



**TOWN OF SURFSIDE
PLANNING AND ZONING BOARD AND DESIGN REVIEW BOARD
MINUTES
SEPTEMBER 27, 2012
7:00 PM**

1. CALL TO ORDER

Chair Lindsay Lecour called the meeting to order at 7:00PM.

2. ROLL CALL

Recording Clerk Anastacia Deleon called the roll.

In attendance: Chair Lindsay Lecour; Vice Chair Peter Glynn; Member Armando Castellanos; Member Jorge Gutierrez; Member Carli Koshal and Member Jennifer Dray.

Also in attendance: Town Manager Roger Carlton; Town Planner, Sarah Sinatra; Building Official, Paul Gioia; Town Attorney, Lynn M. Dannheisser, Attorney, Miriam Maer, and Mayor Daniel Dietch.

3. APPROVAL OF MINUTES: June 28, 2012 Planning and Zoning Minutes

Jorge Gutierrez made a motion to approve, Armando Castellanos seconded the motion. All members present voted in favor.

Chair Lindsay Lecour recommended a motion to amend order of agenda Item 5A before Item 4A. Board member Armando Castellanos made a motion to amend order of agenda item 5A before Item 4A. Vice Chair Peter Glynn seconded the motion. All members present voted in favor.

4. QUASI-JUDICIAL HEARINGS

A. Surf Club Site Plan and Conditional Use application

**This Item was discussed after agenda item 5A and 6A.*

5. DESIGN REVIEW BOARD:

A. Request of Property located at 9421 Harding Avenue

The applicant is requesting to install new reverse channel lettering sign.

Board Member Gutierrez disclosed Ex-Parte communications with applicant. Member Gutierrez further disclosed he had designed the storefront for this property and is not involved in the design of signage.

Town Manager Roger Carlton informed the Board that Town Planner Sarah Sinatra was delayed in traffic. Town Manager Roger Carlton spoke of the façade of the store being renovated. He then introduced the item and spoke of the recommendation made by the Administration for the approval of the store front sign.

Vice Chair Peter Glynn commented that it is what the Board had requested and it has channel lettering.

Vice Chair Peter Glynn made a motion to approve item 5A. Board member Armando Castellanos seconded the motion. All members present voted in favor.

***This Item was discussed before agenda item 4A.**

6. PLANNING AND ZONING BOARD DISCUSSION:

A. Amendment to Planning and Zoning Ordinance Regarding Memberships and Merger of the Boards, Overall Revisions and Setting a Workshop with the Planning and Zoning Board, Design Review Board and Town Commission.

Town Attorney Lynn M. Dannheisser explained that Town Commission requested that an amendment be made to the Planning and Zoning ordinance since the Town had trouble finding architects to serve on the Design Review Board. Town Attorney Dannheisser further explained that it was suggested that the Design Review Board, Planning and Zoning Board and the Town Commission have a joint meeting. The dates that were suggested are November 1, and November 5, 2012.

Town Manager Roger Carlton mentioned that about two years ago some of the current Board Members may have been serving when the Board and the Town Commission had two joint meetings when the new Development Impact Committee and a number of other changes that have been very positive were made. Town Manager Roger Carlton further mentioned that the Town Attorney has done an extraordinary job of raising some other issues that would modernize and clarify and make the current development process better. Town Manager Roger Carlton explained if there were a joint meeting it would be a good discussion to continue to improve the process.

Board members discussed availability for dates. All Board members were available for both dates November 1 and November 5, 2012. Member Carli Koshal prefers November 5, 2012.

***This Item was discussed before agenda item 4A.**

Town Attorney Lynn M. Dannheisser introduced the lawyer that has been handling the Surf Club approval process. Attorney Miriam Maer started back in August, 2012 while Lynn Dannheisser was on vacation. Town Attorney Dannheisser explained that Attorney Miriam Maer was the Assistant City Attorney for the City of Miami in charge of Zoning for many

years and is experienced. Town Attorney Dannheisser further explained that Attorney Miriam Maer began the process and since there is cost recovery and the applicant pays for the cost and expenses Attorney Miriam Maer should continue to handle the legal issues this evening. Town Attorney Dannheisser then stepped down and allowed Attorney Miriam Maer to assume the chair.

QUASI-JUDICIAL HEARINGS

4A. Surf Club Site Plan and Conditional Use application

Chair Lindsay Lecour explained that the Quasi-Judicial portion of the agenda had commenced and requested that all cell phones be turned off or be on vibrate.

Chair Lindsay Lecour requested that Attorney Miriam Maer explain the **Quasi-Judicial procedures**.

Attorney Miriam Maer explained the Quasi-Judicial procedures and asked if there were any questions.

