



**Town of Surfside
Special Town Commission Meeting
Quasi-Judicial Hearing
MINUTES**

January 19, 2017

5 p.m.

Town Hall Commission Chambers - 9293 Harding Ave, 2nd Floor
Surfside, FL 33154

1. Opening

A. Call to Order

Mayor Dietch called the meeting to order at 5:04 P.M

B. Roll Call of Members

Town Clerk Sandra Novoa called the roll with the following members present: Mayor Daniel Dietch, Commissioner Tina Paul, Commissioner Michael Karukin, and Commissioner Daniel Gielchinsky. Vice Mayor Barry Cohen was absent.

C. Pledge of Allegiance

Police Chief Allen led the Pledge of Allegiance

2. Quasi-Judicial Hearings

A. ASRR Suzer 8955 LLC – 8955 Collins Avenue, 8926 Collins Avenue and 8943 Harding Avenue – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A SITE PLAN APPLICATION, PURSUANT TO SECTION 90-41 ET SEQ. OF THE ZONING CODE TO PERMIT THE DEVELOPMENT OF PROPERTY LOCATED ON THE EAST AND WEST SIDES OF COLLINS AVENUE WITH THE ADDRESSES OF 8955 COLLINS AVENUE AND 8926 COLLINS AVENUE AND 8943 HARDING AVENUE FOR 16 CONDOMINIUM UNITS AND A PARKING STRUCTURE AND RECREATIONAL AMENITIES WITH CONDITIONS OF APPROVAL; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the resolution.

Mayor Dietch explained the quasi-judicial process and the duties of the Commission.

Town Clerk Sandra Novoa confirmed that compliance with advertising notice requirements have been met.

Attorney Miller asked the Town Commission if anyone had ex-parte communications with the Applicant or any objector.

Commissioner Paul said she had met with attorney Mr. McDowell and reviewed the site plan. She also had conversations with Norma Parron a neighbor of the building who expressed her concerns to the Commissioner. Mr. McDowell asked Commissioner Paul if there were others to contact and she suggested contacting Deborah Cimadevilla for additional names of those who may have an interest. Commissioner Karukin said he had contact with the applicant. Commissioner Gielchinsky had met with Mr. McDowell in November and once again with him and the applicant to review the aspects of the plan. Mayor Dietch had met with the applicant as well as others affiliated on the developer's side. He has also spoken to many residents and was also asked if there was anyone to be contacted and he suggested Ms. Cimadevilla, Ms. Parron and Judge Blumstein.

Town Clerk Sandra Novoa swore in everyone wishing to speak in favor or against the item.

The Mayor reminded everyone that all lobbyists must register with the Town Clerk before they speak.

Town Planner Sarah Sinatra presented the item. Staff is recommending approval and said the Planning and Zoning Board also is recommending approval.

Vice Mayor Cohen arrived at 5:19 p.m. For purposes of disclosure, Vice Mayor Cohen said he had spoken to Mr. McDowell at his office and they spoke about the project.

Mr. McDowell gave an update on the proposed project and said his team was here at the meeting to answer any questions. He said they had proffered \$160,000 and for the record, they are now proffering an additional \$10,000 toward a regional recreational facility. Architect Kobi Karp gave a detailed visual presentation of the project.

Addressing parking concerns, Mr. McDowell said that all of their construction workers will be parking outside of the town. They will also be wearing a colored identifiable tee shirt. There will also be public access to the beach.

The Mayor opened the public hearing.

Public Speakers:

-Craig Blomquist who lives adjacent to the proposed project has met with developers and they are still working out some concerns.

-Beshoy Risk, representing the Mirage condo, agrees with Mr. Blomquist that the developers are trying to be good neighbors and they are still solving some issues. For the record, they do not oppose the site plan but do have some concerns. Mark Feldman addressed some of the concerns presented.

-George Lopez supports the project and has reached out to the developer and they have been open working with him to iron out any concerns.

