

**Town of Surfside  
Zoning Code Workshop  
MINUTES  
April 27, 2021  
6 p.m.**

**1. Opening**

**A. Call to Order**

Mayor Burkett called the meeting to order at 6:00 p.m.

**B. Roll Call of Members**

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

Present: Mayor Charles Burkett, Vice Mayor Tina Paul, Commissioner Charles Kesl (arrived at 6:03 p.m.), Commissioner Eliana Salzhauer (arrived at 6:07 p.m.) and Commissioner Nelly Velasquez (arrived at 6:02 p.m.).

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

Mayor Burkett spoke regarding the process for tonight's workshop and where they left off from the last workshop meeting. He stated that the next item was oceanfront lots on Collins Avenue.

**2. Community Digital Sign**

**3. Working List of Open Issues for Discussion**

**4. Proposals from Individual Commissioners**

Mayor Burkett went over the next item which is capping the size of the lots on Collins Avenue to 120 feet. He provided his suggestions. He stated that they need more quality buildings in Surfside. He proposed to stay at 120 feet from the crown of the road.

Vice Mayor Paul agrees with Mr. Kousoulas and stated that the issue is what they allow on the roof. She spoke regarding the flood designation and that should be the area which they should measure from.

Commissioner Kesl stated he agreed with the Mayor and Vice Mayor and he provided his suggestions and stated this is a very important issue that needs to be addressed.

Commissioner Velasquez stated that her concern is that they already are having a certain type of building in Town and if you reduce the height of the buildings, it would look different. She spoke regarding sea level rise. She stated that the problem is what is being put on the roof.

Mayor Burkett stated that he agrees with the commission and they do have a certain profile in Surfside. He also spoke regarding sea level rise.

Commissioner Salzhauer stated that what makes Surfside beautiful are the low buildings and the different heights. She stated that they need to be careful because there will be no more low buildings because those will be replaced. She spoke regarding what is being placed on the top of the buildings. She also spoke regarding the buildings casting shadows on the beach.

Commissioner Kesl asked for point of order and spoke regarding George Kousoulas and stated he is not an elected official and him being a lobbyist and was not in agreement of having Mr. Kousoulas making the presentation.

Commissioner Velasquez spoke regarding the Seaway site plans and stated that building has 3 floors above the 120 feet.

Mayor Burkett stated that building was approved under the old code.

Vice Mayor Paul discussed both codes allowing these types of buildings and the issue is what is allowed on the rooftops.

Commissioner Salzhauer spoke regarding this code needing to be amended and address what is allowed on the roof.

Mayor Burkett addressed the comments made by Commissioner Salzhauer and spoke regarding what the height of the building should be ultimately and where you measure from.

Commissioner Velasquez agrees that this needs to be fixed but they need a fixed number set in stone.

Town Attorney Recio addressed the comments made by the Commission.

Mayor Burkett addressed the comments made by the speakers. He stated that one's building should not be taller than the lowest 12 story building.

Commissioner Salzhauer stated her concern regarding the historical skyline of Surfside.

Commissioner Kesl spoke regarding presentations and equal time when speaking. He spoke regarding how unique Surfside is and the tax base of the Surfside.

Commissioner Velasquez spoke regarding the skyline on Collins Avenue.

Vice Mayor Paul addressed the comments made regarding what the beach looks like when the buildings cast a shadow and spoke regarding the skyline of Surfside.

Commissioner Salzhauer spoke regarding the lower buildings that are left and trying to save those buildings.

Building Official McGuinness addressed the comments made regarding the flood plain map and FEMA requirements.

Commissioner Velasquez asked Building Official McGuinness regarding the elevation for the coastal buildings.

Commissioner Salzhauer commented on the vision for the Town and the guidance needed on how to mandate the change in code to reflect the changes.

Building Official McGuinness addressed the comments made by the Commission.

Commissioner Kesl stated that he likes having a plan that in long term will achieve the goals set.

Town Planner Keller spoke regarding the coastal side of the Town and stated the basic level from the 120 that was measured.

Mayor Burkett commented on the 120 height and what he is hoping to see in Surfside.

Commissioner Velasquez spoke regarding properties in Town that will be developed. She asked how many stories can be built on a specific lot.

Mayor Burkett stated it is not a good idea to talk about a specific property and what they are allowed to build.

