

RESOLUTION NO. 2025-Z-3397

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A SITE PLAN APPLICATION TO PERMIT THE DEVELOPMENT OF PROPERTY LOCATED AT 8809 HARDING AVENUE, SURFSIDE, FLORIDA, FOR A MULTIFAMILY RESIDENTIAL DEVELOPMENT CONSISTING OF TWENTY FOUR (24) DWELLING UNITS AND 44 PARKING SPACES KNOWN AS 8800 COLLINS AVENUE; PROVIDING FOR CONDITIONS; PROVIDING FOR VIOLATION OF CONDITIONS; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, 8800 Collins Owner, LLC ("Applicant"), fee simple owner of the vacant property located at 8809 Harding Avenue, Surfside, FL 33154 and legally described in Exhibit "A" attached hereto (the "Property"), submitted an application on June 6, 2024, requesting site plan approval from the Town of Surfside, Florida ("the Town") for a twenty-four (24) dwelling unit multifamily residential development with forty-four (44) parking spaces (the "Application" or "Site Plan"); and

WHEREAS, the Property is currently vacant; and

WHEREAS, the Property is the subject of Resolution No. 15-Z-2344 (the "2015 Approval") which approved a site plan consisting of twenty-eight (28) multifamily residential units and fifty (50) parking spaces; and

WHEREAS, the Property is also the subject of Resolution No. 2022-Z-2954 (the "2022 Approval") which approved a site plan consisting of eight (8) multifamily residential units and eighteen (18) parking spaces; and

WHEREAS, neither the 2015 Approval nor the 2022 Approval have been constructed;

WHEREAS, the Application was reviewed by the Town's Design Review Group on October 16, 2024, and all attending Town officials or departments commented on the Application but had no objection to the Application going forward for consideration at public hearings provided adequate conditions were implemented; and

WHEREAS, on October 29, 2024, 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's Comprehensive Plan and recommended the proposed building for approval with staff conditions, but requested to re-review a statement tree on the southwest corner of the Property, the entrance design for the building, and the fence enclosing the southeast portion of the Property; and

WHEREAS, on December 19, 2024, 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 and selected a new statement tree species for the southwest corner of the Property, and requested additional consideration of the entrance design for the building, and the fence enclosing the southeast portion of the Property, specifically requesting that an entrance feature with a water element be included at the southeast corner of the Property;

WHEREAS, on January 30, 2025, 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 and recommended for approval the Application in full, including the revised entrance design to the building and the fence enclosing the southeast portion of the Property, specifically including an entrance feature with water element at the southeast corner of the Property;

WHEREAS, on April 8, 2025, the Town Commission, at a duly noticed and televised quasi-judicial public hearing, reviewed the Application and heard from its professional staff, the Applicant, and members of the public, and considered the recommendation of the Planning & Zoning Board, the requirements of the Town Zoning Code, the Application's consistency with the Town's Comprehensive Plan, and the substantial competent evidence presented at the hearing; and

WHEREAS, on May 13, 2025, the Town Commission, at a duly noticed and televised quasi-judicial public hearing, reviewed the Application, as amended, and heard from its professional staff, the Applicant, and members of the public, and considered the recommendation of the Planning & Zoning Board, the requirements of the Town Zoning Code, the Application's consistency with the Town'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:

SECTION 1. RECITALS AND FINDINGS OF FACT.

A. All recitals set forth above are incorporated into the body of this Resolution and adopted as if same were fully set forth herein.

B. The Town Commission finds that the proposed Site Plan, as conditioned, complies with the requirements and criteria set forth in the applicable Town Code and the Comprehensive Plan.

