



Town of Surfside
Special Town Commission - Quasi-Judicial Hearing
MINUTES
September 27, 2023
6:00 PM
Commission Chambers

1. Opening

1.A Call to Order

Mayor Danzinger called the meeting to order at 6:06 p.m.

1.B Roll Call of Members

Town Clerk McCreedy called the roll with the following members present.

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

Also Present: Town Attorney Lillian Arango, Town Attorney Tony Recio, Town Manager Hector Gomez, Town Planner Judith Frankel, Consultant Town Planner Walter Keller and Building Official James McGuinness.

1.C Pledge of Allegiance

Chief Healy provided the pledge of allegiance.

2. Quasi-Judicial Hearing - Site Plan Application

Mayor Danzinger started with a statement and understands that this is a very emotional subject and asked everyone to abide by the rules of decorum and knows there was a rally earlier that took place.

Town Attorney Recio read his quasi-judicial statement: Today's Special meeting of the Town Commission is an in-person meeting as set forth in the Town Code Applications in Section 2.A on this evening's meeting agenda are quasi-judicial in nature. Following the presentations by staff and the applicant, the Board can ask questions then take public comment. Following public comment, the Board can ask additional questions and deliberate on the Resolution. The quasi-judicial procedures require the Town Commission to consider the evidence presented to it and base their decision on the applicable law and primarily on the evidence presented – whether by the applicant, staff, or members of the

public. In this case the applicable law includes the applicable criteria is set forth in Section 90-20 of the Code, and the design guidelines. The evidence considered must be “substantial competent evidence.” This means testimony or other evidence based on personal observation, or relevant expert testimony that a reasonable mind would accept as adequate to support a conclusion. It is not a popularity contest; it cannot be based solely on non-expert opinions, no matter how fervent those opinions might be. Everyone who seeks to speak on an item will be given an opportunity to speak. If you intend to provide testimony as to any of the applications considered tonight, you will be sworn-in before your testimony is taken. Please know if you speak, you may be subject to cross-examination. If you refuse either to be cross-examined or to be sworn, your testimony will be considered in that context and given its due weight. The general public will not be permitted to cross-examine witnesses, but the public may request the Board to direct questions on their behalf to either staff or the applicant. At this time, anyone who wishes to speak should be sworn in. Madame Clerk, please administer the oath or affirmation.

Town Clerk McCready swore in all the speakers.

Town Attorney Recio asked Town Clerk McCready to please confirm compliance with the advertising and notice requirements for these hearings.

Town Clerk McCready confirmed noticing requirements were met.

Town Attorney Recio polled the members of the commission asking if any of them had any ex-parte communications with the applicant or any member of the public either for or against any of the applications to be heard tonight? If so, please state so for the record, who the communication was with and the nature of the communication. If any person spoke on behalf of an entity, such as an applicant, please state for the record who they said they were speaking on behalf of. Anyone speaking on another person or entity’s behalf should be registered as a lobbyist unless excepted by the Code.

Commissioner Landsman stated that he had discussions with David Rodan, Martin Langesfeld, Pablo Langesfeld and attended a memorial committee meeting with some of the family members and Damac representatives present. He also stated that he has met with some of Damac representatives.

Commissioner Meischeid has had similar communications with members of the family of the victims, and direct meetings with FDOT and Miami Dade County.

Commissioner Velasquez stated that she does not remember that she has ever had to disclose speaking with family members.

Town Attorney Recio clarified that if they have had any communication with anyone then

they should disclose those conversations.

Commissioner Velasquez stated that she spoke with James Galvin (Damac Representative) and Jeff Rossely (Damac Representative) a couple of months ago and has not spoken to anyone else. She spoke with family members from the Champlain Tower South collapse.

Vice Mayor Rose spoke with Jeff Rossely (Damac Representative) and Darren (did not state last name) at the memorial committee meeting.

Mayor Danzinger spoke with Damac representatives and attended the Champlain Tower South memorial committee meeting.

Town Attorney Recio turned over the proceedings to the Mayor.

