

RESOLUTION NO. 2022- 2850

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; APPROVING AN AMENDMENT TO RESOLUTION NO. 13-Z-06 FOR THE SURF CLUB PROPERTY LOCATED AT 9011 COLLINS AVENUE, SURFSIDE, FL, TO AMEND CONDITION NO. 19, OF SECTION IV., REQUIRING DESIGN AND CONSTRUCTION OF A LIFEGUARD STAND AND PAYMENT OF OPERATIONAL COSTS, AND PROVIDING FOR A ONE-TIME PAYMENT TO THE TOWN IN LIEU THEREOF FOR 96TH STREET PARK RENOVATIONS; RATIFYING ALL OTHER REQUIREMENTS AND CONDITIONS OF THE ORIGINAL APPROVAL SET FORTH IN RESOLUTION NO. 13-Z-06; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission of the Town of Surfside adopted Resolution No. 2013-Z-06 (“Original Approval Resolution”) which approved an application by Surf Club, Inc. (“Applicant”) for amended site plan and conditional uses approval on the property located at 9011 Collins Avenue, Surfside, FL 33154 (the “Property”), to allow the redevelopment of a condominium/hotel with 285 hotel rooms and related uses; and

WHEREAS, Condition No. 19, of Section IV., of the Original Approval Resolution requires that the Applicant design and build a lifeguard stand located east of the Surf Club Property prior to the issuance of a Temporary Certificate of Occupancy, and requires that the Applicant contribute funds for the operational costs of the lifeguard stand; and

WHEREAS, the Town of Surfside Commission and administration have determined that a lifeguard stand at that location is not necessary and wish to amend Condition No. 19 to remove the obligation of Applicant to design and build a lifeguard stand and contribute funds towards the operational costs of the lifeguard stand, and in lieu thereof require a one-time payment or contribution to the Town in the amount of \$115,000, to be used by the Town for the renovation and/or improvements to 96th Street Park; and

WHEREAS, on January 11, 2022, the Town Commission, at a duly noticed quasi-judicial public hearing, reviewed the matter and hearing from its professional staff, the Applicant, and members of the public, the requirements of the Town Code and consistency with the Town of Surfside’s Comprehensive Plan, and substantial competent evidence presented at the hearing.

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

SECTION 1. RECITALS AND FINDINGS OF FACT.

1. All recitals set forth above are incorporated into the body of this Resolution as if same were fully set forth herein.
2. The Town Commission finds that the Town-initiated request to amend Condition No. 19, of Section IV., of the Original Approval Resolution, regarding a lifeguard stand east of the Surf Club Property has no impact on the development and Site Plan approved in the Original Approval Resolution and pertains to off-site facilities.

SECTION 2. APPROVAL OF AMENDMENT TO CONDITION NO. 19, SECTION IV; LIFEGUARD STAND. The Town-initiated request to approve an amendment to Condition No. 19, Section IV., of the Original Approval Resolution regarding a lifeguard stand is hereby approved to: (i) delete the requirement that the Applicant design and build a lifeguard stand east of the Surf Club Property, and (ii) delete the requirements that the Applicant contribute funds in the amount of \$60,000 for operational costs of the lifeguard stand. In lieu thereof, Applicant shall make a one-time payment contribution to the Town in the amount of \$115,000, to be used by the Town for renovations and/or improvements to 96th Street Park. Condition No. 19, Section IV., of the Original Approval Resolution is hereby amended as follows:

~~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 approval of the Temporary Certificate of Occupancy, \$20,000 twelve months thereafter and \$10,000 twelve additional months thereafter towards the operational costs. In lieu of designing and building a lifeguard stand east of the Surf Club Property and contributing \$60,000 towards operational costs thereof, Applicant shall make a one-time payment contribution to the Town in the amount of \$115,000, to be made within five (5) days of adoption of this Resolution, which funds shall be used by the Town for renovations and/or improvements to 96th Street Park.~~

SECTION 3. ALL OTHER REQUIREMENTS AND CONDITIONS OF THE ORIGINAL APPROVAL SET FORTH IN RESOLUTION NO. 13-Z-06 RATIFIED AND IN FULL FORCE AND EFFECT. All requirements and conditions of the Original Approval Resolution, and all other aspects of Resolution No. 13-Z-06 not expressly modified or amended

by this Resolution, are hereby ratified and continue in full force and effect and are incorporated into this approval by reference as if fully restated herein.

SECTION 4. VIOLATION OF CONDITIONS. Failure to adhere to the terms and conditions of this Resolution and/or the Original Approval Resolution shall be considered a violation of the Town Code and persons found violating the conditions shall be subject to the penalties prescribed by the Town Code, including but not limited to, the revocation of any of the approval(s) granted in this Resolution and the Original Approval Resolution. The Applicant understands and acknowledges that the foregoing approval in this Resolution may be revoked by the Town at any time upon a determination by the Town Commission, following a public hearing, that the Applicant is in non-compliance with the Town Code or the conditions of this Approval and has failed to cure, or to provide an acceptable plan to timely cure, the non-compliance.

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

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


PASSED AND ADOPTED this 11th day of January, 2022.

Motion by: Commissioner Kesl,

Second by: Commissioner Velasquez.

FINAL VOTE ON ADOPTION

Commissioner Charles Kesl	<u>Yes</u>
Commissioner Eliana Salzhauer	<u>Yes</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 McCready, MMC, Town Clerk

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

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

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

I, Sandra McCready, Town Clerk of the Town of Surfside, Florida, do hereby certify that the above and foregoing is a true and correct copy of Resolution No. 2022-2850 adopted by the Town Commission at its meeting held on the 11th day of January, 2022.

Issued: January 13, 2022

Sandra McCready, MMC
Town Clerk