



**Town of Surfside  
Special Town Commission Meeting  
Quasi-Judicial Hearing  
MINUTES  
April 13, 2021  
6:00 p.m.**

**1. Opening**

**A. Call to Order**

Mayor Burkett called the meeting to order at 6:03 p.m.

**B. Roll Call of Members**

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

Present: Mayor Charles Burkett, Vice Mayor Tina Paul, Commissioner Nelly Velasquez, Commissioner Charles Kesl and Commissioner Eliana Salzhauer.

Also present were Town Manager Andrew Hyatt, Town Attorney Lillian Arango, Town Attorney Tony Recio, Town Planner Walter Keller and Building Official James McGuinness.

**2. Quasi-Judicial Hearings**

**A. 9133-9149 Collins Avenue- Seaway Condo Acquisition, LLC. Site Plan Amendment – Andrew Hyatt, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; APPROVING A SITE PLAN AMENDMENT APPLICATION FOR PROPERTY GENERALLY LOCATED AT 9133-9149 COLLINS AVENUE, SURFSIDE, FL, TO AMEND RESOLUTION NO. 2018-2489 TO REDUCE THE ALLOWED NUMBER OF UNITS FROM 48 CONDOMINIUM UNITS TO 29 CONDOMINIUM UNITS AND FROM 31 HOTEL ROOMS TO 26 HOTEL ROOMS, TO INCREASE THE FOOTPRINT OF THE UNDERGROUND GARAGE FROM 26,250 SQUARE FEET TO 58,242 SQUARE FEET, AND TO MODIFY BALCONIES ON LEVELS 2 THROUGH 12 OF THE TOWER; INCORPORATING THE CONDITIONAL USE APPROVAL, CONDITIONS, AND ALL OTHER ASPECTS OF THE ORIGINAL APPROVAL SET FORTH IN RESOLUTION NO. 2018-2489;**

**ADDRESSING VIOLATIONS OF CONDITIONS; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDED FOR AN EFFECTIVE DATE.**

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

Town Clerk McCready confirmed compliance with the noticing and advertisement requirements.

Town Attorney Recio polled the Commission for ex-parte communication.

Vice Mayor Paul stated that she met with Bill Thompson at the property for a personal explanation of the site, they spoke regarding the application and he answered some questions the Vice Mayor had. She stated that she received objections in the past but none for this item on tonight's agenda.

Commissioner Velasquez stated that she had a conversation with Bill Thompson and they met on a previous occasion and he asked if she had any questions. She stated that Mr. Thompson explained the application.

Commissioner Kesl stated that he met with Horace Henderson and Bill Thompson. He stated that they introduced him to the project to him.

Mayor Burkett stated that he met with Bill Thompson and Mr. Thompson answered questions he had regarding the project.

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

Town Attorney Recio advised the Commission regarding some amendments to the resolution and that there was a scrivener's error on the resolution. The scrivener's error read "from 26,250 square feet" and it should read "36,250 square feet".

Town Planner Keller introduced the item to the Town Commission and went over his staff report on the project.

Commissioner Salzhauer stated that she had some concerns that she related to in her email

Town Planner Keller answered the questions from Commissioner Salzhauer.

Commissioner Salzhauer asked if it will devalue the home next door due to the car garage.

Town Planner Keller responded to Commissioner Salzhauer question regarding the car garage.

Commissioner Salzhauer asked regarding if they received historic board approval.

Town Attorney Recio stated that they did get approval and it is not part of this application

Vice Mayor Paul stated that her concerns with the garage and the questions she asked regarding handicap spaces, EV connection for the condominium, residents were answered and are included in the project but were not in the report and that EV requirements is something that she would like to be placed in the zoning code. She stated that she had a concern with the garage depth and with the expansion of the width and if they would get less depth.

Commissioner Kesl asked Town Planner Keller regarding the reduction of the quantity of hotel rooms and condominium units and if the requirement for the amount of parking spots change.

Town Planner Keller responded to Commissioner Kesl's question.

Commissioner Kesl spoke regarding the parking garage setbacks, the right of way and how the access is affected.

Town Planner Keller stated that they are not going into the right of way. He spoke regarding how the code states that some other properties have used this expansion into the right of way.

Commissioner Kesl stated that the underground does affect the permeable area.

Town Planner Keller stated that they still have to meet landscape requirements and provide for it to be pervious.

Commissioner Kesl asked if the garage is shallower than it was proposed.

Town Planner Keller stated that it appears that it may be approximately 6 feet less decreased in the garage.

Commissioner Velasquez stated if they are accounting for the parking needed for the restaurant in the building and why is there a problem having a lift.

