



**Town of Surfside**  
**Special Town Commission - Quasi-Judicial Hearing**  
**MINUTES**  
**November 29, 2022**  
**5:30 PM**  
Commission Chambers

**1. Opening**

**1.A Call to Order**

Mayor Danzinger called the meeting to order at 5:35 p.m.

**1.B Roll Call of Members**

Town Clerk McCready called the roll with the following members present:

Present: Mayor Shlomo Danzinger, Vice Mayor Jeff Rose, Commissioner Nelly Velasquez, Commissioner Marianne Meisheid and Commissioner Fred Landsman.

Also present were Town Manager Andrew Hyatt, Town Attorney Lillian Arango and Town Attorney Tony Recio.

**1.C Pledge of Allegiance**

Chief Torres provided the pledge of allegiance.

**2. Mayor, Commission and Staff Communications**

**2.A 9309-9317 Collins Avenue - Applicant known as R Palace Surfside, LLC - Andrew Hyatt, Town Manager**

It is recommended the Applicant's Site Plan package be approved by the Town Commission. The Site Plan application was approved by the Planning and Zoning Board at the meeting held on August 27<sup>th</sup>, 2022. All outstanding conditions identified by the Planning and Zoning Board have been resolved.

Development review requirements for this project must follow Sec 90-20(2)(a) of the Zoning Code. The following criteria and their responses are identified here, as:

- The development, as proposed, conforms to the Comprehensive Plan and the

## Zoning Code

- Staff finds the proposal complies with the Town's Comprehensive Plan in that the developable portion of the parcel is west of the bulkhead line with a density lower than the maximum allowed and the portion of the parcel which is east of the bulkhead line is solely private recreation. Staff also finds that the proposal complies with the Zoning Code and with the intent of Ordinance 21-1716.
- The development, as proposed, will have a favorable or unfavorable impact on the environment and natural resources, including a consideration of the means and estimated cost necessary to minimize the adverse impacts, if any
  - The project has minimal impacts on the environment and natural resources. The lower unit density and the combination of the new side setback/average setback option has significantly reduced the volume of the building thereby, minimizing construction impacts and providing greater air flow and light.
  - The impact will be favorable.
- The development, as proposed, will have a favorable or unfavorable impact on the economy of the Town of Surfside
  - Redevelopment of the parcel will have a favorable impact on the economy of the Town.
- The development, as proposed, will efficiently use or unduly burden water, sewer, solid waste disposal, education, recreation or other necessary public facilities which have been constructed or planned and budgeted for construction in the area.
  - Impacts to public facilities and transportation impacts will be reduced with improved access to Collins Avenue and more efficient passenger access to the building with on-site service deliveries. The project is located on the north side of the Town's Community Center which is a very active and important community facility land use in the Town. The design of the open under building floor areas and the open-air ground level lounge area will help to mitigate any visual impacts with the Center and to the Marbella Condominium on the north.
- The development, as proposed, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, public streets, and roads, which have been planned and budgeted for construction in the area, and if the development is or will be accessible by private or public roads or streets
  - Traffic impacts from the redevelopment of the site are less than the prior building impacts. The site plan eliminates back out parking from Collins Avenue, provides improved circulation into the site and reduces the total daily and peak hour traffic volumes.

- The development will not unduly burden transportation facilities.
- The development, as proposed, is consistent with the community character of the immediate neighborhood. In addition to consistency there must be congruity between the subject development and neighboring improvements and surroundings including but not limited to form, spacing, heights, setbacks, materials, color, rhythm and pattern of architectural or aesthetic interest or value as well as with any overlays and other development schemes or legislation; and, in the event of redevelopment, the Applicant shall also submit a detailed plan for demolition.
  - The design is consistent with the community character of the beach side neighborhood. The exterior building materials along with extensive landscaping reflect the natural environment of South Florida.
  - During the demolition of the existing structure and the construction of this site, the developer will implement a vibration monitoring program.

Mayor Danzinger stated the importance of safety when it comes to all the projects being heard tonight.

Town Attorney Recio read the quasi-judicial statement into the record.