2.A 8777 Collins Avenue - New 12-story Multi-family Building - Hector Gomez,
Town Manager

Town Administration Recommendation:

The applicant has applied for site plan review. Development review criteria for this type of project follow **Sec 90-20(2)(a)** of the Zoning Code as follows:

- The development, as proposed, conforms to the Comprehensive Plan and 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 development, as proposed, will have a favorable or unfavorable impact on the economy of the Town of Surfside;
- 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 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;
- 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 Administration finds the project conforms to the Town's Comprehensive Plan in that the development of 52 dwelling units is less than the allowable density provided in the Comprehensive Plan, and is otherwise consistent with the allowable uses, development, policies, goals, and objectives of the Comprehensive Plan. Staff also finds the project generally complies with the Zoning Code since the buildings comply with the Town's height requirements, setback requirements, pervious area requirements, and other zoning regulations.

The project has minimal impacts on the environment and natural resources. The significant reduction in dwelling units from the former development (137 to 52 units) will lessen the water, sewer, solid waste and public education impacts. The developer is proposing to design the project to be LEED Silver certifiable and use best efforts to obtain LEED Silver or its equivalent certification within 12 months of issuance of the Certificate of Occupancy and maintain such certification thereafter.

Impacts to public roadway facilities and transportation are also decreased from the former development due to the decrease in units and the corresponding decrease in projected vehicles. Further, the proposed development divides passenger vehicle access and loading access. Passenger vehicle access is accommodated with the two proposed Collins Avenue driveway curb cuts, subject to FDOT approvals. The internal driveway provides for passenger and or vehicle drop-off for valet parking. The internal driveway connects to 2 underground parking levels. An on-site loading zone connects to the western portion of 88th Street. The loading zone has been located to limit impact to the Memorial Park planned for 88th Street while still providing a safe distance from Collins Avenue. FDOT will review the site plan at such time as a Town approved site plan is submitted to FDOT by the Applicant.

The exterior architecture of the project, featuring the design of a world-renowned architect, is compatible with the community character of the beachside portions of Surfside. The use of Glass Fiber Reinforced Concrete will provide an innovative curved design on the balconies which will match Surfside's beach sand color. The separation of the north and south portions of the buildings' design provides for light and air flow, which allows for the incorporation of the natural elements with the proposed design.

The Development Review Group (DRG) reviewed the Site Plan Application on August 9, 2023. The meeting was held in the Manny Crawford room at 2 PM. After discussion, Town staff were in agreement that the Plan's impacts were considered,

Minutes

and the project should proceed to the Planning and Zoning Board.

The Planning and Zoning Board reviewed the site plan at their August 31st meeting. The Applicant presented the proposed development. The Board heard public comments and discussed the proposal prior to voting 4-1 for recommending approval of the site plan.

Town administration recommends that the Town Commission approve the Applicant's Site Plan package subject to the resolution of the following comments:

- Secure FDOT approval of the curb cuts on Collins Avenue prior to building permit. The Town reserves the right to re-evaluate the site plan if the number, location, dimensions, or configuration of the curb cuts and driveway is altered based on FDOT review and approval. If any changes result in operational, traffic, infrastructure, or design impacts that are not considered in the site plan approval, the Town Manager may require the applicant seek a formal amendment of the site plan to be reviewed by the Town Commission after public hearing.
- The appropriate points of connection for water and sewer lines must be identified in cooperation with the Town to avoid any potential infrastructure conflicts. Sheet C-300 of the Civil Engineering Plans is based on the State and County records for water and sewer infrastructure within the right-of-way. The Town's Public Works Department will work with the Applicant to evaluate the existing infrastructure serving the site in order to determine if alternate connections or infrastructure modifications are warranted.
- Applicant shall provide landscaping and hardscape improvements on 88th Street per Town approved drawings and specifications provided by the Town for the Memorial Park.
- 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.
- Applicant to provide a hardpack and dune maintenance easement.
- Applicant to improve resiliency through modifications to dune system east of property in coordination with Town.
- Town reserves the right to provide for other conditions based upon further review.