-Judge Blumstein, former Town Commissioner, is an owner in Surfside Villas condos (whose brother is President of the condo association) has been in contact with Mr. McDowell expressing some issues. For the record, he indicated the concerns they have. Commissioner Gielchinsky made a motion to extend an additional two minutes to Judge Blumstein. The motion received a second from Commissioner Paul and all voted in favor.

No one else wishing to speak the Mayor closed the public hearing.

The Commission discussed the project and Mr. McDowell and Mr. Karp answered their questions and concerns.

Commissioner Paul made a motion to allow another public speaker. The motion received a second from Commissioner Gielchinsky and all voted in favor.

Public Speaker Pablo Clausell was sworn in by the Town Clerk. Mr. Clausell spoke about the design of the project and air flow.

Commissioner Paul had concerns about the tennis court and stray balls that could fly out. She would like a condition that if something goes wrong they can re-visit the item.

Commissioner Gielchinsky had questions about the valet operations plan. The applicant gave details regarding cutting across lanes. Commissioner Gielchinsky suggested a condition be added that the valet operations plan be used as a tool to train staff. The applicant agreed to the valet training and Mayor Dietch suggested a condition that this plan can be revocable if accidents happen due to cutting across lanes.

Commissioner Karukin had questions about the traffic routing plan and if they were in communication with DOT. The applicant and traffic engineer responded to Commissioner Karukin's concerns especially on Harding. Commissioner Karukin also had questions about infrastructure and Town Manager Olmedillo responded. Commissioner Karukin asked about the spacing between the two buildings and the response (from someone in the audience) was ten feet. Town Planner Sinatra confirmed that ten feet was within that zoning code.

Commissioner Paul had some revisions and strike-outs in the language of the contract.

Vice Mayor Cohen made a motion to approve. The motion received a second from Commissioner Gielchinsky subject to discussion. After discussion, Vice Mayor Cohen and Commissioner Gielchinsky accepted the amendments discussed by the Commission and all voted in favor.

Commissioner Paul made a motion to recess and reconvene at 7:30 p.m. The motion received a second from Commissioner Gielchinsky and all voted in favor with Commissioner Karukin absent from the dais.

Mayor Dietch reconvened the meeting and called to order at 7:37 p.m.

Town Clerk Sandra Novoa called the roll with the following members present: Mayor Daniel Dietch, Commissioner Tina Paul, Commissioner Michael Karukin, Commissioner Daniel Gielchinsky, and Vice Mayor Barry Cohen.

3. Caton Realty Holdings, LLC – 9300-9380 Collins Avenue – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A SITE PLAN TO PERMIT THE DEVELOPMENT OF PROPERTY LOCATED ON THE WEST SIDE OF COLLINS AVENUE BETWEEN 93RD STREET AND 94TH STREET WITH THE ADDRESSES OF 9300-9380 COLLINS AVENUE FOR 68 TOWNHOUSE UNITS WITH CONDITIONS OF APPROVAL; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the resolution.

The Mayor reminded everyone that all lobbyists must register with the Town Clerk before they speak.

Mayor Dietch explained the quasi-judicial process and the duties of the Commission.

Town Clerk Sandra Novoa confirmed that compliance with advertising notice requirements have been met.

Attorney Miller asked the Town Commission if anyone had ex-parte communications with the Applicant or any objector.

Commissioner Paul said she had met with the O'Hagan's and has been to their property and listened to what they had to say. She was not contacted by the applicant.

Commissioner Karukin said he had email communications from the owners of the properties adjacent to the applicant and had a brief conversation with the applicant. Commissioner Gielchinsky had emails from the Fowley's which he submitted to the town clerk, and spoke briefly with Mr. Kasdin about his client's plans. Vice Mayor Cohen met with Mr. Kasdin and a member of the development team and talked about the project. Mayor Dietch has met with and received email communications from the O'Hagan's and the Fowley's. He has had communications with Mr. Kasdin.

Town Clerk Sandra Novoa swore in everyone wishing to speak in favor or against the item.

Town Planner Sarah Sinatra presented the item. Staff is recommending approval and said the Planning and Zoning Board is recommending approval with conditions.