Town Clerk McCready confirmed notice requirements.

Town Attorney Recio polled the Commission Members.

Mayor Danzinger stated that he had conversations months ago and has continued having conversations with the developers of 9309-9317 Collins Avenue.

Vice Mayor Rose stated that he also met with the developers of 9309-9317 Collins Avenue about a month ago.

Commissioner Meischeid stated that she also met with the developers of 9309-9317 Collins Avenue about a month ago.

Commissioner Landsman stated that he met with the developers of 9309-9317 Collins Avenue a few weeks ago.

Commissioner Velasquez stated that she also met with the developers of 9309-9317 Collins Avenue about a month ago.

Town Clerk McCready swore in all individuals that will be testifying in these proceedings.

Town Clerk McCready read the title of the resolution into the record.

Town Planner Frankel introduced the item and project along with staff recommendations. She also provided a summary of the process of this

development. She stated that the DRG was supportive of moving the project to the Planning and Zoning Board. The Planning and Zoning Board approved this project with conditions and provided what those conditions were. She stated all those details have been resolved and this project complies with code. The development team also agreed to some conditions including the beach access path except when it is actively being reconstructed. The developer has agreed to provide an easement to the Town on the SE corner of the path and provided the other additional conditions agreed upon.

Graham Penn, Bercow and Radell representing the applicant provided an overview of the project along with the safety requirements in place for the Community Center and Marbella condominiums.

Bernardo Fort-Brescia, architect, Arquitectonica, representing the applicant provided a presentation of the architecture of the project.

Graham Penn, Bercow and Radell representing the applicant provided a summary of the presentation and provided the agreement to the development order and the specifics.

Mayor Danzinger opened the floor to public comment.

The following individuals from the public spoke:

Dr. Michael Messing read an email he provided to the Town Manager and spoke against the project.

Eliana Salzhauer spoke against the project and having in the development order that any damage done to the Community Center pool should be paid by the developer as well as the removal of asbestos.

Patricio Millan spoke against the project and the fact that this project is not bringing residents but investors.

Moshe Schneider, President of the HOA of the Marbella condominium stated he met with the developer several times and provided his support.

Mayor Danzinger closed public comment.

Graham Penn, Berkow and Radell addressed the comments made by Ms. Salzhauer and all those concerns are in the development order.

Mayor Danzinger reminded the public that the resolution and all the specifics were available online for their review.

Commissioner Landsman thanked everyone here and staff. He stated that he met with the developer and encouraged certain thoughts and ways to approach the project and thanked the developer for doing a lot of the work upfront to alleviate the concerns many have of the impact to the Community Center. He stated that the Planning and Zoning Board requested additional conditions that were incorporated.

Commissioner Meischeid stated it is a great project and how it goes along with the intent of the code. She stated that she also likes the fact that they have plenty of parking spaces. She suggested for the developer to volunteer and contribute any

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amount to the resiliency fund.

Commissioner Velasquez thanked the developer for bringing this project and understands the concerns the residents have as it pertains to the Community Center. She thanked them for the safety measures they are taking. She asked regarding the seismic monitoring and will they provide it to the Community Center.

Mr. Graham stated yes, they would be providing a seismic monitoring for the Community Center.

Commissioner Velasquez asked the Town Manager if the Town will take pictures of the Community Center before and after the construction of the building in the event there is damage during the construction the developer can then make the repairs.

Town Manager Hyatt stated yes that they will be doing that.

Commissioner Velasquez asked how the sanitation employees will be getting the garbage that will be located in the basement and they should not be adding additional strain to the workers to remove the containers.

Mr. Fort-Brecia stated that there is a dedicated jump elevator for the sanitation workers, and they will not have to go up the ramp.

Town Manager Hyatt stated that Public Works Director Gomez met with the developers, and they are satisfied with the project.

Commissioner Velasquez stated that she sees that the pedestrian walkway are pavers and all the Town is concrete, and it would look different. She asked if that is the way it will look.

Mr. Graham addressed the comments made by Commissioner Velasquez and if they add pavers in front of their property, they will then extend it to the Community Center.