Attorney Miriam Maer requested that the Town Clerk confirm compliance with advertising and notice requirements.

Recording Clerk Ana Deleon confirmed compliance of advertising and notice requirements.

Attorney Miriam Maer requested that the Recording Clerk swear in the witnesses.

Recording Clerk Ana Deleon swore in those members intending to testify.

Attorney Miriam Maer asked any Board members who may have had any ex-parte communications with either side in this proceeding with applicant or the objectors to disclose at this time.

Vice Chair Peter Glynn disclosed he needed additional information and had discussed the project with Town Manager Roger Carlton.

Board member Carli Koshal disclosed she had spoken to Town Planner Sarah Sinatra Gould about the project and plans that have been submitted.

Board member Armando Castellanos disclosed he had spoken to the Town Manager.

Chair Lindsay Lecour disclosed she had spoken with Town Planner Sarah Sinatra and Town Attorney Lynn Dannheisser.

Attorney Miriam Maer asked if any protest or objections have been received by the Town Clerk and also to indicate whether any letters of support have been received.

Recording Clerk Ana Deleon responded that no protest or objections have been received, nor any letters of support.

Chair Lindsay Lecour announced that the Town Staff will make a presentation.

Town Planner Sarah Sinatra Gould presented a Power Point presentation of the technical aspect while introducing this item and explained that the applicant proposes at 9011 Collins Avenue a 285 room condominium hotel with hotel spa and a gourmet food specialty product store, roof top deck, pools, valet parking and outdoor dining, and other associated uses for a hotel. Town Planner Sarah Sinatra further explained that the Surf Club will be brought back to its original 1932 design and once the structure is rebuilt it will be open to the public for the first time. Sarah Sinatra spoke of the review groups that met to reach the staff recommendation and based on the applicant fulfilling the Zoning Code and Comprehensive Plan requirements, with 67 conditions imposed by the Design Review Group and the Development Improvement Committee. She was recommending the project including the site plan and conditional use application.

Town Manager Roger Carlton spoke of a Town meeting held two years ago when the Town had a joint meeting of the Planning & Zoning Board and Town Commission. At the meeting there were conversations regarding a five year financial strategic plan. At that meeting the point made was that Town had to raise tourism tax revenue and develop the existing vacant sites in order to keep residential property taxes at a lower percentage of the total taxes generated. Since then the Town has approved development for several projects. The Town Manager further explained the budget impact that this project would provide for the Town and not burden the residents. The Town Manager mentioned that of the 67 Conditions the applicant agreed to the construction of a lifeguard stand, and contributions to Tennis Center, undergrounding of utilities and associated landscape and streetscape improvements, also the proposed second story of the Community Center. The Town Manager concluded with an explanation of the covenant running with the land filed with the Clerk of Courts.

Chair Lindsay Lecour requested that applicant make presentation.

Presentation and Introduction made by applicant Nadim Achi, managing partner of **Fort Capital Management LLC**. Mr. Achi spoke of his passion for historic preservation and his vision to restore the Surf Club as a special historic gem to its original glamour and open it to the public with his team of professionals.

Kobi Karp, architect for the project, presented a Power Point presentation and spoke of the architectural details of restoration and preservation of the original building of the Surf Club.

Chair Lindsay Lecour asked if Town staff had any questions of the applicant.

Town staff had no questions.

Chair Lindsay Lecour asked if applicant had any questions of Town staff

Applicant had no questions of staff.

Chair Lindsay Lecour asked if any member of the public wished to speak to please identify themselves.

Meeting Opened to the Public at 8:08 P.M.

Attorney Miriam Maer asked that any member of the public that wished to speak inform if they had been sworn in.

Resident Graciela Valve made opposing comments about the height of the project.

Richard Murphy Board of Directors of Surf House mentioned that residents of building had retained legal counsel and expected to resolve issues prior to the Commission meeting.

Faith Doyle liked the presentation of project and would like a response on crosswalk and pedestrian crossing.

Ana Marie Kelly Stopa, representative for Mr. Krass, questioned if Developer has Insurance for surrounding buildings. Ms. Stopa also expressed concern if a shadow study and a D.O.T study had been done.

Isabel Perez spoke in favor of project but asked that Board not rush into a decision.

Barbara McLaughlin resident of Surf House expressed concern of inflow and outflow of traffic and taxi stand. Ms. McLaughlin also spoke of meetings not being advertised in Herald.

Town Manager Roger Carlton explained that advertising is not required by the Code for the meetings referenced by Ms. McLaughlin, but the Town had advertised the meetings in the website and The Miami Herald in a half page ad in Neighbors.