Town Attorney Recio stated you can speak on it as an abstract but they should not be speaking about a specific property or development.

Commissioner Salzhauer asked what is a small lot and there are only 3 of the low buildings left and how high they can go up based on the code.

Mayor Burkett addressed the comment made by Commissioner Salzhauer and the different codes.

Town Attorney Recio addressed the question from Commissioner Salzhauer.

Vice Mayor Paul stated that the wedding cake does address height and stated it was intended for redevelopment of the properties that want to be redeveloped.

Mayor Burkett spoke regarding the Surf Club.

Town Planner Keller clarified the comments made and spoke regarding the Seaway Building and how it was measured from the Florida DEP line and that is one way of doing it. He stated that he does not have a problem with what the Commission wants to do.

Mayor Burkett addressed the comments made by the public speakers as it pertains to the height of the building and the wedding cake design.

Mayor Burkett stated that Vice Mayor Paul is proposing the 18 feet plus 120 feet and he is proposing that buildings not be higher than the lowest 12 story existing building.

After a lengthy discussion the Commission came to the below consensus.

Mayor Burkett stated that consensus was reached that they do not want the height higher than the lowest 12 story existing building in Surfside (Mayor Burkett, Commissioner Kesl, Commissioner Velasquez voted in agreement, Commissioner Salzhauer was not sure and Vice Mayor Paul voted in opposition).

Mayor Burkett started the discussion regarding wedding cake design and the daily plane concept. He also asked the Town Planner the reasoning for doing that.

Town Planner Keller explained what the definition of daily plane concept and stated it is a requirement in the code.

Commissioner Salzhauer stated that the goal is to provide more light, air and sunshine.

Commissioner Salzhauer disconnected at 7:43 p.m.

Commissioner Kesl spoke regarding the daylight plane concept.

Commissioner Velasquez stated that sunshine and air flowing into the Town is important and would like to see different styles of buildings.

Mayor Burkett addressed the comments made and stated that they are trying to come up with language that will address the wedding cake design and setbacks.

Vice Mayor Paul spoke regarding setbacks and redevelopment of buildings on smaller lots.

Town Attorney Recio addressed the comments made regarding the side setbacks and daily plane and explained the setbacks.

Town Planner Keller spoke regarding language to provide more flexibility and still get the quality you want.

Mayor Burkett stated that what they want is to bring some language that would address that.

Mayor Burkett stated there is consensus to direct the Town Attorney to come up with language to come up with alternative designs other than the wedding cake.

Vice Mayor Paul stated that is fine looking at alternatives to the wedding cake without giving away height and exceeding the square footage that is allowed with the wedding cake design.

Mayor Burkett addressed the comments made by Vice Mayor Paul.

Commissioner Salzhauer reconnected at 8:05 p.m.

Mayor Burkett spoke about density and believes they do not need to increase the population in Surfside because it destroys the quality of life. He stated they want to enhance the quality of life. He proposed to cut the density in  $\frac{1}{2}$  from 109 to 45. He stated that would give you the same size building but with fewer units within those buildings.

Vice Mayor Paul stated that her issue is reducing the number of units and you are not addressing the number of rooms. She spoke regarding pages 93-96 on the book.

Mayor Burkett addressed the comments made by Vice Mayor Paul.

Town Attorney Recio addressed the comments regarding density.

Commissioner Velasquez stated that she does not want efficiencies but beautiful apartments.

Mayor Burkett addressed the comments made by the public speakers as it pertains to the density and number of units.

Commissioner Salzhauer addressed the comments made by the public speakers and stated that she loves Surfside the way it is and they have diversity.

Commissioner Velasquez spoke regarding having less density.

Commissioner Kesl spoke regarding impactful decisions and the concept of density.

Vice Mayor Paul stated that by reducing density is not reducing the size of the building.

Mayor Burkett stated that they were not talking about reducing the size of the building.

Further discussion took place among the Commission regarding density and the size of the buildings.

Mayor Burkett requested from the Commission if they have consensus in reducing the density from 109 units to 45 units.

Commissioner Kesl would like 65 units.

Commissioner Salzhauer would like to hear from the Town Planner.

Town Planner Keller stated that he could not recommend on this area.