Town of Surfside Building Official provided the following comments and/or requirements that must be addressed prior to submittal of a building permit application for the site:

- The (new) 8th version of the 2023 Florida Building Code(s) will become effective on January 1, 2024. All building permit applications accepted on or

after that date will be constructed under the 2023 FBC.

- The project shall be constructed in strict compliance with the Town of Surfside Ordinance 2022-1720 (codified in Sec. 14-104 of the Town Code) (a/k/a Construction Sites Ordinance).
- Sheet B Z-003.00 of the submitted project plans shows the southwest corner of the structure (buildable area) encroaching into the AE Flood Zone (Special Flood Hazard Area). This encroachment would prohibit construction of the building as currently proposed including but not limited to the use of underground parking in a wholly residential building. However, FEMA'S preliminary maps show this area, and the entire proposed structure as entirely in the X Zone (Not in the Special Flood Hazard Area). The State of Florida Floodplain Management is unable to provide an effective date for the preliminary maps at this time. As a result, the applicant has filed a Letter of Map Revision (LOMR) with FEMA to amend the current map in accordance with the Preliminary Map. In order for the project to be constructed as proposed, the applicant shall demonstrate that one of the following has occurred, in form and substance acceptable to the Town: (a) FEMA approval of the Letter of Map Revision filed by applicant; or (b) FEMA'S Preliminary Flood Map becomes effective confirming that the proposed structure is entirely in the X Zone, thereby permitting the underground parking for the residential building. Sheet B Z-003.00 should therefore be updated consistent with FEMA's adopted maps prior to building permit.

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

Town Manager Gomez introduced Town Planner Frankel.

Town Planner Frankel provided a background of this project and the requested changes and options that were presented in earlier meetings. She provided an overview of the language of the resolution relating to the closure of 88th Street.

Consultant Town Planner Keller provided an overview of the design characteristics of the proposed project.

Building Official McGuinness provided his staff recommendations.

Graham Penn, Bercow Radell, attorney representing the applicant provided an overview of the project and went over the presentation. He stated they are in agreement with all staff recommendations and conditions. He spoke regarding some changes made after the Planning and Zoning Board meeting. He turned over the presentation to Jeff Rossely from Damac.

Commissioner Velasquez asked why they are getting this information now and wants time to review the letter.

Mayor Danzinger asked Commissioner Velasquez to stop interrupting the meeting and speaker.

Mr. Penn introduced the substance of the letter he handed out to the commission.

Jeff Rossely, Damac representative provided the brief background of the Damac company and the project. He thanked the staff for their professionalism in working with them.

Mr. Penn introduced the remainder of the development team. He echoed the comments made by Mr. Rossely and understands the terrible event that took place on that property. He spoke regarding what the court and receiver determined for the process of obtaining that property. He continued with the presentation of the project.

Chris Lipin, architect for the project went over the design and architecture feature of the project.

Graham Penn finished the presentation and stated that they have been working on how far back they can push back the service area and provided a summary.

A motion was made by Vice Mayor Rose for a 10-minute recess at 7:40 p.m., seconded by Commissioner Landsman. The motion carried with a 5-0 vote.

The meeting resumed at 8:03 p.m.

Town Clerk called the roll with all members of the commission present.

Mayor Danzinger opened the floor to public comments and asked for the speakers to stay to their 3 minutes and be respectful. He stated that the comments should be directed to the Chair.

A motion was made by Commissioner Velasquez to allow David Rodan to speak for 15 minutes for his presentation, seconded by Commissioner Meisheid. The motion carried with a 5-0 vote.

The following individuals from the public spoke:

David Rodan provided a presentation which was handed out to the commission.

Julie Low spoke regarding not hearing a report of the geological situation of the land and the reason why the building collapsed.

Mayor Danzinger asked for the Police Chief to remove Mr. Oliver Sanchez from the public for making middle fingers and shooting signs to the Mayor.

Mayor Danzinger asked for the Police Chief remove Mr. Acquario from the public for disrupting the meeting.