Tom Brothers resident of Surf House expressed concern that residents at Surf House were not aware of DIC meetings and noted that none of the residents of Surf House had signed in at DIC meetings and stated that he would have liked to have received a notice and Board should take into account for future developments. Mr. Brothers further requested information from Town Staff on landscape buffer requirement under Surfside Code and requested information from Applicant regarding valet parking flow. Mr. Brothers concluded that for years he has always been attracted to Surfside because of the community pride. He commends the developer for their interest in restoring the Surf Club but expressed concern of the scale and size of the project.

Judy Alton resident of 9149 Collins Avenue spoke of the residents' frustrations with all of the construction projects in last seven years and expressed concerns regarding the turtles. She further requested information on studies done with Department of Environmental Protection.

Barbara McLaughlin resident of Surf House requested that the applicant show the design of the building.

Mark Blumstein, 8926 Hawthorne Avenue, and property owner of 8950 Collins Avenue. Mr. Blumstein expressed a need for clarification of project setbacks and service entrance. He further mentioned that the storefront should remain in the business district and felt that Town should benefit from the project.

Herbert Fuhrman, 9072 Harding Avenue, expressed concern regarding traffic impact because of the parking garage and if opened to the public how property values would be affected.

Alex Tachmes Counsel for applicant of Law Firm Shutts and Bowen 201 S Biscayne Boulevard, Miami, Fl.

Counsel Alex Tachmes responded to residents' concerns regarding the project. Counsel responded to concerns regarding Building Manager of Surf House, service entrance, hours of delivery, trash room odor, traffic signal analysis, FDOT, proffers, density and scale, and permit from DEP.

Joe Benton, Fort Capital Management LLC located at 176 NE 43rd Street, Miami Fl., 33137. Joe Benton responded to residents' concerns regarding insurance coverage for the project and informed residents that project insurance covered builders risk insurance which requires pre-construction surveys and post construction surveys if cracks occur and nearby buildings.

Michael Conaghan Fort Capital Management LLC located at 176 NE 43rd Street, Miami Fl., 33137 responded that the parking structure on the west side of Collins is for valet parking and is only for the Surf Club.

Juan Espinoza located at 1750 Ponce De Leon Boulevard responded to questions regarding the traffic study.

Town Manager Roger Carlton explained about the stamped concrete crosswalk.

Board member Jorge Gutierrez asked about count down crosswalk lighting being used and expressed concern about vehicles yielding to pedestrians.

Board member Carli Koshal asked what type of signal would be used in the event that the traffic light is found not to be needed.

Juan Espinoza located at 1750 Ponce De Leon Boulevard responded that an un-signalized midblock pedestrian cross walk would be used.

Ana Marie Kelly Stopa pointed out that her previous question was never answered regarding site plan approval and DOT. Ms. Stopa spoke of predetermine agreement that should have been recorded with the Town.

Counsel, Alex Tachmes responded that a full title search was done and did not reveal any agreements.

Juan Espinoza responded that customarily DOT does not do a study during a site plan review process.

Town Manager Roger Carlton has no knowledge of any pre-existing agreements and explained that in relation to DOT since 91st Street is not opened due to construction, the measurements cannot be made and the study is not possible at this time.

Donna Culin, of 9133 Collins Avenue expressed concerns regarding setbacks and closeness of properties. She requested that Board revisit the issue before making any decisions.

Lynn Ohalpin stated that she had not been sworn in and would like to address the Board.

Recording Clerk Ana Deleon swore in Ms. Ohalpin.

Lynn Ohalpin, Property Manager for Surf House, stated that she had never met Mr. Achi. She stated she made numerous calls and left messages and had never received a phone call from Mr. Achi. Ms. Ohalpin further added that she is a resident at 8900 Collins Avenue and mentioned that from her unit the view will be obstructed by the project.

Barbara McLaughlin asked if the Planning and Zoning Board could take action on behalf of residents.

Sergio Clavijo stated that he had not been sworn in and would like to address the Board.

Recording Clerk Ana Deleon swore in Sergio Clavijo.

Sergio Clavijo expressed concern regarding commercial property in residential districts and further requested clarification of valet parking on the west side of Collins Avenue.

Mark Blumstein, 8926 Hawthorne Avenue, expressed concern regarding the Board's ability to reserve final ruling and explained that the DIC meetings were held on vacation months and residents should be informed and be able to participate.

Counsel, Alex Tachmes clarified that he had spoken to the Assistant Manager of Surf House not the Manager.

Architect Kobi Karp responded to public questions with a Power Point presentation and pointed out elevations of building.

Alex Tachmes clarified that the applicant is willing to meet with the North Building and answer questions.