SECTION 2. SITE PLAN APPROVAL. The request to approve a site plan is hereby approved based on the plans prepared by Alfonso Jurado Architecture, dated February 18, 2025, submitted to the Planning Department as part of the Application, as revised, and consisting of the following sheets:

A0-000, A0-001, A0-002, A0-003, A0-004, A0-004.1, A0-005, A0-006, A0-007, A0-008, A0-010, A0-020, A1-100, A1-101, A1-102, A1-103, A1-104, A1-105, A2-200, A2-201, A2-210, A2-211, A2-212, A2-300, A3-300, A3-301, A4-400, A4-401, A4-402, A4-403, A4-404, A4-405, A4-406, A4-407, A4-408, A4-409, A4-410, A4-411, A4-412, A9-901, A9-902, A9-903, A9-904, L-00, L1-00, L1-01, L1-02, L2-00, L3-00, L3-01, C100, C101, C200, C300, C301, C400, C500, C600, and C700 (collectively, the "Plans").

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

A. Prior to issuance of the First Building Permit, the Applicant shall:

1. Comply with all applicable requirements of Section 14-104 of the Town Code, as amended, regarding construction sites.
2. Make any necessary modifications to the landscape plans to meet minimum "Florida Friendly" requirements under the Town Code, as confirmed by the Town Planner.
3. Dedicate right-of-way for roadway purposes for the back of sidewalk radius at the southeast corner of Collins Avenue and 88th Street as may be required for FDOT Access Connection Approval for Harding Avenue and Collins Avenue.
4. Comply with calculating the cost of construction and auditing procedures pursuant to Town of Surfside Ordinance No. 24-1783 (Section 14-29 of the Town Code), as may be amended from time to time.
5. 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 prior to the issuance of a Building Permit and there shall be no offset for existing fixtures if such offset is prohibited by law.

6. Maintain its current construction fencing, as required by Section 90-56 of Town Code, which may be modified as approved by the Town Manager in his/her sole and absolute discretion.
7. Comply with Section 14-30 of the Town Code regarding the required bond for damage to Town property.
8. All lighting visible from public property subject to Town Planner review to ensure it meets the requirements of Town Code and the Florida Department of Environmental Protection, as applicable, and is not otherwise unduly distracting to motorists or pedestrians.
9. Applicant shall provide operational details of solid waste pick up for review and approval by the Town Manager and/or designee.

B. During Demolition and Construction, the Applicant shall:

1. Comply with Section 14-32 of the Town Code regarding construction hours and noise.
2. Comply with all applicable requirements of Town of Surfside Ordinance 2022-1720, as amended, pertaining to construction sites.
3. Take all measures necessary, as determined by the Town Manager, to prevent off-site carry and drift of any dust, particulates or other airborne demolition and construction materials, including but not limited to, constructing a construction barrier of sufficient height on each side of the construction site, acceptable to the Town Manager or his designee, to shield all roadways, the neighboring properties and tennis center from impacts of construction.

C. Prior to Permit, Temporary Certificate of Occupancy, or Permanent Certificate of Occupancy if a Temporary Certificate of Occupancy is not granted, as applicable, the Applicant shall:

1. Exclusive of and in addition to any financial proffers, relocate the existing water main bisecting the property to a separate location on the Property to be determined in consultation with the Public Works Director. The Applicant shall provide the Town with an easement for maintenance and repair of the relocated water main in form and substance acceptable to the Town Attorney.
2. Tie-in to existing water and sewer mains on Harding Avenue.
3. Ensure the Town's water/sewer infrastructure is ready to receive the approved utility connections referenced in condition nos. C.1. and C.2. above.