Mayor Danzinger spoke regarding the pavers and gave examples and as newer developments come on board they will be using pavers and are being consistent with the other projects that have been developed.

Town Manager Hyatt addressed the comments made regarding the pavers.

Commissioner Velasquez thanked the developers and their representatives for a great project.

Vice Mayor Rose stated that the monitoring is part of the requirements in the code. He thanked the developers and architects, and it is a beautiful building and will be a nice addition to the Town. He stated that his most important control was the crane and thanked them for them not using a swinging crane. He spoke regarding the different items and conditions the developers agreed upon in the development order. He addressed the comments made regarding the number of units. He thanked the developers for reaching out to their neighbor the Marbella condominium.

Mayor Danzinger addressed some of the comments made tonight and stated that Florida is known for having lots of snowbirds. He reminded everyone that Surfside started off as vacation town. He stated that they are required to look at the legality of the project regardless of if we like the project. He addressed the comment as to why the Community Center never purchased the property and the Town could not afford to purchase that property. He spoke regarding the priorities which is the safety to the residents and all those have been addressed. He spoke regarding the letter of support from the Marbella condominium. He spoke regarding the cranes and that was a big deal for them since the Community Center was next door. He addressed the comment made by Commissioner Meischeid regarding resiliency and stated that traffic, water and sewage usage is being reduced and that goes towards the resiliency of the Town. He spoke regarding the proffers made to the Town and asked if it could be put into the general fund to use it for other things instead of putting it into the water and sewer account. He spoke regarding a concept of payment in lieu of building permit fees and put that money into the proffers, so it is not locked into the building fees account which is locked.

Commissioner Velasquez asked how much is in the building department account.

Mayor Danzinger stated that the building department account has \$3.2 million dollars. He stated that leaving it in that account would lock up that money in there and then the Town can not use it for other things. He stated that by putting it in the general fund it will allow them to tap into that for other projects.

Town Attorney Recio asked if this would be an additional condition. He stated the language to be added to the resolution and development order.

Mr. Penn stated that there are two different things between the proffers and what is being requested. He stated that they have no issue as to what account the Town puts the money into. He stated that it could become more complicated with a private provider.

Town Attorney Recio explained what they are asking for is the fees paid to the Town not to the private provider.

Mr. Penn stated that as long as it is consistent with the code and that is what it is, they have no objection.

Marcelo Kingston, applicant stated that he does not have an issue with that unless they have to use the private provider.

Vice Mayor Rose explained what the Town is requesting and how using a private provider works and there is a calculation that is used by law. He stated the easy way is to put the money in the general fund after they pay their private provider.

Building Official McGuinness objects to that request and stated that money goes into being able to use for inspectors which they will need for this project. He stated that building fees must stay within the department for training and additional inspectors.

Mayor Danzinger stated that they have done budget amendments multiple times if

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they would need to transfer the funds to the Building Department then they can do so. He addressed the comments made by Building Official McGuinness.

Commissioner Velasquez stated that this building will bring a lot of tax revenue to the Town and that funding can also be used for different projects and believes it should stay in the account it currently is in.

Mayor Danzinger stated that many municipalities use this process.

Commissioner Meischeid asked if it goes to the general fund, and they need more inspectors what would happen.

Mayor Danzinger stated that there will be more permit fees coming and if they need more money, it could be transferred out of the general fund.

Town Manager Hyatt provided Assistant Town Manager Greene's five-year projection and there is a saturation point per state law.

Mayor Danzinger spoke regarding covering the expense of the outdoor gym equipment and they have agreed to cover the outdoor gym equipment and the phase one lighting project to be placed behind the building.

Mayor Danzinger passed the gavel.

Town Attorney Recio wanted to ensure that the \$215,000 proffer can go anywhere and the additional \$100,000 they can still use it for water and sewer improvements if needed.

Commissioner Velasquez would like to leave the water and sewer where it needs to go to instead of going into the general fund.

Mayor Danzinger asked if there were funds allocated to the drainage improvement fund which was already approved.

Town Attorney Recio stated no it has not.

Town Manager Hyatt stated if it goes into the water and sewer fund it has to stay there.

