

RESOLUTION NO. 2021- 2791

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; APPROVING A SITE PLAN APPLICATION FOR PROPERTY GENERALLY LOCATED AT 8851 HARDING AVENUE, SURFSIDE, FLORIDA; PROVIDING FOR CONDITIONS; PROVIDING FOR VIOLATION OF CONDITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Hugo Frascarolli, on behalf of 8851 Harding LLC, (the “Applicant”), owner of the property located at 8851 Harding Avenue, Surfside Florida, and legally described in Exhibit “A” attached hereto (the “Property”), submitted an application to the Town of Surfside, Florida requesting site plan approval (the “Application”) for the development of 18 multifamily units (the “Project”); and

WHEREAS, on February 25, 2021, the Town’s Development Review Group, pursuant to Section 90-20 of the Town Code, reviewed the Application, provided technical comments to the Applicant, and made recommendations to the Planning and Zoning Board in accordance with the criteria set forth in the Town Code; and

WHEREAS, on February 25, 2021, the Town Planner issued an updated recommendation of approval of the Application to the Planning and Zoning Board; and

WHEREAS, on February 25, 2021, the Planning & Zoning Board, at a duly noticed 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 Code for Site Plan Approval and the Application’s consistency with the Town of Surfside’s Comprehensive Plan and recommended denial of the Application to the Town Commission; and

WHEREAS, on May 26, 2021, the Town Commission, held a duly noticed quasi-judicial public hearing to review the Application, hear from its professional staff, the Applicant, and members of the public, and consider the recommendation of the Planning & Zoning Board, the requirements of the Town Code for Site Plan Approval and the Application’s consistency with the Town of Surfside’s Comprehensive Plan, and the substantial competent evidence presented at the hearing; and

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

SECTION 1. RECITALS AND FINDINGS OF FACT.

1. All recitals set forth above are incorporated into the body of this Resolution as if same were fully set forth herein.
2. The Commission finds that the Application for the proposed site plan amendment is in compliance with the requirements of the Town Code for Site Plan Approval and the Application is consistent with the Town of Surfside's Comprehensive Plan.

SECTION 2. SITE PLAN APPROVAL. The Application to approve a site plan is hereby approved.

SECTION 3. CONDITIONS. The approval granted herein is subject to the following conditions:

1. The Property shall be developed in substantial compliance with the plans titled "Surfside Apartments," prepared by Juan C. David Architect, Inc. dated August 17, 2020, consisting of a cover sheet titled "Cover," 4 sheets titled "Views," a Sketch of Survey, sheets D-0, A-0.0, A-0.1, A-0.2, A0.3, A-1.0, A1.1, A-1.2, A-1.3, A-2.1, A-2.2, A-3.1, IR-1.0, IR-1.1, L-1.0, L-1.1, TD-1.0, D-1, and D-2, except as modifications are required by this approval or the Building Official.
2. For screening purposes, a continuous hedge of a minimum height of three feet at the time of planting shall be installed and shall thereafter be maintained at a maximum height equal to the top of the fence. The hedge shall be planted between the right-of-way and the fence.
3. The Applicant has proffered a contribution in the amount of \$31,525.87 towards Town Parks and Recreation and police, which shall be payable to the Town prior to the issuance of a building permit.
4. The Applicant shall pay, as cost recovery pursuant to Section 90-11 of the Town Code, all fees associated with the professional services rendered in the review and processing of this Application.
5. The Applicant shall comply with all conditions and permit requirements of the Miami-Dade County Department of Environmental Resource Management, the Miami-Dade County Fire Rescue Department, the Miami-Dade County Water and Sewer Department, the Florida Department of Environmental Protection, the Florida Department of Transportation, and all other governmental agencies with jurisdiction over the Project.
6. As provided in Section 90-35(a)(9) of the Code, approval of the site plan shall be void if the Applicant does not obtain a building permit within 24 months after the granting of this approval.
7. Prior to the issuance of a building permit, Applicant shall execute a Unity of Title for the Property (8851 and 8873 Harding Avenue), in form and substance approved by the Town and Town Attorney.
8. Applicant shall secure a master building permit to construct the building prior to the issuance of a demolition permit. Applicant shall submit a demolition plan to the Town

Manager and the Town Building Official that meets all Federal, State and local requirements and that recycles a minimum of eighty percent (80%) of the demolition material.

