



**Town of Surfside
Special Town Commission Meeting
Quasi-Judicial Hearing
9293 Harding Avenue
Surfside, FL 33154
MINUTES
May 26, 2021
5:00 p.m.**

1. Opening

A. Call to Order

Mayor Burkett called the meeting to order at 5:11 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 Nelly Velasquez, Commissioner Charles Kesl.

Absent: Commissioner Eliana Salzhauer.

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

2. Quasi-Judicial Hearings

A. 8712 Byron Avenue – JAG Byron, LLC – Waiver of Plat No. D-24543 – Andrew Hyatt, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; APPROVING AND ACCEPTING WAIVER OF PLAT NO. D-24543 APPROVED BY THE PLAT COMMITTEE OF MIAMI-DADE COUNTY, FLORIDA, FOR THE PROPERTIES LOCATED AT 8712 BYRON AVENUE, SURFSIDE, FLORIDA; PROVIDING FOR ACCEPTANCE OF A VOLUNTARY CONDITION; PROVIDING FOR SEVERABILITY; AND PROVIDING 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.

Commissioner Velasquez did not speak with anyone regarding this project.

Commissioner Kesl did not speak with anyone regarding this project.

Vice Mayor Paul did not speak with anyone regarding this project.

Mayor Burkett did not speak with anyone regarding this project.

Town Clerk McCready swore in the applicant.

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

Town Planner Lisa Maack gave staff recommendations and provided a summary of the item and application.

Mayor Burkett asked if what they are doing tonight is talking about the size of the lot.

The following individuals from the public spoke:

Jeff Rose spoke regarding the improper size of the lot and if they build they would be nonconforming.

George Kousalous stated that there is an issue with the waterfront lots and provided a way to rectify the problem.

Commissioner Velasquez asked for Mr. Rose to identify the lots on the Town of Surfside Zoning Map on the wall.

Mr. Rose identified the lots in question.

Mayor Burkett stated that the 3 lots are north of St. Joseph.

Vice Mayor Paul asked the speakers if they are supporting the applications.

Mr. Kousoulas stated he is in support of this application.

Mr. Rose stated he is in support of this application.

Commissioner Kesl spoke regarding the lots that are sitting there and are not properly zoned.

Vice Mayor Paul asked the Town Planner if this is the right fit or change the zoning to H30B to match the size of the lots as they currently exist. She spoke regarding this coming before the Planning and Zoning Board in 2015 and the issue was the similarity of the homes and it seems an aggregation of lots. She also asked how to proceed on how to rectify the problem. She asked if they are nonconforming because they belong in H30B.

Town Planner Maack addressed the question asked by Vice Mayor Paul, how they are building the map and they are trying to fix it and move forward.

Town Attorney Recio stated that this applicant has gone through the process and is trying to meet the code and is what the code currently states.

Mayor Burkett stated that what they are doing is making an exception and have a possible solution.

Further discussion took place regarding a way of rectifying the problem as well as possibly changing the zoning portion of the code.

Commissioner Kesl asked if this is an advantage as it pertains to taxes.

Town Attorney Recio stated that all will factor into the value of the homes.

Yoann Andreu, representing the applicant spoke on the project.

A motion was made by Commissioner Velasquez to approve the resolution, seconded by Commissioner Kesl. The motion carried with 4-0 vote with Commissioner Salzhauer absent.

B. 8851 Harding Avenue – 8851 Harding, LLC. – Site Plan Approval – Andrew Hyatt, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; [APPROVING/DENYING] A SITE PLAN APPLICATION FOR PROPERTY GENERALLY LOCATED AT 8851 HARDING AVENUE, SURFSIDE, FLORIDA; PROVIDING FOR CONDITIONS; PROVIDING FOR VIOLATION OF CONDITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

Commissioner Velasquez stated that she spoke with Juan David regarding the project.

Commissioner Kesl stated he spoke with Juan David regarding the project.

Vice Mayor Paul received a call from Juan David but did not speak to him regarding the project.

Mayor Burkett stated that he spoke with Juan David regarding the project.

Town Planner Maack provided staff recommendations and a summary of the project. She stated that the Planning and Zoning Board did not recommend approval, but staff does recommend approval.

Town Clerk McCready swore in the applicant.

Juan David, architect for the project spoke regarding the application.