Town Attorney Recio stated that density around the County range differently.

Vice Mayor Paul stated that they need guidance and referred to page number 96.

After a lengthy discussion among the Commission and staff regarding density and the size of the buildings the Commission reached the following consensus.

Consensus was reached to reduce the density from 109 units to 65 units per acre with Mayor Burkett, Vice Mayor Burkett, Commissioner Velasquez, Commissioner Kesl and Commissioner Salzhauer voting in agreement.

Mayor Burkett spoke regarding modifying allowable building materials.

Commissioner Velasquez asked if they are referring to the Four Seasons as it pertains to the glass.

Mayor Burkett stated they are encouraging the opposite.

Vice Mayor Paul asked if this is already in the current code and why it is not being adhered to.

Town Attorney Recio addressed the comment made by Vice Mayor Paul.

Commissioner Velasquez stated she is fine with it and likes glass buildings but not those that are reflective.

Town Planner Keller recommended with the LEAD materials.

Building Official McGuinness stated to stay away from the stucco and go with more LEAD materials.

Vice Mayor Paul asked regarding the materials and the issue is the nonreflective glass.

Consensus was reached on this item.

Mayor Burkett addressed the next item which is require rooftop equipment concealed, activate rooftop with pools and other amenities in the business district not residential.

Commissioner Kesl asked if the things on the roof go beyond the height maximum.

Mayor Burkett stated that it will have to and address what is necessary on the roof.

Vice Mayor Paul stated that they are seeing this already with the new buildings. She stated what she would like to see the mechanicals to be concealed and have the concealed mechanicals retroactive.

Commissioner Salzhauer stated that they should also be concealed in the residential homes as well.

Mayor Burkett stated the idea is to utilize the space efficiently and make visually better for the neighbors.

Commissioner Kesl spoke regarding the sustainability impact.

Commissioner Velasquez asked if rooftop pools are allowed.

Town Attorney Recio stated that they are allowed currently in the code.

After a lengthy discussion among the Commission and staff, consensus was reached with the following.

Consensus was reached to have the rooftop equipment concealed, rooftop with pools is already allowed and other amenities allowed on the rooftop related to the pool function must be below the mechanical equipment.

Mayor Burkett spoke on the next item which is allowing concierge service on the beach.

Vice Mayor Paul stated it is already being done and you will see it behind the Fendi.

Commissioner Salzhauer is not in agreement with this item.

Consensus was reached to not allow concierge service on the beach.

Mayor Burkett spoke regarding the next item which is underground parking and spoke regarding the parking issue in Surfside.

Commissioner Kesl spoke regarding the flooding issue in Town and is not sustainable and is not in agreement.

After a lengthy discussion the following consensus was reached.

Consensus was reached among the Commission on this item with Commissioner Kesl and Vice Mayor Paul voting in opposition.

Mayor Burkett spoke regarding the next item which is revisiting restrictions on restaurants for oceanfront buildings.

Commissioner Salzhauer stated that they do not have to give more restaurants for the oceanfront buildings would bring more traffic.

Commissioner Velasquez asked if this is for the hotels or condominiums. She does not agree with this.

Mayor Burkett addressed the comments made by the Commissioners.

Vice Mayor Paul stated that there are older buildings that do not have enough parking and the concierge on the beach is another issue.

Mayor Burkett stated that he is fine finishing at 10:00 p.m.

Consensus was reached to remove this item.

Mayor Burkett addressed the next item which is under certain circumstances allowing larger balconies to exceed current allowances.



Commissioner Velasquez stated that they need to be specific.

Vice Mayor Paul spoke regarding any corner unit will have a large balcony and does not understand why they will allow them to exceed.

Commissioner Kesl stated that balconies are a different category. He stated he likes the concept.

Commissioner Salzhauer stated that they need to make sure it is not being exploited and end up with more shadow.

Mayor Burkett stated letting this item go.

**5. Public Comment**


The following individuals from the public spoke:  
George Kousoulas  
Jeff Rose  
Joshua Epstein

**6. Question & Answer (based on public comment)**

**7. Adjournment**

The workshop adjourned at 10:00 p.m.

Accepted this 8 day of March, 2021.

  
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Charles W. Burkett, Mayor

Attest:

  
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Sandra N. McCreedy, MMC  
Town Clerk