Applicant Neisen Kasdin gave a visual presentation. A presentation was also given by a climate control expert and the architect.

The Mayor opened the public hearing.

Public Speakers:

-Pamela O'Hagan asked for additional speaking time. Commissioner Karukin made a motion to allow Ms. O'Hagan 4 minutes to speak. The motion received a second from Commissioner Paul and all voted in favor. Ms. O'Hagan said the two adjacent houses were ignored by the plan developers and not included in renderings submitted to Planning and Zoning. She had issues with the lack of air flow from ocean breezes that will occur. Commissioner Gielchinsky asked Ms. O'Hagan if she knew of any law that will allow them to deny the application due to her concern about air gap.

-Pamela O'Hagan confirmed that she will be speaking on behalf of Denyse and Don Fowley as they could not attend this evening. Ms. O'Hagan read a statement from the Fowley's with their concerns.

-Asi Cymbal spoke in support of the project.

-Pablo Clausell thanked the Commission for their service to the town. He spoke in support of the O'Hagan's. Commissioner Paul made a motion to allow Mr. Clausell additional speaking time. The motion received a second from Commissioner Karukin and all voted in favor.

-Miguel Fernandez although in favor of the project has concerns about damage that may occur to his condo as they have been through this before when there was construction on the other side of the condo.

Commissioner Karukin made a motion to extend one minute speaking time for Mr. Fernandez. The motion received a second from Commissioner Paul and all voted in favor.

No one else wishing to speak the Mayor closed the public hearing.

Mr. Kasdin addressed some of the concerns brought forth by the public speakers.

Commissioner Gielchinsky made a motion to approve subject to further discussion. The motion received a second from Vice Mayor Cohen.

Town Planner Sarah Sinatra answered questions from the Commission and said that density means the number of units. Commissioner Paul showed the amount of density in a graph and square footage and the impact on single family homes. Commissioner Gielchinsky spoke about the voluntary proffer and suggested an increase. The applicant agreed to increase the proffer.

Commissioner Paul spoke about parking spaces as in the rendering the municipal lots look like they are part of the building and private. She would also like to see gaps in the building for better air flow.

Vice Mayor Cohen spoke about height limits and the twelve-story limit.

Commissioner Karukin asked about traffic analysis and any impact. The town's traffic engineer concurred with Mr. Kasdin that there would be a reduction in traffic. Commissioner Karukin also had a concern about the adjacent wall and infrastructure

impact on the town. Mr. Kasdin and his team addressed some of the concerns and questions by the Commission.

For clarification Mayor Dietch went over some of the conditions posed by the neighbors and a letter from Ms. Fowley listing them. He provided a copy for the applicant. The applicant said he had not seen this letter and it was not part of his submission but will review it. Mayor Dietch reiterated that he had met with the applicant in Town Hall and went over the specific conditions. The Mayor asked that they try to work in good faith to come to an agreement as these issues are between the applicant and its neighbors. The applicant said they will draw up an agreement with conditions for the neighbors.

Some other issues discussed were sidewalk pavers, chain link fence, parking for construction workers, and proffers.

Commissioner Gielchinsky restated all the amendments to be made and the applicant concurred.

Commissioner Gielchinsky made a motion to extend the meeting an additional fifteen minutes. The motion received a second from Commissioner Karukin and all voted in favor.

After discussion, Commissioner Gielchinsky made a motion to approve with the amendments stated. The motion received a second from Vice Mayor Cohen who adopted the changes. The motion carried 3-2 with Commissioner Karukin and Commissioner Paul voting in opposition.

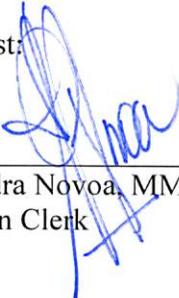
3. Adjournment

The meeting adjourned at 11:00 p.m.

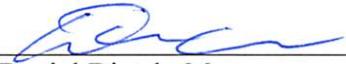
Respectfully submitted,

Accepted this 16th day of February, 2017

Attest:



Sandra Novoa, MMC
Town Clerk



Daniel Dietch, Mayor