Commissioner Velasquez stated that there are other improvements to be done in Town and there are other areas that have flooding.

Commissioner Landsman asked the Town Attorney regarding clarification of the proffers and whatever comes to the Town can be utilized beyond the Building Department.

Town Attorney Recio stated that if it is permitted by law, they will do it and if it cannot then they will leave it as is.

Mayor Danzinger stated that he has done his due diligence and spoke with the Town

Attorneys.

Mr. Penn stated that the applicant has accepted the additional conditions.

A motion was made by Mayor Danzinger to approve the resolution as written with additional conditions to include that the \$100,000 goes towards the Community Center be put in the general fund account, an extra \$58,000 for the gym equipment, \$7,000 for the Phase One lighting behind the building and payment in lieu of paying building permit fees goes into the general fund as permitted by law, seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

[9309-9317\\_Collins\\_\\_Avenue-Table\\_1.pdf](#)

[9309-9317\\_Collins\\_Avenue-Letter\\_of\\_Intent\\_and\\_Traffic\\_Study\\_and\\_Ground\\_Lighting\\_Plan.pdf](#)

[9309-9317\\_Collins\\_Avenue\\_Site\\_Plan\\_Packet.pdf](#)

[Resolution\\_9309-9317\\_Collins\\_Avenue.pdf](#)

**2.B 8800 Collins Avenue (aka 8809 Harding Avenue) - Andrew Hyatt, Town Manager**

It is recommended the Applicant's Site Plan package be approved by the Town Commission. The Site Plan was approved by the Planning and Zoning Board at their September 29<sup>th</sup>, 2022 meeting. All outstanding conditions identified by the Planning and Zoning Board have been resolved.

Development review requirements for this project must follow Sec 90-20(2)(a) of the Zoning Code. The following criteria and their responses are identified here, as:

- The development, as proposed, conforms to the Comprehensive Plan and the Zoning Code
  - Staff finds the proposal complies with the Town's Comprehensive Plan in that the development is a residential use at a density lower than the maximum allowed. Staff also finds that the proposal complies with the Zoning Code.
  
- The development, as proposed, will have a favorable or unfavorable impact on the environment and natural resources, including a consideration of the means and estimated cost necessary to minimize the adverse impacts, if any
  - The project has minimal impacts on the environment and natural resources.



- The development, as proposed, will have a favorable or unfavorable impact on the economy of the Town of Surfside
  - Development of the vacant parcel will have a favorable impact on the economy of the Town
- The development, as proposed, will efficiently use or unduly burden water, sewer, solid waste disposal, education, recreation or other necessary public facilities which have been constructed or planned and budgeted for construction in the area
  - The Town's water main will need to be re-routed around the building per the Public Work's Department review. The Applicant will bear the cost of this relocation so that the Town will not be burdened.
- The development, as proposed, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, public streets, and roads, which have been planned and budgeted for construction in the area, and if the development is or will be accessible by private or public roads or streets
  - Impacts to public facilities and transportation impacts can be accommodated with one-way access to the site from Harding Avenue and exiting to Collins Avenue with an on-site loading zone.
  - The development has agreed to widen the sidewalk and add shade producing street trees on the north side of 88<sup>th</sup> Street between Collins and Harding Avenues
- The development, as proposed, is consistent with the community character of the immediate neighborhood. In addition to consistency there must be congruity between the subject development and neighboring improvements and surroundings including but not limited to form, spacing, heights, setbacks, materials, color, rhythm and pattern of architectural or aesthetic interest or value as well as with any overlays and other development schemes or legislation; and in the event of redevelopment, the Applicant shall also submit a detailed plan for demolition.
  - Town Staff finds that the design of the building will be consistent with the community character of the Harding Avenue – Collins Avenue neighborhood.

Town Clerk McCready read the title of the resolution into the record.

Town Planner Frankel introduced the item and provided staff recommendations and gave an overview of the review process as it complies with zoning code.

Karly Koshal, Bercow and Radell representing the applicant provided a presentation of the project.

Rene Gonzalez, representing the applicant provided an overview of the project with the facades, landscaping and parking.