Board Member Jennifer Dray asked if multiple construction projects were not happening at the same time. Member Dray also asked about the proffers.

Town Manager Roger Carlton responded that each project has a different construction schedule and all are eager to build. Regarding the voluntary proffers, each one had a different time period for payment.

Member Castellanos clarified height restrictions for resident Clavijo.

Board member Castellanos expressed concern regarding parking for the spa and if the spa is open to the public.

Attorney Alex Tachmes responded that both the spa and restaurant are open to visitors of the hotel.

Member Koshal expressed concerns in material that will be used for cabana relocation.

Architect Kobi Karp presented a Power Point right of way and responded to questions regarding pathway to beach area and garbage trucks.

Attorney Alex Tachmes responded that the Town has a time restriction for garbage trucks.

Member Koshal expressed concern regarding hours of construction.

Building Official Paul Gioia explained the hours of construction. Winter, November 1 through March 31 9 a.m. to 5:30 p.m. and summer, April 1 through October 31, 8 a.m. to 8 p.m.

Member Castellanos spoke of parking provisions for employees.

Joe Benton responded that for parking workers will be using west side of property.

Member Gutierrez commented on the overall positive renderings of the buildings the architectural design and landscape plans.

Board Member Jennifer Dray mentioned that the building is within the Town Code and hopes all works out for the Town.

Member Koshal expressed concern for the size of the units and further subdividing and parking.

Michael Conaghan explained that unit size could not be reduced.

Vice Chair Peter Glynn spoke of the transparency of the Board and would like the public to voice their concerns in a forum.

Attorney Miriam Maer explained that if the Board would like to hold a forum meeting, the Board has the right to do so.

Mayor Dietch expressed that he had heard a lot of positive sentiment expressed and desire for this project. He further expressed that action be taken so that Town residents could have a more meaningful discussion.

Town Manager Roger Carlton mentioned that the forum must be held between September 27, 2012 and October 15, 2012. The forum will be informal and will not be recorded unless the Applicant wishes to do so.

Michael Conaghan mentioned that the Applicant already has two meetings scheduled with residents and that he is confident that issues will be resolved and is willing to hold a forum at the Surf Club.

Member Koshal asked if Applicant would be receptive to holding the forum for residents.

Michael Conaghan responded that the Applicant welcomes the forum and would listen further to resident concerns.

Chair Lindsay Lecour mentioned that there are three tennis courts that are being removed and would like a response to that issue.

Town Manager Roger Carlton spoke of the tennis courts being for the use of Surf Club members only and the Parks and Recreation Committee is looking to improve the public courts nearby.

Member Gutierrez expressed concern regarding the \$500,000 contribution for the Community Center. He wanted flexibility to use the funds for other Parks and Recreation infrastructure.

Mr. Achi, applicant, mentioned that the contribution could be used toward any Parks and Recreation infrastructure project.

Chair Lindsay Lecour spoke of the desire that residents expressed regarding a forum.

Town Attorney Lynn Dannheisser clarified that the forum is open to the public and is an informal meeting in order for residents to express their concerns or their support.

Member Koshal asked that a ban on plastic straws be added to condition 52.

Member Gutierrez spoke of the positive aspects the project brings to the Town. He further added that the size of the buildings proposed by applicant were not too large and was pleased to see restoration happen.

The Board unanimously recommended approval of Surf Club Site Plan with two modifications of the conditions and one additional condition. The first condition was to modify the applicant's contribution of \$500,000 to the Town's Parks and Recreation

Capital Infrastructure Program. The second modification was to restrict plastic straws on the beach. The additional condition is that Applicant shall at its sole expense host a public forum where all members of the public shall be invited and express their concerns. Member Jorge Gutierrez moved to approve the Surf Club application with conditions and Vice Chair Peter Glynn seconded the motion. All Members voted in favor.

6. B Spa Ordinance

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 ZONING AND MORE SPECIFICALLY SECTION 90-41(d)(7) REGULATED USES INCLUDING SPAS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Planner Sarah Sinatra explained Chapter 90 Section 90-41(d)(7).

Member Armando Castellanos moved to approve amendment and Vice Chair Peter Glynn seconded the motion. The Board unanimously recommended amending the ordinance.

7. REPORT OF PERMITS ISSUED FOR THE MONTHS OF JUNE, JULY, AUGUST 2012

Building Official, Paul Gioia responded that 91 permits were issued in the months of June, July and August, 2012.

8. ADJOURNMENT

Meeting adjourned at 11:15 p.m.

Accepted this 4th day of December, 2012


Lindsay Lecour, Chair

Attest:


Anastacia Deleon
Recording Clerk