9. Applicant shall provide the Town with a detailed schedule for the construction of the Project within 90 days of approval of the Application by the Town Commission.
10. The Applicant shall agree to underground the utilities on the Property. The Applicant shall demonstrate the underground utilities on the site plan prior to a foundation permit.
11. The Applicant shall submit plans for the construction of an appropriate barrier between the construction site and adjoining properties in order to minimize dust and construction debris. The Applicant shall comply with the regulations of the Town Code relating to construction site operations including construction hours and fencing.
12. The Applicant will use its good faith efforts to minimize vibration and noise during construction of the Project. Applicant shall ensure that contractors swing no heavy loads off property.
13. The Applicant shall present 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 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 approved by the Town Manager prior to the issuance of a building permit.
14. The Applicant and the Applicant's general contractor are responsible to enforce the Construction Parking Plan with all employees, contractors and subcontractors. The Applicant shall be fined five hundred dollars (\$500) for each 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).
15. 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 the Applicant shall submit the proposed clause for the approval of the Town Manager or Town Manager designee within 90 days of the effective date of this Resolution.
16. The approved site plan does not in any way create a right on the part of the Applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Town for issuance of the approval if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of federal or state law. All applicable state and federal permits shall be obtained before commencement of construction.
17. The Applicant shall restrict pesticide use to organic-based environmentally friendly products as part of their landscaping and maintenance of the Property.
18. The Applicant shall restore all adjacent roadways damaged by construction to Town of Surfside and Florida Department of Transportation standards during the Project and prior to issuance of a certificate of occupancy.
19. The Applicant shall address the slope of the garage driveway with Town Building Official and/or Town Planner to ensure safe passage for pedestrians on the sidewalk.

- 20. All rooftop mechanical equipment shall be fully screened from view and acoustically screened to reduce noise to no more than 55 dBA when measured from any Property line. Such screening will be maintained at all times.
- 21. Reflective glass shall not be used.

SECTION 4. VIOLATION OF CONDITIONS. Failure by the Town to timely enforce any of the above conditions does not constitute a waiver of same, and if the Applicant, its successors or assigns, do not perform such conditions within five (5) days after written notice, the Town reserves the right to stop construction, if necessary, until that condition is met. By acting in accordance with this approval, the Applicant hereby consents to all of the foregoing terms and conditions. Failure to adhere to the terms and conditions of this Resolution shall also be considered a violation of the Town Code and persons found violating the conditions shall be subject to the penalties prescribed by the Town Code, including but not limited to, the revocation of any of the approval(s) granted in this Resolution. The Applicant understands and acknowledges that it must comply with all other applicable requirements of the Town Code before it may commence construction or operation, and that the foregoing approval in this Resolution may be revoked by the Town at any time upon a determination by the Town Commission, following a public hearing, that the Applicant is in non-compliance with the Town Code or the conditions of this Approval and has failed to cure, or to provide an acceptable plan to timely cure, the non-compliance.

SECTION 5. SEVERABILITY. In the event any portion or section of this Resolution is determined to be invalid, illegal or unconstitutional by a court or agency of competent jurisdiction, such decision shall in no way affect the remaining portions of this Resolution, which shall remain full force and effect.

SECTION 6. EFFECTIVE DATE. This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this 26th day of May, 2021.

Motion by: Commissioner Kesl

Second by: Commissioner Velasquez

FINAL VOTE ON ADOPTION

Commissioner Charles Kesl	<u>Yes</u>
Commissioner Eliana Salzhauer	<u>Absent</u>
Commissioner Nelly Velazquez	<u>Yes</u>
Vice Mayor Tina Paul	<u>Yes</u>
Mayor Charles W. Burkett	<u>Yes</u>

Charles W. Burkett, Mayor

ATTEST:

Sandra N. McCready, MMC, Town Clerk

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

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

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

I, Sandra McCready, Town Clerk of the Town of Surfside, Florida, do hereby certify that the above and foregoing is a true and correct copy of Resolution No. 2021-2792 adopted by the Town Commission at its meeting held on the 26th day of May, 2021.

Issued: 6/22/2021.

Sandra McCready, MMC
Town Clerk

EXHIBIT "A"

LEGAL DESCRIPTION OF PROPERTY

Lots 4 and 5, Block 3, of Second Amended Plat of Normandy Beach, according to th Plat thereof, as recorded in Plat Book 16, Page 44, of the Public Records of Miami-Dade County, Florida.

Parcel Indentification No. 14-2235-005-0320

AND

Lot 3 and the South 5 feet of Lot 2, Block 3, of Second Amended Plat of Normandy Beach, according to th Plat thereof, as recorded in Plat Book 16, Page 44, of the Public Records of Miami-Dade County, Florida.

Parcel Indentification No. 14-2235-005-0310