Ms. Koshal wrapped up the presentation and stated that the project complies with the code and has less units than allowed. She stated the proffers and the recommendations made by the Planning and Zoning Board which they have agreed on including shade trees.

Mayor Danzinger opened the floor to public comment.

The following individuals from the public spoke:

Eliana Salzhauer spoke regarding the project, and it is a nice project but be prepared for the bait and switch. She stated that any fees going into the building department should stay in the department.

George Kousoulas stated he has no connection with this project. He spoke regarding what took place at the Planning and Zoning Board and the importance of the modifications that were made are. He asked for them to look at the building the way you see them today and approve the project.

Mayor Danzinger closed public comment.

Ms. Koshal stated that they did increase the width of the sidewalk.

Commissioner Landsman stated that he did see this project presented at the Planning and Zoning Board and the amazing Town staff. He spoke regarding the great process of working with the Board and the applicants to make these applications ready to be presented and voted on.

Commissioner Meischeid agrees with Commissioner Landsman and is glad that the project complies with the zoning code and comprehensive plan. She stated she also attended the Planning and Zoning Board and is happy they implemented the suggestions made by the Board. She also asked to volunteer any amount to go towards the resiliency fund.

Commissioner Velasquez asked regarding the bump outs and are they taking away parking that is already existing on 88th Street.

Town Planner Frankel stated she spoke with Public Works Director Gomez and although they are being used as parking spots, they are curb cuts that are not to be used as parking.

Commissioner Velasquez stated that she has an issue with that, and they will need additional parking and by placing these bump outs it will reduce parking.

Town Planner Frankel reiterated that those are not parking spots and they are not allowed to park in those spots. She spoke regarding the shade trees.

Commissioner Velasquez asked if those are concrete walls on 88th Street, if there is any parking there, what is the function of those walls and how high are the walls.

Ms. Koshel addressed the comments made by Commissioner Velasquez and they are stone not concrete.

Mayor Danzinger stated that this goes through DRG, the Town Planner and the Planning and Zoning Board and their job is to see if they conform with the code. He stated that those are not parking spots, and no one is allowed to park there.

Commissioner Velasquez asked how much of the property is greenspace.

Ms. Koshel stated it is 20% which meets code.

Vice Mayor Rose stated it is a beautiful design and very detailed as well as the materials being used. He stated this is a gateway property and one of the things he looked at is the viability of the project. He stated this is a project that will succeed. He thanked the applicant for taking the recommendations of the Planning and Zoning Board and implementing them.

Mayor Danzinger thanked the applicant, and he stated that the applicant has agreed to raising their proffers from \$67,000 to \$85,000.

Mayor Danzinger reopened public comment.

The following individual from the public spoke:

Julio Corral, resident likes the project and would like to see the back of the building and not removing the parking spots.

Mayor Danzinger closed public comment.

Mayor Danzinger reiterated the requirements placed by the Town in the code that require developments to provide inspections to neighboring buildings and seismic monitoring.

Commissioner Velasquez spoke again regarding the parking spaces and taking those away is not a good idea especially now that they are extending the Tennis Center.

Vice Mayor Rose stated that they are not taking away spaces and where the curb cuts are they are putting trees and there are two illegal spaces that people are parking there when they are not supposed to.

Mayor Danzinger passed the gavel.

A motion was made by Mayor Danzinger to approve the resolution as written with increasing the proffer from \$67,000 to \$85,000, seconded by Commissioner Meisheid. The motion carried with a 4-1 vote with Commissioner Velasquez voting in opposition.

[8809\\_Harding\\_Avenue\\_Table\\_1.pdf](#)

[8800 Collins Avenue.pdf](#)

[Resolution 8800 Collins Avenue.pdf](#)

### 3. **Adjournment**

A motion was made by Vice Mayor Rose to adjourn the meeting without objection at 7:43 p.m., seconded by Commissioner Meischeid. The motion carried with a 5-0 vote.

Accepted this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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Shlomo Danzinger, Mayor

Attest:

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Sandra N. McCready, MPA, MMC  
Town Clerk