Town Planner Keller stated that they are allowed to have a lift, but for maintenance issues, if the lift needs to be fixed you will lose parking spaces. He stated that it is easier to have parking spaces than a lift.

Commissioner Velasquez asked if there is enough parking for the restaurant and residents as well as guest parking.

Town Planner Keller answered Commissioner Velasquez' question.

Town Clerk McCready swore in the applicant.

William Thompson, representing the applicant spoke on the project.

Commissioner Salzhauer asked who owns the property.

Mr. Thompson answered Commissioner Salzhauer's question as to who the owner of the property is. He also spoke regarding the 20-foot gap to the property line and an underground property line.

Commissioner Salzhauer asked regarding the lifts and if they changed the heights then they cannot put the lifts.

Mr. Thompson stated that they had to change the lifts in order to comply with the landscaping requirements and lost space in the garage. He stated that he does not have an issue using the parking for only their use.

John Shubin, representing the applicant answered the question as it pertains to the new site plan amendment and stated that it only incorporates the historic preservation board and they are withdrawing the request to extend the balcony as it pertains to levels 10 and 11.

The following individuals from the public spoke:

George Kousoulas spoke regarding the extension of the garage.

Jeff Rose spoke regarding parking and sharing it with the neighbors.

Gilberto Garcia spoke regarding the parking situation.

Deborah Duvdevani stated that she is against the expansion of the garage.

Horace Henderson stated that he does not believe the expansion of the garage is not helpful to the Town of Surfside but opens the way to bring in the lifts in the future.

Commissioner Velasquez spoke regarding traffic and the applicant is reducing the amount of traffic and hotel rooms that will not cause additional problems to the sewer and water system.

Vice Mayor Paul stated that the parking garage is not expanding in spaces it is just going wider and a little less depth, is not increasing the amount of parking space and it is a reduction in units.

Commissioner Salzhauer agrees with speaker Henderson and spoke regarding having a caveat that they cannot add lifts or use the parking for other buildings. She is not comfortable in approving without the caveat that

they do not add the lifts and the parking is used only for the property. She also asked if the Historic Preservation Board approved these new changes.

Mr. Thompson addressed the comments made by Commissioner Salzhauer and stated that they are not planning on putting in lifts.

Commissioner Kesl commented on parking and traffic congestion and that there are requirements to have a certain amount of parking spots with new development. He stated that they do need better transportation.

Mayor Burkett asked if the project fails if the elevated parking in the garage is eliminated. He asked if there is an increase in the parking garage.

Mr. Thompson stated that they are not planning on placing lifts and he stated that the lobby level stays the same height.

Commissioner Velasquez commented on there not being a traffic problem and believes they are being very conservative on everything.

Vice Mayor Paul stated that prior to her serving on the Commission she was an activist and was at the Historic Preservation Board to support historic designation of this building and is looking forward to see this project move along because of the historic structure.

Mayor Burkett thanked the developers for their work and goals and he believes that this developer has listened carefully and spent a lot of money and time. He stated that they have engaged with the Commission and residents and that the number of condominiums has been reduced by almost 50%. He stated that he will be bringing a proposal to reduce density. He stated that he would support removing the elevators in the parking garage. He would like to see the motion revised to eliminate the elevator in the parking garage.

Commissioner Salzhauer would like the language that Town Attorney Recio sent and that the parking should only be for onsite.

Commissioner Velasquez spoke regarding the parking and the lifts.

Mayor Burkett asked if they could install the elevators for the lifts after or when the building is built.

Mr. Thompson stated that they could be installed at a later time.

Mayor Burkett stated that there is no issue with having more parking but some people use it as a supplement.

Commissioner Kesl stated that the approval of the historic preservation board was to come before and suggested deferring the item. He said if it is not approved by the Historic Preservation Board this vote would be moot.

Mayor Burkett stated that we still have a bite of the apple later.

Vice Mayor Paul stated that if they would like to put lifts they still have to come back to the Commission for approval.

Mayor Burkett stated that this is a small issue and commented on the comment made by Commissioner Salzhauer that there is some other idea for the garage.

Town Attorney Recio stated that if the parking lifts would be proposed in the future, it would have to come before the Commission for approval.

A motion was made by Commissioner Velasquez to approve the resolution as amended as stated and that if they would place a lift they would have to come before the Commission, seconded by Vice Mayor Paul. The motion carried with a 4-1 vote with Commissioner Salzhauer voting in opposition.

### 3. Adjournment

A motion was made by Commissioner Velasquez to adjourn the meeting without objection at 7:25 pm. The motion received a second from Vice Mayor Paul. The motion carried with a 5-0 vote.

Accepted this 11 day of May, 2021.

  
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Charles W. Burkett, Mayor

Attest:

  
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Sandra N. McCready, MMC  
Town Clerk