ADDITIONS or NEW CONSTRUCTION

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

VI. OWNER ATTESTATION

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



Signature of Owner (Firma del Dueño)

02/02/2016

Date (Fecha)

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

2/03/16

Date (Fecha)