A motion was made by Commissioner Velasquez to allow Mr. Oliver Sanchez to stay in the room, seconded by Commissioner Meisheid. The motion died 2-3 with Mayor Danzinger, Vice Mayor Rose and Commissioner Landsman voting in opposition.

A motion was made by Vice Mayor Rose to take a 5-minute recess at 8:29 p.m., seconded by Commissioner Meisheid. The motion carried with a 5-0 vote.

The meeting resumed at 8:44 p.m.

Town Clerk McCready called the roll with all the members of the commission present.

Mayor Danzinger reminded everyone of the rules of decorum. Mayor Danzinger asked Commissioner Velasquez to apologize to Town staff for the way she is treating staff.

Commissioner Velasquez did not apologize to staff and stated that it was Assistant Town Clerk Herbello and Town Clerk McCready that interrupted her conversation with Town Attorney Arango and that staff need to know their place.

Mayor Danzinger stated that then Commissioner Velasquez will not apologize to staff.

A motion was made by Commissioner Velasquez to request the two individuals that were removed from the chambers (Mr. Oliver Sanchez and Mr. Ben Aquario) to come back in, seconded by Commissioner Meisheid.

Commissioner Landsman stated he did not see Mr. Sanchez do the gestures but if others did see it, he will not allow Mr. Sanchez to come back in but he will agree to allow Mr. Acquario to come back into the chambers.

The motion failed with a 2-3 vote with Mayor Danzinger, Vice Mayor Rose and Commissioner Landsman voting in opposition.

A motion was made by Commissioner Velasquez to allow Mr. Acquario back in the room, seconded by Commissioner Meisheid. The motion carried with a 3-2 vote with Mayor Danzinger and Vice Mayor Rose voting in opposition.

Mayor Danzinger continued with public comments.

The following individuals from the public spoke:

Alysse Harris she read some statements of family members of victims of the collapse and not allowing the garbage pickup to be in the spot that it is currently planned.

Louisa Agresti read some statements of family members of victims of the collapse and spoke regarding the memorial and not allowing the garbage pickup to be in the spot that it is currently planned.

Alicia Boymelgreen spoke against the project.

Shmuly Ainsworth spoke regarding not forgetting what happened and what they are competing is with loading docks instead of a memorial. They are asking for a memorial.

Martin Langesfeld spoke against the project, and it is an embarrassment how these meetings are being held.

Lindsey Lecour stated she voted against the project only because of the location of the loading dock and does not support a loading dock on 88th Street and explained why.

Mauren Kaufman asked for the Town to honor the resolution for 88th Street.

Eloraine Jimenez read a statement of family members of victims of the collapse.

David Hequin spoke regarding the memorial.

Elise Harris spoke regarding the memorial.

Justin Simon spoke regarding the memorial.

Mary Henderson read a statement of a survivor of the collapse and family members of victims of the collapse.

Tina Paul spoke regarding properly memorialize those that lost their lives and spoke regarding the misinterpretation of the zoning code. She spoke regarding the loading zone.

Pablo Langesfeld spoke against putting the loading dock on 88th Street which would be on the memorial.

Eliana Salzhauer spoke regarding the comments made regarding the requirement from FDOT and the loading dock.

Horace Henderson spoke about the loading dock and the garbage pick-up location and that there be no construction on 88th Street. He read two letters of survivors that were not here.

A motion was made by Commissioner Velasquez to allow Mr. Henderson to finish reading the emails, seconded by Commissioner Meisheid. The motion carried with a 5-0 vote.

Horace Henderson continued reading the emails.

Jeffrey Platt spoke against the project.

Maria Marquez spoke regarding the memorial.

Geraldo Vildostegui spoke against the project and negotiating with 8801 to see if they can purchase that to be able to have the entire section. He also spoke regarding 88th Street.

Marina Sarabia read emails of family members of victims of the collapse.

Eva Kaman spoke regarding the memorial.

Charlotte Al-Sahli spoke regarding the memorial.

Victoria Cordon spoke on behalf of the 98 victims that lost their lives.

Rita Arauz read emails of family members of victims of the collapse.

Chana Citron spoke regarding allowing all of 88th Street for a memorial.