4. Any damage to the existing sewer main or adjacent water main caused by the Applicant's development activities will be restored by the Applicant to the satisfaction of the Town's Public Works Department.
5. Restore all adjacent roadways damaged by construction to Town of Surfside and/or FDOT standards, including milling and resurfacing 88th Street, Collins and Harding Avenues, adjacent to the Property.
6. Resurface and improve the 88 Street roadway adjacent to the Property and expand the sidewalk on 88th Street adjacent to the south side of the Property to six (6) feet in width. Streetscape improvements shall amount to an estimated value of \$350,000 ("88 Street Improvements"). Applicant shall work with the Town Manager, or designee, related to a maintenance agreement for the 88 Street Improvements, including maintenance in perpetuity of same by the Applicant, its successors, heirs and/or assignees, and which shall be subject to approval by the Town administratively. The foregoing maintenance agreement shall be executed prior to application for any building permit from the Town. The Town shall cooperate in good faith to issue all necessary Town approvals for the 88 Street Improvements in a timely manner..
7. Applicant proposed landscaping islands in the street parking area directly south of the sidewalk abutting the Property. These islands will be at both corners and every two (2) parking spaces for a total of four (4) landscaping islands and will contain shade providing street tree species (the "Landscape Islands") or configured as otherwise instructed by the Town Manager prior to issuance of any building permit. However, the Town Commission determines that the Landscape Islands are no longer in the Town's best interests and elects to receive payment to the Town in lieu of installation of the Landscape Islands in the amount of **\$200,000.00** in unrestricted funds payable to the Town prior to the Town's issuance of any building permit and non-refundable.
8. Install a minimum eight feet (8') tall *Kigelia pinnata* tree (Sausage Tree) at the southwest corner of the Property.
9. Design and construct an entrance feature with water element at the southeast corner of the Property, as approved by the Planning and Zoning Board, in compliance with the image shown on A9-903 of the Plans ("Entrance Feature").
10. Fund landscaping and/or general aesthetic improvements for Veteran's Park and the Town Tennis Center property in the amount of **\$450,000.00**; ten percent (10%) of which shall be unrestricted and payable upon application for a building permit from the Town and non-refundable; the balance shall be payable upon the Town's issuance of a building permit for the Project and non-refundable.
11. The Property shall be temporarily designated as a debris removal site by the Town for the upcoming 2025 hurricane season, thereby allowing the Town to temporarily place debris on the Property until the issuance of the building permit for the

development. Further, the Property shall be made available to the Town to temporarily store materials from the former CTS site at 8777 Collins Avenue for use in the Town's Memorial to be constructed on 88 Street east of Collins Avenue until issuance of the building permit for the development. The Town shall not unreasonably delay the building permit for the development and shall make its best efforts to issue the building permit expeditiously. The Applicant and the Town agree to permit temporary space for the Town's use during construction, provided that the storage area does not impact the efficient construction of the development.

D. General Conditions:

1. All utilities shall be installed underground, subject to approval of undergrounding by affected utilities.
2. 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.
3. 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. The Applicant for this purpose shall provide a bond not to exceed five (5) percent of the construction cost, as required by the Building Official. These funds shall be used, among other things, to secure the Property and the construction site in the event construction is abandoned or ceases prior to completion.
4. The Applicant shall design the project to be LEED silver certifiable. Continuing compliance with this requirement shall be included as a condition on the final Certificate of Occupancy. Given the Applicant's submission of the project in June 2024, the Applicant shall not be required to comply with the requirements of Town Ordinance 2024-1788.
5. The Applicant shall meet all requirements of the Town's Public Works Department and Miami-Dade County for storm drainage services.
6. 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 within the Town and that the 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.
7. The Applicant shall provide monthly reports to the Town Manager of any problems or complaints regarding workers parking their vehicles in residential neighborhoods, as required by Section 14-104 of Town Code, as amended.
 8. If the Town Manager deems necessary, the Applicant shall provide more frequent reports and develop additional preventive measures to protect the residential neighborhoods.
 9. Any change in ownership of the current property owner shall be fully disclosed in writing to the Town Manager and Town Attorney immediately upon said change occurring. Any change of ownership of the Property shall serve to knowingly, intelligently and voluntarily waive any rights pursuant to Florida Statute Section 252.363, as amended, and 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.
 10. The Applicant shall only apply for a Certificate of Occupancy and Certificate of Use from the Town once in compliance with all the terms and conditions of this Resolution are met and documented. 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.
 11. Consistent with Section 90-44.1 of the Town of Surfside Code, all structures above the structural roof shall be constructed as non-habitable spaces and shall be used and maintained in such non-habitable condition.
 12. The Applicant shall pay all cost recovery fees and costs prior to the issuance of a Building Permit, in accordance with Sections 90-11, 90-12 and 90-13 of the Town Code.
 13. The Applicant may, subject to the issuance of the necessary permits, locate no more than two (2) temporary trailers within the portion of the Property to serve as construction and sale offices during the duration of the redevelopment process. No structures, materials, or equipment may be located in the area.
 14. The Applicant shall comply with the location, timing and procedures for sanitation and recycling pickup at the Property, as required by the Town and/or other agencies with jurisdiction.