The following individuals from the public spoke:

George Kousoulas stated that at times staff will recommend approval of an item although the Planning and Zoning Board recommends denial and believes the Planning and Zoning Board does not listen.

Jeff Rose agreed with Mr. Kousoulas and stated that the issue being presented with this Planning and Zoning Board is that although the application meets all aspects of the code, the Planning and Zoning Board denies the application.

Yoann Andreu agrees with Mr. Rose and stated that the issue is with the new Planning and Zoning Board, even though the property meets code requirements.

Commissioner Kesl thanked the speakers and does not see the Planning and Zoning Board as a renegade Board and that block has many dangerous spots. He spoke regarding the curb cuts and controlling traffic.

Vice Mayor Paul thanked Mr. David and thanked him for listening to the previous Commission recommendations and taking that into consideration and making the changes. She stated that some of her concerns are regarding the garage ramp and slope and to add that as a condition of approval. She would like to know the size of the covering of the roof top equipment screening. She also would like to see the equipment fully screened. She asked what type of glass they will use. She asked to add to the resolution what is the plan to protect the neighboring properties from debris during demolition.

Mr. David addressed the comments made regarding the equipment screening and size. He stated that he agrees to fully screen the equipment. He also

discussed the ramp. He stated that they reduced the size of the building and they do not need the loading space. He stated that the slope went down from 33 degrees to 22 degrees. He will also take into consideration safety measures to be put in place. He stated that the glass will have a light tint and be nonreflective. He stated that they will have a very heavy and nice landscaping plan. He stated that will be up to the general contractor as to how they will handle the demolition.

Commissioner Velasquez asked if the Town has a specific way of doing construction.

Vice Mayor Paul asked for the neighboring properties to be protected during demolition. She asked regarding the grass paved and how much square footage is being used and why is it being counted as a pervious area.

Mr. David stated that the walkway is the area being used instead of using it as a pervious area.

Town Planner Maack stated that they still meet the pervious area requirement.

Vice Mayor Paul asked regarding page A.0.3. and the existing overhead electrical and why the undergrounding of utilities is not included.

Mr. David stated that they are undergrounding their service lines because the transformer is in the front of the yard. The existing service line is on an existing property and they are coordinating with FPL.

Vice Mayor Paul wanted to confirm that the line is not on their property line. She asked for the garage slope to be looked at and if there is a ride share drop off area. She asked if all the trees are being removed and relocated.

Mr. David stated that Florida Department of Transportation (DOT) denied a drop off lane and they have some parking available on the ramp. He stated that the trees are being removed and they have a landscape plan and there are no trees that are salvageable. He stated that it was approved from DERM.

Vice Mayor Paul would like to add to the resolution to protect neighboring properties, the applicant secure a building permit prior to a demolition permit being issued, the applicant shall submit a demolition plan to the Town Manager and Town Building Official for approval and provide a parking plan for construction workers.

Town Attorney Recio read into the record the requirements for construction and providing parking for construction workers along with the fines that can be imposed.

Commissioner Velasquez spoke regarding the parking and drop off zones.

Mayor Burkett asked if there were studios or one-bedroom apartments.

Mr. David stated that they are one-bedroom apartments.

Mayor Burkett spoke regarding not having reflection glass and mechanical noise. He stated that he would like to approve as a condition to the resolution that the mechanical equipment will be always screened and provide an element to reduce the noise. He spoke regarding undergrounding of utilities line under their property. He spoke regarding the dropping off and picking up of individuals on Harding Avenue.

Mr. David addressed the question by Mayor Burkett regarding the picking up and dropping off individuals.

Further discussion took place regarding the drop off and pick up zones as well as parking.

Vice Mayor Paul suggested advocating for another stop light on the street.


Discussion took place regarding the amendments to the resolution.

A motion was made by Commissioner Kesl to approve the resolution with stated conditions, seconded by Commissioner Velasquez. The motion carried with 4-0 vote with Commissioner Salzhauer absent.


3. Adjournment

A motion was made by Commissioner Kesl to adjourn the meeting without objection at 6:36 pm. The motion received a second Commissioner Velasquez. The motion carried with a 4-0 vote with Commissioner Salzhauer absent.

Accepted this 10th day of August, 2021.



Charles W. Burkett, Mayor

Attest:


Sandra N. McCready, MMC
Town Clerk