Charles Burkett spoke regarding the essence of what is happening tonight, and nothing should be built next to the memorial that would be disrespectful.

David Karp asked if the project meets all the zoning requirements and is not approved to build what ramifications would they have and if they would be suing.

Randy Rose spoke regarding what took place and what the judge stated and the settlement. He spoke regarding a memorial off of 87th or 88th Street and did speak regarding vehicles existing on 88th Street and Collins and that is very dangerous.

Rita Specter spoke regarding coming together as a community and forge a path that will reflect the community.

A motion was made by Commissioner Velasquez to allow Mr. Acquario to speak, seconded by Commissioner Meisheid.

Mayor Danzinger closed the floor to public comments.

A motion was made by Vice Mayor Rose to have a 5-minute recess at 10:14 p.m.

The meeting resumed at 10:33 p.m.

Town Clerk McCready called the roll with all the members of the commission

Minutes

Special Town Commission - Quasi-Judicial Hearing

Wednesday, September 27, 2023

present.

Mr. Penn touched on a couple of items that were discussed by the public including the trash pickup and loading zone and they have no problem not touching 88th Street with the trucks. He continued addressing the comments and suggestions made. He stated that he provided for the record a copy of the article by Commissioner Meischeid regarding the street ends and the September 12, 2023, resolution sponsored by Commissioner Velasquez admonishing the Planning and Zoning Board recommendation in the event they need it in the future.

Due to the constant back and forth among the commission, no minutes were able to be taken at this time.

Commissioner Landsman thanked everyone for their comments and thoughts. He read the following statement into the record: Thank you to everyone for sharing your thoughts and comments with us. This is not a typical Site Plan Quasi-Judicial hearing given the tragic event that happened on this site. 98 souls were lost when the Champlain Tower South collapsed on June 24th, 2021. Families were torn apart in a matter of minutes. Your pain is real and it will remain with you forever. This Commission, this Town and the world continues to grieve with you. The purpose of this hearing is to evaluate the proposed new building for this site. It is not intended to address the proposed memorial that will be built on 88th Street. But in reality, these 2 developments will forever be linked together. I do give credit to the previous Commission for creating a resolution to locate the memorial on 88th street. Their hearts were in the right place, but they didn't fully realize the legal and practical issues we now face as we move forward. I will continue to work to achieve some level of compromise if possible. At the end of this meeting, we will take a vote – Yes or No on the site plan. Some will agree and some will disagree with the outcome. I hope that we will continue to engage in dialog to get to the moment we can open the memorial to all of the families and our Surfside community.

A motion was made by Commissioner Landsman for discussion and for action to amend the resolution to state the following: approve stated that the Applicant shall prepare a revision to the site plan to relocate loading access and sanitary operations to the southwest portion of the property (to be accessed from Collins Avenue) in a manner that complies with the Town Code, subject to confirmation of compliance and approved by Town staff, and other applicable regulations, and shall present such revision to FDOT, and Miami-Dade County, to the extent their review is required. If FDOT, and Miami-Dade County, to the extent their review is required, grants an unconditional approval, the applicant shall incorporate the revision into the plans presented for building permit, and the Town shall recognize the plans as so amended. 88th Street shall be free of building service vehicles except for emergency vehicles. If FDOT does not grant an unconditional approval, applicant shall be relieved of this obligation and may proceed to building permit with the plans approved by this Resolution subject to all other conditions of the Resolution, seconded by Vice Mayor Rose.

Commissioner Meischeid stated she had discussion with FDOT, and they were open to suggestions, but it has to come from the developer, and they have to go to them first.

Commissioner Velasquez stated her troubling part is if they can't get FDOT approval they can build whatever they brought up today. She asked if he could add that if FDOT does not approve it that they have to come back to the Town.

Commissioner Landsman addressed the comments made by Commissioner Velasquez.

Commissioner Meisheid asked if they are putting it in the hands of FDOT and if they do not approve it the current proposal goes through.

Further discussion took place among the Commission regarding Commissioner Landsman's suggested new language.