E. Ongoing Operational Conditions required for the duration of the Certificate of Occupancy:

1. All deliveries and loading after Certificate of Occupancy shall occur on-site and shall not block the street, sidewalk or any right-of-way.
2. Maintain all landscaping materials on site in good condition, replacing diseased, dying or dead plant material as necessary to always present a healthy and orderly appearance.
3. All employees shall be required to park on private property.
4. All solid waste shall be stored in a fully enclosed, air-conditioned room on the Property. Solid waste pick-up and operation shall be as approved by the Town Manager and/or designee.
5. In the event the gated entrance to the Property creates queuing within the Harding Avenue right of way, then the Town and the Property owners shall mutually agree in writing on set hours and/or a period of time during which the gate shall remain open.

F. Revisions to Plans:

1. A reduction in the total number of units, with no other exterior or operational changes, shall not require formal amendment of this site plan approval.
2. Landscape revisions are subject to Town approval and shall not require formal amendment of this site plan approval. The Town shall coordinate in good faith and in a timely manner with Applicant to approve any modified landscaping in the event the Town or Applicant seeks - or is required -to install any and all underground utilities or in any setback areas that are used to satisfy landscape requirements
3. Any other changes to the approved site plan, including, but not limited to, changes to lot coverage, volume, height, or massing of the building, shall require a formal site plan amendment. Changes to plans that substantially comply with approved plans and are deemed consistent with the design aesthetic by the Town Planner, including but not limited to walls or fences, shall not require a formal site plan amendment but may be required to be reviewed by the Planning and Zoning Board for design review, at the discretion of the Town Manager.

SECTION 4. VIOLATION OF CONDITIONS. Failure to adhere to the terms and conditions of this 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. 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 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 13th day of May, 2025.

Motion By: Commissioner Velasquez

Second By: Commissioner Coto

Commissioner Ruben A. Coto Yes

Commissioner Nelly Velazquez Yes


Commissioner Gerardo Vildostegui No

Vice Mayor Tina Paul Yes

Mayor Charles W. Burkett Yes

ATTEST


Sandra N. McCready, Town Clerk


Charles W. Burkett, Mayor

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

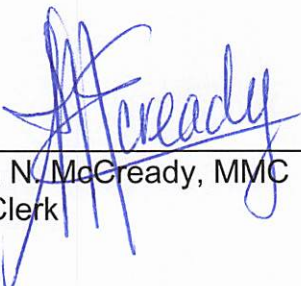

Thais Hernandez, Town Attorney



STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

I, Sandra N. McCreedy, 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. 2025 2-3397 adopted by the Town Commission at its meeting held on the 13th day of May, 2025.

Issued: May 16, 2025



Sandra N. McCreedy, MMC
Town Clerk

Exhibit "A"

LEGAL DESCRIPTION OF PROPERTY

Lots 9 and 10. Block 3, **SECOND AMENDED PLAT OF NORMANDY BEACH**, according to the plat thereof, as recorded in Plat Book 16 Page 44 of the Public Records of Miami-Dade County, Florida

TOGETHER WITH

Lots 11 and 12. less East 10 feet thereof, Block 3, **SECOND AMENDED PLAT OF NORMANDY BEACH**, according to the plat thereof as recorded in Plat Book 16, Page 44 of the Public Records of Miami-Dade County Florida.