Town Clerk McCready stated for the record that we cannot take minutes with 2 or more individuals speaking at the same time.

A motion was made by Commissioner Velasquez to take a 5-minute break at 11:03 p.m., seconded by Commissioner Meisheid. The motion carried with a 5-0 vote.

The meeting resumed at 11:06 p.m.

Town Clerk McCready called the roll with all the members of the commission present.

Commissioner Meisheid asked if she could continue her discussion and understands it now and she would be in favor of moving the loading dock to the Southwest corner but wishes he would take off the back side of the motion which stated leaving it in the hands of FDOT and you are leaving it in the hands of the developer to go to FDOT. She would be all for that but if that does not pass tonight, she has concerns with the actual plan as presented. She provided her suggestion and input on the presented site plan application.

Commissioner Velasquez liked the design and asked regarding BC 500 that they will be doing all their construction from 88th Street and that is unacceptable. It shows that is where they are bringing their trucks and she will agree if all the work will be done from Collins Avenue and not 88th Street and the \$2.5 million should be in a form of a check and not in-kind contributions like pavers, etc. She does not want to allow the loading docks on 88th Street. She does not feel that this plan meets code. She suggested building the ramp on the other side. She stated the loading dock cannot stay on 88th Street.

Vice Mayor Rose thanked Commissioner Landsman for his motion and spoke regarding moving the loading dock. Since this is a quasi-judicial hearing, he stated the Town Planner and Town Attorney stated it does meet code and asked Commissioner Meisheid that she stated that it did not meet code and asked her what proof she has that it does not meet code.

Commissioner Meisheid stated that it does meet code and explained it.

Vice Mayor Rose stated it says building permit application and explained what the FEMA requirements would be and if FEMA stated if it does not meet the developer will put the requirements in place to meet the requirements. He read the following statement into the record: I want to thank everyone for taking the time to be here. I also want to thank residents and family members that have emailed me about the site. Although I was not able to respond to all of them, I read them and took your words into consideration. I know that this is not easy being here and having to talk about or listen to such a painful topic.

My job as a commissioner includes doing what is best for our town and all of our residents. My decision will be based on that tonight. Please understand that I have zero connections to this developer and anyone that says I am making a decision for the developer for personal gain has no factual basis to say such a thing – because there is none. Tonight is not about politics. While I cannot say the same for others, I have not and will not ever use the CTS tragedy for political purposes or gain. I can assure you that, if it were about politics, I would have already made up my mind to shut down this project and I would have sent out email blasts, gone on the evening news, and sent out nextdoor posts saying so because that may be perceived as being the “right” decision. But its about more than that. We have rules. We have a code. I am going to do my job and listen to everything that is presented tonight. But I cannot base a decision just on emotion. I want to be respectful of the families and the memorial that they deserve but I also want to be mindful of the legal process that we have in place. My concern is our ability as a town to deny this project if it does meet all legal requirements. My concern is legal ramifications if we do not make the proper decisions. The stakes are very high and we will be vulnerable to extensive legal damages if this is not done properly – could we lose the community center, park, and whatever other valuable assets our small town has? Could we be personally sued for being negligent in our duties? He asked Town Attorney Recio can you please let me know if there is any part of this application that does not meet Code?

Who owns 88th Street? Does Surfside self-regulate the street? Is it controlled by FDOT? So regardless of whether Surfside owns the street, we still need to comply with those rules and regulations of FDOT? What happens if we don't do so – are there ramifications? Would it be appropriate legally to make a resolution tonight to close off and gate 88thstreet by adopting a resolution tonight? If we did that, what would there be possible ramifications?

Have you been presented with any opinions or suggestions from anyone (commissioners, residents) regarding how this plan does not meet the code? Or how we could legally prevent this developer from moving forward with these plans that meet our current code? Have you heard anything tonight that would give us a legal and valid means to deny this application tonight? Are there any provisions of the code that grant the commission the discretion to vote no on an application that meets the code? Is there any part of the zoning code that requires the loading dock to be relocated?

Town Attorney Recio spoke regarding the different provisions and FEMA does have a condition that has to be corrected and stated 88th Street is a right of way which is

like an easement. He stated that 88th Street traffic control is under the jurisdiction of Miami Dade County. You have to comply with Miami Dade County for any changes.

Vice Mayor Rose asked if they got approval from FDOT for the 2021 resolution.

Town Attorney Recio stated they did not and proceeded to address Vice Mayor Rose's question. He addressed the other comments made by Vice Mayor Rose.

Commissioner Velasquez asked for clarification on the congruity of the development would that be a basis to deny.

Vice Mayor Rose asked if there are any part of the zoning code that requires where the loading dock has to be located.

Town Attorney Recio stated there is no part of the zoning code that requires where the loading dock as to be located other than on private property.

Vice Mayor Rose addressed a comment made by Mr. Vildostegui.

Town Manager Gomez addressed the comment made by the Commission.

Vice Mayor Rose brought up page 9 of the developer's presentation and pointed out that with the site plan there will always be an area used and everyone is looking at the loading dock and not looking at the pool and jacuzzi from the Solera and where it is located.

Mayor Danzinger thanked everyone for their comments and thanked Commissioner Landsman for his motion and spoke regarding the sanitation and trash pickup.

Commissioner Landsman would like to add to the motion to restrict the construction trucks on Collins Avenue with protection, if it can be done by Town code and the right authority, entering and exiting via Collins, hold the developer accountable for a viable solution that is approvable, submit a plan to show the movement of the loading docks and the redesign, any communication, permitting approval or denial by FDOT be public records so they can see FDOT's determination.

Vice Mayor Rose agrees as the seconded of the original motion.

Town Manager Gomez stated correct.

Commissioner Meischeid spoke regarding the misrepresentation at the Planning and Zoning Board Meeting and asked if it is only one shot.

Commissioner Landsman stated what the requirements would be as it pertains to the Town and FDOT.

No minutes were able to be taken due to the back and forth among the commission.

A motion was made by Vice Mayor Rose to end debate, seconded by Mayor Danzinger. The motion carried with a 3-2 vote with Commissioner Meischeid and

Minutes

Commissioner Velasquez voting in opposition.

Town Attorney Recio read the motion into the record that the Applicant shall prepare a revision to the site plan to relocate loading access and sanitary operations to the southwest portion of the property (to be accessed from Collins Avenue) in a manner that complies with the Town Code, subject to confirmation of compliance and approval by Town staff, and other applicable regulations, and shall present such revision to FDOT, and Miami-Dade County (to the extent their review is required), with submittal of Town-approved plan confirmed and verified by the Town. Town shall be copied on all communications and any decision on the application confirmed by Town. If FDOT, and Miami-Dade County (to the extent their review is required), grants a non-conditioned approval, the applicant shall incorporate the revision into the plans presented for building permit, and the Town shall recognize the plans as so amended. If FDOT and Miami-Dade County (to the extent their review is required) do not grant a non-conditioned approval, as verified by Town, applicant shall be relieved of this obligation and may proceed to building permit with the plans approved by this Resolution subject to all other conditions of the Resolution. 88th Street shall be maintained free of building access and services, except for emergency and utility services. Construction vehicle access shall be solely from Collins Ave, subject to obtaining all applicable regulatory approvals to do so.

The motion as amended carried with a 3-2 vote with Commissioner Meischeid and Commissioner Velasquez voting in opposition.

[Attachment A: Location Figure 1 and Zoning Table](#)

[Attachment B: Letter from Applicant-Sanitation Plan](#)

[Attachment C: Comment Responses](#)

[8777 Collins Avenue Agenda Packet](#)

[Site Plan Resolution - 8777 Collins Avenue](#)

3. Adjournment

There being no further business to discuss before the Commission, a motion was made by Vice Mayor Rose to adjourn the meeting at 11:53 p.m., seconded by Mayor Danzinger.

The motion carried with a 5-0 vote.

Accepted this ____ day of _____, 2023.

Shlomo Danzinger, Mayor

Attest:

Sandra N. McCready, MPA, MMC
Town Clerk